FLORIDA

JOURNAL

OF THE

SENATE

VOLUME I

SPECIAL
SESSION A
November 3-7, 1997

REGULAR SESSION
March 3
through
May 1, 1998

Available on
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Journal

of the

S E N A T E

State of Florida

VOLUME I

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Faye W. Blanton
Secretary of the Senate

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Journal

of the

S E N A T E

State of Florida

SPECIAL SESSION A

November 3-7, 1997

**At a Special Session of the Legislature convened by proclamation
of The Honorable Lawton Chiles,
Governor of Florida**

MEMBERS OF THE SENATE

(23 Republicans, 17 Democrats)

SPECIAL SESSION A
November 3-7, 1997

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OFFICERS OF THE SENATE

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

Non-member Officers

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

MEMBERS AND OFFICERS OF THE SENATE
SPECIAL SESSION A
November 3-7, 1997

President

Toni Jennings (R)
Orlando
District 9

President Pro Tempore

Roberto Casas (R)
Hialeah
District 39

Majority (Republican) Leader

Locke Burt (R)
Ormond Beach
District 16

Minority (Democratic) Leader

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

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

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

Ginny Brown-Waite (R)
Spring Hill
District 10

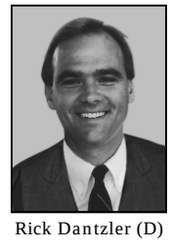
Walter G. Campbell, Jr. (D)
Ft. Lauderdale
District 33

W. D. Childers (R)
Pensacola
District 1

Charles W. Clary III (R)
Destin
District 7

Anna P. Cowin (R)
Leesburg
District 11

Charlie Crist (R)
St. Petersburg
District 20



Rick Dantzler (D)
Winter Haven
District 17

Mario Diaz-Balart (R)
Miami
District 37

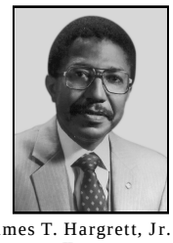
Fred R. Dudley (R)
Bonita Springs
District 25

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

Howard C. Forman (D)
Pembroke Pines
District 32

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

Alberto Gutman (R)
Miami
District 34



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

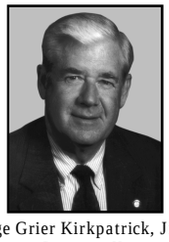
Katherine Harris (R)
Sarasota
District 24

Betty S. Holzendorf (D)
Jacksonville
District 2

Jim Horne (R)
Orange Park
District 6

Daryl L. Jones (D)
Miami
District 40

MEMBERS AND OFFICERS OF THE SENATE
SPECIAL SESSION A
November 3-7, 1997


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

Ron Klein (D)
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Jack Latvala (R)
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Matthew J. Meadows (D)
Lauderhill
District 30

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Hobe Sound
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John Ostalkiewicz (R)
Windermere
District 12

Tom Rossin (D)
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James A. Scott (R)
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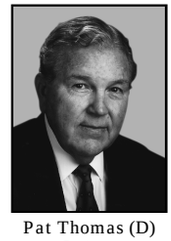
Ronald A. Silver (D)
North Miami Beach
District 38

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


Pat Thomas (D)
Quincy
District 3

William H. Turner (D)
Miami
District 36

Charles Williams (D)
Tallahassee
District 4

Non-member Officers

Faye W. Blanton
Secretary

Wayne W. Todd, Jr.
Sergeant at Arms

Journal of the Senate

Number 1—Special Session A **Monday, November 3, 1997**

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, on Monday, November 3, 1997, in the State of Florida.

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—36:

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

Excused: Senators Casas, Myers and Turner

PRAYER

The following prayer was offered by Senator Bankhead:

God of all people, we thank you for all the blessings you have given us.

We pray especially for the children you have entrusted to our care. Give us your wisdom and guidance in our decision-making this week.

Help us to use our talents and resources wisely so that each of our children will be provided with a good education in an environment where they can learn and grow.

May our efforts be pleasing to you, and may the children of Florida be blessed. Amen.

PLEDGE

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

By direction of the President, the Secretary read the following proclamation:

PROCLAMATION
State of Florida
Executive Department
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

WHEREAS, the Fifteenth Legislature of the State of Florida, under the Florida Constitution, 1968 Revision, convened in regular session on Tuesday, March 4, 1997, and adjourned sine die on May 2, 1997, and

WHEREAS, the Fifteenth Legislature adjourned sine die after passing legislation, House Bill 2121, which significantly changed the requirements for constructing school facilities in a manner that has proven to be unworkable, and

WHEREAS, the Fifteenth Legislature adjourned sine die without addressing urgent problems facing school systems in the provision of public school facilities that are necessary to the welfare of the citizens of the State of Florida, and

WHEREAS, school districts face critical problems in overcrowding, major renovations and repair, and fiscal capacity, and

WHEREAS, adequate funding and increased accountability for Florida's public education facilities is vital to the improvement of our education system, and

WHEREAS, legislation is required which establishes reasonable standards for the construction of school facilities and provides for adequate state funding and authorization for local funding of public school facilities, and

NOW, THEREFORE, I, Lawton Chiles, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

Section 1.

The Legislature of the State of Florida is convened in Special Session commencing at 9:00 a.m. Monday, November 3, 1997 and ending at 5:00 p.m. Friday, November 7, 1997.

Section 2.

The Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the following:

a) Legislation amending Chapter 97-265 Laws of Florida 1997 (HB 2121 of the 1997 Regular Session of the Legislature).

b) Legislation relating to public education facilities and finance.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 22nd day of October, 1997.

Lawton Chiles
GOVERNOR

ATTEST:
Sandra B. Mortham
SECRETARY OF STATE

ADOPTION OF RESOLUTIONS

MOTION TO INTRODUCE RESOLUTION

On motion by Senator Silver, by the required constitutional two-thirds vote of the membership the following resolution was admitted for introduction outside the purview of the Governor's call:

On motion by Senator Silver, by unanimous consent—

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

SCR 24-A—A concurrent resolution commending the Florida Marlins.

WHEREAS, baseball is known as America's pastime, and was invented by Abner Doubleday while stationed at a military base in South Florida, and

WHEREAS, baseball was mostly a springtime guest in this state until 1990, when Marti and H. Wayne Huizenga stated their intention to aggressively pursue an expansion franchise, and

WHEREAS, on June 10, 1991, the baseball Commissioner, Fay Vincent, announced South Florida as an expansion team site, and on June 12-13, 1991, the major league owners unanimously approved the Florida Marlins as one of two new franchises in the National League, and

WHEREAS, Wayne Huizenga, Jr. and his wife Fonda, Harry and Jean Huizenga, Whit and Bonnie Hudson, and Steve and Pam Berrard became part of the ownership group, and

WHEREAS, Wayne Huizenga immediately hired his long-time friend, Carl Barger, as the Marlins' first president to assemble the Florida Marlins' organization, and

WHEREAS, the Florida Marlins revealed their team logo on July 18, 1991, and

WHEREAS, on September 18, 1991, Dave Dombrowski was named as the Marlins' first and only General Manager, and is the individual responsible for assembling the World Champion Marlins, and

WHEREAS, Rene Lacheman was introduced on October 23, 1992, as the team's first Manager, and

WHEREAS, the Florida Marlins selected 36 players in the expansion draft, among them two current team members, Jeff Conine and Alex Arias, and

WHEREAS, the Florida Marlins Inaugural season opener was played on April 5, 1993, and the Marlins defeated the Los Angeles Dodgers 6-3 before 42,334 fans, and

WHEREAS, the Marlins continued to acquire proven talent such as slugging star Gary Sheffield on June 24, 1993, in a trade with San Diego; pitcher Rob Nen on July 17, 1993, in a trade with the Texas Rangers; pitcher Al Leiter on December 14, 1995, followed a week later by pitcher Kevin Brown, and

WHEREAS, this all followed the visionary drafting of University of Miami catcher Charles Johnson in the first round of the 1992 player draft; Cuban pitching sensation Livan Hernandez who sought freedom and the American Dream following his defection from Cuba; third baseman Bobby Bonilla on November 22, 1996; Miami's homegrown star, pitcher Alex Fernandez on December 12, 1996; and outfielder Moises Alou on December 12, 1996, and

WHEREAS, following the untimely passing of Marti and Wayne Huizenga's best friend, Carl Barger, Donald Smiley was named President of the Marlins on February 21, 1994, and became the business brains behind the Florida Marlins' success, and

WHEREAS, Benito Santiago hit the first home run in the Marlins' history, a two-run shot at San Francisco on April 12, 1993, and

WHEREAS, Gary Sheffield and Bryan Harvey represent the Marlins as the club's first All-Star Game selections and Sheffield homers at bat in the Marlins' first All-Star Game on July 13, 1993, and

WHEREAS, with a crowd of 43,210 on October 2, 1993, the Marlins surpassed the 3-million mark in attendance, and

WHEREAS, on March 4, 1994, the Marlins opened the Space Coast Stadium in Brevard County as their spring home, and

WHEREAS, on July 11, 1995, Jeff Conine became the 10th player to hit a home run in his first All-Star Game at bat, which became a game winning solo homer, and he was named as the All-Star Game Most Valuable Player, and

WHEREAS, on May 11, 1996, Al Leiter fired the first no hitter in the Marlins' history against the Colorado Rockies, and

WHEREAS, on October 4, 1996, Jim Leyland was named as the Marlins' third manager, and

WHEREAS, in October 1996, Charles Johnson won his second consecutive Golden Glove award as a Florida Marlin, and

WHEREAS, Kevin Brown pitched a no-hitter for a 9-0 victory against the San Francisco Giants on June 10, 1997, and

WHEREAS, Livan Hernandez was promoted to the majors on July 18, 1997, and

WHEREAS, on July 21 and 27, respectively, the Marlins made trades to acquire first baseman Darren Daulton and Craig Counsell, and

WHEREAS, Charles Johnson broke the major-league record with 160 consecutive games without an error, and

WHEREAS, on September 16, 1997, Bobby Bonilla hit his third grand slam of the season with 2 outs in the ninth, and lifted the Marlins over the Rockies, 9-6, the twenty-fourth time in 1997 that the Marlins won in their last at-bat, and

WHEREAS, on September 23, 1997, the Marlins clinched their first playoff spot after only 5 years in existence by defeating the Montreal Expos, and

WHEREAS, Devon White hit a grand slam with two out in the sixth inning to lift the Marlins to a 6-2 victory over the San Francisco Giants in Game 3, completing a 3-0 Sweep of the Division Series, and

WHEREAS, Livan Hernandez set a National League Championship Series record of 15 strikeouts to beat the Atlanta Braves 2-1 in Game 5 of the National League Series Championships on October 12, 1997, and

WHEREAS, on October 14, 1997, the Marlins, under the leadership of Skipper Jim Leyland, defeated the Atlanta Braves 7-4 in Atlanta to earn their first World Series berth and win the National League pennant, and

WHEREAS, no team in the history of baseball has made it to the World Series in a mere 5 years, and

WHEREAS, the Florida Marlins won the World Series against the Cleveland Indians by defeating them by a score of 7-4 in Game 1, by a score of 14-11 in Game 3, by a score of 8-7 in Game 5, and by a score of 3-2 in Game 7, becoming World Champions, and

WHEREAS, Charles Johnson won his third consecutive Golden Glove and was the first Major Leaguer to play in a Little League, College, and Major League World Series, and

WHEREAS, Liven Hernandez was named as Most Valuable Player in the National League Championship and the World Series, and

WHEREAS, it is recognized that the team of Marti and Wayne Huizenga, owners; Donald Smiley, President; Dave Dombrowski, General Manager; and Jim Leyland, Manager, and his coaching staff are the best in the Major Leagues, and

WHEREAS, because the Major League Baseball Playoffs and World Series were played in South Florida, the direct economic benefit to the

state and local economy was a staggering $150 million, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the Florida Marlins are commended and that the month of November 1997 be celebrated in this state as the Florida Marlins, World Series Champions, month.

—was introduced out of order and read by title. On motion by Senator Silver, by two-thirds vote **SCR 24-A** was read the second time in full, adopted and certified to the House.

SPECIAL GUESTS

Senator Silver introduced the following guests who were present in the chamber: Wayne Huizenga, owner; Wayne Huizenga, Jr.; Don Smiley, president; George Arrizurietta, business manager; Charles Johnson, catcher; his wife, Ronda Johnson; and Billy the Marlin.

Upon request of the President, Senators Scott, Jenne, Forman, Campbell, Thomas, Diaz-Balart, Klein, Meadows and Jones joined Senator Silver in escorting the guests to the rostrum where they were presented a copy of the resolution.

Wayne Huizenga, Don Smiley and Charles Johnson addressed the Senate.

MOTIONS

On motion by Senator Bankhead, all bills remaining on the Secretary's desk pending introduction outside the purview of the Governor's call were transmitted to the Committee on Rules and Calendar for examination and recommendation.

On motions by Senator Bankhead, the rules were waived and the Committee on Education was granted permission to meet this day from 10:30 a.m. until 6:00 p.m. to consider **SB 2-A**, **SB 4-A**, **SB 6-A**, **SB 8-A**, **SB 10-A**, **SB 12-A**, **SB 14-A**, **SB 16-A**, **SB 18-A**, **SB 20-A** and **SB 22-A**; and a deadline of 10:00 a.m. was set for filing amendments to be considered at the meeting.

On motion by Senator Holzendorf, the rules were waived and the Committee on Education was granted permission to consider **SB 28-A**, **SB 30-A** and **SB 32-A** at the meeting this day.

On motions by Senator Bankhead, the rules were waived and the Committee on Ways and Means was granted permission to meet November 4 from 9:00 a.m. until 12:00 noon to consider the bills reported favorably by the Committee on Education which were referred next to the Committee on Ways and Means; and a deadline of 8:00 a.m. Tuesday, November 4, was set for filing amendments to be considered at the meeting.

On motions by Senator Bankhead, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet November 4 from 12:15 p.m. until completion to establish the Special Order Calendar for the 2:00 p.m. until 6:00 p.m. session that day; and a deadline of 1:00 p.m. was set for filing amendments to be considered during the session.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Horne—

SB 2-A—A bill to be entitled An act relating to educational facilities and funding; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district's participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; reenacting and amending s. 235.2155, F.S., relating to the School Infrastructure Thrift Program Act; revising limits on awards to school districts; revising reporting dates; requiring the Commissioner of Education to structure awards to reward districts that meet certain criteria for local effort and financial management; reenacting and amending s. 235.216, F.S.; revising criteria for funding under the School Infrastructure Thrift Program; limiting school construction costs to a maximum cost-per-student-station; amending s. 235.435, F.S.; revising the formula for allocating certain appropriations from the Public Education Capital Outlay Trust Fund to district school boards; providing an appropriation to the Department of Education for distribution through the Special Facility Construction Account; providing an appropriation for the Classrooms First Program; providing legislative intent regarding future appropriations; providing for the allocation of funds to district school boards for the Classrooms First Program; specifying uses of the funds; providing an appropriation to the Department of Education for the School Infrastructure Thrift Program; providing an effective date.

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

By Senator Horne—

SB 4-A—A bill to be entitled An act relating to school construction; amending s. 230.23025, F.S.; revising provisions relating to adopting and updating best financial management practices; providing for review of practices and for paying the costs of review; amending s. 235.011, F.S.; defining and redefining terms used in ch. 235, F.S.; amending s. 235.014, F.S., relating to the functions of the Department of Education; expanding exceptions to departmental recommendations of maximum square footage; revising standards for validating surveys of facilities; amending s. 235.056, F.S.; requiring a report with respect to the amount of leased space used by school districts; creating s. 235.061, F.S.; providing standards for relocatable buildings and manufactured buildings used for classroom space; creating s. 235.1491, F.S.; providing for a statewide need assessment calculation for educational capital outlay; amending s. 235.15, F.S.; specifying requirements for educational plant surveys and localized need assessment calculations; amending s. 235.155, F.S.; providing legislative intent with respect to exceptions from recommendations in educational plant surveys; creating s. 235.157, F.S.; providing for district construction advisory councils; creating s. 235.158, F.S.; providing for school district facilities work programs; amending s. 235.19, F.S.; prescribing criteria for selecting the sites of proposed educational centers or campuses; amending s. 235.198, F.S.; specifying criteria for determining the maximum estimated cost of each proposed satellite facility that is to be jointly developed by private industry and a district school board; amending s. 235.199, F.S.; specifying criteria for determining the maximum estimated cost of each proposed vocational educational facility; amending s. 235.26, F.S.; prescribing the requirements for standards that must be developed by the department as part of the State Uniform Building Code for Public Educational Facilities Construction; amending s. 235.33, F.S.; requiring certain fiscal information to be filed; amending s. 235.435, F.S.; prescribing criteria for determining allocations that are to be made to school boards from the Public Education Capital Outlay and Debt Service Trust Fund; creating s. 235.4351, F.S.; providing for waiver from requirements relating to plant surveys, need projections, and cost ceilings; amending s. 236.25, F.S., relating to the district school tax; decreasing the proportion of the optional 2-mill tax which may be applied to payments made under certain lease-purchase agreements; providing an exception for lease-purchase agreements entered into before a specified date; redefining the terms "materials" and "equipment" as applied to certain restrictions on spending the proceeds of the 2-mill tax; amending s. 12 of ch. 97-265, Laws of Florida; abrogating the repeal of s. 236.25, F.S., relating to the district school tax; providing an effective date.

—was referred to the Committee on Education.

By Senators Grant and Lee—

SB 6-A—A bill to be entitled An act relating to education; providing legislative intent regarding monetary awards for classroom teachers; establishing the Florida Teachers Lead program; providing duties of the Commissioner of Education and district school boards; providing criteria for the distribution of awards to teachers and groups of teachers; specifying purposes of the awards; requiring district school boards to publicize amounts and uses of the awards; providing an effective date.

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

By Senators Latvala, Lee and Grant—

SB 8-A—A bill to be entitled An act relating to public education facilities; transferring, renumbering, and amending s. 985.402, F.S.; directing the Alternative Education Institute to serve as an educational facility for at-risk youth; reducing the size of the board of directors of the institute; providing for the expiration of the terms of office of the existing board; providing for the appointment of a new board; requiring the board to recommend a plan for future use of the facility; providing for the expiration of s. 985.402, F.S.; providing an effective date.

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

By Senators Sullivan, Grant, Lee and Clary—

SB 10-A—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S.; providing for additional weighting of certain courses; amending s. 240.40205, F.S.; restating eligibility standards for Florida Academic Scholars' awards; amending s. 240.40206, F.S.; restating eligibility standards for Florida Merit Scholars' awards; amending s. 240.40207, F.S.; restating eligibility standards for Florida Gold Seal Vocational Scholars' awards; amending s. 240.40208, F.S.; providing transitional eligibility standards for the Florida Bright Futures Scholarship Program; providing an effective date.

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

By Senator Sullivan—

SB 12-A—A bill to be entitled An act relating to education; creating s. 240.4984, F.S.; establishing the Ethics in Business Scholarship Program to be administered by the Board of Regents; providing purposes of the program; providing an appropriation; providing an effective date.

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

By Senator Campbell—

SB 14-A—A bill to be entitled An act relating to education facilities; amending s. 235.014, F.S.; excluding certain facilities from the assignment of full-time student stations; amending s. 235.15, F.S.; excluding relocatable facilities from consideration in school district facility inventories; providing an effective date.

—was referred to the Committee on Education.

By Senator Grant—

SB 16-A—A bill to be entitled An act relating to community colleges; amending s. 240.353, F.S.; revising standards for calculating instruction units in community colleges; providing an effective date.

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

By Senator Kurth—

SB 18-A—A bill to be entitled An act relating to higher education; amending s. 240.299, F.S.; providing reporting requirements for university direct-support organizations; amending s. 240.311, F.S., relating to rules of the State Board of Community Colleges; requiring a community college district board of trustees to annually evaluate the college president; amending s. 240.319, F.S., relating to the powers and duties of community college district boards of trustees; conforming a provision to changes made by the act; limiting the length of a contract with a college president; providing for the contract to be terminated by the board of trustees at will; amending s. 240.324, F.S.; providing an additional requirement for the accountability plan for community colleges; amending ss. 240.331, 240.3315, F.S.; prescribing membership of boards of directors and executive committees of community college direct-support organizations and statewide community college direct-support organizations; restricting activities of such direct-support organizations; providing reporting requirements for such organizations; amending s. 240.3335, F.S.; removing the authority of a board of directors of a center of technology innovation to acquire, lease, or sublease property; amending s. 240.363, F.S.; prohibiting community colleges from using or pledging public funds or property to direct-support organizations; providing an effective date.

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

By Senator Grant—

SB 20-A—A bill to be entitled An act relating to educational facilities; amending ss. 239.117 and 240.35, F.S.; allowing capital improvement fees to be bonded; specifying conditions; permitting new construction of educational facilities as a use for fee revenues; amending s. 240.319, F.S.; authorizing community college district boards of trustees to borrow funds and incur debt for the new construction of educational facilities; providing an effective date.

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

By Senator Silver—

SB 22-A—A bill to be entitled An act relating to educational facilities; amending s. 229.513, F.S.; revising provisions relating to review of rules and statutes by the Commissioner of Education; amending s. 235.014, F.S., relating to functions of the Department of Education; deleting requirement that surveys be validated; amending s. 235.15, F.S.; revising provisions relating to educational plant surveys and the counting of relocatables; amending s. 235.216, F.S., relating to the square foot cost requirements of the School Infrastructure Thrift (SIT) Program, and reenacting s. 235.2155, F.S., relating to the SIT Program, to incorporate said amendment in references; amending s. 235.26, F.S.; revising certain standards of the State Uniform Building Code for Public Educational Facilities Construction; amending s. 235.435, F.S.; revising provisions relating to funds for comprehensive educational plant needs; revising requirements for construction and construction costs; amending s. 236.25, F.S., relating to district school tax; revising provisions relating to use of the 2-mill levy for capital outlay; authorizing use of proceeds for certain lease-purchase agreements; deleting penalties for violation of expenditure restrictions; amending s. 10, ch. 97-265, Laws of Florida; revising requirements for a public-private partnership program for school construction; repealing s. 12, ch. 97-265, Laws of Florida, relating to the prospective repeal of provisions relating to school district tax for capital outlay; providing an effective date.

—was referred to the Committee on Education.

SCR 24-A was introduced out of order and adopted this day.

SR 26-A—Not referenced.

By Senator Crist—

SB 28-A—A bill to be entitled An act relating to education; creating s. 236.0813, F.S.; authorizing school district grant programs to enable students in overcrowded public schools to attend private schools; providing for calculation of student membership; providing student and private school eligibility requirements; providing procedures for the award and payment of grants; providing for the distribution of funds; providing an effective date.

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

By Senator Holzendorf—

SB 30-A—A bill to be entitled An act relating to trust funds; creating the Renovation and Repair Trust Fund within the Department of Education; providing for sources of moneys and purposes; providing a contingent effective date.

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

By Senator Holzendorf—

SB 32-A—A bill to be entitled An act relating to trust funds; creating the Lottery Construction Trust Fund within the Department of Education; providing for sources of moneys and purposes; providing a contingent effective date.

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

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 1997 REGULAR SESSION

The Honorable Toni Jennings October 28, 1997
President

Dear Madam President:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the Senate, the following 1997 vetoed bills, Regular Session. The Governor's objections are attached thereto:

SB 428 An act relating to Florida Statutes;...
CS for CS for SB 1660 An act relating to taxation;...

Sincerely,
Sandra B. Mortham
Secretary of State

The Honorable Sandra B. Mortham May 12, 1997
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 428, enacted during the 29th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

An act relating to the Florida Statutes; ...

Senate Bill 428 purports to be a reviser's bill, intended merely to delete a provision of the Florida Statutes that has "expired." In fact, Section 1 of the bill, which would have repealed Section 106.32, Florida Statutes, goes further to repeal a portion of the law still in effect.

Section 106.32, Florida Statutes, contains an appropriation that funds the Florida Campaign Finance Act. Republican Party of Florida v. Jim Smith, 638 So. 2d 26, 28 (Fla. 1994). More recently, in Mortham v. Milligan and Chiles, Case No. 96-06660 (Fla. 2d Cir. Ct. 1997), the court held that in accordance with the modification of the Florida Election Campaign Financing Act by Article III, section 19(f)(2) of the Florida Constitution, the trust fund may logically be severed from the Act while not affecting the efficacy of the remaining valid appropriation contained in section 106.32(1).

For these reasons, I am withholding my approval of Senate Bill 428, and do hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Sandra B. Mortham May 23, 1997
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Committee Substitute for Senate Bill 1660, enacted during the 29th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

An act relating to taxation; ...

Despite legislative leaders' assurances that the end-of-session, log-rolling of tax giveaways were a thing of the past, this is a classic "tax train" made up of 29 separate provisions. Virtually the last bill passed by both houses, it contains seven measures never voted on by a Senate committee and one that was actually defeated. Likewise, eight of the issues were never heard in a House committee. The failure to have closely examined many of these issues in committee may account for the most glaring infirmity of the bill.

Based on the Legislature's own analysis, Committee Substitute for Committee Substitute for Senate Bill 1660 cannot be defended on economic development grounds, even though that is how it was depicted to legislators. The Senate analyzed six major "economic development" provisions in the bill using the Regional Economic Model. Their study indicates that over the next seven years, these six provisions lead to an average of 21 jobs lost per year at an average annual cost of $19.2 million. Although the Legislature projected a gain of 128 jobs after the seventh year, this is at a cost of $23.3 million or $182,000 per job. The total cumulative revenue which is lost in order to gain these jobs is $134 million, an unacceptable cost in a time of austere budgets.

Other aspects of the bill are likewise objectionable. There are numerous tax breaks targeted to very narrow special interests, some of which forgive tax liability for single taxpayers who did not comply with the tax laws. While there are some desirable measures contained in the bill, none of the provisions I recommended to close loopholes and insure the integrity of the tax based are included.

The total recurring cost of this bill according to official estimates is $30.6 million. This is enough money to build over $400 million in educational facilities if it was pledged by local school districts, without any increase in property taxes. Alternatively, these funds could provide health insurance through the Florida Healthy Kids Program for an additional 90,000 uninsured kids. While the most fundamental needs in this state continue to go unmet I cannot, in good conscience, allow this bill to become law.

For these reasons, I am withholding my approval of Committee Substitute for Committee Substitute for Senate Bill 1660, and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Toni Jennings October 29, 1997
President

Dear Madam President:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the Senate, the following bill, 1997 Regular Session, with the Governor's objections attached thereto:

CS for CS for SB 1234 (Chapter 97-301, Laws of Florida).

We understand that the original law will be returned to this office following any legislative action which may be taken on the vetoed portions.

Sincerely,
Sandra B. Mortham
Secretary of State

The Honorable Sandra B. Mortham June 3, 1997
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 19(b), of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections to Section 6, comprising a specific appropriation and related proviso, of Committee Substitute for Committee Substitute for Senate Bill 1234, enacted during the 29th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

An act relating to Condominiums and Cooperatives, amending ss. 718.112, F.S.; ...

I have been granted the statutory authority to veto any specific appropriation in a substantive bill containing an appropriation under the provisions of Article III, Section 19(b) of the Constitution of the State of Florida.

The Specific Appropriation and accompanying proviso which comprise Section 6 of Committee Substitute for Committee Substitute for Senate Bill 1234 are hereby vetoed. Committee Substitute for Committee Substitute for Senate Bill 1234, which amends the arbitration process in disputes involving condominiums and cooperatives, is a substantive bill containing an appropriation. The 1997-98 General Appropriations Act provides an appropriation to implement changes to the Arbitration Section within the Division of Land Sales, Condominiums, and Mobile Homes at the Department of Business and Professional Regulation; therefore, the appropriation contained in Section 6 of Committee Substitute for Committee Substitute for Senate Bill 1234 for this program is a duplicate and is not necessary.

Section 6. Upon this act becoming law, the sum of $173,647 is appropriated from the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, and 3 positions are authorized for the purposes of implementing the provisions of this act.

The portions of Committee Substitute for Committee Substitute for Senate Bill 1234 which are set forth herein with my objections are hereby vetoed, and all portions of Committee Substitute for Committee Substitute for Senate Bill 1234 are hereby approved.

Sincerely,
LAWTON CHILES

The Honorable Toni Jennings October 28, 1997
President

Dear Madam President:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the Senate the following bill, 1997 Regular Session, with the Governor's objections attached thereto:

SB 2400 (Chapter 97-152, Laws of Florida).

We understand that the original law will be returned to this office following any legislative action which may be taken on the vetoed portions.

Sincerely,
Sandra B. Mortham
Secretary of State

The Honorable Sandra B. Mortham May 28, 1997
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of portions of Senate Bill 2400, enacted during the 29th Session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

"An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date."

I have examined Senate Bill 2400, the General Appropriations Act, in detail. On the whole, it represents a well balanced approach to the challenges facing our state. It provides increased funding for public schools, community colleges and universities. Following my recommendation, it funds a significant new scholarship program using Lottery funds and puts a renewed emphasis on teaching our youngest students to read. It continues the state's efforts to reduce crime, strengthens the juvenile justice system, provides for the acquisition of environmentally sensitive land, and makes timely investments in wastewater treatment systems and transportation infrastructure. Notably, the bill builds on the approach toward economic development over which the Legislature and I labored last year and funds efforts to provide better jobs for Floridians through a partnership between the state and the private sector.

Significantly, SB 2400 casts aside the pattern of recent years and avoids making further damaging reductions in the state's already fragile system of social services. It continues the commitment to meaningful welfare reform made in 1996, funds a substantial expansion in subsidized child care, and provides additional resources to address the waiting list in our adoption program. It also expands the Healthy Start program to offer services to an additional 7,500 children ages 1 through 3 and pregnant women. Similarly it expands the Healthy Kids program, providing health coverage to uninsured school age children and their siblings. The new Department of Health and the child welfare activities of the Department of Children and Families are stronger for the funding provided in this legislation.

For all its merits, this budget neglects a number of pressing policy concerns. Perhaps none is more significant than educational facilities. Together with the Speaker of the House of Representatives and the President of the Senate, I have resolved to consider this issue further this year. But the importance of educational facilities should not cause us to overlook other issues which merit our attention. This budget virtually ignores the need for maintenance and repair of the state's juvenile detention and commitment facilities. It fails to fund the next step in the completion of the statewide law enforcement radio system, leaving all of the West Coast and North Florida outside the coverage area needed for effective statewide response. It does not increase funding for need-based student assistance grants, thereby continuing a troublesome trend in the state's approach to financial aid. And once again, this budget does not sufficiently address the funding needs of many of the state's social service programs with long waiting lists. Children's substance abuse and mental health, adult substance abuse and mental health, together with a variety of other prevention programs, still lack the resources necessary to secure a better future for our citizens.

Such omissions are troubling, but not consuming. This budget deserves my support. In most cases, the Legislature has struck a good balance among the many priorities competing for state resources. There are, nonetheless, instances where the case for state funding is not compelling. For example, I believe projects whose benefit is primarily local should provide evidence of substantial local interest and commitment. Absent such evidence, they should not be supported by the state. In similar fashion, I believe the state should be wary of supporting activities that have not gone through an objective competitive process assessing their merit, relative importance and likelihood of success. There are items in this budget which do not meet such tests. In consideration of such concerns, I have decided to take the following actions:

I hereby veto portions of proviso language following Specific Appropriation 33 on page 9 appropriating $250,000 from the General Revenue Fund for the Quest Center for Autistic children in Orange County. While the center may offer valuable services, their activities should be properly coordinated with existing state services. The state currently provides services to students with autism through five regional autism centers which together will receive over $1.6 million from the General Revenue Fund. Local school districts may contract with the Quest Center for additional services as needed.

"In addition, $250,000 is to be allocated to the Quest Center for Autistic Children in Orange County."

Specific Appropriation 71A on page 22 appropriating $250,000 from the General Revenue fund for St. Thomas University - Institute for Workforce Enhancement is hereby vetoed. This newly created institute has not been coordinated with the new model for workforce education in Florida's public institutions, created by SB 1688. In addition, these scholarships would be awarded only to St. Thomas students; they would not be available to students at other institutions. To provide funding for this program would be inconsistent with state policy.

"71A SPECIAL CATEGORIES
GRANTS AND AIDS - ST. THOMAS UNIVERSITY -
INSTITUTE FOR WORKFORCE ENHANCEMENT
FROM GENERAL REVENUE FUND 250,000"

Specific Appropriation 107A and the associated proviso language on page 36 appropriating $3,000,000 from the General Revenue Fund for School Choice incentive grants is hereby vetoed. The agency request for this issue totaled $22 million; this appropriation is clearly insufficient to adequately fund implementation of School Choice Plans statewide. In the absence of a more detailed plan and clear criteria, it is not clear that this appropriation would meaningfully advance public school choice.

"107A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL CHOICE
FROM GENERAL REVENUE FUND 3,000,000

The funds in Specific Appropriation 107A shall be used for the public school choice incentive grant program. The Department must develop a competitive process to support school districts that choose to implement a controlled open enrollment plan."

Specific Appropriation 115B on page 40 appropriating $125,000 from the General Revenue Fund for the Palm Beach Deaf and Blind School is hereby vetoed. This item was not requested by the Department of Education. The State of Florida operates the School for the Deaf and Blind in St. Augustine which serves the needs of students from across the state. The Palm Beach Deaf and Blind School is a private facility; if their services are needed by public school students, either the local school district or the School for the Deaf and Blind should contract with them.

"115B SPECIAL CATEGORIES
GRANTS AND AIDS - PALM BEACH DEAF/BLIND
SCHOOL
FROM GENERAL REVENUE FUND $125,000"

I hereby veto portions of proviso language following Specific Appropriation 118A on page 40 appropriating $500,000 from the General Revenue Fund for the Hernando County Adult Vocational Technical Center. This project was not requested by the Department of Education nor was it in the Governor's recommendations. This appropriation circumvents the Department of Education's planning, prioritization and needs assessment process for capital facilities. In addition, it is unclear whether this facility will meet the needs of the new workforce development structure enacted in SB 1688.

"118A SPECIAL CATEGORIES
GRANTS AND AIDS - ADULT VOCATIONAL
TECHNICAL - HERNANDO
FROM GENERAL REVENUE FUND $500,000"

Specific Appropriation 162A on page 54 appropriating $100,000 from the General Revenue Fund for Pasco-Hernando Community College is hereby vetoed. It is the responsibility of individual institutions to implement their own distance learning plans unless they have been reviewed and approved by the Florida Distance Learning Network and the Institute for Public Postsecondary Distance Learning. This project circumvented the normal legislative budget request process and was not included in the Governor's Budget Recommendations.

"162A SPECIAL CATEGORIES
GRANTS AND AIDS - PASCO - HERNANDO COMMUNITY COLLEGE
FROM GENERAL REVENUE FUND 100,000"

Specific Appropriation 163A on page 54 appropriating $100,000 from the General Revenue Fund for Compact for Faculty Diversity is hereby vetoed. This appropriation would fund a newly created grant program within the community college system to provide opportunities for college faculty to pursue advanced degrees. Although this appears to be a worthwhile program and one that the Division of Community Colleges has sought for years to establish, there was no associated proviso language to provide guidance as to its implementation, and SB 894 which set forth the model for this program failed to pass the Legislature.

"163A SPECIAL CATEGORIES
COMPACT FOR FACULTY DIVERSITY
FROM GENERAL REVENUE FUND 100,000"

Specific Appropriation 165B and accompanying proviso language on page 55 appropriating $550,000 from the General Revenue Fund for Black Beam Interferometer - Brevard Community College is hereby vetoed. This investment in high technology requires careful evaluation via the complete legislative budget request process. Failure to thoroughly review the financial and other obligations of this project would make funding premature and inconsistent with state policy. This item should be coordinated with and through other statewide economic development issues.

"165B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - BLACK BEAM
INTERFEROMETER/BREVARD COMMUNITY COLLEGE
FROM GENERAL REVENUE FUND 550,000

Funds provided in Specific Appropriation 165B shall be matched by private funds."

I hereby veto portions of proviso language following Specific Appropriation 173 on page 62 appropriating $103,826 from the General Revenue Fund to develop a program in Entrepreneurship and Management of Technology at the University of South Florida. The university should show its commitment to this worthwhile program by providing support within its existing allocation. This appropriation did not go through the full legislative budget request process, circumvented the normal analysis and review conducted by the Board of Regents, and was not included in the Governor's Budget Recommendations.

"12) $103,826 for Entrepreneurship and Management of Technology Program - USF"

I hereby veto portions of proviso language following Specific Appropriation 174 on page 63 appropriating $50,000 from the General Revenue Fund to allow Homestead Research and Education Center to collaborate and cooperate in ornamental research projects undertaken in Dade County. Since IFAS has assigned the lead role for ornamental research to its Research and Education Centers in Fort Lauderdale, Bradenton and Apopka, it would be a duplication of effort to start a similar program at this center. This project did not go through the full legislative budget request process, circumvented the normal analysis and review conducted by the Board of Regents, and was not included in the Governor's Budget Recommendations.

"3) $50,000 for the Homestead Research and Education Center"

I hereby veto portions of proviso language following Specific Appropriation 177 on page 65 appropriating $500,000 from the General Revenue Fund to assist in physical plant maintenance and operation of the EYE Institute Facility at Moffitt Research Center. This appropriation will restore plant operation and maintenance funds for this facility while similar needs are not being restored for other facilities within the State University System. This project did not go through the full legislative budget request process, circumvented the normal analysis and review conducted by the Board of Regents, and was not included in the Governor's Budget Recommendations.

"1) $500,000 for operations and maintenance"

I hereby veto portions of proviso language following Specific Appropriation 177 on page 65 appropriating $250,000 from the General Revenue Fund to maintain a pediatric cancer registry at the Moffitt Research Center. This service has been funded for the past eighteen years through a contract with the Department of Health; additional funding for this project would be more appropriately sought through the same avenue. This project did not go through the full legislative budget request process, circumvented the normal analysis and review conducted by the Board of Regents, and was not included in the Governor's Budget Recommendations.

"2) $250,000 for the pediatric tumor program"

Specific Appropriation 183A and the associated proviso language on page 66 appropriating $250,000 from the Phosphate Research Trust Fund for the Port of St. Petersburg is hereby vetoed. The uses of the Phosphate Research Trust Fund are clearly enumerated in section 378.101, Florida Statutes. This appropriation for a vessel tracking system at the Port of St. Petersburg is an inappropriate use of these funds.

"183A SPECIAL CATEGORIES
TRANSFER TO PORT OF ST. PETERSBURG
FROM PHOSPHATE RESEARCH TRUST FUND 250,000

Funds provided in Specific Appropriation 183A shall not be released by the Executive Office of the Governor until documentation has been submitted by the Port of St. Petersburg that; (1) sufficient funds are available on a recurring basis to fully operate the Vessel Tracking Information System; (2) the Florida Seaport Transportation and Economic Council has contributed $250,000 to the Port of St. Petersburg as match; and (3) the Implementation Plan prepared by the Tampa Bay Area VTIS Consortium has been approved by the U.S. Coast Guard."

Specific Appropriation 451B on page 132 appropriating $100,000 from the General Revenue Fund for Mobile Dental Care is hereby vetoed. Intent language included in the 1997-98 General Appropriations Act and Letter of Intent clarifies that the appropriation made in Specific Appropriation 451B was made in error and duplicates funding provided in Specific Appropriation 485C.

"451B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MOBILE DENTAL CARE
FROM GENERAL REVENUE FUND 100,000"

Specific Appropriation 572B and accompanying proviso language on page 150 appropriating $200,000 from the General Revenue Fund to the Drug Punishment Center are hereby vetoed. The proviso language indicates that these recurring general revenue funds shall be used for a drug offender diversion/rehabilitation program in Orange County. While substance abuse intervention and treatment programs are generally effective, the client population to be served by this appropriation and the expected results have not been specified. Furthermore, this appropriation was not included in the agency's legislative budget request and circumvented the normal legislative budget request review process.

"572B SPECIAL CATEGORIES
GRANTS AND AIDS TO LOCAL GOVERNMENTS -
DRUG PUNISHMENT CENTER
FROM GENERAL REVENUE FUND 200,000

The funds in Specific Appropriation 572B shall be used for a drug offender diversion/rehabilitation program located in Orange County."

I hereby veto portions of proviso language following Specific Appropriation 904 on page 187 appropriating $441,000 from the General Revenue Fund for the Juvenile Justice Curriculum Development Project. This project is intended to develop curricula to provide life skills training to youth in the juvenile justice system through designing game software. There are existing educational programs to teach life skills currently being used in both the Department of Corrections and the Department of Education. Rather than spend additional funds to develop new educational software, it would be more appropriate to utilize existing programs. Additionally, this appropriation was not included in the agency's legislative budget request and it circumvents the process for establishing the highest priority needs of the state.

"and $441,000 from General Revenue is provided for the Juvenile Justice Curriculum Development Project"

I hereby veto Specific Appropriation 917A on page 188 appropriating $500,000 from the General Revenue Fund for At-Risk Academy operation contracts. This appropriation would fund residential academies for youth who are at-risk of dropping out of school and who have not been adjudicated for a delinquency offense. The residential academies would be created for the purpose of assisting youth in being successful in school and preparing for postsecondary education or training. This is a new program requiring the passage of substantive legislation, which did not pass. Although I have strongly supported this program, I must reluctantly withhold my approval of this appropriation because substantive legislation did not pass.

"917A SPECIAL CATEGORIES
GRANTS AND AIDS - AT RISK ACADEMY
OPERATION CONTRACTS
FROM GENERAL REVENUE FUND 500,000"

I hereby veto portions of proviso language following Specific Appropriation 918 on page 189 appropriating $125,000 from the General Revenue Fund for the First Coast Community Consortium, Inc. Project for suspension programs in Duval County. This appropriation was not included in the agency's legislative budget request, it circumvents the process for establishing the highest priority needs of the state, and it specifies a provider which circumvents the competitive bidding process.

"From the funds in Specific Appropriation 918, $125,000 from General Revenue Fund shall be used to contract with First Coast Community Consortium, Inc. Project for suspension programs in Duval County."

I hereby veto portions of proviso language following Specific Appropriation 918 on page 190 appropriating $150,000 from the General Revenue Fund for the Kid's Central Manuel Artime Community Center Program. This program proposes to bring Latin entertainers into Dade County to engage in cultural events and to serve as role models for youth. The statewide benefit of this program has not been adequately demonstrated. Additionally, this appropriation was not included in the agency's legislative budget request, and it circumvents the process for establishing the highest priority needs of the state.

"$150,000 from General Revenue Fund is provided for the Kid's Central Manuel Artime Community Center program;"

I hereby veto portions of proviso language following Specific Appropriation 918 on page 190 appropriating $175,000 from the General Revenue Fund for a youth prevention program in Spring Hill. A plan for how these funds will be spent and the expected outcomes from this appropriation have not been specified. Additionally, this appropriation was not included in the agency's legislative budget request, and it circumvents the process for establishing the highest priority needs of the state.

"$175,000 from General Revenue Fund is provided for 12 months funding for a youth prevention program in Spring Hill."

I hereby veto portions of proviso language following Specific Appropriation 918 on page 190 appropriating $369,000 from the General Revenue Fund for the Troy Academy Diversion Program of Dade County. This appropriation was not included in the agency's legislative budget request, it circumvents the process for establishing the highest priority needs of the state, and it specifies a provider which circumvents the competitive bidding process.

"$369,000 of recurring General Revenue is provided for an additional site of the Troy Academy Diversion Program of Dade County;"

I hereby veto portions of proviso language following Specific Appropriation 921 on page 192 appropriating $95,000 from the General Revenue Fund for a rate increase for current Outward Bound programs. It is inappropriate for the state to fund rate increases for specific providers when there are other providers who could competitively bid and let the market determine the appropriate rate. Additionally, this appropriation was not included in the agency's legislative budget request and it circumvents the process for establishing the highest priority needs.

"$95,000 from General Revenue Fund is provided for a rate increase for current Outward Bound programs"

I hereby veto Specific Appropriation 924D on page 194 appropriating $12,000,000 from the Grants and Donations Trust Fund for construction of at-risk academy facilities. This appropriation would fund residential academies for youth who are at-risk of dropping out of school or who have not been adjudicated for a delinquency offense. The residential academies would be created for the purpose of assisting youth in being successful in school and preparing for postsecondary education or training because this is a new program requiring the passage of substantive legislation, which did not pass. Although I have strongly supported this program, I must reluctantly withhold my approval of this appropriation because substantive legislation did not pass.

"924D FIXED CAPITAL OUTLAY
AT RISK ACADEMY CONSTRUCTION
FROM GRANTS AND DONATIONS TRUST FUND 12,000,000"

I hereby veto proviso language following Specific Appropriation 946C on pages 196 and 197 appropriating $102,000 from the General Revenue Fund for local law enforcement equipment at the West Miami Police Department. Funding for basic activities and equipment of local police departments is more properly the role of local governments. Additionally, this appropriation was not included in the agency's legislative budget request and circumvents the process for establishing the highest priority needs of the state.

"From the funds in Specific Appropriation 946C, $102,000 from nonrecurring General Revenue is provided for local law enforcement equipment to the West Miami Police Department."

Specific Appropriation 956C on page 205 appropriating $250,000 from the General Revenue Fund is hereby vetoed. This appropriation is to provide the Santa Fe Community College a facility to train law officers in flat road pursuit chases. In the past, similar projects have been funded from the Criminal Justice Standards and Training Trust Fund in accordance with general law. The General Revenue Fund is an inappropriate source of funds to use for this appropriation.

"956C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
SANTA FE COMMUNITY COLLEGE CRIMINAL
JUSTICE CENTER/REGIONAL PURSUIT AND
DEFENSIVE DRIVING FACILITY
FROM GENERAL REVENUE FUND 250,000"

I hereby veto portions of proviso language following Specific Appropriation 959 on page 206 appropriating $150,000 from the General Revenue Fund to be used to fund the Simon Bolivar Institute. This institute targets the Hispanic youth and teaches the precepts and nonviolence philosophy of the Martin Luther King Institute. The funding of the Simon Bolivar Institute would duplicate the efforts already provided by the Martin Luther King Institute and should more properly be coordinated with the activities of that entity.

"From the Funds in Specific Appropriation 959, $150,000 from the General Revenue Fund shall be used to fund the Simon Bolivar Institute."

I hereby veto Specific Appropriation 1017K on page 217 appropriating $40,000 from the General Revenue Fund for the Brandon Balloon Festival. This project should be subject to the same evaluation process as the other festival projects. This project circumvented the normal legislative budget request process and was not included in the Governor's Budget Recommendations.

"1017K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
BRANDON BALLOON FESTIVAL
FROM GENERAL REVENUE FUND 40,000"

I hereby veto Specific Appropriation 1017L on page 217 appropriating $40,000 from the General Revenue Fund for the Temple Arts Festival. This project should be subject to the same evaluation process as the other festival projects. This project circumvented the normal legislative budget request process and was not included in the Governor's Budget Recommendations.

"1017L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
TEMPLE ARTS FESTIVAL
FROM GENERAL REVENUE FUND 40,000"

I hereby veto portions of proviso language following Specific Appropriation 1114 on page 230 appropriating $300,000 from the U.S. Contributions Trust Fund to be used for the Bonifay Flood Project. Funds in this trust fund are for approved federal projects and this project has not been approved by the Federal Emergency Management Agency.

"From the funds provided in Specific Appropriation 1114 from the U.S. Contributions Trust Fund, $300,000 shall be utilized for the Bonifay Flood Project."

I hereby veto portions of proviso language following Specific Appropriation 1149 on page 236 appropriating $450,000 from the Economic Opportunity Trust Fund for a natural gas conversion project in Hernando County. There is no statewide benefit and no significant local financial support for this project. This item did not go through the normal Legislative budget request process and circumvented the agency's evaluation of need.

"From funds provided in Specific Appropriation 1149, $450,000 is to be used for the Electric to Natural Gas Energy Conversion Project in Hernando County."

I hereby veto Specific Appropriation 1203H on page 245 appropriating $180,000 for acquisition of a cultural facility, development of a community park, and debris removal in Miami Shores Village. Various state agencies administer programs in which local governments can submit proposals for funding for these types of projects. The Department of State administers programs that would be appropriate for funding the cultural project. The city may also wish to consider submitting an application for park facility funding through the Florida Recreation Development Assistance Program administered by the Department of Environmental Protection.

"1203H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
MIAMI SHORES VILLAGE - COMMUNITY PARK
FROM GENERAL REVENUE FUND 180,000"

I hereby veto portions of proviso language following Specific Appropriation 1273 on pages 256 and 257 appropriating $2,822,400 from the Grants and Donations Trust Fund for beach projects. The source of funding for these projects is the transfer of funds from the Florida Hurricane Catastrophe Fund. Funding of these projects from these funds would set the wrong precedent; these funds should be for the purpose of enhancing residential mitigation.

"Funds in Specific Appropriation 1273 from the Grants and Donations Trust Fund reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555 (7)(c), Florida Statutes. The legislature finds that dune restoration is an integral component both of reducing potential losses in the event of a hurricane and of protecting local infrastructure from potential damage from a hurricane. Funding is provided for the following projects:

Palm Beach/South Palm Beach/Lantana Dune Restoration	511,550
Brevard County Dune Restoration	457,537
Crandon Park Dune Restoration	237,500
Riviera Beach Dune Restoration	135,500
Seventh Beach Dune Protection	65,313
Brevard County Shore Protection Design	250,000
Miami Beach Erosion Emergency Rescue	250,000
Singer Island Shore Protection	915,000"

I hereby veto proviso language following Specific Appropriation 1332 on page 265 appropriating $100,000 for the City of Ormond Beach State Road 40/Halifax River Pedestrian Underpass Walkway. While I am sympathetic to providing outdoor recreational activities to our state's citizens and visitors, this project is funded from an inappropriate source. This project did not go through the competitive application process provided for by law. Funding for the Ormond Beach project is provided for from the Conservation and Recreation Lands Trust Fund, an inappropriate source of funding.

"From funds in Specific Appropriation 1332, $100,000 from the Conservation and Recreation Lands Trust Fund is provided for the City of Ormond Beach SR40/Halifax River Pedestrian Underpass Walkway."

I hereby veto Specific Appropriation 1338A and proviso language on page 267 establishing an incentive program to encourage the purchase of electric vehicles. While I am supportive of the potential environmental benefits that could be realized with this technology, the program contemplated in this language will involve major policy issues which should be based on a plan and substantive legislation.

"1338A SPECIAL CATEGORIES
ELECTRIC VEHICLE INCENTIVE PROGRAM
FROM AIR POLLUTION CONTROL TRUST FUND 900,000

From funds provided in Specific Appropriation 1338A an incentive program is hereby established to encourage the purchase of electric vehicles. Such funds shall be administered by the Secretary of the Department of Environmental Protection and shall be distributed to the first 300 individual consumers of electric vehicles at an equal rate."

I hereby veto portions of proviso language following Specific Appropriation 1490N on page 279 from the State Transportation Trust Fund appropriating $125,000 for the environmental mitigation and restoration of transportation impacts to the St. Lucie River and its tributaries. This appropriation is contrary to section 338.26(3), Florida Statutes, which states excess funds generated from toll revenue on Alligator Alley can only be used for Everglades Restoration. The project mentioned in this language is not included in the Everglades Construction Project.

"From funds in Specific Appropriation 1490N, $125,000 shall be allocated for the environment mitigation and restoration of transportation impacts to the St. Lucie River and its tributaries."

I hereby veto the accompanying proviso language to Specific Appropriation 1490AT on page 284 from the State Transportation Trust Fund for Seaport - Economic Development. The proviso specifies that $10,000,000 is contingent upon HB 1997 or similar legislation becoming law. Both SB 2060 and SB 1754 were adopted by the 1997 Legislature and require that $10,000,000 to be earmarked for seaports "...on July 1, 2001, and annually thereafter." The proviso language conflicts with these enactments.

"Funds in Specific Appropriation 1490AT include $10,000,000 contingent upon HB 1997 or similar legislation becoming law. The Executive Office of the Governor is authorized to place these funds in reserve and release them when the Department of Transportation demonstrates that expenditure of these funds will not impact the projects contained in the 1997-98 Work Program adopted pursuant to chapter 339, F.S., and that the release and expenditure of these funds will not cause the cash balance in the State Transportation Trust Fund to drop below the $50,000,000 minimum required in section 339.135(6)(b), F.S."

I hereby veto portions of proviso language following Specific Appropriation 1649C on page 322 appropriating $200,000 from the Economic Development Trust Fund for the Florida Foreign Trade Association. This issue was not reviewed during the legislative budget request process and would have been more properly funded through the established public-private partnerships. Funding this initiative may result in a fragmented approach to economic development and undermines the coordinated approach to economic development outlined during the privatization of the Department of Commerce.

"From the funds provided in Specific Appropriation 1649C the sum of $200,000 from funds appropriated for Rural Community Development Grants shall be allocated and granted to the Florida Foreign Trade Association for purposes of increasing exports from rural areas of the state by assisting Florida businesses from counties with populations of 75,000 persons or fewer to participate in major international trade shows in this hemisphere."

The portions of Senate Bill 2400 which are set forth herein with my objections are hereby vetoed, and all other portions of Senate Bill 2400 are hereby approved.

With kind regards, I am

Sincerely,
LAWTON CHILES

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

RECESS

On motion by Senator Bankhead, the Senate recessed at 10:01 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m., Tuesday, November 4 or upon call of the President.

Journal of the Senate

Number 2—Special Session A **Tuesday, November 4, 1997**

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CALL TO ORDER

The Senate was called to order by President Jennings at 2:00 p.m. A quorum present—37:

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

Excused: Senators Casas, Jones and Turner

PRAYER

The following prayer was offered by Senator Grant:

Our Father God, we give thanks to you for both the material resources you have blessed us with, as well as the responsibility you have placed upon us this week.

As we pray that your will, not ours, be done, may we keep our focus on the children of Florida who are the reason we are assembled. May we never forget that it is our duty to pave the way for future generations, and as your Holy Word in Proverbs so clearly says, "Train up a child in the way he should go; and when he is old, he will not depart from it."

In all we do this week, O God, we pray for the wisdom of Solomon, the patience of Job and the courage of our own personal convictions. Amen.

PLEDGE

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

ADOPTION OF RESOLUTIONS

At the request of Senator Lee—

By Senator Lee—

SR 26-A—A resolution commending Nettie Berry Draughon on her long and illustrious career with the City of Plant City, Florida.

WHEREAS, Nettie Berry Draughon began her career with Plant City more than fifty-seven years ago when she accepted a position as assistant clerk with City Hall after graduating from Plant City High School, and

WHEREAS, Nettie Draughon was named City Clerk six years later and held that position for the next twenty-eight years, serving at the pleasure of the City Commission, and

WHEREAS, Nettie Draughon was named City Manager by the city commission in 1974, and held that position even after her retirement on September 30, 1997, and

WHEREAS, Nettie Draughon has for fifty-seven years served the citizens of Plant City with unparalleled distinction and dedication, and

WHEREAS, "Nettie Mae," as she is affectionately known, has earned the love and respect not only of her past and present employees, but also governmental officials throughout Florida, and

WHEREAS, Nettie Draughon was honored in 1990, with the renaming of City Hall as the Nettie Berry Draughon Municipal Building, and

WHEREAS, Nettie Draughon has given unselfishly of her time and talents to charitable, professional, and civic organizations, including serving as Executive Director of the Ridge League of Cities, a director of the Florida Strawberry Festival, a director of the Plant City Kiwanis Club, a member of the East Hillsborough Historical Society and the Business and Professional Women's Club, past president of the American Legion Auxiliary, and a member of the Board of Trustees of the First United Methodist Church, and

WHEREAS, Nettie Draughon has received numerous awards that attest to the high esteem with which she is held by the citizens of Plant City, including the Plant City Business Woman of the Year Award, the Plant City Outstanding Citizen of the Year Award, the Jaycees Good Government Award, and the Martin Luther King Leadership Award, and

WHEREAS, Nettie Mae is much loved and respected by her coworkers and fellow citizens of Plant City, NOW, THEREFORE,

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

That Nettie Berry Draughon is commended for her outstanding accomplishments and her service to the citizens of Plant City.

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

—**SR 26-A** was read and adopted by publication.

MOTIONS

On motions by Senator Bankhead, the rules were waived and the Senate was scheduled to meet Wednesday, November 5, from 9:00 a.m. until 10:30 a.m. and from 5:00 p.m. until completion.

On motions by Senator Bankhead, the rules were waived and the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Executive Business, Ethics and Elections were granted permission to meet upon adjournment of the session or from 10:45 a.m. until 1:15 p.m. in lieu of 9:00 a.m. until 12:00 p.m. as scheduled November 5.

On motions by Senator Bankhead, the rules were waived and the Committees on Banking and Insurance; Community Affairs; Criminal Justice; and Transportation were granted permission to meet from 2:15 p.m. until 4:45 p.m. in lieu of 2:00 p.m. until 5:00 p.m. as scheduled November 5.

On motion by Senator Bankhead, a deadline of 8:00 a.m. Wednesday, November 5, was set for filing amendments to Bills on Third Reading to be considered that day.

SPECIAL ORDER CALENDAR

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

CS for SB 2-A—A bill to be entitled An act relating to educational facilities and funding; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district's participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; amending s. 235.435, F.S.; revising the formula for allocating certain appropriations from the Public Education Capital Outlay Trust Fund to district school boards; creating the Rural Relief Fund; providing criteria for receiving funding; specifying duties of the Department of Education; providing an appropriation to the Department of Education for the Rural Relief Fund; repealing ss. 235.2155, 235.216, F.S., which relate the School Infrastructure Thrift Program and to the cost of educational facilities; providing an appropriation for the Classrooms First Program; providing legislative intent regarding future appropriations; providing for the allocation of funds to district school boards for the Classrooms First Program; specifying uses of the funds; providing an appropriation to the Department of Education for the School Infrastructure Thrift Program; providing an appropriation to the University of South Florida for the purchase of the TGH-USF Psychiatric Center; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with title amendment)—On page 13, after line 2, insert:

Section 10. *For the 1997-1998 fiscal year, the sum of $1,500,000 is appropriated from the General Revenue Fund to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility to house a Pharmaceutical Research Center. These funds are contingent upon receipt of a like amount from the National Institute of Health (NIH).*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, after line 3, insert: providing an appropriation to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility;

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

Amendment 2 (with title amendment)—On page 6, line 28 through page 8, line 31, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 12-16, delete those lines and insert: Schools; creating the Rural Relief Fund;

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

Amendment 3—On page 9, line 21, after the period (.) insert: *A rural school district may request an award from the Rural Relief Fund for the construction of new buildings at an existing educational plant or for the expansion of existing educational facilities if the district school board certifies that this is the most economical means to add new student stations.*

Senators McKay and Rossin offered the following amendment to **Amendment 3** which was moved by Senator Rossin and adopted:

Amendment 3A—On page 1, line 18, delete "*Rural Relief Fund*" and insert: *Special Facilities Construction Account Program*

Amendment 3 as amended was adopted.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Horne and adopted:

Amendment 4 (with title amendment)—On page 10, line 24, after the period (.) insert: *In addition, the sum of $50 million is appropriated from the General Revenue Fund to the Rural Relief Fund.*

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: transferring funds and

Amendment 5—On page 11, lines 13-22, delete those lines and insert: *subsequent years. The Commissioner of Education shall allocate funds appropriated for the Classrooms First Program among the district school boards. Each district school board's share of the annual or partial-year appropriation for the Classrooms First Program must be calculated according to the following formula: 25 percent of the appropriation must be allocated among each school district's base capital outlay full-time-equivalent membership and 65 percent among each school district's growth capital outlay full-time-equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by section 235.435(6), Florida Statutes, as amended by section 7 of chapter 97-265, Laws of Florida, and by section 15 of chapter 97-307, Laws of Florida; 10 percent of the appropriation must be allocated among district school boards according to the allocation formula in section 235.435(1)(a), Florida Statutes; and the resulting allocations must be adjusted to ensure that the annualized allocation to each district school board is not less than the amount that would be generated by the levy of 0.3 mill against the school district's 1996 final taxable value for school purposes as certified by the Department of Revenue. Each district school board may use its allocation to*

Amendment 6—On page 12, line 6, delete "*or ancillary facility*"

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

Amendment 7—On page 12, line 18, after the period (.) insert: *From the funds appropriated in this section, $525,000 is appropriated to fund a study to determine the most effective use of the resources that are made available by this act. The study shall be limited to the five school districts that are allocated the largest amount of funds by this act. The study shall, at a minimum, examine the feasibility of using alternatives to new construction or cost reduction techniques including a review of the capital planning processes used to estimate the cost of new school construction, renovation and repair of existing facilities, and to determine the priority of each option. A report shall be prepared for each of the districts studied and shall be made available to all other school districts, the President of the Senate, the Speaker of the House and the Governor. The Department of Management Services shall award a contract to a vendor certified under contract No. 973-655-96-1 for consulting services for performance measures. Performance shall be given to those firms who have substantial experience in conducting large scale school facility management and needs analyses. The contract shall be awarded by December 1, 1997 and shall be completed by April 30, 1998.*

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

Amendment 8 (with title amendment)—On page 12, lines 19-25, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 30 through page 2, line 1, delete those lines and insert: providing an appropriation to the

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

Amendment 9 (with title amendment)—On page 13, between lines 2 and 3, insert:

Section 10. *Construction Trust Fund.—*

(1) The Legislature shall annually appropriate funds which shall be deposited in the Construction Trust Fund.

(2)(a) A school district may elect to draw funds from the Construction Trust Fund, which shall be allocated on a year to year basis over 3 years, if the school board certifies to the Department of Education that it chooses to comply with the requirements of this section. Moneys from the trust fund shall be disbursed based on Public Education Capital Outlay formula weights as used for the 1997-1998 year.

(b) Districts may only use Construction Trust Fund money for the construction of new school facilities.

(c) Money from the Construction Trust Fund may not be used for administrative facilities.

(3) If the Department of Education determines that a district has spent trust fund moneys in a manner that is inconsistent with this section , the district shall be ineligible to receive additional moneys from the Construction Trust Fund.

Section 11. *Renovation and Repair Trust Fund—*

(1) The Legislature shall annually appropriate funds which shall be deposited in the Renovation and Repair Trust Fund.

(2) Moneys from the Renovation and Repair Trust Fund shall be allocated to school districts based on a formula to be determined by the Department of Education, and weighted towards districts that have older school facilities. Moneys from the trust fund:

(a) May only be used for the renovation, repair, or expansion of existing school facilities.

(b) May not be used for maintenance activities such as, but not limited to, janitorial and custodial services, landscaping, or general upkeep.

(c) May not be used to renovate, repair, or expand an administrative facility.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: providing criteria for the use of the Construction Trust Fund and the Renovation and Repair Trust Fund;

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

Amendment 10 (with title amendment)—On page 13, between lines 2 and 3, insert:

Section 10. *The sum of $3 million is appropriated from the General Revenue Fund to the Department of Education for the purpose of implementing the provisions of section 10 of chapter 97-265, Laws of Florida.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: providing an appropriation to the Department of Education for the purpose of implementing s. 10, ch. 97-265, Laws of Florida;

Senators Dyer, Horne and Jenne offered the following amendment which was moved by Senator Dyer:

Amendment 11 (with title amendment)—On page 11, line 1 through page 12, line 18, delete those lines and insert:

Section 7. Paragraphs (a) and (b) of subsection (5) of section 24.121, Florida Statutes, are amended, present paragraph (f) of that subsection is redesignated as paragraph (g), and a new paragraph (f) is added to that subsection, to read:

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

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

(b) Except as provided in paragraphs (c), (d), ~~and~~ (e), *and (f),* the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(f) From the funds appropriated from the Educational Enhancement Trust Fund to district school boards in fiscal year 1998-1999, and each year thereafter for a total of 20 consecutive years, the sum of $220 million must be distributed to district school boards for the Classrooms First Program as provided in section 8 of this act.

(g)~~(f)~~ Each school district shall, on a quarterly basis, make available to the public and distribute, in an easy to understand format, the expenditures of lottery funds allocated to the school district.

Section 8. *Classrooms First Program; uses; pledge of funds.—It is the intent of the Legislature to appropriate in fiscal year 1998-1999, and each year thereafter for a total of 20 consecutive years, the annual sum of $220 million from the Educational Enhancement Trust Fund for the Classrooms First Program.*

(1) The Commissioner of Education shall allocate funds appropriated for the Classrooms First Program among the district school boards. Each district school board's share of the annual or partial-year appropriation for the Classrooms First Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation must be allocated among each school district's base capital outlay full-time-equivalent membership and 65 percent among each school district's growth capital outlay full-time-equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by section 235.435(6), Florida Statutes, as amended by section 7 of chapter 97-265, Laws of Florida, and by section 15 of chapter 97-307, Laws of Florida;

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in section 235.435(1)(a), Florida Statutes; and

(c) The allocations resulting from paragraphs (a) and (b) must be adjusted to ensure that the annualized allocation to each district school board is not less than the amount that would be generated by the levy of 0.3 mill against the school district's 1996 final taxable value for school purposes as certified by the Department of Revenue. Such allocations must also be adjusted to ensure that no district receives less than the amount necessary to repay bonds issued pursuant to subsection (3).

(2) A district school board shall expend the funds received pursuant to this section, section 9 of this act, and section 24.121(5)(f), Florida Statutes, only to:

(a) Construct, renovate, remodel, repair, maintain, or lease-purchase educational facilities;

(b) Pay bonds issued under this section for acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing capital outlay projects that have been approved by the district school board pursuant to the most recent educational plant survey conducted under section 235.15, Florida Statutes;

(c) Pay operating expenses of the school district; or

(d) Provide ad valorem tax relief by reducing the discretionary capital outlay millage levied under section 236.25(2), Florida Statutes.

Notwithstanding the expenditure limits of section 236.25(2)(e), Florida Statutes, as amended by section 141 of chapter 97-190, Laws of Florida, a district school board may use funds received under this section to make payments on educational plants obtained through lease-purchase agreements authorized by section 230.23(9)(b)5., Florida Statutes, as amended by section 105 of chapter 97-190, Laws of Florida, and section 1 of chapter 97-212, Laws of Florida, or authorized by section 235.056(2), Florida Statutes, as amended by sections 8 and 12 of chapter 97-265, Laws of Florida, and section 47 of chapter 97-307, Laws of Florida.

(3) Each district school board that elects to pledge moneys under paragraph (2)(b) shall notify the Department of Education of its election by September 1 of that year. The Department of Education shall review the proposal of each district school board for compliance with this section and shall forward all approved proposals to the Division of Bond Finance with a request to issue bonds on behalf of the approved school districts. The Division of Bond Finance shall pool the pledges from all school districts making the election in that year and shall issue the bonds on behalf of the districts for a period not to exceed the distributions to be received under section 24.121(5)(f), Florida Statutes. The bonds must be issued in accordance with Section 11(d), Article VII of the State Constitution, and each needed project to be constructed with the proceeds of bonds is hereby approved as provided in Section 11(e), Article VII of the State Constitution. The bonds shall be issued pursuant to the State Bond Act to the extent not inconsistent with this section.

(4) Bonds issued under this section must be validated as prescribed by chapter 75, Florida Statutes. The complaint for the validation must be filed in the circuit court of the county where the seat of state government is situated; the notice required to be published by section 75.06, Florida Statutes, must be published only in the county where the complaint is filed; and the complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending. The state covenants with holders of bonds issued under this section that it will not take any action that will materially and adversely affect the rights of such holders so long as such bonds are outstanding. The state further covenants that it will appropriate from the first available funds in the Educational Enhancement Trust Fund amounts sufficient to make all payments required for any bonds issued under this section.

Section 9. *The sum of $110 million is appropriated from the General Revenue Fund to the Department of Education to be distributed between January 1, 1998, and June 30, 1998, for the Classrooms First Program as provided by this act.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 24-29, delete those lines and insert: facilities; amending s. 24.121, F.S.; authorizing expenditures from the Educational Enhancement Trust Fund for the Classrooms First Program; providing legislative intent regarding future appropriations for the Classrooms First Program; providing for the allocation of funds to district school boards for the Classrooms First Program; authorizing bonds or revenue anticipation certificates backed by funds appropriated for the Classrooms First Program; specifying duties of the State Board of Education; specifying additional uses of the funds; providing an appropriation to the Department of Education for the Classrooms First Program;

Senators Sullivan and Bankhead offered the following substitute amendment which was moved by Senator Sullivan:

Amendment 12 (with title amendment)—On page 11, line 1 through page 12, line 18, delete those lines and insert:

Section 7. Paragraph (f) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(f) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. Of the remaining proceeds:

a. Beginning July 1, 1992, $166,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162 and $41,667 shall be distributed monthly by the department to each applicant that has been certified as a "new spring training franchise facility" pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

b. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

c. Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

6. Subject to annual appropriation by the Legislature, there shall be distributed an amount equal to $110 million in fiscal year 1997-1998 and $220 million in each year thereafter for a total of 20 consecutive years to district school boards for the Classrooms First Program as provided in section 8 of this act.

7.~~6.~~ All other proceeds shall remain with the General Revenue Fund.

Section 8. *Classrooms First Program; uses; pledge of funds.—It is the intent of the Legislature to appropriate in fiscal year 1998-1999, and each year thereafter for a total of 20 consecutive years, the annual sum of $220 million from the Educational Enhancement Trust Fund for the Classrooms First Program.*

(1) The Commissioner of Education shall allocate funds appropriated for the Classrooms First Program among the district school boards. Each district school board's share of the annual or partial-year appropriation for the Classrooms First Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation must be allocated among each school district's base capital outlay full-time-equivalent membership and 65 percent among each school district's growth capital outlay full-time-equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by section 235.435(6), Florida Statutes, as amended by section 7 of chapter 97-265, Laws of Florida, and by section 15 of chapter 97-307, Laws of Florida;

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in section 235.435(1)(a), Florida Statutes; and

(c) The allocations resulting from paragraphs (a) and (b) must be adjusted to ensure that the annualized allocation to each district school board is not less than the amount that would be generated by the levy of 0.3 mill against the school district's 1996 final taxable value for school purposes as certified by the Department of Revenue. Such allocations must also be adjusted to ensure that no district receives less than the amount necessary to repay bonds issued pursuant to subsection (3).

(2) A district school board shall expend the funds received pursuant to this section, section 9 of this act, and section 212.20(6)(f)6., Florida Statutes, only to:

(a) Construct, renovate, remodel, repair, maintain, or lease-purchase educational facilities;

(b) Pay bonds issued under this section for acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing capital outlay projects that have been approved by the district school board pursuant to the most recent educational plant survey conducted under section 235.15, Florida Statutes;

(c) Pay operating expenses of the school district; or

(d) Provide ad valorem tax relief by reducing the discretionary capital outlay millage levied under section 236.25(2), Florida Statutes.

Notwithstanding the expenditure limits of section 236.25(2)(e), Florida Statutes, as amended by section 141 of chapter 97-190, Laws of Florida, a district school board may use funds received under this section to make payments on educational plants obtained through lease-purchase agreements authorized by section 230.23(9)(b)5., Florida Statutes, as amended by section 105 of chapter 97-190, Laws of Florida, and section 1 of chapter 97-212, Laws of Florida, or authorized by section 235.056(2), Florida Statutes, as amended by sections 8 and 12 of chapter 97-265, Laws of Florida, and section 47 of chapter 97-307, Laws of Florida.

(3) Each district school board that elects to pledge moneys under paragraph (2)(b) shall notify the Department of Education of its election by September 1 of that year. The Department of Education shall review the proposal of each district school board for compliance with this section and shall forward all approved proposals to the Division of Bond Finance with a request to issue bonds on behalf of the approved school districts. The Division of Bond Finance shall pool the pledges from all school districts making the election in that year and shall issue the bonds on behalf of the districts for a period not to exceed the distributions to be received under section 212.20(6)(f)6., Florida Statutes. The bonds must be issued in accordance with Section 11(d), Article VII of the State Constitution, and each needed project to be constructed with the proceeds of bonds is hereby approved as provided in Section 11(e), Article VII of the State Constitution. The bonds shall be payable only from the proceeds of section 212.20(6)(f)6., Florida Statutes, subject to annual appropriation. The bonds shall be issued pursuant to the State Bond Act to the extent not inconsistent with this section.

(4) Bonds issued under this section must be validated as prescribed by chapter 75, Florida Statutes. The complaint for the validation must be filed in the circuit court of the county where the seat of state government is situated; the notice required to be published by section 75.06, Florida Statutes, must be published only in the county where the complaint is filed; and the complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending. The state covenants with holders of bonds issued under this section that it will not take any action that will materially and adversely affect the rights of such holders so long as such bonds are outstanding. The state further covenants that it will appropriate from the first available funds in the Educational Enhancement Trust Fund amounts sufficient to make all payments required for any bonds issued under this section.

Section 9. *The sum of $110 million is appropriated from the General Revenue Fund to the Department of Education to be distributed between January 1, 1998, and June 30, 1998, for the Classrooms First Program as provided by this act.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 24-29, delete those lines, and insert: facilities; amending s. 24.121, F.S.; authorizing expenditures from the Educational Enhancement Trust Fund for the Classrooms First Program; providing legislative intent regarding future appropriations for the Classrooms First Program; providing for the allocation of funds to district school boards for the Classrooms First Program; authorizing bonds or revenue anticipation certificates backed by funds appropriated for the Classrooms First Program; specifying duties of the State Board of Education; specifying additional uses of the funds; providing an appropriation to the Department of Education for the Classrooms First Program;

Senators Brown-Waite, Burt and Silver offered the following amendment to **Amendment 12** which was moved by Senator Brown-Waite and adopted:

Amendment 12A—On page 5, lines 3-7, delete those lines and insert: *Florida Statutes.*

Amendment 12 as amended failed. The vote was:

Yeas—17

Madam President	Crist	Hargrett	Sullivan
Bankhead	Dantzler	Harris	Williams
Burt	Dudley	Kirkpatrick	
Clary	Grant	Lee	
Cowin	Gutman	Myers	

Nays—20

Bronson	Dyer	Klein	Ostalkiewicz
Brown-Waite	Forman	Kurth	Rossin
Campbell	Holzendorf	Latvala	Scott
Childers	Horne	McKay	Silver
Diaz-Balart	Jenne	Meadows	Thomas

The question recurred on **Amendment 11**.

Senators Brown-Waite, Burt and Silver offered the following amendment to **Amendment 11** which was moved by Senator Brown-Waite and adopted:

Amendment 11A—On page 3, line 30 through page 4, line 3, delete those lines and insert: *Florida Statutes.*

Senators Brown-Waite and Horne offered the following amendment to **Amendment 11** which was moved by Senator Brown-Waite and adopted:

Amendment 11B—On page 5, between lines 18 and 19, insert:

(5) Each educational plant constructed with the proceeds of bonds issued pursuant to this section must be clearly identified on site as having been built with lottery moneys.

Senator Horne moved the following amendment to **Amendment 11** which was adopted:

Amendment 11C—On page 3, lines 22-31, delete those lines and insert:

(a) Construct, renovate, remodel, repair, maintain, or lease-purchase educational facilities;

(b) Pay bonds issued under this section for acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing capital outlay projects that have been approved by the district school board pursuant to the most recent educational plant survey conducted under section 235.15, Florida Statutes;

(c) Pay operating expenses of the school district if the district school board certifies to the Commissioner of Education that the district's educational plant needs for the next 5 years can be met from anticipated revenues. A district must not expend funds received under this section to pay the salaries of administrative personnel, instructional personnel, or teacher aides as defined by section 228.041, Florida Statutes, or of an educational support employee; however, the funds may be spent for those services of school district personnel which are directly related to the maintenance, renovation, repair, or remodeling of an educational plant as defined in section 235.011, Florida Statutes.

Amendment 11 as amended was adopted.

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

Amendment 13—On page 11, line 30, after the period (.) insert: *However, if more than 9 percent of a district's total square feet is*

more than 50 years old, the district must spend at least 25 percent of its allocation on the renovation, repair or remodeling of existing schools, except that districts with fewer than 10,000 full-time equivalent students are exempt from this restriction.

Senator Williams moved the following amendment which was adopted:

Amendment 14 (with title amendment)—On page 10, between lines 24 and 25, insert:

Section 6. *All survey-approved projects for which the design or design-build contract was executed prior to May 30, 1997, and for which notice of verification of school board action was submitted to the Department of Education shall proceed under the laws and rules in effect as of the date the design or design-build contract was executed.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: providing that certain projects shall proceed under the laws and rules in effect when the design or design-build contract was executed;

Senator Silver moved the following amendment which was adopted:

Amendment 15 (with title amendment)—On page 13, between lines 2 and 3, insert:

Section 10. Subsection (2) of section 235.06, Florida Statutes, as amended by section 142 of chapter 97-190, Laws of Florida, is amended to read:

235.06 Safety and sanitation standards and inspection of property.—The Commissioner of Education shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of the State Uniform Building Code for Public Educational Facilities Construction as provided in s. 235.26, the provisions of chapter 633 to the contrary notwithstanding. These standards must be used by all public agencies when inspecting public educational and ancillary plants. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies must contain procedures for periodic inspections as prescribed herein and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.—

(a) A safety or sanitation inspection of any educational or ancillary plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Each agency conducting inspections shall use the standards adopted by the Commissioner of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule, the provisions of chapter 633 to the contrary notwithstanding. The agency shall submit a copy of the inspection report to the board.

(b) In addition to school board inspections, the applicable local fire control authority shall also annually inspect educational facilities within its fire control district, using the standards adopted by the Commissioner of Education. Reports shall be filed with the school board, and a copy shall be on file with the local site administrator.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 3, following the semicolon (;) insert: amending s. 235.06, F.S.; requiring fire control authorities to inspect educational facilities;

Senator McKay moved the following amendments which were adopted:

Amendment 16—On page 4, between lines 17 and 18, insert:

(d) The district school board receives the equivalent of a one-half cent levy from the local infrastructure sales surtax.

Amendment 17 (with title amendment)—On page 13, between lines 2 and 3, insert:

Section 10. *The sum of $150,000 is appropriated to the Department of Education from the General Revenue Fund for the development of standards for construction materials and systems based on life-cycle costs.*

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: providing an appropriation to the Department of Education to develop certain standards;

Pursuant to Rule 4.19, **CS for SB 2-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of the Special Order Calendar.

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

CS for SB 4-A—A bill to be entitled An act relating to education; amending s. 228.056, F.S.; authorizing a municipality to submit a proposal to operate a charter school; amending s. 230.23025, F.S.; revising provisions relating to adopting and updating best financial management practices; providing for review of practices and for paying the costs of review; amending s. 235.011, F.S.; defining and redefining terms used in ch. 235, F.S.; amending s. 235.014, F.S., relating to the functions of the Department of Education; expanding exceptions to departmental recommendations of maximum square footage; revising standards for validating surveys of facilities; amending s. 235.056, F.S.; requiring a report with respect to the amount of leased space used by school districts; creating s. 235.061, F.S.; providing standards for relocatable buildings and manufactured buildings used for classroom space; creating s. 235.1491, F.S.; providing for a statewide need assessment calculation for educational capital outlay; amending s. 235.15, F.S.; specifying requirements for educational plant surveys and localized need assessment calculations; amending s. 235.155, F.S.; providing legislative intent with respect to exceptions from recommendations in educational plant surveys; requiring the identification of critically overcrowded schools and school districts; providing reporting requirements; specifying duties of the Commissioner of Education and the State Board of Education; requiring recommendations to the Governor and presiding officers of the Legislature; creating s. 235.158, F.S.; providing for school district facilities work programs; amending s. 235.19, F.S.; prescribing criteria for selecting the sites of proposed educational centers or campuses; amending s. 235.198, F.S.; specifying criteria for determining the maximum estimated cost of each proposed satellite facility that is to be jointly developed by private industry and a district school board; amending s. 235.199, F.S.; specifying criteria for determining the maximum estimated cost of each proposed vocational educational facility; amending s. 235.26, F.S.; prescribing the requirements for standards that must be developed by the department as part of the State Uniform Building Code for Public Educational Facilities Construction; amending s. 235.33, F.S.; requiring certain fiscal information to be filed; amending s. 235.435, F.S.; prescribing criteria for determining allocations that are to be made to school boards from the Public Education Capital Outlay and Debt Service Trust Fund; creating s. 235.4351, F.S.; providing for waiver from requirements relating to plant surveys, need projections, and cost ceilings; amending s. 236.25, F.S., relating to the district school tax; decreasing the proportion of the optional 2-mill tax which may be applied to payments made under certain lease-purchase agreements; providing an exception for lease-purchase agreements entered into before a specified date; authorizing additional expenditures for proceeds of the optional 2-mill tax; revising the purposes for which the revenues of such tax may be used; redefining the terms “materials” and “equipment” as applied to certain restrictions on spending the proceeds of the 2-mill tax; amending s. 12 of ch. 97-265, Laws of Florida; abrogating the repeal of s. 236.25, F.S., relating to the district school tax; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 7, between lines 2 and 3, insert:

(5) Any audit or performance review of one or all of the designated components conducted or supervised by OPPAGA within 5 years before December 1, 1997, may serve as the audit or review required as the examination of district operations necessary for a determination of whether a district meets the "best financial management practices" designation. The cost contribution requirements of subsection (2) do not apply to any such audit or performance review.

And the title is amended as follows:

On page 1, line 9, after the first semicolon (;) insert: allowing a certain audit or review to serve as a determination of "best financial management practices";

Senator Rossin moved the following amendment which failed:

Amendment 2—On page 14, lines 7 and 12, after "*Elementary school*" insert: *, middle school, and high school*

Senator Campbell moved the following amendment which failed:

Amendment 3—On page 21, lines 1-5, delete those lines and insert: *counted at 25 percent of actual student capacity; and they shall be counted at 0 percent if manufactured or constructed at least 20 years before the need determination, if the relocatable facility is located at a school that is enrolled at or above 105 percent of the capacity of core facilities, or*

Senator Dudley moved the following amendment which was adopted:

Amendment 4—On page 22, lines 10-25, delete those lines and insert:

8. By September 1 each year, the department shall project available state and district revenues for the next 5 fiscal years, with the current fiscal year being the first year. For state revenue sources, the department shall incorporate the most recent projections of the Education, Transportation, and Revenue Estimating Conferences. For district revenue sources, the department shall measure the projected revenues based on the voted and nonvoted millage assessments of the current year and shall incorporate the most recent projections of the Revenue Estimating Conference for applicable local sales and surtax projections. No available district revenue sources presently unlevied shall be included in the official 5-year revenue projection, but the department must make a separate projection of each districts' potential revenue based on the unlevied millage and sales and surtax assessments.

RECONSIDERATION OF AMENDMENT

On motion by Senator Dudley, the Senate reconsidered the vote by which **Amendment 4** was adopted. **Amendment 4** was withdrawn.

Senator Forman moved the following amendment which failed:

Amendment 5 (with title amendment)—On page 24, between lines 21 and 22, insert:

Section 8. Section 235.157, Florida Statutes, is created to read:

235.157 District construction advisory councils.—To achieve greater accountability in public school construction, a seven-member district school construction advisory council shall be established in each school district that does not certify to the Commissioner of Education that the district's instructional space needs for the next 5 years can be met from projected capital outlay sources or through other means such as alternative scheduling or construction, leasing, technological methods, or sound financial management.

(1) The district school board shall appoint three members for initial terms of 3 years each. All of the board's appointees must be residents of the school district; two of the appointees must have expertise in pedagogy and curriculum, and one appointee must have expertise in business, construction, finance, real estate development, or other related fields.

(2) The Governor of the State of Florida shall appoint one member who shall possess business skills and experience in construction, finance, real estate development, or other related fields.

(3) The President of the Florida Senate shall appoint one member from a list of three individuals recommended by the local board of county commissioners, who shall serve for an initial term of 2 years.

(4) The Speaker of the Florida House of Representatives shall appoint one member who belongs to a local chamber of commerce, who shall serve for an initial term of 1 year. and

(5) The district superintendent shall appoint one member who is a member of a school advisory council within the district, who shall serve for an initial term of 2 years.

(6) The Commissioner of Education shall appoint the chairman of the council from among the selected appointees.

(7) A vacancy shall be filled for the remainder of the unexpired term. After the initial terms, members shall be appointed for 3-year terms. An individual may not serve as a council member for more than 10 consecutive years. A member may not be a member or employee of the district school board. Council members may not have a contractual or business relationship with the district school board.

(8) The council may:

(a) Collect and review information on district school board capital outlay projects and make appropriate recommendations to the board.

(b) Request an audit of the school district's capital outlay projects to verify compliance with the provisions of this chapter and report findings to the audited district school board, the Commissioner of Education, and the chairs of the legislative committees that have oversight of educational facilities and related funding.

(c) Recommend to the district school board the most cost-effective measures for planning, budgeting, and completing public school construction projects.

(d) Request the district school board to publish in a local daily publication of general circulation all information concerning proposed construction plans, the progress of construction, and the council's findings concerning such plans and construction progress.

(e) Certify a district's submission for funding pursuant to s. 235.2155 in lieu of the district receiving designation for best financial management practices pursuant to s. 230.23025, but only if the council determines that such management practices are used by the district.

(f) Review the placement of relocatable facilities on all district school sites, taking into consideration their impact on core facilities, and recommend to the district school board any restrictions regarding such placement.

(g) Recommend to the district school board actions to prevent school overcrowding and to expedite the reduction of overcrowding when enrollment at a school reaches or exceeds 130 percent of the capacity of core facilities.

(h) Recommend to the district school board the approval of projects funded entirely from local sources pursuant to s. 235.435(6)(e).

(9) Upon request by the district construction advisory council, the district school board must provide information on all construction projects or specific projects. If requested, the information must be provided beginning with the planning phase of the project and at least every 6 months thereafter until construction of the project is complete.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the first semicolon (;) insert: creating s. 235.157, F.S., creating district advisory councils; providing procedures for membership of councils; providing responsibilities of councils;

Senator McKay moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 40, between lines 17 and 18, insert:

5. By July 1, 1999, the department shall establish standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life-expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to conform with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the Community College and District School Board Capital Outlay and Debt Service Trust Fund and to require district school boards to expend local capital outlay revenues for any project that includes materials or systems that do not comply with these standards unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department.

And the title is amended as follows:

On page 2, line 22, after the semicolon (;) insert: providing legislative intent;

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

Amendment 7 (with title amendment)—On page 54, between lines 2 and 3, insert:

Section 21. *A school district may not, without the permission of the Commissioner of Education, convert any school building to administrative or any other purposes if such action results in any increased use of classroom portable facilities.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 15, after the semicolon (;) insert: prohibiting the conversion of school buildings to other uses without the permission of the Commissioner of Education;

Senators Diaz-Balart, Jenne and Forman offered the following amendment which was moved by Senator Diaz-Balart and adopted:

Amendment 8 (with title amendment)—On page 54, between lines 2 and 3, insert:

Section 21. *Notwithstanding section 236.081(1)(d), Florida Statutes, for each calculation of the Florida Education Finance Program, the Department of Education shall, first within each district, and secondly within the state, total weighted FTE's and transfer the excess of weighted full-time-equivalent students funded in program groups 1, 2, and 3 of the first Florida Education Finance Program calculation over actual weighted full-time-equivalent students in program groups 1, 2, and 3 into program groups 2 and 3 until the total weighted full-time-equivalent students funded equals the total weighted full-time-equivalent students allocated in the first calculation of the Florida Education Finance Program. In any calculation of the Florida Education Finance Program, if a district's total weighted full-time-equivalent students exceed the total weighted full-time-equivalent students in the first calculation of the Florida Education Finance Program plus adjustments due to section 236.081(1)(d)3.a., Florida Statutes, the excess, if any, in program group 2 weighted full-time-equivalent students exceeding the program group 2 total in the first calculation of the Florida Education Finance Program shall be funded in the same manner as are students in exceptional student education programs 251, 252, 253, 254, and 255, as calculated in conformity with Specific Appropriation 105 of chapter 97-152, Laws of Florida (appearing in the first full paragraph on page 2538 of the Laws of Florida, 1997), and section 21 of chapter 97-153, Laws of Florida. Notwithstanding section 236.081(10), Florida Statutes, for fiscal year 1997-1998, the caps adjustment supplement shall be limited to 50 percent of the funds remaining in the appropriation. This section expires July 1, 1998.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 3, line 15, following the semicolon (;) insert: providing for transfer of certain full-time-equivalent students in Florida Education Finance Program calculations; providing additional guidelines for making such calculations; providing a caps adjustment;

Senator Dudley moved the following amendment which was adopted:

Amendment 9—On page 22, lines 17 and 18, delete those lines and insert: *projected local revenues and*

Pursuant to Rule 4.19, **CS for SB 4-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECONSIDERATION

On motion by Senator Horne—

CS for SB 2-A—A bill to be entitled An act relating to educational facilities and funding; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district's participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; amending s. 235.435, F.S.; revising the formula for allocating certain appropriations from the Public Education Capital Outlay Trust Fund to district school boards; creating the Rural Relief Fund; providing criteria for receiving funding; specifying duties of the Department of Education; providing an appropriation to the Department of Education for the Rural Relief Fund; repealing ss. 235.2155, 235.216, F.S., which relate the School Infrastructure Thrift Program and to the cost of educational facilities; providing an appropriation for the Classrooms First Program; providing legislative intent regarding future appropriations; providing for the allocation of funds to district school boards for the Classrooms First Program; specifying uses of the funds; providing an appropriation to the Department of Education for the School Infrastructure Thrift Program; providing an appropriation to the University of South Florida for the purchase of the TGH-USF Psychiatric Center; providing an effective date.

—was recalled from Engrossing.

On motion by Senator Dudley, the Senate reconsidered the vote by which **Amendment 7** was adopted. **Amendment 7** failed.

On motion by Senator Holzendorf, the Senate reconsidered the vote by which **Amendment 13** was adopted. **Amendment 13** was withdrawn.

On motion by Senator Dyer, the Senate reconsidered the vote by which **Amendment 11** as amended was adopted.

Senators Holzendorf and Hargrett offered the following amendment to **Amendment 11** which was moved by Senator Holzendorf and adopted:

Amendment 11D—On page 4, line 5, before "*Notwithstanding*" insert: *However, if more than 9 percent of a district's total square feet is more than 50 years old, the district must spend at least 25 percent of its allocation on the renovation, repair or remodeling of existing schools, except that districts with fewer than 10,000 full-time equivalent students are exempt from this restriction.*

Senator Dudley moved the following amendment to **Amendment 11** which was adopted:

Amendment 11E—On page 5, line 18, after the period (.) insert: *From the funds appropriated in this section, $525,000 is appropriated to fund a study to determine the most effective use of the resources that are made available by this act. The study shall be limited to the five school districts that are allocated the largest amount of funds by this act. The study shall, at a minimum, examine the feasibility of using alternatives to new construction or cost reduction techniques including a review of the capital planning processes used to estimate the cost of new school construction, renovation and repair of existing facilities, and to determine the priority of each option. A report shall be prepared for each of the districts studied and shall be made available to all other school districts, the President of the Senate, the Speaker of the House and the Governor. The Department of Management Services shall award a contract to a vendor certified under contract No. 973-655-96-1 for consulting services for performance measures. Performance shall be given to those firms who have substantial experience in conducting large scale school facility management and needs analyses. The contract shall be awarded by December 1, 1997 and shall be completed by April 30, 1998.*

Amendment 11 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 2-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SB 6-A—A bill to be entitled An act relating to education; providing legislative intent regarding monetary awards for classroom teachers; establishing the Florida Teachers Lead Program; providing an appropriation; specifying purposes of the awards; providing an award amount and distribution procedure; requiring district school boards to publicize amounts and uses of the awards; providing a definition; providing an effective date.

—was read the second time by title.

Senators Cowin and Brown-Waite offered the following amendment which was moved by Senator Cowin and adopted:

Amendment 1—On page 2, lines 22-24, delete those lines and insert: *teacher" includes: certified teachers whose full-time job responsibility is the classroom instruction of students in grades pre-kindergarten through twelve and media specialists. Only school district personnel employed in these positions are eligible for the Florida Teachers*

Pursuant to Rule 4.19, **CS for SB 6-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 8-A—A bill to be entitled An act relating to public education facilities; transferring, renumbering, and amending s. 985.402, F.S.; directing the Alternative Education Institute to serve as an educational facility for at-risk youth; reducing the size of the board of directors of the institute; providing for the expiration of the terms of office of the existing board; providing for the appointment of a new board; requiring the board to recommend a plan for future use of the facility; providing for the expiration of s. 985.402, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 8-A** was placed on the calendar of Bills on Third Reading.

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

CS for SB 10-A—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending ss. 240.40202, 240.40205, 240.40206, 240.40207, 240.40208, F.S.; revising academic eligibility requirements for receipt of an award; requiring the Department of Education to assign additional weights to grades for certain courses; revising provisions relating to transition to the Florida Bright Futures Scholarship Program; providing for award calculations for enrollment at nonpublic postsecondary education institutions; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with title amendment)—On page 7, between lines 20 and 21, insert:

Section 6. *Whenever a scholarship is to be awarded to a high school student under part IV of chapter 240, Florida Statutes, notification must be made to the student and to the high school from which the student is to graduate.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: requiring notification of scholarships;

Senator Sullivan moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 8, between lines 3 and 4, insert:

Section 7. *The sum of $5,000,000 is appropriated from the General Revenue Fund to the Educational Enhancement Trust Fund to fully fund the Florida Bright Futures Scholarship Program in the 1997-1998 school year.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: appropriating funds for certain scholarship programs;

Pursuant to Rule 4.19, **CS for SB 10-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SB 12-A—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; creating s. 240.4984, F.S.; establishing the Ethics in Business Scholarship Program to be administered by the Department of Education; providing purposes of the program; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Sullivan and adopted:

Amendment 1—On page 6, line 21, delete "*equitably*"

Amendment 2—On page 6, line 22, delete "*may*" and insert: *must*

Amendment 3—On page 6, lines 28-31, delete those lines and insert: *this act. These funds must be allocated to postsecondary education institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing Ethics in Business scholarships. Public funds may not be used to provide the match, nor may funds collected for other purposes. Eligible institutions are members of the state Community College System, the State University System, and independent postsecondary*

Amendment 4—On page 7, lines 3 and 4, delete those lines and insert: *Statutes.*

Pursuant to Rule 4.19, **CS for SB 12-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

SB 20-A—A bill to be entitled An act relating to educational facilities; amending ss. 239.117 and 240.35, F.S.; allowing capital improvement fees to be bonded; specifying conditions; permitting new construction of educational facilities as a use for fee revenues; amending s. 240.319, F.S.; authorizing community college district boards of trustees to borrow funds and incur debt for the new construction of educational facilities; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with title amendment)—On page 1, delete line 25 and insert: *or refinancing new construction, technology enhancement, maintenance, improvement, or renovation of educational facilities.* The

And the title is amended as follows:

On page 1, line 6, after "construction" insert: , technology enhancement, maintenance, improvement, and renovation

Amendment 2 (with title amendment)—On page 3, delete line 23 and insert: *financing or refinancing new construction, technology enhancement, maintenance, improvement, or renovation of educational*

And the title is amended as follows:

On page 1, line 10, after "construction" insert: , technology enhancement, maintenance, improvement, and renovation

Pursuant to Rule 4.19, **SB 20-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION TO INTRODUCE BILL

On motion by Senator Klein, by the required constitutional two-thirds vote of the membership, the following bill was admitted for introduction outside the purview of the Governor's call. The vote was:

Yeas—30

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

Nays—2

Myers	Silver

Vote after roll call:

Yea—Childers, Thomas

By Senators Gutman, Burt, Latvala, Dudley, Diaz-Balart, Williams, Cowin, Brown-Waite, Bronson, Horne, Grant, Clary, Lee, Kirkpatrick, Crist, Childers, Ostalkiewicz and Harris—

SB 34-A—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing an effective date.

—was referred to the Committee on Criminal Justice.

MOTION

On motion by Senator Klein, the rules were waived and the Committee on Criminal Justice was granted permission to consider **SB 34-A** at the meeting November 5.

Senator Klein moved that a bill providing for execution of the death penalty by means of lethal injection be introduced outside the purview of the Governor's call. The motion failed to receive the required constitutional two-thirds vote of the membership. The vote was:

Yeas—22

Madam President	Diaz-Balart	Jenne	Rossin
Bankhead	Forman	Klein	Scott
Burt	Grant	Kurth	Sullivan
Campbell	Gutman	Latvala	Thomas
Childers	Hargrett	McKay	
Dantzler	Harris	Meadows	

Nays—11

Brown-Waite	Crist	Lee	Silver
Clary	Dudley	Myers	Williams
Cowin	Horne	Ostalkiewicz	

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, November 4, 1997: CS for SB 2-A, CS for SB 4-A, CS for SB 6-A, SB 8-A, CS for SB 10-A, CS for SB 12-A, SB 20-A

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

The Committee on Education recommends the following pass: SB 16-A

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

The Committee on Education recommends the following pass: SB 18-A with 1 amendment

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

The Committee on Education recommends the following pass: SB 8-A, SB 20-A, SB 30-A with 1 amendment, SB 32-A with 2 amendments

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 2-A, SB 6-A, SB 10-A, SB 12-A

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

The Committee on Education recommends a committee substitute for the following: SB 4-A

The Committee on Ways and Means recommends the following pass: CS for SB 2-A with 10 amendments, CS for SB 6-A, SB 8-A, CS for SB 10-A with 1 amendment, CS for SB 12-A with 4 amendments, SB 20-A with 2 amendments, SB 30-A with 1 amendment, SB 32-A with 1 amendment

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Education and Senator Horne—

CS for SB 2-A—A bill to be entitled An act relating to educational facilities and funding; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district's participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; amending s. 235.435, F.S.; revising the formula for allocating certain appropriations from the Public Education Capital Outlay Trust Fund to district school boards; creating the Rural Relief Fund; providing criteria for receiving funding; specifying duties of the Department of Education; providing an appropriation to the Department of Education for the Rural Relief Fund; repealing ss. 235.2155, 235.216, F.S., which relate the School Infrastructure Thrift Program and to the cost of educational facilities; providing an appropriation for the Classrooms First Program; providing legislative intent regarding future appropriations; providing for the allocation of funds to district school boards for the Classrooms First Program; specifying uses of the funds; providing an appropriation to the Department of Education for the School Infrastructure Thrift Program; providing an appropriation to the University of South Florida for the purchase of the TGH-USF Psychiatric Center; providing an effective date.

By the Committee on Education and Senator Horne—

CS for SB 4-A—A bill to be entitled An act relating to education; amending s. 228.056, F.S.; authorizing a municipality to submit a proposal to operate a charter school; amending s. 230.23025, F.S.; revising provisions relating to adopting and updating best financial management practices; providing for review of practices and for paying the costs of review; amending s. 235.011, F.S.; defining and redefining terms used in ch. 235, F.S.; amending s. 235.014, F.S., relating to the functions of the Department of Education; expanding exceptions to departmental recommendations of maximum square footage; revising standards for validating surveys of facilities; amending s. 235.056, F.S.; requiring a report with respect to the amount of leased space used by school districts; creating s. 235.061, F.S.; providing standards for relocatable buildings and manufactured buildings used for classroom space; creating s. 235.1491, F.S.; providing for a statewide need assessment calculation for educational capital outlay; amending s. 235.15, F.S.; specifying requirements for educational plant surveys and localized need assessment calculations; amending s. 235.155, F.S.; providing legislative intent with respect to exceptions from recommendations in educational plant surveys; requiring the identification of critically overcrowded schools and school districts; providing reporting requirements; specifying duties of the Commissioner of Education and the State Board of Education; requiring recommendations to the Governor and presiding officers of the Legislature; creating s. 235.158, F.S.; providing for school district facilities work programs; amending s. 235.19, F.S.; prescribing criteria for selecting the sites of proposed educational centers or campuses; amending s. 235.198, F.S.; specifying criteria for determining the maximum estimated cost of each proposed satellite facility that is to be jointly developed by private industry and a district school board; amending s. 235.199, F.S.; specifying criteria for determining the maximum estimated cost of each proposed vocational educational facility; amending s. 235.26, F.S.; prescribing the requirements for standards that must be developed by the department as part of the State Uniform Building Code for Public Educational Facilities Construction; amending s. 235.33, F.S.; requiring certain fiscal information to be filed; amending s. 235.435, F.S.; prescribing criteria for determining allocations that are to be made to school boards from the Public Education Capital Outlay and Debt Service Trust Fund; creating s. 235.4351, F.S.; providing for waiver from requirements relating to plant surveys, need projections, and cost ceilings; amending s. 236.25, F.S., relating to the district school tax; decreasing the proportion of the optional 2-mill tax which may be applied to payments made under certain lease-purchase agreements; providing an exception for lease-purchase agreements entered into before a specified date; authorizing additional expenditures for proceeds of the optional 2-mill tax; revising the purposes for which the revenues of such tax may be used; redefining the terms “materials” and “equipment” as applied to certain restrictions on spending the proceeds of the 2-mill tax; amending s. 12 of ch. 97-265, Laws of Florida; abrogating the repeal of s. 236.25, F.S., relating to the district school tax; providing an effective date.

By the Committee on Education and Senators Grant and Lee—

CS for SB 6-A—A bill to be entitled An act relating to education; providing legislative intent regarding monetary awards for classroom teachers; establishing the Florida Teachers Lead Program; providing an appropriation; specifying purposes of the awards; providing an award amount and distribution procedure; requiring district school boards to publicize amounts and uses of the awards; providing a definition; providing an effective date.

By the Committee on Education and Senators Sullivan, Grant, Lee and Clary—

CS for SB 10-A—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending ss. 240.40202, 240.40205, 240.40206, 240.40207, 240.40208, F.S.; revising academic eligibility requirements for receipt of an award; requiring the Department of Education to assign additional weights to grades for certain courses; revising provisions relating to transition to the Florida Bright Futures Scholarship Program; providing for award calculations for enrollment at nonpublic postsecondary education institutions; providing an effective date.

By the Committee on Education and Senator Sullivan—

CS for SB 12-A—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; creating s. 240.4984, F.S.; establishing the Ethics in Business Scholarship Program to be administered by the Department of Education; providing purposes of the program; providing an appropriation; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 24-A.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 3 was corrected and approved.

RECESS

On motion by Senator Bankhead, the Senate recessed at 8:09 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, November 5, or upon call of the President.

Journal of the Senate

Number 3—Special Session A **Wednesday, November 5, 1997**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—37:

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

Excused: Senators Casas, Jones and Turner

PRAYER

The following prayer was offered by Senator Meadows:

Most gracious God, we thank you for our land, for our government and all of its application. We recognize those responsibilities assigned to people in public trust and honor their dedication in resolving and their sincerity in decision. May the influence of the Holy Spirit reign today so that these Senators will uphold that which is right and follow convictions of truth.

In your name, we pray. Amen.

PLEDGE

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

CONSIDERATION OF BILLS ON THIRD READING

SB 8-A—A bill to be entitled An act relating to public education facilities; transferring, renumbering, and amending s. 985.402, F.S.; directing the Alternative Education Institute to serve as an educational facility for at-risk youth; reducing the size of the board of directors of the institute; providing for the expiration of the terms of office of the existing board; providing for the appointment of a new board; requiring the board to recommend a plan for future use of the facility; providing for the expiration of s. 985.402, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **SB 8-A** was passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman, Kirkpatrick, Meadows, Silver

CS for SB 10-A—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending ss. 240.40202, 240.40205, 240.40206, 240.40207, 240.40208, F.S.; revising academic eligibility requirements for receipt of an award; requiring the Department of Education to assign additional weights to grades for certain courses; revising provisions relating to transition to the Florida Bright Futures Scholarship Program; providing for award calculations for enrollment at nonpublic postsecondary education institutions; requiring notification of scholarships; appropriating funds for certain scholarship programs; providing an effective date.

—as amended November 4 was read the third time by title.

On motion by Senator Sullivan, **CS for SB 10-A** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick, Silver

CS for SB 12-A—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; creating s. 240.4984, F.S.; establishing the Ethics in Business Scholarship Program to be administered by the Department of Education; providing purposes of the program; providing an appropriation; providing an effective date.

—as amended November 4 was read the third time by title.

On motion by Senator Sullivan, **CS for SB 12-A** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick, Silver

SB 20-A—A bill to be entitled An act relating to educational facilities; amending ss. 239.117 and 240.35, F.S.; allowing capital improvement fees to be bonded; specifying conditions; permitting new construction, technology enhancement, maintenance, improvement, and renovation of educational facilities as a use for fee revenues; amending s. 240.319, F.S.; authorizing community college district boards of trustees to borrow funds and incur debt for the new construction of educational facilities; providing an effective date.

—as amended November 4 was read the third time by title.

On motion by Senator Grant, **SB 20-A** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick, Silver

RECESS

The Senate recessed at 9:28 a.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 10:29 a.m. A quorum present—37:

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

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of messages and motions.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 17-A and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

HB 17-A—A bill to be entitled An act relating to accountability and funding for school facilities programs; creating the "SMART Schools Act"; creating s. 235.175, F.S.; providing legislative purpose; amending s. 235.18, F.S.; requiring school districts to prepare facilities 5-year work programs before adopting their annual capital outlay budgets; creating s. 235.185, F.S.; requiring school district facilities 5-year work programs and providing definitions and procedures; creating s. 235.186, F.S.; providing for effort index grants for school district facilities work program projects; specifying an effort index for district eligibility to receive grants; providing for computation and allocation; creating s. 235.187, F.S.; requiring the use of school construction advisory councils for certain districts; providing for appointment of council members and duties relating to the councils; amending s. 235.215, F.S.; revising requirements relating to energy efficiency contracting by school districts, community colleges, and universities; providing intent; revising measures that qualify as energy conservation measures; providing requirements for energy performance-based contracts rather than guaranteed energy savings contracts; specifying procedures for entering into such contracts; revising requirements relating to installment payment contracts; specifying the provisions and terms of energy performance-based contracts; providing duties and liabilities of energy performance contractors; reenacting and amending s. 235.2155, F.S.; revising the School Infrastructure Thrift (SIT) Program; reenacting and amending s. 235.216, F.S.; revising cost ceilings and provisions relating to SIT Program awards; providing for recognition awards; creating s. 235.217, F.S.; establishing the SMART Schools Clearinghouse and providing for membership and duties; providing for rulemaking; prohibiting certain activities; authorizing per diem and travel expenses; providing for staff; subjecting members to certain requirements for public officers and employees; creating s. 235.218, F.S.; requiring school district facilities work program performance and productivity standards and evaluation; creating s. 235.219, F.S.; creating the Classrooms Now Loan Program within the Department of Education, subject to legislative appropriation from the Educational Enhancement Trust Fund; providing for use of funds for loans to school districts to fund certain capital outlay projects; providing requirements for such loans; providing for deposit of loan repayments to support the effort index grant program; providing for withholding of certain funds upon failure to repay such loans; providing for deposit of such withheld funds; amending s. 24.121, F.S.; authorizing recurring use of specified revenues in the Educational Enhancement Trust Fund; creating s. 235.2195, F.S.; authorizing Classrooms Now capital outlay bonds and specifying conditions; amending s. 235.321, F.S.; requiring school districts to monitor the impact of change orders on district facilities work programs; amending s. 235.017, F.S.; authorizing boards to submit phase III construction documents for review and approval to the Department of Management Services for certain projects; providing for appropriations; providing funding for a SMART school demonstration middle school project; establishing the Florida Teacher Lead Program; defining "classroom teacher"; requiring the Commissioner of Education to provide for timely encumbrances of certain funds; establishing the SMART Schools Small County Assistance Program for fiscal year 1998-1999; providing purpose of the program; providing duties of the SMART Schools Clearinghouse and the Department of Education with respect thereto; providing for funding of the program; amending s. 229.513, F.S.; revising provisions relating to the review of rules and statutes by the Commissioner of Education; amending s. 230.23025, F.S.; revising provisions relating to the "Best Financial Management Practices for School Districts"; revising provisions relating to review of a school district's best financial management practices; revising certain reporting requirements; amending s. 235.011, F.S.; redefining certain terms and defining

the term "core facilities"; amending s. 235.014, F.S., relating to functions of the Department of Education; revising exceptions to departmental recommendations of maximum square footage; revising utilization standards to discourage the addition of relocatables in certain circumstances; authorizing the use of relocatables for certain purposes; revising provisions relating to validation of educational plant surveys, including student station assignment; amending s. 235.06, F.S.; requiring fire control authorities to inspect educational facilities; creating s. 235.061, F.S.; requiring standards for relocatables and providing guidelines; requiring certain inspections; amending s. 235.15, F.S.; revising provisions relating to educational plant surveys and the counting of relocatables; requiring guidelines for the use of relocatables; deleting provisions relating to State Board of Education approval of surveys; amending s. 235.26, F.S.; revising provisions relating to standards of the State Uniform Building Code for Public Educational Facilities Construction; reenacting s. 235.41(3), F.S., relating to legislative capital outlay budget requests, to incorporate the amendment to s. 235.435, F.S., in a reference; amending s. 235.435, F.S.; revising provisions relating to funds for comprehensive educational plant needs; requiring guidelines for maintenance and repair schedules and remodeling and renovation; revising requirements relating to expenditures for space needs; revising square footage and cost-ceiling requirements; clarifying provisions relating to maintenance and repair; creating s. 235.4351, F.S.; authorizing waivers from certain requirements; amending s. 236.25, F.S., relating to the district school tax; revising requirements relating to use of the 2-mill tax for new construction and remodeling; revising provisions which revise the uses of said tax and phase out certain uses over a specified period; providing additional circumstances under which school districts may be exempted from expenditure restrictions; authorizing expenditures for ancillary plants under specified circumstances; providing legislative intent and requiring certain review and recommendations by the Department of Education and SMART Schools Clearinghouse; providing that certain projects shall proceed under the laws and rules in effect when the design or design-build contract was executed; repealing s. 12, ch. 97-265, Laws of Florida, relating to future review and repeal of school district tax for capital outlay; providing an effective date.

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

On motions by Senator Bankhead, by two-thirds vote **HB 17-A** was withdrawn from the Committees on Education; and Ways and Means and by unanimous consent taken up instanter.

On motion by Senator Horne, by two-thirds vote **HB 17-A** was read the second time by title.

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

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

Section 1. *Florida Frugal Schools Program.—*

(1) The Legislature recognizes the need for public accountability and public confidence in the expenditure of capital outlay funds by district school boards. The Legislature further recognizes that frugal construction of functional schools is an essential element in providing, with limited state and local resources, adequate school facilities for a growing student population.

(2) The "Florida Frugal Schools Program" is created to recognize publicly each district school board that agrees to build frugal yet functional educational facilities and that implements "best financial management practices" when planning, constructing, and operating educational facilities. The State Board of Education shall recognize a district school board as having a Florida Frugal Schools Program if the district requests recognition and satisfies two or more of the following criteria:

(a) The district receives a "Seal of Best Financial Management" as provided in section 230.2302, Florida Statutes, created by chapter 97-265, Laws of Florida, or implements best financial management practices in the area of educational facilities as evidenced by a partial review under section 230.2302, Florida Statutes.

(b) The district school board certifies that each educational facility planned and constructed by the district after the effective date of this act will comply with the cost limits established in section 235.435(6), Florida Statutes, and that evidence of such compliance will be submitted for validation on a project-by-project basis to the Department of Education.

(c) The district school board submits a plan to the Commissioner of Education certifying how the revenues generated by the levy of the capital outlay sales surtax authorized by section 212.055(7), Florida Statutes, will be spent. The plan must include at least the following assurances about the use of the proceeds of the surtax and any accrued interest.

1. The district school board will use the surtax and accrued interest only for the fixed capital outlay purposes identified by section 212.055(7)(d), Florida Statutes, which will reduce school overcrowding that has been validated by the Department of Education, or for the repayment of bonded indebtedness related to such capital outlay purposes.

2. The district school board will not spend the surtax or accrued interest to pay for operational expenses or for the construction, renovation, or remodeling of any administrative building or any other ancillary facility that is not directly related to the instruction, feeding, or transportation of students enrolled in the public schools.

3. The district school board's use of the surtax and accrued interest will be consistent with the best financial management practices identified and approved under section 230.2302, Florida Statutes.

4. The district school board will apply the educational facilities contracting and construction techniques authorized by section 235.211, Florida Statutes, or other construction management techniques to reduce the cost of educational facilities.

5. The district school board will discontinue the surtax levy when the district has provided the survey-recommended educational facilities that were determined to be necessary to relieve school overcrowding; when the district has satisfied any bonded indebtedness incurred for such educational facilities; or when the district's other sources of capital outlay funds are sufficient to provide such educational facilities, whichever occurs first.

6. The district school board will use any excess surtax collections or accrued interest to reduce the discretionary outlay millage levied under section 236.25(2), Florida Statutes.

(d) The district school board receives the equivalent of a one-half cent levy from the local infrastructure sales surtax.

Section 2. Subsection (7) of section 212.055, is amended to read:

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

(7) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) ~~Beginning July 1, 1995,~~ The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. *If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program.* The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

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

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

(d) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. *If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.*

(e) Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f) Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 3. *Rural Relief Fund.—The Rural Relief Fund is created to provide necessary funds to rural districts that have urgent remodeling, renovation, and repair needs but have insufficient resources at present to meet those needs and cannot reasonably anticipate sufficient resources within the next 3 years. For the purposes of the Rural Relief Program, a rural district is defined as any district with a student population of less than 30,000 unweighted full-time-equivalent students.*

(1) The Department of Education shall establish a special facilities construction committee in the same manner as provided in section 235.435, Florida Statutes. The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. Districts that agree to pay a part of the cost are to be given priority.

(2) A rural school district that requests funding from the Rural Relief Fund shall submit its specific remodeling, repair, or renovation projects to the special facilities construction committee. A rural school district may request an award from the Special Facilities Construction Account Program for the construction of new buildings at an existing educational plant or for the expansion of existing educational facilities if the district school board certifies that this is the most economical means to add new student stations. A district may not receive funding for any project in which the state's share of the cost exceeds $5 million. The request must meet the following criteria to be considered by the committee:

(a) The remodeling, renovation, or repair must be recommended in the most recent survey or surveys conducted by the district under the rules of the State Board of Education.

(b) The projected cost of the district's survey-recommended remodeling, renovation, or repair must exceed the estimated total of authorized sources of state capital outlay revenue and the projected revenue generated from the levy of maximum millage against nonexempt assessed property value as allowed in section 236.25(2), Florida Statutes.

(c) The district must submit documentation of the remodeling, renovation, or repair to the special facilities construction committee for review.

(d) The district must at the time of the request be levying the maximum millage against nonexempt assessed property value as allowed in section 236.25(2), Florida Statutes, or must submit a resolution from the school board committing to levy the required millage in the subsequent fiscal year. In lieu of the millage requirement, the district may qualify by documenting that the district is raising the equivalent of the maximum millage requirement through other local revenue sources, such as the half-cent sales tax.

(3) The Department of Education shall distribute funds to district school boards according to the statewide priority list recommended by the special facilities construction committee and approved by the Commissioner of Education. The Rural Relief Fund shall be funded to the extent to which money is provided by the Legislature for the Rural Relief Fund.

Section 4. *The sum of $50 million is transferred from the School Infrastructure Thrift Program to the Rural Relief Fund created by this act. In addition, the sum of $50 million is appropriated from the General Revenue Fund to the Rural Relief Fund.*

Section 5. *All survey-approved projects for which the design or design-build contract was executed prior to May 30, 1997, and for which notice of verification of school board action was submitted to the Department of Education shall proceed under the laws and rules in effect as of the date the design or design-build contract was executed.*

Section 6. *Section 235.2155, Florida Statutes, as created by section 22 of chapter 97-153, Laws of Florida, and section 2 of chapter 97-265, Laws of Florida, and section 235.216, Florida Statutes, as created by section 23 of chapter 97-153, Laws of Florida, and section 3 of chapter 97-265, Laws of Florida, are repealed.*

Section 7. Paragraphs (a) and (b) of subsection (5) of section 24.121, Florida Statutes, are amended, present paragraph (f) of that subsection is redesignated as paragraph (g), and a new paragraph (f) is added to that subsection, to read:

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

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

(b) Except as provided in paragraphs (c), (d), ~~and~~ (e), *and (f),* the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(f) From the funds appropriated from the Educational Enhancement Trust Fund to district school boards in fiscal year 1998-1999, and each year thereafter for a total of 20 consecutive years, the sum of $220 million must be distributed to district school boards for the Classrooms First Program as provided in section 8 of this act.

(g)~~(f)~~ Each school district shall, on a quarterly basis, make available to the public and distribute, in an easy to understand format, the expenditures of lottery funds allocated to the school district.

Section 8. *Classrooms First Program; uses; pledge of funds.—It is the intent of the Legislature to appropriate in fiscal year 1998-1999, and each year thereafter for a total of 20 consecutive years, the annual sum of $220 million from the Educational Enhancement Trust Fund for the Classrooms First Program.*

(1) The Commissioner of Education shall allocate funds appropriated for the Classrooms First Program among the district school boards. Each district school board's share of the annual or partial-year appropriation for the Classrooms First Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation must be allocated among each school district's base capital outlay full-time-equivalent membership and 65 percent among each school district's growth capital outlay full-time-equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by section 235.435(6), Florida Statutes, as amended by section 7 of chapter 97-265, Laws of Florida, and by section 15 of chapter 97-307, Laws of Florida;

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in section 235.435(1)(a), Florida Statutes; and

(c) The allocations resulting from paragraphs (a) and (b) must be adjusted to ensure that the annualized allocation to each district school board is not less than the amount that would be generated by the levy of 0.3 mill against the school district's 1996 final taxable value for school purposes as certified by the Department of Revenue. Such allocations must also be adjusted to ensure that no district receives less than the amount necessary to repay bonds issued pursuant to subsection (3).

(2) A district school board shall expend the funds received pursuant to this section, section 9 of this act, and section 24.121(5)(f), Florida Statutes, only to:

(a) Construct, renovate, remodel, repair, maintain, or lease-purchase educational facilities;

(b) Pay bonds issued under this section for acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing capital outlay projects that have been approved by the district school board pursuant to the most recent educational plant survey conducted under section 235.15, Florida Statutes;

(c) Pay operating expenses of the school district if the district school board certifies to the Commissioner of Education that the district's educational plant needs for the next 5 years can be met from anticipated revenues. A district must not expend funds received under this section to pay the salaries of administrative personnel, instructional personnel, or teacher aides as defined by section 228.041, Florida Statutes, or of an educational support employee; however, the funds may be spent for those services of school district personnel which are directly related to the maintenance, renovation, repair, or remodeling of an educational plant as defined in section 235.011, Florida Statutes.

However, if more than 9 percent of a district's total square feet is more than 50 years old, the district must spend at least 25 percent of its allocation on the renovation, repair or remodeling of existing schools, except that districts with fewer than 10,000 full-time equivalent students are exempt from this restriction. Notwithstanding the expenditure limits of section 236.25(2)(e), Florida Statutes, as amended by section 141 of chapter 97-190, Laws of Florida, a district school board may use funds received under this section to make payments on educational plants obtained through lease-purchase agreements authorized by section 230.23(9)(b)5., Florida Statutes, as amended by section 105 of chapter 97-190, Laws of Florida, and section 1 of chapter 97-212, Laws of Florida, or authorized by section 235.056(2), Florida Statutes, as amended by sections 8 and 12 of chapter 97-265, Laws of Florida, and section 47 of chapter 97-307, Laws of Florida.

(3) Each district school board that elects to pledge moneys under paragraph (2)(b) shall notify the Department of Education of its election by September 1 of that year. The Department of Education shall review the proposal of each district school board for compliance with this section and shall forward all approved proposals to the Division of Bond Finance with a request to issue bonds on behalf of the approved school districts. The Division of Bond Finance shall pool the pledges from all school districts making the election in that year and shall issue the bonds on behalf of the districts for a period not to exceed the distributions to be received under section 24.121(5)(f), Florida Statutes. The bonds must be issued in accordance with Section 11(d), Article VII of the State Constitution, and each needed project to be constructed with the proceeds of bonds is hereby approved as provided in Section 11(e), Article VII of the State Constitution. The bonds shall be issued pursuant to the State Bond Act to the extent not inconsistent with this section.

(4) Bonds issued under this section must be validated as prescribed by chapter 75, Florida Statutes. The complaint for the validation must be filed in the circuit court of the county where the seat of state government is situated; the notice required to be published by section 75.06, Florida Statutes, must be published only in the county where the complaint is filed; and the complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending. The state covenants with holders of bonds issued under this section that it will not take any action that will materially and adversely affect the rights of such holders so long as such bonds are outstanding. The state further covenants that it will appropriate from the first available funds in the Educational Enhancement Trust Fund amounts sufficient to make all payments required for any bonds issued under this section. From the funds appropriated in this section, $525,000 is appropriated to fund a study to determine the most effective use of the resources that are made available by this act. The study shall be limited to the five school districts that are allocated the largest amount of funds by this act. The study shall, at a minimum, examine the feasibility of using alternatives to new construction or cost reduction techniques including a review of the capital planning processes used to estimate the cost of new school construction, renovation and repair of existing facilities, and to determine the priority of each option. A report shall be prepared for each of the districts studied and shall be made available to all other school districts, the President of the Senate, the Speaker of the House and the Governor. The Department of Management Services shall award a contract to a vendor certified under contract No. 973-655-96-1 for consulting services for performance measures. Performance shall be given to those firms who have substantial experience in conducting large scale school facility management and needs analyses. The contract shall be awarded by December 1, 1997 and shall be completed by April 30, 1998.

(5) Each educational plant constructed with the proceeds of bonds issued pursuant to this section must be clearly identified on site as having been built with lottery moneys.

Section 9. *The sum of $110 million is appropriated from the General Revenue Fund to the Department of Education to be distributed between January 1, 1998, and June 30, 1998, for the Classrooms First Program as provided by this act.*

Section 10. *For the 1997-1998 fiscal year, the sum of $1,600,000 is appropriated from the General Revenue Fund to the University of South Florida for the purchase of the TGH-USF Psychiatric Center. The state shall not be obligated to provide operating costs for the center from the General Revenue Fund in excess of the level funded by the Legislature in the 1997-1998 fiscal year.*

Section 11. Subsection (2) of section 235.06, Florida Statutes, as amended by section 142 of chapter 97-190, Laws of Florida, is amended to read:

235.06 Safety and sanitation standards and inspection of property.—The Commissioner of Education shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of the State Uniform Building Code for Public Educational Facilities Construction as provided in s. 235.26, the provisions of chapter 633 to the contrary notwithstanding. These standards must be used by all public agencies when inspecting public educational and ancillary plants. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies must contain procedures for periodic inspections as prescribed herein and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.—

(a) A safety or sanitation inspection of any educational or ancillary plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Each agency conducting inspections shall use the standards adopted by the Commissioner of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule, the provisions of chapter 633 to the contrary notwithstanding. The agency shall submit a copy of the inspection report to the board.

(b) In addition to school board inspections, the applicable local fire control authority shall also annually inspect educational facilities within its fire control district, using the standards adopted by the Commissioner of Education. Reports shall be filed with the school board, and a copy shall be on file with the local site administrator.

Section 12. *For the 1997-1998 fiscal year, the sum of $1,500,000 is appropriated from the General Revenue Fund to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility to house a Pharmaceutical Research Center. These funds are contingent upon receipt of a like amount from the National Institute of Health (NIH).*

Section 13. *The sum of $3 million is appropriated from the General Revenue Fund to the Department of Education for the purpose of implementing the provisions of section 10 of chapter 97-265, Laws of Florida.*

Section 14. *The sum of $150,000 is appropriated to the Department of Education from the General Revenue Fund for the development of standards for construction materials and systems based on life-cycle costs.*

Section 15. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district's participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; creating the Rural Relief Fund; providing criteria for receiving funding; specifying duties of the Department of Education; transferring funds and providing an appropriation to the Department of Education for the Rural Relief Fund; providing that certain projects shall proceed under the laws and rules in effect when the design or design-build contract was executed; repealing ss. 235.2155, 235.216, F.S., which relate the School Infrastructure Thrift Program and to the cost of educational facilities; amending s. 24.121, F.S.; authorizing expenditures from the Educational Enhancement Trust Fund for the Classrooms First Program; providing legislative intent regarding future appropriations for the Classrooms First Program; providing for the allocation of funds to district school boards for the Classrooms First Program; authorizing bonds or revenue anticipation certificates backed by funds appropriated for the Classrooms First Program; specifying duties of the State Board of Education; specifying additional uses of the funds; providing an appropriation to the Department of Education for the Classrooms First Program; providing an appropriation to the University of South Florida for the purchase of the TGH-USF Psychiatric Center; amending s. 235.06, F.S.; requiring fire control authorities to inspect educational facilities; providing an appropriation to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility; providing an appropriation to the Department of Education for the purpose of implementing s. 10, ch. 97-265, Laws of Florida; providing an appropriation to the Department of Education to develop certain standards; providing an effective date.

Senators Horne and Grant offered the following amendment to **Amendment 1** which was moved by Senator Horne and adopted:

Amendment 1A (with title amendment)—On page 15, between lines 27 and 28 insert:

Section 15. Subsection (3) of section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(3) PROPOSAL.—A proposal for a new charter school may be made by an individual, teachers, parents, a group of individuals, *a municipality,* or a legal entity organized under the laws of this state. The principal, teachers, parents, and/or the school advisory council at an existing public school, including a public school-within-a-school that is designated as a school by the district school board, shall submit any proposal for converting the school to a charter school. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents whose children are enrolled at the school. A private school, parochial school, or home education program shall not be eligible for charter school status.

Section 16. Section 230.23025, Florida Statutes, as created by section 11 of chapter 97-265, Laws of Florida, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, OPPAGA and the Auditor General shall jointly examine district operations to determine whether they meet "best financial management practices." The best financial management practices ~~will be~~ adopted by the ~~state~~ Commissioner of Education *may be updated periodically* ~~within 90 days after the effective date of this act,~~ after consultation with the Legislature, *the Governor,* OPPAGA, and the Auditor General. The best financial management practices, at a minimum, must *instill public confidence by addressing* ~~address~~ the following areas:

(a) Efficient use of resources, including assessments of facilities construction and maintenance practices, use of state and district construction funds, use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits;

(b) Compliance with generally accepted accounting principles and state and federal laws relating to financial management;

(c) Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decisionmaking; *and*

(d) Cost control systems, including asset, risk, and financial management, purchasing, and information system controls.

(2) School districts may, by a unanimous vote of the membership of the school board, apply to OPPAGA for *a complete best* financial management practice *review or a review of one or more components of the best financial practices, including management, personnel, facilities, transportation, and food and nutrition services* ~~reviews~~. OPPAGA shall prioritize districts for review based on their growth rates and demonstrated need for review. The director of OPPAGA may~~, at his discretion,~~ contract with private consultants to perform part or all of the review of any district. Districts applying for *a complete* review shall contribute 50 percent of review costs, unless funding for the entire cost of the review is specifically provided by the Legislature ~~or the district has had a performance review pursuant to ss. 11.515 and 230.2302~~. *Districts applying for a review of one or more components shall contribute 75 percent of the cost of reviewing each component.*

(3) *Each review* ~~District reviews~~ conducted under this section *must* ~~shall~~ be completed within 6 months after commencement. OPPAGA shall issue a report to the district regarding its financial management practices and cost savings recommendations within 60 days after completing the reviews. If the district is found not to conform to best financial management practices, the report *must* ~~shall~~ contain a plan of action detailing how the district could meet the best practices within 2 years.

(4) District school boards that agree by a majority plus one vote to institute the action plan shall submit an annual report to *the Legislature, the Governor,* OPPAGA, the Auditor General, and the Commissioner of Education on progress made *toward* ~~towards~~ implementing the plan and whether changes have occurred in other areas of operation which would affect compliance with the best practices. Such districts shall be reviewed annually by OPPAGA, in addition to the annual financial audit required under s. 11.45, to determine whether they have attained compliance with the best financial management practices in the areas covered by the plan. Districts that are found to comply with the best financial management practices shall receive a "Seal of Best Financial Management" by the State Board of Education certifying that the district is adhering to the state's best financial management practices *in the areas covered by the plan*. This designation shall be effective for a *5-year* ~~3-year~~ period, after which the district school board may reapply for the designation to be granted after another financial management practice review. During the designation period, the district school board shall annually notify OPPAGA, the Auditor General, and the State Board of Education of any changes in policies or operations or any other situations that would not conform to the state's best financial management practices. The State Board of Education may revoke the designation of a district at any time if it determines that a district is no longer complying with the state's best financial management practices.

(5) Any audit or performance review of one or all of the designated components conducted or supervised by OPPAGA within 5 years before December 1, 1997, may serve as the audit or review required as the examination of district operations necessary for a determination of whether a district meets the "best financial management practices" designation. The cost contribution requirements of subsection (2) do not apply to any such audit or performance review.

Section 17. Section 235.011, Florida Statutes, is amended to read:

235.011 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this chapter:

(1) "Absolute project cost" means all total project costs plus the purchase price, or the full value of the lease, of the site and costs of offsite improvements; turn lanes; turn signals; infrastructure utilities; onsite sewer plant; onsite water system; hurricane shelters; and environmental and other mitigation as required.

(2)~~(1)~~ "Ancillary plant" is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program.

(3)~~(2)~~ "Auxiliary facility" means the spaces located at educational plants which are not designed for student occupant stations.

(4)~~(3)~~ "Board," unless otherwise specified, means a district school board, a community college board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. The term "board" does not include the State Board of Education or the Board of Regents.

(5)~~(4)~~ "Capital project," for the purpose of s. 9(a)(2), Art. XII of the State Constitution, as amended, means sums of money appropriated from the Public Education Capital Outlay and Debt Service Trust Fund to the state system of public education and other educational agencies as authorized by the Legislature.

(6) "Contract cost" means those costs incurred to construct a project to the perimeter of the property.

(7) "Core facilities" means the media center, cafeteria, toilet facilities, and circulation space of an education plant.

(8) "Department maintenance index" means the calculation established by rule of the Department of Education by July 1, 1998, for purposes of the statewide need assessment calculation and for life-cycle cost analysis.

(9)~~(5)~~ "Educational facilities" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards.

(10)~~(6)~~ "Educational plant" comprises the educational facilities, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.

(11)~~(7)~~ "Educational plant survey" means a systematic study of present educational and ancillary plants and the determination of future needs to provide an appropriate educational program and services for each student.

(12)~~(8)~~ "Feasibility study" means the examination and analysis of information related to projected educational facilities to determine whether they are reasonable and possible.

(13)~~(9)~~ "Long-range planning" means devising a systematic method based on educational information and needs, carefully analyzed, to provide the facilities to meet the goals and objectives of the educational agency.

(14)~~(10)~~ "Low-energy usage features" means engineering features or devices which supplant or minimize the consumption of fossil fuels by heating equipment and cooling equipment. Such features may include, but are not limited to, high efficiency chillers and boilers, thermal storage tanks, solar energy systems, waste heat recovery systems, and facility load management systems.

(15)~~(11)~~ "Maintenance and repair" means the upkeep of educational and ancillary plants, including, but not limited to, roof or roofing replacement short of complete replacement of membrane or structure; repainting of interior or exterior surfaces; resurfacing of floors; repair or replacement of glass; repair of hardware, furniture, equipment, electrical fixtures, and plumbing fixtures; and repair or resurfacing of parking lots, roads, and walkways. "Maintenance and repair" *does* ~~shall~~ not include renovation except for the replacement of equipment with new equipment of equal systems meeting current code requirements, provided that the replacement item neither places increased demand upon utilities services or structural supports nor adversely affects the function of safety to life systems. *"Maintenance and repair" does not include custodial services or groundskeeping services.*

(16)~~(12)~~ "Need determination" means the identification of types and amounts of educational facilities necessary to accommodate the educational programs, student population, faculty, administrators, staff, and auxiliary and ancillary services of an educational agency.

(17)~~(13)~~ "New construction" means any construction of a building or unit of a building in which the entire work is new or an entirely new addition connected to an existing building.

(18)~~(14)~~ "Passive design elements" means architectural features which minimize heat gain, heat loss, and the use of heating and cooling equipment when ambient conditions are extreme and which permit use of the facility without heating or air-conditioning when ambient conditions are moderate. Such features may include, but are not limited to, building orientation, landscaping, earth bermings, insulation, thermal windows and doors, overhangs, skylights, thermal chimneys, and other design arrangements.

(19)~~(15)~~ "Public education capital outlay (PECO) funded projects" means site and site improvements necessary to accommodate buildings, equipment, other structures, and special educational use areas that are built, installed, or established to serve primarily the educational instructional program of the district school board or community college and the Board of Regents.

(20)~~(16)~~ "Remodeling" means the changing of existing facilities by rearrangement of spaces and their use and includes, but is not limited to, the conversion of two classrooms to a science laboratory or the conversion of a closed plan arrangement to an open plan configuration.

(21)~~(17)~~ "Renovation" means the rejuvenating or upgrading of existing facilities by installation or replacement of materials and equipment and includes, but is not limited to, interior or exterior reconditioning of facilities and spaces; air-conditioning, heating, or ventilating equipment; fire alarm systems; emergency lighting; electrical systems; and complete roofing or roof replacement, including replacement of membrane or structure. *For the purposes of this definition, the term "materials" does not include instructional materials.*

(22)~~(18)~~ "Satisfactory educational facility" means a facility which has been recommended for continued use by an educational plant survey or which has been classified as satisfactory in the state inventory of educational facilities.

(23)~~(19)~~ "Site" means a space of ground occupied or to be occupied by an educational facility or program.

(24)~~(20)~~ "Site development" means work that must be performed on an unimproved site in order to make it usable for the desired purpose; or, work incidental to new construction or to make an addition usable.

(25)~~(21)~~ "Site improvement" means work that must be performed on an existing site to improve its utilization, correct health and safety deficiencies, meet special program needs or provide additional service areas.

(26)~~(22)~~ "Site improvement incident to construction" means the work that must be performed on a site as an accompaniment to the construction of an educational facility.

(27)~~(23)~~ "Satellite facility" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established by private business or industry in accordance with chapter 6A-2, Florida Administrative Code, to be used exclusively for educational purposes to serve primarily the students of its employees and which are staffed professionally by the district school board.

(28) "Statewide need assessment calculation" means a 5-year determination of new construction and facility maintenance needs related to the instructional programs of a district, as calculated in s. 235.1491.

(29) "Total project cost" means all contract costs plus administrative costs and costs of site engineering; furniture, fixtures, and equipment; architect and engineering fees; and legal costs associated with the completion of a project.

Section 18. Subsection (1) and paragraph (a) of subsection (10) of section 235.014, Florida Statutes, as amended by section 4 of chapter 97-265, Laws of Florida, are amended to read:

235.014 Functions of the department.—The functions of the department shall include, but not be limited to, the following; it shall:

(1) Establish recommended minimum and maximum square footage requirements for different functions and areas and the procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state, including public broadcasting stations but excluding postsecondary special purpose laboratory space. The gross square footage determination standards may be exceeded when using local ~~operating~~ funds *or when the core facilities of an educational facility are constructed or renovated to accommodate the future addition of classrooms to meet projected increases in student enrollment.* The department shall encourage multiple use of facilities and spaces in educational plants.

(10)(a) Review and validate surveys proposed or amended by the boards and recommend to the State Board of Education, for approval, surveys that meet the requirements of this chapter.

1. The term "validate" as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; *compare* ~~the comparison of~~ new school inventory to allocation limits provided by this chapter; review ~~of~~ cost projections for conformity with *cost limits set by s. 235.435(6)* ~~state averages~~; *compare* ~~comparison of~~ total capital outlay full-time equivalent enrollment projections in the survey with the department's projections; review facilities lists to verify that *student station and auxiliary facility space* ~~area~~ allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; utilize the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm that need projections for vocational and adult educational programs comply with needs documented by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~; and confirm the assignment of full-time student stations to all space except *auxiliary facilities, which, for purposes of exemption from student station assignment, include:*

a. ~~for~~ Cafeterias;~~,~~

b. Multipurpose dining areas;~~,~~

c. Media centers;~~, and~~

d. Administration;~~.~~

e. Auditoria;

f. Elementary school, middle school, and high school resource rooms, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, and beyond which student stations must be assigned;

g. Elementary school skills labs, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, and beyond which student stations must be assigned; and

h. Elementary school art and music rooms.

2. The term "validate" as applied to surveys by community colleges means to review and document the approval of each new site and official designation, where applicable; review the inventory database as submitted by the Division of Community Colleges, including nonvocational, vocational, and total capital outlay full-time equivalent enrollment projections per site and per college; provide for the review and inspection, where required, of student stations and aggregate square feet of space changed from satisfactory to unsatisfactory; utilize and review the documentation of programs offered per site submitted by the Division of Community Colleges as accurate for analysis of space requirements and needs; confirm that needs projected for vocational and adult educational programs comply with needs documented by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~; compare new facility inventory to allocations limits as provided in this chapter; review cost projections for conformity with state averages or limits designated by this chapter; compare student enrollment projections in the survey to the department's projections; review facilities lists to verify that area allocations and space factors for generating space needs do not exceed the limits as provided by this chapter and related rules; confirm the application of facility utilization factors as provided by this chapter and related rules; and review, as submitted, documentation of how survey recommendations will implement the detail of current campus master plans and integrate with local comprehensive plans and development regulations.

Section 19. Paragraph (a) of subsection (2) of section 235.056, Florida Statutes, as amended by section 141 of chapter 97-190, Laws of Florida, is amended to read:

235.056 Lease and lease-purchase of educational facilities and sites.—

(2)(a) A board may rent or lease educational facilities and sites as defined in s. 235.011. Educational facilities and sites rented or leased for 1 year or less shall be funded through the operations budget or funds derived from millage proceeds pursuant to s. 236.25(2). A lease contract for 1 year or less, when extended or renewed beyond a year, becomes a multiple-year lease. Operational funds or funds derived from millage proceeds pursuant to s. 236.25(2) may be authorized to be expended for multiple-year leases. All leased facilities and sites must be inspected prior to occupancy by the board's Uniform Building Code inspector, who shall report to the department.

1. Beginning July 1, 1995, all newly leased spaces must be inspected and brought into compliance with the state minimum building code pursuant to chapter 553, and the life safety codes pursuant to chapter 633, prior to occupancy, using the board's operations budget or funds derived from millage proceeds pursuant to s. 236.25(2). As an alternative, the board may elect to comply with the State Uniform Building Code for Public Educational Facilities Construction instead of the state minimum building code or the life safety code, or both.

2. Plans for renovation or remodeling of leased space shall conform to state minimum building and life safety codes for educational occupancies, or other occupancies as appropriate, as required in chapters 553 and 633, prior to occupancy. As an alternative, the board may elect to comply with the State Uniform Building Code for Public Educational Facilities Construction instead of the state minimum building code or the life safety code, or both.

3. All leased facilities must be inspected annually for firesafety deficiencies in accordance with the applicable code and have corrections made in accordance with s. 235.06. Operational funds or funds derived from millage proceeds pursuant to s. 236.25(2) may be used to correct deficiencies in leased space.

4. When the board declares that a public emergency exists, it may take up to 30 days to bring the leased facility into compliance with the requirements of Commissioner of Education rules.

5. By July 1, 1998, the department shall present to the Governor, the Speaker of the House of Representatives, and the President of the Senate a report on the amount of leased space used by districts for prekindergarten programs and for instructional purposes of elementary schools, middle schools, and high schools. The report shall indicate the number of capital outlay full-time-equivalent students who are instructed in leased spaces, the number of permanent and relocatable facilities which are leased, the number of prekindergarten stations assigned in permanent facilities, the condition of leased facilities in accordance with applicable building and life safety codes, and the methods by which leased spaces are financed. The report shall make recommendations as to prescriptive changes that districts must make with regard to leased facilities, as well as recommendations regarding the assignment of student stations to such facilities.

Section 20. Section 235.061, Florida Statutes, is created to read:

235.061 Standards for relocatable buildings and manufactured buildings used as long-term classroom space.—The Commissioner of Education shall adopt rules establishing standards for relocatable buildings and manufactured buildings intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means use at the same school site for a period of 5 years or more. These rules must be implemented by July 1, 1998, and each relocatable building and manufactured building acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Uniform Building Code for Public Educational Facilities or other locally adopted state minimum building codes to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. The standards must also require such relocatable buildings and manufactured buildings to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, to be accessible by adequate covered walkways. A relocatable building or manufactured building that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

Section 21. Section 235.1491, Florida Statutes, is created to read:

235.1491 Statewide need assessment calculation for educational capital outlay.—

(1) The Legislature finds that state-level need assessment of educational capital outlay is required to ascertain the funds necessary to ensure that all students in the state system of public education are taught in a quality learning environment. An assessment is deemed necessary to:

(a) Quantify capital outlay needs based upon a uniform standard necessary to ensure that the learning environment in facilities of a school district is qualitatively similar to that of the same educational delivery system elsewhere in this state; and

(b) Provide a uniform set of space and cost guidelines to school districts for all additional capital outlay needs which will enhance public accountability.

(2)(a) For school districts, the statewide need assessment calculation includes the following components:

1. A calculation of the number of student stations in each district based upon space to which stations are to be assigned pursuant to s. 235.014(10)(a)1.;

2. The norm value of each space-per-student station range established for each educational classroom in the State Requirements for Educational Facilities, with the norm value constituting one student station in the Florida Inventory of School Houses;

3. The number of current satisfactory student stations as calculated in the Florida Inventory of School Houses, as determined through this section;

4. The number of capital outlay full-time-equivalent students as determined by the department for each school district;

5. A total project cost per student station equal to the respective maximums provided in s. 235.435(6) for elementary school student stations, middle school student stations, and high school student stations plus an inflationary factor calculated 30 months after the time of the current need assessment, such factor to be determined by rule of the Commissioner of Education; and

6. A maintenance index factor as determined by rule of the Commissioner of Education.

(b)1. In the manner prescribed by s. 235.435(3), the department shall determine each district's capital outlay full-time-equivalent enrollment by May 31 each year, along with its projection for district enrollment 5 years into the future. This projection shall be indicated in the Florida Inventory of School Houses and in the district's educational plant survey as the district's "5th-year projected enrollment," and this projection shall also be used for purposes of the statewide need assessment calculation. All enrollment factored into the calculation of the distribution of funds in s. 235.435(3) shall be factored into the determination of the 5th-year projected enrollment calculation. A district's 5th-year projected enrollment for which the 1998-1999 fiscal year statewide need assessment calculation is determined shall be based upon the departmental enrollment projection for that district at the end of the 2002-2003 school year.

2. By June 1, 1998, and by each June 1 thereafter, the department shall calculate each district's existing elementary school, middle school, and high school educational plant inventory by dividing the total square footage of each district room bearing student stations and included under subparagraph (a)1. by the applicable norm value for each such room under provisions of subparagraph (a)2. The quotient will determine the initial number of satisfactory student stations in each district for that district fiscal year; the calculation derived on June 1, 1998, is the state's calculation of the district inventory for the 1998-1999 school year. This number shall be defined as the "gross capacity" and shall be so indicated in the Florida Inventory of School Houses. For purposes of the gross capacity, satisfactory relocatable facilities shall be counted at 100 percent of actual student capacity, and all leased spaces, whether permanent or relocatable, shall be counted at 0 percent. The recommended school utilization factors included in the State Requirements for Educational Facilities shall also be factored into the calculation of the gross capacity.

3. After calculating each district's gross capacity, the department shall perform a second calculation of current district inventory for purposes of need determination. In the second calculation, all calculations of the gross capacity remain unchanged except that relocatable facilities shall be counted at 50 percent of actual student capacity; and they shall be counted at 0 percent if manufactured or constructed at least 20 years before the need determination, if the relocatable facility is located at a school that is enrolled at or above 130 percent of the capacity of core facilities, or if the relocatable facility was purchased or lease-purchased and maintained with federal funds and used for a federally mandated program. This second calculation shall be defined as the "net capacity" and shall be so indicated in the Florida Inventory of School Houses.

4. The department shall subtract the district's current-year net capacity calculated in subparagraph 3. from the district's 5th-year projected enrollment calculated in subparagraph 1., and the difference, if positive, shall constitute the state determination of the number of student stations needed by the district over the next 5 years.

5. The department shall multiply the difference calculated in subparagraph 4., if positive, by the cost benchmarks provided in subparagraph (a)5. for elementary schools, middle schools, and high schools, as applicable. The resulting product equals that district's 5-year need for new student stations.

6. By July 1, 1998, the Commissioner of Education shall establish by rule an educational plant maintenance schedule for purposes of establishing a 5-year statewide maintenance need calculation to become effective in the 1998-1999 fiscal year. The maintenance schedule must be based on a life-cycle cost index determined by the department to be a reputable indicator of proper building maintenance. The rule shall incorporate the expected life of permanent and relocatable facilities over which time each facility's expected maintenance may be calculated. The department shall also incorporate the current ages of existing educational plants in the Florida Inventory of School Houses into the determination of the 5-year maintenance calculation.

7. By September 1 each year, the department shall add the monetary values derived in subparagraphs 5. and 6. to obtain the 5-year statewide need assessment calculation for educational facilities in the public schools in that fiscal year.

8. By September 1 each year, the department shall project available state and district revenues for the next 5 fiscal years with the current fiscal year being the first year. For state revenue sources, the department shall incorporate the most recent projections of the Education, Transportation, and Revenue Estimating Conferences. For district revenue sources, the department shall measure the projected local revenues and shall incorporate the most recent projections of the Revenue Estimating Conference for applicable local sales and surtax projections. No available district revenue sources presently unlevied shall be included in the official 5-year revenue projection, but the department must make a separate

projection of each district's potential revenue based on the unlevied sources.

9. On September 1 each year, the department shall present a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report shall include the sum determined in subparagraph 7. as the state's official 5-year estimate of facility needs in public schools, the sum determined in subparagraph 8. as the state's official estimate of total available revenues in the next 5 years based on current levies by the districts and state, and the difference between the two sums as the state's official assessment of unmet 5-year need in public school capital outlay in that fiscal year. The report shall also include the assessment for each individual district and shall indicate the potential revenue that could be raised during the 5-year period from unlevied district sources as determined in subparagraph 8. The report shall also include the number of capital outlay full-time-equivalent students who are instructed in permanent facilities and in relocatable facilities that are leased by a district school board for elementary schools, middle schools, and high schools.

10. The Legislature recognizes the need for districts to remodel or renovate existing educational plants periodically. Districts may prefer remodeling or renovation of educational plants instead of plant maintenance, but the Legislature encourages districts to choose a remodeling or renovation option only if such work is cost-effective compared to regular plant maintenance.

(c)1. The norm values for student space and the recommended school utilization factors specified by the State Requirements for Educational Facilities, 1997, which are used in subparagraph (a)2. for purposes of calculating the statewide need assessment provided by this section have the full force and effect of law and may be changed only by rule adopted by the Commissioner of Education and approved by the State Board of Education.

2. The Florida Inventory of School Houses is designated as the state's complete, official registry of public school educational facilities and the official document for determining the number of student stations in the state's public schools. All school districts must, by May 1, 1998, provide current designs of all existing educational facilities to the department for verification of self-reported capacity data and inclusion in the Florida Inventory of School Houses, and each district is required to submit current plans for all new, renovated, remodeled, or expanded educational facilities by May 1 each year thereafter only for the purpose of verifying capacities and updating the state inventory. No provision of this section empowers the department to review facility plans for any purpose other than capacity verification and update of the state facility inventory.

(d) It is the intent of the Legislature that the statewide need assessment performed for public schools pursuant to this subsection constitute a state standard of the financial needs required by school districts to meet their instructional needs in a quality academic environment. A school district may justify to the electors of the district the need for additional funds beyond its statewide need assessment calculation for any educational programs or student space enhancements deemed necessary.

Section 22. Section 235.15, Florida Statutes, as amended by section 17 of chapter 97-95, Laws of Florida, section 5 of chapter 97-265, Laws of Florida, and section 13 of chapter 97-307, Laws of Florida, is amended to read:

235.15 Educational plant survey; *localized need assessment calculations;* PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the *educational* ~~education~~ plant survey of a school district or community college that delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) *Survey preparation and required data.*—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) *Required need assessment criteria for district, community college, and state university plant surveys.*—Each educational plant survey completed after *December 31, 1997,* ~~June 30, 1997,~~ must use uniform data sources and criteria specified in this paragraph. Each educational plant survey completed after June 30, 1995, and before *January 1, 1998,* ~~July 1, 1997,~~ must be revised, if necessary, to comply with this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. Each school district's *educational plant* survey must reflect the capacity of existing *satisfactory* facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the *norm* ~~minimum~~ space and occupant design criteria established by *the State Requirements for Educational Facilities* ~~rule of the State Board of Education~~. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department *and must include all enrollment used in the calculation of the distribution formula in s. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease-purchased, or leased by the school district,* ~~Relocatables~~ shall be included in the school district inventory of *gross capacity of* facilities and must be *counted* ~~rated~~ at 100 percent of actual student capacity for purposes of the inventory. For future needs determination, *student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.158; all remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district,* ~~relocatables~~ shall be counted at ~~75 percent of~~ actual student capacity. *The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the commissioner's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the Department of Education.* ~~However, an adjustment shall be made for deficiencies in core space because of the use of relocatables. For schools with permanent educational facilities, this adjustment shall be the product of 75 percent multiplied by a factor determined by the ratio of permanent classrooms to relocatable classrooms. Such product shall not exceed 100 percent.~~

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the *norm* ~~minimum~~ space and occupant design criteria established by *the State Requirements for Educational Facilities* ~~rule of the State Board of Education~~.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections of facility space needs must be consistent with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. The educational plant survey of a school district, community college, or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified *by the district or institution and approved by*~~, to the satisfaction of~~ the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.

(c) *Review and validation.—When required by the Constitution,* the department shall review and validate the surveys *of school districts and community colleges* and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.

(2) Only the superintendent or the college president shall certify to the department a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the department that the need and location of the facility are in compliance with the board-approved survey recommendations and that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding.

(b) Upon request for release of construction funds, certification must be made to the department that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the State Uniform Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter.

Section 23. Section 235.155, Florida Statutes, is amended to read:

235.155 Exception to recommendations in educational plant survey.—An exception to the recommendations in the educational plant survey may be allowed if a board, including the Board of Regents, deems that it will be advantageous to the welfare of the educational system or that it will make possible a substantial saving of funds. A board, including the Board of Regents, upon determining that an exception is warranted, must present a full statement, in writing, setting forth all the facts to the Commissioner of Education. *The Legislature intends that exceptions granted under this section should preclude a district school board from exceeding the district's state-determined student station deficit calculated pursuant to s. 235.1491(2)(b).*

Section 24. *Identification of critically overcrowded schools and critically overcrowded school districts.—*

(1) Each district school board must report the information required by subsection (2) to the Commissioner of Education by February 1, 1998, and by January 1 each year thereafter, unless:

(a) The board certifies to the Commissioner of Education by the reporting date that the district's educational plant needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5-year period or from alternative scheduling or construction, leasing, rezoning, technological methods, or sound management; and

(b) The board certifies to the Commissioner of Education by the reporting date that no more than 25 percent of the district's schools are overcrowded and no more than 25 percent are critically overcrowded. An educational plant shall be considered overcrowded when student enrollment exceeds 100 percent of the capacity of the plant's core facilities, as defined in section 235.011, Florida Statutes. An educational plant shall be considered critically overcrowded when student enrollment exceeds 175 percent of the capacity of the plant's core facilities.

(2) The report must identify each educational plant that is overcrowded, critically overcrowded, or under-enrolled. An educational plant shall be considered under-enrolled when student enrollment is below 90 percent of the capacity of the plant's core facilities. The report must explain why each education plant is overcrowded, critically overcrowded, or under-enrolled. The report must also describe the district's action plan and timetable for eliminating critical overcrowding within the next 2 years and for achieving balanced use of the district's educational plants within the next 5 years.

(3) By April 1, 1998, and by February 1 each year thereafter, the Commissioner of Education shall:

(a) Publish a report identifying the critically overcrowded schools in each school district. The report shall summarize each affected district's plan and timetable for eliminating critical overcrowding within the next 2 years. The commissioner shall submit recommendations to the school board of each affected district identifying any additional actions that the school board should implement to eliminate critical overcrowding.

(b) Submit a report to the State Board of Education identifying the school districts in which at least 25 percent of the schools are critically overcrowded. Beginning February 1999, the report shall also identify each school district that failed to eliminate critical overcrowding within 2 years.

(4) Pursuant to Article IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education may declare a school district to be critically overcrowded if at least 25 percent of the district's schools are critically overcrowded and shall declare a school district to be critically overcrowded if the district school board fails to eliminate critical overcrowding within 2 years. Before designating a school district as critically overcrowded, the state board may require the Department of Education to review the operations of the district. The state board shall report each critically overcrowded school district to the Governor, the President of the Senate, and the Speaker of the House of Representatives and may recommend that the Legislature require a state agency or state-level team to manage or oversee the critically overcrowded school district's programs for providing educational facilities.

Section 25. Section 235.158, Florida Statutes, is created to read:

235.158 School district facilities work program; definitions; preparation, adoption, and amendment.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Adopted district facilities work program" means the 5-year work program adopted by the district school board as provided in subsection (3).

(b) "Tentative district facilities work program" means the 5-year listing of capital outlay projects required:

1. To properly maintain the educational plant and ancillary facilities of the district.

2. To provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the requirements of ss. 235.1491(2)(b) and 235.15(1).

(2) PREPARATION OF TENTATIVE DISTRICT FACILITIES WORK PROGRAM.—

(a) Annually, before the adoption of the district school budget, each district school board that does not certify to the Commissioner of Education that the district's instructional space needs for the next 5 years can be met from the projected capital outlay sources or through other means such as alternative scheduling or construction, leasing, rezoning, technological methods, or sound financial management shall prepare a tentative district facilities work program that includes:

1. A schedule of major repair and renovation projects necessary to maintain the educational plant and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule must consider:

a. The location, capacity, and planned use of current educational facilities of the district.

b. The proposed location of planned facilities.

c. Plans for the use and location of relocatable facilities, leased facilities, charter school facilities, multitrack scheduling, block scheduling, and other alternatives that reduce the need for permanent student stations.

d. Information concerning average class size and use rate by grade level within the district which will result if the tentative district facilities work program is fully implemented. As used in this sub-subparagraph, "average" does not include special needs classes.

e. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program.

3. The estimated total project cost for each project identified in the tentative district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned total project cost and square footage for each new student station, by elementary school, middle school, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data are available from the Department of Education.

4. A schedule of estimated capital outlay revenues from currently approved and levied sources which are estimated to be available to address the projects included in the tentative district facilities work program.

5. A schedule indicating which projects included in the tentative district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district to address projects identified in the tentative district facilities work program which are not addressed in subparagraph 5.

(b) To the extent available, the tentative district facilities work program shall be based on information produced by the Demographic, Revenue, and Education Estimating Conferences pursuant to s. 216.136.

(c) Provision shall be made for public comment concerning the tentative district facilities work program before its consideration by the district school board.

(d) If the tentative district facilities work program would add portable facilities to a school at which student enrollment is at or above 130 percent of capacity of core facilities, the school board must notify that school's advisory council. The council shall consider alternative ways to reduce overcrowding at the school, including, but not limited to, revising attendance zones, leasing alternative facilities, and changing schedules. After considering alternatives to the addition of portable facilities, the council shall submit recommendations to the district school board. Before adopting the district facilities work program, the board must consider the council's recommendations at a public meeting. The board must also notify the council and receive recommendations from the council at a public meeting if the board deviates from an adopted work program by adding portable facilities to a school that is at or above 130 percent of capacity of its core facilities.

(3) ADOPTED DISTRICT FACILITIES WORK PROGRAM.—Annually, the district school board shall consider the tentative district facilities work program completed pursuant to subsection (2). The district school board may amend the program to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources that may become available. The final adopted district facilities work program shall be a complete, balanced capital outlay financial plan for the district. It shall set forth the proposed commitments and planned expenditures of the district to address the educational needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities.

(4) EXECUTION OF ADOPTED DISTRICT FACILITIES WORK PROGRAM.—The first year of the adopted district facilities work program shall constitute the capital outlay budget required in s. 235.18. The final adopted district facilities work program shall include the information required in subparagraphs (2)(a)1., 2., and 3., based upon projects actually funded in the program.

Section 26. Subsection (2) of section 235.19, Florida Statutes, as amended by section 143 of chapter 97-190, Laws of Florida, is amended to read:

235.19 Site planning and selection.—

(2) Each new site selected must be adequate in size to meet the educational needs of the students to be served *on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables*. The Commissioner of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the commissioner. Less-than-recommended site sizes are allowed if the board, by a two-thirds majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.

Section 27. Paragraph (d) of subsection (1) of section 235.198, Florida Statutes, is amended to read:

235.198 Cooperative development and use of satellite facilities by private industry and school boards.—

(1) Each district school board may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to construct, remodel, or renovate an educational facility within the industrial environment. No district school board may apply for more than one facility per year. Such request shall contain the following provisions:

(d) The estimated cost of the facility and site development not to exceed the *maximum total project cost per student station as specified in s. 235.435(6)(b)* ~~department's average cost of new construction adjusted to the respective county cost index~~. If a site must be acquired, the estimated cost of the site shall be provided.

Section 28. Subsection (3) of section 235.199, Florida Statutes, as amended by section 18 of chapter 97-95, Laws of Florida, and section 14 of chapter 97-307, Laws of Florida, is amended to read:

235.199 Cooperative funding of vocational educational facilities.—

(3) The total cost of the proposed facility *may not exceed the maximum total project cost per student station as provided in s. 235.435(6)(b)* ~~shall be determined by the district school board using established state board averages for determining new construction cost~~.

Section 29. Paragraphs (a), (f), (g), and (h) of subsection (2) of section 235.26, Florida Statutes, as amended by section 145 of chapter 97-190, Laws of Florida, and section 6 of chapter 97-265, Laws of Florida, are amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The Commissioner of Education shall adopt a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees. The code must be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. Wherever the words "Uniform Building Code" appear, they mean the "State Uniform Building Code for Public Educational Facilities Construction." It is not a purpose of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in revising the code.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—A district school board or community college district board of trustees may not approve any plans for the construction, renovation, remodeling, or demolition of any educational

or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. Each district school board and community college district board of trustees may adopt policies for delegating to the superintendent or community college president authority for submitting documents to the department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project. It is also the responsibility of the department to develop, as a part of the Uniform Building Code, standards relating to:

(a) Prefabricated *facilities,* ~~or~~ factory-built facilities*, or site-built facilities* that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Community Affairs for factory inspections by certified Uniform Building Code inspectors to certify conformance with law and with rules of the Commissioner of Education. *The standards must comply with the requirements of s. 235.061 for facilities intended for long-term use as classroom space.*

(f) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis must consist of the sum of:

a. The reasonably expected fuel costs over the life of the building that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the department shall develop standards that must include, but need not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Such standards must be based on the best currently available methods of analysis, including such methods as those of the National Institute of Standards and Technology, the Department of Housing and Urban Development, and other federal agencies and professional societies and materials developed by the Department of Management Services and the department. Provisions must be made for an annual updating of standards as required.

4. By July 1, 1998, the department shall establish life-cycle cost criteria in the department maintenance index for use in evaluating projects submitted to the department for funding under s. 235.2155 in the State Requirements for Educational Facilities. By July 1, 1999, the department shall establish life-cycle cost criteria in the department maintenance index for use in calculating the statewide need assessment pursuant to s. 235.1491(2)(b) and in establishing construction cost maximums under s. 235.435(6).

5. By July 1, 1999, the department shall establish standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life-expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to conform with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the Community College and District School Board Capital Outlay and Debt Service Trust Fund and to require district school boards to expend local capital outlay revenues for any project that includes materials or systems that do not comply with these standards unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department.

~~(g) The maximum and minimum net square footage per student for new construction initiated by a district school board after June 30, 1997. The maximum net square footage per student may not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997.~~

~~(h) Maximum allowable space for noninstructional elements of educational facilities in relation to design criteria for space size and occupancy not to exceed the following:~~

~~1. The net area of the building may be increased up to 6 percent for interior enclosed space necessary for electrical, heating, ventilation, and air conditioning equipment.~~

~~2. Space for general circulation, interior and exterior walls, roof overhangs, and open malls shall not exceed 22 percent of the net square footage of the total facility for schools housing students in prekindergarten through grade 5 or grade 6 and shall not exceed 30 percent for schools housing students in grade 6 through postsecondary, including ancillary and broadcasting stations.~~

Section 30. Subsection (1) of section 235.33, Florida Statutes, is amended to read:

235.33 Payments.—

(1) The final payment to the contractor shall not be made until the construction project has been inspected by the architect or other person designated by the board for that purpose and until he or she has issued a written certificate that the project has been constructed in accordance with the approved plans and specifications and approved change orders and until the board, acting on these recommendations, has accepted the project. After acceptance by the board, a duplicate copy of this written certificate, duly certified as having been accepted by the board, as well as other related data on *contract costs and total* project costs, space inventory update, and other related building information must be filed with the department for budget and cost reporting purposes.

Section 31. Paragraph (a) of subsection (2) and subsection (6) of section 235.435, Florida Statutes, as amended by section 7 of chapter 97-265, Laws of Florida, and section 15 of chapter 97-307, Laws of Florida, are amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 3-year period. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts other than the district submitting the project. Within 60 days after receiving the preapplication review request, the

committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a mimimum, the *total* capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; *the district's utilized instructional space capacity as provided in s. 235.15(1)(b);* the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department; ~~the district's existing satisfactory student stations;~~ the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4. The district must have selected and had approved a site for the construction project in compliance with s. 235.19 and the rules of the State Board of Education.

5. The district shall have *developed* a school board adopted *list of facilities that do not exceed the norm* ~~facility list developed in accordance with the minimum~~ net square feet occupancy requirements under the *State Requirements for Educational Facilities,* ~~rules of the State Board of Education and~~ using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total project cost, including change orders, must not exceed the *maximum* ~~adjusted statewide average cost per gross square foot, adjusted by the construction cost index and the 5-year statewide average inflation rate; must not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997; and must not exceed the adjusted statewide average~~ cost per student station *as provided in subsection (6).*

7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 236.25(2). Effective July 1, 1991, any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

12. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(6)(a) ~~Effective July 1, 1997,~~ Each district school board must meet all *educational plant* ~~instructional~~ space needs ~~of the respective educational sector~~ before spending funds from the Public Education Capital Outlay *and Debt Service* Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any ~~other~~ new construction, renovation, or remodeling *of ancillary space.* Expenditures to meet such ~~instructional~~ space needs may include expenditures for site acquisition*;*~~,~~ new construction*; maintenance,* renovation, *repair, or* remodeling *of existing educational plants, including auxiliary facilities;*~~,~~ and the costs of such services of school district personnel directly related to *such maintenance,* renovation, *repair,* or remodeling.

(b) *A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all educational plants. Unless granted a waiver under s. 235.4351, a* ~~Each~~ district school board must not use funds from the Public Education Capital Outlay *and Debt Service* Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction *of an educational plant* with a total *project* ~~contract~~ cost, including change orders, that *yields a cost per student station which exceeds the following costs per student station as adjusted by the annual increase in the cost of construction as determined by the Revenue Estimating Conference:*

1. For an elementary school, $11,600 per student station.

2. For a middle school, $13,300 per student station.

3. For a high school, $17,600 per student station. ~~equals more than 110 percent of the adjusted statewide average total construction cost per gross square foot, adjusted by the appropriate construction cost index and the 5-year average statewide inflation rate.~~

Upon request by a district school board *pursuant to s. 235.4351,* the Commissioner of Education may waive for a specific project the provisions of this paragraph which limit total *project* ~~contract~~ cost and the provisions of paragraph (c)~~2.~~ which limit construction cost per student station if the commissioner is satisfied that the requested waiver is justified. *If the district school board does not receive a waiver from the cost limits set by this subsection,* operating funds must be used to pay any part of the total construction cost, including costs resulting from change orders, which exceeds the expenditure limits of this subsection.

(c) *Except as otherwise provided in this section,* all new construction initiated by a district school board after June 30, 1997,~~:~~

~~1. Must not exceed the minimum square footage per student defined by the State Requirements for Educational Facilities, 1997; and~~

~~2.~~ must not exceed the *maximum* ~~adjusted statewide average construction~~ cost per student station *as provided in paragraph (b)* ~~for the previous calendar year~~.

(d) The department shall compute for each calendar year *the* statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute *the* ~~adjusted~~ statewide average *cost per student station* ~~total construction costs~~ for each instructional level. ~~The adjusted statewide average total construction cost shall not include any new construction project that exceeded the statewide average contract cost for new construction by more than 10 percent. Total construction~~ Cost *per student station* includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. ~~Total construction~~ Cost *per student station* does not include the cost of purchasing or leasing the site for the construction *or the cost of related offsite improvements.*

(e) The restrictions of this subsection on the total project cost of new construction do not apply to a project funded entirely from proceeds received by districts through provisions of ss. 163.3164(8), 212.055, 236.31, and 236.32 and s. 9, Art. VII of the State Constitution, if the board approves the project by majority vote.

Section 32. Section 235.4351, Florida Statutes, is created to read:

235.4351 Waivers from certain requirements.—The commissioner may, by rule, adopt standards for the provision of waivers from the requirements of this chapter relating to plant surveys, need projections, and cost ceilings. Special consideration for waiver shall be given to:

(1) Projects of school districts for which no state money is spent.

(2) Projects of any school district that certifies that all of the district's educational plant needs for the next 5 years can be met from:

(a) Capital outlay sources that the district reasonably expects to receive during the next 5 years; or

(b) Alternative scheduling or construction, leasing, rezoning, or technological methodologies exhibiting sound management.

The commissioner shall annually report to the Legislature and the Governor, by January 1, the prior year's waivers granted under this section.

Section 33. Subsections (2) and (5) of section 236.25, Florida Statutes, as amended by sections 8 and 12 of chapter 97-265, Laws of Florida, and section 47 of chapter 97-307, Laws of Florida, are amended to read:

236.25 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 2 mills against the taxable value for school purposes to fund:

(a) New construction and remodeling projects, as set forth in s. 235.435(3)(b), without regard to the prioritization in that section, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies pursuant to s. 235.056(2).

(c) The purchase, lease-purchase, or lease of school buses; drivers' education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(d) The purchase, lease-purchase, or lease of new and replacement equipment.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a school board pursuant to s. 230.23(9)(b)5. or s. 235.056(2), not exceeding, in the aggregate, an amount equal to *one-half* ~~three-fourths~~ of the proceeds from the millage levied by a school board pursuant to this subsection. *Notwithstanding other limits set by this paragraph, a district school board may spend, in the aggregate, not more than two-thirds of the proceeds from the millage levied pursuant to this subsection for payments due under a lease-purchase agreement if the lease-purchase was approved before the effective date of this act by the district school board in its 5-year capital improvement plan and the district school board entered into the lease-purchase agreement after June 30, 1997, and before February 1, 1998.*

(f) Payment of loans approved pursuant to ss. 237.161 and 237.162.

(g) Payment of costs directly related to complying with state and federal environmental statutes and regulations governing school facilities.

(h) Payment of costs of leasing relocatable educational facilities and of renting or leasing educational facilities and sites pursuant to s. 235.056(2).

(i) Payment for startup materials for new media centers and payment to install and equip computer networks, including startup software.

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

(5) It is the intent of the Legislature that, by July 1, *2003* ~~2004~~, revenue generated by the millage levy authorized by subsection (2) should be used only for the costs of construction, renovation, remodeling, *maintenance,* and repair of educational *plants* ~~facilities that provide space for the instruction of students~~; for the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to the delivery of student instruction in such *plants* ~~facilities~~; and for the purchase, lease-purchase, or lease of school buses.

(a) In fiscal year 1997-1998, a district school board may spend for purposes other than the construction, renovation, remodeling, *maintenance,* and repair of educational *plants* ~~facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such *plants* ~~facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 85 percent of the amount that was spent for those purposes in fiscal year 1995-1996, which shall be the base year, from the proceeds of the millage levied under subsection (2).

(b) In fiscal year 1998-1999, a district school board may spend for purposes other than the construction, renovation, remodeling, *maintenance,* and repair of educational *plants* ~~facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such *plants* ~~facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 70 percent of the amount that was spent for those purposes in the base year.

(c) In fiscal year 1999-2000, a district school board may spend for purposes other than the construction, renovation, remodeling, *maintenance,* and repair of educational *plants* ~~facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such *plants* ~~facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 55 percent of the amount that was spent for those purposes in the base year.

(d) In fiscal year 2000-2001, a district school board may spend for purposes other than the construction, renovation, remodeling, *maintenance,* and repair of educational *plants* ~~facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such *plants* ~~facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 40 percent of the amount that was spent for those purposes in the base year.

(e) In fiscal year 2001-2002, a district school board may spend for purposes other than the construction, renovation, remodeling, *maintenance,* and repair of educational *plants* ~~facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such *plants* ~~facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 25 percent of the amount spent for those purposes in the base year.

(f) In fiscal year 2002-2003, a district school board may spend for purposes other than the construction, renovation, remodeling, *maintenance,* and repair of educational *plants* ~~facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such *plants* ~~facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 10 percent of the amount spent for those purposes in the base year.

(g) Beginning July 1, *2003* ~~2004~~, revenue generated by the millage levy authorized by subsection (2) must be used only for the construction, renovation, remodeling, *maintenance,* and repair of educational *plants* ~~facilities that provide space for the instruction of students~~; for the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to the delivery of student instruction in such *plants* ~~facilities~~; and for the purchase, lease-purchase, or lease of school buses.

A district may use its levy pursuant to this subsection to fund new construction and remodeling projects in excess of the norm space and occupant design criteria recommended in the State Requirements for Educational Facilities for each new construction and remodeling project included in its educational plant survey, provided that such construction does not exceed the cost maximums of s. 235.435(6) unless a waiver is granted by the Commissioner of Education pursuant to s. 235.4351. A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under s. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's *educational plant* ~~instructional space~~ needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years. *As used in this subsection, the term "materials" does not include instructional materials. The term "equipment" may include, but is not limited to, computer hardware. This subsection must not be construed so as to impair a district school board's authority to expend funds for the repayment of a lease-purchase agreement entered into before July 1, 1997,*

or for the renovation, maintenance, or repair of educational plants, ancillary facilities, or equipment acquired through such lease-purchase agreements.

Section 34. Section 12 of chapter 97-265, Laws of Florida, is amended to read:

Section 12. Subsections (2) and (5) of section 236.25, Florida Statutes, ~~are repealed effective July 1, 2004, and~~ shall be reviewed by the Legislature prior to *July 1, 2004* ~~that date~~.

Section 35. *A school district may not, without the permission of the Commissioner of Education, convert any school building to administrative or any other purposes if such action results in any increased use of classroom portable facilities.*

Section 36. *Notwithstanding section 236.081(1)(d), Florida Statutes, for each calculation of the Florida Education Finance Program, the Department of Education shall, first within each district, and secondly within the state, total weighted FTE's and transfer the excess of weighted full-time-equivalent students funded in program groups 1, 2, and 3 of the first Florida Education Finance Program calculation over actual weighted full-time-equivalent students in program groups 1, 2, and 3 into program groups 2 and 3 until the total weighted full-time-equivalent students funded equals the total weighted full-time-equivalent students allocated in the first calculation of the Florida Education Finance Program. In any calculation of the Florida Education Finance Program, if a district's total weighted full-time-equivalent students exceed the total weighted full-time-equivalent students in the first calculation of the Florida Education Finance Program plus adjustments due to section 236.081(1)(d)3.a., Florida Statutes, the excess, if any, in program group 2 weighted full-time-equivalent students exceeding the program group 2 total in the first calculation of the Florida Education Finance Program shall be funded in the same manner as are students in exceptional student education programs 251, 252, 253, 254, and 255, as calculated in conformity with Specific Appropriation 105 of chapter 97-152, Laws of Florida (appearing in the first full paragraph on page 2538 of the Laws of Florida, 1997), and section 21 of chapter 97-153, Laws of Florida. Notwithstanding section 236.081(10), Florida Statutes, for fiscal year 1997-1998, the caps adjustment supplement shall be limited to 50 percent of the funds remaining in the appropriation. This section expires July 1, 1998.*

And the title is amended as follows:

On page 17, line 24, after the semicolon (;) insert: amending s. 228.056, F.S.; authorizing a municipality to submit a proposal to operate a charter school; amending s. 230.23025, F.S.; revising provisions relating to adopting and updating best financial management practices; providing for review of practices and for paying the costs of review; allowing a certain audit or review to serve as a determination of "best financial management practices"; amending s. 235.011, F.S.; defining and redefining terms used in ch. 235, F.S.; amending s. 235.014, F.S., relating to the functions of the Department of Education; expanding exceptions to departmental recommendations of maximum square footage; revising standards for validating surveys of facilities; amending s. 235.056, F.S.; requiring a report with respect to the amount of leased space used by school districts; creating s. 235.061, F.S.; providing standards for relocatable buildings and manufactured buildings used for classroom space; creating s. 235.1491, F.S.; providing for a statewide need assessment calculation for educational capital outlay; amending s. 235.15, F.S.; specifying requirements for educational plant surveys and localized need assessment calculations; amending s. 235.155, F.S.; providing legislative intent with respect to exceptions from recommendations in educational plant surveys; requiring the identification of critically overcrowded schools and school districts; providing reporting requirements; specifying duties of the Commissioner of Education and the State Board of Education; requiring recommendations to the Governor and presiding officers of the Legislature; creating s. 235.158, F.S.; providing for school district facilities work programs; amending s. 235.19, F.S.; prescribing criteria for selecting the sites of proposed educational centers or campuses; amending s. 235.198, F.S.; specifying criteria for determining the maximum estimated cost of each proposed satellite facility that is to be jointly developed by private industry and a district school board; amending s. 235.199, F.S.; specifying criteria for determining the maximum estimated cost of each proposed vocational educational facility; amending s. 235.26, F.S.; prescribing the requirements for standards that must be developed by the department as part of the State Uniform Building Code for Public Educational Facilities Construction; providing legislative intent; amending s. 235.33, F.S.; requiring certain fiscal information to be filed; amending s. 235.435, F.S.; prescribing criteria for determining allocations that are to be made to school boards from the Public Education Capital Outlay and Debt Service Trust Fund; creating s. 235.4351, F.S.; providing for waiver from requirements relating to plant surveys, need projections, and cost ceilings; amending s. 236.25, F.S., relating to the district school tax; decreasing the proportion of the optional 2-mill tax which may be applied to payments made under certain lease-purchase agreements; providing an exception for lease-purchase agreements entered into before a specified date; authorizing additional expenditures for proceeds of the optional 2-mill tax; revising the purposes for which the revenues of such tax may be used; redefining the terms "materials" and "equipment" as applied to certain restrictions on spending the proceeds of the 2-mill tax; amending s. 12 of ch. 97-265, Laws of Florida; abrogating the repeal of s. 236.25, F.S., relating to the district school tax; prohibiting the conversion of school buildings to other uses without the permission of the Commissioner of Education; providing for transfer of certain full-time-equivalent students in Florida Education Finance Program calculations; providing additional guidelines for making such calculations; providing a caps adjustment;

Senators Horne and Grant offered the following amendment to **Amendment 1** which was moved by Senator Grant and adopted:

Amendment 1B (with title amendment)—On page 15, between lines 27 and 28, insert:

Section 15. *The Legislature recognizes that the public school system is strengthened by the professional and personal contributions of dedicated classroom teachers. The Legislature further recognizes that many teachers spend their own money to benefit their students. It is therefore the intent of the Legislature to provide monetary awards that public school teachers may use at their discretion to enrich the educational experience of their students.*

Section 16. *The Florida Teachers Lead Program is established to provide monetary awards to teachers who are employed by public schools in this state.*

(1) There is hereby appropriated from the General Revenue Fund to the Department of Education the sum of $31,500,000 for the Florida Teachers Lead Program. From the funds appropriated, the Commissioner of Education shall calculate an amount for each school district which is proportional to each district's share of the total number of full-time public school classroom teachers in this state.

(2) The Florida Teachers Lead Program funds must be deposited into each school's internal account and made available to each classroom teacher. Each recipient must demonstrate to the satisfaction of the district school board, or the board's designee, that the recipient used the Florida Teachers Lead award exclusively for the purchase of goods or services to enrich the educational experience of students.

(3) This one-time appropriation must be made available to each classroom teacher in the amount of $250. These funds must be provided to each teacher in addition to any other funds appropriated for public school operations. The funds expended by individual teachers are not subject to state or local competitive-bidding requirements.

(4) Each district school board shall annually publicize the total amount of funds distributed to each school's teachers from the Florida Teachers Lead Program and how the awards were used to enrich the educational experience of students at each school.

(5) For purposes of this section, the term "classroom teacher" includes: certified teachers whose full-time job responsibility is the classroom instruction of students in grades pre-kindergarten through twelve and media specialists. Only school district personnel employed in these positions are eligible for the Florida Teachers Lead Program.

(Renumber subsequent section.)

And the title is amended as follows:

On page 17, line 24, after the semicolon (;) insert: providing legislative intent regarding monetary awards for classroom teachers; establishing the Florida Teachers Lead Program; providing an appropriation; specifying purposes of the awards; providing an award amount and

distribution procedure; requiring district school boards to publicize amounts and uses of the awards; providing a definition;

Amendment 1 as amended was adopted.

On motion by Senator Horne, by two-thirds vote **HB 17-A** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Horne, the House was requested to concur in the Senate amendment and in the event the House refused to concur a conference committee was requested.

CONFEREES ON HB 17-A APPOINTED

The President appointed Senator Horne, Chairman; Senators Grant, Sullivan, Myers, Jenne and Holzendorf; and alternates, Senators Silver, Latvala, Lee, Cowin and Clary as conferees on **HB 17-A**.

The action of the Senate was certified to the House.

The President requested that Senator Dudley, Chairman; Senators Diaz-Balart, Brown-Waite and Williams study Exceptional Student Education issues and work with the conferees on **HB 17-A**.

MOTIONS

On motion by Senator Bankhead, the rules were waived and the Conference Committee on **HB 17-A** was granted permission to meet this day at 12:00 noon.

On motion by Senator Bankhead, the rules were waived and the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Executive Business, Ethics and Elections were granted permission to meet from 11:30 a.m. until 1:30 p.m. in lieu of 10:45 a.m. until 1:15 p.m. as scheduled this day.

MOTION TO INTRODUCE BILL

On motion by Senator Klein, by the required constitutional two-thirds vote of the membership, the following bill was admitted for introduction outside the purview of the Governor's call. The vote was:

Yeas—32

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

Nays—4

Cowin	Dudley	Myers	Silver

By Senators Klein, Campbell and Burt—

SB 36-A—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution of the death penalty by means of lethal injection; providing for election of lethal injection by certain persons sentenced to death for capital offenses committed before a specified date; providing for administration of the lethal injection; providing for execution by electrocution under specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies and procedures of the Department of Corrections relating to execution; providing for designation of the executioner by the superintendent; providing for confidentiality of information identifying the person administering the lethal injection; providing for applicability or retroactive applicability to certain offenses; providing an effective date.

—was referred to the Committee on Criminal Justice.

MOTION TO INTRODUCE BILL

On motion by Senator Klein, by the required constitutional two-thirds vote of the membership, the following bill was admitted for introduction outside the purview of the Governor's call. The vote was:

Yeas—32

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

Nays—4

Cowin	Dudley	Myers	Silver

By Senators Klein, Campbell, Burt and Ostalkiewicz—

SB 38-A—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information and records of the Department of Corrections, to conform; providing a contingent effective date.

—was referred to the Committee on Criminal Justice.

MOTION

On motion by Senator Bankhead, the rules were waived and the Committee on Criminal Justice was granted permission to consider **SB 36-A** and **SB 38-A** at the meeting this day.

MOTION TO INTRODUCE BILL

On motion by Senator Gutman, by the required constitutional two-thirds vote of the membership, the following bill was admitted for introduction outside the purview of the Governor's call. The vote was:

Yeas—32

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

Nays—2

Kurth	Silver

By Senator Gutman—

SB 40-A—A bill to be entitled An act relating to state meat inspections; reinstating the state meat inspection program; requiring the Commissioner of Agriculture to notify the Federal Government of the state's decision to continue the meat inspection program; suspending certain pending personnel actions; providing for an appropriation; providing an effective date.

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

RECESS

On motion by Senator Bankhead, the Senate recessed at 11:29 a.m. to reconvene at 5:00 p.m. or upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 5:11 p.m. A quorum present—33:

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) to HB 17-A and acceded to the request that a conference committee be appointed.

The Speaker has appointed the following Members to the Conference Committee: Representatives Pruitt, King, Sublette, Wise, Eggelletion, Mackenzie and Lawson. Representatives Chestnut, Barreiro, Boyd and Feeney, alternates.

John B. Phelps, Clerk

HB 17-A—A bill to be entitled An act relating to accountability and funding for school facilities programs; creating the "SMART Schools Act"; creating s. 235.175, F.S.; providing legislative purpose; amending s. 235.18, F.S.; requiring school districts to prepare facilities 5-year work programs before adopting their annual capital outlay budgets; creating s. 235.185, F.S.; requiring school district facilities 5-year work programs and providing definitions and procedures; creating s. 235.186, F.S.; providing for effort index grants for school district facilities work program projects; specifying an effort index for district eligibility to receive grants; providing for computation and allocation; creating s. 235.187, F.S.; requiring the use of school construction advisory councils for certain districts; providing for appointment of council members and duties relating to the councils; amending s. 235.215, F.S.; revising requirements relating to energy efficiency contracting by school districts, community colleges, and universities; providing intent; revising measures that qualify as energy conservation measures; providing requirements for energy performance-based contracts rather than guaranteed energy savings contracts; specifying procedures for entering into such contracts; revising requirements relating to installment payment contracts; specifying the provisions and terms of energy performance-based contracts; providing duties and liabilities of energy performance contractors; reenacting and amending s. 235.2155, F.S.; revising the School Infrastructure Thrift (SIT) Program; reenacting and amending s. 235.216, F.S.; revising cost ceilings and provisions relating to SIT Program awards; providing for recognition awards; creating s. 235.217, F.S.; establishing the SMART Schools Clearinghouse and providing for membership and duties; providing for rulemaking; prohibiting certain activities; authorizing per diem and travel expenses; providing for staff; subjecting members to certain requirements for public officers and employees; creating s. 235.218, F.S.; requiring school district facilities work program performance and productivity standards and evaluation; creating s. 235.219, F.S.; creating the Classrooms Now Loan Program within the Department of Education, subject to legislative appropriation from the Educational Enhancement Trust Fund; providing for use of funds for loans to school districts to fund certain capital outlay projects; providing requirements for such loans; providing for deposit of loan repayments to support the effort index grant program; providing for withholding of certain funds upon failure to repay such loans; providing for deposit of such withheld funds; amending s. 24.121, F.S.; authorizing recurring use of specified revenues in the Educational Enhancement Trust Fund; creating s. 235.2195, F.S.; authorizing Classrooms Now capital outlay bonds and specifying conditions; amending s. 235.321, F.S.; requiring school districts to monitor the impact of change orders on district facilities work programs; amending s. 235.017, F.S.; authorizing boards to submit phase III construction documents for review and approval to the Department of Management Services for certain projects; providing for appropriations; providing funding for a SMART school demonstration middle school project; establishing the Florida Teacher Lead Program; defining "classroom teacher"; requiring the Commissioner of Education to provide for timely encumbrances of certain funds; establishing the SMART Schools Small County Assistance Program for fiscal year 1998-1999; providing purpose of the program; providing duties of the SMART Schools Clearinghouse and the Department of Education with respect thereto; providing for funding of the program; amending s. 229.513, F.S.; revising provisions relating to the review of rules and statutes by the Commissioner of Education; amending s. 230.23025, F.S.; revising provisions relating to the "Best Financial Management Practices for School Districts"; revising provisions relating to review of a school district's best financial management practices; revising certain reporting requirements; amending s. 235.011, F.S.; redefining certain terms and defining the term "core facilities"; amending s. 235.014, F.S., relating to functions of the Department of Education; revising exceptions to departmental recommendations of maximum square footage; revising utilization standards to discourage the addition of relocatables in certain circumstances; authorizing the use of relocatables for certain purposes; revising provisions relating to validation of educational plant surveys, including student station assignment; amending s. 235.06, F.S.; requiring fire control authorities to inspect educational facilities; creating s. 235.061, F.S.; requiring standards for relocatables and providing guidelines; requiring certain inspections; amending s. 235.15, F.S.; revising provisions relating to educational plant surveys and the counting of relocatables; requiring guidelines for the use of relocatables; deleting provisions relating to State Board of Education approval of surveys; amending s. 235.26, F.S.; revising provisions relating to standards of the State Uniform Building Code for Public Educational Facilities Construction; reenacting s. 235.41(3), F.S., relating to legislative capital outlay budget requests, to incorporate the amendment to s. 235.435, F.S., in a reference; amending s. 235.435, F.S.; revising provisions relating to funds for comprehensive educational plant needs; requiring guidelines for maintenance and repair schedules and remodeling and renovation; revising requirements relating to expenditures for space needs; revising square footage and cost-ceiling requirements; clarifying provisions relating to maintenance and repair; creating s. 235.4351, F.S.; authorizing waivers from certain requirements; amending s. 236.25, F.S., relating to the district school tax; revising requirements relating to use of the 2-mill tax for new construction and remodeling; revising provisions which revise the uses of said tax and phase out certain uses over a specified period; providing additional circumstances under which school districts may be exempted from expenditure restrictions; authorizing expenditures for ancillary plants under specified circumstances; providing legislative intent and requiring certain review and recommendations by the Department of Education and SMART Schools Clearinghouse; providing that certain projects shall proceed under the laws and rules in effect when the design or design-build contract was executed; repealing s. 12, ch. 97-265, Laws of Florida, relating to future review and repeal of school district tax for capital outlay; providing an effective date.

MOTIONS

On motions by Senator Bankhead, the rules were waived and the Committee on Agriculture was granted permission to meet November 6 from 8:30 a.m. until 8:55 a.m. to consider **SB 40-A** and a deadline of 8:00 a.m. was set for filing amendments to be considered at the meeting.

On motions by Senator Bankhead, the rules were waived and the Committees on Judiciary and Natural Resources were granted permis-

sion to meet upon adjournment of the session in lieu of 9:00 a.m. as scheduled November 6.

On motion by Senator Burt, the rules were waived and by two-thirds vote **SB 36-A** and **SB 38-A** were established as the Special Order Calendar for Thursday, November 6 and a deadline of 8:00 a.m. was set for filing amendments to be considered during the session.

REPORTS OF COMMITTEES

The Committee on Criminal Justice recommends the following pass: SB 36-A with 1 amendment, SB 38-A with 1 amendment

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

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 4 was corrected and approved.

RECESS

On motion by Senator Bankhead, the Senate recessed at 5:35 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, November 6, or upon call of the President.

Journal of the Senate

Number 4—Special Session A **Thursday, November 6, 1997**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—37:

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

Excused: Senators Casas and Turner

PRAYER

The following prayer was offered by Senator Bronson:

Almighty God, we ask that you help us today in making our deliberations. Help us to look through the cloudiness of some of these issues to what is truth and what is not. Help us to make the right decision to help the children in this state and to see whether this is a crisis or whether we can do the work we need to do to make sure children have a place to get a good education. Help us, also, to design a program so that these children will get a better education besides the brick and mortar that we are going to provide.

I guess this prayer could be very simple by just saying, "Help us, God, in our deliberation." Amen.

PLEDGE

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

MOTIONS

On motions by Senator Bankhead, the rules were waived and time of recess was set for 10:15 a.m.; and the Committees on Judiciary and Natural Resources were granted permission to meet from 10:30 a.m. until 12:30 p.m. in lieu of adjournment of the session as scheduled this day.

On motion by Senator Dudley, the rules were waived and the Exceptional Student Education Task Force was granted permission to meet this day from 3:00 p.m. until completion.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 8-A, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 8-A—A bill to be entitled An act relating to public education facilities; transferring, renumbering, and amending s. 985.402, F.S.; directing the Alternative Education Institute to serve as an educational facility for at-risk youth; reducing the size of the board of directors of the institute; providing for the expiration of the terms of office of the existing board; providing for the appointment of a new board; requiring the board to recommend a plan for future use of the facility; providing for the expiration of s. 985.402, F.S.; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, lines 27 through 30, remove from the bill: all of said lines and insert in lieu thereof: *educational facility* ~~programs~~ shall be funded with PECO funds ~~and shall serve juvenile offenders who have~~

And the title is amended as follows:

On page 1, lines 4-6, remove from the title of the bill: all of said lines and insert in lieu thereof: 985.402, F.S.; clarifying funding of certain public school facilities; reducing the size

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

SB 8-A passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Diaz-Balart

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 10-A, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 10-A—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending ss. 240.40202, 240.40205, 240.40206, 240.40207, 240.40208, F.S.; revising academic eligibility requirements for receipt of an award; requiring the Department of Education to assign additional weights to grades for certain courses; revising provisions relating to transition to the Florida Bright Futures Scholarship Program; providing for award calculations for enrollment at nonpublic postsecondary education institutions; requiring notification of scholarships; appropriating funds for certain scholarship programs; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (3) of section 240.40202, Florida Statutes, is amended to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(3) *For purposes of calculating the grade point average to be used in determining initial eligibility for a Florida Bright Futures scholarship, the department shall assign additional weights to grades earned in the following courses:*

(a) Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate.

(b) Courses designated as academic dual enrollment courses in the statewide course numbering system.

The department may assign additional weights to courses, other than those described in paragraphs (a) and (b), that are identified by the Articulation Coordinating Committee as containing rigorous academic curriculum and performance standards. The additional weight assigned to a course pursuant to this subsection shall not exceed 0.5 per course. The weighted system shall be developed and distributed to all high schools in the state prior to January 1, 1998. The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.

Section 2. Subsection (1) of section 240.40205, Florida Statutes, is amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 *weighted* ~~unweighted~~ grade point average *as calculated pursuant to s. 240.40202* ~~on a 4.0 scale~~, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.02(4) during grades 11 and 12 *or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma,* and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist.

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Section 3. Subsection (1) of section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida Merit Scholars award.—

(1) A student is eligible for a Florida Merit Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved *a weighted* ~~an unweighted~~ grade point average of 3.0 *as calculated pursuant to s. 240.40202* ~~on a 4.0 scale~~, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.02(4) during grades 11 and 12 *or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma,* and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program.

Section 4. Paragraph (c) of subsection (1) of section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(c) Earns a minimum cumulative *weighted* ~~unweighted~~ grade point average of 3.0, *as calculated pursuant to s. 240.40202,* ~~on a 4.0 scale~~ on all subjects required for a standard high school diploma, excluding elective courses.

Section 5. Subsections (1) and (2) of section 240.40208, Florida Statutes, are amended to read:

240.40208 Eligibility for the Florida Bright Futures Scholarship Program; transition.—

(1) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Undergraduate Scholar's Program pursuant to s. 240.402 is eligible for the Florida Academic Scholars award as provided in this act. *A student who graduates from high school in 1998 or 1999 is eligible for the Florida Academic Scholars award if the student meets the criteria in s. 240.40205. However, in lieu of satisfying the requirements set forth in s. 240.40205(1)(a) and (b), a student may meet the following criteria:*

(a) Complete a program of at least 24 credits in advanced-level studies as prescribed by the State Board of Education, including as a minimum:

1. Four years of progressively advanced instruction in language arts, including courses in English composition and literature.

2. Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics where laboratory facilities are available.

3. Four years of progressively advanced instruction in mathematics, including courses in algebra, geometry, and calculus or trigonometry.

4. Two years of sequential foreign language.

5. One year of instruction in art and music or in either art or music.

6. Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems.

7. One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.

(b) Obtain at least the equivalent of an unweighted grade point average of 3.0 on a 4.0 scale for all courses taken for which high school credit may be granted.

(c) Achieve a score of 1180 on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program or an equivalent program.

(d) Complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Students who graduate from high school after 1999 must meet the eligibility criteria pursuant to s. 240.40205.

(2) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Vocational Gold Seal Endorsement Scholarship award pursuant to s. 240.4021 is eligible for the Florida Gold Seal Vocational Scholars award as provided in this act. *A student who graduates from high school in 1998 or 1999 is eligible for the Florida Gold Seal Vocational Scholars award if the student meets the criteria in s. 240.40207. However, in lieu of satisfying the grade point average requirement set forth in s. 240.40207(1)(c), a student may earn a minimum cumulative unweighted grade point average of 3.0 on a 4.0 scale on all subjects required for a standard high school diploma. Students who graduate from high school after 1999 must meet the eligibility criteria pursuant to s. 240.40207.*

Section 6. *Notwithstanding sections 240.40201, 240.40205, 240.40206, and 240.40207, Florida Statutes, a student who receives any award under the Florida Bright Futures Scholarship Program, who is enrolled in a nonpublic postsecondary education institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee calculation for full-time attendance at a public postsecondary education institution at the comparable level. If the student is enrolled part-time and is assessed tuition and fees at a reduced level, the award shall be either one-half of the maximum award or three-fourths of the maximum award, depending on the level of fees assessed.*

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending ss. 240.40202, 240.40205, 240.40206, 240.40207, and 240.40208, F.S.; revising academic eligibility requirements for receipt of an award; requiring the Department of Education to assign additional weights to grades for certain courses; revising provisions relating to transition to the Florida Bright Futures Scholarship Program; providing for award calculations for enrollment at nonpublic postsecondary education institutions; providing an effective date.

House Amendment 1 to House Amendment 1 (with title amendment)—On page 7, between lines 27 and 28, of the amendment insert:

Section 7. *Notwithstanding any provisions of law to the contrary, in the event that funds in Specific Appropriation 0A of chapter 97-152, Laws of Florida, are insufficient to meet the requirements of the Florida Bright Futures Scholarship Program for fiscal year 1997-98, funds may be transferred from the Working Capital Fund into the Educational Enhancement Trust Fund in an amount sufficient to meet the requirements of the program. The Commissioner of Education is authorized to initiate a request for such a transfer under the provisions of chapter 216, Florida Statutes. Any transfer or proposed transfer under this act shall be subject to the notice, review, and objection procedures provided in section 216.177(2), Florida Statutes.*

And the title is amended as follows:

On page 8, line 18, of the amendment after the semicolon (;) insert: providing for a transfer from the Working Capital Fund under certain circumstances;

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

CS for SB 10-A passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Diaz-Balart

SENATOR JONES PRESIDING

SPECIAL ORDER CALENDAR

SB 36-A—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution of the death penalty by means of lethal injection; providing for election of lethal injection by certain persons sentenced to death for capital offenses committed before a specified date; providing for administration of the lethal injection; providing for execution by electrocution under specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies and procedures of the Department of Corrections relating to execution; providing for designation of the executioner by the superintendent; providing for confidentiality of information identifying the person administering the lethal injection; providing for applicability or retroactive applicability to certain offenses; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Klein:

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

Section 1. Section 922.10, Florida Statutes, is amended to read:

922.10 Execution of death sentence; *election of method of execution;* executioner.—

(1) A person convicted and sentenced to death for a capital crime shall be executed by electrocution or, at the election of the person, by lethal injection, specifically by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until such person is dead, pursuant to such execution procedures established by the Department of Corrections.

(2) Election of lethal injection as the method of execution shall be waived, unless a written election is made to the Department of Correc-

tions at least 96 hours before the scheduled time of the execution as set pursuant to s. 922.052. Any rescheduled time less than 96 hours shall be by electrocution unless a written election of lethal injection has been previously elected pursuant to the requirements of this subsection.

(3) A lethal injection may be prepared and administered by any person who is competent to prepare and administer intravenous injections. The preparation or administration of a lethal injection pursuant to administrative rules or procedures adopted by the Department of Corrections does not constitute the practice of medicine nor does it violate any statute, administrative rule, or other regulation of the State of Florida.

(4) If execution by lethal injection under this section is held to be unconstitutional by an appellate court of competent jurisdiction, execution must be by electrocution.

(5) If execution by electrocution under this section is held to be unconstitutional by an appellate court of competent jurisdiction, execution must be by lethal injection.

(6) The Department of Corrections' policies and procedures for execution of persons sentenced to death are exempt from chapter 120.

(7) ~~A death sentence shall be executed by electrocution.~~ The *superintendent* ~~warden~~ of the state prison shall designate the executioner. Information which, if released, would identify the executioner *or person preparing or administering the lethal injection* is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The warrant authorizing the execution shall be read to the convicted person immediately before execution.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled A bill relating to execution; amending s. 922.10, F.S.; providing for execution of the death penalty by means of lethal injection; providing for election of lethal injection by persons sentenced to death for capital offenses; providing for a waiver of such an election if not made by specified deadlines; providing for preparation and administration of the lethal injection; providing for execution by electrocution in specified circumstances; providing for execution by lethal injection in specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies and procedures of the Department of Corrections relating to execution; providing for designation of the executioner by the superintendent; providing for confidentiality of information identifying the person preparing or administering the lethal injection; exempting from chapter 120, F.S., the Department of Corrections' policies and procedures for execution of the death penalty; providing an effective date.

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

Amendment 1A (with title amendment)—On page 2, lines 2-10, delete those lines and insert: *Any execution rescheduled within less than 96 hours shall be by electrocution unless a written election of lethal injection has been previously made pursuant to the requirements of this subsection.*

(3) A lethal injection may be prepared and administered by any person who is competent to prepare and administer intravenous injections. The preparation or administration of a lethal injection pursuant to policies or procedures adopted by the Department

And the title is amended as follows:

On page 3, lines 13-25, delete those lines and insert: death penalty by means of electrocution or lethal injection; providing for election of lethal injection by persons sentenced to death for capital offenses; providing for a waiver of such an election if not made by specified deadlines; providing for preparation and administration of the lethal injection; providing for execution by electrocution in specified circumstances; providing for execution by lethal injection in specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies or procedures of the Department of Corrections

On motion by Senator Klein, further consideration of **SB 36-A** with pending **Amendment 1** as amended was deferred.

THE PRESIDENT PRESIDING

RECESS

On motion by Senator Bankhead, the Senate recessed at 10:19 a.m. to reconvene at 4:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 4:10 p.m. A quorum present—38:

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 20-A, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 20-A—A bill to be entitled An act relating to educational facilities; amending ss. 239.117 and 240.35, F.S.; allowing capital improvement fees to be bonded; specifying conditions; permitting new construction, technology enhancement, maintenance, improvement, and renovation of educational facilities as a use for fee revenues; amending s. 240.319, F.S.; authorizing community college district boards of trustees to borrow funds and incur debt for the new construction of educational facilities; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (17) of section 239.117, Florida Statutes, is amended to read:

239.117 Postsecondary student fees.—

(17) Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected *by community colleges* through these fees may ~~not~~ be bonded *only for the purpose of financing or refinancing new construction of educational facilities*. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to *construct and equip*, maintain, improve, ~~equip,~~ or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. *Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, only for the new construction of educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds authorized through the provisions of this*

subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

Section 2. Paragraph (t) is added to subsection (4) of section 240.319, Florida Statutes, to read:

240.319 Community college district boards of trustees; duties and powers.—

(4) Such rules, procedures, and policies for the boards of trustees include, but are not limited to, the following:

(t) Each board of trustees is authorized to borrow funds and incur debt, including the issuance of revenue bonds as specifically authorized in ss. 239.117(17) and 240.35(13), only for the new construction of educational facilities. At the option of the board of trustees, bonds may be issued which are secured by a combination of revenues authorized to be pledged to bonds pursuant to ss. 239.117(17) and 240.35(13).

Section 3. Subsection (13) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate degree, including college-preparatory courses defined in s. 239.105.

(13) Each community college board of trustees may establish a separate fee for capital improvements or equipping student buildings which may not exceed $1 per credit hour or credit-hour equivalent for residents and which equals or exceeds $3 per credit hour for nonresidents. Funds collected *by community colleges* through these fees may ~~not~~ be bonded *only for the purpose of financing or refinancing new construction of educational facilities.* The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. *Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, only for the new construction of educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds authorized through the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.* A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, remove from the title of the bill line 2 thru line 13 and insert in lieu thereof: An act relating to educational facilities; amending ss. 239.117 and 240.35, F.S.; allowing capital improvement fees to be bonded; specifying conditions; permitting new construction of educational facilities as a use for fee revenues; amending s. 240.319, F.S.; authorizing community college district boards of trustees to borrow funds and incur debt for the new construction of educational facilities; providing an effective date.

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

SB 20-A passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea to Nay—Meadows

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 7-A and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Thrasher and other(s)—

HB 7-A—A bill to be entitled An act relating to business ethics education; creating s. 240.2985, F.S.; creating the Ethics in Business Scholarship Program to be administered by the Board of Regents; providing purposes; providing requirements; providing an appropriation; providing an effective date.

—was read by title.

On motions by Senator Sullivan, by unanimous consent **HB 7-A** was taken up instanter and by two-thirds vote was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, lines 1 and 2, delete those lines and insert:

Section 2. *When the Department of Insurance receives a $6 million settlement as specified in the Consent Order of the Treasurer and Insurance Commissioner, case number 18900-96-c, that portion of the $6 million not used to satisfy the requirements of section 18 of the Consent Order must be transferred from the Insurance Commissioner's Regulatory Trust Fund to the State Student Financial Assistance Trust Fund is appropriated from the State Student Financial Assistance Trust Fund to provide Ethics in Business scholarships to students enrolled in public community colleges and independent postsecondary education institutions eligible to participate in the Florida Resident Access Grant Program under section 240.605, Florida Statutes. The funds shall be allocated to institutions for scholarships in the following ratio: Two-thirds for community colleges and one-third for eligible independent institutions. The Department of Education shall administer the scholarship program for students attending community colleges and independent institutions. These funds must be allocated to institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing Ethics in Business scholarships. Public funds may not be used to provide the match, nor may funds collected for other purposes. The Department of Education may adopt rules for administration of the program.*

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

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing an appropriation for scholarships for students at certain community colleges and independent institutions;

On motion by Senator Sullivan, by two-thirds vote **HB 7-A** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

ADOPTION OF RESOLUTION

At the request of Senator Jenne—

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

SR 42-A—A resolution honoring Senator Daryl L. Jones for his nomination as Secretary of the U.S. Air Force and for his service to the people of Florida.

WHEREAS, Senator Daryl L. Jones, during his early years in Jackson, Mississippi, was graduated as Valedictorian of Lanier High School, served as President of the Mississippi State Association of Student Councils, and was the high school city champion in the mile run, and

WHEREAS, Senator Jones accepted an appointment to the U.S. Air Force Academy and while there majored in Mathematics, won the middleweight boxing championship, became the Cadet Vice Wing Commander (No. 2 in the chain of command), and was graduated with honors, and

WHEREAS, he met Myoushi Carter while on air force duty in the Philippines, married her soon thereafter, and with her is now nurturing their three children, Derek, Durel, and Michele, and

WHEREAS, Senator Jones served as a fighter pilot for 7 years with the U.S. Air Force, 2 years with the Puerto Rico National Guard, and several years with the U.S.A.F. Reserves, and

WHEREAS, Senator Jones was graduated cum laude from the University of Miami School of Law in 1987 and while there was elected president of the Student Bar Association and the Interclub Council, was named to the Bar and Gavel honorary society, and was invited to membership in Iron Arrow, the University's most prestigious organization, and

WHEREAS, Daryl Jones was elected to the Florida House of Representatives in 1990 and won the Miami Herald award as the Most Effective Freshman Representative in 1991, and

WHEREAS, Daryl Jones was elected to the Florida Senate in 1992, won the Miami Herald award as the Most Effective Freshman Senator, and served as Chairman of the Senate Committee on Community Affairs from November 1993 to November 1994, and

WHEREAS, Senator Jones has recently been nominated by President Bill Clinton to serve as Secretary of the U.S. Air Force, NOW, THEREFORE,

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

That Senator Daryl L. Jones is commended for his many achievements and his dedicated service to the people of Florida and especially for the distinction of being nominated to serve as Secretary of the Air Force.

BE IT FURTHER RESOLVED that the Florida Senate supports the nomination of Senator Daryl L. Jones and urges his speedy confirmation.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Senator Daryl L. Jones as a tangible token of the high esteem in which he is held by his colleagues and an expression of their best wishes for a brilliant future.

—was introduced and read by title. On motion by Senator Jenne, **SR 42-A** was read the second time in full and adopted.

MOTION

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

Senator Jenne: Madam President, thank you very much. Senators, we have all had the wonderful experience of working with Senator Jones on many efforts. We know his strength, we know his honesty, we know his integrity, and we know that this state and his district have been blessed by his service here. I think it is with much regret that we recognize that he will be leaving us soon to become the Secretary of the United States Air Force. We wish him well. We know that he, and hope that he, will be confirmed by the United States Senate. We know his record of integrity here, his love and devotion to his family, and we know they will learn of that. We hope there will be a quick and speedy confirmation process.

Senator Jones, I understand that that process doesn't always exist in Washington, but we know that with you it will be. You've devoted your life to public service. You have had a brilliant career. You will have a further brilliant career. We are sorry to lose you, but to lose you to a position that you are so well qualified for, that you have the leadership capabilities for, we can only wish you well, wish your family God's speed and God's blessing.

Senator Thomas: Thank you, Madam President. If Senator Jones is fortunate enough to be confirmed, I guess this will probably be the last occasion that we are all together. Daryl, there are 39 people who will sincerely miss your presence on this floor.

Daryl is the epitome of the American Dream. His station in life is not an easy one. He was born and reared in Mississippi. He had battles that you and I have never experienced; but he's been this shining light on the hill that makes us proud of America. He paints a picture for all of us that is hope in this great country. What a joy it has been to have him here. What a joy it has been to know his family. How blessed is our country to have this young man of integrity and determination. He has the spirit of America wrapped in everything he does. Very few people are missed when they leave here, Daryl. You will be one of those who is sorely missed. Thank you for sharing a part of your life with this body. Thank you very much.

Senator Kirkpatrick: Yes. I want to make sure all of the members of the Senate are shown as proud sponsors of this resolution. Daryl, for an old boy from here in North Florida who has been here a long time, and those of us that represent these small rural counties up here, I want to tell you that I personally appreciate the understanding you've given to us about our problems, even though you face a tremendous number of problems down there in Dade County. I can remember going on a visit down there during the Hurricane Andrew disaster and how hard you worked to protect your constituents. Now, we all become your constituents as you move to Washington. We look forward to the same great service that you've given to the people in the past and we wish you Godspeed.

Senator Williams: Thank you, Madam President. Senator, I just want to say to you that not only are you a great state Senator, but you're a great individual; you're real. When you tell somebody something, we believe in you. Philosophically, we've had some differences, as many of you who were here back in 1994 will remember, when we had the debate on this floor about Rosewood. You and I were on opposite sides of that issue, but we debated that issue with honor in the Senate and with mutual respect for each other. I have the greatest respect for you and believe that in history you will become known as a great Secretary of the Air Force for the United States. It has been my pleasure to be your friend. I look forward to that continued friendship. As I told you earlier, I want to see the whole Senate go to Washington when you're sworn in.

It will be easy for the Secretary of the Air Force to send one of those planes down here to pick all of us up and take us up there. I think the Secretary of the Air Force could swing that, don't you? Congratulations, and we're going to miss you.

Senator Diaz-Balart: I'm a neighbor of Daryl's, district-wise, and I've had the privilege to serve with him in the House of Representatives. We were elected to the Senate at the same time; we fought most of the time on the same side; alongside on a number of issues, and from time to time, on opposite sides. I can tell you that there is no better ally and no tougher adversary than Daryl Jones. He always fought with dignity, with honor, and with courtesy. I've never seen him lose his cool.

Daryl, it has been a great honor, my friend, to serve with you, as a person who is always a gentleman. It has been a great privilege to get to know your family. You are going to leave much behind as a legacy in this Senate. Clearly, those of us who know your family, and I think a lot of us do, know that your biggest legacy is your family. That tells a lot about an individual. So Daryl, you honor the Florida Senate; you honor the State of Florida; you honor your family and you are a great honor, sir, to the United States of America. Thank you.

Senator Burt: Thank you, Madam President. Senator Jones, on behalf of myself and the Republican Majority, I want you to know that we have appreciated your integrity and your intellectual honesty here in the Senate. I think you have carried the issues that have been of concern to you with a great deal of dignity and a great deal of force. We're going to miss you here in the Senate. I have to say that we hope your replacement will do half the job that you've done. I think we would all like to go to Washington, also, because they need more Republicans like those in the Florida Senate in Washington, don't they? Particularly in the Senate, how many can we send? You've done a great job as a state Senator. I know you'll do a great job as Secretary of the Air Force. You are fortunate to take over the Air Force on its 50th Anniversary. You are part of an interesting historical event, being appointed the first Air Force Academy graduate to run the Air Force. We all wish you Godspeed.

Senator Cowin: Almost 20 years ago, when I was in the Philippines, I was very surprised to see a young man who was single, very bright, and dating a very attractive lady. I didn't know that the same man I met 20 years ago in the Philippines would be sitting in this Senate body with me as my co-worker. That man is Daryl Jones. I didn't realize that we knew each other from some place until my husband and I came back here; it's strange that when we went from Washington to the Philippines and then came to Florida, that we were almost following the same loop that Daryl is now taking to Washington, D.C.

I am very pleased and very honored to have been able to work with Senator Jones on the Transportation Committee. As a freshman Senator, I appreciated his mentorship, his guidance, and his high ethics that were quite evident in the many things that came before us. I want to thank him for that. I am grateful, also, for the honor to be able to sit with him and to share some of that decision-making with him. It has certainly been a pleasure to work with him. I hope that his future endeavor in Washington in taking care of the Air Force is very successful. When we look up into the sky we can say, "Maybe that's Daryl up there flying over us and protecting us."

But certainly, I think that everything he will do is an indication of everything he has done and will do in the future. I want to thank you for that. I want to thank him for his service to the people and the State of Florida. Thank you.

Senator Dudley: Madam President and members, I want to give you my description of Daryl Jones, particularly for those people who do not know him, because this is the way I will forever describe him. He is a great American. He's a great Floridian. He is a hero. He is a darn smart lawyer, and I have regretted that at times. We have had some wonderful debates. We had some tough debates and I have never had reason to question his integrity or his knowledge. I've been especially pleased to serve with him on the Judiciary Committee and to have him serve as our vice-chairman. I can turn that chair over to him at any moment and know that committee is in good, capable hands. In fact, we have a standing order that if the chairman is ever more than five minutes late and there is a quorum, the vice-chairman is to take over. That's the kind of confidence we have in him. I don't think it's enough to simply let the world know our respect for him. I think it's important that this entire Senate take the position that he is the person that we want to be confirmed, regardless of our party affiliation.

Senator Dyer: Thank you, Madam President. Daryl, we are proud of you. I'm really proud of you, and it's evident from the remarks of the other Senators just how proud we are of you. As I've learned in the five years here, we are kind of a Senate family. We have these reunions where we all come back, and I think we will look in the newspaper and find that you are successful in whatever you do. We know you are going to be successful in whatever you attempt as Secretary of the Air Force. Fly around and shoot down bad guys. We will take a whole lot of pride in what you do and will be excited when we see you in the newspapers and the magazines.

I had to fill out a little survey the other day. It was one of those that probably everybody else has taken where you had to describe yourself in one word. I never could come up with something for myself, but something for you would probably be integrity. That's what I think of when I think of Daryl Jones. I can't think of a better character trait to have than to be known as a man of integrity, and you certainly are.

Senator Forman: Thank you, Madam President. We in the Senate and the Legislature got to know Daryl Jones for many of the issues that he championed. He was one of the first members out there on welfare reform, not just to be punitive about it, but to uplift people and make sure that they get economically and educationally on the right road. He fought hard for that and we even had a tumultuous meeting to pass his bill together with Senator Bankhead's bill. But Daryl Jones' principles won out. He fought for access to health care. He handled the Rosewood issue which was really a tough vote for many people in this chamber. Some were tougher than others, but Daryl had the guts, the background and the personality to pass a very tough and difficult bill and to make sure it passed by a resounding majority. This is what the Legislature knows about Daryl Jones. Now the whole country and the whole world is going to have an opportunity to know about Daryl Jones' capabilities.

One thing I'm confident about is that when you get confirmed, I'm not saying if you get confirmed, but when you get confirmed as Secretary of the Air Force, and when you sit in your chair, you're going to know what you're doing.

This is what Daryl has done with every task he has ever touched, whether it is as a practicing attorney, a veteran, a family man, a state House Member, or a state Senator. He'll be a distinguished Secretary of the Air Force. Believe me, we are going to miss him a lot in the future. Daryl, I want to wish you and your family the best, and when I fly over the Pentagon someday, I will have a great friend that works down there. Daryl, good luck.

Senator Meadows: Thank you, Madam President. I just want to stand and say to Daryl it has been a real pleasure serving with him as a member of the Senate and also as a member of the Conference of the Black State Elected Officials.

As we have grown to know each other, my family and his family have become very close. We've kidded each other about our wives but it's because of our wives that we were ever elected Senators. In many instances when we were deadlocked in trying to make a decision and we needed legal advice as members of the Conference of Black State Legislators, we would always look to, and ask, Daryl for his legal advice. He's an expert lawyer here and he can give us the advice we need. To me, he's not only a fellow member of the Senate, but he's also like a family member. I feel real good about what is happening to him. It's like a member of my family that I'm losing, but I'm losing him to better and greater things. I can, on behalf of my wife and my family, wish him Godspeed. We will always be there at anytime you want to call somebody, even if it's collect. You can call us and talk to us. We'll be there for you. I thank you very much for having known you and being able to serve with you.

Senator Crist: Senators, I sent a letter to a couple of newspapers that I want to read to you:

> I wanted to express my congratulations and best wishes to my colleague Senator Daryl Jones, of Miami, on his nomination by the President as Secretary of the Air Force.
>
> Senator Jones is a man of great integrity and honor for whom I have the highest respect. To see one of my very best friends rise to this office of such high distinction brings me great pleasure and reflects well on the State of Florida.

I am confident that Daryl will serve as an outstanding Secretary of the Air Force and wish he and his family only the very best in our nation's Capitol.

Well done, Daryl, and Godspeed to you and your family—we are so proud of you and all you will do in the future.

Daryl, you are a kind, gracious gentleman and it is an honor to be your friend. Godspeed.

Senator Harris: Daryl, it is difficult to tell you goodbye. Since the beginning of my career in the Senate, I have never known anyone about whom there was so much to say and such diverse things. I remember reading your biography and seeing what an extraordinary academic career you had had, as well as athletics. I went on to find out that you are a brilliant attorney which I found out in the Senate, as you could argue both sides of any issue very well. I have discovered not only do you have that incredible academic background but you are a phenomenal financial wizard who can come up with all those extraordinary ideas out of the box to solve the problems of Florida. What I especially have appreciated about you is that you are a visionary. So many times we get bogged down in so many of the issues that we face here, but you are truly a visionary. You come up with unique ways to get outside the box. I know you will take that effort to the U.S. Air Force; their gain is certainly our loss. You don't sit back and let things happen; you make things happen. We'll miss you so much. I have so very much appreciated your friendship. We'll miss you.

Senator McKay: Thank you Madam President. Senator Jones, it has been my pleasure and privilege to get to know you in this process. Just as Senator Harris said, when you came to the House of Representatives, and then to this body, and I first read your resume and had the opportunity to meet you, I was impressed. We are running out of superlatives. We need a thesaurus. But let me just add one thing that I think is the highest compliment that I can pay you. My children have sat on the back row and they have observed all the members of the Senate, and I will tell you that you, above all others, they immediately grew to respect. I couldn't pay you a higher compliment, and my children couldn't pay you a higher compliment. I will miss you. I celebrate your success. I look forward to reading about more of your successes and I will look forward to your return to this Senate. You are a true gentleman; you are a credit to everything you have been associated with. We will deeply miss you. Good luck.

Senator Campbell: Senator Jones, as a member of the Freshman Class, I didn't get an opportunity to serve too long with you. Someone once told me that when you are judged, it is not determined so much by what life gives to you, but by what type of attitude you have toward life. Two things that I noticed very quickly in the Senate last year: that you are very compassionate toward issues, and that you are very considerate toward others. These are two qualities that I think you will take to the Secretary's office that might help in the operation of the Air Force. The final thing is, you know that the only other person in the Senate right now, other than yourself, who could fly those jets is me. So, I'll help take everyone up to see you in Washington.

Senator Lee: This has been far too serious. I got to know Daryl a little differently than the rest of you. I got to know Daryl when he came to my district to campaign against me in 1996 when I ran for this Senate. Obviously, I didn't know him at that time and, frankly, didn't care much for him at that point either. Daryl, I want you to know that even though you and I don't know each other very well, I can tell you this, when I leave this institution, whenever that may be, I would only hope that my colleagues say about me the things they have said about you here today. I have been duly impressed with these remarks because they are at the core of the things that I value in human beings. I am sorry that I won't get to know you better. You are, obviously, a fine, fine human being.

Senator Scott: Daryl, I want to thank you for your service in the Senate. I know you are going to do a great job in Washington. I want to point out some things to those who may be new here. Daryl has always been public policy oriented, whether it was trying to work through the aftermath of the hurricane in south Florida or on a number of complicated and potentially divisive issues. When I was President of the Senate, he was always very stable and professional when he addressed problems. Those are all qualities that will be appreciated in Washington. I wish you good luck, and on behalf of the people of Florida, thank you for your service in the Senate.

Senator Horne: As Senator McKay said, there are so few superlatives left to use. Daryl, you're a very unique guy. It seems like everybody that I meet that has been around this process always says you're a very bright guy with a great future.

Though I haven't been here very long, I've had the opportunity to be on a couple of different committees with Daryl. I can remember, early on in the Judiciary Committee, I was carrying a bill that I thought was a very good bill, but apparently very few people thought it was a good bill. I didn't know much about the process and Daryl leaned over to me, and said, "You know, you don't have the votes here and you might want to 'T.P.' this bill." Now, Daryl could have let me go down in flames. He was on the opposite side of that issue with me, but he stopped me, a rookie, from making what may have been a bad mistake in killing that bill completely. That meant a lot to me, because he didn't have to do that. There was nothing for him to gain personally out of it. Then, later in the Criminal Justice Committee, he helped me rewrite a bill he didn't like. He still didn't like the bill, and it passed, but he worked with me to make it a better bill. Those kinds of qualities are so rare today. Character still does mean a lot. I think we can be very proud that we're not losing Daryl, but that we're sending him up a notch. Quite frankly, I don't think it's going to stop there. I think there are far bigger and greater things for Daryl Jones.

Senator Silver: I've had the privilege of serving with Daryl in the Florida House of Representatives and, as an officer, in the Southern Legislative Conference. One of the first people that I recommended for the leadership program was Daryl Jones. From people in the Southern states who attended the conference, we received high praise and remarks on the type of person that Daryl was.

When Hurricane Andrew hit, which was the worst natural disaster to hit our country, the people of Dade County had to look to someone to take the lead and we formed the "We Will Rebuild Committee." Daryl was integral in a leadership role during "We Will Rebuild." That was a very hard time in his district. My district is adjoining his, but his district was the one that really bore the brunt of the storm. The people of Dade County, the leadership of Dade County, looked to him for guidance and leadership and he absolutely performed in an extraordinary way. All of us in Dade County, especially in his district, are the beneficiaries of his work. As a colleague and a graduate of the University of Miami, everyone is so proud of him and his accomplishments down there. As part of the legal profession, we're all so proud of him. To conclude, I feel a real sense of responsibility on behalf of all the people of Dade County, the people that he has served so well in the Florida House of Representatives and in the Florida Senate, and I want him to know that they appreciate him, particularly those people in his district who were so adversely affected by the storm. They praise his leadership, his dedication to them, his ability to get their lives started again. So, on behalf of all the people of Dade County, we are very, very proud of him, we are privileged to know him. I am privileged to serve with him, and the people of Dade County are very grateful that he has represented them in an exemplary manner. Thank you.

Senator Bankhead: Madam President, I cannot let this day pass without adding to the comments of the other Senators my kind words and good wishes for our Senator, Daryl Jones, who will be leaving us. Congratulations to you.

President Jennings: Senator Jones, just remember, whatever they call you in the future, once a Senator, always a Senator.

Upon request of the President, Senators Brown-Waite, Harris, Kurth and Cowin escorted Senator Jones to the rostrum where he was presented a copy of the resolution and addressed the Senate.

Senator Jones: Thank you, Madam President. First of all, I can't tell you how meaningful this is to me. You know, the only thing I ever won in my life was a candy bar in a raffle in the fifth grade. But the respect of my colleagues has such great meaning to me. You guys kind of caught me by surprise on this and I wish my wife could have been here to hear all of these words. My sons and my daughter would also appreciate it very much. It's really been my privilege, my honor, to serve in the Florida Senate, and the Florida Legislature as a whole.

It has been said that "you are who you will be five years from now, but for the people you meet and the books you read." I've read a couple of books, but the people, the people that I've had the privilege and honor to serve with have just been fantastic. I entered public office initially not

really thinking much about the people, but more of the goal of what I wanted to accomplish, trying to help the people that I represent. The great benefit is being associated with you. I've heard many people who have left this body, who have gone on to Congress, who have said, "What you learn here, in the Florida Legislature, really prepares you well for what happens in Washington, D.C.", because of how we approach our issues and the way we deal with things. From what I've seen so far, it's clear to me that the Florida Legislature does prepare you well for life in Washington.

I appreciate everyone being very proud of me. My goal is, in three to three and a half years, when I'm done with this, that you're still proud of the work that I've done. People ask me if I'm very excited about becoming Secretary of the Air Force. I answer, I'm eagerly anticipating the challenge, because there are substantial challenges in this job. Just keeping the airplanes in the air is going to be a challenge, in some cases. Moving our Air Force into the twenty-first century, forced modernization and pilot retention are big issues right now for us as well. Issues such as sexual harassment and fraternization in the military, finding ways to take advantage of the revolution in business affairs so that we can use good commercial practices in the Air Force and give the taxpayer better bang for his buck, while still maintaining readiness and modernizing our Air Force so that we can maintain a gap between ourselves and any other potential adversary. That's extremely important because freedom is not free. If we allow any potential adversaries to close the gap, they will believe that they can take us on. As long as we maintain the gap, they won't try to. That maintains peace.

I'm going to miss you very much, too. I've made a lot of great friends here. We have always operated with dignity and respect. I love every one of you. Whether we agree on issues or not is irrelevant to whether or not we like each other. That's another great thing about the Florida Senate. I came to realize this the first time we had a Senate Reunion. It is such an honor to be associated with all those people who have held these positions before us and to realize the true history of what it means to be a part of this body and what we're trying to accomplish. It's a great institution. I'm going to miss it sorely. But I'll tell you this, I plan on coming back. This is not the last time you'll see me in Florida. I would certainly enjoy having all of you come up, at whatever time is best for you, in Washington, D.C. We'll treat you first class. Thank you very much.

President Jennings: To those who might want to say that we spent part of today not on education, I would share with them that our children are benefitted by fine examples. Senator Jones is a fine example for our children to follow.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was set for 7:00 p.m.

SENATOR BANKHEAD PRESIDING

POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Senator Kirkpatrick addressed the Senate as follows:

Senator Kirkpatrick: I, like many of you, have received a WAGES report card from the Department of Labor basically showing that the local Coalitions aren't doing anything. The primary concern seems to be that Labor can't get WAGES' participants off their list of responsibilities and shifted over to the Coalitions' list for "deep end services".

I have also started receiving explanations from the local Coalitions saying that Labor's information is inaccurate and had Labor shared the figures with the locals they could have told them that. Not only had the locals not seen the report cards but the state WAGES board which oversees the entire program hadn't seen them either. Paraphrasing one of the WAGES' chairs from my district: "distorting the work being done was disappointing but using the distortion to aggrandize the Department of Labor left us wondering the purpose of the report cards."

The irony of all ironies is that in several of the regions of the state the local WAGES Coalitions had contracted with, of all people, the Department of Labor to provide some of these services. Apparently, none of the people at Tallahassee Labor was aware of this OR it made their point better to ignore it.

To the credit of the local WAGES Coalitions the thing which was most disturbing to them was that, in this race against the clock to get folks off welfare, one of the partners would start pointing fingers at another party in the welfare-to-work community to begin fixing the blame for failure.

Something is wrong here. Labor can either work with the other parties in the WAGES community to make the program a success or it can be concerned with its own image, ride the strong economy as long as it can and then jump off and leave the local Coalitions to take the heat if recipients lose their benefits eleven months from now.

I think we need to send a clear message that Labor needs to decide which way it wants to go and then chart our legislative course accordingly.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Klein, the Senate resumed consideration of—

SB 36-A—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution of the death penalty by means of lethal injection; providing for election of lethal injection by certain persons sentenced to death for capital offenses committed before a specified date; providing for administration of the lethal injection; providing for execution by electrocution under specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies and procedures of the Department of Corrections relating to execution; providing for designation of the executioner by the superintendent; providing for confidentiality of information identifying the person administering the lethal injection; providing for applicability or retroactive applicability to certain offenses; providing an effective date.

—with pending **Amendment 1**, by the Committee on Criminal Justice, as amended.

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

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

Section 1. Section 922.10, Florida Statutes, is amended to read:

922.10 Execution of death sentence; executioner.—A death sentence shall be executed by electrocution. *If electrocution is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all persons sentenced to death for a capital crime shall be executed by lethal injection.* The *superintendent* ~~warden~~ of the state prison shall designate the executioner. Information which, if released, would identify the executioner is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The warrant authorizing the execution shall be read to the convicted person immediately before execution.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing an effective date.

WHEREAS, the Legislature finds that the existing method of carrying out a sentence of death in Florida is by electrocution, and

WHEREAS, the Legislature has previously determined that death by electrocution is the preferred method of carrying out the death penalty, and the death penalty should be carried out in a swift and sure manner, and

WHEREAS, the Florida Supreme Court, in Jones v. Butterworth, Case No. 90,231 (October 20, 1997), has held death by electrocution to be a constitutional method of imposing the death penalty in Florida, and

WHEREAS, the Legislature intends to ensure that the lawful punishment of death imposed on persons in this state is carried out, and considers it to be appropriate to provide an alternative method for imposing death only in the event that the United States Supreme Court or the Florida Supreme Court declares death by electrocution to be unconstitutional, and

WHEREAS, changing the method of carrying out the death penalty both for those previously sentenced and for those who will be sentenced in the future is merely procedural and does not increase the quantum of punishment imposed upon a defendant and therefore does not violate the prohibition against ex post facto laws under the Constitution of the United States, Malloy v. South Carolina, 237 U.S. 180 (1915), and Ex Parte Kenneth Granviel, 561 S.W.2d 503 (Tex. App. 1978), and

WHEREAS, in the case of Malloy v. South Carolina, 237 U.S. 180 (1915), the United States Supreme Court held that a change in the method of execution does not change the penalty for the crime of murder, but only the method of inducing death, when under such a change some of the odious features incident to the old method are abated by the new method, and

WHEREAS, the Florida Supreme Court has previously declared, in the case of Dobbert v. State, 375 So.2d 1069 (Fla. 1979), affirmed in Dobbert v. Florida, 432 U.S. 282, that changing the practices and procedures of the application of the death penalty statute does not violate the provisions of Article X, Section 9 of the Florida Constitution or the "ex post facto" clauses of the Florida and United States Constitutions, NOW, THEREFORE,

The vote was:

Yeas—15

Bankhead	Clary	Dudley	Ostalkiewicz
Bronson	Cowin	Kirkpatrick	Scott
Brown-Waite	Crist	Lee	Thomas
Childers	Diaz-Balart	Myers	

Nays—12

Burt	Dyer	Jenne	Kurth
Campbell	Forman	Jones	McKay
Dantzler	Harris	Klein	Silver

Pursuant to Rule 4.19, **SB 36-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 38-A—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information and records of the Department of Corrections, to conform; providing a contingent effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (with title amendment)—On page 1, line 16 and on page 2, line 4, after "person" insert: *preparing or*

And the title is amended as follows:

On page 1, line 4, after "person" insert: preparing or

Pursuant to Rule 4.19, **SB 38-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Agriculture recommends the following not pass: SB 40-A

The bill was laid on the table.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 5 was corrected and approved.

RECESS

On motion by Senator Diaz-Balart, the Senate recessed at 6:41 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, November 7, or upon call of the President.

Journal of the Senate

Number 5—Special Session A **Friday, November 7, 1997**

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CALL TO ORDER

The Senate was called to order by President Jennings at 10:00 a.m. A quorum present—36:

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

Excused: Senators Casas, Gutman and Turner

PRAYER

The following prayer was offered by Senator Ostalkiewicz:

Father, we are thankful that we live in a free country and we are thankful that we have a chance to make a difference. Lord, I pray that you would give us all wisdom that we be circumspect, not selfish, but thinking of the greater goal. I pray that you would bless our efforts, deliver us from evil, and we pray that your hand of blessing would continue to extend over this whole state.

I pray this in the name of our Lord. Amen.

PLEDGE

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 23-A and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Tamargo and others—

HB 23-A—A bill to be entitled An act relating to the University of South Florida; authorizing the university to reimburse the University Health Services Support Organization, Inc., for costs incurred in the purchase of the Tampa General Hospital-University of South Florida Psychiatry Center; providing an appropriation; requiring the revision of a related budget request; providing an appropriation to the Florida Agricultural and Mechanical University; providing a contingency; providing Legislative intent with respect to the General Revenue Fund; requiring revision of a budget request; providing an effective date.

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

On motions by Senator Grant, by two-thirds vote **HB 23-A** was withdrawn from the Committees on Education; and Ways and Means; and by unanimous consent was taken up instanter.

On motion by Senator Grant, by two-thirds vote **HB 23-A** was read the second time by title.

Senators Grant, Holzendorf and Latvala offered the following amendment which was moved by Senator Grant and adopted:

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

Section 1. *For the 1997-1998 fiscal year, the sum of $1,600,000 is appropriated from the General Revenue Fund to the University of South Florida for the purchase of the Tampa General Hospital-University of South Florida Psychiatric Center. The state shall not be obligated to provide operating costs for the center from the General Revenue Fund in excess of the level funded by the Legislature in the 1997-1998 fiscal year.*

Section 2. *For the 1997-1998 fiscal year, the sum of $1,500,000 is appropriated from the General Revenue Fund to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility to house a Pharmaceutical Research Center. These funds are contingent upon receipt of a like amount from the National Institutes of Health (NIH).*

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; providing an appropriation to the University of South Florida to purchase the Tampa General Hospital-University of South Florida Psychiatric Center; forbidding state obligation for certain future operating costs; providing an appropriation to the Florida Agricultural and Mechanical University for the expansion of certain facilities; providing a contingency; providing an effective date.

On motion by Senator Grant, by two-thirds vote **HB 23-A** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Dudley—

SB 44-A—A bill to be entitled An act relating to the Florida Education Finance Program; amending s. 236.081, F.S.; revising the method of computing the basic amount to be included for operations and provisions relating to the caps adjustments; providing for adjustments to the calculation for certain school districts for fiscal year 1997-1998; requiring the Commissioner of Education to send technical assistance teams to specified districts and requiring those districts to amend enrollment counts; requiring the Commissioner of Education to make a report with respect to enrollments for exceptional child programs; providing an effective date.

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

On motions by Senator Dudley, by two-thirds vote **SB 44-A** was withdrawn from the Committees on Education; and Ways and Means; and by unanimous consent was taken up instanter.

On motions by Senator Dudley, by two-thirds vote **SB 44-A** was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until 11:30 a.m.

SENATOR BANKHEAD PRESIDING

CONSIDERATION OF BILLS ON THIRD READING

THE PRESIDENT PRESIDING

SB 36-A—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing an effective date.

—as amended November 6 was read the third time by title.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **SB 36-A** and **SB 38-A**.

On motion by Senator Klein, **SB 36-A** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 38-A—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person preparing or administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information and records of the Department of Corrections, to conform; providing a contingent effective date.

—as amended November 6 was read the third time by title.

On motion by Senator Klein, **SB 38-A** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

RECESS

On motion by Senator Bankhead, the Senate recessed at 11:38 a.m. to reconvene at 2:00 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 2:10 p.m. A quorum present—35:

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

CONFERENCE COMMITTEE REPORT ON HB 17-A

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 17-A, as amended by the Conference Committee Report.

John B. Phelps, Clerk

The Honorable Daniel Webster
Speaker, House of Representatives

November 7, 1997

The Honorable Toni Jennings
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendment to House Bill 17-A (see attached title) having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its Amendment 1.

2. That the House of Representatives and the Senate adopt the Conference Committee amendment attached hereto, and by reference made a part of this report.

s/Ken Pruitt	*s/Jim Horne*
Chairman	Chairman
s/Josephus Eggelletion	*s/John Grant*
s/James E. "Jim" King, Jr.	*s/Betty Holzendorf*
s/Al Lawson	*s/Kenneth C. Jenne II*
s/Joseph "Randy" Mackay	*s/William G. Myers, M.D.*
s/Bill Sublette	*s/Donald C. Sullivan*
s/Stephen R. Wise	
Managers on the part of the House of Representatives	Managers on the part of the Senate

Conference Committee Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *This act may be cited as the "Public School Capital Outlay Program Act" which includes SMART (Soundly Made, Accountable, Reasonable, and Thrifty) schools and the Classrooms First Program.*

Section 2. Section 235.175, Florida Statutes, is created to read:

235.175 SMART schools; Classrooms First; legislative purpose.—

(1) SMART SCHOOLS.—"SMART schools" are schools that are soundly made, accountable, reasonable, and thrifty. It is the purpose of the Legislature to provide a balanced and principle-based plan for a functional, safe, adequate, and thrifty learning environment for Florida's K-12 students through SMART schools. The plan must be balanced in serving all school districts and must also be balanced between the operating and capital sides of the budget. The principles upon which the plan is based are less government, lower taxes, increased responsibility of school districts, increased freedom through local control, and family and community empowerment.

(2) CLASSROOMS FIRST.—It is the purpose of the Legislature to increase substantially the state's investment in school construction in an equitable, fair, and reasonable way.

(3) SCHOOL DISTRICT FACILITIES WORK PROGRAMS.—It is the purpose of the Legislature to create s. 235.185, requiring each school district annually to adopt a district facilities 5-year work program. The purpose of the district facilities work program is to keep the school board and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations. The district facilities work program will be monitored by the SMART Schools Clearinghouse, which will also apply performance standards pursuant to s. 235.218.

(4) SMART SCHOOLS CLEARINGHOUSE.—It is the purpose of the Legislature to create s. 235.217, establishing the SMART Schools Clearinghouse to assist the school districts in building SMART schools utilizing functional and frugal practices. The SMART Schools Clearinghouse must review district facilities work programs and projects and identify districts qualified for incentive funding available through effort index grants and School Infrastructure Thrift Program awards; identify opportunities to maximize design and construction savings; develop school district facilities work program performance standards; and provide for review and recommendations to the Governor, the Legislature, and the State Board of Education.

(5) EFFORT INDEX GRANTS.—It is the purpose of the Legislature to create s. 235.186, in order to provide grants from state funds to assist school districts that have provided a specified level of local effort funding and still have a need to build new student stations and associated core facility space to meet student membership requirements in K-12 programs. Districts must utilize state funds in accordance with statutory requirements and obligate from among all eligible sources an amount that is equivalent to the potential available for construction from PECO funds, capital outlay and debt service bond proceeds, Classrooms First funds, and the one-half cent local option school sales surtax. Effort index grants will be based upon recommendation of the SMART Schools Clearinghouse.

(6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM AWARDS.—It is the purpose of the Legislature to convert the SIT Program established in ss. 235.2155 and 235.216 to an incentive award program to encourage functional, frugal facilities and practices. Districts that find ways to reduce the cost of, or eliminate the need for, constructing educational facilities can receive SIT Program awards equal to 50 percent of the amount saved. In addition, districts may submit new schools to receive a SIT Program SMART school of the year recognition award. SIT Program awards will be based upon recommendation of the SMART Schools Clearinghouse and may be used for any authorized capital expenditure.

Section 3. Section 235.18, Florida Statutes, is amended to read:

235.18 Annual capital outlay budget.—Each board, including the Board of Regents, shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood *by the public* ~~and, insofar as possible, provisions be made for same~~. This capital outlay budget shall be a part of the annual budget and shall be based upon~~,~~ and ~~be~~ in harmony with~~,~~ the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. *The board may not expend any* ~~No~~ funds ~~shall be expended~~ on any *project* ~~such need~~ not included in the budget, as amended. *Each district school board must prepare its tentative district facilities work program as required by s. 235.185 before adopting the capital outlay budget.*

Section 4. Section 235.185, Florida Statutes, is created to read:

235.185 School district facilities work program; definitions; preparation, adoption, and amendment.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Adopted district facilities work program" means the 5-year work program adopted by the district school board as provided in subsection (3).

(b) "Tentative district facilities work program" means the 5-year listing of capital outlay projects required:

1. To properly maintain the educational plant and ancillary facilities of the district.

2. To provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in section 39 of this act.

(2) PREPARATION OF TENTATIVE DISTRICT FACILITIES WORK PROGRAM.—

(a) Annually, prior to the adoption of the district school budget, each school board shall prepare a tentative district facilities work program that includes:

1. A schedule of major repair and renovation projects necessary to maintain the educational plant and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district.

b. The proposed locations of planned facilities.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district that will result if the tentative district facilities work program is fully implemented. The average shall not include exceptional student education classes or prekindergarten classes.

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

3. The projected cost for each project identified in the tentative district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the tentative district facilities work program.

5. A schedule indicating which projects included in the tentative district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the tentative district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

(b) To the extent available, the tentative district facilities work program shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136.

(c) Provision shall be made for public comment concerning the tentative district facilities work program.

(3) ADOPTED DISTRICT FACILITIES WORK PROGRAM.—Annually, the district school board shall consider and adopt the tentative district facilities work program completed pursuant to subsection (2). Upon giving proper public notice and opportunity for public comment, the district school board may amend the program to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district facilities work program shall:

(a) Be a complete, balanced capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities.

(4) EXECUTION OF ADOPTED DISTRICT FACILITIES WORK PROGRAM.—The first year of the adopted district facilities work program shall constitute the capital outlay budget required in s. 235.18. The adopted district facilities work program shall include the information required in subparagraphs (2)(a)1., 2., and 3., based upon projects actually funded in the program.

Section 5. Section 235.186, Florida Statutes, is created to read:

235.186 Effort index grants for school district facilities work program projects.—

(1) PROJECT REVIEW; ELIGIBILITY.—Annually, the SMART Schools Clearinghouse established pursuant to s. 235.217 shall review the adopted district facilities work program of each district to ensure compliance with the provisions of s. 235.185 and to determine the district's eligibility to receive an effort index grant for local school facilities projects pursuant to this section. Projects identified in a district facilities work program which are eligible to receive an effort index grant shall be limited to those projects which provide new student stations and associated core facility space to meet student membership requirements in K-12 programs. Effort index grants shall not be provided to replace relocatable classrooms which meet standards.

(2) COMPUTATION OF REQUIRED LOCAL EFFORT AMOUNT FOR DISTRICT EFFORT INDEX.—Prior to a school district being eligible to receive an effort index grant pursuant to this section, the clearinghouse shall certify that the district agreed to expend, from among all eligible sources, an amount that is equivalent to the amount of funds projected to be available during the period covered by the district facilities work program from the following four sources for eligible basic capital outlay expenditures described in subsection (4):

(a) Public Education Capital Outlay and Debt Service Trust Fund moneys for construction pursuant to s. 235.42.

(b) The maximum potential bond proceeds available from the School District and Community College District Capital Outlay and Debt Service Trust Fund.

(c) Proceeds from the Classrooms First Program authorized in s. 235.187.

(d) One-half cent local option school sales surtax, pursuant to s. 212.055(7), if fully levied over the 5-year period.

(3) ELIGIBLE REVENUE SOURCES FOR REQUIRED LOCAL EFFORT.—Expenditures from eligible revenues which may be counted toward a district's required local effort shall be limited to:

(a) Public Education Capital Outlay and Debt Service Trust Fund distributions for construction pursuant to s. 235.42.

(b) School District and Community College District Capital Outlay and Debt Service Trust Fund distributions.

(c) Direct proceeds from the half-cent local option school sales surtax authorized in s. 212.055(7).

(d) Direct proceeds from the local government infrastructure sales surtax authorized in s. 212.055(2).

(e) Direct proceeds from the 2-mill discretionary capital outlay levy authorized in s. 236.25.

(f) Direct proceeds from district voted millage for capital outlay purposes as authorized in s. 9, Art. VII of the State Constitution.

(g) School Infrastructure Thrift (SIT) Program awards received pursuant to ss. 235.2155 and 235.216.

(h) Classrooms First Program proceeds received pursuant to s. 235.187.

(i) Private donations.

(j) Grants from local governments or not-for-profit organizations.

(4) COMPUTATION OF BASIC DISTRICT CAPITAL OUTLAY EXPENDITURES ELIGIBLE FOR INCLUSION IN CALCULATION FOR EFFORT INDEX GRANTS.—

(a) When reviewing a district facilities work program, the clearinghouse shall calculate the district's planned basic capital outlay expenditures that may be eligible for an effort index grant. For each district, this calculation shall consist of:

1. Expenditures for district capital outlay projects described in subsection (1).

2. Expenditures for debt service payments for outstanding capital outlay bonds sold to finance new construction, remodeling, renovation, or major repair of educational facilities.

3. Expenditures for scheduled payments on outstanding certificates of participation used to finance new construction, remodeling, renovation, or major repair of educational facilities.

Expenditures relating to the replacement of relocatable classrooms that meet standards shall not qualify as expenditures eligible for inclusion in the calculation for effort index grants.

(b) The computation of basic district capital outlay expenditures eligible for inclusion in the clearinghouse's calculation for effort index grants for projects initiated after July 1, 1997, shall be based upon the actual cost per student station or the cost per student station calculated pursuant to s. 235.435(6), whichever is less.

(5) ALLOCATION OF EFFORT INDEX GRANTS FOR DISTRICT FACILITIES.—

(a) If the calculated district obligation is equal to or greater than the calculated required effort amount for the eligible expenditures, the district shall be eligible for an effort index grant, to be determined by the clearinghouse by calculating need from the actual cost per student station or the cost per student station pursuant to s. 235.435(6), whichever is less, plus debt service payments for new construction, remodeling, renovation, or major repair of educational facilities less the calculated required effort amount.

(b) Annually by November 1, the clearinghouse shall report to the Governor and the Legislature on the amount required to fully fund effort index grants for each of the following 5 years.

(c) Districts demonstrating inability to finance eligible projects in their district facilities work programs after meeting the requirements in subsection (2) may be eligible to receive effort index grants, subject to legislative appropriations for this purpose.

(d) If legislative appropriations are insufficient to fully fund the eligible total statewide qualified effort index grants as calculated by the clearinghouse, priority consideration shall be given to providing effort index grants to those districts based upon:

1. The extent to which they have exceeded the district effort index in subsection (2); and

2. The extent to which they have maximized their revenue generating potential from the district effort index in subsection (2) through the purchase of certificates of participation, the sale of bonds, or other appropriate long-term financing.

Section 6. Section 235.187, Florida Statutes, is created to read:

235.187 Classrooms First Program; uses.—

(1) The Commissioner of Education shall allocate funds appropriated for the Classrooms First Program among the district school boards. It is the intent of the Legislature that this program be administered as nearly as practicable in the same manner as the capital outlay program authorized under s. 9(d), Art. XII of the State Constitution. Each district school board's share of the annual appropriation for the Classrooms First Program must be calculated according to the following formula, but the share of each district shall, at a minimum, be at least equal to the amount required for all payments of the district relating to bonds issued by the state on its behalf:

(a) Twenty-five percent of the appropriation shall be prorated to the districts based on each district's percentage of base capital outlay full-time equivalent membership; and 65 percent shall be based on each district's percentage of growth capital outlay full-time equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by s. 235.435(3).

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in s. 235.435(1)(a).

(2) A district school board shall expend the funds received pursuant to this section only to:

(a) Construct, renovate, remodel, repair, or maintain educational facilities; or

(b) Pay debt service on bonds issued pursuant to this section, the proceeds of which must be expended for new construction, remodeling, renovation, and major repairs. Bond proceeds shall be expended first for providing permanent classroom facilities. Bond proceeds shall not be expended for any other facilities until all unmet needs for permanent classrooms and auxiliary facilities as defined in s. 235.011 have been satisfied. However, if more than 9 percent of a district's total square feet is more than 50 years old, the district must spend at least 25 percent of its allocation on the renovation, major repair, or remodeling of existing schools, except that districts with fewer than 10,000 full-time equivalent students are exempt from this requirement.

(3) Each district school board that pledges moneys under paragraph (2)(b) shall notify the Department of Education of its election at a time set by the department; however, the initial notification shall be by February 1, 1998. The Department of Education shall review the proposal of each district school board for compliance with this section and shall forward all approved proposals to the Division of Bond Finance with a request to issue bonds on behalf of the approved school districts. The Division of Bond Finance shall pool the pledges from all school districts making the election in that year and shall issue the bonds on behalf of the districts for a period not to exceed the distributions to be received under s. 24.121(2). The bonds must be issued in accordance with s. 11(d), Art. VII of the State Constitution, and each project to be constructed with the proceeds of bonds is hereby approved as provided in s. 11(e), Art. VII of the State Constitution. The bonds shall be issued pursuant to the State Bond Act to the extent not inconsistent with this section.

(4) Bonds issued under this section must be validated as prescribed by chapter 75. The complaint for the validation must be filed in the circuit court of the county where the seat of state government is situated; the notice required to be published by s. 75.06 must be published only in the county where the complaint is filed; and the complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending. The state covenants with holders of bonds issued under this section that it will not take any action that will materially and adversely affect the rights of such holders so long as such bonds are outstanding.

(5) Beginning July 1, 1998, a school district may only receive a distribution for use pursuant to paragraph (2)(a) if the district school board certifies to the Commissioner of Education that the district has no unmet need for permanent classroom facilities in its 5-year capital outlay work plan. If the work plan contains such unmet needs, the district must use its distribution for the payment of bonds pursuant to paragraph (2)(b). If the district does not require its full bonded distribution to eliminate such unmet need, it may bond only that portion of its allocation necessary to meet the needs.

Section 7. Section 235.215, Florida Statutes, is amended to read:

235.215 Energy efficiency contracting.—

(1) LEGISLATIVE INTENT.—The Legislature finds that investment in energy conservation measures in educational facilities can reduce the amount of energy consumed and produce immediate and long-term savings. It is the policy of this state to encourage school districts, state community colleges, and state universities to invest in energy conservation measures that reduce energy consumption, produce a cost savings, and improve the quality of indoor air in facilities, and, when economically feasible, to build, operate, maintain, or renovate educational facilities in such a manner so as to minimize energy consumption and maximize energy savings. It is further the policy of this state to encourage school districts, state community colleges, and state universities to reinvest any energy savings resulting from energy conservation measures into additional energy conservation efforts.

(2)~~(1)~~ DEFINITIONS.—For purposes of this section, the term:

(a) "Energy conservation measure" means a training program, ~~or~~ facility alteration, *or equipment to be used in new construction, including an addition to an existing facility,* that reduces energy ~~consumption or operating~~ costs, and includes, *but is not limited to*:

1. Insulation of the *facility* ~~building~~ structure and systems within the *facility* ~~building~~.

2. Storm windows and doors, caulking or weatherstripping, multiglazed windows and doors, heat-absorbing, or heat-reflective, glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption.

3. Automatic energy control systems.

4. Heating, ventilating, or air-conditioning system modifications or replacements.

5. Replacement or modifications of lighting fixtures to increase the energy efficiency of the lighting system *which, at a minimum, shall* ~~without increasing the overall illumination of a facility, unless an increase in illumination is necessary to~~ conform to the applicable state or local building code ~~for the lighting system after the proposed modifications are made~~.

6. Energy recovery systems.

7. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a *facility* ~~building~~ or complex of *facilities* ~~buildings~~.

8. Energy conservation measures that provide long-term operating cost reductions and significantly reduce Btu consumed.

9. Renewable energy systems, such as solar, biomass, and wind.

10. Devices which reduce water consumption or sewer charges.

(b) "Energy *cost* savings" means*:*

1. A measured reduction in fuel, ~~and~~ energy*, or operation and maintenance* costs created from the implementation of one or more energy conservation measures when compared with an established baseline *for* previous fuel, ~~and~~ energy*, or operation and maintenance* costs*; or*

2. For new construction, a projected reduction in fuel, energy, or operation and maintenance costs created from the implementation of one or more energy conservation measures when compared with the projected fuel, energy, or operation and maintenance costs for equipment if the minimum standards of the State Uniform Building Code for Public Educational Facilities Construction were implemented and signed and sealed by a registered professional engineer.

(c) "~~Guaranteed~~ Energy *performance-based* ~~savings~~ contract" means a contract for the evaluation, ~~and~~ recommendation*, and implementation* of energy conservation measures *which includes, at a minimum:* ~~including~~

1. The design and installation of equipment to implement one or more of such measures*, and, if applicable, operation and maintenance of such measures.*

2. The amount of any actual annual savings. This amount must meet or exceed total annual contract payments made by the school, state community college, or state university for such contract. ~~may include repair or replacement of existing equipment in a school, state community college, or state university plant, professional fees, and~~

3. Financing charges to be *incurred by the school, state community college, or state university over the life of the contract* ~~paid from the energy savings less agreed-upon inflation factors, and maintenance services where applicable~~.

(d) "*Energy performance contractor* ~~Qualified provider~~" means a person or business licensed pursuant to chapter 471, chapter 481, or chapter 489 and experienced in the *analysis,* design, implementation, and installation of energy conservation measures through the implementation of ~~guaranteed~~ energy *performance-based* ~~savings~~ contracts.

(3)~~(2)~~ ENERGY *PERFORMANCE-BASED* ~~EFFICIENCY~~ CONTRACT *PROCEDURES*.—

(a) A school district, state community college, or state university may enter into *an* ~~a guaranteed~~ energy *performance-based* ~~savings~~ contract with *an energy performance contractor* ~~a qualified provider~~ to significantly reduce energy or operating costs *of an educational facility* through ~~the implementation of~~ one or more energy conservation measures.

(b) The *energy performance contractor* ~~qualified provider~~ shall be selected in compliance with s. 287.055; except that in a case where a school district, state community college, or state university determines that fewer than three firms are qualified to perform the required services, the requirement for agency selection of three firms, as provided in s. 287.055(4)(b), shall not apply *and* ~~or~~ the bid requirements of s. 287.057 *shall not apply.*

(c) Before entering into a contract pursuant to this section, the district school board, state community college, or state university shall provide published notice of the meeting in which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose.

(d) Prior to the design and ~~Before~~ installation of *the energy conservation measure* ~~equipment, modification, or remodeling~~, the *school district, state community college, or state university must obtain from the energy performance contractor* ~~qualified provider shall first issue~~ a report *that discloses* ~~summarizing estimates of~~ all costs *associated with the energy conservation measure and provides an estimate of the amount of the energy cost savings. The report must be reviewed by either the Department of Education or the Department of Management Services or signed and sealed by a registered professional engineer* ~~of installation, modification, or remodeling, including costs of design, engineering, installation, maintenance, repairs, or debt service, and estimates of the amounts by which energy or operating costs will be reduced~~.

(e)~~(4)~~ ~~SCHOOL DISTRICT ACTION.—~~A school district, state community college, or state university may enter into *an* ~~a guaranteed~~ energy *performance-based* ~~savings~~ contract with *an energy performance contractor* ~~a qualified provider~~ if, after review of the report *required by paragraph (d),* it finds that the amount it would spend on the energy conservation measures recommended in the report *will not* ~~is not likely to~~ exceed the amount to be saved in energy and operation costs over *20* ~~10~~ years from the date of installation*, based on life cycle costing calculations,* if the recommendations in the report were followed and if the *energy performance contractor* ~~qualified provider~~ provides a written guarantee that the energy or operating cost savings will meet or exceed the costs of the system. The ~~guaranteed energy savings~~ contract may provide for payments over a period of time not to exceed *20* ~~10~~ years.

(f)~~(5)~~ ~~INSTALLATION CONTRACT.—~~A school district, state community college, or state university may enter into an installment payment contract for the purchase and installation of energy conservation measures. The contract shall provide for payments of not less than *one-twentieth* ~~one-tenth~~ of the price to be paid within 2 years from the date of the complete installation and *acceptance by the* school board, state community college, or state university ~~acceptance~~, and the remaining costs to be paid at least quarterly, not to exceed a *20-year* ~~10-year~~ term *based on life cycle costing calculations.*

(g)~~(6)~~ ~~CONTRACT CONTINUANCE.—Guaranteed~~ Energy *performance-based* ~~savings~~ contracts may extend beyond the fiscal year in which they become effective; however, the term of any contract shall expire at the end of each fiscal year and may be automatically renewed annually up to *20* ~~10~~ years, subject to a school board, state community college, or state university making sufficient annual appropriations based upon continued realized energy *cost* savings. Such contracts shall stipulate that the agreement does not constitute a debt, liability, or obligation of the state or a school board, state community college, or state university, or a pledge of the faith and credit of the state or a school board, state community college, or state university.

(4)~~(3)~~ CONTRACT PROVISIONS.—

(a) *An* ~~A guaranteed~~ energy *performance-based* ~~savings~~ contract shall include a ~~written energy~~ guarantee *by the energy performance contractor* that *annual energy cost* savings will meet or exceed the *amortized* cost of energy conservation measures.

(b) The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time, but not to exceed *20* ~~10~~ years from the date of complete installation and *acceptance by the* school board, state community college, or state university ~~acceptance~~, and *that* the *annual* savings are guaranteed to the extent necessary to make *annual* payments *to satisfy the contract* ~~for the systems~~.

(c) *The contract must require that the energy performance contractor* ~~A qualified provider~~ to whom the contract is awarded ~~shall~~ provide a 100-percent *public construction* ~~project value~~ bond to the school district, state community college, or state university for its faithful performance, as required by *s. 255.05* ~~chapter 287~~.

(d) The contract shall require the energy performance contractor to provide to the school district, state community college, or state university an annual reconciliation of the guaranteed energy cost savings. The energy performance contractor shall be liable for any annual savings shortfall which may occur. In the event that such reconciliation reveals an excess in annual energy cost savings, such excess savings shall not be used to cover potential energy cost savings shortages in subsequent contract years.

Section 8. Section 235.2155, Florida Statutes, as created by chapters 97-153 and 97-265, Laws of Florida, is reenacted and amended to read:

235.2155 School Infrastructure Thrift Program Act.—

(1) This section *and s. 235.216* may be cited as the "School Infrastructure Thrift Program Act ~~of 1997~~."

(2) The School Infrastructure Thrift Program (SIT Program) is established within the Department of Education, and the State Board of Education may adopt rules as necessary to operate the program. To facilitate the program's purposes, the department shall aggressively seek the elimination or revision of obsolete, excessively restrictive, or unnecessary laws, rules, and regulations for the purpose of reducing the cost of constructing educational facilities and related costs without sacrificing safety or quality of construction. Such efforts must include, but are not limited to, the elimination of duplicate or overlapping inspections; the relaxation of requirements relating to *the life cycle of buildings,* landscaping, operable glazing, operable windows, radon testing, fire-safety, and emergency shelter construction where lawful, safe, and cost-beneficial; and other cost savings identified as lawful, safe, and cost-beneficial. ~~The program's purposes are to:~~

~~(a) Facilitate cost savings by school districts relating to educational facilities construction.~~

~~(b) Provide incentives for school districts to maximize dollars available for construction of educational facilities and related costs.~~

~~(c) Provide a funding mechanism for utilization solely related to the construction of new educational facilities.~~

(3) The SIT Program is designed as:

(a) An incentive program to reward districts for:

1. Savings realized through functional, frugal construction.

2. Savings realized through the operation of charter schools in non-school-district facilities.

(b) A recognition program to provide an annual SMART school of the year recognition award to the district that builds the highest quality functional, frugal school.

(4)~~(3)~~ Funds shall be appropriated to the SIT Program on an annual basis as determined by the Legislature. Notwithstanding *the provisions of s.* ~~ss.~~ 216.301 and *pursuant to s.* 216.351, undisbursed balances of appropriations to the SIT Program shall not revert. It is the intent of the Legislature to continue funding the SIT Program with funds available through frugal government operation and agency savings.

(5)~~(4) School districts may participate in the SIT Program by local option of the school board.~~ Participating school districts may *seek SIT Program awards* ~~request funds in the program~~ beginning July 1, 1997, for projects commenced after or for projects underway at *that* ~~the~~ time ~~this act becomes a law~~, if the projects comply with s. 235.216.

(6)~~(5)~~(a) ~~Annually by December 30, beginning in 1997,~~ Each ~~participating~~ school district *may submit* ~~shall report~~ to the *SMART Schools Clearinghouse* ~~Commissioner of Education~~, with supporting data, its *request, based on eligibility pursuant to* ~~compliance with~~ s. 235.216 ~~together with any proposal~~ for *an award of* ~~spending~~ SIT Program dollars ~~on new projects within the district commencing the following fiscal year~~.

(b) The *SMART Schools Clearinghouse* ~~commissioner~~ shall examine the *supporting* data ~~and proposals~~ from each school district and~~, by February 1,~~ shall report to the *commissioner* ~~Legislature~~ each ~~participating~~ district's *eligibility pursuant to* ~~compliance with~~ s. 235.216. *Based on the clearinghouse's report and pursuant to ss. 235.217 and 235.218, the clearinghouse shall* ~~for the prior fiscal year and~~ make recommendations, ranked in order of priority, for SIT Program awards ~~for the following fiscal year~~.

~~(c) If a school district receives SIT Program funds and fails to comply with this section and s. 235.216, the district may not receive an award the following fiscal year and must return the dollars not spent or encumbered as required by this section and s. 235.216 with interest thereon at the legal rate.~~

(c)~~(d)~~ The ~~commissioner's~~ criteria for SIT Program evaluation and recommendation for awards must be based on the school *district's eligibility pursuant to* ~~district meeting the requirements in this section and~~ s. 235.216~~, the soundness of the proposal, school district need,~~ and the balance of dollars in the SIT Program.

(7)~~(6)~~ Awards from the SIT Program shall be made by the commissioner from funds appropriated by the Legislature and may ~~only~~ be used for *any lawful capital outlay expenditure* ~~construction of a new educational facility and related costs. SIT Program dollars that are not spent or encumbered as required by this section must be returned to the SIT Program as required by paragraph (5)(c)~~.

(8)(a)~~(7)~~ For each *award to* ~~new project of~~ a school district *pursuant to paragraph (3)(a)* that *is recommended by the SMART Schools Clearinghouse* ~~meets the criteria of s. 235.216~~, the commissioner may award up to *50* ~~20~~ percent of the *savings realized from the district's frugality* ~~total project cost from SIT Program dollars~~.

(b) For each award to a school district pursuant to paragraph (3)(b) that is recommended by the SMART Schools Clearinghouse, the commissioner may present a trophy or plaque and a cash award to the school.

Section 9. Section 235.216, Florida Statutes, as created by chapters 97-153 and 97-265, Laws of Florida, is reenacted and amended to read:

235.216 *SIT Program award eligibility;* maximum ~~square foot~~ cost *per student station* of educational facilities; *frugality* ~~frugal construction~~ incentives*; recognition awards.*—

(1) It is the intent of the Legislature that district school boards that seek awards of SIT Program funds use due diligence and sound business practices in the design, construction, and use of educational facilities.

(2) Beginning with the 1997-1998 fiscal year, a school district may seek *an award* ~~funding assistance~~ from the SIT Program*, pursuant to s. 235.2155, based on the district's:*

(a) ~~for~~ New construction of educational facilities if~~:~~

~~(a)~~ the ~~maximum total~~ cost per *student station is less than:*

1. $11,600 for an elementary school,

2. $13,300 for a middle school, or

3. $17,600 for a high school,

(1997) as adjusted annually by the Consumer Price Index. The award shall be up to 50 percent of such savings, as recommended by the SMART Schools Clearinghouse.

(b) Operation of charter schools in non-school-district facilities. SIT Program awards pursuant to this paragraph shall be as recommended by the SMART Schools Clearinghouse. After the initial award, the recommendation must be based on savings realized from proportionate district increase in such charter school enrollment in excess of original enrollment, and the award shall be up to 50 percent of such savings ~~square foot for the elementary school, middle school, or high school does not exceed the most current 5-year statewide average square foot total cost for schools serving similar grade levels published by the Department of Education, adjusted by inflation and the most current Marshall and Swift Construction Cost Index of Florida counties. If federal funds are used, the maximum square foot total cost may be adjusted to accommodate federal requirements~~.

~~(b) Upon completion of construction, the total project cost, including change orders, does not exceed the adjusted statewide average cost per gross square foot for schools serving similar grade levels, adjusted by the construction cost index and the 5-year statewide average inflation rate;~~

~~does not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997; and does not exceed the adjusted statewide average cost per student station.~~

(3) Beginning with the 1998-1999 fiscal year, a school district may seek a SMART school of the year recognition award for building the highest quality functional, frugal school.

Section 10. Section 235.217, Florida Statutes, is created to read:

235.217 SMART (Soundly Made, Accountable, Reasonable, and Thrifty) Schools Clearinghouse.—

(1)(a) The SMART Schools Clearinghouse is established to assist school districts that seek to access School Infrastructure Thrift (SIT) Program awards pursuant to ss. 235.2155 and 235.216 or effort index grants pursuant to s. 235.186. The clearinghouse must use expedited procedures in providing such assistance.

(b) The clearinghouse shall consist of five members who are not members of the Legislature or school district officers or employees and who have substantial business experience in the private sector. Two members shall be appointed by the Governor for initial 1-year and 3-year terms, respectively. One member shall be appointed by the President of the Senate for an initial 2-year term. One member shall be appointed by the Speaker of the House of Representatives for an initial 2-year term. The Commissioner of Education or a designee shall be a member. All subsequent terms of the four appointed members shall be 3 years. The Governor's appointee for the initial 3-year term shall chair the clearinghouse, and each subsequent holder of that position shall serve as the chair.

(c) Members of the clearinghouse shall be appointed no later than November 28, 1997, and shall convene for their first meeting no later than December 1, 1997.

(d) The clearinghouse is assigned to the Department of Management Services for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department, except as otherwise provided in chapters 110, 255, and 287 for agencies of the executive branch.

(e) The clearinghouse may adopt rules necessary to carry out its duties, including, but not limited to, rules relating to design and performance standards, the SMART Schools Design Directory, project delivery process, and prioritization of awards.

(2)(a) The clearinghouse shall develop an initial set of design and performance standards for delivering functional and frugal buildings that are space efficient and technology rich. The design and performance standards shall be based on, but not be limited to, such factors as construction costs per student station, maintenance costs, utilities costs, and network-related costs. The design and performance standards shall be continuously updated based upon actual use and performance. Using these standards, the clearinghouse shall conduct a statewide search to certify school designs that are currently available and meet the SMART schools standards. In order for certified SMART schools designs to be reused, the designs must be recertified by the clearinghouse to provide an opportunity for the designer to correct any deficiencies determined from actual use, or to modify the design to meet current standards. The selection process used for approval of a SMART schools design and inclusion of the design in the SMART Schools Design Directory shall be deemed to satisfy the legal requirements of s. 287.055 for the procurement of such services by a public agency. The Department of Management Services may establish state term contracts, including, but not limited to, contracts for design and construction services for SMART schools.

(b) The clearinghouse shall establish a "SMART Schools Design Directory" listing the certified designs that will be accessible on-line and serve as the primary means to review SMART schools design options. To maximize the use of high performance schools and foster competition, the clearinghouse shall review submissions of new school designs to add to the SMART Schools Design Directory. If the clearinghouse determines the design submitted is equal to or better than the average of those already included in the directory, the submission shall be certified and the design shall then be added to the directory and available for reuse after contracting pursuant to paragraph (a).

(c) All designs certified by the clearinghouse as SMART schools designs may utilize a project management delivery process similar to the process used by the Department of Management Services. However, school districts may secure project management services from the Department of Management Services or a qualified private provider, or may use internal resources.

(3) The clearinghouse shall:

(a) Recommend to the Governor, the Legislature, and the State Board of Education frugal construction standards that ensure appropriate industry standards and optimal life cycles and that may include, but are not limited to, standards for optimal size of core facility space, design-build, performance contracting, energy efficiency, and life-cycle systems costing.

(b) Prioritize school district SIT Program awards and effort index grants based on a review of the district facilities work programs and proposed construction projects.

(c) Recommend to the Governor, the Legislature, and the State Board of Education standards and policies relating to the design and construction of educational facilities.

(d) Request the commissioner to consider all relevant recommendations for incorporation into the Uniform Building Code.

(e) By July 1, 1998, establish a 5-year statewide capital outlay projection for education. In developing the projection, the clearinghouse shall reasonably adhere to historical projection standards developed for school capital outlay by the Department of Education and shall incorporate the following factors into the projection:

1. A calculation of the number of student stations in each district as calculated in the Florida Inventory of School Houses based upon space to which stations are to be assigned pursuant to s. 235.014(10)(a)1.

2. The norm value of each space-per-student station range established for each educational classroom in the State Requirements for Educational Facilities, with the norm value constituting one student station in the Florida Inventory of School Houses.

3. The number of capital outlay full-time equivalent students as determined by the department for each school district.

4. A total project cost per student station, which may equal the respective maximums provided in s. 235.435(6) for elementary, middle, and high school student stations adjusted by the Consumer Price Level Index calculated 30 months from the time of the current state capital outlay projection for education.

5. Maintenance standards and guidelines as determined by the Department of Education.

6. A relocatable valuation factor, which must consider the historical lifespan of relocatable classrooms in public schools compared to that of permanent facility space, and account for the goal established in section 39 of this act for replacement of relocatables in the next 5 years.

7. A projection of available state and district revenues for the next 5 fiscal years, based upon current-year projections of state capital outlay revenues accruing to school districts and current-year levies of ss. 212.055, 236.25(2), 236.31, and 236.32 and millage voted from provisions of s. 9, Art. VII of the State Constitution, incorporating the most recent projections of the Gross Receipts, Public Educational Capital Outlay, Education, Transportation, and General Revenue Estimating Conferences; and not including any revenues accruing through impact fees, proceeds accrued from certificates of participation, or any currently unlevied portion of rate or millage authorized by s. 212.055, s. 236.25(2), s. 236.31, or s. 236.32 or s. 9, Art. VII of the State Constitution.

(4) The clearinghouse may not enter into the day-to-day operation of the Department of Management Services or the Department of Education and is specifically prohibited from taking part in any of the following activities of a school district:

(a) The awarding of contracts.

(b) The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the clearinghouse may recommend to the commissioner standards and policies governing

the procedure for selection and prequalification of consultants and contractors.

(c) The selection of the specific location of a facility.

(5)(a) Members of the clearinghouse are entitled to per diem and travel expenses pursuant to s. 112.061.

(b) A member of the clearinghouse shall be subject to the Code of Ethics for Public Officers and Employees, Part III of chapter 112.

(c) The clearinghouse shall appoint an executive director who shall serve under the direction, supervision, and control of the clearinghouse. The executive director may employ staff, subject to appropriations. The executive director shall serve at the pleasure of the clearinghouse.

(d) The clearinghouse shall develop a budget request pursuant to chapter 216. The budget request is not subject to change by the Department of Management Services but shall be submitted to the Governor and the Legislature along with the budget request of the department.

(e) The clearinghouse and the Department of Education shall develop an interagency cooperation, collaboration, and information-sharing agreement, as necessary to work out areas of mutual concern.

Section 11. Section 235.218, Florida Statutes, is created to read:

235.218 School district facilities work program performance and productivity standards; development; measurement; application.—

(1) The SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district facilities work programs. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the districts' control. The measures must, at a minimum, assess performance in the following areas:

(a) Frugal production of high-quality projects.

(b) Efficient finance and administration.

(c) Optimal school and classroom size and utilization rate.

(d) Safety.

(e) Core facility space needs and cost-effective capacity improvements that consider demographic projections.

(f) Level of district local effort.

(2) The clearinghouse shall establish annual performance objectives and standards that can be used to evaluate district performance and productivity.

(3) The clearinghouse shall conduct ongoing evaluations of district educational facilities program performance and productivity, using the measures adopted under this section. If, using these measures, the clearinghouse finds that a district failed to perform satisfactorily, the clearinghouse must recommend actions to be taken to improve the district's performance. A district that refuses to follow the recommended actions may be denied an effort index grant.

Section 12. Subsection (2) of section 24.121, Florida Statutes, is amended to read:

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

(2) Each fiscal year, at least 38 percent of the gross revenue from the sale of lottery tickets and other earned revenue, excluding application processing fees, shall be deposited in the Educational Enhancement Trust Fund, which is hereby created in the State Treasury to be administered by the Department of Education. The Department of the Lottery shall transfer moneys to the Educational Enhancement Trust Fund at least once each quarter. Funds in the Educational Enhancement Trust Fund shall be used to the benefit of public education in accordance with the provisions of this act. *Notwithstanding any other provision of law, a maximum of $180 million of lottery revenues transferred to the Educational Enhancement Trust Fund in fiscal year 1997-1998 and for 30 years thereafter shall be reserved as needed and used to meet the requirements of the documents authorizing the bonds issued by the state pursuant to s. 235.2195 or s. 235.187 or distributed to school districts for the Classrooms First Program as provided in s. 235.187. Such lottery revenues are hereby pledged to the payment of debt service on bonds issued by the state pursuant to s. 235.2195 or s. 235.187. Debt service payable on bonds issued by the state pursuant to s. 235.2195 or s. 235.187 shall be payable from the first lottery revenues transferred to the Educational Enhancement Trust Fund in each fiscal year. Amounts distributable to school districts that request the issuance of bonds pursuant to s. 235.187(3) are hereby pledged to such bonds pursuant to s. 11(d), Art. VII of the State Constitution. The amounts distributed through the Classrooms First Program shall equal $145 million in each fiscal year. These funds are intended to provide up to $2.5 billion for public school facilities.*

Section 13. Section 235.2195, Florida Statutes, is created to read:

235.2195 The 1997 School Capital Outlay Bond Program.—There is hereby established the 1997 School Capital Outlay Bond program.

(1) The issuance of revenue bonds payable from the first lottery revenues transferred to the Educational Enhancement Trust Fund each fiscal year, as provided by s. 24.121(2), is authorized to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities. Such bonds shall be issued pursuant to and in compliance with the provisions of s. 11(d), Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section. The state does hereby covenant with the holders of such revenue bonds that it will not take any action which will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding.

(2) The bonds shall be issued by the Division of Bond Finance of the State Board of Administration on behalf of the Department of Education in such amount as shall be requested by resolution of the State Board of Education. However, debt service and other amounts payable with respect to the bonds issued pursuant to this section shall not exceed $35 million in any state fiscal year.

(3) Proceeds available from bond sales shall be deposited in the Educational Enhancement Trust Fund within the Department of Education.

(4) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution and the specific facilities to be financed shall be determined by the Department of Education in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(e), Art. VII of the State Constitution.

(5) Bonds issued pursuant to this section shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

Section 14. Section 235.321, Florida Statutes, is amended to read:

235.321 Changes in construction requirements after award of contract.—The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes. *For accountability, the school district shall monitor and report the impact of change orders on its district facilities work program pursuant to s. 235.185.*

Section 15. Paragraph (e) is added to subsection (2) of section 235.017, Florida Statutes, to read:

235.017 Boards to ensure that facilities comply with building codes and life safety codes.—

(2) Boards may provide compliance as follows:

(e) Boards may submit phase III documents for review and approval to the Department of Management Services for those projects for which the board has entered into a contract with such department pursuant to s. 255.31(3).

Section 16. *Florida Frugal Schools Program.—*

(1) The Legislature recognizes the need for public accountability and public confidence in the expenditure of capital outlay funds by district school boards. The Legislature further recognizes that frugal construction of functional schools is an essential element in providing, with limited state and local resources, adequate school facilities for a growing student population.

(2) The "Florida Frugal Schools Program" is created to recognize publicly each district school board that agrees to build frugal yet functional educational facilities and that implements "best financial management practices" when planning, constructing, and operating educational facilities. The State Board of Education shall recognize a district school board as having a Florida Frugal Schools Program if the district requests recognition and satisfies two or more of the following criteria:

(a) The district receives a "Seal of Best Financial Management" as provided in section 230.2302, Florida Statutes, created by chapter 97-265, Laws of Florida, or implements best financial management practices in the area of educational facilities as evidenced by a partial review under section 230.2302, Florida Statutes.

(b) The district school board certifies that each educational facility planned and constructed by the district after the effective date of this act will comply with the cost limits established in section 235.435(6), Florida Statutes, and that evidence of such compliance will be submitted for validation on a project-by-project basis to the Department of Education.

(c) The district school board submits a plan to the Commissioner of Education certifying how the revenues generated by the levy of the capital outlay sales surtax authorized by section 212.055(7), Florida Statutes, will be spent. The plan must include at least the following assurances about the use of the proceeds of the surtax and any accrued interest:

1. The district school board will use the surtax and accrued interest only for the fixed capital outlay purposes identified by section 212.055(7)(d), Florida Statutes, which will reduce school overcrowding that has been validated by the Department of Education, or for the repayment of bonded indebtedness related to such capital outlay purposes.

2. The district school board will not spend the surtax or accrued interest to pay for operational expenses or for the construction, renovation, or remodeling of any administrative building or any other ancillary facility that is not directly related to the instruction, feeding, or transportation of students enrolled in the public schools.

3. The district school board's use of the surtax and accrued interest will be consistent with the best financial management practices identified and approved under section 230.2302, Florida Statutes.

4. The district school board will apply the educational facilities contracting and construction techniques authorized by section 235.211, Florida Statutes, or other construction management techniques to reduce the cost of educational facilities.

5. The district school board will discontinue the surtax levy when the district has provided the survey-recommended educational facilities that were determined to be necessary to relieve school overcrowding; when the district has satisfied any bonded indebtedness incurred for such educational facilities; or when the district's other sources of capital outlay funds are sufficient to provide such educational facilities, whichever occurs first.

6. The district school board will use any excess surtax collections or accrued interest to reduce the discretionary outlay millage levied under section 236.25(2), Florida Statutes.

(d) The district school board receives the equivalent of a one-half cent levy from the local infrastructure sales surtax.

Section 17. Subsection (7) of section 212.055, Florida Statutes, is amended to read:

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

(7) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) ~~Beginning July 1, 1995,~~ The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. *If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program.* The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

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

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

(d) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. *If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.*

(e) Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f) Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 18. *The Florida Teachers Lead Program established.—*

(1) There is hereby appropriated from the General Revenue Fund to the Department of Education the sum of $31.5 million for the Florida Teachers Lead Program. From the funds appropriated, the Commissioner of Education shall calculate an amount for each school district which is proportional to each district's share of the total number of full-time public school classroom teachers in this state.

(2) The Florida Teachers Lead Program funds shall be deposited into each school's internal account and made available to be expended at the discretion of each classroom teacher to assist teaching and learning in the classroom. Each teacher's allocation shall remain available for the teacher's use until the full amount is expended.

(3) This one-time appropriation shall be made available to each classroom teacher in the amount of $250. These funds shall be provided to each teacher in addition to any other funds appropriated for public school operations. The funds expended by individual teachers shall not be subject to state or local competitive bidding requirements.

(4) For purposes of this section, the term "classroom teacher" includes certified teachers whose full-time job responsibility is the classroom instruction of students in prekindergarten through grade 12 and media specialists. Only school district personnel employed in these positions are eligible for the Florida Teachers Lead Program.

Section 19. *SMART Schools Small County Assistance Program for fiscal year 1998-1999.—There is hereby established the SMART Schools Small County Assistance Program for fiscal year 1998-1999.*

(1) The purpose of the program is to provide funds to school districts in small counties that have urgent need for a school facility or major school building expansions, repairs, and renovations but lack sufficient resources at present and cannot reasonably anticipate sufficient resources in the next 3 years to build a facility or finance such major renovations or repairs, and that will commit to constructing functional, frugal schools. The program is intended to supplement the Special Facility Construction Account authorized in s. 235.435(2)(a), Florida Statutes, by providing authorized school districts with funds from sources other than the Public Education Capital Outlay and Debt Service Trust Fund, and does not affect any award under that account. However, a school district may not receive an award from this program and the Special Facility Construction Account in the same fiscal year.

(2) The program shall be administered by the Department of Education and coordinated by the SMART Schools Clearinghouse in cooperation with the Commissioner of Education, and shall use the procedures established in s. 235.435(2)(a)1.-10., Florida Statutes, relating to the Special Facility Construction Account.

(3) There is hereby appropriated from the Educational Enhancement Trust Fund to the Department of Education for fiscal year 1998-1999 the sum of $50 million to implement this program. This appropriation is contingent upon the sale of revenue bonds pursuant to s. 235.2195, Florida Statutes.

(4) In coordinating the program, the clearinghouse shall submit recommendations for legislative consideration of funding in fiscal year 1998-1999 by February 20, 1998, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(5) For purposes of this section, "small county" means any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

Section 20. Subsection (3) of section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(3) PROPOSAL.—A proposal for a new charter school may be made by an individual, teachers, parents, a group of individuals, *a municipality,* or a legal entity organized under the laws of this state. The principal, teachers, parents, and/or the school advisory council at an existing public school, including a public school-within-a-school that is designated as a school by the district school board, shall submit any proposal for converting the school to a charter school. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents whose children are enrolled at the school. A private school, parochial school, or home education program shall not be eligible for charter school status.

Section 21. Section 229.513, Florida Statutes, is amended to read:

229.513 Rules and statutes relating to facilities and classrooms; *periodic* ~~annual~~ review.—

(1) The Commissioner of Education shall review rules of the State Board of Education and of the Department of Education *on a periodic basis, as determined by the commissioner,* ~~annually by February 1~~ and recommend revisions or repeals to eliminate obsolete, excessively restrictive, and unnecessary requirements applicable to school districts in the construction, renovation, remodeling, leasing, or repair of facilities and related matters affecting the physical quality of classrooms for instructional purposes.

(2) The Commissioner of Education shall recommend to the Legislature *on a periodic basis, as determined by the commissioner,* ~~annually by February 1~~ the revision or repeal of provisions of the Florida Statutes to eliminate obsolete, excessively restrictive, and unnecessary requirements applicable to school districts in the construction, renovation, remodeling, leasing, or repair of facilities and related matters affecting the physical quality of classrooms for instructional purposes.

Section 22. Section 230.23025, Florida Statutes, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, OPPAGA and the Auditor General shall jointly examine district operations to determine whether they meet "best financial management practices." The best financial management practices ~~will be~~ adopted by the ~~state~~ Commissioner of Education *may be updated periodically* ~~within 90 days after the effective date of this act,~~ after consultation with the Legislature, *the Governor, the SMART Schools Clearinghouse,* OPPAGA, and the Auditor General. The best financial management practices, at a minimum, must *instill public confidence by addressing* ~~address~~ the following areas:

(a) Efficient use of resources, ~~including assessments of facilities construction and maintenance practices, use of state and district construction funds,~~ use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits;

(b) Compliance with generally accepted accounting principles and state and federal laws relating to financial management;

(c) Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decisionmaking;

(d) Cost control systems, including asset, risk, and financial management, purchasing, and information system controls.

(2) School districts may, by a unanimous vote of the membership of the school board, apply to OPPAGA for *a complete best* financial management practice *review or a review of components of the best financial management practices, including management, personnel, transportation, and food and nutrition services* ~~reviews~~. OPPAGA shall prioritize districts for review based on their growth rates and demonstrated need for review. The director of OPPAGA may, at his *or her* discretion, contract with private consultants to perform part or all of the review of any district. Districts applying for *a complete* review shall contribute 50 percent of review costs, unless funding for the entire cost of the review is specifically provided by the Legislature ~~or the district has had a performance review pursuant to ss. 11.515 and 230.2302~~. *Districts applying for a review of a component shall contribute 75 percent of the review cost.*

(3) District reviews conducted under this section *must* ~~shall~~ be completed within 6 months after commencement. OPPAGA shall issue a report to the district regarding its financial management practices and cost savings recommendations within 60 days after completing the reviews. If the district is found not to conform to best financial management practices, the report *must* ~~shall~~ contain a plan of action detailing how the district could meet the best practices within 2 years.

(4) District school boards that agree by a majority plus one vote to institute the action plan shall submit an annual report to *the Legislature, the Governor, the SMART Schools Clearinghouse,* OPPAGA, the Auditor General, and the Commissioner of Education on progress made towards implementing the plan and whether changes have occurred in other areas of operation which would affect compliance with the best practices. Such districts shall be reviewed annually by OPPAGA, in addition to the annual financial audit required under s. 11.45, to determine whether they have attained compliance with the best financial management practices in the areas covered by the plan. Districts that

are found to comply with the best financial management practices shall receive a "Seal of Best Financial Management" by the State Board of Education certifying that the district is adhering to the state's best financial management practices. This designation shall be effective for a *5-year* ~~3-year~~ period, after which the district school board may reapply for the designation to be granted after another financial management practice review. During the designation period, the district school board shall annually notify *the SMART Schools Clearinghouse,* OPPAGA, the Auditor General, and the State Board of Education of any changes in policies or operations or any other situations that would not conform to the state's best financial management practices. The State Board of Education may revoke the designation of a district at any time if it determines that a district is no longer complying with the state's best financial management practices.

(5) Any audit or performance review of one or more of the designated components conducted or supervised by OPPAGA or the Department of Management Services, and completed within 2 years before the date of application to OPPAGA for a best financial practices review, may serve as all or part of the audit or review required as the examination of district operations necessary for a determination of whether a district meets the "best financial management practices" designation. The cost contribution requirements of subsection (2) do not apply to any such audit or performance review.

Section 23. Subsections (5) through (23) of section 235.011, Florida Statutes, are renumbered as subsections (6) through (24), respectively, present subsections (11) and (17) are renumbered and amended, and a new subsection (5) is added to said section, to read:

235.011 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this chapter:

(5) "Core facilities" means the media center, cafeteria, toilet facilities, and circulation space of an educational plant.

(12)~~(11)~~ "Maintenance and repair" means the upkeep of educational and ancillary plants, including, but not limited to, roof or roofing replacement short of complete replacement of membrane or structure; repainting of interior or exterior surfaces; resurfacing of floors; repair or replacement of glass; repair of hardware, furniture, equipment, electrical fixtures, and plumbing fixtures; and repair or resurfacing of parking lots, roads, and walkways. *The term* "maintenance and repair" *does* ~~shall~~ not include *custodial or groundskeeping functions, or* renovation except for the replacement of equipment with new equipment of equal systems meeting current code requirements, provided that the replacement item neither places increased demand upon utilities services or structural supports nor adversely affects the function of safety to life systems.

(18)~~(17)~~ "Renovation" means the rejuvenating or upgrading of existing facilities by installation or replacement of materials and equipment and includes, but is not limited to, interior or exterior reconditioning of facilities and spaces; air-conditioning, heating, or ventilating equipment; fire alarm systems; emergency lighting; electrical systems; and complete roofing or roof replacement, including replacement of membrane or structure. *As used in this subsection, the term "materials" does not include instructional materials.*

Section 24. Subsection (1) and paragraph (a) of subsection (10) of section 235.014, Florida Statutes, are amended to read:

235.014 Functions of the department.—The functions of the department shall include, but not be limited to, the following; it shall:

(1) Establish recommended minimum and maximum square footage requirements for different functions and areas and the procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state, including public broadcasting stations but excluding postsecondary special purpose laboratory space. The gross square footage determination standards may be exceeded when *the core facility space of an educational facility is constructed or renovated to accommodate the future addition of classrooms to meet projected increases in student enrollment* ~~using local operating funds~~. The department shall encourage multiple use of facilities and spaces in educational plants.

(10)(a) Review and validate surveys proposed or amended by the boards and recommend to the State Board of Education, for approval, surveys that meet the requirements of this chapter.

1. The term "validate" as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; *compare* ~~the comparison of~~ new school inventory to allocation limits provided by this chapter; review ~~of~~ cost projections for conformity with *cost limits set by s. 235.435(6)* ~~state averages~~; *compare* ~~comparison of~~ total capital outlay full-time equivalent enrollment projections in the survey with the department's projections; review facilities lists to verify that *student station and auxiliary facility space* ~~area~~ allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; utilize the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm that need projections for vocational and adult educational programs comply with needs documented by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~; and confirm the assignment of full-time student stations to all space except ~~for~~ *auxiliary facilities, which, for purposes of exemption from student station assignment, include the following:*

a. Cafeterias.~~,~~

b. Multipurpose dining areas.~~,~~

c. Media centers.~~,~~

d. Auditoriums. ~~and~~

e. Administration.

f. Elementary, middle, and high school resource rooms, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.

g. Elementary school skills labs, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.

h. Elementary school art and music rooms.

2. The term "validate" as applied to surveys by community colleges means to review and document the approval of each new site and official designation, where applicable; review the inventory database as submitted by the Division of Community Colleges, including nonvocational, vocational, and total capital outlay full-time equivalent enrollment projections per site and per college; provide for the review and inspection, where required, of student stations and aggregate square feet of space changed from satisfactory to unsatisfactory; utilize and review the documentation of programs offered per site submitted by the Division of Community Colleges as accurate for analysis of space requirements and needs; confirm that needs projected for vocational and adult educational programs comply with needs documented by the Division of *Workforce Development* ~~Applied Technology and Adult Education~~; compare new facility inventory to allocations limits as provided in this chapter; review cost projections for conformity with state averages or limits designated by this chapter; compare student enrollment projections in the survey to the department's projections; review facilities lists to verify that area allocations and space factors for generating space needs do not exceed the limits as provided by this chapter and related rules; confirm the application of facility utilization factors as provided by this chapter and related rules; and review, as submitted, documentation of how survey recommendations will implement the detail of current campus master plans and integrate with local comprehensive plans and development regulations.

Section 25. Paragraph (a) of subsection (2) of section 235.056, Florida Statutes, is amended to read:

235.056 Lease and lease-purchase of educational facilities and sites.—

(2)(a) A board may rent or lease educational facilities and sites as defined in s. 235.011. Educational facilities and sites rented or leased for 1 year or less shall be funded through the operations budget or funds

derived from millage proceeds pursuant to s. 236.25(2). A lease contract for 1 year or less, when extended or renewed beyond a year, becomes a multiple-year lease. Operational funds or funds derived from millage proceeds pursuant to s. 236.25(2) may be authorized to be expended for multiple-year leases. All leased facilities and sites must be inspected prior to occupancy by the board's Uniform Building Code inspector, who shall report to the department.

1. Beginning July 1, 1995, all newly leased spaces must be inspected and brought into compliance with the state minimum building code pursuant to chapter 553, and the life safety codes pursuant to chapter 633, prior to occupancy, using the board's operations budget or funds derived from millage proceeds pursuant to s. 236.25(2). As an alternative, the board may elect to comply with the State Uniform Building Code for Public Educational Facilities Construction instead of the state minimum building code or the life safety code, or both.

2. Plans for renovation or remodeling of leased space shall conform to state minimum building and life safety codes for educational occupancies, or other occupancies as appropriate, as required in chapters 553 and 633, prior to occupancy. As an alternative, the board may elect to comply with the State Uniform Building Code for Public Educational Facilities Construction instead of the state minimum building code or the life safety code, or both.

3. All leased facilities must be inspected annually for firesafety deficiencies in accordance with the applicable code and have corrections made in accordance with s. 235.06. Operational funds or funds derived from millage proceeds pursuant to s. 236.25(2) may be used to correct deficiencies in leased space.

4. When the board declares that a public emergency exists, it may take up to 30 days to bring the leased facility into compliance with the requirements of Commissioner of Education rules.

5. By July 1, 1998, the department shall present to the Governor, the Speaker of the House of Representatives, and the President of the Senate a report on the amount of leased space used by districts for prekindergarten programs and for instructional purposes of elementary schools, middle schools, and high schools. The report shall indicate the number of capital outlay full-time-equivalent students who are instructed in leased spaces, the number of permanent and relocatable facilities which are leased, the number of prekindergarten stations assigned in permanent facilities, the condition of leased facilities in accordance with applicable building and life safety codes, and the methods by which leased spaces are financed. The report shall make recommendations as to prescriptive changes that districts must make with regard to leased facilities, as well as recommendations regarding the assignment of student stations to such facilities.

Section 26. Subsection (2) of section 235.06, Florida Statutes, is amended to read:

235.06 Safety and sanitation standards and inspection of property.—The Commissioner of Education shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of the State Uniform Building Code for Public Educational Facilities Construction as provided in s. 235.26, the provisions of chapter 633 to the contrary notwithstanding. These standards must be used by all public agencies when inspecting public educational and ancillary plants. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies must contain procedures for periodic inspections as prescribed herein and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.—

(a) A safety or sanitation inspection of any educational or ancillary plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Each agency conducting inspections shall use the standards adopted by the Commissioner of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule, the provisions of chapter 633 to the contrary notwithstanding. The agency shall submit a copy of the inspection report to the board.

(b) In addition to school board inspections, the applicable local fire control authority shall also annually inspect educational facilities within its fire control district, using the standards adopted by the Commissioner of Education. Reports shall be filed with the school board, and a copy shall be on file with the local site administrator.

Section 27. Section 235.061, Florida Statutes, is created to read:

235.061 Standards for relocatables used as classroom space; inspections.—

(1) The Commissioner of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. These rules must be implemented by July 1, 1998, and each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. The rules shall require that, by July 1, 2001, relocatables that fail to meet the standards may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Uniform Building Code for Public Educational Facilities or other locally adopted state minimum building codes to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, to be accessible by adequate covered walkways. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

(2) Annual inspections for all satisfactory relocatables designed for classroom use or being occupied by students are required for: foundations; tie-downs; structural integrity; weatherproofing; HVAC; electrical; plumbing, if applicable; firesafety; and accessibility. Reports shall be filed with the district school board and posted in each respective relocatable in order to facilitate corrective action.

Section 28. Subsection (1) of section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; *localized need assessment;* PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the *educational* ~~education~~ plant survey of a school district or community college that delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) *Survey preparation and required data.*—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) *Required need assessment criteria for district, community college, and state university plant surveys.*—Each educational plant survey completed after *December 31, 1997,* ~~June 30, 1997,~~ must use uniform data sources and criteria specified in this paragraph. Each educational plant survey completed after June 30, 1995, and before *January 1, 1998,* ~~July 1, 1997,~~ must be revised, if necessary, to comply with this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. Each school district's *educational plant* survey must reflect the capacity of existing *satisfactory* facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the *norm* ~~minimum~~ space and occupant design criteria established by *the State Requirements for Educational Facilities* ~~rule of the State Board of Education~~. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department *and must include all enrollment used in the calculation of the distribution formula in s. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease-purchased, or leased by the school district,* ~~Relocatables~~ shall be included in the school district inventory of *gross capacity of* facilities and must be *counted* ~~rated~~ at ~~100 percent of~~ actual student capacity for purposes of the inventory. For future needs determination, *student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.185. Those relocatables clearly identified and scheduled for replacement in a school board adopted financially feasible 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be re-entered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district,* ~~relocatables~~ shall be counted at ~~75 percent of~~ actual student capacity. *The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the department's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the department.* ~~However, an adjustment shall be made for deficiencies in core space because of the use of relocatables. For schools with permanent educational facilities, this adjustment shall be the product of 75 percent multiplied by a factor determined by the ratio of permanent classrooms to relocatable classrooms. Such product shall not exceed 100 percent.~~

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the *norm* ~~minimum~~ space and occupant design criteria established by *the State Requirements for Educational Facilities* ~~rule of the State Board of Education~~.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections of facility space needs must be consistent with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. The educational plant survey of a school district, community college, or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified *by the district or institution and approved by*~~, to the satisfaction of~~ the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.

(c) *Review and validation.—When required by the Constitution,* the department shall review and validate the surveys *of school districts and community colleges* and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.

Section 29. Subsection (2) of section 235.19, Florida Statutes, is amended to read:

235.19 Site planning and selection.—

(2) Each new site selected must be adequate in size to meet the educational needs of the students to be served *on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables*. The Commissioner of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the commissioner. Less-than-recommended site sizes are allowed if the board, by a two-thirds majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.

Section 30. Paragraphs (a), (f), (g), and (h) of subsection (2) of section 235.26, Florida Statutes, are amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The Commissioner of Education shall adopt a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees. The code must be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. Wherever the words "Uniform Building Code" appear, they mean the "State Uniform Building Code for Public Educational Facilities Construction." It is not a purpose of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in revising the code.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—A district school board or community college district board of trustees may not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. Each district school board and community college district board of trustees may adopt policies for delegating to the superintendent or community college president authority for submitting documents to the department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project. It is also the responsibility of the department to develop, as a part of the Uniform Building Code, standards relating to:

(a) Prefabricated *facilities,* ~~or~~ factory-built facilities*, or site-built facilities* that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Community Affairs for factory inspections by certified Uniform Building Code inspectors to certify conformance with law and with rules of the Commissioner of Education. *The standards must comply with the requirements of s. 235.061 for relocatable facilities intended for long-term use as classroom space.*

(f) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis must consist of the sum of:

a. The reasonably expected fuel costs over the life of the building that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the department shall develop standards that must include, but need not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Such standards must be based on the best currently available methods of analysis, including such methods as those of the National Institute of Standards and Technology, the Department of Housing and Urban Development, and other federal agencies and professional societies and materials developed by the Department of Management Services and the department. Provisions must be made for an annual updating of standards as required.

4. By July 1, 1998, the department shall establish life-cycle cost criteria in the State Requirements for Educational Facilities for use in evaluating projects.

5. By July 1, 1999, the department shall establish standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to conform with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund and to prohibit district school boards from expending local capital outlay revenues for any project that includes materials or systems that do not comply with these standards unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department.

~~(g) The maximum and minimum net square footage per student for new construction initiated by a district school board after June 30, 1997. The maximum net square footage per student may not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997.~~

~~(h) Maximum allowable space for noninstructional elements of educational facilities in relation to design criteria for space size and occupancy not to exceed the following:~~

~~1. The net area of the building may be increased up to 6 percent for interior enclosed space necessary for electrical, heating, ventilation, and air conditioning equipment.~~

~~2. Space for general circulation, interior and exterior walls, roof overhangs, and open malls shall not exceed 22 percent of the net square footage of the total facility for schools housing students in prekindergarten through grade 5 or grade 6 and shall not exceed 30 percent for schools housing students in grade 6 through postsecondary, including ancillary and broadcasting stations.~~

Section 31. Subsection (1) of section 235.33, Florida Statutes, is amended to read:

235.33 Payments.—

(1) The final payment to the contractor shall not be made until the construction project has been inspected by the architect or other person designated by the board for that purpose and until he or she has issued a written certificate that the project has been constructed in accordance with the approved plans and specifications and approved change orders and until the board, acting on these recommendations, has accepted the project. After acceptance by the board, a duplicate copy of this written certificate, duly certified as having been accepted by the board, as well as other related data on *contract costs and total* ~~project~~ costs *per student station*, space inventory update, and other related building information must be filed with the department for budget and cost reporting purposes.

Section 32. For the purpose of incorporating the amendment to section 235.435, Florida Statutes, in a reference thereto, subsection (3) of section 235.41, Florida Statutes, is reenacted to read:

235.41 Legislative capital outlay budget request.—

(3) The commissioner shall submit an integrated, comprehensive budget request to the Executive Office of the Governor and to the Legislature each fiscal year by the submission date specified in s. 216.023(1). Notwithstanding the provisions of s. 216.043, the integrated, comprehensive budget request shall include:

(a) Recommendations for the priority of expenditure of funds in the state system of public education, with reasons for the recommended priorities, and other recommendations which relate to the effectiveness of the educational facilities construction program.

(b) All items in s. 235.435.

Section 33. Paragraph (a) of subsection (2), paragraph (d) of subsection (3), and subsection (6) of section 235.435, Florida Statutes, are amended to read:

235.435 Funds for comprehensive educational plant needs*; construction cost maximums for school district capital projects*.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 3-year period. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts other than the district submitting the project. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a mimimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected

capital outlay full-time equivalent student enrollment as determined by the department; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4. The district must have selected and had approved a site for the construction project in compliance with s. 235.19 and the rules of the State Board of Education.

5. The district shall have *developed* a school board adopted *list of facilities that do not exceed the norm for* ~~facility list developed in accordance with the minimum~~ net square feet occupancy requirements under the *State Requirements for Educational Facilities,* ~~rules of the State Board of Education and~~ using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total ~~project~~ cost *per student station,* including change orders, must not exceed the ~~adjusted statewide average cost per gross square foot, adjusted by the construction cost index and the 5-year statewide average inflation rate; must not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997; and must not exceed the adjusted statewide average~~ cost per student station *as provided in subsection (6).*

7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 236.25(2). Effective July 1, 1991, any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

12. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(3)

(d) Funds distributed to the district school boards shall ~~only~~ be allocated *solely* based on the provisions of paragraphs (1)(a) and (2)(a) and paragraph (a) of this subsection. No individual school district projects shall be funded off the top of funds allocated to district school boards.

(6)(a) ~~Effective July 1, 1997,~~ Each district school board must meet all *educational plant* ~~instructional~~ space needs of *its elementary, middle, and high schools* ~~the respective educational sector~~ before spending funds from the Public Education Capital Outlay *and Debt Service* Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any *ancillary plant or any* other new construction, renovation, or remodeling *of ancillary space.* Expenditures to meet such ~~instructional~~ space needs may include expenditures for site acquisition;~~,~~ new construction *of educational plants;*~~,~~ renovation, remodeling, *and maintenance and repair of existing educational plants, including auxiliary facilities;* and the *directly related* costs of such services of school district personnel ~~directly related to renovation or remodeling~~. *It is not the intent of the Legislature to preclude the use of capital outlay funding for the labor costs necessary to accomplish the authorized uses for the capital outlay funding. Day-labor contracts or any other educational facilities contracting and construction techniques pursuant to s. 235.211 are authorized. Additionally, if a school district has salaried maintenance staff whose duties consist solely of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, such funding may be used for those salaries; however, if a school district has salaried staff whose duties consist partially of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, the district shall prorate the portion of salary of each such employee that is based on labor for authorized capital outlay funding, and such funding may be used to pay that portion.*

(b)*1. Unless granted a waiver under s. 235.4351, a* ~~Each~~ district school board must not use funds from the Public Education Capital Outlay *and Debt Service* Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction *of educational plant space* with a total ~~contract~~ cost *per student station,* including change orders, that equals more than*:*

a. $11,600 for an elementary school,

b. $13,300 for a middle school, or

c. $17,600 for a high school,

(1997) as adjusted annually by the Consumer Price Index ~~110 percent of the adjusted statewide average total construction cost per gross square foot, adjusted by the appropriate construction cost index and the 5-year average statewide inflation rate~~. Upon request by a district school board *pursuant to s. 235.4351,* the Commissioner of Education may waive for a specific project the provisions of this paragraph which limit total ~~contract cost and the provisions of subparagraph (c)2. which limit construction~~ cost per student station if the commissioner is satisfied that the requested waiver is justified. *If the district school board does not receive a waiver from the cost limits set by this subsection,* operating funds must be used to pay any part of the total construction cost, including costs resulting from change orders, which exceeds the expenditure limits of this subsection.

2. A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all schools.

(c) *Except as otherwise provided,* ~~All~~ new construction initiated by a district school board after June 30, 1997,~~:~~

~~1. Must not exceed the minimum square footage per student defined by the State Requirements for Educational Facilities, 1997; and~~

~~2.~~ must not exceed the ~~adjusted statewide average construction~~ cost per student station *as provided in paragraph (b)* ~~for the previous calendar year~~.

(d) The department shall compute for each calendar year *the* statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute *the* ~~adjusted~~ statewide average ~~total construction~~ costs *per student station* for each instructional level. ~~The adjusted statewide average total construction cost shall not include any new construction project that exceeded the statewide average contract cost for new construction by more than 10 percent. Total construction~~ Cost *per student station* includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. ~~Total construction~~ Cost *per student station* does not include the cost of purchasing or leasing the site for the construction *or the cost of related offsite improvements.*

(e) The restrictions of this subsection on the cost per student station of new construction do not apply to a project funded entirely from proceeds received by districts through provisions of ss. 212.055, 236.31, and 236.32 and s. 9, Art. VII of the State Constitution, if the school board approves the project by majority vote.

Section 34. Section 235.4351, Florida Statutes, is created to read:

235.4351 Waivers from certain requirements.—The commissioner may adopt standards, by rule, for the provision of waivers from the requirements of this chapter relating to plant surveys, need projections, and cost ceilings. Special consideration for waiver shall be given to:

(1) Projects of school districts for which no state money is spent.

(2) Projects of school districts that certify that all of the district's educational plant space needs for the next 5 years can be met from:

(a) Capital outlay sources that the district reasonably expects to receive during the next 5 years; or

(b) Alternative scheduling or construction, leasing, rezoning, or technological methodologies exhibiting sound management.

The commissioner shall report annually to the Legislature and the Governor, by January 1, the prior year's waivers granted under this section.

Section 35. Paragraph (a) of subsection (2) and subsection (5) of section 236.25, Florida Statutes, are amended to read:

236.25 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 2 mills against the taxable value for school purposes to fund:

(a) New construction and remodeling projects, as set forth in s. 235.435(3)(b) *and (6)(b) and included in the district's educational plant survey pursuant to s. 235.15*, without regard to ~~the~~ prioritization ~~in that section~~, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

(5)*(a)* It is the intent of the Legislature that, by July 1, *2003* ~~2004~~, revenue generated by the millage levy authorized by subsection (2) should be used only for the costs of construction, renovation, remodeling, *maintenance*, and repair of *the* educational *plant* ~~facilities that provide space for the instruction of students~~; for the purchase, lease, or lease-purchase of equipment, *educational plants* ~~buildings~~, and *construction* materials directly related to the delivery of student instruction ~~in such facilities~~; *for the opening day collection for the library media center of a new school;* ~~and~~ for the purchase, lease-purchase, or lease of school buses*; and for servicing of payments related to certificates of participation issued for any purpose prior to the effective date of this act. Costs associated with the lease-purchase of equipment, educational plants, and school buses may include the issuance of certificates of participation on or after the effective date of this act and the servicing of payments related to certificates so issued. For purposes of this section, "maintenance and repair" is defined in s. 235.011.*

(b) For purposes not delineated in paragraph (a) for which proceeds received from millage levied under subsection (2) may be legally expended, a district school board may spend no more than the following percentages of the amount the district spent for these purposes in fiscal year 1995-1996:

1. In fiscal year 1997-1998, 85 percent.

2. In fiscal year 1998-1999, 70 percent.

3. In fiscal year 1999-2000, 55 percent.

4. In fiscal year 2000-2001, 40 percent.

5. In fiscal year 2001-2002, 25 percent.

6. In fiscal year 2002-2003, 10 percent.

~~(a) In fiscal year 1997-1998, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 85 percent of the amount that was spent for those purposes in fiscal year 1995-1996, which shall be the base year, from the proceeds of the millage levied under subsection (2).~~

~~(b) In fiscal year 1998-1999, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 70 percent of the amount that was spent for those purposes in the base year.~~

~~(c) In fiscal year 1999-2000, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 55 percent of the amount that was spent for those purposes in the base year.~~

~~(d) In fiscal year 2000-2001, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 40 percent of the amount that was spent for those purposes in the base year.~~

~~(e) In fiscal year 2001-2002, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 25 percent of the amount spent for those purposes in the base year.~~

~~(f) In fiscal year 2002-2003, a district school board may spend for purposes other than the construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such facilities; and the purchase, lease-purchase, or lease of school buses, no more than 10 percent of the amount spent for those purposes in the base year.~~

(c)~~(g)~~ Beginning July 1, *2003* ~~2004~~, revenue generated by the millage levy authorized by subsection (2) must be used only for the *purposes delineated in paragraph (a)* ~~construction, renovation, remodeling, and repair of educational facilities that provide space for the instruction of students; for the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to the delivery of student instruction in such facilities; and for the purchase, lease-purchase, or lease of school buses~~.

(d) Notwithstanding any other provision of this subsection, if through its adopted facilities work program a district has clearly identified the need for an ancillary plant, has provided opportunity for public input as to the relative value of the ancillary plant versus an educational plant, and has obtained public approval, the district may use revenue generated by the millage levy authorized by subsection (2) for the construction, renovation, remodeling, maintenance, or repair of an ancillary plant.

A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under s. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years *or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.*

Section 36. *It is not the intent of the Legislature to require duplication of effort by the school districts in performing their duties regarding edu-*

cational plant surveys and their duties regarding the district facilities 5-year work programs. The Department of Education and the SMART Schools Clearinghouse shall review ss. 235.15 and 235.185, Florida Statutes, and shall recommend to the Legislature by March 1, 1998, any changes or repeal of language necessary to effectuate the intent of this section.

Section 37. *All survey-approved projects for which the design or design-build contract was executed prior to May 30, 1997, and for which notice of verification of school board action was submitted to the Department of Education shall proceed under provisions of chapter 235, Florida Statutes, and related rules in effect as of the date the design or design-build contract was executed.*

Section 38. *Section 12 of chapter 97-265, Laws of Florida, is repealed.*

Section 39. *(1)(a) It is a goal of the Legislature that all school districts shall provide a quality educational environment for their students such that, by July 1, 2003, student stations in relocatable facilities exceeding 20 years of age and in use by a district during the 1998-1999 fiscal year shall be removed and the number of all other relocatable student stations at over-capacity schools during that fiscal year shall be decreased by half. The Legislature finds, however, that necessary maintenance of existing facilities and public school enrollment growth impair the ability of some districts to achieve the goal of this section within 5 years. Therefore, the Legislature is increasing its commitment to school funding in this act, in part to help districts reduce the number of temporary, relocatable student stations at over-capacity schools. The Legislature intends that local school districts also increase their investment toward meeting this goal. Each district's progress toward meeting this goal shall be measured annually by comparing district facilities work programs for replacing relocatables with the state capital outlay projections for education prepared by the SMART Schools Clearinghouse pursuant to s. 235.217(3)(e). District facilities work programs shall be monitored by the SMART Schools Clearinghouse to measure the commitment of local school districts toward this goal.*

(b) For the purposes of this section, an "over-capacity school" means a school the capital outlay FTE enrollment of which exceeds 100 percent of the space and occupant design capacity of its nonrelocatable facilities. However, if a school's initial design incorporated relocatable or modular instructional space, an "over-capacity school" shall mean a school the capital outlay FTE enrollment of which exceeds 100 percent of the space and occupant design capacity of its core facilities.

(2) In accordance with the legislative goal described in subsection (1), any relocatables purchased with money appropriated from this act shall be counted at actual student capacity for purposes of ss. 235.15 and 235.217, Florida Statutes, for the life-cycle of the relocatable.

Section 40. *Any school district that plans to build three or more new public schools within a 5-year period is encouraged to build at least one of every three new schools through public-private partnerships if such partnerships are projected to result in cost savings compared to the most frugal method of public school construction currently used in the district.*

Section 41. *Any district with unused bonding capacity in its Capital Outlay and Debt Service Trust Fund allocation that certifies in its district facilities work program that it will not be able to meet all of its need for new student stations within existing revenues must fully bond its Capital Outlay and Debt Service Trust Fund allocation before it may participate in Classrooms First, the School Infrastructure Thrift (SIT) Program, or the Effort Index Grants Program.*

Section 42. *The sum of $3 million is appropriated from the General Revenue Fund to the Department of Education for the purpose of implementing the provisions of section 10 of chapter 97-265, Laws of Florida.*

Section 43. *There is hereby appropriated from the General Revenue Fund to the Department of Education the sum of $150,000 for the development of standards for construction materials and systems based on life-cycle cost.*

Section 44. *(1) From the funds provided in Specific Appropriation 2 in chapter 97-152, Laws of Florida, for the Educational Enhancement Trust Fund, the sum of $180 million is hereby rescinded. The revised appropriation for grants-in-aid to school districts from discretionary lottery proceeds of the Educational Enhancement Trust Fund for fiscal year 1997-1998 is $232,070,289.*

(2) There is hereby appropriated from the General Revenue Fund to the Department of Education the sum of $180 million for fiscal year 1997-1998 to be distributed to school districts and expended in accordance with the provisions of the first paragraph of the proviso language following Specific Appropriation 2 in chapter 97-152, Laws of Florida.

Section 45. *There is hereby appropriated from the Educational Enhancement Trust Fund to the Department of Education the sum of $35 million, for fiscal year 1997-1998, as the first year's maximum annual debt service on bonds issued pursuant to s. 235.2195, Florida Statutes, and $145 million for fiscal year 1997-1998 for the Classrooms First Program. School districts receiving a distribution of nonbonded revenues from the Classrooms First Program shall receive a distribution in fiscal year 1997-1998 equal to a proportionate share of their total distribution calculated pursuant to s. 235.187, Florida Statutes, equal to the portion of the fiscal year remaining after the first distribution of bond proceeds in fiscal year 1997-1998 under the Classrooms First Program.*

Section 46. *There is hereby appropriated to the Department of Education for fiscal year 1997-1998 the sum of $150 million from the General Revenue Fund and, contingent upon the sale of 1997 school capital outlay bonds pursuant to s. 235.2195, Florida Statutes, the sum of $450 million from the Educational Enhancement Trust Fund. The purpose of this appropriation is to fund School Infrastructure Thrift (SIT) Program awards pursuant to the provisions of ss. 235.2155 and 235.216, Florida Statutes, and effort index grants pursuant to the provisions of s. 235.186, Florida Statutes. The maximum amount of funds authorized for effort index grant awards through June 30, 1998, is $70 million. Effort index grants shall only be funded from the Educational Enhancement Trust Fund appropriation authorized in this section. The funds appropriated in this section shall not be subject to the provisions of s. 216.301, Florida Statutes.*

Section 47. *There is hereby appropriated from the General Revenue Fund to the Department of Education the sum of $16,625,000 to be provided as a grant to fund a SMART schools demonstration middle school project.*

Section 48. *There is hereby appropriated from the General Revenue Fund to the Department of Management Services the sum of $385,323, and four full-time equivalent positions are authorized, for the SMART Schools Clearinghouse established pursuant to s. 235.217, Florida Statutes.*

Section 49. *The Commissioner of Education shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing the issuance of 1997 school capital outlay bonds pursuant to s. 11(d), Art. VII of the State Constitution, s. 235.2195, Florida Statutes, and other applicable law.*

Section 50. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to public education facilities and finance; creating the "Public School Capital Outlay Program Act"; creating s. 235.175, F.S.; providing legislative purpose; amending s. 235.18, F.S.; requiring school districts to prepare facilities 5-year work programs before adopting their annual capital outlay budgets; creating s. 235.185, F.S.; requiring school district facilities 5-year work programs and providing definitions and procedures; creating s. 235.186, F.S.; providing for effort index grants for school district facilities work program projects; specifying an effort index for district eligibility to receive grants; providing for computation and allocation; creating s. 235.187, F.S.; creating the Classrooms First Program; providing for allocation of funds and calculations; providing for expenditure of funds; providing for the pledging of bonds; providing for distribution; amending s. 235.215, F.S.; revising requirements relating to energy efficiency contracting by school districts, community colleges, and universities; providing intent; revising measures that qualify as energy conservation measures; providing requirements for energy performance-based contracts rather than guaranteed energy savings contracts; specifying procedures for entering into such contracts; revising requirements relating to installment payment contracts; specifying the provisions and terms of energy performance-based contracts; providing duties and liabilities of energy performance contractors; reenacting and amending s. 235.2155, F.S.; revising the School Infrastructure Thrift (SIT) Program; reenacting and amending s. 235.216, F.S.; revising cost ceilings and provisions relating to SIT Program awards; providing for

recognition awards; creating s. 235.217, F.S.; establishing the SMART Schools Clearinghouse and providing for membership and duties; providing for rulemaking; prohibiting certain activities; authorizing per diem and travel expenses; providing for staff; subjecting members to certain requirements for public officers and employees; creating s. 235.218, F.S.; requiring school district facilities work program performance and productivity standards and evaluation; amending s. 24.121, F.S.; authorizing recurring use of specified revenues in the Educational Enhancement Trust Fund; creating s. 235.2195, F.S.; authorizing school capital outlay bonds and specifying conditions; amending s. 235.321, F.S.; requiring school districts to monitor the impact of change orders on district facilities work programs; amending s. 235.017, F.S.; authorizing boards to submit phase III construction documents for review and approval to the Department of Management Services for certain projects; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement the Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the resolution which provides for imposition of the surtax to state a district's participation in the Florida Frugal Schools Program; providing requirements for use of surtax proceeds if the district is participating in the Florida Frugal Schools Program; establishing the Florida Teachers Lead Program; defining "classroom teacher"; establishing the SMART Schools Small County Assistance Program for fiscal year 1998-1999; providing purpose of the program; providing duties of the SMART Schools Clearinghouse and the Department of Education with respect thereto; providing for funding of the program; amending s. 228.056, F.S.; authorizing a municipality to submit a proposal to operate a charter school; amending s. 229.513, F.S.; revising provisions relating to the review of rules and statutes by the Commissioner of Education; amending s. 230.23025, F.S.; revising provisions relating to the "Best Financial Management Practices for School Districts"; revising provisions relating to review of a school district's best financial management practices; revising certain reporting requirements; allowing a certain audit or review to serve as a determination of "best financial management practices"; amending s. 235.011, F.S.; redefining certain terms and defining the term "core facilities"; amending s. 235.014, F.S., relating to functions of the Department of Education; revising exceptions to departmental recommendations of maximum square footage; revising provisions relating to validation of educational plant surveys, including student station assignment; amending s. 235.056, F.S.; requiring a report and recommendations with respect to the amount of leased space used by school districts; amending s. 235.06, F.S.; requiring fire control authorities to inspect educational facilities; creating s. 235.061, F.S.; requiring standards for certain relocatables and providing guidelines; requiring certain inspections; amending s. 235.15, F.S.; specifying requirements for educational plant surveys and need assessment criteria; amending s. 235.19, F.S.; revising criteria for selecting the sites of proposed educational centers or campuses; amending s. 235.26, F.S.; prescribing the requirements for standards that must be developed by the department as part of the State Uniform Building Code for Public Educational Facilities Construction; providing legislative intent; deleting requirements for certain standards; amending s. 235.33, F.S.; revising provisions relating to certain fiscal information required to be filed with the department; reenacting s. 235.41(3), F.S., relating to legislative capital outlay budget requests, to incorporate the amendment to s. 235.435, F.S., in a reference; amending s. 235.435, F.S.; revising provisions relating to funds for comprehensive educational plant needs; revising requirements for requests for funding from the Special Facility Construction Account; revising requirements relating to expenditures for space needs; revising square footage and cost-ceiling requirements; clarifying provisions relating to maintenance and repair; providing exceptions to certain cost restrictions; creating s. 235.4351, F.S.; authorizing waivers from certain requirements; amending s. 236.25, F.S., relating to the district school tax; revising requirements relating to use of the 2-mill tax for new construction and remodeling; revising provisions which revise the uses of said tax and phase out certain uses over a specified period; authorizing expenditures for ancillary plants under specified circumstances; providing additional circumstances under which school districts may be exempted from expenditure restrictions; providing legislative intent and requiring certain review and recommendations by the Department of Education and SMART Schools Clearinghouse; providing that certain projects shall proceed under law and related rules in effect when the design or design-build contract was executed; repealing s. 12, ch. 97-265, Laws of Florida, relating to future review and repeal of school district tax for capital outlay; providing a legislative goal for reducing the number of relocatables in use; providing for counting of relocatables; encouraging the use of public-private partnerships for construction of new public schools under certain circumstances; requiring bonding under certain circumstances; providing funding for a SMART schools demonstration middle school project; providing for appropriations; requiring the Commissioner of Education to provide for timely encumbrances of certain funds; providing an effective date.

The Conference Committee Report was read and on motion by Senator Horne was adopted. **HB 17-A** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—34

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

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 44-A.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 7-A and HB 23-A, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 6 was corrected and approved.

ADJOURNMENT

On motion by Senator Bankhead, the Senate in Special Session adjourned sine die at 3:08 p.m.

Journal of the Senate

Final Reports After Adjournment Sine Die — 1997 Special Session A

ENROLLING REPORTS

SB 8-A, CS for SB 10-A, SB 20-A and SB 44-A have been enrolled, signed by the required Constitutional Officers and presented to the Governor on November 10, 1997.

SCR 24-A has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on November 18, 1997.

Faye W. Blanton, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State the following bills which will become law without his signature—

November 22—SB 8-Aand SB 20-A

The Governor advised that he had filed with the Secretary of State the following bills which he approved—

November 21—CS for SB 10-Aand SB 44-A

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 69, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida in Special Session, convened at 9:00 a.m. on the 3rd day of November, 1997, and adjourned at 3:08 p.m. on the 7th day of November, 1997. Additionally, there has been included a record of the transmittal of Acts and Resolutions and actions taken by the Governor subsequent to the sine die adjournment of the Special Session.

Faye W. Blanton
Secretary of the Senate

Tallahassee, Florida
November 22, 1997

MEMBERS OF THE SENATE, BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED, AND COMMITTEE ASSIGNMENTS

SPECIAL SESSION A
November 3-7, 1997

[Source: Information Division, Joint Legislative Management Committee]

(Boldfaced bill numbers passed both houses.)

BANKHEAD, WILLIAM G. (BILL)—8th District
Co-sponsored: **24-A, 42-A**

Committees: Rules and Calendar, Chairman; Banking and Insurance; Children, Families and Seniors; Health Care; Regulated Industries; Ways and Means, Subcommittee C (Human Services)

BRONSON, CHARLES H., JR. (CHARLIE)—18th District
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Agriculture, Chairman; Criminal Justice, Vice Chairman; Executive Business, Ethics and Elections; Natural Resources; Rules and Calendar; Ways and Means, Subcommittee A (General Government); Joint Legislative Committee on Everglades Oversight

BROWN-WAITE, GINNY—10th District
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Health Care, Chairman; Children, Families and Seniors; Community Affairs; Regulated Industries; Ways and Means, Subcommittee C (Human Services); Joint Administrative Procedures

BURT, LOCKE—16th District
Co-sponsored: **24-A,** 34-A, 36-A, 38-A, **42-A**

Committees: Commerce and Economic Opportunities; Criminal Justice; Health Care; Judiciary; Rules and Calendar; Ways and Means, Subcommittee B (Education); Joint Legislative Auditing Committee

CAMPBELL, WALTER G., JR. (SKIP)—33rd District
Prime Sponsored: 14-A
Co-sponsored: **24-A,** 36-A, 38-A, **42-A**

Committees: Children, Families and Seniors; Criminal Justice; Governmental Reform and Oversight; Judiciary; Ways and Means, Subcommittee D (Criminal Justice)

CASAS, ROBERTO—39th District
Co-sponsored: **24-A**

Committees: Commerce and Economic Opportunities; Community Affairs; Health Care; Regulated Industries; Rules and Calendar; Ways and Means, Subcommittee A (General Government)

CHILDERS, W. D.—1st District
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Health Care, Vice Chairman; Ways and Means, Subcommittee A (General Government), Chairman; Banking and Insurance; Executive Business, Ethics and Elections; Regulated Industries; Rules and Calendar; Ways and Means

CLARY, CHARLES W. III (CHARLIE)—7th District
Co-sponsored: **10-A, 24-A,** 34-A, **42-A**

Committees: Executive Business, Ethics and Elections, Vice Chairman; Education; Natural Resources; Transportation; Ways and Means, Subcommittee B (Education); Joint Legislative Committee on Intergovernmental Relations

COWIN, ANNA P.—11th District
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Children, Families and Seniors, Vice Chairman; Education; Natural Resources; Transportation; Ways and Means, Subcommittee B (Education)

CRIST, CHARLIE—20th District
Prime Sponsored: 28-A
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Executive Business, Ethics and Elections, Chairman; Criminal Justice; Governmental Reform and Oversight; Judiciary; Ways and Means, Subcommittee D (Criminal Justice)

DANTZLER, RICK—17th District
Co-sponsored: **24-A, 42-A**

Committees: Agriculture; Children, Families and Seniors; Community Affairs; Natural Resources; Ways and Means, Subcommittee A (General Government)

DIAZ-BALART, MARIO—37th District
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Banking and Insurance, Chairman; Rules and Calendar, Vice Chairman; Commerce and Economic Opportunities; Education; Natural Resources; Ways and Means, Subcommittee E (Finance and Tax)

DUDLEY, FRED R.—25th District
Prime Sponsored: **44-A**
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Judiciary, Chairman; Ways and Means, Vice Chairman; Commerce and Economic Opportunities; Community Affairs; Education; Rules and Calendar; Ways and Means, Subcommittee D (Criminal Justice); Joint Administrative Procedures

DYER, JOHN H., JR. (BUDDY)—14th District
Co-sponsored: **24-A, 42-A**

Committees: Community Affairs, Vice Chairman; Education; Executive Business, Ethics and Elections; Natural Resources; Ways and Means, Subcommittee B (Education); Joint Legislative Committee on Intergovernmental Relations

FORMAN, HOWARD C.—32nd District
Co-sponsored: **24-A, 42-A**

Committees: Children, Families and Seniors; Health Care; Natural Resources; Transportation; Ways and Means, Subcommittee C (Human Services); Joint Information Technology Resources; Joint Legislative Committee on Everglades Oversight

GRANT, JOHN A., JR.—13th District
Prime Sponsored: 6-A, 16-A, **20-A**
Co-sponsored: **8-A, 10-A, 24-A,** 34-A, **42-A**

Committees: Education, Chairman; Banking and Insurance; Commerce and Economic Opportunities; Judiciary; Rules and Calendar; Ways and Means, Subcommittee B (Education); Joint Legislative Management, Alternating Chairman

GUTMAN, ALBERTO (AL)—34th District
Prime Sponsored: 34-A, 40-A
Co-sponsored: **24-A, 42-A**

Committees: Criminal Justice, Chairman; Regulated Industries, Vice Chairman; Commerce and Economic Opportunities; Governmental Reform and Oversight; Ways and Means, Subcommittee D (Criminal Justice); Joint Legislative Auditing Committee

HARGRETT, JAMES T., JR. (JIM)—21st District
Co-sponsored: **24-A, 42-A**

Committees: Transportation, Chairman; Agriculture; Executive Business, Ethics and Elections; Natural Resources; Rules and Calendar; Ways and Means, Subcommittee A (General Government)

HARRIS, KATHERINE—24th District
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Commerce and Economic Opportunities, Chairman; Governmental Reform and Oversight, Vice Chairman; Banking and Insurance; Regulated Industries; Ways and Means, Subcommittee E (Finance and Tax)

HOLZENDORF, BETTY S.—2nd District
Prime Sponsored: 30-A, 32-A
Co-sponsored: **24-A, 42-A**

Committees: Banking and Insurance, Vice Chairman; Commerce and Economic Opportunities; Education; Regulated Industries; Ways and Means, Subcommittee B (Education); Joint Legislative Management

HORNE, JIM—6th District
Prime Sponsored: 2-A, 4-A
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Commerce and Economic Opportunities, Vice Chairman; Ways and Means, Subcommittee B (Education), Chairman; Criminal Justice; Education; Judiciary; Rules and Calendar; Ways and Means; Joint Legislative Committee on Intergovernmental Relations

JENNE, KENNETH C. II (KEN)—29th District
Prime Sponsored: **42-A**
Co-sponsored: **24-A**

Committees: Education, Vice Chairman; Banking and Insurance; Commerce and Economic Opportunities; Regulated Industries; Rules and Calendar; Ways and Means, Subcommittee B (Education)

JENNINGS, TONI—9th District
Co-sponsored: **24-A, 42-A**

JONES, DARYL L.—40th District
Co-sponsored: **24-A**

Committees: Judiciary, Vice Chairman; Commerce and Economic Opportunities; Health Care; Rules and Calendar; Transportation; Ways and Means, Subcommittee A (General Government)

KIRKPATRICK, GEORGE GRIER, JR.—5th District
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Natural Resources, Vice Chairman; Education; Executive Business, Ethics and Elections; Rules and Calendar; Transportation; Ways and Means, Subcommittee B (Education); Joint Information Technology Resources, Alternating Chairman

KLEIN, RON—28th District
Prime Sponsored: 36-A, 38-A
Co-sponsored: **24-A, 42-A**

Committees: Commerce and Economic Opportunities; Criminal Justice; Health Care; Regulated Industries; Ways and Means, Subcommittee E (Finance and Tax)

KURTH, PATSY ANN—15th District
Prime Sponsored: 18-A
Co-sponsored: **24-A, 42-A**

Committees: Commerce and Economic Opportunities; Community Affairs; Governmental Reform and Oversight; Natural Resources; Ways and Means, Subcommittee C (Human Services)

LATVALA, JACK—19th District
Prime Sponsored: **8-A**
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Natural Resources, Chairman; Education; Executive Business, Ethics and Elections; Rules and Calendar; Transportation; Ways and Means, Subcommittee E (Finance and Tax); Joint Legislative Committee on Everglades Oversight, Alternating Chairman

LEE, TOM—23rd District
Prime Sponsored: **26-A**
Co-sponsored: 6-A, **8-A, 10-A, 24-A,** 34-A, **42-A**

Committees: Transportation, Vice Chairman; Education; Executive Business, Ethics and Elections; Regulated Industries; Ways and Means, Subcommittee A (General Government)

MCKAY, JOHN M.—26th District
Co-sponsored: **24-A, 42-A**

Committees: Agriculture; Banking and Insurance; Children, Families and Seniors; Natural Resources; Rules and Calendar; Ways and Means, Subcommittee C (Human Services); Joint Legislative Management

MEADOWS, MATTHEW J.—30th District
Co-sponsored: **24-A, 42-A**

Committees: Community Affairs; Education; Executive Business, Ethics and Elections; Regulated Industries; Ways and Means, Subcommittee D (Criminal Justice); Joint Legislative Committee on Intergovernmental Relations, Alternating Chairman

MYERS, WILLIAM G., M.D. (DOC)—27th District
Co-sponsored: **24-A, 42-A**

Committees: Community Affairs, Vice Chairman; Ways and Means, Subcommittee C (Human Services), Chairman; Children, Families and Seniors; Health Care; Natural Resources; Ways and Means

OSTALKIEWICZ, JOHN—12th District
Co-sponsored: **24-A,** 34-A, 38-A, **42-A**

Committees: Ways and Means, Subcommittee E (Finance and Tax), Chairman; Agriculture; Commerce and Economic Opportunities; Judiciary; Rules and Calendar; Transportation; Ways and Means; Joint Legislative Auditing Committee, Alternating Chairman

ROSSIN, TOM—35th District
Co-sponsored: **24-A, 42-A**

Committees: Children, Families and Seniors, Chairman; Banking and Insurance; Governmental Reform and Oversight; Judiciary; Rules and Calendar; Ways and Means, Subcommittee C (Human Services); Joint Legislative Auditing Committee

SCOTT, JAMES A. (JIM)—31st District
Co-sponsored: **24-A, 42-A**

Committees: Regulated Industries, Chairman; Banking and Insurance; Commerce and Economic Opportunities; Governmental Reform and Oversight; Rules and Calendar; Ways and Means, Subcommittee A (General Government)

SILVER, RONALD A.—38th District
Prime Sponsored: 22-A, **24-A**
Co-sponsored: **42-A**

Committees: Ways and Means, Subcommittee D (Criminal Justice), Chairman; Criminal Justice; Executive Business, Ethics and Elections; Health Care; Judiciary; Rules and Calendar; Ways and Means; Joint Legislative Auditing Committee

SULLIVAN, DONALD C., M.D. (DON)—22nd District
Prime Sponsored: **10-A,** 12-A
Co-sponsored: **24-A, 42-A**

Committees: Ways and Means, Chairman; Banking and Insurance; Children, Families and Seniors; Education; Natural Resources; Rules and Calendar; Joint Information Technology Resources

THOMAS, PAT—3rd District
Co-sponsored: **24-A, 42-A**

Committees: Agriculture, Vice Chairman; Banking and Insurance; Commerce and Economic Opportunities; Rules and Calendar; Ways and Means, Subcommittee E (Finance and Tax)

TURNER, WILLIAM H. (BILL)—36th District
Co-sponsored: **24-A**

Committees: Children, Families and Seniors; Criminal Justice; Governmental Reform and Oversight; Regulated Industries; Ways and Means, Subcommittee E (Finance and Tax)

WILLIAMS, CHARLES—4th District
Co-sponsored: **24-A,** 34-A, **42-A**

Committees: Governmental Reform and Oversight, Chairman; Banking and Insurance; Commerce and Economic Opportunities; Judiciary; Rules and Calendar; Ways and Means, Subcommittee A (General Government); Joint Administrative Procedures, Alternating Chairman

BILLS INTRODUCED BY COMMITTEES

[Source: Information Division, Joint Legislative Management Committee]

(Boldfaced bill numbers passed both houses.)

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[Source: Information Division, Joint Legislative Management Committee]

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(Boldfaced bill numbers passed both houses—adopted one-house resolutions also boldfaced.)

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SPECIAL SESSION A
November 3-7, 1997

(To Obtain the Number of a Bill, see Subject Index)

Abbreviations:

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Sponsors
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
Boldfaced Page Numbers — Passage of Bill

Types of Bills:

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition:

ACS — Upon Adjournment, on Senate Calendar
AM — Upon Adjournment, in Messages
ASC — Upon Adjournment, in Senate Committee
CCH — Carried over, on House Calendar
CSP — Companion or Similar Bill Passed
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
UHC — Unfavorable Report, House Committee
USC — Unfavorable Report, Senate Committee
WS — Withdrawn from the Senate

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4-A Education (Education and others) (FR)(MO)3, (BA)16, (BA)18, (CR)20, (CS)21 DCS/CSP-HB 17-A

6-A Florida Teachers Lead Program (Education and others) (FR)(MO)3, (BA)19, (CR)20, (CS)21 DCS/CSP-HB 17-A

8-A Public Education Facilities (Latvala and others) (MO)3, (FR)4, (BA)19, (CR)20, (BA)**22**, (BA)**41** Ch. 97-382

10-A Bright Futures Scholarship Program (Education and others) (MO)3, (FR)4, (BA)19, (CR)20, (CS)21, (BA)**22**, (BA)42, **43** Ch. 97-379

12-A Ethics in Business Scholarship Prog. (Education and others) (MO)3, (FR)4, (BA)19, (CR)20, (CS)21, (BA)**22** DM/CSP-HB 7-A

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30-A Renovation & Repair Trust Fund (Holzendorf) (MO)3, (FR)5, (CR)20 DCS

32-A Lottery Construction Trust Fund (Holzendorf) (MO)3, (FR)5, (CR)20 DCS

34-A Death Penalty/Lethal Injection (Gutman and others) (FR)(MO)20 DSC

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Journal

of the

S E N A T E

State of Florida

THIRTIETH REGULAR SESSION

UNDER THE CONSTITUTION AS REVISED IN 1968

MARCH 3 THROUGH MAY 1, 1998

MEMBERS OF THE SENATE

(24 Republicans, 16 Democrats)

REGULAR SESSION 1998

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

District 17: John F. Laurent (R), Bartow****
Parts of Highlands, Okeechobee and Polk

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

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

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

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

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

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

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

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

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

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

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

District 29: Steven A. Geller (D), Hallandale****
Hendry and parts of Broward, Collier and Palm Beach

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

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

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

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

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

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

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

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

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

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

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

*	Holdovers
**	Elected General Election November 5, 1996, for a four-year term
***	Elected General Election November 5, 1996, for a term expiring November 1998
****	Elected Special General Election March 10, 1998, for a term expiring November 2000
*****	Elected Special General Election March 17, 1998, for a term expiring November 200

OFFICERS OF THE SENATE

Toni Jennings, *President*
Roberto Casas, *President Pro Tempore*
Locke Burt, *Majority (Republican) Leader*
Buddy Dyer, *Minority (Democratic) Leader*

Non-member Officers

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

MEMBERS AND OFFICERS OF THE SENATE
REGULAR SESSION 1998

President

Toni Jennings (R)
Orlando
District 9

President Pro Tempore

Roberto Casas (R)
Hialeah
District 39

Majority (Republican) Leader

Locke Burt (R)
Ormond Beach
District 16

Minority (Democratic) Leader

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Orlando
District 14

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

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

Ginny Brown-Waite (R)
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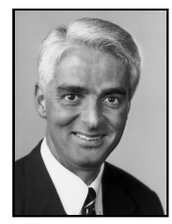
Ft. Lauderdale
District 33
Minority Whip

W. D. Childers (R)
Pensacola
District 1

Charles W. Clary III (R)
Destin
District 7

Anna P. Cowin (R)
Leesburg
District 11



Charlie Crist (R)
St. Petersburg
District 20

Mario Diaz-Balart (R)
Miami
District 37

Fred R. Dudley (R)
Bonita Springs
District 25

Howard C. Forman (D)
Pembroke Pines
District 32

Steven A. Geller (D)
Hallandale
District 29

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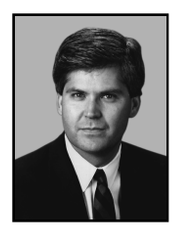
Tampa
District 13

Alberto Gutman (R)
Miami
District 34

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

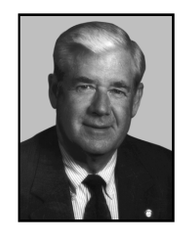
Katherine Harris (R)
Sarasota
District 24

Betty S. Holzendorf (D)
Jacksonville
District 2



Jim Horne (R)
Orange Park
District 6

Daryl L. Jones (D)
Miami
District 40



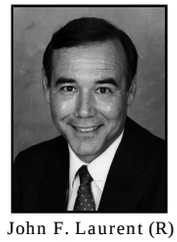
George Grier Kirkpatrick, Jr. (D)
Gainesville
District 5

MEMBERS AND OFFICERS OF THE SENATE
REGULAR SESSION 1998

Ron Klein (D)
Boca Raton
District 28
Minority Whip

Patsy Ann Kurth (D)
Malabar
District 15

Jack Latvala (R)
Palm Harbor
District 19


John F. Laurent (R)
Bartow
District 17

Tom Lee (R)
Brandon
District 23

John M. McKay (R)
Bradenton
District 26

Matthew J. Meadows (D)
Lauderhill
District 30

William G. Myers, M.D. (R)
Hobe Sound
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Windermere
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Ft. Lauderdale
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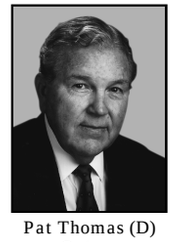
North Miami Beach
District 38

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


Pat Thomas (D)
Quincy
District 3

William H. Turner (D)
Miami
District 36

Charles Williams (D)
Tallahassee
District 4

Non-member Officers

Faye W. Blanton
Secretary

Wayne W. Todd, Jr.
Sergeant at Arms

Journal of the Senate

Number 1—Regular Session **Tuesday, March 3, 1998**

Beginning the Thirtieth Regular Session of the Legislature of Florida convened under the Florida Constitution as revised in 1968, and subsequently amended, at the Capitol, in the City of Tallahassee, Florida, on Tuesday, the 3rd of March, A.D., 1998, being the day fixed by the Constitution of the State of Florida for convening the Legislature.

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CALL TO ORDER

The Senate was called to order by President Jennings at 10:00 a.m. A quorum present—37:

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

Excused: Senator Jones

Vacancies in Office: Senator Rick Dantzler, who represented Senate District 17, resigned from office January 6, 1998. A special election will be held March 10, 1998 to fill the vacancy. Senator Kenneth C. (Ken) Jenne, who represented Senate District 29, resigned from office January 20, 1998. A special election will be held March 17, 1998 to fill the vacancy.

PRAYER

The following prayer was offered by Pastor Ron Clark, Living Water Church, Tampa:

Father, I pray for the 1998 Legislative Session, that you will enable this great body to fulfill the highest calling of a representative form of government and that is to "carry out the known will of their citizens." Empower them to keep the faith in what is right and to remain steadfast to principles and ideals that are highest and best for all men.

Lord, I know that you are pleased to encourage and inspire our hearts and minds with wisdom, moral strength and courage that are sufficient for the challenges that face this great state.

God, we are reminded of the words of Abraham Lincoln that "...if we do right, God will be with us and if God is with us, we will not fail." Your word and the voice of our conscience are the true standards in which we judge all moral and ethical decisions.

Now with the favor of God and the hopes of the people of the State of Florida, I ask you to bless this Senate. In the name of the anointed one, Amen.

PLEDGE

Senate Pages Clyde Baker, Jr. of Tallahassee and David Sellers of Crawfordville, led the Senate in the pledge of allegiance to the flag of the United States of America.

SPECIAL GUESTS

The President introduced the following guests: Chief Justice Gerald Kogan, Justice Ben Overton, Justice Leander Shaw, Justice Major Harding, Justice Charles Wells, Justice Harry Lee Anstead and Justice Barbara Pariente; Commissioner of Education Frank Brogan, Attorney General Bob Butterworth, Commissioner of Agriculture Bob Crawford (Senate President 1988-90), and Comptroller Bob Milligan.

The President recognized former Senate President Phil Lewis, 1978-80.

The President also recognized former Senators Fred Karl and Congressman Mark Foley.

SPECIAL RECOGNITION

The President announced that on this date in 1845, Florida became a state and was celebrating its 153rd anniversary of statehood.

ADDRESS BY PRESIDENT TONI JENNINGS

Twelve months ago today I stood before you with a challenge. A challenge for change. A challenge so great that it would forever improve the way we do business in Tallahassee. Senators, I am proud to say you rose to the occasion. You met the challenge. You set the standard for responsible leadership.

Last year we made promises. We promised Floridians we would conduct the people's business in the light of day, and we did. We promised we would slow down the process, make legislative trains a relic of the past, and end by dinner time, and we did. We promised to work as a team and, despite some philosophical differences, we are a team. I thank you for your commitment to change.

In addition to restoring trust in our legislative process, we accomplished great things in '97. From job creation to education, from public

safety to government efficiency, our team performed and we performed well.

In the past, our education system failed to measure up. The statistics were frightening. All warning signs encouraged us to act and act now. And we did. Our Education Chairman, Senator Grant, led the charge. Our recent initiatives cemented our firm commitment to our Number One resource: our children. We no longer tolerate mediocrity. We raised graduation standards. We reduced the education bureaucracy. We rewarded our best teachers. Speaking of the best—let me introduce Florida's Teacher of the Year, Grace Williams, who is a fourth grade teacher at North Shore Elementary School in Jacksonville. She is a shining example of how good Florida's *public* education system can be. And that is exactly what we want to strive for in Florida. With Senator Horne's help, we committed $2.7 billion to new school facilities—without raising taxes . . . not even one dime.

Although shiny new classrooms may foster a better learning environment, they cannot guarantee success or improve student performance. Today, we expect more from our students, more from our teachers and more from our parents. Performance IS improving.

In the area of economic development, the Senate is paving the way. A recent Florida Chamber of Commerce survey showed that business owners' confidence in the economy is at its highest level since 1995. In fact, 60 percent of companies polled considered Florida a good or excellent place to do business. Last summer, the national business magazine *Business Facilities* ranked Florida as "the best place for business." Given our proximity to Latin America, we have become a global leader in the export market with total trade exceeding $63 billion. With experts predicting 3½ million new Floridians by the year 2010, our efforts to fuel Florida's economy must be greater than ever.

Last year, we took the lead to stimulate Florida's economy. We tapped business leaders for guidance and created programs that produce jobs. The effort—called JOBS for short—highlights Florida as a business mecca. We are cultivating a reputation for being business-friendly, education-minded and environmentally-concerned. In fact, as a direct result of these initiatives and our unprecedented welfare reform legislation, more than 145,000 welfare recipients have moved from public assistance to the job market. And seventy-four thousand more will be headed for the workforce over the next 18 months.

Our goal was to make Florida not just a good place to take a vacation or retire—but a place to start a business and raise a family. With such recent strides, Florida communities are joining the ranks of the nation's best places to live. We are headed in the right direction. But like every journey to a brighter future, we will face new challenges.

And as we embark on this journey to a better Florida, remember: We are here for one reason and one reason only—to serve the people of our State. Interestingly, we have a unique situation over the next few weeks with two special elections in the Senate. Not since Senator Childers rode in here 30 years ago with a full head of hair have we had dual special elections during a legislative session.

But as Senators Burt and Dyer guide their respective parties outside this chamber, I ask you all to park your party politics at the door and focus on the state's priorities.

The year may be new, but our priorities remain the same. Clearly, education is our most important challenge.

As a Senate, we will provide $350 million in enhancement money for K-12 education. We have committed $100 million to reduce class size in the early grades over each of the past three years. We are doing our part; school boards must do the same. But this has to be a partnership; this has to be bipartisan; this has to be a shared priority. So I am asking school boards across Florida to enter into a covenant with this legislature, parents and teachers and publicly commit to reducing classroom size. We must give our children every opportunity to succeed. Smaller classes with better-equipped teachers is the way to do it.

In addition, we will propose a 10-percent increase in money for textbooks, library books and other education materials. We are putting our money where education starts—in the classroom.

Children must be healthy and prepared to learn before they arrive at the school doors. We will send a clear message to parents, teachers and service providers: We expect children to start school with the tools necessary to be successful students. We will enforce that message and support the children's health initiative led by Senators Myers and Brown-Waite. Fortunately, new tobacco money and Title XXI funding will provide the resources necessary. Senator Thomas will oversee tobacco spending while Senators Holzendorf and Kirkpatrick spearhead the school readiness initiative. Our goal for Florida's children: healthy minds and healthy bodies.

When talking about educating our young people, we must remember that our outdoor classroom—Florida's natural environment—is just as important as all those shiny new buildings we are about to construct.

With better-educated students comes the demand for good jobs. Phase two of our JOBS program will attract new industry. Litigation and regulatory reforms mean jobs. Economic and tax incentives mean jobs.

Our recent commitment to reducing bureaucratic red tape is beginning to pay off. This session, we will review the more than 2,000 administrative rules that have absolutely no statutory authority and repeal those which are unnecessary. Executive agencies do not make the law; we do. And we are held accountable.

Senator Bankhead will lead us in implementing TaxWatch's recommendations to reform the intangibles tax. Under this plan, we will raise the minimum payment to $60 and free 180,000 Floridians from filing returns. This is what I call smart government. My goal is to make those two words go together like Florida and sunshine.

Along with a smarter government, we will have a leaner government. State positions vacant for over six months will be targeted for elimination. I call this "Truth in Budgeting," and I expect the state to save more than $80 million alone this year. We will demand performance for every penny of that $45 billion budget. We are debating the details earlier than ever before and will pass a prudent budget this month. Under Senator Sullivan's leadership, we are already on our way. It is our sole mandate and it deserves our undivided attention.

Good schools, a strong economy and smart government mean little unless Floridians feel safe in their homes and on our streets. We have lengthened sentences and built more prisons. With the guidance of Senators Gutman and Silver, public safety will remain a top priority.

Beginning Thursday, with the help of Senators Lee and Klein, we will address an immediate threat—the attack on Florida's death penalty. Floridians demand justice. Public safety is nonnegotiable. And that goes double when it comes to protecting our children from abuse and neglect. Under Senator Rossin's proposal, Florida's children will have an opportunity to grow up without the pain and terror of abuse.

A couple of weeks ago, all the Tallahassee reporters came in for their pre-session interviews. And almost everyone of them suggested this would be a boring session, that not much would happen. That made me think of a particular quote I like by Winston Churchill. "Success is never final. Failure is never fatal. It's courage that counts." I believe this Senate has the courage to make the tough decisions and move forward. The people of Florida are counting on us. Let's not let them down.

COMMITTEES APPOINTED

On motion by Senator Casas that a committee be appointed to notify the House of Representatives that the Senate was convened and ready to proceed to the business of the session, the President appointed Senators Campbell, Clary, Cowin, Klein, Lee and Silver. The committee was excused.

On motion by Senator Thomas that a committee be appointed to notify the Governor that the Senate was convened and ready to proceed to the business of the session, the President appointed Senators Burt, Crist, Dudley, Dyer, Harris and Kurth. The committee was excused.

COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Flanagan, Dockery, Kelly, Lippman, Dawson-White, Boyd and Sembler was received and informed the Senate that the House of Representatives was convened and ready to proceed to the business of the session. The committee then withdrew from the chamber.

COMMITTEES DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The committee appointed to notify the Governor appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1-Org. and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representatives Thrasher and Crady—

HCR 1-Org.—A concurrent resolution providing that the House of Representatives and Senate convene in Joint Session for the purpose of receiving a message from the Governor.

—was read the first time in full. On motion by Senator Turner, by two-thirds vote **HCR 1-Org.** was read the second time by title, unanimously adopted and certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 846**, **SB 1004**, **SB 1164** and **SB 1232** were withdrawn from the Committee on Governmental Reform and Oversight; **SB 1152** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means; **SB 1054** was withdrawn from the Committee on Judiciary; **SB 128** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means and referred to the Committees on Regulated Industries; and Ways and Means; **SB 566** was withdrawn from the Committee on Ways and Means and referred to the Committees on Rules and Calendar; and Ways and Means; **SB 604** was withdrawn from the Committee on Transportation and referred to the Committees on Criminal Justice and Transportation; **SB 922** was withdrawn from the Committee on Commerce and Economic Opportunities and referred to the Committees on Governmental Reform and Oversight; and Executive Business, Ethics and Elections; **SB 898** was withdrawn from the Committees on Judiciary; and Rules and Calendar; and **SJR 1234** and **SJR 964** were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Sullivan, by two-thirds vote **SB 78**, **CS for SB 86**, **SB 106**, **CS for SB 110**, **CS for SB 156**, **SB 170**, **SB 174**, **SB 230**, **SB 240**, **CS for SB 250**, **CS for SB 276**, **SB 288**, **CS for CS for SB 306**, **CS for SB 358**, **CS for SB's 360 and 350**, **SB 376**, **SB 472**, **CS for SB 486**, **CS for SB 492**, **SB 496**, **CS for SB 524**, **SB 526**, **SB 534**, **SB 540**, **CS for SB 586** and **SJR 964** were withdrawn from the Committee on Ways and Means.

On motion by Senator Forman, by two-thirds vote **SB 24**, **SB 488** and **SB 1102** were withdrawn from the committees of reference and further consideration.

On motion by Senator Kirkpatrick, by two-thirds vote **SB 184** and **SB 648** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **SB 856** was withdrawn from the committees of reference and further consideration.

On motion by Senator Campbell, by two-thirds vote **SB 88**, **SB 120**, **SB 134**, **SB 414** and **SB 450** were withdrawn from the committees of reference and further consideration.

On motion by Senator Clary, by two-thirds vote **SB 1048** was withdrawn from the committees of reference and further consideration.

MOTIONS

Senator Bankhead moved that following the joint session, the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Thursday, March 5 at 2:15 p.m. The motion was adopted.

JOINT SESSION

Pursuant to **HCR 1-Org.**, the Senate formed in processional order and marched in a body to the chamber of the House of Representatives where it was received in due form. The joint session was called to order by The Honorable Daniel Webster, Speaker of the House of Representatives.

The Lieutenant Governor, members of the Cabinet and justices of the Supreme Court were received and seated.

The Speaker invited Senator Jennings, President of the Senate, and Senator Casas, President Pro Tempore of the Senate, to the rostrum and requested the President to preside over the joint session.

THE PRESIDENT PRESIDING

The President declared a quorum of the joint session present.

Rev. R. B. Holmes, Pastor, Bethel Missionary Church, Tallahassee, delivered the prayer.

The President and the Speaker led the pledge of allegiance to the flag of the United States of America.

On motion by Representative Byrd that a committee be appointed to notify the Governor that the joint session was assembled to receive his message, the President appointed Senators Bankhead, Casas, Hargrett, Scott and Thomas; and on behalf of the Speaker, appointed Representatives Jones, Dennis, Minton, Murman, Healey, Ogles and Pruitt. The committee withdrew from the chamber.

The committee appointed to wait upon the Governor subsequently returned to the chamber escorting His Excellency, The Honorable Lawton Chiles, Governor, who was escorted to the rostrum.

SPECIAL GUESTS

The President recognized the following guest: Rhea Chiles, wife of the Governor.

The President presented the Governor to the joint assembly.

ADDRESS BY GOVERNOR LAWTON CHILES

President Jennings, Speaker Webster, members of the Supreme Court, my partner and friend, Lt. Governor Buddy MacKay, members of the Cabinet, members of the Senate and the House of Representatives, my fellow Floridians:

Last week, the worst string of tornadoes ever to hit Florida slashed across our state—with winds up to 210 miles an hour.

The Mayor of Kissimmee told me of the outpouring of help and support for his people. He was appreciative of the quick response of the state emergency system and FEMA.

I'd like to express our concern for all those who suffered losses in this storm and to thank the people and businesses who have given so much of themselves to help others in need.

Our people who work on the emergency preparedness team, both at the state and county level, are the best in the country. Since Hurricane Andrew, FEMA, under James Lee Witt, has reinvented itself. FEMA makes a tremendous contribution to our communities when disaster strikes.

I am happy today to report that the State of the State looks very strong. Jobs are up; unemployment and crime are down; and we're preserving our fragile ecosystems, including the jewel in our crown—the Florida Everglades.

We've begun to build a solid economic foundation for this state. Wall Street has recognized this effort—and Florida now has the highest bond rating in our history—double-A-plus.

You and I created Enterprise Florida and our tourism partnership Visit Florida. These public/private partnerships have become our engine for creating jobs.

They've been road tested and are firing on all cylinders.

Florida is creating jobs faster than any other state in the nation.

Last year was our best year ever for tourism.

International trade is growing by double digits each year and is now valued at $63.4 billion.

WELFARE REFORM

We've cut our welfare caseload by nearly half. Participants who go to work, can keep part of their cash grant, receive two years transitional child care and get education and training.

We've now put the incentives on the side of work, not welfare dependency.

One fact to remember—the more successful we are, the harder our job becomes. Families remaining on welfare will need more intensive services to move from welfare to work. We must continue to take the savings from the declining welfare rolls and invest in child care and the support services families need.

Our business-oriented state WAGES board and the 24 community-based WAGES coalitions are a great example of our partnering with the private and local sectors.

EDUCATION

We are all aware of the importance of education and the role education must play to provide Florida with the skilled work force we need for the next century. The Governor's Commission on Education, on which a number of you serve with other Florida leaders, is addressing some very important areas.

Last year, the Commission sounded the alarm about school overcrowding. The public responded. We witnessed an outpouring of concern during the special session.

Many predicted we'd get nowhere. But, we came together to curb school overcrowding. As your governor, I'd like to say to each of you—thank you. It was an important step.

Mr. Speaker, Madam President, thank you for your cooperation.

The Education Commission recognized the merits of Blueprint 2000—a comprehensive school improvement and accountability system. And that we've adopted world-class standards for our students—the Sunshine State standards.

Our schools are improving. The list of critically low performing schools has dropped from 158 to 30 since 1995. Commissioner Brogan deserves credit for his leadership in this area.

However, the members of the study commission raise the question: "What happens when the Florida Comprehensive Assessment Test scores become binding, and we are faced with holding students back? Will we hold fast and not retreat?"

To hold fast, we'll have to provide teachers and students with the support and tools they need. We must commit ourselves to provide that remedial help now.

TEACHERS

Our colleges and universities must change their curriculum to produce teachers prepared for today's challenges. And we must re-train many of our current teachers.

We should recognize and reward top-quality teachers.

We should encourage more teachers to receive national certification—and pay them better when they achieve it.

TEXTBOOKS/TECHNOLOGY

During the special session last fall, you provided $250 for every teacher in Florida. This money will help pay for the paper and classroom supplies that too often came out of our teacher's pockets.

That was a good idea.

We must also continue to fund books and materials. This year we should provide an additional $24.5 million to fully fund this item.

For today's kids, a computer is vital to their learning. The Internet is a gateway to a whole universe of knowledge.

This morning, Florida school children are watching us live on the Internet. Later today, Buddy and I will talk with kids via the World Wide Web.

Kids, I'm glad you're tuning in. There is a lot going on here that will affect you, your families and your schools. I'm hoping this legislative session will be dedicated to you.

But, only a quarter of our classrooms have access to the Internet. We increased funding for classroom technology by 43 percent over the past two years. This year, let's continue that effort.

SCHOOL HEALTH NURSES

A kid who's sick can't learn. Yet, Florida ranks 48th in student-to-school nurse ratio. If it wasn't for Louisiana and Mississippi, we'd be dead last.

When a child has a medical problem, and there's no one to turn to, often Mom has to leave her job and come take the child home. Many times, that's not warranted.

When we were growing up, most schools had a nurse. They were there for minor scrapes or major emergencies. Much has changed, but the need for school nurses has not. Let's provide our school children with more nurses.

HIGHER EDUCATION

Florida still does not provide higher education opportunities to enough of our Florida kids. This year we must increase that number.

It's fair to ask parents to pick up 25 percent of tuition if we provide sufficient needs-based scholarships. Let's keep the doors of higher education open for all our kids. We also must work to keep Florida's merit scholars in our universities.

READINESS

The most compelling product of the Education Commission is the Readiness Committee's report—adopted unanimously by the full commission.

I'm sending each of you a copy. I'm also sending a copy of the speech delivered at the 1998 Children's Summit by the chair of the committee, David Lawrence, publisher of *The Miami Herald*.

I urge you to read these insightful comments. They show that the readiness of our kids, zero to five, is Florida's Achilles' heel.

This session we can make major strides to improve readiness by addressing child care and health care for our children.

CHILD CARE

Balancing the needs of work and raising children is an every day challenge for many of our state's families.

Last year, you provided child care for our WAGES moms. But, there are thousands of working moms who have not gone on welfare but can't afford child care. They toughed it out.

Let's use our WAGES' savings to provide child care for 26,000 of their kids.

There are two other steps we can take to improve the quality of child care.

First, we should require background checks of any child care provider who receives government funds. We must ensure our kids are safe.

Second, we should increase the number of Gold Seal child care centers in Florida. This good program you've created assures parents their children are in a truly quality center.

To date there are 550 Gold Seal centers now—let's increase that number by at least 300.

CHILDREN'S HEALTH INITIATIVE

This year we have an unprecedented opportunity to provide health care coverage for our infants, pre-schoolers and students.

Using new federal funds plus our tobacco victory dollars we can provide health insurance for 300,000 uninsured children. That's 10,000 classrooms full of kids.

Now, health care for these children comes only at the emergency room.

This morning, I was escorted into the chamber by some of the newest members of the Florida Healthy Kids program. Nine-year-old Amanda Anderson is a third grader here at Chaires Elementary.

She had a serious heart condition that required open heart surgery just days after birth. Luckily, at that time, her parents had health insurance. But Amanda's Mama lost her husband and her family health insurance.

On Sunday, Amanda became one of Leon County's first enrollees in Healthy Kids.

With your help, more children like Amanda will receive the coverage they need to stay healthy and do better in school. We know kids in every school district should have that chance.

Thank you Representative Albright and Senator Myers for the work your committees are doing to bring this about.

TOBACCO VICTORY

We're able to afford this children's health care plan, in part, because of our victory against Big Tobacco.

This fight was for children.

When we brought the nation's strongest lawsuit against cigarette makers, the odds were against us. Tobacco had never paid a dime to anyone.

We won an historic settlement.

Today, there are no longer any tobacco billboards or transit ads in Florida. No Joe Camel, no Marlboro Man or Virginia Slims models looking down at our kids.

And we won $11.3 billion over the first 25 years. $419 million is now in the state treasury.

The settlement earmarked $200 million for an anti-smoking campaign to protect our kids from years of aggressive and deceptive marketing.

Big Tobacco spends more than $14 million each day selling its products. By the time a teen turns 14, they've already been exposed to $20 billion of tobacco advertising.

For years we've done nothing to counter that. Unless we act, we know that 300,000 of Florida's children will one day die of a tobacco-related disease.

But, if we reduce youth tobacco use by just one percent—we can save the lives of 10,000 children.

ONLY a substantial program can succeed. An under-funded program is doomed to failure—and that plays directly into the hands of Big Tobacco.

Let's fund this program the right way—not half way. Our kids' lives are at stake.

We have held meetings with local anti-smoking coalitions. We have selected an advertising team. And on March 29th, 500 teens from all over Florida will come together in Haines City to plan our attack against tobacco.

Teens know best how to talk to teens. And since the day of the settlement, they've been advising us on what works best.

Florida will be the first state to give teens a major role in the fight against tobacco. And from what I've seen, Big Tobacco is in for a big surprise.

TOBACCO PREEMPTION

There's another thing we can do to free our people from the dangers of smoking.

A few years ago we extended Florida's Clean Indoor Air Act to ensure public areas are smoke free.

But today, the Act represents the most a community can do to clear the air. The state has choked local efforts to provide cleaner air for their citizens and that's not fair.

This is a home rule issue.

New York City provides us with strong evidence that the restaurant and tourism business can thrive when the air is cleared. Florida's communities deserve the opportunity to strengthen their clean air laws.

Let's remove the preemption clause. Let's let communities decide what's best.

Florida has long been known as the Sunshine State. Madam President, I agree with you. Let's work together to make Florida the Fresh Air State. We can get this done this year.

GUN VIOLENCE

In 1996, 190 Florida kids died as a result of guns in our communities.

Last year, Representative Miller's son Trey was shot in the shadow of the Capitol. He was one of five random victims shot during a graduation party.

Those shots hit very close to home for all of us—but unfortunately, gun violence in our society has become background noise.

We need to change that.

Two of our outstanding local officials—Orange County chair Linda Chapin and Miami-Dade Mayor Alex Penelas—are crying out for our support. They're telling us: If the state's not going to act, then allow us to do it.

We should help them.

Let's close the loophole in our gun laws and make gun shows play by the same rules as retail stores and pawn shops. We should require background checks and a waiting period for gun show purchases.

This is the year to take a stand on gun violence.

Too many of our kids live in fear of guns on our school yards and in their neighborhoods. Let's give them a greater measure of safety.

CHILD ABUSE

When a child dies from abuse and neglect, we are all outraged. We all feel the black eyes, bruises and broken bones.

Last year, 116 children died from abuse and neglect in our state. During one tragic week in September, five children died from child abuse.

In each of these cases, the warning signs were there.

These are our children. If you and I don't protect them, who will?

We must fund 200 new child protective investigators and provide all of them with better supervision and training. And we also must work at the front end.

Healthy Families, established in 1992, now operates in FIVE counties: Pinellas, Orange, Hillsborough, Duval and Polk.

It provides home visits, parent education and child development programs for at-risk families. We see incredible statistics about families involved in this innovative program: More than 96 percent experience no abuse or neglect.

It's working. Let's expand Healthy Families statewide this year.

ADOPTION

Another program that's working to build Florida's families is our effort to promote adoption. We now provide a free college tuition to adopted foster kids.

Using the adoption hotline, our Internet homepage, and a new public awareness campaign, we're encouraging more families to, in the words of our campaign slogan: "Get a Life."

The Governor's Adoption Partnership will begin an intensive campaign this summer.

Let's back up this effort to find permanent homes for more foster kids by increasing the Maintenance Adoption Subsidy.

We have a few members here for their first session.

Forty years ago I was here as a member of the House for my first session. It was an incredible time to be a member.

Florida was in the last throes of the Pork Chop rule when Senators and House members represented pine trees—not people.

I recall a House member being kicked out of the Pork Chop gang because he cast a vote of conscience to allow Broward County, then our fastest growing county to have four representatives rather than three.

The Federal Court reapportioned us and the top guns of the House moved to the Senate and a new class in the House included a Graham and a D'Alemberte.

It was a renaissance time. Florida burst forth from a rural, Southern state to an urban, major player.

After four years in the State Senate, I took a walk and not only did I get elected to the U.S. Senate, I learned to listen.

It was lonesome when I started walking the Panhandle, and I found people would walk with me longer if I listened rather than talked. And I learned a lot when I listened.

After 18 years in the Senate (the job I'd wanted since I was 10 years old), I broke my pick on the budget and I came home disgusted and ready to hang it up.

Two years later, I was elected Governor, the one job I never coveted.

I don't know what I did to deserve it but being Florida's Governor has been the most exciting and rewarding experience of my life.

I know this sounds like a nostalgia trip, but that's not what I'm about. I have some things, after these 40 years, that I want to share with you.

The Florida I see today is more exciting than the old Florida I described. We are more diverse than ever before.

The voices we hear in the neighborhoods of Overtown and Little Havana—of Orlando and Apalachicola—these are the voices of a new Florida. And though they may speak with different tongues, we share one voice.

Florida is poised to lead in the next millennium by allowing all our people to have a seat at the table—to be a part of our engine.

To do so, we must fix our children. We must fix our inner cities. We must fix our rural blights—and preserve our environment.

Dr. John Hope Franklin is a remarkable man. He's the Chairman of the President's Commission on Human Relations. He was here last week and he told me about an article he wrote titled "The Land of Room Enough". We must make Florida the Land of Room Enough.

Or we can continue to live off of our sunshine and location and be a state of haves and have nots—with the haves forced to hide behind their locked gates.

You will have a lot to do with making these calls. I can't tell you all the answers but, I can tell you . . .Trust the people.

They really care about our state—about our people. They will respond if you tell them what you truly believe.

You don't have to put a spin on it. Be willing to hang out on something you really believe.

The way to achieve leadership is to learn more about your subject than anyone else and to work harder. You don't have to look for short cuts.

Part of your contract with the people entitles them to have you vote your honest convictions of what you think is best for them.

You must take that risk, but remember the only vote you can explain is a vote you believed in.

Be bold—dare to look foolish. Reach beyond your grasp and go beyond the path you can see.

I have the utmost respect for the representative office you hold and for the people you represent. I truly envy the exciting but awesome task you face. I wish you Godspeed.

DISSOLUTION OF JOINT SESSION

Following the Governor's address, the committee previously appointed escorted the Governor from the rostrum and from the House chamber, followed by the Lieutenant Governor, members of the Cabinet and justices of the Supreme Court.

On motion by Senator Bankhead, the joint session was dissolved at 11:58 a.m. and the Senators were escorted from the House chamber by the Senate Sergeant at Arms.

(Remainder of Senate Business taken up prior to joint session.)

REPORTS OF COMMITTEES

The Committee on Health Care recommends the following pass: SB 162

The Committee on Transportation recommends the following pass: SB 224

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

The Committee on Agriculture recommends the following pass: SB 410

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

The Committee on Criminal Justice recommends the following pass: SB 444

The Committee on Governmental Reform and Oversight recommends the following pass: SB 670

The Special Master on Claims recommends the following pass: SB 4, SB 6, SB 22, SB 26, SB 30 with 1 amendment, SB 34, SB 44, SB 52, SB 56, SB 58, SB 64, SB 70

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

The Committee on Children, Families and Seniors recommends the following pass: SB 180 with 3 amendments

The Special Master on Claims recommends the following pass: SB 16, SB 32, SB 36 with 1 amendment, SB 38

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

The Committee on Natural Resources recommends the following pass: SB 152

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 108 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 200 with 1 amendment

The Committee on Health Care recommends the following pass: SB 166, SB 316 with 1 amendment

The Special Master on Claims recommends the following pass: SB 18, SB 20 with 1 amendment, SB 66

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 188 with 2 amendments

The Special Master on Claims recommends the following pass: SB 8 with 1 amendment, SB 14 with 1 amendment, SB 40, SB 42, SB 54 with 1 amendment, SB 60

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 280 with 4 amendments

The Committee on Community Affairs recommends the following pass: SB 544 with 2 amendments

The Committee on Criminal Justice recommends the following pass: SB 212, SB 454, SB 460

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

The Committee on Transportation recommends the following pass: SB 516

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

The Committee on Community Affairs recommends the following pass: SB 370

The Committee on Education recommends the following pass: SB 482 with 1 amendment

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

The Special Master on Claims recommends the following pass: SB 2, SB 28 with 1 amendment

The bills were referred to the Committee on Transportation under the original reference.

The Committee on Agriculture recommends the following pass: SB 230

The Committee on Banking and Insurance recommends the following pass: CS for SB 314 with 3 amendments, SB 510 with 2 amendments

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 762 with 2 amendments

The Committee on Community Affairs recommends the following pass: SB 4, SB 6, SB 22, SB 26, SB 30 with 1 amendment, SB 34, SB 44, SB 52 with 1 amendment, SB 56, SB 58 with 1 amendment, SB 64, SB 70, SJR 246 with 1 amendment, SB 594

The Committee on Criminal Justice recommends the following pass: SB 10, SB 12, SB 106 with 1 amendment, SB 526, SB 540 with 1 amendment, SB 596

The Committee on Education recommends the following pass: SB 16 with 1 amendment, SB 32, SB 36 with 2 amendments, SB 38, SB 76, SB 174

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 240

The Committee on Governmental Reform and Oversight recommends the following pass: SB 18, SB 20 with 1 amendment, SB 66, SB 400, CS for SB 486, SB 496, SB 498, SB 534

The Committee on Health Care recommends the following pass: SB 8 with 2 amendments, SB 14 with 1 amendment, SB 40, SB 42 with 1 amendment, SB 54 with 2 amendments, SB 60, SB 170, SB 288 with 2 amendments, SB 304 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 48 with 1 amendment, SB 376, SB 470

The Committee on Regulated Industries recommends the following pass: SB 78, SB 472 with 1 amendment

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

The Committee on Agriculture recommends the following pass: SB 734

The Committee on Banking and Insurance recommends the following pass: SB 232 with 1 amendment, SB 412, SB 766 with 1 amendment, SB 768, SB 770

The Committee on Children, Families and Seniors recommends the following pass: SB 116, SB 396

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 218 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 254, SB 474

The Committee on Criminal Justice recommends the following pass: SB 136, SB 198, SB 404 with 1 amendment, SB 480

The Committee on Governmental Reform and Oversight recommends the following pass: SB 108, SB 112, SB 166 with 1 amendment, SB 222, SB 348 with 1 amendment, SB 678

The Committee on Judiciary recommends the following pass: SB 394

The Committee on Natural Resources recommends the following pass: SB 146

The Committee on Regulated Industries recommends the following pass: SB 238

The Committee on Ways and Means recommends the following pass: CS for SB 2, SB 4, SB 6, SB 8 with 1 amendment, SB 10, SB 12, SB 14 with 1 amendment, SB 16 with 1 amendment, SB 18 with 1 amendment, SB 20, SB 22, SB 26 with 1 amendment, SB 30, SB 32, SB 34 with 2 amendments, SB 36 with 1 amendment, SB 38, SB 40, SB 42 with 1 amendment, SB 44, SB 52 with 2 amendments, SB 54, SB 56, SB 60 with 1 amendment, SB 64, SB 66, SB 70 with 1 amendment

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

The Special Master on Claims recommends the following not pass: SB 10, SB 12

The bills were referred to the Committee on Criminal Justice under the original reference.

The Special Master on Claims recommends the following not pass: SB 48

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

The Special Master on Claims recommends the following not pass: SB 46

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

The Committee on Health Care recommends a committee substitute for the following: SB 314

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 646

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

The Committee on Judiciary recommends a committee substitute for the following: SB 644

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

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 442

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

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 182

The Committee on Community Affairs recommends a committee substitute for the following: SB 124

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

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 506

The Committee on Criminal Justice recommends a committee substitute for the following: SB 486

The Committee on Education recommends a committee substitute for the following: SB 306

The Committee on Judiciary recommends a committee substitute for the following: SB 92

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 428, SB 502

The bills with committee substitutes attached were referred to the Committee on Judiciary under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 374

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

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 642

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 162, SB 268

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 236

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 760

The Committee on Community Affairs recommends committee substitutes for the following: SJR 408, SB 492

The Committee on Criminal Justice recommends committee substitutes for the following: SB 194, SB 276, SB 334, SB 358, Senate Bills 360 and 350, SB 524, SB 586

The Committee on Education recommends committee substitutes for the following: SB 86, SB 386, SB 388, SB 390, SB 758

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 156, SB 216, CS for SB 306, SB 380

The Committee on Health Care recommends committee substitutes for the following: SB 94, SB 208, SB 250, SB 484

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 502

The Committee on Regulated Industries recommends a committee substitute for the following: SB 340

The Committee on Transportation recommends committee substitutes for the following: SB 2, SB 28, SB 110, SB 190, SB 666

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 226

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 118

The Committee on Community Affairs recommends committee substitutes for the following: SB 140, SB 302

The Committee on Criminal Justice recommends committee substitutes for the following: SB 154, SB 514, SB 590

The Committee on Education recommends a committee substitute for the following: SB 96

The Committee on Health Care recommends committee substitutes for the following: SB 188, SB 290 with 1 amendment, SB 364

The Committee on Judiciary recommends committee substitutes for the following: SB 114, SB 176

The Committee on Regulated Industries recommends a committee substitute for the following: SB 406

The Committee on Transportation recommends committee substitutes for the following: SB 178, SB 476

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

REPORTS OF SUBCOMMITTEES

The Subcommittee on Finance and Tax recommends favorably to the full Committee on Ways and Means the following: SB 326, SB 328 with 2 amendments, SB 338 with 3 amendments, SB 538 with 1 amendment, SB 638 with 1 amendment, SB 808, SB 984, SB 1082; and recommends committee substitutes for the following: SB 522, SB 634, SB 916

John Ostalkiewicz, Chairman
Subcommittee on Finance and Tax

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Childers—

SB 2—A bill to be entitled An act for the relief of David Kelley and the Estate of Alto Kelley; providing an appropriation as compensation for injuries and damages sustained as a result of the negligence of the Department of Transportation; providing an effective date.

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

By Senator Forman—

SB 4—A bill to be entitled An act relating to the City of Miami Beach; providing for the relief of Juan A. Garcia, Jr., and Juan and Barbara Garcia, as natural parents of Juan A. Garcia, Jr.; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the City of Miami Beach; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Meadows—

SB 6—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Michelle Ponce, a minor; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of Metropolitan Dade County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Grant—

SB 8—A bill to be entitled An act for the relief of Heather Roszell, a minor; providing appropriations to compensate her for injuries and damages sustained as a result of the negligence of the State of Florida, Board of Regents and the Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Crist—

SB 10—A bill to be entitled An act for the relief of the Estate of Alice Berdat, deceased; providing an appropriation to compensate the Estate of Alice Berdat for the death of Alice Berdat due to the negligence of the Department of Corrections; providing an effective date.

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

By Senator Crist—

SB 12—A bill to be entitled An act for the relief of Mary Beth Wiggers; providing an appropriation to compensate Mary Beth Wiggers for injuries she sustained due to the negligence of the Department of Corrections; providing an effective date.

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

By Senator Forman—

SB 14—A bill to be entitled An act relating to Broward County; providing for the relief of Tirini S. Riley, a minor, for injuries sustained arising out of an accident that occurred while she was a patient of the South Broward Hospital District, d/b/a Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Turner—

SB 16—A bill to be entitled An act relating to the Dade County School Board; providing for the relief of Lazaro Gutierrez; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Dade County School Board; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Clary—

SB 18—A bill to be entitled An act relating to the Department of Revenue; providing for the relief of Ray Construction of Okaloosa County, Ltd.; providing an appropriation to compensate Ray Construction of Okaloosa County, Ltd., for documentary stamp tax assessments paid to the Department of Revenue and for attorney's fees and court costs; providing an effective date.

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

By Senator Clary—

SB 20—A bill to be entitled An act relating to the Department of Management Services; providing for the relief of Dale R. Cowie; providing an appropriation to reimburse him for expenses incurred in the completion of a state contract; providing an effective date.

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

By Senator Campbell—

SB 22—A bill to be entitled An act providing for the relief of Triesa Wells; providing for an appropriation to compensate Triesa Wells for injuries sustained as a result of the negligence of an employee of the City of Pembroke Pines; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Forman—

SB 24—A bill to be entitled An act relating to the City of Sanibel; providing for the relief of Jeremy Stewart; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the City of Sanibel; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Turner—

SB 26—A bill to be entitled An act providing for the relief of Adela Azcuy, for injuries suffered as a result of the negligence of Dade County; providing for an appropriation; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Forman—

SB 28—A bill to be entitled An act providing for the relief of Frank Roster; providing an appropriation to reimburse him for injuries suffered due, in part, to the negligence of the Department of Transportation; providing an effective date.

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

By Senator Forman—

SB 30—A bill to be entitled An act relating to Collier County; providing for the relief of Franklin David Messick as Personal Representative of the Estate of Arthur D. Messick; providing for an appropriation to compensate him for the wrongful death of his son, Arthur D. Messick, which occurred as a result of the negligence of Collier County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Silver—

SB 32—A bill to be entitled An act providing for the relief of Kathryn Malloy, formerly known as Kathryn Sperdute; providing for an appropriation to reimburse her for injuries suffered in an accident that was caused by the negligence of an employee of the Palm Beach County School Board; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Casas—

SB 34—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Bruce Wiggins as Personal Representative of the Estate of Helen Wiggins, deceased, for the benefit of Bruce Wiggins, Alisha Wiggins, a minor, and Jake Wiggins, a minor; providing for an appropriation to compensate them for the death of Helen Wiggins as a result of the negligence of Metropolitan Dade County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Horne—

SB 36—A bill to be entitled An act providing for the relief of Carrie A. Wilson; providing an appropriation to reimburse Carrie A. Wilson, a minor, and her mother, Barbara Britt, for injuries sustained by Carrie A. Wilson as a result of the negligence of the Duval County School Board; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Thomas—

SB 38—A bill to be entitled An act relating to the City of Tallahassee and the Leon County School Board; providing for the relief of Dena Sheryl Steels; providing for an appropriation by the City of Tallahassee and the Leon County School Board to compensate her for the wrongful death of Kenneth Michael Pyles, her son, resulting from the negligence of the City of Tallahassee and the Leon County School Board; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Campbell—

SB 40—A bill to be entitled An act relating to the North Broward Hospital District, Broward County; providing for the relief of Bruce Silverman and Janie Silverman, personal representatives of the estate of Alexandra Silverman; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Silver—

SB 42—A bill to be entitled An act relating to the Department of Health; providing an appropriation for the relief of Vernelle Lowder, to compensate her for damages she sustained due to the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

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

By Senator Turner—

SB 44—A bill to be entitled An act relating to Manatee County; providing for the relief of Frank H. Holliday; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Manatee County Sheriff's Department; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Holzendorf—

SB 46—A bill to be entitled An act for the relief of Frances McGrady; providing an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Jacksonville Transportation Authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Silver—

SB 48—A bill to be entitled An act relating to the South Florida Water Management District; providing for the relief of Alan Taylor; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the South Florida Water Management District; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Grant—

SB 50—A bill to be entitled An act relating to Columbia County; providing for the relief of Runette J. Bass; providing for an appropriation to compensate her for injuries and damages sustained as a result of the actions of the Sheriff of Columbia County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Grant—

SB 52—A bill to be entitled An act relating to the City of Tampa; providing for the relief of Jemal Kurein, by and through his wife and natural guardian, Semira Kurein, and for Semira Kurein, individually, and for Remzu Kurein and Nima Kurein, minor children of Jemal Kurein and Semira Kurein, by and through their mother, Semira Kurein; providing for an appropriation to compensate them for injuries and damages sustained by Jemal Kurein as a result of the negligence of the City of Tampa; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Dyer—

SB 54—A bill to be entitled An act relating to the West Volusia Hospital Authority; providing for relief of Michelle Jones, a minor, and Kathy M. Jones, her mother; directing the West Volusia Hospital Authority to appropriate funds to be paid to Kathy Jones, individually, and for the benefit of Michelle Jones, a minor, to compensate them for injuries and damages sustained as a result of the negligence of the West Volusia Hospital Authority, formerly d/b/a West Volusia Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Klein—

SB 56—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Julie McGinnes; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of Palm Beach County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Meadows—

SB 58—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Kimberly L. Gonzalez; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Palm Beach County Sheriff's Department; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Gutman—

SB 60—A bill to be entitled An act relating to Dade County; providing for the relief of Jeanette Alonso, a minor, for injuries sustained as a result of the conduct of the Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing for payment by the Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Diaz-Balart—

SB 62—A bill to be entitled An act for the relief of Joseph Bellamy Farver; providing an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Department of Children and Family Services, formerly the Department of Health and Rehabilitative Services; providing an effective date.

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

By Senator Gutman—

SB 64—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Jose Pena, as Personal Representative of the Estate of Carmen Pena, deceased, and individually, as surviving father of Katherine Pena and Richard Pena, minor children of Carmen Pena and Jose Pena, deceased; providing for the relief of Johammes Pena, surviving son of Carmen Pena; providing for an appropriation to compensate them for the death of Carmen Pena, Katherine Pena, and Richard Pena as a result of the negligence of the City of Hialeah; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Williams—

SB 66—A bill to be entitled An act for the relief of Penny Tilley, as widow of Jack W. Tilley and beneficiary of his estate; providing an appropriation for the purpose of paying Penny Tilley the retirement benefits to which she would have been entitled as surviving spouse of Jack W. Tilley had Jack W. Tilley survived to the date on which he would have vested in the Florida System; providing an effective date.

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

By Senators Holzendorf and Turner—

SB 68—A bill to be entitled An act for the relief of Freddie Lee Pitts and Wilbert Lee; providing an appropriation to compensate them for being victims of a miscarriage of justice; providing an effective date.

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

By Senator Klein—

SB 70—A bill to be entitled An act relating to Alachua County; providing for the relief of Matthew White; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Alachua County Sheriff's Department; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Holzendorf—

SB 72—A bill to be entitled An act relating to public officers and employees; amending s. 112.324, F.S.; allowing the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Bronson—

SB 74—A bill to be entitled An act relating to the Local Government Code Enforcement Boards Act; amending s. 162.11, F.S.; providing that when an appeal is filed with the circuit court with respect to actions of a code enforcement board, all action by the board shall cease or be held in abeyance until the court issues an order; providing exceptions; providing for the removal of liens or impediments from property governed by a code enforcement board under certain circumstances; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By Senator Jenne—

SB 76—A bill to be entitled An act relating to superintendents of schools; providing limitations upon benefits that a superintendent of schools may receive upon termination of employment; providing an effective date.

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

By Senator Childers—

SB 78—A bill to be entitled An act relating to athlete agents; amending s. 468.453, F.S.; requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check; exempting members of The Florida Bar from regulations imposed on athlete agents; providing an effective date.

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

By Senator McKay—

SJR 80—A joint resolution proposing an amendment to Section 3 of Article III of the State Constitution, relating to the Legislature, to limit the subjects that may be considered at certain sessions of the Legislature.

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

By Senator Burt—

SJR 82—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution to limit legislative authority with respect to taxes.

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

By Senator Burt—

SB 84—A bill to be entitled An act relating to state correctional facilities; creating the "Tobacco-free Prisons Act"; providing legislative intent; requiring the Department of Corrections and the Correctional Privatization Commission to make smoking-cessation assistance available to inmates; requiring the act to be fully implemented by a specified date; providing definitions; prohibiting an inmate within a state or private correctional facility from possessing or using tobacco products regardless of an inmate's location; prohibiting visitors from possessing tobacco products while in a state or private correctional facility; authorizing the superintendent of each correctional facility to designate special smoking areas within the facility for use by employees; authorizing employees to possess and use tobacco products outdoors within a facility perimeter; requiring policies for the disposal of used tobacco products; providing penalties; providing an effective date.

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

By Senator Kirkpatrick—

SB 86—A bill to be entitled An act relating to education; requiring academic enrichment activities for specified students; requiring an evaluation of student academic progress; providing conditions that require a funding shift; providing an effective date.

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

By Senator Campbell—

SB 88—A bill to be entitled An act relating to limitations on actions; amending s. 95.11, F.S.; providing a time for bringing an action for wrongful death; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Campbell—

SB 90—A bill to be entitled An act relating to solicitation of accident victims and their relatives; creating s. 624.417, F.S.; prohibiting insurers from soliciting accident victims and their relatives; providing exceptions; providing an administrative fine; creating s. 626.6116, F.S.; prohibiting insurance agents and others licensed by the Department of Insurance from soliciting accident victims and their relatives; providing exceptions; providing penalties; creating s. 877.021, F.S.; prohibiting persons from soliciting accident victims and their relatives; providing exceptions; providing a criminal penalty; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Grant and Casas—

SB 92—A bill to be entitled An act relating to eminent domain; amending s. 73.0511, F.S.; providing for a written offer of settlement as part of the prelitigation notice; amending s. 73.071, F.S.; providing that the jury must determine full compensation in eminent domain actions; providing for consideration of business damages; providing for the determination of compensation in inverse condemnation proceedings; providing for consideration of mitigation by a property owner; providing for construction of the term "property"; creating s. 74.0205, F.S.; providing for presuit negotiations; creating s. 74.042, F.S.; providing for mandatory nonbinding mediation prior to the order of taking hearing; amending s. 337.271, F.S.; providing for the simplification of the acquisition negotiation process; providing an effective date.

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

By Senator Grant—

SB 94—A bill to be entitled An act relating to health care; amending s. 240.5121, F.S.; allowing the Florida Cancer Control and Research Advisory Council either to purchase or to develop a written summary of cancer treatment alternatives for prostate cancer; providing an appropriation to the council for developing or purchasing and for distributing a pamphlet and for developing and implementing an education program on prostate cancer; providing an effective date.

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

By Senator Grant—

SB 96—A bill to be entitled An act relating to academic degrees; amending s. 817.567, F.S.; providing for disclosure of unrecognized degrees; providing an effective date.

—was referred to the Committee on Education.

By Senators Crist, Myers and Campbell—

SB 98—A bill to be entitled An act relating to electrical power plants; prohibiting the use of orimulsion as a fuel to generate electricity; providing for an independent environmental impact study and report to the Legislature; providing an effective date.

—was referred to the Committees on Natural Resources and Regulated Industries.

By Senator Bronson—

SJR 100—A joint resolution proposing amendments to Section 6 of Article IV and Section 1 of Article VII of the State Constitution, relating to executive departments and taxation.

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

By Senator Bronson—

SB 102—A bill to be entitled An act relating to water management; amending s. 20.02, F.S.; providing for an increase in the reference to the constitutional limitation on executive departments; creating ss. 20.44, 20.45, 20.46, 20.47, 20.48, F.S.; creating the Department of Northwest Florida Water Management, the Department of Suwannee River Water Management, the Department of St. Johns River Water Management, the Department of Southwest Florida Water Management, and the Department of South Florida Water Management; providing a contingent effective date.

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

By Senator Dyer—

SJR 104—A joint resolution proposing the repeal of section 16 of Article III of the State Constitution, relating to legislative apportionment, and the addition of section 10 to Article II of the State Constitution, relating to the establishment of a commission to reapportion the state legislative districts and redistrict congressional districts; prescribing guidelines for such reapportionment and redistricting; providing for judicial review thereof.

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

By Senator Gutman—

SB 106—A bill to be entitled An act relating to assault and battery upon code inspectors; creating s. 784.083, F.S.; providing enhanced penalties for assault or aggravated assault or battery or aggravated battery upon "a code inspector," as defined; providing an effective date.

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

By Senator Hargrett—

SB 108—A bill to be entitled An act relating to public records requirements; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By Senator Hargrett—

SB 110—A bill to be entitled An act relating to airports; amending s. 330.30, F.S.; exempting certain airports used exclusively for aerial application or spraying of crops on a seasonal basis from a provision of law providing for the approval of airport sites and the licensing of airports; providing an effective date.

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

By Senator Latvala—

SB 112—A bill to be entitled An act relating to public records; amending s. 110.1091, F.S.; revising provisions which specify that communications relating to a state employee's participation in an employee assistance program are confidential, and which provide a public records exemption for records relating thereto; creating ss. 125.585, 166.0444, F.S.; providing that certain communications relating to a county or municipal employee's participation in such a program are confidential; providing an exemption from public records requirements for records relating to such participation; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Latvala—

SB 114—A bill to be entitled An act relating to liens; creating s. 713.596, F.S.; creating a molder's lien and specifying rights of a molder; providing definitions; providing for ownership rights to molds; providing procedures; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Holzendorf—

SB 116—A bill to be entitled An act relating to public records; creating s. 741.465, F.S.; providing an exemption from public records requirements for certain personal information about program participants in the Address Confidentiality Program for Victims of Domestic Violence; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator Holzendorf—

SB 118—A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as for absentee voters; prohibiting the supervisor of elections from disclosing certain information except under specified circumstances; providing for appeal by agency of requested waiver; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing for limitations on an appropriation to fund the program; specifying the maximum percentage for an increase in the general appropriation for subsequent years; providing for the Attorney General to seek other funds; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator Campbell—

SB 120—A bill to be entitled An act relating to domestic violence remedies; amending s. 28.101, F.S.; increasing the amount of a charge relating to a petition for dissolution of marriage; providing for the proceeds of the charge to be deposited into the Domestic Violence Trust Fund and used as specified; amending s. 741.282, F.S.; providing for a fee to be imposed upon a batterer and for the proceeds to be deposited into the Domestic Violence Trust Fund and used as specified; prohibiting offsetting this fee against any fee assessed under s. 945.76, F.S.; providing an effective date.

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

By Senator Holzendorf—

SB 122—A bill to be entitled An act relating to medical examiners; amending s. 406.11, F.S., relating to examinations, investigations, and autopsies required of medical examiners; requiring notification and approval of next of kin if a procedure of the medical examiner on a dead human body is primarily for purposes of medical research; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Forman—

SB 124—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S., which provides requirements for the determination of the millage levied by taxing authorities; revising the form of the notice of tax increase that must be published by school districts; excluding certain amounts from proposed operating budget expenditures for purposes of the budget summary notice that taxing authorities must publish; revising the form of the notice of tax for school capital outlay that must be published by school districts; providing an effective date.

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

By Senator Grant—

SB 126—A bill to be entitled An act relating to the Insurance Commissioner; amending s. 20.13, F.S.; transferring responsibilities of head of the Department of Insurance from the State Treasurer to an appointed Insurance Commissioner; amending s. 14.24, F.S.; transferring responsibility for making an appointment; amending ss. 48.151, 175.032, 175.141, 185.12, 215.02, 215.58, 238.15, 240.551, 284.41, 554.105, 607.0501, 617.0501, 624.305, 624.319, 624.321, 624.422, 624.423, 624.502, 624.506, 624.523, 626.2815, 626.742, 626.906, 626.907, 626.912, 626.937, 626.9912, 626.9916, 627.944, 627.948, 628.461, 628.4615, 629.401, 634.151, 634.161, 641.19, 641.402, 641.454, 651.125, F.S., to conform terminology to the change made by this act; providing an effective date.

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

By Senator Grant—

SB 128—A bill to be entitled An act relating to business brokers; providing for the regulation of business brokers and business salespersons; creating the Florida Business Brokerage Board; providing for the appointment and confirmation of board members; providing for licensure and renewal of licenses by the Department of Business and Professional Regulation; providing for qualifications and education and experience requirements for licensure; providing for examination and continu-

ing education requirements; providing for the inactive status of licenses; providing for registration of office locations; requiring compliance with professional standards; providing for discipline; providing for violations and penalties; providing for final orders; providing for business broker course instructors; providing for retention of records; providing for temporary practice; providing an effective date.

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

SR 130—Not referenced.

By Senator Crist—

SB 132—A bill to be entitled An act relating to elections; amending s. 106.17, F.S.; prohibiting state agencies and certain other governmental entities from soliciting pledges or authorizing or conducting polls or surveys relating to candidacies for public office; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Governmental Reform and Oversight.

By Senator Campbell—

SB 134—A bill to be entitled An act relating to motor vehicle liability; repealing s. 627.737, F.S., relating to exemption from tort liability for certain owners, registrants, operators, or occupants of motor vehicles; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Forman—

SB 136—A bill to be entitled An act relating to dog guides and service dogs; amending s. 413.08, F.S.; prohibiting a person from interfering with a person who is engaged in training a dog guide or service dog; providing penalties; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Forman and Grant—

SB 138—A bill to be entitled An act relating to legislative employees; amending s. 121.055, F.S.; authorizing the President of the Senate and the Speaker of the House of Representatives to designate additional employees of their respective house who may be required to participate in the Senior Management Service Class of the Florida Retirement System; providing an effective date.

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

By Senator Forman—

SB 140—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for certain records furnished pursuant to certain housing assistance programs; providing a statement of public necessity; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senators Brown-Waite, Clary, Meadows, Latvala, Forman, Bronson, Myers and Harris—

SB 142—A bill to be entitled An act relating to veterans' preference in employment; transferring and renumbering s. 295.15, F.S., relating to legislative intent; amending s. 295.07, F.S.; clarifying provisions; providing for rules; amending s. 295.08, F.S.; revising provisions with respect to positions for which a numerically based selection process is used; removing a monetary limitation with respect to certain classes of positions; amending s. 295.085, F.S.; revising provisions with respect to positions for which a numerically based selection process is not used; providing for preference for certain veterans with service-connected disabilities; deleting provisions for rules; amending s. 295.101, F.S.; revising provisions with respect to the expiration of employment preference; amending s. 295.11, F.S.; revising provisions with respect to investigative findings; deleting reference to the Department of Management Services and providing reference to the Department of Veterans Affairs; amending s. 295.14, F.S.; revising provisions with respect to penalties; repealing s. 295.151, F.S., relating to the application of ch. 78-372, Laws of Florida, with respect to point preference to certain persons in applying for employment; creating s. 295.155, F.S.; providing that military retirement on the basis of longevity does not disqualify a person from veterans' employment preference; providing an effective date.

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

By Senators Brown-Waite, Grant and Dudley—

SB 144—A bill to be entitled An act relating to wrongful death; repealing s. 768.21(8), F.S., which prohibits the recovery of damages for wrongful death by specified persons; providing an effective date.

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

By the Committee on Natural Resources—

SB 146—A bill to be entitled An act relating to petroleum storage systems; amending s. 376.313, F.S.; correcting references to the Florida Administrative Code; repealing s. 21, ch. 86-159, Laws of Florida, relating to the scheduled repeal of s. 376.313(4), F.S.; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senators Sullivan, Klein, Meadows, Campbell, Grant, Turner, Cowin, Brown-Waite, Childers, Myers, Clary, Forman, Dyer, Harris and McKay—

SB 148—A bill to be entitled An act relating to clean indoor air; amending s. 386.202, F.S.; providing legislative intent that the "Florida Clean Indoor Air Act" is a uniform statewide minimum code; repealing s. 386.209, F.S., which provides that the regulation of smoking is preempted to the state; providing an effective date.

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

By Senator Sullivan—

SB 150—A bill to be entitled An act relating to journalism; creating s. 90.5015, F.S.; creating a privilege for professional journalists to refuse to be a witness or to disclose specified information; providing definitions; authorizing courts to order disclosure of certain information; providing for nonwaiver of the privilege; providing severability; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senators Latvala, Dudley and Crist—

SB 152—A bill to be entitled An act relating to the powers and duties of the Governor; amending s. 14.23, F.S.; regulating the nomination of

appointees to federal regional fisheries management councils; providing an effective date.

—was referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.

By Senator Campbell—

SB 154—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim's mental or physical disability or advanced age; providing definitions; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Governmental Reform and Oversight—

SB 156—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; allowing a phase-in period for competitive procurement of certain client services; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multi-year contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; amending 394.74, F.S.; adding a provision that contracts for services must be performance based; removing an obsolete requirement associated with cost reimbursement contracts; amending s. 394.76, F.S.; authorizing performance-based contracts, purchase-of-service contracts, and start-up contracts; requiring an evaluation of the contractor's performance; requiring reports to the Legislature by the department; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

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

SR 158—Not referenced.

By Senator Kirkpatrick—

SB 160—A bill to be entitled An act relating to the State University System; amending s. 110.131, F.S.; deleting a reporting requirement for the Board of Regents with respect to other-personal-services employees; amending s. 235.055, F.S.; deleting the authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 240.205, F.S.; revising provisions relating to Board of Regents' contracts and acquisition of property and services; amending s. 240.207, F.S.; requiring an orientation program for members of the Board of Regents; amending s. 240.209, F.S., relating to duties of the Board of Regents; revising requirements for the board with respect to procurement and construction contracts; authorizing the Board of Regents to acquire and dispose of real property; providing procedures for appraisals and property acquisition; providing for personnel contracts; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.2111, F.S., relating to an employee recognition program; deleting a requirement that the program be adopted by rule; amending s. 240.214, F.S.; revising accountability goals and reporting procedures for the State University System; amending s. 240.227, F.S.; providing responsibilities of university presidents; providing for the appointment of university presidents; revising duties of university presidents relating to acquisition of, and contracts for and management of, property and financial resources and approval and execution of general construction contracts; amending s. 240.235, F.S.; requiring approval procedures for raising certain fees; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.274, F.S., relating to university libraries; deleting Board of Regents' rulemaking power; amending s. 240.2803, F.S.; revising the funds included within the definition of auxiliary enterprises; amending s. 240.281, F.S.; revising the authority for an institution to deposit certain funds outside the State Treasury; amending s. 240.295, F.S., relating to fixed capital outlay projects; providing for dormitories; deleting Board of Regents' rulemaking power; amending s. 243.151, F.S.; providing a procedure through which a university may construct facilities on leased property; amending s. 287.012, F.S., relating to purchasing and contractual services; providing responsibilities; amending s. 287.017, F.S.; revising the threshold amounts of purchasing categories; deleting applicability of certain rules to the State University System; repealing ss. 240.225, 240.247, 240.4988(4), F.S., and ss. 15 and 16 of ch. 94-232, Laws of Florida, relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, the title of ch. 239, F.S., and a directive to the Division of Statutory Revision; providing an effective date.

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

By Senator Brown-Waite—

SB 162—A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; providing definitions; revising criteria and procedures for review of grievances against a managed care entity by the statewide provider and subscriber assistance panel; providing for initial review by the Agency for Health Care Administration; providing time requirements for panel hearings and recommendations, and final orders of the agency or the Department of Insurance; providing for notice; providing requirements for expedited or emergency hearings; providing an exemption from the Administrative Procedures Act; providing for requests for patient records; authorizing an administrative fine for failure to timely provide records; providing for furnishing of evidence in opposition to panel recommendations; providing for adoption of panel recommendations in final orders of the agency or department; authorizing imposition of fines and sanctions; specifying conditions for rejection of panel recommendations; requiring certain notice to subscribers and providers of their right to file grievances; creating s. 408.7057, F.S.; providing for appeals; providing for attorney's fees and costs; amending s. 641.511, F.S.; correcting a cross-reference; providing an appropriation; providing an effective date.

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

By Senator Jenne—

SJR 164—A joint resolution proposing an amendment to Section 4 of Article IV of the State Constitution to designate the Attorney General as the statewide prosecutor.

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

By Senator Brown-Waite—

SB 166—A bill to be entitled An act relating to public records and meetings; amending s. 408.7056, F.S.; providing an exemption from public records requirements for certain personal information in documents, reports, or records prepared or reviewed by a provider and subscriber assistance panel or obtained by the Agency for Health Care Administration; providing an exemption for portions of meetings of such panels when such information or trade secret or internal risk management program information is discussed; requiring recording of closed meetings; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Senator Burt—

SB 168—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, F.S.; clarifying the benefit payment and calculation procedure under the system; providing for dual calculation of benefits with respect to specified members of the Elected State and County Officers' Class who initially become members of that class on or after a specific date; providing for matters relative thereto; providing an effective date.

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

By Senator Childers—

SB 170—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising a definition; requiring a study; providing an effective date.

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

By Senator Horne—

SB 172—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; repealing s. 324.201(5), F.S., which requires recovery agents to notify law enforcement of the tag seizure; amending s. 324.202, F.S.; expanding a pilot project that authorizes a recovery agent or recovery agency to seize the license plate of a motor vehicle following suspension of the vehicle's registration or suspension of the driver's license of the owner or operator of the vehicle for failing to maintain personal injury protection; requiring that the department provide procedures for paying fees and transmitting a seized license plate to the local law enforcement agency; requiring the department to report to the Legislature on the results of the pilot project; providing an effective date.

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

By Senator Kirkpatrick—

SB 174—A bill to be entitled An act relating to expenditure requirements for education programs; amending s. 236.081, F.S., relating to funds for operation of schools; requiring school districts to allocate at least 80 percent of specified funds to the schools generating the funds; providing an effective date.

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

By Senators Meadows, Campbell and Forman—

SB 176—A bill to be entitled An act relating to residential tenancies; creating s. 83.565, F.S.; providing for a tenant to repair the premises after notice to the landlord; providing for deduction of the costs of repair from rent due; providing limitations; amending s. 83.60, F.S.; providing for the right of the tenant to repair to be a defense to an action for rent or possession; providing for the payment of certain funds into the registry of the court; amending s. 83.64, F.S.; prohibiting retaliatory actions by the landlord; providing an effective date.

—was referred to the Committee on Judiciary.

By Senators Burt, Forman and Dyer—

SB 178—A bill to be entitled An act relating to building designations; naming the Florida Department of Transportation District Five Headquarters Building in DeLand the "Ben G. Watts Building"; providing for the erection of markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Kirkpatrick—

SB 180—A bill to be entitled An act relating to trust funds; creating the Early Education and Child Care Trust Fund within the Department of Children and Family Services; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

By Senator Kirkpatrick—

SB 182—A bill to be entitled An act relating to early education and child care; creating s. 402.265, F.S.; providing legislative intent; establishing the early education and child care program and providing for optional participation; providing for oversight; establishing a State Board of Governance; providing eligibility for participation in the program; providing performance standards and outcome measures; providing for district interagency coordinating councils; providing for implementation of programs; requiring development of a plan and providing program requirements; requiring a sliding fee scale; providing for funding; requiring a reimbursement rate schedule; providing requirements relating to fiscal agents; providing for vouchers or contracts and an electronic funds transfer system; providing for evaluation and reporting; providing that federal requirements control in the case of conflict; providing an effective date.

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

By Senator Kirkpatrick—

SB 184—A bill to be entitled An act relating to school district improvement; amending s. 229.0535, F.S.; clarifying State Board of Education authority to enforce school and school district improvement; providing legislative intent that the State Board of Education and the school district work in partnership to achieve improvement; requiring consultation with the superintendent; expanding the authority of the state board to intervene in the operation of a district school system under described circumstances; providing for recommended actions and sanctions; requiring the state board to make specified recommendations; amending s. 230.23, F.S., to conform; providing an effective date.

—was referred to the Committee on Education.

By Senator Grant—

SB 186—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S.; specifying the time when personal injury protection benefits are overdue; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Brown-Waite—

SB 188—A bill to be entitled An act relating to transitional living facilities for brain-injured and spinal-cord-injured persons; creating pt. IX of ch. 400, F.S.; creating s. 400.905, F.S.; providing for licensure of transitional living facilities; creating s. 400.906, F.S.; providing definitions; creating s. 400.907, F.S.; establishing license and fee requirements; creating s. 400.908, F.S.; regulating sale or transfer of ownership of a facility; creating s. 400.909, F.S.; providing for denial, revocation, or suspension of a license and imposition of an administrative fine; creating s. 400.910, F.S.; providing for a moratorium on admissions; creating s. 400.911, F.S.; providing for initial licensure application; creating s. 400.912, F.S.; providing for renewal, expiration, and conditional licenses; creating s. 400.913, F.S.; requiring reports of abuse in facilities; creating s. 400.914, F.S.; providing for disposition of fees and fines; creating s. 400.915, F.S.; providing for violations and penalties; creating s. 400.916, F.S.; prohibiting rebates; providing penalties; creating s. 400.917, F.S.; prohibiting certain solicitations; allowing certain third-party supplementation; creating s. 400.918, F.S.; providing for injunctive proceedings; creating s. 400.919, F.S.; providing for receivership proceedings; creating s. 400.920, F.S.; providing for contracts; creating s. 400.921, F.S.; providing requirements for use of licensed personnel; creating s. 400.922, F.S.; providing for appropriateness of placements and examination of residents; creating s. 400.923, F.S.; providing for property and personal affairs of residents; providing a penalty; creating s. 400.924, F.S.; providing a resident bill of rights; creating 400.925, F.S.; providing for civil actions to enforce rights; creating s. 400.926, F.S.; providing right of entry and inspection; creating s. 400.927, F.S.; providing procedures for closing of facilities, including notice and penalties; creating s. 400.928, F.S.; providing for rules establishing standards; creating s. 400.929, F.S.; providing for maintenance of records and reports; amending s. 413.605, F.S.; providing additional duty of the advisory council on brain and spinal cord injuries; amending s. 413.273, F.S.; revising per diem and travel expenses for members of certain councils; amending s. 413.395, F.S.; authorizing incorporation of the Florida Independent Living Council; authorizing members' compensation and reimbursement for child care; amending s. 413.405, F.S., relating to the Rehabilitation Advisory Council; authorizing members' reimbursement for child care; repealing s. 400.805, F.S., relating to transitional living facilities for brain-injured and spinal-cord-injured persons; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Health Care.

By Senator McKay—

SB 190—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing an effective date.

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

By Senator Horne—

SB 192—A bill to be entitled An act relating to community contribution tax credits; amending ss. 220.183 and 624.5105, F.S.; increasing the annual limitation on the amount of such credits which may be granted against the corporate income tax and insurance premium taxes; providing an effective date.

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

By Senators Childers and Lee—

SB 194—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a default under the title loan agreement; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lenders lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending s. 538.03, F.S.; deleting references to title loans; providing an effective date.

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

By Senator Klein—

SB 196—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution of the death penalty by means of lethal injection; providing for election of lethal injection by certain persons sentenced to death for capital offenses committed before a specified date; providing for administration of the lethal injection; providing for execution by electrocution under specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies and procedures of the Department of Corrections relating to execution; providing for designation of the executioner by the superintendent; providing for confidentiality of information identifying the person administering the lethal injection; providing for applicability or retroactive applicability to certain offenses; providing an effective date.

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

By Senator Klein—

SB 198—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information of the Department of Corrections, to conform; providing a contingent effective date.

—was referred to the Committee on Criminal Justice.

By Senator Klein—

SB 200—A bill to be entitled An act relating to county court assessments; amending s. 34.191, F.S.; providing that the county commission may assign the collection of fines, court costs, and other costs imposed by the county court and remaining unpaid after a certain period to a private attorney or collection agency under specified circumstances; providing for authorization by the county commission of any additional fee to offset collection costs; providing an effective date.

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

By Senator Crist—

SJR 202—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution to require voter approval of new or increased taxes or deletion of existing exemptions from taxes except in described circumstances.

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

By Senator Brown-Waite—

SB 204—A bill to be entitled An act relating to campaign financing; amending s. 106.07, F.S.; revising reporting requirements applicable to candidates for other than statewide office who qualify with the Department of State; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Crist—

SB 206—A bill to be entitled An act relating to claims for damages occurring to a person engaged in criminal conduct; creating the "Crime Victim's Protection Act"; creating s. 960.298, F.S.; barring recovery of damages for personal injury or injury to property in cases when the claimant has incurred the damages while engaged in certain criminal conduct and seeks recovery from the person or other entity that was the victim or object of the claimant's criminal conduct; providing for the court to stay the civil action during the pendency of the criminal action which forms the basis for the defense; providing an exception; providing for award of attorney's fees, costs, and other expenses to the victim or object of the claimant's criminal conduct when the recovery is barred; providing for applicability; providing an effective date.

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

By Senators Brown-Waite, Latvala, Bronson, McKay and Grant—

SB 208—A bill to be entitled An act relating to personnel working in nursing facilities; creating s. 400.215, F.S.; requiring background screening for nursing facility staff who have regular, unsupervised contact with residents; providing for fees; providing for exemptions from disqualification; providing certain exemptions from screening requirements; requiring adoption of rules; specifying dates for compliance by employees and new applicants; providing an effective date.

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

By Senator Rossin—

SB 210—A bill to be entitled An act relating to the rights of accused persons; amending s. 918.015, F.S.; allowing the Florida Supreme Court discretion in adopting rules that provide for the right of a defendant to a speedy trial; prohibiting a court from discharging a defendant from prosecution unless the court finds a substantive violation of the defendant's right to a speedy trial; amending s. 985.218, F.S.; deleting provisions that provide for dismissal with prejudice if an adjudicatory hearing for a juvenile offender is not held within a specified time; providing for the release of the juvenile until such adjudicatory hearing is complete; repealing Rule 3.191, Florida Rules of Criminal Procedure, relating to a defendant's right to a trial within a specified time; repealing Rule 8.090, Florida Rules of Juvenile Procedure, relating to a juvenile's right to an adjudicatory hearing within a specified time; providing a contingent effective date.

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

By Senator Meadows—

SB 212—A bill to be entitled An act relating to violations involving checks; amending s. 68.065, F.S.; providing for damages, court costs, and attorney's fees with respect to certain civil actions to recover fines due on stop payments on checks, drafts, or orders of payment; amending s. 166.251, F.S.; revising provisions with respect to service fee for dishonored checks; amending s. 832.07, F.S., relating to prima facie evidence of identity with regard to prosecution of bad check charges; removing race as a required element of establishing the identity of the person presenting the check; providing an effective date.

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

By Senator Jenne—

SB 214—A bill to be entitled An act relating to sentencing; amending s. 775.0823, F.S.; providing that a person convicted of certain violent offenses against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge be sentenced under certain uniform penalties rather than under the Criminal Punishment Code; amending s. 775.084, F.S., relating to sentences imposed against violent career criminals, habitual felony offenders, and habitual violent felony offenders; deleting a reference made obsolete by the act; amending ss. 775.0845, 775.087, 775.0875, F.S., relating to wearing a mask while committing an offense, possessing a weapon while committing a felony, and taking a law enforcement officer's firearm; deleting requirements that such offenses be ranked under the sentencing guidelines or the Criminal Punishment Code; amending s. 777.03, F.S., relating to the offense of being an accessory to a crime; providing for uniform penalties for such offense; amending s. 777.04, F.S.; requiring that a person convicted of criminal attempt, criminal solicitation, or criminal conspiracy be sentenced under certain uniform penalties rather than under the Criminal Punishment Code; amending s. 782.051, F.S.; deleting requirements that certain offenses that result in bodily injury be ranked under the Criminal Punishment Code; amending s. 784.08, F.S.; deleting a requirement that a person convicted of assault and battery against an elderly person be sentenced under the Criminal Punishment Code; authorizing the court to impose a term of imprisonment and a fine; amending ss. 794.023, 874.04, F.S., relating to sexual battery by multiple perpetrators and to criminal street-gang activity; deleting requirements that such offenses be ranked under the Criminal Punishment Code; amending s. 893.13, F.S., relating to the offense of selling, manufacturing, or possessing certain controlled substances; deleting provisions made obsolete by the act; amending s. 893.135, F.S.; deleting a requirement that a person convicted of certain drug-trafficking offenses be sentenced under the Criminal Punishment Code; authorizing the court to impose a term of imprisonment and a fine; amending s. 893.20, F.S.; requiring that a person convicted of engaging in a continuing criminal enterprise be sentenced under certain uniform penalties rather than under the Criminal Punishment Code; amending s. 921.187, F.S., relating to disposition and sentencing; deleting provisions made obsolete by the act; amending s. 921.188, F.S.; revising conditions based on the Criminal Punishment Code under which a felon may be placed into the custody of a local detention facility; amending s. 924.07, F.S., relating to appeals by the state; deleting a reference to the Criminal Punishment Code to conform to changes made by the act; amending s. 944.17, F.S.; deleting a requirement that a prisoner's Criminal Punishment Code scoresheet be submitted to the Department of Corrections; amending ss. 947.141, 947.146, F.S., relating to violations of conditional release or control release and the Control Release Authority; deleting provisions made obsolete by the act; amending s. 948.015, F.S.; revising conditions under which the court may request that the department make a presentence report; amending s. 948.034, F.S., relating to terms and conditions of probation; deleting references to the Criminal Punishment Code to conform to changes made by the act; amending s. 948.51, F.S.; revising requirements for a county or county consortium in developing a public safety plan; amending s. 958.04, F.S.; providing that the sentencing limitations provided under certain uniform penalties, rather than the limitations provided under the Criminal Punishment Code, apply to a youthful offender; amending s. 985.313, F.S.; providing for the criteria under which a juvenile is committed to a maximum-risk residential program to be based on specified offenses rather than on the level at which the offense is ranked under the Criminal Punishment Code; repealing s. 2 of ch. 97-194, Laws of Florida, ss. 921.002, 921.0021, 921.0022, 921.0023, 921.0024, 921.0026, F.S., and ss. 42, 43 of ch. 97-194, Laws of Florida, relating to the Criminal Punishment Code; amending s. 947.16, F.S.; providing that a person sentenced for an offense committed on or after a specified date is eligible for parole consideration after serving 85 percent of his or her court-imposed sentence; providing that the Legislature intends that the Florida Supreme Court review the sentencing practices of circuit judges; providing that the Legislature intends that the Florida Supreme Court submit a report of the review to the Legislature; providing effective dates.

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

By Senator Gutman—

SB 216—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; authorizing certain persons to partic-

ipate in the Deferred Retirement Option Program notwithstanding certain restrictions; providing a contingent effective date.

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

By Senator Rossin—

SB 218—A bill to be entitled An act relating to employment screening; amending s. 64, ch. 95-228, Laws of Florida; restricting an applicability provision relating to criminal offenses that was inadvertently attributed to certain employment screening provisions; providing legislative findings and intent; providing a retroactive effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senators Forman, Campbell and Turner—

SB 220—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; providing an alternative base period to be used in calculating benefits in specified circumstances; providing, in certain circumstances involving a recalculation of benefits, for treatment of the excess benefits that were previously received; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Burt—

SB 222—A bill to be entitled An act relating to public officers and employees; amending ss. 18.01, 19.14, 20.23, F.S.; eliminating bond requirements for the Treasurer, the Commissioner of Agriculture, and the comptroller of the Department of Transportation; amending s. 20.05, F.S.; allowing the head of an executive department to require bonds for officers or employees of the department and to set the amount of the bond and approve the bond; amending s. 20.32, F.S.; allowing the Parole Commission to require bonds for employees, set the bond amount, and approve the bonds; amending s. 27.255, F.S.; authorizing state attorneys to require bonds for full-time investigators and special investigators; amending ss. 28.01, 28.02, 28.09, 30.01, 30.02, 30.06, 30.09, 30.21, 40.35, F.S.; requiring bonds and the filing of bonds with the clerk of the circuit court as determined by the board of county commissioners for the clerk of the circuit court, clerks ad interim, sheriffs, and deputy sheriffs; providing requirements for bonds when sheriffs are appointed to fill vacancies; clarifying the liability of sureties; amending ss. 48.021, 98.015, F.S.; eliminating bond requirements for special process servers, and supervisors of elections; amending s. 113.07, F.S.; eliminating the requirement for public officials to file a surety bond as a prequalification to holding office or performing duties; amending s. 115.03, F.S., relating to elected officers' duties; clarifying that any required bonds remain in effect for the remainder of a term of office; allowing for the deputy to give a bond; amending s. 137.01, F.S.; eliminating the bond requirements for county officers; allowing the board of county commissioners to require county officers to give a bond, set the amount of the bond, and approve the bond; requiring the filing of bonds with the clerk of the circuit court instead of the Department of State; amending s. 137.02, F.S.; eliminating the bond requirements for tax collectors; requiring bond as determined by the board of county commissioners; eliminating the requirement that the Department of State approve the bond; amending s. 137.03, F.S.; eliminating the bond requirement for property appraisers; requiring bond as determined by the board of county commissioners; amending s. 137.04, F.S.; eliminating the bond requirement for county commissioners; requiring bond as determined by the board; eliminating the requirement that the Department of State approve the bond; amending s. 137.05, F.S., relating to the examination requirements of bonds of county officers by the county commissioners; removing the examination criteria for sureties; removing the required report of impaired bonds by the county commissioners to the Governor; amending s. 240.268, F.S.; eliminating the bond requirement for university police officers; allowing the university to require a bond, set the amount of the bond, and approve the bond; amending s. 240.38, F.S.; eliminating the bond requirement for community college police officers; allowing the community college to require a bond, set the amount of the bond, and approve the bond; amending s. 242.343, F.S.; eliminating the bond requirement for campus police of the Florida School for the Deaf and the Blind; allowing the board of trustees to require a bond, set the amount of the bond, and approve the bond; amending ss. 250.10, 266.00001, 266.0013, F.S., and repealing s. 252.55(5), F.S.; eliminating bond requirements for the state quartermaster appointed by the Adjutant General, the Florida Wing commander of the Civil Air Patrol, and members of the historic preservation board; authorizing the Department of State to require and approve a bond for members of historic preservation boards; amending s. 284.41, F.S.; eliminating the coverage for trust funds by the public official bond of the Treasurer and Insurance Commissioner; amending s. 320.03, F.S.; allowing the Department of Highway Safety and Motor Vehicles to require a bond of tax collectors; amending s. 372.04, F.S.; eliminating the requirement for the Director of the Game and Fresh Water Fish Commission to give a bond; allowing the Game and Fresh Water Fish Commission to require a bond of employees, to determine the amount of the bond, and to approve the bond; amending s. 388.131, F.S.; eliminating the bond requirement for the board of commissioners of mosquito-control districts; allowing the Department of Agriculture and Consumer Services to require a bond; amending s. 440.50, F.S.; eliminating the requirement for the Treasurer and Insurance Commissioner to give a bond related to his or her duties as custodian of the Workers' Compensation Administration Trust Fund; amending s. 443.191, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties as custodian of the Unemployment Compensation Trust Fund; amending s. 443.211, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties in connection with the Employment Security Administration Trust Fund; amending s. 523.22, F.S.; eliminating the requirement that the Legislature provide for premiums for the bonds of all naval store inspectors; amending ss. 561.051, 570.073, 570.09, 570.11, 582.055, F.S.; eliminating bond requirements for the director and employees of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and for certain employees of the Department of Agriculture and Consumer Services; repealing s. 17.01, F.S., which requires the Comptroller to give a bond; repealing s. 17.19, F.S., which requires the Comptroller to annually examine the bonds of state officers and report insufficiency of bonds to the Governor; requiring the Governor to require a new bond; holding the Comptroller liable to the state for any loss sustained due to failure to examine the bonds; providing for recovery of loss by suit; repealing s. 113.05, F.S., which prohibits the Governor from issuing commissions to persons required by law to give bond until the execution, approval, and filing of the bond; repealing s. 137.06, F.S., which provides that the failure of a county officer to file a new bond is misfeasance, requires the Governor to suspend the officer and appoint a successor, and makes an officer impeachable for failure to give a new bond; repealing s. 137.07, F.S., which provides liability of the Comptroller and county commissioners to the state and county for failure to perform duties under s. 17.19, F.S., or s. 137.05, F.S.; repealing s. 213.04, F.S., which requires the executive director of the Department of Revenue to give a bond; repealing s. 229.501, F.S., which requires the Commissioner of Education to give a bond; repealing s. 281.09, F.S., which requires bonding for the officers and agents of the Division of Capitol Police; repealing s. 321.08, F.S., which requires certain officers and employees of the Department of Highway Safety and Motor Vehicles to give a bond; repealing s. 523.11, F.S., which requires the supervising inspector of naval stores to give a bond; providing applicability; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senators Ostalkiewicz, Clary, Horne, Bronson, Brown-Waite, Crist and Lee—

SB 224—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F.S.; exempting persons of a specified age from certain safety equipment requirements; requiring insurance coverage under certain conditions; providing an effective date.

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

By the Committee on Banking and Insurance—

SB 226—A bill to be entitled An act relating to insurance for family day care homes; creating s. 627.70161, F.S.; providing legislative intent; providing definitions; providing an exclusion from liability coverage under residential property insurance policies for losses arising out of the operation of a family day care home; prohibiting cancellation, refusal to renew, or denial of coverage for residential property insurance due to

family day care operations; providing exceptions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Gutman, Holzendorf, Kurth, Myers and Forman—

SB 228—A bill to be entitled An act relating to health insurance; creating s. 627.64193, F.S.; providing prohibitions and requirements relating to congenital cranio-facial anomalies of dependent children; providing a legislative determination of important state interest; providing an effective date.

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

By the Committee on Agriculture and Senator Ostalkiewicz—

SB 230—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; reviving and readopting ss. 500.12, 500.121, F.S., relating to food permits and building permits and to penalties for violations relating to such permits; providing an effective date.

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

By the Committee on Banking and Insurance—

SB 232—A bill to be entitled An act relating to windstorm insurance risk apportionment; amending s. 627.351, F.S.; continuing the prohibition on extending eligibility for coverage from the Florida Windstorm Underwriting Association to any area that was not eligible on March 1, 1997; deleting the scheduled repeal of this prohibition; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Regulated Industries and Senator Cowin—

SB 234—A bill to be entitled An act relating to water and wastewater utility systems; amending s. 367.045, F.S.; revising provisions relating to the issuance of or amendment to certificates of authorization; amending s. 367.071, F.S.; providing a procedure for determination of rate base when one utility is acquired by another; amending s. 367.081, F.S.; providing for consideration of the economic impact on customers in setting rates; revising the procedure for the automatic increase or decrease of rates; deleting the reasonableness standard for rate case expenses; authorizing a customer or the public counsel to petition the Public Service Commission for a proposed agency action proceeding; amending s. 367.0816, F.S.; providing for proportionate recovery of rate case expenses; providing a reasonableness standard in recovery of rate case expenses; providing an effective date.

—was referred to the Committee on Regulated Industries.

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

SB 236—A bill to be entitled An act relating to the mental health of children and adolescents; creating s. 394.490, F.S.; providing a short title; creating s. 394.491, F.S.; establishing guiding principles for the child and adolescent mental health treatment and support system; creating s. 394.492, F.S.; providing definitions; creating s. 394.493, F.S.; defining target populations for child and adolescent mental health services; providing for fees to be based on a sliding scale according to a family's income; creating s. 394.494, F.S.; providing general performance outcomes for the child and adolescent mental health treatment and support system; creating s. 394.495, F.S.; requiring that the Department of Children and Family Services establish the services to be provided to members of the target populations under the child and adolescent mental health treatment and support system; providing requirements for assessment services; requiring that the system include the local educational multiagency network for emotionally disturbed students; creating s. 394.496, F.S.; providing legislative intent with respect to service planning; providing requirements for services plans; creating s. 394.497, F.S.; specifying requirements for case management services; requiring the department to develop criteria to define the target populations who are assigned a case manager; establishing the Child and Adolescent Interagency System of Care Demonstration Models; specifying the goals and essential elements of the demonstration models; providing for the demonstration models to be governed by a multiagency consortium of state and county agencies; requiring that an oversight body be established to direct a demonstration model; requiring that a mechanism be developed for selecting the children and adolescents who are eligible to participate in a demonstration model; providing for pooled funding of the models; providing requirements for the care management entity that provides services for a demonstration model; requiring a mechanism for measuring compliance with the goals of the demonstration models; providing that in one demonstration model the consortium of purchasers may contract with a network of service providers; requiring that a provider network be identified for each demonstration model; providing requirements for maintaining confidentiality of records; providing application requirements for designation as a demonstration model; providing for evaluation of the demonstration model; requiring state agencies that participate in the demonstration models to adopt rules; authorizing the Agency for Health Care Administration to obtain certain federal waivers; requiring each service district to develop an implementation plan for an information and referral network; repealing ss. 394.50, 394.56, 394.57, 394.58, 394.59, 394.60, 394.61, 394.62, F.S., relating to children's residential and day treatment centers, voluntary and involuntary admission to such centers, records, payment for care and treatment of patients, transfer of patients, discharge of voluntary patients, and age limits; providing an effective date.

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

By the Committee on Regulated Industries—

SB 238—A bill to be entitled An act relating to the regulation of professions and occupations; amending s. 11.62, F.S.; providing criteria for evaluating proposals for new regulations based on the effect of such regulations on job creation or retention; amending ss. 455.201 and 455.517, F.S.; providing criteria for evaluating proposals to increase the regulation of currently regulated professions based on the effect of such regulations on job creation or retention; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Executive Business, Ethics and Elections; and Senators Crist, Latvala, Silver, Clary, Bronson, Meadows, Childers, Lee, Kirkpatrick, Dyer, Hargrett and Harris—

SB 240—A bill to be entitled An act relating to overseas electors; amending s. 97.021, F.S.; defining the terms "absent qualified elector overseas," "fax," and "faxed"; amending s. 100.025, F.S.; revising the notice of election to overseas electors; amending s. 101.5614, F.S.; designating procedures for tabulating faxed ballots; amending s. 101.62, F.S.; authorizing supervisors of elections to fax absentee ballots to overseas electors requesting faxed ballots; deleting certain requirements applicable to overseas ballots; amending ss. 101.64, 101.65, F.S., to conform; creating s. 101.653, F.S.; providing instructions to be included with faxed overseas ballots; amending s. 101.68, F.S., to conform; amending s. 101.694, F.S.; authorizing procedure for overseas electors using the Federal Post Card Application to request faxed ballots; creating s. 101.697, F.S.; authorizing the Department of State to adopt rules to administer faxed balloting; providing an effective date.

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

By Senator Grant—

SB 242—A bill to be entitled An act relating to the Florida Safety Belt Law; amending s. 316.614, F.S.; deleting a provision that requires enforcement of the act only as a secondary action; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By the Committee on Natural Resources—

SB 244—A bill to be entitled An act relating to drycleaning solvent cleanup; amending s. 376.30, F.S.; providing legislative intent regarding drycleaning solvents; amending s. 376.301, F.S.; providing definitions; amending s. 376.303, F.S.; providing for late fees for registration renewals; amending s. 376.3078, F.S.; providing legislative intent regarding voluntary cleanup; providing that certain deductibles must be deposited into the Water Quality Assurance Trust Fund; clarifying circumstances under which drycleaning restoration fund may not be used; providing additional criteria for determining eligibility for rehabilitation; specifying when certain deductibles must be paid; amending the date after which no restoration funds may be used for drycleaning site rehabilitation; clarifying who may apply jointly for participation in the program; providing certain liability immunity for certain adjacent landowners; providing for contamination cleanup criteria that incorporate risk-based corrective action principles to be adopted by rule; requiring certain third-party liability insurance coverage for each operating facility; specifying the circumstances under which work may proceed on the next site rehabilitation task without prior approval; requiring the Department of Environmental Protection to give priority consideration to the processing and approval of permits for voluntary cleanup projects; providing the conditions under which further rehabilitation may be required; providing for continuing application of certain immunity for real property owners; requiring the Department of Environmental Protection to attempt to negotiate certain agreements with the U.S. Environmental Protection Agency; amending s. 376.308, F.S.; protecting certain immunity for real property owners; amending s. 376.313, F.S.; correcting a statutory cross-reference; amending s. 376.70, F.S.; clarifying certain registration provisions; requiring certain facilities to pay the gross receipts tax; deleting a requirement that certain information must be disclosed on the drycleaning receipt; providing for the payment of taxes and the determination of eligibility in the program; amending s. 376.75, F.S.; deleting a requirement that certain information must be disclosed on the drycleaning receipt; amending ss. 287.0595, 316.302, F.S.; correcting statutory cross-references; providing an effective date.

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

By Senators Diaz-Balart, Crist and Horne—

SJR 246—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution relating to an additional homestead tax exemption.

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

By Senator Brown-Waite—

SB 248—A bill to be entitled An act relating to the practice of medicine; providing for the revocation of the licenses of health care professionals who are convicted of sexual misconduct; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Health Care—

SB 250—A bill to be entitled An act relating to certificates of need; amending s. 400.071, F.S., relating to nursing home licensure; revising certain requirements for the Agency for Health Care Administration in issuing a certificate of need to a nursing home; deleting provisions expressing legislative preference for certificate-of-need applications that indicate intent to meet certain needs of Medicaid recipients with respect to nursing home services; requiring that certain information be included on a facility's license; amending s. 408.034, F.S.; specifying duties and responsibilities of the agency with respect to administering the certificate-of-need program; requiring the agency, in consultation with the Medicaid program office and the Department of Elderly Affairs, to establish by rule projections of patient-day needs for Medicaid patients in nursing homes; requiring publication of such needs with the batching-cycle data for nursing homes; amending s. 408.036, F.S.; providing for expedited review of requests for modifications of certificate-of-need conditions; amending s. 408.040, F.S., relating to certificate-of-need conditions and monitoring of certificates of need; authorizing the Agency for Health Care Administration to condition issuance of a certificate of need for nursing home beds on an applicant's indication that it will provide a specified number of days of care for Medicaid patients; requiring that such condition be stated on the certificate of need; directing the agency to consult with the Medicaid program office and the Department of Elderly Affairs when imposing conditions in an area in which a community diversion pilot project is implemented; requiring the agency to adopt rules; requiring a letter of intent to request a modification in the conditions of a certificate of need; requiring that the certificate-of-need program confer with the Medicaid program office and the Department of Elderly Affairs when reviewing modification requests; requiring the certificate-of-need program to develop an impact analysis for affected geographic market areas; requiring that modification decisions be based on the impact analysis; correcting references to reflect the transfer of the responsibility for administering the certificate-of-need program from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; providing an effective date.

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

By Senator Brown-Waite—

SB 252—A bill to be entitled An act relating to telecommunications; amending s. 364.163, F.S.; requiring certain local telecommunications companies to reduce their intrastate switched access rates; providing an effective date for the reductions; authorizing a local exchange telecommunications company to petition the Florida Public Service Commission if it believes a reduction in intrastate switched access rates will impair its financial viability; providing for a hearing; providing for determining the company's achieved rate of return; authorizing the commission to examine books and records of the petitioning company and its affiliated companies; providing an effective date.

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

By Senators Latvala, Brown-Waite and Grant—

SB 254—A bill to be entitled An act relating to designation of state buildings; designating a state veterans' nursing home in Land O' Lakes, Pasco County, as the "Baldomero Lopez State Veterans' Nursing Home"; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Health Care—

SB 256—A bill to be entitled An act relating to regulation of health care professions; creating boards within the Department of Health to function as multidisciplinary probable cause panels to assist the Secretary of the Department of Health in disciplining health care professionals under the department's jurisdiction; providing requirements for the appointment of board members; providing terms of appointment; providing requirements for the boards to assist the Department of Health in the regulation of health care professionals; providing for the applicability of part II of chapter 455, F.S., to the activities of the disciplinary boards; providing for a training program for board members; providing the Secretary of the Department of Health with the authority to take final agency action with respect to all disciplinary cases involving health practitioners within the department; revising requirements for existing boards within the Department of Health to discipline health care professionals; amending ss. 455.614, 455.617, 455.621, 455.624, 455.627, 455.707, F.S.; conforming those sections to the revision of the disciplinary system for health care professionals within the Department of Health; amending s. 455.644, F.S.; revising requirements for an annual report; amending ss. 457.109, 458.331, 459.015, 460.413, 461.004, 461.013, 463.016, 464.018, 465.016, 466.028, 468.1295, 468.1685, 468.1755, 468.217, 468.365, 468.518, 468.811, 480.046, 484.014, 484.042, 484.056, 486.125, 490.009, 491.009, F.S.; conforming those sections to the revision of the disciplinary system used for health care professionals within the Department of Health; correcting terminology; providing for appointment of a task force to develop procedures to ensure uniformity and accountability in the implementation and enforcement of the disciplinary process among health care professionals within the Department of Health; repealing s. 458.307(4) and (5), F.S., which provide training requirements for the Board of Medicine members who

participate in disciplinary proceedings and provide requirements for members of the Board of Medicine who are appointed to probable cause panels; providing an effective date.

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

By Senators Williams, Latvala and Cowin—

SB 258—A bill to be entitled An act relating to secondhand dealers; amending s. 538.06, F.S.; providing limitations on vehicle title loan transactions; creating s. 538.065, F.S.; providing for the licensure of dealers making title loan transactions; providing fees; providing for regulation by the Department of Banking and Finance; providing guidelines for the operation of title loan businesses; providing grounds for discipline of licensees; providing penalties; prohibiting certain acts; creating s. 538.067, F.S.; providing for the examination of certain records; providing examination fees; creating s. 538.069, F.S.; providing immunity; providing for the issuance of subpoenas; providing powers and duties of the Department of Banking and Finance; providing for the adoption of rules; amending s. 538.09, F.S.; exempting certain secondhand dealers from registering with the Department of Revenue; providing an effective date.

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

By the Committee on Health Care—

SB 260—A bill to be entitled An act relating to confidentiality; providing definitions; providing for the confidentiality of health, medical, patient, and insurance records and for identifying information pertaining to natural persons contained in such records; providing exceptions; amending s. 455.677, F.S., relating to disposition of certain medical, records held by practitioners; requiring rules to provide for specific methods of disposal following expiration of the mandatory retention period; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Rossin—

SB 262—A bill to be entitled An act relating to the storage of firearms; creating the "Safe Storage of Firearms for the Protection of Children Act"; prohibiting insurance companies authorized to conduct business in this state from increasing premiums on homeowner's or property and casualty insurance on the ground of storage of a firearm that has been secured with an activated locking device; authorizing such insurance companies to decrease premiums on such insurance if the insured has certified that all firearms owned by the insured are stored and secured with an activated locking device; amending s. 790.001, F.S.; redefining the term "securely encased" to mean a firearm that is secured with an activated locking device; defining the term "locking device"; providing that it is a third degree felony to knowingly alter or remove a locking device from a firearm without authorization of the owner; providing that it is a third degree felony to knowingly sell, deliver, or possess a firearm if the firearm's locking device has been altered or removed without authorization of the owner; providing penalties; amending s. 784.05, F.S.; providing that it is not culpable negligence to store or leave a loaded firearm within the reach of a person under a specified age, which firearm is used to inflict injury or death, if the firearm was locked with a locking device; amending s. 790.174, F.S.; providing that a locking device may be used for the purpose of lawfully storing a firearm within access of a person under a specified age; amending s. 790.175, F.S.; requiring a licensed dealer to advise a potential buyer of a handgun of the availability of a locking device that renders the handgun inoperable; requiring that the dealer provide the potential buyer the opportunity to purchase a locking device at the time of the sale; providing an effective date.

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

By Senator Rossin—

SB 264—A bill to be entitled An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact between a child and siblings of a parent whose rights are terminated; amending s. 63.022, F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Senator Childers—

SB 266—A bill to be entitled An act relating to the municipal firefighters' pension trust fund and the municipal police officers' retirement trust fund; amending ss. 175.071, 185.06, F.S.; revising the powers of the board of trustees for each trust fund; providing guidelines for the investment of funds; requiring additional recordkeeping by the boards; providing qualifications for professionally qualified independent consultants; providing an effective date.

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

By Senators Grant, Myers, Latvala, Forman, Campbell, Kurth, Casas, Rossin, Meadows, Sullivan, Klein and Cowin—

SB 268—A bill to be entitled An act relating to health insurance; providing a short title; amending s. 627.668, F.S.; providing that the current requirement for group insurers to offer coverage for mental health conditions does not apply to serious mental illness; creating s. 627.6681, F.S.; requiring group health insurers and health maintenance organizations to provide coverage for serious mental illness; requiring benefits to be the same as for physical illness generally; requiring the health benefit plan committee to consider and recommend modifications to standard, basic, and limited health benefit plans; providing a definition; providing authority for certain manuals to be updated by rule; authorizing an insurer to establish certain compliance functions; amending ss. 627.6472, 627.6515, 641.31, F.S., relating to exclusive provider organizations, out-of-state groups, and health maintenance contracts; providing requirements for coverage compliance; providing an appropriation; providing a description of state interest; providing an effective date.

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

By Senators Childers, Dudley, Dyer, Silver, Turner, Jones, Casas, Forman, Campbell, Holzendorf, Thomas, Diaz-Balart, Gutman, Crist, Rossin, Brown-Waite, Bronson, Harris, Klein, Myers, Kurth, Meadows, McKay and Clary—

SB 270—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans" and "local law plans"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the

application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S., relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; providing an effective date.

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

By Senator Grant—

SB 272—A bill to be entitled An act relating to government; creating the "Citizen Participation in Government Act" and providing for its purposes; providing immunity from civil liability; providing procedures for the judiciary to respond to lawsuits relating to the constitutional right to petition the government for redress of grievances; defining terms; providing an effective date.

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

By Senator Grant—

SB 274—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; excluding certain pass-through charges on commercial real estate leases from such taxes; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senators Brown-Waite, Sullivan, Grant, Latvala, Williams, Horne, Meadows and McKay—

SB 276—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding ketamine hydrochloride to the list of Schedule II controlled substances; providing penalties; providing that there is a presumption of the presence of gamma-hydroxy-butyrate when certain conditions are met in testing therefor; amending ss. 316.193, 327.35, 415.503, 440.102, 458.326, 465.035, 766.101, 817.563, 831.31, 856.015, 893.02, 893.0356, 893.08, 893.12, 893.13, 921.0022, F.S., to incorporate the amendment of s. 893.03, F.S., in cross-references; providing an effective date.

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

By Senators Grant, Clary and Casas—

SB 278—A bill to be entitled An act relating to taxation of intangible property; amending s. 199.185, F.S.; providing an exemption for certain intangible personal property; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Banking and Insurance.

By Senator Williams—

SB 280—A bill to be entitled An act relating to sales contracts for farm equipment and motor vehicle or truck repair parts; creating s. 686.4035, F.S.; revising the Farm Equipment Manufacturers and Dealers Act to provide that the termination of franchise agreements must be done in good faith; providing definitions; providing for applicability; providing requirements with respect to franchise agreements between manufacturers, wholesalers, and distributors and dealers of motor vehicle or truck repair parts; requiring that termination of such franchises be done in good faith; providing a definition; providing for liability; providing for applicability; prohibiting certain practices; providing liability with respect to failure to pay a specified sum on cancellation of contract; providing an effective date.

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

By Senator Crist—

SB 282—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Keep Kids Drug-Free license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Crist—

SB 284—A bill to be entitled An act relating to prisoners; amending s. 946.002, F.S.; requiring prisoners in the state correctional system to perform a specified amount of work; providing legislative intent; authorizing the Department of Corrections to adopt rules to implement the prisoner work requirement in accordance with specified guidelines; excluding certain education and job training from the prisoner work requirement; providing for in-house farming programs at correctional facilities; providing that certain moneys otherwise expended on prisoners' food or on compensation for prisoners' work shall be used to offset costs of implementing the prisoner work requirement or correctional facility operation; providing that workers' compensation otherwise due or payable to a prisoner shall be used for restitution, child support, alimony, and correctional facility operation or placed for disposition purposes in the Crimes Compensation Trust Fund; providing an effective date.

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

By Senator Crist—

SB 286—A bill to be entitled An act relating to pharmacy practice; amending s. 465.003, F.S.; defining the term "data communication device"; revising the definition of the term "practice of the profession of pharmacy"; amending s. 465.017, F.S.; providing additional persons and entities to whom records relating to the filling of prescriptions and the dispensing of medicinal drugs which are maintained by a pharmacy may be furnished; providing restrictions on such records when transmitted through a data communication device; amending ss. 465.014, 465.015, 465.0196, 468.812, and 499.003, F.S.; conforming cross-references; providing an effective date.

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

By Senators Thomas and Myers—

SB 288—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 409.9116, F.S.; providing that rural hospitals designated after July 1, 1998, may not be included in the rural hospital disproportionate share of financial assistance programs unless additional appropriations are provided; providing an effective date.

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

By Senator Klein—

SB 290—A bill to be entitled An act relating to paramedics and emergency medical technicians; creating s. 401.272, F.S.; authorizing paramedics and emergency medical technicians to conduct certain delegated tasks; providing legislative intent; specifying the limited services to be rendered under specific arrangements; requiring the verification of certain training and experience; providing a construction clause; amending s. 401.265, F.S.; specifying additional liability provisions for medical directors under certain circumstances; amending s. 401.411, F.S.; modifying an action for which certain personnel may be disciplined; providing an effective date.

—was referred to the Committee on Health Care.

By Senators Brown-Waite and Forman—

SB 292—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information about patients of home medical equipment providers which is obtained by employees or service providers or the licensing agency; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a home medical equipment provider in connection with background screening of prospective employees of the provider; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Senators Brown-Waite and Forman—

SB 294—A bill to be entitled An act relating to home medical equipment providers; creating part IX of chapter 400, F.S.; providing for regulation of home medical equipment providers by the Agency for Health Care Administration; providing legislative intent; providing definitions; providing for licensure and exemptions; providing unlawful acts; providing penalties; providing for license applications; providing for fees; providing for background screening; providing for provisional licenses and temporary permits; providing for administrative penalties; providing for injunctions, emergency orders, and moratoriums; providing for licensure inspections and investigations; providing minimum standards; providing for agency rules; providing for patient records; providing for notice of toll-free telephone number for the central abuse registry; providing for background screening of home medical equipment provider personnel; providing penalties; providing screening procedures; providing for agency injunctions; prohibiting patient referrals and rebates; providing for application of the act to existing providers; providing an appropriation; providing an effective date.

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

By Senators Grant, Bronson and Klein—

SB 296—A bill to be entitled An act relating to religious freedom; creating the "Religious Freedom Restoration Act of 1998"; providing that government shall not substantially burden the exercise of religion; providing exceptions; providing definitions; providing for attorney's fees and costs; providing applicability; providing construction; providing an effective date.

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

By Senators Grant and Bronson—

SJR 298—A joint resolution proposing an amendment to Section 3 of Article I of the State Constitution relating to religious freedom.

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

By Senators Hargrett and Lee—

SB 300—A bill to be entitled An act relating to enterprise zones; authorizing tax credits to a certain business; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Community Affairs.

By Senator Lee—

SB 302—A bill to be entitled An act relating to emergency medical services; amending ss. 365.171, 395.1027, F.S.; requiring a local governmental entity that operates a "911" emergency telephone system to enter into an agreement with the regional poison control center; requiring that the agreement include a protocol under which the poison control center is consulted with respect to each emergency call that involves exposure to a toxic substance; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Childers—

SB 304—A bill to be entitled An act relating to organ and tissue donation; amending ss. 320.08047, 322.08, 381.6024, F.S.; authorizing the use of certain funds for maintaining the organ and tissue donor registry; revising annual assessments on certain organ procurement organizations, tissue banks, and eye banks; amending s. 732.911, F.S.; providing definitions; amending ss. 732.912, 732.914, F.S.; clarifying who may make an anatomical gift in the absence of a declaration by a decedent; amending s. 732.913, F.S.; specifying that entities as well as persons may become donees of anatomical gifts; amending s. 732.915, F.S.; repealing an annual assessment on organ procurement organizations, tissue banks, and eye banks; amending s. 732.916, F.S.; revising procedures for amending or revoking an anatomical gift, amending s. 732.9216, F.S.; adding a cross-reference; amending s. 732.922, F.S.; providing a limitation in civil or criminal liability for organ procurement organizations, eye banks, tissue banks, hospitals, and hospital administrators or their designees; providing additional duties for the hospital administrator or his designee and for organ procurement organizations; providing severability; providing effective dates.

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

By Senator Grant—

SB 306—A bill to be entitled An act relating to the State University System; amending s. 240.289, F.S.; authorizing the use of credit card, charge card, and debit card payments for tuition and fees without a service fee or surcharge; providing an effective date.

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

By Senator Clary—

SB 308—A bill to be entitled An act relating to victim assistance; amending s. 960.001, F.S.; granting the victim of a crime standing to assert the rights of the victim; providing an effective date.

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

By Senator Bronson—

SB 310—A bill to be entitled An act relating to parole; creating s. 947.182, F.S.; providing definitions; requiring as a condition of the parole of a sex offender or a murderer that the offender apply to the Department of Highway Safety and Motor Vehicles for a special identification card or driver's license and, if subject to motor vehicle registration requirements, a special color-coded license tag; requiring the department in cooperation with the Department of Law Enforcement to provide for special designation of a sex offender or murderer on any driver's license, identification card, or license tag issued to the paroled offender;

amending s. 775.21(7), F.S.; conforming provision relating to determination of the feasibility of requiring sexual predators to have a special designation on any identification card, driver's license, or license tag issued in the state; providing an effective date.

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

By Senators Brown-Waite, Bronson, Cowin, Williams and Horne—

SB 312—A bill to be entitled An act relating to water sources; amending s. 373.223, F.S.; prescribing matters to be considered in authorizing the transport of ground or surface water; providing an effective date.

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

By Senator Brown-Waite—

SB 314—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 394.4788, F.S., relating to mental health services; updating provisions relating to duties of the agency formerly performed by the Health Care Cost Containment Board; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain outpatient facilities; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that, following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of staff; providing for applicability; providing for a report by the agency to the Governor and Legislature; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the former Department of Health and Rehabilitative Services; authorizing the agency to conduct data-based studies and make recommendations; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; repealing ss. 395.403(9), 407.61, 408.003, 408.072, 408.085, F.S., relating to reimbursement of state-sponsored trauma centers, studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of provisions of the act relating to repeal of review of hospital budgets; amending ss. 381.026, 381.0261, F.S.; requiring distribution of the Florida Patient's Bill of Rights and Responsibilities; providing penalties; repealing s. 395.002(2) and (15), F.S.; deleting definitions of "adverse or untoward incident" and "injury"; amending s. 395.0193, F.S.; revising provisions relating to facility peer review disciplinary actions against practitioners; requiring a report to the Agency for Health Care Administration; providing penalties; amending s. 395.0197, F.S.; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring certain reports to the agency; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective action plans; providing penalties; renumbering s. 626.941, F.S., relating to the purpose of the health care risk manager licensure program; renumbering and amending s. 626.942, F.S., relating to the Health Care Risk Manager Advisory Council; renumbering and amending s. 626.943, F.S.; providing powers and duties of the agency; renumbering and amending s. 626.944, F.S., relating to qualifications for health care risk managers; providing for fees; providing for issuance, cancellation, and renewal of licenses; renumbering and amending s. 626.945, F.S., relating to grounds for denial, suspension, or revocation of licenses; amending ss. 394.4787, 395.602, 400.051, 409.905, 440.13, 458.331, 459.015, 468.505, 641.55, 766.1115, F.S.; conforming references and correcting cross-references; transferring the internal risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; providing an appropriation; providing effective dates.

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

By Senator Brown-Waite—

SB 316—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in a notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; providing that such information is not discoverable or admissible in a civil action or administrative proceeding unless such action or proceeding is a disciplinary proceeding conducted by the agency or a regulatory board; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Senator Dyer—

SB 318—A bill to be entitled An act relating to real estate appraisals; amending s. 475.25, F.S.; providing disciplinary action for violations of the Uniform Standards of Professional Appraisal Practice; amending s. 475.615, F.S.; providing registration requirements for appraisers; amending s. 475.264, F.S.; revising a ground for disciplinary action to exempt licensees from reporting certain violations; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senators Ostalkiewicz, Cowin, Sullivan, Grant, Williams, Bronson, Clary, Crist, Harris and Dudley—

SB 320—A bill to be entitled An act relating to taxation of intangible personal property; amending s. 199.185, F.S.; increasing the value of property that is exempted from the annual tax of taxpayers who are natural persons; providing an exemption from the annual tax for taxpayers that are not natural persons; excluding accounts receivable from the property subject to taxation; amending s. 199.032, F.S.; providing an exemption from the tax for certain intangible personal property that is secured by mortgage, deed of trust, or other lien upon real estate; repealing ss. 199.012, 199.023, 199.032, 199.042, 199.052, 199.057, 199.062, 199.103, 199.104, 199.106, 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183, 199.185, 199.202, 199.212, 199.218, 199.232, 199.262, 199.272, 199.282, 199.292, 199.303, F.S., relating to the tax on intangible personal property; abolishing the tax; providing duties and powers of the Department of Revenue with respect to collection of unpaid taxes; providing effective dates.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Ostalkiewicz—

SB 322—A bill to be entitled An act relating to taxpayer rights; amending s. 213.015, F.S.; providing additional rights to taxpayers regarding interest paid on delinquent taxes and interest received on delinquent refunds, freedom from being reaudited, rights of appeal, rights to obtain reimbursement of certain fees on favorable appeals, the right to compensation for providing certain information or documents to the department, freedom from commissioned auditors, statutes of limita-

tion, the time permitted to file for refunds, and the right to apply overpayments to the payment of other taxes due; providing an effective date.

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

By Senators Ostalkiewicz, Brown-Waite, Williams, Dudley, Clary, Bronson and Grant—

SJR 324—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution; providing for the exemption from ad valorem taxation of certain tangible personal property.

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

By Senator Ostalkiewicz—

SB 326—A bill to be entitled An act relating to the Revenue Estimating Conference; amending s. 216.136, F.S.; prescribing duties of the conference with respect to notice, recording meetings and sessions, and receiving public comment; requiring certain documentation relating to the performance of the conference's duties; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Rules and Calendar.

By Senators Ostalkiewicz, Grant, Crist, Sullivan, Kurth, Kirkpatrick, Meadows, Bronson, Dyer, Brown-Waite and Hargrett—

SB 328—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for replacement engines, parts, and equipment used in the repair or maintenance of certain aircraft; providing an exemption for the sale or lease of certain aircraft for use by a common carrier; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senators Campbell and Meadows—

SM 330—A memorial to the Congress of the United States, urging Congress to reauthorize the Older Americans Act.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 332—A bill to be entitled An act relating to juvenile justice; amending s. 985.414, F.S.; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; amending s. 985.415, F.S.; clarifying the minimum requirements pertaining to an application for a community juvenile justice partnership grant; specifying entities that must participate in the application for such a grant; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Criminal Justice—

SB 334—A bill to be entitled An act relating to juvenile justice programs; amending s. 985.401, F.S.; requiring the Juvenile Justice Advisory Board to develop a standard methodology for interpreting outcome-evaluation reports; specifying information to be included; requiring the board to consult with other agencies, providers, and interested parties; requiring the board and the Department of Juvenile Justice to report to the Legislature; amending s. 985.404, F.S.; requiring the Department of Juvenile Justice and other agencies to develop a cost-effectiveness model for each commitment program; requiring the department to rank programs and report to the Legislature; authorizing the department to terminate a program that fails to achieve a minimum threshold of effectiveness; requiring that the cost-effectiveness model be consistent with certain requirements for performance-based budgeting; requiring the department to conduct certain evaluations of commitment programs and identify the factors that contribute to various program ratings; providing appropriations; providing an effective date.

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

By the Committee on Commerce and Economic Opportunities; and Senators Harris and Klein—

SB 336—A bill to be entitled An act relating to international economic development; requiring Enterprise Florida, Inc., to develop a master plan for integrating international trade and reverse investment resources; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, to prepare a plan to promote foreign direct investment in Florida; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., to develop a strategic plan that will allow Florida to capitalize on the economic opportunities associated with a post–embargo Cuba; amending s. 288.012, F.S., relating to State of Florida foreign offices; directing each office to report annually to the Office of Tourism, Trade, and Economic Development on activities and accomplishments; prescribing the contents of such reports; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senators Latvala and Bronson—

SB 338—A bill to be entitled An act relating to the tax on sales, use, and other transactions; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; exempting the sale of steam energy used in manufacturing; providing a threshold for electricity use; deleting a requirement that the electricity be separately metered; revising the applicability of the exemption; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senators Clary, Harris, McKay, Williams and Kurth—

SB 340—A bill to be entitled An act relating to real estate; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; increasing the administrative fine; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting ss. 475.180(2)(b), 475.181(2), 475.22(2), 475.422(2), and 475.482(1), F.S., relating to nonresident licenses, licensure, refusal of a broker to comply with certain requests or notices, furnishing of copies of termite and roof inspection reports, and recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses,

commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.01, 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, and 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

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

By Senator Campbell—

SB 342—A bill to be entitled An act relating to condominiums; amending s. 718.116, F.S.; providing that a certain amount of condominium association liens shall have limited priority over other mortgages; providing an effective date.

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

By Senator Campbell—

SB 344—A bill to be entitled An act relating to juveniles; amending s. 985.215, F.S.; requiring arraignment of a juvenile ordered into or held in secure, nonsecure, or home detention care within a specified time; amending s. 985.228, F.S., to conform; providing an effective date.

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

By Senators Campbell, Gutman, Dyer, Klein, Grant, Forman, Kurth and Rossin—

SB 346—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.531, F.S.; redefining the terms "law enforcement officer" and "correctional officer" to include part-time officers; defining the term "willful and knowing"; amending s. 112.532, F.S.; revising language with respect to the rights of law enforcement and correctional officers; requiring certain officers in charge of an investigation to be certified; authorizing an officer to bring a civil action against an agency for a willful and knowing violation of part VI of chapter 112, F.S.; providing for costs and attorney's fees; amending s. 112.533, F.S.; authorizing officers to review complaints and all written or otherwise recorded statements made; authorizing an officer to review his or her personnel file under certain circumstances; authorizing the inclusion of certain statements; amending s. 112.534, F.S.; revising language with respect to the failure of an agency to comply with the provisions of part VI of chapter 112, F.S.; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Cowin, Rossin, Brown-Waite, Clary, Lee, Diaz-Balart, Campbell, Silver, Forman, Latvala, Grant, Kirkpatrick, Scott, Holzendorf, Hargrett, Dyer and Bronson—

SB 348—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for a videotaped statement of a minor who is the victim of specified crimes involving sexual battery, lewd acts, or other sexual misconduct regarding such offenses; authorizing access by certain governmental agencies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Klein—

SB 350—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing an effective date.

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

By Senators Brown-Waite, Hargrett, Cowin, Latvala and Crist—

SB 352—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize" and "related services"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; requiring the department to state whether and why privatization is infeasible in a particular district and how the department will address the obstacles to its feasibility; providing requirements for and restrictions upon funding for privatization; providing for a model program to be initiated in a specified district; requiring the department to contract with the sheriffs in that district for the provision of protective investigative services; providing for funding; providing an effective date.

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

By Senator Rossin—

SB 354—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; providing for direct mailing of absentee ballots; limiting the number of absentee ballots that may be mailed to the same address; providing exceptions; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senators Williams and Kirkpatrick—

SB 356—A bill to be entitled An act relating to state postconviction proceedings; creating the "Death Penalty Appeals Reform Act of 1998"; amending s. 27.7001, F.S.; revising legislative intent with respect to collateral representation to exclude postconviction proceedings in state court; amending s. 27.701, F.S.; making the regions of the capital collateral regional counsel offices coincident with the jurisdictional areas of certain federal court districts; amending s. 27.702, F.S., relating to duties of capital collateral regional counsel; eliminating certain duties for representation in state court proceedings; revising time limitation for application for relief in federal court; prohibiting use of state funds by the capital collateral regional counsel offices for purposes of state court litigation; amending s. 27.704, F.S.; providing for contracts with private counsel for representation in federal postconviction proceedings; amending s. 27.707, F.S.; providing for service of process of certain subpoenas or court orders issued by federal courts or federal judges; amending s. 12, ch. 97-313, Laws of Florida, to eliminate legislative recommendation that the Florida Supreme Court adopt by rule specified provisions limiting the time for postconviction proceedings in capital cases; amending

s. 27.708, F.S., relating to access to prisoners and compliance with Florida Rules of Criminal Procedure; removing certain provisions with respect to compliance with Florida Rules of Criminal Procedure; amending s. 79.01, F.S., relating to application and writ for habeas corpus; providing that a judgment of conviction or sentence which has been affirmed on direct appeal constitutes "lawful authority" to detain a person for purposes of construing specified provisions; amending s. 924.051, F.S.; revising provisions relating to terms and conditions of appeals and collateral review in criminal cases, to provide for elimination of certain postconviction proceedings in state courts; providing that a state court may not review or examine the legality of judgment or sentence imposed in a criminal case by a court of competent jurisdiction, except pursuant to direct appeal; amending s. 924.055, F.S.; prohibiting certain postconviction proceedings in state courts; repealing s. 924.066, F.S., relating to collateral relief; creating s. 925.0365, F.S.; providing that the admission of ineffective assistance of counsel by attorney in a criminal proceeding makes the attorney ineligible for certain public employment or state compensation in criminal matters; providing for mandatory notification by the Attorney General to The Florida Bar and specified other entities of such admission; repealing Rules 3.850, 3.851, and 3.852, Florida Rules of Criminal Procedure, relating to motion to vacate, set aside, or correct sentence, collateral relief after death sentence has been imposed, and capital postconviction public records production, respectively; providing an effective date.

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

By Senator Burt—

SB 358—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S., relating to prohibitions against selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver, controlled substances within 200 feet of the real property comprising a public housing facility; defining "real property comprising a public housing facility"; providing penalties; providing an effective date.

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

By Senator Burt—

SB 360—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing an effective date.

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

By Senator Crist—

SB 362—A bill to be entitled An act relating to public officers and employees; amending s. 99.012, F.S.; requiring public officers and employees to take a leave of absence without pay during the period of their candidacy for public office; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By the Committee on Health Care—

SB 364—A bill to be entitled An act relating to public records; amending s. 119.07, F.S., relating to inspection, examination, and duplication of records; exempting identifying information pertaining to natural persons in health, medical, patient, or insurance records from the public records law; providing exceptions; amending s. 286.011, F.S., relating to public meetings; exempting from public discussion portions of public meetings during which the contents of health, medical, patient, or insurance information pertaining to a natural person are considered; providing exceptions; amending s. 296.09, F.S., relating to veterans residing in the Veterans' Domiciliary Home of Florida; deleting an exemption from the public records law relating to health records and annual reevaluations; amending s. 310.102, F.S., relating to treatment programs for impaired pilots and deputy pilots; deleting an exemption from the public records law for information about a licensee obtained by a probable cause panel from a consultant; amending s. 383.32, F.S., relating to birth center clinical records; deleting an exemption of clinical records of birth center clients from the public records law; amending s. 394.4615, F.S., relating to mental health; deleting an exemption of clinical records of mental health patients from the public records law; amending s. 400.494, F.S., relating to home health agencies; deleting an exemption of clinical records of home health patients from the public records law; amending s. 400.611, F.S., relating to hospice; deleting an exemption of information obtained from a patient record by a state agency from the public records law; amending s. 408.001, F.S., relating to the Florida Health Care Purchasing Cooperative; deleting an exemption of patient medical records and other similar records from the public records law; amending s. 760.40, F.S., relating to discriminatory use of genetic test results; deleting an exemption of certain information obtained through genetic testing from the public records law; repealing s. 400.0077, F.S., relating to resident records held by state and district long-term-care ombudsmen; repealing s. 440.125, F.S., relating to confidentiality of workers' compensation medical records and reports and identifying information in employee medical bills; providing an effective date.

—was referred to the Committee on Health Care.

By Senators Williams and Crist—

SB 366—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in this state; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Kurth—

SB 368—A bill to be entitled An act relating to motorcycle safety education; amending s. 215.22, F.S.; providing an exemption from a required deduction for that portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee; amending s. 322.0255, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to purchase and maintain motorcycles, equipment, and materials for use in motorcycle safety courses; deleting a limitation on the reimbursement of certain fees; amending s. 322.21, F.S.; increasing the motorcycle endorsement fee; providing an effective date.

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

By Senator Silver—

SB 370—A bill to be entitled An act relating to municipal water and sewer utilities; amending s. 180.191, F.S.; eliminating limitations on utility rates charged outside municipal boundaries in certain municipalities in home rule charter counties; providing an effective date.

—was referred to the Committees on Community Affairs and Regulated Industries.

By Senator Silver—

SB 372—A bill to be entitled An act relating to workers' compensation; amending ss. 440.13, 440.134, F.S.; providing for review of patients' needs for chiropractic services in certain situations; deleting obsolete provisions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Transportation—

SB 374—A bill to be entitled An act relating to motor vehicle emissions inspections; amending s. 325.202, F.S.; adopting current Federal Clean Air Act regulations; amending s. 325.203, F.S.; requiring the minimum testing necessary for compliance with the Federal Clean Air Act; providing options for types of emissions tests, frequency of tests, and certain vehicles to be exempted from testing; amending s. 325.207, F.S.; allowing the Department of Highway Safety and Motor Vehicles the alternative to contract with one or more testing companies within a zone; allowing the department the alternative to contract with a testing company in more than one zone; amending s. 325.214, F.S.; allowing the department to include the sum of the cost of inspection in the request for proposal; providing an effective date.

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

By Senator Kirkpatrick—

SB 376—A bill to be entitled An act relating to disposal of solid waste; amending s. 403.707, F.S.; revising and clarifying conditions under which the disposal of solid waste is exempt from Department of Environmental Protection permitting requirements; providing an effective date.

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

By Senator Rossin—

SB 378—A bill to be entitled An act relating to the Forensic Client Services Act; amending s. 916.106, F.S.; amending the definition of the term "court," as used in ch. 916, F.S., to include county courts; providing an effective date.

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

By Senator Williams—

SB 380—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; providing for benefit computation using dual normal retirement ages for service in the Senior Management Service Class and Elected State and County Officers' Class; providing for nullification of a joint annuitant designation if there is a dissolution of marriage; providing for purchase of additional service credit using a deceased member's accumulated leave under certain circumstances; specifying that a member's spouse at the time of death is the member's beneficiary under certain circumstances; amending s. 121.122, F.S.; allowing members with renewed membership in the Senior Management Service Class to purchase additional retirement credit for certain postretirement service; providing an effective date.

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

By Senator Williams—

SB 382—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising the definition of "secondhand goods"; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Grant—

SB 384—A bill to be entitled An act relating to children's services; amending s. 125.901, F.S.; providing for a superintendent of schools to appoint a designee to serve on the board of independent special districts established to provide funding for children's services; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Holzendorf—

SB 386—A bill to be entitled An act relating to postsecondary education; amending s. 240.529, F.S.; providing that, beginning in the 1999-2000 academic year, State University System initial teacher preparation programs shall include an optional teacher internship in a socially and economically disadvantaged area; providing that, beginning in the 2000-2001 academic year, State University System initial teacher preparation programs, in partnership with public school districts, shall establish teaching residency programs in disadvantaged areas; providing for annual stipends for each teacher who has completed such a residency program; providing an effective date.

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

By Senator Holzendorf—

SB 388—A bill to be entitled An act relating to education; establishing a study commission to determine the feasibility of creating a residential mathematics and sciences academy; providing for the commission's membership and duties; requiring a report; providing an effective date.

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

By Senator Holzendorf—

SB 390—A bill to be entitled An act relating to community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community Faculty Diversity Program; providing for awarding fellowships; requiring service or repayment; providing requirements of participants' employers; providing an effective date.

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

By Senator Holzendorf—

SB 392—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; redefining the term "qualified professional" for purposes of providing certain substance abuse assessment or treatment services; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator Forman—

SB 394—A bill to be entitled An act relating to human rights; creating s. 402.164, F.S.; providing legislative intent with respect to the duties and powers of the Statewide Human Rights Advocacy Committee and the district human rights advocacy committees; defining the term "state agencies" for purposes of ss. 402.164-402.167, F.S.; providing for the Statewide Human Rights Advocacy Committee to monitor the activities of, and investigate complaints against, the Department of Children and Family Services, the Department of Health, and the Agency for Health Care Administration; amending s. 402.166, F.S.; revising the duties of the district human rights advocacy committees to conform to the expanded duties of the statewide committee; amending s. 402.167, F.S.; providing rulemaking authority to the state agencies subject to investigation by the human rights advocacy committees; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Forman—

SB 396—A bill to be entitled An act relating to human rights; amending s. 402.165, F.S.; redesignating the Statewide Human Rights Advocacy Committee as the Statewide Human Rights Advocacy Council; revising membership of the statewide council; increasing the term of appointment to the statewide council; amending s. 402.166, F.S.; redesignating the district human rights advocacy committees as the local human rights advocacy councils; providing for additional local councils to be established; increasing the term of appointment to a local council;

providing for appointing a vice chairperson to each local council; providing for local councils to monitor the activities of, and investigate complaints against, the Department of Children and Family Services; amending s. 402.167, F.S.; revising provisions to reflect the redesignation of the human rights advocacy committees as human rights advocacy councils; amending ss. 393.13, 394.459, 394.4595, 394.4597, 394.4598, 394.4599, 394.4615, 400.0067, 400.0089, 400.419, 400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 415.501, 415.505, 415.51, F.S.; conforming terminology to changes made by the act; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senators Klein, Williams, Latvala, Brown-Waite, Bronson, Casas, Meadows, Myers and Kurth—

SB 398—A bill to be entitled An act relating to sexually violent predators; providing a short title; creating s. 916.30, F.S.; providing findings and intent; creating s. 916.31, F.S.; defining terms; creating s. 916.32, F.S.; requiring notice of release from custody of a person alleged to be a sexually violent predator; providing for evaluation of such person; creating s. 916.33, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.34, F.S.; providing for determination of probable cause, hearings, taking such person into custody; creating s. 916.35, F.S.; providing for trial on issue of whether such person is a sexually violent predator; creating s. 916.36, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.37, F.S.; requiring annual examination of persons committed; creating s. 916.38, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; requiring certain findings before conditional release to a less-restrictive form of treatment; creating s. 916.41, F.S.; authorizing conditional release to a less-restrictive form of treatment; creating s. 916.42, F.S.; requiring certain findings before conditional release; providing for conditions and annual review; authorizing the Department of Children and Family Services to enter into an agreement with the Department of Corrections for supervising certain sexually violent predators; creating s. 916.43, F.S.; providing for revocation or modification of less-restrictive treatment; creating s. 916.44, F.S.; providing that the Department of Children and Family Services is responsible for costs; creating s. 916.45, F.S.; providing for notice to victims; creating s. 916.46, F.S.; providing for access to certain records; amending s. 775.084, F.S.; redefining the term "habitual violent felony offender" to include a defendant convicted of certain acts of lewd, lascivious, or indecent conduct; providing severability; providing an effective date.

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

By Senator Burt—

SB 400—A bill to be entitled An act relating to state financial accountability; creating the Florida Single Audit Act; providing intent and findings; creating s. 216.3491, F.S.; providing purposes of the act; providing definitions; providing duties of the Executive Office of the Governor, the Comptroller, and state agencies that award state funds to nonstate agencies to carry out state projects; providing conditions on nonstate agencies' receipt of state funds; requiring recipients and subrecipients of state funds to obtain audits; prescribing standards for such audits; prescribing duties of auditors; providing for access to records; prescribing duties of the Auditor General; repealing s. 216.349, F.S., relating to financial review of grants and aids appropriations; amending s. 265.2861, F.S., to conform; providing applicability; providing an effective date.

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

By Senators Meadows and Childers—

SB 402—A bill to be entitled An act relating to clinical, counseling, and psychotherapy services; creating part II of chapter 491, F.S., to provide regulatory provisions applicable to social work practice that are separate from those applicable to marriage and family therapy and mental health counseling; creating the Board of Social Work Practice; providing for appointment and terms of members and location of headquarters; providing for rules; providing for different levels of licensure and practice; amending ss. 491.002, 491.003, 491.004, 491.0045, 491.0046, 491.0047, 491.005, 491.0057, 491.006, 491.0065, 491.007, 491.009, 491.0111, 491.0112, 491.012, 491.014, 491.0141, 491.0143, 491.0147, 491.0148, and 491.0149, F.S.; providing conforming changes; repealing s. 491.0145, F.S., relating to certified master social workers, to conform; repealing s. 491.015, F.S., relating to duties of the Department of Health as to certified master social workers, to conform; creating part I of the remaining provisions of chapter 491, F.S., as amended, to conform; revising membership of and providing for appointments to the Board of Marriage and Family Therapy and Mental Health Counseling, to conform; providing applicability to current licensees and certificateholders; amending ss. 20.43, 61.20, 394.455, 397.311, 397.405, 400.609, 408.07, 408.904, 409.906, 455.501, 455.597, 455.667, 455.677, 468.505, 490.00515, 490.012, 627.4195, 627.6471, 627.6472, 627.668, 627.9404, and 641.59, F.S.; conforming cross-references; providing an effective date.

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

By Senator Bronson—

SB 404—A bill to be entitled An act relating to jails; amending s. 951.23, F.S.; providing a criminal penalty for refusing to obey jail rules and regulations; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Clary—

SB 406—A bill to be entitled An act relating to land platting; amending s. 177.031, F.S.; defining terms relating to platting; amending s. 177.041, F.S.; requiring plats and replats of subdivisions submitted for approval to be accompanied by a boundary survey of the platted lands; amending s. 177.051, F.S.; revising provisions relating to naming and replatting subdivisions; amending s. 177.061, F.S.; providing requirements for the recording of a plat; amending s. 177.071, F.S.; revising provisions relating to approval of plats by governing bodies; amending s. 177.081, F.S.; requiring plats to be reviewed by a professional surveyor and mapper before approval by a governing body; amending s. 177.091, F.S.; providing requirements for monuments and revising other requirements of plats made for recording; amending s. 177.101, F.S.; providing for the vacation and annulment of prior plats; amending s. 177.141, F.S.; revising provisions relating to affidavits confirming errors on recorded plats; amending s. 177.151, F.S.; revising provisions relating to state plane coordinates; amending ss. 177.021, 177.121, 177.131, 177.132, 177.27, 177.38, F.S.; conforming references; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Gutman—

SJR 408—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution relating to homestead exemption.

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

By Senator Bronson—

SB 410—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.461, F.S.; specifying the types of additional use factors that the property appraiser may consider in assessing agricultural land; providing that the property appraiser, when utilizing the income methodology approach, shall rely on 5-year moving average data for assessment; providing an effective date.

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

By Senator Clary—

SB 412—A bill to be entitled An act relating to premium finance agreements; amending s. 627.841, F.S., providing that any installment paid to a premium finance company under a premium finance agreement shall be deemed to be a timely payment if it is received with a postmark on or before the due date; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Campbell—

SB 414—A bill to be entitled An act relating to osteoporosis; amending s. 233.061, F.S.; including osteoporosis education in the instruction required for high school graduation; amending s. 381.87, F.S.; expanding the groups targeted to receive educational materials under the osteoporosis prevention and education program to include women of all ages; amending ss. 627.6409, 627.6691, F.S.; expanding the required insurance coverage for osteoporosis-related matters; providing an effective date.

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

By Senator Campbell—

SB 416—A bill to be entitled An act relating to criminal offenses involving minors; creating the Children's Protection Act of 1998; amending s. 775.084, F.S., relating to violent career criminal sentencing, to conform to the act; amending ss. 787.01, 787.02, F.S., relating to kidnapping and false imprisonment, to conform to the act; amending s. 800.03, F.S.; redefining the offense of unlawful exposure or exhibition of sexual organs to prohibit appearing naked under specified circumstances; providing penalties; providing an exception for maternal breastfeeding; amending s. 800.04, F.S.; creating the offenses of "lewd or lascivious battery," "lewd or lascivious molestation," "lewd or lascivious conduct," and "lewd or lascivious exhibition"; providing definitions; providing penalties; precluding consent from being raised as a defense except in certain circumstances; precluding ignorance or belief concerning age from being raised as a defense; providing an exception for maternal breastfeeding; deleting provisions that define and provide penalties for "lewd, lascivious, or indecent assault or act upon or in the presence of a child"; amending s. 826.04, F.S., relating to incest; removing definition of "sexual intercourse" and defining "sexual activity"; redefining the offense of third-degree felony incest to include knowingly marrying or engaging in sexual activity with specified adult relatives; providing penalties; defining the offense of second-degree felony incest against a person under 16 years of age; providing penalties; reenacting ss. 775.15(7), 787.025(2)(a), 914.16, 944.606(1)(b), F.S., relating to time limitations, luring or enticing a child, limits on interviews, and sex offender notification upon release, to incorporate the amendments to ss. 800.04, 826.04, F.S., in cross-references; amending s. 921.0022, F.S.; ranking offenses created in the act in the Criminal Punishment Code offense severity ranking chart; amending s. 948.03, F.S., and reenacting s. 948.03(6), F.S., relating to terms and conditions of probation or community control, to conform to the act; providing an effective date.

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

By Senator Bronson—

SB 418—A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.29, F.S.; providing for a judicial nominating commission to include at least one resident from each county within the judicial circuit; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Holzendorf—

SB 420—A bill to be entitled An act relating to firearms; amending s. 790.001, F.S.; defining the term "locking device"; amending s. 790.174, F.S.; providing that a locking device may be used for the purpose of lawfully storing a firearm within access of a minor, as defined; requiring a person to secure a firearm with a locking device under specified circumstances when the firearm is left or stored on premises where such minor resides; providing penalties for failure to store or leave the firearm in the required manner, under specified circumstances; creating s. 790.0657, F.S., relating to purchase and delivery of handguns; providing definitions; prohibiting a person who is not a licensed firearms dealer from purchasing more than one handgun within a 30-day period; providing penalties; providing exceptions to the limitation on the number of handguns purchasable by nondealers within the 30-day period; providing for special application procedures under exceptional circumstances; providing duties of the Department of Law Enforcement and prospective purchasers; providing for adoption of rules; providing for nonapplicability of specified provisions to certain persons or entities authorized or licensed to perform law enforcement, correctional, or private security duties; providing for nonapplicability of the provisions to purchase of antique firearms or to replacement of stolen or lost handguns; providing an effective date.

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

By Senators Meadows and Forman—

SB 422—A bill to be entitled An act relating to creation of the Florida Community Outreach Partnership Act; directing the Secretary of Community Affairs to carry out a demonstration program to determine the feasibility of facilitating partnerships between state universities and communities to solve urban problems; authorizing grants to state universities to establish Florida Community Outreach Partnership Centers; providing responsibilities of such centers; providing selection criteria for grant recipients; providing requirements regarding the state and nonstate share of grants; providing for a state advisory council and state clearinghouse; specifying use of funds made available for this program; requiring reports; providing an effective date.

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

By Senator Crist—

SB 424—A bill to be entitled An act relating to public notices; creating s. 775.212, F.S.; requiring the sheriff or chief of police of the county or municipality wherein an offender released from incarceration plans to reside to notify the public if the offender is a violent offender; specifying the information to be provided to the public; defining the term "violent offender" for purposes of s. 775.212, F.S., to mean a person who has been convicted of specified violent felonies or convicted of an attempt or conspiracy to commit such felonies; providing an effective date.

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

By Senators Crist, Brown-Waite and Cowin—

SB 426—A bill to be entitled An act relating to the Florida Public Service Commission; amending s. 350.01, F.S.; providing for nonpartisan election of members of the commission; providing for the initial election of commissioners under this act; amending ss. 350.001, 350.04, 350.041, 350.043, 350.0605, 112.324, F.S., to conform; repealing s. 350.031, F.S., relating to the Florida Public Service Commission Nominating Council; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Reform and Oversight; and Rules and Calendar.

By the Committee on Criminal Justice—

SB 428—A bill to be entitled An act relating to criminal justice; amending s. 741.28, F.S.; redefining the term "domestic violence"; amending ss. 741.281, 741.2909, F.S.; requiring that if a person is ordered by the court to attend a batterers' intervention program, the program must be a program certified by the Department of Corrections; amending s. 775.084, F.S.; authorizing the chief judge of each judicial circuit to establish a court to hear cases against violent career criminals,

habitual felony offenders, habitual violent felony offenders, and prison releasee reoffenders; providing an effective date.

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

By Senators Brown-Waite and Silver—

SB 430—A bill to be entitled An act relating to the school health services program; amending s. 381.0056, F.S.; requiring Department of Education consultation with the Department of Health; providing staff requirements for the school health services program; providing for use of funds; providing for reports; providing for appropriations; providing an effective date.

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

By Senator Cowin—

SB 432—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.081, F.S.; requiring the Public Service Commission to extend time periods and reschedule events by the number of days a utility is late in providing discovery; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senators Dyer, Thomas, Horne, Burt, Ostalkiewicz, Williams, Holzendorf, Dudley, Childers, Rossin, Kirkpatrick, Klein, Casas, Gutman, Meadows, Bronson, Grant, Lee and Crist—

SB 434—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.051, F.S.; providing an exemption for certain processes, facilities, equipment, and machinery used for pollution prevention or control, and for structures or equipment associated with replacement thereof; providing for certification by the Department of Environmental Protection; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Natural Resources.

By the Committee on Regulated Industries—

SB 436—A bill to be entitled An act relating to pari-mutuel wagering; reviving and readopting s. 550.09512, F.S., relating to harness horse taxes; repealing s. 550.09512(5), F.S., as created by ch. 93-288, Laws of Florida; abrogating the repeal of s. 550.09512, F.S.; providing an effective date.

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

By the Committee on Regulated Industries—

SB 438—A bill to be entitled An act relating to pari-mutuel wagering; reenacting s. 550.0951(3), F.S., relating to the tax on handle; reenacting s. 550.09511(2), (3), F.S., relating to jai alai taxes; amending s. 26, ch. 96-364, Laws of Florida; abrogating the future amendment of ss. 550.0951(3), 550.09511(2), (3), F.S.; providing an effective date.

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

By the Committee on Regulated Industries—

SB 440—A bill to be entitled An act relating to pari-mutuel wagering; providing legislative intent relating to thoroughbred horse taxes; reenacting s. 550.2625(1), F.S., relating to minimum purse requirements; providing an effective date.

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

By Senators Campbell and Forman—

SB 442—A bill to be entitled An act relating to forensic client services; amending s. 40.29, F.S., relating to estimated amount of pay for expert witnesses, to conform a reference; amending s. 393.11, F.S.; specifying persons or entities that may file petition for proposed involuntary admission to residential services arising out of ch. 916, F.S., relating to forensic services; providing for petitions for defendants with autism; revising requirements relating to notice of filing of petition or service of copy of order; prohibiting release from order for involuntary admission except by court order; amending and reorganizing ch. 916, F.S., the Forensic Client Services Act; creating pt. I of ch. 916, F.S.; providing general provisions of the chapter; amending s. 916.105, F.S.; revising legislative intent; amending s. 916.106, F.S.; providing or revising definitions with respect to ch. 916, F.S.; redefining "department" to refer to the Department of Children and Family Services in lieu of the Department of Health and Rehabilitative Services; amending s. 916.107, F.S.; revising state policy with respect to the rights of forensic clients, and conforming terminology; amending and renumbering s. 916.175, F.S., relating to criminal escape by a client; prohibiting escape or attempted escape from a facility or program by a client under specified circumstances, and providing penalties therefor; amending and renumbering s. 916.178, F.S.; prohibiting the introduction of certain articles into or upon, or the taking or attempt to take or send certain articles from, facility grounds, under specified circumstances, and providing penalties therefor; providing for enforcement by institutional security personnel or law enforcement officers; conforming a reference; amending and renumbering s. 916.19, F.S.; providing for client protection and security; renumbering s. 916.20, F.S., relating to departmental rulemaking; creating pt. II of ch. 916, F.S., relating to forensic services for persons who are mentally ill; amending and renumbering s. 916.108, F.S.; providing for evaluation of defendant for competency to proceed or for sanity, under specified circumstances; amending and renumbering s. 916.11, F.S.; revising time limits and guidelines relating to appointment of experts; amending s. 916.12, F.S.; providing duties of examining experts and guidelines with respect to reports on defendant's mental competence to proceed and recommended treatment for defendant to attain competence to proceed; amending s. 916.13, F.S.; providing criteria for involuntary commitment of defendant adjudicated incompetent to proceed due to mental illness; revising duties of the court or the department and guidelines relating to commitment and placement of defendant and filing of reports; amending s. 916.14, F.S.; providing for inapplicability of statute of limitations and of bar against former jeopardy under specified circumstances when defendant is incompetent to proceed; amending s. 916.145, F.S.; revising time limits and guidelines with respect to dismissal of charges against a defendant adjudicated incompetent to proceed; providing for dismissal without prejudice under specified circumstances; amending s. 916.15, F.S., relating to involuntary commitment of defendant adjudicated not guilty by reason of insanity; conforming terminology; providing for mandatory departmental retention and treatment of defendant; reenacting s. 394.467(7)(a), F.S., relating to procedure for continued involuntary placement, to incorporate said amendment in a reference; amending s. 916.16, F.S.; providing for retention of jurisdiction by committing court over a defendant hospitalized as incompetent to proceed or because of a finding of not guilty by reason of insanity or over a defendant placed on conditional release; prohibiting release except by court order in specified circumstances; amending s. 916.17, F.S.; revising procedures and guidelines relating to conditional release and modification of release conditions, including filing requirements for plans for outpatient treatment; creating pt. III of ch. 916, F.S., relating to forensic services for persons who are mentally retarded or autistic; creating s. 916.301, F.S.; providing for appointment of experts who are mental retardation or autism professionals, under specified circumstances; providing for certain witness fees and evaluator fees as court costs; providing for reimbursement of certain travel and per diem expenses of state employees; creating s. 916.3012, F.S.; providing for determination of incompetence to proceed when the defendant's suspected mental condition is mental retardation or autism; creating s. 916.302, F.S.; providing for involuntary commitment of defendant determined to be incompetent to proceed due to mental retardation or autism; requiring the department to notify the court of transfer of a defendant; creating s. 916.3025, F.S.; providing for retention of jurisdiction over certain defendants found incompetent to proceed and ordered into a secure facility for mentally retarded or autistic defendants; prohibiting release except by court order; creating s. 916.303, F.S.; providing for dismissal of charges without prejudice or involuntary admission to residential services or a training program under specified circumstances when the defendant is found incompetent to proceed due to mental retardation or autism; providing for petitions to continue defendant's placement in a secure facility or program under specified circumstances; creating s. 916.304, F.S.; providing for conditional release based on an approved plan for providing continuing community-based training of defendant; providing for modification of release condi-

tions or termination of jurisdiction under specified circumstances; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Criminal Justice.

By Senator Gutman—

SB 444—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S., relating to criminal mischief offenses and penalties; providing for reclassification of a misdemeanor violation of the section involving less than a specified amount in property damage when the offender has one or more prior convictions under the section; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance that prohibits the marking of graffiti or other graffiti-related offenses and penalizes such offenses with higher penalties than those provided by state law or with mandatory penalties; providing that the court may not provide a disposition of the case which is less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; amending s. 901.15, F.S., relating to circumstances for arrest without a warrant; providing for such arrest when there is probable cause to believe that the person has committed criminal mischief or a graffiti-related offense; providing an effective date.

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

By Senator Diaz-Balart—

SB 446—A bill to be entitled An act relating to opticianry; amending s. 484.002, F.S.; updating the definition of "department"; defining the term "refracting optician" and revising the definition of "opticianry," to conform; authorizing refracting opticians to prescribe corrective lenses under certain circumstances; reenacting s. 484.011, F.S., relating to supportive personnel, to incorporate the amendment to s. 484.002, F.S., in a reference thereto; amending s. 484.005, F.S.; granting the Board of Opticianry authority to adopt rules relating to a standard of practice for refracting opticians and the minimum equipment required to perform their work; amending s. 484.012, F.S.; requiring prescriptions by refracting opticians to be kept on file for a specified period; reenacting s. 484.013(1)(c), F.S., relating to prohibitions, to incorporate the amendment to s. 484.012, F.S., in a reference thereto; amending s. 484.013, F.S.; prohibiting opticians from engaging in the diagnosis of the medical condition of the human eyes or attempting to prescribe for or treat diseases or ailments of human beings, except for the prescribing of corrective lenses; providing a penalty; amending s. 484.014, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Regulated Industries and Health Care.

By Senator Diaz-Balart—

SB 448—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; providing an exemption for tangible personal property donated by a dealer to a nonprofit organization that holds a current certificate of exemption; providing that taxes imposed by ch. 212, F.S., before the effective date of the act and not actually collected on transactions qualified for such exemption are not due from any person; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Campbell—

SB 450—A bill to be entitled An act relating to health care coverage; requiring certain health insurance policies, health care services plans, or other contracts to provide coverage for scalp hair prostheses; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Brown-Waite and Latvala—

SB 452—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; revising the definition of "pass-through charge"; amending s. 723.071, F.S., relating to the sale of a mobile home park; revising provisions with respect to a bona fide offer of purchase made to a mobile home park owner; providing for rights of mobile home owners when such an offer of purchase includes other property or more than one mobile home park; revising the definition of the term "affiliate"; amending s. 723.072, F.S.; correcting cross references; amending s. 723.078, F.S., relating to bylaws of howeowners' associations; revising provisions relating to the number of members which constitutes a quorum; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By Senator Gutman—

SB 454—A bill to be entitled An act relating to waiver of sovereign immunity; amending s. 768.28, F.S.; providing a limited waiver of sovereign immunity for liability for torts committed by private prison guards; providing an effective date.

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

By Senator Crist—

SB 456—A bill to be entitled An act relating to candidates for Congress; requiring certain information to be placed on the ballot informing electors of the candidates' acts with respect to the proposal to limit Congressional terms; providing duties of the Department of State; providing for appeal of department determinations; providing a repealer; providing legislative intent; amending ss. 101.181, 101.191, F.S., to conform; providing an effective date.

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

By Senator Crist—

SB 458—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for consumer credit counseling services; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Crist—

SB 460—A bill to be entitled An act relating to victim assistance; requiring that the Crime Victims' Services Office of the Department of Legal Affairs establish a toll-free telephone number to provide information on the status of a person accused or convicted of a crime; providing for the information to be available to a crime victim, relative of a homicide victim, or witness of a crime; providing requirements for operating the telephone number; requiring the Crime Victims' Services Office to provide updated address information for a victim, relative, or witness to specified agencies; requiring that the Crime Victims' Services Office verify information used to notify a victim, relative, or witness; providing an effective date.

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

By Senator Crist—

SB 462—A bill to be entitled An act relating to court enforcement; creating the "Comprehensive Court Enforcement Program Act"; providing for legislative findings and intent; providing for judicial oversight and jurisdiction; providing for the creation of the program by the Supreme Court; providing for staffing; providing for the collection of funds;

providing for a notice to appear and a procedure; providing for the screening of cases for inclusion in the program; providing for hearings; providing for negotiated settlements; providing for alternatives to full payment; providing fees; providing a definition; providing alternatives to court-ordered financial obligations; providing penalties; providing for physical facilities and security; providing for the transfer of certain community service matters to the program for compliance sanctions; providing for hearing costs; providing for the deduction of money collected in the Comprehensive Court Enforcement Program by the clerk of the court; providing for the disbursement of collected funds; providing for the effective date of implementation of the program; providing an effective date.

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

By Senators Crist and Latvala—

SB 464—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Conserve Wildlife license plate; providing for the distribution of annual use fees received from the sale of such license plates; providing an effective date.

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

By Senator Crist—

SB 466—A bill to be entitled An act relating to distribution of surplus food; amending s. 570.0725, F.S.; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; amending s. 768.136, F.S.; providing definitions; clarifying application; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Klein—

SB 468—A bill to be entitled An act relating to hospitals; creating the "Community Hospital Protection Act"; providing for the sale, lease, exchange, conveyance, merger, or other transfer of the assets or management authority of a nonprofit hospital to a for-profit enterprise; providing legislative intent; providing definitions; providing prerequisites to such a transfer, including the provision by the nonprofit hospital of certain statements and notice, and the conduct of public hearings; providing for the Attorney General or a state attorney to challenge such a proposed transaction through an action for declaratory judgment; providing a statement of circumstances in which a court may declare the transaction wholly or partly invalid; providing limitations upon the applicability of the act; providing an effective date.

—was referred to the Committees on Health Care and Community Affairs.

By Senator Bronson—

SB 470—A bill to be entitled An act relating to wildlife; amending s. 372.57, F.S.; providing for a recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by the Game and Fresh Water Fish Commission from private nongovernmental owners; providing for the setting of the fee by rule; providing for exceptions to the application of the fee; providing an effective date.

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

By Senator Dyer—

SB 472—A bill to be entitled An act relating to the practice of veterinary medicine; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; conforming a cross-reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; providing an effective date.

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

By Senator Dyer—

SB 474—A bill to be entitled An act relating to community redevelopment and neighborhood improvement; amending s. 163.340, F.S.; including the reduction or prevention of crime within community redevelopment activities under the Community Redevelopment Act of 1969 and defining "community policing innovation"; amending ss. 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, 163.380 and 163.387, F.S.; including the development and implementation of community policing innovations in provisions relating to the encouragement of private enterprise participation in redevelopment, elements of the workable program, exercise of powers under the act, and elements of the community redevelopment plan; authorizing the county or municipality to appropriate funds for community policing innovations; authorizing use of moneys in the redevelopment trust fund for community policing innovations; providing an additional requirement for acquisition of land for nonresidential uses; authorizing a county, municipality, or community redevelopment agency, subject to specified conditions, to acquire and dispose of certain properties immediately adjacent to existing projects without complying with specified disposition procedures; amending ss. 163.502, 163.503, 163.506, 163.511, 163.512, 163.513, 163.514, 163.516, 163.519, and 163.521, F.S.; including crime prevention through development and implementation of community policing innovations in powers of neighborhood improvement districts under the Safe Neighborhoods Act; authorizing use of special assessments for community policing innovations; including community policing innovations within safe neighborhood improvement plans; providing duties of the Department of Legal Affairs with respect to community policing innovations; including capital improvements related to community policing innovations in provisions that authorize certain local governments to request state funding for certain capital improvements; creating s. 943.1729, F.S.; authorizing the Criminal Justice Standards and Training Commission to incorporate community policing concepts into law enforcement officers' certification curriculum and establish a community policing continued-employment training component for such officers; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Dyer—

SB 476—A bill to be entitled An act relating to revocation of drivers' licenses; amending s. 322.28, F.S.; providing for the revocation of a defendant's driver's license to commence only after expiration of the defendant's term of incarceration following a conviction for certain offenses involving driving under the influence, manslaughter resulting from operating a motor vehicle, or vehicular homicide; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Forman—

SB 478—A bill to be entitled An act relating to health care; creating s. 641.555, F.S.; creating the "Managed-Care-Subscriber's Bill of Rights and Responsibilities"; specifying the purpose of the act; requiring an organization that offers a managed-care plan to provide certain information about the plan to a prospective subscriber in the plan; requiring that

a health-care provider observe certain standards in providing health care for subscribers in a managed-care plan; providing for privacy; providing for access to health care and medical treatment; providing for grievance procedures; providing for disenrollment; providing limitations on experimental research; providing responsibilities of a subscriber in a managed-care plan; creating s. 641.5551, F.S.; requiring that an organization's handbook include the subscriber's rights and responsibilities; requiring that the handbook be written in plain language; providing an effective date.

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

By Senator Klein—

SB 480—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; correcting a misplaced statutory provision relating to the unlawful sale or possession of a controlled substance within a specified area surrounding a child care facility; providing that certain enhanced penalties do not apply unless the owner or operator of the facility posts a sign identifying the facility as a child care facility; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Rossin—

SB 482—A bill to be entitled An act relating to educational facilities; amending s. 235.31, F.S.; requiring boards to prequalify bidders for construction contracts according to Commissioner of Education rule; requiring certification or licensure of bidders or contractors; amending s. 489.125, F.S.; conforming language relating to construction contractors; repealing s. 489.527, F.S., relating to electrical and alarm system contractors, to conform; repealing section 633.551(5), F.S., relating to fire protection system contractors, to conform; providing an effective date.

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

By the Committee on Health Care—

SB 484—A bill to be entitled An act relating to public assistance; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; providing certain limitations on payments made by the agency for Medicare services rendered to Medicaid-eligible persons; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; amending s. 409.9122, F.S.; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified ratio of enrollees; amending s. 409.910, F.S.; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 198.30, F.S.; requiring that each circuit judge provide a report of decedents to the Agency for Health Care Administration; amending s. 733.212, F.S.; requiring that a personal representative serve a copy of the notice of administration on the agency; providing an effective date.

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

By Senator Silver—

SB 486—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 20.201, F.S.; providing additional authority for the executive director of the department with respect to the organization of the department; providing for the department to be reorganized into specified programs; deleting the division structure of the department; amending s. 943.01, F.S.; revising the title of ch. 943, F.S.; amending s. 943.03, F.S., relating to department employees; conforming provisions to changes made by the act; deleting obsolete provisions; requiring the department to develop and maintain an information system; amending s. 943.04, F.S.; redesignating the Division of Criminal Investigation within the department as the Criminal Justice Investigations and Forensic Science Program; providing for supervision of the program; providing additional duties of the department with respect to the operation of the program; amending s. 943.05, F.S.; redesignating the Division of Criminal Justice Information Systems within the department as the Criminal Justice Information Program; providing for supervision of the program; amending s. 943.051, F.S., relating to criminal justice information; conforming provisions to changes made by the act; authorizing the department to enter into contracts; providing that disclosure of confidential information pursuant to such a contract does not waive any requirements of confidentiality; amending s. 943.0515, F.S., relating to criminal history records of minors; conforming provisions to changes made by the act; amending s. 943.052, F.S.; deleting a requirement that certain agencies inform the department of persons incarcerated or released from jail; amending ss. 943.0525, 943.053, 943.055, 943.056, 943.057, 943.08, F.S., relating to criminal justice information, criminal history records, and the Criminal and Juvenile Justice Information Systems Council; conforming provisions to changes made by the act; amending s. 943.09, F.S.; redesignating the Division of Criminal Justice Standards and Training within the department as the Criminal Justice Professionalism Program; providing for supervision of the program; amending ss. 943.10, 943.133, 943.17, 943.173, 943.25, F.S., relating to definitions, employment qualifications, training programs, examinations, and the Criminal Justice Standards and Training Trust Fund; conforming provisions to changes made by the act; amending s. 943.35, F.S.; deleting the eligibility for state funding for a criminal analysis laboratory; amending s. 938.07, F.S., relating to a fine imposed for driving under the influence; conforming provisions to changes made by the act; repealing ss. 943.26, 943.381, F.S., relating to the Division of Local Law Enforcement Assistance and the Division of Staff Services within the department; providing an effective date.

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

By Senator Forman—

SB 488—A bill to be entitled An act relating to hazardous waste; amending s. 403.061, F.S.; authorizing the Department of Environmental Protection to exercise control over hazardous waste corrective-action programs; amending s. 403.087, F.S.; providing additional rulemaking authority for permit fees; amending s. 403.703, F.S.; redefining the term "hazardous waste facility"; amending s. 403.721, F.S.; providing for closure plan requirements; providing additional rulemaking authority for corrective-action orders; amending s. 403.722, F.S.; providing for a post-closure permit; creating s. 403.79, F.S.; providing legislative intent for the state implementation of the corrective-action provisions of federal law; providing for consistency with the federal program; creating s. 403.791, F.S.; providing for the delegation of the federal corrective-action program to the department; providing criteria for the state corrective-action program for hazardous waste facilities; providing an implementation schedule; requiring reports; amending s. 403.809, F.S.; providing additional requirements for certain permit application reviews; providing an effective date.

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

By Senator Silver—

SB 490—A bill to be entitled An act relating to health care service programs; amending s. 440.11, F.S.; establishing exclusive liability of health maintenance organizations; providing application; amending s. 641.28, F.S.; revising award of attorney's fees in civil actions under certain circumstances; amending s. 641.315, F.S.; providing additional criteria for certain provider contracts; amending s. 641.3903, F.S.; specifying additional practices as unfair methods of competition or unfair or deceptive acts or practices; amending s. 641.3917, F.S.; authorizing civil actions against health maintenance organizations by certain persons under certain circumstances; providing requirements and procedures; providing for liability for damages and attorney's fees; prohibiting puni-

tive damages under certain circumstances; requiring the advance posting of discovery costs; providing a legislative declaration; providing an appropriation; providing an effective date.

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

By Senator McKay—

SB 492—A bill to be entitled An act relating to value adjustment boards; amending s. 194.032, F.S.; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

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

By Senator Silver—

SB 494—A bill to be entitled An act relating to domestic violence; amending s. 25.385, F.S.; redefining the term "domestic violence" for purposes of training provided by the Florida Court Educational Council; amending s. 61.13, F.S.; prohibiting the court from awarding visitation rights to a parent who has been convicted of a capital felony or a first-degree felony that involved domestic violence; providing certain exceptions; requiring that the Supreme Court require judges who hear cases involving domestic violence to attend educational programs on domestic violence; requiring the Florida Court Education Council to develop the programs; requiring that the Office of State Courts Administrator report to the Governor and Legislature on the programs; requiring that The Florida Bar report on its courses of continuing legal education on domestic violence; providing an effective date.

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

By Senators Kirkpatrick and Forman—

SB 496—A bill to be entitled An act relating to telecommuting; repealing s. 3 of ch. 94-113, Laws of Florida; abrogating the repeal of s. 110.171, F.S., which establishes the state employee telecommuting program; providing an effective date.

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

By Senators Sullivan, Latvala, Brown-Waite, Dudley, Grant, Casas, Kirkpatrick, Bronson, Dyer, Thomas, Kurth, Harris and Ostalkiewicz—

SB 498—A bill to be entitled An act relating to tax administration; creating s. 213.285, F.S.; authorizing the Department of Revenue to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audits project; providing an appropriation and authorizing positions within the department; providing an effective date.

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

By Senator Burt—

SB 500—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing a tax exemption for industrial machinery and equipment purchased for use in expanding certain printing or publishing facilities; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Gutman—

SB 502—A bill to be entitled An act relating to court costs to fund law enforcement programs; creating s. 938.06, F.S.; imposing an additional court cost on fines for criminal offenses in county and circuit courts; authorizing the courts to increase the amount under certain conditions; providing for deposit in the Crime Stoppers Trust Fund; amending s. 16.555, F.S.; providing for distribution of such funds in the trust fund by the Department of Legal Affairs to counties to support official Crime Stoppers and their programs; providing an effective date.

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

By Senator Latvala—

SB 504—A bill to be entitled An act relating to firearms-related licenses; amending ss. 493.6111, 493.6113, F.S.; extending the licensure period for certain licenses; amending s. 790.06, F.S.; extending the licensure period for concealed weapons licenses; requiring persons who conduct or instruct certain gun safety and licensure courses to maintain records; providing an effective date.

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

By Senator Rossin—

SB 506—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; deleting provisions relating to the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation or the death of a child as a result of abuse, neglect, or abandonment; amending s. 415.107, F.S., and repealing s. 415.107(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation; amending s. 415.51, F.S., and repealing s. 415.51(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a child as a result of abuse, abandonment, or neglect; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By Senator Horne—

SB 508—A bill to be entitled An act relating to tests for alcohol, chemical substances or controlled substances; amending ss. 316.1932, 316.1933, F.S.; amending the implied consent law and laws prescribing testing for impairment or intoxication in cases of death or serious bodily injury; authorizing certain health care providers who become aware of a person's unlawful blood-alcohol level to notify law enforcement officials; prescribing a form for the notice; providing that such reporting is not a violation of any ethical or moral duty; prohibiting any action or administrative proceeding being brought against anyone participating in good faith in making such report; providing immunity from civil or criminal liability and from any professional disciplinary action; providing immunity in any judicial proceeding resulting from the report; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Horne—

SB 510—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising certain definitions; amending s.

517.051, F.S.; specifying additional securities as exempt from certain registration requirements; specifying priority of application; amending s. 517.061, F.S.; clarifying the exemption of certain securities in certain transactions from registration requirements; specifying additional transactions as exempt from certain registration requirements; amending ss. 517.081, 517.082, 517.12, F.S.; authorizing the Department of Banking and Finance to adopt certain rules for electronic deposits and filings; correcting a cross reference; including certain notice filing requirements within application of certain registration provisions; requiring certain dealers to comply with net capital and ratio requirements; providing application; creating s. 517.1201, F.S.; specifying notice filing requirements for federal covered advisers; prohibiting certain activities; providing for certain fees; authorizing the Department of Banking and Finance to adopt rules; providing for permits for certain purposes; amending ss. 517.1205, 517.131, F.S.; including federal covered advisers within application of certain registration requirements; amending s. 517.161, F.S.; specifying additional conditions for denial, revocation, restriction, or suspension of certain registrations; amending s. 517.302, F.S.; providing for additional uses of moneys in the Anti-Fraud Trust Fund; amending s. 517.311, F.S.; clarifying application of false representation and deceptive words proscriptions to notice filings; providing an appropriation; providing an effective date.

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

By Senators Cowin, Burt, Brown-Waite, Williams, Grant and Ostalkiewicz—

SB 512—A bill to be entitled An act relating to a refund of excess utility payments; requiring the Comptroller to provide a refund to certain utility customers who paid more under a uniform rate structure than those customers would have paid under a modified stand-alone rate structure; requiring the Public Service Commission to notify utility customers who are eligible for a refund; providing requirements for applying for a refund; requiring the Comptroller to verify eligibility for a refund; providing for the refund of utility payments to be funded from the Public Service Commission Regulatory Trust Fund; providing an appropriation; providing an effective date.

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

By Senators Grant, Brown-Waite, Cowin, Casas and Williams—

SB 514—A bill to be entitled An act relating to sexual predator registration; amending s. 775.21, F.S.; removing an exception to sexual predator registration requirements which authorizes the court to remove the sexual predator designation upon petition by a sexual predator who has not been arrested for at least 10 years following release; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Hargrett—

SB 516—A bill to be entitled An act relating to Murphy Act lands; amending s. 253.82, F.S.; providing for conveyance of all Murphy Act transportation easements to the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing Murphy Act transportation reservations; setting requirements for the review process; providing for compensation of certain property owners when the deed has not contained a statement of the reservation since passage of the Marketable Record Title Act; providing an effective date.

—was referred to the Committees on Transportation, Natural Resources and Judiciary.

By Senator Grant—

SB 518—A bill to be entitled An act relating to mergers of business entities or corporations; amending s. 607.0732, F.S.; providing an additional criterion of shareholder agreements; providing limitations; creating ss. 607.1108, 607.1109, 607.11101, F.S.; providing for mergers of domestic corporations and other business entities under certain circumstances; requiring a plan of merger; providing criteria; providing for articles of merger; providing for effect of merger; creating ss. 608.438, 608.4381, 608.4382, 608.4383, 608.4384, F.S.; providing for mergers of limited liability companies under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting members; providing procedures; creating ss. 620.201, 620.202, 620.203, 620.204, 620.205, F.S.; providing for mergers of domestic limited partnerships under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting partners; providing procedures; providing an effective date.

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

By Senator Ostalkiewicz—

SB 520—A bill to be entitled An act relating to taxation of intangible personal property; amending s. 199.185, F.S.; creating exemptions for taxpayers who are not natural persons; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Ostalkiewicz—

SB 522—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption from the tax for certain nonprofit organizations; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Campbell—

SB 524—A bill to be entitled An act relating to the offense of murder; amending s. 782.04, F.S.; redefining the offense of capital murder in the first degree to include the act of unlawfully killing a human being while perpetrating, or attempting to perpetrate, the murder of another human being; reenacting ss. 39.464(1)(d), 435.03(2)(b), 435.04(2)(b), 775.0823(1) and (2), 921.0022(3)(i), 943.325(1), 947.146(3), F.S., relating to the termination of parental rights, screening standards, violent offenses against law enforcement officers and others, the Criminal Punishment Code, blood testing, and the Control Release Authority, to incorporate the amendment to 782.04, F.S., in references thereto; providing an effective date.

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

By Senator Campbell—

SB 526—A bill to be entitled An act relating to protective services for victims and witnesses; amending s. 914.25, F.S.; redefining the term "serious felony offense" to include an attempt, solicitation, or conspiracy to commit certain offenses for purposes of provisions that authorize law enforcement agencies to protect victims and witnesses who are at risk of harm; providing an effective date.

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

By Senator Latvala—

SJR 528—A joint resolution proposing an amendment to Section 9 of Article XII of the State Constitution, relating to revenue bonds for natural resource conservation and outdoor recreation purposes.

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

By Senator Kirkpatrick—

SB 530—A bill to be entitled An act relating to environmental control; amending s. 403.813, F.S.; providing an exception from permitting requirements for the removal by a property owner of unconsolidated organic detrital material from water bodies adjacent to the owner's property under specified circumstances; providing an effective date.

—was referred to the Committees on Natural Resources; and Governmental Reform and Oversight.

By Senator Grant—

SB 532—A bill to be entitled An act relating to administrative fines; providing for deposit of fines collected by executive-branch agencies to be deposited into the General Revenue Fund; providing an effective date.

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

By Senator Kirkpatrick—

SB 534—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to payments under the educational tuition assistance program administered by the Department of Military Affairs; providing an effective date.

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

By Senator Kirkpatrick—

SB 536—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; revising certain funding amounts; providing an effective date.

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

By Senator Lee—

SB 538—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale of certain goods by nonprofit organizations through thrift shops for charitable purposes; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Lee—

SB 540—A bill to be entitled An act relating to emergency medical services; amending s. 784.07, F.S.; redefining the term "emergency medical care providers" to include physician assistants, emergency room orderlies, and emergency room security guards; providing that the term includes personnel who are performing official duties whether within or outside an emergency room; providing that enhanced penalties and certain minimum sentences apply if a person is convicted of assault or battery against an emergency medical care provider; providing an effective date.

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

By Senators Bronson and Latvala—

SJR 542—A joint resolution proposing an amendment to Section 19 of Article III of the State Constitution relating to state budgeting, planning, and appropriation processes.

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

By Senator Dyer—

SB 544—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; prohibiting the commingling of certain funds; amending s. 617.307, F.S.; revising language with respect to the transition of homeowners' association control in a community; providing a list of required documents which must be provided to the board by the developer; creating s. 617.3075, F.S.; providing for prohibited clauses in homeowners' association documents; amending s. 689.26, F.S.; revising language with respect to disclosure to prospective purchasers; providing for the cancellation of certain contracts; providing for the inclusion of information on certain amenities; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By Senator Dyer—

SB 546—A bill to be entitled An act relating to education; requiring the Department of Education to adopt a statewide uniform dress code policy for public school students; providing an effective date.

—was referred to the Committee on Education.

By Senator Ostalkiewicz—

SB 548—A bill to be entitled An act relating to proceedings that involve juveniles; creating the "Family Bill of Rights Act"; amending s. 39.401, F.S.; specifying circumstances under which an agent of the Department of Children and Family Services or a law enforcement officer may take a child into protective custody without a court order; requiring that the court conduct an emergency hearing within a specified period after a child is taken into custody; providing notice requirements; providing that it is a first-degree misdemeanor for an agent of the department to take a child into custody without a court order except under specified circumstances; providing for the department to petition the court by sworn affidavit for an emergency order for protective custody; providing that it is a third-degree felony for an agent of the department to make a false statement in the affidavit; amending s. 39.402, F.S.; limiting the period during which a child may be held in a shelter without a court order; providing requirements for the emergency shelter hearing; requiring the appointment of an attorney to represent the child's parent or guardian at the emergency shelter hearing; revising the period during which a child may be held in a shelter following an emergency shelter hearing; amending s. 39.404, F.S.; revising the time within which a petition for dependency must be filed after a child is taken into custody; requiring that the child's parent or guardian receive a copy of the petition before the hearing; amending s. 39.408, F.S.; revising the time within which an arraignment hearing must be held; providing that clear and convincing evidence is required to establish a child's dependency; amending s. 39.409, F.S.; providing for the child's parent or guardian or the county to be awarded attorney's fees and costs upon dismissal of a case alleging dependency; amending s. 415.5017, F.S.; requiring that all interviews with a child who is the subject of a report alleging abuse be audio-recorded or videotaped; amending s. 415.504, F.S.; providing additional requirements for an anonymous report of child abuse or neglect; amending s. 415.505, F.S.; requiring that the department show cause prior to a court order authorizing the department to examine and interview a child; amending s. 415.51, F.S.; providing for the name of a person who reports child abuse or neglect and a copy of the department's file on

the case to be released to certain alleged perpetrators upon order of the court; amending s. 415.513, F.S.; providing a civil cause of action for a person falsely named as a perpetrator against the person who made the false report; amending s. 933.18, F.S.; deleting a provision authorizing a law enforcement officer to remove a child from a private dwelling; amending s. 985.211, F.S., relating to the release of a child from custody; conforming cross-references to changes made by the act; amending s. 985.215, F.S.; providing for the detention hearing for a child to be held by means of closed-circuit television; amending s. 39.415, F.S.; limiting the compensation awarded to an attorney appointed to represent a child's parent or guardian at an emergency shelter hearing; amending s. 57.111, F.S.; providing an award of attorney's fees to a prevailing parent; amending s. 61.16, F.S.; allowing an award of attorney's fees for a successful motion to gain access to the department's file; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Judiciary—

SB 550—A bill to be entitled An act relating to adoption; amending s. 39.01, F.S.; providing factors for the court to consider in determining whether a minor child has been abandoned; amending s. 39.47, F.S.; providing requirements for filing a petition for adoption with the court; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions in this state; amending s. 63.032, F.S.; revising definitions; defining the terms "adoption entity," "unlocated parent," and "unidentified parent"; creating s. 63.037, F.S.; exempting adoption proceedings that result from a termination of parental rights from certain provisions of ch. 63, F.S.; creating s. 63.38, F.S.; providing criminal penalties for committing certain fraudulent acts; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption under certain circumstances; amending s. 63.082, F.S.; revising requirements for executing a consent to an adoption; providing additional disclosure requirements; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the birth parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a minor is legally available for adoption; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; creating s. 63.088, F.S.; providing requirements for identifying and locating a person who is required to consent to an adoption; providing requirements for the notice; providing requirements for conducting a diligent search for such person whose location is unknown; requiring that an unlocated or unidentified person be served notice by constructive service; providing that failure to respond or appear constitutes grounds to declare the minor available for adoption; creating s. 63.089, F.S.; providing procedures for the proceeding to declare a minor available for adoption; specifying the matters to be determined; providing for procedures following a judgment; providing for records to be made part of the subsequent adoption; amending s. 63.092, F.S.; revising requirements for a report to the court of the intended placement of a minor for adoption and for the preliminary home study; amending s. 63.097, F.S.; revising requirements for the court in approving specified fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing that prior approval of fees and costs does not obligate the birth parent to relinquish a minor for adoption; amending s. 63.112, F.S.; revising requirements for the information that must be included in a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S., relating to the final home investigation; conforming provisions to changes made by the act; amending s. 63.132, F.S.; revising requirements for the report of expenditures and receipts which is filed with the court; amending s. 63.142, F.S.; specifying circumstances under which a judgment declaring a minor available for adoption is void; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.165, F.S.; requiring that copies of a petition for adoption and the social and medical history be included in the state registry of adoption information; requiring that the Department of Children and Family Services maintain such information for a specified period; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S., relating to prohibitions and penalties with respect to adoptions; conforming provisions to changes made by the act; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing an effective date.

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

By Senator Klein—

SB 552—A bill to be entitled An act relating to juries; amending s. 40.015, F.S.; providing a method for establishing jury districts, boundaries; providing an effective date.

—was referred to the Committees on Judiciary and Community Affairs.

By Senator Burt—

SB 554—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; providing a third-degree-felony penalty for a third or subsequent conviction for driving under the influence; increasing present fines and penalties to conform; amending s. 921.0022, F.S.; conforming provisions in the sentencing guidelines; providing an effective date.

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

By Senator Forman—

SB 556—A bill to be entitled An act relating to the confidentiality of taxpayers' applications to repay their delinquent personal property taxes in installments; providing for future review and repeal; providing a justification for this exemption from public records provisions; providing a contingent effective date.

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

By Senator Forman—

SB 558—A bill to be entitled An act relating to taxation; creating s. 197.4155, F.S.; authorizing county tax collectors to implement an installment payment program for delinquent personal property taxes; providing conditions under which the program is available to delinquent personal property taxpayers; providing requirements for applying for participation in the program; providing a deadline for filing such an application; providing for a tax collector to prescribe an installment payment plan within a specified time period; allowing flexibility; prescribing limitations upon the duration of an installment plan; providing that tax warrants must not be enforced in certain circumstances; authorizing a tax collector to use all legally available enforcement methods if taxes due under an installment plan are not paid in full; amending s. 197.432, F.S.; revising requirements for calculating the rate of interest on void tax certificates; prohibiting holders of tax certificates from contacting property owners and demanding payment without the approval of the Department of Revenue; amending s. 197.472, F.S.; specifying the amount of interest earned when a tax certificate is redeemed and eliminating a mandatory minimum charge; amending s. 197.172, F.S., relating to interest on tax certificates, to conform; creating s. 213.68, F.S.; specifying the garnishment authority and procedures applicable to counties that self-administer the local option tourist development tax; providing an effective date.

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

By Senator Bronson—

SB 560—A bill to be entitled An act relating to determination of millage; amending s. 200.065, F.S.; authorizing taxing authorities to adopt the tax levies and budgets of their dependent special taxing districts by single votes, unless a member of the public requests a separate discussion and vote for the tax levy or budget of any such district; providing an effective date.

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

By Senators Kirkpatrick, Holzendorf, Brown-Waite, Williams, Gutman and Crist—

SB 562—A bill to be entitled An act relating to medical examiners; amending s. 406.06, F.S.; providing additional grounds for the suspension of medical examiners; amending s. 406.075, F.S.; providing penalties for disciplinary violations; amending s. 406.11, F.S.; specifying medical examiners' duties regarding autopsies; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Kurth—

SB 564—A bill to be entitled An act relating to higher education; amending s. 240.299, F.S.; providing reporting requirements for university direct-support organizations; amending s. 240.311, F.S., relating to rules of the State Board of Community Colleges; requiring a community college district board of trustees to annually evaluate the college president; amending s. 240.324, F.S.; providing an additional requirement for the accountability plan for community colleges; amending ss. 240.331, 240.3315, F.S.; prescribing membership of boards of directors and executive committees of community college direct-support organizations and statewide community college direct-support organizations; restricting activities of such direct-support organizations; providing reporting requirements for such organizations; amending s. 240.3335, F.S.; removing the authority of a board of directors of a center of technology innovation to acquire, lease, or sublease property; amending s. 240.363, F.S.; providing restrictions upon the transfer of funds to a direct-support organization; providing an effective date.

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

By Senator Grant—

SB 566—A bill to be entitled An act relating to trust funds; creating the "Rhea Chiles Health Care Education Trust Fund"; providing for the administration of the trust fund; providing an appropriation; providing a conditional effective date.

—was referred to the Committee on Ways and Means.

By Senator Dudley—

SB 568—A bill to be entitled An act relating to alcohol and substance abuse treatment programs; amending s. 394.76, F.S.; clarifying provisions that specify the ratio of local matching funds required to support certain state-funded community alcohol and substance abuse treatment programs if the required level of local funding is not provided in the General Appropriations Act or in the bill implementing the General Appropriations Act; providing an effective date.

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

By Senator Dudley—

SB 570—A bill to be entitled An act relating to assessments on health care entities; amending s. 395.701, F.S.; exempting outpatient radiation therapy services provided by certain hospitals from the annual assessment on net operating revenues of such hospitals; amending s. 395.7015, F.S.; exempting freestanding radiation therapy centers from the annual assessment on net operating revenues of certain health care entities; providing an effective date.

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

By Senator Dudley—

SB 572—A bill to be entitled An act relating to the death sentence; amending s. 922.10, F.S.; requiring that the Department of Corrections contract with a private vendor for the purpose of carrying out executions; providing for the vendor to designate the executioner; providing an effective date.

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

By Senator Meadows—

SB 574—A bill to be entitled An act relating to the Florida Housing Finance Corporation; amending s. 420.5099, F.S.; requiring that the corporation allocate a portion of low-income housing tax credits under the Internal Revenue Code to projects involving qualified nonprofit organizations; providing responsibilities of such organizations; defining such organizations; providing applicability to certain previously approved projects and requiring compliance; providing a retroactive effective date.

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

By Senator Ostalkiewicz—

SB 576—A bill to be entitled An act relating to special districts; requiring each special district that has the power to levy taxes or special assessments to elect the members of its governing body; prescribing requirements for such elections; providing for expiration of terms of office of present, nonelected district governing body members; providing an effective date.

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

By Senator Ostalkiewicz—

SB 578—A bill to be entitled An act relating to special districts; requiring certain special districts to conduct a referendum on their continued existence and certify the results to the Legislature; requiring certain special districts to obtain the approval of their electors before imposing or raising taxes; providing an effective date.

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

By Senator Ostalkiewicz—

SB 580—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for a portion of the purchase price of a new or used car or light truck; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senators Childers and Clary—

SB 582—A bill to be entitled An act relating to parking permits for the disabled; amending s. 320.0848, F.S.; specifying persons eligible for such permits; providing an effective date.

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

By Senator Silver—

SB 584—A bill to be entitled An act relating to criminal history background checks; providing legislative intent; creating s. 943.083, F.S.; providing that certain religious, charitable, scientific, educational, athletic, or service institutions or organizations or local governmental entities with volunteers or employees or applicants for employment working with, or having regular unsupervised access to, children, elderly persons, or individuals with disabilities may make certain requirements

upon such volunteers, employees, or applicants; providing that the volunteer, employee, or applicant may be required to agree to the release of investigative records, provide fingerprints and other information necessary for criminal history records checks by the Department of Law Enforcement and Federal Bureau of Investigation, agree to notification by the department to the institution or organization or local governmental entity regarding certain previous convictions, under specified circumstances, or attend a training program; providing for fees for requested records checks; authorizing additional positions within the department in excess of the total number of authorized positions provided in the appropriation acts; providing for funding from the Law Enforcement Operating Trust Fund; providing an effective date.

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

By Senator Silver—

SB 586—A bill to be entitled An act relating to felony offenses; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; providing an effective date.

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

By Senator Silver—

SB 588—A bill to be entitled An act relating to the unlawful possession of a firearm; amending s. 790.22, F.S.; providing an enhanced penalty for the unlawful possession of a firearm by a minor; requiring that a minor who commits such offense serve a mandatory period of detention in a secure detention facility in addition to certain other sanctions; providing requirements for the community service that a court orders a minor to perform as a sanction for unlawfully possessing a firearm or for committing an offense that involves the use or possession of a firearm; providing an effective date.

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

By Senator Silver—

SB 590—A bill to be entitled An act relating to property crimes; amending s. 810.011, F.S.; defining the term "curtilage"; amending s. 810.09, F.S.; removing references to unenclosed curtilage from the offense of trespass on property other than a structure or conveyance; amending s. 812.014, F.S.; removing reference to unenclosed curtilage from the offense of theft from a dwelling; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Brown-Waite, Cowin and Latvala—

SB 592—A bill to be entitled An act relating to water management; creating the Lake Panasoffkee Restoration Council; providing for its membership, powers, and duties; requiring the Southwest Florida Water Management District to provide staff for the council and to award contracts subject to an appropriation of funds; providing an effective date.

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

By Senator Brown-Waite—

SB 594—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.06, F.S.; revising prerequisites to eligibility for admission to the domiciliary home; amending s. 296.08, F.S.; conforming a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; revising the list of information about each resident which is to be kept in the general register; amending ss. 296.04, 296.07, 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, 296.37, 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; providing an effective date.

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

By Senator McKay—

SB 596—A bill to be entitled An act relating to battery; creating s. 784.078, F.S.; defining "facility" and "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal Punishment Code offense severity ranking chart; providing an effective date.

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

SB 598—Not referenced.

By Senator Hargrett—

SB 600—A bill to be entitled An act relating to solid waste management; amending s. 403.707, F.S.; providing conditions for issuing permits; providing an effective date.

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

By Senators Bronson and Klein—

SB 602—A bill to be entitled An act relating to bulk transfers; creating s. 726.202, F.S.; specifying certain bulk transfers as fraudulent under certain circumstances; providing criteria; providing requirements; specifying liability; providing an effective date.

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

By Senator Lee—

SB 604—A bill to be entitled An act relating to DUI vehicle impoundment; amending s. 316.193, F.S.; providing for impoundment of vehicles during the period of probation; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Hargrett—

SB 606—A bill to be entitled An act relating to suspension or revocation of driver's licenses; amending s. 322.28, F.S.; providing suspension or revocation of driver's licenses not to be concurrent with imprisonment; providing for an effective date.

—was referred to the Committee on Transportation.

By Senator Ostalkiewicz—

SB 608—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the United States Internal Revenue Code for purposes of the corporate income tax; providing for retroactive effect; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Crist—

SJR 610—A joint resolution proposing an amendment to Section 8, Article IV of the State Constitution, relating to clemency.

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

By Senator Crist—

SB 612—A bill to be entitled An act relating to admissions to sporting events; amending s. 212.04, F.S.; exempting from taxation admissions to certain collegiate tournament games and baseball all-star games; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; Commerce and Economic Opportunities; and Community Affairs.

By Senator McKay—

SB 614—A bill to be entitled An act relating to education; creating a public-private partnership pilot program for students who have disabilities; providing intent and definitions; providing eligibility requirements for private schools, nonprofit organizations, and home education program parents; providing for flexibility in educating students; providing for payment of funds; requiring certain funds to be sent to a direct-support organization for specified use; providing student eligibility; providing for rules; requiring the Department of Education to establish a choice-information center; requiring legislative review; requiring reports; providing for severability; providing an effective date.

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

By Senator McKay—

SB 616—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; providing for payment into pretax annuities for accumulated sick leave to certain employees of district school systems; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; providing for community college district boards of trustees to adopt rules allowing payment for unused sick leave into pretax annuities; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing an effective date.

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

By Senator Brown-Waite—

SB 618—A bill to be entitled An act relating to regional planning councils; amending s. 186.504, F.S.; prescribing membership in the councils; providing an effective date.

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

By Senator Grant—

SB 620—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending ss. 2, 3, and 4, ch. 97-077, Laws of Florida; providing for a Second Chance Scholars award; providing eligibility requirements; providing amount of awards; providing renewal requirements; providing an effective date.

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

By Senator Meadows—

SB 622—A bill to be entitled An act relating to the practice of professional biology; creating ch. 485, F.S., to provide for regulation of such practice; providing purpose; specifying requirements for practice; providing for exemptions from regulation; providing definitions; creating the Board of Professional Biologists within the Department of Business and Professional Regulation; providing rulemaking authority; requiring development of a test; providing for a code of ethics; providing for fees; providing for disposition of moneys collected; requiring preparation and submission of a proposed budget; providing licensure requirements; providing requirements for licensure by endorsement; providing requirements for temporary licenses; providing requirements for renewal of a license; requiring notification to the department of address of primary place of practice; providing for continuing education requirements; providing for reactivation from inactive status; requiring a certificate of authorization for a corporation, partnership, association, or person practicing under a fictitious name to practice or offer to practice professional biology; providing for an official seal and the requirements for use thereof; prohibiting certain acts and providing penalties therefor; specifying acts that constitute grounds for disciplinary action and providing penalties therefor; requiring the reporting of criminal violations for prosecution; providing effect of the chapter locally; providing construction; providing for grandfathering; amending s. 20.165, F.S.; placing the board within the Division of Professions of the department; providing an effective date.

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

By Senator Silver—

SB 624—A bill to be entitled An act relating to enhanced penalties for certain felony offenses; amending s. 775.084, F.S.; revising the requirements for the court with respect to sentencing a defendant as a habitual felony offender or a habitual violent felony offender; providing an effective date.

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

By Senators Silver and Dyer—

SB 626—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising language with respect to the scope of the chapter; providing for certain rules; amending s. 721.06, F.S.; revising language with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising language with respect to public offering statements; providing a time period for amendments that add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting language with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising language with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.13, F.S.; revising language with respect to management; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative purpose; providing definitions; providing qualifications of trustees and appointment of successor trustees; providing for disclosure and acknowledgment; providing for conditions to the exercise of the power of sale by a trustee; providing for the manner of delivery of notice of default and intent to sell; providing for notice of sale; providing for publication of notice of sale; providing for trustee's certificate of compliance; providing

for the manner of sale; providing for the effect of the trustee's sale; providing for the issuance of a trustee's deed; providing for the disposition of the proceeds of sale; providing for the form and effect of the trustee's deed; providing for the application of the part; providing an effective date.

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

By Senator Williams—

SB 628—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 630—A bill to be entitled An act relating to culpable negligence; amending s. 784.05, F.S.; providing that a person commits the offense of exposing another to personal injury through culpable negligence, when such person knowingly has permitted the person's dog to run at large as a "pack of dogs," as defined, and the pack of dogs inflicts significant personal injury; providing penalties; providing that a person commits the offense of exposing another to personal injury through culpable negligence when such person knowingly has permitted the person's dog to run at large as a pack of dogs and the death of any person occurs from injury inflicted by the pack of dogs; providing penalties; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Ostalkiewicz—

SB 632—A bill to be entitled An act relating to professions, occupations, and businesses; prohibiting specified state agencies from penalizing a person for violating specified regulations of which the person had no knowledge; prohibiting such agencies from enforcing regulations applicable to the collection of taxes or to professions, occupations, or businesses when specified conditions are met; providing a defense for enforcement actions in specified circumstances; providing an effective date.

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

By Senator Ostalkiewicz—

SB 634—A bill to be entitled An act relating to taxation of intangible personal property; amending s. 199.023, F.S.; excluding accounts receivable from the definition of "intangible personal property"; amending ss. 199.103, 199.185, F.S., to delete references to accounts receivable; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senators Ostalkiewicz, Lee, Myers, Cowin and Grant—

SB 636—A bill to be entitled An act relating to taxation of homes for the aged; amending s. 196.1976, F.S.; providing that the provisions of s. 196.1975, F.S., relating to the ad valorem tax exemption for nonprofit homes for the aged, are severable, rather than nonseverable; creating s. 196.1977, F.S.; providing an exemption for each apartment in certain continuing care facilities occupied by a person who makes the apartment his or her permanent home and who is not eligible for homestead exemption; providing procedures and requirements; providing legislative intent; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Community Affairs.

By Senators Ostalkiewicz, Williams, Harris and Clary—

SB 638—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the activities and industries to which the exemption for electricity used in certain manufacturing and related operations applies; specifying a threshold for use of electricity to qualify for exemption; deleting a requirement relating to separate metering of such electricity; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By the Committee on Regulated Industries—

SB 640—A bill to be entitled An act relating to telecommunications; providing legislative intent relating to local telecommunications services; providing an effective date.

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

By Senator Rossin—

SB 642—A bill to be entitled An act instructing the Division of Statutory Revision to make necessary changes to conform the Florida Statutes to the name change of the Department of Health and Rehabilitative Services and the divestiture of programs of the former department to other departments or agencies; repealing s. 372.6672, F.S., relating to alligator management and trapping programs; repealing s. 409.9125, F.S., relating to Medicaid alternative service networks; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Rules and Calendar.

By Senators Silver and Dudley—

SB 644—A bill to be entitled An act relating to investment securities and leases under the Uniform Commercial Code; revising chapter 678, F.S.; revising part I, relating to general matters; providing a short title; providing definitions; providing rules for determining whether certain obligations and interests are securities or financial assets; providing for acquisition of security or financial assets or interests; providing for notice of adverse claim; providing for control of certain securities; providing for effect of certain actions; providing for warranties in direct holding; providing for warranties in indirect holding; providing for applicability of law; providing clearing corporation rules; providing for creditor's legal process; providing for inapplication of statute of frauds; providing for evidentiary rules concerning certificated securities; providing for nonliability to adverse claimant under certain circumstances; providing for securities intermediary as purchaser for value; revising part II, relating to issue and issuer; providing a definition of issuer; providing for issuer's responsibilities and defenses; providing for notice; specifying staleness as notice of defect or defense; providing effect of issuer's restriction on transfer; providing for effect of unauthorized signatures; providing for completion or alteration of security certificates; providing rights and duties of issuer with respect to registered owners; providing for effect of signature of certain persons; providing for issuer's liens; specifying conditions of overissue; revising part III, relating to transfer of certificated and uncertificated securities; providing for delivery of certain securities; providing for rights of purchaser; providing for protected purchasers; providing for indorsement; providing for certain instructions; providing for effect of guaranteeing certain actions; providing purchaser's right to certain requisites; revising part IV, relating to registration; providing duties of issuer to register transfers; requiring certain assurance of effectiveness of certain actions; providing for demand that issuer not register transfer; providing for liability for wrongful registration; providing for replacement of certain certificates; providing for obligation to

notify issuer of certain certificates; providing for authenticating certain persons; revising part V, relating to security entitlements; providing for securities accounts; providing for acquisition of security entitlement from a securities intermediary; providing for assertion of adverse claim against entitlement holder; providing for property interest of entitlement holder in certain assets; providing duties of securities intermediary; providing for certain rights of purchaser of security entitlement; providing priority among security interests and entitlement holders; amending s. 679.103, F.S.; providing for perfection of security interests relating to investment property; amending ss. 679.105 and 679.106, F.S., to conform; creating s. 679.115, F.S.; providing for perfection of security interests in certain investment properties; providing definitions; providing criteria; providing procedures; creating s. 679.116, F.S.; providing for perfection of security interests arising in purchase or delivery of financial interests; amending ss. 679.203, 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.309, and 679.312, F.S., to conform; amending ss. 671.105, 671.206, 674.104, and 675.114, F.S., to conform; providing for applicability; amending s. 680.1031, F.S.; redefining the terms "consumer lease" and "finance lease"; amending s. 680.1041, F.S.; revising language with respect to other statutes to which leases are subject; amending s. 680.303, F.S.; revising language with respect to the alienability of a party's interest under a lease contract or of a lessor's residual interest in goods; amending s. 680.304, F.S.; revising language with respect to the subsequent lease of goods by the lessor; amending s. 680.307, F.S.; revising language with respect to priority of liens arising by attachment or levy on security interests in and other claims to goods; amending s. 680.309, F.S.; revising language with respect to lessor's and lessee's rights when goods become fixtures; creating s. 680.32, F.S.; providing that nothing in chapter 680, F.S., prevents subordination by agreement by any person entitled to priority; amending s. 680.501, F.S.; revising language with respect to the procedure governing default; amending s. 680.503, F.S.; revising language with respect to modification or impairment of rights and remedies; amending s. 680.507, F.S.; revising language with respect to proof of market rent; amending s. 680.508, F.S.; revising language with respect to lessee's remedies; amending s. 680.516, F.S.; revising language with respect to the effect of acceptance of goods, notice of default, the burden of establishing default after acceptance, and notice of claim or litigation to persons answerable over; amending s. 680.518, F.S.; revising language with respect to cover and substitute goods; amending s. 680.519, F.S.; revising language with respect to lessee's damages for nondelivery, repudiation, default, or breach of warranty in regard to accepted goods; amending s. 680.523, F.S.; revising language with respect to lessor's remedies; amending s. 680.524, F.S.; revising language with respect to lessor's right to identify goods to lease contract; amending s. 680.525, F.S.; revising language with respect to lessor's right to possession of goods; amending s. 680.527, F.S.; revising language with respect to lessor's rights to dispose of goods; amending s. 680.528, F.S.; revising language with respect to lessor's damages for nonacceptance or repudiation; amending s. 680.529, F.S.; revising language with respect to lessor's action for rent; amending s. 680.532, F.S.; revising language with respect to lessor recovery for loss of residual interest; providing for the application of the act; repealing ss. 610.011, 610.021, 610.031, 610.041, 610.051, 610.061, 610.071, 610.081, 610.091, 610.101, 610.111, and 671.304(2)(b), F.S., relating to the Uniform Act for Simplification of Fiduciary Security Transfers; repealing ss. 678.101, 678.102, 678.103, 678.104, 678.105, 678.106, 678.107, 678.108, 678.201, 678.202, 678.203, 678.204, 678.205, 678.206, 678.207, 678.208, 678.301, 678.302, 678.303, 678.304, 678.305, 678.306, 678.307, 678.308, 678.309, 678.310, 678.311, 678.312, 678.313, 678.314, 678.315, 678.316, 678.317, 678.318, 678.319, 678.320, 678.321, 678.401, 678.402, 678.403, 678.404, 678.405, 678.406, 678.407, 678.408, F.S., relating to investment securities under the Uniform Commercial Code; providing an effective date.

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

By Senators Gutman, Horne, Klein and Diaz-Balart—

SB 646—A bill to be entitled An act relating to sexually violent predators; creating s. 916.30, F.S.; providing a short title; providing legislative findings and intent with respect to the civil commitment of sexually violent predators; creating s. 916.31, F.S.; defining terms; creating s. 916.32, F.S.; requiring the Department of Children and Family Services or the Department of Corrections to notify the Attorney General and a multidisciplinary team prior to the release from custody of a person alleged to be a sexually violent predator; providing immunity from liability for certain persons; requiring the Secretary of Children and Family Services to establish a multidisciplinary team to review the records of persons alleged to be sexually violent predators; requiring that the team report to the Attorney General; requiring the Governor to appoint a prosecutor's review committee upon the request of the Attorney General; providing for the review committee to assist the Attorney General in determining if a person is a sexually violent predator; creating s. 916.33, F.S.; providing for the Attorney General to file a petition alleging that a person is a sexually violent predator; creating s. 916.34, F.S.; requiring that the court determine if the petition sets forth sufficient grounds for determining probable cause; authorizing the court to order that the respondent be taken into custody upon a preliminary determination of probable cause; providing for a probable-cause hearing; creating s. 916.35, F.S.; providing for a trial on the issue of whether the respondent is a sexually violent predator; providing for the respondent to be assisted by counsel and experts upon request; providing for a jury trial at the request of the respondent or the Attorney General or upon a motion of the court; creating s. 916.36, F.S.; providing the standard of proof for determining whether the respondent is a sexually violent predator; providing for an appeal; providing for a person determined to be a sexually violent predator to be committed to the Department of Children and Family Services; authorizing the Department of Children and Family Services to enter into an agreement with the Department of Corrections for the confinement of sexually violent predators; providing a procedure if the respondent has been found incompetent to stand trial; creating s. 916.37, F.S.; providing that it is a second-degree felony to escape while in lawful custody prior to or following commitment as a sexually violent predator; creating s. 916.38, F.S.; providing for certain confidential information and records to be released to the Department of Children and Family Services, the Department of Corrections, and the Attorney General; providing an effective date.

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

By Senators Kirkpatrick, Sullivan and Forman—

SB 648—A bill to be entitled An act relating to state purchasing; requiring the Department of Management Services to develop and publish guidelines for state agencies with respect to the purchase of computer mainframes; establishing minimum requirements; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Clary—

SB 650—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; allowing the Agency for Health Care Administration to provide certain types of services for the Healthy Start program; amending s. 383.011, F.S.; directing the agency to seek a federal waiver for the Healthy Start program; providing an effective date.

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

By Senator Turner—

SB 652—A bill to be entitled An act relating to minority business enterprises; amending s. 287.09451, F.S.; requiring certain persons doing business with the state to submit a minority business development plan; providing that failure to submit a plan disqualifies a person from bidding on state contracts for a period of time; providing an effective date.

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

By Senator Turner—

SB 654—A bill to be entitled An act relating to school pesticide safety; creating s. 232.365, F.S.; providing definitions; requiring a school pest management plan; requiring notification to students, parents, and staff of pesticide application; providing notice requirements; requiring a school pesticide registry; requiring records and reports; providing an effective date.

—was referred to the Committee on Education.

By Senator Turner—

SB 656—A bill to be entitled An act relating to education; amending s. 233.061, F.S.; encouraging school districts to provide instruction in the history of labor and business; providing an effective date.

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

By Senator Turner—

SB 658—A bill to be entitled An act relating to veterans; creating s. 320.08405, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop, in cooperation with the Department of Veterans' Affairs, taglets honoring each military branch; providing for a fee; providing for applications; providing for the disposition of fees; providing an effective date.

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

By Senator Turner—

SB 660—A bill to be entitled An act relating to education; providing that state-funded education and care programs for infants and toddlers must foster brain development; requiring an evaluation and a report; providing an effective date.

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

By Senator Turner—

SB 662—A bill to be entitled An act relating to weapons and firearms; amending s. 790.001, F.S.; revising a definition; amending s. 790.06, F.S.; revising conditions precedent to the issuance of a license to carry a concealed weapon or firearm; requiring the denial or revocation of a license under specified circumstances; providing an additional condition under which a license shall be suspended or revoked pursuant to ch. 120, F.S.; expanding provisions relating to areas upon which concealed weapons or firearms shall not be carried; increasing the penalty for violation; amending s. 790.065, F.S., relating to sale and delivery of firearms; including a specified misdemeanor penalty within conditions which constitute conditional nonapproval of a licensee; providing for suspension of a specified time limitation under certain conditions; revising procedure to provide for issuance of a nonapproval number to potential buyers prohibited from owning a firearm; providing a time limit within which specified records shall be destroyed; repealing s. 790.065(13), F.S., as created by chapter 89-191, Laws of Florida; nullifying the scheduled repeal of s. 790.065, F.S., on the effective date of federal law which provides access to national criminal history information and requires national criminal history checks on potential buyers or transferees on firearms; repealing s. 790.065(14), F.S., as created by chapter 93-197, Laws of Florida; nullifying the scheduled repeal of s. 790.065, F.S., on October 1, 1999; amending s. 790.0655, F.S.; revising provisions relating to the mandatory 3-day waiting period between the purchase and delivery of a handgun; providing a penalty; creating s. 790.0657, F.S.; providing for regulation of the sale of firearms at gun shows; providing definitions; requiring that persons promoting the sale of firearms in the state through gun shows register with the Florida Department of Law Enforcement; requiring the promoter of any gun show at which firearms are being sold to be a firearms dealer; requiring all sales and transfers of firearms at a gun show to be subject to background check provisions of s. 790.065, F.S.; providing a first-degree misdemeanor penalty for the sale or transfer of a firearm within 1,000 feet of a gun show by specified unauthorized persons; requiring gun show promoters to pay a fee to defray the cost of firearm purchase program services; providing an appropriation to fund such services; amending s. 790.08, F.S.; authorizing the submission of seized handguns to the Florida Department of Law Enforcement; requiring the department to forward serial numbers of seized handguns to the Federal Bureau of Alcohol, Tobacco, and Firearms for specified tracing and identification purposes; amending s. 790.10, F.S.; increasing the penalty for improper exhibition of dangerous weapons or firearms; amending s. 790.115, F.S., relating to the prohibition against possessing or discharging weapons or firearms on school property; clarifying language relative to a specified exception; amending s. 790.17, F.S.; providing that a person may not knowingly or willfully rent, barter, lend, or give a firearm to a minor; providing a penalty; increasing the penalty for sale or transfer of a firearm to a minor; amending s. 790.22, F.S.; revising penalty requirements for offenses involving possession of a firearm by a minor under 18 years of age; amending s. 790.23, F.S.; providing an additional condition which constitutes unlawful ownership or possession of specified firearms or weapons; amending s. 790.25, F.S.; providing additional exclusions from the protections of provisions governing lawful ownership, possession, and use of firearms and other weapons; including correctional officers among persons who may lawfully own, possess, and use firearms and other weapons; amending s. 790.256, F.S.; requiring the Department of Children and Family Services to prepare specified public service announcements; amending s. 790.27, F.S.; increasing the penalty for selling, delivering, or possessing any firearm on which the manufacturer's or importer's serial number has been unlawfully altered or removed; amending s. 790.33, F.S.; authorizing the option of any county to require handgun registration and reporting of handgun title transfers; providing an effective date.

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

By Senator Horne—

SB 664—A bill to be entitled An act relating to Duval County; providing that specified general law supersedes special acts applicable to Duval County with respect to school district personnel; providing for certain employees to retain rights under special acts; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Transportation—

SB 666—A bill to be entitled An act relating to WAGES program transportation; amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation; providing an effective date.

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

By Senator Crist—

SB 668—A bill to be entitled An act relating to violent offenders; amending s. 945.092, F.S.; providing that a habitual violent felony offender or violent career criminal may not be placed in a work-release program or confined in a minimum security facility; providing an effective date.

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

By Senators Crist, Williams and Campbell—

SB 670—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "special risk

member"; amending s. 121.0515, F.S.; adding to the Special Risk Class of membership certain emergency medical technicians and paramedics; providing legislative intent; providing an effective date.

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

By Senator Horne—

SB 672—A bill to be entitled An act relating to evidence; amending s. 90.803, F.S.; providing additional exceptions to the prohibition against hearsay evidence; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Latvala—

SB 674—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; revising provisions which regulate the conduct of bingo; providing findings and intent; providing definitions; providing for administration and enforcement by the Division of Pari-mutuel Wagering and county sheriffs and municipal police; providing powers and duties of the division; requiring an annual report; providing requirements for the conduct of bingo by charitable organizations, associational organizations, and authorized organizations; requiring such organizations to obtain a license or certificate; providing an exception; requiring lessors of premises for the conduct of bingo to be licensed; providing requirements relating to such lessors; providing application requirements for licenses and certificates; providing for fees; providing for processing of applications by the division; specifying license and certificate time periods; providing conditions under which licenses or certificates may be suspended or revoked; providing restrictions on use of the proceeds; providing requirements for deposit of proceeds; requiring reports; providing minimum standards for the conduct of bingo; providing for administrative fines and criminal penalties; specifying that the act does not prevent any county from adopting the same or stricter regulations; providing an effective date.

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

By Senator Ostalkiewicz—

SB 676—A bill to be entitled An act relating to state government; providing legislative intent; providing duties of procuring agencies relating to procurement contracts; imposing certain duties on the Comptroller; providing application; providing an effective date.

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

By Senator Bronson—

SB 678—A bill to be entitled An act relating to guidelines for fair treatment of victims and witnesses in the justice system; allowing specified state agencies to participate in crime-prevention and educational activities; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Kirkpatrick—

SB 680—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale of performance-enhancing or growth-enhancing products for livestock; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Ostalkiewicz—

SB 682—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for reducing prize amounts to certain persons who receive public assistance under certain circumstances; providing for deducting overpayments from public assistance payment under certain circumstances; providing for agency responsibility for identifying certain recipients of public assistance; providing for disposition of remainders of lottery prizes under certain circumstances; providing immunity from liability to state agencies under certain circumstances; defining "public assistance"; amending s. 414.28, F.S.; conforming provisions relating to public assistance payments; providing reporting requirements; providing an effective date.

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

By Senator Meadows—

SB 684—A bill to be entitled An act relating to state government; creating a Science Advisory Board; providing for qualifications and appointment of members; providing for expenses; providing duties of the board with respect to risk impact statements prepared by agencies and risk assessment issues; providing administrative duties of the Economic and Demographic Research Division of the Joint Legislative Management Committee; providing an appropriation; providing an effective date.

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

By Senator Williams—

SB 686—A bill to be entitled An act relating to homestead property; amending s. 222.01, F.S.; providing that a statement declaring property to be a homestead for purposes of exemption from forced sale must be filed in person with the clerk of the circuit court; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By Senator Gutman—

SB 688—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.06, F.S.; providing definitions; authorizing the designation of seaport duty-free zones by counties that contain certain deepwater ports; providing an exemption from the sales and use tax for certain items purchased within a seaport duty-free zone by passengers on a sea cruise ship who reside outside this state; providing procedures; providing penalties for making a fraudulent statement for the purpose of tax evasion; providing for inapplicability of the exemption to certain commodities; providing penalties for failing to remove property from the state if the tax was not paid; authorizing a business that operates a sea cruise ship to issue cruise arrival-departure cards; requiring records to be kept; providing a mandatory fine for issuing a false or fraudulent arrival-departure card for the purpose of tax evasion; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Williams—

SB 690—A bill to be entitled An act relating to concurrency on the Florida Interstate Highway System; amending s. 163.3180, F.S.; directing the Department of Transportation to lower the level-of-service standard on certain segments of the system within the jurisdiction of a local government under certain circumstances; providing an effective date.

—was referred to the Committee on Transportation.

By Senators Grant, Rossin, Sullivan and Casas—

SB 692—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; providing that a person is guilty of driving under the influence when any amount of certain chemical or controlled substances is present in blood or urine regardless of the presence of alcohol; providing a defense; providing an effective date.

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

By Senator Grant—

SB 694—A bill to be entitled An act relating to racketeering; amending s. 895.02, F.S.; redefining the term "racketeering activity" to include certain acts of lewdness or assignation; providing a penalty; providing an effective date.

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

By Senator Grant—

SB 696—A bill to be entitled An act relating to public exhibition of violent video games; providing a short title; providing definitions; prohibiting the public showing, display, or other exhibition in specified places of video games containing graphic violence; prohibiting a person who operates a place of business where video games containing graphic violence are shown, displayed, or exhibited from knowingly permitting or allowing any person under 18 years of age to patronize, visit, or loiter in such place of business; providing penalties; providing for deposit of fines in the Public Medical Assistance Trust Fund for use for a certain purpose; providing for proof of age to be required of a prospective video game observer at the place of business; providing a defense to prosecution under specified provisions; providing that a person who operates such place of business may seek a declaratory judgment from a court of appropriate jurisdiction on whether a video game contains graphic violence; providing an effective date.

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

By Senator Ostalkiewicz—

SB 698—A bill to be entitled An act relating to antique vessels; amending s. 327.25, F.S.; deleting a requirement for the registration of an antique vessel; providing an effective date.

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

By Senator Grant—

SB 700—A bill to be entitled An act relating to education; amending s. 236.081, F.S., relating to funds for operation of schools; providing funding for extension of the school year; providing an effective date.

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

By Senators Grant, Casas, Latvala and Lee—

SB 702—A bill to be entitled An act relating to elections; providing a short title; providing a statement of legislative intent; amending s. 104.271, F.S.; expanding applicability of the prohibition against making false or malicious charges against, or false statements about, candidates; eliminating the requirement of actual malice in the prohibition against making false statements about candidates and providing for personal liability with respect thereto; clarifying and providing penalties; providing an effective date.

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

By Senator Klein—

SB 704—A bill to be entitled An act relating to limited liability companies; amending s. 220.02, F.S.; revising legislative intent; providing application; amending s. 220.03, F.S.; revising a definition; amending s. 220.13, F.S.; redefining the term "taxable income" as applied to limited liability companies to exclude income of certain limited liability companies; amending s. 608.406, F.S.; revising criteria for limited liability company names; amending s. 608.471, F.S.; exempting certain limited liability companies from the corporate income tax; providing for classifying certain limited liability companies or members or assignees of a member of a limited liability company for certain taxation purposes; providing an effective date.

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

By Senator Sullivan—

SB 706—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising provisions relating to high school graduation credit requirements; providing for early graduation; amending s. 236.081, F.S., relating to funds for operation of schools; providing for calculation of full-time equivalent student membership for students who graduate early; providing an effective date.

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

By Senator Grant—

SB 708—A bill to be entitled An act relating to alcohol and other substance abuse testing of a delinquent child; amending s. 985.231, F.S., relating to powers of disposition in delinquency cases; providing that the court may order a delinquent child placed in a community control or aftercare program to submit to random testing for alcohol or controlled substances; providing that the order may be made at the disposition or pursuant to the filing of a petition alleging violation of the conditions of the child's community control or aftercare supervision; reenacting s. 985.31(3)(e), F.S., relating to serious or habitual offenders, and s. 985.311(3)(e), F.S., relating to intensive residential treatment program for offenders less than 13 years of age, to incorporate said amendment in references; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Silver—

SB 710—A bill to be entitled An act relating to regulation of wrecker operators and persons immobilizing vehicles; amending s. 1.01, F.S.; defining the term "wrecker operator"; providing for a law enforcement officer to place a hold order on a motor vehicle in a wrecker operator's storage facility; prescribing conditions on such acts; authorizing county and municipal wrecker operator systems; prohibiting certain acts in contravention of such systems; providing penalties; amending s. 316.193, F.S.; providing for payment of charges when a vehicle is impounded or immobilized as a result of a charge of driving under the influence; amending s. 321.051, F.S.; revising provisions authorizing the Florida Highway Patrol to establish a wrecker operator system; prohibiting certain acts in contravention of such system; providing penalties; amending s. 322.34, F.S.; revising provisions relating to impoundment or immobilization of vehicles being operated while the operator's license is suspended, revoked, canceled, or disqualified; providing for payment of accrued charges; amending s. 713.78, F.S.; providing that law allowing a lien for recovering, towing, or storing a vehicle does not authorize a lien for immobilizing a vehicle; providing liability for damages or theft in connection with a towed vehicle; amending s. 319.30, F.S.; conforming a cross-reference; providing an effective date.

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

By Senator Bronson—

SB 712—A bill to be entitled An act relating to municipalities; amending s. 166.021, F.S.; providing legislative findings; authorizing munici-

pal governing bodies to expend public funds to attract and retain business enterprises; specifying that such use of public funds constitutes a public purpose and defining the economic development activities that qualify as such public purpose; providing an effective date.

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

By Senator Forman—

SB 714—A bill to be entitled An act relating to health quality assurance; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; requiring background screening for an applicant for licensure of certain laboratories; authorizing the use of certain body hair for drug testing; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 381.026, F.S.; requiring that a patient's bill of rights be made available by a facility that provides emergency services or outpatient services; amending s. 381.0261, F.S.; requiring that a patient's bill of rights includes additional information; creating s. 381.60225, F.S.; requiring background screening for an applicant for certification to operate an organ procurement organization, a tissue bank, or an eye bank; amending s. 383.302, F.S., relating to the regulation of birth centers; revising definitions to reflect the transfer of regulatory authority from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 383.305, F.S.; requiring background screening for an applicant for licensure of a birth center; amending ss. 383.308, 383.309, 383.31, 383.312, 383.313, 383.318, 383.32, 383.324, 383.325, 383.327, 383.33, 383.331, F.S., relating to the regulation of birth centers; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 390.015, F.S.; requiring background screening for an applicant for licensure of an abortion clinic; amending s. 391.206, F.S.; requiring background screening for an applicant for licensure to operate a pediatric extended care center; amending s. 393.063, F.S., relating to developmental disabilities; providing a definition; amending s. 393.067, F.S.; requiring background screening for an applicant for licensure to operate an intermediate care facility for the developmentally disabled; amending s. 394.4787, F.S., relating to the regulation of mental health facilities; conforming a cross-reference to changes made by the act; amending s. 394.4788, F.S., relating to mental health services; updating provisions relating to duties of the agency formerly performed by the Health Care Cost Containment Board; amending s. 394.67, F.S., relating to community alcohol, drug abuse, and mental health services; revising definitions; amending s. 394.875, F.S.; requiring background screening for an applicant for licensure of a crisis stabilization unit or residential treatment facility; amending ss. 394.876, 394.877, 394.878, 394.879, 394.90, 394.902, 394.903, 394.904, 394.907, F.S., relating to the regulation of mental health facilities; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 395.002, F.S., relating to hospital licensing and regulation; providing definitions; creating s. 395.0055, F.S.; requiring background screening for an applicant for licensure of a facility operated under ch. 395, F.S.; amending s. 395.0163, F.S.; requiring that the agency review plans and specifications for certain outpatient facilities; amending s. 395.0193, F.S.; revising certain requirements for peer review of physicians; providing requirements for reporting disciplinary actions to the agency; authorizing the agency to levy administrative fines; amending s. 395.0197, F.S.; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring certain reports to the agency; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective action plans; providing penalties; amending s. 395.0199, F.S.; requiring background screening for an applicant for registration as a utilization review agent; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that, following a disaster, licensed hospital facilities are capable of serving as shelters only for patients, staff, and the families of staff; providing for applicability; providing for a report by the agency to the Governor and Legislature; transferring, renumbering, and amending ss. 626.941, 626.942, 626.943, 626.944, 626.945, F.S., relating to the regulation of health care risk managers; conforming provisions to reflect the transfer of regulatory authority from the Department of Insurance to the Agency for Health Care Administration; providing for the Health Care Risk Manager Advisory Council to be appointed by the Director of Health Care Administration; amending s. 395.401, F.S.; providing for certain reports relating to charity care and formerly made to the Health Care Board to be made to the agency; amending s. 395.602, F.S., relating to rural hospitals; conforming a cross-reference to changes made by the act; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending s. 400.051, F.S.; conforming a cross-reference; amending s. 400.071, F.S.; requiring background screening for an applicant for licensure of a nursing home; amending s. 400.411, F.S.; requiring background screening for an applicant for licensure of an assisted living facility; amending ss. 400.414, 400.417, 400.4174, 400.4176, F.S., relating to the regulation of assisted living facilities; providing additional grounds for denial, revocation, or suspension of a license; requiring background screening for employees hired on or after a specified date; amending ss. 400.461, 400.462, F.S., relating to the regulation of home health agencies; conforming a cross-reference; revising definitions; amending s. 400.464, F.S.; revising licensure requirements for home health agencies; specifying services that are exempt from the licensure requirements; amending s. 400.471, F.S.; requiring background screening for an applicant for licensure of a home health agency; revising requirements for license renewal; amending s. 400.474, F.S.; providing penalties for operating a home health agency without a license; amending s. 400.484, F.S.; providing a schedule for the agency to use in imposing fines for various classes of violations; amending s. 400.487, F.S.; revising requirements for patient assessment and services; amending s. 400.491, F.S.; revising requirements for maintaining patient records; amending s. 400.497, F.S.; revising requirements for the agency in establishing minimum standards; amending s. 400.506, F.S.; requiring background screening for an applicant for licensure of a nurse registry; amending s. 400.509, F.S.; requiring background screening for an applicant for registration as a service provider who is exempt from licensure; amending s. 400.512, F.S.; revising screening requirements for home health agency personnel; amending s. 400.555, F.S.; requiring background screening for an applicant for licensure of an adult day care center; creating s. 400.5572, F.S.; requiring background screening for employees of an adult day care center hired on or after a specified date; amending s. 400.606, F.S.; requiring background screening for an applicant for licensure of a hospice; amending s. 400.619, F.S.; revising background screening requirements for an applicant for licensure of an adult family care home; providing screening requirements for designated relief persons; amending s. 400.702, F.S.; deleting a requirement that certain intermediate-level care facilities accept only certain low-income residents who receive subsidized housing vouchers; amending s. 400.801, F.S.; requiring background screening for an applicant for licensure of a home for special services; amending s. 400.805, F.S.; requiring background screening for an applicant for licensure of a transitional living facility; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the former Department of Health and Rehabilitative Services; authorizing the agency to conduct data-based studies and make recommendations; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; amending ss. 409.905, 440.13, 455.654, F.S., relating to mandatory Medicaid services, medical services and supplies, and referring health care providers; conforming cross-references to changes made by the act; amending ss. 458.331, 459.015, 461.013, 468.505, F.S., relating to disciplinary action against certain medical professionals and activities exempt from regulation; updating provisions and conforming cross-references; amending s. 483.101, F.S.; requiring background screening for an applicant for licensure of a clinical laboratory; amending s. 483.106, F.S., relating to a certificate of exemption; correcting terminology; amending s. 483.30, F.S.; requiring background screening for an applicant for licensure of a multiphasic health testing center; amending ss. 641.55, 766.1115, F.S., relating to internal risk management programs and contracts with governmental contractors; updating provisions and conforming cross-references to changes made by the act; repealing ss. 395.403(9), 407.61, 408.003, 408.072, 408.085, 455.661, F.S., relating to reimbursement of state-sponsored trauma centers, studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, budget reviews of comprehensive inpatient rehabilitation hospitals, and designated health care services; providing for retroactive application of provisions of the act relating to repeal of review of hospital budgets; transferring the internal risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; providing appropriations and authorizing positions; providing effective dates.

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

By Senator Forman—

SB 716—A bill to be entitled An act relating to exemptions from ad valorem taxation; amending s. 196.012, F.S.; amending the definition of the term "educational institution," as used in ch. 196, F.S.; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Hargrett—

SB 718—A bill to be entitled An act relating to obtaining property by false personation; amending s. 817.02, F.S.; providing that obtaining property by false personation is a second-degree felony; providing penalties; providing an effective date.

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

By Senators Hargrett and Holzendorf—

SB 720—A bill to be entitled An act relating to the Beverage Law; amending s. 561.15, F.S.; providing licensure requirements; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

By Senator Dudley—

SB 722—A bill to be entitled An act relating to certified nursing assistants; amending s. 400.211, F.S.; providing that nursing assistants who work in nursing home facilities are subject to federal criminal records checks by the Federal Bureau of Investigation as part of certification requirements; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Hargrett—

SB 724—A bill to be entitled An act relating to traffic offenses; amending s. 318.18, F.S.; limiting the amount for court costs imposed for noncriminal traffic offenses; specifying what constitutes court costs; providing an effective date.

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

By Senator Sullivan—

SB 726—A bill to be entitled An act relating to health care contracts; amending s. 627.419, F.S.; providing that health insurance policies or other health services contracts that provide certain benefits must pay for the services of advanced registered nurse practitioners; providing an effective date.

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

By Senator Brown-Waite—

SB 728—A bill to be entitled An act relating to residential real property; requiring notification of entitlement to homestead tax exemption; providing a civil penalty; providing an effective date.

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

By Senator Dudley—

SB 730—A bill to be entitled An act relating to prison inmates; amending s. 440.15, F.S.; providing that workers' compensation benefits for inmates are payable to the state; prohibiting inmates from receiving public assistance benefits; providing an effective date.

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

By Senator Grant—

SB 732—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for sales or leases to the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Bronson—

SB 734—A bill to be entitled An act relating to petroleum fuel measuring devices; amending s. 525.07, F.S.; providing for the repair and adjustment of such devices by meter mechanics; providing for notification of the Department of Agriculture and Consumer Services; providing an effective date.

—was referred to the Committee on Agriculture.

By Senator Diaz-Balart—

SB 736—A bill to be entitled An act relating to Miami-Dade Community College, Dade County; designating the district board of trustees of the college as a special district for a specified period; providing application of certain provisions of general law; authorizing the board to levy up to 1 mill ad valorem tax per year for 10 years; providing for assessment and collection; providing legislative intent with respect to state funding for Miami-Dade Community College; prohibiting establishment of certain differentiated fees; providing for a referendum; providing an effective date.

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

By Senator Dudley—

SJR 738—A joint resolution proposing an amendment to Section 4, Article VII of the State Constitution, relating to taxation of real property; authorizing the partial-year assessment of real property.

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

By Senator Dudley—

SB 740—A bill to be entitled An act providing equity in taxation; providing for partial-year assessments of real property for purposes of ad valorem taxation; providing legislative intent; amending s. 192.001, F.S.; providing definitions; creating s. 192.039, F.S.; providing for partial-year real property assessments; providing formulas for calculating

ad valorem taxes to be levied on real property that is assessed for a partial year; requiring such properties and the tax thereupon to be included in computing rolled-back millage under s. 200.065, F.S.; amending s. 192.042, F.S.; amending the standards for calculating just value to conform to the provisions for partial-year assessment of real property; providing for sharing the costs of implementing partial-year assessments; creating s. 193.078, F.S.; providing for notice of substantially destroyed property; amending s. 193.114, F.S.; amending provisions relating to the preparation of assessment rolls, to conform to this act; amending s. 195.027, F.S.; providing for the Department of Revenue to adopt rules concerning returns for property that is subject to partial-year assessment; amending s. 196.011, F.S.; amending provisions relating to the annual application for the homestead tax exemption, to conform; amending s. 197.3635, F.S.; amending provisions relating to requirements for a combined notice of ad valorem taxes and non-ad valorem assessments, to conform; creating s. 197.3645, F.S.; providing criteria that must be met before a separate notice may be mailed for partial-year ad valorem taxes; amending s. 200.065, F.S., relating to computing the "rolled-back rate," to conform; creating s. 200.0701, F.S.; providing for notice of partial-year assessment to be delivered to taxpayers; allowing the notice, at the discretion of the property appraiser, to be separate or combined with the notice required in s. 200.069, F.S.; providing for the date of initial application of this act; amending s. 212.08, F.S.; conforming a crossreference; amending ss. 163.387, 197.102, 197.122, F.S.; amending provisions relating to redevelopment trust funds, definitions used in ch. 197, F.S., and provisions relating to tax liens, to provide for the date on which a tax lien attaches if the lien relates to property on which partial-year assessment is imposed; providing a contingent effective date.

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

By Senators Clary and Diaz-Balart—

SB 742—A bill to be entitled An act relating to sponsored research and development; amending s. 220.15, F.S.; providing that certain property and payroll associated with sponsored research and development at a state university will be disregarded in calculating apportionment of adjusted federal income and that such research will not, alone, cause a corporation to incur state income tax liability; authorizing the Department of Revenue to adopt rules; requiring a report; providing an effective date.

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

By Senators Holzendorf and Thomas—

SB 744—A bill to be entitled An act relating to fictitious names; amending s. 865.09, F.S.; prohibiting use of a fictitious name for certain purposes; providing a penalty; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Williams—

SB 746—A bill to be entitled An act relating to confidentiality of records and meetings of the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; providing exemptions from public records requirements for underwriting files, open claim files, audit records for a specified time, matters reasonably encompassed in privileged attorney-client communications, licensed proprietary information made confidential by contract, certain employee medical records and employee assistance programs records, certain negotiation information for a specified time, minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding claims files for a specified time; providing requirements regarding sharing of confidential records; providing an exemption from public meetings requirements for meetings during which underwriting files or open claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Senator Williams—

SB 748—A bill to be entitled An act relating to private corporations; amending s. 155.40, F.S.; providing that a private corporation that leases a public hospital or public health care facility is not a person acting on behalf of such entity and subject to the open records and meetings law under certain circumstances; providing a finding of public purpose; providing future repeal; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Senator Klein—

SB 750—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; deleting a provision that prohibits the court from sentencing a person convicted of driving under the influence to a term of probation which is concurrent with the period during which the person's vehicle is impounded or immobilized; providing an effective date.

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

By Senator Klein—

SB 752—A bill to be entitled An act relating to building designations; designating the first Lifelong Learning Center to be constructed at Florida Atlantic University for use by the Lifelong Learning Society as the "Barry and Florence Friedberg Lifelong Learning Center"; directing the Board of Regents to erect suitable markers; providing an effective date.

—was referred to the Committee on Education.

By Senator Williams—

SB 754—A bill to be entitled An act relating to public employee retirement systems; creating the Public Employees Portable Retirement Option Act; providing legislative purpose; providing definitions; providing for administration of the plan; providing for eligibility; providing for readmission; providing for management; providing reporting requirements; providing an effective date.

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

By Senator Klein—

SB 756—A bill to be entitled An act relating to Alzheimer's disease and related disorders; amending s. 430.502, F.S.; establishing an additional memory disorder clinic; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; providing an effective date.

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

By Senators Grant, Latvala, Clary, Holzendorf, Meadows, Gutman, Hargrett, Ostalkiewicz, Williams, Dudley, Horne, Klein, Forman, Casas, Bronson, Thomas, Rossin, Harris, Cowin, Brown-Waite, Silver, Lee, Campbell, Turner, Sullivan, Childers, Burt, Myers, Crist, Scott, Dyer and Diaz-Balart—

SB 758—A bill to be entitled An act relating to the State University System; amending s. 240.207, F.S.; providing terms of office for members of the Board of Regents; amending s. 240.209, F.S.; requiring confirmation of persons appointed as Chancellor of the State University System after a date certain; authorizing universities to increase tuition and matriculation fees within certain limits; deleting a restriction on the faculty appointment of former university presidents; providing an effective date.

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

By the Committee on Commerce and Economic Opportunities; and Senators Harris and Klein—

SB 760—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; revising the reporting requirements of the Office of Tourism, Trade, and Economic Development relating to permits and rules; authorizing the Office of Tourism, Trade, and Economic Development to coordinate establishment of a one–stop permit registry; amending s. 212.097, F.S.; clarifying the definition of a "new business" under the Urban High–Crime Area Job Tax Credit Program; amending s. 212.098, F.S.; clarifying the definition of a "new business" under the Rural Job Tax Credit Program; amending s. 288.075, F.S.; specifying that the prohibition against contracting with entities that have requested confidentiality of certain economic development information does not apply to a public officer or employee or an economic development agency employee acting in his or her official capacity; amending s. 288.095, F.S.; establishing a cap on the total amount of the state share of tax refunds that may be approved for a single fiscal year under the tax refund programs for qualified defense contractors, qualified target industry businesses, and brownfield redevelopment; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; amending s. 288.90151, F.S.; revising the matching private funding requirements for Enterprise Florida, Inc.; providing for partial release of funds placed in reserve under specified circumstances; providing an effective date.

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

By the Committee on Commerce and Economic Opportunities—

SB 762—A bill to be entitled An act relating to workforce development; transferring and amending s. 288.9620, F.S.; providing legislative findings; creating the Workforce Development Board within Enterprise Florida, Inc.; providing for a board of directors and for officers and employees; providing duties of the board and of its board of directors; providing for reports and audits; requiring measures and standards of workforce development strategy; transferring and amending ss. 446.601, 446.602, 446.603, 446.604, 446.605, 446.606, 446.607, F.S.; conforming terminology and cross-references; amending s. 288.902, F.S.; deleting an obsolete cross-reference; providing an effective date.

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

By Senator Turner—

SB 764—A bill to be entitled An act relating to small businesses; amending ss. 235.31, 287.093 F.S.; authorizing a county, municipality, community college, or district school board to allocate certain funds for construction contracts with small businesses and for contracts with small businesses for personal property or services; providing an effective date.

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

By Senator Diaz-Balart—

SB 766—A bill to be entitled An act relating to insurance; creating s. 626.2816, F.S.; requiring continuing education course providers and instructors to be approved by the Department of Insurance; providing for the adoption of rules; amending s. 626.601, F.S.; providing for the department to investigate alleged improper conduct by customer representatives and continuing education course providers and instructors; amending s. 626.681, F.S.; providing for administrative fines in addition to other penalties for certain licensees, appointees, and other persons; increasing an administrative penalty; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Diaz-Balart—

SB 768—A bill to be entitled An act relating to sureties; amending s. 648.442, F.S.; authorizing the Department of Insurance to establish a form for an affidavit and statement required under s. 903.14, F.S., relating to the amount and source of any security or consideration for a surety bond; prescribing a statement to be included on indemnity agreements; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Diaz-Balart—

SB 770—A bill to be entitled An act relating to firefighter and forestry firefighter training and certification programs; amending s. 633.35, F.S.; providing for the issuance of a special certificate for administrative and command heads; providing guidelines for certain reexaminations; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Gutman and Brown-Waite—

SB 772—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; authorizing the court to aggregate the value of damage to separate properties in determining the sentence for an offense of criminal mischief in which the damage occurred during one scheme or course of conduct; providing an effective date.

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

By Senator Gutman—

SB 774—A bill to be entitled An act relating to drivers' licenses; amending s. 322.34, F.S.; specifying what constitutes knowledge, for purposes of determining whether a person has committed the crime of driving with a drivers' license that has been suspended, canceled, or revoked; providing an effective date.

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

By Senator Clary—

SB 776—A bill to be entitled An act relating to physician assistant certification; amending s. 458.347, F.S.; exempting applicants from a practical examination requirement; providing guidelines for the translation of the examination into other languages; providing for examinations to be administered at specified intervals, providing an effective date.

—was referred to the Committee on Health Care.

By Senator Gutman—

SB 778—A bill to be entitled An act relating to controlled substances; creating s. 893.133, F.S.; providing inferences that may be drawn from the possession of specified amounts of cocaine, marijuana, heroin, amphetamine, or methamphetamine with respect to intent to deliver or sell such substance; providing an effective date.

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

By Senator Gutman—

SB 780—A bill to be entitled An act relating to felony offenders; amending s. 775.084, F.S.; providing that for purposes of sentencing an offender as a violent career criminal, a habitual felony offender, or a habitual violent felony offender, placement of the offender on community

control without an adjudication of guilt is considered a prior conviction under certain circumstances; providing an effective date.

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

By Senator Gutman—

SB 782—A bill to be entitled An act relating to offenses involving the obstruction of law enforcement; amending s. 843.08, F.S.; reclassifying or increasing the penalties for the offenses of falsely assuming or pretending to be, or falsely personating, an officer of the Florida Highway Patrol, Game and Fresh Water Fish Commission, Department of Environmental Protection, Department of Transportation, or Department of Corrections, a correctional probation officer, sheriff or deputy sheriff, state attorney or assistant state attorney, statewide prosecutor or assistant statewide prosecutor, state attorney investigator, coroner, police officer, lottery special agent or lottery investigator, beverage enforcement agent or watchman, member of the Parole Commission or administrative aide or supervisor employed by the commission, or any personnel or representative of the Department of Law Enforcement; providing that such false assumption or pretense is a felony of the second degree; providing that such false personation during the course of the commission of a felony is a felony of the first degree; providing that such false personation during the commission of a felony which results in the death or personal injury of another human being is a felony of the first degree punishable by life imprisonment; providing penalties; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart; removing a nonconforming reference; providing for ranking of the offenses; providing an effective date.

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

By Senator Gutman—

SB 784—A bill to be entitled An act relating to weapons and firearms; amending s. 790.001, F.S.; redefining the term "concealed firearm" to include a provision that defines when a firearm carried in a motor vehicle is considered concealed; providing penalties; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Gutman—

SB 786—A bill to be entitled An act relating to the offense of trespass; amending s. 810.08, F.S.; providing an enhanced penalty for trespass in a structure or conveyance if the offender commits an assault or battery upon any person in the structure or conveyance; providing an effective date.

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

By Senators Klein, Diaz-Balart, Crist, Dudley, Horne, Silver, Lee, Kirkpatrick, Dyer and Holzendorf—

SB 788—A bill to be entitled An act relating to sexual predators; creating the "Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act"; creating s. 916.30, F.S.; providing findings and intent; creating s. 916.31, F.S.; defining terms; creating s. 916.32, F.S.; requiring notice of release from custody of a person alleged to be a sexually violent predator; providing for the person's evaluation; creating s. 916.33, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.34, F.S.; providing for determination of probable cause, evaluation, and taking such person into custody; creating s. 916.35, F.S.; providing for trial on the issue of whether a person is a sexually violent predator; creating s. 916.36, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.37, F.S.; requiring annual examination of persons committed; creating s. 916.38, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; providing that the Department of Children and Family Services is responsible for specified evaluation and treatment costs; creating s. 916.41, F.S.; providing for notice to victims; creating s. 916.42, F.S.; providing severability; creating s. 916.43, F.S.; providing for access to certain records; providing an effective date.

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

By Senators Crist and Latvala—

SB 790—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating an Everglades River of Grass license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senators Latvala, Myers, Gutman, Bronson, Casas and Campbell—

SB 792—A bill to be entitled An act relating to dental insurance coverage; creating ss. 627.4295 and 627.65755, F.S., and amending ss. 627.6471, 627.6472, 641.31, F.S.; requiring health insurance policies and contracts to provide coverage for general anesthesia and hospitalization for certain persons under certain circumstances; providing an effective date.

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

By Senator Dudley—

SB 794—A bill to be entitled An act relating to the offense of fleeing or attempting to elude a law enforcement officer; amending s. 316.1935, F.S.; providing that it is a third-degree felony for the operator of a vehicle to fail to stop the vehicle when so directed by a law enforcement officer or to attempt to elude such officer; providing that, following an order by a law enforcement officer to stop, it is a second-degree felony for a person to cause the law enforcement officer to engage in a vehicle pursuit, regardless of the speed of the pursuit; providing that the offense of aggravated fleeing or eluding a law enforcement officer is a second-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; revising the ranking of such offenses to conform to changes made by the act; providing an effective date.

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

By Senator Silver—

SB 796—A bill to be entitled An act relating to health maintenance organizations; requiring a health maintenance organization to reimburse providers of covered services for services provided to the organization's members; providing guidelines for such reimbursement; providing penalties for noncompliance; providing for interest on overdue claims payments; providing an exception for good faith disputes over the legitimacy of claims or the amount of reimbursement; providing an effective date.

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

By Senator Silver—

SB 798—A bill to be entitled An act relating to sexual offenses against children; amending s. 415.504, F.S., relating to mandatory reports of child abuse or neglect; requiring the Department of Children and Family Services to report within a specified period each alleged juvenile offense involving a child victim under 16 years of age to the appropriate law enforcement agency having jurisdiction over the offense; reenacting s.

415.503, F.S., relating to penalties relating to abuse reporting, to incorporate said amendment in a reference; amending s. 794.05, F.S., relating to unlawful sexual activity with certain minors; prohibiting any person at least 21 years of age from engaging in sexual activity with a person 16 or 17 years of age; redefining "sexual activity" to include certain penetration by an object; providing an exception for acts between married persons; providing for nonapplicability of specified provisions to certain persons who have had the disabilities of nonage removed; prohibiting certain acts against a child under 16 years of age, or forcing or enticing a child to commit any such act, involving handling, fondling, or assaulting a child in a lewd, lascivious, or indecent manner, actual or simulated sexual intercourse, deviate intercourse, sexual bestiality, masturbation, sadomasochistic abuse, actual lewd exhibition of genitals, or conduct which simulates sexual battery; prohibiting specified acts of sexual activity upon a child under 16 years of age, or lewd or lascivious acts in the presence of the child; providing penalties; providing that the victim's lack of chastity, prior sexual conduct, or consent is not a defense; providing an exception for maternal breastfeeding; requiring establishment of paternity and providing offender's child support liability, under specified circumstances; repealing s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in the presence of a child; amending s. 27.365, F.S., relating to Florida Prosecuting Attorneys Association, s. 90.4025, F.S., relating to admissibility of paternity determination, s. 382.356, F.S., relating to protocol for sharing certain birth control information, s. 409.2355, F.S., relating to programs for prosecution of males over age 21 who commit certain offenses involving girls under age 16, s. 411.243, F.S., relating to Teen Pregnancy Community Initiative, s. 775.082, F.S., relating to penalties, s. 775.084, F.S., relating to violent career criminals, habitual felony offenders, and habitual violent felony offenders, s. 775.0877, F.S., relating to criminal transmission of HIV, s. 775.15, F.S., relating to time limitations, s. 775.21, F.S., relating to sexual predators, s. 787.01, F.S., relating to kidnapping, s. 787.02, F.S., relating to false imprisonment, s. 787.025, F.S., relating to luring or enticing a child, s. 827.04, F.S., relating to contributing to the delinquency or dependency of a minor, s. 914.16, F.S., relating to limits on interviews of certain child abuse and sexual abuse victims, s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, s. 943.0435, F.S., relating to reporting requirements for sex offenders, s. 943.0585, F.S., relating to court-ordered expunction of criminal history records, s. 943.059, F.S., relating to court-ordered sealing of criminal history records, s. 944.606, F.S., relating to notification upon release of sexual offenders, s. 944.607, F.S., relating to certain notification of information on sex offenders, s. 947.1405, F.S., relating to conditional release program, s. 948.03, F.S., relating to terms and conditions of probation or community control, s. 948.06, F.S., relating to violation of probation or community control, and s. 985.03, F.S., relating to definitions with respect to ch. 985, F.S., relating to delinquency, to conform references to said repeal of s. 800.04, F.S.; amending s. 827.01, F.S.; redefining "caregiver" with respect to ch. 827, F.S., relating to abuse of children; amending s. 827.03, F.S., relating to abuse, aggravated abuse, and neglect of a child; redefining "child abuse"; prohibiting failure by a caregiver to report known or suspected child abuse within a specified time period to the appropriate law enforcement agency having jurisdiction over the offense; providing penalties; reenacting s. 415.5018(4)(b), F.S., relating to family services response system, and s. 787.04(5), F.S., relating to certain offenses of removing minors from state or concealing minors, to incorporate said amendment in references; amending s. 827.071, F.S., relating to sexual performance by a child; prohibiting possession, with intent to promote, of a videotape, video laser disc, audiotape, compact disc, computer diskette, or computer hard drive which in whole or in part includes any sexual conduct by a child, and providing that possession of three or more copies of same is prima facie evidence of intent to promote; providing penalties; reenacting s. 772.102(1)(a), F.S., relating to definition of "criminal activity", s. 794.024(1), F.S., relating to unlawful disclosure of identifying information, s. 895.02(1)(a), F.S., relating to definition of "racketeering activity," and s. 934.07, F.S., relating to authorized interception of wire, oral, or electronic communications, to incorporate said amendments in references; providing an effective date.

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

By Senator Grant—

SB 800—A bill to be entitled An act relating to workers' compensation; amending s. 440.092, F.S.; specifying special requirements for compensability with respect to officers who are going to or coming from work in law enforcement or corrections vehicles; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Crist—

SB 802—A bill to be entitled An act relating to the health of inmates in the state correctional system; amending s. 944.09, F.S.; requiring that the Department of Corrections adopt rules for monitoring the purchases made by inmates from the commissary or canteen; requiring the department to prohibit an inmate from purchasing items that are contrary to a restricted diet prescribed by a physician; requiring that the department add additional time to an inmate's sentence if an inmate makes a prohibited purchase; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Crist—

SB 804—A bill to be entitled An act relating to political campaigns; amending s. 106.15, F.S.; prohibiting the use of state-owned aircraft by any person for campaign purposes; providing a penalty; amending s. 921.0012, F.S.; establishing violations under offense level 4 of the felony sentencing guidelines; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Criminal Justice.

By Senator Dudley—

SB 806—A bill to be entitled An act relating to records of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.047, F.S.; providing an exemption from public records requirements for information relative to an investigation by the division under the Florida Uniform Land Sales Practices Law for a specified period; providing for continued exemption for certain information relative to such investigation under certain conditions; authorizing certain disclosure of such information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Reform and Oversight.

By Senator Grant—

SB 808—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain radio stations and other organizations that conduct religious activities; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Silver—

SB 810—A bill to be entitled An act relating to the International Motorsports Museum facility; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to such facility; creating s. 288.11695, F.S.; providing for certification of such facility by the Office of Tourism, Trade, and Economic Development; providing requirements for certification; requiring the International Motorsports Museum facility to contribute certain advertising; terminating or abating funding under certain circumstances; providing for use of the funds distributed to the museum; providing for audits by the Department of Revenue; providing for periodic recertification; requiring applicants for certification to contract with the Department of Labor and Employment Security to hire WAGES program participants; providing contract requirements; requiring a report; amending ss. 218.65, 288.1169, F.S.; conforming cross-references; providing an effective date.

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

By Senators Dyer, Latvala, Williams, Brown-Waite, Diaz-Balart and Forman—

SB 812—A bill to be entitled An act relating to clean air; creating ss. 252.934, 252.935, 252.936, 252.937, 252.938, 252.939, 252.940, 252.941, 252.942, 252.944, 252.945, F.S.; providing for the Florida Accidental Release Prevention and Risk Management Planning Act; providing a short title and purpose; defining terms; directing the Department of Community Affairs to seek delegation from the U.S. Environmental Protection Agency to implement the Accidental Release Prevention Program under the federal Clean Air Act; providing for funding and fees; providing enforcement authority; providing penalties; authorizing the department to conduct inspections and audits; providing for tort liability; providing for a start-up loan; providing an effective date.

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

By Senators Dyer, Latvala, Williams, Brown-Waite, Diaz-Balart and Forman—

SB 814—A bill to be entitled An act relating to public records; creating s. 252.943, F.S.; providing an exemption from public records for information provided by a stationary source subject to the Accidental Release Prevention Program under the federal Clean Air Act; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

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

By Senator Horne—

SJR 816—A joint resolution proposing amendments to Section 10 of Article V and Section 4 of Article VI of the State Constitution relating to judicial terms and term limitations.

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

By Senator Horne—

SB 818—A bill to be entitled An act relating to fire prevention and control; amending s. 633.537, F.S.; changing expiration and renewal of certificates of competency for fire protection contractors from an annual to a biennial basis; revising continuing education requirements and providing transitional continuing education requirements, to conform; amending s. 633.524, F.S.; increasing the renewal fee, to conform; amending s. 633.60, F.S., relating to engaging in the business or acting in the capacity of a contractor of automatic fire sprinkler systems, to conform; providing an effective date.

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

By Senator Kurth—

SB 820—A bill to be entitled An act relating to skateboarding and rollerblading activities; creating s. 316.0085, F.S., providing legislative purpose; providing definitions; providing limitations on liability with respect to governmental entities and public employees with respect to persons who participate in skateboarding or rollerblading activities on property owned or leased by the governmental entity; providing exceptions; providing for liability of independent concessionaires or other persons or organizations for certain injuries or damages; providing for the assumption of certain risks; providing for the effect of certain insurance; providing an effective date.

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

By Senator Williams—

SB 822—A bill to be entitled An act relating to vehicles used by state agencies; requiring a report from agency inspectors general on employee use of state motor vehicles; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; authorizing the division to operate a centralized vehicle leasing program; providing for the deposit of lease payments; specifying the use of lease payments; requiring a report to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

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

By Senator Williams—

SB 824—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; defining the terms "disincentive" and "incentive" for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies to submit performance-based budget requests; providing for inclusion of incentives and disincentives in budget documentation; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring additional information to be included in program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 186.021, 186.022, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; repealing s. 186.031, F.S., relating to the annual report by the Governor in his capacity as chief planning and budgeting officer of the state; providing an effective date.

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

By the Committee on Natural Resources—

SB 826—A bill to be entitled An act relating to solid waste management; amending s. 403.705, F.S.; providing for a solid waste diversion goal; amending s. 403.706, F.S.; providing that a county's solid waste management and recycling program must be designed to meet the diversion goal; deleting language relating to a solid waste reduction goal and its requirements; deleting the requirement that certain counties must provide an opportunity to recycle; deleting the provision that allows the Department of Environmental Protection to reduce or modify the solid waste reduction goal under certain circumstances; deleting certain penalties for counties not meeting solid waste reduction goal provisions; amending s. 403.7095, F.S.; providing criteria that counties must meet in order to be eligible for recycling incentive grants; deleting obsolete provisions; providing that the Legislature must review the provisions of s. 403.7095, F.S., relating to recycling grants prior to October 1, 2002; providing an effective date.

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

By Senator Cowin—

SB 828—A bill to be entitled An act relating to access to the courts for vulnerable elders; providing legislative findings and intent; defining the term "elder"; requesting the Judicial Management Council or another court committee to evaluate the accessibility of the courts to elders and make recommendations to improve the responsiveness of the courts; providing an effective date.

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

By Senators Cowin, Brown-Waite and Grant—

SB 830—A bill to be entitled An act relating to homestead tax exemptions; amending s. 196.011, F.S.; deleting requirements for social security numbers to be included on applications for homestead exemptions; providing an effective date.

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

By Senators Kirkpatrick, Sullivan and Forman—

SB 832—A bill to be entitled An act relating to information resources management; amending s. 186.021, F.S.; providing that certain information resources management projects are not required in agency strategic plans; amending s. 216.181, F.S.; providing that certain information resource management projects are not subject to the mandatory notice and review requirements for amendments to agencies' original approved operating budgets; amending s. 186.022, F.S.; providing that certain coordinating councils and boards are required to develop annual performance reports; amending s. 282.3063, F.S.; modifying the date for submission of the Agency Annual Information Resources Management Report; amending s. 282.310, F.S.; modifying the date by which the State Annual Report on Information Resources Management must be developed; requiring the inclusion of specified information within the report; amending s. 282.3091, F.S.; authorizing members of the State Technology Council to appoint designees to serve on their behalf; amending s. 282.404, F.S.; removing the chair of the Geographic Information Advisory Council as an ex officio member of the Geographic Information Board; requiring the chair to attend all meetings of the Geographic Information Board on behalf of the council; amending s. 215.96, F.S.; providing a technical correction; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Gutman—

SB 834—A bill to be entitled An act relating to gambling equipment; creating s. 849.2315, F.S.; directing the Department of Business and Professional Regulation to make certain rules; requiring manufacturers to be bonded and to place a registration number on equipment manufactured; providing for administrative and criminal penalties; providing an effective date.

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

By Senator Gutman—

SB 836—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S., relating to player activated vending machines; requiring a certain number of clerks to be on duty at certain lottery retailer locations; amending s. 24.111, F.S.; deleting the requirement that the Department of the Lottery lease all instant vending machines for a specified initial evaluation period; providing an effective date.

—was referred to the Committee on Regulated Industries.

SR 838—Not referenced.

By Senator Bronson—

SB 840—A bill to be entitled An act relating to timber management; amending s. 253.034, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services to assess the feasibility of managing timber in land management plans; providing for the reimbursement of management services performed by the division; amending s. 259.035, F.S.; requiring the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy; amending s. 373.591, F.S.; specifying circumstances under which the land managing agency must provide an explanation to the management review team concerning the management of lands; providing an effective date.

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

By Senator Campbell—

SB 842—A bill to be entitled An act relating to the subsidized adoption program for the special needs child; amending s. 409.166, F.S.; amending the definition of the term "special needs child"; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator Hargrett—

SB 844—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.091, F.S.; providing that on specified highways certain commercial vehicles may drive only in certain lanes; amending s. 316.302, F.S.; adopting federal motor carrier safety regulations; amending s. 316.545, F.S.; prescribing the penalty for operating an overweight or improperly registered commercial vehicle; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Hargrett—

SB 846—A bill to be entitled An act relating to the Department of Transportation; amending s. 334.044, F.S.; authorizing the department to regulate the transfer of storm water to the right-of-way as a result of changes to adjacent property; amending s. 337.105, F.S.; authorizing the department to suspend a consultant from awards of department contracts for specified good cause; amending s. 339.0805, F.S.; authorizing the department to suspend or revoke the certification of a disadvantaged business enterprise for specified good cause; providing an effective date.

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

By Senator Turner—

SB 848—A bill to be entitled An act relating to art therapy; providing for regulation of the practice of art therapy under chapter 491, F.S., relating to clinical social work, marriage and family therapy, and mental health counseling; amending s. 491.002, F.S.; providing intent; amending s. 491.003, F.S.; revising and providing definitions; amending s. 491.004, F.S.; renaming the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling as the the Board of Clinical Social Work, Marriage and Family Therapy, Art Therapy, and Mental Health Counseling; increasing board membership to provide for appointment of an art therapist member; amending s. 491.0045, F.S.; providing for registration of art therapist interns; amending s. 491.0046, F.S.; providing for provisional licensure; amending s. 491.005, F.S.; providing licensure requirements; amending s. 491.006, F.S.; providing for licensure by endorsement; amending s. 491.012, F.S.; providing penalties with respect to the use of certain titles and terms and with respect to unlicensed practice; amending s. 491.014, F.S.; conforming a cross-reference; amending s. 491.0149, F.S.; requiring the display of license at each practice location; requiring the use of certain professional titles on promotional materials; amending ss. 20.43, 61.20, 90.503, 397.311, 397.405, 456.32, 468.1295, 490.00515, 490.014, 627.668, F.S., relating to the Department of Health, social investigations when child custody is in question, a definition of "psychotherapist," a definition of "private practitioner," certain exemptions from licensure, definitions of "healing arts" and "practitioner of the healing arts," a ground for disciplinary action relating to impairment as a speech-language pathologist or audiologist, exemptions from public records applicable to psychologists, exemptions from regulation as a psychologist, and optional insurance coverage for mental and nervous disorders, respectively, to provide applicability to art therapists and other conforming changes; providing an effective date.

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

By Senator Turner—

SB 850—A bill to be entitled An act relating to public records and meetings; amending s. 491.0047, F.S.; providing for application of public records exemptions in ss. 455.621(2) and (10) and 455.707(3)(e) and (5)(a), F.S., to certain information concerning art therapists, registered art therapist interns, and provisional art therapists; providing for application of the public meetings exemption in s. 455.621(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Senator Forman—

SB 852—A bill to be entitled An act relating to condominiums; amending s. 718.115, F.S.; authorizing condominium households receiving supplemental security income or food stamps to discontinue cable television service without fees, penalties, or service charges; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senators Williams, Brown-Waite, Kirkpatrick and Cowin—

SB 854—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Sheriffs Youth Ranches license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Sullivan—

SB 856—A bill to be entitled An act relating to funding for beach management; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of beach preservation and repair; providing an effective date.

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

SR 858—Not referenced.

By Senator Kirkpatrick—

SB 860—A bill to be entitled An act relating to voyeurism; creating s. 810.14, F.S.; prohibiting a person from entering onto real property without authorization for the purpose of secretly observing the occupant of a building or structure; providing a penalty; providing an effective date.

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

By Senator Kirkpatrick—

SB 862—A bill to be entitled An act relating to educational technology; requiring the consolidation and publication of educational technology related statutes and rules; requiring establishment of a technological standard for schools and development of a plan for its implementation; providing requirements for technological upgrades and school design; providing allowable capital expenditures; requiring the pursuit of federal and other funds; requiring establishment of a Technology Services and Products Bank and providing purposes thereof; requiring development of a plan to provide information programs to venues outside the classroom; providing an effective date.

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

By Senator Meadows—

SB 864—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption under certain circumstances to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed; providing for canceling outstanding tax certificates on, and taxes assessed against, such property and for refunding any such taxes that have been paid; providing for expiration; providing an effective date.

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

By Senator Meadows—

SB 866—A bill to be entitled An act relating to professional sports franchises; amending s. 288.1162, F.S.; providing for certification of a retained spring training franchise facility by the Office of Tourism, Trade, and Economic Development, upon determination that certain requirements have been met; providing the uses that such facility may make of funds provided pursuant to s. 212.20, F.S.; increasing the number of facilities that may be certified under that section; providing for the creation and maintenance of amateur sports fields by certified applicants; providing that an applicant certified as a retained spring training franchise facility is required to have a contract with the Department of Labor and Employment Security for the hiring of WAGES participants; providing contract requirements; providing for an annual report on the extent of WAGES hiring by the applicant; amending s. 212.20, F.S.; providing for a monthly distribution of a portion of the revenues of the tax on sales, use, and other transactions to a certified retained spring training franchise facility for a specified period; providing an effective date.

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

By Senator Meadows—

SB 868—A bill to be entitled An act relating to building codes; establishing a single statewide building code for governing the design, construction, code enforcement, erection, alteration, modification, maintenance, and demolition of the public and private built environment.

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

By Senator Meadows—

SB 870—A bill to be entitled An act relating to public records and meetings; amending s. 491.106, F.S.; providing for application of public records exemptions in ss. 455.621(2) and (10) and 455.707(3)(e) and (5)(a), F.S., to certain information concerning licensed master social workers and licensed bachelor social workers; providing for application of the public meetings exemption in s. 455.621(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

By Senator Kirkpatrick—

SB 872—A bill to be entitled An act relating to game and fishing licenses; amending s. 370.0605, F.S.; deleting a short-term saltwater

fishing license; amending s. 372.16, F.S.; revising the license fee for private game preserves and farms; amending s. 372.561, F.S.; providing for the value of a universal form or stamp; amending s. 372.57, F.S.; revising age categories for certain licenses; creating s. 372.579, F.S.; authorizing the Game and Fresh Water Fish Commission to establish processing fees; amending s. 372.661, F.S.; revising the license fee for a private hunting preserve; amending s. 372.672, F.S.; providing an additional purpose for the use of funds from the Florida Panther Research and Management Trust Fund; amending s. 372.674, F.S.; authorizing the use of the Florida Panther Research and Management Trust Fund for environmental education projects; amending s. 372.87, F.S.; revising the license fee for possessing venomous reptiles; amending s. 372.921, F.S.; revising licenses and fees for the exhibition of wildlife; amending s. 372.922, F.S.; revising licenses and fees for the personal possession of wildlife; providing an effective date.

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

By Senators McKay, Dudley, Rossin, Ostalkiewicz, Lee and Campbell—

SB 874—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; specifying certain rights of jurors; authorizing discussions among jurors; authorizing jurors to take notes; authorizing certain information to be provided to jurors; authorizing jurors to submit written questions to the court and to witnesses; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; requiring the completion of mediation before trial is set in certain civil actions; amending s. 57.105, F.S.; revising conditions under which attorney's fees may be imposed against a party and the party's attorney for presenting unsupported claims or defenses; entitling an opposing party to strike certain claims or defenses raised by a party who has been sanctioned in a specified number of actions within a specified period for presenting unsupported claims or defenses; authorizing the court to impose additional sanctions or requirements; authorizing damage awards against a party who takes specified actions for the purpose of delay; amending s. 90.803, F.S.; revising the requirements under which former testimony may be allowed at trial as an exception to the prohibition against hearsay evidence; amending s. 95.031, F.S.; limiting the period during which an action may be brought for product liability; providing for application; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee if the employer conducts a preemployment background investigation; prescribing the elements of such background investigation; specifying that electing not to complete the background investigation does not constitute a failure to use reasonable care in hiring an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.098, F.S.; providing that a business owner or operator is immune from liability under certain circumstances for an intentional tort by a third party against an invitee; providing for an exception; providing that, under certain circumstances, a state agency or political subdivision may be held liable to the same extent as a private person for failure to provide adequate security or police protection; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if the plaintiff was more than a specified percentage at fault due to the influence of an alcoholic beverage or drugs; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.73, F.S.; requiring certain findings for, and providing for reduction of, subsequent punitive damage awards under specified circumstances; requiring that a specified percentage of an award for punitive damages be paid to the state; requiring the Department of Banking and Finance to collect the payments of such awards; providing for attorney's fees for the claimant to be based on the entire award of punitive damages; creating s. 768.781, F.S.; providing for terms in certain contracts for an attorney's services; requiring that notice be sent to each allegedly responsible party; providing requirements for a presuit response and settlement offer; amending s. 768.79, F.S.; authorizing the court to consider whether a proposal was reasonably rejected when considering entitlement to and the amount of an award of attorney's fees; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; providing legislative findings and intent with respect to the regulation of legal advertising; creating s. 877.023, F.S.; regulating the content of advertisements for legal services; providing a penalty; specifying that the provisions do not abrogate certain other laws, codes, ordinances, rules, or penalties; requiring the clerk of court to report certain information on negligence cases to the Office of the State Court Administrator; providing for severability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 876—A bill to be entitled An act relating to medicaid third–party liability; providing intent concerning the application of certain amendments; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 878—A bill to be entitled An act relating to medical malpractice; providing intent concerning the application of such laws; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Clary—

SB 880—A bill to be entitled An act relating to barbering and cosmetology; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; repealing s. 476.134, F.S., relating to time, place, and subjects of examination; amending s. 476.144, F.S.; revising requirements for a restricted license to practice barbering; amending s. 477.013, F.S.; defining the terms "hair wrapping" and "photography studio salon"; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty salon; amending s. 477.0135, F.S.; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure by examination; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; repealing s. 477.022, F.S., relating to examinations; amending s. 477.026, F.S.; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; providing an effective date.

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

By Senators Sullivan, Myers, Dudley, Gutman, Forman, Klein, Bronson, Latvala, Harris, Crist, Turner and Rossin—

SB 882—A bill to be entitled An act relating to funding for beach management; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of beach preservation and repair; providing an effective date.

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

By Senator Clary—

SB 884—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; revising provisions which authorize imposition of an additional tax to pay debt service on bonds issued to finance construction or renovation of a professional sports

franchise facility or convention center; removing a condition on use of tax revenues for a convention center; providing an effective date.

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

By Senator Bronson—

SB 886—A bill to be entitled An act relating to political advertisements; creating s. 106.1433, F.S.; providing requirements for use of manipulated images in political advertisements; providing definitions; providing penalties; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Bronson—

SB 888—A bill to be entitled An act relating to sales and use tax exemptions; amending s. 212.08, F.S.; exempting certain flight training facilities from the sales and use tax; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Bronson—

SB 890—A bill to be entitled An act relating to ad valorem taxation; amending s. 196.012, F.S.; defining certain training facilities as educational institutions for purposes of tax exemptions; providing an effective date.

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

By Senator Rossin—

SB 892—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; providing for methadone maintenance treatment; amending s. 397.501, F.S.; providing for appropriate use of methods and techniques for controlling aggressive clients; providing rulemaking authority relating to the use of such methods and techniques; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator Rossin—

SB 894—A bill to be entitled An act relating to amphitheaters; requiring that amphitheaters located on or adjacent to fairgrounds be subject to all local noise ordinances; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Campbell—

SB 896—A bill to be entitled An act relating to antitrust claims; creating s. 542.195, F.S.; providing that an indirect purchaser may claim an injury under ch. 542, F.S., or part II, ch. 501, F.S., for an unlawful overcharge for goods or services; providing that passing an unlawful overcharge to others is a partial or complete defense; authorizing the court to consolidate cases, apportion damages, and delay disbursement of damages; providing for the defendant to receive a setoff against damages under certain circumstances; providing for proving and apportioning damages in a class action; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Burt—

SB 898—A bill to be entitled An act relating to postconviction proceedings in capital cases; repealing Rule 3.852, Florida Rules of Criminal Procedure, relating to the production of records in postconviction proceedings in capital cases; providing a contingent effective date.

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

By Senator McKay—

SB 900—A bill to be entitled An act relating to sales at flea markets; requiring persons selling certain products to have authorization from the manufacturer or distributor; providing a definition; providing penalties; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator McKay—

SB 902—A bill to be entitled An act relating to Florida Life and Health Guaranty Association assessments; amending s. 631.718, F.S.; revising a provision providing a preferential rate of assessment for insurance companies that issue certain annuity contracts; providing an effective date.

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

By Senator Gutman—

SB 904—A bill to be entitled An act relating to education; creating a pilot program to increase the number of school counselors; providing for grant allocations; requiring an evaluation; providing an effective date.

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

By Senator Cowin—

SB 906—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.185, F.S.; providing an exemption from the taxes for accounts receivable; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Gutman—

SB 908—A bill to be entitled An act relating to the death sentence; amending s. 921.141, F.S.; providing conditions under which a sentence of death may not be overturned; providing an effective date.

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

By Senator Gutman—

SB 910—A bill to be entitled An act relating to false identification; prohibiting a person from assuming the identity of another person and thereby causing an economic loss or legal disability; providing penalties; authorizing any person who suffers such economic loss or legal disability to apply to the court for an order to correct certain records; prohibiting a person who has been arrested or lawfully detained from giving a false name or false identification to a law enforcement officer or jail personnel; providing penalties; providing an enhanced penalty if any person suffers

an economic loss or legal disability due to the offense; defining the term "economic loss"; providing an effective date.

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

By Senators Diaz-Balart, Horne and Crist—

SB 912—A bill to be entitled An act relating to school funding; amending s. 236.081, F.S.; reducing the aggregate required–local–effort millage rate; providing a minimum base student allocation for FY 1998-1999; providing an effective date.

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

By Senator Forman—

SB 914—A bill to be entitled An act relating to the sentencing of capital felons; amending ss. 921.141, 921.142, F.S.; providing for a separate proceeding to determine whether a defendant accused of or convicted of a capital felony is mentally retarded; prescribing the penalty to be imposed if the defendant is determined to be mentally retarded; amending s. 924.07, F.S.; providing that the state may appeal a determination that a defendant is mentally retarded; providing an effective date.

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

By Senator Bronson—

SB 916—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing exemptions from the tax for aquaculture purposes; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Gutman—

SB 918—A bill to be entitled An act relating to patient records; amending s. 395.3025, F.S.; deleting a requirement that patient records be disclosed upon court subpoena in a criminal action unless otherwise prohibited; requiring that patient records be disclosed to a state attorney's office upon certain conditions; authorizing charges for providing such disclosure; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Gutman—

SB 920—A bill to be entitled An act relating to accident reports; amending s. 316.066, F.S.; providing that motor vehicle accident reports are not privileged or confidential; providing that such reports may be used in trials and administrative hearings; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By Senator Forman—

SB 922—A bill to be entitled An act relating to employee organizations; amending s. 447.303, F.S.; limiting deductions by employers of dues of certain employee organizations under certain circumstances; providing exceptions; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Sullivan—

SB 924—A bill to be entitled An act relating to nonpublic postsecondary education institutions; amending s. 246.021, F.S.; clarifying the definition of the term "college"; amending s. 246.031, F.S.; revising requirements relating to members of the State Board of Independent Colleges and Universities; amending s. 246.041, F.S.; deleting or correcting obsolete references; amending s. 246.084, F.S., relating to colleges receiving an authorization; revising certain requirements; providing for exemption from certain requirements; revising provisions relating to oversight of the review and collection of data for purposes of determining compliance; amending ss. 246.085, 246.121, F.S.; prescribing agencies whose accreditation will be recognized by the state; correcting obsolete references; amending s. 246.31, F.S., relating to the Institutional Assessment Trust Fund; conforming provisions; providing an effective date.

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

By Senator Lee—

SB 926—A bill to be entitled An act relating to eradication of agricultural pests; prescribing additional duties of the Department of Agriculture and Consumer Services and the Department of Health with respect to programs of emergency application of pesticide for eradication of plant pests; requiring studies of pesticides and of health issues relating to their use; requiring development of a system for informing the public of such programs and requiring public and other notice of certain programs of pest eradication; providing for information to be furnished to health-care providers; providing an effective date.

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

By Senator Campbell—

SB 928—A bill to be entitled An act relating to Law Day; creating s. 683.22, F.S.; designating "Law Day" and "Law Week"; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Campbell—

SB 930—A bill to be entitled An act relating to notification of an escaped prisoner; amending s. 960.001, F.S.; requiring that a state correctional facility, county jail, juvenile detention facility, or residential commitment facility immediately notify the sentencing judge of an escaped offender; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Brown-Waite—

SB 932—A bill to be entitled An act relating to regulation of professionals; amending s. 455.624, F.S.; specifying health care professionals for whom failure to wear certain identification while offering services to the public is grounds for disciplinary action; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Harris—

SB 934—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; including steam within the exemption for electricity used in certain manufacturing and related operations; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Harris—

SB 936—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; including certain nonprofit corporations that make and distribute recordings to blind or visually impaired persons within the definition of "religious institutions" for tax exemption purposes; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Harris—

SB 938—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; providing that the form for motor vehicle registration and renewal must include language permitting a voluntary contribution to the Florida Mothers Against Drunk Driving, Inc.; providing for the distribution of such contributions; providing an effective date.

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

By Senator Harris—

SB 940—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; providing a presumption for certain certification purposes; providing an exclusion; amending s. 288.703, F.S.; revising definitions; specifying application; providing an effective date.

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

By Senator Campbell—

SB 942—A bill to be entitled An act relating to voluntary trial resolution; creating s. 44.1051, F.S.; permitting the written agreement by two or more parties in a civil dispute to submit the controversy to binding voluntary trial resolution in lieu of litigation when no constitutional issue is involved; providing duties of the clerk of the court and guidelines relating to application for voluntary trial resolution; providing for fees; providing for tolling of statutory limitations period; providing for court appointment of a member of The Florida Bar to act as trial resolution judge; providing qualifications and authority of trial resolution judge; providing for subpoenas and court orders compelling attendance and production of certain evidence; providing for hearing and appeal; providing for applicability of the Florida Evidence Code; providing for issuance and enforcement through contempt powers of court orders carrying out the trial resolution judge's decision; providing for nonapplicability of voluntary trial resolution to certain disputes involving child custody, visitation, or support or rights of third parties not participating in voluntary trial resolution; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Campbell—

SB 944—A bill to be entitled An act relating to motor vehicle airbags; providing a short title; providing definitions; providing requirements on sales, replacement, or installation of airbags; providing penalties; providing an effective date.

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

By Senator Campbell—

SB 946—A bill to be entitled An act relating to guardians ad litem; amending ss. 61.401 and 61.403, F.S.; providing that the guardian ad litem and the child's attorney need not be the same person; providing that guardians ad litem who are attorneys in good standing with The Florida Bar may act as their own attorneys; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Campbell—

SB 948—A bill to be entitled An act relating to homicide; amending ss. 782.071, 782.072, F.S.; increasing the penalties imposed for committing the offense of vehicular homicide or vessel homicide; increasing the penalties imposed for committing vehicular homicide or vessel homicide and failing to give information and render aid when the offender knew, or should have known, that the accident occurred; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming references to changes made by the act; providing an effective date.

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

By Senator Campbell—

SB 950—A bill to be entitled An act relating to grand juries; amending s. 905.01, F.S.; increasing the number of persons serving on grand juries; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Grant—

SB 952—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for certain business records used in a prelitigation offer in an eminent domain proceeding; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

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

By Senator Grant—

SB 954—A bill to be entitled An act relating to community colleges; amending s. 240.353, F.S.; revising standards for calculating instruction units in community colleges; providing an effective date.

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

By Senator Latvala—

SB 956—A bill to be entitled An act relating to the Department of Environmental Protection; amending s. 20.255, F.S.; prescribing the divisions within the department; providing an effective date.

—was referred to the Committees on Natural Resources; and Governmental Reform and Oversight.

By Senator Harris—

SB 958—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing an additional ground for termination of parental rights due to chronic history of abuse of drugs, controlled substances, or alcohol; defining the term "chronic"; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Judiciary.

By Senator Harris—

SB 960—A bill to be entitled An act relating to campaign financing; amending s. 106.08, F.S.; providing a limitation on contributions made by a corporation and its subsidiary corporations; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Grant—

SB 962—A bill to be entitled An act relating to educational facilities; amending ss. 239.117, 240.35, F.S.; allowing community colleges to bond capital improvement fees for technology enhancement, maintenance, improvement, and renovation of educational facilities; providing an effective date.

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

By Senator Lee—

SJR 964—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

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

By Senator Lee—

SB 966—A bill to be entitled An act relating to postsecondary education; creating the "Drug-Free Postsecondary Education Act"; providing definitions; requiring suspension for a specified period by a public educational institution of a student convicted of any offense involving the sale, manufacture, distribution, possession, use, or trafficking of a controlled substance listed in Schedule I, II, or III of s. 893.03, F.S.; providing for forfeiture by the student of certain academic credit otherwise earned or earnable; requiring the public educational institution to revoke credit under certain circumstances; requiring denial for a specified period of state financial aid to a student of a nonpublic educational institution who is convicted of any offense involving the sale, manufacture, distribution, possession, use, or trafficking of a controlled substance listed in Schedule I, II, or III of s. 893.03, F.S.; requiring the nonpublic educational institution to agree to comply with the provisions for denial of financial aid in order to be eligible to have its students receive certain state funds; requiring any applicant for state financial aid to state in the application whether he or she has been convicted of the offense of sale, manufacture, distribution, possession, use, or trafficking of a controlled substance listed in Schedule I, II, or III of s. 893.03, F.S.; providing for construction; prohibiting failure to disclose information of such conviction or making a false statement regarding such information on the application for state financial aid; providing penalties; requiring the Department of Corrections to provide a list no less often than quarterly of all persons convicted of such offenses who are under the supervision of the department pursuant to a sentence of probation or community control; providing for severability; providing an effective date.

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

By Senator Lee—

SB 968—A bill to be entitled An act relating to the General Appropriations Act; providing a short title; amending s. 216.178, F.S.; requiring the reporting in the General Appropriations Act of certain information relating to household income and the funding of state government; providing applicability; providing an effective date.

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

By Senator Meadows—

SB 970—A bill to be entitled An act relating to the educational property tax exemption; amending s. 196.198, F.S.; providing circumstances in which land is considered to be property owned by an educational institution; providing an effective date.

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

By Senator Dudley—

SB 972—A bill to be entitled An act relating to condominiums; amending s. 718.103, F.S.; defining the terms "master association", "master declaration", and "multi-condominium association"; amending s. 718.111, F.S.; providing methods for the transfer of title to real property; providing methods for the purchase of a land lease or recreation lease; providing methods for the granting, modification, or movement of an easement; providing that the definition of the term "building" for purposes of hazard insurance is not applicable to master associations; providing for financial reporting requirements; providing for the commingling of reserve and operating funds; amending s. 718.112, F.S.; providing that the administration, quorum and voting requirements, unit owner meetings, budget meetings, annual budgets, assessments, and recall of board members of an association may be governed by a master declaration, declaration of condominium, articles of incorporation, or bylaws of the association; providing special conditions for master associations; authorizing master associations to collect assessments annually; amending s. 718.113, F.S.; authorizing improvements to association property by master declaration, declaration of condominium, articles of incorporation, or bylaws; exempting master associations from hurricane shutter specifications; amending s. 718.114, F.S.; providing for the exercise of association powers through a master declaration, declaration of condominium, articles of incorporation, or bylaws; amending s. 718.115, F.S.; providing that telecommunication services may be considered a common expense; amending s. 718.116, F.S.; revising assessments; amending s. 718.501, F.S.; providing procedures for the investigation of violations and the imposition of fines by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 721.05, F.S.; conforming a statutory cross-reference; providing an effective date.

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

By Senator Grant—

SB 974—A bill to be entitled An act relating to pharmacy; amending s. 465.003, F.S.; expanding the definition of the term "practice of the profession of pharmacy"; creating s. 465.188, F.S.; authorizing and providing requirements for a pharmacist to initiate or modify drug therapy and therapeutic management; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Grant—

SB 976—A bill to be entitled An act relating to small business employment incentives; providing for issuing tax credit vouchers; requiring the Department of Revenue to develop forms and procedures; limiting the availability of the credit vouchers; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Gutman—

SB 978—A bill to be entitled An act relating to trust funds; creating the Crime Stoppers Trust Fund; providing for administration of the fund; providing for termination; providing for review; providing an effective date.

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

By Senator Forman—

SB 980—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; making certain types of animal exhibitions a crime; providing an effective date.

—was referred to the Committee on Agriculture.

By Senator Kurth—

SB 982—A bill to be entitled An act relating to crime prevention assistance; repealing ss. 426.001, 426.002, 426.003, 426.004, 426.005, 426.006, 426.007, 426.008, and 426.009, F.S., relating to crime prevention assistance; amending ss. 775.0836 and 939.015, F.S., to conform; providing an effective date.

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

By Senator Harris—

SB 984—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing a definition of "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest"; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; reducing the rate of tax on such equipment; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Bronson—

SB 986—A bill to be entitled An act relating to environmental mitigation; amending s. 373.4137, F.S.; authorizing the Department of Transportation to include an inventory of habitats impacted by projects in the adopted work program; providing uses for specified funding; providing that preliminary approval of a mitigation plan is not a decision affecting substantial interests; revising funding provisions through future fiscal years; authorizing the amendment of mitigation plans; deleting obsolete provisions; providing an effective date.

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

By Senator Dyer—

SB 988—A bill to be entitled An act relating to candidates for public office; amending s. 99.012, F.S.; removing a requirement that certain subordinate officers, deputy sheriffs, or police officers must take a leave of absence without pay during the period in which he or she is a candidate for public office; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Criminal Justice.

SR 990—Not referenced.

By Senator Crist—

SB 992—A bill to be entitled An act relating to government procurement of personal property and services; amending s. 287.133, F.S.; redefining the term "public entity," for purposes of denying persons convicted of public entity crimes the right to bid on or accept contracts with public entities, to include the Legislature; creating s. 287.0015, F.S.; requiring the Legislature to procure commodities and services in conformity with the public-bidding requirements applicable to the executive branch; providing an effective date.

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

By Senator Grant—

SB 994—A bill to be entitled An act relating to insurance; amending s. 624.316, F.S.; deleting certain rulemaking authority of the Department of Insurance relating to insurer compliance; amending s. 626.9541, F.S.; excluding certain notices from a definition of the term "complaint" for purposes of determining an insurer's failure to maintain records of complaints; amending s. 627.7275, F.S.; modifying coverage requirements and premiums relating to motor vehicle property damage liability; amending s. 627.736; specifying where an independent medical examination of a claimant may be conducted; repealing s. 627.736(4)(f), F.S., relating to medical payments coverage; repealing s. 627.9126, F.S., relating to the requirement that insurers file liability insurance reports; repealing s. 627.913, F.S., relating to the requirement that insurers file product liability insurance reports; providing that an insurer may place the entire amount of the coverage into the court registry for distribution to claimants; providing an effective date.

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

By Senator Crist—

SB 996—A bill to be entitled An act relating to pretrial release; creating the "Citizen's Right-to-Know Act"; requiring each chief county judge and chief circuit judge to prepare a register that contains information regarding the cases and criminal defendants who are released on pretrial release; requiring that the register be available to the public; providing requirements for updating the register; specifying information to be contained in the register; requiring each chief county judge and chief circuit judge to file an annual report with the Office of the State Courts Administrator; requiring that such report be available to the public; specifying information to be contained in the report regarding the number of defendants who are released on pretrial release under specified circumstances; providing an effective date.

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

By Senator Myers—

SB 998—A bill to be entitled An act relating to smoking on or near school property; amending s. 386.212, F.S., which prohibits persons under 18 from smoking tobacco in or near a public or private elementary, middle, or secondary school during certain hours; removing the age limitation and time limitation on such prohibition; providing that persons under 18 who violate said prohibition shall be punished in the same manner as for violation of s. 569.11(1), F.S., which prohibits possession of any tobacco product by a person under 18, and that persons 18 and older who violate said prohibition shall be punished as provided in s. 386.208, F.S., which provides the penalty for smoking in public places or meetings; amending s. 386.208, F.S., to conform; amending s. 322.056, F.S., which provides for mandatory revocation or suspension of, or delay of eligibility for, driver's licenses for persons under 18 who violate s. 569.11, F.S., to include violation of s. 386.212, F.S.; amending s. 569.12, F.S., which provides for enforcement and the form of citation for violation of s. 569.11, F.S., to include violation of s. 386.212, F.S.; amending s. 569.19, F.S., which requires an annual report on violations of s. 569.11, F.S., to include violations of s. 386.212, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries and Criminal Justice.

By Senator Myers—

SB 1000—A bill to be entitled An act relating to advertisement of real property with delinquent taxes; amending ss. 197.402 and 197.403, F.S.; reducing the number of times such advertisement must be made; providing an effective date.

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

By the Committee on Natural Resources—

SB 1002—A bill to be entitled An act relating to financial matters; amending s. 215.20, F.S.; reducing the 7-percent service charge for the cost of general government which is deducted from the proceeds of the county fuel tax and from the Local Option Fuel Tax Trust Fund; requiring the transfer of funds to the Aquatic Plant Control Trust Fund; providing for a study by the Department of Revenue of motor fuel taxes collected at marinas; providing an effective date.

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

By Senator Bronson—

SB 1004—A bill to be entitled An act relating to rulemaking authority with respect to the regulation of the citrus industry; amending s. 601.10, F.S.; requiring the Department of Citrus to provide a list of forms that it uses; amending s. 601.61, F.S., relating to the bond requirements of citrus fruit dealers; allowing the Florida Citrus Commission to prescribe certain terms of producer contracts; providing an effective date.

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

By the Committee on Natural Resources—

SB 1006—A bill to be entitled An act relating to water quality; amending s. 373.453, F.S.; specifying priority consideration for surfacewater improvement and management plans; amending s. 381.0065, F.S.; providing requirements to be imposed in areas determined to be nutrient-impaired to improve water quality; amending s. 403.061, F.S.; authorizing the Department of Environmental Protection to adopt rules for stricter permitting and enforcement requirements in nutrient-impaired coastal waters; creating s. 403.0863, F.S.; providing special requirements in nutrient-impaired coastal waters and surfacewater improvement and management areas; providing criteria for establishing by rule procedures for determining that coastal waters are nutrient-impaired; amending s. 403.1835, F.S.; providing a priority for funding from the sewage treatment facilities revolving loan program for facilities located within the geographic area encompassed by a plan adopted pursuant to s. 373.456, F.S.; amending s. 403.804, F.S.; providing for calculating maximum load for certain constituents for a specific watercourse and water body; requiring the Secretary of Environmental Protection to approve the maximum load calculation after notice of agency action pursuant to ch. 120, F.S., and limiting the point of entry for a challenge to the calculation; authorizing the department to adopt rules establishing procedures for pollutant trading in areas where a maximum load calculation has been approved; creating s. 514.095, F.S.; authorizing the Department of Health to adopt rules for bacteriological sampling of beach waters and issue health advisories; providing an effective date.

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

By the Committee on Natural Resources—

SJR 1008—A joint resolution proposing an amendment to Section 14 of Article VII of the State Constitution, relating to bonds for pollution control and abatement and other water facilities, decreasing debt service requirements for the bonds.

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

By Senator Bronson—

SB 1010—A bill to be entitled An act relating to agriculture; creating s. 570.191, F.S.; creating the Agricultural Emergency Eradication Trust Fund; prescribing its uses; defining what constitutes an "agricultural emergency"; providing an effective date.

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

By Senator Gutman—

SB 1012—A bill to be entitled An act relating to mental health; creating the "Robert Newman and Stuart Simon Act"; amending s. 394.463, F.S.; providing for court hearings on requests for ex parte orders for involuntary examination of mentally ill persons; providing for findings; providing for rescission of orders under certain circumstances; providing for release of persons being held for examination; providing penalties; prohibiting the administration of certain drugs during examinations; prohibiting certain activities related to involuntary examination orders; amending s. 394.4599, F.S.; requiring receiving facilities to provide notice to parents or guardians of minors being held for examination; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Senator Gutman—

SB 1014—A bill to be entitled An act relating to road designation; designating the Gratigny Parkway in Dade County as the "Marlins Expressway"; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Silver—

SB 1016—A bill to be entitled An act relating to court funding for new programs; amending s. 43.28, F.S.; providing that counties are not obligated to pay certain personnel costs related to court programs; providing an effective date.

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

By Senator Gutman—

SB 1018—A bill to be entitled An act relating to corporate income tax; creating s. 220.185, F.S.; providing findings and purpose; authorizing a credit against such tax equal to a percentage of the costs of rehabilitation of a historic building used for commercial purposes; providing limitations; requiring certification that the property was used for a commercial purpose; providing for carryover of the credit; providing eligibility requirements for historic buildings and improvements thereto; providing application requirements; requiring a resolution by the local government; providing duties of the Division of Historical Resources, Department of State, and Department of Revenue regarding administration and monitoring of exemptions; amending s. 220.02, F.S.; providing order of credits against the tax; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; Community Affairs; and Commerce and Economic Opportunities.

By Senator Ostalkiewicz—

SB 1020—A bill to be entitled An act relating to administrative procedure; creating s. 120.571, F.S., the "Agency Accountability Act"; providing for liability upon an agency that has made a determination affecting the substantial interests of a party based on a grossly negligent assessment of material facts, under specified circumstances; providing for agency liability for actual damages and attorney's fees incurred by the party suffering financial harm as a result of the determination; providing for waiver of sovereign immunity; specifying applicability; providing an effective date.

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

By Senator Ostalkiewicz—

SJR 1022—A joint resolution proposing an amendment to Section 10 of Article V of the State Constitution relating to terms of justices and judges.

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

By Senator Hargrett—

SB 1024—A bill to be entitled An act relating to false reports of abuse or neglect of a child; amending s. 415.513, F.S.; providing for investigation by the Department of Law Enforcement of possible false reports; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.5131, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making, or counseling another to make, a false report; providing an effective date.

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

By Senator Williams—

SB 1026—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; providing that the fee schedules adopted under chapter 440, F.S., are the maximum fees allowed under a workers' compensation managed care arrangement; specifying circumstances under which an additional fee may be paid to a health care provider as part of a risk-sharing arrangement; revising requirements for the Agency for Health Care Administration in adopting practice parameters; amending s. 440.134, F.S.; providing definitions; prohibiting the agency from adopting rules that give a preference to any type of organization; providing additional procedures for handling informal and formal grievances; providing certain time limitations; requiring that a workers' compensation managed care arrangement notify its employees of the right to file a petition for benefits with the Division of Workers' Compensation of the Department of Labor and Employment Security; providing an effective date.

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

By Senator Gutman—

SB 1028—A bill to be entitled An act relating to hiring, leasing, or obtaining personal property or equipment with intent to defraud; amending s. 812.155, F.S.; prescribing acts that constitute prima facie evidence of intent to defraud; providing authorized means for demand for return; requiring notice on rental agreements; providing penalties; providing an effective date.

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

By Senator Horne—

SB 1030—A bill to be entitled An act relating to state government; creating s. 11.074, F.S.; amending s. 120.54, F.S.; requiring consideration of the impact of legislation and rulemaking on families; requiring impact statements; providing an effective date.

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

By Senators Rossin and Myers—

SB 1032—A bill to be entitled An act relating to special districts; amending s. 189.4042, F.S.; specifying procedures for merger or dissolution of independent special districts created by a county or municipality; amending s. 189.405, F.S.; revising the amount of the filing fee and the number of required signatures on petitions in provisions which specify how candidates for the governing board of certain single-county and multicounty special districts shall qualify; amending s. 189.429, F.S., and s. 15, ch. 97-256, Laws of Florida, which require special districts, including fire control districts, to submit draft codified charters to the Legislature; revising the deadline and requirements for such codification; providing that the Legislature may adopt a schedule for codification; amending s. 215.425, F.S.; authorizing extra compensation for special district employees pursuant to resolution; amending s. 191.006, F.S., relating to powers of independent special fire control districts, to conform; providing effective dates.

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

By Senator Horne—

SB 1034—A bill to be entitled An act relating to the Public Service Commission; amending s. 367.081, F.S.; prohibiting the commission from considering prospective future contributions-in-aid-of-construction for certain purposes; providing construction; requiring the commission to approve rates for certain services under certain circumstances; providing construction; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Brown-Waite—

SB 1036—A bill to be entitled An act relating to emergency management planning; amending s. 20.43, F.S.; defining responsibilities of the county health departments in providing assistance to local special needs units or shelters; amending s. 252.355, F.S.; revising provisions relating to registration of persons requiring special needs assistance in emergencies; amending ss. 400.497, 400.610, and 408.034, F.S.; providing minimum requirements for home health agency and hospice comprehensive emergency management plans; providing for plan review by the local emergency management agency and other specified entities; requiring the adoption of rules establishing plan components and standards for care and services to be provided in emergency evacuation and sheltering; providing an effective date.

—was referred to the Committees on Health Care and Community Affairs.

By Senators Brown-Waite, Forman, Casas and Dudley—

SB 1038—A bill to be entitled An act relating to boards and councils regulating health-related professions; amending ss. 458.307, 458.347,

459.004, 459.022, 460.404, 461.004, 463.003, 464.004, 465.004, 466.004, 467.004, 468.1135, 468.1665, 468.205, 468.354, 468.506, 468.703, 468.801, 480.035, 483.805, 483.901, 484.003, 486.023, 490.004, 491.004, F.S.; adding two lay, consumer members to the Board of Medicine, the Council on Physician Assistants, the Board of Osteopathic Medicine, the Board of Chiropractic, the Board of Podiatric Medicine, the Board of Optometry, the Board of Nursing, the Board of Pharmacy, the Board of Dentistry, the Council of Licensed Midwifery, the Board of Speech-Language Pathology and Audiology, the Board of Nursing Home Administrators, the Board of Occupational Therapy Practice, the Advisory Council on Respiratory Care, the Dietetics and Nutrition Practice Council, the Council of Athletic Training, the Board of Orthotists and Prosthetists, the Board of Massage Therapy, the Board of Clinical Laboratory Personnel, the Advisory Council of Medical Physicists, the Board of Opticianry, the Board of Physical Therapy Practice, the Board of Psychology, and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; providing for the appointment of such new members; providing an effective date.

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

By Senator Hargrett—

SB 1040—A bill to be entitled An act relating to the tax on sale, use, and other transactions; amending s. 212.07, F.S.; defining the terms "agricultural commodity," "farmer," and "livestock" for purposes of determining applicability of the taxes imposed under ch. 212, F.S.; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Holzendorf—

SB 1042—A bill to be entitled An act relating to education; creating the School Readiness Commission to serve as an advisory body to the State Board of Education and other state agencies on matters that relate to school readiness; providing for the commission to be assigned to the Executive Office of the Governor for administrative purposes; providing for the Governor to appoint the members of the commission; providing for the members to be approved by the State Board of Education and confirmed by the Senate; requiring the commission to appoint an executive director; providing for payment of per diem and travel expenses of commission members; establishing duties of the commission; requiring the commission to prepare a system for measuring school readiness; specifying objectives to be measured by such system; requiring the commission to contract with an independent entity to evaluate the measurement system; requiring the commission to make recommendations to the Governor and the State Board of Education; providing an effective date.

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

By Senator Williams—

SB 1044—A bill to be entitled An act relating to hospitals; creating s. 395.3036, F.S.; providing that a private corporation that leases a public hospital or other public health care facility is not acting on behalf of the entity that owns the facility for purposes of statutory and constitutional public records requirements unless specified conditions are met; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Senator Bronson—

SB 1046—A bill to be entitled An act relating to rulemaking authority with respect to the regulation of the citrus industry; creating s. 601.9918, F.S.; authorizing the Florida Citrus Commission to refer to national or state requirements in rules relating to issuance and use of symbols, certification marks, service marks, and trademarks; amending s. 601.10, F.S.; authorizing the Department of Citrus to adopt a rule listing forms to be used in conducting its business; providing an effective date.

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

By Senator Clary—

SB 1048—A bill to be entitled An act relating to hurricane preparedness; providing that the Legislature intends to modify the laws relating to the Florida Hurricane Catastrophe Fund; providing an effective date.

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

By Senator Rossin—

SB 1050—A bill to be entitled An act relating to family safety; creating s. 20.44, F.S.; creating the Department of Family Safety contingent upon adoption of an alternative budgeting process by the Legislature; providing for the department's mission, purposes, responsibilities, and organizational structure; directing the secretary of the department to appoint a Statewide Family Safety Advisory Board and to encourage the privatization of services; creating the Human Services Commission to study the organizational structure of the Department of Children and Family Services and the Department of Family Safety and to report its findings to the Governor and the Legislature; creating s. 402.401, F.S.; providing for competency-based training for child protection staff; creating s. 415.5145, F.S.; providing for the family safety quality assurance and improvement process; providing for the effectiveness of rules; providing for the substitution of parties in interest in certain judicial or administrative proceedings; providing an appropriation; providing effective dates.

—was referred to the Committees on Children, Families and Seniors; Governmental Reform and Oversight; and Ways and Means.

By Senator Lee—

SB 1052—A bill to be entitled An act relating to rulemaking authority of the Florida Public Service Commission; authorizing the Florida Public Service Commission to adopt rules relating to purchasing, to ensuring adequate ownership of real property upon which a water and wastewater utility is located, and to notification when a water and wastewater utility changes its name; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Dudley—

SB 1054—A bill to be entitled An act relating to rulemaking authority of the Department of Business and Professional Regulation; amending s. 718.112, F.S.; providing requirements relating to association meetings; amending s. 718.301, F.S.; providing rulemaking authority for requirements relating to the transition of a condominium; amending s. 718.501, F.S.; providing rulemaking authority for requirements relating to the creation, merger, and termination of condominiums; providing rulemaking authority for requirements relating to the dissolution of condominium associations; amending s. 718.502, F.S.; providing certain requirements prior to the closure on any contract for sale or lease of over 5 years; providing rulemaking authority for requirements relating to filing and review programs and timetables; substituting the term "buyer" for the term "purchaser"; amending s. 718.503, F.S.; providing requirements relating to the closure of a transaction for the purchase of a condominium unit; substituting the term "buyer" for the term "purchaser"; amending s. 718.504, F.S.; substituting the term "buyer" for the term "purchaser"; amending s. 718.506, F.S.; substituting the term "buyer" for the term "purchaser"; creating s. 718.621, F.S.; providing

rulemaking authority for requirements relating to condominium conversion; providing an effective date.

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

By Senator Kurth—

SB 1056—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S., which provides requirements for deposit and investment of state money; revising the standards that certain corporate obligations and state and local government obligations must meet to be qualified for such investment; authorizing investment in certain foreign bonds and certain convertible debt obligations of corporations domiciled in the United States; providing an effective date.

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

By Senator Lee—

SB 1058—A bill to be entitled An act relating to solid waste management; amending s. 403.7045, F.S.; authorizing the Department of Environmental Protection to allow recycling and reuse of ash residue which meets department standards adopted by rule; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Silver—

SB 1060—A bill to be entitled An act relating to health facilities authorities; amending s. 154.209, F.S.; authorizing authorities to finance certain accounts receivables; providing an effective date.

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

By Senator Campbell—

SB 1062—A bill to be entitled An act relating to railroad-highway grade crossings; amending s. 351.034, F.S.; prohibiting a train, railroad car, or engine from blocking a railroad-highway grade crossing for a certain time; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Campbell—

SB 1064—A bill to be entitled An act relating to illegal aliens; amending s. 287.012, F.S.; providing that, to be a "qualified bidder" with respect to providing personal property or services, a person must comply with any contract conditions prohibiting the employment of illegal aliens, as defined; amending s. 287.057, F.S.; requiring that invitations to bid, requests for proposal, and contracts shall contain notice specifying that contracts with a contractor who knowingly employs illegal aliens shall be subject to unilateral cancellation; providing an effective date.

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

By Senator Lee—

SB 1066—A bill to be entitled An act relating to landscape designers; amending s. 581.011, F.S.; defining the term "landscape designer"; amending s. 581.031, F.S.; authorizing the Department of Agriculture and Consumer Services to issue and suspend the registration of landscape designers; providing for the adoption of rules; amending s. 581.035, F.S.; preempting regulatory authority over landscape designers to the department; amending s. 581.131, F.S.; prohibiting landscape designers from providing services without a valid reregistration; providing standards for the registration of landscape designers; providing exceptions; amending s. 581.141, F.S.; providing authority for the suspension or revocation of a landscape designer's registration; providing for fines; providing an effective date.

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

By Senator Lee—

SB 1068—A bill to be entitled An act relating to sales by itinerant merchants; defining the term "itinerant merchant"; requiring that an itinerant merchant retain the invoice or receipt for any merchandise intended for resale; specifying information to be included on the invoice or receipt; requiring that an itinerant merchant retain an invoice or receipt for a specified period following sale of the merchandise; providing that failure to produce the invoice or receipt upon the request of a law enforcement officer is prima facie evidence that the merchandise is stolen; providing for confiscation of stolen merchandise until proof of purchase is provided; providing for a sworn affidavit to constitute proof that merchandise is not stolen merchandise; providing a penalty; providing that selling or offering for sale stolen merchandise constitutes the offense of dealing in stolen property; providing an effective date.

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

By Senators Sullivan, Williams, Horne, Cowin and Latvala—

SB 1070—A bill to be entitled An act relating to medical malpractice insurance; amending s. 766.301, F.S.; clarifying legislative intent; amending s. 766.302, F.S.; modifying definitions; amending s. 766.304, F.S.; providing exclusive jurisdiction of administrative law judges in claims filed under ss. 766.301-766.316, F.S.; providing a limitation on bringing a civil action under certain circumstances; amending s. 766.316, F.S.; providing hospitals and physicians with alternative means of providing notices to obstetrical patients relating to the no-fault alternative for birth-related neurological injuries; prescribing conditions under which notice need not be given; providing an effective date.

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

By Senators Rossin, Crist, Williams and Latvala—

SB 1072—A bill to be entitled An act relating to punishment of capital felons; amending s. 921.141, F.S., relating to further proceedings to determine sentence of death or life imprisonment for capital felonies; providing additional aggravating circumstances to be weighed by the court; providing for an aggravating circumstance that the capital felony was committed when the victim had an injunction for protection against domestic violence or repeat violence in effect against the defendant; providing for an aggravating circumstance that the defendant inflicted multiple physical injuries upon the victim; providing for an aggravating circumstance that the defendant mutilated or dismembered the victim's dead body or sexually or grossly abused the victim's dead body, during or after commission of the capital felony; providing for an aggravating circumstance that the victim of a homicide had asked that his or her life be spared; providing an effective date.

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

By Senator Silver—

SB 1074—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "special

risk member" to include any member employed as an assistant state attorney; providing an effective date

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

By Senator Silver—

SB 1076—A bill to be entitled An act relating to advanced registered nurse practitioners; amending s. 893.02, F.S.; authorizing such practitioners to prescribe controlled substances under certain circumstances; providing an effective date.

—was referred to the Committee on Health Care.

By Senator McKay—

SB 1078—A bill to be entitled An act relating to life-prolonging techniques; amending s. 401.45, F.S., providing additional grounds for withholding or withdrawing life-prolonging techniques from a patient by a medical technician or paramedic; providing an effective date.

—was referred to the Committees on Health Care and Judiciary.

By Senator Silver—

SB 1080—A bill to be entitled An act relating to jai alai permitholders; amending s. 550.01215, F.S.; allowing any jai alai permitholder to apply, during a specified period, for licensure to conduct performances in fiscal year 1998-1999; requiring the Division of Pari-mutuel Wagering to issue the license within a specified period of time; amending s. 550.09511, F.S.; qualifying the provision that jai alai permitholders should pay their fair share of taxes on pari-mutuel wagering; providing that the amount of taxes on handle and admissions which is imposed on such a permitholder should not exceed the permitholder's operating earnings and that permitholders may apply any excess amount against future taxes due; defining the term "operating earnings"; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1082—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.09, F.S.; prescribing liability for the tax when a renewal note increases the unpaid balance or the original face amount of an original contract and obligation; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Latvala—

SB 1084—A bill to be entitled An act relating to marine resources; amending s. 370.021, F.S.; providing additional penalties for violations involving buying saltwater products from an unlicensed seller or the sale of saltwater products by an unlicensed seller; authorizing the suspension, revocation, or denial of renewal of licenses for specified major violations involving finfish, shrimp, marine life species, crawfish, stone crabs, and blue crabs; requiring clerks of courts to certify the final disposition of specified court proceedings to the Department of Environmental Protection; amending s. 370.07, F.S.; authorizing the sharing of wholesale saltwater products dealer reports with other states under specified conditions; providing civil penalties for violation of recordkeeping and reporting requirements; prohibiting a licensed retail dealer or a licensed restaurant from buying saltwater products from any person other than a licensed wholesale or retail dealer; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permits; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.135(2) and (3), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), and (e) and (5)(b) and (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; providing an effective date.

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

By Senator Latvala—

SB 1086—A bill to be entitled An act relating to natural resource management; amending s. 370.021, F.S.; redesignating the Division of Administration of the Department of Environmental Protection as the Division of Administrative and Technical Services; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Bronson—

SB 1088—A bill to be entitled An act relating to agriculture emergencies; amending s. 206.605, F.S.; distributing municipal tax on motor fuel to the Agricultural Emergency Eradication Trust Fund; amending s. 206.606, F.S.; distributing fuel sales tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; amending s. 206.608, F.S.; distributing State Comprehensive Enhanced Transportation System Tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; amending s. 336.025, F.S.; distributing local option fuel tax to the Agricultural Emergency Eradication Trust Fund; providing appropriations; providing a contingent effective date.

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

By Senator Forman—

SB 1090—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.185, F.S.; increasing the exemption from the first mill of the annual tax granted to natural persons; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Latvala—

SB 1092—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; providing a method for calculating workers' compensation benefits based on the aggregate amount of those benefits and other specified benefits payable to the employee; providing that certain supplemental payments are not workers' compensation benefits; providing an effective date.

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

By Senator Grant—

SB 1094—A bill to be entitled An act relating to motor vehicle financial responsibility; amending s. 324.021, F.S.; revising the definition of the term "motor vehicle"; increasing financial responsibility limits with respect to bodily injury or death in a single accident; creating s. 324.023, F.S.; requiring proof of financial responsibility for bodily injury or death; amending s. 324.031, F.S.; increasing limits for proof of financial responsibility for for-hire transportation vehicle certificates of self-insurance; amending s. 324.161, F.S.; increasing the amount required for a surety bond or deposit for proof of financial responsibility; amending s. 324.171, F.S.; revising the required threshold limit for self-insurers; amending ss. 316.646 and 627.733, F.S., to conform to the act; providing an effective date.

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

By Senator Williams—

SB 1096—A bill to be entitled An act relating to sport shooting ranges; providing definitions; providing exemption from civil liability and criminal prosecution for owners and users of sport shooting ranges with respect to noise pollution resulting from the operation of the range under certain circumstances; exempting sport shooting ranges from specified rules and regulations; prohibiting certain nuisance actions against sport shooting ranges; providing for the continued operation of sport shooting ranges under specified circumstances; providing an effective date.

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

By Senator Bronson—

SB 1098—A bill to be entitled An act relating to road designations; designating a portion of State Road 528 in Brevard County as the "Kennedy Space Center Highway"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Forman—

SB 1100—A bill to be entitled An act relating to sports programs; requiring the Department of Environmental Protection to establish the Smoke-free Youth Sports Program to provide grant funds to acquire or develop facilities for use by sports programs operated in a tobacco-free environment; providing for funding the grant program from moneys received by the state in settlement of a specified court action; requiring the Department of Environmental Protection to adopt rules for selecting governmental entities to receive grant funds; requiring that any facility funded under the program be subject to an ordinance that prohibits the use of tobacco on the premises of the facility; requiring an entity that receives grant funds to present a health education program to children who participate in sports activities; requiring that the Science Center Consortium of Florida, Inc., the Department of Education, and the Department of Children and Family Services develop the health education program; providing for development costs of the health education program to be funded by moneys received by the state in settlement of a specified court action; providing an effective date.

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

By Senator Forman—

SB 1102—A bill to be entitled An act relating to sewage treatment; amending s. 381.00655, F.S.; excluding certain onsite sewage treatment and disposal systems from the requirement to connect with an available central sewerage system; providing an effective date.

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

By Senator Campbell—

SB 1104—A bill to be entitled An act relating to motor vehicle damage disclosure; requiring manufacturers to disclose to dealers certain damage to new motor vehicles; requiring dealers to disclose such damage to buyers; providing manufacturers' liability with respect to damage occurring before motor vehicles are delivered to dealers; providing buyers' remedies for failure to make required disclosures; providing dealers' remedies for failure of manufacturers to make required repairs; providing definitions; providing an effective date.

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

By Senator Silver—

SB 1106—A bill to be entitled An act relating to release of employee information by employers; amending s. 768.095, F.S.; expanding provisions relating to employer immunity from liability and disclosure of information regarding former employees to include immunity from liability for current employers and disclosure of information with respect to current employees; providing specified requirements of employers with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; providing requirements with respect to an authorization to release information; providing a penalty for noncompliance; providing an effective date.

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

By Senator Williams—

SB 1108—A bill to be entitled An act relating to insurance; amending s. 627.410, F.S.; exempting commercial inland marine risk policies from a requirement that policy forms be filed with the Department of Insurance; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Diaz-Balart—

SB 1110—A bill to be entitled An act relating to postsecondary education; expressing an intention to revise laws governing the authority of educational institutions to confer baccalaureate degrees.

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

By Senator Forman—

SB 1112—A bill to be entitled An act relating to road designations; designating a portion of N.W. 167th Street in Miami Lakes as "Zuly Reyes Road"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senators McKay and Latvala—

SB 1114—A bill to be entitled An act relating to contaminated site rehabilitation tax credits; creating s. 199.1055, F.S.; providing for a contaminated site rehabilitation tax credit against the intangible personal property tax; authorizing the Department of Revenue to adopt rules; amending s. 220.02, F.S.; providing for an additional cross-reference; creating s. 220.1845, F.S.; providing for a contaminated site rehabilitation tax credit against the corporate income tax; authorizing the Department of Revenue to adopt rules; creating s. 376.30714, F.S.; providing for a partial tax credit for the rehabilitation of drycleaning solvent contaminated sites and brownfield sites contaminated with hazardous substances; providing for the Department of Environmental Pro-

tection to determine eligibility for such partial credits; specifying what the application must contain; providing for a nonrefundable review fee; requiring the taxpayer to submit to the Department of Revenue the Department of Environmental Protection's letter of approval and other specified documents; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Forman—

SB 1116—A bill to be entitled An act relating to health insurance; amending s. 627.6484, F.S.; providing limitations on applications for insurance under certain circumstances; deleting requirements and criteria for a market assistance plan; amending s. 627.6486, F.S., to conform; amending s. 627.6492, F.S.; exempting certain insurers from certain assessments under certain circumstances; providing an exception; providing requirements; providing an effective date.

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

By Senator Lee—

SB 1118—A bill to be entitled An act relating to motor vehicle inspections; amending s. 325.203, F.S.; changing the effective date of an exemption of new vehicles from inspection; extending the time new vehicles may be exempt; providing an effective date.

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

By Senator Diaz-Balart—

SB 1120—A bill to be entitled An act relating to postsecondary education; expressing an intention to revise laws governing the authority of educational institutions to confer baccalaureate degrees.

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

By Senator Forman—

SB 1122—A bill to be entitled An act relating to day care facilities; creating the "Jeremy Fiedelholtz Safe Day Care Act"; amending s. 402.319, F.S.; increasing a penalty for violations relating to licensure or operation of a day care facility or family day care home; providing a penalty for making other misrepresentations to certain persons regarding such licensure or operation or for violations relating to the staff-to-children ratio or the number of children at the facility; amending s. 921.0022, F.S.; providing for ranking of violations on the offense severity ranking chart; providing an effective date.

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

By Senator Grant—

SB 1124—A bill to be entitled An act relating to education; expressing an intention to revise laws related to articulation among specified educational entities.

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

By Senator Grant—

SB 1126—A bill to be entitled An act relating to school improvement and education accountability; amending ss. 229.592 and 230.23, F.S.; providing for the organization of Florida Distinguished Educator School Improvement Teams; providing for technical assistance and training for schools operating under an assistance and intervention plan; providing for the use of Florida Distinguished Educator School Improvement Teams to assist in the development and implementation of school improvement plans and assistance and intervention plans; providing an effective date.

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

By Senator Grant—

SB 1128—A bill to be entitled An act relating to arrest; amending s. 901.02, F.S.; prescribing additional conditions under which an arrest warrant may be issued; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Grant—

SB 1130—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; increasing the amount of the bond required of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; providing that the official seal and certificate of commission are the exclusive property of the notary public; providing a criminal penalty for unlawful possession of a notary public official seal or papers; specifying the elements of a notarial certificate; revising provisions relating to identification; deleting specified circumstances under which a signature may not be notarized; revising provisions relating to copying certain documents; requiring a notary public to make reasonable accommodations to provide notarial services to disabled persons; amending s. 117.10, F.S.; conforming a cross-reference; amending s. 117.103, F.S.; providing that a notary public's commission is not required to be filed with the clerk of the circuit court; providing for certification of the commission from the Secretary of State; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; providing a civil penalty; amending s. 117.20, F.S.; providing for electronic notarizations; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

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

By Senator Gutman—

SB 1132—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; amending ss. 110.109, 110.112, F.S.; revising reporting requirements; amending s. 110.1165, F.S.; providing a statute of limitations on filing certain actions; amending s. 110.123, F.S.; redefining the term "full-time state employee"; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.131, F.S.; revising the terms and conditions of other-personal-services employment; amending s. 110.181, F.S.; providing the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for a report; amending s. 110.205, F.S.; providing for the designation of Senior Management Service positions; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending ss. 255.249, 255.25, 255.257, F.S.; revising the threshold for leased space facility requirements; amending s. 255.503, F.S.; providing for the closing of facilities in emergency situations; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending

s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending ss. 287.16, 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021, 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; providing an effective date.

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

By Senators Bronson, Latvala, Brown-Waite, Williams, Grant, Kurth, Thomas, Dyer, Silver, Crist, Harris, Jones, Cowin, Kirkpatrick, Burt, Holzendorf, Rossin, Lee, McKay, Forman, Clary, Horne, Meadows, Klein, Hargrett and Gutman—

SB 1134—A bill to be entitled An act relating to public records; amending s. 828.30, F.S.; providing an exemption from public records requirements for specified information contained in a rabies vaccination certificate; authorizing disclosure to certain public agencies and to other persons under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Senator Campbell—

SB 1136—A bill to be entitled An act relating to workers' compensation; creating the "Florida No-fault Workers' Compensation and Employer Liability Act"; providing a short title; providing legislative intent; authorizing election of provisions of the act in lieu of application of chapter 440, F.S.; providing for notice of election; providing for revocation of election; providing for notice to employees; specifying application of certain definitions; specifying benefits payable to employees; providing criteria; providing for certain periodic medical evaluations; specifying accidental death and dismemberment insurance coverage; requiring continuation of coverage for employees under certain circumstances; specifying employer duties to employees; providing for tort exemptions; providing for employer's defenses; providing for coworker immunity; providing for notice of claims; limiting certain defenses by employers under certain circumstances; specifying procedures for filing and responding to claims; limiting expert witness testimony under certain circumstances; providing for determination of comparative negligence under certain circumstances; authorizing the Department of Insurance to adopt rules requiring proof of insurance or financial responsibility; providing for implementation and administration with reference to certain provisions of the Workers' Compensation Law relating to waiver of exemption, notice of exemption or acceptance, and waiver of exemption or acceptance, coverage, specified activities within the course of employment, drug-free workplaces, coercion of employees, benefits as lien against assets, misrepresentation, fraudulent activities, security for benefits, compensation for injuries when third parties are liable, benefits notice, effect of unconstitutionality, proceedings against the state, pooling liabilities, self-insured public utilities, local government pools, administrative procedures, rulemaking, and coverage; providing application to the Department of Insurance; authorizing the department to adopt rules; providing penalties; providing an effective date.

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

By Senator Campbell—

SB 1138—A bill to be entitled An act relating to pawnbroking and secondhand dealers; amending s. 539.001, F.S.; revising recordkeeping requirements for pawnbrokers to provide that the sheriff or the director of the department of public safety is designated as the central repository for copies of all pawnbroker transaction forms collected by the appropriate law enforcement official in the county; providing for submission of pawnbroker transaction forms to the sheriff or public safety director upon request; amending s. 538.04, F.S.; providing for electronic transfer of transactions of secondhand goods; authorizing the appropriate law enforcement agency to provide a secondhand dealer with a computer and necessary equipment for the electronic transfer of transactions of secondhand goods; providing procedures with respect to the electronic transfer of transactions of secondhand goods; amending s. 812.022, F.S.; revising provisions relating to evidence of theft or dealing in stolen property; providing an effective date.

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

By Senator Campbell—

SB 1140—A bill to be entitled An act relating to elections; amending s. 99.092, F.S.; prescribing filing fees and assessments for federal office; amending s. 106.08, F.S.; prescribing limitations on political contributions; prohibiting candidates from accepting specified contributions; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Gutman—

SB 1142—A bill to be entitled An act relating to courses of study and instructional materials; amending s. 233.061, F.S.; including the study of Hispanic contributions to the the United States in required public school instruction; amending s. 233.34, F.S.; revising provisions relating to the purchase of instructional materials not on the state-adopted list; providing an effective date.

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

By Senator Gutman—

SB 1144—A bill to be entitled An act relating to the rulemaking authority of the Department of Management Services and other agencies; creating s. 110.1085, F.S.; requiring the department to adopt rules to implement a review and performance planning system to assess employee performance; amending s. 110.1095, F.S.; directing the department to adopt rules for training programs; amending s. 110.201, F.S.; authorizing agencies to prescribe penalties for misconduct; amending s. 110.207, F.S.; prohibiting positions from being filled before they have been classified; amending s. 110.227, F.S.; directing the department to adopt a grievance procedure for career service employees; amending s. 216.262, F.S.; providing rulemaking authority; amending s. 272.18, F.S.; providing rulemaking authority; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Williams—

SB 1146—A bill to be entitled An act relating to rulemaking authority; providing legislative intent with respect to laws governing agency rulemaking authority; providing an effective date.

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

By Senator Rossin—

SB 1148—A bill to be entitled An act relating to the Commission on Government Accountability to the People; amending s. 286.30, F.S.; expanding the duties of the commission; providing that the executive director is the chief administrative officer of the commission; authorizing the executive director to appoint staff members and employees of the commission; authorizing the commission to contract for goods and services and to accept government and private resources to pay costs and to implement its program; providing an effective date.

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

By Senator Rossin—

SB 1150—A bill to be entitled An act relating to appropriations; providing for an annual appropriation to be made in the General Appropriations Act to compensate Glades County and the City of Pahokee for ad valorem taxes lost due to the construction of a private correctional facility in that county; providing for repeal of the act; providing an effective date.

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

By Senator Rossin—

SB 1152—A bill to be entitled An act relating to the developmentally disabled and mentally ill persons' umbrella trust fund; amending s. 402.175, F.S.; revising duties of the Department of Children and Family Services with respect to such fund; authorizing the department to act as trustee; providing definitions; requiring annual accounting; providing for rules; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Governmental Reform and Oversight; and Ways and Means.

By Senator Dyer—

SB 1154—A bill to be entitled An act relating to toll facilities; amending s. 338.155, F.S.; exempting certain law enforcement officers from toll payments when in official vehicles on official business; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Dyer—

SB 1156—A bill to be entitled An act relating to affordable housing; amending s. 420.0005, F.S.; clarifying application of certain provisions to the State Housing Fund; amending s. 420.0006, F.S.; specifying an additional requirement for contracts with the Florida Housing Finance Corporation; providing duties of the Comptroller relating to certain advances to the corporation; amending s. 420.503, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.504, F.S.; providing for alternative public notice; providing the corporation with limited benefits of sovereign immunity; deleting a definition; amending s. 420.5061, F.S.; providing that the corporation is a state agency for purposes of the state allocation pool for private activity bonds; amending s. 420.507, F.S.; including services within certain procurement requirement provisions; authorizing the corporation to mortgage certain property; deleting a budget limitation on certain programs; providing additional powers of the corporation; amending s. 420.5087, F.S.; clarifying application of the state fiscal year; amending s. 420.5088, F.S.; expanding availability of certain program funds; amending s. 420.5089, F.S.; deleting a requirement for certain program fund loan commitments under certain circumstances; amending s. 420.509, F.S.; clarifying application of provisions for public sale of corporation bonds; amending s. 420.511, F.S.; revising requirements for the corporation's business plan for affordable housing; amending s. 420.512, F.S.; limiting application of a term for certain purposes; amending s. 420.528, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.9071, F.S.; correcting a cross reference; clarifying application to the corporation's fiscal year; amending ss. 420.9073 and 420.9079, F.S.; clarifying application to the state fiscal year; repealing s. 420.504(8), F.S., relating to certain liability of members of the board of directors of the corporation; providing an effective date.

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

By Senator Dyer—

SB 1158—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; providing an additional requirement for school district receipt of lottery funds; amending s. 229.58, F.S.; providing a name requirement for school advisory councils and providing council responsibilities and duties; providing for certain council review; providing for the use of funds; amending s. 229.592, F.S., relating to school improvement and education accountability; conforming provisions relating to release of funds to school districts; requiring notice of certain deficiency; amending s. 230.23, F.S., relating to school board duties; providing requirements for school improvement plans; requiring local-level decisionmaking policies; providing an effective date.

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

By Senator Dyer—

SB 1160—A bill to be entitled An act relating to school district expenditures; amending s. 237.081, F.S.; requiring the inclusion of specified information in the advertisement of a school board's tentative budget; providing an effective date.

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

By Senators Kirkpatrick, Sullivan and Forman—

SB 1162—A bill to be entitled An act relating to computers; creating s. 14.025, F.S., relating to the Governor; recognizing the potential computer problems that may occur in state agencies due to the date change necessitated by the year 2000; authorizing the Governor to reassign resources in the event of a likely computer failure; authorizing the Administration Commission to reassign resources if an agency headed by the Governor and Cabinet or a Cabinet officer is likely to experience a computer failure; requiring the reassignment of resources to conform with the law governing budget amendments; requiring the reassignment of personnel to conform with the law governing employee interchanges; requiring legislative approval if a reassignment of resources is necessary for more than 90 days; authorizing legislative veto of the reassignment of state resources; providing for repeal of the powers granted to the Governor; amending ss. 112.24 and 112.27, F.S., relating to employee interchange programs; clarifying that state agencies may exchange employees; creating s. 282.4045, F.S.; providing legislative findings relating to the adequacy of the state's actions to prevent year 2000 computer failures; protecting the state and units of local government against legal actions that result from a year 2000 computer date calculation failure; providing an effective date.

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

By Senator Clary—

SB 1164—A bill to be entitled An act relating to rulemaking authority with respect to professional regulation; amending s. 475.17, F.S.; authorizing the Florida Real Estate Commission to adopt rules requiring written evidence to establish good character; amending s. 475.25, F.S.; authorizing the Florida Real Estate Commission to adopt rules concerning the advertising of property or services and extending certain time limits for licensees on probation; amending s. 475.182, F.S.; making

brokers responsible for salespersons' compliance with renewal requirements and allowing the Florida Real Estate Commission to adopt related rules; amending s. 489.115, F.S.; providing for the adoption of rules relating to continuing education requirements by the Construction Industry Licensing Board; amending s. 489.1195, F.S.; authorizing the Construction Industry Licensing Board to adopt rules defining the qualifications for financially responsible officers; amending s. 492.105, F.S.; authorizing the Board of Professional Geologists to determine acceptable geology education; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Reform and Oversight.

By Senator Kirkpatrick—

SB 1166—A bill to be entitled An act relating to district school board members and school superintendents; amending ss. 230.202, 230.303, and 230.321, F.S.; limiting salary increases for district school board members and school superintendents; providing an effective date.

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

By Senator Kirkpatrick—

SB 1168—A bill to be entitled An act relating to local government planning; creating s. 163.3182, F.S.; requiring each district school board to meet annually with the board of county commissioners and with municipal governing bodies to plan for educational facilities; providing for notice; requiring a report; providing for arbitration; providing a penalty; providing an effective date.

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

By Senator Myers—

SB 1170—A bill to be entitled An act relating to public hospital meetings and records; amending s. 395.3035, F.S.; defining "strategic plan" for purposes of provisions which provide for the confidentiality of such plans and of meetings relating thereto; providing an exemption from open meetings requirements for meetings at which such plans are modified or approved by the hospital's governing board; providing for future review and repeal; providing conditions for the early release of transcripts of meetings at which such plans are discussed; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Senator Myers—

SB 1172—A bill to be entitled An act relating to residential swimming pools; creating ch. 515, F.S., the Florida Residential Swimming Pool Barriers Act; providing legislative findings and intent; providing definitions; providing requirements for residential swimming pool barriers; providing penalties; providing for rules; providing exemptions; providing for a drowning prevention education program; providing an effective date.

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

By Senator Lee—

SB 1174—A bill to be entitled An act relating to trust funds; creating the Investment Fraud Restoration Trust Fund within the Department of Banking and Finance; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

By Senator Lee—

SB 1176—A bill to be entitled An act relating to rulemaking authority of the Department of Environmental Protection with respect to phosphogypsum management; requiring the Department of Environmental Protection to adopt rules to ensure that phosphogypsum stack systems are operated to meet critical safety standards by January 1, 1999; providing an effective date.

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

By Senator Forman—

SB 1178—A bill to be entitled An act relating to guardianship; amending s. 744.369, F.S.; extending the time to review certain reports; authorizing random field audits; amending s. 744.702, F.S.; providing legislative intent to establish the Statewide Public Guardianship Office; directing the Department of Elderly Affairs to provide certain services and support; creating s. 744.7021, F.S.; providing for the Statewide Public Guardianship Office within the Department of Elderly Affairs; providing for an executive director and oversight responsibilities; requiring submission of a guardianship plan and yearly status reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court; requiring the office to develop a training program; authorizing demonstration projects; providing for rules; amending s. 744.703, F.S.; providing for the executive director to establish offices of public guardian and to appoint public guardians; providing for transfer of oversight responsibility from the chief judge of the circuit to the office; providing for the suspension of public guardians, as specified; amending s. 744.706, F.S.; providing for the preparation of the budget of the Statewide Public Guardianship Office; amending s. 744.707, F.S.; revising language with respect to procedures and rules to include reference to the Statewide Public Guardianship Office; amending s. 744.708, F.S.; revising language with respect to reports and standards; amending s. 744.709, F.S.; providing that surety bonds can be purchased from funds appropriated to the Statewide Public Guardianship Office; amending s. 744.1085, F.S.; revising language with respect to professional guardians to include reference to the Statewide Public Guardianship Office; amending s. 744.3135, F.S.; providing a procedure for obtaining fingerprint cards and for maintaining the results of certain investigations; amending s. 28.241, F.S.; providing for funds for public guardians; providing an effective date.

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

By Senator Forman—

SB 1180—A bill to be entitled An act relating to public records exemptions; creating s. 744.7081, F.S.; providing an exemption from public records requirements for certain records requested by the Statewide Public Guardianship Office; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

By Senators Latvala and Scott—

SB 1182—A bill to be entitled An act relating to charter schools; creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay Trust Fund; providing eligibility requirements; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital outlay purposes of charter

schools; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay Trust Fund; amending ss. 235.2155, 235.216, F.S., relating to the School Infrastructure Thrift Program Act; deleting authorization for awards related to the operation of charter schools; providing a contingent effective date.

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

By Senator Latvala—

SB 1184—A bill to be entitled An act relating to trust funds; creating the Charter Schools Capital Outlay Trust Fund; providing for administration by the Department of Education; providing for sources of moneys and purposes; providing for annual carryover of moneys; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

By Senator Kirkpatrick—

SB 1186—A bill to be entitled An act relating to State University System faculty members; providing for confidentiality of records relating to promotion, reemployment, and tenure; providing an exemption from the public meetings law for proceedings relating to the promotion, reemployment, or tenure of faculty members; providing for legislative review and future repeal; providing a statement of public necessity; providing an effective date.

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

By Senator Rossin—

SB 1188—A bill to be entitled An act relating to investigation of cases involving adult abuse, neglect, and exploitation; amending s. 415.102, F.S.; redefining the term "closed without classification" and defining the term "self-neglect"; amending s. 415.1045, F.S.; providing duties when a case is determined to be self-neglect; amending s. 415.1055, F.S.; revising requirements for notification regarding the classification of reports alleging abuse, neglect, and exploitation; amending s. 415.1065, F.S.; providing guidelines for retaining records of reports of self-neglect; amending s. 415.1102, F.S.; deleting reference to self-neglect; amending s. 430.205, F.S.; revising circumstances under which elderly persons must receive primary consideration of community-care-for-the-elderly services; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator Clary—

SB 1190—A bill to be entitled An act relating to building codes; establishing a single statewide building code for governing the design, construction, code enforcement, erection, alteration, modification, maintenance, and demolition of the public and private built environment.

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

By Senator Clary—

SB 1192—A bill to be entitled An act relating to medicaid third–party liability; providing intent concerning the application of certain amendments; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Gutman—

SB 1194—A bill to be entitled An act relating to postsecondary education; amending s. 216.136, F.S.; creating the Workforce Development Estimating Conference; providing duties and principals; amending s. 229.551, F.S.; revising duties of the Commissioner of Education with respect to common course designation and numbering; revising membership and duties of the Articulation Coordinating Committee; amending s. 236.081, F.S.; providing funding for the co-enrollment of secondary students; amending s. 239.105, F.S.; revising terms defined for the purposes of vocational, adult, and community education; amending s. 239.115, F.S.; prescribing additional courses that will be considered "workforce development education" or "workforce development programs"; providing funding guidelines for programs for disabled students and for other programs; requiring an annual audit of the Florida Workforce Development Education Fund; amending s. 239.117, F.S.; conforming terminology to changes made by the act; providing standards for fee schedules, revenues, and courses of study with respect to literacy completion points; amending s. 239.229, F.S.; conforming terminology to changes made by the act; providing for standards and accountability with respect to literacy completion points; amending s. 239.249, F.S.; providing duties of the Jobs and Education Partnership with respect to degree education courses and programs; amending s. 239.301, F.S.; revising provisions relating to adult general education and to educational programs for disabled adults; amending s. 240.115, F.S.; providing for the statewide articulation of workforce development courses and programs; amending s. 240.301, F.S.; conforming terminology to changes made by the act; amending s. 240.35, F.S.; providing applicability of provisions relating to student fees to non-college-credit courses; exempting certain persons from registration, matriculation, and laboratory fees; amending s. 240.359, F.S.; providing for allocating funds to community colleges for college-preparatory programs and degree vocational education programs; requiring the Commissioner of Education to study issues relating to workforce development and report to the Legislature; creating s. 240.3345, F.S.; providing for the creation of charter colleges by community colleges; providing limitations, duties, and eligibility requirements; authorizing adoption of rules; providing for renewal or termination of charters; providing for revenues; creating s. 240.524, F.S.; prescribing conditions under which community colleges may award baccalaureate degrees; amending s. 240.147, F.S.; providing duties of the Postsecondary Education Planning Commission with respect to community college baccalaureate degrees; amending s. 240.301, F.S.; revising the mission of community colleges to account for the authorization to award baccalaureate degrees; amending s. 240.311, F.S.; prescribing duties of the State Board of Community Colleges with respect to charter colleges and community college baccalaureate degrees; amending s. 240.319, F.S.; prescribing powers of community college boards of trustees with respect to offering baccalaureate degrees; amending s. 232.2466, F.S.; revising requirements for the college-ready diploma; amending s. 240.1163, F.S.; providing requirements for school districts and community colleges with respect to weighting dual enrollments; amending s. 240.321, F.S.; prescribing additional content for notice given to students by community college boards of trustees; amending s. 240.4097, F.S.; requiring application deadlines for postsecondary student assistance grants; amending s. 246.013, F.S.; revising requirements for institutions to participate in the common course designation and numbering system; amending ss. 239.117, 240.235, F.S.; exempting certain persons from registration, matriculation, and laboratory fees; amending s. 240.319, F.S.; requiring community colleges to operate on a 5-day work week; amending s. 246.207, F.S.; requiring specified moneys to be transferred to the Institutional Assessment Trust Fund; providing an effective date.

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

By Senator Forman—

SB 1196—A bill to be entitled An act relating to health care for low-income persons; providing legislative intent with respect to access to health care services for low-income employees of small employers and self-employed individuals; providing definitions; authorizing community health purchasing alliances in a specified county to contract, under a pilot project, with provider networks for clinic-based health care services for low-income employees of small employers, self-employed individuals, and dependents of low-income employees and self-employed individuals;

requiring the Agency for Health Care Administration to adopt rules for eligibility requirements and for administrative and accounting standards; requiring the Department of Insurance to adopt by rule requirements for licensure, financial reserves, and financial solvency; providing an effective date.

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

By Senator Forman—

SB 1198—A bill to be entitled An act relating to law enforcement officers; creating ss. 943.1721 and 943.1722, F.S.; requiring basic skills training and continued employment training for law enforcement officers relating to elderly persons; providing an effective date.

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

By Senator Meadows—

SB 1200—A bill to be entitled An act relating to education; amending s. 229.58, F.S.; revising provisions relating to membership of school advisory councils; providing an effective date.

—was referred to the Committee on Education.

By Senator Latvala—

SB 1202—A bill to be entitled An act relating to brownfields redevelopment; amending s. 376.77, F.S.; correcting a cross-reference; amending s. 376.79, F.S.; redefining terms and defining the term "secretary"; amending s. 376.80, F.S.; providing that closed military bases may be designated as brownfield areas; clarifying the job-creation criteria for the designation of a brownfield site; clarifying certain terms; amending s. 376.81, F.S.; deleting a duplicative provision relating to the issuance of no-further-action orders; amending s. 376.82, F.S.; providing clarification regarding the eligibility of certain brownfield sites; clarifying the provisions relating to the job creation eligibility criteria; providing liability protection for properties acquired by local or state governments under certain conditions; amending s. 376.83, F.S.; correcting a cross-reference; amending s. 288.106, F.S.; providing that the wage requirement criteria may be waived for a designated brownfield area; requiring the Director of the Office of Tourism, Trade, and Economic Development to approve certain wage requirement waiver requests; amending s. 288.107, F.S.; defining the terms "brownfield area" and "brownfield site"; providing legislative intent regarding the inefficient use of public facilities and services in brownfield areas; creating the Brownfield Areas Loan Guarantee Program; creating the Brownfield Areas Loan Guarantee Council; providing duties and membership; providing that not more than $5 million of the investment earnings on the investment of the minimum balance of the Nonmandatory Land Reclamation Trust Fund in a fiscal year shall be at risk at any time on one or more loan guarantees, or as loan loss reserves; requiring lenders seeking loan guarantees from the council to follow certain specified procedures; limiting the circumstances under which a lender may file a claim for a loss pursuant to the guaranty; providing the council with certain rulemaking authority; authorizing the council to receive certain funds; requiring the council to file an annual report to the Legislature; providing for future legislative review; amending s. 288.9602, F.S.; providing for the redevelopment of brownfield areas to be included in the declaration of findings regarding economic development; amending s. 288.9605, F.S.; expanding the powers and duties of the Florida Development Finance Corporation to authorize the corporation to make determinations regarding participation in certain partnerships and agreements concerning the redevelopment of brownfield areas and the guaranty of revenue bonds, loan guarantees, or loan loss reserves; requiring the Board of Regents to establish a Center for Brownfield Rehabilitation Assistance in the Environmental Sciences and Policy Program in the College of Arts and Sciences at the University of South Florida; specifying the purpose and duties of the center; amending s. 163.3187, F.S.; providing that local government comprehensive plan amendments directly related to proposed redevelopment of designated brownfield areas may be approved without regard to certain statutory limits on the frequency of amendments to the local comprehensive plan; providing legislative findings and intent regarding lienholders on brownfield property; providing that certain counties and municipalities may apply for designation of an enterprise zone encompassing a brownfield pilot project under certain circumstances; providing an effective date.

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

By Senator Latvala—

SB 1204—A bill to be entitled An act relating to brownfield redevelopment; creating the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund to be administered by the Office of Tourism, Trade, and Economic Development; authorizing the office to make loans for brownfield site rehabilitation; specifying loan terms and interest rates; providing rulemaking authority; providing a contingent effective date.

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

By Senator Crist—

SB 1206—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.11, F.S.; revising provisions which require dealers who paid $100,000 or more in tax in the prior year to make estimated tax payments; reducing the percentage used to calculate estimated tax liability over a specified period and repealing said percentage January 1, 2004; providing that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may, in lieu of making estimated tax payments, remit the tax for sales of $100,000 or more within a specified period; providing an effective date.

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

By Senator Crist—

SB 1208—A bill to be entitled An act relating to water management districts; amending s. 373.503, F.S.; requiring a vote of the electors in each district before ad valorem taxes may be levied; providing an effective date.

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

By Senator Crist—

SB 1210—A bill to be entitled An act relating to stalking offenses; amending s. 784.048, F.S.; providing for court revocation for a specified period of the driver's license of a person who has used a motor vehicle in the course of committing stalking or aggravated stalking; providing for forfeiture as contraband of such motor vehicle; providing for booting or immobilization of the vehicle for a specified period; providing for forfeiture of personal property used in the course of committing the stalking or aggravated stalking; amending s. 932.701, F.S., relating to definitions with respect to the Florida Contraband Forfeiture Act; redefining the term "contraband article," to conform to changes made by the act; reenacting s. 932.703, F.S., relating to forfeiture of contraband articles, to incorporate the amendment to s. 932.701, F.S., in references; providing an effective date.

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

By Senator Crist—

SB 1212—A bill to be entitled An act relating to contracting; amending ss. 489.127, 489.531, F.S.; providing for similar penalties for unlicensed violations with respect to construction contracting and electrical contracting; providing for additional penalties for certain violations; providing an effective date.

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

By Senator Crist—

SB 1214—A bill to be entitled An act relating to offenders under correctional supervision; amending s. 948.03, F.S., relating to probation and community control; requiring probationers and community controllees on supervision for controlled substance violations or certain firearm offenses to submit to random searches without a warrant; prohibiting a probationer or community controllee from having "contact," as defined, with the victim unless authorized by the court; reenacting s. 947.23(6), F.S., relating to action of Parole Commission upon arrest of parolee, s. 948.001(5), F.S., relating to definition of "probation" with respect to chapter 948, F.S., and s. 958.03(4), F.S., relating to definition of "probation" with respect to specified provisions in chapter 958, F.S., to incorporate said amendment in references; amending s. 948.06, F.S., relating to violations of probation or community control; authorizing law enforcement officers and probation or community control officers to search without a warrant, or request search without a warrant of, the person, residence, or property of probationers and community controllees under certain circumstances; prohibiting the exclusion or suppression of evidence from trials for subsequent offenses by offenders on probation, community control, or parole, or from hearings for violation of probation, community control, or parole, under certain circumstances when there was reasonable suspicion to believe that at the time of the search the offender violated the law or the terms of probation, community control, or parole; providing an exception with respect to offenders on probation, community control, or parole for substance violations or certain firearms offenses; prohibiting the exclusion or suppression of evidence from hearings for violation of supervision of offenders on probation, community control, or parole for controlled substance violations or certain firearm offenses when such exclusion or suppression is based solely on insufficient suspicion or reason to believe a violation by the offender occurred, under certain circumstances; reenacting s. 948.01(9), (11)(b), and (13)(b), F.S., relating to circumstances when a court may place a defendant on probation or into community control, and s. 958.14, F.S., relating to violation of probation or community control program, to incorporate said amendment in references; providing an effective date.

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

By Senator Crist—

SB 1216—A bill to be entitled An act relating to corrections; requiring a state correctional institution, or the Department of Corrections acting in its behalf, to seek reimbursement for costs of incarceration of a prisoner, including certain medical and dental expenses, which have not been reimbursed as otherwise provided by law; specifying order of sources of reimbursement; providing for deduction of the costs from the prisoner's cash account, placement of a lien against the account or the prisoner's other personal property, or reimbursement from the proceeds of the prisoner's insurance policy, health care corporation proceeds, or other source; providing that the lien may be carried over to future incarceration under certain circumstances; requiring the prisoner to cooperate with such reimbursement efforts; providing for sanctions in case of willful refusal to cooperate, including placement of a lien against the prisoner's cash account or other personal property and ineligibility to receive gain-time; providing an effective date.

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

By Senator Crist—

SB 1218—A bill to be entitled An act relating to driver's license revocations; amending s. 322.26, F.S.; providing for permanent revocation of a driver's license for murder resulting from the operation of a motor vehicle and for vehicular homicide; amending s. 322.271, F.S.; providing for petition for reinstatement under certain circumstances; eliminating the option to apply for reinstatement if a person is convicted of 4 or more DUI violations; creating s. 322.275, F.S.; providing for the authority of the court to authorize reinstatement of a permanently revoked driver's license; amending s. 322.28, F.S.; revising provisions with respect to the period of suspension or revocation; conforming current provisions to the act; creating s. 322.283, F.S.; providing for the commencement of the period of suspension or revocation for incarcerated offenders; providing for notification to the Department of Highway Safety and Motor Vehicles; amending s. 322.34, F.S.; providing that the element of knowledge with respect to the suspension, revocation, cancellation, or disqualification is satisfied when certain notice is sent; creating s. 322.341, F.S.; providing penalties for driving while a license is permanently revoked; providing an effective date.

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

By Senator Crist—

SB 1220—A bill to be entitled An act relating to certified public accountants; creating s. 473.3065, F.S.; establishing the Certified Public Accountant Education Minority Assistance Program; providing for scholarships to eligible students; providing for the funding of scholarships; requiring Board of Accountancy rules; providing a penalty for certain violations; creating an advisory council to assist in program administration; providing an effective date.

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

By Senator Scott—

SB 1222—A bill to be entitled An act relating to road designations; designating a portion of State Road A1A in the towns of Ocean Ridge and Manalapan in Palm Beach County as a state historic and scenic highway; providing definitions; prohibiting the expenditure of state funds for certain purposes; providing for the application of the act; directing the Division of Historical Resources to provide for the erection of suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Scott—

SB 1224—A bill to be entitled An act relating to electric utilities; expressing legislative intent relating to chapters 366 and 403, Florida Statutes; providing an effective date.

—was referred to the Committees on Regulated Industries and Natural Resources.

By Senator Thomas—

SB 1226—A bill to be entitled An act relating to road designation; designating that portion of State Road 71 extending through Port St. Joe (known as 5th Street) as "Cecil G. Costin, Sr. Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senators Brown-Waite, Myers, Bankhead, Burt and Silver—

SB 1228—A bill to be entitled An act relating to children's health care; amending s. 409.904, F.S.; providing for children under specified ages who are not otherwise eligible for the Medicaid program to be eligible for optional payments for medical assistance; amending s. 409.9126, F.S.; making the Children's Medical Services network available to certain children who are eligible for the Florida Kids Health program; revising provisions to reflect the transfer of duties to the Department of Health; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating and providing the purpose for the Florida Kids Health program; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; creating s. 409.8135, F.S.; providing for program enrollment and expenditure ceilings; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing requirements for health benefits coverage under the Florida Kids Health program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for approval of health benefits coverage as a condition of financial assistance; creating s. 409.818, F.S.; providing for program administration; specifying duties of the Department of Children and Family Services, the Department of Health, the Agency for Health Care Administration, the Department of Insurance, and the Florida Healthy Kids Corporation; authorizing application for federal waiver for alternative coverage; transferring, renumbering, and amending s. 154.508, F.S., relating to outreach activities to identify low-income, uninsured children; creating s. 409.820, F.S.; requiring that the Department of Health develop standards for quality assurance and program access; establishing performance measures and standards for the Florida Kids Health program; providing an appropriation; providing for application of the act to certain contracts between providers and the Florida Healthy Kids Corporation; providing an effective date.

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

By Senators Brown-Waite, Myers, Bankhead, Burt and Silver—

SB 1230—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information provided by applicants to the Florida Kids Health program; providing an exemption for certain information obtained through quality assurance activities and patient satisfaction surveys; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Senator Brown-Waite—

SB 1232—A bill to be entitled An act relating to rulemaking authority of the Agency for Health Care Administration; amending s. 408.08, F.S.; authorizing the agency to adopt rules under which health care facilities may be granted extensions of deadlines for filing certain reports; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Senators Dudley and Burt—

SJR 1234—A joint resolution proposing an amendment to Section 2 of Article V of the State Constitution, relating to rules of practice and procedure.

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

By Senators Burt and Dudley—

SJR 1236—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishments.

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

By Senators Dudley and Burt—

SJR 1238—A joint resolution proposing an amendment to Section 9 of Article X of the State Constitution, relating to repeal of criminal statutes, to provide that the term "punishment" is limited in its application and does not include a method of executing the death penalty.

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

By Senators Burt and Dudley—

SJR 1240—A joint resolution proposing an amendment to Section 10 of Article I of the State Constitution, relating to prohibited laws, to direct the courts how to decide whether a law is an ex post facto law.

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

By Senator Forman—

SB 1242—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 427.011, F.S.; amending definitions; amending s. 427.012, F.S.; revising the membership of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising the purpose and responsibilities of the commission; providing for rulemaking; amending s. 427.0135, F.S.; revising the duties and responsibilities of agencies that purchase transportation disadvantaged services; amending s. 427.015, F.S.; revising the function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged; amending s. 427.0155, F.S.; revising the powers and duties of community transportation coordinators; creating s. 427.0156, F.S.; providing for the membership of local coordinating boards; providing duties of the chairperson of a multicounty board; amending s. 427.0157, F.S.; revising the powers and duties of local coordinating boards; amending s. 427.0159, F.S.; revising the administration and statement of purpose for funds in the Transportation Disadvantaged Trust Fund; providing for the creation of and standards for a grant distribution formula; amending s. 427.016, F.S.; revising procedures for the expenditure of funds for the transportation disadvantaged; providing an effective date.

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

By Senator Burt—

SB 1244—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's

liability to pay over within 10 days certain moneys collected; providing an effective date.

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

By Senator Burt—

SB 1246—A bill to be entitled An act relating to the Department of Elderly Affairs; amending s. 20.41, F.S.; providing findings; providing powers and duties; revising the responsibility of the area agencies' boards; providing for board membership; providing for the appointment of board executive directors; providing for audits and exemption from chapter 120, F.S.; establishing service areas for the department; providing for reviews and requiring a report to the Legislature; providing for the conversion of existing agencies; providing for the continuation of certain contracts; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Governmental Reform and Oversight; and Ways and Means.

By Senator Burt—

SB 1248—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information of the Department of Corrections, to conform; providing a contingent effective date.

—was referred to the Committee on Criminal Justice.

By Senator Burt—

SB 1250—A bill to be entitled An act relating to motor vehicle specialty license plates; amending s. 320.08053, F.S.; revising language with respect to requirements for requests to establish specialty license plates; amending s. 320.08056, F.S.; revising language with respect to specialty license plates to provide criteria for the discontinuance of the issuance of an approved plate; amending s. 320.08062, F.S.; revising language with respect to an annual required audit or report; revising language with respect to annual use fees of special license plates; providing an effective date.

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

By Senator Burt—

SB 1252—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.001, F.S.; restricting applicability of the definition of the term "computer software"; providing an effective date.

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

By Senator Grant—

SB 1254—A bill to be entitled An act relating to vehicular homicide; amending s. 782.071, F.S.; redefining the offense of "vehicular homicide" to include the killing of an unborn quick child by any injury to the mother which would be vehicular homicide if it resulted in the death of the mother; providing penalties; reenacting ss. 921.0012(3)(h) and 960.03(3), F.S., relating to the offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0012, F.S., relating to the offense severity ranking chart, to conform terminology; providing an effective date.

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

By Senator Harris—

SB 1256—A bill to be entitled An act relating to inland navigation districts; amending s. 374.976, F.S.; authorizing districts to enter into cooperative agreements with the Federal Government and participate with the U.S. Army Corps of Engineers in waterway maintenance projects and anchorage management programs; authorizing districts to enter into ecosystem management agreements with the Department of Environmental Protection; providing matching fund exceptions; amending s. 403.061, F.S.; providing a supplemental process for the issuance of joint coastal permits and environmental resource permits; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Harris—

SB 1258—A bill to be entitled An act relating to infant health care; amending ss. 383.14, 383.318, and 467.019, F.S.; providing requirements for screening of infants born in the state for controlled substances and human immunodeficiency virus (HIV) infection; providing duties of the Department of Health, birth centers, and midwives; requiring adoption of rules; deleting an exemption from infant health screening requirements; providing an effective date.

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

By Senator Harris—

SB 1260—A bill to be entitled An act relating to the construction of the Florida Statutes; amending s. 1.01, F.S.; redefining the term "veteran"; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Harris—

SB 1262—A bill to be entitled An act relating to small business financial assistance; creating s. 288.95155, F.S.; creating the Florida Small Business Technology Growth Program; requiring the technology development board of Enterprise Florida, Inc., to administer and manage the program; requiring the board to establish a separate account in the Florida Technology Research Investment Fund for certain purposes; specifying sources of moneys in the account; providing program purposes; providing criteria for awards of assistance from the program; requiring the board to annually report on the fiscal status of the program and account; providing an effective date.

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

By Senator Forman—

SB 1264—A bill to be entitled An act relating to traumatic brain injury; creating s. 402.09, F.S.; requiring the Department of Children and Family Services to provide services, in certain circumstances, to individuals who have sustained traumatic brain injury; providing for rules; providing an effective date.

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

By Senators Forman and Kirkpatrick—

SB 1266—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Barry University license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Thomas—

SB 1268—A bill to be entitled An act relating to trust funds; providing legislative intent to create a trust fund for the deposit of tobacco lawsuit settlement moneys; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Thomas—

SB 1270—A bill to be entitled An act relating to public funds; providing legislative intent to adopt guidelines for the use of tobacco lawsuit settlement moneys; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Ostalkiewicz—

SJR 1272—A joint resolution proposing an amendment to Section 12 of Article V of the State Constitution relating to recall of justices and judges.

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

By Senator Ostalkiewicz—

SB 1274—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing that the tax on the sale of an automobile or truck for personal use shall be reduced for a 3-year period; providing for review; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Ostalkiewicz—

SM 1276—A memorial requesting the United States Congress to prepare and submit to the states an amendment to the United States Constitution prohibiting federal courts from ordering a state to levy or increase taxes.

—was referred to the Committee on Rules and Calendar.

By Senator Ostalkiewicz—

SM 1278—A memorial to the Congress of the United States, requesting that a balanced budget amendment to the United States Constitution be submitted to the states for ratification.

—was referred to the Committee on Rules and Calendar.

By Senator Latvala—

SB 1280—A bill to be entitled An act relating to water management; amending s. 373.59, F.S.; correcting cross-references; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SB 1282—A bill to be entitled An act relating to the lead-acid battery fee; amending ss. 403.717 and 403.7185, F.S.; specifying that the fee applies to new or remanufactured lead-acid batteries sold at retail; providing an effective date.

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

By Senator Silver—

SB 1284—A bill to be entitled An act relating to collection of court costs and fines; creating s. 938.30, F.S.; providing for supplementary proceedings for enforcement of court-ordered payment of financial obligations in criminal cases; providing for examination under oath regarding a person's ability to pay financial obligations in a criminal case; providing for service or actual notice of orders to appear; providing for taking of testimony; providing for orders that nonexempt property in the hands of another be applied toward satisfying an obligation; providing for a judgment of civil lien; providing for applicability of the Uniform Fraudulent Transfer Act in certain collection matters; providing for payment schedules; providing for civil contempt sanctions for failure to appear or comply with certain orders; providing for specified enforcement costs and fees to be assessed; providing for attorney's fees; providing for the use of special masters; providing for construction; permitting use of the new provisions in addition to or in lieu of other provisions of law; providing for certain court orders; providing an effective date.

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

By Senator Silver—

SB 1286—A bill to be entitled An act relating to regulation of professions and occupations; amending ss. 455.225, 455.621, F.S., relating to disciplinary proceedings for boards within the Department of Business and Professional Regulation and the Department of Health, respectively; providing for confidentiality while an investigation is active; authorizing disclosure within a specified period after a determination regarding probable cause; authorizing disclosure of an active investigation under certain circumstances; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Reform and Oversight.

By Senator Silver—

SB 1288—A bill to be entitled An act relating to public lodging establishments; amending s. 509.215, F.S.; revising firesafety requirements for specified public lodging establishments; deleting obsolete language; amending s. 509.242, F.S.; revising classifications for public lodging establishments; providing that such classifications are for licensing purposes only; providing classification for "home stay inn"; amending s. 553.895, F.S.; removing obsolete firesafety requirements for public lodging establishments within the Florida Building Codes Act; providing an effective date.

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

By Senator Silver—

SB 1290—A bill to be entitled An act relating to driver's licenses; amending s. 322.12, F.S.; requiring tests of certain elderly drivers at designated intervals; amending s. 322.121, F.S.; basing license reexaminations on point assessments; amending s. 322.18, F.S.; providing for a 3-year license for certain drivers; amending s. 322.21, F.S.; revising the fee for certain original or renewal driver's licenses; providing an effective date.

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

By Senator Gutman—

SB 1292—A bill to be entitled An act relating to controlled substances; amending s. 893.12, F.S.; deleting the requirement that a copy of the record of the destruction of seized controlled substances be sent to the Drug Enforcement Administration; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Gutman—

SB 1294—A bill to be entitled An act relating to agricultural sales; amending s. 570.55, F.S.; revising the "Florida Avocado, Mango, Lime, and Tomato Sales Law" to the "Florida Tropical or Subtropical Fruit and Vegetables Sales Law"; revising provisions to apply to tropical or subtropical fruit and vegetables; prescribing use of certain containers in shipping or distribution; providing an exception; increasing a penalty; amending s. 603.161, F.S.; revising a definition; increasing a penalty; providing an effective date.

—was referred to the Committee on Agriculture.

By Senator Gutman—

SB 1296—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S.; authorizing insurers to contract with preferred providers to provide personal injury protection benefits; providing for a reduced premium rate; providing coverage; providing an election form; providing a presumption; authorizing the Department of Insurance to adopt rules; providing definitions; specifying procedures; providing an effective date.

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

By Senator Gutman—

SB 1298—A bill to be entitled An act relating to tourism; amending s. 288.1221, F.S.; revising legislative intent; amending s. 288.1222, F.S.; clarifying a definition; amending s. 288.1223, F.S.; clarifying meeting and vice chair election provisions; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Bankhead—

SB 1300—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 110.108, 110.123, 120.57, 154.04, 215.196, 216.292, 217.045, 217.11, 230.23, 255.102, 255.249, 255.25, 255.25001, 255.253, 255.254, 255.255, 255.257, 255.258, 255.31, 255.45, 255.451, 255.502, 255.503, 255.504, 255.505, 255.506, 255.507, 255.508, 255.509, 255.51, 255.511, 255.513, 255.514, 255.515, 255.517, 255.518, 255.52, 255.521, 255.522, 255.523, 265.001, 265.002, 265.2865, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.16, 272.185, 273.055, 281.02, 281.03, 281.04, 281.05, 281.06, 281.08, 281.09, 282.102, 282.103, 282.104, 282.105, 282.1095, 282.111, 283.30, 283.32, 284.33, 287.012, 287.017, 287.022, 287.032, 287.042, 287.045, 287.055, 287.056, 287.057, 287.058, 287.073, 287.083, 287.09451, 287.131, 287.15, 287.16, 287.161, 287.19, 288.15, 288.18, 318.21, 334.0445, 364.515, 365.171, 376.10, 395.1031, 401.013, 401.015, 401.018, 401.024, 403.7065, and 946.515, Florida Statutes, pursuant to the directive of the Legislature in s. 4, ch. 97-296, Laws of Florida, to substitute a reference to the Department of Management Services for all references in the Florida Statutes to any division, bureau, or other unit of the Department of Management Services, except for references to the Division of Administrative Hearings, the Division of Retirement, or commissions.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 1302—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 20.19, 20.316, 26.012, 27.02, 27.151, 27.52, 39.01, 39.40, 39.403, 39.408, 39.41, 39.452, 39.454, 49.011, 95.11, 228.041, 230.2316, 230.23161, 230.335, 232.17, 232.19, 239.117, 240.235, 240.35, 253.025, 316.003, 316.635, 318.143, 318.21, 397.6758, 397.706, 409.145, 409.1685, 409.2564, 409.803, 415.107, 415.5015, 415.503, 415.5086, 415.51, 419.001, 743.0645, 744.309, 784.075, 790.22, 790.23, 877.22, 921.0012, 921.0022, 938.17, 943.0515, 943.0585, 943.059, 944.401, 948.51, 958.04, 958.046, 960.001, 984.03, 984.04, 984.05, 984.071, 984.10, 984.15, 984.16, 984.20, 984.21, 984.22, 984.225, 984.226, 984.23, 984.24, 985.03, 985.213, 985.214, 985.218, 985.231, and 985.306, F.S., to conform to the directive of the Legislature in section 122 of chapter 97-238, Laws of Florida, to incorporate the reorganization of the content of chapter 39, F.S., into chapters 39, 984, and 985, F.S., as provided in chapter 97-238; correcting cross-references.

—was referred to the Committee on Rules and Calendar.

By Senator Grant—

SB 1304—A bill to be entitled An act relating to property insurance; amending s. 627.701, F.S.; limiting hurricane deductibles in personal lines residential policies to deductibles for other risks unless the policyholder elects a higher deductible; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Kurth—

SB 1306—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Protect Wild Dolphins license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Hargrett—

SB 1308—A bill to be entitled An act relating to domestic violence; amending s. 741.28, F.S.; modifying the definition of "Family or household member" for purposes of determining domestic violence; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Criminal Justice.

By Senator Hargrett—

SB 1310—A bill to be entitled An act relating to false personation; amending s. 817.02, F.S.; providing that obtaining property by false personation is a second-degree felony; providing penalties; creating s.

817.021, F.S.; providing that it is unlawful to give a false name or false identification to an arresting officer or jail personnel; providing penalties; providing for correcting public records pertaining to a person who has been adversely affected by an individual's giving a false name or false identification; providing an effective date.

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

By Senator Hargrett—

SB 1312—A bill to be entitled An act relating to motor vehicle repair liens; amending s. 713.585, F.S.; requiring that a notice of claim of lien for performing labor on a motor vehicle include an itemized invoice; providing for rejection of an application for transfer of title if such an invoice is not filed with the application and there has been an attempt to improperly charge storage charges; providing an effective date.

—was referred to the Committees on Judiciary and Transportation.

By Senators Bronson and Grant—

SB 1314—A bill to be entitled An act relating to capital investment tax credits; creating s. 220.191, F.S.; providing definitions; providing for a credit against the corporate income tax for certain capital costs; providing requirements; providing limitations; providing for certification of eligibility by the Office of Tourism, Trade, and Economic Development; providing duties of the Department of Revenue; authorizing the office to develop certification guidelines and application materials; providing an effective date.

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

By Senator Holzendorf—

SB 1316—A bill to be entitled An act relating to eligible surplus lines insurers; amending s. 626.918, F.S.; prohibiting the Department of Insurance from approving certain forms; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Grant—

SB 1318—A bill to be entitled An act relating to pugilistic exhibitions; amending s. 548.003, F.S.; providing that the location of the State Athletic Commission shall be in Tampa; amending s. 548.007, F.S.; revising applicability of the Joe Lang Kershaw Act; amending s. 548.008, F.S.; clarifying language with respect to prohibited toughman and badman competitions; amending s. 548.026, F.S.; revising language with respect to the duration of licenses issued under the act; amending s. 548.043, F.S.; revising provisions regulating weights, classes, and gloves; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Reform and Oversight.

By Senator Kirkpatrick—

SB 1320—A bill to be entitled An act expressing legislative intent to revise the laws relating to distance learning.

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

By Senator Rossin—

SB 1322—A bill to be entitled An act relating to state property; transferring certain described property from the state to Palm Beach County; providing an effective date.

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

By Senator Rossin—

SB 1324—A bill to be entitled An act relating to insurance, creating the "Equity in Prescription Insurance and Contraceptive Coverage Act"; providing definitions; requiring health insurance plans that provide benefits for prescription drugs and devices and benefits for outpatient services to provide coverage for persons needing contraceptive drugs or devices or outpatient contraceptive services; prohibiting extraordinary surcharges; prohibiting health insurance plans from other specified discriminatory practices; providing for enforcement by the Department of Insurance; authorizing the department to adopt rules; providing an effective date.

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

By Senator Rossin—

SB 1326—A bill to be entitled An act relating to security deposits; amending s. 83.49, F.S.; providing that certain security deposits must be placed in interest-bearing accounts; providing for the deposit of interest into the State Housing Trust Fund; providing for the use of such funds; providing an effective date.

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

By Senator Burt—

SB 1328—A bill to be entitled An act relating to postconviction capital collateral proceedings; requesting that the Division of Statutory Revision designate part IV of ch. 27, F.S., as "Capital Collateral Representation"; amending s. 27.702, F.S.; deleting a requirement that specifies the time for the capital collateral regional counsel to commence the representation of a person sentenced to death; creating s. 27.710, F.S.; requiring that the Justice Administrative Commission maintain a registry of attorneys in private practice who are available to be appointed to represent defendants in postconviction capital collateral proceedings; authorizing the commission to obtain names of attorneys who may register for appointment; providing eligibility requirements for appointment as counsel in postconviction capital collateral proceedings; providing for appointment of an attorney selected from the registry; providing that more than one attorney may not be appointed at any one time to represent a capital defendant; creating s. 27.711, F.S.; requiring that an attorney appointed to represent a capital defendant file a notice of appearance; providing a schedule of fees to which the attorney is entitled for specified appearances and representations; providing that such fees constitute the exclusive means of compensation for such representation; authorizing compensation as provided by federal law under certain circumstances; authorizing the use of investigative services and the payment of fees for such services; providing that by accepting appointment to represent a capital defendant the attorney agrees to continue such representation until the defendant's sentence is reversed, reduced, or carried out; limiting the number of capital defendants that an attorney may represent; prohibiting a claim of ineffective assistance of counsel based on an action by the attorney who represents a capital defendant; prohibiting the attorney from representing the capital defendant in certain other proceedings; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Burt—

SB 1330—A bill to be entitled An act relating to the administration of capital cases; requiring that the Secretary of State establish a regional records repository for each capital collateral regional office; requiring that the public defender, law enforcement agencies, the state attorney, and the Department of Corrections copy and deliver records to the records repository which pertain to a capital case; providing requirements for notifying the Attorney General upon delivery of such records to the repository; requiring that the Attorney General request records from certain additional persons and agencies; providing requirements for sealing confidential records and records that are exempt from disclosure under the Public Records Law; prohibiting such records from being opened without a court order; prohibiting the capital collateral regional counsel or private counsel from requesting the production of public records in a capital case until after reviewing records held by the records repository; requiring that the capital collateral regional counsel or private counsel provide the personnel and equipment for copying records held at the repository; providing for resolving certain disputes with respect to the production of records; specifying circumstances under which the Secretary of State may destroy records held by a repository; amending s. 27.702, F.S.; requiring that the capital collateral regional counsel or private counsel notify the Commission on the Administration of Justice in Capital Cases and the trial court of pleadings filed in capital cases; requiring that a notice of hearing be filed with each pleading; requiring that the trial court expedite the hearings in capital cases; repealing s. 27.708(3), F.S., relating to requests for records in capital cases; providing an appropriation; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Latvala—

SB 1332—A bill to be entitled An act relating to rulemaking authority with respect to law enforcement (RAB); amending s. 112.193, F.S.; authorizing public employers to adopt rules establishing eligibility requirements and application procedures and other matters relating to service awards; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Latvala—

SB 1334—A bill to be entitled An act relating to rulemaking authority of the Department of Environmental Protection (RAB); amending s. 403.061, F.S.; authorizing the adoption of rules on quality-assurance requirements for environmental data submitted to the department; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SB 1336—A bill to be entitled An act relating to rulemaking authority with respect to asbestos removal (RAB); amending s. 376.60, F.S.; authorizing the Department of Environmental Protection to establish a fee schedule by rule; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SB 1338—A bill to be entitled An act relating to rulemaking authority with respect to land acquisition (RAB); amending s. 259.035, F.S.; authorizing the Land Acquisition and Management Advisory Council to establish multiple lists of projects selected for acquisition each year; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SB 1340—A bill to be entitled An act relating to rulemaking authorization with respect to vessel safety (RAB); amending s. 327.02, F.S.; defining the term "marker"; amending s. 327.41, F.S.; clarifying and conforming provisions to existing federal requirements; removing obsolete reference to an abolished federal advisory panel; providing an exemption from submerged lands lease requirements for safety and navigation markers; amending s. 327.46, F.S.; clarifying and conforming provisions to existing federal requirements; repealing s. 327.40, F.S., relating to uniform waterway markers; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Diaz-Balart—

SB 1342—A bill to be entitled An act relating to rulemaking authority of the Division of Workers' Compensation (RAB); amending ss. 440.05, 440.13, 440.16, 440.185, 440.191, 440.20, 440.40, 440.42, 440.49, 440.59, F.S.; extending rulemaking authority to the Division of Workers' Compensation; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Diaz-Balart—

SB 1344—A bill to be entitled An act relating to workers compensation; amending s. 440.49, F.S.; authorizing the Special Disability Trust Fund to make an offer, deny a claim, or request further information; providing an effective date.

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

By Senator Diaz-Balart—

SB 1346—A bill to be entitled An act relating to rulemaking authority with respect to occupational safety and health (RAB); amending s. 442.005, F.S.; authorizing rulemaking for the Division of Workers' Compensation regarding employee injuries resulting in death; amending s. 442.006, F.S.; authorizing rules for Division of Workers' Compensation investigations; amending s. 442.008, F.S.; authorizing rules for the Division of Workers' Compensation relating to recordkeeping responsibilities for public-sector employers; amending s. 442.009; authorizing rules for the Division of Workers' Compensation relating to right of entry to places of employment; amending s. 442.20, F.S.; authorizing rulemaking for the Division of Safety for annual reports, workplace-safety programs for clients of help-supply-services companies, adopting federal standards; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Brown-Waite—

SB 1348—A bill to be entitled An act relating to rulemaking authority of the Agency for Health Care Administration (RAB); amending s. 440.134, F.S.; directing the agency to adopt rules relating to workers' compensation managed care arrangements; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Williams—

SB 1350—A bill to be entitled An act relating to mortgage lenders (RAB); amending s. 494.0065, F.S.; authorizing a one-time transfer of ownership, control, or certain voting power of a licensed mortgage lender by an ultimate equitable owner under certain circumstances; providing an exception for intrafamilial transfers; providing requirements; provid-

ing for denial of the transfer under certain circumstances; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Rossin and Sullivan—

SB 1352—A bill to be entitled An act relating to investment of public funds (RAB); repealing s. 215.455, F.S., relating to the loan of securities; amending s. 215.515, F.S.; deleting provisions relating to review of charges for investment services of the State Board of Administration; amending s. 215.47, F.S.; revising list of eligible securities; authorizing the loan of securities or investments under specified conditions; amending s. 215.835, F.S.; prescribing rulemaking authority of the Division of Bond Finance and State Board of Administration; amending ss. 159.825, 218.407, F.S.; prescribing rulemaking authority of the State Board of Administration; creating s. 218.412, F.S.; providing rulemaking authority to the State Board of Administration; providing an effective date.

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

By Senator Klein—

SB 1354—A bill to be entitled An act relating to the prosecution of juveniles as adults; amending s. 985.227, F.S.; providing for a juvenile to be prosecuted as an adult if the juvenile is charged with grand theft of a motor vehicle; reenacting s. 985.21(4)(e), F.S., relating to the state attorney's authority to prosecute a juvenile as an adult, to incorporate the amendment to s. 985.227, F.S., in a reference thereto; providing an effective date.

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

By Senator Harris—

SB 1356—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing conditions under which certain nonprofit organizations are qualified as charitable institutions for tax exemption purposes; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senators Grant, Holzendorf, Horne, Clary, Cowin, Diaz-Balart, Latvala, Dyer, Silver, Casas, Klein, Kurth, Kirkpatrick, Turner, Williams, Sullivan, Rossin, Crist, Harris, Forman, Thomas, Meadows, Lee, Burt, Bronson, McKay and Dudley—

SB 1358—A bill to be entitled An act relating to postsecondary education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross-reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; providing an effective date.

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

By Senator McKay—

SB 1360—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing that an exemption from the tax applies to machinery and equipment purchased for use in phosphate severance, mining, or processing operations under specified conditions; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator McKay—

SB 1362—A bill to be entitled An act relating to pest control; amending ss. 482.021, 487.021, and 500.03, F.S.; clarifying definitions of "pest control," "pesticide or economic poison," "pesticide," and "pesticide chemical" with respect to the application or use of plain water; providing an effective date.

—was referred to the Committee on Agriculture.

By Senator Klein—

SM 1364—A memorial to the Congress of the United States, urging the Congress to act on an amendment to the Constitution of the United States relating to the rights of crime victims.

—was referred to the Committee on Rules and Calendar.

By Senator Klein—

SB 1366—A bill to be entitled An act relating to motor vehicles; amending s. 521.004, F.S.; modifying the disclosure form for a motor vehicle lease; amending s. 681.102, F.S.; modifying definitions applicable to motor vehicle sales warranties; providing an effective date.

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

By Senator Gutman—

SB 1368—A bill to be entitled An act relating to the Miami River; establishing the Miami River Commission; providing purposes; providing for a policy committee, a managing director, and a working group; specifying membership of the committee; providing powers and duties of the committee; requiring a report; providing an appropriation; providing an effective date.

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

By Senator Holzendorf—

SB 1370—A bill to be entitled An act relating to funeral directing, embalming, and direct disposition; amending s. 470.002, F.S.; expanding the definition of the term "legally authorized person"; amending s. 470.006, F.S.; revising a provision relating to licensure as an embalmer by examination, to clarify applicability of the internship requirement; amending s. 470.0085, F.S., relating to the embalmer apprentice program; authorizing an extension of apprenticeship for certain students working in funeral establishments; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending ss. 470.015 and 470.018, F.S.; providing for inclusion of a required course on human immunodeficiency virus and acquired immune deficiency syndrome in the board-approved course on communicable diseases for renewal of funeral director and embalmer licenses and renewal of registration of direct disposers; amending s. 470.024, F.S.; authorizing operation of visitation chapels and establishing criteria therefor; providing licensing limitations with respect to colocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities, including biennial renewal and applicable fees; providing for an annual inspection fee; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; amending s. 470.036, F.S; extending disciplinary actions to certain registrants and licensees; providing an effective date.

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

By Senator Williams—

SB 1372—A bill to be entitled An act relating to insurance; amending ss. 624.425, 624.428, 624.478, 626.112, F.S.; requiring agents to be appointed; amending s. 624.501, F.S.; clarifying application of fees for title insurance agents; amending s. 626.022, F.S.; providing for applicability of ch. 626, F.S.; amending s. 626.051, F.S.; revising the definition of the term "life agent"; defining the term "variable contract agent" and prescribing requirements for soliciting or selling variable life insurance, variable annuity contracts, and other indeterminate value contracts; amending s. 626.062, F.S.; conforming a cross-reference; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; excluding solicitors; authorizing the department to secure a credit and character report on certain persons; providing limits; providing requirements of the department; amending s. 626.451, F.S.; requiring law enforcement agencies, the state attorney's office, and court clerks to notify the department of agents found guilty of felonies; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.601, F.S.; authorizing the department to initiate investigation of agents under certain conditions; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in addition to suspending, revoking, or refusing to renew a license or appointment; creating s. 626.692, F.S.; providing for restitution under certain circumstances; amending s. 626.7351, F.S.; specifying additional qualifications for a customer representative's license; amending s. 626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.741, F.S.; authorizing the department to issue a customer representative license to certain persons; providing a limitation; providing procedures for agent licensure of certain persons under certain circumstances; providing for cancellation of a nonresident agent's license; amending ss. 626.792, 626.835, F.S.; providing procedures for issuing a resident agent's license to certain persons; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8417, F.S.; revising the qualifications for licensure as a title insurance agent; amending s. 626.8418, F.S.; increasing the amount of the deposit or bond of a title insurance agency; specifying that the bond of a title insurance agency must be posted with the department and must inure to the benefit of damaged insurers and insureds; amending ss. 626.8437, 626.844, F.S.; clarifying application of grounds for refusal, suspension, or revocation of license or appointment; amending s. 626.8443, F.S.; providing additional limitations on activities during suspension or after revocation of a license; amending s. 626.852, F.S.; providing for applicability; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.8695, F.S.; providing for notice to the department; requiring designation of primary adjuster on forms prescribed by the department; amending s. 626.872, F.S.; prohibiting the department from issuing a temporary adjuster's license to certain persons; amending s. 626.873, F.S.; providing procedures for licensing certain persons as resident adjusters; providing for cancellation of nonresident adjuster's license; amending s. 626.875, F.S; prescribing time for keeping adjusters' records; amending s. 626.916, F.S.; requiring surplus lines agents to provide specified information; amending s. 626.922, F.S.; requiring surplus lines agents to perform certain duties relating to evidence of insurance; amending s. 626.928, F.S.; increasing bonds for surplus lines agents; amending ss. 626.927, 626.9271, 626.929, 626.935, 626.944, F.S.; requiring appointment in addition to licensure of certain persons; amending s. 627.745, F.S.; clarifying a provision related to final examination; revising administration of the mediation program; amending s. 634.011, F.S.; revising a definition; amending ss. 634.171 and 634.420, F.S.; clarifying application of accountability provisions; amending s. 634.317, F.S.; providing for responsibility and accountability of sales representatives; amending s. 642.036, F.S.; deleting requirement that the addresses of certain agents be filed with the department; repealing s. 626.112(6), F.S., relating to licensing of claims investigators; repealing s. 626.532, F.S., relating to insurance vending machine licenses; repealing s. 626.857, F.S., relating to the definition of "claims investigator"; providing an effective date.

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

By Senator Campbell—

SB 1374—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Goals Act"; providing intent; providing goals relating to class size in certain grade levels; providing for funding; providing for review of statutory mandates; requiring annual reports and a study based on class size reductions; providing an effective date.

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

By Senator Campbell—

SB 1376—A bill to be entitled An act relating to discharging firearms in public; amending s. 790.15, F.S.; reclassifying from a misdemeanor of the first degree to a felony of the third degree the offense of knowingly discharging a firearm in any public place, on or over the right-of-way of a paved public road, highway, or street, or over occupied premises; providing penalties; providing enhanced penalties for habitual offenders; providing exceptions; conforming a reference; providing an effective date.

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

By Senator Burt—

SB 1378—A bill to be entitled An act relating to law enforcement; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 318.18, F.S., relating to civil penalties; redesignating regional criminal justice assessment centers as criminal justice selection centers; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; conforming cross-references; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; amending s. 943.256, F.S.; providing for the regional criminal justice assessment centers, which are directed by a postsecondary public school or a criminal justice agency, to be redesignated as criminal justice selection centers; providing an effective date.

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

By Senator Kirkpatrick—

SB 1380—A bill to be entitled An act relating to education; creating s. 228.0561, F.S.; authorizing charter conversion municipal subdistricts; providing requirements for operation; providing for areas of municipal jurisdiction; providing an effective date.

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

By Senator Forman—

SB 1382—A bill to be entitled An act relating to the operation of vehicles or vessels while under the influence; amending s. 316.193; providing for impoundment or immobilization of a vehicle; providing for impoundment of other vehicles owned by the defendant; providing circumstances for dismissal of the impoundment or immobilization order; amending s. 327.35, F.S.; providing for impoundment or immobilization of a vessel; providing for impoundment or immobilization of other vessels owned by the defendant; providing circumstances for dismissal of a court's impoundment or immobilization order; amending s. 327.352, F.S., providing a civil penalty for refusal to submit to chemical testing; providing an effective date.

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

By Senator Forman—

SB 1384—A bill to be entitled An act relating to animals; creating s. 828.35, F.S.; providing requirements for the rabies vaccination of ferrets; providing exemptions; providing for rabies vaccination certificates; providing for quarantine according to rules; providing a penalty; providing an effective date.

—was referred to the Committee on Agriculture.

By Senator Harris—

SB 1386—A bill to be entitled An act relating to economic development; expressing the legislative intent to foster economic development.

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

By Senator Horne—

SB 1388—A bill to be entitled An act relating to taxation; amending ss. 95.091, 193.062, 193.063, 194.192, 197.172, 199.052, 199.057, 199.062, 199.133, 199.185, 199.282, 201.16, 201.17, 205.053, 212.02, 212.05, 212.06, 212.08, 212.12, 213.04, 220.211, 220.222, 220.34, 220.723, 220.737, 220.801, 220.809, 221.02, F.S.; creating ss. 199.252, 199.2825, 212.125, 220.8051, F.S.; amending certain statutes of limitation; eliminating the tolling of the statute of limitations for specified causes; prescribing circumstances for the tolling of the statute of limitations as a result of administrative or judicial proceedings; limiting the period for which additional penalties and interest may be imposed; prescribing dates for filing returns for specified taxes; increasing the maximum length of time for which an extension to file a tangible-personal-property tax return may be granted; postponing the regular filing deadline for certain tax returns; amending certain interest rates on delinquent taxes and on penalties; providing interest on refunds owed to taxpayers and setting the interest rate thereon; exempting from the tax imposed under s. 199.133, F.S., certain documents pertaining to transfers in conjunction with a dissolution of marriage; prescribing a maximum amount for the intangibles tax on certain obligations; increasing the amounts of certain exemptions from the annual and nonrecurring taxes on certain property; allowing extensions of deadlines for providing certain annual tax information reports; increasing the minimum amount of taxes that must be owed before a tax return must be filed; allowing an extension of the deadline by which a corporation must elect to pay the annual tax on behalf of its stockholders and specifying conditions for making such election; exempting taxpayers from paying certain taxes upon a showing of reasonable cause, for so long as the reasonable cause applies; providing exceptions to payment of certain taxes or penalties; allowing certain penalties to be waived; providing for payment on interest by the state with respect to overpayments of taxes; prescribing limitations upon the assessment of back taxes; prescribing penalties for failing to pay taxes; providing exemptions from specified taxes; providing for the establishment of a cost-price amount for the purpose of sales and use taxation; limiting the aggregate amount of certain penalties

that may be imposed; providing that a federal extension of the deadline for paying certain taxes acts as a state extension, under specified conditions; deleting the requirement to pay interest on certain penalties; providing for credits for emergency excise taxes to be carried over; amending s. 236.081, F.S.; reducing the aggregate required-local-effort millage rate; providing a minimum base student allocation for fiscal year 1998-1999; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Horne—

SB 1390—A bill to be entitled An act relating to pollution control; creating s. 403.08701, F.S.; restricting authority of the Department of Environmental Protection to issue permits for construction of facilities for disposal, storage, or treatment of hazardous waste in Duval County; restricting locations in Duval County where hazardous waste transfer facilities may be owned, operated, or constructed; providing application to pending permits and proposed transfer stations; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senators Rossin, Klein and Meadows—

SB 1392—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; revising provisions which authorize imposition of an additional tax to pay debt service on bonds issued to finance construction or renovation of a professional sports franchise facility or convention center; authorizing use of tax revenues for operation and maintenance of a convention center for a specified period; providing an effective date.

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

By Senator Harris—

SB 1394—A bill to be entitled An act relating to elections; amending s. 106.07, F.S.; requiring political candidates who raise campaign funds during a legislative session to file weekly reports; providing an effective date.

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

By Senators Sullivan, Crist, Lee, Diaz-Balart, Williams, Holzendorf, Kirkpatrick, Bronson, Brown-Waite, Forman, Harris, Ostalkiewicz, Klein, Thomas, McKay and Grant—

SB 1396—A bill to be entitled An act relating to greenways and trails; amending s. 110.501, F.S.; redefining the term "volunteer"; amending s. 260.012, F.S.; providing additional declarations of legislative intent; creating s. 260.0125, F.S.; providing for the rights and benefits of private landowners who designate land for use as a greenway or trail; amending s. 260.013, F.S.; defining the term "designated" or "designation"; amending s. 260.014, F.S.; requiring the written consent of a landowner to designation of land as part of the statewide system of greenways and trails; amending s. 260.0141, F.S.; providing examples of what is not considered a designation of land; amending s. 260.016, F.S.; providing rulemaking authority for the Department of Environmental Protection; providing for the process of designation of lands; providing incentives for landowners; amending s. 260.018, F.S.; providing circumstances under which the identification of specified lands may not be recognized as greenways or trails; providing an effective date.

—was referred to the Committees on Natural Resources; and Governmental Reform and Oversight.

By Senator Meadows—

SB 1398—A bill to be entitled An act relating to municipal special assessments; amending s. 170.201, F.S.; providing an exemption from any special assessment levied by a municipality to fund emergency medical services for property owned or occupied by a governmentally financed, insured, or subsidized housing facility used primarily for persons who are elderly or disabled; providing an effective date.

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

By Senator Brown-Waite—

SB 1400—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.461, F.S.; providing liability for unpaid taxes, penalty, and interest if an owner of property classified as agricultural fails to notify the property appraiser when the property becomes ineligible for such classification; providing an effective date.

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

By Senators Latvala, Silver, Lee, Clary, Bronson, Childers and Meadows—

SB 1402—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license number be included in the uniform statewide voter registration application; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; amending s. 98.015, F.S.; providing an additional duty of the supervisor of elections; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information of a witness; creating s. 101.645, F.S.; requiring persons witnessing absentee ballots to be certified by the supervisor of elections; providing for removal of a name of a certified witness for cause; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24,

F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; creating s. 104.45, F.S.; disqualifying candidates and public officers from holding office upon a finding of guilt for certain violations; amending s. 114.01, F.S., relating to vacancy in office, to conform; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing for civil penalties; providing an appropriation; providing effective dates.

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

By Senators Brown-Waite, Dudley, Williams and Clary—

SB 1404—A bill to be entitled An act relating to the Coastal Zone Construction Act; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Clary—

SB 1406—A bill to be entitled An act relating to workers' compensation; amending s. 440.05, F.S.; authorizing the Division of Workers' Compensation of the Department of Labor and Employment Security to approve and revoke certificates of exemption; amending s. 440.105, F.S.; providing penalties; providing a time limitation for bringing an action under s. 440.105(4), F.S.; amending s. 440.107, F.S.; authorizing the division to obtain employer work records and issue subpoenas to compel the attendance of witnesses and the production of documents; providing limited immunity for witnesses; providing a penalty; providing an effective date.

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

By Senator Clary—

SB 1408—A bill to be entitled An act relating to public records; creating s. 440.108, F.S.; providing an exemption from public records requirements for certain information obtained in administering the Workers' Compensation Law; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; providing penalties for violations; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

By Senator Brown-Waite—

SB 1410—A bill to be entitled An act relating to rulemaking authority with respect to health care professionals (RAB); amending s. 455.707, F.S.; requiring that rules of the Department of Health governing treatment programs for impaired practitioners include requirements for the continued care and monitoring of a professional; amending s. 466.036, F.S.; authorizing the Department of Health to require that an applicant for a certificate to operate a dental laboratory provide additional information; amending s. 467.006, F.S.; specifying a minimum age for licensure as a midwife; amending s. 467.012, F.S.; providing additional requirements for continuing education programs for licensed midwives; providing that a midwife may fulfill a portion of the requirement for continuing education by performing pro bono services; providing recordkeeping requirements; providing requirements for providers of continuing education programs; amending s. 467.013, F.S.; providing requirements for placing a license to practice midwifery on inactive status and for reactivating such a license; amending ss. 467.0135, 467.019, F.S.; providing for the Department of Health to adopt rules with respect to the payment of fees by midwives and recordkeeping requirements; amending s. 491.007, F.S.; exempting a certified master social worker from certain requirements for continuing education; amending s. 491.0145, F.S.; providing requirements for the examination for designation as a certified master social worker; authorizing the department to adopt rules with respect to certification requirements; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Dyer—

SB 1412—A bill to be entitled An act relating to Medicaid third-party liability; amending s. 409.910, F.S.; clarifying legislative intent as to certain amendments enacted by ch. 94-251, Laws of Florida; providing definitions; providing for judicial review of certain fees; recognizing the remedial intent of ch. 94-251, Laws of Florida; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Dyer—

SB 1414—A bill to be entitled An act relating to title insurance agents and agencies; amending s. 626.8411, F.S.; providing that s. 626.572, F.S., relating to rebating does not apply to title insurance agents and agencies; providing for retroactive effect; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Gutman and McKay—

SB 1416—A bill to be entitled An act relating to insurance; amending s. 626.112, F.S.; prohibiting a person from transacting health insurance unless licensed and appointed; amending s. 626.321, F.S.; providing that a full-time salaried employee of a common carrier or of a transportation ticket agency that rents or leases motor vehicles who holds a limited insurance license may write motor vehicle liability insurance providing coverage greater than the standard liability limits provided by a lessor in its lease to a person renting or leasing a motor vehicle from the licensee's employer; amending s. 627.410, F.S.; providing that the forms of certain health insurance policies or applications need not be approved by the Department of Insurance; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Meadows, Casas, Gutman, Turner and Klein—

SB 1418—A bill to be entitled An act relating to the state lotteries; creating s. 24.1153, F.S.; authorizing the assignment of certain prizes pursuant to a court order and providing requirements therefor; providing for the securing of funds offset for child support payments or debts owed to a state agency; exempting the Department of the Lottery from liability upon payment of an assigned prize; authorizing a fee to defray the administrative expenses associated with such assignments; providing circumstances under which such court orders may no longer be issued; amending ss. 24.115 and 24.118, F.S., relating to payment of prizes and unlawful assignment or transfer of a right to claim a prize, to conform; providing an effective date.

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

By Senator Meadows—

SB 1420—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; redefining the terms "intermediate

care facility for the developmentally disabled" and "residential habilitation center"; amending s. 393.0651, F.S.; revising criteria for the placement of clients; amending s. 393.067, F.S.; providing for the licensure of facilities as intermediate care facilities for the mentally retarded; amending s. 393.068, F.S.; deleting legislative recognition of deinstitutionalization; amending s. 393.12, F.S.; revising conditions for the appointment of a guardian advocate; repealing ss. 393.165 and 393.166, F.S., which provide legislative findings and provide for licensure of facilities under the Intermediate Care Facility for the Developmentally Disabled Program; providing an effective date.

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

By Senator Gutman—

SB 1422—A bill to be entitled An act relating to workers' compensation; amending s. 20.171, F.S.; creating the Workers' Compensation Appeals Commission within the Department of Labor and Employment Security; providing for its membership, terms, powers, and duties; amending s. 440.02, F.S.; redefining the terms "wages" and "catastrophic injury"; amending s. 440.05, F.S.; providing that specified persons may not be exempt; amending s. 440.09, F.S.; requiring findings by a psychiatrist for specific coverage; providing a rebuttable presumption; amending s. 440.10, F.S.; revising exemptions from liability; amending s. 440.107, F.S.; increasing civil penalties against employers; amending s. 440.13, F.S.; providing for medical treatment in a managed care arrangement; providing for costs associated with independent medical examinations; amending s. 440.134, F.S.; defining the terms "informal grievance," "formal grievance," and "certified case manager"; authorizing employers who self-insure to opt out of mandatory managed care arrangements; providing procedures for managed care arrangement grievances; revising compliance procedures; amending s. 440.14, F.S.; revising criteria for determination of pay; amending s. 440.15, F.S.; providing for eligibility for permanent total disability, temporary total disability, permanent impairment, and wage-loss benefits; establishing a system for wage-loss benefits; revising compensation for temporary partial disability; amending s. 440.191, F.S.; requiring employees to provide additional notice when seeking benefits; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; amending s. 440.20, F.S.; removing a process for denying compensability and the corresponding notice; providing procedures for approving or disapproving lump-sum settlements; amending s. 440.34, F.S.; revising criteria for attorney's fees; creating s. 440.595, F.S.; authorizing the Division of Workers' Compensation to administer oaths and subpoena witnesses and materials; creating s. 440.596, F.S.; creating a nonprofit corporation to be known as the Florida Workers' Compensation Management Board, Incorporated; providing for its membership, terms, powers, and duties; providing an effective date.

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

By Senator Rossin—

SB 1424—A bill to be entitled An act relating to student fees; amending ss. 239.117, 240.235, 240.35, F.S.; providing a fee exemption for certain postsecondary students; providing an effective date.

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

By Senator Hargrett—

SB 1426—A bill to be entitled An act relating to transportation; creating s. 316.0815, F.S.; providing public transit vehicles right of way when reentering traffic flow; amending s. 337.403, F.S.; authorizing the Department of Transportation to participate in the cost of clearing and grubbing with utilities prior to construction of a transportation facility; amending s. 479.01, F.S.; redefining the terms "commercial or industrial zone" and "unzoned commercial or industrial area" for the purposes of the laws regulating outdoor advertising; providing criteria for an unzoned commercial or industrial area; amending s. 479.16, F.S.; providing a permit exemption for certain outdoor advertising signs; providing an effective date.

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

By Senator Lee—

SB 1428—A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; modifying definitions of the terms "political committee," "contribution," and "expenditure"; amending s. 106.04, F.S.; prohibiting committees of continuous existence from making certain expenditures; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senators Lee, Bronson, Clary, Grant, Horne, Dudley, Cowin, Diaz-Balart and Ostalkiewicz—

SB 1430—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Choose Life license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Brown-Waite—

SB 1432—A bill to be entitled An act relating to the delivery of health care services; redesignating part III of ch. 641, F.S., as part IV, and creating a new part III of ch. 641, F.S., the "Provider-Sponsored Organization Act"; providing legislative findings and purposes with respect to certain federal requirements for authorizing provider-sponsored organizations in this state to provide health care coverage to Medicare beneficiaries under the Medicare Choice plan; providing definitions; exempting provider-sponsored organizations from certain provisions of the Florida Insurance Code; requiring the incorporation of any provider-sponsored organization doing business in this state; prohibiting a provider-sponsored organization from transacting insurance business other than the offering of Medicare Choice plans; providing for determining the types of activities that require licensure by the Department of Insurance; requiring that a provider-sponsored organization obtain a certificate of authority from the department; specifying conditions precedent to issuance or maintenance of a certificate of authority; providing surplus requirements for a provider-sponsored organization that offers the Medicare Choice plan; requiring that a provider-sponsored organization deposit a specified amount into the Rehabilitation Administrative Expense Fund of the Department of Insurance; requiring that a provider-sponsored organization maintain a valid health care provider certificate; specifying circumstances under which the department may suspend a provider-sponsored organization's authority to enroll new subscribers; providing contract requirements; authorizing the department to impose administrative penalties in lieu of suspension or revocation of a certificate; providing requirements for any acquisition, merger, or consolidation of a provider-sponsored organization; requiring that a provider-sponsored organization file an annual report; providing penalties; requiring examinations by the department; providing for civil remedies and injunctive relief; providing for the payment of a judgment by a provider-sponsored organization; specifying the delinquency proceedings that are the sole means of liquidating, reorganizing, rehabilitating, or conserving a provider-sponsored organization; providing filing fees; providing for the application of other laws; authorizing the Division of Insurance Fraud of the department to investigate violations of part III of ch. 641, F.S.; prohibiting certain unfair practices in a provider-sponsored contract with respect to exposure to the human immunodeficiency virus infection and related matters; providing requirements for contracts and advertisements used by a provider-sponsored organization; providing marketing standards and requirements; providing requirements for provider-sponsored contracts, certificates, and member

handbooks; requiring a provider-sponsored organization to make certain disclosures to prospective enrollees; requiring coverage for mammograms; providing requirements with respect to the treatment of breast cancer and followup care; providing requirements for contracts between a provider-sponsored organization and a provider of health care services; prohibiting a provider-sponsored organization from using certain words descriptive of the insurance business; providing requirements for assets, liabilities, and investments of a provider-sponsored organization; requiring the Department of Insurance to adopt rules; providing certain limitations on the payment of dividends by a provider-sponsored organization; specifying prohibited activities; providing penalties; requiring that an agent who solicits contracts and performs other activities be licensed and appointed as a health insurance agent; prohibiting certain unfair methods of competition and unfair or deceptive acts or practices; authorizing the department to conduct examinations and investigations; providing for administrative hearings; authorizing the department to issue cease and desist orders and impose penalties; providing for appeals of a department order; providing penalties for violating a cease and desist order; providing that an action by the department does not abrogate the right to other relief; amending s. 641.227, F.S.; providing for deposits into the Rehabilitation Administrative Expense Fund by a provider-sponsored organization; providing for reimbursements; amending s. 641.316, F.S., relating to fiscal intermediary services; providing for application to provider-sponsored organizations; amending ss. 641.47, 641.48, 641.49, 641.495, F.S., relating to definitions, purpose and application, and certification requirements; providing for certain provisions regulating health care services to apply to provider-sponsored organizations; amending s. 641.51, F.S.; providing requirements for provider-sponsored organizations in requiring second medical opinions; amending s. 641.512, F.S.; requiring that a provider-sponsored organization obtain accreditation; amending s. 641.513, F.S.; providing requirements for provider-sponsored organizations in providing emergency services and care; amending s. 641.515, F.S.; authorizing the Agency for Health Care Administration to adopt rules with respect to services performed for a provider-sponsored organization; amending s. 641.54, F.S.; providing requirements for a provider-sponsored organization in making referrals; amending s. 641.59, F.S.; providing requirements for psychotherapeutic services; amending s. 641.60, F.S.; providing for a managed care program to include a provider-sponsored organization for purposes of the Statewide Managed Care Ombudsman Committee; providing an effective date.

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

By Senator Latvala—

SB 1434—A bill to be entitled An act relating to rulemaking authority with respect to environmental permitting (RAB); creating s. 161.0315, F.S.; providing authority to adopt rules relating to coastal construction; amending s. 161.053, F.S.; providing for adoption of rules establishing exemptions for certain activities that have no adverse effect on the coastal system; amending s. 403.813, F.S.; clarifying authority to implement certain exemptions without adoption of rules; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SB 1436—A bill to be entitled An act relating to rulemaking authority with respect to water treatment facilities (RAB); creating s. 403.095, F.S.; directing the Department of Environmental Protection to classify water and wastewater treatment facilities and staffing requirements by rule; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SB 1438—A bill to be entitled An act relating to rulemaking authority with respect to aquatic preserves (RAB); amending s. 258.42, F.S.; providing authority for the Board of Trustees of the Internal Improvement Trust Fund to consider the cumulative impact of activities on aquatic preserves and the impact of activities on manatees and other listed species; providing that the board may adopt and enforce stricter standards, regulations, and orders of local governments when the standards are related to ch. 258, F.S., and are approved by the board; amending s. 258.43, F.S.; providing authority for the board to develop rules regarding the impact of activities on manatees and other listed species and the cumulative impact of activities on aquatic preserves; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SB 1440—A bill to be entitled An act relating to rulemaking authority with respect to marine resources (RAB); authorizing rulemaking and enforcement for preventing improper uses of state buffer preserves; providing penalties; amending s. 370.06, F.S.; authorizing rulemaking for issuance of special-activities licenses; amending s. 370.12, F.S.; authorizing rulemaking for issuance of special permits for conservation of marine turtles; amending s. 370.25, F.S.; authorizing rulemaking for inspection and approval of artificial-reef-construction materials; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SB 1442—A bill to be entitled An act relating to regional water supply authorities; amending s. 120.52, F.S.; providing that a member government is not considered a party in administrative proceedings under certain conditions; amending s. 373.1963, F.S.; revising criteria for governance of authorities and member governments under interlocal agreements; repealing a process for review of the modification of a consumptive use permit; amending s. 682.02, F.S.; providing for the arbitration of controversies concerning water use; amending s. 768.28, F.S.; allowing an authority to indemnify its member governments; declaring legislative intent to supersede other laws; providing an effective date.

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

By Senator Ostalkiewicz—

SB 1444—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; defining the term "advertising agency"; exempting from the tax certain purchases by advertising agencies; providing for retroactive applicability in certain circumstances; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senators Ostalkiewicz, Grant, Williams and Myers—

SB 1446—A bill to be entitled An act relating to health insurance coverage for employees of small businesses; amending s. 627.6699, F.S., the "Employee Health Care Access Act"; providing limitations on coverage that must be included under health benefit plans issued by small business carriers; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce and Economic Opportunities.

SR 1448—Not referenced.

By Senators Bankhead, Lee, Clary, Hargrett, Sullivan, McKay, Crist and Cowin—

SB 1450—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.023, F.S.; defining the terms "ministerial function" and "processing activity" for purposes of ch. 199, F.S.; amending s. 199.052, F.S.; increasing the minimum amount of annual intangible personal property tax which a person may be required to pay; providing taxable status of intangible personal property held by a trust for which a bank or savings association acts as trustee or as an agent other than a trustee; providing responsibilities of Florida residents with a beneficial interest in a trust for which a bank or savings association acts as trustee; providing taxable status of assets purchased by, and property managed by, an investment adviser under specified conditions; repealing a provision relating to returns filed by banking organizations; amending s. 199.175, F.S., relating to taxable situs; conforming provisions; amending s. 199.185, F.S.; exempting accounts receivable arising out of a trade or business from intangible personal property taxes and providing a schedule for implementing the exemption; providing a full, rather than partial, exemption from the annual tax for banks and savings associations; exempting insurers from the annual tax; repealing provisions relating to exemptions for international banking transactions and real estate mortgage investment conduits; repealing s. 199.104, F.S., which provides a credit against the annual tax for banks and savings associations; repealing s. 220.68, F.S., which provides a credit against the franchise tax imposed on banks and savings associations based on intangible tax paid; amending s. 199.282, F.S.; revising the penalty for late filing of an annual intangible tax return; providing a limitation on combined delinquency and late filing penalties; revising the penalty for omitting or undervaluing property on an annual return; amending s. 199.292, F.S.; revising the distribution of intangible tax revenues; amending s. 220.02, F.S., relating to order of credits against the corporate income tax or franchise tax, ss. 213.053 and 213.054, F.S., relating to information regarding the exemption for international banking transactions, and s. 624.509, F.S., relating to the insurance premium tax; conforming provisions; providing application; providing effective dates.

—was referred to the Committee on Ways and Means.

By Senator Dudley—

SB 1452—A bill to be entitled An act relating to rulemaking authority of the Department of Business and Professional Regulation (RAB); authorizing the Department of Business and Professional Regulation to adopt rules; providing an effective date.

—was referred to the Committee on Regulated Industries.

SR 1454—Not referenced.

By the Committee on Transportation—

SB 1456—A bill to be entitled An act relating to transportation; amending s. 163.3191, F.S.; authorizing the Department of Community Affairs to grant an extension of the Evaluation and Appraisal Report submission from local governments in order to coordinate planning efforts with Metropolitan Planning Organizations; amending s. 339.155, F.S.; providing planning factors to be considered in the Florida Transportation Plan; amending s. 339.175, F.S.; providing planning factors to be considered in Metropolitan Planning Organization transportation plans; providing for the creation of planning goals; creating the Land-Use Transportation Planning Reconciliation Committee; providing for its membership and duties; amending s. 341.043, F.S.; providing for the creation of the Strategic Intermodal Transportation and Economic Development Planning Council within the Department of Transportation; providing an effective date.

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

By Senators Latvala, Burt and Bankhead—

SB 1458—A bill to be entitled An act relating to coastal redevelopment; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; creating s. 163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

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

By Senator Forman—

SB 1460—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; providing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides; prohibiting specified bungy operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

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

By Senator Gutman—

SB 1462—A bill to be entitled An act relating to retirement funds; amending and revising the provisions of ss. 175.071, 185.06, F.S.; revising investment provisions to permit municipalities greater investment latitude to make foreign investments; providing for general powers and duties of the board of trustees; providing an effective date.

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

By Senator Dudley—

SJR 1464—A joint resolution proposing amendments to Sections 3 and 10 of Article V of the State Constitution relating to election of supreme court justices and judges of a district court of appeal.

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

By Senator Dudley—

SB 1466—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; revising provisions with respect to the bond of a contractor constructing public buildings; providing an expedited time period for certain claims; providing for protection for contractors and surety under certain circumstances; providing for written statements to the contractor with respect to the nature of labor or services performed under certain circumstances; amending s. 713.06, F.S.; revising provisions with respect to liens of persons not in privity; providing for protection of contractors and surety under certain circumstances; amending s. 713.16, F.S.; authorizing the contractor to serve a demand for copy of contract and statements of account under certain circumstances; amending s. 713.20, F.S.; revising the waiver or release of liens form; amending

s. 713.23, F.S.; providing for a shortened timeframe for the commencement of certain actions to enforce a claim against the payment bond; providing a form; providing for discharge; creating s. 713.235, F.S.; providing for waivers of right to claim against a payment bond; providing forms; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Silver—

SB 1468—A bill to be entitled An act relating to public employee retirement systems and plans; amending s. 112.66, F.S.; revising information that must be contained in a notice of denial of benefits; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Silver—

SB 1470—A bill to be entitled An act relating to public records; amending s. 112.656, F.S.; providing for confidentiality of certain records of public employees' retirement systems and plans; providing findings of public necessity; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Silver—

SB 1472—A bill to be entitled An act relating to bail bond agents and runners; amending s. 648.44, F.S.; increasing the criminal penalty for certain prohibited acts; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Williams—

SB 1474—A bill to be entitled An act relating to emergency medical transportation services; amending s. 401.25, F.S.; providing that certain municipalities may issue the certificate of public convenience and necessity required for licensure as a basic or advanced life support service; providing an effective date.

—was referred to the Committees on Health Care and Community Affairs.

By Senator Silver—

SB 1476—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.01215, F.S.; revising language with respect to periods of operation for certain permitholders; amending s. 550.0951, F.S.; providing that no admission tax shall be imposed on any free passes or complimentary cards for admission to pari-mutuel events; revising the tax on handle for thoroughbred racing; amending s. 550.5251, F.S.; revising the hours of operation for thoroughbred racing permitholders; amending s. 550.6305, F.S.; revising language with respect to intertrack wagering and guest track payments; providing a procedure when required payments are not made; providing recovery for the nondefaulting party; amending s. 550.2625, F.S.; revising language with respect to the purse requirements for certain horseracing events; reenacting s. 550.2625(2)(e), F.S., relating to the sum of purse accounts used for Florida Owners' Awards; repealing s. 550.09515, F.S., relating to thoroughbred horse taxes and abandoned interest in permit for nonpayment of taxes; repealing s. 550.2425, F.S., relating to a racing laboratory at horse racetrack facilities; repealing s. 550.615(11), F.S., relating to certain thoroughbred permitholders who conduct intertrack wagering; repealing s. 550.655, F.S., relating to backside medical and health benefits; amending ss. 550.26352, 550.334, and 550.3551, F.S.; conforming cross-references to the act; providing an effective date.

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

By Senators Silver, Gutman, Dudley, Dyer, Holzendorf, Childers, Forman, Meadows, Kurth, Hargrett, Clary, Crist and Kirkpatrick—

SB 1478—A bill to be entitled An act relating to insurance; providing a short title; amending s. 215.555, F.S.; revising definitions; excluding the Fair Access to Insurance Requirements Plan from application of reimbursement contract requirements; defining "insurer" for purposes of certain revenue bonds; providing for deactivation of the Residential Property and Casualty Joint Underwriting Association and termination of the association's plan of operation under certain circumstances; providing for additional assessments and augmented assessments for certain purposes; providing for appropriating certain moneys in the Florida Hurricane Catastrophe Fund to the Department of Community Affairs for certain purposes; amending s. 626.916, F.S.; authorizing certain surplus lines insurers to remove and insure policies from the Residential Property and Casualty Joint Underwriting Association and the Florida Windstorm Underwriting Association under certain circumstances; providing procedures and limitations; requiring reinsurance; prohibiting eligibility for windstorm coverage for certain risks; amending s. 627.0629, F.S.; requiring the Department of Insurance to adopt certain credits for use by insurers in certain rate filings under certain circumstances; clarifying the application of certain discounts for mobile home owner's insurance rate filings; requiring insurers to implement certain discounts or rate differentials for mobile home insurance premiums; providing criteria; requiring the department to adopt certain credits used by insurers for certain residential property insurance policies; providing requirements; authorizing the establishment of the Blue Ribbon Homes Program for certain purposes; providing priority for evaluations and mitigation funds for certain applicants; authorizing the department to develop and adopt certain actuarial methodologies for certain purposes; authorizing the department to enter into contracts for such development; providing criteria; amending s. 627.0651, F.S.; specifying use of certain underwriting rules for motor vehicle insurance; amending s. 627.351, F.S.; proscribing coverage by the Florida Windstorm Underwriting Association for certain persons and properties; revising criteria and requirements for the association's plan of operation to provide windstorm coverage; requiring the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association to allow insurers to remove packages of policies from the association; providing criteria and requirements for packaging; providing procedures, requirements, and limitations on removal of such policies; providing for assignments of policies from the association under certain circumstances; imposing assignment fees; providing requirements and limitations for such assignments; providing exceptions; providing definitions; authorizing the department to adopt rules; authorizing the department to require revisions or amendments to certain plans; amending s. 627.3513, F.S.; clarifying a definition; providing construction; amending s. 627.3515, F.S.; revising requirements for the department's market assistance plan; specifying additional criteria and requirements for such plan; providing for assignment or placement of policies under the plan; providing limitations; providing definitions; providing powers of the department; providing for transferring plan funding obligations from the Residential Property and Casualty Joint Underwriting Association to the FAIR Plan; amending s. 627.3516, F.S.; revising the principal entities responsible for creating a residual property insurance market coordinating council; revising council membership; creating s. 627.3518, F.S.; establishing the Florida Access to Insurance Requirements (FAIR) Plan; providing purposes; providing definitions; creating the Florida FAIR Plan Association; providing for operation and membership; requiring insurers to participate in the association; providing requirements; providing for assessments; providing for additional assessments under certain circumstances; authorizing local governments to issue bonds under certain circumstances; providing procedures and requirements; requiring property insurance rate filings under certain circumstances; providing requirements; declaring the FAIR Plan to be a political subdivision; exempting the plan from the corporate income tax; protecting financial characteristics of the association; requiring the association to contract with the Florida Hurricane Catastrophe Fund for

certain purposes; requiring the association to develop and adopt a plan of operation; providing for department approval of the plan; providing for amending the plan; specifying requirements for the plan; requiring certificates of eligibility for coverage; providing procedures, criteria, and standards; providing for levy of market equalization surcharges by the plan; amending s. 627.4091, F.S.; prohibiting insurers from canceling or nonrenewing residential policies without notice; providing requirements for such notice; amending s. 627.4133, F.S.; providing additional requirements relating to notices of cancellation or nonrenewal; requiring insurers to offer coverage for certain replacement property under certain circumstances; creating s. 627.4138, F.S.; providing restrictions on cancellation or nonrenewal of residential coverage; providing legislative findings; requiring insurers to reduce rates after deactivation of the Residential Property and Casualty Joint Underwriting Association; providing an exception; providing procedures; requiring insurers' rate filings to reflect certain savings; authorizing the Department of Insurance to adopt rules; providing appropriations; repealing s. 627.062(6), F.S., relating to arbitration of certain rate filings; repealing s. 627.0628, F.S., relating to contract provisions for illegal occupation; providing severability; amending ss. 624.4071, 626.918, 626.932, 626.9325, and 626.9541, F.S.; correcting cross-references; providing an effective date.

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

By Senators Silver, Gutman and Forman—

SB 1480—A bill to be entitled An act relating to public records exemptions; amending s. 627.351, F.S.; providing for confidentiality of certain insurance policies; amending s. 627.3518, F.S.; providing for confidentiality of certain information relating to the FAIR Plan; providing legislative intent, findings, and declarations; providing a contingent effective date.

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

By Senator Williams—

SB 1482—A bill to be entitled An act relating to rulemaking; amending s. 120.54, F.S.; revising notice and time requirements in rule adoption procedures; revising the procedure for modification or withdrawal of proposed rules; amending s. 120.541, F.S.; revising notice procedures for a statement of estimated regulatory costs; amending s. 120.545, F.S.; providing notice requirements for committee review of rules; amending s. 120.55, F.S.; providing for rule publication requirements; amending s. 120.56, F.S.; revising procedures for challenging proposed rules; providing an effective date.

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

By Senator Williams—

SB 1484—A bill to be entitled An act relating to district school boards; expressing the legislative intent to revise the powers and duties of such boards.

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

By Senators Williams and Thomas—

SB 1486—A bill to be entitled An act relating to juvenile offenders; amending s. 985.309, F.S.; authorizing a county or municipality to operate a boot camp pursuant to legislative appropriation; providing for the boot camp to be supervised by the sheriff; requiring that a juvenile between specified years of age who has committed a felony be placed in a boot camp program; providing that such requirement is not subject to a plea negotiation if placement is available in a boot camp; amending s. 985.313, F.S.; requiring that a juvenile of a specified age or older be committed to a maximum-risk residential program if the juvenile has committed any felony and has been committed to a commitment program on at least one other occasion for committing certain specified felonies; providing that such commitment is not subject to a plea negotiation; amending s. 985.226, F.S.; requiring that the court transfer a juvenile for prosecution as an adult if the juvenile has been adjudicated on two or more previous occasions for committing certain specified felonies; providing that such transfer is not subject to a plea negotiation; providing an effective date.

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

By Senator Kirkpatrick—

SB 1488—A bill to be entitled An act relating to federal designations for Florida land or water bodies; restricting authority to apply for federal designations to the Legislature and the Cabinet; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Williams—

SB 1490—A bill to be entitled An act relating to motor vehicles; directing the Department of Highway Safety and Motor Vehicles to establish two alternative-fuel-vehicle pilot projects; imposing a fee on the registration of motor vehicles; creating a trust fund; directing the legal entities for the Florida Gold Coast Clean Cities Coalition and the Florida Suncoast Clean Cities Coalition to perform certain duties relating to the pilot projects; providing for the use of trust fund moneys; authorizing a future fee increase; providing an effective date and termination date.

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

By Senator Hargrett—

SB 1492—A bill to be entitled An act relating to the transportation disadvantaged (RAB); amending s. 427.011, F.S.; revising definitions; amending s. 427.012, F.S.; revising the membership of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising the purpose and responsibilities of the commission; amending s. 427.0135, F.S.; revising the duties and responsibilities of agencies that purchase transportation disadvantaged services; amending s. 427.015, F.S.; revising the function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged; amending s. 427.0155, F.S.; revising the powers and duties of community transportation coordinators; amending s. 427.0157, F.S.; revising the powers and duties of local coordinating boards; amending s. 427.0159, F.S.; revising provisions with respect to the Transportation Disadvantaged Trust Fund; amending s. 427.016, F.S.; revising provisions with regard to the expenditure of funds for the transportation disadvantaged; conforming provisions; providing an effective date.

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

By Senator Williams—

SB 1494—A bill to be entitled An act relating to parking permits for persons who have disabilities; amending s. 320.0848, F.S.; clarifying who may certify a person as having disabilities that entitle the person to receive such a permit; amending the prerequisites to renewing such a permit; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Gutman—

SB 1496—A bill to be entitled An act relating to public records; creating s. 440.594, F.S.; providing an exemption from public records requirements for records and reports revealing the identity of employers and employees in complying with workers' compensation coverage requirements; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

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

By Senators Forman and Campbell—

SB 1498—A bill to be entitled An act relating to the use of motor vehicles by persons who have disabilities; amending s. 316.1955, F.S.; amending standards for accessible parking spaces and parking access aisles; providing violations; providing penalties; amending s. 316.1958, F.S.; providing that a special motor vehicle license plate or parking permit issued by another state, district, or country is invalid with respect to a person who must have a Florida vehicle registration; amending s. 316.1964, F.S.; amending circumstances in which vehicles are exempt from paying parking fees and penalties; amending s. 318.18, F.S.; increasing the amount of the fine for illegally parking in a parking space for disabled persons; amending procedures for dismissing such fines and for distributing the proceeds of such fines; amending s. 320.0842, F.S.; amending prerequisites to qualifying for a free license plate as a veteran who uses a wheelchair due to a service-connected disability; amending s. 320.0843, F.S.; amending provisions related to license plates for wheelchair users; amending s. 320.0848, F.S.; amending provisions relating to the issuance of disabled parking permits; amending prerequisites; providing for replacement permits; providing for alternatives; amending requirements for the design of temporary permits; providing for a hearing concerning false statements or misleading information on applications; providing penalties for unlawfully displaying a disabled parking permit; providing additional grounds for confiscation of a disabled parking permit; providing for recordkeeping related to confiscation; requiring a hearing after a specified number of confiscations from a single permitholder; providing for revoking the privilege of applying for a disabled parking permit; providing procedures related to confiscations and revocations; providing an effective date.

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

By Senator Campbell—

SB 1500—A bill to be entitled An act relating to energy performance contracting; amending s. 489.145, F.S.; providing legislative findings; redefining the terms "agency," "energy conservation measure," "energy savings," "guaranteed energy savings contract," and "qualified provider"; revising procedures for contracting; establishing criteria for energy performance contracts; authorizing the Department of Management Services to provide technical assistance; providing an effective date.

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

By Senator Campbell—

SB 1502—A bill to be entitled An act relating to passengers of vehicles; amending s. 316.2015, F.S.; prohibiting persons from riding on the exterior of a passenger vehicle or the bed of a pickup truck or flatbed truck; providing penalties; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Ostalkiewicz—

SB 1504—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for food and drinks; providing definitions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Latvala—

SB 1506—A bill to be entitled An act relating to marine resources; amending s. 370.06, F.S.; providing qualifications for the issuance of a marine life endorsement on a saltwater products license; providing for a moratorium on the issuance of endorsements; providing for the transfer and reissuance of endorsements; providing for a report; amending s. 370.0608, F.S.; revising the distribution of funds collected from the sale of recreational saltwater fishing licenses; amending s. 370.092, F.S.; authorizing the Marine Fisheries Commission to adopt rules specifying geographic or temporal prohibitions on the possession of specified nets; providing for the content of the rules; directing the Marine Fisheries Commission to adopt rules prohibiting the simultaneous possession of gill or entangling nets with any designated species that has been harvested with such a net; providing for the content of the prohibitions; providing penalties; amending s. 370.093, F.S.; revising criteria for illegal use of nets; authorizing the Marine Fisheries Commission to adopt rules implementing s. 370.093, F.S.; amending s. 370.142, F.S.; providing for a surcharge to be assessed upon the initial transfer of a transferable crawfish trap certificate outside the original transferor's immediate family; prohibiting the lease of lobster trap certificates after July 1, 1998; providing additional penalties for violations relating to traps; providing for the continuation of the Marine Fisheries Commission notwithstanding its scheduled abolition; providing an effective date.

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

By Senator Latvala—

SB 1508—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; providing definitions; amending s. 473.303, F.S.; revising provisions relating to membership on probable cause panels of the Board of Accountancy; amending s. 473.306, F.S.; providing conditions under which the board may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership, corporation, or limited liability company to practice public accountancy in this state; amending s. 473.3101, F.S.; providing requirements for the licensure of sole proprietors and other legal entities; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 473.313, F.S.; providing continuing education requirements for the reactivation of certain licenses; amending ss. 473.319, 473.3205, F.S.; revising provisions relating to contingency fees, commissions, and referral fees; amending s. 473.322, F.S.; providing certain requirements for persons attesting or offering to attest as experts; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Latvala—

SB 1510—A bill to be entitled An act relating to notices of tax levies; amending s. 200.065, F.S.; revising the notice that must be published by taxing authorities other than school districts if they tentatively adopt a millage rate in excess of 100 percent of the rolled-back rate; redesignating the document as a notice of tax levy, rather than a notice of proposed tax increase; providing an effective date.

—was referred to the Committees on Community Affairs; Ways and Means Subcommittee E (Finance and Tax); and Ways and Means.

By Senator Latvala—

SB 1512—A bill to be entitled An act relating to certified capital companies; providing a short title; providing a purpose; providing definitions; providing for a credit against the insurance premium tax; providing for certification of certified capital companies; providing grounds for denial or revocation; requiring an application fee; requiring an annual certification fee; providing procedures; providing guidelines for making investments; providing for a premium tax credit; providing limitations; providing for allocation of credits; providing for an annual tax credit; authorizing the Department of Revenue to audit records of certified capital companies; providing for distributions from certified capital companies; providing for decertification; providing procedures; providing for transferability of unused premium tax credit; providing for reports to the Governor and Legislature; authorizing the Department of Banking and Finance to adopt rules; amending s. 14.2015, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer certain provisions of the "Certified Capital Company Act;" providing appropriations; providing an effective date.

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Transportation and Senator Childers—

CS for SB 2—A bill to be entitled An act for the relief of David Kelley and the Estate of Alto Kelley; providing an appropriation as compensation for injuries and damages sustained as a result of the negligence of the Department of Transportation; providing an effective date.

By the Committee on Transportation and Senator Forman—

CS for SB 28—A bill to be entitled An act providing for the relief of Frank Roster; providing an appropriation to reimburse him for injuries suffered due, in part, to the negligence of the Department of Transportation; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

CS for SB 86—A bill to be entitled An act relating to education; requiring academic enrichment activities for specified students; requiring an evaluation of student academic progress; providing conditions that require a funding shift; providing an effective date.

By the Committee on Judiciary and Senators Grant, Casas, Bronson and Kirkpatrick—

CS for SB 92—A bill to be entitled An act relating to eminent domain; amending s. 73.0511, F.S.; providing for a written offer of compensation to fee owners as part of the prelitigation notice; providing for an exchange of appraisals; requiring the governmental condemning authority to notify onsite business operators; providing for access to confidential business records; amending s. 73.071, F.S.; providing criteria for compensation by jury; repealing s. 337.27(2), F.S., relating to the exercise of the power of eminent domain by the Department of Transportation; amending s. 73.092, F.S.; revising attorney's fee guidelines for eminent domain proceedings; providing an effective date.

By the Committee on Health Care and Senators Grant, Clary, Sullivan, Casas, Meadows and Kirkpatrick—

CS for SB 94—A bill to be entitled An act relating to health care; amending s. 240.5121, F.S.; allowing the Florida Cancer Control and Research Advisory Council either to purchase or to develop a written summary of cancer treatment alternatives for prostate cancer; providing an appropriation to the council for developing or purchasing and for distributing a pamphlet and for developing and implementing an education program on prostate cancer; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 96—A bill to be entitled An act relating to academic degrees; amending s. 817.567, F.S.; providing for disclosure of unrecognized degrees; providing an effective date.

By the Committee on Transportation and Senator Hargrett—

CS for SB 110—A bill to be entitled An act relating to airports; amending s. 330.30, F.S.; exempting certain airports used exclusively for aerial application or spraying of crops on a seasonal basis from a provision of law providing for the approval of airport sites and the licensing of airports; requiring memorandums of understanding; providing an effective date.

By the Committee on Judiciary and Senator Latvala—

CS for SB 114—A bill to be entitled An act relating to molders; providing definitions; providing obligations of molders to customers; providing procedures and conditions for acquisition of title to unclaimed molds; creating s. 713.596, F.S.; creating a molder's lien and specifying rights of a molder; providing definitions; providing procedures; providing for application and repeal; providing an effective date.

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

CS for SB 118—A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as for absentee voters; prohibiting the supervisor of elections from disclosing certain information except under specified circumstances; providing for appeal by agency of requested waiver; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing for limitations on an appropriation to fund the program; specifying the maximum percentage for an increase in the general appropriation for subsequent

years; providing for the Attorney General to seek other funds; providing an effective date.

By the Committee on Community Affairs and Senator Forman—

CS for SB 124—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S., which provides requirements for the determination of the millage levied by taxing authorities; revising the form of the notice of tax increase; revising the form of the notice of tax for school capital outlay which must be published by school districts; providing an effective date.

By the Committee on Community Affairs and Senator Forman—

CS for SB 140—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for certain records furnished pursuant to certain housing assistance programs; providing a statement of public necessity; providing for future review and repeal; providing an effective date.

By the Committee on Criminal Justice and Senator Campbell—

CS for SB 154—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim's mental or physical disability or advanced age; providing definitions; providing an effective date.

By the Committee on Governmental Reform and Oversight—

CS for SB 156—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multi-year contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; providing for department contracts to include certain incentives; requiring reports to the Legislature by the department; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

By the Committee on Banking and Insurance; and Senator Brown-Waite—

CS for SB 162—A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; providing definitions; revising criteria and procedures for review of grievances against a managed care entity by the statewide provider and subscriber assistance panel; providing for initial review by the Agency for Health Care Administration; providing time requirements for panel hearings and recommendations, and final orders of the agency or the Department of Insurance; providing for notice; providing requirements for expedited or emergency hearings; providing an exemption from the Administrative Procedures Act; providing for requests for patient records; authorizing an administrative fine for failure to timely provide records; providing for furnishing of evidence in opposition to panel recommendations; providing for adoption of panel recommendations in final orders of the agency or department; authorizing imposition of fines and sanctions; requiring certain notice to subscribers and providers of their right to file grievances; providing for summary hearings; providing for administrative procedures; providing for attorney's fees and costs; amending s. 641.511, F.S.; eliminating annual grievance report filing; correcting a cross-reference; providing an appropriation; providing an effective date.

By the Committee on Judiciary and Senators Meadows, Campbell and Forman—

CS for SB 176—A bill to be entitled An act relating to residential tenancies; creating s. 83.565, F.S.; providing for a tenant to repair the premises after notice to the landlord; providing for deduction of the costs of repair from rent due; providing limitations; amending s. 83.60, F.S.; providing for the right of the tenant to repair to be a defense to an action for rent or possession; providing for the payment of certain funds into the registry of the court; amending s. 83.64, F.S.; prohibiting retaliatory actions by the landlord; providing an effective date.

By the Committee on Transportation and Senators Burt, Forman and Dyer—

CS for SB 178—A bill to be entitled An act relating to building designations; naming that portion of the Florida Department of Transportation District Five Headquarters Building in Deland completed March 26, 1993, as the "Ben G. Watts Building"; designating a specified bridge in Pasco County as the "Father Felix Ullrich Bridge"; providing for the erection of markers; providing an effective date.

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

CS for SB 182—A bill to be entitled An act relating to early education and child care; creating s. 402.265, F.S.; providing legislative intent; establishing the early education and child care program and providing for optional participation; creating the School Readiness Commission to serve as an advisory body to the State Board of Education and other state agencies on matters relating to school readiness; providing for the commission to be assigned to the Executive Office of the Governor for administrative purposes; providing for oversight; establishing a School Readiness Coordinating Council; providing eligibility for participation in the program; providing performance standards and outcome measures; providing for School Readiness Coalitions; providing for implementation of programs; requiring development of a plan and providing program requirements; requiring a sliding fee scale; providing for funding; requiring a reimbursement rate schedule; providing requirements relating to fiscal agents; providing for vouchers or contracts and an electronic funds transfer system; providing for evaluation and reporting; providing that federal requirements control in the case of conflict; exempting family child care providers from increased standards; repealing s. 411.222(4), F.S., relating to the State Coordinating Council for Early Childhood Services; providing an effective date.

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

CS for SB 188—A bill to be entitled An act relating to transitional living facilities for brain-injured and spinal-cord-injured persons; amending s. 400.805, F.S.; providing for the regulation of transitional living facilities; providing for right of entry and inspection; providing for injunctive proceedings; providing for a moratorium on admissions; amending s. 413.49, F.S.; providing duties of transitional living facilities to provide certain therapies and plans; amending s. 413.605, F.S.; providing additional duties of the advisory council on brain and spinal cord injuries; providing an effective date.

By the Committee on Transportation and Senators McKay and Lee—

CS for SB 190—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing an effective date.

By the Committee on Criminal Justice and Senators Childers and Lee—

CS for SB 194—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a default under the title loan agreement; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite, Latvala, Bronson, McKay and Grant—

CS for SB 208—A bill to be entitled An act relating to nursing home facilities; amending s. 400.121, F.S.; providing for an expedited administrative hearing upon the request of a licensee following an action by the Agency for Health Care Administration to suspend, deny, or revoke a facility's license; creating s. 400.215, F.S.; requiring certain nursing home facilities to investigate the background of their employees and of certain applicants for employment; providing for rescreening; specifying the period for which screenings are to remain valid, subject to certain conditions; authorizing nursing home facility administrators to acknowledge the receipt of background screening reports; requiring employees and applicants to pay the costs associated with background screening investigations; requiring the Department of Health and the Agency for Health Care Administration to determine certain exemptions from disqualification from employment; authorizing rulemaking; providing for applicability; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Gutman, Thomas and Williams—

CS for SB 216—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; authorizing certain persons to participate in the Deferred Retirement Option Program notwithstanding certain restrictions; providing a contingent effective date.

By the Committee on Banking and Insurance—

CS for SB 226—A bill to be entitled An act relating to insurance for family day care homes; creating s. 627.70161, F.S.; providing legislative intent; providing definitions; providing an exclusion from liability coverage under residential property insurance policies for losses arising out of the operation of a family day care home; prohibiting cancellation, refusal to renew, or denial of coverage for residential property insurance due to family day care operations; providing exceptions; providing an effective date.

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

CS for SB 236—A bill to be entitled An act relating to the mental health of children and adolescents; creating s. 394.490, F.S.; providing a short title; creating s. 394.491, F.S.; establishing guiding principles for the child and adolescent mental health treatment and support system; creating s. 394.492, F.S.; providing definitions; creating s. 394.493, F.S.; defining target populations for child and adolescent mental health services; providing for fees to be based on a sliding scale according to a family's income; creating s. 394.494, F.S.; providing general performance outcomes for the child and adolescent mental health treatment and support system; creating s. 394.495, F.S.; requiring that the Department of Children and Family Services establish the services to be provided to members of the target populations under the child and adolescent mental health treatment and support system; providing requirements for assessment services; requiring that the system include the local educational multiagency network for emotionally disturbed students; creating s. 394.496, F.S.; providing legislative intent with respect to service planning; providing requirements for services plans; creating s. 394.497, F.S.; specifying requirements for case management services; requiring the department to develop criteria to define the target populations who are assigned a case manager; establishing the Child and Adolescent Interagency System of Care Demonstration Models; specifying the goals and essential elements of the demonstration models; providing for the demonstration models to be governed by a multiagency consortium of state and county agencies; requiring that an oversight body be established to direct a demonstration model; requiring that a mechanism be developed for selecting the children and adolescents who are eligible to participate in a demonstration model; providing for pooled funding of the models; providing requirements for the care management entity that provides services for a demonstration model; requiring a mechanism for measuring compliance with the goals of the demonstration models; providing that in one demonstration model the consortium of purchasers may contract with a network of service providers; requiring that a provider network be identified for each demonstration model; providing requirements for maintaining confidentiality of records; providing application requirements for designation as a demonstration model; providing for evaluation of the demonstration model; requiring state agencies that participate in the demonstration models to adopt rules; authorizing the Agency for Health Care Administration to obtain certain federal waivers; requiring each service district to develop an implementation plan for an information and referral network; repealing ss. 394.50, 394.56, 394.57, 394.58, 394.59, 394.60, 394.61, 394.62, F.S., relating to children's residential and day treatment centers, voluntary and involuntary admission to such centers, records, payment for care and treatment of patients, transfer of patients, discharge of voluntary patients, and age limits; providing an effective date.

By the Committee on Health Care—

CS for SB 250—A bill to be entitled An act relating to certificates of need; amending s. 400.071, F.S., relating to nursing home licensure; revising certain requirements for the Agency for Health Care Administration in issuing a certificate of need to a nursing home; deleting provisions expressing legislative preference for certificate-of-need applications that indicate intent to meet certain needs of Medicaid recipients with respect to nursing home services; amending s. 408.034, F.S.; specifying duties and responsibilities of the agency with respect to administering the certificate-of-need program; deleting a reference to the statewide health plan; making conforming and technical revisions; amending s. 408.036, F.S.; exempting from certificate-of-need regulation certain nursing home beds operated by or on behalf of the Department of Veterans' Affairs; excluding the exempted beds from the nursing home bed inventory; amending s. 408.040, F.S., relating to certificate-of-need conditions and monitoring of certificates of need; authorizing the Agency for Health Care Administration to condition issuance of a certificate of need for nursing home beds on an applicant's indication that it will provide a specified number of beds for Medicaid residents; requiring that such condition be stated on the certificate of need; directing the agency to notify the Medicaid program office and the Department of Elderly Affairs of conditions imposed in an area in which a community diversion pilot project is implemented; correcting references to reflect the transfer of the responsibility for administering the certificate-of-need program from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; establishing a workgroup to study and monitor market and regulatory developments that may affect certain nursing home bed allocations; requiring reports; providing for workgroup termination; providing an effective date.

By the Committee on Banking and Insurance; and Senators Grant, Myers, Latvala, Forman, Campbell, Kurth, Casas, Rossin, Meadows, Sullivan, Klein and Cowin—

CS for SB 268—A bill to be entitled An act relating to health insurance; providing a short title; amending s. 627.668, F.S.; providing that the current requirement for group insurers to offer coverage for mental health conditions does not apply to serious mental illness; creating s. 627.6681, F.S.; requiring group health insurers and health maintenance organizations to provide coverage for serious mental illness; requiring benefits to be the same as for physical illness generally; exempting group health plans or coverage for a small employer, as defined; providing a definition; providing authority for certain manuals to be updated by rule; authorizing an insurer to require services to be provided by an exclusive provider of care; authorizing an insurer to enter into a capitation contract with an exclusive provider of care to provide benefits; providing exemption for coverage; amending ss. 627.6472, 627.6515, 641.31, F.S., relating to exclusive provider organizations, out-of-state groups, and health maintenance contracts; providing requirements for coverage compliance; providing an appropriation; providing a description of state interest; providing an effective date.

By the Committee on Criminal Justice and Senators Brown-Waite, Sullivan, Grant, Latvala, Williams, Horne, Meadows and McKay—

CS for SB 276—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S., relating to scheduling of controlled substances for the purpose of penalizing unlawful acts involving controlled substances; deleting references to dextropropoxyphene in its nondosage forms from Schedule II; adding references to propoxyphene in its nondosage forms to Schedule II; deleting references to gamma-hydroxybutyric from Schedule II; adding references to gamma-hydroxy-butyric acid to Schedule II; adding references to ketamine to Schedule III; deleting references to dextropropoxyphene in its dosage forms from Schedule IV; adding references to propoxyphene in its dosage forms to Schedule IV; providing an effective date.

By the Committee on Health Care and Senator Klein—

CS for SB 290—A bill to be entitled An act relating to emergency medical services; creating s. 401.272, F.S., providing for paramedics and emergency medical technicians to provide health promotion and wellness activities and blood pressure screenings; providing for paramedics to administer immunizations and requiring the verification and documentation of their qualifications to do so; providing conditions to the provision of such community health care; providing for rulemaking; providing an effective date.

By the Committee on Community Affairs and Senator Lee—

CS for SB 302—A bill to be entitled An act relating to poison control; amending s. 395.1027, F.S., and creating s. 401.268, F.S.; requiring each basic and advanced life support service and air ambulance service to develop and implement a prehospital emergency dispatch protocol with the appropriate regional poison control center; providing that the regional poison control centers shall assume responsibility and liability for calls transferred in accordance with the protocol; providing an effective date.

By the Committee on Education and Senators Grant, Lee, Kirkpatrick, Meadows and Bronson—

CS for SB 306—A bill to be entitled An act relating to educational fees; amending ss. 239.117, 240.235, 240.35, F.S.; revising the effective date of certain fee exemptions that are provided for students who are placed in foster care or in an independent living arrangement or who are adopted from the Department of Children and Family Services; amending s. 240.289, F.S.; authorizing the use of credit card, charge card, and debit card payments for tuition and fees without a service fee or surcharge; providing for retroactive application; providing an effective date.

By the Committees on Governmental Reform and Oversight; Education; and Senators Grant, Lee, Kirkpatrick, Meadows and Bronson—

CS for CS for SB 306—A bill to be entitled An act relating to educational fees; amending ss. 239.117, 240.235, 240.35, F.S.; revising the effective date of certain fee exemptions that are provided for students who are placed in foster care or in an independent living arrangement or who are adopted from the Department of Children and Family Services; providing for retroactive application; providing an effective date.

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

CS for SB 314—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 394.4788, F.S., relating to mental health services; updating provisions relating to duties of the agency formerly performed by the Health Care Cost Containment Board; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain outpatient facilities; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that, following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of staff and patients; providing for applicability; providing for a report by the agency to the Governor and Legislature; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provi-

sions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the former Department of Health and Rehabilitative Services; authorizing the agency to conduct data-based studies and make recommendations; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; repealing ss. 395.403(9), 395.806(3), 407.61, 408.003, 408.072, 408.085, F.S., relating to reimbursement of state-sponsored trauma centers, studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of provisions of the act relating to repeal of review of hospital budgets; amending ss. 381.026, 381.0261, F.S.; requiring distribution of the Florida Patient's Bill of Rights and Responsibilities; providing penalties; repealing s. 395.002(2) and (15), F.S.; deleting definitions of "adverse or untoward incident" and "injury"; amending s. 395.0193, F.S.; revising provisions relating to facility peer review disciplinary actions against practitioners; requiring a report to the Agency for Health Care Administration; providing penalties; amending s. 395.0197, F.S.; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring certain reports to the agency; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective action plans; providing penalties; renumbering s. 626.941, F.S., relating to the purpose of the health care risk manager licensure program; renumbering and amending s. 626.942, F.S., relating to the Health Care Risk Manager Advisory Council; renumbering and amending s. 626.943, F.S.; providing powers and duties of the agency; renumbering and amending s. 626.944, F.S., relating to qualifications for health care risk managers; providing for fees; providing for issuance, cancellation, and renewal of licenses; renumbering and amending s. 626.945, F.S., relating to grounds for denial, suspension, or revocation of licenses; amending s. 766.101, F.S., relating to medical review committees; adding "physician-hospital organization," "provider-sponsored organization," and "integrated delivery system" to the definition of "medical review committee" or "committee"; amending ss. 394.4787, 395.602, 400.051, 409.905, 440.13, 458.331, 459.015, 468.505, 641.55, 766.1115, F.S.; conforming references and correcting cross-references; transferring the internal risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; providing an appropriation; providing effective dates.

By the Committee on Criminal Justice—

CS for SB 334—A bill to be entitled An act relating to juvenile justice programs; amending s. 985.401, F.S.; requiring the Juvenile Justice Advisory Board to develop a standard methodology for interpreting outcome-evaluation reports; specifying information to be included; requiring the board to consult with other agencies, providers, and interested parties; requiring the board to report to the Legislature; amending s. 985.404, F.S.; requiring the Department of Juvenile Justice and other agencies to develop a cost-effectiveness model for each commitment program; requiring the department to rank programs and report to the Legislature; authorizing the department to terminate a program that fails to achieve a minimum threshold of effectiveness; requiring that the cost-effectiveness model be consistent with certain requirements for performance-based budgeting; requiring the department to conduct certain evaluations of commitment programs and identify the factors that contribute to various program ratings; providing appropriations; providing an effective date.

By the Committee on Regulated Industries and Senators Clary, Harris, McKay, Williams and Kurth—

CS for SB 340—A bill to be entitled An act relating to real estate; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting ss. 475.180(2)(b), 475.181(2), 475.22(2), 475.422(2), 475.482(1), F.S., relating to nonresident licenses, licensure, refusal of a broker to comply with certain requests or notices, furnishing of copies of termite and roof inspection reports, and recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; creating s. 475.279, F.S.; authorizing signatures transmitted by electronic means or facsimile; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.01, 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 358—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S., relating to prohibitions against selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver, controlled substances within 200 feet of the real property comprising a public housing facility; defining "real property comprising a public housing facility"; providing penalties; amending s. 921.022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

By the Committee on Criminal Justice and Senators Burt, Klein, Bronson, Campbell, Crist, Gutman, Horne, Turner and Silver—

CS for SB's 360 and 350—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing legislative intent; providing an effective date.

By the Committee on Health Care—

CS for SB 364—A bill to be entitled An act relating to public records; amending s. 119.07, F.S., relating to inspection, examination, and duplication of records; exempting information pertaining to natural persons in health, medical, patient, or health insurance records from the public records law; providing exceptions; amending s. 286.011, F.S., relating to public meetings; exempting from public discussion portions of public meetings during which the contents of health, medical, patient, or health insurance information pertaining to a natural person are considered; providing exceptions; providing justification for exemptions; providing an effective date.

By the Committee on Transportation—

CS for SB 374—A bill to be entitled An act relating to motor vehicle emissions inspections; directing the Department of Highway Safety to issue a request for proposals for specified motor vehicle inspection programs; prohibiting the department from entering into a contract for a motor vehicle inspection program; amending s. 325.214, F.S.; setting the fee for inspections; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Williams and Thomas—

CS for SB 380—A bill to be entitled An act relating to Florida Retirement System; amending s. 112.363, F.S.; increasing the retiree health insurance subsidy program and the contribution rate; providing for retroactive payment; amending s. 121.011, F.S.; clarifying benefits payable under existing retirement systems; amending ss. 121.052, 121.055, 121.071, F.S.; changing contribution rates for specified classes and subclasses of the Florida Retirement System and for the retiree health insurance subsidy; amending s. 121.091, F.S.; providing for benefit computation using dual normal retirement ages for service in the Senior Management Service Class and Elected State and County Officers' Class; providing for nullification of a joint annuitant designation in the event of dissolution of marriage; providing for purchase of additional service credit using a deceased member's accumulated leave, out-of-state service, or in-state service under certain circumstances; specifying that a member's spouse at the time of death shall be the member's beneficiary under certain circumstances; amending s. 121.122, F.S.; allowing members with renewed membership in the Senior Management Service Class to purchase additional retirement credit for certain postretirement service; amending s. 121.40, F.S.; changing contribution rates for the supplemental retirement plan for the Institute of Food and Agricultural Sciences at the University of Florida; repealing ss. 121.0505, 121.0516, F.S., relating to contribution rates; providing a directive to the reviser with respect to compilation of amendments to contribution rates; providing a finding of important state interest; providing an effective date.

By the Committee on Education and Senator Holzendorf—

CS for SB 386—A bill to be entitled An act relating to postsecondary education; amending s. 240.529, F.S.; providing that, beginning in the 1999-2000 academic year, State University System initial teacher preparation programs shall include an optional teacher internship in a socially and economically disadvantaged area; providing that, beginning in the 2000-2001 academic year, State University System initial teacher preparation programs, in partnership with public school districts, shall establish teaching residency programs in disadvantaged areas; providing for annual stipends for each teacher who has completed such a residency program; providing an effective date.

By the Committee on Education and Senator Holzendorf—

CS for SB 388—A bill to be entitled An act relating to education; establishing a study commission to determine the feasibility of creating a residential mathematics and sciences academy; providing for the commission's membership and duties; requiring a report; providing an effective date.

By the Committee on Education and Senator Holzendorf—

CS for SB 390—A bill to be entitled An act relating to community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community Faculty Diversity Program; providing for awarding fellowships; requiring service or repayment; providing requirements of participants' employers; providing an effective date.

By the Committee on Regulated Industries and Senator Clary—

CS for SB 406—A bill to be entitled An act relating to land platting; amending s. 177.031, F.S.; defining terms relating to platting; amending s. 177.041, F.S.; requiring plats and replats of subdivisions submitted for approval to be accompanied by a boundary survey of the platted lands; amending s. 177.051, F.S.; revising provisions relating to naming and replatting subdivisions; amending s. 177.061, F.S.; providing requirements for the recording of a plat; amending s. 177.071, F.S.; revising provisions relating to approval of plats by governing bodies; amending s. 177.081, F.S.; requiring plats to be reviewed by a professional surveyor and mapper before approval by a governing body; amending s. 177.091, F.S.; providing requirements for monuments and revising other requirements of plats made for recording; amending s. 177.101, F.S.; providing for the vacation and annulment of prior plats; amending s. 177.141, F.S.; revising provisions relating to affidavits confirming errors on recorded plats; amending s. 177.151, F.S.; revising provisions relating to state plane coordinates; amending ss. 177.021, 177.121, 177.131, 177.132, 177.27, 177.38, F.S.; conforming references; providing an effective date.

By the Committee on Community Affairs and Senator Gutman—

CS for SJR 408—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution relating to homestead exemption.

By the Committee on Criminal Justice—

CS for SB 428—A bill to be entitled An act relating to criminal justice; amending s. 741.28, F.S.; redefining the term "domestic violence"; amending ss. 741.281, 741.2909, F.S.; requiring that if a person is ordered by the court to attend a batterers' intervention program, the program must be a program certified by the Department of Corrections; providing an exception under certain circumstances; amending s. 775.084, F.S.; authorizing the chief judge of each judicial circuit to establish a court to hear cases against violent career criminals, habitual felony offenders, habitual violent felony offenders, and prison releasee reoffenders; providing an effective date.

By the Committee on Children, Families and Seniors; and Senators Campbell and Forman—

CS for SB 442—A bill to be entitled An act relating to forensic client services; amending s. 40.29, F.S., relating to estimated amount of pay for expert witnesses, to conform a reference; amending s. 393.11, F.S.; specifying persons or entities that may file petition for proposed involuntary admission to residential services arising out of ch. 916, F.S., relating to

forensic services; providing for petitions for defendants with autism; revising requirements relating to notice of filing of petition or service of copy of order; prohibiting release from order for involuntary admission except by court order; amending and reorganizing ch. 916, F.S., the Forensic Client Services Act; creating pt. I of ch. 916, F.S.; providing general provisions of the chapter; amending s. 916.105, F.S.; revising legislative intent; amending s. 916.106, F.S.; providing or revising definitions with respect to ch. 916, F.S.; redefining "department" to refer to the Department of Children and Family Services in lieu of the Department of Health and Rehabilitative Services; amending s. 916.107, F.S.; revising state policy with respect to the rights of forensic clients, and conforming terminology; amending and renumbering s. 916.175, F.S., relating to criminal escape by a client; prohibiting escape or attempted escape from a facility or program by a client under specified circumstances, and providing penalties therefor; amending and renumbering s. 916.178, F.S.; prohibiting the introduction of certain articles into or upon, or the taking or attempt to take or send certain articles from, facility grounds, under specified circumstances, and providing penalties therefor; providing for enforcement by institutional security personnel or law enforcement officers; conforming a reference; amending and renumbering s. 916.19, F.S.; providing for client protection and security; renumbering s. 916.20, F.S., relating to departmental rulemaking; creating pt. II of ch. 916, F.S., relating to forensic services for persons who are mentally ill; amending and renumbering s. 916.108, F.S.; providing for evaluation of defendant for competency to proceed or for sanity, under specified circumstances; amending and renumbering s. 916.11, F.S.; revising time limits and guidelines relating to appointment of experts; amending s. 916.12, F.S.; providing duties of examining experts and guidelines with respect to reports on defendant's mental competence to proceed and recommended treatment for defendant to attain competence to proceed; amending s. 916.13, F.S.; providing criteria for involuntary commitment of defendant adjudicated incompetent to proceed due to mental illness; revising duties of the court or the department and guidelines relating to commitment and placement of defendant and filing of reports; amending s. 916.14, F.S.; providing for inapplicability of statute of limitations and of bar against former jeopardy under specified circumstances when defendant is incompetent to proceed; amending s. 916.145, F.S.; revising time limits and guidelines with respect to dismissal of charges against a defendant adjudicated incompetent to proceed; providing for dismissal without prejudice under specified circumstances; amending s. 916.15, F.S., relating to involuntary commitment of defendant adjudicated not guilty by reason of insanity; conforming terminology; providing for mandatory departmental retention and treatment of defendant; reenacting s. 394.467(7)(a), F.S., relating to procedure for continued involuntary placement, to incorporate said amendment in a reference; amending s. 916.16, F.S.; providing for retention of jurisdiction by committing court over a defendant hospitalized as incompetent to proceed or because of a finding of not guilty by reason of insanity or over a defendant placed on conditional release; prohibiting release except by court order in specified circumstances; amending s. 916.17, F.S.; revising procedures and guidelines relating to conditional release and modification of release conditions, including filing requirements for plans for outpatient treatment; creating pt. III of ch. 916, F.S., relating to forensic services for persons who are mentally retarded or autistic; creating s. 916.301, F.S.; providing for appointment of experts who are retardation or autism professionals, under specified circumstances; providing for certain witness fees and evaluator fees as court costs; providing for reimbursement of certain travel and per diem expenses of state employees; creating s. 916.3012, F.S.; providing for determination of incompetence to proceed when the defendant's suspected mental condition is retardation or autism; creating s. 916.302, F.S.; providing for involuntary commitment of defendant determined to be incompetent to proceed due to retardation or autism; requiring the department to notify the court of transfer of a defendant; creating s. 916.3025, F.S.; providing for retention of jurisdiction over certain defendants found incompetent to proceed and ordered into a secure facility for retarded or autistic defendants; prohibiting release except by court order; creating s. 916.303, F.S.; providing for dismissal of charges without prejudice or involuntary admission to residential services or a training program under specified circumstances when the defendant is found incompetent to proceed due to retardation or autism; providing for petitions to continue defendant's placement in a secure facility or program under specified circumstances; creating s. 916.304, F.S.; providing for conditional release based on an approved plan for providing continuing community-based training of defendant; providing for modification of release conditions or termination of jurisdiction under specified circumstances; providing an effective date.

By the Committee on Transportation and Senators Dyer, Clary and Kirkpatrick—

CS for SB 476—A bill to be entitled An act relating to suspension or revocation of driver's licenses; amending s. 322.28, F.S.; deleting certain additional suspension periods imposed for driving with a suspended license or for failing to surrender a driver's license to the Department of Highway Safety and Motor Vehicles upon suspension or revocation; providing suspension or revocation of driver's licenses not to be concurrent with imprisonment; amending s. 322.271, F.S.; authorizing issuance of a driver's license for business purposes to persons with two or more DUI convictions 10 or more years apart; providing an effective date.

By the Committee on Health Care—

CS for SB 484—A bill to be entitled An act relating to public assistance; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; amending s. 409.9122, F.S.; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified ratio of enrollees; amending s. 409.910, F.S.; providing for the distribution of amounts recovered in certain tort suits involving intervention by the Agency for Health Care Administration; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 198.30, F.S.; requiring that each circuit judge provide a report of decedents to the Agency for Health Care Administration; providing an effective date.

By the Committee on Criminal Justice and Senator Silver—

CS for SB 486—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 20.201, F.S.; providing additional authority for the executive director of the department with respect to the organization of the department; providing for the department to be reorganized into specified programs; deleting the division structure of the department; amending s. 943.01, F.S.; revising the title of ch. 943, F.S.; amending s. 943.03, F.S., relating to department employees; conforming provisions to changes made by the act; deleting obsolete provisions; requiring the department to develop and maintain an information system; amending s. 943.04, F.S.; redesignating the Division of Criminal Investigation within the department as the Criminal Justice Investigations and Forensic Science Program; providing for supervision of the program; providing additional duties of the department with respect to the operation of the program; amending s. 943.05, F.S.; redesignating the Division of Criminal Justice Information Systems within the department as the Criminal Justice Information Program; providing for supervision of the program; amending s. 943.051, F.S., relating to criminal justice information; conforming provisions to changes made by the act; authorizing the department to enter into contracts; providing that disclosure of confidential information pursuant to such a contract does not waive any requirements of confidentiality; amending s. 943.0515, F.S., relating to criminal history records of minors; conforming provisions to changes made by the act; amending s. 943.052, F.S.; deleting a requirement that certain agencies inform the department of persons incarcerated or released from jail; amending ss. 943.0525, 943.053, 943.055, 943.056, 943.057, 943.08, F.S., relating to criminal justice information,

criminal history records, and the Criminal and Juvenile Justice Information Systems Council; conforming provisions to changes made by the act; amending s. 943.09, F.S.; redesignating the Division of Criminal Justice Standards and Training within the department as the Criminal Justice Professionalism Program; providing for supervision of the program; amending ss. 943.10, 943.133, 943.17, 943.173, 943.25, F.S., relating to definitions, employment qualifications, training programs, examinations, and the Criminal Justice Standards and Training Trust Fund; conforming provisions to changes made by the act; amending s. 943.35, F.S.; deleting the eligibility for state funding for a criminal analysis laboratory; amending s. 938.07, F.S., relating to a fine imposed for driving under the influence; conforming provisions to changes made by the act; repealing ss. 943.26, 943.381, F.S., relating to the Division of Local Law Enforcement Assistance and the Division of Staff Services within the department; providing an effective date.

By the Committee on Community Affairs and Senator McKay—

CS for SB 492—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment to property owners; amending s. 194.032, F.S.; revising the time in which a value adjustment board hearing must be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

By the Committee on Criminal Justice and Senator Gutman—

CS for SB 502—A bill to be entitled An act relating to court costs to fund law enforcement programs; creating s. 938.06, F.S.; imposing an additional court cost on fines for criminal offenses in county and circuit courts; providing for deposit in the Crime Stoppers Trust Fund; amending s. 16.555, F.S.; providing for distribution of such funds in the trust fund by the Department of Legal Affairs to counties to support official Crime Stoppers and their programs; amending s. 318.18, F.S.; providing exceptions to limitations on court costs; providing an effective date.

By the Committees on Judiciary, Criminal Justice and Senator Gutman—

CS for CS for SB 502—A bill to be entitled An act relating to court costs to fund law enforcement programs; creating s. 938.06, F.S.; imposing an additional court cost on fines for criminal offenses in county and circuit courts; providing for deposit in the Crime Stoppers Trust Fund; amending s. 16.555, F.S.; providing for distribution of such funds in the trust fund by the Department of Legal Affairs to counties to support official Crime Stoppers and their programs; amending s. 318.18, F.S.; authorizing a court cost for noncriminal traffic infractions; providing an effective date.

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

CS for SB 506—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; deleting provisions relating to the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation or the death of a child as a result of abuse, neglect, or abandonment; amending s. 415.107, F.S., and repealing s. 415.107(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation; amending s. 415.51, F.S., and repealing s. 415.51(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a child as a result of abuse, abandonment, or neglect; creating ss. 381.0022, 402.115, F.S.; providing for the sharing of confidential or exempt information between the Department of Health and the Department of Children and Family Services; providing an effective date.

By the Committee on Criminal Justice and Senators Grant, Brown-Waite, Cowin, Casas and Williams—

CS for SB 514—A bill to be entitled An act relating to sexual predators; amending s. 775.21, F.S.; revising the period of time after which a sexual predator may petition the court for removal of such designation; requiring that the court make certain determinations following a petition to remove an offender's designation as a sexual predator; requiring that the state attorney be given notice of such petition; authorizing the state attorney to present evidence at the hearing on the petition; authorizing the court to allow a sexual predator to petition the court at a future date; providing an effective date.

By the Committee on Criminal Justice and Senator Campbell—

CS for SB 524—A bill to be entitled An act relating to the offense of murder; amending s. 782.04, F.S.; redefining the offense of capital murder in the first degree to include the act of unlawfully killing a human being while perpetrating, or attempting to perpetrate, the murder of another human being; redefining the offense of second–degree felony murder to include the act of unlawfully killing a human being while perpetrating or attempting to perpetrate the murder of another human being; adding murder to the list of felony offenses which do not constitute third–degree felony murder; reenacting ss. 39.464(1)(d), 435.03(2)(b), 435.04(2)(b), 775.0823(1) and (2), 921.0022(3)(i), 943.325(1), 947.146(3), F.S., relating to the termination of parental rights, screening standards, violent offenses against law enforcement officers and others, the Criminal Punishment Code, blood testing, and the Control Release Authority, to incorporate the amendment to 782.04, F.S., in references thereto; providing an effective date.

By the Committee on Criminal Justice and Senator Silver—

CS for SB 586—A bill to be entitled An act relating to felony offenses; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; amending s. 921.0022, F.S.; including such offense in the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

By the Committee on Criminal Justice and Senator Silver—

CS for SB 590—A bill to be entitled An act relating to property crimes; amending s. 810.011, F.S.; defining the term “curtilage”; amending s. 810.09, F.S.; removing references to unenclosed curtilage from the offense of trespass on property other than a structure or conveyance; amending s. 812.014, F.S.; defining the term “authorized person”; removing reference to unenclosed curtilage from the offense of theft from a dwelling; providing an effective date.

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

CS for SB 642—A bill to be entitled An act instructing the Division of Statutory Revision to make necessary changes to conform the Florida Statutes to the name change of the Department of Health and Rehabilitative Services and the divestiture of programs of the former department to other departments or agencies; transferring and renumbering ss. 408.601, 408.602, 408.603, 408.604, F.S.; repealing s. 400.441(1)(a)2.n., F.S., relating to a work study group; repealing s. 402.47, F.S., relating to foster grandparent and retired senior volunteer services; repealing s. 408.601(3), relating to the initial report of Healthy Communities, Healthy People; repealing s. 409.9125, F.S., relating to Medicaid alternative service networks; repealing ss. 411.23, 411.231, 411.232, F.S., the Children's Early Investment Act; providing an effective date.

By the Committee on Judiciary and Senators Silver and Dudley—

CS for SB 644—A bill to be entitled An act relating to investment securities and leases under the Uniform Commercial Code; revising chapter 678, F.S.; revising part I, relating to general matters; providing a short title; providing definitions; providing rules for determining whether certain obligations and interests are securities or financial assets; providing for acquisition of security or financial assets or interests; providing for notice of adverse claim; providing for control of certain securities; providing for effect of certain actions; providing for warranties in direct holding; providing for warranties in indirect holding; providing for applicability of law; providing clearing corporation rules; providing for creditor's legal process; providing for inapplication of statute of frauds; providing for evidentiary rules concerning certificated securities; providing for nonliability to adverse claimant under certain circumstances; providing for securities intermediary as purchaser for value; revising part II, relating to issue and issuer; providing a definition of issuer; providing for issuer's responsibilities and defenses; providing for notice; specifying staleness as notice of defect or defense; providing effect of issuer's restriction on transfer; providing for effect of unauthorized signatures; providing for completion or alteration of security certificates; providing rights and duties of issuer with respect to registered owners; providing for effect of signature of certain persons; providing for issuer's liens; specifying conditions of overissue; revising part III, relating to transfer of certificated and uncertificated securities; providing for delivery of certain securities; providing for rights of purchaser; providing for protected purchasers; providing for indorsement; providing for certain instructions; providing for effect of guaranteeing certain actions; providing purchaser's right to certain requisites; revising part IV, relating to registration; providing duties of issuer to register transfers; requiring certain assurance of effectiveness of certain actions; providing for demand that issuer not register transfer; providing for liability for wrongful registration; providing for replacement of certain certificates; providing for obligation to notify issuer of certain certificates; providing for authenticating certain persons; revising part V, relating to security entitlements; providing for securities accounts; providing for acquisition of security entitlement from a securities intermediary; providing for assertion of adverse claim against entitlement holder; providing for property interest of entitlement holder in certain assets; providing duties of securities intermediary; providing for certain rights of purchaser of security entitlement; providing priority among security interests and entitlement holders; amending s. 679.103, F.S.; providing for perfection of security interests relating to investment property; amending s. 679.105, F.S.; conforming the section to changes made by the act; redefining the term "deposit account"; amending s. 679.106, F.S., to conform; creating s. 679.115, F.S.; providing for perfection of security interests in certain investment properties; providing definitions; providing criteria; providing procedures; creating s. 679.116, F.S.; providing for perfection of security interests arising in purchase or delivery of financial interests; amending ss. 679.203, 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.309, 679.312, F.S., to conform; amending ss. 671.105, 671.206, 674.104, 675.114, F.S., to conform; providing for applicability; amending s. 680.1031, F.S.; redefining the terms "consumer lease" and "finance lease"; amending s. 680.1041, F.S.; revising provisions with respect to other statutes to which leases are subject; amending s. 680.303, F.S.; revising provisions with respect to the alienability of a party's interest under a lease contract or of a lessor's residual interest in goods; amending s. 680.304, F.S.; revising provisions with respect to the subsequent lease of goods by the lessor; amending s. 680.307, F.S.; revising provisions with respect to priority of liens arising by attachment or levy on security interests in and other claims to goods; amending s. 680.309, F.S.; revising provisions with respect to lessor's and lessee's rights when goods become fixtures; creating s. 680.32, F.S.; providing that nothing in chapter 680, F.S., prevents subordination by agreement by any person entitled to priority; amending s. 680.501, F.S.; revising provisions with respect to the procedure governing default; amending s. 680.503, F.S.; revising provisions with respect to modification or impairment of rights and remedies; amending s. 680.507, F.S.; revising provisions with respect to proof of market rent; amending s. 680.508, F.S.; revising provisions with respect to lessee's remedies; amending s. 680.516, F.S.; revising provisions with respect to the effect of acceptance of goods, notice of default, the burden of establishing default after acceptance, and notice of claim or litigation to persons answerable over; amending s. 680.518, F.S.; revising provisions with respect to cover and substitute goods; amending s. 680.519, F.S.; revising provisions with respect to lessee's damages for nondelivery, repudiation, default, or breach of warranty in regard to accepted goods; amending s. 680.523, F.S.; revising provisions with respect to lessor's remedies; amending s. 680.524, F.S.; revising provisions with respect to lessor's right to identify goods to lease contract; amending s. 680.525, F.S.; revising provisions with respect to lessor's right to possession of goods; amending s. 680.527, F.S.; revising provisions with respect to lessor's rights to dispose of goods; amending s. 680.528, F.S.; revising provisions with respect to lessor's damages for nonacceptance or repudiation; amending s. 680.529, F.S.; revising provisions with respect to lessor's action for rent; amending s. 680.532, F.S.; revising provisions with respect to lessor recovery for loss of residual interest; providing for the application of the act; repealing ss. 610.011, 610.021, 610.031, 610.041, 610.051, 610.061, 610.071, 610.081, 610.091, 610.101, 610.111, 671.304(2)(b), F.S., relating to the Uniform Act for Simplification of Fiduciary Security Transfers; repealing ss. 678.101, 678.102, 678.103, 678.104, 678.105, 678.106, 678.107, 678.108, 678.201, 678.202, 678.203, 678.204, 678.205, 678.206, 678.207, 678.208, 678.301, 678.302, 678.303, 678.304, 678.305, 678.306, 678.307, 678.308, 678.309, 678.310, 678.311, 678.312, 678.313, 678.314, 678.315, 678.316, 678.317, 678.318, 678.319, 678.320, 678.321, 678.401, 678.402, 678.403, 678.404, 678.405, 678.406, 678.407, 678.408, F.S., relating to investment securities under the Uniform Commercial Code; providing an effective date.

By the Committee on Criminal Justice and Senators Gutman, Horne, Klein, Diaz-Balart and Cowin—

CS for SB 646—A bill to be entitled An act relating to sexually violent predators; amending s. 916.10, F.S.; providing a short title; creating s. 916.30, F.S.; providing a short title; creating s. 916.31, F.S.; providing legislative findings and intent; creating s. 916.32, F.S.; defining terms; creating s. 916.33, F.S.; requiring notice of release from custody of a person alleged to be a sexually violent predator; providing for evaluation of such person; creating s. 916.34, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.35, F.S.; providing for determination of probable cause, for hearings, and for taking such person into custody; creating s. 916.36, F.S.; providing for trial on the issue of whether such person is a sexually violent predator; creating s. 916.37, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.38, F.S.; requiring examinations of persons committed; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; authorizing petition for release; creating s. 916.41, F.S.; providing for access to certain records; creating s. 916.42, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.43, F.S.; providing immunity from civil liability; creating s. 916.44; providing severability; creating s. 916.45, F.S.; providing for retrospective and prospective application; creating s. 916.46, F.S.; providing for notice to victims; creating s. 916.47, F.S.; penalizing escape; creating s. 916.48, F.S.; authorizing subsistence fees and costs; creating s. 916.49, F.S.; providing that the Department of Children and Family Services is responsible for costs; providing an effective date.

By the Committee on Transportation—

CS for SB 666—A bill to be entitled An act relating to WAGES program transportation; amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing

for the duties of the local coordinating boards regarding WAGES transportation; providing an effective date.

By the Committee on Education and Senators Grant, Latvala, Clary, Holzendorf, Meadows, Gutman, Hargrett, Ostalkiewicz, Williams, Dudley, Horne, Klein, Forman, Casas, Bronson, Thomas, Rossin, Harris, Cowin, Brown-Waite, Silver, Lee, Campbell, Turner, Sullivan, Childers, Burt, Myers, Crist, Scott, Dyer and Diaz-Balart—

CS for SB 758—A bill to be entitled An act relating to the State University System; amending s. 240.207, F.S.; providing terms of office for members of the Board of Regents; amending s. 240.209, F.S.; revising provisions relating to the selection of the Chancellor; authorizing universities to increase tuition and matriculation fees within certain limits; deleting a restriction on the faculty appointment of former university presidents; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Harris and Klein—

CS for SB 760—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; revising the reporting requirements of the Office of Tourism, Trade, and Economic Development relating to permits and rules; authorizing the Office of Tourism, Trade, and Economic Development to coordinate establishment of a one–stop permit registry; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending ss. 212.097 and 212.098, F.S.; clarifying the definition of a "new business" under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program; providing that certain call centers or similar customer service operations are eligible businesses under these programs; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.075, F.S.; specifying that the prohibition against contracting with entities that have requested confidentiality concerning certain economic development information does not apply to a public officer or employee or an economic development agency employee acting in his or her official capacity; amending s. 288.095, F.S.; establishing a cap on the total amount of the state share of tax refunds which may be approved for a single fiscal year under the tax refund programs for qualified defense contractors, qualified target industry businesses, and brownfield redevelopment; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; amending s. 288.106, F.S.; authorizing a reduced employment threshold for expanding businesses in certain rural areas or enterprise zones under the tax refund program for qualified target industry businesses; amending s. 288.1221, F.S.; conforming legislative intent on the time period covered by a tourism promotion marketing plan to the time period covered by the marketing plan prepared by the Florida Commission on Tourism under s. 288.1224, F.S.; amending s. 288.1222, F.S.; revising the definition of "tourist" to clarify that the term applies to a person participating in trade or recreation activities outside the county of permanent residence; amending s. 288.1223, F.S.; eliminating an historical reference to the first meeting of the Florida Commission on Tourism; providing that the commission shall meet at least quarterly; providing that the commission shall elect a vice chairman annually; amending s. 288.1224, F.S.; requiring the Florida Commission on Tourism to establish a standing advisory committee on ecotourism and heritage tourism; prescribing membership of the committee; requiring the tourism commission to incorporate ecotourism and heritage tourism components into its marketing plan; providing legislative findings and intent on ecotourism and heritage tourism; authorizing an ecotourism and heritage tourism promotion grant program; prescribing application procedures, evaluation criteria, eligible uses of funds, and limitations on grant amounts under such program; amending s. 288.90151, F.S.; revising the matching private funding requirements for Enterprise Florida, Inc.; providing for partial release of funds placed in reserve under specified circumstances; amending s. 288.9618, F.S.; limiting the amount of appropriations for the microenterprise program that may be used for administrative expenses; creating s. 288.9958, F.S.; establishing the PRIDE Job Placement Incentive Program; directing Enterprise Florida, Inc., to examine the current and potential economic development contribution of the biotechnology industry and other health technology industries to this state; requiring Enterprise Florida, Inc., to report to the Legislature on findings and recommendations; providing for designation of an enterprise zone that encompasses a brownfield project under certain circumstances; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The following Executive Orders were filed with the Secretary:

EXECUTIVE ORDER NUMBER 97-175

(Executive Order of Reinstatement)

WHEREAS, Avant Brown was suspended from his office as a member of the County Commission of Glades County, Florida, pursuant to Executive Order 97-131, dated April 15, 1997, and

WHEREAS, on April 11, 1997, the Honorable Bruce Colton, State Attorney for the Nineteenth Circuit of Florida, filed an information charging Avant Brown with violating sections 784.045(1)(b) and 787.02, Florida Statutes, which was the basis for his suspension, and

WHEREAS, on June 12, 1997, the charges upon which his suspension was based were reduced to misdemeanors and adjudication was withheld and,

NOW, THEREFORE, I, LAWTON CHILES, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby promulgate the following Executive Order effective immediately:

1. Avant Brown is hereby reinstated to the public office which he held at the time of the above mentioned suspension, to wit: Member of the County Commission of Glades County, Florida.

2. Executive Order 97-131 is hereby revoked and the suspension of Avant Brown is terminated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 16th day of June, 1997.

Lawton Chiles
GOVERNOR

ATTEST:
Sandra B. Mortham
SECRETARY OF STATE

[Referred to the Committee on Executive Business, Ethics and Elections.]

EXECUTIVE ORDER NUMBER 97-269

(Executive Order of Suspension)

WHEREAS, Larry Murphy is presently serving as a member of the City Council of the City of Cape Coral, and

WHEREAS, on August 15, 1997, the Honorable Joseph D'Alessandro, State Attorney for the Twentieth Circuit, filed an Information charging Larry Murphy with one count of battery and one count of resisting or obstructing an officer without violence, and

WHEREAS, it is in the best interest of the residents of the City of Cape Coral and the citizens of the State of Florida that Larry Murphy be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth,

NOW, THEREFORE, I, LAWTON CHILES, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine and, for the purposes of Section 112.52, Florida Statutes, allege as follows:

A. Larry Murphy is, and at all times material hereto was, a member of the City Council of the City of Cape Coral.

B. The office of City Council member is within the purview of the suspension powers of the Governor, pursuant to section 112.52, Florida Statutes.

C. The attached information alleges that Larry Murphy committed acts in violation of the laws of the State of Florida, and this information is hereby incorporated by reference as if fully set forth in this executive order.

D. This suspension is predicated upon the attached information, which constitutes misfeasance and/or malfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this executive order is hereby promulgated, effective immediately:

Section 1. Larry Murphy is hereby suspended from the public office which he now holds, to wit: Member of the City Council of the City of Cape Coral, Lee County, Florida.

Section 2. Larry Murphy is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 4th day of September, 1997.

Lawton Chiles
GOVERNOR

ATTEST:
Sandra B. Mortham
SECRETARY OF STATE

EXECUTIVE ORDER NUMBER 97-338

(Executive Order of Reinstatement)

WHEREAS, Larry Murphy was suspended from his office as a member of the City Council of the City of Cape Coral, Florida, pursuant to Executive Order 97-269, dated September 4, 1997, and

WHEREAS, on August 15, 1997, the Honorable Joseph D'Alessandro, State Attorney for the Twentieth Circuit of Florida, filed an Information charging Larry Murphy with one count of battery and one count of resisting or obstructing an officer without violence, which was the basis for his suspension, and

WHEREAS, on November 20, 1997, a jury found Larry Murphy not guilty of these charges and,

NOW, THEREFORE, I, LAWTON CHILES, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby promulgate the following Executive Order immediately:

1. Larry Murphy is hereby reinstated to the public office which he held at the time of the above mentioned suspension, to wit: Member of the City Council of the City of Cape Coral, Florida.

2. Executive Order 97-269 is hereby revoked and the suspension of Larry Murphy is terminated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 21st day of November, 1997.

Lawton Chiles
GOVERNOR

ATTEST:
Sandra B. Mortham
SECRETARY OF STATE

EXECUTIVE ORDER NUMBER 98-12

(Executive Order of Suspension)

WHEREAS, James Burke is presently serving as a member of the County Commission of Dade County, Florida, and

WHEREAS, the U. S. Attorney for the Southern District of Florida has filed a twelve count indictment by a federal grand jury charging James Burke with money laundering, bribery, conspiracy, and wire fraud, all in violation of the United States Code, and

WHEREAS, it is in the best interest of the residents of the Dade County and the citizens of the State of Florida that James Burke be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth,

NOW, THEREFORE, I, LAWTON CHILES, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine and, for the purposes of Section 112.41, Florida Statutes, allege as follows:

A. James Burke is, and at all times material hereto was, a member of the County Commission of Dade County, Florida.

B. The office of County Commission member is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached indictment alleges that James Burke committed acts in violation of the United States Code and this indictment is hereby incorporated by reference as if fully set forth in this executive order.

D. This suspension is predicated upon the attached indictment, which also constitutes misfeasance and/or malfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this executive order is hereby promulgated, effective immediately:

Section 1. James Burke is hereby suspended from the public office which he now holds, to wit: County Commissioner, Dade County, Florida.

Section 2. James Burke is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 8th day of January, 1998.

Lawton Chiles
GOVERNOR

ATTEST:
Sandra B. Mortham
SECRETARY OF STATE

[Referred to the Committee on Executive Business, Ethics and Elections.]

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment		For Term Ending
Board of Accountancy		
Appointees:	Calhoun, Charles H. III, Ponte Vedra	10/31/2001
	Martin, Mirtha Valdes, Heathrow	10/31/2001
	Rodriguez, Jose Ramon, Miami	10/31/2000
Board of Acupuncture		
Appointee:	Black, Emily Winkle, Gainesville	10/31/2001
Board of Architecture and Interior Design		
Appointees:	Rosier, Wayne, Tampa	10/31/2001
	Shiff, Michael Alan, Parkland	10/31/2001
	Wirtz, Michael H., Boca Raton	10/31/2001
Florida Board of Auctioneers		
Appointees:	Burgess, Donna Jan, Orange Park	10/31/2001
	Dansby, Grace Hopson, Tallahassee	10/31/1999
	Larrua, Herminia M., Miami	10/31/2001
Barbers' Board		
Appointees:	McKinney, O. Marie, Pensacola	10/31/2001
	Rosen, Richard Larry, Coral Gables	10/31/2001
Florida Black Business Investment Board		
Appointees:	Carswell, Keith A., Davie	09/30/2001
	Gant, Frederick Jerome, Pensacola	09/30/2000
Florida Building Code Administrators and Inspectors Board		
Appointees:	Alexander, Stanton Malone, Ormond Beach	10/31/2001
	Bertolami, Margaret Welmers, Parkland	10/31/2001
	Mount, David Lloyd, Orlando	10/31/1997 10/31/2001
	Pass, Margaret Collins, Coral Gables	10/31/1998
Board of Building Codes and Standards		
Appointees:	Bassett, Steven Cook, Plantation	12/08/1997 12/08/2001
	Calpini, John Robert, Tallahassee	03/11/2001
	Danger, Charles, Miami	01/06/2001
	Joyner, Huston N., Jr., Tallahassee	01/30/1999
	Kopczynski, Medard K., Venice	01/09/2001
	Lipka, Leonard Norman, Dania	02/03/1999
	McRoy, James E., Tallahassee	02/11/2001
	Mehltretter, James Robert, Tampa	01/13/2001
	Richardson, Diana B., Miami	02/07/2001
	Walthour, William Sam, Orlando	02/07/2001
	Weeder, Charles E., Winter Haven	04/05/2001
Capital Collateral Regional Counsel-Northern, Middle & Southern Region		
Appointees:	Kenny, Peter Warren, Orlando	09/30/2000
	Maas, Roger R., Tallahassee	07/31/1997
	Moser, John Wilson III, Valrico	09/30/2000
	Smith, Gregory C., Tallahassee	09/30/2000
Capitol Center Planning Commission		
Appointees:	Anstis, James H., West Palm Beach	09/30/2001
	Wallrapp, Ana Rabelo, Tampa	09/30/2001
Board of Chiropractic		
Appointees:	Jenkins, Gene Edgar, Jr., Tallahassee	10/31/2001
	Serrano, Andrea, Pembroke Pines	10/31/2001
Florida Citrus Commission		
Appointee:	Burke, Martha Roe, Winter Haven	05/31/2000
Escambia County Civil Service Board		
Appointees:	Einbecker, Pauline Godwin, Pensacola	02/09/2001
	Glover, Robert Bryan, Jr., Molino	02/13/2001
	Green, DeVaughn, Pensacola	02/13/2001
Hillsborough County Civil Service Board		
Appointees:	Howton, Drew M., Tampa	07/02/2001
	Joanow, Olga J., Tampa	07/02/2001
	Mayor, Ernesto, Jr., Tampa	07/02/2001
	Shirley, Terrence Michael, Brandon	07/02/1999
	Stagi, Joseph Vincent, Tampa	07/02/2001
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Adejokun-Ojo, Elizabeth Adebisi, Tallahassee	10/31/1999
	Gray, Susan W., N. Miami Beach	10/31/2000
	Hicks, Mary W., Tallahassee	10/31/2000
	Landis, Charles E., Delray Beach	10/31/2001
	Sherrard, Peter A. D., Gainesville	10/31/2001
Regulatory Council of Community Association Managers		
Appointees:	Gavalda, Teresa, Miami Lakes	10/31/1998
	Grosskopf, John E., West Palm Beach	10/31/2001
	Roschuni, Elliott Joseph, Jacksonville	10/31/1998
Florida Communities Trust		
Appointees:	Perez, Julian Humberto, Miami	01/31/2001
	Tschinkel, Victoria Jean, Tallahassee	01/31/2001
State Board of Community Colleges		
Appointees:	Belton, C. Ronald, Jacksonville	09/30/2002
	Lang, Joseph Hagedorn, St. Petersburg	09/30/2002
	Wilson, Alberta K., Rockledge	09/30/2002
	Yarber, Matthew Franklin, Port Richey	09/30/1998
Florida Commission on Community Service		
Appointees:	Bishop, Barney Tipton III, Tallahassee	09/14/2000
	Bostic, James Donaldson, Ocala	09/14/2000
	Dhonau, Norma Joyce, Ormond Beach	09/14/1999
	Fine, Helen M. (Pat), Miami	09/14/2000
	Gerwens, Joseph C., Parkland	09/14/2000
	Llorente, Carlos M., Plantation	09/14/2000
	Oliva, Maria Cristina, Miami	09/14/1998
	Shimberg, James Heiman, Jr., Tampa	09/14/1999
	Tubbs, LeVester, Winter Springs	09/14/2000
	Young, George William, Ft. Lauderdale	09/14/2000
	Zipperer, Roberta Herman, Jacksonville	09/14/1999
Board of Trustees of Brevard Community College		
Appointee:	Johnson, Eugene Cecil, Satellite Beach	05/31/2001
Board of Trustees of Broward Community College		
Appointee:	Ortis, Frank Carmen, Pembroke Pines	05/31/2001
Board of Trustees of Central Florida Community College		
Appointees:	Donar, Chrysanthia (Sandy) Eileen, Ocala	05/31/2001
	Hall, Cynthia Arnetta, Homosassa Springs	05/31/2001
	Mann, Loy Ann Meeks, Chiefland	05/31/2001
	Palmer, Whitfield McRory, Jr., Ocala	05/31/1999
Board of Trustees of Chipola Junior College		
Appointees:	Hudson, Eddie Myron, Westville	05/31/2001
	Odom, John Howard, Marianna	05/31/2001
	Shuler, Gary H., Blountstown	05/31/2001
Board of Trustees of Daytona Beach Community College		
Appointees:	Blossom, L. Roland, Daytona Beach	05/31/2001

Office and Appointment		For Term Ending
	Ford, James H., DeLand	05/31/2001
	Gardner, James Edward, Palm Coast	05/31/2001
Board of Trustees of Edison Community College		
Appointees:	Baquero, Washington D., Ft. Myers	05/31/2001
	Peeples, Vernon E., Punta Gorda	05/31/2001
	Snow, Marie Fossett, Naples	05/31/2001
Board of Trustees of Florida Community College at Jacksonville		
Appointees:	Hufstetler, Connie Croom, Fernandina Beach	05/31/2001
	Kelley, Howard W., Jr., Jacksonville	05/31/2001
	Lockett, Earlene Toby, Jacksonville	05/31/2001
	Mayo, Jimmie L., Fernandina Beach	05/31/1998
Board of Trustees of Florida Keys Community College		
Appointees:	Almeda, Patricia Ann, Big Pine Key	05/31/2001
	Clark, Mona Carlisa, Key West	05/31/2001
Board of Trustees of Gulf Coast Community College		
Appointees:	Rice, Lillie Mae, Panama City	05/31/2001
	Roberson, Ralph Christian, Port St. Joe	05/31/2001
	Smith, George Houston, Callaway	05/31/2001
Board of Trustees of Hillsborough Community College		
Appointees:	Dawson, Warren Hope, Tampa	05/31/2001
	Weatherford, Doris L., Seffner	05/31/2001
Board of Trustees of Indian River Community College		
Appointees:	Stewart, Ventria Eloise, Port St. Lucie	05/31/2001
	Thurlow, Thomas Henry, Jr., Stuart	05/31/2001
Board of Trustees of Lake City Community College		
Appointees:	Harvey, Alan, Macclenny	05/31/2001
	Jones, Susan C., Cross City	05/31/2001
	Tunsil, Joyce P., Lake City	05/31/2001
Board of Trustees of Lake-Sumter Community College		
Appointees:	Charron, Victor, Clermont	05/31/2001
	Jones, Helen L., Leesburg	05/31/2001
	Wood, Peggy Swain, Wildwood	05/31/2001
Board of Trustees of Manatee Community College		
Appointees:	Fogarty, Julia Botet, Bradenton	05/31/2000
	McRae, Johncyna A., Bradenton	05/31/2001
	Moore, Robert Leslie, Venice	05/31/2001
	Smith, Jan Ellis, Bradenton	05/31/2001
Board of Trustees of Miami-Dade Community College		
Appointees:	Ibarra, Barbara A., Coral Gables	05/31/2001
	Mendoza, Cristina Lagueruela, Coral Gables	05/31/2001
	Richardson, Walter Thomas, Miami	05/31/2001
Board of Trustees of North Florida Junior College		
Appointees:	Chandler, Virginia Bridges, Jasper	05/31/2001
	Twiggs, Alma Keys, Madison	05/31/2001
	Witt, James (Jimmy) Edward, Mayo	05/31/2001
Board of Trustees of Okaloosa-Walton Community College		
Appointees:	Merrifield, Sally R., Paxton	05/31/2001
	Roser, Elena M., Niceville	05/31/2001
	Thornton, William, Ft. Walton Beach	05/31/2001
Board of Trustees of Palm Beach Community College		
Appointees:	Hand, Homer James, Belle Glade	05/31/2001
	James, Elaine Johnson, Royal Palm Beach	05/31/1999
	Johnston, Harry A., West Palm Beach	05/31/2001
Board of Trustees of Pasco-Hernando Community College		
Appointees:	Hobby, Joy Goode, New Port Ritchey	05/31/1999
	McGeehan, Hugh Connell, Spring Hill	05/31/2001
	Tillis, Arlen E., New Port Richey	05/31/2001
	Yant, James Clifford, Spring Hill	05/31/2001
Board of Trustees of Pensacola Junior College		
Appointees:	Baker, Richard Robert, Gulf Breeze	05/31/2001
	Byrd, William E., Pensacola	05/31/2001
	Robertson, Elba W., Milton	05/31/2001
Board of Trustees of Polk Community College		
Appointees:	Brandon, Jack Putnam, Lake Wales	05/31/1998
	Ruthven, Joe P., Lakeland	05/31/2001
	Tucker, Lottie S., Winter Haven	05/31/2001
Board of Trustees of St. Johns River Community College		
Appointees:	Tuggles, Catherine Solomon, Middleburg	05/31/2001
	Upchurch, Hamilton Davis, Jr., St. Augustine	05/31/2001
	Wolfenden, John W., Palatka	05/31/2001
Board of Trustees of St. Petersburg Junior College		
Appointee:	Hines, Ann Groover, St. Petersburg	05/31/2001
Board of Trustees of Santa Fe Community College		
Appointees:	Hill-Lubin, Mildred Anderson, Gainesville	05/31/2001
	Miller, John M., Starke	05/31/2001
Board of Trustees of Seminole Community College		
Appointees:	Blacksheare, Edward L., Sanford	05/31/1999
	Moore, Lee Permenter, Sanford	05/31/2001
Board of Trustees of South Florida Community College		
Appointees:	Adams, Joyce Armstrong, Avon Park	05/31/2001
	Goodman, Sharon Thomas, Arcadia	05/31/2001
	Livingston, James L., Sebring	05/31/1999
Board of Trustees of Tallahassee Community College		
Appointees:	May, Fountain Howard, Jr., Quincy	05/31/2001
	Miller, Dolores S., Crawfordville	05/31/2001
	Payne, John Alfred, Tallahassee	05/31/2001
Board of Trustees of Valencia Community College		
Appointees:	Del Hoya, Santiago F., Orlando	05/31/2001
	Houck, Keith W., Orlando	05/31/2001
	McMillon, Deloris J., Kissimmee	05/31/2001
Construction Industry Licensing Board		
Appointees:	Barge, James Allen, Tallahassee	10/31/2001
	Karpf, Ronald Melvin, Miami Lakes	10/31/2001
	Laird, Robert D., Naples	10/31/2001
	Maurer, Lauren, Davie	10/31/2001
	Stokes, Susan C., Jupiter	10/31/2001
State of Florida Correctional Medical Authority		
Appointees:	Brown, Marsha Lewis, Tampa	07/01/2001
	Windom, Robert Emerson, Sarasota	09/30/2001
Board of Cosmetology		
Appointees:	Biggett, Earl S., Ft. Myers	10/31/2001
	Blanco, Mary Madonna, Pensacola	10/31/2001
Board of Dentistry		
Appointees:	Douglas, Helen Ann, Pensacola	10/31/2001
	Levine, Phil Jay, Pensacola	10/31/2001
	Ross, Charles Lee, Miami	10/31/2001
Florida Development Finance Corporation		
Appointee:	Serravezza, William James, Orlando	05/02/1998
Education Practices Commission		
Appointees:	Porter, Diane Margaret, Tallahassee	09/30/2001

Office and Appointment		For Term Ending
	Raulerson, Phoebe Hodges, Okeechobee	09/30/2001
Education Standards Commission		
Appointees:	Harvey-Pratt, Rosa L., Miami	09/30/1999
	Kaupke, Donn V., Flagler Beach	09/30/1999
Chairman, Florida Elections Commission		
Appointee:	Crotty, Valerie Moos, Daytona Beach Shores	01/04/1999
Florida Elections Commission		
Appointees:	Childers, Catherine Lynn, Jacksonville	12/31/2000
	Drage, Thomas Brochmann, Jr., Winter Park	12/31/1999
	McClure, Julie G., Bradenton	12/31/2000
	Ostrau, Norman M., Plantation	12/31/2000
	Patronis, Jimmy Theo, Jr., Panama City Beach	12/31/1999
Electrical Contractors' Licensing Board		
Appointees:	Autrey, Ronald Andrew, Ponte Vedra Beach	10/31/2001
	Mills, Douglas Hall, Pompano Beach	10/31/2001
	Morris, Herbert Kent, Jacksonville	10/31/2001
Board of Employee Leasing Companies		
Appointees:	Goldman, Richard Alan, Bradenton	10/31/1998
	Samuels, Robert J., Tampa	10/31/2001
Board of Professional Engineers		
Appointees:	Anderson, Melvin William, Tampa	10/31/2001
	Miller, R. Gerry, Largo	10/31/2001
	Springstead, John Walton,	10/31/1997
	Ocklawaha	10/31/2001
Board of Directors, Enterprise Florida, Inc.		
Appointee:	Simmons, Evett L., Port St. Lucie	07/01/2001
Board of Directors, Capital Development Board		
Appointees:	Aronson, Daniel Holmes, Miami Beach	03/09/2001
	Cobb, Sue McCourt, Coral Gables	03/09/2001
	Serravezza, William J., Orlando	03/09/2001
	Werner, Patricia Ann, Kissimmee	03/09/2000
Board of Directors, Florida International Trade and Economic Development Board		
Appointees:	Collins, Leroy Anthony, Treasure Island	11/21/1998
	Gulley, Isay Mae, Clearwater	11/21/2000
	Sutton, Byron Kent, Windermere	11/21/2000
Board of Directors, Technology Development Board		
Appointees:	Allen, Susan Davis, Tallahassee	06/14/1999
	Crissey, Relf Seward, Winter Park	06/14/2001
	Phillips, Winfred Marshall, Gainesville	06/14/2001
Board of Directors, Workforce Development Board		
Appointees:	Apthorp, James W., Tampa	06/05/2001
	Eppard, Renee W., Sarasota	06/05/2001
	Hall, Cynthia J., Hialeah	06/05/1999
	Stewart, Samuel Kenneth, Blountstown	06/05/1998
Commission on Ethics		
Appointees:	Batman, Linda McKnight, Altamonte Springs	06/30/1999
	Hart, Kenneth R., Tallahassee	06/30/1999
	Krathen, David H., Ft. Lauderdale	06/30/1999
	Phelan, Mary Alice Barrett, Jacksonville	06/30/1999
Board of Funeral and Cemetery Services		
Appointees:	Atwood, James W., Port Charlotte	09/08/2001
	Ballas, Parascho Peter, Tallahassee	09/08/1999
	Betsey, Sam Washington, Jr., Quincy	09/08/2001
	Knopke, Keenan Lacy, Weston	09/08/2001
	Quattlebaum, G. Earl, West Palm Beach	09/08/1999
	Revitz, Mark Jeffrey, Miami	09/08/1999
	Stiegman, Donald Lawrence, Orlando	09/08/2001
Board of Funeral Directors and Embalmers		
Appointees:	Garcia, Manuel M., Coral Gables	10/31/2001
	McQueen, John Thomas, St. Petersburg	10/31/1999
	Roberson, Kenneth Loy, Port Charlotte	10/31/1999
	Rosier, Patricia F., Perry	10/31/2001
Game and Fresh Water Fish Commission		
Appointees:	Adams, James L., Jr., Bushnell	01/04/2001
	Hedgepeth, Quinton L., Coconut Grove	01/06/2003
Board of Professional Geologists		
Appointees:	Hutton, Harry Hayes, St. Augustine	10/31/2001
	Kwader, Thomas, Tallahassee	10/31/2001
Commission on Government Accountability to the People		
Appointees:	Calabro, Dominic Michael, Tallahassee	08/21/2001
	Haft, Jay Michael, Coral Gables	08/21/1999
	Humphreys, Susan Hostetler, Dunedin	08/21/2000
	Lewis-Brent, Lana Jane, Panama City	08/21/2001
	Palmer, Whitfield McRory, Jr., Ocala	08/21/2001
Board of Hearing Aid Specialists		
Appointees:	Augustus-Fidelia, Vicki Regina, Davie	10/31/2001
	Currow, Neal C., Panama City	10/31/2001
	Telischi, Fred F., Coral Gables	10/31/2001
Health Care Board		
Appointees:	Bozard, John W., Orlando	09/30/1998
	Brickler, Alexander D., Tallahassee	09/30/2000
	Broxson, John R., Gulf Breeze	09/30/2000
	Carr, John Scott, Pensacola	09/30/1999
	High, Joshua, Sunrise	09/30/1998
	Mauk, William Harold, Jr., Miami	09/30/2000
	Palevsky, Elliott, St. Augustine	09/30/1999
	Steigman, Don Stuart, Coral Springs	09/30/2000
	Zervigon-Hakes, Ana Maria, Tallahassee	09/30/1998
Citrus County Hospital Board		
Appointees:	Brannen, Joseph Samuel, Inverness	07/11/2001
	Henigar, Robert Lee, Crystal River	07/07/2000
	Langley, Alida V., Floral City	07/05/2001
Board of Trustees of South Lake County Hospital District		
Appointees:	Arnold, Carmen Schoolcraft, Clermont	07/05/2001
	Conley, Michael H., Groveland	07/05/2001
	Jordan, Lennon D., Mascotte	07/05/2001
	Vander Meer, Jacob Martin, Clermont	07/05/2000
	Wickham, Donald Cecil, Clermont	07/05/2001
	Williams, Ted Eugene, Clermont	07/05/2001
Florida Housing Finance Agency		
Appointee:	Lydecker, Charles Harvey, Ormond Beach	11/13/2000
Florida Commission on Human Relations		

Office and Appointment		For Term Ending
Appointees:	Brooks, Clarethea D. Edwards, Jacksonville	09/30/2001
	Ofuani, Sharon Louise, Tallahassee	09/30/2001
	Sosa, Aristides (Ari), Miami	09/30/2001
State Board of Independent Colleges and Universities		
Appointees:	Barker, Robert Hatton, Jr., Winter Park	09/30/2000
	Brock, Jeanette Weatherbee, Bokeelia	09/30/2000
	Keiser, Arthur Edward, Parkland	09/30/1998
	Mullenix, Joel Harry, Cantonment	09/30/2000
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools		
Appointees:	Brenner, Scott F., Boca Raton	07/01/2000
	Euliano, Neil R., Winter Springs	07/01/2000
	McCormick, Fenwick Donald, Ocala	07/01/2000
Southeast Interstate Low-Level Radioactive Waste Management Commission		
Appointees:	Heber, Sharon L., Whigham, Ga.	Pleasure of Governor
	Hodes, Richard Samuel, Tampa	06/30/1999
	Hunter, Richard Gavin, Tallahassee	06/30/1998
Board of Landscape Architecture		
Appointees:	Buffington, Leonard Wayne, Gainesville	10/31/2001
	Burmer, Jane Futrell, Tampa	10/31/2001
	Siegel, Jeffrey Laurence, Lighthouse Point	10/31/1998
Governor's Mansion Commission		
Appointees:	Harvey, Mary J. (Jackie), Tallahassee	09/30/2001
	Wetherell, Thomas Kent, Lamont	09/30/2001
Marine Fisheries Commission		
Appointees:	Barsh, Barbara C., Jacksonville	08/01/2001
	Moss, Reginald A. (Tony), Miami	08/01/2001
Board of Massage Therapy		
Appointees:	Gran, Austin B., Pensacola	10/31/1998
	Harrison, Karen Marie, Lutz	10/31/2001
Board of Medicine		
Appointees:	Acosta-Rua, Gaston Jose, Jacksonville	10/31/1997 10/31/2001
	Cherney, Becky J., Orlando	10/31/2001
	Glotfelty, John William, Lakeland	10/31/2001
	Leon, Gustavo G., Miami	10/31/1998
Florida Inland Navigation District		
Appointees:	Bunnell, George Pettit, Sebastian	01/09/2001
	Locker, Laurence D., Pompano Beach	01/09/2001
	Taylor, James Oliver, Pierson	01/09/2001
	Thompson, Pierre Dutasta, St. Augustine	01/09/2001
	Waddell, Marshall Brent, Jensen Beach	01/09/2001
Board of Nursing		
Appointees:	Makransky, Nancy Ann, Middleburg	10/31/1999
	Oles, Cathy Ann, West Palm Beach	10/31/2001
	Streisand, Max M., Lauderhill	10/31/2001
Board of Nursing Home Administrators		
Appointees:	Handel, Leo K., Margate	10/31/2001
	Wynn, Alma McKinney, Havana	10/31/2001
Board of Occupational Therapy Practice		
Appointees:	Gonzalez, Yasmin, Wesley Chapel	10/31/2000
	Johnson, Judith Head, Lutz	10/31/2000
	Lundelius, Walter Dudley, Sr., Miami	10/31/1998
	McIntosh, Lisa Carlisle, Gainesville	10/31/1999
	Thompson, Tina Joann, Lake City	10/31/1997 10/31/2001
	Watson, Michele D., Homestead	10/31/1999
Board of Opticianry		
Appointees:	Mathews, Caroline Walton, Jacksonville	10/31/2001
	Rowley, Harry Clayton, Port Orange	10/31/2001
Board of Optometry		
Appointee:	Braverman, Howard Joel, Hollywood	10/31/2001
Board of Orthotists and Prosthetists		
Appointees:	Bukacheski, Terri Sparber, Miami	10/31/1998
	Chayet, Mary Thomas, Pompano Beach	10/31/2000
	Fletcher, Stephen Barry, Gainesville	10/31/1998
	Fredrick, Jeffrey Ryan, Tallahassee	10/31/2000
	Gallo, Morris Glenn, Ft. Myers	10/31/1999
	Grogan, Dennis Paul, Tampa	10/31/2001
	Rumac, Arlene Shelley, Tampa	10/31/1999
Board of Osteopathic Medicine		
Appointee:	Kaufman, Ronald B., Aventura	10/31/2001
Parole Commission		
Appointee:	Henry, Jimmie Lee, Tallahassee	06/30/1998
Board of Pharmacy		
Appointees:	Fucarino, Daniel Dominic, Tampa	10/31/1999
	Noble, Daniel Raymond, Wellington	10/31/2001
	Noyes, Lucius George, San Mateo	10/31/2001
	Stamitoles, Michael W., Pensacola	10/31/1999
	Wood, Marina Garcia, Hollywood	10/31/2001
Board of Physical Therapy Practice		
Appointees:	Bello, Barbara Wynne, Coconut Creek	10/31/2001
	Candela, Antoinette Carlotti, Orlando	10/31/2001
	Hoffman, Elizabeth Carper, St. George Island	10/31/1999
Board of Pilot Commissioners		
Appointees:	Buffington, John Michael, Valrico	10/31/2001
	Fuller, James Walden, Panama City	10/31/2000
	Robas, Victoria Bowen, Fernandina Beach	10/31/2001
	Winegeart, James Perrow, Jacksonville	10/31/1997 10/31/2001
Pilotage Rate Review Board		
Appointee:	Bentley, Chris Howard, Tallahassee	10/31/2001
Jacksonville Port Authority		
Appointee:	Baker, Edward L'Engle, Jacksonville	09/30/2000
Tampa Port Authority		
Appointee:	Gabremariam, Fassil, Tampa	11/25/2001
Postsecondary Education Planning Commission		
Appointees:	Alterman, Richard Charles, Miami	02/04/2001
	Gillespie, Sally Mae, New Smyrna Beach	02/04/2001
	Langelier, Maricela Vizcaino, Tampa	08/31/1998
	Plunkett, Karen Linda, Orlando	02/04/2001
Prepaid Postsecondary Education Expense Board		
Appointee:	Starling, Bruce Cordell, Orlando	06/30/2000
Historic Pensacola Preservation Board of Trustees		

Office and Appointment		*For Term Ending*
Appointees:	Bowden, Jesse Earle, Pensacola	06/30/2001
	Rentz, Lucile (Lucy) Hart, Pensacola	06/30/2001
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Alvarez, Marcelo A., Miami	09/30/2000
	Goode, R. Ray, Miami	09/30/2000
Board of Psychology		
Appointees:	Ames-Dennard, Sharon Renee, Tallahassee	10/31/2001
	Schwartz, Pamela Bowen, Cantonment	10/31/2001
Public Employees Relations Commission		
Appointee:	Jackson, Cassandra Kellam, Tallahassee	01/01/2002
Commission for Purchase from the Blind or Other Severely Handicapped		
Appointees:	Coloney, Wayne H., Tallahassee	10/01/2001
	Furches, Sandra BeVille, Lake City	10/01/2000
Florida Real Estate Appraisal Board		
Appointees:	Basile, Dennis Edward, Melbourne	10/31/2001
	Berry, Marjorie Whitehurst, Ft. Myers	10/31/2000
Florida Real Estate Commission		
Appointees:	Saunders, Dean P., Lakeland	10/31/2001
	Stein, Clifford Marshall, Aventura	10/31/2001
West Florida Regional Planning Council, Region 1		
Appointees:	Peebles, Bill W., Jr., Ft. Walton Beach	Pleasure of Governor
	Wagner, Muriel Wright, Pensacola	Pleasure of Governor
Apalachee Regional Planning Council, Region 2		
Appointees:	Crum, Eloise Nichols, Panacea	10/01/1997
	Davis, Jim, Tallahassee	10/01/1998
	Fleming, Billy R., Port St. Joe	10/01/1998
	Gatlin, Manuel R., Blountstown	10/01/1997
	Kelly, Vivian Davis, Quincy	10/01/1997
	Keys, Jimmie Lee, Marianna	10/01/1998
North Central Florida Regional Planning Council, Region 3		
Appointees:	Blakewood, Stephen Wyman, Gainesville	10/01/2000
	Deming, William Michael, Perry	10/01/2000
	Foister, Billy Ray, Lake Butler	10/01/2000
	Franklin, Lorata Frazier, Madison	10/01/2000
	Hodges, Evan W., Hampton	10/01/2000
	McInnis, Kathryn Land, Old Town	10/01/2000
	McPherson, Dale Joseph, Gainesville	10/01/2000
	Philman, Emory James, Bell	10/01/2000
East Central Florida Regional Planning Council, Region 6		
Appointees:	Ervin, Thomas L., Jr., Orlando	10/01/2000
	Glover, Eleanor Elizabeth, Melbourne Beach	10/01/1999
	Hansel, Lynn R., Titusville	10/01/1998
	Martinez, Wilfredo, Orlando	10/01/1997
	Russell, Robin Evans, Orlando	10/01/1997
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Ayala, Rina P., Dade City	10/01/1997
		10/01/2000
	Catalfamo, Joseph J., South Pasadena	10/01/2000
	Reeves, Frederick Tracy, New Port Richey	10/01/1997
		10/01/2000
	Romano, Barbara B., Tampa	10/01/1997
		10/01/2000
	Silverberg, Jane Esther, Redington Beach	10/01/2000
Southwest Florida Regional Planning Council, Region 9		
Appointees:	Dudley, Sue, Englewood	10/01/1998
	Snipes, Carl B., Lehigh Acres	10/01/1998
Treasure Coast Regional Planning Council, Region 10		
Appointee:	Hartman, Peter C., Stuart	10/01/1999
State Retirement Commission		
Appointees:	Roberts, Dorothy Brooks, Tallahassee	12/31/2001
	Whitelock, Pamela Love, Panama City	12/31/2001
	Wright, Joseph Thomas, Tallahassee	12/31/1999
Director, Division of State Group Insurance		
Appointee:	Slavin, Charles P., Tallahassee	Pleasure of Governor
Interim Director, Division of State Group Insurance		
Appointee:	Poppell, Ronald Larkin, Havana	Pleasure of Governor
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointees:	Jenkins, Dorothy Chao, Lakeland	12/31/2000
	Johnson, Carolyn Grace, Sarasota	12/31/2000
Board of Supervisors, Spaceport Florida Authority		
Appointees:	Brown, Hugh McNeil, Titusville	06/30/2001
	Fisher, Donna Cowart, Coral Springs	06/30/2001
	Morris, Ronald Loyd, Ft. Lauderdale	06/30/2000
	Ogden, Thomas, Titusville	06/30/2000
	Romjue, Mary Kalen, Rockledge	06/30/2001
	Sharkey, Jeffrey Brian, Tallahassee	06/30/2000
	Williamson, Kenneth E., Ft. Walton Beach	06/30/2000
Board of Speech-Language Pathology and Audiology		
Appointee:	Heise, Cynthia Dearmin, Lighthouse Point	10/31/2001
Board of Professional Surveyors and Mappers		
Appointees:	Armstead, Ralph, Orlando	10/31/2001
	Echezabal, Henry Angel, Sr., Tampa	10/31/2001
	Oliver, Patricia Gail, St. Augustine	10/31/2001
Florida Commission on Tourism		
Appointees:	Cokes, Solomon A., Jr., Estero	06/30/2001
	Hertz, Arthur Herman, Coral Gables	06/30/2001
	Sanborn, Jack Herrick, Milton	06/30/2001
	Staed, Thomas W., Daytona Beach	06/30/2001
	Usina, Elizabeth Kenson, St. Augustine	06/30/2001
Interim Secretary of the Department of Transportation		
Appointee:	Carlile, Leslie Frank, Tallahassee	Pleasure of Governor
Chairman of Unemployment Appeals Commission		
Appointee:	Dyal, Reuben Carson, Tallahassee	06/30/2001
Board of Veterinary Medicine		
Appointees:	Lightfoot, Teresa Lane, Largo	10/31/2001
	Miller, Carol Snyder, Jacksonville	10/31/2001

[Referred to the Committee on Executive Business, Ethics and Elections.]

Board of Regents		
Appointees:	Harding, James Raymond, Tallahassee	09/01/1998

Office and Appointment		For Term Ending
	Lindsay, Elizabeth G., Sarasota	01/01/2004
	Uhlfelder, Steven Joel, Tallahassee	01/01/2004

[Referred to the Committees on Education; and Executive Business, Ethics and Elections.]

Office and Appointment		For Term Ending
Environmental Regulation Commission		
Appointees:	Bayer, Dennis Knox, Ormond Beach	07/01/1999
	Muga, Ricardo D., Brandon	07/01/2001
	Nicholson-Choice, Maribel N., Tallahassee	07/01/2001
	Rogers, Roy, Lighthouse Point	07/01/2001
Oklawaha Basin Recreation and Water Conservation and Control Authority in Lake County		
Appointees:	Modica, James V., Clermont	07/13/2000
	Swartz, Gena Medrano, Tavares	07/13/2001
Big Cypress Basin Board of the South Florida Water Management District		
Appointees:	Korest, Alan R., Naples	03/01/2000
	Richter, Garrett S., Naples	03/01/2000
Governing Board of the Southwest Florida Water Management District		
Appointee:	Menendez, Brenda, Tampa	03/01/1998
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointees:	Lane, Julian (Jay) B., Jr., Tampa	03/01/2000
	Rutenberg, Daniel, Riverview	03/01/2000
Coastal Rivers Basin Board of the Southwest Florida Water Management District		
Appointees:	Helie, Kingdon (King), New Port Richey	03/01/2000
	Tria, Leonard F., Jr., Weeki Wachee	03/01/1999
	West, Margaret Anne, Crystal River	03/01/1999
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointees:	Griffin, John Phillip, Tampa	03/01/2000
	MacKinnon, Ardis L., Tampa	03/01/2000
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		
Appointee:	Romano, Barbara Barritt, Tampa	03/01/2000
Peace River Basin Board of the Southwest Florida Water Management District		
Appointees:	Barben, Robert H., Avon Park	03/01/2000
	Moore-Bailey, Doris Marie, Lakeland	03/01/2000
	Wotitzky, Edward L., Charlotte Harbor	03/01/2000
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointees:	Updegraff, Ramona Moorefield, Redington Beach	03/01/2000
	Welch, David T., St. Petersburg	03/01/2000
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointee:	Vogel, John Thomas, San Antonio	03/01/2000

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

Office and Appointment		For Term Ending
Florida Public Service Commission		
Appointees:	Garcia, Jose (Joe) Antonio, Miami Beach	01/01/2002
	Jacobs, Ennis Leon, Jr., Tallahassee	01/01/2002

[Referred to the Committees on Regulated Industries; and Executive Business, Ethics and Elections.]

Office and Appointment		For Term Ending
Greater Orlando Aviation Authority		
Appointee:	Starling, Alan C., Celebration	04/16/2000
Tampa-Hillsborough County Expressway Authority		
Appointee:	Davis, Helen Gordon, Tampa	07/01/2001
Secretary of Transportation		
Appointee:	Barry, Thomas Francis, Jr., Tallahassee	Pleasure of Governor
Florida Transportation Commission		
Appointees:	Browning, John P., Jr., East Palatka	09/30/2001
	Dubbin, Samuel J., Miami	09/30/1999
	Kennedy, Arthur Winfred, Ft. Lauderdale	09/30/2001

[Referred to the Committees on Transportation; and Executive Business, Ethics and Elections.]

SUPREME COURT OF FLORIDA

The following certificate was received:

No. 92,389

In Re: CERTIFICATION OF THE NEED FOR ADDITIONAL JUDGES

[February 20, 1998]

KOGAN, C. J.

Under the provisions of article V, section 9 of the Florida Constitution, the Supreme Court of Florida is responsible for certifying its findings and recommendations concerning the need for increasing or decreasing the number of judges required to consider cases filed before the respective courts. We appreciate the fiscal ramifications of certifying the need for new judges and have adopted a policy of doing so only when we are certain that such a need exists. To this end, we have analyzed case filings and evaluated the growth in judicial workload over the past several years. Our analysis has included consideration of a variety of supplemental data related to workload as well. These data and the requests of the various circuit and district courts are being made available to the Legislature through the Office of the State Courts Administrator.

After carefully reviewing requests for a total of 31 new judges, we hereby certify the need for 13 additional circuit judges, 5 additional county judges, and no additional appellate judges, for a total of 18 new judicial positions. A comparison of the requests for new judges filed by the respective courts and the new judges certified as needed for Fiscal Year 1998-99 follows:[1]

Circuit Court			County Court		
Circuit	Request	Certified	County	Request	Certified
Second			Leon	1	1
Third	1	1			
Fourth	1	1	Duval	1	1
Sixth	2	2			
Seventh			Putnam	1	
Ninth	2	1			
Tenth	1	1	Polk	2	1
Eleventh	3				
Twelfth	1	1	Sarasota	1	
Thirteenth	2	1	Hillsborough	2	1
Fifteenth	1		Palm Beach	1	
Seventeenth	2	2	Broward	1	1
Eighteenth	1	1	Brevard	1	
Nineteenth	1	1	Martin	1	
Twentieth	1	1			
Totals	19	13	Totals	12	5

[1]The district courts of appeal did not request additional judges and are not included. Circuit and county courts that did not request additional judges are not included.

This certification is dependent upon receipt of the increase in resources requested in the Fiscal Year 1998-99 Legislative Budget Request for the State Courts System.

The criteria for certification of the need for additional judges in the district courts of appeal are set forth in rule 2.035(b)(2), Florida Rules of Judicial Administration. The Court did not receive any requests for additional judges from the five district courts of appeal. The last new judgeships for the district courts were authorized in 1993. Since that time the numbers of annual filings in each district court have risen steadily. It is forecast that a total of 23,523 cases will be filed in the district courts in 1998, a greater than 27 percent increase since 1993.

The district courts have each addressed increased workload pressures through various means. They have improved internal operating procedures, established central legal research staff to handle selected matters, and assigned senior (retired) judges to hear appeals on a temporary basis. The First District Court of Appeal continues to utilize an appellate pre-briefing conference program combining both mediation and case management, as well as two specialized divisions to handle general and administrative cases respectively. We encourage the district courts to continue to explore and develop alternative and creative means to efficiently and fairly hear the cases brought before them. Such efforts have enabled the district courts to address increases in judicial workload without the continued addition of new appellate judges.

Last year, this Court directed the Judicial Management Council to conduct an in-depth study of workload, jurisdiction and related policy issues for the district courts of appeal. The Council's Committee on Appellate Court Workload and Jurisdiction completed its work in this regard and its report was considered by the full Council in October 1997. Among other recommendations, the Council advised this Court to adopt a new appellate court workload standard of 225 dispositions after submission on the merits per judge and an additional appellate court workload standard of 385 case filings per judge. These standards are significantly higher than the current standard of 250 case filings per judge. These standards reflect the infusion of staff support and other resources over the last decade which have enabled the district courts to keep up with workload increases. The two standards, whether considered separately or together, represent the level at which a district court, presumptively, is in need of additional judicial resources. It is projected that in 1998 the statewide averages for dispositions on the merits per judge and filings per judge will be 209 and 385 respectively.

The Judicial Management Council also considered alternatives to balance workload among the district courts, including redrawing the boundaries of the current districts and creating one or more new districts. The Council recommended that a newly constituted committee consider specific alternatives for additional district courts of appeal. It is our judgment that the certification of additional judges can be withheld until the work of this committee is concluded, prior to the 1999 Legislative Session.

For the foregoing reasons we are, once again, not certifying the need for any additional district court of appeal judgeships. However, we strongly urge the Legislature to fund the budget requests of the district courts of appeal for mediation services, additional senior (retired) judge days, central legal staff attorneys, and computer technology. Funds for the computer upgrade are important, because they will assure that all the appellate courts are year 2000 compliant.

The criteria for certification of the need for judges in trial courts are set forth in rule 2.035(b)(1), Florida Rules of Judicial Administration. Consistent with previous practice, we have placed the greatest weight on quantitative data reflecting the growth and composition of caseloads in the various circuits and counties. We have determined that the most consistent and reliable measure of workload at the trial court level is total case filings per judge. Courts near or above a threshold of 1,865 filings per judge are presumed to be working beyond capacity, though that data alone is not sufficient to either guarantee or preclude a certification of need.

In addition to filings data, other quantitative and qualitative data on factors described in rule 2.035(b)(1)(B), Florida Rules of Judicial Administration, were considered. These criteria include county judge service on the circuit bench, the availability and use of senior (retired) judges, the availability and use of supplemental hearing officers, the use of alternative dispute resolution, the number of jury trials, the number of hearings involving foreign language interpretations, the geographic size of a circuit, special law enforcement activities, the availability and use of case-related support staff and case management policies and practices, the nature and complexity of cases, and caseload trends. This supplemental information was extremely useful in evaluating the requests of the various trial courts.

After reviewing these factors, we find it necessary to certify the need for 13 additional circuit court judges for Fiscal Year 1998-99, as follows: one additional circuit court judge each for the Third, Fourth, Ninth, Tenth, Twelfth, Thirteenth, Eighteenth, Nineteenth and Twentieth judicial circuits; and two additional circuit court judges each for the Sixth and Seventeenth judicial circuits.

The overall workload of Florida's circuit courts continues to grow at a steady rate. From actual 1993 data through forecasted 1998 data, total filings are projected to increase fourteen percent. Not only are circuit court filings increasing, but also the collective perception of the trial court bench is that many categories of cases being filed are more labor-intensive than in previous years. Changes in the statutes, case law, and court procedures in recent years have necessitated more hearings for various types of cases, mandated priority handling for certain matters, and required judges to render written findings of fact and conclusions of law more frequently. Often these changes cannot be measured in terms of a need for full-time judicial positions in a particular jurisdiction, but instead serve to gradually increase workload across the board.

In formulating their requests, the circuit courts stressed the significant workload impact of reopened cases, variations in the complexity of caseloads, the severity of criminal offenses in their jurisdictions, more numerous and lengthy jury trials, and dramatic increases in self-represented litigants. We gave careful consideration to all such factors in establishing the necessity for additional judgeships not only for courts near or above the threshold, but also for courts which are somewhat below the standard as well. Seven of the courts for which we are currently certifying a need for an additional circuit court judge or judges are forecast to exceed the 1,865 filings per judge threshold in 1998, including the Sixth and Seventeenth judicial circuits, for which we have certified the need for two additional circuit court judgeships. We also certify the need for one additional circuit court judge each to the Fourth, Thirteenth, Eighteenth, and Nineteenth judicial circuits, which are expected to have 1998 workloads slightly below the threshold.

Although we recognize that other circuits which requested judgeships are faced with mounting workload pressures, we continue to limit the number of new judges certified for the circuits and supplement the available judicial resources with senior (retired) judges. We also encourage such circuits to maximize the use of county court judges on temporary assignment to the circuit bench where possible. In addition to the effective and cost-efficient use of senior (retired) judges, trial courts have employed an array of resources and case management strategies including: differentiated case management to consolidate and expedite certain types of cases; the use of general or special masters, child support enforcement hearing officers, and traffic hearing officers; court-ordered mediation or arbitration of family, civil, and selected juvenile matters; and the assignment of trial court law clerks to assist with case reviews, case management, and legal research. This Court encourages the continued use of these alternatives.

One particular alternative, supplemental hearing officers, has received much attention as of late. Child support enforcement hearing officers were authorized from state funds by the 1997 Legislature, a first for Florida's trial courts. This was in response to projected workload increases expected from a new child support enforcement initiative by the Florida Department of Revenue. Studies conducted under the auspices of the Court Statistics and Workload Committee indicate that supplemental hearing officer positions such as these do not generally translate to the equivalent of circuit or county court judges, with the possible exception of traffic hearing officers. Supplemental hearing officers, particularly at the circuit court level, provide predominantly qualitative improvements in court services to litigants. For example, they allow more time to be allocated to each case than busy judicial schedules will often allow. They also streamline the court process for litigants and allow judges to make better use of their time. However, supplemental hearing officers are difficult to allocate on a statewide basis due to the

varied use of, and acceptance for, these staff at the local level. Many judicial matters require the attention of circuit court judges either by rule, statute, custom, or public expectation. While supplemental hearing officers may be an appropriate response to some increases in judicial workload, they are only one of a spectrum of resources that may be applied as the situation demands or is determined by this Court to be appropriate.

As in the circuit courts, caseloads in Florida's county courts continue to increase at a steady rate. County court case filings, not including those categories traditionally excluded from the certification calculus such as worthless checks and civil traffic case filings, increased eight percent from 1994 to 1996. This increase is attributable to growth in both criminal and civil case filings. We considered this increase in evaluating the need for additional county judges. We relied principally on case filings data that were adjusted to include only criminal, civil, driving under the influence, and other criminal traffic cases. As in the past, worthless check cases and civil traffic infractions were not included in the threshold. This is due to the volume of such cases, their limited requirements for judicial attention per case, diversion of large numbers of worthless check cases in selected circuits, and variability in numbers of such cases reported from county to county.

County courts with caseload forecasts at or exceeding 6,114 filings per judge are presumed to be operating at or above capacity. All of the counties for which we certify the need for an additional judge are projected to exceed the 6,114 threshold in 1998. We find it necessary to certify the need for five new county court judges for Fiscal Year 1998-99, one each for Leon, Duval, Polk, Hillsborough, and Broward counties. As with the circuit court judgeships, the decision not to certify the need for an additional county court judge in several counties at or near the threshold was difficult. Such county courts are realizing growing workload pressures and may require relief during the upcoming year. We are committed to providing additional senior (retired) judge days and working with the respective chief judges on other measures to provide relief in those county courts. Their need for additional county court judgeships will be reexamined closely in next year's certification process.

This Court is of the opinion that the serial addition of circuit and county court judges will not in and of itself ensure the increased efficiency and performance of the Florida State Courts System that are expected by the public. We will continue to rely heavily on the allocation of alternative resources as stated in our Fiscal Year 1998-99 Legislative Budget Request for additional senior (retired) judge days, law clerks, automation and other technology, and specialized case management programs.

Full funding of the requests certified in this opinion is absolutely essential if Florida's courts are to fulfill their constitutional mandate to resolve cases in a fair, impartial, and timely manner. Therefore, this Court encourages the Florida Legislature to authorize the judgeships certified herein, effective October 1, 1998.

It is so ordered.

OVERTON, SHAW, HARDING, WELLS, ANSTEAD and PARIENTE, JJ., concur.

Original Proceeding - Certification of Need for Additional Judges

COMMITTEES OF THE SENATE

(With Revisions)

Agriculture

Senator Bronson, Chairman; Senator Thomas, Vice Chairman; Senators Hargrett, McKay and Ostalkiewicz

Banking and Insurance

Senator Diaz-Balart, Chairman; Senator Holzendorf, Vice Chairman; Senators Bankhead, Childers, Clary, Grant, Harris, Rossin, Scott, Sullivan, Thomas and Williams

Children, Families and Seniors

Senator Rossin, Chairman; Senator Cowin, Vice Chairman; Senators Bankhead, Brown-Waite, Campbell, Forman, McKay, Myers, Sullivan and Turner

Commerce and Economic Opportunities

Senator Harris, Chairman; Senator Horne, Vice Chairman; Senators Burt, Casas, Diaz-Balart, Dudley, Grant, Gutman, Holzendorf, Jones, Klein, Kurth, Ostalkiewicz, Scott, Thomas and Williams

Community Affairs

Senator McKay, Chairman; Senator Myers, Vice Chairman; Senators Brown-Waite, Casas, Dudley, Kurth and Meadows

Criminal Justice

Senator Gutman, Chairman; Senator Bronson, Vice Chairman; Senators Burt, Campbell, Crist, Horne, Klein, Silver and Turner

Education

Senator Grant, Chairman; Senators Clary, Cowin, Diaz-Balart, Dudley, Dyer, Holzendorf, Horne, Kirkpatrick, Latvala, Lee, Meadows and Sullivan

Executive Business, Ethics and Elections

Senator Crist, Chairman; Senator Clary, Vice Chairman; Senators Bronson, Childers, Dyer, Hargrett, Kirkpatrick, Latvala, Lee, Meadows and Silver

Select Subcommittee on Election Integrity: Senator Latvala, Chairman; Senators Clary, Lee, Meadows and Silver

Governmental Reform and Oversight

Senator Williams, Chairman; Senator Harris, Vice Chairman; Senators Campbell, Crist, Gutman, Kurth, Rossin, Scott and Turner

Health Care

Senator Brown-Waite, Chairman; Senator Childers, Vice Chairman; Senators Bankhead, Burt, Casas, Forman, Jones, Klein, Myers and Silver

Judiciary

Senator Dudley, Chairman; Senator Jones, Vice Chairman; Senators Burt, Campbell, Crist, Grant, Horne, Ostalkiewicz, Rossin, Silver and Williams

Natural Resources

Senator Latvala, Chairman; Senator Kirkpatrick, Vice Chairman; Senators Bronson, Clary, Cowin, Diaz-Balart, Dyer, Forman, Hargrett, Kurth, McKay, Myers and Sullivan

Regulated Industries

Senator Scott, Chairman; Senator Gutman, Vice Chairman; Senators Bankhead, Brown-Waite, Casas, Childers, Harris, Holzendorf, Klein, Lee, Meadows and Turner

Rules and Calendar

Senator Bankhead, Chairman; Senator Diaz-Balart, Vice Chairman; Senators Bronson, Burt, Casas, Childers, Dudley, Dyer, Grant, Hargrett, Horne, Jones, Kirkpatrick, Latvala, McKay, Ostalkiewicz, Rossin, Scott, Silver, Sullivan, Thomas and Williams

Transportation

Senator Hargrett, Chairman; Senator Lee, Vice Chairman; Senators Cowin, Forman, Jones, Kirkpatrick, Latvala and Ostalkiewicz

Ways and Means

Senator Sullivan, Chairman; Senator Dudley, Vice Chairman; Senators Bankhead, Bronson, Brown-Waite, Burt, Campbell, Casas, Childers, Clary, Cowin, Crist, Diaz-Balart, Dyer, Forman, Grant, Gutman, Hargrett, Harris, Holzendorf, Horne, Jones, Kirkpatrick, Klein, Kurth, Latvala, Lee, McKay, Meadows, Myers, Ostalkiewicz, Rossin, Scott, Silver, Thomas, Turner and Williams

Subcommittee A (General Government): Senator Childers, Chairman; Senators Bronson, Casas, Hargrett, Jones, Latvala, Lee and Williams

Subcommittee B (Education): Senator Horne, Chairman; Senators Burt, Clary, Cowin, Dyer, Grant, Holzendorf, Kirkpatrick and Scott

Subcommittee C (Human Services): Senator Myers, Chairman; Senators Bankhead, Brown-Waite, Forman, Kurth, McKay and Rossin

Subcommittee D (Criminal Justice): Senator Silver, Chairman; Senators Campbell, Crist, Dudley, Gutman and Meadows

Subcommittee E (Finance and Tax): Senator Ostalkiewicz, Chairman; Senators Diaz-Balart, Harris, Klein, Thomas and Turner

SELECT COMMITTEES

Select Committee on Litigation Reform

Senator McKay, Chairman; Senators Burt, Campbell, Dudley, Hargrett, Horne, Klein, Kurth, Lee, Ostalkiewicz and Rossin

Select Committee on Tobacco Settlement Implementation

Senator Thomas, Chairman; Senator Sullivan, Vice Chairman; Senators Brown-Waite, Burt, Dudley, Dyer, Forman, Holzendorf and Myers

JOINT COMMITTEES

Joint Administrative Procedures

Senator Williams, Alternating Chairman; Senators Brown-Waite and Dudley

Joint Information Technology Resources

Senator Kirkpatrick, Alternating Chairman; Senators Forman and Sullivan

Joint Legislative Auditing Committee

Senator Ostalkiewicz, Alternating Chairman; Senators Burt, Gutman, Rossin and Silver

Joint Legislative Committee on Everglades Oversight

Senator Latvala, Alternating Chairman; Senators Bronson and Forman

Joint Legislative Committee on Intergovernmental Relations

Senator Meadows, Alternating Chairman; Senators Clary, Dyer and Horne

Joint Legislative Management

Senator Grant, Alternating Chairman; Senators Holzendorf and McKay

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CERTIFICATE RECEIVED

The Secretary announced that the Minority Party (Democratic) had certified the name of Senator John H. "Buddy" Dyer, Jr. as Minority Leader.

RECESS

Pursuant to the motion by Senator Bankhead previously adopted, upon the dissolution of the joint session at 11:58 a.m., the Senate recessed for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:15 p.m., Thursday, March 5.

SENATE PAGES

March 2-6

Clyde Baker, Jr., Tallahassee; Jennifer Bridges, Lakeland; Caroline Burd, Altamonte Springs; Tom Burket, St. Petersburg; Kristy Calhoun, Crawfordville; Monica L. Cameron, Rockledge; Jacques (Jack) R. Clervil, North Miami Beach; Virginia Elizabeth Guth, Malabar; Alaina Marie Rodriquez, Orlando; Jamaal A. Sanders, Bradenton; David J. Sellers, Crawfordville; Adam Taylor, Parkland; Lydia Anne Veal, Perry; Julian Wood, St. Petersburg

Journal of the Senate

Number 2—Regular Session **Thursday, March 5, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 2:15 p.m. A quorum present—36:

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

Excused: Senator Grant

PRAYER

The following prayer was offered by Rev. Jim Robinett, Pastor, First Baptist Church, Live Oak:

Recognizing that you, our Creator, are the source of wisdom, and that we are facing a challenging task requiring such wisdom, we humbly admit our need in this great hour. Grant us strength for the day, sight for the future, and a sense of humor in humongous proportions. Allow us to bridge the gap between our own wants and needs and the high calling of leading our beloved State of Florida.

We pray for your blessings upon our Governor, Cabinet, Senate and House members, and all of their support staff. Amen.

PLEDGE

Senate Pages Tom Burket and Julian Wood, nephew of Senator Crist, of St. Petersburg and Alaina Rodriguez of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sullivan, by two-thirds vote **CS for SB 162**, **CS for SB 190**, **CS for SB 236**, **SB 444**, **SB 560**, **SB 564**, **SB 594**, **SB 596**, **CS for SB 666** and **SB 830** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bronson, by two-thirds vote **SJR 100** and **SB 102** were withdrawn from the committees of reference and further consideration.

On motion by Senator Dyer, by two-thirds vote **SB 546** was withdrawn from the committee of reference and further consideration.

On motion by Senator Williams, by two-thirds vote **SB 1494** was withdrawn from the committee of reference and further consideration.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the meeting of the Special Order Subcommittee of the Committee on Rules and Calendar scheduled this day was cancelled.

MOTIONS

On motion by Senator Bankhead, a deadline of 10:00 a.m. Monday, March 9, was set for filing amendments to Bills on Third Reading to be considered that day.

SPECIAL ORDER CALENDAR

On motion by Senator Burt—

CS for SB's 360 and 350—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing legislative intent; providing an effective date.

—was read the second time by title.

Senator Myers offered the following amendment which was moved by Senator Sullivan:

Amendment 1—On page 2, line 30, after "executioner" insert: , *except that no licensed health care provider shall administer or participate in the administration of the lethal injection other than to certify death as provided in chapter 382*

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

Amendment 1A—On page 1, delete line 16, and insert: *, except that no licensed health care professional as defined in s. 39.01(29) shall*

Amendment 1 as amended failed.

Pursuant to Rule 4.19, **CS for SB's 360 and 350** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 198—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information of the Department of Corrections, to conform; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 198** was placed on the calendar of Bills on Third Reading.

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

CS for SJR 964—A joint resolution proposing an amendment to s. 17, Art. I of the State Constitution, relating to excessive punishment.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SJR 964** was placed on the calendar of Bills on Third Reading.

Consideration of **SJR 1234** was deferred.

On motion by Senator Burt—

SB 898—A bill to be entitled An act relating to postconviction proceedings in capital cases; repealing Rule 3.852, Florida Rules of Criminal Procedure, relating to the production of records in postconviction proceedings in capital cases; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 898** was placed on the calendar of Bills on Third Reading.

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

CS for SB 1328—A bill to be entitled An act relating to postconviction capital collateral proceedings; requesting that the Division of Statutory Revision designate part IV of ch. 27, F.S., as "Capital Collateral Representation"; amending s. 27.702, F.S.; deleting a requirement that specifies the time for the capital collateral regional counsel to commence the representation of a person sentenced to death; creating s. 27.710, F.S.; requiring that the executive director of the Commission on the Administration of Justice in Capital Cases maintain a registry of attorneys in private practice who are available to be appointed to represent defendants in postconviction capital collateral proceedings; authorizing the executive director to obtain names of attorneys who may register for appointment; providing eligibility requirements for appointment as counsel in postconviction capital collateral proceedings; providing for appointment of an attorney selected from the registry; providing that more than one attorney may not be appointed at any one time to represent a capital defendant; creating s. 27.711, F.S.; requiring that an attorney appointed to represent a capital defendant file a notice of appearance; providing a schedule of fees to which the attorney is entitled for specified appearances and representations; providing that such fees constitute the exclusive means of compensation for such representation; authorizing compensation as provided by federal law under certain circumstances; authorizing the use of investigative services and the payment of fees for such services; providing that by accepting appointment to represent a capital defendant the attorney agrees to continue such representation until the defendant's sentence is reversed, reduced, or carried out; limiting the number of capital defendants that an attorney may represent; prohibiting a claim of ineffective assistance of counsel based on an action by the attorney who represents a capital defendant; prohibiting the attorney from representing the capital defendant in certain other proceedings; providing an effective date.

—was read the second time by title.

Senators Burt, Silver and Gutman offered the following amendments which were moved by Senator Burt and adopted:

Amendment 1 (with title amendment)—On page 5, lines 15-22, delete those lines and insert:

(3) An attorney who applies for registration and court appointment as counsel in postconviction capital collateral proceedings must certify that he or she is counsel of record in not more than four such proceedings and, if appointed to represent a person in postconviction capital collateral proceedings, shall continue such representation under the terms and conditions set forth in s. 27.711 until the sentence is reversed, reduced, or carried out or unless permitted to withdraw from representation by the trial court. The court may not permit an attorney to withdraw from representation without a finding of extraordinary circumstances and sufficient good cause. The court may impose appropriate sanctions if it finds that an attorney has shown bad faith with respect to continuing to represent a defendant in a postconviction capital collateral proceeding. This section does not preclude the court from reassigning a case to a capital collateral regional counsel following discontinuation of representation if a conflict of interest no longer exists with respect to the case.

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: limiting the circumstances under which the court may permit an attorney to withdraw from representation following appointment; authorizing the court to impose sanctions;

Amendment 2 (with title amendment)—On page 5, between lines 22 and 23, insert:

(4) Each private attorney who is appointed by the court to represent a capital defendant must enter into a contract with the Comptroller. The executive director of the Commission on the Administration of Justice in Capital Cases shall develop the form of the contract and the Comptroller shall function as contract manager and shall enforce performance of the terms and conditions of the contract. By signing such contract, the attorney certifies that he or she intends to continue the representation under the terms and conditions set forth in the contract until the sentence is reversed, reduced, or carried out or until released by order of the trial court.

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: requiring that appointed counsel enter into a contract with the Comptroller; providing for the Comptroller to enforce performance of the contract;

Amendment 3 (with title amendment)—On page 7, line 19 through page 10, line 21, delete those lines and insert:

(3) An attorney appointed to represent a capital defendant is entitled to payment of the fees set forth in this section only upon full performance by the attorney of the duties specified in this section and approval of payment by the trial court. The attorney shall maintain appropriate documentation, including a current and detailed hourly accounting of time spent representing the capital defendant. The fee and payment schedule in this section is the exclusive means of compensating a court-appointed attorney who represents a capital defendant. When appropriate, a court-appointed attorney may seek further compensation from the Federal Government, as provided in 18 U.S.C. s. 3006A or other federal law, in habeas corpus litigation in the federal courts.

(4) Upon approval by the trial court, an attorney appointed to represent a capital defendant under s. 27.710 is entitled to payment of the following fees by the Comptroller:

(a) Regardless of the stage of postconviction capital collateral proceedings, the attorney is entitled to $100 per hour, up to a maximum of $2,500, upon accepting appointment and filing a notice of appearance. This fee is in the nature of a fee for a retainer agreement.

(b) The attorney is entitled to $100 per hour, up to a maximum of $20,000, after timely filing in the trial court the capital defendant's complete original motion for postconviction relief under the Florida Rules of Criminal Procedure. The motion must raise all issues to be addressed by the trial court.

(c) The attorney is entitled to $100 per hour, up to a maximum of $10,000, after the trial court issues a final order granting or denying the capital defendant's motion for postconviction relief.

(d) The attorney is entitled to $100 per hour, up to a maximum of $4,000, after timely filing in the Supreme Court the capital defendant's brief or briefs that address the trial court's final order granting or denying the capital defendant's motion for postconviction relief and the state petition for writ of habeas corpus.

(e) The attorney is entitled to $100 per hour, up to a maximum of $20,000, after the appeal of the trial court's denial of the capital defendant's motion for postconviction relief and the capital defendant's state petition for writ of habeas corpus become final in the Supreme Court.

(f) At the conclusion of the capital defendant's postconviction capital collateral proceedings in state court, the attorney is entitled to $100 per hour, up to a maximum of $2,500, after filing a petition for writ of certiorari in the Supreme Court of the United States.

(g) If, at any time, the Supreme Court of the United States accepts for review the capital defendant's collateral challenge of the conviction and sentence of death, the attorney is entitled to $100 per hour, up to a maximum of $5,000. This payment shall be full compensation for representing the capital defendant throughout the certiorari proceedings before the United States Supreme Court.

(5) An attorney who represents a capital defendant may use the services of one or more investigators to assist in representing a capital defendant. Upon approval by the trial court, the attorney is entitled to payment from the Comptroller of $40 per hour, up to a maximum of $15,000, for the purpose of paying for investigative services.

(6) An attorney who represents a capital defendant is entitled to a maximum of $5,000 for miscellaneous expenses, such as the costs of preparing transcripts, compensating expert witnesses, and copying documents. Upon approval by the trial court, the attorney is entitled to payment by the Comptroller for miscellaneous expenses.

And the title is amended as follows:

On page 1, line 30, after the semicolon (;) insert: requiring that the trial court approve the payment of costs and fees;

Senator Burt moved the following amendment which was adopted:

Amendment 4—On page 9, delete line 30, and insert: *Supreme Court.*

The hours billed by a contracting attorney under this subsection may include time devoted to representation of the defendant by another attorney who is qualified under s. 27.710 and who has been designated by the contracting attorney to assist him or her.

Senators Burt, Silver and Gutman offered the following amendment which was moved by Senator Burt and adopted:

Amendment 5—In title, on page 2, line 18, insert:

WHEREAS, persons convicted of murder and sentenced to death in Florida are entitled to challenge the legality of the judgment and sentence imposed upon them in postconviction capital collateral litigation in the state and federal courts in this state, and

WHEREAS, persons sentenced to death are entitled to legal representation, at public expense, in such proceedings by the office of the Capital Collateral Regional Counsel or by counsel appointed by the court, or may be represented by private counsel hired by such person under sentence of death, and

WHEREAS, the Legislature of Florida deems it a matter of great public importance that state resources appropriated to finance postconviction capital collateral litigation are expended in a cost-effective manner and that such litigation be concluded without unreasonable or purposeful delay, and

WHEREAS, the Legislature finds that the prudent expenditure of public moneys for and the reasonably expeditious and orderly conclusion to postconviction capital collateral litigation will best be accomplished by contracting for such services either with the offices of the Capital Collateral Regional Counsel or with private counsel who are retained or appointed for such purpose, NOW, THEREFORE,

Pursuant to Rule 4.19, **CS for SB 1328** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SB 1330—A bill to be entitled An act relating to the administration of capital cases; creating s. 119.19, F.S.; defining terms; requiring that the Secretary of State establish a records repository for archiving capital postconviction records; requiring that the law enforcement agencies and the state attorney copy and deliver to the records repository public records produced in capital cases; requiring the Department of Corrections to copy and deliver to the records repository public records that pertain to the defendant; providing requirements for notifying the Attorney General upon delivery of such records to the repository; requiring that the Attorney General request public records from certain additional persons and agencies; providing requirements for sealing confidential records and records that are exempt from disclosure under the Public Records Law; prohibiting the opening of such records without a court order; providing for written demand for additional public records; prohibiting the capital collateral regional counsel or private counsel from obtaining the production of additional public records in a capital case until after filing an affidavit and obtaining a court order; requiring that the capital collateral regional counsel or private counsel provide the personnel and equipment for copying records held at the repository; providing for resolving certain disputes with respect to the production of records; specifying circumstances under which the Secretary of State may destroy records held by a repository; amending s. 27.702, F.S.; requiring that the capital collateral regional counsel or private counsel notify the Commission on the Administration of Justice in Capital Cases and the trial court of pleadings filed in capital cases; requiring that a notice of hearing be filed with each pleading; requiring that the trial court expedite the hearings in capital cases; amending s. 27.708, F.S.; deleting references to Rule 3.852; limiting certain public-records requests made on behalf of clients; providing an appropriation; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Burt, the rules were waived to allow the following amendment to be considered:

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 7, line 1 through page 9, line 23, delete those lines and insert:

(9)(a) After production of additional public records or recertification as provided in subsection (8), the regional counsel or the private counsel is prohibited from making any further public-records requests under this chapter. An agency is not required to produce additional public records except by court order as provided in this subsection.

(b) In order to obtain additional public records beyond those provided under subsection (8), the regional counsel, private counsel, or other counsel who is a member of The Florida Bar and is authorized by the regional counsel or private counsel shall file an affidavit in the trial court which attests that he or she has made a timely and diligent search of the records repository and specifically identifies those additional public records that are not at the repository and are relevant to the subject matter of a proceeding under Rule 3.850 or Rule 3.851 or are reasonably calculated to lead to the discovery of admissible evidence. The affiant shall provide a copy of the affidavit to all affected agencies upon the filing of such affidavit in the trial court.

(c) Within 30 days after the filing of an affidavit, the trial court shall order an agency to produce additional public records only if it finds each of the following:

1. The regional counsel or private counsel has made a timely and diligent search as provided in this section.

2. The regional or private counsel's affidavit identifies, with specificity, those additional public records that are not at the repository.

3. The additional public records sought are relevant to the subject matter of a proceeding under Rule 3.850 or Rule 3.851 or appear reasonably calculated to lead to the discovery of admissible evidence.

4. The additional public-records request is not overbroad or unduly burdensome.

(10) The capital collateral regional counsel or private counsel shall provide the personnel, supplies, and any necessary equipment used by the capital collateral regional counsel or private counsel to copy records held at the records repository.

(11) The trial court shall resolve any dispute that arises under this section, unless the appellate court has exclusive jurisdiction.

(12) The capital collateral regional counsel or private counsel shall not solicit another person to make a request for public records on behalf of the regional counsel or private counsel. The trial court shall impose appropriate sanctions against any regional counsel or private counsel found in violation of this subsection.

(13) Sixty days after a capital sentence is carried out, 60 days after a defendant is released from incarceration following the granting of a pardon or reversal of the sentence, or 60 days after the defendant has been resentenced to a term of years, the Attorney General shall provide written notification to the Secretary of State, who may then destroy the records held by the records repository which pertain to that case.

(14) This section pertains only to the production of records for capital postconviction defendants and does not change or alter any times periods specified in Rule 3.850 or Rule 3.851, Florida Rules of Criminal Procedure. Furthermore, this section does not affect, expand, or limit the production of public records for any purposes other than use in a proceeding held pursuant to Rule 3.850 or Rule 3.851, Florida Rules of Criminal Procedure.

Section 2. Subsection (4) of section 27.702, Florida Statutes, is amended to read:

27.702 Duties of the capital collateral regional counsel; reports.—

(4)*(a) The capital collateral regional counsel or private counsel shall give written notification of each pleading filed by that office and the name of the person filing the pleading to the Commission on the Administration of Justice in Capital Cases and to the trial court assigned to the case.*

(b) Each capital collateral regional counsel shall provide a quarterly report to the President of the Senate, the Speaker of the House of Representatives, and the Commission on the Administration of Justice in Capital Cases which details the number of hours worked by investigators and legal counsel per case and the amounts per case expended during the preceding quarter in investigating and litigating capital collateral cases.

Section 3. Subsections (2) and (3) of section 27.708, Florida Statutes, are amended to read:

27.708 Access to prisoners; compliance with the Florida Rules of Criminal Procedure in capital collateral litigation; records requests; approval of records requests.—

(2) The capital collateral regional counsel and contracted private counsel must timely comply with all provisions of the Florida Rules of Criminal Procedure governing collateral review of capital cases~~, including provisions pertaining to requests for records under Rule 3.852, Florida Rules of Criminal Procedure~~.

(3) *Except as provided in s. 119.19, the capital collateral regional counsel or contracted private counsel shall not make any public-records request on behalf of his or her client.* ~~All~~

And the title is amended as follows:

On page 2, lines 2-4, delete those lines and insert: production of records; prohibiting the capital collateral regional counsel or private counsel from soliciting another person to make a request for public records on the counsel's behalf; providing for sanctions; specifying circumstances under which the Secretary of State may destroy records held by a repository; clarifying the application of provisions governing the production of records in capital postconviction proceedings; amending s.

Pursuant to Rule 4.19, **CS for SB 1330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 188—A bill to be entitled An act relating to transitional living facilities for brain-injured and spinal-cord-injured persons; amending s. 400.805, F.S.; providing for the regulation of transitional living facilities; providing for right of entry and inspection; providing for injunctive proceedings; providing for a moratorium on admissions; amending s. 413.49, F.S.; providing duties of transitional living facilities to provide certain therapies and plans; amending s. 413.605, F.S.; providing additional duties of the advisory council on brain and spinal cord injuries; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 1—On page 3, lines 13-15, delete those lines and insert: *life-threatening situations. If it appears by competent evidence or a sworn,*

Amendment 2—On page 6, delete line 5, and insert: *an individual who continues to require any of the specialized services described in paragraph (c) or*

Pursuant to Rule 4.19, **CS for SB 188** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 358** was deferred.

On motion by Senator Latvala—

SB 112—A bill to be entitled An act relating to public records; amending s. 110.1091, F.S.; revising provisions which specify that communications relating to a state employee's participation in an employee assistance program are confidential, and which provide a public records exemption for records relating thereto; creating ss. 125.585, 166.0444, F.S.; providing that certain communications relating to a county or municipal employee's participation in such a program are confidential; providing an exemption from public records requirements for records relating to such participation; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 112** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, the Senate resumed consideration of—

CS for SB 1328—A bill to be entitled An act relating to postconviction capital collateral proceedings; requesting that the Division of Statutory Revision designate part IV of ch. 27, F.S., as "Capital Collateral Representation"; amending s. 27.702, F.S.; deleting a requirement that specifies the time for the capital collateral regional counsel to commence the representation of a person sentenced to death; creating s. 27.710, F.S.; requiring that the executive director of the Commission on the Administration of Justice in Capital Cases maintain a registry of attorneys in private practice who are available to be appointed to represent defendants in postconviction capital collateral proceedings; authorizing the executive director to obtain names of attorneys who may register for appointment; providing eligibility requirements for appointment as counsel in postconviction capital collateral proceedings; providing for appointment of an attorney selected from the registry; providing that more than one attorney may not be appointed at any one time to represent a capital defendant; creating s. 27.711, F.S.; requiring that an attorney appointed to represent a capital defendant file a notice of appearance; providing a schedule of fees to which the attorney is entitled for specified appearances and representations; providing that such fees constitute the exclusive means of compensation for such representation; authorizing compensation as provided by federal law under certain circumstances; authorizing the use of investigative services and the payment of fees for such services; providing that by accepting appointment

to represent a capital defendant the attorney agrees to continue such representation until the defendant's sentence is reversed, reduced, or carried out; limiting the number of capital defendants that an attorney may represent; prohibiting a claim of ineffective assistance of counsel based on an action by the attorney who represents a capital defendant; prohibiting the attorney from representing the capital defendant in certain other proceedings; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Campbell, the Senate reconsidered the vote by which **Amendment 1** was adopted.

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

Amendment 1A—On page 1, line 28, delete "*extraordinary circumstances and*"

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1328** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 358—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S., relating to prohibitions against selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver, controlled substances within 200 feet of the real property comprising a public housing facility; defining "real property comprising a public housing facility"; providing penalties; amending s. 921.022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1—On page 3, lines 22-24, delete "*The defendant must be sentenced to a minimum term of imprisonment of 3 calendar years.*"

Pursuant to Rule 4.19, **CS for SB 358** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 348—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for a videotaped statement of a minor who is the victim of specified crimes involving sexual battery, lewd acts, or other sexual misconduct regarding such offenses; authorizing access by certain governmental agencies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Cowin and adopted:

Amendment 1—On page 2, line 14, delete "*ss.*" and insert: *s.*

Senator Cowin moved the following amendments which were adopted:

Amendment 2—On page 2, lines 12-18, delete those lines and insert:

2. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime described in this subparagraph, is confidential and exempt from subsection (1) and s. 24(a), Art. I of the State Constitution.

Amendment 3 (with title amendment)—On page 2, between lines 25 and 26, insert:

3. A public employee or officer who has access to the videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, may not willfully and knowingly disclose videotaped information that reveals that minor's identity to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense.

4. A person who violates subparagraph 3. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: prohibiting a public employee or officer from disclosing videotaped information; providing a penalty;

Pursuant to Rule 4.19, **SB 348** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Monday, March 9.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, March 5, 1998: CS for SB's 360 and 350, SB 198, CS for SJR 964, SJR 1234, SB 898, CS for SB 1328, CS for SB 1330, CS for SB 188, CS for SB 358, SB 112, SB 348, SB 4, SB 8, SB 10, SB 12, SB 16, SB 26,SB 30, SB 32, SB 36, SB 38, SB 42, SB 44, SB 52, SB 54, SB 70, CS for SB 2, SB 6, SB 14, SB 18, SB 20, SB 22, SB 34, SB 40, SB 56, SB 66

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

The Committee on Agriculture recommends the following pass: SB 1010

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 940

The Committee on Community Affairs recommends the following pass: SB 142

The Committee on Health Care recommends the following pass: SB 292 with 1 amendment

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

The Committee on Community Affairs recommends the following pass: SB 1172 with 2 amendments

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

The Committee on Criminal Justice recommends the following pass: SB 978

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

The Committee on Transportation recommends the following pass: SB 986

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

The Committee on Education recommends the following pass: SB 664

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 944 with 1 amendment

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 410, SB 704

The Committee on Community Affairs recommends the following pass: SB 444, SB 560, SB 830

The Committee on Criminal Justice recommends the following pass: SB 554 with 2 amendments, SB 668

The Committee on Education recommends the following pass: CS for SB 124 with 2 amendments, SB 536, SB 564 with 2 amendments

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

The Committee on Agriculture recommends the following pass: SB 1004

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 644

The Committee on Criminal Justice recommends the following pass: SB 708, SB 898, SJR 1234

The Committee on Governmental Reform and Oversight recommends the following pass: SB 200 with 2 amendments, SB 928

The Committee on Health Care recommends the following pass: SB 1232 with 1 amendment

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

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: CS for SB 92

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 786

The Committee on Health Care recommends a committee substitute for the following: SB 650

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

The Committee on Criminal Justice recommends committee substitutes for the following: SJR 964, SB 1328, SB 1330

The Committee on Transportation recommends a committee substitute for the following: SB 844

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

REPORTS OF SUBCOMMITTEES

The Honorable Toni Jennings February 19, 1998
President, The Florida Senate

Dear President Jennings:

The Select Subcommittee on Election Integrity, appointed to study alleged fraud in absentee ballots and other potential fraud in elections, has completed its work. Attached is a letter from Senator Latvala outlining the work of the Select Subcommittee. A report was made to the Committee on Executive Business, Ethics and Elections and the report was accepted.

Charlie Crist, Chairman
Committee on Executive Business,
Ethics and Elections

The Honorable Charlie Crist February 5, 1998
Chairman, Committee on Executive Business,
Ethics and Elections

Dear Senator Crist:

The Select Subcommittee on Election Integrity has completed its work and developed recommendations for legislative changes. I request that you schedule a discussion of the report of the Select Subcommittee at the next full committee meeting.

The Subcommittee held hearings in Miami and Tallahassee and received testimony from concerned citizens, the Florida Department of Law Enforcement, state attorneys, supervisors of elections, public officials, candidates, and others concerned with the integrity of the voting process. The Subcommittee reviewed reports on the issue of election fraud by the Florida Department of Law Enforcement, the Palm Beach County State Attorney's Office (1993 Hialeah mayoral race), the Miami-Dade County Grand Jury, and other written materials provided to the Subcommittee. The recommendations of the Subcommittee were drawn largely from these sources.

The Select Subcommittee concluded that the recent changes to the voter registration process mandated by Congress in the National Voter Registration Act and the recent changes to Florida's absentee voting laws have increased the potential for voter fraud. Therefore, the Select Subcommittee recommends significant changes to the voter registration system and current absentee voting process. The Select Subcommittee also believes that it is important to strengthen the penalties associated with election violations. I look forward to briefing the full Committee at our next meeting on the results of our inquiry.

Jack Latvala, Chairman
Subcommittee on Election
Integrity of the Committee
on Executive Business,
Ethics and Elections

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Diaz-Balart—

SB 1514—A bill to be entitled An act relating to state employment; amending s. 110.205, F.S.; adding employees in the managerial/

confidential and supervisory bargaining units organized under ch. 447, F.S., to those employees exempted from the Career Service System; requiring the Legislature to evaluate the relevance and appropriateness of personnel protections for career service employees; repealing part II of ch. 110, F.S., relating to the career service system; providing an effective date.

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

By Senator Turner—

SB 1516—A bill to be entitled An act relating to environmental equity; creating s. 760.854, F.S.; creating the Center for Environmental Equity and Justice; providing purpose of the center; requiring each state agency to include an environmental justice element in its agency functional plan; requiring the establishment of specified tracking systems and registries by the Department of Health and county health departments for the purpose of providing data to the Center for Environmental Equity and Justice; amending s. 382.008, F.S.; requiring specified additional information to be included on certain certificates of death for the purpose of providing data to the Center for Environmental Equity and Justice; amending s. 120.525, F.S.; requiring state agencies to provide notice of certain proposed agency action via specified media; providing effective dates.

—was referred to the Committees on Governmental Reform and Oversight; Health Care; Natural Resources; and Ways and Means.

By Senator Horne—

SB 1518—A bill to be entitled An act relating to the City of Jacksonville, amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville, providing that the mayor's veto power shall not apply to zoning variances and quasi-judicial decisions by the city council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Lee, Grant, Crist and Hargrett—

SB 1520—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Museum of Science and Industry Foundation, Inc., for use at the present location of the Museum of Science and Industry for special events only; providing for payment of the license fee; providing for sale of beverages for consumption on premises; prohibiting sales for consumption off premises; providing for transfer of the license; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Criminal Justice—

SB 1522—A bill to be entitled An act relating to sentencing; amending s. 2, ch. 97-194, Laws of Florida; clarifying that the Criminal Punishment Code does not apply to capital felonies; amending s. 921.002, F.S.; revising the principles embodied by the Criminal Punishment Code; requiring that the Department of Corrections make certain estimates with respect to the prison population and submit funding recommendations to the Legislature; requiring the department to project the impact of proposed changes to the Criminal Punishment Code; amending s. 921.0021, F.S.; clarifying application of the code; amending s. 921.0022, F.S.; providing for ranking certain offenses under the severity ranking chart of the code; specifying the ranking of additional offenses; amending s. 921.0023, F.S., relating to the ranking of unlisted offenses; deleting duplicative provisions; amending s. 921.0024, F.S.; revising the arrangement of the sentencing scoresheet; providing that domestic violence be included as a multiplier on the offense score of the Criminal Punishment Code; providing for calculating the total sentence points and the lowest permissible sentence; clarifying the calculation of points for a prior capital felony; revising requirements for preparing scoresheets for a defendant sentenced under the code; requiring that the Department of Corrections revise the scoresheet annually; authorizing the department to collect and evaluate data from the judicial circuits; creating s. 921.0025, F.S.; providing for the adoption and implementation of sentencing scoresheets; amending s. 921.0026, F.S.; prohibiting the court from imposing a sentence below the lowest permissible sentence unless there are mitigating circumstances; providing that the court may not consider the defendant's diminished capacity due to the influence of alcohol or controlled substances as justification for departing from the permissible sentence; creating s. 921.00265, F.S.; requiring that the court delineate its reasons if the court decreases a defendant's sentence below the lowest permissible sentence; amending s. 775.082, F.S.; providing for the applicability of sentencing structures, based on the date of the offense; amending s. 775.084, F.S.; providing for community control without an adjudication of guilt to be considered a prior conviction under certain circumstances for purposes of sentencing; requiring that the court report to the Department of Corrections when the court finds it unnecessary to sentence a given defendant as a habitual felony offender, a habitual violent felony offender, or a violent career criminal; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; amending s. 924.06, F.S.; providing for an appeal of a sentence that exceeds the maximum sentence under s. 775.082, F.S.; amending s. 924.07, F.S.; authorizing the state to appeal a sentence imposed below the lowest sentence permitted under the Criminal Punishment Code; amending s. 944.17, F.S.; revising requirements for the sheriff or chief correctional officer in preparing scoresheets for a prisoner who is transferred to the state correctional system; creating s. 944.70, F.S.; specifying the conditions under which persons convicted of crimes may be released from incarceration; amending s. 944.705, F.S., relating to the release orientation program; conforming cross-references to changes made by the act; amending s. 948.015, F.S.; revising requirements for the presentence investigation report for certain defendants; amending s. 948.034, F.S., relating to probation for certain persons convicted of drug-related offenses; conforming cross-references; conforming provisions to reflect the reorganization of the Department of Health and Rehabilitative Services; amending s. 948.51, F.S., relating to community corrections assistance; conforming a cross-reference; conforming a reference to sentencing scores to reflect changes in sentencing requirements; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing for a sentence imposed outside of the code to be appealed; providing an effective date.

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

By Senator Dudley—

SB 1524—A bill to be entitled An act relating to Lee County Mosquito Control District; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Lee County Mosquito Control District as required by chapter 97-255, Laws of Florida; creating and establishing a mosquito control district in said county and excepting therefrom certain territory of said county and fixing the boundaries of said district; dividing said district into areas for the purpose of electing members of the board of commissioners; providing for the terms of office and qualifications of the members of the board of commissioners and providing the method and times of elections; prescribing the powers and duties of the board; setting the compensation of the board; providing for audit of books and time of meetings; providing procedure for adopting a budget; giving the board the power to tax and to levy assessments for special benefits and providing the methods, procedure, and limitations thereon; authorizing the board to contract and cooperate with county, state, and other governmental agencies in regard to mosquito control or suppression; charging the Lee County

Health Unit or Health Department with the responsibility with reference to mosquito control; determining the status of employees and providing a method by which such responsibility shall terminate and declaring the legislative policy with reference thereto; providing penalty for damage to property; providing that the records shall be filed in the public records of Lee County; providing limitations of actions; granting to the district created herein such powers as are provided for mosquito control districts under the laws of Florida; providing for severability; providing that such act shall be construed liberally; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 1526—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry counties; amending chapter 87-477, Laws of Florida, as amended; providing for a change in the date of election of members of the district board of supervisors for each seat to conform with the state general election cycle; providing for extension of terms of the current members of the district board of supervisors; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Dudley—

SB 1528—A bill to be entitled An act relating to the Lee County Hyacinth Control District; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Lee County Hyacinth Control District as required by chapter 97-255, Laws of Florida; providing for continuation of a hyacinth control district in the county from the effective date of this act; providing for a governing board; prescribing the powers, organization, and duties of the board; setting the compensation of the board; providing for audit of books and time of meetings; providing for a budget; granting eminent domain; giving the board the power to tax and to levy assessments for special benefits and providing the methods, procedures, and limitations thereon; providing for a limited millage; providing for employees; providing for cooperation with local, state, and federal agencies and entities; providing that the legal authority for the Lee County Hyacinth Control District shall be construed liberally to accomplish continuation of the work of the Lee County Hyacinth Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Kurth—

SB 1530—A bill to be entitled An act relating to Brevard County; amending chapter 94-442, Laws of Florida, as amended by chapter 95-499, Laws of Florida; clarifying the method, procedure, and requirement for performing a rate study to justify a distribution differential surcharge rate imposed by a potable water utility; limiting the amount of distribution differential surcharge a water utility may charge consumers outside municipal boundaries; requiring a rate study for increases in excess of the limit; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Grant, Crist and Lee—

SB 1532—A bill to be entitled An act relating to Hillsborough County; amending s. 7, ch. 95-488, Laws of Florida, as amended; revising powers of the Tampa Port Authority; authorizing certain transfers of property and interests in property; amending s. 15, ch. 95-488, Laws of Florida; prescribing procedures for the Tampa Port Authority to use in awarding contracts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Gutman—

SB 1534—A bill to be entitled An act relating to habitual violent felony offenders; amending s. 775.084, F.S.; authorizing the court to sentence a defendant to an extended term of imprisonment as a habitual violent felony offender if the defendant has previously been convicted of lewd, lascivious, or indecent conduct or of any attempt or conspiracy to commit such offense; providing an effective date.

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

By Senator Turner—

SB 1536—A bill to be entitled An act relating to high school graduation requirements; providing additional science and language requirements; revising the minimum grade point average; providing an effective date.

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

By Senator Turner—

SB 1538—A bill to be entitled An act relating to the Florida Evidence Code; amending s. 90.612, F.S., relating to mode and order of interrogation of witnesses and presentation of evidence; providing for the court to protect a witness under 14 years of age from undue harassment or embarrassment; providing for the court to ensure that questions are stated in a form appropriate to the witness's age and understanding and to forbid certain questions upon objection by a party; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Turner—

SB 1540—A bill to be entitled An act relating to children and families; creating s. 415.531, F.S.; providing legislative intent; directing the Department of Children and Family Services to establish and operate the Relative Caretaker Program; providing for financial assistance and support services to relatives caring for children; providing eligibility of such children for certain medical coverage and college tuition waivers; providing for funding; providing a limitation; providing for rules; providing an effective date.

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

By Senator Turner—

SB 1542—A bill to be entitled An act relating to education; creating s. 233.0627, F.S.; requiring district school boards to provide swimming lessons for certain elementary school students; authorizing cooperative agreements for the use of community resources; providing for rules and standards; providing an effective date.

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

By Senator Turner—

SB 1544—A bill to be entitled An act relating to youth employment; creating the "Florida Comprehensive Youth Employment Act"; requiring that each state agency having an annual budget in excess of a specified amount include a separate budget category for youth employment; providing for a portion of such budget category to include the employment of minority youths; providing an effective date.

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

By Senator Rossin—

SB 1546—A bill to be entitled An act relating to confidential information; amending s. 945.10, F.S.; deleting a provision that presentence or postsentence investigative records are confidential; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Reform and Oversight.

By Senator Williams—

SB 1548—A bill to be entitled An act relating to public depositories; amending ss. 125.31, 136.01, 159.09, 166.261, 218.345, 236.24, 255.502, and 331.309, F.S.; providing for deposit of certain public funds in qualified public depositories or certain chartered depositories; amending s. 280.02, F.S.; defining governmental unit; revising the definition of qualified public depository; amending s. 280.03, F.S.; requiring deposit of public deposits into qualified public depositories; providing exemptions; amending s. 280.04, F.S.; clarifying certain collateral requirements; amending s. 280.05, F.S.; revising provisions providing powers and duties of the Treasurer; amending s. 280.07, F.S.; requiring qualified public depositories to execute a form for certain purposes; amending s. 280.08, F.S.; revising procedures for payment of losses; amending s. 280.16, F.S.; providing requirements for qualified public depositories; amending s. 280.17, F.S.; revising requirements for public depositors; amending s. 280.18, F.S.; providing for protection from loss to public depositors; limiting liability of the state and the Treasurer; providing an effective date.

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

By Senator Cowin—

SB 1550—A bill to be entitled An act relating to school-entry health requirements; amending s. 232.0315, F.S.; requiring a school-entry vision examination; providing an effective date.

—was referred to the Committee on Education.

By Senators Cowin, Lee, Dudley, Horne, Diaz-Balart, Clary, Ostalkiewicz, Latvala, Gutman, Grant, Crist and Childers—

SB 1552—A bill to be entitled An act relating to political contributions; prohibiting public employers from deducting funds from a public employee's wages to make political contributions or expenditures or to support political activities without the prior written request of the employee; prohibiting bargaining units for public employees from using a public employee member's dues or fees to make political contributions or expenditures or to support political activities without the member's written authorization; prescribing the form to be used; authorizing the Division of Elections of the Department of State to prepare and distribute such forms; prescribing content of the form; requiring employers and bargaining units that make such deductions to keep records; requiring such records to be presented to the Division of Elections; providing definitions; prohibiting an employer or bargaining unit from discriminating against officers and employees because of their political activities; providing a criminal penalty; providing an effective date.

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

By Senator Williams—

SB 1554—A bill to be entitled An act relating to air pollution control revenues; amending s. 215.22, F.S.; exempting the Air Pollution Control Trust Fund from a surcharge; amending s. 403.0872, F.S.; providing for adjustments in the major stationary source annual air-operation permit license fees; changing the date for an audit of the major stationary source air-operation permit program; providing an effective date.

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

By Senator Williams—

SB 1556—A bill to be entitled An act relating to access to public records and information by inmates and other offenders under correctional supervision; amending s. 945.10, F.S., relating to confidential information and other information available to inmates and offenders in the correctional system or under supervision; prohibiting certain disclosure or use of certain "personal information about another," as defined, by an inmate or offender with intent to obtain a benefit or to harm or defraud another, to which information the inmate or offender has had access by means of correctional work or other program participation; providing penalties; providing that an inmate or offender convicted of such offense is prohibited from subsequent participation in such programs; providing that an inmate or offender convicted of such offense is subject to forfeiture of gain-time; providing for adoption of rules by the department; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Reform and Oversight.

By Senator Rossin—

SB 1558—A bill to be entitled An act relating to the Beverage Law; amending ss. 561.181, 561.331, F.S.; providing that a temporary license is a separate and distinct classification under the Beverage Law; providing that any temporary license that expires because of the denial of the application for a permanent license may not be extended; amending s. 562.13, F.S.; prescribing certain unlawful acts of vendors licensed under the Beverage Law; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senators Cowin and Dudley—

SB 1560—A bill to be entitled An act relating to judicial nominating commissions; repealing s. 43.29, F.S., relating to judicial nominating commissions; creating s. 43.295, F.S.; providing for appointment of members of judicial nominating commissions; prohibiting justices or judges from being members of judicial nominating commissions; prohibiting members of judicial nominating commissions from holding other public office; providing that a member of a judicial nominating commission is not eligible for a certain period for judicial appointment to a judicial office for which the commission has nominating authority; requiring that acts of judicial nominating commissions be made by concurrence of a majority; providing for terms of members of each judicial nominating commission; prohibiting consecutive reappointment to judicial nominating commissions; providing for suspension and removal of members of judicial nominating commissions pursuant to uniform rules of procedure; providing for the expiration of terms of current members of judicial nominating commissions; providing for commencement of terms for initial appointees to judicial nominating commissions; amending s. 440.45, F.S., relating to Office of the Judges of Compensation Claims, to conform a reference; providing an effective date.

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

By Senator Cowin—

SJR 1562—A joint resolution proposing an amendment creating Section 18 of Article X of the State Constitution, to prohibit partial birth abortions.

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

By Senator McKay—

SB 1564—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; amending the exemption for machinery and equipment used in silicon technology production and research and development; deleting the requirement that the exemption be accomplished through the refund of taxes that were previously paid; deleting the provision that the refund is subject to a specific annual legislative appropriation; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Burt—

SB 1566—A bill to be entitled An act relating to criminal offenders; providing a short title; amending s. 921.0026, F.S.; providing that testimony in support of an offender's rehabilitation may not be a mitigating circumstance considered by the court in imposing a sentence; amending s. 944.026, F.S.; prohibiting the court from committing certain offenders to a probation and restitution center as an alternative to a secure state correctional institution; providing an effective date.

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

By Senator McKay—

SB 1568—A bill to be entitled An act relating to tax administration; amending s. 193.063, F.S., which authorizes the property appraiser to grant an extension for filing tangible personal property tax returns; revising requirements for the request for an extension; amending s. 199.282, F.S.; reducing the penalties for failure to timely pay annual or nonrecurring intangible personal property tax and failure to timely file an annual tax return; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Burt—

SM 1570—A memorial in support of designating the Florida Windstorm Underwriting Association and the Florida Residential Property & Casualty Joint Underwriting Association as tax-exempt entities under s. 501(c) of the Internal Revenue Code.

—was referred to the Committee on Rules and Calendar.

By Senator Harris—

SB 1572—A bill to be entitled An act relating to funeral and cemetery services; providing a short title; amending s. 497.005, F.S.; defining "care and maintenance"; creating s. 497.0255, F.S.; providing a duty of care and maintenance of licensed cemeteries in this state; providing rulemaking authority to the Board of Funeral and Cemetery Services for such purpose; amending s. 497.229, F.S.; providing circumstances under which a cemetery or component thereof may be deemed a public nuisance and providing for abatement thereof; amending s. 497.253, F.S.; providing additional requirements with respect to the conveyance of cemetery property to noncemetery uses, including certain notice; creating s. 497.255, F.S.; providing standards for construction and significant alteration or renovation of mausoleums and columbaria; providing rulemaking authority with respect to such standards to the board, in conjunction with the Board of Building Codes and Standards, and providing for incorporation of a portion thereof in the State Minimum Building Codes; requiring all newly constructed and significantly altered or renovated mausoleums and columbaria to conform to such standards and applicable building codes; amending s. 497.257, F.S.; including columbaria in provisions relating to preconstruction requirements applicable to mausoleums and belowground crypts; amending s. 497.527, F.S.; authorizing the Attorney General to bring a civil action for violation of chapter 497, relating to regulation of funeral and cemetery services, in the appropriate court; increasing the minimum liability for actual damages, except for violations designated as minor by rule of the board; amending s. 872.02, F.S., relating to prohibitions against injuring or removing tombs or monuments or disturbing the contents of graves or tombs; increasing penalties; specifying that the term "tomb" includes any mausoleum, columbarium, and belowground crypt; amending s. 245.07, F.S.; revising provisions relating to retention and disposition of bodies received by an anatomical board; creating the Task Force on Abandoned and Neglected Cemeteries within the Department of Banking and Finance; providing for appointment of members and election of officers; authorizing reimbursement for per diem and travel; requiring the department to provide administrative and staff support; providing duties; requiring preliminary and final reports; providing for termination of the task force; providing an appropriation; providing effective dates.

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

By Senator Grant—

SB 1574—A bill to be entitled An act relating to personnel and agencies of the legislative branch; amending s. 11.0431, F.S.; providing for the presiding officers to determine legislative offices the records of which are exempt from disclosure; amending s. 11.045, F.S.; defining the term "division," for purposes of lobbyist registration, as the Division of Legislative Information Services; transferring certain functions of the Joint Legislative Management Committee to the division or to the presiding officers; amending s. 11.12, F.S.; providing for the presiding officers to determine subsistence rates; amending s. 11.13, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to compensation of members to the Office of Legislative Services or to the presiding officers; amending s. 11.147, F.S.; abolishing the Joint Legislative Management Committee and replacing it with an Office of Legislative Services; repealing s. 11.39, F.S., relating to the Legislative Information Technology Resource Committee; amending s. 112.0455, F.S.; transferring certain functions of the Joint Legislative Management Committee with respect to rules relating to drug-free workplace requirements to the presiding officers; amending s. 112.3148, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to reports of gifts to the Division of Legislative Information Services; amending s. 121.055, F.S.; transferring duties of the Joint Legislative Management Committee relating to designation of employees to participate in the Senior Management Service Optional Annuity Program to the presiding officers; amending s. 216.136, F.S.; conforming provisions to the amendments made by the act; amending s. 216.251, F.S.; clarifying authority with respect to approval of classification and pay plans for legislative employees; amending s. 985.401, F.S.; transferring duties of the Joint Legislative Management Committee with respect to the Juvenile Justice Advisory Board to the Department of Juvenile Justice; amending ss. 11.241, 11.242, 11.243, 11.70, 13.01, 13.10, 15.155, 20.315, 27.709, 112.061, 112.321, 119.15, 218.60, 229.593, 282.3091, 282.310, 282.322, 350.031, 402.50, 790.22, F.S.; conforming provisions to the amendments made by the act; providing an effective date.

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

By Senator Rossin—

SB 1576—A bill to be entitled An act relating to marriage; creating the "Marriage Education and Family Stabilization Act"; creating s. 741.0305, F.S.; authorizing a premarital education course as a condition

precedent to obtaining a marriage license; providing for modification of marriage license fees; specifying course providers; providing course contents; providing for a pilot program in Leon County; amending s. 741.04, F.S.; prohibiting issuance of a marriage license until petitioners verify certain facts; amending s. 741.05, F.S.; conforming provisions; amending s. 61.21, F.S.; requiring the completion of a parent education and family stabilization course as a condition precedent to filing a petition for dissolution of marriage or seeking a modification of a final judgment action involving shared parental responsibilities, custody, or visitation; specifying course providers; providing course contents; authorizing the court to hold in contempt any person who refuses to complete the course; providing for the establishment of a registry of course sites and course providers; authorizing waiver of the requirements under specified circumstances; providing for unsigned anonymous informational questionnaires; providing an appropriation; providing an effective date.

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

By Senator Forman—

SB 1578—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; amending provisions prescribing the voting membership of an M.P.O.; providing an effective date.

—was referred to the Committee on Community Affairs.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Governmental Reform and Oversight; Judiciary; and Senators Grant, Casas, Bronson and Kirkpatrick—

CS for CS for SB 92—A bill to be entitled An act relating to eminent domain; amending s. 73.0511, F.S.; providing for a dispute resolution process; providing for notice to fee owners and business owners; providing for an exchange of appraisals, right-of-way maps, and construction plans with fee owners and business owners; providing for an initial concern letter and conference; providing for disclosure of business records; providing for an offer of business damages and a counteroffer; providing for negotiation, mediation, and settlement in lieu of condemnation; amending s. 73.071, F.S.; providing criteria for compensation by jury; repealing s. 337.27(2), F.S., relating to the exercise of the power of eminent domain by the Department of Transportation; repealing ss. 348.0008(3), 348.759(3), 348.957(3), F.S., relating to the exercise of eminent domain power by expressway and bridge authorities; providing a finding of important state interest; providing an effective date.

By the Committee on Health Care and Senator Clary—

CS for SB 650—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain types of services for the Healthy Start program, pursuant to a federal waiver; providing for certain limits on such services; directing the agency to seek such a waiver; providing an effective date.

By the Committee on Criminal Justice and Senator Gutman—

CS for SB 786—A bill to be entitled An act relating to the offense of trespass; amending s. 810.08, F.S.; providing an enhanced penalty for trespass in a structure or conveyance if the offender commits an assault or battery upon any person in the structure or conveyance; amending s. 921.0022, F.S.; providing for a level-4 rank in the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

By the Committee on Transportation and Senator Hargrett—

CS for SB 844—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.091, F.S.; providing that on specified highways certain commercial vehicles may drive only in certain lanes; amending s. 316.302, F.S.; adopting federal motor carrier safety regulations; authorizing audits of intrastate motor carriers for drivers' hours of service compliance; amending s. 316.545, F.S.; prescribing the penalty for operating an overweight or improperly registered commercial vehicle; amending s. 320.01, F.S.; defining the term "agricultural products"; amending s. 320.055, F.S.; providing for staggered fleet registration; amending s. 320.0657, F.S.; defining the term "fleet"; providing registration fees; providing penalties for late or improper registration; repealing s. 320.065, F.S., which requires permanent registration for certain agricultural vehicles; providing an effective date.

By the Committee on Criminal Justice and Senator Lee—

CS for SJR 964—A joint resolution proposing an amendment to s. 17, Art. I of the State Constitution, relating to excessive punishment.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 1328—A bill to be entitled An act relating to postconviction capital collateral proceedings; requesting that the Division of Statutory Revision designate part IV of ch. 27, F.S., as "Capital Collateral Representation"; amending s. 27.702, F.S.; deleting a requirement that specifies the time for the capital collateral regional counsel to commence the representation of a person sentenced to death; creating s. 27.710, F.S.; requiring that the executive director of the Commission on the Administration of Justice in Capital Cases maintain a registry of attorneys in private practice who are available to be appointed to represent defendants in postconviction capital collateral proceedings; authorizing the executive director to obtain names of attorneys who may register for appointment; providing eligibility requirements for appointment as counsel in postconviction capital collateral proceedings; providing for appointment of an attorney selected from the registry; providing that more than one attorney may not be appointed at any one time to represent a capital defendant; creating s. 27.711, F.S.; requiring that an attorney appointed to represent a capital defendant file a notice of appearance; providing a schedule of fees to which the attorney is entitled for specified appearances and representations; providing that such fees constitute the exclusive means of compensation for such representation; authorizing compensation as provided by federal law under certain circumstances; authorizing the use of investigative services and the payment of fees for such services; providing that by accepting appointment to represent a capital defendant the attorney agrees to continue such representation until the defendant's sentence is reversed, reduced, or carried out; limiting the number of capital defendants that an attorney may represent; prohibiting a claim of ineffective assistance of counsel based on an action by the attorney who represents a capital defendant; prohibiting the attorney from representing the capital defendant in certain other proceedings; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 1330—A bill to be entitled An act relating to the administration of capital cases; creating s. 119.19, F.S.; defining terms; requiring that the Secretary of State establish a records repository for archiving capital postconviction records; requiring that the law enforcement agencies and the state attorney copy and deliver to the records repository public records produced in capital cases; requiring the Department of Corrections to copy and deliver to the records repository public records that pertain to the defendant; providing requirements for notifying the Attorney General upon delivery of such records to the repository; requiring that the Attorney General request public records from certain additional persons and agencies; providing requirements for sealing confidential records and records that are exempt from disclosure under the Public Records Law; prohibiting the opening of such records without a court order; providing for written demand for additional public records; prohibiting the capital collateral regional counsel or private counsel from obtaining the production of additional public records in a capital case until after filing an affidavit and obtaining a court order; requiring that the capital collateral regional counsel or private counsel provide the personnel and equipment for copying records held at the repository; providing for resolving certain disputes with respect to the production of records; specifying circumstances under which the Secretary of State

may destroy records held by a repository; amending s. 27.702, F.S.; requiring that the capital collateral regional counsel or private counsel notify the Commission on the Administration of Justice in Capital Cases and the trial court of pleadings filed in capital cases; requiring that a notice of hearing be filed with each pleading; requiring that the trial court expedite the hearings in capital cases; amending s. 27.708, F.S.; deleting references to Rule 3.852; limiting certain public-records requests made on behalf of clients; providing an appropriation; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 835 by the required constitutional two-thirds vote of all Members voting, the Governor's objections to the contrary notwithstanding, and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representatives Thrasher and Crady—

HB 835 (1997 Regular Session)—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.11, F.S.; authorizing, rather than requiring, taxpayers who are required to remit taxes by electronic funds transfer to make returns in a form initiated through an electronic data interchange; providing an effective date.

The Honorable Sandra B. Mortham May 29, 1997
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, House Bill 835, enacted during the 99th Session of the Legislature of Florida since statehood in 1845, convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

An act relating to tax on sales, use, and other transactions;...

This legislation represents the practical elimination of the Department of Revenue's Electronic Data Interchange (EDI) program. While the proponents of this measure represent that it is to help "small business," close scrutiny of the facts reveals that this is not the case. Further, the legislation is in direct contradiction to my efforts to improve governmental efficiency and effectiveness by reducing paperwork and operational costs.

Chapter 96-395, Laws of Florida, requires business remitting $50,000 or more a year in sales tax to use EDI to submit their tax returns. The same group has been remitting funds electronically, through electronic funds transfer (EFT), for years. These businesses must have at least $833,000 in taxable sales to reach this threshold. Only 25,000 of the state's 550,000 registered sales tax dealers, less than 5%, are directly affected by the EFT and EDI requirements. The EDI program affects only the largest taxpayers and has no impact on "small businesses." The Department of Revenue spent two years testing EDI and the users applaud its benefits.

Advocates of HB 835 contend that the program increases taxpayer burden. To the contrary, I find that the continuation of the EDI program is a proven means of reducing taxpayer burden with adequate safeguards to avoid unduly burdening small business. The current law provides for exemptions if a business does not have computer equipment or needs additional time for changes to their system or operating procedures. Any business requesting an exemption from the Department has received one. The Department has granted 8,000 such requests. I will be glad to work with the Department and the Legislature to examine the current waiver and whether its terms may be lengthened.

The costs to businesses are minimal and are easily recouped through the efficiencies which are gained. There are no routine monthly costs, since phone transmissions are to a local or toll-free number, and DOR pays all of the processing and mailbox charges. The EDI system works with most standard information systems, including personal computers. Software for EDI filing is available from DOR-approved vendors and can be purchased for as little as $99 to $130 for the first year. Annual renewal fees will average $30 - $60, and include updates and customer support. If a business cannot afford software, the Department has granted a deferral. The Department has also communicated its desire to renew its offer to address the software costs. This would have to be considered by the 1998 Legislature.

I have established priorities in the areas of paperwork reduction, single business identifiers, and consolidation of information filing with state agencies. EDI is the first step in accomplishing all of those things. Without EDI, they may be impractical or impossible to implement. The Department processes 426,000 paper sales tax returns monthly; the EDI program will eliminate 60,000 of them. The Department currently corrects taxpayer errors in over 20% of consolidated sales tax returns and 13% of regular returns.

EDI will prevent almost all of those, from mathematical mistakes, lost mail, disagreements over postmarks, data copying, and data entry problems. It also allows for more accurate and timely allocation of tax revenues to General Revenue and local governments.

Another detrimental result of this legislation will be a significant negative impact on the Department's Performance Accountability Measures. The Department of Revenue has been the leader in performance-based program budgeting, setting the standard with the Legislation for this program, which was also my initiative. If HB 835 were to become law, of the nineteen measures in the General Appropriations Act for DOR, eight will be unattainable.

Elimination of the EDI program may also have a serious financial impact on those businesses who have been DOR's partners in implementing EDI. To achieve the most cost-effective program, the Department worked with several companies and service providers in a public/private partnership. Many of these businesses' investments will be at risk if HB 835 becomes law, increasing the likelihood that these businesses will be reluctant to enter into such partnerships with government in the future.

In conclusion, elimination of the EDI program is a step backwards in this era of government doing more with less. Electronic filing of information is a proven technology developed to reduce or eliminate paper processing. It is employed extensively in the private sector and is mandated by many businesses to their suppliers. Florida is one of 23 states with an EDI program and 14 other states are in the planning stage for implementing EDI. Filing tax information with the Department of Revenue is a logical use of this technology. Filing and processing tens of thousands of paper tax returns is contrary to our initiatives for improving the effectiveness and efficiency of government.

For these reasons, I am withholding my approval of House Bill 835, and hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1227 by the required constitutional two-thirds vote of all Members voting, the Governor's objections to the contrary notwithstanding, and requests the concurrence of the Senate.

John B. Phelps, Clerk

By The Committee on Health Care Services and Representative Ball and other(s)—

CS for HB 1227 (1997 Regular Session)—A bill to be entitled An act relating to termination of pregnancies; renumbering and amending s. 390.001, F.S.; revising provisions relating to consents required prior to a termination of pregnancy; prohibiting partial-birth abortion; providing a penalty; providing civil liability; providing for relief; renumbering s. 390.002, F.S.; amending s. 390.011, F.S.; expanding scope of definitions; defining "partial-birth abortion"; providing an effective date.

The Honorable Sandra B. Mortham May 23, 1997
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, the Committee Substitute for House Bill 1227, enacted during the 99th Session of the Legislature of Florida since statehood in 1845, convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

An act relating to termination of pregnancies; . . .

Although I am personally opposed to abortion, I believe a woman, in conjunction with her physician, family, clergy, and loved ones, has the right to make her own decision on whether or not to have an abortion. I am deeply troubled by the number of abortions that are performed in Florida each year. The State must do all that it possibly can to prevent unwanted pregnancies from occurring in the first place, especially among teenagers. Through expanding our preventive efforts such as full service schools, family planning, access to proper health care, and education, we can significantly reduce the number of abortions in Florida.

Committee Substitute for House Bill 1227 is not the best means of addressing the issue of certain unwanted or complicated pregnancies. By giving physicians the option to perform the partial-birth abortion only when the mother's life is in danger, this bill does not adequately protect the health of the mother. Throughout my career I have supported prevention programs and health care services that would preserve the health of the mother and assist pregnant women in delivering healthy babies. Allowing this procedure to be used only on a very restrictive basis precludes its use when the health, including the reproductive health, of the mother is significantly jeopardized. Some physicians consider partial-birth abortions to be safer for certain pregnant women than the alternatives. Regardless of my personal feelings about the complex issue of abortion, I cannot support a bill that, in some cases, may force women to undergo a procedure more dangerous to their health and may interfere with the doctor-patient relationship.

I am also concerned with the provision in the Committee Substitute for House Bill 1227 that allows monetary damages to be awarded to the husband, or if the woman is a minor, the maternal grandparents of the fetus, should the mother obtain a partial-birth abortion. This provision opens the door to inappropriate litigation over a medical procedure, and opening that door can only hurt the women of Florida and their access to safe, reliable health care.

For these reasons, I am withholding my approval of the Committee Substitute for House Bill 1227, and do hereby veto the same.

Sincerely,
LAWTON CHILES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1597 by the required constitutional two-thirds vote of all Members voting, the Governor's objections to the contrary notwithstanding, and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Civil Justice and Claims and Representative Thrasher—

CS for HB 1597 (1997 Regular Session)—A bill to be entitled An act relating to evidence; amending s. 90.803, F.S.; revising an exception to the prohibition against hearsay evidence; providing an effective date.

The Honorable Sandra B. Mortham May 29, 1997
Secretary of State

Dear Secretary Mortham:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for House Bill 1597, enacted during the 99th Session of the Legislature of Florida since statehood in 1845, convened under the Constitution of 1968, during the Regular Session of 1997, and entitled:

An act relating to evidence; . . .

Committee Substitute for House Bill 1597 broadens the former testimony hearsay exception under section 90.803(22), Florida Statutes. Under section 90.803(22), Florida Statutes, a court may admit former testimony "given by the declarant at a civil trial, when used in a retrial of said trial involving identical parties and the same facts." The availability of the declarant is immaterial in admitting the former testimony under section 90.803(22).

In contrast to section 90.803(22), the evidence code also provides section 90.804(2)(a), Florida Statutes, a former testimony hearsay exception when the declarant is unavailable. Section 90.804(2)(a) provides that the following former testimony is admissible:

> Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.

Committee Substitute for House Bill 1597 transfers the former testimony exception in section 90.804(2)(a) to section 90.803(22). The result of the bill is to broaden the amount of former testimony that can be introduced in a civil trial without a showing that the declarant is unavailable to testify.

I cannot support Committee Substitute for House Bill 1597 because it reduces a party's ability to confront and question a witness. I do not see as beneficial a reform to the Evidence Code which creates an open-ended exception that precludes the right of a litigant to cross-examine witnesses at trial. This bill would primarily operate to the benefit of large, multi-state corporations that have engaged in extensive litigation throughout the country in many venues and jurisdictions. These multi-state corporations would have a distinct advantage of being able to pick and choose from depositions that have never been made public records, and offer these depositions as testimony. The opposing party would not have the right to confront the declarant about the statements.

Further, I am concerned that the proposed legislation precludes a fact-finder from evaluating a witness' demeanor and credibility. The proposed legislation would allow a party to conduct a trial by deposition, even if the declarant is available to testify. Consequently, a fact-finder is denied the ability to weigh the witness' demeanor and credibility.

Even though I am sure that the Legislature did not intend it to be so, this statute creates an untenable potential for unfairness to all parties to a lawsuit.

For these reasons, I am withholding my approval of Committee Substitute for House Bill 1597, and do hereby veto the same.

Sincerely,
LAWTON CHILES

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 3 was corrected and approved.

CO-SPONSORS

Senators Brown-Waite—SB 356; Clary—SB 854, SB 1396; Crist—SB 142; Forman—SB 1228; Latvala—SB 636, SB 1036; Meadows—SB 882; Myers—SB 1396; Ostalkiewicz—SB 1266; Scott—SB 882; Silver—SB 1266; Turner—SB 1266

Senator Williams withdrew as prime sponsor of SB 1490 and Senator McKay was recorded as prime sponsor of SB 1490.

RECESS

On motion by Senator Bankhead, the Senate recessed at 3:50 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:30 p.m., Monday, March 9.

Journal of the Senate

Number 3—Regular Session **Monday, March 9, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 1:30 p.m. A quorum present—32:

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

Excused: Senator Ostalkiewicz

PRAYER

The following prayer was offered by Rev. Jesse London, St. Gabriel's Episcopal Church, Jacksonville:

Most gracious Savior, who has given us this good line for our heritage, we humbly beseech you that we may always prove ourselves a people mindful of your favor and glad to do your will. Bless our land with honorable industry, good help, some learning and pure manners. Save us from violence, discord and confusion; from pride and arrogance and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Deal with the spirit of wisdom those whom in your name we entrust the authority of government.

We pray especially for the members of this Senate that there may be justice and peace at home and that through obedience to your law, we may show forth thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in you to fail. All which we ask through the Creator of all things. Amen.

PLEDGE

Senate Pages Bryan Jones of Duck Key and Chaundra Williams of Delray Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Thomas—

By Senator Thomas—

SR 1938—A resolution recognizing Insurance Week.

WHEREAS, most families in Florida own life, health, and property/casualty insurance as the primary forms of personal financial protection, and

WHEREAS, insurance renders a great service by carrying policyholder dollars back to our communities, where they aid all segments of the economy, and

WHEREAS, insurance underwriting, performed by agents, is the process of identifying risks and offering solutions that protect and enhance the financial lives of families, individuals, and businesses using life, health, and property/casualty insurance and other closely related financial products, and

WHEREAS, the licensed, professional insurance agent helps families, individuals, and businesses find the insurance products that best fit their needs, thereby providing a valuable service to society, and

WHEREAS, all persons can benefit by professional financial advice and informed decisions about life, health, and property/casualty insurance, and

WHEREAS, adherence by agents to a professional code of ethics emphasizing the highest standards of conduct and service to consumers is essential in protecting the citizens of Florida, and

WHEREAS, the Florida Association of Life Underwriters is sponsoring a program to inform the public of the importance of insurance, the services of insurance agents, and the varied aspects of insurance, NOW, THEREFORE,

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

That the week of March 9-13, 1998 is recognized by the Florida Senate as Insurance Week in Florida.

—**SR 1938** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Williams, by two-thirds vote **SB 1474** was withdrawn from the committees of reference and further consideration.

On motion by Senator Klein, by two-thirds vote **SB 750** was withdrawn from the committees of reference and further consideration.

On motion by Senator Hargrett, by two-thirds vote **SB 718** was withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **SB 970** was withdrawn from the Committees on Education; Community Affairs; and Ways and Means; and referred to the Committees on Community Affairs; Education; and Ways and Means; and **SB 672** was withdrawn from the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Sullivan, the rules were waived and the meeting of the Committee on Ways and Means scheduled this day was cancelled.

MOTIONS

On motion by Senator Bankhead, a deadline of 9:00 a.m. Wednesday, March 11, was set for filing amendments to Bills on Third Reading to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for SB's 360 and 350**, **SB 198** and **CS for SJR 964** was deferred.

SB 898—A bill to be entitled An act relating to postconviction proceedings in capital cases; repealing Rule 3.852, Florida Rules of Criminal Procedure, relating to the production of records in postconviction proceedings in capital cases; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Burt, **SB 898** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Grant, Hargrett, Kirkpatrick, Kurth, Myers

CS for SB 1328—A bill to be entitled An act relating to postconviction capital collateral proceedings; requesting that the Division of Statutory Revision designate part IV of ch. 27, F.S., as "Capital Collateral Representation"; amending s. 27.702, F.S.; deleting a requirement that specifies the time for the capital collateral regional counsel to commence the representation of a person sentenced to death; creating s. 27.710, F.S.; requiring that the executive director of the Commission on the Administration of Justice in Capital Cases maintain a registry of attorneys in private practice who are available to be appointed to represent defendants in postconviction capital collateral proceedings; authorizing the executive director to obtain names of attorneys who may register for appointment; providing eligibility requirements for appointment as counsel in postconviction capital collateral proceedings; providing for appointment of an attorney selected from the registry; limiting the circumstances under which the court may permit an attorney to withdraw from representation following appointment; authorizing the court to impose sanctions; requiring that appointed counsel enter into a contract with the Comptroller; providing for the Comptroller to enforce performance of the contract; providing that more than one attorney may not be appointed at any one time to represent a capital defendant; creating s. 27.711, F.S.; requiring that an attorney appointed to represent a capital defendant file a notice of appearance; providing a schedule of fees to which the attorney is entitled for specified appearances and representations; requiring that the trial court approve the payment of costs and fees; providing that such fees constitute the exclusive means of compensation for such representation; authorizing compensation as provided by federal law under certain circumstances; authorizing the use of investigative services and the payment of fees for such services; providing that by accepting appointment to represent a capital defendant the attorney agrees to continue such representation until the defendant's sentence is reversed, reduced, or carried out; limiting the number of capital defendants that an attorney may represent; prohibiting a claim of ineffective assistance of counsel based on an action by the attorney who represents a capital defendant; prohibiting the attorney from representing the capital defendant in certain other proceedings; providing an effective date.

—as amended March 5 was read the third time by title.

On motions by Senator Burt, **CS for SB 1328** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick, Kurth

CS for SB 1330—A bill to be entitled An act relating to the administration of capital cases; creating s. 119.19, F.S.; defining terms; requiring that the Secretary of State establish a records repository for archiving capital postconviction records; requiring that the law enforcement agencies and the state attorney copy and deliver to the records repository public records produced in capital cases; requiring the Department of Corrections to copy and deliver to the records repository public records that pertain to the defendant; providing requirements for notifying the Attorney General upon delivery of such records to the repository; requiring that the Attorney General request public records from certain additional persons and agencies; providing requirements for sealing confidential records and records that are exempt from disclosure under the Public Records Law; prohibiting the opening of such records without a court order; providing for written demand for additional public records; prohibiting the capital collateral regional counsel or private counsel from obtaining the production of additional public records in a capital case until after filing an affidavit and obtaining a court order; requiring that the capital collateral regional counsel or private counsel provide the personnel and equipment for copying records held at the repository; providing for resolving certain disputes with respect to the production of records; prohibiting the capital collateral regional counsel or private counsel from soliciting another person to make a request for public records on the counsel's behalf; providing for sanctions; specifying circumstances under which the Secretary of State may destroy records held by a repository; clarifying the application of provisions governing the production of records in capital postconviction proceedings; amending s. 27.702, F.S.; requiring that the capital collateral regional counsel or private counsel notify the Commission on the Administration of Justice in Capital Cases and the trial court of pleadings filed in capital cases; requiring that a notice of hearing be filed with each pleading; requiring that the trial court expedite the hearings in capital cases; amending s. 27.708, F.S.; deleting references to Rule 3.852; limiting certain public-records requests made on behalf of clients; providing an appropriation; providing an effective date.

—as amended March 5 was read the third time by title.

On motions by Senator Burt, **CS for SB 1330** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Burt	Childers	Crist
Bankhead	Campbell	Clary	Diaz-Balart
Brown-Waite	Casas	Cowin	Dudley

Dyer	Horne	Meadows	Thomas
Forman	Jones	Myers	Turner
Gutman	Klein	Rossin	Williams
Hargrett	Latvala	Scott	
Harris	Lee	Silver	
Holzendorf	McKay	Sullivan	

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick, Kurth

CS for SB 188—A bill to be entitled An act relating to transitional living facilities for brain-injured and spinal-cord-injured persons; amending s. 400.805, F.S.; providing for the regulation of transitional living facilities; providing for right of entry and inspection; providing for injunctive proceedings; providing for a moratorium on admissions; amending s. 413.49, F.S.; providing duties of transitional living facilities to provide certain therapies and plans; amending s. 413.605, F.S.; providing additional duties of the advisory council on brain and spinal cord injuries; providing an effective date.

—as amended March 5 was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 188** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Grant, Hargrett, Kirkpatrick, Kurth

CS for SB 358—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S., relating to prohibitions against selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver, controlled substances within 200 feet of the real property comprising a public housing facility; defining "real property comprising a public housing facility"; providing penalties; amending s. 921.022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—as amended March 5 was read the third time by title.

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

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick, Kurth, Scott

SB 112—A bill to be entitled An act relating to public records; amending s. 110.1091, F.S.; revising provisions which specify that communications relating to a state employee's participation in an employee assistance program are confidential, and which provide a public records exemption for records relating thereto; creating ss. 125.585, 166.0444, F.S.; providing that certain communications relating to a county or municipal employee's participation in such a program are confidential; providing an exemption from public records requirements for records relating to such participation; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **SB 112** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick, Kurth

SB 348—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for a videotaped statement of a minor who is the victim of specified crimes involving sexual battery, lewd acts, or other sexual misconduct regarding such offenses; authorizing access by certain governmental agencies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended March 5 was read the third time by title.

On motions by Senator Cowin, **SB 348** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Bankhead, Kirkpatrick, Kurth

On motion by Senator Burt, by two-thirds vote **CS for HB 3033** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

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

CS for HB 3033—A bill to be entitled An act relating to execution of the death sentence; creating s. 922.105, F.S.; providing for execution of the death sentence by means of lethal injection if electrocution is declared invalid by any one of specified courts, unless overruled; providing that a person authorized by state law to prescribe medication, when designated by the Department of Corrections, may prescribe the drugs necessary to compound a lethal injection; providing that a person authorized by state law to prepare, compound, or dispense medication, when designated by the Department of Corrections, may prepare, compound, or dispense the lethal injection; providing that the prescription, preparation, compounding, dispensing, or administration of a lethal injection does not constitute practicing medicine, nursing, or pharmacy; providing for execution of the death sentence by other means not declared unconstitutional by the United States Supreme Court, if lethal injection is declared invalid; providing for determination and supervision of execution procedure by the Secretary of Corrections or the secretary's designee, under specified circumstances when execution by means of electrocution or lethal injection has been declared invalid; providing an exemption from ch. 120, F.S., for the policies and procedures of the Department of Corrections for execution; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; prohibiting health care provider or employee of the Department of Corrections from being required to assist in an execution contrary to the person's moral or ethical beliefs; amending s. 775.082, F.S., relating to penalties and mandatory minimum sentences for certain reoffenders previously released from prison; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; amending s. 790.161, F.S., relating to the offense of making, possessing, throwing, projecting, placing, or discharging a destructive device, or attempt so to do, and penalties; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; providing an effective date.

—a companion measure, was substituted for **CS for SB's 360 and 350** and by two-thirds vote read the second time by title.

Senator Burt moved the following amendment:

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

Section 1. Section 922.10, Florida Statutes, is amended to read:

922.10 Execution of death sentence; executioner.—

(1) A death sentence shall be executed by electrocution. *If electrocution is held to be unconstitutional by the Florida Supreme Court, the United States Court of Appeals for the Eleventh Circuit, or the United States Supreme Court, all persons sentenced to death for a capital crime shall be executed by lethal injection.* The *superintendent* ~~warden~~ of the state prison shall designate the executioner. Information which, if released, would identify the executioner is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The warrant authorizing the execution shall be read to the convicted person immediately before execution.

(2) The provisions of the opinion and all points of law decided by the United States Supreme Court in Malloy v. South Carolina, 237 U.S. 180(1915), finding that the Ex Post Facto Clause of the United States Constitution is not violated by a legislatively enacted change in the method of execution for a sentence of death validly imposed for previously committed capital murders, are adopted by the Legislature as the statute law of this state.

(3) A change in the method of execution does not increase the punishment or modify the statutory penalty of death for capital murder. Any legislative change to the method of execution for the crime of capital murder does not violate s. 10, Art. I, or s. 9, Art. X of the State Constitution.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing legislative intent; providing an effective date.

WHEREAS, the Legislature finds that the existing method of carrying out a sentence of death in Florida is by electrocution, and

WHEREAS, the Legislature has previously determined that death by electrocution is the preferred method of carrying out the death penalty, and the death penalty should be carried out in a swift and sure manner, and

WHEREAS, the Florida Supreme Court, in Jones v. Butterworth, Case No. 90,231 (October 20, 1997), has held death by electrocution to be a constitutional method of imposing the death penalty in Florida, and

WHEREAS, the Legislature intends to ensure that the lawful punishment of death imposed on persons in this state is carried out, and considers it to be appropriate to provide an alternative method for imposing death only in the event that the United States Supreme Court, the United States Court of Appeals for the Eleventh Circuit, or the Florida Supreme Court declares death by electrocution to be unconstitutional, and

WHEREAS, changing the method of carrying out the death penalty both for those previously sentenced and for those who will be sentenced in the future is merely procedural and does not increase the quantum of punishment imposed upon a defendant and therefore does not violate the prohibition against ex post facto laws under the Constitution of the United States, Malloy v. South Carolina, 237 U.S. 180 (1915), and Ex Parte Kenneth Granviel, 561 S.W.2d 503 (Tex. App. 1978), and

WHEREAS, in the case of Malloy v. South Carolina, 237 U.S. 180 (1915), the United States Supreme Court held that a change in the method of execution does not change the penalty for the crime of murder, but only the method of inducing death, when under such a change some of the odious features incident to the old method are abated by the new method, and

WHEREAS, the Florida Supreme Court has previously declared, in the case of Dobbert v. State, 375 So.2d 1069 (Fla. 1979), affirmed in Dobbert v. Florida, 432 U.S. 282, that changing the practices and procedures of the application of the death penalty statute does not violate the provisions of Article X, Section 9 of the Florida Constitution or the "ex post facto" clauses of the Florida and United States Constitutions, NOW, THEREFORE,

On motion by Senator Burt, further consideration of **CS for HB 3033** with pending **Amendment 1** was deferred.

On motion by Senator Lee, by two-thirds vote **HJR 3505** was withdrawn from the Committees on Criminal Justice; and Rules and Calendar.

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

HJR 3505—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—a companion measure, was substituted for **CS for SJR 964** and by two-thirds vote read the second time by title.

Senator Lee moved the following amendment which was adopted:

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

That the following amendment to Section 17 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1998:

ARTICLE I
DECLARATION OF RIGHTS

SECTION 17. Excessive punishments.—Excessive fines, cruel *and* ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the legislature and is not limited or restrained by this constitution. The prohibition against cruel or unusual punishment and the prohibition against cruel and unusual punishment shall be construed in conformity*

with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. However, any method of execution shall be allowed, unless specifically prohibited by the United States Supreme Court. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which a method of execution is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE I, SECTION 17

CRUEL AND UNUSUAL PUNISHMENT.—Proposing an amendment to the State Constitution to authorize the death penalty; require construction of "cruel or unusual" and "cruel and unusual" punishment to conform to the United States Supreme Court's interpretation of the Eighth Amendment; authorize execution methods not specifically prohibited by the United States Supreme Court; allow the retroactive application of execution methods; prohibit the reduction of a death sentence based on invalidity of the execution method; and provide retroactive applicability.

And the title is amended as follows:

Delete everything before the resolving clause and insert: House Joint Resolution No. ____ A joint resolution proposing an amendment to s. 17, Art. I of the State Constitution, relating to excessive punishment.

On motions by Senator Lee, by two-thirds vote **HJR 3505** as amended was read the third time in full as follows:

HJR 3505—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution, relating to excessive punishment.

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

That the following amendment to Section 17 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1998:

ARTICLE I
DECLARATION OF RIGHTS

SECTION 17. Excessive punishments.—Excessive fines, cruel and unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. The death penalty is an authorized punishment for capital crimes designated by the legislature and is not limited or restrained by this constitution. The prohibition against cruel or unusual punishment and the prohibition against cruel and unusual punishment shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. However, any method of execution shall be allowed, unless specifically prohibited by the United States Supreme Court. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which a method of execution is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE I, SECTION 17

CRUEL AND UNUSUAL PUNISHMENT.—Proposing an amendment to the State Constitution to authorize the death penalty; require construction of "cruel or unusual" and "cruel and unusual" punishment to conform to the United States Supreme Court's interpretation of the Eighth Amendment; authorize execution methods not specifically prohibited by the United States Supreme Court; allow the retroactive application of execution methods; prohibit the reduction of a death sentence based on invalidity of the execution method; and provide retroactive applicability.

—and **HJR 3505** as amended passed by the required constitutional three-fifths vote of the membership and was immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Latvala

On motion by Senator Klein, by two-thirds vote **CS for HB 3053** was withdrawn from the Committee on Criminal Justice.

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

CS for HB 3053—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information of the Department of Corrections, to conform; providing a contingent effective date.

—a companion measure, was substituted for **SB 198** and by two-thirds vote read the second time by title. On motions by Senator Klein, by two-thirds vote **CS for HB 3053** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Latvala

SPECIAL ORDER CALENDAR

On motion by Senator Forman—

SB 4—A bill to be entitled An act relating to the City of Miami Beach; providing for the relief of Juan A. Garcia, Jr., and Juan and Barbara Garcia, as natural parents of Juan A. Garcia, Jr.; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the City of Miami Beach; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 4** was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

SB 8—A bill to be entitled An act for the relief of Heather Roszell, a minor; providing appropriations to compensate her for injuries and damages sustained as a result of the negligence of the State of Florida, Board of Regents and the Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with title amendment)—On page 4, lines 5-15, delete those lines and insert:

Section 2. The Board of Regents is authorized to direct the expenditure from the University of South Florida Self-Insurance Program Accounts in the sum of $1,775,000 payable to Terry Michael Roszell, as father and legal guardian of Heather Roszell, for the benefit of Heather Roszell, a minor, to compensate her for injuries and damages sustained due to the negligence of the University of South Florida.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after "appropriations" insert: and expenditures

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

Amendment 2—On page 4, line 25, delete "July 1, 1998" and insert: upon becoming a law

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

Amendment 3 (with title amendment)—On page 4, lines 5-24, delete those lines and insert:

Section 2. The Board of Regents is authorized to direct the expenditure from the University of South Florida Self-Insurance Program Accounts in the sum of $1,775,000 payable to Terry Michael Roszell, as father and legal guardian of Heather Roszell, to be placed in the Trust created for the benefit of Heather Roszell, a minor, to compensate her for injuries and damages sustained due to the negligence of the University of South Florida.

Section 3. The Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital, is authorized and directed to appropriate from funds of the district not otherwise appropriated and to draw a warrant in the sum of $1,775,000 payable to Terry Michael Roszell, as father and legal guardian of Heather Roszell, to be placed in the Trust created for the benefit of Heather Roszell, a minor, to compensate her for injuries and damages sustained as a result of the negligence of the Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after "appropriations" insert: and expenditures

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

On motion by Senator Crist—

SB 10—A bill to be entitled An act for the relief of the Estate of Alice Berdat, deceased; providing an appropriation to compensate the Estate of Alice Berdat for the death of Alice Berdat due to the negligence of the Department of Corrections; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 10** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 12—A bill to be entitled An act for the relief of Mary Beth Wiggers; providing an appropriation to compensate Mary Beth Wiggers for injuries she sustained due to the negligence of the Department of Corrections; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 12** was placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

SB 16—A bill to be entitled An act relating to the Dade County School Board; providing for the relief of Lazaro Gutierrez; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Dade County School Board; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 4, between lines 6 and 7, insert:

Section 3. Future damages shall be paid out according to terms of an annuity.

(Redesignate subsequent sections.)

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

Amendment 2 (with title amendment)—On page 4, between lines 6 and 7, insert:

Section 3. The governmental entity responsible for payment of the warrant shall make payment to the Florida Agency for Health Care Administration the amount due under section 409.910, Florida Statutes, prior to the disbursement of funds to the claimant, except that the amount due to the agency shall be reduced by the agency's proportionate share of legal costs and attorney's fees. However, the amount due to the Agency for Health Care Administration shall be reduced by no more than 25 percent. The amount due to the agency shall be calculated based on medical payments paid up to the date that this bill becomes law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for payment of Medicaid liens prior to disbursement of the warrant;

Pursuant to Rule 4.19, **SB 16** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

SB 26—A bill to be entitled An act providing for the relief of Adela Azcuy, for injuries suffered as a result of the negligence of Dade County; providing for an appropriation; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, lines 4 and 5, delete those lines and insert: of $144,000 in case number 94-08893 CA 13, in favor of

Pursuant to Rule 4.19, **SB 26** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

SB 30—A bill to be entitled An act relating to Collier County; providing for the relief of Franklin David Messick as Personal Representative of the Estate of Arthur D. Messick; providing for an appropriation to compensate him for the wrongful death of his son, Arthur D. Messick, which occurred as a result of the negligence of Collier County; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with title amendment)—On page 2, line 16, delete "$201,639.55" and insert: $101,639.55

And the title is amended as follows:

On page 2, lines 6 and 7, delete those lines and insert: WHEREAS, the unpaid balance of the claim against Collier County is $101,639.55, NOW, THEREFORE,

Pursuant to Rule 4.19, **SB 30** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CONSIDERATION OF BILLS ON THIRD READING

The Senate resumed consideration of—

CS for HB 3033—A bill to be entitled An act relating to execution of the death sentence; creating s. 922.105, F.S.; providing for execution of the death sentence by means of lethal injection if electrocution is declared invalid by any one of specified courts, unless overruled; providing that a person authorized by state law to prescribe medication, when designated by the Department of Corrections, may prescribe the drugs necessary to compound a lethal injection; providing that a person authorized by state law to prepare, compound, or dispense medication, when designated by the Department of Corrections, may prepare, compound, or dispense the lethal injection; providing that the prescription, preparation, compounding, dispensing, or administration of a lethal injection does not constitute practicing medicine, nursing, or pharmacy; providing for execution of the death sentence by other means not declared unconstitutional by the United States Supreme Court, if lethal injection is declared invalid; providing for determination and supervision of execution procedure by the Secretary of Corrections or the secretary's designee, under specified circumstances when execution by means of electrocution or lethal injection has been declared invalid; providing an exemption from ch. 120, F.S., for the policies and procedures of the Department of Corrections for execution; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; prohibiting health care provider or employee of the Department of Corrections from being required to assist in an execution contrary to the person's moral or ethical beliefs; amending s. 775.082, F.S., relating to penalties and mandatory minimum sentences for certain reoffenders previously released from prison; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; amending s. 790.161, F.S., relating to the offense of making, possessing, throwing, projecting, placing, or discharging a destructive device, or attempt so to do, and penalties; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; providing an effective date.

—with pending **Amendment 1** by Senator Burt.

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

Amendment 1A—On page 1, lines 21-25, delete those lines and insert: electrocution. *If electrocution is held to be unconstitutional by the United States Supreme Court or if the United States Supreme Court declines to review any such judgment made by the Florida Supreme Court or the United States Court of Appeals that has jurisdiction over Florida, all persons sentenced to death for a capital crime shall be executed by lethal injection.* The *superintendent*

Amendment 1 as amended was adopted.

On motions by Senator Burt, by two-thirds vote **CS for HB 3033** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, McKay, Thomas

SPECIAL ORDER CALENDAR, continued

On motion by Senator Silver—

SB 32—A bill to be entitled An act providing for the relief of Kathryn Malloy, formerly known as Kathryn Sperdute; providing for an appropriation to reimburse her for injuries suffered in an accident that was caused by the negligence of an employee of the Palm Beach County School Board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 32** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

SB 36—A bill to be entitled An act providing for the relief of Carrie A. Wilson; providing an appropriation to reimburse Carrie A. Wilson, a minor, and her mother, Barbara Britt, for injuries sustained by Carrie A. Wilson as a result of the negligence of the Duval County School Board; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Horne and adopted:

Amendment 1—On page 1, line 27, delete "682" and insert: 6A-2

The Committee on Education recommended the following amendment which was moved by Senator Horne:

Amendment 2—On page 3, lines 18-23, delete those lines and insert:

Section 2. The Duval County School Board is authorized and directed to appropriate and to pay Carrie A. Wilson the amount of $1,759,157 reduced by $200,000 already paid by the School Board to compensate her for injuries sustained by Carrie A. Wilson due to the negligence of the School Board. The balance of $1,559,157 shall be paid in three equal annual installments commencing 30 days after enactment.

The Committee on Ways and Means recommended the following amendment to **Amendment 2** which was moved by Senator Horne and adopted:

Amendment 2A—On page 1, lines 19-25, delete those lines and insert:

Section 2. The Duval County School Board is authorized and directed to appropriate and to pay Carrie A. Wilson the amount of $1,350,000, reduced by $200,000 already paid by the School Board to compensate her for injuries sustained by Carrie A. Wilson due to the negligence of the School Board. The balance of $1,150,000 shall be paid in four equal annual installments commencing 30 days after enactment.

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **SB 36** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

SB 38—A bill to be entitled An act relating to the City of Tallahassee and the Leon County School Board; providing for the relief of Dena Sheryl Steels; providing for an appropriation by the City of Tallahassee and the Leon County School Board to compensate her for the wrongful death of Kenneth Michael Pyles, her son, resulting from the negligence of the City of Tallahassee and the Leon County School Board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 38** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

SB 42—A bill to be entitled An act relating to the Department of Health; providing an appropriation for the relief of Vernelle Lowder, to compensate her for damages she sustained due to the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 1—On page 2, lines 8 and 9, delete those lines and insert: warrant in favor of Vernelle Lowder in the amount of $250,000 plus interest in the amount of 12 percent per annum, $180,000 of which will be placed in a structured payment annuity, out of

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

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

Section 4. The governmental entity responsible for payment of the warrant shall make payment to the Florida Agency for Health Care Administration as complete payment and satisfaction of any and all Medicaid liens for past benefits provided, prior to the disbursement of funds to the claimant. The lien amount shall be calculated up to the date that this bill becomes law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for payment of Medicaid liens prior to disbursement of the warrant;

Pursuant to Rule 4.19, **SB 42** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

SB 44—A bill to be entitled An act relating to Manatee County; providing for the relief of Frank H. Holliday; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Manatee County Sheriff's Department; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 44** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **SB 52** and announcements.

On motion by Senator Grant—

SB 52—A bill to be entitled An act relating to the City of Tampa; providing for the relief of Jemal Kurein, by and through his wife and natural guardian, Semira Kurein, and for Semira Kurein, individually, and for Remzu Kurein and Nima Kurein, minor children of Jemal Kurein and Semira Kurein, by and through their mother, Semira Kurein; providing for an appropriation to compensate them for injuries and damages sustained by Jemal Kurein as a result of the negligence of the City of Tampa; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 4, delete line 25 and insert: *appropriated and to draw a warrant in the sum of $739,904*

The Committee on Ways and Means recommended the following amendment to **Amendment 1** which was moved by Senator Grant and failed:

Amendment 1A—On page 1, line 18, delete "*$739,904*" and insert: *$290,930.30*

The question recurred on **Amendment 1** which failed.

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

Amendment 2 (with title amendment)—On page 5, between lines 2 and 3, insert:

Section 3. The governmental entity responsible for payment of the warrant shall make payment to the Florida Agency for Health Care Administration the amount due under section 409.910, Florida Statutes, prior to the disbursement of funds to the claimant, except that the amount due shall be reduced by the agency's proportionate share of legal costs and attorney's fees. However, the amount due to the Agency for Health Care Administration shall be reduced by no more than 25 percent. The amount due to the agency shall be calculated based on medical payments paid up to the date that this bill becomes law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: providing for payment of Medicaid liens prior to disbursement of the warrant;

Pursuant to Rule 4.19, **SB 52** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, March 9, 1998: SB 4, SB 8, SB 10, SB 12, SB 16, SB 26, SB 30, SB 32, SB 36, SB 38, SB 42, SB 44, SB 52, SB 54, SB 70, CS for SB 2, SB 6, SB 14, SB 18, SB 20, SB 22, SB 34, SB 40, SB 56, SB 66, SJR 1234

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

The Committee on Judiciary recommends the following pass: SB 264 with 1 amendment

The bill was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Natural Resources recommends the following pass: SB 814 with 2 amendments

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

The Committee on Regulated Industries recommends the following pass: SB 1220

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

The Committee on Natural Resources recommends the following pass: SB 516 with 1 amendment

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

The Committee on Natural Resources recommends the following pass: SJR 542

The Committee on Regulated Industries recommends the following pass: SB 1370

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

The Committee on Judiciary recommends the following pass: SB 548

The Committee on Regulated Industries recommends the following pass: SB 370, SB 836

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

The Committee on Natural Resources recommends committee substitutes for the following: SB 812, SB 1202, SB 1204

The Committee on Regulated Industries recommends a committee substitute for the following: SB 720

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 742

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

The Committee on Agriculture recommends a committee substitute for the following: SB 1046

The Committee on Judiciary recommends a committee substitute for the following: SB 272

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 518

The Committee on Regulated Industries recommends a committee substitute for the following: SB 626

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

The Committee on Education recommends committee substitutes for the following: SB 706, SB 954

The Committee on Health Care recommends a committee substitute for the following: SB 294

The Committee on Regulated Industries recommends a committee substitute for the following: SB 880

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

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1144

The Committee on Health Care recommends committee substitutes for the following: SB 260, SB 776

The Committee on Regulated Industries recommends committee substitutes for the following: SB 482, SB 1052, SB 1054, SB 1164, SB 1452

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Dudley—

SJR 1580—A joint resolution proposing the creation of Section 18 of Article X of the State Constitution to specify the duties of boards of trustees or fiduciaries of retirement systems and plans for public employees.

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

By Senators Kurth and Grant—

SB 1582—A bill to be entitled An act relating to weapons and firearms; creating s. 790.233, F.S.; prohibiting a person who has been issued a currently effective final injunction against committing acts of domestic violence from possessing any firearm or ammunition; providing penalties; providing an exception for law enforcement officers; amending s. 741.30, F.S.; requiring that a final injunction for protection against domestic violence indicate that possessing any firearm or ammunition is prohibited; amending s. 741.31, F.S.; providing that it is a first degree misdemeanor to violate a final injunction by possessing a firearm or ammunition; providing an exception for law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant under certain circumstances when there is probable cause to believe that the person has committed a crime in violation of specified provisions prohibiting possession of firearm or ammunition by person restrained by final injunction from committing acts of domestic violence; amending s. 790.06, F.S., relating to issuance by the Department of State of license to carry a concealed weapon or firearm; revising qualifications for such license to include restrictions that the applicant has not had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence within a specified period and is not enjoined from committing acts of domestic violence or repeat

violence; requiring denial or revocation of such license under specified circumstances; requiring that the department suspend such license, or the processing of the license application, if the licensee or applicant is issued an injunction against committing acts of domestic violence or acts of repeat violence; amending s. 790.065, F.S.; removing obsolete provisions; requiring that the Department of Law Enforcement determine if a potential buyer or transferee of a firearm has been convicted of a misdemeanor crime of domestic violence or had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence; providing an effective date.

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

By Senator Campbell—

SB 1584—A bill to be entitled An act relating to medicaid health maintenance organizations; creating s. 409.91221, F.S.; prescribing time for paying claims for services or goods by a provider; providing procedures for denying or contesting a claim; providing time limitations; providing notice; providing method for making payments, denying or contesting a claim, providing notice; providing interest on overdue payment of claim; providing for a waiver of a medicaid health maintenance organization's rights under a provider contract and consequences for failure of an organization to comply with the provisions of the act; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Meadows—

SB 1586—A bill to be entitled An act relating to juvenile justice; amending s. 121.021, F.S.; redefining the term "special risk member" of the Florida Retirement System to include certain juvenile justice direct care workers; amending s. 121.0515, F.S.; extending membership in the Special Risk Class of the Florida Retirement System to juvenile justice direct care workers; amending s. 985.406, F.S.; prescribing minimum qualifications for Department of Juvenile Justice direct care staff and providers; providing an effective date.

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

By Senator Dudley—

SJR 1588—A joint resolution proposing an amendment to Section 10 of Article V of the State Constitution to allow a candidate for judicial office to take a public position on issues.

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

By Senator Holzendorf—

SB 1590—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S.; exempting property used as a travel center/truck stop facility from the tax on the rental or lease of, or grant of a license to use, real property; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Klein—

SJR 1592—A joint resolution proposing an amendment to Section 4 of Article IX of the State Constitution relating to school districts.

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

By Senator Klein—

SB 1594—A bill to be entitled An act relating to telephonic solicitations; amending s. 501.059, F.S.; providing legislative intent; revising provisions relating to telephonic solicitations; revising definitions; revising procedures for limiting or prohibiting telephonic solicitations; revising certain fees; providing for notification of candidates for public office; revising requirements regulating telephonic solicitations; providing for legislative review of certain fees; providing an effective date.

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

By Senator Rossin—

SB 1596—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term "water control district" and revising the definition of the term "water control plan"; amending s. 298.11, F.S.; providing for landowner vote of fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; providing clarification of when districts may assess and collect fees for connection to district works; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer's annual report; amending s. 298.301, F.S.; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross-reference; amending s. 298.337, F.S.; providing for the assessment of land less than an acre; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; amending s. 298.76, F.S.; providing authority for special laws relating to public infrastructure for agricultural or urban development if approved by a three-fifths vote of the membership of the Legislature; providing an effective date.

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

By Senator Gutman—

SJR 1598—A joint resolution proposing amendments to Sections 1, 2, and 3 of Article V of the State Constitution relating to the judicial branch of government.

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

By Senator Cowin—

SB 1600—A bill to be entitled An act relating to water and wastewater utilities; amending s. 125.01, F.S.; providing for county governing bodies to approve or disapprove changes in water and wastewater utility rates; amending s. 367.081, F.S.; requiring the Florida Public Service Commission to notify the county governing body of certain proposed changes in water and wastewater utility rates; providing that such changes may not be implemented without approval of the county governing body; amending s. 367.011, F.S.; removing exclusive authority of the commission with respect to water and wastewater utility rates; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

By Senator Grant—

SB 1602—A bill to be entitled An act relating to water and wastewater utility systems; amending ss. 125.3401, 153.90, 153.91, 153.92, 153.93,

153.94, 180.301, 189.423, 190.0125, F.S.; authorizing counties, municipalities, special districts, community development districts to enter into water facility privatization contracts; providing legislative findings and declaration; providing definitions; providing responsibility of such entities to set user fees; providing requirements and conditions for such contracts; exempting such contracts from the requirements of ch. 287, F.S.; amending s. 367.022, F.S.; exempting facilities operated under a privatization contract from regulation by the Public Service Commission; reenacting s. 367.171(8), F.S.; relating to county regulation of utility rates, to incorporate the amendment to s. 367.022, F.S., in a reference; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

By Senator Harris—

SB 1604—A bill to be entitled An act relating to county clerks; creating the "County Clerks Public Records Access Act"; requiring the clerks to publish certain public records and public information on the internet; providing for security; providing a declaration of an important state interest; providing an effective date.

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

By Senator Harris—

SB 1606—A bill to be entitled An act relating to statute of limitations; amending s. 95.051, F.S.; providing that the fraudulent concealment of the identity of the person to be sued tolls the statute; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Harris—

SB 1608—A bill to be entitled An act relating to credits against taxes; amending s. 220.02, F.S.; providing the order of credits against the corporate income tax or franchise tax; amending s. 220.03, F.S.; amending the definition of the term "child care facility startup costs" and defining the term "operation of a child care facility"; amending s. 220.12, F.S.; revising the definition of a taxpayer's net income for corporate income tax purposes to delete the deduction of child care facility startup costs; creating s. 220.19, F.S.; authorizing a credit against the corporate income tax for child care facility startup costs and operation, and for payment of an employee's child care costs; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Children and Family Services; providing for future expiration; defining the term "corporation"; creating s. 624.5107, F.S.; authorizing a credit against insurance premium taxes for child care facility startup costs and operation and for payment of an employee's child care costs; providing definitions; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Children and Family Services; providing for future expiration; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Harris—

SJR 1610—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to recording of instruments.

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

By Senator Harris—

SB 1612—A bill to be entitled An act relating to the "Florida Entertainment Industry Growth Act"; creating s. 288.125, F.S.; providing a short title; creating s. 288.1251, F.S.; providing definitions; creating s. 288.1252, F.S.; creating the Entertainment Florida Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and duties of the council; renumbering and amending s. 288.12285, F.S.; correcting a reference; creating s. 288.1254, F.S.; creating the Office of Entertainment Industry Commissioner; providing procedure for appointment of the Entertainment Industry Commissioner; providing powers and duties of the office; creating s. 288.1255, F.S.; requiring the Office of Tourism, Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Office of the Entertainment Industry Commissioner; requiring approval of such rules by the Comptroller; requiring an annual report; authorizing the solicitation, acceptance, and use of specified goods and services by employees and representatives of the Office of the Entertainment Industry Commissioner; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; creating s. 288.1256, F.S.; creating the Florida Entertainment Industry Incentive Grant Program; providing purpose of the program; providing for the development of grant criteria; providing for the administration and distribution of grant funds; requiring specified documentation prior to the release of funds; renumbering and amending s. 288.055, F.S.; redesignating the Florida Film and Television Investment Trust Fund as the Florida Entertainment Industry Incentive Grant Program Trust Fund; providing for use of the trust fund; requiring the maintenance of a specified trust fund balance; specifying funds from which initial grants may be awarded; specifying sources from which the trust fund may receive moneys; creating s. 288.1258, F.S.; authorizing application for approval by the Office of the Entertainment Industry as a qualified production company for purposes of receiving sales tax exemptions and refunds; providing application procedure; providing for denial and revocation of a certificate of exemption; providing a penalty for falsification or unauthorized use of an application for certificate of exemption; providing categories of qualification for certificate of exemption; providing for renewal of a certificate of exemption; providing for duties of the Department of Revenue with respect to sales tax exemption to qualified production companies; creating the Florida Entertainment Industry Model Permitting Task Force; providing purpose of the task force; providing for appointment of members to the task force; amending s. 14.2015, revising purposes of the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; amending s. 212.031, F.S., relating to the lease or rental of or license in real property; revising language with respect to property used as an integral part of the performance of qualified production services; amending s. 212.06, F.S., relating to the tax on sales, use, and other transactions; revising language with respect to the exemption for fabrication labor used in the production of a qualified motion picture; amending s. 212.0602, F.S., which exempts the purchase or lease of materials, equipment, and other items by specified educational entities, institutions, or organizations from the sales and use tax under certain limited circumstances; expanding the exemption to include real or personal property and support operations of such educational institutions; conforming references; amending s. 212.08, F.S.; revising the partial exemption from the tax on sales, use, and other transactions for master tapes, records, films, or video tapes to include entertainment industry production services and equipment within the exemption; specifying the rate of the exemption; providing a limitation on refunds; providing procedure for obtaining refunds; revising the term "amounts paid for the tangible elements"; clarifying definitions; providing definitions; requiring the Office of Entertainment Industry Commissioner to keep specified records; requiring an annual report to the Legislature; repealing s. 212.08(12), F.S., on October 1, 2008; providing for review by the Legislature prior to repeal; amending s. 212.20, F.S., relating to the distribution of proceeds from the tax on sales, use, and other transactions; providing for the transfer of specified tax proceeds to the Entertainment Industry Grant Program Trust Fund; amending s. 213.053, F.S., relating to confidentiality and information sharing by the Department of Revenue; providing for the sharing of specified information; amending ss. 212.0602, 288.108, 288.90152, F.S.; conforming cross-references; repealing s. 212.08(5)(f), F.S.; repealing the exemption from the tax on sales use and other transactions for specified motion picture or video equipment, and specified sound recording equipment, effective January 1, 1999; repealing s. 288.051, F.S., which provides a short title; repealing s. 288.052, F.S.,

relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the administration and powers of the Florida Film and Television Investment Board; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., which requires an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; repealing s. 288.12285, F.S., relating to confidentiality of identities of donors to the direct-support organization; providing effective dates.

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

By Senator Harris—

SB 1614—A bill to be entitled An act relating to public records; amending s. 288.1254, F.S.; providing an exemption from public records requirements for records of the Office of Entertainment Industry Commissioner relating to specified information with respect to the business activities of private persons, partnerships, or corporations in the entertainment industry, when such confidentiality is requested; providing a penalty for violation of the act; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

By Senator Dudley—

SB 1616—A bill to be entitled An act relating to memory disorder clinics; amending s. 430.502, F.S.; creating a clinic at Lee Memorial Hospital; providing an effective date.

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

By Senator Grant—

SB 1618—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.08058, F.S.; providing for a generic collegiate specialty license plate for independent universities and community colleges in the state; providing for an individual decal representing the specific independent university or community college; reducing the number of signatures required to be obtained for the issuance of such specialty plates; providing an effective date.

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

By Senator Williams—

SB 1620—A bill to be entitled An act relating to consumer protection; amending s. 216.053, F.S.; authorizing the Department of Revenue to provide certain information to the Division of Consumer Services of the Department of Agriculture and Consumer Services; amending s. 496.404, F.S.; modifying the definition of "parent organization" for purposes of the charitable solicitation law; amending s. 496.405, F.S.; providing a registration fee for certain charitable organizations; amending s. 496.406, F.S.; deleting an exemption from the registration requirements for charitable organizations; amending s. 501.143, F.S.; deleting a specified date for the registration of ballroom dance studios; amending s. 501.607, F.S.; modifying the information to be included on an application for licensure as a salesperson under the Florida Telemarketing Act; amending s. 539.001, F.S.; prescribing an annual renewal for pawnbroker's licenses; providing a license fee of a specific amount; requiring applicants to pay the cost of fingerprinting analysis; prescribing additional information that must accompany an application; requiring an applicant to provide notice of changes in information required in the application; providing for suspension, revocation, or surrender of a license if the licensee fails to meet the eligibility requirements; prohibiting a licensee, or its agent or employee, from employing felons and other specified criminals; amending s. 559.725, F.S.; prescribing duties of the Department of Agriculture and Consumer Complaints relating to consumer complaints; amending s. 559.805, F.S.; prescribing responsibilities of business opportunity sellers; amending s. 559.904, F.S.; providing for payment of a late fee by motor vehicle repair shops that fail to timely renew their registrations; providing an effective date.

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

By Senator Brown-Waite—

SB 1622—A bill to be entitled An act expressing legislative intent to revise the laws relating to water resource development and supply in Hillsborough, Pasco, and Pinellas counties.

—was referred to the Committee on Natural Resources.

By Senator Dudley—

SB 1624—A bill to be entitled An act relating to condominiums; amending s. 718.111, F.S.; providing for the regulation of resort condominiums; amending s. 718.112, F.S.; revising criteria for a unit owner to become a candidate for the board of administration; amending s. 718.116, F.S.; providing for the assessment of uninsured common expenses under certain circumstances; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Harris—

SB 1626—A bill to be entitled An act relating to rulemaking authority of the Department of Labor (RAB); expressing the legislative intent to revise the rulemaking authority of the Department of Labor.

—was referred to the Committee on Commerce and Economic Opportunities.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Care—

CS for SB 260—A bill to be entitled An act relating to confidentiality of records; providing definitions; providing for the confidentiality of health, health insurance, medical, and patient records and for data or information pertaining to individuals contained in such records; providing exceptions; amending s. 455.677, F.S., relating to disposition of certain medical records held by practitioners; requiring rules to provide for specific methods of disposal following expiration of the mandatory retention period; providing for alternatives for electronic records; providing an effective date.

By the Committee on Judiciary and Senator Grant—

CS for SB 272—A bill to be entitled An act relating to government; creating the "Citizen Participation in Government Act" and providing for its purposes; providing procedures for the judiciary in responding to lawsuits relating to the constitutional right to petition the government for redress of grievances; defining terms; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite and Forman—

CS for SB 294—A bill to be entitled An act relating to home medical equipment providers; creating part IX of chapter 400, F.S.; providing for regulation of home medical equipment providers by the Agency for Health Care Administration; providing legislative intent; providing definitions; providing for licensure and exemptions; providing unlawful acts; providing penalties; providing for license applications; providing for fees; providing for background screening; providing for provisional licenses and temporary permits; providing for administrative penalties; providing for injunctions, emergency orders, and moratoriums; providing for licensure inspections and investigations; providing minimum standards; providing for agency rules; providing for patient records; providing for notice of toll-free telephone number for the central abuse registry; providing for background screening of home medical equipment provider personnel; providing penalties; providing screening procedures; providing for agency injunctions; prohibiting patient referrals and rebates; providing for application of the act to existing providers; providing an appropriation; providing an effective date.

By the Committee on Regulated Industries and Senator Rossin—

CS for SB 482—A bill to be entitled An act relating to educational facilities; amending s. 235.31, F.S.; requiring boards to prequalify bidders for construction contracts according to Commissioner of Education rule; requiring certification or licensure of bidders or contractors; amending s. 489.125, F.S.; conforming language relating to construction contractors; repealing s. 489.527, F.S., relating to electrical and alarm system contractors, to conform; repealing section 633.551(5), F.S., relating to fire protection system contractors, to conform; providing an effective date.

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

CS for SB 518—A bill to be entitled An act relating to mergers of business entities or corporations; amending s. 607.0730, F.S.; removing 10-year limit on voting trusts; creating holding company formation by merger by certain corporations; amending s. 608.407, F.S.; reducing minimum number of members necessary to form a limited liability company; creating ss. 607.1108, 607.1109, 607.11101, F.S.; providing for mergers of domestic corporations and other business entities under certain circumstances; requiring a plan of merger; providing criteria; providing for articles of merger; providing for effect of merger; creating ss. 608.438, 608.4381, 608.4382, 608.4383, 608.4384, F.S.; providing for mergers of limited liability companies under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting members; providing procedures; creating ss. 620.201, 620.202, 620.203, 620.204, 620.205, F.S.; providing for mergers of domestic limited partnerships under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting partners; providing procedures; providing an effective date.

By the Committee on Regulated Industries and Senators Silver and Dyer—

CS for SB 626—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising provisions with respect to the scope of the chapter; providing for certain rules; amending s. 721.05, F.S.; defining the term "regulated short-term product"; amending s. 721.06, F.S.; revising provisions with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; providing a time period for amendments that add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting provisions with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.11, F.S.; requiring that advertisements of regulated short-term products be filed with the division; requiring disclosure statements for purchase agreements; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; amending s. 721.265, F.S.; providing service of process in receivership proceedings; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative purpose; providing definitions; providing for a registered agent; providing for the consolidation of foreclosure actions; creating part IV of ch. 721, F.S.; creating timeshare commissioners of deeds; providing an effective date.

By the Committee on Education and Senator Sullivan—

CS for SB 706—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising provisions relating to high school graduation credit requirements; providing for early graduation; amending s. 236.081, F.S., relating to funds for operation of schools; providing for calculation of full-time-equivalent student membership for students who graduate early; providing an effective date.

By the Committee on Regulated Industries and Senators Hargrett and Holzendorf—

CS for SB 720—A bill to be entitled An act relating to the Beverage Law; amending s. 562.45, F.S.; providing restrictions on locations for on-premises consumption of alcoholic beverages; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Clary and Diaz-Balart—

CS for SB 742—A bill to be entitled An act relating to sponsored research and development; amending s. 220.15, F.S.; providing that certain property and payroll associated with sponsored research and development at a state university will be disregarded in calculating apportionment of adjusted federal income and that such research will not, alone, cause a corporation to incur state income tax liability; authorizing the Department of Revenue to adopt rules; requiring a report; providing an effective date.

By the Committee on Health Care and Senator Clary—

CS for SB 776—A bill to be entitled An act relating to physician assistants; amending ss. 39.01, 154.04, 232.465, 395.0191, 458.347, 459.022, 627.351, 627.357, 766.105, 766.1115, 984.03, 985.03, F.S.; providing for licensure of physician assistants rather than certification; prescribing qualifications for licensure and revising provisions governing examinations; conforming statutory provisions; providing an effective date.

By the Committee on Natural Resources and Senators Dyer, Latvala, Williams, Brown-Waite, Diaz-Balart and Forman—

CS for SB 812—A bill to be entitled An act relating to clean air; creating ss. 252.934, 252.935, 252.936, 252.937, 252.938, 252.939, 252.940, 252.941, 252.942, 252.944, 252.945, 252.946, F.S.; providing for

the Florida Accidental Release Prevention and Risk Management Planning Act; providing a short title and purpose; defining terms; directing the Department of Community Affairs to seek delegation from the U.S. Environmental Protection Agency to implement the Accidental Release Prevention Program under the federal Clean Air Act or specified sources; providing for funding and fees; providing enforcement authority; providing penalties; authorizing the department to conduct inspections and audits; providing for tort liability; providing for a start-up loan; providing procedures for the release of information; amending s. 252.85, F.S.; deleting certain standard industrial classification codes from certain annual reporting requirements; allowing the Department of Community Affairs to consider certain factors in assessing late fees; providing an effective date.

By the Committee on Regulated Industries and Senator Clary—

CS for SB 880—A bill to be entitled An act relating to barbering and cosmetology; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; repealing s. 476.134, F.S., relating to time, place, and subjects of examination; amending s. 476.144, F.S.; revising requirements for licensure to practice barbering; amending s. 477.013, F.S.; redefining the term "hair braiding"; defining the terms "hair wrapping" and "photography studio salon"; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty salon; providing the circumstances for practicing as a hair wrapper or hair braider pending receipt of registration; amending s. 477.0135, F.S.; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure by examination; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; amending s. 477.0201, F.S.; providing circumstances for practicing as a specialist pending receipt of registration; repealing s. 477.022, F.S., relating to examinations; amending s. 477.025, F.S.; authorizing the board to adopt rules for mobile cosmetology salons; amending s. 477.026, F.S.; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 954—A bill to be entitled An act relating to community colleges; amending s. 240.353, F.S.; revising standards for calculating instruction units in community colleges; providing a conditional effective date.

By the Committee on Agriculture and Senator Bronson—

CS for SB 1046—A bill to be entitled An act relating to rulemaking authority with respect to the regulation of the citrus industry; creating s. 601.9918, F.S.; authorizing the Florida Citrus Commission to refer to national or state requirements in rules relating to issuance and use of symbols, certification marks, service marks, and trademarks; amending s. 601.10, F.S.; authorizing the Department of Citrus to adopt a rule listing forms to be used in conducting its business; providing an effective date.

By the Committee on Regulated Industries and Senator Lee—

CS for SB 1052—A bill to be entitled An act relating to rulemaking authority of the Florida Public Service Commission (RAB); authorizing the Florida Public Service Commission to adopt rules relating to purchasing, to ensuring adequate ownership or continued use of real property upon which water and wastewater treatment facilities are located, and to notification when a water and wastewater utility changes its name; providing an effective date.

By the Committee on Regulated Industries and Senator Dudley—

CS for SB 1054—A bill to be entitled An act relating to rulemaking authority of the Department of Business and Professional Regulation (RAB); amending s. 718.104, F.S.; requiring notification; amending s. 718.112, F.S.; providing requirements relating to association meetings; amending s. 718.117, F.S.; requiring notification; amending s. 718.301, F.S.; providing rulemaking authority for requirements relating to the transition of a condominium; amending s. 718.403, F.S.; requiring filing of recording information; amending s. 718.502, F.S.; providing certain requirements prior to the closure on any contract for sale or lease of over 5 years; providing rulemaking authority for requirements relating to filing and review programs and timetables; amending s. 718.503, F.S.; providing requirements relating to the closure of a transaction for the purchase of a condominium unit; creating s. 718.621, F.S.; providing rulemaking authority for requirements relating to condominium conversion; providing an effective date.

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

CS for SB 1144—A bill to be entitled An act relating to the rulemaking authority of the Department of Management Services and other agencies (RAB); creating s. 110.224, F.S.; requiring a review and performance planning system; requiring the department to adopt rules to implement a review and performance planning system to assess employee performance; amending s. 110.1095, F.S.; directing the department to provide technical assistance; requiring annual review of state training programs; requiring agencies to develop and implement training programs; directing the department to adopt rules for training programs; amending s. 110.207, F.S.; prohibiting positions from being filled before they have been classified; amending s. 110.227, F.S.; directing the department to adopt a grievance procedure for career service employees; requiring a grievance process to be available for career service employees; defining the term "grievance"; authorizing the adoption of rules for the grievance process; amending s. 216.262, F.S.; providing rulemaking authority; detailing use and value of perquisites; amending s. 946.515, F.S.; making a determination not to use corporation products or services; providing an effective date.

By the Committee on Regulated Industries and Senator Clary—

CS for SB 1164—A bill to be entitled An act relating to rulemaking authority with respect to professional regulation (RAB); amending s. 475.17, F.S.; authorizing the Florida Real Estate Commission to adopt rules requiring written evidence to establish good character; amending s. 475.25, F.S.; authorizing the Florida Real Estate Commission to adopt rules concerning the advertising of property or services and extending certain time limits for licensees on probation; amending s. 489.115, F.S.; providing for the adoption of rules relating to continuing education requirements by the Construction Industry Licensing Board; amending s. 489.1195, F.S.; authorizing the Construction Industry Licensing Board to adopt rules defining the qualifications for financially responsible officers; amending s. 492.105, F.S.; authorizing the Board of Professional Geologists to determine acceptable geology education; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1202—A bill to be entitled An act relating to brownfields redevelopment; amending s. 376.77, F.S.; correcting a cross-reference; amending s. 376.79, F.S.; redefining terms and defining the term "secretary"; amending s. 376.80, F.S.; providing that closed military bases may be designated as brownfield areas; clarifying the job-creation criteria for the designation of a brownfield site; clarifying certain terms; amending s. 376.81, F.S.; deleting a duplicative provision relating to the issuance of no-further-action orders; amending s. 376.82, F.S.; providing clarification regarding the eligibility of certain brownfield sites; clarifying the provisions relating to the job creation eligibility criteria; providing liability protection for properties acquired by local or state governments under certain conditions; amending s. 376.83, F.S.; correcting a cross-reference; amending s. 288.106, F.S.; providing that the wage requirement criteria may be waived for a designated brownfield area; requiring the Director of the Office of Tourism, Trade, and Economic Development to approve certain wage requirement waiver requests; amending s. 288.107, F.S.; defining the terms "brownfield area" and "brownfield site"; providing legislative intent regarding the inefficient use of public facilities and services in brownfield areas; creating the Brownfield Areas Loan Guarantee Program; creating the Brownfield Areas Loan Guarantee Council; providing duties and membership; providing that not more than $5 million of the investment earnings on the investment of the minimum balance of the Nonmandatory Land Reclamation Trust Fund in a fiscal year shall be at risk at any time on one or more loan guarantees, or as loan loss reserves; requiring lenders seeking loan guarantees from the council to follow certain specified procedures; limiting the circumstances under which a lender may file a claim for a loss pursuant to the guaranty; providing the council with certain rulemaking authority; authorizing the council to receive certain funds; requiring the council to file an annual report to the Legislature; providing for future legislative review; amending s. 288.9602, F.S.; providing for the redevelopment of brownfield areas to be included in the declaration of findings regarding economic development; amending s. 288.9605, F.S.; expanding the powers and duties of the Florida Development Finance Corporation to authorize the corporation to make determinations regarding participation in certain partnerships and agreements concerning the redevelopment of brownfield areas and the guaranty of revenue bonds, loan guarantees, or loan loss reserves; requiring the Board of Regents to establish a Center for Brownfield Rehabilitation Assistance in the Environmental Sciences and Policy Program in the College of Arts and Sciences at the University of South Florida; specifying the purpose and duties of the center; amending s. 163.3187, F.S.; providing that local government comprehensive plan amendments directly related to proposed redevelopment of designated brownfield areas may be approved without regard to certain statutory limits on the frequency of amendments to the local comprehensive plan; providing legislative findings and intent regarding lienholders on brownfield property; providing that certain counties and municipalities may apply for designation of an enterprise zone encompassing a brownfield pilot project under certain circumstances; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1204—A bill to be entitled An act relating to brownfield redevelopment; creating the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund to be administered by the Office of Tourism, Trade, and Economic Development; authorizing the office to make loans for brownfield site rehabilitation; specifying loan terms and interest rates; providing rulemaking authority; providing a contingent effective date.

By the Committee on Regulated Industries and Senator Dudley—

CS for SB 1452—A bill to be entitled An act relating to condominiums and cooperative property; amending ss. 718.103, 719.103, F.S.; defining the term "buyer"; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 3033, CS for HB 3053; has passed by the required Constitutional three-fifths vote of the membership HJR 3505 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Crime and Punishment; and Representative Stafford and others—

CS for HB 3033—A bill to be entitled An act relating to execution of the death sentence; creating s. 922.105, F.S.; providing for execution of the death sentence by means of lethal injection if electrocution is declared invalid by any one of specified courts, unless overruled; providing that a person authorized by state law to prescribe medication, when designated by the Department of Corrections, may prescribe the drugs necessary to compound a lethal injection; providing that a person authorized by state law to prepare, compound, or dispense medication, when designated by the Department of Corrections, may prepare, compound, or dispense the lethal injection; providing that the prescription, preparation, compounding, dispensing, or administration of a lethal injection does not constitute practicing medicine, nursing, or pharmacy; providing for execution of the death sentence by other means not declared unconstitutional by the United States Supreme Court, if lethal injection is declared invalid; providing for determination and supervision of execution procedure by the Secretary of Corrections or the secretary's designee, under specified circumstances when execution by means of electrocution or lethal injection has been declared invalid; providing an exemption from ch. 120, F.S., for the policies and procedures of the Department of Corrections for execution; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; prohibiting health care provider or employee of the Department of Corrections from being required to assist in an execution contrary to the person's moral or ethical beliefs; amending s. 775.082, F.S., relating to penalties and mandatory minimum sentences for certain reoffenders previously released from prison; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; amending s. 790.161, F.S., relating to the offense of making, possessing, throwing, projecting, placing, or discharging a destructive device, or attempt so to do, and penalties; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Crime and Punishment; and Representative Stafford and others—

CS for HB 3053—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information of the Department of Corrections, to conform; providing a contingent effective date.

—was referred to the Committee on Criminal Justice.

By Representative Crist and others—

HJR 3505—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—was referred to the Committees on Criminal Justice; and Rules and Calendar.

SELECT COMMITTEE APPOINTED

The President announced the appointment of Senator Kirkpatrick, Chairman; Senators Bronson, Clary, Gutman, Hargrett, Harris, Holzendorf and McKay to the Select Committee on WAGES Targeted Economic Development.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 5 was corrected and approved.

CO-SPONSORS

Senators Bronson—SB 228, SB 1550; Clary—SB 160, SB 606, SB 882, SB 1550; Cowin—SB 228; Crist—SB 854; Dudley—SB 1550; Grant—SB 228; Gutman—SB 970; Harris—SB 98; Kirkpatrick—SB 228; Latvala—SB 228, SB 960; Ostalkiewicz—SB 1192; Sullivan—SB 854, SB 1172; Thomas—SB 1550

RECESS

On motion by Senator Bankhead, the Senate recessed at 3:06 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Wednesday, March 11.

SENATE PAGES

March 9-13

Augusto Brian Amoris, North Fort Myers; Diana L. Campbell, Pace; Joanna Clary, Destin; Alphonso Y. Craig, Tallahassee; Tanjeneque R. Hardy, Tallahassee; David Michael Horst, Tampa; Bryan Edward Jones, Duck Key; Michelle Quirk, St. Cloud; Melissa Renwick, Tallahassee; Anna K. Shumpert, Ft. Lauderdale; Chaundra V. Williams, Delray Beach; Kavell D. Willis, Eustis

Journal of the Senate

Number 4—Regular Session **Wednesday, March 11, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 1:00 p.m. A quorum present—39:

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

PRAYER

The following prayer was offered by Rev. Randy Ray, Temple Baptist Church, Tallahassee:

Dear Father, on behalf of this extraordinary state that you have given us the pleasure and the privilege to live in and the millions of residents and citizens of this state, we come to you asking wisdom for this body today. Lord, we are thankful for the place in life and the opportunity they have to mold and make policy for our state; and we realize, Lord, is a gift from on high. We pray that they will exercise that gift in light of the privilege they have and the power you have given them.

Now Lord, today, as matters are discussed that will have ramifications for many years, decades, and perhaps even centuries to come, we pray that your guiding hand will take place. In Christ's name, we pray, Amen.

PLEDGE

Senate Pages Joanna Clary of Destin, daughter of Senator Clary; Alphonso Craig of Tallahassee; and Anna Shumpert of Fort Lauderdale, led the Senate in the pledge of allegiance to the flag of the United States of America.

ELECTION OF SENATOR JOHN LAURENT

By direction of the President, the Secretary read the following certificate from the Secretary of State, certifying to the election of Senator John Laurent.

STATE OF FLORIDA
OFFICE OF SECRETARY OF STATE

I, Sandra B. Mortham, Secretary of State of the State of Florida, do hereby certify that the following Member of the State Senate was elected at the Special General Election held on the Tenth day of March, A.D., 1998, as shown by the election returns on file in this office:

SENATE DISTRICT NUMBER

17 John Laurent, Bartow

GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this 11th day of March, A.D., 1998.

Sandra B. Mortham
SECRETARY OF STATE

SPECIAL GUESTS

The President introduced the newly elected Senator from the 17th District, John Laurent and his wife, Martha, and the following special guests: Andy Laurent, the Senator's brother; Commissioner of Agriculture, Bob Crawford, and his wife, Nancy; and Ken Grimes.

OATH OF OFFICE ADMINISTERED

On motion by Senator Bankhead that a committee be appointed to escort Senator and Mrs. Laurent to the bar of the Senate for the administration of the oath of office, the President appointed Senators Burt, Casas, Dyer, Kurth and Latvala.

Senator Laurent was administered the oath of office by The Honorable Major B. Harding, Justice, Florida Supreme Court.

MOTION

On motion by Senator Bankhead, Rule 3.7 was waived and March 31, 1998, was established as the deadline for Senator Laurent to file bills for introduction.

ADOPTION OF RESOLUTIONS

At the request of Senator Bankhead—

By Senator Bankhead—

SR 2102—A resolution commending the health maintenance organization industry and recognizing March 11, 1998, as "Florida HMO Day."

WHEREAS, by fostering healthful behaviors and habits in members when they are young, health maintenance organizations influence and promote healthful behaviors that will remain with children throughout their lives, and

WHEREAS, health maintenance organizations have helped reduce the infant mortality rate in this state by 22 percent over the last 5 years, and

WHEREAS, health maintenance organizations have played a major role in timely immunizing 83 percent of the 2-year-old children in this state, and

WHEREAS, the nationally renowned Florida Healthy Kids program relies on health maintenance organizations exclusively to provide health care coverage, and

WHEREAS, the Institute for Child Health Policy reports that 94 percent of Florida Healthy Kids enrollees say that they are very satisfied with their access to care and their relationship with their health care providers, and

WHEREAS, a preliminary report from the Institute for Child Health Policy shows that between 83 percent and 90 percent of children enrolled in health maintenance organizations have received immunizations in accordance with the guidelines of the American Association of Pediatrics, and

WHEREAS, a study by the Institute for Child Health Policy shows that children's health care utilization rates in the Florida Healthy Kids program matched projected health care utilization rates, based on diagnoses and health care needs, and

WHEREAS, health maintenance organizations have saved state tax payers more than $100 million in health care costs over the last 3 years, and

WHEREAS, health maintenance organizations help provide coverage to many of the state's 823,000 uninsured children, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the health maintenance organization industry is commended for its contributions to the health of the residents of this state.

BE IT FURTHER RESOLVED, that March 11, 1998, is recognized as "Florida HMO Day" by the Florida Senate.

—**SR 2102** was introduced, read and adopted by publication.

INTRODUCTION OF FORMER SENATOR

The President recognized former Senator Karen Johnson who was present in the chamber.

MOTIONS

On motion by Senator Bankhead, a deadline of 9:00 a.m. Wednesday, March 18, was set for filing amendments to Bills on Third Reading to be considered that day.

REPORTS OF COMMITTEES

By direction of the President, the Secretary read the following report:

March 9, 1998

The Committee on Rules and Calendar voted this date the following:

(1) to temporarily pass over the consideration of CS for HB 1597, Evidence/Hearsay (1997 Regular Session).

(2) to report out of committee to the Senate, CS for HB 1227, Partial-birth Abortion (1997 Regular Session), and its respective veto message for future action by the Senate on the veto.

(3) to report out of committee to the Senate, HB 835, Tax Returns/ Electronic Data (1997 Regular Session), and its respective veto message for future action by the Senate on the veto.

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

CONSIDERATION OF VETOED BILL

On motion by Senator Cowin, by two-thirds vote **CS for HB 1227 (1997 Regular Session)** together with the Governor's objections thereto was taken up.

CS for HB 1227 (1997 Regular Session)—A bill to be entitled An act relating to termination of pregnancies; renumbering and amending s. 390.001, F.S.; revising provisions relating to consents required prior to a termination of pregnancy; prohibiting partial-birth abortion; providing a penalty; providing civil liability; providing for relief; renumbering s. 390.002, F.S.; amending s. 390.011, F.S.; expanding scope of definitions; defining "partial-birth abortion"; providing an effective date.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

On motion by Senator Cowin, **CS for HB 1227 (1997 Regular Session)** passed by the required constitutional two-thirds vote of all members present and was certified to the House. The vote on passage was:

Yeas—32

Madam President	Clary	Hargrett	McKay
Bankhead	Cowin	Harris	Meadows
Bronson	Crist	Horne	Myers
Brown-Waite	Diaz-Balart	Jones	Ostalkiewicz
Burt	Dudley	Kirkpatrick	Scott
Campbell	Dyer	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Williams

Nays—7

Forman	Klein	Rossin	Turner
Holzendorf	Kurth	Silver	

On motion by Senator Bankhead, by two-thirds vote **CS for HB 1227 (1997 Regular Session)** was ordered immediately certified to the House.

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **SB 4**, **SB 8**, **SB 10**, **SB 12**, **SB 16**, **SB 26**, **SB 30**, **SB 32**, **SB 36**, **SB 38**, **SB 42**, **SB 44** and **SB 52** was deferred.

SPECIAL ORDER CALENDAR

On motion by Senator Dyer—

SB 54—A bill to be entitled An act relating to the West Volusia Hospital Authority; providing for relief of Michelle Jones, a minor, and Kathy M. Jones, her mother; directing the West Volusia Hospital Authority to appropriate funds to be paid to Kathy Jones, individually, and for the benefit of Michelle Jones, a minor, to compensate them for injuries and damages sustained as a result of the negligence of the West Volusia Hospital Authority, formerly d/b/a West Volusia Memorial Hospital; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendments which were moved by Senator Dyer and adopted:

Amendment 1—In title, on page 3, delete line 12 and insert: that amount, and

WHEREAS, on August 28, 1997, the parties reached an agreement wherein West Volusia Memorial Hospital agreed to pay $1,972,540, provided that the Legislature approve that amount, to Kathy Jones, individually and for the benefit of Michelle Jones, a minor, and that all funds in excess of attorney's fees, liens, costs, and a $32,000 mortgage note satisfaction on the residence of Michelle Jones, a minor, be the basis of a Special Needs Trust for the benefit of Michelle Jones, a minor, NOW, THEREFORE,

Amendment 2—On page 3, lines 21-24, delete those lines and insert: the sum of $1,972,540 payable to Kathy Jones, individually, and for the benefit of Michelle Jones, a minor, to compensate her for injuries and damages sustained as a result of the negligence of the West Volusia Hospital Authority, and that all funds in excess of attorney's fees, liens, costs and a $32,000 mortgage note satisfaction on the residence of Michelle Jones, a minor, be the basis of a Special Needs Trust for the benefit of Michelle Jones, a minor.

Pursuant to Rule 4.19, **SB 54** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 70—A bill to be entitled An act relating to Alachua County; providing for the relief of Matthew White; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Alachua County Sheriff's Department; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Dudley and failed:

Amendment 1—On page 4, line 22, delete "$401,116.19" and insert: $144,971.33

The vote was:

Yeas—15

Madam President	Crist	Harris	Lee
Bankhead	Dudley	Horne	Ostalkiewicz
Bronson	Grant	Latvala	Williams
Cowin	Hargrett	Laurent	

Nays—18

Campbell	Forman	Kurth	Silver
Casas	Gutman	Meadows	Thomas
Childers	Holzendorf	Myers	Turner
Clary	Jones	Rossin	
Dyer	Klein	Scott	

Pursuant to Rule 4.19, **SB 70** was placed on the calendar of Bills on Third Reading.

On motion by Senator Childers—

CS for SB 2—A bill to be entitled An act for the relief of David Kelley and the Estate of Alto Kelley; providing an appropriation as compensation for injuries and damages sustained as a result of the negligence of the Department of Transportation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2** was placed on the calendar of Bills on Third Reading.

On motion by Senator Meadows—

SB 6—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Michelle Ponce, a minor; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of Metropolitan Dade County; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 6** was placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

SB 14—A bill to be entitled An act relating to Broward County; providing for the relief of Tirini S. Riley, a minor, for injuries sustained arising out of an accident that occurred while she was a patient of the South Broward Hospital District, d/b/a Memorial Hospital; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Forman and adopted:

Amendment 1—On page 2, lines 15-17, delete "plus any interest accruing thereon from July 31, 1997, through the date of payment in full of the amount owed," and insert: with no interest thereon,

The Committee on Ways and Means recommended the following amendment which was moved by Senator Forman and adopted:

Amendment 2 (with title amendment)—On page 2, line 21, after the period (.) insert: After payment of statutory attorney fees, and costs, the balance shall be paid into the existing Special Needs Trust Fund established for Tirini S. Riley. Notwithstanding the provisions of section 409.910, Florida Statutes, the lien provided therein shall be in accordance with the terms of the existing Special Needs Trust Fund.

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: specifying use of the funds;

Pursuant to Rule 4.19, **SB 14** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

SB 18—A bill to be entitled An act relating to the Department of Revenue; providing for the relief of Ray Construction of Okaloosa County, Ltd.; providing an appropriation to compensate Ray Construction of Okaloosa County, Ltd., for documentary stamp tax assessments paid to the Department of Revenue and for attorney's fees and court costs; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Clary and adopted:

Amendment 1—On page 3, between lines 22 and 23, insert:

Section 4. No additional attorney fees shall be payable pursuant to section 57.111, Florida Statutes.

(Redesignate subsequent sections.)

Pursuant to Rule 4.19, **SB 18** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

SB 20—A bill to be entitled An act relating to the Department of Management Services; providing for the relief of Dale R. Cowie; providing an appropriation to reimburse him for expenses incurred in the completion of a state contract; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Clary and adopted:

Amendment 1—On page 2, line 25 through page 3, line 3, delete those lines and insert:

Section 2. The comptroller is directed to draw his warrant in favor of Dale R. Cowie in the sum of $15,401.77 from the General Revenue Fund in the

(Redesignate subsequent sections.)

Pursuant to Rule 4.19, **SB 20** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 22—A bill to be entitled An act providing for the relief of Triesa Wells; providing for an appropriation to compensate Triesa Wells for injuries sustained as a result of the negligence of an employee of the City of Pembroke Pines; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 22** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 34** was deferred.

On motion by Senator Campbell—

SB 40—A bill to be entitled An act relating to the North Broward Hospital District, Broward County; providing for the relief of Bruce Silverman and Janie Silverman, personal representatives of the estate of Alexandra Silverman; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 40** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 56—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Julie McGinnes; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of Palm Beach County; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 56** was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

SB 66—A bill to be entitled An act for the relief of Penny Tilley, as widow of Jack W. Tilley and beneficiary of his estate; providing an appropriation for the purpose of paying Penny Tilley the retirement benefits to which she would have been entitled as surviving spouse of Jack W. Tilley had Jack W. Tilley survived to the date on which he would have vested in the Florida System; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 2, delete line 22 and insert: Treasury in an amount equal to a monthly retirement benefit of $331.14, plus an annual cost of living allowance, which

Amendment 2 (with title amendment)—On page 3, line 4, before the period (.) insert: , except that this act shall not take effect if an amendment adding subparagraph (f)1. to subsection (7) of section 121.091, Florida Statutes, becomes a law, which authorizes the use of a deceased member's accumulated leave in the Florida Retirement System to purchase additional creditable service

And the title is amended as follows:

On page 1, delete line 10 and insert: providing a contingent effective date.

Pursuant to Rule 4.19, **SB 66** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 60—A bill to be entitled An act relating to Dade County; providing for the relief of Jeanette Alonso, a minor, for injuries sustained as a result of the conduct of the Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing for payment by the Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Dudley and adopted:

Amendment 1 (with title amendment)—On page 2, line 17, after the period (.) insert: After payment of statutory attorney fees, and costs, the balance shall be paid into the existing Special Needs Trust Fund established for Jeanette Alonso. Notwithstanding the provisions of section 409.910, Florida Statutes, the lien provided therein shall be in accordance with the terms of the existing Special Needs Trust Fund.

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: specifying use of the funds;

Pursuant to Rule 4.19, **SB 60** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Casas—

SB 34—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Bruce Wiggins as Personal Representative of the Estate of Helen Wiggins, deceased, for the benefit of Bruce Wiggins, Alisha Wiggins, a minor, and Jake Wiggins, a minor; providing for an appropriation to compensate them for the death of Helen Wiggins as a result of the negligence of Metropolitan Dade County; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Dudley:

Amendment 1 (with title amendment)—On page 4, between lines 20 and 21, insert:

Section 3. That portion of the settlement due the minor children, Jake Wiggins and Alisha Wiggins, shall be placed in structured annuities for the benefit of each of the children which shall provide for periodic payment to the minor children from age 18 through age 40.

Section 4. Payment due any lienholders as a result of a lienholder's payment of Helen Wiggins' medical expenses shall be paid directly from Dade County to the lienholders, after being reduced by a sum that is the lienholder's proportionate share of attorneys' fees and costs.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: providing for structured payments; providing for direct payments to lienholders;

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 1, line 28, insert:

Section 5. The governmental entity responsible for payment of the warrant shall make payment to the Florida Agency for Health Care Administration as complete payment and satisfaction of any and all Medicaid liens for past benefits provided, prior to the disbursement of funds to the claimant. The lien amount shall be calculated up to the date that this bill becomes law.

And the title is amended as follows:

On page 2, line 7, after the semicolon (;) insert: providing for payment of Medicaid liens prior to disbursement of the warrant;

Amendment 1 as amended was adopted.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Dudley and failed:

Amendment 2 (with title amendment)—On page 4, between lines 20 and 21, insert:

Section 3. The governmental entity responsible for payment of the warrant shall make payment to the Florida Agency for Health Care

Administration as complete payment and satisfaction of any and all Medicaid liens for past benefits provided, prior to the disbursement of funds to the claimant. The lien amount shall be calculated up to the date that this bill becomes law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: providing for payment of Medicaid liens prior to disbursement of the warrant;

Pursuant to Rule 4.19, **SB 34** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Horne, the rules were waived and time of recess was extended until completion of **CS for HB 1597 (1997 Regular Session)**. The vote was:

Yeas—23

Madam President	Cowin	Harris	McKay
Bankhead	Crist	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Latvala	Sullivan
Casas	Grant	Laurent	Williams
Clary	Gutman	Lee	

Nays—9

Campbell	Jones	Meadows	Silver
Forman	Klein	Rossin	Turner
Hargrett			

CONSIDERATION OF VETOED BILL

Senator Horne moved that the rules be waived and the Senate revert to the order of Motions Relating to Committee Reference. The motion was adopted by two-thirds vote. The vote was:

Yeas—27

Madam President	Clary	Hargrett	McKay
Bankhead	Cowin	Harris	Myers
Bronson	Crist	Horne	Ostalkiewicz
Brown-Waite	Diaz-Balart	Kirkpatrick	Scott
Burt	Dudley	Latvala	Thomas
Casas	Dyer	Laurent	Williams
Childers	Grant	Lee	

Nays—10

Campbell	Jones	Meadows	Silver
Forman	Klein	Rossin	Turner
Gutman	Kurth		

On motion by Senator Horne, by two-thirds vote **CS for HB 1597 (1997 Regular Session)** together with the Governor's objections thereto was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Horne—

CS for HB 1597 (1997 Regular Session)—A bill to be entitled An act relating to evidence; amending s. 90.803, F.S.; revising an exception to the prohibition against hearsay evidence; providing an effective date.

—was taken up.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

On motion by Senator Horne, **CS for HB 1597 (1997 Regular Session)** passed by the required constitutional two-thirds vote of all members present and was certified to the House. The vote on passage was:

Yeas—35

Madam President	Crist	Kirkpatrick	Ostalkiewicz
Bankhead	Diaz-Balart	Klein	Rossin
Bronson	Dudley	Kurth	Scott
Brown-Waite	Dyer	Latvala	Silver
Burt	Gutman	Laurent	Sullivan
Casas	Hargrett	Lee	Thomas
Childers	Harris	McKay	Turner
Clary	Holzendorf	Meadows	Williams
Cowin	Horne	Myers	

Nays—3

Campbell	Forman	Jones

Vote after roll call:

Yea—Grant

On motion by Senator Bankhead, by two-thirds vote **CS for HB 1597 (1997 Regular Session)** was ordered immediately certified to the House.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 11, 1998: SB 54, SB 70, CS for SB 2, SB 6, SB 14, SB 18, SB 20, SB 22, SB 34, SB 40, SB 56, SB 66, SB 60, SJR 1234, SB 672, CS for SB 486, SB 766, SB 768, SB 734, SB 770, CS for SB 1052, CS for SB 1054, CS for SB 1164

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

REPORTS OF SUBCOMMITTEES

The Subcommittee on Finance and Tax recommends favorably to the full Committee on Ways and Means the following: SB 500, SB 934, SB 936 with 1 amendment, SB 1444, SB 1504, SB 1564 with 1 amendment; and recommends committee substitutes for the following: SB 434, SB 636, SB 1040

John Ostalkiewicz, Chairman
Subcommittee on Finance and Tax

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Campbell—

SB 1628—A bill to be entitled An act relating to motor vehicle financial responsibility; amending s. 316.646, F.S.; conforming provisions; amending s. 324.021, F.S.; redefining the term "motor vehicle"; increasing financial responsibility requirements; creating s. 324.023, F.S.; establishing mandatory financial responsibility requirements; amending s. 324.031, F.S.; increasing financial responsibility requirements for certain commercial vehicles for hire; amending s. 324.161, F.S.; increasing surety bond or deposit requirements; amending s. 324.171, F.S.; increasing limits for self-insurers; amending s. 627.733, F.S.; conforming provisions; amending s. 627.736, F.S.; specifying the percentage of medical benefits payable; deleting an insured's right to recovery of special damages; repealing s. 627.737, F.S., relating to tort exemption for damages due to bodily injury; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Horne—

SB 1630—A bill to be entitled An act relating to the transient rentals tax; amending s. 212.03, F.S.; providing an exemption for persons who

rent a dwelling that they have contracted to buy; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Horne—

SB 1632—A bill to be entitled An act relating to local government finance; amending s. 212.055, F.S.; authorizing charter counties and counties as defined in s. 125.011, F.S., to use the proceeds of local government infrastructure surtax revenues and interest thereon to retire or service indebtedness incurred for certain bonds and to refund bonds issued after a specified date; ratifying any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred before the effective date of this act for refunding certain bonds; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

By Senator Horne—

SB 1634—A bill to be entitled An act relating to pyramid promotional schemes; prohibiting persons from promoting pyramid promotional schemes; providing definitions; providing a penalty; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Governmental Reform and Oversight.

By Senators Brown-Waite, Grant, Hargrett and Latvala—

SB 1636—A bill to be entitled An act relating to the Cigarette Tax Collection Trust Fund; amending s. 210.20, F.S.; providing for a portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer and Research Institute, for the purpose of financing a cancer-research facility at the University of South Florida; providing duties of the institute's board of directors; providing for uses of the transferred moneys, including the issuance of tax-exempt bonds, to be used as specified; providing that proceeds of the cigarette tax which are transferred under this act are pledged to cover the costs of constructing, furnishing, and equipping the cancer-research facility; providing an effective date.

—was referred to the Committees on Health Care; Education; and Ways and Means.

By Senator Campbell—

SB 1638—A bill to be entitled An act relating to health care; amending ss. 408.706, 627.419, F.S.; creating s. 641.3151, F.S.; deleting provisions governing recruitment and retention of health care providers in a community health purchasing alliance district; providing free choice to subscribers to certain health care plans, and to persons covered under certain health insurance policies or contracts, in the selection of specified health care providers; prohibiting coercion of provider selection; specifying conditions under which any health care provider must be permitted to provide services under a health care plan or health insurance policy or contract; amending s. 627.6577, F.S.; creating ss. 636.0165, 641.3155, F.S.; providing for freedom of choice for dental patients; providing limitations; providing for civil penalties; providing applicability; creating the "Access to Emergency Medical Services Act"; providing findings and purpose; requiring a health plan that provides coverage for emergency services to cover emergency services furnished to an enrollee under specified circumstances; requiring the health plan to promptly pay for services; prohibiting a health plan from imposing certain types of cost-sharing; providing that a health plan may impose a reasonable copayment; providing requirements for a health plan with respect to providing prior authorization; specifying circumstances under which a health plan is deemed to have approved a request for prior authorization for certain services; prohibiting a health plan from subsequently denying or reducing payment for items or services; requiring that a health plan include certain information in educational materials; providing civil penalties; requiring that the Director of Health Care Administration take certain factors into consideration in imposing a civil penalty; requiring the Agency for Health Care Administration to adopt rules; providing definitions; repealing s. 641.513, F.S., relating to requirements for providing emergency services and care; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Ways and Means.

By Senator Kurth—

SB 1640—A bill to be entitled An act relating to insurance fraud; amending s. 440.09, F.S.; conforming references to judges of compensation claims and administrative law judges; amending s. 440.105, F.S.; specifying a schedule of criminal penalties for certain prohibited activities; providing definitions; providing a period of limitations for undertaking certain proceedings; amending s. 624.416, F.S.; providing additional criteria for the Department of Insurance to consider in issuing certain certificates of authority; amending s. 624.418, F.S.; providing an additional criterion for suspending or revoking certain certificates of authority; amending s. 626.989, F.S.; providing for reports of insurance fraud to the Division of Insurance Fraud of the Department of Insurance; amending s. 626.9891, F.S.; requiring insurers to provide for investigation of fraudulent claims; requiring insurers to adopt an anti-fraud plan; providing criteria and procedures; requiring insurers to file an anti-fraud report with the department; specifying contents; authorizing the department to adopt rules; creating s. 626.9892, F.S.; establishing the Anti-Fraud Reward Program in the department; providing for awarding rewards under certain circumstances; exempting certain department actions from Florida Administrative Code requirements; amending s. 627.062, F.S.; requiring the department to consider certain additional factors in reviewing rate filings; amending s. 627.072, F.S.; requiring consideration of certain additional factors in making and using rates; amending s. 627.411, F.S.; requiring the department to consider certain additional factors in determining the reasonableness of benefits in relation to premium charges; amending s. 641.31, F.S.; providing for disapproval of rates, forms, or other filings; creating s. 641.3915, F.S.; requiring certain health maintenance organizations to provide for investigation of fraudulent claims; requiring health maintenance organizations to adopt an anti-fraud plan; providing criteria and procedures; requiring health maintenance organizations to file an anti-fraud report with the department; specifying contents; authorizing the department to adopt rules; amending s. 817.234, F.S.; specifying a schedule of criminal penalties for committing insurance fraud or insurance solicitation; providing definitions; providing a period of limitations for undertaking certain proceedings; providing an appropriation; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and Ways and Means.

By Senator Silver—

SB 1642—A bill to be entitled An act relating to the Beverage Law; providing an exemption for giving or serving to certain underage students alcoholic beverages that are delivered as part of a required curriculum at an accredited college; providing an exemption for the possession of alcoholic beverages by underage students in specified circumstances; establishing a beverage instructional license, to be granted by the Department of Business and Professional Regulation; providing for rulemaking relating to such licenses; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Rossin—

SB 1644—A bill to be entitled An act relating to child care facilities; amending s. 402.305, F.S.; deleting obsolete provisions with respect to

the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Community Affairs.

By Senator Myers—

SB 1646—A bill to be entitled An act relating to protection of children; amending s. 20.19, F.S.; deleting reference to child protection and sexual abuse treatment teams from responsibilities of the Children and Families Program Office of the Department of Children and Family Services; transferring all powers and duties relating to child abuse prevention services, the child protection teams, and the sexual abuse treatment program to the Department of Health; providing the Department of Health with certain authority with respect to transferred positions; providing for transferring certain funds by interagency agreement; amending s. 20.43, F.S.; providing responsibility of the Department of Health to provide child abuse prevention services and services to abused and neglected children through the teams and program; amending ss. 39.4031, 39.4032, and 39.408, F.S., relating to children and family case plan requirements and case staffing, and hearings for dependency cases; providing for coordination with the child protection teams of the Department of Health; amending ss. 119.07, 415.50175, and 415.51, F.S.; providing confidentiality under existing public records exemptions for records of child protection teams and personnel thereof; amending ss. 415.50171, 415.5018, 415.503, 415.5055, and 415.5095, F.S.; clarifying respective responsibilities of the Department of Health and the Department of Children and Family Services, relating to child abuse and neglect cases, policy, and procedures, to child protection teams, and to child sexual abuse cases, pursuant to the transfer of responsibilities under the act; providing duties of the Division of Children's Medical Services; deleting requirements that child protection teams be capable of providing short-term psychological treatment; amending s. 415.501, F.S.; revising participants in the state plan for prevention of child abuse and neglect; repealing s. 415.5075, F.S., relating to rulemaking; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

By Senator Latvala—

SB 1648—A bill to be entitled An act relating to The Florida Clean Indoor Air Act; amending s. 386.205, F.S.; modifying calculation of the square footage limitation for designation of smoking areas in bowling establishments; restricting location of such designated areas; amending s. 386.206, F.S.; requiring, rather than authorizing, the posting of certain signs in public places; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Diaz-Balart—

SB 1650—A bill to be entitled An act relating to the transient rentals tax; amending s. 212.03, F.S.; exempting certain leases for boat docking space from the tax; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Hargrett—

SB 1652—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.40201, F.S.; requiring the Department of Education to establish standards based on student financial need; providing requirements; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Klein—

SB 1654—A bill to be entitled An act relating to intangible personal property taxes; providing a short title; creating s. 199.105, F.S.; providing for taxation of certain intangible personal property transferred to a person or entity outside the state and then repurchased to avoid taxation; providing that a grantor shall be treated as owning property that constitutes trust principal under certain conditions; providing that such transfer or trust is prima facie evidence of intent to avoid taxation, and providing burden of proof; amending s. 199.185, F.S.; providing an exemption for accounts receivable; increasing the exemption from the annual tax granted to natural persons; repealing s. 199.103(5), F.S., which provides for valuation of accounts receivable, ss. 199.183(3) and 199.185(7), F.S., which provide an exemption for credit card receivables owed to certain banks, and s. 199.185(6), F.S., which provides an exemption for certain accounts receivable owned by certain liquor distributors; amending s. 199.175, F.S.; removing provisions relating to the taxable situs of credit card or charge card receivables; creating s. 199.233, F.S.; specifying the period for which the Department of Revenue may assess intangible personal property taxes when a liability is discovered by audit or examination, or when a taxpayer voluntarily self-discloses liability; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Turner—

SB 1656—A bill to be entitled An act relating to the WAGES program; amending s. 414.065, F.S.; providing protections for current employees with respect to the assignment or employment of participants in the WAGES program; prohibiting displacing or terminating an existing employee if the position is filled with a WAGES participant; prohibiting the impairment of a contract or collective bargaining agreement as a result of the assignment or employment of a WAGES participant; amending s. 414.105, F.S., relating to time limitations of temporary cash assistance; extending the time limitations if the local WAGES coalition determines and the State Board of Directors certifies that the WAGES program is not fully implemented in the service area; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children, Families and Seniors; and Ways and Means.

By Senator Gutman—

SB 1658—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; deleting limitations on chiropractic treatment; requiring a physician to provide copies of medical reports to an injured employee; deleting certification requirements; deleting limitations on referrals between health care providers; expanding the membership of the panel that determines maximum reimbursement allowances; deleting a requirement for a copayment for medical services; amending s. 440.15, F.S.; increasing the period for temporary total disability, permanent impairment, and temporary partial disability benefits; revising criteria to establish the schedule of impairment benefits; increasing the rate of payment of impairment benefits; removing the prohibition against compensation for mental, psychological, or emotional injury; revising criteria for an obligation to rehire; amending s. 440.191, F.S.; requiring employers and carriers to pay attorneys' fees in specified circumstances; amending s. 440.192, F.S.; providing for payment of attorneys' fees; amending s. 440.34, F.S.; revising the formula for setting attorneys' fees; revising the application of a law relating to payment of compensation; repealing s. 440.25(4)(j), F.S., which provides for expedited dispute resolution; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senators Kurth, Myers, McKay, Brown-Waite, Turner, Klein, Latvala, Harris, Rossin and Dyer—

SB 1660—A bill to be entitled An act relating to children and families; creating s. 383.145, F.S.; creating the Healthy Families Florida program; providing legislative findings and intent; providing purpose; requiring integrated community-based delivery of services; specifying program requirements; providing responsibilities of the Department of Health and the Department of Children and Family Services; providing for development, implementation, and administration of the program; establishing the Healthy Families Florida Statewide Board; specifying criteria for community program grant funding; requiring collaboration with existing community boards, coalitions, providers, and planning groups; authorizing contracts for training and evaluation; providing for quality assurance; providing for application for a federal waiver; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Governmental Reform and Oversight; and Ways and Means.

By Senator Klein—

SB 1662—A bill to be entitled An act relating to local government recall; amending s. 100.361, F.S., relating to municipal and charter county government recall; authorizing and providing procedures for the recall of any member of the governing body of a noncharter county by the electors of the county; providing penalties; providing an effective date.

—was referred to the Committees on Community Affairs; and Executive Business, Ethics and Elections.

By Senator Burt—

SB 1664—A bill to be entitled An act relating to educational facilities; amending s. 235.056, F.S.; authorizing boards to rent or lease certain buildings or space within buildings for conversion to use as educational facilities; providing for funding; requiring school board adoption of a resolution certifying that specified conditions have been met; amending s. 201.24, F.S., relating to exemption from excise tax on documents; conforming provisions; amending s. 236.25, F.S., relating to school district tax for capital outlay; conforming provisions; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Senator McKay—

SB 1666—A bill to be entitled An act reenacting the Community Development Corporation Support and Assistance Program.

—was referred to the Committees on Community Affairs; Commerce and Economic Opportunities; and Ways and Means.

By Senator Hargrett—

SB 1668—A bill to be entitled An act relating to highway safety; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Hargrett—

SB 1670—A bill to be entitled An act relating to highway safety; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Hargrett—

SB 1672—A bill to be entitled An act relating to highway safety; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Hargrett—

SB 1674—A bill to be entitled An act relating to transportation; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Hargrett—

SB 1676—A bill to be entitled An act relating to transportation; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Hargrett—

SB 1678—A bill to be entitled An act relating to driver improvement schools; amending s. 318.1451, F.S.; providing additional standards for such schools; providing duties of the Department of Highway Safety and Motor Vehicles; deleting an obsolete requirement; providing for rulemaking; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Lee—

SB 1680—A bill to be entitled An act relating to alcohol and tobacco sales; amending s. 562.11, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of alcoholic beverages to certain minors; amending ss. 569.002 and 569.101, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of tobacco products to certain minors; providing an effective date.

—was referred to the Committees on Regulated Industries and Criminal Justice.

By Senator Rossin—

SB 1682—A bill to be entitled An act relating to the Marine Fisheries Commission; amending s. 370.026, F.S.; providing that at all times one member of the commission must be a representative of the fishing industry; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Governmental Reform and Oversight—

SB 1684—A bill to be entitled An act relating to the Florida Retirement System (RAB); clarifying provisions throughout ch. 121, F.S., relating to vesting and the normal retirement date for a member; amending s. 121.021, F.S., relating to definitions; revising and adding definitions; amending s. 121.051, F.S., relating to participation in the Florida Retirement System; providing that consultants and independent contractors are ineligible to participate; establishing procedures and requirements for municipalities or special districts that choose to partici-

pate in the Florida Retirement System; providing requirements for employers that transfer, merge, or consolidate governmental services or functions; limiting a member's rights following a conviction for causing a shortage in a public account; providing requirements and limitations for a member who is dually employed; amending s. 121.0515, F.S., relating to Special Risk Class membership; providing for retroactive membership in certain cases; requiring certain members who are moved or reassigned to participate in the Special Risk Administrative Support Class; amending s. 121.052, F.S., relating to the Elected State and County Officers' Class; providing for calculating average final compensation; amending s. 121.053, F.S., relating to retired member participation in the Elected State and County Officers' Class; clarifying requirements for creditable service; amending s. 121.055, F.S., relating to the Senior Management Service Optional Annuity Program; clarifying participation requirements; providing for the Optional Annuity Program Trust Fund; providing eligibility requirements for receiving benefits; providing for administering the program; providing requirements and limitations for a member who is dually employed; amending s. 121.071, F.S., relating to system contributions; providing requirements for contributions for other creditable service; amending s. 121.081, F.S., relating to contributions for past service or prior service; clarifying provisions with respect to required contributions; providing requirements for receiving service credit and prior service credit; amending s. 121.091, F.S., relating to benefits payable under the Florida Retirement System; providing for cancellation of application for retirement benefits; clarifying and consolidating benefit provisions; providing procedures for determining average final compensation; providing for determining disability retirement benefits; providing for optional forms of retirement benefits and disability retirement benefits; providing requirements for determining death benefits; providing for designating beneficiaries; providing for the payment of benefits; authorizing certain deductions from the monthly benefit payment; amending s. 121.111, F.S., relating to credit for military service; providing requirements for determining creditable service; amending s. 121.121, F.S.; providing requirements for purchasing creditable service for authorized leaves of absence; amending s. 121.122, F.S., relating to renewed membership; clarifying requirements for a member who does not claim credit for all postretirement service; creating s. 121.193, F.S., relating to external compliance audits; providing responsibilities of the Division of Retirement of the Department of Management Services with respect to such audits; specifying requirements of participating agencies; amending s. 121.35, F.S., relating to the Optional Retirement Program for the State University System; providing for the application of certain federal requirements; providing for the administration of the Optional Retirement Program Trust Fund; clarifying benefit requirements; providing for responsibilities of the Board of Regents and institutions in the State University System; amending s. 121.40, F.S., relating to the supplemental retirement benefits provided for certain personnel at the Institute of Food and Agricultural Sciences at the University of Florida; providing for the deduction of certain payments from the monthly benefit payment; providing legislative intent with respect to the amendments made by the act; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Senator Ostalkiewicz—

SB 1686—A bill to be entitled An act relating to ad valorem taxation (RAB); amending s. 193.075, F.S.; providing for certain recreation vehicle-type units to be considered mobile homes for purposes of ad valorem taxation; amending s. 197.162, F.S.; providing for discounts on early tax payments; amending s. 197.182, F.S.; providing for automatic refunds of overpayments of tax greater than $5; amending s. 197.243, F.S.; redefining the term "household" to exclude boarders and renters; amending s. 197.252, F.S.; providing a formula for estimating household income; amending s. 197.253, F.S.; providing for notification by the property appraiser concerning homestead status; amending s. 197.332, F.S.; providing for collection of penalties, interest, and costs for delinquent taxes; amending s. 197.344, F.S.; providing for tax notices for lienholders, trustees, and vendees; amending s. 197.402, F.S.; providing for advertisement of the address of delinquent taxpayers; amending s. 197.413, F.S.; providing for advertising costs to be added to tax warrants; amending s. 197.432, F.S.; prescribing conditions for bidding on tax certificates; amending s. 197.443, F.S.; providing for recouping costs of advertising void tax certificates; providing for cancellation of tax certificates at the request of the owner; amending s. 197.542, F.S.; authorizing the clerk to refuse certain bids for lands sold at public auction; creating s. 197.4325, F.S.; providing a procedure for handling bad checks received for payment of taxes or tax certificates; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Ostalkiewicz—

SB 1688—A bill to be entitled An act relating to taxation (RAB); amending s. 212.02, F.S.; redefining the term "retail sales" to revise standards for the exclusion of packaging materials; redefining the term "sales price" to exclude certain federal tax; redefining the term "use" to exclude the loan of an automobile for use by a driver education program; amending s. 212.03, F.S.; revising provisions for eligibility for the exemption provided for rental in trailer parks and similar facilities; amending s. 212.031, F.S.; providing partial exemption for rentals of certain property used as nursing homes, assisted living facilities, and hospices; exempting utility charges paid by a tenant in specified circumstances; providing taxability of charges for canceling or terminating a lease; amending s. 212.04, F.S.; providing standards for determining taxability of components of packages sold by travel agents; exempting fees for entering sporting events from the admissions tax when spectators at such events are charged the tax; amending s. 212.05, F.S.; prescribing the entities that are considered selling dealers for purposes of the sales, storage, and use tax on aircraft and boats; providing for return of aircraft to the state without incurring tax liability in certain circumstances; providing taxability for property originally exempt which is converted to the owner's use; providing guidelines for taxability of lease or rental of motor vehicles; providing taxability of sales of newspapers; providing guidelines for taxability of newspaper and magazine inserts; providing taxability of certain sales by florists; providing for calculating tax on prizes distributed by concessionaires; amending s. 212.06, F.S.; providing taxability of newspapers, magazines, and periodicals used by the publisher thereof; amending s. 212.18, F.S.; providing for rules relating to registration of vending machines and newspaper rack machines; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Ostalkiewicz—

SB 1690—A bill to be entitled An act relating to taxes on sales, use, and other transactions (RAB); amending s. 212.0506, F.S.; revising guidelines for tax liability of service warranties; amending s. 212.0515, F.S.; providing tax liability for sales of nonfood items from vending machines; revising eligibility for rewards; amending s. 212.054, F.S.; revising guidelines for determination of exemption from partial sales surtaxes; amending s. 212.0598, F.S.; revising provisions relating to determination of air carriers' tax liability; amending s. 212.06, F.S.; revising guidelines for determining tax liability of certain personal property; providing a presumption with respect to tax liability for sales of motor vehicles; providing for a use tax on certain aircraft; defining the terms "real property," "fixtures," and "improvements to real property," for purposes of determining when a person is improving real property; providing guidelines for determining tax liability on rock, shell, fill dirt, and similar materials; amending s. 213.30, F.S.; revising eligibility for rewards for information on tax law violations; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Ostalkiewicz—

SB 1692—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.02, F.S.; defining the terms "itinerant merchant" and "flea market operator, manager, lessor, or owner"; amending s. 212.07, F.S.; prescribing dealer liability for certain tax; prescribing tax liability for sales of race horses in claiming races; defining the terms "farmer" and "livestock"; amending s. 212.08, F.S.; exempting certain sales of racing dogs; amending s. 212.09, F.S.; revising provisions regulating credits for trade-ins; amending s. 212.17, F.S.; providing for reimbursement of certain taxes paid by dealers;

amending s. 212.18, F.S.; prescribing procedures for remittance of tax on sales at flea markets; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Ostalkiewicz—

SB 1694—A bill to be entitled An act relating to taxation (RAB); amending s. 212.08, F.S., relating to the tax on sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; exempting additional medical supplies and equipment; providing definitions for purposes of such exemption; revising the exemption for school books and school lunches; providing exemptions with respect to parent-teacher organizations and associations, to schools with grades K through 12, to mobile home lot improvements, and to sales of certain personal property supported through the Veterans Administration; providing a partial exemption for certain commercial fishing vessels; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining the taxability of specific products; providing membership requirements; directing the Department of Revenue to develop guidelines for determining the taxability of specific products; requiring that the department notify persons substantially affected and the Administrative Procedures Committee of proposed guidelines; providing for use of the guidelines by the committee; providing for determining the taxability of specific products by the department; authorizing the department to develop a central database with respect to the taxability of specific products; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Ostalkiewicz—

SB 1696—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.08, F.S.; revising eligibility standards for the partial exemption for farm equipment; providing additional uses to which equipment may be put and be eligible for the exemption; specifying that other uses will result in disallowance of the exemption; revising exemption standards for water; exempting disinfectants, pesticides, weed killers, certain seeds, cuttings, seedlings, plants, and specified packaging items in agricultural use; exempting paint color cards and other color samples available at no charge; providing guidelines for determining applicability of exemption for sales to a governmental entity to sales of tangible personal property to contractors for incorporation into public works; providing guidelines for determining applicability of sales surtaxes to certain transactions; authorizing aircraft to be returned to the state under specified circumstances without incurring tax liability; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Ostalkiewicz—

SB 1698—A bill to be entitled An act relating to financial matters (RAB); amending s. 72.011, F.S.; providing for adoption of procedures for notifying a taxpayer of an assessment or denial of a refund; amending s. 199.052, F.S.; prescribing conditions under which a trust will be considered a Florida-situs trust; amending s. 213.21, F.S.; providing for conferences relating to denial of refunds; providing for closing agreements; amending s. 220.222, F.S.; prescribing conditions under which a taxpayer will be considered not in compliance with s. 220.32, F.S., for purposes of granting extensions; amending s. 624.515, F.S.; providing for determination of the percentage of fire insurance within an insurance line; amending s. 896.102, F.S.; authorizing the Department of Revenue to adopt rules for reporting certain business transactions; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Dyer—

SB 1700—A bill to be entitled An act relating to rulemaking authority of the Department of Community Affairs (RAB); amending s. 553.37, F.S.; supplementing authority to adopt rules for construction of manufactured buildings; amending s. 553.721, F.S.; supplementing authority to adopt rules for the collection of building permit surcharges; amending s. 553.907, F.S.; supplementing authority to adopt rules for local reporting of compliance with thermal efficiency standards; amending s. 553.907, F.S.; supplementing authority to adopt rules for radon-resistant passive building construction; amending s. 553.992, F.S.; supplementing authority to adopt rules for the issuance of nonbinding opinions concerning the use of the building energy rating system; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Dyer—

SB 1702—A bill to be entitled An act relating to the rulemaking authority of the Department of Community Affairs and the Florida Land and Water Adjudicatory Commission (RAB); creating s. 14.2025, F.S.; creating the Florida Land and Water Adjudicatory Commission and authorizing the commission to adopt rules; amending s. 163.3177, F.S.; including debt management standards in local capital improvements elements; providing local comprehensive planning periods; amending s. 163.3184, F.S.; specifying agencies for comprehensive plan amendment review; allowing for adoption of separate and distinguished plan amendments; providing for municipal review of plan amendments that affect municipal plans; authorizing a schedule for agency review of comprehensive plans and plan amendments; ensuring conformity with the uniform rules of procedure; amending s. 163.3191, F.S.; providing for copies of submitted evaluation and appraisal reports; providing for local governments to request substantive comments during sufficiency review of evaluation and appraisal reports; providing for requests for delegation of review of evaluation and appraisal reports; amending s. 163.3202, F.S.; clarifying that all municipalities adopt land development regulations to implement municipal plans and plan amendments; providing for notice by the department of the need to adopt required land development regulations; supplementing authority to adopt rules to allow schedules for adoption of required land development regulations; amending s. 380.06, F.S.; allowing the department to issue clearance letters, upon request, as to whether a development may be required to undergo development-of-regional-impact review; preventing reviewing agencies from objecting to the use of assumptions and methodologies agreed upon during preapplication procedures; allowing for another preapplication conference to be held if an application for development approval is not submitted within 1 year; supplementing authority to adopt rules to include criteria for abandonment of developments of regional impact; amending s. 380.061, F.S.; supplementing authority to adopt rules for Florida Quality Development annual reports and criteria for determining a substantial change to an approved Florida Quality Development; amending s. 380.07, F.S.; supplementing authority to adopt rules regarding development orders in designated areas of critical state concern; amending s. 380.22, F.S.; supplementing authority to adopt rules to include procedures and criteria for evaluation of subgrant applications under the federal Coastal Zone Management Act; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senators Bronson, Silver, Holzendorf, Meadows, Turner, Gutman and Harris—

SB 1704—A bill to be entitled An act relating to telecommunications companies' use of roads and rights-of-way; creating s. 337.4011, F.S.; providing for the regulation of the use of roads and rights-of-way; providing for limitations on fees; defining the term "administrative cost"; limiting the amounts of fees that a municipality may impose as a condition for issuing certain permits; prohibiting in-kind compensation in lieu of prescribed fees; prohibiting local governments from using their authority over the placement of telecommunications facilities as a basis for regulating matters that are within the jurisdiction of the Florida Public Service Commission or the Federal Communications Commission; providing that a telecommunications company that has permission to oc-

cupy or is occupying municipal roads or rights-of-way on a specified date need not obtain additional consent to continue such occupation; providing applicability; repealing s. 337.401(3), (4), F.S., relating to municipalities' regulation of the use of municipal streets by telephone companies and municipalities' entering into agreements with entities providing telecommunications services to allow those entities to use municipal streets, alleys, or other public ways; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Ways and Means.

By Senator Rossin—

SB 1706—A bill to be entitled An act relating to the care of elderly persons (RAB); amending s. 400.424, F.S.; providing requirements for the contract executed between the licensee and the resident of an assisted living facility; authorizing the Department of Elderly Affairs to adopt rules; amending s. 400.427, F.S.; revising requirements for a facility with respect to obtaining surety bonds; authorizing the Department of Elderly Affairs to adopt rules; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator Holzendorf—

SB 1708—A bill to be entitled An act relating to minority labor groups (RAB); amending s. 450.121, F.S.; authorizing the Division of Jobs and Benefits to adopt rules that define terms, prescribe documentation for proof of age, prescribe procedure with respect to removal of disability of nonage, require safety equipment and a safe workplace, prescribe deadlines for responses to records requests, and state an official address; amending s. 450.30, F.S.; authorizing the division to adopt rules prescribing procedures for registering as a farm labor contractor; amending s. 450.33, F.S.; authorizing the division to adopt rules requiring insurance carriers to notify the division of impending cancellation of insurance on vehicles that transport farm workers; amending s. 450.38, F.S.; authorizing the division to adopt rules containing criteria for determining the amount of civil penalties; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Dyer—

SB 1710—A bill to be entitled An act relating to the Central Florida Regional Transportation Authority (RAB); amending s. 343.63, F.S.; providing that such authority is a regional public authority and an independent special district; providing that such authority is subject to specified requirements governing special districts; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Holzendorf—

SB 1712—A bill to be entitled An act relating to rulemaking authority with respect to services for the blind (RAB); amending s. 413.011, F.S.; authorizing rulemaking for vocational rehabilitation programs and forms; amending s. 413.051, F.S.; authorizing rulemaking for a vending facility program; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Burt—

SB 1714—A bill to be entitled An act relating to the Parole Commission (RAB); amending s. 947.07, F.S.; providing guidelines for rulemaking authority; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Brown-Waite—

SB 1716—A bill to be entitled An act relating to the rulemaking authority of the Department of Health with respect to laws that protect the public health, safety, and welfare (RAB); amending s. 232.032, F.S.; authorizing the department to adopt rules governing the immunization of children; amending s. 381.0011, F.S.; authorizing the department to adopt rules specifying conditions and procedures for imposing quarantines; amending s. 381.003, F.S.; providing requirements for the department in adopting rules governing the prevention and control program for communicable diseases; amending s. 381.0031, F.S.; requiring that certain hospitals and laboratories report to the department the occurrence of diseases that are a threat to public health; authorizing the department to adopt rules governing the reporting of such diseases; amending s. 381.006, F.S.; providing that the department's public health mission includes the regulation of sanitary facilities; amending s. 381.0062, F.S.; providing additional requirements for the department in regulating suppliers of water; authorizing fees to cover inspection costs; amending s. 381.0065, F.S.; requiring that the department inspect and regulate certain commercial sewage systems and temporary facilities; providing inspection requirements for establishments that use an aerobic treatment unit or that generate commercial waste; requiring approval by the department before a municipality or political subdivision issues certain building or plumbing permits or authorizes occupancy; amending s. 381.0072, F.S.; redefining the term "food service establishment"; requiring that the department adopt rules governing sanitation standards; amending s. 381.008, F.S.; clarifying the definition of terms with respect to the department's regulation of migrant labor camps; amending s. 381.0083, F.S.; requiring that a person notify the department before constructing or renovating a migrant labor camp; requiring that a new owner of any such camp apply to the department for a permit; amending s. 381.0086, F.S.; authorizing the department to issue rules for maintaining the roads of a migrant labor camp; amending s. 381.0087, F.S.; specifying a time period for correcting a violation of a department rule; amending s. 381.0098, F.S.; providing for a funeral home that performs embalming procedures to be regulated as a biomedical waste generator; requiring that the department adopt rules for operating plans for managing biomedical waste; exempting certain generators of biomedical waste from permit requirements; authorizing the department to prorate fees; providing for enforcement; amending s. 381.0101, F.S.; revising terms with respect to the regulation of environmental health professionals; providing additional duties of the Environmental Health Professionals Advisory Board; providing requirements for the department in adopting rules; amending s. 381.89, F.S., relating to the regulation of tanning facilities; providing requirements for inspection reports and the training of operators; amending s. 383.011, F.S.; revising duties of the department with respect to administering the federal Child and Adult Care Food Program; authorizing the department to adopt rules for administering certain other federal programs; amending s. 384.33, F.S.; authorizing the department to adopt rules with respect to procedures for notifying a physician or person's partner of a sexually transmissible disease; amending s. 384.34, F.S.; authorizing the department to adopt rules for administering penalty provisions; amending s. 401.26, F.S.; requiring a vehicle permit for an aircraft used to provide life-support services; providing certain exceptions; requiring the department to adopt certain criteria and rules; amending ss. 401.265, 401.30, F.S.; authorizing the department to adopt rules governing the provision of life-support services; creating s. 401.465, F.S.; requiring the licensure of programs in emergency medical technician and paramedic education; providing qualification requirements for licensing such a program; providing for the department to collect fees; authorizing the department to conduct site visits; specifying prohibited activities; authorizing the department to suspend or revoke a license; providing for fees and fines to be deposited into the Emergency Medical Services Trust Fund; creating s. 401.475, F.S.; providing penalties for operating an unlicensed emergency medical technician program or paramedic program; amending ss. 403.0625, 403.863, F.S.; authorizing the department to adopt rules governing the certification of environmental laboratories and public water supply laboratories; specifying acts for which the department may impose disciplinary sanctions; amending s. 404.056, F.S.; authorizing the department to establish criteria for certifying persons and businesses that conduct radon gas or radon progeny measurements; providing additional requirements for reporting the results of such measurements; amending s. 404.22, F.S.; providing requirements for the department in inspecting radiation machines and components; requiring persons who install such machines to register with the department; amending s. 468.306, F.S.; providing requirements for examinations; amending s.

489.553, F.S.; providing for out-of-state work experience and examinations to fulfill certain requirements for registration as a septic tank contractor; amending s. 489.555, F.S.; providing additional requirements for the certification of partnerships and corporations that offer septic tank contracting services; amending s. 499.005, F.S.; prohibiting misrepresentation or fraud in obtaining or distributing a prescription drug or device; amending s. 499.01, F.S.; authorizing the department to issue a permit for the distribution of drugs to a health care entity; providing for changing the type of permit issued; amending s. 499.012, F.S.; redefining the term "wholesale distribution" for purposes of the regulation of the sale of prescription drugs; authorizing the department to adopt rules for issuing permits and handling prescription drugs; amending s. 499.0121, F.S.; providing for the exemption of certain establishments from requirements governing the storage and handling of prescription drugs; amending s. 499.0122, F.S.; authorizing the department to adopt rules governing the sale of veterinary legend drugs; amending s. 499.013, F.S.; authorizing the department to adopt rules governing manufacturers of drugs or devices; amending s. 499.014, F.S.; requiring persons who process returned drugs to obtain a permit from the department; amending s. 499.015, F.S.; providing requirements for registering product names with the department; amending ss. 499.03, 499.65, F.S.; authorizing the department to adopt rules to allow researchers to possess prescription drugs or ether; amending s. 499.05, F.S.; requiring the department to adopt rules governing the storage and handling of medical devices and over-the-counter drugs; amending s. 499.66, F.S.; revising the recordkeeping requirements for sales of ether; amending s. 499.67, F.S.; specifying unlawful acts with respect to the purchase, storage, or use of ether; amending s. 501.122, F.S.; authorizing the department to establish additional standards for the use of lasers; amending s. 513.045, F.S.; revising the permit fees charged to operators of mobile home parks and recreational camps; amending s. 513.05, F.S.; providing additional rulemaking authority for the department with respect to such parks and camps; amending s. 514.011, F.S.; defining the term "portable pool"; amending s. 514.0115, F.S.; authorizing the department to grant variances with respect to regulations governing the operation of swimming pools; amending s. 514.03, F.S.; revising requirements for construction plans for a public swimming pool or bathing place; amending s. 514.031, F.S.; requiring the posting of an operating permit for a pool; prohibiting the use of a portable pool as a public pool; amending s. 514.033, F.S.; providing for the department to prorate certain fees for an operating permit; amending s. 514.05, F.S.; authorizing the department to adopt rules specifying conditions for closing a pool; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Hargrett—

SB 1718—A bill to be entitled An act relating to rules of the transportation disadvantaged commission (RAB); providing an effective date.

—was referred to the Committee on Transportation.

By Senator Rossin—

SB 1720—A bill to be entitled An act relating to rulemaking authority for the Department of Children and Family Services (RAB); amending s. 393.066, F.S.; providing for compliance with federal laws or regulations in rulemaking; amending s. 393.17, F.S.; providing for minimum standards in rules; amending s. 394.4781, F.S.; providing rulemaking authority; amending s. 394.78, F.S.; providing for the inclusion of financial requirements in rules; amending s. 394.879, F.S.; providing for inclusion of construction and design requirements in rules; amending s. 397.427, F.S.; providing for inclusion of federal requirements in rules; amending s. 409.212, F.S.; providing rulemaking authority; amending s. 409.285, F.S.; providing rulemaking authority; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator McKay—

SB 1722—A bill to be entitled An act relating to rulemaking authority of school boards (RAB); amending s. 230.22, F.S.; prescribing the rulemaking authority of school boards; ratifying certain extant rules; providing an effective date.

—was referred to the Committee on Education.

By Senators Holzendorf and Clary—

SB 1724—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; revising definitions of employment and wages to incorporate additional exclusions; amending s. 443.091, F.S.; clarifying certain benefit eligibility conditions relating to services at educational institutions; amending s. 443.191, F.S.; limiting use of certain moneys in the Unemployment Compensation Trust Fund for a time certain; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Dyer—

SB 1726—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 20.18, F.S.; renaming the Division of Resource Planning and Management; amending s. 163.3180, F.S.; modifying de minimis standards for transportation concurrency; amending s. 163.3184, F.S.; requiring the department to maintain specified documents dealing with amendments to local comprehensive plans; amending s. 163.3244, F.S.; revising the number and size of local governments involved in the sustainable communities demonstration project; extending a future repeal date; amending ss. 186.507, 186.508, 186.511, F.S.; removing responsibilities of the Executive Office of the Governor relating to strategic regional policy plans; amending s. 288.975, F.S.; redefining the term "regional policy plan"; revising criteria for military base reuse plans; amending s. 288.980, F.S.; providing revised standards for military base retention; providing conditions for the award of grants by the Office of Tourism, Trade, and Economic Development; amending s. 380.05, F.S.; removing the department's mandate to submit specified recommendations about areas of critical state concern; amending s. 380.06, F.S.; deleting reference to the state land development plan; adding day care facilities as an issue in the development-of-regional-impact review process; amending s. 380.23, F.S.; adding an element to federal consistency review; creating the Transportation and Land Use Study Committee; requiring the committee to report to the Governor and the Legislature; repealing s. 380.031(17), F.S., which defines the term "state land development plan"; repealing s. 380.0555(7), F.S., which provides for a resource planning and management committee for the Apalachicola Bay Area; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Economic Opportunities; and Ways and Means.

By Senator Bronson—

SB 1728—A bill to be entitled An act relating to mobile surgical facilities; creating s. 395.0164, F.S.; prescribing the characteristics of such facilities; providing that such facilities that contract with the Department of Corrections are exempt from certain licensing and construction requirements and may serve only inmates; allowing such facilities to provide medical care to the public during state or national emergencies; providing an effective date.

—was referred to the Committees on Criminal Justice and Health Care.

By Senator Campbell—

SB 1730—A bill to be entitled An act relating to the Legislature; amending s. 11.111, F.S.; providing for the continuance of certain proceedings that involve a member of the Legislature and conflict with scheduled activity of a legislative committee; specifying the period of the continuance which applies when the Legislature is not in session; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 1732—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "special risk member" to include certain public defender investigators; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Senator Campbell—

SB 1734—A bill to be entitled An act relating to juvenile and criminal justice; amending s. 985.216, F.S., relating to punishment of a delinquent child for contempt of court and alternative sanctions; removing certain time limitations upon placement of a delinquent child held in contempt in a secure detention facility or secure residential commitment facility; amending s. 985.414, F.S., relating to county juvenile justice councils; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; amending s. 985.415, F.S.; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; revising requirements for application for a community juvenile justice partnership grant to remove a requirement for participation by specified entities; amending s. 985.215, F.S., relating to detention; providing for continued detention of a child who has failed to appear in court on two separate occasions in the same case; providing for extension up to 30 days of the time limits upon detention of a child, under specified circumstances; amending ss. 790.22(8), 985.213(2)(b), F.S., and reenacting ss. 985.208(1), 985.211(2),(4), 985.219(5), F.S., relating to release or delivery from custody, use of detention, juvenile domestic violence offenders, process and service, detention of a furloughed or escaped child, and weapons or firearms offenses by minors to incorporate the amendment of s. 985.219, F.S., in references; amending s. 985.209, F.S.; authorizing establishment of truancy programs by juvenile justice assessment centers; defining "truant student" to include enrolled students between 6 years of age and 18 years of age; amending s. 230.23161, F.S., relating to educational services in Department of Juvenile Justice programs; providing a maximum limitation on administrative costs under certain contracts by school districts for such programs; amending s. 806.13, F.S., relating to criminal mischief; redefining the first-degree misdemeanor criminal mischief offense to include damage to property greater than $200 but less than $500 and providing penalties therefor; redefining third-degree felony criminal mischief to include certain damages of $500 or greater and providing penalties therefor; amending s. 921.0022, F.S., relating to the criminal punishment code, to conform to the amendment of s. 806.13, F.S.; amending s. 812.014, F.S., relating to theft; providing second-degree-felony penalties for a person who commits grand theft of a motor vehicle and who has previously been convicted two or more times of motor vehicle theft; reenacting s. 538.23(2), F.S., relating to offenses by secondary metal recyclers, to incorporate said amendment in references; requiring cooperative agreements between the Department of Juvenile Justice and the Department of Children and Family Services for the provision of mental health and substance abuse treatment services to youth in the juvenile justice system; requiring the Office of Program Policy Analysis and Government Accountability to conduct a performance review of the provision of mental health and substance abuse treatment services to youth in the juvenile justice system; requiring a report; amending s. 985.234, F.S.; providing for appeal by the state of an order denying restitution, under certain circumstances when the order affects a party to a case involving delinquency; providing effective dates.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By Senator Horne—

SB 1736—A bill to be entitled An act relating to job training; creating s. 446.609, F.S.; creating a school-to-work program entitled "Jobs for Florida's Graduates"; providing definitions and intent; providing requirements for school and student participation; creating an endowment fund and providing for appropriations and gifts; providing for the investment and deposit of funds in an operating account; creating an endowment foundation as a direct-support organization; providing duties of the foundation and a foundation board of directors; providing for use of funds and startup funding; requiring an annual audit and report; providing for rules; requiring legislative review of the program; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Senator Horne—

SB 1738—A bill to be entitled An act relating to public records; amending section 446.609, F.S.; providing an exemption from public records requirements for the identity of donors to the Florida Endowment Foundation for Florida's Graduates; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Education; and Governmental Reform and Oversight.

By Senator Meadows—

SB 1740—A bill to be entitled An act relating to urban infill and redevelopment; creating ss. 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526, 163.2529, F.S.; creating the Urban Infill and Redevelopment Act; authorizing counties and municipalities to designate urban infill and redevelopment areas based on specified criteria; providing for economic incentives; providing for a grant program; providing for a review and evaluation of the act; amending s. 163.3180, F.S.; providing an exception from transportation concurrency requirements; amending s. 163.3187, F.S.; providing exceptions from limitations on amendments to local government comprehensive plans; amending s. 187.201, F.S.; providing additional goals and policies for the state comprehensive plan; amending s. 380.06, F.S.; providing for substantial deviation numerical standards for projects within a designated urban infill and redevelopment area; providing an appropriation; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Economic Opportunities; and Ways and Means.

By Senator Ostalkiewicz—

SB 1742—A bill to be entitled An act relating to husband and wife; creating s. 741.2105, F.S.; prohibiting marriages between persons when one of the persons has been convicted of a capital felony for which a death sentence has been imposed; providing an exception; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Dyer—

SB 1744—A bill to be entitled An act relating to documentary stamp taxes; amending s. 201.02, F.S.; providing an exemption with respect to certain transactions involving the transfer of residential real property to a first-time purchaser of real property; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Harris—

SB 1746—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending ss. 212.04 and 212.12, F.S.; increasing the maximum amount of tax remitted by a dealer to which the dealer's credit applies; repealing s. 212.18(5), F.S., which imposes an additional annual registration fee on dealers who have taxable sales or purchases of $30,000 or more, and s. 212.20(6)(d), F.S., which provides for deposit of the proceeds of fees imposed under s. 212.18(5), F.S., in the Solid

Waste Management Trust Fund; amending ss. 212.20, 218.65, and 288.1169, F.S., to conform and correct references; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Thomas—

SB 1748—A bill to be entitled An act relating to funds for the operation of schools; amending s. 236.081, F.S.; amending the prerequisites to excluding from the computation of district required local effort the assessed value of property that is the subject of litigation; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Jones—

SB 1750—A bill to be entitled An act relating to the Old Keys Bridges located in Monroe County; amending chapter 86-304, Laws of Florida; providing legislative intent; providing that title to the bridges shall be held by the Board of Trustees of the Internal Improvement Trust Fund; providing an exception; authorizing rather than requiring the board to offer certain leases with respect to the bridges; revising language with respect to such leases; limiting commercial use of the bridges; eliminating obsolete language with respect to appropriations; providing an effective date.

—was referred to the Committees on Transportation; Natural Resources; and Ways and Means.

By Senators Cowin and Williams—

SB 1752—A bill to be entitled An act relating to health insurance; amending s. 636.003, F.S.; providing a definition; amending s. 636.009, F.S.; providing an additional condition upon issuance of a certificate of authority under certain circumstances; amending s. 636.016, F.S.; requiring the provision of certain information; amending s. 636.035, F.S.; clarifying limitations on certain provider arrangements; amending s. 636.038, F.S.; specifying procedures and requirements for grievance reporting and resolution; providing duties and responsibilities of the Department of Insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator Jones—

SB 1754—A bill to be entitled An act relating to state uniform traffic control; creating the "Chief Richard B. and Nina Wardlow Highway Safety Act"; creating s. 316.0891, F.S.; providing lower speed limits for trucks with three or more axles and noncommercial buses on certain highways; prohibiting such vehicles from operating in the left lane or left two lanes on certain highways; amending s. 316.0895, F.S.; revising language with respect to following too closely; directing the Department of Highway Safety and Motor Vehicles to erect signs within a certain time period; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Meadows—

SB 1756—A bill to be entitled An act relating to governmental controversies; amending s. 164.101, F.S.; renaming the "Florida Governmental Cooperation Act" as the "Florida Governmental Conflict Resolution Act"; amending s. 164.102, F.S.; providing purpose and intent; creating s. 164.1031, F.S.; providing definitions; creating s. 164.1041, F.S.; requiring local and regional governmental entities to exhaust the procedural options of the act before initiating litigation, except in emergency circumstances; creating s. 164.1051, F.S.; specifying the governmental conflicts to which the act applies; creating s. 164.1052, F.S.; providing procedures and requirements for initiation of conflict resolution procedures; creating s. 164.1053, F.S.; providing for a conflict assessment meeting and providing requirements with respect thereto; creating s. 164.1055, F.S.; providing for a joint public meeting between disputing entities; providing for nonbinding arbitration; creating s. 164.1056, F.S.; providing for final resolution of conflicts; creating s. 164.1057, F.S.; specifying the manner of execution of the resolution of a conflict; renumbering and amending s. 164.104, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs; renumbering and amending s. 164.105, F.S.; providing the period of tolling of any applicable statute of limitations; repealing ss. 164.103 and 164.106, F.S., which provide procedures and requirements for resolution of governmental disputes; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Community Affairs.

By Senator McKay—

SB 1758—A bill to be entitled An act relating to the tax on diesel fuel; amending s. 206.8745, F.S.; providing for a refund of tax paid on undyed diesel fuel consumed by the engine of a motorcoach during idle time for certain purposes; defining "motorcoach"; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator McKay—

SB 1760—A bill to be entitled An act relating to unemployment compensation; amending s. 1, ch. 97-29, Laws of Florida; extending for an additional year a temporary reduction in certain contribution rates for specified employers; amending s. 443.111, F.S.; extending for an additional year a temporary increase in the maximum weekly and yearly benefit amounts for unemployment compensation benefits; specifying benefit years; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Rossin—

SB 1762—A bill to be entitled An act relating to eligibility for the WAGES Program (RAB); amending s. 414.095, F.S.; specifying beginning dates for benefits under the program and Medicaid coverage for a program participant; specifying that the payee of temporary cash assistance may be the caretaker with whom a minor child resides; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senators Brown-Waite, Casas, Dyer and Silver—

SB 1764—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; increasing the disability retirement benefit for members of the special risk class; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Senator Horne—

SB 1766—A bill to be entitled An act relating to tax administration; amending s. 95.091, F.S.; revising the time period within which an

action to collect a tax may be begun when no lien to secure payment of the tax is provided by law; revising time periods within which the Department of Revenue and Department of Business and Professional Regulation may determine and assess the amount of any tax, penalty, or interest due under taxes which they have authority to administer and the conditions under which such time periods apply; amending s. 215.26, F.S.; revising the time period within which application for refund of taxes must be made; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Holzendorf—

SB 1768—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Association; amending s. 766.301, F.S.; providing legislative intent; amending s. 766.304, F.S.; providing that the administrative law judge determines the jurisdiction of a claim under ss. 766.301-766.316, F.S.; prescribing circumstances in which an action may not be brought under ss. 766.301-766.316, F.S.; amending s. 766.315, F.S.; revising the restrictions upon investments; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Ways and Means.

By Senator Holzendorf—

SB 1770—A bill to be entitled An act relating to nursing homes; providing a short title; amending s. 400.23, F.S.; requiring rules providing staffing requirements for nursing homes; providing minimum ratios of certified nursing assistants to residents; providing application of requirements; requiring certain information to be posted in each facility; amending s. 400.063, F.S.; conforming a cross reference; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Holzendorf—

SB 1772—A bill to be entitled An act relating to calculation of insurance premiums; amending s. 624.4095, F.S.; revising the formula for calculating certain casualty insurance premiums; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Holzendorf—

SB 1774—A bill to be entitled An act relating to insurance; amending s. 627.624, F.S.; revising loss-of-time benefit requirements; providing definitions of the terms "earned income" and "overinsurance provisions"; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator Holzendorf—

SB 1776—A bill to be entitled An act relating to The Florida Sexual Predators Act; amending s. 775.21, F.S.; providing an additional requirement with respect to the duty of law enforcement agencies to inform the community and the public of the presence of a sexual predator; providing an effective date.

—was referred to the Committees on Criminal Justice and Community Affairs.

By Senators Crist, Lee, Hargrett and Grant—

SB 1778—A bill to be entitled An act relating to Hillsborough County; amending chapter 67-945, Laws of Florida, as amended; providing for the election of school board members at the time of the first primary and general elections as provided by law; providing for any runoff to be held at the same time as the general election; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bronson—

SB 1780—A bill to be entitled An act relating to Brevard County; amending ch. 94-419, Laws of Florida, as amended; providing certain restrictions and requirements on licensure on the harvesting of clams; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Grant, Crist, Lee and Hargrett—

SB 1782—A bill to be entitled An act relating to the Carrollwood Recreation District, Hillsborough County; consolidating, compiling, and codifying extant laws pertaining to the district; providing legislative intent; deleting provisions that have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition; improving clarity and facilitating correct interpretation; providing notice that the district is an independent special district approved by referendum; adding definitions; providing for election of trustees; revising ballot language requirements; providing that the district elect one secretary; providing that the board is a public body and shall conduct its business accordingly; conforming the law to s. 768.28, F.S., relating to trustees' civil liability and immunity from suit; consolidating the powers and duties of the board into a single section; conforming the law to the actual business practices of the district, routine in nature but not previously enumerated, including the power and duty to perform duties required by general law, when applicable, relating to special districts and to the levy of non-ad valorem assessments, to operate, supervise, and maintain recreational facilities or to contract for same, to insure the facilities, properties, operation, and trustees of the district, to establish, charge, and collect fees for use of the facilities, to direct the supervisor to place certain referenda on the ballot, and to employ personnel, including security guards and certified law enforcement officers; conforming the law to the requirements of ch. 197, F.S., relating to non-ad valorem assessments; providing for dissolution of the district in accordance with general law; providing a savings clause; repealing chs. 72-565, 75-385, 81-394, 84-445, Laws of Florida, relating to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bronson—

SB 1784—A bill to be entitled An act relating to robbery; amending s. 812.13, F.S.; redefining the offense of robbery to include robbery by sudden snatching; defining "sudden snatching"; providing for reclassification of the offense to a higher degree under specified circumstances when the offender carried a firearm or other deadly weapon; providing penalties; reenacting s. 921.0022(3)(f), (h), and (i), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendment to s. 812.13, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senator Klein—

SB 1786—A bill to be entitled An act relating to persons with disabilities; creating ss. 410.701, 410.702, 410.703, 410.704, 410.705, 410.706, F.S.; establishing the home and community-based personal care services for persons with disabilities program in the Department of Children and Family Services; directing the Agency for Health Care Administration to request a waiver of Medicaid regulations; providing conditions for implementation; providing a repeal date; requiring reports; amending s. 400.0065, F.S.; directing the State Long-Term Care Ombudsman to promote the home and community-based personal care services for persons with disabilities program among disabled adults who would otherwise require nursing home care; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

By Senator Jones—

SB 1788—A bill to be entitled An act relating to offenses by driver of vehicle in accident involving death or personal injury; amending s. 316.027, F.S.; redefining the offense of unlawful failure to stop or remain at the scene of such accident; providing circumstances under which a person who knew or should have known the accident occurred commits such offense, regardless of whether the person knew at the time of the accident that injury or death resulted; reenacting s. 921.0012(3)(e) and (f), F.S., relating to the sentencing guidelines offense severity ranking chart, to incorporate said amendment in references; amending s. 775.089, F.S., relating to restitution; providing that the court may order a person who commits such offense to make restitution for certain damages or loss related to, or occurring directly or indirectly as a result of, the underlying accident resulting in injury or death; amending s. 921.0011, F.S.; redefining the term "victim injury," for purposes of sentencing a person who commits such offense, to include physical injury or death suffered by a person as a direct or indirect result of the underlying accident; amending ss. 316.066, 960.03, F.S., relating to written reports of accidents and definitions with respect to the Florida Crimes Compensation Act, respectively, to correct a cross-reference; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Ways and Means.

By Senator Jones—

SB 1790—A bill to be entitled An act relating to the Secretary of State; creating s. 15.0465, F.S.; designating the Western Union historic sailing vessel as the official state ship; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Jones—

SB 1792—A bill to be entitled An act relating to election boards; amending s. 102.012, F.S.; authorizing any person who is preregistered and otherwise qualified to be appointed and serve as a member of an election board; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Burt—

SB 1794—A bill to be entitled An act relating to boater safety; creating s. 327.35215, F.S.; providing penalties for failure to submit to a breath test or urine test; creating s. 327.35216, F.S.; providing for the suspension of the privilege to operate a vessel for persons who are under 21 years of age under certain circumstances; amending s. 327.395, F.S.; revising provisions with respect to boater safety identification cards issued by the Department of Environmental Protection; providing an effective date.

—was referred to the Committees on Natural Resources; Transportation; and Ways and Means.

By Senator McKay—

SB 1796—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.411, F.S.; requiring that the Department of Children and Family Services notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain specified sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 490.012, F.S.; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 490.0145, F.S.; providing that only certain persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; requiring the Board of Psychology to require training and coursework for juvenile sexual offender therapists; amending s. 491.012, F.S.; defining the offense of the unlawful use of the term "juvenile sexual offender therapist," and providing penalties therefor; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 491.0144, F.S.; providing for qualifications for licensure as a juvenile sexual offender therapist under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services; creating ss. 943.17291, 943.17295, F.S.; requiring that the Criminal Justice Standards and Training Commission incorporate instruction in investigating juvenile sexual offenders into the course curriculum for law enforcement officers; amending s. 985.04, F.S.; requiring that the Department of Juvenile Justice notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 985.308, F.S.; requiring that the Department of Juvenile Justice inspect offender commitment programs operated by the department based on specified standards; authorizing any state attorney to establish a sexual abuse intervention network; providing for membership and prescribing duties of such network; requiring the Office of the Attorney General, the Department of Children and Family Services, and the Department of Juvenile Justice to award grants to sexual abuse intervention networks; specifying criteria for grant awards; requiring the Office of the Attorney General, in collaboration with the Department of Juvenile Justice and the Department of Children and Family Services, to establish minimum standards for juvenile sex offender day treatment and residential treatment programs funded pursuant to specified provisions; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By Senator McKay—

SB 1798—A bill to be entitled An act relating to medical practice; creating s. 458.351, F.S.; requiring licensure of any physician, wherever located, who has primary authority over the care or diagnosis of a patient located in this state; providing an exception; providing applicability with respect to transmission of radiographic images; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Diaz-Balart—

SB 1800—A bill to be entitled An act relating to health insurance; amending s. 222.22, F.S.; exempting moneys paid into a Medical Savings Account from attachment, garnishment, or legal process; amending s. 627.6425, F.S.; specifying exceptions to guaranteed renewability of individual health insurance policies; amending s. 627.6487, F.S., redefining the term "eligible individual" for purposes of guaranteed-issuance of an

individual health insurance policy; amending s. 627.6498, F.S.; requiring the Department of Insurance to establish standard risk rates for purposes of determining premium rates of coverage issued by the Florida Comprehensive Health Association; amending s. 627.6571, F.S.; specifying exceptions to guaranteed renewability of group health insurance policies; amending s. 627.6675, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining maximum premiums for conversion policies; revising standards for renewal of converted insurance policies; requiring the insurer to mail certain information to a person eligible for a converted policy, upon request; creating s. 627.6685, F.S.; requiring health insurers and health maintenance organizations to include in their plans that offer mental health coverage certain mental health benefits that are not less favorable than those for medical or surgical benefits covered by the plan; defining terms; providing exemptions; limiting applicability of this section; amending s. 627.674, F.S.; revising the minimum standards for Medicare Supplement policies; amending s. 627.6741, F.S.; revising requirements for insurers to issue, cancel, nonrenew, and replace Medicare supplement policies; restricting preexisting-condition exclusions; authorizing the Department of Insurance to adopt rules governing guaranteed issue of Medicare supplement coverage for continuously covered individuals; amending s. 627.9403, F.S.; specifying the provisions of the Long-term Care Insurance Act that apply to limited benefit policies; amending s. 627.9404, F.S.; defining the term "limited benefit policy"; amending s. 627.9407, F.S.; revising the requirements for exclusion of coverage for preexisting conditions for long-term care policies; requiring limited-benefit policies to contain a disclosure statement regarding their qualification for favorable tax treatment; amending s. 627.94073, F.S.; revising the notice requirement for long-term care policies regarding the right to designate a secondary person to receive notice of lapse of coverage; amending s. 641.31074, F.S.; revising requirements for guaranteed renewability of a health maintenance organization contract; amending s. 641.3111, F.S.; requiring health maintenance organization contracts to provide for an extension of benefits upon termination of the contract; amending s. 641.3922, F.S.; revising the method for establishing the maximum premium for converted contracts issued by health maintenance organizations; revising the exceptions to guaranteed renewability of converted health maintenance organization contracts; requiring a health maintenance organization to mail certain information to a person eligible for a converted contract; amending s. 641.495, F.S.; exempting from licensure under part I of ch. 395, F.S., certain beds of a health maintenance organization; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Ways and Means.

By Senator Ostalkiewicz—

SB 1802—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.11, F.S.; providing for a reduction in, and the eventual recision of, the prepayment requirement; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Ostalkiewicz—

SB 1804—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; rescinding the fine for speeds exceeding the limit by 1-5 m.p.h. and replacing the fine with a warning; amending s. 627.733, F.S.; deleting a provision for revoking the driver's license of an owner or registrant of a motor vehicle who does not provide required security for that vehicle; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Cowin—

SB 1806—A bill to be entitled An act relating to the surcharge on the sale of alcoholic beverages for consumption on the premises; providing legislative intent with respect to encouraging the employment of participants in the WAGES program; requiring the Office of Tourism, Trade, and Economic Development to certify to the President of the Senate and the Speaker of the House of Representatives the amount of taxes and the economic benefit generated by the restaurant industry from employing WAGES participants and to add that amount to the total amount of certain beverage taxes and penalties paid during a specified calendar year; providing for the repeal of s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages, if the total amount of the surcharge exceeds a specified figure; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Harris—

SB 1808—A bill to be entitled An act relating to independent special fire control districts; providing requirements for the creation, expansion, and merger of independent special fire control districts; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Harris—

SB 1810—A bill to be entitled An act relating to firearms-related licenses; amending ss. 493.6111, 493.6113, F.S.; extending the licensure period for certain licenses; amending s. 790.06, F.S.; extending the licensure period for concealed weapons licenses; requiring persons who conduct or instruct certain gun safety and licensure courses to maintain records; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Harris—

SB 1812—A bill to be entitled An act relating to proceedings relating to the custody and support of children; amending s. 61.13, F.S.; requiring a court to state in writing its findings of fact and conclusions of law pertaining to the court's determination of parental responsibility or residential responsibility; creating s. 61.50, F.S.; requiring notices of hearings under ch. 61, F.S., to include an advisory note; providing an effective date.

—was referred to the Committee on Judiciary.

By Senators Harris, Cowin, Lee, Myers, Clary, Williams, Bronson and Grant—

SB 1814—A bill to be entitled An act relating to termination of pregnancies; providing a short title; providing legislative findings and intent; amending s. 390.011, F.S.; revising definitions; defining additional terms; amending s. 390.0111, F.S.; revising provisions relating to terminations of pregnancies; prohibiting the coercion of a minor to have a termination of pregnancy performed; providing a penalty for violation; prohibiting the performing or inducement of a termination of pregnancy upon an unemancipated minor or an incompetent person without specified notice; providing a penalty for violation; providing notice requirements; providing exceptions; providing procedure for judicial waiver of notice; providing for confidentiality of proceedings; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petition; requiring the issuance of written findings of fact and legal conclusions; providing for expedited confidential appeal; providing for waiver of filing fees; providing a penalty for unauthorized receipt and signature of notice; providing for prima facie evidence in civil actions; providing for construction; amending s. 390.0112, F.S.; providing reporting requirements with respect to terminations of pregnancies for which notice must be given under s. 390.0111, F.S.; providing for confidentiality of such reports;

providing a fine for failure to meet reporting requirements; providing severability; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Ways and Means.

By Senators Williams, Grant, Dudley, Brown-Waite and Bronson—

SJR 1816—A joint resolution proposing an amendment to Section 4 of Article X of the State Constitution, to provide that the homestead exemption from forced sale does not apply to homestead property that is acquired or whose equity value is increased through prepayment of any mortgage debt with intent to defraud creditors.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By Senator Holzendorf—

SB 1818—A bill to be entitled An act relating to insurance; creating s. 627.5015, F.S.; prohibiting the issuance or delivery of industrial life insurance policies after a certain date; providing that existing policies of industrial life insurance remain subject to the applicable provisions of the Insurance Code and rules adopted thereunder; requiring an annual disclosure by insurers of industrial life insurance; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Childers—

SB 1820—A bill to be entitled An act relating to ignition interlock devices; amending s. 316.1937, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to require persons who are convicted of driving under the influence or who refuse to submit to a breath, blood, or urine test to install a functioning ignition interlock device in any vehicle the person operates; requiring compliance with operating and maintenance instructions for department-certified breath alcohol ignition interlock devices; providing penalties; providing penalties for driving a motor vehicle that is not equipped with a required device under certain circumstances; revising provisions with respect to penalties; providing a penalty for preventing or attempting to prevent any person legally authorized by the court or the department from installing, monitoring, or repairing a department-certified breath alcohol ignition interlock device; providing an exception for certain persons to operate a vehicle while conducting the employer's business under certain circumstances; amending s. 316.1938, F.S.; requiring that the department adopt specifications for service providers; amending s. 322.27, F.S.; providing an exception with respect to the revocation of the driving privilege; amending s. 322.271, F.S.; decreasing the time period to petition for restoration of the driving privilege; reducing time periods for reinstatement; providing for enrollment in the statewide interlock supervision program; authorizing the department to require that persons convicted of certain offenses of driving under the influence install an ignition interlock device; requiring the department to adopt rules for a statewide interlock supervision program in conjunction with the DUI programs; amending s. 322.28, F.S.; providing for restricted driving privileges for business or employment if the person installs a certified breath alcohol ignition interlock device; amending s. 322.292, F.S.; directing the department to regulate a statewide interlock program; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Ways and Means.

By Senator Williams—

SB 1822—A bill to be entitled An act relating to evidence of crimes, wrongs, or acts; amending s. 90.404, F.S.; revising terminology; providing for admissibility into evidence of uncharged crimes, wrongs, or acts inseparable from or inextricably intertwined with the crime charged, under certain circumstances; providing definitions; providing for admissibility of evidence of other "sexual misconduct" by the defendant under certain circumstances when the defendant is charged with a sexual offense; providing for admissibility of other "acts of domestic violence" by the defendant under certain circumstances when the defendant is charged with an act of domestic violence; requiring the state to furnish certain notice of intent to the defendant or defendant's counsel regarding the state's intent to offer evidence of criminal offenses or sexual misconduct or domestic violence committed by the defendant; providing that notice is not required regarding certain evidence of uncharged crimes, wrongs, or acts inseparable from or inextricably intertwined with the crime charged; providing an effective date.

—was referred to the Committees on Criminal Justice and Judiciary.

By Senator Williams—

SB 1824—A bill to be entitled An act expressing legislative intent to revise the laws relating to growth management.

—was referred to the Committee on Community Affairs.

By Senator Williams—

SB 1826—A bill to be entitled An act relating to public hurricane evacuation shelters; amending s. 240.295, F.S.; prescribing duties of the Board of Regents with respect to identifying public shelter space; amending s. 252.385, F.S.; authorizing the use of private buildings as shelters; providing for school boards and community colleges to assist in coordinating certain surveys; providing for public facilities to be made available for use as shelters; requiring the Department of Management Services to incorporate public shelter provisions into leases for certain public facilities; amending s. 252.51, F.S.; exempting the state, its political subdivisions, employees, agents, and others from liability for damages caused by emergency management workers in certain situations; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Community Affairs; and Ways and Means.

By Senator Williams—

SB 1828—A bill to be entitled An act relating to hospitals; amending s. 395.0191, F.S.; providing staff membership and clinical privileges for licensed optometrists; providing certain limitations; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Ways and Means.

By Senator Ostalkiewicz—

SB 1830—A bill to be entitled An act relating to vessels; amending s. 328.17, F.S.; revising provisions with respect to the nonjudicial sale of vessels; revising timeframes for notice of certain sales; revising certain notice timeframes; providing requirements with respect to towed vessels; providing for liens on certain vessels; providing procedures; providing for sale of certain vessels; providing for liability; providing requirements with respect to waterborne towing vessels; providing for vessel inspection; providing for certificates of destruction; providing for fees; providing for rules and penalties; requiring the satisfaction of certain liens prior to the sale or destruction of a vessel or its contents; amending s. 715.05, F.S.; providing for the reporting of unclaimed vessels; amending s. 715.07, F.S.; providing for the towing of vessels docked on private property; providing an effective date.

—was referred to the Committees on Judiciary; Transportation; and Ways and Means.

By Senator Campbell—

SB 1832—A bill to be entitled An act relating to title insurance; amending s. 624.509, F.S.; deleting a tax on risk premiums for title insurance; amending s. 626.841, F.S.; modifying the definition of title insurance agent and title insurance agency; amending s. 626.8473, F.S.; authorizing title insurance agencies to engage in business as an escrow agent; amending s. 626.9541, F.S.; providing that, for purposes of determining unlawful rebates, both the title insurance agent's and the title insurer's share of the premium is considered a charge made incident to the issuance of such insurance; amending s. 627.7711, F.S.; providing a definition; amending s. 627.777, F.S.; providing for approval of forms; amending s. 627.7773, F.S.; providing an exception from accounting for outstanding forms; amending s. 627.780, F.S.; eliminating risk premium from the type of premium that may be charged for title insurance; amending s. 627.782, F.S.; providing for adoption of rates; amending s. 627.783, F.S.; conforming provisions; amending s. 627.784, F.S.; providing that a title insurance policy may not be issued without regard to the possible existence of adverse matters or defects of title; amending s. 627.7841, F.S.; deleting binder commitments; amending s. 627.7845, F.S.; deleting binder and guarantee of title insurance; amending s. 627.786, F.S.; deleting guarantee of title insurance; amending s. 627.791, F.S.; deleting binder and guarantee of title insurance; amending s. 627.792, F.S.; providing liability of title insurers for defalcation by title insurance agents and agencies; deleting binder and guarantee of title insurance; repealing s. 627.7831, F.S.; relating to title binders and commitments; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senators Dyer and Horne—

SB 1834—A bill to be entitled An act relating to postsecondary education; providing legislative intent; providing definitions; establishing the Florida Higher Education Savings Trust; providing for participation agreements; establishing the Florida Higher Education Savings Program; providing for administration of the program and the trust by the State Board of Administration; providing for the investment of funds in the trust; providing for the trust to disburse funds for the payment of higher education expenses of designated beneficiaries; providing for the withdrawal of funds in specified circumstances; providing for reports by the state board to the Governor, the Legislature, depositors, and designated beneficiaries; providing for taxation of the trust; pledging that the state will not alter certain rights under this act or contracts with the trust; providing that this act does not guarantee acceptance into any educational institution; excluding moneys invested in the trust from being considered assets for purposes of financial aid needs testing; providing for liberal construction of this act; providing that this program should be considered a "qualified state tuition program" under federal law; providing for the state board to take action to ensure that the trust complies with certain laws, rules, and regulations; prohibiting the state board from receiving fees from the trust, except for services rendered under a contract; providing severability; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Senators Brown-Waite and Latvala—

SB 1836—A bill to be entitled An act relating to water management districts; creating s. 373.0835, F.S.; creating the Independent Public Fiscal Office to provide fiscal oversight of each water management district on behalf of the people of the state; providing protection for employees of the water management districts and independent contractors; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Reform and Oversight; and Rules and Calendar.

By Senators Childers, Holzendorf, Turner, Silver, Forman, Meadows and Grant—

SB 1838—A bill to be entitled An act relating to insurance; creating s. 624.4351, F.S.; prohibiting certain insurers from terminating certain contracts between insurers and agents unless just cause exists; providing definitions; providing a cause of action; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Grant, Latvala, Meadows, Dyer, Lee, Forman and Dudley—

SB 1840—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising credit requirements for high school graduation; creating s. 233.0616, F.S.; encouraging elementary schools and middle schools to implement personal fitness programs and providing for the allocation of funds; providing for the allocation of funds for upgrading a physical education specialist position in the Department of Education; providing effective dates.

—was referred to the Committees on Education; and Ways and Means.

By Senator Holzendorf—

SB 1842—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; revising provisions that prohibit any county that levies a convention development tax under s. 212.0305, F.S., from levying more than the 2-percent tourist development tax, with certain exceptions, to remove counties levying the consolidated county convention development tax from such prohibition; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Ostalkiewicz—

SB 1844—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale or purchase of tangible personal property or services sold to raise funds for educational activities of a school; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Williams—

SB 1846—A bill to be entitled An act relating to air carriers; directing the Department of Management Services to evaluate the state contract for air carrier service for state employees, undertake a pilot program, and evaluate the pilot program; amending s. 212.08, F.S.; revising the application of the exemption from the tax on sales, use, and other transactions for labor charges for the maintenance and repair of certain aircraft; providing an exemption for replacement engines, parts, and equipment used in the repair or maintenance of certain aircraft; amending s. 332.007, F.S., which provides for the administration and financing of airport projects; providing that a portion of the assistance provided by the Department of Transportation may be used to improve scheduled airline service; providing that projects to improve scheduled air service to and from the state capital shall be deemed to be of statewide importance under said section; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; Commerce and Economic Opportunities; and Governmental Reform and Oversight.

By Senator Kirkpatrick—

SB 1848—A bill to be entitled An act relating to child support guidelines; amending s. 61.30, F.S.; removing the allowance of court-ordered support for other children which is actually paid as a deduction from income with respect to child support guidelines; authorizing the court to enter an order, including a variance with child support guidelines with respect to parents who have children living in more than one household; providing for the consolidation and joinder of certain cases; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Kirkpatrick—

SB 1850—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.40201, F.S.; allowing certain institutions of higher education which are located out of this country or state to qualify as eligible institutions; requiring the Department of Eduction to make a reasonable effort to notify certain military personnel about the program; amending s. 240.40204, F.S.; providing requirements for institutional eligibility for institutions that are located outside this country or state; amending s. 240.404, F.S.; specifying requirements for student eligibility; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Kirkpatrick—

SB 1852—A bill to be entitled An act relating to postsecondary student financial aid; creating ss. 240.801, 240.802, 240.810, 240.811, 240.812, 240.813, 240.814, 240.815, 240.816, 240.817, 240.818, 240.819, 240.820, 240.821, 240.822, 240.823, 240.824, 240.840, F.S.; creating the Florida Student Financial Aid Corporation; providing for the corporation's membership, powers, and duties; authorizing the corporation to administer state and federal financial aid and scholarship programs for students attending public and nonpublic postsecondary education institutions; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Senator Kirkpatrick—

SB 1854—A bill to be entitled An act relating to the State University System; amending s. 240.235, F.S.; authorizing each university president to submit a plan to the Board of Regents to increase matriculation and tuition fees for specified professional programs; providing a limit on such increase; specifying certain contents of plans; providing for the retention of revenue; amending s. 240.4042, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Holzendorf—

SB 1856—A bill to be entitled An act relating to expunction of criminal history records; creating the "Anderson C. Hill, II, and Karla Faye Tucker Forgiveness Act"; creating s. 943.0587, F.S.; providing for mandatory expunction of certain felony offense records upon application to the Department of Law Enforcement under specified circumstances when the offenses were committed by a person under 22 years of age who has not committed any additional felony offenses for at least 6 years; providing an exception for capital felonies, life felonies, and felonies of the first degree; providing for application for expunction; providing for an application fee; providing for adoption of rules by the Department of Law Enforcement; providing for construction; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Ways and Means.

By Senator Holzendorf—

SB 1858—A bill to be entitled An act relating to conditional release; creating s. 947.1491, F.S.; establishing the conditional drug offender release program; specifying eligibility criteria; providing for the Parole Commission to consider inmates for the conditional release program upon the recommendation of the citizens' advisory committee; clarifying that the inmate has no right to conditional drug offender release or review; authorizing the commission to grant or deny conditional drug offender release; requiring that probation or community control be substituted under certain circumstances; requiring the conditional release date to be set based on a system of uniform criteria; authorizing the commission to determine the terms, conditions, and lengths of supervision, determine violations, and adopt rules; creating s. 947.1492, F.S.; establishing a citizens' advisory committee; specifying its purpose and composition; assigning the committee to the commission for staffing and administrative support; requiring that the chair be selected by the members for a term of 1 year; requiring the committee to meet a minimum of five times annually; specifying that a majority of the membership constitutes a quorum; requiring the chair to record proceedings of the committee; authorizing per diem and travel expenses for members; amending s. 947.141, F.S.; providing for issuance of arrest warrant for an offender who has violated conditional drug offender release terms and conditions; providing for detention without bond of the offender upon arrest on a felony charge; requiring a hearing within a specified period after notice to the Parole Commission of the arrest; providing for orders of revocation of conditional drug offender release under specified circumstances; reenacting s. 947.146(12) and (14), F.S., relating to Control Release Authority, and s. 947.149(5), F.S., relating to conditional medical release, to incorporate the amendment in references; conforming cross-references; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

By Senator Klein—

SB 1860—A bill to be entitled An act relating to food products; amending s. 500.04, F.S.; prohibiting the sale, the delivery for sale, or the offering for sale of repackaged or rewrapped raw meat, fish, or poultry that does not display specified labeling; reenacting s. 500.177(1), F.S., relating to the penalty for violation of s. 500.04, F.S., to incorporate the amendment to s. 500.04, F.S., in a reference thereto; providing an effective date.

—was referred to the Committee on Agriculture.

By Senator Crist—

SB 1862—A bill to be entitled An act relating to public officers; requiring public officers to pay for all personal transportation expenses; amending s. 112.312, F.S.; redefining the term "gift"; repealing s. 112.3148(7)(d), F.S., which provides for determining the value of transportation for purposes of gift disclosure; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

By Senator Klein—

SB 1864—A bill to be entitled An act relating to vessels; creating s. 327.901, F.S.; creating the "Vessel Warranty Enforcement Act," also known as the "Vessel Lemon Law"; creating s. 327.902, F.S.; providing legislative intent; creating s. 327.903, F.S.; providing definitions; creating s. 327.904, F.S.; providing for the duty of the manufacturer to conform the vessel to the warranty; creating s. 327.905, F.S.; providing for nonconformity of vessels and engines; creating s. 327.906, F.S.; providing for bad faith claims; creating s. 327.907, F.S.; providing for dispute settlement procedures; creating s. 327.908, F.S.; providing for dispute eligibility with the Florida New Vessel Arbitration Board; creating s. 327.909, F.S.; creating the Florida New Vessel Arbitration Board; providing for duties and functions; creating s. 327.911, F.S.; providing for compliance and disciplinary actions; creating s. 327.912, F.S.; providing

that certain violations are unfair or deceptive trade practices; creating s. 327.913, F.S.; providing for consumer remedies; creating s. 327.914, F.S.; providing for vessel dealer liability; creating s. 327.915, F.S.; providing for the resale of returned vessels; creating s. 327.916, F.S.; providing that certain agreements are void; creating s. 327.917, F.S.; providing for preemption; creating s. 327.918, F.S.; providing a fee; creating s. 327.919, F.S.; providing for rules; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Judiciary; and Ways and Means.

By Senators Crist, Diaz-Balart, Grant, Lee, Brown-Waite, Ostalkiewicz, Cowin and Clary—

SM 1866—A memorial to the Congress of the United States urging Congress to sunset the current Internal Revenue Code by December 31, 2000, and develop a simple replacement tax code that the average citizen can comply with and understand without having to retain professional assistance.

—was referred to the Committee on Rules and Calendar.

By Senator Turner—

SB 1868—A bill to be entitled An act relating to community environmental health protection; creating ss. 381.102, 381.103, 381.104, 381.105, 381.106, 381.107, F.S., the "Florida Community Environmental Health Protection Act"; providing a short title; providing for community environmental health protection; providing definitions; creating the Community Environmental Health Program; providing purposes of the program; designating pilot projects; providing for boards of directors; requiring a report to the Legislature; providing duties of the Department of Health; providing appropriations and prescribing purposes for which the funds may be used; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; and Ways and Means.

By Senator Turner—

SB 1870—A bill to be entitled An act relating to governmental purchasing; amending ss. 235.31, 287.093, F.S.; authorizing certain local governmental entities to implement certain small-business-enterprise programs; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Commerce and Economic Opportunities.

By Senator Turner—

SB 1872—A bill to be entitled An act relating to adult family-care homes; amending ss. 400.617, 400.618, 400.619, 400.621, 400.6211, 400.622, and 400.625, F.S.; revising legislative intent and purpose; revising definitions; requiring adult family-care home providers to meet certain screening requirements; revising requirements for rules relating to appropriate placement of residents; providing certain limitations on rules; deleting authority for rules relating to supervision of residents; conforming terminology and updating obsolete references to the former Department of Health and Rehabilitative Services; amending s. 419.001, F.S.; correcting a cross reference; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Senator Turner—

SB 1874—A bill to be entitled An act relating to education paraprofessionals; amending ss. 228.041, 228.056, 231.141, 231.15, 231.3605, 231.40, 240.40685, and 121.091, F.S.; replacing the term "teacher aide" with the term "education paraprofessional"; requiring the State Board of Education to classify school services and prescribe rules; creating s. 231.143, F.S.; authorizing school districts to adopt a program for the career development of education paraprofessionals; specifying levels of achievement that paraprofessionals can attain through the program; providing restrictions; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Turner—

SB 1876—A bill to be entitled An act relating to neurodegenerative disorders; amending s. 430.501, F.S.; limiting terms for members of the Alzheimer's Disease Advisory Committee; creating the Parkinson's Disease Advisory Committee; providing duties and responsibilities; requiring reports; providing for membership and organization; providing for staff support; providing for expenses for certain members; providing for dissolution of the committee; amending s. 430.502, F.S.; providing for Alzheimer's and Parkinson's diseases memory disorder clinics and day care and respite care programs; providing for annual evaluation of the need for additional clinics; authorizing, rather than requiring, the Department of Elderly Affairs to contract for model day care programs in conjunction with such clinics; authorizing department programs for persons with Parkinson's disease and similar neurodegenerative disorders; providing for fees; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Senator Kurth—

SB 1878—A bill to be entitled An act relating to the Child Care Executive Partnership; amending s. 409.178, F.S.; conforming title of the partnership program; revising family income eligibility requirements; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Senator Kurth—

SB 1880—A bill to be entitled An act relating to boating safety; amending s. 327.02, F.S.; redefining "personal watercraft"; amending s. 327.25, F.S.; classifying all personal watercraft as class A-2 vessels; amending s. 327.28, F.S.; providing for distribution and use of registration fees therefor; amending s. 327.39, F.S.; revising requirements for operation of a personal watercraft relating to authorized flotation devices, times of operation, maneuvers constituting reckless operation, and minimum age for operation; prohibiting lease, hiring, or rental to certain persons; requiring all vessel operators to have certain photographic identification; providing a penalty; providing a grandfather clause; amending s. 327.395, F.S.; conforming provisions relating to boating safety identification cards; amending s. 327.54, F.S.; revising requirements for lease, hiring, or rental of vessels by liveries relating to prerental or preride instruction, minimum age for rental, and safety information and instruction; removing liveries' immunity from liability for certain accidents or injuries; requiring certain insurance coverage; providing a penalty; reenacting s. 327.73(1)(p) and (s), F.S., relating to a penalty for violation of vessel laws, to incorporate the amendments to ss. 327.39 and 327.395, F.S., in references; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Senators Crist, Grant, Horne, Turner, Campbell, Holzendorf, Meadows, Burt, Lee, Forman, Myers, Rossin, Silver, Harris, Dyer and McKay—

SB 1882—A bill to be entitled An act relating to school buses; requiring that buses purchased after a specified date and used in transporting certain students be equipped with safety belts that comply with specified standards; providing an effective date.

—was referred to the Committees on Education; Transportation; and Ways and Means.

By Senator Crist—

SB 1884—A bill to be entitled An act relating to public officials; making it a criminal offense for a public official to accept specified loans; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Governmental Reform and Oversight.

By Senator Grant—

SB 1886—A bill to be entitled An act relating to postsecondary education; creating s. 240.707, F.S.; establishing the Florida State University/British Open University Resource and Production Center; providing legislative intent; providing duties; providing funding; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Crist—

SB 1888—A bill to be entitled An act relating to the restructuring of the electric power industry; making findings and declarations regarding the electric industry; defining terms; providing for a transition from a regulated to a competitive electric generation market; providing rulemaking authority for the Public Service Commission; requiring all electric utilities to file restructuring plans; providing for retail customer choice of electric generation providers; requiring electric generation providers to register and obtain a license; requiring electric utilities to separate generation facilities and operations from transmission and distribution facilities and operations; establishing an obligation for utilities to connect customers to transmission and distribution facilities; requiring utilities to provide open access to transmission and distribution facilities by electric generation providers; providing for regulation of rates for transmission and distribution services; restricting the use of eminent domain powers; establishing environmental policies; requiring compliance by municipal and cooperative electric utilities; defining the term "stranded costs" and providing a method of recovery of stranded costs; establishing provisions for the reliability and safety of electric service; providing for noninterference with contract rights; limiting the liability of distribution companies; providing for severability; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Senator Crist—

SM 1890—A memorial to the Congress of the United States, urging Congress to adopt and submit to the states for ratification an amendment to the Constitution of the United States to provide term limits for United States Senators and Representatives.

—was referred to the Committee on Rules and Calendar.

By Senator Crist—

SJR 1892—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution relating to the limitation on state revenues.

—was referred to the Committees on Ways and Means; and Rules and Calendar.

By Senator Crist—

SB 1894—A bill to be entitled An act expressing legislative intent to revise the laws relating to the executive branch of government holding meetings in the sunshine.

—was referred to the Committee on Governmental Reform and Oversight.

By Senators Scott and Latvala—

SB 1896—A bill to be entitled An act relating to nonprofit private schools; amending s. 159.27, F.S.; redefining the term "educational facility" to include property used for the operation of certain nonprofit private schools; providing requirements relating to financing; amending s. 623.13, F.S.; authorizing financing under the Florida Industrial Development Financing Act or by industrial development authorities; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fourths vote of the membership HB 3929 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Rules, Resolutions, and Ethics; and Representative Thrasher and others—

HB 3929—A bill to be entitled An act relating to a special election to be held on September 1, 1998, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution amending Section 17 of Article I of the State Constitution relating to the death penalty and interpretation of the term "cruel or unusual punishment"; providing for publication of notice and for procedures; providing an effective date.

—was referred to the Committees on Criminal Justice; and Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 9 was corrected and approved.

CO-SPONSORS

Senators Bronson—SB 984; Campbell—SB 1122; Casas—SB 68; Childers—SB 882; Diaz-Balart—SB 68; Dudley—SB 46, SB 68; Forman—SB 68, SB 242, SB 1080; Grant—SB 90, SB 1550; Gutman—SB 1080; Hargrett—SB 68; Kirkpatrick—SB 1554; Klein—CS for SB 374; McKay—SB 882; Meadows—SB 1080; Myers—SB 670; Ostalkiewicz—SB 984; Scott—SB 90, SB 1184; Thomas—SB 984; Williams—SB 984, SB 1430

RECESS

On motion by Senator Bankhead, the Senate recessed at 3:41 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:30 p.m., Wednesday, March 18.

Journal of the Senate

Number 5—Regular Session **Wednesday, March 18, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 1:30 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by Rev. Steve Davies, Village Baptist Church, Destin:

Our gracious Heavenly Father, as we stand before you this afternoon, we call upon you today as our mighty God, not only as our creator and our sustainer but as the one who is the lover of our souls. We offer our thanks to you today for all of your provision for us as individuals, for us as a nation and for this great state of Florida in which we live.

We thank you for our leaders, both past and present. We thank you for your abundant supply for our every need. We offer unto you all praise and thanksgiving for life as made possible through Jesus Christ, our Lord. Father, as we bow here today, I lift up the men and women of this great chamber. Lord, I ask for you to give them knowledge. I ask for you to increase their understanding. I ask for you, Lord, to give them wisdom in their every decision as they look at so many important things that affect the people of this state.

Father, I thank you for the courage they have exhibited in these past days. Lord, I ask you to continue to give them the courage to stand for what is right and just. Father, may the plumb line of our judgments not be based upon society's whims but upon the laws you have given to us down through the ages. Lord, help us to stand, as a people, to bring honor and glory and praise unto your name as a faithful people, as a faithful nation. Lord, I thank you for all of these who are gathered here once again, and I ask your abundant blessing be supplied in all of their lives. These things we pray through our Lord and Savior, Jesus Christ. Amen.

PLEDGE

Senate Pages Bethany Campbell of Branford, niece of Senator Williams, and Sarah Roberts of Lantana, led the Senate in the pledge of allegiance to the flag of the United States of America.

ELECTION OF SENATOR STEVEN GELLER

By direction of the President, the Secretary read the following certificate from the Secretary of State, certifying to the election of Senator Steven Geller.

STATE OF FLORIDA
OFFICE OF SECRETARY OF STATE

I, Sandra B. Mortham, Secretary of State of the State of Florida, do hereby certify that the following Member of the State Senate was elected at the Special General Election held on the Seventeenth day of March, A.D., 1998, as shown by the election returns on file in this office:

SENATE DISTRICT NUMBER

29 Steven Geller, Hallandale

GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this 18th day of March, A.D., 1998.

Sandra B. Mortham
SECRETARY OF STATE

SPECIAL GUESTS

The President introduced the newly elected Senator from the 29th district, Steven Geller, and the following special guests: former Senator Rick Dantzler and Commissioner of Insurance Bill Nelson.

OATH OF OFFICE ADMINISTERED

On motion by Senator Casas that a committee be appointed to escort Senator Geller to the bar of the Senate for the administration of the oath of office, the President appointed Senators Dyer, Forman, Meadows, Rossin, Scott and Burt.

Senator Geller was administered the oath of office by The Honorable Major B. Harding, Justice, Florida Supreme Court.

MOTION

On motion by Senator Bankhead, Rule 3.7 was waived and March 31, 1998, was established as the deadline for Senator Geller to file bills for introduction.

ADOPTION OF RESOLUTIONS

At the request of Senator Williams—

By Senator Williams—

SR 2238—A resolution designating March 16, 1998, as FSU Day in Tallahassee.

WHEREAS, the Tallahassee campus of Florida State University is the oldest continuous site of higher education in Florida, and

WHEREAS, Florida State University (FSU) was founded as an institution of higher learning in 1851 by legislative act and began enrolling students at Tallahassee in 1857, and

WHEREAS, spring 1998 marks the fiftieth anniversary of the ratification of the Florida State University Constitution by its faculty, an act that set the institution on course toward its present standing as a bastion of the liberal arts, and

WHEREAS, more than 197,000 men and women have graduated from Florida State University, and its success as an institution is reflected in the success of those graduates around the world, and

WHEREAS, the university's mission emphasizes teaching, research, and public service, and its students study in 16 colleges and schools, which offer undergraduate and graduate degrees in more than 342 fields, and

WHEREAS, U.S. News and World Report ranked Florida State University the "most efficient university" for the second year in a row in its 1998 "America's Best Colleges" issue, and

WHEREAS, the graduation rate at Florida State University is well above the national average and is the best among Florida's state universities, and

WHEREAS, while developing internationally recognized programs in the fine arts and performing arts and in the basic sciences and social sciences, Florida State University has also developed strong student-life programs, including one of the major intercollegiate athletic programs in the country, and

WHEREAS, FSU alumni currently serving in the Florida Senate include Senators W.D. Childers, Pensacola; Charlie Crist, St. Petersburg; John Grant, Tampa; Jim Horne, Jacksonville; John McKay, Bradenton; and Charles D. Williams, Jr., Tallahassee, and

WHEREAS, FSU alumni also include current Representatives Keith Arnold, Ft. Myers; Cynthia Chestnut, Gainesville; Greg Allen Gay, Cape Coral; Debbie Horan, Key West; Everett Kelly, Tavares; Jim King, Jacksonville; Al Lawson, Tallahassee; Sharon Merchant, Palm Beach Gardens; Beryl Roberts-Burke, Carol City; John Thrasher, Orange Park; and J. Alex Villalobos, Miami, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 16, 1998, is designated as FSU Day in Tallahassee.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Sandy D'Alemberte, President of Florida State University, as a tangible token of the esteem of the Florida Senate.

—**SR 2238** was introduced, read and adopted by publication.

At the request of Senator Silver—

By Senator Silver—

SR 2358—A resolution recognizing March 15-21, 1998, as Juvenile Justice Week.

WHEREAS, the Legislature has authorized a juvenile justice continuum of care which creates a balanced approach between prevention and commitment services through a dedicated partnership that includes the Department of Juvenile Justice, juvenile justice district boards, county councils, sheriffs, police chiefs, public defenders, juvenile judges, school districts, not-for-profit organizations, and private providers of services, and

WHEREAS, the State of Florida is becoming recognized as a "bellwether" state for its reforms and progress through the delivery of juvenile justice services and programs that do more than simply provide shelter and control youths' behavior, but help delinquents make a successful transition back into their communities, and

WHEREAS, between 1987 and 1997, Florida's 10-to-17-year-old age group increased 19 percent while the volume of cases entering the juvenile justice system increased by 76 percent, and

WHEREAS, there are fewer serious felonies being committed by juveniles than prior to the adoption of the "Juvenile Justice Act" of 1994, despite a growth in the teenage population, and

WHEREAS, stopping juveniles from entering or progressing any farther into the juvenile justice system will require special emphasis in the areas of prevention and intervention and the support of the legislature, law enforcement, other state agencies, businesses, local communities, and organizations, and

WHEREAS, the Department of Juvenile Justice has made great strides in promoting local government and community involvement by creating partnerships to meet local needs as identified by thousands of local leaders and citizens who contributed 30,000 volunteer hours in the last year, and

WHEREAS, the juvenile justice system, including the Department of Juvenile Justice and its partners, is committed to further reducing the overall juvenile crime rate, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate does, hereby, recognize the week of March 15-21, 1998, as Juvenile Justice Week, and does urge the support and participation of all citizens in making a conscious effort to prevent juvenile crime.

—**SR 2358** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sullivan, by two-thirds vote **CS for SB 124**, **CS for SB 216**, **SB 550**, **CS for SB 772**, **CS for SB 786**, **CS for SB 1132**, **SB 1370** and **CS for SB 1574** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 1846** was withdrawn from the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; Commerce and Economic Opportunities; and Governmental Reform and Oversight; and referred to the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means; **SB 2500** and **SB 2502** were withdrawn from the Committee on Ways and Means; **SB 2002** was withdrawn from the Committees on Transportation and Judiciary and referred to the Committee on Rules and Calendar; **SB 1400** was withdrawn from the Committees on Community Affairs; and Ways and Means; and referred to the Committees on Community Affairs; Agriculture; and Ways and Means; **SB 2170** was withdrawn from the Committees on Children, Families and Seniors; and Rules and Calendar; and referred to the Committees on Judiciary; Children, Families and Seniors; and Rules and Calendar; **SB 672** was removed from the calendar and referred to the Committee on Rules and Calendar; **SB 1964** was withdrawn from the Committees on Health Care; Criminal Justice; and Ways and Means; and referred to the Committees on Children, Families and Seniors; Criminal Justice; and Ways and Means; and **SB 1966** was withdrawn from the Committees on Health Care and Criminal Justice and referred to the Committees on Children, Families and Seniors; and Criminal Justice.

On motion by Senator Meadows, by two-thirds vote **SB 684** was withdrawn from the committees of reference and further consideration.

MOTIONS

On motion by Senator Bankhead, a deadline of 8:00 a.m. Thursday, March 19, was set for filing amendments to Bills on Third Reading to be considered that day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed CS for HB 3033 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 3033—A bill to be entitled An act relating to execution of the death sentence; creating s. 922.105, F.S.; providing for execution of

the death sentence by means of lethal injection if electrocution is declared invalid by any one of specified courts, unless overruled; providing that a person authorized by state law to prescribe medication, when designated by the Department of Corrections, may prescribe the drugs necessary to compound a lethal injection; providing that a person authorized by state law to prepare, compound, or dispense medication, when designated by the Department of Corrections, may prepare, compound, or dispense the lethal injection; providing that the prescription, preparation, compounding, dispensing, or administration of a lethal injection does not constitute practicing medicine, nursing, or pharmacy; providing for execution of the death sentence by other means not declared unconstitutional by the United States Supreme Court, if lethal injection is declared invalid; providing for determination and supervision of execution procedure by the Secretary of Corrections or the secretary's designee, under specified circumstances when execution by means of electrocution or lethal injection has been declared invalid; providing an exemption from ch. 120, F.S., for the policies and procedures of the Department of Corrections for execution; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; prohibiting health care provider or employee of the Department of Corrections from being required to assist in an execution contrary to the person's moral or ethical beliefs; amending s. 775.082, F.S., relating to penalties and mandatory minimum sentences for certain reoffenders previously released from prison; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; amending s. 790.161, F.S., relating to the offense of making, possessing, throwing, projecting, placing, or discharging a destructive device, or attempt so to do, and penalties; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17, through page 2, line 17, remove from the amendment: all of said lines and insert in lieu thereof:

Section 1. Section 922.105, Florida Statutes, is created to read:

922.105 Execution of death sentence by lethal injection if death by electrocution is declared unconstitutional; prohibition against reduction of death sentence as a result of determination that a method of execution is unconstitutional.—

(1) A death sentence shall be executed by electrocution pursuant to s. 922.10. If electrocution is held to be unconstitutional by the Florida Supreme Court under the State Constitution, or held to be unconstitutional by the United States Supreme Court under the United States Constitution, or if the United States Supreme Court declines to review any judgment holding electrocution to be unconstitutional under the United States Constitution made by the Florida Supreme Court or the United States Court of Appeals that has jurisdiction over Florida, all persons sentenced to death for a capital crime shall be executed by lethal injection.

(2) The provisions of the opinion and all points of law decided by the United States Supreme Court in Malloy v. South Carolina, 237 U.S. 180 (1915), finding that the Ex Post Facto Clause of the United States Constitution is not violated by a legislatively enacted change in the method of execution for a sentence of death validly imposed for previously committed capital murders, are adopted by the Legislature as the law of this state.

(3) A change in the method of execution does not increase the punishment or modify the penalty of death for capital murder. Any legislative change to the method of execution for the crime of capital murder does not violate s. 10, Art. I or s. 9, Art. X of the State Constitution.

(4) Notwithstanding any law to the contrary, a person authorized by state law to prescribe medication and designated by the Department of Corrections may prescribe the drug or drugs necessary to compound a lethal injection. Notwithstanding any law to the contrary, a person authorized by state law to prepare, compound, or dispense medication and designated by the Department of Corrections may prepare, compound, or dispense a lethal injection. For purposes of this section, prescription, preparation, compounding, dispensing, and administration of a lethal injection does not constitute the practice of medicine, nursing, or pharmacy.

(5) The policies and procedures of the Department of Corrections for execution of persons sentenced to death shall be exempt from chapter 120.

(6) Notwithstanding s. 775.082(2), s. 790.161(4), or s. 775.15(1)(a), or any other provision to the contrary, no sentence of death shall be reduced as a result of a determination that a method of execution is declared unconstitutional under the State Constitution or the Constitution of the United States. In any case in which an execution method is declared unconstitutional, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method of execution.

(7) Nothing contained in this chapter is intended to require any physician, nurse, pharmacist, or employee of the Department of Corrections or any other person to assist in any aspect of an execution which is contrary to the person's moral or ethical beliefs.

Section 2. Subsection (2) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties; mandatory minimum sentences for certain reoffenders previously released from prison.—

(1) A person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in findings by the court that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1). *No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.*

Section 3. Subsection (4) of section 790.161, Florida Statutes, is amended to read:

790.161 Making, possessing, throwing, projecting, placing, or discharging any destructive device or attempt so to do, felony; penalties.—A person who willfully and unlawfully makes, possesses, throws, projects, places, discharges, or attempts to make, possess, throw, project, place, or discharge any destructive device:

(4) If the act results in the death of another person, commits a capital felony, punishable as provided in s. 775.082. In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment if convicted of murder in the first degree or of a capital felony under this subsection, and such person shall be ineligible for parole. *No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 2, line 25, through page 4, line 10, remove from the title of the amendment: and insert in lieu thereof: A bill to be entitled An act relating to execution of the death sentence; creating s. 922.105, F.S.; providing for execution of the death sentence by means of lethal injection if electrocution is held to be unconstitutional; providing legislative intent; providing that a person authorized by state law to prescribe medication, when designated by the Department of Corrections, may prescribe the drugs necessary to compound a lethal injection; providing that a person authorized by state law to prepare, compound, or dispense medication, when designated by the Department of Corrections, may prepare, compound, or dispense the lethal injection; providing that the prescription, preparation, compounding, dispensing, or administration of a lethal injection does not constitute practicing medicine, nursing, or pharmacy; providing an exemption from ch. 120, F.S., for the policies

and procedures of the Department of Corrections for execution; prohibiting reduction of a sentence of death as the result of a method of execution being held to be unconstitutional; prohibiting any physician, nurse, pharmacist, employee of the Department of Corrections, or other person from being required to assist in an execution contrary to the person's moral or ethical beliefs; amending s. 775.082, F.S., relating to penalties and mandatory minimum sentences for certain reoffenders previously released from prison; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being held unconstitutional; amending s. 790.161, F.S., relating to the offense of making, possessing, throwing, projecting, placing, or discharging a destructive device, or attempt so to do, and penalties; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being held unconstitutional; providing an effective date.

WHEREAS, the Legislature finds that the existing method of carrying out a sentence of death in Florida is by electrocution, and

WHEREAS, the Legislature has previously determined that death by electrocution is the preferred method of carrying out the death penalty, and the death penalty should be carried out in a swift and sure manner, and

WHEREAS, the existing method of carrying out a sentence of death in this state is by electrocution, and

WHEREAS, the Legislature has previously determined that death by electrocution is the preferred method of carrying out the death penalty, and the death penalty should be carried out in a swift and sure manner, and

WHEREAS, the Florida Supreme Court, in Jones v. State, 701 So.2d 76 (1997), has held death by electrocution to be a constitutional method of imposing the death penalty in this state, and

WHEREAS, the Legislature intends to ensure that the lawful punishment of death imposed on persons in this state is carried out, and considers it to be appropriate to provide alternative methods for imposing death only if legally required to do so, and

WHEREAS, changing the method of carrying out the death penalty both for those previously sentenced and for those who will be sentenced in the future is merely procedural and does not increase the quantum of punishment imposed upon a defendant and therefore does not violate the prohibition against ex post facto laws under the Constitution of the United States, Malloy v. South Carolina, 237 U.S. 180 (1915), and Ex Parte Kenneth Granviel, 561 S.W.2d 503 (Tex. App. 1978), and

WHEREAS, the United States Supreme Court has previously declared, in the case of Dobbert v. Florida, 432 U.S. 282 (1977), that changing the practices and procedures of the application of the death penalty statute does not violate the ex post facto clauses of the State Constitution or the Constitution of the United States, and

WHEREAS, the Florida Supreme Court has previously held a claim under Article X, Section 9 of the State Constitution against retroactive changes in death penalty procedures to be without merit, in the case of Dobbert v. State, 375 So.2d 1069 (Fla. 1979), NOW, THEREFORE,

On motion by Senator Burt, the Senate concurred in the House amendment to the Senate amendment.

CS for HB 3033 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Cowin	Gutman	Latvala
Bankhead	Crist	Harris	Laurent
Bronson	Diaz-Balart	Holzendorf	Lee
Brown-Waite	Dudley	Horne	McKay
Burt	Dyer	Jones	Meadows
Campbell	Forman	Kirkpatrick	Myers
Casas	Geller	Klein	Ostalkiewicz
Childers	Grant	Kurth	Rossin
Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

Vote after roll call:

Yea—Clary, Hargrett

MOTION

On motion by Senator Burt, the House was requested to return **CS for HB 3053**.

CONSIDERATION OF BILLS ON THIRD READING

On motion by Senator Forman, by two-thirds vote **HB 1771** was withdrawn from the Committee on Ways and Means.

On motion by Senator Forman, by two-thirds vote—

HB 1771—A bill to be entitled An act relating to the City of Miami Beach; providing for the relief of Juan A. Garcia, Jr., and Juan and Barbara Garcia, as natural parents of Juan A. Garcia, Jr.; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the City of Miami Beach; providing an effective date.

—a companion measure, was substituted for **SB 4** and by two-thirds vote read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 1771** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Hargrett

SB 8—A bill to be entitled An act for the relief of Heather Roszell, a minor; providing appropriations and expenditures to compensate her for injuries and damages sustained as a result of the negligence of the State of Florida, Board of Regents and the Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Grant, **SB 8** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Grant	Latvala
Bankhead	Cowin	Gutman	Laurent
Bronson	Crist	Harris	Lee
Brown-Waite	Diaz-Balart	Horne	McKay
Burt	Dudley	Jones	Meadows
Campbell	Dyer	Kirkpatrick	Myers
Casas	Forman	Klein	Ostalkiewicz
Childers	Geller	Kurth	Rossin

Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

Vote after roll call:

Yea—Hargrett

Yea to Nay—Ostalkiewicz

SB 10—A bill to be entitled An act for the relief of the Estate of Alice Berdat, deceased; providing an appropriation to compensate the Estate of Alice Berdat for the death of Alice Berdat due to the negligence of the Department of Corrections; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **SB 10** was passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Harris	Meadows
Bankhead	Crist	Holzendorf	Myers
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Geller	Laurent	Thomas
Childers	Grant	Lee	Turner
Clary	Gutman	McKay	Williams

Nays—2

Latvala	Ostalkiewicz

Vote after roll call:

Yea—Hargrett, Horne

Nay to Yea—Ostalkiewicz

SB 12—A bill to be entitled An act for the relief of Mary Beth Wiggers; providing an appropriation to compensate Mary Beth Wiggers for injuries she sustained due to the negligence of the Department of Corrections; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **SB 12** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Geller	Kurth	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—2

Latvala	Ostalkiewicz

Vote after roll call:

Nay to Yea—Ostalkiewicz

SB 16—A bill to be entitled An act relating to the Dade County School Board; providing for the relief of Lazaro Gutierrez; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Dade County School Board; providing for payment of Medicaid liens prior to disbursement of the warrant; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Turner, **SB 16** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—1

Ostalkiewicz

SB 26—A bill to be entitled An act providing for the relief of Adela Azcuy, for injuries suffered as a result of the negligence of Dade County; providing for an appropriation; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Turner, **SB 26** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—1

Kurth

Vote after roll call:

Yea—Holzendorf

Yea to Nay—Ostalkiewicz

SB 30—A bill to be entitled An act relating to Collier County; providing for the relief of Franklin David Messick as Personal Representative of the Estate of Arthur D. Messick; providing for an appropriation to compensate him for the wrongful death of his son, Arthur D. Messick, which occurred as a result of the negligence of Collier County; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Forman, **SB 30** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Casas	Diaz-Balart	Grant
Bankhead	Childers	Dudley	Gutman
Bronson	Clary	Dyer	Hargrett
Burt	Cowin	Forman	Harris
Campbell	Crist	Geller	Holzendorf

Horne	Lee	Rossin	Turner
Jones	McKay	Scott	Williams
Kirkpatrick	Meadows	Silver	
Klein	Myers	Sullivan	
Latvala	Ostalkiewicz	Thomas	

Nays—2

Kurth	Laurent

SB 32—A bill to be entitled An act providing for the relief of Kathryn Malloy, formerly known as Kathryn Sperdute; providing for an appropriation to reimburse her for injuries suffered in an accident that was caused by the negligence of an employee of the Palm Beach County School Board; providing an effective date.

—was read the third time by title.

On motion by Senator Silver, **SB 32** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Klein

SB 36—A bill to be entitled An act providing for the relief of Carrie A. Wilson; providing an appropriation to reimburse Carrie A. Wilson, a minor, and her mother, Barbara Britt, for injuries sustained by Carrie A. Wilson as a result of the negligence of the Duval County School Board; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Horne, **SB 36** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Thomas, by two-thirds vote **HB 653** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Thomas, by two-thirds vote—

HB 653—A bill to be entitled An act relating to the City of Tallahassee and the Leon County School Board; providing for the relief of Dena Sheryl Steels; providing for an appropriation by the City of Tallahassee and the Leon County School Board to compensate her for the wrongful death of Kenneth Michael Pyles, her son, resulting from the negligence of the City of Tallahassee and the Leon County School Board; providing an effective date.

—a companion measure, was substituted for **SB 38** and by two-thirds vote read the second time by title. On motion by Senator Thomas, by two-thirds vote **HB 653** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott, Sullivan

SB 42—A bill to be entitled An act relating to the Department of Health; providing an appropriation for the relief of Vernelle Lowder, to compensate her for damages she sustained due to the negligence of the Department of Health and Rehabilitative Services; providing for payment of Medicaid liens prior to disbursement of the warrant; providing an effective date.

—as amended March 9 was read the third time by title.

Senator Silver moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 2, line 4, delete "$350,000" and insert: $250,000

On motion by Senator Silver, **SB 42** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Rossin, Scott

Yea to Nay—Ostalkiewicz

SB 44—A bill to be entitled An act relating to Manatee County; providing for the relief of Frank H. Holliday; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Manatee County Sheriff's Department; providing an effective date.

—was read the third time by title.

On motion by Senator Turner, **SB 44** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Clary

SB 52—A bill to be entitled An act relating to the City of Tampa; providing for the relief of Jemal Kurein, by and through his wife and natural guardian, Semira Kurein, and for Semira Kurein, individually, and for Remzu Kurein and Nima Kurein, minor children of Jemal Kurein and Semira Kurein, by and through their mother, Semira Kurein; providing for an appropriation to compensate them for injuries and damages sustained by Jemal Kurein as a result of the negligence of the City of Tampa; providing for payment of Medicaid liens prior to disbursement of the warrant; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Grant, **SB 52** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SB 54—A bill to be entitled An act relating to the West Volusia Hospital Authority; providing for relief of Michelle Jones, a minor, and Kathy M. Jones, her mother; directing the West Volusia Hospital Authority to appropriate funds to be paid to Kathy Jones, individually, and for the benefit of Michelle Jones, a minor, to compensate them for injuries and damages sustained as a result of the negligence of the West Volusia Hospital Authority, formerly d/b/a West Volusia Memorial Hospital; providing an effective date.

—as amended March 11 was read the third time by title.

On motion by Senator Dyer, **SB 54** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

SB 70—A bill to be entitled An act relating to Alachua County; providing for the relief of Matthew White; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Alachua County Sheriff's Department; providing an effective date.

—was read the third time by title.

Senator Williams moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1—On page 4, line 22, delete "$401,116.19" and insert: $144,000

The vote was:

Yeas—20

Madam President	Cowin	Harris	Lee
Bankhead	Crist	Holzendorf	Ostalkiewicz
Brown-Waite	Dudley	Horne	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Clary	Hargrett	Laurent	Williams

Nays—16

Campbell	Dyer	Jones	Myers
Casas	Forman	Klein	Scott
Childers	Geller	Kurth	Silver
Diaz-Balart	Gutman	Meadows	Turner

Vote after roll call:

Yea—Rossin

On motion by Senator Klein, further consideration of **SB 70** was deferred.

CS for SB 2—A bill to be entitled An act for the relief of David Kelley and the Estate of Alto Kelley; providing an appropriation as compensation for injuries and damages sustained as a result of the negligence of the Department of Transportation; providing an effective date.

—was read the third time by title.

On motion by Senator Childers, **CS for SB 2** was passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Cowin	Horne	Ostalkiewicz
Bankhead	Crist	Kirkpatrick	Rossin
Bronson	Diaz-Balart	Klein	Scott
Brown-Waite	Dudley	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Gutman	Laurent	Thomas
Casas	Hargrett	McKay	Turner
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Dyer, Geller, Grant, Lee, Williams

SB 6—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Michelle Ponce, a minor; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of Metropolitan Dade County; providing an effective date.

—was read the third time by title.

On motion by Senator Meadows, **SB 6** was passed and certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Kirkpatrick	Ostalkiewicz
Bankhead	Dudley	Klein	Rossin
Bronson	Dyer	Kurth	Scott
Brown-Waite	Forman	Latvala	Silver
Burt	Gutman	Laurent	Sullivan
Campbell	Hargrett	Lee	Turner
Casas	Harris	McKay	
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Childers, Crist, Geller, Grant, Williams

SB 14—A bill to be entitled An act relating to Broward County; providing for the relief of Tirini S. Riley, a minor, for injuries sustained arising out of an accident that occurred while she was a patient of the South Broward Hospital District, d/b/a Memorial Hospital; specifying use of the funds; providing an effective date.

—as amended March 11 was read the third time by title.

On motion by Senator Forman, **SB 14** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dudley	Kirkpatrick	Rossin
Bankhead	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Gutman	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	
Diaz-Balart	Jones	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Crist, Grant

SB 18—A bill to be entitled An act relating to the Department of Revenue; providing for the relief of Ray Construction of Okaloosa County, Ltd.; providing an appropriation to compensate Ray Construction of Okaloosa County, Ltd., for documentary stamp tax assessments paid to the Department of Revenue and for attorney's fees and court costs; providing an effective date.

—as amended March 11 was read the third time by title.

On motion by Senator Clary, **SB 18** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Meadows
Bankhead	Crist	Horne	Myers
Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams

Nays—1

Latvala

Vote after roll call:

Yea—Grant, Scott

SB 20—A bill to be entitled An act relating to the Department of Management Services; providing for the relief of Dale R. Cowie; providing an appropriation to reimburse him for expenses incurred in the completion of a state contract; providing an effective date.

—as amended March 11 was read the third time by title.

On motion by Senator Clary, **SB 20** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 22—A bill to be entitled An act providing for the relief of Triesa Wells; providing for an appropriation to compensate Triesa Wells for injuries sustained as a result of the negligence of an employee of the City of Pembroke Pines; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 22** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

SB 34—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Bruce Wiggins as Personal Representative of the Estate of Helen Wiggins, deceased, for the benefit of Bruce Wiggins, Alisha Wiggins, a minor, and Jake Wiggins, a minor; providing for an appropriation to compensate them for the death of Helen Wiggins as a result of the negligence of Metropolitan Dade County; providing for structured payments; providing for direct payments to lienholders; providing for payment of Medicaid liens prior to disbursement of the warrant; providing an effective date.

—as amended March 11 was read the third time by title.

On motion by Senator Casas, **SB 34** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

Yea to Nay—Ostalkiewicz

SB 40—A bill to be entitled An act relating to the North Broward Hospital District, Broward County; providing for the relief of Bruce Silverman and Janie Silverman, personal representatives of the estate of Alexandra Silverman; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 40** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

SB 56—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Julie McGinnes; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of Palm Beach County; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **SB 56** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

SB 66—A bill to be entitled An act for the relief of Penny Tilley, as widow of Jack W. Tilley and beneficiary of his estate; providing an appropriation for the purpose of paying Penny Tilley the retirement benefits to which she would have been entitled as surviving spouse of Jack W. Tilley had Jack W. Tilley survived to the date on which he would have vested in the Florida System; providing a contingent effective date.

—as amended March 11 was read the third time by title.

On motion by Senator Williams, **SB 66** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Scott

SB 60—A bill to be entitled An act relating to Dade County; providing for the relief of Jeanette Alonso, a minor, for injuries sustained as a result of the conduct of the Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing for payment by the Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; specifying use of the funds; providing an effective date.

—as amended March 11 was read the third time by title.

On motion by Senator Gutman, **SB 60** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Scott

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 486** was deferred.

On motion by Senator Diaz-Balart—

SB 768—A bill to be entitled An act relating to sureties; amending s. 648.442, F.S.; authorizing the Department of Insurance to establish a

form for an affidavit and statement required under s. 903.14, F.S., relating to the amount and source of any security or consideration for a surety bond; prescribing a statement to be included on indemnity agreements; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 2, before the semicolon (;) insert: , (RAB)

Pursuant to Rule 4.19, **SB 768** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

SB 734—A bill to be entitled An act relating to petroleum fuel measuring devices; amending s. 525.07, F.S.; providing for the repair and adjustment of such devices by meter mechanics; providing for notification of the Department of Agriculture and Consumer Services; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 3, after "devices" insert: (RAB)

Pursuant to Rule 4.19, **SB 734** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

SB 770—A bill to be entitled An act relating to firefighter and forestry firefighter training and certification programs; amending s. 633.35, F.S.; providing for the issuance of a special certificate for administrative and command heads; providing guidelines for certain reexaminations; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 4, before the first semicolon (;) insert: (RAB)

Pursuant to Rule 4.19, **SB 770** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SB 1052—A bill to be entitled An act relating to rulemaking authority of the Florida Public Service Commission (RAB); authorizing the Florida Public Service Commission to adopt rules relating to purchasing, to ensuring adequate ownership or continued use of real property upon which water and wastewater treatment facilities are located, and to notification when a water and wastewater utility changes its name; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1052** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1054** was deferred.

On motion by Senator Clary—

CS for SB 1164—A bill to be entitled An act relating to rulemaking authority with respect to professional regulation (RAB); amending s. 475.17, F.S.; authorizing the Florida Real Estate Commission to adopt rules requiring written evidence to establish good character; amending s. 475.25, F.S.; authorizing the Florida Real Estate Commission to adopt rules concerning the advertising of property or services and extending certain time limits for licensees on probation; amending s. 489.115, F.S.; providing for the adoption of rules relating to continuing education requirements by the Construction Industry Licensing Board; amending s. 489.1195, F.S.; authorizing the Construction Industry Licensing Board to adopt rules defining the qualifications for financially responsible officers; amending s. 492.105, F.S.; authorizing the Board of Professional Geologists to determine acceptable geology education; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1164** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

CS for SB 1054—A bill to be entitled An act relating to rulemaking authority of the Department of Business and Professional Regulation (RAB); amending s. 718.104, F.S.; requiring notification; amending s. 718.112, F.S.; providing requirements relating to association meetings; amending s. 718.117, F.S.; requiring notification; amending s. 718.301, F.S.; providing rulemaking authority for requirements relating to the transition of a condominium; amending s. 718.403, F.S.; requiring filing of recording information; amending s. 718.502, F.S.; providing certain requirements prior to the closure on any contract for sale or lease of over 5 years; providing rulemaking authority for requirements relating to filing and review programs and timetables; amending s. 718.503, F.S.; providing requirements relating to the closure of a transaction for the purchase of a condominium unit; creating s. 718.621, F.S.; providing rulemaking authority for requirements relating to condominium conversion; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 4, lines 6 and 7, delete those lines and insert: *committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken and*

Amendment 2—On page 10, lines 20-25, delete those lines and insert: *the documents to the buyer as evidenced by a signed receipt for documents unless the buyer is informed in the 15-day voidability period and agrees to close prior to the expiration of the 15 days. The developer shall retain in his or her records a separate agreement signed by the buyer as proof of the buyer's agreement to close prior to the expiration of said voidability period. Said proof shall be retained for a period of 5 years after the date of the closing of the transaction.* The

Pursuant to Rule 4.19, **CS for SB 1054** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

SB 288—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 409.9116, F.S.; providing that rural hospitals designated after July 1, 1998, may not be included in the rural hospital disproportionate share of financial assistance programs unless additional appropriations are provided; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendments which were moved by Senator Thomas and adopted:

Amendment 1 (with title amendment)—On page 2, between lines 22 and 23, insert:

Section 3. Paragraph (d) of subsection (3) of section 408.36, Florida Statutes, is amended to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, supported by such documentation as the agency requires, the agency shall grant an exemption from the provisions of subsection (1):

(d) For hospice services *or home health services* provided by a rural hospital, as defined in s. 395.602, or for swing beds in such rural hospital in a number that does not exceed one-half of its licensed beds.

A request for exemption under this subsection may be made at any time and is not subject to the batching requirements of this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 408.036, F.S.; exempting home health services provided by a rural hospital from certificate-of-need review by the Agency for Health Care Administration;

Amendment 2 (with title amendment)—On page 3, lines 14-18, delete those lines and insert:

(7) This section only applies to hospitals that were defined as statutory rural hospitals, or their successor-in-interest hospital, prior to July 1, 1998. Any additional hospital that is defined as a statutory rural hospital, or its successor-in-interest hospital, on or after July 1, 1998, is not eligible for programs under this section unless additional funds are appropriated each fiscal year specifically to the rural hospital disproportionate share and financial assistance programs in an amount necessary to prevent any hospital, or its successor-in-interest hospital, eligible for the programs prior to July 1, 1998, from incurring a reduction in payments because of the eligibility of an additional hospital to participate in the programs.

And the title is amended as follows:

On page 1, lines 7-10, delete those lines and insert: designated on or after July 1, 1998, may not be included in the rural hospital disproportionate share or financial assistance programs unless additional appropriations are provided to prevent any reduction in payments to hospitals that are otherwise eligible for assistance;

Pursuant to Rule 4.19, **SB 288** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **CS for HB 1739** was withdrawn from the Committee on Community Affairs.

On motion by Senator Lee, by two-thirds vote—

CS for HB 1739—A bill to be entitled An act relating to poison control; amending s. 395.1027, F.S., and creating s. 401.268, F.S.; requiring each basic and advanced life support service and air ambulance service to develop and implement a prehospital emergency dispatch protocol with the appropriate regional poison control center; providing that the regional poison control centers shall assume responsibility and liability for calls transferred in accordance with the protocol; providing an effective date.

—a companion measure, was substituted for **CS for SB 302** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1739** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

The Senate resumed consideration of—

SB 70—A bill to be entitled An act relating to Alachua County; providing for the relief of Matthew White; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Alachua County Sheriff's Department; providing an effective date.

—which was previously considered this day.

Senators Williams and Klein offered the following amendment which was moved by Senator Williams and adopted by two-thirds vote:

Amendment 2—On page 4, line 22, delete "$401,116.19" and insert: $275,000

On motion by Senator Klein, **SB 70** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Madam President	Cowin	Jones	Myers
Bankhead	Crist	Kirkpatrick	Rossin
Bronson	Diaz-Balart	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Holzendorf	McKay	
Clary	Horne	Meadows	

Nays—3

Dudley	Hargrett	Ostalkiewicz

Vote after roll call:

Yea—Dyer

Nay—Harris

SPECIAL ORDER CALENDAR, continued

On motion by Senator Silver—

CS for SB 486—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 20.201, F.S.; providing additional authority for the executive director of the department with respect to the organization of the department; providing for the department to be reorganized into specified programs; deleting the division structure of the department; amending s. 943.01, F.S.; revising the title of ch. 943, F.S.; amending s. 943.03, F.S., relating to department employees; conforming provisions to changes made by the act; deleting obsolete provisions; requiring the department to develop and maintain an information system; amending s. 943.04, F.S.; redesignating the Division of Criminal Investigation within the department as the Criminal Justice Investigations and Forensic Science Program; providing for supervision of the program; providing additional duties of the department with respect to the operation of the program; amending s. 943.05, F.S.; redesignating the Division of Criminal Justice Information Systems within the department as the Criminal Justice Information Program; providing for supervision of the program; amending s. 943.051, F.S., relating to criminal justice information; conforming provisions to changes made by the act; authorizing the department to enter into contracts; providing that disclosure of confidential information pursuant to such a contract does not waive any requirements of confidentiality; amending s. 943.0515, F.S., relating to criminal history records of minors; conforming provisions to changes made by the act; amending s. 943.052, F.S.; deleting a requirement that certain agencies inform the department of persons incarcerated or released from jail; amending ss. 943.0525, 943.053, 943.055, 943.056, 943.057, 943.08, F.S., relating to criminal justice information, criminal history records, and the Criminal and Juvenile Justice Information Systems Council; conforming provisions to changes made by the

act; amending s. 943.09, F.S.; redesignating the Division of Criminal Justice Standards and Training within the department as the Criminal Justice Professionalism Program; providing for supervision of the program; amending ss. 943.10, 943.133, 943.17, 943.173, 943.25, F.S., relating to definitions, employment qualifications, training programs, examinations, and the Criminal Justice Standards and Training Trust Fund; conforming provisions to changes made by the act; amending s. 943.35, F.S.; deleting the eligibility for state funding for a criminal analysis laboratory; amending s. 938.07, F.S., relating to a fine imposed for driving under the influence; conforming provisions to changes made by the act; repealing ss. 943.26, 943.381, F.S., relating to the Division of Local Law Enforcement Assistance and the Division of Staff Services within the department; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 486** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 162—A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; providing definitions; revising criteria and procedures for review of grievances against a managed care entity by the statewide provider and subscriber assistance panel; providing for initial review by the Agency for Health Care Administration; providing time requirements for panel hearings and recommendations, and final orders of the agency or the Department of Insurance; providing for notice; providing requirements for expedited or emergency hearings; providing an exemption from the Administrative Procedures Act; providing for requests for patient records; authorizing an administrative fine for failure to timely provide records; providing for furnishing of evidence in opposition to panel recommendations; providing for adoption of panel recommendations in final orders of the agency or department; authorizing imposition of fines and sanctions; requiring certain notice to subscribers and providers of their right to file grievances; providing for summary hearings; providing for administrative procedures; providing for attorney's fees and costs; amending s. 641.511, F.S.; eliminating annual grievance report filing; correcting a cross-reference; providing an appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 162** to **CS for HB 1005**.

Pending further consideration of **CS for SB 162** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB 1005** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Brown-Waite, by two-thirds vote—

CS for HB 1005—A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; providing definitions; revising criteria and procedures for review of grievances against a managed care entity by the statewide provider and subscriber assistance panel; providing for initial review by the Agency for Health Care Administration; providing time requirements for panel hearings and recommendations, and final orders of the agency or the Department of Insurance; providing for notice; providing requirements for expedited or emergency hearings; providing an exemption from the Administrative Procedures Act; providing for requests for patient records; authorizing an administrative fine for failure to timely provide records; providing for furnishing of evidence in opposition to panel recommendations; providing for adoption of panel recommendations in final orders of the agency or department; authorizing imposition of fines and sanctions; specifying conditions for rejection of panel recommendations; requiring certain notice to subscribers and providers of their right to file grievances; creating s. 408.7057, F.S.; providing for appeals; providing for attorney's fees and costs; amending s. 641.511, F.S.; correcting a cross reference; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 162** as amended and by two-thirds vote read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 408.7056, Florida Statutes, is amended to read:

408.7056 Statewide Provider and Subscriber Assistance Program.—

(1) As used in this section, the term:

(a) "Managed care entity" means a health maintenance organization or a prepaid health clinic certified under chapter 641, a prepaid health plan authorized under s. 409.912, or an exclusive provider organization certified under s. 627.6472.

(b) "Panel" means a statewide provider and subscriber assistance panel selected as provided in subsection (11).

(2)~~(1)~~ The agency ~~for Health Care Administration~~ shall adopt and implement a program to provide assistance to subscribers and providers, including those whose grievances are not resolved by the *managed care entity* ~~accountable health partnership, health maintenance organization, prepaid health clinic, prepaid health plan authorized pursuant to s. 409.912, or exclusive provider organization~~ to the satisfaction of the subscriber or provider. *The program shall consist of one or more panels that meet as often as necessary to timely review, consider, and hear grievances and recommend to the agency or the department any actions that should be taken concerning individual cases heard by the panel.* The panel shall *hear every grievance filed by subscribers and providers on behalf of subscribers, unless the grievance* ~~not consider grievances which~~:

(a) *Relates to a managed care entity's* ~~Relate to an accountable health partnership's, health maintenance organization's, prepaid health clinic's, prepaid health plan's, or exclusive provider organization's~~ refusal to accept a provider into its network of providers;

(b) *Is* ~~Are a~~ part of a reconsideration appeal through the Medicare appeals process *which does not involve a quality of care issue*;

(c) *Is* ~~Are~~ related to a health plan not regulated by the state such as an administrative services organization, third-party administrator, or federal employee health benefit program;

(d) *Is* ~~Are~~ related to appeals by in-plan suppliers and providers, unless related to quality of care provided by the plan; ~~or~~

(e) *Is* ~~Are~~ part of a Medicaid fair hearing pursued *under* ~~pursuant to~~ 42 C.F.R. ss. 431.220 et seq.

(f) Is the basis for an action pending in state or federal court;

(g) Is related to an appeal by nonparticipating providers, unless related to the quality of care provided to a subscriber by the managed care entity and the provider is involved in the care provided to the subscriber;

(h) Was filed before the subscriber or provider completed the entire internal grievance procedure of the managed care entity, the managed care entity has complied with its timeframes for completing the internal grievance procedure, and the circumstances described in subsection (6) do not apply;

(i) Has been resolved to the satisfaction of the subscriber or provider who filed the grievance, unless the managed care entity's initial action is egregious or may be indicative of a pattern of inappropriate behavior;

(j) Is limited to seeking damages for pain and suffering, lost wages, or other incidental expenses;

(k) Is limited to issues involving conduct of a health care provider or facility, staff member, or employee of a managed care entity which constitute grounds for disciplinary action by the appropriate professional licensing board and is not indicative of a pattern of inappropriate behavior, and the agency or department has reported these grievances to the appropriate professional licensing board or to the health facility regulation section of the agency for possible investigation; or

(l) Is withdrawn by the subscriber or provider. Failure of the subscriber or the provider to attend the hearing shall be considered a withdrawal of the grievance.

(3) The agency shall review all grievances within 60 days after receipt and make a determination whether the grievance shall be heard. Once the agency notifies the panel, the subscriber or provider, and the managed care entity that a grievance will be heard by the panel, the panel shall hear the grievance either in the network area or by teleconference no later than 120 days after the date the grievance was filed. The agency shall notify the parties, in writing, by facsimile transmission, or by phone, of the time and place of the hearing. The panel may take testimony under oath, request certified copies of documents, and take similar actions to collect information and documentation that will assist the panel in making findings of fact and a recommendation. The panel shall issue a written recommendation, supported by findings of fact, to the provider or subscriber, to the managed care entity, and to the agency or the department no later than 15 working days after hearing the grievance. If at the hearing the panel requests additional documentation or additional records, the time for issuing a recommendation is tolled until the information or documentation requested has been provided to the panel. The proceedings of the panel are not subject to chapter 120.

(4) If, upon receiving a proper patient authorization along with a properly filed grievance, the agency requests medical records from a health care provider or managed care entity, the health care provider or managed care entity that has custody of the records has 10 days to provide the records to the agency. Failure to provide requested medical records may result in the imposition of a fine of up to $500. Each day that records are not produced is considered a separate violation.

(5) Grievances that the agency determines pose an immediate and serious threat to a subscriber's health must be given priority over other grievances. The panel may meet at the call of the chair to hear the grievances as quickly as possible but no later than 45 days after the date the grievance is filed, unless the panel receives a waiver of the time requirement from the subscriber. The panel shall issue a written recommendation, supported by findings of fact, to the department or the agency within 10 days after hearing the expedited grievance.

(6) When the agency determines that the life of a subscriber is in imminent and emergent jeopardy, the chair of the panel may convene an emergency hearing, within 24 hours after notification to the managed care entity and to the subscriber, to hear the grievance. The grievance must be heard notwithstanding that the subscriber has not completed the internal grievance procedure of the managed care entity. The panel shall, upon hearing the grievance, issue a written emergency recommendation, supported by findings of fact, to the managed care entity, to the subscriber, and to the agency or the department for the purpose of deferring the imminent and emergent jeopardy to the subscriber's life. Within 24 hours after receipt of the panel's emergency recommendation, the agency or department may issue an emergency order to the managed care entity. An emergency order remains in force until:

(a) The grievance has been resolved by the managed care entity;

(b) Medical intervention is no longer necessary; or

(c) The panel has conducted a full hearing under subsection (3) and issued a recommendation to the agency or the department, and the agency or department has issued a final order.

(7) After hearing a grievance, the panel shall make a recommendation to the agency or the department which may include specific actions the managed care entity must take to comply with state laws or rules regulating managed care entities.

(8) A managed care entity, subscriber, or provider that is affected by a panel recommendation may within 10 days after receipt of the panel's recommendation, or 72 hours after receipt of a recommendation in an expedited grievance, furnish to the agency or department written evidence in opposition to the recommendation or findings of fact of the panel.

(9) No later than 30 days after the issuance of the panel's recommendation and, for an expedited grievance, no later than 10 days after the issuance of the panel's recommendation, the agency or the department may adopt the panel's recommendation or findings of fact in a proposed order or an emergency order, as provided in chapter 120, which it shall issue to the managed care entity. The agency or department may issue a proposed order or an emergency order, as provided in chapter 120, imposing fines or sanctions, including those contained in ss. 641.25 and 641.52. The agency or the department may reject all or part of the panel's recommendation. All fines collected under this subsection must be deposited into the Health Care Trust Fund.

(10) In determining any fine or sanction to be imposed, the agency and the department may consider the following factors:

(a) The severity of the noncompliance, including the probability that death or serious harm to the health or safety of the subscriber will result or has resulted, the severity of the actual or potential harm, and the extent to which provisions of chapter 641 were violated.

(b) Actions taken by the managed care entity to resolve or remedy any quality-of-care grievance.

(c) Any previous incidents of noncompliance by the managed care entity.

(d) Any other relevant factors the agency or department considers appropriate in a particular grievance.

~~(2) The program shall include the following:~~

~~(a) A review panel which may periodically review, consider, and recommend to the agency any actions the agency or the Department of Insurance should take concerning individual cases heard by the panel, as well as the types of grievances which have not been satisfactorily resolved after subscribers or providers have followed the full grievance procedures of the accountable health partnership, health maintenance organization, prepaid health clinic, prepaid health plan, or exclusive provider organization. The proceedings of the grievance panel shall not be subject to the provisions of chapter 120.~~

(11) The ~~review~~ panel shall consist of members employed by the agency and members employed by the department ~~of Insurance~~, chosen by their respective agencies. The agency may contract with a medical director and a primary care physician who shall provide additional technical expertise to the ~~review~~ panel. The medical director shall be selected from a health maintenance organization with a current certificate of authority to operate in Florida.

~~(b) A plan to disseminate information concerning the program to the general public as widely as possible.~~

(12)~~(3)~~ Every *managed care entity* ~~accountable health partnership, health maintenance organization, prepaid health clinic, prepaid health plan authorized pursuant to s. 409.912, or exclusive provider organization~~ shall submit a quarterly report to the agency and the department ~~of Insurance~~ listing the number and the nature of all subscribers' and providers' grievances which have not been resolved to the satisfaction of the subscriber or provider after the subscriber or provider follows the *entire internal* ~~full~~ grievance procedure of the *managed care entity* ~~organization~~. *The agency shall notify all subscribers and providers included in the quarterly reports of their right to file an unresolved grievance with the panel.*

~~(4)(a) The Agency for Health Care Administration may impose an administrative fine, after a formal investigation has been conducted on the accountable health partnership's, health maintenance organization's, prepaid health clinic's, prepaid health plan's, or exclusive provider organization's failure to comply with quality of health services standards set forth in statute or rule. The Agency for Health Care Administration may initiate such an investigation based on the recommendations related to the quality of health services received from the Statewide Provider and Subscriber Assistance Panel pursuant to paragraph (2)(a). The fine shall not exceed $2,500 per violation and in no event shall such fine exceed an aggregate amount of $10,000 for noncompliance arising out of the same action.~~

~~(b) In determining the amount to be levied for noncompliance under paragraph (a), the following factors shall be considered:~~

~~1. The severity of the noncompliance, including the probability that death or serious harm to the health or safety of the subscriber will result or has resulted, the severity of actual or potential harm and the extent to which provisions of this part were violated.~~

~~2. Actions taken by the accountable health partnership, health maintenance organization, prepaid health clinic, prepaid health plan, or exclusive provider organization to resolve or remedy any quality of care grievance.~~

~~3. Any previous incidences of noncompliance by the accountable health partnership, health maintenance organization, prepaid health clinic, prepaid health plan, or exclusive provider organization.~~

~~(c) All amounts collected pursuant to this subsection shall be deposited into the Health Care Trust Fund.~~

(13)~~(5)~~ Any information which would identify a subscriber or the spouse, relative, or guardian of a subscriber and which is contained in a report obtained by the Department of Insurance pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(14) A proposed order issued by the agency or department which only requires the managed care entity to take a specific action under subsection (7), is subject to a summary hearing in accordance with s. 120.574, unless all of the parties agree otherwise. If the managed care entity does not prevail at the hearing, the managed care entity must pay reasonable costs and attorney's fees of the agency or the department incurred in that proceeding.

Section 2. Subsection (7) of section 641.511, Florida Statutes, is amended to read:

641.511 Subscriber grievance reporting and resolution requirements.—

(7) Each organization shall send to the agency a copy of its ~~annual and~~ quarterly grievance reports submitted to the Department of Insurance pursuant to s. 408.7056*(12)*~~(2)~~.

Section 3. *There is appropriated to the Agency for Health Care Administration for fiscal year 1998-1999 a total of 6 full-time-equivalent positions and $308,830 from the Health Care Trust Fund for 9 months' funding for the purpose of implementing this act.*

Section 4. This act shall take effect December 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; providing definitions; revising criteria and procedures for review of grievances against a managed care entity by the statewide provider and subscriber assistance panel; providing for initial review by the Agency for Health Care Administration; providing time requirements for panel hearings and recommendations, and final orders of the agency or the Department of Insurance; providing for notice; providing requirements for expedited or emergency hearings; providing an exemption from the Administrative Procedures Act; providing for requests for patient records; authorizing an administrative fine for failure to timely provide records; providing for furnishing of evidence in opposition to panel recommendations; providing for adoption of panel recommendations in final orders of the agency or department; authorizing imposition of fines and sanctions; requiring certain notice to subscribers and providers of their right to file grievances; providing for summary hearings; providing for administrative procedures; providing for attorney's fees and costs; amending s. 641.511, F.S.; eliminating annual grievance report filing; correcting a cross-reference; providing an appropriation; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 1005** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1991** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Rossin, by two-thirds vote—

HB 1991—A bill to be entitled An act relating to the mental health of children and adolescents; creating s. 394.490, F.S.; providing a short title; creating s. 394.491, F.S.; establishing guiding principles for the child and adolescent mental health treatment and support system; creating s. 394.492, F.S.; providing definitions; creating s. 394.493, F.S.; defining target populations for child and adolescent mental health services; providing for fees based on a sliding scale according to the family's income; creating s. 394.494, F.S.; providing general performance outcomes for the child and adolescent mental health treatment and support system; creating s. 394.495, F.S.; requiring that the Department of Children and Family Services establish the services to be provided to members of the target populations under the child and adolescent mental health treatment and support system; providing requirements for assessment services; requiring that the system include the local educational multiagency network for emotionally disturbed students; creating s. 394.496, F.S.; providing legislative intent with respect to service planning; providing requirements for services plans; creating s. 394.497, F.S.; specifying requirements for case management services; requiring the department to develop criteria to define the target populations who are assigned a case manager; establishing the Child and Adolescent Interagency System of Care Demonstration Models; specifying the goals and essential elements of the demonstration models; providing for the demonstration models to be governed by a multiagency consortium of state and county agencies; providing an exemption from certain budget and expenditure requirements; requiring that an oversight body be established to direct a demonstration model; requiring that a mechanism be developed for selecting the children and adolescents who are eligible to participate in a demonstration model; providing for pooled funding of the models; providing requirements for the care management entity that provides services for a demonstration model; requiring a mechanism for measuring compliance with the goals of the demonstration models; providing that in one demonstration model the consortium of purchasers may contract with a network of service providers using prospective payment mechanisms; requiring that a provider network be identified for each demonstration model; providing requirements for maintaining confidentiality of records; providing application requirements for designation as a demonstration model; requiring annual reports; providing for interagency collaboration; providing for independent evaluation of each demonstration model; requiring a report to the Legislature; requiring state agencies that participate in the demonstration models to adopt rules; authorizing the Agency for Health Care Administration to obtain certain federal waivers; requiring each service district of the Department of Children and Family Services to develop an implementation plan for an information and referral network; repealing ss. 394.50, 394.56, 394.57, 394.58, 394.59, 394.60, 394.61, 394.62, F.S., relating to children's residential and day treatment centers, voluntary and involuntary admission to such centers, and records, payment for care and treatment of patients, transfer of patients, discharge of voluntary patients, and age limits with regard to such centers; providing an effective date.

—a companion measure, was substituted for **CS for SB 236** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1991** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of motions and announcements.

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, March 19.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 18, 1998: CS for SB 486, SB 768, SB 734, SB 770, CS for SB 1052, CS for SB 1054, CS for SB 1164, SB 288, CS for SB 302, CS for SB 162, CS for SB 236, CS for SB 250, SB 230, CS for SB 666, CS for SB 226, SB 238, SB 78, SJR 1234

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1130 with 1 amendment

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Special Master on Claims recommends the following pass: SB 62 with 1 amendment

The bill was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Community Affairs recommends the following pass: SB 148, SB 884

The bills were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 712 with 1 amendment

The Committee on Education recommends the following pass: SB 1380

The Committee on Natural Resources recommends the following pass: SB 1458 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 746, SB 1056 with 2 amendments

The Committee on Community Affairs recommends the following pass: SB 814, SB 1032, SB 1156 with 3 amendments, SB 1462

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1070 with 6 amendments

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1368 with 1 amendment

The bill was referred to the Committee on Natural Resources under the original reference.

The Committee on Agriculture recommends the following pass: SB 1134

The bill was referred to the Committee on Regulated Industries under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SJR 324 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 1526

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 756 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1262

The Committee on Community Affairs recommends the following pass: SB 670, CS for SB 812, SB 982, SB 1000 with 3 amendments, CS for SB 1202 with 1 amendment, CS for SB 1204

The Committee on Criminal Justice recommends the following pass: SB 780, SB 782 with 1 amendment

The Committee on Education recommends the following pass: SB 1748

The Committee on Governmental Reform and Oversight recommends the following pass: SB 142 with 1 amendment, SJR 1580 with 1 amendment

The Committee on Health Care recommends the following pass: SB 570

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Agriculture recommends the following pass: SB 1384

The Committee on Banking and Insurance recommends the following pass: SB 1316, SB 1350 with 2 amendments

The Committee on Children, Families and Seniors recommends the following pass: SB 842

The Committee on Community Affairs recommends the following pass: SB 1404 with 1 amendment, SB 1700

The Committee on Criminal Justice recommends the following pass: SB 950, SB 1292

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 354

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 272

The Committee on Health Care recommends the following pass: SB 1348

The Committee on Natural Resources recommends the following pass: SB 1334 with 1 amendment, SB 1336, SB 1436 with 2 amendments, SB 1438 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1548

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1796

The bill with committee substitute attached was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 1460

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 1088

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1408

The Committee on Education recommends a committee substitute for the following: SB 962

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 926

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 356, SB 910

The bills with committee substitutes attached were referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1146

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 840

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 818, SB 1372

The Committee on Children, Families and Seniors recommends committee substitutes for the following: SB 352, CS for SB 646

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 322

The Committee on Community Affairs recommends a committee substitute for the following: SB 266

The Committee on Criminal Justice recommends committee substitutes for the following: SB 504, SB 772

The Committee on Education recommends committee substitutes for the following: SB 180, SB 904

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 1402

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 822, SB 824, SB 1132, SB 1352, SB 1574

The Committee on Health Care recommends a committee substitute for the following: SB 714

The Committee on Natural Resources recommends committee substitutes for the following: SB 592, SB 986

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 1294

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 382, SB 1342, SB 1346

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 466

The Committee on Community Affairs recommends a committee substitute for the following: SB 1702

The Committee on Criminal Justice recommends committee substitutes for the following: CS for SB 442, SB 508, SB 562

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 1332, SB 1470

The Committee on Transportation recommends a committee substitute for the following: SB 846

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Cowin—

SB 1898—A bill to be entitled An act relating to volunteers; amending s. 112.3135, F.S.; providing an exemption from the nepotism law for persons providing volunteer emergency medical, firefighting, and police services; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Cowin—

SB 1900—A bill to be entitled An act relating to sales taxes; creating s. 212.0805, F.S.; designating the second Saturday in August as Taxpayer Relief Day; providing that certain sales on that day be free of sales taxes; providing for rules; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Grant—

SB 1902—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; deleting a limitation on kinds of medical testimony admissible in proceedings before the judges of compensation claims; amending s. 440.134, F.S.; providing that the provisions relating to managed care arrangements do not divest the jurisdiction and authority of a Judge of Compensation Claims to enter orders regarding the reasonableness and medical necessity of medical care; amending s. 440.15, F.S.; prescribing rate for payment of impairment income benefits; decreasing the impairment rating from the compensable injury for payment of supplemental benefits; amending s. 440.192, F.S.; deleting a provision requiring employees to exhaust all managed care grievance procedures before filing a petition for benefits; amending s. 440.1925, F.S.; deleting a restriction on the kinds of medical opinions that are admissible in proceeding before a judge of compensation claims to resolve maximum medical improvement or impairment disputes; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senators Latvala, McKay, Williams, Brown-Waite, Myers, Sullivan, Lee, Grant, Childers, Bronson, Crist, Harris, Clary, Horne, Kirkpatrick, Burt and Thomas—

SB 1904—A bill to be entitled An act relating to polling places; amending s. 102.031, F.S.; revising provisions relating to the solicitation of voters near polling places; providing for the removal of certain persons from polling rooms and polling places and their vicinity; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senators Latvala, Bronson and Harris—

SB 1906—A bill to be entitled An act relating to the Beverage Law; amending s. 561.14, F.S.; allowing vendor-to-vendor sales; establishing limits; providing an exemption from the alcoholic beverage surcharge; requiring the maintenance of certain records; providing for administrative sanctions to be imposed for recordkeeping violations; creating s. 561.59, F.S.; providing for direct shipping of a limited amount of wine from out of state to certain residents of this state; requiring shippers to have an out-of-state shipper's license; providing prohibitions; providing a penalty; providing for administrative enforcement; amending ss. 561.54, 561.545, F.S.; providing that those sections are inapplicable to wine that is shipped under s. 561.59, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Senator Dyer—

SB 1908—A bill to be entitled An act relating to district school board elections; providing for a referendum in certain counties with respect to the composition and manner of electing the school board; requiring affected school boards to provide an orderly transition to a school board so composed if approved by the electors; providing an effective date.

—was referred to the Committee on Education.

By Senator Dyer—

SB 1910—A bill to be entitled An act relating to personnel of the school system; amending ss. 230.23 and 230.33, F.S., relating to powers and duties of district school boards and school superintendents; providing that salary schedules may be based upon certification by the National Board for Professional Teaching Standards; providing requirements for counting years of service; amending s. 231.173, F.S.; providing for certification and specialization coverage for out-of-state teachers certified by the National Board for Professional Teaching Standards; creating s. 231.176, F.S., relating to National Board for Professional Teaching Standards certification; providing for payment of certification fees and approved leave from funds appropriated to the Department of Education; providing eligibility requirements for receipt of funding; providing school district requirements; amending s. 231.24, F.S.; authorizing renewal of certificates through national certification; creating s. 231.315, F.S.; providing for the establishment of model peer assistance and review programs; providing minimum standards; providing for technical assistance and allocations; amending s. 231.600, F.S., relating to the School Community Professional Development Act; including additional professional development activities; requiring an assessment of expenditures for professional development; amending s. 236.0811, F.S.; providing requirements for educational training for support staff; providing for additional days of inservice training; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Dyer—

SB 1912—A bill to be entitled An act relating to personnel of the school system; amending s. 24.121, F.S.; providing for funding of the Project Teach Tuition Reimbursement Program from the Educational Enhancement Trust Fund; creating s. 231.63, F.S.; creating the Project Teach Tuition Reimbursement Program; providing eligibility requirements; providing for funding and distribution of funds; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Dyer—

SB 1914—A bill to be entitled An act relating to affordable residential accommodations establishments; creating ss. 510.011, 510.013, 510.021, 510.032, 510.033, 510.034, 510.036, 510.037, 510.038, 510.041, 510.042, 510.101, 510.105, 510.111, 510.121, 510.122, 510.123, 510.131, 510.132, 510.133, 510.134, 510.136, 510.138, 510.141, 510.142, 510.143, 510.151, 510.161, 510.162, 510.191, 510.201, 510.211, 510.212, 510.215, 510.221, 510.241, 510.245, 510.247, 510.251, 510.261, 510.262, 510.265, 510.281, 510.282, 510.285, 510.401, 510.402, 510.403, 510.404, 510.405, 510.406, 510.407, 510.408, 510.409, 510.411, 510.412, 510.413, 510.414, 510.415, 510.416, and 510.417, F.S.; providing a short title; providing definitions; providing application; providing duties of the Department of Children and Family Services; providing for nondiscrimination; providing for form and service of notices; providing for a right of entry; specifying the relationship of resident and proprietor; specifying certain rights; providing for rules; providing for variances; providing penalties; providing for state preemption; providing for establishment of certain rules; providing for notice; requiring maintenance of a register; specifying an obligation of good faith; providing for disclosure; providing for rent; providing for duration of tenancies; providing for rental rates; providing for posting and advertising of rates; providing penalties; providing for access by residents; specifying a proprietor's obligation to maintain premises; providing for liability for property of residents; specifying a resident's obligation to maintain a dwelling unit; providing for proprietor's access to a dwelling unit; providing for casualty damage; providing a right of action for damages; specifying conduct on certain premises; providing for refusal of service; providing for proprietor's rights relating to disorderly conduct on premises; providing for detention and arrest; providing certain immunity from liability; prohibiting obtaining lodging fraudulently; providing a penalty; providing for rules of evidence in prosecutions; providing for rights of a proprietor relating to theft of property; providing for detention and arrest; providing penalties; providing a penalty for employee theft; providing for disposition of unclaimed property; providing for telephone surcharges under certain circumstances; providing for firesafety; specifying safety regulations; authorizing the department to adopt rules for certain buildings; providing for inspection; specifying sanitary regulations; requiring a permit to operate; providing penalties under certain circumstances; specifying allocation of proceeds; specifying permit as prerequisite for certain local permits; providing for issuance of permits; providing for permit fees; providing for revocation of permits; providing for fines; providing procedures; specifying certain prohibited acts; providing for application; providing for complaints by aggrieved parties; providing for prosecution for certain violations; providing duties of the State Attorney; providing penalties; providing for enforcement; providing for issuing citations; requiring certain persons to assist the department in enforcement; providing a proprietor's right to lockout and interruption of utilities under certain circumstances; providing for a proprietor's right to recover premises; providing for a writ of distress; providing for venue and jurisdiction; providing for certain complaints; providing requirements; providing for a prejudgment writ of distress; providing levy under a writ of distress; specifying the form of such writ; providing for inventory under such writ; providing exemptions from such writ; providing for third party claims under such writ; providing for judgment for the plaintiff under certain circumstances; providing for judgment for the defendant under certain circumstances; providing for sale of certain property under certain circumstances; providing an effective date.

—was referred to the Committees on Community Affairs; Children, Families and Seniors; and Ways and Means.

By Senator Clary—

SB 1916—A bill to be entitled An act relating to the Department of Management Services; declaring legislative intent with respect to the department's duties; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Clary—

SB 1918—A bill to be entitled An act expressing legislative intent to revise the laws relating to natural resources.

—was referred to the Committee on Natural Resources.

SR 1920—Not referenced.

By Senator Bronson—

SB 1922—A bill to be entitled An act relating to fairs, festivals, agriculture centers, and pavilions; creating the Council on Agricultural Fairs and Facilities within the Department of Agriculture and Consumer Services; providing membership; providing responsibilities; providing per diem and expenses; authorizing the council to establish criteria and develop rules; providing for public input; providing criteria to be used in its evaluation of projects; providing that the Department of State shall evaluate festivals; providing an effective date.

—was referred to the Committees on Agriculture; and Governmental Reform and Oversight.

By Senator Bronson—

SB 1924—A bill to be entitled An act relating to aquaculture; amending s. 253.72, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.06, F.S.; authorizing issuance of additional special activity licenses; authorizing permit consolidation procedures; providing activity license terms; amending s. 370.081, F.S.; revising provisions relating to the importation of nonindigenous marine plants and animals; amending s. 370.10, F.S.; authorizing the harvesting or possession of saltwater species for experimental, scientific, education, and exhibition purposes; amending s. 370.16, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.26, F.S.; defining the term "marine aquaculture facility" and revising definition of the term "marine aquaculture product"; authorizing delegation of regulatory authority for certain aquaculture facilities; amending s. 373.046, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 403.814, F.S.; clarifying provisions relating to aquaculture general permits; amending s. 597.005, F.S.; providing for a list of prioritized research needs; providing an effective date.

—was referred to the Committees on Agriculture; Natural Resources; and Ways and Means.

By Senator Holzendorf—

SB 1926—A bill to be entitled An act relating to insurance premium or income tax credits; creating s. 631.7051, F.S.; allowing certain insurers to offset certain assessments against premium or income tax or other liabilities to the state; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator Grant—

SB 1928—A bill to be entitled An act relating to postsecondary education; amending s. 228.041, F.S.; revising definitions relating to postsecondary education fees; directing that changes in terminology be made in the Florida Statutes; amending s. 239.117, F.S.; authorizing certain fees; prohibiting community colleges and district school boards from charging fees not specifically authorized by statute; amending s. 240.209, F.S.; revising provisions relating to fees; amending s. 240.235, F.S.; revising provisions relating to fees and fee waivers; amending s. 240.35, F.S.; authorizing certain fees; prohibiting community colleges from charging fees not specifically authorized by statute; amending s. 240.551, F.S.; authorizing advance payment contracts to cover required local fees to a specified level; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Gutman—

SB 1930—A bill to be entitled An act relating to property, casualty, and surety insurance; amending s. 627.062, F.S.; providing standards for determining whether rates are excessive, inadequate, or unfairly discriminatory; amending s. 627.171, F.S.; increasing the percentage of excess rates an insurer may use for commercial insurance policies; setting standards for the use of excess rates; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator Dudley—

SB 1932—A bill to be entitled An act relating to mutual aid agreements; amending s. 23.1225, F.S.; redefining the term "mutual aid agreement" and defining the term "law enforcement agency" for purposes of laws relating to such agreements; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Reform and Oversight.

By Senator Dudley—

SB 1934—A bill to be entitled An act relating to public lodging establishments; amending s. 509.32, F.S.; changing the date of submission of an annual report to the Governor by the Division of Hotels and Restaurants of the Department of Business Regulation; amending s. 509.191, F.S.; reducing the period of time in which certain unclaimed property left in a public lodging or public food service establishment must be held by the establishment; amending s. 509.201, F.S.; revising requirements for publishing advertisements relating to rates charged at specified public lodging establishments; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Myers—

SB 1936—A bill to be entitled An act relating to public food service establishment regulation; transferring certain powers, duties, functions, and assets of the Department of Business and Professional Regulation with respect to regulating public food service establishments to the Department of Health; amending s. 20.165, F.S.; renaming the Division of Hotels and Restaurants; creating s. 381.0074, F.S.; providing for a mobile food dispensing registry; prescribing guidelines for temporary food service events; creating s. 381.00742, F.S.; prescribing rights of food service establishments; creating s. 381.00744, F.S.; providing for admission of, and ejection of, undesirable guests; providing rights and duties of operators and guests of establishments; creating s. 381.00746, F.S.; providing rules and guidelines with respect to theft of property; providing penalties; amending ss. 381.006, 381.0072, 381.0101, 399.01, 509.013, 159.27, 316.1955, 404.056, 500.12, 717.1355, 877.24, 509.032, 509.035, 509.072, 509.091, 509.092, 509.101, 509.141, 509.142, 509.151, 509.162, 509.191, 509.211, 509.2112, 509.215, 509.221, 509.241, 509.251, 509.261, 509.281, 509.291, 509.302, F.S., to conform to the changes made by the act; providing for the continued effect of rules; providing for the continuation of judicial and administrative proceed-

ings; amending s. 386.205, F.S.; prohibiting smoking in public food service establishments; transferring and renumbering s. 509.213, F.S., relating to emergency first aid; transferring and renumbering s. 509.214, F.S., relating to notification of automatic gratuity charge; transferring and renumbering s. 509.232, F.S., relating to school carnivals and fairs; transferring and renumbering s. 509.292, F.S., relating to misrepresenting food or food products; repealing s. 386.203(1)(p), F. S., which provides for the inclusion of specified restaurants in the definition of the term "public place"; repealing s. 509.036, F.S., relating to food service inspector standardization; repealing s. 509.039, F.S., relating to food service manager certification; repealing s. 509.049, F.S., relating to food service employee training; providing for appointment of a transition advisory committee; providing an effective date.

—was referred to the Committees on Health Care; Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means.

SR 1938—Not referenced.

By Senator Myers—

SB 1940—A bill to be entitled An act relating to health care practitioners; requiring the Department of Health to develop guidelines for development of a standardized system for collecting and verifying core credentials of health care practitioners through certified credentials-verification entities; providing definitions; providing for a Credentials Verification Advisory Committee to the department; requiring applicants for licensure under ch. 458, ch. 459, ch. 460, or ch. 461, F.S., to collect and submit initial core-credentials data to a certified credentials-verification entity; authorizing certain health care entities to use a certified credentials-verification entity to obtain core-credentials data on health care practitioners applying for privileges with the entity; requiring the department to make core-credentials data it collects on any licensee available to a credentials-verification entity; requiring the department's procedures to meet national standards; providing that credentialing information furnished by the department must be used solely for credentialing and recredentialing; authorizing the department to charge a reasonable fee; providing that health care practitioners must have an opportunity to review the core-credentials data; requiring the secretary of the department to appoint a task force to develop procedures for site visits; prohibiting health care practitioners from collecting duplicate core-credentials data from individual health care practitioners or from originating sources; providing rulemaking authority to the department; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

SR 1942—Not referenced.

By Senator Thomas—

SB 1944—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; creating s. 535.08, F.S.; providing a prohibition against the administration of medications to thoroughbred horses prior to sale; providing an exception and certain requirements; providing for testing; providing penalties; amending s. 535.11, F.S., relating to prohibition against administration of drugs to horses; providing a definition; creating s. 585.147, F.S.; requiring a permit for transporting or hauling certain animals or animal products; requiring fees; providing vehicle and container requirements; amending s. 216.181, F.S., relating to approved budgets; exempting the Department of Agriculture and Consumer Services from certain restrictions on lump-sum salary bonuses; amending s. 500.09, F.S.; authorizing the department to perform certain laboratory services relating to food safety and establish fees therefor; amending s. 500.121, F.S.; adding new disciplinary procedures for food establishments operating without a permit or with a suspended or revoked permit; providing a penalty; amending s. 570.07, F.S.; authorizing an employees' benefit fund; amending s. 570.952, F.S.; revising membership of the Florida Agriculture Center and Horse Park Authority; amending s. 571.25, F.S.; changing the registration date for membership in the Florida Agricultural Promotional Campaign; amending s. 581.031, F.S.; providing duties of the department relating to a commercial citrus inventory; amending s. 581.131, F.S.; raising the cap on nursery and nursery stock dealer certificate of registration and renewal fees; amending s. 500.11, F.S.; specifying conditions for animal products to be considered misbranded; amending ss. 570.50, 570.51, F.S.; deleting powers and duties of the Division of Food Safety of the Department of Agriculture and Consumer Services relating to certain animal and animal product inspection; amending and transferring ss. 585.89, 585.92, F.S., relating to prohibitions on purchase of beef and pork, specifications for bid invitations, penalties, and labeling requirements; conforming provisions; amending s. 828.22, F.S.; correcting a cross-reference; amending s. 877.05, F.S., relating to the killing of young veal for sale; conforming provisions; repealing s. 205.1951, F.S., relating to the issuance of a grant of inspection or a custom animal slaughtering or processing establishment permit; repealing ss. 585.70, 585.88, 585.90, 585.91, 585.93, 585.96, F.S., relating to animal and animal product inspection and labeling; repealing ss. 828.23(5) and (6), 828.24, 828.25, 828.26(2), F.S., relating to definitions of terms "packer" and "stockyard," prohibited acts, department administration, and penalties pertaining to slaughter of livestock; repealing s. 877.06, F.S., relating to labeling of beef not slaughtered according to state or United States standards; repealing s. 102, ch. 92-291, Laws of Florida, relating to review and repeal of ss. 500.12, 500.121, F.S.; providing an effective date.

—was referred to the Committees on Agriculture; and Ways and Means.

By Senator Williams—

SB 1946—A bill to be entitled An act relating to workers' compensation insurance; creating s. 627.192, F.S.; requiring an employer that leases its workers to obtain workers' compensation insurance coverage for all of its employees, including leased employees; requiring that premiums be paid commensurate with exposure and anticipated claim experience; providing definitions; providing for voluntary market coverage; providing for residual market coverage; prescribing reporting requirements for lessors; providing for cancellation or nonrenewal of policies; providing for the assignment of an experience modification factor; providing lessee's obligation to secure coverage; providing for policy audits providing eligibility; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; and Ways and Means.

By Senator Dudley—

SB 1948—A bill to be entitled An act relating to community development districts; amending s. 190.006, F.S.; authorizing any community development district to hold elections for the members of its board of supervisors in conjunction with general elections; providing that such members shall be elected in groups by the qualified electors of the district; requiring each member elected to be a qualified elector of the district; providing for staggering of terms; providing for transition; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Reform and Oversight.

By Senator Burt—

SB 1950—A bill to be entitled An act relating to retirement; amending s. 121.1122, F.S.; authorizing members of the Florida Retirement System to purchase credit for certain in-state service in nonpublic educational institutions; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Senator Burt—

SB 1952—A bill to be entitled An act relating to administration of revenue laws; amending s. 68.082, F.S.; providing nonapplicability to certain returns, claims, records, or statements relating to any tax administered by the Department of Revenue; amending s. 199.052, F.S.; requiring banks and financial organizations filing annual intangible personal property tax returns for their customers to file information using machine-sensible media; amending s. 212.0515, F.S.; modifying requirements relating to quarterly records required to be submitted to the Department of Revenue by certain persons selling food or beverages to operators for resale through vending machines; eliminating a penalty for failure to file such reports; eliminating the department's authority to adopt rules relating to such reports; amending s. 212.054, F.S.; eliminating a requirement that certain dealers collect the surtax on tangible personal property or specified service under certain conditions; prescribing the effective date of an increase or decrease in the rate of any discretionary sales surtax; requiring the governing body of any county levying a discretionary sales surtax and a county school board levying the school capital outlay surtax to provide notice to the department; amending s. 212.055, F.S.; providing an effective date for any change in the distribution formula of a local government infrastructure surtax or a small county surtax; amending ss. 212.097, 212.098, F.S.; redefining the term "new business"; amending s. 212.11, F.S.; providing requirements relating to sales tax returns filed through electronic data interchange; amending s. 212.12, F.S.; revising provisions relating to the dealer's credit for collecting sales tax; specifying that the credit is also for the filing of timely returns; authorizing the department to deny, rather than reduce, the credit if an incomplete return is filed; revising the definition of "incomplete return"; amending s. 212.17, F.S.; providing that the department shall prescribe the format for filing returns through electronic data interchange and specifying that failure to use the format does not relieve a dealer from the payment of tax; amending s. 213.053, F.S., relating to information sharing; amending s. 213.0535, F.S.; providing for participation in RISE; amending s. 213.21, F.S.; revising provisions that authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, in order to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; amending s. 213.28, F.S.; prescribing qualifications of certified public accountants contracting with the department to perform audits; amending s. 213.67, F.S.; subjecting the garnishee to liability in the event that property subject to the freeze is transferred or disposed of by the garnishee; prohibiting disposition of assets of a delinquent taxpayer which come into the possession of another person after that person receives garnishment notice from the department for a specified period; requiring the garnishee to notify the department of such assets; providing that the garnishment notice remains in effect while a taxpayer's contest of an intended levy is pending; providing a financial institution receiving notice with a right of setoff; amending s. 213.755, F.S.; defining terms for use in any revenue law administered by the department; amending s. 220.03, F.S.; revising definitions; providing retroactive application; providing effective dates.

—was referred to the Committees on Ways and Means; and Community Affairs.

By Senators Bronson and Ostalkiewicz—

SB 1954—A bill to be entitled An act relating to ad valorem taxation; providing for the partial abatement of taxes on certain property destroyed or damaged by a tornado; providing procedures; providing for expiration of the act; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Williams—

SB 1956—A bill to be entitled An act relating to occupational safety and health; repealing s. 442.003, F.S., relating to legislative intent; repealing s. 442.006, F.S., relating to investigations and penalties; repealing s. 442.008, F.S., relating to authority of the Division of Safety of the Department of Labor and Employment Security; repealing s. 442.009, F.S., relating to right of entry by division representatives; repealing s. 442.0105, F.S., relating to employers whose employees have a high frequency of work-related injuries; repealing s. 442.013, F.S., relating to employer penalties; repealing s. 442.015, F.S., relating to cancellation of coverage on certain employers; repealing s. 442.017, F.S., relating to penalties for employers who refuse to admit certain investigators; repealing s. 442.019, F.S., relating to remedies for employers who fail to comply with ch. 442, F.S.; amending s. 442.012, F.S.; revising workplace safety committee requirements for public and private employers; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Silver—

SB 1958—A bill to be entitled An act relating to motor vehicles licenses; amending s. 320.04, F.S.; providing a service charge for validation stickers issued by printer dispenser machines; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Rossin—

SB 1960—A bill to be entitled An act relating to assisted living facilities and adult family-care homes; amending s. 400.402, F.S.; revising definitions; amending s. 400.404, F.S.; providing additional exemptions from licensure as an assisted living facility; amending ss. 400.407, 400.408, F.S.; reorganizing and revising provisions relating to unlawful facilities; providing penalties; requiring report of unlicensed facilities by health care practitioners and facility owners or administrators; providing for disciplinary actions; revising provisions relating to referral to unlicensed facilities; providing for certain notice to service providers; amending s. 400.411, F.S.; revising requirements for an initial application for license; providing for a fee; amending s. 400.414, F.S.; revising authority and grounds for denial, revocation, or suspension of licenses or imposition of administrative fines; specifying terms for review of proceedings challenging administrative actions; amending s. 400.415, F.S.; requiring a facility to post notice of a moratorium on admissions; providing for rules establishing grounds for imposition of a moratorium; amending s. 400.417, F.S.; providing for coordinated expiration of a facility's license; revising requirements for license renewal; providing for rules; amending s. 400.4174, F.S.; providing requirements for background screening of facility owners, administrators, financial officers, corporate officers or board members, and employees; providing for provisional licensure of a facility under certain circumstances, while screening is completed; providing for rules; amending s. 400.4176, F.S.; revising time requirement for notice of change of administrator; amending ss. 400.418, 400.422, 400.452, 408.036, F.S., relating to the disposition of fees and fines, receivership proceedings, staff training and education, and the review of certain projects; conforming cross-references to changes made by the act; amending s. 400.419, F.S.; revising procedures relating to violations and penalties; increasing administrative fines for specified classes of violations; authorizing doubled fines under certain circumstances; providing fines for unlicensed operation of a facility and for failure to apply for a change of ownership license; authorizing a survey fee to cover the cost of certain complaint investigations; providing for corrective action plans to correct violations; expanding dissemination of information regarding facilities sanctioned or fined; amending s. 400.428, F.S.; providing for surveys to determine compliance with facility standards and residents' rights; amending s. 400.474, F.S.; providing for disciplinary action against a home health agency or employee providing services in an unlicensed assisted living facility or adult family-care home; amending s. 400.618, F.S.; revising the definition of "adult-family care home"; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Senator Rossin—

SB 1962—A bill to be entitled An act relating to memory disorder clinics; amending s. 430.502, F.S.; creating a clinic at St. Mary's Hospital in West Palm Beach; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator Gutman—

SB 1964—A bill to be entitled An act relating to criminal procedure; revising ch. 916, F.S., relating to mentally deficient and mentally ill defendants; amending s. 916.10, F.S.; redesignating ch. 916, F.S., as the "Forensic Procedure Act"; amending s. 916.105, F.S.; providing legislative intent with respect to the treatment of defendants who are guilty but insane; amending s. 916.106, F.S.; revising definitions; amending s. 916.107, F.S.; providing for rights of defendants who have been found guilty but insane; amending s. 916.108, F.S.; providing for the training of mental health experts; amending s. 916.11, F.S.; providing for appointing expert witnesses; transferring, renumbering, and amending s. 916.16, F.S.; providing for the committing court to retain jurisdiction of a person committed under ch. 916, F.S.; transferring, renumbering, and amending s. 916.175, F.S.; providing a penalty for a person who escapes from involuntary commitment; transferring, renumbering, and amending s. 916.178, F.S.; prohibiting the introduction or removal of certain articles from a forensic facility; transferring and renumbering s. 916.19, F.S., relating to institutional security personnel; transferring and renumbering s. 916.20, F.S., relating to the authority of the Department of Health to adopt rules with respect to ch. 916, F.S.; creating s. 916.118, F.S.; providing definitions; creating s. 916.119, F.S.; providing for applicability; amending s. 916.12, F.S.; providing for determining a person's mental competence to proceed; amending s. 916.13, F.S.; providing for involuntary commitment of a defendant adjudicated incompetent to proceed; amending s. 916.14, F.S.; providing that the statute of limitations does not apply if a defendant is adjudicated incompetent to proceed; amending s. 916.145, F.S.; providing for dismissal of charges; repealing s. 916.15, F.S., relating to the involuntary commitment of a defendant adjudicated not guilty by reason of insanity; amending s. 916.17, F.S.; providing for the conditional release of a defendant adjudicated incompetent to proceed; creating s. 916.21, F.S.; providing circumstances under which a defendant may be found guilty but insane; creating s. 916.22, F.S.; requiring that a defendant give notice of intent to plead guilty but insane; creating s. 916.23, F.S.; providing for a mental examination of the defendant; creating s. 916.24, F.S.; providing requirements for the form of the verdict; creating s. 916.25, F.S.; providing for entry of a judgment of guilty but insane; providing for notification of the victim; creating s. 916.26, F.S.; specifying circumstances under which the court shall place a defendant under the jurisdiction of the Forensic Security Review Board; providing for appealing such order; creating s. 916.27, F.S.; providing for commitment of a defendant to the Department of Health; providing a standard of proof for dispositional proceedings; creating s. 916.28, F.S.; providing for an order of discharge; creating s. 916.29, F.S.; providing for the conditional release of a defendant by the Forensic Security Review Board; providing for conditions of release; providing for revoking such release; providing for application to the board for discharge from or modification of the order of conditional release; creating s. 916.31, F.S.; providing for the Forensic Security Review Board to issue an order of commitment; providing for application for discharge or conditional release; creating s. 916.32, F.S.; providing for a hearing on discharge, conditional release, or commitment; specifying rights of the defendant at the hearing; creating s. 916.33, F.S.; providing for discharging the defendant from the jurisdiction of the Forensic Security Review Board; providing for review; creating s. 916.34, F.S.; providing requirements for the court with respect to a crime committed by a defendant under the jurisdiction of the board; creating s. 916.35, F.S.; establishing the Forensic Security Review Board within the Department of Health; providing for the Governor to appoint the members of the board; providing for terms of office; authorizing the payment of per diem expenses; providing for meetings of the board; providing for judicial review of an order of the board; creating s. 916.37, F.S.; requiring the Department of Health to adopt rules for evaluating and treating defendants committed to the department; providing requirements for conditional release plans; creating s. 916.38, F.S.; authorizing the Forensic Security Review Board to issue subpoenas; providing for enforcement by the circuit court; creating s. 916.39, F.S.; authorizing a facility administrator to apply for a leave of absence on behalf of a defendant; requiring review by the board; creating s. 916.41, F.S.; requiring the state attorneys to file certain statistical records with respect to cases in which the defense of guilty but insane is asserted; creating s. 916.42, F.S.; requiring the Forensic Security Review Board to make certain reports to the Governor and Legislature; amending s. 40.29, F.S., relating to pay of jurors and witnesses; conforming a cross-reference to changes made by the act; requesting the Supreme Court to adopt rules to reflect the provisions of the act; providing appropriations; providing for application of the act; providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Ways and Means.

By Senator Gutman—

SB 1966—A bill to be entitled An act relating to the confidentiality of meetings and records; creating s. 916.36, F.S.; providing that certain proceedings of the Forensic Security Review Board are exempt from the public meetings law; providing that the record of such proceedings is exempt from the public records law; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care and Criminal Justice.

By Senator Burt—

SB 1968—A bill to be entitled An act relating to the state correctional system; creating s. 944.185, F.S.; authorizing a board of county commissioners and certain private vendors to operate correctional facilities to house out-of-state inmates; requiring that the board or vendor submit certain information to the Department of Corrections; prohibiting the board or vendor from accepting out-of-state inmates convicted of certain specified offenses; requiring that an offender be returned to the sending state before release; amending s. 944.40, F.S.; providing that certain penalties imposed for the offense of escape apply to an escape from a private correctional facility; amending s. 957.03, F.S.; providing additional qualifications for a member of the Correctional Privatization Commission; requiring a majority of a quorum for the commission to take action; revising requirements for the commission's annual report to the Legislature; authorizing the use of inmate labor in constructing a correctional facility; requiring the contractor to develop security procedures; providing reporting requirements; creating s. 957.031, F.S.; prohibiting a member of the Correctional Privatization Commission and certain employees and consultants from accepting benefits from or performing certain services for a contractor or corporation that has a business relationship with the commission; amending s. 957.06, F.S.; deleting a requirement for cooperative agreements; creating s. 957.061, F.S.; requiring the commission and the Department of Corrections to enter into agreements with contractors for transferring inmates between facilities; amending s. 957.08, F.S.; providing for the transfer of inmates in accordance with such agreement; amending s. 957.125, F.S.; deleting obsolete provisions with respect to contracts by the Correctional Privatization Commission; requiring the Florida Corrections Commission to conduct an analysis of correctional services and report to the Governor and Legislature; requiring the Correctional Privatization Commission to contract for a correctional facility for female inmates; specifying capacity; requiring that the Correctional Privatization Commission contract for certain studies of recidivism rates; providing for development of a methodology and sampling strategy; requiring a report; repealing s. 944.711, F.S., relating to requests for proposals; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Ways and Means.

By Senator Kurth—

SB 1970—A bill to be entitled An act relating to mobile home parks; creating s. 723.028, F.S.; providing procedures for rent abatement if a

mobile home or park facility or improvement is destroyed or rendered unusable; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By Senator Lee—

SB 1972—A bill to be entitled An act relating to workers' compensation; amending s. 440.09, F.S.; providing a standard for rebutting a presumption that an employee's injury was caused by intoxication or influence of drugs; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Rossin—

SB 1974—A bill to be entitled An act relating to consumer finance and installment sales; amending s. 516.05, F.S.; requiring certain licensees to report bankruptcy filings to the Department of Banking and Finance; amending s. 520.085, F.S.; providing for acquisition fees on simple-interest contracts; creating s. 520.997, F.S.; providing for certain licensees to report bankruptcy filings to the department; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Forman—

SB 1976—A bill to be entitled An act relating to the Construction Industry Recovery Fund; amending s. 489.143, F.S.; increasing the aggregate amount that may be paid for claims against any one certificateholder or registrant; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Senator Lee—

SB 1978—A bill to be entitled An act relating to telephone billing disclosure; creating s. 364.045, F.S.; providing requirements for billing and consumer information provided to customers by local exchange companies and alternative local exchange companies; prohibiting the disconnection of a customer's local service in specified circumstances; allowing requirements to be waived by a written agreement; providing for rulemaking by the Florida Public Service Commission; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Myers—

SB 1980—A bill to be entitled An act relating to screening the hearing of infants; providing for universal screening of the hearing of newborns; providing legislative intent; providing definitions; requiring hospitals, birthing centers, and health care providers at home births to refer newborns to licensed audiologists for screening; providing other requirements for the screening program; requiring hearing screening and followup to be procedures covered by health insurance policies, by health maintenance organizations, and by Medicaid; requiring followup referral of hearing-impaired infants to the Children's Medical Services Early Intervention Program; requiring the Department of Health and the Agency for Health Care Administration to coordinate services with a technical advisory panel on screening the hearing of infants; requiring written documentation of hearing screenings; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Senator Hargrett—

SB 1982—A bill to be entitled An act relating to community development corporations; amending ss. 290.0301, 290.0311, 290.032, 290.033, 290.034, 290.035, 290.036, 290.0365, 290.037, 290.038, 290.039, 290.0395, F.S.; providing for future repeal of those sections; revising criteria for the award of administrative grants; requiring the Secretary of the Department of Community Affairs to develop a funding distribution formula to ensure that administrative grants are made available throughout the state; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Kurth—

SB 1984—A bill to be entitled An act relating to protection of victims who apply for or receive public assistance; amending s. 414.0252, F.S.; defining "battered or subject to extreme cruelty" and "domestic violence" with respect to specified provisions relating to temporary family assistance; amending s. 414.028, F.S.; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence; amending s. 414.065, F.S., relating to work requirements; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate the amendment in a reference; amending s. 414.095, F.S., relating to determination of eligibility for the WAGES program; providing that a person who has been battered or subject to extreme cruelty in the United States by a spouse or parent is a "qualified noncitizen" under specified circumstances; providing for program applicants or participants to receive certain information regarding services available from domestic violence centers or organizations and to request referrals thereto; providing that risk of domestic violence constitutes good cause for failure by a parent or caretaker relative to cooperate with paternity establishment or establishment, modification, or enforcement of certain child support orders, under specified circumstances; amending s. 414.105, F.S., relating to time limitations on temporary cash assistance; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; amending s. 414.115, F.S., relating to limited temporary cash assistance for children born to families receiving temporary cash assistance; providing for nonapplicability to domestic violence victims of specified provisions limiting such assistance under certain circumstances; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Senator Forman—

SB 1986—A bill to be entitled An act relating to certified nursing assistants; creating part XV of chapter 468, F.S.; providing a short title; providing definitions; providing duties and powers of the Department of Health in regulating the practice of certified nursing assistants; providing requirements for a state registry of certified nursing assistants; providing requirements for obtaining certification as a certified nursing assistant; authorizing the department to deny, suspend, or revoke a person's certification upon certain findings or reports of abuse, neglect, or exploitation; authorizing the department to exempt an applicant or certificateholder from disqualification of certification; specifying certain acts that constitute grounds for disciplinary sanctions; providing penalties; requiring that the department maintain a registry of certified nursing assistants; providing for renewal of certification; exempting an employer from liability for terminating a certified nursing assistant under certain circumstances; authorizing the department to contract for examination services; providing penalties; providing rulemaking authority; amending s. 400.211, F.S.; deleting obsolete provisions with respect to the regulation of certified nursing assistants by the Department of Business and Professional Regulation; providing for certain federal requirements to apply to specified nursing home facilities under certain circumstances; amending ss. 20.43, 400.4255, 400.462, 400.506, 455.667, F.S., relating to the Department of Health, the use of licensed personnel in

assisted living facilities, the regulation of home health agencies, nurse registries, and the ownership and control of patient records; conforming cross-references to changes made by the act; providing for the continued validity of certifications issued before the effective date of the act; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Senators Diaz-Balart and Kirkpatrick—

SB 1988—A bill to be entitled An act relating to environmental mitigation; providing legislative findings and intent with respect to a mitigation plan for the Dade County Lake Belt Area to offset the impact of mining activities; imposing a fee on the commercial extraction of limerock and sand from the Dade County Lake Belt Area; requiring the proceeds of the fee to be paid to the Department of Revenue; providing for transfer of the fee to the Mitigation Trust Fund administered by the Miami-Dade County Department of Environmental Resource Management; providing for the Department of Revenue to administer the collection of the fee; authorizing the department to adopt rules; providing for an annual adjustment of the fee rate after a specified date; specifying purposes for which the proceeds of the fee may be used; requiring that expenditures from the trust fund be approved by an interagency committee; providing for membership of the committee; providing that payment of the fee satisfies certain requirements for mitigation; providing for suspension of imposition of the fee under certain circumstances; providing an effective date.

—was referred to the Committees on Natural Resources; Community Affairs; and Ways and Means.

By Senator Diaz-Balart—

SB 1990—A bill to be entitled An act relating to hurricane loss mitigation; creating s. 215.559, F.S.; creating the Hurricane Loss Mitigation Clearing Trust Fund; providing for administration; specifying moneys to be credited to the fund; requiring appropriation of moneys in the fund; providing purposes; specifying uses of such moneys by specified officers and agencies; providing allocations; requiring reports; providing that fund balances carry over to future years; amending s. 215.555, F.S.; requiring the State Board of Administration annually to transfer specified amounts from the Florida Hurricane Catastrophe Fund to the Hurricane Loss Mitigation Clearing Trust Fund; providing an effective date.

—was referred to the Committees on Community Affairs; Banking and Insurance; and Ways and Means.

By Senator Burt—

SB 1992—A bill to be entitled An act relating to criminal law; amending s. 775.13, F.S.; providing exemptions from registration requirements for certain convicted felons; amending s. 775.21, F.S.; revising the Florida Sexual Predators Act; defining terms; prescribing criteria and procedures for designation as a sexual predator; requiring fingerprints and blood specimens for DNA analysis; prescribing registration and notification requirements; providing for removal of designation as a sexual predator; providing penalties for failing to comply with duties imposed on persons so designated; prohibiting misuse and misrepresentation of public records information and providing penalties; amending s. 943.043, F.S.; providing civil immunity for certain persons and entities who provide information regarding sexual offenders and sexual predators; amending s. 943.0435, F.S; specifying sexual offenders who must report and identify themselves; revising reporting requirements; providing civil immunity for specified persons and entities who administer such reporting requirements; providing for certain persons to be relieved from such reporting requirements; amending ss. 944.605, 947.177, F.S.; prescribing penalties for inmates who refuse to submit to the taking of a digitized photograph; amending ss. 944.606, 944.607, F.S.; revising provisions governing notification concerning the release of sexual offenders; specifying persons with respect to whom such provisions apply; providing civil immunity for specified persons and entities who release information concerning such offenders; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senator Cowin—

SB 1994—A bill to be entitled An act relating to agriculture; creating ss. 570.251-570.2815, F.S.; creating the "Florida Agricultural Development Act"; providing legislative findings; providing definitions; establishing the Florida Agricultural Development Authority; providing powers and duties; providing for membership of a board; providing for terms of board members; providing for organization of the board; providing general powers of the authority; providing for an executive director and specifying duties; requiring an annual report; providing for the use of surplus moneys by the authority; providing for combination of state and federal programs to facilitate the purposes of the authority; establishing a beginning farmer loan program; providing purposes of the loan program; authorizing the authority to participate in federal programs; requiring the authority to provide for loan criteria by rule; authorizing the authority to provide loan requirements; authorizing the authority to make loans to beginning farmers for agricultural land and improvements and depreciable agricultural property; authorizing the authority to make loans to mortgage lenders and other lenders; authorizing the authority to purchase mortgage loans and secured loans from mortgage lenders; providing powers of the authority relating to loans; providing for the issuance of bonds and notes by the authority; authorizing the authority to establish bond reserve funds; providing remedies of bondholders and holders of notes; providing for the pledging of bonds by the state; providing that bonds and notes shall be considered legal investments; providing requirements with respect to funds of the authority; authorizing examination of accounts by the Auditor General; requiring a report; providing limitation of liability for members of the authority; requiring the assistance of state officers, agencies, and departments; providing for construction of the act; requiring disclosure of specified conflicts of interest; prohibiting certain participation in the event of a conflict of interest; specifying conflicts of interest with respect to the executive director of the authority; providing exemption from competitive bid laws; providing for receipt of specified trust assets by the authority; authorizing the authority to enter into specified agreements; providing for liability; providing for additional beginning farmer and loan assistance programs; authorizing additional beginning farmer loan program; requiring the authority to establish and develop an agricultural loan assistance program; providing program criteria; requiring the authority to create and develop alternative agriculture assistance programs; providing for the adoption of rules with respect to enforcement of provisions relative to such programs; authorizing the authority to bring action for enforcement; providing for the transfer of specified funds to the authority; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Reform and Oversight; and Ways and Means.

By Senator Grant—

SB 1996—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing for recognition as public schools; revising requirements relating to proposals; providing for appeal of disputes and requiring mediation services; removing limitations on the number of schools; authorizing charter conversion municipal subdistricts; providing requirements for operation and areas of municipal jurisdiction; revising provisions relating to eligible students; providing for operation by a nonprofit organization; deleting certain restrictions on holding charter contracts; revising provisions relating to charter terms; providing for public employee status; providing requirements relating to employees; revising requirements relating to student transportation; revising administrative fee provisions and requiring certain administrative and educational services; revising provisions relating to charter school use of certain facilities or property; providing for certain purchasing; authorizing charter schools-in-the-workplace; providing requirements and tax exemption; creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay Trust Fund; providing eligibility requirements; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital

outlay purposes of charter schools; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay Trust Fund; providing effective dates.

—was referred to the Committees on Education; and Ways and Means.

By Senator Thomas—

SB 1998—A bill to be entitled An act relating to taxation (RAB); amending s. 197.162, F.S.; providing for discounts on early tax payments; amending s. 197.182, F.S.; providing for automatic refunds of overpayments of tax greater than $5; amending s. 197.344, F.S.; providing for tax notices for lienholders, trustees, and vendees; amending s. 212.02, F.S.; redefining the term "retail sales" to revise standards for the exclusion of packaging materials; amending s. 212.05, F.S.; prescribing the entities that are considered selling dealers for purposes of the sales, storage, and use tax on aircraft and boats; amending s. 212.054, F.S.; revising guidelines for determination of exemption from partial sales surtaxes; amending s. 212.06, F.S.; revising guidelines for determining tax liability of certain personal property; providing for a use tax on certain aircraft; defining the terms "real property," "fixtures," and "improvements to real property," for purposes of determining when a person is improving real property; providing guidelines for determining tax liability on rock, shell, fill dirt, and similar materials; amending s. 212.07, F.S.; prescribing tax liability for sales of race horses in claiming races; defining the terms "farmer" and "livestock"; amending s. 212.08, F.S.; exempting certain sales of racing dogs; revising the sales tax exemption provided for food and drinks; providing definitions; exempting additional medical supplies and equipment; providing definitions for purposes of such exemption; providing a partial exemption for certain commercial fishing vessels; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining the taxability of specific products; providing membership requirements; directing the Department of Revenue to develop guidelines for determining the taxability of specific products; requiring that the department give notice of proposed guidelines to persons substantially affected and to the Administrative Procedures Committee; providing for use of the guidelines by the committee; providing for determining the taxability of specific products by the department; authorizing the department to develop a central database with respect to the taxability of specific products; revising eligibility standards for the partial exemption for farm equipment; providing additional uses to which equipment may be put and be eligible for the exemption; specifying that other uses will result in disallowance of the exemption; exempting disinfectants, pesticides, weed killers, certain seeds, cuttings, seedlings, plants, and specified packaging items in agricultural use; providing guidelines for determining applicability of sales surtaxes to certain transactions; amending s. 212.09, F.S.; revising provisions regulating credits for trade-ins; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); and Ways and Means.

By Senator Lee—

SB 2000—A bill to be entitled An act relating to rulemaking authority for matters pertaining to education (RAB); amending s. 231.17, F.S.; revising requirements for qualifying to receive a temporary teaching certificate; authorizing the State Board of Education to adopt rules defining the term "standard institution"; authorizing the Commissioner of Education to make decisions about granting certification to an applicant in extenuating circumstances not otherwise provided for in statute or by rule; amending s. 231.1725, F.S.; deleting provisions for having noncertificated teachers in critical teacher shortage areas; amending s. 231.24, F.S.; allowing the state board to approve rules for the expanded use of training in teaching students having limited proficiency in English toward renewing a professional certificate; amending s. 231.29, F.S., relating to assessment procedures and criteria for personnel assessment; authorizing the state board to adopt necessary rules; amending s. 240.116, F.S.; allowing the state board to adopt rules for certain dual-enrollment programs; amending s. 240.233, F.S.; allowing the state board to adopt rules for the articulation of foreign-language competency and equivalency between secondary and postsecondary institutions; providing an effective date.

—was referred to the Committee on Education.

By Senator Burt—

SB 2002—A bill to be entitled An act relating to loaned, rented, or leased motor vehicles; creating s. 768.092, F.S.; limiting liability for certain damages and injuries; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By Senator Burt—

SB 2004—A bill to be entitled An act relating to the Viatical Settlement Act; amending s. 626.9911, F.S.; modifying the definition of the term "viatical settlement contract"; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Cowin, Gutman and Myers—

SB 2006—A bill to be entitled An act relating to lobbying; amending s. 11.062, F.S.; prohibiting the use of funds by certain governmental entities for retaining a lobbyist; providing penalties; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 2008—A bill to be entitled An act relating to delinquent acts or criminal offenses committed by juveniles; amending s. 90.610, F.S., relating to conviction of certain crimes as impeachment; providing that certain adjudications of delinquency are admissible into evidence for impeachment purposes; amending s. 921.0011, F.S; redefining the term "prior record" with respect to specified provisions relating to sentencing; providing for scoring as adult offenses an offender's prior juvenile offenses that would be crimes if committed by an adult; providing for a withholding of an adjudication of delinquency or an adjudication of guilt to be considered a conviction for certain purposes relating to sentencing; providing for expiration; amending s. 921.0021, F.S.; redefining the term "prior record" with respect to specified provisions relating to sentencing; providing for scoring as adult offenses an offender's prior juvenile offenses that would be crimes if committed by an adult; amending s. 943.0515, F.S., relating to retention of criminal history records of minors; providing for an offender's criminal history record of forcible or nonforcible felonies charged as an adult to be merged and retained as a part of the person's adult criminal history record, under specified circumstances; amending s. 985.03, F.S.; defining "violation of supervision" with respect to specified provisions relating to delinquency; amending s. 985.04, F.S., relating to oaths, records, and confidential information; providing for public disclosure of all of a juvenile's prior history of acts that would be crimes if committed by an adult, and of orders of disposition for such acts; providing for a withholding of an adjudication of delinquency or an adjudication of guilt to be considered a conviction for certain purposes relating to disclosure of the records; reenacting s. 985.31(4)(k), F.S., relating to serious or habitual juvenile offenders, to incorporate said amendment in a reference; amending s. 985.05, F.S., relating to court records; providing for nonapplicability of certain recordkeeping requirements to nonconfidential juvenile history records; providing for admissibility in other civil or criminal proceedings of certain court records of juvenile proceedings; providing for merger of a defendant's record of prior delinquent acts with the defendant's adult record, under specified circumstances; amending s. 985.211, F.S., relating to release or delivery from custody; providing for reference to violation of supervision in certain written reports or probable cause affidavits; amending s. 985.21, F.S., relating to intake and case management; providing that the state attorney may take certain actions unless otherwise required by law; amending s. 985.213, F.S., relating to use of detention;

conforming references; amending s. 985.215, F.S., relating to detention; providing for an exception with respect to court use of risk assessment when a child is subject to detention order or special detention order pursuant to specified provisions; reenacting s. 985.208(1), relating to detention of furloughed child or escapee on authority of the department, and s. 985.219(5), relating to process and service, to incorporate said amendment in references; creating s. 985.2155, F.S., relating to arraignments and hearings for violations of supervision and failure to appear; providing for detention of a juvenile for a maximum of 14 days while awaiting the hearing, under certain circumstances when the juvenile has failed to appear; providing an exception; repealing s. 985.218(6), F.S., relating to petitions for delinquency; removing provisions requiring the dismissal of a petition with prejudice when the adjudicatory hearing is not commenced within 90 days; removing provisions authorizing the court to extend the 90-day period; amending s. 985.226, F.S., relating to criteria for discretionary waiver and mandatory waiver of juvenile court jurisdiction; providing for the state attorney to file a motion requesting the court to transfer a child of at least 14 years of age for criminal prosecution, under specified circumstances; providing for exceptions; amending s. 985.227, F.S., relating to discretionary direct-file criteria and mandatory direct-file criteria; permitting the filing of an information when a child was 14 or 15 years of age at the time the child attempted to commit any one of specified offenses; requiring the state attorney to file an information for certain illegal acts when the child committing the act is at least 16 years of age and has a specified history of delinquent acts; revising duties of the court and guidelines for transfer of cases pertaining to the child when a child is transferred for adult prosecution; removing a requirement for annual updating by the state attorney of direct-file policies and guidelines; providing that the information filed pursuant to specified provisions may include all charges that are based on the same act, criminal episode, or transaction as the primary offense; amending s. 985.228, F.S., relating to adjudicatory hearings, to conform an exception to the construction of "conviction"; amending s. 985.231, F.S.; revising powers of disposition in delinquency cases; conforming references; providing for exceptions to conform to changes made by the act; amending s. 985.233, F.S., relating to sentencing powers, procedures, and dispositional alternatives for juveniles prosecuted as adults; revising sentencing alternatives in cases when a child is prosecuted on indictment and other cases; providing that a court may withhold adjudication of guilt and place the child on probation or community control to be supervised by the Department of Corrections, under specified circumstances; providing for completion of a commitment program recommended by the Department of Juvenile Justice as a special condition of the probation or community control; authorizing a judge in adult court to access the juvenile commitment programs for sentencing purposes; providing that the juvenile would not be required to pay supervision costs to the Department of Corrections while participating in a Department of Juvenile Justice commitment program; prohibiting imposition of certain sentencing alternatives and juvenile sanctions and prohibiting withholding of adjudication as an adult when the state attorney's motion to transfer and certify the child for prosection as an adult is granted under specified provisions; revising guidelines for sentencing to juvenile sanctions; removing a requirement that the court stay adjudication of guilt when the child is sentenced to juvenile sanctions under specified provisions; removing provisions that the adjudication of delinquency shall not be deemed to be a conviction or operate to impose civil disabilities resulting from a conviction; removing a prohibition against the imposition of a combination of juvenile and adult sanctions; reenacting s. 985.225(3) and (4), relating to indictment of a juvenile, and s. 985.31(3)(k), relating to serious or habitual juvenile offenders, to incorporate said amendment in references; amending s. 985.309, F.S., relating to criteria for placement of a child in a boot camp program; providing for boot camp placement of a child at least 14 years of age who has not entered a plea of guilty or nolo contendere to, or been adjudicated of, a capital felony, life felony, or violent felony of the first degree; providing for early-intervention boot camp placement of a child at least 12 years of age under specified circumstances; providing for certain minimum periods of participation in aftercare; authorizing operation of an early-intervention boot camp program by the Department of Juvenile Justice, or a county or municipality; providing purpose of program; providing criteria for disqualification from participation in the early-intervention boot camp program; reenacting s. 985.231(1)(j), relating to powers of disposition in delinquency cases, s. 985.31(3)(i), relating to serious or habitual juvenile offenders, s. 985.311(3)(i), relating to intensive residential treatment programs for offenders less than 13 years of age, and s. 985.314(1)(a), relating to commitment programs for juvenile felony offenders, to incorporate said amendment in references; amending s. 985.404, F.S., relating to administration of the juvenile justice continuum; specifying factors to be considered in the report ranking commitment programs; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By Senator Kurth—

SB 2010—A bill to be entitled An act creating preventive health collaborative grants; establishing criteria for selection of recipients; providing for renewal of grants; providing for an evaluation of grants; providing an effective date.

—was referred to the Committees on Health Care; Children, Families and Seniors; and Ways and Means.

By Senator Bronson—

SB 2012—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.532, F.S.; providing requirements with respect to recordings made during the formal interrogation of a law enforcement or correctional officer; amending s. 112.533, F.S.; providing for rights of law enforcement and correctional officers to review their personnel files, attach a response, and receive a copy of certain materials in the file; providing for application to the release of certain information; amending s. 943.135, F.S.; permitting law enforcement officers who are elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

—was referred to the Committees on Criminal Justice; and Executive Business, Ethics and Elections.

By Senator Bankhead—

SB 2014—A bill to be entitled An act relating to the WAGES Program; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Ways and Means.

By Senator Campbell—

SB 2016—A bill to be entitled An act relating to debtors and creditors; amending s. 30.231, F.S.; providing when seizure of property is made; amending s. 55.03, F.S.; providing for judgments to be paid on simple rate of interest; creating s. 55.105, F.S.; providing for judgments, orders, decrees, and liens on personal property; creating s. 55.106, F.S.; providing for a statement of termination, partial release, and assignment of a lien; creating s. 55.107, F.S.; providing effect of a recorded judgment lien on writs of execution; amending s. 55.604, F.S.; providing for recognition and enforcement of judgment liens on personal property; amending s. 56.031; providing for the issuance of multiple writs; amending s. 56.041, F.S.; providing for return of unsatisfied executions in possession of the sheriff; amending s. 56.09, F.S.; providing a limitation on levy of execution; amending s. 56.21, F.S.; providing for mailing of notice of a levy and execution sale; amending s. 56.27, F.S.; providing for payment of money received under an execution; amending s. 56.29, F.S.; providing supplementary proceedings; amending s. 77.01, F.S.; providing a right to garnish certain debts; creating s. 77.05, F.S.; providing for notice of procedures for asserting exemptions and requesting hearings; amending s. 77.055, F.S.; providing for service of garnishee's answer and notice of right to move to dissolve writ; amending s. 77.06, F.S.; providing that

service of a writ creates a lien on the garnishee's debts or property; amending s. 222.12, F.S.; providing that a person may make an oath before a notary public stating facts justifying an exemption from a garnishment proceeding; amending s. 679.301, F.S.; modifying the definition of lien creditor; repealing s. 30.17, F.S., relating to sheriff's execution docket; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Burt—

SB 2018—A bill to be entitled An act relating to education; amending s. 231.0861, F.S.; revising provisions relating to selection of principals and assistant principals; providing for the appointment of persons from the private sector or the noneducational governmental sector; providing requirements for eligibility; providing requirements for appointment; amending s. 231.087, F.S.; revising provisions relating to educational management; requiring preservice and inservice programs for educational managers; providing an effective date.

—was referred to the Committee on Education.

By Senator Horne—

SB 2020—A bill to be entitled An act relating to trust funds; creating s. 240.557, F.S.; creating the Florida Higher Education Savings Trust, to be administered by the State Board of Administration; providing for sources of moneys and purposes; providing that the trust is exempt from constitutional termination requirements; providing a contingent effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Childers—

SB 2022—A bill to be entitled An act relating to Florida State University; creating a medical school at the university; amending s. 458.3145, F.S.; providing for the issuance of medical faculty certificates to faculty members at the school; providing an effective date.

—was referred to the Committees on Education; Health Care; and Ways and Means.

By Senator Latvala—

SB 2024—A bill to be entitled An act relating to the Florida Forever Program; providing legislative intent for the Florida Forever Program; amending s. 201.15, F.S.; providing for the allocation of certain taxes collected for debt service payments pursuant to the Florida Forever Program; providing an effective date.

—was referred to the Committees on Natural Resources; Community Affairs; and Ways and Means.

By Senator Latvala—

SB 2026—A bill to be entitled An act relating to the Florida Forever Trust Fund; creating s. 375.046, F.S.; creating the Florida Forever Trust Fund; providing its purposes; providing a contingent effective date.

—was referred to the Committees on Natural Resources; Community Affairs; and Ways and Means.

By Senator Latvala—

SB 2028—A bill to be entitled An act relating to the State Lands Management Trust Fund; creating s. 253.026, F.S.; creating the State Lands Management Trust Fund; providing its purposes; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Senator Latvala—

SB 2030—A bill to be entitled An act relating to the Department of Environmental Protection; amending s. 253.7821, F.S.; authorizing the Office of Greenways and Trails to adopt rules relating to state lands under its jurisdiction; authorizing the Division of Marine Resources to adopt rules relating to uplands under its management; providing criminal penalties; providing an effective date.

—was referred to the Committee on Natural Resources.

By Senator Latvala—

SM 2032—A memorial to the President and the United States Senate, urging that the Kyoto Protocol be amended to ensure the equitable treatment of developing countries and developed countries regarding greenhouse gas emissions.

—was referred to the Committee on Rules and Calendar.

By Senator Clary—

SB 2034—A bill to be entitled An act relating to education; authorizing individual district school boards by resolution to allow invocation or benediction at specified secondary-school-related events; providing legislative intent; providing an effective date.

—was referred to the Committee on Education.

By Senator Latvala—

SB 2036—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02, F.S.; redefining the term "admissions" for purposes of ch. 212, F.S.; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Latvala—

SB 2038—A bill to be entitled An act relating to gifts; amending s. 112.3148, F.S.; providing criminal penalties for the acceptance of or the failure by public officers or public employees to report gifts of a specified amount during a calendar year; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

By Senator Gutman—

SB 2040—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; requiring the department to establish a residential-tree-replacement program for residential trees removed due to infestation by or exposure to citrus canker disease; requiring the department to prepare a report on the program; providing for submission of the report by January 1, 1999; providing an effective date.

—was referred to the Committees on Agriculture; and Ways and Means.

By Senator Brown-Waite—

SB 2042—A bill to be entitled An act relating to the offense of driving under the influence of alcoholic beverages; amending s. 322.2616, F.S.; clarifying that it is unlawful for a person under 21 years of age to operate a motor vehicle with a blood-alcohol level above a specified amount; providing for a temporary driving permit to become effective after a specified period has elapsed following issuance of the permit; authorizing the use of a blood test obtained pursuant to certain other investigations to be used for purposes of s. 322.2616, F.S.; providing an effective date.

—was referred to the Committees on Criminal Justice; Transportation; and Ways and Means.

By Senator Meadows—

SB 2044—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the terms "normal retirement date" and "early retirement date" to provide for retirement after 5 years of service and attainment of the age requirement for the appropriate class of the system; defining the term "vested"; amending ss. 121.052, 121.053, 121.055, 121.091, 121.111, 121.1115, 121.1122, 121.121, F.S.; conforming such sections to the changes made by the act; increasing contribution rates to fund the provisions of the act; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Community Affairs; and Ways and Means.

By Senator Forman—

SB 2046—A bill to be entitled An act relating to traffic control; amending s. 316.003, F.S.; defining the term "traffic-infraction detector"; amending s. 316.008, F.S.; authorizing a county or municipality to enact an ordinance that provides for the use of a traffic-infraction detector to enforce traffic laws that require the driver of a vehicle to stop when facing a steady red traffic signal; providing for authorization of a traffic-infraction detector officer; requiring the Department of Transportation to develop standards for traffic-infraction detector officers; requiring public notice prior to the use of a traffic-infraction detector; providing for fines; requiring that a person be required to attend a driver improvement course following a second violation of the ordinance; providing that an emergency medical transportation vehicle is exempt from the ordinance; providing for a portion of the proceeds of the fines imposed under the ordinance to be deposited into the Highway Safety Operating Trust Fund of the Department of Highway Safety and Motor Vehicles; providing for the remainder of the proceeds to be used to fund positions for law enforcement officers and correctional officers; amending s. 316.0745, F.S.; requiring that a traffic-infraction detector meet requirements established by the Department of Highway Safety and Motor Vehicles; providing for testing such detectors; creating s. 316.1971, F.S.; providing procedures for imposing a fine for violations of an ordinance that provides for the use of a traffic-infraction detector; providing a procedure under which the operator of a vehicle may establish that the vehicle was in the care, custody, or control of another person at the time of the violation; providing for the violation to be contested; providing that an image produced by a traffic-infraction detector is prima facie evidence that the violation occurred; amending s. 320.03, F.S.; requiring the tax collector to withhold issuing a license plate or revalidation sticker if a person's name appears on a list of outstanding fines; requiring that a county or municipality that operates a traffic-infraction detector report to the Department of Highway Safety and Motor Vehicles; providing for a summary of such reports to be submitted to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Ways and Means.

By Senator Horne—

SB 2048—A bill to be entitled An act relating to workforce development education; expressing legislative intent.

—was referred to the Committees on Education; and Ways and Means.

By Senator Thomas—

SB 2050—A bill to be entitled An act relating to firearms sales; creating s. 790.0657, F.S.; applying the laws relating to the sale, transfer, delivery, and purchase of firearms to transactions occurring at gun shows, exhibitions, and flea markets; defining terms; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Diaz-Balart—

SB 2052—A bill to be entitled An act relating to insurance; amending s. 627.4143; revising requirements for providing an outline of coverage on homeowner's policies; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Diaz-Balart—

SB 2054—A bill to be entitled An act relating to property insurance; amending ss. 627.7013, 627.7014, F.S.; providing findings relating to the moratorium on hurricane-related cancellations and nonrenewals of personal lines residential policies and condominium association policies, respectively; deleting provisions relating to accelerated exposure reduction plans; providing circumstances under which the sections are inoperative; delaying the future repeal date of the sections; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Lee—

SB 2056—A bill to be entitled An act relating to construction contractor licensing; amending s. 489.103, F.S.; exempting certain real estate licensees from the contractor licensing provisions; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Williams—

SB 2058—A bill to be entitled An act relating to the representation of indigent persons charged with capital crimes; creating s. 925.0352, F.S.; providing for the Governor to assign a public defender from another circuit to represent an indigent defendant charged with a capital crime if a conflict of interest exists for the public defender in the circuit where the crime occurred; providing for the assignment to expire after a specified period; providing for an assistant public defender to perform the assignment; providing for the expenses of such representation to be paid by an appropriation to the circuit courts; amending s. 27.51, F.S., relating to the duties of the public defender; conforming provisions to changes made by the act; amending s. 915.035, F.S.; deleting a requirement that a public defender move the court to assign an attorney in private practice to defend an indigent defendant charged with a capital crime; amending ss. 925.036, 925.037, F.S., relating to appointed counsel and the payment of fees; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Ways and Means.

By Senator Gutman—

SB 2060—A bill to be entitled An act relating to Legal Immigrant's Temporary Income Bridge Program; amending s. 10, ch. 97-259, Laws of Florida; providing that unused program funds for the current fiscal year may be used for food stamps for legal immigrants who are in the naturalization and citizenship process or in the process of seeking an exemption thereto and who are children, persons who have disabilities, or persons of a specified age; specifying that such assistance must be provided on the basis of demonstrated need; providing an appropriation; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Senator Horne—

SB 2062—A bill to be entitled An act relating to school district performance reviews; amending s. 11.515, F.S.; requiring that preference be given to certain firms to conduct such reviews; providing an effective date.

—was referred to the Committees on Education; and Governmental Reform and Oversight.

By Senator Horne—

SB 2064—A bill to be entitled An act relating to public education; declaring legislative intent with respect to professional development schools; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Clary—

SB 2066—A bill to be entitled An act relating to education; prescribing legislative intent to revise laws relating to education.

—was referred to the Committees on Education; and Ways and Means.

By Senator Forman—

SB 2068—A bill to be entitled An act relating to homeowners' associations; amending s. 617.301, F.S.; providing a definition; amending s. 617.303, F.S.; specifying the location of board meetings; prohibiting commingling of association funds; amending s. 617.305, F.S.; requiring written notice of delinquent accounts; amending s. 617.307, F.S.; providing time for members other than a developer to elect a majority of members of the board of directors; requiring the developer to deliver specific documents to the newly elected board; creating s. 617.3075, F.S.; prohibiting certain clauses in homeowners' association documents; creating s. 617.3076, F.S.; requiring developers, owners, and real estate agents and brokers to make certain disclosures; providing a disclosure form; providing buyers' remedies for a developer's refusal to provide required disclosure; creating s. 617.30765, F.S.; requiring homeowners' associations to be incorporated; creating s. 617.3077, F.S.; providing for the establishment, funding, and use of reserve and operating accounts; amending s. 617.309, F.S.; prohibiting certain contracts entered into between a developer and other parties; amending s. 617.311, F.S.; defining the term "dispute"; providing for voluntary binding arbitration of disputes; amending s. 689.26, F.S.; modifying disclosure summary form; providing for signing and mailing of the disclosure summary form; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By Senator Kirkpatrick—

SB 2070—A bill to be entitled An act relating to Everglades pollution abatement funding; creating s. 373.45928, F.S.; providing legislative findings and intent; requiring the Joint Legislative Committee on Everglades Oversight to recommend a funding mechanism for any additional water quality improvements developed under ss. 373.4592 and 373.45928, F.S.; requiring the South Florida Water Management District, in coordination with the Department of Environmental Protection to assist the joint committee by conducting specified analyses; providing for public workshops and hearings; requiring the Joint Legislative Committee on Everglades Oversight to prepare and submit its report and funding recommendations to the Legislature and the Governor; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; Ways and Means; and Rules and Calendar.

By Senator Lee—

SB 2072—A bill to be entitled An act relating to election protests and contests; amending s. 102.166, F.S., relating to protests of election returns; revising provisions with respect to the timeframes for filing election protests and requests for manual recounts; eliminating protests of election returns in circuit court; amending s. 102.167, F.S.; deleting the provision that prescribes the form of the protest of election returns to a circuit judge, to conform; amending s. 102.168, F.S., relating to election contests; revising the timeframe for filing a contest of election; specifying the grounds authorized for contesting an election; specifying conditions under which a statement of the grounds of contest may not be rejected or dismissed for want of form; providing for service of the complaint upon the defendant and any other person named therein and providing a timeframe for filing an answer or response thereto; specifying that the contestant is entitled to an immediate hearing; authorizing the circuit judge to fashion any orders necessary to investigate, examine, or check each allegation, prevent or correct any wrong, and provide any relief appropriate under the circumstances; creating s. 102.171, F.S.; codifying that jurisdiction to hear a contest of the election of a member to either house of the Legislature at any general or special election is vested in the applicable house in accordance with its rules; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Judiciary.

By Senator Burt—

SB 2074—A bill to be entitled An act relating to education; authorizing the creation of charter technical career centers; prescribing powers and duties of the Commissioner of Education, the Department of Education, participating district school boards, and community college district boards of trustees, with respect to charter technical career centers; prescribing powers and duties of charter technical career centers and their boards of directors; providing for funding; prescribing rights and duties of employees of centers and of district school board employees and community college employees working at charter technical career centers; providing for the resolution of complaints; providing for revocation of a charter; providing for rules; amending s. 121.021, F.S.; redefining the term "covered group" with respect to the Florida Retirement System to include charter technical career centers; amending s. 121.051, F.S.; providing for optional participation in the Florida Retirement System by employees of charter technical career centers; amending s. 236.081, F.S.; providing for calculating changes in school district funding resulting from a drop in enrollment based on student transfers to a charter technical career center; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Senator Clary—

SB 2076—A bill to be entitled An act relating to professional regulation; amending s. 11.62, F.S.; adding criteria for evaluating new regula-

tion; amending s. 455.201, F.S.; requiring the Department of Business and Professional Regulation to consider the impact on jobs when considering new regulation; creating s. 455.2035, F.S.; providing the department rulemaking authority; amending ss. 455.209, 455.213, 455.218, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.219, F.S.; providing inspection fee authority; creating s. 455.2237, F.S.; providing authority to inspect and investigate records, offices, and job sites; amending s. 455.225, F.S.; revising probable-cause provisions; prescribing authority of the department or a board in cases of failure to comply with continuing-education requirements; conforming provisions to a previous administrative reorganization; amending s. 455.2285, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.517, F.S.; requiring the Department of Health to consider the impact on jobs when creating new regulation; providing effective dates.

—was referred to the Committees on Regulated Industries; Governmental Reform and Oversight; and Ways and Means.

By Senator Grant—

SB 2078—A bill to be entitled An act relating to prosecutions; amending s. 27.365, F.S, relating to the annual report by the Florida Prosecuting Attorneys Association regarding prosecutions; requiring inclusion of certain additional information in the report on victim notification; requiring inclusion of certain dispositional information for cases involving domestic violence, violations of injunctions for protection against domestic violence or repeat violence, stalking, or sexual battery; specifying that the report shall be made available for public inspection; removing obsolete provision; conforming a reference; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Sullivan—

SB 2080—A bill to be entitled An act relating to health care; amending s. 641.315, F.S.; prohibiting health maintenance organization provider contracts from restricting the provider's ability to communicate certain information to patients; amending s. 641.3903, F.S.; providing that certain actions by a health maintenance organization against a provider based on the provider's communication of certain information to a patient are unfair or deceptive practices; providing procedures required for the termination or nonrenewal of a provider contract by a managed care plan; requiring certain written notice; providing for hearing by a panel appointed by the managed care plan; providing for recommendations to and decisions of the managed care plan; specifying timeframes; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Senator Hargrett—

SB 2082—A bill to be entitled An act relating to used motor vehicle warranties; prescribing a warranty period for the purchase of a used vehicle; allowing the seller to charge for miles driven by the purchaser within that period; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Transportation.

By Senator Clary—

SB 2084—A bill to be entitled An act relating to building codes; amending s. 468.603, F.S.; providing definitions; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; providing membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; providing standards for certification as an inspector, building code administrator, or plans examiner; eliminating the board's authority to issue temporary certificates; amending s. 468.617, F.S.; providing that nothing prohibits local governments from contracting with certified persons to perform inspections; amending s. 468.627, F.S.; increasing the initial examination fee; amending s. 468.631, F.S.; providing for surcharge funds to be used for continuing education and other training programs; providing that local government employees responsible for inspection and enforcement of building codes do not pay for such programs; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Ways and Means.

By Senator Williams—

SB 2086—A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, and 403.706, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 403.7095, F.S.; deleting the expiration date of the annual solid waste and recycling grants for counties having a population of fewer than 100,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closures, that authorize the Department of Environmental Protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; amending s. 212.055, F.S.; authorizing charter counties to levy a county transit system surtax; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions that exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending s. 212.055, F.S.; revising the expiration date for the small county indigent care surtax; amending s. 288.106, F.S.; defining the terms "rural county" and "rural municipality"; providing for the determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses to be based on private-sector wages only; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; authorizing the transfer and use of legally restricted fuel taxes by counties having a population of 30,000 or less for unrestricted purposes for all fiscal years prior to and through fiscal year 1998-1999; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Grant—

SB 2088—A bill to be entitled An act relating to public universities; requiring public universities to include fine arts courses grades when calculating grade-point averages for certain purposes; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senators Gutman and Thomas—

SB 2090—A bill to be entitled An act relating to firearms sales; creating s. 790.0657, F.S.; applying the laws relating to the sale, transfer, delivery, and purchase of firearms to transactions occurring at gun shows, exhibitions, and flea markets; defining terms; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Dyer—

SB 2092—A bill to be entitled An act relating to child care facilities; amending s. 402.302, F.S.; excluding operators of transient establishments from the definition of "child care facility"; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By Senator Holzendorf—

SB 2094—A bill to be entitled An act relating to rulemaking authority relating to unemployment compensation (RAB); amending ss. 443.036, 443.091, 443.101, 443.131, 443.141, 443.151, F.S.; authorizing rulemaking by the Division of Unemployment Compensation of the Department of Labor and Employment Security; allowing the division to define specified terms; allowing the division to adopt rules regarding total succession, to prescribe by rule the procedures for changing methods of reporting, to determine by rule how partial payments are to be applied, and to adopt rules for monetary and nonmonetary investigations and determinations and for giving notice to affected claimants and employees; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Burt—

SB 2096—A bill to be entitled An act relating to human immunodeficiency virus testing; amending s. 381.004, F.S.; providing for disclosure of HIV test results to the patient's health care providers; requiring HIV testing of certain health care facility patients; providing that health care providers receiving HIV test results must maintain their confidentiality; amending s. 395.3025, F.S.; providing for inclusion of results of required HIV tests in patient records; providing an effective date.

—was referred to the Committee on Health Care.

SR 2098—Not referenced.

By Senator Forman—

SB 2100—A bill to be entitled An act relating to postsecondary education; amending s. 232.2466, F.S.; revising requirements for the college-ready diploma program; amending s. 239.117, F.S.; exempting specified students from postsecondary fees; amending s. 239.225, F.S.; revising provisions relating to the Vocational Improvement Program; amending s. 240.1163, F.S.; revising dual enrollment provisions; amending s. 240.235, F.S.; exempting specified university students from fees; amending s. 240.321, F.S., relating to duties of community college district boards of trustees; requiring notification of alternative remedial options; amending s. 240.324, F.S., relating to the community college accountability process; providing for coinciding reporting deadlines; clarifying language; amending s. 240.35, F.S.; exempting specified community college students from fees; amending s. 240.36, F.S.; revising provisions relating to the uses of a trust fund for community colleges; amending s. 240.382, F.S.; correcting a cross-reference; amending s. 240.4097, F.S., relating to the Florida Postsecondary Student Assistance Grant Program; requiring the establishment of application deadlines; requiring the State Board of Community Colleges to develop a methodology relating to offering baccalaureate programs at community colleges; requiring recommendations; amending s. 246.201, F.S.; revising legislative intent; amending s. 246.203, F.S.; renaming the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools the State Board of Nonpublic Career Education; revising definition of schools regulated by the board; amending s. 246.205, F.S.; conforming language; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; conforming language; amending s. 246.215, F.S.; requiring licensing of specified programs by the board; creating s. 246.216, F.S.; providing for exemption from licensure for specified entities; providing for statements of exemption; providing for revocation of statements of exemption; providing for remedies; amending ss. 246.219, 246.220, 246.2265, 246.227, and 246.31, F.S.; conforming language; amending ss. 20.15, 240.40204, 246.011, 246.081, 246.085, 246.091, 246.111, 246.50, 455.2125, 455.554, 467.009, 476.178, 477.023, and 488.01, F.S.; conforming language; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

SR 2102—Not referenced.

By Senator Kurth—

SB 2104—A bill to be entitled An act relating to dogs; amending s. 767.11, F.S.; redefining the term "dangerous dog"; amending s. 767.13, F.S.; providing penalties for a dog owner that disregards the dog's dangerous propensities; amending s. 828.12, F.S.; providing restrictions on persons who have been adjudicated guilty of or had adjudication withheld for cruelty to animals; providing an effective date.

—was referred to the Committees on Agriculture and Judiciary.

By Senator Williams—

SB 2106—A bill to be entitled An act creating the Federal Equitable Sharing Trust Fund within the office of the Comptroller; providing for revenues received from the Federal Equitable Sharing Program to be deposited into the trust fund; providing for the administration of the trust fund; prohibiting the commingling of trust fund moneys with other state funds; providing that the trust fund is established to meet the requirements of the United States Department of Justice and the United States Department of Treasury; providing a contingent effective date.

—was referred to the Committee on Ways and Means.

By Senator Bankhead—

SR 2108—A resolution abating the Censure of a lobbyist.

—was referred to the Committee on Rules and Calendar.

By Senators Lee and Grant—

SB 2110—A bill to be entitled An act relating to school attendance; amending s. 228.041, F.S.; clarifying definition of the term "home education program"; amending s. 229.808, F.S.; providing that definition of the term "nonpublic school" does not include home education program for purpose of survey requirements; amending s. 232.01, F.S., relating to school attendance; clarifying provisions relating to state or school district control of home education programs; amending s. 232.02, F.S.;

providing that private tutoring may be used to meet regular school attendance requirements; revising provisions relating to home education programs; clarifying inspection of portfolio; providing for parental selection of method of evaluation; revising process for reporting and submitting written evaluation and test results to superintendent; creating s. 232.0202, F.S.; providing requirements for private tutoring programs; amending s. 232.021, F.S.; providing that attendance reporting requirements do not apply to home education programs; amending ss. 232.425, 240.116, 240.321, 240.40202, 240.40205, and 240.40206, F.S.; correcting cross references and conforming provisions; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senators Kurth and Crist—

SB 2112—A bill to be entitled An act relating to privately operated correctional facilities; amending s. 957.04, F.S.; requiring such facilities to operate under the same conditions as publicly operated facilities; creating s. 957.061, F.S.; requiring the creation of a cooperative transfer agreement; amending s. 957.08, F.S.; revising standards for use in determining capacity requirements for such facilities; prohibiting such facilities from housing certain inmates; creating s. 957.035, F.S.; prohibiting certain conduct by commission members, employees, and consultants; providing an effective date.

—was referred to the Committees on Criminal Justice; and Executive Business, Ethics and Elections.

By Senator Childers—

SB 2114—A bill to be entitled An act relating to taxation; amending s. 196.199, F.S.; providing for certain leasehold interests in property owned by a governmental unit to be taxed as real property; reenacting s. 199.023(1)(d), F.S., relating to the definition of "intangible personal property"; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Holzendorf—

SB 2116—A bill to be entitled An act relating to tobacco products dealers; amending s. 569.006, F.S.; providing for administrative penalties against a tobacco products dealer when an employee, agent, or servant of the dealer has unlawfully sold or otherwise transferred tobacco products to a minor; repealing s. 569.008(5), F.S., relating to liability of dealers for unlawful acts by their employees, agents, or servants; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Campbell—

SB 2118—A bill to be entitled An act relating to fees for towing and storage of vehicles; amending s. 713.78, F.S.; limiting the fees that may be charged for towing and storing stolen vehicles; providing a cause of action; providing damages; providing for attorney's fees; providing an effective date.

—was referred to the Committee on Transportation.

By Senators Harris and Latvala—

SB 2120—A bill to be entitled An act relating to the shipment of wine; amending s. 561.545, F.S.; decreasing the penalty imposed for the offense of shipping or transporting any alcoholic beverage from an out-of-state location directly to a person in this state; providing for the penalty to remain unchanged if the person who receives the alcoholic beverage is less than 21 years of age; providing that the prohibition against shipping alcoholic beverages to state residents does not apply to the direct shipment of wine from outside the state to an individual of a specified age or older for personal use and not for resale; prohibiting the shipment of more than a specified amount of wine to the same individual within a specified period; amending ss. 562.15, 562.16, F.S., relating to a prohibition against possessing alcoholic beverages on which taxes have not been paid; providing that such prohibition is inapplicable to the possession of wine shipped directly to an individual from outside the state for personal use and not for resale; limiting the amount of such wine an individual may receive within a specified period; amending s. 564.06, F.S.; providing that certain excise taxes on wine are not required for wine shipped directly from outside the state for personal use and not for resale; providing that the delivery of such wine does not constitute a sale for purposes of the Beverage Law; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Senators Lee, Bronson and Williams—

SB 2122—A bill to be entitled An act relating to securities transactions; amending s. 517.12, F.S.; limiting certain assessment fee reductions under certain circumstances; amending s. 517.1203, F.S.; providing for allocations from the Securities Guaranty Fund for certain purposes; providing for certain additional disbursements from the fund; extending the period for filing claims; authorizing the Department of Banking and Finance to adopt rules; creating s. 517.1204, F.S.; creating the Investment Fraud Restoration Financing Corporation; providing purposes; providing for a board of directors; providing powers and duties of the corporation; authorizing the department and the corporation to enter into service contracts for certain purposes; authorizing the corporation to issue evidences of indebtedness for payment of certain claims; providing requirements and limitations; authorizing the corporation to validate bond obligations; exempting the corporation from certain taxes and assessments; providing application; prohibiting benefits or earnings of the corporation from inuring to private persons; providing for reversion of corporate property to the Securities Guaranty Fund upon dissolution of the corporation; providing for the State Board of Administration to be trustee of the corporation's securities; amending s. 517.131, F.S.; providing a limitation on allocations from the Securities Guaranty Fund under certain circumstances; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

By Senator Kirkpatrick—

SB 2124—A bill to be entitled An act relating to the National Pollutant Discharge Elimination System; amending s. 86, ch. 93-213, Laws of Florida; deleting a requirement for the repayment of a loan; providing an effective date.

—was referred to the Committees on Natural Resources; Governmental Reform and Oversight; and Ways and Means.

By Senator Hargrett—

SB 2126—A bill to be entitled An act relating to pharmacy practice; amending s. 409.908, F.S.; deleting a requirement that the Agency for Health Care Administration implement a variable dispensing fee for prescribed medicines for medicaid recipients; amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy"; creating s. 465.0123, F.S.; providing requirements for licensure as a pharmacist practitioner and prescribing the scope of practice of one so licensed; amending s. 465.022, F.S.; providing for the adoption of rules relating to practice in a pharmacy; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Senator Myers—

SB 2128—A bill to be entitled An act relating to regulation of professions; amending s. 455.225, F.S.; correcting an inadvertent omission of a reference in a provision relating to probable cause determinations; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards under the department to refuse to issue an initial license under circumstances relating to ongoing investigations or prosecutions of certain applicants; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 415.1055, 415.5055, 415.51, 440.13, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.404, 460.4061, 460.407, 461.004, 461.007, 461.013, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, and 937.031, F.S.; correcting references, cross-references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, and 641.60, F.S.; correcting cross-references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 381.026, 381.0261, 381.0302, 395.0191, 395.1041, 395.301, 404.22, 409.906, 415.503, 440.106, 440.13, 440.134, 440.15, 455.684, 455.691, 455.697, 455.698, 456.31, 456.32, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013, 461.0134, 461.014, 461.015, 461.018, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 627.912, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 893.02, and 984.03, F.S.; revising terminology relating to podiatry and podiatrists; providing an effective date.

—was referred to the Committee on Health Care.

SR 2130—Not referenced.

By Senator Clary—

SB 2132—A bill to be entitled An act relating to the Historic Pensacola Preservation Board of Trustees; amending s. 266.0015, F.S.; deleting the requirement that moneys from admissions to and rental of facilities and properties of the board be deposited into the board's operating trust fund; amending s. 266.0018, F.S.; providing for depositing such moneys into an account of the board's direct-support organization; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Community Affairs; and Ways and Means.

By Senator Grant—

SB 2134—A bill to be entitled An act relating to insurance receivership; creating the "Interstate Insurance Receivership Compact"; providing purposes; providing definitions; establishing the Interstate Insurance Receivership Commission; providing powers of the commission; providing for membership of the commission; providing for an executive director and staff; providing for immunity from liability for the commission and staff; providing for meetings; providing for rulemaking functions; providing for oversight and dispute resolution; providing procedures; providing receivership functions; providing for financing of commission expenses; authorizing the commission to levy and collect an annual assessment from member states and insurers; specifying a rate of assessment; providing limitations; exempting the commission from all taxation; providing for effect of the compact; providing for amendment of the compact; providing for withdrawal from the compact; providing consequences for default by a compacting state; providing for dissolution of the compact; providing severability and construction; providing for binding effect of the compact; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

By Senator Grant—

SB 2136—A bill to be entitled An act relating to education; amending s. 240.61, F.S.; revising the due date for a report on the college reach-out program; removing the requirement for including longitudinal cohort assessment; repealing s. 240.154, F.S., which provides for undergraduate enhancement; repealing s. 240.278, F.S., which provides for the establishment and use of the Quality Assurance Fund; repealing s. 240.521, F.S., which provides for the establishment of a state university or a branch of an existing state university to be located in East Central Florida; repealing s. 240.522, F.S., which provides for the establishment of a university in Southwest Florida; repealing s. 240.523, F.S., which provides for the establishment of a 4-year college in Dade County; repealing s. 240.525, F.S., which provides for the establishment of a state university or branch of an existing state university or state college in Duval County; providing an effective date.

—was referred to the Committee on Education.

By Senator Campbell—

SB 2138—A bill to be entitled An act relating to the judiciary; increasing membership of the Supreme Court; authorizing satellite offices for justices of the court; creating s. 35.044, F.S.; creating a Sixth District Court of Appeal; amending ss. 35.03, 35.042, F.S.; redistricting the remaining five district courts of appeal; amending s. 35.05, F.S.; providing for the headquarters of the new appellate district; amending s. 35.06, F.S.; providing for the number of judges in the new district; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By Senator Lee—

SJR 2140—A joint resolution proposing the creation of Section 18 of Article X of the State Constitution to state the rights of parents to consent to their minor children's medical treatment, including abortion.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By Senator Campbell—

SB 2142—A bill to be entitled An act relating to the Everglades Program; creating s. 373.45921, F.S.; creating the "Everglades Restoration and Property Tax Reduction Act"; providing legislative findings with respect to the funding of the costs of pollution abatement for Everglades restoration; defining terms; directing the South Florida Water Management District to create an Everglades Program Stormwater Utility; authorizing the imposition of a stormwater utility fee; amending s. 373.4592, F.S.; providing for a reduction in the ad valorem tax millage rate cap in the Okeechobee Basin; providing an expiration date for the tax; providing for a refund of taxes collected; providing an effective date.

—was referred to the Committees on Natural Resources; Agriculture; and Ways and Means.

By Senator Myers—

SJR 2144—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution to provide for deposit and investment of moneys the state receives from settling the lawsuit against the tobacco industry.

—was referred to the Committees on Rules and Calendar; and Ways and Means.

By Senator Silver—

SB 2146—A bill to be entitled An act relating to managed care nondiscrimination; amending ss. 408.706, 627.6472, F.S.; creating s. 641.3923, F.S.; prohibiting accountable health partnerships, exclusive provider organizations, and health maintenance organizations from discriminating with respect to participation, reimbursement, or indemnification as to any provider who is acting within the scope of the provider's licensure and certification; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Senator Campbell—

SB 2148—A bill to be entitled An act relating to the judiciary; providing legislative intent to provide insurance benefits to judicial branch; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Reform and Oversight; and Ways and Means.

By Senator Campbell—

SB 2150—A bill to be entitled An act relating to state financial assets; providing definitions; providing that a contract manager who, through culpable negligence, causes a loss of state financial assets of more than a specified amount commits the offense of culpable negligence causing public financial injury; providing penalties; requiring that certain contracts on behalf of the state provide notice of the act; providing that failure to provide such notice is not a defense to prosecution under the act; authorizing the state attorney or statewide prosecutor to prosecute the offense of culpable negligence causing public financial injury; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Criminal Justice; and Ways and Means.

By Senator Campbell—

SB 2152—A bill to be entitled An act relating to certificates of need; repealing ss. 408.031-408.045, F.S., the Health Facility and Services Development Act; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Senator Clary—

SB 2154—A bill to be entitled An act relating to education; amending s. 20.15, F.S.; creating additional divisions of the Department of Education; amending s. 229.79, F.S.; amending provisions relating to suppliers who supply commodities and services to schools in this state; amending s. 235.014, F.S.; amending functions of the department relating to educational and ancillary facilities and plants; amending s. 235.212, F.S.; amending provisions relating to requirements for placing operable glazing in educational facilities; amending s. 235.31, F.S.; allowing an authorized review authority other than the department to review certain documents to confirm that certain projects are in compliance with building and fire codes; amending s. 235.4351, F.S.; allowing certain school projects to receive special consideration for waivers from specified requirements of ch. 235, F.S.; amending s. 404.056, F.S.; amending requirements for mandatory testing to determine the level of indoor radon in certain school buildings and at certain school sites; amending s. 486.607, F.S.; requiring persons who act as inspectors and plans examiners under s. 235.26, F.S., to obtain certificates under part XII of ch. 468, F.S., but only after their UBCI certification expires; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Senator Horne—

SB 2156—A bill to be entitled An act relating to education; creating s. 236.08106, F.S., relating to the Excellent Teaching Program; providing legislative findings and intent; authorizing monetary incentives and rewards for teaching excellence; providing for annual allocations to districts; providing fee subsidies for participating in the certification program of the National Board of Professional Teaching Standards; requiring the distribution of certain monetary rewards to teachers; providing eligibility criteria; requiring release time for certain activities; providing for certain stipends; requiring certain district expenditures for professional development of teachers; amending s. 236.081, F.S.; authorizing categorical funding for the Excellent Teaching Program; amending s. 231.173, F.S., relating to certification of experienced out-of-state teachers and administrators; deleting a requirement for superintendents to request certification; providing for issuance of a professional certificate to individuals certified by the National Board of Professional Teaching Standards; conforming provisions; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Dudley—

SB 2158—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing for the filling of vacancies occurring as a result of the creation of judicial offices; providing effective dates.

—was referred to the Committees on Judiciary; and Ways and Means.

By Senator Campbell—

SB 2160—A bill to be entitled An act relating to education; amending s. 229.551, F.S.; providing for nonpublic postsecondary education institutions to use the common course designation and numbering system used by public institutions; amending s. 240.115, F.S.; providing guidelines for awarding credit for transfer students; amending s. 246.013, F.S.; providing institutional qualifications for participation in the common course designation and numbering system; providing for payment of costs; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Silver—

SB 2162—A bill to be entitled An act relating to the Parole Commission; amending s. 947.04, F.S.; providing for the rate of pay for temporary duty on the commission to be established each year in the General Appropriations Act; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senator Latvala—

SB 2164—A bill to be entitled An act relating to emergency telephone number "911" services; amending s. 365.171, F.S.; providing for indem-

nification and limitation of liability for local governments and wireless telecommunications service providers that provide 911 service; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By Senator Dudley—

SB 2166—A bill to be entitled An act relating to alcoholic beverages; creating the "Ryan P. Grillo Memorial Act"; amending s. 561.703, F.S.; providing definitions; amending s. 561.705, F.S.; requiring that certain vendors provide courses of instruction to employees and managers who sell alcoholic beverages; requiring written policies; requiring that the vendor maintain employment records; requiring that the vendor post certain signs; repealing ss. 561.701, 561.706, F.S., relating to the Florida Responsible Vendor Act, exemptions from license suspension or revocation, and mitigation for certain violations of the beverage law; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Kirkpatrick—

SB 2168—A bill to be entitled An act relating to firesafety; amending ss. 633.022, 633.085, F.S.; deleting requirements that state-leased buildings and space be subject to the same firesafety and inspection requirements as state-owned buildings and space; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Community Affairs.

By Senator Dudley—

SB 2170—A bill to be entitled An act relating to dependency proceedings; declaring legislative intent to review part IV, ch. 39, F.S., and ch. 415, F.S., as they affect dependency proceedings.

—was referred to the Committees on Children, Families and Seniors; and Rules and Calendar.

By Senator Holzendorf—

SB 2172—A bill to be entitled An act relating to public assistance; providing legislative intent and findings; providing for demonstration projects to be implemented which require drug testing for individuals who apply for temporary assistance or services under the "Work and Gain Economic Self-sufficiency (WAGES) Act"; providing for expiration of the demonstration projects unless reauthorized by the Legislature; directing the Department of Children and Family Services to implement the demonstration projects in specified service areas of the department; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; requiring the department to provide for substance abuse treatment programs for certain persons; specifying circumstances resulting in termination of temporary assistance or services; requiring the department and the local WAGES coalitions to evaluate the demonstration projects and report to the WAGES Program State Board of Directors and the Legislature; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Ways and Means.

By Senator Holzendorf—

SB 2174—A bill to be entitled An act relating to collective bargaining; amending s. 447.403, F.S.; revising procedures for resolving certain impasses; providing duties of parties; requiring a special master to hold public hearings under certain circumstances; requiring a legislative body to hold a public hearing under certain circumstances; providing duties of the Public Employees Relations Commission; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Rules and Calendar; and Ways and Means.

By Senator Holzendorf—

SB 2176—A bill to be entitled An act relating to the Minority Business Advocacy and Assistance Office; expressing the legislative intent to revise the powers and duties of that office.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Clary—

SB 2178—A bill to be entitled An act relating to state land sales; amending s. 253.111, F.S.; providing criteria for the pricing of land sold to a county by the Board of Trustees of the Internal Improvement Trust Fund; providing an effective date.

—was referred to the Committees on Natural Resources; Community Affairs; and Ways and Means.

By Senator Holzendorf—

SB 2180—A bill to be entitled An act relating to school safety; amending s. 229.58, F.S.; providing duties of school advisory councils with respect to School Environmental Safety Incident Reports; amending s. 230.2318, F.S.; providing duties of school resource officers with respect to School Environmental Safety Incident Reports; creating s. 232.2565, F.S.; requiring development of school programs; providing reporting requirements; providing for a School Environmental Safety Incident Report; providing duties of the Department of Education; providing duties of the Office of Program Policy Analysis and Government Accountability in evaluating school safety reporting procedures; providing for school safety awards; amending s. 232.26, F.S.; providing for reporting school safety issues; providing an effective date.

—was referred to the Committees on Education; Rules and Calendar; and Ways and Means.

By Senators Cowin and Dudley—

SB 2182—A bill to be entitled An act relating to health care; amending s. 455.654, F.S., the "Patient Self-Referral Act of 1992"; redesignating the section as the "Patient Self-Referral Act"; redefining the term "referral"; providing an effective date.

—was referred to the Committee on Health Care.

By Senators Dyer, Campbell, Klein, Meadows, Silver, Turner, Forman, Rossin, Kurth and Williams—

SB 2184—A bill to be entitled An act relating to enhanced penalties for felonies and misdemeanors; amending s. 775.085, F.S.; providing enhanced penalties for offenses committed against a child or an older adult; amending s. 874.04, F.S.; requiring that a court impose certain enhanced penalties if the offender was a member of a criminal street gang at the time of the offense or if the offense was part of any gang-related activity; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senator Silver—

SB 2186—A bill to be entitled An act relating to partnership filings administered by the Department of State; amending s. 620.8101, F.S.; defining the terms "foreign limited liability partnership" and "limited liability partnership" and redefining the term "statement"; amending ss. 620.8103, 620.8105, 620.81055, 620.8106, 620.8201, 620.8303, 620.8304, 620.8306, 620.8307, 620.8701, 620.8702, 620.8703, 620.8704, 620.8801, 620.8805, 620.8806, 620.8807, 620.8903, 620.8906, 620.8907, F.S.; conforming statutory cross-references; providing for registration requirements; providing document filing fees; providing for governing law; providing for partners' liability; providing for actions for and against partners; providing for purchase of dissociated interests; providing for settlement and contribution; providing for conversions; providing for the effect of merger; creating ss. 620.9001, 620.9002, 620.9003, 620.9004, 620.9101, 620.9102, 620.9103, 620.9104, 620.9105, 620.187, F.S.; adopting the model act provisions of the limited liability partnership act into the Revised Uniform Partnership Act of 1995; providing for statement of qualification, name, annual report, statement of foreign qualification, effect of failure to qualify, activities not constituting transacting business, action by Attorney General, and limited liability limited partnerships; amending s. 865.09, F.S.; providing for conditions for exemption from fictitious name registration; providing for the use of corporate names; redesignating s. 620.90, F.S., as s. 620.9901, F.S., relating to applicability; redesignating s. 620.91, F.S., as s. 620.9902, F.S., relating to a saving clause; repealing ss. 620.78, 620.781, 620.782, 620.783, 620.784, 620.785, 620.786, 620.787, 620.788, 620.7885, 620.7887, 620.789, F.S., relating to registered limited liability partnerships; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Ways and Means.

By Senator Silver—

SB 2188—A bill to be entitled An act relating to regulation of professions; transferring, renumbering, and amending ss. 501.057, 501.0571, 501.0573, 501.0575, 501.0577, 501.0581, F.S.; transferring the Florida Commercial Weight-Loss Practices Act from ch. 501, F.S., relating to consumer protection, to ch. 468, F.S., relating to professions and occupations; redefining the activity that constitutes a weight-loss program; revising notice requirements; transferring authority from the Department of Agriculture and Consumer Services to the Department of Health; creating s. 468.826, F.S.; describing what constitutes an unlawful practice; creating s. 468.828, F.S.; requiring weight-loss providers to obtain permits; prescribing procedures for applying for permits; providing for fees; creating s. 468.829, F.S.; requiring display of permits; creating s. 468.519, F.S.; describing the offense of sexual misconduct in the practice of dietetics and nutrition; amending s. 455.604, F.S.; requiring instruction in HIV and AIDS for persons licensed as dietitians and nutritionists; repealing s. 468.505(1)(k), F.S., relating to exemption of certain persons from dietitian/nutritionist licensure; providing penalties; providing an effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

By Senator Silver—

SB 2190—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption from the tax for the governing board of any public pension plan; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Silver—

SB 2192—A bill to be entitled An act relating to the Florida Election Code; amending s. 97.021, F.S.; providing a definition; amending s. 101.62, F.S.; providing procedures for requesting absentee ballots; amending s. 101.64, F.S.; modifying the form for the secrecy envelope for absentee ballots; amending s. 101.65, F.S.; modifying the instructions to absentee electors; amending s. 104.012, F.S.; increasing the criminal penalty for certain acts relating to registration of voters; amending s. 104.013, F.S.; increasing the criminal penalty for unauthorized use or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the criminal penalty for false declaration to secure assistance in preparing a ballot; creating s. 104.042, F.S.; providing a criminal penalty for perpetrating or aiding in the perpetration of any fraud or misconduct in connection with an absentee ballot; creating s. 104.043, F.S.; providing an inference with respect to the possession of an altered or fraudulent absentee ballot; amending s. 104.045, F.S.; increasing the criminal penalty for vote selling; amending s. 104.051, F.S.; increasing the criminal penalty for corrupt practices; amending s. 104.0515, F.S.; increasing the criminal penalty for interference with or deprivation of voting rights; amending s. 104.061, F.S.; increasing the criminal penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the criminal penalty for threats of employers to control employees' votes; amending s. 104.185, F.S.; increasing the criminal penalty for signing a petition more than once; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Ways and Means.

By Senator Clary—

SB 2194—A bill to be entitled An act relating to the Ecosystem Management and Restoration Trust Fund; amending s. 403.1651, F.S.; directing the Department of Environmental Protection to establish a pilot program for the disposition of civil penalties; requiring reports; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Senator Clary—

SB 2196—A bill to be entitled An act relating to transportation administration; amending s. 338.223, F.S.; requiring a determination of environmental feasibility before the acquisition of right-of-way for a proposed turnpike project; providing an effective date.

—was referred to the Committees on Transportation and Natural Resources.

By Senator Bankhead—

SB 2198—A bill to be entitled An act relating to programs and services for juveniles; providing a short title; creating the Florida Children's Cabinet within the Executive Office of the Governor; providing for membership; requiring the Children's Cabinet to hold public meetings; providing for appropriations to the Children's Cabinet; requiring that the Children's Cabinet coordinate programs to prevent juvenile crime and victimization; requiring that the Children's Cabinet submit a multiagency plan to the Legislature; providing for regional workshops; requiring a report to the Legislature; amending s. 216.0166, F.S., relating to performance-based budget requests; requiring certain agencies to conform budget requests to the multiagency plan for preventing juvenile crime and victimization; amending s. 230.2316, F.S.; requiring coordination between a school district's dropout-prevention program and juvenile assessment centers; amending s. 230.23161, F.S.; requiring that the Department of Education adopt rules governing the allocation of funds for educational services provided by a school district at a facility of the Department of Juvenile Justice; specifying a percentage of funds to be allocated for direct educational services; providing legislative intent with respect to educational programs operated by the Department of Juvenile Justice; requiring that the Juvenile Justice Advisory Board conduct a study of the educational programs for juvenile offenders; providing for the board to report to the Governor and the Legislature; requiring the board to hold public hearings; providing an appropriation; requiring that the Office of Program Policy Analysis and Government Accountability conduct a performance review of educational programs

for juvenile offenders; amending s. 237.34, F.S.; revising the requirements for program expenditures by school districts; creating s. 985.317, F.S.; providing legislative intent with respect to a functional literacy program for juvenile offenders; providing for the Department of Juvenile Justice to develop and administer a functional literacy program in residential commitment programs of the department; providing requirements for juveniles in participating in the program; specifying requirements for the program; providing for an initial assessment when a juvenile is admitted to a residential commitment facility; providing for certain juveniles to be exempt from participating in the literacy program; requiring that the Juvenile Justice Advisory Board evaluate the program and report to the Legislature; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

By Senator Clary—

SB 2200—A bill to be entitled An act relating to boating safety and emergency responses; amending s. 316.003, F.S.; redefining the term "authorized emergency vehicles" to include reference to vehicles of the Department of Enviromental Protection; amending s. 327.02, F.S.; redefining the term "operate" with respect to vessels; amending s. 327.352, F.S.; revising language with respect to the operation of a vessel while under the influence; providing Legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35201, F.S.; restoring a penalty for refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations, equipment and lighting requirements to clarify responsibility for compliance; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; providing effective dates.

—was referred to the Committees on Natural Resources and Criminal Justice.

By Senators Dyer, Campbell, Klein, Meadows, Silver, Turner, Forman, Rossin, Kurth and Williams—

SB 2202—A bill to be entitled An act relating to parole; amending s. 775.082, F.S.; providing that a defendant may not be granted parole from a sentence imposed for an offense committed on or after a specified date if a child or older adult was the victim of the offense or if the offense was part of any gang-related activity; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senators Hargrett and Meadows—

SB 2204—A bill to be entitled An act relating to affordable housing; amending s. 290.0301, F.S.; changing the title of the "Community Development Corporation Support and Assistance Program Act" to the "Invest in Neighborhood Vitality and Economies Act"; advancing the date of the repeal of the act to June 30, 2007; amending s. 290.0311, F.S.; revising language with respect to legislative findings; providing reference to community-based development organizations; amending s. 290.032, F.S.; revising language with respect to policy and purpose; amending s. 290.033, F.S.; defining terms; amending s. 290.034, F.S.; revising language with respect to funding; amending s. 290.035, F.S.; revising language with respect to eligibility for assistance; amending s. 290.036, F.S.; providing for the community-based development organization support program; providing for a three-tiered funding system; providing for administrative grants and procedures; amending s. 290.0365, F.S.; providing for a community-based development training and technical assistance program; amending s. 290.037, F.S.; revising language with respect to the community development deferred payment loan program; amending s. 290.038, F.S.; revising language with respect to the authority and duties of the Department of Community Affairs; amending s. 290.039, F.S.; revising language with respect to reporting requirements; amending s. 290.0395, F.S.; providing for program performance review and evaluation; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Klein—

SB 2206—A bill to be entitled An act relating to the termination of pregnancies; amending s. 390.0111, F.S.; prohibiting a physician from performing a partial-birth abortion; providing certain limitations on prosecutions under such prohibition; providing that the prohibition does not apply if the procedure is necessary to save the life of the mother; amending s. 390.011, F.S.; defining the term "partial-birth abortion"; providing an effective date.

—was referred to the Committees on Health Care and Judiciary.

By Senator Klein—

SJR 2208—A joint resolution proposing the repeal of Section 16 of Article III of the State Constitution, relating to legislative apportionment, and the addition of Section 10 to Article II of the State Constitution, relating to the establishment of a commission to reapportion the state legislative districts and redistrict congressional districts; prescribing guidelines for such reapportionment and redistricting; providing for judicial review thereof.

—was referred to the Committees on Rules and Calendar; and Ways and Means.

By Senator Kurth—

SB 2210—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.045, F.S.; requiring a utility that applies for an initial certificate of authorization to perform water and wastewater services to provide specified notice of the application; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Kurth—

SB 2212—A bill to be entitled An act relating to rights of nursing home residents; amending s. 400.023, F.S.; providing a limit on the amount of attorney's fees that may be recovered from a licensee who has violated a nursing home resident's rights; providing that an attorney may receive additional fees from his or her client; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Clary—

SB 2214—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; renaming the Florida Prepaid Postsecondary Education Expense Program, Board, and Trust Fund the Florida Prepaid College Program, Board, and Trust Fund, respectively; reordering provisions and providing technical revisions; deleting obsolete language; correcting cross references; permitting soliciting and contracting for records administration services; providing for the inclusion of certain fees within advance payment contracts for tuition; providing for the calculation of benefits for state need-based financial aid; prohibiting unlawful representations; amending s. 222.22, F.S.; conforming provisions; amending s. 732.402, F.S.; exempting Florida Prepaid College Program contracts from the probate claims of creditors; reenacting ss. 731.201(13) and 735.301(1), F.S., relating to probate, to incorporate the amendment to s. 732.402, F.S., in references; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Senator Clary—

SB 2216—A bill to be entitled An act relating to state lands; providing for the sale of specified lands by the Board of Trustees of the Internal Improvement Trust Fund; providing for the deposit of funds into the Preservation 2000 Trust Fund; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

SR 2218—Not referenced.

By Senator Klein—

SB 2220—A bill to be entitled An act relating to campaign contributions; amending s. 106.08, F.S.; providing limitations on campaign contributions; amending s. 106.011, F.S.; redefining the terms "contributions," "independent expenditure," and "political advertisement," and defining the phrase "in coordination with" for purposes of laws governing campaign contributions; amending s. 106.021, F.S.; deleting an exception to prohibitions on certain direct campaign contributions by political committees or political parties; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator McKay—

SB 2222—A bill to be entitled An act relating to the duties of property appraisers; amending s. 197.122, F.S.; specifying the time within which property appraisers may correct a material mistake of fact in an appraisal; allowing the property appraiser to directly submit a correction and refund order to the tax collector; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Campbell—

SB 2224—A bill to be entitled An act relating to game promotions; amending s. 849.094, F.S.; redefining the terms "game promotion" and "operator" and defining the term "older individual"; prohibiting certain acts in connection with game promotions and promotional materials therefor; requiring certain information to be printed on envelopes; revising standards for waiver of requirements for maintaining trust accounts or surety bonds; providing penalties, including increased penalties when an unlawful act is against an older individual; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Kirkpatrick—

SB 2226—A bill to be entitled An act relating to distance learning; amending s. 186.022, F.S.; requiring the Florida Distance Learning Council to develop a strategic plan; amending and renumbering ss. 364.509-364.514, F.S.; changing the Florida Distance Learning Network to the Florida Distance Learning Council; revising membership; providing for administrative and clerical support; requiring the review and approval of implementation plans; providing Department of Education duties; creating s. 228.67, F.S.; requiring a distance learning component in certain agency strategic plans; requiring implementation plans by entities appropriated distance learning funds; amending ss. 364.507, 364.515, F.S.; conforming cross-references; repealing s. 364.508(2), F.S., relating to the Florida Distance Learning Network, to conform; providing for review and repeal; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Senator Campbell—

SM 2228—A memorial to the Congress of the United States, urging Congress to establish a federal catastrophe pool.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2230—A bill to be entitled An act revising the "Uniform Commercial Code: Letters of Credit"; creating ss. 675.5101-675.5117, F.S.; revising provisions of the code relating to letters of credit; defining terms; providing formal requirements; providing consideration; providing time and effect of establishment of credit; providing advice of credit, confirmation, error in statement of terms; providing "notation credit"; prescribing issuer's obligation to its customers; providing availability of credit in portions; providing warranties on transfer and presentment; prescribing time allowed for honor or rejection; providing indemnities; providing issuer's duty and privilege to honor; providing a right to reimbursement; providing remedy for dishonor or anticipatory repudiation; providing transfer and assignment; providing insolvency of bank holding funds for documentary credit; amending ss. 671.105, 672.512, 679.103, 679.104, 679.105, 679.106, 679.304, 679.305, F.S.; conforming provisions to changes made by the act; repealing ss. 675.101, 675.102, 675.103, 675.104, 675.105, 675.106, 675.107, 675.108, 675.109, 675.110, 675.111, 675.112, 675.113, 675.114, 675.115, 675.116, 675.117, F.S., relating to letters of credit; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

By Senator Ostalkiewicz—

SB 2232—A bill to be entitled An act relating to the Florida Highway Patrol; amending s. 321.24, F.S.; deleting authorization for members of the highway-patrol auxiliary to make arrests; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Klein—

SB 2234—A bill to be entitled An act relating to mental health partial hospitalization programs; creating s. 394.92, F.S.; authorizing services, license requirements, and penalties; creating s. 394.921, F.S.; providing definitions; creating s. 394.922, F.S.; requiring an application; creating s. 394.923, F.S.; requiring background screening; creating s. 394.424, F.S.; authorizing fees for licensure and license renewal; creating s. 394.925, F.S.; providing for the issuance and renewal of licenses; creating s. 394.926, F.S.; providing for program standards and rules; creating s. 394.927, F.S.; requiring a quality assurance program; creating s. 394.928, F.S.; providing for enforcement; providing penalties; creating s. 394.929, F.S.; providing for inspection, right of entry, and records; creating s. 394.93, F.S.; providing for denial, suspension, and revocation of licenses; creating s. 394.931, F.S.; requiring the reporting of adverse incidents; creating s. 394.932, F.S.; providing for access to records; creating s. 394.933, F.S.; providing penalties for the alteration and improper disposal of patients' records; creating s. 394.935, F.S.; providing for compliance with patients' rights provisions; creating s. 394.936, F.S.; prohibiting rebates; providing penalties for accepting rebates; creating s. 394.937, F.S.; providing criteria for admitting patients; creating s. 394.938, F.S.; requiring partial hospitalization programs to be conducted on licensed premises; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Senator Klein—

SB 2236—A bill to be entitled An act relating to public records and meetings; amending s. 394.923, F.S.; providing an exemption from pub-

lic records requirements for the results of background screening of direct-care employees in mental health partial hospitalization programs; amending s. 394.932, F.S.; providing an exemption from public records requirements for records of quality assurance programs for mental health partial hospitalization programs; providing an exemption from public meetings requirements for meetings of quality assurance program committees of such hospitalization programs; creating s. 394.934, F.S.; providing an exemption from public records requirements for clinical records pertaining to mental health partial hospitalization; providing for future review and repeal of these exemptions, unless reenacted by the Legislature; providing a statement of public necessity for each exemption created under this act; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

SR 2238—Not referenced.

By Senator Williams—

SB 2240—A bill to be entitled An act relating to rulemaking authority; amending ss. 14.202, 17.29, 18.22, 20.171, 63.233, 175.341, 177.504, 185.23, 198.08, 199.202, 201.11, 207.011, 210.10, 210.75, 212.17, 212.18, 213.06, 215.62, 215.95, 217.14, 220.182, 220.183, 229.053, 229.515, 230.22, 230.32, 231.261, 235.01, 240.209, 240.227, 240.311, 240.319, 242.331, 246.041, 246.051, 246.071, 246.207, 246.213, 253.03, 253.73, 257.14, 258.007, 258.43, 259.035, 259.041, 265.284, 265.605, 267.031, 280.19, 284.17, 288.709, 292.05, 310.151, 310.185, 319.17, 320.011, 320.69, 320.824, 324.042, 326.003, 327.04, 330.29, 334.044, 339.175, 350.127, 366.05, 367.121, 368.05, 369.20, 369.22, 369.251, 370.021, 370.092, 370.15, 373.043, 373.044, 373.113, 373.171, 373.337, 373.418, 376.07, 377.22, 377.703, 378.205, 378.404, 380.05, 380.0651, 381.0011, 384.33, 391.026, 392.66, 394.879, 395.1055, 403.061, 403.1835, 403.504, 403.523, 403.704, 403.716, 403.805, 403.861, 403.869, 403.9404, 406.04, 408.15, 414.45, 427.013, 430.08, 440.591, 443.171, 455.203, 455.521, 457.104, 458.309, 459.005, 460.405, 461.005, 463.005, 464.006, 465.005, 465.022, 466.004, 466.038, 467.005, 468.1135, 468.1685, 468.204, 468.384, 468.402, 468.507, 468.522, 468.606, 468.705, 468.802, 470.005, 471.008, 472.008, 473.304, 474.206, 475.05, 475.614, 476.064, 477.016, 478.43, 480.035, 481.2055, 481.306, 482.051, 483.805, 484.005, 484.044, 486.025, 488.02, 489.108, 489.507, 490.004, 491.004, 492.104, 494.0011, 496.424, 497.103, 497.105, 498.007, 500.459, 501.014, 501.143, 501.626, 502.014, 503.031, 504.32, 516.22, 516.23, 517.03, 520.994, 526.09, 531.41, 548.003, 553.76, 560.105, 561.11, 570.07, 571.05, 571.24, 574.14, 578.11, 580.036, 583.04, 585.002, 593.103, 616.165, 616.256, 617.01301, 620.1835, 620.81055, 624.308, 624.4431, 626.943, 627.805, 627.9408, 628.535, 633.01, 633.517, 634.021, 634.302, 634.402, 635.081, 636.067, 641.403, 641.56, 648.26, 651.015, 655.012, 681.118, 717.138, 718.501, 719.501, 721.26, 723.006, 916.20, 943.03, 944.09, 947.07, 960.045, 985.405, F.S.; restating rulemaking authority for numerous state officers, departments, divisions, boards, and other entities; repealing s. 258.011, F.S., relating to rules for state parks; amending s. 633.70, F.S.; conforming a cross-reference to a change made by the act; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Senator Hargrett—

SB 2242—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; creating s. 932.7051, F.S.; creating the Federal Law Enforcement Trust Fund; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Dudley—

SB 2244—A bill to be entitled An act relating to enforcement of orders establishing child support; amending s. 61.1301, F.S.; revising a date to provide for enforcing certain additional support orders through an income deduction without requiring an amendment to the order or further action by the court; amending s. 409.2567, F.S.; redesignating a trust fund to correct a reference; amending s. 409.2579, F.S.; authorizing the disclosure of certain information for purposes of administering the Title VI-D program for child support enforcement; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By Senator Campbell—

SB 2246—A bill to be entitled An act relating to trust funds within the Department of Corrections; amending s. 945.215, F.S.; providing for the Inmate Welfare Trust Fund to be for the benefit of inmates in the department's correctional facilities; requiring that certain additional funds be deposited into the trust fund; authorizing the Secretary of Corrections to invest funds in the Inmate Welfare Trust Fund; authorizing the use of moneys in the Inmate Welfare Trust Fund for certain additional purposes; authorizing moneys in the trust fund to be used for operating inmate chapels, chaplaincy programs, visiting pavilions, libraries, and law libraries; providing for the use of the proceeds derived from canteens and similar sources within private correctional facilities; providing legislative intent; requiring that such moneys be used exclusively for specified purposes; revising requirements for the Employee Benefit Trust Fund within the Department of Corrections; amending s. 945.31, F.S.; providing for restitution and other payments to be deposited into the department's Operating Trust Fund rather than the Grants and Donations Trust Fund; amending s. 944.10, F.S.; providing for certain fees charged by the department for inmate labor to be deposited into the Correctional Work Program Trust Fund rather than the Grants and Donations Trust Fund; amending ss. 945.76, 948.09, 951.23, F.S.; providing for certain fees assessed by the department against a batterers' intervention program, the surcharge paid to the department for electronic monitoring, and fees paid to the department for inspecting local detention facilities to be deposited into the department's Operating Trust Fund rather than the Grants and Donations Trust Fund; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senator Horne—

SB 2248—A bill to be entitled An act relating to the Department of Corrections; requiring that the department develop and implement a pilot project that requires the inmates of a correctional facility to sleep in shifts; requiring that the pilot project be implemented by a specified date; providing requirements for the implementation plan; requiring the department to report to the President of the Senate and the Speaker of the House of Representatives on the implementation of the pilot project; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Forman and Meadows—

SB 2250—A bill to be entitled An act relating to taxation; amending s. 336.025, F.S.; authorizing certain charter counties to use the proceeds of specified local option motor fuel taxes to address needs of homeless persons; providing for distribution of funds from local option motor fuel taxes; providing definitions; authorizing the use of additional fuel tax proceeds for homeless assistance programs that are consistent with the local comprehensive plan; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Dyer—

SB 2252—A bill to be entitled An act relating to elections; amending s. 101.5614, F.S.; prohibiting election officials from physically altering

or remarking an original ballot; amending s. 101.591, F.S.; requiring the Department of State to audit the voting system in any county in which a recount or election contest has changed the result of an election; amending s. 101.62, F.S.; providing for the release of information relating to absentee ballots to a candidate who has filed an election contest or request for recount; amending s. 102.112, F.S.; requiring the canvassing board and the supervisor of elections if not a member of the board to certify that returns have been tabulated on a certified voting system; amending s. 102.141, F.S.; providing for the appointment of a substitute member of the county canvassing board; requiring a complete manual recount of votes in certain circumstances; providing procedures; amending s. 102.168, F.S.; providing procedures for contesting an election; amending s. 104.30, F.S.; providing a penalty for tampering with a certified voting system without prior approval of the Department of State; creating s. 102.1661, F.S.; providing for discretionary recount of ballots; repealing s. 102.166, F.S., relating to protest of election returns; repealing s. 102.167, F.S., relating to form for protesting election returns; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Ways and Means.

By Senator Holzendorf—

SB 2254—A bill to be entitled An act relating to the construction industry; amending ss. 489.127, 489.531, F.S.; authorizing a county or municipality to require that a licensed journeyman in the plumbing and pipefitting trade, the mechanical trade, the HVAC trade, or the electrical trade be present at any job site where work in the respective trade is being performed; authorizing a county or municipality to specify the ratio of journeymen to apprentices and helpers required at a job site; providing certain limitations; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Governmental Reform and Oversight.

By Senator Forman—

SB 2256—A bill to be entitled An act relating to property tax exemptions; amending s. 196.011, F.S.; providing a retroactive exemption for certain disabled veterans or their surviving spouses; providing for a late application; amending s. 196.091, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Cowin—

SB 2258—A bill to be entitled An act relating to education (RAB); amending s. 231.02, F.S., relating to qualifications of district school system personnel; deleting certain provisions relating to background check; amending s. 231.096, F.S.; revising provisions relating to teaching out-of-field; amending s. 231.15, F.S.; providing State Board of Education duties relating to teacher certification; amending s. 231.17, F.S.; revising provisions relating to qualification for a temporary certificate; providing certain decisionmaking authority of the Commissioner of Education; amending s. 231.1725, F.S.; deleting provisions relating to employment of noncertificated teachers in critical teacher shortage areas; providing for protection of laws for students performing clinical field experience; amending s. 231.24, F.S.; providing certificate renewal requirements relating to teaching students with limited English proficiency; amending s. 231.261, F.S.; providing rulemaking authority of the Education Practices Commission; amending s. 231.263, F.S.; clarifying provisions relating to the recovery network program for educators; amending s. 231.29, F.S.; requiring State Board of Education rules relating to personnel assessment; amending s. 231.47, F.S.; conforming a cross-reference; amending s. 231.546, F.S., relating to the Education Standards Commission; deleting duties relating to teacher education centers; amending s. 231.600, F.S.; revising requirements of the school district professional development system; creating s. 231.6002, F.S.; requiring school districts to develop professional development plans; providing for stipends and funding; providing for rules; amending s. 231.601, F.S.; deleting provisions relating to teacher education center purposes; amending s. 231.625, F.S.; deleting provisions relating to a teacher referral and recruitment center; requiring establishment of a teacher recruitment and retention services office; amending s. 231.6255, F.S.; revising provisions relating to the Christa McAuliffe Ambassador for Education Program; creating s. 231.63, F.S.; creating the Florida Educator Hall of Fame; providing for nominations, recommendations, and selection of members; repealing s. 231.613, F.S., relating to inservice training institutes; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Clary—

SB 2260—A bill to be entitled An act relating to air pollution; amending s. 403.031, F.S.; defining the term "Air Pollution Control Trust Fund"; authorizing the Division of Air Resource Management of the Department of Environmental Protection to administer an air pollution prevention grant program; providing criteria for grants and funding; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Senator Myers—

SB 2262—A bill to be entitled An act relating to human immunodeficiency virus testing; amending s. 381.0035, F.S.; requiring certain information related to HIV testing and counseling to be included in HIV educational courses; amending s. 381.004, F.S.; requiring informed consent before an HIV test may be ordered; requiring certain information to be provided when informed consent is sought; providing requirements with respect to notification and release of test results; authorizing certain disclosures of test results; providing for court orders for testing in specified circumstances; authorizing the Department of Health to make inspections and investigations; providing for emergency action against a registration; providing requirements for model protocols; providing penalties; amending s. 384.25, F.S.; deleting provisions relating to protocols and to notification to school superintendents; amending s. 455.2226, F.S.; requiring certain information related to HIV testing to be included in HIV educational courses for funeral directors and embalmers; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Ways and Means.

By Senator Clary—

SB 2264—A bill to be entitled An act relating to educational facilities; declaring legislative intent with respect to hurricane preparedness; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Campbell—

SB 2266—A bill to be entitled An act relating to the driving records of employees; creating s. 322.71, F.S.; requiring employers to examine the driving records of certain prospective employees and periodically to examine the driving records of certain employees; providing a penalty for violations; providing a duty of the Department of Highway Safety and Motor Vehicles; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Criminal Justice.

By Senator McKay—

SB 2268—A bill to be entitled An act relating to municipal recall; amending s. 100.361, F.S.; requiring recall petitions to contain the full text of the grounds for recall alleged in the petition; requiring each signature on a petition to be dated; providing for voluntary registration of a petition before signatures are gathered; clarifying duties of the clerk with respect to determining whether petition states grounds for recall; requiring recall petition and defense to contain full text of grounds for recall alleged in the petition and the official's defensive statement; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Community Affairs.

By Senator McKay—

SB 2270—A bill to be entitled An act relating to community colleges; creating a pilot program to provide limited bachelor's degree programs at South Florida Community College, Miami-Dade Community College, and Florida Community College; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator McKay—

SB 2272—A bill to be entitled An act relating to red tide research and mitigation; requiring the Secretary of Environmental Protection to create the Red Tide Study Committee; providing for committee membership and duties; requiring an interim report and a final report to the Legislature; requiring the Mote Marine Laboratory to undertake a project; providing project goals; providing legislative intent; providing duties of the marine laboratory; requiring the marine laboratory to consult with the study committee; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Senator McKay—

SB 2274—A bill to be entitled An act relating to driving under the influence of alcohol or drugs; providing that a motor vehicle is contraband and subject to forfeiture under the Florida Contraband Forfeiture Act if the motor vehicle is driven by a person under the influence of alcohol or drugs and the person's license is suspended as a result of a prior conviction for driving under the influence; providing for a law enforcement officer to impound the motor vehicle upon probable cause; requiring that notification be sent to the Department of Highway Safety and Motor Vehicles; requiring that notice of the impoundment be sent to the owner of the motor vehicle under certain circumstances; authorizing the seizing agency to retain a specified percentage of the proceeds of the sale of a forfeited motor vehicle following a final judgment; providing for a specified percentage of the proceeds of the sale of a forfeited motor vehicle to be deposited into the General Revenue Fund and used to provide transportation services for participants of the WAGES program; providing an effective date.

—was referred to the Committees on Criminal Justice; Transportation; and Ways and Means.

Senate Bills 2276—2498—Not referenced.

By the Committee on Ways and Means—

SB 2500—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2502—A bill to be entitled An act relating to implementing the fiscal year 1998-1999 General Appropriations Act; providing legislative intent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1998-1999 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; authorizing the Department of Children and Family Services to use certain funds for fixed capital outlay expenditures to meet federal standards; authorizing the Department of Law Enforcement to transfer positions, salary rate, and budget between budget entities; requiring notification of such actions; authorizing the Department of Law Enforcement to participate in the Model Career Service Classification and Compensation System, subject to certain conditions; authorizing the Department of Law Enforcement to use certain moneys to provide meritorious-performance bonuses for employees, subject to approval; amending s. 236.081, F.S., relating to the Florida Education Finance Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; providing for allocation of moneys provided for workforce development; providing for budget amendment when a program is moved; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; providing for certain counties to use moneys received for aquatic weed control for recycling purposes; amending s. 403.7095, F.S.; revising applicability and the expiration date of the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; providing for allocation of funds for innovative programs to address recycling practices and procedures; providing for the sale of certain property; providing for expiration of temporary provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing for construction of implementing act in relation to other legislation; providing severability; providing for retroactive effectiveness; providing an effective date.

—was referred to the Committee on Ways and Means.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Education and Senator Kirkpatrick—

CS for SB 180—A bill to be entitled An act relating to trust funds; creating the Early Education and Child Care Trust Fund within the Executive Office of the Governor; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Community Affairs and Senator Childers—

CS for SB 266—A bill to be entitled An act relating to the municipal firefighters' pension trust fund and the municipal police officers' retirement trust fund; amending ss. 175.071, 185.06, F.S.; revising the powers of the board of trustees for each trust fund; providing guidelines for the investment of funds; requiring additional recordkeeping by the boards; providing qualifications for professionally qualified independent consultants; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Ostalkiewicz—

CS for SB 322—A bill to be entitled An act relating to taxation; amending s. 95.091, F.S.; revising certain statutes of limitation; eliminating the tolling of the statute of limitations for specified causes; prescribing circumstances for the tolling of the statute of limitations as a result of administrative or judicial proceedings; limiting the period for which additional penalties and interest may be imposed; requiring a final order to be issued within a certain period after an administrative appeal is filed; requiring reasonable compensation to a taxpayer for resubmission of information or documents; requiring the application of tax overpayments to tax underpayments prior to imposition of a penalty; amending s. 213.015, F.S.; providing additional rights to taxpayers regarding interest paid on delinquent taxes and interest received on delinquent refunds, freedom from being reaudited, rights of appeal, rights to obtain reimbursement of certain fees on favorable appeals, the right to compensation for providing certain information or documents to the department, freedom from commissioned auditors, statutes of limitation, the time permitted to file for refunds, and the right to apply overpayments to the payment of other taxes due; creating s. 213.235, F.S.; providing for determination of the annual rate of interest applicable to certain tax payment deficiencies; creating s. 213.255, F.S.; providing for payment of interest on overpayments of taxes, payment of taxes not due, or taxes paid in error with respect to taxes administered by the Department of Revenue if refund is not made within a specified period; providing requirements for refund applications; requiring a bond or other security under certain conditions; providing for application; amending s. 213.34, F.S.; prescribing conditions under which the Department of Revenue may not re-audit a taxpayer; providing conditions under which the Department of Revenue may be liable for accountant's and attorney's fees incurred by a taxpayer as the result of an audit; amending s. 215.26, F.S.; revising the period during which a taxpayer must file a refund application; providing an effective date.

By the Committee on Children, Families and Seniors; and Senators Brown-Waite, Hargrett, Cowin, Latvala and Crist—

CS for SB 352—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize" and "related services"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; requiring the department to state whether and why privatization cannot be accomplished in a particular district or portion of a district and how the department will address the obstacles to privatization; providing requirements for and restrictions upon funding for privatization; providing that community-based agencies that provide foster care and related services are agents of the state for specified purposes; providing for indemnification of the state; creating s. 415.5071, F.S.; providing for a model program to be initiated in a specified district; requiring the department to contract with the sheriffs in that district for the provision of protective investigative services; providing for funding; providing for an evaluation and report to the Governor and designated legislative leaders; providing an effective date.

By the Committee on Criminal Justice and Senators Williams, Kirkpatrick and Brown-Waite—

CS for SB 356—A bill to be entitled An act relating to state postconviction proceedings; creating the "Death Penalty Appeals Reform Act of 1998"; amending s. 27.7001, F.S.; revising legislative intent with respect to collateral representation to exclude postconviction proceedings in state court; amending s. 27.701, F.S.; making the regions of the capital collateral regional counsel offices coincident with the jurisdictional areas of certain federal court districts; amending s. 27.702, F.S., relating to duties of capital collateral regional counsel; eliminating certain duties for representation in state court proceedings; revising time limitation for application for relief in federal court; prohibiting use of state funds by the capital collateral regional counsel offices for purposes of state court litigation; amending s. 27.704, F.S.; providing for contracts with private counsel for representation in federal postconviction proceedings; amending s. 27.707, F.S.; providing for service of process of certain subpoenas or court orders issued by federal courts or federal judges; amending s. 12, ch. 97-313, Laws of Florida, to eliminate legislative recommendation that the Florida Supreme Court adopt by rule specified provisions limiting the time for postconviction proceedings in capital cases; amending s. 27.708, F.S., relating to access to prisoners and compliance with Florida Rules of Criminal Procedure; removing certain provisions with respect to compliance with Florida Rules of Criminal Procedure; amending s. 79.01, F.S., relating to application and writ for habeas corpus; providing that a judgment of conviction or sentence in a capital case which has been affirmed on direct appeal constitutes "lawful authority" to detain a person for purposes of construing specified provisions; amending s. 924.051, F.S.; providing that provisions relating to terms and conditions of appeals and collateral review apply only in noncapital cases; providing for elimination of capital postconviction proceedings in state courts; prohibiting a state court from reviewing or examining the legality of a judgment or sentence imposed in a capital case by a court of competent jurisdiction, except pursuant to a direct appeal or habeas corpus, as prescribed and limited; amending s. 924.055, F.S.; prohibiting state courts from reviewing or examining the legality of a judgment or sentence in a capital case by a court of competent jurisdiction, except pursuant to a direct appeal or habeas corpus, as prescribed and limited; amending s. 924.066, F.S., relating to collateral relief; restricting collateral relief to a prisoner in custody in a noncapital case; repealing Rules 3.851 and 3.852, Florida Rules of Criminal Procedure, relating to collateral relief after a death sentence has been imposed and records production in a capital postconviction proceeding; providing an effective date.

By the Committee on Banking and Insurance; and Senator Williams—

CS for SB 382—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising a definition; amending s. 538.04, F.S.; exempting secondhand dealers from certain recordkeeping requirements for transactions involving secondhand sports equipment; providing an exception; providing an effective date.

By the Committees on Criminal Justice; Children, Families and Seniors; and Senators Campbell and Forman—

CS for CS for SB 442—A bill to be entitled An act relating to forensic client services; amending s. 40.29, F.S., relating to estimated amount of pay for expert witnesses, to conform a reference; amending s. 393.11, F.S.; specifying persons or entities that may file petition for proposed involuntary admission to residential services arising out of ch. 916, F.S., relating to forensic services; providing for petitions for defendants with autism; revising requirements relating to notice of filing of petition or service of copy of order; prohibiting release from order for involuntary admission except by court order; amending and reorganizing ch. 916, F.S., the Forensic Client Services Act; creating pt. I of ch. 916, F.S.; providing general provisions of the chapter; amending s. 916.105, F.S.; revising legislative intent; amending s. 916.106, F.S.; providing or revising definitions with respect to ch. 916, F.S.; redefining "department" to refer to the Department of Children and Family Services in lieu of the Department of Health and Rehabilitative Services; amending s. 916.107, F.S.; revising state policy with respect to the rights of forensic clients, and conforming terminology; amending and renumbering s. 916.175, F.S., relating to criminal escape by a client; prohibiting escape or attempted escape from a facility or program by a client under specified circumstances, and providing penalties therefor; amending and renumbering s. 916.178, F.S.; prohibiting the introduction of certain articles into or upon, or the taking or attempt to take or send certain articles from, facility grounds, under specified circumstances, and providing penalties therefor; providing for enforcement by institutional security personnel or law enforcement officers; conforming a reference; amending and renumbering s. 916.19, F.S.; providing for client protection and security; renumbering s. 916.20, F.S., relating to departmental rulemaking; creating pt. II of ch. 916, F.S., relating to forensic services for persons who are mentally ill; amending and renumbering s. 916.108, F.S.; providing for evaluation of defendant for competency to proceed or for sanity, under specified circumstances; amending and renumbering s. 916.11, F.S.; revising time limits and guidelines relating to appointment of experts; amending s. 916.12, F.S.; providing duties of examining experts and guidelines with respect to reports on defendant's mental competence to proceed and recommended treatment for defendant to attain competence to proceed; amending s. 916.13, F.S.; providing criteria for

involuntary commitment of defendant adjudicated incompetent to proceed due to mental illness; revising duties of the court or the department and guidelines relating to commitment and placement of defendant and filing of reports; amending s. 916.14, F.S.; providing for inapplicability of statute of limitations and of bar against former jeopardy under specified circumstances when defendant is incompetent to proceed; amending s. 916.145, F.S.; revising time limits and guidelines with respect to dismissal of charges against a defendant adjudicated incompetent to proceed; providing for dismissal without prejudice under specified circumstances; amending s. 916.15, F.S., relating to involuntary commitment of defendant adjudicated not guilty by reason of insanity; conforming terminology; providing for mandatory departmental retention and treatment of defendant; reenacting s. 394.467(7)(a), F.S., relating to procedure for continued involuntary placement, to incorporate said amendment in a reference; amending s. 916.16, F.S.; providing for retention of jurisdiction by committing court over a defendant hospitalized as incompetent to proceed or because of a finding of not guilty by reason of insanity or over a defendant placed on conditional release; prohibiting release except by court order in specified circumstances; amending s. 916.17, F.S.; revising procedures and guidelines relating to conditional release and modification of release conditions, including filing requirements for plans for outpatient treatment; creating pt. III of ch. 916, F.S., relating to forensic services for persons who are mentally retarded or autistic; creating s. 916.301, F.S.; providing for appointment of experts who are retardation or autism professionals, under specified circumstances; providing for certain witness fees and evaluator fees as court costs; providing for reimbursement of certain travel and per diem expenses of state employees; creating s. 916.3012, F.S.; providing for determination of incompetence to proceed when the defendant's suspected mental condition is retardation or autism; creating s. 916.302, F.S.; providing for involuntary commitment of defendant determined to be incompetent to proceed due to retardation or autism; requiring the department to notify the court of transfer of a defendant; creating s. 916.3025, F.S.; providing for retention of jurisdiction over certain defendants found incompetent to proceed and ordered into a secure facility for retarded or autistic defendants; prohibiting release except by court order; creating s. 916.303, F.S.; providing for dismissal of charges without prejudice or involuntary admission to residential services or a training program under specified circumstances when the defendant is found incompetent to proceed due to retardation or autism; providing for petitions to continue defendant's placement in a secure facility or program under specified circumstances; creating s. 916.304, F.S.; providing for conditional release based on an approved plan for providing continuing community-based training of defendant; providing for modification of release conditions or termination of jurisdiction under specified circumstances; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Crist—

CS for SB 466—A bill to be entitled An act relating to distribution of surplus food; amending s. 570.0725, F.S.; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; requiring development of a public-information brochure; requiring a food-recovery report; amending s. 381.0072, F.S.; requiring information dissemination; amending s. 509.032, F.S.; requiring information to be disseminated; amending s. 509.302, F.S.; including food-recovery awareness as a subject area of the Hospitality Education Program; providing an effective date.

By the Committee on Criminal Justice and Senator Latvala—

CS for SB 504—A bill to be entitled An act relating to firearms-related licenses; amending ss. 493.6111, 493.6113, F.S.; extending the licensure period for certain licenses; amending s. 790.06, F.S.; extending the licensure period for concealed weapons licenses; requiring persons who conduct or instruct certain gun safety and licensure courses to maintain records; providing an effective date.

By the Committee on Criminal Justice and Senator Horne—

CS for SB 508—A bill to be entitled An act relating to tests for alcohol, chemical substances or controlled substances; amending ss. 316.1932, 316.1933, F.S.; amending the implied consent law and laws prescribing testing for impairment or intoxication in cases of death or serious bodily injury; authorizing certain health care providers who become aware of a person's unlawful blood-alcohol level to notify law enforcement officials; prescribing a form for the notice; providing that such notice or failure to provide notice is not a violation of any ethical, moral, or legal duty; prohibiting any action or administrative proceeding being brought against anyone participating in good faith in providing or failing to provide such notice; providing for certain immunity from civil or criminal liability and from any professional disciplinary action; providing for certain immunity in any judicial proceeding resulting from the notice or failure to provide notice; providing an effective date.

By the Committee on Criminal Justice and Senators Kirkpatrick, Holzendorf, Brown-Waite, Williams, Gutman and Crist—

CS for SB 562—A bill to be entitled An act relating to medical examiners; amending s. 406.06, F.S.; providing additional grounds for the suspension of medical examiners; amending s. 406.075, F.S.; providing penalties for disciplinary violations; amending s. 406.11, F.S.; specifying medical examiners' duties regarding autopsies; providing an effective date.

By the Committee on Natural Resources and Senators Brown-Waite, Cowin and Latvala—

CS for SB 592—A bill to be entitled An act relating to water management; creating the Lake Panasoffkee Restoration Council; providing for its membership, powers, and duties; requiring the Southwest Florida Water Management District to provide staff for the council and to award contracts subject to an appropriation of funds; providing an effective date.

By the Committees on Children, Families and Seniors; Criminal Justice; and Senators Gutman, Horne, Klein, Diaz-Balart and Cowin—

CS for CS for SB 646—A bill to be entitled An act relating to sexually violent predators; requesting that the Division of Statutory Revision redesignate ch. 916, F.S.; amending s. 916.10, F.S.; providing a short title; creating s. 916.30, F.S.; providing a short title; creating s. 916.31, F.S.; providing legislative findings and intent; creating s. 916.32, F.S.; defining terms; creating s. 916.33, F.S.; requiring notice of release from custody of a person alleged to be a sexually violent predator; providing for evaluation of such person; creating s. 916.34, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.35, F.S.; providing for determination of probable cause, for hearings, and for taking such person into custody; creating s. 916.36, F.S.; providing for trial on the issue of whether such person is a sexually violent predator; creating s. 916.37, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.38, F.S.; requiring examinations of persons committed; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; authorizing petition for release; creating s. 916.41, F.S.; providing for access to certain records; creating s. 916.42, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.43, F.S.; providing immunity from civil liability; creating s. 916.44; providing severability; creating s. 916.45, F.S.; providing for retrospective and prospective application; creating s. 916.46, F.S.; providing for notice to victims; creating s. 916.47, F.S.; penalizing escape; creating s. 916.48, F.S.; authorizing subsistence fees and costs; creating s. 916.49, F.S.; providing that the Department of Health is responsible for costs; providing that other costs for psychological evaluations, expert witnesses, and court-appointed counsel are paid from state funds; providing an effective date.

By the Committee on Health Care and Senator Forman—

CS for SB 714—A bill to be entitled An act relating to health quality assurance; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; requiring background screening for an applicant for licensure of certain laboratories; authorizing the use of certain body hair for drug testing; creating s. 381.60225, F.S.; requiring background screening for an applicant for certification to operate an organ procurement organization, a tissue bank, or an eye bank; amending s. 383.302, F.S., relating to the regulation of birth centers; revising definitions to reflect the transfer of regulatory authority from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 383.305, F.S.; requiring background screening for an applicant for licensure of a birth center; amending ss. 383.308, 383.309, 383.31, 383.312, 383.313, 383.318, 383.32, 383.324, 383.325, 383.327, 383.33, 383.331, F.S., relating to the regulation of birth centers; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 390.015, F.S.; requiring background screening for an applicant for licensure of an abortion clinic; amending s. 391.206, F.S.; requiring background screening for an applicant for licensure to operate a pediatric extended care center; amending s. 393.063, F.S., relating to developmental disabilities; providing a definition; amending s. 393.067, F.S.; requiring background screening for an applicant for licensure to operate an intermediate care facility for the developmentally disabled; amending s. 394.4787, F.S., relating to the regulation of mental health facilities; conforming a cross-reference to changes made by the act; amending s. 394.67, F.S., relating to community alcohol, drug abuse, and mental health services; revising definitions; amending s. 394.875, F.S.; requiring background screening for an applicant for licensure of a crisis stabilization unit or residential treatment facility; amending ss. 394.876, 394.877, 394.878, 394.879, 394.90, 394.902, 394.903, 394.904, 394.907, F.S., relating to the regulation of mental health facilities; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 395.002, F.S., relating to hospital licensing and regulation; providing definitions; creating s. 395.0055, F.S.; requiring background screening for an applicant for licensure of a facility operated under ch. 395, F.S.; amending s. 395.0199, F.S.; requiring background screening for an applicant for registration as a utilization review agent; amending s. 400.051, F.S.; conforming a cross-reference; amending s. 400.071, F.S.; requiring background screening for an applicant for licensure of a nursing home; amending s. 400.411, F.S.; requiring background screening for an applicant for licensure of an assisted living facility; amending ss. 400.414, 400.417, 400.4174, 400.4176, F.S., relating to the regulation of assisted living facilities; providing additional grounds for denial, revocation, or suspension of a license; requiring background screening for employees hired on or after a specified date; amending ss. 400.461, 400.462, F.S., relating to the regulation of home health agencies; conforming a cross-reference; revising definitions; amending s. 400.464, F.S.; revising licensure requirements for home health agencies; specifying services and persons that are exempt from the licensure requirements; amending s. 400.471, F.S.; requiring background screening for an applicant for licensure of a home health agency; revising requirements for license renewal; amending s. 400.474, F.S.; providing penalties for operating a home health agency without a license; amending s. 400.484, F.S.; providing a schedule for the agency to use in imposing fines for various classes of violations; amending s. 400.487, F.S.; revising requirements for patient assessment and services; amending s. 400.491, F.S.; revising requirements for maintaining patient records; amending s. 400.497, F.S.; revising requirements for the agency in establishing minimum standards; amending s. 400.506, F.S.; requiring background screening for an applicant for licensure of a nurse registry; amending s. 400.509, F.S.; requiring background screening for an applicant for registration as a service provider who is exempt from licensure; amending s. 400.512, F.S.; revising screening requirements for home health agency personnel; amending s. 400.555, F.S.; requiring background screening for an applicant for licensure of an adult day care center; amending s. 400.556, F.S., relating to disciplinary actions against adult day care center licensees; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.557, F.S., relating to renewal of an adult day care center license; requiring an affidavit of compliance with background screening requirements when a license is renewed; creating s. 400.5572, F.S.; requiring background screening for employees of an adult day care center hired on or after a specified date; amending s. 400.606, F.S.; requiring background screening for an applicant for licensure of a hospice; creating s. 400.6065, F.S.; providing requirements for background screening of hospice employees; amending s. 400.607, F.S., relating to disciplinary actions against a hospice license; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.619, F.S.; revising background screening requirements for an applicant for licensure of an adult family care home; providing screening requirements for designated relief persons; deleting agency authority to take disciplinary action against an adult family-care-home license; revising rulemaking authority; creating s. 400.6194, F.S.; providing for disciplinary action against an adult family-care-home license; making noncompliance with screening requirements a basis for disciplinary action; amending s. 400.801, F.S.; requiring background screening for an applicant for licensure of a home for special services; amending s. 400.805, F.S.; requiring background screening for an applicant for licensure of a transitional living facility; amending s. 430.04, F.S.; providing duties and responsibilities of the Department of Elderly Affairs; requiring the department to take disciplinary action against an area agency on aging for failure to implement and maintain a department-approved grievance resolution procedure; amending s. 455.654, F.S., relating to referring health care providers; conforming cross-references to changes made by the act; amending s. 468.505, F.S., relating to disciplinary action against certain medical professionals and activities exempt from regulation; updating provisions and conforming cross-references; amending s. 483.101, F.S.; requiring background screening for an applicant for licensure of a clinical laboratory; amending s. 483.106, F.S., relating to a certificate of exemption; correcting terminology; amending s. 483.30, F.S.; requiring background screening for an applicant for licensure of a multiphasic health testing center; repealing s. 455.661, F.S., which provides for licensure of designated health care services; providing appropriations and authorizing positions; providing for applicability of background screening requirements; providing an effective date.

By the Committee on Criminal Justice and Senators Gutman and Brown-Waite—

CS for SB 772—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; authorizing the aggregation of the value of damage to separate properties in determining the grade of the offense for criminal mischief in which the damage occurred during one scheme or course of conduct; providing an effective date.

By the Committee on Banking and Insurance; and Senator Horne—

CS for SB 818—A bill to be entitled An act relating to fire prevention and control; amending s. 633.537, F.S.; changing expiration and renewal of certificates of competency for fire protection contractors from an annual to a biennial basis; revising continuing education requirements and providing transitional continuing education requirements, to conform; amending s. 633.524, F.S.; increasing the renewal fee, to conform; amending s. 633.60, F.S., relating to engaging in the business or acting in the capacity of a contractor of automatic fire sprinkler systems, to conform; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 822—A bill to be entitled An act relating to vehicles used by state agencies; amending s. 20.055, F.S.; requiring a report from agency heads on employee use of state motor vehicles; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 824—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; defining the terms "disincentive," "incentive," "performance-based program appropriation," and "performance ledger" for purposes of budgeting and state fiscal affairs;

amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies in submitting performance-based budget requests, programs, and performance measures; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring that additional information be included in program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.167, F.S.; requiring that the Governor's recommendations include a financial schedule that provides information on revenues in the Budget Stabilization Fund; amending s. 216.178, F.S.; providing a date for the final budget report; amending s. 216.292, F.S.; providing an exception to nontransferable appropriations; amending 186.022, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; amending s. 215.32, F.S.; including the Budget Stabilization Fund in the list of funds in which state moneys are deposited; amending s. 216.221, F.S.; providing legislative intent for use of the Budget Stabilization Fund; amending s. 20.055, F.S.; requiring inspectors general to review and assess the validity of performance measures prior to submission to the Executive Office of the Governor; amending s. 252.37, F.S.; providing legislative intent regarding the order of recourse in use of state funds for emergencies; repealing s. 186.021(5), F.S., relating to state agency strategic plans; repealing s. 186.009 and s. 186.031, F.S., relating to the growth management portion of the state comprehensive plan and to the annual report by the Governor in his capacity as chief planning and budgeting officer of the state; repealing s. 212.081(3), F.S., relating to legislative intent; providing an effective date.

By the Committee on Agriculture and Senator Bronson—

CS for SB 840—A bill to be entitled An act relating to timber management; amending s. 253.034, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services to assess the feasibility of managing timber in land management plans; providing for the reimbursement of management services performed by the division; amending s. 259.035, F.S.; requiring the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy; amending s. 373.591, F.S.; specifying circumstances under which the land managing agency must provide an explanation to the management review team concerning the management of lands; providing an effective date.

By the Committee on Transportation and Senator Hargrett—

CS for SB 846—A bill to be entitled An act relating to the Department of Transportation (RAB); amending s. 334.044, F.S.; authorizing the department to regulate the transfer of storm water to the right-of-way as a result of changes to adjacent property; amending s. 337.105, F.S.; authorizing the department to suspend a consultant from awards of department contracts for specified good cause; amending s. 337.18, F.S.; providing incentives or damages for contractors for early completion of projects that provide substantial benefits to the public; amending s. 339.0805, F.S.; authorizing the department to suspend or revoke the certification of a disadvantaged business enterprise for specified good cause; providing an effective date.

By the Committee on Education and Senator Gutman—

CS for SB 904—A bill to be entitled An act relating to education; creating a pilot program to increase the number of school counselors; providing for grant allocations; requiring an evaluation; providing an effective date.

By the Committee on Criminal Justice and Senator Gutman—

CS for SB 910—A bill to be entitled An act relating to false identification; prohibiting a person from assuming the identity of another person and thereby causing an economic loss or legal disability; providing penalties; authorizing any person who suffers such economic loss or legal disability to apply to the court for an order to correct certain records; prohibiting a person who has been arrested or lawfully detained from giving a false name or false identification to a law enforcement officer or jail personnel; providing penalties; providing an enhanced penalty if any person suffers an economic loss or legal disability due to the offense; defining the term "economic loss"; providing an effective date.

By the Committee on Agriculture and Senator Lee—

CS for SB 926—A bill to be entitled An act relating to eradication of agricultural pests; prescribing additional duties of the Department of Agriculture and Consumer Services and the Department of Health with respect to programs of emergency aerial application of pesticide for eradication of plant pests; requiring use of certain pesticides; requiring development of a system for informing the public of such programs and requiring public and other notice of certain programs of pest eradication; providing for information to be furnished to health-care providers; providing for health advisory committees; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 962—A bill to be entitled An act relating to community colleges; amending ss. 239.117, 240.35, F.S.; authorizing community colleges to bond capital improvement fees for financing or refinancing equipment, renovation, or remodeling of educational facilities; limiting terms; providing additional allowable uses; amending s. 240.319, F.S.; authorizing community college boards of trustees to issue revenue bonds for the purpose of equipment, renovation, or remodeling of educational facilities; providing an effective date.

By the Committee on Natural Resources and Senator Bronson—

CS for SB 986—A bill to be entitled An act relating to environmental mitigation; amending s. 373.4137, F.S.; authorizing the Department of Transportation to include an inventory of habitats impacted by projects in the adopted work program; providing uses for specified funding; providing that preliminary approval of a mitigation plan is not a decision affecting substantial interests; revising funding provisions through future fiscal years; authorizing the amendment of mitigation plans; providing that the modification process does not constitute an agency rule; deleting obsolete provisions; providing legislative findings and intent with respect to a mitigation plan for the Dade County Lake Belt Area to offset the impact of mining activities; imposing a fee on the commercial extraction of limerock and sand from the Dade County Lake Belt Area; requiring the proceeds of the fee to be paid to the Department of Revenue; providing for transfer of the fee to the South Florida Water Management District and deposit in a separate interest-bearing account; providing for the Department of Revenue to administer the collection of the fee; authorizing the department to adopt rules; providing for an annual adjustment of the fee rate after a specified date; specifying purposes for which the proceeds of the fee may be used; requiring that expenditures from the trust fund be approved by an interagency committee; providing for membership of the committee; providing that payment of the fee satisfies certain requirements for mitigation; providing for suspension of imposition of the fee under certain circumstances; providing an effective date.

By the Committee on Agriculture and Senator Bronson—

CS for SB 1088—A bill to be entitled An act relating to agriculture emergencies; amending s. 206.606, F.S.; distributing fuel sales tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; amending s. 206.608, F.S.; distributing State Comprehensive Enhanced Transportation System Tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; creating s. 206.609, F.S.; providing restrictions on the transfer of moneys to the Agricultural Emergency Eradication Trust Fund; requiring the Commissioner of Agriculture to give notice concerning the use of trust fund moneys; providing appropriations; providing a contingent effective date.

By the Committee on Governmental Reform and Oversight; and Senator Gutman—

CS for SB 1132—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; clarifying provisions relating to operation of the Division of State Group Insurance; modifying the role of the Director of the Division of State Group Insurance and staff thereof with respect to the Florida State Group Insurance Council; amending ss. 110.109, 110.112, F.S.; revising reporting requirements; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.1165, F.S.; providing a statute of limitations on filing certain actions; amending s. 110.123, F.S., relating to the state group insurance program; adding and updating definitions; providing for Career Service exemptions in the Division of State Group Insurance; clarifying and correcting references; updating provisions relating to agency payment of premiums for certain employees injured or killed in the line of duty to conform to existing law; amending s. 110.12315, F.S., relating to the state employees' prescription drug program, to revise, clarify, and reorganize such provisions; amending s. 110.1232, F.S., relating to health insurance coverage for certain state retirees, to correct a reference; amending s. 110.1234, F.S., relating to Medicare supplement coverage for state retirees, to correct a reference; amending s. 110.1238, F.S., relating to refunds with respect to provider overcharges; modifying the refund cap; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.161, F.S., relating to the State Employees Pretax Benefits Program Act, to correct references and update language; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for a report; amending s. 110.205, F.S.; conforming provisions to changes made by the act; providing for the designation of Senior Management Service positions; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 121.025, F.S., providing for Career Service exemptions in the Division of Retirement; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 215.94, F.S.; conforming a reference to changes made by the act; amending s. 216.011, F.S.; redefining the term "operating capital outlay"; amending ss. 255.249, 255.25, 255.257, F.S.; revising the threshold for leased space facility requirements; amending s. 255.503, F.S.; providing for the closing of facilities in emergency situations; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending ss. 287.16, 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021, 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; amending s. 768.76, F.S., to remove specified health care plans from the definition of collateral source; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 1146—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; including certain correctional probation officers within the Special Risk Class; amending s. 121.0515, F.S.; specifying criteria for inclusion of correctional probation officers in the Special Risk Class; providing for inclusion of probation and parole circuit and deputy circuit administrators in the Special Risk Class; clarifying the procedure for designating special risk membership in the system; providing for the retention of special risk membership for certain members transferred or reassigned to other positions; authorizing members of the Regular Class and the Special Risk Administrative Support Class to reapply for and be admitted as members of the Special Risk Class; restoring special risk credit for certain periods of employment; providing for contributions; providing for an increased employer contribution to fund benefits; providing a finding of important state interest; providing an effective date.

By the Committee on Agriculture and Senator Gutman—

CS for SB 1294—A bill to be entitled An act relating to agricultural sales; amending s. 570.55, F.S.; revising the "Florida Avocado, Mango, Lime, and Tomato Sales Law" to the "Florida Tropical or Subtropical Fruit and Vegetables Sales Law"; revising provisions to apply to tropical or subtropical fruit and vegetables; prescribing use of certain containers in shipping or distribution; providing an exception; increasing a penalty; amending s. 603.161, F.S.; revising a definition; increasing a penalty; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Latvala—

CS for SB 1332—A bill to be entitled An act relating to investment of public funds (RAB); amending s. 215.835, F.S.; prescribing rulemaking authority of the Division of Bond Finance and State Board of Administration; amending ss. 159.825, 218.405, 218.407, 218.409, F.S.; prescribing rulemaking authority of the State Board of Administration; amending s. 240.551, F.S.; prescribing rulemaking authority of the Prepaid Postsecondary Education Expense Board; providing an effective date.

By the Committee on Banking and Insurance; and Senator Diaz-Balart—

CS for SB 1342—A bill to be entitled An act relating to rulemaking authority of the Division of Workers' Compensation (RAB); amending ss. 440.05, 440.15, 440.16, 440.185, 440.191, 440.20, 440.40, 440.42, 440.49, F.S.; extending rulemaking authority to the Division of Workers' Compensation; providing an effective date.

By the Committee on Banking and Insurance; and Senator Diaz-Balart—

CS for SB 1346—A bill to be entitled An act relating to rulemaking authority with respect to occupational safety and health (RAB); amending s. 442.006, F.S.; authorizing rules for the Division of Safety investigations of public-sector employers; amending s. 442.008, F.S.; authorizing rules for the Division of Safety relating to recordkeeping responsibilities for public-sector employers; amending s. 442.011, F.S.; eliminating an annual report; amending s. 442.20, F.S.; authorizing rulemaking for the Division of Safety for the adoption of federal standards; providing that specified references to federal officials in adopted federal standards refer to specified state officials for the purpose of state law; amending s. 627.0915, F.S.; authorizing rulemaking for the Division of Safety for workplace-safety programs for clients of help-supply services companies; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Rossin and Sullivan—

CS for SB 1352—A bill to be entitled An act relating to investment of public funds; amending s. 215.44, F.S.; authorizing the Office of Program Policy Analysis and Government Accountability to conduct performance audits; repealing s. 215.455, F.S., relating to the loan of securities; amending s. 215.515, F.S.; deleting provisions relating to review of charges for investment services of the State Board of Administration; amending s. 215.47, F.S.; revising list of eligible securities; authorizing the loan of securities or investments under specified conditions; creating s. 413.0115, F.S.; authorizing the State Board of Administration to manage the investment portfolio of the Division of Blind Services; providing an effective date.

By the Committee on Banking and Insurance; and Senators Williams and Grant—

CS for SB 1372—A bill to be entitled An act relating to insurance; amending ss. 624.425, 624.428, 624.478, 626.112, F.S.; requiring agents to be appointed; amending s. 624.501, F.S.; clarifying application of fees for title insurance agents; amending s. 626.022, F.S.; providing for applicability of ch. 626, F.S.; amending s. 626.051, F.S.; revising the definition of the term "life agent"; prescribing requirements for soliciting or selling variable life insurance, variable annuity contracts, and other indeterminate value contracts; amending s. 626.062, F.S.; conforming a cross-reference; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; excluding solicitors; authorizing the department to secure a credit and character report on certain persons; providing limits; providing requirements of the department; amending s. 626.451, F.S.; requiring law enforcement agencies, the state attorney's office, and court clerks to notify the department of agents found guilty of felonies; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.601, F.S.; authorizing the department to initiate investigation of agents or other licensees under certain conditions; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in addition to suspending, revoking, or refusing to renew a license or appointment; creating s. 626.692, F.S.; providing for restitution under certain circumstances; amending s. 626.7351, F.S.; specifying additional qualifications for a customer representative's license; amending s. 626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.741, F.S.; authorizing the department to issue a customer representative license to certain persons; providing a limitation; providing procedures for agent licensure of certain persons under certain circumstances; providing for cancellation of a nonresident agent's license; amending ss. 626.792, 626.835, F.S.; providing procedures for issuing a resident agent's license to certain persons; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8417, F.S.; revising the qualifications for licensure as a title insurance agent; amending s. 626.8418, F.S.; increasing the amount of the deposit or bond of a title insurance agency; specifying that the bond of a title insurance agency must be posted with the department and must inure to the benefit of damaged insurers and insureds; amending ss. 626.8437, 626.844, F.S.; clarifying application of grounds for refusal, suspension, or revocation of license or appointment; amending s. 626.8443, F.S.; providing additional limitations on activities during suspension or after revocation of a license; amending s. 626.852, F.S.; providing for applicability; amending s. 626.858, F.S.; revising the definition of the term "nonresident adjuster" to define "nonresident company employee adjuster"; creating s. 626.8582, F.S.; defining the term "nonresident public adjuster"; creating s. 626.8884, F.S.; defining the term "nonresident independent adjuster"; amending s. 626.865, F.S.; increasing the bonding requirements for public adjusters; amending s. 626.873, F.S.; providing for licensure and qualifications for resident company employee adjusters; creating s. 626.8732, F.S.; providing for licensure and qualifications for nonresident public adjusters; creating s. 626.8734, F.S.; providing for licensure and qualifications for nonresident independent adjusters; creating s. 626.8736, F.S.; providing for service of process on nonresident independent adjusters and on nonresident public adjusters; creating s. 626.8737, F.S.; establishing a retaliatory tax provision regarding certain fines, taxes, penalties, license fees, monetary deposits, securities, or other obligations, limitations, or prohibitions imposed by another state upon Florida resident insurance adjusters in connection with the issuance of, or activities under, a nonresident adjuster's license under that state's laws; creating s. 626.8738, F.S.; providing a criminal penalty for acting as a resident or nonresident public adjuster without the required license; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.8695, F.S.; providing for notice to the department; requiring designation of primary adjuster on forms prescribed by the department; amending s. 626.872, F.S.; prohibiting the department from issuing a temporary adjuster's license to certain persons; amending s. 626.873, F.S.; providing procedures for licensing certain persons as resident adjusters; providing for cancellation of nonresident adjuster's license; amending s. 626.875, F.S; prescribing time for keeping adjusters' records; amending s. 626.922, F.S.; requiring surplus lines agents to perform certain duties relating to evidence of insurance; amending s. 626.928, F.S.; increasing bonds for surplus lines agents; amending ss. 626.927, 626.9271, 626.929, 626.935, 626.944, F.S.; requiring appointment in addition to licensure of certain persons; amending s. 627.745, F.S.; clarifying a provision related to final examination; amending s. 634.420, F.S.; clarifying application of accountability provisions; amending s. 634.317, F.S.; providing for responsibility and accountability of sales representatives; amending s. 642.036, F.S.; deleting requirement that the addresses of certain agents be filed with the department; repealing s. 626.112(6), F.S., relating to licensing of claims investigators; repealing s. 626.532, F.S., relating to insurance vending machine licenses; repealing s. 626.857, F.S., relating to the definition of "claims investigator"; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senators Latvala, Silver, Lee, Clary, Bronson, Childers and Meadows—

CS for SB 1402—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license or Florida identification number be included in the uniform statewide voter registration application; amending s. 196.111, F.S.; providing for notice of termination of homestead exemption; creating s. 196.115, F.S.; providing for termination of homestead exemption and subsequent disqualification upon registration as an elector in another precinct; amending s. 196.121, F.S.; requiring homestead exemption forms to include notice of the requirements for factual determination of permanent residency by the property appraiser and notice of the requirements relating to voter registration and the potential loss of homestead exemption; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information

of a witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.061, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing for civil penalties; amending s. 106.265, F.S.; requiring the Department of Revenue to collect civil fines levied by the Florida Elections Commission; providing an appropriation; providing effective dates.

By the Committee on Banking and Insurance; and Senator Clary—

CS for SB 1408—A bill to be entitled An act relating to public records; creating s. 440.108, F.S.; providing an exemption from public records requirements for certain information obtained in administering the Workers' Compensation Law; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Agriculture and Senator Forman—

CS for SB 1460—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; providing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides; prohibiting specified bungy operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Silver—

CS for SB 1470—A bill to be entitled An act relating to public records; amending s. 112.656, F.S.; providing for confidentiality of certain records of public employees' retirement systems and plans; providing findings of public necessity; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 1548—A bill to be entitled An act relating to public depositories; amending ss. 125.31, 136.01, 159.09, 166.261, 218.345, 236.24, 255.502, and 331.309, F.S.; providing for deposit of certain public funds in qualified public depositories or certain chartered depositories; amending s. 280.02, F.S.; defining governmental unit; revising the definition of qualified public depository; amending s. 280.03, F.S.; requiring deposit of public deposits into qualified public depositories; providing exemptions; amending s. 280.04, F.S.; clarifying certain collateral requirements; amending s. 280.05, F.S.; revising provisions providing powers and duties of the Treasurer; amending s. 280.07, F.S.; requiring qualified public depositories to execute a form for certain purposes; amending s. 280.08, F.S.; revising procedures for payment of losses; amending s. 280.16, F.S.; providing requirements for qualified public depositories; amending s. 280.17, F.S.; revising requirements for public depositors; amending s. 280.18, F.S.; providing for protection from loss to public depositors; limiting liability of the state and the Treasurer; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Grant—

CS for SB 1574—A bill to be entitled An act relating to personnel and agencies of the legislative branch; amending s. 11.045, F.S.; defining the term "division," for purposes of lobbyist registration, as the Division of Legislative Information Services; transferring certain functions of the Joint Legislative Management Committee to the division or to the presiding officers; amending s. 11.12, F.S.; providing for the presiding officers to determine subsistence rates; amending s. 11.13, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to compensation of members to the Office of Legislative Services or to the presiding officers; amending s. 11.147, F.S.; abolishing the Joint Legislative Management Committee and replacing it with an Office of Legislative Services; repealing s. 11.39, F.S., relating to the Legislative Information Technology Resource Committee; amending s. 112.0455, F.S.; transferring certain functions of the Joint Legislative Management Committee with respect to rules relating to drug-free workplace requirements to the presiding officers; amending s. 112.3148, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to reports of gifts to the Division of Legislative Information Services; amending s. 121.055, F.S.; transferring duties of the Joint Legislative Management Committee relating to designation of employees to participate in the Senior Management Service Optional Annuity Program to the presiding officers; amending s. 216.136, F.S.; conforming provisions to the amendments made by the act; amending s. 216.251, F.S.; clarifying authority with respect to approval of classification and pay plans for legislative employees; amending s. 985.401, F.S.; transferring duties of the Joint Legislative Management Committee with respect to the Juvenile Justice Advisory Board to the Department of Juvenile Justice; amending ss. 11.241, 11.242, 11.243, 11.70, 13.01, 13.10, 15.155, 20.315, 27.709, 112.061, 112.321, 119.15, 218.60, 229.593, 282.3091, 282.310, 282.322, 350.031, 402.50, 790.22, F.S.; conforming provisions to the amendments made by the act; providing an effective date.

By the Committee on Community Affairs and Senator Dyer—

CS for SB 1702—A bill to be entitled An act relating to the rulemaking authority of the Department of Community Affairs and the Florida Land and Water Adjudicatory Commission (RAB); amending s. 20.255, F.S.; authorizing the Florida Land and Water Adjudicatory Commission to adopt rules; amending s. 163.3177, F.S.; including debt management standards in local capital improvements elements; providing local comprehensive planning periods; amending s. 163.3184, F.S.; specifying agencies for comprehensive plan amendment review; allowing for adoption of separate and distinguished plan amendments; providing for municipal review of plan amendments that affect municipal plans; authorizing a schedule for agency review of comprehensive plans and plan amendments; ensuring conformity with the uniform rules of procedure; amending s. 163.3191, F.S.; providing for copies of submitted evaluation and appraisal reports; providing for local governments to request substantive comments during sufficiency review of evaluation and appraisal reports; providing for requests for delegation of review of evaluation and

appraisal reports; amending s. 163.3202, F.S.; clarifying that all municipalities adopt land development regulations to implement municipal plans and plan amendments; providing for notice by the department of the need to adopt required land development regulations; supplementing authority to adopt rules to allow schedules for adoption of required land development regulations; amending s. 190.005, F.S.; authorizing the Florida Land and Water Adjudicatory Commission to adopt rules relating to community development districts; amending s. 373.114, F.S.; authorizing the commission to adopt rules for review of water management district rules or orders; amending s. 380.06, F.S.; allowing the department to issue clearance letters, upon request, as to whether a development may be required to undergo development-of-regional-impact review; preventing reviewing agencies from objecting to the use of assumptions and methodologies agreed upon during preapplication procedures; allowing for another preapplication conference to be held if an application for development approval is not submitted within 1 year; supplementing authority to adopt rules to include criteria for abandonment of developments of regional impact; amending s. 380.061, F.S.; supplementing authority to adopt rules for Florida Quality Development annual reports and criteria for determining a substantial change to an approved Florida Quality Development; amending s. 380.07, F.S.; supplementing authority to adopt rules regarding development orders in designated areas of critical state concern; amending s. 380.22, F.S.; supplementing authority to adopt rules to include procedures and criteria for evaluation of subgrant applications under the federal Coastal Zone Management Act; providing an effective date.

By the Committee on Criminal Justice and Senator McKay—

CS for SB 1796—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.411, F.S.; requiring that the Department of Children and Family Services notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain specified sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 490.012, F.S.; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 490.0145, F.S.; providing that only certain persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; requiring the Board of Psychology to require training and coursework for juvenile sexual offender therapists; amending s. 491.012, F.S.; defining the offense of the unlawful use of the term "juvenile sexual offender therapist," and providing penalties therefor; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 491.0144, F.S.; providing for qualifications for licensure as a juvenile sexual offender therapist under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services; creating ss. 943.17291, 943.17295, F.S.; requiring that the Criminal Justice Standards and Training Commission incorporate instruction in investigating juvenile sexual offenders into the course curriculum for law enforcement officers; amending s. 985.04, F.S.; requiring that the Department of Juvenile Justice notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 985.308, F.S.; requiring that the Department of Juvenile Justice inspect offender commitment programs operated by the department based on specified standards; authorizing any state attorney to establish a sexual abuse intervention network; providing for membership and prescribing duties of such network; requiring the Office of the Attorney General, the Department of Children and Family Services, and the Department of Juvenile Justice to award grants to sexual abuse intervention networks; specifying criteria for grant awards; requiring the Office of the Attorney General, in collaboration with the Department of Juvenile Justice and the Department of Children and Family Services, to establish minimum standards for juvenile sex offender day treatment and residential treatment programs funded pursuant to specified provisions; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 653, CS for HB 1739, HB 1771, HB 3877; has passed as amended CS for HB 1005, HB 1747, HB 1991, HB 3871, HB 3873, HB 3875, HB 3879, HB 3881; has adopted HM 291, HM 1303, HM 3003 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Lawson and others—

HB 653—A bill to be entitled An act relating to the City of Tallahassee and the Leon County School Board; providing for the relief of Dena Sheryl Steels; providing for an appropriation by the City of Tallahassee and the Leon County School Board to compensate her for the wrongful death of Kenneth Michael Pyles, her son, resulting from the negligence of the City of Tallahassee and the Leon County School Board; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Saunders and others—

CS for HB 1739—A bill to be entitled An act relating to poison control; amending s. 395.1027, F.S., and creating s. 401.268, F.S.; requiring each basic and advanced life support service and air ambulance service to develop and implement a prehospital emergency dispatch protocol with the appropriate regional poison control center; providing that the regional poison control centers shall assume responsibility and liability for calls transferred in accordance with the protocol; providing an effective date.

—was referred to the Committee on Community Affairs.

By Representative Villalobos—

HB 1771—A bill to be entitled An act relating to the City of Miami Beach; providing for the relief of Juan A. Garcia, Jr., and Juan and Barbara Garcia, as natural parents of Juan A. Garcia, Jr.; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the City of Miami Beach; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Ways and Means.

By the Committee on Civil Justice and Claims; and Representative Flanagan and others—

HB 3877—A bill to be entitled An act relating to rental car liability; amending s. 324.021, F.S.; providing that the lessor of a motor vehicle under certain rental agreements shall be deemed the owner of the vehicle for the purpose of determining liability for the operation of the vehicle within certain limits; providing for application; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Saunders—

CS for HB 1005—A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; providing definitions; revising criteria and procedures for review of grievances against a managed care entity by the statewide provider and subscriber assistance panel; providing for initial review by the Agency for Health Care Administration; providing time requirements for panel hearings and recommendations, and final orders of the agency or the Department of Insurance; providing for notice; providing requirements for expedited or emergency hearings; providing an exemption from the Administrative Procedures Act; providing for requests for patient records; authorizing an administrative fine for failure to timely provide records; providing for furnishing of evidence in opposition to panel recommendations; providing for adoption of panel recommendations in final orders of the agency or department; authorizing imposition of fines and sanctions; specifying conditions for rejection of panel recommendations; requiring certain notice to subscribers and providers of their right to file grievances; creating s. 408.7057, F.S.; providing for appeals; providing for attorney's fees and costs; amending s. 641.511, F.S.; correcting a cross reference; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Representative Fasano and others—

HB 1747—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2625, F.S.; revising standing requirements for stallion awards; amending s. 550.09512, F.S.; repealing the expiration of that section; amending s. 550.09514, F.S., relating to greyhound purse requirements; amending s. 26, ch. 96-364, Laws of Florida, relating to tax on handle of live thoroughbred performances, live jai alai performances, and intertrack wagering; providing effective dates.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By the Committee on Children and Family Empowerment; and Representative Lacasa and others—

HB 1991—A bill to be entitled An act relating to the mental health of children and adolescents; creating s. 394.490, F.S.; providing a short title; creating s. 394.491, F.S.; establishing guiding principles for the child and adolescent mental health treatment and support system; creating s. 394.492, F.S.; providing definitions; creating s. 394.493, F.S.; defining target populations for child and adolescent mental health services; providing for fees based on a sliding scale according to the family's income; creating s. 394.494, F.S.; providing general performance outcomes for the child and adolescent mental health treatment and support system; creating s. 394.495, F.S.; requiring that the Department of Children and Family Services establish the services to be provided to members of the target populations under the child and adolescent mental health treatment and support system; providing requirements for assessment services; requiring that the system include the local educational multiagency network for emotionally disturbed students; creating s. 394.496, F.S.; providing legislative intent with respect to service planning; providing requirements for services plans; creating s. 394.497, F.S.; specifying requirements for case management services; requiring the department to develop criteria to define the target populations who are assigned a case manager; establishing the Child and Adolescent Interagency System of Care Demonstration Models; specifying the goals and essential elements of the demonstration models; providing for the demonstration models to be governed by a multiagency consortium of state and county agencies; providing an exemption from certain budget and expenditure requirements; requiring that an oversight body be established to direct a demonstration model; requiring that a mechanism be developed for selecting the children and adolescents who are eligible to participate in a demonstration model; providing for pooled funding of the models; providing requirements for the care management entity that provides services for a demonstration model; requiring a mechanism for measuring compliance with the goals of the demonstration models; providing that in one demonstration model the consortium of purchasers may contract with a network of service providers using prospective payment mechanisms; requiring that a provider network be identified for each demonstration model; providing requirements for maintaining confidentiality of records; providing application requirements for designation as a demonstration model; requiring annual reports; providing for interagency collaboration; providing for independent evaluation of each demonstration model; requiring a report to the Legislature; requiring state agencies that participate in the demonstration models to adopt rules; authorizing the Agency for Health Care Administration to obtain certain federal waivers; requiring each service district of the Department of Children and Family Services to develop an implementation plan for an information and referral network; repealing ss. 394.50, 394.56, 394.57, 394.58, 394.59, 394.60, 394.61, 394.62, F.S., relating to children's residential and day treatment centers, voluntary and involuntary admission to such centers, and records, payment for care and treatment of patients, transfer of patients, discharge of voluntary patients, and age limits with regard to such centers; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By the Committee on Civil Justice and Claims; and Representative Warner and others—

HB 3871—A bill to be entitled An act relating to product liability; amending s. 95.031, F.S.; providing a time period for bringing an action for product liability or fraud; providing an exception; creating s. 768.1256, F.S.; providing a government rules defense with respect to certain product liability actions; providing for a rebuttable presumption; providing requirements with respect to products which are drugs; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Civil Justice and Claims; and Representative Warner and others—

HB 3873—A bill to be entitled An act relating to punitive damages; amending s. 400.023, F.S.; providing conditions for the recovery of attorneys' fees with respect to civil enforcement of certain infractions related to nursing homes; providing for application; providing for discovery; providing for punitive damages; amending s. 768.72, F.S.; revising language with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; providing an exception; amending s. 768.73, F.S.; revising language with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; providing for consolidated punitive damages trials; providing for the effect of certain previous punitive damages awards; providing a limitation on attorney fees; providing for the application of the section; providing an exception; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Civil Justice and Claims; and Representative Byrd and others—

HB 3875—A bill to be entitled An act relating to negligence; creating s. 768.0705, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in commercial real property; providing for a presumption against liability; providing conditions for the presumption; amending s. 768.075, F.S.; delineating the duty owed to trespassers by a person or organization owning or controlling an interest in real property; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing for the application of the act with respect to the common law; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Civil Justice and Claims; and Representative Clemons and others—

HB 3879—A bill to be entitled An act relating to negligence; amending s. 768.76, F.S.; exempting compensation under workers' compensation from certain reductions for collateral sources; revising language with respect to collateral sources of indemnity to redefine the term "collateral sources" with respect to negligence actions; amending s. 768.81, F.S.; revising language with respect to the applicability of joint and several liability to certain actions; providing that certain employers participating in a worker's compensation eligibility program shall not be considered a party in a negligence action and shall not be listed as a tortfeasor on certain jury verdicts; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Civil Justice and Claims; and Representative Warner and others—

HB 3881—A bill to be entitled An act relating to litigation reform; providing for expedited trials; providing timeframes for the conduct of such trials; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the discussion of evidence under certain circumstances; providing for the taking of notes under certain circumstances; providing for notebooks; providing for written questions; providing for final instructions; creating s. 44.1051, F.S.; providing for voluntary trial resolution; providing for the appointment of a trial resolution judge; providing for compensation; providing for fees; providing for the tolling of applicable statutes of limitation; providing for powers of trial resolution judges; providing for hearings and evidence; providing for appeal; providing for application; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; amending s. 57.105, F.S.; providing sanctions for raising unfounded claims or defenses; providing exceptions; providing for damages in certain circumstances; amending s. 768.77, F.S.; revising language with respect to itemized verdicts to delete reference to future damages; amending s. 768.78, F.S.; conforming to the act; correcting a cross reference; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made; authorizing the court to consider whether or not a proposal was reasonably rejected when considering entitlement to and the amount of an award of attorneys' fees; providing severability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Feeney and others—

HM 291—A memorial to the Congress of the United States, urging Congress to enact amendments to the National Voter Registration Act of 1993.

—was referred to the Committee on Rules and Calendar.

By Representative Tobin and others—

HM 1303—A memorial to the Congress of the United States, urging Congress to reauthorize the Older Americans Act.

—was referred to the Committee on Rules and Calendar.

By Representative Saunders and others—

HM 3003—A memorial to the Congress of the United States, urging the Congress to act on an amendment to the Constitution of the United States relating to the rights of crime victims.

—was referred to the Committee on Rules and Calendar.

COMMITTEE APPOINTMENT

The President appointed Senator Laurent to the following Committees: Agriculture; Natural Resources; Transportation; and Ways and Means, Subcommittee A (General Government).

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 11 was corrected and approved.

CO-SPONSORS

Senators Bronson—SB 510, SB 744; Brown-Waite—SB 228; Campbell—SB 68; Casas—SB 228, SB 1814; Clary—SB 744; Dudley—SB 228; Grant—CS for SB 1372; Harris—SB 68, SB 228, SB 242, SB 912; Horne—SB 228, SB 1508; Klein—SB 228, SB 242; Kurth—SB 882; Lee—SB 228; Meadows—SB 68; Myers—SB 1704; Ostalkiewicz—SB 912, SB 1814, SB 1888; Silver—SB 68, CS for CS for SB 502; Sullivan—SB 228; Turner—SB 744

Senator Diaz-Balart withdrew as a co-sponsor of SB 1552.

RECESS

On motion by Senator Bankhead, the Senate recessed at 3:33 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, March 19.

SENATE PAGES

March 16-20

Sherrita Austin, Bartow; Bethany Dawn Campbell, Branford; Joel Floyd, Tallahassee; Ann Ford, Jacksonville; William Hanley, Tallahassee; Timothy (Tim) A. Koerper, Brandon; Mack Lytle, Greenacres; Patricia E. Martin, Cape Coral; Cassie McEwen, Havana; Sarah E. Roberts, Lantana; Sophia Sheikh, Tallahassee; Briana Tracy, Brandon; Samra Wiesen, Miami Shores; Charity Williams, LaBelle

Journal of the Senate

Number 6—Regular Session **Thursday, March 19, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—37:

Madam President	Crist	Jones	Rossin
Bankhead	Dudley	Kirkpatrick	Scott
Bronson	Dyer	Klein	Silver
Brown-Waite	Forman	Kurth	Sullivan
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

PRAYER

The following prayer was offered by Rev. Robert Walker, Pastor, First Baptist Church, Crawfordville:

We pause this morning in thanksgiving for:
Pristine beaches and primeval swamps, international cities and unincorporated towns;
For wetlands and farms, airports and harbors;
For forests green and sandbottom lakes, hospitals, nursing homes, schools and universities;
For Spanish moss and manatees, cathedrals, synagogues, mosques, churches and temples;
For diversity among our people and cultures, ideologies and politics;
For harmony and balance in nature, and among those with the wisdom to rise above self.

We remember this morning those who are:
Sick and those who care for them;
Those who are learning and those who teach them;
Those in crisis and those who lend aid;
Those who are incarcerated and those who sustain them;
Those who are hungry and those who will feed them;
Those who need governance and these who have opportunity to govern.

We ask this morning for:
Discernment in matters that seem unclear;
Humility to act as servants;
Courage to stand alone if conscience dictates;
Vision to lead proactively;
Integrity that frees us to focus on the relevant;
Collaboration for the common good.

Amen.

PLEDGE

Senate Pages Tim Koerper of Brandon and Charity Williams of LaBelle, granddaughter of Senator Williams, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Bankhead—

By Senator Bankhead—

SR 2366—A resolution recognizing a distinguished delegation of Russians from St. Petersburg, Russia, visiting St. Petersburg, Florida, and our Capital City.

WHEREAS, former Governor Bob Martinez and Mr. Don Brophy, President and CEO of the DRB Group of St. Petersburg, Florida, have brought a distinguished delegation from St. Petersburg, Russia, for the purpose of visiting modern healthcare facilities in Florida, and

WHEREAS, the delegation, which has come here to foster trust among government and business leaders in the United States and Russia, consists of Mr. Oleg Sergeyev, who is a member of the Duma, the legislature of St. Petersburg, Russia, and Chair of its Health Committee; Mr. Yury Petrov, who is Chair of the St. Petersburg City Health Committee for International Business; Mr. Boris Taits, who is First Deputy of the St. Petersburg City Health Committee; and Mr. Vladimir Y. Shneiderman, who is President and CEO of Med Express, and

WHEREAS, the DRB Group of St. Petersburg, Florida, has a letter of engagement to reform the St. Petersburg, Russia, healthcare system, and, while in the Tampa Bay area, the delegation will meet with health officials at the University of South Florida and Tampa General Hospital, and

WHEREAS, the delegation's visit will strengthen the sisters' city program between St. Petersburg, Russia, and St. Petersburg, Florida; will increase international trade between our countries; and will give the delegation an opportunity to observe how Florida's public institutions function and serve the public, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the Russian delegation and the DRB Group for its exemplary efforts to expand international trade and bring better healthcare to the people of St. Petersburg, Russia.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to each member of the Russian delegation as a tangible token of the sentiments and good wishes of the Florida Senate.

—**SR 2366** was introduced, read and adopted by publication.

SPECIAL GUESTS

The President recognized the delegation from St. Petersburg, Russia, together with former Governor Bob Martinez, who were present in the gallery.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Hargrett, the rules were waived and the Committee on Transportation was granted permission to remove **SB 1242** and **SB 1492** from the agenda at the meeting on March 23.

On motion by Senator Harris, the rules were waived and the Committee on Commerce and Economic Opportunities was granted permission to remove **SB 148** from the agenda and to add **SB 1760** to the agenda at the meeting on March 23.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Friday, March 20.

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **SB 768** was deferred.

SB 734—A bill to be entitled An act relating to petroleum fuel measuring devices; amending s. 525.07, F.S.; providing for the repair and adjustment of such devices by meter mechanics; providing for notification of the Department of Agriculture and Consumer Services; providing an effective date.

—as amended March 18 was read the third time by title.

On motions by Senator Bronson, **SB 734** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Harris	Lee	Williams
Clary	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman, Hargrett, McKay

Consideration of **SB 770** was deferred.

CS for SB 1052—A bill to be entitled An act relating to rulemaking authority of the Florida Public Service Commission (RAB); authorizing the Florida Public Service Commission to adopt rules relating to purchasing, to ensuring adequate ownership or continued use of real property upon which water and wastewater treatment facilities are located, and to notification when a water and wastewater utility changes its name; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **CS for SB 1052** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Harris	Lee	Turner
Clary	Holzendorf	Meadows	Williams
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Brown-Waite, Diaz-Balart, Gutman, Hargrett, McKay

Consideration of **CS for SB 1054** was deferred.

CS for SB 1164—A bill to be entitled An act relating to rulemaking authority with respect to professional regulation (RAB); amending s. 475.17, F.S.; authorizing the Florida Real Estate Commission to adopt rules requiring written evidence to establish good character; amending s. 475.25, F.S.; authorizing the Florida Real Estate Commission to adopt rules concerning the advertising of property or services and extending certain time limits for licensees on probation; amending s. 489.115, F.S.; providing for the adoption of rules relating to continuing education requirements by the Construction Industry Licensing Board; amending s. 489.1195, F.S.; authorizing the Construction Industry Licensing Board to adopt rules defining the qualifications for financially responsible officers; amending s. 492.105, F.S.; authorizing the Board of Professional Geologists to determine acceptable geology education; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for SB 1164** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Meadows
Bankhead	Crist	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Hargrett	Laurent	Turner
Clary	Harris	Lee	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman, McKay

CS for SB 486—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 20.201, F.S.; providing additional authority for the executive director of the department with respect to the organization of the department; providing for the department to be reorganized into specified programs; deleting the division structure of the department; amending s. 943.01, F.S.; revising the title of ch. 943, F.S.; amending s. 943.03, F.S., relating to department employees; conforming provisions to changes made by the act; deleting obsolete provisions; requiring the department to develop and maintain an information system; amending s. 943.04, F.S.; redesignating the Division of Criminal Investigation within the department as the Criminal Justice Investigations and Forensic Science Program; providing for supervision of the program; providing additional duties of the department with respect to the operation of the program; amending s. 943.05, F.S.; redesignating the Division of Criminal Justice Information Systems within the department as the Criminal Justice Information Program; providing for supervision of the program; amending s. 943.051, F.S., relating to criminal

justice information; conforming provisions to changes made by the act; authorizing the department to enter into contracts; providing that disclosure of confidential information pursuant to such a contract does not waive any requirements of confidentiality; amending s. 943.0515, F.S., relating to criminal history records of minors; conforming provisions to changes made by the act; amending s. 943.052, F.S.; deleting a requirement that certain agencies inform the department of persons incarcerated or released from jail; amending ss. 943.0525, 943.053, 943.055, 943.056, 943.057, 943.08, F.S., relating to criminal justice information, criminal history records, and the Criminal and Juvenile Justice Information Systems Council; conforming provisions to changes made by the act; amending s. 943.09, F.S.; redesignating the Division of Criminal Justice Standards and Training within the department as the Criminal Justice Professionalism Program; providing for supervision of the program; amending ss. 943.10, 943.133, 943.17, 943.173, 943.25, F.S., relating to definitions, employment qualifications, training programs, examinations, and the Criminal Justice Standards and Training Trust Fund; conforming provisions to changes made by the act; amending s. 943.35, F.S.; deleting the eligibility for state funding for a criminal analysis laboratory; amending s. 938.07, F.S., relating to a fine imposed for driving under the influence; conforming provisions to changes made by the act; repealing ss. 943.26, 943.381, F.S., relating to the Division of Local Law Enforcement Assistance and the Division of Staff Services within the department; providing an effective date.

—was read the third time by title.

On motions by Senator Silver, **CS for SB 486** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman

SB 288—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 408.036, F.S.; exempting home health services provided by a rural hospital from certificate-of-need review by the Agency for Health Care Administration; amending s. 409.9116, F.S.; providing that rural hospitals designated on or after July 1, 1998, may not be included in the rural hospital disproportionate share or financial assistance programs unless additional appropriations are provided to prevent any reduction in payments to hospitals that are otherwise eligible for assistance; providing an effective date.

—as amended March 18 was read the third time by title.

On motions by Senator Thomas, **SB 288** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Clary	Hargrett	Latvala
Bankhead	Cowin	Harris	Laurent
Bronson	Crist	Holzendorf	McKay
Brown-Waite	Dudley	Horne	Meadows
Burt	Dyer	Jones	Myers
Campbell	Forman	Kirkpatrick	Ostalkiewicz
Casas	Geller	Klein	Rossin
Childers	Grant	Kurth	Scott
Silver	Thomas	Turner	Williams
Sullivan			

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman, Lee

CS for HB 1739—A bill to be entitled An act relating to poison control; amending s. 395.1027, F.S., and creating s. 401.268, F.S.; requiring each basic and advanced life support service and air ambulance service to develop and implement a prehospital emergency dispatch protocol with the appropriate regional poison control center; providing that the regional poison control centers shall assume responsibility and liability for calls transferred in accordance with the protocol; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **CS for HB 1739** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Kirkpatrick	Rossin
Bankhead	Dudley	Klein	Scott
Bronson	Forman	Kurth	Silver
Brown-Waite	Geller	Latvala	Sullivan
Burt	Grant	Laurent	Thomas
Campbell	Hargrett	Lee	Turner
Casas	Harris	McKay	Williams
Childers	Holzendorf	Meadows	
Clary	Horne	Myers	
Cowin	Jones	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Gutman

CS for HB 1005—A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; providing definitions; revising criteria and procedures for review of grievances against a managed care entity by the statewide provider and subscriber assistance panel; providing for initial review by the Agency for Health Care Administration; providing time requirements for panel hearings and recommendations, and final orders of the agency or the Department of Insurance; providing for notice; providing requirements for expedited or emergency hearings; providing an exemption from the Administrative Procedures Act; providing for requests for patient records; authorizing an administrative fine for failure to timely provide records; providing for furnishing of evidence in opposition to panel recommendations; providing for adoption of panel recommendations in final orders of the agency or department; authorizing imposition of fines and sanctions; specifying conditions for rejection of panel recommendations; requiring certain notice to subscribers and providers of their right to file grievances; creating s. 408.7057, F.S.; providing for appeals; providing for attorney's fees and costs; amending s. 641.511, F.S.; correcting a cross reference; providing an appropriation; providing an effective date.

—as amended March 18 was read the third time by title.

On motions by Senator Brown-Waite, **CS for HB 1005** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Campbell	Crist	Grant
Bankhead	Casas	Dudley	Hargrett
Bronson	Childers	Dyer	Harris
Brown-Waite	Clary	Forman	Holzendorf
Burt	Cowin	Geller	Horne

Jones	Laurent	Ostalkiewicz	Thomas
Kirkpatrick	Lee	Rossin	Turner
Klein	McKay	Scott	Williams
Kurth	Meadows	Silver	
Latvala	Myers	Sullivan	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman

HB 1991—A bill to be entitled An act relating to the mental health of children and adolescents; creating s. 394.490, F.S.; providing a short title; creating s. 394.491, F.S.; establishing guiding principles for the child and adolescent mental health treatment and support system; creating s. 394.492, F.S.; providing definitions; creating s. 394.493, F.S.; defining target populations for child and adolescent mental health services; providing for fees based on a sliding scale according to the family's income; creating s. 394.494, F.S.; providing general performance outcomes for the child and adolescent mental health treatment and support system; creating s. 394.495, F.S.; requiring that the Department of Children and Family Services establish the services to be provided to members of the target populations under the child and adolescent mental health treatment and support system; providing requirements for assessment services; requiring that the system include the local educational multiagency network for emotionally disturbed students; creating s. 394.496, F.S.; providing legislative intent with respect to service planning; providing requirements for services plans; creating s. 394.497, F.S.; specifying requirements for case management services; requiring the department to develop criteria to define the target populations who are assigned a case manager; establishing the Child and Adolescent Interagency System of Care Demonstration Models; specifying the goals and essential elements of the demonstration models; providing for the demonstration models to be governed by a multiagency consortium of state and county agencies; providing an exemption from certain budget and expenditure requirements; requiring that an oversight body be established to direct a demonstration model; requiring that a mechanism be developed for selecting the children and adolescents who are eligible to participate in a demonstration model; providing for pooled funding of the models; providing requirements for the care management entity that provides services for a demonstration model; requiring a mechanism for measuring compliance with the goals of the demonstration models; providing that in one demonstration model the consortium of purchasers may contract with a network of service providers using prospective payment mechanisms; requiring that a provider network be identified for each demonstration model; providing requirements for maintaining confidentiality of records; providing application requirements for designation as a demonstration model; requiring annual reports; providing for interagency collaboration; providing for independent evaluation of each demonstration model; requiring a report to the Legislature; requiring state agencies that participate in the demonstration models to adopt rules; authorizing the Agency for Health Care Administration to obtain certain federal waivers; requiring each service district of the Department of Children and Family Services to develop an implementation plan for an information and referral network; repealing ss. 394.50, 394.56, 394.57, 394.58, 394.59, 394.60, 394.61, 394.62, F.S., relating to children's residential and day treatment centers, voluntary and involuntary admission to such centers, and records, payment for care and treatment of patients, transfer of patients, discharge of voluntary patients, and age limits with regard to such centers; providing an effective date.

—was read the third time by title.

On motions by Senator Cowin, **HB 1991** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Childers	Forman	Kirkpatrick
Bankhead	Clary	Geller	Klein
Bronson	Cowin	Grant	Kurth
Brown-Waite	Crist	Hargrett	Latvala
Burt	Diaz-Balart	Harris	Laurent
Campbell	Dudley	Horne	Lee
Casas	Dyer	Jones	McKay
Meadows	Rossin	Sullivan	Turner
Myers	Scott	Thomas	Williams
Ostalkiewicz	Silver		

Nays—None

Vote after roll call:

Yea—Gutman

CS for SB 1054—A bill to be entitled An act relating to rulemaking authority of the Department of Business and Professional Regulation (RAB); amending s. 718.104, F.S.; requiring notification; amending s. 718.112, F.S.; providing requirements relating to association meetings; amending s. 718.117, F.S.; requiring notification; amending s. 718.301, F.S.; providing rulemaking authority for requirements relating to the transition of a condominium; amending s. 718.403, F.S.; requiring filing of recording information; amending s. 718.502, F.S.; providing certain requirements prior to the closure on any contract for sale or lease of over 5 years; providing rulemaking authority for requirements relating to filing and review programs and timetables; amending s. 718.503, F.S.; providing requirements relating to the closure of a transaction for the purchase of a condominium unit; creating s. 718.621, F.S.; providing rulemaking authority for requirements relating to condominium conversion; providing an effective date.

—as amended March 18 was read the third time by title.

On motions by Senator Dudley, **CS for SB 1054** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 768—A bill to be entitled An act relating to sureties; amending s. 648.442, F.S., (RAB); authorizing the Department of Insurance to establish a form for an affidavit and statement required under s. 903.14, F.S., relating to the amount and source of any security or consideration for a surety bond; prescribing a statement to be included on indemnity agreements; providing an effective date.

—as amended March 18 was read the third time by title.

On motions by Senator Diaz-Balart, **SB 768** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Dudley, Thomas

SB 770—A bill to be entitled An act relating to firefighter and forestry firefighter training and certification programs (RAB); amending s. 633.35, F.S.; providing for the issuance of a special certificate for administrative and command heads; providing guidelines for certain reexaminations; providing an effective date.

—as amended March 18 was read the third time by title.

On motions by Senator Diaz-Balart, **SB 770** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Brown-Waite—

CS for SB 250—A bill to be entitled An act relating to certificates of need; amending s. 400.071, F.S., relating to nursing home licensure; revising certain requirements for the Agency for Health Care Administration in issuing a certificate of need to a nursing home; deleting provisions expressing legislative preference for certificate-of-need applications that indicate intent to meet certain needs of Medicaid recipients with respect to nursing home services; amending s. 408.034, F.S.; specifying duties and responsibilities of the agency with respect to administering the certificate-of-need program; deleting a reference to the statewide health plan; making conforming and technical revisions; amending s. 408.036, F.S.; exempting from certificate-of-need regulation certain nursing home beds operated by or on behalf of the Department of Veterans' Affairs; excluding the exempted beds from the nursing home bed inventory; amending s. 408.040, F.S., relating to certificate-of-need conditions and monitoring of certificates of need; authorizing the Agency for Health Care Administration to condition issuance of a certificate of need for nursing home beds on an applicant's indication that it will provide a specified number of beds for Medicaid residents; requiring that such condition be stated on the certificate of need; directing the agency to notify the Medicaid program office and the Department of Elderly Affairs of conditions imposed in an area in which a community diversion pilot project is implemented; correcting references to reflect the transfer of the responsibility for administering the certificate-of-need program from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; establishing a workgroup to study and monitor market and regulatory developments that may affect certain nursing home bed allocations; requiring reports; providing for workgroup termination; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 250** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

SB 230—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; reviving and readopting ss. 500.12, 500.121, F.S., relating to food permits and building permits and to penalties for violations relating to such permits; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 230** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

CS for SB 666—A bill to be entitled An act relating to WAGES program transportation; amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 666** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, by two-thirds vote **HB 3597** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Holzendorf, by two-thirds vote—

HB 3597—A bill to be entitled An act relating to insurance for family day care homes; creating s. 627.70161, F.S.; providing legislative intent; providing definitions; providing an exclusion from liability coverage under residential property insurance policies for losses arising out of the operation of a family day care home; prohibiting cancellation, refusal to renew, or denial of coverage for residential property insurance due to family day care operations; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 226** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 3597** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 238—A bill to be entitled An act relating to the regulation of professions and occupations; amending s. 11.62, F.S.; providing criteria for evaluating proposals for new regulations based on the effect of such regulations on job creation or retention; amending ss. 455.201 and 455.517, F.S.; providing criteria for evaluating proposals to increase the regulation of currently regulated professions based on the effect of such regulations on job creation or retention; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 238** was placed on the calendar of Bills on Third Reading.

On motion by Senator Childers—

SB 78—A bill to be entitled An act relating to athlete agents; amending s. 468.453, F.S.; requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required

criminal records check; exempting members of The Florida Bar from regulations imposed on athlete agents; providing an effective date.

—was read the second time by title.

Senator Childers moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the Michael Lambert Ferguson Act.*

Section 2. Paragraph (e) of subsection (2) and subsection (3) of section 468.453, Florida Statutes, are amended to read:

468.453 Licensure required; qualifications; examination; bond.—

(2) A person shall be licensed as an athlete agent if the applicant:

(e) Has provided sufficient information*, and a full set of the applicant's fingerprints, taken by an authorized law enforcement officer,* which must be submitted by the department for a criminal records check through the Federal Bureau of Investigation.

(3) Members of The Florida Bar are exempt from the *requirements of this part* ~~state laws and rules component, and the fee for such, of the examination required by this section~~.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to athlete agents; creating the "Michael Lambert Ferguson Act"; amending s. 468.453, F.S.; requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check; exempting members of The Florida Bar from regulations imposed on athlete agents; providing an effective date.

WHEREAS, retired Brigadier General Michael Lambert Ferguson has received more than 30 awards and decorations, including the Purple Heart and the Distinguished Service Medal, and

WHEREAS, Michael Lambert Ferguson, as a partner in the law firm of McDonald, Fleming, Moorhead, and Ferguson, is a certified NFL Player Agent, licensed in Florida and Louisiana, and represents some of this state's most famous athletes, and

WHEREAS, General Ferguson has had a long and illustrious career as a soldier serving his country, as a civic leader, and as an attorney representing some of Florida's famous athletes, NOW, THEREFORE,

Pursuant to Rule 4.19, **SB 78** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of motions and announcements.

REPORTS OF COMMITTEES

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 866 with 2 amendments

The bill was referred to the Committee on Community Affairs under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 1122 with 2 amendments

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 806

The bill was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 1520

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 192

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 392 with 1 amendment, SB 892, SB 1720 with 1 amendment, SB 1762 with 1 amendment

The Committee on Regulated Industries recommends the following pass: SB 852

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1378

The Committee on Health Care recommends a committee substitute for the following: SB 1044

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1406

The Committee on Education recommends committee substitutes for the following: CS for SB 742, SB 1182, SB 1184, SB 1996

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1108

The Committee on Criminal Justice recommends committee substitutes for the following: SB 930, SB 1714

The Committee on Health Care recommends a committee substitute for the following: SB 1410

The Committee on Judiciary recommends a committee substitute for the following: SB 550

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Diaz-Balart—

SB 2276—A bill to be entitled An act relating to Florida School Improvement and Academic Achievement Trust Fund grants; amending s.

236.1229, F.S.; revising funding, allocation, and district-level administration; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Gutman—

SB 2278—A bill to be entitled An act relating to ad valorem taxation; providing that a private correctional facility serves a public purpose and is exempt from ad valorem taxation; providing for any portion of such property used for nonexempt purposes to be subject to taxation; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; and Ways and Means.

By Senator Kirkpatrick—

SB 2280—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; deleting obsolete language relating to the release of lottery funds to school districts; amending s. 229.58, F.S.; revising provisions relating to membership of school advisory councils; amending s. 229.591, F.S.; requiring postsecondary institutions to work toward the goal of ensuring professional teachers and staff; amending s. 230.23, F.S., relating to school improvement and accountability; requiring school board approval of school improvement plans by August 15 annually; providing an effective date.

—was referred to the Committee on Education.

By Senator Gutman—

SB 2282—A bill to be entitled An act relating to acupuncture; amending s. 457.102, F.S.; defining the term "acupuncture"; amending s. 457.103, F.S.; revising the membership of the Board of Acupuncture; amending s. 457.105, F.S.; revising the licensing requirements for acupuncturists; amending s. 457.116, F.S.; prohibiting certain acts; providing penalties; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Holzendorf—

SB 2284—A bill to be entitled An act relating to economic development; creating s. 288.049, F.S.; defining areas of critical need for purposes of economic development; amending ss. 288.047, 288.063, and 288.106, F.S.; setting aside a portion of appropriated revenues for specified economic development projects; exempting such funds from reversion at the end of the fiscal year; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

By Senator Holzendorf—

SB 2286—A bill to be entitled An act relating to pari-mutuel wagering; authorizing a permitholder that conducts pari-mutuel wagering to conduct account wagering, notwithstanding other provisions of law; providing for wagers to be debited from an account held by the permitholder; providing notice requirements; providing for all forms of pari-mutuel wagering to be available through account wagering; providing for certain deductions from account wagers; providing for winnings to be credited to an account upon confirmation of the race as official; authorizing a permitholder to operate an account-wagering center at a location designated by the permitholder; providing for the permitholder to provide services that link transactions from an account holder to a totalisator company; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Senator Gutman—

SB 2288—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 984.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; amending s. 985.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; providing that penalties imposed for an escape from detention or a commitment facility apply to a juvenile who escapes from a maximum-risk residential facility; conforming cross-references to changes made by the act; amending ss. 985.207, 985.208, F.S., relating to conditions for taking a juvenile into custody and detention; conforming provisions to changes made by the act; amending s. 985.209, F.S.; providing for the Department of Juvenile Justice to establish juvenile assessment centers; providing for the centers to be operated through cooperative agreements with other state agencies; providing for intake and screening services; amending ss. 985.21, 985.211, F.S.; providing for certain functions formerly considered case-management functions to be probation functions; amending s. 985.215, F.S.; conforming terminology to changes made by the act; requiring that a juvenile held in secure detention awaiting dispositional placement meet certain criteria for detention; amending s. 985.216, F.S.; deleting a provision authorizing placement of a juvenile in a secure residential commitment facility for direct or indirect contempt of court; amending ss. 985.226, 985.23, F.S., relating to criteria for waiver of jurisdiction and disposition hearings in delinquency cases; conforming provisions to changes made by the act; amending s. 985.231, F.S.; providing for placing a juvenile on home detention with electronic monitoring if a residential consequence unit is not available; amending ss. 985.301, 985.304, F.S., relating to civil citations and community arbitration; conforming provisions to changes made by the act; deleting certain references to case-management services; amending s. 985.307, F.S.; extending the period during which the Department of Juvenile Justice is authorized to operate juvenile assignment centers; amending ss. 985.31, 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 944.401, F.S., relating to the offense of escaping from secure detention or a residential commitment facility; conforming a cross-reference; amending s. 985.406, F.S., relating to juvenile justice training academies; conforming provisions to changes made by the act; amending s. 985.412, F.S.; deleting a duty of the department's inspector general with respect to quality assurance; amending s. 985.413, F.S.; increasing the number of consecutive terms that may be served by a member of a district juvenile justice board; deleting an exemption from such limitation; amending s. 985.414, F.S.; specifying the parties to be included in an interagency agreement for developing a county juvenile justice plan; amending s. 985.415, F.S.; revising eligibility requirements for a Community Juvenile Justice Partnership Grant; amending s. 938.19, F.S.; authorizing the assessment of certain fees for the purpose of operating and administering a teen court, notwithstanding certain contrary provisions; providing effective dates.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By Senator Latvala—

SB 2290—A bill to be entitled An act relating to Everglades restoration; creating s. 373.45928, F.S.; providing a short title; providing legislative findings and intent; defining terms; directing the Joint Committee on Everglades Oversight to recommend to the Legislature a funding program for pollution abatement costs as defined in s. 373.4592(2)(b), F.S.; directing the South Florida Water Management District and the Department of Environmental Protection to assist the joint committee; providing information to be considered; directing the South Florida Water Management District to provide the joint committee with specified information; providing requirements for proposed funding mechanisms; directing the South Florida Water Management District to hold public workshops; requiring the joint committee to report to the Governor and Legislature; limiting the transfer or exchange of specified lands; limiting a priority right to lease particular lands; prescribing the content

of a report; directing the South Florida Water Management District to develop recommendations for the conversion of the Everglades agricultural privilege tax to a pollution loading assessment; providing standing for specified actions; providing for positions and an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; Ways and Means; and Rules and Calendar.

SR 2292—Not referenced.

By Senator Latvala—

SB 2294—A bill to be entitled An act relating to water resource management; amending s. 373.016, F.S.; declaring the policy of state and regional water management; encouraging use of water from sources nearest the area of need; amending s. 373.019, F.S.; defining the term "water source"; amending s. 373.223, F.S.; allowing the Department of Environmental Protection or the water management district governing boards to consider additional factors when determining the public interest of the transport and use of water beyond overlying land; amending s. 373.026, F.S.; requiring legislative approval prior to actions on the Central and Southern Florida Flood Control Project Restudy; providing an effective date.

—was referred to the Committees on Natural Resources and Community Affairs.

By Senator Sullivan—

SB 2296—A bill to be entitled An act relating to patient continuity of care; amending s. 641.315, F.S.; prohibiting contracts between a health maintenance provider and a provider of health care services from containing certain restrictions; amending s. 641.51, F.S., relating to health maintenance organization quality assurance; requiring such organizations to provide a subscriber continued access to a treating provider terminated by the organization; providing limitations; prescribing the specific circumstances in which treatment may continue; providing that each enrollee or prospective enrollee in a managed-care plan has the right to receive certain information before enrolling or renewing enrollment in the plan; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator Laurent—

SB 2298—A bill to be entitled An act relating to water resource management; amending s. 373.016, F.S.; providing legislative policy relating to state and regional water resource management; encouraging use of water from sources nearest the area of need; providing an exception; amending s. 373.019, F.S.; defining "donor area"; amending s. 373.196, F.S.; clarifying legislative intent that water resource development is a function of the water management districts; amending s. 373.223, F.S.; directing the Department of Environmental Protection or water management district governing board to give significant weight to certain factors when determining the public interest for the transport and use of water across county boundaries or outside the watershed; amending s. 373.229, F.S.; requiring additional information in permit applications for proposed transport and use of water pursuant to s. 373.223(2), F.S.; reenacting s. 373.536(5)(c), F.S.; clarifying intent with respect to language inadvertently omitted by legislative action; amending ss. 373.036, 373.209, 373.226, 373.421, F.S.; correcting cross-references; providing an effective date.

—was referred to the Committees on Natural Resources and Community Affairs.

By Senator Laurent—

SB 2300—A bill to be entitled An act relating to conversion of credit unions; prohibiting the Department of Banking and Finance from approving applications for conversion of certain federally chartered credit unions to a state charter under certain circumstances; providing an exception; providing for future repeal; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Rules and Calendar.

By Senator Laurent—

SB 2302—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing that no tax on certain purchases by, and revenues of, a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce; providing for refund of certain taxes paid; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Senator Bankhead—

SB 2304—A bill to be entitled An act relating to the Department of Children and Family Services; expressing legislative intent to reduce the service districts of the department.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Senator Klein—

SB 2306—A bill to be entitled An act relating to elections; amending s. 100.061, F.S.; providing an alternative procedure under certain circumstances for nominating and electing a political party's candidate for public office; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Burt—

SB 2308—A bill to be entitled An act relating to ballot referenda; amending s. 101.161, F.S.; requiring that a ballot title and summary be included on a constitutional amendment or other public measure submitted to the vote of the people; creating s. 101.163, F.S.; requiring that the Attorney General review the ballot summary and title of a proposed constitutional amendment or public measure and file a revised ballot summary and title if necessary; providing for the Secretary of State to transmit an approved copy of a ballot summary and title to the supervisors of elections; authorizing an elector to petition the Supreme Court if the ballot summary and title do not express the chief purpose of the measure; providing requirements for the petition; amending s. 16.061, F.S., relating to initiative petitions; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Judiciary.

By Senator Myers—

SB 2310—A bill to be entitled An act relating to trust funds; creating the Work and Gain Economic Self-sufficiency (WAGES) Trust Fund for the deposit of federal and state funds that support the WAGES Program; providing for the investment and appropriation of trust fund moneys;

providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Dudley—

SB 2312—A bill to be entitled An act relating to persons with developmental disabilities; requiring that the Department of Children and Family Services develop a plan for closing the developmental services institutions by a specified date and relocating the residents to homes in the community; providing for funding to be discontinued for facilities that serve more than a specified number of residents; providing an exception for cluster homes in operation on a specified date; creating the Commission on Reforms for Persons with Developmental Disabilities to oversee the integration of persons into homes in the community; providing for membership of the commission; providing for organization of the commission and meetings; specifying duties of the commission; requiring that the commission make biennial reports to the Governor, the Legislature, and certain other officials; amending s. 393.062, F.S.; revising legislative findings and intent with respect to programs for persons with developmental disabilities; amending s. 393.063, F.S.; revising definitions; amending s. 393.064, F.S.; providing requirements for prevention services provided for children with developmental disabilities; amending s. 393.0651, F.S.; revising requirements for the family or individual support plan; providing for services to be provided in the most inclusive environment; revising certain facilities that are considered for placement; amending s. 393.0655, F.S., relating to screening of direct service providers; conforming provisions to changes made by the act; amending s. 393.066, F.S.; providing for residential services to be provided in small homes that do not serve more than a specified number of individuals; amending s. 393.067, F.S.; deleting references to the comprehensive transition education program; providing for discontinuing the funding for certain facilities after a specified date; providing that a residential facility is a single-family unit and a noncommercial residential use for purposes of local laws and ordinances; amending s. 393.068, F.S.; revising the requirements for the residential services provided under the family care program; providing for certain services to be provided under a voucher system; amending s. 393.075, F.S., relating to general liability coverage; conforming provisions to changes made by the act; repealing s. 393.11, F.S., relating to involuntary admission to residential services; amending s. 393.13, F.S., relating to the Bill of Rights of Persons with Developmental Disabilities; providing requirements for the personal treatment of persons with developmental disabilities; amending s. 393.14, F.S.; providing requirements for the department's multiyear plan; amending s. 393.15, F.S., relating to the Community Resources Development Trust Fund; conforming provisions to changes made by the act; amending s. 393.165, F.S.; revising legislative findings and intent with respect to providing services for persons with developmental disabilities in small residential homes; amending s. 393.166, F.S.; providing for the licensure of facilities that house not more than a specified number of persons with developmental disabilities; amending s. 393.17, F.S.; providing requirements for the department's certification program; repealing s. 393.21, F.S., relating to developmental services institutions; amending s. 393.31, F.S.; authorizing the department to contract with rehabilitation workshop facilities; amending s. 393.22, F.S.; providing for determining eligibility for services; amending s. 393.50, F.S.; providing for extended employment for persons with developmental disabilities; amending s. 393.501, F.S.; revising the department's rulemaking authority; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Senator Grant—

SB 2314—A bill to be entitled An act relating to rulemaking authority of boards of trustees of community colleges (RAB); amending s. 240.319, F.S.; prescribing rulemaking authority or such boards of trustees; providing an effective date.

—was referred to the Committee on Education.

By Senator Grant—

SB 2316—A bill to be entitled An act relating to the State Board of Independent Colleges and Universities (RAB); amending s. 246.081, F.S.; restricting certain activities of graduates of foreign medical schools; amending s. 246.085, F.S.; requiring rules relating to certificates of exemption; amending ss. 246.087, 246.091, F.S.; requiring certain procedures and rules to be adopted relating to licensing requirements; creating s. 246.093, F.S.; requiring certain colleges to obtain permission to operate; amending s. 246.095, F.S.; requiring rules relating to fair consumer practices; providing an effective date.

—was referred to the Committee on Education.

Senate Resolutions 2318—2320—Not referenced.

By Senator Hargrett—

SB 2322—A bill to be entitled An act relating to education; creating an urban tutorial and mentoring program; providing goals for the program; specifying certain activities that must be part of the program; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

By Senator Rossin—

SB 2324—A bill to be entitled An act relating to the Long-Term-Care Community Diversion Pilot Project; amending s. 430.705, F.S.; allowing participants to choose long-term-care service providers affiliated with an individuals's religious denomination or faith group under certain circumstances; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

By Senator Silver—

SB 2326—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.06, F.S.; eliminating the requirement that a permanent validation sticker be issued in connection with each license plate and revising requirements relating to the annual validation sticker; requiring that an annual validation decal be issued in connection with each license plate in addition to the annual validation sticker; providing exemptions; amending ss. 320.03, 320.031, F.S.; providing for issuance of decals by tax collectors and delivery of decals by mail; amending s. 320.061, F.S.; providing a penalty for altering a decal; amending s. 320.07, F.S.; providing penalties for operating a motor vehicle without a current decal; amending s. 320.071, F.S.; providing for issuance of decals as part of the advance registration renewal process; providing a penalty; amending s. 320.0801, F.S.; imposing a license tax; providing for the tax proceeds to be deposited in the Highway Safety Operating Trust Fund; amending s. 320.26, F.S.; providing a penalty for counterfeiting decals; amending s. 320.261, F.S.; providing a penalty for attaching a decal to a vehicle to which the decal was not assigned; amending ss. 320.04, 320.0607, 320.0657, 320.084, 320.10, 921.0012, F.S., relating to service charges, replacement plates and decals, fleet license plates, disabled veterans' license plates, licensing of exempt vehicles, and a sentencing guidelines ranking chart, to conform; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Silver—

SB 2328—A bill to be entitled An act relating to motor vehicles; amending s. 320.01, F.S.; defining the term "Neighborhood Vehicle"; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Silver—

SB 2330—A bill to be entitled An act relating to the foster care program of the Department of Children and Family Services; amending s. 409.145, F.S.; providing that services under the program are available to a child whose primary caregiver is a grandparent, regardless of whether the child has been declared dependent; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Senators Crist, Meadows, Williams, Bronson, Cowin, Harris, Horne, Diaz-Balart, Lee, Gutman, Ostalkiewicz and Turner—

SB 2332—A bill to be entitled An act relating to the state's lawsuit against tobacco companies; providing a limitation on attorney's fees; providing for distribution of attorney's fees received from tobacco companies; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Myers—

SB 2334—A bill to be entitled An act relating to children's mental health services and substance abuse services; transferring responsibility for such services from the Department of Children and Family Services to the Department of Health; amending s. 230.2317, F.S.; providing for membership of the Advisory Board for the Multiagency Service Network for Students with Severe Emotional Disturbances; amending s. 394.455, F.S.; redefining the term "department" for purposes of the Florida Mental Act, to include both the Department of Children and Family Services and the Department of Health; amending s. 394.50, F.S.; providing for supervision and control of children's treatment centers by the Department of Health; amending s. 394.60, F.S.; providing for transfer of patients from such centers; amending s. 394.67, F.S.; redefining the term "department" for purposes of community alcohol, drug abuse, and mental health services to include both the Department of Children and Family Services and the Department of Health; amending s. 561.21, F.S.; providing for deposit of certain revenues into the Children and Adolescents Substance Abuse Trust Fund; amending s. 984.225, F.S.; providing for placement of children in need of services; amending s. 985.06, F.S.; providing membership of the interagency workgroup for youth in the juvenile justice system; amending s. 985.21, F.S.; requiring employees and agents of the Department of Health to cooperate with case managers of the Department of Juvenile Justice; amending s. 985.223, F.S.; providing responsibilities of the Department of Health with respect to incompetency evaluations of children alleged to be delinquent; providing for a committee to recommend to the Department of Children and Family Services and the Department of Health the most efficient ways to accomplish the transfer of responsibility relating to children's mental health services and children's substance abuse services; providing an effective date.

—was referred to the Committees on Health Care; Children, Families and Seniors; and Ways and Means.

By Senator Clary—

SB 2336—A bill to be entitled An act relating to contracting; amending s. 489.103, F.S.; providing exemptions from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under certain conditions; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; eliminating reference to board jurisdiction over examinations; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.113, F.S.; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., which provides for certification of underground utility and excavation contractors; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring certain coursework; requiring an examination for certain persons; providing for discipline and penalties; providing a definition; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the term "monitoring"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; eliminating an inconsistent provision relating to failure to renew an active or inactive certificate or registration; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; authorizing the taking of the certification examination more than three times and providing requirements with respect thereto; eliminating an obsolete provision; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; providing for verification of public liability and property damage insurance; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; authorizing a person passing the certification examination and applying for licensure to place his or her license on inactive status without having to qualify a business; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; providing technical changes; amending s. 489.525, F.S.; revising reporting requirements of the Department of Business and Professional Regulation to local boards and building officials; providing applicability with respect to information provided on the Internet; amending s. 489.533, F.S.; revising and providing grounds for discipline; providing penalties; reenacting s. 489.518(5), F.S., relating to alarm system agents, to incorporate the amendment to s. 489.533, F.S., in a reference thereto; amending s. 489.537, F.S.; authorizing registered electrical contractors to install raceways for alarm systems; providing that licensees under pt. II, ch. 489, F.S., are subject, as applicable, to

certain provisions relating to local occupational license taxes; amending ss. 489.539, 553.19, F.S.; updating electrical and alarm standards; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Ways and Means.

By Senator Forman—

SB 2338—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.743, F.S.; requiring insurers to search for liens before making payment on certain claims; providing an exception to joint payment requirements under certain circumstances; providing an effective date.

—was referred to the Committee on Banking and Insurance.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary—

CS for SB 550—A bill to be entitled An act relating to adoption; amending ss. 39.461, 39.464, 39.469, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing provisions authorizing licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.47, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions in this state; amending s. 63.032, F.S.; revising definitions; defining the term "adoption entity"; creating s. 63.037, F.S.; exempting adoption proceedings that result from a termination of parental rights under ch. 39, F.S., from certain provisions of ch. 63, F.S.; creating s. 63.038, F.S.; providing criminal penalties for committing certain fraudulent acts; creating s. 63.039, F.S.; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor who has been placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; permitting an affidavit of nonpaternity under certain circumstances; amending s. 63.082, F.S.; revising requirements for executing a consent to an adoption; providing a time period for withdrawing consent; providing additional disclosure requirements; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the birth parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a birth parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; creating s. 63.088, F.S.; providing requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing requirements for the notice; providing requirements for conducting a diligent search for such person whose location is unknown; requiring that an unlocated or unidentified person be served notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing procedures for the proceeding to terminate parental rights pending adoption; specifying the matters to be determined; specifying grounds upon which parental rights may be terminated; providing for procedures following a judgment; providing for records to be made part of the subsequent adoption; amending s. 63.092, F.S.; providing requirements to be met if a prospective placement in an adoptive home is an at-risk placement; defining at-risk placement; amending s. 63.097, F.S.; revising requirements for the court in approving specified fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; amending s. 63.112, F.S.; revising requirements for the information that must be included in a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S., relating to the final home investigation; conforming provisions to changes made by the act; amending s. 63.132, F.S.; revising requirements for the report of expenditures and receipts which is filed with the court; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.152, F.S.; requiring that the clerk of the court mail a copy of a new birth record to the state registry of adoption information; amending s. 63.165, F.S.; requiring that a copy of the certified statement of final decree of adoption be included in the state registry of adoption information; requiring that the Department of Children and Family Services maintain such information for a specified period; amending s. 63.182, F.S.; requiring that an action to vacate an order of adoption or an order terminating parental rights pending adoption be filed within a specified period after entry of the order; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S., relating to prohibitions and penalties with respect to adoptions; conforming provisions to changes made by the act; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing an effective date.

By the Committees on Education; Commerce and Economic Opportunities; and Senators Clary and Diaz-Balart—

CS for CS for SB 742—A bill to be entitled An act relating to sponsored research and development; amending s. 220.15, F.S.; providing that certain property and payroll associated with sponsored research and development at certain universities will be disregarded in calculating apportionment of adjusted federal income and that such research will not, alone, cause a corporation to incur state income tax liability; defining the term "sponsored research contract"; authorizing the Department of Revenue to adopt rules; requiring a report; providing an effective date.

By the Committee on Criminal Justice and Senator Campbell—

CS for SB 930—A bill to be entitled An act relating to notification of an escaped prisoner; amending s. 960.001, F.S.; requiring that a state correctional facility, private correctional facility, county jail, juvenile detention facility, or residential commitment facility immediately notify the judge who sentenced an escaped offender; requiring the institution or facility of confinement to immediately notify the state attorney and sentencing judge upon the capture and return of the escaped offender; providing an effective date.

By the Committee on Health Care and Senator Williams—

CS for SB 1044—A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements, except under specified circumstances; providing for future review and repeal; subjecting certain exempt private corporations to s. 155.40(5), F.S.; providing for accountability for expenditure of public funds; providing applicability; providing a finding of public necessity; providing for the continued applicability of the Florida Rules of Civil Procedure and statutory provisions relating to discoverability in civil actions to records and information made exempt in the act; providing an effective date.

By the Committee on Banking and Insurance; and Senator Williams—

CS for SB 1108—A bill to be entitled An act relating to insurance; amending s. 627.021, F.S.; providing that the provisions of ch. 627, F.S., do not apply to commercial inland marine insurance; amending ss. 627.0651, 627.410, F.S.; making conforming changes to requirements for filing underwriting rules and forms; amending s. 627.311, F.S.; revising the composition of the workers' compensation joint underwriting plan; prohibiting insurers from providing workers' compensation to certain

employers; amending s. 627.7295, F.S., relating to minimum down payments for motor vehicle insurance; providing an effective date.

By the Committee on Education and Senators Latvala and Scott—

CS for SB 1182—A bill to be entitled An act relating to charter schools; creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay Trust Fund; providing eligibility requirements; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital outlay purposes of charter schools; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay Trust Fund; providing a contingent effective date.

By the Committee on Education and Senators Latvala and Scott—

CS for SB 1184—A bill to be entitled An act relating to trust funds; creating the Charter Schools Capital Outlay Trust Fund; providing for administration by the Department of Education; providing for sources of moneys and purposes; providing for annual carryover of moneys; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 1378—A bill to be entitled An act relating to law enforcement; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; providing that the department shall serve as the custodial manager of the statewide telecommunications and data network; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 318.18, F.S., relating to civil penalties; redesignating regional criminal justice assessment centers as criminal justice selection centers; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; conforming cross-references; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; amending s. 943.256, F.S.; providing for the regional criminal justice assessment centers, which are directed by a post-secondary public school or a criminal justice agency, to be redesignated as criminal justice selection centers; amending s. 943.33, F.S.; providing for a state-operated laboratory to furnish laboratory services in a criminal case upon a court order; requiring a hearing and notice; requiring that the costs for such laboratory services be paid by the defendant or the public defender's office; amending s. 384.287, F.S.; providing for support personnel and persons acting under the direction of such personnel to request the screening of certain persons for a sexually transmissible disease under specified circumstances; authorizing the Department of Law Enforcement to secure a copyright on work products and enforce the department's rights with respect to the copyrighted work products; requiring that the department notify the Department of State upon securing or exploiting a copyright; providing for the proceeds of the sale of a copyrighted product to be deposited into a fund of the Department of Law Enforcement; defining the term "work product"; amending s. 943.325, F.S.; providing for drawing blood specimens from certain convicted persons committed to a county jail for purposes of DNA analysis; providing for obtaining blood specimens from a person who is not incarcerated following conviction; providing for a statewide protocol for securing such specimens; providing that certain medical facilities and personnel and persons who assist a law enforcement officer in withdrawing blood specimens are not civilly or criminally liable for such actions; providing for an application to the court for an order authorizing that a person be taken into custody for the purpose of providing blood specimens; providing that failure to comply with certain requirements is not grounds for challenging the validity of a blood specimen or excluding evidence based on a blood specimen; providing an effective date.

By the Committee on Banking and Insurance; and Senator Clary—

CS for SB 1406—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; defining the terms "corporate officer," "partner," and "sole proprietor," as used in ch. 440, F.S.; amending s. 440.05, F.S.; authorizing the Division of Workers' Compensation of the Department of Labor and Employment Security to approve and revoke certificates of exemption; specifying requirements for notices of election to be exempt; providing for renewal of exemption certificates; requiring notice on election forms that providing false information is a felony; revising fees for exemptions and specifying use of fees by the division; amending s. 440.09, F.S.; conforming references to judges of compensation claims and administrative law judges; amending s. 440.10, F.S.; revising documentation establishing conclusive presumption of independent contractor status and ineligibility for workers' compensation benefits; amending s. 440.105, F.S.; providing penalties; providing a time limitation for bringing an action under s. 440.105(4), F.S.; amending s. 440.107, F.S.; providing legislative findings related to noncompliance with workers' compensation coverage requirements; authorizing the division to enter and inspect places of business for investigating compliance; requiring employers to maintain records required by the division by rule; authorizing the division to require sworn reports from employers, to administer oaths, and to issue subpoenas to enforce compliance; providing penalties for refusal to obey a subpoena; amending s. 440.45, F.S.; revising term of office, qualifications, and method of nomination for the Chief Judge of the Office of the Judges of Compensation Claims; providing for expiration of term of office for members of the statewide nominating commission for judges of compensation claims; providing for new appointments to the nominating commission and staggered terms; revising the procedures for nominating commission regarding performance of sitting judges and regarding nominations of applicants; providing for expiration of the term of office and reappointment of the Chief Judge of Compensation Claims; providing an effective date.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 1410—A bill to be entitled An act relating to rulemaking authority with respect to health care professionals (RAB); amending s. 402.48, F.S.; requiring persons who operate health care services pools to make certain reports to the Department of Health; authorizing the department to conduct inspections; providing requirements for an application for renewal of registration with the department; authorizing the department to adopt rules governing recordkeeping, personnel procedures, and disciplinary sanctions; amending s. 455.707, F.S.; requiring that rules of the Department of Health governing treatment programs for impaired practitioners include requirements for the continued care and monitoring of a professional; amending s. 466.036, F.S.; authorizing the Department of Health to require that an applicant for a certificate to operate a dental laboratory provide additional information; amending s. 467.006, F.S.; specifying a minimum age for licensure as a midwife; amending s. 467.012, F.S.; providing additional requirements for continuing education programs for licensed midwives; providing that a midwife may fulfill a portion of the requirement for continuing education by performing pro bono services; providing recordkeeping requirements;

providing requirements for providers of continuing education programs; amending s. 467.013, F.S.; providing requirements for placing a license to practice midwifery on inactive status and for reactivating such a license; amending ss. 467.0135, 467.019, F.S.; providing for the Department of Health to adopt rules with respect to the payment of fees by midwives and recordkeeping requirements; amending s. 491.007, F.S.; exempting a certified master social worker from certain requirements for continuing education; amending s. 491.0145, F.S.; providing requirements for the examination for designation as a certified master social worker; authorizing the department to adopt rules with respect to certification requirements; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 1714—A bill to be entitled An act relating to the Parole Commission (RAB); amending s. 947.07, F.S.; providing guidelines for rulemaking authority; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 1996—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing for recognition as public schools; revising requirements relating to proposals; providing for appeal of disputes and requiring mediation services; removing limitations on the number of schools; revising provisions relating to eligible students; providing for operation by a nonprofit organization; deleting certain restrictions on holding charter contracts; revising provisions relating to charter terms; providing for public employee status; providing requirements relating to employees; revising requirements relating to student transportation; revising administrative fee provisions and requiring certain administrative and educational services; revising provisions relating to charter school use of certain facilities or property; providing for certain purchasing; authorizing charter schools-in-the-workplace; providing requirements and tax exemption; creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay Trust Fund; providing eligibility requirements; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital outlay purposes of charter schools; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay Trust Fund; providing effective dates.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment		*For Term Ending*
Florida Citrus Commission		
Appointees:	Davis, Joe L., Sr., Wauchula	05/31/2001
	Gargano, Christopher W., Bradenton	05/31/2001
	McPherson, Rex V. II, Orlando	05/31/2001
	Owens, William E., Palm City	05/31/2001
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointee:	Kinsey, Randolph, Tampa	11/13/2001
Florida Elections Commission		
Appointees:	Byrd, Anne Jolley Thomas, Tallahassee	12/31/2000
	Cunningham, J. Courtney, Miami Shores	12/31/1999
	Epps, Kenneth Lamar, Pensacola	12/31/1999
Health Care Board		
Appointee:	Jeffers, Delores F., Wesley Chapel	09/30/2000
Board of Massage Therapy		
Appointee:	Poulin, Robert Armand, Pompano Beach	10/31/2001
Board of Nursing		
Appointee:	Crawford, Christine, Port Charlotte	10/31/2001
Board of Occupational Therapy Practice		
Appointee:	Scott, Rodney P., Pensacola	10/31/1998
Board of Osteopathic Medicine		
Appointee:	Agudo, Nora Diaz, Coral Gables	10/31/2001
Board of Pharmacy		
Appointee:	Fong, Helen Lai Quen, Orlando	10/31/2001
Board of Podiatric Medicine		
Appointee:	Hickey, Jill, Naples	10/31/2001
Postsecondary Education Planning Commission		
Appointees:	Bailey, Inez W., Niceville	02/04/2002
	Haynes, Thomas J. Jr., Tallahassee	02/04/2002
	Tolle, Edgar E., Crystal River	02/04/2002
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Barber, Margaret M., Macclenny	10/01/2000
	Halley, Harry J., Amelia Island	10/01/2000
	Ruzecki, Mary Ann, Palm Coast	10/01/2000
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Davis, Marjorie C., Williston	10/01/2000
	Jenkins, Evangeline E., Spring Hill	10/01/2000
East Central Florida Regional Planning Council, Region 6		
Appointees:	Buchanan, Stuart P., Orlando	10/01/2000
	Hattaway, James A., Sanford	10/01/2000
	Lamar, H. Arthur, Titusville	10/01/2000
Central Florida Regional Planning Council, Region 7		
Appointee:	Martz, John C., Sebring	10/01/2000
Tampa Bay Regional Planning Council, Region 8		
Appointee:	Young, Helen W., Tampa	10/01/2000
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Corley, Freddie B., Palm Beach	10/01/2000
	Coyle, Nelia M., Jensen Beach	10/01/2000
	Flanigan, John F., N. Palm Beach	10/01/2000
South Florida Regional Planning Council, Region 11		
Appointees:	McTigue, Robert E., Ft. Lauderdale	10/01/2000
	Rutledge, Pierre E., Miami	10/01/2000

[Referred to the Committee on Executive Business, Ethics and Elections.]

Governing Board of the South Florida Water Management District		
Appointee:	Pettis, Eugene K., Plantation	03/01/2002
Governing Board of the Southwest Florida Water Management District		
Appointees:	Davis, Pamela J., Largo	03/01/2002
	Martin, James E., St. Petersburg	03/01/2002
Governing Board of the Suwannee River Water Management District		
Appointee:	Wershow, Jonathan F., Alachua	03/01/1999

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

Greater Orlando Aviation Authority		
Appointees:	McNulty, C. Howard, Orlando	04/16/2002
	Pugh, James H., Jr., Orlando	04/16/2002
Jacksonville Port Authority		
Appointee:	Hulsey, Mark, Jacksonville	09/30/2001

[Referred to the Committees on Transportation; and Executive Business, Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 175, CS for CS for CS for HB 349, CS for HB 489, CS for CS for HB 547, CS for HB 705, CS for HB 729, CS for CS for HB 737, HB 791, CS for HB 899, CS for HB 957, HB 1003, CS for CS for HB 1137, CS for HB 1373, HB 1403, CS for HB 1433, CS for CS for HB 1637, CS for CS for HB 1639, CS for HB 1727, CS for CS for HB 1849, CS for HB 1887, HB 1893, CS for HB 1903, HB 3039, CS for HB 3061, CS for HB 3065, CS for HB 3107, CS for HB 3147, CS for HB 3161, CS for HB 3185, CS for HB 3223, HB 3231, HB 3261, CS for HB 3269, CS for HB 3295, HB 3477, HB 3597; has passed as amended HB 11, HB 65, CS for HB 105, CS for HB 159, CS for HB 161, CS for HB 209, CS for HB 217, CS for HB 231, HB 267, CS for HB 513, CS for HB 585, HB 627, HB 651, HB 671, CS for HB 731, CS for HB 747, HB 755, CS for HB 767, CS for HB 815, CS for HB 825, HB 853, CS for HB 879, CS for HB 921, CS for HB 935, CS for HB 1311, CS for HB 1437; has passed by the required Constitutional three-fifths vote of the membership HJR 125, HJR 1335; has passed as amended by the required Constitutional two-thirds vote of the membership HB 123 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Education Appropriations and Education Innovation and Representative Rodriguez-Chomat and others—

CS for CS for HB 175—A bill to be entitled An act relating to education; creating a pilot program to increase the number of school counselors, contingent upon an appropriation; providing for grant allocations; requiring an evaluation and report; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committees on Health Care Standards and Regulatory Reform; Health and Human Services Appropriations; Health Care Standards and Regulatory Reform; and Representative Saunders and others—

CS for CS for CS for HB 349—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending ss. 154.304, 154.306, and 154.312, F.S., relating to health care for indigent persons; revising definitions; conforming references to changes made by the act; amending s. 394.4788, F.S., relating to mental health services; updating provisions relating to duties of the agency formerly performed by the Health Care Cost Containment Board; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain outpatient facilities; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that, following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of patients and staff; providing for applicability; providing for a report by the agency to the Governor and Legislature; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending ss. 395.403, 395.605, 395.7015, and 395.806, F.S.; conforming references; amending ss. 408.05, 408.061, 408.062, and 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the former Department of Health and Rehabilitative Services; authorizing the agency to conduct data-based studies and make recommendations; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending s. 408.50, F.S.; conforming a reference; amending ss. 409.2673 and 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; repealing ss. 395.403(9), 407.61, 408.003, 408.072, and 408.085, F.S., relating to reimbursement of state-sponsored trauma centers, studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of provisions of the act relating to repeal of review of hospital budgets; amending ss. 381.026 and 381.0261, F.S.; requiring distribution of the Florida Patient's Bill of Rights and Responsibilities; providing penalties; repealing s. 395.002(2) and (15), F.S.; deleting definitions of "adverse or untoward incident" and "injury"; amending s. 395.0193, F.S.; revising provisions relating to facility peer review disciplinary actions against practitioners; requiring a report to the Agency for Health Care Administration; providing penalties; amending s. 395.0197, F.S.; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring certain reports to the agency; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective action plans; providing penalties; renumbering s. 626.941, F.S., relating to the purpose of the health care risk manager licensure program; renumbering and amending s. 626.942, F.S., relating to the Health Care Risk Manager Advisory Council; renumbering and amending s. 626.943, F.S.; providing powers and duties of the agency; renumbering and amending s. 626.944, F.S., relating to qualifications for health care risk managers; providing for fees; providing for issuance, cancellation, and renewal of licenses; renumbering and amending s. 626.945, F.S., relating to grounds for denial, suspension, or revocation of licenses; amending ss. 394.4787, 395.602, 400.051, 409.905, 440.13, 458.331, 459.015, 468.505, 641.55, and 766.1115, F.S.; conforming references and correcting cross references; transferring the internal risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; providing an appropriation; providing effective dates.

—was referred to the Committees on Health Care; Banking and Insurance; and Ways and Means.

By the Committee on Agriculture and Representative Minton and others—

CS for HB 489—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.461, F.S.; specifying the types of additional use factors that the property appraiser may consider in assessing agricultural land; providing that the property appraiser, when utilizing the income methodology approach, shall rely on 5-year moving average data for assessment; providing an effective date.

—was referred to the Committees on Agriculture; Commerce and Economic Opportunities; and Ways and Means.

By the Committees on Elder Affairs and Long Term Care; Civil Justice and Claims; and Representative Rodriguez-Chomat and others—

CS for CS for HB 547—A bill to be entitled An act relating to mental health; creating the "Robert Newman and Stuart Simon Act of 1998"; amending s. 394.463, F.S.; providing for court hearings on requests for ex parte orders for involuntary examination of mentally ill persons; providing for findings; providing for rescission of orders under certain circumstances; providing for release of persons being held for examination; prohibiting certain administration of drugs without informed consent or a court order; providing an exception; providing penalties; amending s. 394.4599, F.S.; requiring certain notice to the parent or guardian when a minor is involuntarily held; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By the Committee on Elder Affairs and Long Term Care; and Representative Roberts-Burke—

CS for HB 705—A bill to be entitled An act relating to adult family-care homes; amending s. 400.6211, F.S.; requiring the Department of Elderly Affairs to inform providers of financial assistance that may be available to certain residents; directing the department to study the concept of "aging in place" and how to apply it to adult family-care homes; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By the Committee on Community Affairs and Representative Wallace and others—

CS for HB 729—A bill to be entitled An act relating to the Legislature; creating s. 11.077, F.S., the "Taxpayer Protection Act"; requiring that any general law enacted by the Legislature that will potentially increase the cost of local government personnel salaries, wages, or benefits must include an economic impact statement; providing requirements for the economic impact statement and preparation and publication thereof; providing an effective date.

—was referred to the Committees on Community Affairs; Rules and Calendar; and Ways and Means.

By the Committees on Law Enforcement and Public Safety; Transportation; and Representative Hill and others—

CS for CS for HB 737—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 324.201, F.S.; deleting the requirement that recovery agents notify law enforcement of a license plate seizure; amending s. 324.202, F.S.; expanding into additional counties a pilot project that authorizes a recovery agent or recovery agency to seize the license plate of a motor vehicle following suspension of the vehicle's registration or suspension of the driver's license of the owner or operator of the vehicle for failing to maintain personal injury protection; requiring that the department provide procedures for paying fees; amending s. 627.733, F.S.; deleting payment of a fee to recovery agents; providing an effective date.

—was referred to the Committees on Transportation; Banking and Insurance; and Ways and Means.

By Representative Heyman—

HB 791—A bill to be entitled An act relating to municipal water and sewer utilities; amending s. 180.191, F.S.; eliminating limitations on utility rates charged outside municipal boundaries in certain municipalities in home rule charter counties; providing an effective date.

—was referred to the Committees on Community Affairs and Regulated Industries.

By the Committee on Civil Justice and Claims; and Representative Barreiro and others—

CS for HB 899—A bill to be entitled An act relating to vessels; amending ss. 125.0103 and 166.043, F.S.; authorizing counties and municipalities to enact public service rates for towing vessels in the same manner as rates for towing vehicles; amending s. 327.02, F.S.; creating definition of "undocumented vessel"; amending s. 327.52, F.S.; revising language with respect to maximum loading and horsepower requirements for specified vessels and prohibiting the operation of vessels in an overloaded or overpowered condition; amending s. 327.73, F.S.; creating a noncriminal infraction for overloaded and overpowered vessels; amending s. 713.78, F.S.; creating a procedure for liens for towing and storage charges on undocumented vessels in the same manner as currently permitted for vehicles; amending s. 715.07, F.S.; revising the definition of "vehicle" to include an undocumented vessel thereby permitting such a vessel parked on private property without the property owner's permission to be towed by a wrecker; correcting a cross reference; providing effective dates.

—was referred to the Committees on Transportation, Natural Resources and Judiciary.

By the Committee on Business Development and International Trade; and Representative Culp and others—

CS for HB 957—A bill to be entitled An act relating to electronic commerce; amending s. 117.05, F.S.; specifying that certain seals be used on "paper" documents; creating s. 117.20, F.S.; providing application; specifying "electronic notarization"; providing for the Secretary of State to provide commissions for notaries public to perform electronic notarizations; providing procedures; requiring notice of the compromise of certain keys; providing for suspension under certain circumstances; amending s. 215.322, F.S.; providing for state use of credit cards, charge cards, or debit cards under certain circumstances; amending s. 282.20, F.S.; providing a definition; requiring approval of the Office of Planning and Budgeting for acceptance of any new customer other than a state agency that will use more than a specified percentage of the previous year's revenue; eliminating the Technology Resource Center data processing policy board; creating s. 282.745, F.S.; authorizing the Secretary of State to establish a voluntary licensure program for private certification authorities; providing for fees; providing for rulemaking; authorizing the Secretary of State to enter into reciprocity agreements with other jurisdictions; amending s. 471.025, F.S.; providing for electronic engineering seals and digital signatures; prohibiting certain activities relating to digitally sealing or signing documents; amending s. 471.033, F.S.; providing for disciplinary action for illegal use of a digital signature; amending s. 472.025, F.S.; providing for electronic land surveying and mapping seals; prohibiting certain activities relating to digitally sealing or signing certain documents; authorizing the Secretary of State to commission Florida international notaries; providing definitions; providing rulemaking authority; authorizing the secretary to charge fees; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending ss. 240.289 and 402.18, F.S., to conform; repealing ss. 118.01, 118.02, 118.03, and 118.04, F.S., relating to commissioners of deeds; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Banking and Insurance; and Ways and Means.

By Representative Crady and others—

HB 1003—A bill to be entitled An act relating to the use of fuel taxes; authorizing the transfer and use of legally restricted fuel taxes by counties having a population of 30,000 or less for unrestricted purposes for all fiscal years prior to and through fiscal year 1997-1998; providing an effective date.

—was referred to the Committees on Community Affairs; Transportation; and Ways and Means.

By the Committees on Health Care Standards and Regulatory Reform; Law Enforcement and Public Safety; and Representative Betancourt and others—

CS for CS for HB 1137—A bill to be entitled An act relating to tests for alcohol, chemical substances, or controlled substances; amending ss. 316.1932 and 316.1933, F.S., relating to implied consent for testing for impairment or intoxication in cases of death or serious bodily injury; authorizing certain health care providers who become aware of a person's unlawful blood-alcohol level to notify law enforcement officials; prescribing a form for the notice; providing that such notice or failure to provide notice is not a violation of any ethical, moral, or legal duty; prohibiting any action or administrative proceeding being brought against anyone participating in good faith in providing or failing to provide such notice; providing for certain immunity from civil or criminal liability and from any professional disciplinary action; providing for

certain immunity in any judicial proceeding resulting from the notice or failure to provide notice; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Finance and Taxation; and Representative Stafford and others—

CS for HB 1373—A bill to be entitled An act relating to taxation; creating s. 197.4155, F.S.; authorizing county tax collectors to implement an installment payment program for delinquent personal property taxes; providing conditions for participation in the program by taxpayers; providing application requirements; authorizing the tax collector to prescribe an installment payment plan and providing requirements with respect thereto; providing that tax warrants against a taxpayer participating in a plan are unenforceable if specified conditions are met; authorizing the tax collector to use all legally available enforcement methods if taxes due under an installment plan are not paid in full; amending s. 197.432, F.S.; revising requirements for calculating the rate of interest on void tax certificates; prohibiting holders of tax certificates from contacting property owners and demanding payment without approval of the Department of Revenue; amending s. 197.472, F.S.; specifying the amount of interest earned when a tax certificate is redeemed and eliminating a mandatory minimum charge; amending s. 197.172, F.S., relating to interest on tax certificates, to conform; creating s. 213.68, F.S.; specifying the garnishment authority and procedures applicable to counties which self-administer the local option tourist development tax; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Economic Opportunities; and Ways and Means.

By Representative Tobin—

HB 1403—A bill to be entitled An act relating to liens; amending s. 713.01, F.S.; redefining the terms "improve," "improvement," "subcontractor," and "sub-subcontractor" to include reference to solid-waste removal; creating s. 713.596, F.S.; providing for molders' liens and rights; providing definitions; providing for ownership rights to molds; providing procedures; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Governmental Operations and Representative Brennan—

CS for HB 1433—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; deleting provisions relating to the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation or the death of a child as a result of abuse, neglect, or abandonment; amending s. 415.107, F.S., and repealing s. 415.107(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation; amending s. 415.51, F.S., and repealing s. 415.51(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a child as a result of abuse, abandonment, or neglect; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By the Committees on Law Enforcement and Public Safety; Governmental Operations; and Representative Hill—

CS for CS for HB 1637—A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing second degree misdemeanor penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing third degree felony penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; providing for appeal by agency of requested waiver; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as absentee voters; prohibiting the supervisor of elections from disclosing certain information, except under specified circumstances; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By the Committees on Law Enforcement and Public Safety; Governmental Operations; and Representative Hill—

CS for CS for HB 1639—A bill to be entitled An act relating to public records; creating s. 741.465, F.S.; providing an exemption from public records requirements for certain personal information about program participants in the Address Confidentiality Program for Victims of Domestic Violence; providing exceptions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By the Committee on Crime and Punishment; and Representative Livingston—

CS for HB 1727—A bill to be entitled An act relating to assault and battery upon code inspectors; creating s. 784.083, F.S.; providing enhanced penalties for assault or aggravated assault or battery or aggravated battery upon a "code inspector," as defined; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart; providing for ranking of the offenses of aggravated assault upon a code inspector, battery upon a code inspector, and aggravated battery upon a code inspector; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committees on Governmental Operations; Children and Family Empowerment; and Representative Murman and others—

CS for CS for HB 1849—A bill to be entitled An act relating to public records; amending s. 409.175, F.S.; providing an exemption from public records requirements for specified personal information contained in licensing files concerning persons licensed to be family foster parents and their spouses, children, and other adult household members; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By the Committee on Governmental Operations and Representative Ball—

CS for HB 1887—A bill to be entitled An act relating to confidentiality of records and meetings of the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; providing exemptions from

public records requirements for underwriting files, open claim files, audit records for a specified time, matters reasonably encompassed in privileged attorney-client communications, licensed proprietary information made confidential by contract, certain employee medical records and employee assistance programs records, certain negotiation information for a specified time, minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding claims files for a specified time; providing requirements regarding sharing of confidential records; providing an exemption from public meetings requirements for meetings during which underwriting files or open claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Governmental Reform and Oversight.

By Representative Fasano and others—

HB 1893—A bill to be entitled An act relating to designation of state buildings; designating a state veterans' nursing home in Land O' Lakes, Pasco County, as the "Baldomero Lopez State Veterans' Nursing Home"; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committees on Governmental Operations; Real Property and Probate; and Representative Crow—

CS for HB 1903—A bill to be entitled An act relating to records of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.047, F.S.; providing an exemption from public records requirements for information relative to an investigation by the division under the Florida Uniform Land Sales Practices Law for a specified period; providing for continued exemption for certain information relative to such investigation under certain conditions; authorizing certain disclosure of such information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Reform and Oversight.

By Representative Fasano—

HB 3039—A bill to be entitled An act relating to husband and wife; creating s. 741.2105, F.S.; prohibiting marriages between persons when one of the persons has been convicted of a capital felony for which a death sentence has been imposed; providing an exception; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Governmental Operations and Representative Minton and others—

CS for HB 3061—A bill to be entitled An act relating to airports; amending s. 330.30, F.S.; exempting certain airports used exclusively for aerial application or spraying of crops on a seasonal basis from a provision of law providing for the approval of airport sites and the licensing of airports; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By the Committee on Governmental Operations and Representative Kelly and others—

CS for HB 3065—A bill to be entitled An act relating to building, bridge, and overpass designations; designating the Florida Department of Transportation District Five headquarters building located in Volusia County as the "Ben G. Watts Building"; designating a specified bridge in Pasco County as the "Father Felix Ullrich Bridge"; designating Fiske Boulevard overpass at Interstate Highway 95 in Rockledge as the "Jack I. Korenblit Overpass"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Crime and Punishment; and Representative Fasano and others—

CS for HB 3107—A bill to be entitled An act relating to sexual predator registration; amending s. 775.21, F.S.; revising an exception to sexual predator registration requirements; revising the conditions for removal of sexual predator designation by the court; requiring filing of the petition for removal in the circuit of the sexual predator's residence; extending from 10 years to 20 years the minimum period following the sexual predator's release during which the predator may not have been arrested before petitioning the court to remove the sexual predator designation; requiring the petitioner to make certain demonstrations to the court with respect to lack of arrest and compliance with federal standards for removal of designation as a predator; permitting the removal of designation only when the court is satisfied the petitioner is not a threat to the public safety; requiring specified notice of hearing on the petition to the state attorney in the circuit where filed; allowing the state attorney to present evidence in opposition to the petition; allowing the court to establish date for rehearing of petition, if denied; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Community Affairs and Representative Heyman—

CS for HB 3147—A bill to be entitled An act relating to blind services; amending s. 413.08, F.S.; prohibiting a person from interfering with a person who is engaged in training a dog guide or service dog; providing penalties; amending s. 413.011, F.S.; revising provisions relating to the Advisory Council for the Blind within the Department of Labor and Employment Security; providing definitions; providing composition of the council; providing for appointment of members; providing for terms; providing functions of the council; requiring the preparation of a resource plan; providing for staff; providing for meetings of the council; authorizing the council to conduct forums and hearings; providing for open meetings; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Criminal Justice.

By the Committee on Governmental Operations and Representative Mackenzie—

CS for HB 3161—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.532, F.S.; providing requirements with respect to recordings made during the formal interrogation of a law enforcement or correctional officer; amending s. 112.533, F.S.; providing for rights of law enforcement and correctional officers to review their personnel files, attach a response, and receive a copy of certain materials in the file; providing for application to the release of certain information; amending s. 943.135, F.S.; permitting law enforcement officers who are elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

—was referred to the Committees on Criminal Justice; and Executive Business, Ethics and Elections.

By the Committee on Utilities and Communications; and Representative Thrasher and others—

CS for HB 3185—A bill to be entitled An act relating to the Public Service Commission; amending s. 367.081, F.S.; limiting the commission's consideration of contributions-in-aid-of-construction under certain circumstances; providing construction; requiring the commission to approve rates for certain services under certain circumstances; providing construction; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Real Property and Probate; and Representative Dockery—

CS for HB 3223—A bill to be entitled An act relating to land platting; amending s. 177.031, F.S.; defining terms relating to platting; amending s. 177.041, F.S.; requiring plats and replats of subdivisions submitted for approval to be accompanied by a boundary survey of the platted lands; amending s. 177.051, F.S.; revising provisions relating to naming and replatting subdivisions; amending s. 177.061, F.S.; providing requirements for the recording of a plat; amending s. 177.071, F.S.; revising provisions relating to approval of plats by governing bodies; amending s. 177.081, F.S.; requiring plats to be reviewed by a professional surveyor and mapper before approval by a governing body; amending s. 177.091, F.S.; providing requirements for monuments and revising other requirements of plats made for recording; amending s. 177.101, F.S.; providing for the vacation and annulment of prior plats; amending s. 177.141, F.S.; revising provisions relating to affidavits confirming errors on recorded plats; amending s. 177.151, F.S.; revising provisions relating to state plane coordinates; amending ss. 177.021, 177.121, 177.131, 177.132, 177.27, 177.38, F.S.; conforming references; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Burroughs and others—

HB 3231—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising a definition; requiring a study; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Representative Culp and others—

HB 3261—A bill to be entitled An act relating to telecommuting; repealing s. 3 of ch. 94-113, Laws of Florida; abrogating the repeal of s. 110.171, F.S., which establishes the state employee telecommuting program; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Community Affairs and Representative Gay—

CS for HB 3269—A bill to be entitled An act relating to special districts; amending s. 189.4042, F.S.; specifying procedures for merger or dissolution of independent special districts created by a county or municipality; amending s. 189.405, F.S.; revising the amount of the filing fee and the number of required signatures on petitions in provisions which specify how candidates for the governing board of certain single-county and multicounty special districts shall qualify; amending s. 189.429, F.S., and s. 15, ch. 97-256, Laws of Florida, which require special districts, including fire control districts, to submit draft codified charters to the Legislature; revising the deadline and requirements for such codification; providing that the Legislature may adopt a schedule for codification; amending s. 215.425, F.S.; authorizing extra compensation for special district employees pursuant to resolution; amending s. 191.006, F.S., relating to powers of independent special fire control districts, to conform; providing effective dates.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Rules and Calendar.

By the Committee on Business Regulation and Consumer Affairs; and Representative Trovillion and others—

CS for HB 3295—A bill to be entitled An act relating to fire prevention and control; amending s. 633.537, F.S.; changing expiration and renewal of certificates of competency for fire protection contractors from an annual to a biennial basis; revising continuing education requirements and providing transitional continuing education requirements, to conform; amending s. 633.524, F.S.; increasing the renewal fee, to conform; amending s. 633.60, F.S., relating to engaging in the business or acting in the capacity of a contractor of automatic fire sprinkler systems, to conform; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Representative Bronson—

HB 3477—A bill to be entitled An act relating to determination of millage; amending s. 200.065, F.S.; authorizing taxing authorities to adopt the tax levies and budgets of their dependent special taxing districts by single votes, unless a member of the public requests a separate discussion and vote for the tax levy or budget of any such district; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Financial Services and Representative Safley and others—

HB 3597—A bill to be entitled An act relating to insurance for family day care homes; creating s. 627.70161, F.S.; providing legislative intent; providing definitions; providing an exclusion from liability coverage under residential property insurance policies for losses arising out of the operation of a family day care home; prohibiting cancellation, refusal to renew, or denial of coverage for residential property insurance due to family day care operations; providing exceptions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Saunders and others—

HB 11—A bill to be entitled An act relating to victim assistance; amending s. 960.001, F.S.; providing that the victim of a crime and the state attorney, upon the victim's consent, have standing to assert the rights of the victim; providing an effective date.

—was referred to the Committees on Criminal Justice and Judiciary.

By Representative Constantine and others—

HB 65—A bill to be entitled An act relating to crime prevention assistance; repealing ss. 426.001, 426.002, 426.003, 426.004, 426.005, 426.006, 426.007, 426.008, and 426.009, F.S., relating to crime prevention assistance; amending ss. 938.09 and 938.11, F.S., to conform; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Children and Family Empowerment; and Representative Jones and others—

CS for HB 105—A bill to be entitled An act relating to distribution of surplus food; amending s. 570.0725, F.S.; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; amending s. 768.136, F.S.; providing definitions; clarifying application; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By the Committee on Community Colleges and Career Prep; and Representative Dennis and others—

CS for HB 159—A bill to be entitled An act relating to community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community Faculty Diversity Program; providing for fellowships; requiring service or repayment; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Education/K-12 and Representative Dennis—

CS for HB 161—A bill to be entitled An act relating to education paraprofessionals; amending ss. 228.041, 228.056, 231.141, 231.15, 231.3605, 231.40, 240.40685, and 121.091, F.S.; replacing the term "teacher aide" with the term "education paraprofessional"; requiring the State Board of Education to classify school services and prescribe rules; creating s. 231.143, F.S.; authorizing school districts to adopt a program for the career development of education paraprofessionals; specifying levels of achievement that paraprofessionals can attain through the program; providing restrictions; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Agriculture and Representative Ziebarth and others—

CS for HB 209—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing a definition of "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest"; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By the Committee on Election Reform and Representative Putnam and others—

CS for HB 217—A bill to be entitled An act relating to elections; amending s. 106.17, F.S.; prohibiting state agencies from soliciting pledges or authorizing or conducting polls or surveys relating to candidacies for public office; exempting polls or surveys conducted by institutions of higher learning for research purposes; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Governmental Reform and Oversight.

By the Committee on Governmental Operations and Representative Lippman and others—

CS for HB 231—A bill to be entitled An act relating to illegal aliens; amending s. 287.012, F.S.; providing that, to be a "qualified bidder" with respect to providing personal property or services, a person must comply with any contract conditions prohibiting the employment of illegal aliens, as defined; amending s. 287.057, F.S.; requiring that invitations to bid, requests for proposal, and contracts shall contain notice specifying that contracts with a contractor who knowingly employs illegal aliens shall be subject to unilateral cancellation; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Commerce and Economic Opportunities.

By Representative Carlton and others—

HB 267—A bill to be entitled An act relating to campaign financing; amending s. 106.07, F.S.; revising reporting requirements applicable to candidates for other than statewide office who qualify with the Department of State; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By the Committee on Juvenile Justice and Representative Rayson and others—

CS for HB 513—A bill to be entitled An act relating to juvenile and criminal justice; amending s. 985.216, F.S., relating to punishment of a delinquent child for contempt of court and alternative sanctions; removing certain time limitations upon placement of delinquent child held in contempt in a secure detention facility or secure residential commitment facility; amending s. 985.414, F.S., relating to district juvenile justice boards; conforming provisions to reflect the creation of the Department of Children and Family Services; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; amending s. 985.415, F.S., relating to Community Juvenile Justice Partnership Grants; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; revising requirements for application for a community juvenile justice partnership grant to remove requirement for participation of the Department of Health and Rehabilitative Services; amending s. 985.215, F.S., relating to detention; providing for continued detention of a child who has failed to appear in court on two separate occasions on the same case; providing for extension up to 30 days of the time limits upon detention of a child, under specified circumstances; reenacting ss. 985.211(4), 985.213(2)(b), 985.219(5), 985.208(1), F.S., relating to release or delivery from custody, use of detention, process and service, and detention of furloughed or escaped child, to incorporate said amendment in references; amending s. 985.209, F.S.; authorizing establishment of truancy programs by juvenile justice assessment centers; defining "truant student" to include enrolled students between 6 years of age and 18 years of age; amending s. 230.23161, F.S., relating to educational services in Department of Juvenile Justice programs; providing a maximum limitation on administrative costs under certain contracts by school districts for such programs; amending s. 806.13, F.S., relating to criminal mischief; redefining first degree misdemeanor criminal mischief offense to include damage to property greater than $200 but less than $500, and providing penalties therefor; redefining third degree felony criminal mischief to include certain damages of $500 or greater, and providing penalties therefor; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, to conform a cross reference; amending s. 812.014, F.S., relating to theft; providing second degree felony penalties for a person who commits grand theft of a motor vehicle and who has previously been convicted two or more times of motor vehicle theft; reenacting ss. 538.23(2) and 985.227(2)(c), F.S., relating to offenses by secondary metal recyclers and transfer of child for prosecution, to incorporate said amendment in references; requiring cooperative agreements between the Department of Juvenile Justice and the Department of Children and Family Services for the provision of mental health and substance abuse treatment services to youth in the

juvenile justice system; requiring the Office of Program Policy Analysis and Government Accountability to conduct a performance review of the provision of mental health and substance abuse treatment services to youth in the juvenile justice system; requiring a report; amending s. 985.234, F.S.; providing for appeal by the state of an order denying restitution, under certain circumstances when the order affects a party to a case involving delinquency; providing effective dates.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By the Committee on Family Law and Children; and Representative Murman and others—

CS for HB 585—A bill to be entitled An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact with siblings after termination of parental rights; amending s. 63.022(2), F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Representative Goode and others—

HB 627—A bill to be entitled An act relating to community redevelopment and neighborhood improvement; amending s. 163.340, F.S.; including the reduction or prevention of crime within community redevelopment activities under the Community Redevelopment Act of 1969 and defining "community policing innovation"; amending ss. 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, 163.380 and 163.387, F.S.; including the development and implementation of community policing innovations in provisions relating to the encouragement of private enterprise participation in redevelopment, elements of the workable program, exercise of powers under the act, and elements of the community redevelopment plan; authorizing the county or municipality to appropriate funds for community policing innovations; authorizing use of moneys in the redevelopment trust fund for community policing innovations; providing an additional requirement for acquisition of land for nonresidential uses; subject to specified conditions, authorizing a county, municipality, or community redevelopment agency to acquire and dispose of certain properties immediately adjacent to existing projects without complying with specified disposition procedures; amending ss. 163.502, 163.503, 163.506, 163.511, 163.512, 163.513, 163.514, 163.516, 163.519, and 163.521, F.S.; including crime prevention through development and implementation of community policing innovations in powers of neighborhood improvement districts under the Safe Neighborhoods Act; authorizing use of special assessments for community policing innovations; including community policing innovations within safe neighborhood improvement plans; providing duties of the Department of Legal Affairs with respect to community policing innovations; including capital improvements related to community policing innovations in provisions which authorize certain local governments to request state funding for certain capital improvements; creating s. 943.1729, F.S.; authorizing the Criminal Justice Standards and Training Commission to incorporate community policing concepts into law enforcement officers' certification curriculum and establish a community policing continued-employment training component for such officers; providing an effective date.

—was referred to the Committee on Community Affairs.

By Representative Posey and others—

HB 651—A bill to be entitled An act relating to elections; providing a short title; providing a statement of legislative intent; amending s. 104.271, F.S.; expanding applicability of the prohibition against making false or malicious charges against, or false statements about, candidates; eliminating the requirement of actual malice in the prohibition against making false statements about candidates and providing for personal liability with respect thereto; clarifying and providing penalties; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; Criminal Justice; and Ways and Means.

By Representative Livingston and others—

HB 671—A bill to be entitled An act relating to contracting; amending ss. 489.127 and 489.531, F.S.; providing for similar penalties for unlicensed violations with respect to construction contracting and electrical contracting; providing for additional penalties for certain violations; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and Ways and Means.

By the Committee on Election Reform and Representative Andrews and others—

CS for HB 731—A bill to be entitled An act relating to political advertisements; creating s. 106.1433, F.S.; providing requirements for use of changed images in political advertisements; providing definitions; providing penalties; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By the Committee on Finance and Taxation; and Representative K. Pruitt and others—

CS for HB 747—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing that no tax on certain purchases by, and revenues of, a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce; providing for refund of certain taxes paid; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Representative Constantine and others—

HB 755—A bill to be entitled An act relating to education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.289, F.S.; revising rulemaking for credit card, charge card, or debit card use; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), and 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program,

and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Crime and Punishment; and Representative Hill—

CS for HB 767—A bill to be entitled An act relating to violations involving checks; amending s. 68.065, F.S.; providing for triple damages, court costs, and attorney's fees with respect to certain civil actions to recover fines due on stop payments on checks, drafts, or orders of payment; amending s. 166.251, F.S.; revising language with respect to service fee for dishonored checks; amending s. 832.07, F.S., relating to prima facie evidence of identity with regard to prosecution of bad check charges; removing "race" as a required element of establishing the identity of the person presenting the check; providing an effective date.

—was referred to the Committees on Criminal Justice and Judiciary.

By the Committee on Governmental Operations and Representative Wallace—

CS for HB 815—A bill to be entitled An act relating to state government; providing legislative intent; providing duties of procuring agencies relating to procurement contracts; imposing certain duties on the Comptroller; providing application; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Governmental Rules and Regulations; and Representative Valdes and others—

CS for HB 825—A bill to be entitled An act relating to efficiency in government; providing legislative intent; directing the Department of Management Services to work with executive agencies to reduce the layers of management in agencies and to increase agency-wide employee-to-supervisor ratios; providing for reports; requiring notification; directing the department to simplify the state's job classification system; providing for reports; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Trovillion—

HB 853—A bill to be entitled An act relating to building code administrators and inspectors; amending s. 468.603, F.S.; providing an additional definition; amending s. 468.609, F.S.; providing a limitation in certain postsecondary education requirements; providing additional eligibility to take a certification examination; authorizing certain newly employed persons to perform plans examiner or inspector duties under certain circumstances; amending s. 468.617, F.S.; providing for local governments to contract for plans examinations; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Ways and Means.

By the Committee on Governmental Rules and Regulations; and Representative Posey and others—

CS for HB 879—A bill to be entitled An act relating to administrative procedure; creating s. 120.571, F.S., the "Agency Accountability Act"; providing for court orders imposing liability upon an agency which has made a determination affecting the substantial interests of a party based on a grossly negligent assessment of material facts, under specified circumstances; providing for agency liability for actual damages and attorney's fees incurred by the party suffering financial harm as a result of the determination; providing for waiver of sovereign immunity; specifying applicability; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Judiciary.

By the Committee on Education/K-12 and Representative Boyd and others—

CS for HB 921—A bill to be entitled An act relating to expenditure requirements for education programs; amending s. 236.081, F.S., relating to funds for operation of schools; requiring school districts to allocate at least 80 percent of specified funds to the schools generating the funds; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Civil Justice and Claims; and Representative Warner—

CS for HB 935—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's liability to pay over within 10 days certain moneys collected; providing an effective date.

—was referred to the Committees on Judiciary; and Commerce and Economic Opportunities.

By the Committee on Financial Services and Representative Ball and others—

CS for HB 1311—A bill to be entitled An act relating to Florida Life and Health Guaranty Association assessments; amending s. 631.718, F.S.; revising a provision providing a preferential rate of assessment for insurance companies that issue certain annuity contracts; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Saunders—

CS for HB 1437—A bill to be entitled An act relating to public records and meetings; amending s. 408.7056, F.S.; providing an exemption from public records requirements for certain personal information in documents, reports, or records prepared or reviewed by a provider and subscriber assistance panel or obtained by the Agency for Health Care Administration; providing an exemption for portions of meetings of such panels when such information, or trade secret or internal risk management program information, is discussed; requiring recording of closed meetings; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By Representative Gay and others—

HJR 125—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to recording of instruments.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By the Committee on Finance and Taxation; and Representative Starks and others—

HJR 1335—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 22 of Article XII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

—was referred to the Committees on Commerce and Economic Opportunities; Rules and Calendar; and Ways and Means.

By Representative Wasserman Schultz and others—

HB 123—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "special risk member"; amending s. 121.0515, F.S.; adding to the Special Risk Class of membership certain emergency medical technicians and paramedics; providing legislative intent; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Community Affairs; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 112.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 18 was corrected and approved.

CO-SPONSORS

Senator Ostalkiewicz—SB 1882

RECESS

On motion by Senator Bankhead, the Senate recessed at 10:04 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Friday, March 20.

Journal of the Senate

Number 7—Regular Session **Friday, March 20, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:30 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by Bill Pfeiffer, Policy Director, Office of the Senate President:

Almighty Father, creator of all good, our true source of presence and purpose, embrace this body with your gentle guidance. Bless these leaders with compassion and understanding. Strengthen them with wisdom and insight and the convictions in their hearts.

Lord, we recognize that even leaders must follow. Remind them of their mission—to do your will and to uphold your law.

We thank you for the many gifts that have blessed our lives and ask you for patience and virtue and love.

Lord, you are the leader of all leaders and the judge of all men. God bless this great state and those who serve it well. We humbly ask this in your name. Amen.

PLEDGE

Senate Pages Ann Ford of Jacksonville and Briana Tracy of Brandon, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sullivan, by two-thirds vote **SB 142**, **CS for SB 818** and **CS for SB 1372** were withdrawn from the Committee on Ways and Means.

On motion by Senator Clary, by two-thirds vote **SB 2178** was withdrawn from the committees of reference and further consideration.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Scott, the rules were waived and the Committee on Regulated Industries was granted permission to remove **SB 1034** from the agenda at the meeting on March 24.

On motion by Senator Bankhead, the rules were waived and the Senate would meet in session Wednesday, March 25 from 1:00 p.m. until 5:00 p.m. in lieu of 10:00 a.m. until 12:00 noon; and the session scheduled for Tuesday, March 24 was cancelled.

On motion by Senator Bankhead, the rules were waived and the Committee on Rules and Calendar was granted permission to meet from 10:00 a.m. until 2:00 p.m. March 26 in lieu of 1:00 p.m. until 5:00 p.m. as scheduled March 25; and the deadline for filing amendments to be considered at that meeting was set for 10:00 a.m., Wednesday, March 25.

On motion by Senator Bankhead, the rules were waived and the Select Committee on WAGES Targeted Economic Development was granted permission to meet from 9:00 a.m. until 11:00 a.m. in lieu of 8:30 a.m. until 9:45 a.m. as scheduled March 25.

On motion by Senator Bankhead, the rules were waived and the Special Order Calendar Subcommittee of the Committee on Rules and Calendar was granted permission to meet Monday, March 23 from 5:00 p.m. until completion in lieu of 12:00 noon as scheduled March 24.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Tuesday, March 24, was set for filing amendments to Bills on Third Reading to be considered Wednesday, March 25.

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for SB 250**, **SB 230**, **CS for SB 666**, **HB 3597**, **SB 238** and **SB 78** was deferred.

SPECIAL ORDER CALENDAR

On motion by Senator Sullivan—

SB 2500—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

Amendments 1, 2 and **3** were withdrawn.

MOTION

On motion by Senator Bankhead, by two-thirds vote debate on **Amendment 4** was limited to 10 minutes per side for a total of 20 minutes.

Senators Ostalkiewicz, Klein and Campbell offered the following amendment which was moved by Senator Ostalkiewicz and failed:

Amendment 4—

In Section: 05 On Page: 266 Specific Appropriation:
Delete Insert

In Section 05 On Page 266

On page 266, immediately following the title "Transportation, Dept. of", INSERT the following proviso language:

No funds included in specific appropriations 1531A through 1571AO may be expended by the Florida Department of Transportation for the study, design, development or construction of a high speed rail system in Florida during fiscal year 1998-99.

The vote was:

Yeas—12

Brown-Waite	Cowin	Grant	Ostalkiewicz
Campbell	Crist	Harris	Rossin
Clary	Forman	Klein	Williams

Nays—24

Madam President	Dudley	Horne	Meadows
Bankhead	Dyer	Jones	Scott
Burt	Geller	Kurth	Silver
Casas	Gutman	Latvala	Sullivan
Childers	Hargrett	Laurent	Thomas
Diaz-Balart	Holzendorf	Lee	Turner

Senator Rossin offered the following amendment which was moved by Senator Childers and adopted:

Amendment 5—

In Section: 05 On Page: 243 Specific Appropriation: 1400B
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Waste Management, Division Of

In Section 05 On Page 243
1400B Grants And Aids To Local Governments And
Nonprofit Organizations
Glades County Sanitary Landfill
From Solid Waste Management Trust Fund 600,000

Senator Rossin offered the following amendment which was moved by Senator Childers:

Amendment 6—

In Section: 05 On Page: 239 Specific Appropriation: 1362G
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Water Facilities, Division Of

In Section 05 On Page 239
1362G Grants And Aids To Local Governments And
Nonprofit Organizations
East County Water Control District -
Carlos Project
From General Revenue Fund 1,500,000

Senator Rossin offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 6—

In Section: 05 On Page: 226 Specific Appropriation: 1299
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Administrative And Technical Services,
Division Of

In Section 05 On Page 226
1299 Fixed Capital Outlay
Surface Water Improvement Project

Immediately following Specific Appropriation 1299 after "Lake Jesup Restoration and Enhancement ... 500,000" INSERT:

"East County Water Control District -
Carlos Project .....500,000"

Amendment 7 was withdrawn.

Senator Klein offered the following amendment which was moved by Senator Childers and adopted:

Amendment 8—

In Section: 05 On Page: 278 Specific Appropriation: 1571T
Delete Insert

TRANSPORTATION, DEPARTMENT OF
District Operations

In Section 05 On Page 278
1571T Fixed Capital Outlay
Intrastate Highway Construction

Following Specific Appropriation 1571T on page 278, at the end of proviso language INSERT the following:

The expenditure of funds for this project is contingent upon a contract between Palm Beach County School Board and the Department of Transportation requiring reimbursement for the cost of construction by the School Board.

Senator Laurent offered the following amendment which was moved by Senator Childers:

Amendment 9—

In Section: 05 On Page: 248 Specific Appropriation: 1435A
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Recreation And Parks, Division Of

In Section 05 On Page 248
1435A Grants And Aids To Local Governments And
Nonprofit Organizations
Local Parks
From General Revenue Fund 1,400,000 1,575,000

Amends current proviso language following Specific Appropriation 1435A on page 248, Following "Royal Palm Community Center/City of Margate.....$50,000", INSERT:

Peace River Park.....$175,000

Senator Laurent offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 9—

In Section: 05 On Page: 248 Specific Appropriation: 1435A
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Recreation And Parks, Division Of

In Section 05 On Page 248
1435A Grants And Aids To Local Governments And
Nonprofit Organizations
Local Parks

From General Revenue Fund 1,400,000 1,450,000

Amends current proviso language following Specific Appropriation 1435A on page 248, Following "Royal Palm Community Center/City of Margate.....$50,000", INSERT:

Peace River Park.....$50,000

Senators Dyer and Geller offered the following amendment which was moved by Senator Childers:

Amendment 10—

In Section: 05 On Page: 211 Specific Appropriation: 1206A
Delete Insert

COMMUNITY AFFAIRS, DEPARTMENT OF
Office Of The Secretary

In Section 05 On Page 211
1206A Grants And Aids To Local Governments And Nonprofit Organizations
Multi-Use Facilities

From General Revenue Fund 4,097,500 4,797,500

Immediately following Specific Appropriation 1206A, INSERT:

Immokalee All-Purpose State Facility...$700,000

Senators Dyer and Geller offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 10—

In Section: 05 On Page: 211 Specific Appropriation: 1206A
Delete Insert

COMMUNITY AFFAIRS, DEPARTMENT OF
Office Of The Secretary

In Section 05 On Page 211
1206A Grants And Aids To Local Governments And Nonprofit Organizations
Multi-Use Facilities

From General Revenue Fund 4,097,500 4,257,500

Immediately following Specific Appropriation 1206A, INSERT:

Immokalee All-Purpose State Facility...$160,000

Senator Meadows offered the following amendment which was moved by Senator Childers and adopted:

Amendment 11—

In Section: 05 On Page: 211 Specific Appropriation: 1206A
Delete Insert

COMMUNITY AFFAIRS, DEPARTMENT OF
Office Of The Secretary

In Section 05 On Page 211
1206A Grants And Aids To Local Governments And Nonprofit Organizations
Multi-Use Facilities

From General Revenue Fund 4,097,500 4,257,500

Immediately following Specific Appropriation 1206A, INSERT:

Pompano State Farmers Market.....$160,000

Senator Laurent offered the following amendment which was moved by Senator Childers and adopted:

Amendment 12—

In Section: 05 On Page: 225 Specific Appropriation: 1291
Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Administrative And Technical Services,
Division Of

In Section 05 On Page 225
1291 Special Categories
Natural Areas Inventory

From Conservation And Recreation Lands Trust Fund 250,000

Immediately following Specific Appropriation 1291, INSERT:

From funds provided in Specific Appropriation 1291, $250,000 from the Conservation and Recreation Lands Trust Fund shall be used by the Natural Areas Inventory for the purpose of conservation planning.

Amendment 13 was withdrawn.

Senator Silver offered the following amendment which was moved by Senator Childers and adopted:

Amendment 14—

In Section: 06 On Page: 300 Specific Appropriation: 1727A
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
Office Of Tourism, Trade And Economic
Development

In Section 06 On Page 300
1727A Lump Sum
Economic Development Programs

Immediately following Specific Appropriation 1727A, INSERT:

Funds included in Specific Appropriation 1727A for Sister Cities Conference - Dade shall be awarded and granted by the Office of Tourism, Trade and Economic Development by July 15, 1998.

Amendment 15 was withdrawn.

Senators Harris and Klein offered the following amendment which was moved by Senator Childers:

Amendment 16—

In Section: 06 On Page: 303 Specific Appropriation: 1734
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
Office Of Tourism, Trade And Economic
Development

In Section 06 On Page 303
1734 Special Categories
Grants And Aids - Florida Association Of Volunteer Agencies For Caribbean Action

From General Revenue Fund 200,000 0
From Florida International Trade And Promotion Trust Fund 333,212

Senators Harris and Klein offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 16—

In Section: 06 On Page: 303 Specific Appropriation: 1734

		Delete	Insert
	GOVERNOR, EXECUTIVE OFFICE OF THE Office Of Tourism, Trade And Economic Development		
	In Section 06 On Page 303		
1734	Special Categories Grants And Aids - Florida Association Of Volunteer Agencies For Caribbean Action		
	From General Revenue Fund	200,000	0
	From Florida International Trade And Promotion Trust Fund		533,212

Senator McKay offered the following amendment which was moved by Senator Childers and adopted:

Amendment 17—

In Section: 06 On Page: 385 Specific Appropriation: 2186A

		Delete	Insert
	STATE, DEPARTMENT OF, AND SECRETARY OF STATE Ringling Museum Of Art, Board Of Trustees Of The John And Mable		
	In Section 06 On Page 385		
2186A	Special Categories Department Of State For Ca'D'Zan		
	From General Revenue Fund	1,975,000	1,675,000
	Historical Resources, Division Of		
	In Section 06 On Page 378		
2148B	Grants And Aids To Local Governments And Nonprofit Organizations Powell Crosley Estate		
	From General Revenue Fund		300,000

Senator Holzendorf offered the following amendment which was moved by Senator Childers and adopted:

Amendment 18—

In Section: 06 On Page: 307 Specific Appropriation: 1738A

		Delete	Insert
	GOVERNOR, EXECUTIVE OFFICE OF THE Office Of Tourism, Trade And Economic Development		
	In Section 06 On Page 307		
1738A	Special Categories Inner City Economic Development		
	In the proviso immediately following Specific Appropriation 1738A, INSERT the following at the end of the last section:		

Included in Specific Appropriation 1738A is $650,000 for a pilot demonstration project to create or expand incubator businesses to employ the "hard to employ" members of our society.

Senator Dudley moved the following amendment:

Amendment 19—

In Section: 05 On Page: 248 Specific Appropriation: 1435B

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
	In Section 05 On Page 248		
1435B	Fixed Capital Outlay Ocklawaha River Restoration		
	From Land Acquisition Trust Fund		5,000,000
	Immediately following Specific Appropriation 1435B, INSERT:		

Funds in Specific Appropriation 1435B are provided to implement the decision of the Board of Trustees of the Internal Improvement Trust Fund to restore the Oklawaha River to its formerly pristine condition as it existed prior to construction of the Cross Florida Barge Canal.

Senators Latvala, Kirkpatrick, Bankhead, Dudley and Cowin offered the following substitute amendment which was moved by Senator Latvala and adopted:

Substitute Amendment 19—

In Section: 05 On Page: 247 Specific Appropriation: 1434A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
	In Section 05 On Page 247		
1434A	Lump Sum Ocklawaha River Restoration Study Commission		
	From Land Acquisition Trust Fund		175,000
	Insert the following proviso:		

Funds in Specific Appropriation 1434A shall be used by the Department of Environmental Protection to fund a study commission to retain consultant help as appropriate to help review and evaluate the economic impacts of proposals for full restoration of the Ocklawaha River or retention of the Rodman Reservoir on the Ocklawaha River. The study commission shall be composed of members who have backgrounds and training in one of the following areas: business, economic, scientific, biological, wildlife and fishery management. Three members shall be appointed by the Governor, three members shall be appointed by the Senate President, and three members by the Speaker of the House. At its first meeting, the members shall select a chairman from among the membership. The members of the commission shall serve without compensation but shall be paid travel and per diem as provided in Chapter 112.061, Florida Statutes, while in the performance of their duties. The responsibilities of the commission shall be to review the economic impact of previous proposals with the most current information available to restore the Ocklawaha River or retain the Rodman Reservoir as part of the river's ecological system. The study commission's work shall consider economic opportunities associated with the recreational activities potentially available from restoration of the Ocklawaha River or retention of Rodman Reservoir as part of the river's ecological system. The study commission shall hold public hearings in the affected areas and then provide recommendations to the Governor, President of the Senate, and Speaker of the House by January 1, 1999.

Senator Gutman offered the following amendment which was moved by Senator Childers:

Amendment 20—

In Section: 05 On Page: 248 Specific Appropriation: 1435A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
	In Section 05 On Page 248		
1435A	Grants And Aids To Local Governments And Nonprofit Organizations Local Parks		

From General Revenue Fund 1,400,000 1,700,000

Amend current proviso immediately following Specific Appropriation 1435A "Royal Palm Community/City of Margate....$50,000", and INSERT:

City of Coral Gables Park Improvement Program.....$300,000

Senator Gutman offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 20—

In Section: 05 On Page: 248 Specific Appropriation: 1435A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
	In Section 05 On Page 248		
1435A	Grants And Aids To Local Governments And Nonprofit Organizations Local Parks		
	From General Revenue Fund	1,400,000	1,450,000
	Amend current proviso immediately following Specific Appropriation 1435A "Royal Palm Community/City of Margate....$50,000", and INSERT:		
	City of Coral Gables Park Improvement Program.....$50,000		

Senator Forman offered the following amendment which was moved by Senator Childers:

Amendment 21—

In Section: 05 On Page: 223 Specific Appropriation: 1278

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Administrative And Technical Services, Division Of		
	In Section 05 On Page 223		
1278	Aid To Local Governments Grants And Aids - Suwannee River Water Management District Operations		
	Positions	581	586
	From General Revenue Fund	817,219	534,516
1275	Salaries And Benefits		
	From General Revenue Fund	7,404,486	7,596,439
1276	Other Personal Services		
	From General Revenue Fund	79,500	104,500
1277	Expenses		
	From General Revenue Fund	2,066,031	2,101,781
	In Section 05 On Page 224		
1282	Operating Capital Outlay		
	From General Revenue Fund	359,675	389,675

Senator Forman offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 21—

In Section: 05 On Page: 223 Specific Appropriation: 1275

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Administrative And Technical Services, Division Of		
	In Section 05 On Page 223		
1275	Salaries And Benefits		
	Positions	581	586
	From Minerals Trust Fund	1,517,414	1,709,367
1277	Expenses		
	From Minerals Trust Fund	227,429	252,429
	In Section 05 On Page 224		
1282	Operating Capital Outlay		
	From Minerals Trust Fund	25,222	49,397

Senator Harris offered the following amendment which was moved by Senator Childers and adopted:

Amendment 22—

In Section: 06 On Page: 306 Specific Appropriation: 1737A

		Delete	Insert
	GOVERNOR, EXECUTIVE OFFICE OF THE Office Of Tourism, Trade And Economic Development		
	In Section 06 On Page 306		
1737A	Special Categories Grants And Aids - Linkage Institutes		
	From General Revenue Fund		225,000
	From Florida International Trade And Promotion Trust Fund	225,000	0
	In Section 06 On Page 308		
1739	Special Categories Grants And Aids - Enterprise Florida - International Trade And Economic Development Board		
	From Florida International Trade And Promotion Trust Fund	2,315,525	2,540,525
	In the proviso immediately following Specific Appropriation 1739, DELETE:		
	International Representation & Advocacy..$ 25,000		
	And INSERT:		
	International Representation & Advocacy..$ 250,000		
	In Section 06 On Page 301		
1728	Lump Sum Enterprise Florida Operations		
	From General Revenue Fund	7,329,919	7,104,919

Senator Dyer offered the following amendment which was moved by Senator Childers and adopted:

Amendment 23—

In Section: 06 On Page: 281 Specific Appropriation: 1573

		Delete	Insert
	ADMINISTERED FUNDS		
	In Section 06 On Page 281		
1573	Lump Sum Statewide Innovation Fund		
	From General Revenue Fund	2,000,000	1,000,000
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Water Facilities, Division Of		

In Section 05 On Page 238
1361A Grants And Aids To Local Governments And Nonprofit Organizations
Grants And Aid - Keys Wastewater Management Plan
From General Revenue Fund 1,000,000

Immediately following Specific Appropriation 1361A, INSERT:

Funds provided in Specific Appropriation 1361A are for wastewater facilities in Monroe County. These funds may be used to provide match for a $4,300,000 federal grant for a central wastewater facility, and for assistance to replace illegal and inadequate on-site systems.

Senator Bronson offered the following amendment which was moved by Senator Childers:

Amendment 24—

In Section: 06 On Page: 306 Specific Appropriation: 1738

	Delete	Insert
GOVERNOR, EXECUTIVE OFFICE OF THE Office Of Tourism, Trade And Economic Development		
In Section 06 On Page 306 1738 Special Categories Grants And Aids - Spaceport Florida Authority From General Revenue Fund	1,305,000	2,305,000

In second paragraph of proviso following Specific Appropriation 1738 after "Spaceport Operations Support Center...$700,000", INSERT:

Spaceport Florida RLV Program.....$1,000,000

Senators Kurth and Bronson offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 25—

In Section: 06 On Page: 306 Specific Appropriation: 1738

	Delete	Insert
GOVERNOR, EXECUTIVE OFFICE OF THE Office Of Tourism, Trade And Economic Development		
In Section 06 On Page 306 1738 Special Categories Grants And Aids - Spaceport Florida Authority		
From General Revenue Fund	1,305,000	2,905,000

In second paragraph of proviso following Specific Appropriation 1738 after "Spaceport Operations Support Center...$700,000", INSERT:

Spaceport Florida RLV Program.....$1,600,000

Senator Gutman offered the following amendment which was moved by Senator Childers:

Amendment 26—

In Section: 05 On Page: 226 Specific Appropriation: 1299A

	Delete	Insert
ENVIRONMENTAL PROTECTION, DEPARTMENT OF Administrative And Technical Services, Division Of		
In Section 05 On Page 226 1299A Fixed Capital Outlay Miami River Cleanup - Phase 2 From General Revenue Fund		300,000

Senator Gutman offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 26—

In Section: 05 On Page: 226 Specific Appropriation: 1299

	Delete	Insert
ENVIRONMENTAL PROTECTION, DEPARTMENT OF Administrative And Technical Services, Division Of		
In Section 05 On Page 226 1299 Fixed Capital Outlay Surface Water Improvement Project		

Immediately following Specific Appropriation 1299, after "Lake Jessup Restoration and Enhancement ..... 500,000" INSERT:

"Miami River Cleanup-Phase 2 ..... 300,000"

Senators Hargrett and McKay offered the following amendment which was moved by Senator Childers:

Amendment 27—

In Section: 05 On Page: 248 Specific Appropriation: 1435A

	Delete	Insert
ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
In Section 05 On Page 248 1435A Grants And Aids To Local Governments And Nonprofit Organizations Local Parks From General Revenue Fund	1,400,000	1,575,000

In proviso following Specific Appropriation 1435A, at the end of the list of grants, INSERT new item:

"Palmetto Youth Center/Manatee County.....$175,000"

Senator Hargrett offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 27—

In Section: 05 On Page: 248 Specific Appropriation: 1435A

	Delete	Insert
ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
In Section 05 On Page 248 1435A Grants And Aids To Local Governments And Nonprofit Organizations Local Parks		
From General Revenue Fund	1,400,000	1,450,000

In proviso following Specific Appropriation 1435A, at the end of the list of grants, INSERT new item:

"Palmetto Youth Center/Manatee County.....$50,000"

Senator Gutman offered the following amendment which was moved by Senator Childers:

Amendment 28—

In Section: 05 On Page: 248 Specific Appropriation: 1435A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
	In Section 05 On Page 248		
1435A	Grants And Aids To Local Governments And Nonprofit Organizations Local Parks		
	From General Revenue Fund	1,400,000	1,900,000

In the Proviso following Specific Appropriation 1435A at the end of the list of grants, INSERT new item:

"City of Miami Park Improvement.....500,000"

Senator Gutman offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 28—

In Section: 05 On Page: 248 Specific Appropriation: 1435A

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF Recreation And Parks, Division Of		
	In Section 05 On Page 248		
1435A	Grants And Aids To Local Governments And Nonprofit Organizations Local Parks		
	From General Revenue Fund	1,400,000	1,450,000

In the Proviso following Specific Appropriation 1435A at the end of the list of grants, INSERT new item:

"City of Miami Park Improvement.....50,000"

Senator Holzendorf offered the following amendment which was moved by Senator Childers and adopted:

Amendment 29—

In Section: 06 On Page: 310 Specific Appropriation: 1741

		Delete	Insert
	GOVERNOR, EXECUTIVE OFFICE OF THE Office Of Tourism, Trade And Economic Development		
	In Section 06 On Page 310		
1741	Special Categories Grants And Aids - Enterprise Florida - Workforce Development Board		

INSERT the following proviso language between the second and third paragraph of the proviso following Specific Appropriation 1741:

"For fiscal year 1998-99, Enterprise Florida-Workforce Development Board shall set aside ten (10) percent of the amount appropriated in Specific Appropriation 1741 for Quick Response Training Program to fund instructional programs for businesses located in areas of critical need.

Determination of areas of critical need shall be as follows:

(1) By July 31, 1998, each county may apply to the Office of Tourism, Trade and Economic Development for designation of a portion of the county as an area of critical need. Areas proposed for such designation may be composed of contiguous property not less than 4 square miles and not more than 25 square miles.

(2) Working with the Department of Law Enforcement and the Department of Labor and Employment Security, the Office of Tourism, Trade and Economic Development shall, no later than August 30, 1998 designate no more than five proposed areas as areas of critical need. In making the determination, the following factors shall be considered: (a) Total amount of crime in the designated area; (b) Total amount of violent crime in the designated area; and (c) Total amount of unemployment in the designated area.

RECONSIDERATION OF AMENDMENT

On motion by Senator Childers, the Senate reconsidered the vote by which **Amendment 29** was adopted. **Amendment 29** was withdrawn.

On motion by Senator Childers, the Senate reconsidered the withdrawal of **Amendment 29**. **Amendment 29** was adopted.

Senator Holzendorf offered the following amendment which was moved by Senator Childers and adopted:

Amendment 30—

In Section: 06 On Page: 313 Specific Appropriation: 1743

		Delete	Insert
	GOVERNOR, EXECUTIVE OFFICE OF THE Office Of Tourism, Trade And Economic Development		
	In Section 06 On Page 313		
1743	Grants And Aids To Local Governments And Nonprofit Organizations Economic Development Transportation Projects		

Immediately following Specific Appropriation 1743, INSERT:

For fiscal year 1998-99, the Office of Tourism, Trade and Economic Development shall set aside ten (10) percent of the amount appropriated in Specific Appropriation 1743 to fund transportation projects for businesses located in areas of critical need.

Determination of areas of critical need shall be as follows:

(1) By July 31, 1998, each county may apply to the Office of Tourism, Trade and Economic Development for designation of a portion of the county as an area of critical need. Areas proposed for such designation may be composed of contiguous property of not less than four square miles and not more than 25 square miles.

(2) Working with the Department of Law Enforcement and the Department of Labor and Employment Security, the Office of Tourism, Trade and Economic Development shall, no later than August 30, 1998 designate no more than five proposed areas as areas of critical need. In making the determination, the following factors shall be considered: (a) Total amount of crime in the designated area; (b) Total amount of violent crime in the designated area; and (c) Total amount of unemployment in the designated area.

RECONSIDERATION OF AMENDMENT

On motion by Senator Childers, the Senate reconsidered the vote by which **Amendment 30** was adopted. **Amendment 30** was withdrawn.

On motion by Senator Childers, the Senate reconsidered the withdrawal of **Amendment 30**. **Amendment 30** was adopted.

Senator Holzendorf offered the following amendment which was moved by Senator Childers and adopted:

Amendment 31—

In Section: 06 On Page: 299 Specific Appropriation: 1727

		Delete	Insert
	GOVERNOR, EXECUTIVE OFFICE OF THE Office Of Tourism, Trade And Economic Development		

In Section 06 On Page 299
1727 Lump Sum
Office Of Tourism, Trade And Economic
Development (Otted) Coordinated Programs

Between the third and fourth paragraph of the proviso following Specific Appropriation 1727, INSERT the following language:

For fiscal year 1998-99, the Office of Tourism, Trade and Economic Development shall set aside ten (10) percent of the amount appropriated in Specific Appropriation 1727 for QTI/QDE Program for businesses located in areas of critical need.

Determination of areas of critical need shall be as follows:

(1) By July 31, 1998, each county may apply to the Office of Tourism, Trade and Economic Development for designation of a portion of the county as an area of critical need. Areas proposed for such designation may be composed of contiguous property of not less than four square miles and not more than 25 square miles.

(2) Working with the Department of Law Enforcement and the Department of Labor and Employment Security, the Office of Tourism, Trade and Economic Development shall, no later than August 30, 1998 designate no more than five proposed areas as areas of critical need. In making the determination, the following factors shall be considered: (a) Total amount of crime in the designated area; (b) Total amount of violent crime in the designated area; and (c) Total amount of unemployment in the designated area.

RECONSIDERATION OF AMENDMENT

On motion by Senator Childers, the Senate reconsidered the vote by which **Amendment 31** was adopted. **Amendment 31** was withdrawn.

Amendment 32 was withdrawn.

Senator Grant offered the following amendment which was moved by Senator Childers and adopted:

Amendment 33—

In Section: 05 On Page: 221 Specific Appropriation: 1269
Delete Insert

COMMUNITY AFFAIRS, DEPARTMENT OF
Florida Housing Finance Corporation

In Section 05 On Page 221
1269 Special Categories
Grants And Aids - Housing Finance
Corporation (Hfc) - Affordable Housing
Programs

Following Specific Appropriation 1269 DELETE the second paragraph of proviso language beginning with the word "Notwithstanding".

Senator Hargrett offered the following amendment which was moved by Senator Childers and adopted:

Amendment 34—

In Section: 05 On Page: 217 Specific Appropriation: 1239
Delete Insert

COMMUNITY AFFAIRS, DEPARTMENT OF
Housing And Community Development,
Division Of

In Section 05 On Page 217
1239 Aid To Local Governments
Grants And Aids - Narcotics Control
Assistance Program

Immediately following Specific Appropriation 1239, INSERT:

From the funds in Specific Appropriation 1239, each unit of local government making application for grant funding shall provide the Department of Community Affairs proposals which detail how funds are to be used, the results to be expected and recommended performance measures. The department must include in the grant documents performance measures based on the proposal.

Amendment 35 was withdrawn.

Senator Turner offered the following amendment which was moved by Senator Childers and adopted:

Amendment 36—

In Section: On Page: 400 Specific Appropriation:
Delete Insert

In Section On Page 400

New Section - INSERT new section immediately following Section 23, on Page 400, renumber subsequent sections

SECTION 24: The expended balance from Specific Appropriation 1954C, Chapter 93-184, Laws of Florida; Specific Appropriation 2014, Chapter 94-357, Laws of Florida; Section 28, Chapters 95-429, Laws of Florida; Section 23, Chapter 96-424, Laws of Florida; is hereby reappropriated. Notwithstanding section 253.025, Florida Statutes, the Department of Management Services is authorized to reimburse the City of Opa-Locka for reasonable fees and costs incurred in the eminent domain process needed to acquire two parcels within the Opa-Locka Regional Service Center site.

Senator Turner offered the following amendment which was moved by Senator Childers:

Amendment 37—

In Section: 06 On Page: 300 Specific Appropriation: 1727A
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
Office Of Tourism, Trade And Economic
Development

In Section 06 On Page 300
1727A Lump Sum
Economic Development Programs

From General Revenue Fund 2,700,000 3,366,888

In the Proviso immediately following Specific Appropriation 1727A at the end of said proviso INSERT the following:

Americans Helping Americans.....$666,888

Senator Turner offered the following substitute amendment which was moved by Senator Childers and adopted:

Substitute Amendment 37—

In Section: 06 On Page: 300 Specific Appropriation: 1727A
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
Office Of Tourism, Trade And Economic
Development

In Section 06 On Page 300
1727A Lump Sum
Economic Development Programs

From General Revenue Fund 2,700,000 2,800,000

In the Proviso immediately following Specific Appropriation 1727A at the end of said proviso INSERT the following:

Americans Helping Americans.....$100,000

Amendments 38 and **39** were withdrawn.

Senators Grant and Scott offered the following amendment which was moved by Senator Childers and adopted:

Amendment 40—

In Section: 05 On Page: 222 Specific Appropriation: 1271
Delete Insert

COMMUNITY AFFAIRS, DEPARTMENT OF
Florida Housing Finance Corporation

In Section 05 On Page 222
1271 Special Categories
Grants And Aids - Housing Finance Corporation (Hfc) - State Housing Initiatives Partnership (Ship) Program

Following Specific Appropriaton 1271 DELETE all proviso language

Amendment 41 was withdrawn.

Senator Holzendorf offered the following amendment which was moved by Senator Childers and adopted:

Amendment 42—

In Section: 06 On Page: 304 Specific Appropriation: 1736
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
Office Of Tourism, Trade And Economic Development

In Section 06 On Page 304
1736 Special Categories
Grants And Aids - Florida Commission On Tourism

Immediately following Specific Appropriation 1736 before the first proviso INSERT the following:

"Included in Specific Appropriation 1736 is $650,000 for a pilot demonstration project to create or expand employment opportunities for the "hard to employ" members of our society."

Senator Turner offered the following amendment which was moved by Senator Childers and adopted:

Amendment 43—

In Section: 06 On Page: 308 Specific Appropriation: 1739
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
Office Of Tourism, Trade And Economic Development

In Section 06 On Page 308
1739 Special Categories
Grants And Aids - Enterprise Florida - International Trade And Economic Development Board

Following the second paragraph of proviso language after Specific Appropriation 1739 on page 308, INSERT the following:

"Of the $800,000 in General Revenue Funds provided in Specific Appropriation 1739 for Targeted Industry Reconnaissance, $300,000 is appropriated for economic development projects in areas that have recently been remediated in Miami-Dade County.

RECONSIDERATION OF AMENDMENT

On motion by Senator Childers, the Senate reconsidered the vote by which **Amendment 43** was adopted. **Amendment 43** was withdrawn.

Amendment 44 was withdrawn.

Senator Turner offered the following amendment which was moved by Senator Childers and adopted:

Amendment 45—

In Section: 06 On Page: 299 Specific Appropriation: 1727
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
Office Of Tourism, Trade And Economic Development

In Section 06 On Page 299
1727 Lump Sum
Office Of Tourism, Trade And Economic Development (Otted) Coordinated Programs

Following third paragraph of proviso language after Specific Appropriation 1727 on page 300, INSERT the following:

"Of the $4,000,000 in General Revenue Funds provided in Specific Appropriation 1727 for Brownfields Redevelopment, $300,000 is directed to Miami-Dade County for Poinciana Industrial Park Cleanup.

Amendments 46, 47 and **48** were withdrawn.

Senator Turner offered the following amendment which was moved by Senator Childers and adopted:

Amendment 49—

In Section: 06 On Page: 300 Specific Appropriation: 1727A
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE
Office Of Tourism, Trade And Economic Development

In Section 06 On Page 300
1727A Lump Sum
Economic Development Programs

From General Revenue Fund 100,000

Immediately following "City of Jacksonville/La Villa/Downtown Development Project.....500,000", INSERT:

Black Enterprise Challenge and Conference....100,000

Senator Jones offered the following amendment which was moved by Senator Childers and adopted:

Amendment 50—

In Section: 05 On Page: 277 Specific Appropriation: 1571LA
Delete Insert

TRANSPORTATION, DEPARTMENT OF
District Operations

In Section 05 On Page 277
1571LA Special Categories
Old Keys Bridges

From State Transportation (Primary) Trust Fund 250,000

Immediately after the new Specific Appropriation 1571LA, INSERT:

Specific Appropriation 1571LA includes $175,000 for the Old Keys Bridges consulting services and $75,000 for Old Keys Bridges cleanup.

Amendment 51 was withdrawn.

Senator Kirkpatrick offered the following amendment which was moved by Senator Horne and adopted:

Amendment 52—

In Section: 02 On Page: 045 Specific Appropriation: 128

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
	In Section 02 On Page 045		
128	Special Categories Grants And Aids - Communities In Schools		
	In Section 02 On Page 040		
	From General Revenue Fund	3,500,000	3,300,000
	In Section 02 On Page 045		
127	Special Categories Grants And Aids - College Reach Out Program		
	From General Revenue Fund	2,400,000	2,600,000

Amendment 53 was withdrawn.

Senator Grant offered the following amendment which was moved by Senator Horne:

Amendment 54—

In Section: 02 On Page: 030 Specific Appropriation: 115A

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
	In Section 02 On Page 030		
115A	Aid To Local Governments Grants And Aids - Innovative Practices Grants		
	From General Revenue Fund	5,000,000	3,500,000
	Workforce Development, Division Of		
	In Section 02 On Page 000		
146A	Special Categories Grants And Aids - Epilepsy Service Providers		
	From General Revenue Fund		1,500,000

Senator Grant offered the following substitute amendment which was moved by Senator Horne and adopted:

Substitute Amendment 54—

In Section: 02 On Page: 030 Specific Appropriation: 115A

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
	In Section 02 On Page 030		
115A	Aid To Local Governments Grants And Aids - Innovative Practices Grants		
	From General Revenue Fund	5,000,000	4,950,000
	Workforce Development, Division Of		
	In Section 02 On Page 000		
146A	Special Categories Grants And Aids - Epilepsy Service Providers		
	From General Revenue Fund		50,000

Amendment 55 was withdrawn.

Senator Horne moved the following amendment which was adopted:

Amendment 56—

In Section: 02 On Page: 062 Specific Appropriation: 179

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
	In Section 02 On Page 062		
179	Lump Sum Educational And General Activities		

Insert the following new language as the last paragraph of proviso following Specific Appropriation 179 on page 67:

From the funds in Specific Appropriation 179 for the Black Male Explorers Program, FAMU may advance funds to Bethune Cookman College, Florida Memorial College and Edward Waters College on a semiannual basis.

Amendments 57, 58 and **59** were withdrawn.

Senator Dudley offered the following amendment which was moved by Senator Horne and adopted:

Amendment 60—

In Section: 02 On Page: 014 Specific Appropriation: 52

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Office Of Deputy Commissioner For Planning, Budgeting And Management		
	In Section 02 On Page 014		
52	Fixed Capital Outlay State University System Projects		
	In Section 02 On Page 015		

In the existing proviso for Florida Gulf Coast University, change as follows

Classroom/Office Building complete (c).. 7,699,850

STRIKE "(c)" and INSERT "(c,e)"

Academic Building Four-Auditorium (p)... 800,000

STRIKE "Auditorium" and INSERT "Fine Arts Classroom and Labs"

Amendment 61 was withdrawn.

Senator Clary offered the following amendment which was moved by Senator Horne and adopted:

Amendment 62—

In Section: 02 On Page: 048 Specific Appropriation: 138

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
	In Section 02 On Page 048		
138	Special Categories Grants And Aids - School And Instructional Enhancements		
	In the second line of the second paragraph of proviso for Specific Appropriation 138 on page 48:		

STRIKE "$11,050,000" and INSERT "$10,925,000"

And in the eighth line of the second paragraph of proviso for Specific Appropriation 138 on page 48:

STRIKE "and"

And in the last line of the second paragraph of proviso for Specific Appropriation 138 on page 48 change the period to a comma and add the following new proviso:

"and $125,000 is provided for Old Home Town."

Amendments 63 and **64** were withdrawn.

Senators Holzendorf, Thomas, Meadows, Hargrett and Turner offered the following amendment which was moved by Senator Horne:

Amendment 65—

In Section: 02 On Page: 062 Specific Appropriation: 179

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
	In Section 02 On Page 062		
179	Lump Sum Educational And General Activities		
	From General Revenue Fund	1,135,733,759	1,136,533,759
	On page 66, in the listing of projects included in Line Item 179, add a new item:		

21) $800,000 for the Florida Collaborative for Excellence in Teacher Preparation. These funds are contingent upon receipt of a National Science Foundation Grant for this purpose.

	Board Of Regents General Office		
	In Section 02 On Page 070		
194	Special Categories Challenge Grants		
	From General Revenue Fund	30,083,751	29,683,751
	Human Resource Development, Division Of		
	In Section 02 On Page 020		
68	Special Categories Teacher Professional Development		
	From General Revenue Fund	10,409,323	10,009,323

Senator Holzendorf offered the following substitute amendment which was moved by Senator Horne and adopted:

Substitute Amendment 65—

In Section: 02 On Page: 062 Specific Appropriation: 179

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
	In Section 02 On Page 062		
179	Lump Sum Educational And General Activities		
	On page 66, the 2nd full paragraph relating to the $4,500,000 for FAMU at the end of the paragraph add a new sentence:		

Up to $800,000 may be expended as match for the Florida Collaborative for Excellence in Teacher Preparation for the National Science Foundation Grant.

Senator Bankhead offered the following amendment which was moved by Senator Horne and adopted:

Amendment 66—

In Section: 06 On Page: 343 Specific Appropriation: 1941

		Delete	Insert
	LEGISLATIVE BRANCH Auditing Committee		
	In Section 06 On Page 343		
1941	Lump Sum Juvenile Justice Advisory Board		
	Insert new proviso following Specific Appropriation 1941 as follows:		

The Juvenile Justice Advisory Board is authorized to receive and deposit additional grant funds into the Grants and Donations Trust Fund in Specific Appropriation 1941 and to seek increased spending authorization for any additional trust funds from the Speaker of the House of Representatives and the President of the Senate.

Senators Holzendorf and Turner offered the following amendment which was moved by Senator Horne and adopted:

Amendment 67—

In Section: 02 On Page: 022 Specific Appropriation: 77

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Private Colleges And Universities		
	In Section 02 On Page 022		
77	Special Categories Historically Black Private Colleges		
	Following the last line of proviso on page 22 for Specific Appropriation 77 ending with Florida Memorial College, insert after the comma:		

"including $100,000 to establish a Florida Memorial College/Israel Educational and Cultural Exchange Program,"

Senator Hargrett offered the following amendment which was moved by Senator Horne:

Amendment 68—

In Section: 02 On Page: 048 Specific Appropriation: 138

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
	In Section 02 On Page 048		
138	Special Categories Grants And Aids - School And Instructional Enhancements From General Revenue Fund	14,220,718	13,860,718

In the second line of the second paragraph of proviso for Specific Appropriation 138 on page 48:

STRIKE "$11,050,000" and INSERT "$10,690,000"

	In Section 02 On Page 000		
138A	Aid To Local Governments Grants And Aids - Urban Tutorial And Mentoring Program From General Revenue Fund		360,000

Insert the following new proviso for the new appropriation for an Urban Tutorial and Mentoring Program:

Funds in Specific Appropriation 138A are provided to create an urban tutorial and mentoring program to serve economically disadvantaged minority students in urban areas. The goals of the program are to improve the academic performance of economically disadvantaged minority students in public schools; to increase the involvement of parents in their children's out-of-school experiences; to establish linkages among parents, community institutions and the public schools; and to develop model programs that can be implemented at other sites. The urban tutorial and mentoring program must provide educational support services after school and on weekends; be located in a community where the students live; provide visits to families to inform them about the program and to invite them to participate; recruit volunteers to serve as mentors for the students; provide enrichment activities such as field trips and lectures by guest speakers; and develop monitoring and assessment models for measuring and evaluating the achievement of the goals and objectives of the project.

Senator Hargrett offered the following substitute amendment which was moved by Senator Horne and adopted:

Substitute Amendment 68—

In Section: 02 On Page: 048 Specific Appropriation: 138

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
	In Section 02 On Page 048		
138	Special Categories Grants And Aids - School And Instructional Enhancements From General Revenue Fund	14,220,718	14,170,718

In the second line of the second paragraph of proviso for Specific Appropriation 138 on page 48:

STRIKE "$11,050,000" and INSERT "$11,000,000"

	In Section 02 On Page 000		
138A	Aid To Local Governments Grants And Aids - Urban Tutorial And Mentoring Program From General Revenue Fund		50,000

Insert the following new proviso for the new appropriation for an Urban Tutorial and Mentoring Program:

Funds in Specific Appropriation 138A are provided to create an urban tutorial and mentoring program to serve economically disadvantaged minority students in urban areas. The goals of the program are to improve the academic performance of economically disadvantaged minority students in public schools; to increase the involvement of parents in their children's out-of-school experiences; to establish linkages among parents, community institutions and the public schools; and to develop model programs that can be implemented at other sites. The urban tutorial and mentoring program must provide educational support services after school and on weekends; be located in a community where the students live; provide visits to families to inform them about the program and to invite them to participate; recruit volunteers to serve as mentors for the students; provide enrichment activities such as field trips and lectures by guest speakers; and develop monitoring and assessment models for measuring and evaluating the achievement of the goals and objectives of the project.

Senators Hargrett, Latvala and Grant offered the following amendment which was moved by Senator Horne:

Amendment 69—

In Section: 02 On Page: 070 Specific Appropriation: 194

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Board Of Regents General Office		
	In Section 02 On Page 070		
194	Special Categories Challenge Grants From General Revenue Fund	30,083,751	29,697,759
	Educational And General Activities		
	In Section 02 On Page 062		
179	Lump Sum Educational And General Activities From General Revenue Fund	1,135,733,759	1,136,119,751

On page 66, the list of subitems included in Specific Appropriation 179, add a new item:

21) $385,992 for the Florida Institute of Oceanography

Amendment 69 was withdrawn.

RECONSIDERATION OF AMENDMENT

On motion by Senator Horne, the Senate reconsidered the withdrawal of **Amendment 69**. **Amendment 69** was adopted.

Amendment 70 was withdrawn.

Senators Latvala, Grant and Hargrett offered the following amendment which was moved by Senator Horne and adopted:

Amendment 71—

In Section: 02 On Page: 062 Specific Appropriation: 179

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
	In Section 02 On Page 062		
179	Lump Sum Educational And General Activities From General Revenue Fund	1,135,733,759	1,135,833,759

On page 66, the list of subitems included in Line Item 179, add a new item:

21) $100,000 for the Policy Exchange Center on Aging

Board Of Regents General Office

In Section 02 On Page 070
194 Special Categories
Challenge Grants
From General Revenue Fund 30,083,751 29,983,751

Senator Horne moved the following amendment:

Amendment 72—

In Section: 02 On Page: 062 Specific Appropriation: 179
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Educational And General Activities

In Section 02 On Page 062
179 Lump Sum
Educational And General Activities

On page 66, the third full paragraph related to the $5 million performance incentive funding, in the last sentence, Strike everything after the word "two" and insert:

", AA transfer students shall receive a weight of one and all other degrees shall be at a weight of .5 in determining the number of degrees eligible for performance incentive funding."

Senator Kirkpatrick offered the following substitute amendment which was moved by Senator Horne and adopted:

Substitute Amendment 72—

In Section: 02 On Page: 062 Specific Appropriation: 179
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Educational And General Activities

In Section 02 On Page 062
179 Lump Sum
Educational And General Activities

On page 66, the third full paragraph related to the $5 million performance incentive funding, in the last sentence, Strike the last sentence and insert the following:

"Baccalaureate Degrees earned by first-time-in-college students shall receive a weight of 2.0, AA transfer students shall receive a weight of 2.0, and all other degrees shall be at a weight of .5 in determining the number of degrees eligible for performance incentive funding."

Senator Dudley offered the following amendment which was moved by Senator Horne and adopted:

Amendment 73—

In Section: 02 On Page: 067 Specific Appropriation: 181
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Educational And General Activities

In Section 02 On Page 067
181 Lump Sum
University Of South Florida Medical
Center Operations
From General Revenue Fund 42,172,505 42,724,095

On page 68, the list of items included in Specific Appropriation 181, add a new item:

3) $551,590 for the Center for Healthy Mothers and Babies - USF

Senator Kirkpatrick offered the following amendment which was moved by Senator Horne and adopted:

Amendment 74—

In Section: 01 On Page: 004 Specific Appropriation: 16
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Community Colleges, Division Of

In Section 01 On Page 004
16 Special Categories
Grants And Aids - Community College
Endowment Matching Fund

Insert new proviso following Specific Appropriation 16:

From the funds provided in Specific Appropriation 16, $1,000,000 shall be allocated to the Foundation for Florida's Community Colleges, to be matched at the rate of one private dollar of funds for each state dollar. Private funds matched in this specific appropriation shall not be counted as match in any other state matching program, except that state funds not matched by private dollars through the Foundations shall be transferred to the Academic Improvement Trust Fund for match by individual colleges. The use of these funds through the Foundation shall be for scholarships to Florida's community college students.

Senator Holzendorf offered the following amendment which was moved by Senator Horne and adopted:

Amendment 75—

In Section: 02 On Page: 061 Specific Appropriation: 176
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Postsecondary Education Planning
Commission

In Section 02 On Page 061
176 Special Categories
Special Studies

On page 61 after the existing proviso, insert a new paragraph of proviso:

The Postsecondary Education Planning Commission shall study the feasibility of a residential math and science academy to be created pursuant to SB 388 and report its findings to the Governor and Legislature by January 30, 1999.

Amendment 76 was withdrawn.

Senators Horne and Cowin offered the following amendment which was moved by Senator Horne and adopted:

Amendment 77—

In Section: On Page: 401 Specific Appropriation:
Delete Insert

In Section On Page 401

INSERT new section after Section 25, renumber subsequent sections.

SECTION 26. $10,000,000 is appropriated for use in the 1997-98 year and shall be allocated among those school districts that exceeded their Group 2 enrollment cap for exceptional child programs during the 1997-98 year.

Senator Dudley offered the following amendment which was moved by Senator Horne and adopted:

Amendment 78—

In Section: 02 On Page: 014 Specific Appropriation: 52

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Office Of Deputy Commissioner For Planning, Budgeting And Management		
	In Section 02 On Page 014		
52	Fixed Capital Outlay State University System Projects		
	From Public Education Capital Outlay And Debt Service Trust Fund	161,349,057	168,849,057
	In the list of projects following Specific Appropriation 52 for the University of South Florida on page 16, after "Moffitt Cancer Center...5,000,000", insert		

Center for Healthy Mothers and Babies (p,c,e)....7,500,000

	In Section 02 On Page 011		
50	Fixed Capital Outlay Survey Recommended Needs - Public Schools		
	From Public Education Capital Outlay And Debt Service Trust Fund	121,706,259	114,206,259

Senator Holzendorf offered the following amendment which was moved by Senator Horne:

Amendment 79—

In Section: 02 On Page: 020 Specific Appropriation: 68

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Human Resource Development, Division Of		
	In Section 02 On Page 020		
68	Special Categories Teacher Professional Development		
	From General Revenue Fund	10,409,323	8,409,323
68A	Special Categories G/A-Urban Teacher Residency Program		
	From General Revenue Fund		2,000,000

Senator Holzendorf offered the following substitute amendment which was moved by Senator Horne and adopted:

Substitute Amendment 79—

In Section: 02 On Page: 020 Specific Appropriation: 68A

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Human Resource Development, Division Of		
	In Section 02 On Page 020		
68A	Special Categories G/A-Urban Teacher Residency Program		
	From General Revenue Fund		500,000
	Public Schools, Division Of		
	In Section 02 On Page 045		
128	Special Categories Grants And Aids - Communities In Schools		
	From General Revenue Fund	3,500,000	3,000,000

Senator Grant offered the following amendment which was moved by Senator Horne and adopted:

Amendment 80—

In Section: 01 On Page: 002 Specific Appropriation: 8

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
	In Section 01 On Page 002		
8	Special Categories Grants And Aids - Pre-School Projects		
	From Educational Enhancement Trust Fund	106,925,000	103,925,000
	Strike the second paragraph of proviso for Specific Appropriation 8 on page 2		

Strike the third paragraph of proviso for Specific Appropriation 8 on page 2 and insert the following new paragraph of proviso:

From the funds appropriated in Specific Appropriation 8, $677,000 is provided to assist the coordination and delivery of early childhood services. Contingent upon the passage of Senate Bill 180 or similar legislation, $250,000 of this amount shall be deposited in the Early Education and Child Care Trust Fund to support the work of the School Readiness Commission.

Strike the fourth paragraph for Specific Appropriation 8 that begins on page 2 and continues on page 3 and insert the following new paragraph of proviso:

From the funds appropriated in Specific Appropriation 8, $152,500 shall be transferred to the Early Education and Child Care Trust Fund to provide staff and other support for the work of the School Readiness Coordinating Council, contingent upon the passage of Senate Bill 180 or similar legislation.

Strike the fourth full paragraph of proviso for Specific Appropriation 8 on page 3 and insert the following new paragraph of proviso:

From the funds appropriated in Specific Appropriation 8, $125,000 shall be transferred to the Early Education and Child Care Trust Fund for evaluation research design for the system of school readiness, contingent upon the passage of Senate Bill 180 or similar legislation.

Strike the fifth full paragraph of proviso for Specific Appropriation 8 on page 3

	In Section 01 On Page 000		
9A	Special Categories Grants And Aids - Coalition Incentive Funds		
	From Educational Enhancement Trust Fund		3,000,000
	Insert the following proviso in Sections 01 and 02, Specific Appropriations 9A and 140A:		

Funds appropriated in Specific Appropriation 9A shall be transferred to the Early Education and Child Care Trust Fund to provide incentives for school readiness coalitions, contingent upon the passage of Senate Bill 180 or similar legislation. These funds shall

support the early education and child care program to assist communities and schools in meeting their obligations under Goal I of Education Reform and Accountability.

```
        In Section 02  On Page 049
140A    Special Categories
        Grants And Aids - Coalition Incentive
        Funds
          From General Revenue Fund                          2,000,000

        Insert the following proviso in Sections 01 and 02,
        Specific Appropriations 9A and 140A:
```

Funds appropriated in Specific Appropriation 140A shall be transferred to the Early Education and Child Care Trust Fund to provide incentives for school readiness coalitions, contingent upon the passage of Senate Bill 180 or similar legislation. These funds shall support the early education and child care program to assist communities and schools in meeting their obligations under Goal I of Education Reform and Accountability.

Senator Bankhead offered the following amendment which was moved by Senator Horne and adopted:

Amendment 81—

```
In Section: 02 On Page: 045 Specific Appropriation:  128
                                                   Delete          Insert

        EDUCATION, DEPARTMENT OF, AND
        COMMISSIONER OF EDUCATION
        Public Schools, Division Of

        In Section 02  On Page 045
128     Special Categories
        Grants And Aids - Communities In Schools
          From General Revenue Fund                3,500,000       3,250,000

        Human Resource Development, Division Of

        In Section 02  On Page 020
64      Special Categories
        Florida Endowment For The Humanities
          From General Revenue Fund                  150,000         400,000

        Following Specific Appropriation 64, INSERT new
        paragraph:
```

From the funds appropriated in Specific Appropriation 64, $250,000 is provided for a technology training program for humanities teachers. The Florida Humanities Council/Florida Center for Teachers shall link with distance learning facilities already located at Florida Community College at Jacksonville.

Amendment 82 was withdrawn.

Senator Scott offered the following amendment which was moved by Senator Horne and adopted:

Amendment 83—

```
In Section:    On Page: 401 Specific Appropriation:
                                                   Delete          Insert

        In Section      On Page 401

        After Section 24 on page 401, insert a NEW SECTION,
        renumber subsequent sections.
```

SECTION 25. The project entitled JT/FAU/BCC Twin Towers - Admin, clsms ctr (p,c,e) for Broward Community College contained in Item 63 of Chapter 96-424, Laws of Florida, is hereby reappropriated for fiscal year 1998-99 for the same purpose.

Amendment 84 was withdrawn.

Senator Turner offered the following amendment which was moved by Senator Horne and adopted:

Amendment 85—

```
In Section: 02 On Page: 022 Specific Appropriation:   77
                                                   Delete          Insert

        EDUCATION, DEPARTMENT OF, AND
        COMMISSIONER OF EDUCATION
        Private Colleges And Universities

        In Section 02  On Page 022
77      Special Categories
        Historically Black Private Colleges

        After the last line of existing proviso for Specific
        Appropriation 77, INSERT a new line in the same
        paragraph:
```

From the funds appropriated to Florida Memorial College, up to $500,000 may be used for dormitory repair and renovations

Amendments 86, **87**, **88**, **Substitute 88** and **89** were withdrawn.

Senator Harris offered the following amendment which was moved by Senator Myers and failed:

Amendment 90—

```
In Section: 03 On Page: 121 Specific Appropriation:  528A
                                                   Delete          Insert

        HEALTH, DEPARTMENT OF
        Health Services

        In Section 03  On Page 121
528A    Fixed Capital Outlay
        Construction, Renovation, And Equipment -
        County Health Departments
          From General Revenue Fund               11,959,200      13,959,200

        Immediately following Specific Appropriation 528A,
        INSERT:
```

Of the general revenue funds in Specific Appropriation 528A, $2,000,000 is provided for the Sarasota County Health Department.

Senator Bankhead offered the following amendment which was moved by Senator Myers and adopted:

Amendment 91—

```
In Section: 03 On Page: 113 Specific Appropriation:  473D
                                                   Delete          Insert

        HEALTH, DEPARTMENT OF
        Program Planning, Support And Regulation

        In Section 03  On Page 113
473D    Lump Sum
        Statewide Osteoporosis Prevention And
        Education Program
          From Federal Grants Trust Fund                            86,959
```

Senator Gutman offered the following amendment which was moved by Senator Myers and adopted:

Amendment 92—

```
In Section: 03 On Page: 119 Specific Appropriation:  515
                                                   Delete          Insert

        HEALTH, DEPARTMENT OF
        Health Services

        In Section 03  On Page 119
515     Special Categories
        Grants And Aids - Contracted Services
```

From Grants And Donations Trust Fund 100,000

Immediately following Specific Appropriation 515, INSERT:

From the Grants and Donations Trust Fund in Specific Appropriation 515, $100,000 is provided to the League Against Cancer.

In Section 03 On Page 117
501 Aid To Local Governments
Contribution To County Health Units

From Grants And Donations Trust Fund 17,840,752 17,740,752

Amendments 93 and **94** were withdrawn.

Senators Bankhead and Cowin offered the following amendment which was moved by Senator Myers and adopted:

Amendment 95—

In Section: 03 On Page: 099 Specific Appropriation: 378
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
District Services
Family Safety And Preservation

In Section 03 On Page 099
378 Special Categories
Grants And Aids - Contracted Services

Immediately following Specific Appropriation 378, DELETE:

The first paragraph of the existing proviso language.

and insert in lieu thereof:

From funds in Specific Appropriation 378, the sum of $106,000 from the General Revenue Fund shall be used to continue the existing contract with the Foster Care Citizen Review Board in the Fourth Judicial Circuit, and $75,000 from the General Revenue Fund to continue the Foster Care Review contract in Marion County. In addition, also from the General Revenue Fund, $25,000 shall be allocated to expand the contract in Dade County, $25,000 to expand the contract in Marion County, and $75,000 to expand the contract in Palm Beach County.

All contracts with Foster Care Citizen Review Boards shall be executed, monitored and audited directly by the State Office of Family Safety and Preservation.

Senator Bankhead offered the following amendment which was moved by Senator Myers and adopted:

Amendment 96—

In Section: 06 On Page: 333 Specific Appropriation:
Delete Insert

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF
Jobs And Benefits, Division Of

In Section 06 On Page 333

In Section 06, on Page 333, INSERT the following proviso immediately preceding Specific Appropriation 1885A:

From the funds in Specific Appropriations 1885A and 1885C, the Department of Labor and Employment Security shall implement a WAGES pilot program to privatize the delivery of WAGES related job placement and readiness services in JEP Region 8. The department shall work with the First Coast Workforce Development, Inc./First Coast WAGES Coalition to develop an implementation plan for the pilot program beginning October 1, 1998. The department shall submit a copy of the plan to the Governor's Office and to the Florida Legislature by September 1, 1998, for approval.

Amendment 97 was withdrawn.

Senator Myers moved the following amendments which were adopted:

Amendment 98—

In Section: 03 On Page: 098 Specific Appropriation: 369
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
District Services
Family Safety And Preservation

In Section 03 On Page 098
369

Insert proviso immediately PRECEDING Specific Appropriation 369:

Pilot projects involving Child Welfare Legal Services and authorized by proviso language preceding Specific Appropriation 387 of Chapter 96-424; and preceding Specific Appropriation 334 of Chapter 97-152; between the Department of Children and Families and the Attorney General's Office and specified state attorneys are hereby authorized to continue as designated in Specific Appropriations 369 and 371.

Amendment 99—

In Section: 03 On Page: 096 Specific Appropriation: 361A
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
District Services
Alcohol, Drug Abuse And Mental Health Services

In Section 03 On Page 096
361A Special Categories
Grants And Aids - Adult Mental Health Services

Immediately following Specific Appropriation 361A, INSERT:

From the funds in specific appropriation 361A, none of the $750,000 designated for the Wayne Densch Center, Inc. may be expended unless the Center has received its certificate of occupancy and none of the funds may be expended for services provided to any person who does not have persistent and chronic mental illness as defined in Section 394.455(18), Florida Statutes.

Senator Bankhead offered the following amendment which was moved by Senator Myers and adopted:

Amendment 100—

In Section: 03 On Page: 113 Specific Appropriation: 470
Delete Insert

HEALTH, DEPARTMENT OF
Program Planning, Support And Regulation

In Section 03 On Page 113
470 Aid To Local Governments
Grants And Aids - Local Health Councils

From Grants And Donations Trust Fund 1,294,147 1,650,000

Senator Gutman offered the following amendment which was moved by Senator Myers:

Amendment 101—

```
In Section: 03 On Page: 113 Specific Appropriation:  474
                                                   Delete          Insert

        HEALTH, DEPARTMENT OF
        Program Planning, Support And Regulation

        In Section 03  On Page 113
474     Special Categories
        Examination Testing Services For
        Professional Regulation
          From Medical Quality Assurance           3,723,351       5,723,351
          Trust Fund

        Immediately following Specific Appropriation 474,
        INSERT:
```

Of the funds in Specific Appropriation 474, up to $2,000,000 is provided to contract with the University of South Florida to develop an examination as required by section 458.3115(1)(a), Florida Statutes. The funding anticipates that the applicants shall bear the cost of the exam and the department shall recover these funds by charging all exam applicants.

Senators Gutman and Casas offered the following substitute amendment which was moved by Senator Myers and adopted:

Substitute Amendment 101—

```
In Section: 03 On Page: 113 Specific Appropriation:  474
                                                   Delete          Insert

        HEALTH, DEPARTMENT OF
        Program Planning, Support And Regulation

        In Section 03  On Page 113
474     Special Categories
        Examination Testing Services For
        Professional Regulation
          From Medical Quality Assurance           3,723,351       4,923,351
          Trust Fund

        Immediately following Specific Appropriation 474,
        INSERT:
```

Of the funds in Specific Appropriation 474, up to $1,200,000 is provided to contract with the University of South Florida to develop an examination as required by section 458.3115(1)(a), Florida Statutes. The funding anticipates that the applicants shall bear the cost of the exam and the department shall recover these funds by charging all exam applicants.

Senator McKay offered the following amendment which was moved by Senator Myers and adopted:

Amendment 102—

```
In Section: 03 On Page: 117 Specific Appropriation:  502
                                                   Delete          Insert

        HEALTH, DEPARTMENT OF
        Health Services

        In Section 03  On Page 117
502     Aid To Local Governments
        Grants And Aids - Community Health
        Centers

        Following Specific Appropriation 502, Make the
        Following Adjustments:
```

For Central Florida Health Care, Inc., STRIKE 160,000 and INSERT "353,000", and

For Manatee County Rural Health Services, Inc., STRIKE 638,000 and INSERT "445,600"

Amendments 103 and **104** were withdrawn.

Senator Myers moved the following amendment which was adopted:

Amendment 105—

```
In Section: 03 On Page: 117 Specific Appropriation:  501
                                                   Delete          Insert

        HEALTH, DEPARTMENT OF
        Health Services

        In Section 03  On Page 117
501     Aid To Local Governments
        Contribution To County Health Units

        Following Specific Appropriation 501, INSERT:
```

From the general revenue funds in Specific Appropriation 501, $200,000 is provided to continue funding for an indigent dental clinic in Pinellas County.

Senator Brown-Waite offered the following amendment which was moved by Senator Myers and adopted:

Amendment 106—

```
In Section: 03 On Page: 081 Specific Appropriation:  235
                                                   Delete          Insert

        BUSINESS AND PROFESSIONAL REGULATION,
        DEPARTMENT OF: AGENCY FOR HEALTH CARE
        ADMINISTRATION
        Medicaid Services

        In Section 03  On Page 081
235     Special Categories
        Community Mental Health Services

        Immediately following Specific Appropriation 235,
        INSERT:
```

The agency shall assure that a final report of the evaluation of the Districts 6 and 14 prepaid mental health pilot project is submitted to the Speaker of the House, President of the Senate, and Executive Office of the Governor no later than January 1, 1999. The agency shall take action it deems necessary to assure that all providers participating in the pilot project provide the agency and the Florida Mental Health Institute with the data required for the timely completion and the submission of the required report.

Amendment 107 was withdrawn.

Senator Myers moved the following amendment which was adopted:

Amendment 108—

```
In Section: 03 On Page: 112 Specific Appropriation:  467
                                                   Delete          Insert

        HEALTH, DEPARTMENT OF
        Program Planning, Support And Regulation

        In Section 03  On Page 112
467     Other Personal Services
          From Medical Quality Assurance           3,304,809       3,404,809
          Trust Fund

        Immediately following Specific Appropriation 467,
        INSERT:
```

From the funds in Specific Appropriation 467, $100,000 in the Medical Quality Assurance Trust Fund is to increase funding for the Physician Recovery Network.

Amendment 109 was withdrawn.

Senator Myers moved the following amendment which was adopted:

Amendment 110—

In Section: 03 On Page: 121 Specific Appropriation: 529A

		Delete	Insert
	HEALTH, DEPARTMENT OF Health Services		
	In Section 03 On Page 121		
529A	Grants And Aids To Local Governments And Nonprofit Organizations Other Health Facilities		
	From General Revenue Fund	16,244,800	15,494,800
	Children's Medical Services		
	In Section 03 On Page 122		
539	Special Categories Grants And Aids - Primary Care Program		
	From General Revenue Fund	3,587,867	4,337,867
	Immediately following Specific Appropriation 539, INSERT:		

Of the funds in Specific Appropriation 539, $750,000 is new funding. These funds shall be used to enhance existing Children's Medical Services primary care programs. Priority is to be given to enhancing the nurse-to-patient ratio to recommended levels and a distribution based on current patient caseload.

Senators Myers and Holzendorf offered the following amendment which was moved by Senator Myers and adopted:

Amendment 111—

In Section: 03 On Page: 121 Specific Appropriation: 529A

		Delete	Insert
	HEALTH, DEPARTMENT OF Health Services		
	In Section 03 On Page 121		
529A	Grants And Aids To Local Governments And Nonprofit Organizations Other Health Facilities		
	Immediately following Specific Appropriation 529A, INSERT:		

Of the funds in Specific Appropriation 529A, $250,000 is provided for the Eastside Clinic in Alachua County.

Senator Forman offered the following amendment which was moved by Senator Myers and failed:

Amendment 112—

In Section: 03 On Page: 084 Specific Appropriation: 262

		Delete	Insert
	BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF: AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid Services		
	In Section 03 On Page 084		
262	Special Categories Physician Services		
	From General Revenue Fund	169,370,259	167,770,259
	From Medical Care Trust Fund	212,552,928	210,552,928
	Immediately following Specific Appropriation 262, INSERT:		

Funds in Specific Appropriation 262 represent a reduction of $1,600,000 from the General Revenue Fund and $2,000,000 from the Medical Care Trust Fund resulting from the implementation of a cardiac disease management initiative by the department.

	VETERANS' AFFAIRS, DEPARTMENT OF		
	In Section 03 On Page 125		
565	Fixed Capital Outlay State Nursing Home For Veterans - Number Two - Dms Mgd		
	From Veterans' Affairs Design And Construction Trust Fund	1,000,000	0
	From General Revenue Fund	500,000	0
565A	Fixed Capital Outlay State Nursing Home For Veterans - Number Three - Dms Mgd		
	From General Revenue Fund		1,825,000
	From Veterans' Affairs Design And Construction Trust Fund		1,000,000
	CHILDREN AND FAMILIES, DEPARTMENT OF District Services Family Safety And Preservation		
	In Section 03 On Page 099		
376A	Special Categories Grants And Aids - Florida Treatment Network Vocational Training Inititive		
	From Federal Grants Trust Fund	247,812	0
	From General Revenue Fund		200,000
	STATE, DEPARTMENT OF, AND SECRETARY OF STATE Cultural Affairs, Division Of		
	In Section 06 On Page 382		
2175A	Special Categories Kathleen Cooper Wright Memorial		
	From General Revenue Fund		25,000
2175A	Special Categories Young At Art		
	From General Revenue Fund		50,000

Senator Myers moved the following amendment which was adopted:

Amendment 113—

In Section: 03 On Page: 124 Specific Appropriation: 555

		Delete	Insert
	HEALTH, DEPARTMENT OF Children's Medical Services		
	In Section 03 On Page 124		
555	Special Categories Grants And Aids - Pediatric Acquired Immune Deficiency Syndrome Network		
	From General Revenue Fund	1,404,663	2,004,663
	Immediately following Specific Appropriation 555, INSERT:		

Funds in Specific Appropriation 555 include $600,000 new funding for the Pediatric AIDS Network. Duval County shall be brought into this network for an appropriate portion of these funds.

CHILDREN AND FAMILIES, DEPARTMENT OF
Children And Families - Administration
Assistant Secretary For Administration

In Section 03 On Page 089
308 Fixed Capital Outlay
Department Of Health And Rehabilitative
Services Fixed Capital Needs For
Centrally Managed Facilities

From General Revenue Fund 4,700,000 4,100,000

Amendments 114 and **115** were withdrawn.

Senators Harris and McKay offered the following amendment which was moved by Senator Silver and adopted:

Amendment 116—

In Section: 04 On Page: 180 Specific Appropriation: 1008
Delete Insert

JUVENILE JUSTICE, DEPARTMENT OF
District Operations

In Section 04 On Page 180
1008 Special Categories
Grants And Aids - Contracted Services

In the proviso following Specific Appropriation 1008,
on page 181, STRIKE:

Secrets of Success Program, $100,000 from recurring General Revenue Fund;

and INSERT:

Boys and Girls Clubs, $50,000 from General Revenue Fund for the Smart Moves program, $25,000 from General Revenue Fund for the Power Hour program, and $25,000 from General Revenue Fund for the public/private partnership program;

Senator Dudley offered the following amendment which was moved by Senator Silver:

Amendment 117—

In Section: 04 On Page: 140 Specific Appropriation: 627
Delete Insert

JUSTICE ADMINISTRATION
Justice Administrative Commission

In Section 04 On Page 140
627 Special Categories
State Attorney And Public Defender
Training

From General Revenue Fund 35,000

Senator Silver moved the following substitute amendment which was adopted:

Substitute Amendment 117—

In Section: 04 On Page: 129 Specific Appropriation: 581
Delete Insert

CORRECTIONS, DEPARTMENT OF
Custody And Control

In Section 04 On Page 129
581 Salaries And Benefits

From General Revenue Fund 715,492,870 715,457,870

JUSTICE ADMINISTRATION
Justice Administrative Commission

In Section 04 On Page 140
627 Special Categories
State Attorney And Public Defender
Training

From General Revenue Fund 35,000

Senator Dudley offered the following amendment which was moved by Senator Silver and adopted:

Amendment 118—

In Section: 04 On Page: 169 Specific Appropriation: 923
Delete Insert

JUSTICE ADMINISTRATION
Public Defenders
Nineteenth Judicial Circuit

In Section 04 On Page 169
923 Salaries And Benefits

Positions 58 59
From General Revenue Fund 2,608,124 2,636,124

Following Specific Appropriation 923, INSERT:

From the funds in Specific Appropriation 923, 1 FTE and $28,000 from General Revenue Funds are provided to the Public Defender in the 19th Judicial Circuit to screen first time adult offenders.

STATE COURT SYSTEM
Circuit Courts

In Section 07 On Page 391
2215 Salaries And Benefits

Positions 1,583 1,582
From General Revenue Fund 114,820,843 114,792,843

DELETE the proviso immediately following Specific
Appropriation 2215:

From the funds in Specific Appropriation 2215, 1 FTE and $28,000 from General Revenue Funds are provided to the 19th Judicial Circuit to screen first time adult offenders.

Senator Dudley offered the following amendment which was moved by Senator Silver:

Amendment 119—

In Section: 04 On Page: 174 Specific Appropriation: 970
Delete Insert

JUSTICE ADMINISTRATION
Office Of Capital Collateral
Representative
Middle Regional Counsel

In Section 04 On Page 174
970 Salaries And Benefits

From General Revenue Fund 1,332,028 1,532,028

Following Specific Appropriation 970, INSERT:

From the funds in Specific Appropriation 970, $200,000 in General Revenue Funds is provided to the Capital Collateral Middle Regional Counsel for additional salary rate.

Senator Silver moved the following substitute amendment which was adopted:

Substitute Amendment 119—

In Section: 04 On Page: 129 Specific Appropriation: 581
Delete Insert

CORRECTIONS, DEPARTMENT OF
Custody And Control

In Section 04 On Page 129
581 Salaries And Benefits

From General Revenue Fund	715,492,870	715,292,870

JUSTICE ADMINISTRATION
Office Of Capital Collateral
Representative
Middle Regional Counsel

In Section 04 On Page 174
970 Salaries And Benefits

From General Revenue Fund	1,332,028	1,532,028

Following Specific Appropriation 970, INSERT:

From the funds in Specific Appropriation 970, $200,000 in General Revenue Funds is provided to the Capital Collateral Middle Regional Counsel for additional salary rate.

Senators Kirkpatrick, Laurent and Campbell offered the following amendment which was moved by Senator Silver and failed:

Amendment 120—

In Section: 04 On Page: 135 Specific Appropriation: 607C

	Delete	Insert

CORRECTIONS, DEPARTMENT OF
Community Corrections

In Section 04 On Page 135
607C Special Categories
Grants And Aids - Contracted Drug
Treatment/Rehabilitation Programs

From General Revenue Fund	16,728,551	17,228,551

Following Specific Appropriation 607C, INSERT:

From the funds in Specific Appropriation 607C, $500,000 from recurring General Revenue Fund is provided for the Specialized Women's Adjustment Center located at the Polk/Hardee county line.

Senators Harris and McKay offered the following amendment which was moved by Senator Silver and adopted:

Amendment 121—

In Section: 04 On Page: 180 Specific Appropriation: 1008

	Delete	Insert

JUVENILE JUSTICE, DEPARTMENT OF
District Operations

In Section 04 On Page 180
1008 Special Categories
Grants And Aids - Contracted Services

In the proviso following Specific Appropriation 1008,
STRIKE:

From the funds in Specific Appropriation 1008, $6,011,626 from the General Revenue Fund is for community prevention, intervention, and diversion program grants which are consistent with local district board and county council plans.

and INSERT:

From the funds in Specific Appropriation 1008, $6,011,626 from the General Revenue Fund is for community prevention, intervention, and diversion program grants which are consistent with local district board and county council plans. These grants may include programs such as Boys and Girls Clubs, YMCA/YWCA, after-school, mentoring, counseling, and job and life skills training.

Senator Holzendorf offered the following amendment which was moved by Senator Silver and adopted:

Amendment 122—

In Section: 04 On Page: 180 Specific Appropriation: 1008

	Delete	Insert

JUVENILE JUSTICE, DEPARTMENT OF
District Operations

In Section 04 On Page 180
1008 Special Categories
Grants And Aids - Contracted Services

Immediately following Specific Appropriation 1008,
INSERT:

From the recurring General Revenue funds provided in Specific Appropriation 1008, the $250,000 for the Out of School Suspension Program in Duval County which was authorized in the 1997-98 General Appropriations Act is hereby continued for the 1998-99 fiscal year.

Amendments 123 and **124** were withdrawn.

MOTION

On motion by Senator Bankhead, by two-thirds vote debate on **Amendment 125** was limited to 15 minutes per side for a total of 30 minutes.

Senators Dudley, Horne and Crist offered the following amendment which was moved by Senator Dudley and failed:

Amendment 125—

In Section: 04 On Page: 190 Specific Appropriation: 1061A

	Delete	Insert

LEGAL AFFAIRS, DEPARTMENT OF, AND
ATTORNEY GENERAL
Office Of Attorney General

In Section 04 On Page 190
1061A Salaries And Benefits

INSERT proviso immediately following Specific
Appropriation 1061A:

Notwithstanding anything hereto to the contrary, no General Revenue Funds provided in Specific Appropriation 1061A shall be expended until the Attorney General provides full and complete evidence regarding State of Florida, et al., vs. American Tobacco Company, et al., to all legislative committees requesting same.

Senator Silver moved the following amendment which was adopted:

Amendment 126—

In Section: 03 On Page: 098 Specific Appropriation: 369

	Delete	Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
District Services
Family Safety And Preservation

In Section 03 On Page 098
369 Salaries And Benefits

Positions	4,665	4,658
From Federal Grants Trust Fund	69,969,155	69,773,705

371 Expenses

From Federal Grants Trust Fund 3,979,537 4,174,987

JUSTICE ADMINISTRATION
State Attorneys
Eighth Judicial Circuit

In Section 04 On Page 147
689 Salaries And Benefits

Positions 124 131
From Grants And Donations Trust Fund 717,984 913,434

Immediately following Specific Appropriation 689, INSERT:

From the Grants and Donations Trust Fund in Specific Appropriation 689, $195,450 and 7 positions is provided for the continuation of the pilot project for Child Welfare Legal Services in conjunction with the Department of Children and Families.

Senator Grant offered the following amendment which was moved by Senator Silver and failed:

Amendment 127—

In Section: 07 On Page: 390 Specific Appropriation: 2211
Delete Insert

STATE COURT SYSTEM
District Courts Of Appeal

In Section 07 On Page 390
2211 Expenses

From County Article V Trust Fund 500,000

Following Specific Appropriation 2211, INSERT:

From the funds in Specific Appropriation 2211, $500,000 from the Article V Trust Fund shall be distributed on a pro-rata caseload basis to the counties comprising the 2nd District Courts of Appeal for appellate counsel for indigent defendents appealing criminal matters.

Circuit Courts

In Section 07 On Page 392
2219 Aid To Local Governments
Grants And Aids - Article V

From County Article V Trust Fund 5,000,000 4,500,000

Amendment 128 was withdrawn.

Senator Latvala offered the following amendment which was moved by Senator Silver and adopted:

Amendment 129—

In Section: 04 On Page: 135 Specific Appropriation: 607C
Delete Insert

CORRECTIONS, DEPARTMENT OF
Community Corrections

In Section 04 On Page 135
607C Special Categories
Grants And Aids - Contracted Drug Treatment/Rehabilitation Programs

From Grants And Donations Trust Fund 284,803 2,284,803

Immediately following Specific Appropriation 607C, INSERT:

From the funds in Specific Appropriation 607C, $2,000,000 from the Grants and Donations Trust Fund is provided for secure and non-secure drug treatment beds. Expenditure of these funds is contingent upon receipt of sufficient federal reimbursements for incarcerated aliens over and above the amount transferred to General Revenue Fund in Specific Appropriation 586A.

Amendment 130 was withdrawn.

Senator Silver moved the following amendment which was adopted:

Amendment 131—

In Section: 04 On Page: 191 Specific Appropriation: 1061C
Delete Insert

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL
Office Of Attorney General

In Section 04 On Page 191
1061C Expenses

Following Specific Appropriation 1061C, INSERT:

From the funds in Specific Appropriation 1061C, the Commission on the Status of Women within the Attorney General's Office is authorized to spend up to $2000 for the Womens Hall of Fame Reception.

On motion by Senator Sullivan, consideration of **SB 2500** was deferred.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:57 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:45 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

SB 2500—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Senator Childers moved the following amendment which was adopted:

Amendment 132—

In Section: 05 On Page: 193 Specific Appropriation: 1122A
Delete Insert

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE
Marketing And Development, Division Of

In Section 05 On Page 193
1122A Special Categories
Transfer Alligator Education Cash To
State Game Wildlife Trust Fund

From General Inspection Trust Fund 126,689 0

1122A Special Categories
Transfer Alligator Education Cash To
State Game Trust Fund

From General Inspection Trust Fund 126,689

Senator Horne moved the following amendments which were adopted:

Amendment 133—

In Section: 01 On Page: 004 Specific Appropriation: 16
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Community Colleges, Division Of

In Section 01 On Page 004
16 Special Categories
Grants And Aids - Community College
Endowment Matching Fund

Delete and move the proviso currently located following Specific Appropriation 16 to 16A.

Amendment 134—

In Section: 02 On Page: 010 Specific Appropriation: 46
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Office Of Deputy Commissioner For
Planning, Budgeting And Management

In Section 02 On Page 010
46 Special Categories
Grants And Aids - Autism Program

In the second line of proviso following Specific Appropriation 46:

STRIKE "five" and INSERT "six"

Amendment 135—

In Section: 02 On Page: 062 Specific Appropriation: 179
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Universities, Division Of
Educational And General Activities

In Section 02 On Page 062
179 Lump Sum
Educational And General Activities

On page 63, insert a new paragraph following the first paragraph of proviso:

In addition to the amended calculated enrollment plan, growth has been provided for 50 upper level FTE at UF for limited access programs, 10 upper level FTE at FAU for SeaTech, and 250 graduate level FTE for UF.

Senator Sullivan offered the following amendments which were moved by Senator Horne and adopted:

Amendment 136—

In Section: 02 On Page: 043 Specific Appropriation: 120
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of

In Section 02 On Page 043
120 Aid To Local Governments
Grants And Aids - Public School
Technology

In the first line of the second full paragraph of proviso for Specific Appropriation 120 on page 44:

STRIKE "101" and INSERT "115"

And in the second line of that same paragraph:

STRIKE "107" and INSERT "118"

And in the third line of that same paragraph:

STRIKE "123" and INSERT "132"

And in the fifth line of that same paragraph:

STRIKE "109" and INSERT "120"

Amendment 137—

In Section: 02 On Page: 039 Specific Appropriation: 118
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of

In Section 02 On Page 039
118 Aid To Local Governments
Grants And Aids - Class Size Reduction

In the first line of the fourth full paragraph of proviso for Specific Appropriation 118 on page 40:

STRIKE "101" and INSERT "115"

And in the second line of that same paragraph:

STRIKE "107" and INSERT "118"

And in the third line of that same paragraph:

STRIKE "129" and INSERT "132"

And in the fifth line of that same paragraph:

STRIKE "109" and INSERT "120"

Amendment 138—

In Section: 02 On Page: 046 Specific Appropriation: 132
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of

In Section 02 On Page 046
132 Special Categories
Full Service Schools - Interagency
Cooperation

In the first line of the second paragraph of proviso for Specific Appropriation 132 on page 46:

STRIKE "101" and INSERT "115"

And in the second line of that same paragraph:

STRIKE "107" and INSERT "118"

And in the third line of that same paragraph:

STRIKE “123” and INSERT “132”

And in the fifth line of that same paragraph:

STRIKE “109” and INSERT “120”

Senator Horne moved the following amendment which was adopted:

Amendment 139—

In Section: 02 On Page: 059 Specific Appropriation: 160A
Delete Insert

EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Community Colleges, Division Of

In Section 02 On Page 059
160A Aid To Local Governments
Grants And Aids - Adult Handicapped Funds

From General Revenue Fund 1,448,905

Immediately following Specific Appropriation 160A
INSERT the following proviso:

Funds in Specific Appropriation 160A shall be
allocated as follows:

Daytona Beach $1,222,602
FLCC @ Jacksonville.. 80,528
Pensacola..... 78,357
Seminole..... 67,418

Senator Myers moved the following amendments which were adopted:

Amendment 140—

In Section: 03 On Page: 121 Specific Appropriation: 529A
Delete Insert

HEALTH, DEPARTMENT OF
Health Services

In Section 03 On Page 121
529A Grants And Aids To Local Governments And
Nonprofit Organizations
Other Health Facilities

DELETE the proviso immediately following Specific
Appropriation 529A:

and insert in lieu thereof:

Funds in Specific Appropriation 529A are allocated
as follows:

Isabel Collier Read Immokalee Health
Park.....$ 800,000
Joe Dimaggio's Children's Hospital..... 1,000,000
St. Mary's Hospital..... 1,000,000
Desoto Health Clinic in Arcadia..... 198,000
North Miami Health Center..... 4,171,600
Indigent Care Clinic in Ocoee..... 900,000
Pine Island Health Clinic..... 200,000
Miami Children's Hospital..... 225,000
N. Broward Hospital District - Seventh
Avenue Primary Care Facility..... 1,500,000
Mt. Sinai Medical Center..... 250,000
Level I Trauma Centers..... 6,000,000

Amendment 141—

In Section: 03 On Page: 124 Specific Appropriation: 556A
Delete Insert

HEALTH, DEPARTMENT OF
Children's Medical Services

In Section 03 On Page 124
556A Grants And Aids To Local Governments And
Nonprofit Organizations
Children's Medical Services Community
Projects

Insert proviso immediately following Specific
Appropriation 556A:

Northeast Florida Regional Pediatric/
Neonatal Transport System..... $ 175,000
Ronald McDonald House/Wolfson
Children's Hospital..... 250,000
Children's Cancer Study in St.
Lucie County..... 123,750

Amendment 142—

In Section: 03 On Page: 089 Specific Appropriation: 308
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
Children And Families - Administration
Assistant Secretary For Administration

In Section 03 On Page 089
308 Fixed Capital Outlay
Department Of Health And Rehabilitative
Services Fixed Capital Needs For
Centrally Managed Facilities

From General Revenue Fund 4,700,000 0

308A Fixed Capital Outlay
Department Of Children And Families Fixed
Capital Needs For Centrally Managed
Facilities

From General Revenue Fund 4,700,000

Amendment 143—

In Section: 03 On Page: 121 Specific Appropriation: 528A
Delete Insert

HEALTH, DEPARTMENT OF
Health Services

In Section 03 On Page 121
528A Fixed Capital Outlay
Construction, Renovation, And Equipment -
County Health Departments

Immediately following Specific Appropriation 528A,
INSERT:

The general revenue funds in Specific Appropriation
528A are to be allocated for county health
departments in the counties and amounts which
follow:

Brevard.....$ 250,000
Martin..... 900,000
Alachua..... 2,000,000
Leon..... 800,000
Franklin..... 1,000,000
Wakulla..... 1,000,000
Madison..... 750,000
Baker..... 900,000
Gulf..... 800,000
Dade (S. Miami Rosie Lee Wesley
Facility)..... 934,200
St. Johns..... 1,225,000

Volusia..... 1,000,000
Monroe (Tavenier Facility)..... 400,000

Amendment 144—

In Section: 03 On Page: 118 Specific Appropriation: 508

		Delete	Insert
	HEALTH, DEPARTMENT OF Health Services		
	In Section 03 On Page 118		
508	Aid To Local Governments School Health Services		
	From General Revenue Fund	17,021,881	27,021,881
	From Federal Grants Trust Fund	10,000,000	0
	BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF: AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid Services		
	In Section 03 On Page 084		
264	Special Categories Prescribed Medicine/Drugs		
	From General Revenue Fund	335,265,667	325,265,667

Senator Brown-Waite offered the following amendment which was moved by Senator Silver and adopted:

Amendment 145—

In Section: 04 On Page: 180 Specific Appropriation: 1008

		Delete	Insert
	JUVENILE JUSTICE, DEPARTMENT OF District Operations		
	In Section 04 On Page 180		
1008	Special Categories Grants And Aids - Contracted Services		

In the proviso following Specific Appropriation 1008, on page 182, in line 17, STRIKE:

Spring Hill Youth Program,

AND INSERT:

Spring Hill Youth/Boys and Girls Club,

Amendment 146 was withdrawn.

Senator Burt offered the following amendment which was moved by Senator Myers and adopted:

Amendment 147—

In Section: 06 On Page: 338 Specific Appropriation: 1918H

		Delete	Insert
	LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF Blind Services, Division Of		
	In Section 06 On Page 338		
1918H	Special Categories Grants And Aids - Client Services		
	From General Revenue Fund	1,706,231	1,656,231
	In Section 06 On Page 000		
1918LA	Special Categories Library Services		
	In Section 06 On Page 339		
	From General Revenue Fund		50,000

Senator Campbell offered the following amendment which was moved by Senator Silver and adopted:

Amendment 148—

In Section: 04 On Page: 180 Specific Appropriation: 1008

		Delete	Insert
	JUVENILE JUSTICE, DEPARTMENT OF District Operations		
	In Section 04 On Page 180		
1008	Special Categories Grants And Aids - Contracted Services		

In the proviso following Specific Appropriation 1008, on page 181, in the 6th line, STRIKE:

Broward YMCA Afterschool Program, $150,000 from

and insert in lieu thereof:

Earth Rangers Program in Broward County, $150,000 from

Amendment 149 was withdrawn.

Senators Dudley and Gutman offered the following amendment which was moved by Senator Silver and adopted:

Amendment 150—

In Section: 04 On Page: 190 Specific Appropriation: 1061A

		Delete	Insert
	LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL Office Of Attorney General		
	In Section 04 On Page 190		
1061A	Salaries And Benefits		

Insert proviso immediately preceeding Specific Appropriation 1061A:

From the funds provided in Specific Appropriations 1061A through 1084, the Executive Office of the Governor shall implement the transfer of the Medicaid Fraud Unit created by s. 16.59, Florida Statutes, in the Attorney General's Office to the Office of the Auditor General as a type two transfer pursuant to Provision S.20.06(2) F.S. and contingent on substantive legislation becoming law.

Amendment 151 was withdrawn.

Senator Forman offered the following amendment which was moved by Senator Childers and adopted:

Amendment 152—

In Section: 06 On Page: 380 Specific Appropriation: 2157

		Delete	Insert
	STATE, DEPARTMENT OF, AND SECRETARY OF STATE Library And Information Services, Division Of		
	In Section 06 On Page 380		
2157	Fixed Capital Outlay Library Construction Grants		
	From General Revenue Fund	6,033,535	6,083,535

Insert Proviso:

From funds provided in Specific Appropriation 2157 from the General Revenue Fund $50,000 is for planning and design for the Chil-

dren's Museum/Library Complex in the Town of Davie.

Senator Horne offered the following amendment which was moved by Senator Sullivan and adopted:

Amendment 153—

In Section: 02 On Page: 068 Specific Appropriation: 182

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Educational And General Activities		
	In Section 02 On Page 068		
182	Lump Sum University Of Florida Health Center Operations		
	On page 68, following Line Item 182, the listing of the number of FTE Students for the UF Health Center:		

DELETE: Grad/Class.....832

INSERT: Graduate.....934

Senator Holzendorf moved the following amendment which failed:

Amendment 154—

In Section: 03 On Page: 095 Specific Appropriation: 359

		Delete	Insert
	CHILDREN AND FAMILIES, DEPARTMENT OF District Services Alcohol, Drug Abuse And Mental Health Services		
	In Section 03 On Page 095		
359	Special Categories Grants And Aids - Community Mental Health Services		
	Immediately following Specific Appropriation 359, INSERT:		

From the new TANF funds deposited in the Federal Grants Trust Fund in Specific Appropriation 359, $590,268 shall be provided to First Coast Behavioral Healthcare Network Inc. for treatment services to WAGES clients that are dually diagnosed with psychiatric disorders and serious addictions problems.

Amendments 155 and **156** were withdrawn.

Amendment 157 was not used.

Senator Klein offered the following amendment which was moved by Senator Horne and adopted:

Amendment 158—

In Section: 02 On Page: 039 Specific Appropriation: 118

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
	In Section 02 On Page 039		
118	Aid To Local Governments Grants And Aids - Class Size Reduction		
	Insert the following new proviso following Specific Appropriation 118 on page 39:		

By November 1, 1998, the Commissioner of Education shall report to the President of the Senate, the Speaker of the House of Representatives and the Executive Office of the Governor the exact total additional funding amount that would be required to reduce the average class size for grades K-6 to 20 students and to reduce the average class size for grades 7-12 to 25 students.

Amendment 159 was withdrawn.

Senator Meadows offered the following amendment which was moved by Senator Silver and adopted:

Amendment 160—

In Section: 04 On Page: 180 Specific Appropriation: 1008

		Delete	Insert
	JUVENILE JUSTICE, DEPARTMENT OF District Operations		
	In Section 04 On Page 180		
1008	Special Categories Grants And Aids - Contracted Services		
	Following Specific Appropriation 1008, INSERT:		

From the funds in Specific Appropriation 1008 for aftercare, the Department of Juvenile Justice shall use $1 million from the General Revenue Fund to continue its existing contracts with the Home Builders Institute to provide juvenile offenders with construction job training and skills, and job placement services in the home building industry.

Amendment 161 was withdrawn.

Senators Myers and Silver offered the following amendment which was moved by Senator Myers and adopted:

Amendment 162—

In Section: 03 On Page: 102 Specific Appropriation: 396

		Delete	Insert
	CHILDREN AND FAMILIES, DEPARTMENT OF District Services Developmental Services		
	In Section 03 On Page 102		
396	Special Categories Grant And Aid Individual And Family Supports		
	From General Revenue Fund	21,698,087	21,798,087
	Multi-District Services Developmental Services - Institutions		
	In Section 03 On Page 108		
440	Salaries And Benefits		
	From General Revenue Fund	57,463,457	57,363,457

Senator Silver offered the following amendment which was moved by Senator Childers and adopted:

Amendment 163—

In Section: 05 On Page: 232 Specific Appropriation: 1323L

		Delete	Insert
	ENVIRONMENTAL PROTECTION, DEPARTMENT OF District Offices		
	In Section 05 On Page 232		
1323L	Aid To Local Governments Grants And Aids To Local Governments - Munisport Cleanup		
	From Water Quality Assurance Trust Fund		851,397

Immediately following Specific Appropriation 1323L,
INSERT:

Funds provided in Specific Appropriation 1323L are contingent on the reversion of a like appropriation contained in the 1997-98 General Appropriations Act.

Senator Sullivan moved the following amendment which was adopted:

Amendment 164—

In Section: 02 On Page: 051 Specific Appropriation: 147

		Delete	Insert
	EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Workforce Development, Division Of		
	In Section 02 On Page 051		
147	Aid To Local Governments Workforce Development		
	From General Revenue Fund	702,467,423	704,103,909

In the second line of the first paragraph of proviso for Specific Appropriation 147 on page 51:

STRIKE "$409,282,359" and INSERT "$410,918,845"

Beginning in the fifth line of proviso for Specific Appropriation 147 on page 51, strike all allocation amounts for school districts and insert the following new allocation amounts:

Alachua	140,868
Baker	158,351
Bay	3,194,917
Bradford	659,193
Brevard	2,349,297
Broward	76,041,872
Calhoun	155,878
Charlotte	2,414,581
Citrus	2,020,349
Clay	381,727
Collier	6,825,910
Columbia	168,521
Dade	109,012,929
De Soto	1,006,391
Dixie	19,607
Duval	0
Escambia	4,336,742
Flagler	2,993,528
Franklin	46,885
Gadsden	1,165,217
Gilchrist	5,925
Glades	9,049
Gulf	83,850
Hamilton	55,342
Hardee	310,547
Hendry	350,341
Hernando	393,988
Highlands	0
Hillsborough	27,441,489
Holmes	0
Indian River	393,776
Jackson	493,658
Jefferson	214,983
Lafayette	31,466
Lake	3,477,427
Lee	10,469,750
Leon	7,086,685
Levy	0
Liberty	2,915
Madison	0
Manatee	5,384,903
Marion	2,211,614
Martin	3,276,474
Monroe	823,149
Nassau	480,090
Okaloosa	2,521,065
Okeechobee	86,030
Orange	34,691,666
Osceola	4,284,176
Palm Beach	29,630,867
Pasco	3,316,153
Pinellas	24,061,327
Polk	12,505,133
Putnam	0
St. Johns	7,331,371
St. Lucie	0
Santa Rosa	1,660,638
Sarasota	9,409,859
Seminole	0
Sumter	61,699
Suwannee	712,491
Taylor	1,063,216
Union	113,343
Volusia	0
Wakulla	263,891
Walton	63,297
Washington	2,980,889
Washington Special	11,081

Public Schools, Division Of

	In Section 02 On Page 042		
119B	Aid To Local Governments Grants And Aids - Adult Handicapped Funds		
	From General Revenue Fund	21,369,305	19,732,819

Beginning in the third line of proviso for Specific Appropriation 119B on page 42, strike all allocation amounts for school districts and insert the following new allocation amounts:

Alachua	1,213,301
Baker	171,602
Bay	263,032
Bradford	74,613
Brevard	768,829
Broward	1,947,448
Calhoun	0
Charlotte	67,317
Citrus	360,510
Clay	61,658
Collier	48,350
Columbia	74,013
Dade	2,378,232
De Soto	82,097
Dixie	0
Duval	0
Escambia	357,460
Flagler	1,132,656
Franklin	0
Gadsden	71,633
Gilchrist	0
Glades	0
Gulf	128,762
Hamilton	0
Hardee	63,736
Hendry	0
Hernando	141,617
Highlands	0
Hillsborough	654,993
Holmes	0
Indian River	46,627
Jackson	1,772,061
Jefferson	78,409
Lafayette	0
Lake	41,237
Lee	13,652
Leon	1,216,398
Levy	0
Liberty	161,114

Madison	0
Manatee	291,144
Marion	301,980
Martin	576,033
Monroe	0
Nassau	0
Okaloosa	0
Okeechobee	0
Orange	911,692
Osceola	75,841
Palm Beach	1,607,344
Pasco	69,741
Pinellas	791,193
Polk	41,887
Putnam	0
St. Johns	427,945
St. Lucie	0
Santa Rosa	52,318
Sarasota	634,369
Seminole	0
Sumter	136,116
Suwannee	100,990
Taylor	99,843
Union	0
Volusia	0
Wakulla	48,562
Walton	0
Washington	174,464
Washington Special	0

SENATOR BURT PRESIDING

Senator Sullivan moved the following amendment which failed:

Amendment 165—

In Section: 25 On Page: 401 Specific Appropriation:

	Delete	Insert
In Section 25 On Page 401		
INSERT new Section 25 in the back of the bill and renumber subsequent sections:		

Section 25. All funds in this bill that are appropriated for purchase of, construction of, or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of state funds provided or as further required by law.

RECONSIDERATION OF AMENDMENT

On motion by Senator Williams, the Senate reconsidered the vote by which **Amendment 165** failed. **Amendment 165** was adopted.

Senator Sullivan moved the following amendment which was adopted:

Amendment 166—

In Section: 25 On Page: 401 Specific Appropriation:

	Delete	Insert
In Section 25 On Page 401		
INSERT a new Section 25 in the back of the bill and renumber subsequent sections:		

Section 25. No funds in this bill shall be provided to any non-state entity without adhering to the current statutory law, and administrative policies and procedures established for the contracting or granting of state funds.

Senator Thomas moved the following amendments which were adopted:

Amendment 167—

In Section: 06 On Page: 282 Specific Appropriation: 1581

	Delete	Insert
ADMINISTERED FUNDS		
In Section 06 On Page 282		
1581 Lump Sum Kids Campaign Against Tobacco		
From Trust Funds	34,000,000	70,000,000

Amendment 168—

In Section: 05 On Page: 211 Specific Appropriation: 1206A

	Delete	Insert
COMMUNITY AFFAIRS, DEPARTMENT OF Office Of The Secretary		
In Section 05 On Page 211		
1206A Grants And Aids To Local Governments And Nonprofit Organizations Multi-Use Facilities		
Immediately following Specific Appropriation 1206A, DELETE:		

Gadsden County Agricultural Facility.....$160,000

Immediately following Specific Appropriation 1206A, INSERT:

Gadsden County Multi-Use Facility.....$160,000

Amendment 169—

In Section: On Page: 401 Specific Appropriation:

	Delete	Insert
In Section On Page 401		
After Section 25 on page 401, INSERT NEW SECTION, renumber subsequent sections.		

SECTION 26. The following guidelines have been adopted by the Senate for using funds paid to the State of Florida as a result of settling its landmark suit with the tobacco companies:

The Legislature must assert its rights to appropriate all funds awarded to the State through the tobacco settlement. Before any funds are released, the Legislature must approve all program and funding proposals.

Funds received from the tobacco settlement should not be deposited in the General Revenue fund. Instead, a Trust Fund should be created solely for the purpose of receiving and managing settlement funds, so that a full and complete record of all budget and expenditure actions is maintained.

Some portion of settlement funds received each year should be placed in escrow to create a long-term funding stream.

Administrative costs associated with programs and providers that receive funds from the tobacco settlement should be set at a reasonable level, consistent with best management practices.

Funds should be spent on children's health services as provided for in the settlement, including using settlement funds to match federal funds available under Title XXI.

Local law enforcement agencies, businesses and school districts should be involved in enforcement efforts as appropriate to the mission of each organization.

No funds received from the tobacco settlement may be used for advertising that includes the name, voice or likeness of any elected or appointed public official.

Greater emphasis should be placed on funding education, training and enforcement programs such as classroom programs, after-school programs, "tobacco-free" sports programs, peer mentoring programs, and museums, science and discovery programs, than on advertising.

Reimbursement should be provided to local governments that have borne costs of tobacco-related Medicaid patient care.

Tobacco use should be treated as substance abuse for purposes of providing cessation and counseling programs. Youth and adult smoking cessation programs with appropriate incentives should be supported by tobacco funds.

No state funds are to be used to support a national ("global") settlement.

County health departments must administer funds provided to all Local Coalitions that are not specifically granted exemptions by the Legislature. Exemptions to administration of coalition programs by county health departments will be limited to established administrative entities which meet a test of several criteria established by the Department of Health, and may not include provider agencies that could receive funding from the settlement.

Consideration should be given to providing additional funding for public and not-for-profit hospitals, clinics and medical schools that treat patients with tobacco-related illnesses, and to investing in the Med Access/Medical Buy-In Program for uninsured/underinsured employees of small businesses.

Senator Turner moved the following amendments which were adopted:

Amendment 170—

In Section: 03 On Page: 099 Specific Appropriation: 375A

	Delete	Insert
CHILDREN AND FAMILIES, DEPARTMENT OF District Services Family Safety And Preservation		
In Section 03 On Page 099 375A Special Categories Grants And Aids - Teen Voice Of America		
From Federal Grants Trust Fund		300,000

Amendment 171—

In Section: 06 On Page: 330 Specific Appropriation: 1856A

	Delete	Insert
LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF Offices Of The Secretary And Administrative Services		
In Section 06 On Page 330 1856A Lump Sum Minority Business Advocacy And Assistance Office		
From General Revenue Fund		409,104
GOVERNOR, EXECUTIVE OFFICE OF THE Office Of Tourism, Trade And Economic Development		
In Section 06 On Page 301 1728 Lump Sum Enterprise Florida Operations		
From General Revenue Fund	7,329,919	6,920,815

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 172—

In Section: 01 On Page: 001 Specific Appropriation: 6

	Delete	Insert
EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of		
In Section 01 On Page 001 6 Aid To Local Governments Grants And Aids - District Discretionary Lottery Funds		
Strike the third full paragraph of proviso for Specific Appropriation 6 on page 2 and insert the following new proviso:		

From the funds appropriated in Specific Appropriation 6, school boards must allocate, not later than October 1, 1998, at least $10 per unweighted FTE student to be used at the discretion of the school advisory councils or, in the absence of such a council, at the discretion of the staff and parents of the school. The money should be used for implementing the school improvement plan based on the needs assessment of the school. Funding for use by school advisory councils should be allocated directly to the school advisory councils, should be clearly earmarked for their use, and is not subject to override by the principal or interim approvals by school district staff.

Amendment 173 was withdrawn.

Senator Silver moved the following amendment which was adopted:

Amendment 174—

In Section: 26 On Page: 401 Specific Appropriation:

	Delete	Insert
In Section 26 On Page 401		
Insert a new Section 26 and renumber subsequent sections:		

Funds appropriated from General Revenue as provided by Section 18, Chapter 97-384, Laws of Florida, shall be deposited into each school's internal account in the individual names of each qualified teacher in the amount of $250. Such funds shall not be expended except at the discretion or direction of the named account holder. Notwithstanding any other provision of this section, Teacher Lead funds shall not be accessible by school districts for any purposes.

MOTIONS

On motion by Senator Sullivan, the rules were waived and staff of the Committee on Ways and Means was instructed to make title amendments and technical changes in **SB 2500** as necessary.

On motion by Senator Sullivan, **SB 2500** as amended was ordered engrossed and placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, the vote on final passage on **SB 2500** was postponed until Wednesday, March 25, pursuant to Joint Rule 2.1 and Senate Rule 4.15, relating to the constitutional requirement for a 72-hour public review period on general appropriations bills.

THE PRESIDENT PRESIDING

On motion by Senator Sullivan—

SB 2502—A bill to be entitled An act relating to implementing the fiscal year 1998-1999 General Appropriations Act; providing legislative intent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administra-

tion to transfer general revenue funds between them; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1998-1999 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; authorizing the Department of Children and Family Services to use certain funds for fixed capital outlay expenditures to meet federal standards; authorizing the Department of Law Enforcement to transfer positions, salary rate, and budget between budget entities; requiring notification of such actions; authorizing the Department of Law Enforcement to participate in the Model Career Service Classification and Compensation System, subject to certain conditions; authorizing the Department of Law Enforcement to use certain moneys to provide meritorious-performance bonuses for employees, subject to approval; amending s. 236.081, F.S., relating to the Florida Education Finance Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; providing for allocation of moneys provided for workforce development; providing for budget amendment when a program is moved; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; providing for certain counties to use moneys received for aquatic weed control for recycling purposes; amending s. 403.7095, F.S.; revising applicability and the expiration date of the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; providing for allocation of funds for innovative programs to address recycling practices and procedures; providing for the sale of certain property; providing for expiration of temporary provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing for construction of implementing act in relation to other legislation; providing severability; providing for retroactive effectiveness; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 9, between lines 18 and 19, insert:

Section 11. *In order to implement Specific Appropriation 589 of the 1998-1999 General Appropriations Act, the Correctional Privatization Commission and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening and operating a facility under the authority of the Correctional Privatization Commission or a facility under the authority of the Department of Juvenile Justice which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality, or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: authorizing the Correctional Privatization Commission and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening and operating a facility of the commission or the department;

Senators Gutman and Casas offered the following amendment which was moved by Senator Gutman and adopted:

Amendment 2 (with title amendment)—On page 15, between lines 27 and 28, insert:

Section 21. *In order to implement Specific Appropriation 474 of the 1998-1999 General Appropriations Act, the sum of $1.2 million is transferred from the unallocated balance in the Medical Quality Assurance Trust Fund to the Department of Health to allow the department to develop the examination required for foreign-licensed physicians in section 458.3115(1)(a), Florida Statutes, through a contract with the University of South Florida. The department shall charge examinees a fee that, in the aggregate, will reimburse the Medical Quality Assurance Trust Fund for the amount advanced to the department under this section. This section expires July 1, 1999.*

Section 22. Paragraph (a) of subsection (1) of section 458.3115, Florida Statutes, is amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)(a) Notwithstanding any other provision of law, the agency shall provide procedures under which certain physicians who are or were foreign-licensed and have practiced medicine no less than 2 years may take the USMLE or an agency-developed examination to qualify for a restricted license to practice medicine in this state. The agency and board-developed examination shall test the same areas of medical knowledge as the Federation of State Medical Boards of the United States, Inc. (FLEX) previously administered by the Florida Board of Medicine to grant medical licensure in Florida. ~~Said examination shall be in the same form and content and shall be administered in the same manner as the FLEX.~~ The agency-developed examination must be made available no later than *December 31* ~~September 1~~, 1998, to a physician who qualifies for licensure. A person who is eligible to take and elects to take the agency and board-developed examination, who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the agency-developed examination, and may sit for the agency and board-developed examination five times within 5 years.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 1, after the semicolon (;) insert: providing an advance of funds from the Medical Quality Assurance Trust Fund to the Department of Health to allow the department to develop an examination for foreign-licensed physicians; providing for reimbursement of the trust fund through examination fees; amending s. 458.3115, F.S.; deleting certain requirements for the examination; changing the date for availability of the examination for foreign-licensed physicians;

MOTIONS

On motion by Senator Sullivan, the rules were waived and staff of the Committee on Ways and Means was instructed to make title amendments and technical changes in **SB 2502** as necessary.

On motion by Senator Sullivan, **SB 2502** as amended was ordered engrossed and placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, the vote on final passage on **SB 2502** was postponed until Wednesday, March 25, pursuant to Joint Rule 2.1 and Senate Rule 4.15, relating to the constitutional requirement for a 72-hour public review period on general appropriations bills.

MOTIONS

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of motions and announcements.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, March 20, 1998: SB 2500, SB 2502

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Judiciary recommends the following pass: SJR 816 with 1 amendment

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Judiciary recommends the following pass: SB 952 with 1 amendment

The bill was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Judiciary recommends the following pass: SB 828

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Judiciary recommends the following pass: SB 978 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 872, SB 1282

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary recommends the following pass: SB 212

The Committee on Natural Resources recommends the following pass: SB 1434 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Children, Families and Seniors recommends committee substitutes for the following: SB 1024, SB 1308

The bills with committee substitutes attached were referred to the Committee on Criminal Justice under the original reference.

The Committee on Children, Families and Seniors recommends committee substitutes for the following: SB 1050, SB 1660

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1614

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1318

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1530

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1314

The Committee on Education recommends a committee substitute for the following: CS for SB 182 and SB 1042

The Committee on Natural Resources recommends a committee substitute for the following: SB 244

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Children, Families and Seniors recommends committee substitutes for the following: SB 1152, SB 1706

The Committee on Natural Resources recommends a committee substitute for the following: SB 1390

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1134

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Education; Children, Families and Seniors; and Senators Kirkpatrick and Holzendorf—

CS for CS for SB 182 and SB 1042—A bill to be entitled An act relating to early education and child care; creating the School Readiness Commission to serve as an advisory body to the State Board of Education and other state agencies on matters that relate to school readiness; providing for the commission to be assigned to the Executive Office of the Governor for administrative purposes; providing for the Governor to appoint the members of the commission; providing for the members to be approved by the State Board of Education and confirmed by the Senate; requiring the commission to appoint an executive director; providing for payment of per diem and travel expenses of commission members; establishing duties of the commission; requiring the commission to prepare a system for measuring school readiness; specifying objectives to be measured by such system; requiring the commission to contract with an independent entity to evaluate the measurement system; requiring the commission to make recommendations to the Governor and the State Board of Education; authorizing the commission to adopt rules; establishing a School Readiness Coordinating Council; creating s. 402.265, F.S.; providing legislative intent; establishing the early education and child care program and providing for optional participation; providing for the council to be assigned to the Executive Office of the Governor for administrative purposes; providing for oversight; providing eligibility for participation in the program; providing performance standards and outcome measures; providing for School Readiness Coalitions; providing for implementation of programs; requiring development of a plan and providing program requirements; requiring a sliding fee scale; providing for funding; requiring a reimbursement rate schedule; providing requirements relating to fiscal agents; providing for parental choice and for payment arrangements; providing for evaluation and reporting; providing that federal requirements control in the case of conflict; exempting family child care providers from increased standards; repealing s. 411.222(4), F.S., relating to the State Coordinating Council for Early Childhood Services; providing an effective date.

By the Committee on Natural Resources—

CS for SB 244—A bill to be entitled An act relating to drycleaning solvent cleanup; amending s. 376.30, F.S.; providing legislative intent regarding drycleaning solvents; amending s. 376.301, F.S.; providing definitions; amending s. 376.303, F.S.; providing for late fees for registration renewals; amending s. 376.3078, F.S.; providing legislative intent regarding voluntary cleanup; providing that certain deductibles must be deposited into the Water Quality Assurance Trust Fund; clarifying circumstances under which drycleaning restoration fund may not be used; providing additional criteria for determining eligibility for rehabilitation; specifying when certain deductibles must be paid; amending the date after which no restoration funds may be used for drycleaning site rehabilitation; clarifying who may apply jointly for participation in the program; providing certain liability immunity for certain adjacent landowners; providing for contamination cleanup criteria that incorporate risk-based corrective action principles to be adopted by rule; requiring certain third-party liability insurance coverage for each operating facility; specifying the circumstances under which work may proceed on the next site rehabilitation task without prior approval; requiring the Department of Environmental Protection to give priority consideration to the processing and approval of permits for voluntary cleanup projects; providing the conditions under which further rehabilitation may be required; providing for continuing application of certain immunity for real

property owners; requiring the Department of Environmental Protection to attempt to negotiate certain agreements with the U.S. Environmental Protection Agency; amending s. 376.308, F.S.; protecting certain immunity for real property owners; amending s. 376.313, F.S.; correcting a statutory cross-reference; amending s. 376.70, F.S.; clarifying certain registration provisions; requiring certain facilities to pay the gross receipts tax; deleting a requirement that certain information must be disclosed on the drycleaning receipt; providing for the payment of taxes and the determination of eligibility in the program; amending s. 376.75, F.S.; deleting a requirement that certain information must be disclosed on the drycleaning receipt; amending ss. 287.0595, 316.302, F.S.; correcting statutory cross-references; amending s. 213.053, F.S.; authorizing the Department of Revenue to release certain information to certain persons; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Hargrett—

CS for SB 1024—A bill to be entitled An act relating to false reports of abuse or neglect of a child or of abuse, neglect, or exploitation of a disabled adult or elderly person; amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report; amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.5131, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making, or counseling another to make, a false report; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Rossin—

CS for SB 1050—A bill to be entitled An act relating to family safety; amending s. 20.19, F.S.; providing legislative findings and intent; providing for the appointment of a Deputy Secretary for Family Services of the Department of Children and Family Services; providing qualifications; providing responsibilities; requiring an annual review of child protection resources and an annual report to the Governor and the Legislature; requiring a district program administrator for family safety in each service district; requiring administrative services centers; requiring an implementation plan for administrative services centers; increasing the membership of the Statewide Health and Human Services Board; creating s. 402.401, F.S.; providing for competency-based training for child protection staff; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize" and "related services"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; requiring the department to state whether and why privatization cannot be accomplished in a particular district or portion of a district and how the department will address the obstacles to privatization; providing requirements for and restrictions upon funding for privatization; providing that community-based agencies that provide foster care and related services are agents of the state for specified purposes; providing for indemnification of the state; creating s. 415.5145, F.S.; providing for the family safety quality assurance and improvement process; providing effective dates.

By the Committee on Regulated Industries and Senators Bronson, Latvala, Brown-Waite, Williams, Grant, Kurth, Thomas, Dyer, Silver, Crist, Harris, Jones, Cowin, Kirkpatrick, Burt, Holzendorf, Rossin, Lee, McKay, Forman, Clary, Horne, Meadows, Klein, Hargrett and Gutman—

CS for SB 1134—A bill to be entitled An act relating to public records; amending s. 828.30, F.S.; providing an exemption from public records requirements for specified information contained in a rabies vaccination certificate; authorizing disclosure to certain public agencies and to other persons under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Rossin—

CS for SB 1152—A bill to be entitled An act relating to the developmentally disabled and mentally ill persons' umbrella trust fund (RAB); amending s. 402.175, F.S.; revising duties of the Department of Children and Family Services with respect to such fund; providing definitions; requiring annual accounting; providing for rules; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Hargrett—

CS for SB 1308—A bill to be entitled An act relating to domestic violence; amending s. 741.28, F.S.; providing that domestic violence does not include disciplinary action against a child unless the action is excessively harsh or inappropriate as specified in s. 415.503(9)(a)4., F.S; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Bronson and Grant—

CS for SB 1314—A bill to be entitled An act relating to capital investment tax credits; creating s. 220.191, F.S.; providing definitions; providing for a credit against the corporate income tax for certain capital costs; providing requirements; providing limitations; providing for certification of eligibility by the Office of Tourism, Trade, and Economic Development; providing duties of the Department of Revenue; authorizing the office to develop certification guidelines and application materials; amending s. 220.02, F.S.; providing legislative intent on the order in which the capital investment tax credits are to be applied; providing an effective date.

By the Committee on Regulated Industries and Senator Grant—

CS for SB 1318—A bill to be entitled An act relating to pugilistic exhibitions; amending s. 548.003, F.S.; deleting requirement that the State Athletic Commission maintain an office in Tallahassee; amending s. 548.007, F.S.; revising applicability of the Joe Lang Kershaw Act; amending s. 548.008, F.S.; clarifying language with respect to prohibited toughman and badman competitions; amending s. 548.026, F.S.; revising language with respect to the duration of licenses issued under the act; amending s. 548.043, F.S.; revising provisions regulating weights, classes, and gloves; providing an effective date.

By the Committee on Natural Resources and Senator Horne—

CS for SB 1390—A bill to be entitled An act relating to pollution control; creating s. 403.7211, F.S.; restricting authority of the Department of Environmental Protection to issue permits for construction, modification, and initial operation of facilities for disposal, storage, or treatment of hazardous waste generated off-site; restricting the locations of hazardous waste transfer facilities; providing application to pending permits and proposed transfer stations; providing an effective date.

By the Committee on Regulated Industries and Senator Kurth—

CS for SB 1530—A bill to be entitled An act relating to Brevard County; amending chapter 94-442, Laws of Florida, as amended by chapter 95-499, Laws of Florida; revising legislative intent; clarifying the limits on and the procedures for imposing certain distribution differential surcharge rates by a potable water utility; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Harris—

CS for SB 1614—A bill to be entitled An act relating to public records; creating s. 288.1256, F.S.; providing an exemption from public records requirements for records of the Entertainment Industry Commissioner and the Entertainment Florida Council or other entity authorized to function in its place relating to specified information with respect to the business activities of private persons, partnerships, or corporations in the entertainment industry, when such confidentiality is requested; providing a penalty for violation of the act; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Children, Families and Seniors; and Senators Kurth, Myers, McKay, Brown-Waite, Turner, Klein, Latvala, Harris, Rossin and Dyer—

CS for SB 1660—A bill to be entitled An act relating to children and families; creating s. 383.145, F.S.; creating the Healthy Families Florida program; providing legislative findings and intent; providing purpose; requiring integrated community-based delivery of services; specifying program requirements; providing responsibilities of the Department of Health and the Department of Children and Family Services; providing for development, implementation, and administration of the program; establishing the Healthy Families Florida Statewide Board; specifying criteria for community program grant funding; requiring collaboration with existing community boards, coalitions, providers, and planning groups; authorizing contracts for training and evaluation; providing for quality assurance; providing for application for a federal waiver; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Rossin—

CS for SB 1706—A bill to be entitled An act relating to the care of elderly persons (RAB); amending s. 400.404, F.S., relating to facilities to be licensed; amending s. 400.424, F.S.; providing requirements for the contract executed between the licensee and the resident of an assisted living facility; authorizing the Department of Elderly Affairs to adopt rules; amending s. 400.427, F.S.; revising requirements for a facility with respect to obtaining surety bonds; authorizing the Department of Elderly Affairs to adopt rules; creating s. 400.4275, F.S., relating to business records; amending s. 400.441, F.S., relating to rules; amending s. 400.442, F.S., relating to pharmacy and dietary services; amending s. 400.444, F.S., relating to construction requirements; amending s. 400.619, F.S., relating to licensure; amending s. 400.6196, F.S., relating to violations and penalties; amending s. 400.621, F.S., relating to rules for adult family care homes; amending s. 400.6211, F.S., relating to training; amending s. 409.212, F.S., relating to optional supplementation; providing an effective date.

COMMITTEE APPOINTMENT

The President appointed Senator Geller to the following Committees: Executive Business, Ethics and Elections; Criminal Justice; Education; Judiciary; and Ways and Means, Subcommittee E

COMMITTEE MEMBERSHIP CHANGE

The President announced the appointment of Senator Dyer as Vice Chairman of the Committee on Education.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 19 was corrected and approved.

CO-SPONSORS

Senators Brown-Waite—SB 1814, SB 2120; Campbell—SB 228, SB 2120; Cowin—SB 366, SB 1882, SB 2120; Crist—SB 228, SB 2120; Diaz-Balart—SB 1814; Dyer—SB 228, SB 2120; Forman—SB 2120; Geller—SB 228; Hargrett—CS for SB 910; Holzendorf—SB 1220; Horne—SB 1814, SB 2120; Jones—SB 228; Klein—SB 1906; Laurent—SB 228, SB 1814; Silver—SB 882; Sullivan—SB 2120; Thomas—SB 882; Turner—SB 228; Williams—SB 882

RECESS

On motion by Senator Bankhead, the Senate recessed at 5:17 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Wednesday, March 25.

Journal of the Senate

Number 8—Regular Session **Wednesday, March 25, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 1:00 p.m. A quorum present—35:

Madam President	Crist	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Dyer	Kurth	Silver
Campbell	Forman	Latvala	Sullivan
Casas	Geller	Laurent	Thomas
Childers	Grant	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Myers	

Excused: Senator Bankhead

PRAYER

The following prayer was offered by Rev. Roger Pursley, Minister of Music, Fellowship Baptist Church, Tallahassee:

O God, the creator and sustainer of all life, we thank you for another day to live and be a part of your kingdom work here on earth. We ask your blessings on the proceedings and the assemblage today in this Senate chamber. May all that is accomplished today be in accordance with your divine plan.

Guide each decision and discussion for the good of all in the great state of Florida. We ask all this in your name. Amen.

PLEDGE

Senate Pages Laura Cotton of Tallahassee and Eric Harrison of Jacksonville Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Forman—

By Senators Forman and Sullivan—

SR 158—A resolution commending the osteopathic physicians of this state and recognizing March 24, 1998, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians offer health care services to more than 10 percent of the population, primarily in the area of primary care, and

WHEREAS, osteopathic physicians provide primary care services to their patients in more than 84 million patient visits in this country each year, and

WHEREAS, this state has 10 accredited osteopathic hospitals, an osteopathic medical college, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes March 24, 1998, as Osteopathic Medicine Day.

—**SR 158** was introduced, read and adopted by publication.

At the request of Senator Myers—

By Senator Myers—

SR 1942—A resolution recognizing National Kidney Month.

WHEREAS, 20 million Americans suffer from kidney disease, resulting in more than 50,000 chronic kidney-failure-related deaths annually, and

WHEREAS, diabetes and high blood pressure account for 66 percent of the new cases of chronic kidney failure diagnosed each year, and

WHEREAS, more than 260,000 Americans, including 12,000 Floridians, suffer from chronic kidney failure and need dialysis by an artificial kidney machine or kidney transplantation to stay alive, and

WHEREAS, the National Kidney Foundation is the major voluntary health agency seeking the total answer to diseases of the kidney, nationally and in Florida, and

WHEREAS, the National Kidney Foundation is universally respected and recognized as a leader in research and the effort to promote public awareness and the need for organ donations, and

WHEREAS, the volunteers and staff of the National Kidney Foundation of Florida spend countless hours working to help ease the plight of dialysis patients, transplant recipients, and others suffering from kidney disease, and

WHEREAS, the month of March is acknowledged as National Kidney Month, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this legislative body recognizes the month of March, 1998, as "National Kidney Month" in Florida, and urges everyone to join in ac-

knowledging the work of the National Kidney Foundation of Florida and its dedicated volunteers and staff for their unselfish commitment to others.

—**SR 1942** was introduced, read and adopted by publication.

At the request of Senator Williams—

By Senator Williams—

SR 2468—A resolution recognizing Tuesday, March 24, 1998, as Florida Federation of Garden Clubs' Legislative Day.

WHEREAS, on January 7, 1925, the Florida Federation of Garden Clubs, Inc., adopted its constitution and bylaws, and

WHEREAS, the founders of the organization subsequently embarked on a program of beautification, education, and scientific activities which, both then and today, reflects the desire to work in harmony and unity for the good of its members, the public, and the State of Florida as a whole, and

WHEREAS, from its inception, the Florida Federation of Garden Clubs has been interested in maintaining Florida's natural beauty along its roadsides and has supported scenic beauty and stressed conservation of natural resources, and

WHEREAS, members of garden clubs have encouraged the erection of memorials to veterans of the United States Armed Forces, and

WHEREAS, more than 6,500 youth gardeners are registered by garden clubs and actively involved in gardening projects, and

WHEREAS, SEEK (Save the Earth's Environment through Knowledge), an advanced-level youth environmental conference for outstanding high school students who are entering the 10th, 11th, and 12th grades, is held annually by the federation, and

WHEREAS, FFGC Wekiva Youth Camp, located in Wekiva Springs State Park and developed through a cooperative effort by the Florida Federation of Garden Clubs and the Florida Department of Natural Resources in 1974, is operated for students in grades 3 through 8 during 6 weeks each summer and has 104 campers per week, and

WHEREAS, the Hurricane Andrew Tree Project has been completed with the planting of 405 eight-foot to ten-foot trees at nine Homestead schools, and

WHEREAS, the 21,000 members of garden clubs throughout the Sunshine State continue to plant wildflowers on our roadsides, thus truly making our highways "Paths of Sunshine," NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes Tuesday, March 24, 1998, as Florida Federation of Garden Clubs' Legislative Day and invites all the residents of this state to join in celebrating the achievements of our garden clubs.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Federation of Garden Clubs as a tangible token of the esteem of the Florida Senate.

—**SR 2468** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2482—A resolution recognizing March 24, 1998, as "Stop Day Enough Is Enough Day" in this state.

WHEREAS, the Miami-Dade County public schools and the United Teachers of Dade initiated the "Stop Day Enough Is Enough" program in the Miami-Dade public school system in 1994, to proclaim that violence and weapons will not be tolerated in that school system, and

WHEREAS, the "Stop Day Enough Is Enough" program has been observed in each succeeding year in the Miami-Dade public schools, and

WHEREAS, the Florida School Boards Association and the the Florida Association of School Superintendents have endorsed the "Stop Day Enough Is Enough" program and have requested that it be implemented in all public school systems in this state, and

WHEREAS, this year's "Stop Day Enough Is Enough" program will be conducted at 10:30 a.m. on March 24, 1998, during which the Governor and Commissioner of Education will administer a televised pledge that will be viewed in all the school districts in the state, and

WHEREAS, the "Stop Day Enough Is Enough" program encourages schools to create special projects, events, and lessons that focus on reducing violence, improving skills for conflict resolution, and enhancing respect for others in order to make the public school systems in this state safer and more disciplined environments, and

WHEREAS, the Florida Senate encourages the goals of the "Stop Day Enough Is Enough" program, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 24, 1998, is recognized as "Stop Day Enough Is Enough Day" in this state.

BE IT FURTHER RESOLVED that all persons in this state are encouraged to wear white clothing and white ribbons and to drive with their vehicle headlights on during this day to emphasize their commitment to stopping violence.

—**SR 2482** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Holzendorf, by two-thirds vote **SB 122**, **SB 1712** and **SB 2094** were withdrawn from the committees of reference and further consideration.

On motion by Senator Forman, by two-thirds vote **SB 556** was withdrawn from the committees of reference and further consideration.

On motion by Senator Kurth, by two-thirds vote **SB 2010** was withdrawn from the committees of reference and further consideration.

On motion by Senator Clary, by two-thirds vote **SB 1918** and **SB 2066** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **SJR 246**, **SB 304**, **CS for SB 340**, **SB 410**, **CS for SB 650**, **SB 668**, **CS for SB 812**, **CS for SB 914**, **SB 982**, **SB 1262** and **SB 2222** were withdrawn from the Committee on Ways and Means; **SB 548** was removed from the calendar and referred to the Committee on Ways and Means; and **SB 1604** was also referred to the Committee on Ways and Means.

On motion by Senator Clary, by two-thirds vote **SB 2260** was withdrawn from the committee of reference and further consideration.

On motion by Senator Kirkpatrick, by two-thirds vote **SB 530** was withdrawn from the committees of reference and further consideration.

MOTIONS

On motion by Senator Diaz-Balart, a deadline of 5:00 p.m. Tuesday, March 31, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 1.

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **SB 2500** and **SB 2502** was deferred.

CS for SB 250—A bill to be entitled An act relating to certificates of need; amending s. 400.071, F.S., relating to nursing home licensure;

revising certain requirements for the Agency for Health Care Administration in issuing a certificate of need to a nursing home; deleting provisions expressing legislative preference for certificate-of-need applications that indicate intent to meet certain needs of Medicaid recipients with respect to nursing home services; amending s. 408.034, F.S.; specifying duties and responsibilities of the agency with respect to administering the certificate-of-need program; deleting a reference to the statewide health plan; making conforming and technical revisions; amending s. 408.036, F.S.; exempting from certificate-of-need regulation certain nursing home beds operated by or on behalf of the Department of Veterans' Affairs; excluding the exempted beds from the nursing home bed inventory; amending s. 408.040, F.S., relating to certificate-of-need conditions and monitoring of certificates of need; authorizing the Agency for Health Care Administration to condition issuance of a certificate of need for nursing home beds on an applicant's indication that it will provide a specified number of beds for Medicaid residents; requiring that such condition be stated on the certificate of need; directing the agency to notify the Medicaid program office and the Department of Elderly Affairs of conditions imposed in an area in which a community diversion pilot project is implemented; correcting references to reflect the transfer of the responsibility for administering the certificate-of-need program from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; establishing a workgroup to study and monitor market and regulatory developments that may affect certain nursing home bed allocations; requiring reports; providing for workgroup termination; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 250** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Madam President	Crist	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Klein	Rossin
Campbell	Forman	Kurth	Silver
Casas	Geller	Latvala	Thomas
Childers	Grant	Laurent	Turner
Clary	Harris	Lee	Williams
Cowin	Holzendorf	McKay	

Nays—None

Vote after roll call:

Yea—Burt, Diaz-Balart, Gutman, Hargrett, Kirkpatrick, Meadows, Scott

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SB 230—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; reviving and readopting ss. 500.12, 500.121, F.S., relating to food permits and building permits and to penalties for violations relating to such permits; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **SB 230** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Madam President	Crist	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Klein	Rossin
Campbell	Forman	Kurth	Scott
Casas	Geller	Latvala	Silver
Childers	Grant	Laurent	Thomas
Clary	Harris	Lee	Turner
Cowin	Holzendorf	McKay	Williams

Nays—None

Vote after roll call:

Yea—Burt, Diaz-Balart, Gutman, Hargrett, Kirkpatrick, Meadows

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CS for SB 666—A bill to be entitled An act relating to WAGES program transportation; amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **CS for SB 666** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Madam President	Crist	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Klein	Scott
Campbell	Forman	Kurth	Silver
Casas	Geller	Laurent	Sullivan
Childers	Grant	Lee	Thomas
Clary	Harris	McKay	Turner
Cowin	Holzendorf	Myers	Williams

Nays—None

Vote after roll call:

Yea—Burt, Diaz-Balart, Gutman, Hargrett, Kirkpatrick, Latvala, Meadows

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HB 3597—A bill to be entitled An act relating to insurance for family day care homes; creating s. 627.70161, F.S.; providing legislative intent; providing definitions; providing an exclusion from liability coverage under residential property insurance policies for losses arising out of the operation of a family day care home; prohibiting cancellation, refusal to renew, or denial of coverage for residential property insurance due to family day care operations; providing exceptions; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **HB 3597** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Madam President	Crist	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Campbell	Forman	Kurth	Sullivan
Casas	Geller	Latvala	Thomas
Childers	Grant	Laurent	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Burt, Diaz-Balart, Gutman, Hargrett, Kirkpatrick, Lee, Myers

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SB 238—A bill to be entitled An act relating to the regulation of professions and occupations; amending s. 11.62, F.S.; providing criteria for evaluating proposals for new regulations based on the effect of such regulations on job creation or retention; amending ss. 455.201 and 455.517, F.S.; providing criteria for evaluating proposals to increase the regulation of currently regulated professions based on the effect of such regulations on job creation or retention; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **SB 238** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Jones	Myers
Bronson	Dudley	Kirkpatrick	Ostalkiewicz
Brown-Waite	Dyer	Klein	Rossin
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Harris	Lee	Thomas
Clary	Holzendorf	McKay	Turner
Cowin	Horne	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman, Hargrett

SB 78—A bill to be entitled An act relating to athlete agents; creating the "Michael Lambert Ferguson Act"; amending s. 468.453, F.S.; requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check; exempting members of The Florida Bar from regulations imposed on athlete agents; providing an effective date.

—as amended March 19 was read the third time by title.

On motions by Senator Childers, **SB 78** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Madam President	Dudley	Kirkpatrick	Ostalkiewicz
Bronson	Dyer	Klein	Rossin
Brown-Waite	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Harris	Lee	Turner
Clary	Holzendorf	McKay	Williams
Cowin	Horne	Meadows	
Crist	Jones	Myers	

Nays—None

Vote after roll call:

Yea—Burt, Diaz-Balart, Gutman, Hargrett

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 846** was deferred.

On motion by Senator Bronson—

SB 1004—A bill to be entitled An act relating to rulemaking authority with respect to the regulation of the citrus industry; amending s. 601.10, F.S.; requiring the Department of Citrus to provide a list of forms that it uses; amending s. 601.61, F.S., relating to the bond requirements of citrus fruit dealers; allowing the Florida Citrus Commission to prescribe certain terms of producer contracts; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 4, before the first semicolon (;) insert: (RAB)

Pursuant to Rule 4.19, **SB 1004** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 1144—A bill to be entitled An act relating to the rulemaking authority of the Department of Management Services and other agencies (RAB); creating s. 110.224, F.S.; requiring a review and performance planning system; requiring the department to adopt rules to implement a review and performance planning system to assess employee performance; amending s. 110.1095, F.S.; directing the department to provide technical assistance; requiring annual review of state training programs; requiring agencies to develop and implement training programs; directing the department to adopt rules for training programs; amending s. 110.207, F.S.; prohibiting positions from being filled before they have been classified; amending s. 110.227, F.S.; directing the department to adopt a grievance procedure for career service employees; requiring a grievance process to be available for career service employees; defining the term "grievance"; authorizing the adoption of rules for the grievance process; amending s. 216.262, F.S.; providing rulemaking authority; detailing use and value of perquisites; amending s. 946.515, F.S.; making a determination not to use corporation products or services; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1—On page 12, line 9, delete "*agency division director*." and insert: *director of purchasing of the Department of Management Services.*

Pursuant to Rule 4.19, **CS for SB 1144** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 1152—A bill to be entitled An act relating to the developmentally disabled and mentally ill persons' umbrella trust fund (RAB); amending s. 402.175, F.S.; revising duties of the Department of Children and Family Services with respect to such fund; providing definitions; requiring annual accounting; providing for rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1152** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 1232—A bill to be entitled An act relating to rulemaking authority of the Agency for Health Care Administration; amending s. 408.08, F.S.; authorizing the agency to adopt rules under which health care facilities may be granted extensions of deadlines for filing certain reports; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1—In title, on page 1, line 3, after "Administration" insert: (RAB)

Pursuant to Rule 4.19, **SB 1232** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1332—A bill to be entitled An act relating to investment of public funds (RAB); amending s. 215.835, F.S.; prescribing rulemaking authority of the Division of Bond Finance and State Board of Administration; amending ss. 159.825, 218.405, 218.407, 218.409, F.S.; prescribing rulemaking authority of the State Board of Administration; amending s. 240.551, F.S.; prescribing rulemaking authority of the Prepaid Postsecondary Education Expense Board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1332** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 1334—A bill to be entitled An act relating to rulemaking authority of the Department of Environmental Protection (RAB); amending s. 403.061, F.S.; authorizing the adoption of rules on quality-assurance requirements for environmental data submitted to the department; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Latvala and adopted:

Amendment 1 (with title amendment)—On page 1, line 11 through page 14, line 3, delete those lines and insert:

Section 1. Section 403.0623, Florida Statutes, is created to read:

403.0623 Environmental data; quality assurance.—The department must establish, by rule, appropriate quality assurance requirements for environmental data submitted to the department and the criteria by which environmental data may be rejected by the department. Such rules may be in addition to any laboratory certification provisions under ss. 403.0625 and 403.863.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, delete "amending s. 403.061" and insert: creating s. 403.0623

Pursuant to Rule 4.19, **SB 1334** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 1336—A bill to be entitled An act relating to rulemaking authority with respect to asbestos removal (RAB); amending s. 376.60, F.S.; authorizing the Department of Environmental Protection to establish a fee schedule by rule; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1336** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

CS for SB 1342—A bill to be entitled An act relating to rulemaking authority of the Division of Workers' Compensation (RAB); amending ss. 440.05, 440.15, 440.16, 440.185, 440.191, 440.20, 440.40, 440.42, 440.49, F.S.; extending rulemaking authority to the Division of Workers' Compensation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1342** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

CS for SB 1346—A bill to be entitled An act relating to rulemaking authority with respect to occupational safety and health (RAB); amending s. 442.006, F.S.; authorizing rules for the Division of Safety investigations of public-sector employers; amending s. 442.008, F.S.; authorizing rules for the Division of Safety relating to recordkeeping responsibilities for public-sector employers; amending s. 442.011, F.S.; eliminating an annual report; amending s. 442.20, F.S.; authorizing rulemaking for the Division of Safety for the adoption of federal standards; providing that specified references to federal officials in adopted federal standards refer to specified state officials for the purpose of state law; amending s. 627.0915, F.S.; authorizing rulemaking for the Division of Safety for workplace-safety programs for clients of help-supply services companies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1346** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 1348—A bill to be entitled An act relating to rulemaking authority of the Agency for Health Care Administration (RAB); amending s. 440.134, F.S.; directing the agency to adopt rules relating to workers' compensation managed care arrangements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1348** was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

SB 1350—A bill to be entitled An act relating to mortgage lenders (RAB); amending s. 494.0065, F.S.; authorizing a one-time transfer of ownership, control, or certain voting power of a licensed mortgage lender by an ultimate equitable owner under certain circumstances; providing an exception for intrafamilial transfers; providing requirements; providing for denial of the transfer under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendments which were moved by Senator Williams and adopted:

Amendment 1—On page 1, lines 19-21, delete those lines and insert:

(3) The department may prescribe by rule forms *and procedures* for ~~initial~~ application for licensure*, and amendment and withdrawal of application for licensure, or transfer, including any existing branch offices, in accordance with subsections (4) and (5),* and for

Amendment 2—On page 3, between lines 15 and 16, insert:

(8) The department shall require each person applying for a transfer of any branch office pursuant to subsection (4) of this section to comply with the requirements of s. 494.0066.

Senator Williams moved the following amendment which was adopted:

Amendment 3—On page 2, delete line 17 and insert: *in the amount of $500.*

Pursuant to Rule 4.19, **SB 1350** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 1410—A bill to be entitled An act relating to rulemaking authority with respect to health care professionals (RAB); amending s.

402.48, F.S.; requiring persons who operate health care services pools to make certain reports to the Department of Health; authorizing the department to conduct inspections; providing requirements for an application for renewal of registration with the department; authorizing the department to adopt rules governing recordkeeping, personnel procedures, and disciplinary sanctions; amending s. 455.707, F.S.; requiring that rules of the Department of Health governing treatment programs for impaired practitioners include requirements for the continued care and monitoring of a professional; amending s. 466.036, F.S.; authorizing the Department of Health to require that an applicant for a certificate to operate a dental laboratory provide additional information; amending s. 467.006, F.S.; specifying a minimum age for licensure as a midwife; amending s. 467.012, F.S.; providing additional requirements for continuing education programs for licensed midwives; providing that a midwife may fulfill a portion of the requirement for continuing education by performing pro bono services; providing recordkeeping requirements; providing requirements for providers of continuing education programs; amending s. 467.013, F.S.; providing requirements for placing a license to practice midwifery on inactive status and for reactivating such a license; amending ss. 467.0135, 467.019, F.S.; providing for the Department of Health to adopt rules with respect to the payment of fees by midwives and recordkeeping requirements; amending s. 491.007, F.S.; exempting a certified master social worker from certain requirements for continuing education; amending s. 491.0145, F.S.; providing requirements for the examination for designation as a certified master social worker; authorizing the department to adopt rules with respect to certification requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1410** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 1434—A bill to be entitled An act relating to rulemaking authority with respect to environmental permitting (RAB); creating s. 161.0315, F.S.; providing authority to adopt rules relating to coastal construction; amending s. 161.053, F.S.; providing for adoption of rules establishing exemptions for certain activities that have no adverse effect on the coastal system; amending s. 403.813, F.S.; clarifying authority to implement certain exemptions without adoption of rules; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Latvala and adopted:

Amendment 1 (with title amendment)—On page 1, line 16 through page 2, line 11, delete those lines and insert:

Section 1. Subsection (11) of section 161.052, Florida Statutes, is created to read:

161.052 Coastal construction and excavation; regulation.—

(11) The department may adopt rules to implement the particular powers and duties set forth in this section.

Section 2. Subsection (12) is amended and subsection (21) is added to section 161.053, Florida Statutes, to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(12)*(a)* The coastal construction control requirements defined in subsection (1) and the requirements of the erosion projections pursuant to subsection (6) do not apply to any modification, maintenance, or repair to any existing structure within the limits of the existing foundation which does not require, involve, or include any additions to, or repair or modification of, the existing foundation of that structure. Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.

(b) Activities seaward of the coastal construction control line which are determined by the department not to cause a measurable interference with the natural functioning of the coastal system are exempt from the requirements in subsection (5).

(c) The department may establish exemptions from the requirements of this section for minor activities determined by the department not to have adverse impacts on the coastal system. Examples of such activities include, but are not limited to:

1. Boat moorings;

2. Maintenance of existing beach/dune vegetation;

3. The burial of seaweed, dead fish, whales, or other marine animals on the unvegetated beach;

4. The removal of piers or other derelict structures from the unvegetated beach or seaward of mean high water;

5. Temporary emergency vehicular access, provided any impacted area is immediately restored;

6. The removal of any existing structures or debris from the upland, provided there is no excavation or disturbance to the existing topography or beach/dune vegetation;

7. Construction of any new roof overhang extending no more than 4 feet beyond the confines of the existing foundation during modification, renovation, or reconstruction of a habitable structure within the confines of the existing foundation of that structure which does not include any additions to or modification of the existing foundation of that structure;

8. Minor and temporary excavation for the purpose of repairs to existing subgrade residential service utilities (e.g., water and sewer lines, septic tanks and drainfields, electrical and telephone cables, and gas lines), provided that there is minimal disturbance and that grade is restored with fill compatible in both coloration and grain size to the onsite material and any damaged or destroyed vegetation is restored using similar vegetation; and

9. Any other minor construction with impacts similar to the above activities.

(21) The department may adopt rules to implement the particular powers and duties set forth in this section.

And the title is amended as follows:

On page 1, lines 4-9, delete those lines and insert: amending s. 161.052, F.S.; providing authority to adopt rules relating to coastal construction and excavation; amending s. 161.053, F.S.; authorizing the exemption of certain activities from permit requirements; providing authority to adopt rules relating to coastal construction and regulation on county basis; amending

Pursuant to Rule 4.19, **SB 1434** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

CS for SB 846—A bill to be entitled An act relating to the Department of Transportation (RAB); amending s. 334.044, F.S.; authorizing the department to regulate the transfer of storm water to the right-of-way as a result of changes to adjacent property; amending s. 337.105, F.S.; authorizing the department to suspend a consultant from awards of department contracts for specified good cause; amending s. 337.18, F.S.; providing incentives or damages for contractors for early completion of projects that provide substantial benefits to the public; amending s. 339.0805, F.S.; authorizing the department to suspend or revoke the certification of a disadvantaged business enterprise for specified good cause; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 846** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 1436—A bill to be entitled An act relating to rulemaking authority with respect to water treatment facilities (RAB); creating s. 403.095, F.S.; directing the Department of Environmental Protection to classify water and wastewater treatment facilities and staffing requirements by rule; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendments which were moved by Senator Latvala and adopted:

Amendment 1 (with title amendment)—On page 1, line 12, delete "403.095" and insert: 403.88

And the title is amended as follows:

On page 1, line 4, delete "403.095" and insert: 403.88

Amendment 2—On page 1, line 14, delete "*403.095*" and insert: *403.88*

Pursuant to Rule 4.19, **SB 1436** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 1438—A bill to be entitled An act relating to rulemaking authority with respect to aquatic preserves (RAB); amending s. 258.42, F.S.; providing authority for the Board of Trustees of the Internal Improvement Trust Fund to consider the cumulative impact of activities on aquatic preserves and the impact of activities on manatees and other listed species; providing that the board may adopt and enforce stricter standards, regulations, and orders of local governments when the standards are related to ch. 258, F.S., and are approved by the board; amending s. 258.43, F.S.; providing authority for the board to develop rules regarding the impact of activities on manatees and other listed species and the cumulative impact of activities on aquatic preserves; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Latvala and adopted:

Amendment 1—In title, on page 1, lines 2-18, delete those lines and insert: An act relating to rulemaking authority with respect to aquatic preserves (RAB); amending s. 258.42, F.S.; providing authority for the Board of Trustees of the Internal Improvement Trust Fund to consider the cumulative impact of activities on aquatic preserves; providing that the board may adopt and enforce stricter standards, regulations, and orders of local governments when the standards are related to ch. 258, F.S., and are approved by the board; amending s. 258.43, F.S.; providing authority for the board to develop rules regarding the cumulative impact of activities on aquatic preserves; providing an effective date.

Pursuant to Rule 4.19, **SB 1438** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

SB 1700—A bill to be entitled An act relating to rulemaking authority of the Department of Community Affairs (RAB); amending s. 553.37, F.S.; supplementing authority to adopt rules for construction of manufactured buildings; amending s. 553.721, F.S.; supplementing authority to adopt rules for the collection of building permit surcharges; amending s. 553.907, F.S.; supplementing authority to adopt rules for local reporting of compliance with thermal efficiency standards; amending s. 553.907, F.S.; supplementing authority to adopt rules for radon-resistant passive building construction; amending s. 553.992, F.S.; supplementing authority to adopt rules for the issuance of nonbinding opinions concerning the use of the building energy rating system; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1700** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

CS for SB 1702—A bill to be entitled An act relating to the rulemaking authority of the Department of Community Affairs and the Florida Land and Water Adjudicatory Commission (RAB); amending s. 20.255, F.S.; authorizing the Florida Land and Water Adjudicatory Commission to adopt rules; amending s. 163.3177, F.S.; including debt management standards in local capital improvements elements; providing local comprehensive planning periods; amending s. 163.3184, F.S.; specifying agencies for comprehensive plan amendment review; allowing for adoption of separate and distinguished plan amendments; providing for municipal review of plan amendments that affect municipal plans; authorizing a schedule for agency review of comprehensive plans and plan amendments; ensuring conformity with the uniform rules of procedure; amending s. 163.3191, F.S.; providing for copies of submitted evaluation and appraisal reports; providing for local governments to request substantive comments during sufficiency review of evaluation and appraisal reports; providing for requests for delegation of review of evaluation and appraisal reports; amending s. 163.3202, F.S.; clarifying that all municipalities adopt land development regulations to implement municipal plans and plan amendments; providing for notice by the department of the need to adopt required land development regulations; supplementing authority to adopt rules to allow schedules for adoption of required land development regulations; amending s. 190.005, F.S.; authorizing the Florida Land and Water Adjudicatory Commission to adopt rules relating to community development districts; amending s. 373.114, F.S.; authorizing the commission to adopt rules for review of water management district rules or orders; amending s. 380.06, F.S.; allowing the department to issue clearance letters, upon request, as to whether a development may be required to undergo development-of-regional-impact review; preventing reviewing agencies from objecting to the use of assumptions and methodologies agreed upon during preapplication procedures; allowing for another preapplication conference to be held if an application for development approval is not submitted within 1 year; supplementing authority to adopt rules to include criteria for abandonment of developments of regional impact; amending s. 380.061, F.S.; supplementing authority to adopt rules for Florida Quality Development annual reports and criteria for determining a substantial change to an approved Florida Quality Development; amending s. 380.07, F.S.; supplementing authority to adopt rules regarding development orders in designated areas of critical state concern; amending s. 380.22, F.S.; supplementing authority to adopt rules to include procedures and criteria for evaluation of subgrant applications under the federal Coastal Zone Management Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1702** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 1706—A bill to be entitled An act relating to the care of elderly persons (RAB); amending s. 400.404, F.S., relating to facilities to be licensed; amending s. 400.424, F.S.; providing requirements for the contract executed between the licensee and the resident of an assisted living facility; authorizing the Department of Elderly Affairs to adopt rules; amending s. 400.427, F.S.; revising requirements for a facility with respect to obtaining surety bonds; authorizing the Department of Elderly Affairs to adopt rules; creating s. 400.4275, F.S., relating to business records; amending s. 400.441, F.S., relating to rules; amending s. 400.442, F.S., relating to pharmacy and dietary services; amending s. 400.444, F.S., relating to construction requirements; amending s. 400.619, F.S., relating to licensure; amending s. 400.6196, F.S., relating to violations and penalties; amending s. 400.621, F.S., relating to rules for adult family care homes; amending s. 400.6211, F.S., relating to training; amending s. 409.212, F.S., relating to optional supplementation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1706** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1714—A bill to be entitled An act relating to the Parole Commission (RAB); amending s. 947.07, F.S.; providing guidelines for rulemaking authority; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1714** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 1720—A bill to be entitled An act relating to rulemaking authority for the Department of Children and Family Services (RAB); amending s. 393.066, F.S.; providing for compliance with federal laws or regulations in rulemaking; amending s. 393.17, F.S.; providing for minimum standards in rules; amending s. 394.4781, F.S.; providing rulemaking authority; amending s. 394.78, F.S.; providing for the inclusion of financial requirements in rules; amending s. 394.879, F.S.; providing for inclusion of construction and design requirements in rules; amending s. 397.427, F.S.; providing for inclusion of federal requirements in rules; amending s. 409.212, F.S.; providing rulemaking authority; amending s. 409.285, F.S.; providing rulemaking authority; providing an effective date.

—was read the second time by title.

The Committee on Children, Families and Seniors recommended the following amendment which was moved by Senator Rossin and adopted:

Amendment 1 (with title amendment)—On page 4, between lines 19 and 20, insert:

Section 6. Subsection (12) of section 397.321, Florida Statutes, is amended to read:

397.321 Duties of the department.—The department shall:

(12) *Develop standards for* ~~cooperate in the development of~~ employee assistance programs for employees of state government, local governments, and private business.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: amending s. 397.321, F.S.; authorizing the Department of Children and Family Services to develop standards for employee assistance programs;

Pursuant to Rule 4.19, **SB 1720** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 1762—A bill to be entitled An act relating to eligibility for the WAGES Program (RAB); amending s. 414.095, F.S.; specifying beginning dates for benefits under the program and Medicaid coverage for a program participant; specifying that the payee of temporary cash assistance may be the caretaker with whom a minor child resides; providing an effective date.

—was read the second time by title.

The Committee on Children, Families and Seniors recommended the following amendment which was moved by Senator Rossin and adopted:

Amendment 1—On page 2, line 9, after "assistance" insert: *, and such coverage shall include any eligibility required by federal law which is prior to the month of application*

Pursuant to Rule 4.19, **SB 1762** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 142—A bill to be entitled An act relating to veterans' preference in employment; transferring and renumbering s. 295.15, F.S., relating to legislative intent; amending s. 295.07, F.S.; clarifying provisions; providing for rules; amending s. 295.08, F.S.; revising provisions with respect to positions for which a numerically based selection process is used; removing a monetary limitation with respect to certain classes of positions; amending s. 295.085, F.S.; revising provisions with respect to positions for which a numerically based selection process is not used; providing for preference for certain veterans with service-connected disabilities; deleting provisions for rules; amending s. 295.101, F.S.; revising provisions with respect to the expiration of employment preference; amending s. 295.11, F.S.; revising provisions with respect to investigative findings; deleting reference to the Department of Management Services and providing reference to the Department of Veterans Affairs; amending s. 295.14, F.S.; revising provisions with respect to penalties; repealing s. 295.151, F.S., relating to the application of ch. 78-372, Laws of Florida, with respect to point preference to certain persons in applying for employment; creating s. 295.155, F.S.; providing that military retirement on the basis of longevity does not disqualify a person from veterans' employment preference; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1—On page 8, line 1, delete "*$7,500*" and insert: *$10,000*

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 2—On page 3, line 29, after "*process*" insert: *, unless the sponsoring governmental entity is a party to a collective bargaining agreement, in which case the plan must comply within 90 days following ratification of a successor collective bargaining agreement or extension of any existing collective bargaining agreement*

Amendment 3 (with title amendment)—On page 6, line 22 through page 7, line 13, delete those lines and insert:

Section 6. Section 295.11, Florida Statutes, is amended to read:

295.11 Investigation; administrative hearing for not employing preferred applicant.—

(1) The Department of Veterans' Affairs or its designee shall, upon the written request of any person specified in s. 295.07, investigate any complaint filed with the department by such person when the person has *applied to* ~~made application with~~ any state agency or any agency of a political subdivision *in* ~~of~~ the state for a position of employment which was awarded to a nonveteran and the person feels aggrieved under this chapter. *The Department of Veterans' Affairs shall review each case and may issue an opinion to the Public Employees Relations Commission as to the merit or lack of merit in each case. The* ~~Such~~ investigation *must* ~~shall~~ be accomplished within existing amounts appropriated to the department.

(3) When a satisfactory resolution to the complaint is not forthcoming, *any* ~~the~~ department *of the state* or *political subdivision in the state may* ~~its designee shall, upon written request of the complainant and with advisory assistance from the Department of Management Services,~~ testify *telephonically or in person* at the *discretion of the* Public *Employees* ~~Employee~~ Relations Commission ~~hearing as to the investigative findings~~. The complainant, however, may be represented at the hearing by counsel of his or her choice at his or her expense.

(4) Jurisdiction to effectuate the purposes of ss. 295.07-295.09 shall vest with the Public Employees Relations Commission for appropriate administrative determination. *If, upon preliminary review of the Public Employees Relations Commission, the commission agrees with the department's determination that a case lacks merit and finds, in its discretion, that there was a complete absence of justiciable issues of either law or fact raised by the veterans'-preference complaint, the Public Employees Relations Commission shall dismiss the complaint without the necessity of holding a hearing.*

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: providing for the dismissal of a complaint;

Pursuant to Rule 4.19, **SB 142** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

SB 1316—A bill to be entitled An act relating to eligible surplus lines insurers; amending s. 626.918, F.S.; prohibiting the Department of Insurance from approving certain forms; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1316** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 644—A bill to be entitled An act relating to investment securities and leases under the Uniform Commercial Code; revising chapter 678, F.S.; revising part I, relating to general matters; providing a short title; providing definitions; providing rules for determining whether certain obligations and interests are securities or financial assets; providing for acquisition of security or financial assets or interests; providing for notice of adverse claim; providing for control of certain securities; providing for effect of certain actions; providing for warranties in direct holding; providing for warranties in indirect holding; providing for applicability of law; providing clearing corporation rules; providing for creditor's legal process; providing for inapplication of statute of frauds; providing for evidentiary rules concerning certificated securities; providing for nonliability to adverse claimant under certain circumstances; providing for securities intermediary as purchaser for value; revising part II, relating to issue and issuer; providing a definition of issuer; providing for issuer's responsibilities and defenses; providing for notice; specifying staleness as notice of defect or defense; providing effect of issuer's restriction on transfer; providing for effect of unauthorized signatures; providing for completion or alteration of security certificates; providing rights and duties of issuer with respect to registered owners; providing for effect of signature of certain persons; providing for issuer's liens; specifying conditions of overissue; revising part III, relating to transfer of certificated and uncertificated securities; providing for delivery of certain securities; providing for rights of purchaser; providing for protected purchasers; providing for indorsement; providing for certain instructions; providing for effect of guaranteeing certain actions; providing purchaser's right to certain requisites; revising part IV, relating to registration; providing duties of issuer to register transfers; requiring certain assurance of effectiveness of certain actions; providing for demand that issuer not register transfer; providing for liability for wrongful registration; providing for replacement of certain certificates; providing for obligation to notify issuer of certain certificates; providing for authenticating certain persons; revising part V, relating to security entitlements; providing for securities accounts; providing for acquisition of security entitlement from a securities intermediary; providing for assertion of adverse claim against entitlement holder; providing for property interest of entitlement holder in certain assets; providing duties of securities intermediary; providing for certain rights of purchaser of security entitlement; providing priority among security interests and entitlement holders; amending s. 679.103, F.S.; providing for perfection of security interests relating to investment property; amending s. 679.105, F.S.; conforming the section to changes made by the act; redefining the term "deposit account"; amending s. 679.106, F.S., to conform; creating s. 679.115, F.S.; providing for perfection of security interests in certain investment properties; providing definitions; providing criteria; providing procedures; creating s. 679.116, F.S.; providing for perfection of security interests arising in purchase or delivery of financial interests; amending ss. 679.203, 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.309, 679.312, F.S., to conform; amending ss. 671.105, 671.206, 674.104, 675.114, F.S., to conform; providing for applicability; amending s. 680.1031, F.S.; redefining the terms "consumer lease" and "finance lease"; amending s. 680.1041, F.S.; revising provisions with respect to other statutes to which leases are subject; amending s. 680.303, F.S.; revising provisions with respect to the alienability of a party's interest under a lease contract or of a lessor's residual interest in goods; amending s. 680.304, F.S.; revising provisions with respect to the subsequent lease of goods by the lessor; amending s. 680.307, F.S.; revising provisions with respect to priority of liens arising by attachment or levy on security interests in and other claims to goods; amending s. 680.309, F.S.; revising provisions with respect to lessor's and lessee's rights when goods become fixtures; creating s. 680.32, F.S.; providing that nothing in chapter 680, F.S., prevents subordination by agreement by any person entitled to priority; amending s. 680.501, F.S.; revising provisions with respect to the procedure governing default; amending s. 680.503, F.S.; revising provisions with respect to modification or impairment of rights and remedies; amending s. 680.507, F.S.; revising provisions with respect to proof of market rent; amending s. 680.508, F.S.; revising provisions with respect to lessee's remedies; amending s. 680.516, F.S.; revising provisions with respect to the effect of acceptance of goods, notice of default, the burden of establishing default after acceptance, and notice of claim or litigation to persons answerable over; amending s. 680.518, F.S.; revising provisions with respect to cover and substitute goods; amending s. 680.519, F.S.; revising provisions with respect to lessee's damages for nondelivery, repudiation, default, or breach of warranty in regard to accepted goods; amending s. 680.523, F.S.; revising provisions with respect to lessor's remedies; amending s. 680.524, F.S.; revising provisions with respect to lessor's right to identify goods to lease contract; amending s. 680.525, F.S.; revising provisions with respect to lessor's right to possession of goods; amending s. 680.527, F.S.; revising provisions with respect to lessor's rights to dispose of goods; amending s. 680.528, F.S.; revising provisions with respect to lessor's damages for nonacceptance or repudiation; amending s. 680.529, F.S.; revising provisions with respect to lessor's action for rent; amending s. 680.532, F.S.; revising provisions with respect to lessor recovery for loss of residual interest; providing for the application of the act; repealing ss. 610.011, 610.021, 610.031, 610.041, 610.051, 610.061, 610.071, 610.081, 610.091, 610.101, 610.111, 671.304(2)(b), F.S., relating to the Uniform Act for Simplification of Fiduciary Security Transfers; repealing ss. 678.101, 678.102, 678.103, 678.104, 678.105, 678.106, 678.107, 678.108, 678.201, 678.202, 678.203, 678.204, 678.205, 678.206, 678.207, 678.208, 678.301, 678.302, 678.303, 678.304, 678.305, 678.306, 678.307, 678.308, 678.309, 678.310, 678.311, 678.312, 678.313, 678.314, 678.315, 678.316, 678.317, 678.318, 678.319, 678.320, 678.321, 678.401, 678.402, 678.403, 678.404, 678.405, 678.406, 678.407, 678.408, F.S., relating to investment securities under the Uniform Commercial Code; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 644** was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

CS for SB 1574—A bill to be entitled An act relating to personnel and agencies of the legislative branch; amending s. 11.045, F.S.; defining the term "division," for purposes of lobbyist registration, as the Division of Legislative Information Services; transferring certain functions of the Joint Legislative Management Committee to the division or to the presiding officers; amending s. 11.12, F.S.; providing for the presiding officers to determine subsistence rates; amending s. 11.13, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to compensation of members to the Office of Legislative Services or to the presiding officers; amending s. 11.147, F.S.; abolishing the Joint Legislative Management Committee and replacing it with an Office of Legislative Services; repealing s. 11.39, F.S., relating to the Legislative Information Technology Resource Committee; amending s. 112.0455, F.S.; transferring certain functions of the Joint Legislative Management Committee with respect to rules relating to drug-free workplace requirements to the presiding officers; amending s. 112.3148, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to reports of gifts to the Division of Legislative Information Services; amending s. 121.055, F.S.; transferring duties of the Joint Legislative Management Committee relating to designation of employees to participate in the Senior Management Service Optional Annuity Program to the presiding officers; amending s. 216.136, F.S.; conforming provisions to the amendments made by the act; amending s. 216.251, F.S.; clarifying authority with respect to approval of classification and pay plans for legislative employees; amending s. 985.401, F.S.; transferring duties of the Joint Legislative Management Committee with respect to the Juvenile Justice Advisory Board to the Department of Juvenile Justice;

amending ss. 11.241, 11.242, 11.243, 11.70, 13.01, 13.10, 15.155, 20.315, 27.709, 112.061, 112.321, 119.15, 218.60, 229.593, 282.3091, 282.310, 282.322, 350.031, 402.50, 790.22, F.S.; conforming provisions to the amendments made by the act; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 11.045, Florida Statutes, is amended to read:

11.045 Lobbyists; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(a) "Committee" means the committee of each house charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) "Division" means the Division of Legislative Information Services within the Office of Legislative Services.

(c)~~(b)~~ "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

(d)~~(c)~~ "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(e)~~(d)~~ "Lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(f)~~(e)~~ "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(g)~~(f)~~ "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist.

(2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:

(a) Registration is required for each principal represented.

(b) Registration shall include a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal.

(c) A registrant shall promptly send a written statement to the *division* ~~Joint Legislative Management Committee~~ canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the *division* ~~committee~~ may remove the name of a registrant from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.

(d) Every registrant shall be required to state the extent of any direct business association or partnership with any current member of the Legislature.

(e) Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the Legislature. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

(f) All registrations shall be open to the public.

(g) Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.

(3) Each house of the Legislature shall provide by rule the following reporting requirements:

(a) Statements shall be filed by all registered lobbyists two times per year and after each special session of the Legislature, which statements shall disclose all lobbying expenditures by the lobbyist and the principal and the source of funds for such expenditures. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be made on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging. Lobbying expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) A principal who is represented by two or more lobbyists shall designate one lobbyist whose expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(c) For each reporting period the *division* ~~Joint Legislative Management Committee~~ shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Further, the *division* ~~committee~~ shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year.

(d) The reporting statements shall be filed no later than 45 days after the end of the reporting period. The first report shall include the expenditures for the period from January 1 through the date of adjournment of the regular session of the Legislature, including an extension, if any. The second report shall disclose expenditures for the remainder of the calendar year. A supplemental report shall be filed no later than 45 days after each special session of the Legislature which shall disclose expenditures incurred during the period since the filing of the last previous report through adjournment of the special session. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements may be filed by electronic means, when feasible.

(e) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(f) Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 20 days after receipt of the notice of payment due, unless appeal is made to the *division* ~~Joint Legislative Management Committee of the Legislature~~. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

4. A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 20 days after receipt of notice that any reports have not been timely filed. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the *director of the division or his or her designee* ~~Joint Legislative Management Committee~~, *who* ~~which~~ shall *recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that* ~~have the authority to waive~~ the fine *be waived* in whole or in part for good cause shown. *The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part.* Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the lobbyist shall, within the 20-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to *request a hearing* ~~bring the matter before the committee~~.

6. The person designated to review the timeliness of reports shall notify the *director of the division* ~~Joint Legislative Management Committee~~ of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

(4) Each house of the Legislature shall provide by rule a procedure by which a person, when in doubt about the applicability and interpretation of this section in a particular context, may submit in writing the facts for an advisory opinion to the committee of *either* ~~the respective~~ house and may appear in person before the committee. The rule shall provide a procedure by which:

(a) The committee shall render advisory opinions to any person who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.

(c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection.

(5) Each house of the Legislature shall keep all advisory opinions of the committees relating to lobbyists and lobbying activities, as well as a current list of registered lobbyists and their respective reports required under this section, all of which shall be open for public inspection.

(6) The committee of *either* ~~the respective~~ house shall investigate any person engaged in legislative lobbying upon receipt of a sworn complaint alleging a violation of this section, s. 112.3148, or s. 112.3149 by such person. Such proceedings shall be conducted pursuant to the rules of the respective houses. If the committee finds that there has been a violation of this section, s. 112.3148, or s. 112.3149, it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than $5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.

(7) Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed $5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection (6).

(8) There is hereby created the Legislative Lobbyist Registration Trust Fund, to be used for the purpose of funding any office established for ~~the purpose of funding~~ the administration of the registration of lobbyist lobbying the Legislature, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to general revenue provisions of chapter 215. Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.

Section 2. Section 11.12, Florida Statutes, is amended to read:

11.12 Salary, subsistence, and mileage of members and employees; expenses authorized by resolution; appropriation; preaudit by Comptroller.—

(1) The Treasurer is authorized to pay the salary, subsistence, and mileage of the members of the Legislature, as the same shall be authorized from time to time by law, upon receipt of a warrant therefor of the Comptroller for the stated amount. The Treasurer is authorized to pay the compensation of employees of the Legislature, together with reimbursement for their authorized travel as provided in s. 112.061, and such expense of the Legislature as shall be authorized by law, a concurrent resolution, a resolution of either house, or rules adopted by the respective houses, provided the total amount appropriated to the legislative branch shall not be altered, upon receipt of such warrant therefor. The number, duties, and compensation of the employees of the respective houses and of their committees shall be determined as provided by the rules of the respective house or in this chapter. Each legislator may designate no more than two employees to attend sessions of the Legislature, and those employees who change their places of residence in order to attend the session shall be paid subsistence at a rate to be established by the *President of the Senate for Senate employees and the Speaker of the House of Representatives for House employees* ~~Joint Legislative Management Committee~~. Such employees, in addition to subsistence, shall be paid transportation expenses in accordance with s. 112.061(7) and (8) for actual transportation between their homes and the seat of government in order to attend the legislative session and return home, as well as for two round trips during the course of any regular session of the Legislature.

(2) All vouchers covering legislative expenses shall be preaudited by the Comptroller, and, if found to be correct, state warrants shall be issued therefor.

Section 3. Section 11.13, Florida Statutes, is amended to read:

11.13 Compensation of members.—

(1)(a) The annual salaries of members of the Senate and House of Representatives, payable in 12 equal monthly installments, shall be:

1. The President of the Senate and Speaker of the House of Representatives, $25,000 each.

2. All other members of the Senate and House of Representatives, $18,000 each.

(b) Effective July 1, 1986, and each July 1 thereafter, the annual salaries of members of the Senate and House of Representatives shall be adjusted by the average percentage increase in the salaries of state career service employees for the fiscal year just concluded. The Appropriations Committee of each house shall certify to the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ the average percentage increase in the salaries of state career service employees *before* ~~prior to~~ July 1 of each year.~~, and~~ The *Office of Legislative Services* ~~Joint~~

~~Legislative Management Committee~~ shall, as of July 1~~,~~ of each year, determine the adjusted annual salaries as provided herein.

(2) During the time the Legislature is in session, each legislator shall be paid subsistence at a rate to be established by the *President of the Senate for members of the Senate and the Speaker of the House of Representatives for members of the House* ~~Joint Legislative Management Committee~~. Each legislator, in addition to subsistence, shall be paid travel expenses in accordance with s. 112.061(7) and (8) for actual travel between the legislator's home and the seat of government for not more than one round trip per week or fraction of a week during any regular, special, or extraordinary session of the Legislature or for the convening of either the House or Senate for official business.

(3) Members of any standing or select committee or subcommittee thereof shall receive per diem and travel expenses as provided in s. 112.061 from the appropriation for legislative expenses.

(4) Each member of the Legislature shall be entitled to receive a monthly allowance for intradistrict expenses in *an* ~~a uniform~~ amount set annually by the *President of the Senate for members of the Senate and the Speaker of the House of Representatives for members of the House* ~~Joint Legislative Management Committee~~ not later than November 1 for the next fiscal year. In setting the amount, the costs of maintaining a legislative district office that provides an appropriate level of constituent services shall be considered. The procedure for disbursement of the monthly intradistrict expense allowed shall be set from time to time by the *Office of Legislative Services, with the approval of the President of the Senate and the Speaker of the House of Representatives or their respective designees* ~~Joint Legislative Management Committee~~. Such expenses shall be a proper expense of the Legislature and shall be disbursed from the appropriation for legislative expense. The expenses provided under this subsection shall not include any travel and per diem reimbursed under subsections (2) and (3) or the rules of either house.

(5)(a) All expenditures of the Senate, House of Representatives, and offices, committees, and divisions of the Legislature shall be made pursuant to and, unless changed as provided below, within the limits of budgetary estimates of expenditure for each fiscal year prepared and submitted prior to June 15 by the administrative head of each such house, office, committee, or division and approved by the ~~Committee on Rules and Calendar of the Senate and the~~ President of the Senate as to Senate budgets, by ~~the Committee on Administration of the House of Representatives and~~ the Speaker of the House of Representatives as to House budgets, and by the *President of the Senate and the Speaker of the House of Representatives acting jointly* ~~Joint Legislative Management Committee~~ as to joint committees and *other units* ~~the divisions~~ of the Legislature ~~other than the Legislative Auditing Committee and the Auditor General's office~~. Amounts in the approved estimates of expenditure may be transferred between budgetary units within the Senate, House of Representatives, and joint activities by the original approving authority. Funds may be transferred between items of appropriation to the Legislature when approved by the President of the Senate *and*~~,~~ the Speaker of the House of Representatives ~~and the Joint Legislative Management Committee~~, provided the total amount appropriated to the legislative branch shall not be altered. The *Office of Legislative Services* ~~Joint Legislative Management Committee~~ shall formulate and present to each house and office thereof recommendations concerning the form and preparation of such budgets and procedures for their adoption and transmission.

(b) Thirty days prior to the date established by s. 216.023 for submission of legislative budgets by all state agencies to the Governor, all budgetary units required to submit estimates of expenditures as provided by paragraph (a) shall annually submit tentative estimates of their financial needs for the next fiscal year beginning July 1 to the authorities required by that paragraph so that the financial needs of the Legislature for the ensuing fiscal year may be reported to the Governor by ~~a committee composed of~~ the President of the Senate *and*~~,~~ the Speaker of the House of Representatives~~, and the chair or co-chairs of the Joint Legislative Management Committee, pursuant to ss. 11.148 and 11.40 and~~ as required by s. 216.081.

(c) The *Office of Legislative Services* ~~Joint Legislative Management Committee~~ shall submit on forms prescribed by the Comptroller requested allotments of appropriations for the fiscal year. It shall be the duty of the Comptroller to release the funds and authorize the expenditures for the legislative branch to be made from the appropriations on the basis of the requested allotments. However, the aggregate of such allotments shall not exceed the total appropriations available for the fiscal year.

(6) The pay of members of the Senate and House of Representatives shall be only as set by law.

Section 4. Section 11.147, Florida Statutes, is amended to read:

11.147 *Office of Legislative Services* ~~Joint Legislative Management Committee.—~~

(1) There is ~~hereby~~ created the *Office of Legislative Services to provide support services that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively and efficiently provided jointly to both houses* ~~Joint Legislative Management Committee, which shall consist of three members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be a member of the minority party, and three members of the Senate appointed by the President of the Senate, one of whom shall be a member of the minority party~~.

(2) The President of the Senate and the Speaker of the House of Representatives may select a coordinator for the Office of Legislative Services, who shall report directly to the President of the Senate and the Speaker of the House of Representatives or their respective designees.

(3)~~(2)~~ The joint *committees and other units of the Legislature* ~~committee~~ shall be governed by joint rules of the Senate and House of Representatives which shall remain in effect until repealed or amended by concurrent resolution.

(4)~~(3)~~ The *Office of Legislative Services* ~~joint committee~~ shall deliver such vouchers covering legislative expenses as required to the Comptroller and, if found to be correct, state warrants shall be issued therefor.

Section 5. *Section 11.39, Florida Statutes, is repealed.*

Section 6. *Effective July 1, 1998, the legislative library is hereby transferred to the Department of State by a type two transfer, as defined in section 20.06, Florida Statutes.*

Section 7. Paragraph (g) of subsection (13) of section 112.0455, Florida Statutes, is amended to read:

112.0455 Drug-Free Workplace Act.—

(13) RULES.—

(g) The *President of the Senate and the Speaker of the House of Representatives* ~~Joint Legislative Management Committee~~ may adopt rules, policies, or procedures for the employees and members of the legislative branch implementing this section.

This section shall not be construed to eliminate the bargainable rights as provided in the collective bargaining process where applicable.

Section 8. Subsection (5) of section 112.3148, Florida Statutes, is amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(5)(a) A political committee or a committee of continuous existence, as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of $100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of $100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of $25, but not in excess of $100, other than a gift which the donor knows will be accepted on behalf

of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter, for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the Secretary of State, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the *Division of Legislative Information Services in the Office of Legislative Services* ~~Joint Legislative Management Committee~~. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, when a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

Section 9. Paragraph (c) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(c)1. Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for up to 75 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the House of Representatives, as selected by the Speaker of the House of Representatives, up to 50 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the Senate, as selected by the President of the Senate, all staff directors of joint committees *and service offices* of the Legislature, the Auditor General and up to 9 managerial or policymaking positions within his or her office as selected by the Auditor General, and the executive director of the Commission on Ethics.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any legislative employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position.

3. In lieu of participation in the Senior Management Service Class, *at* ~~in~~ the discretion of the *President of the Senate and the Speaker of the House of Representatives* ~~Joint Legislative Management Committee~~, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

Section 10. Section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(1) ECONOMIC ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Economic Estimating Conference shall develop such official information with respect to the national and state economies as the conference determines is needed for the state planning and budgeting system. The basic, long-term forecasts which are a part of its official information shall be trend forecasts. However, the conference may include cycle forecasts as a part of its official information if the subject matter of the forecast warrants a cycle forecast and if such forecast is developed in a special impact session of the conference.

2. Prior to the submission of the Governor's budget recommendations to the Legislature pursuant to s. 216.162, and again prior to each Regular Session of the Legislature, the Economic Estimating Conference shall evaluate and project the financial condition of the employee group health self-insurance plan. This analysis shall also consider any financial impact of the state's use of health maintenance organizations on the funding of the self-insurance plan. The conference shall indicate whether the current plan premium rates are sufficient to fund projected plan claims and other expenses during the fiscal year.

(b) Principals.—The Executive Office of the Governor, the *coordinator* ~~director~~ of the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Economic Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

(2) DEMOGRAPHIC ESTIMATING CONFERENCE.—

(a) Duties.—The Demographic Estimating Conference shall develop such official information with respect to the population of the nation and state by age, race, and sex as the conference determines is needed for the state planning and budgeting system. The conference shall use the official population estimates provided under s. 186.901 in developing its official information.

(b) Principals.—The Executive Office of the Governor, the *coordinator* ~~director~~ of the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Demographic Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

(3) REVENUE ESTIMATING CONFERENCE.—

(a) Duties.—The Revenue Estimating Conference shall develop such official information with respect to anticipated state and local government revenues as the conference determines is needed for the state planning and budgeting system. Any principal may request the conference to review and estimate revenues for any trust fund.

(b) Principals.—The Executive Office of the Governor, the *coordinator* ~~director~~ of the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Revenue Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

(4) EDUCATION ESTIMATING CONFERENCE.—

(a) Duties.—The Education Estimating Conference shall develop such official information relating to the state public educational system, including forecasts of student enrollments, students qualified for state financial aid programs, fixed capital outlay needs, and Florida Education Finance Program formula needs, as the conference determines is needed for the state planning and budgeting system. The conference's initial projections of enrollments in public schools shall be forwarded by the conference to each school district no later than 2 months prior to the start of the regular session of the Legislature. Each school district may, in writing, request adjustments to the initial projections. Any adjustment request shall be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. A school district may amend its adjustment request, in writing, during the first 3 weeks of the legislative session, and such amended adjustment request shall be considered by the principals of the conference. For any adjustment so requested, the district shall indicate and explain, using definitions adopted by the conference, the components of anticipated enrollment changes that correspond to continuation of current programs with workload changes; program improvement; program reduction or elimination; initiation of new programs; and any other information that may be needed by the Legislature. For public schools, the conference shall submit its full-time equivalent student consensus estimate to the Legislature no later than 1 month after the start of the regular session of the Legislature. No conference estimate may be changed without the agreement of the full conference.

(b) Principals.—The Associate Deputy Commissioner for Educational Management, the Executive Office of the Governor, the *coordinator* ~~director~~ of the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Education Estimating Conference. The Associate Deputy Commissioner for Educational Management or his or her designee shall preside over sessions of the conference.

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Criminal Justice Estimating Conference shall develop such official information relating to the criminal justice system, including forecasts of prison admissions by offense categories specified in Rule 3.701, Florida Rules of Criminal Procedure, as the conference determines is needed for the state planning and budgeting system.

(b) Principals.—The Executive Office of the Governor, the *coordinator* ~~director~~ of the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~, and professional staff, who have forecasting expertise, from the Senate, the House of Representatives, and the Supreme Court, or their designees, are the principals of the Criminal Justice Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

(6) SOCIAL SERVICES ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Social Services Estimating Conference shall develop such official information relating to the social services system of the state, including forecasts of social services caseloads, as the conference determines is needed for the state planning and budgeting system. Such official information shall include, but not be limited to, subsidized child care caseloads mandated by the Family Support Act of 1988.

2. In addition, the Social Services Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for subsidized child care as defined in s. 402.3015(1). These estimates and forecasts shall not include children enrolled in the prekindergarten early intervention program established in s. 230.2305.

3. The Department of Health and Rehabilitative Services and the Department of Education shall provide information on caseloads and waiting lists for the subsidized child care and prekindergarten early intervention programs requested by the Social Services Estimating Conference or individual conference principals, in a timely manner.

(b) Principals.—The Executive Office of the Governor, the *coordinator* ~~director~~ of the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~, and professional staff, who have forecasting expertise, from the Department of Health and Rehabilitative Services, the Senate, and the House of Representatives, or their designees, are the principals of the Social Services Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

(7) TRANSPORTATION ESTIMATING CONFERENCE.—

(a) Duties.—The Transportation Estimating Conference shall develop such official budget information relating to transportation planning and budgeting as is determined by the conference principals to be needed for the state planning and budgeting system. This information shall include estimates of transportation cost indices and other budget-related estimates. This conference shall not address estimates of transportation revenues.

(b) Principals.—The Executive Office of the Governor, the *coordinator* ~~director~~ of the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~, and professional staff with budgeting expertise from the Department of Transportation, the Senate, and the House of Representatives are the principals of the Transportation Estimating Conference. *The principal representing the Executive Office of the Governor shall preside over sessions of the conference.*

(8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—

(a) Duties.—The Child Welfare System Estimating Conference shall develop the following information relating to the child welfare system:

1. Estimates and projections of the number of initial and additional reports of child abuse or neglect made to the central abuse registry and tracking system maintained by the Department of Health and Rehabilitative Services as established in s. 415.504(4)(a).

2. Estimates and projections of the number of children who are alleged to be victims of child abuse or neglect and are in need of placement in an emergency shelter.

In addition, the conference shall develop other official information relating to the child welfare system of the state which the conference determines is needed for the state planning and budgeting system. The Department of Health and Rehabilitative Services shall provide information on the child welfare system requested by the Child Welfare System Estimating Conference, or individual conference principals, in a timely manner.

(b) Principals.—The Executive Office of the Governor, the *coordinator* ~~director~~ of the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~, and professional staff who have forecasting expertise from the Department of Health and Rehabilitative Services, the Senate, and the House of Representatives, or their designees, are the principals of the Child Welfare System Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

(9) JUVENILE JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Juvenile Justice Estimating Conference shall develop such official information relating to the juvenile justice system of the state as is determined by the conference principals to be needed for the state planning and budgeting system. This information shall include, but is not limited to: estimates of juvenile delinquency caseloads and workloads; estimates for secure, nonsecure, and home juvenile detention placements; estimates of workloads in the juvenile sections in the offices of the state attorneys and public defenders; estimates of mental health and substance abuse treatment relating to juveniles; and such other information as is determined by the conference principals to be needed for the state planning and budgeting system.

(b) Principals.—The Executive Office of the Governor, the *Office* ~~Division~~ of *Economic* ~~Economics~~ and Demographic Research ~~of the Joint Legislative Management Committee~~, and professional staff who have forecasting expertise from the Department of Juvenile Justice, the Department of Health and Rehabilitative Services Alcohol, Drug Abuse, and Mental Health Program Office, the Department of Law Enforcement, the Senate Appropriations Committee staff, the House of Representatives Appropriations Committee staff, or their designees, are the principals of the Juvenile Justice Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals. To facilitate policy and legislative recommendations, the conference may call upon professional staff of the Juvenile Justice Advisory Board and appropriate legislative staff.

(10) OCCUPATIONAL FORECASTING CONFERENCE.—

(a) Duties.—The Occupational Forecasting Conference shall develop such official information on the workforce development system planning process as it relates to the personnel needs of current, new, and emerging industries as the conference determines is needed by the state planning and budgeting system. Such information must include at least: short-term and long-term forecasts of employment demand for high-skills/high-wage jobs by occupation and industry; relative wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available for employment in those occupations.

(b) Principals.—The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the Secretary of Labor, and the *coordinator* ~~director~~ of the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~, or their designees, are the principals of the Occupational Forecasting Conference. The Commissioner of Education, or the commissioner's designee, shall preside over the sessions of the conference.

Section 11. Paragraph (a) of subsection (2) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 110.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the

Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the Board of Regents for those positions in the State University System.

4. Within the classification and pay plan approved by the *President of the* Senate *and*~~,~~ the *Speaker of the* House of Representatives, ~~the Joint Legislative Management Committee,~~ or *by* the Legislative Auditing Committee, as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

6. The salary of all positions not specifically included in this subsection shall be set by the commission or by the Chief Justice for the judicial branch.

Section 12. Paragraph (c) of subsection (3) of section 985.401, Florida Statutes, is amended to read:

985.401 Juvenile Justice Advisory Board.—

(3)

(c) The board is assigned, for the purpose of general oversight, to the *Department of Juvenile Justice effective July 1, 1998* ~~Joint Legislative Auditing Committee~~. The board shall develop a budget pursuant to procedures established by the *Department of Juvenile Justice* ~~Joint Legislative Auditing Committee~~.

Section 13. Section 11.241, Florida Statutes, is amended to read:

11.241 Permanent statutory revision plan created.—There is created a permanent statutory revision plan to be implemented and maintained under the supervision of the *Office of Legislative Services* ~~joint committee~~.

Section 14. Section 11.242, Florida Statutes, is amended to read:

11.242 Powers, duties, and functions as to statutory revision.—The powers, duties, and functions of the *Office of Legislative Services* ~~joint committee~~ in the operation and maintenance of a statutory revision program shall be as follows:

(1) To conduct a systematic and continuing study of the statutes and laws of this state for the purpose of reducing their number and bulk, removing inconsistencies, redundancies, and unnecessary repetitions and otherwise improving their clarity and facilitating their correct and proper interpretation; and for the same purpose, to prepare and submit to the Legislature reviser's bills and bills for the amendment, consolidation, revision, repeal, or other alterations or changes in any general statute or laws or parts thereof of a general nature and application of the preceding session or sessions which may appear to be subject to revision. Any revision, either complete, partial, or topical, prepared for submission to the Legislature shall be accompanied by revision and history notes relating to the same, showing the changes made therein and the reason for such recommended change.

(2) To carry on the arrangements and identification of the general statutes and laws of the state, as adopted in the Florida Statutes, and the contents of the same, by adding thereto, in the future and in proper place, all new matter belonging therein; this new material to be compiled, revised, and republished periodically in continuation of the present systems, matters, tables, and other material as contained in the Florida Statutes.

(3) Reviser's bills shall not deal with nor carry forward into the Florida Statutes any statute of any of the following classes:

(a) Statutes relating to, for, or concerning only one or more counties or parts thereof, except in cases where the subject matter of the statute relates to the creation or jurisdiction of state or county courts.~~;~~

(b) Statutes relating to, for, or concerning and operative in only a portion of the state, except in cases where the subject matter of the statute relates to the creation or jurisdiction of state or county courts.~~;~~

(c) Statutes relating to, for, or concerning only a certain municipal corporation.~~;~~

(d) Statutes relating to, for or concerning only one or more designated individuals or corporations.~~;~~

(e) Statutes incorporating a designated individual corporation or making a grant thereto.~~;~~

(f) Road designation laws.

(4) The published edition of the Florida Statutes~~,~~ shall contain the following:

(a) The Florida Statutes, as adopted and enacted, together with the laws of a general nature enacted at any current session of the Legislature and directed to be embodied in said edition.

(b) The Florida Constitution.

(c) Complete indexes of all the material in the statutes.

(d) Such other matters, notes, data, and other material as may be deemed necessary or admissible by the *Division of Statutory Revision of the Office of Legislative Services* ~~joint committee~~ for reference, convenience, or interpretation.

(5) In carrying on the work of statutory revision and in preparing the Florida Statutes for publication:

(a) All amendments made to any section or chapter, or any part thereof, of the Florida Statutes or session laws of this state by any current session of the Legislature, whenever such amendments in express terms refer to sections or chapters of said statutes or session laws, shall be incorporated with the body of the text of the Florida Statutes.

(b) All sections, chapters, or titles of the Florida Statutes or session laws of this state which are expressly repealed by any current session of the Legislature shall be omitted.

(c) All laws of a general and permanent nature which are of general application throughout the state enacted by any current session of the Legislature shall be compiled and included, assigning thereto in all appropriate places such chapter and section identification, by the decimal system of numbering heretofore embodied in the Florida Statutes, as is appropriate and proper, but all chapters and sections so compiled shall be indicated with a history note, clearly showing that said section or chapter was not a part of the revision at the time of its adoption and giving the proper legislative session law chapter and section number. The matter included under the authority of this subsection shall be incorporated as enacted in any current session and shall be prima facie evidence of such law in all courts of the state.

(d) Any two or more sections, chapters, or laws, or parts thereof, may be consolidated.

(e) Any section, chapter, or law, or part thereof, may be transferred from one location to another.

(f) The form or arrangement of any section, chapter, or law, or part thereof, may be altered or changed by transferring, combining, or dividing the same.

(g) Subsections, sections, chapters, and titles may be renumbered and reference thereto may be changed to agree with such renumbering.

(h) Grammatical, typographical and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of the statutes or laws, may be freely made.

(i) All statutes and laws, or parts thereof, which have expired, become obsolete, been held invalid by a court of last resort, have had their effect or have served their purpose, or which have been repealed or superseded, either expressly or by implication, shall be omitted through the process of reviser's bills duly enacted by the Legislature.

(j) All statutes and laws general in form but of such local or limited application as to make their inclusion in the Florida Statutes or any revision or supplement thereof impracticable, undesirable or unnecessary shall be omitted therefrom, without effecting a repeal thereof.

(k) All things relating to form, position, order, or arrangement of the revision, not inconsistent with the Florida Statutes system, which may be found desirable or necessary for the improvement, betterment, or perfection of same, may be done.

(6) To award contracts from time to time for editorial work in the preparation of copy and other necessary material, and for printing as defined in s. 283.60; ~~to pay expenses only of members of revision committees appointed by the joint committee to assist in revision of whole titles or chapters;~~ and to pay for such other things as are authorized to be done and performed as part of a statutory revision program under the laws of this state.

(7) To exchange Florida Statutes, and other available publications, with the officers, boards, and agencies of other states and of the United States, and with other governments.

(8) To exercise all other powers, duties, and functions necessary or convenient for properly carrying out the provisions of this law and all other laws relating to statutory revision.

Section 15. Section 11.243, Florida Statutes, is amended to read:

11.243 Publishing Florida Statutes; price, sale.—

(1) The *Office of Legislative Services* ~~joint committee~~ shall continue the statutory revision system heretofore adopted in this state and shall bring the general acts of the Legislature within the revision system, as promptly after the adjournment of the legislative session as possible.

(2) All copies of the Florida Statutes shall be delivered by the printer to the *Office of Legislative Services* ~~joint committee~~, which shall distribute copies to the public and governmental entities, including the judicial branch, at a price to be fixed by the *Office of Legislative Services* ~~joint committee~~.

(3) All moneys collected ~~by the joint committee~~ from the sale of the Florida Statutes or other publications shall be deposited in the State Treasury and credited to the appropriation for legislative expense.

Section 16. Paragraph (c) of subsection (6) of section 11.70, Florida Statutes, is amended to read:

11.70 Legislative Committee on Intergovernmental Relations.—

(6) STAFF.—

(c) Upon request of the committee, the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ is directed to provide office space and equipment as the committee deems necessary.

Section 17. Subsection (2) of section 13.01, Florida Statutes, is amended to read:

13.01 Commission on Interstate Cooperation.—

(2) The Florida Commissioners for the National Conference of Commissioners on Uniform State Laws appointed pursuant to s. 13.10 shall be ex officio honorary nonvoting members of this commission. The commission shall elect a chair and a vice chair from among its members. The director of the office of planning and budgeting in the Executive Office of the Governor shall serve ex officio as secretary of the Governor's committee, and an employee of the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ designated by the *coordinator* ~~executive director~~ of the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ shall serve as secretary of the Joint Legislative Committee on Interstate Cooperation.

Section 18. Subsection (4) of section 13.10, Florida Statutes, is amended to read:

13.10 Commissioners to the National Conference of Commissioners on Uniform State Laws.—

(4) The *coordinator* ~~executive director~~ of the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ shall designate an appropriate legislative employee to serve as an associate member and secretary to the Florida commissioners to the National Conference of Commissioners on Uniform State Laws. He or she shall prepare and sign all vouchers authorized by law and keep such records as directed by the commissioners.

Section 19. Subsection (1) of section 15.155, Florida Statutes, is amended to read:

15.155 Legislative documents; Department of State to classify, number, and furnish copies of general laws, special acts, resolutions, and memorials.—

(1) Immediately after any act of the Legislature or any resolution or memorial is filed in the office of the Department of State, the department shall:

(a) Select, segregate, and classify all acts of the Legislature, including memorials and resolutions, by dividing them into the following two classifications: Volume I, General Acts, and Volume II, Special Acts;

(b) Include in such General Acts all acts passed as general laws and all memorials and resolutions, including proposed constitutional amendments, and include in such Special Acts only those acts passed as special laws and becoming law as such;

(c) Assign a chapter number to each such act; and

(d) Furnish true and accurate copies of such laws, resolutions, and memorials passed by the Legislature to the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ for publication.

Section 20. Paragraph (b) of subsection (6) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(6) FLORIDA CORRECTIONS COMMISSION.—

(b) The primary functions of the commission are to:

1. Recommend major correctional policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state correctional system and recommend improvements therein to the Governor and the Legislature.

3. Perform an in-depth review of the recommendations of the Sentencing Guidelines Commission on the need for changes in the guidelines and of any alternative proposals submitted by the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~ to revise statewide sentencing guidelines.

4. Annually perform an in-depth review of community-based intermediate sanctions and recommend to the Governor and the Legislature intergovernmental approaches through the Community Corrections Partnership Act for planning and implementing such sanctions and programs.

5. Perform an in-depth evaluation of the annual budget request of the Department of Corrections, the comprehensive correctional master plan, and the tentative construction program for compliance with all applicable laws and established departmental policies. The commission may not consider individual construction projects, but shall consider methods of accomplishing the department's goals in the most effective, efficient, and businesslike manner.

6. Routinely monitor the financial status of the Department of Corrections to assure that the department is managing revenue and any applicable bond proceeds responsibly and in accordance with law and established policy.

7. Evaluate, at least quarterly, the efficiency, productivity, and management of the Department of Corrections, using performance and production standards developed by the department under subsection (18).

8. Provide public education on corrections and criminal justice issues.

9. Report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by November 1 of each year. The

first annual report of the commission shall be made by November 1, 1995.

Section 21. Effective October 1, 1998, paragraph (b) of subsection (6) of section 20.315, Florida Statutes, as amended by section 9 of chapter 97-194, Laws of Florida, is reenacted to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(6) FLORIDA CORRECTIONS COMMISSION.—

(b) The primary functions of the commission are to:

1. Recommend major correctional policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state correctional system and recommend improvements therein to the Governor and the Legislature.

3. Annually perform an in-depth review of community-based intermediate sanctions and recommend to the Governor and the Legislature intergovernmental approaches through the Community Corrections Partnership Act for planning and implementing such sanctions and programs.

4. Perform an in-depth evaluation of the annual budget request of the Department of Corrections, the comprehensive correctional master plan, and the tentative construction program for compliance with all applicable laws and established departmental policies. The commission may not consider individual construction projects, but shall consider methods of accomplishing the department's goals in the most effective, efficient, and businesslike manner.

5. Routinely monitor the financial status of the Department of Corrections to assure that the department is managing revenue and any applicable bond proceeds responsibly and in accordance with law and established policy.

6. Evaluate, at least quarterly, the efficiency, productivity, and management of the Department of Corrections, using performance and production standards developed by the department under subsection (18).

7. Provide public education on corrections and criminal justice issues.

8. Report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by November 1 of each year.

Section 22. Subsection (1) of section 27.709, Florida Statutes, is amended to read:

27.709 Commission on the Administration of Justice in Capital Cases.—

(1)(a) There is created the Commission on the Administration of Justice in Capital Cases, which shall consist of the six following members:

1. Two members appointed by the Governor.

2. Two members appointed by the President of the Senate from the membership of the Senate. One member shall be a member of the majority party, and one member shall be a member of the minority party.

3. Two members appointed by the Speaker of the House of Representatives from the membership of the House of Representatives. One member shall be a member of the majority party, and one member shall be a member of the minority party.

(b) The chair of the commission shall be selected by the members for a term of 1 year.

(c) The commission shall meet quarterly, and other meetings may be called by the chair upon giving at least 7 days' notice to all members and the public.

(d) Members of the commission are entitled to per diem and travel expenses to be paid by the appointing entity.

(e) The initial members of the commission must be appointed on or before October 1, 1997. Members of the commission shall be appointed to serve terms of 4 years each, except that a member's term shall expire upon leaving office as a member of the Senate or the House of Representatives. Two of the initial members, one from the Senate and one from the House of Representatives, shall be appointed for terms of 2 years each. Two of the initial members, one from the Senate and one from the House of Representatives, shall be appointed for terms of 3 years each.

(f) The *Office of Legislative Services* ~~Joint Legislative Management Committee~~ shall *provide* staff *support for* the commission.

Section 23. Subsection (13) of section 112.061, Florida Statutes, is amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(13) DIRECT PAYMENT OF EXPENSES BY AGENCY.—Whenever an agency requires an employee to incur either Class A or Class B travel on emergency notice to the traveler, such traveler may request the agency to pay his or her expenses for meals and lodging directly to the vendor, and the agency may pay the vendor the actual expenses for meals and lodging during the travel period, limited to an amount not to exceed that authorized pursuant to this section. In emergency situations, the agency head may authorize an increase in the amount paid for a specific meal, provided that the total daily cost of meals does not exceed the total amount authorized for meals each day. The agency head or his or her designee may also grant prior approval for a state agency to make direct payments of travel expenses in other situations that result in cost savings to the state, and such cost savings shall be documented in the voucher submitted to the Comptroller for the direct payment of travel expenses. The provisions of this subsection shall not be deemed to apply to any legislator or to any employee of ~~either house of~~ the Legislature ~~or of the Joint Legislative Management Committee~~.

Section 24. Subsection (4) of section 112.321, Florida Statutes, is amended to read:

112.321 Membership, terms; travel expenses; staff.—

(4) In accordance with the uniform personnel, job classification, and pay plan adopted with the approval of the President of the Senate and the Speaker of the House of Representatives and administered by the *Office of Legislative Services* ~~Joint Legislative Management Committee pursuant to s. 11.147(4)(c)~~, the commission shall employ an executive director and shall provide the executive director with necessary office space, assistants, and secretaries. Within the above uniform plan, decisions relating to hiring, promotion, demotion, and termination of commission employees shall be made by the commission or, if so delegated by the commission, by its executive director.

Section 25. Paragraph (d) of subsection (3) of section 119.15, Florida Statutes, is amended to read:

119.15 Legislative review of exemptions from public meeting and public records requirements.—

(3)

(d) In the year before the repeal of an exemption under this section, the Division of Statutory Revision of the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ shall certify to the President of the Senate and the Speaker of the House of Representatives, by June 1, the language and statutory citation of each exemption scheduled for repeal the following year which meets the criteria of an exemption as defined in this section. Any exemption that is not identified and certified to the President of the Senate and the Speaker of the House of Representatives is not subject to legislative review and repeal under this section. If the division fails to certify an exemption that it subsequently determines should have been certified, it shall include the exemption in the following year's certification after that determination.

Section 26. Subsection (3) of section 218.60, Florida Statutes, is amended to read:

218.60 Definitions.—

(3) All estimates of moneys provided pursuant to this part utilized by participating units of local government in the first year of participation shall be equal to 95 percent of those projections made by the revenue

estimating conference and provided to local governments by the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~, in consultation with the Department of Revenue.

Section 27. Subsection (5) of section 229.593, Florida Statutes, is amended to read:

229.593 Florida Commission on Education Reform and Accountability.—

(5) Members of the commission shall serve without compensation but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061. Legislators are entitled to receive travel and per diem expenses as provided by the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ for meetings of legislative committees. When appropriate, commission members who are parents are to receive a stipend for child care costs incurred while attending commission meetings.

Section 28. Subsection (7) of section 282.3091, Florida Statutes, is amended to read:

282.3091 State Technology Council; creation.—

(7) The council shall have the following duties and responsibilities:

(a) To develop a statewide vision for information resources management which shall be reflected in the State Annual Report on Information Resources Management.

(b) To recommend statewide policies to the Executive Office of the Governor, ~~and~~ to the *President of the Senate, and to the Speaker of the House of Representatives* ~~Joint Legislative Information Technology Resource Committee~~.

(c) To recommend innovation in the state's use of technology to the Executive Office of the Governor, ~~and~~ the *President of the Senate, and the Speaker of the House of Representatives* ~~Joint Legislative Information Technology Resource Committee~~.

(d) To identify, develop, and recommend solutions to address statewide technology issues to the Executive Office of the Governor, ~~and~~ the *President of the Senate, and the Speaker of the House of Representatives* ~~Joint Legislative Information Technology Resource Committee~~.

(e) To create ad hoc issue-oriented workgroups to make recommendations to the council and to the Executive Office of the Governor. Such workgroups may include private and public sector representatives.

~~(f) To review, evaluate, and comment on proposals by the Joint Legislative Information Technology Resource Committee.~~

(f)~~(g)~~ To consult with the Chief Information Officers Council.

(g)~~(h)~~ To approve the State Annual Report on Information Resources Management.

(h)~~(i)~~ To recommend memoranda on guidelines and best practices to the Executive Office of the Governor.

Section 29. Subsection (3) of section 282.310, Florida Statutes, is amended to read:

282.310 State Annual Report on Information Resources Management.—

(3) The state annual report shall be made available in writing or through electronic means to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, ~~the Joint Legislative Information Technology Resource Committee,~~ and the Chief Justice of the Supreme Court.

Section 30. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.—For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the Technology Review Workgroup established pursuant to s. 216.0446, in consultation with each affected agency, shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the Technology Review Workgroup upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agency has completed a major stage of its designated project, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, *and* the Technology Review Workgroup~~, and the Legislative Information Technology Resource Committee~~. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

Section 31. Subsection (3) of section 350.031, Florida Statutes, is amended to read:

350.031 Florida Public Service Commission Nominating Council.—

(3) A majority of the membership of the council may conduct any business before the council. All meetings and proceedings of the council shall be staffed by the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ and shall be subject to the provisions of ss. 119.07 and 286.011. Members of the council are entitled to receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. Applicants invited for interviews before the council may, in the discretion of the council, receive per diem and travel expenses as provided in s. 112.06, which shall be funded by the Florida Public Service Regulatory Trust Fund. The council shall establish policies and procedures to govern the process by which applicants are nominated.

Section 32. Subsection (8) of section 790.22, Florida Statutes, is amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.—

(8) Notwithstanding s. 39.042 or s. 39.044(1), if a minor under 18 years of age is charged with an offense that involves the use or possession of a firearm, as defined in s. 790.001, other than a violation of subsection (3), or is charged for any offense during the commission of which the minor possessed a firearm, the minor shall be detained in secure detention, unless the state attorney authorizes the release of the minor, and shall be given a hearing within 24 hours after being taken into custody. Effective April 15, 1994, at the hearing, the court may order that the minor continue to be held in secure detention in accordance with the applicable time periods specified in s. 39.044(5), if the court finds that the minor meets the criteria specified in s. 39.044(2), or if the court finds by clear and convincing evidence that the minor is a clear and present danger to himself or herself or the community. The Department of Juvenile Justice shall prepare a form for all minors charged under this subsection that states the period of detention and the relevant demographic information, including, but not limited to, the sex, age, and race of the minor; whether or not the minor was represented by private counsel or a public defender; the current offense; and the minor's complete prior record, including any pending cases. The form

shall be provided to the judge to be considered when determining whether the minor should be continued in secure detention under this subsection. An order placing a minor in secure detention because the minor is a clear and present danger to himself or herself or the community must be in writing, must specify the need for detention and the benefits derived by the minor or the community by placing the minor in secure detention, and must include a copy of the form provided by the department. The Department of Juvenile Justice must send the form, including a copy of any order, without client-identifying information, to the *Office* ~~Division~~ of Economic and Demographic Research ~~of the Joint Legislative Management Committee~~.

Section 33. *The Office of Legislative Services shall assume all rights, duties, and obligations of the Joint Legislative Management Committee under contracts in effect on the effective date of this act to which the committee is a party.*

Section 34. *There is hereby transferred to the Office of Legislative Services the unexpended balances of Specific Appropriations 1854 through 1857 of section 6, chapter 97-152, Laws of Florida, from the Joint Legislative Management Committee for Fiscal Year 1997-1998 upon the date this bill becomes law.*

Section 35. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to personnel and agencies of the legislative branch; amending s. 11.045, F.S.; defining the term "division," for purposes of lobbyist registration, as the Division of Legislative Information Services; transferring certain functions of the Joint Legislative Management Committee to the division or to the presiding officers; authorizing the presiding officers to waive fines imposed against lobbyists; amending s. 11.12, F.S.; providing for the presiding officers to determine subsistence rates; amending s. 11.13, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to compensation of members to the Office of Legislative Services or to the presiding officers; amending s. 11.147, F.S.; abolishing the Joint Legislative Management Committee and replacing it with an Office of Legislative Services; repealing s. 11.39, F.S., relating to the Legislative Information Technology Resource Committee; amending s. 112.0455, F.S.; transferring certain functions of the Joint Legislative Management Committee with respect to rules relating to drug-free workplace requirements to the presiding officers; amending s. 112.3148, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to reports of gifts to the Division of Legislative Information Services; amending s. 121.055, F.S.; transferring duties of the Joint Legislative Management Committee relating to designation of employees to participate in the Senior Management Service Optional Annuity Program to the presiding officers; amending s. 216.136, F.S.; conforming provisions to the amendments made by the act; amending s. 216.251, F.S.; clarifying authority with respect to approval of classification and pay plans for legislative employees; amending s. 985.401, F.S.; transferring duties of the Joint Legislative Auditing Committee with respect to the Juvenile Justice Advisory Board to the Department of Juvenile Justice; amending ss. 11.241, 11.242, 11.243, 11.70, 13.01, 13.10, 15.155, 20.315, 27.709, 112.061, 112.321, 119.15, 218.60, 229.593, 282.3091, 282.310, 282.322, 350.031, 402.50, 790.22, F.S.; conforming provisions to the amendments made by the act; providing for the Office of Legislative Services to assume rights, duties, and obligations of the Joint Legislative Management Committee with respect to existing contracts; transferring unexpended balances of appropriated funds; providing an effective date.

Senator Bankhead offered the following amendment to **Amendment 1** which was moved by Senator Grant and adopted:

Amendment 1A (with title amendment)—On page 27, lines 14-23, delete those lines and insert:

Section 12. Section 985.401, Florida Statutes, is amended to read:

985.401 Juvenile Justice *Accountability* ~~Advisory~~ Board.—

(1) The Juvenile Justice *Accountability* ~~Advisory~~ Board shall be composed of nine members. Members of the board shall have direct experience and a strong interest in juvenile justice issues. The authority to appoint the board is allocated as follows:

(a) Three members appointed by the Governor.

(b) Three members appointed by the President of the Senate.

(c) Three members appointed by the Speaker of the House of Representatives.

(2)(a) A full term shall be 3 years, and the term for each seat on the board commences on October 1 and expires on September 30, without regard to the date of appointment. Each appointing authority shall appoint a member to fill one of the three vacancies that occurs with the expiration of terms on September 30 of each year. A member is not eligible for appointment to more than two full, consecutive terms. A vacancy on the board shall be filled within 60 days after the date on which the vacancy occurs. The appointing authority that made the original appointment shall make the appointment to fill a vacancy that occurs for any reason other than the expiration of a term, and the appointment shall be for the remainder of the unexpired term.

(b) The board shall annually select a chairperson from among its members.

(c) The board shall meet at least once each quarter. A member may not authorize a designee to attend a meeting of the board in place of the member. A member who fails to attend two consecutive regularly scheduled meetings of the board, unless the member is excused by the chairperson, shall be deemed to have abandoned the position, and the position shall be declared vacant by the board.

(3)(a) The board members shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(b) The board shall appoint an executive director and other personnel who are exempt from part II of chapter 110, relating to the Career Service System.

(c) The board is assigned, for the purpose of general oversight, to the Joint Legislative Auditing Committee. The board shall develop a budget pursuant to procedures established by the Joint Legislative Auditing Committee.

(d) The composition of the board shall be broadly reflective of the public and shall include minorities and women. The term "minorities" as used in this paragraph means a member of a socially or economically disadvantaged group that includes African Americans, Hispanics, and American Indians. Members of the board shall have direct experience and a strong interest in juvenile justice issues.

(4) The board shall:

(a) Review and recommend programmatic and fiscal policies governing the operation of programs, services, and facilities for which the Department of Juvenile Justice is responsible.

(b) Monitor the development and implementation of long-range juvenile justice policies, including prevention, early intervention, diversion, adjudication, and commitment.

(c) Monitor all activities of the executive and judicial branch and their effectiveness in implementing policies pursuant to this chapter.

(d) Establish and operate a comprehensive system to annually measure and report program outcome and effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the department. The board shall use its evaluation research to make advisory recommendations to the Legislature, the Governor, and the department concerning the effectiveness and future funding priorities of juvenile justice programs.

(e) Advise the President of the Senate, the Speaker of the House of Representatives, the Governor, and the department on matters relating to this chapter.

(f) Serve as a clearinghouse to provide information and assistance to the district juvenile justice boards and county juvenile justice councils.

(g) Hold public hearings and inform the public of activities of the board and of the Department of Juvenile Justice, as appropriate.

(h) Monitor the delivery and use of services, programs, or facilities operated, funded, regulated, or licensed by the Department of Juvenile Justice for juvenile offenders or alleged juvenile offenders, and for prevention, diversion, or early intervention of delinquency, and to develop programs to educate the citizenry about such services, programs, and facilities and about the need and procedure for siting new facilities.

(i) Contract for consultants as necessary and appropriate. The board may apply for and receive grants for the purposes of conducting research and evaluation activities.

(j) Conduct such other activities as the board may determine are necessary and appropriate to monitor the effectiveness of the delivery of juvenile justice programs and services under this chapter.

(k) The board shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the secretary of the department not later than February 15 of each calendar year, summarizing the activities and reports of the board for the preceding year, and any recommendations of the board for the following year.

(5) Each state agency shall provide assistance when requested by the board. The board shall have access to all records, files, and reports that are material to its duties and that are in the custody of a school board, a law enforcement agency, a state attorney, a public defender, the court, the Department of Children and Family Services, and the department.

And the title is amended as follows:

On page 48, lines 8-11, delete those lines and insert: 985.401, F.S.; renaming the Juvenile Justice Advisory Board; amending ss.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1574** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Grant, the rules were waived by unanimous consent and the Senate reverted to introduction for the purpose of introducing the following concurrent resolution notwithstanding the fact that the final day has passed for introduction of bills:

INTRODUCTION OF BILL

By Senator Grant—

SCR 2536—A concurrent resolution amending Joint Rules 1, 3, and 4 of the Joint Rules of the Legislature.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That Joint Rules 1, 3, and 4 of the Joint Rules of the Legislature are amended to read:

JOINT RULES

JOINT RULE ONE

LOBBYIST REGISTRATION AND REPORTING

1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the *Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services, referred to in Joint Rule One as the Lobbyist Registration Office* ~~Joint Legislative Management Committee~~. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) "Designated lobbyist" means the lobbyist who is appointed, by a principal represented by two or more lobbyists, to file expenditure reports that include lobbying expenditures made directly by the principal.

(b) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) "Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms "lobby" and "lobbying" do not include any of the following:

(a) Response to an inquiry for information by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services which arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term "lobbyist" does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge's official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

1.2—Method of Registration

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~, on which that person must state, under oath, that person's name, business address, and phone number, the name and business address of each principal that person represents, the areas of that person's legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ in writing within 15 days *on forms furnished by the Lobbyist Registration Office.*

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal has one lobbyist registered, another lobbyist for that principal shall not be allowed to register until one of the lobbyists has been appointed by the principal in writing to the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ as the principal's designated lobbyist for expenditure reporting. A principal may appoint its first registered lobbyist as the designated lobbyist upon that lobbyist's registration and may change its designated lobbyist at any time.

(4) A lobbyist shall promptly send a *notice* ~~written statement~~ to the *Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office,* ~~Joint Legislative Management Committee~~ cancelling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the *Lobbyist Registration Office* ~~joint committee~~ that the lobbyist is no longer authorized to represent that principal.

(5) The *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to reporting and prohibited receipt of gifts and honoraria.

1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Game and Fresh Water Fish Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to $50 per each house for a person to register to represent one principal and up to an additional $10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the *President of the Senate and the Speaker of the House of Representatives* ~~Joint Legislative Management Committee~~. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~. The fees collected by the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ under this joint policy shall be deposited in the State Treasury and credited to the *Legislative Lobbyist Registration Trust Fund* ~~appropriation for legislative expenses~~ specifically to cover the costs incurred in administering this joint policy.

1.4—Periodic Reports Required

(1) REPORTING DATES.—Each person who registers pursuant to Joint Senate and House Rule 1.2 must submit to the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~, on forms provided by the *Lobbyist Registration Office* ~~joint committee~~ and for each reporting period required by this rule, a signed and certified statement listing all lobbying expenditures during the reporting period and the sources of funds for those expenditures as required in this rule. Reporting statements shall be filed no later than 45 days after the end of the reporting period. Unless a special session is called, only two reports are required each calendar year. The first report shall disclose expenditures made from January 1 through the date of adjournment of the regular session of the Legislature, including an extension, if any. The second report shall disclose expenditures for the remainder of the calendar year. However, whenever the Legislature convenes in a special session, a separate, supplemental report is required which shall disclose all expenditures incurred during the period since the end of the period covered by the last previous report required to be filed through adjournment of that special session. Following adjournment of a special session for which a separate, supplemental report is required, the next report required to be filed shall disclose all expenditures incurred from the date of adjournment of that special session through the end of the reporting period applicable to that next required report. It is the intent of this rule that each reporting period be separate from every other reporting period and that each expenditure be reported just once. In addition, any reporting statement may be filed by electronic means, when feasible.

(2) TIMELINESS OF REPORTS.—Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(3) LOBBYIST'S EXPENDITURE REPORT.—

(a) The Lobbyist's Expenditure Report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the reporting period shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. Forms shall be provided by the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~.

(b) A lobbyist shall file a Lobbyist's Expenditure Report for each principal represented.

(c) When a principal has two or more lobbyists, the principal shall designate one lobbyist who will be responsible for filing a report which

discloses the expenditures made directly by the principal and the expenditures of the designated lobbyist on behalf of the principal. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal.

(d) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

(e) The principal is responsible for the accuracy of the figures submitted to the lobbyist for reporting, and the lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(4) EXPENDITURES.—

(a) Definitions.—

1. "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Expenditures shall be accounted for and reported on an accrual accounting basis.

2. "Accrual accounting basis" means the method of accounting that recognizes expenses during the period in which they are incurred regardless of when they are actually paid.

(b) Goodwill expenditures.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(c) Expenditure categories.—Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the "Other" category. The categories of expenditures used in this rule are as follows:

1.a. "Communications" means dissemination of information, including, but not limited to, by means of the following:

I. Audio-visual materials; and

II. Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

b. This category does not include media advertising, publications, or research.

2. "Entertainment" means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

3. "Food and Beverages" means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

4. "Lodging" means sleeping or living accommodations for an individual for one or more nights.

5. "Media Advertising" means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copyrighting services.

6. "Other" means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

7. "Publications" means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

8. "Research" means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

9. "Special Events" means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

10. "Travel" means transporting an individual from one place to another, regardless of the means used.

(d) Items that are not expenditures.—The term "expenditure" does not include:

1. Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

2. A lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees' salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

3. If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(e) Valuation of expenditures.—

1. In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest $5. A record is not required to be maintained for any amount that rounds to zero.

2. The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

3. When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist's principals or may be attributed to one principal.

4. When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

5. The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

6. A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of *29* ~~20~~ cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

7. A person providing lodging in a private residence shall be considered to be making an expenditure of $29 per night.

8. Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(5) AGGREGATION OF EXPENDITURE FIGURES.—For each reporting period, the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Following the last report for each calendar year, the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ shall provide a total of expenditures reported as spent by and on behalf of each principal for that calendar year.

1.5—Penalties for Late Filing

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

(a) When a report is actually received by the lobbyist registration and reporting office;

(b) When the report is postmarked;

(c) When the certificate of mailing is dated; or

(d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 20 days after receipt of the notice of payment due, unless appeal is made to the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive this one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 20 days after receipt of notice that any reports have not been timely filed. A fine shall be assessed for any subsequent late-filed reports.

(5) The person designated to review the timeliness of reports shall notify the *director of the division* ~~Joint Legislative Management Committee~~ of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

1.6—Appeal of Fines; Hearings; Unusual Circumstances

(1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Joint Senate and House Rule 1.5 shall file with the Lobbyist Registration Office ~~of the Joint Legislative Management Committee~~ a notice of appeal within 20 days after the date of receipt of the notice of payment due, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. A request for a hearing on the matter before the *director of the division or his or her designee* ~~Joint Legislative Management Committee~~ must be made within the same 20-day period. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Failure to timely file a notice of appeal as described in this subsection shall constitute a waiver of the right to appeal or to dispute a fine.

(2) The *President of the Senate and the Speaker of the House of Representatives* ~~Joint Legislative Management Committee~~ may waive the fine in whole or in part for good cause shown based on the unusual circumstances presented by the lobbyist.

(3) The term "unusual circumstances" for the purposes of this rule means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to meet the filing requirements.

1.7—Questions Regarding Registration

(1) A person may request in writing an informal opinion from the general counsel of the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of *either* ~~the respective~~ house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

1.8—Open Records

All of the lobbyist registration and expenditure reports received by the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ shall be available for public inspection and for duplication at reasonable cost.

1.9—Records Retention and Inspection

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

JOINT RULE THREE

LEGISLATIVE SUPPORT SERVICES

3.1—Organizational Structure

The Legislature shall be supported by the Office of Legislative Services, the Office of Legislative Information Technology Services, and the Office of Economic and Demographic Research. These offices shall provide support services that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by the President of the Senate and the Speaker of the House of Representatives.

(1) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (2) and (3). The Division of Statutory Revision and the Division of Legislative Information shall be two of the divisions within the Office of Legislative Services.

(2) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives though the application of cost-effective information technology.

(3) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenues, and appropriations.

3.2—Policies

The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature.

~~3.1—Administration and Rulemaking~~

~~(1) The Joint Legislative Management Committee shall meet at times and places necessary to perform the functions assigned to it.~~

~~(2) The joint committee shall adopt rules and policies for its own organization and operation and for the organization and operation of its divisions as is deemed advisable to carry out the functions of the joint committee. It shall have general administrative responsibility for the operation of such divisions.~~

~~(3) Action by a majority vote of the membership of the joint committee shall control and be conclusive on any matter considered by the joint committee.~~

~~3.2—Executive Director~~

~~(1) The joint committee shall appoint its executive director by majority vote.~~

~~(2) The executive director shall coordinate the activities of all of the divisions of the joint committee and shall have authority to hire and remove personnel of the joint committee and its divisions.~~

~~3.3—Responsibilities~~

~~The joint committee shall be responsible for the following:~~

~~(1) Maintaining a library adequate for the needs of the Legislature.~~

~~(2) Maintaining a permanent and continuous statutory revision plan as provided in ss. 11.242-11.246, Florida Statutes, including periodic publication of the Florida Statutes.~~

~~(3) Maintaining a bill status system, supplying such information relating to all prefiled bills introduced during legislative sessions as the joint committee may deem necessary.~~

~~(4) Coordinating all matters relative to legislative printing and carrying out all duties assigned to the joint committee by chapter 283, Florida Statutes, and as otherwise assigned to it.~~

~~(5) Developing and administering policies for distributing free or reduced-cost copies of the Florida Statutes to the state's law schools and to other officers and institutions of state and local government based on specific need and circumstances.~~

~~(6) Adopting, with the approval of the President of the Senate and the Speaker of the House of Representatives, and administering a uniform personnel, job classification, and pay plan for all legislative employees, and maintaining salary information that provides a basis for reviewing whether the legislative pay plan is competitive.~~

~~(7) Preparing all payrolls for the Legislature, including the certification of vouchers and transmission of same to the Comptroller, and maintaining the required and necessary payroll records.~~

~~(8) Developing and administering uniform policies relating to the purchase or acquisition of all supplies, capital outlay items, and other commodities required for the proper functioning of the Legislature.~~

~~(9) Developing and administering uniform policies relating to keeping an inventory record of capital outlay items owned and purchased by the Legislature.~~

~~(10) Issuing and approving all purchase orders under the authority of the joint committee.~~

~~(11) Ascertaining that proper authorization has been obtained, and preparing and certifying all vouchers for expense and capital outlay expenditures. Expenditures chargeable to the Senate shall be approved by the President or the President's duly authorized agent; expenditures chargeable to the joint committee and other units of the Legislature shall be approved by the joint committee or its duly authorized agent.~~

~~(12) Maintaining records and preparing reports of disbursements form the legislative appropriation by offices, divisions, or departments, including standing committees, or other categories as needed, indicating a breakdown as to type of disbursements.~~

~~(13) Preparing suggested budgets in conformity with s. 216.023, Florida Statutes, for all expenditures of each house, the joint committee, and other units of the Legislature and submitting same to the respective presiding officers for their final approval before transmission to the Executive Office of the Governor.~~

~~(14) Contracting with a certified public accountant licensed under the Public Accountancy Lay of this state for an annual audit of the financial records and reports of the Legislature and delivering such audit to the President of the Senate, the Speaker of the House of Representatives, and the members of the joint committee.~~

~~(15) Entering into such other contracts as it shall deem necessary in the performance of its functions.~~

~~(16) Publishing a handbook of all policies affecting the administration of the joint committee and its divisions and the joint administration of the Legislature.~~

~~(17) Carrying on such other functions as are determined by the joint committee, with the consent of the presiding officers of both houses of the Legislature, to be joint functions.~~

JOINT RULE FOUR

JOINT LEGISLATIVE AUDITING COMMITTEE

4.1—Responsibilities

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall review the budget request submitted by the Auditor General and the Office of Program Policy Analysis and Government Accountability and may amend or change it as deemed necessary. The budget request, as amended or changed by the committee, shall become the operating budget of the Auditor General or the Office of Program Policy Analysis and Government Accountability for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(4) The committee shall submit to the *President of the Senate and the Speaker of the House of Representatives* ~~Joint Legislative Management Committee~~, for *approval* ~~planning purposes only~~, an estimate of the financial needs of the committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(5) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(6) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

(7) Upon completion of the initial program evaluation and justification review of each state agency listed in s. 216.0172, Florida Statutes, the Office of Program Policy Analysis and Government Accountability shall conduct such reviews only at the direction of the Legislative Auditing Committee.

4.2—Annual audit of financial records

(1) The Legislative Auditing Committee shall contract with a certified public accountant licensed under chapter 473, Florida Statutes, for an annual audit of the financial records of the Legislative Auditing Committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(2) Copies of the audit shall be delivered to the President of the Senate, the Speaker of the House of Representatives, the Auditor General or the director of the Office of Program Policy Analysis and Government Accountability, as appropriate, and the members of the Legislative Auditing Committee.

—which was referred to the Committee on Rules and Calendar.

On motions by Senator Grant, by unanimous consent, **SCR 2536** was withdrawn from the Committee on Rules and Calendar, taken up out of order and read by title.

Pursuant to Rule 4.13, **SCR 2536** was placed on the calendar of Bills on Second Reading.

On motion by Senator Gutman—

SB 106—A bill to be entitled An act relating to assault and battery upon code inspectors; creating s. 784.083, F.S.; providing enhanced penalties for assault or aggravated assault or battery or aggravated battery upon "a code inspector," as defined; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Gutman and adopted:

Amendment 1—On page 1, line 16, after the second comma (,) insert: *while the code inspector is engaged in the lawful performance of his or her duties and*

Pursuant to Rule 4.19, **SB 106** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR BURT PRESIDING

On motion by Senator Gutman—

SB 444—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S., relating to criminal mischief offenses and penalties; providing for reclassification of a misdemeanor violation of the section involving less than a specified amount in property damage when the offender has one or more prior convictions under the section; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance that prohibits the marking of graffiti or other graffiti-related offenses and penalizes such offenses with higher penalties than those provided by state law or with mandatory penalties; providing that the court may not provide a disposition of the case which is less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; amending s. 901.15, F.S., relating to circumstances for arrest without a warrant; providing for such arrest when there is probable cause to believe that the person has committed criminal mischief or a graffiti-related offense; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1—On page 3, delete line 11 and insert: *under chapter 985 may not provide a disposition of the case*

Pursuant to Rule 4.19, **SB 444** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 586—A bill to be entitled An act relating to felony offenses; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; amending s. 921.0022, F.S.; including such offense in the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 586** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 526—A bill to be entitled An act relating to protective services for victims and witnesses; amending s. 914.25, F.S.; redefining the term "serious felony offense" to include an attempt, solicitation, or conspiracy to commit certain offenses for purposes of provisions that authorize law enforcement agencies to protect victims and witnesses who are at risk of harm; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 526** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 276—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S., relating to scheduling of controlled substances for the purpose of penalizing unlawful acts involving controlled substances; deleting references to dextropropoxyphene in its nondosage forms from Schedule II; adding references to propoxyphene in its nondosage forms to Schedule II; deleting references to gamma-hydroxybutyric from Schedule II; adding references to gamma-hydroxy-butyric acid to Schedule II; adding references to ketamine to Schedule III; deleting references to dextropropoxyphene in its dosage forms from Schedule IV; adding references to propoxyphene in its dosage forms to Schedule IV; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 276** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 480—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; correcting a misplaced statutory provision relating to the unlawful sale or possession of a controlled substance within a specified area surrounding a child care facility; providing that certain enhanced penalties do not apply unless the owner or operator of the facility posts a sign identifying the facility as a child care facility; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 480** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 930—A bill to be entitled An act relating to notification of an escaped prisoner; amending s. 960.001, F.S.; requiring that a state correctional facility, private correctional facility, county jail, juvenile detention facility, or residential commitment facility immediately notify the judge who sentenced an escaped offender; requiring the institution or facility of confinement to immediately notify the state attorney and sentencing judge upon the capture and return of the escaped offender; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 930** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 156—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multi-year contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; providing for department contracts to include certain incentives; requiring reports to the Legislature by the department; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1—On page 12, lines 3-11, delete those lines and insert: *and cost-control requirements. If other governmental entities or units of special purpose government contribute matching funds to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and may take the information received from those funding entities into account in the selection process. If a local government contributes match to support the system of treatment or contracted service and if the match constitutes at least 25 percent of the value of the contract, the department shall afford the governmental match contributor an opportunity to name an employee to the selection team required by s. 287.057(15). Any employee so named shall qualify as one of the employees required by s. 287.057(15). The selection team shall include the named employee unless the department sets forth in writing the reason such inclusion would be contrary to the best interests of the state. No governmental entity or unit of special purpose government may name an employee to the selection team if it, or any of its political subdivisions, executive agencies, or special districts, intends to compete for the contract to be awarded. The governmental funding entity or match contributor shall comply with any deadlines and procurement procedures established by the department. The department may also involve nongovernmental funding entities in the procurement process when appropriate.*

Amendment 2 (with title amendment)—On page 17, between lines 24 and 25, insert:

Section 4. Paragraph (c) of subsection (1) of section 20.316, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(1) SECRETARY OF JUVENILE JUSTICE.—

(c) The Secretary of Juvenile Justice shall:

1. Ensure that juvenile justice continuum programs and services are implemented according to legislative intent; state and federal laws, rules, and regulations; statewide program standards; and performance objectives by reviewing and monitoring regional and district program operations and providing technical assistance to those programs.

2. Identify the need for and recommend the funding and implementation of an appropriate mix of programs and services within the juvenile justice continuum, including prevention, diversion, nonresidential and residential commitment programs, training schools, and reentry and aftercare programs and services, with an overlay of educational, vocational, alcohol, drug abuse, and mental health services where appropriate.

3. Provide for program research, development, and planning.

4. Develop staffing and workload standards and coordinate staff development and training.

5. Develop budget and resource allocation methodologies and strategies.

6. Establish program policies and rules and ensure that those policies and rules encourage cooperation, collaboration, and information sharing with community partners in the juvenile justice system to the extent authorized by law.

7. Develop funding sources external to state government.

8. Obtain, approve, monitor, and coordinate research and program development grants.

9. Enter into *performance-based* contracts *that are, to the maximum extent possible, procured competitively.*

(7) CONTRACTING AND PERFORMANCE STANDARDS.—

(a) The Department of Juvenile Justice will establish performance standards for all contracted client services. Notwithstanding s. 287.057(3)(f), the department must competitively procure any contract for client services when any of the following occurs:

1. The provider fails to meet appropriate performance standards established by the department after the provider has been given a reasonable opportunity to achieve the established standards.

2. A new program or service has been authorized and funded by the Legislature, and the annual value of the contract for such program or service is $300,000 or more.

3. The department has concluded, after reviewing market prices and available treatment options, that there is evidence that the department can improve the performance outcomes produced by its contract resources. At a minimum, the department shall review market prices and available treatment options biennially. The department shall compile the results of the biennial review and include the results in its annual performance report to the Legislature pursuant to chapter 94-249, Laws of Florida. The department shall provide notice and an opportunity for public comment on its review of market prices and available treatment options.

(b) The competitive requirements of paragraph (a) must be initiated for each contract that meets the criteria of this subsection, unless the secretary makes a written determination that particular facts and circumstances require deferral of the competitive process. Facts and circumstances must be specifically described for each individual contract proposed for deferral and must include one or more of the following:

1. An immediate threat to the health, safety, or welfare of the department's clients.

2. A threat to appropriate use or disposition of facilities that have been financed in whole, or in substantial part, through contracts or agreements with a state agency.

3. A threat to the service infrastructure of a community which could endanger the well-being of the department's clients.

Competitive procurement of client services contracts that meet the criteria in paragraph (a) may not be deferred for longer than 1 year.

(c) The department may adopt rules providing procedures for the competitive procurement of contracted client services which represent an alternative to the request-for-proposal or the invitation-to-bid process. The alternative competitive procedures shall permit the department to solicit professional qualifications from prospective providers and to evaluate such statements of qualification before requesting service proposals. The department may limit the firms invited to submit service proposals to only those firms that have demonstrated the highest level of professional capability to provide the services under consideration, but may not invite fewer than three firms to submit service proposals, unless fewer then three firms submitted satisfactory statements of qualification. The alternative procedures must, at a minimum, allow the department to evaluate competing proposals and select the proposal that provides the greatest benefit to the state while considering the quality of the services, dependability and integrity of the provider, dependability of the provider's services, the experience of the provider in serving target populations or client groups substantially identical to members of the target population for the contract in question, and the ability of the provider to secure local funds to support the delivery of services, including, but not limited to, funds derived from local governments. These alternative procedures need not conform to the requirements of s. 287.057(1) or (2) or s. 287.042.

(d) The department shall review the period for which it executes contracts and, to the greatest extent practicable, shall execute multi-year contracts.

(e) If other governmental entities or units of special purpose government contribute matching funds to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and shall take the information received from those funding entities into account in the selection process. The department may also involve nongovernmental funding entities in the procurement process when appropriate.

(f) The department shall adopt, by rule, provisions for including in its contracts incremental penalties to be imposed by its contract managers on a service provider due to the provider's failure to comply with a requirement for corrective action. Any financial penalty that is imposed upon a provider may not be paid from funds being used to provide services to clients, and the provider may not reduce the amount of services being delivered to clients as a method for offsetting the impact of the penalty. If a financial penalty is imposed upon a provider that is a corporation, the department shall notify, at a minimum, the board of directors of the corporation. The department may notify, at its discretion, any additional parties that the department believes may be helpful in obtaining the corrective action that is being sought. Further, the rules adopted by the department must include provisions that permit the department to deduct the financial penalties from funds that would otherwise be due to the provider, not to exceed 10 percent of the amount that otherwise would be due to the provider for the period of noncompliance. If the department imposes a financial penalty, it shall advise the provider in writing of the cause for the penalty. A failure to include such deductions in a request for payment constitutes a ground for the department to reject that request for payment. The additional remedies described in this paragraph may be cumulative and may be assessed upon each separate failure to comply with instructions from the department to complete corrective action.

(g) If a provider fails to meet the performance standards established in the contract, the department may allow a reasonable period for the provider to correct performance deficiencies. If performance deficiencies are not resolved to the satisfaction of the department within the prescribed time, and if no extenuating circumstances can be documented by the provider to the department's satisfaction, the department must cancel the contract with the provider. The department may not enter into a new contract with that same provider for the services for which the contract was previously canceled for a period of at least 24 months after the date of cancellation.

(h) The department shall develop standards of conduct and a range of disciplinary actions for its employees which are specifically related to carrying out contracting responsibilities, and shall incorporate the standards and disciplinary actions in its Employee Handbook by December 31, 1998.

(i) The department shall include in its standard contract document a requirement that it file a lien against the property where facilities are located which have been constructed or substantially renovated, in whole or in part, through the use of state funds. However, the department is not required to file a lien if the amount of state funds does not exceed $25,000 or 10 percent of the contract amount, whichever amount is less. The lien must be recorded in the county where the property is located upon the execution of the contract authorizing such construction or renovation. The lien must specify that the department has a financial interest in the property equal to the pro rata portion of the state's original investment of the then-fair-market value for renovations, or the proportionate share of the cost of the construction. The lien must also specify that the department's interest is proportionately reduced and subsequently vacated over a 20-year period of depreciation. The contract must include a provision that, as a condition of receipt of state funding for this purpose, the provider agrees that, if it disposes of the property before the department's interest is vacated, the provider will refund the proportionate share of the state's initial investment, as adjusted by depreciation.

(j) The department may competitively procure any contract when it deems it is in the best interest of the state to do so. The requirements described in paragraph (a) do not, and may not be construed to, limit in any way the department's ability to competitively procure any contract it executes, and the absence of any or all of the criteria described in paragraph (a) may not be used as the basis for an administrative or judicial protest of the department's determination to conduct competition, make an award, or execute any contract.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3 through page 3, line 11, delete those lines and insert: the Department of Children and Family Services and the Department of Juvenile Justice; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive

procurement process; providing intent that the department enter multi-year contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; providing for department contracts to include certain incentives; amending s. 20.316, F.S.; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multi-year contracts; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; providing for cancellation of contracts under specified circumstances; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; requiring the Department of Children and Family Services to provide training for staff in negotiating contracts; requiring the Department of Children and Family Services to ensure certain assistance to staff who are negotiating a contract; requiring the Department of Children and Family Services to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring an evaluation of contracting functions in the service districts; authorizing the exercise of budget and personnel flexibility; authorizing the Department of Children and Family Services to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

WHEREAS, it is the intent of the Legislature that the Department of Children and Family Services and the Department of Juvenile Justice achieve and maintain accountability from all providers of client services in order to assure a high level of quality and effectiveness of those services, and

WHEREAS, it is further the intent of the Legislature that the Office of Standards and Evaluation of the Department of Children and Family Services, in conjunction with the program offices at the headquarters of that department, play a central role in assuring that this accountability is achieved and maintained, NOW, THEREFORE,

Pursuant to Rule 4.19, **CS for SB 156** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

SB 766—A bill to be entitled An act relating to insurance; creating s. 626.2816, F.S.; requiring continuing education course providers and instructors to be approved by the Department of Insurance; providing for the adoption of rules; amending s. 626.601, F.S.; providing for the department to investigate alleged improper conduct by customer representatives and continuing education course providers and instructors; amending s. 626.681, F.S.; providing for administrative fines in addition to other penalties for certain licensees, appointees, and other persons; increasing an administrative penalty; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Diaz-Balart:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 626.2816, Florida Statutes, is created to read:

626.2816 Regulation of continuing education for licensees, course providers, instructors, school officials and monitor groups.—

(1) Continuing education course providers, instructors, school officials and monitor groups must be approved by the department before offering continuing education courses pursuant to s. 626.2815.

(2) The department shall adopt rules establishing standards for the approval, regulation, and operation of the continuing education programs and for the discipline of licensees, course providers, instructors, school officials and monitor groups. The standards must be designed to ensure that such course providers, instructors, school officials and monitor groups have the knowledge, competence and integrity to fulfill the educational objectives of ss. 626.2815, 626.869(5), 648.385, and 648.386.

(3) The department shall adopt rules establishing a process by which compliance with the continuing education requirements of ss. 626.2815, 626.869(5), 648.385, and 648.386 can be determined, the establishment of a continuing education requirement cycle for licensees, and forms necessary to implement such a process.

Section 2. Subsection (1) of section 626.601, Florida Statutes, is amended to read:

626.601 Improper conduct; inquiry; fingerprinting.—

(1) The department may, upon its own motion, and shall, upon a written complaint signed by any interested person and filed with the department, inquire into any alleged improper conduct of any licensed agent, solicitor, adjuster, service representative, managing general agent, *continuing education course provider, instructor, school official or monitor group,* or claims investigator under this code.

Section 3. Section 626.681, Florida Statutes, is amended to read:

626.681 Administrative fine in lieu of suspension, revocation, or refusal of license, ~~or~~ appointment, *or disapproval.*—

(1) Except as to insurance agencies, if the department finds that one or more grounds exist for the suspension, revocation, or refusal to renew or continue any license or appointment issued under this chapter, *or disapproval of a continuing education course provider, instructor, school official or monitor groups* the department may, in its discretion, in lieu of such suspension, revocation, ~~or~~ refusal, *or disapproval,* and except on a second offense or when such suspension, revocation, or refusal is mandatory, impose upon the licensee, ~~or~~ appointee, *course provider, instructor, school official or monitor group* an administrative penalty in an amount up to $500 or, if the department has found willful misconduct or willful violation on the part of the licensee, ~~or~~ appointee, *course provider, instructor, school official or monitor group* up to $2,500. The administrative penalty may, in the discretion of the department, be augmented by an amount equal to any commissions received by or accruing to the credit of the licensee or appointee in connection with any transaction as to which the grounds for suspension, revocation, or refusal related.

(2) With respect to insurance agencies, if the department finds that one or more grounds exist for the suspension, revocation, or refusal to renew or continue any license issued under this chapter, the department may, in its discretion, in lieu of such suspension, revocation, or refusal, impose upon the licensee an administrative penalty in an amount not to exceed $10,000 per violation. The administrative penalty may, in the discretion of the department, be augmented by an amount equal to any commissions received by or accruing to the credit of the licensee in connection with any transaction as to which the grounds for suspension, revocation, or refusal related.

(3) The department may allow the licensee, ~~or~~ appointee, *or continuing education course provider, instructor, school official or monitor group* a reasonable period, not to exceed 30 days, within which to pay to the department the amount of the penalty so imposed. If the licensee, ~~or~~ appointee, *course provider, instructor, school official or monitor group* fails to pay the penalty in its entirety to the department within the period so allowed, the license, ~~or~~ appointments, *or approval* of *that*

person ~~the licensee or appointee~~ shall stand suspended or revoked or renewal or continuation shall be refused, as the case may be, upon expiration of such period.

And the title is amended as follows:

On page 1, lines 4-15, delete those lines and insert: course providers and related personnel to be approved by the Department of Insurance; providing for the adoption of rules related to continuing education; amending s. 626.601, F.S.; providing for the department to investigate alleged improper conduct by continuing education course providers and related personnel; amending s. 626.681, F.S.; authorizing the Department of Insurance to impose an administrative penalty on continuing education course providers and related personnel under certain circumstances; providing an effective date.

MOTION

On motion by Senator Williams, the rules were waived to allow the following amendment to be considered:

Senator Williams moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 4, between lines 7 and 8, insert:

Section 4. Subsection (7) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if the insurer or agent has collected from the insured an amount equal to 2 months' premium. An insurer, agent, or premium finance company may not directly or indirectly take any action resulting in the insured having paid from the insured's own funds an amount less than the 2 months' premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. *This subsection does not apply if the policy is paid pursuant to a payroll deduction plan or an automatic electronic funds transfer payment plan.* This subsection and subsection (4) do not apply if an insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 26, after the semicolon (;) insert: amending s. 627.7295, F.S.; providing that certain restrictions on issuance of private passenger motor vehicle insurance do not apply if the policy is paid by payroll deduction or by automatic electronic funds transfer;

MOTION

On motion by Senator Diaz-Balart, the rules were waived to allow the following amendment to be considered:

Senator Diaz-Balart moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B—On page 4, line 8, insert:

Section 4. This act shall take effect July 1, 1998.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **SB 766** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Sullivan, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

COMMUNICATION

The Honorable Toni Jennings March 23, 1998
President of the Senate

Dear Madam President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the engrossed Senate Appropriations Bills **SB 2500** and **SB 2502** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed March 21, 1998 at 2:15 p.m., EDT.

Respectfully submitted,
Faye W. Blanton, Secretary

SB 2500—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Sullivan, the rules were waived and by two-thirds vote **HB 4201**, **HB 4203**, **HB 4207**, **HB 4211** and **HB 4215** were withdrawn from the Committee on Ways and Means and substituted for **SB 2500** as amended.

On motion by Senator Sullivan, by two-thirds vote—

HB 4201—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

Senator Sullivan moved **Amendment 1** which was adopted.

Pursuant to Rule 7.6, **Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Sullivan, by two-thirds vote **HB 4201** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—1

Ostalkiewicz

MOTION

On motion by Senator Sullivan, the House was requested to concur in the Senate amendment to **HB 4201**, and in the event the House refuses to concur, moved that a conference committee be appointed.

On motion by Senator Sullivan, by two-thirds vote—

HB 4203—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

Senator Sullivan moved **Amendment 1** which was adopted.

Pursuant to Rule 7.6, **Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Sullivan, by two-thirds vote **HB 4203** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—1

Ostalkiewicz

MOTION

On motion by Senator Sullivan, the House was requested to concur in the Senate amendment to **HB 4203**, and in the event the House refuses to concur, moved that a conference committee be appointed.

On motion by Senator Sullivan, by two-thirds vote—

HB 4207—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

Senator Sullivan moved **Amendment 1** which was adopted.

Pursuant to Rule 7.6, **Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Sullivan, by two-thirds vote **HB 4207** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Geller	Jones
Bronson	Cowin	Grant	Kirkpatrick
Brown-Waite	Crist	Gutman	Klein
Burt	Diaz-Balart	Hargrett	Kurth
Campbell	Dudley	Harris	Latvala
Casas	Dyer	Holzendorf	Laurent
Childers	Forman	Horne	Lee
McKay	Rossin	Sullivan	Turner
Meadows	Scott	Thomas	Williams
Myers	Silver		

Nays—1

Ostalkiewicz

MOTION

On motion by Senator Sullivan, the House was requested to concur in the Senate amendment to **HB 4207**, and in the event the House refuses to concur, moved that a conference committee be appointed.

On motion by Senator Sullivan, by two-thirds vote—

HB 4211—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

Senator Sullivan moved **Amendment 1** which was adopted.

Pursuant to Rule 7.6, **Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Sullivan, by two-thirds vote **HB 4211** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—1

Ostalkiewicz

MOTION

On motion by Senator Sullivan, the House was requested to concur in the Senate amendment to **HB 4211**, and in the event the House refuses to concur, moved that a conference committee be appointed.

On motion by Senator Sullivan, by two-thirds vote—

HB 4215—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

Senator Sullivan moved **Amendment 1** which was adopted.

Pursuant to Rule 7.6, **Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Sullivan, by two-thirds vote **HB 4215** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—1

Ostalkiewicz

MOTION

On motion by Senator Sullivan, the House was requested to concur in the Senate amendment to **HB 4215**, and in the event the House refuses to concur, moved that a conference committee be appointed.

SB 2502—A bill to be entitled An act relating to implementing the fiscal year 1998-1999 General Appropriations Act; providing legislative intent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1998-1999 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; authorizing the Department of Children and Family Services to use certain funds for fixed capital outlay expenditures to meet federal standards; providing an advance of funds from the Medical Quality Assurance Trust Fund to the Department of Health to allow the department to develop an examination for foreign-licensed physicians; providing for reimbursement of the trust fund through examination fees; amending s. 458.3115, F.S.; deleting certain requirements for the examination; changing the date for availability of the examination for foreign-licensed physicians; authorizing the Department of Law Enforcement to transfer positions, salary rate, and budget between budget entities; requiring notification of such actions; authorizing the Department of Law Enforcement to participate in the Model Career Service Classification and Compensation System, subject to certain conditions; authorizing the Department of Law Enforcement to use certain moneys to provide meritorious-performance bonuses for employees, subject to approval; authorizing the Correctional Privatization Commission and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening and operating a facility of the commission or the department; amending s. 236.081, F.S., relating to the Florida Education Finance Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; providing for allocation of moneys provided for workforce development; providing for budget amendment when a program is moved; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; providing for certain counties to use moneys received for aquatic weed control for recycling purposes; amending s. 403.7095, F.S.; revising applicability and the expiration date of the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; providing for allocation of funds for innovative programs to address recycling practices and procedures; providing for the sale of certain property; providing for expiration of temporary provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing for construction of implementing act in relation to other legislation; providing severability; providing for retroactive effectiveness; providing an effective date.

—as amended March 20 was read the third time by title.

On motion by Senator Sullivan, the rules were waived and by two-thirds vote **HB 4205**, **HB 4209**, **HB 4213** and **HB 4217** were withdrawn from the Committee on Ways and Means and substituted for **SB 2502** as amended.

On motion by Senator Sullivan, by two-thirds vote—

HB 4205—A bill to be entitled An act relating to implementing the 1998-1999 General Appropriations Act in the area of health and human services; providing legislative intent; amending s. 61.1812, F.S.; crediting to the Child Support Incentive Trust Fund certain distributions of the state share of Temporary Assistance to Needy Families (TANF); amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1998-1999 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; authorizing the Departments of Children and Family Services, Labor and Employment Security, Revenue, and Health and the Agency for Health Care Administration to transfer positions and funds to comply with the 1998-1999 General Appropriations Act or the WAGES Act; requiring the Agency for Health Care Administration to take necessary actions to ensure that expenditures for Medicaid do not exceed the amount budgeted and to take certain steps if that becomes impossible; providing for continuation and modification of the Legal Immigrant's Temporary Income Bridge Program; providing for future repeal; providing for providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

—was read the second time by title.

Senator Sullivan moved **Amendment 1** which was adopted.

Pursuant to Rule 7.6, **Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Sullivan, by two-thirds vote **HB 4205** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—1

Ostalkiewicz

MOTION

On motion by Senator Sullivan, the House was requested to concur in the Senate amendment to **HB 4205**, and in the event the House refuses to concur, moved that a conference committee be appointed.

On motion by Senator Sullivan, by two-thirds vote—

HB 4209—A bill to be entitled An act relating to implementing the 1998-1999 General Appropriations Act in the area of criminal justice;

providing legislative intent; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer some positions and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; providing for future repeal; providing for providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

—was read the second time by title.

Senator Sullivan moved **Amendment 1** which was adopted.

Pursuant to Rule 7.6, **Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Sullivan, by two-thirds vote **HB 4209** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—1

Ostalkiewicz

MOTION

On motion by Senator Sullivan, the House was requested to concur in the Senate amendment to **HB 4209**, and in the event the House refuses to concur, moved that a conference committee be appointed.

On motion by Senator Sullivan, by two-thirds vote—

HB 4213—A bill to be entitled An act relating to implementing the 1998-1999 General Appropriations Act in the area of general government; providing legislative intent; amending s. 376.11, F.S.; appropriating certain funds from the Florida Coastal Protection Trust Fund for the purpose of funding beach renourishment and restoration and inlet management; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; providing for transfer of powers and duties relating to regulation of aquatic plant control from the Department of Environmental Protection to the Game and Fresh Water Fish Commission; providing for continuation of certain rules; providing a grandfather provision for persons permitted prior to the transfer; amending s. 206.606, F.S.; providing for transfer of certain funds each fiscal year to the Game and Fresh Water Fish Commission for aquatic plant management; amending ss. 369.20, 369.22, 369.25, 369.251, and 369.252, F.S., relating to regulation of aquatic plant control, to conform; amending s. 581.145, F.S.; revising a reference, to conform; amending s. 370.027, F.S.; providing an exception to rulemaking authority of the Marine Fisheries Commission with respect to specified marine life; providing that marine aquaculture producers shall be regulated by the Department of Agriculture and Consumer Services; amending s. 370.06, F.S.; revising provisions relating to issuance and renewal of saltwater products licenses and special activity licenses; amending s. 370.26, F.S., relating to aquaculture definitions; defining the term "marine aquaculture facility"; deleting requirements of an Aquaculture Section in the Department of Environmental Protection; providing duties of the Department of Agriculture and Consumer Services; authorizing delegation of regulatory authority for certain aquaculture facilities; amending s. 372.0225, F.S.; revising responsibilities of the Division of Fisheries of the Game and Fresh Water Fish Commission relating to freshwater organisms; amending s. 372.65, F.S.; authorizing exemption for freshwater fish dealer's license; amending s. 372.6672, F.S.; defining the term "wild alligator" for purposes of management and trapping; amending s. 403.0885, F.S.; providing exemptions from the state National Pollutant Discharge Elimination System program; amending s. 597.002, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 597.003, F.S.; expanding the powers and duties of the Department of Agriculture and Consumer Services; amending s. 597.004, F.S.; revising provisions relating to aquaculture certificate of registration; providing for providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

—was read the second time by title.

Senator Sullivan moved **Amendment 1** which was adopted.

Pursuant to Rule 7.6, **Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Sullivan, by two-thirds vote **HB 4213** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—1

Ostalkiewicz

MOTION

On motion by Senator Sullivan, the House was requested to concur in the Senate amendment to **HB 4213**, and in the event the House refuses to concur, moved that a conference committee be appointed.

On motion by Senator Sullivan, by two-thirds vote—

HB 4217—A bill to be entitled An act relating to implementing the 1998-1999 General Appropriations Act in the area of transportation and economic development; providing legislative intent; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; amending s. 338.251, F.S.; authorizing a loan from the Toll Facilities Revolving Trust Fund to the St. Lucie County Expressway Authority for purposes relating to revenue-producing road projects; amending s. 253.034, F.S.; authorizing the Department of Transportation to sell certain property utilized by the Department of Highway Safety and Motor Vehicles; amending s. 14.2015, F.S.; establishing an economic development grant program under the Office of Tourism, Trade, and Economic Development; providing criteria, requirements, and restrictions with respect thereto; amending ss. 288.108 and 288.90152, F.S.; correcting cross references; providing for future repeal; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

—was read the second time by title.

Senator Sullivan moved **Amendment 1** which was adopted.

Pursuant to Rule 7.6, **Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Sullivan, by two-thirds vote **HB 4217** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary

Cowin	Gutman	Kurth	Scott
Crist	Hargrett	Latvala	Silver
Diaz-Balart	Harris	Laurent	Sullivan
Dudley	Holzendorf	Lee	Thomas
Dyer	Horne	McKay	Turner
Forman	Jones	Meadows	Williams
Geller	Kirkpatrick	Myers	
Grant	Klein	Rossin	

Nays—1

Ostalkiewicz

MOTION

On motion by Senator Sullivan, the House was requested to concur in the Senate amendment to **HB 4217**, and in the event the House refuses to concur, moved that a conference committee be appointed.

MOTION

Senator Childers moved that the rules be waived to allow the Senate Appropriations Conferees on **HB 4201**, **HB 4203**, **HB 4207**, **HB 4211**, **HB 4215**, **HB 4205**, **HB 4209**, **HB 4213** and **HB 4217** the latitude to deal with additional issues which may develop in conference. The motion was adopted.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 25, 1998: CS for SB 846, SB 1004, CS for SB 1144, CS for SB 1152, SB 1232, CS for SB 1332, SB 1334, SB 1336, CS for SB 1342, CS for SB 1346, SB 1348, SB 1350, CS for SB 1410, SB 1434, SB 1436, SB 1438, SB 1700, CS for SB 1702, CS for SB 1706, CS for SB 1714, SB 1720, SB 1762, SB 142, SB 1316, CS for SB 644, CS for SB 1574, SB 106, SB 444, CS for SB 586, SB 526, CS for SB 276, SB 480, CS for SB 930, CS for SB 156, SB 766

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Education recommends the following pass: SB 660

The bill was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 2014 with 4 amendments

The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 804

The Committee on Judiciary recommends the following pass: SB 462 with 1 amendment

The Committee on Regulated Industries recommends the following pass: SB 1212

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Health Care recommends the following pass: SB 1636 with 1 amendment

The bill was referred to the Committee on Education under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 2012

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1632 with 1 amendment

The Committee on Education recommends the following pass: SB 1220, SB 1738 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2164

The Committee on Criminal Justice recommends the following pass: SB 206

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1162, SB 1482

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Agriculture recommends the following pass: SB 1924 with 12 amendments

The Committee on Transportation recommends the following pass: SB 464, SB 1750 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Natural Resources under the original reference.

The Committee on Education recommends the following pass: SB 1882

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Agriculture recommends the following pass: SB 1944 with 2 amendments, SB 2040

The Committee on Children, Families and Seniors recommends the following pass: SB 62 with 1 amendment, SB 1264

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 884, SB 1724, SB 1806

The Committee on Community Affairs recommends the following pass: SB 712, SJR 738 with 1 amendment, SB 1010, CS for SB 1088 with 1 amendment, SB 2222

The Committee on Criminal Justice recommends the following pass: SJR 610

The Committee on Education recommends the following pass: SB 1896

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1462

The Committee on Health Care recommends the following pass: CS for SB 926 with 2 amendments

The Committee on Regulated Industries recommends the following pass: SB 1976

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1972

The Committee on Children, Families and Seniors recommends the following pass: SB 264, SB 1188 with 1 amendment, SB 1962

The Committee on Community Affairs recommends the following pass: SB 1260 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 2090

The Committee on Governmental Reform and Oversight recommends the following pass: SB 150 with 1 amendment, SB 940, SB 1898

The Committee on Natural Resources recommends the following pass: SB 1058

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Banking and Insurance recommends the following not pass: SB 224

The bill was laid on the table.

The Committee on Health Care recommends a committee substitute for the following: SB 1228

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 1104

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Natural Resources recommends a committee substitute for the following: SB 1596

The Committee on Transportation recommends committee substitutes for the following: SB 1456, SB 1498

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2198

The Committee on Education recommends committee substitutes for the following: Senate Bills 1358 and 160, SB 1736

The Committee on Health Care recommends a committee substitute for the following: SB 1230

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1432, SB 1800

The bills with committee substitutes attached were referred to the Committee on Health Care under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1704

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 726, SB 1512

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 1612, SB 1760, SB 1934

The Committee on Criminal Justice recommends committee substitutes for the following: SB 914, SB 1254

The Committee on Education recommends committee substitutes for the following: SB 1142, Senate Bills 2156 and 1910

The Committee on Judiciary recommends a committee substitute for the following: SB 460

The Committee on Transportation recommends a committee substitute for the following: SB 1678

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1708

The Committee on Community Affairs recommends committee substitutes for the following: SB 1458, SB 1578

The Committee on Criminal Justice recommends a committee substitute for the following: SB 346

The Committee on Executive Business, Ethics and Elections recommends committee substitutes for the following: SB 152, SB 886

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 832, CS for SB 1046

The Committee on Health Care recommends a committee substitute for the following: SB 1716

The Committee on Judiciary recommends committee substitutes for the following: SB 280, CS for SB 626

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1624

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Forman—

SB 2340—A bill to be entitled An act relating to indoor air quality; amending s. 381.0101, F.S., relating to environmental health professionals; defining the term "indoor environmental evaluation"; providing duties of the environmental health professionals advisory board; amending standards for certification; amending fees for certification; requiring the administrators of certain health care institutions and educational institutions, and the operators of child care facilities, annually to complete

coursework in the identification of indoor-air-quality problems and measures for eliminating or reducing such problems; requiring architects who submit proposals for building or renovating health care facilities and child care facilities to complete such instruction; requiring the Department of Health to provide the instruction to certain administrators and architects; requiring the Department of Education to provide such instruction to heads of schools and to presidents of colleges and universities, or their designees, to risk managers and maintenance supervisors in those educational institutions, and to architects who submit proposals for building or renovating educational facilities; providing an effective date.

—was referred to the Committees on Health Care; Education; and Ways and Means.

By Senator Bankhead—

SB 2342—A bill to be entitled An act relating to long-term care; amending s. 110.161, F.S.; authorizing the Division of State Group Insurance to establish a pretax benefit program for long-term-care expenses; creating s. 430.801, F.S.; creating the Florida Employee Long-Term-Care Plan Act; directing the Department of Elderly Affairs to develop, implement, and administer the long-term care plan for public employees; providing for a Florida Employee Long-Term-Care Plan Advisory Council and a Florida Employee Long-Term-Care Board of Trustees; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Senator Bankhead—

SB 2344—A bill to be entitled An act relating to trust funds; creating s. 403.802, F.S.; creating the Florida Employee Long-term Care Plan Trust Fund; specifying sources of moneys in the fund; providing for administration of the fund; providing for uses of the fund; providing for investment of moneys in the fund for certain purposes; providing that the fund is exempt from constitutional termination requirements; amending s. 215.22, F.S.; exempting the trust fund from the general revenue service charge; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Senator Campbell—

SB 2346—A bill to be entitled An act relating to state lands; amending s. 253.03, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to enter special-event agreements for the use of submerged lands for events that meet specified criteria; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Natural Resources; and Ways and Means.

By Senator Campbell—

SB 2348—A bill to be entitled An act relating to governmental organization; transferring powers, duties, functions, personnel, and assets of the Department of Children and Family Services relating to home care for the elderly, community care for disabled adults, contracted geriatric mobile crisis response, home and community based waiver services for disabled adults, temporary emergency shelter for adult victims of abuse, neglect, or exploitation, adult protective services, adult payments, adult foster home care, personal care allowance, and adult congregate living supplement to the Department of Elderly Affairs; amending ss. 410.0245, 410.032, 410.502, 410.602, 410.603, 410.604, 415.605, 415.102, 415.1055, 415.107, 409.903, F.S., to conform; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Senator Cowin—

SB 2350—A bill to be entitled An act relating to education (RAB); amending s. 229.57, F.S.; authorizing the Commissioner of Education to establish criteria for exempting a student from taking certain parts of the high school competency test; amending s. 232.2466, F.S.; modifying the criteria for awarding a differentiated college-ready diploma; amending s. 240.116, F.S.; requiring the State Board of Education to adopt rules for any dual-enrollment programs involving requirements for high school graduation; amending s. 240.33, F.S.; requiring the State Board of Education to adopt rules to articulate foreign-language competency and equivalency between secondary and postsecondary schools; providing an effective date.

—was referred to the Committee on Education.

By Senator Horne—

SB 2352—A bill to be entitled An act relating to trust funds; creating the Florida School District Review Trust Fund to be administered by the Office of Program Policy Analysis and Government Accountability; directing the office to use the fund to pay the cost of best financial management practice reviews; providing for refunds to school districts; amending s. 230.23025, F.S.; providing for the deposit of funds from school districts; providing a contingent effective date.

—was referred to the Committees on Education; Rules and Calendar; and Ways and Means.

By Senator Clary—

SB 2354—A bill to be entitled An act relating to a pilot baitfish tarpaulin seine program; establishing objectives for evaluation of the seines; authorizing the collection of fees from baitfish tarpaulin seine landings and the use of revenues for evaluation of the program; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Senators Laurent and Dyer—

SB 2356—A bill to be entitled An act relating to water resources; amending s. 373.026, F.S.; providing for the Legislature to approve or disapprove the Central and Southern Florida Flood Control Project Restudy or any of its plans or projects; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

Senate Resolutions 2358—2360—Not referenced.

By Senator Bankhead—

SB 2362—A bill to be entitled An act relating to the Joint Legislative Claims Committee; creating s. 11.80, F.S.; establishing the Joint Legislative Claims Committee; providing for membership and appointment; providing for governance of the committee by joint rules; creating s. 11.81, F.S.; providing powers of the Joint Legislative Claims Committee; providing for the appointment and authority of special masters; providing penalties for contemptuous conduct before the committee or special master; providing for the crime of false swearing; providing penalties; providing for the enforcement of subpoenas during and between legislative sessions; authorizing the payment of expenses to witnesses; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SCR 2364—A concurrent resolution proposing the adoption of Joint Rule 8, Joint Rules of the Florida Legislature, relating to the Joint Legislative Claims Committee.

—was referred to the Committees on Rules and Calendar; and Ways and Means.

Senate Resolutions 2366—2368—Not referenced.

By the Committee on Ways and Means—

SB 2370—A bill to be entitled An act relating to trust funds; re-creating the Turnpike Controlled Access Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2372—A bill to be entitled An act relating to trust funds; re-creating the Toll Facilities Revolving Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2374—A bill to be entitled An act relating to trust funds; re-creating the Transportation Disadvantaged Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2376—A bill to be entitled An act relating to trust funds; re-creating the Highway Safety Operating Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2378—A bill to be entitled An act relating to trust funds; re-creating the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2380—A bill to be entitled An act relating to trust funds; re-creating the Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2382—A bill to be entitled An act relating to trust funds; re-creating the Fuel Tax Collection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2384—A bill to be entitled An act relating to trust funds; re-creating the Mobile Home and Recreational Vehicle Protection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2386—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2388—A bill to be entitled An act relating to trust funds; re-creating the Working Capital Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2390—A bill to be entitled An act relating to trust funds; re-creating the License Tax Collection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2392—A bill to be entitled An act relating to the re-creation of the Crimes Compensation Trust Fund without modification; re-creating the Crimes Compensation Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2394—A bill to be entitled An act relating to the re-creation of the Florida Crime Prevention Training Institute Revolving Trust Fund without modification; re-creating the Florida Crime Prevention Training Institute Revolving Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2396—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund of the Department of Legal Affairs without modification; re-creating the Grants and Donations Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2398—A bill to be entitled An act relating to the re-creation of the Legal Services Trust Fund without modification; re-creating the Legal Services Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2400—A bill to be entitled An act relating to the re-creation of the Legal Affairs Revolving Trust Fund without modification; re-creating the Legal Affairs Revolving Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2402—A bill to be entitled An act relating to the re-creation of the Motor Vehicle Warranty Trust Fund without modification; re-creating the Motor Vehicle Warranty Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2404—A bill to be entitled An act relating to the re-creation of the Revolving Escrow Trust Fund without modification; re-creating the Revolving Escrow Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2406—A bill to be entitled An act relating to the re-creation of the Criminal Justice Training Trust Fund of the Department of Corrections without modification; re-creating the Criminal Justice Training Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2408—A bill to be entitled An act relating to the re-creation of the Hurricane Andrew Recovery and Rebuilding Trust Fund without modification; re-creating the Hurricane Andrew Recovery and Rebuilding Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2410—A bill to be entitled An act relating to the re-creation of the Florida Agricultural Exposition Trust Fund without modification; re-creating the Florida Agricultural Exposition Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2412—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund of the Department of Corrections without modification; re-creating the Grants and Donations Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2414—A bill to be entitled An act relating to the re-creation of the Operating Trust Fund of the Department of Corrections without modification; re-creating the Operating Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2416—A bill to be entitled An act relating to trust funds; re-creating the Highway Patrol Insurance Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2418—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds in the Department of Transportation are exempt from the automatic-termination requirements of Section 19(f), Article III of the State Constitution; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2420—A bill to be entitled An act relating to trust funds; terminating specified trust funds and fund accounts within the Department of Transportation; providing for the transfer of current balances to general revenue, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2422—A bill to be entitled An act relating to the re-creation of the Capital Collateral Trust Fund without modification; re-creating the Capital Collateral Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2424—A bill to be entitled An act relating to the re-creation of the Child Support Trust Fund without modification; re-creating the Child Support Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2426—A bill to be entitled An act relating to the re-creation of the State Attorney RICO Trust Fund without modification; re-creating the State Attorney RICO Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2428—A bill to be entitled An act relating to the re-creation of the Consumer Frauds Trust Fund without modification; re-creating the Consumer Frauds Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2430—A bill to be entitled An act relating to the re-creation of the State Attorney's Forfeiture and Investigative Support Trust Fund without modification; re-creating the State Attorney's Forfeiture and Investigative Support Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2432—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund without modification; re-creating the Grants and Donations Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2434—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund of the Department of Legal Affairs without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2436—A bill to be entitled An act relating to the re-creation of the Florida Motor Vehicle Theft Prevention Trust Fund without modification; re-creating the Florida Motor Vehicle Theft Prevention Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2438—A bill to be entitled An act relating to the re-creation of the Consumer Frauds Trust Fund without modification; re-creating the Consumer Frauds Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2440—A bill to be entitled An act relating to the re-creation of the Sales of Goods and Services Clearing Trust Fund without modification; re-creating the Sale of Goods and Services Clearing Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2442—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund within the Department of Law Enforcement without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2444—A bill to be entitled An act relating to the re-creation of the Criminal Justice Standards and Training Trust Fund without modification; re-creating the Criminal Justice Training Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2446—A bill to be entitled An act relating to the re-creation of the Forfeiture and Investigative Support Trust Fund without modification; re-creating the Forfeiture and Investigative Support Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2448—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund of the Department of Law Enforcement without modification; re-creating the Grants and Donations Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2450—A bill to be entitled An act relating to the re-creation of the Operating Trust Fund of the Department of Law Enforcement without modification; re-creating the Operating Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2452—A bill to be entitled An act relating to the re-creation of the Revolving Trust Fund of the Department of Law Enforcement without modification; re-creating the Revolving Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2454—A bill to be entitled An act relating to the re-creation of the Working Capital Trust Fund of the Department of Law Enforcement without modification; re-creating the Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2456—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund of the Florida Parole Commission without modification; re-creating the Grants and Donations Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2458—A bill to be entitled An act re-creating the Administrative Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2460—A bill to be entitled An act re-creating the Grants and Donations Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2462—A bill to be entitled An act re-creating the Juvenile Crime Prevention/Early Intervention Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2464—A bill to be entitled An act re-creating the Juvenile Justice Training Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2466—A bill to be entitled An act re-creating the Social Services Block Grant Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was referred to the Committee on Ways and Means.

SR 2468—Not referenced.

By Senator Turner—

SB 2470—A bill to be entitled An act relating to contractors; creating s. 489.112, F.S.; authorizing local governments to adopt ordinances relating to journeyman craftsmen, including requirements for presence of such craftsmen, including certified or registered contractors, at job sites; amending s. 489.113, F.S.; providing for proceedings against contractors who violate local requirements that journeyman craftsmen be present on a job site; providing for appeals of disciplinary action taken; providing intent with respect to such requirements; creating s. 489.5185, F.S.; authorizing local governments to adopt ordinances relating to journeyman craftsmen, including requirements for presence of such craftsmen, including certified or registered electrical contractors, at job sites; amending s. 489.516, F.S.; providing for proceedings against electrical and alarm system contractors who violate local requirements that journeyman craftsmen be present on a job site; providing for appeals of disciplinary action taken; providing intent with respect to such requirements; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Governmental Reform and Oversight.

SR 2472—Not referenced.

By Senator Lee—

SB 2474—A bill to be entitled An act relating to planning for educational facilities; amending s. 163.3177, F.S.; requiring that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools; specifying the date by which such plans must comply and providing effect of noncompliance; providing requirements with respect to the data and analyses on which a public school facilities element should be based; providing for goals, objectives, and policies; providing for a future conditions map and certain reciprocal agreements; amending s. 163.3180, F.S.; revising requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement; requiring a public schools facilities element; providing requirements for level of service standards; providing requirements for designation of service areas; providing requirements with respect to financial feasibility; specifying an availability standard; requiring that intergovernmental coordination requirements be satisfied and providing that certain municipalities are not required to be a signatory of the required interlocal agreement; providing duties of such municipalities to evaluate their status and enter into the interlocal agreement when required, and providing effect of failure to do so; directing the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element and for the associated interlocal agreement; amending s. 163.3191, F.S.; providing that the local planning agency's

periodic report on the comprehensive plan shall assess the coordination of the plan with public schools; amending s. 235.185, F.S.; directing school boards to adopt annually 10-year and 20-year work programs in addition to the required 5-year district facilities work program; amending s. 235.186, F.S.; including additional expenditures in a district's planned basic capital outlay expenditures that may be eligible for an effort index grant; including districts that have adopted a public school facilities element in districts to which priority consideration for such grants should be given under certain circumstances; amending s. 235.19, F.S.; providing a directive to school boards with respect to school location; amending s. 235.193, F.S.; providing requirements for the 5-year district facilities work program with respect to enrollment and population projections; precluding the siting of new schools in certain jurisdictions; amending s. 235.2155, F.S.; specifying additional savings by school districts which the SIT Program is designed to reward; providing that the SMART Schools Clearinghouse shall examine data relating to educational facilities planning, and favorably consider districts where local governments have adopted a public school facilities element, in recommending SIT Program awards; authorizing use of such awards for offsite infrastructure needs generated by development of educational facilities; providing for interim use of certain criteria and guidelines by the state land planning agency in compliance review of a school concurrency system; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Clary—

SB 2476—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.2226, F.S.; requiring funeral directors and embalmers to provide proof of completion of continuing education requirements; amending s. 455.2228, F.S.; requiring barbers and cosmetologists to provide proof of completion of continuing education requirements; amending s. 455.273, F.S.; revising provisions related to the submission and processing of proof of completing of continuing education requirements for licensees regulated by the department; providing for the department to contract for this service; deleting requirements that licensees sign such proof; amending s. 474.211, F.S.; deleting an affidavit requirement for veterinarians; amending s. 489.115, F.S.; deleting a signature requirement for contractors; providing effective dates.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Senator Rossin—

SB 2478—A bill to be entitled An act relating to the Board of Trustees of the Internal Improvement Trust Fund; directing the board to transfer certain properties to the Florida Atlantic University Foundation, Inc., for the Pine Jog Environmental Education Center; providing restrictions on the use of the land; providing an effective date.

—was referred to the Committees on Natural Resources; Education; and Ways and Means.

By Senator Lee—

SB 2480—A bill to be entitled An act relating to alternative education programs; amending s. 230.23162, F.S.; providing for a specified public education facility to be jointly operated by the Department of Juvenile Justice and the Hillsborough County school district; specifying the qualifications of students who may be served in the facility; providing for funding of the facility; providing an effective date.

—was referred to the Committees on Criminal Justice; Education; and Ways and Means.

SR 2482—Not referenced.

By Senator Geller—

SB 2484—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021, F.S.; defining the term "fire extinguisher"; amending s. 633.061, F.S.; requiring an individual or organization that hydrotests fire extinguishers and preengineered systems to obtain a permit or license from the State Fire Marshal; revising the services that may be performed under certain licenses and permits issued by the State Fire Marshal; increasing the amount of insurance coverage that an applicant for licensure is required to obtain; providing additional application requirements; providing requirements for obtaining an upgraded license; amending ss. 633.065, 633.071, F.S.; providing requirements for installing and inspecting fire suppression equipment; amending s. 633.162, F.S.; prohibiting an owner, officer, or partner of a company from applying for licensure if the license held by the company is suspended or revoked; revising the grounds upon which the State Fire Marshal may deny, revoke, or suspend a license or permit; amending s. 633.171, F.S.; revising the prohibition against rendering a fire extinguisher or preengineered system inoperative to conform to changes made by the act; amending s. 489.105, F.S., relating to contracting; conforming a cross-reference to changes made by the act; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator Rossin—

SB 2486—A bill to be entitled An act expressing legislative intent to revise the laws relating to alligator egg collection and protection.

—was referred to the Committees on Natural Resources; Agriculture; and Ways and Means.

By Senator McKay—

SB 2488—A bill to be entitled An act relating to manatee license plates; amending s. 320.08056, F.S.; increasing the annual use fee; amending s. 320.08058, F.S.; revising the permitted use of such fees; amending s. 215.22, F.S.; exempting the Save the Manatee Trust Fund from certain required contributions to the General Revenue Fund; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By the Committee on Ways and Means—

SB 2490—A bill to be entitled An act relating to trust funds; creating the Privately Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2492—A bill to be entitled An act relating to trust funds; creating the Employee Benefit Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2494—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2496—A bill to be entitled An act relating to trust funds; recreating the Working Capital Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2498—A bill to be entitled An act relating to trust funds; recreating the Appellate Opinion Distribution Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

Senate Bills 2500—2502 were previously referenced.

SB 2504—Reserved for appropriations

By the Committee on Ways and Means—

SB 2506—A bill to be entitled An act relating to trust funds; recreating the Correctional Work Program Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2508—A bill to be entitled An act relating to trust funds; recreating the Indigent Criminal Defense Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2510—A bill to be entitled An act relating to trust funds; recreating the Elections Commission Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2512—A bill to be entitled An act relating to trust funds; recreating the Family Courts Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing for future termination; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2514—A bill to be entitled An act relating to trust funds; recreating the Family Courts Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2516—A bill to be entitled An act relating to trust funds; creating the Inmate Welfare Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carryforward of funds; providing for future review and termination or recreation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2518—A bill to be entitled An act relating to trust funds; recreating the Court Education Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2520—A bill to be entitled An act relating to trust funds; recreating the State Mediation and Arbitration Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2522—A bill to be entitled An act relating to trust funds; modifying provisions relating to specified trust funds and fund accounts within the Department of Corrections; amending s. 945.215, F.S.; providing sources of funds and purposes of the Inmate Welfare Trust Fund, the Privately Owned Institutions Inmate Welfare Trust Fund, and the Employee Benefit Trust Fund within the department; providing for annual appropriation of funds deposited in the Inmate Welfare Trust Fund; requiring certain annual reports; amending s. 945.31, F.S.; providing for deposit of the department's administrative processing fee in the department's Operating Trust Fund; amending s. 945.76, F.S.; revising provisions relating to fees for certification and monitoring of batterers' intervention programs; providing for deposit of such fees in the department's Operating Trust Fund; amending s. 944.10, F.S.; providing for deposit of contractual service and inmate labor fees in the Correctional Work Program Trust Fund; amending s. 948.09, F.S.; providing for deposit of the electronic monitoring surcharge in the department's Operating Trust Fund; amending s. 951.23, F.S.; providing for deposit of fees collected pursuant to local detention facility inspection agreements in the department's Operating Trust Fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Harris—

SB 2524—A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES Program State Board of Directors approve the directives initiated by the Workforce Development Board of Enterprise Florida, Inc., in implementing the WAGES Program; creating s. 414.0262, F.S.; requiring that the Governor designate the staff of the WAGES Program State Board of Directors as a nonprofit corporation; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; authorizing a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances; providing that an individual who cares for a disabled family member is exempt from certain time limitations; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Ostalkiewicz—

SB 2526—A bill to be entitled An act relating to utility services; requiring a municipal utility company that provides a utility service in more than one county to refund any profit derived from that service to the utility customers; providing an effective date.

—was referred to the Committees on Community Affairs and Regulated Industries.

By Senator Holzendorf—

SB 2528—A bill to be entitled An act relating to insurance; providing legislative intent with respect to encouraging the voluntary audit of activities regulated under the Florida Insurance Code; providing definitions; providing that an insurance compliance self-evaluative audit document is privileged information and not discoverable or admissible as evidence in a civil, criminal, or administrative proceeding; providing for certain information to be submitted to the Department of Insurance without waiving the privilege; specifying circumstances under which a court may compel the disclosure of material for which the privilege is asserted; providing procedures; providing for an in camera hearing; providing for certain stipulations to be made with respect to privileged information; providing for applicability; providing that the release of a self-evaluative audit document does not limit or abrogate certain other privileges; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator Holzendorf—

SB 2530—A bill to be entitled An act relating to the confidentiality of records relating to internal audits conducted by insurance companies; providing an exemption from public records requirements for certain documents submitted to the Department of Insurance in connection with a voluntary internal evaluation or audit; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

By Senator Turner—

SB 2532—A bill to be entitled An act relating to educational facilities; amending s. 235.26, F.S.; prohibiting local and state government boards and agencies from levying fees, assessments, or taxes on educational boards, districts, or facilities; providing an effective date.

—was referred to the Committees on Education; Community Affairs; and Ways and Means.

By Senator Horne—

SB 2534—A bill to be entitled An act relating to the Excellent Teaching Program Trust Fund; creating the fund; providing a source of funds; providing purpose; providing for future review and termination or recreation of the fund; providing a contingent effective date.

—was referred to the Committees on Education; and Ways and Means.

SCR 2536 was introduced out of order and referenced this day.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Executive Business, Ethics and Elections; and Senators Latvala, Dudley and Crist—

CS for SB 152—A bill to be entitled An act relating to the powers and duties of the Governor; amending s. 14.23, F.S.; regulating the nomination of appointees to federal regional fisheries management councils; providing an effective date.

By the Committee on Judiciary and Senator Williams—

CS for SB 280—A bill to be entitled An act relating to sales contracts for motor vehicle or truck repair parts; creating s. 686.30, F.S.; providing for contract agreement; providing requirements with respect to agreements between manufacturers and distributors of and dealers in motor vehicle or truck repair parts; requiring that termination of such contracts be done in good faith; providing definitions; prohibiting certain coercive acts by manufacturers; providing for liability; providing for applicability; providing liability of a manufacturer for terminating, canceling, or failing to renew a contract without good cause, for failure to make payments owed, and for failure to supply repair parts; providing for attorney's fees; providing for injunctive relief; providing an effective date.

By the Committee on Criminal Justice and Senators Campbell, Gutman, Dyer, Klein, Grant, Forman, Kurth and Rossin—

CS for SB 346—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.532, F.S.; providing that nothing in the section shall limit the right of a law enforcement or correctional agency to discipline or pursue criminal charges against an officer; amending s. 122.533, F.S.; revising provisions with respect to the receipt and processing of complaints to provide for certain recorded statements; amending s. 122.534, F.S.; providing a penalty for failure to comply with part VI of chapter 112, F.S.; providing definitions; providing an effective date.

By the Committee on Judiciary and Senator Crist—

CS for SB 460—A bill to be entitled An act relating to victim assistance; requiring that the Crime Victims' Services Office of the Department of Legal Affairs establish a toll-free telephone number to provide information on the status of a person convicted of a crime; providing for the information to be available to a crime victim, relative of a homicide victim, or witness of a crime; providing requirements for operating the

telephone number; requiring the Crime Victims' Services Office to provide updated address information for a victim, relative, or witness to specified agencies; requiring that the Crime Victims' Services Office verify information used to notify a victim, relative, or witness; providing an effective date.

By the Committees on Judiciary and Regulated Industries and Senators Silver and Dyer—

CS for CS for SB 626—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising provisions with respect to the scope of the chapter; providing for certain rules; amending s. 721.05, F.S.; defining the term "regulated short-term product"; amending s. 721.06, F.S.; revising provisions with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; providing a time period for amendments that add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting provisions with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.11, F.S.; requiring that advertisements of regulated short-term products be filed with the division; requiring disclosure statements for purchase agreements; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; amending s. 721.265, F.S.; providing service of process in receivership proceedings; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative purpose; providing definitions; providing for a registered agent; providing for the consolidation of foreclosure actions; creating part IV of ch. 721, F.S.; creating timeshare commissioners of deeds; providing an effective date.

By the Committee on Banking and Insurance; and Senator Sullivan—

CS for SB 726—A bill to be entitled An act relating to health care contracts; amending s. 627.419, F.S.; providing that health insurance policies that provide certain benefits must pay for the services of advanced registered nurse practitioners; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Kirkpatrick, Sullivan and Forman—

CS for SB 832—A bill to be entitled An act relating to information resources management; amending s. 186.021, F.S.; providing that certain information resources management projects are not required in agency strategic plans; amending s. 216.181, F.S.; providing that certain information resource management projects are not subject to the mandatory notice and review requirements for amendments to agencies' original approved operating budgets; amending s. 186.022, F.S.; providing that certain coordinating councils and boards are required to develop annual performance reports; amending s. 282.3063, F.S.; modifying the date for submission of the Agency Annual Information Resources Management Report; amending s. 282.310, F.S.; modifying the date by which the State Annual Report on Information Resources Management must be developed; requiring the inclusion of specified information within the report; amending s. 282.3091, F.S.; authorizing members of the State Technology Council to appoint designees to serve on their behalf; amending s. 282.322, F.S.; requiring the submission of quarterly reports for information resource projects designated for special monitoring; providing an additional recipient of project monitors' final reports; amending s. 282.404, F.S.; removing the chair of the Geographic Information Advisory Council as an ex officio member of the Geographic Information Board; requiring the chair to attend all meetings of the Geographic Information Board on behalf of the council; revising duties of the Geographic Information Board; providing that the board shall serve as coordinator for census activities; amending s. 215.96, F.S.; providing a technical correction; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Bronson—

CS for SB 886—A bill to be entitled An act relating to political advertisements; amending s. 106.143, F.S.; providing requirements for use of manipulated images in political advertisements; providing an effective date.

By the Committee on Criminal Justice and Senator Forman—

CS for SB 914—A bill to be entitled An act relating to the sentencing of capital felons; amending ss. 921.141, 921.142, F.S.; providing for a separate proceeding to determine whether a defendant accused of or convicted of a capital felony is mentally retarded; prescribing the penalty to be imposed if the defendant is determined to be mentally retarded; amending s. 924.07, F.S.; providing that the state may appeal a determination that a defendant is mentally retarded; providing a definition of mental retardation; providing an effective date.

By the Committees on Governmental Reform and Oversight; Agriculture; and Senator Bronson—

CS for CS for SB 1046—A bill to be entitled An act relating to rulemaking authority with respect to the regulation of the citrus industry; creating s. 601.9918, F.S.; authorizing the Florida Citrus Commission to refer to national or state requirements in rules relating to issuance and use of symbols, certification marks, service marks, and trademarks; amending s. 601.10, F.S.; authorizing the Department of Citrus to adopt a rule listing forms to be used in conducting its business; providing an effective date.

By the Committee on Transportation and Senator Campbell—

CS for SB 1104—A bill to be entitled An act relating to motor vehicle damage disclosure; creating s. 501.98, F.S.; prescribing the duty of motor vehicle manufacturers and dealers to disclose and to repair certain damage to motor vehicles; prescribing duty of dealers with respect to cooperation with manufacturers; providing remedies for purchasers of damaged motor vehicles, including injunctive relief and attorney's fees; apportioning liability for certain damage and repairs; providing an effective date.

By the Committee on Education and Senator Gutman—

CS for SB 1142—A bill to be entitled An act relating to courses of study and instructional materials; amending s. 233.061, F.S.; including the study of Hispanic contributions and women's contributions to the the United States in required public school instruction; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite, Myers, Bankhead, Burt, Silver and Forman—

CS for SB 1228—A bill to be entitled An act relating to children's health care; amending s. 409.904, F.S.; providing for children under specified ages who are not otherwise eligible for the Medicaid program to be eligible for optional payments for medical assistance; creating s. 409.9045, F.S.; providing for a period of continuous eligibility for Medicaid for children; amending s. 409.9126, F.S.; making the Children's Medical Services network available to certain children who are eligible for the Florida Kids Health program; authorizing the inclusion of behavioral health services as part of the Children's Medical Services network; establishing the reimbursement methodology for services provided to certain children through the Children's Medical Services network; specifying that the Children's Medical Services network is not subject to licensure under the insurance code or rules of the Department of Insurance; directing the Department of Health to contract with the Department of Children and Family Services for certain services for children with special health care needs; authorizing the Department of Children

and Family Services to establish certain standards and guidelines; revising provisions to reflect the transfer of duties to the Department of Health; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating and providing the purpose for the Florida Kids Health program; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; creating s. 409.8135, F.S.; providing for program enrollment and expenditure ceilings; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing requirements for health benefits coverage under the Florida Kids Health program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for approval of health benefits coverage as a condition of financial assistance; creating s. 409.818, F.S.; providing for program administration; specifying duties of the Department of Children and Family Services, the Department of Health, the Agency for Health Care Administration, the Department of Insurance, and the Florida Healthy Kids Corporation; authorizing application for federal waiver for alternative coverage; authorizing certain program modifications related to federal approval; transferring, renumbering, and amending s. 154.508, F.S., relating to outreach activities to identify low-income, uninsured children; creating s. 409.820, F.S.; requiring that the Department of Health develop standards for quality assurance and program access; establishing performance measures and standards for the Florida Kids Health program; repealing s. 624.92, F.S.; deleting the requirement that the Agency for Health Care Administration apply for a Medicaid federal waiver relating to the Healthy Kids Corporation; providing an appropriation; providing for application of the act to certain contracts between providers and the Florida Healthy Kids Corporation; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite, Myers, Bankhead, Burt and Silver—

CS for SB 1230—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information provided by applicants to the Florida Kids Health program; providing an exemption for certain information obtained through quality assurance activities and patient satisfaction surveys; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

By the Committee on Criminal Justice and Senator Grant—

CS for SB 1254—A bill to be entitled An act relating to vehicular homicide; amending s. 782.071, F.S.; redefining the offense of "vehicular homicide" to include the killing of a viable fetus by any injury to the mother caused by the operation of a motor vehicle by another; providing penalties; specifying when a fetus is viable; providing a right of action for civil damages; reenacting ss. 921.0012(3)(h) and 960.03(3), F.S., relating to the offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0012, F.S., relating to the offense severity ranking chart, to conform terminology; providing an effective date.

By the Committee on Education and Senators Grant, Kirkpatrick, Holzendorf, Horne, Clary, Cowin, Diaz-Balart, Latvala, Dyer, Silver, Casas, Klein, Kurth, Turner, Williams, Sullivan, Rossin, Crist, Harris, Forman, Thomas, Meadows, Lee, Burt, Bronson, McKay and Dudley—

CS for SB's 1358 and 160—A bill to be entitled An act relating to postsecondary education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 228.055, F.S.; providing for a regional autism center; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross-reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.281, F.S.; revising the authority for an institution to deposit certain funds outside the State Treasury; amending s. 240.295, F.S., relating to fixed capital outlay projects; providing for dormitories; deleting Board of Regents' rulemaking power; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; providing an effective date.

By the Committee on Banking and Insurance; and Senator Brown-Waite—

CS for SB 1432—A bill to be entitled An act relating to the delivery of health care services; creating s. 624.1291, F.S.; providing an exemption from the Insurance Code for certain health care services; creating s. 624.1292, F.S.; providing an exemption from the Insurance Code for certain contracts with self-funded ERISA plans; creating part IV of ch. 641, F.S., the "Provider-Sponsored-Organization Act"; providing legislative findings and purposes with respect to certain federal requirements for authorizing provider-sponsored organizations in this state to provide health care coverage to Medicare beneficiaries under the Medicare Choice plan; providing definitions; prohibiting a provider-sponsored organization from transacting insurance business other than the offering of Medicare Choice plans; providing applicability of parts I and III of ch. 641, F.S., to provider-sponsored organizations; providing exceptions; amending s. 641.227, F.S.; providing for deposits into the Rehabilitation Administrative Expense Fund by a provider-sponsored organization; providing for reimbursements; amending s. 641.316, F.S., relating to fiscal intermediary services; providing for an exemption from s. 455.654, F.S., to provider-sponsored organizations, relating to financial arrangements; providing an effective date.

By the Committee on Transportation—

CS for SB 1456—A bill to be entitled An act relating to transportation; amending s. 163.3191, F.S.; authorizing the Department of Community Affairs to grant an extension of the Evaluation and Appraisal

Report submission from local governments in order to coordinate planning efforts with Metropolitan Planning Organizations; amending s. 339.155, F.S.; providing planning factors to be considered in the Florida Transportation Plan; amending s. 339.175, F.S.; providing planning factors to be considered in Metropolitan Planning Organization transportation plans; providing for the creation of planning goals; creating the Land-Use Transportation Planning Reconciliation Committee; providing for its membership and duties; amending s. 341.053, F.S.; providing for the creation of the Strategic Intermodal Transportation and Economic Development Planning Council within the Department of Transportation; providing an effective date.

By the Committee on Community Affairs and Senators Latvala, Burt and Bankhead—

CS for SB 1458—A bill to be entitled An act relating to coastal redevelopment; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; creating s. 163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

By the Committee on Transportation and Senators Forman and Campbell—

CS for SB 1498—A bill to be entitled An act relating to the use of motor vehicles by persons who have disabilities; amending s. 316.1955, F.S.; clarifying standards for accessible parking spaces and parking access aisles; providing violations; providing penalties; amending s. 316.1958, F.S.; providing that a special motor vehicle license plate or parking permit issued by another state, district, or country is invalid with respect to a person who must have a Florida vehicle registration; amending s. 316.1964, F.S.; amending circumstances in which vehicles are exempt from paying parking fees and penalties; amending s. 318.18, F.S.; increasing the amount of the fine for illegally parking in a parking space for disabled persons; amending procedures for dismissing such fines and for distributing the proceeds of such fines; amending s. 320.0842, F.S.; amending prerequisites to qualifying for a free license plate as a veteran who uses a wheelchair due to a service-connected disability; amending s. 320.0843, F.S.; amending provisions related to license plates for wheelchair users; amending s. 320.0848, F.S.; amending provisions relating to the issuance of disabled parking permits; amending prerequisites; providing for replacement permits; providing for alternatives; amending requirements for the design of temporary permits; providing penalties for unlawfully displaying a disabled parking permit; providing additional grounds for confiscation of a disabled parking permit; providing for recordkeeping related to confiscation; providing for revoking the privilege of applying for a disabled parking permit; providing procedures related to confiscations and revocations; providing an effective date.

By the Committee on Banking and Insurance; and Senator Latvala—

CS for SB 1512—A bill to be entitled An act relating to certified capital companies; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor to administer tax credits; creating s. 288.99, F.S.; creating the "Certified Capital Company Act"; providing a short title; providing a purpose; providing definitions; providing certification procedures; providing deadlines; requiring an application fee; providing grounds for application denial or decertification; requiring the Department of Banking and Finance to enforce certification and decertification procedures; requiring certification reports filed with the Office of Tourism, Trade, and Economic Development; requiring an annual renewal fee; specifying investment benchmarks; specifying depositories for funds not invested in qualified businesses; providing a credit against premium tax liability; specifying effect of credit on retaliatory tax; providing an aggregate premium tax credit cap; providing a tax credit allocation formula; requiring forfeiture of tax credits under certain circumstances; providing for an annual report by each certified capital company; requiring the Office of Tourism, Trade, and Economic Development to review and verify annual reports; authorizing the Department of Revenue to audit and examine books of certified capital companies and investors; providing for distributions to debt holders; requiring the Department of Banking and Finance to conduct annual reviews of certified capital companies; providing decertification procedures; providing a cure period; providing recapture of tax credits under certain circumstances; providing a schedule for tax credit recapture and penalties; providing for transfer of tax credits; requiring the Office of Tourism, Trade, and Economic Development to annually report to the Governor and the Legislature; providing for application and renewal fees; providing rulemaking authority; creating s. 287.0932, F.S.; exempting certain insurers from assessments and premium tax; providing appropriations; providing effective dates.

By the Committee on Community Affairs and Senator Forman—

CS for SB 1578—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; amending provisions prescribing the voting membership of an M.P.O.; providing an effective date.

By the Committee on Natural Resources and Senator Rossin—

CS for SB 1596—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term "water control district" and revising the definition of the term "water control plan"; amending s. 298.11, F.S.; providing for landowner vote of fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer's annual report; amending s. 298.301, F.S.; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross-reference; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; repealing s. 298.337, F.S., relating to levies of assessments on land use for land less than 1 acre; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Harris—

CS for SB 1612—A bill to be entitled An act relating to the "Florida Entertainment Industry Growth Act"; creating s. 288.125, F.S.; providing a short title; creating s. 288.1251, F.S.; providing definitions; creating s. 288.1252, F.S.; creating the Entertainment Florida Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and duties of the council; renumbering and amending s. 288.12285, F.S.; changing a reference; conforming application of a provision granting confidentiality to the identities of certain donors or prospective donors to a direct-support organization; creating s. 288.1254, F.S.; creating the position of Entertainment Industry Commissioner; providing procedure for appointment of the Entertainment Industry Commissioner; providing powers and duties of the commissioner; creating s. 288.1255, F.S.; requiring the Office of Tourism, Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Entertainment Florida Council; requiring approval of such rules by the Comptroller; requiring an annual report; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; creating s. 288.1258, F.S.; authorizing application for approval by the Entertainment Industry Commissioner as a qualified production company for purposes of receiving sales tax exemptions; providing application procedure; providing for denial and revocation of a certificate of exemption; providing a penalty for falsification or unauthorized use of

an application for certificate of exemption; providing categories of qualification for certificate of exemption; providing for renewal of a certificate of exemption; providing for duties of the Department of Revenue with respect to sales tax exemption to qualified production companies; creating the Florida Entertainment Industry Model Permitting Task Force; providing purpose of the task force; providing for appointment of members to the task force; amending s. 14.2015, revising purposes of the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; amending s. 212.031, F.S., relating to the lease or rental of or license in real property; revising language with respect to property used as an integral part of the performance of qualified production services; amending s. 212.06, F.S., relating to the tax on sales, use, and other transactions; revising language with respect to the exemption for fabrication labor used in the production of a qualified motion picture; amending s. 212.0602, F.S., which exempts the purchase or lease of materials, equipment, and other items by specified educational entities, institutions, or organizations from the sales and use tax under certain limited circumstances; expanding the exemption to include real or personal property and support operations of such educational institutions; conforming references; amending s. 212.08, F.S.; revising the partial exemption from the tax on sales, use, and other transactions for master tapes, records, films, or video tapes; providing an exemption from such tax for certain entertainment industry production equipment; revising the term "amounts paid for the tangible elements"; clarifying definitions; providing definitions; requiring the Entertainment Industry Commissioner to keep specified records; requiring an annual report to the Legislature; repealing s. 212.08(12), F.S., on October 1, 2008; providing for review by the Legislature prior to repeal; amending s. 213.053, F.S., relating to confidentiality and information sharing by the Department of Revenue; providing for the sharing of specified information; amending ss. 288.108, 288.90152, F.S.; conforming cross-references; repealing s. 212.08(5)(f), F.S.; repealing the exemption from the tax on sales use and other transactions for specified motion picture or video equipment, and specified sound recording equipment, effective January 1, 1999; repealing s. 288.051, F.S., which provides a short title; repealing s. 288.052, F.S., relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the administration and powers of the Florida Film and Television Investment Board; repealing s. 288.055, F.S., relating to the Florida Film and Television Investment Trust Fund; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., which requires an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; providing effective dates.

By the Committee on Regulated Industries and Senator Dudley—

CS for SB 1624—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.103, F.S.; defining the terms "buyer" and "division"; amending s. 718.111, F.S.; providing for the operation of certain condominiums created prior to 1977 as single associations; permitting consolidated financial operation; requiring a developer-controlled association to exercise due diligence to obtain and maintain insurance; providing that failure to obtain and maintain adequate insurance shall constitute a breach of fiduciary responsibility by the developer-appointed members of the board of directors; providing that records may be obtained in person or by mail; providing specified associations must, upon written request, copy and deliver requested records and charge its actual costs; amending s. 718.112, F.S.; providing requirements for eligibility to be a candidate for the board; amending s. 718.116, F.S.; providing for unit owners and the developer to be assessed in accordance with their ownership interest in losses resulting from a natural disaster or an act of God; amending s. 719.103, F.S.; defining the terms "buyer" and "division"; amending s. 719.1035, F.S.; requiring filing of information; amending s. 719.104, F.S.; requiring notification; amending s. 719.106, F.S.; providing requirements relating to association meetings; amending s. 719.301, F.S.; providing rulemaking authority; amending s. 719.403, F.S.; requiring filing of information; amending s. 719.502, F.S.; providing conditions precedent to closing on a contract for sale or specified contracts for lease; providing rulemaking authority; amending s. 719.503, F.S.; providing conditions for closing within the 15-day voidability period; creating s. 719.621, F.S.; providing rulemaking authority; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Transportation and Senator Hargrett—

CS for SB 1678—A bill to be entitled An act relating to driver improvement schools; amending s. 318.1451, F.S.; providing additional standards for such schools; providing duties of the Department of Highway Safety and Motor Vehicles; deleting an obsolete requirement; providing for rulemaking; providing an effective date.

By the Committee on Community Affairs and Senators Bronson, Silver, Holzendorf, Meadows, Turner, Gutman, Harris and Myers—

CS for SB 1704—A bill to be entitled An act relating to use of rights-of-way by telecommunications companies; amending s. 337.401, F.S.; limiting taxes, fees, or charges imposed by municipalities for use of rights-of-way; limiting local government authority to regulate certain matters within the jurisdiction of the Florida Public Service Commission or the Federal Communications Commission; prohibiting requiring telecommunications companies from obtaining additional consent to use certain rights-of-way under certain circumstances; providing construction; providing application; providing a definition; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Holzendorf—

CS for SB 1708—A bill to be entitled An act relating to rulemaking authority with respect to the Department of Labor and Employment Security (RAB); amending s. 413.011, F.S.; authorizing rulemaking for vocational rehabilitation programs and forms; amending s. 413.051, F.S.; authorizing rulemaking for a vending facility program; amending ss. 443.036, 443.091, 443.131, 443.141, 443.151, F.S.; defining and modifying specific terms; allowing the Division of Unemployment Compensation to adopt rules to determine a claimant's ability to work and availability for work; allowing the division to prescribe by rule training criteria; clarifying types of contracts; allowing the division to adopt rules regarding total succession, procedures for changing methods of reporting, the application of partial payments and monetary and nonmonetary determinations and investigations of eligibility; amending s. 450.121, F.S.; authorizing the Division of Jobs and Benefits to adopt rules that define terms, prescribe documentation for proof of age, prescribe procedure with respect to removal of disability of nonage, require certain safety equipment and a safe workplace for minors, prescribe deadlines for responses to records requests, and state an official address; amending s. 450.30, F.S.; authorizing the division to adopt rules prescribing procedures for registering as a farm labor contractor; amending s. 450.33, F.S.; requiring insurance carriers to notify the division of impending cancellation of insurance on vehicles that transport farm workers; amending s. 450.38, F.S.; authorizing the division to adopt rules containing criteria for determining the amount of civil penalties; providing an effective date.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 1716—A bill to be entitled An act relating to the rulemaking authority of the Department of Health with respect to laws that protect the public health, safety, and welfare (RAB); amending s. 232.032, F.S.; authorizing the department to adopt rules governing the immunization of children; amending s. 381.0011, F.S.; authorizing the department to adopt rules specifying conditions and procedures for imposing quarantines; amending s. 381.003, F.S.; providing requirements for the department in adopting rules governing the prevention and control program for communicable diseases; amending s. 381.0031, F.S.; requiring that certain hospitals and laboratories report to the department the occurrence of diseases that are a threat to public health; authorizing the department to adopt rules governing the reporting of such diseases; amending s. 381.006, F.S.; providing that the department's public health mission includes the regulation of sanitary facilities; amending s. 381.0062, F.S.; providing additional requirements for the

department in regulating suppliers of water; authorizing fees to cover inspection costs; amending s. 381.0065, F.S.; requiring that the department inspect and regulate certain commercial sewage systems and temporary facilities; providing inspection requirements for establishments that use an aerobic treatment unit or that generate commercial waste; requiring approval by the department before a municipality or political subdivision issues certain building or plumbing permits or authorizes occupancy; amending s. 381.0072, F.S.; redefining the term "food service establishment"; requiring that the department adopt rules governing sanitation standards; amending s. 381.008, F.S.; clarifying the definition of terms with respect to the department's regulation of migrant labor camps; amending s. 381.0083, F.S.; requiring that a person notify the department before constructing or renovating a migrant labor camp; requiring that a new owner of any such camp apply to the department for a permit; amending s. 381.0086, F.S.; authorizing the department to issue rules for maintaining the roads of a migrant labor camp; amending s. 381.0087, F.S.; specifying a time period for correcting a violation of a department rule; amending s. 381.0098, F.S.; providing for a funeral home that performs embalming procedures to be regulated as a biomedical waste generator; requiring that the department adopt rules for operating plans for managing biomedical waste; exempting certain generators of biomedical waste from permit requirements; authorizing the department to prorate fees; providing for enforcement; amending s. 381.0101, F.S.; revising terms with respect to the regulation of environmental health professionals; providing additional duties of the Environmental Health Professionals Advisory Board; providing requirements for the department in adopting rules; amending s. 381.89, F.S., relating to the regulation of tanning facilities; providing requirements for inspection reports and the training of operators; amending s. 383.011, F.S.; revising duties of the department with respect to administering the federal Child and Adult Care Food Program; authorizing the department to adopt rules for administering certain other federal programs; amending s. 384.33, F.S.; authorizing the department to adopt rules with respect to procedures for notifying a physician or person's partner of a sexually transmissible disease; amending s. 384.34, F.S.; authorizing the department to adopt rules for administering penalty provisions; amending s. 401.26, F.S.; requiring a vehicle permit for an aircraft used to provide life-support services; providing certain exceptions; requiring the department to adopt certain criteria and rules; amending ss. 401.265, 401.30, F.S.; authorizing the department to adopt rules governing the provision of life-support services; amending ss. 403.0625, 403.863, F.S.; authorizing the department to adopt rules governing the certification of environmental laboratories and public water supply laboratories; specifying acts for which the department may impose disciplinary sanctions; amending s. 404.056, F.S.; authorizing the department to establish criteria for certifying persons and businesses that conduct radon gas or radon progeny measurements; providing additional requirements for reporting the results of such measurements; amending s. 404.22, F.S.; providing requirements for the department in inspecting radiation machines and components; requiring persons who install such machines to register with the department; amending s. 468.306, F.S.; providing requirements for examinations; amending s. 489.553, F.S.; providing for out-of-state work experience and examinations to fulfill certain requirements for registration as a septic tank contractor; amending s. 489.555, F.S.; providing additional requirements for the certification of partnerships and corporations that offer septic tank contracting services; amending s. 499.005, F.S.; prohibiting misrepresentation or fraud in obtaining or distributing a prescription drug or device; amending s. 499.01, F.S.; authorizing the department to issue a permit for the distribution of drugs to a health care entity; providing for changing the type of permit issued; amending s. 499.012, F.S.; redefining the term "wholesale distribution" for purposes of the regulation of the sale of prescription drugs; authorizing the department to adopt rules for issuing permits and handling prescription drugs; amending s. 499.0121, F.S.; providing for the exemption of certain establishments from requirements governing the storage and handling of prescription drugs; amending s. 499.0122, F.S.; authorizing the department to adopt rules governing the sale of veterinary legend drugs; amending s. 499.013, F.S.; authorizing the department to adopt rules governing manufacturers of drugs or devices; amending s. 499.014, F.S.; requiring persons who process returned drugs to obtain a permit from the department; amending s. 499.015, F.S.; providing requirements for registering product names with the department; amending ss. 499.03, 499.65, F.S.; authorizing the department to adopt rules to allow researchers to possess prescription drugs or ether; amending s. 499.05, F.S.; requiring the department to adopt rules governing recordkeeping and the storage, handling, and distribution of medical devices and over-the-counter drugs; amending s. 499.66, F.S.; revising the recordkeeping requirements for sales of ether; amending s. 499.67, F.S.; specifying unlawful acts with respect to the purchase, storage, or use of ether; amending s. 501.122, F.S.; authorizing the department to establish additional standards for the use of lasers; amending s. 513.045, F.S.; revising the permit fees charged to operators of mobile home parks and recreational camps; amending s. 513.05, F.S.; providing additional rulemaking authority for the department with respect to such parks and camps; amending s. 514.011, F.S.; defining the term "portable pool"; amending s. 514.0115, F.S.; authorizing the department to grant variances with respect to regulations governing the operation of swimming pools; amending s. 514.03, F.S.; revising requirements for construction plans for a public swimming pool or bathing place; amending s. 514.031, F.S.; requiring the posting of an operating permit for a pool; prohibiting the use of a portable pool as a public pool; amending s. 514.033, F.S.; providing for the department to prorate certain fees for an operating permit; amending s. 514.05, F.S.; authorizing the department to adopt rules specifying conditions for closing a pool; providing an effective date.

By the Committee on Education and Senator Horne—

CS for SB 1736—A bill to be entitled An act relating to job training; creating s. 446.609, F.S.; creating a school-to-work program entitled "Jobs for Florida's Graduates"; providing definitions and intent; providing requirements for school and student participation; creating an endowment fund and providing for appropriations and gifts; providing for the investment and deposit of funds in an operating account; creating an endowment foundation as a direct-support organization; providing duties of the foundation and a foundation board of directors; providing for use of funds and startup funding; requiring an annual audit and report; providing for rules; requiring legislative review of the program; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator McKay—

CS for SB 1760—A bill to be entitled An act relating to unemployment compensation; amending s. 1, ch. 97-29, Laws of Florida; extending for an additional year a temporary reduction in certain contribution rates for specified employers; amending 443.101, F.S.; clarifying provisions relating to disqualification for benefits; amending s. 443.111, F.S.; extending for an additional year a temporary increase in the maximum weekly and yearly benefit amounts for unemployment compensation benefits; specifying benefit years; providing an effective date.

By the Committee on Banking and Insurance; and Senator Diaz-Balart—

CS for SB 1800—A bill to be entitled An act relating to health insurance; amending s. 222.22, F.S.; exempting moneys paid into a Medical Savings Account from attachment, garnishment, or legal process; amending s. 627.410, F.S.; exempting certain policies from rating requirements; amending s. 627.6425, F.S.; specifying exceptions to guaranteed renewability of individual health insurance policies; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed-issuance of an individual health insurance policy; amending s. 627.6498, F.S.; requiring the Department of Insurance to establish standard risk rates for purposes of determining premium rates of coverage issued by the Florida Comprehensive Health Association; amending s. 627.6571, F.S.; specifying exceptions to guaranteed renewability of group health insurance policies; amending s. 627.6675, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining maximum premiums for conversion policies; revising standards for renewal of converted insurance policies; requiring the insurer to mail certain information to a person eligible for a converted policy, upon request; creating s. 627.6685, F.S.; requiring health insurers and health maintenance organizations to include in their plans that offer mental health coverage certain mental health benefits that are not less favorable than those for medical or surgical benefits covered by the plan; defining terms; providing exemptions; limiting applicability of this section; amending s. 627.674, F.S.; revising the minimum standards for Medicare Supplement policies; amending s. 627.6741, F.S.; revising requirements for insurers to issue, cancel, nonrenew, and replace Medicare supplement policies; restricting preexisting-condition exclusions;

authorizing the Department of Insurance to adopt rules governing guaranteed issue of Medicare supplement coverage for continuously covered individuals; amending s. 627.9403, F.S.; specifying the provisions of the Long-term Care Insurance Act that apply to limited benefit policies; amending s. 627.9404, F.S.; defining the term "limited benefit policy"; amending s. 627.9407, F.S.; revising the requirements for exclusion of coverage for preexisting conditions for long-term care policies; requiring limited-benefit policies to contain a disclosure statement regarding their qualification for favorable tax treatment; amending s. 627.94073, F.S.; revising the notice requirement for long-term care policies regarding the right to designate a secondary person to receive notice of lapse of coverage; amending s. 641.225, F.S.; increasing surplus requirements for health maintenance organizations; amending s. 641.285, F.S.; increasing deposit requirements for health maintenance organizations; revising exceptions; amending s. 641.26, F.S.; requiring health maintenance organizations to file certain reports with the Department of Insurance; requiring that health maintenance organizations provide additional information upon the request of the department; amending s. 641.31074, F.S.; revising requirements for guaranteed renewability of a health maintenance organization contract; amending s. 641.3111, F.S.; requiring health maintenance organization contracts to provide for an extension of benefits upon termination of the contract; amending s. 641.316, F.S.; revising the amount of the bond that a fiscal intermediary services organization is required to maintain; specifying certain additional requirements and conditions for the bond and the intermediary; amending s. 641.3922, F.S.; revising the method for establishing the maximum premium for converted contracts issued by health maintenance organizations; revising the exceptions to guaranteed renewability of converted health maintenance organization contracts; requiring a health maintenance organization to mail certain information to a person eligible for a converted contract; amending s. 641.495, F.S.; exempting from licensure under part I of ch. 395, F.S., certain beds of a health maintenance organization; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Dudley—

CS for SB 1934—A bill to be entitled An act relating to public lodging establishments; amending s. 509.32, F.S.; changing the date of submission of an annual report to the Governor by the Division of Hotels and Restaurants of the Department of Business Regulation; amending s. 509.191, F.S.; reducing the period of time in which certain unclaimed property left in a public lodging or public food service establishment must be held by the establishment; amending s. 509.201, F.S.; revising requirements for publishing advertisements relating to rates charged at specified public lodging establishments; providing an effective date.

By the Committee on Education and Senators Horne and Dyer—

CS for SB's 2156 and 1910—A bill to be entitled An act relating to education; creating s. 236.08106, F.S., relating to the Excellent Teaching Program; providing legislative findings and intent; authorizing monetary incentives and rewards for teaching excellence; providing for annual allocations to districts; providing fee subsidies and conditions for repayment of subsidies for participating in the certification program of the National Board of Professional Teaching Standards; requiring the distribution of certain monetary rewards to teachers; providing eligibility criteria; requiring release time for certain activities; providing for certain stipends; requiring certain district expenditures for professional development of teachers; amending s. 236.081, F.S.; authorizing categorical funding for the Excellent Teaching Program; amending s. 231.173, F.S., relating to certification of experienced out-of-state teachers and administrators; deleting a requirement for superintendents to request certification; providing for issuance of a professional certificate to individuals certified by the National Board of Professional Teaching Standards; conforming provisions; amending s. 231.24, F.S.; authorizing renewal of certificates through national certification; providing an effective date.

By the Committee on Criminal Justice and Senator Bankhead—

CS for SB 2198—A bill to be entitled An act relating to programs and services for juveniles; providing a short title; creating the Florida Children's Cabinet within the Executive Office of the Governor; providing for membership; requiring the Children's Cabinet to hold public meetings; providing for appropriations to the Children's Cabinet; requiring that the Children's Cabinet coordinate programs to prevent juvenile crime and victimization; requiring that the Children's Cabinet submit a multiagency plan to the Legislature; providing for regional workshops; requiring a report to the Legislature; amending s. 216.0166, F.S., relating to performance-based budget requests; requiring certain agencies to conform budget requests to the multiagency plan for preventing juvenile crime and victimization; amending s. 230.2316, F.S.; requiring coordination between a school district's dropout-prevention program and juvenile assessment centers; amending s. 230.23161, F.S.; requiring that the Department of Education adopt rules governing the allocation of funds for educational services provided by a school district at a facility of the Department of Juvenile Justice; specifying a percentage of funds to be allocated for direct educational services; providing legislative intent with respect to educational programs operated by the Department of Juvenile Justice; requiring that the Juvenile Justice Advisory Board conduct a study of the educational programs for juvenile offenders; providing for the board to report to the Governor and the Legislature; requiring the board to hold public hearings; providing an appropriation; requiring that the Office of Program Policy Analysis and Government Accountability conduct a performance review of educational programs for juvenile offenders; amending s. 237.34, F.S.; revising the requirements for program expenditures by school districts; creating s. 985.317, F.S.; providing legislative intent with respect to a functional literacy program for juvenile offenders; providing for the Department of Education to develop and administer a functional literacy program in residential commitment programs of the Department of Juvenile Justice; providing requirements for juveniles in participating in the program; specifying requirements for the program; providing for an initial assessment when a juvenile is admitted to a residential commitment facility; providing for certain juveniles to be exempt from participating in the literacy program; requiring that the Juvenile Justice Advisory Board evaluate the program and report to the Legislature; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 4205, HB 4209, HB 4217; has passed as amended HB 41, CS for HB 319, CS for HB 1125, CS for HB 1159, HB 1519, CS for HB 1613, HB 4201, HB 4203, HB 4207, HB 4211, HB 4213, HB 4215 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

HB 4205—A bill to be entitled An act relating to implementing the 1998-1999 General Appropriations Act in the area of health and human services; providing legislative intent; amending s. 61.1812, F.S.; crediting to the Child Support Incentive Trust Fund certain distributions of the state share of Temporary Assistance to Needy Families (TANF); amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1998-1999 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; authorizing the Departments of Children and Family Services, Labor and Employment Security, Revenue, and Health and the Agency for Health Care Administra-

tion to transfer positions and funds to comply with the 1998-1999 General Appropriations Act or the WAGES Act; requiring the Agency for Health Care Administration to take necessary actions to ensure that expenditures for Medicaid do not exceed the amount budgeted and to take certain steps if that becomes impossible; providing for continuation and modification of the Legal Immigrant's Temporary Income Bridge Program; providing for future repeal; providing for providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4209—A bill to be entitled An act relating to implementing the 1998-1999 General Appropriations Act in the area of criminal justice; providing legislative intent; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer some positions and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; providing for future repeal; providing for providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 4217—A bill to be entitled An act relating to implementing the 1998-1999 General Appropriations Act in the area of transportation and economic development; providing legislative intent; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; amending s. 338.251, F.S.; authorizing a loan from the Toll Facilities Revolving Trust Fund to the St. Lucie County Expressway Authority for purposes relating to revenue-producing road projects; amending s. 253.034, F.S.; authorizing the Department of Transportation to sell certain property utilized by the Department of Highway Safety and Motor Vehicles; amending s. 14.2015, F.S.; establishing an economic development grant program under the Office of Tourism, Trade, and Economic Development; providing criteria, requirements, and restrictions with respect thereto; amending ss. 288.108 and 288.90152, F.S.; correcting cross references; providing for future repeal; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

By Representative Brennan and others—

HB 41—A bill to be entitled An act relating to health insurance; providing a short title; amending s. 627.668, F.S.; providing that the current requirement for group insurers to offer coverage for mental health conditions does not apply to serious mental illness; creating s. 627.6681, F.S.; requiring group health insurers and health maintenance organizations to provide coverage for serious mental illness; requiring benefits to be the same as for physical illness generally; requiring the health benefit plan committee to consider and recommend modifications to standard, basic, and limited health benefit plans; requiring rate filings; providing a definition; providing rulemaking authority; authorizing an insurer to establish certain compliance functions; amending ss. 627.6472, 627.6515, 641.31, F.S., relating to exclusive provider organizations, out-of-state groups, and health maintenance contracts; providing requirements for coverage compliance; providing an appropriation; providing a description of state interest; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committee on Business Development and International Trade; and Representative Andrews and others—

CS for HB 319—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; providing a presumption for certain certification purposes; providing an exclusion; amending s. 288.703, F.S.; revising definitions; specifying application; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Governmental Reform and Oversight.

By the Committee on Governmental Operations and Representative Jones—

CS for HB 1125—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; specifying the elements of a notarial certificate; revising provisions relating to identification; providing for notice to the Governor of lost or stolen notary seals; revising provisions relating to copying certain documents; amending s. 117.10, F.S.; correcting a cross reference; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Banking and Insurance; and Ways and Means.

By the Committee on Education Innovation and Representative Meek—

CS for HB 1159—A bill to be entitled An act relating to education; establishing a study commission to determine the feasibility of creating a residential mathematics and sciences academy; providing commission membership and duties; requiring presentation of findings and recommendations; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Westbrook and others—

HB 1519—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising the definition of "rural hospital" to increase the allowable number of licensed beds; amending s. 409.9116, F.S.; providing that rural hospitals designated after July 1, 1998, shall not be included in the rural hospital disproportionate share of financial assistance programs unless additional appropriations are provided; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Governmental Operations and Representative Dawson-White—

CS for HB 1613—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for certain records furnished pursuant to certain housing assistance programs; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Education Appropriations and Representative Sublette—

HB 4201—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

HB 4203—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4207—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4211—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4213—A bill to be entitled An act relating to implementing the 1998-1999 General Appropriations Act in the area of general government; providing legislative intent; amending s. 376.11, F.S.; appropriating certain funds from the Florida Coastal Protection Trust Fund for the purpose of funding beach renourishment and restoration and inlet management; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; providing for transfer of powers and duties relating to regulation of aquatic plant control from the Department of Environmental Protection to the Game and Fresh Water Fish Commission; providing for continuation of certain rules; providing a grandfather provision for persons permitted prior to the transfer; amending s. 206.606, F.S.; providing for transfer of certain funds each fiscal year to the Game and Fresh Water Fish Commission for aquatic plant management; amending ss. 369.20, 369.22, 369.25, 369.251, and 369.252, F.S., relating to regulation of aquatic plant control, to conform; amending s. 581.145, F.S.; revising a reference, to conform; amending s. 370.027, F.S.; providing an exception to rulemaking authority of the Marine Fisheries Commission with respect to specified marine life; providing that marine aquaculture producers shall be regulated by the Department of Agriculture and Consumer Services; amending s. 370.06, F.S.; revising provisions relating to issuance and renewal of saltwater products licenses and special activity licenses; amending s. 370.26, F.S., relating to aquaculture definitions; defining the term "marine aquaculture facility"; deleting requirements of an Aquaculture Section in the Department of Environmental Protection; providing duties of the Department of Agriculture and Consumer Services; authorizing delegation of regulatory authority for certain aquaculture facilities; amending s. 372.0225, F.S.; revising responsibilities of the Division of Fisheries of the Game and Fresh Water Fish Commission relating to freshwater organisms; amending s. 372.65, F.S.; authorizing exemption for freshwater fish dealer's license; amending s. 372.6672, F.S.; defining the term "wild alligator" for purposes of management and trapping; amending s. 403.0885, F.S.; providing exemptions from the state National Pollutant Discharge Elimination System program; amending s. 597.002, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 597.003, F.S.; expanding the powers and duties of the Department of Agriculture and Consumer Services; amending s. 597.004, F.S.; revising provisions relating to aquaculture certificate of registration; providing for providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 4215—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) to HB 4201, HB 4203, HB 4205, HB 4207, HB 4209, HB 4211, HB 4213, HB 4215 and HB 4217 and acceded to the request that a conference committee be appointed.

John B. Phelps, Clerk

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2, SB 14 SB 18, SB 20 and SB 348.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 20 was corrected and approved.

CO-SPONSORS

Senators Bronson—SB 1646; Campbell—SB 1906; Forman—SB 392, SB 736; Geller—SB 2250; Grant—SB 1646; Harris—SB 1444; Kirkpatrick—SB 68; McKay—SB 1814; Meadows—SB 1770

RECESS

On motion by Senator Diaz-Balart, the Senate recessed at 3:22 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, April 1.

SENATE PAGES

March 23-27

Christina Bessette, Ormond Beach; Matthew J. (Matt) Birnie, DeLand; Nancy Blommel, Dade City; Philip Jackson Bye, Tallahassee;

Laura Kathryn Cotton, Tallahassee; Eric Eldridge Harrison, Jacksonville Beach; Christine Kretschman, Tallahassee; Melissa L. Kuipers, Largo; Laurel McDaniel, Tallahassee; Ashlea Offutt, Vero Beach; Indrani Parker, Sebastian; Robert Riley, Miami; Kylah Torre, Tallahassee; Misty Winchester, Lakeland

Journal of the Senate

Number 9—Regular Session **Wednesday, April 1, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—33:

Madam President	Cowin	Horne	Rossin
Bankhead	Crist	Jones	Scott
Bronson	Dudley	Klein	Sullivan
Brown-Waite	Forman	Kurth	Thomas
Burt	Geller	Latvala	Turner
Campbell	Grant	Laurent	Williams
Casas	Hargrett	Lee	
Childers	Harris	McKay	
Clary	Holzendorf	Ostalkiewicz	

PRAYER

The following prayer was offered by Rev. Alton E. Moore, Jr., Ferry Pass United Methodist Church, Pensacola:

Our Father in heaven, we give thee thanks for life, health and opportunities to serve the needs of others. Let us be reminded once again that we are all brothers and sisters in thy sight.

We give you thanks for our great nation, America. Her liberties and freedom are precious gifts from thee that must be protected. May America ever be a beacon of hope reaching across your world to the oppressed, the poor and the suffering, regardless of race, creed, color, religion or national origin.

We give you thanks, as well, for our great state, Florida—its glittering cities and peaceful towns; its shoreline, lakes, rivers, streams and wetlands; its swaying pines and strong oaks; its birds, fish and animals so beautiful to behold and infinite in variety and value.

We give thee thanks most of all for our citizens valued above all in your creation. Help us to see most importantly that we are here to deal positively with the needs of the unborn, the children, youth, adults and mature adults, infinite in value, and each unique in all creation. Let our love for your people be seen in justice tempered with mercy, knowledge tempered with wisdom. Let our eyes see beyond today even into the next millennium and to generations yet to be born.

We seek to serve thee in response to your word. If we truly serve and love thee, we will do all in our power to meet the needs of the people of this great state—the need to have safer communities protected by trained peace makers; the need to support teachers and improve our school system until our students and teachers are setting the pace across our great land as an example of a "quality school system" where student, teacher and parents are in unity to raise the standard of education for all to see; the need to improve medical care for all our citizens regardless of economic status.

Let this session under your leadership rise, and in the words of the great missionary William Carey, "Attempt great things for thee and expect great things from thee." Let the unity of this session spill over into our many communities uniting our citizens, our various churches and faith groups in the desire to do all we can to make life better for our citizens. Help us to see and understand that without a vision, the people perish.

I ask your blessings upon each of your senators and their staff here today. May they truly represent the people. I ask you to bless our governor, Lawton Chiles. Give him a continued clear vision and lead him in his decisions.

Let us now at this very moment be open to your wisdom in all things. Bless this assembly with a clear vision and a genuine unity. Let the words of our mouths and the meditations of our hearts be acceptable in thy sight.

I ask these things in the name of the Creating Father, the Redeeming Son and the Guiding Spirit of God. Amen.

PLEDGE

Senate Pages Clay Adkinson of De Funiak Springs, Will Elmore of Plantation and Laura Heiselman of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Williams—

By Senator Williams—

SR 2098—A resolution honoring the Florida State University School of Theatre on its 25th Anniversary.

WHEREAS, The FSU School of Theatre is celebrating its 25th anniversary as a discrete academic unit of the Florida State University in 1998, and

WHEREAS, the FSU School of Theatre has been celebrated by U.S. News and World Report and other national organizations as one of the leading theatre-training programs in the United States, and

WHEREAS, the FSU School of Theatre has been designated as the "flagship" theatre-training program in this state by nationally recognized consultants in the arts in higher education, and

WHEREAS, the FSU School of Theatre has educated a long and distinguished list of graduates who have made positive contributions to education and the entertainment industry, nationally and internationally, and

WHEREAS, the FSU School of Theatre has brought to this state internationally celebrated artists and teachers to teach and perform, and

WHEREAS, the FSU School of Theatre established the Asolo State Theatre in Sarasota, one of the leading professional theatres in America, and

WHEREAS, the FSU School of Theatre has provided to its communities in Sarasota and Tallahassee productions of the highest quality for entertainment and enlightenment, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida State University School of Theatre is commended on its Silver Anniversary for 25 years of extraordinary contributions to the cultural and educational excellence of this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Florida State University School of Theatre as a tangible token of the sentiments of the Florida Senate.

—**SR 2098** was introduced, read and adopted by publication.

At the request of Senator Myers—

By Senator Myers—

SR 2130—A resolution recognizing RESPECT of Florida for promoting the employment of persons with disabilities.

WHEREAS, it is the policy of the State of Florida to encourage and assist persons with severe disabilities to achieve maximum personal independence through useful, productive, and gainful employment, enhancing their dignity and minimizing their dependence on public support, and

WHEREAS, more than 65 percent of persons with severe disabilities in the State of Florida are unemployed, and

WHEREAS, RESPECT of Florida has provided thousands of jobs for persons with severe disabilities for over 20 years, and

WHEREAS, RESPECT of Florida creates industries that contribute to the economies of local communities in the State of Florida, and

WHEREAS, RESPECT of Florida is nationally recognized as a model program for providing employment for persons with severe disabilities, and

WHEREAS, RESPECT of Florida reduces the dependence of persons with severe disabilities on government support in a cost-effective manner, saving Florida taxpayers approximately $1 million a year, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this legislative body recognizes RESPECT of Florida as a necessary, viable, and valuable means of carrying out the state's policy of promoting gainful employment for Floridians with severe disabilities.

—**SR 2130** was introduced, read and adopted by publication.

At the request of Senator Myers—

By Senator Myers—

SR 2320—A resolution recognizing the 50th Anniversary of the Florida Academy of Family Physicians and recognizing May 24, 1998, as Family Physician Day.

WHEREAS, family physicians have a long history of dedication to the health and well being of the residents of this state, and

WHEREAS, the scope of the family physician's practice is not limited by the patient's age or sex or by a particular organ system or disease entity, and

WHEREAS, the goal of the family physician is to provide high-quality, comprehensive, and continuing medical care at reasonable costs, and

WHEREAS, family physicians are filling an increasingly important role in the health care system by providing and coordinating the care of all patients, and

WHEREAS, there is a continuing commitment from the specialty of family practice to upgrade the quality of medical care available for all persons, and

WHEREAS, the Florida Academy of Family Physicians was chartered on May 24, 1948, as a constituent chapter of the American Academy of Family Physicians, to advance and represent the specialty of family practice, and

WHEREAS, the 3,400 members of the Florida Academy of Family Physicians, affiliated with the 85,000-member American Academy, are commemorating 50 years of caring on May 24, 1998, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Academy of Family Physicians is commended on the 50th Anniversary of its founding.

BE IT FURTHER RESOLVED that May 24, 1998, is recognized as Family Physician Day by the Florida Senate.

—**SR 2320** was introduced, read and adopted by publication.

At the request of Senator Bankhead—

By Senator Bankhead—

SR 2368—A resolution recognizing April 2, 1998, as International Day in Florida.

WHEREAS, this state's strategic location provides access to the Americas and the rest of the world, which enables the state to foster international relations, and

WHEREAS, the economy of this state generates $63.7 billion in international trade annually, and

WHEREAS, this state has the potential and capacity to dramatically expand its activities in international relations and commerce, which are essential to economic growth in this state, and

WHEREAS, the development of private and public partnerships is essential to increasing international opportunities for this state, and

WHEREAS, the Department of State, in cooperation with other organizations, has organized a program to emphasize the importance of international activities to this state and to stimulate dialogue among persons in the public and private sectors, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes April 2, 1998, as International Day in Florida.

BE IT FURTHER RESOLVED that the leaders in the public and private sectors are encouraged to aggressively pursue opportunities to expand international commerce, education, and mutual understanding for the benefit of the residents of this state.

—**SR 2368** was introduced, read and adopted by publication.

At the request of Senator Silver—

By Senator Silver—

SR 2554—A resolution honoring Howard Lichtman for his accomplishments and contributions.

WHEREAS, Howard Lichtman started Midtown Towing in 1987 with one truck and himself as the driver, and

WHEREAS, Howard Lichtman, by combining hard work with the belief that a person can become anything he wants to be, built Midtown Towing, within 10 years, into one of the largest towing companies in South Florida, with 21 employees and a fleet of 15 trucks, and

WHEREAS, Howard Lichtman and his wife, Lauraine, shared their good fortune and contributed to many charities in South Florida, including the Miami Rescue Mission, Children's Home Society of Florida, Metro Dade M.A.D.D. Program, Biscayne Park Recreation Department, Community Partnership for Homeless Children, South Florida Food Recovery, Mailman Center for Child Development, numerous other social service programs, all police charities, and the Little League, and

WHEREAS, Howard Lichtman believed that charity begins at home and opened his home to homeless and drug-addicted people who he felt he could help, and

WHEREAS, Howard Lichtman served his country honorably in the United States Army during the Vietnam War, ultimately giving his life to injuries suffered from exposure to Agent Orange, and

WHEREAS, Howard Lichtman died in 1997 at the age of 48, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate honors Howard Lichtman for the many accomplishments that he achieved in his short life and for all that he gave back to those less fortunate than he.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to his widow, Lauraine, and his mother, Lillian, as a tangible token of the esteem of the Florida Senate.

—**SR 2554** was introduced, read and adopted by publication.

At the request of Senator Silver—

By Senator Silver—

SR 2622—A resolution honoring the New World Symphony during its 10th anniversary season.

WHEREAS, the New World Symphony was founded in 1987 by Artistic Director Michael Tilson Thomas to prepare highly gifted graduates of conservatories and music schools for leadership positions in orchestras and ensembles throughout the world, and

WHEREAS, at its home base in Miami Beach, the New World Symphony presents a full season of orchestral, chamber music, new music, and family concerts at the Lincoln Theatre, located in the heart of the eclectic Art Deco District, and

WHEREAS, each season, the New World Symphony reaches out to the community with numerous free performances, including the unique Musical Exchange series that fosters direct communication between musicians and the audience, as well as a Music Mentor program that pairs New World musicians with high school music students for lessons and professional guidance, and

WHEREAS, in addition to performances in this state, the New World Symphony has performed in many of the world's cultural capitals, including New York, London, Paris, Amsterdam, and Vienna, as well as in Argentina, Brazil, Costa Rica, Israel, Japan, and Monaco, and

WHEREAS, the New World Symphony has released seven recordings to date, including the Grammy-Award-nominated "Tangazo," highlighting classical music of Latin America, and

WHEREAS, the success of the New World Symphony is measured by alumni who have gone on to positions with leading orchestras both here and abroad, including the Boston Symphony, the Cleveland Orchestra, the Chicago Symphony, the Los Angeles Philharmonic, and the National Symphony, as well as orchestras in Germany, Hong Kong, and Spain, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the New World Symphony for its extraordinary program and for the many contributions it makes to the cultural and musical life of this state.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to Michael Tilson Thomas, Artistic Director of the New World Symphony.

—**SR 2622** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SJR 2140** was withdrawn from the Committees on Judiciary; and Rules and Calendar; and referred to the Committee on Rules and Calendar; and **SB 1860** was also referred to the Committee on Governmental Reform and Oversight.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 314**, **SJR 542**, **SB 712**, **CS for SB 726**, **SB 782**, **CS for SB 880**, **SB 884**, **SB 1000**, **CS for SB 1024**, **CS for SB 1056**, **CS for SB 1156**, **CS for SB 1176**, **CS for SB 1254**, **CS for SB 1378**, **CS for SB 1678**, **CS for SB 1684** and **SB 1896** were withdrawn from the Committee on Ways and Means.

MOTIONS

On motion by Senator Bankhead, a deadline of 10:00 a.m. Thursday, April 2, was set for filing amendments to Bills on Third Reading to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 846—A bill to be entitled An act relating to the Department of Transportation (RAB); amending s. 334.044, F.S.; authorizing the department to regulate the transfer of storm water to the right-of-way as a result of changes to adjacent property; amending s. 337.105, F.S.; authorizing the department to suspend a consultant from awards of department contracts for specified good cause; amending s. 337.18, F.S.; providing incentives or damages for contractors for early completion of projects that provide substantial benefits to the public; amending s. 339.0805, F.S.; authorizing the department to suspend or revoke the certification of a disadvantaged business enterprise for specified good cause; providing an effective date.

—was read the third time by title.

On motions by Senator Hargrett, **CS for SB 846** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Madam President	Clary	Harris	McKay
Bankhead	Cowin	Holzendorf	Ostalkiewicz
Bronson	Crist	Horne	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Hargrett	Lee	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Jones, Kirkpatrick, Meadows, Myers, Silver

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SB 1004—A bill to be entitled An act relating to rulemaking authority with respect to the regulation of the citrus industry (RAB); amending s. 601.10, F.S.; requiring the Department of Citrus to provide a list of forms that it uses; amending s. 601.61, F.S., relating to the bond requirements of citrus fruit dealers; allowing the Florida Citrus Commission to prescribe certain terms of producer contracts; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Bronson, **SB 1004** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Madam President	Cowin	Horne	Ostalkiewicz
Bankhead	Crist	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Sullivan
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick, Myers, Silver

Consideration of **CS for SB 1144** was deferred.

CS for SB 1152—A bill to be entitled An act relating to the developmentally disabled and mentally ill persons' umbrella trust fund (RAB); amending s. 402.175, F.S.; revising duties of the Department of Children and Family Services with respect to such fund; providing definitions; requiring annual accounting; providing for rules; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for SB 1152** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Madam President	Cowin	Horne	Ostalkiewicz
Bankhead	Crist	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Sullivan
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick, Myers, Silver

SB 1232—A bill to be entitled An act relating to rulemaking authority of the Agency for Health Care Administration (RAB); amending s. 408.08, F.S.; authorizing the agency to adopt rules under which health care facilities may be granted extensions of deadlines for filing certain reports; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Brown-Waite, **SB 1232** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Madam President	Childers	Grant	Kurth
Bankhead	Clary	Hargrett	Latvala
Bronson	Cowin	Harris	Laurent
Brown-Waite	Crist	Holzendorf	Lee
Burt	Dudley	Horne	McKay
Campbell	Forman	Jones	Meadows
Casas	Geller	Klein	Ostalkiewicz
Rossin	Sullivan	Turner	Williams
Scott	Thomas		

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick, Myers, Silver

CS for SB 1332—A bill to be entitled An act relating to investment of public funds (RAB); amending s. 215.835, F.S.; prescribing rulemaking authority of the Division of Bond Finance and State Board of Administration; amending ss. 159.825, 218.405, 218.407, 218.409, F.S.; prescribing rulemaking authority of the State Board of Administration; amending s. 240.551, F.S.; prescribing rulemaking authority of the Prepaid Postsecondary Education Expense Board; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for SB 1332** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Horne	Ostalkiewicz
Bankhead	Crist	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick, Myers

SB 1334—A bill to be entitled An act relating to rulemaking authority of the Department of Environmental Protection (RAB); creating s. 403.0623, F.S.; authorizing the adoption of rules on quality-assurance requirements for environmental data submitted to the department; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Latvala, **SB 1334** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Horne	Ostalkiewicz
Bankhead	Crist	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick, Myers

SB 1336—A bill to be entitled An act relating to rulemaking authority with respect to asbestos removal (RAB); amending s. 376.60, F.S.; authorizing the Department of Environmental Protection to establish a fee schedule by rule; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **SB 1336** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Madam President	Clary	Holzendorf	Meadows
Bankhead	Crist	Horne	Ostalkiewicz
Bronson	Dudley	Klein	Rossin
Brown-Waite	Forman	Kurth	Scott
Burt	Geller	Latvala	Silver
Campbell	Grant	Laurent	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Cowin, Diaz-Balart, Dyer, Gutman, Jones, Kirkpatrick, Myers, Sullivan

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CS for SB 1342—A bill to be entitled An act relating to rulemaking authority of the Division of Workers' Compensation (RAB); amending ss. 440.05, 440.15, 440.16, 440.185, 440.191, 440.20, 440.40, 440.42, 440.49, F.S.; extending rulemaking authority to the Division of Workers' Compensation; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **CS for SB 1342** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jones	Ostalkiewicz
Bronson	Dudley	Klein	Rossin
Brown-Waite	Forman	Kurth	Scott
Burt	Geller	Latvala	Silver
Campbell	Grant	Laurent	Sullivan
Casas	Hargrett	Lee	Thomas
Childers	Harris	McKay	Turner
Clary	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick

CS for SB 1346—A bill to be entitled An act relating to rulemaking authority with respect to occupational safety and health (RAB); amending s. 442.006, F.S.; authorizing rules for the Division of Safety investigations of public-sector employers; amending s. 442.008, F.S.; authorizing rules for the Division of Safety relating to recordkeeping responsibilities for public-sector employers; amending s. 442.011, F.S.; eliminating an annual report; amending s. 442.20, F.S.; authorizing rulemaking for the Division of Safety for the adoption of federal standards; providing that specified references to federal officials in adopted federal standards refer to specified state officials for the purpose of state law; amending s. 627.0915, F.S.; authorizing rulemaking for the Division of Safety for workplace-safety programs for clients of help-supply services companies; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **CS for SB 1346** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers
Clary	Hargrett	Latvala	Rossin
Cowin	Harris	Laurent	Scott
Crist	Holzendorf	Lee	Silver
Dudley	Horne	McKay	Sullivan
Forman	Jones	Meadows	Thomas
Geller	Klein	Myers	Turner
Grant	Kurth	Ostalkiewicz	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick

SB 1348—A bill to be entitled An act relating to rulemaking authority of the Agency for Health Care Administration (RAB); amending s. 440.134, F.S.; directing the agency to adopt rules relating to workers' compensation managed care arrangements; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **SB 1348** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Dudley	Klein	Rossin
Bronson	Forman	Kurth	Scott
Brown-Waite	Geller	Latvala	Silver
Burt	Grant	Laurent	Sullivan
Campbell	Hargrett	Lee	Thomas
Casas	Harris	McKay	Turner
Clary	Holzendorf	Meadows	Williams
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick

SB 1350—A bill to be entitled An act relating to mortgage lenders (RAB); amending s. 494.0065, F.S.; authorizing a one-time transfer of ownership, control, or certain voting power of a licensed mortgage lender by an ultimate equitable owner under certain circumstances; providing an exception for intrafamilial transfers; providing requirements; providing for denial of the transfer under certain circumstances; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Williams, **SB 1350** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jones	Ostalkiewicz
Bronson	Dudley	Klein	Rossin
Brown-Waite	Forman	Kurth	Scott
Burt	Geller	Latvala	Silver
Campbell	Grant	Laurent	Sullivan
Casas	Hargrett	Lee	Thomas
Childers	Harris	McKay	Turner
Clary	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick

CS for SB 1410—A bill to be entitled An act relating to rulemaking authority with respect to health care professionals (RAB); amending s.

402.48, F.S.; requiring persons who operate health care services pools to make certain reports to the Department of Health; authorizing the department to conduct inspections; providing requirements for an application for renewal of registration with the department; authorizing the department to adopt rules governing recordkeeping, personnel procedures, and disciplinary sanctions; amending s. 455.707, F.S.; requiring that rules of the Department of Health governing treatment programs for impaired practitioners include requirements for the continued care and monitoring of a professional; amending s. 466.036, F.S.; authorizing the Department of Health to require that an applicant for a certificate to operate a dental laboratory provide additional information; amending s. 467.006, F.S.; specifying a minimum age for licensure as a midwife; amending s. 467.012, F.S.; providing additional requirements for continuing education programs for licensed midwives; providing that a midwife may fulfill a portion of the requirement for continuing education by performing pro bono services; providing recordkeeping requirements; providing requirements for providers of continuing education programs; amending s. 467.013, F.S.; providing requirements for placing a license to practice midwifery on inactive status and for reactivating such a license; amending ss. 467.0135, 467.019, F.S.; providing for the Department of Health to adopt rules with respect to the payment of fees by midwives and recordkeeping requirements; amending s. 491.007, F.S.; exempting a certified master social worker from certain requirements for continuing education; amending s. 491.0145, F.S.; providing requirements for the examination for designation as a certified master social worker; authorizing the department to adopt rules with respect to certification requirements; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 1410** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jones	Ostalkiewicz
Bronson	Dudley	Klein	Rossin
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick

SB 1434—A bill to be entitled An act relating to rulemaking authority with respect to environmental permitting (RAB); amending s. 161.052, F.S.; providing authority to adopt rules relating to coastal construction and excavation; amending s. 161.053, F.S.; authorizing the exemption of certain activities from permit requirements; providing authority to adopt rules relating to coastal construction and regulation on county basis; amending s. 403.813, F.S.; clarifying authority to implement certain exemptions without adoption of rules; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Latvala, **SB 1434** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Clary	Hargrett	Latvala
Bankhead	Cowin	Harris	Laurent
Bronson	Crist	Holzendorf	Lee
Brown-Waite	Dudley	Horne	McKay
Burt	Forman	Jones	Meadows
Casas	Geller	Klein	Myers
Childers	Grant	Kurth	Ostalkiewicz
Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

Vote after roll call:

Yea—Campbell, Diaz-Balart, Dyer, Gutman, Kirkpatrick

SB 1436—A bill to be entitled An act relating to rulemaking authority with respect to water treatment facilities (RAB); creating s. 403.88, F.S.; directing the Department of Environmental Protection to classify water and wastewater treatment facilities and staffing requirements by rule; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Latvala, **SB 1436** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Horne	Ostalkiewicz
Bankhead	Crist	Jones	Rossin
Bronson	Dudley	Kurth	Scott
Brown-Waite	Forman	Latvala	Silver
Burt	Geller	Laurent	Sullivan
Campbell	Grant	Lee	Thomas
Casas	Hargrett	McKay	Turner
Childers	Harris	Meadows	Williams
Clary	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick, Klein

SB 1438—A bill to be entitled An act relating to rulemaking authority with respect to aquatic preserves (RAB); amending s. 258.42, F.S.; providing authority for the Board of Trustees of the Internal Improvement Trust Fund to consider the cumulative impact of activities on aquatic preserves; providing that the board may adopt and enforce stricter standards, regulations, and orders of local governments when the standards are related to ch. 258, F.S., and are approved by the board; amending s. 258.43, F.S.; providing authority for the board to develop rules regarding the cumulative impact of activities on aquatic preserves; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Latvala, **SB 1438** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jones	Ostalkiewicz
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Dyer, Gutman, Kirkpatrick, Rossin

Consideration of **SB 1700** and **CS for SB 1702** was deferred.

CS for SB 1706—A bill to be entitled An act relating to the care of elderly persons (RAB); amending s. 400.404, F.S., relating to facilities to be licensed; amending s. 400.424, F.S.; providing requirements for the contract executed between the licensee and the resident of an assisted living facility; authorizing the Department of Elderly Affairs to adopt rules; amending s. 400.427, F.S.; revising requirements for a facility with respect to obtaining surety bonds; authorizing the Department of Elderly Affairs to adopt rules; creating s. 400.4275, F.S., relating to business records; amending s. 400.441, F.S., relating to rules; amending s. 400.442, F.S., relating to pharmacy and dietary services; amending s. 400.444, F.S., relating to construction requirements; amending s. 400.619, F.S., relating to licensure; amending s. 400.6196, F.S., relating to violations and penalties; amending s. 400.621, F.S., relating to rules for adult family care homes; amending s. 400.6211, F.S., relating to training; amending s. 409.212, F.S., relating to optional supplementation; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for SB 1706** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Rossin
Bankhead	Dudley	Klein	Scott
Bronson	Dyer	Kurth	Silver
Brown-Waite	Forman	Latvala	Sullivan
Burt	Geller	Laurent	Thomas
Campbell	Grant	Lee	Turner
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman, Kirkpatrick

SB 1700—A bill to be entitled An act relating to rulemaking authority of the Department of Community Affairs (RAB); amending s. 553.37, F.S.; supplementing authority to adopt rules for construction of manufactured buildings; amending s. 553.721, F.S.; supplementing authority to adopt rules for the collection of building permit surcharges; amending s. 553.907, F.S.; supplementing authority to adopt rules for local reporting of compliance with thermal efficiency standards; amending s. 553.907, F.S.; supplementing authority to adopt rules for radon-resistant passive building construction; amending s. 553.992, F.S.; supplementing authority to adopt rules for the issuance of nonbinding opinions concerning the use of the building energy rating system; providing an effective date.

—was read the third time by title.

On motions by Senator Dyer, **SB 1700** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Holzendorf	Ostalkiewicz
Bankhead	Crist	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman, Kirkpatrick, Meadows

CS for SB 1702—A bill to be entitled An act relating to the rulemaking authority of the Department of Community Affairs and the Florida Land and Water Adjudicatory Commission (RAB); amending s. 20.255, F.S.; authorizing the Florida Land and Water Adjudicatory Commission to adopt rules; amending s. 163.3177, F.S.; including debt management standards in local capital improvements elements; providing local comprehensive planning periods; amending s. 163.3184, F.S.; specifying agencies for comprehensive plan amendment review; allowing for adoption of separate and distinguished plan amendments; providing for municipal review of plan amendments that affect municipal plans; authorizing a schedule for agency review of comprehensive plans and plan amendments; ensuring conformity with the uniform rules of procedure; amending s. 163.3191, F.S.; providing for copies of submitted evaluation and appraisal reports; providing for local governments to request substantive comments during sufficiency review of evaluation and appraisal reports; providing for requests for delegation of review of evaluation and appraisal reports; amending s. 163.3202, F.S.; clarifying that all municipalities adopt land development regulations to implement municipal plans and plan amendments; providing for notice by the department of the need to adopt required land development regulations; supplementing authority to adopt rules to allow schedules for adoption of required land development regulations; amending s. 190.005, F.S.; authorizing the Florida Land and Water Adjudicatory Commission to adopt rules relating to community development districts; amending s. 373.114, F.S.; authorizing the commission to adopt rules for review of water management district rules or orders; amending s. 380.06, F.S.; allowing the department to issue clearance letters, upon request, as to whether a development may be required to undergo development-of-regional-impact review; preventing reviewing agencies from objecting to the use of assumptions and methodologies agreed upon during preapplication procedures; allowing for another preapplication conference to be held if an application for development approval is not submitted within 1 year; supplementing authority to adopt rules to include criteria for abandonment of developments of regional impact; amending s. 380.061, F.S.; supplementing authority to adopt rules for Florida Quality Development annual reports and criteria for determining a substantial change to an approved Florida Quality Development; amending s. 380.07, F.S.; supplementing authority to adopt rules regarding development orders in designated areas of critical state concern; amending s. 380.22, F.S.; supplementing authority to adopt rules to include procedures and criteria for evaluation of subgrant applications under the federal Coastal Zone Management Act; providing an effective date.

—was read the third time by title.

On motions by Senator Dyer, **CS for SB 1702** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Rossin
Bankhead	Dudley	Klein	Scott
Bronson	Dyer	Kurth	Silver
Brown-Waite	Forman	Latvala	Sullivan
Burt	Geller	Laurent	Thomas
Campbell	Grant	Lee	Turner
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman, Kirkpatrick

Consideration of **CS for SB 1714** was deferred.

SB 1720—A bill to be entitled An act relating to rulemaking authority for the Department of Children and Family Services (RAB); amending s. 393.066, F.S.; providing for compliance with federal laws or regulations in rulemaking; amending s. 393.17, F.S.; providing for minimum standards in rules; amending s. 394.4781, F.S.; providing rulemaking authority; amending s. 394.78, F.S.; providing for the inclusion of financial requirements in rules; amending s. 394.879, F.S.; providing for in-

clusion of construction and design requirements in rules; amending s. 397.321, F.S.; authorizing the Department of Children and Family Services to develop standards for employee assistance programs; amending s. 397.427, F.S.; providing for inclusion of federal requirements in rules; amending s. 409.212, F.S.; providing rulemaking authority; amending s. 409.285, F.S.; providing rulemaking authority; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Rossin, **SB 1720** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Myers
Bankhead	Crist	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Latvala	Silver
Campbell	Geller	Laurent	Sullivan
Casas	Grant	Lee	Thomas
Childers	Hargrett	McKay	Turner
Clary	Harris	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman, Kirkpatrick, Kurth

SB 1762—A bill to be entitled An act relating to eligibility for the WAGES Program (RAB); amending s. 414.095, F.S.; specifying beginning dates for benefits under the program and Medicaid coverage for a program participant; specifying that the payee of temporary cash assistance may be the caretaker with whom a minor child resides; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Rossin, **SB 1762** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick

CS for SB 1714—A bill to be entitled An act relating to the Parole Commission (RAB); amending s. 947.07, F.S.; providing guidelines for rulemaking authority; providing an effective date.

—was read the third time by title.

Senator Burt moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 2, delete line 15

On motions by Senator Burt, **CS for SB 1714** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Geller	Laurent	Turner
Casas	Grant	Lee	Williams
Childers	Hargrett	Meadows	
Clary	Harris	Myers	
Cowin	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick, McKay

SB 142—A bill to be entitled An act relating to veterans' preference in employment; transferring and renumbering s. 295.15, F.S., relating to legislative intent; amending s. 295.07, F.S.; clarifying provisions; providing for rules; amending s. 295.08, F.S.; revising provisions with respect to positions for which a numerically based selection process is used; removing a monetary limitation with respect to certain classes of positions; amending s. 295.085, F.S.; revising provisions with respect to positions for which a numerically based selection process is not used; providing for preference for certain veterans with service-connected disabilities; deleting provisions for rules; amending s. 295.101, F.S.; revising provisions with respect to the expiration of employment preference; amending s. 295.11, F.S.; revising provisions with respect to investigative findings; providing for the dismissal of a complaint; deleting reference to the Department of Management Services and providing reference to the Department of Veterans Affairs; amending s. 295.14, F.S.; revising provisions with respect to penalties; repealing s. 295.151, F.S., relating to the application of ch. 78-372, Laws of Florida, with respect to point preference to certain persons in applying for employment; creating s. 295.155, F.S.; providing that military retirement on the basis of longevity does not disqualify a person from veterans' employment preference; providing an effective date.

—as amended March 25 was read the third time by title.

Senator Brown-Waite moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 4, line 3, delete "*plan*" and insert: *collective bargaining agreement*

On motions by Senator Brown-Waite, **SB 142** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Forman, Kirkpatrick

SB 1316—A bill to be entitled An act relating to eligible surplus lines insurers; amending s. 626.918, F.S.; prohibiting the Department of Insurance from approving certain forms; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **SB 1316** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Williams

On motion by Senator Silver, by two-thirds vote **HB 1083** was withdrawn from the Committees on Judiciary; and Commerce and Economic Opportunities.

On motion by Senator Silver, by two-thirds vote—

HB 1083—A bill to be entitled An act relating to the Uniform Commercial Code; revising chapter 678, F.S.; revising part I, relating to general matters; providing a short title; providing definitions; providing rules for determining whether certain obligations and interests are securities or financial assets; providing for acquisition of security or financial assets or interests; providing for notice of adverse claim; providing for control of certain securities; providing for effect of certain actions; providing for warranties in direct holding; providing for warranties in indirect holding; providing for applicability of law; providing clearing corporation rules; providing for creditor's legal process; providing for inapplication of statute of frauds; providing for evidentiary rules concerning certificated securities; providing for nonliability to adverse claimant under certain circumstances; providing for securities intermediary as purchaser for value; revising part II, relating to issue and issuer; providing a definition of issuer; providing for issuer's responsibilities and defenses; providing for notice; specifying staleness as notice of defect or defense; providing effect of issuer's restriction on transfer; providing for effect of unauthorized signatures; providing for completion or alteration of security certificates; providing rights and duties of issuer with respect to registered owners; providing for effect of signature of certain persons; providing for issuer's liens; specifying conditions of overissue; revising part III, relating to transfer of certificated and uncertificated securities; providing for delivery of certain securities; providing for rights of purchaser; providing for protected purchasers; providing for indorsement; providing for certain instructions; providing for effect of guaranteeing certain actions; providing purchaser's right to certain requisites; revising part IV, relating to registration; providing duties of issuer to register transfers; requiring certain assurance of effectiveness of certain actions; providing for demand that issuer not register transfer; providing for liability for wrongful registration; providing for replacement of certain certificates; providing for obligation to notify issuer of certain certificates; providing for authenticating certain persons; revising part V, relating to security entitlements; providing for securities accounts; providing for acquisition of security entitlement from a securities intermediary; providing for assertion of adverse claim against entitlement holder; providing for property interest of entitlement holder in certain assets; providing duties of securities intermediary; providing for certain rights of purchaser of security entitlement; providing priority among security interests and entitlement holders; amending s. 679.103, F.S.; providing for perfection of security interests relating to investment property; amending s. 679.105, F.S.; conforming the section to changes made by the act; redefining the term "deposit account"; amending s. 679.106, F.S., to conform; creating s. 679.115, F.S.; providing for perfection of security interests in certain investment properties; providing definitions; providing criteria; providing procedures; creating s. 679.116, F.S.; providing for perfection of security interests arising in purchase or delivery of financial interests; amending ss. 679.203, 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.309, and 679.312, F.S., to conform; amending ss. 671.105, 671.206, 674.104, and 675.114, F.S., to conform; providing for applicability; repealing ss. 610.011, 610.021, 610.031, 610.041, 610.051, 610.061, 610.071, 610.081, 610.091, 610.101, 610.111, and 671.304(2)(b), F.S., relating to the Uniform Act for Simplification of Fiduciary Security Transfers; repealing ss. 678.101, 678.102, 678.103, 678.104, 678.105, 678.106, 678.107, 678.108, 678.201, 678.202, 678.203, 678.204, 678.205, 678.206, 678.207, 678.208, 678.301, 678.302, 678.303, 678.304, 678.305, 678.306, 678.307, 678.308, 678.309, 678.310, 678.311, 678.312, 678.313, 678.314, 678.315, 678.316, 678.317, 678.318, 678.319, 678.320, 678.321, 678.401, 678.402, 678.403, 678.404, 678.405, 678.406, 678.407, and 678.408, F.S., relating to investment securities under the Uniform Commercial Code; revising provisions of chapter 680, F.S., relating to leases under the Uniform Commercial Code; amending s. 680.1031, F.S.; redefining the terms "consumer lease" and "finance lease"; amending s. 680.1041, F.S.; revising language with respect to other statutes to which leases are subject; amending s. 680.303, F.S.; revising language with respect to the alienability of a party's interest under a lease contract or of a lessor's residual interest in goods; amending s. 680.304, F.S.; revising language with respect to the subsequent lease of goods by the lessor; amending s. 680.307, F.S.; revising language with respect to priority of liens arising by attachment or levy on security interests in and other claims to goods; amending s. 680.309, F.S.; revising language with respect to lessor's and lessee's rights when goods become fixtures; creating s. 680.32, F.S.; providing that nothing in chapter 680, F.S., prevents subordination by agreement by any person entitled to priority; amending s. 680.501, F.S.; revising language with respect to the procedure governing default; amending s. 680.503, F.S.; revising language with respect to modification or impairment of rights and remedies; amending s. 680.507, F.S.; revising language with respect to proof of market rent; amending s. 680.508, F.S.; revising language with respect to lessee's remedies; amending s. 680.516, F.S.; revising language with respect to the effect of acceptance of goods, notice of default, the burden of establishing default after acceptance, and notice of claim or litigation to persons answerable over; amending s. 680.518, F.S.; revising language with respect to cover and substitute goods; amending s. 680.519, F.S.; revising language with respect to lessee's damages for nondelivery, repudiation, default, or breach of warranty in regard to accepted goods; amending s. 680.523, F.S.; revising language with respect to lessor's remedies; amending s. 680.524, F.S.; revising language with respect to lessor's right to identify goods to lease contract; amending s. 680.525, F.S.; revising language with respect to lessor's right to possession of goods; amending s. 680.527, F.S.; revising language with respect to lessor's rights to dispose of goods; amending s. 680.528, F.S.; revising language with respect to lessor's damages for nonacceptance or repudiation; amending s. 680.529, F.S.; revising language with respect to lessor's action for rent; amending s. 680.532, F.S.; revising language with respect to lessor recovery for loss of residual interest; providing for the application of the act; repealing s. 679.111, F.S., relating to applicability of bulk transfer laws; providing an effective date.

—a companion measure, was substituted for **CS for SB 644** and by two-thirds vote read the second time by title. On motions by Senator Silver, by two-thirds vote **HB 1083** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

CS for SB 1574—A bill to be entitled An act relating to personnel and agencies of the legislative branch; amending s. 11.045, F.S.; defining the

term "division," for purposes of lobbyist registration, as the Division of Legislative Information Services; transferring certain functions of the Joint Legislative Management Committee to the division or to the presiding officers; authorizing the presiding officers to waive fines imposed against lobbyists; amending s. 11.12, F.S.; providing for the presiding officers to determine subsistence rates; amending s. 11.13, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to compensation of members to the Office of Legislative Services or to the presiding officers; amending s. 11.147, F.S.; abolishing the Joint Legislative Management Committee and replacing it with an Office of Legislative Services; repealing s. 11.39, F.S., relating to the Legislative Information Technology Resource Committee; amending s. 112.0455, F.S.; transferring certain functions of the Joint Legislative Management Committee with respect to rules relating to drug-free workplace requirements to the presiding officers; amending s. 112.3148, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to reports of gifts to the Division of Legislative Information Services; amending s. 121.055, F.S.; transferring duties of the Joint Legislative Management Committee relating to designation of employees to participate in the Senior Management Service Optional Annuity Program to the presiding officers; amending s. 216.136, F.S.; conforming provisions to the amendments made by the act; amending s. 216.251, F.S.; clarifying authority with respect to approval of classification and pay plans for legislative employees; amending s. 985.401, F.S.; renaming the Juvenile Justice Advisory Board; amending ss. 11.241, 11.242, 11.243, 11.70, 13.01, 13.10, 15.155, 20.315, 27.709, 112.061, 112.321, 119.15, 218.60, 229.593, 282.3091, 282.310, 282.322, 350.031, 402.50, 790.22, F.S.; conforming provisions to the amendments made by the act; providing for the Office of Legislative Services to assume rights, duties, and obligations of the Joint Legislative Management Committee with respect to existing contracts; transferring unexpended balances of appropriated funds; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Grant, **CS for SB 1574** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Grant—

SCR 2536—A concurrent resolution amending Joint Rules 1, 3, and 4 of the Joint Rules of the Legislature.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That Joint Rules 1, 3, and 4 of the Joint Rules of the Legislature are amended to read:

JOINT RULES

JOINT RULE ONE

LOBBYIST REGISTRATION AND REPORTING

1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the *Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services, referred to in Joint Rule One as the Lobbyist Registration Office* ~~Joint Legislative Management Committee~~. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) "Designated lobbyist" means the lobbyist who is appointed, by a principal represented by two or more lobbyists, to file expenditure reports that include lobbying expenditures made directly by the principal.

(b) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) "Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms "lobby" and "lobbying" do not include any of the following:

(a) Response to an inquiry for information by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services which arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term "lobbyist" does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge's official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

1.2—Method of Registration

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~, on which that person must state, under oath, that person's name, business address, and phone number, the name and business address of each principal that person represents, the areas of that person's legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ in writing within 15 days *on forms furnished by the Lobbyist Registration Office.*

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal has one lobbyist registered, another lobbyist for that principal shall not be allowed to register until one of the lobbyists has been appointed by the principal in writing to the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ as the principal's designated lobbyist for expenditure reporting. A principal may appoint its first registered lobbyist as the designated lobbyist upon that lobbyist's registration and may change its designated lobbyist at any time.

(4) A lobbyist shall promptly send a *notice* ~~written statement~~ to the *Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office,* ~~Joint Legislative Management Committee~~ cancelling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the *Lobbyist Registration Office* ~~joint committee~~ that the lobbyist is no longer authorized to represent that principal.

(5) The *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to reporting and prohibited receipt of gifts and honoraria.

1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Game and Fresh Water Fish Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to $50 per each house for a person to register to represent one principal and up to an additional $10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the *President of the Senate and the Speaker of the House of Representatives* ~~Joint Legislative Management Committee~~. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~. The fees collected by the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ under this joint policy shall be deposited in the State Treasury and credited to the *Legislative Lobbyist Registration Trust Fund* ~~appropriation for legislative expenses~~ specifically to cover the costs incurred in administering this joint policy.

1.4—Periodic Reports Required

(1) REPORTING DATES.—Each person who registers pursuant to Joint Senate and House Rule 1.2 must submit to the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~, on forms provided by the *Lobbyist Registration Office* ~~joint committee~~ and for each reporting period required by this rule, a signed and certified statement listing all lobbying expenditures during the reporting period and the sources of funds for those expenditures as required in this rule. Reporting statements shall be filed no later than 45 days after the end of the reporting period. Unless a special session is called, only two reports are required each calendar year. The first report shall disclose expenditures made from January 1 through the date of adjournment of the regular session of the Legislature, including an extension, if any. The second report shall disclose expenditures for the remainder of the calendar year. However, whenever the Legislature convenes in a special session, a separate, supplemental report is required which shall disclose all expenditures incurred during the period since the end of the period covered by the last previous report required to be filed through adjournment of that special session. Following adjournment of a special session for which a separate, supplemental report is required, the next report required to be filed shall disclose all expenditures incurred from the date of adjournment of that special session through the end of the reporting period applicable to that next required report. It is the intent of this rule that each reporting period be separate from every other reporting period and that each expenditure be reported just once. In addition, any reporting statement may be filed by electronic means, when feasible.

(2) TIMELINESS OF REPORTS.—Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(3) LOBBYIST'S EXPENDITURE REPORT.—

(a) The Lobbyist's Expenditure Report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the reporting period shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events;

and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. Forms shall be provided by the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~.

(b) A lobbyist shall file a Lobbyist's Expenditure Report for each principal represented.

(c) When a principal has two or more lobbyists, the principal shall designate one lobbyist who will be responsible for filing a report which discloses the expenditures made directly by the principal and the expenditures of the designated lobbyist on behalf of the principal. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal.

(d) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

(e) The principal is responsible for the accuracy of the figures submitted to the lobbyist for reporting, and the lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(4) EXPENDITURES.—

(a) Definitions.—

1. "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Expenditures shall be accounted for and reported on an accrual accounting basis.

2. "Accrual accounting basis" means the method of accounting that recognizes expenses during the period in which they are incurred regardless of when they are actually paid.

(b) Goodwill expenditures.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(c) Expenditure categories.—Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the "Other" category. The categories of expenditures used in this rule are as follows:

1.a. "Communications" means dissemination of information, including, but not limited to, by means of the following:

I. Audio-visual materials; and

II. Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

b. This category does not include media advertising, publications, or research.

2. "Entertainment" means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

3. "Food and Beverages" means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

4. "Lodging" means sleeping or living accommodations for an individual for one or more nights.

5. "Media Advertising" means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copyrighting services.

6. "Other" means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

7. "Publications" means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

8. "Research" means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

9. "Special Events" means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

10. "Travel" means transporting an individual from one place to another, regardless of the means used.

(d) Items that are not expenditures.—The term "expenditure" does not include:

1. Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

2. A lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees' salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

3. If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(e) Valuation of expenditures.—

1. In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest $5. A record is not required to be maintained for any amount that rounds to zero.

2. The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making

the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

3. When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist's principals or may be attributed to one principal.

4. When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

5. The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

6. A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of *29* ~~20~~ cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

7. A person providing lodging in a private residence shall be considered to be making an expenditure of $29 per night.

8. Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(5) AGGREGATION OF EXPENDITURE FIGURES.—For each reporting period, the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Following the last report for each calendar year, the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ shall provide a total of expenditures reported as spent by and on behalf of each principal for that calendar year.

1.5—Penalties for Late Filing

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

(a) When a report is actually received by the lobbyist registration and reporting office;

(b) When the report is postmarked;

(c) When the certificate of mailing is dated; or

(d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 20 days after receipt of the notice of payment due, unless appeal is made to the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive this one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 20 days after receipt of notice that any reports have not been timely filed. A fine shall be assessed for any subsequent late-filed reports.

(5) The person designated to review the timeliness of reports shall notify the *director of the division* ~~Joint Legislative Management Committee~~ of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

1.6—Appeal of Fines; Hearings; Unusual Circumstances

(1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Joint Senate and House Rule 1.5 shall file with the Lobbyist Registration Office ~~of the Joint Legislative Management Committee~~ a notice of appeal within 20 days after the date of receipt of the notice of payment due, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. A request for a hearing on the matter before the *director of the division or his or her designee* ~~Joint Legislative Management Committee~~ must be made within the same 20-day period. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Failure to timely file a notice of appeal as described in this subsection shall constitute a waiver of the right to appeal or to dispute a fine.

(2) The *President of the Senate and the Speaker of the House of Representatives* ~~Joint Legislative Management Committee~~ may waive the fine in whole or in part for good cause shown based on the unusual circumstances presented by the lobbyist.

(3) The term "unusual circumstances" for the purposes of this rule means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to meet the filing requirements.

1.7—Questions Regarding Registration

(1) A person may request in writing an informal opinion from the general counsel of the *Office of Legislative Services* ~~Joint Legislative Management Committee~~ as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of *either* ~~the respective~~ house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

1.8—Open Records

All of the lobbyist registration and expenditure reports received by the *Lobbyist Registration Office* ~~Joint Legislative Management Committee~~ shall be available for public inspection and for duplication at reasonable cost.

1.9—Records Retention and Inspection

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the

House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

JOINT RULE THREE

LEGISLATIVE SUPPORT SERVICES

3.1—Organizational Structure

The Legislature shall be supported by the Office of Legislative Services, the Office of Legislative Information Technology Services, and the Office of Economic and Demographic Research. These offices shall provide support services that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by the President of the Senate and the Speaker of the House of Representatives.

(1) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (2) and (3). The Division of Statutory Revision and the Division of Legislative Information shall be two of the divisions within the Office of Legislative Services.

(2) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives though the application of cost-effective information technology.

(3) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenues, and appropriations.

3.2—Policies

The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature.

~~3.1—Administration and Rulemaking~~

~~(1) The Joint Legislative Management Committee shall meet at times and places necessary to perform the functions assigned to it.~~

~~(2) The joint committee shall adopt rules and policies for its own organization and operation and for the organization and operation of its divisions as is deemed advisable to carry out the functions of the joint committee. It shall have general administrative responsibility for the operation of such divisions.~~

~~(3) Action by a majority vote of the membership of the joint committee shall control and be conclusive on any matter considered by the joint committee.~~

~~3.2—Executive Director~~

~~(1) The joint committee shall appoint its executive director by majority vote.~~

~~(2) The executive director shall coordinate the activities of all of the divisions of the joint committee and shall have authority to hire and remove personnel of the joint committee and its divisions.~~

~~3.3—Responsibilities~~

~~The joint committee shall be responsible for the following:~~

~~(1) Maintaining a library adequate for the needs of the Legislature.~~

~~(2) Maintaining a permanent and continuous statutory revision plan as provided in ss. 11.242-11.246, Florida Statutes, including periodic publication of the Florida Statutes.~~

~~(3) Maintaining a bill status system, supplying such information relating to all prefiled bills introduced during legislative sessions as the joint committee may deem necessary.~~

~~(4) Coordinating all matters relative to legislative printing and carrying out all duties assigned to the joint committee by chapter 283, Florida Statutes, and as otherwise assigned to it.~~

~~(5) Developing and administering policies for distributing free or reduced-cost copies of the Florida Statutes to the state's law schools and to other officers and institutions of state and local government based on specific need and circumstances.~~

~~(6) Adopting, with the approval of the President of the Senate and the Speaker of the House of Representatives, and administering a uniform personnel, job classification, and pay plan for all legislative employees, and maintaining salary information that provides a basis for reviewing whether the legislative pay plan is competitive.~~

~~(7) Preparing all payrolls for the Legislature, including the certification of vouchers and transmission of same to the Comptroller, and maintaining the required and necessary payroll records.~~

~~(8) Developing and administering uniform policies relating to the purchase or acquisition of all supplies, capital outlay items, and other commodities required for the proper functioning of the Legislature.~~

~~(9) Developing and administering uniform policies relating to keeping an inventory record of capital outlay items owned and purchased by the Legislature.~~

~~(10) Issuing and approving all purchase orders under the authority of the joint committee.~~

~~(11) Ascertaining that proper authorization has been obtained, and preparing and certifying all vouchers for expense and capital outlay expenditures. Expenditures chargeable to the Senate shall be approved by the President or the President's duly authorized agent; expenditures chargeable to the joint committee and other units of the Legislature shall be approved by the joint committee or its duly authorized agent.~~

~~(12) Maintaining records and preparing reports of disbursements form the legislative appropriation by offices, divisions, or departments, including standing committees, or other categories as needed, indicating a breakdown as to type of disbursements.~~

~~(13) Preparing suggested budgets in conformity with s. 216.023, Florida Statutes, for all expenditures of each house, the joint committee, and other units of the Legislature and submitting same to the respective presiding officers for their final approval before transmission to the Executive Office of the Governor.~~

~~(14) Contracting with a certified public accountant licensed under the Public Accountancy Lay of this state for an annual audit of the financial records and reports of the Legislature and delivering such audit to the President of the Senate, the Speaker of the House of Representatives, and the members of the joint committee.~~

~~(15) Entering into such other contracts as it shall deem necessary in the performance of its functions.~~

~~(16) Publishing a handbook of all policies affecting the administration of the joint committee and its divisions and the joint administration of the Legislature.~~

~~(17) Carrying on such other functions as are determined by the joint committee, with the consent of the presiding officers of both houses of the Legislature, to be joint functions.~~

JOINT RULE FOUR

JOINT LEGISLATIVE AUDITING COMMITTEE

4.1—Responsibilities

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall review the budget request submitted by the Auditor General and the Office of Program Policy Analysis and Government Accountability and may amend or change it as deemed necessary. The budget request, as amended or changed by the committee, shall become the operating budget of the Auditor General or the Office of Program Policy Analysis and Government Accountability for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(4) The committee shall submit to the *President of the Senate and the Speaker of the House of Representatives* ~~Joint Legislative Management Committee~~, for *approval* ~~planning purposes only~~, an estimate of the financial needs of the committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(5) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(6) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

(7) Upon completion of the initial program evaluation and justification review of each state agency listed in s. 216.0172, Florida Statutes, the Office of Program Policy Analysis and Government Accountability shall conduct such reviews only at the direction of the Legislative Auditing Committee.

4.2—Annual audit of financial records

(1) The Legislative Auditing Committee shall contract with a certified public accountant licensed under chapter 473, Florida Statutes, for an annual audit of the financial records of the Legislative Auditing Committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(2) Copies of the audit shall be delivered to the President of the Senate, the Speaker of the House of Representatives, the Auditor General or the director of the Office of Program Policy Analysis and Government Accountability, as appropriate, and the members of the Legislative Auditing Committee.

—was read the second time in full. On motions by Senator Grant, **SCR 2536** was adopted and immediately certified to the House. The vote on adoption was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Geller, Kirkpatrick

On motion by Senator Gutman, by two-thirds vote **CS for HB 1727** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Gutman, by two-thirds vote—

CS for HB 1727—A bill to be entitled An act relating to assault and battery upon code inspectors; creating s. 784.083, F.S.; providing enhanced penalties for assault or aggravated assault or battery or aggravated battery upon a "code inspector," as defined; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart; providing for ranking of the offenses of aggravated assault upon a code inspector, battery upon a code inspector, and aggravated battery upon a code inspector; providing an effective date.

—a companion measure, was substituted for **SB 106** as amended and read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1—On page 1, line 22, after the second comma (,) insert: *while the code inspector is engaged in the lawful performance of his or her duties and*

On motions by Senator Gutman, by two-thirds vote **CS for HB 1727** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1144—A bill to be entitled An act relating to the rulemaking authority of the Department of Management Services and other agencies (RAB); creating s. 110.224, F.S.; requiring a review and performance planning system; requiring the department to adopt rules to implement a review and performance planning system to assess employee performance; amending s. 110.1095, F.S.; directing the department to provide technical assistance; requiring annual review of state training programs; requiring agencies to develop and implement training programs; directing the department to adopt rules for training programs; amending s. 110.207, F.S.; prohibiting positions from being filled before they have been classified; amending s. 110.227, F.S.; directing the department to adopt a grievance procedure for career service employees; requiring a grievance process to be available for career service employees; defining the term "grievance"; authorizing the adoption of rules for the grievance process; amending s. 216.262, F.S.; providing rulemaking authority; detailing use and value of perquisites; amending s. 946.515, F.S.; making a determination not to use corporation products or services; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Gutman, **CS for SB 1144** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Childers	Geller	Kirkpatrick
Bankhead	Clary	Grant	Klein
Bronson	Cowin	Gutman	Kurth
Brown-Waite	Crist	Hargrett	Latvala
Burt	Diaz-Balart	Harris	Laurent
Campbell	Dyer	Horne	Lee
Casas	Forman	Jones	Myers

Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

Vote after roll call:

Yea—McKay, Meadows

SB 444—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S., relating to criminal mischief offenses and penalties; providing for reclassification of a misdemeanor violation of the section involving less than a specified amount in property damage when the offender has one or more prior convictions under the section; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance that prohibits the marking of graffiti or other graffiti-related offenses and penalizes such offenses with higher penalties than those provided by state law or with mandatory penalties; providing that the court may not provide a disposition of the case which is less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; amending s. 901.15, F.S., relating to circumstances for arrest without a warrant; providing for such arrest when there is probable cause to believe that the person has committed criminal mischief or a graffiti-related offense; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Gutman, **SB 444** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—McKay, Meadows

CS for SB 586—A bill to be entitled An act relating to felony offenses; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; amending s. 921.0022, F.S.; including such offense in the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was read the third time by title.

On motions by Senator Silver, **CS for SB 586** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Childers	Forman	Horne
Bankhead	Clary	Geller	Jones
Bronson	Cowin	Grant	Kirkpatrick
Brown-Waite	Crist	Gutman	Klein
Burt	Diaz-Balart	Hargrett	Kurth
Campbell	Dudley	Harris	Latvala
Casas	Dyer	Holzendorf	Laurent
Lee	Myers	Scott	Thomas
McKay	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams

Nays—None

SB 526—A bill to be entitled An act relating to protective services for victims and witnesses; amending s. 914.25, F.S.; redefining the term "serious felony offense" to include an attempt, solicitation, or conspiracy to commit certain offenses for purposes of provisions that authorize law enforcement agencies to protect victims and witnesses who are at risk of harm; providing an effective date.

—was read the third time by title.

On motions by Senator Campbell, **SB 526** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 276—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S., relating to scheduling of controlled substances for the purpose of penalizing unlawful acts involving controlled substances; deleting references to dextropropoxyphene in its nondosage forms from Schedule II; adding references to propoxyphene in its nondosage forms to Schedule II; deleting references to gamma-hydroxybutyric from Schedule II; adding references to gamma-hydroxy-butyric acid to Schedule II; adding references to ketamine to Schedule III; deleting references to dextropropoxyphene in its dosage forms from Schedule IV; adding references to propoxyphene in its dosage forms to Schedule IV; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 276** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Grant

SB 480—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; correcting a misplaced statutory provision relating to the unlawful sale or possession of a controlled substance within a specified area surrounding a child care facility; providing that certain enhanced penalties do not apply unless the owner or operator of

the facility posts a sign identifying the facility as a child care facility; providing an effective date.

—was read the third time by title.

On motions by Senator Klein, **SB 480** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—McKay

CS for SB 930—A bill to be entitled An act relating to notification of an escaped prisoner; amending s. 960.001, F.S.; requiring that a state correctional facility, private correctional facility, county jail, juvenile detention facility, or residential commitment facility immediately notify the judge who sentenced an escaped offender; requiring the institution or facility of confinement to immediately notify the state attorney and sentencing judge upon the capture and return of the escaped offender; providing an effective date.

—was read the third time by title.

On motions by Senator Campbell, **CS for SB 930** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Hargrett

Consideration of **CS for SB 156** as amended was deferred.

SB 766—A bill to be entitled An act relating to insurance; creating s. 626.2816, F.S.; requiring continuing education course providers and related personnel to be approved by the Department of Insurance; providing for the adoption of rules related to continuing education; amending s. 626.601, F.S.; providing for the department to investigate alleged improper conduct by continuing education course providers and related personnel; amending s. 626.681, F.S.; authorizing the Department of Insurance to impose an administrative penalty on continuing education course providers and related personnel under certain circumstances; amending s. 627.7295, F.S.; providing that certain restrictions on issuance of private passenger motor vehicle insurance do not apply if the policy is paid by payroll deduction or by automatic electronic funds transfer; providing an effective date.

—as amended March 25 was read the third time by title.

On motions by Senator Diaz-Balart, **SB 766** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Clary—

CS for SB 650—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain types of services for the Healthy Start program, pursuant to a federal waiver; providing for certain limits on such services; directing the agency to seek such a waiver; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 650** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

CS for CS for SB 182 and SB 1042—A bill to be entitled An act relating to early education and child care; creating the School Readiness Commission to serve as an advisory body to the State Board of Education and other state agencies on matters that relate to school readiness; providing for the commission to be assigned to the Executive Office of the Governor for administrative purposes; providing for the Governor to appoint the members of the commission; providing for the members to be approved by the State Board of Education and confirmed by the Senate; requiring the commission to appoint an executive director; providing for payment of per diem and travel expenses of commission members; establishing duties of the commission; requiring the commission to prepare a system for measuring school readiness; specifying objectives to be measured by such system; requiring the commission to contract with an independent entity to evaluate the measurement system; requiring the commission to make recommendations to the Governor and the State Board of Education; authorizing the commission to adopt rules; establishing a School Readiness Coordinating Council; creating s. 402.265, F.S.; providing legislative intent; establishing the early education and child care program and providing for optional participation; providing for the council to be assigned to the Executive Office of the Governor for administrative purposes; providing for oversight; providing eligibility for participation in the program; providing performance standards and outcome measures; providing for School Readiness Coalitions; providing for implementation of programs; requiring development of a plan and providing program requirements; requiring a sliding fee scale; providing for funding; requiring a reimbursement rate schedule; providing requirements relating to fiscal agents; providing for parental choice and for payment arrangements; providing for evaluation and reporting; providing that federal requirements control in the case of conflict; exempting family child care providers from increased standards; repealing s. 411.222(4), F.S., relating to the State Coordinating Council for Early Childhood Services; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Kirkpatrick:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *School Readiness Commission.—*

(1) The School Readiness Commission is established and assigned to the Executive Office of the Governor for administrative purposes. The commission shall carry out the duties and responsibilities provided in this section and delegated by the State Board of Education and is not subject to control, supervision, or direction by the Executive Office of the Governor or the State Board of Education. The commission shall serve as an advisory body to the State Board of Education and other appropriate state agencies and entities on all matters relating to achievement of the first state education goal, readiness to start school. In addition, the commission's reports and recommendations shall be made available to the Governor, the Legislature, the State Board of Education, other appropriate state agencies and entities, district school boards, central agencies for child care, and county public health units.

(2) The commission shall be composed of 12 members of the public who shall be business, community, and civic leaders in the state who are not elected to public office and who do not earn their income in the early education and child care industry. Each member shall be appointed by the Governor. Eight of the members shall be appointed from a list of 12 nominees, of which six must be submitted by the President of the Senate and six must be submitted by the Speaker of the House of Representatives. Members shall be appointed to 4-year terms of office. However, of the initial appointees, three shall be appointed to 1-year terms, three shall be appointed to 2-year terms, three shall be appointed to 3-year terms, and three shall be appointed to 4-year terms. The members of the commission shall elect a chairperson annually. Any vacancy on the commission shall be filled in the same manner as the original appointment.

(3) The commission shall meet as often as it deems necessary to carry out its duties and responsibilities.

(4) The commission shall appoint an executive director to serve at its pleasure, who shall perform the duties assigned to him or her by the commission. The executive director shall be the chief administrative officer of the commission and shall be responsible for appointing all employees and staff members of the commission, who shall serve under his or her direction and control.

(5) Members of the commission shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in section 112.061, Florida Statutes.

(6) The commission shall:

(a) Serve as a citizen board to coordinate the efforts toward school readiness in this state and provide independent policy analyses and recommendations to the Governor, the State Board of Education, and the Legislature.

(b) Prepare and submit to the State Board of Education a system for measuring school readiness. The system must include a screening instrument, or instruments, which shall provide objective data regarding the following expectations for school readiness:

1. The child's immunizations and other health requirements as necessary.

2. The child's display of physical development appropriate for kindergarten.

3. The child's compliance with rules, limitations, and routines.

4. The child's successful engagement in kindergarten tasks.

5. The child's demonstration of appropriate interactions with adults.

6. The child's demonstration of appropriate interactions with peers.

7. The child's effective coping with challenges and frustrations.

8. The child's demonstration of appropriate self-help skills.

9. The child's ability to express his needs appropriately.

10. The child's demonstration of verbal communication skills necessary to succeed in kindergarten.

11. The child's demonstration of problem-solving skills necessary to succeed in kindergarten.

12. The child's following of verbal directions.

13. The child's demonstration of curiosity, persistence, and exploratory behavior.

14. The child's demonstration of an interest in books and other printed materials.

15. The child's paying attention to stories.

16. The child's participation in art and music activities.

(c) Prepare a plan for implementing the system for measuring school readiness in such a way that all children in this state have the opportunity to undergo the screening in the year prior to their entry into kindergarten. The plan must include a way to make the screening instrument and the training required to administer it available to public and private providers of preschool and child care programs, and a way to make the screening available to children who do not participate in such programs.

(d) Establish a method for collecting data from the screening instrument and establish guidelines for using the data so that the measurement, the data collection, and the use of the data serve the statewide goal that all children will be ready for school. The criteria for determining which data to collect should be the usefulness of the data to state policymakers and program administrators in administering programs and allocating state funds.

(e) Contract with an independent entity for an evaluation of the measurement system. The evaluation must provide the information that local and state agencies, the Governor, and the Legislature need to provide for the effective administration of programs that serve preschool children. The evaluation must provide information that will assist providers of private preschool and child care programs in assessing the success of preschool and child care programs and making decisions about improving program services to prepare children for school.

(f) Recommend to the Governor, the Commissioner of Education, and the State Board of Education rules, and revisions or repeal of rules, which would increase the effectiveness of programs that prepare children for school.

(g) Conduct studies and planning activities related to the overall improvement and effectiveness of school-readiness measures.

(h) Submit an annual report of its activities to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature.

To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the commission must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.

(7) The commission may adopt rules necessary to administer the provisions of this section relating to preparation and implementation of the system for school readiness, data collection, approving local coalition plans, providing a method whereby a coalition could serve two or more counties, awarding incentives to coalitions, and contracting for an evaluation.

Section 2. *School Readiness Coordinating Council.—*

(1) The School Readiness Coordinating Council is established with responsibility for advising the School Readiness Commission regarding policies facilitating local implementation, providing technical assistance, and helping to secure waivers. The School Readiness Coordinating Council shall consist of:

(a) The Deputy Commissioner of Education Programs in the Department of Education;

(b) The Secretary of Children and Family Services or a designated division director;

(c) The Secretary of Health or a designated division director;

(d) The Chair of the Child Care Partnership Board;

(e) The Executive Director of the State WAGES Board;

(f) The President of the Florida Pediatric Society;

(g) The Chair of the Florida Council of 100;

(h) The President of the Head Start Directors' Association;

(i) The President of the Florida Children's Forum;

(j) The Chair of the Developmental Disabilities Council;

(k) The Director of the Healthy Start Coalition Association;

(l) The President of the Florida School Boards Association;

(m) The Chair of the Florida Association of Family Child Care Homes;

(n) The Chair of a School Readiness Coalition;

(o) The President of the Florida Association of Child Care Management;

(p) The Executive Director of the Early Childhood Association;

(q) The Chair of the Florida Interagency Coordinating Council for Infants and Toddlers;

(r) The Coordinator of the Florida Parent Resource Organization;

(s) A representative of the Family Network on Disabilities of Florida;

(t) The President of the Children's Services Council Association of Florida;

(u) The Director of the Agency for Health Care Administration;

(v) The President of the State of Florida P.T.A.; and

(w) An additional five members representing the private-sector business community. These five members must be selected by a majority vote of the other members.

The School Readiness Coordinating Council shall select a chair from among the business community and a vice chair.

(2) School Readiness Coordinating Council members are entitled to receive per diem and expenses for travel, as provided in section 112.061, Florida Statutes, while carrying out the official business of the council. For administrative purposes only, the council shall be assigned to the Office of the Governor.

(3) The School Readiness Coordinating Council shall meet and conduct business at least quarterly or as needed to carry out the duties of the council.

(4) The School Readiness Coordinating Council shall be staffed by the Office of the Governor and draw upon state agency personnel and resources as needed to implement policy necessary to facilitate the early education and child care program.

(5) Quarterly meetings of the School Readiness Coordinating Council shall be open to the public and opportunity for public comment shall be made available at each such meeting. The staff of the School Readiness Coordinating Council shall notify all persons who request such notice as to the date, time, and place of each quarterly meeting.

Section 3. Section 402.265, Florida Statutes, is created to read:

402.265 Early education and child care program.—

(1) LEGISLATIVE INTENT.—

(a) The Legislature recognizes that high-quality early education and child care programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmental, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of all children, and support family education and the involvement of parents in their child's educational progress. Each early education and child care program shall provide the elements necessary to help prepare preschool children for school, including health screening and referral, a developmentally appropriate educational program, and opportunities for parental involvement in the program.

(b) It is legislative intent that all programs and services for Florida children in the first 5 years of life, including health care, child care, child welfare, and formal education, are school readiness programs.

(c) It is legislative intent that early education and child care programs be operated within funding limits on a full-day, year-round basis to enable parents to work and become financially self-sufficient.

(d) It is legislative intent that early education and child care programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that these programs and program funds be coordinated to achieve full effectiveness.

(e) It is legislative intent that the implementation of an early education and child care program be optional on a county-by-county basis.

(f) Publicly funded early education and child care programs are defined as prekindergarten early intervention programs, Head Start programs, programs offered by public or private providers of child care, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, teen parent programs, and other services.

(2) CREATION OF OPTIONAL PROGRAM; EXEMPTIONS.—The early education and child care program consisting of publicly funded programs listed in paragraph (1)(f) is established. The early education and child care program is an optional program.

(3) PROGRAM ELIGIBILITY.—The early education and child care program shall be established for children from birth to 6 years of age. The program shall consist of the programs listed in paragraph (1)(f), be administered by the School Readiness Coalition, and receive funds pursuant to SB 180 or similar legislation. Within funding limitations, the School Readiness Coalition, along with all providers, shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the program.

(4) STANDARDS; OUTCOME MEASURES.—

(a) All publicly funded early education and child care programs must meet the following performance standards and outcome measures developed by the Department of Education and the Department of Children and Family Services:

1. They must help prepare preschool children to enter kindergarten ready to learn, as measured by criteria established by the School Readiness Commission or, in the absence of such criteria, by the School Readiness Checklist of the Department of Education.

2. They must provide extended-day and extended-year services to the maximum extent possible.

3. There must be coordinated staff development and teaching opportunities.

4. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

5. There must be a single point of entry and unified waiting list.

6. If funding remains constant, they must serve at least as many children as were served prior to implementation of the program.

(b) All participating publicly funded early education and child care programs must implement a comprehensive program of children and family services that enhance the cognitive and physical development of

children to achieve the performance standards and outcome measures specified in paragraph (a). At a minimum, these programs must contain the following elements:

1. Developmentally appropriate curriculum.

2. An appropriate staff-to-child ratio, as required by the respective participating programs.

3. A healthy and safe environment.

4. A resource and referral network to assist parents in making an informed choice pursuant to s. 402.27.

(5) SCHOOL READINESS COALITIONS.—

(a)1. Each School Readiness Coalition must consist of at least 12 members. Four members shall be appointed by the district school board, four members shall be appointed by the county commission for the county in which participating schools are located, and four members shall be appointed by the Department of Children and Family Services district administrator. If a coalition has more than 12 members, the additional members shall be appointed equally by the three appointing entities.

2. School Readiness Coalition membership shall include, in addition to private-sector business leaders, the local public and private leaders in health care, education, disabilities, and child welfare systems in each county. Three members of the coalition must be administrators from each of the following entities: The central agency for child care, the district school board, and the Head Start program. School Readiness Coalition membership must include representatives from programs serving children in the early education and child care programs, must include a representative from the Department of Health, and may include representatives from organizations such as Children's Services Councils, Central Agencies for Child Care, Healthy Start Coalitions, district school boards, child care licensing boards, local WAGES Coalitions, Head Start, municipal and county governments, the Department of Children and Family Services, the County Public Health Unit, and chambers of commerce. A minimum of five coalition members shall be from the private sector.

(b) The School Readiness Coalition will replace the district interagency coordinating council in any county where an early education and child care program is implemented.

(6) IMPLEMENTATION.—

(a) The early education and child care program may be implemented in any county by a School Readiness Coalition with agreement of the district school board and the Department of Children and Family Services district, and with approval of the School Readiness Commission. Approval by the School Readiness Commission must be predicated on the submission of a plan of implementation prepared and submitted by the School Readiness Coalition.

(b) Each School Readiness Coalition shall develop a plan for implementing the early education and child care program to meet the requirements of this section. The plan shall include a written description of the role of the program in the district's effort to meet the first state education goal, readiness to start school, including a description of the plan to involve prekindergarten early intervention programs, Head Start programs, programs offered by public or private providers of child care, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, and teen parent programs. The plan shall also demonstrate how the program will ensure that each 3-year-old and 4-year-old child in a publicly funded early education and child care program receives scheduled activities and instruction designed to prepare children to enter kindergarten ready to learn. Prior to implementation of the program, the School Readiness Coalition must submit the plan to the School Readiness Commission for approval. The plan shall be reviewed and revised as necessary, but not less than every 3 years.

(c) The plan for the early education and child care program shall include the following minimum standards and provisions:

1. A sliding fee scale, which is the same for all programs, to be implemented and reflected in each program's budget.

2. A choice of settings and locations in licensed, registered, religious exempt, or school-based programs to be provided to parents.

3. Instructional staff who have completed the training course as required in s. 402.305(2)(d)1., as well as staff who have additional training or credentials as required by the respective programs.

(d) Persons with an early childhood teaching certificate may provide support and supervision to other staff in the early education and child care program.

(7) REIMBURSEMENT RATE.—The School Readiness Coalition shall develop a reimbursement rate schedule that encompasses all publicly funded early education and child care programs and complies with applicable state and federal laws and regulations. The reimbursement rate schedule must include the projected number of children to be served and must be submitted to the School Readiness Commission for approval. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate developed for family child care.

(8) REQUIREMENTS RELATING TO FISCAL AGENTS.—The fiscal agent must be a public entity or a private nonprofit organization. The fiscal agent shall be required to provide all administrative and direct funding services as determined by the School Readiness Coalition. The cost of these services shall be negotiated between the fiscal agent and the School Readiness Coalition. The fiscal agent shall be responsible for monitoring all providers to ensure that coalition funds are expended in the manner and for the purpose required by the funding source. Funds from the Early Education and Child Care Trust Fund may not be paid to a provider unless the provider agrees to allow the fiscal agent access to fulfill its monitoring responsibilities.

(9)(a) PARENTAL CHOICE; PAYMENT ARRANGEMENT.—The early education and child care program shall be provided in a manner that ensures, to the maximum extent possible, parental choice through flexibility in early education and child care arrangements and payment arrangements, including, but not limited to, voucher, contract, and direct service provision. According to federal regulations requiring parental choice, a parent may choose an informal child care arrangement.

(b) When a voucher is provided, each voucher must bear the name of the beneficiary and the program provider and, when redeemed, must bear the signature of both the beneficiary and an authorized representative of the provider. If it is determined that a provider has provided any cash to the beneficiary in return for receiving the voucher, the local coalition shall refer the matter to the Division of Public Assistance Fraud of the the Office of the Auditor General for investigation and shall notify the agency responsible for the funding source.

(c) The Department of Children and Family Services in consultation with the office of the Comptroller shall establish an electronic disbursement system for the dissemination of funds and vouchers in accordance with this subsection. Fiscal agents shall fully implement the electronic funds transfer system within 3 years after plan approval unless a waiver is obtained from the School Readiness Commission. The fiscal agent may charge an administrative fee not to exceed 1.5 percent of each voucher to offset administrative costs of the early education and child care program.

(10) EVALUATION AND ANNUAL REPORT.—Each School Readiness Coalition shall conduct an evaluation of the effectiveness of the early education and child care program, including performance standards and outcome measures, and shall provide an annual report and fiscal statement to the School Readiness Commission, the Governor, and the President of the Senate and the Speaker of the House of Representatives for review by the Legislature. This report must conform to the content and format specifications set by the School Readiness Commission.

(11) CONFLICTING PROVISIONS.—In the event of a conflict between the provisions of this section and federal requirements, the federal requirements shall control.

Section 4. *Nothing in this act shall have the effect of increasing the standards that must be met by family child care providers; however, children who receive child care services from family child care providers will participate in school readiness assessment upon entering public or private kindergarten or the first grade.*

Section 5. *Effective July 1, 1998, subsection (4) of section 411.222, Florida Statutes, is repealed.*

Section 6. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to early education and child care; creating the School Readiness Commission to serve as an advisory body to the State Board of Education and other state agencies on matters that relate to school readiness; providing for the commission to be assigned to the Executive Office of the Governor for administrative purposes; providing for the Governor to appoint the members of the commission; requiring the commission to appoint an executive director; providing for payment of per diem and travel expenses of commission members; establishing duties of the commission; requiring the commission to prepare a system for measuring school readiness; specifying objectives to be measured by such system; requiring the commission to contract with an independent entity to evaluate the measurement system; requiring the commission to make recommendations to the Governor and the State Board of Education; authorizing the commission to adopt rules; establishing a School Readiness Coordinating Council; creating s. 402.265, F.S.; providing legislative intent; establishing the early education and child care program and providing for optional participation; providing for the council to be assigned to the Executive Office of the Governor for administrative purposes; providing for oversight; providing performance standards and outcome measures; providing for School Readiness Coalitions; providing for implementation of programs; requiring development of a plan and providing program requirements; requiring a sliding fee scale; providing for funding; requiring a reimbursement rate schedule; providing requirements relating to fiscal agents; providing for parental choice and for payment arrangements; providing for evaluation and reporting; providing that federal requirements control in the case of conflict; exempting family child care providers from increased standards; repealing s. 411.222(4), F.S., relating to the State Coordinating Council for Early Childhood Services; providing an effective date.

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 2, line 8 and on page 7, line 17, after the first period (.) insert: *The members must be geographically and demographically representative of the state.*

Senator Forman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B—On page 4, line 19, after the period (.) insert: *Because children with disabilities may not be able to meet all of the identified expectations for school readiness, the plan for measuring school readiness shall incorporate mechanisms for recognizing the potential variations in expectations for school readiness when serving children with disabilities and shall provide for communities to serve children with disabilities.*

Senator Horne moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C—On page 7, line 14, insert:

(v) The President of the Florida Association for Child Development Education;

Senator Clary moved the following amendments to **Amendment 1** which were adopted:

Amendment 1D—On page 7, delete line 14 and insert:

(w) An individual certified in this state to teach children of prekindergarten age.

(x) An additional five members representing the

Amendment 1E—On page 7, lines 14 and 16, delete "*five*" and insert: *four*

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted:

Amendment 1F—On page 14, line 16 through page 15, line 9, delete those lines and insert: *arrangements and payment arrangements. Payment arrangements must be in accordance with all federal and state laws that govern the respective participating programs.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 182 and SB 1042** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for SB 180—A bill to be entitled An act relating to trust funds; creating the Early Education and Child Care Trust Fund within the Executive Office of the Governor; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 1—Delete everything after the enacting clause and insert:

Section 1. *The Early Education and Child Care Trust Fund is created in the State Treasury, to be administered by the Executive Office of the Governor. Funds shall be credited to the trust fund as provided in SB 182 or similar legislation, to be used for the purposes set forth therein.*

Section 2. *Funding; Early Education and Child Care Trust Fund.—*

(1) The intent of the Early Education and Child Care Trust Fund is to ensure a seamless service delivery system for all publicly funded early education and child care programs operating in this state.

(2) Funds budgeted for a district school board for the prekindergarten early intervention program, the subsidized child care program, and other state or locally funded education and care programs for preschool children may be transferred to the Early Education and Child Care Trust Fund for implementation of the early education and child care program in a given county. Additional funds, including state-appropriated incentive funds, may be placed in the trust fund for purposes of this section.

(3) All funds transferred to and retained in the trust fund shall be invested pursuant to section 18.125, Florida Statutes. Any interest accruing to the trust fund shall be for the benefit of counties providing an early education and child care program. Notwithstanding section 216.301, Florida Statutes, and pursuant to section 216.351, Florida Statutes, any undisbursed balance remaining in the trust fund and interest accruing to the trust fund not distributed at the end of the fiscal year shall remain in the trust fund and shall increase the total funds available for the counties implementing an early education and child care program.

(4) The School Readiness Commission shall annually distribute to the fiscal agent for each School Readiness Coalition the funds that were transferred into the Early Education and Child Care Trust Fund for the benefit of that coalition. Additional funds and investment income from the trust fund shall be distributed to the counties implementing an early education and child care program based on achievement of performance outcomes or need, or a combination thereof. The School Readiness Commission shall provide incentives to coalitions that serve more children in the early education and child care program than participating programs were required to serve in the previous year, if levels of program funding did not decrease during the year.

(5) State funds appropriated for the early education and child care program may not be used for the construction of new facilities, the transportation of students, or the purchase of buses, but may be used for educational field trips that enhance the curriculum.

Section 3. *It is the intent of the Legislature that section 2 be compiled into section 402.265, Florida Statutes.*

Section 4. *Pursuant to the provisions of section 19(f)(2), Article III of the State Constitution, the Early Education and Child Care Trust Fund shall, unless terminated sooner, be terminated on July 1, 2002. Prior to its scheduled termination, the trust fund shall be reviewed as provided in section 215.3206(1) and (2), Florida Statutes.*

Section 5. This act shall take effect July 1, 1998, if SB 182 or similar legislation is adopted in the same legislative session or an extension thereof.

Pursuant to Rule 4.19, **CS for SB 180** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

CS for SB 706—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising provisions relating to high school graduation credit requirements; providing for early graduation; amending s. 236.081, F.S., relating to funds for operation of schools; providing for calculation of full-time-equivalent student membership for students who graduate early; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendments which were adopted:

Amendment 1—On page 1, line 29, after the period (.) insert: *A student who graduates early with 24 credits must be at least 16 years old.*

Amendment 2—On page 5, lines 15-22, delete those lines and insert:

(c) *Subject to the provisions of subsection (1),* district school boards are authorized ~~and encouraged~~ to establish requirements for high school graduation in excess of the minimum requirements *by increasing the required academic courses set forth in subsection (1)(a) through (j) and decreasing the number of elective credits proportionately, and by increasing the minimum grade point average requirement*; however, an increase in *required courses* ~~academic credit~~ or minimum grade point average requirements shall not apply to those students enrolled in grades 9 through 12 at the time the district school board increases the requirements. *This paragraph does not preclude district school boards from establishing academic credit requirements in excess of 24 credits for academy, magnet, or other special courses of study programs which students may voluntarily enter and agree to the excess requirements.*

Pursuant to Rule 4.19, **CS for SB 706** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick, by two-thirds vote—

CS for SB 536—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, 240.235, 240.35, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; revising certain funding amounts; providing a fee exemption for certain postsecondary students; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 536** was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote—

CS for CS for SB 1996 and CS for SB 1182—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing for recognition as public schools; revising requirements relating to proposals; providing for appeal of disputes and requiring mediation services; revising limitations on the number of schools; revising provisions relating to eligible students; providing for operation by a nonprofit organization; deleting certain restrictions on holding charter contracts; revising provisions relating to charter terms; providing for public employee status; providing requirements relating to employees; revising requirements relating to student transportation; revising administrative fee provisions and requiring certain administrative and educational services; revising provisions relating to charter school use of certain facilities or property; providing for certain purchasing; authorizing charter schools-in-the-workplace; providing requirements and tax exemption; creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay Trust Fund; providing eligibility requirements; providing for the recovery of funds; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital outlay purposes of charter schools; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay Trust Fund; providing effective dates.

—was read the second time by title.

Senator Holzendorf moved the following amendments which were adopted:

Amendment 1—On page 2, line 17, after "education." insert: *On July 1, 2000, all public schools in this state shall become charter schools and shall operate under the rules governing charter schools.*

Amendment 2—On page 6, lines 1-3, delete those lines and insert:

(h) No organization shall hold more than ~~one elementary, one middle, and one high school charter contract in a school district and no more than~~ 15 charters statewide.

MOTIONS

On motion by Senator Bankhead, the rules were waived to extend time of recess until 11:45 a.m.; and by two-thirds vote debate on remaining amendments was limited to five minutes per side for a total of ten minutes per amendment.

Senator Campbell moved the following amendment which failed:

Amendment 3—On page 12, between lines 15 and 16, insert:

(c) All teachers who are employed by charter schools have the right to collective bargaining.

RECONSIDERATION OF AMENDMENT

On motion by Senator Holzendorf, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

MOTIONS

On motion by Senator Bankhead, the rules were waived to extend time of recess; and by two-thirds vote debate on **Amendment 4** was limited to five minutes per side for a total of ten minutes.

Senators Holzendorf, Campbell, Forman, Geller, Hargrett, Klein, Kurth, Meadows and Turner offered the following amendment which was moved by Senator Geller and failed:

Amendment 4 (with title amendment)—On page 3, line 28 through page 4, line 18, delete those lines

And the title is amended as follows:

On page 1, lines 6 and 7, delete those lines and insert: and requiring mediation services; revising

Pursuant to Rule 4.19, **CS for CS for SB 1996 and CS for SB 1182** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, April 2.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following Special and Continuing Order Calendar for Wednesday, April 1, and Thursday, April 2, 1998: CS for SB 650, CS for CS for SB 182 and SB 1042, CS for SB 180, CS for SB 706, CS for SB 536, CS for CS for SB 1996 and CS for SB 1882, CS for SB 1184, CS for SB 216, CS for SB 822, CS for SB 1132, SB 1268, SB 240, CS for SB 1402, CS for SB 1716, CS for SB 1708, SB 146, CS for SB 482, SB 370, SB 472, SB 170, CS for SB 290, SB 1898,

CS for SB 1372, SB 594, SB 1260, CS for SB 118, SB 116, CS for SB 110, CS for SB 406, SB 136, SB 222, CS for SB 176, SB 304, CS for SB 476, CS for SB 466, SB 200, CS for SB 114, SB 108, CS for SB 776, SB 928, CS for CS for SB 1046, SB 496, SB 166, CS for SB 382, CS for SB 492, CS for SB 812, SB 1058, CS for CS for SB 626, CS for SB 818, SB 1292, SB 982, SB 708, CS for SB 154, SB 892, SB 668, CS for SB 508, SB 830, SB 560, SB 540, CS for SB 178

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Banking and Insurance recommends the following pass: SB 2122 with 2 amendments

The bill was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Agriculture recommends the following pass: SB 1066 with 1 amendment

The bill was referred to the Committee on Regulated Industries under the original reference.

The Committee on Ways and Means recommends the following pass: CS for SB 824

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 660 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 1460

The Committee on Criminal Justice recommends the following pass: SB 948, SB 2162

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB's 1358 and 160 with 2 amendments, CS for SB 1378

The Committee on Transportation recommends the following pass: SB 282 with 1 amendment, SB 790, SB 854, SB 1266, SB 1306, SB 2242

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends the following pass: SB 2314

The Committee on Ways and Means recommends the following pass: CS for SB 180 with 1 amendment, CS for CS for SB 182 and SB 1042 with 1 amendment, CS for SB 380 with 5 amendments, CS for CS for SB 646, CS for SB 706, CS for CS for SB 742 with 2 amendments, CS for SB 822 with 1 amendment, CS for SB 1184, SB 1268 with 1 amendment, CS for SB 1402

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary recommends a committee substitute for the following: SB 1244

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 552

The Committee on Natural Resources recommends a committee substitute for the following: SB 600

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1846

The Committee on Education recommends committee substitutes for the following: SB 924, SB 2074

The Committee on Health Care recommends a committee substitute for the following: SB 870

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2076

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1366

The Committee on Natural Resources recommends a committee substitute for the following: Senate Bills 1794 and 2200

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation under the original reference.

The Committee on Children, Families and Seniors recommends committee substitutes for the following: SB 1878, SB 2060

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 2014, SB 2310

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 1056, SB 1156, SB 1620, SB 1684

The Committee on Natural Resources recommends committee substitutes for the following: CS for SB 374, SB 1176, SB 1554, SB 1880

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2054

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2224

The Committee on Education recommends a committee substitute for the following: SB 2136

The Committee on Health Care recommends a committee substitute for the following: SB 932

The Committee on Judiciary recommends a committee substitute for the following: SB 418

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1508, SB 2056

The Committee on Rules and Calendar recommends a committee substitute for the following: SB 874

The Committee on Ways and Means recommends committee substitutes for the following: SB 62, CS for SB 194, SB 536, SB 1450, CS for SB 1996 and CS for SB 1182

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable Toni Jennings April 1, 1998
President, The Florida Senate

Re: Suspension of:

AVANT WARREN BROWN
Member, Board of County Commissioners
Glades County, Florida

Dear President Jennings:

The suspension of Avant Warren Brown has been referred to the Committee on Executive Business, Ethics and Elections.

By Executive Order Number 97-131 filed with the Secretary of State on April 15, 1997, the Honorable Lawton Chiles, as Governor, suspended Avant Warren Brown as a member of the Board of County Commissioners of Glades County, Florida. On June 16, 1997, the Honorable Lawton Chiles entered an Order of Reinstatement, Executive Order Number 97-175, revoking the Executive Order of Suspension and reinstating the Honorable Avant Warren Brown to the aforesaid county office on that date.

In view of the foregoing, no further action by the Senate is authorized or required by the Florida Constitution. The case is now in the proper posture for the Senate to enter a formal finding that no further action is necessary, and that this suspension case be closed.

Sincerely,
Charlie Crist, Chairman

The Honorable Toni Jennings April 1, 1998
President, The Florida Senate

Re: Suspension of:

JAMES C. BURKE
Member, Board of County Commissioners
Dade County, Florida

Dear President Jennings:

The suspension of James C. "Jimmy" Burke has been referred to the Committee on Executive Business, Ethics and Elections.

By Executive Order Number 98-12 filed with the Secretary of State on January 9, 1998, the Honorable Lawton Chiles, as Governor, suspended Jimmy Burke as a member of the Board of County Commissioners of Dade County, Florida. By letter dated January 10, 1998, Mr. Burke tendered his resignation from the aforementioned office. On the same day, the Honorable Lawton Chiles, as Governor, accepted the resignation of Mr. Burke effective January 10, 1998. Mr. Burke's resignation was filed with the Department of State on January 13, 1998.

In view of the foregoing, no further action by the Senate is authorized or required by the Florida Constitution. The case is now in the proper posture for the Senate to enter a formal finding that no further action is necessary, and that this suspension case be closed.

Sincerely,
Charlie Crist, Chairman

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Geller—

SB 2538—A bill to be entitled An act relating to elections; amending s. 106.021, F.S.; providing a limitation on direct expenditures by political committees and political parties; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senators Geller, Klein, Forman, Campbell, Meadows, Silver, Rossin, Dyer, Casas, Gutman, Crist, Jones, Harris and Dudley—

SB 2540—A bill to be entitled An act relating to insurance claims of Holocaust victims and their heirs and beneficiaries; creating s. 626.9543, F.S.; providing a short title; providing legislative intent and purpose; requiring the Department of Insurance to provide certain assistance to Holocaust victims; providing requirements for insurers relating to insurance claims from beneficiaries, descendants, or heirs of Holocaust victims; limiting certain statutes of limitation under certain circumstances; requiring insurers to report certain information to the department; requiring the department to report to the Legislature; providing penalties; providing requirements for bringing certain causes of action; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Ways and Means.

By Senator Laurent—

SB 2542—A bill to be entitled An act relating to public health; amending s. 381.0065, F.S.; prescribing agency responsibility for determining site suitability for on-site sewage treatment and disposal systems; revising guidelines for the granting of variances regarding such systems; amending s. 381.0068, F.S.; revising responsibilities and duties of the technical review and advisory panel; providing an effective date.

—was referred to the Committees on Community Affairs and Health Care.

SR 2544—Not referenced.

By Senator Myers—

SB 2546—A bill to be entitled An act relating to the Department of Health; amending s. 499.003, F.S.; providing definitions; amending s. 499.005, F.S.; clarifying prohibited acts; amending s. 499.01, F.S.; conforming listed permits; amending s. 499.012, F.S.; deleting definitions; clarifying wholesale distribution and permitting requirements; authorizing transfers for government purposes in certain situations; authorizing a retail pharmacy to transfer limited quantities of prescription drugs without a wholesaler permit; amending s. 499.0121, F.S.; clarifying existing rulemaking authority for the storage and handling of drugs; providing for notification to the department; amending s. 499.0122, F.S.; providing for an expiration date of a practitioner's order for medical oxygen; deleting a definition; clarifying provisions related to the sale of veterinary drugs to the public; amending s. 499.013, F.S.; providing an exemption from permitting requirements; amending s. 499.014, F.S.; revising statutory references; amending s. 499.015, F.S.; revising statutory references; amending s. 499.024, F.S.; providing drug product classification; revising statutory references; amending s. 499.028, F.S.; authorizing government officers and employees to possess complimentary prescription drugs when acting within the scope of employment; amending s. 499.03, F.S.; revising statutory references; prohibiting possession of certain drugs unless they are lawfully dispensed pursuant to a valid prescription; amending s. 499.041, F.S.; deleting a fee; providing that fees are nonrefundable; amending s. 499.051, F.S.; authorizing agents

of the Department of Health to inspect and investigate at any time, if necessary, to protect the public health; deleting a requirement that the Department of Business and Professional Regulation inspect retail pharmacy wholesalers; amending s. 499.066, F.S.; authorizing immediate effectiveness of cease and desist order with provision for motion to abate or modify the order; amending s. 499.069, F.S.; correcting cross-references to the prohibited acts for criminal punishment; creating s. 499.072, F.S.; creating the Drug Regulation Advisory Group; providing membership; providing per diem and travel expenses; providing purpose and duties; authorizing the department to publish compliance policy guidelines setting forth the group's recommendations; amending s. 499.62, F.S.; providing an intracompany exception to permitting ether; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Senator Silver—

SB 2548—A bill to be entitled An act relating to employment by amusement enterprises; requiring an applicant for such employment to submit a set of fingerprints to the Department of Agriculture and Consumer Services; requiring the applicant to bear the costs of processing the fingerprints; providing that the work privilege is revocable by the department; providing an effective date.

—was referred to the Committees on Agriculture; and Ways and Means.

By Senator Silver—

SB 2550—A bill to be entitled An act relating to brain and spinal cord injury; stating legislative intent to provide a permanent source of funding to increase amounts available for spinal cord injury and brain injury research; amending s. 413.20, F.S.; amending the definition of the term "traumatic injury"; amending s. 413.613, F.S.; providing for the distribution of moneys from the Brain and Spinal Cord Injury Rehabilitation Trust Fund to specified universities for spinal cord injury and brain injury research; deleting a limitation on the dollar amount of such trust fund moneys that may be distributed in any one year to certain of the universities for such purposes; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Ways and Means.

Senate Resolutions 2552—2556—Not referenced.

By Senator McKay—

SB 2558—A bill to be entitled An act relating to water management; amending s. 373.503, F.S.; revising the statutory millage rate cap for water management districts; deleting authority to levy taxes in specified territories; creating s. 373.505, F.S.; requiring the districts to submit preliminary budget requests to the Governor; providing for public hearings, review procedures, and required data; requiring reports of expenditures to the Governor and the Legislature; repealing s. 373.536(5), F.S., relating to the current district budgeting process; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Senator McKay—

SB 2560—A bill to be entitled An act relating to education; creating a public-private partnership pilot program; providing intent and definitions; providing eligibility requirements for private schools and nonprofit organizations; providing for flexibility in educating students; providing for payment of funds; requiring certain funds to be sent to a direct-support organization for specified use; providing student eligibility requirements; providing for rules; requiring the Department of Education to establish a choice-information center; requiring legislative review; requiring reports; providing for severability; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Senator Laurent—

SB 2562—A bill to be entitled An act relating to water management districts; amending s. 373.536, F.S.; providing that the Legislature shall adopt or modify program priorities for water management district budgets; providing that the districts shall incorporate these program priorities in developing their budgets; providing that the Executive Office of the Governor shall determine whether each district's budget is consistent with the applicable program priorities; providing that the Executive Office of the Governor shall disapprove those portions of a water management district's budget that are determined to be inconsistent with applicable program priorities; providing an effective date.

—was referred to the Committees on Natural Resources; Rules and Calendar; and Ways and Means.

By Senator Clary—

SB 2564—A bill to be entitled An act relating to public education facilities; repealing s. 235.217, F.S.; abolishing the SMART Schools Clearinghouse; providing for continuation of the 5-year work program; providing duties of the Department of Education with respect to administration of the School Infrastructure Thrift Fund and Effort Index Fund; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ways and Means; and Senator Diaz-Balart—

CS for SB 62—A bill to be entitled An act for the relief of Joseph Bellamy Farver; providing an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Department of Children and Family Services, formerly the Department of Health and Rehabilitative Services; providing an effective date.

By the Committees on Ways and Means; Criminal Justice; and Senators Childers and Lee—

CS for CS for SB 194—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a default under the title loan agreement; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

By the Committees on Natural Resources, Transportation and Senators Klein and Crist—

CS for CS for SB 374—A bill to be entitled An act relating to motor vehicle emissions inspections; directing the Department of Highway Safety and Motor Vehicles to hire an independent expert consultant to do a study; prohibiting the department from entering into a contract for a motor vehicle inspection program; amending s. 325.214, F.S.; setting the fee for inspections; establishing funds for the study; providing an effective date.

By the Committee on Judiciary and Senator Bronson—

CS for SB 418—A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.29, F.S.; deleting requirement for appointment based upon race or gender and requiring consideration of those factors in making appointments; providing for the judicial nominating commission of a judicial circuit to include among its members and electors at least one resident from each county within the judicial circuit; providing an effective date.

By the Committee on Ways and Means; and Senator Kirkpatrick—

CS for SB 536—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, 240.235, 240.35, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; revising certain funding amounts; providing a fee exemption for certain postsecondary students; providing an effective date.

By the Committee on Judiciary and Senator Klein—

CS for SB 552—A bill to be entitled An act relating to juries; amending s. 40.015, F.S.; providing a method for establishing jury districts, boundaries; providing an effective date.

By the Committee on Natural Resources and Senator Hargrett—

CS for SB 600—A bill to be entitled An act relating to solid waste management; amending s. 403.707, F.S.; providing conditions for issuing permits; providing an effective date.

By the Committee on Health Care and Senator Meadows—

CS for SB 870—A bill to be entitled An act relating to public records and meetings; creating s. 468.854, F.S.; providing for application of public records exemptions in ss. 455.621(2) and (10) and 455.707(3)(e) and (5)(a), F.S., to certain information concerning licensed graduate social workers and licensed bachelor social workers; providing for application of the public meetings exemption in s. 455.621(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Rules and Calendar; and Senators McKay, Dudley, Rossin, Ostalkiewicz, Lee and Campbell—

CS for SB 874—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; specifying certain rights of jurors; authorizing discussions among jurors; authorizing jurors to take notes; authorizing certain information to be provided to jurors; authorizing jurors to submit written questions to the court and to witnesses; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; requiring the completion of mediation before trial is set in certain civil actions; providing conditions for mediation; creating s. 47.025, F.S.; specifying where certain lien actions may be brought against resident contractors, subcontractors, and sub-subcontractors; amending s. 57.105, F.S.; revising conditions under which attorney's fees may be imposed against a party and the party's attorney for presenting unsupported claims or defenses; entitling an opposing party to strike certain claims or defenses raised by a party who has been sanctioned in a specified number of actions within a specified period for presenting unsupported claims or defenses; authorizing the court to impose additional sanctions or requirements; authorizing damage awards against a party who takes specified actions for the purpose of delay; amending s. 90.803, F.S.; revising the requirements under which former testimony may be allowed at trial as an exception to the prohibition against hearsay evidence; amending s. 95.031, F.S.; limiting the period during which an action may be brought for product liability; providing for application; amending s. 768.075, F.S.; decreasing blood-alcohol level; changing standard of conduct from willful and wanton misconduct to intentional misconduct; providing an exemption from liability to trespassers; providing conditions and limitations on exemption; providing definitions; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee if the employer conducts a preemployment background investigation; prescribing the elements of such background investigation; specifying that electing not to complete the background investigation does not constitute a failure to use reasonable care in hiring an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.098, F.S.; providing that a business owner or operator is immune from liability under certain circumstances for an intentional tort by a third party against an invitee; providing for an exception; creating s. 768.1256, F.S.; creating a rebuttable presumption from liability for products, drugs, and medical devices in compliance with certain standards; providing exceptions; providing that, under certain circumstances, a state agency or political subdivision may be held liable to the same extent as a private person for failure to provide adequate security or police protection; creating s. 768.099, F.S.; limiting liability of motor vehicle owners and rental companies to specific amounts without a showing of negligence or intentional misconduct; providing exceptions; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if the plaintiff was more than a specified percentage at fault due to the influence of an alcoholic beverage or drugs; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.73, F.S.; requiring certain findings for, and providing for reduction of, subsequent punitive damage awards under specified circumstances; requiring that a specified percentage of an award for punitive damages be paid to the state; requiring the Department of Banking and Finance to collect the payments of such awards; providing for attorney's fees for the claimant to be based on the entire award of punitive damages; creating s. 768.736, F.S.; providing that ss. 768.725, 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; creating s. 768.781, F.S.; providing for terms in certain contracts for an attorney's services; requiring that notice be sent to each allegedly responsible party; providing requirements for a presuit response and settlement offer; amending s. 768.79, F.S.; authorizing the court to consider whether a proposal was reasonably rejected when considering entitlement to and the amount of an award of attorney's fees; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; requiring a defendant to plead that a nonparty is at fault within a certain time; requiring that the defendant must prove the nonparty has some fault; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring physicians and osteopathic physicians to obtain and maintain a specified amount of professional liability coverage as a condition of hospital staff privileges; providing legislative findings and intent with respect to the regulation of legal advertising; creating s. 877.023, F.S.; regulating the content of advertisements for legal services; providing a penalty; specifying that the provisions do not abrogate certain other laws, codes, ordinances, rules, or penalties; requiring the clerk of court to report certain information on negligence cases to the Office of the State Court Administrator; providing for severability; providing an effective date.

By the Committee on Education and Senator Sullivan—

CS for SB 924—A bill to be entitled An act relating to nonpublic postsecondary education institutions; amending s. 246.021, F.S.; clarifying the definition of the term "college"; amending s. 246.031, F.S.; revising requirements relating to members of the State Board of Independent

Colleges and Universities; amending s. 246.041, F.S.; revising powers and duties of the board; deleting or correcting obsolete references; amending s. 246.084, F.S., relating to colleges receiving an authorization; revising certain requirements; providing for exemption from certain requirements; revising provisions relating to oversight of the review and collection of data for purposes of determining compliance; amending s. 246.085, F.S.; revising provisions relating to issuance of a certificate of exemption; amending s. 246.101, F.S., to conform; amending 246.121, F.S.; correcting obsolete references; amending s. 246.31, F.S., relating to the Institutional Assessment Trust Fund; conforming provisions; providing an effective date.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 932—A bill to be entitled An act relating to regulation of professionals; amending s. 455.624, F.S.; specifying health care professionals for whom failure to wear certain identification while offering services to the public is grounds for disciplinary action; requiring the Department of Health or appropriate board to designate by rule exceptions to the grounds for disciplinary action; providing penalties; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Kurth—

CS for SB 1056—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S., which provides requirements for deposit and investment of state money; revising the standards that certain corporate obligations and state and local government obligations must meet to be qualified for such investment; authorizing investment in certain foreign bonds and certain convertible debt obligations of corporations domiciled in the United States; amending s. 766.315, F.S.; authorizing the association to invest plan funds only in investments and securities described in s. 215.47, F.S.; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Dyer—

CS for SB 1156—A bill to be entitled An act relating to affordable housing; amending s. 420.0005, F.S.; clarifying application of certain provisions to the State Housing Fund; amending s. 420.0006, F.S.; specifying an additional requirement for contracts with the Florida Housing Finance Corporation; providing duties of the Comptroller relating to certain advances to the corporation; amending s. 420.503, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.504, F.S.; providing for alternative public notice; providing the corporation with limited benefits of sovereign immunity; deleting a definition; amending s. 420.5061, F.S.; providing that the corporation is a state agency for purposes of the state allocation pool for private activity bonds; amending s. 420.507, F.S.; including services within certain procurement requirement provisions; authorizing the corporation to mortgage certain property; deleting a budget limitation on certain programs; providing additional powers of the corporation; providing that the corporation may provide infrastructure improvements; amending s. 420.5087, F.S.; clarifying application of the state fiscal year; amending s. 420.5088, F.S.; expanding availability of certain program funds; amending s. 420.5089, F.S.; deleting a requirement for certain program fund loan commitments under certain circumstances; amending s. 420.509, F.S.; clarifying application of provisions for public sale of corporation bonds; amending s. 420.511, F.S.; revising requirements for the corporation's business plan for affordable housing; amending s. 420.512, F.S.; limiting application of a term for certain purposes; amending s. 420.528, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.9071, F.S.; correcting a cross reference; clarifying application to the corporation's fiscal year; amending ss. 420.9073 and 420.9079, F.S.; clarifying application to the state fiscal year; repealing s. 420.504(8), F.S., relating to certain liability of members of the board of directors of the corporation; providing an effective date.

By the Committee on Natural Resources and Senator Lee—

CS for SB 1176—A bill to be entitled An act relating to rulemaking authority of the Department of Environmental Protection with respect to phosphogypsum management; requiring the Department of Environmental Protection to adopt rules to ensure that phosphogypsum stack systems are operated to meet critical safety standards by July 1, 1999; amending s. 403.1651, F.S.; authorizing the Department of Environmental Protection to enter into settlements in which moneys are to be deposited into a local pollution-recovery fund and used for specified purposes; providing an effective date.

By the Committee on Judiciary and Senator Burt—

CS for SB 1244—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's liability to pay over within 10 days certain moneys collected; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Klein—

CS for SB 1366—A bill to be entitled An act relating to motor vehicles; amending s. 521.004, F.S.; modifying the disclosure form for a motor vehicle lease; amending s. 681.102, F.S.; modifying definitions applicable to motor vehicle sales warranties; providing an effective date.

By the Committee on Ways and Means; and Senators Bankhead, Lee, Clary, Hargrett, Sullivan, McKay, Crist and Cowin—

CS for SB 1450—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.023, F.S.; defining the terms "ministerial function" and "processing activity" for purposes of ch. 199, F.S.; amending s. 199.052, F.S.; increasing the minimum amount of annual intangible personal property tax which a person may be required to pay; repealing s. 199.052(11), F.S., relating to returns filed by banking organizations, to conform; amending s. 199.175, F.S., relating to taxable situs; conforming provisions; amending s. 199.185, F.S.; revising the exemption from intangible personal property taxes for certain property held in trust; revising the exemption for real estate mortgage investment conduits; partially exempting accounts receivable arising out of a trade or business from intangible personal property taxes; providing legislative intent to fully exempt such assets in subsequent years; providing a full, rather than partial, exemption from the annual tax for banks and savings associations and providing for application of the exemption to organizations defined by s. 220.62(1), (2), (3), and (4), F.S.; exempting insurers from the annual tax; repealing s. 199.104, F.S., which provides a credit against the annual tax for banks and savings associations; repealing s. 220.68, F.S., which provides a credit against the franchise tax imposed on banks and savings associations based on intangible tax paid; amending s. 199.282, F.S.; revising the penalty for late filing of an annual intangible tax return; providing a limitation on combined delinquency and late filing penalties; revising the penalty for omitting or undervaluing property on an annual return; amending s. 199.292, F.S.; revising the distribution of intangible tax revenues; amending s. 220.02, F.S., relating to order of credits against the corporate income tax or franchise tax, and s. 624.509, F.S., relating to the

insurance premium tax; conforming provisions; providing application; providing effective dates.

By the Committee on Regulated Industries and Senators Latvala and Horne—

CS for SB 1508—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; providing definitions; amending s. 473.303, F.S.; revising provisions relating to membership on probable cause panels of the Board of Accountancy; amending s. 473.306, F.S.; providing conditions under which the board may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership, corporation, or limited liability company to practice public accountancy in this state; amending s. 473.3101, F.S.; providing requirements for the licensure of sole proprietors and other legal entities; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 473.313, F.S.; providing continuing education requirements for the reactivation of certain licenses; amending s. 473.315, F.S.; providing an exemption for attorneys; amending ss. 473.319, 473.3205, F.S.; revising provisions relating to contingency fees, commissions, and referral fees; amending s. 473.322, F.S.; providing certain requirements for persons offering certain public accounting services; providing an effective date.

By the Committee on Natural Resources and Senators Williams and Kirkpatrick—

CS for SB 1554—A bill to be entitled An act relating to air pollution control revenues; amending s. 215.22, F.S.; exempting the Air Pollution Control Trust Fund from a surcharge; amending s. 403.0872, F.S.; providing for adjustments in the major stationary source annual air-operation permit license fees; deleting obsolete provisions relating to a study that was conducted; changing the date for an audit of the major stationary source air-operation permit program; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 1620—A bill to be entitled An act relating to consumer protection; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the Department of Agriculture and Consumer Services; amending s. 496.403, F.S.; exempting persons or organizations who solicit solely on behalf of bona fide religious institutions, educational institutions, and governmental entities from the provisions of ss. 496.401-496.424, F.S.; amending s. 496.404, F.S.; clarifying a definition; amending s. 496.405, F.S.; revising a registration fee schedule for charitable organizations; amending s. 496.406, F.S.; deleting certain registration requirements for certain charitable organizations; amending s. 501.143, F.S.; deleting a specific annual registration date for certain dance studios; amending s. 501.607, F.S.; clarifying certain procedures for licensing salespersons; amending s. 501.2101, F.S.; authorizing the deposit of moneys received by an enforcing authority for attorney's fees and costs of investigation or litigation to be deposited in the Legal Affairs Revolving Trust Fund; amending s. 559.805, F.S.; requiring business opportunity sellers to disclose certain information; amending s. 559.904, F.S.; clarifying registration requirements for motor vehicle repair shop operators; providing a late fee; amending s. 817.415, F.S.; revising requirements for free advertising; providing an effective date.

By the Committee on Governmental Reform and Oversight—

CS for SB 1684—A bill to be entitled An act relating to the Florida Retirement System (RAB); clarifying provisions throughout ch. 121, F.S., relating to vesting and the normal retirement date for a member; amending s. 121.021, F.S., relating to definitions; revising and adding definitions; amending s. 121.051, F.S., relating to participation in the Florida Retirement System; providing that consultants and independent contractors are ineligible to participate; establishing procedures and requirements for municipalities or special districts that choose to participate in the Florida Retirement System; providing requirements for employers that transfer, merge, or consolidate governmental services or functions; limiting a member's rights following a conviction for causing a shortage in a public account; providing requirements and limitations for a member who is dually employed; amending s. 121.0515, F.S., relating to Special Risk Class membership; providing for retroactive membership in certain cases; requiring certain members who are moved or reassigned to participate in the Special Risk Administrative Support Class; amending s. 121.052, F.S., relating to the Elected State and County Officers' Class; providing for calculating average final compensation; amending s. 121.053, F.S., relating to retired member participation in the Elected State and County Officers' Class; clarifying requirements for creditable service; amending s. 121.055, F.S., relating to the Senior Management Service Optional Annuity Program; clarifying participation requirements; providing for the Optional Annuity Program Trust Fund; providing eligibility requirements for receiving benefits; providing for administering the program; providing requirements and limitations for a member who is dually employed; amending s. 121.071, F.S., relating to system contributions; providing requirements for contributions for other creditable service; amending s. 121.081, F.S., relating to contributions for past service or prior service; clarifying provisions with respect to required contributions; providing requirements for receiving service credit and prior service credit; amending s. 121.091, F.S., relating to benefits payable under the Florida Retirement System; providing for cancellation of application for retirement benefits; clarifying and consolidating benefit provisions; providing procedures for determining average final compensation; providing for determining disability retirement benefits; providing for optional forms of retirement benefits and disability retirement benefits; providing requirements for determining death benefits; providing for designating beneficiaries; providing for the payment of benefits; authorizing certain deductions from the monthly benefit payment; amending s. 121.111, F.S., relating to credit for military service; providing requirements for determining creditable service; amending s. 121.121, F.S.; providing requirements for purchasing creditable service for authorized leaves of absence; amending s. 121.122, F.S., relating to renewed membership; clarifying requirements for a member who does not claim credit for all postretirement service; creating s. 121.193, F.S., relating to external compliance audits; providing responsibilities of the Division of Retirement of the Department of Management Services with respect to such audits; specifying requirements of participating agencies; amending s. 121.35, F.S., relating to the Optional Retirement Program for the State University System; providing for the application of certain federal requirements; providing for the administration of the Optional Retirement Program Trust Fund; clarifying benefit requirements; providing for responsibilities of the Board of Regents and institutions in the State University System; amending s. 121.40, F.S., relating to the supplemental retirement benefits provided for certain personnel at the Institute of Food and Agricultural Sciences at the University of Florida; providing for the deduction of certain payments from the monthly benefit payment; providing legislative intent with respect to the amendments made by the act; providing an effective date.

By the Committee on Natural Resources and Senators Burt and Clary—

CS for SB's 1794 and 2200—A bill to be entitled An act relating to boating safety and emergency responses; amending s. 316.003, F.S.; redefining the term "authorized emergency vehicles" to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term "operate" with respect to vessels; amending s. 327.352, F.S.; revising language with respect to the operation of a vessel while under the influence; providing Legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35201, F.S.; restoring a penalty for

refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations, equipment and lighting requirements to clarify responsibility for compliance; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; providing effective dates.

By the Committee on Commerce and Economic Opportunities; and Senator Williams—

CS for SB 1846—A bill to be entitled An act relating to air carriers; directing the Department of Management Services to evaluate the state contract for air carrier service for state employees, to undertake a pilot program, and to adopt purchasing guidelines; directing the Office of Program Policy Analysis and Government Accountability to review the impact of the pilot program and report to the Legislature; directing Enterprise Florida, Inc., to complete a review of the impact of regional airports on economic development in the state; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Kurth—

CS for SB 1878—A bill to be entitled An act relating to the Child Care Executive Partnership; amending s. 409.178, F.S.; conforming title of the partnership program; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements; providing an effective date.

By the Committee on Natural Resources and Senator Kurth—

CS for SB 1880—A bill to be entitled An act relating to boating safety; amending s. 327.02, F.S.; redefining "personal watercraft"; amending s. 327.25, F.S.; classifying all personal watercraft as class A-2 vessels; amending s. 327.28, F.S.; providing for distribution and use of registration fees therefor; amending s. 327.39, F.S.; revising requirements for operation of a personal watercraft relating to authorized flotation devices, times of operation, maneuvers constituting reckless operation, and minimum age for operation; prohibiting lease, hiring, or rental to certain persons; requiring all vessel operators to have certain photographic identification; providing a penalty; providing a grandfather clause; amending s. 327.395, F.S.; conforming provisions relating to boating safety identification cards; amending s. 327.54, F.S.; revising requirements for lease, hiring, or rental of vessels by liveries relating to prerental or preride instruction, minimum age for rental, and safety information and instruction; removing liveries' immunity from liability for certain accidents or injuries; requiring certain insurance coverage; providing a penalty; reenacting s. 327.73(1)(p) and (s), F.S., relating to a penalty for violation of vessel laws, to incorporate the amendments to ss. 327.39, 327.395, F.S., in references; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Grant, Latvala and Scott—

CS for CS for SB 1996 and CS for SB 1182—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing for recognition as public schools; revising requirements relating to proposals; providing for appeal of disputes and requiring mediation services; revising limitations on the number of schools; revising provisions relating to eligible students; providing for operation by a nonprofit organization; deleting certain restrictions on holding charter contracts; revising provisions relating to charter terms; providing for public employee status; providing requirements relating to employees; revising requirements relating to student transportation; revising administrative fee provisions and requiring certain administrative and educational services; revising provisions relating to charter school use of certain facilities or property; providing for certain purchasing; authorizing charter schools-in-the-workplace; providing requirements and tax exemption; creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay Trust Fund; providing eligibility requirements; providing for the recovery of funds; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital outlay purposes of charter schools; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay Trust Fund; providing effective dates.

By the Committee on Commerce and Economic Opportunities; and Senator Bankhead—

CS for SB 2014—A bill to be entitled An act relating to the WAGES Program; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing rulemaking authority for the Department of Children and Family Services and the Department of Labor and Employment Security; providing legislative intent with respect to encouraging the employment of participants in the WAGES Program; requiring the Office of Tourism, Trade, and Economic Development to certify to the President of the Senate and the Speaker of the House of Representatives the amount of taxes and the economic benefit generated by the restaurant industry from employing WAGES participants and to add that amount to the total amount of certain beverage taxes and penalties paid during a specified calendar year; providing for the repeal of s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages, if the total amount of the surcharge exceeds a specified figure; providing an effective date.

By the Committee on Banking and Insurance; and Senator Diaz-Balart—

CS for SB 2054—A bill to be entitled An act relating to property insurance; amending ss. 627.7013, 627.7014, F.S.; providing findings relating to the moratorium on hurricane-related cancellations and nonrenewals of personal lines residential policies and condominium association policies, respectively; deleting provisions relating to accelerated exposure reduction plans; providing circumstances under which the sections are inoperative; delaying the future repeal date of the sections; providing an effective date.

By the Committee on Regulated Industries and Senator Lee—

CS for SB 2056—A bill to be entitled An act relating to contractor licensing; amending s. 489.103, F.S.; exempting certain real estate licensees from the contractor licensing provisions; amending s. 489.503, F.S.; exempting certain real estate licensees from the contractor licensing provisions; providing an effective date.

By the Committee on Children, Families and Seniors; and Senators Gutman and Turner—

CS for SB 2060—A bill to be entitled An act relating to the Legal Immigrant's Temporary Income Bridge Program; amending s. 10, ch. 97-259, Laws of Florida; providing that unused program funds for the current fiscal year may be used for food stamps for legal immigrants who are in the naturalization and citizenship process or in the process of seeking an exemption thereto and who are children, recipients of Supplemental Security Income, or persons of a specified age; providing an appropriation; providing an effective date.

By the Committee on Education and Senator Burt—

CS for SB 2074—A bill to be entitled An act relating to education; authorizing the creation of charter technical career centers; prescribing

powers and duties of the Commissioner of Education, the Department of Education, participating district school boards, and community college district boards of trustees, with respect to charter technical career centers; prescribing powers and duties of charter technical career centers and their boards of directors; providing for funding; prescribing rights and duties of employees of centers and of district school board employees and community college employees working at charter technical career centers; providing for the resolution of complaints; providing for revocation of a charter; providing for rules; amending s. 121.021, F.S.; redefining the term "covered group" with respect to the Florida Retirement System to include charter technical career centers; amending s. 121.051, F.S.; providing for optional participation in the Florida Retirement System by employees of charter technical career centers; amending s. 236.081, F.S.; providing for calculating changes in school district funding resulting from a drop in enrollment based on student transfers to a charter technical career center; providing an effective date.

By the Committee on Regulated Industries and Senator Clary—

CS for SB 2076—A bill to be entitled An act relating to professional regulation; amending s. 11.62, F.S.; adding criteria for evaluating new regulation; amending s. 455.201, F.S.; requiring the Department of Business and Professional Regulation to consider the impact on jobs when considering new regulation; creating s. 455.2035, F.S.; providing the department rulemaking authority; amending ss. 455.209, 455.213, 455.218, F.S.; conforming provisions to a previous administrative reorganization; creating s. 455.2237, F.S.; providing authority to inspect and investigate records, offices, and job sites; amending s. 455.225, F.S.; revising probable-cause provisions; prescribing authority of the department or a board in cases of failure to comply with continuing-education requirements; conforming provisions to a previous administrative reorganization; amending s. 455.2285, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.517, F.S.; requiring the Department of Health to consider the impact on jobs when creating new regulation; providing effective dates.

By the Committee on Education and Senator Grant—

CS for SB 2136—A bill to be entitled An act relating to education; amending s. 240.61, F.S.; revising criteria for participating in the college reach-out program; revising the due date for a report on the college reach-out program; removing the requirement for including longitudinal cohort assessment; repealing s. 240.154, F.S., which provides for undergraduate enhancement; repealing s. 240.278, F.S., which provides for the establishment and use of the Quality Assurance Fund; repealing s. 240.521, F.S., which provides for the establishment of a state university or a branch of an existing state university to be located in East Central Florida; repealing s. 240.522, F.S., which provides for the establishment of a university in Southwest Florida; repealing s. 240.523, F.S., which provides for the establishment of a 4-year college in Dade County; repealing s. 240.525, F.S., which provides for the establishment of a state university or branch of an existing state university or state college in Duval County; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Campbell—

CS for SB 2224—A bill to be entitled An act relating to game promotions; amending s. 849.094, F.S.; redefining the terms "game promotion" and "operator" and defining the term "older individual"; prohibiting certain acts in connection with game promotions and promotional materials therefor; requiring certain information to be printed on envelopes; providing penalties, including increased penalties when an unlawful act is against an older individual; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Myers—

CS for SB 2310—A bill to be entitled An act relating to trust funds; creating the Work and Gain Economic Self-sufficiency (WAGES) Trust Fund for the deposit of federal funds that support the WAGES Program; providing for the investment and appropriation of trust fund moneys; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 1793, CS for HB 1985, CS for HB 3007, HB 3125, CS for HB 3199, CS for HB's 3503 and 3329, HB 3509, HB 3569, HB 3685; has passed as amended CS for HB 823, HB 887, HB 1083, HB 1693, HB 1705, HB 1749, HB 1901, HB 1939, HB 1945, HB 2099, CS for HB 3171, HB 3239, CS for HB 3287, HB 3407, CS for HB 4131; has adopted HM 1443; has adopted as amended HM 1811 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on General Government Appropriations and Education Innovation and Representative Wise and others—

CS for CS for HB 1793—A bill to be entitled An act relating to nonprofit private schools; amending s. 159.27, F.S.; redefining the term "educational facility" to include property used for the operation of certain nonprofit private schools; providing requirements relating to financing; amending s. 623.13, F.S.; authorizing financing under the Florida Industrial Development Financing Act; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committees on Family Law and Children; Children and Family Empowerment; and Representative Lynn and others—

CS for HB 1985—A bill to be entitled An act relating to human rights; amending s. 402.165, F.S.; redesignating the Statewide Human Rights Advocacy Committee as the Statewide Human Rights Advocacy Council; revising membership of the statewide council; increasing the term of appointment to the statewide council; amending s. 402.166, F.S.; redesignating the district human rights advocacy committees as the local human rights advocacy councils; providing for additional local councils to be established; increasing the term of appointment to a local council; providing for appointing a vice chairperson to each local council; providing for local councils to monitor the activities of, and investigate complaints against, the Department of Children and Family Services; amending s. 402.167, F.S.; revising provisions to reflect the redesignation of the human rights advocacy committees as human rights advocacy councils; amending ss. 393.13, 394.459, 394.4595, 394.4597, 394.4598, 394.4599, 394.4615, 400.0067, 400.0089, 400.419, 400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 415.501, 415.505, and 415.51, F.S.; conforming terminology to changes made by the act; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By the Committee on Juvenile Justice and Representative Fasano and others—

CS for HB 3007—A bill to be entitled An act relating to alcohol and other substance abuse testing of a delinquent child; amending s. 985.231, F.S., relating to powers of disposition in delinquency cases; providing that the court may order a delinquent child placed in an community control or aftercare program to submit to random testing for alcohol or controlled substances; providing that the order may be made at the disposition, or pursuant to the filing of a petition alleging violation of the conditions of the child's community control or aftercare supervision; reenacting s. 985.31(3)(e), F.S., relating to serious or habitual offenders, and s. 985.311(3)(e), F.S., relating to intensive residential treat-

ment program for offenders less than 13 years of age, to incorporate said amendment in references; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Smith—

HB 3125—A bill to be entitled An act relating to disposal of solid waste; amending s. 403.707, F.S.; revising and clarifying conditions under which the disposal of solid waste is exempt from Department of Environmental Protection permitting requirements; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Business Regulation and Consumer Affairs; and Representative Dockery and others—

CS for HB 3199—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising a definition; amending s. 538.04, F.S.; exempting secondhand dealers from certain recordkeeping requirements for transactions involving secondhand sports equipment; providing an exception; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Water and Resource Management; and Representative Carlton and others—

CS for HB's 3503 and 3329—A bill to be entitled An act relating to water resource management; amending s. 373.016, F.S.; providing legislative policy relating to state and regional water resource management; encouraging use of water from sources nearest the area of need; providing an exception; amending s. 373.019, F.S.; defining "donor area"; amending s. 373.196, F.S.; clarifying legislative intent that water resource development is a function of the water management districts; amending s. 373.223, F.S.; directing the Department of Environmental Protection or water management district governing board to give significant weight to certain factors when determining the public interest for the transport and use of water across county boundaries or outside the watershed; amending s. 373.229, F.S.; requiring additional information in permit applications for proposed transport and use of water pursuant to s. 373.223(2), F.S.; reenacting s. 373.536(5)(c), F.S.; clarifying intent with respect to language inadvertently omitted by legislative action; amending ss. 373.036, 373.209, 373.226, and 373.421, F.S.; correcting cross references; providing an effective date.

—was referred to the Committees on Natural Resources and Community Affairs.

By Representative Constantine—

HB 3509—A bill to be entitled An act relating to motor vehicle specialty license plates; amending s. 320.08053, F.S.; revising language with respect to requirements for requests to establish specialty license plates; amending s. 320.08056, F.S.; revising language with respect to specialty license plates to provide criteria for the discontinuance of the issuance of an approved plate; amending s. 320.08062, F.S.; revising language with respect to an annual required audit or report; revising language with respect to annual use fees of special license plates; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Representative Reddick and others—

HB 3569—A bill to be entitled An act relating to prosecutions; amending s. 27.365, F.S, relating to the annual report by the Florida Prosecuting Attorneys Association regarding prosecutions; requiring inclusion of certain additional information in the report on victim notification; requiring inclusion of certain dispositional information for cases involving domestic violence, violations of injunctions for protection against domestic violence or repeat violence, stalking, or sexual battery; specifying that the report shall be made available for public inspection; removing obsolete provision; conforming a reference; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Agriculture and Representative Bronson—

HB 3685—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; reviving and readopting ss. 500.12, 500.121, F.S., relating to food permits and building permits and to penalties for violations relating to such permits; providing an effective date.

—was referred to the Committees on Agriculture; and Ways and Means.

By the Committee on Finance and Taxation; and Representative Gay and others—

CS for HB 823—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S., which provides requirements for deposit and investment of state money; revising the standards that certain corporate obligations and state and local government obligations must meet to be qualified for such investment; authorizing investment in certain foreign bonds and certain convertible debt obligations of corporations domiciled in the United States; amending s. 766.315, F.S.; providing that the investment of funds by the Florida Birth-Related Neurological Injury Compensation Association is subject to the provisions of s. 215.47, F.S.; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

By Representative Sublette and others—

HB 887—A bill to be entitled An act relating to school district expenditures; amending s. 237.081, F.S.; revising provisions relating to the advertisement of a school board's tentative budget; requiring the inclusion of specified information; authorizing rules; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Financial Services and Representative Safley and others—

HB 1083—A bill to be entitled An act relating to the Uniform Commercial Code; revising chapter 678, F.S.; revising part I, relating to general matters; providing a short title; providing definitions; providing rules for determining whether certain obligations and interests are securities or financial assets; providing for acquisition of security or financial assets or interests; providing for notice of adverse claim; providing for control of certain securities; providing for effect of certain actions; providing for warranties in direct holding; providing for warranties in indirect holding; providing for applicability of law; providing clearing corporation rules; providing for creditor's legal process; providing for inapplication of statute of frauds; providing for evidentiary rules concerning certificated securities; providing for nonliability to adverse claimant under certain circumstances; providing for securities intermediary as purchaser for value; revising part II, relating to issue and issuer; providing a definition of issuer; providing for issuer's responsibilities and defenses; providing for notice; specifying staleness as notice of defect or defense; providing effect of issuer's restriction on transfer; providing for effect of unauthorized signatures; providing for completion or alteration of security certificates; providing rights and duties of issuer with respect to registered owners; providing for effect of signature of certain persons; providing for issuer's liens; specifying conditions of

overissue; revising part III, relating to transfer of certificated and uncertificated securities; providing for delivery of certain securities; providing for rights of purchaser; providing for protected purchasers; providing for indorsement; providing for certain instructions; providing for effect of guaranteeing certain actions; providing purchaser's right to certain requisites; revising part IV, relating to registration; providing duties of issuer to register transfers; requiring certain assurance of effectiveness of certain actions; providing for demand that issuer not register transfer; providing for liability for wrongful registration; providing for replacement of certain certificates; providing for obligation to notify issuer of certain certificates; providing for authenticating certain persons; revising part V, relating to security entitlements; providing for securities accounts; providing for acquisition of security entitlement from a securities intermediary; providing for assertion of adverse claim against entitlement holder; providing for property interest of entitlement holder in certain assets; providing duties of securities intermediary; providing for certain rights of purchaser of security entitlement; providing priority among security interests and entitlement holders; amending s. 679.103, F.S.; providing for perfection of security interests relating to investment property; amending s. 679.105, F.S.; conforming the section to changes made by the act; redefining the term "deposit account"; amending s. 679.106, F.S., to conform; creating s. 679.115, F.S.; providing for perfection of security interests in certain investment properties; providing definitions; providing criteria; providing procedures; creating s. 679.116, F.S.; providing for perfection of security interests arising in purchase or delivery of financial interests; amending ss. 679.203, 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.309, and 679.312, F.S., to conform; amending ss. 671.105, 671.206, 674.104, and 675.114, F.S., to conform; providing for applicability; repealing ss. 610.011, 610.021, 610.031, 610.041, 610.051, 610.061, 610.071, 610.081, 610.091, 610.101, 610.111, and 671.304(2)(b), F.S., relating to the Uniform Act for Simplification of Fiduciary Security Transfers; repealing ss. 678.101, 678.102, 678.103, 678.104, 678.105, 678.106, 678.107, 678.108, 678.201, 678.202, 678.203, 678.204, 678.205, 678.206, 678.207, 678.208, 678.301, 678.302, 678.303, 678.304, 678.305, 678.306, 678.307, 678.308, 678.309, 678.310, 678.311, 678.312, 678.313, 678.314, 678.315, 678.316, 678.317, 678.318, 678.319, 678.320, 678.321, 678.401, 678.402, 678.403, 678.404, 678.405, 678.406, 678.407, and 678.408, F.S., relating to investment securities under the Uniform Commercial Code; revising provisions of chapter 680, F.S., relating to leases under the Uniform Commercial Code; amending s. 680.1031, F.S.; redefining the terms "consumer lease" and "finance lease"; amending s. 680.1041, F.S.; revising language with respect to other statutes to which leases are subject; amending s. 680.303, F.S.; revising language with respect to the alienability of a party's interest under a lease contract or of a lessor's residual interest in goods; amending s. 680.304, F.S.; revising language with respect to the subsequent lease of goods by the lessor; amending s. 680.307, F.S.; revising language with respect to priority of liens arising by attachment or levy on security interests in and other claims to goods; amending s. 680.309, F.S.; revising language with respect to lessor's and lessee's rights when goods become fixtures; creating s. 680.32, F.S.; providing that nothing in chapter 680, F.S., prevents subordination by agreement by any person entitled to priority; amending s. 680.501, F.S.; revising language with respect to the procedure governing default; amending s. 680.503, F.S.; revising language with respect to modification or impairment of rights and remedies; amending s. 680.507, F.S.; revising language with respect to proof of market rent; amending s. 680.508, F.S.; revising language with respect to lessee's remedies; amending s. 680.516, F.S.; revising language with respect to the effect of acceptance of goods, notice of default, the burden of establishing default after acceptance, and notice of claim or litigation to persons answerable over; amending s. 680.518, F.S.; revising language with respect to cover and substitute goods; amending s. 680.519, F.S.; revising language with respect to lessee's damages for nondelivery, repudiation, default, or breach of warranty in regard to accepted goods; amending s. 680.523, F.S.; revising language with respect to lessor's remedies; amending s. 680.524, F.S.; revising language with respect to lessor's right to identify goods to lease contract; amending s. 680.525, F.S.; revising language with respect to lessor's right to possession of goods; amending s. 680.527, F.S.; revising language with respect to lessor's rights to dispose of goods; amending s. 680.528, F.S.; revising language with respect to lessor's damages for nonacceptance or repudiation; amending s. 680.529, F.S.; revising language with respect to lessor's action for rent; amending s. 680.532, F.S.; revising language with respect to lessor recovery for loss of residual interest; providing for the application of the act; repealing s. 679.111, F.S., relating to applicability of bulk transfer laws; providing an effective date.

—was referred to the Committees on Judiciary; and Commerce and Economic Opportunities.

By the Committee on Tourism and Representative Barreiro and others—

HB 1693—A bill to be entitled An act relating to public lodging establishments; amending s. 509.215, F.S.; revising firesafety requirements for specified public lodging establishments; deleting obsolete language; amending s. 509.242, F.S.; revising classifications for public lodging establishments; providing that such classifications are for licensing purposes only; providing classification for "home stay inn"; amending s. 553.895, F.S.; removing obsolete firesafety requirements for public lodging establishments within the Florida Building Codes Act; providing an effective date.

—was referred to the Committees on Community Affairs; and Banking and Insurance.

By Representative Peaden and others—

HB 1705—A bill to be entitled An act relating to access to the courts for vulnerable elders; providing legislative findings and intent; defining the term "elder"; requesting the Judicial Management Council or another court committee to evaluate the accessibility of the courts to elders and make recommendations to improve the responsiveness of the courts; providing an effective date.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By Representative Crow—

HB 1749—A bill to be entitled An act relating to Law Day; creating s. 683.22, F.S.; designating "Law Day" and "Law Week"; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Education Innovation and Representative Melvin and others—

HB 1901—A bill to be entitled An act relating to job training; creating s. 446.609, F.S.; creating a school-to-work program entitled "Jobs for Florida's Graduates"; providing definitions and intent; providing requirements for school and student participation; creating an endowment fund and providing for appropriations and gifts; providing for the investment and deposit of funds in an operating account; creating an endowment foundation as a direct-support organization; providing duties of the foundation and a foundation board of directors; providing program outcome goals; providing for use of funds and startup funding; providing for accreditation; requiring an annual audit; providing for assessment of program results; requiring an annual report; providing for rules; requiring legislative review of the program; creating a pilot apprenticeship program; providing for positions and funding; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Governmental Operations and Representative Posey—

HB 1939—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for bank account numbers and debit, charge, and credit card numbers in the possession of an agency of state or local government;

providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Education Innovation and Representative Melvin and others—

HB 1945—A bill to be entitled An act relating to public records; amending s. 446.609, F.S.; providing an exemption from public records requirements for the identity of donors to the Florida Endowment Foundation for Florida's Graduates; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt and others—

HB 2099—A bill to be entitled An act relating to state moneys; amending s. 216.167, F.S.; requiring the Governor's recommended budget and revenues to include estimates of the Budget Stabilization Fund; amending s. 215.32, F.S.; revising the funds into which all moneys received by the state must be deposited and within which they must be accounted for; specifying the manner of dividing such moneys into such funds; specifying the use and investment of moneys in such funds; repealing s. 212.081(3), F.S., relating to legislative intent on certain moneys available in excess of general revenue needs that accrue to the Working Capital Fund, and amending ss. 216.221 and 252.37, F.S., relating to the financing of deficits and emergencies, to conform; amending ss. 265.51 and 265.55, F.S.; restricting authority of the Department of State to make agreements to indemnify for certain losses relating to items of artistic or historical value, and of the Comptroller to pay such claims, to specific appropriations for that purpose, to conform; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Ways and Means; and Rules and Calendar.

By the Committee on Finance and Taxation; and Representative Starks and others—

CS for HB 3171—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the application of the exemption for labor charges for the maintenance and repair of certain aircraft; providing an exemption for replacement engines, parts, and equipment used in the repair or maintenance of certain aircraft; providing an exemption for the sale or lease of certain aircraft for use by a common carrier; providing an effective date.

—was referred to the Committees on Ways and Means; and Commerce and Economic Opportunities.

By Representative Thrasher and others—

HB 3239—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising certain definitions; amending s. 517.051, F.S.; specifying additional securities as exempt from certain registration requirements; specifying priority of application; amending s. 517.061, F.S.; clarifying the exemption of certain securities in certain transactions from registration requirements; specifying additional transactions as exempt from certain registration requirements; amending ss. 517.081, 517.082, and 517.12, F.S.; authorizing the Department of Banking and Finance to adopt certain rules for electronic deposits and filings; correcting a cross reference; including certain notice filing requirements within application of certain registration provisions; requiring certain dealers to comply with net capital and ratio requirements; providing application; creating s. 517.1201, F.S.; specifying notice filing requirements for federal covered advisers; prohibiting certain activities; providing for certain fees; authorizing the Department of Banking and Finance to adopt rules; providing for permits for certain purposes; amending ss. 517.1205 and 517.131, F.S.; including federal covered advisers within application of certain registration requirements; amending s. 517.161, F.S.; specifying additional conditions for denial, revocation, restriction, or suspension of certain registrations; amending s. 517.302, F.S.; providing for additional uses of moneys in the Anti-Fraud Trust Fund; amending s. 517.311, F.S.; clarifying application of false representation and deceptive words proscriptions to notice filings; providing an appropriation; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committee on Community Affairs and Representative Gay—

CS for HB 3287—A bill to be entitled An act relating to affordable housing; amending s. 420.0005, F.S.; clarifying application of certain provisions to the State Housing Fund; amending s. 420.0006, F.S.; specifying an additional requirement for contracts with the Florida Housing Finance Corporation; providing duties of the Comptroller relating to certain advances to the corporation; amending s. 420.503, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.504, F.S.; providing for alternative public notice; providing the corporation is an instrumentality of the state; deleting a definition; amending s. 420.5061, F.S.; declaring the corporation a state agency for certain purposes; providing that the corporation may provide infrastructure improvements; amending s. 420.507, F.S.; including services within certain procurement requirement provisions; authorizing the corporation to mortgage certain property; deleting a budget limitation on certain programs; providing additional powers of the corporation; amending s. 420.5087, F.S.; clarifying application of the state fiscal year; amending s. 420.5088, F.S.; expanding availability of certain program funds; amending s. 420.5089, F.S.; deleting a requirement for certain program fund loan commitments under certain circumstances; amending s. 420.509, F.S.; clarifying application of provisions for public sale of corporation bonds; amending s. 420.511, F.S.; revising requirements for the corporation's business plan for affordable housing; amending s. 420.512, F.S.; limiting application of a term for certain purposes; amending s. 420.528, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.9071, F.S.; correcting a cross reference; clarifying application to the corporation's fiscal year; amending ss. 420.9073 and 420.9079, F.S.; clarifying application to the state fiscal year; repealing s. 420.504(8), F.S., relating to certain liability of members of the board of directors of the corporation; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

By Representative Barreiro and others—

HB 3407—A bill to be entitled An act relating to courses of study; amending s. 233.061, F.S.; including the study of Hispanic and Women's contributions to the United States in required public school instruction; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committees on Education Appropriations; Community Colleges and Career Prep; and Representative Sindler and others—

CS for HB 4131—A bill to be entitled An act relating to postsecondary education; amending s. 229.551, F.S., relating to educational management; revising responsibilities of the Commissioner of Education and the Articulation Coordinating Committee; revising provisions relating to the offering of certain courses; providing for the classifying of degree vocational education programs; amending s. 229.8075, F.S., relating to the Florida Education and Training Placement Information Program; requiring job retention data; amending s. 236.081, F.S.; removing reference to funding for the co-enrollment of secondary students; amending s. 239.105, F.S.; revising and adding definitions relating to adult and vocational education; amending s. 239.115, F.S., relating to funds for operation of adult general education and vocational education programs; revising provisions relating to workforce development education programs; changing the name of the associate in applied technology degree to the applied technology diploma; revising funding for adults with disabilities; revising provisions relating to funding through the Workforce Development Education Fund; providing duties relating to workforce

development programs and funding; providing for use of funds; creating the Workforce Development Capitalization Incentive Grant Program and providing requirements; requiring audits and reviews of workforce development programs; amending s. 239.117, F.S.; revising provisions relating to postsecondary student fees; conforming provisions; revising certain requirements relating to student fee exemptions; revising provisions relating to fee schedules; amending s. 239.213, F.S., relating to vocational-preparatory instruction; deleting obsolete language; amending s. 239.229, F.S., relating to vocational standards; conforming provisions; amending s. 239.233, F.S.; requiring job retention data; amending s. 239.249, F.S., relating to performance-based funding for vocational and technical programs; amending s. 239.301, F.S.; revising adult general education provisions; amending s. 240.115, F.S.; providing for the statewide articulation of workforce development coursework and certain degree programs; requiring the Articulation Coordinating Committee to establish standards; amending s. 240.301, F.S., relating to mission and responsibilities of community colleges; conforming provisions; amending s. 240.35, F.S., relating to community college student fees; clarifying the inclusion of college-preparatory fee requirements; providing for fees relating to degree career education programs; revising certain requirements relating to student fee exemptions; revising provisions relating to the use of financial aid fee revenues; amending s. 240.359, F.S.; providing for the funding of college-preparatory programs and certain degree programs through the community college program fund; amending s. 246.013, F.S., relating to participation in the common course designation and numbering system; revising certain requirements; requiring timely review of course inclusion and maintenance; amending s. 446.052, F.S., relating to preapprenticeship programs; conforming to the duties of the Division of Workforce Development; requiring the State Board of Community Colleges and the Commissioner of Education to investigate specified issues; providing duties of the commissioner, the Jobs and Education Partnership, the State Board of Community Colleges, and the Board of Regents; requiring establishment of an Employment Task Force for Adults with Disabilities and providing duties; providing effective dates.

—was referred to the Committees on Education; and Commerce and Economic Opportunities.

By Representative Bainter—

HM 1443—A memorial to the Congress of the United States urging that unemployment insurance administration and financing responsibilities be turned over to the states.

—was referred to the Committee on Rules and Calendar.

By the Committee on Transportation and Representative Fuller and others—

HM 1811—A memorial to the Congress of the United States, urging that in the reauthorization of the Intermodal Surface Transportation Efficiency Act an allocation method be adopted which provides for a more equitable distribution of federal transportation funds to all states, including "donor states" like Florida.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Toni Jennings, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Appropriations Conference Committee on HB 4201, HB 4203, HB 4205, HB 4207, HB 4209, HB 4211, HB 4213, HB 4215, and HB 4217: Representative Garcia, House Chairman, Representative Ritchie, House Vice Chairman; Representatives Flanagan, King, Posey, Ritchie, and Roberts-Burke, Members at large; Representatives Villalobos (chair), Meek, Melvin, Bainter (alternate), and Crady (alternate), Criminal Justice Appropriations; Representatives Merchant (chair), Bradley, Feeney, Livingston, Reddick, Smith, Minton (alternate), and Valdes (alternate), Transportation and Economic Development Appropriations; Representatives K. Pruitt (chair), Barreiro, Mackey, Morse, Lawson, Bronson (alternate), and Eggelletion (alternate), General Government Appropriations; Representatives Sanderson (chair), Clemons, Hafner, Jones, Lacasa, Littlefield, Logan, Albright (alternate), and Dennis (alternate), Health and Human Services Appropriations; Representatives Sublette (chair), Boyd, Chestnut, Constantine, Warner, Wasserman Schultz, Wise, Culp (alternate), Lynn (alternate), and Turnbull (alternate), Education Appropriations.

John B. Phelps, Clerk

APPOINTMENT OF SENATE APPROPRIATIONS CONFERENCE COMMITTEE

The President announced the appointment of Senator Sullivan, Chairman; Subcommittee A: Senator Childers, Chairman; General Government: Senators Bronson, Casas, Latvala and Thomas; and alternate, Senator Jones; Economic Development and Transportation: Senators Hargrett, Harris, Lee and Williams; and alternate, Senator Laurent; Subcommittee B, Education: Senator Horne, Chairman; Senators Clary, Cowin, Diaz-Balart, Grant, Holzendorf, Kirkpatrick and Scott; and alternates, Senators Klein and Turner; Subcommittee C, Human Services: Senator Myers, Chairman; Senators Bankhead, Brown-Waite, Kurth, McKay and Rossin; and alternate, Senator Forman; Subcommittee D, Criminal Justice: Senator Silver, Chairman; Senators Crist, Gutman and Meadows; and alternate, Senator Campbell; At Large: Senator Dudley, Vice Chairman; Senator Burt, Majority Leader; Senator Dyer, Minority Leader; as conferees on **HB 4201**, **HB 4203**, **HB 4207**, **HB 4211** and **HB 4215**; and **HB 4205**, **HB 4209**, **HB 4213** and **HB 4217**.

The action of the Senate was certified to the House.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 8, SB 22, SB 26, SB 30, SB 32, SB 34, SB 36, SB 40, SB 52, SB 54, SB 56, SB 60 and SB 70.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS for HB 1005, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 25 was corrected and approved.

CO-SPONSORS

Senators Campbell—SB 2250; Childers—SB 1814; Clary—SB 2484; Cowin—SB 1646; Forman—SB 1584, SR 2130; Geller—SB 1828; Gutman—SB 1646; Harris—SB 1758, SB 2088; Horne—SB 258, SB 1646; Klein—SB 1882; Latvala—CS for SB 904, SB 1646; Meadows—SB 228, SB 1646; Thomas—SR 2360; Turner—SB 736, SB 1646, SB 2060, SB 2524

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:03 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m., Thursday, April 2.

SENATE PAGES

March 30-April 3

Clay B. Adkinson, De Funiak Springs; Scott Brannon, Freeport; Arthur Lee Brown, Jr., Delray Beach; Brian Coggins, Leesburg; Will Elmore, Plantation; Tom Hayes, Plantation; Laura Anne Heiselman, Orlando; Imani D. Hope, Orlando; Carolle Marie Huff, Gainesville; Jermane Ivery, Boynton Beach; Elizabeth Luis, Miami; Sarah May, Bradenton; Meredith McKay, Bradenton; Jamie Spencer, Coral Gables; Brandy A. Sweeney, Oviedo; Jonen (Mufyn) Watts-Lynn, Orlando; Melinda Wimbish, Sanford

Journal of the Senate

Number 10—Regular Session **Thursday, April 2, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 2:00 p.m. A quorum present—38:

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Excused: Senator Kurth

PRAYER

The following prayer was offered by Dr. Kenneth Dyal, Argyle Baptist Church, Jacksonville:

Your word teaches us that every good gift and every perfect gift is from above and comes down from the Father of Lights.

Lord, we thank you for these dedicated men and women who serve in government. You tell us in your word they are your ministers, appointed by God. Your power supercedes their party affiliation. As citizens we are subject to their authority. We pray they would use their office for good by bringing honor as your instruments of righteousness.

We pray you would grant them divine wisdom and the ability to make difficult decisions based on proven principles and not party platform alone.

We pray you would protect their integrity. In this world they face numerous temptations. Let their character count for that which is holy and pleasing in your sight.

We pray for patience. Give them strength to stand for their convictions, without condemning those who disagree with their position. Let kindness and humility be the standard of conduct.

We pray for their families, for their mates, for their children and grandchildren. Serving in the Senate is a demanding position. It requires dedication and sacrifice. We pray that you would strengthen every home, meeting their financial needs, emotional needs and spiritual needs.

We thank you for every good and perfect gift.

We pray in the name of Yahweh and Jesus. Amen.

PLEDGE

Senate Pages Jermane Ivery of Boynton Beach, Sarah May of Bradenton and Tom Hayes of Plantation, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Jones—

By Senator Jones—

SR 2556—A resolution honoring Homestead Councilwoman Ruth L. Campbell.

WHEREAS, Ruth L. Campbell began her public service in 1963, when she was elected to serve on the Homestead City Council, and

WHEREAS, now in her 23rd year as councilwoman, Ruth L. Campbell has been a most effective leader, directing her energies toward a myriad of activities in service of not only the citizens of Homestead, but of all the people of Miami-Dade County, and

WHEREAS, elected and reelected Vice Mayor of the City of Homestead, Ruth L. Campbell was serving in that capacity when the area was devastated by Hurricane Andrew and, canvassing the neighborhoods to determine the resultant needs, she solicited donations, which she personally distributed, and she continues to be actively involved in the rebuilding of Homestead and the surrounding areas, and

WHEREAS, Ruth L. Campbell is extremely active on behalf of the homeless, and serves in several organizations devoted to relieving the plight of this segment of society, and

WHEREAS, serving on local, state, and national boards and committees, Ruth L. Campbell has been and continues to be involved in governmental affairs, public safety, emergency preparedness, utility and transportation concerns, health care, education, the arts, sports, and historic preservation, while still serving in her church and in countless civic organizations, and

WHEREAS, Ruth L. Campbell has been the recipient of many awards, among them, the Athena Award from the Chamber of Commerce and the Woman's History Month Award, and has been named Woman of the Year by the Cancer Society and Official of the Year by the Florida League of Cities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate pauses in its deliberations to honor Councilwoman Ruth L. Campbell for her 23 years of service on the Homestead City Council and to all the people of Miami-Dade County.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Ruth L. Campbell as a tangible token of the sentiments of the Florida Senate.

—**SR 2556** was introduced, read and adopted by publication.

At the request of Senator Gutman—

By Senator Gutman—

SR 2566—A resolution recognizing the 10th anniversary of Miami-Dade Days in Tallahassee.

WHEREAS, in 1957, the voters of Dade County approved a metropolitan form of government, and Miami-Dade County became the first in the state to achieve "home rule" status, and

WHEREAS, since its inception in 1836, Dade County's population has grown from an 1850 census count of 96 to over 2 million, living in 29 municipalities and the vast unincorporated areas of the county, and

WHEREAS, aided in part by the mass emigration to the area begun in 1960 in the wake of the communist power seizure in Cuba, Miami-Dade County, located along the southeastern tip of the Florida peninsula, is a vibrant multicultural community, truly the "Capital of the Americas," and

WHEREAS, simply known as Metro-Dade, the government, recognized as a leading local government in the United States, not only provides both neighborhood and countywide services to its citizens, but also operates five airports, including Miami International, the second busiest for international passenger traffic in the Western Hemisphere, and the Port of Miami, the largest cruise port in the world and among the busiest cargo ports in the hemisphere, and

WHEREAS, Miami-Dade County enjoys a broad spectrum of entertainment and is the chosen home to dozens of internationally renowned entertainers, from Sylvester Stallone, Madonna, and Julio Iglesias to Gloria and Emilio Estefan, and

WHEREAS, Miami-Dade County is home to the New World Symphony, currently celebrating its 10th anniversary as a world-class training orchestra, as well as the internationally renowned Miami City Ballet, Florida Grand Opera, and dozens of cultural institutions and museums, and

WHEREAS, Miami-Dade County is home to four professional sports teams, counts tourism as one of its most important industries, and harvests more tropical vegetables than any other county in the nation, and

WHEREAS, Miami-Dade Community College has been ranked the best in the nation; the University of Miami, linked with Jackson Memorial Hospital, is internationally known for its medical research projects; and Florida International University is among the top public commuter colleges in the country, and

WHEREAS, 1998 marks the tenth year the area has hosted Miami-Dade Days in the state capital, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate hereby recognizes April 1 and 2, 1998, as the 10th anniversary of Miami-Dade Days in Tallahassee.

—**SR 2566** was introduced, read and adopted by publication.

At the request of Senator Gutman—

By Senator Gutman—

SR 2628—A resolution honoring Roger C. Cuevas.

WHEREAS, Roger C. Cuevas, as Superintendent of Miami-Dade County Public Schools since November 1996, oversees America's fourth-largest school district, with a $3.2 billion annual budget, more than 49,600 full-time and part-time employees, and 326 schools serving 1,843 prekindergarten children, more than 331,500 young people in grades kindergarten through 12, and nearly 200,000 adult students, and

WHEREAS, born in Caibarien, Cuba, Roger C. Cuevas attended Miami's Christopher Columbus Senior High School, received an associate in arts degree from Miami-Dade Community College, a Bachelor of Science degree in Education from Florida Atlantic University, and a Master of Science degree in Curriculum from the University of Northern Colorado, and

WHEREAS, Mr. Cuevas began his career in the Miami-Dade County public school system in 1969 as a primary teacher at Little River Elementary School and has progressed through the system in many challenging positions, including involvement with students at risk, vocational, adult, career, and community education, after-school care programs, and the district's career education/awareness programs, and

WHEREAS, in his role as Associate Superintendent of the Bureau of Community Services and Career Preparation, Mr. Cuevas served as chief building administrator for the district office complex and spearheaded the building of William H. Turner Technical Arts High School, which has been named one of the 10 best high schools of its kind in the nation, and

WHEREAS, in addition to his responsibilities with Miami-Dade County Public Schools, Mr. Cuevas, married, with three children, participates in many civic activities in his community, as evidenced by his membership in such organizations as the Kendall Federation of Homeowners Association, the Dade County Youth Fair Association, and the Greater Miami, Coral Gables, and Latin Chambers of Commerce, and was the founder of the Kendall-Hammocks Optimist Club, and

WHEREAS, it is fitting and proper that Mr. Cuevas be recognized for commitment and service in his profession and devotion to his community, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate hereby honors Roger C. Cuevas, Superintendent, Miami-Dade County Public Schools.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Roger C. Cuevas as a tangible token of the sentiments expressed herein.

—**SR 2628** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 1636** was withdrawn from the Committee on Education; **CS for SB 434** was withdrawn from the Committee on Natural Resources; **CS for SB 984**, **CS for SB 1564**, **CS for SB 328**, **CS for SB 338** and **CS for SB 916** were withdrawn from the Committee on Commerce and Economic Opportunities; and **SB 2012** was withdrawn from the Committee on Executive Business, Ethics and Elections.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Tuesday, April 7, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 8.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 156—A bill to be entitled An act relating to program administration by the Department of Children and Family Services and the Department of Juvenile Justice; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multiyear contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each

provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; providing for department contracts to include certain incentives; amending s. 20.316, F.S.; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multiyear contracts; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; providing for cancellation of contracts under specified circumstances; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; requiring the Department of Children and Family Services to provide training for staff in negotiating contracts; requiring the Department of Children and Family Services to ensure certain assistance to staff who are negotiating a contract; requiring the Department of Children and Family Services to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring an evaluation of contracting functions in the service districts; authorizing the exercise of budget and personnel flexibility; authorizing the Department of Children and Family Services to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

—as amended March 25 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **CS for SB 156** to **HB 2019**.

Pending further consideration of **CS for SB 156** as amended, on motion by Senator Rossin, by two-thirds vote **HB 2019** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Rossin, by two-thirds vote—

HB 2019—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multiyear contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; providing for department contracts to include certain incentives; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; requiring reports to the Legislature by the department; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

—a companion measure, was substituted for **CS for SB 156** as amended and by two-thirds vote read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 17, line 27 through page 18, line 22, delete section 3.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 25-30, delete those lines and insert: Legislature by the department; providing an

On motions by Senator Rossin, by two-thirds vote **HB 2019** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Harris	Meadows
Bronson	Diaz-Balart	Holzendorf	Myers
Brown-Waite	Dudley	Horne	Ostalkiewicz
Burt	Dyer	Jones	Rossin
Campbell	Forman	Kirkpatrick	Scott
Casas	Geller	Klein	Silver
Childers	Grant	Latvala	Sullivan
Clary	Gutman	Lee	Turner
Cowin	Hargrett	McKay	Williams

Nays—None

Vote after roll call:

Yea—Thomas

CS for SB 650—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain types of services for the Healthy Start program, pursuant to a federal waiver; providing for certain limits on such services; directing the agency to seek such a waiver; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for SB 650** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Thomas

CS for CS for SB 182 and SB 1042—A bill to be entitled An act relating to early education and child care; creating the School Readiness Commission to serve as an advisory body to the State Board of Education and other state agencies on matters that relate to school readiness; providing for the commission to be assigned to the Executive Office of the Governor for administrative purposes; providing for the Governor to appoint the members of the commission; providing for the members to be approved by the State Board of Education and confirmed by the Senate; requiring the commission to appoint an executive director; providing for payment of per diem and travel expenses of commission members; establishing duties of the commission; requiring the commission to prepare a system for measuring school readiness; specifying objectives to be measured by such system; requiring the commission to contract with an independent entity to evaluate the measurement system; requiring the commission to make recommendations to the Governor and the State Board of Education; authorizing the commission to adopt rules; establishing a School Readiness Coordinating Council; creating s. 402.265, F.S.; providing legislative intent; establishing the early education and child care program and providing for optional participation; providing for the council to be assigned to the Executive Office of the Governor for administrative purposes; providing for oversight; providing eligibility for participation in the program; providing performance standards and outcome measures; providing for School Readiness Coalitions; providing for implementation of programs; requiring development of a plan and providing program requirements; requiring a sliding fee scale; providing for funding; requiring a reimbursement rate schedule; providing requirements relating to fiscal agents; providing for parental choice and for payment arrangements; providing for evaluation and reporting; providing that federal requirements control in the case of conflict; exempting family child care providers from increased standards; repealing s. 411.222(4), F.S., relating to the State Coordinating Council for Early Childhood Services; providing an effective date.

—as amended April 1 was read the third time by title.

On motions by Senator Holzendorf, **CS for CS for SB 182 and SB 1042** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Geller	Latvala	Turner
Casas	Grant	Laurent	Williams
Childers	Gutman	Lee	
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Thomas

CS for SB 180—A bill to be entitled An act relating to trust funds; creating the Early Education and Child Care Trust Fund within the Executive Office of the Governor; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—as amended April 1 was read the third time by title.

On motions by Senator Kirkpatrick, **CS for SB 180** as amended was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Brown-Waite	Casas	Cowin
Bankhead	Burt	Childers	Crist
Bronson	Campbell	Clary	Diaz-Balart
Dudley	Harris	Laurent	Scott
Dyer	Holzendorf	Lee	Silver
Forman	Horne	McKay	Sullivan
Geller	Jones	Meadows	Turner
Grant	Kirkpatrick	Myers	Williams
Gutman	Klein	Ostalkiewicz	
Hargrett	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Thomas

CS for SB 706—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising provisions relating to high school graduation credit requirements; providing for early graduation; amending s. 236.081, F.S., relating to funds for operation of schools; providing for calculation of full-time-equivalent student membership for students who graduate early; providing an effective date.

—as amended April 1 was read the third time by title.

On motions by Senator Sullivan, **CS for SB 706** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dudley	Jones	Rossin
Bronson	Dyer	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

CS for SB 536—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, 240.235, 240.35, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; revising certain funding amounts; providing a fee exemption for certain postsecondary students; providing an effective date.

—was read the third time by title.

On motions by Senator Kirkpatrick, **CS for SB 536** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Turner
Casas	Grant	Lee	Williams
Childers	Gutman	McKay	
Clary	Hargrett	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Thomas

CS for CS for SB 1996 and CS for SB 1182—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing for recognition as public schools; revising requirements relating to proposals; providing for appeal of disputes and requiring mediation services; revising limitations on the number of schools; revising provisions relating to eligible students; providing for operation by a nonprofit organization; deleting certain restrictions on holding charter contracts; revising provisions relating to charter terms; providing for public employee status; providing requirements relating to employees; revising requirements relating to student transportation; revising administrative fee provisions and requiring certain administrative and educational services; revising provisions relating to charter school use of certain facilities or property; providing for certain purchasing; authorizing charter schools-in-the-workplace; providing requirements and tax exemption; creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay Trust Fund; providing eligibility requirements; providing for the recovery of funds; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital outlay purposes of charter schools; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay Trust Fund; providing effective dates.

—as amended April 1 was read the third time by title.

Senator Campbell moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 13, line 19, after "governing body" insert: *with the school board's permission*

Senator Forman moved the following amendment which failed to receive the required two-thirds vote:

Amendment 2—On page 3, lines 3 and 4, delete those lines and insert: of the parents whose children are enrolled at the school. A private school, parochial school, or home education program shall not be eligible for charter school status. *All parents of children enrolled at the school shall be noticed of the meeting at least 14 calendar days in advance by mail.*

On motions by Senator Grant, **CS for CS for SB 1996 and CS for SB 1182** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—30

Madam President	Clary	Horne	Ostalkiewicz
Bankhead	Cowin	Kirkpatrick	Rossin
Bronson	Crist	Latvala	Scott
Brown-Waite	Diaz-Balart	Laurent	Sullivan
Burt	Dudley	Lee	Thomas
Campbell	Grant	McKay	Williams
Casas	Gutman	Meadows	
Childers	Harris	Myers	

Nays—9

Dyer	Hargrett	Jones	Silver
Forman	Holzendorf	Klein	Turner
Geller			

SPECIAL ORDER CALENDAR

On motion by Senator Latvala—

CS for SB 1184—A bill to be entitled An act relating to trust funds; creating the Charter Schools Capital Outlay Trust Fund; providing for administration by the Department of Education; providing for sources of moneys and purposes; providing for annual carryover of moneys; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1184** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 216—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; authorizing certain persons to participate in the Deferred Retirement Option Program notwithstanding certain restrictions; providing a contingent effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 216** to **CS for CS for HB 3131**.

Pending further consideration of **CS for SB 216** as amended, on motion by Senator Gutman, by two-thirds vote **CS for CS for HB 3131** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Gutman, by two-thirds vote—

CS for CS for HB 3131—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; revising criteria, limitations, and restrictions for eligibility, participation, and benefits payable under the Deferred Retirement Option Program; providing conditions for payment of annual leave; amending s. 121.1122, F.S., relating to provisions for purchase of retirement credit for in-state-service in accredited nonpublic schools and colleges; providing an effective date.

—a companion measure, was substituted for **CS for SB 216** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 3131** was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 822—A bill to be entitled An act relating to vehicles used by state agencies; amending s. 20.055, F.S.; requiring a report from agency heads on employee use of state motor vehicles; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Williams and adopted:

Amendment 1 (with title amendment)—On page 2, between lines 9 and 10, insert:

Section 2. Subsection (1) of section 287.151, Florida Statutes, is amended to read:

287.151 Limitation on classes of motor vehicles procured.—

(1) All motor vehicles purchased or leased by the state with funds provided in the General Appropriations Act shall be of the subcompact class except vehicles used for law enforcement purposes by law enforcement officers of the state, used as tow vehicles, routinely used to transport more than three adults or bulk materials, or vehicles operated frequently on unpaved roads. All vehicles purchased shall be of the smallest class that can safely and adequately meet the transportation requirements. ~~The exception from the subcompact vehicle requirement for law enforcement purposes shall not apply to state attorneys and public defenders.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 287.151, F.S.; revising purchasing requirements for state motor vehicles used by state attorneys and public defenders;

Senator Williams moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 2, lines 10-14, delete those lines and insert:

Section 2. Subsection (3) of section 287.16, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

287.16 Powers and duties of division.—The Division of Motor Pool shall have the following powers, duties, and responsibilities:

(3) In its discretion, to require every state agency to transfer its ownership, custody, and control of every aircraft and motor vehicle, and associated maintenance facilities and equipment, except those used principally for law enforcement, *state fire marshal*, or fire control purposes, to the Department of Management Services, including all right, title, interest, and equity therein.

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: removing the power to require transfer of ownership, custody, or control of aircraft and motor vehicles used principally for state fire marshal purposes;

Pursuant to Rule 4.19, **CS for SB 822** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 1132—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; clarifying provisions relating to operation of the Division of State Group Insurance; modifying the role of the Director of the Division of State Group Insurance and staff thereof with respect to the Florida State Group Insurance Council; amending ss. 110.109, 110.112, F.S.; revising reporting requirements; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.1165, F.S.; providing a statute of limitations on filing certain actions; amending s. 110.123, F.S., relating to the state group insurance program; adding and updating definitions; providing for Career Service exemptions in the Division of State Group Insurance; clarifying and correcting references; updating provisions relating to agency payment of premiums for certain employees injured or killed in the line of duty to conform to existing law; amending s. 110.12315, F.S., relating to the state employees' prescription drug program, to revise, clarify, and reorganize such provisions; amending s. 110.1232, F.S., relating to health insurance coverage for certain state retirees, to correct a reference; amending s. 110.1234, F.S., relating to Medicare supplement coverage for state retirees, to correct a reference; amending s. 110.1238, F.S., relating to refunds with respect to provider overcharges; modifying the refund cap; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.161, F.S., relating to the State Employees Pretax Benefits Program Act, to correct references and update language; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for a report; amending s. 110.205, F.S.; conforming provisions to changes made by the act; providing for the designation of Senior Management Service positions; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 121.025, F.S., providing for Career Service exemptions in the Division of Retirement; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 215.94, F.S.; conforming a reference to changes made by the act; amending s. 216.011, F.S.; redefining the term "operating capital outlay"; amending ss. 255.249, 255.25, 255.257, F.S.; revising the threshold for leased space facility requirements; amending s. 255.503, F.S.; providing for the closing of facilities in emergency situations; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending ss. 287.16, 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021, 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; amending s. 768.76, F.S., to remove specified health care plans from the definition of collateral source; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendments which were adopted:

Amendment 1—On page 14, lines 11 and 14, delete "*program*" and insert: *plan*

Amendment 2—On page 26, between lines 2 and 3, insert:

(d) No copayment amount for mail order prescription drug purchases may be imposed which is less than the copayment amount imposed for prescription drug card purchases.

Amendment 3 (with title amendment)—On page 51, between lines 20 and 21, insert:

Section 35. Subsection (5) is added to section 282.105, Florida Statutes, to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(5) Private, nonprofit elementary and secondary schools shall be eligible for rates and services on the same basis as public schools, providing these nonpublic schools do not have an endowment in excess of $50 million.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 26, after the semicolon (;) insert: amending s. 282.105, F.S.; authorizing certain private elementary and secondary schools to use the state SUNCOM Network;

Amendment 4 (with title amendment)—On page 53, between lines 28 and 29, insert:

Section 38. Paragraph (c) of subsection (1) of section 287.058, Florida Statutes, is amended to read:

287.058 Contract document.—

(1) Every procurement of contractual services in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO, except for the providing of health and mental health services or drugs in the examination, diagnosis, or treatment of sick or injured state employees or the providing of other benefits as required by the provisions of chapter 440, shall be evidenced by a written agreement embodying all provisions and conditions of the procurement of such services, which provisions and conditions shall, where applicable, include, but shall not be limited to:

(c) A provision allowing unilateral cancellation by the agency for refusal by the contractor to allow public access to all documents, papers,

letters, or other material subject to the provisions of chapter 119 and made or received by the contractor in conjunction with the contract. *Further agreements between the contractor, subcontractors, or other parties performing services and receiving state funds, either directly or indirectly, shall also contain a provision allowing unilateral cancellation by the contractor or by the agency for refusal by the subcontractor or other party to allow public access to all documents, papers, letters, or other such material subject to the provisions of chapter 119 and made or received by the subcontractor or other party in conjunction with the contract.*

In lieu of a written agreement, the division may authorize the use of a purchase order for classes of contractual services, provided the provisions of paragraphs (a)-(f) are included in the purchase order, invitation to bid, or request for proposals. The purchase order shall include an adequate description of the services, the contract period, and the method of payment. In lieu of printing the provisions of paragraphs (a)-(f) in the contract document or purchase order, agencies may incorporate the requirements of paragraphs (a)-(f) by reference.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 5, after the semicolon (;) insert: amending s. 287.058, F.S.; requiring that a state contract provide for cancellation of the contract by the contractor or agency upon the refusal by a party to allow public access to certain material;

Amendment 5 (with title amendment)—On page 58, line 30 through page 59, line 18, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, lines 19-21, delete those lines and insert: certain cases; repealing ss.

Amendment 6 (with title amendment)—On page 41, line 24 through page 43, line 21, delete those lines and insert:

Section 26. Paragraph (b) of subsection (2) and subsection (3) of section 255.25, Florida Statutes, are amended to read:

255.25 Approval required prior to construction or lease of buildings.—

(2)

(b) The approval of the *Department* ~~Division~~ of ~~Facilities~~ Management *Services*, except for technical sufficiency, need not be obtained for the lease of less than *5,000* ~~3,000~~ square feet of space within a privately owned building, provided the agency head or the agency head's designated representative has certified compliance with applicable leasing criteria as may be provided pursuant to s. 255.249(2)(k) and has determined such lease to be in the best interest of the state. Such a lease which is for a term extending beyond the end of a fiscal year is subject to the provisions of ss. 216.311, 255.2502, and 255.2503.

(3)(a) Except as provided in subsection (10) *and except for those leases negotiated pursuant to the pilot project for contracted tenant brokers established by the Department of Management Services in this act*, no state agency shall enter into a lease as lessee for the use of *5,000* ~~3,000~~ square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder. The *Department of Management Services* ~~Division of Facilities Management~~ shall have the authority to approve a lease for *5,000* ~~3,000~~ square feet or more of space that covers more than 1 fiscal year, subject to the provisions of ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease is, in the judgment of the *department* ~~division~~, in the best interests of the state. This paragraph does not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons.

(b) The *Department* ~~Division~~ of ~~Facilities~~ Management *Services* may approve extensions of an existing lease of *5,000* ~~3,000~~ square feet or more of space if such extensions are determined to be in the best interests of the state, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month an agency still needs space, it shall be procured by competitive bid in accordance with s. 255.249(2)(b).

(c) Any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the agency pursuant to s. 120.57(3)(b) shall post with the state agency at the time of filing the formal written protest a bond payable to the agency in an amount equal to 1 percent of the estimated total rental of the basic lease period or $5,000, whichever is *greater* ~~less~~, which bond shall be conditioned upon the payment of all costs which may be adjudged against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the agency prevails after completion of the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the agency all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

Section 27. *Contracted tenant brokers; pilot project.—*

(1) The Department of Management Services shall undertake a pilot project in Hillsborough, Leon, Levy, and Orange Counties for a contracted tenant broker to assist state agencies in locating suitable private sector leases. The department shall solicit qualified candidates through the request for proposals process and conduct interviews of finalists. The tenant broker shall be under contract to the department, but all fees or commissions to be paid to the tenant broker shall be paid by the ultimate private sector lessor. The department shall select two brokers in each county in the pilot project. Agencies may employ the services of either broker in any such county for a specified period of time for a given property procurement. Except for the exemption from competitive bidding as described in section 255.25(3)(a), Florida Statutes, current leasing procedures would remain in effect, including the zone rate guidelines. Brokers shall be required to disclose any conflict of interest and all compensation received from transactions. Brokers' compensation shall be no more than what is customarily found in the marketplace. Contracts between the department and the brokers shall be for a term of 1 year, renewable for an additional year based on a satisfactory performance review. The Department of Management Services is authorized to adopt such rules as may be necessary to carry out the intent of this section.

(2) In designing the pilot project, the department shall endeavor to accomplish the following goals:

(a) Provide for a faster, more efficient, and cost-effective lease procurement process.

(b) Provide access for agencies to experienced brokers with knowledge of the local marketplace.

(c) Provide a documented, professional cost/benefit analysis of all choices.

(d) Provide for the ability to negotiate the best deal.

(e) Provide the ability to reject any proposal which does not meet the needs of the agency.

(f) Provide that the Department of Management Services shall have final review and approval of all leases to ensure quality control.

(3) On or before July 1, 2000, the Department of Management Services shall report to the Legislature on the effectiveness of the pilot project and shall make recommendations, in the form of legislation, if necessary, for the implementation of the project on a statewide basis.

(4) The pilot project shall stand repealed effective July 1, 2000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 10, after the first semicolon (;) insert: exempting certain leases from the competitive bidding process; providing for a pilot project under the Department of Management Services for contracted tenant brokers to assist state agencies in locating suitable private-sector leases; providing requirements of the project; providing for a report; providing for future repeal;

Pursuant to Rule 4.19, **CS for SB 1132** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

SB 1268—A bill to be entitled An act relating to trust funds; providing legislative intent to create a trust fund for the deposit of tobacco lawsuit settlement moneys; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Thomas and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The Tobacco Settlement Trust Fund is created to accept deposit of all funds received by the state as a result of the settlement of its lawsuit against the tobacco industry.*

(2) All funds transferred to and retained in the trust fund shall be invested pursuant to section 18.125, Florida Statutes. All interest accruing to the trust fund shall be deposited in the trust fund and shall be subject to appropriation by the Legislature.

(3) Pursuant to the provisions of Section 19(f)(2), Article III of the State Constitution, the Tobacco Settlement Trust Fund shall, unless terminated sooner, be terminated on July 1, 2002. Prior to its scheduled termination, the trust fund shall be reviewed as provided in section 215.3206(1) and (2), Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act creating the Tobacco Settlement Trust Fund; providing for the deposit of proceeds from the settlement of the state's suit against the tobacco industry; providing for the investment of funds; providing for review and termination of the trust fund; providing an effective date.

Pursuant to Rule 4.19, **SB 1268** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 240—A bill to be entitled An act relating to overseas electors; amending s. 97.021, F.S.; defining the terms "absent qualified elector overseas," "fax," and "faxed"; amending s. 100.025, F.S.; revising the notice of election to overseas electors; amending s. 101.5614, F.S.; designating procedures for tabulating faxed ballots; amending s. 101.62, F.S.; authorizing supervisors of elections to fax absentee ballots to overseas electors requesting faxed ballots; deleting certain requirements applicable to overseas ballots; amending ss. 101.64, 101.65, F.S., to conform; creating s. 101.653, F.S.; providing instructions to be included with faxed overseas ballots; amending s. 101.68, F.S., to conform; amending s. 101.694, F.S.; authorizing procedure for overseas electors using the Federal Post Card Application to request faxed ballots; creating s. 101.697, F.S.; authorizing the Department of State to adopt rules to administer faxed balloting; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 240** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1402—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license or Florida identification number be included in the uniform statewide voter registration application; amending s. 196.111, F.S.; providing for notice of termination of homestead exemption; creating s. 196.115, F.S.; providing for termination of homestead exemption and subsequent disqualification upon registration as an elector in another precinct; amending s. 196.121, F.S.; requiring homestead exemption forms to include notice of the requirements for factual determination of permanent residency by the property appraiser and notice of the requirements relating to voter registration and the potential loss of homestead exemption; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information of a witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.061, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing for civil penalties; amending s. 106.265, F.S.; requiring the Department of Revenue to collect civil fines levied by the Florida Elections Commission; providing an appropriation; providing effective dates.

—was read the second time by title.

MOTION

On motion by Senator Ostalkiewicz, the rules were waived to allow the following amendment to be considered:

Senator Ostalkiewicz moved the following amendment which failed:

Amendment 1—On page 18, line 2, after "*ordinance*" insert: *, to be approved by referendum,*

Pursuant to Rule 4.19, **CS for SB 1402** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 1716—A bill to be entitled An act relating to the rulemaking authority of the Department of Health with respect to laws that protect the public health, safety, and welfare (RAB); amending s. 232.032, F.S.; authorizing the department to adopt rules governing the immunization of children; amending s. 381.0011, F.S.; authorizing the department to adopt rules specifying conditions and procedures for imposing quarantines; amending s. 381.003, F.S.; providing requirements for the department in adopting rules governing the prevention and control program for communicable diseases; amending s. 381.0031, F.S.; requiring that certain hospitals and laboratories report to the department the occurrence of diseases that are a threat to public health; authorizing the department to adopt rules governing the reporting of such diseases; amending s. 381.006, F.S.; providing that the department's public health mission includes the regulation of sanitary facilities; amending s. 381.0062, F.S.; providing additional requirements for the department in regulating suppliers of water; authorizing fees to cover inspection costs; amending s. 381.0065, F.S.; requiring that the department inspect and regulate certain commercial sewage systems and temporary facilities; providing inspection requirements for establishments that use an aerobic treatment unit or that generate commercial waste; requiring approval by the department before a municipality or political subdivision issues certain building or plumbing permits or authorizes occupancy; amending s. 381.0072, F.S.; redefining the term "food service establishment"; requiring that the department adopt rules governing sanitation standards; amending s. 381.008, F.S.; clarifying the definition of terms with respect to the department's regulation of migrant labor camps; amending s. 381.0083, F.S.; requiring that a person notify the department before constructing or renovating a migrant labor camp; requiring that a new owner of any such camp apply to the department for a permit; amending s. 381.0086, F.S.; authorizing the department to issue rules for maintaining the roads of a migrant labor camp; amending s. 381.0087, F.S.; specifying a time period for correcting a violation of a department rule; amending s. 381.0098, F.S.; providing for a funeral home that performs embalming procedures to be regulated as a biomedical waste generator; requiring that the department adopt rules for operating plans for managing biomedical waste; exempting certain generators of biomedical waste from permit requirements; authorizing the department to prorate fees; providing for enforcement; amending s. 381.0101, F.S.; revising terms with respect to the regulation of environmental health professionals; providing additional duties of the Environmental Health Professionals Advisory Board; providing requirements for the department in adopting rules; amending s. 381.89, F.S., relating to the regulation of tanning facilities; providing requirements for inspection reports and the training of operators; amending s. 383.011, F.S.; revising duties of the department with respect to administering the federal Child and Adult Care Food Program; authorizing the department to adopt rules for administering certain other federal programs; amending s. 384.33, F.S.; authorizing the department to adopt rules with respect to procedures for notifying a physician or person's partner of a sexually transmissible disease; amending s. 384.34, F.S.; authorizing the department to adopt rules for administering penalty provisions; amending s. 401.26, F.S.; requiring a vehicle permit for an aircraft used to provide life-support services; providing certain exceptions; requiring the department to adopt certain criteria and rules; amending ss. 401.265, 401.30, F.S.; authorizing the department to adopt rules governing the provision of life-support services; amending ss. 403.0625, 403.863, F.S.; authorizing the department to adopt rules governing the certification of environmental laboratories and public water supply laboratories; specifying acts for which the department may impose disciplinary sanctions; amending s. 404.056, F.S.; authorizing the department to establish criteria for certifying persons and businesses that conduct radon gas or radon progeny measurements; providing additional requirements for reporting the results of such measurements; amending s. 404.22, F.S.; providing requirements for the department in inspecting radiation machines and components; requiring persons who install such machines to register with the department; amending s. 468.306, F.S.; providing requirements for examinations; amending s. 489.553, F.S.; providing for out-of-state work experience and examinations to fulfill certain requirements for registration as a septic tank contractor; amending s. 489.555, F.S.; providing additional requirements for the certification of partnerships and corporations that offer septic tank contracting services; amending s. 499.005, F.S.; prohibiting misrepresentation or fraud in obtaining or distributing a prescription drug or device; amending s. 499.01, F.S.; authorizing the department to issue a permit for the distribution of drugs to a health care entity; providing for changing the type of permit issued; amending s. 499.012, F.S.; redefining the term "wholesale distribution" for purposes of the regulation of the sale of prescription drugs; authorizing the department to adopt rules for issuing permits and handling prescription drugs; amending s. 499.0121, F.S.; providing for the exemption of certain establishments from requirements governing the storage and handling of prescription drugs; amending s. 499.0122, F.S.; authorizing the department to adopt rules governing the sale of veterinary legend drugs; amending s. 499.013, F.S.; authorizing the department to adopt rules governing manufacturers of drugs or devices; amending s. 499.014, F.S.; requiring persons who process returned drugs to obtain a permit from the department; amending s. 499.015, F.S.; providing requirements for registering product names with the department; amending ss. 499.03, 499.65, F.S.; authorizing the department to adopt rules to allow researchers to possess prescription drugs or ether; amending s. 499.05, F.S.; requiring the department to adopt rules governing recordkeeping and the storage, handling, and distribution of medical devices and over-the-counter drugs; amending s. 499.66, F.S.; revising the recordkeeping requirements for sales of ether; amending s. 499.67, F.S.; specifying unlawful acts with respect to the purchase, storage, or use of ether; amending s. 501.122, F.S.; authorizing the department to establish additional standards for the use of lasers; amending s. 513.045, F.S.; revising the permit fees charged to operators of mobile home parks and recreational camps; amending s. 513.05, F.S.; providing additional rulemaking authority for the department with respect to such parks and camps; amending s. 514.011, F.S.; defining the term "portable pool"; amending s. 514.0115, F.S.; authorizing the department to grant variances with respect to regulations governing the operation of swimming pools; amending s. 514.03, F.S.; revising requirements for construction plans for a public swimming pool or bathing place; amending s. 514.031, F.S.; requiring the posting of an operating permit for a pool; prohibiting the use of a portable pool as a public pool; amending s. 514.033, F.S.; providing for the department to prorate certain fees for an operating permit; amending s. 514.05, F.S.; authorizing the department to adopt rules specifying conditions for closing a pool; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1716** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

CS for SB 1708—A bill to be entitled An act relating to rulemaking authority with respect to the Department of Labor and Employment Security (RAB); amending s. 413.011, F.S.; authorizing rulemaking for vocational rehabilitation programs and forms; amending s. 413.051, F.S.; authorizing rulemaking for a vending facility program; amending ss. 443.036, 443.091, 443.131, 443.141, 443.151, F.S.; defining and modifying specific terms; allowing the Division of Unemployment Compensation to adopt rules to determine a claimant's ability to work and availability for work; allowing the division to prescribe by rule training criteria; clarifying types of contracts; allowing the division to adopt rules regarding total succession, procedures for changing methods of reporting, the application of partial payments and monetary and nonmonetary determinations and investigations of eligibility; amending s. 450.121, F.S.; authorizing the Division of Jobs and Benefits to adopt rules that define terms, prescribe documentation for proof of age, prescribe procedure with respect to removal of disability of nonage, require certain safety equipment and a safe workplace for minors, prescribe deadlines for responses to records requests, and state an official address; amending s. 450.30, F.S.; authorizing the division to adopt rules prescribing procedures for registering as a farm labor contractor; amending s. 450.33, F.S.; requiring insurance carriers to notify the division of impending cancellation of insurance on vehicles that transport farm workers; amending s. 450.38, F.S.; authorizing the division to adopt rules containing criteria for determining the amount of civil penalties; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 2, between lines 11 and 12, insert:

Section 1. Paragraph (a) of subsection (4) of section 370.0805, Florida Statutes, is amended to read:

370.0805 Net ban assistance program.—

(4) ECONOMIC ASSISTANCE FOR LOSS OF INCOME.—

(a) Any fisher who is partially or totally unemployed as a result of the implementation of the net ban amendment in s. 16, Art. X of the State Constitution, notwithstanding *s. 443.036(21)(n)3.* ~~s.443.036(19)(n)3.~~, is eligible for retroactive elective coverage pursuant to s. 443.121(3)(a). Retroactive elective coverage shall be limited to fishers who, during the base period, as defined in s. 443.036, possessed a valid saltwater products license issued under s. 370.06 and had recorded landings of the species affected by the net ban. Eligible fishers may apply for retroactive elective coverage any time on or before December 31, 1995. Liability for contributions due as a result of retroactive coverage must be satisfied prior to the payment of unemployment benefits.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: amending s. 370.0805, F.S.; correcting cross-reference;

Amendment 2—On page 42, line 7, delete "s. 443.036(19)(b)" and insert: *s. 443.036(21)(b)* ~~s. 443.036(19)(b)~~

Amendment 3—On page 45, line 10, delete "s. 443.036(19)(b)" and insert: *s. 443.036(21)(b)* ~~s. 443.036(19)(b)~~

Amendment 4 (with title amendment)—On page 45, between lines 23 and 24, insert:

Section 5. Subsection (1), subsection (2), and paragraph (c) of subsection (3) of section 443.121, Florida Statutes, are amended to read:

443.121 Employing units affected.—

(1) PERIODS OF LIABILITY.—

(a) Any employing unit which is or becomes an employer subject to this chapter as defined in *s. 443.036(19)(a)* ~~s. 443.036(17)(a)~~, (b), (c), (d), or (e) within any calendar year shall be subject to this chapter during the whole of such calendar year.

(b) Any employing unit which is or becomes an employer subject to this chapter solely by reason of the provisions of *s. 443.036(19)(f)* ~~s. 443.036(17)(f)~~ shall be subject to this chapter only during its operation of the business acquired.

(c) Any employing unit which is or becomes an employer subject to this chapter solely by reason of the provisions of *s. 443.036(19)(g)* ~~s. 443.036(17)(g)~~ shall be subject to this chapter only with respect to employment occurring subsequent to the date of such acquisition.

(2) TERMINATION OF COVERAGE.—

(a) General.—Except as otherwise provided in this section, an employing unit shall cease to be an employer subject to this chapter as of January 1 of any calendar year only if it files with the division, by April 30 of the year for which termination is requested, a written application for termination of coverage and the division finds that the employing unit, in the preceding calendar year, did not meet the requirements of an employer, as defined in *s. 443.036(19)(a)* ~~s. 443.036(17)(a)~~, (d), or (e). However, the above-prescribed time limitation for the filing of such written application may be waived by the division in cases where such time limitation had expired prior to the establishment in the records of the division of the liability of such employing unit. For the purposes of this subsection, the two or more employing units mentioned in *s. 443.036(19)(f)* ~~s. 443.036(17)(f)~~, (g), and (i) shall be treated as a single employing unit.

(b) Nonprofit organizations.—Except as otherwise provided in subsection (4), an employing unit subject to this chapter by reason of *s. 443.036(21)(c)* ~~s. 443.036(19)(c)~~ shall cease to be an employer so subject as of January 1 of any calendar year only if it files with the division, by April 30 of the year for which termination is requested, a written application for termination of coverage and the division finds that there were no 20 different days, each day being in a different week within the preceding calendar year, within which such employing unit employed four or more individuals in employment subject to this chapter. The timely filing of application may be waived as provided in paragraph (a).

(c) State and political subdivisions.—The state and any political subdivision of the state shall remain an employer subject to this chapter for the duration of any employment defined in *s. 443.036(21)(b)* ~~s. 443.036(19)(b)~~ and shall cease being so subject only pursuant to subsection (4).

(3) ELECTIVE COVERAGE.—

(c) Certain services for political subdivisions.—

1. Any political subdivision of this state may elect to cover under this chapter, for not less than 1 calendar year, service performed by employees in all of the hospitals and institutions of higher education operated by such political subdivision. Election is to be made by filing with the division a notice of such election at least 30 days prior to the effective date of such election. The election may exclude any services described in *s. 443.036(21)(d)* ~~s. 443.036(19)(d)~~. Any political subdivision electing coverage under this paragraph shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in s. 443.131(4)(b) and (d).

2. The provisions in s. 443.091(4) with respect to benefit rights based on service for nonprofit organizations and state hospitals and institutions of higher education shall be applicable also to service covered by an election under this section.

3. The amounts required to be paid in lieu of contributions by any political subdivision under this paragraph shall be billed and payment made as provided in s. 443.131(4)(b) with respect to similar payments by nonprofit organizations.

4. An election under this paragraph may be terminated after not less than 1 calendar year of coverage by filing with the division written notice not later than 30 days preceding the last day of the calendar year in which the termination is to be effective. Such termination becomes effective as of January 1 of the next ensuing calendar year with respect to services performed after that date.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after "443.091," insert: 443.121,

Amendment 5 (with title amendment)—On page 45, lines 24-31 through page 48, lines 1-19, delete those lines and insert:

Section 5. Subsection (1), paragraph (g) of subsection (3), paragraph (a) of subsection (4), paragraphs (a), (b), and (d) of subsection (5), and paragraph (b) of subsection (6) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(1) WHEN PAYABLE.—Contributions shall accrue and become payable by each employer for each calendar quarter in which he or she is subject to this chapter, with respect to wages paid during such calendar quarter for employment. Such contributions shall become due and be paid by each employer to the division for the fund, in accordance with such rules as the division may prescribe. However, nothing in this subsection shall be construed to prohibit the division from allowing, on a limited basis, at the request of the employer, certain employers of employees performing domestic services, as defined in *s. 443.036(21)(g)* ~~s. 443.036(19)(g)~~ and by rule of the division, to pay contributions or report wages at intervals other than quarterly when such payment or reporting is to the advantage of the division and the employers, and when such nonquarterly payment and reporting is authorized under federal law. This provision gives employers of employees performing domestic services the option to elect to report wages and pay taxes annually, with a due date of April 1 and a delinquency date of April 30. In order to qualify for this election, the employer must have only domestic employees, be in good standing, apply to this program no later than December 30 of the preceding calendar year, and agree to provide the division with any special reports which might be requested, as required by rule 38B-2.025(5), including copies of all federal employment tax forms. Failure to furnish any information when required may result in the employer's loss of the privilege to elect participation in this program. Contributions shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. In the payment of any contributions, a frac-

tional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(g)1. For the purposes of this subsection, two or more employers who are parties to a transfer of business or the subject of a merger, consolidation, or other form of reorganization, effecting a change in legal identity or form, shall be deemed to be a single employer and shall be considered as one employer with a continuous employment record if the division finds that the successor employer continues to carry on the employing enterprises of the predecessor employer or employers and that the successor employer has paid all contributions required of and due from the predecessor employer or employers and has assumed liability for all contributions that may become due from the predecessor employer or employers. As used in this paragraph, the term "contributions" means all indebtedness to the division, including, but not limited to, interest, penalty, collection fee, and service fee. A successor has 30 days from the date of the official notification of liability by succession to accept the transfer of the predecessor's or predecessors' employment record or records. If the predecessor or predecessors have unpaid contributions or outstanding quarterly reports, the successor has 30 days from the date of the notice listing the total amount due to pay the total amount with certified funds. After the total indebtedness has been paid, the employment record or records of the predecessor or predecessors will be transferred to the successor. *Employment records may be transferred by the division. The tax rate of total successor and predecessor upon the transfer of employment records shall be determined by the division as prescribed by rule in order to calculate any tax rate change resulting from the transfer of employment records.*

2. Whether or not there is a transfer of employment record as contemplated in this paragraph, the predecessor shall in the event he or she again employs persons be treated as an employer without previous employment record or, if his or her coverage has been terminated as provided in s. 443.121, as a new employing unit.

3. The division may provide by rule for partial transfer of experience rating when an employer has transferred at any time an identifiable and segregable portion of his or her payrolls and business to a successor employing unit. As a condition of such partial transfer of experience, the rules shall require an application by the successor, agreement by the predecessor, and such evidence as the division may prescribe of the experience and payrolls attributable to the transferred portion up to the date of transfer. The rules shall provide that the successor employing unit, if not already an employer, shall become an employer as of the date of the transfer and that the experience of the transferred portion of the predecessor's account shall be removed from the experience-rating record of the predecessor, and for each calendar year following the date of the transfer of the employment record on the books of the division, the division shall compute the rate of contribution payable by the successor on the basis of his or her experience, if any, combined with the experience of the portion of the record transferred. The rules may also provide what rates shall be payable by the predecessor and successor employers for the period between the date of the transfer of the employment record of the transferred unit on the books of the division and the first day of the next calendar year.

4. This paragraph shall not apply to the employee leasing company and client contractual agreement as defined in s. 443.036. The client shall, in the event of termination of the contractual agreement or failure by the employee leasing company to submit reports or pay contributions as required by the division, be treated as a new employer without previous employment record unless otherwise eligible for a rate computation.

(4) FINANCING BENEFITS PAID TO EMPLOYEES OF NONPROFIT ORGANIZATIONS.—Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection, a "nonprofit" organization is an organization or group of organizations described in s. 501(c)(3) of the United States Internal Revenue Code which is exempt from income tax under s. 501(a) of such code.

(a) Liability for contributions and election of reimbursement.—Any nonprofit organization which, pursuant to *s. 443.036(19)(c)* ~~s. 443.036(17)(c)~~ or s. 443.121(3)(a) is, or becomes, subject to this chapter shall pay contributions under the provisions of subsection (1), unless it elects, in accordance with this paragraph, to pay to the division for the Unemployment Compensation Trust Fund an amount equal to the amount of regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

1. Any nonprofit organization which becomes subject to this chapter may elect to become liable for payments in lieu of contributions for not less than the period beginning with the date on which such subjectivity begins and ending at the end of the next calendar year by filing a written notice of its election with the division not later than 30 days immediately following the date of the determination of such subjectivity.

2. Any nonprofit organization which makes an election in accordance with subparagraph 1. will continue to be liable for payments in lieu of contributions until it files with the division a written notice terminating its election not later than 30 days prior to the beginning of the calendar year for which such termination shall first be effective.

3. Any nonprofit organization which has been paying contributions under this chapter may change to a reimbursable basis by filing with the division not later than 30 days prior to the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next calendar year.

4. The division, in accordance with such rules as the division may prescribe, shall notify each nonprofit organization of any determination of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal, and review in accordance with the provisions of s. 443.141(2)(b).

(5) FINANCING BENEFITS PAID TO EMPLOYEES OF THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE.—Benefits paid to employees of this state or any instrumentality of this state, or to employees of any political subdivision of this state or any instrumentality thereof, based upon service defined in *s. 443.036(21)(b)* ~~s. 443.036(19)(b)~~, shall be financed in accordance with this subsection.

(a)1. Unless an election is made as provided in paragraph (c), the state or any political subdivision of the state shall pay into the Unemployment Compensation Trust Fund an amount equivalent to the amount of regular benefits, short-time compensation benefits, and extended benefits paid to individuals, based on wages paid by the state or the political subdivision for service defined in *s. 443.036(21)(b)* ~~s. 443.036(19)(b)~~.

2. Should any state agency become more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the division shall certify to the Comptroller the amount due and the Comptroller shall transfer the amount due to the Unemployment Compensation Trust Fund from the funds of such agency that may legally be used for such purpose. In the event any political subdivision of the state or any instrumentality thereof becomes more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, then, upon request by the division after a hearing, the Department of Revenue or the Department of Banking and Finance, as the case may be, shall deduct the amount owed by the political subdivision or instrumentality from any funds to be distributed by it to the county, city, special district, or consolidated form of government for further distribution to the trust fund in accordance with this chapter. Should any employer for whom the city or county tax collector collects taxes fail to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the division and upon receipt of a certificate showing the amount owed by the employer, shall deduct the amount so certified from any taxes collected for the employer and remit same to the Department of Labor and Employment Security for further distribution to the trust fund in accordance with this chapter. This subparagraph does not apply to those amounts due for benefits paid prior to October 1, 1979. This subparagraph does not apply to amounts owed by a political subdivision for benefits erroneously paid where the claimant is required to repay to the division under s. 443.151(6)(a) or (b) any sum as benefits received.

(b) The provisions of paragraphs (4)(b), (d), and (e), relating to reimbursement payments, allocation of benefit costs, and group accounts

with respect to nonprofit organizations, are applicable also, to the extent allowed by federal law, with respect to the duties of this state or any political subdivision of this state as an employer by reason of *s. 443.036(19)(b)* ~~s. 443.036(17)(b)~~.

(d) Upon establishing a financing method as provided by this subsection, such financing method shall be applicable for not less than 2 calendar years. Nothing herein shall be construed to prevent an employer subject to the provisions of this subsection from electing to change its method of financing *or its method of reporting* after completing 2 calendar years under another financing method, so long as such new election is timely filed. *The division may prescribe by rule the procedures for changing methods of reporting.*

(6) PUBLIC EMPLOYERS UNEMPLOYMENT COMPENSATION BENEFIT ACCOUNT.—

(b) Governmental entities subject to the Florida Unemployment Compensation Law under *s. 443.036(21)(b)* ~~s. 443.036(19)(b)~~ who exercise the option to elect the contributory system of financing unemployment compensation benefits shall have their accounts maintained and shall be subject to the provisions of subsections (1), (2), and (3), except that:

1. The term "taxable wages" means total gross wages.

2. The initial contribution rate shall be 0.25 percent.

3. Any election by an employer to be taxed under this subsection shall be effective January 1 and shall be taxed at the initial rate. Effective January 1 of the following year, the rate shall be computed based on 2 calendar quarters of chargeability and payroll; effective January 1 of the second year after such election, the rate shall be computed based on 6 quarters of chargeability and payroll; and effective January 1 of the third year after such election, the rate shall be computed based on 10 quarters of chargeability and payrolls. Each January 1 thereafter, the tax rates shall be computed based on 12 quarters of chargeability and payroll.

4. An employer electing to be taxed under the provisions of this subsection shall make such election not later than 30 days prior to January 1 of the year for which the election is to be effective. Upon electing this financing method, such method shall be applicable for not less than 2 years.

5. Any election under this subsection may be terminated by filing with the division, not later than 30 days prior to January 1, a written notice of termination.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: correcting cross-references;

Amendment 6—On page 48, lines 20-31 through page 49, lines 1-15, delete those lines and insert:

Section 6. Paragraph (b) of subsection (1) of section 443.141, Florida Statutes, is amended, paragraph (c) is added to that subsection, and subsection (6) is amended to read:

443.141 Collection of contributions.—

(1) PAST DUE CONTRIBUTIONS.—

(b) Penalty for delinquent reports.—

1. Any employing unit which fails to file any reports required by the division in the administration of this chapter, in accordance with rules adopted by the division, shall pay to the division with respect to each such report the sum of $25 for each 30 days or fraction thereof that such employing unit is delinquent, unless the division finds that such employing unit has or had good reason for failure to file such report or reports.

2. Sums collected as penalties under the provisions of subparagraph 1. shall be deposited by the division in the Special Employment Security Administration Trust Fund.

3. A waiver of penalty and interest for delinquent reports may be authorized where impositions of interest or a penalty would be inequitable.

(c) Application of partial payments.—When a delinquency exists in the account of an employer not in bankruptcy, and payment in an amount less than the total delinquency is submitted, the division shall apply such partial payment as the payer directs. In the absence of specific direction, the division shall apply the partial payment to the payer's account as prescribed by rule.

(6) REFUNDS.—If, not later than 4 years after the date of payment of any amount as contributions, interest, or penalties, an employing unit that has paid such contributions, interest, or penalties makes application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the division determines that such contributions, interest, or penalties or any portion thereof was erroneously collected, the division shall allow such employing unit to make an adjustment thereof without interest in connection with subsequent contribution payment by it, or if such adjustment cannot be made, the division shall refund said amount, without interest, from the fund. For like cause, and within the same period, adjustment or refund may be made on the division's own initiative. However, nothing in this chapter shall be construed to authorize a refund of contributions which were properly paid in accordance with the provisions of this chapter at the time of such payment, except as required by *s. 443.036(21)(n)5.* ~~s. 443.036(19)(n)5.~~; further, refunds under this subsection and under *s. 443.036(21)(n)5.* ~~s. 443.036(19)(n)5.~~ may be paid from either the clearing account or the benefit account of the Unemployment Compensation Trust Fund and from the Special Employment Security Administration Trust Fund with respect to interest or penalties which have been previously paid into such fund, the provisions of s. 443.191(2) to the contrary notwithstanding.

Pursuant to Rule 4.19, **CS for SB 1708** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 146—A bill to be entitled An act relating to petroleum storage systems; amending s. 376.313, F.S.; correcting references to the Florida Administrative Code; repealing s. 21, ch. 86-159, Laws of Florida, relating to the scheduled repeal of s. 376.313(4), F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 146** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 482—A bill to be entitled An act relating to educational facilities; amending s. 235.31, F.S.; requiring boards to prequalify bidders for construction contracts according to Commissioner of Education rule; requiring certification or licensure of bidders or contractors; amending s. 489.125, F.S.; conforming language relating to construction contractors; repealing s. 489.527, F.S., relating to electrical and alarm system contractors, to conform; repealing section 633.551(5), F.S., relating to fire protection system contractors, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 482** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 370** was deferred.

SB 472—A bill to be entitled An act relating to the practice of veterinary medicine; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licen-

sure in this state; conforming a cross-reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Dyer and adopted:

Amendment 1 (with title amendment)—On page 11, between lines 25 and 26, insert:

Section 8. *Notwithstanding the transfer of the Division of Medical Quality Assurance to the Department of Health or any other provision of law to the contrary, veterinarians licensed under chapter 474, Florida Statutes, shall be governed by the treatment of impaired practitioners provisions of section 455.707, Florida Statutes, as if they were under the jurisdiction of the Division of Medical Quality Assurance, except that for veterinarians the Department of Business and Professional Regulation shall, at its option, exercise any of the powers granted to the Department of Health by that provision, and "board" shall mean board as defined in chapter 474, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: providing for participation of veterinarians in impaired practitioner treatment programs;

Senator Gutman moved the following amendment:

Amendment 2 (with title amendment)—On page 5, line 11 through page 6, line 21, delete those lines and insert:

Section 2. Section 474.207, Florida Statutes, is amended to read:

474.207 Licensure by examination.—

(1) Any person desiring to be licensed as a veterinarian shall apply to the department to take a licensure examination. The board may by rule adopt use of a national examination in lieu of part or all of the examination required by this section, with a reasonable passing score to be set by rule of the board.

(2) The department shall license each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the board.

(b)1. Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education; or

2. Graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates.

(c) Successfully completed the examination provided by the department for this purpose, or an examination determined by the board to be equivalent.

(d) Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the board.

The department shall not issue a license to any applicant who is under investigation in any state or territory of the United States or in the District of Columbia for an act which would constitute a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated, at which time the provisions of s. 474.214 shall apply.

(3) ~~Notwithstanding the provisions of paragraph (2)(b),~~ An applicant *has* ~~shall be deemed to have~~ met the education requirements for licensure upon submission of evidence that the applicant ~~meets one of the following:~~

~~(a) The applicant was certified for examination by the board prior to October 1, 1989; or~~

~~(b) The applicant~~ immigrated to the United States after leaving her or his home country because of political reasons, *if* ~~provided~~ such country is located in the Western Hemisphere and lacks diplomatic relations with the United States,~~;~~ and*:*

(a)~~1.~~ Was a Florida resident immediately preceding her or his application for licensure; *and*

(b)1.~~2.~~Demonstrates to the board, through submission of documentation verified by the applicant's respective professional association in exile, that she or he received a professional degree in veterinary medicine from a college or university located in the country from which she or he emigrated. However, the board may not require *the* receipt *of* transcripts from the Republic of Cuba as a condition of eligibility under this section; ~~and~~

2. Demonstrates to the board that, prior to October 1, 1989, he or she was enrolled in a school of veterinary medicine listed in the American Veterinary Medical Association Roster of Colleges of the World; and

3. Successfully completed a board-approved course of 250 hours in veterinary science offered on October 8, 1997, by the Cuban Veterinary Medical Association in Exile, in conjunction with the Florida International Medical Association and Dade County public schools, which included a competency-based examination and the granting of licenses to persons passing the examination; or

(c)1. The applicant demonstrates to the board that, prior to October 1, 1989, he or she was enrolled in a school of veterinary medicine listed in the American Veterinary Medical Association Roster of Colleges of the World;

2. Was a Florida resident immediately preceding her or his application for licensure; and

3. Successfully completed a board-approved course of 250 hours in veterinary science offered on October 8, 1997, by the Cuban Veterinary Medical Association in Exile, in conjunction with the Florida International Medical Association and Dade County public schools, which included a competency-based examination and the granting of licenses to persons passing the examination.

~~3. Lawfully practiced her or his profession for at least 3 years.~~

(4) Applicants certified for examination or reexamination under subsection (3) who fail *or have failed* the examination three times *must* ~~subsequent to October 1, 1989, shall be required to~~ demonstrate to the board that they meet the requirements of paragraph (2)(b) *or paragraph (3)(c)* prior to any further reexamination or certification for licensure.

(5) An unlicensed doctor of veterinary medicine who has graduated from an approved college or school of veterinary medicine and has completed all parts of the examination for licensure is permitted, while awaiting the results of such examination for licensure or while awaiting issuance of the license, to practice under the immediate supervision of a licensed veterinarian. A person who fails any part of the examination may not continue to practice, except in the same capacity as other nonlicensed veterinary employees, until she or he passes the examination and is eligible for licensure.

And the title is amended as follows:

On page 1, lines 6-8, delete those lines and insert: medical practice; amending s. 474.207, F.S.; revising requirements for certain persons to take the examination for licensure as a veterinarian; eliminating obsolete provisions; amending s.

Senator Gutman moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 3, lines 15 and 28, delete "*board-approved*"

Amendment 2 as amended was adopted.

Senator Dyer moved the following amendment:

Amendment 3 (with title amendment)—On page 10, between lines 24 and 25, insert:

Section 7. Section 474.2165, Florida Statutes, is amended to read:

474.2165 Veterinary medical records.—Each person who provides veterinary medical services shall maintain medical records, as established by rule, *and shall adhere to the requirements of s. 455.667.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: amending s. 474.2165, F.S.; expanding controls on veterinary records;

On motion by Senator Dyer, further consideration of **SB 472** with pending **Amendment 3** was deferred.

On motion by Senator Silver, by two-thirds vote **HB 791** was withdrawn from the Committees on Community Affairs and Regulated Industries.

On motion by Senator Silver—

HB 791—A bill to be entitled An act relating to municipal water and sewer utilities; amending s. 180.191, F.S.; eliminating limitations on utility rates charged outside municipal boundaries in certain municipalities in home rule charter counties; providing an effective date.

—a companion measure, was substituted for **SB 370** and read the second time by title.

Pursuant to Rule 4.19, **HB 791** was placed on the calendar of Bills on Third Reading.

On motion by Senator Childers, by two-thirds vote **HB 3231** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Childers—

HB 3231—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising a definition; requiring a study; providing an effective date.

—a companion measure, was substituted for **SB 170** and read the second time by title.

Pursuant to Rule 4.19, **HB 3231** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 290—A bill to be entitled An act relating to emergency medical services; creating s. 401.272, F.S., providing for paramedics and emergency medical technicians to provide health promotion and wellness activities and blood pressure screenings; providing for paramedics to administer immunizations and requiring the verification and documentation of their qualifications to do so; providing conditions to the provision of such community health care; providing for rulemaking; providing an effective date.

—was read the second time by title.

AMENDMENT RULED OUT OF ORDER

Amendment 1 by the Committee on Health Care was read and the President ruled the amendment technically out of order. She stated that the committee had recommended a committee substitute for **SB 290**, and then recommended an amendment to that committee substitute, and that the provisions of Rule 2.15 relating to reports of committee do not include that option.

Senator Klein moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 3, between lines 8 and 9, insert:

Section 3. Subsection (4) is added to section 401.265, Florida Statutes, to read:

401.265 Medical directors.—

(4) Each medical director who uses a paramedic or emergency medical technician to perform blood pressure screening, health promotion, and wellness activities, or to administer immunization on any patient under a protocol as specified in s. 401.272, which is not in the provision of emergency care, is liable for any act or omission of any paramedic or emergency medical technician acting under his or her supervision and control when performing such services.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: amending s. 401.265, F.S.; specifying additional liability provisions for medical directors under certain circumstances;

Pursuant to Rule 4.19, **CS for SB 290** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 1898—A bill to be entitled An act relating to volunteers; amending s. 112.3135, F.S.; providing an exemption from the nepotism law for persons providing volunteer emergency medical, firefighting, and police services; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1898** was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 1372—A bill to be entitled An act relating to insurance; amending ss. 624.425, 624.428, 624.478, 626.112, F.S.; requiring agents to be appointed; amending s. 624.501, F.S.; clarifying application of fees for title insurance agents; amending s. 626.022, F.S.; providing for applicability of ch. 626, F.S.; amending s. 626.051, F.S.; revising the definition of the term "life agent"; prescribing requirements for soliciting or selling variable life insurance, variable annuity contracts, and other indeterminate value contracts; amending s. 626.062, F.S.; conforming a cross-reference; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; excluding solicitors; authorizing the department to secure a credit and character report on certain persons; providing limits; providing requirements of the department; amending s. 626.451, F.S.; requiring law enforcement agencies, the state attorney's office, and court clerks to notify the department of agents found guilty of felonies; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.601, F.S.; authorizing the department to initiate investigation of agents or other licensees under certain conditions; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in

addition to suspending, revoking, or refusing to renew a license or appointment; creating s. 626.692, F.S.; providing for restitution under certain circumstances; amending s. 626.7351, F.S.; specifying additional qualifications for a customer representative's license; amending s. 626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.741, F.S.; authorizing the department to issue a customer representative license to certain persons; providing a limitation; providing procedures for agent licensure of certain persons under certain circumstances; providing for cancellation of a nonresident agent's license; amending ss. 626.792, 626.835, F.S.; providing procedures for issuing a resident agent's license to certain persons; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8417, F.S.; revising the qualifications for licensure as a title insurance agent; amending s. 626.8418, F.S.; increasing the amount of the deposit or bond of a title insurance agency; specifying that the bond of a title insurance agency must be posted with the department and must inure to the benefit of damaged insurers and insureds; amending ss. 626.8437, 626.844, F.S.; clarifying application of grounds for refusal, suspension, or revocation of license or appointment; amending s. 626.8443, F.S.; providing additional limitations on activities during suspension or after revocation of a license; amending s. 626.852, F.S.; providing for applicability; amending s. 626.858, F.S.; revising the definition of the term "nonresident adjuster" to define "nonresident company employee adjuster"; creating s. 626.8582, F.S.; defining the term "nonresident public adjuster"; creating s. 626.8884, F.S.; defining the term "nonresident independent adjuster"; amending s. 626.865, F.S.; increasing the bonding requirements for public adjusters; amending s. 626.873, F.S.; providing for licensure and qualifications for resident company employee adjusters; creating s. 626.8732, F.S.; providing for licensure and qualifications for nonresident public adjusters; creating s. 626.8734, F.S.; providing for licensure and qualifications for nonresident independent adjusters; creating s. 626.8736, F.S.; providing for service of process on nonresident independent adjusters and on nonresident public adjusters; creating s. 626.8737, F.S.; establishing a retaliatory tax provision regarding certain fines, taxes, penalties, license fees, monetary deposits, securities, or other obligations, limitations, or prohibitions imposed by another state upon Florida resident insurance adjusters in connection with the issuance of, or activities under, a nonresident adjuster's license under that state's laws; creating s. 626.8738, F.S.; providing a criminal penalty for acting as a resident or nonresident public adjuster without the required license; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.8695, F.S.; providing for notice to the department; requiring designation of primary adjuster on forms prescribed by the department; amending s. 626.872, F.S.; prohibiting the department from issuing a temporary adjuster's license to certain persons; amending s. 626.873, F.S.; providing procedures for licensing certain persons as resident adjusters; providing for cancellation of nonresident adjuster's license; amending s. 626.875, F.S; prescribing time for keeping adjusters' records; amending s. 626.922, F.S.; requiring surplus lines agents to perform certain duties relating to evidence of insurance; amending s. 626.928, F.S.; increasing bonds for surplus lines agents; amending ss. 626.927, 626.9271, 626.929, 626.935, 626.944, F.S.; requiring appointment in addition to licensure of certain persons; amending s. 627.745, F.S.; clarifying a provision related to final examination; amending s. 634.420, F.S.; clarifying application of accountability provisions; amending s. 634.317, F.S.; providing for responsibility and accountability of sales representatives; amending s. 642.036, F.S.; deleting requirement that the addresses of certain agents be filed with the department; repealing s. 626.112(6), F.S., relating to licensing of claims investigators; repealing s. 626.532, F.S., relating to insurance vending machine licenses; repealing s. 626.857, F.S., relating to the definition of "claims investigator"; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendments which were adopted:

Amendment 1—On page 28, lines 10-21, delete those lines and insert:

(5) Any law enforcement agency or state attorney's office that is aware that an agent, adjuster, service representative, solicitor, customer representative, or managing general agent has pleaded guilty or nolo contendere to or has been found guilty of a felony shall notify the department of such fact.

(6) Upon the filing of an information or indictment against an agent, adjuster, service representative, solicitor, customer representative, or managing general agent, the state attorney shall immediately furnish the department a certified copy of the information or indictment.

Amendment 2 (with title amendment)—On page 84, between lines 21 and 22, insert:

Section 79. Section 624.412, Florida Statutes, is amended to read:

624.412 Deposit of alien insurers.—

(1) An alien insurer shall not have authority to transact insurance in this state unless it has and maintains within the United States as trust deposits with public officials having supervision over insurers, or with trustees, public depositories, or trust institutions approved by the department, assets available for discharge of its United States insurance obligations, which assets shall be in amount not less than the outstanding reserves and other liabilities of the insurer arising out of its insurance transactions in the United States together with the amount of surplus as to policyholders required by s. 624.408 of a domestic stock insurer transacting like kinds of insurance.

~~(2) The amount so held on deposit under subsection (1) is, for the purposes of this code, deemed to be minimum surplus of the insurer required to be maintained.~~

(2)~~(3)~~ Any such deposit made in this state shall be held for the protection of the insurer's policyholders or policyholders and creditors in the United States and shall be subject to the applicable provisions of part III of chapter 625 and chapter 630.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 29, after the semicolon (;) insert: amending s. 624.412, F.S.; deleting provisions relating to minimum trust deposits by alien insurers;

Senator Holzendorf moved the following amendment:

Amendment 3 (with title amendment)—On page 84, between lines 23 and 24, insert:

Section 80. Section 624.4072, Florida Statutes, is created to read:

624.4072 Minority owned property and casualty insurers.—

(1) A minority business, which is at least 51 percent owned by minority persons as described in s. 288.703(3), desiring to operate or become licensed as a property and casualty insurer shall be exempt, for a period of 5 years from the date of receiving authority to transact insurance pursuant to s. 624.407, from any and all assessments described in s. 627.351 and from any requirements of s. 624.509.

(2) For the purpose of meeting the requirements of subsection (1), the insurer must:

(a) Be domiciled in this state;

(b) Have permanent employees in this state;

(c) Have an office in this state; and

(d) Have at least 20 percent of its policies written and located in urban and inner-city areas that are metropolitan statistical areas as defined in 42 U.S.C. 12902(5). However, the requirement that the minority persons as described in s. 288.703(3) be permanent residents of this state does not apply to this section and to the requirements set forth in s. 627.3511.

(3) This section expires July 1, 2003.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 2, after the semicolon (;) insert: creating s. 624.4072, F.S.; exempting minority-owned property and casualty insurers from prescribed assessments for specified period;

MOTION

On motion by Senator Holzendorf, the rules were waived to allow the following amendment to be considered:

Senator Holzendorf moved the following substitute amendment which was adopted:

Amendment 4 (with title amendment)—On page 84, between lines 21 and 22, insert:

Section 80. Section 624.4072, Florida Statutes, is created to read:

624.4072 Minority owned property and casualty insurers; limited exemption for taxation and assessments.—

(1) A minority business that is at least 51 percent owned by minority persons, as defined in s. 288.703(3), initially issued a certificate of authority in this state as an authorized insurer after May 1, 1998, to write property and casualty insurance shall be exempt, for a period of 5 years from the date of receiving its certificate of authority, from the following taxes and assessments:

(a) Taxes imposed under ss. 624.509, 175.101, and 185.08;

(b) Assessments by the Florida Residential Property and Casualty Joint Underwriting Association or by the Florida Windstorm Underwriting Association, as provided under s. 627.351, except for emergency assessments collected from policyholders pursuant to s. 627.351(2)(b)2.d.(III) and (6)(b)3.d.

(2) The provisions of subsection (1) apply only to residential property insurance policies, including commercial residential property insurance policies, and only to an insurer that:

(a) Has a home or regional office in this state;

(b) Has permanent employees in this state; and

(c) Has at least 20 percent of its policies written and located in urban and inner-city areas that are located in a metropolitan statistical area, as defined in 42 U.S.C. 12902(5).

(3) The provision of the definition of "minority person" in s. 288.703(3) that requires residency in Florida shall not apply to the term "minority person" as used in this section or s. 627.3511.

(4) This section is repealed effective July 1, 2003.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 2, after the semicolon (;) insert: creating s. 624.4072, F.S.; exempting minority-owned property and casualty insurers from prescribed taxes and assessments for specified period; specifying conditions; providing for future repeal;

Pursuant to Rule 4.19, **CS for SB 1372** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer, the Senate resumed consideration of—

SB 472—A bill to be entitled An act relating to the practice of veterinary medicine; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; conforming a cross-reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3** by Senator Dyer was withdrawn.

Pursuant to Rule 4.19, **SB 472** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 594—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.06, F.S.; revising prerequisites to eligibility for admission to the domiciliary home; amending s. 296.08, F.S.; conforming a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; revising the list of information about each resident which is to be kept in the general register; amending ss. 296.04, 296.07, 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, 296.37, 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 594** to **HB 1649**.

Pending further consideration of **SB 594** as amended, on motion by Senator Brown-Waite, by two-thirds vote **HB 1649** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Brown-Waite, by two-thirds vote—

HB 1649—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.04, F.S.; replacing the term "member" with the term "resident"; amending s. 296.06, F.S.; amending prerequisites to eligibility for admission to the domiciliary home; amending s. 296.07, F.S.; replacing the term "member" with the term "resident"; amending s. 296.08, F.S.; amending a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; amending the list of information about each resident which is to be kept in the general register; amending ss. 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, and 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; designating a building located in Lake City as the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida"; directing the Florida Department of Veterans' Affairs to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **SB 594** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1649** was placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

SB 1260—A bill to be entitled An act relating to the construction of the Florida Statutes; amending s. 1.01, F.S.; redefining the term "veteran"; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Harris and failed:

Amendment 1—On page 1, line 24, after the period (.) insert: *However, service between February 28, 1961 and August 4, 1964,*

would qualify as "wartime service" only if the veteran actually served in the Republic of Vietnam during that time period.

Pursuant to Rule 4.19, **SB 1260** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, by two-thirds vote **CS for CS for HB 1637** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Holzendorf—

CS for CS for HB 1637—A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing second degree misdemeanor penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing third degree felony penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; providing for appeal by agency of requested waiver; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as absentee voters; prohibiting the supervisor of elections from disclosing certain information, except under specified circumstances; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 118** and read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 741.401, Florida Statutes, is created to read:

741.401 Legislative findings; purpose.—The Legislature finds that persons attempting to escape from actual or threatened domestic violence frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of ss. 741.401-741.409 is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, to enable interagency cooperation with the Attorney General in providing address confidentiality for victims of domestic violence, and to enable state and local agencies to accept a program participant's use of an address designated by the Attorney General as a substitute mailing address.

Section 2. Section 741.402, Florida Statutes, is created to read:

741.402 Definitions.—Unless the context clearly requires otherwise, as used in ss. 741.401-741.409, the term:

(1) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under ss. 741.401-741.409.

(2) "Program participant" means a person certified as a program participant under s. 741.403.

(3) "Domestic violence" means an act as defined in s. 741.28 and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

Section 3. Section 741.403, Florida Statutes, is created to read:

741.403 Address confidentiality program; application; certification.—

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person adjudicated incapacitated under chapter 744 may apply to the Attorney General to have an address designated by the Attorney General serve as the person's address or the address of the minor or incapacitated person. To the extent possible within funds appropriated for this purpose, the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if it contains all of the following:

(a) A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, and that the applicant fears for his or her safety or his or her children's safety or the safety of the minor or incapacitated person on whose behalf the application is made.

(b) A designation of the Attorney General as agent for purposes of service of process and for the purpose of receipt of mail.

(c) The mailing address where the applicant can be contacted by the Attorney General, and the phone number or numbers where the applicant can be called by the Attorney General.

(d) A statement that the new address or addresses that the applicant requests must not be disclosed for the reason that disclosure will increase the risk of domestic violence.

(e) The signature of the applicant and of any individual or representative of any office designated in writing under s. 741.408 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications must be filed with the Office of the Attorney General. An application fee may not be charged.

(3) Upon filing a properly completed application, the Attorney General shall certify the applicant as a program participant. Applicants shall be certified for 4 years following the date of filing unless the certification is withdrawn or invalidated before that date. The Attorney General shall by rule establish a renewal procedure.

(4) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Any person who attempts to gain access to a program participant's actual address through fraud commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Any person who knowingly enters the address confidentiality program to evade prosecution of criminal laws or civil liability commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Section 741.404, Florida Statutes, is created to read:

741.404 Certification cancellation.—

(1) If the program participant obtains a name change, he or she loses certification as a program participant.

(2) The Attorney General may cancel a program participant's certification if there is a change in the residential address from the one listed on the application, unless the program participant provides the Attorney General with 14 days' prior notice of the change of address.

(3) The Attorney General may cancel certification of a program participant if mail forwarded by the Attorney General to the program participant's address is returned and is undeliverable or if service of process documents are returned to the Attorney General.

(4) The Attorney General shall cancel certification of a program participant who applies using false information.

Section 5. Section 741.405, Florida Statutes, is created to read:

741.405 Agency use of designated address.—

(1) A program participant may request that state and local agencies or other governmental entities use the address designated by the Attorney General as his or her address. When creating a new public record, state and local agencies or other governmental entities shall accept the address designated by the Attorney General as a program participant's substitute address, unless the Attorney General has determined that:

(a) The agency or entity has a bona fide statutory or administrative requirement for the use of the address that would otherwise be confidential under ss. 741.401-741.409;

(b) This address will be used only for those statutory and administrative purposes;

(c) The agency or entity has identified the specific program participant's record for which the waiver is requested;

(d) The agency or entity has identified the individuals who will have access to the record; and

(e) The agency or entity has explained how its acceptance of a substitute address will prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or administrative obligation by a change in its internal procedures.

(3) During the review, evaluation, and appeal of an agency's request, the agency shall accept the use of a program participant's substitute address.

(4) The Attorney General's determination to grant or withhold a requested waiver must be based on, but not limited to, an evaluation of information provided under subsection (1).

(5) If the Attorney General determines that an agency or entity has a bona fide statutory or administrative need for the actual address and that the information will be used only for that purpose, the Attorney General may issue the actual address to the agency or entity. When granting a waiver, the Attorney General shall notify and require the agency or entity to:

(a) Maintain the confidentiality of a program participant's address information;

(b) Limit the use of and access to that address;

(c) Designate an address disposition date after which the agency or entity may no longer maintain the record of the address; and

(d) Comply with any other provisions and qualifications determined appropriate by the Attorney General.

(6) The Attorney General's denial of an agency's or entity's waiver request must be made in writing and include a statement of specific reasons for denial. Acceptance or denial of an agency's or entity's waiver request shall constitute final agency action.

(7) Pursuant to chapter 120, an agency or entity may appeal the denial of its request.

(8) A program participant may use the address designated by the Attorney General as his or her work address.

(9) The Office of the Attorney General shall forward all first class mail to the appropriate program participants at no charge.

Section 6. Section 741.406, Florida Statutes, is created to read:

741.406 Voting by program participant; use of designated address by supervisor of elections.—

(1) A program participant who is otherwise qualified to vote may request an absentee ballot pursuant to s. 101.62. The program participant shall automatically receive absentee ballots for all elections in the jurisdictions in which that individual resides in the same manner as absentee voters. The supervisor of elections shall transmit the absentee ballot to the program participant at the address designated by the participant in his or her application as an absentee voter. The name, address, and telephone number of a program participant may not be included in any list of registered voters available to the public.

(2) The supervisor of elections may not make the participant's name, address, or telephone number contained in voter registration records available for public inspection or copying except:

(a) To a law enforcement agency for purposes of assisting in the execution of an arrest warrant.

(b) If directed by a court order, to a person identified in the order.

Section 7. Section 741.407, Florida Statutes, is created to read:

741.407 Disclosure of address prohibited; exceptions.—The Attorney General may not make a program participant's name, address, other than the address designated by the Attorney General, or telephone number available for inspection or copying, except under the following circumstances:

(1) To a law enforcement agency for purposes of assisting in the execution of an arrest warrant.

(2) If directed by a court order, to a person identified in the order.

(3) If certification has been canceled.

The Attorney General shall provide immediate written notification of disclosure to a program participant when a disclosure takes place in one of the instances described in subsection (2) or subsection (3).

Section 8. Section 741.408, Florida Statutes, is created to read:

741.408 Assistance for program applicants.—The Attorney General shall designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence to assist persons applying to be program participants. Assistance and counseling rendered by the Office of the Attorney General or its designees to applicants does not constitute legal advice.

Section 9. Section 741.409, Florida Statutes, is created to read:

741.409 Adoption of rules.—The Attorney General may adopt rules to facilitate the administration of this chapter by state and local agencies and other governmental entities.

Section 10. *This program may be implemented only to the extent that it is funded by the Legislature. A general revenue appropriation may not exceed $150,000 for fiscal year 1998-1999. For fiscal years 1990-2000 and 2000-2001, any general revenue appropriation for this program may not be greater than the total of the initial funding and an increase of 5 percent of the allocation from the previous year. This provision in no way prohibits the Attorney General from seeking federal funds, grants, or donations to implement or to expand this program.*

Section 11. This act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as for absentee voters; prohibiting the supervisor of elections from disclosing certain

information except under specified circumstances; providing for appeal by agency of requested waiver; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing for limitations on an appropriation to fund the program; specifying the maximum percentage for an increase in the general appropriation for subsequent years; providing for the Attorney General to seek other funds; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 1637** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, by two-thirds vote **CS for CS for HB 1639** was withdrawn from the Committee on Children, Families and Seniors.

On motion by Senator Holzendorf—

CS for CS for HB 1639—A bill to be entitled An act relating to public records; creating s. 741.465, F.S.; providing an exemption from public records requirements for certain personal information about program participants in the Address Confidentiality Program for Victims of Domestic Violence; providing exceptions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 116** and read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1—On page 1, lines 23 and 24, delete those lines and insert: *disclosed under the following circumstances: to a law enforcement agency for purposes of assisting in the execution of a valid arrest warrant; if*

Pursuant to Rule 4.19, **CS for CS for HB 1639** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett, by two-thirds vote **CS for HB 3061** was withdrawn from the Committees on Transportation; and Ways and Means.

On motion by Senator Hargrett—

CS for HB 3061—A bill to be entitled An act relating to airports; amending s. 330.30, F.S.; exempting certain airports used exclusively for aerial application or spraying of crops on a seasonal basis from a provision of law providing for the approval of airport sites and the licensing of airports; providing an effective date.

—a companion measure, was substituted for **CS for SB 110** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3061** was placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Criminal Justice recommends the following pass: SB 258

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Community Affairs recommends the following pass: CS for HB 1373 with 6 amendments

The Committee on Ways and Means recommends the following pass: SB 500

The bills contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Community Affairs recommends the following pass: SB 686 with 1 amendment

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Judiciary recommends the following pass: SJR 1610

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 1498 with 2 amendments, CS for SB 1596

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Ways and Means recommends the following pass: CS for SB 28, SB 704, SB 762, CS for SB 1202 with 1 amendment, CS for SB 1204

The bills were placed on the calendar.

The Committee on Judiciary recommends the following not pass: SJR 1272

The bill was laid on the table.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2288

The bill with committee substitute attached was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Ways and Means recommends committee substitutes for the following: SB 328, SB 338, SB 916, SB 984, SB 1564

The bills with committee substitutes attached were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Agriculture recommends committee substitutes for the following: SB 1922, SB 1994

The Committee on Community Affairs recommends a committee substitute for the following: SB 820

The Committee on Transportation recommends a committee substitute for the following: SB 938

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1728

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Ways and Means recommends a committee substitute for the following: SB 434

The bill with committee substitute attached was referred to the Committee on Natural Resources under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2300

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1092, SB 1130, CS for SB 1228

The Committee on Children, Families and Seniors recommends committee substitutes for the following: CS for SB 1796, SB 1984

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2524

The Committee on Community Affairs recommends committee substitutes for the following: SB 1380, SB 2086

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1522

The Committee on Education recommends committee substitutes for the following: SB 2088, SB 2110

The Committee on Health Care recommends committee substitutes for the following: SB 228, CS for SB 1800

The Committee on Transportation recommends committee substitutes for the following: SB 368, SB 1430, SB 1882

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2338

The Committee on Criminal Justice recommends committee substitutes for the following: CS for SB 1024, CS for SB 1308

The Committee on Education recommends a committee substitute for the following: SB 752

The Committee on Transportation recommends a committee substitute for the following: SB 1710

The Committee on Ways and Means recommends a committee substitute for the following: CS for SB 1314

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF SUBCOMMITTEES

The Subcommittee on Finance and Tax recommends favorably to the full Committee on Committee on Ways and Means the following: SB 458, SB 732, SB 1356 with 1 amendment, SB 1758 with 3 amendments, SB 1844, SB 2190 with 1 amendment; SB 680 as a committee substitute, SB 1388 as a committee substitute

John Ostalkiewicz, Chairman
Subcommittee on Finance and Tax

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2566—2568—Not referenced.

By Senator Williams—

SB 2570—A bill to be entitled An act relating to the City of Cedar Key, Levy County; repealing chapter 69-929, Laws of Florida, and replacing same with a new charter; providing for the powers and duties of the city commission; providing for appointment of administrative officials; establishing special provisions; providing a transition schedule; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Harris—

SB 2572—A bill to be entitled An act relating to Charlotte County; amending ss. 1-6, ch. 65-1367, Laws of Florida, as amended; providing additional protection for specified portions of Shell Creek and Prairie Creek; prohibiting the discharge of specified pollutants into such creeks; prohibiting construction, reconstruction, extension, or alteration of certain facilities within a specified distance of such creeks; providing penalties; providing for injunctive relief; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Harris—

SB 2574—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; prohibiting the taking of saltwater fish except by hook and line within any manmade saltwater canal within the city; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Brown-Waite—

SB 2576—A bill to be entitled An act relating to the Hernando County Law Library; amending ch. 65-1627, Laws of Florida, as amended; providing membership of the law library board; revising powers and duties of the board; providing for fees to fund the library; providing for determination of fee amounts; revising powers and duties of the board of county commissioners with respect to the library; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Kurth—

SB 2578—A bill to be entitled An act relating to Barefoot Bay Recreation District, Brevard County; providing for the issuance of a special alcoholic beverage license to a mobile home park recreation district operating within Brevard County; providing restrictions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Senator Latvala—

SB 2580—A bill to be entitled An act relating to Pinellas County; providing a short title; providing background and purpose of the act; providing for the annexation of certain small enclaves within the municipalities of Pinellas County; providing for the act to apply to a specified type of enclave; providing prerequisites for annexation; requiring the governing body of a municipality to provide certain incentives within the area to be annexed; providing for certain exemptions; providing for expiration of specified provisions of the act; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Klein—

SB 2582—A bill to be entitled An act relating to Palm Beach County; amending ch. 93-367, Laws of Florida, as amended; revising provisions relating to employees of the Palm Beach County Sheriff; revising procedures for appeal of disciplinary actions and complaints against employees of the sheriff; revising provisions limiting benefits to employees beyond the rank of captain to apply to employees beyond the rank of lieutenant; providing that certain monetary emoluments be based on performance for employees at the rank of captain or its civilian equivalent; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Rossin—

SB 2584—A bill to be entitled An act relating to Lee County and the City of Fort Myers; providing for the annexation of the enclaves known as "Dunbar" and "Belle Vue" by interlocal agreement between the city and county, subject to approval by referendum; providing for procedures for adoption of the agreement and for a referendum; providing for authority for assumption of municipal service duties and transfer of infrastructure; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Grant, Crist and Lee—

SB 2586—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida; revising the Hillsborough County Civil Service Act to exempt the judiciary from the act; providing for review of certain actions adversely affecting certain employees within the Administrative Office of the Courts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Jones—

SB 2588—A bill to be entitled An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended, relating to the Florida Keys Aqueduct Authority; providing for certain matters regarding the construction, acquisition, and maintaining of a wastewater system for the collection, treatment, and disposal of wastewater in Monroe County; providing for certain matters with respect to the purchase of property by the Florida Keys Aqueduct Authority; providing for notification to the public of the availability of the Florida Keys Aqueduct Authority's annual audit; amending certain provisions relating to the issuance of bonds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Hargrett, Crist, Lee and Grant—

SB 2590—A bill to be entitled An act relating to Hillsborough County; providing for the consolidation of the job training partnership programs of the City of Tampa and of Hillsborough County; providing for employees who are transferred from the city to the county to elect, within a specified deadline, to remain in the City of Tampa pension plan or to transfer to the Florida Retirement System; providing procedures for making the election; providing that county job training partnership program employees who are hired after a specified date become members of the Florida Retirement System; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Hargrett, Crist, Lee and Grant—

SB 2592—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; enabling an increase in the accrual of benefits from 2 percent to 2.5 percent for additional years of service after 26 years; providing for pension benefits after 20 years of service without reduction upon separation; providing for a Deferred Retirement Option Program; providing for additional benefits; providing for contribution rates; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Ways and Means; and Rules and Calendar.

By Senators Hargrett, Crist, Lee and Grant—

SB 2594—A bill to be entitled An act relating to Hillsborough County; relating to the regulation of providers that transport transportation disadvantaged clients under a contract with the community transportation coordinator; providing that the notice of award of a contract between the community transportation coordinator and a transportation provider establishes public convenience and necessity as required for obtaining a certificate of public convenience and necessity; authorizing the community transportation coordinator to exempt certain transportation providers from obtaining a certificate of public convenience and necessity from the Hillsborough County Public Transportation Commission when specified conditions have been met; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Hargrett, Grant, Crist and Lee—

SB 2596—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Circulo Cubano de Tampa, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Senators Hargrett, Grant, Crist and Lee—

SB 2598—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to La Sociedad La Union Marti-Maceo, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Senators Hargrett, Grant, Crist and Lee—

SB 2600—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Italian Club of Tampa, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Senators Hargrett, Grant, Crist and Lee—

SB 2602—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to The Centro Asturiano de Tampa, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Senators Grant, Crist, Lee and Hargrett—

SB 2604—A bill to be entitled An act relating to Hillsborough County; authorizing the board of county commissioners of Hillsborough County to provide by ordinance for liens in favor of all operators of hospitals in Hillsborough County and in favor of Hillsborough County when it pays for medical care, treatment, or maintenance of qualifying residents of the county upon all causes of action, suits, claims, counterclaims, and demands accruing to persons to whom care, treatment, or maintenance is furnished by such hospital or is paid for by Hillsborough County on behalf of a qualifying resident of the county, or accruing to the legal representatives of such persons, and upon all judgments, settlements, and settlement agreements entered into by virtue thereof on account of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy giving rise to such causes of action, suits, claims, counterclaims, demands, judgments, settlements, or settlement agreements, and which necessitated such care, treatment, or maintenance; authorizing the board of county commissioners of Hillsborough County to provide by ordinance for the attachment, perfection, priority, and enforcement of such liens and for such procedural and other matters as may be necessary or appropriate to carry out the purposes of the ordinance; requiring the ordinance to provide identical remedies to the hospitals and the County Indigent Health Care Plan; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Clary—

SB 2606—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing for additional supervisory personnel to be included within the definition of an "unclassified service" position; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2608—A bill to be entitled An act relating to the City of Pembroke Pines, Broward County; extending and enlarging the corporate limits of the City of Pembroke Pines to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2610—A bill to be entitled An act relating to the City of Sunrise, Broward County; creating the South Broward Utility Advisory Board; providing for membership, qualifications, terms, responsibilities, and powers of the board; providing an appropriation; providing a limitation of the power of the board; providing for adoption of procedures and regulations; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Ways and Means; and Rules and Calendar.

By Senator Campbell—

SB 2612—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2614—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2616—A bill to be entitled An act relating to Broward County; providing for notice of water or sewer rate changes to residents served outside of municipal boundaries within Broward County; providing for a public hearing; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Senator Campbell—

SB 2618—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2620—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2622—2624—Not referenced.

By Senator Rossin—

SB 2626—A bill to be entitled An act relating to Lee County; amending chapter 63-1552, Laws of Florida, as amended; providing guidelines for the investment of surplus funds of the Hospital Board of Directors of Lee County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2628—2632—Not referenced.

By Senators Laurent, Diaz-Balart, Gutman, Crist, Williams, Geller and Grant—

SB 2634—A bill to be entitled An act relating to pretrial detention; amending s. 907.041, F.S.; revising criteria for pretrial detention; deleting requirement for additional court findings for pretrial detention; permitting pretrial detention for any violation of conditions of pretrial release or bond which, in the discretion of the court, supports a finding that no condition of release can reasonably protect the community from physical harm, assure the presence of the accused at trial, or assure the integrity of the judicial process; deleting limitation upon detention period when detention is based on threat of harm to the community; authorizing a court to detain a defendant at a bail hearing without separate hearing or motion for pretrial detention; authorizing the state to orally move for pretrial detention anytime the defendant is before the court for a bail hearing; providing for construction; repealing Rules 3.131 and 3.132, Florida Rules of Criminal Procedure, relating to pretrial release and pretrial detention, to the extent of inconsistency with the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Ways and Means.

By Senator Dudley—

SB 2636—A bill to be entitled An act relating to Collier County, Florida; amending chapter 89-449, Laws of Florida, as amended, to allow domesticated animals in county parks for animal shows and other substantially similar special events, and to authorize the director of parks and recreation to authorize special event bonfires on a case-by-case basis, all of the above in accordance with the then-applicable rules of the parks and recreation department and as approved by the board of county commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 2638—A bill to be entitled An act relating to the City of Marco Island, Collier County; amending chapter 97-367, Laws of Florida; providing for waiver of s. 218.23(1), F.S., relating to eligibility for participation in state revenue sharing beyond the minimum entitlement, and s. 218.26(3), F.S., relating to calculation of apportionment factors, for an additional fiscal year; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Care and Senators Gutman, Holzendorf, Kurth, Myers, Forman, Cowin, Grant, Bronson, Latvala, Kirkpatrick, Sullivan, Horne, Casas, Brown-Waite, Lee, Dudley, Klein, Harris, Jones, Geller, Laurent, Turner, Campbell, Crist, Dyer and Meadows—

CS for SB 228—A bill to be entitled An act relating to cleft-lip and cleft-palate treatment; creating s. 627.64193, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66911, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; amending s. 641.31, F.S.; providing for cleft-lip and cleft-palate treatment for children by health maintenance organizations; providing a legislative determination of an important state interest; providing applicability; providing an effective date.

By the Committee on Ways and Means; and Senators Ostalkiewicz, Grant, Crist, Sullivan, Kurth, Kirkpatrick, Meadows, Bronson, Dyer, Brown-Waite and Hargrett—

CS for SB 328—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for replacement engines, parts, and equipment used in the repair or maintenance of certain aircraft; providing an exemption for the sale or lease of certain aircraft for use by a common carrier; providing an effective date.

By the Committee on Transportation and Senator Kurth—

CS for SB 368—A bill to be entitled An act relating to motorcycle safety education; amending s. 215.22, F.S.; providing an exemption from a required deduction for that portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee; amending s. 322.0255, F.S.; deleting a limitation on the reimbursement of certain fees; providing an effective date.

By the Committee on Education and Senator Klein—

CS for SB 752—A bill to be entitled An act relating to the State University System; designating the tennis court complex at the University of West Florida the "Harold 'Skeeter' Carson Tennis Complex"; designating the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University the "Barry and Florence Friedberg Lifelong Learning Center"; designating the swim/dive office and training facility at the University of Florida the "Wayne and Jimmie Carse Swimming and Diving Complex"; renaming Flint Hall at the University of Florida as "Keene-Flint Hall"; designating the residence hall known as 2nd

Court, Pei Residence Halls, located at New College of the University of South Florida the "Peggy Bates Residence Hall"; designating the library tower on the campus of Florida International University the "Steven and Dorothea Green Library"; designating the recording facility donated to Florida State University as "Critchfield Hall"; authorizing the respective universities to erect suitable markers; amending s. 240.605, F.S.; renaming the Florida Resident Access Grant Program as the William L. Boyd, IV, Florida Resident Access Grant Program; providing an effective date.

By the Committee on Community Affairs and Senator Kurth—

CS for SB 820—A bill to be entitled An act relating to skateboarding, freestyle bicycling, and rollerblading activities; creating s. 316.0085, F.S.; providing legislative purpose; providing definitions; providing limitations on liability with respect to governmental entities and public employees with respect to persons who participate in skateboarding, rollerblading, or freestyle bicycle riding activities on property owned or leased by the governmental entity; providing exceptions; providing for liability of independent concessionaires or other persons or organizations for certain injuries or damages; providing for the assumption of certain risks; providing for the effect of certain insurance; providing an effective date.

By the Committee on Ways and Means; and Senator Bronson—

CS for SB 916—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing exemptions from the tax for aquaculture purposes; providing an effective date.

By the Committee on Transportation and Senator Harris—

CS for SB 938—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; providing that the form for motor vehicle registration and renewal must include language permitting a voluntary contribution to the Florida Mothers Against Drunk Driving, Inc.; providing for the distribution of such contributions; creating s. 320.023, F.S.; revising provisions with respect to requirements for requests to establish voluntary contributions; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; amending s. 320.02, F.S.; providing for an annual audit; providing for the discontinuance of distributions of funds for noncompliance with auditing requirements; authorizing the Auditor General to examine the distribution and collection of funds; providing an effective date.

By the Committee on Ways and Means; and Senators Harris, Ostalkiewicz, Bronson, Williams and Thomas—

CS for SB 984—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing a definition of "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest"; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; reducing the rate of tax on such equipment; providing that changes made in this act shall take precedence over changes made in similar bills; providing an effective date.

By the Committees on Criminal Justice; Children, Families and Seniors; and Senator Hargrett—

CS for CS for SB 1024—A bill to be entitled An act relating to false reports of abuse or neglect of a child or of abuse, neglect, or exploitation of a disabled adult or elderly person; amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report; amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.5131, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making, or counseling another to make, a false report; providing an effective date.

By the Committee on Banking and Insurance; and Senator Latvala—

CS for SB 1092—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; revising eligibility requirements for supplemental payments; providing a method for calculating workers' compensation benefits based on the aggregate amount of those benefits and other specified benefits payable to the employee; providing that certain supplemental payments are not workers' compensation benefits; providing an effective date.

By the Committee on Banking and Insurance; and Senator Grant—

CS for SB 1130—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; authorizing the Executive Office of the Governor to contract for certain services; increasing the amount of the bond required of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; providing that the official seal and certificate of commission are the exclusive property of the notary public; providing a criminal penalty for unlawful possession of a notary public official seal or papers; specifying the elements of a notarial certificate; revising provisions relating to identification; deleting specified circumstances under which a signature may not be notarized; revising provisions relating to copying certain documents; requiring a notary public to make reasonable accommodations to provide notarial services to disabled persons; amending s. 117.10, F.S.; conforming a cross-reference; amending s. 117.103, F.S.; providing that a notary public's commission is not required to be filed with the clerk of the circuit court; providing for certification of the commission from the Secretary of State; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; providing a civil penalty; amending s. 117.20, F.S.; providing for electronic notarizations; amending s. 118.10, F.S.; redefining the terms "authentication instrument" and "Florida international notary"; revising requirements to become a Florida international notary; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

By the Committees on Banking and Insurance; Health Care; and Senators Brown-Waite, Myers, Bankhead, Burt, Silver and Forman—

CS for CS for SB 1228—A bill to be entitled An act relating to children's health care; amending s. 409.904, F.S.; providing for children under specified ages who are not otherwise eligible for the Medicaid program to be eligible for optional payments for medical assistance; creating s. 409.9045, F.S.; providing for a period of continuous eligibility for Medicaid for children; amending s. 409.9126, F.S.; making the Children's Medical Services network available to certain children who are eligible for the Florida Kids Health program; authorizing the inclusion of behavioral health services as part of the Children's Medical Services network; establishing the reimbursement methodology for services provided to certain children through the Children's Medical Services network; specifying that the Children's Medical Services network is not subject to licensure under the insurance code or rules of the Department of Insurance; directing the Department of Health to contract with the Department of Children and Family Services for certain services for children with special health care needs; authorizing the Department of Children and Family Services to establish certain standards and guidelines; revising provisions to reflect the transfer of duties to the Department of Health; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating and providing the purpose for the Florida Kids Health program; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; creating s. 409.8135, F.S.; providing for program enrollment and expenditure ceilings; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing requirements for health benefits coverage under the Florida Kids Health program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for approval of health benefits coverage as a condition of financial assistance; creating s. 409.8175, F.S.; authorizing health maintenance organizations and health insurers to reimburse providers in rural counties according to the Medicaid Fee schedule; creating s. 409.818, F.S.; providing for program administration; specifying duties of the Department of Children and Family Services, the Department of Health, the Agency for Health Care Administration, the Department of Insurance, and the Florida Healthy Kids Corporation; authorizing certain program modifications related to federal approval; transferring, renumbering, and amending s. 154.508, F.S., relating to outreach activities to identify low-income, uninsured children; creating s. 409.820, F.S.; requiring that the Department of Health develop standards for quality assurance and program access; establishing performance measures and standards for the Florida Kids Health program; repealing s. 624.92, F.S.; deleting the requirement that the Agency for Health Care Administration apply for a Medicaid federal waiver relating to the Healthy Kids Corporation; providing an appropriation; providing for application of the act to certain contracts between providers and the Florida Healthy Kids Corporation; providing an effective date.

By the Committees on Criminal Justice; Children, Families and Seniors; and Senator Hargrett—

CS for CS for SB 1308—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S.; providing that a child may not obtain an injunction for protection against domestic violence based on acts committed by a family member unless such acts constitute harm or child abuse or neglect; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators Bronson and Grant—

CS for CS for SB 1314—A bill to be entitled An act relating to capital investment tax credits; amending s. 220.02, F.S.; revising legislative intent on the order of application of certain credits; creating s. 220.191, F.S.; providing definitions; providing for a credit against the corporate income tax for certain capital costs; providing requirements; providing limitations; providing for certification of eligibility by the Office of Tourism, Trade, and Economic Development; providing duties of the Department of Revenue; authorizing the office to develop certification guidelines and application materials; providing a responsibility for qualifying businesses; authorizing the Department of Revenue to adopt rules; providing an effective date.

By the Committee on Community Affairs and Senator Kirkpatrick—

CS for SB 1380—A bill to be entitled An act relating to education; creating s. 228.0561, F.S.; authorizing charter conversion municipal subdistricts; providing requirements for operation; providing for areas of municipal jurisdiction; providing an effective date.

By the Committee on Transportation and Senators Lee, Bronson, Clary, Grant, Horne, Dudley, Cowin, Diaz-Balart, Ostalkiewicz and Williams—

CS for SB 1430—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Choose Life license plate; providing for the distribution of annual use fees received from the sale of such plates; providing certain limitations on the use of such funds; providing a contingent effective date.

By the Committee on Criminal Justice—

CS for SB 1522—A bill to be entitled An act relating to sentencing; amending s. 2, ch. 97-194, Laws of Florida; clarifying that the Criminal Punishment Code does not apply to capital felonies; amending s. 921.002, F.S.; revising the principles embodied by the Criminal Punishment Code; requiring that the Department of Corrections report on sentencing trends and practices; requiring that the Criminal Justice Estimating Conference make certain estimates with respect to the prison population; requiring the Criminal Justice Estimating Conference to project the impact of proposed changes to the Criminal Punishment Code; authorizing the Department of Corrections to collect scoresheets and report on compliance; amending s. 921.0021, F.S.; clarifying application of the code; amending s. 921.0022, F.S.; providing for ranking certain offenses under the severity ranking chart of the code; specifying the ranking of additional offenses; amending s. 921.0023, F.S., relating to the ranking of unlisted offenses; deleting duplicative provisions; amending s. 921.0024, F.S.; revising the arrangement of the sentencing scoresheet; providing that domestic violence in the presence of a child be included as a multiplier on the offense score of the Criminal Punishment Code; providing for calculating the total sentence points and the lowest permissible sentence; clarifying the calculation of points for a prior capital felony; requiring the imposition of the code sentence when it exceeds the statutory maximum; authorizing a life sentence when the total sentence points equal or exceed a threshold amount; prohibiting discretionary early release for such offenders; requiring that the Department of Corrections consult with certain persons and entities and revise the scoresheet as necessary; requiring the department to distribute copies of scoresheets; creating s. 921.0025, F.S.; providing for the adoption and implementation of sentencing scoresheets; amending s. 921.0026, F.S.; prohibiting the court from imposing a sentence below the lowest permissible sentence unless there are mitigating circumstances; creating s. 921.00265, F.S.; requiring that the court delineate its reasons if the court decreases a defendant's sentence below the lowest permissible sentence; amending s. 775.082, F.S.; providing for the applicability of sentencing structures, based on the date of the offense; amending s. 775.084, F.S.; providing for community control without an adjudication of guilt to be considered a prior conviction under certain circumstances for purposes of sentencing; requiring that the court submit a report when the court finds it unnecessary to sentence a given defendant as a habitual felony offender, a habitual violent felony offender, or a violent career criminal; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; amending s. 924.06, F.S.; providing for an appeal of a sentence that exceeds the maximum penalty under s. 775.082, F.S.; amending s. 924.07, F.S.; authorizing the state to appeal a sentence imposed below the lowest sentence permitted under the Criminal Punishment Code; amending s. 944.17, F.S.; revising requirements for the sheriff or chief correctional officer in preparing scoresheets for a prisoner who is transferred to the state correctional system; creating s. 944.70, F.S.; specifying the conditions under which persons convicted of crimes may be released from incarceration; amending s. 944.705, F.S., relating to the release orientation program; conforming cross-references to changes made by the act;

amending s. 948.015, F.S.; revising requirements for the presentence investigation report for certain defendants; amending s. 948.034, F.S., relating to probation for certain persons convicted of drug-related offenses; conforming cross-references; conforming provisions to reflect the reorganization of the Department of Health and Rehabilitative Services; amending s. 948.51, F.S., relating to community corrections assistance; conforming a cross-reference; conforming a reference to sentencing scores to reflect changes in sentencing requirements; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing for a sentence imposed outside of the code to be appealed; providing an effective date.

By the Committee on Transportation and Senator Dyer—

CS for SB 1710—A bill to be entitled An act relating to the Central Florida Regional Transportation Authority (RAB); amending s. 343.64, F.S.; authorizing the authority to employ personnel and consultants; authorizing a personnel system; providing for delegation of authority; providing an effective date.

By the Committee on Criminal Justice and Senator Bronson—

CS for SB 1728—A bill to be entitled An act relating to mobile surgical facilities; amending s. 395.001, F.S.; providing legislative intent; amending s. 395.002, F.S.; defining the term "mobile surgical facility"; revising definitions; including "mobile surgical facility" within the definition of "ambulatory surgical center" and "licensed facility"; amending s. 395.003, F.S.; requiring the licensure of mobile surgical facilities under ch. 395, F.S.; amending s. 395.004, F.S.; requiring a license fee upon application for licensure as a mobile surgical facility; amending s. 395.161, F.S.; requiring inspections of such facilities when a facility is moved to a new location; amending s. 395.0163, F.S.; providing that required agency inspections of mobile surgical facilities apply at initial licensure and each time a facility is moved to a new location; amending s. 395.1055, F.S.; authorizing the establishment of separate standards for mobile surgical facilities; amending s. 408.036, F.S.; providing an exemption from review and application for certificate of need for mobile surgical facilities; providing an effective date.

By the Committees on Children, Families and Seniors; Criminal Justice; and Senator McKay—

CS for CS for SB 1796—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.411, F.S.; requiring that the Department of Children and Family Services notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain specified sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 490.012, F.S.; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 490.0145, F.S.; providing that only certain persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; requiring the Board of Psychology to require training and coursework for juvenile sexual offender therapists; amending s. 491.012, F.S.; defining the offense of the unlawful use of the term "juvenile sexual offender therapist," and providing penalties therefor; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 491.0144, F.S.; providing for qualifications for licensure as a juvenile sexual offender therapist under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services; creating ss. 943.17291, 943.17295, F.S.; requiring that the Criminal Justice Standards and Training Commission incorporate instruction in investigating juvenile sexual offenders into the course curriculum for law enforcement officers; amending s. 985.04, F.S.; requiring that the Department of Juvenile Justice notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 985.308, F.S.; requiring that the Department of Juvenile Justice inspect offender commitment programs operated by the department based on specified standards; authorizing any state attorney to establish a sexual abuse intervention network; providing for membership and prescribing duties of such network; requiring the Office of the Attorney General in collaboration with the Department of Children and Family Services and the Department of Juvenile Justice to award grants to sexual abuse intervention networks; specifying criteria for grant awards; requiring the Office of the Attorney General, in collaboration with the Department of Juvenile Justice and the Department of Children and Family Services, to establish minimum standards for juvenile sex offender day treatment and residential treatment programs funded pursuant to specified provisions; providing rulemaking authority for the Department of Legal Affairs; deleting rulemaking authority for the Department of Juvenile Justice; providing an effective date.

By the Committees on Health Care; Banking and Insurance; and Senator Diaz-Balart—

CS for CS for SB 1800—A bill to be entitled An act relating to health insurance; amending s. 222.21, F.S.; exempting moneys paid into a Roth individual retirement account from creditors' claims; amending s. 222.22, F.S.; exempting moneys paid into a Medical Savings Account from attachment, garnishment, or legal process; amending s. 627.410, F.S.; exempting certain policies from rating requirements; amending s. 627.6425, F.S.; specifying exceptions to guaranteed renewability of individual health insurance policies; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed-issuance of an individual health insurance policy; amending s. 627.6498, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining premium rates of coverage issued by the Florida Comprehensive Health Association; amending s. 627.6571, F.S.; specifying exceptions to guaranteed renewability of group health insurance policies; amending s. 627.6675, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining maximum premiums for conversion policies; revising standards for renewal of converted insurance policies; requiring the insurer to mail certain information to a person eligible for a converted policy, upon request; creating s. 627.6685, F.S.; requiring health insurers and health maintenance organizations to include in their plans that offer mental health coverage certain mental health benefits that are not less favorable than those for medical or surgical benefits covered by the plan; defining terms; providing exemptions; limiting applicability of this section; amending s. 627.6699, F.S.; redefining the term "health benefit plan" as used in the Employee Health Care Access Act; amending s. 627.674, F.S.; revising the minimum standards for Medicare Supplement policies; amending s. 627.6741, F.S.; revising requirements for insurers to issue, cancel, nonrenew, and replace Medicare supplement policies; restricting preexisting-condition exclusions; authorizing the Department of Insurance to adopt rules governing guaranteed issue of Medicare supplement coverage for continuously covered individuals; amending s. 627.9403, F.S.; specifying the provisions of the Long-term Care Insurance Act that apply to limited benefit policies; amending s. 627.9404, F.S.; defining the terms "limited benefit policy" and "qualified long-term care limited benefit insurance policy"; amending s. 627.9407, F.S.; revising the requirements for exclusion of coverage for preexisting conditions for long-term care policies; requiring limited-benefit policies to contain a disclosure statement regarding their qualification for favorable tax treatment; amending s. 627.94073, F.S.; revising the notice requirement for long-term care policies regarding the right to designate a secondary person to receive notice of lapse of coverage; amending s. 641.225, F.S.; increasing surplus requirements for health maintenance organizations; amending s. 641.285, F.S.; increasing deposit requirements for health maintenance organizations; revising exceptions; amending s. 641.26, F.S.; requiring health maintenance organizations to file certain reports with the Department of Insurance; requiring that health maintenance organizations provide additional information upon the request of the department; amending s. 641.31074, F.S.; revising requirements for guaranteed renewability of a health maintenance organization contract; amending s. 641.3111, F.S.; requiring health maintenance organization contracts to provide for an extension of benefits upon termination of the contract; amending s. 641.316, F.S.; revising the amount of the bond that a fiscal intermediary services organization is required to maintain; specifying certain additional requirements and conditions for the bond and the intermediary; amending s. 641.3922, F.S.; revising the method for establishing the maximum premium for

converted contracts issued by health maintenance organizations; revising the exceptions to guaranteed renewability of converted health maintenance organization contracts; requiring a health maintenance organization to mail certain information to a person eligible for a converted contract; amending s. 641.495, F.S.; exempting from licensure under part I of ch. 395, F.S., certain beds of a health maintenance organization; providing an effective date.

By the Committee on Transportation and Senators Crist, Grant, Horne, Turner, Campbell, Holzendorf, Meadows, Burt, Lee, Forman, Myers, Rossin, Silver, Harris, Dyer, McKay, Ostalkiewicz, Cowin and Klein—

CS for SB 1882—A bill to be entitled An act relating to school buses; requiring that buses purchased after a specified date and used in transporting certain students be equipped with safety belts that comply with specified standards; providing an exemption for certain school buses; requiring passengers to wear safety belts; providing immunity of a school district, bus operator, and others for injuries to a passenger caused solely because the passenger was not wearing a safety belt; providing immunity to such persons for injury caused by a passenger's dangerous or unsafe use of a safety belt; providing certain provisions for implementation; providing an effective date.

By the Committee on Agriculture and Senator Bronson—

CS for SB 1922—A bill to be entitled An act relating to fairs, agricultural centers, pavilions, and multi-use facilities; creating a committee to review and make recommendations concerning funding requests for such projects; prescribing criteria for such reviews; providing that appropriations for unreviewed projects may be placed in reserve; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Kurth—

CS for SB 1984—A bill to be entitled An act relating to protection of victims who apply for or receive public assistance; amending s. 414.0252, F.S.; defining "family or household member" and "domestic violence" with respect to specified provisions relating to temporary family assistance; amending s. 414.028, F.S.; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; amending s. 414.065, F.S., relating to work requirements; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate the amendment in a reference; amending s. 414.095, F.S., relating to determination of eligibility for the WAGES program; providing that a person who has been battered or subject to extreme cruelty in the United States by a spouse or parent is a "qualified noncitizen" under specified circumstances; providing for program applicants or participants to receive certain information regarding services available from domestic violence centers or organizations and to request referrals thereto; providing that risk of domestic violence constitutes good cause for failure by a parent or caretaker relative to cooperate with paternity establishment or establishment, modification, or enforcement of certain child support orders, under specified circumstances; amending s. 414.105, F.S., relating to time limitations on temporary cash assistance; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; amending s. 414.115, F.S., relating to limited temporary cash assistance for children born to families receiving temporary cash assistance; providing for nonapplicability to domestic violence victims of specified provisions limiting such assistance under certain circumstances; providing an effective date.

By the Committee on Agriculture and Senator Cowin—

CS for SB 1994—A bill to be entitled An act relating to agriculture; creating ss. 570.251-570.2815, F.S.; creating the "Florida Agricultural Development Act"; providing legislative findings; providing definitions; establishing the Florida Agricultural Development Authority; providing powers and duties; providing for membership of a board; providing for terms of board members; providing for organization of the board; providing general powers of the authority; providing for an executive director and specifying duties; requiring an annual report; providing for the use of surplus moneys by the authority; providing for combination of state and federal programs to facilitate the purposes of the authority; establishing a beginning farmer loan program; providing purposes of the loan program; authorizing the authority to participate in federal programs; requiring the authority to provide for loan criteria by rule; authorizing the authority to provide loan requirements; authorizing the authority to make loans to beginning farmers for agricultural land and improvements and depreciable agricultural property; authorizing the authority to make loans to mortgage lenders and other lenders; authorizing the authority to purchase mortgage loans and secured loans from mortgage lenders; providing powers of the authority relating to loans; providing for the issuance of bonds and notes by the authority; authorizing the authority to establish bond reserve funds; providing remedies of bondholders and holders of notes; providing for the pledging of bonds by the state; providing that bonds and notes shall be considered legal investments; providing requirements with respect to funds of the authority; authorizing examination of accounts by the Auditor General; requiring a report; providing limitation of liability for members of the authority; requiring the assistance of state officers, agencies, and departments; providing for construction of the act; requiring disclosure of specified conflicts of interest; prohibiting certain participation in the event of a conflict of interest; specifying conflicts of interest with respect to the executive director of the authority; providing exemption from competitive bid laws; providing for receipt of specified trust assets by the authority; authorizing the authority to enter into specified agreements; providing for liability; providing for additional beginning farmer and loan assistance programs; authorizing additional beginning farmer loan program; requiring the authority to establish and develop an agricultural loan assistance program; providing program criteria; requiring the authority to create and develop alternative agriculture assistance programs; providing for the adoption of rules with respect to enforcement of provisions relative to such programs; authorizing the authority to bring action for enforcement; creating s. 159.8082, F.S.; establishing the agricultural development bond pool; amending s. 159.804, F.S.; providing for specific allocations of state volume limitations to the agricultural development pool; amending s. 159.809; specifying provisions for bond issuance reports not received; providing an effective date.

By the Committee on Community Affairs and Senator Williams—

CS for SB 2086—A bill to be entitled An act relating to counties; repealing s. 125.2801, F.S., which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts

with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending s. 403.7095, F.S.; deleting the expiration date for annual solid waste and recycling grants to small counties; creating s. 218.076, F.S.; providing for waiver of permit processing fees under certain circumstances; providing an effective date.

By the Committee on Education and Senators Grant and Harris—

CS for SB 2088—A bill to be entitled An act relating to postsecondary education; requiring public universities to include fine-arts-course grades when calculating grade-point averages for certain purposes; requiring the Department of Education to include fine-arts courses in the list for which weighted grades are used in determining eligibility for a Florida Bright Futures Scholarship; providing an effective date.

By the Committee on Education and Senators Lee and Grant—

CS for SB 2110—A bill to be entitled An act relating to school attendance; amending s. 228.041, F.S.; clarifying definition of the term "home education program"; amending s. 229.808, F.S.; providing that definition of the term "nonpublic school" does not include home education program for purpose of survey requirements; amending s. 232.01, F.S., relating to school attendance; clarifying provisions relating to state or school district control of home education programs; revising provisions relating to compulsory school attendance; amending s. 232.02, F.S.; providing that private tutoring may be used to meet regular school attendance requirements; revising provisions relating to home education programs; clarifying inspection of portfolio; providing for parental selection of method of evaluation; revising process for reporting and submitting written evaluation and test results to superintendent; creating s. 232.0202, F.S.; providing requirements for private tutoring programs; amending s. 232.021, F.S.; providing that attendance reporting requirements do not apply to home education programs; amending ss. 232.425, 240.116, 240.321, 240.40202, 240.40205, and 240.40206, F.S.; correcting cross references and conforming provisions; providing an effective date.

By the Committee on Criminal Justice and Senator Gutman—

CS for SB 2288—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 984.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; amending s. 985.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; providing that penalties imposed for an escape from detention or a commitment facility apply to a juvenile who escapes from a maximum-risk residential facility; conforming cross-references to changes made by the act; amending ss. 985.207, 985.208, F.S., relating to conditions for taking a juvenile into custody and detention; conforming provisions to changes made by the act; amending s. 985.209, F.S.; providing for the Department of Juvenile Justice to establish juvenile assessment centers; providing for the centers to be operated through cooperative agreements with other state agencies; providing for intake and screening services; amending ss. 985.21, 985.211, F.S.; providing for certain functions formerly considered case-management functions to be probation functions; amending s. 985.215, F.S.; conforming terminology to changes made by the act; requiring that a juvenile held in secure detention awaiting dispositional placement meet certain criteria for detention; amending s. 985.216, F.S.; deleting a provision authorizing placement of a juvenile in a secure residential commitment facility for direct or indirect contempt of court; amending ss. 985.226, 985.23, F.S., relating to criteria for waiver of jurisdiction and disposition hearings in delinquency cases; conforming provisions to changes made by the act; amending s. 985.231, F.S.; providing for placing a juvenile on home detention with electronic monitoring if a residential consequence unit is not available; amending ss. 985.301, 985.304, F.S., relating to civil citations and community arbitration; conforming provisions to changes made by the act; deleting certain references to case-management services; amending s. 985.307, F.S.; extending the period during which the Department of Juvenile Justice is authorized to operate juvenile assignment centers; amending ss. 985.31, 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 944.401, F.S., relating to the offense of escaping from secure detention or a residential commitment facility; conforming a cross-reference; amending s. 985.406, F.S., relating to juvenile justice training academies; conforming provisions to changes made by the act; amending s. 985.412, F.S.; deleting a duty of the department's inspector general with respect to quality assurance; amending s. 985.413, F.S.; increasing the number of consecutive terms that may be served by a member of a district juvenile justice board; deleting an exemption from such limitation; amending s. 985.414, F.S.; specifying the parties to be included in an interagency agreement for developing a county juvenile justice plan; amending s. 985.415, F.S.; revising eligibility requirements for a Community Juvenile Justice Partnership Grant; providing effective dates.

By the Committee on Banking and Insurance; and Senator Laurent—

CS for SB 2300—A bill to be entitled An act relating to conversion of credit unions; prohibiting the Department of Banking and Finance from approving the conversion of federally chartered credit unions to state-chartered credit unions except under certain circumstances; providing criteria; providing an effective date.

By the Committee on Banking and Insurance; and Senator Forman—

CS for SB 2338—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.743, F.S.; requiring an insurer to provide notice to the owner of a damaged vehicle as to the consequences of failure to use the insurance proceeds in accordance with a security agreement; providing an exception; amending s. 627.7295, F.S.; providing an exception to minimum-down-payment requirements; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Harris and Turner—

CS for SB 2524—A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of the WAGES Program State Board of Directors; allowing the Governor to designate the WAGES Program State Board of Directors as a nonprofit corporation; providing requirements; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances;

providing that an individual who cares for a disabled family member is exempt from certain time limitations; providing legislative intent with respect to encouraging the employment of participants in the WAGES Program; requiring the Office of Tourism, Trade, and Economic Development to certify to the President of the Senate and the Speaker of the House of Representatives the amount of taxes and the economic benefit generated by the restaurant industry from employing WAGES participants and to add that amount to the total amount of certain beverage taxes and penalties paid during a specified calendar year; providing for the repeal of s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages, if the total amount of the surcharge exceeds a specified figure; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 271, CS for CS for HB 315, HB 1649, HB 2019, CS for CS for HB 3131 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Health and Human Services Appropriations; Children and Family Empowerment; and Representative Arnall and others—

CS for CS for HB 271—A bill to be entitled An act relating to public assistance; creating s. 414.103, F.S.; providing for drug testing under the "Work and Gain Economic Self-sufficiency (WAGES) Act" for illegal use of controlled substances; providing legislative intent and findings; directing the Department of Children and Family Services to implement a program to screen and test WAGES Program applicants; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; requiring the department to provide a rehabilitation treatment program for certain persons; specifying circumstances resulting in termination of temporary assistance or services; providing limitations; providing for rules; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Ways and Means.

By the Committees on Finance and Taxation; Business Development and International Trade; and Representative Fuller and others—

CS for CS for HB 315—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for food and drinks; providing definitions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; providing an effective date.

—was referred to the Committees on Ways and Means; and Commerce and Economic Opportunities.

By Representative Gay and others—

HB 1649—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.04, F.S.; replacing the term "member" with the term "resident"; amending s. 296.06, F.S.; amending prerequisites to eligibility for admission to the domiciliary home; amending s. 296.07, F.S.; replacing the term "member" with the term "resident"; amending s. 296.08, F.S.; amending a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; amending the list of information about each resident which is to be kept in the general register; amending ss. 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, and 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; designating a building located in Lake City as the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida"; directing the Florida Department of Veterans' Affairs to erect suitable markers; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Children and Family Empowerment; and Representative Lacasa and others—

HB 2019—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multiyear contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; providing for department contracts to include certain incentives; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; requiring reports to the Legislature by the department; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By the Committees on General Government Appropriations and Governmental Operations and Representative Feeney and others—

CS for CS for HB 3131—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; revising criteria, limitations, and restrictions for eligibility, participation, and benefits

payable under the Deferred Retirement Option Program; providing conditions for payment of annual leave; amending s. 121.1122, F.S., relating to provisions for purchase of retirement credit for in-state-service in accredited nonpublic schools and colleges; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

DESIGNATION OF MINORITY WHIPS

Senator Buddy Dyer, Democratic Leader, announced the appointment of Senators Campbell and Klein as Minority Whips.

ENROLLING REPORTS

CS for SB 2, SB 14, SB 18 and SB 20 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 2, 1998.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 1 was corrected and approved.

CO-SPONSORS

Senators Campbell—SB 1770; Forman—SB 1770; Klein—SB 2250

RECESS

On motion by Senator Bankhead, the Senate recessed at 5:02 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 8.

Journal of the Senate

Number 11—Regular Session **Wednesday, April 8, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 10:00 a.m. A quorum present—34:

Madam President	Crist	Horne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Latvala	Sullivan
Burt	Geller	Laurent	Thomas
Campbell	Grant	Lee	Turner
Casas	Hargrett	Meadows	Williams
Clary	Harris	Myers	
Cowin	Holzendorf	Ostalkiewicz	

PRAYER

The following prayer was offered by Dr. W. T. Lockett, Associate Minister, Mt. Moriah Missionary Baptist Church, Palm Bay:

Eternal God, the maker and giver of every good and perfect gift, it is again that we come before thy throne of grace and mercy. We come asking you not to be angry at us for coming so often, but we come in an effort to say thank you.

We thank you for allowing us to see the rising of another sun. We thank you for the safe journey to these hallowed walls between which we are assembled. We thank you for the privilege of coming to you. We thank you, dear God, for these legislators. We pray now that you will consecrate their minds and take control of their thoughts and let their words match their deeds. Bless them so they will pass the kind of legislation that will make our state a beacon light for others to see and follow. Please give them the courage to say those things that need to be said. Help them to pass the kind of laws that will enhance our educational system, a system that will not need elementary school children to do fund raising in the street while our national President sends one hundred twenty-eight million dollars to Africa and eighteen billion dollars to the IMF. Let them pass the kind of laws that will protect our children and improve housing and employment throughout this great state.

Hold us and grant us thy peace. In thy holy name, we pray. Amen.

PLEDGE

Senate Pages Adam Bender and Lauren Kaplan of Boca Raton, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Bronson—

By Senator Bronson—

SR 1920—A resolution commending Matthew Green for being selected as a Prudential Spirit of Community Award winner.

WHEREAS, Matthew Green, a resident of Titusville and a student at Titusville High School, has achieved national recognition for exemplary volunteer service by receiving a 1998 Prudential Spirit of Community Award, and

WHEREAS, this prestigious award, presented by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Matthew Green earned this award by giving generously of his time and energy to create an Internet website, Teens with Crohn's Disease, which has recorded more than 13,000 visits and provides information and support for persons with this disease, and

WHEREAS, the success of this state, the strength of its communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Matthew Green, who use their talents and resources to serve others, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Matthew Green is commended for his outstanding record of volunteer service and community spirit, and is congratulated for being selected as a Prudential Spirit of Community Award winner.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Matthew Green as a tangible token of the sentiments of the Florida Senate.

—**SR 1920** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Kurth, by two-thirds vote **SB 1970** was withdrawn from the committees of reference and further consideration.

On motion by Senator Clary, by two-thirds vote **SB 2196** was withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 228**, **SB 282**, **CS for SB 592**, **SB 660**, **CS for SB 758**, **SB 790**, **CS for SB 1092**, **SB 1266**, **CS for SB 1352**, **CS for SB 1430**, **SB 1462**, **CS for SB 1498**, **CS for SB 1560**, **SJR 1580**, **CS for SB 1596**, **CS for CS for SB 1704**, **SB 1724**, **CS for CS for SB 1796**, **CS for SB 1878**, **CS for SB 1934**, **CS for SB 1984**, **CS for SB 2110**, **SB 2242** and **SB 2354** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 500** was withdrawn from the Committee on Commerce and Economic Opportunities.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Committee on Ways and Means was granted permission to meet from 3:00 p.m. until 4:15 p.m. in lieu of 2:00 p.m. until 4:15 p.m. as scheduled this day.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, April 9.

CONSIDERATION OF BILLS ON THIRD READING

SENATOR THOMAS PRESIDING

CS for SB 1184—A bill to be entitled An act relating to trust funds; creating the Charter Schools Capital Outlay Trust Fund; providing for administration by the Department of Education; providing for sources of moneys and purposes; providing for annual carryover of moneys; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for SB 1184** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Bankhead	Crist	Harris	Myers
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Klein	Scott
Burt	Dyer	Latvala	Silver
Campbell	Forman	Laurent	Sullivan
Casas	Geller	Lee	Thomas
Clary	Grant	McKay	Williams
Cowin	Hargrett	Meadows	

Nays—2

Jones	Turner

Vote after roll call:

Yea—Childers, Gutman, Kirkpatrick

Nay—Holzendorf, Kurth

Yea to Nay—Dyer, Silver

CS for CS for HB 3131—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; revising criteria, limitations, and restrictions for eligibility, participation, and benefits payable under the Deferred Retirement Option Program; providing conditions for payment of annual leave; amending s. 121.1122, F.S., relating to provisions for purchase of retirement credit for in-state-service in accredited nonpublic schools and colleges; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **CS for CS for HB 3131** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Bankhead	Childers	Dyer	Horne
Bronson	Clary	Forman	Jones
Brown-Waite	Cowin	Geller	Klein
Burt	Crist	Grant	Kurth
Campbell	Diaz-Balart	Gutman	Latvala
Casas	Dudley	Holzendorf	Laurent
Lee	Ostalkiewicz	Sullivan	Turner
McKay	Rossin	Thomas	Williams
Myers	Silver		

Nays—None

Vote after roll call:

Yea—Harris, Kirkpatrick, Meadows

CS for SB 822—A bill to be entitled An act relating to vehicles used by state agencies; amending s. 20.055, F.S.; requiring a report from agency heads on employee use of state motor vehicles; amending s. 287.151, F.S.; revising purchasing requirements for state motor vehicles used by state attorneys and public defenders; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; removing the power to require transfer of ownership, custody, or control of aircraft and motor vehicles used principally for state fire marshal purposes; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Williams, **CS for SB 822** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bronson	Dudley	Horne	Myers
Brown-Waite	Dyer	Jones	Ostalkiewicz
Burt	Forman	Klein	Rossin
Campbell	Geller	Kurth	Scott
Casas	Grant	Latvala	Silver
Childers	Gutman	Laurent	Sullivan
Clary	Hargrett	Lee	Thomas
Cowin	Harris	McKay	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1132—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; clarifying provisions relating to operation of the Division of State Group Insurance; modifying the role of the Director of the Division of State Group Insurance and staff thereof with respect to the Florida State Group Insurance Council; amending ss. 110.109, 110.112, F.S.; revising reporting requirements; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.1165, F.S.; providing a statute of limitations on filing certain actions; amending s. 110.123, F.S., relating to the state group insurance program; adding and updating definitions; providing for Career Service exemptions in the Division of State Group Insurance; clarifying and correcting references; updating provisions relating to agency payment of premiums for certain employees injured or killed in the line of duty to conform to existing law; amending s. 110.12315, F.S., relating to the state employees' prescription drug program, to revise, clarify, and reorganize such provisions; amending s. 110.1232, F.S., relating to health insurance coverage for certain state retirees, to correct a reference; amending s. 110.1234, F.S., relating to Medicare supplement coverage for state retirees, to correct a reference; amending s. 110.1238, F.S., relating to refunds with respect to provider overcharges; modifying the refund cap; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.161, F.S., relating to the State Employees Pretax Benefits Program Act, to correct references and update language; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for a report; amending s.

110.205, F.S.; conforming provisions to changes made by the act; providing for the designation of Senior Management Service positions; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 121.025, F.S., providing for Career Service exemptions in the Division of Retirement; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 215.94, F.S.; conforming a reference to changes made by the act; amending s. 216.011, F.S.; redefining the term "operating capital outlay"; amending ss. 255.249, 255.25, 255.257, F.S.; revising the threshold for leased space facility requirements; exempting certain leases from the competitive bidding process; providing for a pilot project under the Department of Management Services for contracted tenant brokers to assist state agencies in locating suitable private-sector leases; providing requirements of the project; providing for a report; providing for future repeal; amending s. 255.503, F.S.; providing for the closing of facilities in emergency situations; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.105, F.S.; authorizing certain private elementary and secondary schools to use the state SUNCOM Network; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending s. 287.058, F.S.; requiring that a state contract provide for cancellation of the contract by the contractor or agency upon the refusal by a party to allow public access to certain material; amending ss. 287.16, 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021, 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Gutman, **CS for SB 1132** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1268—A bill to be entitled An act creating the Tobacco Settlement Trust Fund; providing for the deposit of proceeds from the settlement of the state's suit against the tobacco industry; providing for the investment of funds; providing for review and termination of the trust fund; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Childers, **SB 1268** as amended was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Myers
Brown-Waite	Dudley	Jones	Ostalkiewicz
Burt	Dyer	Klein	Rossin
Campbell	Forman	Kurth	Silver
Casas	Geller	Latvala	Sullivan
Childers	Grant	Laurent	Thomas
Clary	Gutman	Lee	Turner
Cowin	Hargrett	McKay	Williams

Nays—None

Vote after roll call:

Yea—Harris, Kirkpatrick

SB 240—A bill to be entitled An act relating to overseas electors; amending s. 97.021, F.S.; defining the terms "absent qualified elector overseas," "fax," and "faxed"; amending s. 100.025, F.S.; revising the notice of election to overseas electors; amending s. 101.5614, F.S.; designating procedures for tabulating faxed ballots; amending s. 101.62, F.S.; authorizing supervisors of elections to fax absentee ballots to overseas electors requesting faxed ballots; deleting certain requirements applicable to overseas ballots; amending ss. 101.64, 101.65, F.S., to conform; creating s. 101.653, F.S.; providing instructions to be included with faxed overseas ballots; amending s. 101.68, F.S., to conform; amending s. 101.694, F.S.; authorizing procedure for overseas electors using the Federal Post Card Application to request faxed ballots; creating s. 101.697, F.S.; authorizing the Department of State to adopt rules to administer faxed balloting; providing an effective date.

—was read the third time by title.

On motions by Senator Crist, **SB 240** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	
Crist	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Kurth

Consideration of **CS for SB 1402** was deferred.

CS for SB 1716—A bill to be entitled An act relating to the rulemaking authority of the Department of Health with respect to laws that protect the public health, safety, and welfare (RAB); amending s.

232.032, F.S.; authorizing the department to adopt rules governing the immunization of children; amending s. 381.0011, F.S.; authorizing the department to adopt rules specifying conditions and procedures for imposing quarantines; amending s. 381.003, F.S.; providing requirements for the department in adopting rules governing the prevention and control program for communicable diseases; amending s. 381.0031, F.S.; requiring that certain hospitals and laboratories report to the department the occurrence of diseases that are a threat to public health; authorizing the department to adopt rules governing the reporting of such diseases; amending s. 381.006, F.S.; providing that the department's public health mission includes the regulation of sanitary facilities; amending s. 381.0062, F.S.; providing additional requirements for the department in regulating suppliers of water; authorizing fees to cover inspection costs; amending s. 381.0065, F.S.; requiring that the department inspect and regulate certain commercial sewage systems and temporary facilities; providing inspection requirements for establishments that use an aerobic treatment unit or that generate commercial waste; requiring approval by the department before a municipality or political subdivision issues certain building or plumbing permits or authorizes occupancy; amending s. 381.0072, F.S.; redefining the term "food service establishment"; requiring that the department adopt rules governing sanitation standards; amending s. 381.008, F.S.; clarifying the definition of terms with respect to the department's regulation of migrant labor camps; amending s. 381.0083, F.S.; requiring that a person notify the department before constructing or renovating a migrant labor camp; requiring that a new owner of any such camp apply to the department for a permit; amending s. 381.0086, F.S.; authorizing the department to issue rules for maintaining the roads of a migrant labor camp; amending s. 381.0087, F.S.; specifying a time period for correcting a violation of a department rule; amending s. 381.0098, F.S.; providing for a funeral home that performs embalming procedures to be regulated as a biomedical waste generator; requiring that the department adopt rules for operating plans for managing biomedical waste; exempting certain generators of biomedical waste from permit requirements; authorizing the department to prorate fees; providing for enforcement; amending s. 381.0101, F.S.; revising terms with respect to the regulation of environmental health professionals; providing additional duties of the Environmental Health Professionals Advisory Board; providing requirements for the department in adopting rules; amending s. 381.89, F.S., relating to the regulation of tanning facilities; providing requirements for inspection reports and the training of operators; amending s. 383.011, F.S.; revising duties of the department with respect to administering the federal Child and Adult Care Food Program; authorizing the department to adopt rules for administering certain other federal programs; amending s. 384.33, F.S.; authorizing the department to adopt rules with respect to procedures for notifying a physician or person's partner of a sexually transmissible disease; amending s. 384.34, F.S.; authorizing the department to adopt rules for administering penalty provisions; amending s. 401.26, F.S.; requiring a vehicle permit for an aircraft used to provide life-support services; providing certain exceptions; requiring the department to adopt certain criteria and rules; amending ss. 401.265, 401.30, F.S.; authorizing the department to adopt rules governing the provision of life-support services; amending ss. 403.0625, 403.863, F.S.; authorizing the department to adopt rules governing the certification of environmental laboratories and public water supply laboratories; specifying acts for which the department may impose disciplinary sanctions; amending s. 404.056, F.S.; authorizing the department to establish criteria for certifying persons and businesses that conduct radon gas or radon progeny measurements; providing additional requirements for reporting the results of such measurements; amending s. 404.22, F.S.; providing requirements for the department in inspecting radiation machines and components; requiring persons who install such machines to register with the department; amending s. 468.306, F.S.; providing requirements for examinations; amending s. 489.553, F.S.; providing for out-of-state work experience and examinations to fulfill certain requirements for registration as a septic tank contractor; amending s. 489.555, F.S.; providing additional requirements for the certification of partnerships and corporations that offer septic tank contracting services; amending s. 499.005, F.S.; prohibiting misrepresentation or fraud in obtaining or distributing a prescription drug or device; amending s. 499.01, F.S.; authorizing the department to issue a permit for the distribution of drugs to a health care entity; providing for changing the type of permit issued; amending s. 499.012, F.S.; redefining the term "wholesale distribution" for purposes of the regulation of the sale of prescription drugs; authorizing the department to adopt rules for issuing permits and handling prescription drugs; amending s. 499.0121, F.S.; providing for the exemption of certain establishments from requirements governing the storage and handling of prescription drugs; amending s. 499.0122, F.S.; authorizing the department to adopt rules governing the sale of veterinary legend drugs; amending s. 499.013, F.S.; authorizing the department to adopt rules governing manufacturers of drugs or devices; amending s. 499.014, F.S.; requiring persons who process returned drugs to obtain a permit from the department; amending s. 499.015, F.S.; providing requirements for registering product names with the department; amending ss. 499.03, 499.65, F.S.; authorizing the department to adopt rules to allow researchers to possess prescription drugs or ether; amending s. 499.05, F.S.; requiring the department to adopt rules governing recordkeeping and the storage, handling, and distribution of medical devices and over-the-counter drugs; amending s. 499.66, F.S.; revising the recordkeeping requirements for sales of ether; amending s. 499.67, F.S.; specifying unlawful acts with respect to the purchase, storage, or use of ether; amending s. 501.122, F.S.; authorizing the department to establish additional standards for the use of lasers; amending s. 513.045, F.S.; revising the permit fees charged to operators of mobile home parks and recreational camps; amending s. 513.05, F.S.; providing additional rulemaking authority for the department with respect to such parks and camps; amending s. 514.011, F.S.; defining the term "portable pool"; amending s. 514.0115, F.S.; authorizing the department to grant variances with respect to regulations governing the operation of swimming pools; amending s. 514.03, F.S.; revising requirements for construction plans for a public swimming pool or bathing place; amending s. 514.031, F.S.; requiring the posting of an operating permit for a pool; prohibiting the use of a portable pool as a public pool; amending s. 514.033, F.S.; providing for the department to prorate certain fees for an operating permit; amending s. 514.05, F.S.; authorizing the department to adopt rules specifying conditions for closing a pool; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 1716** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

CS for SB 1708—A bill to be entitled An act relating to rulemaking authority with respect to the Department of Labor and Employment Security (RAB); amending s. 370.0805, F.S.; correcting cross-reference; amending s. 413.011, F.S.; authorizing rulemaking for vocational rehabilitation programs and forms; amending s. 413.051, F.S.; authorizing rulemaking for a vending facility program; amending ss. 443.036, 443.091, 443.121, 443.131, 443.141, 443.151, F.S.; defining and modifying specific terms; correcting cross-references; allowing the Division of Unemployment Compensation to adopt rules to determine a claimant's ability to work and availability for work; allowing the division to prescribe by rule training criteria; clarifying types of contracts; allowing the division to adopt rules regarding total succession, procedures for changing methods of reporting, the application of partial payments and monetary and nonmonetary determinations and investigations of eligibility; amending s. 450.121, F.S.; authorizing the Division of Jobs and Benefits to adopt rules that define terms, prescribe documentation for proof of age, prescribe procedure with respect to removal of disability of nonage, require certain safety equipment and a safe workplace for minors, prescribe deadlines for responses to records requests, and state an official address; amending s. 450.30, F.S.; authorizing the division to adopt rules prescribing procedures for registering as a farm labor contractor; amending s. 450.33, F.S.; requiring insurance carriers to notify the division of impending cancellation of insurance on vehicles that transport

farm workers; amending s. 450.38, F.S.; authorizing the division to adopt rules containing criteria for determining the amount of civil penalties; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Holzendorf, **CS for SB 1708** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

Consideration of **SB 146** was deferred.

CS for SB 482—A bill to be entitled An act relating to educational facilities; amending s. 235.31, F.S.; requiring boards to prequalify bidders for construction contracts according to Commissioner of Education rule; requiring certification or licensure of bidders or contractors; amending s. 489.125, F.S.; conforming language relating to construction contractors; repealing s. 489.527, F.S., relating to electrical and alarm system contractors, to conform; repealing section 633.551(5), F.S., relating to fire protection system contractors, to conform; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for SB 482** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

HB 791—A bill to be entitled An act relating to municipal water and sewer utilities; amending s. 180.191, F.S.; eliminating limitations on utility rates charged outside municipal boundaries in certain municipalities in home rule charter counties; providing an effective date.

—was read the third time by title.

On motions by Senator Silver, **HB 791** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

Consideration of **SB 472** was deferred.

HB 3231—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising a definition; requiring a study; providing an effective date.

—was read the third time by title.

On motions by Senator Childers, **HB 3231** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Forman	Klein	Rossin
Burt	Geller	Kurth	Scott
Casas	Grant	Latvala	Silver
Childers	Gutman	Laurent	Sullivan
Clary	Hargrett	Lee	Thomas
Cowin	Harris	McKay	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

CS for SB 290—A bill to be entitled An act relating to emergency medical services; creating s. 401.272, F.S., providing for paramedics and emergency medical technicians to provide health promotion and wellness activities and blood pressure screenings; providing for paramedics to administer immunizations and requiring the verification and documentation of their qualifications to do so; providing conditions to the provision of such community health care; providing for rulemaking; amending s. 401.265, F.S.; specifying additional liability provisions for medical directors under certain circumstances; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Klein, **CS for SB 290** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Clary	Grant	Klein
Bronson	Cowin	Gutman	Kurth
Brown-Waite	Crist	Hargrett	Latvala
Burt	Diaz-Balart	Harris	Laurent
Campbell	Dudley	Holzendorf	Lee
Casas	Forman	Horne	McKay
Childers	Geller	Jones	Meadows

Myers	Scott	Sullivan	Turner
Ostalkiewicz	Silver	Thomas	Williams
Rossin			

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

SB 1898—A bill to be entitled An act relating to volunteers; amending s. 112.3135, F.S.; providing an exemption from the nepotism law for persons providing volunteer emergency medical, firefighting, and police services; providing an effective date.

—was read the third time by title.

On motions by Senator Cowin, **SB 1898** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1372—A bill to be entitled An act relating to insurance; amending ss. 624.425, 624.428, 624.478, 626.112, F.S.; requiring agents to be appointed; amending s. 624.501, F.S.; clarifying application of fees for title insurance agents; amending s. 626.022, F.S.; providing for applicability of ch. 626, F.S.; amending s. 626.051, F.S.; revising the definition of the term "life agent"; prescribing requirements for soliciting or selling variable life insurance, variable annuity contracts, and other indeterminate value contracts; amending s. 626.062, F.S.; conforming a cross-reference; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; excluding solicitors; authorizing the department to secure a credit and character report on certain persons; providing limits; providing requirements of the department; amending s. 626.451, F.S.; requiring law enforcement agencies, the state attorney's office, and court clerks to notify the department of agents found guilty of felonies; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.601, F.S.; authorizing the department to initiate investigation of agents or other licensees under certain conditions; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in addition to suspending, revoking, or refusing to renew a license or appointment; creating s. 626.692, F.S.; providing for restitution under certain circumstances; amending s. 626.7351, F.S.; specifying additional qualifications for a customer representative's license; amending s. 626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.741, F.S.; authorizing the department to issue a customer representative license to certain persons; providing a limitation; providing procedures for agent licensure of certain persons under certain circumstances; providing for cancellation of a nonresident agent's license; amending ss. 626.792, 626.835, F.S.; providing procedures for issuing a resident agent's license to certain persons; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8417, F.S.; revising the qualifications for licensure as a title insurance agent; amending s. 626.8418, F.S.; increasing the amount of the deposit or bond of a title insurance agency; specifying that the bond of a title insurance agency must be posted with the department and must inure to the benefit of damaged insurers and insureds; amending ss. 626.8437, 626.844, F.S.; clarifying application of grounds for refusal, suspension, or revocation of license or appointment; amending s. 626.8443, F.S.; providing additional limitations on activities during suspension or after revocation of a license; amending s. 626.852, F.S.; providing for applicability; amending s. 626.858, F.S.; revising the definition of the term "nonresident adjuster" to define "nonresident company employee adjuster"; creating s. 626.8582, F.S.; defining the term "nonresident public adjuster"; creating s. 626.8884, F.S.; defining the term "nonresident independent adjuster"; amending s. 626.865, F.S.; increasing the bonding requirements for public adjusters; amending s. 626.873, F.S.; providing for licensure and qualifications for resident company employee adjusters; creating s. 626.8732, F.S.; providing for licensure and qualifications for nonresident public adjusters; creating s. 626.8734, F.S.; providing for licensure and qualifications for nonresident independent adjusters; creating s. 626.8736, F.S.; providing for service of process on nonresident independent adjusters and on nonresident public adjusters; creating s. 626.8737, F.S.; establishing a retaliatory tax provision regarding certain fines, taxes, penalties, license fees, monetary deposits, securities, or other obligations, limitations, or prohibitions imposed by another state upon Florida resident insurance adjusters in connection with the issuance of, or activities under, a nonresident adjuster's license under that state's laws; creating s. 626.8738, F.S.; providing a criminal penalty for acting as a resident or nonresident public adjuster without the required license; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.8695, F.S.; providing for notice to the department; requiring designation of primary adjuster on forms prescribed by the department; amending s. 626.872, F.S.; prohibiting the department from issuing a temporary adjuster's license to certain persons; amending s. 626.873, F.S.; providing procedures for licensing certain persons as resident adjusters; providing for cancellation of nonresident adjuster's license; amending s. 626.875, F.S; prescribing time for keeping adjusters' records; amending s. 626.922, F.S.; requiring surplus lines agents to perform certain duties relating to evidence of insurance; amending s. 626.928, F.S.; increasing bonds for surplus lines agents; amending ss. 626.927, 626.9271, 626.929, 626.935, 626.944, F.S.; requiring appointment in addition to licensure of certain persons; amending s. 627.745, F.S.; clarifying a provision related to final examination; amending s. 634.420, F.S.; clarifying application of accountability provisions; amending s. 634.317, F.S.; providing for responsibility and accountability of sales representatives; amending s. 642.036, F.S.; deleting requirement that the addresses of certain agents be filed with the department; repealing s. 626.112(6), F.S., relating to licensing of claims investigators; amending s. 624.412, F.S.; deleting provisions relating to minimum trust deposits by alien insurers; repealing s. 626.532, F.S., relating to insurance vending machine licenses; repealing s. 626.857, F.S., relating to the definition of "claims investigator"; creating s. 624.4072, F.S.; exempting minority-owned property and casualty insurers from prescribed taxes and assessments for specified period; specifying conditions; providing for future repeal; providing an effective date.

—as amended April 2 was read the third time by title.

Senator Williams moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 53, lines 10-15, delete those lines and insert: *with the appointing insurer. If a properly documented claim is timely filed with the department by a damaged title insurer, the department may remit an appropriate amount of the deposit or the proceeds that are received from the surety in payment of the claim* ~~damaged insurer making claim on the bond~~. The required deposit or

Senator Holzendorf moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 85, line 18 through page 86, line 17, delete those lines and insert:

(1) A minority business that is at least 51 percent owned by minority persons, as defined in s. 288.703(3), initially issued a certificate of authority in this state as an authorized insurer after May 1, 1998, to write property and casualty insurance shall be exempt, for a period not to exceed 5 years from the date of receiving its certificate of authority, from the following taxes and assessments:

(a) Taxes imposed under ss. 624.509, 175.101, and 185.08;

(b) Assessments by the Florida Residential Property and Casualty Joint Underwriting Association or by the Florida Windstorm Underwriting Association, as provided under s. 627.351, except for emergency assessments collected from policyholders pursuant to s. 627.351(2)(b)2.d.(III) and (6)(b)3.d. Any such insurer shall be a member insurer of the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association. The premiums of such insurer shall be included in determining, for the Florida Windstorm Underwriting Association, the aggregate statewide direct written premium for property insurance and in determining, for the Florida Residential Property and Casualty Joint Underwriting Association, the aggregate statewide direct written premium for the subject lines of business for all member insurers.

(2) The provisions of subsection (1) apply only to residential property insurance policies, including commercial residential property insurance policies, and only to an insurer that:

(a) Has a home or regional office in this state;

(b) Has permanent employees in this state; and

(c) Has at least 20 percent of its Florida policies written and located in urban and inner-city areas that are located in a metropolitan statistical area, as defined in 42 U.S.C. 12902(5).

(3) The provision of the definition of "minority person" in s. 288.703(3) that requires residency in Florida shall not apply to the term "minority person" as used in this section or s. 627.3511.

(4) This section is repealed effective July 1, 2003, and the tax and assessment exemptions authorized by this section shall terminate on such date.

Senator Williams moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (with title amendment)—On page 86, between lines 17 and 18, insert:

Section 81. Present subsections (3) and (4) of section 627.681, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to that section, to read:

627.681 Term and evidence of insurance.—

(3) Notwithstanding s. 627.6785(3), the term of credit life or credit disability insurance may be for less than the term of the indebtedness. However, except for the age limitations referred to in s. 627.6785(3), the term shall extend for at least 5 years or for the term of the indebtedness, whichever is less.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 31, after the semicolon (;) insert: amending s. 627.681, F.S.; prescribing terms for credit life insurance and credit disability insurance;

On motions by Senator Williams, **CS for SB 1372** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Crist	Holzendorf	Myers
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Silver
Casas	Geller	Latvala	Sullivan
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, McKay

HB 1649—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.04, F.S.; replacing the term "member" with the term "resident"; amending s. 296.06, F.S.; amending prerequisites to eligibility for admission to the domiciliary home; amending s. 296.07, F.S.; replacing the term "member" with the term "resident"; amending s. 296.08, F.S.; amending a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; amending the list of information about each resident which is to be kept in the general register; amending ss. 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, and 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; designating a building located in Lake City as the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida"; directing the Florida Department of Veterans' Affairs to erect suitable markers; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **HB 1649** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1260—A bill to be entitled An act relating to the construction of the Florida Statutes; amending s. 1.01, F.S.; redefining the term "veteran"; providing an effective date.

—was read the third time by title.

On motions by Senator Harris, **SB 1260** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary

Cowin	Grant	Latvala	Rossin
Crist	Gutman	Laurent	Scott
Diaz-Balart	Harris	Lee	Silver
Dudley	Horne	McKay	Sullivan
Dyer	Jones	Meadows	Thomas
Forman	Klein	Myers	Turner
Geller	Kurth	Ostalkiewicz	Williams

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1402—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license or Florida identification number be included in the uniform statewide voter registration application; amending s. 196.111, F.S.; providing for notice of termination of homestead exemption; creating s. 196.115, F.S.; providing for termination of homestead exemption and subsequent disqualification upon registration as an elector in another precinct; amending s. 196.121, F.S.; requiring homestead exemption forms to include notice of the requirements for factual determination of permanent residency by the property appraiser and notice of the requirements relating to voter registration and the potential loss of homestead exemption; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information of a witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.061, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing for civil penalties; amending s. 106.265, F.S.; requiring the Department of Revenue to collect civil fines levied by the Florida Elections Commission; providing an appropriation; providing effective dates.

—was read the third time by title.

Senator Latvala moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 38, line 25, after the period (.) insert: *All sworn complaints alleging violations of the Florida Elections Code over which the commission has jurisdiction shall be filed with the commission within 2 years of the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission.*

And the title is amended as follows:

On page 4, line 6, after "procedures;" insert: providing a time period for filing complaints with the commission;

On motions by Senator Latvala, **CS for SB 1402** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Dyer	Kurth	Silver
Campbell	Forman	Latvala	Sullivan
Casas	Geller	Laurent	Thomas
Childers	Grant	Lee	Turner
Clary	Gutman	McKay	Williams
Cowin	Harris	Meadows	
Crist	Horne	Myers	

Nays—4

Hargrett	Holzendorf	Jones	Ostalkiewicz

CS for CS for HB 1637—A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing second degree misdemeanor penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing third degree felony penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; providing for appeal by agency of requested waiver; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as absentee voters; prohibiting the supervisor of elections from disclosing certain information, except under specified circumstances; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Holzendorf, **CS for CS for HB 1637** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Casas	Crist	Forman
Bronson	Childers	Diaz-Balart	Geller
Burt	Clary	Dudley	Grant
Campbell	Cowin	Dyer	Gutman

Hargrett	Klein	Myers	Thomas
Harris	Kurth	Ostalkiewicz	Turner
Holzendorf	Latvala	Rossin	Williams
Horne	Laurent	Scott	
Jones	Lee	Silver	
Kirkpatrick	Meadows	Sullivan	

Nays—None

Vote after roll call:

Yea—McKay

CS for CS for HB 1639—A bill to be entitled An act relating to public records; creating s. 741.465, F.S.; providing an exemption from public records requirements for certain personal information about program participants in the Address Confidentiality Program for Victims of Domestic Violence; providing exceptions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Holzendorf, **CS for CS for HB 1639** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Crist	Harris	Meadows
Bronson	Diaz-Balart	Holzendorf	Ostalkiewicz
Brown-Waite	Dudley	Horne	Rossin
Burt	Dyer	Jones	Scott
Campbell	Forman	Kirkpatrick	Silver
Casas	Geller	Klein	Sullivan
Childers	Grant	Kurth	Turner
Clary	Gutman	Latvala	Williams
Cowin	Hargrett	Laurent	

Nays—None

Vote after roll call:

Yea—Lee

CS for HB 3061—A bill to be entitled An act relating to airports; amending s. 330.30, F.S.; exempting certain airports used exclusively for aerial application or spraying of crops on a seasonal basis from a provision of law providing for the approval of airport sites and the licensing of airports; providing an effective date.

—was read the third time by title.

On motions by Senator Hargrett, **CS for HB 3061** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

SB 472—A bill to be entitled An act relating to the practice of veterinary medicine; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.207, F.S.; revising requirements for certain persons to take the examination for licensure as a veterinarian; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; conforming a cross-reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; providing for participation of veterinarians in impaired practitioner treatment programs; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Dyer, **SB 472** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

SPECIAL ORDER CALENDAR

THE PRESIDENT PRESIDING

On motion by Senator Harris, by two-thirds vote—

CS for CS for SB 760—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; revising the reporting requirements of the Office of Tourism, Trade, and Economic Development relating to permits and rules; authorizing the Office of Tourism, Trade, and Economic Development to coordinate establishment of a one–stop permit registry; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending ss. 212.097 and 212.098, F.S.; clarifying the definition of a “new business” under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program; providing that certain call centers or similar customer service operations are eligible businesses under these programs; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.075, F.S.; specifying that the prohibition against contracting with entities that have requested confidentiality concerning certain economic development information does not apply to a public officer or employee or an economic development agency employee acting in his or her official capacity; amending s. 288.095, F.S.; establishing a cap on the total amount of the state share of tax refunds which may be approved for a single fiscal year under the tax refund programs for qualified defense contractors, qualified target industry businesses, and brownfield redevelopment; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; amending s. 288.106, F.S.; authorizing a reduced employment threshold for expanding businesses in certain rural areas or enterprise zones under the tax refund program for qualified target industry businesses; amending s. 288.1221, F.S.; conforming legislative intent on

the time period covered by a tourism promotion marketing plan to the time period covered by the marketing plan prepared by the Florida Commission on Tourism under s. 288.1224, F.S.; amending s. 288.1222, F.S.; revising the definition of "tourist" to clarify that the term applies to a person participating in trade or recreation activities outside the county of permanent residence; amending s. 288.1223, F.S.; eliminating an historical reference to the first meeting of the Florida Commission on Tourism; providing that the commission shall meet at least quarterly; providing that the commission shall elect a vice chairman annually; providing legislative findings and intent on the potential economic development benefits of ecotourism; authorizing the Division of Recreation and Parks of the Department of Environmental Protection, subject to legislative appropriation, to establish an ecotourism promotion program; providing for eligible uses of funds under such program; authorizing funds to be used to award ecotourism promotion grants; prescribing grant application procedures and eligible uses of grant awards; amending s. 479.261, F.S.; expanding the logo sign program to include certain heritage, historic, or scenic trails; amending s. 288.90151, F.S.; revising the matching private funding requirements for Enterprise Florida, Inc.; providing for partial release of funds placed in reserve under specified circumstances; amending s. 288.9618, F.S.; limiting the amount of appropriations for the microenterprise program that may be used for administrative expenses; creating s. 288.9958, F.S.; establishing the PRIDE Job Placement Incentive Program; directing Enterprise Florida, Inc., to examine the current and potential economic development contribution of the biotechnology industry and other health technology industries to this state; requiring Enterprise Florida, Inc., to report to the Legislature on findings and recommendations; providing for designation of an enterprise zone that encompasses a brownfield project under certain circumstances; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; amending s. 414.25, F.S.; extending the expiration date; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 20, lines 2 and 3, delete those lines and insert: development agency" means the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development of the Department of Commerce~~, any industrial development

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: replacing a reference to the Department of Commerce with a reference to the Office of Tourism, Trade, and Economic Development in the definition of "economic development agency" under a provision relating to the confidentiality of certain economic development information;

SENATOR DYER PRESIDING

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendment to be considered:

Senators Jones, Holzendorf, Hargrett, Meadows and Turner offered the following amendment which was moved by Senator Jones and adopted:

Amendment 2 (with title amendment)—On page 59, between lines 16 and 17, insert:

Section 24. *Enterprise Florida, Inc., shall prepare a strategic plan designed to allow Florida to capitalize on the economic opportunities associated with the Caribbean nations and South Africa. The plan should recognize the historical and cultural ties between this state and such areas and should focus on building a long–term economic relationship between these communities. The plan should also recognize existing economic infrastructure in Florida that could be applied toward trade and other business activities with the Caribbean and South Africa. In developing this plan, Enterprise Florida, Inc., shall solicit the participation and input of individuals who have expertise on these areas and their economies, including, but not limited to, business leaders in Florida who have had previous business experience in these areas. The plan may include recommendations for legislative action necessary to implement the strategic plan. The plan must be submitted to the Governor and Legislature before January 1, 1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 24, after the second semicolon (;) insert: requiring Enterprise Florida, Inc., to develop a strategic plan designed to help Florida capitalize on economic opportunities with the Caribbean and South Africa;

Senator Harris moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 59, between lines 16 and 17, insert:

Section 24. *Enterprise Florida, Inc., shall develop a master plan for integrating public–sector and private–sector international-trade and reverse-investment resources, in order that businesses may obtain comprehensive assistance and information in the most productive and efficient manner. The scope of this plan shall include, but need not be limited to, resources related to the provision of trade information, such as trade leads and reverse investment opportunities; trade counseling; and trade financing services. In developing the master plan, Enterprise Florida, Inc., shall solicit the participation and input of organizations providing these resources, the consumers of these resources, and others who have expertise and experience in international trade and reverse investment. The master plan may include recommendations for legislative action designed to enhance the delivery of international-trade and reverse-investment assistance. The master plan, which Enterprise Florida, Inc., may include within the annual update or modification to the strategic plan required under section 288.905, Florida Statutes, must be submitted to the Legislature and the Governor before January 1, 1999.*

Section 25. *Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, shall prepare a plan for promoting direct investment in Florida by foreign businesses. This plan must assess and inventory Florida's strengths as a location for foreign direct investment and must include a detailed strategy for capitalizing upon those strengths. In developing the plan, Enterprise Florida, Inc., shall focus on businesses with site–election criteria that are consistent with Florida's business climate, businesses likely to facilitate the transshipment of goods through Florida or to export Florida-produced goods from the state, and businesses that complement or correspond to those industries identified as part of the sector–strategy approach to economic development required under section 288.905, Florida Statutes. The plan must also identify weaknesses in Florida's ability to attract foreign direct investment and must include a detailed strategy for addressing those weaknesses. The plan may include recommendations for legislative action designed to enhance Florida's ability to attract foreign direct investment. In developing the plan, Enterprise Florida, Inc., shall solicit the participation and input of entities that have expertise and experience in foreign direct investment. The plan, which Enterprise Florida, Inc., may include within the annual update or modification to the strategic plan required under section 288.905, Florida Statutes, must be submitted to the Legislature and the Governor before January 1, 1999.*

Section 26. *In anticipation of the day that the people of Cuba are no longer denied the inalienable rights and freedom that all men and women should be guaranteed, Enterprise Florida, Inc., shall prepare a strategic plan designed to allow Florida to capitalize on the economic opportunities associated with a free Cuba. The plan should recognize the historical and cultural ties between this state and Cuba and should focus on building a long–term economic relationship between these communities. The plan should also recognize existing economic infrastructure in Florida that could be applied toward trade and other business activities with Cuba. The plan should identify specific preparatory steps to be taken in advance of a lifting of the trade embargo with Cuba. In developing this plan, Enterprise Florida, Inc., shall solicit the participation and input of*

individuals who have expertise on Cuba and its economy, including, but not limited to, business leaders in Florida who have had previous business experience in Cuba. The plan may include recommendations for legislative action necessary to implement the strategic plan. The plan must be submitted to the Governor and Legislature before January 1, 1999.

Section 27. Subsection (9) is added to section 14.2015, Florida Statutes, to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(9) The Office of Tourism, Trade, and Economic Development shall ensure the prompt disbursement of funds when responsible for the disbursement of funds. When such funds have not been disbursed on or before legislatively or contractually prescribed disbursement dates, or within 30 days of the beginning of the state fiscal year, whichever is applicable, the Office of Tourism, Trade, and Economic Development shall notify the President of the Senate and the Speaker of the House of Representatives of the fact that such funds have not been disbursed, along with a brief description of the reasons for the delay in disbursement. At the end of each succeeding 30 day period that such funds remain undisbursed, the Office of Tourism, Trade, and Economic Development shall provide a supplemental report to the President of the Senate and the Speaker of the House of Representatives with a brief description of the reasons for the continued delay in disbursement.

Section 28. Section 15.18, Florida Statutes, is amended to read:

15.18 International and cultural relations.—The Divisions of Cultural Affairs, Historical Resources, and Library and Information Services of the Department of State promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity. The Secretary of State, as the head administrator of these divisions, shall hereafter be known as "Florida's Chief Cultural Officer." As this officer, the Secretary of State is encouraged to initiate and develop relationships between the state and foreign cultural officers, their representatives, and other foreign governmental officials in order to promote Florida as the center of American creativity. The Secretary of State shall coordinate international activities pursuant to this section with *Enterprise Florida, Inc., and any other organization the secretary deems appropriate* ~~the Florida International Affairs Commission~~. For the accomplishment of this purpose, the Secretary of State shall have the power and authority to:

(1) Disseminate any information pertaining to the State of Florida which promotes the state's cultural assets.

(2) Plan and carry out activities designed to cause improved cultural and governmental programs and exchanges with foreign countries.

(3) Plan and implement cultural and social activities for visiting foreign heads of state, diplomats, dignitaries, and exchange groups.

(4) Encourage and cooperate with other public and private organizations or groups in their efforts to promote the cultural advantages of Florida.

(5) Establish and maintain the list prescribed in s. 55.605(2)(g), relating to recognition of foreign money judgments.

(6)~~(5)~~ Serve as the liaison with all foreign consular and ambassadorial corps, as well as international organizations, that are consistent with the purposes of this section.

(7)~~(6)~~ Provide, arrange, and make expenditures for the achievement of any or all of the purposes specified in this section.

(8)~~(7)~~ Notwithstanding the provisions of part I of chapter 287, promulgate rules for entering into contracts which are primarily for promotional services and events, which may include commodities involving a service. Such rules shall include the authority to negotiate costs with the offerors of such services and commodities who have been determined to be qualified on the basis of technical merit, creative ability, and professional competency. The rules shall only apply to the expenditure of funds donated for promotional services and events. Expenditures of appropriated funds shall be made only in accordance with part I of chapter 287.

Section 29. Subsections (1) and (6) of section 55.604, Florida Statutes, are amended to read:

55.604 Recognition and enforcement.—Except as provided in s. 55.605, a foreign judgment meeting the requirements of s. 55.603 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. Procedures for recognition and enforceability of a foreign judgment shall be as follows:

(1) The foreign judgment shall be filed with the *Department of State and the* clerk of the court and recorded in the public records in the county or counties where enforcement is sought. *The filing with the Department of State shall not create a lien on any property.*

(a) At the time of the recording of a foreign judgment, the judgment creditor shall make and record with the clerk of the circuit court an affidavit setting forth the name, social security number, if known, and last known post-office address of the judgment debtor and of the judgment creditor.

(b) Promptly upon the recording of the foreign judgment and the affidavit, the clerk shall mail notice of the recording of the foreign judgment, by registered mail with return receipt requested, to the judgment debtor at the address given in the affidavit and shall make a note of the mailing in the docket. The notice shall include the name and address of the judgment creditor and of the judgment creditor's attorney, if any, in this state. In addition, the judgment creditor may mail a notice of the recording of the judgment to the judgment debtor and may record proof of mailing with the clerk. The failure of the clerk to mail notice of recording will not affect the enforcement proceedings if proof of mailing by the judgment creditor has been recorded.

(6) Once an order recognizing the foreign judgment has been entered by a court of this state, the order and a copy of the judgment *shall be filed with the Department of State and* may be recorded in any other county of this state without further notice or proceedings, and shall be enforceable in the same manner as the judgment of a court of this state.

Section 30. Paragraph (g) of subsection (2) of section 55.605, Florida Statutes, is amended to read:

55.605 Grounds for nonrecognition.—

(2) A foreign judgment need not be recognized if:

(g) The foreign jurisdiction where judgment was rendered would not give recognition to a similar judgment rendered in this state. *For purposes of this paragraph, the Secretary of State shall establish and maintain a list of foreign jurisdictions where the condition specified in this paragraph has been found to apply.*

Section 31. Section 5. Section 257.34, Florida Statutes, is created to read:

257.34 Florida State International Archive and Repository.—

(1) There is created within the Division of Library and Information Services of the Department of State the Florida International Archive and Repository for the preservation of those public records, as defined in s. 119.011(1), manuscripts, international judgements involving disputes between domestic and foreign businesses, and all other public matters the department or the Florida Council of International Development deems relevant to international issues. It is the duty and responsibility of the division to:

(a) Organize and administer the Florida State International Archive and Repository;

(b) Preserve and administer such records as shall be transferred to its custody; accept, arrange, and preserve them, according to approved archival and repository practices; and permit them, at reasonable times and under the supervision of the division, to be inspected, examined, and copied. All public records transferred to the custody of the division shall be subject to the provisions of s. 119.07(1).

(c) Assist the records and information management program in the determination of retention values for records;

(d) Cooperate with and assist insofar as practicable state institutions, departments, agencies, counties, municipalities, and individuals engaged in international related activities;

(e) Provide a public research room where, under rules established by the division, the materials in the international archive and repository may be studied;

(f) Conduct, promote, and encourage research in international trade, government, and culture and maintain a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research;

(g) Cooperate with and, insofar as practicable, assist agencies, libraries, institutions, and individuals in projects designed to promote international related issues and preserve original materials relating to international related issues; and

(h) Assist and cooperate with the records and information management program in the training and information program described in s. 257.36(1)(g).

(2) Any agency is authorized and empowered to turn over to the division any record no longer in current official use. The division, in its discretion, is authorized to accept such record and, having done so, shall provide for its administration and preservation as herein provided and, upon acceptance, shall be considered the legal custodian of such record. The division is empowered to direct and effect the transfer to the archives of any records that are determined by the division to have such historical or other value to warrant their continued preservation or protection, unless the head of the agency which has custody of the records certifies in writing to the division that the records shall be retained in the agency's custody for use in the conduct of the regular current business of the agency.

(3) Title to any record transferred to the Florida State International Archive and Repository, as authorized in this chapter, shall be vested in the division.

(4) The division shall make certified copies under seal of any record transferred to it upon the application of any person, and said certificates shall have the same force and effect as if made by the agency from which the record was received. The division may charge a fee for this service based upon the cost of service.

(5) The division may establish and maintain a schedule of fees for services which shall include, but not be limited to, restoration of materials, storage of materials, special research services, and publications.

(6) The division shall establish and maintain a mechanism by which the information contained within the Florida State International Archive and Repository may be accessed by computer via the World Wide Web. In doing so, the division shall take whatever measures it deems appropriate to insure the validity, quality and safety of the information being accessed.

(7) The division shall promulgate such rules as are necessary to implement the provisions of this section.

(8) The Florida Council of International Development may select materials for inclusion in the Florida State International Archive and Repository and shall be consulted closely by the division in all matters relating to its establishment and maintenance.

Section 32. Present subsections (3), (4), and (5) of section 288.012, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section to read:

288.012 State of Florida foreign offices.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.

(3) By October 1 of each year, each foreign office shall submit to the Office of Tourism, Trade, and Economic Development a complete and detailed report on its activities and accomplishments during the preceding fiscal year. In a format provided by Enterprise Florida, Inc., the report must set forth information on:

(a) The number of Florida companies assisted.

(b) The number of inquiries received about investment opportunities in this state.

(c) The number of trade leads generated.

(d) The number of investment projects announced.

(e) The estimated U.S. dollar value of sales confirmations.

(f) The number of representation agreements.

(g) The number of company consultations.

(h) Barriers or other issues affecting the effective operation of the office.

(i) Changes in office operations which are planned for the current fiscal year.

(j) Marketing activities conducted.

(k) Strategic alliances formed with organizations in the country in which the office is located.

(l) Activities conducted with other Florida foreign offices.

(m) Any other information that the office believes would contribute to an understanding of its activities.

Section 33. Subsection (9) of section 288.8175, Florida Statutes, is amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(9) The Department of Education shall review and make linkage-institute budget requests to the Governor and the Legislature. State appropriations for institutes created under this section must be made by a single lump-sum line item to the department, which must apportion the funds among the various institutes in accordance with criteria established by the department. *The linkage institutes shall be eligible to apply on a competitive basis to the Office of Tourism, Trade, and Economic Development for the Targeted Market Pilot Project Grants Program as defined in s. 14.2015, designed to improve short and long term international business opportunities for Florida businesses.*

Section 34. Section 288.9530, Florida Statutes, is created to read:

288.9530 The Florida Business Expansion Corporation.—

(1) The Florida Business Expansion Corporation is hereby created as a corporation not–for–profit, to be incorporated under the provisions of chapter 617. The corporation is organized on a nonstock basis. The corporation shall provide business expansion assistance to businesses in this state having job growth or emerging technology potential and fewer than 500 employees. The primary purpose of the corporation shall be to assist such Florida businesses to grow through the development of cross–border transactions which lead to increased revenues, cost reductions, sales or investments for Florida businesses. For purposes of this Act, "cross–border transactions" shall be defined as the formation of joint venture, strategic alliance, investment, technology transfer or licensing, co–development, or other commercial relationships between Florida businesses and non–Florida entities. In providing its services, the corporation shall seek to recover its costs and expenditures of state funds via fee, equity participation, or any other form of revenue generation or recovery, and to achieve the self–sufficiency of its operations. It is the intent of the Legislature that the corporation achieve self–sufficiency within three years of its establishment. For the purposes of this section, the term "self–sufficiency" shall mean that the annual expenses of operation of the corporation shall be less than or equal to the total value of the compensation derived including fee, equity participation, or any other form of revenue generation or recovery from the operations of the corporation by June 30, 2001.

(2) The corporation is intended to compliment, rather than duplicate, the services and programs of Enterprise Florida, Inc., the Florida Export Finance Corporation, and other existing economic development entities. The corporation programs are to serve small to mid–sized Florida firms in conducting transactions with entities located in other states and nations.

Section 35. Section 288.9531, Florida Statutes, is created to read:

288.9531 Powers and Duties of the Corporation.—

(1) In addition to all of the statutory powers of Florida not–for–profit corporations, the corporation shall have the power and duty to:

(a) Perform analyses of opportunities to Florida businesses from the formation of stronger and numerous commercial relationships through cross–border transactions;

(b) Locate Florida businesses which are strong candidates for business expansion and match such businesses with joint venture or strategic alliance partners, sources of investment capital, or purchasers or licensees of technology;

(c) Prepare selected Florida firms to achieve business expansion through preparation of business plans and marketing materials, arranging participation in major domestic and international events targeted towards industry participants and investors, and placement of articles in business press and trade publications;

(d) Counsel Florida businesses in the development and execution of cross–border transactions;

(e) Develop, in conjunction with target businesses, criteria for evaluation of potential cross–border transactions or strategic partners;

(f) Provide listings of strategic partners which meet agreed–upon criteria;

(g) Develop negotiating strategies and marketing materials designed to address the concerns of potential strategic partners;

(h) Approach and initiate discussions with potential strategic partners and investors;

(i) Present Florida small and medium–sized firms to potential strategic partners and investors;

(j) Identify and, in conjunction with associated professionals, provide guidance on critical business and legal issues associated with proposed transactions, including issues relating to transfers of assets, ownership of intellectual property, tax planning, and other relevant matters;

(k) Assist in the negotiation of pricing and terms of participation of the parties;

(l) Close cross–border transactions on behalf of Florida small and medium–sized firms, and manage outside professionals in the closing of the transaction;

(m) Handle issues that arise after closing to ensure continued success of the transaction; and

(n) Charge fees, in amounts to be determined by the board, to defray the operating costs of its programs.

(2) On or before December 31, 1998, the corporation shall submit to the Office of Tourism, Trade, and Economic Development a business plan providing further specifics of its operations, including, but not limited to, the following:

(a) Specific goals and outcomes to be achieved by the corporation in the accomplishment of its statutory duties;

(b) Types of specific assistance to be rendered to Florida businesses, including detailed descriptions of the specific steps required to provide each type of assistance, and the projected costs of such assistance; and

(c) Specific provisions for the self–sufficient operation of the corporation prior to July 1, 2001, including specific projections of the compensation anticipated from generation of successful cross–border transactions.

(d) A description of the manner in which the corporation will interact with existing state–sponsored economic development entities.

(3) The business plan and the data upon which it is based shall constitute a public record and shall be distributed in a manner which will provide maximum benefit to Florida businesses.

Section 36. Section 288.9532, Florida Statutes, is created to read:

288.9532 Board of directors.—

(1) The corporation shall have an initial board of directors consisting of the following persons:

(a) The President of Enterprise Florida, Inc., or his designee;

(b) The Comptroller or his designee;

(c) The Commissioner of Insurance or his designee;

(d) The chair of the Florida Black Business Investment Board or his designee;

(e) The chair of the Florida Export Finance Corporation or his designee; and

(f) The chair of the Florida First Capital Finance corporation or his designee.

(2) Notwithstanding the provisions of subsection (1), the board of directors may by resolution appoint to the board up to ten at–large members from the private sector, each of whom shall serve a 2–year term. Minority and gender representation shall be considered when making at–large appointments to the board. At–large members shall have the powers and duties of other members of the board. An at–large member is eligible for reappointment, but may not vote on his or her own reappointment.

(3) The board shall ensure that its composition is reflective of the diversity of Florida's business community, and to the greatest degree possible shall include, but not be limited to, individuals representing small and medium–sized businesses, minority businesses, universities and other institutions of higher education, and international and domestic economic development organizations. A majority of at–large members of the board shall have significant experience in international business, with expertise in the areas of trade, transportation, finance, law, or manufacturing.

(4) Members of the board of directors shall serve without compensation, but members, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors.

(5) A majority of currently serving members of the board shall constitute a quorum for purposes of all business of the board.

Section 37. Section 288.9533, Florida Statutes, is created to read:

288.9533 Powers and Duties of the Board of Directors.—The board shall:

(1) Prior to the expenditure of funds from the Florida Business Expansion account, adopt bylaws and internal procedures which are necessary to carry out the responsibilities of the corporation. The articles and bylaws of the corporation shall be reviewed and approved by the Office of Tourism, Trade, and Economic Development prior to final adoption by the board;

(2) Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and duties of the board;

(3) Develop a streamlined application and review process;

(4) Adopt rules and policies, including application and award criteria, regarding eligibility of businesses to receive assistance from the corporation. Such rules and policies shall include, but not be limited to, the requirements that the target businesses:

(a) Shall have substantial operations in Florida;

(b) Shall have products, business or technology in existence at the time of application;

(c) Shall have proven management;

(d) Shall be in a stage of business which is favorable to expansion of the business into international markets;

(e) Shall have products or technologies which have a substantial potential for beneficial effect on business expansion, business revenue or employment in Florida; and

(f) Shall have products or technologies which are potential technology or market leaders with substantial commercial potential in international markets.

(5) Proposed awards of assistance shall be reviewed and approved at meetings of the board. The board shall give the highest priority to activities that offer the greatest opportunity for economic development impact and cost recovery.

Section 38. Chapter 288.9534, Florida Statutes, is created to read:

288.9534 Management of the Corporation.—

(1) The activities of the corporation shall be administered under a multiyear contract with a private sector entity selected by the board no later than September 1, 1998. Such company shall have responsibility for performance of all statutory duties of the corporation, under the control and supervision of the board. Potential management companies shall:

(a) Have existing operations in Florida, and provide Florida–resident personnel to perform services under the contract;

(b) Have an established record of success in the creation of cross–border transactions, and at least ten years of operational experience in such business;

(c) Have staff with substantial financial and international affairs experience;

(d) Have international offices;

(e) Commit to a cash match expenditure of ten percent of the amount of the state contract issued pursuant to this section, with such cash to be provided from the capital of the contractor and expended directly in the pursuit of the statutory purposes of the corporation; and

(f) Have substantial experience in as many of the following areas as possible:

1. Arrangement of cross–border transactions;

2. Development and implementation of market entry strategies for business expansion;

3. Preparation of market analyses and strategic plans; and

4. Work with foreign and domestic financial institutions, highly regulated industries and foreign governments.

(2) The company selected pursuant to this subsection shall provide personnel to serve as officers of the corporation who shall perform on behalf of the corporation all of the customary functions of the offices they occupy.

(3) The board shall provide by contract for division with the management company of total compensation derived from the operations of the corporation. Such division shall be made quarterly, and shall involve the total compensation of the corporation which are in excess of the expenses of the corporation for that quarter.

(4) Prior to securing management services for the corporation, staffing of the corporation shall be provided by the Office of Tourism, Trade, and Economic Development, which shall provide to the board by August 7, 1998, a list of candidates qualified and desiring to perform the duties of the management company specified in this section. The Office of Tourism, Trade, and Economic Development shall also have responsibility for the establishment of performance measures and requirements which provide for the performance of the statutory duties of the corporation, as well as the following:

(a) Specific outcomes from the performance of the management company, as well as timetables for the accomplishment of such outcomes;

(b) Requirements relating to the handling of state funds and providing for third party audit and financial review of the operations of the corporation;

(c) Reversion to the state of all assets of the corporation in the event of cessation of operations of the corporation; and

(d) Termination of the management company in the event of its failure to perform the duties or deliver the outcomes provided in the management contract.

Section 39. Section 288.9535, Florida Statutes, is created to read:

288.9535 Florida Business Expansion Account.—

(1) The board shall create the Florida Business Expansion account for the purpose of receiving state, federal, and private financial resources, and the return from employment of those resources, and for the purposes of the corporation. The account shall be under the exclusive control of the board.

(2) Resources in the account shall be allocated for operating expenses of the corporation and for other statutorily authorized purposes, including costs of research, provision of business assistance to targeted businesses, and other costs.

(3) Appropriations for the corporation shall be deposited into the account.

(4) The board may establish the account and any sub–accounts necessary and convenient for the operation of the corporation with state or federally chartered financial institutions in this state and may invest the assets of the account in permissible securities.

(5) At all times, the board shall attempt to maximize the returns on funds in the account.

(6) All revenues received from the operations of the corporation shall be redeposited in the account to be used to promote the statutory purposes of the corporation.

(7) Under no circumstances shall the credit of the state be pledged by or on behalf of the corporation, other than funds appropriated by law to the account, nor shall the state be liable or obligated in any way for claims on the account or against the corporation.

(8) Pursuant to s. 216.351, the amount of any moneys appropriated to the account which are unused at the end of the fiscal year shall not be subject to reversion under s. 216.301. All moneys in the account are continuously appropriated to the account and may be used for the purposes specified in this section. The Office of Tourism, Trade, and Economic Development shall ensure that all funds in the account shall revert to the state in the event that the corporation is dissolved, ceases operations, or upon the evaluation of the board that such services cannot be provided on a cost–recovery basis. Such a determination shall be made only after an initial period of program setup and market research of at least one year.

Section 40. Section 288.9536, Florida Statutes, is created to read:

288.9536 Reporting and Review.—

(1) By September 1, 1999, the corporation in cooperation with the Office of Program Policy Analysis and Government Accountability shall develop a research design, including goals and measurable objectives for the corporation, which will provide the Legislature with a quantitative evaluation of the corporation. The corporation shall utilize the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability.

(2) On January 31, 2000, and on January 31 of each succeeding year, the corporation shall prepare a report on the financial status of the corporation and the account and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the President of Enterprise Florida, Inc. The report shall

specify the assets and liabilities of the account within the current fiscal year and shall include a list of the businesses assisted, the benefits obtained by each business assisted, including, but not limited to, increased revenues, cost reductions, sales or investment which have been realized by such businesses.

(3) Prior to the 2001 regular session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall perform a review and evaluation of the corporation using the research design promulgated pursuant to this section. The report shall review and comment on the operations and accomplishments of the corporation. A report of the findings and recommendations of the Office of Program Policy Analysis and Government Accountability shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 2001 regular session.

Section 41. Part IV of chapter 721, Florida Statutes, consisting of sections 721.96, 721.97, and 721.98, is created to read:

721.96 Purpose.—The purpose of this part is to provide for the appointment of commissioners of deeds to take acknowledgments, proofs of execution and oaths outside the United States in connection with the execution of any deed, mortgage, deed of trust, contract, power of attorney, or any other agreement, instrument or writing concerning, relating to, or to be used or recorded in connection with a timeshare estate, timeshare license, any property subject to a timeshare plan, or the operation of a timeshare plan located within this state.

721.97 Timeshare Commissioner of Deeds.—

(1) The Governor may appoint commissioners of deeds to take acknowledgments, proofs of execution or oaths in any foreign country. The term of office shall be for four years. Commissioners of deeds shall have authority to take acknowledgments, proofs of execution and oaths in connection with the execution of any deed, mortgage, deed of trust, contract, power of attorney, or any other writing to be used or recorded in connection with a timeshare estate, timeshare license, any property subject to a timeshare plan, or the operation of a timeshare plan located within this state; provided such instrument or writing is executed outside the United States. Such acknowledgments, proofs of execution and oaths must be taken or made in the manner directed by the laws of this state, including, but not limited to, s. 117.05(4), (5)(a) and (6), and certified by a commissioner of deeds. The certification shall be endorsed on or annexed to the instrument or writing aforesaid and has the same effect as if made or taken by a notary public licensed in this state.

(2) Any person seeking to be appointed a commission of deeds shall take and subscribe an oath, before a notary public in this state or any other state, or a person authorized to take oaths in another country, to well and faithfully execute and perform the duties of such commissioner of deeds. The oath shall be filed with the Department of State prior to the person being commissioned.

(3) Official acts performed by any previously appointed commissioners of deeds between May 30, 1997, and the effective date of this part, are declared valid as though such official acts were performed in accordance with and under the authority of this part.

721.98 Powers of the division.—The division has no duty or authority to regulate, enforce, or ensure compliance with any provision of this part.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, between lines 24 and 25, insert: requiring Enterprise Florida, Inc., to develop a master plan for integrating international trade and reverse investment resources; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, to prepare a plan to promote foreign direct investment in Florida; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., to develop a strategic plan that will allow Florida to capitalize on the economic opportunities associated with a post–embargo Cuba; amending s. 14.2015, F.S.; relating to the disbursement of certain funds by the Office of Tourism, Trade, and Economic Development; requiring reports; amending s. 15.18, F.S.; providing for coordination of international activities of the Department of State; amending s. 55.604, F.S.; requiring foreign judgments to be filed with the Secretary of State; amending s. 55.605, F.S.; requiring the Secretary of State to create and maintain a specified list relative to foreign money judgments; amending s. 15.18, F.S.; requiring the Secretary of State to maintain lists relating to foreign money judgments; creating s. 257.34, F.S.; creating the Florida State International Archive; Providing requirements for the archive; providing for access to the archive; amending s. 288.8175, F.S.; authorizing linkage institutes to competitively apply for Targeted Market Pilot Projects Grants; creating s. 288.9530, F.S.; providing for the creation of the Florida Business Expansion Corporation to provide business expansion assistance to businesses in the state having job growth or emerging technology potential; creating s. 288.9531, F.S.; providing for powers and duties of the corporation; creating s. 288.9532, F.S., and s. 288.9533, F.S.; creating the corporation board of directors and providing for their powers and duties; creating s. 288.9534, F.S.; providing that the corporation contracts with an experienced management company to administer and perform the duties of the corporation; creating s. 288.9535, F.S.; creating the Florida Business Expansion Account to receive state, federal, and private financial resources for the purpose of funding the objectives of the corporation; creating s. 288.9536, F.S.; providing for the reporting and review requirements of the corporation; creating Part IV of ch. 721; creating s. 721.96, F.S.; providing a purpose for the commissioners of deeds; creating s. 721.97, F.S.; authorizing the appointment of commissioners of deed; providing authority; ratifying certain actions of commissioners of deeds; creating s. 721.98, F.S.; limiting powers of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 288.012, F.S., relating to State of Florida foreign offices; directing each office to report annually to the Office of Tourism, Trade, and Economic Development on activities and accomplishments; prescribing the contents of such reports;

MOTION

On motion by Senator Hargrett, the rules were waived to allow the following amendment to be considered:

Senator Hargrett moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 59, between lines 16 and 17, insert:

Section 24. *Subject to an appropriation in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development is authorized to contract with Enterprise Florida, Inc., for the award of Inner City Redevelopment Assistance Grants in connection with the urban initiative of Enterprise Florida, Inc. Such grants may only be used to fund economic development in areas that meet or exceed the criteria for areas eligible under the Urban High–Crime Area Job Tax Credit Program pursuant to section 212.097, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 24, after the semicolon (;) insert: authorizing the Office of Tourism, Trade, and Economic Development to contract with Enterprise Florida, Inc., for the award of Inner City Redevelopment Assistance Grants;

MOTION

On motion by Senator Holzendorf, the rules were waived to allow the following amendment to be considered:

Senator Holzendorf moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 59, between lines 16 and 17, insert:

Section 24. Subsection (18) of section 212.097, Florida Statutes, is amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

(18) Applications for credit under this section may be submitted on or after January 1, 1999. *Prior to January 1, 2000, the Legislature may review all areas designated by local government and approved by the Office of Tourism, Trade, and Economic Development for use of the tax*

credit. If the Legislature determines that any local government application has been submitted which fails to include the highest crime areas in the county or city, based upon the criteria established in this section, the unit of local government which has applied for the tax credit must reimburse the state in an amount equal to the credit claimed by businesses in the affected jurisdiction.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, between lines 24 and 25, insert: amending s. 212.097, F.S.; relating to the Urban High–Crime Job tax credit; permitting legislative review of the program; providing for local government reimbursement to the state under certain circumstances;

Pursuant to Rule 4.19, **CS for CS for SB 760** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

SB 712—A bill to be entitled An act relating to municipalities; amending s. 166.021, F.S.; providing legislative findings; authorizing municipal governing bodies to expend public funds to attract and retain business enterprises; specifying that such use of public funds constitutes a public purpose and defining the economic development activities that qualify as such public purpose; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Bronson and adopted:

Amendment 1—On page 2, between lines 21 and 22, insert:

(d) Nothing contained in this subsection shall be construed as a limitation on the home rule powers granted by the State Constitution for municipalities.

Pursuant to Rule 4.19, **SB 712** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

SB 762—A bill to be entitled An act relating to workforce development; transferring and amending s. 288.9620, F.S.; providing legislative findings; creating the Workforce Development Board within Enterprise Florida, Inc.; providing for a board of directors and for officers and employees; providing duties of the board and of its board of directors; providing for reports and audits; requiring measures and standards of workforce development strategy; transferring and amending ss. 446.601, 446.602, 446.603, 446.604, 446.605, 446.606, 446.607, F.S.; conforming terminology and cross-references; amending s. 288.902, F.S.; deleting an obsolete cross-reference; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendments which were moved by Senator Harris and adopted:

Amendment 1—On page 5, line 8, after "*by*" insert: *the board of directors of*

Amendment 2—On page 15, line 28, delete "*board*" and insert: *Workforce Development Board*

Pursuant to Rule 4.19, **SB 762** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 874** and **CS for SB 1458** was deferred.

On motion by Senator Harris—

SB 1262—A bill to be entitled An act relating to small business financial assistance; creating s. 288.95155, F.S.; creating the Florida Small Business Technology Growth Program; requiring the technology development board of Enterprise Florida, Inc., to administer and manage the program; requiring the board to establish a separate account in the Florida Technology Research Investment Fund for certain purposes; specifying sources of moneys in the account; providing program purposes; providing criteria for awards of assistance from the program; requiring the board to annually report on the fiscal status of the program and account; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1262** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1202**, **CS for SB 1204** and **SB 940** was deferred.

On motion by Senator Clary, by two-thirds vote **CS for HB 3223** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Clary—

CS for HB 3223—A bill to be entitled An act relating to land platting; amending s. 177.031, F.S.; defining terms relating to platting; amending s. 177.041, F.S.; requiring plats and replats of subdivisions submitted for approval to be accompanied by a boundary survey of the platted lands; amending s. 177.051, F.S.; revising provisions relating to naming and replatting subdivisions; amending s. 177.061, F.S.; providing requirements for the recording of a plat; amending s. 177.071, F.S.; revising provisions relating to approval of plats by governing bodies; amending s. 177.081, F.S.; requiring plats to be reviewed by a professional surveyor and mapper before approval by a governing body; amending s. 177.091, F.S.; providing requirements for monuments and revising other requirements of plats made for recording; amending s. 177.101, F.S.; providing for the vacation and annulment of prior plats; amending s. 177.141, F.S.; revising provisions relating to affidavits confirming errors on recorded plats; amending s. 177.151, F.S.; revising provisions relating to state plane coordinates; amending ss. 177.021, 177.121, 177.131, 177.132, 177.27, 177.38, F.S.; conforming references; providing an effective date.

—a companion measure, was substituted for **CS for SB 406** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3223** was placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

SB 136—A bill to be entitled An act relating to dog guides and service dogs; amending s. 413.08, F.S.; prohibiting a person from interfering with a person who is engaged in training a dog guide or service dog; providing penalties; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 136** to **CS for HB 3147**.

Pending further consideration of **SB 136** as amended, on motion by Senator Forman, by two-thirds vote **CS for HB 3147** was withdrawn from the Committees on Commerce and Economic Opportunities; and Criminal Justice.

On motion by Senator Forman, the rules were waived and—

CS for HB 3147—A bill to be entitled An act relating to blind services; amending s. 413.08, F.S.; prohibiting a person from interfering with a person who is engaged in training a dog guide or service dog; providing penalties; amending s. 413.011, F.S.; revising provisions relating to the Advisory Council for the Blind within the Department of Labor and Employment Security; providing definitions; providing composition of

the council; providing for appointment of members; providing for terms; providing functions of the council; requiring the preparation of a resource plan; providing for staff; providing for meetings of the council; authorizing the council to conduct forums and hearings; providing for open meetings; providing an effective date.

—a companion measure, was substituted for **SB 136** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3147** was placed on the calendar of Bills on Third Reading.

SENATOR BANKHEAD PRESIDING

On motion by Senator Burt—

SB 222—A bill to be entitled An act relating to public officers and employees; amending ss. 18.01, 19.14, 20.23, F.S.; eliminating bond requirements for the Treasurer, the Commissioner of Agriculture, and the comptroller of the Department of Transportation; amending s. 20.05, F.S.; allowing the head of an executive department to require bonds for officers or employees of the department and to set the amount of the bond and approve the bond; amending s. 20.32, F.S.; allowing the Parole Commission to require bonds for employees, set the bond amount, and approve the bonds; amending s. 27.255, F.S.; authorizing state attorneys to require bonds for full-time investigators and special investigators; amending ss. 28.01, 28.02, 28.09, 30.01, 30.02, 30.06, 30.09, 30.21, 40.35, F.S.; requiring bonds and the filing of bonds with the clerk of the circuit court as determined by the board of county commissioners for the clerk of the circuit court, clerks ad interim, sheriffs, and deputy sheriffs; providing requirements for bonds when sheriffs are appointed to fill vacancies; clarifying the liability of sureties; amending ss. 48.021, 98.015, F.S.; eliminating bond requirements for special process servers, and supervisors of elections; amending s. 113.07, F.S.; eliminating the requirement for public officials to file a surety bond as a prequalification to holding office or performing duties; amending s. 115.03, F.S., relating to elected officers' duties; clarifying that any required bonds remain in effect for the remainder of a term of office; allowing for the deputy to give a bond; amending s. 137.01, F.S.; eliminating the bond requirements for county officers; allowing the board of county commissioners to require county officers to give a bond, set the amount of the bond, and approve the bond; requiring the filing of bonds with the clerk of the circuit court instead of the Department of State; amending s. 137.02, F.S.; eliminating the bond requirements for tax collectors; requiring bond as determined by the board of county commissioners; eliminating the requirement that the Department of State approve the bond; amending s. 137.03, F.S.; eliminating the bond requirement for property appraisers; requiring bond as determined by the board of county commissioners; amending s. 137.04, F.S.; eliminating the bond requirement for county commissioners; requiring bond as determined by the board; eliminating the requirement that the Department of State approve the bond; amending s. 137.05, F.S., relating to the examination requirements of bonds of county officers by the county commissioners; removing the examination criteria for sureties; removing the required report of impaired bonds by the county commissioners to the Governor; amending s. 240.268, F.S.; eliminating the bond requirement for university police officers; allowing the university to require a bond, set the amount of the bond, and approve the bond; amending s. 240.38, F.S.; eliminating the bond requirement for community college police officers; allowing the community college to require a bond, set the amount of the bond, and approve the bond; amending s. 242.343, F.S.; eliminating the bond requirement for campus police of the Florida School for the Deaf and the Blind; allowing the board of trustees to require a bond, set the amount of the bond, and approve the bond; amending ss. 250.10, 266.00001, 266.0013, F.S., and repealing s. 252.55(5), F.S.; eliminating bond requirements for the state quartermaster appointed by the Adjutant General, the Florida Wing commander of the Civil Air Patrol, and members of the historic preservation board; authorizing the Department of State to require and approve a bond for members of historic preservation boards; amending s. 284.41, F.S.; eliminating the coverage for trust funds by the public official bond of the Treasurer and Insurance Commissioner; amending s. 320.03, F.S.; allowing the Department of Highway Safety and Motor Vehicles to require a bond of tax collectors; amending s. 372.04, F.S.; eliminating the requirement for the Director of the Game and Fresh Water Fish Commission to give a bond; allowing the Game and Fresh Water Fish Commission to require a bond of employees, to determine the amount of the bond, and to approve the bond; amending s. 388.131, F.S.; eliminating the bond requirement for the board of commissioners of mosquito-control districts; allowing the Department of Agriculture and Consumer Services to require a bond; amending s. 440.50, F.S.; eliminating the requirement for the Treasurer and Insurance Commissioner to give a bond related to his or her duties as custodian of the Workers' Compensation Administration Trust Fund; amending s. 443.191, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties as custodian of the Unemployment Compensation Trust Fund; amending s. 443.211, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties in connection with the Employment Security Administration Trust Fund; amending s. 523.22, F.S.; eliminating the requirement that the Legislature provide for premiums for the bonds of all naval store inspectors; amending ss. 561.051, 570.073, 570.09, 570.11, 582.055, F.S.; eliminating bond requirements for the director and employees of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and for certain employees of the Department of Agriculture and Consumer Services; repealing s. 17.01, F.S., which requires the Comptroller to give a bond; repealing s. 17.19, F.S., which requires the Comptroller to annually examine the bonds of state officers and report insufficiency of bonds to the Governor; requiring the Governor to require a new bond; holding the Comptroller liable to the state for any loss sustained due to failure to examine the bonds; providing for recovery of loss by suit; repealing s. 113.05, F.S., which prohibits the Governor from issuing commissions to persons required by law to give bond until the execution, approval, and filing of the bond; repealing s. 137.06, F.S., which provides that the failure of a county officer to file a new bond is misfeasance, requires the Governor to suspend the officer and appoint a successor, and makes an officer impeachable for failure to give a new bond; repealing s. 137.07, F.S., which provides liability of the Comptroller and county commissioners to the state and county for failure to perform duties under s. 17.19, F.S., or s. 137.05, F.S.; repealing s. 213.04, F.S., which requires the executive director of the Department of Revenue to give a bond; repealing s. 229.501, F.S., which requires the Commissioner of Education to give a bond; repealing s. 281.09, F.S., which requires bonding for the officers and agents of the Division of Capitol Police; repealing s. 321.08, F.S., which requires certain officers and employees of the Department of Highway Safety and Motor Vehicles to give a bond; repealing s. 523.11, F.S., which requires the supervising inspector of naval stores to give a bond; providing applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 222** was placed on the calendar of Bills on Third Reading.

On motion by Senator Meadows—

CS for SB 176—A bill to be entitled An act relating to residential tenancies; creating s. 83.565, F.S.; providing for a tenant to repair the premises after notice to the landlord; providing for deduction of the costs of repair from rent due; providing limitations; amending s. 83.60, F.S.; providing for the right of the tenant to repair to be a defense to an action for rent or possession; providing for the payment of certain funds into the registry of the court; amending s. 83.64, F.S.; prohibiting retaliatory actions by the landlord; providing an effective date.

—was read the second time by title.

Senator Meadows moved the following amendment which was adopted:

Amendment 1—On page 1, line 26, after the period (.) insert: *For purposes of this section, repairs of an emergency nature are limited to those repairs necessary to result in: heat during the winter months, running water, hot water, elimination of leaks or faulty drains which create internal standing water, and functioning external locks, toilet, stove, oven, refrigerator, exterior windows and exterior doors.*

Senator Hargrett moved the following amendment which failed:

Amendment 2—On page 2, between lines 18 and 19, insert:

(3) This section applies only to complexes with more than 100 dwelling units.

Senator Hargrett moved the following amendment which was adopted:

Amendment 3—On page 3, line 18, after the period (.) insert: *Additionally, if there is damage to the dwelling unit to which subsection (1) applies and damage to which subsection (1) does not apply, due to this subsection, the landlord may offset the cost of repair of the damages to which subsection (1) applies by the cost of repair of the damages to which subsection (1) does not apply, if the tenant has not paid all or a part of those repair costs.*

The vote was:

Yeas—22

Bronson	Grant	Kurth	Ostalkiewicz
Brown-Waite	Hargrett	Latvala	Sullivan
Childers	Harris	Laurent	Thomas
Cowin	Holzendorf	Lee	Williams
Crist	Horne	McKay	
Diaz-Balart	Kirkpatrick	Myers	

Nays—10

Campbell	Forman	Klein	Rossin
Dudley	Geller	Meadows	Scott
Dyer	Jones		

MOTION TO RECONSIDER AMENDMENT

Senator Thomas moved that the Senate reconsider the vote by which **Amendment 2** failed. The motion failed.

Pursuant to Rule 4.19, **CS for SB 176** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator McKay—

CS for SB 874—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; specifying certain rights of jurors; authorizing discussions among jurors; authorizing jurors to take notes; authorizing certain information to be provided to jurors; authorizing jurors to submit written questions to the court and to witnesses; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; requiring the completion of mediation before trial is set in certain civil actions; providing conditions for mediation; creating s. 47.025, F.S.; specifying where certain lien actions may be brought against resident contractors, subcontractors, and sub-subcontractors; amending s. 57.105, F.S.; revising conditions under which attorney's fees may be imposed against a party and the party's attorney for presenting unsupported claims or defenses; entitling an opposing party to strike certain claims or defenses raised by a party who has been sanctioned in a specified number of actions within a specified period for presenting unsupported claims or defenses; authorizing the court to impose additional sanctions or requirements; authorizing damage awards against a party who takes specified actions for the purpose of delay; amending s. 90.803, F.S.; revising the requirements under which former testimony may be allowed at trial as an exception to the prohibition against hearsay evidence; amending s. 95.031, F.S.; limiting the period during which an action may be brought for product liability; providing for application; amending s. 768.075, F.S.; decreasing blood-alcohol level; changing standard of conduct from willful and wanton misconduct to intentional misconduct; providing an exemption from liability to trespassers; providing conditions and limitations on exemption; providing definitions; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee if the employer conducts a preemployment background investigation; prescribing the elements of such background investigation; specifying that electing not to complete the background investigation does not constitute a failure to use reasonable care in hiring an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.098, F.S.; providing that a business owner or operator is immune from liability under certain circumstances for an intentional tort by a third party against an invitee; providing for an exception; creating s. 768.1256, F.S.; creating a rebuttable presumption from liability for products, drugs, and medical devices in compliance with certain standards; providing exceptions; providing that, under certain circumstances, a state agency or political subdivision may be held liable to the same extent as a private person for failure to provide adequate security or police protection; creating s. 768.099, F.S.; limiting liability of motor vehicle owners and rental companies to specific amounts without a showing of negligence or intentional misconduct; providing exceptions; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if the plaintiff was more than a specified percentage at fault due to the influence of an alcoholic beverage or drugs; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.73, F.S.; requiring certain findings for, and providing for reduction of, subsequent punitive damage awards under specified circumstances; requiring that a specified percentage of an award for punitive damages be paid to the state; requiring the Department of Banking and Finance to collect the payments of such awards; providing for attorney's fees for the claimant to be based on the entire award of punitive damages; creating s. 768.736, F.S.; providing that ss. 768.725, 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; creating s. 768.781, F.S.; providing for terms in certain contracts for an attorney's services; requiring that notice be sent to each allegedly responsible party; providing requirements for a presuit response and settlement offer; amending s. 768.79, F.S.; authorizing the court to consider whether a proposal was reasonably rejected when considering entitlement to and the amount of an award of attorney's fees; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; requiring a defendant to plead that a nonparty is at fault within a certain time; requiring that the defendant must prove the nonparty has some fault; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring physicians and osteopathic physicians to obtain and maintain a specified amount of professional liability coverage as a condition of hospital staff privileges; providing legislative findings and intent with respect to the regulation of legal advertising; creating s. 877.023, F.S.; regulating the content of advertisements for legal services; providing a penalty; specifying that the provisions do not abrogate certain other laws, codes, ordinances, rules, or penalties; requiring the clerk of court to report certain information on negligence cases to the Office of the State Court Administrator; providing for severability; providing an effective date.

—was read the second time by title.

Senators Sullivan and Rossin offered the following amendment which was moved by Senator Sullivan:

Amendment 1—On page 12, line 26 through page 14, line 31, delete those lines and insert:

Section 4. Section 57.105, Florida Statutes, is amended to read:

57.105 Attorney's fee*; sanctions for raising unfounded claims or defenses; damages for delay of litigation.*—

(1) The court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney in any civil action in which the court finds that *the losing party or the losing party's attorney knew, or with diligent inquiry in the time available to present the claim or defense should have known, before presenting the claim or defense:*

(a) That the claim or defense was not supported by the material facts necessary to establish the claim or defense; or

(b) That the application of then-existing law to those material facts known to the losing party or losing party's attorney would not support the claim or defense. ~~there was a complete absence of a justiciable issue of either law or fact raised by the complaint or defense of the losing party; provided,~~

However, ~~that~~ the losing party's attorney is not personally responsible if he or she has acted in good faith, based on the representations of his or her client *as to the existence of material facts*. If the court *awards fees to a claimant pursuant to this subsection* ~~finds that there was a complete absence of a justiciable issue of either law or fact raised by the defense~~, the court shall also award prejudgment interest.

(2) Subsection (1) shall not apply if the court determines that the claim or defense was presented as a good-faith attempt with a reasonable probability of damaging the then-existing law as it applied to the facts the losing party or losing party's attorney knew at the time the claim or defense was presented.

(3) If any plaintiff or defendant has been sanctioned under subsection (1) in more than 25 percent of the actions that are filed, or in which a defense has been filed, by that party, then in any further litigation in which that plaintiff or defendant is a party, whether or not related to the actions in which the sanctions were imposed, the opposing party is entitled to have the claims or defenses of such plaintiff or defendant stricken unless such plaintiff or defendant first makes a prima facie showing that the claims or defenses are brought in good faith, applying then-existing law or applying a good-faith attempt to change the then-existing law, and supported by the material facts necessary to establish the claim or defense. Furthermore, the court may impose such additional sanctions or requirements as are just and warranted under the circumstances of the particular case.

(4) In any civil proceeding in which the moving party proves, by a preponderance of the evidence, that any action taken by the opposing party, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, was taken primarily for the purpose of unreasonable delay, the court shall award damages to the moving party for the time necessitated by the conduct in question.

(5)~~(2)~~ If a contract contains a provision allowing attorney's fees to a party when he or she is required to take any action to enforce the contract, the court may also allow reasonable attorney's fees to the other party when that party prevails in any action, whether as plaintiff or defendant, with respect to the contract. *The subsection applies to any contract entered into on or after October 1, 1988.* ~~This act shall take effect October 1, 1988, and shall apply to contracts entered into on said date or thereafter.~~

Section 5. Effective October 1, 1999, subsection (3) of section 57.105, Florida Statutes, as amended by this act, is amended to read:

57.105 Attorney's fee; sanctions for raising unfounded claims or defenses; damages for delay of litigation.—

(3) If any plaintiff or defendant has been sanctioned under subsection (1) in more than *10* ~~25~~ percent of the actions that are filed, or in which a defense has been filed, by that party, then in any further litigation in which that plaintiff or defendant is a party, whether or not related to the actions in which the sanctions were imposed, the opposing party is entitled to have the claims or defenses of such plaintiff or defendant stricken unless such plaintiff or defendant first makes a prima facie showing that the claims or defenses are brought in good faith, applying then-existing law or applying a good-faith attempt to change the then-existing law, and supported by the material facts necessary to establish the claim or defense. Furthermore, the court may impose such additional sanctions or requirements as are just and warranted under the circumstances of the particular case.

(Redesignate subsequent sections.)

Senators Sullivan and Rossin offered the following amendments to **Amendment 1** which were moved by Senator Rossin and adopted:

Amendment 1A—On page 1, line 26, delete "*diligent*" and insert: *reasonable*

Amendment 1B—On page 2, line 16, delete "*damaging*" and insert: *changing*

Senator Geller moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C—On page 3, line 3 and on page 4, line 10, after the period (.) insert: *This section shall apply only if any party has been sanctioned under this section at least three times in the preceding 5 years.*

Amendment 1 as amended was adopted.

Senators Silver, Cowin, Thomas, Horne, Kurth, Clary, Dyer, Williams and Bronson offered the following amendment which was moved by Senator Silver and adopted:

Amendment 2 (with title amendment)—On page 16, between lines 21 and 22, insert:

Section 7. Subsections (6), (7), and (8) are added to section 400.023, Florida Statutes, to read:

400.023 Civil enforcement.—

(6) To recover attorney's fees under this section, the following conditions precedent must be met:

(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.

1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:

a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.

b. Set a date for mediation.

c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.

2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.

3. The mediation shall be conducted in the following manner:

a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.

b. Each party shall mediate in good faith.

4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.

(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.

(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.

(d) This subsection applies to all causes of action that accrue on or after October 1, 1998.

(7) Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(8) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the first semicolon (;) insert: amending s. 400.023, F.S., relating to actions brought on behalf of nursing home residents; providing that a party to any such action may not recover attorney's fees unless the parties submit to mediation; specifying re-

quirements for such mediation; providing for application; providing a standard for any award of punitive damages;

Senator Silver moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 22, line 1 through page 23, line 22, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, line 31 through page 3, line 4, delete those lines and insert: invitee; providing for an exception; providing

Senator Ostalkiewicz moved the following amendment which failed:

Amendment 4 (with title amendment)—On page 24, lines 3-26, delete those lines and insert:

Section 13. Section 768.099, Florida Statutes, is created to read:

768.099 Limited liability based on ownership of a motor vehicle.—

(1) Notwithstanding any other provision of law, the owner of a motor vehicle shall not be vicariously liable in a civil action for damages to a third person resulting from the operation of the motor vehicle by a person other than the owner.

(2) Notwithstanding subsection (1) or any other provision of law, if the owner of a motor vehicle is a business that rents or leases motor vehicles for a term of less than one year, the owner shall not be vicariously liable for punitive damages or non–economic damages in a civil action for damages to a third person resulting from the operation of the motor vehicle by a person other than the owner or other than an agent or employee of the owner.

(3) Nothing in this section shall be construed to alter the provisions of s. 324.021(9)(b) governing the liability of a lessor under an agreement to lease a motor vehicle for 1 year or longer.

(4) The limitations on liability in this section do not apply to an owner of a motor vehicle that is used for commercial activity in the owner's ordinary course of business, other than a business that rents or leases motor vehicles.

And the title is amended as follows:

On page 3, lines 10-13, delete those lines and insert: limiting the liability of certain motor vehicle owners; providing exceptions; creating s.

Senator Burt moved the following amendment which was adopted:

Amendment 5—On page 24, lines 8, 9, 16 and 17, delete "*to a third party*"

Senator Jones moved the following amendment:

Amendment 6 (with title amendment)—On page 24, line 21, after the period (.) insert: *Notwithstanding any other provision of law, a person who leases a motor vehicle for a term of less than 1 year shall be required as a condition of leasing such vehicle to purchase insurance which contains limits of not less than $750,000 combined bodily injury and property damage liability covering the operation of the vehicle by the lessor and any other authorized driver. Such insurance coverage must remain in effect from the time the lessor takes possession of the vehicle until the vehicle is returned to the lessee.*

And the title is amended as follows:

On page 3, line 13, before "providing" insert: requiring the purchase of insurance by renters of motor vehicles;

Senators Dyer, Hargrett and Jones offered the following substitute amendment which was moved by Senator Dyer and failed:

Amendment 7—On page 24, lines 5-26, delete those lines and insert:

768.099 Limits on liability for loaned, rented, or leased private passenger motor vehicles.—

(1) Notwithstanding any other provision of law, a motor vehicle rental business that rents or leases a private passenger motor vehicle as defined in subsection (3) for a term of less than 1 year shall not be vicariously liable for noneconomic damages and is liable for the actions of the person operating the vehicle in economic damages only up to $500,000 per incident without a showing of negligence or intentional misconduct on the part of the motor vehicle rental business. If a motor vehicle rental business chooses to purchase liability insurance coverage, this subsection does not in any way limit the duty of an insurer that provides such coverage to act in good faith under existing common and statutory law, and such an insurer is subject to full liability under the law for a breach of such duty to the same extent as if the responsibility of ownership had not been limited by this subsection.

(2) Notwithstanding any other provision of law, a natural person who owns a private passenger motor vehicle as defined in subsection (3) and lends it to another who is not an employee, agent, or resident relative of the owner, without compensation and for personal, noncommercial use, shall be liable for the actions of any person operating the vehicle only up to $100,000 per person and $300,000 per incident or the maximum limit of such owner's available insurance coverage, whichever is greater, without a showing of negligence or intentional misconduct on the part of the owner. If any such owner chooses to purchase liability insurance coverage, this subsection does not in any way limit the duty of an insurer that provides such coverage to act in good faith under existing common and statutory law, and such an insurer is subject to full liability under the law for a breach of such duty to the same extent as if the responsibility of ownership had not been limited by this subsection.

(3) As used in this section, the term "private passenger motor vehicle" means a motor vehicle that is not used for occupational, professional, or business purposes and includes a sedan, station wagon, jeep-type vehicle, pickup truck, panel truck, van, camper, or motor home.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until 2:00 p.m.

The question recurred on **Amendment 6** which was withdrawn.

Senator Dudley moved the following amendment which was adopted:

Amendment 8—On page 24, line 26, after the period (.) insert: *For purposes of this subsection, "rental company" shall only include an entity engaged in the business of renting or leasing motor vehicles to the general public, and which annually rents or leases a majority of its motor vehicles to persons with no direct or indirect affiliation with the rental company.*

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 9 (with title amendment)—On page 28, between lines 24 and 25, insert:

Section 17. Section 768.735, Florida Statutes, is created to read:

768.735 Punitive damages; exceptions.—Sections 768.725 and 768.73(2)-(8) do not apply to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled or arising under chapter 400.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 29, after the semicolon (;) insert: creating s. 768.735, F.S.; providing that ss. 768.72, 768.725, 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action;

Senator Latvala moved the following amendment which was adopted:

Amendment 10 (with title amendment)—On page 29, lines 3-30, delete section 18 and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 6-10, delete those lines and insert: presuit response and settlement offer;

Senator Dyer moved the following amendment:

Amendment 11—On page 31, lines 12-14, delete those lines and insert: *shall affirmatively plead that defense in the answer.*

Senators Dyer and McKay offered the following amendment to **Amendment 11** which was moved by Senator McKay and adopted:

Amendment 11A—On page 1, line 17, before the period (.) insert: *, absent a showing of good cause*

Amendment 11 as amended was adopted.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **CS for SB 874**, motions and announcements.

Senators Gutman, Casas, Myers, Bronson, Cowin, Williams, Sullivan, Horne, Crist, Harris and Ostalkiewicz offered the following amendment which was moved by Senator Gutman and failed:

Amendment 12 (with title amendment)—On page 31, line 25 through page 32, line 2, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 22-25, delete those lines and insert: providing

Senators Forman and McKay offered the following amendment which was moved by Senator Forman and adopted:

Amendment 13 (with title amendment)—On page 36, before line 1, insert:

Section 24. *The Department of Insurance shall issue a request for proposals and contract with an independent actuarial firm to conduct an actuarial analysis of the expected reduction in liability judgments, settlements, and related costs resulting from the provisions of this act. As part of the report, an analysis shall include an estimate of the percentage decrease by type of coverage affected by the provisions of this act, including the time period when such savings or reductions are expected. The report shall be completed and submitted to the department by March 1, 1999. Each authorized insurer issuing any of the types of coverage addressed in the analysis shall make a rate filing after March 1, 1999, but not later than October 1, 1999, that includes the premium rate reduction percentages contained in the actuarial analysis. The effective date of such premium reductions shall be consistent with the time periods contained in the actuarial analysis. The rate filing may also reflect other relevant factors, as consistent with laws or rules affecting the rate filing. If the insurer disputes the conclusions of the actuarial analysis, the insurer shall establish in an administrative, judicial, or other proceeding that the impact of this act on such insurer's type of coverage is different than the expected effects contained in the actuarial analysis.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 4, after the semicolon (;) insert: requiring that the Department of Insurance contract for an actuarial analysis of any reduction in judgments or costs resulting from the provisions of the act; requiring a report; requiring insurers to make certain rate filings;

Senator Ostalkiewicz moved the following amendment which failed:

Amendment 14 (with title amendment)—On page 35, after line 31, insert:

Section 24. *(1) An attorney shall not contract for or collect a contingency fee for representing any person seeking damages in any tort action, except where otherwise provided by statute, in excess of the following limits:*

(a) Thirty-three percent of any award up to $100,000; plus

(b) Twenty-five percent of any portion of the award between $100,000 and $500,000; plus

(c) Twenty percent of any portion of the award between $500,000 and $1 million; plus

(d) Fifteen percent of any portion of the award exceeding $1 million.

Parties may, by private contract, agree to contingent fee arrangements providing for attorney fees less than provided in these limits, but not greater.

(2) The Legislature finds and declares that there is a major litigation crisis in the State of Florida. This legislation will deter attorneys from bringing frivolous suits or encouraging their clients to hold out for unreasonably high settlements. Additionally, this legislation will protect plaintiffs from having their recoveries diminished by high contingency fees.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 4, after the semicolon (;) insert: limiting contingent legal fees; providing legislative findings;

Senator Dudley moved the following amendment which was adopted:

Amendment 15—On page 18, delete line 23 and insert:

4. "Child trespasser" means a child 12 years of age or younger who enters real property without either an express or implied invitation.

(b) To avoid liability to a child trespasser, in situations where the attractive nuisance doctrine would not otherwise apply, a person or organization owning or controlling an interest in real property must refrain from gross negligence or intentional misconduct and must warn the child trespasser of dangerous conditions known to the person or organization controlling an interest in real property, but which are not readily observable to others. To avoid liability to undiscovered trespassers, a

Senator Silver moved the following amendment which was adopted:

Amendment 16 (with title amendment)—On page 23, line 23 through page 24, line 2, delete all of section 12 and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 4-9, delete those lines and insert: standards; providing exceptions; creating s. 768.099, F.S.;

Pursuant to Rule 4.19, **CS for SB 874** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION TO INTRODUCE BILL

Senator Dudley moved that the rules be waived and the following bill be introduced notwithstanding the fact that the final day had passed for introduction of bills:

A bill to be entitled An act relating to Judicial Candidate/Public Position.

The motion was referred to the Committee on Rules and Calendar.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following Special and Continuing Order Calendar for Wednesday, April 8, and Thursday, April 9, 1998: CS for CS for SB 760, SB 712, SB 762, CS for SB 874, CS for SB 1458, SB 1262, CS for SB 1202, CS for SB 1204, SB 940, CS for SB 406, SB 136, SB 222, CS for SB 176, SB 304, CS for SB 476, CS for SB 466, SB 200, CS for SB 114, SB 108, CS for SB 776, SB 928, CS for CS for SB 1046, SB 496, SB 166, CS for SB 382, CS for SB 492, CS for SB 812, SB 1058, CS for CS for SB 626, CS for SB 818, SB 1292, SB 982, SB 708, CS for SB 154, SB 892, SB 668, CS for SB 508, SB 830, SB 560, SB 540, CS for SB 178, CS for SB 550, SB 842, SB 264

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Community Affairs recommends the following pass: SB 1288

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1392 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1064

The bills contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 810 with 1 amendment

The bill was referred to the Committee on Community Affairs under the original reference.

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 702 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1788 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Natural Resources recommends the following pass: SB 2478

The bill was referred to the Committee on Education under the original reference.

The Committee on Judiciary recommends the following pass: SJR 1588

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Education recommends the following pass: SB 1664

The bill was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 1616, SB 1646 with 3 amendments

The bills were referred to the Committee on Health Care under the original reference.

The Committee on Transportation recommends the following pass: CS for HB 899 with 1 amendment

The bill was referred to the Committee on Natural Resources under the original reference.

The Committee on Governmental Reform and Oversight recommends the following pass: SB 992 with 1 amendment

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 1876 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 864

The Committee on Community Affairs recommends the following pass: SB 1954, SB 2250 with 2 amendments

The Committee on Criminal Justice recommends the following pass: SB 84

The Committee on Education recommends the following pass: SB 656, SB 1874 with 1 amendment, SB 1912, SB 2276, SB 2534

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 962, SB 1950, CS for SB 2076 with 1 amendment, SB 2122

The Committee on Health Care recommends the following pass: SB 1940 with 1 amendment

The Committee on Natural Resources recommends the following pass: SJR 1008, SB 2354 with 2 amendments

The Committee on Regulated Industries recommends the following pass: HB 1747 with 1 amendment, SB 436

The Committee on Transportation recommends the following pass: HB 3509 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1974

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 1244

The Committee on Community Affairs recommends the following pass: CS for SB 552

The Committee on Education recommends the following pass: SB 2316

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 72

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 506 with 2 amendments, SB 746 with 1 amendment, SB 806, CS for SB 1408 with 1 amendment, CS for SB 1614

The Committee on Ways and Means recommends the following pass: CS for SB 268, CS for SB 334 with 1 amendment, CS for SB 386 with 1 amendment, SB 510, SB 1010 with 1 amendment, CS for SB 1088

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Executive Business, Ethics and Elections recommends the following not pass: SJR 816

The Committee on Governmental Reform and Oversight recommends the following not pass: SB 1020

The bills contained in the foregoing reports were laid on the table.

The Committee on Health Care recommends a committee substitute for the following: SB 1060

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 2334

The bill with committee substitute attached was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 1644

The Committee on Health Care recommends a committee substitute for the following: SB 1036

The Committee on Ways and Means recommends a committee substitute for the following: SB 636

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1680

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: Senate Bills 1190 and 868

The Committee on Judiciary recommends a committee substitute for the following: SB 1604

The Committee on Natural Resources recommends a committee substitute for the following: SB 1322

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 2324

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1516

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 2262

The Committee on Regulated Industries recommends a committee substitute for the following: SB 972

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2352

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Children, Families and Seniors recommends committee substitutes for the following: SB 1540, SB 1872

The Committee on Community Affairs recommends a committee substitute for the following: SB 270

The Committee on Education recommends a committee substitute for the following: SB 1840

The Committee on Judiciary recommends a committee substitute for the following: SB 1560

The Committee on Natural Resources recommends committee substitutes for the following: SB 1006, SB 1084, SB 1506, SB 2272

The Committee on Regulated Industries recommends committee substitutes for the following: SB 438, CS for SB 1704

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 2004, SB 2052

The Committee on Education recommends a committee substitute for the following: SB 1908

The Committee on Health Care recommends a committee substitute for the following: SB 248

The Committee on Judiciary recommends a committee substitute for the following: SB 544

The Committee on Natural Resources recommends a committee substitute for the following: SB 1440

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 94, CS for SB 484, SB 498, SB 570, SB 608, CS for SB 760, CS for SB 1760, CS for SB's 2156 and 1910

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF SUBCOMMITTEES

The Subcommittee on Finance and Tax recommends favorably to the full Committee on Ways and Means the following: SB 300, SB 1650 with 1 amendment, SB 1746 with 1 amendment, SB 2302 with 1 amendment; and recommends committee substitutes for the following: SB 688, SB 888, SB 1018, SB 1114, SB 1608, SB 1900

John Ostalkiewicz, Chairman
Subcommittee on Finance and Tax

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Transportation recommends that the Senate confirm the appointment made by the Governor of Thomas Francis Barry, Jr., as **Secretary of Transportation**, to serve at the pleasure of the Governor.

The Committee on Transportation recommends that the Senate confirm the appointment made by the Governor of John P. Browning, Jr., for a term ending September 30, 2001, as a member of the **Florida Transportation Commission**.

The Committee on Transportation recommends that the Senate confirm the appointments made by the Governor of Mark Hulsey, for a term ending September 30, 2001, as a member of the **Jacksonville Port Authority**; Howard C. McNulty and James H. Pugh, Jr., for terms ending April 16, 2002, and Alan C. Starling, for a term ending April 16, 2000, as members of the **Greater Orlando Aviation Authority**.

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor of Eugene K. Pettis, for a term ending March 1, 2002, to the **Governing Board of the South Florida Water Management District**; Alan R. Korest and Garrett S. Richter, for terms ending March 1, 2000, as members of the **Big Cypress Basin Board of the South Florida Water Management Dis-**

trict; Julian (Jay) B. Lane, Jr., for a term ending March 1, 2001, and Daniel Rutenberg, for a term ending March 1, 2000, as members of the **Alafia River Basin Board of the Southwest Florida Water Management District**; Kingdon (King) Helie, for a term ending March 1, 2000, Leonard F. Tria, Jr. and Margaret Anne West, for terms ending March 1, 1999, as members of the **Coastal Rivers Basin Board of the Southwest Florida Water Management District**; John Phillip Griffin and Ardis L. MacKinnon, for terms ending March 1, 2000, as members of the **Hillsborough River Basin Board of the Southwest Florida Water Management District**; Barbara Barritt Romano, for a term ending March 1, 2000, as a member of the **Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District**; Robert H. Barben, Doris Marie Moore-Bailey and Edward L. Wotitzky, for terms ending March 1, 2000, as members of the **Peace River Basin Board of the Southwest Florida Water Management District**; and Ramona Moorefield Updegraff and David T. Welch, for terms ending March 1, 2000, as members of the **Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District**.

The Committee on Education recommends that the Senate confirm the appointments made by the Governor of Elizabeth G. Lindsay and Steven Joel Uhlfelder, for terms ending January 1, 2004, as members of the **Board of Regents**.

[The appointments contained in the foregoing reports were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Ways and Means; Health Care; and Senators Grant, Clary, Sullivan, Casas, Meadows, Kirkpatrick and Campbell—

CS for CS for SB 94—A bill to be entitled An act relating to health care; establishing the Prostate Cancer Task Force; providing for representation on the task force; providing responsibilities; requiring a report to the Governor and the Legislature; providing for future repeal; amending s. 240.5121, F.S.; increasing membership of the Florida Cancer Control and Research Advisory Council; requiring the council to purchase or develop a written summary of cancer treatment alternatives for prostate cancer; providing appropriations for developing or purchasing and for distributing bilingual pamphlets, and for developing and implementing education programs, on prostate cancer and breast cancer; providing an effective date.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 248—A bill to be entitled An act relating to the regulation of health care professionals; creating s. 455.569, F.S.; providing for the revocation of the licenses of health care professionals who are convicted of sexual misconduct; providing an effective date.

By the Committee on Community Affairs and Senators Childers, Dudley, Dyer, Silver, Turner, Jones, Casas, Forman, Campbell, Holzendorf, Thomas, Diaz-Balart, Gutman, Crist, Rossin, Brown-Waite, Bronson, Harris, Klein, Myers, Kurth, Meadows, McKay and Clary—

CS for SB 270—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans," "local law plans," and "fully funded"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing an exception; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; creating ss. 175.411, 185.60, F.S.; providing that a municipality or special fire control district may opt out of a pension plan; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S., relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; providing an effective date.

By the Committee on Ways and Means; and Senators Latvala and Bronson—

CS for SB 338—A bill to be entitled An act relating to the tax on sales, use, and other transactions; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; exempting the sale of steam energy used in manufacturing; providing a threshold for electricity use; deleting a requirement that the electricity be separately metered; revising the applicability of the exemption; providing an effective date.

By the Committee on Ways and Means; and Senators Dyer, Thomas, Horne, Burt, Ostalkiewicz, Williams, Holzendorf, Dudley, Childers, Rossin, Kirkpatrick, Klein, Casas, Gutman, Meadows, Bronson, Grant, Lee and Crist—

CS for SB 434—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.051, F.S.; providing an exemption for certain facilities, devices, fixtures, equipment, machinery, and structures used for pollution prevention or control in manufacturing, processing, compounding, or producing for sale certain items of personal property; providing requirements for qualification; providing an exemption for certain machinery, equipment, or materials purchased for the monitoring, prevention, abatement, or control of pollution or contaminants at privately owned and operated solid waste management facilities; providing an effective date.

By the Committee on Regulated Industries—

CS for SB 438—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.0745, F.S.; providing for reconversion of certain permits; authorizing a daily license fee tax credit; amending s. 550.0951, F.S.; authorizing certain permitholders to transfer daily license fee tax credits to certain permitholders and to receive reimbursement for such credits; authorizing the adoption of implementing rules; revising tax rates for greyhound permitholders; amending s. 550.09514, F.S.; providing a formula for the distribution of greyhound purses; requiring greyhound permitholders to produce weekly purse payment reports; requiring greyhound permitholders to make direct payment of purses to greyhound owners based on certain amounts; amending s. 550.155, F.S.; revising approval requirements with respect to capital improvements; amending s. 849.086, F.S.; providing for municipal approval of cardrooms and distribution of pari-mutuel wagering trust funds; providing effective dates.

By the Committees on Ways and Means; and Health Care—

CS for CS for SB 484—A bill to be entitled An act relating to public assistance; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; prescribing guidelines for Medicaid payment of Medicare deductibles and coinsurance; eliminating a prohibition on specified contracts; repealing redundant provisions; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; amending s. 409.9122, F.S.; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified ratio of enrollees; amending s. 409.910, F.S.; providing for the distribution of amounts recovered in certain tort suits involving intervention by the Agency for Health Care Administration; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 198.30, F.S.; requiring that each circuit judge provide a report of decedents to the Agency for Health Care Administration; amending s. 154.504, F.S.; providing certain restrictions on the use of copayments by public health facilities; creating ss. 381.0022, 402.115, F.S.; authorizing the Department of Health and the Department of Children and Family Services to share certain confidential information; amending s. 414.028, F.S.; providing for a representative of a county health department or Healthy Start Coalition to serve on the local WAGES coalition; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee of the Department of Health; amending s. 383.04, F.S.; revising the requirements for the prophylactic to be used for the eyes of infants; repealing s. 383.05, F.S., relating to the free distribution of such prophylactic; providing an effective date.

By the Committee on Ways and Means; and Senators Sullivan, Latvala, Brown-Waite, Dudley, Grant, Casas, Kirkpatrick, Bronson, Dyer, Thomas, Kurth, Harris and Ostalkiewicz—

CS for SB 498—A bill to be entitled An act relating to tax administration; creating s. 213.285, F.S.; authorizing the Department of Revenue to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; providing rulemaking authority for the Department of Revenue; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audits project; providing an appropriation and authorizing positions within the department; providing an effective date.

By the Committee on Judiciary and Senator Dyer—

CS for SB 544—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; prohibiting the commingling of certain funds; amending s. 617.307, F.S.; revising provisions with respect to the transition of homeowners' association control in a community; providing a list of required documents that must be provided to the board by the developer; creating s. 617.3075, F.S.; providing for prohibited clauses in homeowners' association documents; amending s. 689.26, F.S.; revising provisions with respect to disclosure to prospective purchasers; requiring certain information to be included in disclosures; providing an effective date.

By the Committee on Ways and Means; and Senator Dudley—

CS for SB 570—A bill to be entitled An act relating to assessments on health care entities; amending s. 395.701, F.S.; exempting outpatient radiation therapy services provided by certain hospitals from the annual assessment on net operating revenues of such hospitals; amending s. 395.7015, F.S.; exempting freestanding radiation therapy centers from the annual assessment on net operating revenues of certain health care entities; revising the assessment; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 608—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the United States Internal Revenue Code for purposes of the corporate income tax; amending s. 220.02, F.S.; providing legislative intent regarding taxation of a "qualified subchapter S subsidiary;" amending s. 220.22, F.S.; requiring certain returns; providing for retroactive effect; providing an effective date.

By the Committee on Ways and Means; and Senators Ostalkiewicz, Lee, Myers, Cowin, Grant and Latvala—

CS for SB 636—A bill to be entitled An act relating to taxation of homes for the aged; amending s. 196.1976, F.S.; providing that the provisions of s. 196.1975, F.S., relating to the ad valorem tax exemption for nonprofit homes for the aged, are severable, rather than nonseverable; creating s. 196.1977, F.S.; providing an exemption for each apartment in certain continuing care facilities occupied by a person who makes the apartment his or her permanent home and who is not eligible for homestead exemption; providing procedures and requirements; providing legislative intent; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators Harris and Klein—

CS for CS for SB 760—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; revising the reporting requirements of the Office of Tourism, Trade, and Economic Development relating to permits and rules; authorizing the Office of Tourism, Trade, and Economic Development to coordinate establishment of a one–stop permit registry; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending ss. 212.097 and 212.098, F.S.; clarifying the definition of a "new business" under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program; providing that certain call centers or similar customer service operations are eligible businesses under these programs; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.075, F.S.; specifying that the prohibition against contracting with entities that have requested confidentiality concerning certain economic development information does not apply to a public officer or employee or an economic development agency employee acting in his or her official capacity; amending s. 288.095, F.S.; establishing a cap on the total amount of the state share of tax refunds which may be approved for a single fiscal year under the tax refund programs for qualified defense contractors, qualified target industry businesses, and brownfield redevelopment; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; amending s. 288.106, F.S.; authorizing a reduced employment threshold for expanding businesses in certain rural areas or enterprise zones under the tax refund program for qualified target industry businesses; amending s. 288.1221, F.S.; conforming legislative intent on the time period covered by a tourism promotion marketing plan to the time period covered by the marketing plan prepared by the Florida Commission on Tourism under s. 288.1224, F.S.; amending s. 288.1222, F.S.; revising the definition of "tourist" to clarify that the term applies

to a person participating in trade or recreation activities outside the county of permanent residence; amending s. 288.1223, F.S.; eliminating an historical reference to the first meeting of the Florida Commission on Tourism; providing that the commission shall meet at least quarterly; providing that the commission shall elect a vice chairman annually; providing legislative findings and intent on the potential economic development benefits of ecotourism; authorizing the Division of Recreation and Parks of the Department of Environmental Protection, subject to legislative appropriation, to establish an ecotourism promotion program; providing for eligible uses of funds under such program; authorizing funds to be used to award ecotourism promotion grants; prescribing grant application procedures and eligible uses of grant awards; amending s. 479.261, F.S.; expanding the logo sign program to include certain heritage, historic, or scenic trails; amending s. 288.90151, F.S.; revising the matching private funding requirements for Enterprise Florida, Inc.; providing for partial release of funds placed in reserve under specified circumstances; amending s. 288.9618, F.S.; limiting the amount of appropriations for the microenterprise program that may be used for administrative expenses; creating s. 288.9958, F.S.; establishing the PRIDE Job Placement Incentive Program; directing Enterprise Florida, Inc., to examine the current and potential economic development contribution of the biotechnology industry and other health technology industries to this state; requiring Enterprise Florida, Inc., to report to the Legislature on findings and recommendations; providing for designation of an enterprise zone that encompasses a brownfield project under certain circumstances; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; amending s. 414.25, F.S.; extending the expiration date; providing an effective date.

By the Committee on Regulated Industries and Senator Dudley—

CS for SB 972—A bill to be entitled An act relating to condominiums; amending s. 718.111, F.S.; requiring adequate insurance or fidelity bonding to cover funds in the custody of an association; providing for financial reporting requirements; providing for the commingling of reserve and operating funds; amending s. 718.112, F.S.; amending procedures for elections; amending procedures for recall of board members; amending procedures for mailing of notices; amending procedures for annual budgets; eliminating a 2-year exemption for developers on reserve funds; deleting fidelity bonding requirements; amending s. 718.115, F.S.; providing procedures that allocate cable television services as a common expense; amending ss. 718.503, 718.504, F.S.; requiring disclosure of financial information; providing an effective date.

By the Committee on Natural Resources—

CS for SB 1006—A bill to be entitled An act relating to water quality; directing the Department of Health to conduct a study to identify the role of onsite sewage treatment and disposal systems on water quality; providing for a report; requiring the Department of Environmental Protection to adopt rules for determining which waters are nutrient-impaired; providing criteria for rulemaking; amending s. 403.1835, F.S.; providing a priority for funding from the sewage treatment facilities revolving loan program for facilities located within the geographic area encompassed by a plan adopted pursuant to s. 373.456, F.S.; providing that the sewage treatment facilities revolving loan program is to be self-perpetuating; authorizing the Department of Environmental Protection to sell or pledge loans from the Sewage Treatment Revolving Loan Fund, with approval from the Board of Administration; providing for the employment of experts; providing for the use and deposit of proceeds from the sale of loans; amending s. 403.804, F.S.; providing for calculating maximum load for certain constituents for a specific watercourse and water body; requiring the Secretary of Environmental Protection to approve the maximum load calculation after notice of agency action pursuant to ch. 120, F.S., and limiting the point of entry for a challenge to the calculation; authorizing the department to adopt rules establishing procedures for pollutant trading in areas where a maximum load calculation has been approved; creating s. 514.095, F.S.; authorizing the Department of Health to adopt rules for bacteriological sampling of beach waters and issue health advisories; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite and Latvala—

CS for SB 1036—A bill to be entitled An act relating to emergency management planning; amending s. 20.43, F.S.; defining responsibilities of the county health departments in providing assistance to local special needs units or shelters; authorizing the Department of Health to adopt rules; amending s. 252.355, F.S.; revising provisions relating to registration of persons requiring special needs assistance in emergencies; amending ss. 400.497 and 400.610, F.S.; providing minimum requirements for home health agency and hospice comprehensive emergency management plans; providing for plan review by the local emergency management agency and other specified entities; requiring the adoption of rules establishing plan components and standards for care and services to be provided in emergency evacuation and sheltering; providing for certain exemptions; amending s. 408.15, F.S.; authorizing the Agency for Health Care Administration to establish certain standards of care; creating a special needs shelter interagency committee within the Department of Community Affairs; providing committee tasks; requiring reports; providing an effective date.

By the Committee on Health Care and Senator Silver—

CS for SB 1060—A bill to be entitled An act relating to health facilities authorities; amending s. 154.209, F.S.; authorizing authorities to finance certain accounts receivables; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1084—A bill to be entitled An act relating to marine fisheries; amending s. 370.01, F.S.; redefining the terms "closed season" and "nonresident alien" and alphabetizing definitions; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators' licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; amending s. 370.026, F.S.; deleting obsolete references to commissioners' terms; amending s. 370.0605, F.S.; authorizing agents of the Game and Fresh Water Fish Commission to enforce provisions relating to licenses; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.12, F.S.; relating to protection of mammalian dolphins; amending s. 370.1405, F.S.; relating to reporting requirements for crawfish wholesalers and retailers; amending s. 370.25, F.S.; clarifying criminal, civil, and administrative penalties; repealing s. 370.015, F.S., relating to obsolete Suwannee River Authority; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.092(3) and (4), F.S., relating to penalties on use of proscribed nets; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.12(4), F.S.; related to manta rays; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s.

370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing section 370.1611, F.S., relating to an oyster depuration plant; providing an effective date.

By the Committee on Community Affairs and Senators Clary and Meadows—

CS for SB's 1190 and 868—A bill to be entitled An act relating to a statewide unified building code; amending ss. 468.621, 471.033, 481.225, 481.2251, 481.325, 489.127, 489.129, 489.533, F.S.; specifying additional activity as subject to disciplinary action; authorizing certain boards to impose certain penalties under certain circumstances; amending s. 471.005, F.S.; revising a definition; amending s. 471.015, F.S.; deleting eligibility for engineering licensure for certain persons; amending ss. 468.609, 468.627, 471.017, 481.215, 481.313, 489.115, 489.1455, 489.5335, F.S.; requiring certificateholders, licensees, or registrants to prove completion of certain education requirements relating to the Florida Building Code; providing certain core curriculum or continuing education requirements for certain license, certificate, or registration renewals; authorizing certain licensing boards to require certain specialized or advanced education courses; creating s. 455.2286, F.S.; requiring the Department of Business and Professional Regulation to implement an automated information system for certain purposes; amending s. 489.103, F.S.; exempting certain residential structures from certain construction contracting requirements; amending s. 489.117, F.S.; clarifying certain information provision requirements for local jurisdictions relating to specialty contractor licensure and discipline; amending s. 489.513, F.S.; requiring local jurisdictions to provide certain information to certain licensing boards; requiring such boards to maintain and provide such information through an automated information system; providing for local responsibility for imposing certain disciplinary action; authorizing imposition of penalties by ordinance; amending s. 489.517, F.S.; requiring certificateholders or registrants to provide proof of completion of certain education courses; authorizing the electrical contractors' licensing board to require certain education courses; amending s. 489.531, F.S.; providing penalties for certain violations of the Florida Building Code; amending s. 553.06, F.S.; authorizing the Florida Building Commission to adopt the State Plumbing Code; amending s. 553.19, F.S.; requiring the commission to adopt certain electrical standards as part of the Florida Building Code; amending s. 553.71, F.S.; revising certain definitions; renaming the Board of Building Codes and Standards as the Florida Building Commission; amending s. 553.72, F.S.; revising legislative intent; amending s. 553.73, F.S.; providing for adoption of the Florida Building Code to replace the State Minimum Building Codes; providing for legislative approval; providing purposes; requiring the Florida Building Commission to adopt the code; providing requirements and criteria for the code; providing for resolution of conflicts between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code; providing requirements; providing for local technical amendments to the code; providing procedures and requirements; providing limitations; requiring counties to establish compliance review boards for certain purposes; providing requirements; authorizing local governments to adopt amendments to the code; providing requirements; providing procedures for challenges by affected parties; providing for appeals; requiring the commission to update the code periodically; authorizing the commission to adopt technical amendments to the code under certain circumstances; providing requirements; providing for exempting certain buildings, structures, and facilities from the code; specifying nonapplication of the code under certain circumstances; prohibiting administration or enforcement of the code for certain purposes; amending s. 553.74, F.S.; replacing the State Board of Building Codes and Standards with the Florida Building Commission; providing for additional membership; providing for continuation of terms of existing board members; amending ss. 553.75, 553.76, 553.77, F.S., to conform; providing additional powers of the commission; requiring commission staff to attend certain meetings; requiring the commission to develop and publish descriptions of roles and responsibilities of certain persons; authorizing the commission to provide plans review and approval of certain public buildings; creating s. 553.781, F.S.; providing for licensee accountability; authorizing local jurisdictions to impose fines and order certain disciplinary action for certain violations of the Florida Building Code; providing for challenges to such actions; requiring the Department of Business and Professional Regulation and local jurisdictions to report such disciplinary actions; providing for disposition and use of such fines; providing construction; amending s. 553.79, F.S., to conform; providing for local government enforcement of the Florida Building Code under certain circumstances; amending s. 553.80, F.S.; authorizing certain reinspection fees under certain circumstances; creating s. 553.841, F.S.; providing for establishing a building code training program; providing requirements; providing criteria; authorizing the Florida Building Commission to enter into contracts for certain purposes; requiring the assistance and participation of certain state agencies; creating s. 553.842, F.S.; providing for a system for product evaluation and approval; providing requirements; providing procedures; providing for challenging, review, and appeal of certain evaluations; authorizing the commission to charge fees for certain certifications and reviews; providing exceptions; amending s. 633.01, F.S.; authorizing the Department of Insurance to issue binding interpretations of certain firesafety codes; creating s. 633.0215, F.S.; requiring the Department of Insurance to adopt certain fire prevention and life safety codes; providing requirements; providing for temporary effect of local amendments to such codes; providing procedures for adopting or rescinding local amendments to such codes; requiring the department to update such codes periodically; providing for technical amendments to such codes; providing exceptions to application of such codes for certain purposes; amending s. 633.025, F.S.; specifying adoption by local jurisdictions of certain firesafety codes; authorizing local jurisdictions to adopt more stringent firesafety standards under certain circumstances; providing procedures; providing limitations; deleting obsolete provisions; amending s. 633.085, F.S.; clarifying certain inspection duties of the State Fire Marshal; amending s. 633.72, F.S.; specifying cooperation between the Florida Fire Code Advisory Council and the Florida Building Commission under certain circumstances; requiring administrative staff of the State Fire Marshal to attend certain meetings and coordinate efforts for consistency between certain codes; amending ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 489.127, 489.131, 489.537, 500.459, 553.18, and 627.351, F.S., to conform; requiring the Florida Building Commission to submit the Florida Building Code to the Legislature for approval; requiring the commission to recommend changes to the law to conform to adoption of the Florida Building Code; providing for future repeal of local amendments to certain building codes; providing for readoption; requiring the Department of Management Services to conduct a pilot project to study the effects of installing an ozonation water treatment system for a cooling tower on state buildings; requiring a report to the Legislature; repealing s. 471.003(2)(f), F.S., relating to engineering faculty exemption from registration requirements; repealing s. 489.539, F.S., relating to adoption of electrical standards; repealing s. 553.73(5), F.S., relating to a presumption of compliance with certain building code requirements; providing for future repeal of s. 489.120, F.S., relating to an automated information system; providing for future repeal of s. 489.129(1)(d), F.S., relating to disciplinary action for knowing violations of building codes; providing for future repeal of parts I, II, and III of ch. 553, F.S., relating to the Florida Plumbing Control Act, the Florida Electrical Code, and glass standards; providing effective dates.

By the Committee on Natural Resources and Senator Rossin—

CS for SB 1322—A bill to be entitled An act relating to state property owned by the Game and Fresh Water Fish Commission; transferring certain described property from the state to Palm Beach County; providing a contingency; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1440—A bill to be entitled An act relating to rulemaking authority with respect to marine resources (RAB); amending s. 370.06, F.S.; authorizing rulemaking for issuance of special-activities licenses; amending s. 370.08, F.S.; authorizing the adoption of rules defining food fish; amending s. 370.12, F.S.; authorizing rulemaking for issuance of special permits for conservation of marine turtles; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1506—A bill to be entitled An act relating to marine resources; amending s. 253.72, F.S.; providing restrictions for certain areas for harvesting shellfish; amending s. 370.06, F.S.; providing an exemption for totally disabled residents for a restricted species endorsement; providing qualifications for the issuance of a marine life endorse-

ment on a saltwater products license; providing for a moratorium on the issuance of endorsements; providing for the transfer and reissuance of endorsements; providing for a report; amending s. 370.0608, F.S.; revising the distribution of funds collected from the sale of recreational saltwater fishing licenses; amending s. 370.092, F.S.; providing specific rulemaking authority for the regulation of nets on boats of a specific length; directing the Marine Fisheries Commission to adopt rules prohibiting the possession and sale of mullet taken in illegal gill or entangling nets; providing a penalty for violations; amending s. 370.093, F.S.; authorizing the Marine Fisheries Commission to adopt rules implementing s. 370.093, F.S.; amending s. 370.142, F.S.; providing for a surcharge to be assessed upon the initial transfer of a transferable crawfish trap certificate outside the original transferor's immediate family; prohibiting the lease of lobster trap certificates after July 1, 1998; providing additional penalties for violations relating to traps; providing for the continuation of the Marine Fisheries Commission notwithstanding its scheduled abolition; amending s. 370.13, F.S.; restricting the issuance of stone crab trap numbers until July 1, 2000; providing for renewal under certain circumstances; amending s. 370.135, F.S.; restricting the issuance of new blue crab endorsements for a certain period of time; providing for renewal or replacement under certain circumstances; amending s. 370.021, F.S.; providing additional penalties for violations involving buying saltwater products from an unlicensed seller or the sale of saltwater products by an unlicensed seller; authorizing the suspension, revocation, or denial of renewal of licenses for specified major violations involving finfish, shrimp, marine life species, crawfish, stone crabs, and blue crabs; requiring clerks of courts to certify the final disposition of specified court proceedings to the Department of Environmental Protection; amending s. 370.07, F.S.; authorizing the sharing of wholesale saltwater products dealer reports with other states under specified conditions; providing civil penalties for violation of recordkeeping and reporting requirements; prohibiting a licensed retail dealer or a licensed restaurant from buying saltwater products from any person other than a licensed wholesale or retail dealer; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permits; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.135(2) and (3), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), and (e) and (5)(b) and (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing s. 370.1127, F.S., relating to mullet regulation west of the Ochlockonee River; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Turner—

CS for SB 1516—A bill to be entitled An act relating to environmental equity and justice; creating s. 760.854, F.S.; creating the Center for Environmental Equity and Justice; providing purpose of the center; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Turner—

CS for SB 1540—A bill to be entitled An act relating to children and families; creating s. 39.5085, F.S.; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; naming a service center building; providing an effective date.

By the Committee on Judiciary and Senators Cowin and Dudley—

CS for SB 1560—A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.29, F.S., relating to judicial nominating commissions; deleting requirement that three members of each commission be appointed by the six other members; providing for appointment by the Attorney General of three members to each commission; providing that racial and gender diversity should be considered in selecting commission members; providing that the membership should reflect the geographic diversity of the territorial jurisdiction of the commission when feasible; providing an effective date.

By the Committee on Ways and Means; and Senator McKay—

CS for SB 1564—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; amending the exemption for machinery and equipment used in silicon technology production and research and development; deleting the requirement that the exemption be accomplished through the refund of taxes that were previously paid; deleting the provision that the refund is subject to a specific annual legislative appropriation; providing an effective date.

By the Committee on Judiciary and Senator Harris—

CS for SB 1604—A bill to be entitled An act relating to county clerks; creating the "County Clerks Public Records Access Act"; requiring the clerks to publish certain public records and public information on the Internet; providing for security; providing a declaration of an important state interest; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Rossin—

CS for SB 1644—A bill to be entitled An act relating to child care facilities; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; providing an effective date.

By the Committee on Regulated Industries and Senator Lee—

CS for SB 1680—A bill to be entitled An act relating to alcohol and tobacco sales; amending s. 562.11, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of alcoholic beverages to certain minors; amending s. 562.45, F.S.; providing restrictions on locations for on-premises consumption of alcoholic beverages; amending s. 567.01, F.S.; providing for local-option elections to determine sales of intoxicating liquors, wines, or beer by the drink; amending s. 567.06, F.S.; providing ballot instructions for local-option elections; amending s. 567.07, F.S.; providing for a local option election for sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises; amending ss. 569.002 and 569.101, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of tobacco products to certain minors; amending s. 569.11, F.S.; specifying times within which community service or fines are satisfied; providing effective dates.

By the Committees on Regulated Industries, Community Affairs and Senators Bronson, Silver, Holzendorf, Meadows, Turner, Gutman, Harris and Myers—

CS for CS for SB 1704—A bill to be entitled An act relating to use of rights-of-way by telecommunications companies; amending s.

337.401, F.S.; limiting taxes, fees, or charges imposed by municipalities for use of rights-of-way; limiting local government authority to regulate certain matters within the jurisdiction of the Florida Public Service Commission or the Federal Communications Commission; prohibiting requiring telecommunications companies from obtaining additional consent to use certain rights-of-way under certain circumstances; providing construction; providing application; providing a definition; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senator McKay—

CS for CS for SB 1760—A bill to be entitled An act relating to unemployment compensation; amending s. 1, ch. 97-29, Laws of Florida; extending for an additional year a temporary reduction in certain contribution rates for specified employers; amending 443.101, F.S.; clarifying provisions relating to disqualification for benefits; amending s. 443.111, F.S.; extending for an additional year a temporary increase in the maximum weekly and yearly benefit amounts for unemployment compensation benefits; specifying benefit years; amending s. 443.036, F.S.; providing an alternative base period to be used in calculating benefits in specified circumstances; providing an effective date.

By the Committee on Education and Senators Grant, Latvala, Meadows, Dyer, Lee, Forman and Dudley—

CS for SB 1840—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising credit requirements for high school graduation; creating s. 233.0616, F.S.; encouraging elementary schools and middle schools to implement personal fitness programs and providing for the allocation of funds; providing for the allocation of funds for upgrading a physical education specialist position in the Department of Education; providing effective dates.

By the Committee on Children, Families and Seniors; and Senator Turner—

CS for SB 1872—A bill to be entitled An act relating to adult family-care homes; amending ss. 400.616, 400.617, 400.618, 400.619, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, and 400.629, F.S., and creating s. 400.6194, F.S.; revising legislative intent and purpose; revising definitions; requiring adult family-care home providers to meet certain screening requirements; revising requirements for licensure application and renewal; providing a late renewal fee; revising grounds for denial, suspension, or revocation of a license; revising requirements for rules relating to appropriate placement of residents; revising provisions relating to injunctive relief; requiring certain information to be provided to residents' legal representatives; conforming terminology, references, and cross-references; amending s. 419.001, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Education and Senator Dyer—

CS for SB 1908—A bill to be entitled An act relating to district school board elections; providing for a referendum in certain counties with respect to the composition and manner of electing the school board; requiring affected school boards to provide an orderly transition to a school board so composed if approved by the electors; providing an effective date.

By the Committee on Banking and Insurance; and Senator Burt—

CS for SB 2004—A bill to be entitled An act relating to the Viatical Settlement Act; amending s. 626.9911, F.S.; modifying definitions used in the act and adding a definition of related provider trust; amending s. 626.9913, F.S.; requiring viatical settlement providers to file certain information with the Department of Insurance; specifying applicability of fee and deposit requirements; amending s. 626.9914, F.S.; specifying liability of a viatical settlement provider for a related provider trust; amending s. 626.9921, F.S.; requiring certain providers to file notice with the department; providing an effective date.

By the Committee on Banking and Insurance; and Senator Diaz-Balart—

CS for SB 2052—A bill to be entitled An act relating to insurance; amending s. 627.7295, F.S.; authorizing certain fees to be collected by general lines agents; amending s. 627.736, F.S.; prohibiting a provider's statement of charges from including certain charges for services covered by personal injury protection benefits; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying requirements for arbitration; prescribing forms for submission of medical services; specifying payment time limitations; specifying where an independent medical examination of a claimant may be conducted; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Horne and Dyer—

CS for CS for SB's 2156 and 1910—A bill to be entitled An act relating to education; creating s. 236.08106, F.S., relating to the Excellent Teaching Program; providing legislative findings and intent; authorizing monetary incentives and bonuses for teaching excellence; providing for annual allocations to districts; providing fee subsidies and conditions for repayment of subsidies for participating in the certification program of the National Board of Professional Teaching Standards; requiring the distribution of certain monetary bonuses to teachers; providing eligibility criteria; requiring release time for certain activities; requiring certain district expenditures for professional development of teachers; amending s. 236.081, F.S.; authorizing categorical funding for the Excellent Teaching Program; amending s. 231.173, F.S., relating to certification of experienced out-of-state teachers and administrators; deleting a requirement for superintendents to request certification; providing for issuance of a professional certificate to individuals certified by the National Board of Professional Teaching Standards; conforming provisions; amending s. 231.24, F.S.; authorizing renewal of certificates through national certification; providing an effective date.

By the Committee on Health Care and Senator Myers—

CS for SB 2262—A bill to be entitled An act relating to human immunodeficiency virus testing; amending s. 381.0035, F.S.; requiring certain information related to HIV testing and counseling to be included in HIV educational courses; amending s. 381.004, F.S.; requiring informed consent before an HIV test may be ordered; requiring certain information to be provided when informed consent is sought; providing requirements with respect to notification and release of test results; authorizing certain disclosures of test results; providing for court orders for testing in specified circumstances; providing for emergency action against a registration; providing requirements for model protocols; providing penalties; amending s. 384.25, F.S.; deleting provisions relating to protocols and to notification to school superintendents; amending s. 455.604, F.S.; requiring certain information related to HIV testing to be included in HIV educational courses for certain licensed professions; providing an effective date.

By the Committee on Natural Resources and Senator McKay—

CS for SB 2272—A bill to be entitled An act relating to red tide research and mitigation; establishing a Harmful-Algal-Bloom Task Force; providing for task force membership and duties; providing legislative intent; providing program goals; providing criteria for procurement of contractual services; providing an appropriation; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Rossin—

CS for SB 2324—A bill to be entitled An act relating to the Long-Term-Care Community Diversion Pilot Project; amending s. 430.705, F.S.; providing for choice, to the extent possible, of long-term-care service providers affiliated with an individual's religious faith or denomination; providing an effective date.

By the Committee on Health Care and Senator Myers—

CS for SB 2334—A bill to be entitled An act relating to children's mental health services and substance abuse services; transferring responsibility for such services from the Department of Children and Family Services to the Department of Health; amending s. 230.2317, F.S.; providing for membership of the Advisory Board for the Multiagency Service Network for Students with Severe Emotional Disturbances; amending s. 394.455, F.S.; redefining the term "department" for purposes of the Florida Mental Health Act, to include both the Department of Children and Family Services and the Department of Health; amending s. 394.67, F.S.; redefining the term "department" for purposes of community alcohol, drug abuse, and mental health services to include both the Department of Children and Family Services and the Department of Health; creating s. 394.91, F.S.; providing for alcohol, drug abuse, and mental health services responsibilities for the Department of Health; amending s. 397.311, F.S.; redefining the term "department" for purposes of alcohol and drug abuse services; amending s. 561.121, F.S.; providing for deposit of certain revenues into the Children and Adolescents Substance Abuse Trust Fund; amending s. 984.225, F.S.; providing for placement of children in need of services; amending s. 985.06, F.S.; providing membership of the interagency workgroup for youth in the juvenile justice system; amending s. 985.21, F.S.; requiring employees and agents of the Department of Health to cooperate with case managers of the Department of Juvenile Justice; amending s. 985.223, F.S.; providing responsibilities of the Department of Health with respect to incompetency evaluations of children alleged to be delinquent; providing for a committee to recommend to the Department of Children and Family Services and the Department of Health the most efficient ways to accomplish the transfer of responsibility relating to children's mental health services and children's substance abuse services; providing an effective date.

By the Committee on Education and Senator Horne—

CS for SB 2352—A bill to be entitled An act relating to trust funds; creating the Florida School District Review Trust Fund to be administered by the Office of Program Policy Analysis and Government Accountability; directing the office to use the fund to pay the cost of best financial management practice reviews; providing for refunds to school districts; amending s. 230.23025, F.S.; providing for the deposit of funds from school districts; providing a contingent effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment		*For Term Ending*
Education Practices Commission		
Appointee:	Williams, Grace A., Jacksonville	09/30/2001
Withlacoochee Regional Planning Council, Region 5		
Appointee:	Maxey, Warnell B., Ocala	10/01/2000
East Central Florida Regional Planning Council, Region 6		
Appointee:	Arrington, Dale V., DeLand	10/01/1999
Central Florida Regional Planning Council, Region 7		
Appointee:	Jones, Mary E., Fort Meade	10/01/2000
Florida Commission on Veterans' Affairs		
Appointee:	Sullivan, Hulan M., Clearwater	11/16/1998

[Referred to the Committee on Executive Business, Ethics and Elections.]

Governing Board of the Southwest Florida Water Management District		
Appointee:	Menendez, Brenda, Tampa	03/01/2002
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointee:	Baker, Julie Ansley, Brooksville	03/01/1998

[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 188, SB 230 and SB 288.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

SB 112 and SB 348 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 3, 1998.

SB 8, SB 22, SB 26, SB 30, SB 32, SB 34, SB 36, SB 40, SB 52, SB 54, SB 56, SB 60 and SB 70 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 6, 1998.

Faye W. Blanton, Secretary

JOINT SELECT COMMITTEE APPOINTED

The Honorable Faye W. Blanton April 6, 1998
Secretary of the Senate

The Honorable John B. Phelps
Clerk of the House of Representatives

Dear Madam Secretary and Mr. Clerk:

Pursuant to Section 11.14(4), Florida Statutes, we have created the Joint Select Committee on Collective Bargaining.

The Senators appointed to serve on the joint committee are: Senator Charles Williams, Co-Chair; Senator George Kirkpatrick; and Senator Tom Lee.

The Members of the House of Representatives appointed to serve are: Representative Al Lawson, Co-Chair; Representative Bill Posey; and Representative Ken Pruitt.

Sincerely,

Toni Jennings — President of the Senate
Daniel Webster — Speaker of the House

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 2 was corrected and approved.

CO-SPONSORS

Senators Campbell—CS for SB 94; Casas—CS for SB 1498; Forman—SB 1072; Geller—SB 882; Hargrett—CS for SB 666, CS for SB 1456; Klein—SB 1770; Meadows—CS for SB 1498; Williams—SB 1192

Senator Campbell was recorded as prime sponsor of SB 76.

Senator Clary withdrew as a co-sponsor of SB 1552.

RECESS

On motion by Senator Bankhead, the Senate recessed at 2:33 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:45 a.m., Thursday, April 9.

SENATE PAGES

April 6-10

Jamais Atkinson, Tarpon Springs; Adam Bender, Boca Raton; Stephanie Crowe, Live Oak; Robert C. Curtis, Stuart; Eva Louise Ebbeson, Longboat Key; Lauren Kaplan, Boca Raton; Alissa Koerner, Jupiter; Michael D. Levinson, Boca Raton; David R. Levitt, Seminole; Robert (Bobby) E. Long, Jr, Havana; Justin Moore, Seminole; Anthony (Tony) Moreland, Sarasota; Joshua John Ostalkiewicz, Windermere; Jean-Paul Renaud, Miami; Jennifer Dianne Rice, Green Cove Springs; Austin Shipes, Paisley; Melissa Szwanke, North Miami Beach; Jennifer (Jenni) J. Triolo, Satellite Beach; Barrett K. Tryon, Sarasota; Melissa Walker, Dunedin

Journal of the Senate

Number 12—Regular Session **Thursday, April 9, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:45 a.m. A quorum present—39:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Excused: Conferees periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by Rev. Charles R. Pinkerton, Jr., Pastor, First Baptist Church, St. George Island:

O God our maker, we come before you today as our creator and sustainer—as the God of all life, both here and in the hereafter. We acknowledge that you alone are our maker and the source of all being. We pause today in humble adoration of your power, majesty and glory. I lift the men and women of this Senate body in prayer to you today. I pray your blessings and guidance upon their lives and judgments. Impress upon them, O God, the significance of their work and duty. Protect them and their families as they seek to serve their fellow man.

Almighty God, I lift our nation and its leaders to you today, for you alone are able to help us steer the proper course for our country.

I thank you for men and women who are willing to give of themselves for others. I thank you for those who champion causes, even lost ones they believe in, and have deep concerns and convictions. I ask that you allow a spirit of cooperation to pervade this body and that regardless of party affiliation, the business of taking care of the people would have preeminence here.

Thank you for your protection, love and direction. We ask your blessings on our country, our state and upon this legislative body. In thy holy name, Amen.

PLEDGE

Senate Pages Jamais Atkinson of Tarpon Springs and Austin Shipes of Paisley, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Forman—

By Senators Forman and Thomas—

SR 2360—A resolution commending the Freemasons and Samuel E. Cowan, III, for their contributions to this state.

WHEREAS, Freemasonry began in medieval times and has been organized since the 18th century, and

WHEREAS, Freemasonry was transplanted to the American colonies by English and Irish Masons during the early decades of the 18th century, and, as early as 1734, Benjamin Franklin was the Grand Master of Masons in Pennsylvania, and

WHEREAS, Samuel E. Cowan, III, currently serves as Grand Master of Masons of Florida and is the leader of tens of thousands of Florida Masons and hundreds of thousands of Masons from across the country and around the world who sojourn in this state, and

WHEREAS, Samuel E. Cowan, III, has also been recognized for service to his community in several capacities outside of Freemasonry, and

WHEREAS, Samuel E. Cowan, III, has served the Masonic bodies since he was raised to the degree of Master Mason on May 31, 1967, and

WHEREAS, Samuel E. Cowan, III, has served his fellow man in various capacities within the Masonic bodies of this state, including active membership in Woodstock Park Lodge No. 313, where he served as Worshipful Master in 1977; Jacksonville York Rite Bodies and Scottish Rite Bodies; Morocco Temple, A.A.O.N.M.S.; West Jax Shrine Club; Miami Grotto; and Woodstock Park Chapter No. 270, O.E.S., and

WHEREAS, Samuel E. Cowan, III, has served the Grand Lodge of Florida in several capacities before being elected Grand Master, including District Deputy Grand Master of the 9th Masonic District, Junior Grand Warden, and member of the 1998 Grand Masters' Conference Committee and National Masonic Renewal Committee, and

WHEREAS, it is fitting and appropriate that the Florida Senate pause in its deliberations to honor the Freemasons and Samuel E. Cowan, III, for their contributions to this state, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the Freemasons of Florida and Samuel E. Cowan, III, for their contributions to this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Samuel E. Cowan, III, Grand Master of Masons of Florida, as a tangible token of the sentiments of the Florida Senate.

—**SR 2360** was introduced, read and adopted by publication.

At the request of Senator Thomas—

By Senators Thomas, Childers, Hargrett, Turner, Geller, Holzendorf, Forman, Horne, Crist, Meadows, Klein, Williams, Kirkpatrick, Silver and Jones—

SR 2658—A resolution honoring Florida A&M University on being named "College of the Year."

WHEREAS, on August 25, 1997, Florida A&M University was named the first "College of the Year" by Time Magazine and the Princeton Review, and WHEREAS, the university was chosen for the honor by a team of educators and education experts over other major universities throughout the nation such as DePaul University, the University of Iowa, UCLA, Trinity College, DePauw University, and the University of California system, and

WHEREAS, the university's choice as College of the Year and Florida A&M University's academic rise to prominence is the culmination of 13 years of untiring effort on the part of Florida A&M University President, Frederick Humphries, and

WHEREAS, among the significant changes which have taken place at Florida A&M University is its increase in total enrollment, from 3,200 in 1985 to in excess of 10,000 today, and its increase in the number of graduates, from 463 in 1991 to 1,524 in 1996, surpassing Howard University as the nation's top producer of black baccalaureates, and

WHEREAS, the average combined SAT score of freshmen at Florida A&M University has increased from 700 to 1036 in the same period, and

WHEREAS, last year Florida A&M University was one of the top ten schools receiving pharmacy research grants, and

WHEREAS, this year Florida A&M University received a $3 million grant, the largest in the university's history, from the John S. and James L. Knight Foundation, and

WHEREAS, these are all stellar achievements for the 110-year old land grant university that once was the only public institution of higher learning that African Americans could attend, and

WHEREAS, it is with great pride that the Florida Senate recognizes Florida A&M University for the honor which has been bestowed upon the university and the level of academic excellence it has attained, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate honors Florida A&M University on being named the first "College of the Year" by Time Magazine and the Princeton Review, and commends the university, its faculty, and staff on the high level of academic achievement which has led to this honor.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Frederick Humphries as a tangible token of the sentiments of the Florida Senate.

—**SR 2658** was introduced, read and adopted by publication.

At the request of Senator Thomas—

By Senator Thomas—

SR 2662—A resolution recognizing the life and courage of John Edward "Zeke" Bagley.

WHEREAS, John Edward "Zeke" Bagley was a leader and a winner from early life; born September 25, 1923, in Cottondale, Florida, the son of George E. and Margaret Jarvis Bagley, he attended high school in Cottondale, where he was an excellent student, president of the student body, a member of the Beta Club and the Four-H Club, and salutatorian of his graduating class, and

WHEREAS, John entered the University of Florida on a full academic scholarship but, shortly after the bombing of Pearl Harbor, he left college to volunteer as an aviation cadet in the Army Air Corps and completed preflight training at Maxwell Training Center in Montgomery, Alabama and finished flight training as a navigator at the top of his class at Selman Field in Monroe, Louisiana, and

WHEREAS, after serving in the Mediterranean Theater for several months, he was transferred to England on special assignment for missions to support the Normandy invasion, and

WHEREAS, on June 7, 1944, he left England in a C-47 aircraft on an exceedingly dangerous mission to deliver vital ammunition to allied troops who had managed to advance from the beach and were engaged in heavy combat, and, even though the mission was so dangerous that death was more than a possibility, he and the rest of the crew did their duty without flinching, and

WHEREAS, before they could deliver their cargo, the plane was hit several times by enemy fire and, after the pilot ditched the aircraft, most of the crew, although wounded, were able to exit the ship; however, John lost his life that day, and

WHEREAS, after over 50 years, the people who had the privilege of knowing "Zeke" Bagley still remember the young man who was so gifted, so bright, so well-liked, and admired, who gave his all for his country, and it is only proper that this body recognize and remember his life and his courage, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of this body celebrate the life of John Edward "Zeke" Bagley and remember his ultimate sacrifice for his country.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to the family of John Edward "Zeke" Bagley as a tangible token of the sentiments expressed herein.

—**SR 2662** was introduced, read and adopted by publication.

At the request of Senator Scott—

By Senator Scott—

SR 2666—A resolution commending Broward Navy Days, Inc. for its achievement in coordinating community efforts to honor visiting U.S. Navy, Marine Corps, and Coast Guard personnel in the Broward community.

WHEREAS, Broward Navy Days, Inc. commenced its operations as a not-for-profit Florida corporation on May 29, 1990, and

WHEREAS, Broward Navy Days was established to coordinate community efforts to honor and entertain visiting Navy personnel with a special emphasis on the promotion and encouragement of U.S. Navy and Coast Guard ship visits at Port Everglades, and

WHEREAS, Broward Navy Days works on a year-round basis with various service clubs, the local Navy League Councils, the Port Everglades Department of Broward County, local cities, and Broward County businesses and civic associations to maximize and enhance the warm reception and entertainment received by visiting U.S. Navy, Marine Corps, and Coast Guard personnel in the Broward community, and

WHEREAS, the visiting U.S. Navy, Marine Corps, and Coast Guard officers and sailors contribute an estimated $50 million annually to the Broward County economy, and

WHEREAS, Broward Navy Days is the coordinator and sponsor of the annual Fleet Week celebration held in October of each year to commemorate the birthday of the U.S. Navy with celebration activities, including the visit of between 10 to 15 Navy ships, a grand birthday party, a golf tournament, a Sailor of the Year reception, an opportunity for thousands of civilians to tour the U.S. Navy vessels, sports and entertainment activities for sailors and officers, a poster contest for local school children, celebrity chef luncheons on board U.S. Navy ships, a five-kilometer fun run, and numerous other activities, including a dinner in 1998 aboard the aircraft carrier USS Enterprise (CVN-65) honoring the Congressional Medal of Honor recipients residing in the State of Florida, and

WHEREAS, Broward Navy Days endeavors to recognize the meritorius service of deserving sailors by honoring the Sailor of the Year and

Junior Sailor of the Year on each U.S. Navy and U.S. Coast Guard ship that calls at Port Everglades, and

WHEREAS, Broward Navy Days developed the "Hands Across the Sea Program" whereby hundreds of visiting sailors volunteer their services year-round to local charities and needy residents of Broward County, and through their generous efforts the sailors have painted houses, performed landscaping, worked with the handicapped, needy, neglected and abused children, and visited schools and homes for the elderly, and

WHEREAS, Broward Navy Days has presented the opportunity for visiting officers and sailors to enjoy local sporting events by providing them tickets, transportation, and tailgate parties for Miami Dolphins and University of Miami football games, University of Miami basketball games, Florida Marlins baseball games, Florida Panthers hockey games, and the Sunshine Football Classic Bowl game, and

WHEREAS, through the efforts of Broward Navy Days and the local community, Port Everglades and Broward County are consistently voted by the officers and sailors as the favorite liberty port of the U.S. Navy Atlantic Fleet, and

WHEREAS, it is both fitting and proper for the Florida Senate to express its admiration and approval of the distinguished service provided by Broward Navy Days, Inc. to the members of the U.S. Navy, Marine Corps, and Coast Guard, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Broward Navy Days, Inc. is commended for its outstanding work in coordinating efforts to honor visiting U.S. Navy, Marine Corps, and Coast Guard personnel in the Broward community.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Broward Navy Days, Inc. as a tangible token of the sentiments and good wishes of the Florida Senate.

—**SR 2666** was introduced, read and adopted by publication.

At the request of Senator Burt—

By Senators Burt and Bankhead—

SR 2670—A resolution recognizing NASCAR - the National Association for Stock Car Auto Racing - and the William H.G. France, Sr., family.

WHEREAS, motorsports are American's fastest growing and most exciting sports venue in the closing days of the 20th Century, and

WHEREAS, motorsports events have become the largest sporting events in Florida in terms of consistent fan interest and support, both in terms of actual gate ticket sales and mass media audiences, and

WHEREAS, stock car racing was created and fostered as a unique Florida sport by the entrepreneurship of William H.G. France, Sr., on the hard sands of Daytona Beach, and

WHEREAS, the necessity for a firm and responsible authority to self-regulate this complex and popular sport led to the creation by William H.G. France, Sr., in 1948 of the National Association for Stock Car Racing (NASCAR), and

WHEREAS, NASCAR now regulates a major American sport on a par with the National Football League, the National Basketball Association, the National Hockey League, Major League Baseball, and the Professional Golfers Association, and

WHEREAS, NASCAR has through its effective regulation achieved an image for its drivers, teams, and sponsors of clean living, honesty, family values, and fan appreciation unparalleled by the athletes in any other sport, and

WHEREAS, NASCAR events provide a significant and growing contribution to the Florida tourist industry, entirely through sound management, creative promotion, and strategic planning without benefit of public moneys, and

WHEREAS, the officials of NASCAR have a firm and resolute commitment to the highest ideals of American sports ethics, and an everlasting dedication to the satisfaction of the fans of motorsports, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this uniquely Floridian and especially American organization be recognized and applauded during this, the 50th anniversary of its founding, and that the individual members of the family of William H.G. France, Sr., who carry on his high ideals and lofty purposes in the maintenance of the great sport of stock car auto racing be congratulated and encouraged for their continuing devotion to his legacy.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to the family of William H.G. France, Sr., as a tangible token of the sentiments of the Florida Senate.

—**SR 2670** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 2308** was withdrawn from the Committees on Executive Business, Ethics and Elections; and Judiciary; and referred to the Committee on Rules and Calendar; **SB 2478** was withdrawn from the Committee on Education; and **CS for SB 2300** was withdrawn from the Committee on Rules and Calendar.

MOTIONS

On motions by Senator Bankhead, the rules were waived and a deadline of 12:00 noon Friday, April 10, was set for filing amendments to the Special Order Calendar and Bills on Third Reading to be considered Monday, April 13.

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **SB 146** was deferred.

CS for CS for SB 760—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; revising the reporting requirements of the Office of Tourism, Trade, and Economic Development relating to permits and rules; authorizing the Office of Tourism, Trade, and Economic Development to coordinate establishment of a one–stop permit registry; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending ss. 212.097 and 212.098, F.S.; clarifying the definition of a "new business" under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program; providing that certain call centers or similar customer service operations are eligible businesses under these programs; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.075, F.S.; replacing a reference to the Department of Commerce with a reference to the Office of Tourism, Trade, and Economic Development in the definition of "economic development agency" under a provision relating to the confidentiality of certain economic development information; specifying that the prohibition against contracting with entities that have requested confidentiality concerning certain economic development information does not apply to a public officer or employee or an economic development agency employee acting in his or her official capacity; amending s. 288.095, F.S.; establishing a cap on the total amount of the state share of tax refunds which may be approved for a single fiscal year under the tax refund programs for qualified defense contractors, qualified target industry businesses, and brownfield redevelopment; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; amending s. 288.106, F.S.; authorizing a reduced employ-

ment threshold for expanding businesses in certain rural areas or enterprise zones under the tax refund program for qualified target industry businesses; amending s. 288.1221, F.S.; conforming legislative intent on the time period covered by a tourism promotion marketing plan to the time period covered by the marketing plan prepared by the Florida Commission on Tourism under s. 288.1224, F.S.; amending s. 288.1222, F.S.; revising the definition of "tourist" to clarify that the term applies to a person participating in trade or recreation activities outside the county of permanent residence; amending s. 288.1223, F.S.; eliminating an historical reference to the first meeting of the Florida Commission on Tourism; providing that the commission shall meet at least quarterly; providing that the commission shall elect a vice chairman annually; providing legislative findings and intent on the potential economic development benefits of ecotourism; authorizing the Division of Recreation and Parks of the Department of Environmental Protection, subject to legislative appropriation, to establish an ecotourism promotion program; providing for eligible uses of funds under such program; authorizing funds to be used to award ecotourism promotion grants; prescribing grant application procedures and eligible uses of grant awards; amending s. 479.261, F.S.; expanding the logo sign program to include certain heritage, historic, or scenic trails; amending s. 288.90151, F.S.; revising the matching private funding requirements for Enterprise Florida, Inc.; providing for partial release of funds placed in reserve under specified circumstances; amending s. 288.9618, F.S.; limiting the amount of appropriations for the microenterprise program that may be used for administrative expenses; creating s. 288.9958, F.S.; establishing the PRIDE Job Placement Incentive Program; directing Enterprise Florida, Inc., to examine the current and potential economic development contribution of the biotechnology industry and other health technology industries to this state; requiring Enterprise Florida, Inc., to report to the Legislature on findings and recommendations; providing for designation of an enterprise zone that encompasses a brownfield project under certain circumstances; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; amending s. 414.25, F.S.; extending the expiration date; requiring Enterprise Florida, Inc., to develop a strategic plan designed to help Florida capitalize on economic opportunities with the Caribbean and South Africa; requiring Enterprise Florida, Inc., to develop a master plan for integrating international trade and reverse investment resources; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, to prepare a plan to promote foreign direct investment in Florida; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., to develop a strategic plan that will allow Florida to capitalize on the economic opportunities associated with a post–embargo Cuba; amending s. 14.2015, F.S.; relating to the disbursement of certain funds by the Office of Tourism, Trade, and Economic Development; requiring reports; amending s. 15.18, F.S.; providing for coordination of international activities of the Department of State; amending s. 55.604, F.S.; requiring foreign judgments to be filed with the Secretary of State; amending s. 55.605, F.S.; requiring the Secretary of State to create and maintain a specified list relative to foreign money judgments; amending s. 15.18, F.S.; requiring the Secretary of State to maintain lists relating to foreign money judgments; creating s. 257.34, F.S.; creating the Florida State International Archive; Providing requirements for the archive; providing for access to the archive; amending s. 288.8175, F.S.; authorizing linkage institutes to competitively apply for Targeted Market Pilot Projects Grants; creating s. 288.9530, F.S.; providing for the creation of the Florida Business Expansion Corporation to provide business expansion assistance to businesses in the state having job growth or emerging technology potential; creating s. 288.9531, F.S.; providing for powers and duties of the corporation; creating s. 288.9532, F.S., and s. 288.9533, F.S.; creating the corporation board of directors and providing for their powers and duties; creating s. 288.9534, F.S.; providing that the corporation contracts with an experienced management company to administer and perform the duties of the corporation; creating s. 288.9535, F.S.; creating the Florida Business Expansion Account to receive state, federal, and private financial resources for the purpose of funding the objectives of the corporation; creating s. 288.9536, F.S.; providing for the reporting and review requirements of the corporation; creating Part IV of ch. 721; creating s. 721.96, F.S.; providing a purpose for the commissioners of deeds; creating s. 721.97, F.S.; authorizing the appointment of commissioners of deed; providing authority; ratifying certain actions of commissioners of deeds; creating s. 721.98, F.S.; limiting powers of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 288.012, F.S., relating to State of Florida foreign offices; directing each office to report annually to the Office of Tourism, Trade, and Economic Development on activities and accomplishments; prescribing the contents of such reports; authorizing the Office of Tourism, Trade, and Economic Development to contract with Enterprise Florida, Inc., for the award of Inner City Redevelopment Assistance Grants; amending s. 212.097, F.S.; relating to the Urban High–Crime Job tax credit; permitting legislative review of the program; providing for local government reimbursement to the state under certain circumstances; providing an effective date.

—as amended April 8 was read the third time by title.

Senator Harris moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 61, line 23 through page 62, line 16, delete those lines and insert:

Section 23. Subsection (1) of section 479.261, Florida Statutes, is amended to read:

479.261 Logo sign program.—

(1) The department shall establish a logo sign program for the rights-of-way of the interstate highway system to provide information to motorists about available gas, food, lodging, and camping services at interchanges, through the use of business logos, and may include additional interchanges under the program. A logo sign for nearby attractions may be added to this program if allowed by federal rules. An attraction as used in this chapter is defined as an establishment, site, facility, or landmark which is open a minimum of 5 days a week for 52 weeks a year; which charges an admission for entry; which has as its principal focus family-oriented entertainment, cultural, educational, recreational, scientific, or historical activities; and which is publicly recognized as a bona fide tourist attraction. However, the permits for businesses seeking to participate in the attractions logo sign program shall be awarded by the department annually to the highest bidders, notwithstanding the limitation on fees in subsection (5), which are qualified for available space at each qualified location, but the fees therefor may not be less than the fees established for logo participants in other logo categories. *The department shall, if approved by the Federal Highway Administration, institute a sign program to recognize regional or local heritage, historic, or scenic trails at interchanges on the interstate highway system.*

And the title is amended as follows:

On page 3, delete line 24 and insert: directing the Department of Transportation, subject to federal approval, to establish a highway sign program to recognize

Senator Holzendorf moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (with title amendment)—On page 16, line 25 through page 17, line 15, delete those lines and insert:

Section 4. Subsection (2) of section 212.097, Florida Statutes, is amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

(2) As used in this section, the term:

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); *SIC 52 through SIC 57 and SIC 59 (retail);* SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 7992 (public golf

courses); and SIC 7996 (amusement parks). *A call center or similar customer service operation that services a multistate market or international market is also an eligible business.* Excluded from eligible receipts are receipts from retail sales, except such receipts for *SIC 52 through SIC 57 and SIC 59 (retail),* hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996.

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: providing that certain retail businesses are eligible businesses under the Urban High–Crime Area Job Tax Credit Program;

On motions by Senator Harris, **CS for CS for SB 760** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Harris	Meadows
Bankhead	Crist	Holzendorf	Myers
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Silver
Casas	Geller	Latvala	Sullivan
Childers	Grant	Lee	Thomas
Clary	Gutman	McKay	Williams

Nays—None

Vote after roll call:

Yea—Hargrett, Kirkpatrick, Laurent, Turner

SB 712—A bill to be entitled An act relating to municipalities; amending s. 166.021, F.S.; providing legislative findings; authorizing municipal governing bodies to expend public funds to attract and retain business enterprises; specifying that such use of public funds constitutes a public purpose and defining the economic development activities that qualify as such public purpose; providing an effective date.

—as amended April 8 was read the third time by title.

On motions by Senator Bronson, **SB 712** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Harris	Meadows
Bankhead	Crist	Holzendorf	Myers
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Silver
Casas	Geller	Latvala	Sullivan
Childers	Grant	Lee	Williams
Clary	Gutman	McKay	

Nays—None

Vote after roll call:

Yea—Hargrett, Kirkpatrick, Laurent, Thomas, Turner

SB 762—A bill to be entitled An act relating to workforce development; transferring and amending s. 288.9620, F.S.; providing legislative findings; creating the Workforce Development Board within Enterprise Florida, Inc.; providing for a board of directors and for officers and employees; providing duties of the board and of its board of directors; providing for reports and audits; requiring measures and standards of workforce development strategy; transferring and amending ss. 446.601, 446.602, 446.603, 446.604, 446.605, 446.606, 446.607, F.S.; conforming terminology and cross-references; amending s. 288.902, F.S.; deleting an obsolete cross-reference; providing an effective date.

—as amended April 8 was read the third time by title.

On motions by Senator Harris, **SB 762** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Harris	McKay
Bankhead	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Myers
Brown-Waite	Dudley	Jones	Ostalkiewicz
Burt	Dyer	Klein	Rossin
Campbell	Forman	Kurth	Silver
Casas	Geller	Latvala	Sullivan
Childers	Grant	Laurent	Williams
Clary	Gutman	Lee	

Nays—None

Vote after roll call:

Yea—Hargrett, Kirkpatrick, Thomas, Turner

CS for SB 874—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; specifying certain rights of jurors; authorizing discussions among jurors; authorizing jurors to take notes; authorizing certain information to be provided to jurors; authorizing jurors to submit written questions to the court and to witnesses; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; requiring the completion of mediation before trial is set in certain civil actions; providing conditions for mediation; creating s. 47.025, F.S.; specifying where certain lien actions may be brought against resident contractors, subcontractors, and sub-subcontractors; amending s. 57.105, F.S.; revising conditions under which attorney's fees may be imposed against a party and the party's attorney for presenting unsupported claims or defenses; entitling an opposing party to strike certain claims or defenses raised by a party who has been sanctioned in a specified number of actions within a specified period for presenting unsupported claims or defenses; authorizing the court to impose additional sanctions or requirements; authorizing damage awards against a party who takes specified actions for the purpose of delay; amending s. 90.803, F.S.; revising the requirements under which former testimony may be allowed at trial as an exception to the prohibition against hearsay evidence; amending s. 95.031, F.S.; limiting the period during which an action may be brought for product liability; providing for application; amending s. 400.023, F.S., relating to actions brought on behalf of nursing home residents; providing that a party to any such action may not recover attorney's fees unless the parties submit to mediation; specifying requirements for such mediation; providing for application; providing a standard for any award of punitive damages; amending s. 768.075, F.S.; decreasing blood-alcohol level; changing standard of conduct from willful and wanton misconduct to intentional misconduct; providing an exemption from liability to trespassers; providing conditions and limitations on exemption; providing definitions; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee if the employer conducts a preemployment background investigation; prescribing the elements of such background investigation; specifying that electing not to complete the background investigation does not constitute a failure to use reasonable care in hiring an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.098, F.S.; providing that a business owner or operator is immune from liability under certain circumstances for an intentional tort by a third party against an invitee; providing standards; providing exceptions; creating s. 768.099, F.S.; limiting liability of motor vehicle owners and rental companies to specific amounts without a showing of negligence or intentional misconduct; providing exceptions; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if the plaintiff was more than a specified percentage at fault due to the influence of an alcoholic beverage or drugs; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.73, F.S.; requiring certain findings for, and providing for reduction of, subsequent punitive damage awards under specified circumstances; requiring that a specified percentage of an award for punitive damages

be paid to the state; requiring the Department of Banking and Finance to collect the payments of such awards; providing for attorney's fees for the claimant to be based on the entire award of punitive damages; creating s. 768.735, F.S.; providing that ss. 768.72, 768.725, 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; creating s. 768.736, F.S.; providing that ss. 768.725, 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; creating s. 768.781, F.S.; providing for terms in certain contracts for an attorney's services; requiring that notice be sent to each allegedly responsible party; providing requirements for a presuit response and settlement offer; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; requiring a defendant to plead that a nonparty is at fault within a certain time; requiring that the defendant must prove the nonparty has some fault; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring physicians and osteopathic physicians to obtain and maintain a specified amount of professional liability coverage as a condition of hospital staff privileges; providing legislative findings and intent with respect to the regulation of legal advertising; creating s. 877.023, F.S.; regulating the content of advertisements for legal services; providing a penalty; specifying that the provisions do not abrogate certain other laws, codes, ordinances, rules, or penalties; requiring the clerk of court to report certain information on negligence cases to the Office of the State Court Administrator; requiring that the Department of Insurance contract for an actuarial analysis of any reduction in judgments or costs resulting from the provisions of the act; requiring a report; requiring insurers to make certain rate filings; providing for severability; providing an effective date.

—as amended April 8 was read the third time by title.

On motions by Senator McKay, **CS for SB 874** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—30

Madam President	Crist	Horne	Rossin
Bankhead	Dudley	Kirkpatrick	Scott
Bronson	Dyer	Latvala	Silver
Brown-Waite	Grant	Laurent	Sullivan
Burt	Gutman	Lee	Thomas
Casas	Hargrett	McKay	Williams
Clary	Harris	Myers	
Cowin	Holzendorf	Ostalkiewicz	

Nays—10

Campbell	Forman	Klein	Meadows
Childers	Geller	Kurth	Turner
Diaz-Balart	Jones		

SB 146—A bill to be entitled An act relating to petroleum storage systems; amending s. 376.313, F.S.; correcting references to the Florida Administrative Code; repealing s. 21, ch. 86-159, Laws of Florida, relating to the scheduled repeal of s. 376.313(4), F.S.; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **SB 146** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

On motion by Senator Crist, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Crist, by unanimous consent—

CS for SB 466—A bill to be entitled An act relating to distribution of surplus food; amending s. 570.0725, F.S.; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; requiring development of a public-information brochure; requiring a food-recovery report; amending s. 381.0072, F.S.; requiring information dissemination; amending s. 509.032, F.S.; requiring information to be disseminated; amending s. 509.302, F.S.; including food-recovery awareness as a subject area of the Hospitality Education Program; providing an effective date.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **CS for SB 466** was placed on the calendar of Bills on Third Reading.

SPECIAL GUEST

Senator Crist introduced Senate Page, David R. Levitt, who was present in the Chamber. David was instrumental in the introduction of this bill.

On motion by Senator Harris, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

SB 1262—A bill to be entitled An act relating to small business financial assistance; creating s. 288.95155, F.S.; creating the Florida Small Business Technology Growth Program; requiring the technology development board of Enterprise Florida, Inc., to administer and manage the program; requiring the board to establish a separate account in the Florida Technology Research Investment Fund for certain purposes; specifying sources of moneys in the account; providing program purposes; providing criteria for awards of assistance from the program; requiring the board to annually report on the fiscal status of the program and account; providing an effective date.

—was read the third time by title.

On motions by Senator Harris, **SB 1262** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **CS for HB 3223** was deferred.

CS for HB 3147—A bill to be entitled An act relating to blind services; amending s. 413.08, F.S.; prohibiting a person from interfering with a person who is engaged in training a dog guide or service dog; providing penalties; amending s. 413.011, F.S.; revising provisions relating to the Advisory Council for the Blind within the Department of Labor and Employment Security; providing definitions; providing composition of the council; providing for appointment of members; providing for terms; providing functions of the council; requiring the preparation of a resource plan; providing for staff; providing for meetings of the council; authorizing the council to conduct forums and hearings; providing for open meetings; providing an effective date.

—was read the third time by title.

On motions by Senator Forman, **CS for HB 3147** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 222—A bill to be entitled An act relating to public officers and employees; amending ss. 18.01, 19.14, 20.23, F.S.; eliminating bond requirements for the Treasurer, the Commissioner of Agriculture, and the comptroller of the Department of Transportation; amending s. 20.05, F.S.; allowing the head of an executive department to require bonds for officers or employees of the department and to set the amount of the bond and approve the bond; amending s. 20.32, F.S.; allowing the Parole Commission to require bonds for employees, set the bond amount, and approve the bonds; amending s. 27.255, F.S.; authorizing state attorneys to require bonds for full-time investigators and special investigators; amending ss. 28.01, 28.02, 28.09, 30.01, 30.02, 30.06, 30.09, 30.21, 40.35, F.S.; requiring bonds and the filing of bonds with the clerk of the circuit court as determined by the board of county commissioners for the clerk of the circuit court, clerks ad interim, sheriffs, and deputy sheriffs; providing requirements for bonds when sheriffs are appointed to fill vacancies; clarifying the liability of sureties; amending ss. 48.021, 98.015, F.S.; eliminating bond requirements for special process servers, and supervisors of elections; amending s. 113.07, F.S.; eliminating the requirement for public officials to file a surety bond as a prequalification to holding office or performing duties; amending s. 115.03, F.S., relating to elected officers' duties; clarifying that any required bonds remain in effect for the remainder of a term of office; allowing for the deputy to give a bond; amending s. 137.01, F.S.; eliminating the bond requirements for county officers; allowing the board of county commissioners to require county officers to give a bond, set the amount of the bond, and approve the bond; requiring the filing of bonds with the clerk of the circuit court instead of the Department of State; amending s. 137.02, F.S.; eliminating the bond requirements for tax collectors; requiring bond as determined by the board of county commissioners; eliminating the requirement that the Department of State approve the bond; amending s. 137.03, F.S.; eliminating the bond requirement for property appraisers; requiring bond as determined by the board of county commissioners; amending s. 137.04, F.S.; eliminating the bond requirement for county commissioners; requiring bond as determined by the board; eliminating the requirement that the Department of State approve the bond; amending s. 137.05, F.S., relating to the examination requirements of bonds of county officers by the county commissioners; removing the examination criteria for sureties; removing the required report of impaired bonds by the county commissioners to the Governor; amending s. 240.268, F.S.; eliminating the bond requirement for university police officers; allowing the university to require a bond, set the amount of the bond, and approve the bond; amending s. 240.38, F.S.; eliminating the bond requirement for community college police officers; allowing the community college to require a bond, set the amount of the bond, and approve the bond; amending s. 242.343, F.S.; eliminating the bond requirement for campus police of the Florida School for the Deaf and the Blind; allowing the board of trustees to require a bond, set the amount of the bond, and approve the bond; amending ss. 250.10, 266.00001, 266.0013, F.S., and repealing s. 252.55(5), F.S.; eliminating bond requirements for the state quartermaster appointed by the Adjutant General, the Florida Wing commander of the Civil Air Patrol, and members of the historic preservation board; authorizing the Department of State to require and approve a bond for members of historic preservation boards; amending s. 284.41, F.S.; eliminating the coverage for trust funds by the public official bond of the Treasurer and Insurance Commissioner; amending s. 320.03, F.S.; allowing the Department of Highway Safety and Motor Vehicles to require a bond of tax collectors; amending s. 372.04, F.S.; eliminating the requirement for the Director of the Game and Fresh Water Fish Commission to give a bond; allowing the Game and Fresh Water Fish Commission to require a bond of employees, to determine the amount of the bond, and to approve the bond; amending s. 388.131, F.S.; eliminating the bond requirement for the board of commissioners of mosquito-control districts; allowing the Department of Agriculture and Consumer Services to require a bond; amending s. 440.50, F.S.; eliminating the requirement for the Treasurer and Insurance Commissioner to give a bond related to his or her duties as custodian of the Workers' Compensation Administration Trust Fund; amending s. 443.191, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties as custodian of the Unemployment Compensation Trust Fund; amending s. 443.211, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties in connection with the Employment Security Administration Trust Fund; amending s. 523.22, F.S.; eliminating the requirement that the Legislature provide for premiums for the bonds of all naval store inspectors; amending ss. 561.051, 570.073, 570.09, 570.11, 582.055, F.S.; eliminating bond requirements for the director and employees of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and for certain employees of the Department of Agriculture and Consumer Services; repealing s. 17.01, F.S., which requires the Comptroller to give a bond; repealing s. 17.19, F.S., which requires the Comptroller to annually examine the bonds of state officers and report insufficiency of bonds to the Governor; requiring the Governor to require a new bond; holding the Comptroller liable to the state for any loss sustained due to failure to examine the bonds; providing for recovery of loss by suit; repealing s. 113.05, F.S., which prohibits the Governor from issuing commissions to persons required by law to give bond until the execution, approval, and filing of the bond; repealing s. 137.06, F.S., which provides that the failure of a county officer to file a new bond is misfeasance, requires the Governor to suspend the officer and appoint a successor, and makes an officer impeachable for failure to give a new bond; repealing s. 137.07, F.S., which provides liability of the Comptroller and county commissioners to the state and county for failure to perform duties under s. 17.19, F.S., or s. 137.05, F.S.; repealing s. 213.04, F.S., which requires the executive director of the Department of Revenue to give a bond; repealing s. 229.501, F.S., which requires the Commissioner of Education to give a bond; repealing s. 281.09, F.S., which requires bonding for the officers and agents of the Division of Capitol Police; repealing s. 321.08, F.S., which requires certain officers and employees of the Department of Highway Safety and Motor Vehicles to give a bond; repealing s. 523.11, F.S., which requires the supervising inspector of naval stores to give a bond; providing applicability; providing an effective date.

—was read the third time by title.

On motions by Senator Burt, **SB 222** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Childers	Forman	Horne
Bankhead	Clary	Geller	Jones
Bronson	Cowin	Grant	Kirkpatrick
Brown-Waite	Crist	Gutman	Klein
Burt	Diaz-Balart	Hargrett	Kurth
Campbell	Dudley	Harris	Latvala
Casas	Dyer	Holzendorf	Laurent

Lee	Myers	Scott	Turner
McKay	Ostalkiewicz	Silver	Williams
Meadows	Rossin	Thomas	

Nays—None

CS for HB 3223—A bill to be entitled An act relating to land platting; amending s. 177.031, F.S.; defining terms relating to platting; amending s. 177.041, F.S.; requiring plats and replats of subdivisions submitted for approval to be accompanied by a boundary survey of the platted lands; amending s. 177.051, F.S.; revising provisions relating to naming and replatting subdivisions; amending s. 177.061, F.S.; providing requirements for the recording of a plat; amending s. 177.071, F.S.; revising provisions relating to approval of plats by governing bodies; amending s. 177.081, F.S.; requiring plats to be reviewed by a professional surveyor and mapper before approval by a governing body; amending s. 177.091, F.S.; providing requirements for monuments and revising other requirements of plats made for recording; amending s. 177.101, F.S.; providing for the vacation and annulment of prior plats; amending s. 177.141, F.S.; revising provisions relating to affidavits confirming errors on recorded plats; amending s. 177.151, F.S.; revising provisions relating to state plane coordinates; amending ss. 177.021, 177.121, 177.131, 177.132, 177.27, 177.38, F.S.; conforming references; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for HB 3223** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—1

Bankhead

Vote after roll call:

Nay to Yea—Bankhead

CS for SB 176—A bill to be entitled An act relating to residential tenancies; creating s. 83.565, F.S.; providing for a tenant to repair the premises after notice to the landlord; providing for deduction of the costs of repair from rent due; providing limitations; amending s. 83.60, F.S.; providing for the right of the tenant to repair to be a defense to an action for rent or possession; providing for the payment of certain funds into the registry of the court; amending s. 83.64, F.S.; prohibiting retaliatory actions by the landlord; providing an effective date.

—as amended April 8 was read the third time by title.

Senators Klein and Meadows offered the following amendment which was moved by Senator Meadows:

Amendment 1—On page 3, lines 25-31, delete those lines

On motion by Senator Meadows, further consideration of **CS for SB 176** with pending **Amendment 1** was deferred.

MOTIONS

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of motions and announcements.

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Monday, April 13.

REPORTS OF COMMITTEES

The Committee on Ways and Means recommends the following pass: CS for SB 2014 with 2 amendments, CS for SB 2310 with 2 amendments

The bills were placed on the calendar.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 2172

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1572

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 2132

The Committee on Transportation recommends a committee substitute for the following: SB 710

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 2150

The Committee on Transportation recommends a committee substitute for the following: CS for SB's 1794 and 2200

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2480

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Health Care recommends committee substitutes for the following: SB 402, SB 2188

The bills with committee substitutes attached were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2146

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 2104

The Committee on Health Care recommends a committee substitute for the following: SB 1078

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 2346

The bill with committee substitute attached was referred to the Committee on Natural Resources under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2084

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 604

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 994, SB 1116, CS for SB 1548

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 1960

The Committee on Community Affairs recommends a committee substitute for the following: SB 2474

The Committee on Criminal Justice recommends committee substitutes for the following: SB 794, SB 1566, SB 1992

The Committee on Education recommends committee substitutes for the following: Senate Bills 1110 and 2270, SB 1160, SB 2160

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 676, CS for SB 1050, SB 1074, CS for SB 1660, CS for SB 1846, CS for SB 2198

The Committee on Health Care recommends committee substitutes for the following: SB 1258, CS for SB 1432

The Committee on Transportation recommends committee substitutes for the following: SB 1804, SB 2488

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1584

The Committee on Criminal Justice recommends committee substitutes for the following: SB 784, SB 1810

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 2240

The Committee on Health Care recommends a committee substitute for the following: SB 2128

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Care and Senators Meadows and Childers—

CS for SB 402—A bill to be entitled An act relating to certain social work services; creating part XV of chapter 468, F.S., to provide regulatory provisions applicable to certain social work practice; providing intent and definitions; creating an advisory council within the Department of Health; providing for appointment and terms of members and location of headquarters; providing for rules; providing for different levels of licensure and practice; providing for licensure by examination or endorsement; providing for biennial renewal of licenses; providing for inactive status and reactivation of inactive licenses; providing fees; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome; providing continuing education requirements and providing for approval of continuing education providers, programs, and courses; providing grounds for disciplinary action and specifying criminal violations; prohibiting sexual misconduct; providing penalties; providing exemptions from regulation under the part; providing that communications between licensees and clients are confidential; providing requirements for the maintenance and transfer of records; requiring display of license at practice location; requiring professional designation on promotional materials; repealing s. 491.0145, F.S., relating to certified master social workers, to conform; amending s. 491.0149, F.S., relating to display of license and use of professional title on promotional materials, to conform; repealing s. 491.015, F.S., relating to duties of the Department of Health as to certified master social workers, to conform; providing applicability to current certificateholders; providing an effective date.

By the Committee on Criminal Justice and Senator Lee—

CS for SB 604—A bill to be entitled An act relating to DUI vehicle impoundment; amending s. 316.193, F.S.; providing for impoundment of vehicles during the period of probation; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Ostalkiewicz—

CS for SB 676—A bill to be entitled An act relating to state government; amending s. 255.05, F.S.; providing for the maintenance of actions in law and in equity for breach of contract on public works projects; providing legislative intent; providing duties of procuring agencies relating to procurement contracts; imposing certain duties on the Comptroller; providing application; providing an effective date.

By the Committee on Transportation and Senator Silver—

CS for SB 710—A bill to be entitled An act relating to regulation of wrecker operators and persons immobilizing vehicles; amending s. 1.01, F.S.; defining the term "wrecker operator"; providing for a law enforcement officer to place a hold order on a motor vehicle in a wrecker operator's storage facility; prescribing conditions on such acts; authorizing county and municipal wrecker operator systems; prohibiting certain acts in contravention of such systems; providing penalties; amending ss. 125.0103 and 166.043, F.S.; providing that counties must establish maximum fees which may be charged for the towing or immobilization of vehicles; amending s. 316.193, F.S.; providing for a receipt to the wrecker operator to be given at the time of release of a vehicle impounded or immobilized as a result of a charge of driving under the influence; amending s. 321.051, F.S.; revising provisions authorizing the Florida Highway Patrol to establish a wrecker operator system; prohibiting certain acts in contravention of such system; providing penalties; amending s. 322.34, F.S.; revising provisions relating to impoundment or immobilization of vehicles being operated while the operator's license is suspended, revoked, canceled, or disqualified; providing for payment of accrued charges; amending s. 713.78, F.S.; providing that law allowing a lien for recovering, towing, or storing a vehicle does not authorize a lien for immobilizing a vehicle; providing liability for damages or theft in connection with a towed vehicle; amending s. 319.30, F.S.; conforming a cross reference; providing an effective date.

By the Committee on Criminal Justice and Senator Gutman—

CS for SB 784—A bill to be entitled An act relating to trust funds; amending s. 943.362, F.S.; creating the Federal Proceeds Trust Fund for the Department of Law Enforcement to deposit revenue received as a

result of federal forfeiture proceedings and asset-sharing programs; providing that the trust fund is exempt from the service charge levied against state trust funds; requiring that expenditures from the trust fund comply with certain federal guidelines; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Criminal Justice and Senator Dudley—

CS for SB 794—A bill to be entitled An act relating to violations of traffic law; amending s. 318.18, F.S.; prescribing additional assessments to be made by courts with respect to traffic infractions to be used to fund law enforcement education and training; amending s. 316.1935, F.S.; providing that it is a third-degree felony for a person to willfully flee or attempt to elude a law enforcement officer in a marked patrol vehicle; providing that, it is a second-degree felony for a person to drive at high speed, or in any manner demonstrating a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer in a marked patrol vehicle; providing that the offense of aggravated fleeing or eluding a law enforcement officer is a second-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; revising the ranking of such offenses to conform to changes made by the act; providing an effective date.

By the Committee on Banking and Insurance; and Senator Grant—

CS for SB 994—A bill to be entitled An act relating to insurance; amending s. 624.316, F.S.; deleting certain rulemaking authority of the Department of Insurance relating to insurer compliance; amending s. 627.7275, F.S.; modifying coverage requirements and premiums relating to motor vehicle property damage liability; amending s. 624.426, F.S.; providing that certain transferred policies are exempt from the resident agent and countersignature law; amending s. 627.9126, F.S.; deleting the requirement that the Department of Insurance conduct an annual sampling of certain claims information required to be maintained by liability insurers; amending s. 627.913, F.S.; deleting the requirement that insurers file product liability insurance reports; authorizing the department to require such reports upon request; providing an effective date.

By the Committees on Governmental Reform and Oversight; Children, Families and Seniors; and Senator Rossin—

CS for CS for SB 1050—A bill to be entitled An act relating to family safety; amending s. 20.19, F.S.; providing legislative findings and intent; providing for the appointment of a Deputy Secretary for Family Services of the Department of Children and Family Services; providing qualifications; providing responsibilities; requiring an annual review of child protection resources and an annual report to the Governor and the Legislature; requiring a district program administrator for family safety in each service district; requiring administrative services centers; requiring an implementation plan for administrative services centers; increasing the membership of the Statewide Health and Human Services Board; creating s. 402.401, F.S.; providing for competency-based training for child protection staff; creating s. 415.5145, F.S.; providing for the family safety quality assurance and improvement process; providing effective dates.

By the Committee on Governmental Reform and Oversight; and Senator Silver—

CS for SB 1074—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; adding assistant state attorneys, assistant statewide prosecutors, and assistant public defenders to the Senior Management Service Class of the Florida Retirement System; providing an effective date.

By the Committee on Health Care and Senator McKay—

CS for SB 1078—A bill to be entitled An act relating to life-prolonging techniques; amending s. 401.45, F.S., providing additional grounds for withholding or withdrawing life-prolonging techniques from a patient by a medical technician or paramedic; authorizing the Department of Health to adopt rules governing additional grounds for the withholding or withdrawing of resuscitation or life-prolonging techniques from a patient by an emergency medical technician or paramedic; revising immunity from administrative action, criminal prosecution, or civil liability for the withholding or withdrawing of resuscitation or life-prolonging techniques; providing an effective date.

By the Committee on Education and Senators Diaz-Balart and McKay—

CS for SB's 1110 and 2270—A bill to be entitled An act relating to community colleges; creating a pilot program to provide limited bachelor's degree programs at South Florida Community College, Miami-Dade Community College, and Florida Community College; providing an effective date.

By the Committee on Banking and Insurance; and Senator Forman—

CS for SB 1116—A bill to be entitled An act relating to health insurance; amending s. 627.6484, F.S.; providing limitations on applications for insurance under certain circumstances; amending s. 627.6486, F.S.; revising eligibility requirements; creating s. 627.649, F.S.; authorizing the Department of Insurance to privatize the administration of the claims and the program; authorizing the department to assess and collect assessments; providing an effective date.

By the Committee on Education and Senator Dyer—

CS for SB 1160—A bill to be entitled An act relating to school district expenditures; amending s. 237.081, F.S.; revising provisions relating to the advertisement of a school board's tentative budget; requiring the inclusion of specified information; authorizing rules; providing an effective date.

By the Committee on Health Care and Senator Harris—

CS for SB 1258—A bill to be entitled An act relating to health care; creating s. 381.0045, F.S.; creating the "Targeted Outreach for Pregnant Women Act of 1998"; providing purpose; requiring the Department of Health to establish a pilot program; providing requirements; requiring interim and final reports; providing an appropriation; providing an effective date.

By the Committees on Health Care; Banking and Insurance; and Senator Brown-Waite—

CS for CS for SB 1432—A bill to be entitled An act relating to the delivery of health care services; amending s. 409.912, F.S.; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; creating s. 624.1291, F.S.; providing an exemption from the Insurance Code for certain health care services; creating part IV of ch. 641, F.S., the "Provider-Sponsored-Organization Act"; providing legislative findings and purposes with respect to certain federal requirements for authorizing provider-sponsored organizations in this state to provide health care coverage to Medicare beneficiaries under the Medicare Choice plan; providing definitions; prohibiting a provider-sponsored organization from transacting insurance business other than the offering of Medicare Choice plans; providing applicability of parts I and III of ch. 641, F.S., to provider-sponsored organizations; providing exceptions; amending s. 641.227, F.S.; providing for deposits into the Rehabilitation Administrative Expense Fund by a provider-sponsored organization;

providing for reimbursements; amending s. 641.316, F.S., relating to fiscal intermediary services; providing for an exemption from s. 455.654, F.S., to provider-sponsored organizations, relating to financial arrangements; providing an effective date.

By the Committees on Banking and Insurance; Governmental Reform and Oversight; and Senator Williams—

CS for CS for SB 1548—A bill to be entitled An act relating to public depositories; amending ss. 125.31, 136.01, 159.09, 166.261, 218.345, 236.24, 255.502, and 331.309, F.S.; providing for deposit of certain public funds in qualified public depositories or certain chartered depositories; amending s. 280.02, F.S.; defining governmental unit; revising the definition of qualified public depository; amending s. 280.03, F.S.; requiring deposit of public deposits into qualified public depositories; providing exemptions; amending s. 280.04, F.S.; clarifying certain collateral requirements; amending s. 280.05, F.S.; revising provisions providing powers and duties of the Treasurer; amending s. 280.07, F.S.; requiring qualified public depositories to execute a form for certain purposes; amending s. 280.08, F.S.; revising procedures for payment of losses; amending s. 280.16, F.S.; providing requirements for qualified public depositories; amending s. 280.17, F.S.; revising requirements for public depositors; amending s. 280.18, F.S.; providing for protection from loss to public depositors; limiting liability of the state and the Treasurer; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 1566—A bill to be entitled An act relating to criminal offenders; providing a short title; amending s. 944.026, F.S.; prohibiting the court from committing certain offenders to a probation and restitution center as an alternative to a secure state correctional institution; providing an effective date.

By the Committee on Banking and Insurance; and Senator Harris—

CS for SB 1572—A bill to be entitled An act relating to funeral and cemetery services; providing a short title; amending s. 497.005, F.S.; defining "care and maintenance"; creating s. 497.0255, F.S.; providing a duty of care and maintenance of licensed cemeteries in this state; providing rulemaking authority to the Board of Funeral and Cemetery Services for such purpose; amending s. 497.229, F.S.; providing circumstances under which a cemetery or component thereof may be deemed a public nuisance and providing for abatement thereof; amending s. 497.253, F.S.; providing additional requirements with respect to the conveyance of cemetery property to noncemetery uses, including certain notice; creating s. 497.255, F.S.; providing standards for construction and significant alteration or renovation of mausoleums and columbaria; providing rulemaking authority with respect to such standards to the board, in conjunction with the Board of Building Codes and Standards, and providing for incorporation of a portion thereof in the State Minimum Building Codes; requiring all newly constructed and significantly altered or renovated mausoleums and columbaria to conform to such standards and applicable building codes; amending s. 497.257, F.S.; including columbaria in provisions relating to preconstruction requirements applicable to mausoleums and belowground crypts; amending s. 497.417, F.S.; deleting authority of the trustee of a trust to purchase life insurance policies and annuity contracts; amending s. 497.527, F.S.; authorizing the Attorney General to bring a civil action for violation of chapter 497, relating to regulation of funeral and cemetery services, in the appropriate court; providing for damages; amending s. 872.02, F.S., relating to prohibitions against injuring or removing tombs or monuments or disturbing the contents of graves or tombs; increasing penalties; specifying that the term "tomb" includes any mausoleum, columbarium, and belowground crypt; amending s. 245.07, F.S.; revising provisions relating to retention and disposition of bodies received by an anatomical board; creating the Task Force on Abandoned and Neglected Cemeteries within the Department of Banking and Finance; providing for appointment of members and election of officers; authorizing reimbursement for per diem and travel; requiring the department to provide administrative and staff support; providing duties; requiring preliminary and final reports; providing for termination of the task force; providing an appropriation; providing effective dates.

By the Committee on Banking and Insurance; and Senators Campbell and Forman—

CS for SB 1584—A bill to be entitled An act relating to health maintenance organizations; creating s. 641.3155, F.S.; prescribing time for paying claims for services or goods by a provider; providing procedures for denying or contesting a claim; providing time limitations; providing notice; providing method for making payments, denying or contesting a claim, and providing notice; providing interest on overdue payment of claim; providing for a waiver of a health maintenance organization's rights under a provider contract and consequences for failure of an organization to comply with the provisions of the act; providing an effective date.

By the Committees on Governmental Reform and Oversight; Children, Families and Seniors; and Senators Kurth, Myers, McKay, Brown-Waite, Turner, Klein, Latvala, Harris, Rossin and Dyer—

CS for CS for SB 1660—A bill to be entitled An act relating to children and families; creating s. 383.145, F.S.; creating the Healthy Families Florida program; providing legislative findings and intent; providing purpose; requiring integrated community-based delivery of services; specifying program requirements; providing responsibilities of the Department of Health and the Department of Children and Family Services; providing for development, implementation, and administration of the program; specifying criteria for community program grant funding; requiring collaboration with existing community boards, coalitions, providers, and planning groups; authorizing contracts for training and evaluation; providing for quality assurance; establishing the Healthy Families Florida Advisory Committee; providing for application for a federal waiver; providing an effective date.

By the Committees on Transportation, Natural Resources and Senators Burt and Clary—

CS for CS for SB's 1794 and 2200—A bill to be entitled An act relating to boating safety and emergency responses; amending s. 316.003, F.S.; redefining the term "authorized emergency vehicles" to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term "operate" with respect to vessels; amending s. 327.03, F.S.; directing the Department of Highway Safety and Motor Vehicles to keep certain records and perform certain duties; amending s. 327.352, F.S.; revising provisions with respect to the operation of a vessel while under the influence; providing legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35215, F.S.; restoring a penalty for refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations and equipment and lighting requirements to clarify responsibility for compliance; creating s. 327.355, F.S.; prohibiting the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; providing penalties; defining the term "conviction" for purposes of the section; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; amending s. 327.35, F.S.; providing legislative intent; providing effective dates.

By the Committee on Transportation and Senator Ostalkiewicz—

CS for SB 1804—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; rescinding the fine for speeds exceeding the limit by 1-5 m.p.h. and replacing the fine with a warning; providing that fines for construction zone speed violations shall be doubled only under certain circumstances; amending s. 627.733, F.S.; deleting a provision for revoking the driver's license of an owner or registrant of a

motor vehicle who does not provide required security for that vehicle; providing an effective date.

By the Committee on Criminal Justice and Senator Harris—

CS for SB 1810—A bill to be entitled An act relating to firearms-related licenses; amending ss. 493.6111, 493.6113, F.S.; extending the licensure period for certain licenses; amending s. 790.06, F.S.; extending the licensure period for concealed weapons licenses; requiring persons who conduct or instruct certain gun safety and licensure courses to maintain records; disqualifying persons convicted of a DUI offense from obtaining a concealed weapons license; providing for an annual records check of licenseholders; providing an effective date.

By the Committees on Governmental Reform and Oversight; Commerce and Economic Opportunities; and Senator Williams—

CS for CS for SB 1846—A bill to be entitled An act relating to air carriers; directing the Department of Management Services to evaluate the state contract for air carrier service for state employees, to undertake a pilot program, and to adopt purchasing guidelines; directing the Office of Program Policy Analysis and Government Accountability to review the impact of the pilot program and report to the Legislature; authorizing the department to reinstate certain contracts under certain circumstances; directing Enterprise Florida, Inc., to complete a review of the impact of regional airports on economic development in the state; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Rossin—

CS for SB 1960—A bill to be entitled An act relating to assisted living facilities and adult family-care homes; amending s. 400.402, F.S.; revising definitions; amending s. 400.404, F.S.; providing additional exemptions from licensure as an assisted living facility; amending ss. 400.407, 400.408, F.S.; reorganizing and revising provisions relating to unlawful facilities; providing penalties; requiring report of unlicensed facilities; providing for disciplinary actions; revising provisions relating to referral to unlicensed facilities; providing for certain notice to service providers; amending s. 400.411, F.S.; revising requirements for an initial application for license; providing for a fee; amending s. 400.414, F.S.; revising authority and grounds for denial, revocation, or suspension of licenses or imposition of administrative fines; specifying terms for review of proceedings challenging administrative actions; amending s. 400.415, F.S.; requiring a facility to post notice of a moratorium on admissions; providing for rules establishing grounds for imposition of a moratorium; amending s. 400.417, F.S.; providing for coordinated expiration of a facility's license; revising requirements for license renewal; providing for rules; amending s. 400.4174, F.S.; amending an outdated reference to child abuse or neglect; amending s. 400.4176, F.S.; revising time requirement for notice of change of administrator; amending ss. 400.418, 400.422, 400.452, 408.036, F.S., relating to the disposition of fees and fines, receivership proceedings, staff training and education, and the review of certain projects; conforming cross-references to changes made by the act; amending s. 400.419, F.S.; revising procedures relating to violations and penalties; increasing administrative fines for specified classes of violations; providing fines for unlicensed operation of a facility and for failure to apply for a change of ownership license; authorizing a survey fee to cover the cost of certain complaint investigations; providing for corrective action plans to correct violations; expanding dissemination of information regarding facilities sanctioned or fined; amending s. 400.4195, F.S., relating to prohibitions and rebates; creating s. 400.4256, F.S., relating to assistance with the self-administration of medication; amending s. 400.428, F.S.; providing for surveys to determine compliance with facility standards and residents' rights; amending s. 400.474, F.S.; providing for disciplinary action against a home health agency or employee who knowingly provides services in an unlicensed assisted living facility or adult family-care home; amending s. 400.618, F.S.; revising the definition of the term "adult-family care home"; amending s. 394.4574, F.S.; requiring district administrators of the Department of Children and Family Services to develop plans to ensure the provision of mental health and substance abuse treatment services to residents of assisted living facilities that hold a limited mental health license; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 1992—A bill to be entitled An act relating to criminal justice; amending s. 415.5018, F.S.; requiring that the Department of Law Enforcement provide the Department of Children and Family Services with access to certain criminal justice information for purposes of child protective investigations and emergency child placement; amending s. 775.13, F.S., relating to the registration of convicted felons; providing a definition; providing an exemption from registration requirements for certain registered sexual offenders; amending s. 775.21, F.S.; revising the Florida Sexual Predators Act; defining terms; prescribing criteria and procedures for designation as a sexual predator; requiring that fingerprints be made if a sexual predator is not imprisoned; prescribing registration and notification requirements; providing registration requirements with respect to a sexual predator who is supervised by the Department of Corrections or by a federal agency or who is in the custody of a local jail; providing notification requirements for a sexual predator who intends to reside in another state or jurisdiction; providing for removal of designation as a sexual predator; providing penalties for failing to comply with duties imposed on persons so designated; requiring the Department of Law Enforcement and the Department of Corrections to verify the addresses of sexual predators; prohibiting misuse and misrepresentation of public records information and providing penalties; creating s. 775.24, F.S.; specifying that it is the duty of the court to uphold laws governing sexual predators and sexual offenders; providing certain requirements for the court if a person meets the criteria for designation as a sexual predator or for classification as a sexual offender; creating s. 775.25, F.S.; specifying jurisdictions in which a sexual predator or sexual offender may be prosecuted for an act or for failure to act; amending s. 943.043, F.S.; authorizing the Department of Law Enforcement to provide information on sexual offenders and sexual predators through the Internet; providing civil immunity for certain persons and entities who provide information regarding sexual offenders and sexual predators; amending s. 943.0435, F.S.; revising definitions; specifying sexual offenders who must report and identify themselves; revising reporting requirements; providing civil immunity for specified persons and entities that administer such reporting requirements; providing for certain persons to be relieved from such reporting requirements; requiring that the Department of Law Enforcement verify the addresses of certain sexual offenders; providing requirements for a sexual offender who intends to reside in another state or jurisdiction; requiring that a sexual offender maintain registration for life, except under specified circumstances; amending s. 943.325, F.S.; providing for drawing blood specimens from certain convicted persons committed to a county jail for purposes of DNA analysis; providing for obtaining blood specimens from a person who is not incarcerated following conviction; providing for a statewide protocol for securing such specimens; providing that certain medical facilities and personnel and persons who assist a law enforcement officer in withdrawing blood specimens are not civilly or criminally liable for such actions; providing for an application to the court for an order authorizing that a person be taken into custody for the purpose of providing blood specimens; providing that failure to comply with certain requirements is not grounds for challenging the validity of a blood specimen or excluding evidence based on a blood specimen; amending ss. 944.605, 947.177, F.S.; prescribing penalties for inmates who refuse to submit to the taking of a digitized photograph; amending ss. 944.606, 944.607, F.S.; revising provisions governing notification concerning the release of sexual offenders; specifying persons with respect to whom such provisions apply; requiring that fingerprints be made if the sexual offender is not imprisoned; providing registration requirements with respect to a sexual offender who is in the custody of a local jail or who is supervised by the Department of Corrections or by a federal agency; providing civil immunity for specified persons and entities who release information concerning such offenders; amending s. 948.01, F.S.; providing that after a specified date, an offender who commits certain specified sexual offenses is ineligible for administrative probation; amending s. 948.03, F.S.; providing that conditions of probation and community control for specified offenders do not require oral pronouncement and shall be standard conditions of supervision; providing an effective date.

By the Committee on Community Affairs and Senator Clary—

CS for SB 2084—A bill to be entitled An act relating to professional regulation; amending s. 455.225, F.S.; requiring the Department of Business and Professional Regulation to provide additional information upon undertaking an investigation; amending s. 468.603, F.S.; providing definitions; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; providing membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; providing standards for certification as an inspector, building code administrator, or plans examiner; eliminating the board's authority to issue temporary certificates; amending s. 468.617, F.S.; providing that nothing prohibits local governments from contracting with certified persons to perform inspections; amending s. 468.627, F.S.; increasing the initial examination fee; amending s. 468.631, F.S.; providing for surcharge funds to be used for continuing education and other training programs; providing that local government employees responsible for inspection and enforcement of building codes do not pay for such programs; creating ss. 471.045, 481.222, F.S.; allowing architects and professional engineers to perform the duties of building code inspectors in specified circumstances; providing disciplinary guidelines; providing restrictions; amending s. 489.129, F.S.; clarifying what constitutes a knowing violation; amending s. 489.131, F.S.; clarifying the department's authority to initiate disciplinary actions; providing an effective date.

By the Committee on Agriculture and Senator Kurth—

CS for SB 2104—A bill to be entitled An act relating to dogs; amending s. 767.11, F.S.; redefining the term "dangerous dog"; amending s. 767.13, F.S.; providing penalties for a dog owner that disregards the dog's dangerous propensities; amending s. 828.12, F.S.; providing restrictions on persons who have been adjudicated guilty of or had adjudication withheld for cruelty to animals; amending s. 767.12, F.S.; amending procedures relating to imposing restrictions upon dogs classified as dangerous; including dogs that are subject to similar restrictions imposed by jurisdictions outside this state; providing an effective date.

By the Committee on Health Care and Senator Myers—

CS for SB 2128—A bill to be entitled An act relating to regulation of professions; amending ss. 455.209, 455.213, 455.218, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.225, F.S.; revising probable-cause provisions; prescribing authority of the department or a board in cases of failure to comply with continuing-education requirements; conforming provisions to a previous administrative reorganization; amending s. 455.2285, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.667, F.S.; revising provisions relating to ownership and control of patient records; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards under the department to refuse to issue an initial license under circumstances relating to ongoing investigations or prosecutions of certain applicants; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 415.1055, 415.5055, 415.51, 440.13, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.404, 460.4061, 460.407, 461.004, 461.007, 461.013, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, and 937.031, F.S.; correcting references, cross-references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; authorizing the department to issue a physicist-in-training certificate; authorizing the Board of Medicine to adopt by rule practice standards; authorizing the Board of Osteopathic Medicine to adopt by rule practice standards; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, 641.60, F.S.; correcting cross-references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 381.026, 381.0261, 381.0302, 395.0191, 395.1041, 395.301, 404.22, 409.906, 415.503, 440.106, 440.13, 440.134, 440.15, 455.684, 455.691, 455.697, 455.698, 456.31, 456.32, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013, 461.0134, 461.014, 461.015, 461.018, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 627.912, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 893.02, 984.03, F.S.; revising terminology relating to podiatry and podiatrists; authorizing dentists and dental hygienists to be governmental contractors; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; requiring the Department of Health to adopt rules governing insurance coverage for midwives; amending s. 455.564, F.S.; requiring that the Department of Health or a regulatory board adopt rules governing alternative methods by which licensees may obtain continuing education credits in risk management; amending s. 455.574, F.S.; requiring the Department of Health to adopt rules governing licensure examinations; amending s. 468.705, F.S.; requiring that the Department of Health adopt rules governing a protocol between athletic trainers and supervising physicians; amending s. 865.09, F.S., relating to fictitious name registration; providing certain exemptions for persons licensed by the Department of Health; amending ss. 627.6407, 627.6619, F.S.; providing conditions for health insurance coverage of massage; amending s. 458.317, F.S.; providing requirements for a physician who practices under a limited license; amending s. 465.019, F.S.; providing emergency room physician authority to dispense up to a 24-hour drug supply to a patient under certain circumstances; amending s. 468.703, F.S.; revising requirements for members of the Council of Athletic Training; amending s. 766.204, F.S.; revising procedures for the availability of medical records; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Clary—

CS for SB 2132—A bill to be entitled An act relating to facilities and properties under the supervision of the Division of Historical Resources of the Department of State; amending s. 266.0015, F.S.; deleting the requirement that moneys from admissions to and rental of facilities and properties of the Historic Pensacola Preservation Board of Trustees be deposited into the board's operating trust fund; amending s. 266.0018, F.S.; providing for depositing such moneys into an account of the board's direct-support organization; amending s. 267.17, F.S.; clarifying authority of the Division of Historical Resources and its citizen support organizations to rent facilities and properties; providing for the deposit of moneys received from such rental; providing an effective date.

By the Committee on Banking and Insurance; and Senator Silver—

CS for SB 2146—A bill to be entitled An act relating to health care; amending s. 627.6472, F.S., and creating s. 641.3923, F.S.; prohibiting exclusive provider organizations and health maintenance organizations from discriminating against participation by licensed and certified advanced registered nurse practitioners solely on the basis of such license or certification; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Campbell—

CS for SB 2150—A bill to be entitled An act relating to culpable negligence; providing definitions; specifying conditions for committing culpable negligence causing public financial injury; providing penalties; requiring certain contracts to provide notice of such conditions; provid-

ing construction; providing for prosecution by a state attorney or the Statewide Prosecutor; providing an effective date.

By the Committee on Education and Senator Campbell—

CS for SB 2160—A bill to be entitled An act relating to education; amending s. 229.551, F.S.; providing for nonpublic postsecondary education institutions to use the common course designation and numbering system used by public institutions; amending s. 240.115, F.S.; providing guidelines for awarding credit for transfer students; amending s. 246.013, F.S.; providing institutional qualifications for participation in the common course designation and numbering system; exempting certain institutions from payment of costs; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Holzendorf—

CS for SB 2172—A bill to be entitled An act relating to public assistance; providing legislative intent and findings; providing for demonstration projects to be implemented which require drug screening and possibly drug testing for individuals who apply for temporary assistance or services under the "Work and Gain Economic Self-sufficiency (WAGES) Act"; providing for expiration of the demonstration projects unless reauthorized by the Legislature; directing the Department of Children and Family Services to implement the demonstration projects in specified local WAGES coalitions; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; providing that, if a parent is deemed ineligible due to a failure of a drug test, the eligibility of the children of the parent will not be affected; requiring the department to provide for substance abuse treatment programs for certain persons; giving the Department of Children and Family Services rulemaking authority; specifying circumstances resulting in termination of temporary assistance or services; requiring the department and the local WAGES coalitions to evaluate the demonstration projects and report to the WAGES Program State Board of Directors and the Legislature; providing that, in the event of conflict, federal requirements and regulations control; providing an effective date.

By the Committee on Health Care and Senator Silver—

CS for SB 2188—A bill to be entitled An act relating to regulation of professions; renumbering and amending ss. 501.057, 501.0571, 501.0573, 501.0575, 501.0577, 501.0579, 501.0581, F.S.; transferring the Florida Commercial Weight-Loss Practices Act from ch. 501, F.S., relating to consumer protection, to ch. 468, F.S., relating to professions and occupations; redefining the activity that constitutes a weight-loss program; revising certain notice requirements; providing an exemption from regulation; conforming references and cross-references; transferring regulatory authority from the Department of Agriculture and Consumer Services to the Department of Health; creating s. 468.828, F.S.; requiring weight-loss providers to obtain permits; prescribing procedures and requirements; providing a penalty; providing for fees; providing a grace period for certain providers; creating s. 468.8281, F.S.; providing requirements for records and meetings held for disciplinary actions; creating s. 468.829, F.S.; requiring display of permits; creating s. 468.519, F.S.; prohibiting sexual misconduct in the practice of dietetics and nutrition; amending s. 455.604, F.S.; requiring instruction in HIV and AIDS for persons licensed as dietitians and nutritionists; providing an effective date.

By the Committees on Governmental Reform and Oversight; Criminal Justice; and Senator Bankhead—

CS for CS for SB 2198—A bill to be entitled An act relating to programs and services for juveniles; providing a short title; creating the Florida Children's Cabinet within the Executive Office of the Governor; providing for membership; requiring the Children's Cabinet to hold public meetings; providing for appropriations to the Children's Cabinet; requiring that the Children's Cabinet coordinate programs to prevent juvenile crime and victimization; requiring that the Children's Cabinet submit a multiagency plan to the Legislature; providing for regional workshops; requiring a report to the Legislature; amending s. 216.0166, F.S., relating to performance-based budget requests; requiring certain agencies to conform budget requests to the multiagency plan for preventing juvenile crime and victimization; amending s. 230.23, F.S., relating to district school board duties; revising provisions relating to alternative education programs for students in residential care facilities; amending s. 230.2316, F.S.; requiring coordination between a school district's dropout-prevention program and juvenile assessment centers; amending s. 230.23161, F.S.; providing findings relating to juvenile assessment centers; providing school board and school district duties; providing requirements relating to teachers assigned to juvenile justice education programs; providing for the operation of specified education programs by the Department of Education; providing legislative intent with respect to educational programs operated by the Department of Juvenile Justice; requiring that the Juvenile Justice Advisory Board conduct a study of the educational programs for juvenile offenders; providing for the board to report to the Governor and the Legislature; requiring the board to hold public hearings; providing an appropriation; requiring that the Office of Program Policy Analysis and Government Accountability conduct a performance review of educational programs for juvenile offenders; creating s. 985.317, F.S.; providing legislative intent with respect to literacy programs for juvenile offenders; providing for the Department of Education to develop and administer literacy programs in residential commitment programs of the Department of Juvenile Justice; providing requirements for juveniles who participate in literacy programs; specifying requirements for the programs; providing for an initial assessment when a juvenile is admitted to a residential commitment facility; providing for certain juveniles to be exempt from participating in literacy programs; requiring that the Juvenile Justice Advisory Board evaluate the program and report to the Legislature; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 2240—A bill to be entitled An act relating to rulemaking authority; amending ss. 14.202, 17.29, 18.22, 20.171, 63.233, 175.341, 177.504, 185.23, 198.08, 199.202, 201.11, 207.011, 210.10, 210.75, 212.17, 212.18, 213.06, 215.62, 215.95, 217.14, 220.182, 220.183, 229.053, 229.515, 230.22, 230.32, 231.261, 235.01, 240.209, 240.227, 240.311, 240.319, 242.331, 246.041, 246.051, 246.071, 246.207, 246.213, 253.03, 253.73, 257.14, 258.007, 258.43, 259.035, 259.041, 265.284, 265.605, 267.031, 280.19, 284.17, 288.709, 292.05, 310.151, 310.185, 319.17, 320.011, 320.69, 320.824, 324.042, 326.003, 327.04, 330.29, 334.044, 339.175, 350.127, 366.05, 367.121, 368.05, 369.20, 369.22, 369.251, 370.021, 370.092, 370.15, 373.043, 373.044, 373.113, 373.171, 373.337, 373.418, 376.07, 377.22, 377.703, 378.205, 378.404, 380.05, 380.0651, 381.0011, 384.33, 391.026, 392.66, 394.879, 395.1055, 403.061, 403.1835, 403.504, 403.523, 403.704, 403.716, 403.805, 403.861, 403.869, 403.9404, 406.04, 408.15, 414.45, 427.013, 430.08, 440.591, 443.171, 455.203, 455.521, 457.104, 458.309, 459.005, 460.405, 461.005, 463.005, 464.006, 465.005, 465.022, 466.004, 466.038, 467.005, 468.1135, 468.1685, 468.204, 468.384, 468.402, 468.507, 468.522, 468.606, 468.705, 468.802, 470.005, 471.008, 472.008, 473.304, 474.206, 475.05, 475.614, 476.064, 477.016, 478.43, 480.035, 481.2055, 481.306, 482.051, 483.805, 484.005, 484.044, 486.025, 488.02, 489.108, 489.507, 490.004, 491.004, 492.104, 494.0011, 496.424, 497.103, 497.105, 498.007, 500.459, 501.014, 501.143, 501.626, 502.014, 503.031, 504.32, 516.22, 516.23, 517.03, 520.994, 526.09, 531.41, 548.003, 553.76, 560.105, 561.11, 570.07, 571.05, 571.24, 574.14, 578.11, 580.036, 583.04, 585.002, 593.103, 616.165, 616.256, 617.01301, 620.1835, 620.81055, 624.308, 624.4431, 626.943, 627.805, 627.9408, 628.535, 633.01, 633.517, 634.021, 634.302, 634.402, 635.081, 636.067, 641.403, 641.56, 648.26, 651.015, 655.012, 681.118, 717.138, 718.501, 719.501, 721.26, 723.006, 916.20, 943.03, 944.09, 947.07, 960.045, 985.405, F.S.; restating rulemaking authority for numerous state officers, departments, divisions, boards, and other entities; repealing s. 258.011, F.S., relating to rules for state parks; amending s. 633.70, F.S.; conforming a cross-reference to a change made by the act; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Campbell—

CS for SB 2346—A bill to be entitled An act relating to state lands; creating s. 253.0345, F.S.; providing for the Board of Trustees of the

Internal Improvement Trust Fund to issue consents of use or leases for special events on sovereign submerged lands; requiring notice to adjacent riparian owners; providing an effective date.

By the Committee on Community Affairs and Senator Lee—

CS for SB 2474—A bill to be entitled An act relating to planning for educational facilities; amending s. 163.3177, F.S.; requiring that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools; specifying the date by which such plans must comply and providing effect of noncompliance; providing requirements with respect to the data and analyses on which a public school facilities element should be based; providing for goals, objectives, and policies; providing for a future conditions map; amending s. 163.3180, F.S.; revising requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement; requiring a public schools facilities element; providing requirements for level of service standards; providing requirements for designation of service areas; providing requirements with respect to financial feasibility; specifying an availability standard; requiring that intergovernmental coordination requirements be satisfied and providing that certain municipalities are not required to be a signatory of the required interlocal agreement; providing duties of such municipalities to evaluate their status and enter into the interlocal agreement when required, and providing effect of failure to do so; providing requirements for an interlocal agreement; directing the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element; amending s. 163.3191, F.S.; providing that the local planning agency's periodic report on the comprehensive plan shall assess the coordination of the plan with public schools; amending s. 235.185, F.S.; directing school boards to adopt annually 10-year and 20-year work programs in addition to the required 5-year district facilities work program; amending s. 235.186, F.S.; including additional expenditures in a district's planned basic capital outlay expenditures that may be eligible for an effort index grant; including districts that have adopted a public school facilities element in districts to which priority consideration for such grants should be given under certain circumstances; amending s. 235.19, F.S.; providing a directive to school boards with respect to school location; amending s. 235.193, F.S.; providing requirements for the 5-year district facilities work program with respect to enrollment and population projections; precluding the siting of new schools in certain jurisdictions; amending s. 235.2155, F.S.; specifying additional savings by school districts which the SIT Program is designed to reward; providing that the SMART Schools Clearinghouse shall examine data relating to educational facilities planning, and favorably consider districts where local governments have adopted a public school facilities element, in recommending SIT Program awards; authorizing use of such awards for offsite infrastructure needs generated by development of educational facilities; providing for interim use of certain criteria and guidelines by the state land planning agency in compliance review of a school concurrency system; providing an effective date.

By the Committee on Criminal Justice and Senator Lee—

CS for SB 2480—A bill to be entitled An act relating to to a residential public education facility; amending s. 230.23162, F.S.; requiring the facility authorized to be constructed by the Alternative Education Institute to be operated by the Department of Juvenile Justice and the Hillsborough County School Board; providing for transfer of ownership from the institute to the State of Florida; providing duties of the Department of Management Services; providing student eligibility; providing for funding; providing an effective date.

By the Committee on Transportation and Senator McKay—

CS for SB 2488—A bill to be entitled An act relating to manatee license plates; amending s. 320.08056, F.S.; increasing the annual use fee; amending s. 320.08058, F.S.; revising the permitted use of such fees; amending s. 215.22, F.S.; exempting the Save the Manatee Trust Fund from certain required contributions to the General Revenue Fund; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 1021, HB 3289, HB 3689, HB 4063, HB 4113, HB 4115, HB 4121, HB 4199; has passed as amended CS for CS for HB 1407, CS for HB 3393, HB 3889 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Health Care Standards and Regulatory Reform; Health Care Standards and Regulatory Reform; and Representative Bloom and others—

CS for CS for HB 1021—A bill to be entitled An act relating to health care; amending s. 627.6472, F.S., and creating s. 641.3923, F.S.; prohibiting exclusive provider organizations and health maintenance organizations from discriminating against participation by licensed and certified advanced registered nurse practitioners, solely on the basis of such license or certification; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By the Committee on Regulated Services and Representative Morroni—

HB 3289—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S., relating to player activated vending machines; requiring a certain number of clerks to be on duty at certain lottery retailer locations; amending s. 24.111, F.S.; deleting the requirement that the Department of the Lottery lease all instant vending machines for a specified initial evaluation period; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Tourism and Representative Barreiro and others—

HB 3689—A bill to be entitled An act relating to historical resources; amending s. 267.021, F.S.; revising the definition of "historic property" or "historic resource"; repealing s. 267.16(4), F.S., which requires the Division of Historical Resources of the Department of State to maintain the Florida Folklife Archives; repealing s. 267.162, F.S., which creates the Florida Folklife Grant Program within the Division of Historical Resources of the Department of State; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Tourism and Representative Barreiro and others—

HB 4063—A bill to be entitled An act relating to public lodging establishments; amending s. 509.32, F.S.; changing the date of submission of an annual report to the Governor by the Division of Hotels and Restaurants of the Department of Business Regulation; amending s. 509.191, F.S.; reducing the period of time in which certain unclaimed property left in a public lodging or public food service establishment must be held by the establishment; amending s. 509.201, F.S.; revising requirements for publishing advertisements relating to rates charged at specified public lodging establishments; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Utilities and Communications; and Representative Arnall—

HB 4113—A bill to be entitled An act relating to the Florida Public Service Commission; amending s. 350.01, F.S.; deleting obsolete provisions; amending s. 350.011, F.S.; clarifying the jurisdiction, powers, and duties of the commission; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Utilities and Communications; and Representative Arnall—

HB 4115—A bill to be entitled An act relating to telecommunications services; amending s. 364.0251, F.S.; deleting obsolete provisions; requiring the Florida Public Service Commission to maintain a consumer information program to a certain extent; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Elder Affairs and Long Term Care; and Representative Brooks and others—

HB 4121—A bill to be entitled An act relating to aging and adult services; repealing s. 410.0245, F.S., relating to a study of service needs for disabled adults and development of a multiyear plan; repealing s. 410.502, F.S., relating to services concerning housing and living arrangements which meet the special needs of the elderly; repealing s. 410.504, F.S., relating to multidisciplinary centers on elderly living environments; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By the Committee on Transportation and Representative Fuller—

HB 4199—A bill to be entitled An act relating to the Department of Transportation; amending ss. 20.23, 206.46, 215.47, 288.9607, 337.29, 337.407, 338.22, 338.221, 338.223, 338.225, 338.227, 338.228, 338.229, 338.231, 338.232, 338.239, 339.08, 339.175, 339.241, 341.3333, 348.0005, 348.0009, 348.248, 348.948, 349.05, 349.21, and 479.01, F.S.; correcting cross-references; repealing s. 234.112, F.S., relating to school bus stops; repealing s. 335.165, F.S., relating to welcome stations; repealing section 137 of chapter 96-320, Laws of Florida, relating to certain uncollectible debts owned by a local government for utility relocation cost reimbursements; repealing s. 339.091, F.S., relating to a declaration of legislative intent; repealing s. 339.145, F.S., relating to certain expenditures in the Working Capital Trust Fund; repealing s. 339.147, F.S., relating to certain audits by the Auditor General; amending ss. 311.09, 331.303, 331.305, 331.308, 331.331, 334.03, 334.0445, 335.074, 335.182, 335.188, 336.044, 337.015, 337.139, 338.251, 339.2405, 341.051, 341.052, 341.352, 343.64, 343.74, 378.411, 427.012, 427.013, and 951.05, F.S.; deleting obsolete language, and, where appropriate, replacing such language with updated text; reenacting ss. 336.01, 338.222, 339.175(7)(e), and 341.321(1), F.S., relating to designation of county road system, acquisition or construction or operation of turnpike projects, amendment of the adopted work program, and legislative findings and intent regarding development of high-speed rail transportation system; providing an effective date.

—was referred to the Committee on Transportation.

By the Committees on Finance and Taxation; Regulated Services; and Representative Rodriguez-Chomat and others—

CS for CS for HB 1407—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for reducing prize amounts to certain persons who receive public assistance under certain circumstances; providing for deducting overpayments from public assistance payment under certain circumstances; providing for agency responsibility for identifying certain recipients of public assistance; providing for disposition of remainders of lottery prizes under certain circumstances; providing immunity from liability to state agencies under certain circumstances; defining "public assistance"; amending s. 414.28, F.S.; conforming provisions relating to public assistance payments; providing reporting requirements; providing an effective date.

—was referred to the Committees on Regulated Industries; Children, Families and Seniors; and Ways and Means.

By the Committee on Business Development and International Trade; and Representative Turnbull and others—

CS for HB 3393—A bill to be entitled An act relating to air carriers; directing the Department of Management Services to evaluate the state contract for air carrier service for state employees, undertake a pilot program, and adopt purchasing guidelines; directing the Office of Program Policy Analysis and Government Accountability to review the impact of the pilot program and report to the Legislature; authorizing the department to reinstate certain contracts under certain circumstances; directing Enterprise Florida, Inc., to complete a review of the impact of regional airports on economic development in the State of Florida; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Financial Services and Representative Safley and others—

HB 3889—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.7295, F.S.; authorizing certain fees; amending s. 627.736, F.S.; providing alternate means of paying certain interest penalties on overdue personal injury protection benefits; prohibiting a provider's statement of charges from including certain charges; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying where an independent medical examination of a claimant may be conducted; providing an effective date.

—was referred to the Committee on Banking and Insurance.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 8 was corrected and approved.

CO-SPONSORS

Senators Clary—SR 2544; Crist—CS for CS for SB's 2156 and 1910; Forman—CS for SB 1512; Hargrett—CS for CS for SB 94; Jones—SB 810; Meadows—SB 90

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:33 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, April 13.

Journal of the Senate

Number 13—Regular Session **Monday, April 13, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 10:00 a.m. A quorum present—37:

Madam President	Diaz-Balart	Jones	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Excused: Senator Clary; Conferees periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by Senator Grant:

O Lord, as we have contemplated the passage and celebration of the holiest days of the year for the great faiths of the world, help us, we pray, to remember that each day of life is a holy day, as it is a unique and precious gift from you.

You, and you alone, have given us the joy to live another day. Help us to live it to the fullest and to celebrate it with thanksgiving for life, freedom, health, peace and for the privilege of fulfilling this day as we toil and labor in the fields of democracy.

As we carry out the solemn responsibilities of our office, help us to go forth with a joy of serving others, with a sense of the seriousness of our decisions and with a commitment to do justice, to love mercy and to walk humbly with our God.

Give us, we pray, the wisdom of Solomon, the patience of Job and the courage of our own moral convictions. In all that we do this day, may we do your will—nothing more, nothing less and nothing else. When the close of this day comes, may we look back upon our actions and decisions, knowing we have lived this day to the fullest, carried out honorably the duties of our office and served well those who by their vote have given us the sacred honor of serving them. In the name of our God, we pray. Amen.

PLEDGE

Senate Pages Kimberly Karrat and Elana Propis of Plantation, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dudley, by two-thirds vote **SB 84**, **SB 400**, **CS for CS for SB 502**, **SB 656**, **CS for SB 794**, **SB 864**, **SB 872**, **CS for SB 926**, **SB 948**, **SB 978**, **CS for SB 1084**, **CS for SB 1130**, **SB 1306**, **CS for SB 1566**, **CS for CS for SB 1800**, **SB 1874**, **CS for SB 1880**, **SB 1944**, **SB 2250** and **HB 3509** were withdrawn from the Committee on Ways and Means.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Tuesday, April 14, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 15.

CONSIDERATION OF BILLS ON THIRD READING

The Senate resumed consideration of—

CS for SB 176—A bill to be entitled An act relating to residential tenancies; creating s. 83.565, F.S.; providing for a tenant to repair the premises after notice to the landlord; providing for deduction of the costs of repair from rent due; providing limitations; amending s. 83.60, F.S.; providing for the right of the tenant to repair to be a defense to an action for rent or possession; providing for the payment of certain funds into the registry of the court; amending s. 83.64, F.S.; prohibiting retaliatory actions by the landlord; providing an effective date.

—which was previously considered and amended April 8. Pending **Amendment 1** by Senators Klein and Meadows failed. The vote was:

Yeas—12

Brown-Waite	Dudley	Geller	Klein
Campbell	Dyer	Holzendorf	Meadows
Cowin	Forman	Jones	Rossin

Nays—23

Bankhead	Diaz-Balart	Kurth	Ostalkiewicz
Bronson	Grant	Latvala	Scott
Burt	Hargrett	Laurent	Silver
Casas	Harris	Lee	Thomas
Childers	Horne	McKay	Williams
Crist	Kirkpatrick	Myers	

On motions by Senator Meadows, **CS for SB 176** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—26

Madam President	Brown-Waite	Casas	Crist
Bronson	Burt	Cowin	Diaz-Balart

Dudley	Holzendorf	Laurent	Scott
Dyer	Jones	McKay	Silver
Forman	Kirkpatrick	Meadows	Turner
Geller	Klein	Myers	
Harris	Latvala	Rossin	

Nays—11

Bankhead	Grant	Kurth	Thomas
Campbell	Hargrett	Lee	Williams
Childers	Horne	Ostalkiewicz	

Vote after roll call:

Yea—Gutman

On motion by Senator Crist, by two-thirds vote **CS for HB 105** was withdrawn from the Committee on Commerce and Economic Opportunities.

On motion by Senator Crist, the rules were waived and by two-thirds vote—

CS for HB 105—A bill to be entitled An act relating to distribution of surplus food; amending s. 570.0725, F.S.; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; amending s. 768.136, F.S.; providing definitions; clarifying application; providing an effective date.

—a companion measure, was substituted for **CS for SB 466** and read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (6) and (7) are added to section 570.0725, Florida Statutes, to read:

570.0725 Food recovery; legislative intent; department functions.—

(6) It is the intent of the Legislature that each potential donor, to the greatest extent possible and practicable, make available to any bona fide charitable or nonprofit organization, to any representative or volunteer acting on behalf of such an organization, to an uncompensated person acting in a philanthropic manner providing services similar to those of such an organization, or to a transporter any surplus or excess canned or perishable food for use by such an organization or person to feed homeless persons or other persons who are in need of food and are otherwise unable to provide food for themselves. In achieving this intent, the following provisions must be followed:

(a) Each donor shall make every reasonable effort to contact bona fide charitable or nonprofit organizations in the community in which the donor operates in order to provide for the collection by such organizations of any surplus or excess canned food or perishable food from the donor.

(b) Each bona fide charitable or nonprofit organization in this state which provides, as a part of the services that the organization provides to the community in which it operates, food for persons who are in need of food or are otherwise unable to provide food for themselves, or which collects and transports such food to such organizations, shall make every reasonable effort to contact any donors within the organization's area of operations for purposes of collecting any surplus or excess canned food or perishable food for use in providing such services.

(7) For public-information purposes, the department shall develop a public-information brochure detailing the need of food-recovery programs, the benefit of food-recovery programs, the manner in which such organizations may become involved in food-recovery programs, the protection afforded to such programs under s. 768.136, and the food-recovery entities or food banks that exist in the state. This brochure must be updated annually.

Section 2. *The Department of Agriculture and Consumer Services shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 1998, a report summarizing state efforts in food recovery and recommending legislative action to enhance such efforts.*

Section 3. Paragraph (c) of subsection (2) of section 381.0072, Florida Statutes, is amended to read:

381.0072 Food service protection.—It shall be the duty of the Department of Health to adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness. These rules shall provide the standards and requirements for the storage, preparation, serving, or display of food in food service establishments as defined in this section and which are not permitted or licensed under chapter 500 or chapter 509.

(2) DUTIES.—

(c) The department shall inspect each food service establishment as often as necessary to ensure compliance with applicable laws and rules. The department shall have the right of entry and access to these food service establishments at any reasonable time. *In inspecting food service establishments as provided under this section, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 570.0725.*

Section 4. Paragraph (g) is added to subsection (2) of section 509.032, Florida Statutes, and paragraph (c) of subsection (3) of that section is amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(g) In inspecting public food service establishments, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 570.0725.

(3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.—The division shall:

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days prior to the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendor owners and operators participating in each event, and the current license numbers of all public food service establishments participating in each event. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors, *including the food-recovery brochure developed under s. 570.0725.*

3.a. A public food service establishment or other food vendor must obtain a license from the division for each temporary food service event in which it participates.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events of 3 days or less in duration.

Section 5. Subsection (2) of section 509.302, Florida Statutes, is amended to read:

509.302 Director of education, personnel, employment duties, compensation.—

(2) The director of education shall develop and implement an educational program, designated the "Hospitality Education Program," offered for the benefit of the entire industry. This program may affiliate with Florida State University, Florida International University, and the University of Central Florida. The program may also affiliate with any other member of the State University System or State Community College System, or with any privately funded college or university, which

offers a program of hospitality administration and management. The primary goal of this program is to instruct and train all individuals and businesses licensed under this chapter, in cooperation with recognized associations that represent the licensees, in the application of state and federal laws and rules. Such programs shall also include:

(a) Vocational training.

(b) Management training.

(c) Inservice continuing education programs.

(d) Awareness of food-recovery programs, as promoted in s. 570.0725.

(e)~~(d)~~ Such other programs as may be deemed appropriate by the director of the division, the advisory council, and the director of education.

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to distribution of surplus food; amending s. 570.0725, F.S.; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; requiring development of a public-information brochure; requiring a food-recovery report; amending s. 381.0072, F.S.; requiring information dissemination; amending s. 509.032, F.S.; requiring information to be disseminated; amending s. 509.302, F.S.; including food-recovery awareness as a subject area of the Hospitality Education Program; providing an effective date.

On motions by Senator Crist, by two-thirds vote **CS for HB 105** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Jones	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Gutman

On motion by Senator McKay, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 874, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

John B. Phelps, Clerk

CS for SB 874—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; specifying certain rights of jurors; authorizing discussions among jurors; authorizing jurors to take notes; authorizing certain information to be provided to jurors; authorizing jurors to submit written questions to the court and to witnesses; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; requiring the completion of mediation before trial is set in certain civil actions; providing conditions for mediation; creating s. 47.025, F.S.; specifying where certain lien actions may be brought against resident contractors, subcontractors, and sub-subcontractors; amending s. 57.105, F.S.; revising conditions under which attorney's fees may be imposed against a party and the party's attorney for presenting unsupported claims or defenses; entitling an opposing party to strike certain claims or defenses raised by a party who has been sanctioned in a specified number of actions within a specified period for presenting unsupported claims or defenses; authorizing the court to impose additional sanctions or requirements; authorizing damage awards against a party who takes specified actions for the purpose of delay; amending s. 90.803, F.S.; revising the requirements under which former testimony may be allowed at trial as an exception to the prohibition against hearsay evidence; amending s. 95.031, F.S.; limiting the period during which an action may be brought for product liability; providing for application; amending s. 400.023, F.S., relating to actions brought on behalf of nursing home residents; providing that a party to any such action may not recover attorney's fees unless the parties submit to mediation; specifying requirements for such mediation; providing for application; providing a standard for any award of punitive damages; amending s. 768.075, F.S.; decreasing blood-alcohol level; changing standard of conduct from willful and wanton misconduct to intentional misconduct; providing an exemption from liability to trespassers; providing conditions and limitations on exemption; providing definitions; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee if the employer conducts a preemployment background investigation; prescribing the elements of such background investigation; specifying that electing not to complete the background investigation does not constitute a failure to use reasonable care in hiring an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.098, F.S.; providing that a business owner or operator is immune from liability under certain circumstances for an intentional tort by a third party against an invitee; providing standards; providing exceptions; creating s. 768.099, F.S.; limiting liability of motor vehicle owners and rental companies to specific amounts without a showing of negligence or intentional misconduct; providing exceptions; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if the plaintiff was more than a specified percentage at fault due to the influence of an alcoholic beverage or drugs; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.73, F.S.; requiring certain findings for, and providing for reduction of, subsequent punitive damage awards under specified circumstances; requiring that a specified percentage of an award for punitive damages be paid to the state; requiring the Department of Banking and Finance to collect the payments of such awards; providing for attorney's fees for the claimant to be based on the entire award of punitive damages; creating s. 768.735, F.S.; providing that ss. 768.72, 768.725, 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; creating s. 768.736, F.S.; providing that ss. 768.725, 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; creating s. 768.781, F.S.; providing for terms in certain contracts for an attorney's services; requiring that notice be sent to each allegedly responsible party; providing requirements for a presuit response and settlement offer; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; requiring a defendant to plead that a nonparty is at fault within a certain time; requiring that the defendant must prove the nonparty has some fault; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring physicians and osteopathic physicians to obtain and maintain a specified amount of professional liability coverage as a condition of hospital staff privileges; providing legislative findings and intent with respect to the regulation of legal advertising; creating s. 877.023, F.S.; regulating the content of advertisements for legal services; providing a penalty; specifying that the provisions do not abrogate certain other laws, codes, ordinances, rules, or penalties; requiring the clerk of court to report certain information on negligence cases to the Office of the State Court Administrator; requiring that the Department of Insurance contract for an actuarial analysis of any reduction in judgments or costs resulting from the provisions of the act; requiring a report; requiring insurers to make certain rate filings; providing for severability; providing an effective date.

House Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 95.031, Florida Statutes, is amended to read:

95.031 Computation of time.—Except as provided in subsection (2) and in s. 95.051 and elsewhere in these statutes, the time within which an action shall be begun under any statute of limitations runs from the time the cause of action accrues.

(2) Actions for products liability and fraud under s. 95.11(3) must be begun within the period prescribed in this chapter, with the period running from the time the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, instead of running from any date prescribed elsewhere in s. 95.11(3), but in *no event may an action for product liability or fraud under s. 95.11(3) be commenced unless the complaint is served and filed within 12 years after the date of delivery of the product to its first purchaser or lessee who was not engaged in the business of selling or leasing the product or of using the product as a component in the manufacture of another product or* ~~any event an action for fraud under s. 95.11(3) must be begun within~~ 12 years after the date of the commission of the alleged fraud, regardless of the date *the defect in the product or* the fraud was or should have been discovered. *However, the 12-year limitation on filing an action for products liability does not apply if the manufacturer knew of a defect in the product and concealed or attempted to conceal this defect. In addition, the 12-year limitation does not apply if the claimant was exposed to or used the product within the 12-year period, but an injury caused by such exposure or use did not manifest itself until after the 12-year period. Furthermore, the 12-year statute of repose specified herein shall not apply to any aircraft other than general aviation aircraft as defined in Title 49, Section 40101, United States Code, and, in the case of such aircraft to which the federal law does not apply, the period of repose under this section will be 18 years.*

Section 2. Section 768.1256, Florida Statutes, is created to read:

768.1256 Government rules defense.—

(1) In a product liability action brought against a manufacturer or seller for harm allegedly caused by a product, the jury shall be instructed that there is a rebuttable presumption that the manufacturer or seller is not liable if, at the time the specific unit of the product was sold or delivered to the initial purchaser or user, the aspect of the product that allegedly caused the harm was in compliance with standards relevant to the event causing the death or injury set forth in a federal or state statute or was approved by, or was in compliance with regulations or standards relevant to the event causing the death or injury promulgated by, a federal or state agency responsible for reviewing the safety of the product. Noncompliance with a standard relevant to the event causing the death or injury set forth in a federal or state statute or lack of approval by, or noncompliance with regulations or standards relevant to the event causing the death or injury promulgated by, a federal or state agency does not raise a presumption of negligence on the part of a manufacturer or seller. Evidence of compliance or noncompliance with a regulation or standard not relevant to the event causing the death or injury is not admissible.

(2) In a product liability action against a manufacturer or seller, a defendant may raise an affirmative defense that a product that is a drug is not defective or unreasonably dangerous, if the drug was approved for safety and efficacy by the United States Food and Drug Administration and the drug and its labeling were in compliance with the United States Food and Drug Administration's approval at the time the drug left the control of the manufacturer or seller. However, this subsection does not apply to a drug that is sold in the United States after the effective date of an order of the United States Food and Drug Administration to remove the drug from the market or to withdraw its approval. This subsection does not apply if the defendant at any time before the event that allegedly caused the injury does any of the following:

(a) Intentionally withholds from or misrepresents to the United States Food and Drug Administration information concerning the drug that is required to be submitted under the Federal Food, Drug and Cosmetic Act, chapter 675, 52 Stat. 1040, 21 U.S.C. ss. 301 to 321, 331 to 343-2, 344 to 346a, 347, 348 to 353, 355 to 360, 360b to 376, and 378 to 395, and the drug would not have been approved, or the United States Food and Drug Administration would have withdrawn approval for, the drug if the information had been accurately submitted; or

(b) Makes an illegal payment to an official or employee of the United States Food and Drug Administration for the purpose of securing or maintaining approval of the drug.

Section 3. *Any action that would not have been barred under s. 95.031(2), Florida Statutes, prior to the amendments to that section by this act may be commenced before June 1, 1999, and, if it is not commenced by that date, and is barred by the amendments to s. 95.031(2), Florida Statutes, by this act, shall be barred.*

Section 4. Subsections (6), (7), and (8) are added to section 400.023, Florida Statutes, to read:

400.023 Civil enforcement.—

(6) To recover attorneys' fees under this section the following conditions precedent must be met:

(a) Within 120 days of the filing of a responsive pleading or defensive motion to a complaint brought pursuant to this section, and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with paragraph (a) for the purpose of early resolution of the matter.

1. The parties shall within 60 days of the filing of the responsive pleading or defensive motion:

a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the Court, which shall appoint a mediator within 10 days of such notice.

b. Set a date for mediation.

c. Prepare an order for the Court identifying the mediator, the scheduled date of the mediation and other terms of the mediation. Absent any disagreement between the parties, the Court may issue the order for the mediation submitted by the parties without hearing.

2. The mediation must be concluded within 120 days of the filing of responsive pleading or defensive motion. This date may be extended only by agreement of all parties subject to mediation under this subsection.

3. The mediation shall be conducted in the following manner:

a. Each party shall have present at the mediation all persons necessary to have complete settlement authority.

b. All parties shall mediate in good faith.

4. All aspects of the mediation not specifically established by this subsection shall be conducted according to the rules of practice and procedure adopted by the Supreme Court of Florida.

(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report stating the amount of the offer, the date it was made in writing and the date it was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages exclusive of attorneys' fees equal to or less than the last offer made by the defendant at mediation, then the plaintiff shall not be entitled to recover any attorneys' fees.

(c) This subsection shall apply only to claims for liability and damages and shall not apply to an action for injunctive relief.

(d) This subsection shall apply to all causes of action accruing after July 1, 1998.

(7) Discovery of financial information for the purposes of determining the value of punitive damages may not be had unless the plaintiff shows the Court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(8) Any award of punitive damages must be reasonable in light of the harm suffered by the resident and the egregiousness of the conduct causing the harm.

Section 5. Section 768.72, Florida Statutes, is amended to read:

768.72 Pleading in civil actions; claim for punitive damages.—

(1) In any civil action, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence.

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent, only if the conduct of the employee or agent meets the criteria specified in subsection (2), and if:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct; or

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity knowingly condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct which constituted gross negligence and which contributed to the loss, damages, or injury suffered by the claimant.

(4) The provisions of this section are remedial in nature and shall be applied to all civil actions pending on the effective date of this act in which the trial or retrial of the action has not commenced.

(5) The provisions of this section shall not apply with regard to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or arising under chapter 400.

Section 6. Section 768.73, Florida Statutes, is amended to read:

768.73 Punitive damages; limitation.—

(1)(a) In any civil action *in which the judgment for compensatory damages is for $50,000 or less, judgment for punitive damages awarded to a claimant may not exceed $250,000, except as provided in paragraph (b). In any civil action in which the judgment for compensatory damages exceeds $50,000, the judgment for punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages or $250,000, whichever is higher, except as provided in paragraph (b)* ~~based on negligence, strict liability, products liability, misconduct in commercial transactions, professional liability, or breach of warranty, and involving willful, wanton, or gross misconduct, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). However, this subsection does not apply to any class action~~.

(b) *No award for punitive damages may exceed the limitations* ~~If any award for punitive damages exceeds the limitation~~ specified in paragraph (a), ~~the award is presumed to be excessive and the defendant is entitled to remittitur of the amount in excess of the limitation~~ unless the claimant demonstrates to the court by clear and convincing evidence that the *defendant engaged in intentional misconduct and that the* award is not excessive in light of the facts and circumstances which were presented to the trier of fact.

(c) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(2)(a) If any defendant in any civil action determines that it has been or may be subject to repetitive claims for punitive damages arising out of the same act or course of conduct, the defendant may move the court for a full determination of the defendant's punitive damage liability for all consequences of the act or course of conduct. Under such circumstances, the issue of liability for punitive damages shall be tried separately from the issue of liability for compensatory damages. Evidence relating to whether punitive damages should be awarded and, if so, in what amount, shall not be admissible until the trier of fact has determined the amount of compensatory damages. The same trier of fact that tried the issues relating to compensatory damages shall try the issues relating to punitive damages. In the phase of the trial concerning punitive damages, if the trier of fact finds that punitive damages are warranted, the trier of fact should consider the national scope, if any, of the misconduct, the degree of wrongfulness and duration of any misconduct, the scope and severity of damages, the financial resources of the defendant, the number of persons harmed, the efforts made by defendant to eliminate or reduce the effects of the misconduct, as well as all other measures taken by the defendant to mitigate the misconduct and damages caused thereby. The court shall reduce any award of punitive damages by the amount of any previous punitive damages awards imposed against the defendant which arose out of the same act or course of conduct.

(b) As soon as practicable after the defendant moves for a consolidated punitive damages trial, or within a time frame set by the court, the defendant shall make reasonable efforts to compile a list of current and potential claimants who will share any punitive award. The defendant shall make reasonable efforts to identify and notify any persons or entities that have been impacted by the act or course of conduct under consideration in the punitive damages phase of the trial. Any punitive damages awarded during a trial under this subsection will, to the extent practicable, be equally distributed among current and potential claimants, in a manner to be decided by the trial court. Once a defendant's liability for repetitive punitive damages has been determined under this subsection, no further punitive damages can be awarded in connection with the act or course of conduct covered in this trial.

(c) In a consolidated punitive damages trial, the claimants' aggregate attorney fee in regard to punitive damages shall be limited to 15 percent of the overall punitive damages award.

(3) If punitive damages have been awarded against a defendant three or more times before the effective date of this act in any state or federal court in actions alleging harm from the same act or course of conduct for which a claimant subsequently seeks compensatory damages, the court may conduct a hearing prior to trial to determine whether the previous awards are sufficient to address all consequences of the act or course of conduct. In making such determination the court shall consider the factors set forth in paragraph (2)(a) as well as whether any previous trier of fact considered the full scope of wrongful conduct and resulting harm. If the court determines that the previous awards are sufficient the punitive damage claim shall not be allowed.

(4) The provisions of this section are remedial in nature and shall be applied to all civil actions pending on the effective date of this act in which the trial or retrial of the action has not commenced.

(5)~~(2)~~ The jury may neither be instructed nor informed as to the provisions of this section.

(6) The provisions of this section shall not apply with regard to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or arising under chapter 400.

Section 7. Section 768.0705, Florida Statutes, is created to read:

768.0705 Limitation on premises liability.—

(1) If at least six of the following eight provisions of this section are met, there shall be a presumption that a person or organization owning or controlling an interest in commercial real property, other than a convenience store, has fulfilled any duty to provide adequate security for invitees, guests, and other members of the public, against criminal acts which occur in common areas, parking areas, and on portions of the

premises not occupied by buildings or structures and which are committed by third parties who are not employees or agents of the person or organization owning or controlling the interest in commercial real property.

(a) Signs shall be prominently posted in the parking area and other public access points on the premises indicating the hours of normal business operations and the general security measures provided.

(b) The parking area, public walkways, public building entrances and exits, shall be illuminated at an intensity of at least 2 foot-candles per square foot at 18 inches above the surface of the ground, pavement, or walkway.

(c) Crime prevention training, with a curriculum approved by the local law enforcement agency or the Department of Legal Affairs, shall be provided to all nonmanagement on-site employees. To meet the requirements of this paragraph, existing employees shall receive training within 12 months of the effective date of this section and new employees shall receive training within 120 days of hiring. No person shall be liable for ordinary negligence due to implementing the approved curriculum so long as the training was actually provided. Under no circumstances shall the state or the local law enforcement agency be held liable for the contents of the approved curriculum.

(d) Security cameras shall be installed and maintained, and shall be monitored or recorded, covering public entrances and exits to buildings and at least half the parking lot. Cameras shall operate during business hours and for at least 30 minutes after closing.

(e) An emergency call box, or an alarm system linked to law enforcement, a private security agency, or a security guard or other agent on the premises, shall be maintained and available within 150 feet of any location in the parking lot or other public place on the premises.

(f) A licensed security guard or law enforcement officer is on duty at the time of the criminal occurrence and is either monitoring surveillance cameras or patrolling the premises with such frequency that the parking area and common areas are observed by the guard at no more than 15 minute intervals.

(g) Perimeter fencing shall be installed and maintained, which surrounds parking areas and structures, and which directs pedestrian entry onto the premises.

(h) Landscaping shall be maintained so as to provide no hiding place or obstruct the view of security personnel or cameras.

(2) The owner or operator of a convenience business, that substantially implements the applicable security measures listed in ss. 812.173 and 812.174 shall gain a presumption against liability in connection with criminal acts which occur on the premises and which are committed by third parties who are not employees or agents of the owner or operator of the convenience business.

(3) Failure to implement a sufficient number of the measures listed in subsection (1) or subsection (2) shall not create a presumption of liability.

Section 8. Section 768.075, Florida Statutes, is amended to read:

768.075 Immunity from liability for injury to trespassers on real property*; definitions; duty to trespassers*.—

(1) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for any civil damages for death of or injury or damage to a trespasser upon the property ~~resulting from or arising by reason of the trespasser's commission of the offense of trespass as described in s. 810.08 or s. 810.09~~, when such trespasser was under the influence of alcoholic beverages with a blood-alcohol level of *0.08* ~~0.10~~ percent or higher, when such trespasser was under the influence of any chemical substance set forth in s. 877.111, when such trespasser was illegally under the influence of any substance controlled under chapter 893, or if the trespasser is affected by any of the aforesaid substances to the extent that her or his normal faculties are impaired. For the purposes of this section, voluntary intoxication or impediment of faculties by use of alcohol or any of the aforementioned substances shall not excuse a party bringing an action or on whose behalf an action is brought from proving the elements of trespass *as described in paragraph (3)(a).* However, the person or organization owning or controlling the interest in real property shall not be immune from liability if gross negligence or *intentional* ~~willful and wanton~~ misconduct on the part of such person or organization or agent thereof is a proximate cause of the death of or injury or damage to the trespasser.

(2) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for any civil damages for death of or injury or damage to any discovered or undiscovered trespasser, except as provided in paragraphs (3)(a), (b), and (c), and regardless of whether the trespasser was intoxicated or otherwise impaired.

(3)(a) As used in this subsection:

1. "Implied invitation" means that the visitor entering the premises has an objectively reasonable belief that he or she has been invited or is otherwise welcome on that portion of the real property where injury occurs.

2. "Discovered trespasser" means a person who enters real property without invitation, either express or implied, and whose actual physical presence was detected within 24 hours preceding the accident, by the person or organization owning or controlling an interest in real property, or to whose actual physical presence the person or organization owning or controlling an interest in real property was alerted by a reliable source within 24 hours preceding the accident. The status of a person who enters real property shall not be elevated to that of an invitee, unless the person or organization owning or controlling an interest in real property has issued an express invitation to enter the property or has manifested a clear intent to hold the property open to use by persons pursuing purposes such as those pursued by the person whose status is at issue.

3. "Undiscovered trespasser" means a person who enters property without invitation, either express or implied, and whose actual physical presence was not detected within 24 hours preceding the accident, by the person or organization owning or controlling an interest in real property.

(b) To avoid liability to undiscovered trespassers, a person or organization owning or controlling an interest in real property must refrain from intentional misconduct, but has no duty to warn of dangerous conditions. To avoid liability to discovered trespassers, a person or organization owning or controlling an interest in real property must refrain from gross negligence or intentional misconduct, and must warn the trespasser of dangerous conditions, known to the person or organization owning or controlling an interest in real property, but which are not readily observable by others.

(c) This subsection shall not be interpreted or construed to alter the common law as it pertains to the attractive nuisance doctrine.

Section 9. Paragraph (b) of subsection (9) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(9) OWNER; OWNER/LESSOR.—

(b) Owner/lessor.—Notwithstanding any other provision of the Florida Statutes or existing case law:~~;~~

1. The lessor, under an agreement to lease a motor vehicle for 1 year or longer which requires the lessee to obtain insurance acceptable to the lessor which contains limits not less than $100,000/$300,000 bodily injury liability and $50,000 property damage liability or not less than $500,000 combined property damage liability and bodily injury liability, shall not be deemed the owner of said motor vehicle for the purpose of determining financial responsibility for the operation of said motor vehicle or for the acts of the operator in connection therewith; further, this *subparagraph* ~~paragraph~~ shall be applicable so long as the insurance meeting these requirements is in effect. The insurance meeting such requirements may be obtained by the lessor or lessee, provided, if such insurance is obtained by the lessor, the combined coverage for bodily injury liability and property damage liability shall contain limits of not less than $1 million and may be provided by a lessor's blanket policy.

2. The lessor, under an agreement to rent or lease a motor vehicle for a period of less than 1 year, shall be deemed the owner of the motor vehicle for the purpose of determining liability for the operation of said vehicle or the acts of the operator in connection therewith only up to $100,000 per person and up to $300,000 per incident for bodily injury and up to $50,000 for property damage. In the event the lessee or the operator of the motor vehicle is uninsured or has any insurance with limits less than $500,000 combined property damage and bodily injury liability, the lessor shall be liable for up to an additional $500,000 in economic damages only arising out of the use of the motor vehicle. The additional specified liability of the lessor for economic damages shall be reduced by amounts actually recovered from the lessee, the operator, and from any insurance or self insurance covering the lessee or operator. Nothing in this paragraph shall be construed to affect the liability of the lessor for its own negligence.

Section 10. Subsections (1) and (2) of section 768.76, Florida Statutes, is amended to read:

768.76 Collateral sources of indemnity.—

(1) In any action to which this part applies in which liability is admitted or is determined by the trier of fact and in which damages are awarded to compensate the claimant for losses sustained, the court shall reduce the amount of such award by the total of all amounts which have been paid for the benefit of the claimant, or which are otherwise available to the claimant, from all collateral sources; however, *except in the case of compensation received or payable under workers' compensation,* there shall be no reduction for collateral sources for which a subrogation or reimbursement right exists. Such reduction shall be offset to the extent of any amount which has been paid, contributed, or forfeited by, or on behalf of, the claimant or members of the claimant's immediate family to secure her or his right to any collateral source benefit which the claimant is receiving as a result of her or his injury.

(2) For purposes of this section:

(a) "Collateral sources" means any payments made to the claimant, or made on the claimant's behalf, by or pursuant to:

1. The United States Social Security Act, except Title XVIII and Title XIX; any federal, state, or local income disability act; or any other public programs providing medical expenses, disability payments, or other similar benefits, except those prohibited by federal law and those expressly excluded by law as collateral sources.

2. Any health, sickness, or income disability insurance; automobile accident insurance that provides health benefits or income disability coverage; and any other similar insurance benefits, except life insurance benefits available to the claimant, whether purchased by her or him or provided by others.

3. Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental, or other health care services.

4. Any contractual or voluntary wage continuation plan provided by employers or by any other system intended to provide wages during a period of disability.

5. Any compensation received or payable under worker's compensation as defined in s. 440.02(6).

(b) Notwithstanding any other provision of this section, benefits received under Medicare, or any other federal program providing for a Federal Government lien on or right of reimbursement from the plaintiff's recovery, ~~the Workers' Compensation Law,~~ the Medicaid program of Title XIX of the Social Security Act or from any medical services program administered by the Department of Health and Rehabilitative Services shall not be considered a collateral source.

Section 11. Subsection (5) of section 768.81, Florida Statutes, is amended, present subsection (6) is renumbered as subsection (7) and a new subsection (6) is added to said section to read:

768.81 Comparative fault.—

(5) *WORKER'S COMPENSATION.—For the purposes of this section, an employer as defined in s. 440.02(14), participating in a worker's compensation eligibility program, shall not be considered a party in a negligence action and shall not be listed as a tortfeasor on the jury verdict form with respect to accidents arising out of work performed in the course and scope of employment, as described in s. 440.09. Any payments made by an employer covered by worker's compensation shall be considered collateral sources as provided in s. 768.76.* ~~APPLICABILITY OF JOINT AND SEVERAL LIABILITY.—Notwithstanding the provisions of this section, the doctrine of joint and several liability applies to all actions in which the total amount of damages does not exceed $25,000.~~

(6) APPLICABILITY OF JOINT AND SEVERAL LIABILITY.--Notwithstanding the provisions of this section, the doctrine of joint and several liability shall not apply to that portion of economic damages in excess of $250,000.

Section 12. *Expedited trials.—Upon the motion of any party to a simplified civil proceeding or upon the joint stipulation of the parties to any civil case, the court may conduct an expedited trial as provided herein. A simplified civil proceeding is a case involving only two parties, no more than two counts to the complaint or counter claim, and where the court finds there would be no prejudice to any party in conducting an expedited trial. Where two or more plaintiffs or defendants have a unity interest, such as a husband and wife, they shall be considered one party for the purpose of this section. Unless otherwise ordered by the court or agreed to by the parties with approval of the court, an expedited trial shall be conducted as follows:*

(1) All discovery in the trial shall be completed within 60 days.

(2) All interrogatories and requests for production will be served within 10 days and all responses will be served within 20 days of receipt.

(3) The court shall determine the number of depositions required.

(4) The case may be tried to a jury.

(5) The trial of the case will be tried within 30 days after the 60 day discovery cut-off.

(6) The trial will be limited to 1 day.

(7) The jury selection will be limited to 1 hour.

(8) The plaintiff will have 3 hours to present its case including opening, all testimony and evidence, and closing.

(9) The defendant will have 3 hours to present its case including opening, all testimony and evidence, and closing.

(10) The jury will be given "plain language" jury instructions at the beginning of the trial as well as a "plain language" jury verdict form. The jury instructions and verdict form will be agreed to by the parties.

(11) The parties will be permitted to introduce a written report of any expert and the expert's curriculum vitae instead of calling the expert live at trial.

(12) At trial the parties may use excerpts from depositions, including video depositions, regardless of where the deponent lives or whether they are available to testify.

(13) Except as approved by the court, the Florida Evidence Code and the Florida Rules of Civil Procedure will apply.

(14) A unanimous jury verdict is not necessary to resolve the case. A vote of 5-1 is sufficient.

(15) There will be no continuances of the trial absent extraordinary circumstances.

Section 13. Section 40.50, Florida Statutes, is created to read:

40.50 Jury duty and instructions in civil cases.—

(1) In any civil action immediately after the jury is sworn, the court shall instruct the jury concerning its duties, its conduct, the order of proceedings, the procedure for submitting written questions of witnesses, and the elementary legal principles that will govern the proceeding as provided herein.

(2) Jurors shall be instructed that they will be permitted to discuss the evidence among themselves in the jury room during recesses from trial when all are present, as long as they reserve judgment about the outcome of the case until deliberations commence. Notwithstanding the foregoing, the jurors' discussion of the evidence among themselves during recesses may be limited or prohibited by the court for good cause.

(3) The court shall instruct that the jurors may take notes regarding the evidence and keep the notes for the purpose of refreshing their memory for use during recesses, discussions, and deliberations. The court may provide materials suitable for this purpose. The confidentiality of the notes should be emphasized to the jurors. After the jury has rendered its verdict, the notes shall be collected by the bailiff or clerk who shall promptly destroy them.

(4) The court shall provide a notebook for each juror. Notebooks shall contain:

(a) A copy of the preliminary jury instructions, including special instructions on the issues to be tried.

(b) Jurors' notes.

(c) Witnesses' names, photographs and/or biographies.

(d) Copies of key documents admitted into evidence and an index of all exhibits in evidence.

(e) A glossary of technical terms.

(f) A copy of the court's final instructions.

In its discretion, the court may authorize documents and exhibits in evidence to be included in notebooks for use by the jurors during trial to aid them in performing their duties. The preliminary jury instructions should be removed, discarded, and replaced by the final jury instructions before the latter are read to the jury by the court.

(5) The court shall permit jurors to have access to their notes and notebooks during recesses, discussions, and deliberations.

(6) The court shall permit jurors to submit to the court written questions directed to witnesses or to the court. Opportunity shall be given to counsel to object to such questions out of the presence of the jury. The court may, as appropriate, limit the submission of questions to witnesses.

(7) The court shall instruct the jury that any questions directed to witnesses or the court must be in writing, unsigned, and given to the bailiff. The court may further instruct that, if a juror has a question for a witness or the court, the juror should hand it to the bailiff during a recess, or if the witness is about to leave the witness stand, the juror should signal to the bailiff. If the court determines that the juror's questions calls for admissible evidence, the question may be asked by court or counsel in the court's discretion. Such question may be answered by stipulation or other appropriate means, including, but not limited to, additional testimony upon such terms and limitations as the court prescribes. If the court determines that the juror's question calls for inadmissible evidence, the question shall not be read or answered. If a juror's question is rejected, the jury should be told that trial rules do not permit some questions to be asked and that the jurors should not attach any significance to the failure of having their question asked.

(8) The court has discretion to give final instructions to the jury before closing arguments of counsel instead of after, in order to enhance jurors' ability to apply the applicable law to the facts. In that event, the court may wish to withhold giving the necessary procedural and housekeeping instructions until after closing arguments.

Section 14. Section 44.1051, Florida Statutes, is created to read:

44.1051 Voluntary trial resolution.—

(1) Two or more parties who are involved in a civil dispute may agree in writing to submit the controversy to voluntary trial resolution in lieu of litigation of the issues involved, prior to or after a lawsuit has been filed, provided that no constitutional issue is involved.

(2) If the parties have entered into an agreement that provides for a method for appointment of a member of The Florida Bar in good standing for more than 5 years to act as trial resolution judge, the court shall proceed with the appointment as prescribed.

(3) The trial resolution judge shall be compensated by the parties according to their agreement.

(4) Within 10 days of the submission of the request for binding voluntary trial resolution, the court shall provide for the appointment of the trial resolution judge. Once appointed, the trial resolution judge shall notify the parties of the time and place for the hearing.

(5) Application for voluntary trial resolution shall be filed and fees paid to the clerk of the court as if for complaints initiating civil actions. The clerk of the court shall handle and account for these matters in all respects as if they were civil actions except that the clerk of the court shall keep separate the records of the applications for voluntary binding trial resolution from all other civil actions.

(6) Filing of the application for binding voluntary trial resolution will toll the running of the applicable statutes of limitation.

(7) The appointed trial resolution judge shall have such power to administer oaths or affirmation and to conduct the proceedings as the rules of court shall provide. At the request of any party, the trial resolution judge shall issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence and may apply to the court for orders compelling attendance and production. Subpoenas shall be served and shall be enforceable as provided by law.

(8) The hearing shall be conducted by the trial resolution judge, who may determine any question and render a final decision.

(9) The Florida Evidence Code shall apply to all proceedings under this section.

(10) Any party may enforce a final decision rendered in a voluntary trial by filing a petition for final judgment in the circuit court in the circuit in which the voluntary trial took place. Upon entry of final judgment by the circuit court an appeal may be taken to the appropriate appellate court. The harmless error doctrine shall apply in all appeals. No further review shall be permitted unless a constitutional issue is raised. Factual findings determined in the voluntary trial shall not be subject to appeal.

(11) If no appeal is taken within the time provided by rules promulgated by the Supreme Court, then the decision shall be referred to the presiding court judge in the case, or if one has not been assigned, then to the chief judge of the circuit for assignment to a circuit judge, who shall enter such orders and judgments as are required to carry out the terms of decision, which orders shall be enforceable by the contempt powers of the court and for which judgments executions shall issue on request of a party.

(12) This section shall not apply to any dispute involving child custody, visitation, or child support, or to any dispute that involves the rights of a third party not a party to the voluntary trial resolution.

Section 15. Section 57.071, Florida Statutes, is amended to read:

57.071 Costs; what taxable.—

(1) If costs are awarded to any party the following shall also be allowed:

(a)~~(1)~~ The reasonable premiums or expenses paid on all bonds or other security furnished by such party.

(b)~~(2)~~ The expense of the court reporter for per diem, transcribing proceedings and depositions, including opening statements and arguments by counsel.

(c)~~(3)~~ Any sales or use tax due on legal services provided to such party, notwithstanding any other provision of law to the contrary.

(2) Expert witness fees shall not be awarded as taxable costs unless:

(a) The party retaining the expert witness files a written notice with the court and each opposing party within 30 days of the retention of the expert witness, which notice shall provide the expertise and experience of the expert, the rate of compensation of the expert witness, the subject

matters or issues on which the expert is expected to render an opinion, and an estimate of the overall fee of the expert witness, including trial testimony; and

(b) The party retaining the expert witness furnishes each opposing party with a written report signed by the expert witness which summarizes the expert witness's opinions, the factual basis of the opinions including documentary evidence, and the authorities relied upon in reaching the opinions, such report shall be filed at least 10 days prior to discovery cut-off, or 45 days prior to the trial, or as otherwise determined by the court.

Section 16. Section 57.105, Florida Statutes, is amended to read:

57.105 Attorney's fee*; sanctions for raising unfounded claims or defenses; damages for delay of litigation.*—

(1) The court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney *on any claim or defense* in any civil action in which the court finds that *the losing party or the losing party's attorney knew or should have known at the time a claim or defense was presented:*

(a) That the claim or defense was not supported by the material facts necessary to establish the claim or defense; or

(b) That the application of then existing law to the facts the losing party or losing party's attorney knew or should have known would not support the claim or defense. ~~there was a complete absence of a justiciable issue of either law or fact raised by the complaint or defense of the losing party;~~

Provided, however, that the losing party's attorney is not personally responsible if he or she has acted in good faith, based on the representations of his or her client *as to the existence of material facts*. If the court *awards fees to a claimant pursuant to this subsection* ~~finds that there was a complete absence of a justiciable issue of either law or fact raised by the defense~~, the court shall also award prejudgment interest.

(2) *Subsection (1) shall not apply if the court determines that the claim or defense was presented as a good faith attempt to change the then existing law as it applied to the facts the losing party or losing party's attorney knew or should have known at the time the claim or defense was presented.*

(3) In any civil proceeding in which the moving party proves, by a preponderance of the evidence, that any action taken by the opposing party, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, was taken primarily for the purpose of delay, the court shall award damages to the moving party for the time necessitated by the conduct in question. The absence of a justiciable basis for the action taken shall be prima facie evidence of such a purpose; but such a purpose may also be proved, in proper cases, notwithstanding an objective justiciable basis for the action taken.

(4) If a contract contains a provision allowing attorney's fees to a party when he or she is required to take any action to enforce the contract, the court may also allow reasonable attorney's fees to the other party when that party prevails in any action, whether as plaintiff or defendant, with respect to the contract. This act shall take effect October 1, 1988, and shall apply to contracts entered into on said date or thereafter.

Section 17. Section 768.77, Florida Statutes, is amended to read:

768.77 Itemized verdict.—

~~(1)~~ In any action to which this part applies in which the trier of fact determines that liability exists on the part of the defendant, the trier of fact shall, as a part of the verdict, itemize the amounts to be awarded to the claimant into the following categories of damages:

(1)~~(a)~~ Amounts intended to compensate the claimant for economic losses;

(2)~~(b)~~ Amounts intended to compensate the claimant for noneconomic losses; and

(3)~~(c)~~ Amounts awarded to the claimant for punitive damages, if applicable.

~~(2) Each category of damages, other than punitive damages, shall be further itemized into amounts intended to compensate for losses which have been incurred prior to the verdict and into amounts intended to compensate for losses to be incurred in the future. Future damages itemized under paragraph (1)(a) shall be computed before and after reduction to present value. Damages itemized under paragraph (1)(b) or paragraph (1)(c) shall not be reduced to present value. In itemizing amounts intended to compensate for future losses, the trier of fact shall set forth the period of years over which such amounts are intended to provide compensation.~~

Section 18. Paragraph (a) of subsection (1) of section 768.78, Florida Statutes, is amended to read:

768.78 Alternative methods of payment of damage awards.—

(1)(a) In any action to which this part applies in which the *court determines that* ~~trier of fact makes~~ an award to compensate the claimant *includes* ~~for~~ future economic losses which exceed $250,000, payment of amounts intended to compensate the claimant for these losses shall be made by one of the following means, unless an alternative method of payment of damages is provided in this section:

1. The defendant may make a lump-sum payment for all damages so assessed, with future economic losses and expenses reduced to present value; or

2. Subject to the provisions of this subsection, the court shall, at the request of either party, unless the court determines that manifest injustice would result to any party, enter a judgment ordering future economic damages, as itemized pursuant to s. 768.77(1)~~(a)~~, in excess of $250,000 to be paid in whole or in part by periodic payments rather than by a lump-sum payment.

Section 19. Subsections (3), (5), and (7) of section 768.79, Florida Statutes, are amended to read:

768.79 Offer of judgment and demand for judgment.—

(3) The offer shall be served upon the party to whom it is made, but it shall not be filed unless it is accepted or unless filing is necessary to enforce the provisions of this section. *In any case involving multiple party plaintiffs or multiple party defendants, an offer shall specify its applicability to each party. Each individual party may thereafter accept or reject the offer as the offer applies to such party. However, a plaintiff may make a global offer to all defendants without specifying amounts applicable to each defendant.*

(5) An offer may be withdrawn in writing which is served before the date a written acceptance is filed. Once withdrawn, an offer is void. *A subsequent offer shall have the effect of voiding any previous offer.*

(7)(a) *Prior to awarding costs and fees pursuant to this section the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made.* If a party is entitled to costs and fees pursuant to the provisions of this section, the court may, in its discretion, determine that an offer was not made in good faith. In such case, the court may disallow an award of costs and attorney's fees.

(b) When determining the *entitlement to and* reasonableness of an award of attorney's fees pursuant to this section, the court shall consider, along with all other relevant criteria, the following additional factors:

1. The then's apparent merit or lack's of merit in the claim.

2. The number and nature of offers made by the parties.

3. The closeness of questions of fact and law at issue.

4. *Whether the proposal was reasonably rejected.*

5.~~4.~~ Whether the person making the offer had unreasonable refused to furnish information necessary to evaluate the reasonableness of such offer.

6.~~5.~~ Whether the suit was in the nature of a test case presenting questions of far-reaching's importance affecting nonparties.

7.~~6.~~ The amount of the additional delay cost and expense that the person making the offer reasonable would be expected to incur if the litigation should be prolonged.

Section 20. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provision of this act are declared severable.*

Section 21. Except as otherwise provided in this act, this act shall take effect October 1 of the year in which enacted.

And the title is amended as follows:

On page , remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to civil causes of action; amending s. 95.031, F.S.; providing a time period for bringing an action for product liability or fraud; providing an exception; creating s. 768.1256, F.S.; providing a government rules defense with respect to certain product liability actions; providing for a rebuttable presumption; providing requirements with respect to products which are drugs; amending s. 400.023, F.S.; providing conditions for the recovery of attorneys' fees with respect to civil enforcement of certain infractions related to nursing homes; providing for application; providing for discovery; providing for punitive damages; amending s. 768.72, F.S.; revising language with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; providing an exception; amending s. 768.73, F.S.; revising language with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; providing for consolidated punitive damages trials; providing for the effect of certain previous punitive damages awards; providing a limitation on attorney fees; providing for the application of the section; providing an exception; creating s. 768.0705, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in commercial real property; providing for a presumption against liability; providing conditions for the presumption; amending s. 768.075, F.S.; delineating the duty owed to trespassers by a person or organization owning or controlling an interest in real property; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing for the application of s. 768.075(3), F.S., with respect to the common law; amending s. 324.021, F.S.; providing that the lessor of a motor vehicle under certain rental agreements shall be deemed the owner of the vehicle for the purpose of determining liability for the operation of the vehicle within certain limits; providing for construction; amending s. 768.76, F.S.; exempting compensation under workers' compensation from certain reductions for collateral sources; revising language with respect to collateral sources of indemnity to redefine the term "collateral sources" with respect to negligence actions; amending s. 768.81, F.S.; revising language with respect to the applicability of joint and several liability to certain actions; providing that certain employers participating in a worker's compensation eligibility program shall not be considered a party in a negligence action and shall not be listed as a tortfeasor on certain jury verdicts; providing for expedited trials; providing timeframes for the conduct of such trials; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the discussion of evidence under certain circumstances; providing for the taking of notes under certain circumstances; providing for notebooks; providing for written questions; providing for final instructions; creating s. 44.1051, F.S.; providing for voluntary trial resolution; providing for the appointment of a trial resolution judge; providing for compensation; providing for fees; providing for the tolling of applicable statutes of limitation; providing for powers of trial resolution judges; providing for hearings and evidence; providing for appeal; providing for application; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; amending s. 57.105, F.S.; providing sanctions for raising unfounded claims or defenses; providing exceptions; providing for damages in certain circumstances; amending s. 768.77, F.S.; revising language with respect to itemized verdicts to delete reference to future damages; amending s. 768.78, F.S.; conforming to the act; correcting a cross reference; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made; authorizing the court to consider whether or not a proposal was reasonably rejected when considering entitlement to and the amount of an award of attorneys' fees; providing severability; providing effective dates.

On motion by Senator McKay, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

CONFEREES ON CS FOR SB 874 APPOINTED

The President appointed Senator McKay, Chairman; Senators Burt, Bankhead, Dudley, Rossin and Dyer; and Senator Latvala, alternate, as conferees on **CS for SB 874**.

The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 358, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 358—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S., relating to prohibitions against selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver, controlled substances within 200 feet of the real property comprising a public housing facility; defining "real property comprising a public housing facility"; providing penalties; amending s. 921.022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

House Amendment 1—On page 3, lines 15 through 17, remove from the bill: all of said lines and insert in lieu thereof: *authority pursuant to part I of chapter 421. Any person*

On motion by Senator Burt, the Senate concurred in the House amendment.

CS for SB 358 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Jones	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Gutman

SPECIAL ORDER CALENDAR

On motion by Senator Latvala—

CS for SB 1458—A bill to be entitled An act relating to coastal redevelopment; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; creating s.

163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendments which were adopted:

Amendment 1—On page 3, line 3, delete "*underutilized*" and insert: *distressed*

Amendment 2—On page 4, line 15, delete "*underutilization*" and insert: *distress*

Amendment 3—On page 5, line 23, delete "*underutilized*" and insert: *distressed*

Amendment 4—On page 6, line 1, delete "*underutilized*" and insert: *distressed*

Amendment 5 (with title amendment)—On page 6, between lines 5 and 6, insert:

Section 3. Subsection (6) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(6) Following such hearing, the governing body may approve the community redevelopment and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; ~~and~~

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise*; and*~~.~~

(e) The community redevelopment plan and resulting revitalization and redevelopment for a coastal tourist area that is deteriorating and economically distressed will reduce or maintain evacuation time, as appropriate, and ensure protection for property against exposure to natural disasters.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: amending s. 163.360, F.S.; requiring additional findings before approval of certain community redevelopment plans;

Amendment 6—On page 6, line 15, delete "*underutilized*" and insert: *distressed*

Amendment 7—On page 7, lines 13-15, delete those lines and insert: *construction activities within the pilot project areas consistent with the principles, processes, and time frames provided in s. 403.973.*

Amendment 8—On page 8, lines 6-9, delete those lines and insert:

2. The criteria for review under s. 161.053 are applicable within the pilot project area, except that the structures within the pilot project area shall not be subject to specific shore parallel coverage requirements and are allowed to exceed the 50 percent impervious surface requirement. In no case shall stormwater discharge be allowed onto, or seaward of, the frontal dune. Structures are

Amendment 9—On page 9, lines 20-25, delete those lines and insert:

5. Structures approved pursuant to this section shall not cause flooding of or result in adverse impacts to existing upland structures or properties and shall comply with all other requirements of s. 161.053 and its implementing rules.

6. Where there exists a continuous line of viable rigid coastal armoring structure on either side of a nonviable rigid coastal armoring structure, the department shall grant the necessary permits under s. 161.085 to replace such nonviable rigid coastal armoring structure with a viable rigid coastal armoring structure as defined in this section. This shall not apply to rigid coastal armoring structures constructed after May 1, 1998, unless such structures have been permitted pursuant to s. 161.085(2).

Pursuant to Rule 4.19, **CS for SB 1458** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1202—A bill to be entitled An act relating to brownfields redevelopment; amending s. 376.77, F.S.; correcting a cross-reference; amending s. 376.79, F.S.; redefining terms and defining the term "secretary"; amending s. 376.80, F.S.; providing that closed military bases may be designated as brownfield areas; clarifying the job-creation criteria for the designation of a brownfield site; clarifying certain terms; amending s. 376.81, F.S.; deleting a duplicative provision relating to the issuance of no-further-action orders; amending s. 376.82, F.S.; providing clarification regarding the eligibility of certain brownfield sites; clarifying the provisions relating to the job creation eligibility criteria; providing liability protection for properties acquired by local or state governments under certain conditions; amending s. 376.83, F.S.; correcting a cross-reference; amending s. 288.106, F.S.; providing that the wage requirement criteria may be waived for a designated brownfield area; requiring the Director of the Office of Tourism, Trade, and Economic Development to approve certain wage requirement waiver requests; amending s. 288.107, F.S.; defining the terms "brownfield area" and "brownfield site"; providing legislative intent regarding the inefficient use of public facilities and services in brownfield areas; creating the Brownfield Areas Loan Guarantee Program; creating the Brownfield Areas Loan Guarantee Council; providing duties and membership; providing that not more than $5 million of the investment earnings on the investment of the minimum balance of the Nonmandatory Land Reclamation Trust Fund in a fiscal year shall be at risk at any time on one or more loan guarantees, or as loan loss reserves; requiring lenders seeking loan guarantees from the council to follow certain specified procedures; limiting the circumstances under which a lender may file a claim for a loss pursuant to the guaranty; providing the council with certain rulemaking authority; authorizing the council to receive certain funds; requiring the council to file an annual report to the Legislature; providing for future legislative review; amending s. 288.9602, F.S.; providing for the redevelopment of brownfield areas to be included in the declaration of findings regarding economic development; amending s. 288.9605, F.S.; expanding the powers and duties of the Florida Development Finance Corporation to authorize the corporation to make determinations regarding participation in certain partnerships and agreements concerning the redevelopment of brownfield areas and the guaranty of revenue bonds, loan guarantees, or loan loss reserves; requiring the Board of Regents to establish a Center for Brownfield Rehabilitation Assistance in the Environmental Sciences and Policy Program in the College of Arts and Sciences at the University of South Florida; specifying the purpose and duties of the center; amending s. 163.3187, F.S.; providing that local government comprehensive plan amendments directly related to proposed redevelopment of designated brownfield areas may be approved without regard to certain statutory limits on the frequency of amendments to the local comprehensive plan; providing legislative findings and intent regarding lienholders on brownfield property; providing that certain counties and municipalities may apply for designation of an enterprise zone encompassing a brownfield pilot project under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Latvala and adopted:

Amendment 1—On page 39, lines 7-10, delete those lines and insert:

(e) Determining that the local government with jurisdiction over the area where the brownfield redevelopment project is located has committed in-kind resources, local financial incentives or local financial resources to the total project cost.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Latvala and adopted:

Amendment 2—On page 38, line 14, after the period (.) insert: *Of that amount, 15 percent shall be reserved for investment agreements involving predominantly minority-owned businesses which meet the requirements of subsection (4).*

Senator Latvala moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 44, between lines 5 and 6, insert:

Section 17. Subsection (4) of section 376.313, Florida Statutes, is amended to read:

376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.319.—

(4) In any civil action brought after July 1, 1986, against the owner or operator of a petroleum storage system for damages arising from a petroleum storage system discharge, the provisions of subsection (3) shall not apply if it can be proven that, at the time of the discharge:

(a) The alleged damages resulted solely from a discharge from a petroleum storage system which was installed, replaced, or retrofitted, and maintained, in a manner consistent with the construction, operation, repair, and maintenance standards established for such systems under chapter *62-761* ~~17-61~~, Florida Administrative Code, as that chapter may hereafter be amended. The requirement of consistency with such standards may be satisfied only by being in compliance with the standards at the time of the discharge, regardless of the time specified for compliance under the schedule provided in said chapter.

(b) A leak detection system or systems or a monitoring well or wells were installed and operating in a manner consistent with technical requirements of chapter *62-761* ~~17-61~~, Florida Administrative Code, as that chapter may hereafter be amended; and

(c) All inventory, recordkeeping, and reporting requirements of chapter *62-761* ~~17-61~~, Florida Administrative Code, as that chapter may hereafter be amended, have been and are being complied with.

Any person bringing such an action must prove negligence to recover damages under this subsection. For the purposes of this subsection, noncompliance with this act, or any of the rules promulgated pursuant hereto, as the same may hereafter be amended, shall be prima facie evidence of negligence.

Section 18. *Section 21 of chapter 86-159, Laws of Florida, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 17, after the semicolon (;) insert: amending s. 376.313, F.S.; correcting references to the Florida Administrative Code; repealing s. 21, ch. 86-159, Laws of Florida, relating to the scheduled repeal of s. 376.313(4), F.S.;

Pursuant to Rule 4.19, **CS for SB 1202** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1204—A bill to be entitled An act relating to brownfield redevelopment; creating the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund to be administered by the Office of Tourism, Trade, and Economic Development; authorizing the office to make loans for brownfield site rehabilitation; specifying loan terms and interest rates; providing rulemaking authority; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1204** was placed on the calendar of Bills on Third Reading.

On motion by Senator Harris, by two-thirds vote **CS for HB 319** was withdrawn from the Committees on Commerce and Economic Opportunities; and Governmental Reform and Oversight.

On motion by Senator Harris—

CS for HB 319—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; providing a presumption for certain certification purposes; providing an exclusion; amending s. 288.703, F.S.; revising definitions; specifying application; providing an effective date.

—a companion measure, was substituted for **SB 940** and read the second time by title.

Senators Jones, Holzendorf, Hargrett, Turner and Meadows offered the following amendment which was moved by Senator Jones and adopted:

Amendment 1—On page 3, lines 16 and 19, delete "*$1* ~~$3~~" and insert: $3

Pursuant to Rule 4.19, **CS for HB 319** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Childers—

SB 304—A bill to be entitled An act relating to organ and tissue donation; amending ss. 320.08047, 322.08, 381.6024, F.S.; authorizing the use of certain funds for maintaining the organ and tissue donor registry; revising annual assessments on certain organ procurement organizations, tissue banks, and eye banks; amending s. 732.911, F.S.; providing definitions; amending ss. 732.912, 732.914, F.S.; clarifying who may make an anatomical gift in the absence of a declaration by a decedent; amending s. 732.913, F.S.; specifying that entities as well as persons may become donees of anatomical gifts; amending s. 732.915, F.S.; repealing an annual assessment on organ procurement organizations, tissue banks, and eye banks; amending s. 732.916, F.S.; revising procedures for amending or revoking an anatomical gift, amending s. 732.9216, F.S.; adding a cross-reference; amending s. 732.922, F.S.; providing a limitation in civil or criminal liability for organ procurement organizations, eye banks, tissue banks, hospitals, and hospital administrators or their designees; providing additional duties for the hospital administrator or his designee and for organ procurement organizations; providing severability; providing effective dates.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Brown-Waite and failed:

Amendment 1 (with title amendment)—On page 12, between lines 23 and 24, insert:

Section 13. Subsection (1) of section 322.21, Florida Statutes, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(a) An original or renewal commercial driver's license is $50, which shall include the fee for driver education provided by s. 233.063; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee shall be the same as for a Class E driver's license. A delinquent fee of $1 shall be added for a renewal made not more than 12 months after the license expiration date.

(b) An original Class D or Class E driver's license is $20, which shall include the fee for driver's education provided by s. 233.063; however, if an applicant has completed training and is applying for employment or

is currently employed in a public or nonpublic school system that requires a commercial driver license, the fee shall be the same as for a Class E license.

(c) The renewal or extension of a Class D or Class E driver's license or of a license restricted to motorcycle use only is $15, except that a delinquent fee of $1 shall be added for a renewal or extension made not more than 12 months after the license expiration date. The fee provided in this paragraph shall include the fee for driver's education provided by s. 233.063.

(d) An original driver's license restricted to motorcycle use only is $20, which shall include the fee for driver's education provided by s. 233.063.

(e) Each endorsement required by s. 322.57 is $5.

The fees specified in paragraphs (a) through (d) shall be reduced by $5.00 for persons who make an anatomical gift upon applying for or renewing a driver's license.

Section 14. Subsection (1) of section 732.921, Florida Statutes, is amended to read:

732.921 Donations as part of driver license or identification card process.—

(1) The Agency for Health Care Administration and the Department of Highway Safety and Motor Vehicles shall develop and implement a program encouraging and allowing persons to make anatomical gifts as a part of the process of issuing identification cards and issuing and renewing driver licenses. *As an incentive for such donation, driver license fees shall be reduced as provided in s. 322.21, for persons who complete a donor registration card when applying for or renewing a driver license.* The donor registration card distributed by the Department of Highway Safety and Motor Vehicles shall include the material specified by s. 732.914(2)(b) and may require such additional information, and include such additional material, as may be deemed necessary by that department. The Department of Highway Safety and Motor Vehicles shall also develop and implement a program to identify donors, which program shall include notations on identification cards, driver licenses, and driver records or such other methods as the department may develop. This program shall include, after an individual has completed a donor registration card, making a notation on the front of the driver license or identification card that clearly indicates the individual's intent to donate the individual's organs or tissue. A notation on an individual's driver license or identification card that the individual intends to donate organs or tissues is deemed sufficient to satisfy all requirements for consent to organ or tissue donation. The Agency for Health Care Administration shall provide the necessary supplies and forms through funds appropriated from general revenue or contributions from interested voluntary, nonprofit organizations. The Department of Highway Safety and Motor Vehicles shall provide the necessary recordkeeping system through funds appropriated from general revenue. The Department of Highway Safety and Motor Vehicles and the Agency for Health Care Administration shall incur no liability in connection with the performance of any acts authorized herein.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: amending ss. 322.21 and 732.921, F.S.; reducing driver's license fees for persons who register to become organ donors when applying for or renewing a driver's license;

Pursuant to Rule 4.19, **SB 304** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

CS for SB 476—A bill to be entitled An act relating to suspension or revocation of driver's licenses; amending s. 322.28, F.S.; deleting certain additional suspension periods imposed for driving with a suspended license or for failing to surrender a driver's license to the Department of Highway Safety and Motor Vehicles upon suspension or revocation; providing suspension or revocation of driver's licenses not to be concurrent with imprisonment; amending s. 322.271, F.S.; authorizing issuance of a driver's license for business purposes to persons with two or more DUI convictions 10 or more years apart; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 476** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 200—A bill to be entitled An act relating to county court assessments; amending s. 34.191, F.S.; providing that the county commission may assign the collection of fines, court costs, and other costs imposed by the county court and remaining unpaid after a certain period to a private attorney or collection agency under specified circumstances; providing for authorization by the county commission of any additional fee to offset collection costs; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Klein and failed:

Amendment 1—On page 1, lines 30 and 31 and on page 2, line 1, delete those lines and insert: *remain unpaid for 90 days or more to a collection agent who is registered and in good standing pursuant to Chapter 559, if the county commission determines the assignation to*

The Committee on Governmental Reform and Oversight recommended the following amendments which were moved by Senator Klein and failed:

Amendment 2—On page 2, line 5, before the period (.) insert: *, in an amount equal to the cost incurred for collection of the outstanding balance which fee shall not exceed 40% of the benefit obtained*

Amendment 3—On page 2, line 16, before the period (.) insert: and shall be prospective to fines, forfeitures, and other costs imposed and collected on and after that date

Senator Klein moved the following amendment which was adopted:

Amendment 4 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 938.35, Florida Statutes, is created to read:

938.35 Collection of court-related financial obligations.—Any provision of law notwithstanding, a county may pursue the collection of any fines, court costs, or other costs imposed by the court which remain unpaid for 90 days or more, or refer such collection to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the governing body of the county must determine that such collection is cost-effective and the county must follow applicable procurement practices. The costs of collection, including a reasonable attorney's fee, may be recovered, except that such fines and costs of collection may not exceed 40 percent of the total fines and costs owed.

Section 2. This act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to fines and court costs; creating s. 938.35, F.S.; providing that a county may assign the collection of fines, court costs, and other costs imposed by the court arising from offenses committed in the county and remaining unpaid after a certain period to a private attorney or collection agency under specified circumstances; providing guide lines and procedures; providing attorney's fees to offset collection costs; providing a limitation; providing an effective date.

Pursuant to Rule 4.19, **SB 200** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 114—A bill to be entitled An act relating to molders; providing definitions; providing obligations of molders to customers; providing procedures and conditions for acquisition of title to unclaimed molds; creating s. 713.596, F.S.; creating a molder's lien and specifying rights of a molder; providing definitions; providing procedures; providing for application and repeal; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1—On page 1, lines 23 and 24 and on page 6, lines 10 and 11, delete those lines and insert: *include impressions, molds, models, or study casts used by a dentist, orthotist, or prosthetist within the scope of his or her practice.*

Senator Dudley moved the following amendment which was adopted:

Amendment 2—On page 2, between lines 18 and 19 and between lines 29 and 30, insert:

3. Provide the customer with the following warning in conspicuous type and in substantially the following form:

WARNING: YOUR FAILURE TO MAKE TIMELY ARRANGEMENTS FOR THE DISPOSITION OF A MOLD UPON COMPLETION OF ITS USE BY THE MOLDER WILL RESULT IN A TRANSFER OF YOUR RIGHTS IN THAT MOLD TO THE MOLDER AS PROVIDED BY LAW.

On motion by Senator Latvala, further consideration of **CS for SB 114** as amended was deferred.

SB 108—A bill to be entitled An act relating to public records requirements; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing an effective date.

—was read the second time by title.

The Committee on Children, Families and Seniors recommended the following amendment which was moved by Senator Hargrett:

Amendment 1—On page 2, line 2, after "*applies to*" insert: *foster parents whose homes are licensed under this section, including, but not limited to,*

On motion by Senator Hargrett, further consideration of **SB 108** with pending **Amendment 1** was deferred.

Consideration of **CS for SB 776** was deferred.

On motion by Senator Campbell, by two-thirds vote **HB 1749** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Campbell—

HB 1749—A bill to be entitled An act relating to Law Day; creating s. 683.22, F.S.; designating "Law Day" and "Law Week"; providing an effective date.

—a companion measure, was substituted for **SB 928** and read the second time by title.

Pursuant to Rule 4.19, **HB 1749** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for CS for SB 1046—A bill to be entitled An act relating to rulemaking authority with respect to the regulation of the citrus industry; creating s. 601.9918, F.S.; authorizing the Florida Citrus Commission to refer to national or state requirements in rules relating to issuance and use of symbols, certification marks, service marks, and trademarks; amending s. 601.10, F.S.; authorizing the Department of Citrus to adopt a rule listing forms to be used in conducting its business; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, between lines 6 and 7, insert:

Section 3. Subsection (2) of section 601.61, Florida Statutes, is amended to read:

601.61 Bond requirements of citrus fruit dealers.—

(2) Said bond shall be in the form approved by the Department of Agriculture and Consumer Services and shall be conditioned as provided in s. 601.66(9), and also to fully comply with the terms and conditions of all contracts, verbal or written, made by the citrus fruit dealer with producers or with other citrus fruit dealers, relative to the purchasing, handling, sale, and accounting of purchases and sales of citrus fruit, and upon the dealer accounting for the proceeds from, and paying for, any citrus fruit purchased or contracted for, in accordance with the terms of the contracts with producers, and upon the dealer accounting for any advance payments or deposits made, and delivering all citrus fruit contracted for, in accordance with the terms of the contracts with other citrus fruit dealers. *The commission may prescribe by rule that such a producer contract contain information that it considers necessary to protect the producer from deceptive practices.* For purposes of this chapter, every such contract shall be conclusively deemed to have been made and entered into during the shipping season in which the delivery of fruit into the primary channel of trade is made.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: amending s. 601.61, F.S., relating to the bond requirements of citrus fruit dealers; allowing the Florida Citrus Commission to prescribe certain terms of producer contracts;

Pursuant to Rule 4.19, **CS for CS for SB 1046** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SB 108—A bill to be entitled An act relating to public records requirements; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by the Committee on Children, Families and Seniors failed.

Pending further consideration of **SB 108**, on motion by Senator Hargrett, by two-thirds vote **CS for CS for HB 1849** was withdrawn from the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

On motion by Senator Hargrett—

CS for CS for HB 1849—A bill to be entitled An act relating to public records; amending s. 409.175, F.S.; providing an exemption from public records requirements for specified personal information contained in licensing files concerning persons licensed to be family foster parents and their spouses, children, and other adult household members; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 108** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1849** was placed on the calendar of Bills on Third Reading.

CS for SB 776—A bill to be entitled An act relating to physician assistants; amending ss. 39.01, 154.04, 232.465, 395.0191, 458.347, 459.022, 627.351, 627.357, 766.105, 766.1115, 984.03, 985.03, F.S.; providing for licensure of physician assistants rather than certification; prescribing qualifications for licensure and revising provisions governing examinations; conforming statutory provisions; providing an effective date.

—was read the second time by title.

Senators Clary and Horne offered the following amendment which was moved by Senator Horne:

Amendment 1—On page 1, line 21; on page 33, line 19; and on page 37, lines 20 and 29, after "458" insert: *or chapter 459*

On motion by Senator Horne, further consideration of **CS for SB 776** with pending **Amendment 1** was deferred.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 3261** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Kirkpatrick—

HB 3261—A bill to be entitled An act relating to telecommuting; repealing s. 3 of ch. 94-113, Laws of Florida; abrogating the repeal of s. 110.171, F.S., which establishes the state employee telecommuting program; providing an effective date.

—a companion measure, was substituted for **SB 496** and read the second time by title.

Pursuant to Rule 4.19, **HB 3261** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 166—A bill to be entitled An act relating to public records and meetings; amending s. 408.7056, F.S.; providing an exemption from public records requirements for certain personal information in documents, reports, or records prepared or reviewed by a provider and subscriber assistance panel or obtained by the Agency for Health Care Administration; providing an exemption for portions of meetings of such panels when such information or trade secret or internal risk management program information is discussed; requiring recording of closed meetings; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 166** to **CS for HB 1437**.

Pending further consideration of **SB 166** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB 1437** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight.

On motion by Senator Brown-Waite—

CS for HB 1437—A bill to be entitled An act relating to public records and meetings; amending s. 408.7056, F.S.; providing an exemption from public records requirements for certain personal information in documents, reports, or records prepared or reviewed by a provider and subscriber assistance panel or obtained by the Agency for Health Care Administration; providing an exemption for portions of meetings of such panels when such information, or trade secret or internal risk management program information, is discussed; requiring recording of closed meetings; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 166** as amended and read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, line 3, delete "*and*" and insert: *or*

And the title is amended as follows:

On page 1, line 10, after "panels" insert: when a subscriber whose grievance will be discussed requests a closed meeting or

Pursuant to Rule 4.19, **CS for HB 1437** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams, by two-thirds vote **CS for HB 3199** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Williams—

CS for HB 3199—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising a definition; amending s. 538.04, F.S.; exempting secondhand dealers from certain recordkeeping requirements for transactions involving secondhand sports equipment; providing an exception; providing an effective date.

—a companion measure, was substituted for **CS for SB 382** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3199** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 492** was deferred.

On motion by Senator Dyer—

CS for SB 812—A bill to be entitled An act relating to clean air; creating ss. 252.934, 252.935, 252.936, 252.937, 252.938, 252.939, 252.940, 252.941, 252.942, 252.944, 252.945, 252.946, F.S.; providing for the Florida Accidental Release Prevention and Risk Management Planning Act; providing a short title and purpose; defining terms; directing the Department of Community Affairs to seek delegation from the U.S. Environmental Protection Agency to implement the Accidental Release Prevention Program under the federal Clean Air Act or specified sources; providing for funding and fees; providing enforcement authority; providing penalties; authorizing the department to conduct inspections and audits; providing for tort liability; providing for a start-up loan; providing procedures for the release of information; amending s. 252.85, F.S.; deleting certain standard industrial classification codes from certain annual reporting requirements; allowing the Department of Community Affairs to consider certain factors in assessing late fees; providing an effective date.

—was read the second time by title.

Senator Dyer moved the following amendments which were adopted:

Amendment 1—On page 2, line 6 through page 7, line 28, delete those lines and insert:

252.935 Purpose.—The purpose of this part is to establish adequate state authorities to implement, fund, and enforce the requirements of the Accidental Release Prevention Program of Section 112(r)(7) of the federal Clean Air Act and federal implementing regulations for specified sources. To ensure the efficient use of resources, it is the intent of the Legislature for the state to seek delegation of the Section 112(r)(7) Accidental Release Prevention Program from the U.S. Environmental Protection Agency for specified sources and for duplication and redundancy to be avoided to the maximum extent practicable with no expansion or addition of the regulatory program.

252.936 Definitions.—As used in this part, the term:

(1) "Accidental release" means an unanticipated emission of a regulated substance into the ambient air from a stationary source.

(2) "Accidental Release Prevention Program" means the program to implement the accidental release prevention, detection, and response provisions of Section 112(r)(7) of the Clean Air Act and federal implementing regulations.

(3) "Audit" means a review of information at a stationary source subject to Section 112(r)(7), or submitted by a stationary source subject to Section 112(r)(7), to determine whether that stationary source is in compliance with the requirements of this part and rules adopted to implement this part. Audits must include a review of the adequacy of the stationary source's Risk Management Plan, may consist of reviews of information submitted to the department or the U.S. Environmental Protection Agency to determine whether the plan is complete or whether revisions to the plan are needed, and the reviews may be conducted at the stationary source to confirm that information onsite is consistent with reported information.

(4) "Chemical Safety and Hazard Investigation Board" means the federal Chemical Safety and Hazard Investigation Board created under Section 112(r)(6) of the Clean Air Act.

(5) "Clean Air Act" means the federal Clean Air Act, as amended, codified at 42 USC ss. 7401-7671q.

(6) "Commission" means the State Emergency Response Commission for Hazardous Materials created by Executive Order 94-138.

(7) "Committee" means any local emergency planning committee established in the state under s. 301 of the federal Emergency Planning and Community Right To Know Act, 42 USC s. 11001, et seq.

(8) "Department" means the Department of Community Affairs.

(9) "Inspection" means a review of information at a stationary source subject to Section 112(r)(7), including documentation and operating practices and access to the source and to any area where an accidental release could occur, to determine whether the stationary source is in compliance with the requirements of this part or rules adopted to implement this part.

(10) "Owner or operator" means any person who owns, leases, operates, controls, or supervises any stationary source subject to Section 112(r)(7) of the Clean Air Act.

(11) "Person" means an individual, corporation, partnership, association, state or any agency or institution thereof, municipality, political subdivision of the state, and any agency, department, or instrumentality of the United States, and any officer, agent, or employee thereof, and, for the purposes of s. 252.941, any responsible corporate officer.

(12) "Process" means a process as that term is defined under 40 C.F.R. Part 68.

(13) "Program level" means a Program 1, Program 2, or Program 3 stationary source level as determined under 40 C.F.R. Part 68.

(14) "Regulated substance" means any regulated substance defined or listed under Section 112(r)(3) of the Clean Air Act and federal implementing regulations. Consistent with Section 112(r)(7) federal implementing regulations, ammonia used as an agricultural nutrient, when held by farmers, is exempt from this part.

(15) "Risk Management Plan" means the Risk Management Plan required under Section 112(r)(7) of the Clean Air Act and federal implementing regulations.

(16) "Section 112(r)" means the provisions of Section 112(r) of the Clean Air Act.

(17) "Section 112(r)(7)" means the accidental release prevention, detection, and response provisions in Section 112(r)(7) of the Clean Air Act.

(18) "Stationary source" means any buildings, structures, equipment, installations, or regulated substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur. The term does not apply to transportation, including storage incident to transportation of any regulated substance under the provisions of this part. A stationary source includes transportation containers used for storage not incident to transportation and transportation containers connected to equipment at the stationary source for loading or unloading. Transportation includes, but is not limited to, transportation that is subject to oversight or regulation under 49 CFR parts 192, 193, or 195 or a state natural gas or hazardous liquid program for which the state has in effect a certification to the United States Department of Transportation under 40 U.S.C. s. 60105. A stationary source does not include naturally occurring hydrocarbon reservoirs. Properties may not be considered contiguous solely because of a railroad or gas pipeline right-of-way. Stationary sources subject to chapter 527 whose only regulated substance subject to Section 112(r)(7) is liquefied petroleum gas are exempt from Part IV, chapter 252.

(19) "Trust fund" means the Operating Trust Fund established in the department's Division of Emergency Management.

252.937 Department powers and duties.—

(1) The department has the power and duty to:

(a)1. Seek delegation from the U.S. Environmental Protection Agency to implement the Accidental Release Prevention Program under Section 112(r)(7) of the Clean Air Act and the federal implementing regulations for specified sources subject to Section 112(r)(7) of the Clean Air Act. Implementation for all other sources subject to Section 112(r)(7) of the Clean Air Act will be performed by the U.S. Environmental Protection Agency; and

2. Ensure the timely submission of Risk Management Plans and any subsequent revisions of Risk Management Plans.

(b) Adopt, modify, and repeal rules, with the advice and consent of the commission, necessary to obtain delegation from the U.S. Environmental Protection Agency and to administer the Section 112(r)(7) Accidental Release Prevention Program in this state for the specified stationary sources with no expansion or addition of the regulatory program.

(c) Make and execute contracts and other agreements necessary or convenient to the implementation of this part.

(d) Coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities and activities under parts I, II, and III of this chapter and with the related activities of other state and local agencies, keeping separate accounts for all activities conducted under this part which are supported or partially supported from the Trust Fund.

(e) Establish, with the advice and consent of the commission, a technical assistance and outreach program on or before January 31, 1999, to assist owners and operators of specified stationary sources subject to Section 112(r)(7) in complying with the reporting and fee requirements of this part. This program is designed to facilitate and ensure timely submission of proper certifications or compliance schedules and timely submission and registration of Risk Management Plans and revised registrations and Risk Management Plans when required for these sources.

(f) Make a quarterly report to the State Emergency Response Commission on income and expenses for the state's Accidental Release Prevention Program under this part.

(2) To ensure that this program is self-supporting, the department shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and shall provide necessary funding to local emergency planning committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources subject to this part shall enter into a Memorandum of Understanding with the department which specifically outlines how each agency's staff, facilities, materials, and services will be utilized to support implementation. At a minimum, these agencies and programs include: the Department of Environmental Protection's Division of Air Resources Management and Division of Water Facilities, and the Department of Labor and Employment Security's Division of Safety. It is the

Legislature's intent to implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.

(3) To prevent the duplication of investigative efforts and resources, the department, on behalf of the commission, shall coordinate with any federal agencies or agents thereof, including the federal Chemical Safety and Hazard Investigation Board, or its successor, which are performing accidental release investigations for specified stationary sources, and may coordinate with any agencies of the state which are performing accidental release investigations. This accidental release investigation coordination is not intended to limit or take the place of any individual agency accidental release investigation under separate authority.

(4) To promote efficient administration of this program and specified stationary sources, the only agency

Amendment 2—On page 8, line 3 through page 11, line 31, delete those lines and insert:

252.938 Funding.—

(1) It is the intent of the Legislature that the state activities and expenditures under this part be self-sustaining through fees contributed by specified sources as provided in this part.

(2) All fees and penalties collected under this part must be deposited in the Operating Trust Fund for appropriation to fund the state's Accidental Release Prevention Program under this part.

252.939 Fees.—

(1)(a) Any owner or operator of a specified stationary source in the state which must submit a Risk Management Plan to the U.S. Environmental Protection Agency under Section 112(r)(7) shall pay an annual registration fee for each specified stationary source to the department. The annual registration fee is due to the department upon initial submission of a stationary source's Risk Management Plan to the U.S. Environmental Protection Agency, and every April 1 thereafter.

(b) Prior individual written notice shall be provided by U.S. mail by the department to owners or operators of specified stationary sources in the state subject to the requirements under Section 112(r)(7) to submit Risk Management Plans and corresponding state registration fees. This notice must include the requirements of the state fee schedule and must be mailed at least 90 days before the due date for the specified stationary source's initial registration and Risk Management Plan submission year and at least 30 days before the registration fee due date for subsequent years.

(c) The department shall establish a fee schedule by rule for the specified stationary sources, upon the advice and consent of the commission. The annual registration fee must be based on a stationary source's highest program level, as determined under the federal implementing regulations for Section 112(r)(7) and may not exceed the following:

1. Program 1 Stationary Sources $100. Multiple Program 1 stationary sources which are under common ownership and which have the same single chemical process, shall pay a full fee for the first stationary source location and a 50 percent fee for subsequent locations with no owner of such multiple stationary sources paying more than $1,000. To be eligible for this multiple stationary source fee provision, one single fee payment must be submitted by the owner of the eligible multiple stationary source locations with a listing of the multiple stationary source locations and the single chemical process.

2. Program 2 Stationary Sources $200. Multiple Program 2 stationary sources which are under common ownership and which have the same single chemical process, shall pay a full fee for the first three stationary source locations and a 50 percent fee for subsequent locations with no owner of such multiple stationary sources paying more than $2,000. Multiple Program 2 stationary sources which are under common ownership and which are classified under one of the following Standard Industrial Classification group numbers 01, 02, or 07 shall pay a full fee, not to exceed $100 for the first stationary source location and a 50 percent fee for subsequent locations with no owner of such multiple stationary sources paying more than $800. To be eligible for this multiple stationary source fee provisions, one single fee payment must be submitted by the owner of the eligible multiple stationary source locations with a listing of the multiple stationary source locations and the chemical process.

3. Program 3 Stationary Sources $1,000.

(d) Annual registration fees under this section are not required until after the department receives final delegation approval from the U.S. Environmental Protection Agency to administer the Section 112(r)(7) Accidental Release Prevention Program for the specified stationary sources.

(2) The department shall establish by rule late fees, not to exceed 10 percent per month of the annual registration fee owed, and not to exceed a total of 50 percent, for failure to timely submit an annual registration fee. A late fee may not be assessed against a stationary source during the initial registration and submission year if 90 days prior written notice was not provided to that stationary source.

(3) In determining whether an annual registration fee is timely submitted under subsections (1) and (2), if the fee is:

(a) Mailed via U.S. mail, the date of submittal is the date evidenced by the postmark.

(b) Delivered by overnight or other private mail carriers, the date of submittal is the date the package is deposited with the overnight carrier.

(c) Hand-delivered, other than by overnight or private mail carrier, the date of submittal is the date of actual receipt.

(4) If the Legislature directs the department to seek authority to implement and enforce Section 112(r)(7) of the Clean Air Act for additional stationary sources, the department shall, with the advise of the commission, review and suggest revisions, if necessary and appropriate, to the fees specified in s. 252.939.

252.940 Enforcement; procedure; remedies.—

(1) The department has the following enforcement authority and remedies for specified stationary sources available to it for violations of this part as specified in s. 252.941:

(a) To institute a civil action in a court of competent jurisdiction in order to seek injunctive relief to immediately restrain or enjoin any person from engaging in any activity in violation of this part which is presenting an imminent and substantial endangerment to the public health or welfare or the environment; and to seek injunctive relief to enforce compliance with this part or any rule, regulation, program requirement, or order implementing this part.

(b) To institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation, as specified in s. 252.941(1), in an amount of not more than $10,000 per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

(c) To seek criminal remedies, including fines, for violations as specified in s. 252.941(2).

(d) Failure to comply with the fee provisions under s. 252.939 is not a violation under s. 252.941. Section 252.939(2) is the sole remedy for fee provisions in s. 252.939, except that the department may enforce a final order entered under that section pursuant to s. 120.69.

(2) An action may not be commenced or continued under this section if the Administrator of the U.S. Environmental Protection Agency has commenced and is diligently pursuing an administrative order or civil or criminal action to enforce a specific requirement or to impose a civil or criminal penalty under Section 112(r) with respect to the specific violation. If the U.S. Environmental Protection Agency initiates any action after the state has initiated an action based on the same cause, the state suit shall be dismissed without prejudice and may be refiled only in the event that the U.S. Environmental Protection Agency discontinues the enforcement action prior to settlement or final judgment.

(3) For the purposes of this section, the department may offer and accept the use of emergency planning, training, and response-related Supplemental Environmental Projects, consistent with the guidelines established by the U.S. Environmental Protection Agency.

(4) The authorities and remedies provided under this section shall not take effect until after such time as the department has received final

delegation approval from the U.S. Environmental Protection Agency to administer the Section 112(r)(7) Accidental Release Prevention Program for specified stationary sources.

Amendment 3—On page 13, lines 7-18, delete those lines and insert: *112(r)(7) Accidental Release Prevention Program for specified stationary sources.*

252.942 Inspections and audits.—

(1)(a) Any duly authorized representative of the department may at any reasonable time enter to inspect and audit, in order to ascertain compliance with this part or rules adopted to implement this part, any specified stationary source subject to the requirements of Section 112(r)(7), except a building that is used exclusively for a private residence.

(b) Any duly authorized representative may at any reasonable time have access to any specified

Amendment 4 (with title amendment)—On page 15, line 11 through page 17, line 2, delete those lines and insert: *plan which identifies specified stationary sources or audits based on the program resources available. Stationary sources will be prioritized for audits based on factors which include, but are not limited to, stationary source location and proximity to population centers, chemical characteristics and inventories, stationary source accident history, process accident history, compliance or inspection by allied agency programs, and the results of stationary sources' self-audits.*

(5) Upon request, owners or operators of specified stationary sources subject to Section 112(r)(7) shall receive an oral exit interview at the conclusion of an inspection or audit.

(6) Following an audit or inspection, the department shall issue the owner or operator a written preliminary determination of any necessary revisions to the stationary source Risk Management Plan to ensure that the plan meets the requirements of this part and rules adopted to implement this part. The preliminary determination must include an explanation of the basis for the revisions, reflecting industry standards and guidelines to the extent that such standards and guidelines are applicable, and must include a timetable for their implementation.

(7) The department shall provide reasonable notice of its intent to conduct an onsite inspection or audit of a specified stationary source. Inspections or audits may be conducted without notice in response to an accidental release or to protect the public health, safety, and welfare.

252.944 Tort liability.—The commission and the committees are state agencies, and the members of the commission and committees are officers, employees, or agents of the state for the purpose of s. 768.28.

252.945 Start up loan.—The department may advance a start up loan in the amount of $400,000 from the hazardous materials account in the Operating Trust Fund to support initial implementation of this part. This loan must be repaid in equal annual installments by 2006, beginning October 1, 2001.

252.946 Public records.—With regard to information submitted to the U.S. Environmental Protection Agency under this part or Section 112(r)(7), the Department of Community Affairs, the State Hazardous Materials Emergency Response Commission, and any local emergency planning committee may assist persons in electronically accessing such information held by the U.S. Environmental Protection Agency in its centralized database. If requested, the department, the commission, or a committee may furnish copies of such U.S. Environmental Protection Agency records. For these, and any other records copies, the department, the commission, or the committees may charge a fee of up to $1.00 per page for over 25 pages copied, per person, per year.

Section 2. *In the interim prior to the regular legislative session in 2000, the appropriate substantive committees of the Senate and the House of Representatives shall conduct a review of the Florida Accidental Release Prevention and Risk Management Planning Act. The Department of Community Affairs, the State Emergency Response Commission, local emergency planning committees, the Department of Environmental Protection, the Department of Labor and Employment Security, county emergency management agencies, and all other agencies or private entities providing regulatory, inspection, or technical assistance shall provide information and assist in the review as needed. The review should include an analysis of the effectiveness and efficiency of the program, including the technical assistance and outreach programs offered; the level of participation in the program; the quality of the Risk Management Plans submitted; the adequacy of the administrative support provided and the efficiency and effectiveness of program administration, monitoring, coordination, and recordkeeping; the adequacy and quality of investigative efforts; the adequacy of the fee structure; the adequacy and quality of contracts entered into, audits, or inspections; and any other aspect of the program as determined by the legislative committees. Subsequent to this review, the legislative committees are to make recommendations regarding whether to continue the program. The committees are to address what, if any, statutory provisions should be modified in order to improve the program. Legislation should be promulgated to effectuate the committees' recommendations.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: directing legislative committees to review the Florida Accidental Release Prevention and Risk Management Planning Act;

Pursuant to Rule 4.19, **CS for SB 812** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 1058—A bill to be entitled An act relating to solid waste management; amending s. 403.7045, F.S.; authorizing the Department of Environmental Protection to allow recycling and reuse of ash residue which meets department standards adopted by rule; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1058** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for CS for SB 626—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising provisions with respect to the scope of the chapter; providing for certain rules; amending s. 721.05, F.S.; defining the term "regulated short-term product"; amending s. 721.06, F.S.; revising provisions with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; providing a time period for amendments that add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting provisions with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.11, F.S.; requiring that advertisements of regulated short-term products be filed with the division; requiring disclosure statements for purchase agreements; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; amending s. 721.265, F.S.; providing service of process in receivership proceedings; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative purpose; providing definitions; providing for a registered agent; providing for the consolidation of foreclosure actions; creating part IV of ch. 721, F.S.; creating timeshare commissioners of deeds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 626** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for SB 818—A bill to be entitled An act relating to fire prevention and control; amending s. 633.537, F.S.; changing expiration and renewal of certificates of competency for fire protection contractors from an annual to a biennial basis; revising continuing education requirements and providing transitional continuing education requirements, to conform; amending s. 633.524, F.S.; increasing the renewal fee, to conform; amending s. 633.60, F.S., relating to engaging in the business or acting in the capacity of a contractor of automatic fire sprinkler systems, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 818** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 1292—A bill to be entitled An act relating to controlled substances; amending s. 893.12, F.S.; deleting the requirement that a copy of the record of the destruction of seized controlled substances be sent to the Drug Enforcement Administration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1292** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth, by two-thirds vote **HB 65** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Kurth—

HB 65—A bill to be entitled An act relating to crime prevention assistance; repealing ss. 426.001, 426.002, 426.003, 426.004, 426.005, 426.006, 426.007, 426.008, and 426.009, F.S., relating to crime prevention assistance; amending ss. 938.09 and 938.11, F.S., to conform; providing an effective date.

—a companion measure, was substituted for **SB 982** and read the second time by title.

Pursuant to Rule 4.19, **HB 65** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 708** was deferred.

On motion by Senator Campbell—

CS for SB 154—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim's mental or physical disability or advanced age; providing definitions; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1—Delete everything after the enacting clause and insert:

Section 1. Section 775.085, Florida Statutes, is amended to read:

775.085 Evidencing prejudice while committing offense; enhanced penalties.—

(1)*(a)* The penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, ~~or~~ national origin, *mental or physical disability, or advanced age* of the victim:

1.~~(a)~~ A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree.

2.~~(b)~~ A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree.

3.~~(c)~~ A felony of the third degree shall be punishable as if it were a felony of the second degree.

4.~~(d)~~ A felony of the second degree shall be punishable as if it were a felony of the first degree.

5. A felony of the first degree shall be punishable as if it were a life felony.

(b) As used in paragraph (a), the term:

1. "Mental or physical disability" means that the victim suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, and has one or more physical or mental limitations that restrict the victim's ability to perform the normal activities of daily living.

2. "Advanced age" means that the victim is older than 65 years of age.

(2) A person or organization *that* ~~which~~ establishes by clear and convincing evidence that it has been coerced, intimidated, or threatened in violation of this section *has* ~~shall have~~ a civil cause of action for treble damages, an injunction, or any other appropriate relief in law or in equity. Upon prevailing in such civil action, the plaintiff may recover reasonable attorney's fees and costs.

(3) It *is* ~~shall be~~ an essential element of this section that the record reflect that the defendant perceived, knew, or had reasonable grounds to know or perceive that the victim was within the class delineated *in this section* ~~herein~~.

Section 2. This act shall take effect October 1, 1998.

Pursuant to Rule 4.19, **CS for SB 154** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 892—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; providing for methadone maintenance treatment; amending s. 397.501, F.S.; providing for appropriate use of methods and techniques for controlling aggressive clients; providing rulemaking authority relating to the use of such methods and techniques; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 892** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 668—A bill to be entitled An act relating to violent offenders; amending s. 945.092, F.S.; providing that a habitual violent felony offender or violent career criminal may not be placed in a work-release program or confined in a minimum security facility; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, between lines 25 and 26, insert:

Section 2. Subsection (6) of section 985.307, Florida Statutes, is amended to read:

985.307 Juvenile assignment centers.—

(6) Notwithstanding any provision to the contrary, this section expires July 1, *2002* ~~1998~~, unless reenacted by the Legislature. The department may not create or operate a juvenile assignment center after July 1, *2002* ~~1998~~, without further legislative authority. Unless reenacted by the Legislature, any juvenile assignment center created under this section shall be converted to a high-level or maximum-level residential commitment program, subject to availability of funds.

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal offenders; amending s. 945.092, F.S.; providing that a habitual violent felony offender or violent career criminal may not be placed in a work-release program or confined in a minimum security facility; amending s. 985.307, F.S.; postponing expiration date of juvenile assignment center; providing an effective date.

Pursuant to Rule 4.19, **SB 668** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, by two-thirds vote **CS for CS for HB 1137** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Horne—

CS for CS for HB 1137—A bill to be entitled An act relating to tests for alcohol, chemical substances, or controlled substances; amending ss. 316.1932 and 316.1933, F.S., relating to implied consent for testing for impairment or intoxication in cases of death or serious bodily injury; authorizing certain health care providers who become aware of a person's unlawful blood-alcohol level to notify law enforcement officials; prescribing a form for the notice; providing that such notice or failure to provide notice is not a violation of any ethical, moral, or legal duty; prohibiting any action or administrative proceeding being brought against anyone participating in good faith in providing or failing to provide such notice; providing for certain immunity from civil or criminal liability and from any professional disciplinary action; providing for certain immunity in any judicial proceeding resulting from the notice or failure to provide notice; providing an effective date.

—a companion measure, was substituted for **CS for SB 508** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1137** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 830—A bill to be entitled An act relating to homestead tax exemptions; amending s. 196.011, F.S.; deleting requirements for social security numbers to be included on applications for homestead exemptions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 830** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **HB 3477** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Bronson—

HB 3477—A bill to be entitled An act relating to determination of millage; amending s. 200.065, F.S.; authorizing taxing authorities to adopt the tax levies and budgets of their dependent special taxing districts by single votes, unless a member of the public requests a separate discussion and vote for the tax levy or budget of any such district; providing an effective date.

—a companion measure, was substituted for **SB 560** and read the second time by title.

Pursuant to Rule 4.19, **HB 3477** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 540—A bill to be entitled An act relating to emergency medical services; amending s. 784.07, F.S.; redefining the term "emergency medical care providers" to include physician assistants, emergency room orderlies, and emergency room security guards; providing that the term includes personnel who are performing official duties whether within or outside an emergency room; providing that enhanced penalties and certain minimum sentences apply if a person is convicted of assault or battery against an emergency medical care provider; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Lee and adopted:

Amendment 1 (with title amendment)—On page 2, lines 12-18, delete those lines and insert: registered nurse, physician as defined in s. 401.23, medical director as defined in s. 401.23, or any person authorized by an emergency medical service licensed under chapter 401 *who is engaged in the performance of his or her duties. The term "emergency medical care provider" also includes physicians, employees, agents, or volunteers of hospitals as defined in chapter 395, who are employed, under contract, or otherwise authorized by a hospital to perform duties directly associated with the care and treatment rendered by the hospital's emergency department or the security thereof.*

And the title is amended as follows:

On page 1, lines 4-9, delete those lines and insert: "emergency medical care providers" to clarify such persons must be engaged in the performance of duties; providing that the term includes enumerated personnel of a hospital's emergency department; providing that

Pursuant to Rule 4.19, **SB 540** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt, by two-thirds vote **CS for HB 3065** was withdrawn from the Committee on Transportation.

On motion by Senator Burt—

CS for HB 3065—A bill to be entitled An act relating to building, bridge, and overpass designations; designating the Florida Department of Transportation District Five headquarters building located in Volusia County as the "Ben G. Watts Building"; designating a specified bridge in Pasco County as the "Father Felix Ullrich Bridge"; designating Fiske Boulevard overpass at Interstate Highway 95 in Rockledge as the "Jack I. Korenblit Overpass"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **CS for SB 178** and read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, between lines 9 and 10, insert:

Section 4. *In recognition of the circumstances that the Game and Fresh Water Fish Commission can no longer utilize its property at 551 N. Military Trail in West Palm Beach, the commission is directed to transfer its ownership interest in the land and facilities at this site to the County of Palm Beach. Transfer of ownership is contingent upon the commission making a determination that the transfer will not result in an ineligibility for future federal funds from the U.S. Department of Interior since federal funds have been used to construct facilities at this location.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: providing for the transfer of ownership of specified property;

Senator Bankhead moved the following amendments which were adopted:

Amendment 2 (with title amendment)—On page 4, between lines 9 and 10, insert:

Section 4. *The Jacksonville Children's Medical Services Building is designated as the "Richard G. Skinner, Jr., M.D., Children's Medical Services Building."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: designating the Jacksonville Children's Medical Services Building as the "Richard G. Skinner, Jr., M.D., Children's Medical Services Building";

Amendment 3—In title, on page 3, line 10, delete "NOW, THEREFORE," and insert: and,

WHEREAS, Richard G. Skinner, Jr., M.D., dedicated 48 years of his life to serving children who have chronic diseases and multihandicapping conditions, and

WHEREAS, Richard G. Skinner, Jr., M.D., served a vital role in developing Florida's Children's Medical Services programs as Medical Director of Children's Medical Services, District IV, from 1965 until 1990, and

WHEREAS, Richard G. Skinner, Jr., M.D., served children with special needs through his life of work in medicine and in the community, NOW, THEREFORE,

Pursuant to Rule 4.19, **CS for HB 3065** as amended was placed on the calendar of Bills on Third Reading.

CS for SB 550—A bill to be entitled An act relating to adoption; amending ss. 39.461, 39.464, 39.469, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing provisions authorizing licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.47, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions in this state; amending s. 63.032, F.S.; revising definitions; defining the term "adoption entity"; creating s. 63.037, F.S.; exempting adoption proceedings that result from a termination of parental rights under ch. 39, F.S., from certain provisions of ch. 63, F.S.; creating s. 63.038, F.S.; providing criminal penalties for committing certain fraudulent acts; creating s. 63.039, F.S.; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor who has been placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; permitting an affidavit of nonpaternity under certain circumstances; amending s. 63.082, F.S.; revising requirements for executing a consent to an adoption; providing a time period for withdrawing consent; providing additional disclosure requirements; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the birth parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a birth parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; creating s. 63.088, F.S.; providing requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing requirements for the notice; providing requirements for conducting a diligent search for such person whose location is unknown; requiring that an unlocated or unidentified person be served notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing procedures for the proceeding to terminate parental rights pending adoption; specifying the matters to be determined; specifying grounds upon which parental rights may be terminated; providing for procedures following a judgment; providing for records to be made part of the subsequent adoption; amending s. 63.092, F.S.; providing requirements to be met if a prospective placement in an adoptive home is an at-risk placement; defining at-risk placement; amending s. 63.097, F.S.; revising requirements for the court in approving specified fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; amending s. 63.112, F.S.; revising requirements for the information that must be included in a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S., relating to the final home investigation; conforming provisions to changes made by the act; amending s. 63.132, F.S.; revising requirements for the report of expenditures and receipts which is filed with the court; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.152, F.S.; requiring that the clerk of the court mail a copy of a new birth record to the state registry of adoption information; amending s. 63.165, F.S.; requiring that a copy of the certified statement of final decree of adoption be included in the state registry of adoption information; requiring that the Department of Children and Family Services maintain such information for a specified period; amending s. 63.182, F.S.; requiring that an action to vacate an order of adoption or an order terminating parental rights pending adoption be filed within a specified period after entry of the order; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S., relating to prohibitions and penalties with respect to adoptions; conforming provisions to changes made by the act; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 17, delete line 7 and insert: *under s. 63.085;*

Amendment 2—On page 17, delete line 18 and insert: *under s. 63.062 or s. 63.082;*

Amendment 3—On page 22, delete line 28 and insert: *action to terminate parental rights pending adoption pursuant to*

Amendment 4—On page 23, lines 21-29, delete those lines and insert:

2. I have been told that . . . . . has a child. I shall not establish or claim paternity for this child.

3. The child noted herein was not conceived or born while the birth mother was married to me. I AM NOT MARRIED TO THE BIRTH MOTHER, nor do I intend to marry the birth mother.

Amendment 5—On page 26, line 27, delete "*63.062(2)(b)*" and insert: *63.062(3)(b)*

Amendment 6—On page 27, delete line 8 and insert:

(4) The consent *to an adoption or the affidavit of nonpaternity* ~~for voluntary surrender~~

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **Amendment 7**, motions and announcements.

Senators Rossin and Ostalkiewicz offered the following amendment which was moved by Senator Ostalkiewicz and adopted:

Amendment 7—On page 27, lines 8-11, delete those lines and insert:

(4) *(a)* The consent *to an adoption or affidavit of nonpaternity shall not* ~~for voluntary surrender must~~ be executed *before* ~~after~~ the birth of the *minor.*

(b) A consent to adoption of a minor who is to be placed for adoption under s. 63.052 upon the minor's release following birth from a licensed hospital or birth center, shall not be executed sooner than:

1. 48 hours from the time of the minor's birth; or

2. The day the birth mother is determined in writing, either on a patient chart or in release paperwork to be fit for release from a licensed hospital or birth center; whichever is sooner.

A consent executed under this paragraph is valid upon execution and thereafter may only be withdrawn when the court finds that it was obtained by fraud or under duress.

(c) When the minor to be adopted is not placed under s. 63.052 upon the minor's release following birth from a licensed hospital or birth center, the consent may be executed at any time after the birth of the minor. While such consent is valid upon execution, it is subject to a 3-day revocation period under subsection (7).

(d) The consent

Senators Rossin and Ostalkiewicz offered the following amendment which was moved by Senator Ostalkiewicz:

Amendment 8—On page 28, line 26, after the period (.) insert: *WHEN RELINQUISHING YOUR RIGHTS TO A CHILD WHO IS TO BE PLACED FOR ADOPTION UNDER S. 63.052 UPON THE MINOR'S RELEASE FOLLOWING BIRTH FROM A LICENSED HOSPITAL OR BIRTH CENTER, A WAITING PERIOD WILL BE IMPOSED BEFORE YOU MAY SIGN THE CONSENT FOR ADOPTION. YOU WILL BE REQUIRED TO WAIT 48 HOURS FROM THE TIME OF BIRTH, OR UNTIL THE BIRTH MOTHER HAS BEEN NOTIFIED IN WRITING, EITHER ON HER CHART OR IN RELEASE PAPERS THAT SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTHING CENTER, WHICHEVER IS SOONER, BEFORE YOU MAY SIGN THE CONSENT FOR ADOPTION. ONCE YOU HAVE SIGNED THE CONSENT, IT IS VALID AND BINDING AND CANNOT BE WITHDRAWN UNLESS A COURT FINDS THAT IT WAS OBTAINED THROUGH FRAUD OR UNDER DURESS. IF YOU ARE RELINQUISHING YOUR RIGHTS TO A CHILD WHO IS NOT PLACED UNDER S. 63.052 UPON THE MINOR'S RELEASE FOLLOWING BIRTH FROM A LICENSED HOSPITAL OR BIRTH CENTER, THE CONSENT MAY BE EXECUTED AT ANY TIME AFTER THE BIRTH OF THE MINOR. WHILE SUCH CONSENT IS VALID UPON EXECUTION, IT IS SUBJECT TO A 3-DAY REVOCATION PERIOD.*

WHEN THE REVOCATION PERIOD APPLIES, YOU

On motion by Senator Dudley, further consideration of **CS for SB 550** with pending **Amendment 8** was deferred.

RECONSIDERATION OF BILL

On motion by Senator Bankhead, the rules were waived and—

SB 668—A bill to be entitled An act relating to violent offenders; amending s. 945.092, F.S.; providing that a habitual violent felony offender or violent career criminal may not be placed in a work-release program or confined in a minimum security facility; providing an effective date.

—was recalled from Engrossing.

On motion by Senator Bankhead, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Pursuant to Rule 4.19, **SB 668** was placed on the calendar of Bills on Third Reading.

Senator Bankhead reported that the Committee on Rules and Calendar determined that an emergency exists compelling the introduction of **SB 2686**, notwithstanding the fact that the final day has passed for introduction of bills.

On motion by Senator Bankhead, the rules were waived by unanimous consent and the Senate reverted to introduction for the purpose of introducing the following bill out of order:

INTRODUCTION AND REFERENCE OF BILL

By Senator Dudley—

SB 2686—A bill to be entitled An act protecting the right of free expression of candidates for public office; granting all candidates for public office the right to express their positions on public issues; repealing provisions of the Code of Judicial Conduct which conflict with this right; providing an effective date.

—which was referred to Committee on Executive Business, Ethics and Elections.

MEMORIAL

On behalf of the Senate, the President recognized Senator McKay, who expressed regret at the death of former Senator and State Comptroller Fred O. "Bud" Dickinson, Jr., and asked the Senate to stand for a moment of silent prayer.

REPORTS OF COMMITTEES

The Committee on Judiciary recommends the following pass: SJR 1464

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Judiciary recommends the following pass: SJR 1816 with 1 amendment

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Natural Resources recommends the following pass: SB 1750, SB 2216 with 1 amendment

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1012

The bill with committee substitute attached was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 1104

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 2138

The Committee on Natural Resources recommends committee substitutes for the following: SJR 528, SB 882

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 336

The Committee on Judiciary recommends committee substitutes for the following: SB 1466, SB 2164

The Committee on Ways and Means recommends committee substitutes for the following: CS for CS for SB 1228, CS for SB 1406, CS for SB 2524

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Geller—

SB 2640—A bill to be entitled An act relating to privileged communications between parent and child; creating s. 90.5045, F.S.; providing for a parent-child privilege pursuant to which the parent or child may refuse to disclose, or prevent another from disclosing, certain communications intended to be made in confidence between the parent and the child; providing for the privilege to be claimed by the child or parent, or the child's or parent's guardian or conservator; providing a legal presumption for authority to claim the privilege absent contrary evidence; providing that there is no parent-child privilege in certain legal proceedings brought against a family member by or on behalf of another family member, in prosecutions or other criminal proceedings involving commission of a crime or delinquent act or in investigations of murder or sexual battery, or in certain matters involving the Department of Juvenile Justice or Department of Children and Family Services; providing for waiver of the privilege; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Geller—

SB 2642—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for works of art purchased or imported for the purpose of donation to an educational institution; providing requirements with respect thereto; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

SR 2644—Not referenced.

By Senator Laurent—

SB 2646—A bill to be entitled An act relating to trust funds; creating s. 259.1051, F.S.; creating the Florida 2020 Trust Fund; specifying purposes of the trust fund; specifying application of moneys in the trust fund; specifying sources of funds for the trust fund; requiring the Department of Environmental Protection to distribute moneys in the fund for certain purposes; requiring the department to administer the trust fund; providing for alternative use of moneys in the fund under certain circumstances; providing a contingent effective date.

—was referred to the Committees on Natural Resources; Education; and Ways and Means.

By Senator Laurent—

SB 2648—A bill to be entitled An act relating to the Florida 2020 Program; amending s. 201.15, F.S.; providing for distribution of certain documentary stamp tax revenues to the Land Acquisition Trust Fund to pay debt service on the Florida 2020 Program bonds; creating s. 201.155, F.S.; providing for annual appropriation to pay such debt service; creating s. 235.45, F.S.; establishing the Florida Year 2020 Higher Education Facilities Program; authorizing issuance of bonds for certain purposes; providing duties of the Commissioner of Education; requiring a report; providing financing requirements; amending s. 259.02, F.S.; providing bonding authority for the Florida 2020 Program; deleting obsolete language; creating s. 259.021, F.S.; subjecting bond issuance to constitutional authorization; providing requirements and limitations; amending s. 259.03, F.S.; deleting obsolete definitions; amending s. 259.032, F.S.; revising legislative intent to include an emphasis on water resource development and on adequate management of lands acquired by the state; directing the Board of Trustees of the Internal Improvement Trust Fund to consider buying lands that promote water resource development and facilitates restoration of the Everglades; specifying that the Conservation and Recreation Lands Trust Fund shall be the source of funds to pay management costs and payment-in-lieu-of-taxes for the Florida 2020 Program; deleting obsolete language; creating s. 259.034, F.S.; creating the Land Acquisition and Management Advisory Commission; specifying membership and duties of the commission; requiring the commission to develop an acquisition list; requiring a plan of restoration, acquisition, and capital improvements; providing requirements; authorizing the commission to adopt rules; amending s. 259.04, F.S.; directing the board of trustees to develop a 5-year plan for restoring, acquiring, or making capital improvements to lands or ecosystems identified by the Land Acquisition and Management Council or its successor; amending s. 259.041, F.S.; directing the Department of Environmental Protection's Division of State Lands to use appraisals obtained by other public agencies or by nonprofit organizations, if certain conditions are met; providing legislative intent and guidelines for use of less-than-fee-simple land acquisition alternatives; amending s. 259.101, F.S.; clarifying redistribution of certain unspent P2000 funds; creating s. 259.105, F.S.; creating the Florida 2020 Act; providing legislative findings and intent; providing for disposition of bond proceeds issued pursuant to the act; specifying uses of the bond proceeds; specifying criteria to be used in selecting projects for the program; specifying the manner in which lands acquired under the program may be disposed of as surplus or donated for alternative government uses; providing requirements; providing procedures; authorizing the Land Acquisition and Management Commission, the Department of Environmental Protection, water management districts, and public agencies to adopt rules for certain purposes; amending s. 373.459, F.S.; specifying that Florida 2020 bond proceeds may be deposited into the Ecosystem Management and Restoration Trust Fund for use in financing Surface Water Improvement and Management projects; specifying eligibility for certain funds; amending s. 373.59, F.S.; providing that Florida 2020 bond proceeds may be spent to acquire water management district lands; limiting funding of management and related activities to documentary stamp tax revenues legislatively appropriated to the Water Management Lands Trust Fund; specifying that any revenues from the sale of water management district lands acquired with Florida 2020 proceeds shall be spent only to acquire lands that meet the program's criteria; amending s. 375.075, F.S.; providing that Florida 2020 bond proceeds shall be available to fund those Florida Recreational Development and Assistance Program projects selected through the Florida 2020 Program process; directing the Department of Environmental Protection and the Florida Communities Trust to assist qualified counties and municipalities in obtaining certain grants; amending s. 380.507, F.S.; providing for the Florida Communities Trust Program's eligibility to receive Florida 2020 bond proceeds; providing procedures; amending s. 380.510, F.S.; including the Florida 2020 Trust Fund moneys as subject to conditions of grants and loans made by the Florida Communities Trust; creating the Florida 2020 Study Commission; specifying membership, duties, and responsibilities; requiring a report of findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and certain legislative committees; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; Education; and Ways and Means.

By Senator Laurent—

SJR 2650—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution, relating to bonds for state conser-

vation, recreation, and restoration programs and for postsecondary education infrastructure construction.

—was referred to the Committees on Natural Resources; Ways and Means; and Rules and Calendar.

By Senator Laurent—

SB 2652—A bill to be entitled An act relating to a special election to be held on September 1, 1998, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution creating Section 19 of Article VII of the State Constitution, which authorizes the issuance of state bonds to finance or refinance state conservation, recreation, and restoration programs and postsecondary education infrastructure; providing for publication of notice and for procedures; providing an effective date.

—was referred to the Committees on Natural Resources; Education; and Ways and Means.

By Senator Laurent—

SB 2654—A bill to be entitled An act relating to eminent domain; amending s. 73.071, F.S.; providing criteria for the jury to determine compensation for specified agricultural property; providing an effective date.

—was referred to the Committees on Judiciary and Agriculture.

Senate Resolutions 2656—2658—Not referenced.

By Senator Laurent—

SB 2660—A bill to be entitled An act relating to Polk County; amending ch. 88-443, Laws of Florida, to revise provisions relating to a personnel system for the Sheriff's Office, a personnel board, board members' powers and duties, board expenditures, a classified service, new positions and vacancies, probationary periods, hearings, appointments, rules, policies, pay plans, rights, and benefits; providing for a Members Nominating Committee for selecting board members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2662—2670—Not referenced.

By Senators Burt and Bankhead—

SB 2672—A bill to be entitled An act relating to Volusia County; creating the Volusia County Health Care District; providing taxing authority; specifying use for taxes collected; providing for a board of directors; reducing millage rates for certain existing special taxing districts; prohibiting the sale or lease of certain hospital facilities; allowing certain exceptions to the West Volusia Hospital Authority in regard to leases with Memorial Health Systems; repealing the tax levying and collecting authority of certain specified special taxing districts; providing for a study; requiring a study report by a specified date; requiring the Auditor General to contract for a financial-related audit for each of the hospital districts in Volusia County for specified periods; providing for a report to the Volusia County Legislative Delegation; providing for the appointment of specified persons to assist the Auditor General; providing contents of the audit; providing a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 2674—A bill to be entitled An act relating to Collier County; providing that certain fire districts of the county may be governed by a three-member board; providing for a referendum vote; providing for the form of ballot; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Commerce and Economic Opportunities; and Senators Harris and Klein—

CS for SB 336—A bill to be entitled An act relating to international economic development; requiring Enterprise Florida, Inc., to develop a master plan for integrating international trade and reverse investment resources; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, to prepare a plan to promote foreign direct investment in Florida; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., to develop a strategic plan that will allow Florida to capitalize on the economic opportunities associated with a post–embargo Cuba; amending s. 14.2015, F.S., relating to the disbursement of certain funds by the Office of Tourism, Trade, and Economic Development; requiring reports; amending s. 15.18, F.S.; providing for coordination of international activities of the Department of State; amending s. 55.604, F.S.; requiring foreign judgments to be filed with the Secretary of State; amending s. 55.605, F.S.; requiring the Secretary of State to create and maintain a specified list relative to foreign money judgments; amending s. 15.18, F.S.; requiring the Secretary of State to maintain lists relating to foreign money judgments; creating s. 257.34, F.S.; creating the Florida State International Archive; providing requirements for the archive; providing for access to the archive; amending s. 288.8175, F.S.; authorizing linkage institutes to competitively apply for Targeted Market Pilot Projects Grants; creating s. 288.9530, F.S.; providing for the creation of the Florida Business Expansion Corporation to provide business expansion assistance to businesses in the state having job growth or emerging technology potential; creating s. 288.9531, F.S.; providing for powers and duties of the corporation; creating ss. 288.9532, 288.9533, F.S.; creating the corporation board of directors and providing for their powers and duties; creating s. 288.9534, F.S.; providing that the corporation contract with an experienced management company to administer and perform the duties of the corporation; creating s. 288.9535, F.S.; creating the Florida Business Expansion Account to receive state, federal, and private financial resources for the purpose of funding the objectives of the corporation; creating s. 288.9536, F.S.; providing for the reporting and review requirements of the corporation; creating part III of ch. 721, F.S.; providing a purpose for the commissioners of deeds; authorizing the appointment of commissioners of deeds; providing authority; ratifying certain actions of commissioners of deeds; limiting powers of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 288.012, F.S., relating to State of Florida foreign offices; directing each office to report annually to the Office of Tourism, Trade, and Economic Development on activities and accomplishments; prescribing the contents of such reports; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SJR 528—A joint resolution proposing an amendment to Section 11 of Article VII of the State Constitution, relating to revenue bonds for natural resource conservation, outdoor recreation, and water resource development purposes.

By the Committee on Natural Resources and Senators Sullivan, Myers, Dudley, Gutman, Forman, Klein, Bronson, Latvala, Harris, Crist, Turner, Rossin, Scott, Meadows, Clary, Childers, McKay, Kurth, Silver, Williams, Thomas and Geller—

CS for SB 882—A bill to be entitled An act relating to funding for beach management; amending s. 161.088, F.S.; providing a legislative declaration that beach restoration and renourishment projects are in the public interest and shall be funded in a specified manner; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to implement regional components of the beach management plan, to enter into agreements to cost-share and coordinate such activity, and to sponsor or cosponsor beach management demonstration projects; providing criteria to be considered in determining annual funding priorities for beach management projects; providing for reductions in local sponsors' cost shares; amending s. 161.161, F.S.; providing for regional components of the statewide beach management plan; providing for submission of funding recommendations to the Legislature; deleting obsolete provisions; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of beach preservation and repair; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; amending s. 163.360, F.S.; requiring additional findings before approval of certain community redevelopment plans; creating s. 163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

By the Committee on Judiciary and Senator Gutman—

CS for SB 1012—A bill to be entitled An act relating to mental health; creating the "Robert Newman and Stuart Simon Act of 1998"; amending s. 394.463, F.S.; providing for court hearings on requests for ex parte orders for involuntary examination of mentally ill persons; providing for findings; providing for rescission of orders under certain circumstances; providing for release of persons being held for examination; prohibiting certain administration of drugs without informed consent or a court order; providing an exception; providing penalties; amending s. 394.4599, F.S.; requiring certain notice to the parent or guardian when a minor is involuntarily held; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Transportation; and Senator Campbell—

CS for CS for SB 1104—A bill to be entitled An act relating to motor vehicle damage disclosure; creating s. 501.98, F.S.; prescribing the duty of motor vehicle manufacturers and dealers to disclose and to repair certain damage to motor vehicles; prescribing duty of dealers with respect to cooperation with manufacturers; providing remedies for purchasers of damaged motor vehicles, including injunctive relief and attorney's fees; apportioning liability for certain damage and repairs; requesting specific designation of certain newly created provisions in the Florida Statutes; providing an effective date.

By the Committees on Ways and Means; Banking and Insurance; Health Care; and Senators Brown-Waite, Myers, Bankhead, Burt, Silver and Forman—

CS for CS for CS for SB 1228—A bill to be entitled An act relating to children's health care; amending s. 409.904, F.S.; providing for children under specified ages who are not otherwise eligible for the Medicaid program to be eligible for optional payments for medical assistance; creating s. 409.9045, F.S.; providing for a period of continuous eligibility for Medicaid for children; amending s. 409.9126, F.S.; making the Children's Medical Services network available to certain children who are eligible for the Florida Kids Health program; authorizing the inclusion of behavioral health services as part of the Children's Medical Services network; establishing the reimbursement methodology for services provided to certain children through the Children's Medical Services network; specifying that the Children's Medical Services network is not subject to licensure under the insurance code or rules of the Department of Insurance; directing the Department of Health to contract with the Department of Children and Family Services for certain services for children with special health care needs; authorizing the Department of Children and Family Services to establish certain standards and guidelines; revising provisions to reflect the transfer of duties to the Department of Health; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating and providing the purpose for the Florida Kids Health program; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; creating s. 409.8132, F.S.; creating and establishing the purpose of the Medikids program component; providing for administration of Medikids by the Agency for Health Care Administration; exempting Medikids from licensure under the Florida Insurance Code; providing applicability of certain Medicaid requirements; establishing benefit requirements; providing for eligibility; providing enrollment requirements; authorizing penalties for nonpayment of premiums; creating s. 409.8135, F.S.; providing for program enrollment and expenditure ceilings; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing requirements for health benefits coverage under the Florida Kids Health program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for approval of health benefits coverage as a condition of financial assistance; creating s. 409.8175, F.S.; authorizing health maintenance organizations and health insurers to reimburse providers in rural counties according to the Medicaid Fee schedule; creating s. 409.818, F.S.; providing for program administration; specifying duties of the Department of Children and Family Services, the Department of Health, the Agency for Health Care Administration, the Department of Insurance, and the Florida Healthy Kids Corporation; authorizing certain program modifications related to federal approval; transferring, renumbering, and amending s. 154.508, F.S., relating to outreach activities to identify low-income, uninsured children; creating s. 409.820, F.S.; requiring that the Department of Health develop standards for quality assurance and program access; establishing performance measures and standards for the Florida Kids Health program; repealing s. 624.92, F.S.; deleting the requirement that the Agency for Health Care Administration apply for a Medicaid federal waiver relating to the Healthy Kids Corporation; providing an appropriation; providing for application of the act to certain contracts between providers and the Florida Healthy Kids Corporation; providing an effective date.

By the Committees on Ways and Means; Banking and Insurance; and Senator Clary—

CS for CS for SB 1406—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; defining the terms "corporate officer," "partner," and "sole proprietor," as used in ch. 440, F.S.; amending s. 440.05, F.S.; authorizing the Division of Workers' Compensation of the Department of Labor and Employment Security to approve and revoke certificates of exemption; specifying requirements for notices of election to be exempt; providing for renewal of exemption certificates; requiring notice on election forms that providing false information is a felony; revising fees for exemptions and specifying use of fees by the division; amending s. 440.09, F.S.; conforming references to judges of compensation claims and administrative law judges; amending s. 440.10, F.S.; revising documentation establishing conclusive presumption of independent contractor status and ineligibility for workers' compensation benefits; amending s. 440.103, F.S.; revising the documentation that must be filed by an employer that obtains a building permit; specifying requirements for certificates of coverage; amending s. 440.104, F.S.; revising the cause of action and remedies available to losers of competitive bidding against persons who violate certain provisions; increasing recoverable damages; amending s. 440.105, F.S.; providing penalties; providing a time limitation for bringing an action under s. 440.105(4), F.S.; amending s. 440.107, F.S.; providing legislative findings related to noncompliance with workers' compensation coverage requirements; authorizing the division to enter and inspect places of busi-

ness for investigating compliance; requiring employers to maintain records required by the division by rule; authorizing the division to require sworn reports from employers, to administer oaths, and to issue subpoenas to enforce compliance; providing penalties for refusal to obey a subpoena; amending s. 440.45, F.S.; revising term of office, qualifications, and method of nomination for the Chief Judge of the Office of the Judges of Compensation Claims; providing for expiration of term of office for members of the statewide nominating commission for judges of compensation claims; providing for new appointments to the nominating commission and staggered terms; revising the procedures for nominating commission regarding performance of sitting judges and regarding nominations of applicants; providing for expiration of the term of office and reappointment of the Chief Judge of Compensation Claims; amending s. 627.413, F.S.; specifying notice requirements for minimum premium policies; requiring the division to notify certain persons of certain requirements of this act; providing an appropriation; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

CS for SB 1466—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; revising provisions pertaining to the bond of a contractor constructing public buildings; providing for revised time periods for certain claims; revising forms for waiver of right to claim against bond; providing for written statements to the contractor with respect to the nature of labor or services performed in certain circumstances; providing for the maintenance of actions in law and in equity for breach of contract on public works projects; amending s. 713.01, F.S.; redefining the terms "improve," "improvement," "subcontractor," and "sub-subcontractor" to include reference to solid-waste removal; amending s. 713.06, F.S.; revising provisions relating to contractor's affidavit; amending s. 713.132, F.S.; revising requirements pertaining to service of notice of termination; amending s. 713.18, F.S.; revising requirements pertaining to service of documents; amending s. 713.23, F.S.; amending the timeframe within which certain actions to enforce a claim against the payment bond may commence; providing a form; creating s. 713.235, F.S.; providing for waivers of right to claim against a payment bond; providing forms; amending s. 713.24, F.S.; revising the process for transferring liens to security; providing an effective date.

By the Committee on Judiciary and Senator Campbell—

CS for SB 2138—A bill to be entitled An act relating to the judiciary; creating s. 35.044, F.S.; creating a Sixth District Court of Appeal; amending ss. 35.03, 35.042, F.S.; redistricting the remaining five district courts of appeal; amending s. 35.05, F.S.; providing for the headquarters of the new appellate district; amending s. 35.06, F.S.; providing for the number of judges in the new district; providing an effective date.

By the Committee on Judiciary and Senator Latvala—

CS for SB 2164—A bill to be entitled An act relating to emergency telephone number "911" services; amending s. 365.171, F.S.; providing for indemnification and limitation of liability for wireless telecommunications service providers that provide 911 service; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators Harris and Turner—

CS for CS for SB 2524—A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of the WAGES Program State Board of Directors; allowing the Governor to designate the WAGES Program State Board of Directors as a nonprofit corporation; providing requirements; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate the amendment in a reference; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances; providing that an individual who cares for a disabled family member is exempt from certain time limitations; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; providing legislative intent; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 2, SB 14, SB 18 and SB 20 which became law without his signature on April 10, 1998.

The Governor advised that he had filed with the Secretary of State SB 112 and SB 348 which became law without his signature on April 11, 1998.

ENROLLING REPORTS

CS for SB 188, SB 230 and SB 288 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 13, 1998.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 9 was corrected and approved.

CO-SPONSORS

Senators Dudley—SB 452, SB 1646; Klein—SB 1582; Turner—SB 1120, SB 1124, SB 2048

RECESS

On motion by Senator Bankhead, the Senate recessed at 1:15 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, April 15.

SENATE PAGES

April 13-17

Brooke Bankhead, Ponte Vedra Beach; Alicia Nicole Bush, Tallahassee; Kevin Chizner, Fort Lauderdale; Danielle Felton, Jacksonville; Gabrielle Rae Ferrell, Port Orange; Nicholas Jackson, Miami; Corinne Kaney, Ormond Beach; Kimberly Karrat, Plantation; Katherine Karrat, Plantation; Joseph Curtis Ketterer, Milton; Chris Latvala, Jacksonville; Allyson McKee, Tallahassee; Sarah D. Moran, Bradenton; Elana Propis, Plantation; Kathleen (Katie) Thoms, Coral Springs; Sarah Emily Venable, Bradenton; Tricia Webb, Pompano Beach

Journal of the Senate

Number 14—Regular Session **Wednesday, April 15, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—35:

Madam President	Cowin	Harris	McKay
Bankhead	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Thomas
Casas	Geller	Latvala	Turner
Childers	Grant	Laurent	Williams
Clary	Gutman	Lee	

Excused: Conferees periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by Lieutenant Colonel Eddie Jones, Chaplain, Florida National Guard, and Rector, Christ Episcopal Church, Monticello:

O God of all nations, we come before you in fear and trembling with a concern for our state. As we reflect on the achievements, we are grateful that its heritage has become ours. We are appreciative for our leaders who have labored to shape it to your will. Yet our gratitude for this heritage is matched by our concern for its perils.

Guide us, O Lord, through the treacherous waters that we might do as well by our descendants as our ancestors did by us.

O Lord, we pray for those who have been given the power to form our government that they may be persons with minds tough enough to inspire, tender enough to be responsive persons with wills, firm enough to persevere and considerate enough to be patient; persons with hearts vulnerable enough to care and wise enough to be discreet. As we have expressed gratitude for our state's ideals, let us go forth to praise them in speech, codify them in law and translate them into deeds.

And now, O Lord, bless us to your faithful and loving service. Amen.

HONOR GUARD

At the direction of the President, the Sergeant at Arms opened the doors of the chamber and an Honor Guard of the Florida National Guard from St. Augustine marched into the chamber bearing flags of the United States of America and the State of Florida.

The Honor Guard included the following members: Sergeant Donald Alexander, Haines City, the Army Guard's Non-Commissioned Officer of the Year; Specialist Charles Covington, West Palm Beach, Soldier of the Year; Senior Master Sergeant Steven Pehr, Lynn Haven, the Air Guard's Senior Non-Commissioned Officer of the Year; Technical Sergeant Christopher Geise, Panama City, Senior Non-Commissioned Officer of the Year; and Senior Airman Cheryl Conrad, Cedar Grove, Airman of the Year.

SPECIAL GUESTS

The President introduced Major General Ronald O. Harrison, Adjutant General of Florida, and his wife Mysie; Colonel Promotable Jimmy Watson, Assistant Adjutant General for Army; Brigadier General Doug Burnett, Assistant Adjutant General for Air; and other members of the Florida National Guard and Department of Military Affairs who were present in the gallery.

PLEDGE

Senate Pages Alicia Bush of Tallahassee and Corinne Kaney of Ormond Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Childers—

By Senator Childers—

SR 990—A resolution honoring Sam M. McCall for receiving the 1997 Outstanding CPA in Government Award from the American Institute of Certified Public Accountants.

WHEREAS, Sam McCall, CPA, has served the people of the State of Florida for 28 years in the Auditor General's Office and as Deputy Auditor General for the past 11 years, and

WHEREAS, Mr. McCall has extensive experience in accounting, auditing, performance auditing, internal auditing, and government financial management and administration, and

WHEREAS, Mr. McCall is active in numerous professional, academic, and other public and private organizations and was recently reappointed by the Comptroller General of the United States to the Government Auditing Standards Advisory Council, and

WHEREAS, he also currently serves as a member of the Governmental Accounting Standards Advisory Council as a representative of State Legislatures through the National Council of State Legislatures, and

WHEREAS, Sam McCall has contributed to the improvement of Florida Government by working with legislative committees on the Florida Government Performance and Results Act, the Florida Chief Internal Audit Act, and the Florida Inspector General Act, and

WHEREAS, he was graduated from the University of West Florida with a Bachelors Degree in Accounting and from Florida State University with a Masters Degree in Public Administration and is currently

enrolled in a Doctorate of Public Administration Program at Florida State University, and

WHEREAS, Sam McCall is an enthusiastic educator and speaker, and has participated as a guest university lecturer to schools of business administration, public administration, and journalism, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Mr. Sam M. McCall is commended for his many achievements and his dedicated service to the people of Florida and especially for the distinction of being the 1997 recipient of the Outstanding CPA in Government Award from the American Institute of Certified Public Accountants.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Mr. Sam M. McCall as a tangible token of the high esteem in which he is held by the Florida Senate.

—**SR 990** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By Senator Cowin—

SR 1448—A resolution commending the retirees of the State of Florida.

WHEREAS, retirees living full time in Florida spent nearly $37 billion in 1997, second only in the state to the $42 billion spent in the tourism industry, and

WHEREAS, the taxes Florida's retirees pay each year not only cover the costs of their living here, but also result in an annual surplus of $1.3 billion, more than a billion of which goes to support the state's public school systems, and

WHEREAS, these tax contributions by retirees lower the per-household tax obligations of the state's nonretiree residents by $260 every year, and

WHEREAS, the popularity of Florida as a home of preference for so many retirees has generated an entire industry that accounts for 20 percent of all jobs in the state, and

WHEREAS, between retiree spending and the revenues from the industry that has grown around them, Florida's economy realizes a positive annual impact of $70 billion, and

WHEREAS, these retiree citizens make an even more valuable contribution to all of Florida in bringing with them their collective wisdom, experience, and values, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate expresses its appreciation and gratitude to the state's retired citizens for all of their contributions and declares these retirees one of Florida's most valued resources.

—**SR 1448** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By Senators Cowin and Kirkpatrick—

SR 1454—A resolution commending Munroe Regional Medical Center on the 100th Anniversary of its founding.

WHEREAS, Munroe Regional Medical Center was founded in Ocala in 1898 as Marion Surgical Hospital, and is the fourth-oldest hospital in this state, and

WHEREAS, Munroe Regional Medical Center has, over the last 100 years, grown from two rooms in a newspaper building into a 323-bed not-for-profit acute care hospital, and

WHEREAS, Munroe Regional Medical Center provides medical care to patients without regard to race, religion, national original, or financial status, as well as providing nurses to the Marion County public school system, supporting Community Health Services, and assisting other community health education and treatment programs, and

WHEREAS, Marion Regional Medical Center's Neuroscience Center is recognized as one of the top 25 stroke-treatment centers in the country, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Munroe Regional Medical Center and its staff are commended for providing outstanding medical care to the people of Ocala, Marion County, and the surrounding region for the last 100 years.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Munroe Regional Medical Center as a tangible token of the sentiments of the Florida Senate.

—**SR 1454** was introduced, read and adopted by publication.

At the request of Senator Childers—

By Senator Childers—

SR 2218—A resolution recognizing Brigadier General Michael Lambert Ferguson as an outstanding citizen.

WHEREAS, Michael Lambert Ferguson was born on September 4, 1938, in Pensacola, Florida, and

WHEREAS, Michael Ferguson spent his childhood in his hometown enjoying sports, hunting, fishing, public service activities, and church activities, and

WHEREAS, Michael Ferguson graduated from the United States Military Academy in 1960, and

WHEREAS, Michael Ferguson spent the next 26 years of his life serving his country with distinction as an infantry officer in the United State Army, and

WHEREAS, Brigadier General Michael Lambert Ferguson has received more than 30 awards and decorations including the Purple Heart and the Distinguished Service Medal, and

WHEREAS, General Michael Ferguson received both an M.A. in Business Management from Central Michigan University and an M.A. in International Relations from American University while serving in the armed services, and

WHEREAS, upon retiring from the Army, Michael Ferguson entered the University of Florida College of Law and received his Juris Doctorate in 1989, and

WHEREAS, Michael Ferguson is a member of numerous civic, cultural, and public service organizations, including the Sheriff's Advisory Committee, the Baptist Health Care Corporation, St. Michael's Cemetery Foundation, the Salvation Army, the Rotary Club, Gator Boosters, Disabled American Veterans, and the Advisory Council, College of Business, University of West Florida, and

WHEREAS, Michael Ferguson is a member of The Florida Bar, the District of Columbia Bar, and the Escambia-Santa Rosa Bar Association, and

WHEREAS, Michael Ferguson, as a partner in the law firm of McDonald, Fleming, Moorhead, and Ferguson, is a certified NFL Player Agent, licensed in Florida and Louisiana and represents some of the state's most famous athletes, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Brigadier General Michael Lambert Ferguson is commended on a long and illustrious career as a soldier serving his country, as a civic leader, and as an attorney representing some of Florida's famous athletes.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Brigadier General Michael Lambert Ferguson as a tangible token of the esteem of the Florida Senate.

—**SR 2218** was introduced, read and adopted by publication.

At the request of Senator Childers—

By Senators Childers and Clary—

SR 2544—A resolution commending Pensacola Junior College on the 50th Anniversary of its founding.

WHEREAS, Pensacola Junior College was the first public community college established by the 1947 Legislature, and

WHEREAS, Pensacola Junior College established its operations on the corner of Cervantes and Palafox Streets, on September 8, 1948, and admitted its first students on September 13, 1948, and

WHEREAS, Pensacola Junior College has served the residents of Escambia and Santa Rosa Counties since that time with facilities in Pensacola, Warrington, Milton, NAS/Pensacola, and Downtown Pensacola, and

WHEREAS, under the leadership of presidents Henry L. Ashmore, T. Felton Harrison, Horace E. Hartsell and president-designate Charles A. Atwell, along with members of the college's Board of Trustees, Pensacola Junior College has provided higher education to more than 500,000 students since 1948, and has offered cultural, athletic, and social opportunities to many thousands more, and

WHEREAS, Pensacola Junior College has provided Associate of Arts transfer opportunities, Associate of Science career opportunities, and invaluable assistance to business, industry, and government for fifty years, and

WHEREAS, Pensacola Junior College will celebrate its 50th Anniversary on September 13, 1998, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Pensacola Junior College and its Board of Trustees, faculty, staff, students, and graduates are congratulated on the 50th Anniversary of the founding of the Junior College.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to president-designate Charles A. Atwell and Pensacola Junior College as a tangible token of the sentiments of the Florida Senate.

—**SR 2544** was introduced, read and adopted by publication.

At the request of Senator Bankhead—

By Senator Bankhead—

SR 2644—A resolution recognizing the Florida National Guard for its faithful service to both the State of Florida and the country and celebrating Florida National Guard Day.

WHEREAS, the Florida National Guard is the direct and lineal descendant organization of the first Spanish militia companies formed in St. Augustine in 1565, and the Florida National Guard continues to serve the State of Florida as the true and organized militia, under the Department of Military Affairs and the Adjutant General of Florida, and

WHEREAS, during this past year the Florida National Guard mobilized to State Active Duty to support the state during Hurricane Danny, to perform one search operation during a period of flooding in north Florida, and to carry out humanitarian relief operations during the tornado recovery in central Florida, and

WHEREAS, the Florida Army National Guard continues to perform in a consistently outstanding manner in all U.S. Army missions both at home and overseas, with soldiers currently deployed in Kuwait, and the Florida Air National Guard continues to provide for the air defense of the peninsula of Florida as well as the entire southeastern United States and recently received an outstanding rating on a U.S. Air Force operational readiness inspection for the first time in the history of the unit and currently has airmen serving in Bosnia and Saudi Arabia, and

WHEREAS, it is appropriate to recognize the service of the Florida National Guard by designating April 15, 1998, as Florida National Guard Day in the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate officially recognizes the true and faithful service of the Florida National Guard both to the State of Florida and to the United States of America and commends and expresses great appreciation to the Florida National Guard for this distinguished service to Florida and the country.

BE IT FURTHER RESOLVED that the Florida Senate wishes to recognize this service and dedication of the Florida National Guard by celebrating April 15, 1998, as Florida National Guard Day in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Major General Ronald O. Harrison, the Adjutant General of the State of Florida, as a tangible token of the sentiments of the Florida Senate.

—**SR 2644** was introduced, read and adopted by publication.

At the request of Senator Childers—

By Senator Childers—

SR 2656—A resolution expressing regret at the death of Albert Golden, a prominent citizen of Santa Rosa County.

WHEREAS, the Florida Senate, with deep regret, has learned of the death of Santa Rosa County pioneer Albert Golden on March 27, 1998, and

WHEREAS, Mr. Golden was a banker, businessman, and politician who dominated an economic and political era of Santa Rosa County history from the 1950's to the 1990's, and

WHEREAS, he pulled himself up by his bootstraps, while aiding others, and exhibiting profound devotion to his family, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this legislative body does pause in its deliberations to pay its respects to the late Albert Golden of Milton, Florida, and that the Florida Senate in session assembled does record this testimonial of esteem and bereavement:

IN MEMORIAM
ALBERT GOLDEN

Albert Golden was born in Santa Rosa County in 1914 to the Reverend William S. and Callie Golden. For the first 15 years of his life, he worked on his parents' farm; then he left for Texas to seek work. Soon he returned to his native Santa Rosa and the difficult years of the Great Depression. He worked as a laborer building Santa Rosa County roads and bridges, and he fought forest fires as a WPA worker. At the tender age of 17, he married Jewell Frances Wells and, a few years later, built a home for his wife and two young children for the price of $140 in raw materials and the labor of his own hands. Without having any previous experience in running a gas station, he and Jewell bought and operated a station in Milton, and they subsequently became the owners of companies for the wholesale and retail sale of gas. During the 1950's, Mr. Golden was appointed to serve the remainder of the term of office of a county commissioner who had died. While completing that term, he paid his salary as commissioner to the widow of his predecessor. Winning reelection to the commission, he served for nearly a decade and also became founder, president, and chairman of the board of directors of Santa Rosa State Bank and founder and president of American Security Bank. Among the many tributes paid to Albert Golden upon his passing was the testimonial set forth in an editorial of the Pensacola News

Journal, which read in part, "His determination--in business, banking and politics—reflected his own humble beginnings and he never lost sight of his roots." The editorial further noted, "As we often say of those who appear larger than life, Albert Golden put down a big footprint and loomed large over northwest Florida." His devotion to his family was praised by his son, State Attorney Curtis Golden, who said: "He loved his family deeply. He was extremely devoted to his wife. Usually he worked 16 to 18 hours a day, 6 days a week." A close friend commented, "I've never known Albert Golden to mistreat anyone." Albert Golden was truly a legendary man, in family life, in business, and in his community. His larger-than-life presence will be sorely missed.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be transmitted to Mrs. Jewell Wells Golden, widow of Albert Golden, as a tangible token of the sentiments expressed herein and a lasting symbol of the respect of the members of the Florida Senate.

—**SR 2656** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By Senator Cowin—

SR 2668—A resolution commending the State Champion Mt. Dora High School Hurricanes, winners of the 1998 Class 4A Florida High School Basketball Championship.

WHEREAS, on March 7, 1998, the Mt. Dora High School Hurricanes defeated the Jacksonville Ribault High School Trojans 55-48 to win their first state championship at the Class 4A Florida High School Basketball Tournament held at the Lakeland Center, and

WHEREAS, the Hurricanes finished their regular season with an astounding school record of 33 wins and 3 losses in a difficult schedule that included 19 teams that made the playoffs, and

WHEREAS, Mt. Dora's strength, both during the regular season and in the playoffs, was a man-to-man defense that allowed only one team to score as many as 50 points against the Hurricanes during postseason play, and

WHEREAS, Mt. Dora, which had not been to the state championship tournament since 1967 and had not been in the championship game since 1964, faced a Ribault team with a state tournament tradition of 13 appearances and four state championships to its credit, and

WHEREAS, Mt. Dora emerged victorious in the state championship by virtue of a truly remarkable team effort and with tremendous fan support from the citizens of Mt. Dora and Lake County, and

WHEREAS, it is with great pride that the citizens of Mt. Dora and Lake County celebrate the championship season of team members Anthony Banner, Chad Boyd, Greg Brittian, Brandon Durias, Byron Durias, Isaac Johnson, Kendrix Jones, Josh Koester, Kendrick Manor, Sean Peterson, Josh Reed, and Zach Ward, Head Coach Scott Williams, assistant coaches Curtis Boyd, Ron Devlin, Bo Dixon, and John Uptak, and team managers Justin Ricci and Soloman Jones, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate of the State of Florida hereby commmends and congratulates the State Champion Mt. Dora High School Hurricanes, winners of the 1998 Class 4A High School Basketball State Championship.

BE IT FURTHER RESOLVED that copies of this resolution be presented to team members Anthony Banner, Chad Boyd, Greg Brittian, Brandon Durias, Byron Durias, Isaac Johnson, Kendrix Jones, Josh Koester, Kendrick Manor, Sean Peterson, Josh Reed, and Zach Ward, Head Coach Scott Williams, assistant coaches Curtis Boyd, Ron Devlin, Bo Dixon, and John Uptak, and team managers Justin Ricci and Soloman Jones as a tangible token of the sentiments expressed herein.

—**SR 2668** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dudley, by two-thirds vote **SB 76**, **CS for SB 266**, **CS for SB 270**, **CS for SB 368**, **CS for CS for SB 374**, **SB 780**, **SB 854**, **CS for SB 994**, **CS for SB 1460**, **CS for CS for SB 1548**, **CS for SB 1620**, **SB 1750**, **CS for CS for SB 1846**, **SB 1950**, **CS for SB 1960**, **SB 1976**, **CS for SB 1992**, **CS for SB 2076**, **CS for SB 2086**, **SB 2122** and **SB 2478** were withdrawn from the Committee on Ways and Means.

On motion by Senator Kurth, by two-thirds vote **SB 2212** was withdrawn from the committee of reference and further consideration.

On motion by Senator Rossin, by two-thirds vote **SB 262**, **SB 1148**, **SB 1326** and **SB 2486** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1146** was withdrawn from the Committee on Rules and Calendar and referred to the Committee on Ways and Means; **CS for SB 2170** was withdrawn from the Committee on Children, Families and Seniors; **CS for CS for SB's 1794 and 2200** was withdrawn from the Committee on Criminal Justice; and **CS for SB 1644** was withdrawn from the Committee on Community Affairs.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Special Order Calendar Subcommittee of the Committee on Rules and Calendar was granted permission to meet upon adjournment of session in lieu of 12:35 p.m. as scheduled this day.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, April 16.

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for SB 1458**, **CS for SB 1202**, **CS for SB 1204** and **CS for HB 319** was deferred.

SB 304—A bill to be entitled An act relating to organ and tissue donation; amending ss. 320.08047, 322.08, 381.6024, F.S.; authorizing the use of certain funds for maintaining the organ and tissue donor registry; revising annual assessments on certain organ procurement organizations, tissue banks, and eye banks; amending s. 732.911, F.S.; providing definitions; amending ss. 732.912, 732.914, F.S.; clarifying who may make an anatomical gift in the absence of a declaration by a decedent; amending s. 732.913, F.S.; specifying that entities as well as persons may become donees of anatomical gifts; amending s. 732.915, F.S.; repealing an annual assessment on organ procurement organizations, tissue banks, and eye banks; amending s. 732.916, F.S.; revising procedures for amending or revoking an anatomical gift, amending s. 732.9216, F.S.; adding a cross-reference; amending s. 732.922, F.S.; providing a limitation in civil or criminal liability for organ procurement organizations, eye banks, tissue banks, hospitals, and hospital administrators or their designees; providing additional duties for the hospital administrator or his designee and for organ procurement organizations; providing severability; providing effective dates.

—was read the third time by title.

On motions by Senator Childers, **SB 304** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Brown-Waite	Casas	Cowin
Bankhead	Burt	Childers	Crist
Bronson	Campbell	Clary	Diaz-Balart

Dudley	Harris	Latvala	Rossin
Dyer	Holzendorf	Laurent	Silver
Forman	Horne	Lee	Thomas
Geller	Jones	McKay	Turner
Grant	Klein	Meadows	Williams
Gutman	Kurth	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Myers

CS for SB 476—A bill to be entitled An act relating to suspension or revocation of driver's licenses; amending s. 322.28, F.S.; deleting certain additional suspension periods imposed for driving with a suspended license or for failing to surrender a driver's license to the Department of Highway Safety and Motor Vehicles upon suspension or revocation; providing suspension or revocation of driver's licenses not to be concurrent with imprisonment; amending s. 322.271, F.S.; authorizing issuance of a driver's license for business purposes to persons with two or more DUI convictions 10 or more years apart; providing an effective date.

—was read the third time by title.

On motions by Senator Dyer, **CS for SB 476** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Harris	McKay
Bankhead	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Thomas
Casas	Geller	Latvala	Turner
Childers	Grant	Laurent	Williams
Clary	Gutman	Lee	

Nays—None

Vote after roll call:

Yea—Myers

SB 200—A bill to be entitled An act relating to fines and court costs; creating s. 938.35, F.S.; providing that a county may assign the collection of fines, court costs, and other costs imposed by the court arising from offenses committed in the county and remaining unpaid after a certain period to a private attorney or collection agency under specified circumstances; providing guide lines and procedures; providing attorney's fees to offset collection costs; providing a limitation; providing an effective date.

—as amended April 13 was read the third time by title.

Senator Klein moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 2, line 1, delete "*fines*" and insert: *fees*

On motions by Senator Klein, **SB 200** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Clary	Grant	Kurth
Bankhead	Cowin	Gutman	Latvala
Bronson	Crist	Hargrett	Laurent
Brown-Waite	Diaz-Balart	Harris	Lee
Burt	Dudley	Holzendorf	McKay
Campbell	Dyer	Horne	Meadows
Casas	Forman	Jones	Ostalkiewicz
Childers	Geller	Klein	Rossin
Scott	Thomas	Turner	Williams
Silver			

Nays—None

Vote after roll call:

Yea—Myers

On motion by Senator Latvala, by two-thirds vote **HB 1403** was withdrawn from the Committee on Judiciary.

On motion by Senator Latvala, the rules were waived and by two-thirds vote—

HB 1403—A bill to be entitled An act relating to liens; amending s. 713.01, F.S.; redefining the terms "improve," "improvement," "subcontractor," and "sub-subcontractor" to include reference to solid-waste removal; creating s. 713.596, F.S.; providing for molders' liens and rights; providing definitions; providing for ownership rights to molds; providing procedures; providing an effective date.

—a companion measure, was substituted for **CS for SB 114** and read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Acquisition of title to unclaimed molds.—*

(1) DEFINITIONS.—As used in this section, the term:

(a) "Customer" means any person who causes a molder to fabricate, cast, or otherwise make a mold, or who provides a molder with a mold with which to manufacture, assemble, cast, fabricate, or otherwise make a product for a customer.

(b) "Mold" means a die, mold, form, or pattern, but does not include computer software used to control or direct automatic machines in a manufacturing process, and does not include impressions, molds, models, or study casts used by a dentist, orthotist, or prosthetist within the scope of his or her practice.

(c) "Molder" means any person who fabricates, casts, or otherwise makes or uses a mold for the purpose of manufacturing, assembling, casting, fabricating, or otherwise making a product for a customer. The term includes a tool or die maker.

(d) "Records" means documents created or held by a molder in its regular course of business.

(e) "Unclaimed mold" means a mold which is in the custody of a molder, title to which remains in the customer who ordered or provided the mold, and which has not been used to make a product for at least 3 years.

(2) OBLIGATIONS OF MOLDERS TO CUSTOMERS.—

(a) For molds placed in the custody of a molder on or after July 1, 1998, the molder shall:

1. Make and retain a written record containing, at a minimum, the customer's name, address, and telephone number, a description of the mold in sufficient detail for clear identification, the beginning date of the use of the mold, the last date on which a purchase order was received for the use of the mold, and the date on which the manufacture of the products for the purchase order was completed.

2. Inform the customer of the existence of the provisions of this section and provide the customer with a copy of the provisions of this section upon the customer's request.

3. Provide the customer with the following warning in conspicuous type and in substantially the following form:

WARNING: YOUR FAILURE TO MAKE TIMELY ARRANGEMENTS FOR THE DISPOSITION OF A MOLD UPON COMPLETION OF ITS

USE BY THE MOLDER WILL RESULT IN A TRANSFER OF YOUR RIGHTS IN THAT MOLD TO THE MOLDER AS PROVIDED BY LAW.

(b) Regardless of the date of placing the mold in the custody of the molder, the molder shall:

1. Update its records if a customer informs the molder of a change of address or if the molder receives a new purchase order from the customer for additional use of the mold.

2. Inform the customer of the existence of the provisions of this section when renewing or updating the records relating to use of a mold ordered or provided by that customer and provide the customer with a copy of the provisions of this section upon the customer's request.

3. Provide the customer with the following warning in conspicuous type and in substantially the following form:

WARNING: YOUR FAILURE TO MAKE TIMELY ARRANGEMENTS FOR THE DISPOSITION OF A MOLD UPON COMPLETION OF ITS USE BY THE MOLDER WILL RESULT IN A TRANSFER OF YOUR RIGHTS IN THAT MOLD TO THE MOLDER AS PROVIDED BY LAW.

(3) CUSTOMER'S NOTICE.—It is the responsibility of a customer as the owner of a mold in the custody of a molder to notify the molder promptly in writing of any change in the customer's address. Failure to notify the molder of this change may result in the customer's loss of rights to the property.

(4) ACQUISITION OF TITLE TO UNCLAIMED MOLDS.—

(a) To acquire title to an unclaimed mold, a molder must first give notice, to the customer who owns the mold and to any holder of a security interest in the mold which was perfected in this state, of the molder's intent to acquire the title to the mold. The molder must make a good-faith and reasonable search for the identity and last known address of the customer from the molder's records and other records reasonably available to the molder's staff. If the molder is able to identify the customer and the customer's last known address, the molder shall give notice to the customer pursuant to paragraph (b). If the identity or last known address of the customer remains unknown after a good-faith and reasonable search, the molder shall give notice by publication pursuant to paragraph (c). Notice to a holder of a perfected security interest in the mold must be given pursuant to paragraph (d).

(b) If the molder is able to identify the customer and the customer's last known address, the molder shall provide notice of intent to acquire title to an unclaimed mold by sending a notice by certified mail, return receipt requested, to the customer at the customer's last known address. The notice shall include the date of mailing the notice, the name of the customer, a description of the mold in sufficient detail for clear identification, the beginning date of the use of the mold, the last date on which a purchase order was received for the use of the mold, the date on which the manufacture of the products for the purchase order was completed, the location of the mold, the name and address of the appropriate molder official to be contacted regarding the mold, and a statement that within 90 days after the date of receipt of the notice of intent to acquire title, the customer is required to remove the mold from the molder's premises or contact the designated official to make contractual arrangements for storage of the mold.

(c) If the molder is unable to identify sufficient information to send notice pursuant to paragraph (b), or if a signed return receipt of a notice sent by certified mail pursuant to paragraph (b) is not received by the molder within 30 days after the notice is mailed, the molder shall publish the notice of intent to acquire title to the unclaimed mold at least twice, 60 or more days apart, in a publication of general circulation in the county in which the molder is located and the county of the customer's last known address, if known. The published notice shall contain all the information required in paragraph (b) which is available to the molder.

(d) The molder must make a search of Uniform Commercial Code lien filings with the Florida Department of State, Division of Corporations, and, if the molder is able to identify a holder of a perfected security interest in the mold, the molder shall provide notice of intent to acquire title to the mold by sending a notice by certified mail, return receipt requested, to the lienholder at the lienholder's last address of record with the division. The notice shall contain all the information required by paragraph (b) which is available to the molder.

(5) MOLDER GAINING TITLE TO PROPERTY; CONDITIONS.—Beginning July 1, 1998, a molder acquires title to an unclaimed mold under any of the following circumstances:

(a) For an unclaimed mold for which a molder provides notice to a customer in accordance with paragraph (4)(b) and for which a signed receipt is received, if the customer or anyone having a legal interest in the mold does not contact the molder and either remove the mold from the molder's premises or make contractual arrangements with the molder for storage of the mold within 90 days after the date notice was received.

(b) For an unclaimed mold for which notice by publication is made pursuant to paragraph (4)(c), if the customer or anyone having a legal interest in the mold does not contact the molder and either remove the mold from the molder's premises or make contractual arrangements with the molder for storage of the mold within 90 days after the date of the second publication.

(6) CONTRACTUAL OBLIGATIONS.—Notwithstanding the provisions of this section, a molder and a customer may bind themselves to different provisions by written contract.

(7) EFFECT ON OTHER RIGHTS.—This section does not affect the rights of a holder of a perfected security interest in a mold or any right of the customer under federal patent or copyright law or federal law relating to unfair competition.

(8) TITLE OF PROPERTY ACQUIRED FROM A MOLDER.—A molder who acquires title to a mold under this section passes good title to another when transferring the mold with the intent to pass title.

Section 2. Section 713.596, Florida Statutes, is created to read:

713.596 Molder's liens.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Customer" means any person who causes a molder to fabricate, cast, or otherwise make a mold, or who provides a molder with a mold with which to manufacture, assemble, cast, fabricate, or otherwise make a product for a customer.

(b) "Mold" means a die, mold, form, or pattern, but does not include computer software used to control or direct automatic machines in a manufacturing process, and does not include impressions, molds, models, or study casts used by a dentist, orthotist, or prosthetist within the scope of his or her practice.

(c) "Molder" means any person who fabricates, casts, or otherwise makes or uses a mold for the purpose of manufacturing, assembling, casting, fabricating, or otherwise making a product for a customer. The term includes a tool or die maker.

(2) LIENS.—

(a) A molder that has not received payment from a customer in accordance with the terms of the contract between the two has a lien on a mold in the molder's possession which belongs to that customer. The lien is for the balance due the molder from the customer for any work that the molder has performed for the customer in manufacturing or fabricating products for the customer using the mold and for the value of all material related to such work. The molder may retain possession of the mold until the debts are paid.

(b) Before enforcing the lien, the molder must notify the customer in writing of the claim of lien. The notice must be either delivered personally or sent by certified mail, return receipt requested, to the last known address of the customer. The notice must state that the molder claims a lien for the balance due for work that the molder has performed in manufacturing or fabricating products for the customer using the mold and for the value of related materials as is specified in the notice. Additionally, the notice must include a statement of the amount of the balance owed, a demand for payment, and a statement of the location of the mold. Finally, the notice must include the following warning in conspicuous type and in substantially the following form:

WARNING: YOUR FAILURE TO PAY THE UNPAID BALANCE AS STATED HEREIN WILL RESULT IN THE IMPOSITION OF A LIEN ON THE MOLD DESCRIBED HEREIN AND IN THE SALE OF THAT MOLD AS PROVIDED BY LAW.

(c) If the customer does not pay the amount due as stated in the notice within 60 days after the date of receipt of the notice, the molder may sell the mold at a public auction. However, the mold may not be sold if there is a good-faith dispute or litigation between the molder and the customer concerning either the quality of the products made or fabricated by use of the mold or the amount due.

(3) SALE.—

(a) Before a molder may sell a mold, the molder must notify the customer and any holder of a security interest perfected in this state of the intended sale. The notice must be by certified mail, return receipt requested, and must include:

1. Notice of the molder's intent to sell the mold 30 days after the customer's receipt of the notice.

2. A description of the mold to be sold.

3. The time and place of the sale.

4. An itemized statement of the amount due.

(b) If there is no return of the receipt of the mailing or if the postal service returns the notice as being nondeliverable, the molder must publish notice, at least 30 days before the date of sale in a newspaper of general circulation in the county of the customer's last known place of business, of the molder's intent to sell the mold. The notice must include a description of the mold to be sold and the time and place of the sale.

(c)1. The proceeds of the sale must be paid first to any holder of a security interest perfected in this state. Any excess must be paid to the molder holding the lien created by this section. Any remaining amount is to be paid to the customer, if the customer's address is known, or to the State Treasurer for deposit in the General Revenue Fund if the customer's address is unknown to the molder at the time of the sale.

2. A sale may not be made under this section if it would be in violation of any right of a customer under federal patent or copyright law.

Section 3. Section 1 of this act applies only to contracts entered into before January 1, 1999, and is repealed effective January 1, 2001.

Section 4. This act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to molders; providing definitions; providing obligations of molders to customers; providing procedures and conditions for acquisition of title to unclaimed molds; creating s. 713.596, F.S.; creating a molder's lien and specifying rights of a molder; providing definitions; providing procedures; providing for application and repeal; providing an effective date.

On motions by Senator Latvala, by two-thirds vote **HB 1403** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Thomas
Campbell	Geller	Latvala	Turner
Casas	Grant	Laurent	Williams
Childers	Gutman	Lee	
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Myers

CS for CS for HB 1849—A bill to be entitled An act relating to public records; amending s. 409.175, F.S.; providing an exemption from public records requirements for specified personal information contained in licensing files concerning persons licensed to be family foster parents and their spouses, children, and other adult household members; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motions by Senator Hargrett, **CS for CS for HB 1849** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Myers

HB 1749—A bill to be entitled An act relating to Law Day; creating s. 683.22, F.S.; designating "Law Day" and "Law Week"; providing an effective date.

—was read the third time by title.

On motions by Senator Campbell, **HB 1749** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Myers

CS for CS for SB 1046—A bill to be entitled An act relating to rulemaking authority with respect to the regulation of the citrus industry; creating s. 601.9918, F.S.; authorizing the Florida Citrus Commission to refer to national or state requirements in rules relating to issuance and use of symbols, certification marks, service marks, and trademarks; amending s. 601.10, F.S.; authorizing the Department of Citrus to adopt a rule listing forms to be used in conducting its business; amending s. 601.61, F.S., relating to the bond requirements of citrus fruit dealers; allowing the Florida Citrus Commission to prescribe certain terms of producer contracts; providing an effective date.

—as amended April 13 was read the third time by title.

On motions by Senator Bronson, **CS for CS for SB 1046** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Myers

Consideration of **HB 3261** was deferred.

CS for HB 1437—A bill to be entitled An act relating to public records and meetings; amending s. 408.7056, F.S.; providing an exemption from public records requirements for certain personal information in documents, reports, or records prepared or reviewed by a provider and subscriber assistance panel or obtained by the Agency for Health Care Administration; providing an exemption for portions of meetings of such panels when such information, or trade secret or internal risk management program information, is discussed; requiring recording of closed meetings; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended April 13 was read the third time by title.

On motions by Senator Brown-Waite, **CS for HB 1437** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Myers

CS for HB 3199—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising a definition; amending s. 538.04, F.S.; exempting secondhand dealers from certain recordkeeping requirements for transactions involving secondhand sports equipment; providing an exception; providing an effective date.

—was read the third time by title.

On motions by Senator Williams, **CS for HB 3199** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Burt	Clary	Dudley
Bankhead	Campbell	Cowin	Dyer
Bronson	Casas	Crist	Forman
Brown-Waite	Childers	Diaz-Balart	Geller
Grant	Jones	Lee	Silver
Gutman	Kirkpatrick	McKay	Thomas
Hargrett	Klein	Meadows	Turner
Harris	Kurth	Ostalkiewicz	Williams
Holzendorf	Latvala	Rossin	
Horne	Laurent	Scott	

Nays—None

Vote after roll call:

Yea—Myers

CS for SB 812—A bill to be entitled An act relating to clean air; creating ss. 252.934, 252.935, 252.936, 252.937, 252.938, 252.939, 252.940, 252.941, 252.942, 252.944, 252.945, 252.946, F.S.; providing for the Florida Accidental Release Prevention and Risk Management Planning Act; providing a short title and purpose; defining terms; directing the Department of Community Affairs to seek delegation from the U.S. Environmental Protection Agency to implement the Accidental Release Prevention Program under the federal Clean Air Act or specified sources; providing for funding and fees; providing enforcement authority; providing penalties; authorizing the department to conduct inspections and audits; providing for tort liability; providing for a start-up loan; providing procedures for the release of information; directing legislative committees to review the Florida Accidental Release Prevention and Risk Management Planning Act; amending s. 252.85, F.S.; deleting certain standard industrial classification codes from certain annual reporting requirements; allowing the Department of Community Affairs to consider certain factors in assessing late fees; providing an effective date.

—as amended April 13 was read the third time by title.

On motions by Senator Dyer, **CS for SB 812** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Myers

SB 1058—A bill to be entitled An act relating to solid waste management; amending s. 403.7045, F.S.; authorizing the Department of Environmental Protection to allow recycling and reuse of ash residue which meets department standards adopted by rule; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **SB 1058** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Casas	Dyer	Harris
Bankhead	Childers	Forman	Holzendorf
Bronson	Clary	Geller	Horne
Brown-Waite	Cowin	Grant	Jones
Burt	Crist	Gutman	Kirkpatrick
Campbell	Dudley	Hargrett	Klein

Kurth	McKay	Rossin	Thomas
Latvala	Meadows	Scott	Turner
Laurent	Ostalkiewicz	Silver	Williams
Lee			

Nays—None

Vote after roll call:

Yea—Myers

CS for CS for SB 626—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising provisions with respect to the scope of the chapter; providing for certain rules; amending s. 721.05, F.S.; defining the term "regulated short-term product"; amending s. 721.06, F.S.; revising provisions with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; providing a time period for amendments that add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting provisions with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.11, F.S.; requiring that advertisements of regulated short-term products be filed with the division; requiring disclosure statements for purchase agreements; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; amending s. 721.265, F.S.; providing service of process in receivership proceedings; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative purpose; providing definitions; providing for a registered agent; providing for the consolidation of foreclosure actions; creating part IV of ch. 721, F.S.; creating timeshare commissioners of deeds; providing an effective date.

—was read the third time by title.

On motions by Senator Silver, **CS for CS for SB 626** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Myers

Consideration of **CS for SB 818** was deferred.

SB 1292—A bill to be entitled An act relating to controlled substances; amending s. 893.12, F.S.; deleting the requirement that a copy of the record of the destruction of seized controlled substances be sent to the Drug Enforcement Administration; providing an effective date.

—was read the third time by title.

Senator Gutman moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 2, between lines 2 and 3, insert:

Section 2. Subsection (10) of section 893.138, Florida Statutes, is amended to read:

893.138 Local administrative action to abate drug-related or prostitution-related public nuisances and criminal street gang activity.—

(10) The provisions of this section may be supplemented by a county or municipal ordinance. The ordinance may include, but is not limited to, provisions that establish additional penalties for public nuisances, including fines not to exceed $250 per day; provide for the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances; provide for continuing jurisdiction for a period of 1 year over any place or premises that has been or is declared to be a public nuisance; establish penalties, including fines not to exceed $500 per day for recurring public nuisances; provide for the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order; provide that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and provide for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The total fines imposed pursuant to the authority of this section shall not exceed *$7,500* ~~$5,000~~. Nothing contained within this section prohibits a county or municipality from proceeding against a public nuisance by any other means.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 893.138, F.S.; increasing the maximum cumulative fine that may be levied against properties designated public nuisances for drug-related activity or other offenses;

On motions by Senator Gutman, **SB 1292** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

HB 65—A bill to be entitled An act relating to crime prevention assistance; repealing ss. 426.001, 426.002, 426.003, 426.004, 426.005, 426.006, 426.007, 426.008, and 426.009, F.S., relating to crime prevention assistance; amending ss. 938.09 and 938.11, F.S., to conform; providing an effective date.

—was read the third time by title.

On motions by Senator Kurth, **HB 65** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Campbell	Crist	Geller
Bankhead	Casas	Diaz-Balart	Grant
Bronson	Childers	Dudley	Gutman
Brown-Waite	Clary	Dyer	Hargrett
Burt	Cowin	Forman	Harris

Holzendorf	Kurth	Myers	Thomas
Horne	Latvala	Ostalkiewicz	Turner
Jones	Lee	Rossin	Williams
Kirkpatrick	McKay	Scott	
Klein	Meadows	Silver	

Nays—None

CS for SB 818—A bill to be entitled An act relating to fire prevention and control; amending s. 633.537, F.S.; changing expiration and renewal of certificates of competency for fire protection contractors from an annual to a biennial basis; revising continuing education requirements and providing transitional continuing education requirements, to conform; amending s. 633.524, F.S.; increasing the renewal fee, to conform; amending s. 633.60, F.S., relating to engaging in the business or acting in the capacity of a contractor of automatic fire sprinkler systems, to conform; providing an effective date.

—was read the third time by title.

On motions by Senator Horne, **CS for SB 818** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for SB 154—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim's mental or physical disability or advanced age; providing definitions; providing an effective date.

—as amended April 13 was read the third time by title.

On motions by Senator Campbell, **CS for SB 154** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

SB 892—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; providing for methadone maintenance treatment; amending s. 397.501, F.S.; providing for appropriate use of methods and techniques for controlling aggressive clients; providing rulemaking authority relating to the use of such methods and techniques; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **SB 892** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

SB 668—A bill to be entitled An act relating to violent offenders; amending s. 945.092, F.S.; providing that a habitual violent felony offender or violent career criminal may not be placed in a work-release program or confined in a minimum security facility; providing an effective date.

—was read the third time by title.

On motions by Senator Crist, **SB 668** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for CS for HB 1137—A bill to be entitled An act relating to tests for alcohol, chemical substances, or controlled substances; amending ss. 316.1932 and 316.1933, F.S., relating to implied consent for testing for impairment or intoxication in cases of death or serious bodily injury; authorizing certain health care providers who become aware of a person's unlawful blood-alcohol level to notify law enforcement officials; prescribing a form for the notice; providing that such notice or failure to provide notice is not a violation of any ethical, moral, or legal duty; prohibiting any action or administrative proceeding being brought against anyone participating in good faith in providing or failing to provide such notice; providing for certain immunity from civil or criminal liability and from any professional disciplinary action; providing for certain immunity in any judicial proceeding resulting from the notice or failure to provide notice; providing an effective date.

—was read the third time by title.

On motions by Senator Horne, **CS for CS for HB 1137** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers

Ostalkiewicz	Scott	Thomas	Williams
Rossin	Silver	Turner	

Nays—None

SB 830—A bill to be entitled An act relating to homestead tax exemptions; amending s. 196.011, F.S.; deleting requirements for social security numbers to be included on applications for homestead exemptions; providing an effective date.

—was read the third time by title.

On motions by Senator Cowin, **SB 830** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Madam President	Clary	Hargrett	McKay
Bankhead	Cowin	Harris	Meadows
Bronson	Crist	Horne	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Ostalkiewicz
Burt	Dudley	Klein	Scott
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Williams
Childers	Gutman	Lee	

Nays—7

Dyer	Holzendorf	Kurth	Silver
Forman	Jones	Rossin	

HB 3477—A bill to be entitled An act relating to determination of millage; amending s. 200.065, F.S.; authorizing taxing authorities to adopt the tax levies and budgets of their dependent special taxing districts by single votes, unless a member of the public requests a separate discussion and vote for the tax levy or budget of any such district; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **HB 3477** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

SB 540—A bill to be entitled An act relating to emergency medical services; amending s. 784.07, F.S.; redefining the term "emergency medical care providers" to clarify such persons must be engaged in the performance of duties; providing that the term includes enumerated personnel of a hospital's emergency department; providing that enhanced penalties and certain minimum sentences apply if a person is convicted of assault or battery against an emergency medical care provider; providing an effective date.

—as amended April 13 was read the third time by title.

On motions by Senator Lee, **SB 540** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—None

CS for HB 3065—A bill to be entitled An act relating to building, bridge, and overpass designations; designating the Florida Department of Transportation District Five headquarters building located in Volusia County as the "Ben G. Watts Building"; designating a specified bridge in Pasco County as the "Father Felix Ullrich Bridge"; designating Fiske Boulevard overpass at Interstate Highway 95 in Rockledge as the "Jack I. Korenblit Overpass"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—as amended April 13 was read the third time by title.

Senator Klein moved the following amendment which was adopted by two-thirds vote:

Amendment 4 (with title amendment)—On page 4, between lines 9 and 10, insert:

Section 4. *The tennis court complex at the University of West Florida is hereby designated the "Harold 'Skeeter' Carson Tennis Complex" in honor of the university's first tennis coach and his untiring and extraordinary contribution to the community and to his profession.*

Section 5. *The Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University, the first lifelong learning center to be constructed on any of the university's seven campuses for use by the Lifelong Learning Society, is hereby designated the "Barry and Florence Friedberg Lifelong Learning Center" in recognition of the generosity, dedication, and active support of Barry and Florence Friedberg.*

Section 6. *The swim/dive office and training facility at the University of Florida is hereby designated the "Wayne and Jimmie Carse Swimming and Diving Complex" in recognition of the generosity of Wayne and Jimmie Carse to the university and its students.*

Section 7. *Flint Hall at the University of Florida is hereby renamed "Keene-Flint Hall" in recognition of Kenneth K. Keene's generosity to the university and its students.*

Section 8. *The residence currently known as 2nd Court, Pei Residence Halls, located on the Sarasota/Manatee Campus of New College of the University of South Florida, is hereby designated the "Peggy Bates Residence Hall" in recognition of the tireless and dedicated services of Dr. Margaret L. Bates to New College and the Sarasota/Manatee community.*

Section 9. *The library tower located on the campus of Florida International University is hereby designated the "Steven and Dorothea Green Library" in recognition of the generosity of Steven and Dorothea Green to the university libraries and to the Art Museum.*

Section 10. *The recording facility donated to Florida State University by Echelon International Development Corporation is hereby designated "Critchfield Hall" in recognition of Dr. Jack Critchfield's generosity to Florida State University and his philanthropic contributions to the State of Florida.*

Section 11. *The respective universities are authorized to erect suitable markers for the designations made by this act.*

Section 12. Section 240.605, Florida Statutes, is amended to read:

240.605 *The William L. Boyd, IV* Florida resident access grants.—

(1) The Legislature finds and declares that independent nonprofit colleges and universities eligible to participate in the *William L. Boyd, IV* Florida Resident Access Grant Program are an integral part of the higher education system in this state and that a significant number of state residents choose this form of higher education. The Legislature further finds that a strong and viable system of independent nonprofit colleges and universities reduces the tax burden on the citizens of the state. Because the *William L. Boyd, IV* Florida Resident Access Grant Program is not related to a student's financial need or other criteria upon which financial aid programs are based, it is the intent of the Legislature that the *William L. Boyd, IV* Florida Resident Access Grant Program not be considered a financial aid program but rather a tuition assistance program for its citizens.

(2) The *William L. Boyd, IV* Florida Resident Access Grant Program shall be administered by the Department of Education. The State Board of Education shall adopt rules for the administration of the program.

(3) The department shall issue through the program a *William L. Boyd, IV* Florida resident access grant to any full-time degree-seeking undergraduate student registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; which grants baccalaureate degrees; which is not a state university or state community college; and which has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect. Any independent college or university that was eligible to receive tuition vouchers on January 1, 1989, and which continues to meet the criteria under which its eligibility was established, shall remain eligible to receive *William L. Boyd, IV* Florida resident access grant payments.

(4) A person is eligible to receive such *William L. Boyd, IV* Florida resident access grant if:

(a) He or she meets the general requirements, including residency, for student eligibility as provided in s. 240.404, except as otherwise provided in this section; and

(b)1. He or she is enrolled as a full-time undergraduate student at an eligible college or university;

2. He or she is not enrolled in a program of study leading to a degree in theology or divinity; and

3. He or she is making satisfactory academic progress as defined by the college or university in which he or she is enrolled.

(5)(a) Funding for the *William L. Boyd, IV* Florida resident access grant shall be based on a formula composed of planned enrollment and the state cost of funding undergraduate enrollment at public institutions pursuant to s. 240.271. However, the amount of the *William L. Boyd, IV* Florida resident access grant issued to a full-time student shall be 30 percent in 1996-1997, 35 percent in 1997-1998, and 40 percent in 1998-1999 and thereafter of the full cost to the state per academic year of an undergraduate student in public postsecondary education established pursuant to s. 240.209 or an amount as specified in the General Appropriations Act. The Florida *William L. Boyd, IV* resident access grant may be paid on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. Students shall not be eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 240.404(3).

(b) If the combined amount of the *William L. Boyd, IV* Florida resident access grant issued pursuant to this act and all other scholarships and grants for tuition or fees exceeds the amount charged to the student for tuition and fees, the department shall reduce the *William L. Boyd, IV* Florida resident access grant issued pursuant to this act by an amount equal to such excess.

(c) For the 1997-1998 fiscal year only, funding for the *William L. Boyd, IV* Florida resident access grant shall be the amount set forth in the General Appropriations Act. This paragraph is repealed on July 1, 1998.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-13, delete those lines and insert: An act relating to the designation of facilities and programs; designating the Florida Department of Transportation District Five headquarters building located in Volusia County as the "Ben G. Watts Building"; designating a specified bridge in Pasco County as the "Father Felix Ullrich Bridge"; designating Fiske Boulevard overpass at Interstate Highway 95 in Rockledge as the "Jack I. Korenblit Overpass"; directing the Department of Transportation to erect suitable markers; designating the tennis court complex at the University of West Florida the "Harold 'Skeeter' Carson Tennis Complex"; designating the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University the "Barry and Florence Friedberg Lifelong Learning Center"; designating the swim/dive office and training facility at the University of Florida the "Wayne and Jimmie Carse Swimming and Diving Complex"; renaming Flint Hall at the University of Florida as "Keene-Flint Hall"; designating the residence hall known as 2nd Court, Pei Residence Halls, located at New College of the University of South Florida the "Peggy Bates Residence Hall"; designating the library tower on the campus of Florida International University the "Steven and Dorothea Green Library"; designating the recording facility donated to Florida State University as "Critchfield Hall"; authorizing the respective universities to erect suitable markers; amending s. 240.605, F.S.; renaming the Florida Resident Access Grant Program as the William L. Boyd, IV Florida Resident Access Grant Program; providing an effective date.

MOTION

On motion by Senator Dyer, the rules were waived to allow the following amendment to be considered:

Senator Dyer moved the following amendment which was adopted by two-thirds vote:

Amendment 5 (with title amendment)—On page 4, between lines 9 and 10, insert:

Section 4. *(1) The Rodman Dam, in Putnam County, Florida, is renamed the "Senator George Kirkpatrick Dam."*

(2) The Department of Environmental Protection is directed to erect suitable markers bearing the new designation made by this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 11-13, delete those lines and insert: naming the Rodman Dam in Putnam County the "Senator George Kirkpatrick Dam"; providing for the erection of markers; providing an effective date.

WHEREAS, the Rodman Dam has been in existence since 1968, constructed as part of the former Cross Florida Barge Canal, and

WHEREAS, Senator George Kirkpatrick seems to have a keen interest in the final disposition of Rodman Dam, and

WHEREAS, Senator George Kirkpatrick is an avid bass fisherman, naturalist, and outdoorsman, and

WHEREAS, Senator George Kirkpatrick has led the opposition to the removal of the dam throughout his Senate career, and

On motions by Senator Burt, **CS for HB 3065** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Casas	Dudley	Hargrett
Bankhead	Childers	Dyer	Harris
Bronson	Clary	Forman	Holzendorf
Brown-Waite	Cowin	Geller	Horne
Burt	Crist	Grant	Jones
Campbell	Diaz-Balart	Gutman	Kirkpatrick

Klein	Lee	Ostalkiewicz	Turner
Kurth	McKay	Scott	Williams
Latvala	Meadows	Silver	
Laurent	Myers	Thomas	

Nays—None

HB 3261—A bill to be entitled An act relating to telecommuting; repealing s. 3 of ch. 94-113, Laws of Florida; abrogating the repeal of s. 110.171, F.S., which establishes the state employee telecommuting program; providing an effective date.

—was read the third time by title.

On motions by Senator Kirkpatrick, **HB 3261** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

CS for SB 1458—A bill to be entitled An act relating to coastal redevelopment; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; amending s. 163.360, F.S.; requiring additional findings before approval of certain community redevelopment plans; creating s. 163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

—as amended April 13 was read the third time by title.

On motions by Senator Latvala, **CS for SB 1458** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

CS for SB 1202—A bill to be entitled An act relating to brownfields redevelopment; amending s. 376.77, F.S.; correcting a cross-reference; amending s. 376.79, F.S.; redefining terms and defining the term "secretary"; amending s. 376.80, F.S.; providing that closed military bases may be designated as brownfield areas; clarifying the job-creation criteria for the designation of a brownfield site; clarifying certain terms; amending s. 376.81, F.S.; deleting a duplicative provision relating to the issuance of no-further-action orders; amending s. 376.82, F.S.; providing clarification regarding the eligibility of certain brownfield sites; clarifying the provisions relating to the job creation eligibility criteria; providing liability protection for properties acquired by local or state governments under certain conditions; amending s. 376.83, F.S.; correcting a cross-reference; amending s. 288.106, F.S.; providing that the wage requirement criteria may be waived for a designated brownfield area; requiring the Director of the Office of Tourism, Trade, and Economic Development to approve certain wage requirement waiver requests; amending s. 288.107, F.S.; defining the terms "brownfield area" and "brownfield site"; providing legislative intent regarding the inefficient use of public facilities and services in brownfield areas; creating the Brownfield Areas Loan Guarantee Program; creating the Brownfield Areas Loan Guarantee Council; providing duties and membership; providing that not more than $5 million of the investment earnings on the investment of the minimum balance of the Nonmandatory Land Reclamation Trust Fund in a fiscal year shall be at risk at any time on one or more loan guarantees, or as loan loss reserves; requiring lenders seeking loan guarantees from the council to follow certain specified procedures; limiting the circumstances under which a lender may file a claim for a loss pursuant to the guaranty; providing the council with certain rulemaking authority; authorizing the council to receive certain funds; requiring the council to file an annual report to the Legislature; providing for future legislative review; amending s. 288.9602, F.S.; providing for the redevelopment of brownfield areas to be included in the declaration of findings regarding economic development; amending s. 288.9605, F.S.; expanding the powers and duties of the Florida Development Finance Corporation to authorize the corporation to make determinations regarding participation in certain partnerships and agreements concerning the redevelopment of brownfield areas and the guaranty of revenue bonds, loan guarantees, or loan loss reserves; requiring the Board of Regents to establish a Center for Brownfield Rehabilitation Assistance in the Environmental Sciences and Policy Program in the College of Arts and Sciences at the University of South Florida; specifying the purpose and duties of the center; amending s. 163.3187, F.S.; providing that local government comprehensive plan amendments directly related to proposed redevelopment of designated brownfield areas may be approved without regard to certain statutory limits on the frequency of amendments to the local comprehensive plan; providing legislative findings and intent regarding lienholders on brownfield property; providing that certain counties and municipalities may apply for designation of an enterprise zone encompassing a brownfield pilot project under certain circumstances; amending s. 376.313, F.S.; correcting references to the Florida Administrative Code; repealing s. 21, ch. 86-159, Laws of Florida, relating to the scheduled repeal of s. 376.313(4), F.S.; providing an effective date.

—as amended April 13 was read the third time by title.

On motions by Senator Latvala, **CS for SB 1202** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for SB 1204—A bill to be entitled An act relating to brownfield redevelopment; creating the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund to be administered by the Office of Tourism, Trade, and Economic Development; authorizing the office to make loans for brownfield site rehabilitation; specifying loan terms and interest rates; providing rulemaking authority; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for SB 1204** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for HB 319—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; providing a presumption for certain certification purposes; providing an exclusion; amending s. 288.703, F.S.; revising definitions; specifying application; providing an effective date.

—as amended April 13 was read the third time by title.

On motions by Senator Harris, **CS for HB 319** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Dudley, the Senate resumed consideration of—

CS for SB 550—A bill to be entitled An act relating to adoption; amending ss. 39.461, 39.464, 39.469, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing provisions authorizing licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.47, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions in this state; amending s. 63.032, F.S.; revising definitions; defining the term "adoption entity"; creating s. 63.037, F.S.; exempting adoption proceedings that result from a termination of parental rights under ch. 39, F.S., from certain provisions of ch. 63, F.S.; creating s. 63.038, F.S.; providing criminal penalties for committing certain fraudulent acts; creating s. 63.039, F.S.; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor who has been placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; permitting an affidavit of nonpaternity under certain circumstances; amending s. 63.082, F.S.; revising requirements for executing a consent to an adoption; providing a time period for withdrawing consent; providing additional disclosure requirements; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the birth parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a birth parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; creating s. 63.088, F.S.; providing requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing requirements for the notice; providing requirements for conducting a diligent search for such person whose location is unknown; requiring that an unlocated or unidentified person be served notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing procedures for the proceeding to terminate parental rights pending adoption; specifying the matters to be determined; specifying grounds upon which parental rights may be terminated; providing for procedures following a judgment; providing for records to be made part of the subsequent adoption; amending s. 63.092, F.S.; providing requirements to be met if a prospective placement in an adoptive home is an at-risk placement; defining at-risk placement; amending s. 63.097, F.S.; revising requirements for the court in approving specified fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; amending s. 63.112, F.S.; revising requirements for the information that must be included in a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S., relating to the final home investigation; conforming provisions to changes made by the act; amending s. 63.132, F.S.; revising requirements for the report of expenditures and receipts which is filed with the court; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.152, F.S.; requiring that the clerk of the court mail a copy of a new birth record to the state registry of adoption information; amending s. 63.165, F.S.; requiring that a copy of the certified statement of final decree of adoption be included in the state registry of adoption information; requiring that the Department of Children and Family Services maintain such information for a specified period; amending s. 63.182, F.S.; requiring that an action to vacate an order of adoption or an order terminating parental rights pending adoption be filed within a specified period after entry of the order; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S., relating to prohibitions and penalties with respect to adoptions; conforming provisions to changes made by the act; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing an effective date.

—which was previously considered and amended April 13. Pending **Amendment 8** by Senators Rossin and Ostalkiewicz was adopted.

Senators Rossin and Ostalkiewicz offered the following amendments which were moved by Senator Rossin and adopted:

Amendment 9—On page 30, line 19, after "*Consent*" insert: *executed under subsection (4) paragraph (c)*

Amendment 10—On page 30, line 31, delete the period (.) and insert: *, unless upon motion for emergency hearing by the adoption entity, the court determines in written findings that placement of the minor with the person withdrawing consent may endanger the minor. If the court finds that such placement may endanger the minor, the court must enter an order regarding continued placement of the child. The order shall include, but not be limited to, whether temporary placement in foster care is appropriate, whether an investigation by the Department of Children and Families is recommended, and whether a relative within the third degree is available for the temporary placement. In addition, if the person withdrawing consent claims to be the father of the minor but has not been established to be the father by marriage, court order, or scientific testing, the court may order scientific paternity testing and reserve ruling on removal of the child until the results of such testing have been filed with the court.*

Amendment 11—On page 32, line 21, after the period (.) insert: *If the minor is to be placed for adoption upon leaving the hospital, the consent may not be signed until 48 hours after birth or the day the birth mother is released from the hospital. If the minor is not placed for adoption upon leaving the hospital, a 3-day revocation period applies.*

Senator Dudley moved the following amendments which were adopted:

Amendment 12—On page 33, delete line 22 and insert: *it was obtained by fraud.*

Amendment 13—On page 37, line 15, delete "*s. 63.092(2)*" and insert: *s. 63.092(3)*

Amendment 14—On page 39, line 26 and on page 40, line 16, after "*Indian*" insert: *Child*

Amendment 15—On page 42, delete line 1 and insert: *of the petition to terminate parental rights pending adoption and*

Amendment 16—On page 46, lines 2-4, delete those lines and insert: *person must be served notice under s. 63.088(2), of the petition and hearing to terminate parental rights pending adoption by constructive service in the manner provided in*

Senator Rossin offered the following amendment which was moved by Senator Dudley and adopted:

Amendment 17—On page 52, lines 6-8, delete those lines and insert: *judgment. The motion must be filed within a reasonable time, but not later than 1 year after the date the termination of parental rights final order was entered.*

Senators Rossin and Ostalkiewicz offered the following amendment which was moved by Senator Rossin and adopted:

Amendment 18—On page 52, lines 9-21 and on page 69, line 24 through page 70, line 5, delete those lines and insert:

(d) Not later than 30 days after the filing of a motion under this subsection, the court must conduct a preliminary hearing to determine what contact, if any, shall be permitted between a birth parent and the child pending resolution of the motion. Such contact shall only be considered if it is requested by a birth parent who has appeared at the hearing. If the court orders contact between a birth parent and child, the order must be issued in writing as expeditiously as possible and must state with specificity any provisions regarding contact with persons other than those with whom the child resides.

(e) At the preliminary hearing, the court, upon the motion of any party or its own motion, may order scientific testing to determine the paternity of the minor if the person seeking to set aside the judgment is alleging to be the child's birth father and that fact has not previously been determined by legitimacy or scientific testing. The court may order supervised visitation with a person from whom scientific testing for paternity has been ordered conditional upon the filing of those test results with the court and such results establish that person's paternity of the minor.

(f) No later than 45 days after the preliminary hearing, the court must conduct a final hearing on the motion to set aside the judgment and issue its written order as expeditiously as possible thereafter.

Senator Dudley moved the following amendment which was adopted:

Amendment 19—On page 63, delete line 2 and insert: *63.062(1)(e)* ~~63.062(1)(c)~~.

Senator Rossin moved the following amendment which was adopted:

Amendment 20—On page 69, lines 21-23, delete those lines and insert: *original judgment. The motion must be filed within a reasonable time, but not later than 1 year after the date the termination of parental rights final order was entered.*

Pursuant to Rule 4.19, **CS for SB 550** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 842—A bill to be entitled An act relating to the subsidized adoption program for the special needs child; amending s. 409.166, F.S.; amending the definition of the term "special needs child"; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 842** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 264—A bill to be entitled An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact between a child and siblings of a parent whose rights are terminated; amending s. 63.022, F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 264** to **CS for HB 585**.

Pending further consideration of **SB 264** as amended, on motion by Senator Rossin, by two-thirds vote **CS for HB 585** was withdrawn from the Committees on Judiciary; and Children, Families and Seniors.

On motion by Senator Rossin—

CS for HB 585—A bill to be entitled An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact with siblings after termination of parental rights; amending s. 63.022(2), F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings; providing an effective date.

—a companion measure, was substituted for **SB 264** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 585** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

CS for SB 492—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment to property owners; amending s. 194.032, F.S.; revising the time in which a value adjustment board hearing must be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 492** was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote **CS for HB 3007** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Grant—

CS for HB 3007—A bill to be entitled An act relating to alcohol and other substance abuse testing of a delinquent child; amending s. 985.231, F.S., relating to powers of disposition in delinquency cases; providing that the court may order a delinquent child placed in an community control or aftercare program to submit to random testing for alcohol or controlled substances; providing that the order may be made at the disposition, or pursuant to the filing of a petition alleging violation of the conditions of the child's community control or aftercare supervision; reenacting s. 985.31(3)(e), F.S., relating to serious or habitual offenders, and s. 985.311(3)(e), F.S., relating to intensive residential treatment program for offenders less than 13 years of age, to incorporate said amendment in references; providing an effective date.

—a companion measure, was substituted for **SB 708** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3007** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, the Senate resumed consideration of—

CS for SB 776—A bill to be entitled An act relating to physician assistants; amending ss. 39.01, 154.04, 232.465, 395.0191, 458.347, 459.022, 627.351, 627.357, 766.105, 766.1115, 984.03, 985.03, F.S.; providing for licensure of physician assistants rather than certification; prescribing qualifications for licensure and revising provisions governing examinations; conforming statutory provisions; providing an effective date.

—which was previously considered April 13. Pending **Amendment 1** by Senators Clary and Horne was adopted.

Senators Clary and Horne offered the following amendments which were moved by Senator Clary and adopted:

Amendment 2—On page 13, delete line 16 and insert: *applicant to pass a separate practical component of the examination.*

Amendment 3—On page 34, line 23 and on page 35, line 20, after "Osteopathic physician" insert: *, or physician assistant*

Amendment 4 (with title amendment)—On page 37, delete line 30 and insert:

Section 14. Section 240.4067, Florida Statutes, is amended to read:

240.4067 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced registered nurse practitioner ~~or physician's assistant~~ certification *or physician assistant licensure.* The following licensed or certified health care professionals are eligible to participate in this program: medical doctors with primary care specialties, doctors of osteopathic medicine with primary care specialties, physician's assistants, licensed practical nurses and registered nurses, and advanced registered nurse practitioners with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health ~~and Rehabilitative Services~~.

(2) From the funds available, the Department of Health ~~and Rehabilitative Services~~ shall make payments to selected medical professionals as follows:

(a) Up to $4,000 per year for licensed practical nurses and registered nurses, up to $10,000 per year for advanced registered nurse practitioners and physician's assistants, and up to $20,000 per year for physicians. Penalties for noncompliance shall be the same as those in the National Health Services Corps Loan Repayment Program. Educational expenses include costs for tuition, matriculation, registration, books, laboratory and other fees, other educational costs, and reasonable living expenses as determined by the Department of Health ~~and Rehabilitative Services~~.

(b) All payments shall be contingent on continued proof of primary care practice in an area defined in s. 395.602(2)(e), or an underserved area designated by the Department of Health ~~and Rehabilitative Services~~, provided the practitioner accepts Medicaid reimbursement if eligible for such reimbursement. Correctional facilities, state hospitals, and other state institutions that employ medical personnel shall be designated by the Department of Health ~~and Rehabilitative Services~~ as underserved locations. Locations with high incidences of infant mortality, high morbidity, or low Medicaid participation by health care professionals may be designated as underserved.

(c) The Department of Health ~~and Rehabilitative Services~~ may use funds appropriated for the Medical Education Reimbursement and Loan Repayment Program as matching funds for federal loan repayment programs such as the National Health Service Corps State Loan Repayment Program.

(3) The Department of Health ~~and Rehabilitative Services~~ may adopt any rules necessary for the administration of the Medical Education Reimbursement and Loan Repayment Program. The department may also solicit technical advice regarding conduct of the program from the Department of Education and Florida universities and community colleges. The Department of Health ~~and Rehabilitative Services~~ shall submit a budget request for an amount sufficient to fund medical education reimbursement, loan repayments, and program administration.

Section 15. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 3, after "232.465," insert: 240.4067,

Pursuant to Rule 4.19, **CS for SB 776** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

CS for SB 1710—A bill to be entitled An act relating to the Central Florida Regional Transportation Authority (RAB); amending s. 343.64, F.S.; authorizing the authority to employ personnel and consultants; authorizing a personnel system; providing for delegation of authority; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1710** was placed on the calendar of Bills on Third Reading.

SENATOR BURT PRESIDING

On motion by Senator Brown-Waite—

CS for CS for CS for SB 1228—A bill to be entitled An act relating to children's health care; amending s. 409.904, F.S.; providing for children under specified ages who are not otherwise eligible for the Medicaid program to be eligible for optional payments for medical assistance; creating s. 409.9045, F.S.; providing for a period of continuous eligibility for Medicaid for children; amending s. 409.9126, F.S.; making the Children's Medical Services network available to certain children who are eligible for the Florida Kids Health program; authorizing the inclusion of behavioral health services as part of the Children's Medical Services network; establishing the reimbursement methodology for services provided to certain children through the Children's Medical Services network; specifying that the Children's Medical Services network is not subject to licensure under the insurance code or rules of the Department of Insurance; directing the Department of Health to contract with the Department of Children and Family Services for certain services for children with special health care needs; authorizing the Department of Children and Family Services to establish certain standards and guidelines; revising provisions to reflect the transfer of duties to the Department of Health; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating and providing the purpose for the Florida Kids Health program; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; creating s. 409.8132, F.S.; creating and establishing the purpose of the Medikids program component; providing for administration of Medikids by the Agency for Health Care Administration; exempting Medikids from licensure under the Florida Insurance Code; providing applicability of certain Medicaid requirements; establishing benefit requirements; providing for eligibility; providing enrollment requirements; authorizing penalties for nonpayment of premiums; creating s. 409.8135, F.S.; providing for program enrollment and expenditure ceilings; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing requirements for health benefits coverage under the Florida Kids Health program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for approval of health benefits coverage as a condition of financial assistance; creating s. 409.8175, F.S.; authorizing health maintenance organizations and health insurers to reimburse providers in rural counties according to the Medicaid Fee schedule; creating s. 409.818, F.S.; providing for program administration; specifying duties of the Department of Children and Family Services, the Department of Health, the Agency for Health Care Administration, the Department of Insurance, and the Florida Healthy Kids Corporation; authorizing certain program modifications related to

federal approval; transferring, renumbering, and amending s. 154.508, F.S., relating to outreach activities to identify low-income, uninsured children; creating s. 409.820, F.S.; requiring that the Department of Health develop standards for quality assurance and program access; establishing performance measures and standards for the Florida Kids Health program; repealing s. 624.92, F.S.; deleting the requirement that the Agency for Health Care Administration apply for a Medicaid federal waiver relating to the Healthy Kids Corporation; providing an appropriation; providing for application of the act to certain contracts between providers and the Florida Healthy Kids Corporation; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 1—On page 11, line 21, after the first "*children*" insert: *receiving premium assistance payments*

Amendment 2—On page 14, line 1, delete "*an*" and insert: *a health*

Amendment 3—On page 30, line 3, after "*program*" insert: *, or who are not eligible under s. 409.814(5),*

Amendment 4—On page 34, line 26, after the comma (,) insert: *administering the Medikids program,*

Senators Diaz-Balart and Brown-Waite offered the following amendment which was moved by Senator Diaz-Balart and adopted:

Amendment 5—On page 35, lines 9-13, delete those lines and insert:

(5) Notwithstanding any other provision contained in this act, the Florida Healthy Kids Corporation shall continue to provide health care coverage as previously approved by the federal Department of Health and Human Services under Title XXI of the Social Security Act.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 6—On page 35, lines 17-21, delete those lines and insert: *Thereafter, the corporation may establish local matching requirements for supplemental participation in the program. The corporation may vary local matching requirements and enrollment by county depending on factors which may influence the generation of local*

Amendment 7—On page 37, line 1, delete "*common*" and insert: *minimum*

Amendment 8—On page 38, between lines 26 and 27 and on page 39, between lines 7 and 8, insert:

(b) Medikids;

(Redesignate subsequent paragraphs.)

Amendment 9 (with title amendment)—On page 39, between lines 14 and 15, insert:

Section 19. *The Agency for Health Care Administration shall conduct a study of the feasibility of extending presumptive eligibility for Medicaid to children who have not attained the age of 19. The study shall assess whether families delay seeking health care services or health care coverage because of the lack of presumptive eligibility. The agency shall report its findings to the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of the respective health care committees no later than December 31, 1998.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 15, after the semicolon (;) insert: directing the Agency for Health Care Administration to conduct a study of Medicaid presumptive eligibility and report its findings to the legislature;

Amendment 10—On page 39, between lines 17 and 18, insert:

Section 20. *For fiscal year 1998–1999, the enrollment ceiling for the non–Medicaid portion of the Florida Kids Health program is 270,000 children. Thereafter, the enrollment ceiling shall be established in the General Appropriations Act or general law.*

(Redesignate subsequent sections.)

Senator Myers moved the following amendment which was adopted:

Amendment 11—On page 21, between lines 14 and 15, insert:

(7) Once a child is determined eligible for the National School Lunch program, the child is eligible for coverage under the Florida Kids Health program provided the child meets the requirements of s. 409.814 and is enrolled in school. However, a child who is determined to be eligible under s. 409.814 may not be denied coverage.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1228** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for CS for SB's 2156 and 1910—A bill to be entitled An act relating to education; creating s. 236.08106, F.S., relating to the Excellent Teaching Program; providing legislative findings and intent; authorizing monetary incentives and bonuses for teaching excellence; providing for annual allocations to districts; providing fee subsidies and conditions for repayment of subsidies for participating in the certification program of the National Board of Professional Teaching Standards; requiring the distribution of certain monetary bonuses to teachers; providing eligibility criteria; requiring release time for certain activities; requiring certain district expenditures for professional development of teachers; amending s. 236.081, F.S.; authorizing categorical funding for the Excellent Teaching Program; amending s. 231.173, F.S., relating to certification of experienced out-of-state teachers and administrators; deleting a requirement for superintendents to request certification; providing for issuance of a professional certificate to individuals certified by the National Board of Professional Teaching Standards; conforming provisions; amending s. 231.24, F.S.; authorizing renewal of certificates through national certification; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendments which were adopted:

Amendment 1—On page 3, line 1, after "*school district,*" insert: *who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and, beginning in the school fiscal year 1999-2000, to have qualified for the district performance-based pay incentive pursuant to s. 230.23,*

Amendment 2—On page 3, lines 12-18, delete those lines and insert:

(b) A portfolio-preparation incentive of $150 for each teacher employed by the district school board or a public school within the district who is participating in the NBPTS certification program. The portfolio-preparation incentive is a one-time award paid during the school year for which the NBPTS fee subsidy is provided.

Amendment 3—On page 3, lines 25-27, delete those lines and insert: *meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and to have qualified for the performance-based pay incentive pursuant to s. 230.23. The annual bonus may be paid as a single payment or divided into not more than three payments.*

Amendment 4—On page 4, line 15, delete "*use*" and insert: *give priority to using*

Pursuant to Rule 4.19, **CS for CS for SB's 2156 and 1910** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

CS for SB 386—A bill to be entitled An act relating to postsecondary education; amending s. 240.529, F.S.; providing that, beginning in the

1999-2000 academic year, State University System initial teacher preparation programs shall include an optional teacher internship in a socially and economically disadvantaged area; providing that, beginning in the 2000-2001 academic year, State University System initial teacher preparation programs, in partnership with public school districts, shall establish teaching residency programs in disadvantaged areas; providing for annual stipends for each teacher who has completed such a residency program; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Holzendorf and adopted:

Amendment 1—On page 3, lines 23 and 24, delete those lines and insert: *individual who teaches in a school located in a socially and economically disadvantaged urban or rural area in this state, and as funded by the Legislature in the Division of Human Resources within the Department of Education, will receive a supplemental stipend from the state of*

Pursuant to Rule 4.19, **CS for SB 386** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 921** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Kirkpatrick—

CS for HB 921—A bill to be entitled An act relating to expenditure requirements for education programs; amending s. 236.081, F.S., relating to funds for operation of schools; requiring school districts to allocate at least 80 percent of specified funds to the schools generating the funds; providing an effective date.

—a companion measure, was substituted for **SB 174** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 921** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2014** was deferred.

On motion by Senator Williams—

CS for SB 1108—A bill to be entitled An act relating to insurance; amending s. 627.021, F.S.; providing that the provisions of ch. 627, F.S., do not apply to commercial inland marine insurance; amending ss. 627.0651, 627.410, F.S.; making conforming changes to requirements for filing underwriting rules and forms; amending s. 627.311, F.S.; revising the composition of the workers' compensation joint underwriting plan; prohibiting insurers from providing workers' compensation to certain employers; amending s. 627.7295, F.S., relating to minimum down payments for motor vehicle insurance; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1108** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for CS for SB 1704—A bill to be entitled An act relating to use of rights-of-way by telecommunications companies; amending s. 337.401, F.S.; limiting taxes, fees, or charges imposed by municipalities for use of rights-of-way; limiting local government authority to regulate certain matters within the jurisdiction of the Florida Public Service Commission or the Federal Communications Commission; prohibiting requiring telecommunications companies from obtaining additional consent to use certain rights-of-way under certain circumstances; providing construction; providing application; providing a definition; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1704** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 552—A bill to be entitled An act relating to juries; amending s. 40.015, F.S.; providing a method for establishing jury districts, boundaries; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 552** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1070** was deferred.

On motion by Senator Forman—

CS for SB 124—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S., which provides requirements for the determination of the millage levied by taxing authorities; revising the form of the notice of tax increase; revising the form of the notice of tax for school capital outlay which must be published by school districts; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Forman and failed:

Amendment 1—On page 2, delete line 19 and insert: *Last year's property tax levy.....$xx,xxx,xxx*

Amendment 2—On page 2, lines 20-23, delete those lines

Pursuant to Rule 4.19, **CS for SB 124** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth, by two-thirds vote **CS for HB 823** was withdrawn from the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Kurth—

CS for HB 823—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S., which provides requirements for deposit and investment of state money; revising the standards that certain corporate obligations and state and local government obligations must meet to be qualified for such investment; authorizing investment in certain foreign bonds and certain convertible debt obligations of corporations domiciled in the United States; amending s. 766.315, F.S.; providing that the investment of funds by the Florida Birth-Related Neurological Injury Compensation Association is subject to the provisions of s. 215.47, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 1056** and read the second time by title.

Senator Kurth moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 5, between lines 24 and 25, insert:

Section 3. Subsection (3) of section 626.8473, Florida Statutes, is amended to read:

626.8473 Escrow; trust fund.—

(3) All funds received by a title insurance agent to be held in trust shall be immediately placed in ~~an escrow trust account in~~ a financial institution *that is located within this state and is a member of the Federal*

Deposit Insurance Corporation. These funds shall be invested in an escrow account in accordance with the investment requirements and standards established for deposits and investments of state funds in s. 18.10 ~~insured by an agency of the federal government and located within this state~~, where the funds shall be kept until disbursement thereof is properly authorized.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: amending s. 626.8473, F.S.; providing for funds to be held in trust by a title insurance agent to be held in the same manner required for deposits of state funds;

Pursuant to Rule 4.19, **CS for HB 823** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **SB 660** was deferred.

On motion by Senator Clary—

CS for CS for SB 1406—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; defining the terms "corporate officer," "partner," and "sole proprietor," as used in ch. 440, F.S.; amending s. 440.05, F.S.; authorizing the Division of Workers' Compensation of the Department of Labor and Employment Security to approve and revoke certificates of exemption; specifying requirements for notices of election to be exempt; providing for renewal of exemption certificates; requiring notice on election forms that providing false information is a felony; revising fees for exemptions and specifying use of fees by the division; amending s. 440.09, F.S.; conforming references to judges of compensation claims and administrative law judges; amending s. 440.10, F.S.; revising documentation establishing conclusive presumption of independent contractor status and ineligibility for workers' compensation benefits; amending s. 440.103, F.S.; revising the documentation that must be filed by an employer that obtains a building permit; specifying requirements for certificates of coverage; amending s. 440.104, F.S.; revising the cause of action and remedies available to losers of competitive bidding against persons who violate certain provisions; increasing recoverable damages; amending s. 440.105, F.S.; providing penalties; providing a time limitation for bringing an action under s. 440.105(4), F.S.; amending s. 440.107, F.S.; providing legislative findings related to noncompliance with workers' compensation coverage requirements; authorizing the division to enter and inspect places of business for investigating compliance; requiring employers to maintain records required by the division by rule; authorizing the division to require sworn reports from employers, to administer oaths, and to issue subpoenas to enforce compliance; providing penalties for refusal to obey a subpoena; amending s. 440.45, F.S.; revising term of office, qualifications, and method of nomination for the Chief Judge of the Office of the Judges of Compensation Claims; providing for expiration of term of office for members of the statewide nominating commission for judges of compensation claims; providing for new appointments to the nominating commission and staggered terms; revising the procedures for nominating commission regarding performance of sitting judges and regarding nominations of applicants; providing for expiration of the term of office and reappointment of the Chief Judge of Compensation Claims; amending s. 627.413, F.S.; specifying notice requirements for minimum premium policies; requiring the division to notify certain persons of certain requirements of this act; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1406** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 1408—A bill to be entitled An act relating to public records; creating s. 440.108, F.S.; providing an exemption from public records requirements for certain information obtained in administering the Workers' Compensation Law; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Clary and adopted:

Amendment 1—On page 2, line 29, after the period (.) insert: *Additionally, the Legislature finds that it is a public necessity that trade secrets or business or personal financial records remain confidential and exempt after an investigation is completed or ceases to be active because the disclosure of such information would injure the affected party in the marketplace. Further, information that would defame or cause unwarranted damage to the name or reputation of an individual, or jeopardize the safety of an individual, must remain confidential and exempt after an investigation is completed or ceases to be active to protect that individual's name or reputation or personal safety. As well, information that would jeopardize the integrity of another active investigation or that would reveal investigative techniques or procedures must remain confidential and exempt after an investigation is completed or ceases to be active in order to permit the effective and efficient operation of the program.*

Pursuant to Rule 4.19, **CS for SB 1408** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 1972—A bill to be entitled An act relating to workers' compensation; amending s. 440.09, F.S.; providing a standard for rebutting a presumption that an employee's injury was caused by intoxication or influence of drugs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1972** was placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

SB 660—A bill to be entitled An act relating to education; providing that state-funded education and care programs for infants and toddlers must foster brain development; requiring an evaluation and a report; providing an effective date.

—was read the second time by title.

The Committee on Children, Families and Seniors recommended the following amendment which was moved by Senator Turner and adopted:

Amendment 1—On page 2, line 7, after "program," insert: *contracted or directly operated*

Senator Bankhead moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 2, line 13, after the period (.) insert: *Family daycare centers are encouraged, but not required, to comply with this section.*

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: encouraging family daycare centers to comply with specified requirements;

Pursuant to Rule 4.19, **SB 660** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1092—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; revising eligibility requirements for supplemental payments; providing a method for calculating workers' compensation benefits based on the aggregate amount of those

benefits and other specified benefits payable to the employee; providing that certain supplemental payments are not workers' compensation benefits; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1—On page 3, delete line 10 and insert:

(a) Unless otherwise specifically provided by contract, workers' compensation benefits that are otherwise

Pursuant to Rule 4.19, **CS for SB 1092** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 590—A bill to be entitled An act relating to property crimes; amending s. 810.011, F.S.; defining the term "curtilage"; amending s. 810.09, F.S.; removing references to unenclosed curtilage from the offense of trespass on property other than a structure or conveyance; amending s. 812.014, F.S.; defining the term "authorized person"; removing reference to unenclosed curtilage from the offense of theft from a dwelling; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 590** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **SB 1974**, motions and announcements.

On motion by Senator Rossin—

SB 1974—A bill to be entitled An act relating to consumer finance and installment sales; amending s. 516.05, F.S.; requiring certain licensees to report bankruptcy filings to the Department of Banking and Finance; amending s. 520.085, F.S.; providing for acquisition fees on simple-interest contracts; creating s. 520.997, F.S.; providing for certain licensees to report bankruptcy filings to the department; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Pursuant to Rule 4.19, **SB 1974** was placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following Special and Continuing Order Calendar for Wednesday, April 15, and Thursday, April 16, 1998: CS for SB 550, SB 842, SB 264, CS for SB 492, SB 708, CS for SB 776, CS for SB 1710, CS for CS for CS for SB 1228, CS for CS for SB's 2156 and 1910, CS for SB 386, SB 174, CS for SB 2014, CS for SB 1108, CS for CS for SB 1704, CS for SB 552, CS for SB 1070, CS for SB 124, CS for SB 1056, SB 660, CS for CS for SB 1406, CS for SB 1408, SB 1972, CS for SB 1092, CS for SB 590, SB 1974, SB 806, CS for SB 1156, SB 510, SB 1724, CS for CS for SB 94, CS for SB 1498, CS for SB 1176, CS for SB 1678, CS for SB 2300, CS for SB 1596, SB 1462, SB 474, SB 410, SB 376, CS for SB 592, CS for SB 1584, SB 1896, SB 564, SB 254, SB 746, SB 2012, CS for SB 2054, CS for SB 608

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Criminal Justice recommends the following pass: SB 378

The bill was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1776 with 2 amendments

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 2268

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 730 with 1 amendment

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Community Affairs recommends the following pass: SB 422, SB 970

The bills were referred to the Committee on Education under the original reference.

The Committee on Agriculture recommends the following pass: SB 1860 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 1948

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2540 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2186 with 3 amendments

The Committee on Criminal Justice recommends the following pass: SB 2634

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 820

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2638

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1032

The Committee on Regulated Industries recommends the following pass: SB 2596, SB 2598, SB 2600, SB 2602, SB 2616

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 588

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 924, CS for SB 1322, SB 1632, CS for SB 1736, CS for SB 2074

The Committee on Health Care recommends the following pass: SB 1616, CS for SB 2324

The Committee on Natural Resources recommends the following pass: CS for SB 2346

The Committee on Regulated Industries recommends the following pass: SB 1080

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 744

The Committee on Community Affairs recommends the following pass: CS for SB 600 with 2 amendments, CS for SB 720

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 1140 with 3 amendments

The Committee on Governmental Reform and Oversight recommends the following pass: SB 292, SB 316 with 1 amendment, CS for SB 1230 with 2 amendments, SB 1738 with 1 amendment

The Committee on Regulated Industries recommends the following pass: SB 1034 with 2 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Agriculture recommends the following not pass: SB 980

The bill was laid on the table.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1734

The Committee on Judiciary recommends a committee substitute for the following: SB 2170

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1486

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1932

The bill with committee substitute attached was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1028

The Committee on Community Affairs recommends committee substitutes for the following: SB 452, SB 2068

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1214

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1752, SB 2484

The Committee on Children, Families and Seniors recommends a committee substitute for the following: CS for SB 2288

The Committee on Community Affairs recommends committee substitutes for the following: SB 866, SB 2204

The Committee on Criminal Justice recommends committee substitutes for the following: SB 462, SB 860

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 754, SB 2342

The Committee on Health Care recommends a committee substitute for the following: SB 2126

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 2092

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1626

The Committee on Criminal Justice recommends a committee substitute for the following: SB 366

The Committee on Health Care recommends a committee substitute for the following: SB 2282

The Committee on Judiciary recommends committee substitutes for the following: SB 942, SB 1070

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor of Pamela J. Davis, James E. Martin and Brenda Menendez, for terms ending March 1, 2002, to the **Governing Board of the Southwest Florida Water Management District**; Jonathan F. Wershow, for a term ending March 1, 1999, to the **Governing Board of the Suwannee River Water Management District**; Dennis Knox Bayer, for a term ending July 1, 1999, Ricardo D. Muga, Maribel N. Nicholson-Choice and Roy Rogers, for terms ending July 1, 2001, as members of the **Environmental Regulation Commission**.

[The appointments contained in the foregoing report were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2676—2678—Not referenced.

By Senators Hargrett, Grant, Lee and Crist—

SB 2680—A bill to be entitled An act relating to the Hillsborough County School District; providing for a seven-member district school board, with five members elected from single-member residence areas

and two members elected from the county at large, notwithstanding the provisions of ss. 230.061, 230.10, and 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general elections; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member residence areas; repealing ss. 1, 2, 3, 4, 5, 6, and 7 of chapter 67-945, Laws of Florida, as amended by chapter 75-393, Laws of Florida, relating to the district school board; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Education; and Rules and Calendar.

By Senator Harris—

SB 2682—A bill to be entitled An act relating to Charlotte County; codifying, reenacting, amending, and repealing chapters 65-1357, 70-628, 73-430, 84-405, 84-406, 88-479, and 91-399, Laws of Florida; creating and establishing the Charlotte County Airport Authority; providing for membership; authorizing the County of Charlotte and its incorporated municipalities to contract with the airport authority; providing for the government, jurisdiction, powers, franchises, and privileges of the airport authority; deleting obsolete provisions; repealing all prior special acts relating to the Charlotte County Development Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Kurth—

SB 2684—A bill to be entitled An act relating to the St. Lucie County Port and Airport Authority; providing for the dissolution of the St. Lucie County Port and Airport Authority; providing for the transfer of assets, including real property and liabilities of the authority, to the Board of County Commissioners of St. Lucie County; providing for contracts of this authority to remain in effect; providing for liberal construction; providing for the repeal of chapter 97-377, Laws of Florida; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SB 2686 was previously referenced.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice and Senators Williams, Crist and Cowin—

CS for SB 366—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in this state; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

By the Committee on Community Affairs and Senators Brown-Waite, Latvala and Dudley—

CS for SB 452—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; revising the definition of "pass-through charge"; amending s. 723.012, F.S.; clarifying pass-through charges for vacant lots or undeveloped phases; providing for amendment to the prospectus; amending s. 723.078, F.S., relating to bylaws of homeowners' associations; revising provisions relating to the number of members which constitutes a quorum; providing an effective date.

By the Committee on Criminal Justice and Senator Crist—

CS for SB 462—A bill to be entitled An act relating to collection of court costs and fines; creating the "Comprehensive Court Enforcement Program Act"; providing legislative intent; creating s. 938.30, F.S.; providing for supplementary proceedings for enforcement of court-ordered payment of financial obligations in criminal cases; providing for examination under oath regarding a person's ability to pay financial obligations in a criminal case; providing for reduction of the obligation based on a person's ability to pay; providing for service or actual notice of orders to appear; providing for taking of testimony; providing for orders that nonexempt property in the hands of another be applied toward satisfying an obligation; providing for a judgment of civil lien; providing for applicability of the Uniform Fraudulent Transfer Act in certain collection matters; providing for payment schedules; providing for civil contempt sanctions for failure to appear or comply with certain orders; providing for specified enforcement costs and fees and attorney's fees to be assessed to offset the costs of operating the program; providing for the use of special masters; providing that the clerk of court shall make quarterly reports to the chief judge; permitting county commissions to refer certain court-imposed financial obligations to collection agents; permitting use of the new provisions in addition to or in lieu of other provisions of law; providing for certain court orders; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

CS for SB 754—A bill to be entitled An act relating to retirement; creating the Florida Retirement Benefit Study Commission; providing for membership; providing powers and duties of the commission; requiring reports; providing for staffing of the commission; providing an effective date.

By the Committee on Criminal Justice and Senator Kirkpatrick—

CS for SB 860—A bill to be entitled An act relating to voyeurism; creating s. 810.14, F.S.; prohibiting a person from secretly observing or committing other acts against another person with lewd, lascivious, or indecent intent when the other person is in a location that provides a reasonable expectation of privacy; providing that a person may be convicted and sentenced separately for the voyeurism offense and for any other criminal offense; providing for criminal penalties; providing an effective date.

By the Committee on Community Affairs and Senator Meadows—

CS for SB 866—A bill to be entitled An act relating to professional sports franchises; amending s. 288.1162, F.S.; providing for certification of a retained spring training franchise facility by the Office of Tourism, Trade, and Economic Development, upon determination that certain requirements have been met; providing the uses that such facility may make of funds provided pursuant to s. 212.20, F.S.; increasing the number of facilities that may be certified under that section; providing that an applicant certified as a retained spring training franchise facility is required to have a contract with the Department of Labor and Employment Security for the hiring of WAGES participants; providing contract requirements; providing for an annual report on the extent of WAGES hiring by the applicant; amending s. 212.20, F.S.; providing for a monthly distribution of a portion of the revenues of the tax on sales, use, and other transactions to a certified retained spring training franchise facility for a specified period; providing an effective date.

By the Committee on Judiciary and Senator Campbell—

CS for SB 942—A bill to be entitled An act relating to litigation reform; providing for expedited trials; providing timeframes for the conduct of such trials; creating s. 40.50, F.S.; providing for instructions to

juries after the jury is sworn in; providing for the discussion of evidence under certain circumstances; providing for the taking of notes under certain circumstances; providing for notebooks; providing for written questions; providing for final instructions; creating s. 44.1051, F.S.; providing for voluntary trial resolution; providing for the appointment of a trial resolution judge; providing for compensation; providing for fees; providing for the tolling of applicable statutes of limitation; providing for powers of trial resolution judges; providing for hearings and evidence; providing for appeal; providing for application; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; amending s. 57.105, F.S.; providing sanctions for raising unfounded claims or defenses; providing exceptions; providing for damages in certain circumstances; amending s. 627.428, F.S.; revising a provision relating to attorney's fees to exempt certain actions; amending s. 768.77, F.S.; revising provisions with respect to itemized verdicts to delete reference to future damages; amending s. 768.78, F.S.; conforming to the act; conforming a cross-reference; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made; authorizing the court to consider whether or not a proposal was reasonably rejected when considering entitlement to and the amount of an award of attorneys' fees; providing severability; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Gutman—

CS for SB 1028—A bill to be entitled An act relating to obtaining personal property or certain services illegally; amending s. 812.15, F.S.; prohibiting the possession or advertisement for sale of certain equipment designed and primarily useful for unauthorized reception of cable system communications; providing penalties; amending s. 812.155, F.S.; prescribing acts that constitute prima facie evidence of intent to defraud; providing authorized means for demand for return; requiring notice on rental agreements; providing penalties; providing an effective date.

By the Committee on Judiciary and Senators Sullivan, Williams, Horne, Cowin and Latvala—

CS for SB 1070—A bill to be entitled An act relating to medical malpractice insurance; amending s. 766.301, F.S.; clarifying legislative intent; amending s. 766.304, F.S.; providing exclusive jurisdiction of administrative law judges in claims filed under ss. 766.301-766.316, F.S.; providing a limitation on bringing a civil action under certain circumstances; amending s. 766.315, F.S.; authorizing the association to invest plan funds only in investments and securities described in s. 215.47, F.S.; amending s. 766.316, F.S.; providing hospitals and physicians with alternative means of providing notices to obstetrical patients relating to the no-fault alternative for birth-related neurological injuries; prescribing conditions; providing for applicability of amendments; requiring the Auditor General to conduct a study of the effects of expanding eligibility for compensation under the plan; providing an effective date.

By the Committee on Criminal Justice and Senator Crist—

CS for SB 1214—A bill to be entitled An act relating to offenders under correctional supervision; amending s. 947.1405, F.S., relating to conditional release; providing that a conditional releasee must submit to searches of his or her person, property, or residence as requested by a correctional probation officer; reenacting s. 775.084(4)(i), F.S., relating to habitual felony offenders and habitual violent felony offenders, to incorporate such amendment in a reference; amending s. 947.18, F.S., relating to conditions of parole; providing that a parolee must submit to searches of his or her person, property, or residence as requested by a correctional probation officer; amending s. 947.22, F.S.; providing for issuance of arrest warrant for a parole violator by a correctional probation officer, under specified circumstances; authorizing a correctional probation officer to arrest without warrant a parolee, control releasee, or conditional releasee, or to search or request search by a law enforcement officer of the parolee or releasee's person, property, or residence, under specified circumstances if there are reasonable grounds to believe a violation has occurred or if there are reasonable grounds to believe the parolee or releasee possesses prohibited items; providing that evidence is admissible at a hearing for violation of supervision even if no reasonable ground for seizure exists; amending s. 948.03, F.S., relating to probation and community control; requiring a probationer or community controllee on supervision to submit to certain searches of his or her person, property, or residence; prohibiting a probationer or community controllee from having "contact," as defined, with the victim unless authorized by the court; reenacting s. 947.23(6), F.S., relating to action of Parole Commission upon arrest of parolee, s. 948.001(5), F.S., relating to definition of "probation" with respect to chapter 948, F.S., and s. 958.03(4), F.S., relating to definition of "probation" with respect to specified provisions in chapter 958, F.S., to incorporate such amendment in references; amending s. 948.06, F.S., relating to violations of probation or community control; authorizing law enforcement officers and probation or community control officers to search without a warrant, or request law enforcement officers to search without a warrant, the person, property, or residence of any of specified offenders under certain circumstances; prohibiting the exclusion or suppression of evidence from trials for subsequent offenses by offenders on probation, parole, conditional release, or community control under certain circumstances when there were "reasonable grounds," defined as the reasonable suspicion standard, to believe that at the time of the search the offender violated the law or the terms of supervision; providing that evidence is admissible at a hearing for violation of supervision even if no reasonable ground for seizure exists; prohibiting the exclusion or suppression of evidence from hearings for violation of supervision of offenders on probation, parole, conditional release, or community control; reenacting s. 948.01(9), (11)(b), and (13)(b), F.S., relating to circumstances in which a court may place a defendant on probation or into community control, and s. 958.14, F.S., relating to violation of probation or of a community control program, to incorporate such amendment in references; providing an effective date.

By the Committee on Criminal Justice and Senators Williams and Thomas—

CS for SB 1486—A bill to be entitled An act relating to juvenile justice; amending s. 985.309, F.S.; providing funding for boot camps operated by the Department of Juvenile Justice, a county, or municipal government, contingent upon specific appropriation, local funding, or state and local funding; requiring boot camps operated by a sheriff to be under his or her supervisory jurisdiction and authority as determined by a contract between the department and the sheriff; providing for children committed to boot camp to be placed in the boot camp in or nearest to the judicial circuit in which they were adjudicated; providing exceptions to a boot camp placement; deleting requirement that the department charge and a county or municipal government pay a monitoring fee; clarifying consequences for a department, county, or municipal boot camp failing to comply with department rules for boot camps; deleting authorization for the department to institute injunctive proceedings against a county or municipal boot camp for failing to comply with department rules for boot camps; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Harris—

CS for SB 1626—A bill to be entitled An act relating to occupational safety and health; amending s. 442.006, F.S.; limiting investigations and penalties to public-sector employers; amending s. 442.008, F.S.; limiting division authority to public-sector employers; providing for voluntary inspections and consultations; amending s. 442.013, F.S.; limiting penalties to public-sector employers; amending s. 442.019, F.S.; limiting compliance to public-sector employers; repealing s. 442.003, F.S., relating to legislative intent; repealing s. 442.009, F.S., relating to right of entry by division representatives; repealing s. 442.0105, F.S., relating to employers whose employees have a high frequency of work–related injuries; repealing s. 442.015, F.S., relating to cancellation of coverage on certain employers; repealing s. 442.017, F.S., relating to penalties for employers who refuse to admit certain investigators; providing an effective date.

By the Committee on Criminal Justice and Senator Campbell—

CS for SB 1734—A bill to be entitled An act relating to juvenile and criminal justice; amending s. 985.216, F.S., relating to punishment of a delinquent child for contempt of court and alternative sanctions; removing certain time limitations upon placement of a delinquent child held in contempt in a secure detention facility or secure residential commitment facility; amending s. 985.414, F.S., relating to district juvenile

justice boards; conforming provisions to reflect the creation of the Department of Children and Family Services; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; amending s. 985.415, F.S., relating to Community Juvenile Justice Partnership Grants; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; revising requirements for application for a community juvenile justice partnership grant to remove a requirement for the participation of the Department of Health and Rehabilitative Services; amending s. 985.215, F.S., relating to detention; providing for continued detention of a child who has failed to appear in court on two separate occasions on the same case; providing for an extension of the time limits upon detention of a child under specified circumstances; reenacting ss. 985.211(4), 985.213(2)(b), 985.219(5), 985.208(1), F.S., relating to release or delivery from custody, use of detention, process and service, and detention of a furloughed or escaped child, to incorporate the amendment in references thereto; amending s. 985.209, F.S.; authorizing establishment of truancy programs by juvenile justice assessment centers; defining the term "truant student" to include enrolled students between specified years of age; amending s. 230.23161, F.S., relating to educational services in programs of the Department of Juvenile Justice; providing a maximum limitation on administrative costs under certain contracts by school districts for such programs; amending s. 806.13, F.S., relating to criminal mischief; redefining a first-degree misdemeanor criminal mischief offense to include damage to property greater than $200 but less than $500, and providing penalties therefor; redefining third-degree felony criminal mischief to include certain damages of $500 or greater, and providing penalties therefor; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, to conform a cross-reference; amending s. 812.014, F.S., relating to theft; providing second-degree felony penalties for a person who commits grand theft of a motor vehicle and who has previously been convicted two or more times of motor vehicle theft; reenacting ss. 538.23(2), 985.227(2)(c), F.S., relating to offenses by secondary metal recyclers and transfer of a child for prosecution, to incorporate the amendment in references thereto; requiring cooperative agreements between the Department of Juvenile Justice and the Department of Children and Family Services for the provision of mental health and substance abuse treatment services to youth in the juvenile justice system; requiring the Office of Program Policy Analysis and Government Accountability to conduct a performance review of the provision of mental health and substance-abuse-treatment services to youth in the juvenile justice system; requiring a report; amending s. 985.234, F.S.; providing for appeal by the state of an order denying restitution, under certain circumstances when the order affects a party to a case involving delinquency; providing effective dates.

By the Committee on Banking and Insurance; and Senators Cowin and Williams—

CS for SB 1752—A bill to be entitled An act relating to health insurance; amending s. 636.016, F.S.; requiring prepaid limited health service contracts to provide certain information; requiring prepaid limited health service organizations to provide certain information; amending s. 636.038, F.S.; requiring prepaid limited health service organizations to report certain information annually; providing an effective date.

By the Committee on Criminal Justice and Senator Dudley—

CS for SB 1932—A bill to be entitled An act relating to mutual aid agreements; amending s. 23.1225, F.S.; redefining the term "mutual aid agreement" to include certain agreements between one or more law enforcement agencies and either a school board that employs school safety officers or a state university that employs or appoints university police officers; providing for a state university to enter and lend assistance pursuant to such agreements; providing an effective date.

By the Committee on Community Affairs and Senator Forman—

CS for SB 2068—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; specifying the location of board meetings; prohibiting commingling of association funds; amending s. 617.307, F.S.; requiring the developer to deliver specific documents to the newly elected board; creating s. 617.3075, F.S.; prohibiting certain clauses in homeowners' association documents; creating s. 617.3077, F.S.; providing for the establishment of reserve and operating accounts; amending s. 617.311, F.S.; defining the term "dispute"; providing for voluntary binding arbitration of disputes; amending s. 689.26, F.S.; modifying disclosure summary form; providing for reference to the disclosure summary in any contract or agreement for sale; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Dyer—

CS for SB 2092—A bill to be entitled An act relating to child care facilities; amending s. 402.302, F.S.; excluding operators of transient establishments from the definition of "child care facility"; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; providing an effective date.

By the Committee on Health Care and Senator Hargrett—

CS for SB 2126—A bill to be entitled An act relating to pharmacy practice; amending s. 409.908, F.S.; deleting a requirement that the Agency for Health Care Administration implement a variable dispensing fee for payments for prescribed medicines for Medicaid recipients; amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy"; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

CS for SB 2170—A bill to be entitled An act relating to protection of children; reorganizing and revising ch. 39, F.S.; providing for part I of that chapter, entitled "General Provisions"; amending s. 39.001, F.S.; revising purposes and intent; providing for personnel standards and screening and for drug testing; renumbering and amending s. 415.5015, F.S., relating to child abuse prevention training in the district school system; amending s. 39.01, F.S.; revising definitions; renumbering and amending s. 39.455, F.S., relating to immunity from liability for agents of the Department of Children and Family Services or a social service agency; amending s. 39.012, F.S., and creating s. 39.0121, F.S.; providing authority and requirements for department rules; renumbering and amending s. 39.40, F.S., relating to procedures and jurisdiction; providing for right to counsel; renumbering s. 39.4057, F.S., relating to permanent mailing address designation; renumbering and amending s. 39.411, F.S., relating to oaths, records, and confidential information; renumbering s. 39.414, F.S., relating to court and witness fees; renumbering and amending s. 39.415, F.S., relating to providing for compensation of appointed counsel; renumbering and amending s. 39.418, F.S., relating to the Operations and Maintenance Trust Fund; providing for part II of ch. 39, F.S., entitled "Reporting Child Abuse"; renumbering and amending s. 415.504, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; renumbering and amending s. 415.511, F.S., relating to immunity from liability in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.512, F.S., relating to abrogation of privileged communications in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.513, F.S.; providing penalties relating to reporting of child abuse, abandonment, or neglect; renumbering and amending s. 415.5131, F.S.; increasing an administrative fine for false reporting; providing for part III of ch. 39, F.S., entitled "Protective Investigations"; creating s. 39.301, F.S.; providing for child protective investigations; creating s. 39.302, F.S.; providing for protective investigations of institutional child abuse, abandonment, or neglect; renumbering and amending s. 415.5055, F.S., relating to child protection teams and services and eligible cases; creating s. 39.3035, F.S.; providing standards for child advocacy centers eligible for state funding; renumbering and amending s. 415.507, F.S., relating to photographs, medical examinations, X rays, and medical treatment of an abused, abandoned, or neglected child; renumbering and amending s. 415.5095, F.S., relating to a model plan for intervention and treatment in sexual abuse cases; creating s. 39.306, F.S.; providing for working agreements with local law enforcement to perform criminal investigations; renumbering and amending s. 415.50171, F.S., relating to reports of child-on-child sexual abuse; providing for part IV of ch. 39, F.S., entitled "Family Builders Program"; renumbering and amending s. 415.515, F.S., relating to establishment of the program; renumbering and amending s. 415.516, F.S.,

relating to goals of the program; renumbering and amending s. 415.517, F.S., relating to contracts for services; renumbering and amending s. 415.518, F.S., relating to family eligibility; renumbering s. 415.519, F.S., relating to delivery of services; renumbering and amending s. 415.520, F.S., relating to qualifications of program workers; renumbering s. 415.521, F.S., relating to outcome evaluation; renumbering and amending s. 415.522, F.S., relating to funding; providing for part V of ch. 39, F.S., entitled "Taking Children into Custody and Shelter Hearings"; creating s. 39.395, F.S.; providing for medical or hospital personnel taking a child into protective custody; amending s. 39.401, F.S.; providing for law enforcement officers or authorized agents of the department taking a child alleged to be dependent into custody; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.407, F.S., relating to physical and mental examination and treatment of a child and physical or mental examination of a person requesting custody; renumbering and amending s. 39.4033, F.S., relating to referral of a dependency case to mediation; providing for part VI of ch. 39, F.S., entitled "Petition, Arraignment, Adjudication, and Disposition"; renumbering and amending s. 39.404, F.S., relating to petition for dependency; renumbering and amending s. 39.405, F.S., relating to notice, process, and service; renumbering and amending s. 39.4051, F.S., relating to procedures when the identity or location of the parent, legal custodian, or caregiver is unknown; renumbering and amending s. 39.4055, F.S., relating to injunction pending disposition of a petition for detention or dependency; renumbering and amending s. 39.406, F.S., relating to answers to petitions or other pleadings; renumbering and amending s. 39.408, F.S., relating to arraignment hearings; renumbering and amending s. 39.409, F.S., relating to adjudicatory hearings and orders; renumbering and amending s. 39.41, F.S., relating to disposition hearings and powers of disposition; creating s. 39.5085, F.S.; establishing the Relative-Caregiver Program; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; renumbering and amending s. 39.4105, F.S., relating to grandparents' rights; renumbering and amending s. 39.413, F.S., relating to appeals; providing for part VII of ch. 39, F.S., entitled "Case Plans"; renumbering and amending s. 39.4031, F.S., relating to case plan requirements and case planning for children in out-of-home care; renumbering and amending s. 39.452, F.S., relating to case planning for children in out-of-home care when the parents, legal custodians, or caregivers do not participate; creating s. 39.603, F.S.; providing for court approvals of case planning; providing for part VIII of ch. 39, F.S., entitled "Judicial Reviews"; renumbering and amending s. 39.453, F.S., relating to judicial review of the status of a child; renumbering and amending s. 39.4531, F.S., relating to citizen review panels; renumbering and amending s. 39.454, F.S., relating to initiation of proceedings for termination of parental rights; renumbering and amending s. 39.456, F.S.; revising exemptions from judicial review; providing for part IX of ch. 39, F.S., entitled "Termination of Parental Rights"; renumbering and amending s. 39.46, F.S., relating to procedures, jurisdiction, and service of process; renumbering and amending s. 39.461, F.S., relating to petition for termination of parental rights, and filing and elements thereof; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions and pleadings for which no answer is required; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to post-disposition relief; creating s. 39.813, F.S.; providing for continuing jurisdiction of the court that terminates parental rights over all matters pertaining to the child's adoption; renumbering s. 39.471, F.S., relating to oaths, records, and confidential information; renumbering and amending s. 39.473, F.S., relating to appeal; creating s. 39.816, F.S.; authorizing certain pilot and demonstration projects contingent on receipt of federal grants or contracts; creating s. 39.817, F.S.; providing for a foster care demonstration pilot project; providing for part X of ch. 39, F.S., entitled "Guardians Ad Litem and Guardian Advocates"; creating s. 39.820, F.S.; providing definitions; renumbering s. 415.5077, F.S., relating to qualifications of guardians ad litem; renumbering and amending s. 415.508, F.S., relating to appointment of a guardian ad litem for an abused, abandoned, or neglected child; renumbering and amending s. 415.5082, F.S., relating to guardian advocates for drug dependent newborns; renumbering and amending s. 415.5083, F.S., relating to procedures and jurisdiction; renumbering s. 415.5084, F.S., relating to petition for appointment of a guardian advocate; renumbering s. 415.5085, F.S., relating to process and service; renumbering and amending s. 415.5086, F.S., relating to hearing for appointment of a guardian advocate; renumbering and amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate; renumbering s. 415.5088, F.S., relating to powers and duties of the guardian advocate; renumbering and amending s. 415.5089, F.S., relating to review and removal of a guardian advocate; providing for part XI of ch. 39, F.S., entitled "Domestic Violence"; renumbering s. 415.601, F.S., relating to legislative intent regarding treatment and rehabilitation of victims and perpetrators; renumbering and amending s. 415.602, F.S., relating to definitions; renumbering and amending s. 415.603, F.S., relating to duties and functions of the department; renumbering and amending s. 415.604, F.S., relating to an annual report to the Legislature; renumbering and amending s. 415.605, F.S., relating to domestic violence centers; renumbering s. 415.606, F.S., relating to referral to such centers and notice of rights; renumbering s. 415.608, F.S., relating to confidentiality of information received by the department or a center; amending s. 20.19, F.S.; providing for certification programs for family safety and preservation employees of the department; providing for rules; amending ss. 20.43, 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036, 154.067, 216.136, 232.50, 318.21, 384.29, 392.65, 393.063, 395.1023, 400.4174, 400.556, 402.165, 402.166, 409.1672, 409.176, 409.2554, 409.912, 409.9126, 414.065, 447.401, 464.018, 490.014, 491.014, 741.30, 744.309, 784.075, 933.18, 944.401, 944.705, 984.03, 984.10, 984.15, 984.24, 985.03, 985.303, F.S.; correcting cross-references; conforming related provisions and references; amending ss. 213.053 and 409.2577, F.S.; authorizing disclosure of certain confidential taxpayer and parent locator information for diligent search activities under ch. 39, F.S.; creating s. 435.045, F.S.; providing background screening requirements for prospective foster or adoptive parents; amending s. 943.045, F.S.; providing that the Department of Children and Family Services is a "criminal justice agency" for purposes of the criminal justice information system; repealing s. 39.002, F.S., relating to intent; repealing s. 39.0195, F.S., relating to sheltering unmarried minors and aiding unmarried runaways; repealing s. 39.0196, F.S., relating to children locked out of the home; repealing ss. 39.39, 39.449, and 39.459, F.S., relating to definition of "department"; repealing s. 39.403, F.S., relating to protective investigation; repealing s. 39.4032, F.S., relating to multidisciplinary case staffing; repealing s. 39.4052, F.S., relating to affirmative duty of written notice to adult relatives; repealing s. 39.4053, F.S., relating to diligent search after taking a child into custody; repealing s. 39.408(3), (4), F.S., relating to disposition hearings and notice of hearings; repealing s. 39.45, F.S., relating to legislative intent regarding foster care; repealing s. 39.451, F.S., relating to case planning; repealing s. 39.457, F.S., relating to a pilot program in Leon County to provide additional benefits to children in foster care; repealing s. 39.4611, F.S., relating to elements of petitions; repealing s. 39.462, F.S., relating to process and services; repealing s. 39.4625, F.S., relating to identity or location of parent unknown after filing of petition for termination of parental rights; repealing s. 39.472, F.S., relating to court and witness fees; repealing s. 39.474, F.S., relating to compensation of counsel; repealing s. 39.475, F.S., relating to rights of grandparents; repealing s. 415.501, F.S., relating to the state plan for prevention of abuse and neglect; repealing ss. 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, and 415.5019, F.S., relating to purpose and legislative intent, definitions, procedures, confidentiality of records, district authority and responsibilities, outcome evaluation, and rules for the family services response system; repealing s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused or neglected children; repealing s. 415.503, F.S., relating to definitions; repealing s. 415.505, F.S., relating to child protective investigations and investigations of institutional child abuse or neglect; repealing s. 415.506, F.S., relating to taking a child into protective custody; repealing s. 415.5075, F.S., relating to rules for medical screening and treatment of children; repealing s. 415.509, F.S., relating to public agencies' responsibilities for prevention, identification, and treatment of child abuse and neglect; repealing s. 415.514, F.S., relating to rules for protective services; providing effective dates.

By the Committee on Community Affairs and Senators Hargrett and Meadows—

CS for SB 2204—A bill to be entitled An act relating to affordable housing; amending s. 290.0301, F.S.; changing the title of the "Community Development Corporation Support and Assistance Program Act" to the "Invest in Neighborhood Vitality and Economies Act"; advancing the date of the repeal of the act to June 30, 2007; amending s. 290.0311, F.S.;

revising provisions with respect to legislative findings; providing reference to community-based development organizations; amending s. 290.032, F.S.; revising provisions with respect to policy and purpose; amending s. 290.033, F.S.; providing definitions; amending s. 290.035, F.S.; revising provisions with respect to eligibility for assistance; amending s. 290.036, F.S.; providing for the community-based development organization support program; providing for core and project administrative grants and procedures; amending s. 290.0365, F.S.; providing for a community-based development training and technical assistance program; amending s. 290.037, F.S.; providing for a community development project implementation loan program; amending s. 290.038, F.S.; revising provisions with respect to the authority and duties of the Department of Community Affairs; amending s. 290.039, F.S.; revising provisions with respect to reporting requirements; amending s. 290.0395, F.S.; providing for program performance review and evaluation; repealing s. 290.034, F.S., relating to funding and use of the Operating Trust Fund; amending ss. 189.427, 252.82, 943.25, F.S.; conforming provisions to changes made by the act; providing requirements for the Department of Community Affairs if no community-based development organizations qualify for core administrative grants in a region of the state; providing an effective date.

By the Committee on Health Care and Senator Gutman—

CS for SB 2282—A bill to be entitled An act relating to Oriental medicine; amending s. 457.102, F.S.; revising definitions relating to the regulation of acupuncture; defining the term "Oriental medicine"; amending s. 457.103, F.S.; revising membership of the Board of Acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; conforming terminology; amending s. 457.107, F.S.; revising continuing education programs and approvals; amending s. 457.116, F.S.; revising grounds for disciplinary action and prohibited acts; providing penalties; providing an effective date.

By the Committees on Children, Families and Seniors; Criminal Justice; and Senator Gutman—

CS for CS for SB 2288—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 984.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; amending s. 985.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; providing that penalties imposed for an escape from detention or a commitment facility apply to a juvenile who escapes from a maximum-risk residential facility; conforming cross-references to changes made by the act; amending ss. 985.207, 985.208, F.S., relating to conditions for taking a juvenile into custody and detention; conforming provisions to changes made by the act; amending s. 985.209, F.S.; providing for the Department of Juvenile Justice to establish juvenile assessment centers; providing for the centers to be operated through cooperative agreements with other state agencies; providing for intake and screening services; amending ss. 985.21, 985.211, F.S.; providing for certain functions formerly considered case-management functions to be probation functions; amending s. 985.215, F.S.; conforming terminology to changes made by the act; requiring that a juvenile held in secure detention awaiting dispositional placement meet certain criteria for detention; amending s. 985.216, F.S.; deleting a provision authorizing placement of a juvenile in a secure residential commitment facility for direct or indirect contempt of court; amending s. 985.223, F.S.; revising procedures for determining competency in juvenile delinquency cases; prescribing duties of courts, the Department of Juvenile Justice, and the Department of Children and Family Services; amending ss. 985.226, 985.23, F.S., relating to criteria for waiver of jurisdiction and disposition hearings in delinquency cases; conforming provisions to changes made by the act; amending s. 985.231, F.S.; providing for placing a juvenile on home detention with electronic monitoring if a residential consequence unit is not available; amending ss. 985.301, 985.304, F.S., relating to civil citations and community arbitration; conforming provisions to changes made by the act; deleting certain references to case-management services; amending s. 985.307, F.S.; extending the period during which the Department of Juvenile Justice is authorized to operate juvenile assignment centers; amending ss. 985.31, 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 944.401, F.S., relating to the offense of escaping from secure detention or a residential commitment facility; conforming a cross-reference; amending s. 985.406, F.S., relating to juvenile justice training academies; conforming provisions to changes made by the act; amending s. 985.412, F.S.; deleting a duty of the department's inspector general with respect to quality assurance; amending s. 985.413, F.S.; increasing the number of consecutive terms that may be served by a member of a district juvenile justice board; deleting an exemption from such limitation; amending s. 985.414, F.S.; specifying the parties to be included in an interagency agreement for developing a county juvenile justice plan; amending s. 985.415, F.S.; revising eligibility requirements for a Community Juvenile Justice Partnership Grant; providing effective dates.

By the Committee on Governmental Reform and Oversight; and Senator Bankhead—

CS for SB 2342—A bill to be entitled An act relating to long-term care; requiring the Department of Elderly Affairs and the Division of State Group Insurance to design a long-term-care plan for public employees and their families; requiring the division to coordinate marketing of the plan; providing for use of plan funds for marketing expenses; authorizing the division to contract with the State Board of Administration to invest certain funds; providing limitations; creating a Florida Employee Long-Term-Care Plan Board of Directors; providing for board membership, terms, and duties; requiring an annual report; providing for expenses of the board; prohibiting use of state funds for certain costs; providing for expiration of the act; providing an effective date.

By the Committee on Banking and Insurance; and Senators Geller and Clary—

CS for SB 2484—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021, F.S.; defining the term "fire extinguisher"; amending s. 633.061, F.S.; requiring an individual or organization that hydrotests fire extinguishers and preengineered systems to obtain a permit or license from the State Fire Marshal; revising the services that may be performed under certain licenses and permits issued by the State Fire Marshal; providing additional application requirements; providing requirements for obtaining an upgraded license; amending ss. 633.065, 633.071, F.S.; providing requirements for installing and inspecting fire suppression equipment; amending s. 633.162, F.S.; prohibiting an owner, officer, or partner of a company from applying for licensure if the license held by the company is suspended or revoked; revising the grounds upon which the State Fire Marshal may deny, revoke, or suspend a license or permit; providing restrictions on activities of former licenseholders and permittees; amending s. 633.171, F.S.; revising the prohibition against rendering a fire extinguisher or preengineered system inoperative to conform to changes made by the act; amending s. 633.547, F.S.; providing the State Fire Marshal authority to suspend and revoke certificates; providing restrictions on the activities of former certificateholders whose certificates are suspended or revoked; amending s. 489.105, F.S., relating to contracting; conforming a cross-reference to changes made by the act; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 8, SB 22, SB 26, SB 30, SB 32, SB 34, SB 36, SB 40, SB 52, SB 54, SB 56, SB 60 and SB 70 which became law without his signature on April 14, 1998.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 3083, CS for HB 3085, HB 3433, HB 3647, HB 3651, HB 3767, HB 3835, HB 3837, HB 3839, HB 3841, HB 3843, HB 3845, HB 3847, HB 3855, CS for CS for HB 4383, CS for HB 4385, CS for HB 4387; has passed as amended CS for CS for HB's 683 and 2131,

HB 3077, HB 3435, HB 3541, HB 3637, HB 3853, HB 3917, HB 3957, HB 3959, HB 3961, CS for HB 4415; has passed as amended by the required Constitutional three-fifths vote of the membership CS for HJR 51 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Civil Justice and Claims; and Representative Eggelletion—

CS for HB 3083—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Jose Pena, as Personal Representative of the Estate of Carmen Pena, deceased, and individually, as surviving father of Katherine Pena and Richard Pena, minor children of Carmen Pena and Jose Pena, deceased; providing for the relief of Johammes Pena, surviving son of Carmen Pena; providing for an appropriation to compensate them for the death of Carmen Pena, Katherine Pena, and Richard Pena as a result of the negligence of the City of Hialeah; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Community Affairs; and Ways and Means.

By the Committee on Civil Justice and Claims; and Representative Healey—

CS for HB 3085—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Kimberly L. Gonzalez; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Palm Beach County Sheriff's Department; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Community Affairs; and Ways and Means.

By Representative Livingston—

HB 3433—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry counties; amending chapter 87-477, Laws of Florida, as amended; providing for a change in the date of election of members of the district board of supervisors for each seat to conform with the state general election cycle; providing for extension of terms of the current members of the district board of supervisors; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Representative Fuller and others—

HB 3647—A bill to be entitled An act relating to the City of Jacksonville, amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville, providing that the mayor's veto power shall not apply to zoning variances and quasi-judicial decisions by the city council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Fuller and others—

HB 3651—A bill to be entitled An act relating to Duval County; providing that specified general law supersedes special acts applicable to Duval County with respect to school district personnel; providing for certain employees to retain rights under special acts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Education; and Rules and Calendar.

By Representative Culp and others—

HB 3767—A bill to be entitled An act relating to Hillsborough County; amending s. 7, ch. 95-488, Laws of Florida, as amended; revising powers of the Tampa Port Authority; authorizing certain transfers of property and interests in property; amending s. 15, ch. 95-488, Laws of Florida; prescribing procedures for the Tampa Port Authority to use in awarding contracts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

HB 3835—A bill to be entitled An act relating to the Hillsborough County Public Transportation Commission; amending chapter 94-408, Laws of Florida, as amended; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

HB 3837—A bill to be entitled An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida, as amended; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

HB 3839—A bill to be entitled An act relating to the Hillsborough County Hospital Authority; amending chapter 96-449, Laws of Florida; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

HB 3841—A bill to be entitled An act relating to the Hillsborough County City-County Planning Commission; amending chapter 97-351, Laws of Florida; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

HB 3843—A bill to be entitled An act relating to the Hillsborough County Civil Service Board; amending chapter 96-519, Laws of Florida;

adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

HB 3845—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; amending chapter 94-412, Laws of Florida, as amended; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Saunders—

HB 3847—A bill to be entitled An act relating to Collier County, Florida; amending chapter 89-449, Laws of Florida, as amended, to allow domesticated animals in county parks for animal shows and other substantially similar special events, and to authorize the director of parks and recreation to authorize special event bonfires on a case-by-case basis, all of the above in accordance with the then applicable rules of the parks and recreation department and as approved by the board of county commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Futch—

HB 3855—A bill to be entitled An act relating to Brevard County; amending ch. 94-419, Laws of Florida, as amended; providing certain restrictions and requirements on licensure on the harvesting of clams; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Education Appropriations; Children and Family Empowerment; and Representative Roberts-Burke and others—

CS for CS for HB 4383—A bill to be entitled An act relating to school readiness; creating s. 411.09, F.S.; creating the healthy opportunity for school readiness voucher program; providing legislative findings and intent; providing for operation by the Florida Partnership for Children First, Inc.; providing eligibility requirements and program components and funding; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Children and Family Empowerment; and Representative Chestnut—

CS for HB 4385—A bill to be entitled An act relating to public records; amending s. 411.01, F.S.; providing for access to a child's records by the Florida Partnership for Children First, Inc.; providing an exemption from public records requirements for identifying information in records relating to children eligible for programs under the partnership's jurisdiction; specifying that any information received that is otherwise confidential shall remain confidential; providing for disclosure with the consent of the parent or guardian; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Children and Family Empowerment; and Representative Chestnut—

CS for HB 4387—A bill to be entitled An act relating to trust funds; creating s. 411.015, F.S.; creating the Children First School Readiness Trust Fund in the Department of Education, to be administered by the Florida Partnership for Children First, Inc.; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committees on Education Appropriations; Children and Family Empowerment; and Representative Chestnut and others—

CS for CS for HB's 683 and 2131—A bill to be entitled An act relating to school readiness; creating the "Children First Act of 1998; renaming ch. 411, F.S.; creating s. 411.01, F.S.; providing legislative intent relating to early childhood health care, child care, and education; providing that early childhood health care, child care, and education programs shall be school readiness programs; creating the Florida Partnership for Children First, Inc. (Children First Partnership); creating the Children First Governing Board to operate as the board of directors of the Children First Partnership; providing Children First Partnership and governing board responsibilities and duties; providing membership of the governing board and meeting requirements; providing that the Children First Partnership is subject to public records and public meeting requirements; providing for hiring of certain employees; providing powers as a corporation; providing for staff of the governing board and Children First Partnership; requiring the Children First Partnership to phase in a program meeting specified requirements; requiring recommendations to revise provision of services to children of teenage parents; providing for establishment of a Children First Coalition in each county or combination of counties; specifying services to be provided by coalitions; providing for designation and approval of a fiscal agent; providing for the transfer of funds; providing for coalition initiation grants to develop children first plans and block grant funding to implement such plans; providing for award of an incentive bonus; providing requirements for such plans; providing for parental choice and payment arrangements; providing for evaluation and performance measures; providing responsibility for implementation; providing for phase-out of the State Coordinating Council for Early Childhood Services; creating s. 411.02, F.S.; providing for a Children First Appropriation Allocation Conference; amending s. 216.136, F.S.; creating the School Readiness Program Estimating Conference; providing duties and principals; conforming provisions; amending and renumbering s. 230.2303, F.S., relating to the Florida First Start Program; revising provisions; providing for implementation pursuant to a children first plan developed by the Children First Coalition and approved by the Children First Partnership; amending and renumbering s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising provisions; providing for administration by a district school board or other Children First Coalition provider; providing Children First Coalition responsibility for programs; providing for oversight by the Children First Partnership and Children First Coalition and specifying duties; creating s. 411.05, F.S.; requiring the Department of Education to adopt the school readiness screening instruments developed by the Children First Partnership and to require their use by the school districts; creating s. 411.06, F.S.; recognizing the nationwide Parents as Teachers Program; establishing the Florida Parents as Teachers Program under the jurisdiction of the Children First Partnership; providing program requirements; amending and renumbering s. 402.281, F.S., relating to the Gold Seal Quality Care program; providing duties of the Children First Partnership; amending s. 411.202, F.S.; revising definitions; amending s. 411.203, F.S.; revising provisions relating to a continuum of comprehensive services; amending ss. 411.24 and 411.242, F.S., to conform; amending and renumbering s. 402.305, F.S., relating to licensing standards for child care facilities; providing duties of the Children First Partnership; removing provisions relating to a child care technical review panel; amending and renumbering s. 402.3052, F.S., relating to child development associate training grants; providing for consultation with the Children First Partnership; amending s. 20.19, F.S., relating to the Department of Children and Family Services; requiring cooperation with the Children First Partnership and Children First Coalitions; amending s. 229.591, F.S., relating to the school improvement and education accountability system; conforming school readiness goals; amending s. 288.9620, F.S., relating to the workforce development board; providing for a report to the Children First Partnership; amending ss. 232.01, 383.14, and 397.901, F.S., to conform; amending ss. 414.027, 414.028, 414.055, and 414.22, F.S., re-

lating to the WAGES Program; providing for coordination with the Children First Partnership and Children First Coalitions; amending s. 446.601, F.S., relating to the "Workforce Florida Act of 1996"; providing for coordination with the Children First Partnership and Children First Coalitions; amending s. 624.91, F.S., relating to the "Florida Healthy Kids Corporation Act"; providing a goal to work cooperatively with the Children First Partnership; repealing s. 228.061(1), F.S., relating to preschool programs, s. 230.2306, F.S., relating to prekindergarten children service needs assessments and accommodation efforts by school districts, s. 391.304, F.S., relating to coordination of the developmental evaluation and intervention program, s. 402.26, F.S., relating to legislative intent with respect to child care, s. 402.28, F.S., relating to Child Care Plus facilities, s. 411.201, F.S., the short title for the Florida Prevention, Early Assistance, and Early Childhood Act, s. 411.204, F.S., relating to program evaluation under the act, s. 411.205, F.S., relating to rules, s. 411.22, F.S., relating to legislative intent with respect to prevention and early assistance, s. 411.221, F.S., relating to preparation of the prevention and early assistance strategic plan, s. 411.223, F.S., relating to uniform standards for preventive health care, s. 411.224, F.S., relating to the family support planning process, and ss. 411.23, 411.231, and 411.232, F.S., the Children's Early Investment Act, effective July 1, 1998; repealing s. 402.47, F.S., relating to foster grandparent and retired senior volunteer services to high-risk and handicapped children, s. 411.222, F.S., relating to the Offices of Prevention, Early Assistance, and Child Development and the State Coordinating Council for Early Childhood Services and their duties, and s. 411.3015(9), F.S., relating to collaborative agreements and plans with respect to subsidized child care programs, effective July 1, 1999; renumbering ss. 402.301, 402.3015, 402.302, 402.3025, 402.3026, 402.3051, 402.3055, 402.3057, 402.3058, 402.306, 402.307, 402.308, 402,309, 402.310, 402.311, 402.312, 402.3125, 402.313, 402.3135, 402.314, 402.3145, 402.315, 402.316, 402.318, 402.319, and 402.45, F.S.; requiring amendment recommendations regarding s. 411.301, F.S., relating to legislative intent with respect to child care facilities, s. 411.3015, F.S., relating to the subsidized child care program, s. 411.302, F.S., relating to definitions, s. 411.3025, F.S., relating to public and nonpublic schools in relation to child care requirements, s. 411.3026, F.S., relating to establishment of full-service schools, s. 411.305, F.S., relating to licensing standards for child care facilities, s. 411.3051, F.S., relating to child care market rate reimbursement and grants, s. 411.3052, F.S., relating to the child development associate training grants program, s. 411.3055, F.S., relating to child care personnel requirements, s. 411.306, F.S., relating to designation of the licensing agency and dissemination of information, s. 411.307, F.S., relating to approval of the licensing agency, s. 411.308, F.S., relating to issuance of a license, s. 411.309, F.S., relating to provisional licenses, s. 411.310, F.S., relating to disciplinary actions, s. 411.311, F.S., relating to inspection of facilities, s. 411.312, F.S., relating to injunctive relief, s. 411.3125, F.S., relating to display and appearance of license, s. 411.313, F.S., relating to family day care homes, s. 411.3135, F.S., relating to the subsidized child care case management program, s. 411.314, F.S., relating to supportive services, s. 411.3145, F.S., relating to the subsidized child care transportation program, s. 411.315, F.S., relating to funding and license fees, s. 411.316, F.S., relating to exemptions, s. 411.318, F.S., relating to prohibited advertisement, s. 411.319, F.S., relating to penalties, s. 411.33, F.S., relating to authority to charge fees, s. 411.45, F.S., relating to the community resource mother or father program, and s. 409.178, F.S., relating to the Child Care Partnership Act, by March 1, 2000; requiring legislative review of such recommendations; requiring review of s. 402.27, F.S., by March 1, 1999, and recommendation to the Legislature regarding optimal coordination of resource and referral functions; providing appropriations; providing effective dates.

—was referred to the Committees on Children, Families and Seniors; Education; and Ways and Means.

By Representative Goode and others—

HB 3077—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; limiting certain fees; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston—

HB 3435—A bill to be entitled An act relating to Lee County Mosquito Control District, an independent special district; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Lee County Mosquito Control District as required by chapter 97-255, Laws of Florida; creating and establishing a mosquito control district in said county and excepting therefrom certain territory of said county and fixing the boundaries of said district; dividing said district into areas for the purpose of electing members of the board of commissioners; providing for the terms of office and qualifications of the members of the board of commissioners and providing the method and times of elections; prescribing the powers and duties of the board; setting the compensation of the board; providing for audit of books and time of meetings; providing procedure for adopting a budget; giving the board the power to tax and to levy assessments for special benefits and providing the methods, procedure, and limitations thereon; authorizing the board to contract and cooperate with county, state, and other governmental agencies in regard to mosquito control or suppression; charging the Lee County Health Unit or Health Department with the responsibility with reference to mosquito control; determining the status of employees and providing a method by which such responsibility shall terminate and declaring the legislative policy with reference thereto; providing penalty for damage to property; providing that the records shall be filed in the public records of Lee County; providing limitations of actions; providing for the repeal of all special acts relating to the Lee County Mosquito Control District; granting to the district created herein such powers as are provided for mosquito control districts under the laws of Florida; providing for severability; providing that such act shall be construed liberally; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Posey—

HB 3541—A bill to be entitled An act relating to Brevard County; amending chapter 94-442, Laws of Florida, as amended by chapter 95-499, Laws of Florida; revising legislative intent; clarifying the limits on and the procedures for imposing certain distribution differential surcharge rates by a potable water utility; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Representative Miller and others—

HB 3637—A bill to be entitled An act relating to the Hillsborough County School District; providing for a seven-member district school board, with five members elected from single-member residence areas and two members elected from the county at large, notwithstanding the provisions of s. 230.061, 230.10, and 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general elections; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member residence areas; repealing ss. 1, 2, 3, 4, 5, 6, and 7 of chapter 67-945, Laws of Florida, as amended by chapter 75-393, Laws of Florida, relating to the district school board; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Education; and Rules and Calendar.

By Representative Morroni and others—

HB 3853—A bill to be entitled An act relating to Pinellas County; repealing chapter 69-1490, Laws of Florida, relating to the creation of the Pinellas County Industry Council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Saunders—

HB 3917—A bill to be entitled An act relating to Collier County; providing that certain fire districts of the county may be governed by a three-member board; providing for a referendum vote; providing form of ballot; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sindler and others—

HB 3957—A bill to be entitled An act relating to the Greater Orlando Aviation Authority; amending sections 2 and 3 of House Bill 3959, 1998 Regular Session, the Greater Orlando Aviation Authority charter; providing that the Greater Orlando Aviation Authority is an independent special district, as defined in chapter 189, Florida Statutes; revising the definition of the term "cost" as applied to a project acquired, constructed, extended or enlarged; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sindler and others—

HB 3959—A bill to be entitled An act relating to the Greater Orlando Aviation Authority; consolidating the provisions of chapters 57-1658, 61-2599, 67-1834, 69-1389, 75-464, 77-612, 78-578, 80-553, 80-554, 82-347, 87-555, 88-474, 91-369, and 91-391, Laws of Florida, s. 14 of chapter 71-133, Laws of Florida, and s. 9 of chapter 92-152, Laws of Florida, into a codified charter, such charter consisting of all special acts of the Legislature relating to the Greater Orlando Aviation Authority, and those specified sections of general law having local application to the Greater Orlando Aviation Authority; renumbering the provisions of such special acts; conforming references; repealing chapters 57-1658, 61-2599, 67-1834, 69-1389, 75-464, 77-612, 78-578, 80-553, 80-554, 82-347, 87-555, 88-474, 91-369, and 91-391, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Saunders—

HB 3961—A bill to be entitled An act relating to Collier County; providing for a three-member district board for the Big Corkscrew Island Fire Control and Rescue District, an independent special fire control district and a body of corporate and politic; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Health and Human Services Appropriations; Health Care Services; and Representative Albright and others—

CS for HB 4415—A bill to be entitled An act relating to children's health; amending s. 383.011, F.S.; directing the Agency for Health Care Administration to seek a federal waiver for the Healthy Start program; amending s. 391.011, F.S.; providing a short title; amending s. 391.016, F.S.; providing legislative intent relating to the Children's Medical Services program; amending s. 391.021, F.S.; providing definitions; creating s. 391.025, F.S.; providing for applicability and scope; amending s. 391.026, F.S.; providing powers and duties of the Department of Health; creating s. 391.028, F.S., and renumbering and amending s. 391.051, F.S.; providing for administration of the program; creating s. 391.029, F.S., and renumbering and amending ss. 391.046 and 391.07, F.S.; providing program eligibility; creating s. 391.031, F.S.; establishing benefits; creating s. 391.035, F.S., and renumbering and amending ss. 391.036 and 391.041, F.S.; establishing provider qualifications; creating s. 391.045, F.S.; providing for provider reimbursement; creating s. 391.047, F.S.; establishing responsibility for payments on behalf of program participants when other parties are liable; creating s. 391.055, F.S.; establishing service delivery systems; creating s. 391.065, F.S.; providing for health care provider agreements; creating s. 391.071, F.S.; providing for quality of care requirements; creating s. 391.081, F.S.; establishing grievance reporting and resolution requirements; creating s. 391.095, F.S.; providing for program integrity; renumbering and amending s. 391.061, F.S.; providing for research and evaluation; renumbering ss. 391.201-391.217, F.S., relating to prescribed pediatric extended care centers; designating said sections as pt. IX of ch. 400, F.S.; amending ss. 391.206 and 391.217, F.S.; conforming cross references; designating ss. 391.221, 391.222, and 391.223, F.S., as pt. II of ch. 391, F.S., entitled "Children's Medical Services Councils and Panels"; creating s. 391.221, F.S.; establishing the Statewide Children's Medical Services Network Advisory Council; creating s. 391.222, F.S.; establishing the Cardiac Advisory Council; creating s. 391.223, F.S.; providing for technical advisory panels; amending ss. 391.301, 391.303, 391.304, 391.305, and 391.307, F.S.; revising provisions relating to developmental evaluation and intervention programs; amending s. 408.701, F.S.; conforming cross references; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating the Florida Children's Healthy Bodies program; providing legislative findings and intent; providing guiding principles; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; establishing an enrollment ceiling; creating s. 409.8131, F.S.; creating the Medikids program; providing legislative findings and intent; providing that the program is not an entitlement; providing for a marketing plan; providing for application to Medikids of specified sections of ch. 409, F.S., relating to Medicaid; providing for benefits; providing eligibility standards; providing for enrollment; creating s. 409.8134, F.S.; providing for delivery of services and reimbursement of providers in a rural county; creating s. 409.8135, F.S.; providing behavioral health benefits to non-Medicaid-eligible children with serious emotional needs; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing health benefits coverage requirements for the program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for a health insurance pilot project; requiring approval of health benefits coverage as a condition of financial assistance; creating s. 409.8175, F.S.; directing the Agency for Health Care Administration to seek federal approval to establish a family coverage program; providing conditions; creating s. 409.8177, F.S.; providing for program evaluation; requiring annual reports; creating s. 409.818, F.S.; providing for program administration; providing responsibilities for the Department of Children and Family Services, the Department of Health, the Department of Insurance, the Agency for Health Care Administration, and the Florida Healthy Kids Corporation; authorizing program modifications to obtain federal approval of the state's child health insurance plan; renumbering and amending s. 154.508, F.S., relating to outreach activities; creating s. 409.8195, F.S.; requiring the development of quality assurance and access standards; creating s. 409.821, F.S.; establishing performance measures and standards; providing an enrollment ceiling; amending s. 409.904, F.S.; expanding Medicaid optional eligibility to certain children and providing for continuous eligibility; amending s. 409.9126, F.S.; relating to the provision of Children's Medical Services network services for children with special health care needs; deleting definitions; deleting standards for referral of certain children to the network; providing for certain provider reimbursement; amending s. 624.91, F.S., relating to the Florida Healthy Kids Corporation; providing legislative intent; specifying that the program is not an entitlement; revising standards; providing additional duties; repealing ss. 391.031, 391.056, and 391.091, F.S., relating to patient care centers, district children's medical program supervisors, and the Cardiac Advisory Council which was advisory to the Children's Medical Services Program Office; repealing s. 624.92, F.S., relating to application for a Medicaid waiver for funds to expand the Florida Health Kids Corporation; providing for future repeal and review of s. 409.814(3), F.S., and ss. 409.810-409.821, F.S., relating to the "Florida Children's Healthy Bodies Act," on specified dates; providing a contingent effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Ways and Means.

By the Committee on Education/K-12 and Representative Warner and others—

CS for HJR 51—A joint resolution proposing an amendment to Section 4 of Article IX of the State Constitution relating to school districts.

—was referred to the Committees on Education; Ways and Means; and Rules and Calendar.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Toni Jennings, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives as conferees to CS/SB 874 on the part of the House:

Representative Warner, Chair; Representatives Clemons, Thrasher, Byrd, Bitner (until Representative Safley returns), Bradley, Safley and Lippman (alternate)

John B. Phelps, Clerk

CS for SB 874—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; specifying certain rights of jurors; authorizing discussions among jurors; authorizing jurors to take notes; authorizing certain information to be provided to jurors; authorizing jurors to submit written questions to the court and to witnesses; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; requiring the completion of mediation before trial is set in certain civil actions; providing conditions for mediation; creating s. 47.025, F.S.; specifying where certain lien actions may be brought against resident contractors, subcontractors, and sub-subcontractors; amending s. 57.105, F.S.; revising conditions under which attorney's fees may be imposed against a party and the party's attorney for presenting unsupported claims or defenses; entitling an opposing party to strike certain claims or defenses raised by a party who has been sanctioned in a specified number of actions within a specified period for presenting unsupported claims or defenses; authorizing the court to impose additional sanctions or requirements; authorizing damage awards against a party who takes specified actions for the purpose of delay; amending s. 90.803, F.S.; revising the requirements under which former testimony may be allowed at trial as an exception to the prohibition against hearsay evidence; amending s. 95.031, F.S.; limiting the period during which an action may be brought for product liability; providing for application; amending s. 400.023, F.S., relating to actions brought on behalf of nursing home residents; providing that a party to any such action may not recover attorney's fees unless the parties submit to mediation; specifying requirements for such mediation; providing for application; providing a standard for any award of punitive damages; amending s. 768.075, F.S.; decreasing blood-alcohol level; changing standard of conduct from willful and wanton misconduct to intentional misconduct; providing an exemption from liability to trespassers; providing conditions and limitations on exemption; providing definitions; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee if the employer conducts a preemployment background investigation; prescribing the elements of such background investigation; specifying that electing not to complete the background investigation does not constitute a failure to use reasonable care in hiring an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.098, F.S.; providing that a business owner or operator is immune from liability under certain circumstances for an intentional tort by a third party against an invitee; providing standards; providing exceptions; creating s. 768.099, F.S.; limiting liability of motor vehicle owners and rental companies to specific amounts without a showing of negligence or intentional misconduct; providing exceptions; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if the plaintiff was more than a specified percentage at fault due to the influence of an alcoholic beverage or drugs; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.73, F.S.; requiring certain findings for, and providing for reduction of, subsequent punitive damage awards under specified circumstances; requiring that a specified percentage of an award for punitive damages be paid to the state; requiring the Department of Banking and Finance to collect the payments of such awards; providing for attorney's fees for the claimant to be based on the entire award of punitive damages; creating s. 768.735, F.S.; providing that ss. 768.72, 768.725, 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; creating s. 768.736, F.S.; providing that ss. 768.725, 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; creating s. 768.781, F.S.; providing for terms in certain contracts for an attorney's services; requiring that notice be sent to each allegedly responsible party; providing requirements for a presuit response and settlement offer; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; requiring a defendant to plead that a nonparty is at fault within a certain time; requiring that the defendant must prove the nonparty has some fault; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring physicians and osteopathic physicians to obtain and maintain a specified amount of professional liability coverage as a condition of hospital staff privileges; providing legislative findings and intent with respect to the regulation of legal advertising; creating s. 877.023, F.S.; regulating the content of advertisements for legal services; providing a penalty; specifying that the provisions do not abrogate certain other laws, codes, ordinances, rules, or penalties; requiring the clerk of court to report certain information on negligence cases to the Office of the State Court Administrator; requiring that the Department of Insurance contract for an actuarial analysis of any reduction in judgments or costs resulting from the provisions of the act; requiring a report; requiring insurers to make certain rate filings; providing for severability; providing an effective date.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 142.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS for HB 1727 and HB 2019, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 13 was corrected and approved.

CO-SPONSORS

Senators Campbell—SB 1664; Gutman—SB 588; Hargrett—CS for SB 386, CS for CS for CS for SB 1228, SB 1924; Kirkpatrick—CS for CS for SB 2524; Latvala—SB 696; Silver—SB 90

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:38 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, April 16.

Journal of the Senate

Number 15—Regular Session **Thursday, April 16, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:30 a.m. A quorum present—39:

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Excused: Senator Jones; Conferees periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by Rev. W. Edward Fine, Pastor, Central Christian Church, St. Petersburg:

Our Father, we thank you for making each of us in your image, after your likeness. We stand in awe when we think of your objective for our lives.

We thank you for creating us for your glory, for your honor and for your praise. We are amazed as we comprehend your plan.

We thank you for giving us good minds, great hearts, productive hands and feet to use to glorify you and to help others. We realize it is essential to always get our heads, hearts and hands all going in the same direction. As we do this, we ask for your wisdom and strength, God.

Yes, we come today seeking your blessing, but we do remember:

When one asked for strength that he might achieve—he was made weak that he might obey.

When he asked for health that he might do greater things—he was given infirmity that he might do better things.

When he asked for riches that he might be happy—he was given poverty that he might be wise.

When he asked for power that he might have the praise of men—he was given weakness that he might feel the need of God.

When he asked for all things that he might enjoy life—he was given life that he might enjoy all things.

God, we ask you to assist the thinkers, feelers and doers, the dear men and women of the Florida Senate, and the people they each represent in the great State of Florida in their deliberations today and throughout this session.

May your word be their guide, as it was for your people of old: "If my people, who are called by my name, will humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land." (II Chronicles 7:14 NIV)

In his name, we pray. Amen.

PLEDGE

Senate Pages Katherine Karrat of Plantation and Allyson McKee of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thomas, by two-thirds vote **SB 1998** was withdrawn from the committees of reference and further consideration.

On motion by Senator Dudley, by two-thirds vote **CS for CS for SB's 1190 and 868** was also referred to the Committee on Ways and Means; and **SB 756**, **CS for SB 840**, **CS for SB 860**, **SJR 1008**, **CS for SB 1142**, **CS for SB 1160**, **CS for SB 1322**, **CS for SB 1506**, **CS for CS for SB 1660**, **CS for SB 1752**, **CS for CS for SB's 1794 and 2200**, **CS for SB 1872**, **CS for SB 1882**, **SB 2216**, **SB 2276**, **CS for CS for SB 2288**, **CS for SB 2324** and **CS for SB 2346** were withdrawn from the Committee on Ways and Means.

On motion by Senator Burt, by two-thirds vote **SJR 1236**, **SJR 1240**, **SB 1246** and **SB 1248** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for HB 899** was withdrawn from the Committee on Natural Resources.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Brown-Waite, the rules were waived and the Committee on Health Care was granted permission to add **SB 1170** to the agenda at the meeting Monday, April 20.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Friday, April 17.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 550—A bill to be entitled An act relating to adoption; amending ss. 39.461, 39.464, 39.469, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing provisions authorizing licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.47, F.S.; providing

additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions in this state; amending s. 63.032, F.S.; revising definitions; defining the term "adoption entity"; creating s. 63.037, F.S.; exempting adoption proceedings that result from a termination of parental rights under ch. 39, F.S., from certain provisions of ch. 63, F.S.; creating s. 63.038, F.S.; providing criminal penalties for committing certain fraudulent acts; creating s. 63.039, F.S.; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor who has been placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; permitting an affidavit of nonpaternity under certain circumstances; amending s. 63.082, F.S.; revising requirements for executing a consent to an adoption; providing a time period for withdrawing consent; providing additional disclosure requirements; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the birth parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a birth parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; creating s. 63.088, F.S.; providing requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing requirements for the notice; providing requirements for conducting a diligent search for such person whose location is unknown; requiring that an unlocated or unidentified person be served notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing procedures for the proceeding to terminate parental rights pending adoption; specifying the matters to be determined; specifying grounds upon which parental rights may be terminated; providing for procedures following a judgment; providing for records to be made part of the subsequent adoption; amending s. 63.092, F.S.; providing requirements to be met if a prospective placement in an adoptive home is an at-risk placement; defining at-risk placement; amending s. 63.097, F.S.; revising requirements for the court in approving specified fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; amending s. 63.112, F.S.; revising requirements for the information that must be included in a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S., relating to the final home investigation; conforming provisions to changes made by the act; amending s. 63.132, F.S.; revising requirements for the report of expenditures and receipts which is filed with the court; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.152, F.S.; requiring that the clerk of the court mail a copy of a new birth record to the state registry of adoption information; amending s. 63.165, F.S.; requiring that a copy of the certified statement of final decree of adoption be included in the state registry of adoption information; requiring that the Department of Children and Family Services maintain such information for a specified period; amending s. 63.182, F.S.; requiring that an action to vacate an order of adoption or an order terminating parental rights pending adoption be filed within a specified period after entry of the order; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S., relating to prohibitions and penalties with respect to adoptions; conforming provisions to changes made by the act; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing an effective date.

—as amended April 15 was read the third time by title.

On motions by Senator Dudley, **CS for SB 550** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers
Clary	Geller	Kurth	Ostalkiewicz
Cowin	Grant	Latvala	Rossin
Crist	Hargrett	Laurent	Scott
Diaz-Balart	Harris	Lee	Thomas
Dudley	Holzendorf	McKay	Turner
Dyer	Horne	Meadows	Williams
Forman	Kirkpatrick	Myers	

Nays—3

Gutman	Klein	Silver

SB 842—A bill to be entitled An act relating to the subsidized adoption program for the special needs child; amending s. 409.166, F.S.; amending the definition of the term "special needs child"; providing an effective date.

—was read the third time by title.

On motions by Senator Campbell, **SB 842** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Thomas
Campbell	Geller	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

CS for HB 585—A bill to be entitled An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact with siblings after termination of parental rights; amending s. 63.022(2), F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for HB 585** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for SB 492—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment to property owners; amending s. 194.032, F.S.; revising the time in which a value adjustment board hearing must be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

—was read the third time by title.

On motion by Senator McKay, **CS for SB 492** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for HB 3007—A bill to be entitled An act relating to alcohol and other substance abuse testing of a delinquent child; amending s. 985.231, F.S., relating to powers of disposition in delinquency cases; providing that the court may order a delinquent child placed in an community control or aftercare program to submit to random testing for alcohol or controlled substances; providing that the order may be made at the disposition, or pursuant to the filing of a petition alleging violation of the conditions of the child's community control or aftercare supervision; reenacting s. 985.31(3)(e), F.S., relating to serious or habitual offenders, and s. 985.311(3)(e), F.S., relating to intensive residential treatment program for offenders less than 13 years of age, to incorporate said amendment in references; providing an effective date.

—was read the third time by title.

On motions by Senator Grant, **CS for HB 3007** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for SB 776—A bill to be entitled An act relating to physician assistants; amending ss. 39.01, 154.04, 232.465, 395.0191, 458.347, 459.022, 627.351, 627.357, 766.105, 766.1115, 984.03, 985.03, F.S.; providing for licensure of physician assistants rather than certification; prescribing qualifications for licensure and revising provisions governing examinations; conforming statutory provisions; providing an effective date.

—as amended April 15 was read the third time by title.

On motions by Senator Clary, **CS for SB 776** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Childers	Forman	Horne
Bankhead	Clary	Geller	Kirkpatrick
Bronson	Cowin	Grant	Klein
Brown-Waite	Crist	Gutman	Kurth
Burt	Diaz-Balart	Hargrett	Latvala
Campbell	Dudley	Harris	Laurent
Casas	Dyer	Holzendorf	Lee
McKay	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Thomas	Williams
Myers	Scott		

Nays—None

CS for SB 1710—A bill to be entitled An act relating to the Central Florida Regional Transportation Authority (RAB); amending s. 343.64, F.S.; authorizing the authority to employ personnel and consultants; authorizing a personnel system; providing for delegation of authority; providing an effective date.

—was read the third time by title.

On motions by Senator Dyer, **CS for SB 1710** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for CS for CS for SB 1228—A bill to be entitled An act relating to children's health care; amending s. 409.904, F.S.; providing for children under specified ages who are not otherwise eligible for the Medicaid program to be eligible for optional payments for medical assistance; creating s. 409.9045, F.S.; providing for a period of continuous eligibility for Medicaid for children; amending s. 409.9126, F.S.; making the Children's Medical Services network available to certain children who are eligible for the Florida Kids Health program; authorizing the inclusion of behavioral health services as part of the Children's Medical Services network; establishing the reimbursement methodology for services provided to certain children through the Children's Medical Services network; specifying that the Children's Medical Services network is not subject to licensure under the insurance code or rules of the Department of Insurance; directing the Department of Health to contract with the Department of Children and Family Services for certain services for children with special health care needs; authorizing the Department of Children and Family Services to establish certain standards and guidelines; revising provisions to reflect the transfer of duties to the Department of Health; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating and providing the purpose for the Florida Kids Health program; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; creating s. 409.8132, F.S.; creating and establishing the purpose of the Medikids program component; providing for administration of Medikids by the Agency for Health Care Administration; exempting Medikids from licensure under the Florida Insurance Code; providing applicability of certain Medicaid requirements; establishing benefit requirements; providing for eligibility; providing enrollment requirements; authorizing penalties for nonpayment of premiums; creating s. 409.8135, F.S.; providing for program enrollment and expenditure ceilings; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing requirements for health benefits coverage under the Florida Kids Health program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for approval of health benefits coverage as a condition of financial assistance; creating s. 409.8175, F.S.; authorizing health maintenance organizations and health insurers to reimburse providers in rural counties according to the Medicaid Fee schedule; creating s. 409.818, F.S.; providing for program administration; specifying duties of the Department of Children and Family Services, the Department of Health, the Agency for Health Care Administration, the Department of Insurance, and the Florida Healthy Kids Corporation; authorizing certain program modifications related to

federal approval; transferring, renumbering, and amending s. 154.508, F.S., relating to outreach activities to identify low-income, uninsured children; creating s. 409.820, F.S.; requiring that the Department of Health develop standards for quality assurance and program access; establishing performance measures and standards for the Florida Kids Health program; repealing s. 624.92, F.S.; deleting the requirement that the Agency for Health Care Administration apply for a Medicaid federal waiver relating to the Healthy Kids Corporation; providing an appropriation; providing for application of the act to certain contracts between providers and the Florida Healthy Kids Corporation; providing an effective date.

—as amended April 15 was read the third time by title.

On motions by Senator Brown-Waite, **CS for CS for CS for SB 1228** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for CS for SB's 2156 and 1910—A bill to be entitled An act relating to education; creating s. 236.08106, F.S., relating to the Excellent Teaching Program; providing legislative findings and intent; authorizing monetary incentives and bonuses for teaching excellence; providing for annual allocations to districts; providing fee subsidies and conditions for repayment of subsidies for participating in the certification program of the National Board of Professional Teaching Standards; requiring the distribution of certain monetary bonuses to teachers; providing eligibility criteria; requiring release time for certain activities; requiring certain district expenditures for professional development of teachers; amending s. 236.081, F.S.; authorizing categorical funding for the Excellent Teaching Program; amending s. 231.173, F.S., relating to certification of experienced out-of-state teachers and administrators; deleting a requirement for superintendents to request certification; providing for issuance of a professional certificate to individuals certified by the National Board of Professional Teaching Standards; conforming provisions; amending s. 231.24, F.S.; authorizing renewal of certificates through national certification; providing an effective date.

—as amended April 15 was read the third time by title.

Senator Horne moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 3, lines 3-5, delete those lines and insert: *231.29, who satisfies the*

Amendment 2—On page 3, line 30 through page 4, line 2, delete those lines and insert: *teaching performance pursuant to s. 231.29.*

On motions by Senator Horne, **CS for CS for SB's 2156 and 1910** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Cowin	Gutman	Latvala
Bronson	Crist	Hargrett	Laurent
Brown-Waite	Diaz-Balart	Harris	Lee
Burt	Dudley	Holzendorf	McKay
Campbell	Dyer	Horne	Meadows
Casas	Forman	Kirkpatrick	Myers
Childers	Geller	Klein	Ostalkiewicz
Clary	Grant	Kurth	Rossin
Scott	Thomas	Turner	Williams
Silver			

Nays—None

CS for SB 386—A bill to be entitled An act relating to postsecondary education; amending s. 240.529, F.S.; providing that, beginning in the 1999-2000 academic year, State University System initial teacher preparation programs shall include an optional teacher internship in a socially and economically disadvantaged area; providing that, beginning in the 2000-2001 academic year, State University System initial teacher preparation programs, in partnership with public school districts, shall establish teaching residency programs in disadvantaged areas; providing for annual stipends for each teacher who has completed such a residency program; providing an effective date.

—as amended April 15 was read the third time by title.

Senators Campbell and Kirkpatrick offered the following amendment which was moved by Senator Campbell and adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 3 between lines 29 and 30, insert:

Section 2. Subsection (2) of section 18 of chapter 97-384, Laws of Florida, is amended to read:

Section 18. The Florida Teachers Lead Program established.—

(2) *Notwithstanding any other law or any State Board of Education rule to the contrary, each school district shall distribute the Florida Teachers Lead Program funds to each classroom teacher to be expended at the discretion of that teacher to assist teaching and learning in the classroom.* ~~The Florida Teachers Lead Program funds shall be deposited into each school's internal account and made available to be expended at the discretion of each classroom teacher to assist teaching and learning in the classroom. Each teacher's allocation shall remain available for the teacher's use until the full amount is expended.~~

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: amending s. 18, ch. 97-384, Laws of Florida; providing for distribution of the Florida Teachers Lead Program funds;

On motions by Senator Holzendorf, **CS for SB 386** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Dudley	Horne	Myers
Bronson	Dyer	Kirkpatrick	Ostalkiewicz
Brown-Waite	Forman	Klein	Rossin
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Silver
Casas	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Childers

SENATOR CASAS PRESIDING

CS for HB 921—A bill to be entitled An act relating to expenditure requirements for education programs; amending s. 236.081, F.S., relating to funds for operation of schools; requiring school districts to allocate at least 80 percent of specified funds to the schools generating the funds; providing an effective date.

—was read the third time by title.

On motions by Senator Kirkpatrick, **CS for HB 921** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Holzendorf	Meadows
Bronson	Dudley	Horne	Myers
Brown-Waite	Dyer	Kirkpatrick	Ostalkiewicz
Burt	Forman	Klein	Rossin
Campbell	Geller	Kurth	Scott
Childers	Grant	Latvala	Silver
Clary	Gutman	Laurent	Thomas
Cowin	Hargrett	Lee	Turner
Crist	Harris	McKay	Williams

Nays—None

CS for SB 1108—A bill to be entitled An act relating to insurance; amending s. 627.021, F.S.; providing that the provisions of ch. 627, F.S., do not apply to commercial inland marine insurance; amending ss. 627.0651, 627.410, F.S.; making conforming changes to requirements for filing underwriting rules and forms; amending s. 627.311, F.S.; revising the composition of the workers' compensation joint underwriting plan; prohibiting insurers from providing workers' compensation to certain employers; amending s. 627.7295, F.S., relating to minimum down payments for motor vehicle insurance; providing an effective date.

—was read the third time by title.

On motions by Senator Williams, **CS for SB 1108** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

CS for CS for SB 1704—A bill to be entitled An act relating to use of rights-of-way by telecommunications companies; amending s. 337.401, F.S.; limiting taxes, fees, or charges imposed by municipalities for use of rights-of-way; limiting local government authority to regulate certain matters within the jurisdiction of the Florida Public Service Commission or the Federal Communications Commission; prohibiting requiring telecommunications companies from obtaining additional consent to use certain rights-of-way under certain circumstances; providing construction; providing application; providing a definition; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **CS for CS for SB 1704** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Clary	Geller	Kirkpatrick
Bronson	Cowin	Grant	Klein
Brown-Waite	Crist	Gutman	Kurth
Burt	Diaz-Balart	Hargrett	Latvala
Campbell	Dudley	Harris	Laurent
Casas	Dyer	Holzendorf	Lee
Childers	Forman	Horne	McKay
Meadows	Ostalkiewicz	Silver	Turner
Myers	Rossin	Thomas	Williams

Nays—None

CS for SB 552—A bill to be entitled An act relating to juries; amending s. 40.015, F.S.; providing a method for establishing jury districts, boundaries; providing an effective date.

—was read the third time by title.

On motions by Senator Klein, **CS for SB 552** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Harris	McKay
Bronson	Diaz-Balart	Holzendorf	Meadows
Brown-Waite	Dudley	Horne	Myers
Burt	Dyer	Kirkpatrick	Ostalkiewicz
Campbell	Forman	Klein	Rossin
Casas	Geller	Kurth	Scott
Childers	Grant	Latvala	Thomas
Clary	Gutman	Laurent	Turner
Cowin	Hargrett	Lee	Williams

Nays—None

CS for SB 124—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S., which provides requirements for the determination of the millage levied by taxing authorities; revising the form of the notice of tax increase; revising the form of the notice of tax for school capital outlay which must be published by school districts; providing an effective date.

—was read the third time by title.

On motion by Senator Forman, **CS for SB 124** was passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Myers
Brown-Waite	Dyer	Kirkpatrick	Ostalkiewicz
Burt	Forman	Klein	Rossin
Campbell	Geller	Kurth	Scott
Casas	Grant	Latvala	Silver
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for HB 823—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S., which provides requirements for deposit and investment of state money; revising the standards that certain corporate obligations and state and local government obligations must meet to be qualified for such investment; authorizing investment in certain foreign bonds and certain convertible debt obligations of corporations domiciled in the United States; amending s. 766.315, F.S.; providing that the investment of funds by the Florida Birth-Related Neurological Injury Compensation Association is subject to the provisions of s. 215.47, F.S.; providing an effective date.

—as amended April 15 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Kurth, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Kurth moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A—On page 1, line 24, after "*Corporation*" insert: *or the National Credit Union Share Insurance Fund*

Amendment 1 as amended was adopted by two-thirds vote.

On motions by Senator Kurth, **CS for HB 823** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

SB 660—A bill to be entitled An act relating to education; providing that state-funded education and care programs for infants and toddlers must foster brain development; requiring an evaluation and a report; providing an effective date.

—as amended April 15 was read the third time by title.

On motions by Senator Turner, **SB 660** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Bronson	Dudley	Kirkpatrick	Ostalkiewicz
Brown-Waite	Dyer	Klein	Rossin
Burt	Forman	Kurth	Scott
Campbell	Grant	Latvala	Silver
Casas	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Childers, Geller

RECONSIDERATION OF BILL

On motion by Senator Forman, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 124—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S., which provides requirements for the determination of the millage levied by taxing authorities; revising the form of the notice of tax increase; revising the form of the notice of tax for school capital outlay which must be published by school districts; providing an effective date.

—passed this day.

Pending further consideration of **CS for SB 124**, on motion by Senator Forman, by two-thirds vote **CS for HB 1605** was withdrawn from the Committees on Community Affairs; Education; and Ways and Means.

On motion by Senator Forman, by two-thirds vote—

CS for HB 1605—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S., which provides requirements for the determination of the millage levied by taxing authorities; revising the form of the notice of tax increase that must be published by school districts; revising the form of the notice of tax for school capital outlay that must be published by school districts; providing an effective date.

—a companion measure, was substituted for **CS for SB 124** and by two-thirds vote read the second time by title. On motions by Senator Forman, by two-thirds vote **CS for HB 1605** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

CS for CS for SB 1406—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; defining the terms "corporate officer," "partner," and "sole proprietor," as used in ch. 440, F.S.; amending s. 440.05, F.S.; authorizing the Division of Workers' Compensation of the Department of Labor and Employment Security to approve and revoke certificates of exemption; specifying requirements for notices of election to be exempt; providing for renewal of exemption certificates; requiring notice on election forms that providing false information is a felony; revising fees for exemptions and specifying use of fees by the division; amending s. 440.09, F.S.; conforming references to judges of compensation claims and administrative law judges; amending s. 440.10, F.S.; revising documentation establishing conclusive presumption of independent contractor status and ineligibility for workers' compensation benefits; amending s. 440.103, F.S.; revising the documentation that must be filed by an employer that obtains a building permit; specifying requirements for certificates of coverage; amending s. 440.104, F.S.; revising the cause of action and remedies available to losers of competitive bidding against persons who violate certain provisions; increasing recoverable damages; amending s. 440.105, F.S.; providing penalties; providing a time limitation for bringing an action under s. 440.105(4), F.S.; amending s. 440.107, F.S.; providing legislative findings related to noncompliance with workers' compensation coverage requirements; authorizing the division to enter and inspect places of business for investigating compliance; requiring employers to maintain records required by the division by rule; authorizing the division to require sworn reports from employers, to administer oaths, and to issue subpoenas to enforce compliance; providing penalties for refusal to obey a subpoena; amending s. 440.45, F.S.; revising term of office, qualifications, and method of nomination for the Chief Judge of the Office of the Judges of Compensation Claims; providing for expiration of term of office for members of the statewide nominating commission for judges of compensation claims; providing for new appointments to the nominating commission and staggered terms; revising the procedures for nominating commission regarding performance of sitting judges and regarding nominations of applicants; providing for expiration of the term of office and reappointment of the Chief Judge of Compensation Claims; amending s. 627.413, F.S.; specifying notice requirements for minimum premium policies; requiring the division to notify certain persons of certain requirements of this act; providing an appropriation; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for CS for SB 1406** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

CS for SB 1408—A bill to be entitled An act relating to public records; creating s. 440.108, F.S.; providing an exemption from public records requirements for certain information obtained in administering the Workers' Compensation Law; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—as amended April 15 was read the third time by title.

On motions by Senator Clary, **CS for SB 1408** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Crist	Harris	Myers
Bronson	Diaz-Balart	Kirkpatrick	Ostalkiewicz
Brown-Waite	Dudley	Klein	Rossin
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Silver
Casas	Geller	Laurent	Thomas
Childers	Grant	Lee	Turner
Clary	Gutman	McKay	Williams
Cowin	Hargrett	Meadows	

Nays—None

SB 1972—A bill to be entitled An act relating to workers' compensation; amending s. 440.09, F.S.; providing a standard for rebutting a presumption that an employee's injury was caused by intoxication or influence of drugs; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **SB 1972** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Consideration of **CS for SB 1092** was deferred.

CS for SB 590—A bill to be entitled An act relating to property crimes; amending s. 810.011, F.S.; defining the term "curtilage"; amending s. 810.09, F.S.; removing references to unenclosed curtilage from the offense of trespass on property other than a structure or conveyance; amending s. 812.014, F.S.; defining the term "authorized person"; removing reference to unenclosed curtilage from the offense of theft from a dwelling; providing an effective date.

—was read the third time by title.

On motions by Senator Silver, **CS for SB 590** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bronson	Dudley	Horne	Myers
Brown-Waite	Dyer	Kirkpatrick	Ostalkiewicz
Burt	Forman	Klein	Rossin
Campbell	Geller	Kurth	Scott
Casas	Grant	Latvala	Silver
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

SB 1974—A bill to be entitled An act relating to consumer finance and installment sales; amending s. 516.05, F.S.; requiring certain licensees to report bankruptcy filings to the Department of Banking and Finance; amending s. 520.085, F.S.; providing for acquisition fees on simple-interest contracts; creating s. 520.997, F.S.; providing for certain licensees to report bankruptcy filings to the department; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **SB 1974** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Bankhead	Crist	Holzendorf	Myers
Bronson	Diaz-Balart	Horne	Rossin
Brown-Waite	Dudley	Kirkpatrick	Scott
Burt	Dyer	Klein	Silver
Campbell	Forman	Kurth	Thomas
Casas	Geller	Latvala	Turner
Childers	Grant	Laurent	Williams
Clary	Gutman	Lee	
Cowin	Hargrett	McKay	

Nays—None

Vote after roll call:

Yea—Harris, Ostalkiewicz

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2014** was deferred.

On motion by Senator Dudley—

CS for SB 1070—A bill to be entitled An act relating to medical malpractice insurance; amending s. 766.301, F.S.; clarifying legislative intent; amending s. 766.304, F.S.; providing exclusive jurisdiction of administrative law judges in claims filed under ss. 766.301-766.316, F.S.; providing a limitation on bringing a civil action under certain circumstances; amending s. 766.315, F.S.; authorizing the association to invest plan funds only in investments and securities described in s. 215.47, F.S.; amending s. 766.316, F.S.; providing hospitals and physicians with alternative means of providing notices to obstetrical patients relating to the no-fault alternative for birth-related neurological injuries; prescribing conditions; providing for applicability of amendments; requiring the Auditor General to conduct a study of the effects of expanding eligibility for compensation under the plan; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Dudley, the rules were waived to allow the following amendment to be considered:

Senators Sullivan and Dudley offered the following amendment which was moved by Senator Dudley and adopted:

Amendment 1—On page 3, line 9, after "*funds*" insert: *of this state, and the association may invest plan funds*

Senators Sullivan and Dudley offered the following amendment which was moved by Senator Dudley and adopted:

Amendment 2—On page 4, line 14, delete "*1,000*" and insert: *1,800*

Pursuant to Rule 4.19, **CS for SB 1070** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley, by two-thirds vote **CS for HB 1903** was withdrawn from the Committees on Regulated Industries; and Governmental Reform and Oversight.

On motion by Senator Dudley—

CS for HB 1903—A bill to be entitled An act relating to records of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.047, F.S.; providing an exemption from public records requirements for information relative to an investigation by the division under the Florida Uniform Land Sales Practices Law for a specified period; providing for continued exemption for certain information relative to such investigation under certain conditions; authorizing certain disclosure of such information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 806** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1903** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

CS for SB 1156—A bill to be entitled An act relating to affordable housing; amending s. 420.0005, F.S.; clarifying application of certain provisions to the State Housing Fund; amending s. 420.0006, F.S.; specifying an additional requirement for contracts with the Florida Housing Finance Corporation; providing duties of the Comptroller relating to certain advances to the corporation; amending s. 420.503, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.504, F.S.; providing for alternative public notice; providing the corporation with limited benefits of sovereign immunity; deleting a definition; amending s. 420.5061, F.S.; providing that the corporation is a state agency for purposes of the state allocation pool for private activity bonds; amending s. 420.507, F.S.; including services within certain procurement requirement provisions; authorizing the corporation to mortgage certain property; deleting a budget limitation on certain programs; providing additional powers of the corporation; providing that the corporation may provide infrastructure improvements; amending s. 420.5087, F.S.; clarifying application of the state fiscal year; amending s. 420.5088, F.S.; expanding availability of certain program funds; amending s. 420.5089, F.S.; deleting a requirement for certain program fund loan commitments under certain circumstances; amending s. 420.509, F.S.; clarifying application of provisions for public sale of corporation bonds; amending s. 420.511, F.S.; revising requirements for the corporation's business plan for affordable housing; amending s. 420.512, F.S.; limiting application of a term for certain purposes; amending s. 420.528, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.9071, F.S.; correcting a cross reference; clarifying application to the corporation's fiscal year; amending ss. 420.9073 and 420.9079, F.S.; clarifying application to the state fiscal year; repealing s. 420.504(8), F.S., relating to certain liability of members of the board of directors of the corporation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1156** to **CS for HB 3287**.

Pending further consideration of **CS for SB 1156** as amended, on motion by Senator Dyer, by two-thirds vote **CS for HB 3287** was withdrawn from the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Dyer—

CS for HB 3287—A bill to be entitled An act relating to affordable housing; amending s. 420.0005, F.S.; clarifying application of certain provisions to the State Housing Fund; amending s. 420.0006, F.S.; specifying an additional requirement for contracts with the Florida Housing Finance Corporation; providing duties of the Comptroller relating to certain advances to the corporation; amending s. 420.503, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.504, F.S.; providing for alternative public notice; providing the corporation is an instrumentality of the state; deleting a definition; amending s. 420.5061, F.S.; declaring the corporation a state agency for certain purposes; providing that the corporation may provide infrastructure improvements; amending s. 420.507, F.S.; including services within certain procurement requirement provisions; authorizing the corporation to mortgage certain property; deleting a budget limitation on certain programs; providing additional powers of the corporation; amending s. 420.5087, F.S.; clarifying application of the state fiscal year; amending s. 420.5088, F.S.; expanding availability of certain program funds; amending s. 420.5089, F.S.; deleting a requirement for certain program fund loan commitments under certain circumstances; amending s. 420.509, F.S.; clarifying application of provisions for public sale of corporation bonds; amending s. 420.511, F.S.; revising requirements for the corporation's business plan for affordable housing; amending s. 420.512, F.S.; limiting application of a term for certain purposes; amending s. 420.528, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.9071, F.S.; correcting a cross reference; clarifying application to the corporation's fiscal year; amending ss. 420.9073 and 420.9079, F.S.; clarifying application to the state fiscal year; repealing s. 420.504(8), F.S., relating to certain liability of members of the board of directors of the corporation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1156** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3287** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

Consideration of **SB 510** and **SB 1724** was deferred.

On motion by Senator Grant, by two-thirds vote **CS for HB 1213** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Grant, by two-thirds vote—

CS for HB 1213—A bill to be entitled An act relating to health care; establishing the Prostate Cancer Task Force; providing for representation on the task force; providing responsibilities; requiring a report to the Governor and the Legislature; providing for future repeal; amending s. 240.5121, F.S.; increasing membership of the Florida Cancer Control and Research Advisory Council; requiring the council to purchase or develop a written summary of cancer treatment alternatives for prostate cancer; providing appropriations for developing or purchasing and for distributing bilingual pamphlets, and for developing and implementing education programs, on prostate cancer and breast cancer; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 94** and by two-thirds vote read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 2, line 25, delete "*17*" and insert: *18*

Amendment 2—On page 3, line 3, after the comma (,) insert: *one representative of the NOVA Southeastern University of Osteopathic Medicine,*

Amendment 3—On page 6, line 11, before "Southeastern" insert: *NOVA*

Pursuant to Rule 4.19, **CS for HB 1213** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

CS for SB 1498—A bill to be entitled An act relating to the use of motor vehicles by persons who have disabilities; amending s. 316.1955, F.S.; clarifying standards for accessible parking spaces and parking access aisles; providing violations; providing penalties; amending s. 316.1958, F.S.; providing that a special motor vehicle license plate or parking permit issued by another state, district, or country is invalid with respect to a person who must have a Florida vehicle registration; amending s. 316.1964, F.S.; amending circumstances in which vehicles are exempt from paying parking fees and penalties; amending s. 318.18, F.S.; increasing the amount of the fine for illegally parking in a parking space for disabled persons; amending procedures for dismissing such fines and for distributing the proceeds of such fines; amending s. 320.0842, F.S.; amending prerequisites to qualifying for a free license plate as a veteran who uses a wheelchair due to a service-connected disability; amending s. 320.0843, F.S.; amending provisions related to license plates for wheelchair users; amending s. 320.0848, F.S.; amending provisions relating to the issuance of disabled parking permits; amending prerequisites; providing for replacement permits; providing for alternatives; amending requirements for the design of temporary permits; providing penalties for unlawfully displaying a disabled parking permit; providing additional grounds for confiscation of a disabled parking permit; providing for recordkeeping related to confiscation; providing for revoking the privilege of applying for a disabled parking permit; providing procedures related to confiscations and revocations; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendments which were moved by Senator Forman and adopted:

Amendment 1—On page 14, lines 17 and 18, delete those lines and insert: disabilities and are certified as provided in *this subsection* ~~paragraph (a)~~.

Amendment 2—On page 16, line 25, delete "*$1.50*" and insert: *$1.00*

Senator Forman moved the following amendment which was adopted:

Amendment 3—On page 3, line 28 through page 4, line 2, delete those lines and insert: facility entrance. *In accordance with ADAAG 4.6.3, access aisles must be placed adjacent to accessible parking spaces; however,* ~~The parking access aisles are reserved for the use of persons who have disabled parking permits, and violators are subject to the same penalties that are imposed for illegally parking in parking spaces that are designated for persons who have disabilities.~~ two accessible

Pursuant to Rule 4.19, **CS for SB 1498** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 1092—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; revising eligibility requirements for supplemental payments; providing a method for calculating workers' compensation benefits based on the aggregate amount of those benefits and other specified benefits payable to the employee; providing that certain supplemental payments are not workers' compensation benefits; providing an effective date.

—as amended April 15 was read the third time by title.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **CS for SB 1092**, motions and announcements.

Senator Campbell moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1—On page 3, line 21, delete "*, and includes retirement benefits,*"

On motions by Senator Latvala, **CS for SB 1092** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—26

Madam President	Clary	Harris	Myers
Bankhead	Cowin	Horne	Ostalkiewicz
Bronson	Crist	Kirkpatrick	Scott
Brown-Waite	Diaz-Balart	Latvala	Thomas
Burt	Dudley	Laurent	Williams
Casas	Grant	Lee	
Childers	Gutman	McKay	

Nays—11

Campbell	Geller	Kurth	Silver
Dyer	Hargrett	Meadows	Turner
Forman	Klein	Rossin	

MOTION TO RECONSIDER BILL

Senator McKay moved that the Senate reconsider the vote by which—

CS for SB 492—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment to property owners; amending s. 194.032, F.S.; revising the time in which a value adjustment board hearing must be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

—passed this day.

The motion was placed on the calendar.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, April 17.

REPORTS OF COMMITTEES

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1594

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 1868

The Committee on Natural Resources recommends committee substitutes for the following: Senate Bills 312 and 2298, SB 1442, SB 1988

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: SB 296, SJR 298, SB 1178, SB 1180

The Committee on Natural Resources recommends a committee substitute for the following: Senate Bills 2562 and 1836

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 792

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 1814

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2578

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Education recommends committee substitutes for the following: Senate Bills 1124, 2048 and 1120, SB 2100

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: CS for SB's 1190 and 868, SB 1664, CS for SB 1994

The Committee on Health Care recommends a committee substitute for the following: SB 1646

The Committee on Judiciary recommends a committee substitute for the following: SB 1162

The Committee on Natural Resources recommends committee substitutes for the following: SB 1924, SB 2356

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: CS for SB 1044

The Committee on Health Care recommends a committee substitute for the following: CS for SB 1728

The Committee on Judiciary recommends committee substitutes for the following: SB 206, SB 1742

The Committee on Natural Resources recommends a committee substitute for the following: SB 1256

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1642

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Regulated Industries recommends that the Senate confirm the appointments made by the Governor of Jose "Joe" Antonio Garcia and Ennis Leon Jacobs, Jr., for terms ending January 1, 2002, as members of the **Florida Public Service Commission**.

[The appointments contained in the foregoing report were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary and Senator Crist—

CS for SB 206—A bill to be entitled An act relating to civil liability arising from criminal conduct; amending s. 776.085, F.S.; barring recovery of damages for personal injury or injury to property in cases in which the claimant has incurred damages while engaged in certain criminal conduct; providing for the court to award attorney's costs and travel expenses to the prevailing party in any such case; providing an effective date.

By the Committee on Judiciary and Senators Grant, Bronson and Klein—

CS for SB 296—A bill to be entitled An act relating to religious freedom; creating the "Religious Freedom Restoration Act of 1998"; providing that government shall not substantially burden the exercise of religion; providing exceptions; providing definitions; providing for attorney's fees and costs; providing applicability; providing construction; providing an effective date.

By the Committee on Judiciary and Senators Grant and Bronson—

CS for SJR 298—A joint resolution proposing an amendment to Section 3 of Article I of the State Constitution relating to religious freedom.

By the Committee on Natural Resources and Senators Brown-Waite, Laurent, Bronson, Cowin, Williams and Horne—

CS for SB's 312 and 2298—A bill to be entitled An act relating to water resource management; amending s. 373.016, F.S.; providing legislative policy relating to state and regional water resource management; encouraging use of water from sources nearest the area of need; providing an exception; amending s. 373.196, F.S.; clarifying legislative intent that water resource development is a function of the water management districts; amending s. 373.1962, F.S.; providing an exemption for water supply authorities under certain circumstances from certain factors for consumptive use permits; amending s. 373.223, F.S.; directing the Department of Environmental Protection or water management district governing board to consider certain factors when determining the public interest for the transport and use of water across county boundaries or outside the watershed; amending s. 373.229, F.S.; requiring additional information in permit applications for proposed transport and use of water pursuant to s. 373.223(2), F.S.; reenacting s. 373.536(5)(c), F.S.; clarifying intent with respect to language inadvertently omitted by legislative action; amending ss. 373.036, 373.209, 373.226, 373.421, F.S.; correcting cross-references; providing an effective date.

By the Committee on Banking and Insurance; and Senators Latvala, Myers, Gutman, Bronson, Casas and Campbell—

CS for SB 792—A bill to be entitled An act relating to dental insurance coverage; creating ss. 627.4295, 627.65755, F.S., and amending ss. 627.6515 and 641.31, F.S.; requiring health insurance policies and health maintenance organization contracts to provide coverage for general anesthesia and hospitalization for certain persons under certain circumstances; providing application; providing exceptions; providing a declaration of important state interest; providing application; providing an effective date.

By the Committees on Governmental Reform and Oversight; Health Care; and Senator Williams—

CS for CS for SB 1044—A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that when a public lessor complies with the public finance accountability provisions of s. 155.40(5), F.S., with respect to the transfer of any public funds to a private lessee, the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements if the corporation meets specified criteria; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Education and Senators Grant, Horne, Diaz-Balart and Turner—

CS for SB's 1124, 2048 and 1120—A bill to be entitled An act relating to workforce development; creating an incentive grant program; requiring certain administrative procedures; requiring certain data analysis and reports; providing an implementation schedule; providing a definition; amending s. 229.551, F.S.; providing for nonpublic postsecondary education institutions to use the common course designation and numbering system used by public institutions; amending s. 229.8075, F.S.; requiring job retention data to be collected; amending s. 236.081, F.S.; deleting a school district responsibility for funding certain community college programs; amending s. 239.105, F.S.; amending definitions; amending s. 239.115, F.S., relating to funds for operation of adult general education and vocational education programs; revising provisions relating to workforce development education programs; changing the name of the associate in applied technology degree to the applied technology diploma; revising provisions relating to funding through the Workforce Development Education Fund; providing duties relating to workforce development programs and funding; providing for use of funds; amending s. 239.117, F.S.; revising calculation of fees required of students in workforce development programs; amending ss. 240.3031, 240.311, F.S.; renaming the State Community College System; amending s. 239.213, F.S., relating to vocational-preparatory instruction; deleting obsolete provisions; amending s. 239.229, F.S., relating to vocational standards; conforming provisions; amending s. 239.233, F.S.; requiring job-retention data; amending s. 239.301, F.S.; revising adult general education provisions; amending s. 240.115, F.S.; providing guidelines for awarding credit for transfer students; revising s. 240.35, F.S.; revising calculation of fees required of students in community college programs; amending s. 240.359, F.S.; providing funding for college preparatory coursework; amending ss. 446.011, 446.041, 446.052, F.S.; deleting responsibilities of the Division of Public Schools and Community Education; providing an effective date.

By the Committee on Judiciary and Senators Kirkpatrick, Sullivan and Forman—

CS for SB 1162—A bill to be entitled An act relating to computers; creating s. 14.025, F.S., relating to the Governor; recognizing the potential computer problems that may occur in state agencies due to the date change necessitated by the year 2000; authorizing the Governor to reassign resources in the event of a likely computer failure; authorizing the Administration Commission to reassign resources if an agency headed by the Governor and Cabinet or a Cabinet officer is likely to experience a computer failure; requiring the reassignment of resources to conform with the law governing budget amendments; requiring the reassignment of personnel to conform with the law governing employee interchanges; requiring legislative approval if a reassignment of resources is necessary for more than 90 days; authorizing legislative veto of the reassignment of state resources; providing for repeal of the powers granted to the Governor; amending ss. 112.24 and 112.27, F.S., relating to employee interchange programs; clarifying that state agencies may exchange employees; creating s. 282.4045, F.S.; providing legislative findings relating to the adequacy of the state's actions to prevent year 2000 computer failures; protecting the state and units of local government against legal actions that result from a year 2000 computer date calculation failure; providing an effective date.

By the Committee on Judiciary and Senator Forman—

CS for SB 1178—A bill to be entitled An act relating to guardianship; amending s. 744.369, F.S.; extending the time to review certain reports; authorizing random field audits; amending s. 744.702, F.S.; providing legislative intent to establish the Statewide Public Guardianship Office; directing the Department of Elderly Affairs to provide certain services and support; creating s. 744.7021, F.S.; providing for the Statewide Public Guardianship Office within the Department of Elderly Affairs; providing for an executive director and oversight responsibilities; requiring submission of a guardianship plan and yearly status reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court; requiring the office to develop a training program; authorizing demonstration projects; providing for rules; amending s. 744.703, F.S.; providing for the executive director to establish offices of public guardian and to appoint public guardians; providing for transfer of oversight responsibility from the chief judge of the circuit to the office; providing for the suspension of public guardians, as specified; amending s. 744.706, F.S.; providing for the preparation of the budget of the Statewide Public Guardianship Office; amending s. 744.707, F.S.; revising provisions with respect to procedures and rules to include reference to the Statewide Public Guardianship Office; amending s. 744.708, F.S.; revising provisions with respect to reports and standards; providing for the offices of public guardian to be subject to audits by the Auditor General; amending s. 744.709, F.S.; providing that surety bonds can be purchased from funds appropriated to the Statewide Public Guardianship Office; amending s. 744.1085, F.S.; revising provisions with respect to professional guardians to include reference to the Statewide Public Guardianship Office; amending s. 744.3135, F.S.; providing a procedure for obtaining fingerprint cards and for maintaining the results of certain investigations; amending s. 28.241, F.S.; providing for funds for public guardians; providing an effective date.

By the Committee on Judiciary and Senator Forman—

CS for SB 1180—A bill to be entitled An act relating to public records exemptions; creating s. 744.7081, F.S.; providing an exemption from public records requirements for certain records requested by the Statewide Public Guardianship Office; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committees on Governmental Reform and Oversight; Community Affairs; and Senators Clary and Meadows—

CS for CS for SB's 1190 and 868—A bill to be entitled An act relating to a statewide unified building code; amending s. 468.621, F.S.; providing an additional ground for certain disciplinary actions; amending ss. 471.033, 481.225, 481.2251, and 481.325, F.S.; providing for additional fines for certain violations of the Florida Building Code; amending s. 468.602, F.S.; clarifying application of an exemption for certain persons; amending ss. 468.609, 468.627, 471.017, 471.019, 481.215, 481.313, 489.115, 489.1455, and 489.5335, F.S.; requiring certificateholders, licensees, or registrants to prove completion of certain education requirements relating to the Florida Building Code; providing recording requirements for reported continuing education; requiring notification of failure to comply; requiring that action be taken when noncompliance is determined; providing certain core curriculum or continuing education requirements for certain license, certificate, or registration renewals; authorizing certain licensing boards to require certain specialized or advanced education courses; creating s. 455.2286, F.S.; requiring the Department of Business and Professional Regulation to implement an automated information system for certain purposes; providing requirements relating to such system; amending s. 489.103, F.S.; exempting certain residential structures from certain construction contracting requirements; amending s. 489.117, F.S.; clarifying certain information provision requirements for local jurisdictions relating to specialty contractor licensure and discipline; amending s. 489.513, F.S.; requiring local jurisdictions to provide certain information to certain licensing boards; requiring such boards to maintain and provide such information through an automated information system; providing for local responsibility for imposing certain disciplinary action; authorizing imposition of penalties by ordinance; amending s. 489.517, F.S.; requiring certificateholders or registrants to provide proof of completion of

certain education courses; authorizing the electrical contractors' licensing board to require certain education courses; amending s. 489.533, F.S.; revising a ground for certain disciplinary action; amending s. 553.06, F.S.; requiring the Florida Building Commission to adopt the State Plumbing Code; amending s. 553.19, F.S.; requiring the commission to adopt certain electrical standards as part of the Florida Building Code and to revise and maintain such standards; amending s. 553.71, F.S.; revising certain definitions; renaming the Board of Building Codes and Standards as the Florida Building g Commission; amending s. 553.72, F.S.; revising legislative intent; amending s. 553.73, F.S.; providing for adoption of the Florida Building Code to replace the State Minimum Building Codes; providing for legislative approval; providing purposes; requiring the Florida Building Commission to adopt the code; providing requirements and criteria for the code; providing for resolution of conflicts between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code; providing requirements; providing for local technical amendments to the code; providing procedures and requirements; providing limitations; requiring counties to establish compliance review boards for certain purposes; providing requirements; authorizing local governments to adopt amendments to the code; providing requirements; providing procedures for challenges by affected parties; providing for appeals; requiring the commission to update the code periodically; authorizing the commission to adopt technical amendments to the code under certain circumstances; providing requirements; providing for exempting certain buildings, structures, and facilities from the code; specifying nonapplication of the code under certain circumstances; prohibiting administration or enforcement of the code for certain purposes; amending s. 553.74, F.S.; replacing the State Board of Building Codes and Standards with the Florida Building Commission; providing for additional membership; providing for continuation of terms of existing board members; amending ss. 553.75, 553.76, and 553.77, F.S., to conform; providing additional powers of the commission; requiring commission staff to attend certain meetings; requiring the commission to develop and publish descriptions of roles and responsibilities of certain persons; authorizing the commission to provide plans review and approval of certain public buildings; creating s. 553.781, F.S.; providing for licensee accountability; authorizing local jurisdictions to impose fines and order certain disciplinary action for certain violations of the Florida Building Code; providing for challenges to such actions; requiring the Department of Business and Professional Regulation and local jurisdictions to report such disciplinary actions; providing for disposition and use of such fines; providing construction; providing for suspension of certain permitting privileges under certain circumstance; amending s. 553.79, F.S., to conform; authorizing owners of certain buildings to designate such buildings as threshold buildings for certain purposes; providing for local government enforcement of the Florida Building Code under certain circumstances; amending s. 553.80, F.S.; authorizing certain reinspection fees under certain circumstances; requiring certain agencies to provide support to local governments for certain purposes; specifying certain code enforcement requirements for state universities, community colleges, and public school districts; preserving authority of certain local governments to enforce code requirements; providing construction; creating s. 553.841, F.S.; providing for establishing a building code training program; providing requirements; providing criteria; authorizing the Florida Building Commission to enter into contracts for certain purposes; requiring the assistance and participation of certain state agencies; creating s. 553.842, F.S.; providing for a system for product evaluation and approval; providing requirements; providing procedures; providing for challenging, review, and appeal of certain evaluations; authorizing the commission to charge fees for certain certifications and reviews; providing exceptions; amending s. 633.01, F.S.; authorizing the Department of Insurance to issue binding interpretations of certain firesafety codes; creating s. 633.0215, F.S.; requiring the Department of Insurance to adopt certain fire prevention and life safety codes; providing requirements; providing for temporary effect of local amendments to such codes; providing providing procedures for adopting or rescinding local amendments to such codes; requiring the department to update such codes periodically; providing for technical amendments to such codes; providing exceptions to application of such codes for certain purposes; amending s. 633.025, F.S.; specifying adoption by local jurisdictions of certain firesafety codes; authorizing local jurisdictions to adopt more stringent firesafety standards under certain circumstances; providing procedures; providing limitations; deleting obsolete provisions; amending s. 633.085, F.S.; clarifying certain inspection duties of the State Fire Marshal; amending s. 633.72, F.S.; specifying cooperation between the Florida Fire Code Advisory Council and the Florida Building Commission under certain circumstances; requiring administrative staff of the State Fire Marshal to attend certain meetings and coordinate efforts for consistency between certain codes; amending ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 489.127, 489.131, 489.531, 489.537, 500.459, 553.18, and 627.351, F.S., to conform; requiring the Florida Building Commission to submit the Florida Building Code to the Legislature for approval; requiring the commission to recommend changes to the law to conform to adoption of the Florida Building Code; providing for future repeal of local amendments to certain building codes; providing for readoption; requiring the State Fire Marshal, the Florida Building Commission, and the Commissioner of Education to establish a select committee for certain purposes; providing for committee membership; providing duties of the committee; requiring a report to the Legislature; requiring the Department of Management Services to conduct a pilot project to study the effects of installing an ozonation water treatment system for a cooling tower on state buildings; requiring a report to the Legislature; repealing s. 471.003(2)(f), F.S., relating to engineering faculty exemption from registration requirements; repealing s. 489.539, F.S., relating to adoption of electrical standards; repealing s. 553.73(5), F.S., relating to a presumption of compliance with certain building code requirements; providing for future repeal of s. 489.120, F.S., relating to an automated information system; providing for future repeal of s. 489.129(1)(d), F.S., relating to disciplinary action for knowing violations of building codes; providing for future repeal of parts I, II, and III of chapter 553, F.S., relating to the Florida Plumbing Control Act, the Florida Electrical Code, and glass standards; providing appropriations; providing effective dates.

By the Committee on Natural Resources and Senator Harris—

CS for SB 1256—A bill to be entitled An act relating to inland waterway management; amending s. 374.976, F.S.; authorizing the Florida Inland Navigation District and the West Coast Inland Navigation District to enter into cooperative agreements with the Federal Government, participate with the United States Army Corps of Engineers in waterway maintenance projects, engage in anchorage management programs and beach renourishment projects, and enter into ecosystem management agreements with the Department of Environmental Protection; conforming language relating to existing matching fund requirements; repealing s. 374.976(5), F.S., as amended by ch. 96-320, Laws of Florida, to clarify legislative intent with respect to duplicate provisions; amending s. 403.061, F.S.; providing a supplemental process for issuance of joint coastal permits and environmental resource permits for regional waterway management activities; amending s. 311.105, F.S.; conforming cross-references; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1442—A bill to be entitled An act relating to regional water supply authorities; amending s. 120.52, F.S.; providing that a member government is not considered a party in administrative proceedings under certain conditions; amending s. 373.1963, F.S.; revising criteria for governance of the West Coast Regional Water Supply Authority and its member governments under interlocal agreements; declaring legislative intent to supersede other laws; repealing s. 373.1963(5), F.S., relating to a process for review of a consumptive use permit; amending s. 682.02, F.S.; providing for the arbitration of certain controversies concerning water use; amending s. 768.28, F.S.; allowing an authority to indemnify its member governments; providing an effective date.

By the Committee on Regulated Industries and Senator Klein—

CS for SB 1594—A bill to be entitled An act relating to telephonic solicitations; amending s. 501.059, F.S.; providing legislative intent; revising provisions relating to telephonic solicitations; revising definitions; revising procedures for limiting or prohibiting telephonic solicitations; revising certain fees; providing for an affirmative defense; providing for notification of candidates for public office; revising requirements regulating telephonic solicitations; requiring the Department of Agriculture and Consumer Services to provide certain notice of violations; providing for legislative review of certain fees; amending s. 98.097, F.S.; providing that the central voter file shall indicate voters on "no telephonic solicitation" list; providing an effective date.

By the Committee on Regulated Industries and Senator Silver—

CS for SB 1642—A bill to be entitled An act relating to the Beverage Law; amending ss. 562.11, 562.111, F.S.; providing an exemption for giving or serving to certain underage students alcoholic beverages that are delivered as part of a required curriculum at an accredited college; providing an exemption for the possession of alcoholic beverages by underage students in specified circumstances; providing an effective date.

By the Committee on Health Care and Senators Myers, Grant, Bronson, Latvala, Meadows, Horne, Gutman, Turner, Cowin and Dudley—

CS for SB 1646—A bill to be entitled An act relating to protection of children; amending s. 20.19, F.S.; deleting reference to child protection and sexual abuse treatment teams from responsibilities of the Children and Families Program Office of the Department of Children and Family Services; transferring all powers and duties relating to the child protection teams and the sexual abuse treatment program to the Department of Health; providing the Department of Health with certain authority with respect to transferred positions; amending s. 20.43, F.S.; providing responsibility of the Department of Health to provide services to abused and neglected children through the teams and program; amending ss. 39.4031, 39.4032, and 39.408, F.S., relating to children and family case plan requirements and case staffing, and hearings for dependency cases; providing for coordination with the child protection teams of the Department of Health; amending ss. 119.07, 415.50175, and 415.51, F.S.; providing confidentiality under existing public records exemptions for records of child protection teams and personnel thereof; amending ss. 415.50171, 415.5018, 415.503, 415.5055, and 415.5095, F.S.; clarifying respective responsibilities of the Department of Health and the Department of Children and Family Services, relating to child abuse and neglect cases, policy, and procedures, to child protection teams, and to child sexual abuse cases, pursuant to the transfer of responsibilities under the act; providing duties of the Division of Children's Medical Services; deleting requirements that child protection teams be capable of providing short-term psychological treatment; amending s. 415.501, F.S.; revising participants in the state plan for prevention of child abuse and neglect; creating s. 415.515, F.S.; authorizing rulemaking by the Department of Health; repealing s. 415.5075, F.S., relating to rulemaking; requiring a memorandum of agreement between the Department of Children and Family Services and the Department of Health; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Burt and Campbell—

CS for SB 1664—A bill to be entitled An act relating to educational facilities; amending s. 235.04, F.S.; allowing a school board to sell and lease back an educational plant for the purposes of repair, remodeling, and site improvement; amending s. 235.056, F.S.; authorizing boards to rent or lease certain buildings or space within buildings for conversion to use as educational facilities; providing for funding; requiring school board adoption of a resolution certifying that specified conditions have been met; amending s. 201.24, F.S., relating to exemption from excise tax on documents; conforming provisions; amending s. 236.25, F.S., relating to school district tax for capital outlay; conforming provisions; providing an effective date.

By the Committees on Health Care, Criminal Justice and Senator Bronson—

CS for CS for SB 1728—A bill to be entitled An act relating to mobile surgical facilities; amending s. 395.001, F.S.; providing legislative intent; amending s. 395.002, F.S.; revising definitions; defining "mobile surgical facility"; amending s. 395.003, F.S.; requiring the licensure of mobile surgical facilities under ch. 395, F.S.; amending s. 395.004, F.S.; requiring a license fee upon application for licensure as a mobile surgical facility; amending s. 395.0161, F.S.; requiring licensure inspections of such facilities under specified circumstances; providing an exception; amending s. 395.0163, F.S.; requiring construction inspections of such facilities under specified circumstances; providing an exception; amending s. 395.1055, F.S.; authorizing the establishment of separate standards for mobile surgical facilities; amending s. 408.036, F.S.; providing an exemption from review and application for certificate of need for mobile surgical facilities; amending s. 395.7015, F.S.; providing for the imposition of an annual assessment upon mobile surgical facilities; providing application; requiring specified mobile surgical facilities in operation prior to the effective date of the act to continue to operate and be subject to the provisions of the act only after the effective date of rules established by the Agency for Health Care Administration; providing an effective date.

By the Committee on Judiciary and Senator Ostalkiewicz—

CS for SB 1742—A bill to be entitled An act relating to husband and wife; creating s. 741.2105, F.S.; prohibiting marriages between persons when one of the persons has been convicted of a capital felony for which a death sentence has been imposed; providing an exception; providing an effective date.

By the Committee on Health Care and Senators Harris, Cowin, Lee, Myers, Clary, Williams, Bronson, Grant, Casas, Ostalkiewicz, Diaz-Balart, Brown-Waite, Horne, Laurent, McKay and Childers—

CS for SB 1814—A bill to be entitled An act relating to termination of pregnancy; providing a short title; amending s. 390.011, F.S.; defining additional terms; amending s. 390.0111, F.S.; revising provisions relating to termination of pregnancy; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; providing notice requirements; providing exceptions; providing procedure for judicial waiver of notice; providing for confidentiality of proceedings; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petition; requiring the issuance of written findings of fact and legal conclusions; providing for expedited confidential appeal; providing for waiver of filing fees; requesting the Supreme Court to adopt rules; providing for severability; providing an effective date.

By the Committee on Health Care and Senator Turner—

CS for SB 1868—A bill to be entitled An act relating to community environmental health protection; creating ss. 381.102, 381.103, 381.104, 381.105, 381.106, 381.107, F.S., the "Florida Community Environmental Health Protection Act"; providing a short title; providing for community environmental health protection; providing legislative findings; providing definitions; creating the Community Environmental Health Program; providing purposes of the program; designating pilot projects; providing for Committee Environmental Health Advisory Boards; requiring a report to the Legislature; providing duties of the Department of Health; creating s. 240.707, F.S.; creating the Center for Environmental Equity and Justice; providing appropriations and prescribing purposes for which the funds may be used; providing an effective date.

By the Committee on Natural Resources and Senators Bronson and Hargrett—

CS for SB 1924—A bill to be entitled An act relating to aquaculture; amending s. 253.72, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.06, F.S.; authorizing issuance of additional special activity licenses; authorizing permit consolidation procedures; providing activity license terms; amending s. 370.081, F.S.; revising provisions relating to the importation of nonindigenous marine plants and animals; amending s. 370.10, F.S.; authorizing the harvesting or possession of saltwater species for experimental, scientific, education, and exhibition purposes; amending s. 370.16, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.26, F.S.; defining the term "marine aquaculture facility" and revising definition of the term "marine aquaculture product"; authorizing delegation of regulatory authority for certain aquaculture facilities; amending s. 372.6672, F.S.; removing obsolete provisions relating to state-sanctioned sales of alligator hides; amending s. 372.6673, F.S.; providing for a portion of the fees assessed for alligator egg collection permits to be transferred to the

General Inspection Trust Fund to be used for certain purposes; amending s. 372.6674, F.S.; providing for a portion of the fees assessed for alligator hide validation tags to be transferred to the General Inspection Trust Fund to be used for certain purposes; amending s. 373.046, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 403.814, F.S.; clarifying provisions relating to aquaculture general permits; amending s. 597.005, F.S.; providing for a list of prioritized research needs; providing an effective date.

By the Committee on Natural Resources and Senators Diaz-Balart and Kirkpatrick—

CS for SB 1988—A bill to be entitled An act relating to the Lake Belt Mitigation Fund; creating the fund within the South Florida Water Management District; providing for sources of moneys and purposes; providing an effective date.

By the Committees on Governmental Reform and Oversight; Agriculture; and Senator Cowin—

CS for CS for SB 1994—A bill to be entitled An act relating to agriculture; creating ss. 570.251-570.2815, F.S.; creating the "Florida Agricultural Development Act"; providing legislative findings; providing definitions; establishing the Florida Agricultural Development Authority; providing powers and duties; providing for membership of a board; providing for terms of board members; providing for organization of the board; providing general powers of the authority; providing for an executive director and specifying duties; requiring an annual report; providing for the use of surplus moneys by the authority; providing for combination of state and federal programs to facilitate the purposes of the authority; establishing a beginning farmer loan program; providing purposes of the loan program; authorizing the authority to participate in federal programs; requiring the authority to provide for loan criteria by rule; authorizing the authority to provide loan requirements; authorizing the authority to make loans to beginning farmers for agricultural land and improvements and depreciable agricultural property; authorizing the authority to make loans to mortgage lenders and other lenders; authorizing the authority to purchase mortgage loans and secured loans from mortgage lenders; providing powers of the authority relating to loans; providing for the issuance of bonds and notes by the authority; authorizing the authority to establish bond reserve funds; providing remedies of bondholders and holders of notes; providing for the pledging of bonds by the state; providing that bonds and notes shall be considered legal investments; providing requirements with respect to funds of the authority; authorizing examination of accounts by the Auditor General; requiring a report; providing limitation of liability for members of the authority; requiring the assistance of state officers, agencies, and departments; providing for construction of the act; requiring disclosure of specified conflicts of interest; prohibiting certain participation in the event of a conflict of interest; specifying conflicts of interest with respect to the executive director of the authority; providing exemption from competitive bid laws; providing for receipt of specified trust assets by the authority; authorizing the authority to enter into specified agreements; providing for liability; providing for additional beginning farmer and loan assistance programs; authorizing additional beginning farmer loan program; requiring the authority to establish and develop an agricultural loan assistance program; providing program criteria; requiring the authority to create and develop alternative agriculture assistance programs; providing for the adoption of rules with respect to enforcement of provisions relative to such programs; authorizing the authority to bring action for enforcement; creating s. 159.8082, F.S.; establishing the agricultural development bond pool; amending s. 159.804, F.S.; providing for specific allocations of state volume limitations to the agricultural development pool; amending s. 159.809; specifying provisions for bond issuance reports not received; providing an effective date.

By the Committee on Education and Senator Forman—

CS for SB 2100—A bill to be entitled An act relating to postsecondary education; amending s. 232.2466, F.S.; revising requirements for the college-ready diploma program; amending s. 239.117, F.S.; exempting specified students from postsecondary fees; amending s. 239.225, F.S.; revising provisions relating to the Vocational Improvement Program; amending s. 240.1163, F.S.; revising dual enrollment provisions; amending s. 240.235, F.S.; exempting specified university students from fees; amending s. 240.311, F.S., relating to powers and duties of the State Board of Community Colleges; amending s. 240.321, F.S., relating to duties of community college district boards of trustees; requiring notification of alternative remedial options; amending s. 240.324, F.S., relating to the community college accountability process; providing for coinciding reporting deadlines; clarifying language; amending s. 240.35, F.S.; exempting specified community college students from fees; amending s. 240.36, F.S.; revising provisions relating to the uses of a trust fund for community colleges; amending s. 240.382, F.S.; correcting a cross-reference; amending s. 240.4097, F.S., relating to the Florida Postsecondary Student Assistance Grant Program; requiring the establishment of application deadlines; amending s. 246.201, F.S.; revising legislative intent; amending s. 246.203, F.S.; renaming the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools the State Board of Nonpublic Career Education; revising definition of schools regulated by the board; amending s. 246.205, F.S.; conforming provisions; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; conforming provisions; amending s. 246.215, F.S.; requiring licensing of specified programs by the board; creating s. 246.216, F.S.; providing for exemption from licensure for specified entities; providing for statements of exemption; providing for revocation of statements of exemption; providing for remedies; amending ss. 246.219, 246.220, 246.2265, 246.227, and 246.31, F.S.; conforming provisions; amending ss. 20.15, 240.40204, 246.011, 246.081, 246.085, 246.091, 246.111, 246.50, 455.2125, 455.554, 467.009, 476.178, 477.023, and 488.01, F.S.; conforming provisions; providing an effective date.

By the Committee on Natural Resources and Senators Laurent and Dyer—

CS for SB 2356—A bill to be entitled An act relating to water resources; creating s. 373.45923, F.S.; providing legislative findings and intent; authorizing the South Florida Water Management District to participate as local sponsor for the Restudy of the Central and Southern Florida Project; providing duties of the Joint Legislative Committee on Everglades Oversight; providing reporting requirements; providing for legislative authorization of project cooperation agreements; providing an effective date.

By the Committee on Natural Resources and Senators Laurent, Brown-Waite and Latvala—

CS for SB's 2562 and 1836—A bill to be entitled An act relating to water management districts; amending s. 373.421, F.S.; authorizing the use of a Global Positioning System in conducting surveys of wetlands; amending s. 373.536, F.S.; requiring the Executive Office of the Governor to present recommendations for water management district program priorities and legislation to the Legislature; providing that the Legislature shall adopt or modify program priorities for water management district budgets; providing that the districts shall incorporate these program priorities in developing their budgets; providing that the Executive Office of the Governor shall determine whether each district's budget is consistent with the applicable program priorities; providing that the Executive Office of the Governor shall disapprove those portions of a water management district's budget that are determined to be inconsistent with applicable program priorities; creating s. 373.0835, F.S.; creating the Independent Public Fiscal Office to provide fiscal oversight of each water management district on behalf of the people of the state; providing protection for employees of the water management districts and independent contractors; providing an effective date.

By the Committee on Regulated Industries and Senator Kurth—

CS for SB 2578—A bill to be entitled An act relating to Barefoot Bay Recreation District, Brevard County; providing for the issuance of a special alcoholic beverage license to a mobile home park recreation district operating within Brevard County; providing restrictions; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1213, CS for HB 1605; has passed as amended HB 367, CS for HB 505, CS for CS for HB 1589, HB 1957 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Health Care Services and Representative Murman and others—

CS for HB 1213—A bill to be entitled An act relating to health care; establishing the Prostate Cancer Task Force; providing for representation on the task force; providing responsibilities; requiring a report to the Governor and the Legislature; providing for future repeal; amending s. 240.5121, F.S.; increasing membership of the Florida Cancer Control and Research Advisory Council; requiring the council to purchase or develop a written summary of cancer treatment alternatives for prostate cancer; providing appropriations for developing or purchasing and for distributing bilingual pamphlets, and for developing and implementing education programs, on prostate cancer and breast cancer; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Finance and Taxation; and Representative Eggelletion—

CS for HB 1605—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S., which provides requirements for the determination of the millage levied by taxing authorities; revising the form of the notice of tax increase that must be published by school districts; revising the form of the notice of tax for school capital outlay that must be published by school districts; providing an effective date.

—was referred to the Committees on Community Affairs; Education; and Ways and Means.

By Representative Rayson and others—

HB 367—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Study Act"; requiring school districts to reduce the teacher-to-student ratio in certain schools; requiring the Department of Education to conduct a study of the efficacy of class size reductions; providing legislative goals; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Civil Justice and Claims; and Representative Bainter and others—

CS for HB 505—A bill to be entitled An act relating to private attorney services; amending s. 287.059, F.S.; providing that private attorney services procured by the Board of Trustees of the Florida School for the Deaf and the Blind are not required to have been approved in writing by the Attorney General; providing for disclosure by private attorneys contracting with the state with respect to clients suing or being sued by a state entity; requiring written waiver of potential conflict of interest to be obtained by the contracting attorney, under specified circumstances; providing that failure to make such disclosure or obtain waiver as required is a breach of the contract precluding entitlement to payment; requiring the Comptroller to refuse such payment, under specified circumstances; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Reform and Oversight.

By the Committees on Community Affairs, General Government Appropriations and Representative Westbrook and others—

CS for CS for HB 1589—A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, and 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, and 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending s. 403.7095, F.S.; deleting the expiration date for annual solid waste and recycling grants to small counties; creating s. 218.076, F.S.; providing for a waiver of permit processing fees under certain circumstances; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Representative Arnall—

HB 1957—A bill to be entitled An act relating to public records; creating s. 414.1035, F.S.; providing an exemption from public records requirements for identifying information relating to the drug screening, testing, or treatment of applicants for or recipients of WAGES Program assistance or services; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 222, CS for SB 482, CS for CS for SB 626, SB 712, SB 734, SB 768, SB 770, CS for CS for SB 1046, CS for SB 1052, SB 1334, SB 1336 and SB 1350.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 15 was corrected and approved.

CO-SPONSORS

Senators Bronson—CS for CS for CS for SB 1228; Campbell—SB 1576, CS for CS for CS for SB 1228; Casas—CS for CS for CS for SB 1228; Childers—CS for CS for CS for SB 1228; Clary—CS for CS for CS for SB 1228; Cowin—CS for CS for CS for SB 1228; Crist—CS for CS for CS for SB 1228; Diaz-Balart—CS for CS for CS for SB 1228; Dudley—CS for CS for CS for SB 1228, SB 1576; Dyer—CS for CS for CS for SB 1228; Forman—SB 1576; Geller—CS for CS for CS for SB 1228; Grant—CS for CS for CS for SB 1228, SB 1576; Gutman—CS for CS for CS for SB 1228; Harris—CS for CS for CS for SB 1228, SB 1576; Holzendorf—CS for CS for CS for SB 1228; Horne—SB 1192, CS for CS for CS for SB 1228; Jennings—CS for CS for CS for SB 1228; Kirkpatrick—CS for CS for CS for SB 1228, SB 1576; Klein—CS for CS for CS for SB 1228; Kurth—CS for CS for CS for SB 1228, SB 1576; Latvala—CS for CS for CS for SB 1228; Laurent—CS for CS for CS for SB 1228; Lee—CS for CS for CS for SB 1228; McKay—CS for CS for CS for SB 1228; Meadows—CS for CS for CS for SB 1228, SB 1576; Ostalkiewicz—SB 1576; Rossin—CS for CS for CS for SB 1228; Scott—CS for CS for CS for SB 1228; Silver—CS for SB 1584; Thomas—CS for CS for CS for SB 1228; Turner—CS for CS for CS for SB 1228; Williams—CS for CS for CS for SB 1228

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:45 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, April 17.

Journal of the Senate

Number 16—Regular Session **Friday, April 17, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—37:

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Geller	Laurent	Turner
Casas	Grant	Lee	Williams
Childers	Gutman	McKay	
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Excused: Senators Jones and Silver; Conferees periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by Senator Ostalkiewicz:

Father, you are merciful. You are wonderful. You have saved us.

Lord God, I thank you that you have put us in a place where we can do good for our state. Father, I pray that you give us wisdom that we would be circumspect, that we would not work out of pride or conceit, but that we would do what is right because it is right.

Father, I pray for your mercy today. I pray that you give us wisdom and grace. We pray this in the name of our Lord. Amen.

PLEDGE

Senate Pages Danielle Felton of Jacksonville and Gabrielle Ferrell of Port Orange, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Campbell, by two-thirds vote **SB 1628**, **SB 342**, **SB 344**, **SB 1500**, **SB 1502**, **SB 1638**, **SB 1832**, **SB 2118**, **SB 2148**, **SB 2152**, **SB 2266** and **SB 2348** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1868** was withdrawn from the Committee on Community Affairs; **SB 378** was withdrawn from the Committee on Children, Families and Seniors; **CS for SB 1680** was withdrawn from the Committee on Criminal Justice; **CS for SB 452** was withdrawn from the Committee on Judiciary; **SB 1368** was withdrawn from the Committee on Natural Resources; **SB 2504** was withdrawn from the Committee on Ways and Means; and **CS for SB 2480** was withdrawn from the Committee on Education.

On motion by Senator Dudley, by two-thirds vote **CS for SB 244**, **CS for SB 462**, **SB 588**, **SJR 610**, **CS for SB 962**, **CS for SB 1066**, **CS for SB 1258**, **CS for SB 1736**, **SB 2040**, **CS for SB 2126**, **SB 2162**, **CS for SB 2474**, **CS for SB 2484**, **SB 2534** and **SB 2592** were withdrawn from the Committee on Ways and Means.

On motion by Senator Dudley, by two-thirds vote **SB 1590** was withdrawn from the Committee on Ways and Means Subcommittee E (Finance and Tax).

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Monday, April 20, was set for filing amendments to Bills on Third Reading to be considered Tuesday, April 21.

CONSIDERATION OF BILLS ON THIRD READING

SENATOR BANKHEAD PRESIDING

Consideration of **CS for SB 1070** was deferred.

CS for HB 1903—A bill to be entitled An act relating to records of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.047, F.S.; providing an exemption from public records requirements for information relative to an investigation by the division under the Florida Uniform Land Sales Practices Law for a specified period; providing for continued exemption for certain information relative to such investigation under certain conditions; authorizing certain disclosure of such information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motions by Senator Dudley, **CS for HB 1903** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Harris	Meadows
Bronson	Diaz-Balart	Holzendorf	Myers
Brown-Waite	Dudley	Horne	Ostalkiewicz
Burt	Dyer	Klein	Rossin
Campbell	Forman	Kurth	Scott
Casas	Geller	Latvala	Sullivan
Childers	Grant	Laurent	Thomas
Clary	Gutman	Lee	Turner
Cowin	Hargrett	McKay	Williams

Nays—None

Consideration of **CS for HB 3287** was deferred.

CS for HB 1213—A bill to be entitled An act relating to health care; establishing the Prostate Cancer Task Force; providing for representation on the task force; providing responsibilities; requiring a report to the Governor and the Legislature; providing for future repeal; amending s. 240.5121, F.S.; increasing membership of the Florida Cancer Control and Research Advisory Council; requiring the council to purchase or develop a written summary of cancer treatment alternatives for prostate cancer; providing appropriations for developing or purchasing and for distributing bilingual pamphlets, and for developing and implementing education programs, on prostate cancer and breast cancer; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Grant, **CS for HB 1213** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Harris	Meadows
Bronson	Diaz-Balart	Holzendorf	Myers
Brown-Waite	Dudley	Horne	Ostalkiewicz
Burt	Dyer	Klein	Rossin
Campbell	Forman	Kurth	Scott
Casas	Geller	Latvala	Sullivan
Childers	Grant	Laurent	Thomas
Clary	Gutman	Lee	Turner
Cowin	Hargrett	McKay	Williams

Nays—None

CS for SB 1498—A bill to be entitled An act relating to the use of motor vehicles by persons who have disabilities; amending s. 316.1955, F.S.; clarifying standards for accessible parking spaces and parking access aisles; providing violations; providing penalties; amending s. 316.1958, F.S.; providing that a special motor vehicle license plate or parking permit issued by another state, district, or country is invalid with respect to a person who must have a Florida vehicle registration; amending s. 316.1964, F.S.; amending circumstances in which vehicles are exempt from paying parking fees and penalties; amending s. 318.18, F.S.; increasing the amount of the fine for illegally parking in a parking space for disabled persons; amending procedures for dismissing such fines and for distributing the proceeds of such fines; amending s. 320.0842, F.S.; amending prerequisites to qualifying for a free license plate as a veteran who uses a wheelchair due to a service-connected disability; amending s. 320.0843, F.S.; amending provisions related to license plates for wheelchair users; amending s. 320.0848, F.S.; amending provisions relating to the issuance of disabled parking permits; amending prerequisites; providing for replacement permits; providing for alternatives; amending requirements for the design of temporary permits; providing penalties for unlawfully displaying a disabled parking permit; providing additional grounds for confiscation of a disabled parking permit; providing for recordkeeping related to confiscation; providing for revoking the privilege of applying for a disabled parking permit; providing procedures related to confiscations and revocations; providing an effective date.

—as amended April 16 was read the third time by title.

Senator Ostalkiewicz moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 7, lines 1-5, delete those lines and insert: may not be dismissed for failure of the marking on the parking space to comply with this section if the space is in general compliance and is clearly distinguishable as a designated *accessible parking* space *for people who have disabilities. Only a warning may be issued for unlawfully parking in a space designated for persons with disabilities if there is no above-grade sign as provided in subsection (6).*

On motions by Senator Forman, **CS for SB 1498** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Bankhead	Diaz-Balart	Holzendorf	Myers
Bronson	Dudley	Horne	Ostalkiewicz
Brown-Waite	Dyer	Klein	Rossin
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Crist	Harris	Meadows	

Nays—None

CS for HB 3287—A bill to be entitled An act relating to affordable housing; amending s. 420.0005, F.S.; clarifying application of certain provisions to the State Housing Fund; amending s. 420.0006, F.S.; specifying an additional requirement for contracts with the Florida Housing Finance Corporation; providing duties of the Comptroller relating to certain advances to the corporation; amending s. 420.503, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.504, F.S.; providing for alternative public notice; providing the corporation is an instrumentality of the state; deleting a definition; amending s. 420.5061, F.S.; declaring the corporation a state agency for certain purposes; providing that the corporation may provide infrastructure improvements; amending s. 420.507, F.S.; including services within certain procurement requirement provisions; authorizing the corporation to mortgage certain property; deleting a budget limitation on certain programs; providing additional powers of the corporation; amending s. 420.5087, F.S.; clarifying application of the state fiscal year; amending s. 420.5088, F.S.; expanding availability of certain program funds; amending s. 420.5089, F.S.; deleting a requirement for certain program fund loan commitments under certain circumstances; amending s. 420.509, F.S.; clarifying application of provisions for public sale of corporation bonds; amending s. 420.511, F.S.; revising requirements for the corporation's business plan for affordable housing; amending s. 420.512, F.S.; limiting application of a term for certain purposes; amending s. 420.528, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.9071, F.S.; correcting a cross reference; clarifying application to the corporation's fiscal year; amending ss. 420.9073 and 420.9079, F.S.; clarifying application to the state fiscal year; repealing s. 420.504(8), F.S., relating to certain liability of members of the board of directors of the corporation; providing an effective date.

—was read the third time by title.

On motions by Senator Dyer, **CS for HB 3287** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Crist	Harris	Meadows
Bronson	Diaz-Balart	Holzendorf	Myers
Brown-Waite	Dudley	Horne	Ostalkiewicz
Burt	Dyer	Klein	Rossin
Campbell	Forman	Kurth	Scott
Casas	Geller	Latvala	Thomas
Childers	Grant	Laurent	Turner
Clary	Gutman	Lee	Williams
Cowin	Hargrett	McKay	

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2014** was deferred.

On motion by Senator Harris—

CS for CS for SB 2524—A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of

the WAGES Program State Board of Directors; allowing the Governor to designate the WAGES Program State Board of Directors as a nonprofit corporation; providing requirements; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate the amendment in a reference; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances; providing that an individual who cares for a disabled family member is exempt from certain time limitations; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; providing legislative intent; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1—On page 10, line 21, after the period (.) insert: *Should career service employees of the Department of Labor and Employment Security be subject to layoff due to the local WAGES coalitions taking over the delivery of such services, such employees shall be given priority consideration for employment by the local WAGES coalitions.*

Senator Turner moved the following amendment which was adopted:

Amendment 2—On page 20, lines 5 and 6, delete those lines and insert: *complying with all the requirements of the WAGES Program. The period for which*

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 3—On page 20, delete line 9 and insert: *October 1, 1996. A participant may not receive temporary cash*

Senator Forman moved the following amendment which failed:

Amendment 4 (with title amendment)—On page 28, between lines 5 and 6, insert:

Section 9. Section 414.25, Florida Statutes, is amended to read:

414.25 Exemption from leased real property requirements.—In order to facilitate implementation of this chapter with respect to establishing jobs and benefits offices, the Department of Labor and Employment Security and the Department of Children and Family Services are exempt from the requirements of s. 255.25 which relate to the procurement of leased real property. This exemption expires June 30, *2000* ~~1998~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, delete line 20 and insert: legislative intent; amending s. 414.25, F.S.; relating to exemption from leased property requirements for creation of one–stops; extending the exemption; providing an effective

Senator Hargrett moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 28, between lines 5 and 6, insert:

Section 9. Paragraph (g) is added to subsection (1) of section 234.01, Florida Statutes, to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(g) May provide transportation for WAGES program participants as defined in s. 414.0252.

Section 10. Present paragraph (b) of subsection (1) of section 234.211, Florida Statutes, is redesignated as paragraph (c), and a new paragraph (b) is added to that subsection to read:

234.211 Use of school buses for public purposes.—

(1)

(b) Each school district may enter into agreements with local WAGES coalitions for the provision of transportation services to WAGES program participants as defined in s. 414.0252. Agreements must provide for reimbursement in full or in part for the proportionate share of fixed and operating costs incurred by the school district attributable to the use of buses in accordance with the agreement.

Section 11. Subsection (13) is added to section 341.041, Florida Statutes, to read:

341.041 Transit responsibilities of the department.—The department shall, within the resources provided pursuant to chapter 216:

(13) Assist local governmental entities and other transit operators in the planning, development, and coordination of transit services for WAGES program participants as defined in s. 414.0252.

Section 12. Subsections (1) and (2) of section 341.052, Florida Statutes, are amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to "Section 9" providers and "Section 18" providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located. *In developing public transportation development plans, eligible providers must solicit comments from local WAGES coalitions established under chapter 414. The development plans must address how the public transit provider will work with the appropriate local WAGES coalition to provide services to WAGES participants. Eligible providers must review program and financial plans established under s. 414.028 and provide information to the local WAGES coalition serving the county in which the provider is located regarding the availability of transportation services to assist WAGES program participants.*

(2) Costs for which public transit block grant program funds may be expended include:

(a) Costs of public bus transit and local public fixed guideway capital projects.

(b) Costs of public bus transit service development and transit corridor projects. Whenever block grant funds are used for a service development project or a transit corridor project, the use of such funds is governed by s. 341.051. Local transit service development projects and transit corridor projects currently operating under contract with the department shall continue to receive state funds according to the contract until such time as the contract expires. Transit corridor projects, wholly within one county, meeting or exceeding performance criteria as described in the contract shall be continued by the transit provider at the same or a higher level of service until such time as the department, the M.P.O., and the service provider, agree to discontinue the service. The provider may not increase fares for services in transit corridor projects wholly within one county without the consent of the department.

(c) Costs of public bus transit operations.

All projects *must* ~~shall~~ be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government ~~comprehensive plans of local government~~ in which the project is located.

Section 13. Paragraph (a) of subsection (2) of section 414.026, Florida Statutes, is amended to read:

414.026 WAGES Program State Board of Directors.—

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner's designee.

2. The Secretary of Children and Family Services.

3. The Secretary of Health.

4. The Secretary of Labor and Employment Security.

5. The Secretary of Community Affairs.

6. The Secretary of Transportation, or the secretary's designee.

7.~~6.~~ The director of the Office of Tourism, Trade, and Economic Development.

8.~~7.~~ The president of the Enterprise Florida workforce development board, established under s. 288.9620.

9.~~8.~~ The chief executive officer of the Florida Tourism Industry Marketing Corporation, established under s. 288.1226.

10.~~9.~~ Nine members appointed by the Governor, as follows:

a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio nonvoting member.

b. Three members shall be at-large members appointed by the Governor.

c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole.

Section 14. Subsection (1) of section 414.20, Florida Statutes, is amended to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision of needed support services, the department and the Department of Labor and Employment Security may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary cash assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) TRANSPORTATION.—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. *Transportation services may include, but are not limited to, cooperative arrangements with the following: public transit providers; community transportation coordinators designated under chapter 427; school districts, churches and community centers; donated motor vehicle programs, vanpools, and ridesharing programs; small enterprise developments and entrepreneurial programs that encourage WAGES participants to become transportation providers; public and private transportation partnerships; and other innovative strategies to expand transportation options available to program participants.*

(a) Local WAGES coalitions are authorized to provide payment for vehicle operational and repair expenses, including repair expenditures necessary to make a vehicle functional; vehicle registration fees; driver's license fees; and liability insurance for the vehicle for a period of up to 6 months. Request for vehicle repairs must be accompanied by an estimate of the cost prepared by a repair facility registered under s. 559.904.

(b) Transportation disadvantaged funds as defined in chapter 427 do not include WAGES support services funds that are used for the provision of transportation services for WAGES program participants. It is the intent of the Legislature that local WAGES coalitions consult with local community transportation coordinators designated under chapter 427 regarding the availability and cost of transportation services through the coordinated transportation system prior to contracting for comparable transportation services outside the coordinated system. ~~Support services funds may also be used to develop transportation resources to expand transportation options available to participants. These services may include cooperative arrangements with local transit authorities or school districts and small enterprise development.~~

Section 15. Section 414.225, Florida Statutes, is created to read:

414.225 Transitional transportation.—In order to assist former WAGES participants in maintaining and sustaining employment, transportation may be provided, if funds are available, for up to 1 year after the participant is no longer eligible to participate in the program due to earnings. This does not constitute an entitlement to transitional transportation. If funds are not sufficient to provide services under this section, the department may limit or otherwise prioritize transportation services.

(1) Transitional transportation must be job related.

(2) Transitional transportation may include expenses identified in s. 414.20.

Section 16. Subsection (27) is added to section 427.013, Florida Statutes, to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(27) Ensure that local community transportation coordinators work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

Section 17. Subsection (9) is added to section 427.0155, Florida Statutes, to read:

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(9) Work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

Section 18. Subsection (7) is added to section 427.0157, Florida Statutes, to read:

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(7) Work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 20, after the semicolon (;) insert: amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation;

Senators Kirkpatrick, Bronson, Clary, Gutman, Hargrett, Harris, Holzendorf and McKay offered the following amendment which was moved by Senator Kirkpatrick:

Amendment 6 (with title amendment)—On page 28, between lines 5 and 6, insert:

Section 9. Section 414.80, Florida Statutes, is created to read:

414.80 Short title.—Sections 414.80-414.860 may be cited as the "WAGES Emergency Response Act."

Section 10. Section 414.810, Florida Statutes, is created to read:

414.810 Legislative findings and intent.—

(1) The Legislature finds that the success of the Work and Gain Economic Self–sufficiency (WAGES) Program depends upon the existence of sufficient employment opportunities compatible with the education and skill levels of participants in the WAGES Program.

(2) The Legislature finds that in several identifiable regions of the state there is an alarmingly inadequate supply of entry–level jobs in relation to the number of WAGES Program participants who are exhausting statutory limitations on the receipt of temporary cash assistance under the WAGES Program.

(3) The Legislature finds that the disparity between employment opportunities and the number of WAGES Program participants in these areas of critical state economic concern constitutes an economic development emergency with significant fiscal and social implications for these areas and for the state as a whole.

(4) The Legislature finds that there is an immediate need to facilitate the location and expansion of businesses and the creation of jobs in these areas of critical state economic concern, but that such activities may be hampered by existing budgetary, statutory, regulatory, or programmatic requirements.

(5) It is the intent of the Legislature to provide for a WAGES Emergency Response Program in order to ensure that the resources of state and local government are marshaled in a coordinated, effective, and timely manner to promote economic development and job creation integral to the success of the WAGES Program.

Section 11. Section 414.811, Florida Statutes, is created to read:

414.811 Policy and purpose.—Because the Legislature has determined that the state must take extraordinary measures to meet the employment needs of its residents who are transitioning from dependence on welfare to self–reliance through employment and to ensure that adequate employment opportunities exist for such residents, it is hereby found and declared necessary:

(1) To create a State WAGES Emergency Response Team to be composed of a state director and appointed agency WAGES Emergency Response Team Coordinators.

(a) The state director shall be appointed by the Governor, and for administrative purposes, shall be housed in the Executive Office of the Governor.

(b) Staffing for the State WAGES Emergency Response Team shall be provided by the Department of Community Affairs. The department shall coordinate the use of state facilities and resources in ensuring the successful completion of the team's objectives.

(2) To empower the State WAGES Emergency Response Team to facilitate the creation of employment opportunities in areas of critical state economic concern.

(3) To provide for coordination with local government of state designated projects.

Section 12. Section 414.812, Florida Statutes, is created to read:

414.812 Limitations.—

(1) The existence of the State WAGES Emergency Response Team is not designed to disrupt the orderly economic development of the state. Rather, it is created to coordinate state resources and rapidly eliminate barriers that prevent the creation of employment opportunities in designated regions and communities of the state.

(2) Nothing in ss. 414.80-414.860 shall be construed to:

(a) Interfere with the responsibilities of the Division of Community Affairs relative to the State Emergency Management Act under chapter 252;

(b) Interfere with military and defense obligations of the Florida National Guard; or

(c) Authorize the destruction of wetlands or other ecologically or environmentally sensitive lands.

Section 13. Section 414.813, Florida Statutes, is created to read:

414.813 Liberal construction.—Sections 414.80-414.860 shall be construed liberally in order to effectuate their purposes.

Section 14. Section 414.820, Florida Statutes, is created to read:

414.820 Designation of Areas of Critical State Economic Concern.—

(1) The Legislature declares the following Workforce Development Regions to be areas of critical state economic concern:

(a) Region 5—Gadsden, Leon, and Wakulla counties;

(b) Region 6—Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor counties;

(c) Region 7—Baker, Columbia, Dixie, Gilchrist, and Union counties;

(d) Region 19—DeSoto, Hardee, and Highlands counties; and

(e) Region 23—Dade and Monroe counties.

(2) By Executive Order, the Governor shall declare no more than 4 additional areas of the state as areas of critical state economic concern based upon the following criteria:

(a) Areas with a high proportion of families who had already received cash assistance in three our of the previous five years at the time their time limit was established;

(b) Areas with a high proportion of families subject to the WAGES time limit headed by a parent who was under age 24 at the time the time limit was established and who lacked high school or GED completion;

(c) Areas with a high proportion of families subject to the time limit who have used all of the available months of cash assistance since October 1996;

(d) Areas with a low ratio of new jobs per WAGES client;

(e) Areas with a low ratio of job openings requiring less than a high school degree per WAGES client;

(f) Areas with a high proportion of families subject to the time limit who are either within six months of the time limit or are receiving cash assistance under a period of hardship extension to the time limit;

(g) Areas with unusually high unemployment; and

(h) Areas identified as labor surplus areas using the criteria established by the U.S. Department of Labor Employment and Training Administration.

(3) Subcounty areas determined to have the greatest need for job creation as determined by the Workforce Development Board of Enterprise Florida, Inc., based upon the criteria in subsection (2) shall qualify for designation by the Governor under the authority provided by this section.

Section 15. Section 414.830, Florida Statutes, is created to read:

414.830 WAGES Emergency Response Program.—

(1)(a) By July 1, 1998, the heads of the Departments of Agriculture and Consumer Services, Labor and Employment Security, Community Affairs, Children and Family Services, Revenue, Business and Professional Regulation, Management Services, Military Affairs, Transportation, and Environmental Protection shall select from within each such department a person to be designated as the WAGES Emergency Response Coordinator for the department and a person to serve as an alternate.

(b) By July 1, 1998, the Comptroller; the Auditor General; the executive director of each water management district; and the heads of the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., State WAGES Board of Directors, Institute of Food and Agricultural Science, Florida Chamber of Commerce, the Florida Home Builders Association, the State Board of Community Colleges, Division of Workforce Development of the Department of Education, State University System, Florida Ports Council, and the Office of Planning and Budgeting shall select from within such organizations a person to be designated as the WAGES Emergency Response Coordinator for the organization and a person to serve as an alternate.

(c) By designation, the WAGES Emergency Response Coordinators are empowered to commit and coordinate those resources applicable to the organization that the coordinator represents. The WAGES Emergency Response Coordinators together with the state director comprise the WAGES Emergency Response Team, and are responsible for providing various resources dictated by need as determined by project teams.

(d) The head of each organization identified in paragraphs (a) and (b) shall notify the Governor and the state director in writing of the person initially designated as the WAGES Emergency Response Coordinator for such organization and his or her alternate and of any changes in persons so designated thereafter. The Governor may add individuals to the WAGES Emergency Response Team as deemed necessary.

(2) The State WAGES Emergency Response Team shall encourage state and local agencies to cooperatively solve all barriers for attracting and committing potential employers to locate in areas of critical state economic concern and to facilitate expansion of existing businesses in those areas. Once a local project leader or regional response team has identified a barrier that cannot be overcome through traditional means, the State WAGES Emergency Response Team may:

(a) By contract with the potential employer, waive any criteria, requirement or similar provision of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick–Response Training Program under s. 288.047, the WAGES Quick–Response Training Program, contracts for transportation projects under s. 288.063, the Qualified Defense contractor Tax Refund Program under s. 288.1045, the brownfield redevelopment bonus refunds under s. 288.107, the urban high–crime area and rural job tax credit programs under ss. 212.097, 212.098, and 220.1895;

(b) By contract with the potential employer, provide training and educational opportunities for new employees, develop training programs, and pay tuition or training expenses for employees;

(c) Contract with any Florida based provider of employment training services or educational services for the provision of services related to the team's responsibilities;

(d) Contract with potential employers to provide any service or product over which the team has control;

(e) Recommend emergency issues to the Governor for his consideration as matters requiring an executive order;

(f) Waive transportation provider preferences and exclusions provided to the Transportation Disadvantage Commission and associated providers; and

(g) Authorize the use of funds appropriated for the WAGES Emergency Response Program for the staffing expenses of the Department of Community Affairs.

(3) The State WAGES Emergency Response Team shall meet at a minimum on a monthly basis.

(4) In order to accomplish the goals of the State WAGES Emergency Response Team, the Governor may, by executive order:

(a) Exercise any power enumerated under s. 252.36; and

(b) Require, at the recommendation of the State WAGES Emergency Response Team, minimum hiring requirements of participants of the WAGES Program for contracts entered into by the Florida Department of Transportation or any school district entering into contract for capital construction.

(5) The State WAGES Emergency Response Team is directed to use local resources and financing whenever possible and to petition the Governor to use the powers granted in this act to finance local projects.

Section 16. Section 414.840, Florida Statutes, is created to read:

414.840 Regional WAGES Emergency Response Teams.—

(1) Enterprise Florida, Inc., in cooperation with the Department of Community Affairs, is responsible for initial organization of the regional response teams. Regional response teams shall be composed of representatives of cities and counties that have governing responsibilities for a given area. In addition to representatives of local government, a representative from the local WAGES coalition, the regional workforce development board, local economic development councils, and a representative of the local school board shall also be included on the regional response team. The team leader shall be selected by the team members.

(2)(a) Regional response teams shall assess businesses located in the region to identify potential expansion projects that may require the assistance of the state response team. The teams shall also identify underutilized local resources.

(b) Regional response teams shall be responsible for coordinating the efforts of local government and local agencies to attract potential new employers and shall work in conjunction with local economic development councils. Enterprise Florida, Inc., shall assist the regional response teams by providing research and advice in fulfilling their charge.

(c) A regional response team may propose any local opportunity for the expansion of an existing business or for the relocation to the region of an existing employer to the State WAGES Emergency Response Team to exercise the powers vested in the state team.

(d) It is the desire of the Legislature that local resources and local solutions shall be used first as the economic development resulting from the efforts of the teams will be felt greatest by local communities.

Section 17. Section 414.845, Florida Statutes, is created to read:

414.845 Local Project Teams.—

(1) Recognizing that significant job creation efforts often focus on development of specific sites and may include multiple employers, not more than 10 local project districts may be designated by the State WAGES Emergency Response Team. Not more than 3 of the local project districts may be created in Dade County. Not more than 7 may be located in legislatively designated areas of critical state economic concern, including those designated in Dade County. Such sites must be contiguous and capable of supporting businesses creating a total of 500 jobs or more.

(2) Upon designation of a local project district, a local project team shall be assembled and approved by the State WAGES Emergency Response Team, after consultation with the regional response team. Local project leaders should look first to the regional response teams for assistance, but may directly appeal to the State WAGES Emergency Response Team for assistance.

(3) Local project teams shall have the following powers and responsibilities:

(a) Local project teams are to aggressively solicit potential businesses for site specific projects;

(b) Local project teams shall assist potential employers in identifying and applying for all relevant incentives and permits;

(c) Local project teams, with permission of the State WAGES Emergency Response Team, may negotiate specific terms of agreement with potential employers; and

(d) Local project teams shall identify and assist in the elimination of local barriers to the location or expansion of a business at the site.

(4) In selecting potential projects, the State WAGES Emergency Response Team shall consider all projects submitted, and shall pay particular attention to projects which include elements relating to transportation distribution centers, warehousing facilities, agricultural processing and packaging, and the aquaculture industry. While traditional economic development does not usually focus on retail establishments, the team may consider projects which provide retail employment opportunities and select retail projects if they provide significant employment opportunities.

Section 18. Section 414.850, Florida Statutes, is created to read:

414.850 Expiration and review of WAGES Emergency Response Program.—Sections 414.80-414.860, expire June 30, 2002, and shall be reviewed by the Legislature and Enterprise Florida, Inc., prior to that date. In its review, the Legislature shall determine if the continued use of the WAGES Emergency Response Program fulfills a state need. Enterprise Florida, Inc., shall assess the usefulness and applicability of the WAGES Emergency Response Program for economic development projects.

Section 19. Section 414.860, Florida Statutes, is created to read:

414.860 Legislative oversight.—The President of the Senate shall appoint 2 members of the Senate and the Speaker of the House of Representatives shall appoint 2 members of the House of Representatives to serve as a legislative oversight committee to monitor and advise the State WAGES Emergency Response Team.

Section 20. *The State WAGES Emergency Response Team shall, from funds appropriated for the use of the team, contract with the Institute of Food and Agricultural Sciences for job creation and training activities related to the institute's Job Start, Care Giver Education, Aquaculture of High Value Species, and New Technologies in Plasticulture for Vegetable Producers programs.*

Section 21. Paragraph (h) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(h) Business property used in an enterprise zone.—

1. Beginning July 1, 1995, business property purchased for use by businesses located in an enterprise zone which is subsequently used in an enterprise zone shall be exempt from the tax imposed by this chapter. This exemption inures to the business only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To receive a refund, the business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, an application which includes:

a. The name and address of the business claiming the refund.

b. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

c. A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.

d. The location of the property.

e. The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

f. Whether the business is a small business as defined by s. 288.703(1).

g. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 2. and meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The business shall be responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the business property is purchased.

5. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. The amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or $5,000, or, if no less than 20 percent of the employees of the business are residents

of an enterprise zone, excluding temporary and part-time employees, the amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or $10,000. A refund approved pursuant to this paragraph shall be made within 30 days of formal approval by the department of the application for the refund. No refund shall be granted under this paragraph unless the amount to be refunded exceeds $100 in sales tax paid on purchases made within a 60-day time period.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. If the department determines that the business property is used outside an enterprise zone within 3 years from the date of purchase, the amount of taxes refunded to the business purchasing such business property shall immediately be due and payable to the department by the business, together with the appropriate interest and penalty, computed from the date of purchase, in the manner provided by this chapter. *Notwithstanding this subparagraph, in order to provide greater employment opportunities in areas of critical state economic concern, business property used exclusively in:*

a. Licensed commercial fishing vessels,

b. Fishing guide boats, or

c. Ecotourism guide boats

that leave and return to a fixed location within an area designated under s. 370.28 are eligible for the exemption provided under this paragraph if all requirements of this paragraph are met. Such vessels and boats must be owned by a business that is eligible to receive the exemption provided under this paragraph. This exemption does not apply to the purchase of a vessel or boat.

8. The department shall deduct an amount equal to 10 percent of each refund granted under the provisions of this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the business property is located and shall transfer that amount to the General Revenue Fund.

9. For the purposes of this exemption, "business property" means new or used property defined as "recovery property" in s. 168(c) of the Internal Revenue Code of 1954, as amended, except:

a. Property classified as 3-year property under s. 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

b. Industrial machinery and equipment as defined in sub-subparagraph (b)6.a. and eligible for exemption under paragraph (b); and

c. Building materials as defined in sub-subparagraph (g)8.a.

10. The provisions of this paragraph shall expire and be void on December 31, 2005.

Section 22. Subsection (1) and paragraph (a) of subsection (3) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(a) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business, located in an enterprise zone. An eligible business does not include any business which has claimed the credit permitted under s. 220.181 for any new business employee first beginning employment with the business after July 1, 1995.

(b) "Month" means either a calendar month or the time period from any day of any month to the corresponding day of the next succeeding month or, if there is no corresponding day in the next succeeding month, the last day of the succeeding month.

(c) "New employee" means a person residing in an enterprise zone, *a qualified Job Training Partnership Act classroom training participant, or a WAGES Program participant* who begins employment with an eligible business after July 1, 1995, and who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed by this section.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided the person is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in the enterprise zone.

(3) In order to claim this credit, an eligible business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides *if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a WAGES Program participant.*

Section 23. Paragraph (q) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(q) "New employee," for the purposes of the enterprise zone jobs credit, means a person residing in an enterprise zone, *a qualified Job Training Partnership Act classroom training participant, or a WAGES Program participant* employed at a business located in an enterprise zone who begins employment in the operations of the business after July 1, 1995, and who has not been previously employed within the preceding 12 months by the business or a successor business claiming the credit pursuant to s. 220.181. A person shall be deemed to be employed by such a business if the person performs duties in connection with the operations of the business on a full-time basis, provided she or he is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided she or he is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in an enterprise zone. The provisions of this paragraph shall expire and be void on June 30, 2005.

Section 24. Paragraph (a) of subsection (2) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(2) When filing for an enterprise zone jobs credit, a business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence during the taxable year, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the new employee resides *if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a WAGES Program participant.*

Section 25. Subsection (10) is added to section 288.047, Florida Statutes, to read:

288.047 Quick-response training for economic development.—

(10) There is created a Quick–response Training Program for Work and Gain Economic Self–sufficiency (WAGES) participants. Enterprise Florida, Inc., may, at the discretion of the State WAGES Emergency

Response Team, award quick–response training grants and develop applicable guidelines for the training of participants in the WAGES Program. In addition to a local economic development organization, grants must be endorsed by the applicable local WAGES coalition and regional workforce development board.

(a) Training funded pursuant to this subsection may not exceed 12 months, and may be provided by the local community college, school district, regional workforce development board, or the business employing the participant, including on–the–job training. Training will provide entry–level skills to new workers, including those employed in retail, who are participants in the WAGES Program.

(b) WAGES participants trained pursuant to this subsection must be employed at a wage not less than $6.00 per hour.

(c) Funds made available pursuant to this subsection may be expended in connection with the relocation of a business from one community to another community if approved by the State WAGES Emergency Response Team.

Section 26. Subsection (4) of section 370.28, Florida Statutes, is amended, and subsection (5) is added to that section to read:

370.28 Enterprise zone designation; communities adversely impacted by net limitations.—

(4) Notwithstanding the enterprise zone residency requirements set out in ss. 212.096(1)(c) and 220.03(1)(q), businesses located in enterprise zones designated pursuant to this section may receive the credit provided under s. 212.096 or s. 220.181 for hiring any person within the jurisdiction of the *county within which* ~~nominating community of~~ such enterprise zone *is located*. All other provisions of ss. 212.096, 220.03(1)(q), and 220.181 apply to such businesses. *To increase employment opportunities for WAGES clients and prevent other persons from reliance on WAGES benefits, notwithstanding the requirement specified in ss. 212.08(5)(g)5. and (h)5. and (15)(a) and 220.182(1)(b) that no less than 20 percent of a business's employees, excluding temporary and part–time employees, must be residents of an enterprise zone for the business to qualify for the maximum exemption or credit provided in ss. 212.08(5)(g) and (h) and (15) and 220.182, a business that is located in an enterprise zone designated pursuant to this section shall be qualified for those maximum exemptions or credits if no less than 20 percent of such employees of the business are residents of the jurisdiction of the county within which the enterprise zone is located. All other provisions of ss. 212.08(5)(g) and (h) and (15) and 220.182 apply to such business.*

(5) Notwithstanding the time limitations contained in chapters 212 and 220, a business eligible to receive tax credits under this section from January 1, 1997, to June 1, 1998, must submit an application for the tax credits by December 1, 1998. All other requirements of the enterprise zone program apply to such a business.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 20, after the semicolon (;) insert: creating s. 414.80, F.S.; designating specified sections as the "WAGES Emergency Response Act"; creating s. 414.810, F.S.; providing legislative findings and intent; creating s. 414.811, F.S.; providing for policy and purposes relating to the WAGES Emergency Response Program; creating s. 414.812, F.S.; limiting authority of the State WAGES Emergency Response Team; creating s. 414.813, F.S.; providing for liberal construction; creating s. 414.820, F.S.; designating areas of critical state economic concern; creating s. 414.830, F.S.; providing for WAGES Emergency Response Team Coordinators; providing team authorities; providing for gubernatorial authorities; creating s. 414.840, F.S.; creating Regional WAGES Emergency Response Teams; providing for responsibilities; creating s. 414.845, F.S.; creating local project teams; providing for powers and responsibilities for such teams; creating s. 414.850, F.S.; providing for expiration and review of the WAGES Emergency Response Program; creating s. 414.860, F.S.; providing for a legislative oversight committee; requiring a contract related to job creation and training activities; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.047, F.S.; creating a Quick–response Training Program for WAGES participants; providing requirements; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain;

Senator Kirkpatrick moved the following amendment to **Amendment 6** which was adopted:

Amendment 6A—On page 4, line 27, delete "*our*" and insert: *out*

Amendment 6 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 2524** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Myers—

CS for SB 2310—A bill to be entitled An act relating to trust funds; creating the Work and Gain Economic Self-sufficiency (WAGES) Trust Fund for the deposit of federal funds that support the WAGES Program; providing for the investment and appropriation of trust fund moneys; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Myers and adopted:

Amendment 1 (with title amendment)—On page 1, lines 13-21, delete those lines and insert:

Section 1. *(1) The Temporary Assistance for Needy Families Trust Fund is created for the deposit of all federal funds that support the WAGES Program, established under chapter 414, Florida Statutes.*

(Redesignate subsequent paragraph.)

And the title is amended as follows:

On page 1, lines 5-7, delete those lines and insert: that support the WAGES Program; providing for future review and

Amendment 2—On page 1, lines 27-31, delete those lines and insert:

Section 2. This act shall take effect July 1, 1999.

Pursuant to Rule 4.19, **CS for SB 2310** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

SB 510—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising certain definitions; amending s. 517.051, F.S.; specifying additional securities as exempt from certain registration requirements; specifying priority of application; amending s. 517.061, F.S.; clarifying the exemption of certain securities in certain transactions from registration requirements; specifying additional transactions as exempt from certain registration requirements; amending ss. 517.081, 517.082, 517.12, F.S.; authorizing the Department of Banking and Finance to adopt certain rules for electronic deposits and filings; correcting a cross reference; including certain notice filing requirements within application of certain registration provisions; requiring certain dealers to comply with net capital and ratio requirements; providing application; creating s. 517.1201, F.S.; specifying notice filing requirements for federal covered advisers; prohibiting certain activities;

providing for certain fees; authorizing the Department of Banking and Finance to adopt rules; providing for permits for certain purposes; amending ss. 517.1205, 517.131, F.S.; including federal covered advisers within application of certain registration requirements; amending s. 517.161, F.S.; specifying additional conditions for denial, revocation, restriction, or suspension of certain registrations; amending s. 517.302, F.S.; providing for additional uses of moneys in the Anti-Fraud Trust Fund; amending s. 517.311, F.S.; clarifying application of false representation and deceptive words proscriptions to notice filings; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 510** to **HB 3239**.

Pending further consideration of **SB 510** as amended, on motion by Senator Horne, by two-thirds vote **HB 3239** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator Horne—

HB 3239—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising certain definitions; amending s. 517.051, F.S.; specifying additional securities as exempt from certain registration requirements; specifying priority of application; amending s. 517.061, F.S.; clarifying the exemption of certain securities in certain transactions from registration requirements; specifying additional transactions as exempt from certain registration requirements; amending ss. 517.081, 517.082, and 517.12, F.S.; authorizing the Department of Banking and Finance to adopt certain rules for electronic deposits and filings; correcting a cross reference; including certain notice filing requirements within application of certain registration provisions; requiring certain dealers to comply with net capital and ratio requirements; providing application; creating s. 517.1201, F.S.; specifying notice filing requirements for federal covered advisers; prohibiting certain activities; providing for certain fees; authorizing the Department of Banking and Finance to adopt rules; providing for permits for certain purposes; amending ss. 517.1205 and 517.131, F.S.; including federal covered advisers within application of certain registration requirements; amending s. 517.161, F.S.; specifying additional conditions for denial, revocation, restriction, or suspension of certain registrations; amending s. 517.302, F.S.; providing for additional uses of moneys in the Anti-Fraud Trust Fund; amending s. 517.311, F.S.; clarifying application of false representation and deceptive words proscriptions to notice filings; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 510** as amended and read the second time by title.

Senator Horne moved the following amendments which were adopted:

Amendment 1—On page 3, lines 17-20, delete those lines and insert: *Investment Advisers Act of 1940. The term "federal covered adviser" does not*

Amendment 2—On page 13, lines 22-29, delete those lines and insert:

(4) No investment adviser or associated person of an investment adviser *or federal covered adviser* shall engage in business from offices in this state, or render investment advice to persons of this state, by mail or otherwise, unless the *federal covered adviser has made a notice filing with the department pursuant to s. 517.1201 or the* investment adviser *is registered pursuant to the provisions of this chapter* and associated persons *of the federal covered adviser or investment adviser* have been registered with the department pursuant to this section. *The department shall not register any person or an associated person of a federal covered adviser or an investment adviser unless the federal covered adviser or investment adviser with which the applicant seeks*

Pursuant to Rule 4.19, **HB 3239** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

SB 1724—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; revising definitions of employment and wages to incorporate additional exclusions; amending s. 443.091, F.S.; clarifying certain benefit eligibility conditions relating to services at educational institutions; amending s. 443.191, F.S.; limiting use of certain moneys in the Unemployment Compensation Trust Fund for a time certain; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1724** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SB 1176—A bill to be entitled An act relating to rulemaking authority of the Department of Environmental Protection with respect to phosphogypsum management; requiring the Department of Environmental Protection to adopt rules to ensure that phosphogypsum stack systems are operated to meet critical safety standards by July 1, 1999; amending s. 403.1651, F.S.; authorizing the Department of Environmental Protection to enter into settlements in which moneys are to be deposited into a local pollution-recovery fund and used for specified purposes; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1—On page 2, lines 28-31, delete those lines and insert: *joint enforcement with the Hillsborough County pollution control program, as a program approved by the department pursuant to s. 403.182, in which the department agrees that moneys are to be deposited into that local program's pollution-recovery fund and used for projects directed toward addressing*

Pursuant to Rule 4.19, **CS for SB 1176** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

CS for SB 1678—A bill to be entitled An act relating to driver improvement schools; amending s. 318.1451, F.S.; providing additional standards for such schools; providing duties of the Department of Highway Safety and Motor Vehicles; deleting an obsolete requirement; providing for rulemaking; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1678** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent, by two-thirds vote **HB 4501** was withdrawn from the Committees on Banking and Insurance; and Rules and Calendar.

On motion by Senator Laurent, by two-thirds vote—

HB 4501—A bill to be entitled An act relating to conversion of credit unions; prohibiting the Department of Banking and Finance from approving the conversion of federally-chartered credit unions to state-chartered credit unions except under certain circumstances; providing criteria; providing an effective date.

—a companion measure, was substituted for **CS for SB 2300** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 4501** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 1596—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term "water control district" and revising the definition of the term "water control plan"; amending s. 298.11, F.S.; providing for landowner vote of

fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer's annual report; amending s. 298.301, F.S.; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross-reference; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; repealing s. 298.337, F.S., relating to levies of assessments on land use for land less than 1 acre; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1596** to **CS for CS for HB 3421**.

Pending further consideration of **CS for SB 1596** as amended, on motion by Senator Rossin, by two-thirds vote **CS for CS for HB 3421** was withdrawn from the Committees on Natural Resources; Community Affairs; and Ways and Means.

On motion by Senator Rossin, by two-thirds vote—

CS for CS for HB 3421—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term "water control district" and revising the definition of the term "water control plan"; amending s. 298.11, F.S.; providing for landowner vote for fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer's annual report; amending s. 298.301, F.S.; providing authority for modification of district boundaries; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross reference; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; repealing s. 298.337, F.S., relating to levies of assessments on land less than 1 acre; providing an effective date.

—a companion measure, was substituted for **CS for SB 1596** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 3421** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 1462—A bill to be entitled An act relating to retirement funds; amending and revising the provisions of ss. 175.071, 185.06, F.S.; revising investment provisions to permit municipalities greater investment latitude to make foreign investments; providing for general powers and duties of the board of trustees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1462** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer, by two-thirds vote **HB 627** was withdrawn from the Committee on Community Affairs.

On motion by Senator Dyer—

HB 627—A bill to be entitled An act relating to community redevelopment and neighborhood improvement; amending s. 163.340, F.S.; including the reduction or prevention of crime within community redevelopment activities under the Community Redevelopment Act of 1969 and defining "community policing innovation"; amending ss. 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, 163.380 and 163.387, F.S.; including the development and implementation of community policing innovations in provisions relating to the encouragement of private enterprise participation in redevelopment, elements of the workable program, exercise of powers under the act, and elements of the community redevelopment plan; authorizing the county or municipality to appropriate funds for community policing innovations; authorizing use of moneys in the redevelopment trust fund for community policing innovations; providing an additional requirement for acquisition of land for nonresidential uses; subject to specified conditions, authorizing a county, municipality, or community redevelopment agency to acquire and dispose of certain properties immediately adjacent to existing projects without complying with specified disposition procedures; amending ss. 163.502, 163.503, 163.506, 163.511, 163.512, 163.513, 163.514, 163.516, 163.519, and 163.521, F.S.; including crime prevention through development and implementation of community policing innovations in powers of neighborhood improvement districts under the Safe Neighborhoods Act; authorizing use of special assessments for community policing innovations; including community policing innovations within safe neighborhood improvement plans; providing duties of the Department of Legal Affairs with respect to community policing innovations; including capital improvements related to community policing innovations in provisions which authorize certain local governments to request state funding for certain capital improvements; creating s. 943.1729, F.S.; authorizing the Criminal Justice Standards and Training Commission to incorporate community policing concepts into law enforcement officers' certification curriculum and establish a community policing continued-employment training component for such officers; providing an effective date.

—a companion measure, was substituted for **SB 474** and read the second time by title.

Pursuant to Rule 4.19, **HB 627** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **CS for HB 489** was withdrawn from the Committees on Agriculture; Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Bronson—

CS for HB 489—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.461, F.S.; specifying the types of additional use factors that the property appraiser may consider in assessing agricultural land; providing that the property appraiser, when utilizing the income methodology approach, shall rely on 5-year moving average data for assessment; providing an effective date.

—a companion measure, was substituted for **SB 410** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 489** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 376** was deferred.

On motion by Senator Brown-Waite—

CS for SB 592—A bill to be entitled An act relating to water management; creating the Lake Panasoffkee Restoration Council; providing for its membership, powers, and duties; requiring the Southwest Florida Water Management District to provide staff for the council and to award contracts subject to an appropriation of funds; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 5, between lines 3 and 4, insert:

Section 3. *The sum of $45,000 is appropriated from the General Revenue Fund to the Southwest Florida Water Management District for the purpose of paying administrative, per diem, and travel expenses of the Lake Panasoffkee Restoration Council.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: providing an appropriation;

Pursuant to Rule 4.19, **CS for SB 592** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, the rules were waived and the Senate reverted to—

MATTERS ON RECONSIDERATION

The motion by Senator McKay that the Senate reconsider the vote by which—

CS for SB 492—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment to property owners; amending s. 194.032, F.S.; revising the time in which a value adjustment board hearing must be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

—passed April 16 was taken up and the motion was adopted.

Pending further consideration of **CS for SB 492**, on motion by Senator McKay, by two-thirds vote **HB 1555** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator McKay, by two-thirds vote—

HB 1555—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment for municipal improvements to property owners; amending s. 194.032, F.S.; revising the time period during which a value adjustment board hearing may be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

—a companion measure, was substituted for **CS for SB 492** and by two-thirds vote read the second time by title. On motions by Senator McKay, by two-thirds vote **HB 1555** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Campbell—

CS for SB 1584—A bill to be entitled An act relating to health maintenance organizations; creating s. 641.3155, F.S.; prescribing time for paying claims for services or goods by a provider; providing procedures for denying or contesting a claim; providing time limitations; providing notice; providing method for making payments, denying or contesting a claim, and providing notice; providing interest on overdue payment of claim; providing for a waiver of a health maintenance organization's rights under a provider contract and consequences for failure of an organization to comply with the provisions of the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1584** was placed on the calendar of Bills on Third Reading.

On motion by Senator Scott—

SB 1896—A bill to be entitled An act relating to nonprofit private schools; amending s. 159.27, F.S.; redefining the term "educational facility" to include property used for the operation of certain nonprofit private schools; providing requirements relating to financing; amending s. 623.13, F.S.; authorizing financing under the Florida Industrial Development Financing Act or by industrial development authorities; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1896** to **CS for CS for HB 1793**.

Pending further consideration of **SB 1896** as amended, on motion by Senator Scott, by two-thirds vote **CS for CS for HB 1793** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Scott—

CS for CS for HB 1793—A bill to be entitled An act relating to nonprofit private schools; amending s. 159.27, F.S.; redefining the term "educational facility" to include property used for the operation of certain nonprofit private schools; providing requirements relating to financing; amending s. 623.13, F.S.; authorizing financing under the Florida Industrial Development Financing Act; providing an effective date.

—a companion measure, was substituted for **SB 1896** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1793** was placed on the calendar of Bills on Third Reading.

SB 564—A bill to be entitled An act relating to higher education; amending s. 240.299, F.S.; providing reporting requirements for university direct-support organizations; amending s. 240.311, F.S., relating to rules of the State Board of Community Colleges; requiring a community college district board of trustees to annually evaluate the college president; amending s. 240.324, F.S.; providing an additional requirement for the accountability plan for community colleges; amending ss. 240.331, 240.3315, F.S.; prescribing membership of boards of directors and executive committees of community college direct-support organizations and statewide community college direct-support organizations; restricting activities of such direct-support organizations; providing reporting requirements for such organizations; amending s. 240.3335, F.S.; removing the authority of a board of directors of a center of technology innovation to acquire, lease, or sublease property; amending s. 240.363, F.S.; providing restrictions upon the transfer of funds to a direct-support organization; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Kurth and adopted:

Amendment 1—On page 4, line 5, delete "*statewide,*"

Amendment 2—On page 5, lines 4-14, delete those lines and redesignate subsequent paragraphs.

Senator Grant moved the following amendment:

Amendment 3 (with title amendment)—On page 9, line 30 through page 10, line 17, delete those lines and redesignate subsequent section.

And the title is amended as follows:

On page 1, lines 23-25, delete those lines and insert: sublease property;

Senator Kurth moved the following substitute amendment:

Amendment 4—On page 10, lines 5 and 6, delete those lines and insert: *community college may not pledge public funds or*

On motion by Senator Kurth, further consideration of **SB 564** with pending **Amendment 4** was deferred.

On motion by Senator Latvala, by two-thirds vote **HB 1893** was withdrawn from the Committee on Community Affairs.

On motion by Senator Latvala—

HB 1893—A bill to be entitled An act relating to designation of state buildings; designating a state veterans' nursing home in Land O' Lakes, Pasco County, as the "Baldomero Lopez State Veterans' Nursing Home"; providing an effective date.

—a companion measure, was substituted for **SB 254** and read the second time by title.

Pursuant to Rule 4.19, **HB 1893** was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

SB 746—A bill to be entitled An act relating to confidentiality of records and meetings of the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; providing exemptions from public records requirements for underwriting files, open claim files, audit records for a specified time, matters reasonably encompassed in privileged attorney-client communications, licensed proprietary information made confidential by contract, certain employee medical records and employee assistance programs records, certain negotiation information for a specified time, minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding claims files for a specified time; providing requirements regarding sharing of confidential records; providing an exemption from public meetings requirements for meetings during which underwriting files or open claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 746** to **CS for HB 1887**.

Pending further consideration of **SB 746** as amended, on motion by Senator Williams, by two-thirds vote **CS for HB 1887** was withdrawn from the Committees on Banking and Insurance; and Governmental Reform and Oversight.

On motion by Senator Williams—

CS for HB 1887—A bill to be entitled An act relating to confidentiality of records and meetings of the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; providing exemptions from public records requirements for underwriting files, open claim files, audit records for a specified time, matters reasonably encompassed in privileged attorney-client communications, licensed proprietary information made confidential by contract, certain employee medical records and employee assistance programs records, certain negotiation information for a specified time, minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding claims files for a specified time; providing requirements regarding sharing of confidential records; providing an exemption from public meetings requirements for meetings during which underwriting files or open claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 746** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1887** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **CS for HB 3161** was withdrawn from the Committees on Criminal Justice; and Executive Business, Ethics and Elections.

On motion by Senator Bronson—

CS for HB 3161—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.532, F.S.; providing requirements with respect to recordings made during the formal interrogation of a law enforcement or correctional officer; amending s. 112.533, F.S.; providing for rights of law enforcement and correctional officers to review their personnel files, attach a response, and receive a copy of certain materials in the file; providing for application to the release of certain information; amending s. 943.135, F.S.; permitting law enforcement officers who are elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

—a companion measure, was substituted for **SB 2012** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3161** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2054** was deferred.

On motion by Senator Ostalkiewicz—

CS for SB 608—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the United States Internal Revenue Code for purposes of the corporate income tax; amending s. 220.02, F.S.; providing legislative intent regarding taxation of a "qualified subchapter S subsidiary;" amending s. 220.22, F.S.; requiring certain returns; providing for retroactive effect; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 608** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

SB 1944—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; creating s. 535.08, F.S.; providing a prohibition against the administration of medications to thoroughbred horses prior to sale; providing an exception and certain requirements; providing for testing; providing penalties; amending s. 535.11, F.S., relating to prohibition against administration of drugs to horses; providing a definition; creating s. 585.147, F.S.; requiring a permit for transporting or hauling certain animals or animal products; requiring fees; providing vehicle and container requirements; amending s. 216.181, F.S., relating to approved budgets; exempting the Department of Agriculture and Consumer Services from certain restrictions on lump-sum salary bonuses; amending s. 500.09, F.S.; authorizing the department to perform certain laboratory services relating to food safety and establish fees therefor; amending s. 500.121, F.S.; adding new disciplinary procedures for food establishments operating without a permit or with a suspended or revoked permit; providing a penalty; amending s. 570.07, F.S.; authorizing an employees' benefit fund; amending s. 570.952, F.S.; revising membership of the Florida Agriculture Center and Horse Park Authority; amending s. 571.25, F.S.; changing the registration date for membership in the Florida Agricultural Promotional Campaign; amending s. 581.031, F.S.; providing duties of the department relating to a commercial citrus inventory; amending s. 581.131, F.S.; raising the cap on nursery and nursery stock dealer certificate of registration and renewal fees; amending s. 500.11, F.S.; specifying conditions for animal products

to be considered misbranded; amending ss. 570.50, 570.51, F.S.; deleting powers and duties of the Division of Food Safety of the Department of Agriculture and Consumer Services relating to certain animal and animal product inspection; amending and transferring ss. 585.89, 585.92, F.S., relating to prohibitions on purchase of beef and pork, specifications for bid invitations, penalties, and labeling requirements; conforming provisions; amending s. 828.22, F.S.; correcting a cross-reference; amending s. 877.05, F.S., relating to the killing of young veal for sale; conforming provisions; repealing s. 205.1951, F.S., relating to the issuance of a grant of inspection or a custom animal slaughtering or processing establishment permit; repealing ss. 585.70, 585.88, 585.90, 585.91, 585.93, 585.96, F.S., relating to animal and animal product inspection and labeling; repealing ss. 828.23(5) and (6), 828.24, 828.25, 828.26(2), F.S., relating to definitions of terms "packer" and "stockyard," prohibited acts, department administration, and penalties pertaining to slaughter of livestock; repealing s. 877.06, F.S., relating to labeling of beef not slaughtered according to state or United States standards; repealing s. 102, ch. 92-291, Laws of Florida, relating to review and repeal of ss. 500.12, 500.121, F.S.; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendments which were moved by Senator Thomas and adopted:

Amendment 1 (with title amendment)—On page 7, lines 1 and 2, delete "*The department shall collect an annual fee of $200 for the permit.*"

And the title is amended as follows:

On page 1, lines 13 and 14, delete "requiring fees;"

Amendment 2 (with title amendment)—On page 10, lines 15-22, delete section 11 and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 4-6, delete those lines and insert: inventory;

Senator Thomas moved the following amendments which were adopted:

Amendment 3—On page 3, line 16, after "*for*" insert: *licensed*

Amendment 4—On page 4, lines 11-12, delete those lines and insert: *designated by the department, may collect a blood sample from any thoroughbred horse offered at a licensed thoroughbred horse*

Amendment 5—On page 4, delete line 12 and insert: *any thoroughbred horse offered or sold at a licensed thoroughbred horse*

Amendment 6—On page 4, lines 22-27, delete those lines and insert:

(b) Any such blood sample shall be delivered for initial testing to an official laboratory approved by the department. One-half of any such blood sample shall be used for initial testing and the remaining one-half shall be stored for possible follow-up testing for a period of not less than 2 weeks after receipt of the initial test results.

Amendment 7 (with title amendment)—On page 5, between lines 9 and 10, insert:

(e) The department shall by rule, establish those medications and depressants for which a tolerance may be set that, if found in the blood sample, may be construed to be forbidden substances; shall establish procedures for the collection, handling, and storage of blood samples; and shall specify the type of test to be used. Until such time that a tolerance or test is established, a zero tolerance will be enforced.

And the title is amended as follows:

On page 1, line 8, after the first semicolon (;) insert: providing for a tolerance or test for medications and depressants;

Amendment 8—On page 5, line 18, before "*public*" insert: *licensed*

Amendment 9 (with title amendment)—On page 7, lines 10-17, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 15-19, delete those lines and insert: requirements; amending s. 500.09, F.S.; authorizing

Pursuant to Rule 4.19, **SB 1944** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

SB 2314—A bill to be entitled An act relating to rulemaking authority of boards of trustees of community colleges (RAB); amending s. 240.319, F.S.; prescribing rulemaking authority or such boards of trustees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2314** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

CS for SB 280—A bill to be entitled An act relating to sales contracts for motor vehicle or truck repair parts; creating s. 686.30, F.S.; providing for contract agreement; providing requirements with respect to agreements between manufacturers and distributors of and dealers in motor vehicle or truck repair parts; requiring that termination of such contracts be done in good faith; providing definitions; prohibiting certain coercive acts by manufacturers; providing for liability; providing for applicability; providing liability of a manufacturer for terminating, canceling, or failing to renew a contract without good cause, for failure to make payments owed, and for failure to supply repair parts; providing for attorney's fees; providing for injunctive relief; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment:

Amendment 1 (with title amendment)—On page 1, line 29 through page 3, line 19, delete those lines and insert:

(1) Any manufacturer of repair parts for motor vehicles or trucks who enters into a contract with a distributor of repair parts whereby the distributor agrees to maintain a stock of parts may not terminate or cancel any such contract with the distributor without good cause.

(2) For the purposes of this section:

(a) "Good cause" for terminating or canceling a contract is limited to failure by the person, firm, corporation, or limited liability company in the business of selling and retailing or wholesaling to comply with those requirements imposed by the written contract between the parties. Further, the determination by the manufacturer of good cause for such termination, cancellation, or failure to renew must be made in good faith.

(b) The term "repair parts" means any products that are installed on a motor vehicle or truck or any product used in the process of repairing a motor vehicle or truck.

(c) The term "distributor" means any person, firm, corporation, or limited liability company engaged in the business of selling, retailing, or wholesaling automotive repair parts.

(d) The term "manufacturer" means any person engaged in the business of manufacturing, assembling, repackaging, or relabeling new or unused automotive repair parts.

(3) If a contract is terminated in violation of subparagraph (b)1., the manufacturer is liable for 100 percent of the net cost of parts still in the distributor's inventory, 5 percent of the costs of loading and handling, and reasonable freight charges that have been paid by the distributor. The prevailing party in a legal action arising out of such a violation is entitled to attorney's fees. The obligations of a manufacturer apply to any successor in interest or assignee of that manufacturer. A successor in interest includes any purchaser of assets or stock, any surviving corporation or limited liability company resulting from a merger or liquidation, any receiver, or any trustee of the original manufacturer.

And the title is amended as follows:

On page 1, lines 10-17, delete those lines and insert: providing definitions; providing penalties for terminating a contract in specified circumstances; providing for attorney's fees for the prevailing party in certain legal actions;

Senator Williams moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 2, line 24, insert:

(4) A manufacturer of repair parts who enters into a contract with a distributer may not coerce or attempt to coerce a distributer into a refusal to purchase automotive repair parts or equipment from another manufacturer. A manufacturer and distributer may enter into an exclusive contract. Negotiating an exclusive contract shall not be considered coercion.

And the title is amended as follows:

On page 3, line 4, after the semicolon (;) insert: prohibiting coercion respecting exclusive purchase of parts; allowing the negotiation of an exclusive contract;

SENATOR BANKHEAD PRESIDING

On motion by Senator Williams, further consideration of **CS for SB 280** with pending **Amendment 1** as amended was deferred.

On motion by Senator McKay—

CS for CS for SB 1796—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.411, F.S.; requiring that the Department of Children and Family Services notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain specified sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 490.012, F.S.; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 490.0145, F.S.; providing that only certain persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; requiring the Board of Psychology to require training and coursework for juvenile sexual offender therapists; amending s. 491.012, F.S.; defining the offense of the unlawful use of the term "juvenile sexual offender therapist," and providing penalties therefor; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 491.0144, F.S.; providing for qualifications for licensure as a juvenile sexual offender therapist under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services; creating ss. 943.17291, 943.17295, F.S.; requiring that the Criminal Justice Standards and Training Commission incorporate instruction in investigating juvenile sexual offenders into the course curriculum for law enforcement officers; amending s. 985.04, F.S.; requiring that the Department of Juvenile Justice notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 985.308, F.S.; requiring that the Department of Juvenile Justice inspect offender commitment programs operated by the department based on specified standards; authorizing any state attorney to establish a sexual abuse intervention network; providing for membership and prescribing duties of such network; requiring the Office of the Attorney General in collaboration with the Department of Children and Family Services and the Department of Juvenile Justice to award grants to sexual abuse intervention networks; specifying criteria for grant awards; requiring the Office of the Attorney General, in collaboration with the Department of Juvenile Justice and the Department of Children and Family Services, to establish minimum standards for juvenile sex offender day treatment and residential treatment programs funded pursuant to specified provisions; providing rulemaking authority for the Department of Legal Affairs; deleting rulemaking authority for the Department of Juvenile Justice; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1796** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 3125** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Kirkpatrick—

HB 3125—A bill to be entitled An act relating to disposal of solid waste; amending s. 403.707, F.S.; revising and clarifying conditions under which the disposal of solid waste is exempt from Department of Environmental Protection permitting requirements; providing an effective date.

—a companion measure, was substituted for **SB 376** and read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, between lines 10 and 11, insert:

Section 1. Subsections (1), (3), (9), and (10) of section 403.1835, Florida Statutes, are amended to read:

403.1835 Sewage treatment facilities revolving loan program.—

(1) The purpose of this section is to assist in implementing the legislative declaration of public policy as contained in s. 403.021 by establishing a *self-perpetuating* loan program to accelerate construction of sewage treatment facilities by local governmental agencies and to assist local governmental agencies.

(3) The department is authorized to make loans and grants to local governmental agencies to assist them in planning, designing, and constructing sewage treatment facilities and stormwater management systems. *The department may administer the resulting portfolio of loans, including the authority to sell or pledge the loans, or any portion of the loans, with the approval of the Governor, the Treasurer, and the Comptroller, acting as the State Board of Administration, to ensure compliance with subsection (1).*

(a) The department is authorized to make loans, to provide loan guarantees, to purchase loan insurance, and to refinance local debt through the issue of new loans for projects approved by the department. Local governmental agencies are authorized to borrow funds made available pursuant to this section and may pledge any revenue available to them to repay any funds borrowed. The department shall administer loans to local governmental agencies so that at least 15 percent of each annual allocation for loans is reserved for small communities.

(b) The department may make grants to financially disadvantaged small communities, as defined in s. 403.1838, using funds made available from grant allocations on loans authorized under subsection (4). The grants must be administered in accordance with s. 403.1838.

(c) The department may make grants to local government agencies as authorized under the Federal Water Pollution Control Act, or as a result of other federal action. The grants must be administered in accordance with this section and applicable federal requirements.

(9) Funds for the loans and grants authorized under this section must be managed as follows:

(a) A nonlapsing trust fund with revolving loan provisions to be known as the "Sewage Treatment Revolving Loan Fund" is hereby established in the State Treasury to be used as a revolving fund by the department to carry out the purpose of this section. Any funds therein which are not needed on an immediate basis for loans may be invested pursuant to s. 215.49. The cost of administering the program shall be paid from federal funds, ~~and~~ from reasonable service fees that may be imposed upon loans, *and from proceeds from the sale of loans as permitted by federal law* so as to enhance program perpetuity. Grants awarded

by the Federal Government, state matching funds, and investment earnings thereon shall be deposited into the fund. *Proceeds from the sale of loans must be deposited into the fund.* All moneys available in the fund, *including investment earnings,* are hereby designated to carry out the purpose of this section. The principal and interest *payments* of all loans *held by the fund* ~~repaid and investment earnings~~ shall be deposited into this fund.

(b) Revenues from the loan grant allocations authorized under subsection (4), federal appropriations, state matching funds for grants authorized by federal statute or other federal action, and service fees, and all earnings thereon, shall be deposited into the department's Grants and Donations Trust Fund. Service fees and all earnings thereon must be used solely for program administration. The loan grant allocation revenues and earnings thereon must be used solely for the purpose of making grants to financially disadvantaged small communities. Federal appropriations and state matching funds for grants authorized by federal statute or other federal action, and earnings thereon, must be used solely for the purposes authorized. All deposits into the department's Grants and Donations Trust Fund under this section, and earnings thereon, must be accounted for separately from all other moneys deposited into the fund.

(10)(a) Because the Legislature has experienced revenue shortfalls in recent years and has been unable to provide enough funds to fully match available federal funds to help capitalize the Sewage Treatment Revolving Loan Fund, it is necessary for innovative approaches to be considered to help capitalize the revolving loan fund. The department shall evaluate potential innovative approaches that can generate funds to match available federal funds. *The department may adopt approaches that will help ensure the continuing viability of the Sewage Treatment Revolving Loan Fund.* The department shall consider, among other possible alternatives, the option of implementing by rule a program to allow local governments to offer funds voluntarily to the state for use as a match to available federal funds to capitalize the state sewage treatment revolving loan fund.

(b) The department may adopt rules necessary to administer this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to pollution control; amending s. 403.1835, F.S.; providing for the administration of the sewage treatment facilities revolving loan program;

Senators Dyer and Rossin offered the following amendments which were moved by Senator Dyer and adopted:

Amendment 2—On page 1, line 12, after "amended" insert: , and subsection (13) is added to that section,

Amendment 3 (with title amendment)—On page 3, between lines 8 and 9, insert:

(13) If the department and a local government independently require financial assurance for the closure of a privately owned solid-waste-management facility, the department and that local government shall enter into an interagency agreement that will allow the owner or operator to provide a single financial mechanism to cover the costs of closure and any required long-term care. The financial mechanism may provide for the department and local government to be cobeneficiaries or copayees, but shall not impose duplicative financial requirements on the owner or operator. These closure costs must include at least the minimum required by department rules and must also include any additional costs required by local ordinance or regulation.

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for a single financial mechanism to cover costs of closure of a privately owned solid-waste-management facility in certain circumstances;

Pursuant to Rule 4.19, **HB 3125** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

CS for SB 844—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.091, F.S.; providing that on specified highways certain commercial vehicles may drive only in certain lanes; amending s. 316.302, F.S.; adopting federal motor carrier safety regulations; authorizing audits of intrastate motor carriers for drivers' hours of service compliance; amending s. 316.545, F.S.; prescribing the penalty for operating an overweight or improperly registered commercial vehicle; amending s. 320.01, F.S.; defining the term "agricultural products"; amending s. 320.055, F.S.; providing for staggered fleet registration; amending s. 320.0657, F.S.; defining the term "fleet"; providing registration fees; providing penalties for late or improper registration; repealing s. 320.065, F.S., which requires permanent registration for certain agricultural vehicles; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete Section 3. and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 9-12, delete those lines and insert: service compliance; amending s. 320.01, F.S.; defining the

Senator Ostalkiewicz moved the following amendment which failed:

Amendment 2—On page 2, lines 1 and 2, delete those lines and insert: *pounds or more, upon any limited access facility with four or more lanes only in the one right through lane except when overtaking a vehicle or when*

Pursuant to Rule 4.19, **CS for SB 844** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 836—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S., relating to player activated vending machines; requiring a certain number of clerks to be on duty at certain lottery retailer locations; amending s. 24.111, F.S.; deleting the requirement that the Department of the Lottery lease all instant vending machines for a specified initial evaluation period; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which failed:

Amendment 1 (with title amendment)—On page 1, line 14 through page 2, line 21, delete section 1 and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: s. 24.111, F.S.;

Amendment 2 (with title amendment)—On page 2, lines 6-15, delete those lines and insert: ticket purchaser. *Sales from a vending* ~~To be authorized a~~ machine must: be under the supervision and within the direct line of sight of the lottery retailer to ensure that the machine is monitored and only operated by persons at least 18 years of age, *and the machine must*~~;~~ be *equipped with an operational lockout device that is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of instant lottery tickets. The lockout device must include a mechanism to prevent the machine from functioning if the power source for the lockout device fails or if the lockout device is disabled* ~~capable of being electronically deactivated by the retailer to prohibit use by persons less than 18 years of age through the use of a lockout device that maintains the machine's deactivation for a period of no less than 5 minutes; and be designed to prevent its use or conversion for use in any manner other than the dispensing of instant lottery tickets~~.

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: revising requirements for such machines;

The vote was:

Yeas—13

Bankhead	Clary	Grant	McKay
Bronson	Cowin	Hargrett	Ostalkiewicz
Brown-Waite	Crist	Latvala	Williams
Campbell			

Nays—16

Casas	Geller	Kurth	Rossin
Diaz-Balart	Gutman	Laurent	Scott
Dudley	Harris	Lee	Thomas
Forman	Kirkpatrick	Meadows	Turner

Pending further consideration of **SB 836**, on motion by Senator Gutman, by two-thirds vote **HB 3289** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Gutman—

HB 3289—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S., relating to player activated vending machines; requiring a certain number of clerks to be on duty at certain lottery retailer locations; amending s. 24.111, F.S.; deleting the requirement that the Department of the Lottery lease all instant vending machines for a specified initial evaluation period; providing an effective date.

—a companion measure, was substituted for **SB 836** and read the second time by title.

Pursuant to Rule 4.19, **HB 3289** was placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

SB 1874—A bill to be entitled An act relating to education paraprofessionals; amending ss. 228.041, 228.056, 231.141, 231.15, 231.3605, 231.40, 240.40685, and 121.091, F.S.; replacing the term "teacher aide" with the term "education paraprofessional"; requiring the State Board of Education to classify school services and prescribe rules; creating s. 231.143, F.S.; authorizing school districts to adopt a program for the career development of education paraprofessionals; specifying levels of achievement that paraprofessionals can attain through the program; providing restrictions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1874** to **CS for HB 161**.

Pending further consideration of **SB 1874** as amended, on motion by Senator Turner, by two-thirds vote **CS for HB 161** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Turner—

CS for HB 161—A bill to be entitled An act relating to education paraprofessionals; amending ss. 228.041, 228.056, 231.141, 231.15, 231.3605, 231.40, 240.40685, and 121.091, F.S.; replacing the term "teacher aide" with the term "education paraprofessional"; requiring the State Board of Education to classify school services and prescribe rules; creating s. 231.143, F.S.; authorizing school districts to adopt a program for the career development of education paraprofessionals; specifying levels of achievement that paraprofessionals can attain through the program; providing restrictions; providing an effective date.

—a companion measure, was substituted for **SB 1874** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 161** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

CS for SB 498—A bill to be entitled An act relating to tax administration; creating s. 213.285, F.S.; authorizing the Department of Revenue to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; providing rulemaking authority for the Department of Revenue; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audits project; providing an appropriation and authorizing positions within the department; providing an effective date.

—was read the second time by title.

Senators Sullivan and McKay offered the following amendment which was moved by Senator McKay and adopted:

Amendment 1—On page 8, line 12, delete "*General Revenue*" and insert: *Administrative Trust*

Pursuant to Rule 4.19, **CS for SB 498** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams, the Senate resumed consideration of—

CS for SB 280—A bill to be entitled An act relating to sales contracts for motor vehicle or truck repair parts; creating s. 686.30, F.S.; providing for contract agreement; providing requirements with respect to agreements between manufacturers and distributors of and dealers in motor vehicle or truck repair parts; requiring that termination of such contracts be done in good faith; providing definitions; prohibiting certain coercive acts by manufacturers; providing for liability; providing for applicability; providing liability of a manufacturer for terminating, canceling, or failing to renew a contract without good cause, for failure to make payments owed, and for failure to supply repair parts; providing for attorney's fees; providing for injunctive relief; providing an effective date.

—with pending **Amendment 1** as amended, by Senator Williams.

Senator Williams moved the following amendments to **Amendment 1** which were adopted:

Amendment 1B—On page 1, lines 30 and 31, delete those lines and insert: *good cause for such termination or cancellation must be made in good faith.*

Amendment 1C—On page 2, line 12, delete "subparagraph (b)1." and insert: *paragraph (2)(a)*

Amendment 1 as amended was adopted.

Senator Williams moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 3, between lines 22 and 23, insert:

Section 3. *This act applies to new contracts entered into or amended on or after October 1, 1998.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: providing applicability;

Pursuant to Rule 4.19, **CS for SB 280** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth—

CS for SB 1878—A bill to be entitled An act relating to the Child Care Executive Partnership; amending s. 409.178, F.S.; conforming title of the partnership program; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1878** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1244—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's liability to pay over within 10 days certain moneys collected; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for SB 1244** to **CS for HB 935**.

Pending further consideration of **CS for SB 1244**, on motion by Senator Burt, by two-thirds vote **CS for HB 935** was withdrawn from the Committees on Judiciary; and Commerce and Economic Opportunities.

On motion by Senator Burt—

CS for HB 935—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's liability to pay over within 10 days certain moneys collected; providing an effective date.

—a companion measure, was substituted for **CS for SB 1244** and read the second time by title.

Senator Burt moved the following amendments which were adopted:

Amendment 1—On page 2, line 10, delete "one" and insert: *two* ~~one~~

Amendment 2—On page 4, lines 16-20, delete those lines and insert: Nothing contained herein shall affect a rate of interest established by written contract or obligation.

Pursuant to Rule 4.19, **CS for HB 935** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Meadows—

SB 864—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption under certain circumstances to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed; providing for canceling outstanding tax certificates on, and taxes assessed against, such property and for refunding any such taxes that have been paid; providing for expiration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 864** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

CS for SB 2052—A bill to be entitled An act relating to insurance; amending s. 627.7295, F.S.; authorizing certain fees to be collected by general lines agents; amending s. 627.736, F.S.; prohibiting a provider's statement of charges from including certain charges for services covered by personal injury protection benefits; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying requirements for arbitration; prescribing forms for submission of medical services; specifying payment time limitations; specifying where an independent medical examination of a claimant may be conducted; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2052** to **HB 3889**.

Pending further consideration of **CS for SB 2052** as amended, on motion by Senator Diaz-Balart, by two-thirds vote **HB 3889** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Diaz-Balart—

HB 3889—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.7295, F.S.; authorizing certain fees; amending s. 627.736, F.S.; providing alternate means of paying certain interest penalties on overdue personal injury protection benefits; prohibiting a provider's statement of charges from including certain charges; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying where an independent medical examination of a claimant may be conducted; providing an effective date.

—a companion measure, was substituted for **CS for SB 2052** as amended and read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(5)*(a)* A licensed general lines agent may charge a per-policy fee not to exceed $10 to cover the administrative costs of the agent associated with selling the motor vehicle insurance policy if the policy covers only personal injury protection coverage as provided by s. 627.736 and property damage liability coverage as provided by s. 627.7275 and if no other insurance is sold or issued in conjunction with or collateral to the policy. The per-policy fee must be a component of the insurer's rate filing and may not be charged by an agent unless the fee is included in the filing. The fee is not considered part of the premium except for purposes of the department's review of expense factors in a filing made pursuant to s. 627.062.

(b) To the extent that a licensed general agent's cost of obtaining motor vehicle reports on applicants for motor vehicle insurance is not otherwise compensated, the agent may, in addition to any other fees authorized by law, charge an applicant for motor vehicle insurance a reasonable, nonrefundable fee to reimburse the agent the actual cost of obtaining the report for each licensed driver when the motor vehicle report is obtained by the agent simultaneously with the preparation of the application for use in the calculation of premium or in the proper placement of the risk. The amount of the fee may not exceed the agent's actual cost in obtaining the report which is not otherwise compensated. Actual cost is the cost of obtaining the report on an individual driver basis when so obtained or the pro rata cost per driver when the report is obtained on more than one driver; however, in no case may actual cost include subscription or access fees associated with obtaining motor vehicle reports on-line though any electronic transmissions program.

Section 2. Subsection (5), paragraph (b) of subsection (6), and paragraph (a) of subsection (7) of section 627.736, Florida Statutes, are amended to read:

627.736 Required personal injury protection benefits; exclusions; priority.—

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

(a) Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge only a reasonable amount for the products, services, and accommodations rendered, and the insurer providing such coverage may pay for such charges directly to such person or institution lawfully rendering such treatment, if the insured receiving such treatment or his or her guardian has countersigned the invoice, bill, or claim form approved by the Department of Insurance upon which such charges are to be paid for as having actually been rendered, to the best knowledge of the insured or his or her guardian. In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like products, services, or accommodations in cases involving no insurance, provided that charges for cephalic thermograms and peripheral thermograms shall not exceed the maximum reimbursement allowance for such procedures as set forth in the applicable fee schedule established pursuant to s. 440.13.

(b) With respect to any treatment or service, other than medical services billed by a hospital for services rendered at a hospital-owned facility, the statement of charges must be furnished to the insurer by the provider and may not include, and the insurer is not required to pay, charges for treatment or services rendered more than 30 days before the postmark date of the statement, except for past due amounts previously billed on a timely basis under this paragraph, and except that, if the provider submits to the insurer a notice of initiation of treatment within 21 days after its first examination or treatment of the claimant, the statement may include charges for treatment or services rendered up to, but not more than, 60 days before the postmark date of the statement. The injured party is not liable for, and the provider shall not bill the injured party for, charges that are unpaid because of the provider's failure to comply with this paragraph. Any agreement requiring the injured person or insured to pay for such charges is unenforceable. For emergency services and care as defined in s. 395.002 rendered in a hospital emergency department or for transport and treatment rendered by an ambulance provider licensed pursuant to part III of chapter 401, the provider is not required to furnish the statement of charges within the time periods established by this paragraph; and the insurer shall not be considered to have been furnished with notice of the amount of covered loss for purposes of paragraph (4)(b) until it receives a statement complying with paragraph (5)(d), or copy thereof, which specifically identifies the place of service to be a hospital emergency department or an ambulance in accordance with billing standards recognized by the Health Care Finance Administration. Each notice of insured's rights under s. 627.7401 must include the following statement in type no smaller than 12 points:

BILLING REQUIREMENTS.—Florida Statutes provide that with respect to any treatment or services, other than certain hospital and emergency services, the statement of charges furnished to the insurer by the provider may not include, and the insurer and the injured party are not required to pay, charges for treatment or services rendered more than 30 days before the postmark date of the statement, except for past due amounts previously billed on a timely basis, and except that, if the provider submits to the insurer a notice of initiation of treatment within 21 days after its first examination or treatment of the claimant, the statement may include charges for treatment or services rendered up to, but not more than, 60 days before the postmark date of the statement.

(c) Every insurer shall include a provision in its policy for personal injury protection benefits for binding arbitration of any claims dispute involving medical benefits arising between the insurer and any person providing medical services or supplies if that person has agreed to accept assignment of personal injury protection benefits. The provision shall specify that the provisions of chapter 682 relating to arbitration shall apply. The prevailing party shall be entitled to attorney's fees and costs. *For purposes of the award of attorney's fees and costs, the prevailing party shall be determined as follows:*

1. When the amount of personal injury protection benefits determined by arbitration exceeds the sum of the amount offered by the insurer at arbitration plus 50 percent of the difference between the amount of the claim asserted by the claimant at arbitration and the amount offered by the insurer at arbitration, the claimant is the prevailing party.

2. When the amount of personal injury protection benefits determined by arbitration is less than the sum of the amount offered by the insurer at arbitration plus 50 percent of the difference between the amount of the claim asserted by the claimant at arbitration and the amount offered by the insurer at arbitration, the insurer is the prevailing party.

3. When neither subparagraph 1. nor subparagraph 2. applies, there is no prevailing party. For purposes of this paragraph, the amount of the offer or claim at arbitration is the amount of the last written offer or claim made at least 30 days prior to the arbitration.

4. In the demand for arbitration, the party requesting arbitration must include a statement specifically identifying the issues for arbitration for each examination or treatment in dispute. The other party must subsequently issue a statement specifying any other examinations or treatment and any other issues that it intends to raise in the arbitration. The parties may amend their statements up to 30 days prior to arbitration, provided that arbitration shall be limited to those identified issues and neither party may add additional issues during arbitration.

(d) All statements and bills for medical services rendered by any physician, hospital, clinic, or other person or institution shall be submitted to the insurer on an Health Care Finance Administration 1500 form, UB 92 forms, or any other standard form approved by the department for purposes of this paragraph. All billings for such services shall, to the extent applicable, follow the Physicians' Current Procedural Terminology (CPT) in the year in which services are rendered. No statement of medical services may include charges for medical services of a person or entity that performed such services without possessing the valid licenses required to perform such services. For purposes of paragraph (4)(b), an insurer shall not be considered to have been furnished with notice of the amount of covered loss or medical bills due unless the statements or bills comply with this paragraph.

(6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.—

(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, dates, and costs of such treatment of the injured person, together with a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained and identifying which portion of the expenses for such treatment or services was incurred as a result of such bodily injury, and produce forthwith, and permit the inspection and copying of, his or her or its records regarding such history, condition, treatment, dates, and costs of treatment. Such sworn statement shall read as follows: "Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief." No cause of action for violation of the physician-patient privilege or invasion of the right of privacy shall be permitted against any physician, hospital, clinic, or other medical institution complying with the provisions of this section. The person requesting such records and such sworn statement shall pay all reasonable costs connected therewith. *If an insurer makes a written request for*

documentation under this paragraph within 20 days after having received notice of the amount of a covered loss under s. 627.736(4)(a), the insurer shall pay the amount or partial amount of covered loss to which such documentation relates in accordance with s. 627.736(4)(b) or within 10 days after the insurer's receipt of the requested documentation, whichever occurs later. For purposes of this paragraph, the term "receipt" includes, but is not limited to, inspection and copying pursuant to this paragraph.

(7) MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON; REPORTS.—

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon the request of an insurer, submit to mental or physical examination by a physician or physicians. The costs of any examinations requested by an insurer shall be borne entirely by the insurer. Such examination shall be conducted within ~~the municipality of residence of the insured or in~~ the municipality where the insured is receiving treatment*, or in a location reasonably accessible to the insured, which, for purposes of this paragraph, means any location within the municipality in which the insured resides, or any location within 10 miles by road of the insured's residence, provided such location is within the county in which the insured resides*. If the examination is to be conducted *in a location reasonably accessible to the insured*, ~~within the municipality of residence of the insured~~ and if there is no qualified physician to conduct the examination *in a location reasonably accessible to the insured* ~~within such municipality~~, then such examination shall be conducted in an area of the closest proximity to the insured's residence. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits. An insurer may not withdraw payment of a treating physician without the consent of the injured person covered by the personal injury protection, unless the insurer first obtains a report by a physician licensed under the same chapter as the treating physician whose treatment authorization is sought to be withdrawn, stating that treatment was not reasonable, related, or necessary.

Section 3. *(1) Paragraph (5)(c) of s. 627.736, Florida Statutes, as amended by section 2 of this act, shall apply to arbitrations commenced on or after the effective date of this act.*

(2) Paragraph (7)(a) of s. 627.736, Florida Statutes, as amended by section 2 of this act, shall apply to new and renewal policies with an effective date on or after the effective date of this act.

(3) All other provisions of section 2 of this act shall apply to accidents occurring on or after the effective date of this act.

Section 4. This act shall take effect October 1, 1998.

And the title is amended as follows:

On page 1, lines 2-13, delete those lines and insert: amending s. 627.7295, F.S.; authorizing certain fees to be collected by general lines agents; amending s. 627.736, F.S.; prohibiting a provider's statement of charges from including certain charges for services covered by personal injury protection benefits; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying requirements for arbitration; prescribing forms for submission of medical services; specifying payment time limitations; specifying where an independent medical examination of a claimant may be conducted; specifying applicability of amendments made by this act; providing an effective date.

Pursuant to Rule 4.19, **HB 3889** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 3205** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Kirkpatrick, by two-thirds vote—

HB 3205—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to payments under the educational tuition assistance program administered by the Department of Military Affairs; providing an effective date.

—a companion measure, was substituted for **SB 534** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 3205** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **CS for HB 4065** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Latvala, by two-thirds vote—

CS for HB 4065—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; providing definitions; amending s. 473.303, F.S.; revising provisions relating to membership on probable cause panels of the Board of Accountancy; amending s. 473.306, F.S.; providing conditions under which the board may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership, corporation, or limited liability company to practice public accountancy in this state; amending s. 473.3101, F.S.; providing requirements for the licensure of sole proprietors and other legal entities; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 473.313, F.S.; providing continuing education requirements for the reactivation of certain licenses; amending s. 473.315, F.S.; providing an exemption for attorneys; amending ss. 473.319, 473.3205, F.S.; revising provisions relating to contingency fees, commissions, and referral fees; amending s. 473.322, F.S.; providing certain requirements for persons offering certain public accounting services; providing an effective date.

—a companion measure, was substituted for **CS for SB 1508** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 4065** was placed on the calendar of Bills on Third Reading.

CS for SB 340—A bill to be entitled An act relating to real estate; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting ss. 475.180(2)(b), 475.181(2), 475.22(2), 475.422(2), 475.482(1), F.S., relating to nonresident licenses, licensure, refusal of a broker to comply with certain requests or notices, furnishing of copies of termite and roof inspection reports, and recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; creating s. 475.279, F.S.; authorizing signatures transmitted by electronic means or facsimile; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s.

475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.01, 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 52, between lines 25 and 26, insert:

Section 41. Subsection (17) is added to section 489.103, Florida Statutes, to read:

489.103 Exemptions.—This part does not apply to:

(17) Contracting for repair, maintenance, remodeling, or improvement by any person licensed under part I of chapter 475 while acting as the owner's agent pursuant to that license, where all work requiring a contractor is performed by a contractor who has a current, valid certificate or registration issued under this part to perform such work, and where the aggregate contract for labor, materials, and all other items is less than $5,000; however, this exemption does not apply:

(a) If the repair, maintenance, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than $5,000 for the purpose of evading this part or otherwise.

(b) To a person who advertises that he or she is qualified to engage in contracting.

Section 42. Subsection (17) is added to section 489.503, Florida Statutes, to read:

489.503 Exemptions.—This part does not apply to:

(17) Contracting for repair, maintenance, remodeling, or improvement by any person licensed under part I of chapter 475 while acting as the owner's agent pursuant to that license, where all work requiring a contractor is performed by a contractor who has a current, valid certificate or registration issued under this part to perform such work, and where the aggregate contract for labor, materials, and all other items is less than $5,000; however, this exemption does not apply:

(a) If the repair, maintenance, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than $5,000 for the purpose of evading this part or otherwise.

(b) To a person who advertises that he or she is qualified to engage in contracting.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: amending s. 489.103, F.S.; creating an exemption, with exceptions, to construction contracting requirements; amending s. 489.503, F.S.; creating an exemption, with exceptions, to the electrical and alarm system contracting requirements;

Senator Clary moved the following amendment:

Amendment 2 (with title amendment)—On page 52, between lines 25 and 26, insert:

Section 41. Section 475.2755, Florida Statutes, is created to read:

475.2755 Designated salesperson.—

(1) For purposes of this part, in any real estate transaction other than a residential sale as defined in s. 475.276, if the buyer and seller have assets of $1 million or more, the broker, at the request of the customers, may designate salespersons to act as single agents for different customers in the same transaction. Such designated salespersons have the duties of a single agent as outlined in s. 475.278(3), including disclosure requirements as provided in s. 475.278(3)(b) and (c). In addition to meeting those disclosure requirements, the buyer and seller as customers must both sign disclosure forms stating that their assets meet the test as described in this paragraph and requesting that the broker use the designated-salesperson form of representation.

(2) In lieu of the transition disclosure requirement set forth in s. 475.278(3)(c)2., the required disclosure notice must include the following provisions:

(a) The designated salesperson may not disclose, except to the broker or persons specified by the broker, information made confidential by request or at the instruction of the customer whom the designated salesperson is representing.

(b) The designated salesperson may disclose information that is allowed to be disclosed or required to be disclosed by this part.

(c) A designated salesperson may disclose to his or her broker, or to persons specified by the broker, confidential information of a customer for the purpose of seeking advice or assistance for the benefit of the customer with regard to a transaction. The broker must keep this information confidential and must not use the information to the detriment of the other party.

(3) As used in this section, the term "buyer" or the term "seller" means, respectively, a transferee or a lessee in a real property transaction, or the transferor or lessor in a real property transaction.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: creating s. 475.2755, F.S.; providing for the use of a designated salesperson for a real estate transaction other than a residential sale, under specified conditions; providing duties of designated salespersons; providing requirements for disclosure; defining the terms "buyer" and "seller," as used in this section;

On motion by Senator Clary, further consideration of **CS for SB 340** with pending **Amendment 2** was deferred.

On motion by Senator Rossin—

SB 1188—A bill to be entitled An act relating to investigation of cases involving adult abuse, neglect, and exploitation; amending s. 415.102, F.S.; redefining the term "closed without classification" and defining the term "self-neglect"; amending s. 415.1045, F.S.; providing duties when a case is determined to be self-neglect; amending s. 415.1055, F.S.; revising requirements for notification regarding the classification of reports alleging abuse, neglect, and exploitation; amending s. 415.1065, F.S.; providing guidelines for retaining records of reports of self-neglect; amending s. 415.1102, F.S.; deleting reference to self-neglect; amending

s. 430.205, F.S.; revising circumstances under which elderly persons must receive primary consideration of community-care-for-the-elderly services; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1188** to **HB 4167**.

Pending further consideration of **SB 1188** as amended, on motion by Senator Rossin, by two-thirds vote **HB 4167** was withdrawn from the Committee on Children, Families and Seniors.

On motion by Senator Rossin, by two-thirds vote—

HB 4167—A bill to be entitled An act relating to adult abuse, neglect, and exploitation; amending ss. 415.102 and 415.1102, F.S.; deleting references to self-neglect from provisions relating to adult protective services cases and reports; defining "disabled adult in need of services" and "elderly person in need of services"; amending s. 415.1045, F.S.; providing for determinations in onsite protective investigations that certain persons are persons in need of services; amending s. 415.105, F.S.; providing for referral of such persons to programs of the Department of Elderly Affairs; amending s. 415.1055, F.S.; providing that no classification or notification is required for reports resulting in such determinations; amending s. 415.1065, F.S.; providing for retention and expunction of records of such reports; amending s. 430.205, F.S.; revising circumstances under which certain elderly persons must receive primary consideration for community-care-for-the-elderly services; defining "primary consideration"; providing an effective date.

—a companion measure, was substituted for **SB 1188** as amended and by two-thirds vote read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 415.102, Florida Statutes, is amended, subsection (11) is redesignated as subsection (12), present subsections (12) through (35) are redesignated as subsections (14) through (37), respectively, and new subsections (11) and (13) are added to that section, to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(5) "Closed without classification" means the closure of a report in which an adult protective investigator determines that:

(a) Some evidence exists that abuse, neglect, or exploitation has occurred, but a preponderance of evidence cannot be established; *or*

(b) A preponderance of the evidence exists that abuse, neglect, or exploitation has occurred, but no perpetrator can be identified.~~; or~~

~~(c) Self-neglect is the sole cause of the neglect.~~

(11) "Disabled adult in need of services" means a disabled adult who has been determined by an adult protective services investigator to be suffering from the ill effects of neglect not caused by a second party perpetrator and is in need of protective services or other services to prevent further harm.

(13) "Elderly person in need of services" means an elderly person who has been determined by an adult protective services investigator to be suffering from the ill effects of neglect not caused by a second party perpetrator and is in need of protective services or other services to prevent further harm.

Section 2. Paragraphs (b) through (f) of subsection (2) of section 415.1045, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, and a new paragraph (b) is added to said subsection to read:

415.1045 Protective investigations; onsite investigations; photographs, videotapes, and medical examinations; abrogation of privileged communications; confidential records and documents; classification or closure of records.—

(2) ONSITE INVESTIGATIONS.—For each report it receives, the department shall perform an onsite investigation to:

(b) Determine whether the person is a disabled adult in need of services or an elderly person in need of services, as defined in s. 415.102.

Section 3. Subsection (1) of section 415.105, Florida Statutes, is amended to read:

415.105 Provision of protective services with consent; withdrawal of consent.—

(1) PROTECTIVE SERVICES WITH CONSENT.—If the department determines through its investigation that a disabled adult or an elderly person demonstrates a need for protective services or protective supervision, the department shall immediately provide, or arrange for the provision of, protective services or protective supervision, including in-home services, provided that the disabled adult or elderly person consents. *A disabled person in need of services as defined in s. 415.102 shall be referred to the community care for disabled adults program. An elderly person in need of services as defined in s. 415.102 shall be referred to the community care for the elderly program administered by the Department of Elderly Affairs.*

Section 4. Paragraph (d) of subsection (2) of section 415.1055, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to said section to read:

415.1055 Notification to administrative entities, subjects, and reporters; notification to law enforcement and state attorneys.—

(2) NOTIFICATION TO OTHER PERSONS.—

(d) In the case of a report that has been determined by an adult protective services investigator to be either a disabled adult in need of services or an elderly person in need of services, as defined in s. 415.102, no classification of the report shall be made and no notification shall be required.

Section 5. Subsections (6), (7), and (8) of section 415.1065, Florida Statutes, are renumbered as subsections (7), (8), and (9), respectively, and a new subsection (6) is added to said section, to read:

415.1065 Records management.—All records must be maintained in their entirety for their full retention period, except as otherwise provided in this section:

(6) RECORDS OF REPORTS CLOSED AS DISABLED ADULT IN NEED OF SERVICES OR ELDERLY PERSON IN NEED OF SERVICES.—The department may retain the records of reports determined to be a disabled adult in need of services or an elderly person in need of services for up to 1 year for purposes of facilitating the provision of services, program performance reporting, and research and statistical analysis. After 1 year the record must be expunged in its entirety.

Section 6. Paragraph (c) of subsection (2) of section 415.1102, Florida Statutes, is amended to read:

415.1102 Adult protection teams; services; eligible cases.—Subject to an appropriation, the department may develop, maintain, and coordinate the services of one or more multidisciplinary adult protection teams in each of the districts of the department. Such teams may be composed of, but need not be limited to, representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies.

(2) The adult abuse, neglect, or exploitation cases that are appropriate for referral by the adult protective services program to adult protection teams for supportive services include, but are not limited to, cases involving:

(c) Reported medical, physical, or emotional neglect~~, either self or second party,~~ of a disabled adult or an elderly person.

Section 7. Subsection (5) of section 430.205, Florida Statutes, is amended to read:

430.205 Community care service system.—

(5) Any person who has been classified as a functionally impaired elderly person is eligible to receive community-care-for-the-elderly core services. Those elderly persons who are determined by *adult protective services to be elderly persons in need of services, pursuant to s. 415.1045(2)(b), or to be* ~~the functional assessment to be at risk of institutionalization and~~ victims of abuse, neglect, or exploitation who are *in need of immediate services to prevent further harm and are* referred by adult protective services, shall be given primary consideration for receiving community-care-for-the-elderly services. *As used in this subsection, "primary consideration" means that an assessment and services must commence within 72 hours after referral to the department or as established in accordance with department contracts by local protocols developed between department service providers and adult protective services.*

Section 8. *The Office of Program Policy Analysis and Government Accountability shall conduct a review and follow-up study of the process by which the Department of Children and Family Services elder victims of abuse, neglect, or exploitation are referred to the Department of Elderly Affairs for community services. The study shall also examine the process used by the Department of Elderly Affairs to establish service priorities for and provides service to these persons. The Office of Program Policy Analysis and Government Accountability shall submit a report of the review to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 1998 and a report of the follow-up study no later than December 31, 2000.*

Section 9. This act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to adult abuse, neglect, and exploitation; amending ss. 415.102 and 415.1102, F.S.; deleting references to self-neglect from provisions relating to adult protective services cases and reports; defining "disabled adult in need of services" and "elderly person in need of services"; amending s. 415.1045, F.S.; providing for determinations in onsite protective investigations that certain persons are persons in need of services; amending s. 415.105, F.S.; providing for referral of such persons to programs of the Department of Elderly Affairs; amending s. 415.1055, F.S.; providing that no classification or notification is required for reports resulting in such determinations; amending s. 415.1065, F.S.; providing for retention and expunction of records of such reports; amending s. 430.205, F.S.; revising circumstances under which certain elderly persons must receive primary consideration for community-care-for-the-elderly services; defining "primary consideration"; providing for a review and follow-up study by the office of Program Policy Analysis and Government Accountability; providing for reports to the Legislature; providing an effective date.

Pursuant to Rule 4.19, **HB 4167** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1390** was deferred.

CS for CS for SB 194—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a default under the title loan agreement; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

—was read the second time by title.

Senator Childers moved the following amendment which was adopted:

Amendment 1—On page 17, line 12, delete "*1.5*" and insert: *1*

Senator Williams moved the following amendment:

Amendment 2—On page 16, line 27, delete "*22*" and insert: *8*

On motion by Senator Childers, further consideration of **CS for CS for SB 194** with pending **Amendment 2** was deferred.

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Tuesday, April 21.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 17, 1998: CS for CS for SB 2524, CS for SB 2310, SB 1944, SB 2314, CS for SB 280, CS for CS for SB 1796, CS for SB 844, SB 836, SB 1874, CS for SB 498, CS for SB 1878, CS for SB 1244, SB 864, CS for SB 2052, SB 534, CS for SB 1508, CS for SB 340, SB 1188, CS for SB 1390, CS for CS for SB 194, SB 1370, CS for CS for SB 442, CS for SB 334, SB 656, CS for SB 314, CS for SB 1880, CS for SB 1378, SB 1962, CS for CS for SB 1800, SB 392, SB 150, CS for CS for SB 1308, CS for SB 1088, SB 1010, CS for SB 1578, CS for SB 1084, CS for SB 752, CS for SB 228, CS for SB 832, CS for SB 1130, SB 1384, CS for CS for SB 484, SB 72, CS for SB 880

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Rules and Calendar recommends the following pass: SJR 82

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Rules and Calendar recommends the following pass: SJR 542, CS for SB 642, SB 828, SB 1300, SB 1302, SJR 1580, SJR 1610, SB 1730 with 1 amendment, SJR 2140, SB 2308 with 1 amendment

The Committee on Ways and Means recommends the following pass: HB 1747 with 3 amendments, CS for SB 390, CS for SB 1522, CS for SB 1540

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1726

The Committee on Ways and Means recommends a committee substitute for the following: SB 1114

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2336

The Committee on Transportation recommends a committee substitute for the following: SB 1426

The Committee on Ways and Means recommends a committee substitute for the following: SB 1952

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 1158, SB 2258

The Committee on Judiciary recommends a committee substitute for the following: SB 1576

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1066, Senate Bills 2120 and 1906

The Committee on Transportation recommends a committee substitute for the following: SB 1218

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 1200, SB 1550, SB 1722, SB 2000, SB 2280, SB 2350

The Committee on Regulated Industries recommends a committee substitute for the following: SB 318

The Committee on Transportation recommends a committee substitute for the following: SB 1014

The Committee on Ways and Means recommends committee substitutes for the following: SB 58, CS for SB 294, CS for CS for SB 1432

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Education recommends that the Senate confirm the appointment made by the Governor of James Raymond Harding, for a term ending September 1, 1998, as the student member of the **Board of Regents**.

[The appointment contained in the foregoing report was referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Committee on Ways and Means—

SB 2504—A bill to be entitled An act making supplemental appropriations providing moneys from the annual periods beginning July 1, 1997 and ending June 30, 1998; to pay salaries, and other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State government; supplementing appropriations as provided in Chapter 97-152, Laws of Florida; providing an effective date.

—was introduced out of order and referred to the Committee on Ways and Means.

By Senator Clary—

SB 2688—A bill to be entitled An act relating to Bay County; amending chapter 67-1099, Laws of Florida, as amended, relating to the codification, re-creation, reestablishment, and organization of an airport district in Bay County, to be designated as the Panama City-Bay County Airport and Industrial District; re-creating the airport authority as the governing body; providing for its government, jurisdiction, expansion of powers, franchises, and privileges, including the creation of an independent airport police department, with full police powers; repealing chapters 67-1099 and 69-834, Laws of Florida, prior special acts relating to the airport authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2690—A bill to be entitled An act relating to the Cities of Deerfield Beach and Pompano Beach, Broward County; extending and enlarging the corporate limits of such cities to include specific unincorporated lands within the corporate limits of said cities; providing for transfer of public roads and rights-of-way, and responsibilities thereof; providing exceptions; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Senator Campbell—

SB 2692—A bill to be entitled An act relating to Broward County; amending chapter 97-371, Laws of Florida; extending the corporate limits of the cities of Pembroke Pines, Davie, Cooper City, and Weston; providing for the annexation of the unincorporated area known as Southwest Ranches; providing for amendment to the legal description of Southwest Ranches and surrounding areas and Sunshine Acres and surrounding areas; providing for incorporation of a new municipality; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Senator Campbell—

SB 2694—A bill to be entitled An act relating to Broward County and the South Broward Hospital District; amending chapter 24415, Laws of Florida, 1947, as amended; providing that the South Broward Hospital District is not a "public body" or "taxing authority" for purposes of part III, chapter 163, F.S.; providing an exception with respect to community redevelopment agencies created before a specified date; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

Senate Resolutions 2696—2698—Not referenced.

By Senator Campbell—

SB 2700—A bill to be entitled An act relating to the City of Deerfield Beach, Broward County; extending and enlarging the corporate limits of the City of Deerfield Beach to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ways and Means; and Senator Meadows—

CS for SB 58—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Kimberly L. Gonzalez; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Palm Beach County Sheriff's Department; providing for repayment of Medicaid liens; providing an effective date.

By the Committees on Ways and Means; Health Care; and Senators Brown-Waite and Forman—

CS for CS for SB 294—A bill to be entitled An act relating to home medical equipment providers; creating part IX of chapter 400, F.S.; providing for regulation of home medical equipment providers by the Agency for Health Care Administration; providing legislative intent; providing definitions; providing for licensure and exemptions; providing unlawful acts; providing penalties; providing for license applications; providing for fees; providing for background screening; providing for provisional licenses and temporary permits; providing for administrative penalties; providing for injunctions, emergency orders, and moratoriums; providing for licensure inspections and investigations; providing minimum standards; providing for agency rules; providing for patient records; providing for notice of toll-free telephone number for the central abuse registry; providing for background screening of home medical equipment provider personnel; providing penalties; providing screening procedures; providing for agency injunctions; prohibiting patient referrals and rebates; providing for application of the act to existing providers; providing an appropriation; providing an effective date.

By the Committee on Regulated Industries and Senator Dyer—

CS for SB 318—A bill to be entitled An act relating to real estate appraisals; amending s. 475.25, F.S.; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.01, 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; providing an effective date.

By the Committee on Transportation and Senator Gutman—

CS for SB 1014—A bill to be entitled An act relating to road designations; designating the Gratigny Parkway in Dade County as the "Marlins Expressway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 267 in Gadsden County as the "Pat Thomas Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 528 in Brevard County as the "Kennedy Space Center Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of the Polk County Highway as the "James Henry Mills Medal of Honor Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of N.W. 167th Street in Miami Lakes as "Zuly Reyes Road"; directing the Department of Transportation to erect suitable markers; designating State Road 50 within Hernando County as the "Deputy Lonnie Coburn Memorial Highway"; directing the Department of Transportation to erect suitable markers; co-designating the MacArthur Causeway Bridge in Miami-Dade County as the "Trooper Robert G. Smith Bridge"; directing the Department of Transportation to erect suitable markers; designating the Florida Turnpike as the "Ronald Reagan Turnpike"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 71 South in Jackson County as the "Pete Peterson Parkway"; directing the Department of Transportation to erect suitable markers; designating that portion of State Road 71 extending through Port St. Joe (known as 5th Street) as "Cecil G. Costin, Sr. Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

By the Committee on Regulated Industries and Senator Lee—

CS for SB 1066—A bill to be entitled An act relating to landscape design; amending s. 481.303, F.S.; providing definitions; amending s. 481.329, F.S.; providing exemptions from licensure and regulation under part II, ch. 481, F.S.; providing an effective date.

By the Committee on Ways and Means; and Senators McKay and Latvala—

CS for SB 1114—A bill to be entitled An act relating to contaminated site rehabilitation tax credits; creating s. 199.1055, F.S.; providing for a contaminated site rehabilitation tax credit against the intangible personal property tax; authorizing the Department of Revenue to adopt rules; amending s. 220.02, F.S.; providing for an additional cross-reference; creating s. 220.1845, F.S.; providing for a contaminated site rehabilitation tax credit against the corporate income tax; authorizing the Department of Revenue to adopt rules; creating s. 376.30781, F.S.; providing for a partial tax credit for the rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites; providing for the Department of Environmental Protection to allocate such partial credits; providing procedures for application for tax credits; providing for a non-refundable review fee; providing verification requirements; authorizing the Department of Environmental Protection to adopt rules; providing for revocation or modification of eligibility for tax credit under certain conditions; amending s. 213.053, F.S.; providing for information-sharing; providing an effective date.

By the Committee on Education and Senator Dyer—

CS for SB 1158—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; providing an additional requirement for school district receipt of lottery funds; amending s. 229.58, F.S.; providing a name requirement for school advisory councils and providing council responsibilities and duties; providing for certain council review; providing for the use of funds; amending s. 229.592, F.S., relating to school improvement and education accountability; conforming provisions relating to release of funds to school districts; requiring notice of certain deficiency; amending s. 230.23, F.S., relating to school board duties; providing requirements for school improvement plans; requiring local-level decisionmaking policies; providing an effective date.

By the Committee on Education and Senator Meadows—

CS for SB 1200—A bill to be entitled An act relating to education; amending s. 229.58, F.S.; revising provisions relating to membership of school advisory councils; providing an effective date.

By the Committee on Transportation and Senator Crist—

CS for SB 1218—A bill to be entitled An act relating to driver's license revocations; amending s. 318.18, F.S.; rescinding the fine for speeds exceeding the limit by 1-5 m.p.h. and replacing the fine with a warning; providing that fines for construction zone speed violations shall

be doubled only under certain circumstances; amending s. 320.07, F.S.; revising penalties for expiration of registration; amending s. 322.26, F.S.; providing for permanent revocation of a driver's license for murder resulting from the operation of a motor vehicle, DUI manslaughter where the conviction represents a subsequent DUI-related conviction, or four or more DUI violations; amending s. 322.271, F.S.; providing for petition for reinstatement under certain circumstances; amending s. 322.28, F.S.; revising provisions with respect to the period of suspension or revocation; conforming current provisions to the act; creating s. 322.283, F.S.; providing for the commencement of the period of suspension or revocation for incarcerated offenders; providing for notification to the Department of Highway Safety and Motor Vehicles; amending s. 322.34, F.S.; providing that the element of knowledge with respect to the suspension, revocation, cancellation, or disqualification is satisfied when certain notice is sent; creating s. 322.341, F.S.; providing penalties for driving while a license is permanently revoked; amending s. 627.733, F.S.; deleting a provision for revoking the driver's license of an owner or registrant of a motor vehicle who does not provide required security for that vehicle; providing an effective date.

By the Committee on Transportation and Senator Hargrett—

CS for SB 1426—A bill to be entitled An act relating to transportation; creating s. 316.0815, F.S.; providing publicly owned transit vehicles right of way when reentering traffic flow; amending s. 316.555, F.S.; authorizing counties to exempt certain silvicultural and agricultural vehicles and equipment from weight restrictions on county roads; amending s. 318.15, F.S.; authorizing tax collectors to collect driver's license reinstatement fees; amending s. 318.18, F.S.; providing that fines for construction zone speed violations shall be doubled only under certain circumstances; amending s. 320.055, F.S.; providing that the renewal period for a mobile home registration is the 31-day period prior to expiration; amending s. 334.0445, F.S.; extending the time period for the model career service classification and compensation plan in the Department of Transportation; amending s. 335.0415, F.S.; clarifying the jurisdiction and responsibility for operation and maintenance of roads; amending s. 337.11, F.S.; deleting the requirement for approval by a contractor's surety on supplemental agreements; providing that consultants may be covered by the department's owner controlled insurance plan; amending s. 337.185, F.S.; increasing the amount of a contractual claim that goes to the State Arbitration Board; allowing the department to select an alternate to serve as the department's representative on the board; clarifying that a department employee may not be compensated for serving on the board; amending the fee schedule for arbitration; amending s. 337.19, F.S.; authorizing suits to be brought against the department for the breach of an expressed provision or an implied covenant; providing that no liability may be based on an oral modification of the written contract; amending s. 337.29, F.S.; providing for intergovernmental indemnification; amending s. 337.403, F.S.; authorizing the Department of Transportation to participate in the cost of clearing and grubbing with utilities prior to construction of a transportation facility; amending s. 338.223, F.S.; clarifying certain procedures for hardship and protective purchases; amending s. 338.229, F.S.; authorizing the department to restrict the sale, transfer, lease, or other disposition of any part of the turnpike system; amending s. 479.01, F.S.; redefining the terms "commercial or industrial zone" and "unzoned commercial or industrial area" for the purposes of the laws regulating outdoor advertising; providing criteria for an unzoned commercial or industrial area; amending s. 479.07, F.S.; revising provisions related to reinstatement of expired outdoor advertising permits; amending s. 479.16, F.S.; providing a permit exemption for certain outdoor advertising signs; amending s. 832.06, F.S.; authorizing tax collectors to seek prosecution against a person for writing a worthless check for a driver's license or identification card; providing an effective date.

By the Committees on Ways and Means; Health Care; Banking and Insurance; and Senator Brown-Waite—

CS for CS for CS for SB 1432—A bill to be entitled An act relating to the delivery of health care services; amending s. 409.912, F.S.; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; creating s. 624.1291, F.S.; providing an exemption from the Insurance Code for certain health care services; creating part IV of ch. 641, F.S., the "Provider-Sponsored-Organization Act"; providing legislative findings and purposes with respect to certain federal requirements for authorizing provider-sponsored organizations in this state to provide health care coverage to Medicare beneficiaries under the Medicare Choice plan; providing definitions; prohibiting a provider-sponsored organization from transacting insurance business other than the offering of Medicare Choice plans; providing applicability of parts I and III of ch. 641, F.S., to provider-sponsored organizations; providing exceptions; amending s. 641.227, F.S.; providing for deposits into the Rehabilitation Administrative Expense Fund by a provider-sponsored organization; providing for reimbursements; amending s. 641.316, F.S., relating to fiscal intermediary services; providing for an exemption from s. 455.654, F.S., to provider-sponsored organizations, relating to financial arrangements; providing an appropriation; providing an effective date.

By the Committee on Education and Senators Cowin, Thomas, Bronson, Dudley, Clary and Grant—

CS for SB 1550—A bill to be entitled An act relating to school-entry health requirements; amending s. 232.0315, F.S.; requiring a school-entry comprehensive vision examination; providing an effective date.

By the Committee on Judiciary and Senators Rossin, Harris, Meadows, Dudley, Kurth, Kirkpatrick, Campbell, Forman, Ostalkiewicz and Grant—

CS for SB 1576—A bill to be entitled An act relating to marriage; creating the "Marriage Preparation and Preservation Act"; providing legislative findings; creating s. 741.0305, F.S.; authorizing a premarital preparation course as a condition precedent to obtaining a marriage license; providing for modification of marriage license fees; specifying course providers; providing course contents; providing for a pilot program in Leon County; creating s. 741.0306, F.S.; providing for creation of a marriage law handbook created by the Family Law Section of The Florida Bar; amending s. 741.04, F.S.; prohibiting issuance of a marriage license until petitioners verify certain facts; amending s. 741.05, F.S.; conforming provisions; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; designating such course as the parent education and family stabilization course; providing legislative findings and purpose; authorizing the court in any action between parents in which the custody or support of a minor child is an issue to order parties to attend the family education and stabilization course if the court finds attendance to be in the best interests of the child or children; providing procedures and guidelines for required attendance; requiring parties to file proof of compliance with the court; authorizing a course fee; authorizing each judicial circuit to establish a registry of course providers and sites; authorizing the court to grant exemption from required course attendance; providing parent education and family stabilization course curriculum; providing qualifications and duties of course providers; amending s. 28.101, F.S.; providing a fee for filing for dissolution of marriage; amending s. 741.01, F.S.; providing for reduction of marriage license fees; providing for unsigned anonymous informational questionnaires; providing an appropriation; providing an effective date.

By the Committee on Education and Senator McKay—

CS for SB 1722—A bill to be entitled An act relating to rulemaking authority of school boards (RAB); amending s. 230.23, F.S.; creating s. 230.23005, F.S.; prescribing the rulemaking authority of school boards; providing an effective date.

By the Committee on Community Affairs and Senator Dyer—

CS for SB 1726—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 20.18, F.S.; renaming the Division of Resource Planning and Management; amending s. 163.3164, F.S.; defining the term "optional sector plan"; amending s. 163.3171, F.S.;

inserting a cross-reference; amending s. 163.3180, F.S.; modifying de minimis standards for transportation concurrency; amending s. 163.3184, F.S.; inserting cross-references; requiring the department to maintain specified documents dealing with amendments to local comprehensive plans; amending s. 163.3187, F.S.; prohibiting local governments from amending comprehensive plans until after adoption of an evaluation and appraisal report; providing that a comprehensive plan amendment is not required for the renovation, expansion, or addition to a marine exhibition park complex under certain circumstances; amending s. 163.3191, F.S.; revising the requirements for evaluation and appraisal reports; creating s. 163.3245, F.S.; authorizing the adoption of optional sector plans under certain circumstances; providing for agreements with the Department of Community Affairs; providing for contents; amending s. 171.044, F.S.; requiring a municipality to notify the county of annexation ordinances; amending ss. 186.507, 186.508, 186.511, F.S.; revising responsibilities of the Executive Office of the Governor relating to strategic regional policy plans; amending ss. 186.003, 186.007, 186.008, 186.009, F.S.; deleting references to the state land development plan; creating a committee to be appointed by the Governor to review the state comprehensive plan; amending s. 288.975, F.S.; redefining the term "regional policy plan"; revising criteria for military base reuse plans; amending s. 288.980, F.S.; providing revised standards for military base retention; providing conditions for the award of grants by the Office of Tourism, Trade, and Economic Development; amending s. 380.06, F.S.; deleting reference to the state land development plan; adding day care facilities as an issue in the development-of-regional-impact review process; amending s. 380.061, F.S.; deleting a consistency requirement for certain Florida Quality Developments; amending s. 380.065, F.S.; deleting a reference to the state land development plan; amending s. 380.23, F.S.; adding an element to federal consistency review; creating the Transportation and Land Use Study Committee; requiring the committee to report to the Governor and the Legislature; repealing s. 380.031(17), F.S., which defines the term "state land development plan"; repealing s. 380.0555(7), F.S., which provides for a resource planning and management committee for the Apalachicola Bay Area; repealing s. 380.06(14)(a), F.S., which requires that development not interfere with the state land development plan; providing for severability; providing an effective date.

By the Committee on Ways and Means; and Senator Burt—

CS for SB 1952—A bill to be entitled An act relating to administration of revenue laws; amending s. 68.082, F.S.; providing nonapplicability to certain returns, claims, records, or statements relating to any tax administered by the Department of Revenue; amending s. 125.2801, F.S.; conforming a reference; amending s. 192.001, F.S.; restricting applicability of the definition of the term "computer software"; amending s. 199.052, F.S.; requiring banks and financial organizations filing annual intangible personal property tax returns for their customers to file information using machine-sensible media; amending s. 212.02, F.S.; modifying the definition of the term "use tax"; amending s. 212.0515, F.S.; modifying requirements relating to quarterly records required to be submitted to the Department of Revenue by certain persons selling food or beverages to operators for resale through vending machines; eliminating a penalty for failure to file such reports; eliminating the department's authority to adopt rules relating to such reports; amending s. 212.054, F.S.; eliminating a requirement that certain dealers collect the surtax on tangible personal property or specified service under certain conditions; prescribing the effective date of an increase or decrease in the rate of any discretionary sales surtax; requiring the governing body of any county levying a discretionary sales surtax and a county school board levying the school capital outlay surtax to provide notice to the department; amending s. 212.055, F.S.; providing an effective date for any change in the distribution formula of a local government infrastructure surtax or a small county surtax; authorizing counties to use a specified percentage of surtax proceeds for economic development projects; amending ss. 212.097, 212.098, F.S.; redefining the term "new business"; amending s. 212.11, F.S.; providing requirements relating to sales tax returns filed through electronic data interchange; amending s. 212.12, F.S.; revising provisions relating to the dealer's credit for collecting sales tax; specifying that the credit is also for the filing of timely returns; authorizing the department to deny, rather than reduce, the credit if an incomplete return is filed; revising the definition of "incomplete return"; amending s. 212.17, F.S.; providing that the department shall prescribe the format for filing returns through electronic data interchange and specifying that failure to use the format does not relieve a dealer from the payment of tax; amending s. 213.053, F.S., relating to information sharing; amending s. 213.0535, F.S.; providing for participation in RISE; amending s. 213.21, F.S.; revising provisions that authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, in order to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; amending s. 213.28, F.S.; prescribing qualifications of certified public accountants contracting with the department to perform audits; amending s. 213.67, F.S.; subjecting the garnishee to liability in the event that property subject to the freeze is transferred or disposed of by the garnishee; prohibiting disposition of assets of a delinquent taxpayer which come into the possession of another person after that person receives garnishment notice from the department for a specified period; requiring the garnishee to notify the department of such assets; providing that the garnishment notice remains in effect while a taxpayer's contest of an intended levy is pending; providing a financial institution receiving notice with a right of setoff; amending s. 213.755, F.S.; defining terms for use in any revenue law administered by the department; amending s. 220.03, F.S.; revising definitions; amending s. 212.0601, F.S.; providing a use tax for motor vehicle dealers who loan a vehicle at no charge unless otherwise exempted; prohibiting a sales or use tax and a rental car surcharge on a motor vehicle provided at no charge to a person whose vehicle is being repaired; providing retroactive application; providing effective dates.

By the Committee on Education and Senator Lee—

CS for SB 2000—A bill to be entitled An act relating to rulemaking authority for matters pertaining to education (RAB); amending s. 231.17, F.S.; authorizing the Commissioner of Education to make decisions about granting certification to an applicant in extenuating circumstances not otherwise provided for in statute or by rule; amending s. 231.24, F.S.; allowing the state board to approve rules for the expanded use of training in teaching students having limited proficiency in English toward renewing a professional certificate; amending s. 231.29, F.S., relating to assessment procedures and criteria for personnel assessment; authorizing the state board to adopt necessary rules; amending s. 240.116, F.S.; allowing the state board to adopt rules for certain dual-enrollment programs; amending s. 240.233, F.S.; allowing the state board to adopt rules for the articulation of foreign-language competency and equivalency between secondary and postsecondary institutions; providing an effective date.

By the Committee on Regulated Industries and Senators Harris, Latvala, Dyer, Horne, Brown-Waite, Cowin, Sullivan, Crist, Campbell, Forman, Bronson and Klein—

CS for SB's 2120 and 1906—A bill to be entitled An act relating to the Beverage Law; creating s. 561.59, F.S.; providing for certain direct shipments of wine from out of state; requiring shippers to have certain licenses; providing prohibitions; providing for administrative and criminal penalties; exempting charitable organizations from excise and sales and use taxes on sales made from direct shipments of wine from out of state, subject to restrictions; amending ss. 561.54 and 561.545, F.S.; providing that those sections are inapplicable to wine shipped under s. 561.59, F.S.; providing an effective date.

By the Committee on Education and Senator Cowin—

CS for SB 2258—A bill to be entitled An act relating to education; amending s. 231.02, F.S., relating to qualifications of district school system personnel; deleting certain provisions relating to background check; amending s. 231.096, F.S.; revising provisions relating to teaching out-of-field; amending s. 231.15, F.S.; providing State Board of Education duties relating to teacher certification; amending s. 231.17, F.S.; revising provisions relating to qualification for a temporary certificate; amending s. 231.1725, F.S.; deleting provisions relating to employment of noncertificated teachers in critical teacher shortage areas; providing for protection of laws for students performing clinical field experience;

amending s. 231.261, F.S.; providing rulemaking authority of the Education Practices Commission; amending s. 231.263, F.S.; clarifying provisions relating to the recovery network program for educators; amending s. 231.47, F.S.; conforming a cross-reference; amending s. 231.546, F.S., relating to the Education Standards Commission; deleting duties relating to teacher education centers; amending s. 231.600, F.S.; revising requirements of the school district professional development system; creating s. 231.6002, F.S.; requiring school districts to develop professional development plans; providing for stipends and funding; providing for rules; amending s. 231.601, F.S.; deleting provisions relating to teacher education center purposes; amending s. 231.625, F.S.; deleting provisions relating to a teacher referral and recruitment center; requiring establishment of a teacher recruitment and retention services office; amending s. 231.6255, F.S.; revising provisions relating to the Christa McAuliffe Ambassador for Education Program; creating s. 231.63, F.S.; creating the Florida Educator Hall of Fame; providing for nominations, recommendations, and selection of members; amending s. 20.15, F.S.; creating additional divisions of the Department of Education; amending s. 231.262, F.S.; providing a show-cause process for violations of probation imposed by the Education Practices Commission; amending s. 231.28, F.S.; providing a show-cause process for violation of an order of the Education Practices Commission; providing authority for additional penalties; repealing s. 231.613, F.S., relating to inservice training institutes; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

CS for SB 2280—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; deleting obsolete language relating to the release of lottery funds to school districts; amending s. 229.58, F.S.; revising provisions relating to membership of school advisory councils; amending s. 229.591, F.S.; requiring postsecondary institutions to work toward the goal of ensuring professional teachers and staff; providing an effective date.

By the Committee on Regulated Industries and Senator Clary—

CS for SB 2336—A bill to be entitled An act relating to contracting; amending s. 468.603, F.S.; providing definitions; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; providing membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; providing standards for certification as an inspector, building code administrator, or plans examiner; eliminating the board's authority to issue temporary certificates; amending s. 468.617, F.S.; providing that nothing prohibits local governments from contracting with certified persons to perform inspections; amending s. 468.627, F.S.; increasing the initial examination fee; creating ss. 471.045, 481.222, F.S.; allowing architects and professional engineers to perform the duties of building code inspectors in specified circumstances; providing disciplinary guidelines; providing restrictions; amending s. 489.129, F.S.; clarifying what constitutes a knowing violation; requiring the department to provide certain information to a contractor who is the subject of a complaint; amending s. 489.131, F.S.; clarifying the department's authority to initiate disciplinary actions; requiring local boards to have consumer members; amending s. 469.001, F.S.; redefining the terms "abatement" and "survey"; defining the term "project designer"; amending s. 469.002, F.S., relating to exemptions from state regulation of asbestos abatement; revising an exemption applicable to certain asbestos-related activities done by government employees; revising certain existing exemptions; amending s. 469.004, F.S.; eliminating provisions relating to prerequisites to issuance of a license and to continuing education; amending s. 469.005, F.S.; revising licensure requirements for asbestos consultants and asbestos contractors relating to required coursework; amending s. 469.006, F.S.; requiring applicants for business licensure to submit evidence of financial responsibility and an affidavit attesting to having obtained the required workers' compensation, public liability, and property damage insurance; amending s. 469.013, F.S.; revising continuing education requirements applicable to asbestos surveyors, management planners, and project monitors; repealing s. 469.015, F.S., relating to seals; amending ss. 255.551, 376.60, and 469.014, F.S.; conforming cross-references; amending s. 489.103, F.S.; providing exemptions from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under certain conditions; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; eliminating reference to board jurisdiction over examinations; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.113, F.S.; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., which provides for certification of underground utility and excavation contractors; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring certain coursework; requiring an examination for certain persons; providing for discipline and penalties; providing a definition; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the term "monitoring"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; eliminating an inconsistent provision relating to failure to renew an active or inactive certificate or registration; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; authorizing the taking of the certification examination more than three times and providing requirements with respect thereto; eliminating an obsolete provision; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; providing for verification of public liability and property damage insurance; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; authorizing a person passing the certification examination and applying for licensure to place his or her license on inactive status without having to qualify a business; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; providing technical changes; amending s. 489.525, F.S.; revising reporting requirements of the Department of Business and Professional Regulation to local boards and building officials; providing applicability with respect to information provided on the Internet; amending s. 489.533, F.S.; revising and providing grounds for discipline; providing penalties; reenacting s. 489.518(5), F.S., relating to alarm system agents, to incorporate the amendment to s. 489.533, F.S., in a reference thereto; amending s. 489.537, F.S.; authorizing registered electrical contractors to install raceways for alarm systems; providing that licensees under part II, ch. 489, F.S., are subject, as applicable, to

certain provisions relating to local occupational license taxes; amending ss. 489.539, 553.19, F.S.; updating electrical and alarm standards; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; providing an effective date.

By the Committee on Education and Senator Cowin—

CS for SB 2350—A bill to be entitled An act relating to education; amending s. 229.57, F.S.; authorizing the Commissioner of Education to establish criteria for exempting a student from taking certain parts of the high school competency test; amending s. 232.2466, F.S.; modifying the criteria for awarding a differentiated college-ready diploma; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 3205, HB 3589, CS for HB 3713, CS for HB 4065, HB 4167, HB 4355, HB 4501, HB 4529; has passed as amended CS for HB 1377, HB 1555, CS for HB 1667, CS for HB 3059, CS for CS for HB 3421, CS for HB 3427, CS for HB 3701, HB 3785; has adopted HM 4139 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Wiles and others—

HB 3205—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to payments under the educational tuition assistance program administered by the Department of Military Affairs; providing an effective date.

—was referred to the Committees Governmental Reform and Oversight; and Ways and Means.

By Representative Bitner and others—

HB 3589—A bill to be entitled An act relating to certified public accountants; creating s. 473.3065, F.S.; establishing the Certified Public Accountant Education Minority Assistance Program; providing for scholarships to eligible students; providing for the funding of scholarships; requiring Board of Accountancy rules; providing a penalty for certain violations; creating an advisory council to assist in program administration; providing an effective date.

—was referred to the Committees on Regulated Industries; Education; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Business Regulation and Consumer Affairs; and Representative Jones—

CS for HB 3713—A bill to be entitled An act relating to firearms-related licenses; amending ss. 493.6111, 493.6113, F.S.; extending the licensure period for certain licenses; amending s. 790.06, F.S.; extending the licensure period for concealed weapons licenses; requiring persons who conduct or instruct certain gun safety and licensure courses to maintain records; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Financial Services, Financial Services and Representative Safley and others—

CS for HB 4065—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; providing definitions; amending s. 473.303, F.S.; revising provisions relating to membership on probable cause panels of the Board of Accountancy; amending s. 473.306, F.S.; providing conditions under which the board may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership, corporation, or limited liability company to practice public accountancy in this state; amending s. 473.3101, F.S.; providing requirements for the licensure of sole proprietors and other legal entities; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 473.313, F.S.; providing continuing education requirements for the reactivation of certain licenses; amending s. 473.315, F.S.; providing an exemption for attorneys; amending ss. 473.319, 473.3205, F.S.; revising provisions relating to contingency fees, commissions, and referral fees; amending s. 473.322, F.S.; providing certain requirements for persons offering certain public accounting services; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Elder Affairs and Long Term Care; and Representative Brooks and others—

HB 4167—A bill to be entitled An act relating to adult abuse, neglect, and exploitation; amending ss. 415.102 and 415.1102, F.S.; deleting references to self-neglect from provisions relating to adult protective services cases and reports; defining "disabled adult in need of services" and "elderly person in need of services"; amending s. 415.1045, F.S.; providing for determinations in onsite protective investigations that certain persons are persons in need of services; amending s. 415.105, F.S.; providing for referral of such persons to programs of the Department of Elderly Affairs; amending s. 415.1055, F.S.; providing that no classification or notification is required for reports resulting in such determinations; amending s. 415.1065, F.S.; providing for retention and expunction of records of such reports; amending s. 430.205, F.S.; revising circumstances under which certain elderly persons must receive primary consideration for community-care-for-the-elderly services; defining "primary consideration"; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By the Committee on Tourism and Representative Barreiro and others—

HB 4355—A bill to be entitled An act relating to tourism; amending s. 288.1221, F.S.; revising legislative intent; amending s. 288.1222, F.S.; clarifying a definition; amending s. 288.1223, F.S.; specifying application of a limitation on terms of certain members of the Florida Commission on Tourism; clarifying meeting and vice chair election provisions; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By the Committee on Financial Services and Representative Safley and others—

HB 4501—A bill to be entitled An act relating to conversion of credit unions; prohibiting the Department of Banking and Finance from approving the conversion of federally-chartered credit unions to state-

chartered credit unions except under certain circumstances; providing criteria; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Rules and Calendar.

By the Committee on Business Regulation and Consumer Affairs; and Representative Ogles and others—

HB 4529—A bill to be entitled An act relating to athlete agents; repealing pt. IX, ch. 468, F.S., relating to athlete agents, to deregulate athlete agents; amending ss. 20.165, 20.43, 232.435, 408.07, 443.101, 455.501, 455.607, 455.667, 489.109, and 489.519, F.S.; correcting references and cross references, to conform; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By the Committee on Transportation and Representative Fuller and others—

CS for HB 1377—A bill to be entitled An act relating to motor vehicle emissions and safety inspections; amending s. 325.203, F.S.; providing for biennial emissions inspections; amending ss. 325.209 and 325.210, F.S.; conforming to the act; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Representative Harrington—

HB 1555—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment for municipal improvements to property owners; amending s. 194.032, F.S.; revising the time period during which a value adjustment board hearing may be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on General Government Appropriations and Representative Villalobos—

CS for HB 1667—A bill to be entitled An act relating to trust funds; creating the Lake Belt Mitigation Trust Fund within the South Florida Water Management District; providing for sources of moneys and purposes; providing an exemption from termination; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Environmental Protection and Representative Albright and others—

CS for HB 3059—A bill to be entitled An act relating to designations for Florida lands; creating s. 253.0015, F.S.; requiring prior approval by the Governor and Cabinet for certain designations of state-owned lands or lands contiguous thereto; requiring notification by the Governor and Cabinet to affected counties; providing a procedure for affected counties to oppose certain activities; providing application; providing an effective date.

—was referred to the Committees on Natural Resources and Community Affairs.

By the Committees on General Government Appropriations; Water and Resource Management; and Representative Putnam and others—

CS for CS for HB 3421—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term "water control district" and revising the definition of the term "water control plan"; amending s. 298.11, F.S.; providing for landowner vote for fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer's annual report; amending s. 298.301, F.S.; providing authority for modification of district boundaries; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross reference; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; repealing s. 298.337, F.S., relating to levies of assessments on land less than 1 acre; providing an effective date.

—was referred to the Committees on Natural Resources; Community Affairs; and Ways and Means.

By the Committee on Environmental Protection and Representative Jones and others—

CS for HB 3427—A bill to be entitled An act relating to funding for beach management; amending s. 161.088, F.S.; providing a legislative declaration that beach restoration and renourishment projects are in the public interest and shall be funded in a specified manner; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to implement regional components of the beach management plan, to enter into agreements to cost-share and coordinate such activity, and to sponsor or cosponsor beach management demonstration projects; providing criteria to be considered in determining annual funding priorities for beach management projects; providing for reductions in local sponsors' cost shares; amending s. 161.161, F.S.; providing for regional components of the statewide beach management plan; providing for submission of funding recommendations to the Legislature; deleting obsolete provisions; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of beach preservation and repair; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Environmental Protection and Representative Fuller and others—

CS for HB 3701—A bill to be entitled An act relating to pollution control; creating s. 403.7211, F.S.; restricting authority of the Department of Environmental Protection to issue permits for construction, modification, and initial operation of facilities for disposal, storage, or treatment of hazardous wastes generated off-site; restricting the locations of hazardous waste transfer facilities; providing application to pending permits and proposed transfer stations; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Business Regulation and Consumer Affairs; and Representative Ogles and others—

HB 3785—A bill to be entitled An act relating to consumer protection; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the Department of Agriculture and Consumer Services; amending s. 496.403, F.S.; exempting persons or organizations who solicit on their behalf from ss. 496.401-496.424, F.S.; amending s. 496.404, F.S.; clarifying a definition; amending s. 496.405, F.S.; revising a registration fee schedule for charitable organizations; amending s. 496.406, F.S.; deleting certain registration requirements for certain charitable organizations; amending s. 501.143, F.S.; deleting a specific annual registration date for certain dance studios; amending s. 501.2101, F.S.; authorizing the deposit of moneys received by an enforcing authority for attorney's fees and costs of investigation or litigation to be deposited in the Legal Affairs Revolving Trust Fund; amending s. 501.607, F.S.; clarifying certain procedures for licensing salespersons; amending s. 559.805, F.S.; requiring business opportunity sellers to disclose certain information; amending s. 559.904, F.S.; clarifying registration requirements for motor vehicle repair shop operators; providing a late fee; amending s. 817.415, F.S.; revising requirements for free advertising; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Feeney and others—

HM 4139—A memorial to the Congress of the United States urging Congress to sunset the current Internal Revenue Code by December 31, 2000, and develop a simple replacement tax code which the average citizen can comply with and understand without having to retain professional assistance.

—was referred to the Committee on Rules and Calendar.

ENROLLING REPORTS

CS for SB 358 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 17, 1998.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 16 was corrected and approved.

CO-SPONSORS

Senators Hargrett—SJR 82; Myers—CS for SB 1498

RECESS

On motion by Senator Bankhead, the Senate recessed at 1:02 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 4:00 p.m., Tuesday, April 21.

Journal of the Senate

Number 17—Regular Session **Tuesday, April 21, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 4:00 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by Travis Laney, an employee with the Sergeant at Arms' Office, and a senior at Florida State University, majoring in religion:

Almighty God, we thank you that you are the creator and sustainer of our very lives.

God, we humbly acknowledge that you alone are the source of our strength and that you alone establish all of those in authority—even those in this very room.

God, therefore give us your divine wisdom we entreat, to lead and govern diligently with humility and mercy. Lead us in your paths of knowledge as we consider laws to help those who are in need.

Bless us, we pray, with discernment to know what is right for the citizens of Florida and then give us the courage and faith to enact justice fairly, even though it may not always be popular. Allow your countenance to shine upon us as we do your will and anoint us with the strength to do all these things. In your name we pray. Amen.

PLEDGE

Senate Pages Randy Barrelle of Sharpes and Rony Singer of Aventura, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

SENATOR DYER PRESIDING

THE PRESIDENT PRESIDING

At the request of Senator Latvala—

By Senator Latvala—

SR 2292—A resolution commending Jack and Ruth Eckerd for their contribution to troubled youth through Eckerd Youth Alternatives, Inc.

WHEREAS, Jack and Ruth Eckerd have provided the means and opportunities for troubled youth to resume a more responsible, productive role in their families, schools, and communities through Eckerd Youth Alternatives, Inc., and

WHEREAS, to meet the ever-increasing needs of Florida's children and young adults, Jack and Ruth Eckerd were among the first to join in the public-private partnerships with the state through Eckerd Youth Alternatives, Inc., and

WHEREAS, this relationship has, for more than 25 years, provided services to emotionally troubled young people, and

WHEREAS, the thousands of lives touched by Jack and Ruth Eckerd through Eckerd Youth Alternatives, Inc., exemplifies their quality and commitment to young people, and

WHEREAS, Jack and Ruth Eckerd's original concept, which was conceived in Eckerd Youth Alternatives, Inc., has expanded to 26 programs in seven states benefitting more than 3,000 children, youth, and young adults each day, and

WHEREAS, Jack and Ruth Eckerd are widely recognized as leaders in services to youth at risk, achieving local, state, and national acclaim through Eckerd Youth Alternatives, Inc., and

WHEREAS, Jack and Ruth Eckerd have given selflessly of their time, talents, and personal resources to ensure that youth are given an opportunity to reach their fullest potential, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Jack and Ruth Eckerd are commended for their commitment to children and young adults and for their untiring contributions to this state.

BE IT FURTHER RESOLVED, that a copy of this resolution, with the Seal of the Senate affixed, be presented to Jack and Ruth Eckerd as a tangible token of the esteem of the Florida Senate.

—**SR 2292** was introduced, read and adopted by publication.

At the request of Senator Geller—

By Senator Geller—

SR 2678—A resolution honoring the Hallandale Hot baseball team for winning five consecutive national championships in Khoury League Baseball.

WHEREAS, the Hallandale Hot baseball team, consisting of players who are 14 to 16 years of age, has won five consecutive Khoury League

national championships, representing the State of Florida, including the 1997 championship in St. Louis, Missouri, and

WHEREAS, the manager of the Hallandale team, R.J. Intindola, is also the City Manager of Hallandale, Florida, and

WHEREAS, the Hallandale Hot Team also won the Khoury League International World Series in 1997, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the members of the Hallandale Hot baseball team for winning five consecutive national championships and the 1997 International World Series.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Hallandale Hot as a tangible token of the sentiments and good wishes of the Florida Senate.

—**SR 2678** was introduced, read and adopted by publication.

At the request of Senator Dudley—

By Senators Dudley, Lee and Sullivan—

SR 2696—A resolution honoring Archibald "Arch" Wilton McLean, Jr. for his adventurist spirit and contributions to Florida's construction industry and the governmental relations community in Tallahassee.

WHEREAS, Arch McLean was born in North Carolina on December 16, 1953, of Scottish descent, and followed in his father's footsteps by joining the St. Andrews Society, an organization of which his father had been president in North Carolina, and

WHEREAS, Arch McLean moved to Florida and established a career in the construction industry, and

WHEREAS, Arch McLean gained the respect of his peers and was selected as Executive Vice President of the Central Florida Chapter of Associated General Contractors, and became Executive Director of the Florida Associated General Contractors Council, and

WHEREAS, Arch McLean was a faithful advocate and defender of Florida's general contractors, always behaving as a gentleman and in a professional manner, and

WHEREAS, Arch McLean was a loving and devoted son, brother, and uncle and a kind and considerate neighbor and faithful friend, always demonstrating a love of life, and

WHEREAS, Arch McLean challenged himself by competing in triathlons and other demanding sports, including scuba diving and snow skiing, and

WHEREAS, Arch McLean's love for life's challenges ultimately lead to his untimely demise when he was tragically killed in a skydiving accident over the Thanksgiving Holiday in 1997, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Arch McLean is remembered and commended for his many contributions to the construction industry and Tallahassee's professional lobbying corps.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the family of Arch McLean as a tangible token of the sentiments of the Florida Senate.

—**SR 2696** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Kurth, by two-thirds vote **SB 2112** and **SB 2210** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **SB 422** was withdrawn from the Committee on Education; **CS for SB 710** was withdrawn from the Committee on Community Affairs; and **CS for SB 518**, **CS for SB 1028**, **CS for SB 1214** and **SB 1482** were withdrawn from the Committee on Judiciary.

MOTIONS

On motion by Senator Bankhead, the rules were waived and a deadline of 7:00 p.m. this day was set for filing amendments to the Special Order Calendar and Bills on Third Reading to be considered Wednesday, April 22.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

COMMUNICATION

The Honorable Daniel Webster April 20, 1998
Speaker of the House
House of Representatives

Dear Mr. Speaker:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Conference Committee Reports on **HB 4201** and **HB 4205** relating to appropriations have been furnished to each member of the Legislature, the Governor, each member of the Cabinet, and the Supreme Court.

Delivery was completed April 18, 1998 at 3:25 p.m. EDT.

Respectfully submitted,
John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 4201, as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON HB 4201

The Honorable Daniel Webster April 18, 1998
Speaker, House of Representatives

The Honorable Toni Jennings
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 4201, same being:

> An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendment 1.
2. That the House of Representatives and the Senate adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Rodolfo Garcia, Jr.
Chair
s/Rudy Bradley
s/Scott Clemons
s/Tom Feeney
s/Lars A. Hafner
s/James E. (Jim) King, Jr.
s/Alfred Lawson, Jr.
s/Ralph L. Livingston
s/Joseph R. Mackey
s/Jerry Melvin
s/Luis C. Morse
s/Ken Pruitt
s/Buzz Ritchie
s/Bruno Barreiro
s/Janegale Boyd
s/Cynthia Chestnut
s/Lee Constantine
s/Mark Flanagan
s/Dennis L. Jones
s/Carlos Lacasa
s/Carl Littlefield
s/Willie F. Logan
s/Kendrick Meek
s/Sharon J. Merchant
s/Bill Posey
s/Alzo J. Reddick
s/Beryl Roberts-Burke

s/Debby P. Sanderson
s/Bill Sublette
s/Tom Warner
s/Stephen R. Wise
s/Kelley R. Smith
s/J. Alex Villalobos
s/Debbie Wasserman Schultz

Managers on the part of the House of Representatives

s/Donald C. Sullivan
Chair
s/Ginny Brown-Waite
s/Roberto Casas
s/Charlie W. Clary III
s/Charlie Crist
s/Fred R. Dudley
s/John A. Grant
s/James Hargrett
s/Betty S. Holzendorf
s/George G. Kirkpatrick
s/Jack Latvala
s/John M. McKay
s/William G. Myers M.D.
s/Jim Scott
s/Pat Thomas
s/W. G. (Bill) Bankhead
s/Charlie Bronson
s/Locke Burt
s/W. D. Childers
s/Anna P. Cowin
s/Mario Diaz-Balart
s/Buddy Dyer
s/Alberto Gutman
s/Katherine Harris
s/Jim Horne
s/Patsy Kurth
s/Tom Lee
s/Matthew J. Meadows
s/Thomas C. Rossin
s/Ron Silver
s/Charles Williams

Managers on the part of the Senate

Conference Committee Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 1998, and ending June 30, 1999, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

The moneys contained herein are appropriated from the named funds for the 1998-99 Fiscal Year to the State agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The moneys contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF DEPUTY COMMISSIONER FOR PLANNING, BUDGETING AND MANAGEMENT

1A FIXED CAPITAL OUTLAY
CLASSROOMS FIRST AND 1997 SCHOOL CAPITAL OUTLAY BOND PROGRAMS - OPERATING FUNDS AND DEBT SERVICE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 180,000,000

The funds in Specific Appropriation 1A are for the cash and debt service requirements of the Classrooms First and 1997 School Capital Outlay Bond Programs established in Chapter 97-384, Laws of Florida.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

3 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 120,000,000

SECTION 1
SPECIFIC
APPROPRIATION
PUBLIC SCHOOLS, DIVISION OF

6 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT DISCRETIONARY LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 183,975,000

Funds appropriated in Specific Appropriation 6 are provided as enhancement funds for school districts and shall be allocated by prorating each district's K-12 base funding entitlement to the amount of the appropriation.

Districts shall use a unique fund source code for accounting for the receipt and expenditure of all Educational Enhancement Trust Funds.

Prior to the expenditure of funds appropriated in Specific Appropriation 6, each school district shall establish policies and procedures that define enhancement and the types of expenditures that will be considered consistent with that definition. Districts shall provide to the Department of Education a copy of all policies and procedures that relate to the use of enhancement funds and shall annually, within a sixty day period following the end of each fiscal year, submit a report to the Department of Education showing the actual expenditure of all enhancement funds.

From the funds provided in Specific Appropriation 6, school boards must allocate, not later than October 1, 1998, at least $10 per unweighted FTE student to be used at the discretion of the School Advisory Committee or, in the absence of such a committee, at the discretion of the staff and parents of the school. A portion of the money should be used for implementing the school improvement plan. The improvement plan shall be based on the needs of the statewide and district-wide school improvement plan.

Funding for use by the School Advisory Councils should be allocated directly to the School Advisory Councils, should be clearly earmarked for their use and is not subject to override by the Principal or interim approvals by school district staff.

7A SPECIAL CATEGORIES
SCHOOL RECOGNITION/MERIT SCHOOLS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 5,390,000

Funds provided in Specific Appropriation 7A, shall be awarded by the Commissioner as provided in section 231.2905, Florida Statutes.

8 SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 103,925,000

8A SPECIAL CATEGORIES
GRANTS AND AIDS - COALITION INCENTIVE FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,000,000

COMMUNITY COLLEGES, DIVISION OF

12 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 98,900,000

SECTION 1
SPECIFIC
APPROPRIATION

Funds provided in Specific Appropriation 12 shall be allocated as follows:

Brevard	3,853,569
Broward	6,364,566
Central Florida	1,979,434
Chipola	682,274
Daytona Beach	5,966,147
Edison	2,348,489
Florida CC at Jacksonville	9,657,211
Florida Keys	445,018
Gulf Coast	1,689,859
Hillsborough	4,977,949
Indian River	4,357,793
Lake City	1,052,618
Lake-Sumter	615,093
Manatee	2,015,867
Miami-Dade	16,036,457
North Florida	463,724
Okaloosa-Walton	1,834,082
Palm Beach	4,305,349
Pasco-Hernando	1,475,066
Pensacola	3,707,066
Polk	1,526,848
St. Johns	1,063,123
St. Petersburg	5,093,243
Santa Fe	3,886,475
Seminole	3,429,839
South Florida	1,295,998
Tallahassee	2,529,728
Valencia	6,247,115

The State Board of Community Colleges shall submit a report to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate and the minority leaders of the House of Representatives and Senate reflecting how these funds were expended.

16 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY COLLEGE
ENDOWMENT MATCHING FUND
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,155,000

17 SPECIAL CATEGORIES
PERFORMANCE BASED INCENTIVE PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,000,000

UNIVERSITIES, DIVISION OF

EDUCATIONAL AND GENERAL ACTIVITIES

From the funds in Specific Appropriations 20 through 23 for university enhancements, the Board of Regents shall allocate to each university its proportional share to be used for enhanced programs to be determined by each respective university. The Board of Regents may allocate up to $500,000 of these funds (off-the-top) for implementing systemwide or statewide priorities. Funds appropriated herein may be transferred to one or more appropriation categories for expenditure; however, the Board of Regents shall establish a mechanism for tracking such transferred funds back to the original appropriation. The Board of Regents shall submit an annual report reflecting how these funds were expended.

20 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 78,065,877

21 LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL
SCIENCES OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 9,628,107

22 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,531,456

23 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER
OPERATIONS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 8,674,560

BOARD OF REGENTS GENERAL OFFICE

24 SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 12,932,965

TOTAL OF SECTION 1

FROM TRUST FUNDS 812,177,965

TOTAL ALL FUNDS 812,177,965

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

Funds in Specific Appropriations 30 through 171A as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts and allocation conference documents.

When a public educational institution has been fully funded by an external agency for direct instructional costs of any course or program, the FTE generated shall not be reported for state funding.

OFFICE OF THE COMMISSIONER

Funds from Specific Appropriations 26, 27 and 28 for the Commission on Education Reform & Accountability shall not be released until such time as the Governor's Commission on Education, established by Executive Order on September 10, 1996, is dissolved.

26 SALARIES AND BENEFITS POSITIONS 44
FROM GENERAL REVENUE FUND 2,532,481
FROM EDUCATIONAL AIDS TRUST FUND 81,679

27 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,423

28 EXPENSES
FROM GENERAL REVENUE FUND 658,057
FROM EDUCATIONAL AIDS TRUST FUND 3,165

29 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 28,301

29A SPECIAL CATEGORIES
JUST THE FACTS
FROM GENERAL REVENUE FUND 500,000

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30 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION
FROM GENERAL REVENUE FUND 1,914,244

31 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 28,897

32 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,974

32A SPECIAL CATEGORIES
PROGRAM REVIEW AND SPECIAL STUDIES
FROM GENERAL REVENUE FUND 350,000

From the funds in Specific Appropriation 32A, the Department of Education shall contract with an independent entity for a study of the postsecondary education system in Florida. The primary focus of the study shall address the following: projected enrollment in higher education for the next decade; the existing capacity in the public community college system, state university system, and private colleges and universities to serve additional students; and building/facility needs and financing recommendations based on enrollment projections, including recommendations as to how to maximize the use of existing facilities. In addition, the secondary focus of the study shall address the following issues: policies relating to admissions of nonresidents; needs of the state workforce and the link with academic and vocational programs; the financing of higher education in the state; the open door policy in the community college system; remediation policies in postsecondary education; whether or not the "2+2" articulation process needs to be strengthened, modified, or abandoned; and faculty issues in public postsecondary entities, such as evaluation, tenure, multi-year contracts, use of adjunct instructors, and joint college and university appointments.

OFFICE OF DEPUTY COMMISSIONER FOR PLANNING, BUDGETING AND MANAGEMENT

33 SALARIES AND BENEFITS POSITIONS 224
FROM GENERAL REVENUE FUND 7,544,671
FROM EDUCATIONAL AIDS TRUST FUND 344,368
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 1,609,346
FROM FOOD AND NUTRITION SERVICES TRUST FUND 644,926

34 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 145,277
FROM EDUCATIONAL AIDS TRUST FUND 43,294
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 23,425
FROM FOOD AND NUTRITION SERVICES TRUST FUND 104,555

35 EXPENSES
FROM GENERAL REVENUE FUND 2,877,934
FROM EDUCATIONAL AIDS TRUST FUND 200,940
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 513,548
FROM FOOD AND NUTRITION SERVICES TRUST FUND 519,957

36 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 130,639
FROM EDUCATIONAL AIDS TRUST FUND 283,780
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 15,000

37 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 118,372

38 SPECIAL CATEGORIES
COST-OF-LIVING PRICE SURVEY
FROM GENERAL REVENUE FUND 299,141

Specific Appropriation 38 provides $10,000 to be used for the following purpose: The Department of Education shall make all necessary arrangements to ensure that funding is provided to conduct additional research required to implement the recommendations from the Study of the Florida Price Level Index conducted as required by Chapter 97-152, Laws of Florida. In planning and carrying out the additional study, priority shall be given to completing the work in time to implement additional recommendations in the 1998 FPLI. A report containing the results from the additional study, implementation of recommendations, and the status of all additional study undertaken and planned shall be submitted to the Legislature on or before December 1, 1998.

39 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 2,639,494

Funds in Specific Appropriation 39 shall be allocated to the Multidisciplinary Educational Services Centers as follows: University of Florida, $563,344; University of Miami, $506,381; Florida State University, $512,558; University of South Florida, $551,637; and University of Florida Health Science Center at Jacksonville, $505,574. Each center shall provide a report to the Department of Education by September 1, 1998 for the 1997-98 year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in inservice education activities, 4) the number of districts served, and 5) specific services provided.

40 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK
FROM GENERAL REVENUE FUND 6,166,473

The funds provided in Specific Appropriation 40 shall be used to continue the Florida Information Resource Network (FIRN). The goals of the network are the implementation of a statewide interactive network and the reduction of the data burden on teachers and other personnel. A principal emphasis shall continue to be the automation of student, staff and financial information systems, and distance learning activities.

41 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 964,618

43 SPECIAL CATEGORIES
EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 200,000

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43A SPECIAL CATEGORIES
FETPIP/WORKFORCE DEVELOPMENT MANAGEMENT INFORMATION SYSTEMS
FROM GENERAL REVENUE FUND 2,500,000

44 SPECIAL CATEGORIES
RETIREMENT ESCROW
FROM EDUCATIONAL AIDS TRUST FUND 177,000

45 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 74,025
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 11,203
FROM FOOD AND NUTRITION SERVICES TRUST FUND 6,838

46 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 2,625,000

Funds in Specific Appropriation 46 shall be distributed to the five autism centers as follows: University of South Florida (Florida Mental Health Institute) $550,000; University of Florida (College of Medicine) $450,000; and establishing a satellite center of the University of Florida at the University of Central Florida $150,000; University of Miami (Department of Pediatrics) $450,000; and establishing a satellite center of the University of Miami at Nova Southeastern University $125,000; University of Florida (Jacksonville) $450,000; and Florida State University (College of Communications) $450,000. Summaries of achievements for the prior fiscal year shall be submitted to the Department of Education by September 1, 1998.

47 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 2,242,056
FROM EDUCATIONAL AIDS TRUST FUND 292,819

48 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 638,186
FROM EDUCATIONAL AIDS TRUST FUND 134,169

The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 49 through 58 shall constitute authorized capital outlay projects within the meaning and as required by s. 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each project is the maximum sum to be expended for each specified phase of the project. The scope of each project shall be planned so that the amounts specified shall not be exceeded, or any excess in costs shall be funded by sources other than this appropriation. Each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of s. 216.301(3), Florida Statutes, shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 1998-99 appropriation. For the state educational agencies receiving these monies from the Department of Education, the Executive Office of the Governor may establish additional fixed capital outlay appropriations within trust funds of state educational agencies for the purpose of making fixed capital outlay project expenditures appropriated herein.

49 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 111,700,000

Funds provided in Specific Appropriation 49 shall be allocated in accordance with s. 235.435(1), Florida Statutes, as follows:

Public Schools..... $90,402,480
Community Colleges..... 8,487,054
State University System..... 12,810,466

50 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 100,228,358

Funds provided in Specific Appropriation 50 shall be allocated in accordance with s. 235.435(3), and s. 228.053(9)(e), Florida Statutes.

51 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 142,059,856

The following community college projects are included in the funds provided in Specific Appropriation 51:

BREVARD - Instrl/PE/Lib/Aud/Sup Svcs - Palm Bay partial (c,e).....$9,269,340
Gen ren/rem, Stu Ctr & Crim Just Bldg - Melbourne..... 985,000
BROWARD - Student Svcs Ctr - North complete (c,e)..... 2,386,185
Student Ctr Bldg 19 Add/Rem - Central partial (c,e)..... 360,000
Rem/ren Bldg 47 / Computer & Reading Labs - North..... 158,552
Gen ren/rem, HVAC, engy mgt, communic sys, ADA, utils, site imprv..... 1,521,850
Rem/ren Bldg 48 Student Svcs - North partial..... 351,686
Instructional Facility Replcmt/w City Match Tigertail Lake..... 251,786
CENTRAL FLORIDA - Rem/ren Bldg 2, 7, 9 & 19 - Main..... 250,000
Gen ren/rem, critical mech/elec, ADA, roofing, site imprv..... 499,959
CHIPOLA - Gen ren/rem, ADA, site imprv... 250,000
DAYTONA BEACH - Allied Health/Sci Bldg Addition & Parking - Main (c)..... 2,534,974
Gen ren/rem, undergrd utils, Bldgs 8, 25, 27, LRC plg, flds, roofs..... 1,429,629
EDISON - Allied Health Inst Fac - Main partial (c)..... 4,241,027
Gen ren/rem, enrgy proj 13 Bldgs, fire safety, HVAC, site imprv..... 3,229,426
Adjacent Land Acquisition - Main partial (s,p,c)..... 385,000

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FLORIDA CC @ JACKSONVILLE - Rem/ren Deerwood Ctr partial..... 3,950,000
Rem/ren Engineer Lab & TV Studio - DTC.. 592,419
Voc Labs & Parking Facility - Kent partial (s,p,c)..... 197,110
Clsrms/Labs/Lib/Stu Svcs Ph II - Nassau (s,p,c)..... 4,734,114
Land & facils acquisition - Deerwood Ctr partial (s,p,c,e)..... 1,033,333
Adjac land & facils acquisit - DTC (s,p,c) 300,000
Gen ren/rem, ADA, HVAC, lights, utilities, roofs..... 1,120,634
FLORIDA KEYS - Gen ren/rem, roofs, telecomm, elec/mech/HVAC, ADA, site imprv..... 548,843
GULF COAST - Rem/ren Fine Arts Bldg..... 300,000
Public Service CJ/Corr Labs/Child Care Labs complete (c,e)..... 2,717,789
Gen ren/rem, HVAC, energy mgt sys Soc Sci & LRC..... 482,700
Crim Jus Labs/Voc Labs/EDA Match - Gulf Cty (c,e)..... 600,000
HILLSBOROUGH - Rem/ren Library, Science, Hum Bldg - DM..... 2,059,625
Gen ren/rem, HVAC, enrgy mgt, parking, ADA, utilities, communic sys..... 890,850
INDIAN RIVER - Gen ren/rem, roofs, ADA, utils, parking, site imprv, HVAC..... 723,677
Rem/ren Bldgs 6 & parts of 3, 10, & 18-main partial..... 354,518
Land & facil acquis - St. Lucie W/ Chastain Ctr-Mart Co partial (s,p,c).. 2,041,643
LAKE CITY - Gen ren/rem, HVAC, Admin & Tech Bldgs, roads..... 422,593
LAKE-SUMTER - Rem/ren Facility 7, Gymnasium - Main partial..... 536,119
South Lake County Ctr (c,e)..... 510,794
Libry/Stdnt Svcs Ctr/w County & School Bd match-Sumter complete (c,e)..... 1,482,454
Gen ren/rem, site imprv, roofing, communic sys, ADA, lighting, HVAC..... 382,150
Lake-Sumter Community College Partnership Access Facility..... 9,458,135
MANATEE - Rem/ren, Bldgs 100, 200, 300 .. 300,000
Ren/rem & Clsrm Cons't Neel House Auditorium..... 800,000
Gen ren/rem, utils, storm main, safety, HVAC, ducts, roofs, ADA..... 737,523
Health Sci Addition/Dental Hygiene/w local match (partial) (p,c,e)..... 750,000
MIAMI-DADE - Rem/ren clrms/labs/sup fac-Wolfson partial..... 1,371,270
Interamerican Ctr Phase II & Parking Partial (s,p,c,e)..... 419,089
Parking Facility for Ph III - Wolfson partial (s,p,c,e).....10,432,691
Gen ren/rem - collegewide..... 5,866,843
NORTH FLORIDA - Gen ren/rem, site imprv, roofing, handicap access, ADA..... 313,487
Ren/Rem Technical Center/Criminal Justice, Drafting..... 560,000
OKALOOSA - Gen ren/rem, utils, prkng, site imprv, safety, elec, cooling towers... 443,298
Library Building - Main (p)..... 500,000
PALM BEACH - Gen ren/rem, safety, roofs parking, utils, lights, roads..... 1,372,930
PASCO - Rem/ren 1 Classrooms, Labs - North..... 491,673
Public Service Tech Bldg - Gowers Corner partial (s,c)..... 3,058,819
Gen ren/rem, roofs, utilities, HVAC, elec/light sys, ADA..... 509,523
Land Acquisition, Spring Hill Campus.... (s,p).....1,000,000

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Distance Learning Facility & equipment Pasco/USF..... 400,000
PENSACOLA - Gen ren/rem, HVAC, roofs Districtwide, site imprv, lights 730,781
Health Sci Clsrms/Labs w/local match-Warrington partial (p,c)..... 475,408
Adjacent land acquisition - Main partial (s,p,c)..... 250,000
POLK - Gen ren/rem, HVAC, communic sys, ADA, lights, parking..... 674,979
Rem/ren Health Occupations Ctr partial.. 612,178
Clsrms, Labs-Health Occup. Ctr Annex w/ local match (p,c,e)..... 150,000
ST. PETERSBURG - Rem/ren TA, LA, FA, FH w/addition - CL partial..... 962,390
Clsrms, Labs, Libr, Offices Ph II-TS partial (p)..... 400,000
Clsrms, Labs, Offices Ph II w/City match- Seminole partial (p,c,e).....14,087,262
Gen ren/rem Bldgs, roofs, HVAC, ADA, site imprv..... 1,366,965
ST. JOHNS RIVER - Gen ren/rem, HVAC, piping, roofs, ADC..... 309,350
SANTA FE - Gen ren/rem, HVAC, ADA, utilities sys & bldgs..... 1,195,000
Rem/ren Bldgs P & L Library/lab/Classrms 811,329
SEMINOLE - Clasrms/Sci labs/Off Bldgs - East Ctr. Ph IA partial (c,e)..... 1,141,127
Science Laboratory Bldg Addition partial (c,e)..... 196,042
Rem/ren Science Bldg 201 partial..... 1,889,527
Ren/rem energy mgt sys, road, communic sys, parking, site dev..... 640,600
SOUTH FLORIDA - Public Service Tech Bldg complete (c)..... 4,068,724
Gen ren/rem, roofing, security phones, lights, drainage, site dev..... 530,843
TALLAHASSEE - Gen Classrooms/Laboratory Bldg partial (c,e)..... 750,000
Rem/ren safety, ed fac const, ES, Comm, Hum, Infra partial..... 1,455,000
Gen ren/rem, roofs, infrastructure imprv, utilities..... 537,500
Adjacent land acquisition partial (s,p,c) 250,000
Science/Lab Building (p,c)..... 1,500,000
VALENCIA - Clsrms, Labs Module 8 W partial (p,c)..... 9,085,500
Rem/ren Modules 1, 2, 5, & 6/Clsrms, Labs, Stu Svcs - West partial..... 1,571,097
Lib Arts/Health Ph I Bldg II - Osceola complete (c,e)..... 2,579,556
Gen ren/rem & site imprvs-collegewide... 967,638

52 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 174,630,017

The following projects in the State University System are included in the funds appropriated in Specific Appropriation 52:

SUS - FAMU/FSU Challenger Learning Center (p,c,e).....$ 2,500,000
FAMU - Architecture Renovation/ Remodeling/Expansion (e)..... 495,033
Expansion/Remodeling of Ware Rhaney (c). 7,318,919
Pharmacy Building Phase I (p,c)..... 800,000
School of Business & Industry (c)..... 9,325,803
Expansion of Coleman Library (p)..... 800,000
FAU - Sea Tech Building - Remodeling/ Renovation (e)..... 1,100,000
Humanities Remodeling - Building #9 (c,e)..... 8,748,733

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North Palm Beach Campus (c,e)..... 2,230,530
Capital Renewal/Bldg Envelope Enhancements/Replace Temporary Bldgs. (p,c)..... 2,370,000
Life - Behavioral Science Complex Renovation/Expansion (p)..... 800,000
FGCU - Central Energy Plant Expansion (p,c)..... 1,200,000
Classroom/Office Building complete (c,e) 7,699,850
Academic Building Four - Fine Arts Classrooms & Labs (p)..... 800,000
Loop Road Completion & Additional Parking (p,c)..... 2,577,136
FIU - Health & Life Sciences Expansion/ Remod/Renov (p)..... 1,363,270
School of Architecture Building complete (p,c,e).....11,877,350
FSU - Williams Building Remodeling (e)... 800,000
Campus Master Plan Improvements (p,c)... 4,160,000
Bellamy Building Remodeling (p,c)..... 8,225,000
Science Bldg./Support Systems Improvements (p)..... 300,000
Utilities/Infrastructure/Stormwater Improvements - Includes Reimbursement to City of Tallahassee (p,c)..... 3,000,000
Communications Lab (p)..... 500,000
Library Processing Building (s,p,c)..... 1,000,000
Business School Hospitality Program Improvements (p,c,e)..... 1,400,000
UCF - Classroom Building - Phase I (e)... 1,953,978
Engineering Building II (p,c)..... 9,875,000
Health & Public Affairs Building (p,c).. 900,000
Roadway Expansion (p,c)..... 1,077,000
Biological Sciences Renovation (p,c,e).. 3,800,000
UCF/Valencia Comm College Center for Public Safety & Security Support.....11,250,000
UF - Williamson Hall Remod - NSF Grant Matching, Includes Reimbursement to UF Foundation (p,c,e)..... 2,000,000
Health Professions/Nursing/Pharmacy Complex (p)..... 1,365,000
North/South Drive Widening Completion.(c) 400,000
Frazier Rogers Hall Rem/Construction (p,c,e)..... 7,928,000
Anderson/Flint Hall Remodeling/ Restoration (p,c).....12,724,000
Weil Hall Renovation (p,c)..... 2,739,858
IFAS Central FL REC Facility Land Purchase..... 1,500,000
IFAS North FL Educational Facility - Quincy (p,c,e)..... 5,200,000
UNF - Fine Arts Complex (c).....15,450,000
USF - Psychology/CSD/Lab Building complete (c, e).....11,170,077
Engineering Bldg III (p)..... 1,000,000
UWF - Science Lecture/Lab Demonstration Classrooms (e)..... 465,480
Commons - Ph III & Academic Conference Fac (e)..... 260,000
Utilities/Infrastructure Improvements/ Roofs (p,c)..... 2,180,000

53 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 42,632,150

Funds provided in Specific Appropriation 53 shall be allocated pursuant to s. 235.435(2), Florida Statutes, for the following projects:

Dixie County
Old Town Elementary School (p,c,e).....$14,643,072
Washington County
Chipley Middle School (p,c,e)..... 14,744,927
Columbia County
Ft. White High School - partial..... 13,244,151

54 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 549,480,000
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 60,000,000

55 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 48,049,575

56 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 5,365,981

Funds provided in Specific Appropriation 56 are for the following projects:

Campus Safety Related Projects.....$ 437,582
Repairs, Remodeling, and Renovations.... 4,923,399
Master Plan Update..... 5,000

56A FIXED CAPITAL OUTLAY
FIU/FL MEMORIAL COLLEGE COOPERATIVE USE FACILITY
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 5,000,000

Funds in Specific Appropriation 56A shall be used for a joint-use classroom facility between Florida International University and Florida Memorial College on the existing northwest Dade County campus. The joint-use facility shall be available to FIU and Florida Memorial College for all educational activities. Title to the facility shall be with the State University System. Florida Memorial College shall be responsible for the operation and maintenance of the facility. Florida Memorial College shall have the right to reimburse the State University System for this appropriation. Should this reimbursement happen, the funds shall be deposited by the State University System into the General Revenue Fund.

57 FIXED CAPITAL OUTLAY
JOINT-USE FACILITIES PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 36,408,638

From the funds provided in Specific Appropriation 57, $21,408,638 from the Public Education and Capital Outlay Debt Service Trust Fund shall be used for the following joint-use educational capital outlay projects:

St. Johns River Com College/Clay School Bd Auditorium Facility (complete)... 11,300,000
Indian River Com College/FAU Joint Use Classroom/Lab Facility (partial)... 10,108,638

The remaining funds contained in Specific Appropriation 57 shall be used for a public joint-use facilities incentive program for fiscal

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year 1998-99. The purpose of the program is to encourage the Board of Regents and boards of trustees of community colleges to establish common, functional and frugal educational facilities for students. The program shall provide one-time, non-recurring grants for construction of joint-use facilities that meet functional and frugal construction standards.

Prior to the release of the remaining unallocated funds in Specific Appropriation 57, the Postsecondary Education Planning Commission shall develop a feasibility plan outlining the actions necessary to create a "middle tier" system for our state. The plan should address governance issues related to implementation of this response to access. This plan should be completed by December 31, 1998, for submission to the Legislature for consideration.

The Board of Regents shall prepare a detailed plan for expanding the joint-use model. The plan should address the anticipated number and location, optimal size, instructional loads of faculty, and anticipated funding requests for both operating and capital costs of these joint-use centers (both in total funding and on a per-student basis).

The State Board of Community Colleges shall develop a methodology for determining the need for and costs of offering limited baccalaureate programs at selected community colleges. These recommendations should be completed by December 31, 1998, for review by the Postsecondary Education Planning Commission and submission to the Legislature. The State Board shall specifically consider the potential for development of such programs at Miami-Dade Community College, St. Petersburg Junior College, Florida Community College at Jacksonville and South Florida Community College.

The Board of Regents and the State Board of Community Colleges shall include the following projects in their review and analysis of potential projects that may receive funds from the unallocated portion of this appropriation: a Central Florida Community College/UF Joint Use Facility, a Santa Fe Community College/UF Joint Use Facility, and a Daytona Beach Community College/Volusia School Board/Flagler School Board Charter Technical School. This plan should be completed by December 31, 1998, for review by the Postsecondary Education Planning Commission and submission to the Legislature.

After January 1, 1999, the State Board of Education may release funds for specific projects which have been recommended by the Board of Regents and the State Board of Community Colleges and approved by the Postsecondary Education Planning Commission.

58 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 6,775,000

Funds provided in Specific Appropriation 58 shall be used for the following projects:

WUFT-TV/FM - Gainesville (p).....$	250,000
WUSF-TV - Tampa New Facility.....	6,000,000
WEDU-TV - Tampa (p).....	125,000
WLRN-TV/FM - Miami (p).....	100,000
WBCC-TV - Cocoa (p).....	300,000

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58A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SOUTH WALTON CENTER - OKALOOSA-WALTON COMMUNITY COLLEGE
FROM GENERAL REVENUE FUND 50,000

58B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MIAMI MUSEUM OF SCIENCE
FROM GENERAL REVENUE FUND 1,000,000

58C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AT RISK SCHOOL - BROWARD
FROM GENERAL REVENUE FUND 750,000

Funds in Specific Appropriation 58C, are provided to the Broward School District for planning an At-Risk School to be operated jointly by the Broward County School Board/Broward Community College and Florida Atlantic University. The school board shall match the state dollars with local funds.

58D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BROWARD MUSEUM OF DISCOVERY
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 2,200,000

Funds provided in Specific Appropriation 58D are provided to the Broward School Board for the educational facilities component of the Broward Museum of Discovery.

58E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CHARTER SCHOOLS CONSTRUCTION
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 5,000,000

Funds in Specific Appropriation 58E are contingent upon House Bill 4543 or similar legislation becoming law.

HUMAN RESOURCE DEVELOPMENT, DIVISION OF

From the funds provided in Specific Appropriations 59, 60, 61, 63, and 67, the Teacher Referral and Recruitment Center is authorized to collect a registration fee for the Great Florida Teach-In, not to exceed $15 per person, and/or a booth fee, not to exceed $200 per school district or other interested participating organization. The revenue from the fees shall be used to promote and hold the Great Florida Teach-In. Funds may be used to purchase promotional items (i.e. mementos, awards, plaques, etc.).

59 SALARIES AND BENEFITS POSITIONS 69
FROM GENERAL REVENUE FUND 1,096,786
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 1,735,880

60 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,268,032
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 239,279

61 EXPENSES
FROM GENERAL REVENUE FUND 975,694
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 695,839
FROM EDUCATIONAL AIDS TRUST FUND 64,918

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62 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 8,740

63 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 362,799
FROM EDUCATIONAL CERTIFICATION AND
SERVICE TRUST FUND 1,451,872

64A SPECIAL CATEGORIES
FLORIDA HUMANITIES COUNCIL
FROM GENERAL REVENUE FUND 125,000

The funds in Specific Appropriation 64A are provided for a technology training program for humanities teachers. The Florida Humanities Council/Florida Center for Teachers shall link with distance learning facilities already located at Florida Community College at Jacksonville.

66 SPECIAL CATEGORIES
MINORITY TEACHER INCENTIVE
FROM GENERAL REVENUE FUND 200,000

67 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,151
FROM EDUCATIONAL CERTIFICATION AND
SERVICE TRUST FUND 7,504

68 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 3,224,523

From the funds provided in Specific Appropriation 68, $363,000 shall be provided to the Florida Association of District School Superintendents for district superintendents and district leader in-service training. Funds in the amount of $2,861,523 in Specific Appropriation 68 are provided for a coordinated in-service training effort developed by the Commissioner of Education. The primary objective shall be to enhance the capacity of personnel in each district and each school to effectively perform their responsibilities in implementing Florida's Education Reform and Accountability Act.

69 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 45,772

Funds in Specific Appropriation 69 may be used for the Teacher of the Year banquet, as well as awards to the honored teachers as established by the Commissioner of Education.

70 SPECIAL CATEGORIES
SCHOOL RELATED PERSONNEL OF THE YEAR
FROM GENERAL REVENUE FUND 15,100

70A SPECIAL CATEGORIES
GRANTS AND AIDS - URBAN TEACHER RESIDENCY PROGRAM
FROM GENERAL REVENUE FUND 500,000

Funds appropriated in Specific Appropriation 70A are provided to initiate Urban Teacher Residency Programs at the University of North Florida and the University of Central Florida.

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PRIVATE COLLEGES AND UNIVERSITIES

Budget entities administering contracts which have not been reviewed and recommended by the Postsecondary Education Planning Commission shall require annual reports which include quantified fiscal and programmatic data for all such contracts at the independent institutions. Contracts which fail to meet minimum standards of quality should be visited and corrective actions identified.

71 SPECIAL CATEGORIES
BARRY UNIVERSITY - BACHELOR OF SCIENCE/ NURSING
FROM GENERAL REVENUE FUND 189,989

Funds provided in Specific Appropriation 71 are for not more than 1047 credit hours or 19.04 FTE students.

72 SPECIAL CATEGORIES
GRANTS AND AIDS - UNIVERSITY OF MIAMI - BIMINI BIOLOGICAL FIELD STATION
FROM GENERAL REVENUE FUND 200,000

73 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE CHALLENGER PROGRAM
FROM GENERAL REVENUE FUND 284,333

Funds in Specific Appropriation 73 for the Challenger Institute are contingent upon the development of clearly measurable outcomes and outputs including the development of longitudinal and comparative data, for the Challenger Institute whose stated mission is for the recruitment and retention of students. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and Bethune-Cookman College.

74 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE OF EDUCATION
FROM GENERAL REVENUE FUND 284,333

Funds in Specific Appropriation 74 for the Teacher Education Institute are contingent upon the development of clearly measurable outcomes and outputs, including the development of longitudinal and comparative data, for the Teacher Education Institute whose stated mission is for the recruitment and retention of students in the College of Education. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and Bethune-Cookman College.

76 SPECIAL CATEGORIES
FLORIDA SOUTHERN - BACHELOR OF SCIENCE IN ACCOUNTING
FROM GENERAL REVENUE FUND 30,540

Funds provided in Specific Appropriation 76 are for not more than 162 credit hours.

77 SPECIAL CATEGORIES
HISTORICALLY BLACK PRIVATE COLLEGES
FROM GENERAL REVENUE FUND 3,777,281

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From the funds in Specific Appropriation 77 $1,268,666 is provided to Florida Memorial College, $1,058,615 is provided to Edward Waters College, and $1,200,000 is provided for Bethune Cookman College for student recruitment and retention. Funding is contingent upon the development of clearly measurable outcomes and outputs, including the development of longitudinal and comparative data. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and each of these institutions.

Funds provided in Specific Appropriation 77 include $250,000 to implement Phase III of gerontological development at Edward Waters College.

78 SPECIAL CATEGORIES
LIMITED ACCESS GRANTS
FROM GENERAL REVENUE FUND 500,000

79 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - SCIENCE EDUCATION
FROM GENERAL REVENUE FUND 86,787

Funds provided in Specific Appropriation 79 are for not more than 886 credit hours or 18.14 FTE students.

80 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - INDUSTRIAL ENGINEERING
FROM GENERAL REVENUE FUND 182,082

Funds provided in Specific Appropriation 80 are for not more than 639 credit hours or 21.3 FTE students.

80A SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MUSIC ENGINEERING
FROM GENERAL REVENUE FUND 200,000

Funds provided in Specific Appropriation 80A are for not more than 266 credit hours.

81 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BACHELOR OF SCIENCE/ ARCHITECTURAL ENGINEERING
FROM GENERAL REVENUE FUND 74,222

Funds provided in Specific Appropriation 81 are for not more than 259 credit hours or 8.67 FTE students.

82 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 401,346

Funds provided in Specific Appropriation 82 are for not more than 4,086 credit hours or 85.1 FTE students.

83 SPECIAL CATEGORIES
FLORIDA SOUTHERN COLLEGE - BACHELOR OF SCIENCE/ARTS- ELEMENTARY/EARLY CHILDHOOD EDUCATION
FROM GENERAL REVENUE FUND 34,688

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Funds provided in Specific Appropriation 83 are for not more than 184 credit hours.

84 SPECIAL CATEGORIES
GRANTS AND AIDS - EDWARD WATERS UPGRADE
FROM GENERAL REVENUE FUND 210,051

Funds in Specific Appropriation 84 for the Upgrading Test-Taking Skills and Proficiency of Students Program are contingent upon the development of clearly measurable outcomes and outputs, including the development of longitudinal and comparative data, for this program whose stated mission is the improvement of standardized test taking scores of students. The specific reporting procedures, outcomes, and the details regarding the expenditures of funds shall be developed and approved by the Department of Education. The Department of Education shall work in conjunction with the Postsecondary Education Planning Commission and Edward Waters College.

85 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 168,041

Funds provided in Specific Appropriation 85 shall be used for the purchase of books and other related library materials, such as audio and media resources, at historically black colleges and universities, pursuant to s. 240.518, Florida Statutes. Funds shall be allocated equally to Florida Memorial College, Bethune-Cookman College, Edward Waters College, and Florida Agricultural and Mechanical University. Funds shall not be expended on promotional materials or on staff development.

86 SPECIAL CATEGORIES
NURSING CONTRACT - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 331,091

Funds provided in Specific Appropriation 86 are for not more than 1,147 credit hours or 38.3 FTE students.

86A SPECIAL CATEGORIES
GRANTS AND AIDS - ST. THOMAS UNIVERSITY - INSTITUTE FOR WORKFORCE ENHANCEMENT
FROM GENERAL REVENUE FUND 500,000

87 SPECIAL CATEGORIES
SOCIAL WORK CONTRACT - BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 193,734

Funds provided in Specific Appropriation 87 are for not more than 992 credit hours or 33.1 FTE students.

88 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BS/MOTION PICTURES CONTRACT
FROM GENERAL REVENUE FUND 320,634

Funds provided in Specific Appropriation 88 are for not more than 450 credit hours.

89 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 89,802

Funds provided in Specific Appropriation 89 are for not more than 266 credit hours or 8.9 FTE students.

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90 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL SCIENCE
DOCTORAL PROGRAMS CONTRACT
FROM GENERAL REVENUE FUND 362,228

Funds provided in Specific Appropriation 90 provide $22,639.25 per student for 16 Florida residents attending the Bio Medical Ph.D. program.

91 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ROSENSTIEL PHD
MARINE AND ATMOSPHERIC SCIENCE
FROM GENERAL REVENUE FUND 289,430

Funds provided in Specific Appropriation 91 are for not more than 156 credit hours or 6.5 FTE students.

92 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MASTER OF SCIENCE IN
NURSING CONTRACT
FROM GENERAL REVENUE FUND 299,559

Funds provided in Specific Appropriation 92 are for not more than 880 credit hours or 29.40 FTE students.

93 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY
FROM GENERAL REVENUE FUND 615,788

Funds provided in Specific Appropriation 93 are for not more than 150 FTE Florida students. Eligibility shall be based on the residency requirements stipulated in s. 240.1201, Florida Statutes.

Per student funding shall not exceed the difference between the average cost of state university fees and equivalent fees for students enrolled at Nova. No student funded through Specific Appropriation 93 shall receive a resident access grant pursuant to s. 240.605, Florida Statutes.

94 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY/MASTERS
OF SCIENCE OF SPEECH PATHOLOGY
FROM GENERAL REVENUE FUND 215,280

Funds provided in Specific Appropriation 94 are for not more than 1200 credit hours or 30 FTE students.

95 FINANCIAL ASSISTANCE PAYMENTS
PRIVATE TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 40,852,200

Funds provided in Specific Appropriation 95 shall be used to provide tuition assistance to students. The maximum amount of the access grant for 1998-99 shall be $1,800. If the amount in Specific Appropriation 95 is not sufficient to provide $1,800 to each eligible student, the Department shall prorate the amount among all eligible students. Students enrolled in state contracted programs at private institutions whose tuition is equivalent to tuition in the State University System shall not be eligible to receive funds under the Resident Access Grant Program. The Commissioner shall establish a cut-off date for the submission of vouchers for each registration period. No funds provided in Specific Appropriation 95 for 1998-99 shall be used to pay any voucher submitted for

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1997-98 enrollment. Handicapped students who complete a total of 24 semester hours of instruction during a twelve month period that begins at the start of the school year shall be eligible to receive a tuition voucher. No student shall receive voucher funds in excess of the difference between the average cost of state university fees and equivalent fees paid by students enrolled in the eligible independent institution.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

96 SALARIES AND BENEFITS POSITIONS 96
FROM GENERAL REVENUE FUND 1,035,099
FROM STUDENT LOAN GUARANTY RESERVE TRUST
FUND 2,564,194

97 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 72,932
FROM STUDENT LOAN GUARANTY RESERVE TRUST
FUND 96,540

98 EXPENSES
FROM GENERAL REVENUE FUND 431,070
FROM STATE STUDENT FINANCIAL ASSISTANCE
TRUST FUND 2,734,172
FROM STUDENT LOAN GUARANTY RESERVE TRUST
FUND 904,924

99 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,665
FROM STUDENT LOAN GUARANTY RESERVE TRUST
FUND 54,360

100 SPECIAL CATEGORIES
CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN
PROGRAM
FROM STUDENT LOAN GUARANTY RESERVE TRUST
FUND 75,000,000

101 SPECIAL CATEGORIES
FINANCIAL AID CONTRACTUAL SERVICES
FROM GENERAL REVENUE FUND 38,924
FROM STUDENT LOAN GUARANTY RESERVE TRUST
FUND 7,925,473

102 SPECIAL CATEGORIES
GRANTS AND AIDS - AFRICAN AND AFRO-
CARIBBEAN SCHOLARSHIP PROGRAM
FROM STATE STUDENT FINANCIAL ASSISTANCE
TRUST FUND 93,600

Funds provided in Specific Appropriation 102 are to pay eligible costs for scholarships awarded prior to the 1997-98 academic year. No new awards may be made for the 1998-99 academic year. It is the intent of the Legislature to phase out this program.

103 SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM GENERAL REVENUE FUND 5,000,000

104 SPECIAL CATEGORIES
TRANSFER TO STATE STUDENT FINANCIAL
ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 41,117,980

105 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN
BASIN PROGRAM
FROM STATE STUDENT FINANCIAL ASSISTANCE
TRUST FUND 304,200

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Funds provided in Specific Appropriation 105 are to pay eligible costs for scholarships awarded prior to the 1997-98 academic year. No new awards may be made for the 1998-99 academic year. It is the intent of the Legislature to phase out this program.

105A SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY TEACHER SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND 3,000,000

106 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,835
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 11,654

107 FINANCIAL ASSISTANCE PAYMENTS
MARY MCCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND 235,328
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 444,000

108 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 41,117,980

The funds in Specific Appropriation 108 are provided in the amounts specified for each scholarship and grant program listed below.

State Student Financial Assistance Trust Fund:
Public Student Assistance Grant..... 27,153,354
Private Student Assistance Grant..... 6,567,477
Postsecondary Student Assistance Grant 1,621,813
Children of Deceased/Disabled Veterans. 130,298
Florida Work Experience Program.....799,243
Critical Teacher Shortage Program.....2,646,795
Florida Scholarship/Forgivable Loan Program.....1,814,800
Exceptional Child Scholarship.....109,212
Student Regent Scholarship.....4,589
State Board of Community Colleges Student Member Scholarship.....4,589
PEPC Student Member Scholarship.....4,589
Nicaraguan/Haitian Scholarships.....8,681
Seminole/Miccosukee Indian Scholarships...61,040
Occupational/Physical Therapy Shortage Program.....91,500
Rosewood Family Scholarships.....100,000

From the funds provided in Specific Appropriation 108, the maximum grant to any student from the Florida Public, Private, and Postsecondary Assistance Grant Programs shall be for $1,300.

From the funds provided in Specific Appropriation 108 for the Florida Work Experience Program, $200,000 shall be allocated to Florida Community College at Jacksonville. $100,000 of the FCCJ allocation shall be used by the College for students enrolled in PSAV programs of at least 150 hours in length and the rest for college credit students.

109 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 1,987,000

110 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 100,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 196,000

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111 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND 600,000

PUBLIC SCHOOLS, DIVISION OF

112 SALARIES AND BENEFITS POSITIONS 125
FROM GENERAL REVENUE FUND 4,411,389
FROM EDUCATIONAL AIDS TRUST FUND 2,001,150
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 255,865

113 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 243,324
FROM EDUCATIONAL AIDS TRUST FUND 218,837
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 154,921

114 EXPENSES
FROM GENERAL REVENUE FUND 2,011,764
FROM EDUCATIONAL AIDS TRUST FUND 947,258
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 122,741

From the funds in Specific Appropriation 114, the Commissioner is authorized to contract with a non-profit organization or state university to implement the common course numbering system.

115 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GRADES K-8 SUMMER SCHOOL
FROM GENERAL REVENUE FUND 83,000,000

Funds provided in Specific Appropriation 115 are for summer term instruction for students in grades K-8 and may be expended for students in Grades K-8 receiving basic supplemental instruction during the 180-day term.

Funds provided in Specific Appropriation 115 for grades K-8 summer school, Specific Appropriation 118 for class size reduction, and Specific Appropriation 120 for public school technology may be used for any of these three purposes in amounts district school boards determine will best meet the needs of students.

115A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INNOVATIVE PRACTICES GRANTS
FROM GENERAL REVENUE FUND 2,950,000

Funds in Specific Appropriation 115A shall be awarded by the Commissioner of Education. The Commissioner shall develop general guidelines by which grant applications will be received from local education agencies or non-profit corporations. Such guidelines shall be approved by the State Board of Education. Approved applications shall include evaluation criteria.

Special consideration shall be given to grant applications which target funds for low performing schools and applications which contain private matching contributions.

From the funds in Specific Appropriation 115A $1,000,000 is provided for Risk-Takers Peer Review. The Commissioner of Education shall appoint a panel of teachers, principals, superintendents and other educational administrators who have demonstrated a willingness to implement innovative programs intended to improve student performance in their schools and who, as a result of decisive action taken to implement those programs, have demonstrated successful results. This panel shall define

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criteria for the award of grant funds; shall receive and review applications for grant awards; shall award grants to those applications that, in the opinion of panel members, are innovative and hold the greatest promise of producing significant improvements in student performance; and will evaluate the effectiveness of programs that receive funding. Funded applications shall include a strong data-driven evaluation plan which permits measurement and evaluation of the success of the activity funded.

116 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 514,100,702

116A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA ON-LINE HIGH SCHOOL
FROM GENERAL REVENUE FUND 4,360,000

116B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA OUTSTANDING TEACHER PROGRAM
FROM GENERAL REVENUE FUND 26,000,000

The funds provided in Specific Appropriation 116B are contingent on Committee Substitute for House Bill 4299 or similar legislation becoming law. In the event CS/HB 4299 or similar legislation does not become law, the Office of Planning and Budgeting, Executive Office of the Governor, shall transfer the funds in Specific Appropriation 116B to the funds provided in Specific Appropriation 117 for the Florida Education Finance Program. If these funds are transferred as prescribed above, the FEFP Base Student Allocation shall be adjusted to include these additional funds. This adjustment shall be made no later than the next regularly scheduled recalculation following the transfer.

117 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM
FROM GENERAL REVENUE FUND 5784,305,259
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 33,500,000

The Department's bimonthly distribution of funds provided in Specific Appropriation 117 shall be made in equal payments on or about the 10th and 26th of each month.

Funds provided in Specific Appropriation 117 shall be allocated using a base student allocation of $3,214.20 for the K-12 FEFP.

Pursuant to s. 236.081(9), Florida Statutes, a minimum guaranteed level of funding shall be calculated to provide each school district a 1.0 percent increase per weighted full-time equivalent K-12 student over the amount per weighted full-time equivalent K-12 student funded in the 1997-98 FEFP. The calculation of this minimum funding shall compare total state formula funds for K-12 programs and categorical increase funds and actual discretionary taxes for 1997-98 with total state formula for K-12 programs and categorical increase funds and maximum potential discretionary taxes for 1998-99.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of s. 236.081(2), Florida Statutes.

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From the funds in Specific Appropriation 117, $30,000,000 is provided for a Sparsity Supplement as defined in s. 236.081(6), Florida Statutes, for school districts of 20,000 and fewer K-12 FTE in 1998-99.

Total unadjusted required local effort taxes for 1998-99 shall be $3,895,387,947. The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of s. 236.25(1), Florida Statutes, by district school boards in 1998-99 shall be:

1) 0.510 mills, and
2) An additional levy, not to exceed 0.250 mills, that will raise an amount not to exceed $50 per full-time equivalent student (FTE).
3) In addition, any district that provides from its required local effort 90 percent of its total FEFP calculation, and its percent increase per K-12 Weighted FTE is less than the state average percent increase per K-12 Weighted FTE, may levy additional millage that will raise an amount not to exceed the difference between the district's percent increase and the state average percent increase.

District school boards that levy the entire additional 0.250 mills and raise less than $50 per K-12 FTE shall receive, from the funds provided in Specific Appropriation 117, an amount that, combined with funds raised by the 0.250 mills, will provide $50 per K-12 FTE. To be eligible for state funds provided in this paragraph, a district must levy the full 0.250 mills and the full 0.510 mills.

Funds provided in Specific Appropriation 117 are based upon program cost factors for 1998-99 as follows:

1. Basic Programs	
A. K-3 Basic	1.057
B. 4-8 Basic	1.000
C. 9-12 Basic	1.138
2. Programs for Exceptional Students	
A. Support Level 1	1.341
B. Support Level 2	2.072
C. Support Level 3	3.287
D. Support Level 4	4.101
E. Support Level 5	6.860
3. Programs for At-Risk Students	
A. Dropout Prevention and Teenage Parent	1.399
B. Educational Alternatives Grades 9-12	1.138
C. English for Speakers of other Languages	1.201
4. Programs for grades 7-12 Vocational Education	1.240

From the funds provided in Specific Appropriation 117, the value of 69.25 Weighted FTE students is provided to implement the revised funding model for Exceptional Student Education. The WFTE value shall be used to supplement the funding of students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students

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per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the districts FEFP allocation for the students being served. The supplemental value shall not exceed 3 FTE for each program, 254 and 255.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in s. 236.013, Florida Statutes, for funding under s. 236.081, Florida Statutes.

Funds in Specific Appropriation 117 for grades 9-12 summer school enrollment in basic programs are provided only for academic courses approved in the state Course Code Directory for graduation credit.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

None of the funds provided in the 1998-99 General Appropriations Act for developmental research schools shall be used to pay overhead or indirect costs described in s. 216.346, Florida Statutes.

From the funds provided in Specific Appropriation 117, $50,350,000 is provided for Safe Schools activities and shall be allocated as follows: two-thirds shall be based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be based on each district's share of the state's total weighted student enrollment. Safe Schools activities include (1) after school programs for middle school students, (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies, and (3) alternative school programs for adjudicated youth. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity.

From the funds allocated for Safe Schools to the Duval County School District, $300,000 shall be provided to the Woods Program.

From the funds appropriated in Specific Appropriation 117 $30,000,000 is provided for remediation reduction incentives, which shall be allocated in two parts. The allocation in Part 1 is based on Placement Test Scores. (Step 1) Using the most recent placement test results available, the number of students for the state as a whole and in each district who passed the math subtest of the college entry placement test shall be added to the number of students who passed the writing subtest and to the number of students who passed the reading subtest; (Step 2) the sum calculated in Step 1 above shall be divided by the number of students who took the placement test multiplied by 3; (Step 3) $20,000,000 shall be divided by the factor for the state as a whole calculated in Step 2; (Step 4) the result of the calculation in Step 3 shall be multiplied by the factor calculated in Step 2 to prorate $20,000,000 provided for this purpose among all districts.

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The allocation in Part 2 is based on enrollment in higher level mathematics and English courses. $10,000,000 is provided as an incentive for increased student enrollment in higher level mathematics and English courses. These funds shall be used to enhance the quality of each district's math and English curricula. Each district's allocation of math/English enrollment incentive funds shall be calculated as follows: (1) Each district's total Level 1 math enrollment shall be divided by the state total Level 1 math enrollment and that quotient shall be multiplied by $2,500,000 and by -1; (2) the sum of each district's Level 2 and Level 3 math enrollment shall be divided by the state total sum of Level 2 and Level 3 math enrollment and that quotient shall be multiplied by $7,500,000; (3) each district's total math enrollment incentive allocation shall be the sum of the amounts obtained in (1) and (2) above; (4) each district's total English enrollment incentive allocation shall be calculated using the same procedure defined in (1), (2), and (3) above; each district's total math/English enrollment incentive allocation shall be the sum, either a positive or a negative number, of the math and the English allocations. The definition of Levels 1, 2, and 3 math and English courses shall be the same as the Department of Education's course code directory.

From the funds in Specific Appropriation 117, the amount provided for a dropout prevention/educational alternatives performance incentive shall be calculated as follows: Obtain the difference of the number of full-time equivalent students in grades 9-12 educational alternatives programs for 1998-99 multiplied by the 1998-99 dropout prevention weight and the same full-time equivalent students multiplied by the 1998-99 basic education grades 9-12 weight. This difference shall be multiplied by the 1998-99 base student allocation. The sum of the resulting calculation shall be the amount provided for the dropout prevention/educational alternatives performance incentive.

The performance measure for each district shall be calculated as follows: the student database records of students in grade 8, grade 9, grade 10, and grade 11 enrolled in educational alternative programs in 1994-95 shall be matched with the end of year records for 1994-95, 1995-96, and 1996-97 and fall records for 1997-98. The district's pool of students shall be adjusted to remove students, consistent with the Department of Education guidelines, prior to computing the performance measures. Six performance measures shall be calculated for each district as follows: (1) the number of students enrolled in educational alternatives programs in 1994-95 who are still in school in 1997-98; (2) the number of students in educational alternatives programs in 1994-95 who have graduated by the end of 1996-97; (3) the number of students in educational alternatives programs in 1994-95 who scored 3 or above on Florida Writes; (4) the number of students in educational alternatives programs in 1994-95 who passed the math portion of the high school competency test (HSCT); (5) the number of students in educational alternatives programs in 1994-95 who passed the communication portion of the high school competency test (HSCT), and (6) the number of students in educational alternatives programs in 1994-95 who dropped out. The weighting factors for the six measures defined above shall be +4.0, +6.0, +1.0, +1.0, +1.0 and -4.0, respectively. An overall performance measure

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shall be calculated for each district by summing the six weighted measures defined above and dividing by the number of students in the district's adjusted pool of students and adding the amount necessary to raise the lowest overall performance measure to zero. Each district's performance measure shall be multiplied by its full-time equivalent enrollment in grades 9-12 educational alternatives programs for 1998-99 and that product shall be used to prorate the amount appropriated for dropout prevention/educational alternatives performance incentive funding.

From the funds appropriated in Specific Appropriation 117, a Compression Adjustment shall be calculated as follows:

Step 1: $32,995,707 is provided to reduce the disparity in total potential funds per unweighted full-time equivalent K-12 student.

(a) Determine the total potential funds per K-12 FTE for each district. Identify the districts with funds per K-12 FTE that are below the state average. Calculate the amount that is one standard deviation from the mean. If the funds per K-12 FTE for any district are less than the amount equal to one standard deviation below the mean, the funds shall be increased by an amount necessary to achieve one standard deviation from the mean.

(b) All districts with total potential funds per K-12 FTE below the mean shall be increased toward the mean by multiplying the difference below the mean by an equal percentage.

(c) The amount of the increase per student shall be the adjustment to one standard deviation or the equal percentage, whichever is greater.

(d) No district shall receive a disparity adjustment that would change the rank order of the district.

Step 2: Funds are provided to reduce the disparity in total potential funds per weighted full-time equivalent K-12 student.

(a) Determine the total potential funds per weighted K-12 full-time equivalent for each district.

(b) Calculate the weighted state average funds per weighted K-12 full-time equivalent.

(c) Calculate 97.5% of the weighted state average.

(d) For districts funded at less than 97.5% of the state average per weighted full-time-equivalent student, determine the district difference from 97.5% of the average and multiply the difference by the district's weighted full-time equivalent students.

Step 3: Compare funds calculated for each school district in Steps 1 and 2 and choose the higher value.

From the funds provided for current operations each District School Board is required to pay into the Florida Retirement System an amount that is equal to 16.77% of the amount paid in employee salary. Effective July 1, 1998 the Legislature is reducing

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this rate to 15.51%. This rate change reduces by $88,455,526 annually the amount school districts are required to contribute to the Florida Retirement System. In 1996-97 approximately 77% of the students in grades K-12 were enrolled in FEFP basic education programs. School districts current operating expenditures show that during the 1996-97 fiscal year approximately 37% of the total expenditures were for direct classroom expenses for students in basic programs. Each school district shall expend its share of the $88,455,526 saved from the reduction in retirement contribution for no purpose other than for direct classroom expenses for students in basic programs. The expenditure of these funds shall be in addition to and supplemental to each school district's 1997-98 level of expenditures on direct classroom expenses for students in basic programs.

The funds provided in Specific Appropriations 115 through 139, shall be used by school districts to prepare students for success in society and to make well-reasoned, thoughtful, and healthy lifelong decisions. Pursuant to the Governmental Performance and Accountability Act of 1994, the following measures and standards will be used to identify annually the performance of each school district. In addition, each district's performance in one year shall be measured relative to the previous years performance.

1. School district performance shall be determined by measuring student achievement on the following examinations:

High School Competency Test (HSCT) - administered in communications and math to students in grade 11; a passing score is required for a standard diploma.

Florida Writes Assessment Program (FWAP) - essay test administered to children in grades 4, 8, and 10; scores range from 0 - 6.

Nationally-normed student achievement tests (NRT) - administered annually; six different tests for reading and math are used in districts.

The Florida Comprehensive Assessment Test (FCAT) - new achievement test to be administered in reading and math to students in grades 4/5, 8, and 10. When scoring baselines have been established, FCAT scores will be incorporated as a performance measure.

The following performance standards for the High School Competency Test, Florida Writes, and Norm Referenced Tests are established:

HSCT - achieving a passing score on the first attempt

FWAP - achieving a score of 3 or greater

NRT - achieving a score greater than the national median

Student performance data in each district shall be compiled and presented as the percentage of students who achieve the indicated performance standard for each of the three testing programs.

The percentage of students who achieve the indicated standard for each exam in each district will be scored in the following manner, from 1 - 5 (lowest to highest).

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HSCT (Math/Communications)

% Passing	90 & above	= 5
	85 - 89	= 4
	80 - 84	= 3
	74 - 79	= 2
	below 74	= 1

Florida Writes - Grade 4

% Scoring 3 or higher	58 & above	= 5
	49 - 57	= 4
	40 - 48	= 3
	30 - 39	= 2
	below 30	= 1

Florida Writes - Grade 8/Grade 10

% Scoring 3 or higher	90 & above	= 5
	85 - 89	= 4
	80 - 84	= 3
	74 - 79	= 2
	below 74	= 1

Norm Referenced Achievement Tests -
Grade 4 reading math and
Grade 8 reading/math

% Scoring above	67 & above	= 5
the national median	60 - 66	= 4
	50 - 59	= 3
	40 - 49	= 2
	below 40	= 1

After the numerical scores are determined for each test, the average score will be calculated for the district. This average score represents the academic performance of the students in each district.

Districts will then be grouped by their average score:

4.00 or above	= Group 4
3.00 - 3.99	= Group 3
2.00 - 2.99	= Group 2
below 2.00	= Group 1

Districts scoring in Group 1 shall receive technical assistance from the Department of Education and districts scoring in Group 4 will be able to share their best practices with the other districts.

2. In addition, school district performance shall be measured by calculating student dropout rates, graduation rates, and attendance rates.

Attendance Rate - the standard for attendance shall be the percentage of students who are absent for 21 or more days of the 180 day school year.

The following table provides this information for 1996-97:

% Absent 21+ Days
Elementary - Low to High

District	% Absent 21+ Days
1 Hendry	2.3%
2 Clay	4.9%
2 Leon	4.9%
4 Martin	5.0%
5 Brevard	5.3%
5 Lafayette	5.3%
5 Lee	5.3%
8 Gulf	5.4%
8 Indian River	5.4%
10 Okeechobee	6.0%
11 Highlands	6.2%
11 St. Johns	6.2%
13 Jackson	6.5%
14 Seminole	6.7%
15 Okaloosa	6.9%
16 Charlotte	7.0%
17 Collier	7.2%
17 Gadsden	7.2%
17 Holmes	7.2%
20 Sarasota	7.3%
21 Nassau	7.5%
22 Hamilton	7.8%
23 Pinellas	7.9%
24 Palm Beach	8.4%
24 St. Lucie	8.4%
24 Sumter	8.4%
27 Lake	8.5%
28 Monroe	8.6%
29 Bay	8.8%
29 Flagler	8.8%
29 Santa Rosa	8.8%
32 Calhoun	8.9%
32 Manatee	8.9%
34 Wakulla	9.0%
34 Washington	9.0%
36 Alachua	9.1%
36 DeSoto	9.1%
38 Marion	9.4%
39 Baker	9.5%
39 Citrus	9.5%
39 Pasco	9.5%
39 Walton	9.5%
43 Dade	9.7%
43 Suwannee	9.7%
45 Escambia	9.9%
46 Putnam	10.2%
47 Duval	10.5%
47 Polk	10.5%
49 Broward	10.6%
50 Hernando	10.7%
51 Volusia	10.9%
52 Jefferson	11.3%
53 Levy	11.4%
54 Madison	11.5%
55 Gilchrist	11.6%
55 Hillsborough	11.6%
57 Hardee	11.7%
58 Columbia	12.2%
58 Orange	12.2%
60 Bradford	12.3%
61 Union	13.2%
62 Glades	13.6%
63 Dixie	14.4%
64 Franklin	15.1%
65 Liberty	17.2%
65 Osceola	17.2%
67 Taylor	18.0%

% Absent 21+ Days
Middle - Low to High

District	% Absent 21+ Days
1 Indian River	7.2%
1 Jackson	7.2%
3 Holmes	7.5%
4 Hamilton	8.3%
4 Martin	8.3%
6 Calhoun	8.4%
7 Madison	9.3%
7 St. Johns	9.3%
7 Walton	9.3%
10 Gilchrist	9.6%

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11	Santa Rosa	10.8%
12	Gadsden	11.3%
13	Brevard	11.5%
14	Clay	11.6%
15	Washington	11.8%
16	Seminole	11.9%
17	Flagler	12.0%
17	Okaloosa	12.0%
19	Highlands	12.1%
20	Jefferson	12.3%
21	Lee	12.7%
22	Collier	13.1%
23	Franklin	13.2%
24	Lafayette	13.3%
24	Pinellas	13.3%
26	Alachua	13.4%
27	Bay	13.9%
27	Okeechobee	13.9%
29	Charlotte	14.4%
30	Union	14.5%
31	Leon	14.6%
31	Monroe	14.6%
33	Suwannee	14.7%
34	Sarasota	14.8%
35	Levy	14.9%
36	Liberty	15.0%
37	Hardee	15.1%
38	Dade	15.3%
39	Lake	15.8%
40	Citrus	16.3%
41	Nassau	16.8%
42	Polk	17.0%
43	Palm Beach	17.1%
44	Broward	17.6%
44	Orange	17.6%
46	Volusia	17.7%
47	Escambia	17.9%
48	Sumter	18.0%
49	Manatee	18.2%
50	St. Lucie	18.4%
51	Bradford	18.7%
51	Pasco	18.7%
53	Duval	18.8%
54	Putnam	19.0%
55	Hernando	19.6%
56	Glades	20.2%
57	Wakulla	20.5%
58	DeSoto	21.1%
59	Baker	21.3%
60	Marion	22.3%
61	Columbia	22.5%
62	Osceola	23.0%
63	Hillsborough	23.1%
64	Taylor	23.2%
65	Dixie	25.0%
66	Hendry	25.2%
67	Gulf	NA

% Absent 21+ Days
High School- Low to High

District		% Absent 21+ Days
1	Indian River	2.3%
2	Washington	3.0%
3	Seminole	7.2%
4	Brevard	10.7%
5	Walton	10.9%
6	Polk	11.1%
7	Jackson	11.4%
8	Highlands	12.8%
9	Pinellas	12.9%
10	Bay	13.0%
11	Alachua	13.4%

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12	Lafayette	13.7%
13	Gulf	13.8%
14	Osceola	13.9%
15	Gadsden	14.1%
15	St. Johns	14.1%
17	Pasco	14.2%
18	Clay	14.3%
18	Levy	14.3%
20	Holmes	14.7%
20	Santa Rosa	14.7%
20	Taylor	14.7%
23	Flagler	15.1%
24	Suwannee	15.2%
25	Duval	15.3%
25	Leon	15.3%
27	Lee	16.1%
28	Liberty	16.7%
28	Sumter	16.7%
30	Martin	17.9%
31	Hernando	18.1%
32	Hardee	18.3%
32	Lake	18.3%
32	Madison	18.3%
35	Palm Beach	18.4%
36	Dixie	18.5%
37	Gilchrist	18.6%
38	Calhoun	19.0%
39	Jefferson	19.1%
40	Collier	19.9%
40	Escambia	19.9%
42	Volusia	20.2%
43	St. Lucie	21.0%
44	Dade	21.1%
45	Monroe	21.2%
45	Sarasota	21.2%
47	Hendry	21.3%
47	Wakulla	21.3%
49	Okaloosa	21.5%
49	Okeechobee	21.5%
51	Charlotte	21.7%
52	Manatee	22.1%
53	Union	22.3%
54	Citrus	22.9%
55	Broward	23.7%
56	Marion	24.9%
56	Orange	24.9%
58	Baker	26.1%
59	Franklin	26.8%
60	Columbia	27.2%
61	DeSoto	27.4%
62	Hillsborough	27.7%
63	Glades	28.5%
64	Hamilton	28.6%
65	Nassau	29.8%
66	Bradford	31.3%
67	Putnam	33.0%

Graduation Rate and Dropout Rate - by January 1, 1999, the Commissioner shall recommend to the Legislature a procedure to accurately calculate a graduation rate and dropout rate measure for schools and school districts in the state of Florida. The calculation of the graduation and dropout rates shall take into account differing grade structures and other relevant factors.

The district data demonstrating student achievement, attendance rates, dropout rates, and graduation rates shall be compiled into a District Progress Report and distributed to every district, school, and parent. Supplemental data contained in the Florida Indicators Report should be distributed with the District Progress Report.

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The funds provided in Specific Appropriation 117 at the discretion of each district school board, may be utilized to address emergency issues which have been identified and are associated with year 2000 date calculations. Year 2000 date calculation errors may occur in computers, computer applications and in products or services containing embedded chip technology acquired to support district instructional and administrative functions. Such emergency issues shall consist of any actual or anticipated year 2000 date calculation error in an instructional or administrative process that prevents a district from continuing to provide instruction to students at a quality level consistent with delivery prior to the actual or anticipated date calculation failure. The Commissioner shall coordinate and provide assistance to districts for effective implementation of the year 2000 conversion.

118 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM GENERAL REVENUE FUND 100,000,000

Funds in Specific Appropriation 118 are allocated by prorating to each school district the funds provided to reduce class size based on each district's October, 1997 student membership for Kindergarten and grade one.

First priority for the use of the funds provided in Specific Appropriation 118 shall be the reduction of class size to a ratio of 16 students to one full-time equivalent teacher in Kindergarten through grade three in critically low performing schools as identified by the Commissioner of Education. Second priority for the use of these funds shall be to achieve the goal, that for all other students in Kindergarten and grade one the class size shall not exceed 24 students, with a ratio of one full-time equivalent teacher per 24 students. Third priority for the use of these funds shall be for grades two and three.

When a school district has achieved the class size goal for Kindergarten and grades one, two, and three, and funds allocated for class size reduction remain, then the school board, at its discretion, may transfer the unused funds to the Districts' FEFP Program.

By January 1, 1999, the Commissioner of Education shall report to the Legislature the progress made by each district toward the class size reduction goal for Kindergarten, and grades one, two, and three.

Funds provided in Specific Appropriation 115 for grades K-8 summer school, Specific Appropriation 118 for class size reduction, and Specific Appropriation 120 for public school technology may be used for any of these three purposes in amounts school district boards determine will best meet the needs of students.

118A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL CHOICE
FROM GENERAL REVENUE FUND 5,000,000

The funds in Specific Appropriation 118A, shall be used for the public school choice incentive grant program. The Department must develop a competitive process to support school districts that choose to implement a controlled open enrollment plan.

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118B AID TO LOCAL GOVERNMENTS
URBAN TUTORIAL AND MENTORING PROGRAM
FROM GENERAL REVENUE FUND 25,000

Funds in Specific Appropriation 118B, are provided to create an urban tutorial and mentoring program to serve economically disadvantaged minority students in urban areas. The goals of the program are to improve the academic performance of economically disadvantaged minority students in public schools; to increase the involvement of parents in their children's out-of-school experiences; to establish linkages among parents, community institutions and the public schools; and to develop model programs that can be implemented at other sites. The urban tutorial and mentoring program must provide educational support services after school and on weekends; be located in a community where the students live; provide visits to families to inform them about the program and to invite them to participate; recruit volunteers to serve as mentors for the students; provide enrichment activities such as field trips and lectures by guest speakers; and develop monitoring and assessment models for measuring and evaluating the achievement of the goals and objectives of the project.

119 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 183,938,638

From the funds provided in Specific Appropriation 119, school districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in s. 236.081(1)(g), Florida Statutes.

The growth allocation per FTE student is $272.18 in 1998-99. If the funds provided in Specific Appropriation 119 are insufficient to pay in full the allocation for growth and maintenance, as provided in s. 236.122, Florida Statutes, the growth allocation shall be paid in full and the allocation for the maintenance allocation shall be prorated among all eligible FTE. These funds shall be distributed to school districts as follows: 50% on or about July 10, 1998; 35% on or about October 10, 1998; 10% on or about January 10, 1998 and the balance on or about June 10, 1999.

From the funds provided in Specific Appropriation 119, the Commissioner is authorized to purchase, upon the requisition by the districts, not more than 12,000 copies of the Florida Handbook for distribution to the public schools using an equitable formula based on the number of students in the respective districts.

From the funds provided in Specific Appropriation 119, $100,000 shall be used to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.

From the funds appropriated in Specific Appropriation 119, $12,000,000 is provided for Library Media Materials, and $3,200,000 is provided for purchase of science lab materials and supplies.

From the funds provided in Specific Appropriation 119, $500,000 shall be used for competitive incentive grants for Extended Access to School Library Media Centers.

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From the funds in Specific Appropriation 119, $1,000,000 shall be used for the Sunlink Uniform Library Database.

119A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT HANDICAPPED FUNDS
FROM GENERAL REVENUE FUND 20,644,466

Funds appropriated in Specific Appropriation 119A shall be allocated as follows:

Alachua.....1,213,301
Baker.....171,602
Bay.....263,032
Bradford.....74,613
Brevard.....768,829
Broward.....1,947,448
Calhoun.....0
Charlotte.....67,317
Citrus.....360,510
Clay.....61,658
Collier.....48,350
Columbia.....74,013
Dade.....2,378,232
De Soto.....82,097
Dixie.....0
Duval.....0
Escambia.....357,460
Flagler.....1,132,656
Franklin.....0
Gadsden.....225,707
Gilchrist.....0
Glades.....0
Gulf.....128,762
Hamilton.....0
Hardee.....63,736
Hendry.....0
Hernando.....141,617
Highlands.....0
Hillsborough.....606,355
Holmes.....0
Indian River.....46,627
Jackson.....2,160,327
Jefferson.....78,409
Lafayette.....0
Lake.....41,237
Lee.....13,652
Leon.....1,216,398
Levy.....0
Liberty.....161,114
Madison.....0
Manatee.....291,144
Marion.....301,980
Martin.....403,286
Monroe.....106,844
Nassau.....69,953
Okaloosa.....0
Okeechobee.....0
Orange.....911,692
Osceola.....75,841
Palm Beach.....1,607,344
Pasco.....69,741
Pinellas.....791,193
Polk.....345,801
Putnam.....0
St. Johns.....427,945
St. Lucie.....0
Santa Rosa.....52,318
Sarasota.....634,369
Seminole.....0
Sumter.....136,116
Suwannee.....100,990
Taylor.....99,843
Union.....109,981

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Volusia.....0
Wakulla.....48,562
Walton.....0
Washington.....174,464
Washington Special.....0

119B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM GENERAL REVENUE FUND 12,000,000

The funds in Specific Appropriation 119B are contingent on CS for CS for Senate Bills 2156 and 1910 or similar legislation becoming law. In the event CS/CS for Senate Bills 2156 and 1910 or similar legislation does not become law, the Office of Planning and Budgeting, Executive Office of the Governor, shall transfer the funds in Specific Appropriation 119B to the funds provided in Specific Appropriation 117 for the Florida Education Finance Program. If these funds are transferred as prescribed above, the FEFP Base Student Allocation shall be adjusted to include these additional funds. This adjustment shall be made no later than the next regularly scheduled recalculation of the FEFP following the transfer.

120 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 80,100,000

Funds provided for public school technology in Specific Appropriation 120 shall be allocated by prorating the total on each district's share of the state total K-12 FTE.

Hardware and software purchases from funds provided in Specific Appropriation 120 shall be cycled by school districts to provide new equipment to students and programs with the highest need and older equipment then provided to students with lower need.

From the funds provided in Specific Appropriation 120, $1,000,000 shall be used for Library Equipment Automation Grants.

From the funds appropriated in Specific Appropriation 120, $100,000 is provided for Angels Helping Hands.

Funds provided in Specific Appropriation 115 for grades K-8 summer school, Specific Appropriation 118 for class size reduction, and Specific Appropriation 120 for public school technology may be used for any of these three purposes in amounts school district boards determine will best meet the needs of students.

121 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM GENERAL REVENUE FUND 20,161,046
FROM FOOD AND NUTRITION SERVICES TRUST FUND 370,361,238

122 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 384,788,691

Funds provided in Specific Appropriation 122 shall be used to transport students as provided in s. 236.083, Florida Statutes.

122A AID TO LOCAL GOVERNMENTS
FLORIDA TEACHERS LEAD PROGRAM
FROM GENERAL REVENUE FUND 13,000,000

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Funds in Specific Appropriation 122A shall be allocated by prorating the total on each school district's share of the total K-12 unweighted FTE student enrollment and shall be used only to fund the Florida Teachers Lead Program. These funds shall be deposited into each school's internal account and made available to be expended at the discretion of each classroom teacher to assist teaching and learning in the classroom. Each teacher's allocation shall remain for the teacher's use until the full amount is expended. These funds shall be provided to each teacher in addition to any other funds appropriated for public school operations. The funds expended by individual teachers shall not be subject to state or local competitive bidding requirements. For purposes of the Florida Teachers Lead Program, "classroom teacher" means a certified teacher whose full-time job responsibility is full-time classroom instruction of students in grade K-12. Only full-time classroom teachers are eligible to expend funds provided by the Florida Teachers Lead Program.

This one-time appropriation shall be made available to each classroom teacher in the amount of $100.

123 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 198,090
FROM EDUCATIONAL AIDS TRUST FUND 95,384
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 50,840

124 SPECIAL CATEGORIES
ASSESSMENT AND EVALUATION
FROM GENERAL REVENUE FUND 15,986,781
FROM SOPHOMORE LEVEL TEST TRUST FUND . . . 129,741
FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND 2,834,260

Funds in Specific Appropriation 124 shall be used by the State Board of Education in 1998-99 upon the recommendation of the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.

Funds in Specific Appropriation 124 may be used for research and analysis of existing data available through Florida's education, evaluation and assessment programs.

The Commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and related materials developed pursuant to state statutes.

125A SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS FOR READING PROGRAMS
FROM GENERAL REVENUE FUND 10,000,000

From the funds provided in Specific Appropriation 125A $5,000,000 is provided for Home-Based Reading Instruction; $250,000 is provided for the NCS Abacus Instructional Software; and $1,500,000 is provided for Project CHILD. From this amount, $1 shall be provided to Project CHILD for every $1 of Project CHILD programs and services purchased by a school district. Any amount of this match not committed by January 1, 1999, may be reallocated by the Commissioner for other reading initiatives.

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The remaining funds provided in Specific Appropriation 125A may be used for the following: Intensive Reading Instruction as provided in s. 232.245, (5), Florida Statutes; Reading Recovery Programs; and Home Instruction Program for Preschool Youngsters. The Commissioner of Education shall establish guidelines and eligibility criteria for awarding competitive matching grants for these programs. All school districts shall have an equal opportunity to apply for and compete for these funds.

126 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 124,823

Funds in Specific Appropriation 126 may be used to purchase equipment for the Capitol Technical Center's radio and television facilities.

127 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND 2,600,000

128 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITIES IN SCHOOLS
FROM GENERAL REVENUE FUND 2,000,000

129 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM GENERAL REVENUE FUND 750,000

From the funds in Specific Appropriation 129, $500,000 is provided for the Florida History Project and $250,000 for ITV Programming.

129A SPECIAL CATEGORIES
GRANTS AND AIDS - WORLD CLASS SCHOOLS
FROM GENERAL REVENUE FUND 200,000

Funds provided in Specific Appropriation 129A shall be allocated to the Jacksonville Chamber Foundation on a 1:1 matching basis to implement the WorldClass Education program promoting business and community involvement in setting high educational standards for all students, implementing a standards-based accountability system in public schools and strengthening school system operations.

130 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 1,110,337

130A SPECIAL CATEGORIES
GRANTS AND AIDS - COALITION INCENTIVE FUNDS
FROM GENERAL REVENUE FUND 2,000,000

130B SPECIAL CATEGORIES
GRANTS AND AIDS - SUSPENSION OUT-OF-SCHOOL ALTERNATIVES (SOSA) - VOLUSIA COUNTY
FROM GENERAL REVENUE FUND 53,249

130C SPECIAL CATEGORIES
GRANTS AND AIDS - SNEAKER NET
FROM GENERAL REVENUE FUND 125,000

130D SPECIAL CATEGORIES
GRANTS AND AIDS - TAMPA DOWNTOWN PARTNERSHIP CHOICE ELEMENTARY SCHOOL
FROM GENERAL REVENUE FUND 300,000

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The funds in Specific Appropriation 130D are contingent upon a dollar for dollar local match.

130E SPECIAL CATEGORIES
GRANTS AND AIDS - LEARNING FOR LIFE PROJECT
FROM GENERAL REVENUE FUND 50,000

131 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN PUBLIC TELEVISION
FROM GENERAL REVENUE FUND 78,339

132A SPECIAL CATEGORIES
PERFORMANCE BASED INCENTIVE PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

133 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 9,462,876

The funds in Specific Appropriation 133 shall be allocated as follows: $634,591 for statewide governmental and cultural affairs programming; $572,000 for public television stations recommended by the Commissioner of Education, and $110,662 for public radio stations recommended by the Commissioner of Education. From the funds in Specific Appropriation 133, $75,000 is provided for public radio station WMNF. In addition to the regular allocation provided for WXEL, a one-time $100,000 amount is provided.

The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriation 133 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

From the funds in Specific Appropriation 133, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "The Florida Channel."

134 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES FOR THE BLIND
FROM GENERAL REVENUE FUND 407,914

135 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 625,293
FROM EDUCATIONAL AIDS TRUST FUND 20,573
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 3,088

135A SPECIAL CATEGORIES
SCHOOL DISTRICT OPERATIONAL PERFORMANCE AUDITS
FROM GENERAL REVENUE FUND 750,000

The funds in Specific Appropriation 135A shall be used to pay the cost of contracting for operational performance reviews of school districts. The Office of Program Policy Analysis and Governmental Accountability in the Office of the Auditor General shall select one or more firms using a formal "request for proposal" process. The scope of the performance review and the methodology shall be determined by the Office of Program Policy Analysis and Governmental Accountability. For 1998-99, performance reviews shall be conducted for the Broward, Martin and Brevard County school districts.

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136 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 750,000

137 SPECIAL CATEGORIES
EDUCATIONAL ENHANCEMENT PROGRAM
FROM GENERAL REVENUE FUND 200,000

138 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND 4,368,218

The funds provided in Specific Appropriation 138 shall be used for the following: $90,000 for the Jason Project to be allocated equally between the Charlotte, Manatee, and Sarasota County school districts; $62,500 for Old Home Town; $300,000 for SER/Saber/Youth Co-op; $50,000 for the Harry Anna supplement; $130,000 for Young Life; $75,000 for the Holocaust Task Force; $75,000 for the State Science Fair; $ 10,000 for the Cultural Arts After School Program; $10,000 for the Powerful Elders Mentoring Program; $264,083 for Instructional Materials Management; $1,250,000 for Third Year Critically Low Performing Schools, $500,000 of which shall be made available to no less than 20 elementary schools to fund in such schools a system of early intervention, remediation and intellectual development which provides detailed assessments of cognitive abilities, together with a screening of perceptual and sensory motor systems, upon which may be then developed into a student specific program of learning ability enhancement; and $250,000 for a computer assisted curriculum development project for the education of students in Juvenile Justice facilities. The curriculum shall incorporate innovative designs and instructional strategies that are known to be effective in accommodation with the specific learning styles and unique characteristics of students in juvenile justice facilities. The Department of Education shall manage and coordinate the development of this curriculum with other appropriate curricular and technology initiatives to ensure conformity with course requirements and other standards. The Department may use the resources of the School of Criminology at Florida State University to develop this curriculum through a memorandum of understanding without RFP or competitive bidding.

In addition, the funds remaining in Specific Appropriation 138 may be used for, but are not limited to the following: School Safety Hotline, Miccosukee Indian Education, Seminole Indian Education, Arts for a Complete Education, Youth Art Symposium, Okeechobee/Dozier Supplement, ESOL Teacher Training and Staff Development, Academic Tourney, Regional or Community-Based Dropout Prevention, and the Miami Book Fair.

139 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND 3,029,773
FROM EDUCATIONAL AIDS TRUST FUND 2,333,354

Funds provided in Specific Appropriation 139 may be provided for, but are not limited to the following: the Pre-Kindergarten Handicapped Information System, Network of Centers for Severely Emotionally Disturbed, Florida Diagnostic and Learning Resource Centers, Resource Materials for the Hearing Impaired, Visually Handicapped Resources,

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Exceptional Students who are Limited English Proficient, Governor's Summer Program for the Gifted, Challenge Grant Program for the Gifted, and the Duval Autism Partnership. The Department shall continue to ensure that training, resources, and staff are provided to parents on the exceptional student funding model, including follow-up to parent concerns. The Department shall also continue to monitor the districts' implementation of the ESE matrix of services and the funding model. Prior to the final calculation of the 1997-98 FEFP and for all calculations of the 1998-99 FEFP, the Department is authorized to make adjustments to the districts' reported FTE to be consistent with the technical assistance required by Chapter 97-380. In addition, prior to the 1998-99 school year, the Department shall revise the matrix criteria for assigning students to each of the five levels of service to be more precise and less subjective than the current criteria. The revised matrix shall, to the maximum extent possible, provide equitable service to students with similar needs regardless of the district in which the student is served. Implementation of the revised matrix shall be revenue neutral as required in section 236.025 (1), Florida Statutes. A report on the effectiveness of the model implementation shall be provided to the Legislature by January 1, 1999.

In addition, funds provided in Specific Appropriation 139 shall be provided in the amount of $375,000 for Assistive Learning Devices for the Handicapped, and $600,000 for Exceptional Student Education Comprehensive School Violence Prevention.

140	SPECIAL CATEGORIES FLORIDA SCHOOL FOR THE DEAF AND THE BLIND FROM GENERAL REVENUE FUND	26,751,658	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,577,073

The Board of Trustees and administration of the Florida School for the Deaf and Blind shall not authorize fee waivers for out-of-state students.

Funds in Specific Appropriation 140 for outreach services to school districts shall be released based on a written agreement with the Division of Public Schools designating the services as a component of the system of diagnostic and learning resource centers authorized in s. 229.832 - 229.8341, Florida Statutes.

From the funds provided in Specific Appropriation 140, $279,000 is provided to contract with the University of Florida for health and medical screening services for students. It is the intent that the school develop a collaborative service agreement for medical services that will be self-sustaining through maximizing the recovery of all legally available funds from Medicaid and private insurance coverage. Information describing the collaborative agreement, the services provided, budget and expenditures shall be provided to the Legislature by January 1, 1999. The school shall report to the Legislature by June 30, 1999, the amounts and sources of all funding used for the collaborative medical program and any other student health services during the 1998-99 fiscal year.

140A	SPECIAL CATEGORIES GRANTS AND AIDS - LEADERSHIP LEARNING ACADEMY - POLK COUNTY FROM GENERAL REVENUE FUND	500,000	

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141	SALARIES AND BENEFITS POSITIONS 95 FROM GENERAL REVENUE FUND	1,863,838	
	FROM EDUCATIONAL AIDS TRUST FUND		1,991,736
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		526,488
142	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	22,807	
	FROM EDUCATIONAL AIDS TRUST FUND		434,916
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		41,213
143	EXPENSES FROM GENERAL REVENUE FUND	714,823	
	FROM EDUCATIONAL AIDS TRUST FUND		1,941,573
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		247,573
144	AID TO LOCAL GOVERNMENTS CENTERS OF EXCELLENCE FROM GENERAL REVENUE FUND	3,395,627	

From the funds provided in Specific Appropriation 144, $556,800 shall be distributed as follows to establish infrastructure for high technology workforce training simulators:

1.) Manatee County Technical Institute (MTI) - $380,000 for Manufacturing

2.) Sarasota Technical Institute (STI) - $76,800 for Electronics

3.) Manatee Community College (MCC)- $100,000 for Water Treatment

145	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ADULT BASIC EDUCATION FEDERAL FLOW-THROUGH FUNDS FROM EDUCATIONAL AIDS TRUST FUND		12,605,280
146	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ADULT LITERACY CENTERS FROM GENERAL REVENUE FUND	200,000	
148	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS FROM EDUCATIONAL AIDS TRUST FUND		41,700,640
149	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	2,926	
	FROM EDUCATIONAL AIDS TRUST FUND		25,926
150	SPECIAL CATEGORIES APPLIED SCIENCE AND TECHNOLOGY FROM GENERAL REVENUE FUND	457,500	
150A	SPECIAL CATEGORIES GRANTS AND AIDS - JOBS FOR FLORIDA GRADUATES FROM GENERAL REVENUE FUND	1,000,000	

Funds in Specific Appropriation 150A, are contingent upon HB 1901 or similar Legislation becoming law.

152	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	4,659	
	FROM EDUCATIONAL AIDS TRUST FUND		3,762
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		1,323
152A	SPECIAL CATEGORIES GRANTS AND AIDS - WORK KEYS FROM GENERAL REVENUE FUND	100,000	

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Funds provided in Specific Appropriation 152A shall be allocated for the Duval County Work Keys pilot project and administered by the Duval County School District in partnership with the Jacksonville Chamber of Commerce.

EDUCATION ADMINISTERED FUNDS

Funds provided in Specific Appropriations 152B and 152C are contingent upon CS/HB 4131 or similar legislation becoming law.

152B AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 710,324,098

From the funds provided in Specific Appropriation 152B, $415,730,209 is provided for school district workforce development programs and shall be allocated as follows:

Alachua	140,868
Baker	158,351
Bay	3,194,917
Bradford	692,831
Brevard	2,349,297
Broward	76,041,872
Calhoun	155,878
Charlotte	2,414,581
Citrus	2,020,349
Clay	381,727
Collier	7,568,630
Columbia	168,521
Dade	109,012,929
De Soto	1,006,391
Dixie	19,607
Duval	0
Escambia	5,137,065
Flagler	2,993,528
Franklin	46,885
Gadsden	1,011,143
Gilchrist	5,925
Glades	9,049
Gulf	83,850
Hamilton	55,342
Hardee	310,547
Hendry	350,341
Hernando	393,988
Highlands	0
Hillsborough	27,490,127
Holmes	0
Indian River	472,640
Jackson	613,815
Jefferson	214,983
Lafayette	31,466
Lake	4,143,785
Lee	10,469,750
Leon	7,086,685
Levy	0
Liberty	2,915
Madison	0
Manatee	5,384,903
Marion	2,211,614
Martin	3,449,221
Monroe	716,305
Nassau	410,137
Okaloosa	2,857,507
Okeechobee	86,030
Orange	35,275,553
Osceola	4,352,718
Palm Beach	29,630,867
Pasco	3,316,153
Pinellas	24,061,327
Polk	12,377,596

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Putnam	217,625
St. Johns	7,331,371
St. Lucie	0
Santa Rosa	1,660,638
Sarasota	10,693,425
Seminole	0
Sumter	61,699
Suwannee	865,419
Taylor	1,063,216
Union	113,343
Volusia	0
Wakulla	263,891
Walton	87,103
Washington	2,980,889
Washington Special	11,081

From the funds provided in Specific Appropriation 152B, $294,593,889 is provided for Community College workforce development programs and shall be allocated as follows:

Brevard CC	11,610,924
Broward CC	16,805,918
Central Florida	6,535,974
Chipola	2,833,865
Daytona Beach	19,227,385
Edison	4,318,364
Florida CC at Jax	38,805,956
Florida Keys	2,355,321
Gulf Coast	6,041,285
Hillsborough CC	10,092,305
Indian River CC	17,813,535
Lake City	6,270,627
Lake-Sumter CC	1,587,379
Manatee CC	4,669,041
Miami-Dade CC	40,817,771
North Florida	2,139,814
Okaloosa-Walton CC	4,493,355
Palm Beach CC	10,067,628
Pasco-Hernando CC	5,400,386
Pensacola	13,830,663
Polk CC	4,323,844
St. Johns CC	2,001,434
St. Petersburg	13,829,280
Santa Fe	12,335,878
Seminole CC	14,821,698
South Florida	7,405,946
Tallahassee	2,908,401
Valencia	11,249,912

The funds provided in Specific Appropriation 152B may be used for citizenship training at the discretion of the district school board.

The funds provided in Specific Appropriation 152B may be used for employment skills training for Nicaraguan men and women.

152C SPECIAL CATEGORIES
GRANTS AND AIDS - INCENTIVE GRANTS FOR
EXPANDING PROGRAMS
FROM GENERAL REVENUE FUND 18,500,000

Funds in provided in Specific Appropriation 152C include $16,500,000 for Workforce Development Capitalization Incentive Grants for the creation or expansion of workforce development education programs. Prior to the release of these funds, the Postsecondary Education Planning Commission, in consultation with the Jobs and Education Partnership, the Department of Education, and the State Board of Community Colleges shall solicit and accept applications from school districts and community colleges; and shall rank applications

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according to criteria provided in the "Workforce Development Implementation Act of 1998". The final allocation of these funds shall be subject to the notice, review and objection procedures of s. 216.177, Florida Statutes.

Funds provided in Specific Appropriation 152C include $1,000,000 for the Leon County School District and $1,000,000 for the St. Johns County School District to defray costs associated with the transfer of adult education programs and/or facilities and equipment to Tallahassee Community College and St. Johns River Community College. The release of these funds is contingent upon transition plans which are agreed to by the respective school board and community college, and is subject to the notice, review and objection procedures in s. 216.177, Florida Statutes.

COMMUNITY COLLEGES, DIVISION OF

153	SALARIES AND BENEFITS POSITIONS 52		
	FROM GENERAL REVENUE FUND	3,062,333	
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		127,418
154	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	35,729	
155	EXPENSES		
	FROM GENERAL REVENUE FUND	944,612	
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		14,823
156	AID TO LOCAL GOVERNMENTS PERFORMANCE BASED INCENTIVES		
	FROM GENERAL REVENUE FUND	4,800,000	

Funds in Specific Appropriation 156 are provided as performance incentive awards, and shall be allocated as follows:

Brevard	259,506
Broward	309,620
Central Florida	113,836
Chipola	40,422
Daytona Beach	220,307
Edison	144,028
Florida CC at Jacksonville	322,850
Florida Keys	18,314
Gulf Coast	88,014
Hillsborough	256,782
Indian River	154,144
Lake City	69,566
Lake-Sumter	29,132
Manatee	96,738
Miami-Dade	657,449
North Florida	31,540
Okaloosa-Walton	83,721
Palm Beach	224,919
Pasco-Hernando	102,135
Pensacola	164,672
Polk	89,909
St. Johns	37,341
St. Petersburg	300,967
Santa Fe	237,679
Seminole	167,339
South Florida	44,495
Tallahassee	165,744
Valencia	368,831

156A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - INDIAN RIVER COMMUNITY COLLEGE/SCHOOL DISTRICT COOPERATIVE EDUCATIONAL PROGRAM		
	FROM GENERAL REVENUE FUND	125,000	
157	AID TO local GOVERNMENTS GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND		
	FROM GENERAL REVENUE FUND	367,895,644	

No funds in Specific Appropriation 157 are provided for instruction of state or federal inmates; funds in this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

The average resident matriculation fees specified in s. 240.35(5), Florida Statutes, are hereby established for 1998-99 as follows:

Program	Amount Per Credit Hour
Advanced and Professional	$ 34.26
Postsecondary Vocational	34.26
College Preparatory	34.26

The average nonresident matriculation and tuition fees specified in s. 240.35(7), Florida Statutes, are hereby established for 1998-99 as follows:

Program	Amount Per Credit Hour
Advanced & Professional	$102.81
Postsecondary Vocational	102.81
College Preparatory	102.81

The Division of Community Colleges shall maintain a policy regarding office hours that instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each community college's regularly assigned audit and make appropriate comments.

Colleges which accept funds from Specific Appropriation 157 shall not act to limit the "open door" access policy for students in any program.

Funds provided in Specific Appropriation 157 shall be allocated as follows:

Brevard	16,229,260
Broward	27,424,658
Central Florida	5,662,355
Chipola	3,899,708
Daytona Beach	12,442,450
Edison	11,495,530
FICC @ Jacksonville	20,842,566
Florida Keys	2,500,070
Gulf Coast	5,713,721
Hillsborough	23,383,190
Indian River	9,377,989
Lake City	3,056,528
Lake-Sumter	3,653,918
Manatee	9,271,395
Miami-Dade	68,421,405
North Florida	2,280,861
Okaloosa-Walton	6,767,163
Palm Beach	17,574,099
Pasco-Hernando	5,293,971
Pensacola	13,738,954
Polk	6,233,144

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St. Johns River	6,248,907
St. Petersburg	20,942,343
Santa Fe	12,268,501
Seminole	6,996,097
South Florida	2,106,392
Tallahassee	14,907,015
Valencia	29,163,454

FTE enrollment counts for funding purposes will be based only on fee-paying students, except as provided by law. Furthermore, enrollment projections, the annual cost analysis, and CO&DS instructional unit determinations shall only include such students. Enrollments of non-fee paying students shall be reported and projected separately. Except for dually-enrolled students, students in advanced and professional programs or related college preparatory programs who have acquired a high school certificate of completion or attendance and do not have a high school diploma or general equivalency diploma shall not earn FTE's for funding purposes. All enrollment estimating conference FTE reports shall reflect by college all fee paying FTE for the following programs: advanced and professional, postsecondary vocational, postsecondary adult vocational, supplemental vocational, college and vocational preparatory, adult basic, high school, and lifelong learning. There shall be a direct correlation with the seven programs in reporting actual, assigned, estimated, and projected FTE. All state inmate education provided by community colleges in 1998-99 shall be reported by program, FTE expenditure and revenue source. These enrollments, revenues and expenditures shall be reported and projected separately. Except as provided by law, instruction of state inmates shall not be included in the full-time equivalent student enrollment for Community College Program Fund funding. No funds in Specific Appropriation 157 are provided for instruction of state or federal inmates; funds in this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

Funds provided in Specific Appropriation 157 contemplate that, except for CO & DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, and postsecondary vocational programs will be a year-round average based on total student semester hours divided by 40 with the credit hour equivalent being 30. Except for CO&DS instructional unit calculation, a full-time equivalent enrollment in the developmental program, including students enrolled in both the college and vocational preparatory program, postsecondary adult and supplemental disciplines in the vocational program and the lifelong learning program shall be defined as 900 membership hours per year. Furthermore, the annual cost analysis and all data elements required for the allocation process and legislative analysis shall reflect these definitions and be reported in the following order: summer, fall, and spring terms.

157A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT HANDICAPPED FUNDS
FROM GENERAL REVENUE FUND 1,448,905

Funds in Specific Appropriation 157A shall be allocated as follows:

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Daytona Beach	$1,222,602
FLCC @ Jacksonville..	80,528
Pensacola.....	78,357
Seminole.....	67,418

157B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF SOUTH FLORIDA/ST. PETERSBURG JUNIOR COLLEGE JOINT PRESENCE
FROM GENERAL REVENUE FUND 1,000,000

158 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 78,205

158A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOLARSHIP MATCHING PROGRAM
FROM GENERAL REVENUE FUND 7,077,785

Funds provided in Specific Appropriation 158A are to be matched at the rate of one private dollar for each state dollar. Private funds matched in this specific appropriation may not be counted as match in any other state matching program. The use of these funds shall be limited to student scholarships. Each college shall have $35,000 reserved in its account until December 31, 1998, to raise matching funds. Any funds not matched by that date become available on January 1, 1999 to be matched by any other college.

159 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE PROJECTS
FROM GENERAL REVENUE FUND 1,179,074

Funds in Specific Appropriation 159 shall be allocated based on each college's pro-rata share of the Full Time Equivalent students served in the community college system during the prior fiscal year. These funds shall be used to provide financial aid, specifically for child care, based on needs analyses established by each college.

159A SPECIAL CATEGORIES
GRANTS AND AIDS - HISPANIC SCHOLARSHIP MATCHING PROGRAM
FROM GENERAL REVENUE FUND 200,000

159B SPECIAL CATEGORIES
GRANTS AND AIDS - FACILITIES MATCHING PROGRAM
FROM GENERAL REVENUE FUND 6,078,490

Funds in Specific Appropriation 159B shall be allocated as follows: Broward - $12,000 for Criminal Justice Institute and $40,000 for Bailey Hall; Daytona Beach - $272,955 for Health, Wellness - Site Improvement; Edison - $175,000 for Barbara B. Mann Hall; FCCJ - $3,000,000 for Criminal Justice Center; Indian River - $250,000 for Classroom/Lab Building - Dixon Hendry Center Okeechobee; St. Petersburg - $2,018,535 for Fine Arts Education and Library; Seminole - $250,000 for Professional Automotive Training Facility; and South Florida - $60,000 for Crews Technical Center. Funds for Seminole Community Colleges shall not be released until the entire project match is certified on deposit.

159C SPECIAL CATEGORIES
GRANTS AND AIDS - RECREATION TECHNOLOGY CLASSROOM/LABORATORY PROJECT MATCHING FUNDS - PENSACOLA JUNIOR COLLEGE
FROM GENERAL REVENUE FUND 175,000

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160 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY COLLEGE
ENDOWMENT MATCHING FUND
FROM GENERAL REVENUE FUND 7,334,073

161 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 23,676
FROM DISPLACED HOMEMAKER TRUST FUND . . . 1,760,024

163 SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM GENERAL REVENUE FUND 4,790,820

164 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 10,589

165A SPECIAL CATEGORIES
GRANTS AND AIDS - HEALTH CARE EDUCATION
CHALLENGE GRANT FUND
FROM GENERAL REVENUE FUND 1,949,260

166 SPECIAL CATEGORIES
PROGRAM REVIEW AND SPECIAL STUDIES
FROM GENERAL REVENUE FUND 172,000

168 SPECIAL CATEGORIES
GRANTS AND AIDS - MARTIN LUTHER KING
CENTER FOR NON-VIOLENCE
FROM GENERAL REVENUE FUND 200,000

170 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF
EDUCATION
FROM GENERAL REVENUE FUND 30,000

171 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY
SYSTEM
FROM GENERAL REVENUE FUND 200,000

171A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - VALENCIA COMMUNITY
COLLEGE EAST CAMPUS LAND ACQUISITION
FROM GENERAL REVENUE FUND 4,700,000

POSTSECONDARY EDUCATION PLANNING COMMISSION

The funds in Specific Appropriations 172 through 177 shall support the Postsecondary Education Planning Commission in carrying out its statutory responsibilities, the following specific assignments and other activities designed to improve Florida postsecondary education.

The Postsecondary Education Planning Commission, in conjunction with the Department of Education, State Board of Community Colleges, and Board of Regents shall continue its longitudinal cohort study of the progression of public high school graduates as they enroll in, progress through, and graduate from the state's postsecondary education delivery system and enter the workforce. A progress report shall be submitted to the Legislature and the State Board of Education by January 30, 1999.

The Postsecondary Education Planning Commission shall evaluate the effectiveness and efficiency of the "2+2" system. This study shall evaluate current local and statewide policies, and identify changes or additional policies necessary to improve and

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strengthen the 2+2 system including, but not limited to, the appropriate number of first-time-in-college students in the State University System; the impact of the provisions of Chapter 95-243, Laws of Florida; current tuition and fee policies in postsecondary education; the open door policy in the community college system; articulation policies; financial aid and waiver policies, and enrollment in the public postsecondary system by nonresidents.

In addition, the Postsecondary Education Planning Commission shall examine the relationship between graduate education and state economic development/workforce needs of Florida, including academic degree programs necessary to strengthen the state's economy.

The PEPC is directed to evaluate whether or not Florida Atlantic University or Florida International University has a liberal arts program similar to the program at Nova University funded in Specific Appropriation 93.

172 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 708,663

173 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 51,901

174 EXPENSES
FROM GENERAL REVENUE FUND 140,000

175 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,180

176 SPECIAL CATEGORIES
SPECIAL STUDIES
FROM GENERAL REVENUE FUND 74,499

177 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 886

UNIVERSITIES, DIVISION OF

Funds in Specific Appropriations 179 through 182, contemplate that the matriculation and tuition fees collected for Summer Term 1999 enrollments shall not be expended during the 1998-99 fiscal year.

From the funds in Specific Appropriations 20 through 23 and 178 through 182, the salary rate shall be consistent with the total combined rate included in the legislative workpapers that support the General Appropriations Act. Each university shall establish positions consistent with the approved salary rate.

From the funds in Specific Appropriations 179 through 209, no appropriated funds shall be used to promote litigation, for any centers and institutes.

From the funds in Specific Appropriations 179 through 182, the Board of Regents may allocate any excess student fees collected in fiscal year 1997-98 for the purposes of assuring each university its allocated student fees for fiscal year 1998-99.

Funds in Specific Appropriations 179 through 182 provide for the following tuition increases: matriculation fees - 7%, and all out-of-state fees - 12.5%. Each university shall be allocated its share of the amount produced by the increase in matriculation and out-of-state fees to be expended

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as follows: 34% for need-based aid, 33% for each university president's discretion pursuant to plans submitted to the Board of Regents, and 33% for technology needs pursuant to a plan adopted by a technology committee, or a previously adopted plan adopted by a committee, composed at least one-half of students appointed by the student body president with a chair who is appointed jointly by the university president and the student body.

The funds in Specific Appropriations 179, 180, 181, and 182 include $40,029,639 for fee waivers.

From the funds provided in Specific Appropriations 179 through 182, the Board of Regents shall evaluate the funding of utilities for current space and the methodology used to fund new space. In addition, the Board of Regents shall assess the feasibility of developing a new formula for the operations and maintenance of high energy consumption advanced technology buildings throughout the state university system. Recommendations shall be forwarded from the Board of Regents to the Speaker of the House of Representatives and the President of the Senate no later than January 1, 1999.

From the funds in Specific Appropriations 179, $11,406,265 from the General Revenue Fund and $9,461,910 from student fees are provided to support an increase in full-time equivalent students totaling 2,583 FTE. These FTE have been funded on a per student basis as reflected in Model III of the September 30, 1997 Board of Regents' Report To The Legislature Related To 1997 Proviso On Revisions To The Enrollment Funding Model. On a systemwide basis, per FTE funding has been provided as follows: Lower level - $6,013; Upper level- $8,144, Graduate level- $14,085. For the 1999-2000 budget request, the Board of Regents may make adjustments to model III to reflect the direct and full cost of delivering Lower level, Upper level, Masters level, PHD level and Medical Professional level instruction. In the enrollment planning process, the Board of Regents shall distinguish between the graduate enrollment to reflect Master's level and PHD level FTE students. The Board of Regents may also submit a proposal for funding research and public service activities.

EDUCATIONAL AND GENERAL ACTIVITIES

178 LUMP SUM
PERFORMANCE BASED BUDGETING - INSTRUCTION
FROM GENERAL REVENUE FUND 3,300,000

Funds in Specific Appropriation 178 are provided to establish a performance recognition and incentive fund which measures the current effectiveness and improvements in baccalaureate degree production, graduation and retention. The Board of Regents shall develop procedures for measuring and allocating funding to recognize the following three indicators: (1) the ratio of baccalaureate degrees to FTE enrollment; (2) a combined graduation-retention index for first-time-in-college students; and (3) five year change in FTIC and A.A. transfer graduation rates. The methodology developed by the Board of Regents shall be submitted to the Office of Program Policy Analysis and Government Accountability (OPPAGA) for review. The Board of Regents shall incorporate OPPAGA's findings into the methodology used to allocate the performance incentive fund. These funds may be used for salary performance incentives, including the teaching incentive program, the professorial excellence program, and merit in a distribution similar to the $6.3 million in line item 179 provided for Salary Performance Incentives.

178A LUMP SUM
I-4 CORRIDOR/HIGH TECHNOLOGY RESEARCH
FROM GENERAL REVENUE FUND 12,525,000

From the funds in Specific Appropriation 178A $925,000 from the General Revenue Fund reflects a transfer from the Office of Tourism, Trade, and Economic Development to the State University System for activities relating to the I-4 Corridor Program. These funds shall be allocated to the University of Central Florida and University of South Florida.

In addition to the $2,900,000 reappropriated in Section 22, funds in Specific Appropriation 178A include $1,800,000 from the General Revenue Fund for the University of Central Florida and the University of South Florida for High Impact Performance Incentives which shall be expended according to the provisions of s. 288.108, Florida Statutes.

From the funds in Specific Appropriation 178A, $3,600,000 from the General Revenue Fund is provided to the University of Central Florida and the University of South Florida for refund matching for Lucent Technologies - Bell Laboratories, and shall be released only after certification to the Office of Tourism, Trade, and Economic Development that the requirements of s. 212.08(5)(j)6, Florida Statutes, have been met by the certified business entity.

Funds in Specific Appropriation 178A include a continuing appropriation totaling $3,000,000 to the University of South Florida and the University of Central Florida for the State University System Consortium (I-4 Corridor).

In addition, $3,200,000 is provided for an increase to the University of South Florida and the University of Central Florida for I-4 Corridor issues.

179 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND 1155,166,656
FROM EDUCATION AND GENERAL STUDENT AND
OTHER FEES TRUST FUND 374,603,346
FROM PHOSPHATE RESEARCH TRUST FUND 5,996,555

Funds in Specific Appropriation 179 are based upon the following total full-time equivalent(FTE) enrollment:

Lower Level.....45,208
Upper Level.....65,878
Graduate Level..... 21,593
Total.....132,679

The above numbers reflect a change in the following policies used in determining the enrollment estimating conference calculated plan: 1) except for the lower level, the current methodologies for determining increases by level shall continue, however, increases shall be provided to the extent that they are in excess of the current year estimated enrollment level; 2) the enrollment corridor has been applied as required in s. 240.571(5)(a), Florida Statutes, using the 1996-97 actual and the 1997-98 estimated enrollment; 3)

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increases at the lower level have not been based on a three-year average, but rather, based on the Board of Regents' policy of providing access to first-time-in-college students for 20% of the estimated prior year high school graduates, for those students meeting the Board of Regents admissions standards; 4) the University of Florida and the Board of Regents may include the enrollments for IFAS and the non-medical professional enrollments for the University of Florida Health Center in the UF enrollment base for determining the calculated plan; 5) The University of South Florida and the Board of Regents may include the non-medical professional enrollments for the USF Health Science Center in the USF enrollment base for determining the calculated plan. The enrollment estimating conference shall update its policy papers to include these changes including the application of the corridor law pursuant to s. 240.271, Florida Statutes. These changes shall be taken into account in future estimating conferences.

In addition to the amended calculated enrollment plan, growth has been provided for 50 upper level FTE at UF for limited access programs, 10 upper level FTE at FAU for SeaTech, and 250 graduate level FTE for UF.

Also included are 1,764 lower level FTE students (including 925 FTIC students) provided pursuant to the 20% policy for allocation to institutions, including IFAS, taking into consideration: increased show rates, increased retention rates and current underenrollment.

On or before September 1, 1998, the Board of Regents may adjust the funded enrollment plan to take into account; 1) additional adjustments due to course re-leveling; 2) adjustments within and among individual university plans to reflect appropriate enrollment targets for each university for FY 1998-99. The revised enrollment plan shall be submitted to the Enrollment Estimating Impact Conference.

For the purposes of implementing s. 240.271(5)(a)(b), Florida Statutes, the categories of enrollment shall be undergraduate and graduate. The Board of Regents shall continue to provide enrollment detail by level to support the Enrollment Estimating Conference process.

From the funds in Specific Appropriation 179, $4,820,908 from the General Revenue Fund is provided to complete the commitment to Florida International University and Florida Atlantic University for the development of undergraduate and graduate programs pursuant to the Comprehensive University Plan. These funds, as well as the funds provided for the 1996-97 and the 1997-98 fiscal years, shall be retained by these universities to support the development and implementation of programs. The Board of Regents shall determine the enrollment which can be supported by the total funding provided for the Comprehensive University Plan for the 1996-97, 1997-98, and 1998-99 fiscal years and consider this in the development of future enrollment requests.

Funds in Specific Appropriation 179 for the Washington Internship Program may be disbursed in advance to the contractor on a quarterly basis.

From the funds in Specific Appropriation 179, $48,000 is provided for the Geography Internship Program at Florida State University.

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Funds provided in Specific Appropriation 179 include no more than that amount which the Board of Regents and the City of Gainesville agree represents the cost of service for water provided by the city to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the City and reviewed by the University. The costs of any General Fund transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the City or Utility shall be specifically excluded as costs allocable to the University. The cost-based rate shall include charges for only those water services actually provided by the City to the University and shall not include charges for services furnished by the University.

From the funds in Specific Appropriation 179, Florida Atlantic University shall develop and administer a separate budget for FAU Broward for the purpose of establishing a complete university presence in Broward County. The FAU Broward budget shall include all revenues generated locally by the Broward campuses, all positions associated with specially legislated Broward programs from current and previous years, and all additional faculty, staff, and other resources allocated to the university on the basis of Broward enrollments or facilities. In administering its budget, FAU Broward shall make all assignments of Broward faculty and staff, schedule all Broward classes, and evaluate Broward faculty and staff performance.

From the funds in Specific Appropriation 179, an increase of $3,005,905 and associated faculty lines will be allocated, over and above the 1997-98 level, by the University of South Florida to support at a minimum an additional 365 upper level FTE students at the Pinellas/St. Petersburg, Sarasota/Manatee, New College, Lakeland and Pasco-Hernando branch campuses. The University of South Florida shall develop and administer a separate operating budget for each of the campuses above for the purpose of expanding educational opportunities at the campus in each locale. Such budget shall reflect the 1997-98 actual and the 1998-99 estimated expenditures for each branch campus. Each budget shall include all revenues generated locally by the campus, all resources designated specifically for the campus, and all faculty, staff and other resources generated on the basis of enrollments and facilities and any other allocated funds. Administrative support provided by the main campus also shall be identified in the budget. Any portion of the total appropriated funds which are not used to support these program expansions shall revert to general revenue unallocated.

From the funds in Specific Appropriation 179, an increase of $846,019 and associated faculty lines will be allocated by the University of Central Florida to support at a minimum an additional 161 upper level FTE students on its existing branch campuses for the purpose of expanding educational opportunities. The University of Central Florida shall develop and administer a separate operating budget for each of its branch campuses for the purpose of expanding educational opportunities at the campus in each locale. Such budget shall reflect the 1997-98 and the 1998-99 estimated expenditures for each branch campus. Each budget shall include all revenues generated locally by the campus, all resources designated specifically for

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the campus, and all faculty, staff, and other resources generated on the basis of enrollments and facilities and any other allocated funds. Administrative support provided by the main campus also shall be identified in the budget. Any portion of the total appropriated funds which are not used to support these program expansions shall revert to general revenue unallocated.

Funds in Specific Appropriation 179 provide $1,204,974 for the Honors College at Florida Atlantic University. The Board of Regents shall develop a multi-year plan reflecting the total costs required to implement this program, including the total FTE students to be served. Such plan shall be included as a part of the Legislative Budget Request for FY 1999-2000.

From the funds in Specific Appropriation 179, $2,000,000 from the General Revenue Fund is provided to address needs associated with gender equity in athletics. One-tenth of the total funds shall be reserved for each university to be used for a one-to-one match with private dollars. All moneys not matched by January 31, 1999, shall be reallocated to other institutions that have a one-to-one private match in increments of $25,000 until all funds are allocated. The gender equity needs shall be approved by the Council on Equity in Athletics. This funding may be used to defray the cost of constructing any project commenced on or after July 1, 1997, which is associated with achieving gender equity.

From the funds in Specific Appropriation 179, $2,500,000 is provided for a Performance Based Incentive Fund for allocation to each university, including the Special Units. From these funds one-half shall be allocated to institutions which have implemented an internal procedure, as approved by the Board of Regents, for allocating resources for instruction and research on the basis of performance. The remaining one-half shall be allocated based on the number of baccalaureate degrees awarded in 1997-98 and the number of degrees earned at a level of 115% of the degree requirements or less. Baccalaureate degrees earned by first-time-in-college students shall receive a weight of 2.0, AA transfer students shall receive a weight of 2.0, and all other degrees shall be at a weight of .5 in determining the number of degrees eligible for performance incentive funding.

From the funds in Specific Appropriation 179, $2,500,000 is provided for enhanced research funding for allocation to the Educational and General Activities. One half of these funds shall be allocated on the basis of the graduate full-time equivalent enrollment at each institution. Of the remaining funds, 1/10 shall be reserved for the first 10 months of the fiscal year, for each university to be matched at the rate of one state dollar for each three dollars in non-state state university system funds. Any funds unmatched after the first ten months shall be allocated by the Board of Regents on a competitive basis. The non-state matching funds shall represent new and increased funding provided to the institution.

From the funds in Specific Appropriation 179, $6,300,000 is provided for Salary Performance Incentives including the Teaching Incentive Program, the Professorial Excellence Program and other merit increases. The Board of Regents may transfer the

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appropriate amount of funds from the Educational & General Lump Sum to the lump sums for the Institute of Food and Agricultural Sciences, the University of South Florida Medical Center and the University of Florida Health Center. From these funds, 1/3 is provided for the Teaching Incentive Program (TIP), 1/3 for the Professional Excellence Program (PEP), and 1/3 for merit increases.

From the funds in Specific Appropriation 179, $100,000 from the General Revenue Fund is provided to the Board of Regents for a study relating to race relations.

Specific Appropriation 179 includes a general revenue funding increase above the recurring FY 1997-98 appropriation for the following purposes:

1) $1,500,000 for the Florida Museum of Natural History - University of Florida
2) $250,000 for the Chronic Disease Prevention for At-Risk Floridians - Florida State University
3) $101,571 for the Mulrennan Lab- Florida Agricultural and Mechanical University
4) $4,650,000--Enhancement of Undergraduate Education - University of North Florida and University of Central Florida
5) $300,000 for the Simon Bolivar Institute - Florida International University
6) $2,000,000 for the Biltmore Conference Center - University of Florida
7) $100,000 for Stroke Education - Florida Agricultural and Mechanical University
8) $950,000 for the Program in Medical Sciences - Florida State University
9) $134,475 for the Pharmacy Clinical Clerkship Programs - Florida Agricultural and Mechanical University
10) $1,049,240 for the National Center of Forensic Science - University of Central Florida
11) $1,054,940 for the Partnership Access Model - University of Central Florida
12) $75,000 for the Women for Human Rights International - Florida International University
13) $50,000 for Soldiers to Scholars - University of Central Florida
14) $150,000 for the Honors Program - University of North Florida
15) $250,000 for Hands in Action - Florida International University
16) $200,000 for the Dyslexia Program - Florida Agricultural and Mechanical University
17) $75,000 for the Jose Marti Seminar - Florida International University
18) $ 2,000,000 for the Florida Center for Library Automation-University of Florida
19) $ 100,000 for Seaside-University of West Florida and Florida Atlantic University
20) $ 350,000 for the Public Health Program-Florida Agricultural and Mechanical University
21) $ 300,000 for the Haas Center for Business Research-University of West Florida
22) $ 250,000 for the Center for Free Enterprise-University South Florida
23) $ 500,000 for the Program in Medical Sciences-Florida Atlantic University
24) $ 4,000,000 for the 800 MHZ Law Enforcement System
25) $ 500,000 for Compliance with the Disabled Americans Act
26) $ 500,000 for the Urban Teacher Internship Program
27) $ 175,000 for the Urban Policy and Commerce Institute-Florida Agricultural and Mechanical

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University
28) $ 100,000 for the Policy Exchange Center on Aging-University of South Florida
29) $ 385,992 for the Florida Institute of Oceanography-University of South Florida
30) $ 50,000 for Project Oceanography-University of South Florida
31) $ 125,000 for the Whitman Center for State and Local Government-University of West Florida
32) $ 100,000 for Advanced Distributed Learning Military-University of West Florida
33) $7,500,000 for Plant Operations and Maintenance
34) $ 150,000 for the Broward County Children's Museum

From the funds in Specific Appropriation 179, $2,500,000 is provided to Florida State University for the purpose of adapting British Open University courses and degree programs and for establishing the Distance Learning Materials Design and Production Center. Any materials and degree program courseware produced as a result of this appropriation shall be made available, upon request, and at no cost, to any community college or state university.

From the funds in Specific Appropriation 179, $1,000,000 is provided to Florida Agricultural and Mechanical University for enhancement of the viticulture program. The Board of Regents may transfer these funds into the appropriate expenditure categories for facility renovations and repairs or operating costs.

A minimum of 71% of the $19,094,362 provided in Fiscal Year 1997-98 for student financial aid in Specific Appropriation 179 shall be allocated for need-based financial aid.

From the funds provided in Specific Appropriation 179 for public service, $500,000 from the General Revenue Fund is provided for a statewide Community Assistance Program created within the Florida Institute of Government at Florida State University.

From the funds in Specific Appropriation 179 for the Black Male Explorers Program, FAMU may advance funds to Bethune Cookman College, Florida Memorial College and Edward Waters College on a semiannual basis.

From the funds in Specific Appropriation 179, $200,000 from the current allocation to Florida Atlantic University is provided for the Florida/Israel Institute at Florida Atlantic University.

From the funds in Specific Appropriaton 179, $225,000 from the current allocation to the University of South Florida is provided for the Institute for the Study of Children's Futures at the University of South Florida.

From the funds in Specific Appropriation 179, $200,000 from the current allocation to Florida International University is provided for the Human and Labor Rights Institute of the Center for Labor Research & Studies at Florida International University.

180 LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS
FROM GENERAL REVENUE FUND 110,189,980

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FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND 3,294,271
FROM EXPERIMENT STATION INCIDENTAL TRUST FUND 1,072,871
FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND 4,151,641
FROM EXTENSION SERVICE INCIDENTAL TRUST FUND 1,279,666
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES STUDENT FEE TRUST FUND 5,290,709

Funds in Specific Appropriation 180 are based upon the following total full-time equivalent (FTE) enrollment:

Lower Level.....346
Upper Level.....1,096
Graduate Level.....472
Total.....1,914

On or before September 1, 1998, the Board of Regents may adjust the funded enrollment plan to take into account: 1) additional adjustments due to course re-leveling; 2) adjustments within and among individual university plans to reflect appropriate enrollment targets for each university for FY 1998-99. The revised enrollment plan shall be submitted to the Enrollment Estimating Impact Conference.

Specific Appropriation 180 includes a general revenue funding increase above the recurring FY 1997-98 appropriation for the following purposes:

1) $ 400,000 for Research/Extension
2) $ 214,750 for Aquaculture
3) $ 100,000 for Lakewatch

From the funds in Specific Appropriation 180 and any other funds available to the State University System, there shall be no expenditures made pursuant to the consent order, effective April 15, 1986, and amended on June 8, 1987, and as subsequently amended by the joint plan submitted by the Chancellor and the Secretary of the Department of Enviromental Protection on October 1, 1993, between the Institute of Food and Agricultural Sciences and the Department of Enviromental Protection. Provided however that funds from the Water Quality Assurance Trust Fund provided specifically for Site Investigation and Cleanup activities may continue to be spent for that purpose.

181 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS
FROM GENERAL REVENUE FUND 42,120,818
FROM UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER STUDENT FEE TRUST FUND 5,848,762

Funds in Specific Appropriation 181 are based upon the following total full-time equivalent (FTE) enrollment:

Lower.....46
Upper.....166
Grad/Class.....474
M.D.....385

On or before September 1, 1998, the Board of Regents may adjust the funded enrollment plan to take into account: 1) additional adjustments due to course

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re-leveling; 2) adjustments within and among individual university plans to reflect appropriate enrollment targets for each university for FY 1998-99. The revised enrollment plan shall be submitted to the Enrollment Estimating Impact Conference.

Specific Appropriation 181 includes a $1,500,000 general revenue funding increase above the recurring FY 1997-98 appropriation for managed health care.

From the funds in Specific Appropriation 181, $1,000,000 is provided for the Physical Therapy and the Occupational Therapy programs, funded on a 3-year start-up funding basis. The Board of Regents is authorized, but not required, to implement these programs.

182 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER
OPERATIONS

FROM GENERAL REVENUE FUND	93,888,760	
FROM INCIDENTAL TRUST FUND		20,442,698
FROM UNIVERSITY OF FLORIDA HEALTH SCIENCES CENTER STUDENT FEE TRUST FUND .		13,313,088
FROM UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS AND MAINTENANCE TRUST FUND . .		6,316,490

Funds in Specific Appropriation 182 are based upon the following total full-time equivalent (FTE) enrollment:

Lower.....3
Upper.....562
Graduate.....934
Dentistry.....330
Vet Medicine.....317
M.D.....430

On or before September 1, 1998, the Board of Regents may adjust the funded enrollment plan to take into account: 1) additional adjustments due to course re-leveling; 2) adjustments within and among individual university plans to reflect appropriate enrollment targets for each university for FY 1998-99. The revised enrollment plan shall be submitted to the Enrollment Estimating Impact Conference.

Specific Appropriation 182 includes a general revenue funding increase above the recurring FY 1997-98 appropriation for the following projects:

1) $111,314 for the UF-HC/Bethune Cookman College Nursing Program
2) $1,447,489 for Managed Health Care
3) $337,990 for Health Related Synchronous and Asynchronous Learning
4) $250,000 for the Virtual Drug Information Service
5) $500,000 for Program Support for the Urban Campus
6) $300,000 for Attention Deficit Hyperactivity Disorder
7) $800,000 for increased utilities cost

185 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 34,845,973

187 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS
FROM GENERAL REVENUE FUND 5,488,714

Specific Appropriation 187 includes funding for the following issues:

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1) $4,988,714 for Minority Legal Education
2) $500,000 for Minority Scholarships

188 FINANCIAL ASSISTANCE PAYMENTS
VIRGIL HAWKINS FELLOWSHIP PROGRAM
FROM GENERAL REVENUE FUND 1,066,856

BOARD OF REGENTS GENERAL OFFICE

From the funds in Specific Appropriations 189 through 192, the Board of Regents shall conduct a study of the impact of the current policy which authorizes state employees to take up to six hours of courses free per semester and shall make recommendations regarding that policy to the 1999 Legislature.

189 SALARIES AND BENEFITS POSITIONS 166

FROM GENERAL REVENUE FUND	7,674,921	
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		1,039,740
FROM OPERATIONS AND MAINTENANCE TRUST FUND		688,258

190 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	340,162	
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		36,907
FROM OPERATIONS AND MAINTENANCE TRUST FUND		70,500

191 EXPENSES

FROM GENERAL REVENUE FUND	1,760,339	
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND .		11,700
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		160,492
FROM OPERATIONS AND MAINTENANCE TRUST FUND		761,812

192 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 320,775

193 LUMP SUM
PERSONNEL DATABASE - STUDENT ACADEMIC SUPPORT SYSTEM
FROM GENERAL REVENUE FUND 133,062

193A SPECIAL CATEGORIES
SCHOLARSHIP MATCHING PROGRAM
FROM GENERAL REVENUE FUND 250,000

Funds provided in Specific Appropriation 193A are provided for scholarships and are contingent upon an equal match from the private sector. These funds shall be transferred to the Major Gifts Trust Fund.

194 SPECIAL CATEGORIES
CHALLENGE GRANTS

FROM GENERAL REVENUE FUND	27,633,751	
FROM MAJOR GIFTS TRUST FUND		40,841,716

Funds in Specific Appropriation 194 include the $250,000 transferred from Specific Appropriation 193A to the Major Gifts Trust Fund.

195A SPECIAL CATEGORIES
GRANTS AND AIDS - PEDIATRIC ALLIANCE
FROM GENERAL REVENUE FUND 2,000,000

Funds provided in Specific Appropriation 195A are provided to Miami Children's Hospital for the Pediatric Alliance. These funds may be advance funded in the first quarter.

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196 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 2,250,000

Funds in Specific Appropriation 196 may be advance funded on a quarterly basis.

197 SPECIAL CATEGORIES
DISTRIBUTION TO UNIVERSITIES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 75,000

198 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 15,645,202

From the funds provided in Specific Appropriation 198, $1,000,000 is provided for managed health care. The remaining funds provided in Specific Appropriation 198 provide $29,290.40 for 500 Florida residents attending the University of Miami Medical School. Students admitted during or after Fall 1991 shall meet the residency requirements of s. 240.1201, Florida Statutes. Students admitted prior to Fall 1991 shall be certified as Florida residents based on the criteria stipulated at the time of admission.

198A SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMATE STUDY - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 100,000

199 SPECIAL CATEGORIES
MEDICAL SCHOOLS - RECRUITMENT AND RETENTION OF MINORITY STUDENTS
FROM GENERAL REVENUE FUND 200,000

200 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OSTEOPATHY
FROM GENERAL REVENUE FUND 3,133,900

Funds in Specific Appropriation 200 provide $500,000 for managed care and for 365 osteopathic students at $7,216.16 per Florida resident as defined in s. 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its osteopathic program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

201 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - PHARMACY
FROM GENERAL REVENUE FUND 838,244

Funds in Specific Appropriation 201 are for 341 pharmacy students at $2,458.19 per Florida resident as defined in s. 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its pharmacy program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

202 SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OPTOMETRY
FROM GENERAL REVENUE FUND 969,400

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Funds in Specific Appropriation 202 are for 131 optometry students at $7,400 per Florida resident as defined in s. 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its optometry program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

203 SPECIAL CATEGORIES
PUBLIC SECTOR URBAN, RURAL AND UNMET NEEDS
FROM GENERAL REVENUE FUND 125,000

Funds in Specific Appropriation 203 are provided to the Southeastern University of Health Sciences to continue the training program dealing with the public sector, rural and unmet medical needs.

205 SPECIAL CATEGORIES
REGIONAL EDUCATION
FROM GENERAL REVENUE FUND 145,350

Funds provided in Specific Appropriation 205 may be advance funded entirely in the first quarter.

206 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 229,830

207 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH/ UNIVERSITY OF MIAMI
FROM OPERATIONS AND MAINTENANCE TRUST FUND 500,000

Funds provided in Specific Appropriation 207 support the existing contract for spinal cord research.

208 SPECIAL CATEGORIES
FLORIDA'S OFFICE FOR CAMPUS VOLUNTEERS
FROM GENERAL REVENUE FUND 135,889

209 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 348,648
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 1,965
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,276

209A FIXED CAPITAL OUTLAY
EXPANSION OF FLORIDA ATLANTIC UNIVERSITY/ ST. LUCIE COUNTY
FROM GENERAL REVENUE FUND 500,000

209B FIXED CAPITAL OUTLAY
CAMPUS SAFETY IMPROVEMENTS - FLORIDA STATE UNIVERSITY
FROM GENERAL REVENUE FUND 1,500,000

209C FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CAPITAL IMPROVEMENT FEE PROJECTS
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 74,157,097

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 209C:

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UF
Southwest Recreation Center
Expansion (p,c,e).....$ 5,000,000
Reitz Union Expansion (p,c,e)..... 5,000,000
O'Connell Center Roof and Other
Improvements (including reimbursement
to UF Foundation) (p,c)..... 2,000,000
Security Lighting (p,c)..... 1,550,673

FSU
Intramural Field Complex (p,c)
(includes reimbursement to Auxiliary
Investment Account)..... 1,250,000
Oglesby Student Union Renovations (p,c,e) 2,458,350
Racquet Sports Complex/Leach Center
Renovations (p,c,e)..... 2,750,000
Salley Hall Renovation (p,c)..... 2,300,000
Student Facility and Security
Improvements (p,c)..... 1,075,000
Student Life Building (e)..... 587,525

FAMU
Recreational Center (p,c,e)..... 3,934,472

USF
Construct New Residence Life
Facilities (c)..... 3,245,000
Renovate Student Facilities - Tampa
Campus (p,c,e)..... 4,853,857
Improvements to Student Recreation/
Activity Facilities - St. Petersburg
Campus (p,c,e)..... 825,064
Student Facilities - Sarasota Campus
(p,c,e)..... 759,340
Student Facilities - Lakeland Campus
(p,c,e)..... 289,604

FAU
Student Activities Center (p,c,e)..... 3,423,030
Wellness Center (p,c,e)..... 260,000
Recreational/Athletic Facilities
Improvements (p,c)..... 305,000
Residence Halls Repairs (p,c)..... 486,756
University Center Repairs and
Renovations (p,c)..... 315,500
Day Care Center - Davie Campus (c)..... 400,000
Wellness Center Expansion - Davie
Campus (p,c,e)..... 497,115
Student Activities Center/Downtown
Tower - Ft. Lauderdale Campus (p,c,e) 400,000
Recreational Improvements - Jupiter
Campus (p,c,e)..... 450,509

UWF
Commons Completion (Reimbursement) (p,c,e) 300,000
Fieldhouse/Natatorium Renovation and
Repairs (Reimbursement) (p,c)..... 350,000
Housing Renovations and Health Center
Expansion (Reimbursement) (p,c)..... 1,587,621
Recreation/Athletic Repairs and
Improvements (Reimbursement) (p,c).... 256,000

The amount to be reimbursed for the University of West Florida projects cannot exceed $1,000,000.

UCF
Recreational Services Center (p,c)..... 10,968,226

FIU
North Campus Student Housing
Replacement/Repairs (p,c,e)..... 4,347,904
University Park Apartments Repairs (p,c) 1,000,000
Graham Center Renovations and Addition
(p,c,e)..... 2,800,000
Wolfe University Center Renovations
and Addition (p,c,e)..... 1,700,000
Student Alumni House (p,c,e)..... 200,000
Panther Arena Renovation/Repairs (c).... 300,000

UNF
Track/Soccer Stadium - Supplemental
Funding (Reimbursement) (p,c)..... 3,428,275
Child Care Center (p,c)..... 660,000
Fitness Center - Supplemental Funding (e) 20,000

FGCU
North Lake Outdoor Recreation
Improvements (p,c,e)..... 1,822,276

Funds appropriated for the USF Construct New Residence Life Facilities - Tampa Campus may be transferred to the USF Foundation to partially fund the new student residence facilities project administered by the Foundation.

209D FIXED CAPITAL OUTLAY
UNIVERSITY OF SOUTH FLORIDA - TAMPA PORT
AUTHORITY
FROM GENERAL REVENUE FUND 750,000

From the funds in Specific Appropriation 209D for the University of South Florida/Tampa Port Authority, the University of South Florida is authorized to enter into a lease with the Tampa Port Authority for classroom and other space.

210 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CONCURRENCY
REQUIREMENTS
FROM STATE UNIVERSITY SYSTEM CONCURRENCY
TRUST FUND 10,100,000

210A FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FACILITY
ENHANCEMENT - CHALLENGE GRANT PROGRAM
FROM GENERAL REVENUE FUND 12,527,349

Funds provided in Specific Appropriation 210A shall be allocated in accordance with s. 240.2601, Florida Statutes, for the following projects:

FGCU Science, Math & Tech Building
(P,C,E).....$ 4,900,000
UF IFAS - Conf Center/Auditorium,
Everglades REC (P,C,E)..... 500,000
UF IFAS - Soil Testing Lab Ren/Remodeling,
Everglades REC (P,C,E)..... 150,000
UF IFAS - Farm Shop/Hay Storage Bldg,
Hague Dairy & Poultry Science
Unit (P,C)..... 150,000
UF IFAS - Teaching Greenhouse, Ft Pierce
REC (P,C)..... 25,000
UF Hall of Florida Fossils, Powell Hall
(FL Museum of Nat History) (P,C). 500,000
UF Habitats Study Center, Powell Hall
(FL Museum of Nat History) (P,C). 143,700
UF Orthopaedics Study Center Ren/Remodeling,
Hlth Sci Center (P,C,E)..... 125,000
UF Pre-Clinical Simulation Dental Lab
Remodeling, Hlth Sci Center (P,C,E) 249,900
UF Wet Lab/Pre-Clinical Simulation Dental
Lab Rem, Hlth Sci Center (P,C,E)... 100,000
UF Flint/Anderson Hall Restoration/Remodeling
(P,C,E).....3,000,000
UF Gartner Group Teaching Lab, Computer
Science& Eng Bldg (P,C,E)..... 200,000

SECTION 2
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UNF	Multipurpose Educational Complex (E)	150,000
UNF	Golf Management & Learning Center (p,c)	750,000
USF	New College Natural Sciences Bldg (C)	100,000
UWF	Science & Tech Bldg Renovation/ Expansion (E)	400,000
UWF	Archaeological Conservatory & Museum (E)	94,300
UCF	Communications Building (E)	149,275
UCF	Health & Public Affairs Building (E)	524,174
FIU	Herbert & Nicole Wertheim Performing Arts Center (E)	116,000
FIU	Roz & Cal Kovens Conference Center (E)	200,000

211 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 19,000,000

211A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MIAMI PROJECT TO CURE PARALYSIS
FROM GENERAL REVENUE FUND 1,000,000

Funds provided in Specific Appropriation 211A are contingent upon receipt of $1 million in private matching funds for this purpose. The Miami Project shall certify to the Board of Regents that these funds have been received prior to release of the state funds.

211B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
VETERINARY TEACHING LAB
FROM GENERAL REVENUE FUND 500,000

The funds in Specific Appropriation 211B are a supplement to the 1997-98 appropriation.

TOTAL OF SECTION 2 POSITIONS 881

FROM GENERAL REVENUE FUND 9649,029,241

FROM TRUST FUNDS 3011,557,256

TOTAL ALL FUNDS 12660,586,497

SECTION 3 - HUMAN SERVICES

The monies contained herein are appropriated from the named funds to the Agency for Health Care Administration, Department of Children and Families, Department of Elder Affairs, Department of Health, and the Department of Veterans' Affairs as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF: AGENCY FOR HEALTH CARE ADMINISTRATION

HEALTH CARE ADMINISTRATION AND REGULATION

212 SALARIES AND BENEFITS POSITIONS 284
FROM GENERAL REVENUE FUND 1,960,332
FROM HEALTH CARE TRUST FUND 10,556,089
FROM ADMINISTRATIVE TRUST FUND 499,825

213 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 247,707
FROM HEALTH CARE TRUST FUND 649,610

214 EXPENSES
FROM GENERAL REVENUE FUND 701,603
FROM HEALTH CARE TRUST FUND 3,810,200

SECTION 3
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APPROPRIATION

215 OPERATING CAPITAL OUTLAY
FROM HEALTH CARE TRUST FUND 299,043

215A LUMP SUM
FLORIDA CHILDREN'S HEALTHY BODIES PROGRAM
POSITIONS 30
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000,000
FROM MEDICAL CARE TRUST FUND 170,000,000

Funds in Specific Appropriation 215A are for the implementation of the Florida Children's Healthy Bodies Program. These funds are contingent on enactment of legislation creating this program. The Executive Office of the Governor may authorize movement of these resources between agencies pursuant to Chapter 216, Florida Statutes, as needed to implement the legislation.

216 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION
FROM GENERAL REVENUE FUND 16,018,852

Funds in Specific Appropriation 216 are eligible to match the Children's Health Insurance Program (Title XXI) administered by the Florida Healthy Kids Corporation.

217 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HEALTH CARE TRUST FUND 84,425

218 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM HEALTH CARE TRUST FUND 275,280

MEDICAID SERVICES

The following issues are dependent on state match being provided by participating counties in sufficient amounts to cover the amount budgeted in the Grants and Donations Trust Fund: Specific Appropriation 274 -- Regional Perinatal Intensive Care Center Disproportionate Share Program; Specific Appropriation 247 -- Regular Hospital Disproportionate Share Program; Specific Appropriation 242 -- Graduate Medical Education Disproportionate Share Program; and Specific Appropriation 249 for the adult out-patient hospital reimbursement yearly cap at $1,000 and to maintain the current county outpatient reimbursement ceiling. If sufficient funds are not provided by the counties, the department shall first reduce the regular hospital disproportionate share program to balance.

From the funds in Specific Appropriation 219 through 282, the Medicaid Health Services Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to provide general medical services for the categorically eligible clients under the Supplemental Security Income (SSI) program, the Temporary Assistance for Needy Families (TANF) program, the Institutional Care Program (ICP), and for those persons eligible under other provisions of federal or state law. Those services shall provide timely medical care in order to prevent more critical health care problems in this population, and to increase access to such care where access is restricted.

SECTION 3
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Performance Measures	Standards
PROVIDE HEALTH SERVICES TO CHILDREN AND FAMILIES AND ELDERS	
Health Services to Pregnant Women, Newborns and Women who want Family Planning Services	
OUTCOMES:	
Percent of women receiving adequate prenatal care	86%
Neonatal mortality rate (per 1,000)	4.86
Percent of vaginal deliveries with no complications	73.1%
Average length of time between pregnancies for those receiving family planning services (months)	37.4
OUTPUTS:	
Number of women receiving prenatal care	137,130
Vaginal deliveries	64,152
Number of women receiving family planning services	136,197
Health Services to Children	
OUTCOMES:	
Percent of eligible children who received all required components of EPSDT screen	64%
Percent of hospitalizations for conditions preventable with good ambulatory care	7.53%
Ratio of children hospitalized for mental health care to those receiving mental health services	6.8%
OUTPUTS:	
Number of children ages 1-20 enrolled in Medicaid	1,119,745
Number of children receiving mental health services	54,443
Number of children receiving EPSDT services	127,967
Number of services by major type of service:	
1. Hospital Inpatient services	39,828
2. Physician services	3,475,670
3. Prescribed drugs	2,875,949
Health Services to Working Age Adults (Non-Disabled)	
OUTCOMES:	
Percent of hospitalizations for conditions preventable with good ambulatory care	13.3%
OUTPUTS:	
Percent of non-disabled adults receiving a service	85%
Health Services to Disabled Working Age Adults	
OUTCOMES:	
Percent of hospitalizations for conditions preventable with good ambulatory care	13.9%
OUTPUTS:	
Percent of enrolled disabled adults receiving a service	88.6%
Health Services to Elders	
OUTCOMES:	
Percent of hospital stays for elder recipients exceeding length of stay criteria	26%
Percent of elder recipients in long term care who improve or maintain activities of daily living (ADL) functioning to those receiving mental health services	TBD
OUTPUTS:	
Number enrolled in long term care waivers	9,766
Number of elders receiving mental health care	7,688
Number of services by major type of service:	
1. Hospital Inpatient services	89,048
2. Physician services	1,285,488
3. Prescribed drugs	8,337,539
ASSURE COMPLIANCE WITH MEDICAID POLICY	
OUTCOMES:	
Percent of new recipients voluntarily selecting managed care plan	75%
Percent of programs with cost effectiveness determined annually	5%
OUTPUTS:	
Number of new provider applications	10,600
Number of new enrollees provided choice counseling	516,000
Number of providers	68,276
PROCESS MEDICAID PROVIDER CLAIMS	
OUTCOMES:	

SECTION 3
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|--------                                          |
|Average length of time between receipt            |
|of clean claim and payment (days).............16 |
|                                                  |
|Percent increase in dollars recovered             |
|annually.....................................5% |
|                                                  |
|Amount of recoveries.................$19,275,043 |
|                                                  |
|Cost avoided because of identification            |
|of third party coverage:                          |
|1.  Commercial coverage.............$197,493,244 |
|2.  Medicare.......................$694,234,790 |
|                                                  |
|OUTPUTS:                                          |
|-------                                           |
|Number of claims received.............96,398,352 |
|                                                  |
|Number of claims processed............65,400,797 |
|                                                  |
|Number of claims denied...............30,997,555 |
|                                                  |
|Number of cases opened.....................3,776 |
|                                                  |
|Number of cases closed.....................4,683 |
|                                                  |
|Number of referrals to the Medicaid               |
|Fraud Control Unit/Attorney General's             |
|Office......................................175 |
|                                                  |
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219 SALARIES AND BENEFITS POSITIONS 876
FROM GENERAL REVENUE FUND 12,202,493
FROM ADMINISTRATIVE TRUST FUND 21,408,130
FROM GRANTS AND DONATIONS TRUST FUND . . . 178,440

220 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 350,329
FROM ADMINISTRATIVE TRUST FUND 14,576,789

221 EXPENSES
FROM GENERAL REVENUE FUND 10,823,787
FROM ADMINISTRATIVE TRUST FUND 19,845,907
FROM GRANTS AND DONATIONS TRUST FUND . . . 54,897

222 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,583
FROM ADMINISTRATIVE TRUST FUND 650,125

223 LUMP SUM
THIRD PARTY LIABILITY FUNCTION
FROM GENERAL REVENUE FUND 250,000
FROM ADMINISTRATIVE TRUST FUND 250,000

231 SPECIAL CATEGORIES
ADULT DENTAL, VISUAL AND HEARING SERVICES
FROM GENERAL REVENUE FUND 12,373,579
FROM MEDICAL CARE TRUST FUND 15,627,278
FROM REFUGEE ASSISTANCE TRUST FUND 383,567

Funds in Specific Appropriations 231, 245, 249, 254, 257, and 267 reflect a reduction of $28,284,126 in General Revenue and $35,356,070 in the Medical Care Trust Fund from the projections of the February 6, 1998 Social Services Estimating Conference due to modification of the methodology for Medicaid payment of Medicare crossover claims.

232 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER
FROM MEDICAL CARE TRUST FUND 5,561,111

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233 SPECIAL CATEGORIES
CASE MANAGEMENT
FROM GENERAL REVENUE FUND 11,835,990
FROM MEDICAL CARE TRUST FUND 23,847,662
FROM REFUGEE ASSISTANCE TRUST FUND 3,876

From the funds appropriated in Specific Appropriations 233, 234, and 235 the Agency may modify the benefits and fees paid for Medicaid community mental health, targeted case management and children's therapeutic services in order to achieve competitive rates for the procedure codes included in these programs by January 1, 1999 without exceeding the total appropriations for these categories. Fees shall not increase more than 50%.

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 233 results in state match requirements exceeding $6,930,899, the Department of Children and Families shall transfer General Revenue to cover the increased state match requirements from Specific Appropriation 359. The agency shall by rule provide that adult mental health targeted case management services are targeted solely to priority clients as specified in Florida Administrative Code 65E-15.

234 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 51,489,631
FROM MEDICAL CARE TRUST FUND 76,327,121
FROM REFUGEE ASSISTANCE TRUST FUND 18,969

From the funds in Specific Appropriation 234, $14,983,526 from the Medical Care Trust Fund is provided to target Medicaid eligible children with significant mental health and substance abuse needs who are generally in the care and custody of the state.

From the funds in Specific Appropriation 234, the agency is authorized to establish a targeted case management program in Sarasota County for children who have been victims of abuse and neglect. Expenditures for this program should not exceed $1,470,921 annually. The Department of Children and Families is authorized to transfer up to $650,000 from the Family Preservation and Safety program to cover state costs.

235 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 26,813,845
FROM MEDICAL CARE TRUST FUND 33,753,358
FROM REFUGEE ASSISTANCE TRUST FUND 113,068

236 SPECIAL CATEGORIES
CONTRACT NURSING HOME AUDIT PROGRAM
FROM GENERAL REVENUE FUND 656,779
FROM ADMINISTRATIVE TRUST FUND 656,779

238 SPECIAL CATEGORIES
DEVELOPMENTAL EVALUATION AND INTERVENTION/ PART H
FROM MEDICAL CARE TRUST FUND 6,394,721
FROM REFUGEE ASSISTANCE TRUST FUND 888

Funds in Specific Appropriation 238 shall be contingent on the availability of state match being provided in Specific Appropriation 551.

239 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN

SECTION 3
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FROM GENERAL REVENUE FUND	34,810,572	
FROM MEDICAL CARE TRUST FUND		43,964,200
FROM REFUGEE ASSISTANCE TRUST FUND		345,318

240 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL ASSISTANCE PROGRAM

FROM GENERAL REVENUE FUND	1,220,185	
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,279,815
FROM MEDICAL CARE TRUST FUND		6,176,798

Funds in Specific Appropriation 240 shall be used for a Rural Hospital Medicaid Disproportionate Share program, or a non-Medicaid Rural Hospital Financial Assistance Program for those hospitals not eligible for the disproportionate share program. Such funds shall be distributed pursuant to law and shall conform with federal requirements.

241 SPECIAL CATEGORIES
FAMILY PLANNING

FROM GENERAL REVENUE FUND	1,269,272	
FROM MEDICAL CARE TRUST FUND		11,423,450
FROM REFUGEE ASSISTANCE TRUST FUND		26,259

242 SPECIAL CATEGORIES
GRADUATE MEDICAL EDUCATION

FROM GENERAL REVENUE FUND	10,455,018	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,711,139
FROM MEDICAL CARE TRUST FUND		16,632,674

From the funds in Specific Appropriation 242, $2,711,139 from the Grants and Donations Trust Fund and $3,401,914 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to statutory teaching hospitals, as defined in s. 407.002(27), Florida Statutes, and shall be distributed in accordance with s. 409.9113, Florida Statutes.

243 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES

FROM GENERAL REVENUE FUND	14,229,578	
FROM MEDICAL CARE TRUST FUND		291,379,800

From the funds in Specific Appropriation 243, $117,079,515 from the Medical Care Trust Fund is provided to expand the waiver for the developmentally delayed clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law; and, to provide for emergency situations and unforeseen circumstances as the transition is made from funding institutional services for developmentally disabled individuals through the Intermediate Care Facility for the Mentally Retarded program to funding non-institutional services through home and community based funding mechanisms.

From the funds in Specific Appropriation 243 up to $2,826,000 from the Medical Care Trust Fund is provided for the agency to apply for a Medicaid Home and Community Based Services Waiver for persons with head and spinal cord injuries and is contingent upon federal approval and the availability of state matching funds in the Department of Labor and Employment Security.

244 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER

FROM MEDICAL CARE TRUST FUND		9,630,962

SECTION 3
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245 SPECIAL CATEGORIES
HOME HEALTH SERVICES

FROM GENERAL REVENUE FUND	33,958,303	
FROM MEDICAL CARE TRUST FUND		43,253,341
FROM REFUGEE ASSISTANCE TRUST FUND		78,735

246 SPECIAL CATEGORIES
HOSPICE SERVICES

FROM GENERAL REVENUE FUND	22,036,558	
FROM MEDICAL CARE TRUST FUND		27,831,192

247 SPECIAL CATEGORIES
HOSPITAL INPATIENT SERVICES

FROM GENERAL REVENUE FUND	59,475,648	
FROM GRANTS AND DONATIONS TRUST FUND . . .		85,201,979
FROM MEDICAL CARE TRUST FUND		633,509,798
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		356,900,000
FROM REFUGEE ASSISTANCE TRUST FUND		1,211,472

Funds in Specific Appropriation 247 reflect a reduction of $24,691,134 from the projections of the February 6, 1998 Social Services Estimating Conference from additional savings from implementation of current disease management initiatives (asthma, diabetes, AIDS, and hemophilia) and $14,723,853 from implementation of new disease management initiatives (hypertension, cancer, heart disease, end-stage renal disease, and sickle cell).

From the funds in Specific Appropriation 247, $72,879,247 from the Grants and Donations Trust Fund and $92,080,568 from the Medical Care Trust Fund are for a hospital disproportionate share program and are contingent upon receipt of county contributions. If the total amount earned by all hospitals under this section exceeds the amount appropriated, each hospital's share shall be reduced on a prorata basis so that the total dollars distributed do not exceed the total amount appropriated. One fourth of the total amount shall be distributed at the end of each quarter of Fiscal Year 1998-99.

247A SPECIAL CATEGORIES
FREESTANDING DIALYSIS CENTERS

FROM GENERAL REVENUE FUND	1,980,543	
FROM MEDICAL CARE TRUST FUND		2,501,337

Funds in Specific Appropriation 247A are for the inclusion of the freestanding dialysis clinics in the Medicaid Program. The agency is to limit payment to $85 per visit for each dialysis treatment.

248 SPECIAL CATEGORIES
HOSPITAL INSURANCE BENEFITS

FROM GENERAL REVENUE FUND	37,346,756	
FROM MEDICAL CARE TRUST FUND		47,167,286

249 SPECIAL CATEGORIES
HOSPITAL OUTPATIENT SERVICES

FROM GENERAL REVENUE FUND	161,129,398	
FROM GRANTS AND DONATIONS TRUST FUND . . .		15,584,940
FROM MEDICAL CARE TRUST FUND		223,182,331
FROM REFUGEE ASSISTANCE TRUST FUND		794,524

250 SPECIAL CATEGORIES
INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER

FROM MEDICAL CARE TRUST FUND		99,815,223

251 SPECIAL CATEGORIES
RESPIRATORY THERAPY SERVICES

FROM GENERAL REVENUE FUND	309,077	
FROM MEDICAL CARE TRUST FUND		390,350

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252	SPECIAL CATEGORIES MEDICAID FISCAL CONTRACT		
	FROM GENERAL REVENUE FUND	8,548,161	
	FROM ADMINISTRATIVE TRUST FUND		15,650,413
	FROM REFUGEE ASSISTANCE TRUST FUND		73,726
253	SPECIAL CATEGORIES MEDICAID PEER REVIEW		
	FROM ADMINISTRATIVE TRUST FUND		433,268
254	SPECIAL CATEGORIES NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	1,712,546	
	FROM MEDICAL CARE TRUST FUND		2,162,870
	FROM REFUGEE ASSISTANCE TRUST FUND		897
255	SPECIAL CATEGORIES NURSING HOME CARE		
	FROM GENERAL REVENUE FUND	624,715,338	
	FROM MEDICAL CARE TRUST FUND		796,907,966

From the funds provided in Specific Appropriation 255, $7,657,972 for the phase-in of a case-mix reimbursement methodology for nursing home services. The phase-in shall be implemented only as data becomes available and no earlier than April 1, 1999. When computing a per diem rate for Medicaid residents, the agency shall adjust for case-mix based on a resident classification system that accounts for the relative resource utilization by different acuity levels of residents and other appropriate data. In developing the case-mix methodology the agency shall, at a minimum, take into account the medical, behavioral, and cognitive deficits of residents. As part of the transition to a case-mix reimbursement system, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan. Within the resource available, the agency may consider modifying the aspects of the plan which address patient care costs, operating costs, property costs and facility specific targets. In the event adequate data are not available, the agency is authorized to adjust the patient's care component of the per diem rate to more adequately cover the cost of services provided in the patient's care component. The agency shall work with the Department of Elder Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology. It is the intent of the Legislature that the revised case-mix reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community.

256	SPECIAL CATEGORIES BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	435,705	
	FROM MEDICAL CARE TRUST FUND		550,277
257	SPECIAL CATEGORIES OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	9,493,358	
	FROM MEDICAL CARE TRUST FUND		11,989,688
	FROM REFUGEE ASSISTANCE TRUST FUND		301,316
258	SPECIAL CATEGORIES PATIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	37,898,929	
	FROM MEDICAL CARE TRUST FUND		47,864,659
	FROM REFUGEE ASSISTANCE TRUST FUND		118,819

SECTION 3
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Funds in Specific Appropriation 258 represent the maximum amount provided to fully fund all transportation services reimbursed by Medicaid except for those transportation services typically covered through other Medicaid categories.

259	SPECIAL CATEGORIES PHYSICIAN ASSISTANT SERVICES		
	FROM GENERAL REVENUE FUND	117,165	
	FROM MEDICAL CARE TRUST FUND		147,971
	FROM REFUGEE ASSISTANCE TRUST FUND		622
260	SPECIAL CATEGORIES PERSONAL CARE SERVICES		
	FROM GENERAL REVENUE FUND	5,164,281	
	FROM MEDICAL CARE TRUST FUND		6,522,255
261	SPECIAL CATEGORIES PHYSICAL REHABILITATION THERAPY		
	FROM GENERAL REVENUE FUND	1,998,973	
	FROM MEDICAL CARE TRUST FUND		2,524,615
	FROM REFUGEE ASSISTANCE TRUST FUND		840
262	SPECIAL CATEGORIES PHYSICIAN SERVICES		
	FROM GENERAL REVENUE FUND	171,636,730	
	FROM MEDICAL CARE TRUST FUND		216,769,537
	FROM REFUGEE ASSISTANCE TRUST FUND		2,123,481

Of the funds provided in Specific Appropriation 262, $1,600,000 from the General Revenue Fund and $2,020,729 from the Medicaid Care Trust Fund are provided for a fee increase, effective July 1, 1998, in certain procedure codes recommended by the Florida Association of Pediatric Surgeons for services to children rendered by physicians who are board-certified in pediatric surgery or urology.

From the funds in Specific Appropriation 262, the Agency for Health Care Administration shall reimburse chiropractic physicians for x-rays performed in the chiropractic physician's office.

263	SPECIAL CATEGORIES PREPAID HEALTH PLANS/HEALTH MAINTENANCE ORGANIZATION		
	FROM GENERAL REVENUE FUND	325,597,325	
	FROM MEDICAL CARE TRUST FUND		411,214,908
	FROM REFUGEE ASSISTANCE TRUST FUND		538,631

From the funds in Specific Appropriation 263, $900,582 from the General Revenue Fund and $1,137,395 from the Medical Care Trust Fund are provided to increase the rate amount reimbursed to providers for dental services.

264	SPECIAL CATEGORIES PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	337,245,318	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		126,317,404
	FROM MEDICAL CARE TRUST FUND		425,914,611
	FROM REFUGEE ASSISTANCE TRUST FUND		1,547,633
265	SPECIAL CATEGORIES PRIVATE DUTY NURSING SERVICES		
	FROM GENERAL REVENUE FUND	24,015,596	
	FROM MEDICAL CARE TRUST FUND		30,330,627
265A	SPECIAL CATEGORIES TRANSFER TO GENERAL REVENUE FUND		
	FROM MEDICAL CARE TRUST FUND		20,000,000
266	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		

SECTION 3
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FROM GENERAL REVENUE FUND	122,726	
FROM ADMINISTRATIVE TRUST FUND		122,726

267 SPECIAL CATEGORIES
RURAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	14,193,378	
FROM MEDICAL CARE TRUST FUND		17,925,606
FROM REFUGEE ASSISTANCE TRUST FUND		28,860

268 SPECIAL CATEGORIES
SPEECH THERAPY SERVICES

FROM GENERAL REVENUE FUND	3,465,912	
FROM MEDICAL CARE TRUST FUND		4,377,292
FROM REFUGEE ASSISTANCE TRUST FUND		282

269 SPECIAL CATEGORIES
STATE MENTAL HEALTH HOSPITAL PROGRAM

FROM MEDICAL CARE TRUST FUND		15,444,989

270 SPECIAL CATEGORIES
MEDIPASS SERVICES

FROM GENERAL REVENUE FUND	7,973,662	
FROM MEDICAL CARE TRUST FUND		10,070,379
FROM REFUGEE ASSISTANCE TRUST FUND		67,168

271 SPECIAL CATEGORIES
MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE

FROM MEDICAL CARE TRUST FUND		83,562,326

272 SPECIAL CATEGORIES
T.B. HOSPITAL DISPROPORTIONATE SHARE

FROM MEDICAL CARE TRUST FUND		2,444,444

273 SPECIAL CATEGORIES
PRIMARY CARE DISPROPORTIONATE SHARE PROGRAM

FROM GRANTS AND DONATIONS TRUST FUND . . .		4,435,000
FROM MEDICAL CARE TRUST FUND		5,603,479

Funds in Specific Appropriation 273 are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. Funds appropriated herein are for Medicaid disproportionate share payments to hospitals qualifying for the primary care disproportionate share program, as defined in s. 409.9117, Florida Statutes. The agency must determine the eligibility of a hospital to participate in the primary care disproportionate share program based on the criteria in s. 409.9117, Florida Statutes, and, if more than one hospital qualifies, must submit an allocation methodology for the primary care disproportionate share payments to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. In the event the Health Care Financing Administration decreases the state's total disproportionate share allotment, the Governor shall submit a budget amendment pursuant to the provisions of Chapter 216, Florida Statutes, which would reduce the disproportionate share programs to the maximum cap and shall first reduce the primary care hospital disproportionate share programs.

274 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE

FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000,000
FROM MEDICAL CARE TRUST FUND		3,790,403

From the funds provided in Specific Appropriation 274, $3,000,000 from the Grants and Donations Trust Fund and $3,790,403 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to those hospitals that participate in the Regional Perinatal Intensive Care Center program established pursuant to Chapter 383, Florida Statutes. Such funds shall be distributed pursuant to s. 409.9112, Florida Statutes, and shall conform with federal requirements.

275 SPECIAL CATEGORIES
SUPPLEMENTAL MEDICAL INSURANCE

FROM GENERAL REVENUE FUND	168,237,552	
FROM MEDICAL CARE TRUST FUND		185,477,209

From the funds in Specific Appropriation 275, the agency may pay insurance premiums on behalf of Medicaid eligible individuals when the agency determines that such payments are cost effective.

276 SPECIAL CATEGORIES
OCCUPATIONAL THERAPY SERVICES

FROM GENERAL REVENUE FUND	1,864,605	
FROM MEDICAL CARE TRUST FUND		2,354,915
FROM REFUGEE ASSISTANCE TRUST FUND		51

277 SPECIAL CATEGORIES
CLINIC SERVICES

FROM GENERAL REVENUE FUND	12,661,791	
FROM MEDICAL CARE TRUST FUND		15,991,280
FROM REFUGEE ASSISTANCE TRUST FUND		50,414

Funds in Specific Appropriation 277 provided for county health department clinic services shall be reimbursed at a rate per visit based on total reasonable costs of the clinic as provided for in s. 409.908(19), Florida Statutes.

278 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER

FROM MEDICAL CARE TRUST FUND		364,592

279 SPECIAL CATEGORIES
MEDICAID SCHOOL REFINANCING

FROM MEDICAL CARE TRUST FUND		50,000,000

280 SPECIAL CATEGORIES
CAPITATED NURSING HOME DIVERSION WAIVER

FROM GENERAL REVENUE FUND	10,123,004	
FROM MEDICAL CARE TRUST FUND		12,784,903

Funds in Specific Appropriation 280 shall be transferred to Specific Appropriation 255 if the nursing home diversion waiver expansion is delayed or is otherwise unable to divert a sufficient number of persons from Medicaid nursing home care and the Social Service Estimating Conference projects that a deficit will occur in the nursing home care program.

From the funds in Specific Appropriation 280 $350,000 from General Revenue and $442,034 from Medical Care Trust Fund, the Agency for Health Care Administration in consultation with the Department of Elder Affairs may contract with the "Program of All-inclusive Care for the Elderly" (PACE) as part of the department's Managed Long-Term Care Diversion Project.

281 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER

FROM GENERAL REVENUE FUND	75,199	
FROM ADMINISTRATIVE TRUST FUND		246,918
FROM GRANTS AND DONATIONS TRUST FUND . . .		171,718

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282 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 23,840

HEALTH CARE REGULATION

From the funds in Specific Appropriation 283 through 292, the Health Services Quality Assurance Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to ensure that all Floridians have access to quality health care and services through the licensure and certification of facilities, and in responding to consumer complaints about facilities, services and practitioners.

Performance Measures	Standards
STATE REGULATION OF HEALTH CARE PRACTITIONERS	
OUTCOMES:	
Percentage of Priority I practitioner investigations resulting in emergency actions	39%
Average length of time to take emergency action on Priority I practitioner investigations	60
Percentage of cease and desist orders issued to unlicensed practitioners in which another complaint of unlicensed activity is subsequently filed against the same practitioner	7%
Percentage of licensed practitioners involved in:	
1. Serious incidents	0.33%
2. Peer review discipline reports	0.02%
OUTPUTS:	
Number of complaints determined legally sufficient	7,112
Number of legally sufficient complaints resolved by:	
1. Findings of no probable cause, including:	
a. Nolle prosse	680
b. Letters of guidance	491
c. Notice of noncompliance	35
2. Probable cause - Issuance of citation for minor violations	34
3. Stipulations or informal hearings	662
4. Formal hearings	44
Percentage of investigations completed by priority within timeframe	
1. Priority I..45 days	100%
2. Priority II..180 days	100%
3. Other..180 days	100%
Average number of practitioner complaint investigations per FTE	87
Number of inquiries to the cell center regarding practitioner licensure and disciplinary information	113,293
STATE LICENSURE AND FEDERAL CERTIFICATION OF HEALTH CARE FACILITIES AND PROGRAMS	
OUTCOMES:	
Percentage of investigations of alleged unlicensed facilities and programs that have been previously issued a cease and desist order, that are confirmed as repeated unlicensed activity	7%
Percentage of Priority I consumer complaints about licensed facilities and programs that are investigated within 48 hours	100%
Percentage of accredited hospitals and ambulatory surgical centers cited for not complying with life safety, licensure or emergency access standards	TBD
Percentage of accreditation validation surveys that result in findings of licensure deficiencies	TBD
Percentage of facilities in which deficiencies are found that pose a serious threat to the health, safety or welfare of the public by type:	
1. Nursing Homes	5%
2. Assisted Living Facilities	5%
3. Home Health Agencies	TBD
4. Clinical Laboratories	TBD
5. Ambulatory Surgical Centers	TBD
6. Hospitals	TBD
Percentage of failures by hospitals to report:	
1. Serious incidents (agency identified)	TBD
2. Peer review disciplinary actions (agency identified)	TBD
OUTPUTS:	
Number of facility emergency actions taken	51
Total number of full facility quality of care surveys conducted and by type:	6,171
1. Nursing homes	815
2. Home Health Agencies	1,600
3. Assisted Living Facilities	1,282
4. Laboratories	1,082
5. Hospitals	35
6. Other	1,357
Average processing time (in days) for statewide panel cases	259
Number of hospitals that the agency determine have not reported:	
1. Serious incidents (agency identified)	TBD
2. Peer review disciplinary actions (agency identified)	TBD

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HEALTH FACILITY PLANS AND CONSTRUCTION REVIEW	
OUTPUTS:	
Number of plans and construction reviews performed by type:	
1. Nursing Homes	1,200
2. Hospitals	3,500
3. Ambulatory Surgical Centers	400
Average number of hours for plans and construction survey and review:	
1. Nursing Homes	35
2. Hospitals	35
3. Ambulatory Surgical Centers	35

283	SALARIES AND BENEFITS POSITIONS	678	
	FROM GENERAL REVENUE FUND	154,911	
	FROM HEALTH CARE TRUST FUND		28,694,556
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		40,532
284	OTHER PERSONAL SERVICES		
	FROM HEALTH CARE TRUST FUND		3,032,092
285	EXPENSES		
	FROM GENERAL REVENUE FUND	25,999	
	FROM HEALTH CARE TRUST FUND		9,092,192
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		327,948
286	OPERATING CAPITAL OUTLAY		
	FROM HEALTH CARE TRUST FUND		975,787
286A	LUMP SUM		
	NURSING HOME BACKGROUND CHECKS		
	POSITIONS	7	
	FROM GENERAL REVENUE FUND	456,322	
	FROM HEALTH CARE TRUST FUND		1,024,784

Funds in Specific Appropriation 286A are contingent on legislation becoming law which provides for nursing home background checks.

287	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM HEALTH CARE TRUST FUND		2,010,019
288	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		700,000
289	SPECIAL CATEGORIES		
	EMERGENCY ALTERNATIVE PLACEMENT		
	FROM RESIDENT PROTECTION TRUST FUND . . .		103,000
290	SPECIAL CATEGORIES		
	MEDICAID SURVEILLANCE		
	FROM HEALTH CARE TRUST FUND		252,499
291	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HEALTH CARE TRUST FUND		176,569
292	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM HEALTH CARE TRUST FUND		115,323

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CHILDREN AND FAMILIES, DEPARTMENT OF

From the funds in Specific Appropriations 293 through 446 any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended or any other applicable federal requirement or limitation. Before any funds are released by the Department, each provider shall certify to the Department the number of clients to be served and their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

From the funds in Specific Appropriations 293 through 446 any expenditure of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or his designee to be funds which are for planned expenditures which are to be counted as Qualified State Expenditures in order to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of part A of Title IV of the Social Security Act, as amended. The Secretary or his designee shall certify that controls are in place to insure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

CHILDREN AND FAMILIES - ADMINISTRATION

OFFICE OF THE SECRETARY

293	SALARIES AND BENEFITS POSITIONS	191	
	FROM GENERAL REVENUE FUND	5,980,856	
	FROM ADMINISTRATIVE TRUST FUND		3,045,699
294	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34,401	
	FROM ADMINISTRATIVE TRUST FUND		165,272
295	EXPENSES		
	FROM GENERAL REVENUE FUND	1,317,663	
	FROM ADMINISTRATIVE TRUST FUND		756,225
296	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	39,679	
	FROM ADMINISTRATIVE TRUST FUND		41,120
296A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	1,500,000	
297	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	48,988	

ASSISTANT SECRETARY FOR ADMINISTRATION

298	SALARIES AND BENEFITS POSITIONS	239	
	FROM GENERAL REVENUE FUND	9,714,924	
	FROM ADMINISTRATIVE TRUST FUND		1,495,075

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299 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	270,000	
FROM ADMINISTRATIVE TRUST FUND		4,591,499
300 EXPENSES		
FROM GENERAL REVENUE FUND	2,763,559	
FROM ADMINISTRATIVE TRUST FUND		472,380
301 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	82,607	
FROM ADMINISTRATIVE TRUST FUND		3,165
301A LUMP SUM		
FLORIDA ON-LINE RECIPIENT INTEGRATED DATA ACCESS (FLORIDA) SYSTEM		
FROM ADMINISTRATIVE TRUST FUND		537,308
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,524,413

Funds are provided in Specific Appropriation 301A for FLORIDA, which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. From the funds in Specific Appropriation 301A , up to two percent of funds are provided for the project monitoring contract. These Funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

302 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	1,000,000	
303 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	306,364	
FROM ADMINISTRATIVE TRUST FUND		107,182
304 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	72,981	
305 SPECIAL CATEGORIES		
STATE INSTITUTIONAL CLAIMS		
FROM GENERAL REVENUE FUND	42,630	
306 DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	27,195,031	
FROM ADMINISTRATIVE TRUST FUND		21,513,704
308 FIXED CAPITAL OUTLAY		
DEPARTMENT OF CHILDREN AND FAMILY SERVICES		
FIXED CAPITAL NEEDS FOR CENTRALLY MANAGED FACILITIES		
FROM GENERAL REVENUE FUND	8,000,000	

INFORMATION SYSTEMS

310 SALARIES AND BENEFITS POSITIONS 331		
FROM WORKING CAPITAL TRUST FUND		15,965,153
311 OTHER PERSONAL SERVICES		
FROM WORKING CAPITAL TRUST FUND		770,013
312 EXPENSES		
FROM WORKING CAPITAL TRUST FUND		4,737,944
313 OPERATING CAPITAL OUTLAY		
FROM WORKING CAPITAL TRUST FUND		75,701

SECTION 3 SPECIFIC APPROPRIATION		
314 SPECIAL CATEGORIES		
COMPUTER RELATED EXPENSES		
FROM WORKING CAPITAL TRUST FUND		63,722,146
315 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM WORKING CAPITAL TRUST FUND		21,991

HUMAN SERVICES PROGRAM DEVELOPMENT

316 SALARIES AND BENEFITS POSITIONS 269		
FROM GENERAL REVENUE FUND	5,762,384	
FROM ADMINISTRATIVE TRUST FUND		2,921,747
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		1,603,204
FROM FEDERAL GRANTS TRUST FUND		2,471,834
FROM GRANTS AND DONATIONS TRUST FUND . . .		644,605
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		27,044
317 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	261,175	
FROM ADMINISTRATIVE TRUST FUND		290,845
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		296,845
FROM FEDERAL GRANTS TRUST FUND		337,814
FROM GRANTS AND DONATIONS TRUST FUND . . .		236,901
318 EXPENSES		
FROM GENERAL REVENUE FUND	8,564,546	
FROM ADMINISTRATIVE TRUST FUND		7,708,569
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		297,368
FROM FEDERAL GRANTS TRUST FUND		859,939
FROM GRANTS AND DONATIONS TRUST FUND . . .		708,176
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		54,147
319 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	22,686	
FROM ADMINISTRATIVE TRUST FUND		31,326
321 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	170,840	
FROM ADMINISTRATIVE TRUST FUND		3,494,394
FROM FEDERAL GRANTS TRUST FUND		1,544,840
FROM GRANTS AND DONATIONS TRUST FUND . . .		11,859
322 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	267,350	
FROM ADMINISTRATIVE TRUST FUND		93,212
323 DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	9,257,605	
FROM ADMINISTRATIVE TRUST FUND		4,652,031

STATEWIDE SERVICES

STATE AND LOCAL PROGRAMS

325 SALARIES AND BENEFITS POSITIONS 153		
FROM GENERAL REVENUE FUND	1,333,881	
FROM ADMINISTRATIVE TRUST FUND		1,010,358
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,512,827

From the funds in Specific Appropriation 325 through 330, the department shall publish and provide the 1997-98 Annual Statistical Report on Abuse, Neglect and Exploitation of Children and Adults to the Legislature by December 1, 1998.

SECTION 3
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326	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		526,408
327	EXPENSES		
	FROM GENERAL REVENUE FUND	67,438	
	FROM ADMINISTRATIVE TRUST FUND		392,257
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,487,173
328	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,133	
	FROM ADMINISTRATIVE TRUST FUND		37,037
329	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	9,004	
330	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND	487,315	
	FROM ADMINISTRATIVE TRUST FUND		1,416,883
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		474,146

From the funds in Specific Appropriations 325 through 330, the Florida Abuse Hotline Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to serve as a central receiving and referral point for all cases of suspected abuse, neglect or exploitation of children, disabled adults and the elderly.

Performance Measures	Standards
Children who have been abused or neglected by their families	
OUTCOMES:	
Percentage of abandoned calls made to the Florida Abuse Hotline reduced to	2%
OUTPUTS:	
Calls Answered	303,332
Percent of calls answered within three minutes	98.0%

DISTRICT SERVICES

DISTRICT ADMINISTRATION

332	SALARIES AND BENEFITS POSITIONS 1,206		
	FROM GENERAL REVENUE FUND	23,844,081	
	FROM ADMINISTRATIVE TRUST FUND		28,893,510
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,054,031
333	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		531,872
334	EXPENSES		
	FROM GENERAL REVENUE FUND	6,052,854	
	FROM ADMINISTRATIVE TRUST FUND		1,574,663
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		119,131
335	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	124,049	
	FROM ADMINISTRATIVE TRUST FUND		167,171

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336	SPECIAL CATEGORIES		
	CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES		
	FROM GENERAL REVENUE FUND	43,368	
336A	SPECIAL CATEGORIES		
	WORK AND GAIN ECONOMIC SELF SUFFICIENCY DATABASE		
	FROM FEDERAL GRANTS TRUST FUND		350,000
337	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	1,050,000	

From the funds in Specific Appropriations 337, $400,000 in non-recurring General Revenue is provided to Broward County for a Shared Database and $400,000 in non-recurring General Revenue is for a similar database initiative in Indian River.

338	SPECIAL CATEGORIES		
	FINGERPRINTING FOR DAY CARE EMPLOYEES		
	FROM GENERAL REVENUE FUND	135,513	
339	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,132,598	
	FROM ADMINISTRATIVE TRUST FUND		30,075

AGING AND ADULT SERVICES

340	SALARIES AND BENEFITS POSITIONS 583		
	FROM GENERAL REVENUE FUND	14,814,706	
	FROM ADMINISTRATIVE TRUST FUND		2,404,850
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,726,751

From the funds in Specific Appropriation 340, $1,713,458 from Administrative Trust Fund and 30 FTEs shall be used for additional adult protective investigators in the reduction of the backlog of case closures, and worker caseload ratio reduction. The department shall report on the status of reducing the backlog of cases, as well as worker caseload ratio reductions. The report shall include the average per worker time to close cases by classification. This report is to be submitted to the Legislature by February 1, 1999.

341	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	5,086	
342	EXPENSES		
	FROM GENERAL REVENUE FUND	2,433,505	
	FROM ADMINISTRATIVE TRUST FUND		202,832
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		530,622
343	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,371	
	FROM ADMINISTRATIVE TRUST FUND		89,518
344	SPECIAL CATEGORIES		
	HOME CARE FOR DISABLED ADULTS		
	FROM GENERAL REVENUE FUND	2,219,860	
345	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS		
	FROM GENERAL REVENUE FUND	2,724,866	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		226,507

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Funds in Specific Appropriation 345 reflect a $254,300 reduction in General Revenue, eliminating the funding for the District 5 demonstration project in this category.

346 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 243,623
FROM ADMINISTRATIVE TRUST FUND 46,001
FROM OPERATIONS AND MAINTENANCE TRUST FUND 322,945

From the funds in Specific Appropriations 346, $243,623 in recurring General Revenue and $156,377 in Trust Funds are provided for the statewide Adult Cystic Fibrosis Assistance program.

347 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 2,453,881
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,414,661

From the funds in Specific Appropriation 347, $254,300 shall be allocated to the district from which it was transferred, and $321,170 shall be allocated based on statewide needs in the Medicaid waiver waiting list.

349 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 378,067

350 SPECIAL CATEGORIES
TEMPORARY EMERGENCY SHELTER SERVICES
FROM GENERAL REVENUE FUND 203,527

From the funds in Specific Appropriation 340 through 350, the Aging and Adult Services Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to protect adults and the elderly from abuse, neglect and exploitation.

Performance Measures	Standards
Adults with Disabilities and Frail Elderly who are victims of Abuse, Neglect or Exploitation	
OUTCOMES:	
Percent of cases not unfounded in which another report alleging abuse, neglect, or exploitation does not occur while the case is open (from start of investigation to close of case-- maximum of one year if in protective supervision)	95%
Percent of clients satisfied	90%
OUTPUTS:	
Number of cases not unfounded in which another report alleging abuse, neglect, or exploitation occur while the case is open (from start of investigation to close of case-maximum of one year if in protective supervision)	TBD 9/98
Number of Investigations	29,993
Number of persons receiving placement and community support services	7,869
Number of persons receiving protective supervision services	516
Number pf persons referred to other agencies	Baseline
Adults With Disabilities Who Need Assistance To Remain In The Community	
OUTCOMES:	
Percent of adults with disabilities receiving services who are not placed in a nursing home	99%
Percent of clients satisfied	95%
OUTPUTS:	
Number of adults with disabilities to be served in 1998-99:	
Community Care for Disabled Adults	2,476
Home Care for Disabled Adults	1,565
Number of Medicaid waiver clients served	2,018

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

From the funds in Specific Appropriations 351 through 368G, the department shall develop an analysis of base funding and the impacts the Children's Health Insurance Program (Title XXI) and Medicaid (Title XIX) will have on current operations. The analysis must show the number of currently uninsured children by program who will convert to Title XXI or Title XIX funding and the current annual expenditures made on behalf of these clients. Clients who may be ineligible for part of a fiscal year must be shown separately. A proposed plan detailing how these savings may be utilized and reinvested into other programs is to be submitted to the Executive Office of the Governor and the Chairs of the House Fiscal Responsibility Council and Senate Ways and Means by December 31, 1998.

From the funds in Specific Appropriations 351 through 368G, the department shall develop an analysis of base funding and the impact the Temporary Assistance to Needy Families (TANF) funding will have on current operations. The analysis must show the expenditures made on behalf of these clients. Clients who may be ineligible for part of a fiscal year must be shown separately. A proposed plan detailing how these savings may be utilized and reinvested into other programs is to be submitted to the Legislature by December 31, 1998.

351 SALARIES AND BENEFITS POSITIONS 122
FROM GENERAL REVENUE FUND 4,878,768
FROM FEDERAL GRANTS TRUST FUND 144,615
FROM GRANTS AND DONATIONS TRUST FUND . . . 746,001

352 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 115,988
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 366,740
FROM FEDERAL GRANTS TRUST FUND 707,069
FROM GRANTS AND DONATIONS TRUST FUND . . . 92,957

353 EXPENSES
FROM GENERAL REVENUE FUND 1,018,844

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FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 33,740
FROM FEDERAL GRANTS TRUST FUND 375,106
FROM GRANTS AND DONATIONS TRUST FUND . . . 51,856

354 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,365

355 LUMP SUM
SUBSTANCE ABUSE CONTINGENCY FUND FOR CHILDREN AND ADOLESCENTS
FROM GENERAL REVENUE FUND 4,000,000

From the funds in Specific Appropriations 355, 356, 357, 362, 365, 369, 370, 371, 375, 378, 381, 382, 385, and 389, the department is authorized to establish a public/private partnership to implement a community based, integrated child welfare, mental health and substance abuse delivery system for children under its supervision or custody. The partnership will have the following characteristics: front end assessment, family centered service planning, and integrated delivery of services.

356 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES
FROM GENERAL REVENUE FUND 20,893,408
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 11,112,203
FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND 9,584,987
FROM FEDERAL GRANTS TRUST FUND 188,800

From the funds in Specific Appropriations 356 through 368, the department's payment for services to state supported clients shall be reduced by client fees. Client fees are defined as compensation received by the provider for services rendered to clients from any source of funds, including city, county, state, federal and private sources.

From the funds in Specific Appropriations 356 through 368, the department may not make payment to a private provider for alcohol, drug abuse and mental health services, unless standard client demographic and service information required for the department's Interim Data System is submitted to the department by the provider within 45 days after the due date specified in the provider contract. The Interim Data System requirements for client demographic and service information are those data elements that are included in the department's Single Data System software for alcohol, drug abuse and mental health services.

357 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 13,456,824
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 4,764,872
FROM FEDERAL GRANTS TRUST FUND 1,126,214
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,350,000

From the funds in Specific Appropriation 357, $100,000 is for an independent case management pilot project which shall be implemented in district 11 for children needing mental health services. Children identified as needing residential care or as high users of mental health services shall be the focus of this project. The project shall be coordinated by the Department of Children and Families and the Agency for Health Care Administration and shall include appropriate assessments, a planning team which develops individual service plans, and coordination of services funded by both agencies. Residential treatment shall be individually reviewed and authorized by the district authorizing body. A report to the Legislature on the status of implementation shall be submitted by February 1, 1999, showing the impact of the project on the delivery of services. The report shall include cost efficiencies and additional service effectiveness.

From the funds in Specific Appropriation 357, $500,000 is for the continuation of a pilot project on independent case management in the Department of Children and Families District 7.

From the funds in Specific Appropriations 357, up to $50,000 in non-recurring General Revenue may be used by the department to conduct a study of the mental health and social factors involved in teen suicide. The department shall provide a report of their findings and recommendations to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 1, 1999.

358 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 8,572,969
FROM FEDERAL GRANTS TRUST FUND 10,531,407

359 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 98,705,063
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 11,831,328
FROM FEDERAL GRANTS TRUST FUND 9,218,119

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 233 results in state match requirements exceeding $6,930,899, the Department of Children & Families shall transfer General Revenue as necessary from Specific Appropriation 359. The Department of Children & Families shall cooperate with the Agency for Health Care Administration to ensure that adult mental health targeted case management services are targeted solely to priority clients as described in Florida Administrative Code 65E-15.

From the funds in Specific Appropriation 359, the department shall ensure the inclusion of performance contracting for the Geriatric Mobile Crisis Team in District 5.

From the funds in Specific Appropriation 359, $45,000 in non-recurring General Revenue is for Locktown Community Mental Health Center, Inc. to provide continued funding for Tranquility Home, a facility for persons with mental illness and mental retardation who are dually diagnosed. Performance and outcome measures will be as mandated by the department.

From the funds in specific appropriations 359, $500,000 in non-recurring General Revenue is provided to Coastal Recovery, Inc. and First Step, Inc. to operate the Family Emergency Treatment Center at the Salvation Army Facility in Manatee County for mental health services.

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From the funds in Specific Appropriations 359, $500,000 in non-recurring General Revenue is provided to the New Horizons Adult Crisis Stabilization Unit in St. Lucie county for operational mental health services.

From the funds in Specific Appropriations 359, $250,000 in non-recurring General Revenue is provided to the Ruth Cooper Crisis Stabilization Unit in Lee county for operational mental health services.

From the funds in Specific Appropriations 359, $500,000 in non-recurring General Revenue is provided to the Lakeside Alternatives Short-term Residential Care in Orange county for operational mental health services.

From the funds in Specific Appropriations 359, $750,000 in recurring General Revenue and $750,000 in non-recurring General Revenue is provided to the Broward County Alternatives to Incarceration forensic services program.

From the funds in Specific Appropriation 359, $250,000 in non-recurring General Revenue is provided to the Seminole Community Mental Health Center in Seminole County for mental health services.

360 SPECIAL CATEGORIES
GRANTS AND AIDS - BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 48,277,899

361 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES
FROM GENERAL REVENUE FUND 21,885,185
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 40,691,724
FROM FEDERAL GRANTS TRUST FUND 14,299,401
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,385,419
FROM OPERATIONS AND MAINTENANCE TRUST FUND 20,880

From the funds in Specific Appropriations 361, $368,650 in recurring General Revenue is provided to the Stewart-Marchman Center at the Southeast Volusia and Flagler Clinics for adult substance abuse outpatient treatment.

From the funds in Specific Appropriations 361, $125,000 in recurring General Revenue and $250,000 in Federal Grants Trust Funds are provided to Gateway Community Services in Duval County for a substance abuse program for pregnant women.

From the funds in Specific Appropriations 361, $125,000 in recurring General Revenue is provided to the Stewart-Marchman Center for Project WARM in Flagler and Volusia counties.

From the funds in Specific Appropriations 361, $125,000 in recurring and $250,00 in non-recurring General Revenue and $250,000 in Federal Grants Trust Funds are provided to the Center for Drug Free Living in Orange County for substance abuse services to Work And Gain Economic Self Sufficiency (WAGES) clients.

From the funds in Specific Appropriations 361, $200,000 in non-recurring General Revenue is provided to the David Lawrence Detoxification Center in Collier county for operational substance abuse services.

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Funds in Specific Appropriation 359 and 361 appropriated from TANF (Temporary Assistance to Needy Families) federal funds shall be contracted through the Department of Children and Families pursuant to the provisions of Chapter 394, Part IV.

362 SPECIAL CATEGORIES
PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 9,047,814

364 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 5,457,548

365 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 20,097,166

366 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES - CONTINUITY OF CARE MANAGEMENT SYSTEM
FROM GENERAL REVENUE FUND 945,446
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 61,440

367 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 60,186

368 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 8,908,208

From the funds provided in Specific Appropriations 351 through 368, the People with Mental Health and Substance Abuse Problems Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to enable adults with mental health problems to function self-sufficiently in the community, enable children with mental health problems to function appropriately and succeed in school and enable children and adults with or at serious risk of substance abuse problems to be self sufficient and addiction free.

Performance Measures	Standards
CHILDREN WITH MENTAL HEALTH & SUBSTANCE ABUSE PROBLEMS	
Children Incompetent to Proceed in Juvenile Justice	
OUTCOMES:	
Percent of children restored to competency and recommended to proceed with a judicial hearing with mental illness	85%
with mental retardation	50%

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Percent of community partners satisfied with program based upon a survey.....90%

Percent of children returned to court for competency hearings, and the court concurs with the recommendation of the provider.....90%

Percent of children with mental illness either restored to competency or determined unrestorable in less than 180 days.....80%

Percent of children with mental retardation either restored to competency or determined unrestorable in less than 365 days.....80%

OUTPUTS:

Number of children served in 1998-99 who are incompetent to proceed 453

Children with Serious Emotional Disturbance (SED)

OUTCOMES:

Average number of days per year SED children spent in the community (not in detention, homeless, runaway, or other facilities).....322

Percent of available school days SED children attended during the last 30 days.....85%

OUTCOMES:
Percent of commitments or recommitments to Juvenile Justice.....Baseline

Percent of families satisfied with the services received as measured by the Family Centered Behavior Scale 80%

Percent of community partners satisfied based on a survey.....90%

Average functional level score SED children will have achieved on the Global Assessment of Functioning scale.....45

OUTCOME:

Percent of improvement of the emotional condition or behavior of the child or adolescent evidenced by resolving the presented problem and symptoms of the serious emotional disturbance recorded in the initial assessment.....Baseline

OUTPUTS:

SED Children to be served in 1998-99.....23,572

Children with Emotional Disturbance (ED)

OUTCOMES:

Average number of days per year ED children spent in the community (not in detention, homeless, runaway, or other facilities).....338

Percent of available days ED children will attend school during the last 30 days.....90%

OUTCOME:

Percent of commitments or recommitments to Juvenile Justice.....Baseline

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Percent of families satisfied with the services received as measured by the Family Centered Behavior Scale.....80%

Percent of community partners satisfied based on a survey.....90%

OUTCOME:

Percent of improvement of the emotional condition or behavior of the child or adolescent evidenced by resolving the presenter problem and symptoms of the serious emotional disturbance recorded in the initial assessment.....Baseline

Average functional level score ED children will have achieved on the Global Assessment of Functioning scale.....58

OUTPUTS:

Number of ED Children to be served in 1998-99 16,671

Children at Risk of an Emotional Disturbance

OUTCOMES:

Percent of families satisfied with the services received as measured by the Family Centered
OUTPUTS:

At risk children to be served.....8,872

Children with Substance Abuse Problems

OUTCOMES:

Percent of children discharged for completing treatment having no alcohol or other drug use during the month prior to discharge..... 72%

Percent of parents of children receiving services reporting average or above average level of satisfaction on Family Centered Behavior Scale 95%

Percent of children successfully completing treatment who are not readmitted for substance abuse treatment during the 12 months following discharge.....95%

Percent of children receiving services who are satisfied based on survey.....90%

Percent of children under the supervision of the state receiving substance abuse treatment who are not committed or recommitted to the Department of Juvenile Justice during the 12 months following treatment completion.....85%

Percent of community partners satisfied based on survey.....90%

OUTPUTS:

Number of children served 62,979

Number of children completing treatment.....

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Children at Risk of Substance Abuse Problems

OUTCOMES:

Percent of children in targeted prevention programs who achieve expected level of improvement in reading.....75%

Percent of children in targeted prevention programs who achieve expected level of improvement in math.....75%

Percent of children who receive targeted prevention services who are not admitted to substance abuse services during the 12 months after completion of prevention services.....95%

Percent of children in targeted prevention programs who perceive substance use to be harmful at the time of completion discharge when compared to admission.....95%

OUTPUTS:

Number of children served in targeted prevention 4,436

Adults with Substance Abuse Problems

OUTCOMES:

Percent of clients completing treatment who are not readmitted for substance abuse services during the 12 months following discharge.....96%

OUTCOME:

Percentage drug free at 6 months following completion of treatment.....Baseline

Percentage of adults employed upon discharge from treatment services.....61%

Percentage of adult women pregnant during treatment who give birth to substance free newborns.....87%

Percent of pregnant women receiving substance abuse treatment who deliver infants with normal birth weight.....Baseline

Percentage of adults who reduce the frequency of arrest during the 90 days following discharge as compared to the 90 days prior to treatment admission.....57%

Average level of satisfaction on the Behavioral Healthcare Rating of satisfaction.....138

Percentage of community partners satisfied based on surveys.....90%

OUTCOME:

Percent of individuals in protective supervision who have case plans requiring substance abuse treatment who are receiving treatment.....Baseline

OUTPUTS:

Number of adults served 141,832

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Number of individuals in protective supervision who have case plans requiring substance abuse treatment who are receiving treatment.....Baseline

Adults With a Serious and Persistent Mental Illness in the Community

OUTCOMES:

Average annual number of days spent in the community (not in institutions or other facilities)...345

OUTCOME:

Average functional level based on Global Assessment of Functioning score.....53

OUTCOME:

Average client satisfaction score on the Behavioral Healthcare Rating Scale.....140
Average annual days worked for pay.....30

Total average monthly income in last 30 days..$550

OUTCOME:

Percent of community partners satisfied based on survey.....90%

OUTCOME:

Increase family satisfaction.....Baseline

Adults in Mental Health Crisis

OUTCOMES:

Average Global Assessment of Functioning scale change score 14.7%

Average client satisfaction score based on the behavioral Healthcare rating scale.....130

OUTCOME:

Percent readmitted within 30 days.....Baseline
Percent of community partners satisfied based on survey.....90%
Increase family satisfaction.....Baseline

Adults with Forensic Involvement

OUTCOMES:

Average functional level based on Global Assessment of Functioning score.....52

OUTCOME:

Average client satisfaction score on the Behavioral Healthcare Rating Scale.....134

OUTCOMES:

Percent of persons who violate their Chapter 916.

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|F.S., conditional release and are recommitted...4%|
|Percent of community partners satisfied based on survey.....90%|
|Percent of persons on Chapter 916, F.S. conditional release who are arrested for crimes against persons.....Baseline|
|Average annual number of days spent in the community (not in institutions or other facilities).....216|
|OUTPUTS:|
|Number of Adults with a Serious and Persistent Mental Illness served..... 66,289|
|Number of Adults in Mental Health Crisis served..... 68,553|
|Number of Adults with Forensic Involvement served.....3,950|

Funds in Specific Appropriation 368 for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law. The state shall file said interest in the county of jurisdiction for all projects.

368A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MENTAL HEALTH ASSOCIATION BABES PROGRAM
FROM GENERAL REVENUE FUND 30,000

368B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CHILDREN'S CRISIS STABILIZATION UNIT - RUTH COOPER CENTER
FROM GENERAL REVENUE FUND 250,000

368C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DROP IN CENTERS - OUR HOUSE NETWORK - PURCHASE A VAN
FROM GENERAL REVENUE FUND 25,000

368D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
HACIENDA HOME RENOVATION - RESIDENTIAL TREATMENT HOME FOR ELDERLY
FROM GENERAL REVENUE FUND 250,000

368E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MANATEE DETOXIFICATION CENTER CONSTRUCTION
FROM GENERAL REVENUE FUND 300,000

368F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FORTY-FIFTH STREET MENTAL HEALTH FACILITY ROOF REPAIRS
FROM GENERAL REVENUE FUND 300,000

368G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
OSCEOLA COUNTY DETOXIFICATION CENTER
FROM GENERAL REVENUE FUND 500,000

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FAMILY SAFETY AND PRESERVATION

From the funds provided in Specific Appropriations 369, 371, and 378, the department may contract with one or more community based providers of children's services to develop, implement and test a system of coordinated care for the provision of child protective services. These contracts may include designation of a lead agency with responsibility to provide services in a specific geographic area. Each contract may include the provision of one or more of the following services: out of home care; therapeutic services; foster care services; adoption services; and children's mental health and substance abuse services. For contracts including foster care or adoption services, the lead agency must be licensed as a child-placement agency pursuant to the provisions of the Florida Statutes.

Pilot projects involving Child Welfare Legal Services and authorized by proviso language preceding Specific Appropriation 387 of Chapter 96-424; and preceding Specific Appropriation 334 of Chapter 97-152; between the Department of Children and Families and the Attorney General's Office and specified state attorneys are hereby authorized to continue as designated in Specific Appropriations 369 and 371.

369 SALARIES AND BENEFITS POSITIONS 4,665
FROM GENERAL REVENUE FUND 53,825,676
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 586,528
FROM FEDERAL GRANTS TRUST FUND 69,382,627
FROM GRANTS AND DONATIONS TRUST FUND . . . 21,554
FROM OPERATIONS AND MAINTENANCE TRUST FUND 24,529
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 44,464,485

The funds appropriated in Specific Appropriation 369 for the competency based pay plan initiative shall be granted in full to employees qualifying for a salary increase including those employees already at the maximum of their pay grade and those employees caused to be at or in excess of the maximum of their pay grade as a result of the pay increase, subject to continuing collective bargaining negotiations.

370 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 64,876
FROM CHILD WELFARE TRAINING TRUST FUND . . 5,725
FROM FEDERAL GRANTS TRUST FUND 20,000

371 EXPENSES
FROM GENERAL REVENUE FUND 22,561,086
FROM CHILD WELFARE TRAINING TRUST FUND . . 1,155,137
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 73,065
FROM FEDERAL GRANTS TRUST FUND 3,906,472
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 4,799,163

372 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 98,753

373 LUMP SUM
CHILD PROTECTION
POSITIONS 200
FROM GENERAL REVENUE FUND 19,747,880
FROM FEDERAL GRANTS TRUST FUND 9,217,088

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Funds in Specific Appropriation 373 shall be used to improve the child protection system by providing $4,257,890 and 98 positions to adequately staff child protective investigations, $4,106,216 and 98 positions to provide additional supervision hours to families and $139,030 and 4 positions for the Central Office. Of the funds remaining from Specific Appropriation 373, the following items are provided: $10,010,162 for a training pool for protective investigation staff, $8,069,702 for Child Protection Teams, $2,096,968 for the Governor's Child Abuse Task Force, $75,000 for Foster Care Review in District Eleven, and $210,000 for Early Permanency Planning.

374 LUMP SUM
FAMILY INFORMATION LINKAGE TO INTEGRATE
ENABLING SERVICES (FAMILIES)

POSITIONS	12	
FROM GENERAL REVENUE FUND	1,537,575	
FROM FEDERAL GRANTS TRUST FUND		10,244,173
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,167,042

Funds in Specific Appropriation 374 are provided for the Statewide Automated Child Welfare Information System (SACWIS). Prior to the release of these funds, the department shall submit a detailed work plan outlining the objectives and expected outcomes to be attained with anticipated completion dates and total projected and cumulative costs. The plan shall be submitted for review and approval by the Executive Office of the Governor in consultation with the appropriate committees of the Legislature. Upon approval, the department is authorized to request the Executive Office of the Governor to release these funds. The department shall submit a quarterly report describing the progress made to date, actual completion dates, actual costs incurred, anticipated problems and recommended changes to the plan. The report shall be submitted to the Executive Office of the Governor, the Chairmen of the Fiscal Responsibility Council in the House of Representatives and the Ways and Means Committee in the Senate, the Technology Review Workgroup and the Joint Legislative Auditing Committee.

Funds are provided in Specific Appropriation 374 for SACWIS, which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. Up to $160,000 from the Grants and Donations Trust Fund may be transferred to the Technology Review Workgroup for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

374A LUMP SUM
SALVATION ARMY DAY CARE
FROM GENERAL REVENUE FUND 300,000

375 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE PROGRAM
FROM GENERAL REVENUE FUND 2,442,374

376 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE/DAY CARE
TRAINING
FROM GENERAL REVENUE FUND 800,369

377 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL SERVICES FOR

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ABUSED/NEGLECTED CHILDREN
FROM SOCIAL SERVICES BLOCK GRANT TRUST
FUND 7,469,481

378 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	6,870,855	
FROM CHILD WELFARE TRAINING TRUST FUND . .		10,270,307
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		9,119,905
FROM FEDERAL GRANTS TRUST FUND		12,488,524
FROM GRANTS AND DONATIONS TRUST FUND . . .		970,052
FROM OPERATIONS AND MAINTENANCE TRUST FUND		253,696
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		28,582,681

From funds in Specific Appropriation 378, $200,000 from non-recurring General Revenue is provided for the Comprehensive Family Life Services in Duval County and $190,000 from recurring General Revenue is provided for the Hibiscus Center crisis nursery.

From funds in Specific Appropriation 378, the following amounts from General Revenue are provided to continue Foster Care Review: $106,000 is for the existing contract with the Fourth Judicial Circuit, $75,000 is for the existing contract with Marion County and $75,000 is for the existing contract with Palm Beach County. From funds in Specific Appropriation 378, $300,000 from the Grants and Donations Trust Fund is continued for Dade County's Foster Care Review Program.

From the General Revenue funds in Specific Appropriation 378, an additional $25,000 is to expand the Foster Care Review contract in Marion County, and an additional $37,500 is to expand the contract in Palm Beach County.

All contracts with Foster Care Citizen Review Boards shall be executed, monitored and audited directly by the State Office of Family Safety and Preservation.

From fund in Specific Appropriation 378, the sum of $500,000 from non-recurring General Revenue shall be allocated for Independent Case Management in District nine.

From funds in Specific Appropriation 378, $200,000 from non-recurring General Revenue is provided for improvements to the Homeless Assistance Center 1 located in Dade County.

379 SPECIAL CATEGORIES
GRANTS AND AIDS - DOMESTIC VIOLENCE
PROGRAM

FROM GENERAL REVENUE FUND	1,275,000	
FROM DOMESTIC VIOLENCE TRUST FUND		6,138,776
FROM FEDERAL GRANTS TRUST FUND		4,639,311

From the funds in Specific Appropriation 379, the $3,000,000 of additional funding shall be for the purchase of direct services by certified domestic violence centers for child and adult victims of domestic violence.

From Funds in Specific Appropriation 379, $25,000 from non-recurring General Revenue is provided for the Abuse Counseling and Treatment Shelter of Cape Coral.

380 SPECIAL CATEGORIES
HOUSEKEEPER SERVICES FOR CHILDREN

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FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 296,243

381 SPECIAL CATEGORIES
GRANTS AND AIDS - INTENSIVE CRISIS COUNSELING
FROM OPERATIONS AND MAINTENANCE TRUST FUND 276,986
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 4,288,559

382 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAM
FROM GENERAL REVENUE FUND 20,000
FROM FEDERAL GRANTS TRUST FUND 31,075,337
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 60,706

From funds in Specific Appropriation 382, $20,000 from non-recurring General Revenue is provided for Awesome Dads, Awesome Men.

383 SPECIAL CATEGORIES
MAINTENANCE ADOPTION SUBSIDY
FROM GENERAL REVENUE FUND 21,241,430
FROM FEDERAL GRANTS TRUST FUND 15,959,834

384 SPECIAL CATEGORIES
MEDICAL COST OF SUBSIDIZED ADOPTIONS
FROM GENERAL REVENUE FUND 668,285

385 SPECIAL CATEGORIES
PURCHASE OF ADOPTION SERVICES
FROM GENERAL REVENUE FUND 93,239
FROM FEDERAL GRANTS TRUST FUND 41,712
FROM OPERATIONS AND MAINTENANCE TRUST FUND 157,524

385A SPECIAL CATEGORIES
RESPITE CHILD CARE FOR WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) CLIENTS
FROM FEDERAL GRANTS TRUST FUND 2,000,000

From funds in Specific Appropriation 385A, $2,000,000 is provided for Respite Child Care for Work and Gain Economic Self-Sufficiency (WAGES) clients . This funding shall be used to reduce the incidence of abuse and neglect by providing early intervention, support and general basic services including but not limited to therapy and counseling, medical care, and continued schooling. Child care shall not be provided for more than 30 days in any given year. The source of funds shall be the Temporary Assistance to Needy Families Block Grant.

386 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE - WAGES
FROM GENERAL REVENUE FUND 49,461,656
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 53,017,530
FROM FEDERAL GRANTS TRUST FUND 102,063,778

Funds in Specific Appropriation 386 are provided for child care services to WAGES recipients; however, by September 30, 1998 the Child Welfare System Estimating Conference shall determine projected utilization rates for WAGES and working poor child care. In the event a surplus is projected and there is a deficit in the working poor child care category, the Executive Office of the Governor may transfer, pursuant to the provisions of Chapter 216, Florida Statutes, the surplus funding to address the deficit. In no instance shall this transfer create an annualization cost in the working poor child care category. The transfer of these funds shall provide for the maximum utilization of child care slots for all populations served.

From funds in Specific Appropriation 386, up to $1,000,000 is provided for the implementation of the nationally recognized T.E.A.C.H. Program. The department is authorized to contract with the agency that is licensed to administer the T.E.A.C.H. Program in Florida.

387 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE - WORKING POOR AND AT-RISK FAMILIES
FROM GENERAL REVENUE FUND 18,941,126
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 183,357,074
FROM FEDERAL GRANTS TRUST FUND 788,347
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,550,907
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 3,703,588

From the funds in Specific Appropriation 387, $77,399,977 from the Child Care and Development Block Grant Trust Fund is provided through a transfer from the Temporary Assistance for Needy Families Block Grant. These funds shall be used to reduce the waiting list of working poor clients; provide a diversion to Work and Gain Economic Self-Sufficiency applicants who are at or below 100% of the federal poverty level and require child care to remain self-sufficient and to enhance the quality of child care by providing incentives to programs to reach the Gold Seal Quality Care designation.

From funds in Specific Appropriation 387, up to $1,000,000 is provided for the implementation of the nationally recognized T.E.A.C.H. Program. The department is authorized to contract with the agency that is licensed to administer the T.E.A.C.H. Program in Florida.

Funds in Specific Appropriation 387 shall require an eight percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services from the provision of in-kind match. The match requirement shall not apply to funding for child care services directed toward children at risk of abuse.

From funds in Specific Appropriation 387, $6,000,000 shall be matched, dollar for dollar, by an amount up to $6,000,000 for the provision of child care services for low income families. A minimum of 25 percent of the $6 million may be used by the Child Care Executive Partnership to match funds on a statewide basis, administered through the statewide resource and referral agency.

388 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,727,511
FROM FEDERAL GRANTS TRUST FUND 135,795

389 SPECIAL CATEGORIES
OUT OF HOME CARE
FROM GENERAL REVENUE FUND 45,555,715
FROM FEDERAL GRANTS TRUST FUND 29,699,711
FROM GRANTS AND DONATIONS TRUST FUND . . . 103,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,276,287
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 10,777,074

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Funds in Specific Appropriation 389 may be used to meet the needs of children in their own homes or those of relatives if the children can be safely served. The expenditure of funds in this manner is calculated by the department to be a cost savings over shelter placement or an expenditure equal to or less than the cost of foster care placement in cases where the court orders placement with a relative. The flexible expenditure of funds in this Specific Appropriation is allowable only if such expenditures do not result in a budget deficit.

From the funds in Specific Appropriations 369 through 389, the Families in Need of Child Care Program and the People in Need of Family Safety and Preservation Services Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to prevent the reoccurrence of abuse/neglect; to allow parents to obtain and retain employment; to prepare children to enter school ready to learn; and to protect children and adults from abuse.

Performance Measures by Target Group	Standards
FAMILIES IN NEED OF CHILD CARE	
OUTCOMES:	
Percent of licensed child care facilities and homes with no class 1 (serious) violations during their licensure year	97%
Reduce the number of provisional licenses as a result of non-compliance with child care standards by 25%, from 500 to 375	375
Number of verified incidents of abuse and/or neglect in licensed child care arrangements	62
Percent of 4 year old children placed with contracted providers in care for nine months who enter kindergarten ready to learn as determined by DOE or local school system' readiness assessment	80%
Percent of WAGES clients who need child care that receive subsidized child care services	100%
Percent of clients receiving subsidized child care services who are satisfied	95%
Percent of licensed child care providers who are satisfied with the licensing process	Baseline
Percent of non-WAGES, working poor clients who need child care that receive subsidized child care services	Baseline
OUTPUTS:	
Total Number Served	138,048
At Risk	12,500
Working Poor	53,241
Migrants	2,560
WAGES/TCC	69,747
FAMILIES KNOWN TO THE DEPARTMENT WITH CHILDREN AT RISK OF ABUSE	
OUTCOMES:	
Percent of children in families who complete intensive child abuse prevention programs of three months or more who are not abused or neglected within 6, 12 and 18 months of program completion	95%
Percent of families receiving parent education and other and other parent skill building services, lasting six weeks or longer, who show improved family skills and improved capacity to care for their Children	Baseline
Percent of clients satisfied	Baseline
OUTPUTS:	
Number of persons served	143,968
Number receiving information and referral services	61,287
CHILDREN WHO HAVE BEEN ABUSED OR NEGLECTED BY THEIR FAMILIES	
OUTCOMES:	
Percent of children who have no findings of child maltreatment within one year of case closure from services	95%
Percent of children reunified with family who return to foster care care within one year of case closure	Baseline
Percent of families receiving ongoing services who show improved scores on the Child Well-Being Scales	Baseline
Percent of clients satisfied	95%
Percent of children given exit interviews who were satisfied with their foster care placement	Baseline
Percent of children not abused or neglected during services	97%
OUTPUTS:	
Reports of child abuse/neglect	122,625
Percent of children who exited out-of-home care by the 15th month	Baseline
Children identified as abused/neglected during year	69,929
Number of families served by ICCP, Family Builders	6,767
Number of families served by Protective Supervision	26,436
Number of children in foster care	16,313
Number of children served in relative care	8,126
Ratio of certified workers to Children	Baseline
Number and percent of individuals in protective supervision who have case plans requiring substance abuse treatment who are receiving treatment	Baseline
Number and percent of cases reviewed by supervisors in accordance with department	

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|time frames for early warning                |
|system.................................Baseline |
|Percent of alleged victims                   |
|seen within 24 hours.......................100% |
|Percent of investigations                    |
|completed within 30 days...................100% |
|                                             |
|---------------------------------------------|
|VICTIMS OF DOMESTIC VIOLENCE                 |
|---------------------------------------------|
|                                             |
|OUTCOMES:                                    |
|Ratio of incidents reported                  |
|resulting in injury or harm                  |
|to clients as a result of                    |
|inadequate security procedures               |
|per 1,000 shelter days.......................0  |
|Percent of clients satisfied................95% |
|Persons who abuse a spouse                   |
|in domestic violence situation               |
|for parents who abuse their                  |
|child and who are also                       |
|substance abusers that will                  |
|receive appropriate substance                |
|abuse treatment........................FY 99/00 |
|                                             |
|OUTPUTS:                                     |
|Percent of adult and child                   |
|victims in shelter more than                 |
|72 hours having a family safety              |
|and security plan when they                  |
|leave shelter..............................100% |
|Number of individuals receiving              |
|case management services.................21,270 |
|Number of individuals served in              |
|emergency shelters........................15,775 |
|Number of adults counseled...............108,442 |
|Number of children counseled.............20,340 |
|                                             |
|---------------------------------------------|
|CHILD VICTIMS OF ABUSE OR NEGLECT WHO BECOME |
|ELIGIBLE FOR ADOPTION                        |
|---------------------------------------------|
|                                             |
|OUTCOMES:                                    |
|Percent of children who are                  |
|adopted of the number of children            |
|legally available for adoption..............90% |
|Percent of clients satisfied................95% |
|                                             |
|OUTPUTS:                                     |
|Children receiving adoptive                  |
|services...................................4,250 |
|Children receiving subsidies.............12.454 |
|Number of children placed for                |
|adoption...............................Baseline |
|=============================================|
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389A SPECIAL CATEGORIES
TEEN VOICE OF AMERICA
FROM FEDERAL GRANTS TRUST FUND 300,000

390 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
RENOVATIONS AND REPAIRS TO CHILDREN'S
SHELTER FACILITIES
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

Funds in Specific Appropriation 390 shall be used to provide renovations and repairs to children's shelter facilities statewide based on a demonstration of significant need. This appropriation is contingent on Sadowski Act funds being transferred from the Florida Housing Finance Corporation.

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Funds in Specific Appropriations 390, 390A and 390B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law. The state shall file said interest in the county of jurisdiction for all projects.

390A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - CONSTRUCTION PROJECTS
FOR HOMELESS
FROM GENERAL REVENUE FUND 500,000

The funds in Specific Appropriation 390A are for a soup kitchen and day care center in Lee County.

390B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
NON-RECURRING COMMUNITY ORGANIZATION
PROJECTS
FROM GENERAL REVENUE FUND 40,000

Funds in Specific Appropriation 390B are for the installation of a security system for the Salvation Army's Domestic Violence Shelter in Pasco County.

DEVELOPMENTAL SERVICES

391	SALARIES AND BENEFITS POSITIONS 494		
	FROM GENERAL REVENUE FUND	14,521,391	
	FROM FEDERAL GRANTS TRUST FUND		22,114
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,756,739
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		167,128
392	EXPENSES		
	FROM GENERAL REVENUE FUND	2,239,957	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		541,008
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		220,467
394	LUMP SUM		
	CONTINGENCY FUND FOR INTERMEDIATE CARE FACILITY FOR DEVELOPMENTALLY DISABLED CLIENTS		
	FROM GENERAL REVENUE FUND	10,000,000	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		11,357,385

Funds in Specific Appropriation 394 are provided to fund services in the event that emergency situations or other unforeseen circumstances arise that require the provision of additional services to protect the safety and well being of clients due to the transition from institutional to community-based funding of services. Upon determination by the department that the critical phase of the transition is complete and emergency situations or other unforeseen circumstances are not likely to develop due to the transition, the department may distribute these funds to meet critical waiting list needs as provided by law.

395 LUMP SUM
NON-WAIVER COVERED EXPENSES OF
INTERMEDIATE CARE FACILITY FOR
DEVELOPMENTALLY DISABLED CLIENTS

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FROM GENERAL REVENUE FUND 4,342,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 6,701,230

395A LUMP SUM
SERVICES TO THE DEVELOPMENTALLY DISABLED
FROM GENERAL REVENUE FUND 20,000,000

The funds in Specific Appropriation 395A are provided to the Department of Children and Families to provide services to the developmentally disabled in accordance with each individual's most recent support plan. These funds will be released only after the development of a comprehensive plan. The plan must include, at a minimum, actions necessary to resolve current litigation issues, reimbursement plan inequities, Boren amendment repeal impacts, the principle of consumer directed care, inappropriate client placements, and quality of care issues. In addition, up to $150,000 may be used for consultation to resolve waiting list issues and other necessary components of the plan. The planning initiative shall be coordinated by the Executive Office of the Governor and shall be completed no later than October 1, 1998. The plan must be submitted with the budget amendment for the release of this lump sum and is subject to the review, notification and approval procedures of Chapter 216, Florida Statutes. A copy shall also be submitted to the President of the Senate and the Speaker of the House.

396 SPECIAL CATEGORIES
GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS
FROM GENERAL REVENUE FUND 20,203,212
FROM OPERATIONS AND MAINTENANCE TRUST FUND 7,510
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 12,518,342

Funds from Specific Appropriation 396 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

From the funds in Specific Appropriation 396, $2,000,000 in General Revenue is for the Therapeutic Intervention Program (Autism). The department shall establish protocols and procedures for the administration of the program and shall cooperate with the Department of Education for the transfer of the program.

From funds in Specific Appropriation 396, $15,000 in non-recurring General Revenue is for the Pasco County Association for Challenged Kids.

397A SPECIAL CATEGORIES
ROOM AND BOARD PAYMENTS FOR DEVELOPMENTALLY DISABLED
FROM GENERAL REVENUE FUND 9,061,543
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,764,455

398 SPECIAL CATEGORIES
CONTRACTED CASEWORK SERVICES
FROM GENERAL REVENUE FUND 343,522

399 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 133,000

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From the funds in Specific Appropriations 399, $100,000 in recurring General Revenue is provided to the Best Buddies statewide program for the developmentally disabled.

400 SPECIAL CATEGORIES
GRANT AND AID COMMUNITY DEVELOPMENT SERVICES
FROM GENERAL REVENUE FUND 339,519
FROM FEDERAL GRANTS TRUST FUND 18,472
FROM OPERATIONS AND MAINTENANCE TRUST FUND 35,799

From the funds in Specific Appropriations 400, $50,000 from recurring General Revenue is provided to continue the Independent Living for Retarded Adults non-profit organization in Marion County.

401 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 100,969,641
FROM OPERATIONS AND MAINTENANCE TRUST FUND 138,571,761

Funds from Specific Appropriation 401 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

From the funds in Specific Appropriation 401, $84,878,065 is provided to continue services for clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law.

402 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES-SPINA BIFIDA
FROM GENERAL REVENUE FUND 381,079

403 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 346,069

404 SPECIAL CATEGORIES
START-UP FUNDS/GROUP HOMES
FROM GENERAL REVENUE FUND 72,960
FROM COMMUNITY RESOURCES DEVELOPMENT TRUST FUND 72,960

405 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER
FROM GENERAL REVENUE FUND 285,281
FROM OPERATIONS AND MAINTENANCE TRUST FUND 663,244

From the funds in Specific Appropriation 391 through 405, the People with Developmental Disabilities Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to enable individuals with developmental disabilities to live everyday lives, as measured by achievement of valued personal outcomes appropriate to life stages from birth to death.

Performance Measures	Standards
PEOPLE WITH DEVELOPMENTAL DISABILITIES	

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People in the Community
OUTCOMES:

Percent of people who have a quality of life score of 19 out of 25 or greater on the Outcome Based Performance Measures Assessment at annual reassessment.....76%
Percent of adults living in homes of their own.....16.25%
Percent of people who are employed in integrated settings.....25.50%
OUTCOME:

Percent of clients satisfied with services.....95%
OUTPUTS:

Children and Adults provided case management 27,829
Children and adults provided residential care 4,764
Children and adults provided individualized supports and services.....27,829

405A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
HILLSBOROUGH ASSOCIATION FOR RETARDED CITIZENS (HARC) FACILITY COST REIMBURSEMENT
FROM GENERAL REVENUE FUND 175,000

ENTITLEMENT BENEFITS AND SERVICES

ECONOMIC SELF-SUFFICIENCY SERVICES

The Department of Children and Families is directed to design a method of accounting for funds appropriated pursuant to the "Temporary Assistance for Needy Families Act" (TANF) so that expenditures charged to the TANF Block Grant and to the General Revenue Fund as required by TANF "maintenance of effort" provisions are separately recorded and reported. The department is further directed to develop its LBR for fiscal year 1999-2000 along the lines of the newly designed accounting methodology.

406 SALARIES AND BENEFITS POSITIONS 7,328
FROM GENERAL REVENUE FUND 110,926,154
FROM ADMINISTRATIVE TRUST FUND 98,837,071
FROM REFUGEE ASSISTANCE TRUST FUND 252,477

From the funds on Specific Appropriation 406, the department may reassign up to 337 positions and associated funding to staff the Child Health Insurance Program (Title XXI) and Medicaid (Title XIX) expansion.

407 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 276,607
FROM ADMINISTRATIVE TRUST FUND 276,607

408 EXPENSES
FROM GENERAL REVENUE FUND 23,865,426
FROM ADMINISTRATIVE TRUST FUND 24,711,224
FROM REFUGEE ASSISTANCE TRUST FUND 21,508

409 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,341

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410 LUMP SUM
WAGES SERVICE ASSISTANCE INITIATIVE
FROM FEDERAL GRANTS TRUST FUND 10,000,000

From the funds in Specific Appropriation 410, the Department of Children and Families and the Department of Labor and Employment Security, in consultation with the WAGES State Board, shall develop a program designed to provide intensive up-front employment preparation and activity monitoring for participants who need additional intensity of services. If the departments determine that child care resources are insufficient to meet the needs of WAGES participants, these funds may be utilized for child care. The services provided under this program may be targeted to specific regions of the state or specific groups of recipients as determined appropriate. Use of the funds provided for in this category shall be subject to the oversight of the WAGES State Board and may be transferred between the departments as needed to implement this program.

410A LUMP SUM
FELLOWSHIP HOUSE
FROM GENERAL REVENUE FUND 300,000

Funds provided in Specific Appropriation 410A are provided for the Fellowship House in Dade County.

410B LUMP SUM
COLUMBIAN AMERICAN SERVICES
FROM GENERAL REVENUE FUND 100,000

410C LUMP SUM
PREPAID TUITION FOR WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES) CLIENTS
FROM ADMINISTRATIVE TRUST FUND 2,500,000

410D LUMP SUM
YOUNG WOMEN'S CHRISTIAN ASSOCIATION/ RIBAULT COMMUNITY IMPROVEMENT PROJECT
FROM ADMINISTRATIVE TRUST FUND 100,000

411 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM
FROM GENERAL REVENUE FUND 988,322
FROM ADMINISTRATIVE TRUST FUND 1,800,000
FROM FEDERAL GRANTS TRUST FUND 2,298,502

412 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 744,241
FROM ADMINISTRATIVE TRUST FUND 6,224,423

From funds in Specific Appropriation 412, up to $300,000 may be used by the Department to contract with the Florida Inter-University Welfare Reform Collaborative for evaluation of welfare reform outcomes in Florida. The source of funds is the Temporary Assistance to Needy Families Block Grant.

413 SPECIAL CATEGORIES
PUBLIC ASSISTANCE FRAUD CONTRACT
FROM GENERAL REVENUE FUND 47,752
FROM ADMINISTRATIVE TRUST FUND 4,447,752

414 SPECIAL CATEGORIES
PUBLIC ASSISTANCE MAILING COSTS
FROM GENERAL REVENUE FUND 1,689,360
FROM ADMINISTRATIVE TRUST FUND 1,689,360

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415 SPECIAL CATEGORIES
WAGES RESERVE
FROM FEDERAL GRANTS TRUST FUND 250,000,000

415A SPECIAL CATEGORIES
ASSISTANCE FOR NICARAGUANS
FROM GENERAL REVENUE FUND 125,000

Funds provided in Specific Appropriation 415A are provided for assistance to Nicaraguans through the Dario Marti Foundation.

416 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,200,831
FROM ADMINISTRATIVE TRUST FUND 1,200,831

417 SPECIAL CATEGORIES
SERVICES TO REPATRIATED AMERICANS
FROM FEDERAL GRANTS TRUST FUND 40,380

418 SPECIAL CATEGORIES
ECONOMIC SERVICES PRE-ENTRY TRAINING PROGRAM
FROM GENERAL REVENUE FUND 1,850,022
FROM ADMINISTRATIVE TRUST FUND 1,850,022

419 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT INDEPENDENCE SUPPORT SERVICES
FROM GENERAL REVENUE FUND 727,242
FROM ADMINISTRATIVE TRUST FUND 727,242

420 SPECIAL CATEGORIES
FOOD STAMP REINVESTMENT
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,000,000

421 FINANCIAL ASSISTANCE PAYMENTS
CASH ASSISTANCE
FROM GENERAL REVENUE FUND 275,822,625
FROM DIRECT ASSISTANCE TRUST FUND 28,187,000

422 FINANCIAL ASSISTANCE PAYMENTS
REFUGEE/ENTRANT ASSISTANCE
FROM REFUGEE ASSISTANCE TRUST FUND 20,000,000

422A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - CONSTRUCTION PROJECTS FOR HOMELESS
FROM GENERAL REVENUE FUND 1,250,000

Funds in Specific Appropriation 422A are for the Camillus House Shelter for the Homeless in Dade County.

Funds in Specific Appropriation 422A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law. The state shall file said interest in the county of jurisdiction for all projects.

ADULT PAYMENT SERVICES

423 SALARIES AND BENEFITS POSITIONS 958
FROM GENERAL REVENUE FUND 15,190,740
FROM ADMINISTRATIVE TRUST FUND 14,878,570

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424 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 261,688
FROM ADMINISTRATIVE TRUST FUND 259,455

425 EXPENSES
FROM GENERAL REVENUE FUND 2,347,773
FROM ADMINISTRATIVE TRUST FUND 2,500,749

426 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,162
FROM ADMINISTRATIVE TRUST FUND 5,163

427 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 54,323
FROM ADMINISTRATIVE TRUST FUND 51,995

428 FINANCIAL ASSISTANCE PAYMENTS
ADULT CONGREGATE LIVING FACILITY CARE SUPPLEMENT
FROM GENERAL REVENUE FUND 20,825,838

Funds are provided in Specific Appropriations 428 and 429 to continue the eligibility standard and to increase the payment for the Optional State Supplementation program, effective July 1, 1998, at the rate of $659 per month plus an amount not to exceed the cost of living adjustment to the Federal Benefits Rate provided that the average state Optional Supplementation contribution does not increase as a result. Nothing in this paragraph shall be construed as legislative approval for similar Optional State Supplementation payment and eligibility standard adjustments for future years.

The Secretary of the Department of Children and Families shall appoint a Work Group on Reimbursement for State Clients in Assisted Living Facilities. The purpose of the work group shall be to evaluate the current operation and impact of the Optional State Supplementation Program and to formulate recommendations for appropriate targeting for meeting the needs of such clients, and improving the efficiency of the program. The work group shall include representatives of the Agency for Health Care Administration, Department of Elder Affairs, assisted living provider groups, mental health provider groups, and consumers, as well as Department of Children and Families staff from the Mental Health, Adult Services, and Economic Self-Sufficiency offices. The work group shall submit its findings and recommendations in a report to the Legislature by January 1, 1999.

429 FINANCIAL ASSISTANCE PAYMENTS
FOSTER HOME CARE SUPPLEMENT
FROM GENERAL REVENUE FUND 1,817,142

430 FINANCIAL ASSISTANCE PAYMENTS
PERSONAL CARE ALLOWANCE
FROM GENERAL REVENUE FUND 314,456

MULTI-DISTRICT SERVICES

MENTAL HEALTH - INSTITUTIONS

431 SALARIES AND BENEFITS POSITIONS 6,304
FROM GENERAL REVENUE FUND 115,871,322
FROM GRANTS AND DONATIONS TRUST FUND . . . 153,596
FROM OPERATIONS AND MAINTENANCE TRUST FUND 103,676,130

432 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 761,440

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433 EXPENSES
FROM GENERAL REVENUE FUND 16,253,242
FROM GRANTS AND DONATIONS TRUST FUND . . . 482,347
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,002,736

435 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 4,011,425
FROM GRANTS AND DONATIONS TRUST FUND . . . 285,739

436 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 7,987,891

From the funds in Specific Appropriation 436, $75,000 in recurring General Revenue is for a rate increase at the West Florida Community Care Center.

436A SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

437 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS
FROM GENERAL REVENUE FUND 6,438,073

438 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,061,668

439 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 67,131

Performance Measures	Standards
ADULTS IN CIVIL COMMITMENT	
OUTCOMES:	
Percent of residents who improve mental health based on Positive and Negative Symptom Scale	65%
Average scores on Community Readiness Survey at "ready for discharge"	Baseline
Percent of residents who meet readiness for discharge criteria between six months and twelve months after admission	Baseline
OUTCOME:	
Percent of patients readmitted	Baseline
OUTCOME:	
Percent of community partners satisfied based on survey	90%
Percent of people served who are discharged to the community	50%
Percent of patients satisfied based on survey	90%
Percent of patients satisfied based on survey	90%
Annual number of harmful events per 100 residents in each mental health institutions	20
OUTPUTS:	
Number of adult abuse or neglect reports from mental health hospitals	Baseline
Number of adult abuse reports confirmed or proposed confirmed	Baseline
Number of people served who are discharged to the community	Baseline
OUTPUT:	
Number of people served	3,000
ADULTS IN FORENSIC COMMITMENT	
OUTCOMES:	
Average number of days to restore competency	195
Percent of residents restored to competency and ready for discharge within six months after admission	Baseline
Percent or residents restored to competency and ready for discharge between six and twelve months after admission	Baseline
Percent of residents who improve mental health based on the Positive and Negative Symptom Scale	
Annual number of harmful events per 100 residents in each mental health institutions	1.5
Percent of residents satisfied based on survey	80%
Percent of community partners satisfied based on survey	90%
OUTPUTS:	
Number of adult abuse or neglect reports from mental health hospitals	Baseline
Number of adult abuse reports confirmed or proposed confirmed	Baseline
OUTPUTS:	
Number served	Baseline

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DEVELOPMENTAL SERVICES - INSTITUTIONS

The department is authorized to use funds in Specific Appropriations 440 through 446 to bring any currently unlicensed beds at the Developmental Services Institutions up to licensure standards in order to capture Federal reimbursement through the Title XIX ICF/MR program.

440 SALARIES AND BENEFITS POSITIONS 3,749
FROM GENERAL REVENUE FUND 56,985,574
FROM OPERATIONS AND MAINTENANCE TRUST FUND 57,940,902

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441 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,857,244
FROM OPERATIONS AND MAINTENANCE TRUST FUND 198,003

442 EXPENSES
FROM GENERAL REVENUE FUND 5,576,323
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,370
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,535,251

443 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 59,850
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,500

444 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,184,973
FROM OPERATIONS AND MAINTENANCE TRUST FUND 302,356

445 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 2,934,054
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,272,904

446 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,354,487

Performance Measures	Standards
INSTITUTIONAL SERVICES	
Statewide average on the Conroy Quality of Life protocol for residents in Developmental Service Institutions	Baseline
Annual number of significant reportable incidents per 100 persons with developmental disabilities living in developmental services institutions	100%
Percent of people discharged as planned	100&
Percent of clients satisfied with services	95%
OUTPUTS:	
Adults receiving services in developmental services institutions	1,357
Adults incompetent to proceed provided competency training and custodial care in the Mentally Retarded Defendants Programs	141

ELDER AFFAIRS, DEPARTMENT OF

447 SALARIES AND BENEFITS POSITIONS 323
FROM GENERAL REVENUE FUND 4,428,525
FROM ADMINISTRATIVE TRUST FUND 44,850
FROM FEDERAL GRANTS TRUST FUND 3,800,544
FROM GRANTS AND DONATIONS TRUST FUND . . . 177,882
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,394,478

448 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 249,821
FROM FEDERAL GRANTS TRUST FUND 77,992
FROM OPERATIONS AND MAINTENANCE TRUST FUND 473,378

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449 EXPENSES
FROM GENERAL REVENUE FUND 644,008
FROM ADMINISTRATIVE TRUST FUND 77,032
FROM FEDERAL GRANTS TRUST FUND 1,207,066
FROM GRANTS AND DONATIONS TRUST FUND . . . 24,682
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,195,056

Funds in Specific Appropriation 449 reflect a reduction in agency staff travel of $50,000 in General Revenue.

450 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,325

451 SPECIAL CATEGORIES
AGING AND ADULT SERVICES TRAINING AND EDUCATION
FROM FEDERAL GRANTS TRUST FUND 119,493

452 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES
FROM GENERAL REVENUE FUND 3,645,824

From the funds in Specific Appropriation 452, $189,000 is for an Alzheimer's memory disorder clinic in Palm Beach County and $189,000 is for an Alzheimer's memory disorder clinic at the Orlando Regional Healthcare System, and $189,000 is for the Leon County memory disorder clinic.

453 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMERS DISEASE RESPITE SERVICES
FROM GENERAL REVENUE FUND 7,301,939

453A SPECIAL CATEGORIES
CLIENT INFORMATION, REGISTRATION, AND TRACKING SYSTEM (CIRTS)
FROM GENERAL REVENUE FUND 100,000

454 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 38,178,085
FROM FEDERAL GRANTS TRUST FUND 249,025
FROM OPERATIONS AND MAINTENANCE TRUST FUND 750,000

From funds in Specific Appropriation 454, a maximum of $35,000 from General Revenue may be retained by each Area Agency on Aging for administrative costs associated with Community Care for the Elderly, except for those Area Agencies on Aging who competitively procure Community Care for the Elderly services through the request for proposal process directed in Chapter 430, Florida Statutes, where the department may contractually negotiate a higher amount not to exceed $70,000 per Area Agency on Aging to address workload issues related to contract management.

Of the funds in Specific Appropriation 454, the department may allocate funds in Planning and Service Areas to support CCE caseload growth produced by placing CARES pre-admission screening staff in local hospitals. These funds shall be distributed proportionately based on the number of referrals in each PSA.

455 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 13,458,403

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456 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND 1,000,758

457 SPECIAL CATEGORIES
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM
FROM GENERAL REVENUE FUND 346,998
FROM FEDERAL GRANTS TRUST FUND 60,154,225

458 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,378,868
FROM FEDERAL GRANTS TRUST FUND 10,258,258
FROM GRANTS AND DONATIONS TRUST FUND . . . 128,812
FROM OPERATIONS AND MAINTENANCE TRUST FUND 128,813

Of the funds in Specific Appropriation 458, the following shall apply to the RELIEF respite program. The maximum hourly rate for respite services shall not exceed an amount equal to the federal minimum wage and shall be considered a stipend. The department shall continue to administer the program and will contractually negotiate acceptable administrative costs with service providers necessary to operate the program, not to exceed $40,000 per Planning and Service Area.

459 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY STAFF TRAINING
FROM ADMINISTRATIVE TRUST FUND 364,293

460 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 19,824,640
FROM OPERATIONS AND MAINTENANCE TRUST FUND 24,686,782

Of the funds in Specific Appropriation 460, the department may allocate $2,371,480 support Medicaid waiver caseload growth produced by placing CARES pre-admission screening staff in local hospitals. These funds shall be distributed proportionate based on the number of referrals in each PSA.

Of the funds in Specific Appropriation 460, up to $4,039,000 may be used to implement a consumer directed care project, subject to the approval of a waiver by the Federal Health Care Financing Administration.

461 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER
FROM GENERAL REVENUE FUND 4,570,909
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,728,463

From the funds in Specific Appropriation 461, $1,287,281 shall be available to implement a pilot project demonstrating the provision of home and community-based services in the facilities of the Metro-Dade Housing Agency.

462 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 3,462,443

From the funds in Specific Appropriation 462, $248,750 is provided to Pinellas, Pasco, and Broward Counties.

From the funds in Specific Appropriations 462, $50,000 in recurring General Revenue is provided to the City of Hialeah Gardens Senior Citizen Center Hot Meals program.

From the funds in Specific Appropriation 462, $50,000 in recurring General Revenue and $29,000 in non-recurring General Revenue is provided to the Southwest Social Services in Dade County for an elderly meals program.

463 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 31,948
FROM FEDERAL GRANTS TRUST FUND 11,668

464 SPECIAL CATEGORIES
LONG TERM CARE OMBUDSMAN COUNCIL
FROM GENERAL REVENUE FUND 33,203

465 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,288

465A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
NORTH BREVARD COUNTY SENIOR CENTER EXPANSION
FROM GENERAL REVENUE FUND 40,000

Funds in Specific Appropriation 465A through 465D are contingent on a local match being provided.

Funds in Specific Appropriation 465A through 465D for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law. The state shall file said interest in the county of jurisdiction for all projects.

465B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BAY COUNTY ALZHEIMERS' RESPITE CENTER RENOVATION
FROM GENERAL REVENUE FUND 90,000

465C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
COUNCIL ON AGING OF ST. LUCIE
FROM GENERAL REVENUE FUND 200,000

465D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SPRING HILL CIVIC AND SENIOR CENTER REFURBISHMENT
FROM GENERAL REVENUE FUND 11,500

HEALTH, DEPARTMENT OF

From the funds in Specific Appropriations 466 through 556A any expenditures from the Temporary Assistance for NeedyFamilies block grant shall be expended in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended or any other applicable federal requirement or limitation. Before any funds are released by the Department, each provider shall certify to the Department the number of clients to be served and their eligibility under

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Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

From the funds in Specific Appropriations 466 through 556A any expenditure of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or his designee to be funds which are for planned expenditures which are to be counted as Qualified State Expenditures in order to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of part A of Title IV of the Social Security Act, as amended. The Secretary or his designee shall certify that controls are in place to insure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

From the funds in Specific Appropriations 466 through 556, the department shall develop an analysis of base funding and the impacts the Children's Health Insurance Program (Title XXI) and Medicaid (Title XIX) will have on current operations. The analysis must show the number of currently uninsured children by program who will convert to Title XXI or Title XIX funding and the current annual expenditures made on behalf of these clients. Clients who may be ineligible for part of a fiscal year must be shown separately. A proposed plan detailing how these savings may be utilized and reinvested into other programs is to be submitted to the Executive Office of the Governor and the Chairs of the House Fiscal Responsibility Council and Senate Ways and Means by December 31, 1998.

Should Title XXI funds not materialize as anticipated, the department may transfer funds between specific categories to mitigate the reductions contemplated in the General Appropriations Act in this Department.

PROGRAM PLANNING, SUPPORT AND REGULATION

466	SALARIES AND BENEFITS POSITIONS 979		
	FROM GENERAL REVENUE FUND	17,352,474	
	FROM ADMINISTRATIVE TRUST FUND		3,357,802
	FROM FEDERAL GRANTS TRUST FUND		9,279,193
	FROM GRANTS AND DONATIONS TRUST FUND . . .		589,407
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		9,205,066
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		90,102
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		146,442
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		1,096,152

From the funds in Specific Appropriation 466 the department shall evaluate the current state's clinical laboratory testing program. At a minimum the evaluation shall consider such possibilities as contracting with private, state licensed, clinical laboratories to perform clinical laboratory testing currently being performed by private entities; the consolidation of the state laboratory network, and the privatization of the management for state laboratory facilities. The department shall report its findings and recommendations to the Chairman of the Senate Ways and Means Committee and the House Fiscal Responsibility Council by January 5, 1999.

467	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	628,155	
	FROM ADMINISTRATIVE TRUST FUND		87,784
	FROM FEDERAL GRANTS TRUST FUND		902,480
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,813
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		3,697,587
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		65,000
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		114,596

From the funds in Specific Appropriation 467, $100,000 in the Medical Quality Assurance Trust Fund is to increase funding for the Physician Recovery Network.

From the funds in Specific Appropriation 467, the Department of Health is hereby directed to prepare and submit to the Legislature by February 1, 1999 a report and proposal(s) on how best to ensure that patients requiring trauma care have timely access to a trauma center. The Chairman of the Emergency Medical Advisory Council shall appoint a committee to assist the department in developing the report and proposals. The committee shall study, at a minimum, the strategic geographical location of trauma centers; mandatory hospital trauma transfer criteria; emergency medical ground and air transport needs; and Medicaid reimbursement for trauma care.

468	EXPENSES		
	FROM GENERAL REVENUE FUND	5,104,071	
	FROM ADMINISTRATIVE TRUST FUND		460,901
	FROM FEDERAL GRANTS TRUST FUND		7,382,503
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,494,468
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		8,735,544
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		36,676
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		50,159
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		1,218,344
469	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FLUORIDATION PROJECT		
	FROM GENERAL REVENUE FUND	150,000	
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		366,747
470	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL HEALTH COUNCILS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,294,147
471	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	218,593	
	FROM ADMINISTRATIVE TRUST FUND		1,557,947
	FROM FEDERAL GRANTS TRUST FUND		969
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		1,018,159
471A	LUMP SUM		
	CHILD PROTECTION TEAM		
	POSITIONS 1		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		60,000
472	LUMP SUM		
	IMPLEMENTATION OF HB 1353		

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POSITIONS 1
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 75,000

473 LUMP SUM
IMPLEMENTATION OF HB 329/SB 420
POSITIONS 3
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 90,762

473A LUMP SUM
GENERAL SERVICES STAFF
POSITIONS 2
FROM GENERAL REVENUE FUND 232,836

473B LUMP SUM
INTEGRATED HEALTH INFORMATION SYSTEMS
POSITIONS 5
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,696,980

473C LUMP SUM
STATEWIDE OSTEOPOROSIS PREVENTION AND EDUCATION PROGRAM
POSITIONS 2
FROM GENERAL REVENUE FUND 150,000
FROM FEDERAL GRANTS TRUST FUND 150,000

Of the funds in Specific Appropriation 473C, $75,000 from General Revenue and $75,000 from the Federal Grants Trust Fund shall be used for the department to contract with the Department of Elder Affairs for osteoporosis prevention programming which focuses on middle aged and elderly populations.

474 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 3,723,351

474A SPECIAL CATEGORIES
GRANTS AND AIDS - CANCER CENTER OPERATION
FROM GENERAL REVENUE FUND 9,635,170

Funds in Specific Appropriation 474A have been transferred from the Department of Education.

475 SPECIAL CATEGORIES
AREA HEALTH EDUCATION CENTERS
FROM GENERAL REVENUE FUND 6,900,255

476 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 683,415

477 SPECIAL CATEGORIES
GRANTS AND AIDS - OUNCE OF PREVENTION
FROM GENERAL REVENUE FUND 928,412
FROM FEDERAL GRANTS TRUST FUND 2,071,588

478 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 27,109

478A SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 8,000,000

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Funds in Specific Appropriation 478A have been transferred from the Department of Education.

From the funds in Specific Appropriation 478A, the Department of Health shall contract with the Community Hospital Education Council to fund and administer physician residencies for all specialties.

Funds for all specialties, excluding Family Practice, provided in Specific Appropriation 478A shall be expended to support clinical experiences in underserved urban or rural populations and/or settings. The Community Hospital Education Council shall develop a method of allocation for up to 10% of the funds in Specific Appropriation 478A which provides additional support to those programs which make a comparatively greater contribution than the average participating program to the number of primary care practitioners in Florida. Additional consideration shall be made for those programs whose graduates practice in underserved areas or provide care to underserved populations. In addition, from the funds in Specific Appropriation 478A, the Community Hospital Education Council shall allocate no less than 62.6% to support family practice residencies.

479 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 528,110
FROM FEDERAL GRANTS TRUST FUND 42,788
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,500,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 900,000

From the funds in Specific Appropriation 479, $100,000 in non-recurring General Revenue is for the department to contract with the Public Health Leadership Institute located at the University of South Florida for leadership training.

From the funds in Specific Appropriation 479, $100,000 in General Revenue is for the Mt. Sinai Osteoporosis Screening Program in Dade County.

481 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 52,600

482 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS
FROM GENERAL REVENUE FUND 300,000

482A SPECIAL CATEGORIES
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL
FROM GENERAL REVENUE FUND 9,786,979

Funds in Specific Appropriation 482A have been transferred from the Department of Education.

483 SPECIAL CATEGORIES
HOSPITAL REIMBURSEMENT
FROM GENERAL REVENUE FUND 452,801

484 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 161,599

485 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

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FROM GENERAL REVENUE FUND	145,461	
FROM MEDICAL QUALITY ASSURANCE TRUST FUND		32,440
486 SPECIAL CATEGORIES		
GRANTS AND AID - NURSING STUDENT LOAN REIMBURSEMENT/ SCHOLARSHIPS		
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		686,656
486A SPECIAL CATEGORIES		
NATIONAL PARKINSON'S FOUNDATION		
FROM GENERAL REVENUE FUND	751,000	
487 DATA PROCESSING SERVICES		
CHILDREN AND FAMILIES DATA CENTER		
FROM GENERAL REVENUE FUND	1,662,016	
FROM ADMINISTRATIVE TRUST FUND		5,570,358
488 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM MEDICAL QUALITY ASSURANCE TRUST FUND		227,100

HEALTH SERVICES

490 SALARIES AND BENEFITS POSITIONS	1,088	
FROM GENERAL REVENUE FUND	12,295,237	
FROM ADMINISTRATIVE TRUST FUND		2,765,767
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		357,831,420
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		892,561
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		3,140,562
FROM FEDERAL GRANTS TRUST FUND		3,489,903
FROM GRANTS AND DONATIONS TRUST FUND . . .		435,724
FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,287,028
FROM PLANNING AND EVALUATION TRUST FUND .		7,178,203
FROM RADIATION PROTECTION TRUST FUND . . .		5,454,360

From funds in Specific Appropriation 490, one position and $48,786 from General Revenue is to be designated for public health information dissemination and collection systems for future agricultural emergencies involving aerial spraying of pesticides or other chemicals over non-agricultural areas with zoned densities over one unit per acre.

491 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	43,403	
FROM ADMINISTRATIVE TRUST FUND		71,060
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		30,814,671
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		6,704
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		159,583
FROM FEDERAL GRANTS TRUST FUND		201,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		130,415
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		37,074
FROM OPERATIONS AND MAINTENANCE TRUST FUND		57,211
FROM PLANNING AND EVALUATION TRUST FUND .		250,388
FROM RADIATION PROTECTION TRUST FUND . . .		33,393
492 EXPENSES		
FROM GENERAL REVENUE FUND	5,046,206	
FROM ADMINISTRATIVE TRUST FUND		1,764,076
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		92,538,369
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		261,807
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,698,987
FROM FEDERAL GRANTS TRUST FUND		3,921,764
FROM GRANTS AND DONATIONS TRUST FUND . . .		551,751
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		866,632
FROM OPERATIONS AND MAINTENANCE TRUST FUND		811,742
FROM PLANNING AND EVALUATION TRUST FUND .		5,198,054
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		68,608
FROM RADIATION PROTECTION TRUST FUND . . .		1,820,155
493 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - FAMILY PLANNING SERVICES		
FROM GENERAL REVENUE FUND	7,269,168	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		2,200,000
FROM FEDERAL GRANTS TRUST FUND		5,438,261
494 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - AIDS PATIENT CARE		
FROM GENERAL REVENUE FUND	6,793,792	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		3,073,996

From funds in Specific Appropriation 494, $400,000 from General Revenue is provided to South Florida Substance Abuse, Inc. for services to clients with HIV/AIDS treatment and methadone treatment needs.

495 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - RYAN WHITE CONSORTIA		
FROM FEDERAL GRANTS TRUST FUND		11,104,358
495A AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - SCHOOL HEALTH SCREENINGS		
FROM GENERAL REVENUE FUND	1,700,000	

From funds in Specific Appropriation 495A $1,700,000, is provided for an eye examination screening for students in grades pre-kindergarten through three. The method of screening shall be color photorefraction as developed and patented by the National Aeronautics and Space Administration.

496 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - EPILEPSY SERVICES		
FROM GENERAL REVENUE FUND	2,238,870	
497 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES		
FROM EPILEPSY SERVICES TRUST FUND		1,340,000
498 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - STATEWIDE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS		
FROM GENERAL REVENUE FUND	10,745,449	

The Public Health Trust, Jackson Memorial Hospital, shall continue to be the administrative agency for the South Florida AIDS Network.

From funds in Specific Appropriation 498, $100,000 in General Revenue shall continue to go to Monroe County and an additional $100,000 shall go to Monroe County.

499 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS		
FROM FEDERAL GRANTS TRUST FUND		44,523,946

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500 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 7,533,960

501 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 125,033,892
FROM ADMINISTRATIVE TRUST FUND 1,722,436
FROM FEDERAL GRANTS TRUST FUND 35,841,049
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,004,571
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 18,537
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 48,371

From funds in Specific Appropriation 501, the St. Lucie County Health Department is provided $123,750 in non-recurring General Revenue to determine the cause of elevated rates of brain cancers and neuroblastomas found in the children of St. Lucie County.

From the General Revenue funds in Specific Appropriation 501, $200,000 is provided to continue funding for an indigent dental clinic in Pinellas County.

502 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY HEALTH CENTERS
FROM GENERAL REVENUE FUND 2,895,000
FROM FEDERAL GRANTS TRUST FUND 1,204,010

Health Choice Network $700,000
Bond Community Health Center, Inc $100,000
Central Florida Community - Sanford $70,000
Central Florida Health Care, Inc - Avon Park $200,000
Community Health Centers of Pinellas, Inc $100,000
Family Medical and Dental Centers, Inc - Palatka $100,000
Health Resource Alliance, Inc - Pasco $150,000
Manatee County Rural Health Services $400,000
Stanley C. Myers $125,000
Suncoast Community Health Center, Inc $100,000
Tampa Community Health Centers, Inc $150,000
Florida Community Health Center of Indiantown $450,000
Northwest Quadrant Community Health Center $250,000

Funds in Specific Appropriation 502 for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law. The state shall file said interest in the county of jurisdiction for all projects.

503 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM GENERAL REVENUE FUND 20,527,692
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 6,548,687

504 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - DADE COUNTY HOSPICE
FROM GENERAL REVENUE FUND 407,009

505 AID TO LOCAL GOVERNMENTS
IMPACT AID
FROM FEDERAL GRANTS TRUST FUND 5,995,650

506 AID TO LOCAL GOVERNMENTS
IMPROVED PREGNANCY OUTCOME PROGRAM
FROM GENERAL REVENUE FUND 28,462,230
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 3,375,616

507 AID TO LOCAL GOVERNMENTS
MATERNAL AND CHILD HEALTH SERVICES
FROM GENERAL REVENUE FUND 901,969
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 6,355,584

508 AID TO LOCAL GOVERNMENTS
SCHOOL HEALTH SERVICES
FROM GENERAL REVENUE FUND 17,171,881
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,500,000

From the funds in Specific Appropriation 508, $150,000 shall be used for a Pilot Telemedicine Program in Hillsborough County and contracted with Tampa General Hospital.

509 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 3,274,049

510 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 3,310,330

511 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 298,358
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 10,859,668
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 99,947
FROM PLANNING AND EVALUATION TRUST FUND . 49,187
FROM RADIATION PROTECTION TRUST FUND . . . 56,997

512 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 92,548
FROM OPERATIONS AND MAINTENANCE TRUST FUND 431,313

512A LUMP SUM
NEONATAL INFANT SCREENING
FROM GENERAL REVENUE FUND 594,000

513 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM RADIATION PROTECTION TRUST FUND . . . 210,856

514 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER
FROM GENERAL REVENUE FUND 1,000,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,561,111

515 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 4,487,944
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 27,500

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FROM FEDERAL GRANTS TRUST FUND 5,780,188
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 50,000

From funds in Specific Appropriation 515, $300,000 from non-recurring General Revenue is provided to VisionQuest to provide eyeglasses for low income school aged children and $500,000 from General Revenue is provided for the Deerfield Beach High School Outpatient Family Health Center.

516 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 259,540

517 SPECIAL CATEGORIES
GRANTS AND AIDS - HEALTHY START COALITIONS
FROM GENERAL REVENUE FUND 3,014,217
FROM FEDERAL GRANTS TRUST FUND 2,388,004

518 SPECIAL CATEGORIES
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE CONTINUATION PROGRAM
FROM GENERAL REVENUE FUND 1,803,422
FROM FEDERAL GRANTS TRUST FUND 2,064,120

519 SPECIAL CATEGORIES
DRUGS, VACCINES AND OTHER BIOLOGICALS
FROM GENERAL REVENUE FUND 19,309,719
FROM FEDERAL GRANTS TRUST FUND 36,314,997

520 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 576,183

521A SPECIAL CATEGORIES
FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,000,000

521B SPECIAL CATEGORIES
REGIONAL DIABETES CENTERS
FROM GENERAL REVENUE FUND 1,032,828

522 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,558,797
FROM RADIATION PROTECTION TRUST FUND . . . 2,885

523 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM FEDERAL GRANTS TRUST FUND 1,000,000

524 SPECIAL CATEGORIES
GRANTS AND AIDS - TRAUMA CARE
FROM GENERAL REVENUE FUND 2,500,000
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 93,747

Funds in Specific Appropriation 524 from General Revenue for Level I Trauma Centers shall be allocated as follows:

North Broward Hospital District $250,000
South Broward Hospital District $250,000
Jackson Memorial Hospital $500,000
Tampa General Hospital $500,000
Orlando Regional Medical Center $500,000
University Medical Center $500,000

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526 SPECIAL CATEGORIES
WOMEN, INFANTS AND CHILDREN (WIC)
FROM FEDERAL GRANTS TRUST FUND 203,322,692

527 SPECIAL CATEGORIES
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT
FROM ADMINISTRATIVE TRUST FUND 434,775

527A SPECIAL CATEGORIES
OUTREACH FOR PREGNANT WOMEN
FROM GENERAL REVENUE FUND 250,000

Funds in Specific Appropriation 527A are contingent on legislation becoming law which creates this program.

527B FIXED CAPITAL OUTLAY
HEALTH FACILITIES REPAIR AND MAINTENANCE - STATEWIDE
FROM GENERAL REVENUE FUND 1,500,000

528A FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS
FROM GENERAL REVENUE FUND 16,190,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 35,000,000

The General Revenue funds in Specific Appropriation 528A provided for Health Space Needs shall be allocated as follows:

Alachua County Health Department $3,000,000
Baker County Health Department,
McClenny $900,000
Central Lab/Jacksonville $300,000
A. G. Holley State Hospital $1,500,000
Franklin County Health Department,
Appalachicola $1,000,000
Madison County Health Department,
Phase II $750,000
Gulf County Health Department,
Port St. Joe $800,000
Duval County Health Department,
West Jacksonville $400,000
Sarasota County Health Department,
Sarasota $300,000
Broward County Health Department
Central Operations Building $300,000
Okaloosa County Health Department,
Crestview Satellite Medical Center $600,000
Orlando Health Physics Lab $60,000
Orange County Health Department,
Bithlo $60,000
Orange County Health Department,
Zellwood $60,000
Dade County Health Department,
Perrine $230,000
Dade County Health Department, 80th
Terrace Clinic $250,000
Martin County Health Department,
Stuart $300,000
Orange County Health Department,
Taft $60,000
Monroe County Health Department,
Tavernier $400,000
Wakulla County Health Department,
Crawfordville $150,000
Escambia County Health Department,
Northside Community $180,000
Santa Rosa County Health
Department, Jay..... $40,000
Brevard County Health Department $250,000
Leon County Health Department.....$800,000

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Dade County Health Department,
South Miami Rosie Lee
Wesley Facility $700,000
Dade County Health Department,
North Miami Health Center
Replacement $2,800,000

From funds in Specific Appropriation 528A, $35,000,000 from the Grants and Donations Trust Fund may be used by the department to replace the main county health department in Dade County. This appropriation is contingent on receipt of funds from the sale of the existing complex.

529A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HEALTH FACILITIES
FROM GENERAL REVENUE FUND 8,725,000

The funds in Specific Appropriation 529A shall be allocated as follows:

St Johns County Health Department,
St Augustine - Purchase
and Rennovation $2,500,000
Winter Garden/ Ocoee Health Clinic -
Construction in Orange County $1,500,000
Mt Sinai Pulmonary Recovery Center $100,000
Family Health Center of Southwest
Florida, Inc - Pine Island/ Cape
Coral Facility $150,000
Miami Children's Hospital on Wheels $450,000
Immokalee Health Center Equipment $300,000
Project Vision, St. Lucie $200,000
Joe DiMaggio Children's Hospital -
Expansion $500,000
University Medical Center Equipment,
Jacksonville - Upgrade $2,000,000
Isabel Collier Reed Immokalee Health
Park - Equipment $200,000
St Mary's Hospital $500,000
Eastside Clinic, Alachua County $125,000
Mercy Hospital Primary Care -
Penalver Clinic $200,000

Funds in Specific Appropriation 529A for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase or the completion of the improvements or as further required by law. The state shall file said interest in the county of jurisdiction for all projects.

CHILDREN'S MEDICAL SERVICES

530	SALARIES AND BENEFITS POSITIONS 673		
	FROM GENERAL REVENUE FUND	15,387,240	
	FROM DONATIONS TRUST FUND		6,531,036
	FROM FEDERAL GRANTS TRUST FUND		2,080,912
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		802,142
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,147,162
531	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,142,348	
	FROM DONATIONS TRUST FUND		71,250
	FROM FEDERAL GRANTS TRUST FUND		213,750
532	EXPENSES		
	FROM GENERAL REVENUE FUND	1,253,134	

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	FROM DONATIONS TRUST FUND		1,961,180
	FROM FEDERAL GRANTS TRUST FUND		1,209,758
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		164,747
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		548,013
533	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	56,970	
534	SPECIAL CATEGORIES		
	CATASTROPHIC MEDICAL SERVICES		
	FROM DONATIONS TRUST FUND		2,000,000
535	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE PROGRAM		
	FROM GENERAL REVENUE FUND	190,168	
536	SPECIAL CATEGORIES		
	CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM		
	FROM GENERAL REVENUE FUND	325,153	
537	SPECIAL CATEGORIES		
	REGIONAL GENETICS PROGRAM		
	FROM GENERAL REVENUE FUND	1,057,084	
	FROM DONATIONS TRUST FUND		194,926
538	SPECIAL CATEGORIES		
	SICKLE CELL EDUCATION AND SCREENING		
	FROM GENERAL REVENUE FUND	790,686	
539	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRIMARY CARE PROGRAM		
	FROM GENERAL REVENUE FUND	4,087,867	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,889,787

Of the funds in Specific Appropriation 539, $500,000 is new funding. These funds shall be used to enhance existing Children's Medical Services primary care programs. Priority is to be given to enhancing the nurse-to-patient ratio to recommended levels and a distribution based on current patient caseload.

540	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	4,239,178	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		999,704
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		93,539

From the funds in Specific Appropriation 540, $250,000 in non-recurring General Revenue is for a rural and urban healthcare newborn hearing loss pilot and study conducted jointly by the Department of Communication Disorders at the University of Florida and the Department of Pediatrics/Mailman Center for Child Development at the University of Miami.

541	SPECIAL CATEGORIES		
	MASTER CONTRACTS		
	FROM GENERAL REVENUE FUND	6,015,581	
542	SPECIAL CATEGORIES		
	GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN		
	FROM GENERAL REVENUE FUND	602,673	

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543 SPECIAL CATEGORIES
KIDNEY DISEASE PROGRAM FOR CHILDREN
FROM GENERAL REVENUE FUND 813,077

544 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS
FROM GENERAL REVENUE FUND 7,540,570
FROM DONATIONS TRUST FUND 2,215,009
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 5,075,593
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,519,724

545 SPECIAL CATEGORIES
POISON CONTROL CENTER
FROM GENERAL REVENUE FUND 3,558,378

From the funds in Specific Appropriation 545, $150,000 is provided as an increase and shall be allocated equally among the three existing centers.

546 SPECIAL CATEGORIES
RHEUMATIC FEVER
FROM GENERAL REVENUE FUND 87,421

547 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 125,590
FROM DONATIONS TRUST FUND 37,115

548 SPECIAL CATEGORIES
PEDIATRIC LIVER TRANSPLANT PROGRAM
FROM GENERAL REVENUE FUND 400,441

549 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL, EVALUATION AND INTERVENTION SERVICES
FROM GENERAL REVENUE FUND 15,017,599
FROM DONATIONS TRUST FUND 334,159
FROM FEDERAL GRANTS TRUST FUND 2,850,185

Funds in Specific Appropriation 549 are contingent upon the department ensuring that no early intervention provider participating in the Part H program shall provide both core and required Part H services without a waiver from the Deputy Secretary and Deputy State Health Officer for Children's Medical Services. For purposes of this paragraph, core services are limited to ChildFind and referral, family support planning, service coordination, and the multi-disciplinary evaluation.

551 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL EVALUATION AND INTERVENTION SERVICES/PART H
FROM GENERAL REVENUE FUND 1,641,322
FROM FEDERAL GRANTS TRUST FUND 15,502,104

From the funds in Specific Appropriation 551, the Department of Health, jointly with the Department of Education, is authorized to prepare an eleventh year grant application to United States Department of Education (USDOE) for Subchapter VIII of the Individuals with Disabilities Education Act (I.D.E.A.) funding for early intervention services for children with disabilities age birth through 36 months and their families. The application shall commit the state to meeting only the minimum service and eligibility requirements of the federal law and shall be implemented only if the federal grant is awarded. The application may be submitted to USDOE by the Governor only upon determination that required state funds can be made available from those portions of the current year's appropriation being spent on I.D.E.A. services and following consultation pursuant to s. 216.177, Florida Statutes.

In addition, $1,641,322 in General Revenue is provided for the state matching funds for Medicaid reimbursable early intervention services in Specific Appropriation 238. If the state match for the Medicaid early intervention services is either too much or insufficient to cover the cost of the entitlement, the Department of Health is authorized to transfer the necessary amount in General Revenue between Specific Appropriation 549 and Specific Appropriation 551.

Since Part H is an optional program, the Department of Health shall not redirect funds from other populations and programs to serve people under Part H.

552 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER/ PERINATAL SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,462,183
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 411,375

553 SPECIAL CATEGORIES
CHILDREN'S CARDIAC PROGRAM
FROM GENERAL REVENUE FUND 837,163

554 SPECIAL CATEGORIES
MEDICALLY FRAGILE ENHANCEMENT PAYMENT
FROM GENERAL REVENUE FUND 610,020

555 SPECIAL CATEGORIES
GRANTS AND AIDS - PEDIATRIC ACQUIRED IMMUNE DEFICIENCY SYNDROME NETWORK
FROM GENERAL REVENUE FUND 1,604,663
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 631,934

Funds in Specific Appropriation 555 include $200,000 new funding for the Pediatric AIDS Network. Duval County shall be brought into this network for an appropriate portion of these funds.

556 FIXED CAPITAL OUTLAY
CONSTRUCTION, RENOVATION, EQUIPMENT - CHILDREN'S MEDICAL SERVICES FACILITIES
FROM GENERAL REVENUE FUND 1,418,000

Funds in Specific Appropriation 556 shall be allocated for Children's Medical Services facilities in the amount and locations that follow:

Jacksonville $500,000
Leon County $318,000
Pensacola $600,000

556A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CHILDREN'S MEDICAL SERVICES COMMUNITY PROJECTS
FROM GENERAL REVENUE FUND 275,000

Of funds in Specific Appropriation 556A, $175,000 is provided for the Northeast Florida Regional Pediatric Neonatal Transport and $100,000 for the Ronald McDonald House/Wolfson Children's Hospital

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Funds in Specific Appropriation 556A, shall be allocated as follows:

Northeast Florida Regional Pediatric/
Neonatal Transport System..... $ 175,000
Ronald McDonald House/Wolfson
Children's Hospital..... 100,000

VETERANS' AFFAIRS, DEPARTMENT OF

557	SALARIES AND BENEFITS POSITIONS 403		
	FROM GENERAL REVENUE FUND	3,971,902	
	FROM FEDERAL GRANTS TRUST FUND		330,654
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,335,061
558	OTHER PERSONAL SERVICES		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		207,677
559	EXPENSES		
	FROM GENERAL REVENUE FUND	238,356	
	FROM FEDERAL GRANTS TRUST FUND		78,417
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,418,044
560	OPERATING CAPITAL OUTLAY		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		254,288
561	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	135,947	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		559,607
561A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		20,000
562	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	1,449	
563	SPECIAL CATEGORIES		
	RECREATIONAL EQUIPMENT AND SUPPLIES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		21,000
564	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	13,398	
	FROM FEDERAL GRANTS TRUST FUND		805
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		120,926
565	FIXED CAPITAL OUTLAY		
	STATE NURSING HOME FOR VETERANS - NUMBER TWO - DMS MGD		
	FROM GENERAL REVENUE FUND	2,000,000	
	FROM STATE HOMES FOR VETERANS TRUST FUND .		100,000
	FROM VETERANS' AFFAIRS DESIGN AND CONSTRUCTION TRUST FUND		5,275,000
566	FIXED CAPITAL OUTLAY		
	ADDITIONS AND IMPROVEMENTS TO THE VETERANS' HOMES		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		158,000
567	FIXED CAPITAL OUTLAY		
	MAINTENANCE AND REPAIR OF STATE-OWNED RESIDENTIAL FACILITIES FOR VETERANS		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		254,650

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TOTAL OF SECTION 3 POSITIONS 32,159

FROM GENERAL REVENUE FUND 4375,781,005

FROM TRUST FUNDS 8058,848,858

TOTAL ALL FUNDS 12434,629,863

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Florida Department of Law Enforcement, Department of Juvenile Justice, Parole Commission, Department of Legal Affairs/Attorney General and the Justice Administration as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

CORRECTIONS, DEPARTMENT OF

The Department of Corrections may allow for public use of shooting ranges providing that the following conditions are met:

1) Use must be limited to organized gun clubs;
2) Supervision must be provided by a NRA certified instructor;
3) All participants must sign a waiver of liability; and,
4) Public use of the range must not conflict with use by law enforcement agencies or the department.

From the funds in Specific Appropriations 568 through 614H, each provider identified in proviso who receives a specific allocation of funds must provide the Department of Corrections with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

Upon approval of a majority of the Board of Trustees of the Internal Improvement Trust Fund, the Department of Corrections may sell, trade, exchange, or otherwise dispose of the following state properties: Tallahassee Community Correctional Center/Park House, located in Leon County, Florida; Gainesville Community Correctional Center, located in Alachua County, Florida; the Orlando Naval Training Center; and the ACI property, located in Decatur County, Georgia. Proceeds from the sale, trade, exchange, or other disposition of any or all of these properties shall be directed to the department's Grants and Donations Trust Fund, and subject to specific appropriation, shall be used to acquire, construct, and maintain correctional facilities.

DEPARTMENT ADMINISTRATION

In the event that substantive legislation does not become law which creates the Inmate Welfare Trust Fund, funds in Specific Appropriations 568 through 614H from Inmate Welfare Trust Fund may be transferred within the same appropriation category

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by the Executive Office of the Governor to the Grants and Donations Trust Fund equal to the Inmate Welfare Trust Funds appropriated herein. In addition, any proviso language that references Inmate Welfare Trust Fund shall be deemed to reference Grants and Donations Trust Fund in the event that substantive legislation creating the Inmate Welfare Trust Fund does not become law.

568 SALARIES AND BENEFITS POSITIONS 333
FROM GENERAL REVENUE FUND 15,847,578
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 61,820
FROM GRANTS AND DONATIONS TRUST FUND . . . 126,876
FROM INMATE WELFARE TRUST FUND 268,929

From the funds provided in Specific Appropriation 568, the department must develop monthly reports on the progress of implementing security enhancements with funds from Specific Appropriation 594. The monthly reports must be submitted to the Executive Office of the Governor and the chairmen of the House Committee on Criminal Justice Appropriations and Senate Ways and Means Subcommittee on Criminal Justice.

569 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 30,501
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,000

570 EXPENSES
FROM GENERAL REVENUE FUND 6,226,508
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 953,863
FROM GRANTS AND DONATIONS TRUST FUND . . . 527,626
FROM INMATE WELFARE TRUST FUND 30,489

From the funds in Specific Appropriation 570, $150,000 from General Revenue is provided for an advance payment for moving, set-up and renovation of the three cottages at Forest Hills which are hereby transferred to the Florida Association of Women's and Girl's Clubs and the City of Ocala.

571 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,220,967
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 179,985
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,500

572 SPECIAL CATEGORIES
FLORIDA CORRECTIONS COMMISSION
FROM GENERAL REVENUE FUND 115,588

573 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 26,912

573A SPECIAL CATEGORIES
GRANTS AND AIDS - DADE HART PROGRAM
FROM GENERAL REVENUE FUND 500,000

From the funds in Specific Appropriation 573A, $500,000 from General Revenue is provided for the Dade County Homeless Assessment, Referral, and Tracking (HART) Program operated in conjunction with the Dade County jail system.

574 SPECIAL CATEGORIES
OFFICE OF MANAGEMENT AND BUDGET LAW LIBRARY
FROM GENERAL REVENUE FUND 9,649

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575 SPECIAL CATEGORIES
GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM
FROM GENERAL REVENUE FUND 150,000

Funds in Specific Appropriation 575 shall be used to contract for on-the-job training services for offenders after their release from state prison. By December 1 of each year, the department must submit a report to the Legislature and the Executive Office of the Governor documenting how the funds were spent during the prior two fiscal years and the results of the services provided in terms of released offenders' employment record and recidivism.

576 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 123,047

577 SPECIAL CATEGORIES
STATE INSTITUTIONAL CLAIMS
FROM GENERAL REVENUE FUND 2,000

578 SPECIAL CATEGORIES
TUITION PAYMENTS
FROM GENERAL REVENUE FUND 355,360

579 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 226,334

580 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,037,065

CUSTODY AND CONTROL

From the funds in Specific Appropriations 581 through 599, the department will meet the following standards as required by the Government Performance and Accountability Act of 1994, to protect the public and provide a safe environment for incarcerated offenders and the department's staff.

Performance Measures	Standards
OUTCOMES:	
Number of batteries committed by inmates on one or more persons per 1,000 inmates:	
Total	2,170
Inmate on inmate	1,412
Inmate on staff	758
Major disciplinary reports per 1,000 inmates:	
Number of reports	877
Number of inmates receiving reports	374
Number of escapes from the secure perimeter of major institutions	0
Percentage of inmates who did not escape when assigned outside a secure perimeter	99.9%
Total number and percentage of inmate random drug tests that are positive	1,290(1.58%)

In addition to the measures and standards listed above, the department shall collect and report data

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as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain the official record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

581	SALARIES AND BENEFITS POSITIONS 20,247		
	FROM GENERAL REVENUE FUND	715,194,701	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		4,276,807
	FROM GRANTS AND DONATIONS TRUST FUND . . .		992,072
	FROM OPERATING TRUST FUND		127,426
	FROM INMATE WELFARE TRUST FUND		7,147,790
582	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	142,424	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,000
	FROM INMATE WELFARE TRUST FUND		622,578
583	EXPENSES		
	FROM GENERAL REVENUE FUND	126,344,958	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		981,478
	FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND		87,962
	FROM GRANTS AND DONATIONS TRUST FUND . . .		730,405
	FROM OPERATING TRUST FUND		13,157
	FROM INMATE WELFARE TRUST FUND		1,443,676

From the funds in Specific Appropriations 583 and 605B, the department shall continue existing contracts with counties for jail beds.

From the Inmate Welfare Trust Fund provided in Specific Appropriation 583, $1,000,000 is provided for the Life Skills Foundation program.

584	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,063,531	
	FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND		10,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,436,851
	FROM OPERATING TRUST FUND		139,500
	FROM INMATE WELFARE TRUST FUND		202,469
584A	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	49,678,727	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		543,729
	FROM GRANTS AND DONATIONS TRUST FUND . . .		615,378
585A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	447,879	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		122,500
586	SPECIAL CATEGORIES		
	CONTRACT CORRECTIONAL INSTITUTION		
	FROM GENERAL REVENUE FUND	14,195,404	
586A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - SANTA ROSA COUNTY VEHICLES FOR DEPARTMENT OF CORRECTIONS CONTRACT		
	FROM GENERAL REVENUE FUND	125,000	

Funds in Specific Appropriation 586A are provided to Santa Rosa County for the purchase of vehicles for use in fulfilling the transportation agreement between the county and the Department of Corrections.

586B	SPECIAL CATEGORIES		
	TRANSFER TO GENERAL REVENUE FUND		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,000,000

Funds provided in Specific Appropriation 586B are federal reimbursements for incarcerated aliens. The first $14 million received shall be transferred to the General Revenue Fund through this appropriation category. If more than $14 million is received, up to $2 million shall be used to fund the drug treatment services in Specific Appropriation 607B. Any funds received in excess of $16 million shall be transferred in this appropriation category up to the total authorized.

586C	SPECIAL CATEGORIES		
	RETURN OF PAROLE VIOLATORS		
	FROM GENERAL REVENUE FUND	131,313	
587	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	17,150,442	
587A	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	5,605,221	
588	SPECIAL CATEGORIES		
	STATE EMPLOYEES' CHILD CARE CENTER OPERATION		
	FROM OPERATING TRUST FUND		300,000
589	SPECIAL CATEGORIES		
	PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	56,494,113	

Funds provided in Specific Appropriation 589 shall be applied to the obligations of the Correctional Privatization Commission pursuant to the requirements of the Operation and Management Services Contract and Lease-Purchase Agreement for two adult 750 bed medium/minimum custody secure correctional facilities located in Bay and Glades Counties, one adult 1,318 bed close/medium custody secure correctional facility located in Palm Beach County, and one youthful offender 350 bed correctional facility located in Columbia County. The Department of Corrections shall have no authority to utilize the appropriated funds except as provided above.

From the funds in Specific Appropriation 589, $1,888,520 is provided for local property tax payments for the Moore Haven, South Bay and Bay adult institutions and the Lake City youthful offender facility. These funds shall be used to pay local property tax assessments. In the event that it is determined that these properties are not subject to local property taxes, these funds shall be provided as grants to the local governments in an amount equal to the property taxes that would have been assessed if the properties were determined to be subject to assessment for local property taxes.

From the funds in Specific Appropriation 589, $100,000 from General Revenue Fund is provided to be transferred to the Grants and Donations Trust Fund within the Department of Management Services to be

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used by the Correctional Privatization Commission for the issuance of two Invitations to Bid in accordance with the provisions of Chapter 287, Florida Statutes. The first Invitation to Bid must be designed for construction of 1,497 beds at one or more sites. The Invitation to Bid must specify that these facilities must be designed sufficient to house adult males at all security levels. In no case may a bid be awarded that would exceed $27,600,000 in total for construction of all 1,497 beds. In evaluating responses to the Invitation to Bid, the Correctional Privatization Commission must select the lowest cost responsive bid. The Correctional Privatization Commission may execute a contract with the lowest cost responsive vendor for construction of the facility, and the Executive Office of the Governor shall transfer $1,166,219 from General Revenue Fund and $4,833,781 from Grants and Donations Trust Fund from Specific Appropriation 589 to Specific Appropriation 598 for the first year cost of the project. The second Invitation to Bid must be designed for construction of a 350 bed Youthful Offender facility. The Invitation to Bid must specify that these facilities must be designed sufficient to house inmates sentenced as youthful offenders at all security levels. In no case may a bid be awarded that would exceed $8,950,000 for construction of all 350 beds. In evaluating responses to the Invitation to Bid, the Correctional Privatization Commission must select the lowest cost responsive bid. The Correctional Privatization Commission may execute a contract with the lowest cost responsive vendor for construction of the facility subject to funding to be provided by the Legislature during the 1999 regular legislative session, and shall submit a request for construction funding to the Legislature consistent with the bid from the successful vendor no later than January 1, 1999. This proviso constitutes specific legislative authorization for the Correctional Privatization Commission to enter into contracts for only the designing, acquiring, and constructing of the 350 bed youthful offender facility and the 1,497 prison beds. The operational contracts for these facilities shall be awarded through separate Invitations to Bid to be authorized in the General Appropriations Act for fiscal year 1999-2000.

The Invitation to Bid for the 350 bed youthful offender facility must include a provision that the facility be designed to accommodate the provision of intensive education programs including, but not limited to, special education, literacy, life skills, and GED preparation. The facility shall also be designed to accommodate the provision of faith-based programs, including chaplaincy services and, if feasible, a therapeutic community residential pre-release ministry program.

589A FINANCIAL ASSISTANCE PAYMENTS
DISCHARGE AND TRAVEL PAY
FROM GENERAL REVENUE FUND 1,407,705

589B DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM INMATE WELFARE TRUST FUND 925,000

590 FIXED CAPITAL OUTLAY
PLANNING/SITE ACQUISITION/ENVIRONMENTAL
FROM GENERAL REVENUE FUND 500,000

591 FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND
IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM GENERAL REVENUE FUND 3,000,000

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592 FIXED CAPITAL OUTLAY
CONTRACTED CORRECTIONAL INSTITUTIONS -
LEASE PURCHASE
FROM GENERAL REVENUE FUND 5,927,458

593 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION -
LEASE PURCHASE
FROM GENERAL REVENUE FUND 7,611,571

594 FIXED CAPITAL OUTLAY
IMPROVEMENTS TO SECURITY SYSTEMS
FROM GENERAL REVENUE FUND 9,100,000

595 FIXED CAPITAL OUTLAY
CORRECTION, ENVIRONMENTAL DEFICIENCIES
FROM GENERAL REVENUE FUND 1,500,000

596 FIXED CAPITAL OUTLAY
IMPROVE YOUTHFUL OFFENDER INSTITUTIONS
FROM GENERAL REVENUE FUND 1,018,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 9,162,000

The funds in Specific Appropriations 596 and 598 from the Grants and Donations Trust Fund, for the improvement of youthful offender institutions and providing additional prison bed capacity, are contingent upon receipt of sufficient Violent Offender Incarceration/Truth-in-Sentencing (VOI/TIS) federal grant funds.

597 FIXED CAPITAL OUTLAY
FLORIDA STATE PRISON LOCKDOWN
FROM GENERAL REVENUE FUND 1,790,377

598 FIXED CAPITAL OUTLAY
FACILITIES PROVIDING ADDITIONAL CAPACITY
FROM GENERAL REVENUE FUND 6,086,573
FROM GRANTS AND DONATIONS TRUST FUND . . . 31,314,386

599 FIXED CAPITAL OUTLAY
UPGRADE FACILITIES AT FLORIDA CORRECTIONAL
INSTITUTION
FROM GENERAL REVENUE FUND 1,500,000

COMMUNITY CORRECTIONS

From the funds in Specific Appropriations 601 through 607D, the department will meet the following standards as required by the Government Performance and Accountability Act of 1994, to efficiently and effectively supervise offenders in the community, holding offenders accountable while assisting them in becoming productive, law-abiding citizens.

Performance Measures	Standards
OUTCOMES:	
Offenders who absconded or had their supervision revoked within 2 years:	
All offenders:	
Revoked - number	32,626
- percentage	38.1%
Absconded - number	3,768
- percentage	4.4%
Offenders who did not participate in, or did not complete, programs:	
Revoked - number	32,597
- percentage	39.8%
Absconded - number	3,696

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|              - percentage.................4.5% |
|   Offenders who completed a secure              |
|   residential drug treatment program:           |
|     Revoked - number.......................21 |
|             - percentage..................10.2% |
|     Absconded - number.....................4 |
|              - percentage.................1.9% |
|   Offenders who completed a non-secure          |
|   residential drug treatment program:           |
|     Revoked - number......................455 |
|             - percentage.................29.6% |
|     Absconded - number....................36 |
|              - percentage.................2.3% |
|   Offenders who completed drug                  |
|   treatment program (non-residential):          |
|     Revoked - number.....................1,062 |
|             - percentage.................17.6% |
|     Absconded - number....................61 |
|              - percentage.................1.3% |
|   Offenders who completed program at            |
|   Probation and Restitution Center:             |
|     Revoked - number......................110 |
|             - percentage.................31.0% |
|     Absconded - number....................13 |
|              - percentage.................3.7% |
|                                                 |
|Offenders who successfully complete              |
|supervision/work release (number) but are        |
|subsequently recommitted to DOC for              |
|committing a new crime within 2 years            |
|(number/percentage):                             |
|   All offenders (38,557):                       |
|     To prison........................507(1.3%)|
|     To supervision..................2,211(5.7%)|
|   Offenders who completed:                      |
|     Secure Residential Drug Treatment           |
|     Program (23):                               |
|       To prison.........................0/0% |
|       To supervision...................3(13.0%)|
|     Non-secure Residential Drug                 |
|     Treatment Program (256):                    |
|       To prison.......................7(2.7%)|
|       To supervision................26(10.2%)|
|     Drug Treatment Program                      |
|     (non-residential)(2,832):                   |
|       To prison......................17(0.6%)|
|       To supervision................172(6.1%)|
|     Probation and Restitution Center (34):      |
|       To prison.........................0(0%)|
|       To supervision...................8(23.5%)|
|                                                 |
|Offenders supervised in the community            |
|who are ordered by the court to                  |
|participate in programs, and the                 |
|percentage of those that participate             |
|in programs as required:                         |
|   Educational and/or vocational                 |
|   programs.......................1,977(94.2%)|
|   Drug treatment programs.........31,987(75.5%)|
|                                                 |
|OUTPUTS:                                         |
|--------                                         |
|Number of monthly personal contacts with offenders|
|supervised in the community compared to the      |
|department standard (Based on data from pilot risk|
|classification system from Sep 96 - Jan 97.)     |
|   Administrative.........................0.0 |
|   Basic Risk.............................1.1 |
|   Enhanced Risk..........................1.4 |
|   Intensive Risk.........................1.8 |
|   Close Risk.............................2.4 |
|   Community Control......................6.4 |
|                                                 |
|Total annual dollar amount collected from        |
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|offenders (on community supervision only) by DOC: |
|   Total Collections................$65,061,512 |
|   Restitution......................$25,449,260 |
|   Other court-ordered costs.........$16,825,628 |
|   Costs of supervision.............$22,786,625 |
|                                                 |
|Annual dollar amount collected for subsistence   |
|from offenders/inmates in:                       |
|   Community Correctional Centers                |
|   (work release)....................$7,365,753 |
|   Probation and Restitution Centers.....$532,106 |
|=================================================|
```

In addition to the measures and standards listed above, the department shall collect and report data as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain the official record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

601	SALARIES AND BENEFITS POSITIONS 4,853		
	FROM GENERAL REVENUE FUND	176,519,900	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,211,769
	FROM OPERATING TRUST FUND		3,521,365
	FROM INMATE WELFARE TRUST FUND		122,140

Funds provided in Specific Appropriations 601 through 607B for the probation and restitution centers shall only be used for supervision of felony probationers.

601A	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	49,138	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,248
602	EXPENSES		
	FROM GENERAL REVENUE FUND	29,876,405	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		226,351
	FROM OPERATING TRUST FUND		4,303,450
	FROM INMATE WELFARE TRUST FUND		164,408

From the General Revenue Funds in Specific Appropriation 602, $150,000 is provided for expansion of the Global Positioning Satellite Monitoring for community supervision.

603	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,078,076	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		519,809
	FROM OPERATING TRUST FUND		327,190
603A	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,605,067	
605	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ASSISTANCE ALTERNATIVES TO INCARCERATION PROGRAMS		
	FROM GENERAL REVENUE FUND	500,000	

Funds in Specific Appropriation 605, shall be used to contract for alternatives to incarceration services in the Eleventh Judicial Circuit.

605A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - WOMEN'S VOCATIONAL PROGRAMS		
	FROM GENERAL REVENUE FUND	283,340	

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The funds in Specific Appropriation 605A are provided for start-up businesses that will employ clients of the Agape Women's Center in Dade County.

605B SPECIAL CATEGORIES
DIVERSION CENTERS OPERATIONS
FROM GENERAL REVENUE FUND 5,840,000

606 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 401,011

606A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 600,000
FROM INMATE WELFARE TRUST FUND 550,000

From the funds in Specific Appropriation 606A, $500,000 from recurring general revenue is provided for the Broward County Community Re-entry program through contract with the NAACP and $550,000 from Inmate Welfare Trust Fund is provided for the Criminal Justice Residential Aftercare program operated by New Horizons Community Mental Health Center in Dade County.

From the funds in Specific Appropriation 606A, $100,000 from recurring general revenue is provided to contract with the 11th Circuit court for a JOBS program.

607 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,580,897

607A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 111,840
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,030

607B SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG
TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 16,978,551
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,284,803

From the funds in Specific Appropriation 607B, $100,000 from recurring general revenue is provided for Operation PAR to restore budget cuts.

From the General Revenue funds in Specific Appropriation 607B, $1,408,000 is provided for Operation PAR mental health and drug treatment services.

From the funds in Specific Appropriation 607B, up to $2,000,000 from the Grants and Donations Trust Fund is provided for secure and non-secure drug treatment beds. Expenditure of these funds is contingent upon receipt of sufficient federal reimbursements for incarcerated aliens over and above $14 million.

Of the funds appropriated in Specific Appropriation 607B, the department is directed to terminate its contract for substance abuse services at Dade Bridge, the former Glenbeigh Hospital, by July 15, 1998, if the department is not successful in its appeal of the zoning decision by the Hialeah City Commission. In the event that the department is not successful in its appeal, the Department of Management Services shall immediately enter into negotiations with interested parties to sell the

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property with the proceeds of the sale provided to the Department of Corrections. The Departments of Correction and Management Services shall jointly submit a report to the Chair of the Senate Ways and Means Committee and to the Chair of the House Fiscal Responsibility Council by July 16, 1998, regarding the status of the appeal and, if appropriate, the timetable to dispose of the property.

From the funds in Specific Appropriation 607B, $150,000 from recurring general revenue is provided for the Specialized Women's Adjustment Center located at the Polk/Hardee county line.

607C DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM OPERATING TRUST FUND 764,638

607D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
AGAPE FIXED CAPITAL OUTLAY NEEDS
FROM INMATE WELFARE TRUST FUND 770,000

From the funds in Specific Appropriation 607D, $400,000 is for physical plant improvements and $370,000 is for the purchase of two duplexes for the Agape Women's Center in Dade County.

OFFENDER WORK AND TRAINING

608 SALARIES AND BENEFITS POSITIONS 1,172
FROM GENERAL REVENUE FUND 27,957,733
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 6,965,383
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,296,512
FROM INMATE WELFARE TRUST FUND 4,896,276

608A OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 168,422
FROM INMATE WELFARE TRUST FUND 2,611,834

608B EXPENSES
FROM GENERAL REVENUE FUND 1,248,192
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 394,789
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,396,215
FROM INMATE WELFARE TRUST FUND 6,367,011

608C OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 28,158
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 132,392
FROM GRANTS AND DONATIONS TRUST FUND . . . 494,176
FROM INMATE WELFARE TRUST FUND 726,549

609 LUMP SUM
CORRECTIONAL WORK PROGRAMS
POSITIONS 75
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 5,571,286

The funds and positions in Specific Appropriation 609 from the Correctional Work Program Trust Fund are provided for interagency community service squads, to be funded by state agencies or local governments, and shall be released as needed, based upon execution of interagency community service squad contract(s).

610A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 1,096,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,003

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610B	SPECIAL CATEGORIES CONTRACT DRUG ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	2,308,609	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,270,728
	FROM INMATE WELFARE TRUST FUND		3,000,000
610C	SPECIAL CATEGORIES GRANTS AND AIDS - EVEN START FAMILY LITERACY PROJECT		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		488,688
610D	SPECIAL CATEGORIES GRANTS AND AIDS - STAR SCHOOLS PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,000,000
610E	SPECIAL CATEGORIES MAJOR INSTITUTIONS LAW LIBRARY		
	FROM GENERAL REVENUE FUND	69,229	
611	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	368,339	
611A	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	306,816	
	FROM CORRECTIONAL WORK PROGRAM TRUST FUND		70,782

HEALTH SERVICES

From the funds in Specific Appropriations 612 through 614A, the department will meet the following standards for Health Care Services as required by the Government Performance and Accountability Act of 1994, to maintain a humane environment in correctional institutions by providing inmates with effective health care treatment.

Performance Measures	Standards
OUTCOMES:	
Health care grievances that are upheld - total	3085
- number upheld	50
- percentage upheld	1.6%
Number of suicides per 1,000 inmates compared to the national average for correctional facilities/institutions:	
Within DOC	0.06
National average	N/A

In addition to the measures and standards listed above, the department shall collect and report data as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain the official record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

612	SALARIES AND BENEFITS POSITIONS 2,836		
	FROM GENERAL REVENUE FUND	120,287,843	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		340,388

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612A	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,637,743	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		8,523
612B	EXPENSES		
	FROM GENERAL REVENUE FUND	39,142,049	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		132,759
612C	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	184,703	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		8,790
613A	SPECIAL CATEGORIES COMMUNITY HOSPITAL COSTS		
	FROM GENERAL REVENUE FUND	23,593,937	
613B	SPECIAL CATEGORIES CONTRACT FOR HEALTH SERVICES - SOUTH FLORIDA RECEPTION CENTER		
	FROM GENERAL REVENUE FUND	10,681,650	
614	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,610,047	
614A	SPECIAL CATEGORIES TREATMENT OF INMATES WITH ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)		
	FROM GENERAL REVENUE FUND	6,800,000	

EDUCATION AND JOB TRAINING

From the funds provided in Specific Appropriations 614B through 614H, the department will meet the following standards as required by the Government Performance and Accountability Act of 1994, to utilize inmate labor to benefit the state and local governments and provide educational, vocational, and other programs and services designed to enhance inmates' institutional behavior while reducing the likelihood that inmates will reoffend upon their release from prison.

Performance Measures	Standards
OUTCOMES:	
Number and percentage* of inmates needing, participating in, and successfully completing programs (by program type)(*Need is based on total inmate population; Participation is based on those identified with need; Completion is based on participation):	
Mandatory Literacy Program:	
Participate	6,026
Complete	2,850(47%)
GED Education:	
Participate	13,128
Complete	2,348(18%)
Vocational Education:	
Participate	6,638
Complete	2,310(35%)
Drug Abuse Education/Treatment:	
Participate	12,438
Complete	4,960(40%)
Life Skills Programs:	
Participate	13,958
Complete	12,828(92%)
Transition Programs:	

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Participate	3,066
Complete	2,472(81%)
Wellness Programs:	
Participate	1,844
Complete	674(37%)
Percentage of inmates placed in a correctional facility where at least one of the inmate's primary program needs is provided	72%
Number of inmates available for work assignments and the percentage of those available for work who are not assigned	50,971(2.3%)
Number of available work assignments and the percentage of those work assignments that are 40 hour per week assignments	34,626
Average increase in grade level per instructional period* achieved by inmates participating in educational programs (*a period averages about three months)	0.6
Number of GED certificates earned by offenders per teacher (with # GED/MLP teachers shown)	15.05(156 Tchrs)
Number of vocational certificates earned by offenders per teacher (with # of vocation, teachers shown)	16.62(139 Tchrs)
OUTPUTS:	
Number and percentage of transition plans completed for inmates released from from prison	19,204(95%)
Number of mandatory literacy programs completed by offenders per teacher (with # of GED/MLP teachers shown)	18.27(156 Tchrs)
Number of victims notified annually and the percentage of victim notifications that meet the statutory time period requirements	15,586
Number of annual volunteer hours in the chaplaincy program (with the annual percentage change from previous FY)	250,000(2.8%)

In addition to the measures and standards listed above, the department shall collect and report data as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain the official record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

614B SALARIES AND BENEFITS POSITIONS 147		
FROM GENERAL REVENUE FUND	495,436	
FROM GRANTS AND DONATIONS TRUST FUND		480,195
FROM INMATE WELFARE TRUST FUND		2,493,471
614C OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	50,000	
614D EXPENSES		
FROM GENERAL REVENUE FUND	124,110	
FROM GRANTS AND DONATIONS TRUST FUND		286,270
614E OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	73,912	
FROM GRANTS AND DONATIONS TRUST FUND		92,350
FROM INMATE WELFARE TRUST FUND		232,448
614F SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	268,750	
614G SPECIAL CATEGORIES CONTRACT DRUG ABUSE SERVICES		
FROM GRANTS AND DONATIONS TRUST FUND		447,335
614H SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	14,100	

JUSTICE ADMINISTRATION

JUSTICE ADMINISTRATIVE COMMISSION

615 SALARIES AND BENEFITS POSITIONS 32		
FROM GENERAL REVENUE FUND	1,197,230	
FROM GRANTS AND DONATIONS TRUST FUND		29,773
616 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	15,094	
617 EXPENSES		
FROM GENERAL REVENUE FUND	145,404	
FROM GRANTS AND DONATIONS TRUST FUND		4,825
618 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	13,322	

619 LUMP SUM
STATE ATTORNEY, PUBLIC DEFENDER CONTRACT/ GRANT POSITIONS
POSITIONS 50

The positions in Specific Appropriation 619 are provided for State Attorneys and Public Defenders for use with grants received during the 1998-1999 fiscal year. State Attorney and Public Defender circuits may transfer these positions as needed into their budget entities for use with grant funds which will recur for a minimum of 3 years, provided that notification and documentation of the grant received is provided to the Chairmen of the Appropriations and Ways and Means Committees of the Legislature and to the Executive Office of the Governor, such notification to be subject to the legislative objection provisions of Chapter 216, Florida Statutes.

620 LUMP SUM
CRITICAL INFORMATION RESOURCE NEEDS
POSITIONS 4
FROM GENERAL REVENUE FUND 3,335,861

From the funds in Specific Appropriation 620, $49,949 is provided for critical information needs for the Justice Administrative Commission, $1,985,667 is provided for critical information needs for state attorneys and 4 FTE and $1,300,245 is provided for critical information needs for public defenders.

Funds in Specific Appropriation 620 are contingent upon implementation of uniform quarterly workload reporting using common definitions among all state attorneys and public defenders that will, at a minimum, include the following data elements: total

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number of cases, number of cases that go to trial, number of attorney hours spent on cases that go to trial, number of cases that do not go to trial, number of attorney hours spent on cases that do not go to trial, number of cases that go to trial in which the trial is not completed, number of attorney hours spent on cases that go to trial in which the trial is not completed, number of counts, number of counts per trial/case, and total hours spent by attorneys on non-case related activities. The Justice Administrative Commission shall coordinate the development of the common format and definitions for reporting, in conjunction with the Public Defender Coordination Office, the Association of Prosecuting Attorneys, the House and Senate fiscal committees having jurisdiction, the Executive Office of the Governor, the State Courts Administrator, and representatives from state attorney and public defender offices. Funds in Specific Appropriation 620 may not be disbursed until the first quarterly reports are received from all circuits.

621 LUMP SUM
SELECT EXEMPT STATUS
FROM GENERAL REVENUE FUND 1,030,619

From funds in Specific Appropriation 621, $636,509 and $394,110 from the General Revenue Fund are provided for Select Exempt Service benefits for only the Assistant State Attorneys and Assistant Public Defenders, respectively. State Attorneys and Public Defenders shall submit amended classification and pay plans to include Select Exempt Service benefits prior to January 1, 1999, pursuant to sections 27.25 and 27.53, Florida Statutes.

623 SPECIAL CATEGORIES
CONFLICT CASES
FROM GENERAL REVENUE FUND 2,500,000

The allocation of funds in Specific Appropriation 623 for conflict cases shall be used solely for compensation of court appointed attorneys who are members of the Florida Bar and who have been approved by the circuit's conflict committee to handle such cases. Attorneys shall be appointed by the trial court for purposes of representation and compensated as provided in ss. 27.53, 925.035, 925.036, and 925.037, Florida Statutes.

624 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF MANAGEMENT SERVICES FOR COPES
FROM GENERAL REVENUE FUND 90,125

625 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 210,716

626 SPECIAL CATEGORIES
STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT
FROM GENERAL REVENUE FUND 134,620

627 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER TRAINING
FROM GENERAL REVENUE FUND 35,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000

STATE ATTORNEYS

The Prosecution Coordination Office's budgetary, training, and education needs may be shared by each

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State Attorney's office within the funds provided in Specific Appropriations 628 through 796. Funding for this office shall not exceed $200,000.

No expenditures for computers or computer related equipment shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.

From the funds in Specific Appropriations 628 through 796, each State Attorney may transfer General Revenue Funds up to $250,000 in accordance with the provisions of Chapter 216, Florida Statutes, and consistent with previously filed strategic plans for information technology, for the express purpose of purchasing computers or computer related equipment.

From the funds provided in Specific Appropriations 628 through 796, new Assistant State Attorney positions shall be established at a rate not to exceed $30,951.

FIRST JUDICIAL CIRCUIT

628 SALARIES AND BENEFITS POSITIONS 185
FROM GENERAL REVENUE FUND 8,177,449
FROM GRANTS AND DONATIONS TRUST FUND . . . 316,013

629 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 17,213

630 EXPENSES
FROM GENERAL REVENUE FUND 417,276
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 9,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 67,000

631 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 67,026
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 240,600

632A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 16,500

633 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,675

634 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,998

635 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 72,768

SECOND JUDICIAL CIRCUIT

636 SALARIES AND BENEFITS POSITIONS 105
FROM GENERAL REVENUE FUND 4,839,477
FROM GRANTS AND DONATIONS TRUST FUND . . . 284,818

637 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,386
FROM GRANTS AND DONATIONS TRUST FUND . . . 141,480

638 EXPENSES
FROM GENERAL REVENUE FUND 322,841
FROM GRANTS AND DONATIONS TRUST FUND . . . 67,740

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639 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	39,758	
FROM GRANTS AND DONATIONS TRUST FUND . . .		45,000
641 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
642 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	7,684	
643 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	8,195	
644 SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	31,941	
THIRD JUDICIAL CIRCUIT		
645 SALARIES AND BENEFITS POSITIONS	58	
FROM GENERAL REVENUE FUND	2,796,655	
FROM GRANTS AND DONATIONS TRUST FUND . . .		126,523
646 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	2,605	
FROM GRANTS AND DONATIONS TRUST FUND . . .		11,440
647 EXPENSES		
FROM GENERAL REVENUE FUND	253,929	
FROM GRANTS AND DONATIONS TRUST FUND . . .		24,634
648 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	13,065	
FROM GRANTS AND DONATIONS TRUST FUND . . .		25,395
650 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		74,485
651 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	15,175	
652 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	6,110	
653 SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	2,813	
FROM CIVIL RICO TRUST FUND		11,946
FOURTH JUDICIAL CIRCUIT		
654 SALARIES AND BENEFITS POSITIONS	317	
FROM GENERAL REVENUE FUND	14,019,008	
FROM GRANTS AND DONATIONS TRUST FUND . . .		498,712
655 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	147,500	
FROM CONSUMER FRAUDS TRUST FUND		21,272
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		63,815
FROM GRANTS AND DONATIONS TRUST FUND . . .		311,740
656 EXPENSES		
FROM GENERAL REVENUE FUND	335,462	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		10,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		465,989

SECTION 4 SPECIFIC APPROPRIATION		
657 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	105,099	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		35,847
FROM GRANTS AND DONATIONS TRUST FUND . . .		84,493
659 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		65,200
660 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	100,848	
661 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	11,547	
662 SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	74,773	
FIFTH JUDICIAL CIRCUIT		
663 SALARIES AND BENEFITS POSITIONS	196	
FROM GENERAL REVENUE FUND	8,138,800	
FROM GRANTS AND DONATIONS TRUST FUND . . .		293,689
664 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,732	
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,200
665 EXPENSES		
FROM GENERAL REVENUE FUND	303,686	
FROM CIVIL RICO TRUST FUND		1,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		47,076
666 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	71,774	
FROM GRANTS AND DONATIONS TRUST FUND . . .		12,000
667A SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
668 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	12,880	
669 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	15,938	
670 SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	62,809	
SIXTH JUDICIAL CIRCUIT		
671 SALARIES AND BENEFITS POSITIONS	390	
FROM GENERAL REVENUE FUND	17,468,001	
FROM GRANTS AND DONATIONS TRUST FUND . . .		59,613

From the funds in Specific Appropriation 671, 2 positions and $58,164 from General Revenue are provided for the Truancy Intervention Program.

672 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	64,204	
FROM GRANTS AND DONATIONS TRUST FUND . . .		26,652
673 EXPENSES		
FROM GENERAL REVENUE FUND	588,821	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,286

SECTION 4
SPECIFIC
APPROPRIATION

674	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	88,614	
	FROM CIVIL RICO TRUST FUND		1,474
	FROM CONSUMER FRAUDS TRUST FUND		1,011
	FROM GRANTS AND DONATIONS TRUST FUND . . .		429,813
676	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		33,000
677	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	50,505	
678	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	23,009	
679	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	48,561	

SEVENTH JUDICIAL CIRCUIT

680	SALARIES AND BENEFITS POSITIONS	203	
	FROM GENERAL REVENUE FUND	9,025,979	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		417,338
681	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,264	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		33,800
682	EXPENSES		
	FROM GENERAL REVENUE FUND	450,712	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		19,493
683	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	50,202	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		8,000
685	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		81,500
686	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	138,934	
687	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,171	
688	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	32,494	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		8,000

EIGHTH JUDICIAL CIRCUIT

689	SALARIES AND BENEFITS POSITIONS	133	
	FROM GENERAL REVENUE FUND	5,052,224	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		912,051

From the Grants and Donations Trust Fund in Specific Appropriation 689, $195,450 and 7 positions is provided for the continuation of the pilot project for Child Welfare Legal Services in conjunction with the Department of Children and Families.

690	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,640	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		31,782

SECTION 4
SPECIFIC
APPROPRIATION

691	EXPENSES		
	FROM GENERAL REVENUE FUND	236,730	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		97,834
692	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	61,990	
	FROM CIVIL RICO TRUST FUND		3,117
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,300
693A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,900
694	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	16,291	
695	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,676	
696	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	34,103	

NINTH JUDICIAL CIRCUIT

697	SALARIES AND BENEFITS POSITIONS	280	
	FROM GENERAL REVENUE FUND	12,438,988	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		36,266
	FROM GRANTS AND DONATIONS TRUST FUND . . .		222,828
698	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	92,265	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		63,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		43,680
699	EXPENSES		
	FROM GENERAL REVENUE FUND	315,869	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		27,022
	FROM GRANTS AND DONATIONS TRUST FUND . . .		61,951
700	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	101,885	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		23,157
701A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		19,500
	FROM GRANTS AND DONATIONS TRUST FUND . . .		65,200
702	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	33,594	
703	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	27,936	
704	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	96,649	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,600

TENTH JUDICIAL CIRCUIT

705	SALARIES AND BENEFITS POSITIONS	185	
	FROM GENERAL REVENUE FUND	7,569,780	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		587,415

SECTION 4
SPECIFIC
APPROPRIATION

706	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,871	
	FROM CIVIL RICO TRUST FUND		1,000
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		3,507
	FROM GRANTS AND DONATIONS TRUST FUND . . .		71,164
707	EXPENSES		
	FROM GENERAL REVENUE FUND	349,767	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		113,064
708	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	39,430	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		42,450
709A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,300
710	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	60,735	
711	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	14,545	
712	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	29,719	

ELEVENTH JUDICIAL CIRCUIT

713	SALARIES AND BENEFITS POSITIONS	1,087	
	FROM GENERAL REVENUE FUND	33,125,072	
	FROM CHILD SUPPORT TRUST FUND		10,940,878
	FROM GRANTS AND DONATIONS TRUST FUND . . .		957,679
714	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	243,644	
	FROM CHILD SUPPORT TRUST FUND		212,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,000
715	EXPENSES		
	FROM GENERAL REVENUE FUND	955,668	
	FROM CHILD SUPPORT TRUST FUND		2,407,367
	FROM CIVIL RICO TRUST FUND		34,000
	FROM CONSUMER FRAUDS TRUST FUND		10,939
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		25,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		238,205
716	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	199,944	
	FROM CHILD SUPPORT TRUST FUND		235,616
	FROM CIVIL RICO TRUST FUND		8,500
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		20,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,354
718	LUMP SUM		
	CHILD SUPPORT ENFORCEMENT STAFFING POSITIONS	64	
	FROM CHILD SUPPORT TRUST FUND		2,700,000

The funds in Specific Appropriation 718 shall be used for workload needs of the Dade County State Attorney related to implementation of federal requirements for Child Support Enforcement. The funds shall be used for the assignment of attorneys, support staff, and associated expenses needed to process the increase in unobligated child support cases resulting from enforcement activities. The Dade County State Attorney shall provide a proposed allocation of funds to the Department of Revenue for inclusion in its work plan submitted to the Executive Office of the Governor.

SECTION 4
SPECIFIC
APPROPRIATION

718A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,800
719	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	174,283	
	FROM CHILD SUPPORT TRUST FUND		21,679
720	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	22,500	
721	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	119,075	

TWELFTH JUDICIAL CIRCUIT

722	SALARIES AND BENEFITS POSITIONS	169	
	FROM GENERAL REVENUE FUND	7,575,760	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		52,574
723	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,375	
724	EXPENSES		
	FROM GENERAL REVENUE FUND	359,909	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,589
725	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	59,851	
727	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	34,022	
728	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,580	
729	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	55,979	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,500

THIRTEENTH JUDICIAL CIRCUIT

730	SALARIES AND BENEFITS POSITIONS	299	
	FROM GENERAL REVENUE FUND	13,621,038	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		39,777
731	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	100,177	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
732	EXPENSES		
	FROM GENERAL REVENUE FUND	308,863	
733	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	142,562	
735	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	46,800	
736	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,913	

SECTION 4
SPECIFIC
APPROPRIATION

737 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 34,404

FOURTEENTH JUDICIAL CIRCUIT

738 SALARIES AND BENEFITS POSITIONS 88
FROM GENERAL REVENUE FUND 4,002,623
FROM GRANTS AND DONATIONS TRUST FUND . . . 203,866

739 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,721
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,900

740 EXPENSES
FROM GENERAL REVENUE FUND 233,159
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000

741 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,597

742A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,600

743 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,728

744 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,794

745 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 13,488

FIFTEENTH JUDICIAL CIRCUIT

746 SALARIES AND BENEFITS POSITIONS 313
FROM GENERAL REVENUE FUND 13,197,617
FROM GRANTS AND DONATIONS TRUST FUND . . . 997,687

747 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 56,629
FROM GRANTS AND DONATIONS TRUST FUND . . . 42,120

748 EXPENSES
FROM GENERAL REVENUE FUND 609,182
FROM GRANTS AND DONATIONS TRUST FUND . . . 255,812

749 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 101,888
FROM GRANTS AND DONATIONS TRUST FUND . . . 45,500

751 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 76,981

752 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 10,702
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000

753 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 59,459
FROM GRANTS AND DONATIONS TRUST FUND . . . 17,575

SIXTEENTH JUDICIAL CIRCUIT

754 SALARIES AND BENEFITS POSITIONS 70
FROM GENERAL REVENUE FUND 2,573,408
FROM GRANTS AND DONATIONS TRUST FUND . . . 651,751

SECTION 4
SPECIFIC
APPROPRIATION

755 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,684
FROM GRANTS AND DONATIONS TRUST FUND . . . 45,203

756 EXPENSES
FROM GENERAL REVENUE FUND 179,353
FROM GRANTS AND DONATIONS TRUST FUND . . . 63,563

757 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 12,161
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 15,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 85,623

758A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 38,300

759 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 21,979

760 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,129

761 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 4,500

SEVENTEENTH JUDICIAL CIRCUIT

762 SALARIES AND BENEFITS POSITIONS 426
FROM GENERAL REVENUE FUND 19,265,138
FROM GRANTS AND DONATIONS TRUST FUND . . . 172,618

763 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 90,566

764 EXPENSES
FROM GENERAL REVENUE FUND 764,138
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,000

765 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 255,169

From the funds provided in Specific Appropriations 762, 763, 764 and 765, 9 positions and $401,066, $60,621, $13,673, and $24,640 respectively from General Revenue are provided for the implementation of a Truancy Intervention Program in Broward County.

767 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 62,457

768 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 62,366

769 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 35,372

770 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 2,004

EIGHTEENTH JUDICIAL CIRCUIT

771 SALARIES AND BENEFITS POSITIONS 249
FROM GENERAL REVENUE FUND 10,323,813
FROM GRANTS AND DONATIONS TRUST FUND . . . 735,964

SECTION 4 SPECIFIC APPROPRIATION		
772 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	19,868	
FROM GRANTS AND DONATIONS TRUST FUND . . .		79,215
773 EXPENSES		
FROM GENERAL REVENUE FUND	430,236	
FROM GRANTS AND DONATIONS TRUST FUND . . .		38,924
774 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	76,817	
FROM GRANTS AND DONATIONS TRUST FUND . . .		95,860
776 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	135,809	
777 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	9,707	
778 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	68,277	
NINETEENTH JUDICIAL CIRCUIT		
779 SALARIES AND BENEFITS POSITIONS	138	
FROM GENERAL REVENUE FUND	5,596,013	
FROM GRANTS AND DONATIONS TRUST FUND . . .		523,434
780 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	19,658	
FROM GRANTS AND DONATIONS TRUST FUND . . .		35,000
781 EXPENSES		
FROM GENERAL REVENUE FUND	237,166	
FROM GRANTS AND DONATIONS TRUST FUND . . .		105,254
782 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	45,990	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		15,619
784 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		65,200
785 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	185,168	
786 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	8,874	
787 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	33,270	
TWENTIETH JUDICIAL CIRCUIT		
788 SALARIES AND BENEFITS POSITIONS	221	
FROM GENERAL REVENUE FUND	9,624,346	
FROM CIVIL RICO TRUST FUND		190,411
FROM GRANTS AND DONATIONS TRUST FUND . . .		199,339
789 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	14,574	
FROM CIVIL RICO TRUST FUND		36,348
FROM GRANTS AND DONATIONS TRUST FUND . . .		49,254

SECTION 4 SPECIFIC APPROPRIATION		
790 EXPENSES		
FROM GENERAL REVENUE FUND	360,811	
FROM CIVIL RICO TRUST FUND		36,044
FROM GRANTS AND DONATIONS TRUST FUND . . .		154,992
791 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	66,434	
FROM CIVIL RICO TRUST FUND		59,352
FROM GRANTS AND DONATIONS TRUST FUND . . .		65,411
793 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM CIVIL RICO TRUST FUND		32,600
FROM GRANTS AND DONATIONS TRUST FUND . . .		32,600
794 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	72,300	
795 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	21,288	
FROM GRANTS AND DONATIONS TRUST FUND . . .		480
796 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	35,880	
FROM CIVIL RICO TRUST FUND		680
FROM GRANTS AND DONATIONS TRUST FUND . . .		17,009

PUBLIC DEFENDERS

The Public Defenders' Coordination Office's budgetary needs may be shared by each public defender's office within the funds provided in Specific Appropriations 797 through 961. The total funding for this office shall not exceed $300,000.

No expenditures for computers or computer related equipment shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.

New Assistant Public Defender positions shall be established at a rate not to exceed $30,951. New Assistant Public Defender positions for appeals shall be established at a rate not to exceed $35,409.

From the funds in Specific Appropriations 797 through 961, each Public Defender may transfer General Revenue Funds up to $250,000 in accordance with the provisions of Chapter 216, Florida Statutes, and consistent with previously filed strategic plans for information technology, for the express purpose of purchasing computers or computer related equipment.

Within the funds in Specific Appropriations 797 through 961, the Public Defenders' Coordination Office shall report quarterly to the Executive Office of the Governor and chairs of the House Fiscal Responsibility Council and the Senate Ways and Means Committee the number of appellate and trial level conflict cases in each judicial circuit. Conflict cases are defined in ss. 27.54(2)(b) and 27.53(3), Florida Statutes, and include court appointed outside counsel as a result of that office's inability to provide adequate representation due to a stated lack of resources.

SECTION 4
SPECIFIC
APPROPRIATION

FIRST JUDICIAL CIRCUIT

797 SALARIES AND BENEFITS POSITIONS 105
FROM GENERAL REVENUE FUND 4,743,236

798 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,888
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 10,000

799 EXPENSES
FROM GENERAL REVENUE FUND 186,073

800 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 97,996
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 9,400

802 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 19,711

803 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,690

SECOND JUDICIAL CIRCUIT

804 SALARIES AND BENEFITS POSITIONS 77
FROM GENERAL REVENUE FUND 3,321,814
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,056

805 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,744
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 3,750

806 EXPENSES
FROM GENERAL REVENUE FUND 181,105
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,150

807 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 31,131
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 798

808A LUMP SUM
PUBLIC DEFENDER ENHANCEMENTS - 2ND CIRCUIT
POSITIONS 1
FROM GENERAL REVENUE FUND 30,000

809 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,754

810 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,755

810A SPECIAL CATEGORIES
TRANSFER TO STATE EMPLOYEES HEALTH INSURANCE TRUST FUND
FROM GENERAL REVENUE FUND 37,757
FROM GRANTS AND DONATIONS TRUST FUND . . . 277

THIRD JUDICIAL CIRCUIT

811 SALARIES AND BENEFITS POSITIONS 27
FROM GENERAL REVENUE FUND 1,472,624

812 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,887

SECTION 4
SPECIFIC
APPROPRIATION

813 EXPENSES
FROM GENERAL REVENUE FUND 122,847

814 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,516

816 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,754

817 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,596

FOURTH JUDICIAL CIRCUIT

818 SALARIES AND BENEFITS POSITIONS 144
FROM GENERAL REVENUE FUND 6,664,506

819 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,277
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 24,900

820 EXPENSES
FROM GENERAL REVENUE FUND 249,348

821 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 50,038

823 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 31,954

824 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 96,950

FIFTH JUDICIAL CIRCUIT

825 SALARIES AND BENEFITS POSITIONS 73
FROM GENERAL REVENUE FUND 3,227,136
FROM GRANTS AND DONATIONS TRUST FUND . . . 57,564

826 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,000

827 EXPENSES
FROM GENERAL REVENUE FUND 179,356

828 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,850
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 8,983

830 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 10,312
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 7,498

831 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,417

SIXTH JUDICIAL CIRCUIT

832 SALARIES AND BENEFITS POSITIONS 192
FROM GENERAL REVENUE FUND 8,820,319

833 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 82,867

SECTION 4
SPECIFIC
APPROPRIATION

834 EXPENSES
FROM GENERAL REVENUE FUND 440,543

835 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 83,419

837 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 45,201

838 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 71,186

SEVENTH JUDICIAL CIRCUIT

839 SALARIES AND BENEFITS POSITIONS 107
FROM GENERAL REVENUE FUND 4,746,240

840 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 34

841 EXPENSES
FROM GENERAL REVENUE FUND 143,165

842 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,968
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 18,400

844 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 40,661
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 4,200

845 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,172

EIGHTH JUDICIAL CIRCUIT

846 SALARIES AND BENEFITS POSITIONS 65
FROM GENERAL REVENUE FUND 2,970,519

847 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,919

848 EXPENSES
FROM GENERAL REVENUE FUND 118,087
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 2,815

849 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,410

851 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 10,369

852 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,829

NINTH JUDICIAL CIRCUIT

853 SALARIES AND BENEFITS POSITIONS 127
FROM GENERAL REVENUE FUND 5,586,002

854 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,000

SECTION 4
SPECIFIC
APPROPRIATION

855 EXPENSES
FROM GENERAL REVENUE FUND 283,078

856 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 68,609

858 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 26,979

859 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 30,116

TENTH JUDICIAL CIRCUIT

860 SALARIES AND BENEFITS POSITIONS 98
FROM GENERAL REVENUE FUND 4,392,966

861 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,580
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 6,200

862 EXPENSES
FROM GENERAL REVENUE FUND 171,966

863 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,189

865 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,665

866 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 25,295

ELEVENTH JUDICIAL CIRCUIT

867 SALARIES AND BENEFITS POSITIONS 357
FROM GENERAL REVENUE FUND 15,281,013
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,837,255

868 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,217

869 EXPENSES
FROM GENERAL REVENUE FUND 652,765

870 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 98,571

872 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 86,731

873 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 26,990

TWELFTH JUDICIAL CIRCUIT

874 SALARIES AND BENEFITS POSITIONS 85
FROM GENERAL REVENUE FUND 3,863,686

875 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,699

876 EXPENSES
FROM GENERAL REVENUE FUND 266,633

SECTION 4
SPECIFIC
APPROPRIATION

877 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 47,642

879 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 50,653

880 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 58,419

THIRTEENTH JUDICIAL CIRCUIT

881 SALARIES AND BENEFITS POSITIONS 179
FROM GENERAL REVENUE FUND 7,998,741

882 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 48,954

883 EXPENSES
FROM GENERAL REVENUE FUND 567,989

884 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 125,122

886 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 27,231

887 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 182,173

FOURTEENTH JUDICIAL CIRCUIT

888 SALARIES AND BENEFITS POSITIONS 41
FROM GENERAL REVENUE FUND 2,299,446

889 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,101

890 EXPENSES
FROM GENERAL REVENUE FUND 137,801

891 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,029

893 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 26,694

894 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,632

FIFTEENTH JUDICIAL CIRCUIT

895 SALARIES AND BENEFITS POSITIONS 181
FROM GENERAL REVENUE FUND 7,728,986

896 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 248,199

897 EXPENSES
FROM GENERAL REVENUE FUND 251,025

898 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 58,525

900 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 11,584

SECTION 4
SPECIFIC
APPROPRIATION

901 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 20,023

SIXTEENTH JUDICIAL CIRCUIT

902 SALARIES AND BENEFITS POSITIONS 36
FROM GENERAL REVENUE FUND 1,632,732

903 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,468

904 EXPENSES
FROM GENERAL REVENUE FUND 116,541

905 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,957

907 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 21,415

908 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 7,990

SEVENTEENTH JUDICIAL CIRCUIT

909 SALARIES AND BENEFITS POSITIONS 193
FROM GENERAL REVENUE FUND 9,273,659

910 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 86,757

911 EXPENSES
FROM GENERAL REVENUE FUND 448,989

912 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 70,181

914 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 54,306

915 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 24,806

EIGHTEENTH JUDICIAL CIRCUIT

916 SALARIES AND BENEFITS POSITIONS 88
FROM GENERAL REVENUE FUND 3,876,481

917 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,953

918 EXPENSES
FROM GENERAL REVENUE FUND 227,042

919 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 37,176
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 22,000

921 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 31,668

922 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,822

SECTION 4
SPECIFIC
APPROPRIATION
NINETEENTH JUDICIAL CIRCUIT

923 SALARIES AND BENEFITS POSITIONS 61
FROM GENERAL REVENUE FUND 2,684,994

From the funds in Specific Appropriation 923, one FTE and $28,000 from the General Revenue Fund are provided to the Public Defender in the 19th Judicial Circuit to screen first time adult offenders.

924 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 10,893

925 EXPENSES
FROM GENERAL REVENUE FUND 159,475
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 1,575

926 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 23,992

928 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 43,266

929 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 63,475

TWENTIETH JUDICIAL CIRCUIT

930 SALARIES AND BENEFITS POSITIONS 81
FROM GENERAL REVENUE FUND 3,341,838
FROM GRANTS AND DONATIONS TRUST FUND . . . 180,605

931 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,287

932 EXPENSES
FROM GENERAL REVENUE FUND 185,302

933 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 49,376

935 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 18,371

936 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,636

PUBLIC DEFENDERS APPELLATE DIVISION

SECOND JUDICIAL CIRCUIT

937 SALARIES AND BENEFITS POSITIONS 34
FROM GENERAL REVENUE FUND 1,734,148

938 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,500

939 EXPENSES
FROM GENERAL REVENUE FUND 130,966

940 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 40,197

941 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 16,715

SECTION 4
SPECIFIC
APPROPRIATION
SEVENTH JUDICIAL CIRCUIT

942 SALARIES AND BENEFITS POSITIONS 31
FROM GENERAL REVENUE FUND 1,580,384

943 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,400

944 EXPENSES
FROM GENERAL REVENUE FUND 164,418

945 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,421

946 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,805

TENTH JUDICIAL CIRCUIT

947 SALARIES AND BENEFITS POSITIONS 49
FROM GENERAL REVENUE FUND 2,427,449

948 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,744

949 EXPENSES
FROM GENERAL REVENUE FUND 158,296

950 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,669

950A LUMP SUM
PUBLIC DEFENDER 10TH CIRCUIT APPELLATE DIVISION WORKLOAD
FROM GENERAL REVENUE FUND 300,000

Funds in Specific Appropriation 950A may be used to provide counties within the Second District Court of Appeals (2nd DCA) funding for indigent criminal appeals pursuant to Florida Supreme Court Opinion Nos. 92,636 and 92,534. Funds may be disbursed to counties within the 2nd DCA based upon the pro rata share of appellate cases required to be funded by each county. In the event the aforementioned opinions are modified, funds may be used by the Public Defender of the Tenth Judicial Circuit to represent indigent defendants on appeal as required in s. 27.51(4)(b), Florida Statutes.

951 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 16,395

ELEVENTH JUDICIAL CIRCUIT

952 SALARIES AND BENEFITS POSITIONS 23
FROM GENERAL REVENUE FUND 1,514,640

953 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,165

954 EXPENSES
FROM GENERAL REVENUE FUND 103,150

955 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 12,452

956 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 8,721

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SPECIFIC
APPROPRIATION
FIFTEENTH JUDICIAL CIRCUIT

957 SALARIES AND BENEFITS POSITIONS 36
FROM GENERAL REVENUE FUND 2,493,214

958 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,837

959 EXPENSES
FROM GENERAL REVENUE FUND 115,035

960 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,165

961 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 22,531

OFFICE OF CAPITAL COLLATERAL REPRESENTATIVE

From the funds provided in Specific Appropriations 962 through 985, the Capital Collateral Regional Counsels must establish performance measures and begin collecting baseline data useful for managing workload and expediting cases through collateral proceedings in compliance with Supreme Court Rule 3.852, ss. 924.051 and 924.055, Florida Statutes, and all the provisions of the Florida Rules of Criminal Procedure in capital collateral litigation. Such measures and standards shall include making any requests for public records. These measures shall be reported to the legislature by February 1, 1999.

NORTHERN REGIONAL COUNSEL

962 SALARIES AND BENEFITS POSITIONS 22
FROM GENERAL REVENUE FUND 1,054,772

963 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 42,129

964 EXPENSES
FROM GENERAL REVENUE FUND 252,751
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 21,222

965 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,531

965A LUMP SUM
WORKLOAD FUNDING FOR CAPITAL COLLATERAL
REGIONAL COUNSELS
POSITIONS 6
FROM GENERAL REVENUE FUND 176,484

966 SPECIAL CATEGORIES
OVERTIME
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 20,672

967 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,765

968 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW
LIBRARY
FROM GENERAL REVENUE FUND 4,500

969 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 10,490

SECTION 4
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APPROPRIATION
MIDDLE REGIONAL COUNSEL

970 SALARIES AND BENEFITS POSITIONS 29
FROM GENERAL REVENUE FUND 1,532,028

From the funds in Specific Appropriation 970, $200,000 in General Revenue Funds is provided to the Capital Collateral Middle Regional Counsel for additional salary rate.

971 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 58,218

972 EXPENSES
FROM GENERAL REVENUE FUND 422,706
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 32,159

973 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 50,878

973A LUMP SUM
WORKLOAD FUNDING FOR CAPITAL COLLATERAL
REGIONAL COUNSELS
POSITIONS 6
FROM GENERAL REVENUE FUND 176,484

974 SPECIAL CATEGORIES
OVERTIME
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 31,327

975 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 19,344

976 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW
LIBRARY
FROM GENERAL REVENUE FUND 6,500

977 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 11,990

SOUTHERN REGIONAL COUNSEL

978 SALARIES AND BENEFITS POSITIONS 24
FROM GENERAL REVENUE FUND 1,110,334

979 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 52,455

980 EXPENSES
FROM GENERAL REVENUE FUND 385,115
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 28,241

981 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,957

981A LUMP SUM
WORKLOAD FUNDING FOR CAPITAL COLLATERAL
REGIONAL COUNSELS
POSITIONS 6
FROM GENERAL REVENUE FUND 176,484

982 SPECIAL CATEGORIES
OVERTIME
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 27,510

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983 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,988

984 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY
FROM GENERAL REVENUE FUND 5,500

985 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 11,990

JUVENILE JUSTICE, DEPARTMENT OF

OFFICE OF SECRETARY AND MANAGEMENT AND BUDGET

From the funds in Specific Appropriations 986 through 1030, the Department of Juvenile Justice shall include in its competitive solicitations for purposes of evaluating proposals and awarding contracts all of the following criteria:

1) the provider has an established history of program implementation within the fiscal constraints of the contract;
2) the program has achieved measurable results in educational achievements by its participants;
3) the program has recidivism rates for clients served which are lower than the department average for contract providers at comparable levels or types;
4) the provider has received satisfactory or higher ratings in the department's Quality Assurance Evaluation;
5) the provider has documented involvement by the community in which the program is located indicating the community's support for the continuation of the program, such as local boards, volunteers, local financial or in-kind support, and support by local governmental organizations.

By December 1 of each year the department shall report to the Legislature the results of applying these criteria to contract proposals.

986 SALARIES AND BENEFITS POSITIONS 412
FROM GENERAL REVENUE FUND 17,732,972
FROM ADMINISTRATIVE TRUST FUND 39,840
FROM GRANTS AND DONATIONS TRUST FUND . . . 89,214

987 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 341,235
FROM GRANTS AND DONATIONS TRUST FUND . . . 250,000
FROM JUVENILE JUSTICE TRAINING TRUST FUND 11,712

988 EXPENSES
FROM GENERAL REVENUE FUND 8,171,820
FROM ADMINISTRATIVE TRUST FUND 179,793
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,100,562
FROM JUVENILE JUSTICE TRAINING TRUST FUND 685,913

Funds are provided in Specific Appropriations 986, 987, 988, and 989 for the Juvenile Justice Information System. Prior to the release of these funds, the Department shall submit a work plan detailing the objectives and expected outcomes to be attained during the fiscal year with anticipated completion dates and total projected costs. The plan shall be submitted to the House Fiscal Responsibility Council, the Senate Committee on Ways and Means, the Technology Review Workgroup, and the Executive Office of the Governor. The Department shall also schedule quarterly project review meetings with the Governor's Office of Planning and Budgeting, and the appropriate substantive and fiscal committees of the Legislature, to describe the progress made to date, actual completion dates, anticipated problems, and any recommended changes to the plan. The department shall consult with the Department of Banking and Finance Division of Accounting and Auditing to establish an appropriate accounting structure within the Florida Accounting Information Resource subsystem (known as FLAIR and formerly known as SAMAS) to allow for the unique identification and reporting of the funds appropriated for the Juvenile Justice Information System project. The accounting structure for this project shall provide the capability for year-to-date and life-to date reporting for the funds appropriated for the project.

Funds are provided in Specific Appropriation 988 for the Juvenile Justice Information System (JJIS) which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. From the funds in Specific Appropriation 988, $80,000 from the General Revenue Fund is provided for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

989 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,409
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,738,372

990 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 450,000

991 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 4,606

992 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 600,000
FROM JUVENILE JUSTICE TRAINING TRUST FUND 2,190,645

993 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 64,191

ASSISTANT SECRETARY FOR PROGRAM PLANNING

994 SALARIES AND BENEFITS POSITIONS 63
FROM GENERAL REVENUE FUND 2,283,909
FROM GRANTS AND DONATIONS TRUST FUND . . . 747,628

995 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 100,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 140,690

996 EXPENSES
FROM GENERAL REVENUE FUND 440,700
FROM GRANTS AND DONATIONS TRUST FUND . . . 359,948

997 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,368

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998 SPECIAL CATEGORIES
GRANTS AND AIDS - MOTOR VEHICLE THEFT PREVENTION
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,800,000

999 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 9,970

DISTRICT OPERATIONS

From the funds provided in Specific Appropriations 1000 through 1022M the department will meet the following standards as required by the Government Performance and Accountability Act of 1994, to provide detention services to juveniles.

Performance Measures	Standards
OUTCOMES:	
Number of batteries (assaults requiring medical attention) per 100,000 residential days while in secure detention:	
A. Youth on youth	125
B. Youth on staff	22
Number of escapes from secure detention facilities per 100,000 resident days	3.5
From home detention per 100,000 resident days, number of:	
A. Absconds	72.8
B. New law violations	22.6
OUTPUTS:	
Number of admissions to secure detention facilities	68,273
Number of releases from secure detention facilities	68,375
Average daily population for secure detention as compared to fixed capacity beds in secure detention as of June 30	2,567/1,842
Number of admissions to home detention/non-secure detention	33,684
Average daily population for home detention	2,479
Actual number of escapes from secure detention facilities per fiscal year	31
Actual number of batteries requiring medical attention per fiscal year for youth on youth and youth on staff	963/166
From home detention per fiscal year, the actual number of:	
A. Absconds	473
B. New law violations	147

In addition to the measures and standards listed above, the department shall collect and report data as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain the official record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

1000 SALARIES AND BENEFITS POSITIONS 4,784
FROM GENERAL REVENUE FUND 141,214,001
FROM GRANTS AND DONATIONS TRUST FUND . . . 410,153
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 9,865,600

From the General Revenue funds provided in Specific Appropriations 1000, 1002, and 1004, $497,130 and 58 positions, $257,027, and $184,445 respectively is provided for case management staff. The first priority for use of these positions shall be to staff the intake functions at juvenile assessment centers, if such centers exist in the districts to which the staff are allocated. If existing assessment centers in the district are already fully staffed with permanently assigned case managers, districts may use these positions to perform community control and aftercare supervision functions.

From the funds in Specific Appropriation 1000, the department shall report prior year expenditures and current allocations for Juvenile Assessment Centers (JAC's) in a manner that clearly distinguishes between expenditures for (1) overhead, administration and other expenditures specific to the JAC and (2) the services provided within the JAC's that could otherwise be provided in other settings. These prior year expenditures and current year allocations must be reported by October 1, 1998 to the Legislature. In addition, funds in Specific Appropriation 1008 shall not be provided to a JAC after October 1, 1998 unless the JAC has a cooperative agreement in place with each local government whose law enforcement agencies or child welfare agencies make use of the JAC specifying the financial or in-kind support to be provided by the local government. A copy of each such agreement shall be filed with the department by October 1, 1998.

1001 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 789,583
FROM GRANTS AND DONATIONS TRUST FUND . . . 106,204

1002 EXPENSES
FROM GENERAL REVENUE FUND 22,497,818
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,311,090
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,016,035

1003 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INVEST IN CHILDREN
FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND 400,000

1004 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,094,408

1005 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,806,380
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,631,119

1005A LUMP SUM
LOCAL PREVENTION GRANTS
FROM GENERAL REVENUE FUND 2,000,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,234,013

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From the funds in Specific Appropriation 1005A, $2,000,000 from general revenue and $2,234,013 from trust funds are provided for prevention and intervention grants to be awarded by the local Juvenile Justice Councils. These grants may include programs such as Boys and Girls Clubs, YMCA/YWCA, after-school, mentoring, counseling, and job and life skills training. Funds in Specific Appropriation 1005A are contingent upon the department submitting a list of proposed grant recipients with the budget amendment which allocates the lump sum to the Speaker of the House of Representatives, the President of the Senate, and the minority party leaders of the House and Senate pursuant to the provisions of Chapter 216, Florida Statutes. The list of grant recipients shall also provide the purpose of each grant, the population to be served, and the performance measures and standards that will be used to evaluate each grant recipient's performance.

From the funds in Specific Appropriation 1005A, $1,000,000 is provided for grants to community organizations that emphasize faith-based approaches to prevention and early intervention services for juveniles. These programs may also serve adjudicated youth to prevent further involvement with the juvenile justice system.

1006	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	537,095	
1007	SPECIAL CATEGORIES GRANTS AND AID TO LOCAL GOVERNMENTS - JUVENILE CRIME PREVENTION PROGRAMS FROM GENERAL REVENUE FUND	350,000	
1008	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	247,268,464	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,304,606
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		38,243,331

From the funds in Specific Appropriation 1008, $497,512 of nonrecurring funds from the General Revenue Fund is provided for the Broward County Sheriff's Office' gang prevention program.

Funds are provided in Specific Appropriation 1008 to continue the operation of the sexual offender program on the grounds of the South Florida State Hospital, and to continue the operation of residential and non-residential juvenile justice programs on the grounds of the "Old" Orlando Sunland Training Center. The Department of Juvenile Justice shall provide for the continued existing use of the property by the Department of Children and Families and previously approved community activities.

From the funds in Specific Appropriation 1008, the department is authorized to transfer up to one percent of the new funding provided, to establish positions in excess of those authorized by this act, for administrative support and contract management, pursuant to the budget amendment provisions of Chapter 216, Florida Statutes.

From the funds provided for the Community Partnership Grant Program, prevention and diversion grants and Invest in Children license plate grant program contained in Specific Appropriations 1003 and 1008, the department is authorized to issue grants and aid to local governments and not-for-profit organizations for the purposes of preventing juvenile crime and diverting juveniles from the juvenile justice system.

From the recurring General Revenue funds provided in Specific Appropriation 1008, the $250,000 for the Out of School Suspension Program in Duval County which was authorized in the 1997-98 General Appropriations Act is hereby continued for the 1998-99 fiscal year.

From the funds in Specific Appropriation 1008, $1,012,500 from recurring general revenue is provided for a per diem increase for nine months for the boot camps and the Leon County Drill Academy.

From the funds in Specific Appropriation 1008, $2,596,943 is provided for a minimum of 232 specialty beds and a minimum of 100 commitment beds for 60 days. The department may use these funds for procuring bed capacity through operations contracts with private providers who can provide facilities as part of the operating costs and may also enter into lease-purchase contracts with private providers when in the best interest of the state. All lease-purchase contracts must be executed as separate instruments from those which procure operational services. The department must procure the maximum bed capacity possible with these funds, provided that the state's long-term interests in property and facilities are adequately sustained.

From the funds in Specific Appropriation 1008, $170,000 of the $1,050,206 increase in recurring general revenue is provided for CINS/FINS services to the Osceola County Runaway Shelter.

Funds in Specific Appropriation 1008 are provided for the following new programs or program increases:

100 Black Men of South Florida, $150,000 from recurring General Revenue Fund for 12 months;

AACCC Project HUGS, $50,000 from recurring General Revenue Fund for 12 months;

Boys and Girls Clubs of St. Lucie County, $158,000 from nonrecurring General Revenue Fund for 12 months to replace expired grant funds;

Community Coalition Inc, $385,000 from recurring General Revenue Fund for 12 months;

Dade Community Action Agency, $40,000 from recurring General Revenue Fund for 12 months to supplement the $35,000 provided for FY 97-98 which is to be continued;

Duval Police Athletic League operating shortfall, $170,000 from recurring General Revenue Fund for 12 months;

Family Connection, $75,000 from recurring General Revenue Fund for 12 months;

Franklin County Adapt Program, $100,000 from recurring General Revenue Fund for 12 months;

Heads Up Program, $85,000 from recurring General Revenue Fund for 12 months;

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Hillsborough County TIP Initiative, $500,000 from recurring General Revenue Fund for 12 months;

Mad Dads, $200,000 from recurring General Revenue Fund for 12 months, of which $70,000 is provided for Dade County;

Pace Center for Girls in District 15, $795,000 from recurring General Revenue Fund for 12 months;

Pace Center for Girls in Monroe County, $125,000 from recurring General Revenue Fund for 12 months for a rate increase;

Sex Offender Intervention Grants, $500,000 from recurring General Revenue Fund for 12 months;

Troy Community Academy Teen Cuisine Program, $129,600 from recurring General Revenue Fund for 12 months;

Brown Schools replication of the Troy Community Academy, $657,000 from recurring General Revenue Fund for 12 months;

Volusia County Class Program, $100,000 from recurring General Revenue Fund for 12 months;

Young Life of Greater Miami, $132,500 from recurring General Revenue Fund for 12 months;

Adult Mankind Organization, $400,000 from recurring General Revenue Fund for 12 months, to supplement the $800,000 provided in 1997-1998 which is to be continued;

Teen Outlet Council Training Center of Gainesville, $100,000 from recurring General Revenue Fund for 12 months;

Outward Bound rate increase, $200,000 from recurring General Revenue Fund for 12 months;

Anna Maria Island Multi-media Campaign, $10,000 from recurring General Revenue Fund for 12 months;

Miami Children's Hospital Comprehensive Adolescent Health Services in Dade County, $600,000 from recurring General Revenue Fund for 12 months;

Health and mental health services increase, $1,000,000 from recurring General Revenue Fund for 12 months;

New Horizons Day Treatment for Middle School Aged Children, $450,000 from recurring General Revenue Fund for 12 months;

Weed and Seed of Dade County Aftercare Program, $250,000 from recurring General Revenue Fund for 12 months;

Elaine Gordon Treatment Center Expansion, $408,800 from recurring General Revenue Fund for 12 months;

Fort Walton Associated Marine Institute, $334,000 from recurring General Revenue Fund for 12 months;

Home Builders Inc. Job Skills Training Program, $500,000 from recurring General Revenue Fund for 12 months;

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Lock Towns Community Mental Health Center prevention program, $200,000 from recurring General Revenue Fund for 12 months;

Earth Rangers Program in Broward County, $100,000 from recurring General Revenue Fund for 12 months;

Pinellas Juvenile Assessment Center administrative and overhead costs, $138,753 from recurring General Revenue Fund for 12 months;

Seminole Juvenile Assessment Center administrative and overhead costs, $230,000 from recurring General Revenue Fund for 12 months;

Hillsborough Juvenile Assessment Center administrative and overhead costs, $216,161 from recurring General Revenue Fund for 12 months;

Manatee Juvenile Assessment Center administrative and overhead costs, $98,879 from recurring General Revenue Fund for 12 months;

Orange Juvenile Assessment Center administrative and overhead costs, $52,558 from recurring General Revenue Fund for 12 months;

Dade Juvenile Assessment Center administrative and overhead costs, $560,000 from recurring General Revenue Fund for 12 months;

Brevard Juvenile Assessment Center administrative and overhead costs, $235,000 from recurring General Revenue Fund for 12 months;

Juvenile Justice Role Model Project, $200,000 from recurring General Revenue Fund for 12 months;

D-FY-IT Drug Free Youth in Town program, $600,000 from recurring General Revenue Fund for 12 months;

Youth Crime Watch of America, $200,000 from recurring General Revenue Fund for 12 months to supplement the $200,000 provided in FY 97-98 which is to be continued;

Jackson Memorial Hospital Substance Abuse Residential Treatment program expansion, $547,500 from recurring General Revenue Fund for 12 months funding of 6 beds at $250 per day per bed, to be contracted through the Department of Children and Families;

Spring Hill Youth / Boys and Girls Club, $175,000 from recurring General Revenue Fund for 12 months;

Henry and Rilla White Foundation Therapy Program, $200,000 fromrecurring General Revenue for 12 months;
Miami Love Youth At-Risk Program, $313,900 from recurring General Revenue Fund for 12 months;

Inner City Youth Center Program in Dade County, $200,000 from recurring General Revenue Fund for 12 months to supplement the $328,000 provided in FY 97-98 which is to be continued;

Boys and Girls Clubs, Smart Moves Program $50,000, Power Hour $25,000, and Public Private Partnerships $25,000 from recurring General Revenue Fund for 12 months;

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Associated Marine Institute in Delray Beach, $200,000 from recurring General Revenue Fund to annualize the program begun in 1997-1998;

San Antonio Boys Village equity rate increase, $47,450 from recurring General Revenue Fund for 12 months.

West Perrine O.C. Aftercare Program, $100,000 from recurring General Revenue Fund for 12 months; and

MMAP Teen Court Program, $50,000 from recurring General Revenue Fund for 12 months.

1008A SPECIAL CATEGORIES
GRANTS AND AIDS - MATCHING GRANT PROGRAM
FROM GENERAL REVENUE FUND 1,000,000

Funds provided in Specific Appropriation 1008A are provided to the Eckerd Youth Alternatives program to match private funds on a dollar for dollar basis. The department shall disburse up to the full amount provided in Specific Appropriation 1008A depending upon the amount of private matching funds obtained and may not use these funds for any other purpose.

1009 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,645,655

1010 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN NEED OF SERVICES
FROM GENERAL REVENUE FUND 31,696,689
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 383,858

1011 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 6,475,364

1012 FIXED CAPITAL OUTLAY
DEMOLITION AT SUNLAND HOSPITAL - ORLANDO
FROM GENERAL REVENUE FUND 2,000,000

1013 FIXED CAPITAL OUTLAY
COMMITMENT BEDS - STATEWIDE
FROM GENERAL REVENUE FUND 3,150,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,650,000

From the funds in Specific Appropriation 1013, $3,150,000 from the General Revenue Fund, and $12,600,000 from the Grants and Donations Trust Fund are provided to construct a minimum of 183 level-8 high-risk juvenile commitment beds, 32 level-6 beds for the Grove Counseling Center in Seminole County, and 100 level-6 beds at ICARE Bay Point School in Dade County. The department may contract with the Department of Corrections for the use of inmate labor in construction projects or may construct or purchase facilities with these funds, including residential facilities, assessment centers, and detention centers.

From the funds in Specific Appropriation 1013, $1,050,000 from Grants and Donations Trust Fund is provided for the Sheridan Road Commitment Project in Broward County.

1014 FIXED CAPITAL OUTLAY
COMPLETE CONSTRUCTION OF PREVIOUSLY APPROPRIATED COMMITMENT BEDS
FROM GENERAL REVENUE FUND 3,100,000

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1014A FIXED CAPITAL OUTLAY
CLASSROOMS - DAYROOMS / DETENTION CENTERS AND COMMUNITY BASED
FROM GENERAL REVENUE FUND 600,000

Funds in Specific Appropriation 1014A are provided for capital improvements to the Juvenile Detention Center in Duval County.

1015 FIXED CAPITAL OUTLAY
PROGRAM SECURE DETENTION / STATEWIDE
FROM GENERAL REVENUE FUND 1,440,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,760,000

From the funds in Specific Appropriation 1015, $1,440,000 from the General Revenue Fund, and $5,760,000 from the Grants and Donations Trust Fund are provided to construct a minimum of 100 secure detention beds.

1016 FIXED CAPITAL OUTLAY
RENOVATION & EQUIP / EMOTIONALLY DISTURBED YOUTH IN DETENTION
FROM GRANTS AND DONATIONS TRUST FUND . . . 376,121

1017 FIXED CAPITAL OUTLAY
CORRECTION OF HEALTH AND SANITATION DEFICIENCIES, STATEWIDE
FROM GRANTS AND DONATIONS TRUST FUND . . . 120,000

1018 FIXED CAPITAL OUTLAY
CODE AND SAFETY CORRECTIONS - STATEWIDE
FROM GENERAL REVENUE FUND 407,280
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,665,520

1021 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE
FROM GENERAL REVENUE FUND 3,271,233
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,060,302

From the Grants and Donations Trust Fund provided in Specific Appropriation 1021, $331,535 is provided for the Duval Halfway House kitchen replacement.

1022 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE
FROM GENERAL REVENUE FUND 2,950,000

1022A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - ELAINE GORDON TREATMENT CENTER
FROM GENERAL REVENUE FUND 50,000

Funds in Specific Appropriation 1022A are for renovations, construction, furniture, fixtures, supplies and equipment to expand the program's capacity by 8 beds. The current contract provider shall identify the contractors to complete this project. The current contract provider shall pay for any costs that surpass the total appropriated amount of $50,000.

1022B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GREENVILLE HILLS ACADEMY FURNITURE AND EQUIPMENT
FROM GENERAL REVENUE FUND 250,000

1022C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS

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HERE'S HELP
FROM GENERAL REVENUE FUND 350,000

1022D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PINELLAS MARINE INSTITUTE
FROM GENERAL REVENUE FUND 125,000

1022E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DUVAL POLICE ATHLETIC LEAGUE MULTI-PURPOSE EDUCATIONAL FACILITY
FROM GENERAL REVENUE FUND 1,200,000

1022F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
THE CENTER FOR WOMEN, INC. - HILLSBOROUGH COUNTY
FROM GENERAL REVENUE FUND 200,000

1022G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ULETA PARK COMMUNITY CENTER
FROM GENERAL REVENUE FUND 150,000

1022H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BOYS AND GIRLS CLUB OF ST. LUCIE
FROM GENERAL REVENUE FUND 200,000

1022I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
YOUTH AND FAMILY ALTERNATIVES, INC. - RUNAWAY AND YOUTH CRISIS SHELTER
FROM GENERAL REVENUE FUND 700,000

1022J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
KELLY HALL VOCATIONAL TRAINING FACILITY
FROM GENERAL REVENUE FUND 126,825

1022K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PALMETTO YOUTH CENTER REPAIRS
FROM GENERAL REVENUE FUND 110,000

1022L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
COLLIER COUNTY JUVENILE ASSESSMENT CENTER CONSTRUCTION
FROM GENERAL REVENUE FUND 400,000

1022M GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
YOUTH CRISIS CENTER BUILDING UPGRADE-DUVAL COUNTY
FROM GENERAL REVENUE FUND 200,000

JUVENILE JUSTICE INSTITUTIONS

1023 SALARIES AND BENEFITS POSITIONS 219
FROM GENERAL REVENUE FUND 4,972,249
FROM GRANTS AND DONATIONS TRUST FUND . . . 91,792
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,846,843

1024 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 146,688

1025 EXPENSES
FROM GENERAL REVENUE FUND 855,897

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1026 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 33,861

1027 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 113,347
FROM GRANTS AND DONATIONS TRUST FUND . . . 90,053

1028 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-DOZIER TRAINING SCHOOL
FROM GENERAL REVENUE FUND 447,787
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 105,187

1029 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-OKEECHOBEE TRAINING SCHOOL
FROM GENERAL REVENUE FUND 5,340,742
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,088
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,546,273

1030 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 736,172

LAW ENFORCEMENT, DEPARTMENT OF

The Department is authorized in accordance with the Performance Based Budgeting Act to develop a revised performance-based, sworn career service pay model authorizing pay increases to those members who demonstrate sustained high performance by achieving or exceeding performance goals specified by the legislature, and specifically identified in employee work plans developed in consultation with the Executive Office of the Governor and approved by the Chairman of the Senate Ways and Means Committee and the Chairman of the House Fiscal Responsibility Council.

STAFF SERVICES, DIVISION OF

From the funds and positions provided in Specific Appropriations 1033 through 1053A, the department may transfer positions and rate among budget entities in accordance with any provisions of Chapter 216 granting such flexibility to the department.

1033 SALARIES AND BENEFITS POSITIONS 128
FROM GENERAL REVENUE FUND 5,773,024
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 81,565
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,006
FROM OPERATING TRUST FUND 148,550

1034 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,190
FROM GRANTS AND DONATIONS TRUST FUND . . . 38,000
FROM OPERATING TRUST FUND 54,000

1035 EXPENSES
FROM GENERAL REVENUE FUND 1,101,487
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 244,929
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,500
FROM OPERATING TRUST FUND 167,056
FROM REVOLVING TRUST FUND 1,000,000

1036 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 27,020
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000

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1037 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 10,052

1038 SPECIAL CATEGORIES
OVERTIME
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 748

1039 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,869
FROM OPERATING TRUST FUND 1,848

1040 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 19,667

1041 SPECIAL CATEGORIES
VIOLENT CRIME INVESTIGATIVE EMERGENCIES
FROM GENERAL REVENUE FUND 500,000
FROM OPERATING TRUST FUND 500,000

CRIMINAL JUSTICE INVESTIGATIONS AND FORENSIC
SCIENCE

1042 SALARIES AND BENEFITS POSITIONS 962
FROM GENERAL REVENUE FUND 48,892,860
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,350,427
FROM OPERATING TRUST FUND 520,213

1042A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SPECIAL PROJECT GRANTS
FROM GENERAL REVENUE FUND 1,116,400

From the funds in Specific Appropriation 1042A, $1,116,400 in Grants and Aids from General Revenue is allocated to the following nonrecurring projects:
Metro-Dade Mobile Mini-Station Pilot
Project..... $80,000

Police Firing Range Baffling
City of Coral Springs $150,000

North Bay Village Patrol Boat
Nighttime Enforcement Capability $75,000

Plant City Police Department
Mobile Printers and GPS Tracking Systems .$175,000

North Miami and South Miami
Law Enforcement Equipment $240,000

Miami Shores Village
Crime Prevention Program $100,000

Pompano State Farmers Market
Security Enhancements $100,000

Miami Beach
Emergency Public Safety Vehicles $96,400

City of Hialeah
Cadet Program..... $100,000

From the funds provided in Specific Appropriation 1042A for the Pompano State Farmers Market, the Department of Agriculture shall prepare in conjunction with the tenant of the Pompano State Farmer's Market, a security plan and undertake improvements as are needed for construction of a gatehouse at the entranceway, fencing, lighting, electrical, location of a law enforcement substation and creation of additional controls through mechanical needs for ingress and egress to the market. All improvements will be coordinated with the existing tenant to avoid any disruption of their current business and to maximize the effectiveness of the crime prevention money provided for in this appropriation.

1043 LUMP SUM
PERFORMANCE BASED PROGRAM BUDGET (PBPB)
FOR CRIMINAL JUSTICE (CJ) INVESTIGATIONS
AND PROTECTION
FROM GENERAL REVENUE FUND 14,944,750
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 2,951,989
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,247,291
FROM OPERATING TRUST FUND 3,510,443

From the funds provided in Specific Appropriation 1043 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 per case, but not to exceed $150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.

From the funds in Specific Appropriations 1042 and 1043, the Criminal Justice Investigations and Forensic Science Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to manage and provide investigative, forensic prevention and protective services.

Performance Measures	Standards
Laboratory Services	
OUTCOMES:	
Number/percentage of service requests by lab discipline completed	70,000/95%
Average number of days to complete lab service requests (excluding serology and DNA)	30
Average number of days to complete lab service requests for serology	50
Average number of days to complete lab service requests for DNA	120
OUTPUTS:	
Number of crime scenes processed	500
Number of DNA samples added to DNA database	7,000
Number of expert witness appearances in court proceedings	2,100
Number of inspections of law enforcement agencies utilizing breathtesting instruments	900
Number of DUI breathtesting operators certified/recertified	2,750
Investigation and Support Services	
OUTCOMES:	
Number/percentage of closed criminal investigations resolved	951/79%
OUTPUTS:	
Number of criminal investigations worked	2,636
Number of criminal investigations	

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| commenced.....1,419 |
| Number of short-term investigative assists |
| (including criminal profiles).....566 |
| |
| Preventative Services |
OUTPUTS:
Number of background investigations
performed.....3,500
Number of individuals provided with
FDLE protective services..... 52

In addition to the measures and standards listed above, the department shall collect and report data as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain theofficial record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

1043A SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL PROJECTS
FROM GENERAL REVENUE FUND 150,000

From the funds in Specific Appropriation 1043A, $100,000 from recurring general revenue is provided for the Miami Shores Youth Development Center JOBS program for at-risk youth.

From the funds in Specific Appropriation 1043A, $50,000 from recurring general revenue is provided for Super Cop.

1044 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 529,641

1045 FIXED CAPITAL OUTLAY
MINOR REPAIRS AND RENOVATIONS AT REGIONAL OPERATING FACILITIES
FROM GENERAL REVENUE FUND 493,176

CRIMINAL JUSTICE INFORMATION

1046 SALARIES AND BENEFITS POSITIONS 361
FROM GENERAL REVENUE FUND 4,389,974
FROM GRANTS AND DONATIONS TRUST FUND . . . 308,625
FROM OPERATING TRUST FUND 7,758,199

1047 LUMP SUM
PERFORMANCE BASED PROGRAM BUDGET (PBPB)
FOR CRIMINAL JUSTICE (CJ) INFORMATION
FROM GENERAL REVENUE FUND 2,889,519
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,048,076
FROM OPERATING TRUST FUND 21,049,747

Funds in Specific Appropriation 1047 from the Operating Trust Fund are derived from fees for criminal history checks. Such fees charged to the Department of Children and Families', Department of Juvenile Justice and the Department of Elder Affairs' vendors shall not exceed $8.

For purposes of implementing Phase II of the Florida Crime Information Center, the department may loan to each approved participating local law enforcement agency up to $75,000 from Operating Trust Fund in

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Specific Appropriation 1047, provided that the department executes contracts with each local agency requiring the funds to be used for FCIC II programming required for full connectivity and that the funds must be repaid by the local agency to the department's Operating Trust Fund by June 30, 1999.

From the funds in Specific Appropriations 1046 and 1047, the Criminal Justice Information Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to prevent crime, solve cases and apprehend criminals.

Performance Measures	Standards
Central Records Services	
OUTPUTS:	
Number of "hot" files, Computerized Criminal History (CCH), & Automated Fingerprint Identification System (AFIS) records maintained	6,221,804
Number of counties on-line with with AFIS Livescan	40
Information Network Services	
OUTCOMES:	
Percentage of on-line responses to FCIC customer within defined timeframe (3 sec)	96%
Percentage of time FCIC is running and accessible	99%
OUTPUTS:	
Number of agencies/Florida Crime Information Center (FCIC) workstations networked	800/13,000
Number of FCIC data transactions	400,000,000
Identification Screening and Statistical Analysis	
OUTCOMES:	
Percentage response to criminal history record check customers within defined time frames	90%
OUTPUTS:	
Number of responses to requests for crime statistics	7,725
Number of responses to requests for criminal history record checks	1,708,486
Number of registered sexual predators/offenders identified to the public	21,608
Number of responses to requests for sexual predator/offender information	76,627
Number of Missing Children Information Clearinghouse (MCIC) cases worked	561

In addition to the measures and standards listed above, the department shall collect and report data as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain the official record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

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1047A LUMP SUM
STATEWIDE TRACKING OF DOMESTIC VIOLENCE CASES
POSITIONS 4
FROM GENERAL REVENUE FUND 204,000

1047B LUMP SUM
TARGETING FRAUD AND COMPUTER CRIMES AGAINST FLORIDA
POSITIONS 23
FROM GENERAL REVENUE FUND 250,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 750,000

Funds provided in Specific Appropriation 1047B are contingent on the receipt of a federal COPS grant. Further, the annual increases in state match for the grant must be funded from recoupments directly associated with the grant activities.

1048 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 28,891
FROM OPERATING TRUST FUND 9,622

1049 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 26,740

CRIMINAL JUSTICE PROFESSIONALISM

1050 SALARIES AND BENEFITS POSITIONS 101
FROM GENERAL REVENUE FUND 582,375
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 3,615,544
FROM OPERATING TRUST FUND 120,021

1051 LUMP SUM
PERFORMANCE BASED PROGRAM BUDGET (PBPB) FOR CRIMINAL JUSTICE (CJ) PROFESSIONALISM
FROM GENERAL REVENUE FUND 98,408
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 10,922,767
FROM OPERATING TRUST FUND 101,241

From the funds in Specific Appropriations 1050 and 1051, the Criminal Justice Professionalism Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to increase the professional conduct and abilities of criminal justice officers.

Performance Measures	Standards
Training and Certification Services	
OUTPUTS:	
Number of course curricula, including course examinations, developed or revised	175
Number of certification examinations administered	10,300
Number of Florida Criminal Justice Executive Institute (FCJEI) hours of instruction	650
Number of individuals trained by the FCJEI	309
Number of law enforcement officers trained by DARE	155
Compliance Services	
OUTCOMES:	
Number/percentage of individuals who pass the basic professional certification examination for law enforcement officers, corrections officers, and correctional probation officers	7,500/75%
OUTPUTS:	
Number of discipline referrals processed (for state & local LEO's and CO's and CPO's pursuant to Ch. 120, F.S.	2,181
Number of criminal justice officer disciplinary actions	452
Number of compliance audits conducted (for maintenance of training & employment standards for state and local LEO's and CO's and CPO's pursuant to s. 943.13, F.S.)	6,059

In addition to the measures and standards listed above, the department shall collect and report data as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain the official record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

1052 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 124,360

1053 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 10,501

1053A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
REGIONAL PURSUIT AND DEFENSIVE DRIVING FACILITY
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 750,000

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

OFFICE OF ATTORNEY GENERAL

From funds appropriated in Specific Appropriations 1061A through 1061T, the Attorney General shall conduct a series of workshops on water-borne vessel warranties, dealer and/or manufacturer warranty service, and consumer satisfaction regarding same. The workshops shall include broad representation from the marine manufacturing industry, vessel sales and service industry (dealers) and consumers. The Department of Agriculture and Consumer Services and the Department of Highway Safety and Motor Vehicles shall appoint representation to the workshops. The Attorney General shall report to the legislature, and shall include therewith any recommendations for legislative action on this subject, by December 1, 1998.

From the funds in Specific Appropriation 1061A through 1061T, the department will meet the following standards as required by the Government

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Performance and Accountability Act of 1994, to provide civil representation and legal services on behalf of the State of Florida.

Performance Measures	Standards
OUTCOMES:	
CIVIL ENFORCEMENT	
Children's Legal Services:	
Dependency petitions filed	800
Termination of parental rights final judgements	100
Child Support Enforcement-Court Orders	3,800
Child Support Enforcement-Cases referred from Department of Revenue	4,000
Percentage of prosecutorial agencies expressing satisfaction with criminal appellate services	95%
CIVIL LITIGATION DEFENSE	
Percentage of client agencies expressing satisfaction with civil defense services	95%
DISPUTE RESOLUTION	
Average number of days for opinion response	29
Percentage of mediated cases resolved in 3 weeks or less	75%
Percentage of Lemon Law cases resolved in less than one year	99%
OUTPUTS:	
CIVIL LITIGATION DEFENSE	
Number of state agencies represented	50
Cases opened	7,000
Cases closed	4,700
Number of Capital cases opened	210
Number of Non-Capital cases opened	14,000
CRIMINAL LITIGATION DEFENSE	
Capital: briefs/state & federal responses/oral arguments	270
Non-capital: briefs/state & federal responses/oral arguments	11,289
CIVIL ENFORCEMENT	
Number of cases closed:	
Antitrust	20
Economic crime	375
Medicaid fraud	625
Children's Legal Services (uncontested dispositions orders)	700
Ethics	15
DISPUTE RESOLUTION	
Lemon Law consumers/cases approved for state-run arbitration	1,400/1,700
Number and percentage of disputes resolved through mediation	105/76%
Opinions Issued	255

In addition to the measures and standards listed above, the department shall collect and report data as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain the official record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

In addition, from the funds in Specific Appropriations 1061A through 1061T, the department will meet the following standards as required by the Government Performance and Accountability Act of 1994, to assist crime victims and law enforcement agencies through associated support services.

Performance Measures	Standards
OUTCOMES:	
Average number of days from application to payments	22
Percentage of counties receiving motor vehicle theft grant funds that experienced a reduction in motor vehicle theft incidents below 1994 level	85%
Number of appeals filed with District Courts of Appeal	5
Percentage of training participants who rated the training as good or excellent (victims/crime prevention)	98%
Number of convenience store complaints/violations resolved	25
OUTPUTS:	
Number of victim compensation claims eligibility determinations	7,950
Number of claims paid	7,000
Number of appellate services provided	800
Number of VOCA grants funded	200
Number of victims served through contract	100,000
Number of motor vehicle theft grants funded	40
Number of applications received	12,000
Number of eligible applications received	7,000
Number of victim compensation appeals received	175
Number of sexual battery examination claims received	5,800
Number of persons seeking appellate services	825
Number of calls received on the toll-free information and referral line	30,000
Number of VOCA grant applications received	200
Number of motor vehicle theft grant applications received	40
Number of robberies occurring in convenience stores	2,575
Number of convenience store security violations/ complaints received	60
Number of victim compensation final orders issued	170
Number of sexual battery examination claims paid	5,200
Number of information and referral services provided	25,000
Number of people attending training (victims/ crime prevention)	1,368/3,550
Number of training sessions held (victims/ crime prevention)	33/30
Number of convenience store complaints/violations processed	25
Number of convenience store technical assistance	

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|responses provided.....60 |
|==========

In addition to the measures and standards listed above, the department shall collect and report data as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain the official record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

1061A SALARIES AND BENEFITS POSITIONS 899		
FROM GENERAL REVENUE FUND	19,960,017	
FROM ADMINISTRATIVE TRUST FUND		649,983
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		285,516
FROM CONSUMER FRAUDS TRUST FUND		783,794
FROM CRIMES COMPENSATION TRUST FUND . . .		3,131,872
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		196,987
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,973,852
FROM LEGAL SERVICES TRUST FUND		10,233,900
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		1,792,629
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		1,144,752

Funds provided for Specific Appropriation 1061A are contingent on the Office of the Attorney General not being a party to any contract for legal services in connection with the investigation or prosecution of Medicaid fraud, overpayments or false claims if such contract provides for the payment of fees contingent, all or in part, on the outcome of actions, claims, or proceedings undertaken pursuant to such contract.

1061B OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	124,008	
FROM ADMINISTRATIVE TRUST FUND		97,055
FROM CRIMES COMPENSATION TRUST FUND . . .		20,851
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		157,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		118,878
FROM LEGAL SERVICES TRUST FUND		836,000
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		150,000
1061C EXPENSES		
FROM GENERAL REVENUE FUND	3,585,309	
FROM ADMINISTRATIVE TRUST FUND		128,298
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		35,085
FROM CRIMES COMPENSATION TRUST FUND . . .		441,733
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		217,383
FROM GRANTS AND DONATIONS TRUST FUND . . .		807,403
FROM LEGAL SERVICES TRUST FUND		2,334,880
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		8,913
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		430,462

From the General Revenue funds in Specific Appropriation 1061C, $150,000 is to be used to establish the Address Confidentiality Program for Victims of Domestic Violence, contingent upon implementing legislation becoming law.

1061D AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - DADE COUNTY HAITIAN REFUGEE CENTER		
FROM GENERAL REVENUE FUND	10,000	

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1061E OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	353,472	
FROM ADMINISTRATIVE TRUST FUND		16,762
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		7,360
FROM CONSUMER FRAUDS TRUST FUND		11,940
FROM CRIMES COMPENSATION TRUST FUND . . .		188,551
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		5,784
FROM GRANTS AND DONATIONS TRUST FUND . . .		97,582
FROM LEGAL SERVICES TRUST FUND		223,053
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		27,483
FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		29,519
1061F SPECIAL CATEGORIES		
ATTORNEY GENERAL'S LAW LIBRARY		
FROM GENERAL REVENUE FUND	211,010	
1061G SPECIAL CATEGORIES		
GRANTS AND AIDS - ASSISTANCE FOR CRIME PREVENTION IN THE BLACK COMMUNITY		
FROM GENERAL REVENUE FUND	1,679,163	
1061H SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		76,490
1061I SPECIAL CATEGORIES		
ANTITRUST INVESTIGATIONS		
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		1,470,011
1061J SPECIAL CATEGORIES		
CONSUMER FRAUD INVESTIGATIONS		
FROM CONSUMER FRAUDS TRUST FUND		528,290
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		134,126
1061K SPECIAL CATEGORIES		
AWARDS TO CLAIMANTS		
FROM CRIMES COMPENSATION TRUST FUND . . .		22,558,000

From the funds in Specific Appropriation 1061K, the Attorney General is directed to give priority to the payment of claims for the forensic examinations for victims of sexual assault.

1061L SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	10,725	
1061M SPECIAL CATEGORIES		
LITIGATION EXPENSES		
FROM GENERAL REVENUE FUND	46,500	
1061N SPECIAL CATEGORIES		
GRANTS AND AIDS - MOTOR VEHICLE THEFT PREVENTION		
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		1,920,000
1061O SPECIAL CATEGORIES		
RICO INVESTIGATIONS		
FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		737,055
1061P SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	176,389	
FROM CRIMES COMPENSATION TRUST FUND . . .		13,767
1061Q SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		46,343

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1061R SPECIAL CATEGORIES
GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES
FROM CRIMES COMPENSATION TRUST FUND . . . 16,399,000

1061S DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 7,448

1061T DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 504,536
FROM ADMINISTRATIVE TRUST FUND 250,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 215,500
FROM LEGAL SERVICES TRUST FUND 305,000

OFFICE OF STATEWIDE PROSECUTION

From the funds in Specific Appropriations 1062 through 1069, the Office of the Statewide Prosecutor will meet the following standards as required by the Government Performance and Accountability Act of 1994, to investigate and prosecute criminal offenses enumerated in s. 16.56, Florida Statutes, when they have been part of an organized crime conspiracy affecting two or more judicial circuits.

Performance Measures	Standards
OUTCOMES:	
Number of defendants convicted (of those who reached dispositions)	625
Conviction rate	96%
OUTPUTS:	
Investigations handled (total volume inclusive of previous years)	1,375
Number of subjects/targets	3,750
New criminal cases filed	170
Number of defendants charged	625
Counts filed	7,394
Total volume of final criminal cases handled (inclusive of prior years)	625
A. Number of charged defendants	1,300
B. Number of counts	14,500
New requests for investigative and prosecutorial assistance from law enforcement	65

In addition to the measures and standards listed above, the department shall collect and report data as appropriate for measures adopted by the legislature as policy analysis measures, which measures are incorporated herein by reference. Pursuant to s. 216.0166(5) and s. 216.0166(7), Florida Statutes, the Executive Office of the Governor shall maintain the official record of adjustments to the performance measures and standards as adopted by the criminal justice conference committee on the 1998-1999 General Appropriations Act.

1062 SALARIES AND BENEFITS POSITIONS 54
FROM GENERAL REVENUE FUND 3,002,629
FROM GRANTS AND DONATIONS TRUST FUND . . . 314,280

1063 EXPENSES
FROM GENERAL REVENUE FUND 85,197
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,158

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1064 SPECIAL CATEGORIES
STATEWIDE PROSECUTION
FROM GENERAL REVENUE FUND 509,564
FROM GRANTS AND DONATIONS TRUST FUND . . . 115,935

1065 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,004

FLORIDA ELECTIONS COMMISSION

1066 SALARIES AND BENEFITS POSITIONS 13
FROM ELECTIONS COMMISSION TRUST FUND . . . 593,102

1067 OTHER PERSONAL SERVICES
FROM ELECTIONS COMMISSION TRUST FUND . . . 16,148

1068 EXPENSES
FROM ELECTIONS COMMISSION TRUST FUND . . . 219,168

1069 OPERATING CAPITAL OUTLAY
FROM ELECTIONS COMMISSION TRUST FUND . . . 38,317

PAROLE COMMISSION

1085 SALARIES AND BENEFITS POSITIONS 164
FROM GENERAL REVENUE FUND 7,047,372

Funds and positions in Specific Appropriations 1085 through 1091 provided to the Parole Commission may be used for clemency investigations as the lowest priority of workload. All other investigations and workload functions statutorily required of the Parole Commission must be given first priority in allocating manpower and resources.

1086 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 120,751

1087 EXPENSES
FROM GENERAL REVENUE FUND 1,373,913

1088 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,836

1088A LUMP SUM
PAROLE COMMISSION - CRITICAL WORKLOAD NEEDS
POSITIONS 20
FROM GENERAL REVENUE FUND 1,200,000

1089 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 56,721

1090 DATA PROCESSING SERVICES
LAW ENFORCEMENT DATA CENTER
FROM GENERAL REVENUE FUND 1,932

1091 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 167,924

TOTAL OF SECTION 4 POSITIONS 45,716

FROM GENERAL REVENUE FUND 2535,002,173

FROM TRUST FUNDS 413,262,802

TOTAL ALL FUNDS 2948,264,975

SECTION 5 - NATURAL RESOURCES, ENVIRONMENT, GROWTH MANAGEMENT, AND TRANSPORTATION

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The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, and the Florida Game and Fresh Water Fish Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

1092	SALARIES AND BENEFITS POSITIONS 483		
	FROM GENERAL REVENUE FUND	19,274,409	
	FROM ADMINISTRATIVE TRUST FUND		3,069,726
	FROM CITRUS INSPECTION TRUST FUND		244,738
	FROM GENERAL INSPECTION TRUST FUND		28,136
1093	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	73,463	
	FROM ADMINISTRATIVE TRUST FUND		82,800
1094	EXPENSES		
	FROM GENERAL REVENUE FUND	1,554,444	
	FROM ADMINISTRATIVE TRUST FUND		1,142,953
	FROM CITRUS INSPECTION TRUST FUND		26,691
	FROM GENERAL INSPECTION TRUST FUND		48,272
1094A	AID TO LOCAL GOVERNMENTS		
	AGRICULTURE COOPERATIVE REFUNDS		
	FROM GENERAL REVENUE FUND	51,125	

Funds in Specific Appropriation 1094A are provided to refund taxes paid on the purchase of undyed diesel fuel for agriculture purposes to Cooperative Producers, Inc., Cooperative Three, Inc., and Ranch One, Inc.

1095	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	27,476	
	FROM ADMINISTRATIVE TRUST FUND		3,215
1096	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	165,000	
	FROM ADMINISTRATIVE TRUST FUND		14,000
1096A	SPECIAL CATEGORIES		
	ANIMAL WASTE MANAGEMENT		
	FROM GENERAL INSPECTION TRUST FUND		200,000
1097	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	66,162	
	FROM ADMINISTRATIVE TRUST FUND		75,700
1098	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	525,790	
	FROM ADMINISTRATIVE TRUST FUND		4,338
1099	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	114,947	
	FROM GENERAL INSPECTION TRUST FUND		881
1100	SPECIAL CATEGORIES		
	NORTH AMERICAN FREE TRADE AGREEMENT IMPACT		
	FROM GENERAL INSPECTION TRUST FUND		400,000

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1101	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		9,900
1103	FIXED CAPITAL OUTLAY		
	SANDBLAST/RESURFACE AND PAINT EXTERIOR - MAYO BUILDING - DMS MGD		
	FROM GENERAL INSPECTION TRUST FUND		479,325

STANDARDS, DIVISION OF

1105	SALARIES AND BENEFITS POSITIONS 188		
	FROM GENERAL REVENUE FUND	1,579,427	
	FROM GENERAL INSPECTION TRUST FUND		5,320,078
1106	OTHER PERSONAL SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		83,461
1107	EXPENSES		
	FROM GENERAL REVENUE FUND	343,362	
	FROM GENERAL INSPECTION TRUST FUND		1,286,239
1109	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	36,600	
	FROM GENERAL INSPECTION TRUST FUND		14,000
1110	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	19,146	
	FROM GENERAL INSPECTION TRUST FUND		105,508
1111	FIXED CAPITAL OUTLAY		
	REPLACE AIR CONDITIONING SYSTEM - BROWARD LABORATORY		
	FROM GENERAL INSPECTION TRUST FUND		80,000

DAIRY INDUSTRY, DIVISION OF

1112	SALARIES AND BENEFITS POSITIONS 38		
	FROM GENERAL REVENUE FUND	1,579,200	
1113	EXPENSES		
	FROM GENERAL REVENUE FUND	231,715	
1114	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	26,000	
1115	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	7,200	

MARKETING AND DEVELOPMENT, DIVISION OF

1116	SALARIES AND BENEFITS POSITIONS 212		
	FROM GENERAL REVENUE FUND	3,173,048	
	FROM CITRUS INSPECTION TRUST FUND		998,362
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		270,598
	FROM GENERAL INSPECTION TRUST FUND		807,118
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		1,801,962
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		803,047
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		31,833
1117	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
	FROM CITRUS INSPECTION TRUST FUND		233,597
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		27,500
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		19,682

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1118 EXPENSES

FROM GENERAL REVENUE FUND	822,446	
FROM CITRUS INSPECTION TRUST FUND		349,441
FROM CONTRACTS AND GRANTS TRUST FUND . . .		986,698
FROM GENERAL INSPECTION TRUST FUND		494,686
FROM MARKET TRADE SHOW TRUST FUND		142,625
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		770,988
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		6,750
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		314,351
FROM VITICULTURE TRUST FUND		7,800
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		70,625

From the funds in Specific Appropriation 1116, $125,000 from the General Revenue Fund and $74,637 from the Saltwater Products Promotion Trust Fund, and from the funds in Specific Appropriation 1118, $50,000 from the General Revenue Fund and $13,090 from the Saltwater Products Promotion Trust Fund, are provided for aquaculture activities, contingent on legislation becoming law which transfers the functions from the Department of Environmental Protection and Game & Fresh Water Fish Commission. In the event that such legislation does not become law, the Executive Office of the Governor is authorized to transfer the appropriations to the Department of Environmental Protection and Game & Fresh Water Fish Commission to continue the programs.

1119 OPERATING CAPITAL OUTLAY

FROM GENERAL INSPECTION TRUST FUND		100,000
FROM MARKET TRADE SHOW TRUST FUND		10,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		50,542

From the funds provided in Specific Appropriation 1119, $100,000 from the General Inspection Trust Fund shall be used for the North Florida Aquaculture Economic Development Program. These funds are to be used only for the purchase of a live fish hauling trailer to assist in the expansion of aquaculture development in North Florida. The operation of this trailer shall be on a cost recovery basis with the fish farmers which benefit from its use providing the operational and maintenance funding. No departmental funds shall be used for this purpose.

1120 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES

FROM CITRUS INSPECTION TRUST FUND		45,234
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		48,000
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		20,149

1121 SPECIAL CATEGORIES
GRANTS AND AIDS - VITICULTURE PROGRAM

FROM VITICULTURE TRUST FUND		108,000

1122 SPECIAL CATEGORIES
FLORIDA AGRICULTURE PROMOTION CAMPAIGN

FROM GENERAL REVENUE FUND	1,800,000	

Funds in Specific Appropriation 1122 are provided for department-wide promotion activities, including the Florida Agriculture Promotion Campaign and Commissioner's Promotional Awards, as well as industry-specific promotions for agri-business, aquaculture, and tropical fruit.

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1122A SPECIAL CATEGORIES
HARBOR BRANCH OCEANOGRAPHIC INSTITUTION

FROM GENERAL REVENUE FUND	300,000	

Funds provided in Specific Appropriation 1122A shall not be used for any education services or programs, production, research, or other aquaculture activity related to hard-shelled clams.

1122B SPECIAL CATEGORIES
TRANSFER ALLIGATOR EDUCATION CASH TO STATE GAME TRUST FUND

FROM GENERAL INSPECTION TRUST FUND		126,689

Funds in Specific Appropriation 1122B are to be returned to the Game and Fresh Water Fish Commission unless HB 3673 or similar legislation providing statutory authorization for the expenditure of these funds becomes law. If such legislation does become law, the department is authorized to refund, up to a total of $50,000, funds to nuisance alligator trappers who request a refund, based on their individual five dollar payment to the Game and Fresh Water Fish Commission for marketing and education during calendar years 1996 and 1997. In addition, the Executive Office of the Governor is authorized to transfer this spending authority to the appropriate operating categories for expenditure in accordance with the provisions of the legislation, subject to section 216.177, Florida Statutes.

1123 SPECIAL CATEGORIES
GRANTS AND AIDS - MARKETING ORDERS

FROM CITRUS INSPECTION TRUST FUND		1,000,000
FROM GENERAL INSPECTION TRUST FUND		475,000

1124 SPECIAL CATEGORIES
FOOD RECOVERY PROGRAM

FROM GENERAL REVENUE FUND	400,000	

1125 SPECIAL CATEGORIES
GRANTS AND AIDS - PROMOTIONAL AWARDS

FROM QUARTER HORSE RACING PROMOTION TRUST FUND		68,250

1125A SPECIAL CATEGORIES
SOUTH FLORIDA FOOD RECOVERY

FROM GENERAL REVENUE FUND	250,000	

1126 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS

FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,830,261

1127 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	44,510	
FROM CITRUS INSPECTION TRUST FUND		12,506
FROM CONTRACTS AND GRANTS TRUST FUND . . .		11,202
FROM GENERAL INSPECTION TRUST FUND		20,482
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		46,054
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		12,725

1130 FIXED CAPITAL OUTLAY
CODE AND LIFE SAFETY - STATE FARMERS' MARKETS - STATEWIDE - DMS MGD

FROM GENERAL REVENUE FUND	113,500	

1130A FIXED CAPITAL OUTLAY
MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE - DMS MGD

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FROM GENERAL REVENUE FUND 468,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 50,000

1130B FIXED CAPITAL OUTLAY
ADDITIONS/REPLACEMENTS/LAND PURCHASE AND RENOVATIONS - PALATKA STATE FARMERS' MARKET - DMS MGD
FROM GENERAL REVENUE FUND 475,000

1130C FIXED CAPITAL OUTLAY
ADDITIONS/REPLACEMENTS/RENOVATIONS - WAUCHULA STATE FARMERS' MARKET - DMS MGD
FROM GENERAL REVENUE FUND 50,000

1130D FIXED CAPITAL OUTLAY
ADDITIONS, REPLACEMENT, AND RENOVATIONS IMMOKALEE STATE FARMERS' MARKET - DMS MGD
FROM GENERAL REVENUE FUND 650,000

1130E FIXED CAPITAL OUTLAY
ADDITIONS AND REPLACEMENT, POMPANO STATE FARMERS' MARKET - DMS MGD
FROM GENERAL REVENUE FUND 870,000

1130F FIXED CAPITAL OUTLAY
ADDITIONS/REPLACEMENTS/RENOVATIONS - FORT PIERCE STATE FARMERS' MARKET - DMS MGD
FROM GENERAL REVENUE FUND 375,150

1130G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FESTIVALS
FROM GENERAL REVENUE FUND 270,000

Funds in Specific Appropriation 1130G are provided for the following festival grants based on local government sponsorship and support:

Greater Miami Host Committee (Millennium Festival).....40,000
Promotion of the Tomato Festival in Palmetto.....30,000
Miami Film Festival-Operations.....200,000

These funds shall be distributed in accordance with the process established in CS/SB 1922, or similar legislation, contingent on such legislation becoming law. If CS/SB 1922 or similar legislation does not become law, the following process shall be followed:

By August 15, 1998, the Governor, President of the Senate and Speaker of the House shall appoint two (2) members each to a committee and the committee shall appoint one member and elect a chairperson by September 15, 1998. The responsibility of the committee is to determine if each festival project provides direct public benefits, considering such factors as economic, educational, recreational, cultural or heritage benefits to the citizens and visitors of Florida. Upon determination by the committee that a project meets substantially the criteria above, then the committee shall recommend to the Department Head that a grant be awarded to the recipient up to the amount of the appropriation. Should the committee determine the project does not substantially meet the above criteria, the committee shall recommend that the Executive Office of the Governor place said appropriation in reserve. All grants shall be awarded by January 1, 1999.

The committee shall review all grant funding requests for fiscal year 1999-2000 and make recommendations in priority order based on the above criteria to the Governor and Legislature no later than February 1, 1999.

1130H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RENOVATIONS AND CONSTRUCTION/MANATEE COUNTY FAIR
FROM GENERAL REVENUE FUND 952,000

1130I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AGRISCIENCE CENTER
FROM GENERAL REVENUE FUND 524,325

1130J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AGRICULTURAL CENTER
FROM GENERAL REVENUE FUND 3,700,000

1130K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FLORIDA FAIR/DESIGN-ENGINEERING
FROM GENERAL INSPECTION TRUST FUND 200,000

1130L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AGRICULTURE - LIVESTOCK MARKETS, PAVILIONS AND CENTERS
FROM GENERAL REVENUE FUND 8,407,500

Funds in Specific Appropriation 1130L are provided for the following agriculture center, livestock pavilion and fair facility grants based on local government sponsorship and support:

Wakulla County Extension Facility	140,000
Wakulla County Exposition Center	160,000
Okeechobee County Agri-Civic Center	300,000
Quintette Community Center	75,000
Carver Community Center	175,000
Alger Sullivan Center	75,000
Pace Community Center	160,000
Baghdad Community Center	100,000
Arcadia Community Center	200,000
Madison Agricultural Center	300,000
Suwannee County Fairgrounds Riding Arena	200,000
Suwannee County Agricultural Fairgrounds	25,000
Bellville Community Center	100,000
Ft. Walton Beach Fairgrounds	300,000
Jackson County Agricultural Center	300,000
Calhoun, Gulf, and Liberty County Agricultural Center	300,000
St. Lucie Fair Association	300,000
Polk County Crop & Livestock Pavilion	300,000
Bradford County Fair Association	190,000
Indian River Agriculture Arena	200,000
DeSoto County Agri-Civic Center	200,000
Arcadia Livestock Market	50,000
Charlotte County Fair	200,000
Jay Recreation Center	250,000
Spring Hill Center	11,500
Washington County Ag Center	45,000
Gilchrist County FFA Alumni Improvements	300,000
Multi-Purpose Education and Community Facility/Police Athletic League	300,000
New Smyrna Beach - Community Center	300,000

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Teen Center - Holly Hill	80,000
Blackman Volunteer Fire Dept/ Community Center	91,000
City of Crestview Civic Auditorium	200,000
YWCA Ribault Community Improvement Project - Jacksonville	300,000
Cultural & Community Center - City of Temple Terrace	300,000
Miami Beach Fire Station Feasibility Study/Rescue Vehicles	300,000
Gadsden County Multi-Use Facility	160,000
Miami Springs City Hall Renovations	300,000
Neighborhood Community Center	300,000
Pensacola Interstate Fair/ Renovations	160,000
Okaloosa County Fair/Land Acquisition	300,000
Agriculture Center/Fairgrounds Land Acquisition	300,000
Lee Town Hall	60,000

These funds shall be distributed in accordance with the process established in CS/SB 1922, or similar legislation, contingent on such legislation becoming law. If CS/SB 1922 or similar legislation does not become law, the following process shall be followed:

By August 15, 1998, the Governor, President of the Senate and Speaker of the House of Representatives shall appoint two (2) members each to a committee and the committee shall appoint one member and elect a chairperson by September 15, 1998. The responsibility of the committee is to determine if each project provides direct public benefits, considering such factors as economic, educational or recreational benefits to the citizens and visitors of Florida. Project recipients must provide local match and a project plan and budget for construction completion and operating costs. Upon determination by the committee that a project meets substantially the criteria above, then the committee shall recommend to the Department Head that a grant be awarded to the recipient up to the amount of the appropriation, not to exceed $300,000.

Should the committee determine the project does not substantially meet the above criteria, the committee shall recommend that the Executive Office of the Governor place said appropriation in reserve. All grants shall be awarded by January 1, 1999.

The committee shall review all grant funding requests for fiscal year 1999-2000 and make recommendations in priority order based on the above criteria to the Governor and Legislature no later than February 1, 1999.

FRUIT AND VEGETABLES, DIVISION OF

1131	SALARIES AND BENEFITS POSITIONS 326		
	FROM CITRUS INSPECTION TRUST FUND		9,210,876
	FROM GENERAL INSPECTION TRUST FUND		2,338,514
1132	OTHER PERSONAL SERVICES		
	FROM CITRUS INSPECTION TRUST FUND		500,000
	FROM GENERAL INSPECTION TRUST FUND		500,000
1133	EXPENSES		
	FROM CITRUS INSPECTION TRUST FUND		1,496,380
	FROM GENERAL INSPECTION TRUST FUND		469,226
1133A	OPERATING CAPITAL OUTLAY		
	FROM CITRUS INSPECTION TRUST FUND		20,000

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1134	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM CITRUS INSPECTION TRUST FUND		20,000
1135	SPECIAL CATEGORIES AUTOMATED TESTING EQUIPMENT		
	FROM CITRUS INSPECTION TRUST FUND		254,756
1136	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM CITRUS INSPECTION TRUST FUND		562,834
	FROM GENERAL INSPECTION TRUST FUND		65,160

PLANT INDUSTRY, DIVISION OF

1137	SALARIES AND BENEFITS POSITIONS 323		
	FROM GENERAL REVENUE FUND	9,276,344	
	FROM CITRUS INSPECTION TRUST FUND		751,809
	FROM PLANT INDUSTRY TRUST FUND		1,786,345
1138	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	67,017	
	FROM CITRUS INSPECTION TRUST FUND		7,800
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		99,230
	FROM PLANT INDUSTRY TRUST FUND		759,550
1139	EXPENSES		
	FROM GENERAL REVENUE FUND	1,128,278	
	FROM CITRUS INSPECTION TRUST FUND		96,605
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		15,000
	FROM PLANT INDUSTRY TRUST FUND		1,077,895
1140	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	478,305	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		5,000
	FROM PLANT INDUSTRY TRUST FUND		50,000
1140A	LUMP SUM AGRICULTURE EMERGENCY FUND		
	FROM PLANT INDUSTRY TRUST FUND		10,000,000

Funds provided in Specific Appropriation 1140A are contingent upon legislation becoming law providing a funding source specifically for agricultural emergencies.

1141	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM PLANT INDUSTRY TRUST FUND		150,000
1142	SPECIAL CATEGORIES GRANTS AND AIDS - BOLL WEEVIL ERADICATION		
	FROM PLANT INDUSTRY TRUST FUND		560,000
1143	SPECIAL CATEGORIES APIARIAN INDEMNITIES		
	FROM GENERAL REVENUE FUND	36,000	
1144	SPECIAL CATEGORIES PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM		
	FROM PLANT INDUSTRY TRUST FUND		300,000
1145	SPECIAL CATEGORIES CARIBBEAN FRUIT FLY MANAGEMENT		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		125,000
1146	SPECIAL CATEGORIES CITRUS CANKER ERADICATION		
	FROM PLANT INDUSTRY TRUST FUND		2,000,000
1147	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		

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FROM GENERAL REVENUE FUND	328,396	
FROM PLANT INDUSTRY TRUST FUND		6,948

1147A SPECIAL CATEGORIES
ANTHRACNOSE ERADICATION

FROM GENERAL REVENUE FUND	300,000	

1147B SPECIAL CATEGORIES
TREE REPLACEMENT PROGRAM - DADE COUNTY
CITRUS CANKER

FROM GENERAL REVENUE FUND	3,000,000	

Funds are provided in Specific Appropriation 1147B to establish a residential tree replacement program for residential trees removed due to exposure to or infestation by citrus canker disease. The department shall provide the plan for distribution of the trees to the Executive Office of the Governor, House Fiscal Responsibility Council and Senate Ways and Means Committee no later than August 1, 1998, and upon approval of the plan, the Executive Office of the Governor shall release such funds in accordance with section 216.177, Florida Statutes.

1148 FIXED CAPITAL OUTLAY
ENGINEERING FOR AMERICANS WITH
DISABILITIES ACT (ADA) COMPLIANCE - DOYLE
CONNER COMPLEX - DMS MGD

FROM GENERAL REVENUE FUND	12,000	

1149 FIXED CAPITAL OUTLAY
COWPERTHWAITE BUILDING - AMERICANS WITH
DISABILITIES ACT RENOVATION - DMS MGD

FROM GENERAL REVENUE FUND	12,000	

1150 FIXED CAPITAL OUTLAY
AIR CONDITIONING COOLING TOWER - DOYLE
CONNER COMPLEX - GAINESVILLE

FROM GENERAL REVENUE FUND	17,000	

1151 FIXED CAPITAL OUTLAY
INSTALL FUME HOOD - DOYLE CONNER BUILDING

FROM GENERAL INSPECTION TRUST FUND		20,000

ANIMAL INDUSTRY, DIVISION OF

1153 SALARIES AND BENEFITS POSITIONS 168

FROM GENERAL REVENUE FUND	5,433,539	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		939,106
FROM GENERAL INSPECTION TRUST FUND		92,180

1154 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	216,866	

1155 EXPENSES

FROM GENERAL REVENUE FUND	698,500	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		339,462
FROM GENERAL INSPECTION TRUST FUND		286,033

1158 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	88,363	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		31

CONSUMER SERVICES, DIVISION OF

1160 SALARIES AND BENEFITS POSITIONS 106

FROM GENERAL REVENUE FUND	1,004,792	
FROM GENERAL INSPECTION TRUST FUND		2,570,008

1161 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	12,216	
FROM GENERAL INSPECTION TRUST FUND		38,513

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1162 EXPENSES

FROM GENERAL REVENUE FUND	139,597	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		8,771
FROM GENERAL INSPECTION TRUST FUND		633,523

1162A OPERATING CAPITAL OUTLAY

FROM GENERAL INSPECTION TRUST FUND		16,075

1163 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	33,119	

FORESTRY, DIVISION OF

1164 SALARIES AND BENEFITS POSITIONS 1,114

FROM GENERAL REVENUE FUND	33,686,619	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,084,344
FROM INCIDENTAL TRUST FUND		4,567,368

1165 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	208,742	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		71,000
FROM INCIDENTAL TRUST FUND		551,641

1166 EXPENSES

FROM GENERAL REVENUE FUND	3,198,495	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		792,778
FROM INCIDENTAL TRUST FUND		6,510,386

1167 AID TO LOCAL GOVERNMENTS
AMERICA THE BEAUTIFUL PROGRAM

FROM CONTRACTS AND GRANTS TRUST FUND . . .		528,000

1168 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RURAL COMMUNITY FIRE
PROTECTION

FROM CONTRACTS AND GRANTS TRUST FUND . . .		72,589

1169 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PLANT A TREE PROGRAM

FROM CONTRACTS AND GRANTS TRUST FUND . . .		200,000

1170 AID TO LOCAL GOVERNMENTS
STATE FOREST RECEIPT DISTRIBUTION

FROM INCIDENTAL TRUST FUND		700,050

1171 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	1,256,996	
FROM INCIDENTAL TRUST FUND		1,258,335

1172 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES

FROM GENERAL REVENUE FUND	3,500,000	
FROM INCIDENTAL TRUST FUND		1,000,000

1173 SPECIAL CATEGORIES
ON-CALL FEES

FROM GENERAL REVENUE FUND	333,296	
FROM INCIDENTAL TRUST FUND		10,000

1174 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	1,276,976	
FROM INCIDENTAL TRUST FUND		157,004

1175 SPECIAL CATEGORIES
GRANTS AND AIDS - UNITED STATES SMALL
BUSINESS ADMINISTRATION TREE PLANTING
PROGRAM

FROM CONTRACTS AND GRANTS TRUST FUND . . .		754,110

1176 SPECIAL CATEGORIES
AMERICA THE BEAUTIFUL GRANT

FROM CONTRACTS AND GRANTS TRUST FUND . . .		150,000

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1177 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM INCIDENTAL TRUST FUND 1,632

1178 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000

1178A FIXED CAPITAL OUTLAY
RELOCATE STUART WORK CENTER
FROM GENERAL REVENUE FUND 151,000

1178B FIXED CAPITAL OUTLAY
RENOVATE DORMITORIES - FORESTRY TRAINING CENTER - WITHLACOOCHEE FORESTRY CENTER - DMS MGD
FROM GENERAL REVENUE FUND 207,000

1178C FIXED CAPITAL OUTLAY
EQUIPMENT SHEDS - MULTIPLE LOCATIONS
FROM GENERAL REVENUE FUND 100,000

1178D FIXED CAPITAL OUTLAY
REPLACE AND RELOCATE JACKSONVILLE DISTRICT HEADQUARTERS FACILITY, DUVAL COUNTY - DMS MGD
FROM GENERAL REVENUE FUND 700,000

1178E FIXED CAPITAL OUTLAY
TATES HELL STATE FOREST FACILITY
FROM INCIDENTAL TRUST FUND 475,000

1178F FIXED CAPITAL OUTLAY
ROAD IMPROVEMENTS-TILLIS HILL RECREATION AREA, CITRUS COUNTY
FROM INCIDENTAL TRUST FUND 76,000

1178G FIXED CAPITAL OUTLAY
REPLACE FORESTRY STATION - DELEON WORK CENTER - VOLUSIA COUNTY
FROM GENERAL REVENUE FUND 210,000
FROM INCIDENTAL TRUST FUND 315,000

1179 FIXED CAPITAL OUTLAY
FORESTRY LAND ACQUISITION - STATEWIDE
FROM INCIDENTAL TRUST FUND 110,000

AGRICULTURE MANAGEMENT INFORMATION CENTER

1180 SALARIES AND BENEFITS POSITIONS 54
FROM GENERAL REVENUE FUND 1,011,893
FROM GENERAL INSPECTION TRUST FUND 1,595,362

1181 EXPENSES
FROM GENERAL REVENUE FUND 1,850,452
FROM GENERAL INSPECTION TRUST FUND 1,286,652
FROM INCIDENTAL TRUST FUND 140,000

1182 OPERATING CAPITAL OUTLAY
FROM GENERAL INSPECTION TRUST FUND 50,000
FROM INCIDENTAL TRUST FUND 560,000

1183 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL INSPECTION TRUST FUND 9,872

AGRICULTURAL ENVIRONMENTAL SERVICES, DIVISION OF

1184 SALARIES AND BENEFITS POSITIONS 208
FROM GENERAL REVENUE FUND 2,567,891
FROM CONTRACTS AND GRANTS TRUST FUND . . . 342,524

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FROM GENERAL INSPECTION TRUST FUND 4,085,504
FROM PEST CONTROL TRUST FUND 1,322,952

1185 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,500
FROM CONTRACTS AND GRANTS TRUST FUND . . . 20,000
FROM PEST CONTROL TRUST FUND 21,530

1186 EXPENSES
FROM GENERAL REVENUE FUND 873,481
FROM CONTRACTS AND GRANTS TRUST FUND . . . 442,443
FROM GENERAL INSPECTION TRUST FUND 532,452
FROM PEST CONTROL TRUST FUND 412,572

1187 AID TO LOCAL GOVERNMENTS
MOSQUITO CONTROL PROGRAM
FROM GENERAL INSPECTION TRUST FUND 2,278,598

From the funds provided in Specific Appropriation 1187, $250,000 shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the IFAS/Florida Medical Entomology Laboratory and the FAMU/Mulrennan Research Laboratory. The research shall be guided by a seven member research advisory committee, appointed by the Commissioner of Agriculture which shall include three representatives of local mosquito control programs, and one representative each from the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Department of Health and the U.S. Department of Agriculture (USDA).

1188 OPERATING CAPITAL OUTLAY
FROM CONTRACTS AND GRANTS TRUST FUND . . . 70,741
FROM GENERAL INSPECTION TRUST FUND 30,000
FROM PEST CONTROL TRUST FUND 22,430

1189 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 48,000
FROM CONTRACTS AND GRANTS TRUST FUND . . . 154,000
FROM PEST CONTROL TRUST FUND 41,844

1190 SPECIAL CATEGORIES
NITRATE RESEARCH AND REMEDIATION
FROM GENERAL INSPECTION TRUST FUND 930,000

1191 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 57,930

FOOD SAFETY, DIVISION OF

1192 SALARIES AND BENEFITS POSITIONS 239
FROM GENERAL REVENUE FUND 2,352,967
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,813,523
FROM GENERAL INSPECTION TRUST FUND 5,510,245

1193 OTHER PERSONAL SERVICES
FROM CONTRACTS AND GRANTS TRUST FUND . . . 90,413

1194 EXPENSES
FROM GENERAL REVENUE FUND 638,755
FROM CONTRACTS AND GRANTS TRUST FUND . . . 641,934
FROM GENERAL INSPECTION TRUST FUND 562,316

1195 OPERATING CAPITAL OUTLAY
FROM CONTRACTS AND GRANTS TRUST FUND . . . 87,200
FROM GENERAL INSPECTION TRUST FUND 49,200

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1196 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 32,266

1197 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 83,632
FROM CONTRACTS AND GRANTS TRUST FUND . . . 23,204
FROM GENERAL INSPECTION TRUST FUND 44,433

1198 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL INSPECTION TRUST FUND 9,206

COMMUNITY AFFAIRS, DEPARTMENT OF

OFFICE OF THE SECRETARY

1199 SALARIES AND BENEFITS POSITIONS 129
FROM GENERAL REVENUE FUND 2,739,158
FROM ADMINISTRATIVE TRUST FUND 2,244,817
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 338,701
FROM ENERGY CONSUMPTION TRUST FUND 32,200
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 35,879
FROM FLORIDA COMMUNITIES TRUST FUND . . . 531,797
FROM GRANTS AND DONATIONS TRUST FUND . . . 192,149
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 29,447

1200 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 485,626
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 340,000
FROM FLORIDA COMMUNITIES TRUST FUND . . . 150,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,941

1201 EXPENSES
FROM GENERAL REVENUE FUND 315,338
FROM ADMINISTRATIVE TRUST FUND 1,138,379
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 312,179
FROM ENERGY CONSUMPTION TRUST FUND 3,916
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 4,665
FROM FLORIDA COMMUNITIES TRUST FUND . . . 155,890
FROM GRANTS AND DONATIONS TRUST FUND . . . 56,146
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 5,389

1202 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 93,608
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 1,399
FROM FLORIDA COMMUNITIES TRUST FUND . . . 263

1203 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 227,401

1204 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,169
FROM ADMINISTRATIVE TRUST FUND 6,585
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 310
FROM ENERGY CONSUMPTION TRUST FUND 102
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 60
FROM FLORIDA COMMUNITIES TRUST FUND . . . 562
FROM GRANTS AND DONATIONS TRUST FUND . . . 205
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 60

1205 SPECIAL CATEGORIES
GRANTS AND AIDS - COASTAL MANAGEMENT REQUIREMENTS
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 1,629,543

1206 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 30,000,000

RESOURCE PLANNING AND MANAGEMENT, DIVISION OF

1207 SALARIES AND BENEFITS POSITIONS 80
FROM GENERAL REVENUE FUND 3,346,643
FROM GRANTS AND DONATIONS TRUST FUND . . . 256,448

1208 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,650

1209 EXPENSES
FROM GENERAL REVENUE FUND 629,687
FROM GRANTS AND DONATIONS TRUST FUND . . . 39,233

1210 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AREAS OF CRITICAL STATE CONCERN REQUIREMENTS
FROM GENERAL REVENUE FUND 1,175,000

From funds provided in Specific Appropriation 1210, $100,000 is designated for wastewater treatment grants to Monroe County to assist residents in replacing illegal or inadequate on-site wastewater treatment systems. These funds are to be matched 100 percent by Monroe County. The county shall work with the Executive Office of the Governor, the Department of Health/Monroe County Public Health Unit, and the Department of Community Affairs to establish specific criteria for the use of these funds.

1211 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS
FROM GENERAL REVENUE FUND 739,863

From funds provided in Specific Appropriation 1211, $40,000 in funding is provided each to the cities of Deltona, Aventura, Wellington, Pinecrest, and Ft. Myers Beach for the development of comprehensive plans, as required pursuant to the state mandated Growth Management and Land Development Regulation Act of 1985, Chapter 163, Part II, Florida Statutes. Additionally, $40,000 each is provided to the cities of Weston, Sunny Isle Beach, Marco Island, and Islamorada as initial funding for the development of comprehensive plans.

1212 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 205

1213 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING COUNCILS
FROM GENERAL REVENUE FUND 2,236,250

From funds provided to the regional planning councils in Specific Appropriation 1213, 70 percent is to be divided equally and 30 percent shall be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments to address problems of greater-than-local significance.

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1214 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,004

EMERGENCY MANAGEMENT, DIVISION OF

1215 SALARIES AND BENEFITS POSITIONS 115
FROM GENERAL REVENUE FUND 1,204,390
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 917,395
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 25,917
FROM GRANTS AND DONATIONS TRUST FUND . . . 295,675
FROM OPERATING TRUST FUND 690,300
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 704,660
FROM U.S. CONTRIBUTIONS TRUST FUND 1,046,652

1216 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,500
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 289,354
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 271,934
FROM GRANTS AND DONATIONS TRUST FUND . . . 450,000
FROM OPERATING TRUST FUND 1,307,500
FROM U.S. CONTRIBUTIONS TRUST FUND 395,781

1217 EXPENSES
FROM GENERAL REVENUE FUND 281,895
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 368,346
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 82,200
FROM GRANTS AND DONATIONS TRUST FUND . . . 252,736
FROM OPERATING TRUST FUND 290,894
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 279,981
FROM U.S. CONTRIBUTIONS TRUST FUND 406,615

1218 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 2,189,944

1219 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS
FROM U.S. CONTRIBUTIONS TRUST FUND 1,000,000

1220 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM U.S. CONTRIBUTIONS TRUST FUND 4,600,000

1221 AID TO LOCAL GOVERNMENTS
LOCAL SUPPORT MATERIALS
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

1222 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,000
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 17,758
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,297
FROM OPERATING TRUST FUND 6,430
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 7,626
FROM U.S. CONTRIBUTIONS TRUST FUND 36,866

From funds provided in Specific Appropriations 1215, 1216, 1217, and 1222, $65,904 and two positions, $27,500, $35,519, and $6,430, respectively, from the Operating Trust Fund are contingent upon legislation becoming law which authorizes the state to administer a Risk Management Program to implement updates to the federal Clean Air Act Amendments of 1990 and to establish fees to support the implementation of the program.

1223 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 40,000

1224 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 55,000

1225 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 8,298,072
FROM U.S. CONTRIBUTIONS TRUST FUND 83,438

1226 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT RELIEF ASSISTANCE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,457,530

1227 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,457,530

1228 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 14,123
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 14,122

1229 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 590,026
FROM GRANTS AND DONATIONS TRUST FUND . . . 224,445
FROM U.S. CONTRIBUTIONS TRUST FUND 885,425

1230 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,228,371
FROM U.S. CONTRIBUTIONS TRUST FUND 39,889,952

Funds provided in Specific Appropriations 1230 from the Grants and Donations Trust Fund, reflect the transfer of $5,500,000 of mitigation funds from the Florida Hurricane Catastrophe fund pursuant to s. 215.555(7)(c). From these funds, the state shall meet its match requirement for federally-declared disasters occurring after July 1, 1997 by requiring a 12.5 percent match from the local governments along with the state share of 12.5 percent. Because the location, type of disaster and severity of the event can materially effect the magnitude of costs, the local government's share may be initially provided by the state with future repayment being provided by the appropriate local government or deducted from the local government's state revenue sharing allocation. Additionally, the Executive Office of the Governor may waive the local 12.5

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percent match after consultation with the Legislature pursuant to s. 216.177, Florida Statutes, if it is determined that such a match cannot be provided or that by doing so would effect a documented hardship on the local entity.

1232 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ANDREW RELIEF - ADMINISTRATIVE ACTIVITIES
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 1,139,211

1233 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - HURRICANE ANDREW
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 150,660,748

1234 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ERIN
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,920,197
FROM U.S. CONTRIBUTIONS TRUST FUND 8,314,585

1235 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE OPAL
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,586,184
FROM U.S. CONTRIBUTIONS TRUST FUND 26,921,915

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

1236 SALARIES AND BENEFITS POSITIONS 115
FROM GENERAL REVENUE FUND 760,472
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 420,585
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 333,004
FROM ENERGY CONSUMPTION TRUST FUND 853,775
FROM STATE HOUSING TRUST FUND 41,959
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 962,054
FROM GRANTS AND DONATIONS TRUST FUND . . . 151,087
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 166,142
FROM OPERATING TRUST FUND 1,400,761

1237 OTHER PERSONAL SERVICES
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 226,073
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 50,000
FROM ENERGY CONSUMPTION TRUST FUND 162,640
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 361,227
FROM GRANTS AND DONATIONS TRUST FUND . . . 375,000
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 71,625
FROM OPERATING TRUST FUND 735,821

1238 EXPENSES
FROM GENERAL REVENUE FUND 89,800
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 268,998
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 161,310
FROM ENERGY CONSUMPTION TRUST FUND 481,750
FROM STATE HOUSING TRUST FUND 31,566
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 441,715
FROM GRANTS AND DONATIONS TRUST FUND . . . 185,618
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 135,453
FROM OPERATING TRUST FUND 830,256

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1239 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 19,118,106

From the funds in Specific Appropriation 1239, each unit of local government making application for grant funding shall provide the Department of Community Affairs proposals which detail how funds are to be used, the results to be expected and recommended performance measures. The department must include in the grant documents performance measures based on the proposal.

1240 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE AGENCIES
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 9,035,240

1241 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 2,683,102

1242 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 1,529,434

1243 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 33,998,837

Funds provided in Specific Appropriation 1243 shall be divided and distributed among the statutorily established program categories as follows: Housing 20 percent; Economic Development 30 percent; Neighborhood Revitalization 40 percent; and Commercial Revitalization 10 percent. Programs which provide employment opportunities to clients of Workforce Development Initiatives and the WAGES Program shall be given consideration in the distribution of these funds. The department shall give priority consideration to these programs within the federal law and state statute which govern the CDBG Program. Funds not distributed due to an insufficient number of eligible applications in the Housing, Neighborhood Revitalization, or Commercial Revitalization Program categories shall be transferred to the program category receiving the greatest dollar value of request for grants. In the event that all eligible applications are funded in the three grant categories, other than Economic Development, and funds remain available, then these remaining funds shall be transferred to the Economic Development category for allocation.

1244 OPERATING CAPITAL OUTLAY
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 7,077
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 223
FROM ENERGY CONSUMPTION TRUST FUND 1,197
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 815
FROM GRANTS AND DONATIONS TRUST FUND . . . 88

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FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 10
FROM OPERATING TRUST FUND 1,075

1245 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 4,497,908

1246 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH
FROM OPERATING TRUST FUND 588,828

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1246, this transfer shall be reduced proportionately.

1247 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY DEVELOPMENT CORPORATION GRANTS
FROM GENERAL REVENUE FUND 800,000

From funds in Specific Appropriation 1247, $800,000 in General Revenue funds shall be released on a quarterly basis by the Executive Office of the Governor. The second quarter release shall be made when Operational Plans are provided by the Community Development Corporations to the Executive Office of the Governor that incorporate the improvements and recommendations of the Office of Program Policy Analysis and Government Accountability's Report Number 97-45. Further releases are contingent on certification by the Secretary of the Department of Community Affairs that the Community Development Corporations are operating based on their submitted plans.

1248 SPECIAL CATEGORIES
COMMUNITY DEVELOPMENT CORPORATION LOANS
FROM OPERATING TRUST FUND 1,500,000

1249 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 14,176,783

1250 SPECIAL CATEGORIES
GRANTS AND AIDS - FARMWORKER EMERGENCY GRANT
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 100,000

1250A SPECIAL CATEGORIES
GRANTS AND AIDS - UNIVERSITY AREA COMMUNITY CENTER COMPLEX
FROM GENERAL REVENUE FUND 100,000

1251 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 21,900,000

1252 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT DARE
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 508,302

1253 SPECIAL CATEGORIES
GRANTS AND AIDS - WEATHERIZATION GRANTS

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FROM ENERGY CONSUMPTION TRUST FUND 1,009,957
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 2,760,591

1254 SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND
FROM OPERATING TRUST FUND 100,000

1255 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 31,181
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 13,919
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 13,919
FROM ENERGY CONSUMPTION TRUST FUND 27,838
FROM STATE HOUSING TRUST FUND 62
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 43,746
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,903
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 5,965
FROM OPERATING TRUST FUND 57,669

1256 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS OPERATING TRUST FUND
FROM STATE HOUSING TRUST FUND 1,500,000

1257 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS HOUSING AND COMMUNITY DEVELOPMENT GRANTS AND DONATIONS TRUST FUND
FROM STATE HOUSING TRUST FUND 689,909

1257A SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 625,000

1258 SPECIAL CATEGORIES
GRANTS AND AIDS - RESIDENTIAL CONSTRUCTION MITIGATION LOANS
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

Funds provided in Specific Appropriation 1258 reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7)(c), Florida Statutes.

1259 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - LOCAL UNITS OF GOVERNMENT
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 486,796

1260 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - STATE AGENCY
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 747,848

1261 SPECIAL CATEGORIES
GRANTS AND AID - LOCAL LAW ENFORCEMENT BLOCK GRANT - LOCAL UNITS OF GOVERNMENT
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 526,770

1262 SPECIAL CATEGORIES
GRANTS AND AID - VIOLENT OFFENDER INCARCERATIONS AND TRUTH-IN- SENTENCING INCENTIVE PROGRAM - STATE AGENCY
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 31,006,196

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1263 SPECIAL CATEGORIES
GRANTS AND AID - VIOLENCE AGAINST WOMEN PROGRAM - STATE AND LOCAL UNITS OF GOVERNMENT, AND NON-PROFITS
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 5,093,900

1264 SPECIAL CATEGORIES
TRANSFER TO OFFICE OF THE SECRETARY
FROM OPERATING TRUST FUND 60,161

1266 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ENERGY EFFICIENCY PROJECTS
FROM ENERGY CONSUMPTION TRUST FUND 6,000,000

Funds provided in Specific Appropriation 1266 shall be used for energy related projects including initiatives in transportation, communities, energy education, agriculture, long-term mitigation development, solar alternatives, and weatherization program funding.

1267 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR
FROM ENERGY CONSUMPTION TRUST FUND 2,500,000

1268 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - TRANSFER TO ENERGY CONSUMPTION TRUST FUND
FROM STATE HOUSING TRUST FUND 2,000,000

FLORIDA HOUSING FINANCE CORPORATION

1269 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS
FROM STATE HOUSING TRUST FUND 34,738,134

Funds provided in Specific Appropriation 1269 include Fiscal Year 1998-99 debt service on all Florida Affordable Housing Guarantee Program Bonds. If the debt service varies due to a change in the revenue sources or other circumstances, there is hereby appropriated from the State Housing Trust Fund an amount sufficient to pay such debt service as required by the Florida Affordable Housing Guarantee Program.

1270 SPECIAL CATEGORIES
HOUSING FINANCE CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS - ADMINISTRATION
FROM STATE HOUSING TRUST FUND 1,501,276

1271 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 90,900,000

1272 SPECIAL CATEGORIES
HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM - MONITORING
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 200,000

1273 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES (DCF) - HOMELESS PROGRAMS
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 900,000

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ENVIRONMENTAL PROTECTION, DEPARTMENT OF

ADMINISTRATIVE AND TECHNICAL SERVICES, DIVISION OF

1275 SALARIES AND BENEFITS POSITIONS 586
FROM GENERAL REVENUE FUND 6,581,527
FROM ADMINISTRATIVE TRUST FUND 11,544,863
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 3,251,269
FROM INLAND PROTECTION TRUST FUND 44,424
FROM GRANTS AND DONATIONS TRUST FUND . . . 267,332
FROM LAND ACQUISITION TRUST FUND 41,457
FROM MINERALS TRUST FUND 1,667,414
FROM PERMIT FEE TRUST FUND 168,106
FROM WATER QUALITY ASSURANCE TRUST FUND . 869
FROM WORKING CAPITAL TRUST FUND 3,312,446

Funds provided in Specific Appropriation 1275 for pay adjustments in the General Counsel's Office shall be awarded by the Secretary in an amount that, based on her sole discretion, represents the appropriate contribution of the individual attorney to the goals she has established for the agency. She shall consult with other agency senior managers prior to making her decision. The raises awarded may not be across the board and may not result in any employee exceeding the pay range to which they are currently assigned. If the entire amount appropriated is not required to provide raises in keeping with the above, it may not be used for any other purpose, and shall be placed in reserve by the Executive Office of the Governor.

1276 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 79,500
FROM ADMINISTRATIVE TRUST FUND 421,659
FROM AIR POLLUTION CONTROL TRUST FUND . . 7,200
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,161,340
FROM COASTAL PROTECTION TRUST FUND 9,000
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 520,000
FROM INLAND PROTECTION TRUST FUND 172,455
FROM GRANTS AND DONATIONS TRUST FUND . . . 903,528
FROM MINERALS TRUST FUND 14,326
FROM PERMIT FEE TRUST FUND 250,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 46,800
FROM WORKING CAPITAL TRUST FUND 1,150,000

1277 EXPENSES
FROM GENERAL REVENUE FUND 2,066,031
FROM ADMINISTRATIVE TRUST FUND 4,062,027
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,009,791
FROM INLAND PROTECTION TRUST FUND 32,928
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,129,832
FROM MINERALS TRUST FUND 302,429
FROM WORKING CAPITAL TRUST FUND 2,875,571

1278 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 1,099,922

1279 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PAYMENTS TO COUNTIES FOR CROSS FLORIDA BARGE CANAL LANDS
FROM GENERAL REVENUE FUND 2,000,000

Funds provided in Specific Appropriation 1279 are to be used to pay back those monies owed by the state to Duval County for lands impacted by the Cross Florida Barge Canal.

1280 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 1,099,922

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1281 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION
FROM GENERAL REVENUE FUND 547,000

1282 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 359,675
FROM ADMINISTRATIVE TRUST FUND 351,419
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 350,000
FROM INLAND PROTECTION TRUST FUND 16,075
FROM GRANTS AND DONATIONS TRUST FUND . . . 252,000
FROM MINERALS TRUST FUND 176,147
FROM WORKING CAPITAL TRUST FUND 2,495,645

1283 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 19,592
FROM MINERALS TRUST FUND 241,128

1284 SPECIAL CATEGORIES
GROUND WATER QUALITY MONITORING NETWORK
FROM WATER QUALITY ASSURANCE TRUST FUND . 125,000

1285 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 901,526

1286 SPECIAL CATEGORIES
EVERGLADES LAB SUPPORT
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 494,180

1287 SPECIAL CATEGORIES
TRANSFER TO FLORIDA GAME AND FRESH WATER FISH COMMISSION/ ENVIRONMENTAL EDUCATION GRANT ADMINISTRATION
FROM SAVE THE MANATEE TRUST FUND 499,500

1288 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 56,661
FROM ADMINISTRATIVE TRUST FUND 470,533

1289 SPECIAL CATEGORIES
GULF STATES MARINE FISHERIES
FROM GENERAL REVENUE FUND 22,500

1290 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 447,000

1291 SPECIAL CATEGORIES
NATURAL AREAS INVENTORY
FROM WORKING CAPITAL TRUST FUND 445,895

Funds in Specific Appropriation 1291 shall be utilized by the department to provide in-house capabilities for the development and maintenance of a natural areas inventory database.

1292 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 74,449
FROM ADMINISTRATIVE TRUST FUND 170,313

1293 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 5,435

1294 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 107,407

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1295 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM WORKING CAPITAL TRUST FUND 635,799

1296 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 113,430
FROM ADMINISTRATIVE TRUST FUND 810,082

1297 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM WORKING CAPITAL TRUST FUND 811,700

1298 FIXED CAPITAL OUTLAY
GUNTER BUILDING REPAIRS AND MAINTENANCE
FROM MINERALS TRUST FUND 455,046

1298A FIXED CAPITAL OUTLAY
SPOIL SITE ACQUISITIONS AND IMPROVEMENTS (LUMP SUM - 376.11 FS) - DMS MGD
FROM GENERAL REVENUE FUND 613,618

Funds in Specific Appropriation 1298A are provided to the Tampa Port Authority to continue mitigation activities for the Hookers Point Project previously provided from the Port Trust Fund, contingent on the transfer of cash from the Port Trust Fund to the General Revenue Fund, pursuant to Chapter 93-120, Laws of Florida.

1299A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SURFACE WATER IMPROVEMENTS PROJECTS
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 11,157,988

Funds in Specific Appropriation 1299A are based on the transfer of funds from the Solid Waste Management Trust Fund, contingent upon legislation becoming law that amends s. 212.20, Florida Statutes, to provide for appropriation of funds for this purpose.

Funds provided in Specific Appropriation 1299A include the following projects:

Guana Basin Renovation Program	705,000
Little Wekiva River Restoration	1,500,000
Lake Jesup Restoration and Enhancement	1,500,000
North Fork of the New River	450,000
Lake Worth Lagoon	1,000,000
Ten Mile Creek	1,000,000
Lake Jessamine Water Advisory Board	100,000
Biscayne Bay Restoration and Enhancement	200,000
C-1 Rediversion Project for Indian River Lagoon	500,000
Homestead Air Force Base/Run Off Cleanup	1,000,000
Hudson Channel Dredging/Pasco County	50,000
Big Escambia Creek Cleanup	500,000
Corbett Wildlife Management Area/Flood Control	852,988
East County Water Control District-Carlos Project	1,500,000
Miami River Cleanup - Phase II	300,000

1300 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - TRANSPORTATION

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MITIGATION PROJECTS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 8,043,466

Funds are provided in Specific Appropriation 1300 to implement mitigation requirements for Department of Transportation projects. When selecting mitigation options, priority attention shall be given to Surface Water Improvement and Management priority waterbodies and other unfunded state or water management district restoration needs.

1300A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
LAND ACQUISITION - PERFORMING ARTS CENTER - MIAMI-DADE COUNTY
FROM GENERAL REVENUE FUND 1,500,000

1300B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
RESTORATION/ST JOHNS RIVER
FROM GENERAL REVENUE FUND 10,500,000

Funds in Specific Appropriation 1300B are provided for the Lower St. Johns River Basin Initiative. No funds provided to the St. Johns River Water Management District from Specific Appropriation 1300B may be used for restoration of the Oklawaha River.

1300C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
HARRIET V. AND HARRY T. MOORE COMPLEX
FROM GENERAL REVENUE FUND 700,000

1300D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
MIAMI SHORES VILLAGE - COMMUNITY PARK
FROM GENERAL REVENUE FUND 500,000

Funds provided in Specific Appropriation 1300D shall be disbursed by the Department of Environmental Protection to the Village of Miami Shores for the Downtown Redevelopment planning and design, Biscayne Bay Cleanup Program, and ADA Improvement Program.

1300E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
TROPICAL GARDEN EDUCATION CENTER
FROM LAND ACQUISITION TRUST FUND 300,000

1300F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
MELVIN I. ANGLIN'S PELICAN SQUARE
FROM GENERAL REVENUE FUND 254,900

1300G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
DISCOVERY - NEW SCIENCE EDUCATION CENTER
FROM GENERAL REVENUE FUND 1,100,000

1300H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
VILLAGE OF EL PORTAL IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 300,000

1300I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
ACQUISITION/DEVELOPMENT SWEETWATER PARK
FROM GENERAL REVENUE FUND 150,000

1300J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS

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EGMONT KEY FORT DADE
FROM GENERAL REVENUE FUND 139,400

1300K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
CITY OF HIALEAH PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 700,000

1300L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
WESTLAND PARK REPAIRS/LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 690,000

1300M GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
POWELL CROSLEY ESTATE
FROM GENERAL REVENUE FUND 500,000

STATE LANDS, DIVISION OF

1301 SALARIES AND BENEFITS POSITIONS 182
FROM AQUATIC PLANT CONTROL TRUST FUND . . 1,367,897
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,443,819
FROM FORFEITED PROPERTY TRUST FUND 113,680
FROM GRANTS AND DONATIONS TRUST FUND . . . 198,744
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 4,749,107
FROM WATER MANAGEMENT LANDS TRUST FUND . . 47,611

1302 AID TO LOCAL GOVERNMENTS
AQUATIC PLANT CONTROL MATCHING GRANTS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 12,127,376
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,700,000

Funds in Specific Appropriation 1302 are provided for Aquatic Plant Control Matching Grants pursuant to s. 369.22, Florida Statutes.

From the funds in Specific Appropriation 1302, $8 million from the Aquatic Plant Control Trust Fund is based on the transfer of funds from the Solid Waste Management Trust Fund, contingent on legislation becoming law that amends section 212.20, Florida Statutes, to allow appropriation of funds for this purpose.

1302A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GREEN SWAMP AUTHORITY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 100,000

1303 LUMP SUM
PERFORMANCE BASED PROGRAM BUDGETING - STATE LANDS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 1,880,238
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,416,785
FROM FORFEITED PROPERTY TRUST FUND 116,611
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,313,664
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 2,516,505
FROM WATER MANAGEMENT LANDS TRUST FUND . . 6,960

Funds are provided in Specific Appropriation 1303 for the State Lands Records Modernization Project which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. Up to two percent of the appropriation for the project may be transferred to the Technology Review Workgroup for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

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From the funds provided in Specific Appropriation 1303, the Board of Trustees of the Internal Improvement Trust Fund shall not place or continue any lease(s) of State owned land to any entity for the purpose of training state/local law enforcement officers for any program requiring certification or continuing education unless the training program is performed by state agencies, universities or the local community college. The Board shall notify the Department of Education of any changes and they shall make all necessary program, F.T.E. and funding adjustments effective July 1, 1998 pursuant to Florida Statutes.

From the funds in Specific Appropriations 1301, 1302 and 1303 through 1323, the State Lands Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to acquire and administer and dispose of state lands.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Percent increase in the number of occurrences of endangered/threatened/ special concern species on publicly managed conservation areas	10%
Evaluate and dispose of 80 parcels of land annually that have been determined to have no further public use	80
Ensure that 90% of all land management plans are completed within statutory time frames	60%
OUTPUTS:	
Number of acres of land acquired by the P2000 program that had their highest resource values based on FNAI elements	218,808
Number and percent completion of projects on the CARL list	95/10%
Percentage of submerged land leases found in compliance annually	92%
Additional approved performance measures and standards are included in the Recommendations of the House Committees Environmental Protection and Water and Resource Management, and are incorporated herein by reference.	

From the funds in Specific Appropriation 1303, $200,000 from the Internal Improvement Trust Fund is provided to complete the Escambia County mapping and surveying project.

1304 SPECIAL CATEGORIES
NATIONAL OCEAN SURVEY
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 56,000

1305 SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 1,767,855
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,000,000

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1306 SPECIAL CATEGORIES
RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES
FROM FORFEITED PROPERTY TRUST FUND 757,586

1307 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 28,993

1308 SPECIAL CATEGORIES
TOPOGRAPHIC MAPPING
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 200,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 200,000

1309 SPECIAL CATEGORIES
PAYMENT IN LIEU OF TAXES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,302,500

1310 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 6,126,624

1311 SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 8,066,483

1312 SPECIAL CATEGORIES
TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR MANAGEMENT OF CARL LANDS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 7,036,245

1313 SPECIAL CATEGORIES
TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR ADMINISTRATIVE OVERHEAD
FROM AQUATIC PLANT CONTROL TRUST FUND . . 880,000

1314 SPECIAL CATEGORIES
TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM
FROM AQUATIC PLANT CONTROL TRUST FUND . . 25,000

1315 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,783,261

1315A SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICT PROPERTY TAXES
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 50,000

1316 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 603,463
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 364,863

1317 FIXED CAPITAL OUTLAY
BELLE GLADE HAZARDOUS WASTE CLEANUP
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 100,000

1318 FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS - LAND ACQUISITION

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FROM FLORIDA PRESERVATION 2000 TRUST FUND	90,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . .	56,128,066

From the funds in Specific Appropriation 1318 from the Water Management Lands Trust Fund for the South Florida Water Management District, $1,000,000 is provided for the South Dade Buffer Acquisition.

Funds provided in Specific Appropriation 1318 from the Water Management Lands Trust Fund shall be allocated in accordance with the provisions of s. 373.59(8), Florida Statutes. First priority for the use of these funds shall be to meet outstanding debt service obligations, to meet statutory requirements for payments in lieu of taxes, and to provide management of water management lands as authorized in s. 373.59(9), Florida Statutes. Management may include the control and removal of non-indigenous exotic vegetation.

After meeting the requirements in the above paragraph, the governing board of a water management district may request, and the Secretary of the Department shall release upon such request, funds provided in Specific Appropriation 1318 from the Water Management Lands Trust Fund for the purpose of carrying out the provisions of s. 373.451 - 373.4595, Florida Statutes. This paragraph is contingent upon the enactment of legislation which authorizes the use of the Water Management Lands Trust Fund for this purpose.

1319	FIXED CAPITAL OUTLAY CASCADES PARK - SITE CONTAMINATION ASSESSMENT FROM INTERNAL IMPROVEMENT TRUST FUND . . .	346,467
1320	FIXED CAPITAL OUTLAY LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE FROM CONSERVATION AND RECREATION LANDS TRUST FUND	13,000,000
	FROM FLORIDA PRESERVATION 2000 TRUST FUND	150,000,000
1321	FIXED CAPITAL OUTLAY EVERGLADES LAND ACQUISITION FROM GRANTS AND DONATIONS TRUST FUND . . .	24,596,343
1322	FIXED CAPITAL OUTLAY DEBT SERVICE FROM LAND ACQUISITION TRUST FUND	216,861,351

Funds provided in Specific Appropriation 1322 from the Land Acquisition Trust Fund are for Fiscal Year 1998-99 debt service on outstanding "Preservation 2000" bonds sold prior to July 1, 1998. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

1323	FIXED CAPITAL OUTLAY DEBT SERVICE - PRESERVATION 2000 BONDS - NEW SERIES FROM LAND ACQUISITION TRUST FUND	5,000,000

Funds provided in Specific Appropriation 1323 are for the first year of debt service for the ninth series of Preservation 2000 bonds.

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DISTRICT OFFICES

1323A	SALARIES AND BENEFITS POSITIONS 806		
	FROM GENERAL REVENUE FUND	15,689,634	
	FROM ADMINISTRATIVE TRUST FUND		307,535
	FROM AIR POLLUTION CONTROL TRUST FUND . .		4,229,732
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		188,481
	FROM INLAND PROTECTION TRUST FUND		2,161,723
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,153,566
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		985,670
	FROM MINERALS TRUST FUND		83,047
	FROM PERMIT FEE TRUST FUND		4,695,659
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		1,343,656
	FROM WATER QUALITY ASSURANCE TRUST FUND .		4,552,830
1323B	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		128,564
	FROM AIR POLLUTION CONTROL TRUST FUND . .		197,346
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		135,000
	FROM INLAND PROTECTION TRUST FUND		110,000
	FROM WATER QUALITY ASSURANCE TRUST FUND .		20,459
1323C	EXPENSES		
	FROM GENERAL REVENUE FUND	1,749,370	
	FROM ADMINISTRATIVE TRUST FUND		547,374
	FROM AIR POLLUTION CONTROL TRUST FUND . .		619,012
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		528,843
	FROM INLAND PROTECTION TRUST FUND		265,816
	FROM GRANTS AND DONATIONS TRUST FUND . . .		143,678
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		220,757
	FROM MINERALS TRUST FUND		20,782
	FROM PERMIT FEE TRUST FUND		349,154
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		163,192
	FROM WATER QUALITY ASSURANCE TRUST FUND .		1,276,007
1323D	AID TO LOCAL GOVERNMENTS TRANSFER TO ST. LUCIE COUNTY FROM GRANTS AND DONATIONS TRUST FUND . . .		600,000
1323E	AID TO LOCAL GOVERNMENTS MUNISPORT CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND .		851,397

Funds in Specific Appropriation 1323E are contingent on the reversion of a like appropriation contained in the 1997-98 General Appropriations Act.

1323F	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	9,645	
	FROM ADMINISTRATIVE TRUST FUND		18,405
	FROM AIR POLLUTION CONTROL TRUST FUND . .		137,506
	FROM MINERALS TRUST FUND		6,430
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		87,655
1323G	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	34,257	
	FROM INLAND PROTECTION TRUST FUND		183,000
1323H	SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND .		71,094
1323I	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	62,786	
	FROM ADMINISTRATIVE TRUST FUND		33,190
	FROM AIR POLLUTION CONTROL TRUST FUND . .		14,527
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		14,874

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FROM INLAND PROTECTION TRUST FUND		4,187
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,980
FROM PERMIT FEE TRUST FUND		7,881
FROM WATER QUALITY ASSURANCE TRUST FUND .		16,537
1323J SPECIAL CATEGORIES		
RESEARCH, DEVELOPMENT AND TECHNICAL ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM		
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		14,000
1323K DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	375,147	
FROM AIR POLLUTION CONTROL TRUST FUND . .		185,204
FROM INLAND PROTECTION TRUST FUND		112,439
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		84,381
1323L FIXED CAPITAL OUTLAY		
POLLUTION RESTORATION PROJECTS/CAPITAL OUTLAY		
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		206,692
1323M FIXED CAPITAL OUTLAY		
BAY RESTORATION		
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,255,731
MARINE RESOURCES, DIVISION OF		
1324 SALARIES AND BENEFITS POSITIONS	186	
FROM GENERAL REVENUE FUND	2,087,870	
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		732,372
FROM GRANTS AND DONATIONS TRUST FUND . . .		969,048
FROM LAND ACQUISITION TRUST FUND		36,784
FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,726,426
FROM SAVE THE MANATEE TRUST FUND		684,895
1324A AID TO LOCAL GOVERNMENTS		
NEWFOUND HARBOR MARINE INSTITUTE		
FROM SAVE THE MANATEE TRUST FUND		69,000
1325 LUMP SUM		
PERFORMANCE BASED PROGRAM BUDGETING - MARINE RESOURCES		
FROM GENERAL REVENUE FUND	416,737	
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		1,796,938
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,224,864
FROM LAND ACQUISITION TRUST FUND		10,886
FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,998,267
FROM SAVE THE MANATEE TRUST FUND		1,083,544
1325A LUMP SUM		
FLORIDA MARINE RESEARCH INSTITUTE		
POSITIONS	214	
FROM GENERAL REVENUE FUND	4,073,271	
FROM COASTAL PROTECTION TRUST FUND		815,965
FROM GRANTS AND DONATIONS TRUST FUND . . .		8,078,059
FROM MARINE RESOURCES CONSERVATION TRUST FUND		6,920,925
FROM SAVE THE MANATEE TRUST FUND		1,996,575

From the funds in Specific Appropriations 1324 through 1337A, the Marine Resources Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to preserve, enhance and restore desired natural functions and diversity of Florida's marine and estuarine environments.

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Performance Measures	FY 1998-99 Standards
OUTCOMES:	
DEP will reduce by 1% annually the ratio of shellfish illnesses reported from Florida shellfish products to the number of meals served	0.331/100,000
Enhance or restore 11.6% of the degraded acreage identified in state buffer preserves	13,546 acres
Improve the number of marine fisheries stocks reported as stable or increasing by 1% annually	126
Reduce the manatee mortality rate by 1% annually	7.88%
OUTPUTS:	
Number of acres managed	129,493 acres
Sea turtle nests per region (NW/NE/SE/SW): 882-NW/ 2,900-NE/ 68,022-SE/ 6,289-SW	
Manatee Population	2,151
Number of stranded sea turtles reported and percentage of necropsied	1,000/10%
Additional approved performance measures and standards are included in the Recommendations of the House Committees on Environmental Protection and Water and Resource Management, and are incorporated herein by reference.	

From the funds provided in Specific Appropriation 1325A, $200,000 from the Save the Manatee Trust Fund and $75,000 from the Marine Resources Conservation Trust Fund is provided for red tide research, $200,000 from the Marine Resources Conservation Trust Fund is provided for statewide stock enhancement actions and research, and $325,000 from the Save the Manatee Trust Fund is provided to implement statewide manatee recovery actions and research. These funds are provided to the Division of Marine Resources for activities to be conducted by the Mote Marine Laboratory that will be complementary to department programs. The department and Mote Marine Laboratory shall mutually identify such activities, and the Division of Marine Resources shall approve and monitor all activities through performance-based contracts.

1326 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	107,859	
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		18,393
1327 SPECIAL CATEGORIES		
AQUATIC RESOURCES EDUCATION		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		400,000
1327A SPECIAL CATEGORIES		
BAIT FISH STUDY		
FROM MARINE RESOURCES CONSERVATION TRUST FUND		180,000

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1328 SPECIAL CATEGORIES REEF GROUNDING SETTLEMENT FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		75,000
1329 SPECIAL CATEGORIES INTERIM MANAGEMENT OF PROPERTIES ACQUIRED UNDER THE CONSERVATION AND RECREATION LANDS (C.A.R.L.) PROGRAM FROM CONSERVATION AND RECREATION LANDS TRUST FUND		60,479
1330 SPECIAL CATEGORIES OYSTER PLANTING FROM GENERAL REVENUE FUND	350,000	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		104,400
1331 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	110,332	
FROM COASTAL PROTECTION TRUST FUND		1,916
FROM CONSERVATION AND RECREATION LANDS TRUST FUND		11,497
FROM GRANTS AND DONATIONS TRUST FUND . . .		23,179
FROM MARINE RESOURCES CONSERVATION TRUST FUND		58,583
FROM SAVE THE MANATEE TRUST FUND		21,078
1332 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,248
1332A SPECIAL CATEGORIES INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM FROM CONSERVATION AND RECREATION LANDS TRUST FUND		384,051
1333 DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND	525,540	
FROM GRANTS AND DONATIONS TRUST FUND . . .		69,422
FROM MARINE RESOURCES CONSERVATION TRUST FUND		275,379
1334A FIXED CAPITAL OUTLAY ST. SEBASTIAN RIVER STATE BUFFER PRESERVE FROM CONSERVATION AND RECREATION LANDS TRUST FUND		235,190
1335 FIXED CAPITAL OUTLAY BAY RESTORATION FROM GRANTS AND DONATIONS TRUST FUND . . .		1,290,482
1336 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM FROM GRANTS AND DONATIONS TRUST FUND . . .		300,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND		300,000
1336A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS STUMP PASS DREDGING - CHARLOTTE COUNTY FROM GENERAL REVENUE FUND	150,000	
1336B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS DADE COUNTY ARTIFICIAL REEF PROGRAM FROM GENERAL REVENUE FUND	130,000	

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1337 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS INDIAN RIVER LAGOON BOAT FACILITIES FROM MARINE RESOURCES CONSERVATION TRUST FUND		200,000
1337A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS LOWRY PARK ZOO FROM SAVE THE MANATEE TRUST FUND		350,000
WATER FACILITIES, DIVISION OF		
1338 SALARIES AND BENEFITS POSITIONS 333 FROM GENERAL REVENUE FUND	4,163,282	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		288,178
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,225,114
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		494,044
FROM MINERALS TRUST FUND		1,826,032
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		579,584
FROM PERMIT FEE TRUST FUND		710,146
FROM WATER QUALITY ASSURANCE TRUST FUND .		2,712,446
1338A OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	660,373	
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		40,000
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		158,464
FROM WATER QUALITY ASSURANCE TRUST FUND .		400,000
1338B EXPENSES FROM GENERAL REVENUE FUND	728,314	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		64,615
FROM GRANTS AND DONATIONS TRUST FUND . . .		168,689
FROM INTERNAL IMPROVEMENT TRUST FUND . . .		37,284
FROM MINERALS TRUST FUND		537,581
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		61,579
FROM PERMIT FEE TRUST FUND		708,669
FROM WATER QUALITY ASSURANCE TRUST FUND .		566,039
1339 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		453,000
1340 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE FROM PERMIT FEE TRUST FUND		250,000
1341A OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	3,215	
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		20,757
1343 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GRANTS AND DONATIONS TRUST FUND . . .		400,000
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		90,052
1344 SPECIAL CATEGORIES GROUND WATER QUALITY MONITORING NETWORK FROM WATER QUALITY ASSURANCE TRUST FUND .		1,299,027
1345 SPECIAL CATEGORIES WATER QUALITY MANAGEMENT/PLANNING GRANTS FROM GRANTS AND DONATIONS TRUST FUND . . .		6,573,925

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1345A SPECIAL CATEGORIES
GRANTS AND AIDS - FIELD TEST/ADVANCED TECHNOLOGIES FOR PREVENTION OF BEACH EROSION
FROM COASTAL PROTECTION TRUST FUND 250,000

1346 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,550,000

1347 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 62,974
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,072
FROM PERMIT FEE TRUST FUND 15,072
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,226

1348 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT
FROM INLAND PROTECTION TRUST FUND 1,285,197

1349 SPECIAL CATEGORIES
U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT
FROM GRANTS AND DONATIONS TRUST FUND . . . 78,500
FROM WATER QUALITY ASSURANCE TRUST FUND . 214,897

1350 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 700,000

1351 SPECIAL CATEGORIES
WATER WELL CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,889,202

1352 SPECIAL CATEGORIES
TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - LAKEWATCH
FROM WATER QUALITY ASSURANCE TRUST FUND . 310,000

1353 SPECIAL CATEGORIES
WETLANDS PROTECTION
FROM GRANTS AND DONATIONS TRUST FUND . . . 534,582

1354 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 80,716
FROM GRANTS AND DONATIONS TRUST FUND . . . 107,234
FROM PERMIT FEE TRUST FUND 528,658
FROM WATER QUALITY ASSURANCE TRUST FUND . 612,392

1355 FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 10,000,000

1358 FIXED CAPITAL OUTLAY
BEACH PROJECTS - STATEWIDE
FROM GENERAL REVENUE FUND 10,019,802
FROM COASTAL PROTECTION TRUST FUND 12,500,000
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 9,500,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,500,000

From the funds in Specific Appropriation 1358, $569,581 from the General Revenue Fund is provided to restore funding for Singer Island Shore Protection. The remaining funds shall be allocated to statewide beach projects based on the recommended priority list developed in consultation with the Florida Shore & Beach Preservation Association.

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The department shall work in conjunction with the Florida Shore & Beach Preservation Association and the University of Florida to conduct pilot projects and initiate studies on the use of aragonite and/or alternative sand substitutes on actual beach renourishment and/or nourishment projects. The department shall report findings and recommendations to the Legislature for consideration during the 2000 legislative session, including determination of impacts to sea turtles and erosion occurrence.

Funds in Specific Appropriation 1358 from the Ecosystem Management and Restoration Trust Fund are contingent on House Bill 3427, or similar legislation becoming law.

Funds in Specific Appropriation 1358 from the Coastal Protection Trust Fund are contingent on legislation becoming law which authorizes the use of Coastal Protection Trust Funds for this purpose.

Funds in Specific Appropriation 1358 from the Grants and Donations Trust Fund reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7)(c), Florida Statutes. The Legislature finds that beach erosion control is an integral component both of reducing potential losses in the event of a hurricane and of protecting local infrastructure from potential damage from a hurricane.

1359 FIXED CAPITAL OUTLAY
WASTEWATER TREATMENT FACILITY CONSTRUCTION
FROM GENERAL REVENUE FUND 7,800,000
FROM WASTEWATER TREATMENT AND STORMWATER MANAGEMENT REVOLVING LOAN TRUST FUND . . 105,800,000

From funds provided in Specific Appropriation 1359, $4,000,000 from the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund is provided for a Citrus County Wastewater Treatment Facility.

1360 FIXED CAPITAL OUTLAY
DRINKING WATER FACILITY CONSTRUCTION - STATE REVOLVING LOAN
FROM GENERAL REVENUE FUND 11,000,000
FROM DRINKING WATER REVOLVING LOAN TRUST FUND 66,000,000

1360A FIXED CAPITAL OUTLAY
KEYS WASTEWATER MANAGEMENT PLAN IMPLEMENTATION
FROM GENERAL REVENUE FUND 1,000,000

Funds in Specific Appropriation 1360A are to provide match for a $4.3 million federal grant for a central wastewater facility, and for assistance to replace illegal and inadequate on-site systems.

1361 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AID - NON-POINT SOURCE (NPS) MANAGEMENT PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000,000

1361A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DRINKING WATER SYSTEMS
FROM GENERAL REVENUE FUND 249,000

Funds in Specific Appropriation 1361A are provided for drinking water system grants to the following municipalities:

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City of St. Marks Potable Water Wells/Water Treatment Plant	124,000	
Town of Brooker Drinking Water Well	125,000	
1362 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS QUEENS ISLAND ACQUISITION FROM GRANTS AND DONATIONS TRUST FUND . . .		914,112
1362A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS SMALL COUNTY WASTEWATER TREATMENT GRANTS FROM GENERAL REVENUE FUND	15,730,000	

Funds in Specific Appropriation 1362A are provided for wastewater and stormwater system grants to the following counties and municipalities:

Homosassa Wastewater Treatment System	750,000
South Dade Stormwater Treatment	1,000,000
South Dade Watershed Planning Stormwater	200,000
Okeechobee & Glades County Wastewater	1,000,000
St. Walton Wastewater Treatment Facility	1,500,000
Skyview Utility Wastewater Treatment Project	1,700,000
Bushnell Wastewater System	700,000
City of Center Hill Stormwater Drainage Improvements	75,000
West Miami Sewer System	750,000
Jasper Wastewater Services	1,000,000
City of East Palatka Wastewater Treatment Plant	750,000
LaBelle Wastewater Improvement	1,000,000
Astor Area Wastewater System	1,000,000
City of Apalachicola Wastewater System	900,000
Milton Wastewater Treatment Plan	1,000,000
Carabelle Wastewater System	1,000,000
Cedar Key Wastewater Treatment Facility	790,000
City of South Miami Public Works	115,000
Hidden Lakes Stormwater Drainage	500,000

1362B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS PENSACOLA BEACH-HURRICANE OPAL-REPAIR PIER DAMAGE
FROM GENERAL REVENUE FUND 3,000,000

Funds provided in Specific Appropriation 1362B may be used only for replacing the pier at Pensacola Beach which was destroyed by Hurricane Opal.

WASTE MANAGEMENT, DIVISION OF

1363 SALARIES AND BENEFITS POSITIONS	261	
FROM GENERAL REVENUE FUND	66,518	
FROM INLAND PROTECTION TRUST FUND		4,126,637
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,740,456
FROM PERMIT FEE TRUST FUND		61,964
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		2,005,105
FROM WATER QUALITY ASSURANCE TRUST FUND .		3,434,020
1363A OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	23,562	
FROM INLAND PROTECTION TRUST FUND		18,780
FROM GRANTS AND DONATIONS TRUST FUND . . .		498,242
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		75,000
FROM WATER QUALITY ASSURANCE TRUST FUND .		12,000
1363B EXPENSES		
FROM GENERAL REVENUE FUND	5,351	
FROM INLAND PROTECTION TRUST FUND		617,736
FROM GRANTS AND DONATIONS TRUST FUND . . .		634,856

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FROM PERMIT FEE TRUST FUND	199,657
FROM SOLID WASTE MANAGEMENT TRUST FUND . .	360,289
FROM WATER QUALITY ASSURANCE TRUST FUND .	295,139
1364 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION FROM WATER QUALITY ASSURANCE TRUST FUND .	600,000
1365 AID TO LOCAL GOVERNMENTS PETROLEUM TANKS CLEANUP - ADVANCE WORKING CAPITAL FROM INLAND PROTECTION TRUST FUND	6,000,000
1365A OPERATING CAPITAL OUTLAY	
FROM INLAND PROTECTION TRUST FUND	36,444
FROM SOLID WASTE MANAGEMENT TRUST FUND . .	61,292
FROM WATER QUALITY ASSURANCE TRUST FUND .	61,292
1367 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM WATER QUALITY ASSURANCE TRUST FUND .	12,011
1368 SPECIAL CATEGORIES STORAGE TANK COMPLIANCE VERIFICATION FROM INLAND PROTECTION TRUST FUND	8,000,000
1369 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF TRANSPORTATION FOR ADOPT-A-HIGHWAY PROGRAM FROM SOLID WASTE MANAGEMENT TRUST FUND . .	100,000
1370 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH FOR BIOMEDICAL WASTE REGULATION FROM SOLID WASTE MANAGEMENT TRUST FUND . .	880,000
1370A SPECIAL CATEGORIES GRANTS AND AIDS - SOUTHERN WASTE INFORMATION EXCHANGE CLEARINGHOUSE FROM SOLID WASTE MANAGEMENT TRUST FUND . .	300,000

Funds provided in Specific Appropriation 1370A may be advanced to the Southern Waste Information Exchange (SWIX). SWIX shall work with the department and the Florida Chamber of Commerce to establish a collaborative effort to maintain a waste exchange, assist small businesses in complying with solid and hazardous waste and other environmental requirements, and help businesses reduce waste management costs.

1371 SPECIAL CATEGORIES GRANTS AND AIDS - KEEP FLORIDA BEAUTIFUL INCORPORATED FROM SOLID WASTE MANAGEMENT TRUST FUND . .	150,000
1372 SPECIAL CATEGORIES DEMONSTRATION PROJECT FOR RECYCLING MERCURY-CONTAINING DEVICES FROM SOLID WASTE MANAGEMENT TRUST FUND . .	100,000
1373 SPECIAL CATEGORIES FEDERAL WASTE PLANNING GRANTS FROM GRANTS AND DONATIONS TRUST FUND . . .	483,500
1374 SPECIAL CATEGORIES ARSENIC SOIL STUDY FROM WATER QUALITY ASSURANCE TRUST FUND .	250,000
1375 SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND .	6,412,514

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1376 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

1378 SPECIAL CATEGORIES
INLAND PROTECTION FINANCING CORPORATION
FROM INLAND PROTECTION TRUST FUND 65,000,000

1379 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION/
RESEARCH AND DEMONSTRATION PROJECTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1380 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 200,000

1381 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES - MOSQUITO CONTROL
PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,278,598

1382 SPECIAL CATEGORIES
DRYCLEANING CONTAMINATION CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 14,172,157

1383 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 25,485
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 12,398
FROM WATER QUALITY ASSURANCE TRUST FUND . 30,996

1384 SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR
IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND . 231,092

1385 SPECIAL CATEGORIES
TRANSFER TO BOARD OF REGENTS - RESEARCH
AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

1386 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - RECYCLABLE MATERIALS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 596,537

1387 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE - SOLID
WASTE TAX COLLECTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 110,000

1388 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION SOLID
WASTE PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 139,135

1389 SPECIAL CATEGORIES
BASELINE LITTER SURVEY/CENTER FOR SOLID
AND HAZARDOUS WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

1390 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF BANKING AND
FINANCE FOR PETROLEUM CLEANUP AUDITS
FROM INLAND PROTECTION TRUST FUND 654,117

1391 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 50,276,149
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,381,866

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1393 SPECIAL CATEGORIES
TRANSFER TO AUDITOR GENERAL - PETROLEUM
CLEANUP AUDIT
FROM INLAND PROTECTION TRUST FUND 5,000,000

Funds in Specific Appropriation 1393 are provided to continue audits of applications for reimbursement for cleanup of petroleum contamination sites. Funds beyond an initial release of $1,000,000 shall be placed in Executive Office of the Governor reserve until the necessary level of continuation funding is recommended by the Department of Environmental Protection and the Auditor General, based upon the review of FY 1997-98 audit results and recovery potential, subject to the notice and review procedures in section 216.177, Florida Statutes. Upon recommendation of the required funding level for FY 1998-99, but no later than November 1, 1998, any funds not necessary for audits shall be transferred to Specific Appropriation 1391, Underground Storage Tank Cleanup, to provide additional funds for priority cleanup sites in accordance with the budget amendment provisions in Chapter 216, Florida Statutes.

1395 SPECIAL CATEGORIES
ENVIRONMENTAL CITIZENSHIP PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 250,000

1395A SPECIAL CATEGORIES
REMEDIATION OF BROWNFIELD SITE - CITY OF
CLEARWATER
FROM WATER QUALITY ASSURANCE TRUST FUND . 225,000

1396 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM INLAND PROTECTION TRUST FUND 693,986
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,469,475

1397 FIXED CAPITAL OUTLAY
WASTE TIRE ABATEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,000,000

1397A FIXED CAPITAL OUTLAY
BIOREACTOR LANDFILL DEMONSTRATION PROJECT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 3,200,000

1398 FIXED CAPITAL OUTLAY
PETROLEUM TANKS CLEANUP - PREAPPROVALS
FROM INLAND PROTECTION TRUST FUND 15,000,000

1399 FIXED CAPITAL OUTLAY
SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 23,000,000

From the funds in Specific Appropriation 1399, funds may be made available to a city or municipality in the State chosen by the Department for a pilot program to process municipal waste via Destructive Distillation, a non-burning technique that converts raw garbage into saleable methane gas and inorganic char.

1400 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
KEEP FLORIDA BEAUTIFUL - LITTER PREVENTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 250,000

1400A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
GLADES COUNTY SANITARY LANDFILL
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 600,000

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1400B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SUWANNEE COUNTY LANDFILL
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 300,000

1400C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SUMTER COUNTY INTEGRATED SOLID WASTE SYSTEM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 250,000

1400D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
NATURE COAST GREENWAY
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 280,000

RECREATION AND PARKS, DIVISION OF

1401 SALARIES AND BENEFITS POSITIONS 1,035
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,049,550
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,908
FROM LAND ACQUISITION TRUST FUND 1,112,061
FROM STATE PARK TRUST FUND 30,417,890

1402 AID TO LOCAL GOVERNMENTS
BOATING IMPROVEMENTS - CURRENT
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,544,973

1403 LUMP SUM
PERFORMANCE BASED PROGRAM BUDGETING - RECREATION AND PARKS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,635,745
FROM GRANTS AND DONATIONS TRUST FUND . . . 538,879
FROM LAND ACQUISITION TRUST FUND 1,618,342
FROM STATE PARK TRUST FUND 11,889,256

From the funds in Specific Appropriations 1401 through 1435A, the Recreation and Parks Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to meet the outdoor recreation demands of Florida's residents and visitors and to ensure that an adequate natural resource base is maintained to accommodate future demands and preserve a quality environment.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Provide for a 1.3% annual increase in attendance at state parks	13,750,000
Increase the acreage available for public recreation by 2% annually	532,217
Increase by 2% annually it's technical assistance and grant related services to local government	$526,156
OUTPUTS:	
Number of state parks managed	151
Number of State Greenways and Trails managed	4
Number of recreational grants and funding to local governments for recreational facilities and land acquisition	202/23,143,796

Additional approved performance measures and standards are included in the Recommendations of the House Committees on Environmental Protection and Water and Resource Management, and are incorporated herein by reference.

The Director of the Division of Recreation and Parks is authorized to spend up to $500 from funds provided in Specific Appropriation 1403 from the State Park Trust Fund for entertainment expenses associated with the promotion and advancement of the Park System of the State of Florida.

1404 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE PARK TRUST FUND 1,125,000

1405 SPECIAL CATEGORIES
DISTRIBUTION OF SURCHARGE FEES
FROM STATE PARK TRUST FUND 550,000

1406 SPECIAL CATEGORIES
DISBURSE DONATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 310,000
FROM STATE PARK TRUST FUND 250,000

1407 SPECIAL CATEGORIES
MANAGEMENT OF WATER CONTROL STRUCTURES
FROM LAND ACQUISITION TRUST FUND 200,000

1407A SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM STATE PARK TRUST FUND 300,000

1408 SPECIAL CATEGORIES
PURCHASES FOR RESALE
FROM STATE PARK TRUST FUND 1,186,420

1409 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM LAND ACQUISITION TRUST FUND 25,324
FROM STATE PARK TRUST FUND 1,117,070

1409A SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 450,000

1410 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM STATE PARK TRUST FUND 662,165

1411 FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY
FROM FLORIDA PRESERVATION 2000 TRUST FUND 3,900,000

1412 FIXED CAPITAL OUTLAY
TRAILS DEVELOPMENT - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 749,851

1413 FIXED CAPITAL OUTLAY
CANAL REVETMENT SYSTEM
FROM LAND ACQUISITION TRUST FUND 580,000

1414 FIXED CAPITAL OUTLAY
GREENWAYS DEVELOPMENT - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 250,000

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1415 FIXED CAPITAL OUTLAY
KISSIMMEE PRAIRIE PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 375,000

1416 FIXED CAPITAL OUTLAY
STEPHEN FOSTER PARK DEVELOPMENT
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 550,000

1417 FIXED CAPITAL OUTLAY
PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,637,500
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,025,000
FROM LAND ACQUISITION TRUST FUND 726,000

Funds in Specific Appropriation 1417 from the Land Acquisition Trust Fund include $476,000 for the Ft. Pierce Inlet State Park Boat Ramp and $250,000 for the Sebastian Inlet Boat Ramp.

1417A FIXED CAPITAL OUTLAY
GASPARILLA ISLAND - PLANNING/DEVELOPMENT - DMS MGD
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 600,000

1418 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000

1418A FIXED CAPITAL OUTLAY
NAVARRE BEACH STATE PARK DEVELOPMENT
FROM GENERAL REVENUE FUND 500,000

Funds provided in Specific Appropriation 1418A are for the initial planning and construction of a state park at Navarre Beach in Santa Rosa County and are contingent upon Santa Rosa County donating approximately 100 acres to the state for such park.

1419 FIXED CAPITAL OUTLAY
RAINBOW SPRINGS STATE RECREATION AREA - PLANNING AND DESIGN
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 300,000

1420 FIXED CAPITAL OUTLAY
DEVELOPMENT OF STATE PARKS - STATEWIDE - BASIC AMENITIES
FROM LAND ACQUISITION TRUST FUND 400,000

1421 FIXED CAPITAL OUTLAY
PREVENTATIVE MAINTENANCE AND REPAIRS - STATE PARKS
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 500,000

1422 FIXED CAPITAL OUTLAY
TOPSAIL HILL REPAIRS AND SECURITY MEASURES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 200,000

1423 FIXED CAPITAL OUTLAY
LAKE LOUISA STATE PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 800,000

1424 FIXED CAPITAL OUTLAY
RENOVATE STATE PARK CABINS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 100,000

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1426 FIXED CAPITAL OUTLAY
GREENWAY RECREATIONAL IMPROVEMENTS - INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,475,000

1427 FIXED CAPITAL OUTLAY
SILVER RIVER PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,000,000

1427A FIXED CAPITAL OUTLAY
CAMP HELEN DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,500,000

1427B FIXED CAPITAL OUTLAY
SAVANNAS STATE RESERVE DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,500,000

1428 FIXED CAPITAL OUTLAY
PARTNERSHIP IN PARKS/STATE MATCH
FROM LAND ACQUISITION TRUST FUND 400,000

1429 FIXED CAPITAL OUTLAY
REMOVE ACCESSIBILITY BARRIERS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 500,000

1430 FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

1431 FIXED CAPITAL OUTLAY
FACILITY REPAIR NEEDS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 2,523,000

1432 FIXED CAPITAL OUTLAY
RENOVATIONS/REPLACEMENT - SEWAGE SYSTEM - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,717,000

1434 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 28,625,118

1435 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 7,564,796
FROM LAND ACQUISITION TRUST FUND 3,930,000

Funds in Specific Appropriation 1435 are provided for projects identified on the Applicant Priority List for the current Florida Recreation Development Assistance Program, pursuant to s. 375.075, Florida Statutes.

1435A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LOCAL PARKS
FROM LAND ACQUISITION TRUST FUND 11,474,000

Funds in Specific Appropriation 1435A are provided for additional statewide public outdoor recreation grants, not to exceed $300,000 each, based on local government sponsorship and support. Grant recipients must submit a Florida Recreation Development Assistance Program application, provide local match of 50% of total project cost and a project plan and budget for the completion and

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on-going operating costs of the project. Funding is provided for the following projects, subject to the department's determination that the above criteria is achieved:

Indian Trail Park	200,000
Alachua County SE 35th Street Park	250,000
Sabal Pines Park	300,000
Royal Palm Community Park	300,000
Weston Athletic Park	300,000
Palma Sola Botanical Park	300,000
Peace River Linear Park	175,000
Suwannee County Sports Complex	250,000
Harriet V. & Harry T. Moore Memorial Park	300,000
Nature Center at Sportsplex	150,000
Tamarac Veterans Park and Memorial	25,000
Children's Environmental Museum	219,000
Indian Riverside Park	300,000
Riverland Woods Park	50,000
Holiday Park	300,000
City of Wilton Manors' Island City Park Preserve	250,000
Liberty County Veterans Memorial Park	300,000
Earl Brown Park Facilities Improvements	300,000
New Smyrna Beach Youth Sports Center	300,000
Crestview Twin Hills Parks	50,000
Sisters Creek Marina	300,000
Johnson and Randolph Memorial Park	100,000
Pineapple Park	300,000
Volusia County Beach Park Improvement	300,000
City of Stuart Flagler Park	300,000
Martin Co. Regional Park	300,000
Park East Lauderdale Lakes	200,000
City of Coral Gables Park Improvement Program	300,000
Barrineau Park	75,000
Oak Sound Preserve Improvements	150,000
Liberty City Optimist Club	60,000
Village of Key Biscayne	160,000
Three Islands Park - Hallandale	50,000
Riverwalk Recreation Partnership	300,000
Land Acquisition - Community Center Expansion	300,000
Baker Recreation Association	250,000
Bellview Athletic Association	100,000
Sanders Street Park	300,000
Ft. Pickens/Gulf Island National Seashore Park	100,000
Crestview Shoal River Park	50,000
Pace Athletic Association	200,000
Santa Rosa Island/Multi-Use Trail	200,000
Navarre Beach Sidewalk Extension/ Jogging Path	300,000
Jacksonville Zoological Gardens/ Wetlands Exhibit	300,000
Comprehensive Greenways Plan/Monroe Co	60,000
Dog Island/Replace Ferry Dock	125,000
Westland Garden Park Improvements/Dade	300,000
Booker Park/City of Palatka	150,000
Pines West Community Park	300,000
International Tennis Center at Crandon Park	300,000
City of Miami Park Improvement	300,000
Escambia Co. Park Facility	150,000
Lemon City Park	100,000
Midway Park	75,000

AIR RESOURCES MANAGEMENT, DIVISION OF

1436	SALARIES AND BENEFITS POSITIONS 93		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		4,504,897

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1436A	OTHER PERSONAL SERVICES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		5,754,914
1436B	EXPENSES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		1,821,615
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		9,251
1437	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		5,995,936
1438	AID TO LOCAL GOVERNMENTS		
	ASBESTOS REMOVAL PROGRAM FEES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		150,000
1438A	OPERATING CAPITAL OUTLAY		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		433,574
1440	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		50,000
1441	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		19,579
1441A	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF HEALTH - TOXICOLOGY SUPPORT		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		65,773
1442	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		1,528,378

LAW ENFORCEMENT, DIVISION OF

1443	SALARIES AND BENEFITS POSITIONS 616		
	FROM GENERAL REVENUE FUND	17,794,498	
	FROM COASTAL PROTECTION TRUST FUND		2,536,790
	FROM INLAND PROTECTION TRUST FUND		369,918
	FROM GRANTS AND DONATIONS TRUST FUND . . .		991,326
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		6,794,575
	FROM WATER QUALITY ASSURANCE TRUST FUND .		290,658
1444	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS		
	FROM COASTAL PROTECTION TRUST FUND		366,311
1445	LUMP SUM		
	PERFORMANCE BASED PROGRAM BUDGETING - LAW ENFORCEMENT		
	FROM GENERAL REVENUE FUND	5,600	
	FROM COASTAL PROTECTION TRUST FUND		520,536
	FROM INLAND PROTECTION TRUST FUND		60,350
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		153,104
	FROM WATER QUALITY ASSURANCE TRUST FUND .		47,324
1445A	LUMP SUM		
	UNIFORM PATROL		
	FROM GENERAL REVENUE FUND	755,623	
	FROM COASTAL PROTECTION TRUST FUND		883,448
	FROM GRANTS AND DONATIONS TRUST FUND . . .		385,305
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		257,800

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1445B LUMP SUM
INVESTIGATIONS
FROM COASTAL PROTECTION TRUST FUND 50,400

1445C LUMP SUM
INSPECTIONS
FROM GENERAL REVENUE FUND 190,532
FROM COASTAL PROTECTION TRUST FUND 32,413
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,574

1445D LUMP SUM
AVIATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 31,500

1446 LUMP SUM
BOATING SAFETY
FROM GENERAL REVENUE FUND 1,047,929
FROM COASTAL PROTECTION TRUST FUND 178,275
FROM GRANTS AND DONATIONS TRUST FUND . . . 488,154
FROM MARINE RESOURCES CONSERVATION TRUST FUND 8,500

From the funds in Specific Appropriations 1443 through 1457, the Law Enforcement Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to protect the people, environment and natural resources through enforcement, education and public service.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Percentage of boating accidents by individuals who have received boating safety training/individuals who have not received training	36%/64%
Number/percent of known hazardous substance dump sites and petroleum spills whereby action (other than criminal investigation) was taken to reduce, control, or eliminate risk to public health and the environment	1,430/48%
OUTPUTS:	
Number of investigations opened/closed	227/182
Total number of hours patrolled by:	
Water	101,245
Land	233,757
Air	3,819
Number of vessel safety inspections	48,044
Number of environmental dump sites and petroleum spills responded to	1,430
Number of arrests for speed zone violations or manatee molestation	1,631
Funds spent/recovered on spill remediation	$928,153/$86,638
Additional approved performance measures and standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

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1446A LUMP SUM
MARINE PATROL - TALLAHASSEE OFFICE
POSITIONS 1
FROM MARINE RESOURCES CONSERVATION TRUST FUND 50,000

1447 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 360,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,848,760

1448 SPECIAL CATEGORIES
BOATING RELATED ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 875,000

1449 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,071,105

1450 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 1,282,134
FROM COASTAL PROTECTION TRUST FUND 1,208,262
FROM GRANTS AND DONATIONS TRUST FUND . . . 662,545
FROM MARINE RESOURCES CONSERVATION TRUST FUND 871,822

1450A SPECIAL CATEGORIES
OVERTIME - FLORIDA MARINE PATROL
FROM GENERAL REVENUE FUND 420,000
FROM COASTAL PROTECTION TRUST FUND 420,000

1451 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND 50,000

1452 SPECIAL CATEGORIES
ABANDONED DRUM REMOVAL AND DISPOSAL
FROM COASTAL PROTECTION TRUST FUND 150,000

1453 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COASTAL PROTECTION TRUST FUND 188,798
FROM MARINE RESOURCES CONSERVATION TRUST FUND 577,987

1454 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 174,107
FROM COASTAL PROTECTION TRUST FUND 37,740
FROM GRANTS AND DONATIONS TRUST FUND . . . 18,664
FROM MARINE RESOURCES CONSERVATION TRUST FUND 166,618

1455 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 300,000

1456 SPECIAL CATEGORIES
BOATING SAFETY EDUCATION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND 550,000

1457 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 63,877
FROM COASTAL PROTECTION TRUST FUND 1,571,417
FROM MARINE RESOURCES CONSERVATION TRUST FUND 131,662

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1458A FIXED CAPITAL OUTLAY
CONSTRUCT MARINE PATROL OFFICE
FROM COASTAL PROTECTION TRUST FUND 625,000

MARINE FISHERIES COMMISSION

1459 SALARIES AND BENEFITS POSITIONS 10
FROM MARINE RESOURCES CONSERVATION TRUST FUND 573,424

1460 OTHER PERSONAL SERVICES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 31,562

1461 EXPENSES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 193,032

1462 OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,246

1463 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,001

1464 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM MARINE RESOURCES CONSERVATION TRUST FUND 7,816

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1465 SALARIES AND BENEFITS POSITIONS 157
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 359,936
FROM LAND ACQUISITION TRUST FUND 87,321
FROM NON-GAME WILDLIFE TRUST FUND 1,383,513
FROM STATE GAME TRUST FUND 4,970,610

1466 OTHER PERSONAL SERVICES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,500
FROM LAND ACQUISITION TRUST FUND 53,000
FROM NON-GAME WILDLIFE TRUST FUND 59,000
FROM STATE GAME TRUST FUND 365,867

1467 EXPENSES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 53,308
FROM LAND ACQUISITION TRUST FUND 41,462
FROM NON-GAME WILDLIFE TRUST FUND 500,206
FROM STATE GAME TRUST FUND 2,104,763

1468 OPERATING CAPITAL OUTLAY
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 3,774
FROM LAND ACQUISITION TRUST FUND 41,500
FROM NON-GAME WILDLIFE TRUST FUND 41,431
FROM STATE GAME TRUST FUND 52,047

1469 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 120,232
FROM NON-GAME WILDLIFE TRUST FUND 86,312

1470 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 68,892

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1471 SPECIAL CATEGORIES
ENVIRONMENTAL EDUCATION GRANTS AND ACTIVITIES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 1,172,750

1472 SPECIAL CATEGORIES
ENVIRONMENTAL EDUCATION - DEPARTMENT OF EDUCATION
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 641,540

1473 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM NON-GAME WILDLIFE TRUST FUND 5,659

1474 SPECIAL CATEGORIES
PAYMENT OF REWARDS
FROM NON-GAME WILDLIFE TRUST FUND 5,000

1475 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 196
FROM LAND ACQUISITION TRUST FUND 2,586
FROM NON-GAME WILDLIFE TRUST FUND 26,486
FROM STATE GAME TRUST FUND 153,011

1475A SPECIAL CATEGORIES
TRANSFER TO STATE GAME TRUST FUND
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 188,454
FROM NON-GAME WILDLIFE TRUST FUND 348,227

1476 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF MARINE RESOURCES/ MARINE TURTLES
FROM NON-GAME WILDLIFE TRUST FUND 300,000

1477 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM STATE GAME TRUST FUND 45,898

1478 FIXED CAPITAL OUTLAY
CORRECTION OF FIRE SAFETY DEFICIENCIES, STATEWIDE
FROM GENERAL REVENUE FUND 68,252

1479 FIXED CAPITAL OUTLAY
MITIGATION PARK LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 2,000,000

1480 FIXED CAPITAL OUTLAY
NEW REGIONAL OFFICE, WEST PALM BEACH - DMS MGD
FROM GENERAL REVENUE FUND 3,725,000

1481 FIXED CAPITAL OUTLAY
9TH SERIES - PRESERVATION 2000
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000

LAW ENFORCEMENT, DIVISION OF

1482 SALARIES AND BENEFITS POSITIONS 435
FROM GENERAL REVENUE FUND 20,657,708
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 308,346
FROM NON-GAME WILDLIFE TRUST FUND 70,095
FROM STATE GAME TRUST FUND 602,599

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1482A LUMP SUM
UNIFORM PATROL
FROM GENERAL REVENUE FUND 2,063,114
FROM FLORIDA PANTHER RESEARCH AND
MANAGEMENT TRUST FUND 1,045,510
FROM STATE GAME TRUST FUND 1,155,511

From funds provided in Specific Appropriations 1482 through 1482F, the Division of Law Enforcement will meet the indicated standards as required by the Government Performance and Accountability Act of 1994, in providing patrol and protection activities to safeguard the opportunities for boating, camping, fishing, hunting, wildlife viewing, and other natural resource related activities in a safe and healthy environment.

Performance Measures	FY 1998-99 Standards
Number of land, water, and air hours spent in prevention patrol:	
Hours Patrolled:	
Land	516,259
Water	68,320
Air	8,244
Number of violations	29,130
Felony	n/a
Misdemeanor	n/a
Infractions	n/a
Additional approved performance measures and standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1482B LUMP SUM
INVESTIGATIONS
FROM GENERAL REVENUE FUND 15,000

Performance Measures	FY 1998-99 Standards
Number of hours devoted to investigating poaching and related illegal activities	297,167
Number of violations encountered	14,050
Number of Investigations opened	806
Felony	n/a
Misdemeanor	n/a
Infractions	n/a
Number of Investigations closed	725
Felony	n/a
Misdemeanor	n/a
Infractions	n/a
Total Violations	1,368
Felony	n/a
Misdemeanor	n/a
Infractions	n/a
Conviction rate	n/a
Felony	n/a
Misdemeanor	n/a
Infraction	n/a
Additional approved performance measures and standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1482C LUMP SUM
INSPECTIONS
FROM GENERAL REVENUE FUND 117,671

Performance Measures	FY 1998-99 Standards
Number of Inspections of Licensed and Permitted Captive Wildlife Facilities	4,446
Number of Violations	534

1482D LUMP SUM
AVIATION
FROM GENERAL REVENUE FUND 153,414

Performance Measures	FY 1998-99 Standards
Number of air contacts resulting in detection/apprehensions	445
Number of hours of biological flight time requested/provided	1,666/1,220
Additional approved performance measures and standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1482E LUMP SUM
BOATING SAFETY
FROM STATE GAME TRUST FUND 70,928

Performance Measures	FY 1998-99 Standards
Number of vessel safety inspections	154,408
Number of accidents, fatalities, and injuries investigated	
Accidents	210
Fatalities	26
Injuries	136
Number of hours devoted to vessel safety inspections in specified waterbodies, compared with the number of boating accidents in those same water bodies:	
Number of hours devoted to vessel safety inspections on the St. Johns River	9,318
Number of boating accidents on the St. Johns River	21
Number of hours devoted to vessel safety inspections on Lake Okeechobee	5,861
Number of boating accidents on Lake Okeechobee	15
Additional approved performance measures and standards are included in the Governor's FY	

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|1998-99 Performance Ledger and are incorporated |
|herein by reference. |

1482F LUMP SUM
HUNTER EDUCATION
FROM STATE GAME TRUST FUND 330,053

Performance Measures	FY 1998-99 Standards
Number of hunter education classes offered	350
Number of students graduating courses	n/a
Percent of total students meeting minimum standards for graduation	85%
Number of hunting accidents, compared with the number of people involved in such accidents who had attended/graduated from hunting courses:	
Number of hunting accidents	23
Number of people involved in hunting accidents who had attended/graduated from hunting courses	7
Additional approved performance measures and standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1484 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 1,520,461
FROM NON-GAME WILDLIFE TRUST FUND 63,718

1487 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 335,275
FROM STATE GAME TRUST FUND 10,271

1487A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONSTRUCTION OF FIREARM SAFETY COMPLEX
FROM GENERAL REVENUE FUND 144,000

From funds provided in Specific Appropriation 1487A, $45,000 shall be used for the Trail Glades Range within the Dade County Parks and Recreation Department and $99,000 for the Big Sun Shooting Complex, Inc.

WILDLIFE, DIVISION OF

1488 SALARIES AND BENEFITS POSITIONS 235
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 838,707
FROM NON-GAME WILDLIFE TRUST FUND 1,438,417
FROM STATE GAME TRUST FUND 7,243,437

1488A LUMP SUM
WILDLIFE RECREATIONAL OPPORTUNITIES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 97,593
FROM NON-GAME WILDLIFE TRUST FUND 397,725
FROM STATE GAME TRUST FUND 1,333,661

From funds provided in Specific Appropriations 1488 through 1500, the Wildlife Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to maintain or enhance Florida's diverse wildlife and to provide for responsible use of this resource.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Percent change in the number of licensed resident hunters	(2.3%)
Percent change in the number of licensed non-resident hunters	4.6%
Economic impact of wildlife related outdoor recreation	$3,675,935,000
OUTPUTS:	
Number of publicly-owned acres managed for wildlife-related outdoor recreation	3,700,000
Number of privately-owned acres managed for wildlife-related outdoor recreation	830,780
Number of licensed resident hunters	164,626
Number of licensed non-resident hunters	4,760
Number of participants enrolled in wildlife achievement programs	3,750
Additional approved performance measures and standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1488B LUMP SUM
WILDLIFE POPULATIONS AND HABITAT
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 389,025
FROM NON-GAME WILDLIFE TRUST FUND 1,317,991
FROM STATE GAME TRUST FUND 1,277,095

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
The mean biological vulnerability score of 63 game species	16.44
The mean biological vulnerability score of 389 nongame species	13.21
The mean biological vulnerability score of 80 wildlife species listed as endangered, threatened or as a species of special concern	29.62
OUTPUTS:	
Number of acres managed for wildlife	4,530,780
Number of habitat management plans plans requested by and prepared for private landowners	121/121
Number of requests for wildlife	

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habitat technical assistance received from and provided to other agency and local governments	299/299
Number of survey and monitoring project for game species	16
Number of survey and monitoring projects for nongame wildlife species	11
Number of survey and monitoring projects for wildlife species listed as endangered, threatened or species of special concern	4
Number of wildlife species for which sufficient date have been obtained to refine the biological vulnerability score	78
Additional approved performance measures and standard are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1488C LUMP SUM
COMMERCIAL WILDLIFE MANAGEMENT AND REGULATION
FROM NON-GAME WILDLIFE TRUST FUND 33,264
FROM STATE GAME TRUST FUND 108,163

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Wholesale price value of the commercial adult alligators, hatchlings and eggs	5,228,826
Percent change in the number of alligator licenses sold	0.0%
Percent change in the number of alligator tags sold (adult, hatchlings and eggs)	0.0%
OUTPUTS:	
Number of properties enrolled in the private lands alligator management program	124
Number of alligators available for harvest under the public waters harvest programs	3,370
Number of alligator nest eggs available to alligator ranches	1,118
Number of alligator hatchling available to alligator ranches	10,200
Additional approved performance measures and standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1490 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 122,094
FROM NON-GAME WILDLIFE TRUST FUND 154,757
FROM STATE GAME TRUST FUND 106,705

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1491 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 1,759,704

1492 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL ENDANGERED SPECIES - SECTION 6
FROM NON-GAME WILDLIFE TRUST FUND 130,680

1493 SPECIAL CATEGORIES
LAND MANAGEMENT/SAVE OUR RIVERS
FROM STATE GAME TRUST FUND 70,423

1494 SPECIAL CATEGORIES
MANAGEMENT AREA LEASE PAYMENTS
FROM STATE GAME TRUST FUND 900,000

1495 SPECIAL CATEGORIES
DUCKS UNLIMITED MARSH PROJECT
FROM STATE GAME TRUST FUND 106,272

1496 SPECIAL CATEGORIES
PUBLIC DOVE FIELD DEVELOPMENT
FROM STATE GAME TRUST FUND 49,000

1497 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 3,269
FROM NON-GAME WILDLIFE TRUST FUND 11,933
FROM STATE GAME TRUST FUND 76,439

1499 SPECIAL CATEGORIES
WILD TURKEY PROJECTS
FROM STATE GAME TRUST FUND 40,000

1500 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM STATE GAME TRUST FUND 22,583

FISHERIES, DIVISION OF

1501 SALARIES AND BENEFITS POSITIONS 164
FROM STATE GAME TRUST FUND 6,916,595

1501A LUMP SUM
RECREATIONAL FISHING OPPORTUNITIES
FROM GENERAL REVENUE FUND 116,250
FROM STATE GAME TRUST FUND 1,624,722

From funds provided in Specific Appropriations 1501 through 1507, the Fisheries Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to maintain, enhance and provide responsible use of Florida's freshwater fisheries.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Percent change in licensed resident anglers	0.5%
Percent change in licensed non-resident anglers	0.0%
Percent angler satisfaction	75%
OUTPUTS:	

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Number of water bodies and acres managed to improve fishing (includes water bodies and acres in fish management areas, urban areas and other lakes or rivers)	126/750,991
Number of access points established or maintained	42
Number of participants in achievement programs	600
Number of licensed resident anglers	473,274
Number of licensed non-resident anglers	136,680
Additional approved performance measures and standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1501B LUMP SUM
FISHERIES HABITAT REHABILITATION AND RESTORATION
FROM STATE GAME TRUST FUND 404,304

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Number of water bodies and acres where habitat rehabilitation projects have been completed	6/20,000
Percent change in degraded waters rehabilitated	n/a
OUTPUTS:	
Number of water bodies and acres with approved habitat rehabilitation plans in progress	12/90,000
Additional approved performance measures and standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1501C LUMP SUM
COMMERCIAL FISHING AND AQUACULTURE REGULATION
FROM STATE GAME TRUST FUND 9,210

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Percent change in licensed freshwater commercial fishermen	0%
OUTPUTS:	
Number of licensed freshwater commercial fishermen	2,176
Additional approved performance measures and standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

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1503 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 482,712
FROM STATE GAME TRUST FUND 343,110

1504 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 68,635

1505 SPECIAL CATEGORIES
LAKE RESTORATION
FROM STATE GAME TRUST FUND 1,598,454

1506 SPECIAL CATEGORIES
BOAT RAMP MAINTENANCE CATEGORY
FROM STATE GAME TRUST FUND 175,000

1507 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE GAME TRUST FUND 40,178

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1531T through 1531X, 1554O through 1554AC, 1558K through 1558T, and 1571Q through 1571AO, are provided from the named funds to the department to fund the 5-year work program developed pursuant to the provisions of ss. 339.135 and 339.155, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

As part of the ongoing Model Career Service Classification and Compensation Plan as authorized by s. 334.0455, Florida Statutes, and Chapter 97-280, Laws of Florida, that authorizes the continuation of the program until July 1, 1999, and pursuant to this pilot program, from funds in Specific Appropriation 1531A, 1554A, 1558A, 1558U, and 1571A, the Department of Transportation may use up to one-half of one percent for lump sum salary bonuses for qualified departmental employees.

The Florida Department of Transportation is hereby directed to transfer title for the right-of-way of that portion of Woodward Avenue situated between Tennessee Street and Park Avenue in the City of Tallahassee, Leon County, to the Trustees of the Internal Improvement Trust Fund. The Trustees shall lease the Woodward Avenue right-of-way to the Board of Regents for and on behalf of Florida State University. The University may, at its discretion, convert any or all of the Woodward Avenue right-of-way hereby assigned to the Board of Regents to a pedestrian mall or other non vehicular use in order to eliminate through traffic and improve the safety of the university community.

The Board of Regents shall be responsible for paying its fair share of the costs of improvements necessary to correct deficiencies on surrounding roadways which are caused by or contributed to by the conversion of Woodward Avenue right-of-way to a pedestrian mall or other non vehicular use, in a manner consistent with the requirements of s. 240.155, Florida Statutes.

FINANCE AND ADMINISTRATION

1531A SALARIES AND BENEFITS POSITIONS 1,762
FROM STATE TRANSPORTATION (PRIMARY)

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TRUST FUND 60,843,097
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 682,105

1531B OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,383,214
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 10,000

1531C EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 32,278,528
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 146,907

$4,244,932 taken in expense savings in Specific Appropriation 1531C may be distributed throughout the department by budget amendment pursuant to Chapter 216, Florida Statutes.

From funds in Specific Appropriation 1531C, from State Transportation Trust Fund $144,974 is provided for the Tri-County Commuter Rail Authority to reimburse the Authority for the amount of tax paid by the Authority, but unavailable as a refund prior to 07/01/95, the effective date of Chapter 95-417, Laws of Florida.

1531D OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,317,242

From the funds in Specific Appropriation 1531D, $655,200 and $1,925,968 from the State Transportation Trust Fund, is provided for the Construction Contract Management System and the Business Information Systems Plan (BISP) respectively, which are recommended for special project monitoring as critical information resource project under s. 282.322, Florida Statutes. Up to two percent of the appropriation for the project may be transferred to the Technology Review Workgroup for the project monitoring contract. These funds shall be transferred to the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

1531E SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 149,800

1531F SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 280,764

1531G SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,238,111

1531H SPECIAL CATEGORIES
TOLL OPERATION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,570,901

From funds in Specific Appropriation 1531A, Salary and Benefits and Specific Appropriation 1531H, Toll Operation Contracts, the department shall continue to privatize toll collections. The Executive Office of the Governor may adjust the initial 1998-99 Rate and Position Ledger to temporarily restore up to 20 of the 50 toll positions to be deleted on July 1, 1998. This adjustment will be based on a request by the department. Any position temporarily restored will be deleted by June 30, 1999.

1531I SPECIAL CATEGORIES
PAYMENT TO EXPRESSWAY AUTHORITIES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,281,383

1531J SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 341,005

1531K SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 661,500

1531L SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 12,601,803

1531M SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE - OTHER
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 697,717

1531N SPECIAL CATEGORIES
TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT
DISTRICT FOR EVERGLADES RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,125,000

1531O SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,694,000

1531P SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY
AFFAIRS - CONSISTENCY REVIEW OF STATE
TRANSPORTATION PLAN
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 306,114

1531Q SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE FOR
HIGHWAY TAX COMPLIANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

1531R FIXED CAPITAL OUTLAY
OFFICE BUILDING REPAIRS, RENOVATIONS,
ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 50,000

1531S FIXED CAPITAL OUTLAY
BOND GUARANTEE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1531T FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,187,000

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1531U FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 25,833,603

1531V FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 545,000

1531W FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST
FUND 12,955,000

1531X FIXED CAPITAL OUTLAY
TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,645,933

From funds in Specific Appropriations 1531A through 1531X, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994 for the Toll Operation Program to efficiently operate and maintain state toll facilities.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES	
Operational cost per toll transaction	$0.156
OUTPUTS	
Number of toll transactions	464,807,077

PLANNING AND ENGINEERING

1554A SALARIES AND BENEFITS POSITIONS 1,209
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 58,602,076

1554B OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 544,138

1554C EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 19,169,273

1554D OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,232,961

1554E SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 408,000

1554F SPECIAL CATEGORIES
ACQUISITION OF MAINTENANCE AND HEAVY
EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 221,000

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1554G SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,022,500

1554H SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,818,877

1554I SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 690,295

1554J SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 149,400

1554K SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,816,730

1554L SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,207,536

From funds in Specific Appropriations 1554A through 1554L, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994 for the Motor Carrier Compliance Program to reduce occurrences of overweight commercial vehicles on the State Highway System and eliminate hazards and unsafe vehicles.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES	
Percent of commercial vehicles weighed that were overweight	
Fixed scale weighings	0.4%
Portable scale weighings	37.0%
OUTPUTS	
Number of commercial vehicles weighed	9,450,000
Number of commercial vehicles safety inspections performed	80,000
Number of portable scale weighings performed	50,000

1554M FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS,
ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 114,000

1554N FIXED CAPITAL OUTLAY
RADIO COMMUNICATIONS PROGRAM (TOWERS/
ANTENNAES) - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 350,000

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1554O FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,163,700

1554P FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 370,000

1554Q FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 125,000

1554R FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 476,771

1554S FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,060,000

1554T FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 950,000

1554U FIXED CAPITAL OUTLAY
RENOVATION - STATE MATERIALS OFFICE,
GAINESVILLE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,800,000

1554V FIXED CAPITAL OUTLAY
CONSTRUCTION - ACCELERATED PAVEMENT
TESTING FACILITY - GAINESVILLE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 700,000

1554W FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,739,732

1554X FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1554Y FIXED CAPITAL OUTLAY
SEAPORT - ECONOMIC DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,000,000

1554Z FIXED CAPITAL OUTLAY
INTERMODAL/RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 49,100,000

From funds in Specific Appropriation 1554Z, $200,000 shall be provided to American Maglev Technology of Florida, Inc.

1554AA FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,999,000

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1554AB FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,578,000

1554AC FIXED CAPITAL OUTLAY
MATERIALS AND RESEARCH
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,571,129

TURNPIKE OPERATIONS

1558A SALARIES AND BENEFITS POSITIONS 174
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,379,557

1558B OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 187,015

1558C EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,445,661

1558D OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 189,625

1558E SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,104,727

1558F SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 76,095

1558G SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,093,036

1558H FIXED CAPITAL OUTLAY
RELOCATE TURNPIKE HEADQUARTERS TO ORLANDO -
TURKEY LAKE SERVICE PLAZA
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 17,770,994

1558I FIXED CAPITAL OUTLAY
CONSTRUCTION OF TURNPIKE LAW ENFORCEMENT
BUILDING - ORLANDO - TURKEY LAKE SERVICE
PLAZA
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 4,120,337

1558J FIXED CAPITAL OUTLAY
CONSTRUCTION OF TURNPIKE OPERATIONS
FACILITY - TURKEY LAKE SERVICE PLAZA -
ORLANDO
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 5,405,362

1558K FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 3,444,000
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 19,552,000

1558L FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 4,016,500
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 25,100,149
FROM TURNPIKE BOND CONSTRUCTION TRUST

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FUND 96,114,050
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 29,523,486

1558M FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 2,943,239
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 11,382,118
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 16,857,326
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,625,357

1558N FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 11,082,833
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 6,805,860

1558O FIXED CAPITAL OUTLAY
RESURFACING
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 2,246,000
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 6,475,590

1558P FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 6,749,670

1558Q FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 316,719
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 52,972,036
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 3,481,036
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 817,394

1558R FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 1,717,500

1558S FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 223,000

1558T FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 1,493,000
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 6,084,383
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 5,724,705

DISTRICT ADMINISTRATION

1558U SALARIES AND BENEFITS POSITIONS 484
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,097,124

1558V OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 726,786

1558W EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,155,375

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1558X OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 302,067

1558Y SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 118,000

1558Z SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 23,800

1558AA FIXED CAPITAL OUTLAY
MODIFICATIONS - DISTRICT OFFICE - LAKE CITY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,733,582

1558AB FIXED CAPITAL OUTLAY
OFFICE BUILDING REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,046,000

DISTRICT OPERATIONS

1571A SALARIES AND BENEFITS POSITIONS 6,704
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 267,656,402

1571B OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,066,650

1571C EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 29,287,216

1571D OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,804,821

From the funds in Specific Appropriation 1571D, $1,425,000 from the State Transportation Trust Fund, is provided for the Construction Contract Management System which is recommended for special project monitoring as a critical information resource project under s. 282.322, Florida Statutes. Up to two percent of the appropriation for the project may be transferred to the Technology Review Workgroup for the project monitoring contract. These funds shall be transferred to the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

1571E SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,300,000

1571F SPECIAL CATEGORIES
ACQUISITION OF MAINTENANCE AND HEAVY EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,500,000

1571G SPECIAL CATEGORIES
FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,805,000

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1571H SPECIAL CATEGORIES
CONTRACT MAINTENANCE WITH DEPARTMENT OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 13,715,000

1571I SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 692,318

1571J SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,491,889

1571K SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,611,872

1571L FIXED CAPITAL OUTLAY
RENOVATE TRAFFIC MANAGEMENT/LAW ENFORCEMENT COMMUNICATION FACILITY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,783,935

From funds in Specific Appropriation 1571L, $2,350,000 is contingent upon legislation becoming law which provides for the sale of property being leased by the Department of Highway Safety and Motor Vehicles pursuant to lease no. 2508 and the proceeds from the sale being deposited in the State Transportation Trust Fund.

1571M FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,374,500

1571N FIXED CAPITAL OUTLAY
CONSOLIDATION - LEESBURG AND OCALA MAINTENANCE YARDS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 314,601

1571O FIXED CAPITAL OUTLAY
UNDERGROUND STORAGE TANK PROGRAM - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 175,000

1571P FIXED CAPITAL OUTLAY
CONSTRUCTION - KEPLER MAINTENANCE FACILITY - DELAND
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,359,317

1571Q FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,839,001

1571R FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 118,496,000

From funds in Specific Appropriation 1571R, up to $2,000,000 may be used for contracts with non-profit youth organizations in Florida to do work on the state highway system.

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1571S FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 284,821,721

From funds in Specific Appropriation 1571S, the department may process the necessary work program and budget amendments pursuant to Chapter 339, Florida Statutes, in the event a Congressional authorization or appropriation is received for U.S. 192 or State Road 70 for road widening in Brevard, Osceola and Okeechobee Counties. The department is further authorized to provide up to twenty percent matching funds for authorized or appropriated federal funds.

In the event additional federal funds are received through reauthorization of the Federal Intermodal Surface Transportation Efficiency Act and allocated to the department's districts, the department shall add a project to the work program to implement a flyover north bound at U.S. 1 at Port St. Lucie Boulevard west bound.

From funds in Specific Appropriation 1571S, the department shall construct a pedestrian overpass on I-95 in Palm Beach County originating on the campus of Lake Worth Middle School and terminating at an appropriate location on the east side of I-95, to be determined by the Department of Transportation and the Palm Beach County School Board. The funds expended for this project will be repaid over a four year period in student transportation savings realized by the Palm Beach School Board. The expenditure of funds for this project is contingent upon a contract between the Palm Beach County School Board and the Department of Transportation requiring reimbursement for the cost of construction by the School Board.

In the event additional federal funds are received pursuant to the Federal Intermodal Surface Transportation Efficiency Act and allocated to the department's districts, the department shall add a project to the work program to perform an interchange justification report for the connection of Interstate 95 with Florida's Turnpike and St. Lucie Boulevard, St. Lucie County.

In the event additional federal funds are received through reauthorization of the Federal Intermodal Surface Transportation Efficiency Act and allocated to the department's districts, the department shall apply new federal funds available to District 1 to advance the Winchester and Englewood Corridor projects as soon as possible, provided such advance is endorsed by the Charlotte and Sarasota/Manatee Metropolitan Planning Organizations.

From funds in Specific Appropriation 1571S, $3,000,000 shall be used for utility relocation in the City of Milton which relates to a state road construction project.

From funds in Specific Appropriation 1571S, the department shall defer any repayment of funds advanced by the City of Tallahassee to the Department of Transportation pursuant to s. 339.12, Florida Statutes, for one fiscal year. Such funds shall be used by the department to construct Project Number 3115933.

1571T FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION

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FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 388,708,480

1571U FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 126,660,398
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 5,410,736

1571V FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 85,450,002

From funds in Specific Appropriation 1571V, the department shall expand its aviation development grant program to include Florida's passenger service airports.

1571W FIXED CAPITAL OUTLAY
MID-POINT BRIDGE - FT. MYERS
FROM TOLL FACILITIES REVOLVING TRUST
FUND 1,900,000

Funds in Specific Appropriation 1571W are contingent upon approval of a finance plan submitted to the Department of Transportation that includes the sale of revenue bonds or issuance of other debt.

1571X FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD - TAMPA
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,050,000

1571Y FIXED CAPITAL OUTLAY
ENVIRONMENTAL SITE RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,469,000

1571Z FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 85,764,074

1571AA FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 316,133,764
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 40,693,189

From funds in Specific Appropriation 1571AA, $40,000,000 from the State Transportation Trust Fund shall be used to assist in the acquisition of right-of-way for the Western Beltway Part C as identified in s. 338.2276, Florida Statutes. In addition to the funds above, an additional $20,000,000 may be used in the event federal funds are received pursuant to the Federal Intermodal Surface Transportation Efficiency Act.

From funds in Specific Appropriation 1571AA, $615,000 from the State Transportation Trust Fund shall be used for Preliminary Design and Engineering and Right-of-Way Acquisition for the Quincy By-pass.

1571AB FIXED CAPITAL OUTLAY
INTERMODAL/RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 61,221,482

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From funds in Specific Appropriation 1571AB, $47,000,000 for the High Speed Rail project shall be placed in reserve by the Executive Office of the Governor. Pursuant to s. 216.181, Florida Statutes, the agency may request release of these funds based upon a project development plan which is based upon ridership and market studies, certification and environmental compliance, public information and involvement, route analysis engineering and cost estimates and financial assessments. Any funds distributed to the High Speed Rail Project from January 1, 1998 through June 30, 1998 shall be reduced from the appropriation identified for the project in fiscal year 1998-99.

1571AC FIXED CAPITAL OUTLAY
SEAPORT GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

1571AD FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 46,542,311

1571AE FIXED CAPITAL OUTLAY
RESURFACING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 378,197,217

1571AF FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 213,586,243
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 51,304,564

1571AG FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 197,857,362
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 587,703

1571AH FIXED CAPITAL OUTLAY
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,500,000

Funds in Specific Appropriation 1571AH require an equal match from nonstate funds by the program participants. The grant program shall be administered by the Florida Highway Beautification Council in accordance with s. 339.2405, Florida Statutes.

1571AI FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 62,047,699
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 10,580,905

1571AJ FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,267,001

1571AK FIXED CAPITAL OUTLAY
TRANSFER TO EXEC OFFICE OF THE GOVERNOR,
OFFICE OF TOURISM, TRADE & ECONOMIC
DEVELOPMENT FOR TRANSPORTATION PROJECTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,000,000

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Funds in Specific Appropriation 1571AK shall be transferred to the Office of Tourism, Trade and Economic Development within the Executive Office of the Governor on a quarterly basis during the fiscal year.

1571AL FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 17,262,003

1571AM FIXED CAPITAL OUTLAY
TRAFFIC ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,950,000

1571AN FIXED CAPITAL OUTLAY
LOCAL GOVERNMENT REIMBURSEMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,899,915

1571AO FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 63,800,000

From funds in Specific Appropriations 1571A through 1571AO, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994 for the Right-of-Way Acquisition Program to acquire the necessary rights-of-way to support the agency's Work Program.

Performance Measures	Standards Based on Conference's Recommendations
OUTPUTS	
Number of right-of-way parcels acquired	2,597
Number of projects certified ready for construction	128

From funds in Specific Appropriations 1571A through 1571AO, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994 for the Highway Construction/Engineering Program to develop and implement the State Highway System.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES	
Number of motor vehicle fatalities per 100 million miles traveled	<2.05
Number of bicycle and pedestrian deaths per 100,000 population	<5.0
Percentage of state highway system pavement in good condition	81%
Percentage of state-maintained bridges in good condition	94%
Percentage increase in number of days required for completed construction contracts over original contract days (less weather days)	<30.0%
Percentage increase in final amount paid for completed construction contracts over original contract amount	<10.0%
Percentage of vehicle crashes on state highway system where road-related conditions were listed as a contributing factor	<1.0%
OUTPUTS	
Number of lane miles let to contract for resurfacing	2,261
Number of lane miles let to contract for highway capacity improvements	242
Percentage of construction contracts planned for letting that were actually let	95%
Number of bridges let to contract for repair	123
Number of bridges let to contract for replacement	60

From funds in Specific Appropriations 1571A through 1571AO, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994 for the Public Transportation Program to promote all forms of public transportation.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES	
Transit Ridership Growth Compared to Population growth	1.0%/2.0%
Total Waterborne Trade in Tons	110,000,000
Tons of Cargo Shipped by Air	4,700,000
OUTPUTS	
Number of passenger enplanements	56,000,000
Number of transit capital projects funded	22
Number of transit operating projects funded	73
Number of aviation projects funded	209
Number of Public Transit Passenger Trips	167,200,000
Number of cruise embarkations and	

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disembarkations at Florida ports	7,300,000
Number of intermodal projects funded	41
Number of rail projects funded	15

From funds in Specific Appropriations 1571A through 1571AO, the Department of Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994 for the Transportation System Maintenance Program to maintain the State Highway System and related activities.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES	
Maintenance condition of state highway system as measured against the department's maintenance manual standards	80

TOTAL OF SECTION 5 POSITIONS 19,545

FROM GENERAL REVENUE FUND 303,617,602

FROM TRUST FUNDS 6004,277,936

TOTAL ALL FUNDS 6307,895,538

SECTION 6 - GENERAL GOVERNMENT

The moneys contained herein are appropriated from the named funds to Administered Funds, Department of Banking and Finance, Department of Business and Professional Regulation, Department of Citrus, Executive Office of the Governor (General Office), Department of Insurance/Treasurer, Department of Labor and Employment Security, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue and the Department of State/Secretary of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

ADMINISTERED FUNDS

1571AP LUMP SUM
RENT INCREASE FOR DEBT SERVICE AND MAINTENANCE OF STATE FACILITIES
FROM GENERAL REVENUE FUND 585,000
FROM TRUST FUNDS 585,000

1572 LUMP SUM
SALARY INCREASES
FROM GENERAL REVENUE FUND 111,612,831
FROM TRUST FUNDS 62,254,412

1573 LUMP SUM
STATEWIDE INNOVATION FUND
FROM GENERAL REVENUE FUND 1,000,000

The funds provided in Specific Appropriation 1573 may be used for the Division of Retirement, Facilities Program, Workforce Program, Support Program, and Information Technology Program in the Department of Management Services; the General Tax Administration Program and Property Tax Administration Program in the Department of Revenue; and the Disability Determination Program and the

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Vocational Rehabilitation Program in the Department of Labor and Employment Security to participate in performance contracts which may result in awards of additional funding and administrative flexibility. Funds awarded are in addition to current appropriations and may be used for lump sum bonuses, employee training, or productivity enhancements and will not be incorporated in the calculations for total program costs. The performance contract entered into between the Governor and the agency head shall be based upon three performance measures selected by the agency in consultation with the Governor's Office. The performance measures contained in the FY 1998-99 Performance Ledger, as well as those found in the approved Agency Strategic Plan, may be considered for inclusion. All performance measures proposed for consideration must have previously established performance baselines, valid projections or strategic targets and linkage to the agency's mission and goals. The performance contract must be completed and approved pursuant to s. 216.177, Florida Statutes, to ensure an effective date of no later than September 1, 1998.

The performance contract shall establish a framework which defines the level of achievement necessary to result in an award. Evaluation of program performance shall be based on two thresholds of achievement agreed upon the Governor and the agency head and identified in the performance contract. The two thresholds shall be based upon two separate performance achievement targets above the standard for each of the three selected performance measures. The second threshold level shall be indicative of higher performance than the first. The minimum requirements for threshold #1 are attainment of program performance at the first agreed upon levels above the standards on at least two of the three performance measures, and attainment of at least the performance standard on the third performance measure. A program that achieves threshold #1, is entitled to an award of one-fourth of one percent of its salaries and benefits appropriation for FY 1998-99. The minimum requirements for threshold #2 are attainment of the second agreed upon levels above the standard on at least two of the three performance measures, and attainment of at least the threshold #1 level on the third performance measure. A program that achieves threshold #2, is entitled to one-half of one percent of its salaries and benefits appropriation for FY 1998-99.

Agencies that enter into a program performance contract shall report actual program performance on the selected performance measures by April 15, 1999. Any program that fails to report its actual performance after having entered into a performance contract, shall not receive ten percent over the minimum on vacant positions for FY 1999-2000. This action shall be instituted during preparation of the Agency Approved Financial Plan for FY 1999-2000. Agencies with programs determined to be eligible for an award are required to submit a plan no later than May 1, 1999, regarding the specific award and distribution of funds and/or administrative flexibility. The plan should include, but not be limited to, linkage of program activity to achievement of contract standards, justification of administrative flexibility, the program criteria for awarding salary incentives and bonuses as well as the distribution between employee class codes and pay plans. Salary bonuses will be awarded to full-time employees filling authorized positions. The budget amendment authorizing the award shall be

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submitted to the Governor's Office of Planning and Budgeting no later than May 1, 1999, to ensure implementation prior to the end of the fiscal year. Awards may include increases in trust fund authority for trust funded agency programs as necessary to meet the requirements contained herein. All documents are subject to the requirements of s. 216.177, Florida Statutes.

1574 LUMP SUM
INFORMATION SYSTEM DATA CONVERSION FOR YEAR 2000
FROM GENERAL REVENUE FUND 20,000,000
FROM TRUST FUNDS 6,469,933

Funds in Specific Appropriation 1574 are provided for correction of the Year 2000 date problem in existing computer systems. Of these funds $332,026 from the General Revenue Fund is appropriated for the Year 2000 Project Office under the Executive Office of the Governor. The remaining funds shall be held in reserve and released based upon the following:

1. State agencies and the Judicial Branch shall submit information that the Year 2000 Task Force deems necessary to facilitate assessment, coordination, monitoring and implementation of the state's Year 2000 transition. The Year 2000 Task Force shall review such information and make funding recommendations, as necessary, to the Executive Office of the Governor. The Executive Office of the Governor shall review and approve allocation and release of funds pursuant to the budget amendment process set forth in Chapter 216, Florida Statutes.

2. Up to $500,000 may be authorized by the Year 2000 Project Office for consulting services, as deemed necessary by the Year 2000 Task Force and approved by the Executive Office of the Governor.

1575 LUMP SUM
CONSTITUTIONAL REVISION COMMISSION
FROM GENERAL REVENUE FUND 200,000

1577 LUMP SUM
GUBERNATORIAL TRANSITION ASSISTANCE
POSITIONS 10
FROM GENERAL REVENUE FUND 2,500,000

1578 LUMP SUM
INTEGRATED FINANCIAL SYSTEM
FROM GENERAL REVENUE FUND 7,500,000

Funds from Specific Appropriation 1578 are for the second year funding for the acquisition and implementation of an integrated human resources management and payroll (HR/P) system that will use an identical chart of accounts, a common data base and graphical user interface, and a common software language. The FFMIS Coordinating Council shall conduct a proof of concept implementation in which the integrated human resources management and payroll system component will be implemented in a limited number of pilot sites to determine how well the software works and to determine to what extent it will be possible to reengineer the current processes.

The proof of concept shall demonstrate if it is possible to buy an integrated financial management system, or major components, so that the FFMIS systems could be replaced with purchased software.

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The proof of concept shall demonstrate if it is possible to modify existing procedures or administrative rules for the use of new automated workflow processes or procedures. If there is existing law or administrative rule which prohibits the efficient procedure or requires the continuation of a process or action that is functionally no longer necessary, the FFMIS Coordinating Council shall identify those statutes or administrative rules which amending would allow an alternative process to occur.

The funds contained within Specific Appropriation 1578 shall be held in reserve by the Executive Office of the Governor until the FFMIS Coordinating Council has approved a spending plan for the distribution of the appropriated funds and positions. The Office of Planning and Budgeting shall distribute and release the appropriated funds through budget amendments which shall be subject to the legislative consultation requirements set forth in Chapter 216, Florida Statutes. The Administration Commission may approve positions in excess for staff to provide administrative and managerial support based on a recommendation by the FFMIS Coordinating Council in consultation with legislative staff pursuant to s. 216.177(2)(a), Florida Statutes.

1579 LUMP SUM
STATE EMPLOYEES HEALTH INSURANCE
FROM GENERAL REVENUE FUND 113,900,000
FROM TRUST FUNDS 12,400,000

1580 LUMP SUM
RETIREMENT ADJUSTMENT
FROM GENERAL REVENUE FUND . . . . . -37,010,170
FROM TRUST FUNDS . . . . . -15,116,830

The reduction in funds provided in Specific Appropriation 1580 are for a net reduction in the state's composite contribution rate to the Florida Retirement System (FRS). This adjustment reflects the state's compliance with the Government Accounting Standards Board (GASB) Statements No. 25 and No. 27 which set forth certain parameters regarding the pension expense to be taken for public sector pension plans and corresponding changes in plan assumption. The funds in Specific Appropriations 1580 shall be allocated by the Executive Office of the Governor to all state agencies within the executive and judicial branches, including the State University System.

The recommended net reduction in the composite contribution rate includes an increase to the Retirees' Health Insurance Subsidy which translates to a monthly benefit increase of $2, from $3 to $5, for each year of service up to 30 years.

1582 LUMP SUM
DISTANCE LEARNING
FROM GENERAL REVENUE FUND 10,500,000

Funds in Specific Appropriation 1582 shall be used to complete and support the development and implementation of the infrastructure for distance learning. Such infrastructure shall include as its first priority an advisement and academic support system for students to access Florida postsecondary information. It shall also include library databases, suncom mini-nodes and a student financial assistance system. The Florida Institute on Public Postsecondary Distance Learning shall receive

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$350,000 and the Community College Distance Learning Consortium shall receive $250,000. Any funds available after addressing the above issues may be used for the development of curriculum or other programs for the distribution of distance learning.

1583 SPECIAL CATEGORIES
ASSOCIATION DUES
FROM GENERAL REVENUE FUND 172,900

1584 SPECIAL CATEGORIES
COUNCIL OF STATE GOVERNMENTS
FROM GENERAL REVENUE FUND 205,526

1585 SPECIAL CATEGORIES
SOUTHERN GROWTH POLICY BOARD
FROM GENERAL REVENUE FUND 50,784

1586 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

1587 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

1588 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY
COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 4,756

1589 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM
TRUST FUND
FROM GENERAL REVENUE FUND 5,226,034

Funds in Specific Appropriation 1589 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting for the development and implementation of the LAS/PBS Appropriations System.

1590 SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNOR'S CITY OF MIAMI
FINANCIAL EMERGENCY OVERSIGHT BOARD -
ADMINISTRATION
FROM GENERAL REVENUE FUND 223,000

1590A SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST
FUND FOR TECHNOLOGY REVIEW WORKGROUP
FROM GENERAL REVENUE FUND 624,477

BANKING AND FINANCE, DEPARTMENT OF, AND
COMPTROLLER

OFFICE OF THE COMPTROLLER AND DIVISION OF
ADMINISTRATION

1591 SALARIES AND BENEFITS POSITIONS 107
FROM GENERAL REVENUE FUND 2,541,351
FROM ADMINISTRATIVE TRUST FUND 2,844,169

1592 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 25,222

1593 EXPENSES
FROM GENERAL REVENUE FUND 511,698
FROM ADMINISTRATIVE TRUST FUND 710,402

1594 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 269,332
FROM ADMINISTRATIVE TRUST FUND 303,068

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1595 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM ADMINISTRATIVE TRUST FUND 209,833

1596 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,920
FROM ADMINISTRATIVE TRUST FUND 6,628

1597 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 108,622
FROM ADMINISTRATIVE TRUST FUND 480,598

ACCOUNTING AND AUDITING, DIVISION OF

1598 SALARIES AND BENEFITS POSITIONS 158
FROM GENERAL REVENUE FUND 6,112,016
FROM ADMINISTRATIVE TRUST FUND 120,861
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 176,998

1600 AID TO LOCAL GOVERNMENTS
NATIONAL FOREST MONIES TO COUNTIES
FROM FLORIDA NATIONAL FOREST TRUST FUND . 1,647,000

1602 LUMP SUM
FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS
FROM GENERAL REVENUE FUND 1,509,608
FROM ADMINISTRATIVE TRUST FUND 28,176
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 12,159

From the funds in Specific Appropriations 1598 and 1602 the Financial Accountability for Public Funds Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to promote financial accountability for public funds throughout state government and to provide the citizens of Florida with timely, factual and comprehensive information.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Percent of payment requests rejected during the preaudit process for inconsistencies with legal and/or other applicable requirements	1.00%
Percent of vendor payments issued in less than the Comptroller's statutory time limit of ten days	100%
Percent of federal wage and information returns prepared and filed where no penalties or interest were paid	100%
Percent of payroll payment made accurately based on information submitted	100%
Major qualifications in the independent auditor's report on the state's general purpose financial statements that negatively impact the state's bond rating	0
State payments issued electronically:	
A. Percent of vendor payments	3%
B. Percent of payroll payments	73%
C. Percent of retirement payments	74%

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The Department of Banking and Finance shall evaluate the cost effectiveness and advantages of using electronic payment processes versus paper processes and, if appropriate, recommend revised performance measures for fiscal year 1999-2000.

OUTPUTS:

Vendor payment requests preaudited:
A. Number.....1,087,106
B. Percent.....26%
C. Dollar Amount.....$27,650,875,863

Vendor payments issued:
A. Number.....4,189,411
B. Dollar Amount.....$33,303,548,746

Number of federal wage and information returns prepared and filed.....288,766

Number of federal tax deposits made.....100

Payroll payments issued:
A. Number.....5,324,649
B. Dollar Amount.....$5,158,858,594

Number of fiscal integrity cases investigated.....40

Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.

1603 SPECIAL CATEGORIES GRANTS AND AIDS - SMALL COUNTY TECHNICAL ASSISTANCE FROM GENERAL REVENUE FUND	300,000	
1604 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	25,160	
1605 SPECIAL CATEGORIES PETROLEUM CLEANUP AUDITS FROM ADMINISTRATIVE TRUST FUND		500,000
1606 DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM GENERAL REVENUE FUND	44,967	
INFORMATION SYSTEMS, DIVISION OF		
1607 SALARIES AND BENEFITS POSITIONS 172 FROM GENERAL REVENUE FUND	6,944,843	
FROM WORKING CAPITAL TRUST FUND		881,342
1608 OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND		243,458
1609 EXPENSES FROM GENERAL REVENUE FUND	7,253,770	
FROM WORKING CAPITAL TRUST FUND		385,161
1610 OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	1,375,624	
1611 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	16,691	
FROM WORKING CAPITAL TRUST FUND		12,414

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BANKING, DIVISION OF	
1612 SALARIES AND BENEFITS POSITIONS 137 FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND	7,100,789
1613 OTHER PERSONAL SERVICES FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND	19,917
1614 EXPENSES FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND	1,613,256
1615 OPERATING CAPITAL OUTLAY FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND	82,000
1616 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND	26,827
1617 DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND	268,418
FINANCE, DIVISION OF	
1618 SALARIES AND BENEFITS POSITIONS 127 FROM REGULATORY TRUST FUND	5,479,012
1619 OTHER PERSONAL SERVICES FROM REGULATORY TRUST FUND	1,092,022
1620 EXPENSES FROM REGULATORY TRUST FUND	1,619,678
1621 OPERATING CAPITAL OUTLAY FROM REGULATORY TRUST FUND	86,800
1622 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM REGULATORY TRUST FUND	156,239
1623 DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM REGULATORY TRUST FUND	406,145
SECURITIES AND INVESTOR PROTECTION, DIVISION OF	
1624 SALARIES AND BENEFITS POSITIONS 109 FROM GENERAL REVENUE FUND . . . . . 4,661,211 FROM ANTI-FRAUD TRUST FUND	155,702
1625 OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND . . . . . 25,000 FROM ANTI-FRAUD TRUST FUND	222,161
1626 EXPENSES FROM GENERAL REVENUE FUND . . . . . 722,731 FROM ANTI-FRAUD TRUST FUND	185,339
1627 OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . . 21,448 FROM ANTI-FRAUD TRUST FUND	100,000
1628 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND 6,637	

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1629 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 143,367

1630 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 49,056

FINANCIAL INVESTIGATIONS, DIVISION OF

1631 SALARIES AND BENEFITS POSITIONS 61
FROM GENERAL REVENUE FUND 1,116,728
FROM ADMINISTRATIVE TRUST FUND 1,574,830

1632 EXPENSES
FROM GENERAL REVENUE FUND 259,580
FROM ADMINISTRATIVE TRUST FUND 333,611

1633 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 12,848
FROM ADMINISTRATIVE TRUST FUND 16,352

1634 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,490
FROM ADMINISTRATIVE TRUST FUND 1,680

1635 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 9,000
FROM ADMINISTRATIVE TRUST FUND 9,000

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION

1636 SALARIES AND BENEFITS POSITIONS 229
FROM ADMINISTRATIVE TRUST FUND 10,160,096
FROM PROFESSIONAL REGULATION TRUST FUND . 173,756

From the funds provided in Specific Appropriation 1636, 1637, 1638 and 1645 from the Administrative Trust Fund, $528,698 is provided for the Medical Quality Assurance Program. The Executive Office of the Governor may adjust the 1998-99 Position and Rate Ledger to temporarily restore 5 additional positions through 6/30/99. Upon the transfer of the Medical Quality Assurance Program to the Department of Health, the unspent funds and the associated positions shall be placed in reserve by the Executive Office of the Governor.

1637 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,235,654
FROM PROFESSIONAL REGULATION TRUST FUND . 38,081

1638 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 3,916,322
FROM PROFESSIONAL REGULATION TRUST FUND . 155,301

1639 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 520,643
FROM PROFESSIONAL REGULATION TRUST FUND . 4,500

1640 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 188,132

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1641 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING
FROM ADMINISTRATIVE TRUST FUND 249,339

1642 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ADMINISTRATIVE TRUST FUND 3,800

1643 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 44,109
FROM PROFESSIONAL REGULATION TRUST FUND . 244

1644 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 2,240

1645 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 684,752

1646 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 5,714

PROFESSIONAL REGULATION, DIVISION OF

1647 SALARIES AND BENEFITS POSITIONS 439
FROM PROFESSIONAL REGULATION TRUST FUND . 16,326,403

From the funds provided in Specific Appropriation 1647, 1649, 1653 and 1662, $567,001 is provided for Computer Based Testing Program. The Executive Office of the Governor may adjust the 1998-99 Position and Rate Ledger to temporarily restore 2 additional positions through 6/30/99. Upon legislation becoming law authorizing the privatization and computerization of professional license exams and the successful award of a contract to private providers, the unspent funds and the associated positions shall be placed in reserve by the Executive Office of the Governor.

1648 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 2,476,472

1649 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 5,415,259

1650 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 186,672

1651 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND . 303,000

1652 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 836,283

1653 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM PROFESSIONAL REGULATION TRUST FUND . 2,227,052

1654 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,180,050

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From the funds in Specific Appropriation 1654, up to $300,000 from the Professional Regulation Trust Fund is provided to the department to institute an unlicensed activity campaign designed to inform: (1) the public and prevent unlicensed activity in the real estate market; and (2) the real estate licensee of the requirements of licensure pursuant to Chapter 498, Florida Statutes, regarding land sales practices. The department will develop the campaign in consultation with a corporation registered under Chapter 617, Florida Statutes as a not-for-profit corporation registered under the Internal Revenue Service Code as a 501(c)(6) corporation which represents the largest number of licensed real estate professionals.

1655 SPECIAL CATEGORIES
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 1,200,000

1656 SPECIAL CATEGORIES
CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 200,000

1657 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM PROFESSIONAL REGULATION TRUST FUND . 564,297

1658 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 20,500

1659 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 558,240

1660 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENGINEERING MANAGEMENT CORPORATION (FEMC) CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 2,170,000

1661 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 620,000

1662 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 829,245

PARI-MUTUEL WAGERING, DIVISION OF

1663 SALARIES AND BENEFITS POSITIONS 88
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,668,483

1664 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,576,719

Funds in Specific Appropriations 1664 include $185,000 for research that will provide specific recommendations regarding the elimination of performance altering drugs in pari-mutuel industries.

1665 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 844,050

1666 AID TO LOCAL GOVERNMENTS
RACING TAX TO COUNTIES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 29,915,500

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1667 AID TO LOCAL GOVERNMENTS
CARDROOM TAX REVENUE DISTRIBUTED TO LOCAL GOVERNMENTS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 157,000

1668 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 145,532

1669 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 24,802

1670 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM (INDUSTRY RESEARCH)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 250,000

1671 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 221,824

1672 SPECIAL CATEGORIES
REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 167,959

1673 SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 60,725

1674 SPECIAL CATEGORIES
PARI-MUTUEL LABORATORY CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,140,000

From funds provided in Specific Appropriation 1674, the Division of Pari-Mutuel Wagering may contract the day to day operations of the Pari-Mutuel Laboratory with the University of Florida, College of Veterinary Medicine for continued operation of the laboratory in Tallahassee at Innovation Park. If the Division of Pari-Mutuel Wagering is unable to enter into a contract with the University of Florida by June 30, 1998, then the Executive Office of the Governor shall distribute in the Approved Operating Budget of the Division of Pari-Mutuel Wagering funds included in Specific Appropriation 1674 as follows:

Salaries and Benefits	1,002,670
Other Personal Services	91,237
Expenses	740,000
Operating Capital Outlay	306,093

Upon the Division of Pari-Mutuel Wagering entering into a contract with the University of Florida, College of Veterinary Medicine for continued operation of the Pari-Mutuel Laboratory in Tallahassee at Innovation Park, the Executive Office of the Governor shall place in reserve the 27 positions authorized in this proviso.

1675 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 396,476

HOTELS AND RESTAURANTS, DIVISION OF

1676 SALARIES AND BENEFITS POSITIONS 332
FROM HOTEL AND RESTAURANT TRUST FUND . . . 12,883,795

1677 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 106,011

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1678 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 2,255,641

1679 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 49,904

1680 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 346,414

1681 SPECIAL CATEGORIES
TRANSFERS TO DEPARTMENT OF HEALTH FOR EPIDEMIOLOGICAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 498,416

1682 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL-TO-CAREER
FROM HOTEL AND RESTAURANT TRUST FUND . . . 150,000

1683 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST FUND . . . 186,966

1684 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 550,109

ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF

1685 SALARIES AND BENEFITS POSITIONS 418
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 18,325,855

1686 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 55,658

1687 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 4,219,608

1688 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 9,700,000

1689 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 197,075

1690 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 529,200

1692 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 510,081

1693 SPECIAL CATEGORIES
CIGARETTE TAX STAMPS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 851,262

1694 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 155,808

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1695 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 301,415

1696 SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 140,000

1697 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 235,422

FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, DIVISION OF

1698 SALARIES AND BENEFITS POSITIONS 172
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 6,377,895

1699 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 47,931

1700 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,570,026

1701 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 19,426

1702 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 21,228

1703 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 150,567

CITRUS, DEPARTMENT OF

1704 SALARIES AND BENEFITS POSITIONS 151
FROM CITRUS ADVERTISING TRUST FUND 8,106,681

1705 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 150,000

1706 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 6,591,039

From the funds provided in Specific Appropriation 1706, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed $240,000 of the cost of citrus juice purchased from funds in Specific Appropriation 1736 dispensed at the Florida Welcome Stations.

1707 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 258,000

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1708 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 68,602,028

1709 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS ADVERTISING TRUST FUND 29,774

1710 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM CITRUS ADVERTISING TRUST FUND 20,000

1711 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM CITRUS ADVERTISING TRUST FUND 15,000

GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

1711A AID TO LOCAL GOVERNMENTS
CAMACOL
FROM GENERAL REVENUE FUND 300,000

1711B AID TO LOCAL GOVERNMENTS
DISCOVER AMERICA INTERNATIONAL POW WOW
FROM GENERAL REVENUE FUND 250,000

1711C AID TO LOCAL GOVERNMENTS
HIALEAH HISPANIC CHAMBER OF COMMERCE
FROM GENERAL REVENUE FUND 25,000

1712 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION
POSITIONS 116
FROM GENERAL REVENUE FUND 8,174,307
FROM GRANTS AND DONATIONS TRUST FUND . . . 427,168

1713 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING
POSITIONS 101
FROM GENERAL REVENUE FUND 6,075,190
FROM GRANTS AND DONATIONS TRUST FUND . . . 706,289

1714 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - WASHINGTON OFFICE
POSITIONS 5
FROM GENERAL REVENUE FUND 423,423

1715 LUMP SUM
WAGES STATE BOARD
POSITIONS 3
FROM GRANTS AND DONATIONS TRUST FUND . . . 603,187

1716 LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
POSITIONS 45
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 5,118,226

1718 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 106,528

1719 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 560,000

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1720 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 46,000

1721 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COUNCIL ON INDIAN AFFAIRS
FROM GENERAL REVENUE FUND 114,987

1722 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 74,155
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,015
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 15,233

1723 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 44,550

1724 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 24,000

1724A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
COMMUNITY FAMILY LIFE CENTER
FROM GENERAL REVENUE FUND 1,500,000

1724B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DADE COUNTY COMPLEX
FROM GENERAL REVENUE FUND 350,000

OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT

ECONOMIC IMPROVEMENT PROGRAM

From the funds in Specific Appropriations 1725 through 1743A the Economic Improvement Program will meet the standards associated with each individual partnership in the program as required by the Government Performance and Accountability Act of 1994, to maintain and improve the economic health of Florida by increasing jobs, income and investments through promoting targeted businesses, tourism, professional and amateur sports and entertainment and by assisting communities, residents and businesses. The partnerships are the Office of Tourism, Trade and Economic Development, Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation, the Florida Sports Foundation, the Governor's Council on Physical Fitness and Amateur Sports, the Black Business Investment Board, the Florida Entertainment Industry Council, the Spaceport Florida Authority, and the Florida Association of Voluntary Agencies for Caribbean Action.

1725 SALARIES AND BENEFITS POSITIONS 21
FROM GENERAL REVENUE FUND 918,180
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 75,494
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 178,803
FROM TOURISM PROMOTION TRUST FUND 178,803

1726 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT

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FROM GENERAL REVENUE FUND	167,638	
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		24,760
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		53,758
FROM GRANTS AND DONATIONS TRUST FUND . . .		130,000
FROM TOURISM PROMOTION TRUST FUND		53,758

1727 LUMP SUM
OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT (OTTED) COORDINATED PROGRAMS

FROM GENERAL REVENUE FUND	19,464,260	
FROM ECONOMIC DEVELOPMENT TRUST FUND . . .		2,716,065
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		260,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		25,250,000

From the funds in Specific Appropriation 1727, the following programs and projects shall be funded from the specified funds:

From General Revenue Funds:
QTI/QDC Program..... $10,864,260
Brownfields Redevelopment..... 4,000,000
Of the $4,000,000 in General Revenue funds, $300,000 is directed to the City of Jacksonville to complete a project partially funded in fiscal year 1997-98 and $300,000 is directed to Miami-Dade County for Poinciana Industrial Park Cleanup. Should SB 1204 or similar legislation become law creating a Brownfield Property Ownership Trust Fund, the $4,000,000 in General Revenue funds shall be transferred to the fund.
Silicon Technology Sector..... 1,900,000
Governor's Gulf States Accord..... 50,000
Woodlands Ecotourism Conference Center..... 400,000
Rural Community Development..... 2,000,000
Of the $2,000,000 in General Revenue for Rural Community Development, $250,000 is designated for the City of Belle Glade for assistance in the development of a business park.
Florida First Capital Finance Corp.....250,000

From the Economic Development Trust Fund:
QTI Local Match..... 2,716,065

From the Grants and Donations Trust Fund:
Jobs and Education Partnership..... 25,250,000

From the Florida International Trade and Promotion Trust Fund:
Ports Program..... 260,000

From the funds in Specific Appropriations 1727, the Office of Tourism, Trade and Economic Development will meet the following standards as required by the Government Performance and Accountability Act of 1994, to ensure the state's efforts to improve the economic quality of life for all Floridians, demonstrate unity of purpose, good coordination of strategies and programs, and true partnership among business, communities and government.

Performance Measures	Standards Based on Conference's Recommendations
OUTPUTS	
Number/dollar amount of contracts and grants administered	269/$336 million
Public expenditures per job created/retained under QTI incentive program	$3,750
Number of state agency proposed rules reviewed which impact small businesses	60
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

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1728 LUMP SUM
ENTERPRISE FLORIDA OPERATIONS

FROM GENERAL REVENUE FUND	6,695,815	
FROM GRANTS AND DONATIONS TRUST FUND . . .		414,805

Funds provided in Specific Appropriation 1728 are for the operations of Enterprise Florida during fiscal year 1998-99. Prior to the release of the third quarter funding by the Executive Office of the Governor to Enterprise Florida, Enterprise Florida shall document to the Executive Office of the Governor and the Legislature that the appropriation for operations has been matched by 25% cash from the private sector.

1729 SPECIAL CATEGORIES
GRANTS AND AIDS - BLACK BUSINESS INVESTMENT BOARD
FROM GENERAL REVENUE FUND 2,080,787

From funds provided in Specific Appropriation 1729, $2,000,000 is provided to the Office of Tourism, Trade and Economic Development for the purpose of entering into a contract with the Black Business Investment Board. The contract shall contain specific deliverables for services provided by the Black Business Investment Board. This appropriation is also contingent upon the Office of Tourism, Trade and Economic Development developing performance measures, standards, and sanctions for the Black Business Investment Board on or before June 30, 1998. Such performance measures, standards, and sanctions shall be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177, Florida Statutes. The approved performance measures, standards, and sanctions shall be included and made part of the contract entered into between the Office of Tourism, Trade and Economic Development and the Black Business Investment Board activities and programs. In addition, the Office of Tourism, Trade and Economic Development will submit such contracts to the Comptroller no later than ten (10) days after execution and prior to submission of the first payment request to the Comptroller. The Comptroller's pre-voucher auditing review of such contracts will be limited to contract terms and conditions governing the delivery of goods and services, receipt and payment for purchases or deliverables under the contract and general contract requirements otherwise provided by law or rule.

The Black Business Investment Corporations shall receive funds on an equal matching basis and be in good financial standing with the Black Business Investment Boards.

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1730 SPECIAL CATEGORIES
SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 350,000

1731 SPECIAL CATEGORIES
FLORIDA SPORTS DEVELOPMENT CENTER
FROM GENERAL REVENUE FUND 350,000

1732 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SPORTS FOUNDATION
FROM PROFESSIONAL SPORTS DEVELOPMENT TRUST FUND 2,500,000

From the funds in Specific Appropriation 1732, the Florida Sports Foundation will meet the following standards as required by the Government Performance and Accountability Act of 1994, to promote and develop the sports industry and related industries in Florida.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Economic contributions from Florida Sports Foundation-sponsored regional and major sporting events grants	$150 million
OUTPUTS:	
Number/amount of major sports event grants awarded	25 grants/$600,000
Number of publications produced/distributed	7/574,000
Number of promotions conducted/supported	6 statewide/1 national
Number of trade/consumer shows facilitated or conducted	10

1733 SPECIAL CATEGORIES
GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND AMATEUR SPORTS
FROM GENERAL REVENUE FUND 34,302

From the funds in Specific Appropriation 1733, the Governor's Council on Physical Fitness and Amateur Sports will meet the following standards as required by the Government Performance and Accountability Act of 1994, to improve the quality of life for individuals in Florida through the promotion of physical fitness, sports, education and healthy active lifestyles.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Number of participants- Youth, Seniors and Adults	32,300
Number of participants-Bike Florida	750
Number of surveys conducted/ satisfaction rating	4,845/98%
OUTPUTS:	
Host festival events in accordance with s. 14.22, Florida Statutes	11
Publications, magazines, brochures, pamphlets - distribution	330,000
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1734 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ASSOCIATION OF VOLUNTEER AGENCIES FOR CARIBBEAN ACTION
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 533,212

From the funds in Specific Appropriation 1734, the Florida Association of Voluntary Agencies for Caribbean Action will meet the following standards as required by the Government Performance and Accountability Act of 1994, to improve social and economic conditions in Central America and the Caribbean through training and technical assistance.

Performance Measures	Standards Based on Conference's Specifications
OUTCOMES:	
Percent of overseas clients who indicate assistance is very responsive	96%
Percent of volunteer-consultants who would volunteer again	97%
Ratio of donated services and contributions as compared to the amount of state funding	3.25:1
OUTPUTS:	
Number of volunteer technical assistance missions to Central America and the Caribbean	96
Number of international and domestic development missions	12

1735 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 20,105
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 2,879
FROM TOURISM PROMOTION TRUST FUND 7,626

1736 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COMMISSION ON TOURISM
FROM TOURISM PROMOTION TRUST FUND 22,000,000

From the funds in Specific Appropriation 1736, the Florida Commission on Tourism will meet the following standards as required by the Government

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Performance and Accountability Act of 1994, to increase Florida's market share of tourism.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Sustained growth in the number of travelers who come to and go through Florida:	
Out-of-state	44 million
Residents	11.6 million
Sustained growth in the beneficial impacts that travelers in Florida have on the state's overall economy:	
Rental Car Surcharge	$138.94 million
Tourism-related employment	797,106
Taxable sales	$40.17 billion
Local option tax	$247.14 million
Growth in private sector contributions to the FTIMC	$24.3 million
OUTPUTS:	
Quality and effectiveness of paid advertising messages reaching the target audience:	
Recall	68%
Communication	62%
Persuasion	10%
Impressions	367 million
Leads	500,000
Value and number of consumer promotions facilitated by FTIMC	$11 million/175
Number of leads and visitor inquiries generated by FTIMC events and media placements	600,000
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1737 SPECIAL CATEGORIES
ENTERTAINMENT FLORIDA
FROM TOURISM PROMOTION TRUST FUND 200,411

From funds in Specific Appropriation 1737, $200,411 shall be subject to HB 3687 becoming law and the approval of contract based performance measures pursuant to Chapter 216, Florida Statutes.

1738 SPECIAL CATEGORIES
GRANTS AND AIDS - SPACEPORT FLORIDA AUTHORITY
FROM GENERAL REVENUE FUND 3,905,000

From the funds in Specific Appropriation 1738, the following programs and projects shall be funded from the specified funds:

From General Revenue Funds:

Operations	$ 480,000
Quick Reaction Launch Complex	125,000
Space Operations Support Center	1,700,000
VentureStar/RLV Program	1,600,000

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Of the $1,600,000 in General Revenue funds in Specific Appropriation 1738 for the VentureStar/RLV Program, up to $200,000 may be expended to reimburse program initialization expenses incurred between May 1, 1998 and June 30, 1998.

From the funds in Specific Appropriation 1738, the Spaceport Florida Authority will meet the following standards as required by the Government Performance and Accountability Act of 1994, to enhance and provide commercial space-related development opportunities for business, education, and government; to develop a strategy for and implement acceleration of space-related economic growth and educational development in Florida.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Value of new investment in Florida space related business and programs (cumulative)	$168.9 million
Number of launches	30
Number of visitors to space-related tourism facilities	2.6 million
Tax revenue generated by space-related tourism facilities	$946,000
Number of students in SFA sponsored space-related classroom or research at accredited institutions of higher learning	31
OUTPUTS:	
Equity in SFA industrial/ research facilities	$44 million
Presentations to industry and governmental decision makers	22
Equity in SFA space-related tourism facilities	$9 million

1738A SPECIAL CATEGORIES
INNER CITY ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 1,000,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,000

Funds included in Specific Appropriation 1738A are for an Inner City Redevelopment Assistance Grants Program to be administered by the Office of Tourism Trade and Economic Development (OTTED). OTTED shall develop criteria for awarding these grants which gives weighted consideration to urban high crime areas as identified by the Florida Department of Law Enforcement. These criteria shall also be weighted to creation of immediate jobs for residents in the targeted areas. OTTED is authorized to utilize up to $30,000 of this appropriation to advertise in these target areas the availability of these grant funds, the application process and the criteria for receipt and other pertinent information.

1738B SPECIAL CATEGORIES
GRANTS AND AIDS - EVENTS AND FESTIVALS
FROM GENERAL REVENUE FUND 3,599,000

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Funds in Specific Appropriation 1738B are contingent upon HB 3931 becoming law.

Funds included in Specific Appropriation 1738B for Sister Cities Conference - Dade shall be awarded and granted by the Office of Tourism, Trade and Economic Development by July 15, 1998.

Funds in Specific Appropriation 1738B from the General Revenue Fund are provided for the named economic development initiatives based on local government or nonprofit corporation sponsorship and support. By August 15, 1998, the Governor, President of the Senate and Speaker of the House of Representatives shall appoint two (2) members each to a committee and the committee shall appoint one member and elect a chairperson by September 15, 1998. The responsibility of the committee is to determine if each economic development project provides direct public benefits, considering such factors as the economic, environmental, educational, recreational, cultural, heritage, historical or preservation benefits to the citizens and visitors of Florida. Upon determination by the committee that a project meets substantially the criteria above, then the committee shall recommend to the Department Head that a grant be awarded to the recipient up to the amount of the appropriation. Should the committee determine the project does not substantially meet the above criteria, the committee shall recommend that the Executive Office of the Governor place said appropriation in reserve. All grants shall be awarded by January 1, 1999.

From funds in Specific Appropriation 1738B, the following projects are eligible to receive funds subject to state audits in accordance with s. 216.349, Florida Statutes:
Kathleen Cooper Wright Statue..... 80,000
Women's Memorial-Arlington National Cemetery..... 73,000
James Weldon Johnson Festival..... 75,000
International Trade Support and Information System.....100,000
The Florida Trade Data Center shall issue a RFP to contract for a pilot project to develop an international trade support and information system, which includes the use of electronic signatures and international notaries. The system shall be designed to assist in the creation of electronic processes that support expanded international trade by providing: 1) information about Florida businesses and electronic commerce in Florida; 2) support for conducting international electronic commerce, including contracts and other documents; 3) information about Florida laws, rules, and procedures that would enhance the ability of trading partners to conduct business; and 4) creation of the infrastructure and processes to support international electronic commerce. The first quarterly release of funds for this project is contingent upon the approval by the State Technology Council of a pilot project plan submitted by the Florida Trade Data Center. Such plan must include specific deliverables, a project timetable, a breakdown of proposed project costs, quarterly progress reports to the Council and the proposed RFP. Subsequent quarterly releases are contingent upon satisfactory completion of the deliverables and based on the State Technology Council's approval of the quarterly progress reports. By March 1, 1999, the Florida Trade Data Center shall recommend to the Legislature an appropriate methodology establishing a user fee to cover ongoing operating and marketing costs as well as to reimburse the state for development costs within a reasonable number of years.
Juneteenth-South Pinellas & Black History Production..... 60,000
Broward Boulevard Revitalization. 400,000
Preservation of African American Society & Tradition (P.A.S.T.) and Juneteenth Celebration Cultural Arts Program..... 75,000
Opalocka Train Station..... 90,000
Lyric Theater.....100,000
Children's Museum of the Palm Beaches..... 46,000
City of Palatka Riverfront, Riverboat and Greenways.....100,000
Cannonball Jelly Fish Marketing.....100,000
City of Miami Springs Revitalization.....100,000
Downtown Wilton Drive Redevelopment.....100,000
Hernando County Economic Development Comm. (HABITAT).....100,000
Downtown Redevelopment Project/Miami Shores Village.....100,000
Americas Trade Mission Center - Miami/Dade County.....250,000
Sister Cities Conference - Dade.....100,000
Putnam County Economic Development Project..100,000
International Swimming Hall of Fame.....100,000
PRIDE/WAGES Work Training.....100,000
Florida Sports Hall of Fame.....150,000
City of Jacksonville/La Villa/Downtown Development Project..... 500,000
Black Enterprise Challenge and Conference...100,000
Americans Helping Americans.....100,000
Soldiers to Scholars.....300,000
Week Ends of Greater Orlando..... 50,000
City of Brooksville Historic Lighting..... 50,000

1739 SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA - INTERNATIONAL TRADE AND ECONOMIC DEVELOPMENT BOARD
FROM GENERAL REVENUE FUND 925,000
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 4,540,525

From the funds in Specific Appropriation 1739, the following programs and projects shall be funded from the specified funds excluding any funds for activities in Viet Nam:

From the General Revenue funds:
I-4 Technology Corridor..... $ 925,000

From the Florida International Trade and Promotion Trust Fund:
Trade and Intensive Export Assistance..... $ 2,000,000
International Offices..... 2,000,000
Trade Data Center..... 290,525
International Representation & Advocacy..... 250,000

From the funds in Specific Appropriation 1739, $2,000,000 from the International Trade and

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Promotion Trust Fund is contingent on certification by the Office of Tourism, Trade and Economic Development that the recommendations for performance and management improvement contained in the "Plan for Florida's Foreign Offices," (September 11, 1997) have been implemented by Enterprise Florida, Inc. The certification shall be submitted to the Senate Ways and Means Committee and the House Fiscal Responsibility Council.

From the funds in Specific Appropriation 1739, the International Trade and Economic Development Board will meet the following standards as required by the Government Performance and Accountability Act of 1994, to stimulate job creation by attracting and growing targeted industries and industry sectors; creating and expanding small and minority businesses; increasing international trade and investment; and, improving rural and other local economies.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Number of permanent jobs directly created as a result of Enterprise Florida, Inc., programs	26,000
Documented export sales attributable to programs and activities	$37 million
OUTPUTS:	
Total number of qualified trade leads	430
Trade events	32
Number of Florida companies in field office portfolio (counseled)	1,060
Number of investment projects identified or referred by foreign offices	156
Number of Florida companies assisted by foreign offices	1,590
Number of leads and projects referred to local Economic Development Organizations	120
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1740 SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA - TECHNOLOGY DEVELOPMENT BOARD
FROM GENERAL REVENUE FUND 3,900,000

From the funds in Specific Appropriation 1740, the following programs and projects shall be funded from the specified funds:

From General Revenue Funds:
Manufacturing Assistance..... $2,500,000
Technology Commercialization Centers (ICC)..... 1,100,000
Florida Business Incubator/NIST.... 300,000

From the funds in Specific Appropriation 1740, the Technology Development Board will meet the following standards as required by the Government Performance and Accountability Act of 1994, to stimulate job creation by attracting and growing targeted industries and industry sectors; creating and expanding small and minority businesses; increasing international trade and investment; and, improving rural and other local economies.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Jobs created/retained as a result of assistance to manufacturing firms	315
Lowered inventory costs as a result of assistance to manufacturing firms	$7.35 million
Commercialized technologies (ICCs)	3
Capital raised by assisted companies (ICCs)	$9.98 million
OUTPUTS:	
Number of companies assisted by Manufacturing Technology Cntrs	497
Number of new companies/ joint ventures created by ICCs	2
Review technology assistance applications	273
Assist technology-based companies/entrepreneurs	298
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1741 SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA - WORKFORCE DEVELOPMENT BOARD
FROM GENERAL REVENUE FUND 4,000,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 76,057

From the funds in Specific Appropriation 1741, the following programs and projects shall be funded from the specified funds:

From General Revenue Funds:
Quick Response Training ..... $ 4,000,000

From the Grants and Donations Trust Fund:
Workforce Development-HRIC Expenses.. 76,057

From the funds in Specific Appropriation 1741, the Workforce Development Board will meet the following standards as required by the Government Performance and Accountability Act of 1994, to stimulate job creation by attracting and growing targeted industries and industry sectors; creating and expanding small and minority businesses; increasing

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international trade and investment; and, improving rural and other local economies.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Individuals completing PBIF programs and placed in targeted occupations	22,587
Individuals exiting PBIF programs and placed in targeted occupations	18,411
Disadvantaged individuals and WAGES participants completing training and placed in targeted occupations	7,734
Disadvantaged individuals and WAGES participants exiting and placed in targeted occupations	4,685
Individuals receiving customized training and placed in high skill/high wage jobs	8,200
OUTPUTS:	
Incentives paid for individuals in PBIF programs completing and placed in targeted occupations	$8.6 million
Incentives paid for individuals in PBIF programs exiting and placed in targeted occupations	$7.0 million
Incentives paid for WAGES participants and other disadvantaged individuals completing and placed in targeted occupations	$5.7 million
Incentives paid for WAGES participants and other disadvantaged individuals exiting and placed in targeted occupations	$4.7 million
Number of Quick Response Training grants executed with new and expanding businesses	32
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1742 SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA - CAPITAL DEVELOPMENT BOARD
FROM GENERAL REVENUE FUND 2,059,439

From the funds in Specific Appropriation 1742, the following programs and projects shall be funded from the specified funds:

From General Revenue Funds:
Operations..... $ 559,439
Small Business Technology Growth Fund..... 1,500,000

From the funds provided in Specific Appropriations 1739, 1740, 1741, and 1742 for contracting with Enterprise Florida shall not be released or advanced to Enterprise Florida until such time as all balances of any appropriations made to Enterprise Florida during fiscal year 1997-98 which were not contracted to be expended prior to June 30, 1998 are returned to the State and deposited into the State Treasury to the credit of the fund from which they were appropriated in accordance with Chapter 216, Florida Statutes.

From funds provided in Specific Appropriations 1729, 1736, and 1739, the Office of Tourism, Trade and Economic Development shall in conjunction with its contracted partnerships develop "Program Work Plans" for 1998-99 incorporating contractual performance measures and appropriated resources. These plans shall be due on or before July 1, 1998, and submitted to the Senate Ways and Means Committee Chair and to the House Fiscal Responsibility Council Chair. The plan shall be designed to reflect quarterly goals and objectives. On October 1, 1998, and quarterly thereafter, a report shall be made to the above chairs which compares the actual quarterly accomplishments to the "Program Work Plan" submitted on July first or before. Where a variance occurs, the contracted partnership must provide written justification for the difference at the time of the quarterly report.

From the funds in Specific Appropriation 1742, the Capital Development Board will meet the following standards as required by the Government Performance and Accountability Act of 1994, to stimulate job creation by attracting and growing targeted industries and industry sectors; creating and expanding small and minority businesses; increasing international trade and investment; and, improving rural and other local economies.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Jobs created as a result of Enterprise Florida, Inc., non-export loans	195
Jobs created as a result of Enterprise Florida, Inc., venture capital activity	53
Venture capital raised by presenters at venture forums	$6 million
Investments received by Florida businesses from Cypress Fund sponsored firms and co-investors	$11 million
Florida businesses cumulatively receiving venture capital from Cypress Fund venture firms	4
OUTPUTS:	
Number of non-export low-cost business loans funded at sub-prime rates	12
Dollar value of non-export low-cost business loans funded at sub-prime rates	$13 million

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Number of Venture Finance Directories and primers distributed.....840
Venture capital invested by Florida institutions in Cypress Fund.....$2.7 million
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.

1743 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS
FROM GENERAL REVENUE FUND 1,750,000
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 20,000,000

From the Funds in Specific Appropriation 1743, $1,000,000 in General Revenue funds shall be directed to the Charlotte County Aviation Authority for assistance in paying bond indebtedness.

From funds provided in Specific Appropriation 1743, $750,000 in General Revenue funds is provided for a contract with the Florida Department of Transportation for road beautification in Northwest Dade County.

1743A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
NORTHWEST SIXTH AVENUE REVITALIZATION-POMPANO BEACH
FROM GENERAL REVENUE FUND 100,000

Funds provided in Specific Appropriation 1743A shall only be used for the improvement of publicly owned buildings, roads, and parking areas. Funds shall be repaid to the state within two years.

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1745 SALARIES AND BENEFITS POSITIONS 425
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 13,287,422
FROM GRANTS AND DONATIONS TRUST FUND . . . 86,323
FROM LAW ENFORCEMENT TRUST FUND 101,403

1746 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 91,785
FROM GRANTS AND DONATIONS TRUST FUND . . . 70,000

1747 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,573,560
FROM GRANTS AND DONATIONS TRUST FUND . . . 205,400
FROM LAW ENFORCEMENT TRUST FUND 7,460

1748 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 93,695
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,000

1749 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 27,708
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 60,397

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1750 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 154,199

1751 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 501

1752 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 301,121
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 592,122
FROM LAW ENFORCEMENT TRUST FUND 3,509

FLORIDA HIGHWAY PATROL, DIVISION OF

1753 SALARIES AND BENEFITS POSITIONS 2,204
FROM GENERAL REVENUE FUND 95,420,125
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 8,922,492
FROM GAS TAX COLLECTION TRUST FUND 188,806
FROM GRANTS AND DONATIONS TRUST FUND . . . 320,233
FROM LAW ENFORCEMENT TRUST FUND 853,047

1753A EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 110,000

1754 LUMP SUM
HIGHWAY SAFETY PROGRAM
FROM GENERAL REVENUE FUND 10,122,730
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 15,207,362
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,099,453
FROM LAW ENFORCEMENT TRUST FUND 1,575,308

From the Funds in Specific Appropriation 1753 and 1754, the Florida Highway Patrol Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, in providing highway safety in Florida through law enforcement, preventive patrol and public education.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Annual percentage change and actual compliance rate of safety belt use statewide and compared to national average	+1%/65%/68%
Annual mileage death rate on patrolled highways per 100,000,000 vehicle miles of travel compared to national average	2.05/1.7
Annual alcohol-related mileage death rate per 100,000,000 vehicle miles of travel	0.7
Annual percent change and actual number of reported crashes on patrolled highways	+1%/187,667
OUTPUTS:	
Actual number of hours spent on criminal investigations and the number of cases resolved	49,522/1,212
Actual average response time to calls for crashes or assistance from the motoring public	18.36 min

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Number of law enforcement officer duty hours and percent of time spent on preventive patrol.....981,194/42%
Number of law enforcement officer duty hours and percent of time spent on crash investigation.....324,728/14%
Number of law enforcement officer duty hours and percent of time spent on assistance rendered and number of motorists assisted...110,909/5%/324,700
Actual number of hours spent on traffic homicide investigations (THI) and number of investigations successfully resolved.....125,129/1,634
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.

1754A LUMP SUM
NONSWORN TRAFFIC INVESTIGATIONS
POSITIONS 28
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,423,695

From the funds in Specific Appropriation 1754A, 28 positions and $1,423,695 in the Highway Safety Operating Trust Fund shall be used to establish Community Service Officers to aid the sworn law enforcement positions in the Florida Highway Patrol with non-criminal activities to specifically include the investigation of motor vehicle accidents within the jurisdiction of the patrol.

1755 SPECIAL CATEGORIES
PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS
FROM HIGHWAY PATROL INSURANCE TRUST FUND . 152,000

1756 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,272,447
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 331,293

1757 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 1,168,097
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 580,368
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,600

1758 SPECIAL CATEGORIES
TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 152,000

1759 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 220,245

DRIVER LICENSES, DIVISION OF

1760 SALARIES AND BENEFITS POSITIONS 1,489
FROM GENERAL REVENUE FUND 120,955
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 42,851,570
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 378,386

1761 LUMP SUM
DRIVER LICENSES PROGRAM
FROM GENERAL REVENUE FUND 145,761
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 9,850,013
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 280,840
FROM GRANTS AND DONATIONS TRUST FUND . . . 526,424

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From the funds in Specific Appropriation 1760 and 1761, the Driver Licenses Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to promote safety in the streets and highways through high qualification standards for licensing, control and improvement of problem drivers and to ensure that drivers are financially responsible for their actions.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Percent of customers waiting 15 minutes or less (for DL services) compared to percent of customers waiting 30 minutes or more	75%/11%
Percent of DUI course graduates who do not recidivate within 3 years of graduation	87%
Average number of corrections per 1,000 driver records maintained	4.4
Percent of motorist complying with financial responsibility requirements	79%
OUTPUTS:	
Number of driver licenses issued	3,066,656
Number of identification cards issued	732,718
Number of driver license examinations conducted	1,033,496
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1763 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 500,000

1764 SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM GENERAL REVENUE FUND 591,020
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,225,149

1765 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 781,999
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 3,511

1766 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 2,950,916
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 10,580,005

MOTOR VEHICLES, DIVISION OF

1767 SALARIES AND BENEFITS POSITIONS 624
FROM GENERAL REVENUE FUND 61,637
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 16,817,863
FROM GAS TAX COLLECTION TRUST FUND 2,352,946

1768 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 174,700

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1769 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 10,500,000

1770 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 7,632,000

1771 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 3,368,000

1772 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 912

1773 LUMP SUM
MOTOR VEHICLES PROGRAM
FROM GENERAL REVENUE FUND 11,672
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 4,210,422
FROM GAS TAX COLLECTION TRUST FUND 514,601
FROM GRANTS AND DONATIONS TRUST FUND . . . 637,008

From funds in Specific Appropriation 1773, $40,000 from the Driving Under the Influence School Coordination Trust Fund, is provided to State Attorneys as matching funds for a federal grant which will provide Driving Under the Influence (DUI) training.

From the funds in Specific Appropriation 1767 and 1773, the Motor Vehicles Program will meet the following standards as required by the Government Performance and Accountability Act of 1994 to register motor vehicles and vessels; license vehicle dealers, manufacturers, factory representatives and importers; issue and cancel certificates of title; record and/or satisfy liens; inspect motor vehicles for emission violations; and inspect mobile home units for compliance with regulations and proper set up.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Percent of motor vehicle titles issued without error	99%
Annual percentage change in and number of fraudulent motor vehicle titles identified	5%/781
Ratio of complaints about manufactured homes to total mobile home registered	1:827
Ratio of international registration plans (IRP) and international fuel tax agreements (IFTA) collected per audit to cost of audit	$6.50:$1
OUTPUTS:	
Number of motor vehicles and mobile homes registered	13,830,230
Average cost to issue a motor vehicle title	$10.16
Average time to issue a motor vehicle title in days	3.2
Number of vessels registered	841,835
Average cost to issue a vessel title	$7.27
Number of IRPs and IFTAs audited per auditor, with number of auditors shown	20/15

Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.

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1774 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF LICENSE PLATES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 7,789,461

1775 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 229,132
FROM GAS TAX COLLECTION TRUST FUND 43,961

1776 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF ENVIRONMENTAL PROTECTION EMISSIONS PROGRAM
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 250,000

1777 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 153,672
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 144,696

1778 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 307,528
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 9,223,074
FROM GAS TAX COLLECTION TRUST FUND 525,458

KIRKMAN DATA CENTER

1779 SALARIES AND BENEFITS POSITIONS 203
FROM WORKING CAPITAL TRUST FUND 8,048,397

1780 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 10,208

1781 EXPENSES
FROM WORKING CAPITAL TRUST FUND 9,423,357

1782 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 2,668,319

1783 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 35,586

1784 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM WORKING CAPITAL TRUST FUND 4,434,391

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

1785 SALARIES AND BENEFITS POSITIONS 145
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,322,983

1786 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 344,121

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1787 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,524,108

1788 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,013,300

From the funds in Specific Appropriation 1788, $994,000 is provided for the installation of the Stolen Auto Recovery system (STAR) for the deep water ports as defined by law, contingent upon the provision of matching funds by members of the Seaport Transportation and Economic Development Council.

1788A LUMP SUM
HAZARD RESISTANT CONSTRUCTION MATERIALS AND METHODS - PILOT PROGRAM
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 715,000

1788B SPECIAL CATEGORIES
TRANSFER TO MAJOR GIFTS TRUST FUND
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 500,000

1789 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 75,492

1790 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,400

1791 SPECIAL CATEGORIES
RESIDENTIAL MITIGATION PROGRAM
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,000,000

1791A SPECIAL CATEGORIES
TRANSFER TO THE STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND FOR ETHICS IN BUSINESS SCHOLARSHIPS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 500,000

1792 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 7,783

TREASURY, DIVISION OF

1793 SALARIES AND BENEFITS POSITIONS 76
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND 3,048,891

1794 OTHER PERSONAL SERVICES
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND 9,000

1795 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND 2,126,910

1796 OPERATING CAPITAL OUTLAY
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND 3,640

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1797 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND 4,951

AGENTS AND AGENCIES SERVICES, DIVISION OF

1798 SALARIES AND BENEFITS POSITIONS 151
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,179,949

1799 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,370,781

1800 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,456,738

1801 AID TO LOCAL GOVERNMENTS
INSURANCE LICENSE TAX TO COUNTIES
FROM AGENTS AND SOLICITORS COUNTY LICENSE TAX TRUST FUND 4,000,000

1802 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 52,730

1804 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 48,087

INSURER SERVICES, DIVISION OF

1805 SALARIES AND BENEFITS POSITIONS 301
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 13,454,068

1806 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 460,000

1807 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,920,781

1808 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,670

1810 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 44,596

REHABILITATION AND LIQUIDATION, DIVISION OF

1811 SALARIES AND BENEFITS POSITIONS 13
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 776,498

1812 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 300,000

1813 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 493,170

1814 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,450

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1815 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 29,472

INSURANCE CONSUMER SERVICES, DIVISION OF

1816 SALARIES AND BENEFITS POSITIONS 161
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,762,561

1817 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 175,000

1818 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,531,285

1819 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,200

1820 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 18,070

STATE FIRE MARSHAL, DIVISION OF

1821 SALARIES AND BENEFITS POSITIONS 250
FROM FIRE COLLEGE TRUST FUND 1,259,325
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 9,350,165

1822 LUMP SUM
FIRE MARSHAL PROGRAM
FROM FIRE COLLEGE TRUST FUND 753,386
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,473,350

From the funds in Specific Appropriations 1821 through 1827, the Fire Marshal Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to enhance public safety through investigation and forensic services ensuring that emergency responders and service providers are qualified, competent and ethical; and maintaining the safest possible environment through fire prevention services.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Number/Percent of fire investigations producing conclusive results (for which a cause was determined)	5,515/85%
Number/Percent of arson cases for which an arrest was made	800/28%
Number/percent of licensed entities requiring discipline	421/4.31%
OUTPUTS:	
Number of students trained and classroom contact hours provided by the Fire College	6,026/204,277
Number of Fire Investigations	
Criminal investigations	2,858
Other investigations	3,620
Number of inspections completed of fire code compliance in state owned/leased buildings which were:	
Recurring inspections	7,100
High hazard inspections	6,250
Construction inspections	1,300
Number of plans reviewed to assure compliance with fire codes in state owned/leased buildings	1,410
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1823 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 452,330

1824 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 84,519

1825 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 118,394

1826 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM FIRE COLLEGE TRUST FUND 17,500
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 20,500

1827 FIXED CAPITAL OUTLAY
RENOVATION AND EXPANSION OF ARSON LABORATORY - GADSDEN COUNTY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 60,000

RISK MANAGEMENT, DIVISION OF

1828 SALARIES AND BENEFITS POSITIONS 106
FROM CASUALTY INSURANCE TRUST FUND 3,740,964
STATE PROPERTY INSURANCE TRUST FUND . . . 253,597

1829 OTHER PERSONAL SERVICES
FROM CASUALTY INSURANCE TRUST FUND 5,000
STATE PROPERTY INSURANCE TRUST FUND . . . 250,000

1830 EXPENSES
FROM CASUALTY INSURANCE TRUST FUND 863,813
STATE PROPERTY INSURANCE TRUST FUND . . . 35,545

1831 OPERATING CAPITAL OUTLAY
FROM CASUALTY INSURANCE TRUST FUND 1,500

1832 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM CASUALTY INSURANCE TRUST FUND 1,053,400
STATE PROPERTY INSURANCE TRUST FUND . . . 6,750,000

1833 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CASUALTY INSURANCE TRUST FUND 54,225

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INSURANCE FRAUD, DIVISION OF

1834 SALARIES AND BENEFITS POSITIONS 146
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,664,432

1835 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 145,000

1836 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,551,443

1837 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 505,210

1838 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 168,000

1839 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 40,901

1840 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 168,100

TREASURER'S MANAGEMENT INFORMATION CENTER

1841 SALARIES AND BENEFITS POSITIONS 68
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,258,248

1842 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 900,000

1843 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,849,199

1844 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 528,380

1845 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 14,831

1846 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 252,000

LEGAL SERVICES, DIVISION OF

1847 SALARIES AND BENEFITS POSITIONS 76
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,517,769

1848 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 298,235

1849 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 952,053

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1850 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 13,490

1851 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 360,446

1852 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 60,944

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

From the funds in Specific Appropriations 1853 through 2082 any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended or any other applicable federal requirement or limitation. Before any funds are released by the department, each provider shall certify to the department the number of clients to be served and their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified as eligible.

From the funds in Specific Appropriations 1853 through 2082 any expenditure of General Revenue or other state funds which are determined by the Secretary of the Department of Children and Family Services or his designee to be funds which are for planned expenditures which are to be counted as Qualified State Expenditures in order to meet the maintenance of effort requirement for the Temporary Assistance for Needy Families block grant, must be made in accordance with the federal requirements and limitations of part A of Title IV of the Social Security Act, as amended. The Secretary or his designee shall certify that controls are in place to insure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

1853 SALARIES AND BENEFITS POSITIONS 339
FROM GENERAL REVENUE FUND 1,312,977
FROM ADMINISTRATIVE TRUST FUND 11,818,834
FROM REVOLVING TRUST FUND 856,769

1854 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 100,000
FROM ADMINISTRATIVE TRUST FUND 439,492
FROM REVOLVING TRUST FUND 594,929

1855 EXPENSES
FROM GENERAL REVENUE FUND 6,268
FROM ADMINISTRATIVE TRUST FUND 246,008
FROM REVOLVING TRUST FUND 3,765,867
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 45,880

$240,000 in General Revenue and $3,000,000 in Administrative Trust Funds taken in savings in

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Specific Appropriation 1855, may be distributed throughout the department by budget amendment pursuant to Chapter 216, Florida Statutes.

The department may utilize up to $180,000 in unobligated cash in the Special Employment Security Trust Fund to contract for a Florida long-term economic forecast. The department may, through the amendatory process outlined in Chapter 216, Florida Statutes, seek additional budget authority in the Special Employment Security Trust Fund to support this contract.

1856	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		282,047
	FROM REVOLVING TRUST FUND		650,645
1857	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM ADMINISTRATIVE TRUST FUND		30,000
	FROM REVOLVING TRUST FUND		4,700
1858	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		116,267
1859	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,307	
	FROM ADMINISTRATIVE TRUST FUND		81,749
1860	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM GENERAL REVENUE FUND	1,640	
	FROM ADMINISTRATIVE TRUST FUND		800,873
1860A	FIXED CAPITAL OUTLAY		
	MAJOR RENOVATIONS - CALDWELL BUILDING		
	FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND		3,000,000
1861	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION		
	FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND		274,000
1862	FIXED CAPITAL OUTLAY		
	DEBT SERVICE		
	FROM ADMINISTRATIVE TRUST FUND		93,777

PUBLIC EMPLOYEES RELATIONS COMMISSION

1863	SALARIES AND BENEFITS POSITIONS 40		
	FROM GENERAL REVENUE FUND	2,534,667	
1864	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	134,640	
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		5,000
1865	EXPENSES		
	FROM GENERAL REVENUE FUND	524,066	
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		48,648
1866	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	13,120	
1867	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,552	

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1868	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM GENERAL REVENUE FUND	31,281	

OFFICE OF THE JUDGES OF COMPENSATION CLAIMS

1869	SALARIES AND BENEFITS POSITIONS 179		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		10,397,492
1870	OTHER PERSONAL SERVICES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		1,223,154
1871	EXPENSES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		2,510,882
1872	OPERATING CAPITAL OUTLAY		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		136,382
1873	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		402,815
1874	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		56,855

SAFETY AND WORKERS' COMPENSATION

1875	SALARIES AND BENEFITS POSITIONS 771		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		28,082,798
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		1,374,490
1876	OTHER PERSONAL SERVICES		
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		1,336,296
1877	EXPENSES		
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		315,000
1878	LUMP SUM		
	WORKERS' COMPENSATION LUMP SUM		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		17,421,957
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		1,270,770

Funds are provided in Specific Appropriation 1878, for the Integrated Workers' Compensation Automated System which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. Up to two percent of the appropriation for the project may be transferred to the Technology Review Workgroup for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

1879	SPECIAL CATEGORIES		
	REIMBURSEMENT OF EMPLOYERS		
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		115,421,987

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1880 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 260,607

1881 SPECIAL CATEGORIES
TRANSFER TO HEALTH CARE AGENCY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 645,408

1882 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 4,353,607

1883 FINANCIAL ASSISTANCE PAYMENTS
PAYMENTS TO CLAIMANTS
FROM SELF INSURANCE ASSESSMENT TRUST
FUND 2,500,000

1884 FINANCIAL ASSISTANCE PAYMENTS
SUPPLEMENTAL WORKERS' COMPENSATION
BENEFITS
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 23,020,026

1885 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,288,194

From the funds provided in Specific Appropriations 1875 through 1885, the Safety/Workers' Compensation Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to keep the workplace safe and return injured employees to work at a reasonable cost to employers.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Percentage of initial payments made on time by insurance carriers	92.6%
Percentage of permanent total supplemental benefits paid to injured workers timely and accurately	100%
Percentage of cases closed during fiscal year in which a worker returns to work	66.0%
Est. amount of insurance premium dollars newly generated due to compliance	$12,562,847
Est. cost avoidance to WC system from EAO resolution of disputes	$57,411,721
Avg. total cost per 4-yr. old case	$22,163
OUTPUTS:	
No. of services provided to employers (consultations and other technical services)	36,500
No. of permanent total supplemental benefits mailed or electronically deposited by the Division	42,240
No. of employer coverage documents processed, including exemptions from coverage filed by construction employers	621,694
No. of employer investigations conducted for compliance with law	22,758
No. of requests for assistance within the jurisdiction of the Employee Assistance Office that were investigated	135,473
No. of program applicants provided reemployment services	1,164

Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.

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EMPLOYMENT SECURITY PROGRAM

1886 SALARIES AND BENEFITS POSITIONS 3,536
FROM GENERAL REVENUE FUND 750,886
FROM CREW CHIEF REGISTRATION TRUST FUND . 917,156
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 117,897,776

1886A LUMP SUM
SHARED INFORMATION NETWORK FOR BROWARD AND
INDIAN RIVER
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,150,000

1887 LUMP SUM
EMPLOYMENT SECURITY PROGRAM PERFORMANCE
BASED BUDGET
FROM GENERAL REVENUE FUND 243,053
FROM CREW CHIEF REGISTRATION TRUST FUND . 165,657
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 58,442,879

From the funds in Specific Appropriation 1887, $2,000,000 from the Employment Security Administration Trust Fund may be used for contracted services with respect to the Florida Dislocated Worker Unit. Additionally, $2,000,000 from the Employment Security Administration Trust Fund may be used for administrative activities associated with the Florida Dislocated Worker Unit.

1887A LUMP SUM
ONE-STOP CENTERS INITIATIVE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 2,342,738

From funds in Specific Appropriation 1887A, $397,620 shall be used by the Florida Community Opportunity Partnership Center at the University of South Florida to expand its pilot program to provide a total of five one-stop job development centers in west central Florida.

1887B SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 36,278
FROM FEDERAL REHABILITATION TRUST FUND . . 50,000

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1888 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE DEVELOPMENT
BOARDS - JTPA IIA ALLOCATIONS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 42,516,929

From funds provided in Specific Appropriation 1888, the department shall give special consideration to workers displaced due to the restoration of Lake Apopka.

From funds in Specific Appropriation 1888, $200,000 in JPTA funds shall be used for the Devereux-Florida Treatment Network Vocational Training Initiative.

1889 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE DEVELOPMENT
BOARDS - JTPA IIB ALLOCATIONS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 41,679,985

1890 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE DEVELOPMENT
BOARDS - JTPA IIC ALLOCATIONS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 6,693,556

1891 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE DEVELOPMENT
BOARDS - JTPA III ALLOCATIONS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 35,220,938

From funds in Specific Appropriation 1891, at least $2,000,000 shall be used for inner city job training.

Specific Appropriations 1888 through 1891 are estimates based on federal funding projections. The actual amounts may differ from the estimated amounts. The amount of funds passed to the local level for the Jobs and Training Partnership Act (JTPA) and the federal Welfare to Work formula grant program are based on federal award percentages.

1892 SPECIAL CATEGORIES
GRANTS AND AIDS - WAGES COALITIONS
ALLOCATION
FROM GENERAL REVENUE FUND 500,000
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 94,228,906

From the funds in Specific Appropriation 1892, $32,000,000 from the Employment Security Administration Trust Fund shall be used to assist the WAGES Coalitions with the transportation and precertification of clients and provide incentives to businesses which hire WAGES clients contingent to HB 4753 or similar legislation becoming law.

From funds in Specific Appropriation 1892, $250,000 from the Employment Security Trust Fund, shall be used for a pilot project entitled "Streets-To-Work Program" in Martin County targeted at unemployed out of school youth between the ages of 16 and 21. These funds shall be distributed to the Job Training Centers, Inc. who shall administer the program.

From funds in Specific Appropriation 1892, $6,000,000 from the Employment Security Administration Trust Fund may be used for the purpose of operating the performance-based incentive program (s. 239.249, Florida Statutes). The funds will be earned by school districts and community colleges under a performance-based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (s. 216.136, Florida Statutes) and for enrolling, training and placing WAGES participants.

From the funds in Specific Appropriation 1892, $600,000 from the Employment Security Administration Trust Fund is earmarked for use by the WAGES State Board Regional Representatives for conducting operational responsibilities associated with welfare reform.

From funds in Specific Appropriations 1887, 1887A and 1892, up to $10,000,000 from the Employment Security Administration Trust Fund may be used by the department and the local WAGES Coalitions and Workforce Development Boards to develop and establish an information system for the WAGES and federal Welfare to Work formula grant program. This system shall be designed to monitor participant progress and to allow agencies participating in the WAGES initiative and the federal Welfare to Work formula grant program the ability to create efficiencies in service delivery. The WAGES Coalition in Region 20 is authorized to develop and implement a pilot project to connect all local one-stop providers to provide case management for WAGES clients. The Department of Labor and Management Services are directed to expedite the process on behalf of the project. The department shall submit a report to the House Fiscal Responsibility Council, the Senate Ways and Means Committee, and the Executive Office of the Governor by January 1, 1999 on the progress of the information system.

From funds in Specific Appropriations 1887A and 1892, the department is authorized to continue the pilot projects to demonstrate the feasibility of privatizing all service delivery functions associated with the WAGES Program.

From the funds in Specific Appropriations 1887A and 1892, the Department of Labor and Employment Security shall implement a WAGES pilot program to privatize the delivery of WAGES related job placement and readiness services in JEP Region 8. The department shall work with the First Coast Workforce Development, Inc./First Coast WAGES Coalition to develop an implementation plan for the pilot program beginning October 1, 1998. The department shall submit a copy of the plan to the Executive Office of the Governor and to the Florida Legislature by September 1, 1998, for approval.

From the funds in Specific Appropriation 1892, the WAGES board in Miami-Dade County is to consider having WAGES participants to be trained to provide care for the developmentally disabled or elderly either in their own homes, the clients' homes or in appropriate facilities. Further, consideration should be given for a $100,000 grant to the Children's Resource Fund for training WAGES participants for work with the developmentally disabled in their special program.

From the funds in Specific Appropriation 1892, $250,000 from the Employment Security Administration Trust Fund shall be used for the Non-custodial Employment Program expansion in the Sixth and Thirteenth Judicial Circuits.

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From funds in Specific Appropriation 1892, $350,000 from the Employment Security Administration Trust Fund is for Phase I of the development of a data warehouse for the Dade-Monroe WAGES Coalition. This is to permit the Coalition to a) anticipate and schedule client activities; b) track client activities from the Department of Children and Families to the Department of Labor and Employment Security to the Coalition's providers as they are happening and identify problem areas proactively; and c) to monitor program performance. The system shall provide the hardware and software for the local Coalition to download information from existing state agency computer systems and develop their own operational reports.

1893 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE DEVELOPMENT BOARDS - FEDERAL WELFARE TO WORK GRANT
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 50,756,512

Outcomes for WAGES participants in Adult Basic Education, Adult Secondary Education, English as a Second Language (ESOL) and Graduate Equivalent Degree (GED) preparation will be invoiced to and paid by the local Workforce Development Boards from federal Welfare-to-Work funds. In order to maintain the state match of 33% to draw down the federal match of 67%, Workforce Development Boards are authorized to spend Welfare-to-Work formula grant funds in an amount equal to the amount disbursed to the educational institutions for the above mentioned programs.

1895 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF ELDER AFFAIRS - JTPA IIA
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 2,147,448

1896 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION - JTPA IIA AND IIC
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 3,886,563

1897 SPECIAL CATEGORIES
TRANSFER TO OFFICE OF TRADE, TOURISM AND ECONOMIC DEVELOPMENT IN THE EXECUTIVE OFFICE OF THE GOVERNOR - JTPA III
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 16,240,862

1898 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,489,162

1899 FINANCIAL ASSISTANCE PAYMENTS
UNEMPLOYMENT COMPENSATION BENEFITS
FROM UNEMPLOYMENT COMPENSATION BENEFIT TRUST FUND 1604,608,909

1900 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 10,278,660

1901 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 152,500

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From the funds provided in Specific Appropriations 1886 through 1901, the Employment Security Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to provide prompt, accurate benefits for unemployed workers in order to expedite their reemployment while providing an equitable and cost effective unemployment compensation system for the employers of Florida, and to provide employment services and training opportunities that promote a strong Florida economy.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Percent of UC benefits paid timely	91.8%
Percent of UC benefits paid accurately	95.0%
Percent of UC taxes paid timely	95.2%
Percent of WAGES recipients employed	20.0%
Percent of Food Stamp Clients employed	11.8%
JTPA adult & dislocated worker placement rate	74.5%
OUTPUTS:	
No. of UC claimant eligibility determinations issued	183,407
No. of appeal cases completed	51,937
No. of employee wage records processed	30,433,343
No. of WAGES participants employed & average cost per employed WAGES participant	55,173 ($938)
No. of JTPA completers & average cost per JTPA participant	20,335 ($2,370)
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

INFORMATION MANAGEMENT CENTER

1902 SALARIES AND BENEFITS POSITIONS 135
FROM WORKING CAPITAL TRUST FUND 5,954,531

1903 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 200,000

1904 EXPENSES
FROM WORKING CAPITAL TRUST FUND 7,589,858

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1905 OPERATING CAPITAL OUTLAY		
FROM WORKING CAPITAL TRUST FUND		728,780
1906 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM WORKING CAPITAL TRUST FUND		21,843
VOCATIONAL REHABILITATION, DIVISION OF		
1907 SALARIES AND BENEFITS POSITIONS 1,453		
FROM GENERAL REVENUE FUND	11,268,996	
FROM FEDERAL REHABILITATION TRUST FUND . .		36,224,852
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		1,863,806
1907A AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - SCHOOL HEALTH SCREENINGS		
FROM GENERAL REVENUE FUND	100,000	

From the funds in Specific Appropriation 1907A, $100,000 is provided for Recording for the Blind and Dyslexic, Florida Unit.

1907B AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES		
FROM ADMINISTRATIVE TRUST FUND		1,259,121
FROM FEDERAL REHABILITATION TRUST FUND . .		3,682,763
1907C FOOD PRODUCTS		
FROM FEDERAL REHABILITATION TRUST FUND . .		79,920
1908 LUMP SUM		
VOCATIONAL REHABILITATION PROGRAM		
FROM GENERAL REVENUE FUND	15,732,405	
FROM ADMINISTRATIVE TRUST FUND		345,583
FROM FEDERAL REHABILITATION TRUST FUND . .		71,840,406
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		12,704,780

From Specific Appropriation 1908, $1,253,331 from the Brain and Spinal Cord Injury Trust Fund is to be used to establish a Medicaid home and community based waiver for persons with traumatic brain injuries and for persons with spinal cord injuries. This funding is contingent on federal approval of the Medicaid waiver.

From funds in Specific Appropriation 1908, up to $500,000 from the Brain and Spinal Cord Injury Rehabilitation Trust fund may be utilized as state match for the Consumer Directed Care Demonstration under a 1115 Medicaid Waiver. Appropriations of these funds will be contingent on the availability of funds deposited in the Brain and Spinal Cord Injury Rehabilitation Trust Fund.

1908A SPECIAL CATEGORIES		
GRANTS AND AIDS - CLIENT SERVICES		
FROM GENERAL REVENUE FUND	1,786,231	
FROM ADMINISTRATIVE TRUST FUND		563,277
FROM FEDERAL REHABILITATION TRUST FUND . .		94,440
1908B SPECIAL CATEGORIES		
GRANTS AND AIDS - VOCATIONAL REHABILITATION		
FROM GENERAL REVENUE FUND	3,451,911	
1908C SPECIAL CATEGORIES		
VOCATIONAL REHABILITATION SERVICES		
FROM GENERAL REVENUE FUND	1,265,036	
FROM FEDERAL REHABILITATION TRUST FUND . .		2,504,617

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1909 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	161,202	
FROM FEDERAL REHABILITATION TRUST FUND . .		619,933
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		16,512
1909A SPECIAL CATEGORIES		
LIBRARY SERVICES		
FROM GENERAL REVENUE FUND	50,000	
1909B SPECIAL CATEGORIES		
VENDING STANDS - EQUIPMENT AND SUPPLIES		
FROM ADMINISTRATIVE TRUST FUND		895,000
FROM FEDERAL REHABILITATION TRUST FUND . .		1,002,707
1910 DATA PROCESSING SERVICES		
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION		
FROM GENERAL REVENUE FUND	19,216	
FROM FEDERAL REHABILITATION TRUST FUND . .		410,576
1911 DATA PROCESSING SERVICES		
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
FROM GENERAL REVENUE FUND	211,349	
FROM FEDERAL REHABILITATION TRUST FUND . .		835,857
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		74,878
1912 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM FEDERAL REHABILITATION TRUST FUND . .		123,280
1913 DATA PROCESSING SERVICES		
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
FROM GENERAL REVENUE FUND	4,162	
FROM FEDERAL REHABILITATION TRUST FUND . .		115,838

From funds provided in Specific Appropriations 1907 through 1913, the Rehabilitation Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to empower individuals with disabilities to maximize their employment, economic self-sufficiency and independence; to ensure the referral of persons with moderate to severe brain injuries to a coordinated rehabilitation program for services that will enable them to return to an appropriate level of functioning in their communities; and to obtain employment outcomes and maximize independence and integration into the community for Floridians who are blind or visually impaired.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Rate (and no.) of VR customers placed in competitive employment	97.2% (8,232)
Rate (and no.) of VR customers retained in employment after one year	48% (5,000)
Average annual earnings of VR customers after one year	$13,075

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Rate (and no.) of BSCI customers returned (reintegrated) to their communities at an appropriate level of functioning for their injuries	84% (650)
No. of successfully rehabilitated older persons, non-vocational rehabilitation	1,355
Percentage of eligible library customers served	21.0%
OUTPUTS:	
No. of customers reviewed for eligibility (VR)	32,000
No. of individualized written plans for services (VR) & (DBS)	18,000 & 4,000
No. of customers served (VR)	80,356
Average time lapsed (in days) between eligibility determination for the VR Program and the beginning of planned services	94
Customer caseload per counseling/ case management team member	136

Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.

1914 FIXED CAPITAL OUTLAY
INTERSTATE VENDING PAVILIONS - STATEWIDE - DMS MGD
FROM ADMINISTRATIVE TRUST FUND 400,000

OFFICE OF DISABILITY DETERMINATIONS

1915 SALARIES AND BENEFITS POSITIONS 907
FROM GENERAL REVENUE FUND 362,953
FROM ADMINISTRATIVE TRUST FUND 365,322
FROM U.S. TRUST FUND 31,876,991

1916 LUMP SUM
DISABILITY DETERMINATION PROGRAM
FROM GENERAL REVENUE FUND 416,257
FROM ADMINISTRATIVE TRUST FUND 453,349
FROM U.S. TRUST FUND 31,938,404

1917 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,297
FROM ADMINISTRATIVE TRUST FUND 3,298
FROM U.S. TRUST FUND 242,583

1918 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM U.S. TRUST FUND 56,119

From funds provided in Specific Appropriations 1915, through 1918, the Office of Disability Determination will meet the following standards as required by the Government and Performance Accountability Act. The purposes of meeting these standards is to make timely and accurate disability determinations under the Medically Needy Program and Titles II (20 CFR 404.1610) and XVI (20 CFR 416.1010) of the Social Security Act. The Office of Disability Determination has a contract with the Department of Children and Family Services to make disability decisions for Floridians applying for Medicaid benefits under the Medically Needy Program. Title II, the Social Security Disability Insurance Program, provides cash benefits for disabled workers and their dependents who have contributed to the Social Security Trust Fund through the FICA tax on their earnings. Title XVI, the Supplemental Security Income (SSI) Program, provides benefits because of financial need, as defined in the law.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	1998-99
Ave. no. of days required to complete initial disability determinations under Title II	84
under Title XVI	96
Ave. no. of days required to complete initial Medically Needy decisions	100
Percentage of disability decisions completed accurately as measured by the Social Security Administration	92%
Percentage of Medically Needy decisions completed accurately, as measured by the internal ODD quality assurance section	92%
Cost per case (Titles II and XVI)	$276
Cost per case (Medically Needy)	$204
OUTPUTS:	
No. of disability decisions completed	226,200
No. of Titles II and XVI claims processed per FTE	285
No. of Medically Needy decisions completed	7,728
No. of Medically Needy claims processed per FTE	343

Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.

UNEMPLOYMENT APPEALS COMMISSION

1919 SALARIES AND BENEFITS POSITIONS 37
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,764,074

1920 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 58,400

1921 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 357,108

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1922 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 29,000

1923 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 2,046

LEGISLATIVE BRANCH

The amount of $40,000 per day is hereby appropriated from the General Revenue Fund to supplement the amounts provided in Specific Appropriations 1924 and 1925 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

SENATE

1924 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 29,568,794

HOUSE OF REPRESENTATIVES

1925 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 51,761,425

LEGISLATIVE SUPPORT SERVICES

1928A LUMP SUM
LEGISLATIVE SUPPORT SERVICES
FROM GENERAL REVENUE FUND 24,110,088
FROM LEGISLATIVE LOBBYIST REGISTRATION
TRUST FUND 192,351

ADMINISTRATIVE PROCEDURES COMMITTEE

1929 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 1,354,801

INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE ON

1931 LUMP SUM
LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL RELATIONS
FROM GENERAL REVENUE FUND 749,957

OFFICE OF PUBLIC COUNSEL

1932 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,739,446

ETHICS, COMMISSION ON

1933 LUMP SUM
LOBBY REGISTRATION
FROM EXECUTIVE BRANCH LOBBY REGISTRATION
TRUST FUND 114,935

1934 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 1,655,856

1935 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 15,265

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NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

1936 EXPENSES
FROM GENERAL REVENUE FUND 65,199

PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF

1937 LUMP SUM
PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY
FROM GENERAL REVENUE FUND 6,523,364

From the funds provided in Specific Appropriation 1937, the Office of Program Policy Analysis and Government Accountability (OPPAGA) is directed to study the costs associated with state regulation. OPPAGA shall submit to the Speaker of the House of Representatives and the President of the Senate, no later than January 1, 1999, a report that provides: (1) a comprehensive bibliography of regulatory costs studies available at the federal, state and local level; (2) proposed methodologies for estimating regulatory costs; (3) proposed methodologies for estimating the total costs of state regulation, divided into administrative costs and compliance costs, further divided into three categories; economic regulation, social regulation and paperwork costs; (4) proposed methodologies for estimating regulatory costs on a per capita basis; (5) proposed methodologies for developing recommendations to improve the state's regulatory practices by fully incorporating cost/benefit considerations in the rulemaking process; and (6) estimate of resources and time required to implement methodologies and recommendations associated with (3), (4), and (5).

1938 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 115,891

AUDITOR GENERAL

1939 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 39,075,101
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 3,667,857
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000,000

From the funds provided in Specific Appropriation 1939, up to $5,000,000 from the Grants and Donations Trust Fund is provided for the Auditor General to continue contracts with certified public accountants to audit applications for reimbursement (including supporting documentation) for cleanup of petroleum contamination sites. The auditing program shall provide that audit procedures include determination of the reasonableness and allowability of costs submitted for reimbursement. The Auditor General is authorized to establish three positions for the administration of this program, one of which shall be an engineer designated for site inspections. Completed audit reports shall be forwarded to the Department of Environmental Protection (DEP) and all questioned costs in those reports shall be subject to full or partial denial or recovery by DEP. Questioned costs identified in the audits indicative of potential criminal/fraudulent activity shall be immediately referred to the appropriate law enforcement entity by the Auditor General and/or DEP.

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1940 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 479,768
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 14,367

AUDITING COMMITTEE

1941 LUMP SUM
JUVENILE JUSTICE ADVISORY BOARD
FROM GENERAL REVENUE FUND 791,560
FROM GRANTS AND DONATIONS TRUST FUND . . . 125,000

The Juvenile Justice Advisory Board is authorized to receive and deposit additional grant funds into the Grants and Donations Trust Fund in Specific Appropriation 1941 and to seek increased spending authorization for any additional trust funds from the Speaker of the House of Representatives and the President of the Senate.

1942 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 312,781

1943 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 401

LOTTERY, DEPARTMENT OF THE

1944 SALARIES AND BENEFITS POSITIONS 722
FROM ADMINISTRATIVE TRUST FUND 29,265,061

1945 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,265,563

1946 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 15,355,208

1947 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,072,495

1949 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 743,600

1950 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 27,965

1951 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 14,366,625

1952 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 31,992,961

Funds in Specific Appropriation 1952 are provided for lottery promotions and advertising, including radio, print and television. No funds provided in this appropriation shall be utilized for production and airing of a television game show during Fiscal Year 1998-99.

1953 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 31,111,500

1954 SPECIAL CATEGORIES
LOTTERY INSTANT TICKET VENDING MACHINES
FROM ADMINISTRATIVE TRUST FUND 2,400,000

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Funds in Specific Appropriation 1954 are contingent upon legislation becoming law which allows the department to continue or expand instant ticket vending machine operations.

1955 SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM ADMINISTRATIVE TRUST FUND 2,500,000

1956 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 318,716

1957 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 19,583

1958 SPECIAL CATEGORIES
TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 11,777,965

Funds in Specific Appropriation 1958 represent estimated administrative funds unallocated for department operations. The department shall transfer these funds to the Educational Enhancement Trust Fund. However, if lottery sales fall below official estimates for fiscal year 1998-99, the department may proportionately reduce said transfer to a level necessary to meet its appropriated operating requirements.

1959 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 6,498

MANAGEMENT SERVICES, DEPARTMENT OF

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION

1960 SALARIES AND BENEFITS POSITIONS 120
FROM GENERAL REVENUE FUND 258,388
FROM ADMINISTRATIVE TRUST FUND 5,317,898

1961 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 8,700

1962 EXPENSES
FROM GENERAL REVENUE FUND 557,894
FROM ADMINISTRATIVE TRUST FUND 772,121

1963 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 150,248

1964 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 24,107

1965 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 751
FROM ADMINISTRATIVE TRUST FUND 14,253

1966 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 49,930

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SMART SCHOOL CLEARINGHOUSE

1967 SALARIES AND BENEFITS POSITIONS 4
FROM GENERAL REVENUE FUND 338,480

1968 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 98,585

1969 EXPENSES
FROM GENERAL REVENUE FUND 222,780

1970 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,825

1970A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 151,247

1970B DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 64,096

STATE EMPLOYEE LEASING PROGRAM

1971 SALARIES AND BENEFITS POSITIONS 22
FROM ADMINISTRATIVE TRUST FUND 1,508,074

STATE GROUP INSURANCE, DIVISION OF

1972 SALARIES AND BENEFITS POSITIONS 107
FROM PRETAX BENEFITS TRUST FUND 1,173,117
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 72,800
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 3,526,246
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 40,333

1973 LUMP SUM
DIVISION OF STATE GROUP INSURANCE
FROM PRETAX BENEFITS TRUST FUND 833,807
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 25,042
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 2,659,748
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 40,836

From the funds in Specific Appropriations 1972 and 1973, the Division of State Group Insurance will meet the following standards as required by the Government Performance and Accountability Act of 1994, to contribute to a productive workforce by providing cost-effective employee health insurance.

Performance Measures	FY 1998-99 Standards
OUTPUTS:	
Customer feedback ranking (DSGI) Out of a possible 10 points	6.57
Percent of claims reaching final action within 30 days of receipt	98.00%
Overall payment and procedural error rate	5.00%
Telephone queue time (seconds)	45
Average annual cost per contract to administer insurance programs	$14.84
Unprocessed original claims inventory	30,000

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1974 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 14,418

1975 SPECIAL CATEGORIES
ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 25,800,000

1976 SPECIAL CATEGORIES
PRESCRIPTION DRUG CLAIMS ADMINISTRATION
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 942,903

1977 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PRETAX BENEFITS TRUST FUND 1,509
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 104
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 3,927
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 52

1978 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PRETAX BENEFITS TRUST FUND 305,520
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 28,215
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 681,685
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 52,272

FACILITIES PROGRAM

1979 SALARIES AND BENEFITS POSITIONS 718
FROM GENERAL REVENUE FUND 203,879
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 3,042,754
FROM SUPERVISION TRUST FUND 18,868,181

From the funds in Specific Appropriation 1979, the Department of Management Services shall analyze the advantages of adopting a special use facility rental rate which is designed to charge the users of such facilities equitably for the additional costs of construction and/or operations. Such analysis shall be submitted to the Governor's Office of Planning and Budgeting, the Senate Ways and Means Committee, and the House Fiscal Responsibility Council by October 1, 1998.

1980 LUMP SUM
FACILITIES PROGRAM
FROM GENERAL REVENUE FUND 142,680
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 888,952
FROM SUPERVISION TRUST FUND 23,452,021

Funds in Specific Appropriations 1979 and 1980, from the Architects Incidental Trust Fund for the operation of the Facilities Program, are based on an assessment against each fixed capital outlay appropriation in which the division serves as

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owner-representative on behalf of the state. The assessments for appropriations made for the 1998-99 Fiscal Year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by Chapter 91-193, Laws of Florida.

From the funds in Specific Appropriations 1979 and 1980, the Facilities Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, in providing the best value office facilities considering the total cost of constructing, managing and maintaining office facilities, and compared to comparable industry standards.

Performance Measures	FY 1989-99 Standards
OUTCOMES:	
Construction cost of office facilities - cost per gross square foot:	
DMS	$80.02
Private industry average	$87.55
Full service rent - cost per net square foot:	
DMS (actual)	$14.74
Private-industry average	$15.90
Operations and maintenance cost - cost per maintained square foot:	
DMS	$5.04
Private-industry average	$5.92
Criminal incidents--number per 1,000 employees	20.33
OUTPUTS:	
Gross square feet completed--office facilities	337,320
Net square feet of office space occupied by state agencies	
State Owned (includes non-DMS owned facilities)	7,281,534
Private	11,057,443
Number of square feet maintained by	
DMS	4,893,921
Private Contracts	1,912,009
Gross square feet monitored for security purposes	7,313,643
Number of investigations	210
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

1982 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 250,000

1983 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,692
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 13,242
FROM SUPERVISION TRUST FUND 295,434

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1984 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 37,723
FROM SUPERVISION TRUST FUND 79,421

1985 FIXED CAPITAL OUTLAY
KOREAN WAR MEMORIAL - DMS MGD
FROM GENERAL REVENUE FUND 400,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,000

1985A FIXED CAPITAL OUTLAY
VIETNAM VETERANS WAR MUSEUM - DMS MGD
FROM GENERAL REVENUE FUND 10,000

1986 FIXED CAPITAL OUTLAY
SATELLITE OFFICE BUILDINGS - 3B, 4B, AND 4C - DMS MGD
FROM GENERAL REVENUE FUND 3,800,945
FROM PUBLIC FACILITIES FINANCING TRUST FUND 39,715,964

1987 FIXED CAPITAL OUTLAY
DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 250,000

1988 FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 7,154
FROM SUPERVISION TRUST FUND 3,605,637

1989 FIXED CAPITAL OUTLAY
BUILDING SITE REPAIRS AND IMPROVEMENTS - DMS MGD
FROM GENERAL REVENUE FUND 764
FROM SUPERVISION TRUST FUND 4,404

1990 FIXED CAPITAL OUTLAY
ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 429,022
FROM SUPERVISION TRUST FUND 1,214,659

1991 FIXED CAPITAL OUTLAY
BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 106,672
FROM SUPERVISION TRUST FUND 348,795

1992 FIXED CAPITAL OUTLAY
BUILDING INTERIOR MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 201,093
FROM SUPERVISION TRUST FUND 1,446,162

1994 FIXED CAPITAL OUTLAY
MECHANICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 1,408
FROM SUPERVISION TRUST FUND 5,441,808

1995 FIXED CAPITAL OUTLAY
PLUMBING SYSTEM MAINTENANCE AND REPAIR STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 6,068
FROM SUPERVISION TRUST FUND 23,665

1996 FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE - DMS MGD
FROM GENERAL REVENUE FUND 2,519
FROM SUPERVISION TRUST FUND 121,476

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1997	FIXED CAPITAL OUTLAY SPECIALIZED BUILDING EQUIPMENT MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	5,614	
	FROM SUPERVISION TRUST FUND		18,348
1998	FIXED CAPITAL OUTLAY BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	35,091	
	FROM SUPERVISION TRUST FUND		13,483
1999	FIXED CAPITAL OUTLAY INTERIOR REPAIRS AND MAINTENANCE OF POOL FACILITIES - LEASED SPACE		
	FROM SUPERVISION TRUST FUND		1,219,481
1999A	FIXED CAPITAL OUTLAY ST. LUCIE COUNTY CLIENT SERVICE CENTER - DMS MGD		
	FROM GENERAL REVENUE FUND	229,828	
1999B	FIXED CAPITAL OUTLAY ADDITIONAL DEVELOPMENT - AGRICULTURE COMPLEX - LEON COUNTY - DMS MGD		
	FROM GENERAL REVENUE FUND	300,000	
1999C	FIXED CAPITAL OUTLAY INFRASTRUCTURE CONSTRUCTION - SATELLITE CENTER - LEON COUNTY - DMS MGD		
	FROM GENERAL REVENUE FUND	9,552,303	
2000	FIXED CAPITAL OUTLAY STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD		
	FROM SUPERVISION TRUST FUND		951,250
2001	FIXED CAPITAL OUTLAY SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN $100,000 STATEWIDE - DMS MGD		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		1,500,000
2001A	FIXED CAPITAL OUTLAY LAND ACQUISITION - CAPITOL CENTER AND VICINITY GOVERNOR'S MANSION AND ENVIRONS		
	FROM GENERAL REVENUE FUND	919,974	
2002A	FIXED CAPITAL OUTLAY COMPUTER CENTER, CAPITAL CIRCLE OFFICE CENTER - DMS MGD		
	FROM GENERAL REVENUE FUND	394,374	
	FROM PUBLIC FACILITIES FINANCING TRUST FUND		7,851,040
2002B	FIXED CAPITAL OUTLAY LAW ENFORCEMENT REGIONAL OPERATING FACILITY - MIAMI - DMS MGD		
	FROM GENERAL REVENUE FUND	1,668,018	
	FROM PUBLIC FACILITIES FINANCING TRUST FUND		22,420,065
2003	FIXED CAPITAL OUTLAY DEBT SERVICE		
	FROM GENERAL REVENUE FUND	4,347,193	
	FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND		23,924,962
2004	FIXED CAPITAL OUTLAY DEBT SERVICE NEW ISSUES		
	FROM GENERAL REVENUE FUND	2,953,440	

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SUPPORT PROGRAM

2005	SALARIES AND BENEFITS POSITIONS 136		
	FROM GENERAL REVENUE FUND	2,312,426	
	FROM BUREAU OF AIRCRAFT TRUST FUND		880,649
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,213,144
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		575,581
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		745,821
2006	LUMP SUM SUPPORT PROGRAM		
	FROM GENERAL REVENUE FUND	773,508	
	FROM BUREAU OF AIRCRAFT TRUST FUND		1,326,601
	FROM GRANTS AND DONATIONS TRUST FUND . . .		828,238
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		2,164,997
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		504,125

From the funds in Specific Appropriations 2005 and 2006, the Support Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to provide government entities access to best value commodities and services through centralized procurement, federal property assistance, and fleet management.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Percent of state term contracts savings	35%
State term contracts cost avoidance	$205,000,000
Average percent below private sector fleet maintenance/retail parts	13%/26%
Average percent state rental vehicles below state rental contract rates	30%
Cost per flight hour: DMS aircraft pool	$1,166
Federal property distribution rate	85%
OUTPUTS:	
Commodities/services on term contracts	233,000
Number/percent of agencies using SPURS	30/75%
Federal property orders processed	2,150
Vehicle maintenance service hours	8,600
Days/miles of state rental vehicle service provided	41,000/1,700,000
Flights by executive aircraft pool	2,500
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

2008	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	12,667	

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FROM BUREAU OF AIRCRAFT TRUST FUND		8,369
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,452
FROM MOTOR VEHICLE OPERATING TRUST FUND .		11,758
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		2,913
2010 DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM GENERAL REVENUE FUND	3,465	
2011 DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GENERAL REVENUE FUND	338,436	
FROM BUREAU OF AIRCRAFT TRUST FUND		9,494
FROM GRANTS AND DONATIONS TRUST FUND . . .		233,000
FROM MOTOR VEHICLE OPERATING TRUST FUND .		370,158
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		5,808
2012 FIXED CAPITAL OUTLAY STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD FROM GENERAL REVENUE FUND	68,789	
2013 FIXED CAPITAL OUTLAY RELOCATION OF MOTOR POOL AND SURPLUS PROPERTY - DMS MGD FROM GENERAL REVENUE FUND	875,000	

WORKFORCE PROGRAM

2014 SALARIES AND BENEFITS POSITIONS 50 FROM STATE PERSONNEL SYSTEM TRUST FUND . .		2,699,027
2015 LUMP SUM WORKFORCE PROGRAM FROM GENERAL REVENUE FUND	21,618	
FROM STATE PERSONNEL SYSTEM TRUST FUND . .		1,713,206

From the funds in Specific Appropriations 2014 and 2015, the Workforce Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to contribute to a productive workforce, representative of the labor market, by providing cost-effective personnel services, employee insurance and flexible benefits.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Administrative cost per FTE	
- Personnel Management Service (PMS)	
COPES Cost	$40.20
Admin Cost Net of COPES	$35.38
-Comparable States	$178.09
Customer Feedback Ranking (PMS) - 10 Point Scale	
- Maintain fair/equitable employment practices	6.2
- Attract and retain employees	8.1
- Provide quality child care	9.0
- Motivate employees through the meritorious service awards program	6.6
- Personnel staff technical assistance	7.3
Percentage of agencies at or above EEO parity with available labor market	56.7%

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2016 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM STATE PERSONNEL SYSTEM TRUST FUND . .		31,478
2016A SPECIAL CATEGORIES STATE EMPLOYEE'S CHARITABLE CAMPAIGN FROM GENERAL REVENUE FUND	17,000	
2017 DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GENERAL REVENUE FUND	1,276,276	
FROM STATE PERSONNEL SYSTEM TRUST FUND . .		3,743,561

RETIREMENT, DIVISION OF

2018 SALARIES AND BENEFITS POSITIONS 248 FROM OPERATING TRUST FUND		9,721,943
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		77,477
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND		479,348
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND		30,567
2019 LUMP SUM RETIREMENT BENEFITS PROGRAM FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		9,642
FROM OPERATING TRUST FUND		14,376,049
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		395,949
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND		77,543
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND		12,461

From the funds in Specific Appropriation 2019, $10,962,216 from the Operating Trust Fund is provided for the Reengineering Improvement Modernization (RIM) Project which is recommended for special project monitoring as a critical information resource project under s. 282.323, Florida Statutes. Up to two percent of the appropriation for the project may be transferred to the Technology Review Workgroup for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in chapter 216, Florida Statutes.

Funds in Specific Appropriations 2018 and 2019, from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

From the funds in Specific Appropriations 2018 and 2019, the Division of Retirement will meet the following standards as required by the Government Performance and Accountability Act of 1994, in providing quality and cost effective retirement services.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Percentage of participating agencies/members satisfied with retirement information:	
Agencies	99.0%
Members	

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Active	78.0%
Recent Retired	97.0%
Other Retired	98.0%
Percentage of retirement services offered by FRS compared to comparable programs	77.0%
Percentage of participating agencies/members satisfied with retirement services	
Agencies	98.0%
Members	
Active	82.0%
Recent Retired	97.0%
Other Retired	98.0%
Administrative cost per active and retired member	$30.72
Funding ratio of FRS assets to liabilities	84.0%
OUTPUTS:	
Number of retirements	13,200
Number of retirement benefit estimates	65,000
Number of changes processed	49,119
Number of benefit payments issued	2,075,333
Number of local pension plan valuations and impact statements reviewed	625

Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.

2020 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 3,878

2021 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 34,323
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 157
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 1,946
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 157

2022 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 1,574,091
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 20,000
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 9,416

2023 PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND 263,715

2024 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND 4,945,700

2025 PENSIONS AND BENEFITS
MEMBERS BENEFITS
FROM FLORIDA RETIREMENT SYSTEM TRUST FUND 1975,666,723
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND 599,575
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 116,345,873

2026 PENSIONS AND BENEFITS
SPECIAL PENSIONS AND RELIEF ACTS
FROM GENERAL REVENUE FUND 9,775

2027 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)
FROM GENERAL REVENUE FUND 1,876,552

2028 PENSIONS AND BENEFITS
TEACHER'S SPECIAL PENSIONS
FROM GENERAL REVENUE FUND 17,000

TECHNOLOGY PROGRAM

2029 SALARIES AND BENEFITS POSITIONS 283
FROM GENERAL REVENUE FUND 2,184,544
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 4,537,875
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,479,877
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 17,283
FROM WORKING CAPITAL TRUST FUND 5,506,544

2030 LUMP SUM
INFORMATION TECHNOLOGY PROGRAM
FROM GENERAL REVENUE FUND 1,573,866
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,927,584
FROM GRANTS AND DONATIONS TRUST FUND . . . 140,000
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 10,184,776
FROM WORKING CAPITAL TRUST FUND 7,470,761

Funds in Specific Appropriations 2029 and 2030, from the Working Capital Trust Fund may be adjusted by the Executive Office of the Governor to provide services to users of the Technology Resource Center as appropriate. The department shall submit a budget amendment to the Executive Office of the Governor by October 15, 1998, to request amendments necessary to balance the funds budgeted in Specific Appropriations 2029 and 2030 to those appropriations made to user agencies. In its documentation for justification, the department shall include information detailing the commitment of current appropriations to customer services, administrative costs, or other associated costs, and commitments necessary for increases. The department shall also submit the current assessment fee structure for each of its services.

From the funds in Specific Appropriations 2029 and 2030, the Technology Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to effectively and efficiently satisfy customer needs for using, sharing and managing information technology resources.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Cost of Communications Engineering Services	

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(Hourly Rate):	
- Private	$94.83
- State	$40.32
Percent of the State Covered by the Joint Task Force Radio System	34.0%
Percent of Statewide Joint Task Force Law Enforcement Personnel Using the Joint Radio System	33.0%
Percent SUNCOM Discount from Commercial Tariff Rates:	
- Voice Local Service	50.0%
- Voice Long Distance	40.0%
- Data Service	25.0%
Customer Feedback Ranking (Technology Resource Center)	
Operations and Maintenance	9.0
Planning and Development	9.1
OUTPUTS:	
Number of engineering projects and approvals handled for state/local governments	110/550
Systems Operated and Maintained -Fixed Sites	81
Long Distance - Number of SUNCOM Billable Minutes	226,535,921
Local Service - Number of SUNCOM Local Service Main Stations	1,729,785
SUNCOM Locations Served	5,563
TRC Research/Consulting/ Development Projects Completed	15/7/425
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

2031 SPECIAL CATEGORIES
CENTREX AND SUNCOM PAYMENTS
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 96,804,544

Funds in Specific Appropriations 2031 may be adjusted by the Executive Office of the Governor to provide SUNCOM and CENTREX services to users as appropriate. Such services may include establishment of network mini-nodes to reduce the cost of local access services. The department shall submit a budget amendment to the Executive Office of the Governor by January 15, 1999 to request amendments necessary to balance the funds budgeted in Specific Appropriation 2031 to those appropriations made to user agencies.

2032 SPECIAL CATEGORIES
VIDEO TELECONFERENCING INCENTIVE AND CREDIT (TELECREDIT) PILOT PROGRAM
FROM GENERAL REVENUE FUND 220,000

From the funds in Specific Appropriation 2032, the Department of Management Services is authorized to continue a Teleconferencing Incentive Program that is designed to reduce personnel and travel costs.

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The department shall, in consultation with the Office of Planning and Budgeting in the Executive Office of the Governor, determine which entities have the greatest potential to reduce travel expenses through the use of video teleconferencing. Based on these findings, the Incentive Program shall offer appropriate pricing incentives to those using video teleconferencing services. The funds provided are intended to allow entities to recover operating costs in exchange for usage of its video teleconferencing services.

2033 SPECIAL CATEGORIES
DATA CENTER RESEARCH AND DEVELOPMENT
FROM WORKING CAPITAL TRUST FUND 750,000

2034 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,205
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 4,981
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 1,432
FROM WORKING CAPITAL TRUST FUND 11,599

2034A SPECIAL CATEGORIES
911 SERVICE ENHANCEMENT GRANTS AND IMPROVEMENTS
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 2034A are for enhanced 911 systems in the following counties:

Baker	25,000
Calhoun	75,000
Dixie	50,000
Glades	25,000
Hamilton	50,000
Hendry	75,000
Holmes	25,000
Lafayette	75,000
Liberty	50,000
Union	50,000

2035 SPECIAL CATEGORIES
MANAGEMENT OF SATELLITE TRANSPONDER
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 300,000

2036 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 2,000
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,028,162

2037 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 950

2037A FIXED CAPITAL OUTLAY
DEBT SERVICE - LAW ENFORCEMENT RADIO SYSTEM
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 4,774,824

2038 FIXED CAPITAL OUTLAY
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM - DMS MGD
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 47,384,733

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Funds in Specific Appropriation 2037A and 2038 for Phase III costs are contingent on legislation becoming law authorizing capital outlay bonds for the construction of infrastructure and associated capital outlay for the Statewide Law Enforcement Radio System. To the greatest extent possible, the Department of Management Services shall colocate its facilities with those of commercial mobile radio service providers in order to reduce costs and the need for construction of new antennae support structures.

CORRECTIONAL PRIVATIZATION COMMISSION

2039	SALARIES AND BENEFITS POSITIONS 9		
	FROM GENERAL REVENUE FUND	249,007	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		304,511
2041	SPECIAL CATEGORIES		
	CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	247,520	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		190,054

From the funds in Specific Appropriation 2041, $100,000 from the Grants and Donations Trust Fund is provided for the issuance of two Invitations to Bid in accordance with the provisions of Chapter 287, Florida Statutes. The first Invitation to Bid must be designed for construction of 1,497 beds at one or more sites. The Invitation to Bid must specify that these facilities must be designed sufficient to house adult males at all security levels. In no case may a bid be awarded that would exceed $27,600,000 in total for construction of all 1,497 beds. In evaluating responses to the Invitation to Bid, the Correctional Privatization Commission must select the lowest cost responsive bid. The Correctional Privatization Commission may execute a contract with the lowest cost responsive vendor for construction of the facility.

The second Invitation to Bid must be designed for construction of a 350 bed Youthful Offender facility. The Invitation to Bid must specify that the facility must be designed sufficient to house inmates sentenced as youthful offenders at all security levels. In no case may a bid be awarded that would exceed $8,950,000 for construction of all 350 beds. In evaluating responses to the Invitation to Bid, the Correctional Privatization Commission must select the lowest cost responsive bid. The Correctional Privatization Commission may execute a contract with the lowest cost responsive vendor for construction of the facility subject to funding to be provided by the Legislature during the 1999 Regular Legislative Session, and shall submit a request for construction funding to the Legislature consistent with the bid from the successful vendor no later than January 1, 1999. The Invitation to Bid for the 350 bed youthful offender facility must include a provision that the facility be designed to accommodate the provision of intensive education programs including, but not limited to, special education, literacy, life skills, and GED preparation. The facility shall also be designed to accommodate the provision of faith-based programs, including chaplaincy services and, if feasible, a therapeutic community residential pre-release ministry program.

This proviso constitutes specific legislative authorization for the Correctional Privatization Commission to enter into contracts for only the designing, acquiring, and constructing of the 350 bed youthful offender facility and the 1,497 prison beds. The operational contracts for these facilities shall be awarded through separate Invitations to Bid to be authorized in the General Appropriations Act for fiscal year 1999-2000.

2042	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	369	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		737
2043	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND	6,336	

COMMISSION ON HUMAN RELATIONS

2044	SALARIES AND BENEFITS POSITIONS 60		
	FROM GENERAL REVENUE FUND	1,815,126	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		505,750
2045	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,890	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		77,040
2046	EXPENSES		
	FROM GENERAL REVENUE FUND	468,759	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		158,677
2047	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	155,040	
2048	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	171,575	
2049	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		36,000
2050	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	10,982	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,265

ADMINISTRATIVE HEARINGS, DIVISION OF

2056	SALARIES AND BENEFITS POSITIONS 71		
	FROM ADMINISTRATIVE TRUST FUND		5,188,708
2057	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		225,742
2058	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		750,935

From the funds in Specific Appropriations 2056 through 2058, the division shall be reimbursed for administrative law judge services by the following entities: water management districts, regional planning councils, school districts, community colleges, the Division of Community Colleges, universities, the Board of Regents, the Florida School for the Deaf and Blind, the State Board of Independent Colleges and Universities, and the State Board of Independent Vocational, Technical, Trade, and Business Schools. Reimbursement for administrative law judge services shall be made by these entities at a rate not less than the contract rate in effect on July 1, 1998. Reimbursement for administrative law judge travel expenses

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attributable to hearings conducted on behalf of these entities shall be made by these entities.

2059 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 118,263

2060 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 64,062

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

2061 SALARIES AND BENEFITS POSITIONS 222
FROM GENERAL REVENUE FUND 4,570,916
FROM ARMORY BOARD TRUST FUND 3,489,118

2062 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,000
FROM ARMORY BOARD TRUST FUND 455,792

2063 EXPENSES
FROM GENERAL REVENUE FUND 4,233,926
FROM ARMORY BOARD TRUST FUND 9,958,380

2064 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 383,290

2065 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 66,000

2066 SPECIAL CATEGORIES
NATIONAL GUARD TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 505,875

2067 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 168,157

2067A FIXED CAPITAL OUTLAY
ADDITION/CONSTRUCTION - PALATKA ARMORY
FROM GENERAL REVENUE FUND 300,000

2068 FIXED CAPITAL OUTLAY
ROOF INSPECTION/REPAIRS - AGENCYWIDE - DMS MGD
FROM GENERAL REVENUE FUND 500,000

2068A FIXED CAPITAL OUTLAY
CONSTRUCTION - NATIONAL GUARD ARMORY - PENSACOLA (ELLYSON) - DMS MGD
FROM GENERAL REVENUE FUND 1,256,842

Funds provided in Specific Appropriation 2068A are contingent upon the receipt of federal matching funds sufficient to complete the project.

CAMP BLANDING MANAGEMENT

2069 SALARIES AND BENEFITS POSITIONS 26
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 765,858

2070 OTHER PERSONAL SERVICES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 108,172

2071 EXPENSES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 563,004

2072 OPERATING CAPITAL OUTLAY
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 136,853

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2073 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 183,000

2074 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 95,774

PUBLIC SERVICE COMMISSION

2075 SALARIES AND BENEFITS POSITIONS 379
FROM REGULATORY TRUST FUND 19,407,978

2076 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 349,638

2077 EXPENSES
FROM REGULATORY TRUST FUND 4,871,161

2078 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 329,772

2079 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM REGULATORY TRUST FUND 72,791

2080 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM REGULATORY TRUST FUND 20,990

2081 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 46,161

2082 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 78,548

REVENUE, DEPARTMENT OF

ADMINISTRATIVE SERVICES PROGRAM

2083 SALARIES AND BENEFITS POSITIONS 352
FROM GENERAL REVENUE FUND 8,407,279
FROM ADMINISTRATIVE TRUST FUND 4,503,489
FROM CORPORATION TAX ADMINISTRATION TRUST FUND 16,976
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,566,516

2084 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 105,960

2085 EXPENSES
FROM GENERAL REVENUE FUND 470,975
FROM ADMINISTRATIVE TRUST FUND 2,023,778
FROM GRANTS AND DONATIONS TRUST FUND . . . 208,369

2086 AID TO LOCAL GOVERNMENTS
CIGARETTE TAX TO MUNICIPALITIES
FROM MUNICIPAL FINANCIAL ASSISTANCE TRUST FUND 23,800,000

2087 AID TO LOCAL GOVERNMENTS
COUNTY REVENUE SHARING
FROM COUNTY REVENUE SHARING TRUST FUND . . 340,800,000

2088 AID TO LOCAL GOVERNMENTS
MUNICIPAL REVENUE SHARING
FROM MUNICIPAL REVENUE SHARING TRUST FUND 209,400,000

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2089 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 398,613
FROM GRANTS AND DONATIONS TRUST FUND . . . 16,075

2090 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 242,864

2091 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 14,220
FROM ADMINISTRATIVE TRUST FUND 144,747
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,530

2092 DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 1,378
FROM ADMINISTRATIVE TRUST FUND 933,988
FROM GRANTS AND DONATIONS TRUST FUND . . . 132

PROPERTY TAX ADMINISTRATION PROGRAM

2093 SALARIES AND BENEFITS POSITIONS 137
FROM INTANGIBLE TAX TRUST FUND 6,195,962

2094 LUMP SUM
PROPERTY TAX ADMINISTRATION
FROM INTANGIBLE TAX TRUST FUND 2,660,405

From the funds provided in Specific Appropriations 2093 and 2094, the Property Tax Administration Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to enhance equity in property assessments and taxation throughout the state, and to facilitate equalization of the distribution of required local effort millage.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Percent of classes studied found to have a level of at least 90%	97.2%
Taxroll uniformity (average for coefficient of dispersion)	11.5%
Percent of taxing authorities in total or substantial truth in millage compliance on initial submission	97.2%
Percentage of refund and tax certificate applications processed within 30 days of receipt	85.0%
Refund request per 100,000 parcels	32
OUTPUTS:	
Number of tax roll review notices issued	5
Total number of tax roll defects found	5
Number of property tax refund requests processed	2,940
Number of subclasses of property studied with feedback to property appraisers	5,050
Number of Truth in Millage compliance letters sent to taxing authorities	480
Number of Truth in Millage compliance letters sent to taxing authorities with minor infractions	118
Number of tax certificates cancellations/corrections processed	1,920
Number of tax payers audited on behalf of county property appraisers (TPP)	236
Student training hours provided to property appraisers and their staff (TPP)	3,895
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

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2095 SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST FUND . . 300,000

2096 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INTANGIBLE TAX TRUST FUND 16,000

2097 DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM INTANGIBLE TAX TRUST FUND 152,523

CHILD SUPPORT ENFORCEMENT PROGRAM

2098 SALARIES AND BENEFITS POSITIONS 2,485
FROM GENERAL REVENUE FUND 13,163,128
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 13,740,122
FROM GRANTS AND DONATIONS TRUST FUND . . . 52,228,593

From the funds in Specific Appropriations 2098 through 2103, the Executive Office of the Governor shall transfer $2,386,800 from the Child Support Incentive Trust Fund and $4,633,200 from the Grants and Donations Trust Fund to the Special Categories - Purchase of Services category to continue to contract for the Location and Collection function, pursuant to the budget amendment provisions in Chapter 216, Florida Statutes. Any associated positions and salary rate shall be placed in Executive Office of the Governor reserve.

If the Department of Revenue can demonstrate that it is more cost efficient to perform such functions with department personnel rather than continuing to privatize such functions, and an evaluation by the Office of Program Policy Analysis and Government Accountability (OPPAGA) confirms the department's proposal, then the Executive Office of the Governor may release the funds to the department, subject to the notification and objection procedures in section 216.177, Florida Statutes. The analysis shall include documentation of the costs assessed by courts in favor of the department in child support cases and the actual collection of such costs.

2099 LUMP SUM
CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 11,978,377

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FROM CHILD SUPPORT INCENTIVE TRUST FUND .	16,487,959
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND . . .	251,551
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND	4,350,000
FROM GRANTS AND DONATIONS TRUST FUND . . .	65,400,155

From the funds provided in Specific Appropriations 2098 through 2103, the Child Support Enforcement Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to effectively administer and enforce the child support enforcement laws of Florida.

Performance Measures	FY 1998-99 Standards
OUTCOMES	
Percent of children with a court order for support	47.0%
Percent of children with paternity established	81.0%
Percent of child support collected that was due during the fiscal year	51.0%
Percent of cases with with child support due in a month that received a payment during the month	52.0%
Total child support dollars collected per $1 of total expenditures	$3.83
OUTPUTS	
Number of children with a newly established court order	4,900

From the funds in Specific Appropriation 2099, up to $3,823,476 from the Child Support Incentive Trust Fund and up to $7,422,042 from matching federal funds in the Grants and Donations Trust Fund are provided for privatization of case backlog contracts. These funds are contingent upon the receipt of additional incentive earnings and Temporary Assistance to Needy Families (TANF) reimbursement collections as a result of these contracts in FY 1997-98, FY 1998-99 and FY 1999-2000 and shall be utilized to pay the contractors for the contracts. These additional incentive earnings and Temporary Assistance to Needy Families (TANF) reimbursement collections from the contracts and the associated billings and payments to the contractors shall be accounted for separately by the Department of Revenue for each contractor.

2099A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH

FROM CHILD SUPPORT INCENTIVE TRUST FUND .		29,936
FROM GRANTS AND DONATIONS TRUST FUND . . .		58,110

2100 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	123,099	
FROM GRANTS AND DONATIONS TRUST FUND . . .		238,958

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2101 FINANCIAL ASSISTANCE PAYMENTS
CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS

FROM CHILD SUPPORT INCENTIVE TRUST FUND .		900,000

2102 FINANCIAL ASSISTANCE PAYMENTS
CHILD SUPPORT PAYMENTS

FROM CHILD SUPPORT CLEARING TRUST FUND . .		676,200,000

2103 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER

FROM GENERAL REVENUE FUND	797,354	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		26,936
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		10,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		8,059,654

From the funds in Specific Appropriations 2098 through 2103, the Department of Revenue shall process payment of the child support enforcement state share of collections on public assistance clients to the Department of Children and Families in a manner consistent with the provisions of section 215.422, Florida Statutes, and the inter agency agreement such that payment is received no later than 30 days after receipt of the final monthly GFM 850RA report from the Department of Children and Families.

GENERAL TAX ADMINISTRATION PROGRAM

2104 SALARIES AND BENEFITS POSITIONS 2,382

FROM GENERAL REVENUE FUND	63,940,815	
FROM ADMINISTRATIVE TRUST FUND		25,567,266
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		1,452,887
FROM GRANTS AND DONATIONS TRUST FUND . . .		150,917

2105 AID TO LOCAL GOVERNMENTS
CONTINUATION OF SOLID MINERAL SEVERANCE TAX TO COUNTIES

FROM SEVERANCE TAX SOLID MINERAL TRUST FUND		4,829,000

2106 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - OIL AND GAS TAX

FROM OIL AND GAS TAX TRUST FUND		956,000

2107 AID TO LOCAL GOVERNMENTS
DISTRIBUTION OF LOCAL GOVERNMENT HALF-CENT SALES TAX

FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		1150,500,000

2108 AID TO LOCAL GOVERNMENTS
EMERGENCY DISTRIBUTIONS

FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		5,807,042

2109 AID TO LOCAL GOVERNMENTS
INMATE SUPPLEMENTAL DISTRIBUTION

FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		592,958

2110 AID TO LOCAL GOVERNMENTS
FIFTH & SIXTH CENT SBA/COUNTY/MOTOR FUEL

FROM GAS TAX COLLECTION TRUST FUND		169,300,000

2111 AID TO LOCAL GOVERNMENTS
SEVENTH CENT/COUNTIES/MOTOR FUEL

FROM GAS TAX COLLECTION TRUST FUND		71,300,000

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2112 LUMP SUM
GENERAL TAX ADMINISTRATION

FROM GENERAL REVENUE FUND	12,800,899	
FROM ADMINISTRATIVE TRUST FUND		16,563,708
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		261,559
FROM GRANTS AND DONATIONS TRUST FUND . . .		50,701

From the funds in Specific Appropriation 2112, $3,163,778 from the General Revenue Fund and $2,670,222 from the Administrative Trust Fund are provided for SUNTAX which is recommended for special monitoring as a critical information resource management project under s. 282.322, Florida Statutes. Up to two percent of the appropriation for the project may be transferred to the Technology Review Workgroup for the project monitoring contract. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in chapter 216, Florida Statutes.

From the funds provided in Specific Appropriations 2104 and 2112, the General Tax Administration Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to effectively administer and enforce tax laws and process revenue.

Performance Measures	FY 1998-99 Standards
OUTCOMES:	
Average days from receipt of payment to deposit (sales, corporate, intangibles, fuel)	0.68
Number of days between initial distribution of funds and final adjustments (sales, fuel)	70
Percent of sales tax returns filed substantially error free and on time	80.0%
Return on investment (total collections per dollar spent)	$145.78
OUTPUTS	
Number of delinquent tax return notices issued to taxpayers	744,000
Number of notices sent to taxpayers for apparent tax return filing errors or late return	567,000
Percent of tax returns that did not result in a notice of apparent filing error or late return	90%
Average time in days between the processing of a sales tax return and the first notification to the taxpayer of an apparent filing error or late return	40
Dollars collected as a percentage of actual liability of notices sent for apparent sales tax return filing errors or late returns	61%
Percent of delinquent sales tax return and and filing error or late return notices issued accurately to taxpayer	90%
Percentage of delinquent tax return and and filing error or late return notices sent to taxpayers that had to be revised (department or taxpayer error)	21%
Percent of final audit assessment amounts collected (tax only)	84%
Final audit assessment amounts as a percentage if initial assessment amounts (tax only)	72%
Dollars collected voluntarily as a percentage of total dollars collected	97%
Average number of days to resolve a dispute of an audit assessment	175
Direct collections per enforcement related dollar spent	$5.14

Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.

2113 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	208,365	
FROM ADMINISTRATIVE TRUST FUND		305,498
2114 DATA PROCESSING SERVICES REVENUE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	11,942	
FROM ADMINISTRATIVE TRUST FUND		1,797,316
REVENUE MANAGEMENT INFORMATION CENTER		
2115 SALARIES AND BENEFITS POSITIONS	36	
FROM WORKING CAPITAL TRUST FUND		1,230,268
2116 OTHER PERSONAL SERVICES		
FROM WORKING CAPITAL TRUST FUND		17,680
2117 EXPENSES		
FROM WORKING CAPITAL TRUST FUND		2,390,465
2118 OPERATING CAPITAL OUTLAY		
FROM WORKING CAPITAL TRUST FUND		1,133,771
2119 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM WORKING CAPITAL TRUST FUND		1,580
2120 DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM WORKING CAPITAL TRUST FUND		354,573
INFORMATION SERVICES PROGRAM		
2121 SALARIES AND BENEFITS POSITIONS	120	
FROM GENERAL REVENUE FUND	3,624,955	
FROM ADMINISTRATIVE TRUST FUND		1,369,256
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		387,810
FROM GRANTS AND DONATIONS TRUST FUND . . .		106,340
2122 OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		95,628

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2123	EXPENSES		
	FROM GENERAL REVENUE FUND	342,345	
	FROM ADMINISTRATIVE TRUST FUND		527,698
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		46,617
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,187
2124	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		4,327
2125	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	6,718	
	FROM ADMINISTRATIVE TRUST FUND		12,013
2126	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	583	
	FROM ADMINISTRATIVE TRUST FUND		2,261,732

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATIVE SERVICES

2127	SALARIES AND BENEFITS POSITIONS	72	
	FROM GENERAL REVENUE FUND	2,934,909	
	FROM CORPORATIONS TRUST FUND		129,764
	FROM DIVISION OF LICENSING TRUST FUND . .		125,369
	FROM GRANTS AND DONATIONS TRUST FUND . . .		173,298
2129	EXPENSES		
	FROM GENERAL REVENUE FUND	337,702	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		110,257
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		184,899
2131	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	39,348	
2132	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	12,691	
2133	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		43,173

ELECTIONS, DIVISION OF

2134	SALARIES AND BENEFITS POSITIONS	41	
	FROM GENERAL REVENUE FUND	1,261,991	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		309,323
2135	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	3,150	
2136	EXPENSES		
	FROM GENERAL REVENUE FUND	626,106	
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		606,449
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		410,310
2137	AID TO LOCAL GOVERNMENTS		
	PETITION SIGNATURE VERIFICATION		
	FROM GENERAL REVENUE FUND	75,000	
2137A	AID TO LOCAL GOVERNMENTS		
	SPECIAL ELECTION (1997-98)		
	FROM GENERAL REVENUE FUND	500,000	

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Funds provided in Specific Appropriation 2137A shall only be used for the cost of reimbursing counties for special elections as stated in Chapter 100.102, Florida Statutes

2139	SPECIAL CATEGORIES		
	ADVERTISING OF PROPOSED AMENDMENTS TO THE CONSTITUTION		
	FROM GENERAL REVENUE FUND	300,000	

Funds provided in Specific Appropriation 2139 shall only be used for the expenses associated with article XI, Section 5, of the Florida Constitution and Chapter 100.342, Florida Statutes, involving the publication of constitutional amendments in one newspaper in each county of the state twice prior to being voted upon.

2140	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	91,147	

HISTORICAL RESOURCES, DIVISION OF

2141	SALARIES AND BENEFITS POSITIONS	99	
	FROM GENERAL REVENUE FUND	3,160,853	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		306,210
	FROM OPERATING TRUST FUND		246,433
2142	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	27,626	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,976,930
	FROM OPERATING TRUST FUND		137,405
2143	EXPENSES		
	FROM GENERAL REVENUE FUND	1,671,068	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		617,450
	FROM OPERATING TRUST FUND		637,669
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		7,155
2143A	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		400,000
2144	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HISTORIC MUSEUM GRANTS		
	FROM OPERATING TRUST FUND		1,500,000
2145	SPECIAL CATEGORIES		
	HISTORIC PRESERVATION GRANTS		
	FROM OPERATING TRUST FUND		2,849,276
2146	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	19,712	
	FROM OPERATING TRUST FUND		41,662
2147	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	34,746	
2148	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
	GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES		
	FROM GENERAL REVENUE FUND	13,951,049	

Funds in Specific Appropriation 2148 are provided to fund the historic preservation projects that were selected in accordance with rule 1A-35.007, Florida Administrative Code.

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2148A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
POWELL CROSLEY ESTATE
FROM GENERAL REVENUE FUND 500,000

CORPORATIONS, DIVISION OF

2149 SALARIES AND BENEFITS POSITIONS 188
FROM CORPORATIONS TRUST FUND 6,391,134

2150 LUMP SUM
COMMERCIAL RECORDING PROGRAM
FROM CORPORATIONS TRUST FUND 4,184,353
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 180,000

From the funds in Specific Appropriations 2149 and 2150, the Commercial Recording Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to promote financial and economic stability through public notice of clients' interest in business organizations, trademarks, financial transactions, and liens as well as identification of those doing business under names other than their own.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Percentage of public reporting satisfaction with the division's services	90%
Percentage of business reporting satisfaction with the division's services	90%
Percentage of law enforcement reporting satisfaction with the division's services	90%
OUTPUTS:	
Cost/Corporate Filing	$5.40
Cost/Uniform Commercial Code Filing	$1.83
Average Cost/Inquiry	$0.075
Proportion of total inquiries handled by electronic means	65%
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

2151 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CORPORATIONS TRUST FUND 35,416

LIBRARY AND INFORMATION SERVICES, DIVISION OF

2152 SALARIES AND BENEFITS POSITIONS 115
FROM GENERAL REVENUE FUND 2,642,693
FROM LIBRARY SERVICES TRUST FUND 631,087
FROM RECORDS MANAGEMENT TRUST FUND 973,111

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2153 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY COOPERATIVES
FROM GENERAL REVENUE FUND 1,200,000

2154 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY GRANTS
FROM GENERAL REVENUE FUND 30,700,000
FROM LIBRARY SERVICES TRUST FUND 3,890,043

2155 LUMP SUM
LIBRARY, ARCHIVES, AND INFORMATION PROGRAM
FROM GENERAL REVENUE FUND 2,220,424
FROM LIBRARY SERVICES TRUST FUND 640,520
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 450,801
FROM RECORDS MANAGEMENT TRUST FUND 623,601

From the funds in Specific Appropriations 2152 and 2155, the Library, Archives, and Information Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to ensure access to information of past, present and future value for the educational and cultural benefit of the people of Florida, and for the efficient and effective management and development of information services.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Annual increase in usage of research collections	3%
Annual cost avoidance achieved by government agencies through records storage/disposition/ micrographics	$58,000,000
OUTPUTS:	
Number of new users (State Library, State Archives)	5,822
Number of reference requests handled (State Library, State Archives)	121,645
Number of database searches conducted (State Library, State Archives)	243,107
Number of items loaned (State Library)	79,086
Cubic feet of non-current records stored at the Records Center	220,000
Number of microfilm images created, processed, and/or duplicated at the Records Center	245,000,000
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

2155A LUMP SUM
RECEIPT OF LEGISLATIVE RESEARCH LIBRARY
FROM LEGISLATURE TO DEPARTMENT OF STATE

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	POSITIONS	5	
	FROM GENERAL REVENUE FUND	590,678	
2156	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	38,637	
2157	FIXED CAPITAL OUTLAY		
	LIBRARY CONSTRUCTION GRANTS		
	FROM GENERAL REVENUE FUND	6,083,535	
	FROM LIBRARY CONSTRUCTION TRUST FUND . . .		790,623

Should the Department of State be able to use funds in Specific Appropriation 2157 from the Library Construction Trust Fund on projects which comply with s. 257.191, Florida Statutes, and Rules 1B-3.001 through 1B-3.011, Florida Administrative Code, then funds from General Revenue in the amounts of $400,000 shall be provided to the Hillsborough Northwest Library, $200,000 shall be provided to the Morningside-Southport Library in St. Lucie County, and $50,000 shall be provided for the Davie Children's Museum/Library Complex in Broward County.

CULTURAL AFFAIRS, DIVISION OF

2158	SALARIES AND BENEFITS POSITIONS	19	
	FROM GENERAL REVENUE FUND	509,123	
	FROM FINE ARTS COUNCIL TRUST FUND		243,933
2159	OTHER PERSONAL SERVICES		
	FROM FINE ARTS COUNCIL TRUST FUND		20,600
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		79,500
2160	EXPENSES		
	FROM GENERAL REVENUE FUND	118,613	
	FROM FINE ARTS COUNCIL TRUST FUND		210,622
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		111,967
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		3,300
2161	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COCONUT GROVE PLAYHOUSE		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		500,000
2162	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTS GRANTS		
	FROM FINE ARTS COUNCIL TRUST FUND		130,279
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		2,700,000
2163	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SCIENCES GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		500,000
2164	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTS IN EDUCATION GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000
2165	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL ARTS AGENCIES/ STATE SERVICE ORGANIZATIONS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		400,000
2166	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - YOUTH AND CHILDREN'S MUSEUMS GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000
2166A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FLORIDA ARTS FOR JUVENILE DELINQUENCY PREVENTION		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		150,000

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2166B	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ELLIOTT MUSEUM		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		50,000
2167	OPERATING CAPITAL OUTLAY		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		6,000
2168	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FINE ARTS ENDOWMENT		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		1,920,000
2169	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHALLENGE GRANTS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		300,000
2170	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CULTURAL EXCHANGE PROGRAM		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		250,000
2171	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CULTURAL INSTITUTIONS		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		6,495,872
2172	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES		
	FROM GENERAL REVENUE FUND	278,655	
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		151,345
2173	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	57,631	
2174	SPECIAL CATEGORIES		
	GRANTS AND AIDS - STATE TOURING PROGRAM		
	FROM CULTURAL INSTITUTIONS TRUST FUND . .		200,000
2175	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA ARTS LICENSE PLATES		
	FROM FINE ARTS COUNCIL TRUST FUND		500,000
2176	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
	GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES PROGRAM		
	FROM GENERAL REVENUE FUND	12,518,454	

Funds in Specific Appropriation 2176 are provided to fund the cultural facilities projects that were selected in accordance with the provisions of rule 1T-1.001, Florida Administrative Code.

2176A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIFIC CULTURAL AND HISTORIC PROJECTS
FROM GENERAL REVENUE FUND 2,275,000

The funds provided in Specific Appropriation 2176A shall be distributed to the following projects as listed:

Jacksonville Museum of Science & History..	$465,000
Miami Museum of Science.....	445,000
Pensacola Cultural Center.....	445,000
Centro Espanol Renovation Project-Tampa...	245,000
Black Archives Research Center.....	100,000
Coconut Grove Playhouse-Repairs.....	500,000
Riley House Museum and Resource Center....	50,000
San Carlos Institute-Key West.....	25,000

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From funds in Specific Appropriation 2176A, General Revenue funds in the amount of $25,000 are in addition to the interest and investment previously provided by the State of Florida in the amount of $2,825,000 in grant-in-aid funds to the San Carlos Institute for restoration. The not for profit Instituto Patriotico y Docente San Carlos, Inc., by and through it's Board of Directors maintains possession and control of the real property known as the San Carlos Institute operating as successors in title and interest to the unincorporated Instituto Patriotico y Docente San Carlos originally founded in 1871.

As a condition of receiving these funds, the Board of Directors of the Instituto Patriotico y Docente San Carlos, Inc., shall have fully executed and duly recorded in the county in which the real property is located, a restrictive covenant agreeing to the continued administration and restoration of the property in accordance with the purpose for which the funds were received. Said restrictive covenant shall be for a period of 20 years from the date of recordation by the appropriate clerk of the circuit court.

Said restrictive covenant shall specify that if the real property ceases to be used for the purpose for which these funds were received, the grantee shall return all funds previously provided by the State of Florida to the administering agency. The State of Florida reaffirms its cumulative investment in the San Carlos Institute and its recognition of the Instituto Patriotico y Docente San Carlos, Inc., with respect to any action regarding possession, title, or interest in the property.

2176B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPANISH SHIPWRECK
FROM GENERAL REVENUE FUND 200,000

2176C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - MILITARY MUSEUM
FROM GENERAL REVENUE FUND 50,000

LICENSING, DIVISION OF

2177 SALARIES AND BENEFITS POSITIONS 130
FROM DIVISION OF LICENSING TRUST FUND . . 4,548,603

2178 LUMP SUM
LICENSING PROGRAM
FROM DIVISION OF LICENSING TRUST FUND . . 4,746,293

From the funds in Specific Appropriations 2177 and 2178, the Licensing Program will meet the following standards as required by the Government Performance and Accountability Act of 1994, to protect the public's health, safety, and welfare through the licensing, regulation, and enforcement of the private security, private investigative and recovery industries; the regulation of game promotions conducted in Florida; and the issuance of licenses to citizens wishing to carry concealed weapons or firearms for lawful defense.

Performance Measures	Standards Based on Conference's Recommendations
OUTCOMES:	
Percent Security, Investigative, and Recovery licenses issued within 90 days of receipt of an application	70%
Percent/number Concealed Weapons/ Firearms licenses issued within 90 day statutory timeframe without fingerprint results	38%/12,624
Percent of license revocations or suspensions initiated within 20 days of receipt of disqualifying information (all license types	55%
Percent Security, Investigative, and Recovery investigations completed within 60 days	94%
Percent Security, Investigative, and Recovery inspections completed within 30 days	70%
OUTPUTS:	
Average cost/Security, Investigative, and Recovery investigation	$2,117
Average cost/Security, Investigative, and Recovery compliance inspection	$318
Average cost/Administrative Action (revocation, fine, probation, and compliance letters)	$425
Number of investigations performed (Security, Investigative, and Recovery complaint and agency generated inspections)	1,084
Number of compliance inspections performed (Security, Investigative, and Recovery licensees/new agency inspections and random inspections)	1,695
Additional approved performance measures and recommended standards are included in the Governor's FY 1998-99 Performance Ledger and are incorporated herein by reference.	

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2179 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM DIVISION OF LICENSING TRUST FUND . . 68,890

2180 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF LICENSING TRUST FUND . . 31,303

HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

2181 SALARIES AND BENEFITS POSITIONS 14
FROM GENERAL REVENUE FUND 478,982

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2182 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 53,304

2183 EXPENSES
FROM GENERAL REVENUE FUND 16,485

2184 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,766

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

2185 SALARIES AND BENEFITS POSITIONS 60
FROM CULTURAL INSTITUTIONS TRUST FUND . . 1,959,227

2186 EXPENSES
FROM CULTURAL INSTITUTIONS TRUST FUND . . 100,000

2186A SPECIAL CATEGORIES
DEPARTMENT OF STATE FOR CA'D'ZAN
FROM GENERAL REVENUE FUND 1,675,000

2187 SPECIAL CATEGORIES
RESTORATION/CONSERVATION - ART ACQUISITION - JOHN AND MABLE RINGLING MUSEUM OF ART
FROM INVESTMENT TRUST FUND 200,000

TOTAL OF SECTION 6 POSITIONS 26,296

FROM GENERAL REVENUE FUND 918,061,949

FROM TRUST FUNDS 8946,295,636

TOTAL ALL FUNDS 9864,357,585

SECTION 7 - JUDICIAL BRANCH

The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

STATE COURT SYSTEM

In the event of a general revenue shortfall in an amount which requires the Chief Justice to make budget reductions pursuant to s. 216, Florida Statutes, funds in Specific Appropriations 2189 through 2233, appropriated for payment of the salaries of judges, their personal staff, court reporter services, juror meals and lodging, juror and witness payments, and retired judges shall be deducted from the total amount of judicial branch general revenue monies against which an across the board percentage reduction may be applied pursuant to s. 216.221 (3), Florida Statutes.

SUPREME COURT

2189 SALARIES AND BENEFITS POSITIONS 204
FROM GENERAL REVENUE FUND 9,640,622
FROM COURT EDUCATION TRUST FUND 416,357
FROM MEDIATION AND ARBITRATION TRUST FUND 268,916
FROM GRANTS AND DONATIONS TRUST FUND . . . 196,801

From the funds in Specific Appropriation 2189, $5,444 from General Revenue Fund is provided for Life Insurance Benefits for Supreme Court Justices.

2190 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 253,016

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FROM COURT EDUCATION TRUST FUND 130,500
FROM MEDIATION AND ARBITRATION TRUST FUND 160,000

2191 EXPENSES
FROM GENERAL REVENUE FUND 2,634,883
FROM COURT EDUCATION TRUST FUND 1,151,005
FROM MEDIATION AND ARBITRATION TRUST FUND 212,495
FROM GRANTS AND DONATIONS TRUST FUND . . . 236,963

No General Revenue funds in Specific Appropriation 2191 shall be used for out-of-state educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

From the funds in Specific Appropriation 2191, $50,000 from General Revenue is provided to cover the costs of an indepth study of the need for and feasibility of increasing the number of district courts of appeal. The study is to be conducted by the Judicial Management Council with staff support provided by the Office of the State Courts Administrator. The Judicial Management Council shall make a report of its findings to the Legislature no later than February 1, 1999.

From the funds in Specific Appropriation 2191, $25,000 from General Revenue is provided for the American Judges Convention.

2192 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,121,860

2193 SPECIAL CATEGORIES
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE
FROM GENERAL REVENUE FUND 5,000

Funds in Specific Appropriation 2193 may be expended at the discretion of the Chief Justice in carrying out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice.

2194 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 93,700

2195 SPECIAL CATEGORIES
SUPREME COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 339,597

2196 SPECIAL CATEGORIES
COMPUTER SUBSCRIPTION SERVICES
FROM GENERAL REVENUE FUND 197,500

2197 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 177,586

ADMINISTERED FUNDS - JUDICIAL

2200 AID TO LOCAL GOVERNMENTS
SMALL COUNTY COURTHOUSE FACILITIES
FROM GENERAL REVENUE FUND 3,000,000

From the funds in Specific Appropriation 2200, $3,000,000 from General Revenue is provided to the following counties for consulting or architectural studies related to the improvement of courthouse facilities, improving court facilities to assure

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compliance with the Americans with Disabilities Act and other federal and state requirements, other renovations in court facilities, improvements in court security, and other costs paid by the county pursuant to sections 27.006, 34.171 or 43.28, Florida Statutes, and any other court-ordered improvements:

Baker	$100,000
Bradford	$100,000
Calhoun	$100,000
Desoto	$100,000
Dixie	$250,000
Flagler	$125,000
Gadsden	$200,000
Gilchrist	$200,000
Gulf	$100,000
Hendry	$125,000
Highlands	$100,000
Holmes	$100,000
Jackson	$100,000
Jefferson	$100,000
Lafayette	$200,000
Liberty	$100,000
Okeechobee	$150,000
Suwanee	$150,000
Taylor	$100,000
Union	$200,000
Wakulla	$100,000
Walton	$200,000

2202 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 2,165,558

The funds in Specific Appropriation 2202 are calculated at a rate of $275 per judge day. The Chief Justice shall provide a report to the chairs of the House Fiscal Responsibility Council and Senate Ways and Means Committee by February 1, 1999 which evaluates the impact of raising the rate from $250 to $275 per day, as well as the impact of providing increased funds for reimbursing the travel expenses of the retired judges. The Chief Justice shall report quarterly to the chairs of the House Fiscal Responsibility Council and Senate Ways and Means Committee any exercise of his discretion pursuant to Chapter 91-256, Laws of Florida, compensating retired judges in the courts at a rate higher than $275 per day. The report shall include the rate paid per judge per day, the number of days purchased, and the calculation of any corresponding reduction in the ability to purchase judge days.

2203 SPECIAL CATEGORIES
JUDICIAL NOMINATING COMMISSION - EXPENSES
FROM GENERAL REVENUE FUND 13,690

2204 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES
FROM GENERAL REVENUE FUND 5,136,910

Funds in Specific Appropriation 2204 shall be used solely for the payment of jurors and witnesses.

2205 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 215,825

2206 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND 380,085

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From the funds in Specific Appropriation 2206, $27,900 is contingent upon passage of legislation authorizing new judgeships.

2207 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 158,772

DISTRICT COURTS OF APPEAL

2209 SALARIES AND BENEFITS POSITIONS 417
FROM GENERAL REVENUE FUND 28,524,461

From the funds in Specific Appropriation 2209, $42,698 is provided for Life Insurance Benefits for District Courts of Appeal Judges.

2210 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 492,614

2211 EXPENSES
FROM GENERAL REVENUE FUND 2,298,241

2212 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 431,183

From the funds in Specific Appropriation 2212, $54,900 is provided for a cooling tower for the 5th District Court of Appeals.

2213 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 95,610

2214 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 675,362

2214A FIXED CAPITAL OUTLAY
ROOF REPLACEMENT AND REPAIRS SECOND DISTRICT COURT OF APPEAL- DMS MGD
FROM GENERAL REVENUE FUND 136,972

2214B FIXED CAPITAL OUTLAY
COMPLETION - FIFTH DISTRICT COURT OF APPEAL BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 600,000

CIRCUIT COURTS

2215 SALARIES AND BENEFITS POSITIONS 1,570
FROM GENERAL REVENUE FUND 113,537,567
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,899,764
FROM FAMILY COURTS TRUST FUND 3,478,414

From the funds in Specific Appropriation 2215, $293,581 from General Revenue Fund is provided for Life Insurance Benefits for Circuit Court Judges.

2216 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 366,868
FROM GRANTS AND DONATIONS TRUST FUND . . . 47,405

From Specific Appropriations 2216, 2217, and 2221, $158,863, $39,200, and $11,937 respectively is provided for self-help programs designed to improve access for pro se litigants to family courts. Such programs shall be designated by the Chief Justice of the Florida Supreme Court, with one such program to be in existence and one such program to be commenced with these funds. All such programs shall meet the following requirements: 1)utilization of students

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attending a Florida law school, where possible; 2)restricting services to those whose individual income is below 300 percent of the federal poverty levels; 3) prohibiting the dispensing of legal advice; and 4) charging a fee not to exceed $50. It is the intent of the legislature that all such programs become self-supporting within five years. The Office of the State Courts Administrator shall report by March 1, 1999 to the appropriate House and Senate budget committees regarding the status of each such program, including information regarding their compliance with the requirements hereof, as well as their existing criteria of all self-help programs in Florida.

2217 EXPENSES
FROM GENERAL REVENUE FUND 2,469,701
FROM GRANTS AND DONATIONS TRUST FUND . . . 181,760
FROM FAMILY COURTS TRUST FUND 256,739

No General Revenue funds in Specific Appropriation 2217 shall be used for out-of-state educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

From the funds in Specific Appropriations 2215, 2217, and 2221, 29 FTE and $1,208,389, $133,980, and $128,035 from the General Revenue Fund respectively, are contingent upon passage of legislation authorizing new judgeships. In the event that legislation to establish new judgeships fails to become law, one FTE and $825,000 is hereby appropriated as a lump sum and shall be used as follows: (1) One FTE and $750,000 shall be used to provide grants to counties with three or more judges to establish civil traffic infraction hearing officer programs. The grants shall be on a 50/50 matching basis and shall be paid to the counties in accordance with policies necessary to implement this provision established by the office of the State Courts Administrator. The maximum annual grant for any county shall be determined by dividing the number of county judges in the county by five and multiplying the result by $25,000. (2) $75,000 shall be used to contract for the development of a Delphi-based case load weighting system to determine the optimum caseloads for circuit and county judges and, in conjunction with other factors, to determine the need for additional circuit and county court judges. The judicial branch shall consult with the Office of Program Policy Analysis and Government Accountability on defining the scope of work, selecting a consultant, and choosing a methodology for developing case weights and determining available judge time. A report shall be issued not later than February 1, 1999 on the development of case weights and their use in the judicial certification process.

From the funds in Specific Appropriation 2217, $150,000 from General Revenue is provided for the Dependency Drug Court Demonstration Project.

From the funds in Specific Appropriation 2215, 2217, and 2221, 2 positions and $64,819, $48,762 and $7,150 respectively from General Revenue are provided for the Guardianship Monitoring Enhancement Initiative in the 17th circuit, Broward County.

From the funds in Specific Appropriations 2221 and 2217, $151,669 and $655,989, respectively are provided for automation enhancements for the R.E. Gerstein Criminal Justice Building in the 11th judicial circuit.

2218 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRUANCY PROGRAM
FROM GENERAL REVENUE FUND 200,000

2219 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTICLE V
FROM COUNTY ARTICLE V TRUST FUND 5,000,000

The funds in Specific Appropriation 2219 shall be distributed based on the allocation and disbursement plan adopted by the Supreme Court as follows:

1. All counties with less than 75,000 population (small counties) shall receive a minimum of 25 percent of the trust fund's total receipts during the life of the trust fund, with $100,000 to be distributed to each small county for each of the first three years. Disbursements to the small counties shall be adjusted in the fourth year once the actual amount of the 25 percent set aside can be accurately computed. The small counties may receive more or less than the $100,000 they would get in the first three years in the fourth year, depending on the actual total revenues.

2. The remaining 75 percent of the receipts, over the four year life of the trust fund shall be distributed to counties with greater than 75,000 population proportionate to the felony criminal, juvenile (both dependency and delinquency), misdemeanor, and criminal traffic filings originating within each larger county.

In the fourth year, however, if the revenues have been sufficient to allow for at least $100,000 to be distributed to the small counties, five large counties (Santa Rosa, Citrus, Hernando, Highlands and Charlotte) would also receive $100,000 in the fourth year.

3. A county that is unable to expend the full amount of funds disbursed in a particular fiscal year would retain the unexpended funds to be used in subsequent fiscal years, within the life of the trust fund, for the specific purposes articulated in 97-235. However, any funds not encumbered by the end of FY 2000/01, would revert to the trust fund to be equally distributed to all counties in the trust fund's fourth year.

2220 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MATCH FUNDS FOR THE NEIGHBORHOOD JUSTICE CENTER PROGRAM
FROM GENERAL REVENUE FUND 60,000

2221 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 882,676
FROM GRANTS AND DONATIONS TRUST FUND . . . 133,347

2222A LUMP SUM
11TH CIRCUIT CRIMINAL INDIGENCE SCREENING
POSITIONS 5
FROM GENERAL REVENUE FUND 300,000

2222B SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GRANTS AND DONATIONS TRUST FUND . . . 71,778

2224 SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY COURTS
FROM FAMILY COURTS TRUST FUND 29,246

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2225 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC GUARDIANSHIP
FROM GENERAL REVENUE FUND 102,252

2226 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 376,601

2227 SPECIAL CATEGORIES
CIRCUIT COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 2,000

2228 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT REPORTER SERVICES
FROM GENERAL REVENUE FUND 3,525,887

The funds in Specific Appropriation 2228 are to be granted to the counties to support the reporting of depositions and court proceedings which are required by law to be covered at public expense. The funds shall be distributed to the counties using a pro-rata distribution based on Fiscal Year 1996/97 felony filings per county.

COUNTY COURTS

2229 SALARIES AND BENEFITS POSITIONS 536
FROM GENERAL REVENUE FUND 46,400,105

From the funds in Specific Appropriation 2229, $146,651 is provided for Life Insurance Benefits for County Court Judges.

2230 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 72,225

2231 EXPENSES
FROM GENERAL REVENUE FUND 157,305

No funds in Specific Appropriation 2231 shall be used for out-of-state judicial educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

From the funds in Specific Appropriations 2229, 2231, and 2231A, 10 FTE and $395,449, $46,200, and $44,150 from the General Revenue Fund respectively, are contingent upon passage of legislation authorizing new judgeships.

2231A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 44,150

2232 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 275,855

Funds are provided in Specific Appropriation 2232 for county judges assigned to active judiciary service in any of the courts created by Article V of the State Constitution. Such funds shall be paid as additional compensation for such service, and shall be computed based on the salary then currently paid to a judge of the court to which the assignment is made, and shall be computed on the basis of an eight hour day, or major fraction thereof.

2233 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 188,193

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2234 SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 109,104

2235 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 184,522

2236 EXPENSES
FROM GENERAL REVENUE FUND 84,067

2237 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,706

2238 LUMP SUM
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 133,300

Funds in Specific Appropriation 2238 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

2239 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,508

TOTAL OF SECTION 7 POSITIONS 2,734

FROM GENERAL REVENUE FUND 228,268,639

FROM TRUST FUNDS 13,871,490

TOTAL ALL FUNDS 242,140,129

SECTION 8 - SALARIES AND BENEFITS - Fiscal Year 1998-99

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 1998-99 salary and benefit increases provided in Specific Appropriations 1572, 179, 180, 181, 182, and 189. All allocations and distributions of these funds are to be made in strict accordance with the provisions of this act. For the purpose of calculating and distributing allocations to agencies, all references to "base salary" in this section refer to salaries as of July 1, 1997, inclusive of the 1997-98 fiscal year appropriated salary increases. References to "eligible" employees refer to employees who are, at a minimum, meeting their required performance standards. If an ineligible employee achieves performance standards subsequent to the salary increase implementation date, the employee may receive an increase; however, such increase shall be effective on the date the employee becomes eligible but not retroactively.

1. SALARY INCREASES

A. CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

Funds are provided in Specific Appropriation 1572 for pay increases for all eligible employees represented by: (1) the Florida Police Benevolent Association, (2) the Florida Nurses Association, and (3) the American Federation of State, County and Municipal Employees, Council 79, as well as all other eligible Career Service employees not included in a represented collective bargaining unit. Funds are to be distributed as follows:

1) For all eligible unit and non-unit Career Service employees other than employees assigned to the professional health care pay plan, funds are provided for the following competitive pay adjustments to the September 30, 1998 base rate of pay, effective October 1, 1998:

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(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees.

2) For all eligible unit and non-unit employees assigned to the professional health care pay plan, funds are provided to grant a three percent (3%) competitive pay adjustment on each employee's base salary to be effective on the employee's anniversary date, in accordance with the negotiated collective bargaining agreement. Funds are provided for eligible employees to receive longevity salary increases pursuant to the negotiated collective bargaining agreement.

3) For all eligible unit and non-unit employees assigned to the classes of Correctional Officer, Correctional Officer Sergeant, Correctional Officer Lieutenant, Correctional Officer Captain, Correctional Officer Major, Correctional Officer Colonel, Correctional Officer Inspector, Correctional Assistant Superintendent I and Correctional Assistant Superintendent II, funds are provided in Specific Appropriation 1572 for a $1,900 annual special pay additive for Regions I and II effective January 1, 1999. It is the intent of the Legislature that the Competitive Area Differentials assigned to the Department of Corrections' Regions III, IV, and V are to be restructured. On January 1, 1999, the $1,900 special pay additive will also go into effect in Regions III, IV, and V to replace $1,900 of the Competitive Area Differentials currently in those regions. The $1,900 special pay additive will be incorporated into the base rates of the above classifications.

These funds represent the first element of a phased process that will result in a critical class adjustment for state correctional officers. The Office of Planning and Budgeting in the Executive Office of the Governor, the Department of Management Services, and the Department of Corrections shall develop a plan for the remaining process for realizing the correctional officers' reclassification in consultation with the Legislature pursuant to s. 216.177, Florida Statutes. The plan shall ensure that the use of Competitive Area Differentials is consistent across state employee classifications and that the reclassification does not adversely affect correctional officers. The plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than November 1, 1998.

B. BOARD OF REGENTS

Funds are provided in Specific Appropriation 179, 180, 181, 182, and 189 for competitive pay adjustments based upon the following increases to the September 30, 1998 base rate of pay, effective October 1, 1998. Distribution of the funds for eligible unit employees shall be pursuant to the negotiated collective bargaining agreements. Distribution of the funds for eligible non-unit employees shall be as follows and shall be effective and provided October 1, 1998:

(1) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(2) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(3) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

C. EXEMPT FROM CAREER SERVICE

1) Elected officers and full time members of Commissions: Specific Appropriation 1572 includes funding to provide salary increases on base

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salary, effective October 1, 1998. The following officers shall be paid at the annual rate shown below for the period indicated, however, these salaries may be reduced on a voluntary basis:

	7/1/98	10/1/98
Governor	$ 110,962	$ 114,047
Lieutenant Governor	106,290	109,245
Secretary of State	109,841	112,895
Comptroller	109,841	112,895
Treasurer	109,841	112,895
Attorney General	109,841	112,895
Education, Commissioner of	109,841	112,895
Agriculture, Commissioner of	109,841	112,895
Supreme Court Justice	137,314	141,131
Judges-District Courts of Appeal	123,583	127,019
Judges-Circuit Courts	110,754	113,833
Judges-County Courts	98,448	101,185
Commissioner-Public Service Commission	110,754	113,833
Public Employees Relations Commission Chrm.	79,274	81,478
Public Employees Relations Commission Commissioners	75,016	77,101
Commissioner-Parole and Probation	75,016	77,101
State Attorneys:		
Circuits with 1,000,000 Population or less	110,754	127,019
Circuits over 1,000,000	123,583	127,019
Public Defenders:		
Circuits with 1,000,000 Population or less	104,454	121,937
Circuits over 1,000,000	118,639	121,937

All population figures relating to the state attorneys' and public defenders' salaries shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901, Florida Statutes. These population estimates shall become effective July 1, 1998 and shall not be adjusted subsequently. None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2) Senior Management Service and Selected Exempt Service:

a. For all eligible Senior Management Service and non-unit Selected Exempt Service employees, funds are provided in Specific Appropriation 1572 for the following increases to the September 30, 1998 base rate effective October 1, 1998. These funds shall be distributed as follows and shall be effective and provided October 1, 1998.

(1) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(2) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(3) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment.

b. Funds are provided in Specific Appropriation 1572 for a competitive pay adjustment of 2.78% on the base salary of eligible unit employees of the Florida Federation of Physicians and Dentists in the Selected Exempt Service. These increases shall be distributed on the employee's anniversary date in accordance with the negotiated collective bargaining agreement. Additionally, funds are provided for eligible employees to receive longevity salary increases pursuant to the negotiated collective bargaining agreement. Adjustments to the pay grades for the Physician and Senior Physician classes will be pursuant to the negotiated collective bargaining agreement.

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3) Career Service Exempt and the Florida National Guard:

Funds are provided in Specific Appropriation 1572 for competitive pay adjustments based upon the following increases to the September 30, 1998 base rate of pay, effective October 1, 1998:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees.

D. JUDICIAL

1) Funds are provided in Specific Appropriation 1572 to grant the following increases on each eligible employee's base salary on September 30, 1998, effective October 1, 1998. The funds shall be distributed as follows:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees.

E. LOTTERY

1) Funds are provided in Specific Appropriation 1572 to grant eligible unit and non-unit Lottery support staff a competitive pay adjustment to the September 30, 1998 base rate of pay, effective October 1, 1998. Distribution of the funds for unit employees shall be pursuant to the negotiated collective bargaining agreement. The salary increases shall be effective and provided October 1, 1998:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees.

2) Funds are provided in Specific Appropriation 1572 for eligible Lottery Senior Staff to receive a competitive pay adjustment based upon the following increases to the September 30, 1998 base rate of pay, effective October 1, 1998. These funds shall be distributed as follows and shall be effective and provided October 1, 1998:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

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(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

F. CORRECTIONAL EDUCATION PROGRAM (CEP)

Funds are provided in Specific Appropriation 1572 to grant a salary increase to each eligible employee's September 30, 1998 base rate of pay in the Classified and Managerial Pay Plans and for all instructional and professional employees within CEP. These increases shall be effective and provided October 1, 1998 as follows:

(1) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(2) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(3) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees.

G. FLORIDA SCHOOL FOR THE DEAF AND THE BLIND:

1) Funds are provided in Specific Appropriation 1572 for non-career service employees of the School for the Deaf and the Blind to receive competitive pay adjustments based upon the following increases to the September 30, 1998 base rate of pay, effective October 1, 1998. Distribution of the funds for unit employees shall be pursuant to the negotiated collective bargaining agreement, and distribution of the funds for non-unit employees shall be at the discretion of the Board of Trustees. The salary increases shall be effective and provided October 1, 1998:

(a) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(b) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(c) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees.

2. BENEFITS

A. HEALTH, LIFE AND DISABILITY INSURANCE

1) Funds are provided in each agency's budget to continue paying the current state share of the life and disability insurance premiums. Additionally, funds are provided Specific Appropriation 1579 to pay the state share of the State Group Health Self-Insurance Plan premiums and the state share of approved health maintenance organization premiums to the Executive Branch, Legislature and Judicial Branch agencies which shall increase, effective July 1, 1998 from $133.40 per month to $177.33 per month for individual coverage and from $268.14 per month to $362.62 per month for family coverage.

2) Health insurance premiums for employees shall increase, effective January 1, 1999 from $26.02 per month to $29.92 per month for individual coverage. For family coverage, employee premiums shall increase, effective from $93.58 per month to $107.61 per month.

3) Under the State Employees' Prescription Drug Program supply limits shall continue as provided in s. 110.12315, Florida Statutes. Effective July 1, 1998, employee co-payments shall be as follows:

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a. $15 co-payment for brand name drugs with card.
b. $ 5 co-payment for generic drugs with card.
c. $15 co-payment for brand name mail order drugs.
d. $ 5 co-payment for generic mail order drugs.

4) The current pharmacy dispensing program shall remain in effect as provided in s. 110.12315, Florida Statutes.

5) Any proposed changes in the benefits provided under the State Group Health Self-Insurance Plan shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless the Economic Estimating Conference determines that the plan modification is minor and that such a statement is not necessary.

6) The $100 per calendar year physical examination benefit shall be limited to active employees covered under the State Group Health Self-Insurance Plan.

7) The Division of State Group Insurance is directed to improve management of the State Group Health Self-Insurance prescription drug program through:

a. Selected expansion of clinical DUR edits resulting in intervention and possible increased use of prior authorization.
b. Proactive intervention through distribution of formulary communication materials to enrollees and providers, use of POS edits to suggest formulary alternatives, and implementation of a therapeutic interchange program at mail order.
c. Determining the feasibility of continuation of a broad inclusive network with the addition of bonus incentives for pharmacists to encourage cost-effective dispensing and pharmacist counseling services.

8) All State Group Health Self-Insurance Plan benefits as provided in the State of Florida Employees Group Health Self-Insurance Plan Booklet and Benefit Document effective January 1, 1998, and other such benefits as approved by the Legislature shall remain in effect.

3. OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this Act and with the negotiated collective bargaining agreements between the Governor and the respective bargaining units, except as noted:

A. Continue to provide up to six (6) credit hours of tuition-free courses per term at a State University to all full time employees on a space-available basis.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

C. Continue to provide, at the current level, uniform maintenance and shoe allowances for all law enforcement except the Division of Florida Highway Patrol. Uniform maintenance and shoe allowance for the uniform and Duty Officer positions in the Division of Florida Highway Patrol is increased from $275 to $500 per year.

D. Continue to pay employees on-call fees at the current level.

4. COLLECTIVE BARGAINING ISSUES AT IMPASSE

A. Collective bargaining issues at impasse between the State of Florida and AFSCME Council 79 for Career Service employees shall be resolved as follows:

1) All collective bargaining wage issues at impasse; i.e., Article 25 issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

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2) All collective bargaining insurance benefits issues at impasse; i.e., Article 27 issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "2. BENEFITS."

B. Collective bargaining issues at impasse between the State of Florida and the Florida Police Benevolent Association, Inc., Law Enforcement Unit, for Career Service employees shall be resolved as follows:

1) Law Enforcement collective bargaining wage issues at impasse; i.e., Article 25 issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

2) Law Enforcement collective bargaining insurance benefits issues at impasse; i.e., Article 27 issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "2. BENEFITS."

3) Law Enforcement Collective bargaining uniforms issues at impasse; i.e., Article 26 issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "3. Other Provisions."

C. Collective bargaining issues at impasse between the State of Florida and the Florida Police Benevolent Association, Inc., Security Services Unit, for Career Service employees shall be resolved as follows:

1) Security Services collective bargaining wage issues at impasse; i.e., Article 25 issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

2) Security Services collective bargaining insurance benefits issues at impasse; i.e., Article 27 issues, shall be resolved herein pursuant to the instructions provided in this Section under Item "2. BENEFITS."

D. All other collective bargaining issues at impasse for the 1998-99 fiscal year which are not contained in this act shall be resolved by maintaining the status quo under the language of the current collective bargaining agreements.

5. STUDIES AND REPORTS AND OTHER PROVISIONS

A. All state branches, departments, and agencies which have established or approved personnel policies for employees relating to the payment of accumulated and unused annual leave shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

B. Upon termination of employees in the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, payment for unused annual leave credits accrued on the member's last anniversary date shall be prorated at the rate of one-twelfth (1/12) of the last annual amount credited for each month, or portion thereof, worked subsequent to the member's last anniversary date.

C. The Attorney General is authorized to continue to exceed the maximum of the pay range for the six Assistant Attorney General positions.

D. The approved annual salary rate for the Division of Administrative Hearings is $3,952,047 and is inclusive of rate for the following salary increases to the September 30, 1998 base rate of pay, effective and provided October 1, 1998:

(1) Employees with annual salaries of $20,000 or less shall receive an annualized increase of $1,200.

(2) Employees with annual salaries from $20,001 to $36,000 shall receive an annualized increase of $1,000.

(3) Employees with annual salaries of $36,001 or more shall receive an annualized increase of 2.78%.

6. CRITICAL CLASS ADJUSTMENTS

$2,500,000 from the General Revenue Fund and $2,500,000 from Trust Funds is provided in Specific Appropriation 1572 for the purpose of addressing

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critical salary needs in classes experiencing excessive turnover and inability to recruit and hire qualified employees. The Department of Management Services shall review requests made by Executive Branch Agencies for pay grade adjustments and make recommendations to the Executive Office of the Governor prior to November 1, 1998. $500,000 of the General Revenue Funds is provided to the University of Central Florida to annualize the critical pay issue provided in 1997-98 to the University of Central Florida. The remaining funds shall be for critical class adjustments that start no earlier than October 1, 1998.

SECTION 9. From the funds appropriated in Section 45 of Chapter 97-384, Laws of Florida in excess of the amount needed in fiscal year 1997-98 $150 million shall be transferred to Specific Appropriation 2 of Chapter 97-152, Laws of Florida. $150 million of the funds provided in Section 44 (2) of Chapter 97-384, Laws of Florida are hereby transferred to the General Revenue Fund unallocated.

SECTION 10. The Comptroller is hereby authorized to transfer $100,900,000 in General Revenue Funds to the Budget Stabilization Fund for Fiscal Year 1998-99, as required by s. 19(g) Article III of the Constitution of the State of Florida.

SECTION 11. Any funds necessary to implement the provisions of the Federal Cash Management Improvement Act of 1990 shall be provided from the Working Capital Fund. The State Treasurer is authorized to submit a voucher to the Comptroller and based thereon, the Comptroller is authorized to make payment to the Federal Government in an amount necessary for the payment of interest earned on Federal Funds.

SECTION 12. The unexpended balance of funds provided in Specific Appropriation 1497 of Chapter 97-152, Laws of Florida for Integrated Financial System is hereby reappropriated to continue the efforts of the FFMIS Coordinating Council to acquire and implement an integrated human resources management and payroll system.

SECTION 13. The June 30, 1998 unencumbered balance of funds provided in Specific Appropriation 1459A of Chapter 97-152, Laws of Florida, for the Constitutional Revision Commission, is hereby reappropriated for the operational cost of the Commission. No funds from this reappropriated amount may be used for expenditures other than the Constitutional Revision Commission.

SECTION 14. In accordance with the compensation terms of Chapter 96-207, Laws of Florida, a portion of the unexpended balance of funds provided for under the Act are hereby appropriated for use in acquiring the carrot processing facility which is on farm land purchased under this act.

SECTION 15. An amount equal to the amount of funds unexpended and reverting to the General Revenue Fund in fiscal year 1997-98 from Specific Appropriation 1499A Chapter 97-152, Laws of Florida, is appropriated from the General Revenue Fund to the Department of Children and Families for fiscal year 1998-99.

SECTION 16. The $330,500,000, plus accrued interest and any other funds on deposit in accounts 3660512058 and 3660510843 at NationsBank, N.A., pursuant to Escrow Agreements dated September 15, 1997, and raised as a result of litigation entitled The State of Florida et. al. vs. American Tobacco Company, et. al., Case #95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, are funds of the State of Florida and are hereby appropriated to the General Revenue Fund, and shall be transferred to the Comptroller's Tobacco Settlement Clearing Trust Fund and Tobacco Pilot Program Clearing Trust Fund if those funds are created by law. Further, all subsequent payments made by the settling defendants in said litigation are funds of the State of Florida and are hereby appropriated to said trust funds, or, if those trust funds are not created by law, to the General Revenue Fund.

SECTION 17. The Department of Children and Families, as the administrating agency for the Temporary Assistance to Needy Families (TANF) Block Grant, is authorized, pursuant to federal regulations, to transfer ten percent of the grant to the Social Services Block Grant and twenty percent to the Child Care Development Fund to implement the

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appropriations provided to the department. Additionally, the department is required to transfer $38,000,000 in Social Services Block Grant funds, net of any pro-rated federal reductions implemented subsequent to October, 1997, to the Department of Juvenile Justice to implement its appropriations.

SECTION 18. From the funds appropriated in Specific Appropriation 485A, Chapter 97-152, Laws of Florida, $800,000 for the St. Johns County Health Unit - Flagler Hospital West Purchase is hereby reappropriated as a Grant-in-Aids to Local Governments and Nonprofit Organizations.

SECTION 19. The unencumbered General Revenue funds, not to exceed $1,744,515, in Specific Appropriation 367, Chapter 97-152, Laws of Florida, are hereby reappropriated for settlement of the federal fiscal year 1990-91 Aid to Families with Dependent Children (AFDC) error rate sanction. These funds may either be paid as a direct settlement to the federal government or reinvested in the current Temporary Assistance to Needy Families program for the state fiscal year beginning July 1, 1998.

SECTION 20. From the June 30, 1998 unencumbered balance of funds provided in Specific Appropriations 545 and 552 of Chapter 97-152, Laws of Florida, for the payment of debt service, up to $2,900,000 is hereby reappropriated to complete the upgrade of facilities at Florida Correctional Institution.

SECTION 21. Funds in this act may be expended for Bar dues and for legal education courses for attorneys employed by the State as legal staff.

SECTION 22. Funds provided in Specific Appropriation 1649C for Microelectronics in the 1997-98 General Appropriations Act which are unexpended are hereby rescinded and appropriated for High Impact Performance Incentives in 1998-99.

SECTION 23. $2 million from Specific Appropriation 1499B in the 1997-1998 General Appropriations Act is hereby reappropriated to the General Revenue Fund.

SECTION 24. From the funds provided in Section 19 (3) of Chapter 97-384 Laws of Florida, for the SMART Schools Small County Assistance Program for fiscal year 1998-99, $49,683,286 is appropriated to the following projects as recommended by the SMART Schools Clearinghouse Board:

Liberty County New K-8 School in Bristol..... $10,273,714
Madison County New K-5 School in Greenville..... $ 2,926,326
Wakulla County K-8 Middle School..... $ 9,366,984
Gilchrist County Trenton K-12 Expansion..... $10,550,570
Levy County Yankeetown Addition..... $ 4,198,995
Okeechobee County Old High School Remodeling/Renovation.. $ 1,781,000
Putnam County New Middle School..... $ 6,716,500
Suwannee New Elementary Addition to Branford K-12..... $ 3,869,197

These appropriations are contingent upon moneys becoming available from the sale of bonds authorized in Chapter 235.2195, Florida Statues as created in Chapter 97-384, Laws of Florida.

SECTION 25. Pursuant to s. 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide general revenue funds to operate and maintain these facilities. If existing facilities and sites are a part of these projects, each such building and site must be certified to be free of hazardous materials before it may be accepted by the Board of Regents.

1. University of Florida - Eastside Clinic in Gainesville/Alachua.

2. University of Florida - Cancer Center Build - Out and Addition (Reauthorization) in Gainesville/Alachua.

3. University of Florida - Minor Additions to IFAS Facilities in Gainesville/Alachua and research centers and outlying units throughout the state.

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4. University of Florida - Offices, shops and storage at Pine Acres Unit in Marion County.

5. Florida State University - National Weather Service (NWS) Meteorology Facility (reauthorization) in Tallahassee/Leon.

6. Florida International University - Holocaust Documentation Center (reauthorization) in Miami/Dade - North Miami Campus.

SECTION 26. The Board of Regents of the State University System is hereby authorized to construct the following projects which are to be financed entirely or partially from revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution or s. 240.2093, Florida Statutes, and are hereby authorized to be subsequently refinanced through the issuance of refunding bonds:

1. University of Florida - Parking Garage at the Performing Arts Site

2. University of Florida - Parking Garage on Archer Road

3. University of Florida - Single Student Residence Hall (reauthorization)

4. Florida Agricultural and Mechanical University - Housing, Phase IV (reauthorization)

5. University of South Florida - Parking Structure II (reauthorization)

6. University of South Florida - Sarasota/New College Residence Hall II (reauthorization)

7. University of South Florida - Residence Life Enhancement Project, Phase I (Student Apartment Facilities and Renovation of and Renovation of Dormitory)

8. Florida Atlantic University - Palm Beach Campus Student Housing Facility (reauthorization)

9. University of West Florida - Student Housing Apartments, Phase II

10. University of West Florida - Student Residence Halls Renovation/Remodeling

11. University of Central Florida - Parking Garage III

12. Florida International University - Student Housing Complex and Support Services Facilities (reauthorization)

13. Florida International University - Parking Garage II (reauthorization)

14. University of North Florida - Parking Garage (reauthorization)

SECTION 27. Pursuant to Section 11d, Article VII of the State Constitution, the Board of Regents of the State University System is authorized to issue bonds supported by Student Building Fees and Capital Improvement Fees to finance or partially finance projects authorized by 1998-99 appropriations. This bond issue is authorized to be subsequently refinanced through the issuance of refunding bonds, if deemed appropriate by the Division of Bond Finance and the Board of Regents.

SECTION 28. Funds included in appropriation Item 39 of Chapter 97-152, Laws of Florida, for the University of Florida IFAS Agricultural and Biological Engineering Building in the amount of $1,187,000 may be used for Frazier Rogers Hall Remodeling/New Construction.

SECTION 29. Funds included in appropriation Item 206F of Chapter 97-152, Laws of Florida, may be used to renovate space in the UF Medical Science Building for the University of Florida Pharmacy Building project.

SECTION 30
SPECIFIC
APPROPRIATION

SECTION 30. Pursuant to s. 240.299(5), Florida Statutes, the following facilities may be acquired by the direct support organizations:

Financing, Acquisition, Remodeling and Expansion of a facility by Seminole Boosters, Inc. to serve as a FSU Library Technical Services Facility.

Financing and Acquisition of two buildings located in the USF Research Park which are currently predominantly occupied by University of South Florida entities.

Financing and Acquisition of a building and associated property in downtown Pensacola by the UWF Foundation to initially support the Institute for Human Machine Cognition and private firms specializing in training for the military.

SECTION 31. The project entitled Jt/Monroe Co Schs-Clsrms/Admin Fac - Upper Keys for Florida Keys Community College contained within items 63 and 70 of Chapter 96-424, Laws of Florida, is hereby reappropriated for fiscal year 1998-99.

SECTION 32. Pursuant to s. 240.327, Florida Statutes, the specified community colleges are authorized to acquire or construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide general revenue funds to operate and maintain these facilities. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated community college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Community Colleges, the Postsecondary Education Planning Commission, and the State Board of Education must be received before any funds may be expended to acquire the property.

1. Broward Community College - Child Care Center for the Central Campus.

2. Broward Community College - Child Care Center for the South Campus.

3. St. Petersburg Junior College - Production Support Facility at the Allstate Center.

4. South Florida Community College - Four(4) Relocatables for classrooms and office space for the Public Service Academy.

5. South Florida Community College - Classrooms and office space for the Commercial Vehicle Driving Program at the Crews Center.

6. Hillsborough Community College - Adjacent land and Facility at Ybor City Campus.

SECTION 33. Florida State University International Programs Association, Inc., a direct-support organization created pursuant to s. 240.299, Florida Statutes, is authorized to expend non-state appropriated funds available to it to purchase properties outside the geographical limits of the United States to support international study programs offered by The Florida State University abroad. Any agreement to finance or purchase such properties acquired for the benefit of the Florida State University's international programs is hereby approved, subject to the prior approval of the Board of Regents.

SECTION 34. The project entitled JT/FAU/BCC Twin Towers - Admin, clsms ctr (p,c,e) for Broward Community College contained in Item 63 of Chapter 96-424, Laws of Florida, is hereby reappropriated for fiscal year 1998-99 for the same purpose.

SECTION 35. Funds included in Specific Appropriation 2001, Chapter 94-357 Laws of Florida, for SUS Land Acquisition and subsequently allocated to FSU may be used to purchase land for accomplishment of Call Street/Stadium Drive Intersection Improvements and Realignment/Widening of Bryan Street. FSU may reimburse the City of Tallahassee for purchase

SECTION 35
SPECIFIC
APPROPRIATION

of land required for right-of-way purposes and the City may retain title to the purchased property for purposes of maintaining the road and related stormwater facility improvements. Additionally, the City of Tallahassee may proceed with accomplishment of the subject road and intersection improvements and receive reimbursement from future appropriations that may be provided for Stadium Drive Improvements.

SECTION 36. The land known as the Cortez Property, currently owned by the University of Florida IFAS Gulf Coast REC, shall be leased to Manatee County for a period of 50 years provided that such property is used for recreational programs. The lease shall be terminated with capital improvements reverting to the Board of Regents if said property is no longer used for recreational purposes by the county. A plan and budget must be adopted by the County by June 30, 1999 or such lease authority is void.

SECTION 37. The project entitled FAU Downtown Tower (P.C.E.) in the amount of $11,000,000 contained within item 64 of Chapter 96-424, Laws of Florida is hereby reappropriated.

SECTION 38. The project entitled UCF Greek Village (P.C.E.) in the amount of $1,413,363 contained within item 208 B of Chapter 96-424 Laws of Florida is reappropriated.

SECTION 39. From funds contained in item 1936-A of Chapter 93-184, Laws of Florida, for USF Recreation/Athletic Enhancements - Tampa project, up to $973,725 may be expended to partially fund USF Parking Improvements - Tampa Campus.

SECTION 40. During fiscal year 1998-99, the Institute of Food and Agricultural Science shall not sell or otherwise disposed of its property in Leesburg, Florida currently being used by the Central Florida Research and Education Center.

SECTION 41. All funds in this bill that are appropriated to a nongovernmental entity for the purchase of, construction of, or improvements to real property are contingent upon the contractor granting to the state a legally enforceable security interest in the property at least to the amount of the state funds provided or as further required by law.

SECTION 42. Any section of this act, or any Appropriation herein contained, if found to be invalid shall in no way affect other Sections or Specific Appropriations contained in this act.

SECTION 43. With the exception of Section 9, this act shall effect July 1, 1998, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 1998, then it shall operate retroactively to July 1, 1998. Section 9 shall take effect upon becoming a law.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS	127,331	
FROM GENERAL REVENUE FUND	18009,760,609	
FROM TRUST FUNDS		27260,291,943
TOTAL ALL FUNDS		45270,052,552

On motion by Senator Sullivan, the rules were waived and the Conference Committee Report on **HB 4201** was read the second time.

On motion by Senator Sullivan, the Conference Committee Report was adopted and **HB 4201** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Madam President	Campbell	Crist	Geller
Bankhead	Casas	Diaz-Balart	Grant
Bronson	Childers	Dudley	Gutman
Brown-Waite	Clary	Dyer	Hargrett
Burt	Cowin	Forman	Harris
Holzendorf	Kurth	Meadows	Sullivan
Horne	Latvala	Myers	Thomas
Jones	Laurent	Rossin	Turner
Kirkpatrick	Lee	Scott	Williams
Klein	McKay	Silver	

Nays—1

Ostalkiewicz

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 4205, as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON HB 4205

The Honorable Daniel Webster April 18, 1998
Speaker, House of Representatives

The Honorable Toni Jennings
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 4205, same being:

An act relating to implementing the fiscal year 1998-99 General Appropriations Act.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendment 1.

2. That the House of Representatives and the Senate adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Rodolfo Garcia, Jr. Chair	*s/Bruno Barreiro*
s/Rudy Bradley	*s/Janegale Boyd*
s/Scott Clemons	*s/Cynthia Chestnut*
s/Tom Feeney	*s/Lee Constantine*
s/Lars A. Hafner	*s/Mark Flanagan*
s/James E. (Jim) King, Jr.	*s/Dennis L. Jones*
s/Alfred Lawson, Jr.	*s/Carlos Lacasa*
s/Ralph L. Livingston	*s/Carl Littlefield*
s/Joseph R. Mackey	*s/Willie F. Logan*
s/Jerry Melvin	*s/Kendrick Meek*
s/Luis C. Morse	*s/Sharon J. Merchant*
s/Ken Pruitt	*s/Bill Posey*
s/Buzz Ritchie	*s/Alzo J. Reddick*
s/Debby P. Sanderson	*s/Beryl Roberts-Burke*
s/Bill Sublette	*s/Kelley R. Smith*
s/Tom Warner	*s/J. Alex Villalobos*
s/Stephen R. Wise	*s/Debbie Wasserman Schultz*

Managers on the part of the House of Representatives

s/Donald C. Sullivan Chair	*s/W. G. (Bill) Bankhead*
s/Ginny Brown-Waite	*s/Charlie Bronson*
s/Roberto Casas	*s/Locke Burt*
s/Charlie W. Clary III	*s/W. D. Childers*
s/Charlie Crist	*s/Anna P. Cowin*
s/Fred R. Dudley	*s/Mario Diaz-Balart*
s/John A. Grant	*s/Buddy Dyer*
s/James Hargrett	*s/Alberto Gutman*
s/Betty S. Holzendorf	*s/Katherine Harris*
s/George G. Kirkpatrick	*s/Jim Horne*
s/Jack Latvala	*s/Patsy Kurth*
s/John M. McKay	*s/Tom Lee*
s/William G. Myers M.D.	*s/Matthew J. Meadows*
s/Jim Scott	*s/Thomas C. Rossin*
s/Pat Thomas	*s/Ron Silver*
	s/Charles Williams

Managers on the part of the Senate

Conference Committee Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 1998-1999.*

Section 2. In order to implement Specific Appropriations 406, 421, 2098, 2098A, and 2098B of the 1998-1999 General Appropriations Act, subsection (3) is added to section 61.1812, Florida Statutes, to read:

61.1812 Child Support Incentive Trust Fund.—

(3) Notwithstanding any provision of subsection (1) to the contrary, for the 1998-1999 fiscal year only and exclusive of those revenues collected by caseload-backlog privatization efforts, in addition to incentive earnings and interest earnings, 29 percent of each distribution of the state share of Temporary Assistance to Needy Families (TANF) collections recovered in each fiscal year by the Title IV-D agency shall be credited to the trust fund. Once a total of $39.7 million in the state share of Temporary Assistance to Needy Families (TANF) collections has been distributed, 100 percent of any additional distributions shall be credited to the trust fund. This subsection is repealed on July 1, 1999.

Section 3. In order to implement Specific Appropriations 212 through 446A of the 1998-1999 General Appropriations Act, paragraph (b) of subsection (1) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(1)

(b) For the *1998-1999* ~~1997-1998~~ fiscal year only, the Department of Children and Family Services and the Agency for Health Care Administration may transfer general revenue funds as necessary to comply with any provision of the General Appropriations Act that requires or specifically authorizes the transfer of general revenue funds between these two agencies. This paragraph is repealed on July 1, *1999* ~~1998~~.

Section 4. In order to implement Specific Appropriation 271 of the 1998-1999 General Appropriations Act, subsection (3) of section 409.9115, Florida Statutes, is amended to read:

409.9115 Disproportionate share program for mental health hospitals.—The Agency for Health Care Administration shall design and implement a system of making mental health disproportionate share payments to hospitals that qualify for disproportionate share payments under s. 409.911. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for patients.

(3) For the *1998-1999* ~~1997-1998~~ fiscal year only, the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals on a monthly basis. If the amounts appropriated for the Medicaid disproportionate share program for mental health hospitals are increased or decreased during the fiscal year pursuant to the requirements of chapter 216, the required adjustment shall be prorated over the remaining payment periods. This subsection is repealed on July 1, *1999* ~~1998~~.

Section 5. *During the 1998-1999 fiscal year, the Agency for Health Care Administration shall use the 1992-1993 disproportionate share formula, the 1989 audited financial data, and the Medicaid per diem rate as of January 1, 1992, for those hospitals that qualify for the hospital disproportionate share program funded in Specific Appropriation 247 of the 1998-1999 General Appropriations Act. This section is repealed on July 1, 1999.*

Section 6. In order to implement Specific Appropriation 240 of the 1998-1999 General Appropriations Act, subsection (6) of section 409.9116, Florida Statutes, is amended to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. In fiscal year 1993-1994, available funds shall be distributed in one payment, as soon as practicable after the effective date of this act. In subsequent fiscal years, funds shall be distributed quarterly in each fiscal year for which an appropriation is made. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(6) For the *1998-1999* ~~1997-1998~~ fiscal year only, the Agency for Health Care Administration shall use the following formula for distribution of the funds in Specific Appropriation *240* ~~226~~ of the *1998-1999* ~~1997-1998~~ General Appropriations Act for the disproportionate share/financial assistance program for rural hospitals.

(a) The agency shall first determine a preliminary payment amount for each rural hospital by allocating all available state funds using the following formula:

PDAER = (TAERH x TARH)/STAERH

Where:

PDAER = preliminary distribution amount for each rural hospital.

TAERH = total amount earned by each rural hospital.

TARH = total amount appropriated or distributed under this section.

STAERH = sum of total amount earned by each rural hospital.

(b) Federal matching funds for the disproportionate share program shall then be calculated for those hospitals that qualify for disproportionate share in paragraph (a).

(c) The state-funds-only payment amount is then calculated for each hospital using the formula:

SFOER = Maximum value of (1) SFOL - PDAER or (2) 0

Where:

SFOER = state-funds-only payment amount for each rural hospital.

SFOL = state-funds-only payment level, which is set at 4 percent of TARH.

(d) The adjusted total amount allocated to the rural disproportionate share program shall then be calculated using the following formula:

ATARH = (TARH - SSFOER)

Where:

ATARH = adjusted total amount appropriated or distributed under this section.

SSFOER = sum of the state-funds-only payment amount calculated under paragraph (c) for all rural hospitals.

(e) The determination of the amount of rural disproportionate share hospital funds is calculated by the following formula:

TDAERH = [(TAERH x ATARH)/STAERH]

Where:

TDAERH = total distribution amount for each rural hospital.

(f) Federal matching funds for the disproportionate share program shall then be calculated for those hospitals that qualify for disproportionate share in paragraph (e).

(g) State-funds-only payment amounts calculated under paragraph (c) are then added to the results of paragraph (f) to determine the total distribution amount for each rural hospital.

(h) This subsection is repealed on July 1, *1999* ~~1998~~.

Section 7. In order to implement Specific Appropriations 293 through 446A and 466 through 555 of the 1998-1999 General Appropriations Act, paragraph (c) of subsection (15) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(15)

(c) For the *1998-1999* ~~1997-1998~~ fiscal year only, funds appropriated to the Department of Children and Family Services in Specific Appropriations *293* ~~272~~ through *446A* ~~403~~ and the Department of Health in Specific Appropriations *466* ~~426~~ through *555* ~~511A~~ of the *1998-1999* ~~1997-1998~~ General Appropriations Act may be advanced, unless specifically prohibited in such General Appropriations Act, for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit cost basis. This paragraph is repealed on July 1, *1999* ~~1998~~.

Section 8. *In order to implement Specific Appropriation 247 of the 1998-1999 General Appropriations Act, and for the 1998-1999 fiscal year only, the Agency for Health Care Administration shall include health maintenance organization recipients in the county billing for inpatient hospital stays for the purpose of shared costs with counties in accordance with the Florida Statutes. This section is repealed on July 1, 1999.*

Section 9. *For the 1998-1999 fiscal year only, the Departments of Children and Family Services, Revenue, Labor and Employment Security, and Health and the Agency for Health Care Administration may transfer positions and general revenue funds as necessary to comply with any provision of the 1998-1999 General Appropriations Act or WAGES Act which requires or specifically authorizes the transfer of positions and general revenue funds between these agencies. This section is repealed on July 1, 1999.*

Section 10. In order to implement Specific Appropriations 440 through 445 of the 1998-1999 General Appropriations Act, subsection (16) is added to section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(16) Notwithstanding any provision of this section to the contrary and for the 1998-1999 fiscal year only, the Department of Children and Family Services is authorized to use operating funds budgeted for Developmental Services Institutions for fixed capital outlay expenditures as needed to bring any currently unlicensed beds up to Federal Intermediate Care Facility for the Developmentally Disabled licensure standards. This subsection is repealed on July 1, 1999.

Section 11. *In order to implement Specific Appropriation 258 of the 1998-1999 General Appropriations Act, the Agency for Health Care Administration shall take any necessary lawfully authorized action to ensure that total expenditures for Medicaid transportation remain within the amount budgeted in the 1998-1999 General Appropriations Act. In the event that the agency finds that it is impossible to constrain Medicaid transportation expenditures to within the budgeted amount, it shall notify the Legislature of this and provide suggestions for statutory revisions necessary to alleviate future deficits as well as a description of all action taken under its current authority. This section is repealed on July 1, 1999.*

Section 12. In order to implement section 15 of the 1998-1999 General Appropriations Act, section 10 of chapter 97-259, Laws of Florida, is amended to read:

Section 10. Notwithstanding the proviso language following Specific Appropriation 1499A of the 1997-1998 General Appropriations Act, funds are provided to establish and implement a Legal Immigrant's Temporary Income Bridge Program. The program shall be administered by the Department of Children and Family Services. The program will provide temporary *food stamp* ~~income~~ assistance to legal immigrants who *have lost* ~~will lose~~ their *eligibility for* benefits while they are awaiting completion of the citizenship process~~;~~ or an exemption thereto. All relevant state agencies are instructed to cooperate with the Department of Children and Family Services to implement this program.

(1) The program shall be designed to provide temporary ~~income~~ assistance to legal immigrants *who have lost their eligibility for federal benefits and meet one or more of the following criteria:*~~,~~

(a) Were 65 years of age or older *at the time their eligibility for federal benefits ceased;*~~,~~

(b) Were in receipt of Supplemental Security Income at the time their eligibility for federal benefits ceased; or

(c) Met and continue to meet the definition of a child under federal food stamp law at the time their eligibility for federal benefits ceased.

(2) In addition to the criteria in subsection (1), eligibility for assistance requires that each individual:

(a) Was a resident ~~who were residents~~ of the State of Florida prior to February 1, 1997; ~~who,~~

(b) After August 1, 1997, under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, *became* ~~have become~~ ineligible for ~~federal benefits, specifically Supplemental Security Income (SSI) and/or~~ food stamp benefits; ~~who~~

(c) Will be screened to verify that there exists no other sustainable means of support or assistance to make up for these lost benefits; and ~~who~~

(d) Can demonstrate that *he or she is* ~~they are~~ engaged in the process of becoming *a* United States *citizen* ~~citizens~~ or *is* ~~are~~ seeking an exemption thereto. The total amount of temporary ~~income~~ assistance provided to an *adult* individual shall not exceed the ~~Supplemental Security Income (SSI) and/or~~ food *stamp* ~~stamps~~ benefits for which *he or she has* ~~they have~~ become ineligible. The department shall *use the maximum federal food stamp benefit allowable for a family of four to determine the per-person benefit amount to be used for children. The department shall* give priority to dually eligible persons~~, disabled persons, and persons who as a direct result of losing their federal benefits may lose their housing, including long-term care facilities~~.

(2) The Department of Children and Family Services' total administrative charges for this program shall not exceed *2* ~~1~~ percent of the funds provided. Total administrative charges for contracted service providers for this program shall not exceed 3 percent of the funds provided in each service contract.

(3) If the United States Congress acts to *reinstate benefit eligibility to those noncitizens who lost eligibility under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, only those direct assistance and administrative dollars that were spent prior to reinstatement becoming effective are provided in this specific appropriation* ~~extend the implementation date of portions of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which apply to noncitizens in order to allow states to prepare for said Act, no funds provided in this specific appropriation will be expended~~.

Section 13. In order to implement Specific Appropriation 243 of the 1998-1999 General Appropriations Act, subsection (22) is added to section 409.908, Florida Statutes, to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(22) The agency is directed to implement changes in the Medicaid reimbursement methodology, as soon as feasible, to contain the growth in expenditures in facilities formerly known as ICF/DD facilities. In light of the repeal of the federal Boren Amendment, the agency shall consider, but is not limited to, the following changes in methodology:

(a) Reduction in the target rate of inflation.

(b) Reduction in the calculation of incentive payments.

(c) Ceiling limitations by component of reimbursement.

(d) Elimination of rebase provisions.

(e) Elimination of component interim rate provisions.

(f) Separate reimbursement plans for facilities that are government operated versus facilities that are privately owned.

The agency may contract with an independent consultant in considering any changes to the reimbursement methodology for these facilities. This subsection is repealed on July 1, 1999.

Section 14. In order to implement Specific Appropriations 1033, 1042, 1046, and 1050 of the 1998-1999 General Appropriations Act, subsection (17) is added to section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(17) Notwithstanding any other provision of this section to the contrary, and for the 1998-1999 fiscal year only, the Florida Department of Law Enforcement may transfer up to 20 positions and associated budget between budget entities, provided the same funding source is used throughout each transfer. The department may also transfer up to 10 percent of the initial approved salary rate between budget entities, provided the same funding source is used throughout each transfer. The department must provide notice to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Committee on Criminal Justice Appropriations for all transfers of positions or salary rate. This subsection is repealed on July 1, 1999.

Section 15. *For the purpose of implementing Specific Appropriations 1033, 1042, 1046, and 1050 of the 1998-1999 General Appropriations Act, beginning July 1, 1998, the Florida Department of Law Enforcement, with approval of the Executive Office of the Governor and in consultation with the Department of Management Services, legislative appropriation and personnel committees, and the affected certified bargaining units, is authorized to participate in the model career service classification and compensation system as authorized by s. 334.0445, Florida Statutes, which is hereby continued through June 30, 1999, for this purpose. This section is repealed on July 1, 1999.*

Section 16. *Consistent with the provisions of s. 216.163, Florida Statutes, in accordance with performance-based program budgeting requirements, and notwithstanding the provisions of s. 216.181, Florida Statutes, the Florida Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 1033, 1042, 1046, and 1050 of the 1998-1999 General Appropriations Act for lump-sum salary bonuses for departmental employees at the discretion of the executive director, provided that such bonuses are given only to selected employees for meritorious performance, instead of being given as across-the-board bonuses for all employees. The department, after consultation with the Executive Office of the Governor, shall provide a plan to the chair of the House Fiscal Responsibility Council and to the chair of the Senate Ways and Means Committee for approval before awarding such bonuses. This section is repealed on July 1, 1999.*

Section 17. *In order to implement Specific Appropriation 589 of the 1998-1999 General Appropriations Act, the Correctional Privatization Commission and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening and operating a facility under the authority of the Correctional Privatization Commission or a facility under the authority of the Department of Juvenile Justice which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality, or by the county if the facility is located in the unincorporated portion of the county. This section is repealed on July 1, 1999.*

Section 18. In order to implement Specific Appropriation 1047 of the 1998-1999 General Appropriations Act, subsection (9) is added to section 287.064, Florida Statutes, to read:

287.064 Consolidated financing of deferred-payment purchases.—

(9) For the 1998-1999 fiscal year only, the Department of Law Enforcement is authorized, upon approval of the Comptroller, to finance through the Comptroller's consolidated master equipment financing program the purchase of equipment, software, application development services, support services, project management services, and system integration services for the Florida Crime Information Center. This subsection is repealed on July 1, 1999.

Section 19. In order to implement Specific Appropriation 1358 of the 1998-1999 General Appropriations Act, subsection (7) of section 376.11, Florida Statutes, is amended to read:

376.11 Florida Coastal Protection Trust Fund.—

(7) Notwithstanding subsection (4), for the *1998-1999* ~~1997-1998~~ fiscal year only, up to *$12.5* ~~$11.5~~ million may be appropriated from the fund for the purpose of funding statewide beach renourishment, restoration, and inlet management plans. This subsection *is repealed on* ~~expires~~ July 1, *1999* ~~1998~~.

Section 20. In order to implement Specific Appropriations 1299A and 1302 of the 1998-1999 General Appropriations Act, subsection (7) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(7) For the *1998-1999* ~~1997-1998~~ fiscal year only, the use of funds allocated to the Solid Waste Management Trust Fund shall be as provided in the General Appropriations Act. There is transferred *$11.2* ~~$6~~ million for ~~the~~ surface water improvement and management *projects* ~~program~~ and *$8* ~~$6~~ million for the aquatic weed control program from revenues provided by this section. This subsection *is repealed on* ~~expires~~ July 1, *1999* ~~1998~~.

Section 21. *In order to implement Specific Appropriations 1397 and 1399 of the 1998-1999 General Appropriations Act, counties receiving funds for aquatic weed control as provided by s. 212.20(7), Florida Statutes, may use these funds for recycling purposes. This authorization expires June 30, 1999.*

Section 22. In order to implement Specific Appropriations 1397 and 1399 of the 1998-1999 General Appropriations Act, paragraph (a) of subsection (7) and subsections (8) and (9) of section 403.7095, Florida Statutes, are amended to read:

403.7095 Solid waste management grant program.—

(7)(a) Annual solid waste and recycling grants shall be available to counties with populations of fewer than 100,000. The sum of $50,000 shall be available annually to each eligible county from the Solid Waste Management Trust Fund through June 30, *1999* ~~1998~~. These grants shall be made by October 1 of each year to any county applying to the department prior to August 1 of any given year.

(8) For fiscal year *1998-1999,* ~~1997-1998~~ the department shall provide counties with populations under 100,000 with at least *80 percent of* the ~~same~~ level of funding they received in fiscal year *1997-1998* ~~1996-1997~~ for solid waste management and recycling grants.

(9) For fiscal year *1998-1999,* ~~1997-1998~~ the department shall provide 10 percent of the total funds available after the requirements of subsection (8) are met for recycling grants available to all counties on a competitive basis for innovative programs. *The department may consider* ~~that meet~~ one or more of the following criteria *in determining whether a grant proposal is innovative*:

(a) Demonstrate advanced technologies or processes.

(b) Collect and recycle ~~nontraditional~~ materials *targeted by the department.*

(c) Demonstrate substantial improvement in program cost-effectiveness and efficiency as measured against statewide average costs for the same or similar programs.

(d) Demonstrate transferability of technology and processes used in program.

(e) Demonstrate and implement multicounty or regional recycling programs.

Section 23. *For the 1998-1999 fiscal year only, the Administration Commission may approve exceptions to the state's personnel, payroll, and benefit rules, policies, and practices and may approve exemptions from:*

(1) Statutory provisions relating to state employment in chapter 110, Florida Statutes;

(2) Statutory provisions relating to state employees in parts I and II of chapter 112, Florida Statutes; and

(3) Salary rate and position control provisions in ss. 216.181, 216.251, and 216.262, Florida Statutes.

Such exceptions and exemptions may only be approved in order to take advantage of or to demonstrate the best practices inherent in purchased commercial off-the-shelf software for human resources, payroll, and benefits and shall be granted only after review and approval by those agencies whose statutory responsibilities or rule requirements are affected. The Administration Commission shall follow the notice, review, and exception procedures set forth in s. 216.177(2), Florida Statutes, and public employee collective bargaining agreements established pursuant to s. 447.309, Florida Statutes, prior to granting an exception or exemption. Exceptions and exemptions under this section are limited to only those organizations selected by the Florida Financial Management Information System Coordinating Council to serve as pilot sites in the proof-of-concept pilot project authorized in Specific Appropriation 1578 of the 1998-1999 General Appropriations Act. This section is repealed on July 1, 1999.

Section 24. In order to implement Specific Appropriation 1579 of the 1998-1999 General Appropriations Act, paragraph (i) is added to subsection (5) of section 110.123, Florida Statutes, to read:

110.123 State group insurance program.—

(5) DIVISION OF STATE GROUP INSURANCE; POWERS AND DUTIES.—The division is responsible for the administration of the state group insurance program. The division shall initiate and supervise the program as established by this section and shall adopt such rules as are necessary to perform its responsibilities. To implement this program, the division shall, with prior approval by the Legislature:

(i) Beginning November 1, 1998, and for the 1998-1999 fiscal year only, continue to process health insurance claims for the 1996 and 1997 calendar years, subject to the review and approval process provided in s. 216.177. This paragraph is repealed on July 1, 1999.

Final decisions concerning the existence of coverage or benefits under the state group health insurance plan shall not be delegated or deemed to have been delegated by the division.

Section 25. In order to implement Specific Appropriation 1579 of the 1998-1999 General Appropriations Act, section 110.1239, Florida Statutes, is created to read:

110.1239 State group health insurance program funding.—For the 1998-1999 fiscal year only, it is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each revenue estimating conference on health insurance as provided in s. 216.136(1), but not later than December 1 and April 1 of each fiscal year.

(2) The Governor, in the Governor's recommended budget, shall provide premium rates necessary for full funding of the state group health insurance program and the Legislature shall provide in the General Appropriations Act for a premium level necessary for full funding of the state group health insurance program.

(3) For purposes of funding, any additional appropriation amounts allocated to the state group health insurance program by the Legislature shall be considered as a state contribution and thus an increase in the state premiums.

(4) This section is repealed on July 1, 1999.

Section 26. In order to implement Specific Appropriation 1435 of the 1998-1999 General Appropriations Act, subsection (15) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(15) For fiscal year *1998-1999* ~~1997-1998~~ only, moneys credited to the fund may be appropriated to provide grants to qualified local governmental entities pursuant to the provisions of s. 375.075. This subsection is repealed on July 1, *1999* ~~1998~~.

Section 27. In order to implement Specific Appropriation 1318 of the 1998-1999 General Appropriations Act, subsection (17) is added to section 373.59, Florida Statutes, to read:

373.59 Water Management Lands Trust Fund.—

(17) Notwithstanding any provision of this section to the contrary and for the 1998-1999 fiscal year only, the governing board of a water management district may request, and the Secretary of Environmental Protection shall release upon such request, moneys allocated to the districts pursuant to subsection (8) for the purpose of carrying out the provisions of ss. 373.451-373.4595. No funds may be used pursuant to this subsection until necessary debt service obligations and requirements for payments in lieu of taxes that may be required pursuant to this section are provided for. This subsection is repealed on July 1, 1999.

Section 28. In order to implement Specific Appropriations 1323A, 1323C, 1338, and 1338B of the 1998-1999 General Appropriations Act, section 86 of chapter 93-213, Laws of Florida, is amended to read:

Section 86. The Department of Environmental Regulation is authorized 54 career service positions for administering the state NPDES program. Twenty-five career service positions are authorized for startup of the program beginning July 1, 1993, and the remaining 29 career service positions beginning January 1, 1994. The state NPDES program staffing shall start July 1, 1993, with completion targeted for 6 months following United States Environmental Protection Agency authorization to administer the National Pollutant Discharge Elimination System program. Implementation of positions is subject to review and final approval by the secretary of the Department of Environmental Regulation. The sum of $3.2 million is hereby appropriated from the Pollution Recovery Trust Fund to cover program startup costs. ~~Such funds are to be repaid from a fund the Legislature deems appropriate, no later than July 1, 2000.~~

Section 29. In order to implement Specific Appropriations 2005 through 2011 of the 1998-1999 General Appropriations Act, subsection (4) is added to section 287.161, Florida Statutes, to read:

287.161 Executive aircraft pool; assignment of aircraft; charge for transportation.—

(4) Notwithstanding the requirements of subsections (2) and (3) and for the 1998-1999 fiscal year only, the Department of Management Services shall charge all persons receiving transportation from the executive aircraft pool a rate not less than the mileage allowance fixed by the Legislature for the use of privately owned vehicles. Fees collected for persons traveling by aircraft in the executive aircraft pool shall be deposited into the Bureau of Aircraft Trust Fund and shall be expended for costs incurred to operate the aircraft management activities of the department. It is the intent of the Legislature that the executive aircraft pool be operated on a full cost recovery basis, less available funds. This subsection is repealed on July 1, 1999.

Section 30. In order to implement Specific Appropriations 2127 through 2187 of the 1998-1999 General Appropriations Act, paragraph (b) of subsection (5) of section 15.09, Florida Statutes, is amended to read:

15.09 Fees.—

(5)

(b) For the *1998-1999* ~~1997-1998~~ fiscal year only, funds from the Public Access Data Systems Trust Fund may be appropriated for the operations of the department. This paragraph is repealed on July 1, *1999* ~~1998~~.

Section 31. In order to implement Specific Appropriation 1531W of the 1998-1999 General Appropriations Act, paragraph (b) of subsection (1) of section 338.251, Florida Statutes, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging

the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties.

(1)

(b) For the *1998-1999* ~~1997-1998~~ fiscal year only, up to *$5.3 million* ~~$500,000~~ may be loaned by the department to the St. Lucie County Expressway Authority, *contingent upon approval of a traffic and revenue study,* for purposes described in paragraph (a). This paragraph is repealed on July 1, *1999* ~~1998~~.

Section 32. In order to implement Specific Appropriation 1571L of the 1998-1999 General Appropriations Act, subsection (9) is added to section 253.034, Florida Statutes, to read:

253.034 State-owned lands; uses.—

(9) Notwithstanding any provision of this section or s. 253.111 to the contrary, the Department of Transportation may sell, at fair market value, the following described state real property utilized by the Department of Highway Safety and Motor Vehicles:

From the NW Corner of Section 28 Township 22 South, Range 30 East, run North 89 degrees 21 minutes 24 seconds East 1900 feet; thence run South 0 degrees 38 minutes 36 seconds East 59.45 feet for a point of beginning, said point being on the Southerly right of way line of State Highway No. 50; thence South 0 degrees 38 minutes 36 seconds East 525.41 feet; thence North 66 degrees 42 minutes 09 seconds East 390 feet more or less to the waters edge of Lake Barton; thence run Northerly along the waters edge of Lake Barton to the North line of said Section 28; thence run South 89 degrees 21 minutes 24 seconds West along the North line of said Section 28, to a 4" concrete monument on the Southerly right of way line of State Road No. 50, being North 89 degrees 21 minutes 24 seconds East 2315.27 feet from the NW Corner of said Section 28; thence run Westerly 419.59 feet along the arc of a 0 degree 44 minutes 25 seconds curve concave to the Northwesterly, (having a central angle of 3 degrees 6 minutes 22 seconds, the long chord bearing South 81 degrees 08 minutes 37 seconds West 419.50 feet) to the point of beginning. All of the above described land being in the NE 1/4 of the NW 1/4 of said Section 28, Orange County, Florida.

Proceeds from the sale shall be deposited in the State Transportation Trust Fund. The Board of Trustees of the Internal Improvement Trust Fund shall execute and deliver a deed of conveyance for the purpose of carrying into effect a contract or agreement of sale. This subsection is repealed on July 1, 1999.

Section 33. In order to implement Specific Appropriation 1738B of the 1998-1999 General Appropriations Act, subsection (9) is added to section 14.2015, Florida Statutes, to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(9)(a) Subject to the cooperative recommendations of Enterprise Florida, Inc., and the Florida Commission on Tourism and also to the approval of the Governor, the Office of Tourism, Trade, and Economic Development is authorized to expend appropriated state and federal funds for general economic development grants. The office shall establish criteria for the award of grants, including criteria relating to highest economic return for the state as a whole, or a particular region, county, city, or community, ability to properly administer grant funds, and such other matters deemed necessary and appropriate to further the purposes of this subsection. The office shall expend all funds in accordance with state law and shall use such appropriations to supplement the financial support of:

1. Programs that have a substantial economic significance, giving emphasis to programs that benefit the state as a whole.

2. Programs with a high potential for match funding from nonstate sources.

3. Economic development programs for which no other state grants are available.

4. Rural areas and distressed urban areas.

(b) Grants shall be made by contract with any nonprofit corporation or local or state governmental entity. Of the total amount of funds available from all sources for grants, 70 percent of such funds shall be awarded on a 50-percent matching basis. Up to 30 percent of such funds available may be awarded on a nonmatching basis.

(c) In administering grants, contracts, and funds appropriated for economic development programs, the office may release moneys in advance on a quarterly basis. By the end of the contract period, the grantee or contractee shall furnish to the office a complete and accurate accounting of how all grant funds were expended. Postaudits to be conducted by an independent certified public accountant may be required in accordance with criteria adopted by the office.

(d) The office shall not award any new grant which will, in whole or in part, inure to the personal benefit of any board member of Enterprise Florida, Inc., or the Florida Commission on Tourism during that member's term of office, if the board member participated in the vote of the board or panel thereof recommending the award. However, this subsection does not prohibit the office from awarding a grant to an entity with which a board member is associated.

(e) This subsection is repealed on July 1, 1999.

Section 34. *In implementing Specific Appropriations 1767 through 1778 of the 1998-1999 General Appropriations Act, the Department of Highway Safety and Motor Vehicles may only execute a new contract or an extension of an existing contract for a motor vehicle emissions testing program after May 31, 1999. This section is repealed on July 1, 1999.*

Section 35. *In order to implement Specific Appropriation 52 of the 1998-1999 General Appropriations Act, the facility built to house the School of Business and Industry at the Florida Agricultural and Mechanical University is hereby named after Sybil C. Mobley and the School of Business and Industry at the Florida Agricultural and Mechanical University is hereby renamed the Sybil C. Mobley School of Business and Industry. This section is repealed on July 1, 1999.*

Section 36. *The funds provided in the 1998-1999 General Appropriations Act for workforce development shall be initially allocated to the school district or community college as designated. If, for any reason, a program in whole or in part is moved from a community college to a school district or moved from a school district to a community college, the Commissioner of Education or the executive director of the Division of Community Colleges shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to transfer the appropriate amount of the 1998-1999 appropriation between the affected district and community college. The amount transferred shall be as near as practicable to the actual amount appropriated for the FTE funded for that program. This section is repealed on July 1, 1999.*

Section 37. *A section of this act that implements a specific appropriation or specifically identified proviso language in the 1998-1999 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 1998-1999 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 38. *If any other act passed during the 1998 Regular Session of the Legislature or any extension thereof contains a provision which is substantively the same as a provision in this act, but which removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.*

Section 39. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 40. This act shall take effect July 1, 1998; or, in the event this act fails to become a law until after that date, it shall operate retroactively thereto.

And the title is amended as follows: remove from the title of the bill: everything before the enacting clause and insert in lieu there-

of: A bill to be entitled An act relating to implementing the 1998-1999 General Appropriations Act; providing legislative intent; amending s. 61.1812, F.S.; crediting to the Child Support Incentive Trust Fund certain distributions of the state share of Temporary Assistance to Needy Families (TANF); amending s. 216.292, F.S.; authorizing the Department of Children and Family Services and the Agency for Health Care Administration to transfer general revenue funds between them; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1998-1999 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; authorizing the Departments of Children and Family Services, Revenue, Labor and Employment Security, and Health and the Agency for Health Care Administration to transfer positions and funds to comply with the 1998-1999 General Appropriations Act or the WAGES Act; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services to use certain funds for fixed capital outlay expenditures to meet certain federal standards; requiring the Agency for Health Care Administration to take necessary actions to ensure that expenditures for Medicaid transportation do not exceed the amount budgeted and to take certain steps if that becomes impossible; amending s. 10, ch. 97-259, Laws of Florida, relating to the Legal Immigrant's Temporary Income Bridge Program; providing that unused program funds for the current fiscal year may be used for food stamps for legal immigrants who are in the naturalization and citizenship process or in the process of seeking an exemption thereto and who are children, recipients of Supplemental Security Income, or persons of a specified age; amending s. 409.908, F.S.; directing the Agency for Health Care Administration to implement changes in the Medicaid reimbursement methodology for facilities formerly known as ICF/DD facilities; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer some positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Department of Law Enforcement to participate in the model career service classification and compensation system, subject to certain conditions; authorizing the Department of Law Enforcement to use certain moneys to provide meritorious-performance bonuses for employees, subject to approval; authorizing the Correctional Privatization Commission and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening and operating a facility of the commission or the department; amending s. 287.064, F.S.; authorizing the Department of Law Enforcement to finance, through the Comptroller's consolidated major equipment financing program, the purchase of certain equipment, software, and services for the Florida Crime Information Center; amending s. 376.11, F.S.; appropriating certain funds from the Florida Coastal Protection Trust Fund for the purpose of funding beach renourishment and restoration and inlet management; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; providing for certain counties to use moneys received for aquatic weed control for recycling purposes; amending s. 403.7095, F.S.; revising the expiration date of the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; providing for allocation of funds for innovative programs to address recycling practices and procedures; authorizing the Administration Commission to approve exceptions to state personnel, payroll, and benefit rules, policies, and practices and exemptions from certain statutory provisions relating to state employees for a specified pilot project; amending s. 110.123, F.S.; authorizing the Division of State Group Insurance to continue to process certain health insurance claims; creating s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor-recreation grants; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 86, ch. 93-213, Laws of Florida; eliminating the requirement for repayment of certain funds used to cover startup costs for the state NPDES program; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; amending s. 338.251, F.S.; authorizing a loan, contingent on a specified study, from the Toll Facilities Revolving Trust Fund to the St. Lucie County Expressway Authority for purposes relating to revenue-producing road projects; amending s. 253.034, F.S.; authorizing the Department of Transportation to sell certain property utilized by the Department of Highway Safety and Motor Vehicles; amending s. 14.2015, F.S.; establishing an economic development grant program under the Office of Tourism, Trade, and Economic Development; providing criteria, requirements, and restrictions with respect thereto; providing that the Department of Highway Safety and Motor Vehicles may only execute a new contract or an extension of an existing contract for a motor vehicle emissions testing program after a specified date; naming a facility and renaming a school at the Florida Agricultural and Mechanical University; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; providing for future repeal of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

On motion by Senator Sullivan, the rules were waived and the Conference Committee Report on **HB 4205** was read the second time.

On motion by Senator Sullivan, the Conference Committee Report was adopted and **HB 4205** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—1

Ostalkiewicz

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1402, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1402—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license or Florida identification number be included in the uniform statewide voter registration application; amending s. 196.111, F.S.; providing for notice of termination of homestead exemption; creating s. 196.115, F.S.; providing for termination of homestead exemption and subsequent disqualification upon registration as an elector in another precinct; amending s. 196.121, F.S.; requiring homestead exemption forms to include notice of the requirements for factual determination of permanent residency by the property appraiser and notice of the requirements relating to voter registration and the potential loss of homestead exemption; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on

a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information of a witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.061, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing a time period for filing complaints with the commission; providing for civil penalties; amending s. 106.265, F.S.; requiring the Department of Revenue to collect civil fines levied by the Florida Elections Commission; providing an appropriation; providing effective dates.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (12) is added to section 97.012, Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(12) Maintain a voter fraud hotline and provide election-fraud education to the public.

Section 2. Subsection (11) is added to section 98.015, Florida Statutes, to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(11) Each supervisor of elections shall forward, to the property appraiser for the county in which the homestead is claimed, the name of the person and the address of the homestead of each person who registers to vote at an address other than that at which the person claims a homestead exemption, as disclosed on the uniform statewide voter registration application pursuant to s. 97.052.

Section 3. Subsection (1) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) "Absent elector" means any registered and qualified voter who*:* ~~is unable to attend the polls on election day.~~

(a) Is unable without another's assistance to attend the polls.

(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he or she is registered to vote.

(c) On account of the tenets of his or her religion, cannot attend the polls on the day of the general, special, or primary election.

(d) May not be in the precinct of his or her residence during the hours the polls are open for voting on the day of the election.

(e) Has changed his or her residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.

(f) Has changed his or her residency to another state and is ineligible under the laws of that state to vote in the general election; however, this pertains only to presidential ballots.

Section 4. Effective July 1, 1999, subsections (2) and (3) of section 97.052, Florida Statutes, are amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) Full name.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) County of legal residence.

(f) Address of property for which the applicant has been granted a homestead exemption, if any.

(g)~~(f)~~ Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not Hispanic.

4. White, not Hispanic.

5. Hispanic.

(h)~~(g)~~ Sex.

(i)~~(h)~~ Party affiliation.

(j)~~(i)~~ Whether the applicant needs assistance in voting.

(k)~~(j)~~ Name and address where last registered.

(l)~~(k)~~ *Last four digits of the applicant's* social security number ~~(optional)~~.

(m) Florida Driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n)~~(l)~~ Telephone number (optional).

(o)~~(m)~~ Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(p)~~(n)~~ Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

(q)~~(o)~~ Whether the applicant is a citizen of the United States.

(r)~~(p)~~ That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.

(s)~~(q)~~ That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form *must* ~~shall~~ be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

~~(d) A statement that the disclosure of a social security number is voluntary, a citation of the statutory authority under which the social security number is being solicited, a delineation of the uses that will be made of the social security number, and a notice that the social security number will be open to public inspection.~~

(d)~~(e)~~ A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e)~~(f)~~ A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.

Section 5. Effective July 1, 1999, subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.

2. The applicant's legal residence address.

3. The applicant's date of birth.

4. An indication that the applicant is a citizen of the United States.

5. The last four digits of the applicant's social security number.

6.~~5.~~ An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7.~~6.~~ An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8.~~7.~~ Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

Section 6. Effective July 1, 1999, section 97.056, Florida Statutes, is created to read:

97.056 Registration by mail; persons required to vote in person.—

(1) Any registered voter who has registered by mail and has not previously voted in the county in which he or she is registered must vote:

(a) In person at the precinct in which he or she is registered to vote; or

(b) In person at the office of the supervisor of elections, as provided in s. 101.657.

(2) The provisions of this section do not apply to a person who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or any other federal law, or an elector who is absent from the county and does not plan to return before the day of the election.

Section 7. Present subsections (2) and (3) of section 97.071, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section to read:

97.071 Registration identification card.—

(2)(a) Except as provided in paragraph (b), the supervisor of elections shall mail a registration identification card to the voter at the address listed as the legal residence on the voter's registration application. The card must be sent by nonforwardable, return-if-undeliverable mail. If the identification card is returned as undeliverable and the voter has indicated a different mailing address on the registration application, the supervisor must mail a notice to the mailing address, notifying the voter that his or her registration identification card was returned and that the voter may appear in person at the supervisor's office to pick up the identification card. The supervisor must surrender the identification card to the elector upon presentation of a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor has doubts as to the identity of the elector, the supervisor must require the elector to swear an oath substantially similar to the one prescribed in s. 101.49 prior to surrendering the identification card. The supervisor must keep the identification card on file for 45 days following return of the card as undeliverable.

(b) The supervisor shall mail the voter identification card by forwardable mail to voters who are covered by the Uniformed and Overseas Citizens Absentee Voting Act.

Section 8. Effective upon this act becoming a law, section 98.0975, Florida Statutes, is created to read:

98.0975 Central voter file; periodic list maintenance.—

(1) By August 15, 1998, the division shall provide to each county supervisor of elections a list containing the name, address, date of birth, race, gender, and any other available information identifying the voter of each person included in the central voter file as a registered voter in the supervisor's county who:

(a) Is deceased;

(b) Has been convicted of a felony and has not had his or her civil rights restored; or

(c) Has been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored.

(2) The division shall annually update the information required in subsection (1), and forward a like list to each supervisor by June 1 of each year.

(3)(a) In order to meet its obligations under this section, the division shall annually contract with a private entity to compare information in the central voter file with available information in other computer databases, including, without limitation, databases containing reliable criminal records and records of deceased persons.

(b) The entity contracted by the division is designated as an agent of the division for purposes of administering the contract, and must be limited to seeking only that information which is necessary for the division to meet its obligations under this section. Information obtained under this section may not be used for any purpose other than determining voter eligibility.

(4) Upon receiving the list from the division, the supervisor must remove from the registration books by the next subsequent election the name of any person who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting.

Section 9. Effective upon this act becoming a law, section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification ~~approved by the Department of State~~, which *must* ~~shall~~ include, but *is* not ~~be~~ limited to, *a* ~~the voter registration identification card and~~ Florida driver's license*, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State.* The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

Section 10. Effective upon this act becoming a law, section 98.471, Florida Statutes, is amended to read:

98.471 Use of precinct register at polls.—The precinct register, as prescribed in s. 98.461, may be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present *a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification* ~~one of the forms of identification which are on the list of forms~~ approved by the Department of State ~~pursuant to s. 98.461~~. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector. If the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49. The precinct register may also contain the information set forth in s. 101.47(8) and, if so, the inspector shall follow the procedure required in s. 101.47, except that the identification provided by the elector shall be used for the signature comparison.

Section 11. Effective upon becoming law, subsection (2) of section 100.041, Florida Statutes, is amended to read:

100.041 Officers chosen at general election.—

(2)*(a)* Each county commissioner from an odd-numbered district shall be elected at the general election in each year the number of which is a multiple of 4, for a 4-year term commencing on the second Tuesday following such election, and each county commissioner from an even-numbered district shall be elected at the general election in each even-numbered year the number of which is not a multiple of 4, for a 4-year term commencing on the second Tuesday following such election.

(b) Notwithstanding paragraph (a), the governing board of a charter county may provide by ordinance, to be approved by referendum, that the terms of its members shall commence on a date later than the second Tuesday following general elections, but in any case the date of commencement shall be uniform for all members and shall be no later than the first Tuesday after the first Monday in January following each member's election.

Section 12. Subsection (3) is added to section 101.5611, Florida Statutes, to read:

101.5611 Instructions to electors.—

(3) The supervisor of elections shall have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years."

Section 13. Effective upon this act becoming a law, subsections (1) and (4) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)*(a)* The supervisor may accept a request for an absentee ballot from an elector *in person or in writing.* ~~or for an elector from any person designated by such elector. Such request may be made in person, by mail, or by telephone.~~ One request shall be deemed sufficient to receive an absentee ballot for all elections which are held within a calendar year, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested;

2. The elector's address;

3. The last four digits of the elector's social security number;

4. The registration number on the elector's registration identification card;

5. The requester's name;

6. The requester's address;

7. The requester's social security number and, if available, driver's license number;

8. The requester's relationship to the elector; and

9. The requester's signature (written requests only).

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are

only two candidates, those offices and all political party executive committee offices shall be omitted. The advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(b) As soon as the remainder of the absentee ballots are printed, the supervisor shall *provide* ~~deliver or mail~~ an absentee ballot to each elector by whom a request for that ballot has been made *by one of the following means:*~~.~~

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor, unless the elector specifies in the request that:

a. The elector is absent from the county and does not plan to return before the day of the election;

b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

c. The elector is in a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility,

in which case the supervisor shall mail the ballot nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

2. By forwardable mail to voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Voting Act.

3. By personal delivery to the elector, upon presentation of the identification required in s. 101.657.

4. By delivery to a designee on election day or up to 4 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

Section 14. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, ... , am a qualified and registered voter of . . . . County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

1. I am unable without another's assistance to attend the polls.

2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.

3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.

4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.

5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.

6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

(Voter's Signature)

(Last four digits of voter's social security number)

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

(Signature of Applicant)

Sworn to (or affirmed) and subscribed before me this . . . . day of . . . . . , (year) , by (name of person making statement) . My commission expires this . . . . day of . . . . . , (year) .

(Signature of Official)

(Print, Type, or Stamp Name) *(State or Country of Commission)*

Personally Known . . . . . OR Produced Identification . . . . . .

Type of Identification Produced . . . . . .

OR

b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that I have not witnessed more than 5 ballots for this election.

WITNESS:

(Signature of Witness)

(Printed Name of Witness)

(Voter I.D. Number of Witness and County of Registration)

(Address)

(City/State)

~~Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.~~

~~VOTER'S CERTIFICATE~~

~~I,~~ (print name) ~~, do solemnly swear or affirm that I am a qualified elector in this election, that I am unable to attend the polls on election day, and that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.~~

(Voter's Signature)

~~Note: Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in Item 7. of the Instruction Sheet.~~

~~I swear or affirm that the elector signed this Voter's Certificate in my presence.~~

(Signature of Witness)

(Address) (City/State)

Section 15. Section 101.647, Florida Statutes, is created to read:

101.647 Return of absentee ballots.—

(1) Absentee ballots must be returned to the supervisor of elections by the elector, either in person or by mail, or by an absentee ballot coordinator as provided by s. 101.685.

(2) If the elector is unable to mail or personally deliver the ballot, the elector may designate in writing a person who may return the ballot for the elector; however, the person designated may not return more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be returned for members of the designee's immediate family. For purposes of this section, the term "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee must provide to the supervisor the written authorization by the elector and a picture identification of the designee.

Section 16. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.

2. Mark your ballot in secret as instructed on the ballot. *You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.*

3. Place your marked ballot in the enclosed secrecy envelope.

4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

6. VERY IMPORTANT. *In order for your absentee ballot to be counted, you must* sign your name on the line above ~~"~~(Voter's Signature), *and your ballot must be witnessed in either of the following manners:*~~."~~

a. One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing 5 ballots per election. A candidate may not serve as an attesting witness.

b. Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.

~~7. VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. No candidate may serve as an attesting witness.~~

7.~~8.~~ Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

8. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false of fraudulent.

Section 17. Section 101.657, Florida Statutes, is created to read:

101.657 Voting absentee ballots in person.—Notwithstanding s. 97.021(1), any qualified and registered elector who is unable to attend the polls on election day may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49.

Section 18. Effective upon this act becoming a law, section 101.66, Florida Statutes, is created to read:

101.66 Voting absentee ballots.—All electors must personally mark or designate their choices on the absentee ballot, except:

(1) Electors who require assistance to vote because of blindness, disability, or inability to read or write, who may have some person of the elector's choice, other than the elector's employer, an agent of the employer, or an officer or agent of the elector's union, mark the elector's choices or assist the elector in marking his or her choices on the ballot.

(2) As otherwise provided in s. 101.051 or s. 101.655.

Section 19. Section 101.665, Florida Statutes, is amended to read:

101.665 Administration of oaths; military personnel, federal employees, and other absentee registrants.—For the purposes of this code, oaths may be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, any civilian official empowered by state or federal law to administer oaths, *any supervisor of elections, deputy supervisor of elections, or employee of the supervisor of elections when designated by the supervisor of elections,* or any civilian employee designated by the head of any department or agency of the United States, except when this code requires an oath to be administered and attested by another official specifically named.

Section 20. Section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor may compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to determine whether the elector is duly registered in the county and may record on the elector's registration certificate that the elector has voted. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote.

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin upon the opening of the polls on election day. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be made until after the close of the polls on election day.

(b) To ensure that all absentee ballots to be counted by the canvassing board are accounted for, the canvassing board shall compare the number of ballots in its possession with the number of requests for ballots received to be counted according to the supervisor's file or list.

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. An absentee ballot shall be considered illegal if it does not include the signature *and the last four digits of the social security number* of the elector, as shown by the registration records, and *either:*

a. The subscription of a notary or officer defined in Item 6.b. of the instruction sheet, or

b. The signature, printed name, address, voter identification number, and county of registration of one attesting witness, who is a registered voter in the state. ~~the signature and address of an attesting witness.~~

However, an absentee ballot shall not be considered illegal if the signature of the elector or attesting witness does not cross the seal of the mailing envelope *or if the person witnessing the ballot is in violation of s. 104.047(3).* If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

2. If any elector or candidate present believes that an absentee ballot is illegal due to a defect apparent on the voter's certificate, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate may not be accepted after the ballot has been removed from the mailing envelope.

(d) The canvassing board shall record the ballot upon the proper record, unless the ballot has been previously recorded by the supervisor. The mailing envelopes shall be opened and the secrecy envelopes shall be mixed so as to make it impossible to determine which secrecy envelope came out of which signed mailing envelope; however, in any county in which an electronic or electromechanical voting system is used, the ballots may be sorted by ballot styles and the mailing envelopes may be opened and the secrecy envelopes mixed separately for each ballot style. The votes on absentee ballots shall be included in the total vote of the county.

(3) The supervisor or the chair of the county canvassing board shall, after the board convenes, have custody of the absentee ballots until a final proclamation is made as to the total vote received by each candidate.

(4) The supervisor of elections shall, on behalf of the county canvassing board, notify each elector whose ballot was rejected as illegal because of a difference between the elector's signature on the ballot and that on the elector's voter registration record. The supervisor shall mail a voter registration application to the elector to be completed indicating the elector's current signature. This section does not prohibit the supervisor from providing additional methods for updating an elector's signature.

Section 21. Section 101.685, Florida Statutes, is created to read:

101.685 Absentee ballot coordinators.—

(1) At least 28 days before a general or special election, each political party may designate in writing with the county supervisor of elections the names of persons to serve as absentee ballot coordinators. Each political party may designate a number of absentee ballot coordinators for each county equal to two times the number of Florida House of Representatives districts, all or part of which lie within the county.

(2) Notwithstanding any other provision of this chapter, an absentee ballot coordinator may:

(a) witness an unlimited number of absentee ballots;

(b) request absentee ballots on behalf of registered voters, either in writing or by telephone; and,

(c) return an unlimited number of voted absentee ballots to the supervisor of elections.

Section 22. Subsection (2) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(2) Each member of the election board shall be able to read and write the English language and shall be a registered qualified elector of the county in which the member is appointed *or a person who has preregistered to vote, pursuant to s. 97.041(1)(b), in the county in which the member is appointed*. No election board shall be composed solely of members of one political party; however, in any primary in which only one party has candidates appearing on the ballot, all clerks and inspectors may be of that party. Any person whose name appears as an opposed candidate for any office shall not be eligible to serve on an election board.

Section 23. Section 104.012, Florida Statutes, is amended to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation; alteration of registration application.—

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*. This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

(2) A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083 *, or s. 775.084*, and, upon any subsequent conviction, commits a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 24. Section 104.013, Florida Statutes, is amended to read:

104.013 Unauthorized use, possession, or destruction of voter registration identification card.—

(1) It is unlawful for any person knowingly to have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter registration identification card unless possession by such person has been duly authorized by the supervisor.

(2) It is unlawful for any person to barter, trade, sell, or give away a voter registration identification card unless said person has been duly authorized to issue a registration identification card.

(3) It is unlawful for any person willfully to destroy or deface the registration identification card of a duly registered voter.

(4) Any person who violates any of the provisions of this section commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 25. Section 104.045, Florida Statutes, is amended to read:

104.045 Vote selling.—Any person who:

(1) Corruptly offers to vote for or against, or to refrain from voting for or against, any candidate in any election in return for pecuniary or other benefit; or

(2) Accepts a pecuniary or other benefit in exchange for a promise to vote for or against, or to refrain from voting for or against, any candidate in any election,

is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 26. Section 104.047, Florida Statutes, is created to read:

104.047 Absentee voting.—

(1) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, except as provided in ss. 101.6105-101.694, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Except as provided in s. 101.62, s. 101.655, or s. 101.685, any person who requests an absentee ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person, other than a notary or other officer entitled to administer oaths or an absentee ballot coordinator as provided by s. 101.685, who witnesses more than 5 ballots in any single election, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.66, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person, other than an absentee ballot coordinator under s. 101.685, who returns more than 2 absentee ballots to the supervisors of elections in violation of s. 101.647 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 27. Subsection (4) of section 104.051, Florida Statutes, is amended to read:

104.051 Violations; neglect of duty; corrupt practices.—

(4) Any supervisor, deputy supervisor, or election employee who attempts to influence or interfere with any elector voting a ballot *commits* ~~is guilty of~~ a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 28. Section 104.0515, Florida Statutes, is amended to read:

104.0515 Voting rights; deprivation of, or interference with, prohibited; penalty.—

(1) All citizens of this state who are otherwise qualified by law to vote at any election by the people in this state or in any district, county, city, town, municipality, school district, or other subdivision of this state shall be entitled and allowed to vote at all such elections without distinction according to race, color, or previous condition of servitude, notwithstanding any law, ordinance, regulation, custom, or usage to the contrary.

(2) No person acting under color of law shall:

(a) In determining whether any individual is qualified under law to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under law to other individuals within the same political subdivision who have been found to be qualified to vote; or

(b) Deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under law to vote in such election. This paragraph shall apply to absentee ballots only if there is a pattern or history of discrimination on the basis of race, color, or previous condition of servitude in regard to absentee ballots.

(3) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or not to vote as that person may choose, or for the purpose of causing such other person to vote for, or not vote for, any candidate for any office at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(4) No voting qualification or prerequisite to voting, and no standard, practice, or procedure, shall be imposed or applied by any political subdivision of this state to deny or abridge the right of any citizen to vote on account of race or color.

(5) Any person who violates the provisions of this section is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 29. Subsection (1) of section 104.061, Florida Statutes, is amended to read:

104.061 Corruptly influencing voting.—

(1) Whoever by bribery, menace, threat, or other corruption whatsoever, either directly or indirectly, attempts to influence, deceive, or deter any elector in voting or interferes with him or her in the free exercise of the elector's right to vote at any election *commits* ~~is guilty of~~ a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084* for the first conviction, and a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any subsequent conviction.

Section 30. Section 104.081, Florida Statutes, is amended to read:

104.081 Threats of employers to control votes of employees.—It *is* ~~shall be~~ unlawful for any person having one or more persons in his or her service as employees to discharge or threaten to discharge any employee in his or her service for voting or not voting in any election, state, county, or municipal, for any candidate or measure submitted to a vote of the people. Any person who violates the provisions of this section is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 31. Section 104.24, Florida Statutes, is amended to read:

104.24 Penalty for assuming name.—*A person may not* ~~No registered elector shall~~, in connection with any part of the election process, fraudulently call himself or herself, or fraudulently pass by, any other name than the name by which the *person* ~~elector~~ is registered or fraudulently use the name of another in voting. Any person who violates this section is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 32. Section 104.42, Florida Statutes, is amended to read:

104.42 Fraudulent registration and illegal voting; investigation.—

(1) The supervisor of elections is authorized to investigate fraudulent registrations and illegal voting and to report his or her findings to the local state attorney and the Florida Elections Commission.

(2) The board of county commissioners in any county may appropriate funds *to the supervisor of elections* for the purpose of investigating fraudulent registrations and illegal voting.

Section 33. Subsection (2) of section 117.05, Florida Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(2)*(a)* The fee of a notary public may not exceed $10 for any one notarial act, except as provided in s. 117.04.

(b) A notary public may not charge a fee for witnessing an absentee ballot in an election, and must witness such a ballot upon the request of an elector, provided the notarial act is in accordance with the provisions of this chapter.

Section 34. Section 106.25, Florida Statutes, is amended to read:

106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.—

(1) Jurisdiction to investigate and determine violations of this chapter *and chapter 104* is vested in the Florida Elections Commission; however, nothing in this section limits the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) The commission shall investigate all violations of this chapter *and chapter 104,* but only after having received either a sworn complaint or information reported to it by the Division of Elections. Any person, other than the division, having information of any violation of this chapter *or chapter 104* shall file a sworn complaint with the commission. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator. *All sworn complaints alleging violations of the Florida Elections Code over which the commission has jurisdiction shall be filed with the commission within 2 years of the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission.*

(3) For the purposes of commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter *or chapter 104* or the willful failure to perform an act required by this chapter *or chapter 104.*

(4) The commission shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred. Upon completion of the preliminary investigation, the commission shall, by written report, find probable cause or no probable cause to believe that this chapter or *chapter 104* ~~s. 104.271~~ has been violated.

(a) If no probable cause is found, the commission shall dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator.

(b) If probable cause is found, the commission shall so notify the complainant and the alleged violator in writing. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

In a case where probable cause is found, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred.

(5) When there are disputed issues of material fact in a proceeding conducted under ss. 120.569 and 120.57, a person alleged by the Elections Commission to have committed a violation of *this chapter or chapter 104* ~~the Florida Election Code~~ may elect, within 30 days after the date of the filing of the commission's allegations, to have a hearing conducted by an administrative law judge in the Division of Administrative Hearings.

(6) It is the duty of a state attorney receiving a complaint referred by the commission to investigate the complaint promptly and thoroughly; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of such investigation, the action taken, and the disposition thereof. The failure or refusal of a state attorney to prosecute or to initiate action upon a complaint or a referral by the commission shall not bar further action by the commission under this chapter.

(7) Every sworn complaint filed pursuant to this chapter with the commission, every investigation and investigative report or other paper of the commission with respect to a violation of this chapter *or chapter 104,* and every proceeding of the commission with respect to a violation of this chapter *or chapter 104* is confidential, is exempt from the provisions of ss. 119.07(1) and 286.011, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation, except under the following circumstances:

(a) As provided in subsection (6);

(b) Upon a determination of probable cause or no probable cause by the commission; or

(c) For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter *or chapter 104,* the commission may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 35. Subsection (11) of section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(11) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter *or chapter 104* has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

Section 36. Subsections (1) and (2) of section 106.265, Florida Statutes, are amended to read:

106.265 Civil penalties.—

(1) The commission is authorized upon the finding of a violation of this chapter *or chapter 104* to impose civil penalties in the form of fines not to exceed $1,000 per count. In determining the amount of such civil penalties, the commission shall consider, among other mitigating and aggravating circumstances:

(a) The gravity of the act or omission;

(b) Any previous history of similar acts or omissions;

(c) The appropriateness of such penalty to the financial resources of the person, political committee, committee of continuous existence, or political party; and

(d) Whether the person, political committee, committee of continuous existence, or political party has shown good faith in attempting to comply with the provisions of this chapter *or chapter 104.*

(2) If any person, political committee, committee of continuous existence, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the *Department of Revenue* ~~State Comptroller~~ shall be responsible for collecting the civil penalties resulting from such action.

Section 37. Subsections (1) and (3) of section 106.27, Florida Statutes, are amended to read:

106.27 Determinations by commission; legal disposition.—

(1) Criminal proceedings for violations of this chapter *or chapter 104* may be brought in the appropriate court of competent jurisdiction. Any such action brought under this chapter *or chapter 104* shall be advanced on the docket of the court in which filed and put ahead of all other actions.

(3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter *or chapter 104.* Such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which is located the officer before whom the candidate qualified for office.

Section 38. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.—

(1) The property appraiser shall examine each claim for exemption filed with or referred to him or her and shall allow the same, if found to be in accordance with law, by marking the same approved and by making the proper deductions on the tax books.

(2) The property appraiser shall examine each referral, of a person registering to vote at an address different from the one where the person has filed for a homestead exemption, which has been provided by a supervisor of elections pursuant to s. 98.015. The property appraiser shall initiate procedures to terminate a person's homestead exemption and assess back taxes, if appropriate, if the person claiming such exemption is not entitled to the exemption under law.

Section 39. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1998.

And the title is amended as follows:

On page , remove entire the title of the bill: and insert in lieu thereof: An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 98.015, F.S.; requiring supervisors of elections to notify property appraisers of voters who are registered at an address other than the voters homestead address; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.052, F.S.; modifying uniform statewide voter registration application; amending s. 97.053, F.S.; amending the standards for accepting the uniform statewide voter registration application; creating s. 97.056, F.S.; providing that persons who register to vote by mail must vote in person at first elector after registration; providing exceptions; amending s. 97.071, F.S.; providing that voter registration cards be mailed to voter registration address; providing exceptions; amending s. 98.0975, F.S.; providing periodic list maintenance to the central voter file; amending s. 98.461, F.S.; providing forms of picture identification included on precinct register; amending s. 98.471, F.S.; requiring photo identification to vote at the polls; providing an exception; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.5611, F.S.; requiring a notice of penalties for voting fraud be posted at each polling place; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the voter's certificate; providing reasons for voting absentee; requiring additional information from th voter and the witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising instructions to absentee electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absentee voters to personally mark their ballot; providing exceptions; amending s. 101.665, F.S.; providing that supervisors of elections and other specified persons may administer oaths; amending s. 101.68, F.S.; relating to canvassing of absentee ballots; revising the requirements for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots are rejected; creating s. 101.685, F.S.; providing for designation of absentee ballot coordinators to witness absentee ballots; amending s. 102.012, F.S.; provides that persons who ar preregistered to vote may serve on election boards; amending s. 104.012, F.S.; increasing the penalty for paying someone to register, interfering with registration, paying someone to solicit registrations on a contingent fee basis, or altering a voter registration; amending s. 104.013, F.S.; increasing the penality to unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.045, F.S.; increasing the penalty for vote selling; creating s. 104.47, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.051, F.S.; increasing the penalty for an election official interfering with voting; amending s. 104.0515, F.S.; increasing the penalty for deprivation of voting rights; amending s. 104.061; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for using a false name in connection with voting; amending s. 104.42, F.S.; authorizing supervisors of elections to investigate fraud in registration and voting; amending s. 117.054, F.S.; providing that a notary may not charge a fee for witnessing an absentee ballot and may not refuse to witness an absentee ballot; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing a time period for filing complaints with the commission; providing for civil penalties; amending s. 196.141, F.S.; requiring property appraiser examine the homestead exemption of persons referred by the supervisor of elections to determine lawfulness and to initiate procedures to terminate the exemption and assess back taxes if appropriate; providing an effective date.

On motion by Senator Latvala, the Senate refused to concur in the House amendment and the House was requested to recede and in the event the House refused to recede a conference committee was requested.

CONFEREES ON CS FOR SB 1402 APPOINTED

The President appointed Senators Latvala, Silver and Lee; and alternate, Senator Meadows as conferees on **CS for SB 1402**.

The action of the Senate was certified to the House.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 1070—A bill to be entitled An act relating to medical malpractice insurance; amending s. 766.301, F.S.; clarifying legislative intent; amending s. 766.304, F.S.; providing exclusive jurisdiction of administrative law judges in claims filed under ss. 766.301-766.316, F.S.; providing a limitation on bringing a civil action under certain circumstances; amending s. 766.315, F.S.; authorizing the association to invest plan funds only in investments and securities described in s. 215.47, F.S.; amending s. 766.316, F.S.; providing hospitals and physicians with alternative means of providing notices to obstetrical patients relating to the no-fault alternative for birth-related neurological injuries; prescribing conditions; providing for applicability of amendments; requiring the Auditor General to conduct a study of the effects of expanding eligibility for compensation under the plan; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Sullivan, **CS for SB 1070** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Consideration of **CS for CS for SB 2524** was deferred.

CS for SB 2310—A bill to be entitled An act relating to trust funds; creating the Work and Gain Economic Self-sufficiency (WAGES) Trust

Fund for the deposit of federal funds that support the WAGES Program; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Myers, **CS for SB 2310** as amended was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Consideration of **HB 3239** and **SB 1724** was deferred.

CS for SB 1176—A bill to be entitled An act relating to rulemaking authority of the Department of Environmental Protection with respect to phosphogypsum management; requiring the Department of Environmental Protection to adopt rules to ensure that phosphogypsum stack systems are operated to meet critical safety standards by July 1, 1999; amending s. 403.1651, F.S.; authorizing the Department of Environmental Protection to enter into settlements in which moneys are to be deposited into a local pollution-recovery fund and used for specified purposes; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Lee, **CS for SB 1176** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1678—A bill to be entitled An act relating to driver improvement schools; amending s. 318.1451, F.S.; providing additional standards for such schools; providing duties of the Department of Highway Safety and Motor Vehicles; deleting an obsolete requirement; providing for rulemaking; providing an effective date.

—was read the third time by title.

On motions by Senator Hargrett, **CS for SB 1678** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers
Clary	Grant	Klein	Ostalkiewicz
Cowin	Gutman	Kurth	Rossin
Crist	Hargrett	Latvala	Scott
Diaz-Balart	Harris	Laurent	Silver
Dudley	Holzendorf	Lee	Sullivan
Dyer	Horne	McKay	Thomas
Forman	Jones	Meadows	Turner
Geller	Kirkpatrick	Myers	Williams

Nays—None

HB 4501—A bill to be entitled An act relating to conversion of credit unions; prohibiting the Department of Banking and Finance from approving the conversion of federally-chartered credit unions to state-chartered credit unions except under certain circumstances; providing criteria; providing an effective date.

—was read the third time by title.

On motions by Senator Laurent, **HB 4501** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for CS for HB 3421—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term "water control district" and revising the definition of the term "water control plan"; amending s. 298.11, F.S.; providing for landowner vote for fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer's annual report; amending s. 298.301, F.S.; providing authority for modification of district boundaries; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross reference; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; repealing s. 298.337, F.S., relating to levies of assessments on land less than 1 acre; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for CS for HB 3421** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Bankhead	Clary	Geller	Kirkpatrick
Bronson	Cowin	Grant	Klein
Brown-Waite	Crist	Gutman	Kurth
Burt	Diaz-Balart	Harris	Latvala
Campbell	Dudley	Holzendorf	Laurent
Casas	Dyer	Horne	Lee
Childers	Forman	Jones	McKay

Meadows	Rossin	Sullivan	Turner
Myers	Scott	Thomas	Williams
Ostalkiewicz	Silver		

Nays—None

SB 1462—A bill to be entitled An act relating to retirement funds; amending and revising the provisions of ss. 175.071, 185.06, F.S.; revising investment provisions to permit municipalities greater investment latitude to make foreign investments; providing for general powers and duties of the board of trustees; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **SB 1462** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

HB 627—A bill to be entitled An act relating to community redevelopment and neighborhood improvement; amending s. 163.340, F.S.; including the reduction or prevention of crime within community redevelopment activities under the Community Redevelopment Act of 1969 and defining "community policing innovation"; amending ss. 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, 163.380 and 163.387, F.S.; including the development and implementation of community policing innovations in provisions relating to the encouragement of private enterprise participation in redevelopment, elements of the workable program, exercise of powers under the act, and elements of the community redevelopment plan; authorizing the county or municipality to appropriate funds for community policing innovations; authorizing use of moneys in the redevelopment trust fund for community policing innovations; providing an additional requirement for acquisition of land for nonresidential uses; subject to specified conditions, authorizing a county, municipality, or community redevelopment agency to acquire and dispose of certain properties immediately adjacent to existing projects without complying with specified disposition procedures; amending ss. 163.502, 163.503, 163.506, 163.511, 163.512, 163.513, 163.514, 163.516, 163.519, and 163.521, F.S.; including crime prevention through development and implementation of community policing innovations in powers of neighborhood improvement districts under the Safe Neighborhoods Act; authorizing use of special assessments for community policing innovations; including community policing innovations within safe neighborhood improvement plans; providing duties of the Department of Legal Affairs with respect to community policing innovations; including capital improvements related to community policing innovations in provisions which authorize certain local governments to request state funding for certain capital improvements; creating s. 943.1729, F.S.; authorizing the Criminal Justice Standards and Training Commission to incorporate community policing concepts into law enforcement officers' certification curriculum and establish a community policing continued-employment training component for such officers; providing an effective date.

—was read the third time by title.

On motions by Senator Dyer, **HB 627** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers
Clary	Grant	Latvala	Scott
Cowin	Gutman	Laurent	Silver
Crist	Harris	Lee	Sullivan
Diaz-Balart	Holzendorf	McKay	Thomas
Dudley	Horne	Meadows	Turner
Dyer	Jones	Myers	Williams
Forman	Kirkpatrick	Ostalkiewicz	
Geller	Kurth	Rossin	

Nays—None

CS for HB 489—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.461, F.S.; specifying the types of additional use factors that the property appraiser may consider in assessing agricultural land; providing that the property appraiser, when utilizing the income methodology approach, shall rely on 5-year moving average data for assessment; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **CS for HB 489** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Consideration of **HB 3125** was deferred.

CS for SB 592—A bill to be entitled An act relating to water management; creating the Lake Panasoffkee Restoration Council; providing for its membership, powers, and duties; requiring the Southwest Florida Water Management District to provide staff for the council and to award contracts subject to an appropriation of funds; providing an appropriation; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 592** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

CS for SB 1584—A bill to be entitled An act relating to health maintenance organizations; creating s. 641.3155, F.S.; prescribing time for paying claims for services or goods by a provider; providing procedures

for denying or contesting a claim; providing time limitations; providing notice; providing method for making payments, denying or contesting a claim, and providing notice; providing interest on overdue payment of claim; providing for a waiver of a health maintenance organization's rights under a provider contract and consequences for failure of an organization to comply with the provisions of the act; providing an effective date.

—was read the third time by title.

On motions by Senator Campbell, **CS for SB 1584** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for CS for HB 1793—A bill to be entitled An act relating to nonprofit private schools; amending s. 159.27, F.S.; redefining the term "educational facility" to include property used for the operation of certain nonprofit private schools; providing requirements relating to financing; amending s. 623.13, F.S.; authorizing financing under the Florida Industrial Development Financing Act; providing an effective date.

—was read the third time by title.

On motions by Senator Scott, **CS for CS for HB 1793** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 1893—A bill to be entitled An act relating to designation of state buildings; designating a state veterans' nursing home in Land O' Lakes, Pasco County, as the "Baldomero Lopez State Veterans' Nursing Home"; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **HB 1893** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Childers	Dyer	Harris
Bankhead	Clary	Forman	Holzendorf
Bronson	Cowin	Geller	Horne
Burt	Crist	Grant	Jones
Campbell	Diaz-Balart	Gutman	Kirkpatrick
Casas	Dudley	Hargrett	Klein
Kurth	McKay	Rossin	Turner
Latvala	Meadows	Scott	Williams
Laurent	Myers	Silver	
Lee	Ostalkiewicz	Thomas	

Nays—None

CS for HB 1887—A bill to be entitled An act relating to confidentiality of records and meetings of the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; providing exemptions from public records requirements for underwriting files, open claim files, audit records for a specified time, matters reasonably encompassed in privileged attorney-client communications, licensed proprietary information made confidential by contract, certain employee medical records and employee assistance programs records, certain negotiation information for a specified time, minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding claims files for a specified time; providing requirements regarding sharing of confidential records; providing an exemption from public meetings requirements for meetings during which underwriting files or open claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motions by Senator Williams, **CS for HB 1887** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

MOTIONS

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of motions and announcements.

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, April 22.

REPORTS OF COMMITTEES

The Committee on Health Care recommends the following pass: SB 286 with 1 amendment

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1946 with 2 amendments

The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 1884 with 1 amendment

The bill was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1106 with 1 amendment

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 456 with 1 amendment, SB 2072 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Education recommends the following pass: SB 862, SB 2680

The Committee on Executive Business, Ethics and Elections recommends the following pass: SJR 1464, SB 1862 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB's 2562 and 1836 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Governmental Reform and Oversight recommends the following pass: SB 952

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for HB 1373, SB 1392, CS for SB 2172

The Committee on Community Affairs recommends the following pass: CS for SB 1486, CS for SB 1572, CS for SB 2132

The Committee on Criminal Justice recommends the following pass: SB 1582 with 2 amendments, SB 1784, CS for SB 2150

The Committee on Education recommends the following pass: SB 1126

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1220

The Committee on Health Care recommends the following pass: CS for SB 792 with 2 amendments

The Committee on Judiciary recommends the following pass: CS for SB 1814

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1416 with 1 amendment

The Committee on Community Affairs recommends the following pass: CS for SB's 312 and 2298 with 3 amendments, CS for SB 636, SB 1776, SB 2268

The Committee on Criminal Justice recommends the following pass: SB 804

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 362 with 1 amendment, SB 960 with 1 amendment, SB 1428, SB 1792, SB 1904 with 2 amendments, SB 2538, SB 2686

The Committee on Governmental Reform and Oversight recommends the following pass: HB 3689, CS for SB 1922

The Committee on Health Care recommends the following pass: CS for SB 2146

The Committee on Transportation recommends the following pass: HB 4199 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Commerce and Economic Opportunities recommends the following not pass: SJR 202

The Committee on Community Affairs recommends the following not pass: SB 578

The Committee on Criminal Justice recommends the following not pass: HB 3929

The Committee on Education recommends the following not pass: SJR 1592

The bills contained in the foregoing reports were laid on the table.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1990

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1756

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1640

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2080

The Committee on Community Affairs recommends a committee substitute for the following: SB 2542

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 632

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1774, SB 1930

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: CS for SB 938, CS for SB 2188

The Committee on Health Care recommends a committee substitute for the following: SB 1986

The Committee on Rules and Calendar recommends a committee substitute for the following: CS for SB 2352

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 814

The Committee on Rules and Calendar recommends committee substitutes for the following: CS for SB 824, Senate Bills 1192, 628 and 1412

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 208, CS for SB 352, CS for SB 388, CS for SB's 1358 and 160

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Ways and Means; Health Care; and Senators Brown-Waite, Latvala, Bronson, McKay and Grant—

CS for CS for SB 208—A bill to be entitled An act relating to nursing home facilities; amending s. 400.121, F.S.; providing for an expedited administrative hearing upon the request of a licensee following an action by the Agency for Health Care Administration to suspend, deny, or revoke a facility's license; creating s. 400.215, F.S.; requiring certain nursing home facilities to investigate the background of their employees and of certain applicants for employment; providing for rescreening; specifying the period for which screenings are to remain valid, subject to certain conditions; authorizing nursing home facility administrators to acknowledge the receipt of background screening reports; requiring employees and applicants to pay the costs associated with background screening investigations; requiring the Department of Health and the Agency for Health Care Administration to determine certain exemptions from disqualification from employment; authorizing rulemaking; amending s. 415.107, F.S.; providing that the Department of Children and Family Services may impose a charge in an amount up to the actual cost for screening a volunteer; providing for applicability; providing an effective date.

By the Committees on Ways and Means; Children, Families and Seniors; and Senators Brown-Waite, Hargrett, Cowin, Latvala and Crist—

CS for CS for SB 352—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize," "related services," and "eligible lead community-based provider"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; providing plan requirements; requiring the department to state whether and why privatization cannot be accomplished in a particular district or portion of a district and how the department will address the obstacles to privatization; providing for legal services; requiring that child welfare legal services be provided by specified providers; providing for case management responsibilities; providing for quality assurance; providing requirements for and restrictions upon funding for privatization; creating s. 415.5071, F.S.; providing for a model program for child protective investigative services, to be initiated in a specified district; requiring the department to contract with the sheriffs in that district; providing responsibilities of the department; requiring a report; providing for funding; providing for the creation of a specified committee which shall submit a required report; providing an effective date.

By the Committees on Ways and Means; Education; and Senator Holzendorf—

CS for CS for SB 388—A bill to be entitled An act relating to education; establishing a study commission to determine the feasibility of creating a residential mathematics and sciences academy; providing for the commission's membership and duties; requiring a report; providing an appropriation; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Ostalkiewicz—

CS for SB 632—A bill to be entitled An act relating to rules enforcement by state agencies; prohibiting state agencies from imposing certain penalties for rules violations under certain circumstances; providing defenses against certain enforcement actions; prohibiting certain agencies from enforcing certain rules; providing exceptions and applicability; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Dyer, Latvala, Williams, Brown-Waite, Diaz-Balart and Forman—

CS for SB 814—A bill to be entitled An act relating to public records; creating s. 252.943, F.S.; providing an exemption from public records provisions for information provided by a stationary source subject to the Accidental Release Prevention Program under the federal Clean Air Act; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

By the Committees on Rules and Calendar; Governmental Reform and Oversight; and Senator Williams—

CS for CS for SB 824—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; defining the terms "disincentive," "incentive," "performance-based program appropriation," and "performance ledger" for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies in submitting performance-based budget requests, programs, and performance measures; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring that additional information be included in program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.167, F.S.; requiring that the Governor's recommendations include a financial schedule that provides information on revenues in the Budget Stabilization Fund; amending s. 216.178, F.S.; providing a date for the final budget report; amending s. 216.292, F.S.; providing an exception to nontransferable appropriations; amending 186.022, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; amending s. 215.32, F.S.; including the Budget Stabilization Fund in the list of funds in which state moneys are deposited; amending s. 216.221, F.S.; providing legislative intent for use of the Budget Stabilization Fund; amending s. 20.055, F.S.; requiring inspectors general to review and assess the validity of performance measures prior to submission to the Executive Office of the Governor; amending s. 252.37, F.S.; providing legislative intent regarding the order of recourse in use of state funds for emergencies; repealing s. 186.021(5), F.S., relating to state agency strategic plans; repealing s. 212.081(3), F.S., relating to legislative intent; providing an effective date.

By the Committees on Governmental Reform and Oversight; Transportation; and Senator Harris—

CS for CS for SB 938—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; providing for voluntary contributions on motor vehicle registration applications; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; creating s. 322.081, F.S.; revising provisions with respect to requirements for requests to establish voluntary contributions on driver's license applications; providing criteria for the discontinuance of the issuance of an approved voluntary

contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; providing an effective date.

By the Committee on Rules and Calendar; and Senators Clary, Williams, Dyer, Ostalkiewicz and Horne—

CS for SB's 1192, 628 and 1412—A bill to be entitled An act relating to third-party liability; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing a savings clause for certain actions; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Grant, Kirkpatrick, Holzendorf, Horne, Clary, Cowin, Diaz-Balart, Latvala, Dyer, Silver, Casas, Klein, Kurth, Turner, Williams, Sullivan, Rossin, Crist, Harris, Forman, Thomas, Meadows, Lee, Burt, Bronson, McKay and Dudley—

CS for CS for SB's 1358 and 160—A bill to be entitled An act relating to postsecondary education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 228.055, F.S.; providing for a regional autism center; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross-reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements for state universities and community colleges; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.281, F.S.; revising the authority for an institution to deposit certain funds outside the State Treasury; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; amending s. 240.2803, F.S., clarifying the definition of auxiliary enterprises; amending s. 3, ch. 75-381, Laws of Florida; providing authority to the State Board of Administration to invest certain funds; providing an effective date.

By the Committee on Banking and Insurance; and Senator Kurth—

CS for SB 1640—A bill to be entitled An act relating to insurance fraud; amending s. 626.989, F.S.; applying the requirements of this section to health maintenance organizations, which requirements relate to insurance fraud and the Division of Insurance Fraud of the Department of Insurance; specifying designated employees who are immune from civil liability for certain actions; amending s. 626.9891, F.S.; requiring insurers to provide for investigation of fraudulent claims; requiring insurers to adopt an anti-fraud plan; providing criteria and procedures; requiring insurers to file an anti-fraud report with the department; specifying contents; authorizing the department to adopt rules; creating s. 626.9892, F.S.; establishing the Anti-Fraud Reward Program in the department; providing for awarding rewards under certain circumstances; exempting certain department actions from Florida Administrative Code requirements; creating s. 641.3915, F.S.; requiring certain health maintenance organizations to provide for investigation of fraudulent claims; requiring health maintenance organizations to adopt an anti-fraud plan; providing criteria and procedures; requiring health maintenance organizations to file an anti-fraud report with the department; specifying contents; authorizing the department to adopt rules; amending s. 817.234, F.S.; specifying a schedule of criminal penalties for committing insurance fraud or insurance solicitation; providing definitions; providing a period of limitations for undertaking certain proceedings; applying the provisions of the section to health maintenance organizations; providing an appropriation; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Meadows—

CS for SB 1756—A bill to be entitled An act relating to governmental controversies; amending s. 164.101, F.S.; renaming the "Florida Governmental Cooperation Act" as the "Florida Governmental Conflict Resolution Act"; amending s. 164.102, F.S.; providing purpose and intent; creating s. 164.1031, F.S.; providing definitions; creating s. 164.1041, F.S.; requiring local and regional governmental entities to exhaust the procedural options of the act before court proceedings in circuit or county court, except in specified circumstances; providing for review by the court of the justification for failure to comply with the act; creating s. 164.1051, F.S.; specifying the governmental conflicts to which the act applies; creating s. 164.1052, F.S.; providing procedures and requirements for initiation of conflict resolution procedures and determination of participants; creating s. 164.1053, F.S.; providing for a conflict assessment meeting and providing requirements with respect thereto; creating s. 164.1055, F.S.; providing for a joint public meeting between conflicting entities; providing for mediation when no agreement is reached; creating s. 164.1056, F.S.; providing for final resolution of a conflict when there is a failure to resolve the conflict under the act; creating s. 164.1057, F.S.; specifying the manner of execution of the resolution of a conflict; renumbering and amending s. 164.104, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; creating s. 164.1061, F.S.; providing for extension of the time requirements of the act; repealing ss. 164.103 and 164.106, F.S., which provide procedures and requirements for resolution of governmental disputes; providing effect on existing contracts and agreements; providing an effective date.

By the Committee on Banking and Insurance; and Senator Holzendorf—

CS for SB 1774—A bill to be entitled An act relating to insurance; amending s. 627.624, F.S.; revising loss-of-time benefit requirements; providing definitions of the terms "earned income" and "overinsurance provisions"; requiring disclosure for overinsurance provision; authorizing the Department of Insurance to adopt rules; providing an effective date.

By the Committee on Banking and Insurance; and Senator Gutman—

CS for SB 1930—A bill to be entitled An act relating to property, casualty, and surety insurance; amending s. 626.2815, F.S.; revising continuing education requirements for insurance agents; amending s. 627.062, F.S.; providing standards for determining whether rates are excessive, inadequate, or unfairly discriminatory; amending s. 627.171, F.S.; increasing the percentage of excess rates an insurer may use for commercial insurance policies; setting standards for the use of excess rates; providing an effective date.

By the Committee on Health Care and Senator Forman—

CS for SB 1986—A bill to be entitled An act relating to certified nursing assistants; creating part XV of chapter 468, F.S.; providing a short title; providing definitions; providing duties and powers of the Department of Health in regulating the practice of certified nursing assistants; providing requirements for a state registry of certified nursing assistants; providing requirements for obtaining certification as a certified nursing assistant; authorizing the department to deny, suspend, or revoke a person's certification upon certain findings or reports of abuse, neglect, or exploitation; authorizing the department to exempt an applicant or certificateholder from disqualification of certification; specifying certain acts that constitute grounds for disciplinary sanctions; providing penalties; requiring that the department maintain a registry of certified nursing assistants; providing requirements for records and meetings held for disciplinary actions; providing for renewal of certification; exempting an employer from liability for terminating a certified nursing assistant under certain circumstances; authorizing the department to contract for examination services; providing penalties; providing rulemaking authority; amending s. 400.211, F.S.; deleting obsolete provisions with respect to the regulation of certified nursing assistants by the Department of Business and Professional Regulation; providing for certain federal requirements to apply to specified nursing home facilities under certain circumstances; amending ss. 20.43, 400.4255, 400.462, 400.506, 455.667, F.S., relating to the Department of Health, the use of licensed personnel in assisted living facilities, the regulation of home health agencies, nurse registries, and the ownership and control of patient records; conforming cross-references to changes made by the act; providing for the continued validity of certifications issued before the effective date of the act; authorizing certain positions for the Florida Department of Law Enforcement in excess of those otherwise authorized; providing funding; amending s. 455.624, F.S.; specifying health care professionals for whom failure to wear certain identification while offering services to the public is grounds for disciplinary action; authorizing the Department of Health to have access to a background screening registry for nursing home employees; providing an effective date.

By the Committee on Community Affairs and Senator Diaz-Balart—

CS for SB 1990—A bill to be entitled An act relating to hurricane loss mitigation; creating s. 215.559, F.S.; creating the Hurricane Loss Mitigation Clearing Trust Fund; providing for administration; specifying moneys to be credited to the fund; requiring appropriation of moneys in the fund; providing purposes; providing that fund balances carry over to future years; amending s. 215.555, F.S.; requiring the State Board of Administration annually to transfer specified amounts from the Florida Hurricane Catastrophe Fund to the Hurricane Loss Mitigation Clearing Trust Fund; providing an effective date.

By the Committee on Banking and Insurance; and Senator Sullivan—

CS for SB 2080—A bill to be entitled An act relating to health care; amending s. 641.315, F.S.; revising the notice requirements for termination of contracts between health maintenance organizations and providers; amending s. 641.51, F.S.; requiring health maintenance organizations to provide a subscriber with continued access to a treating physician terminated by the organization; providing limitations; providing an effective date.

By the Committees on Governmental Reform and Oversight; Health Care; and Senator Silver—

CS for CS for SB 2188—A bill to be entitled An act relating to regulation of professions; renumbering and amending ss. 501.057, 501.0571, 501.0573, 501.0575, 501.0577, 501.0579, 501.0581, F.S.; transferring the Florida Commercial Weight-Loss Practices Act from ch. 501, F.S., relating to consumer protection, to ch. 468, F.S., relating to professions and occupations; redefining the activity that constitutes a weight-loss program; revising certain notice requirements; providing an exemption from regulation; conforming references and cross-references; transferring regulatory authority from the Department of Agriculture and Consumer Services to the Department of Health; creating s. 468.828, F.S.; requiring weight-loss providers to register; prescribing procedures and requirements; providing a penalty; providing for fees; providing a grace period for certain providers; creating s. 468.8281, F.S.; providing requirements for records and meetings held for disciplinary actions; creating s. 468.829, F.S.; requiring display of registration; creating s. 468.519, F.S.; prohibiting sexual misconduct in the practice of dietetics and nutrition; amending s. 455.604, F.S.; requiring instruction in HIV and AIDS for persons licensed as dietitians and nutritionists; creating the Task Force on Regulation of the Weight-Loss Industry; providing for its membership and duties; providing an effective date.

By the Committees on Rules and Calendar; Education; and Senator Horne—

CS for CS for SB 2352—A bill to be entitled An act relating to trust funds; creating the Florida School District Review Trust Fund to be administered by the Office of Program Policy Analysis and Government Accountability; directing the office to use the fund to pay the cost of best financial management practice reviews; providing for refunds to school districts; amending s. 230.23025, F.S.; providing for the deposit of funds from school districts; providing a contingent effective date.

By the Committee on Community Affairs and Senator Laurent—

CS for SB 2542—A bill to be entitled An act relating to wastewater treatment systems; amending s. 381.0065, F.S.; revising guidelines and procedures for granting variances for such systems; revising membership of the department's variance review and advisory committee; providing criteria for use of guttering; amending s. 381.0068, F.S.; revising duties and procedures of the department's technical review and advisory panel; providing for the transfer of a certain amount from the Solid Waste Trust Fund to the State Housing Trust Fund for the purposes of funding wastewater treatment systems; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 69, CS for HB 885, CS for HB 1127, CS for HB 1151, CS for HB 3165, CS for HB 3179, CS for CS for HB 3193, CS for CS for HB 3209, CS for HB 3227, CS for HB 3255, HB 3259, HB 3271, CS for CS for HB 3311, CS for CS for HB 3321, CS for HB 3343, CS for HB 3369, CS for CS for HB 3387, CS for HB 3389, CS for HB 3395, CS for HB 3419, CS for HB 3439, CS for HB 3527, HB 3559, CS for HB 3585, HB 3599, CS for HB 3607, CS for HB 3623, HB 3659, CS for HB 3681, CS for HB 3697, HB 3737, HB 3745, HB 3759, HB 3799, HB 3825, HB 3863, HB 3891, CS for HB 3925, HB 3931, HB 3951, HB 3971, CS for HB 3979, CS for HB 4047, CS for HB 4123, HB 4161, HB 4197, HB 4231, CS for HB 4455; has passed as amended CS for CS for HB 679, CS for HB 769, HB 1447, CS for HB 1455, HB 2023, CS for CS for CS for HB 3075, CS for HB's 3089 and 171, CS for HB 3145, HB 3215, HB 3763, HB 3777, HB 3797, HB 3887, HB 3897, HB 3901, HB 3949, CS for HB 4035, HB 4039, CS for HB 4051, HB 4059, HB 4151, HB 4153, HB 4259, HB 4559; has adopted HM 4265, HM 4341 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Health Care Standards and Regulatory Reform; Health Care Standards and Regulatory Reform; and Representative Valdes and others—

CS for CS for HB 69—A bill to be entitled An act relating to the Department of Health; creating s. 381.0075, F.S.; providing for regulation of body piercing by the department; providing definitions; providing exemptions; requiring a license to operate a body-piercing salon; requiring licensure for a temporary establishment; providing licensing procedures and fees; prohibiting body piercing of a minor without consent of a parent or legal guardian; prohibiting other acts; providing penalties; providing for injunction; providing for enforcement; providing rulemaking authority; providing specific requirements for body-piercing salons; providing an effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Business Regulation and Consumer Affairs; and Representative Crady—

CS for HB 885—A bill to be entitled An act relating to funeral directing, embalming, and direct disposition; amending s. 470.002, F.S.; expanding the definition of the term "legally authorized person"; amending s. 470.006, F.S.; revising a provision relating to licensure as an embalmer by examination, to clarify applicability of the internship requirement; amending s. 470.0085, F.S., relating to the embalmer apprentice program; authorizing an extension of apprenticeship for certain students working in funeral establishments; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending ss. 470.015 and 470.018, F.S.; providing for inclusion of a required course on human immunodeficiency virus and acquired immune deficiency syndrome in the board-approved course on communicable diseases for renewal of funeral director and embalmer licenses and renewal of registration of direct disposers; amending s. 470.024, F.S.; authorizing operation of visitation chapels and establishing criteria therefor; providing licensing limitations with respect to colocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities, including biennial renewal and applicable fees; providing for an annual inspection fee; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; amending s. 470.036, F.S; extending disciplinary actions to certain registrants and licensees; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By the Committee on Financial Services and Representative Jones and others—

CS for HB 1127—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.743, F.S.; requiring an insurer to provide notice to the owner of a damaged vehicle as to the consequences of failure to use the insurance proceeds in accordance with a security agreement; providing an exception; amending s. 627.7295, F.S.; providing an exception to minimum down payment requirements; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Law Enforcement and Public Safety; and Representative Futch and others—

CS for HB 1151—A bill to be entitled An act relating to law enforcement; amending s. 384.287, F.S.; permitting certain support personnel, including a crime scene analyst, forensic technologist, and crime lab analyst, to request, and seek court orders for, screening of a person for a sexually transmissible disease, under specified circumstances; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; providing duties of the department as custodial manager; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 318.18, F.S., relating to civil penalties; redesignating regional criminal justice assessment centers as criminal justice selection centers; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; conforming cross references; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; creating s. 943.146, F.S., relating to copyrighting and sale of work products of the Department of Law Enforcement; defining "product"; prescribing powers and duties of the department and guidelines for securing and enforcing copyrights; providing for certain notification to the Department of State; providing for deposit of proceeds of sales or products or certain rights in products; amending s. 943.256, F.S.; providing for the regional criminal justice assessment centers, which are directed by a postsecondary public school or a criminal justice agency, to be redesignated as criminal justice selection centers; amending s. 943.325, F.S., relating to blood specimen testing for DNA analysis; requiring entities responsible for a county jail, correctional facility, or juvenile facility to ensure that required blood specimens from certain offenders are secured and transmitted to the department under specified provisions; prohibiting release of the offender from the custody of the court and release of bond or surety until blood specimens have been taken as required; prescribing duties of the chief administrative judge of each circuit and the sheriff or other entity maintaining the county jail with respect to collection and forwarding of blood specimens; providing for a statewide protocol for securing blood specimens of certain offenders to be developed by the department in conjunction with the sheriffs, the court, the Department of Corrections, and the Department of Juvenile Justice; requiring certain offenders to submit or resubmit to blood testing, under specified circumstances; providing for certain immunity from liability as a result of withdrawal of blood specimens; providing for court orders authorizing the taking of the person into custody for purposes of securing the required blood specimens; providing for issuance of the court order; providing for transportation or release of the person taken into custody, under specified circumstances; providing that the offender is liable for actual costs of blood collection, unless declared indigent; providing for construction; reenacting s. 760.40(2)(a), F.S., relating to genetic testing and informed consent therefor, and s. 948.03(10), F.S., relating to terms and conditions of probation or community control, to incorporate said amendment in references; amending s. 943.33, F.S., relating to state-operated criminal analysis laboratories; defining "good cause" for purposes of certifying court orders for state-operated laboratory services to the criminal defendant; requiring the laboratory to include a cost statement with the report of the service provided; requiring provision of a copy of the report and the cost statement to prosecutor and court; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Crime and Punishment; and Representative Lynn and others—

CS for HB 3165—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S., relating to prohibitions against selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver, controlled substances within 200 feet of the real property comprising a public housing facility; defining "real property comprising a public housing facility"; providing penalties; amending s. 921.0022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Morroni and others—

CS for HB 3179—A bill to be entitled An act relating to pharmacy practice; amending s. 465.003, F.S.; defining the term "data communication device"; amending s. 465.017, F.S.; providing additional persons and entities to whom records relating to the filling of prescriptions and the dispensing of medicinal drugs that are maintained by a pharmacy may be furnished; specifying authorized uses of patient records by pharmacy owners; providing restrictions on such records when transmitted through a data communication device; amending s. 465.019, F.S.; providing for certain dispensing of medicinal drugs to patients in emergency departments of certain hospitals; amending ss. 465.014, 465.015, 465.0196, 468.812, and 499.003, F.S.; correcting cross references, to conform; providing an effective date.

—was referred to the Committees on Health Care; and Banking and Insurance.

By the Committees on Community Affairs; Real Property and Probate; and Representative Starks—

CS for CS for HB 3193—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; prohibiting the commingling of certain funds; amending s. 617.307, F.S.; revising language with respect to the transition of homeowners' association control in a community; providing a list of required documents which must be provided to the board by the developer; creating s. 617.3075, F.S.; providing for prohibited clauses in homeowners' association documents; amending s. 689.26, F.S.; revising language with respect to disclosure to prospective purchasers; providing for the cancellation of certain contracts; providing for the inclusion of information on certain amenities; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By the Committees on Governmental Operations; Health Care Standards and Regulatory Reform; and Representative Wise—

CS for CS for HB 3209—A bill to be entitled An act relating to public records and meetings; creating s. 468.854, F.S.; providing for application of public records exemptions in ss. 455.621(2) and (10) and 455.707(3)(e) and (5)(a), F.S., to certain information concerning licensed graduate social workers and licensed bachelor social workers; providing for application of the public meetings exemption in s. 455.621(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Family Law and Children; and Representative Wise and others—

CS for HB 3227—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; redefining the term "qualified professional" for purposes of providing certain substance abuse assessment or treatment services; requiring persons certified to provide such services in other states to meet Florida's certification requirements within a specified period after employment in this state; providing a grandfather clause for a specified period for persons with certain qualifications and experience; providing that certain certified professionals are exempt from meeting the additional statutory requirements for a qualified professional; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

By the Committee on Law Enforcement and Public Safety; and Representative Sindler and others—

CS for HB 3255—A bill to be entitled An act relating to court costs to fund law enforcement programs; creating s. 938.06, F.S.; imposing an additional court cost on fines for criminal offenses in county and circuit courts; providing for deposit in the Crime Stoppers Trust Fund; amending s. 16.555, F.S.; providing for distribution of such funds in the trust fund by the Department of Legal Affairs to counties to support official Crime Stoppers and their programs; amending s. 318.18, F.S.; including the court cost assessed pursuant to s. 938.15 in court costs for noncriminal traffic infractions; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Ways and Means.

By Representative Wasserman Schultz and others—

HB 3259—A bill to be entitled An act relating to condominiums; amending s. 718.115, F.S.; authorizing condominium households receiving supplemental security income or food stamps to discontinue cable television service without fees, penalties, or service charges; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Lippman—

HB 3271—A bill to be entitled An act relating to grand juries; amending s. 905.01, F.S.; increasing the maximum number of persons which may be appointed to serve on a grand jury; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committees on Governmental Operations; Health Care Standards and Regulatory Reform; and Representative Saunders—

CS for CS for HB 3311—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in a notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; providing that such information is not discoverable or admissible in a civil action or administrative proceeding unless such action or proceeding is a disciplinary proceeding conducted by the agency or a regulatory board; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By the Committees on Governmental Rules and Regulations; Real Property and Probate; and Representative Crow—

CS for CS for HB 3321—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.103, F.S.; defining the terms "buyer" and "division"; amending s. 718.104, F.S.; requiring filing of recording information with creation of condominiums; amending s. 718.111, F.S.; providing for the operation of certain condominiums created prior to 1977 as single associations; permitting consolidated financial operation; requiring a developer-controlled association to exercise due diligence to obtain and maintain insurance; providing that failure to obtain and maintain adequate insurance shall constitute a breach of fiduciary responsibility by the developer-appointed members of the board of directors; providing for the recording of certain meetings; providing that records may be obtained in person or by mail; providing that an association with more than 50 units must, upon written request, copy and deliver requested records and charge its actual costs; providing a fine for subsequent violations; amending s. 718.112, F.S.; providing requirements relating to association meetings; providing requirements for eligibility to be a candidate for the board; amending s. 718.116, F.S.; providing for unit owners and the developer to be assessed in accordance with their ownership interest in losses resulting from a natural disaster or an act of God; amending s. 718.117, F.S.; requiring notification of certain mergers or termination; amending s. 718.301, F.S.; providing rulemaking authority for requirements relating to the transition of a condominium; amending s. 718.403, F.S.; requiring filing of recording information; amending s. 718.502, F.S.; providing certain requirements prior to the closure on any contract for sale or lease of over 5 years; providing rulemaking authority for requirements relating to filing and review programs and timetables; amending s. 718.503, F.S.; providing requirements relating to the closure of a transaction for the purchase of a condominium unit; creating s. 718.621, F.S.; providing rulemaking authority; amending s. 719.103, F.S.; providing definitions; amending s. 719.1035, F.S.; requiring filing of certain information with respect to the creation of a cooperative; amending s. 719.104, F.S.; requiring notification; amending s. 719.106, F.S.; providing requirements relating to association meetings; amending s. 719.301, F.S.; providing rulemaking authority; amending s. 719.403, F.S.; requiring filing of information; amending s. 719.502, F.S.; providing conditions precedent to closing on a contract for sale or specified contracts for lease; providing rulemaking authority; amending s. 719.503, F.S.; providing conditions for closing within the 15-day voidability period; creating s. 719.621, F.S.; providing rulemaking authority; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Governmental Rules and Regulations; and Representative Chestnut—

CS for HB 3343—A bill to be entitled An act relating to barbering and cosmetology; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; amending s. 476.134, F.S.; revising provisions relating to examination of applicants for licenses as barbers; amending s. 476.144, F.S.; revising requirements for licensure to practice barbering; amending s. 476.204, F.S.; prohibiting allowing an employee to practice barbering unless licensed or otherwise authorized by law; providing penalties; amending s. 476.214, F.S.; providing for denial of issuance or renewal of barber or barbershop license or certificate of registration under certain circumstances; amending s. 477.013, F.S.; revising the definition of the term "hair braiding"; defining the terms "hair wrapping" and "photography studio salon"; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty salon; providing circumstances for practicing as a hair wrapper or hair braider pending receipt of registration; amending s. 477.0135, F.S., and repealing paragraph (1)(g), relating to an exemption from regulation applicable to graduates of certain cosmetology schools or programs; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure to practice cosmetology; providing for supervised practice by graduates of certain cosmetology schools or programs; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; amending s. 477.0201, F.S.; providing circumstances for practicing as a specialist pending receipt of registration; amending s. 477.022, F.S.; revising provisions relating to examinations; amending s. 477.025, F.S.; authorizing the board to adopt rules for mobile cosmetology salons and providing requirements therefor; providing for fees; amending s. 477.026, F.S.; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; amending s. 477.028, F.S.; providing for denial of issuance or renewal of cosmetology, specialty, and salon license or certificate of registration under certain circumstances; amending s. 477.029, F.S.; revising prohibitions relating to unlicensed or other unauthorized practice; providing penalties; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By the Committee on Community Affairs and Representative Gay—

CS for HB 3369—A bill to be entitled An act relating to inland waterway management; amending s. 374.976, F.S.; authorizing the Florida Inland Navigation District and the West Coast Inland Navigation District to enter into cooperative agreements with the Federal Government, participate with the United States Army Corps of Engineers in waterway maintenance projects, engage in anchorage management programs and beach renourishment projects, and enter into ecosystem management agreements with the Department of Environmental Protection; conforming language relating to existing matching fund requirements; repealing s. 374.976(5), F.S., as amended by ch. 96-320, Laws of Florida, to clarify legislative intent with respect to duplicate provisions; amending s. 403.061, F.S.; providing a supplemental process for issuance of joint coastal permits and environmental resource permits for regional waterway management activities; amending s. 311.105, F.S.; correcting cross references; repealing s. 8 of ch. 90-264, Laws of Florida, relating to Sundown review and repeal of the West Coast Inland Navigation District; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committees on Health Care Services; Elder Affairs and Long Term Care; and Representative Frankel and others—

CS for CS for HB 3387—A bill to be entitled An act relating to health care; amending s. 430.502, F.S.; establishing additional memory disorder clinics; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; amending s. 430.707, F.S.; authorizing the department to contract for certain services; exempting certain providers from the provisions of ch. 641, F.S.; creating the Panel for the Study of End-of-Life Care; providing for membership and duties; requiring a report; providing for future repeal; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By the Committee on Colleges and Universities; and Representative Trovillion and others—

CS for HB 3389—A bill to be entitled An act relating to nonpublic postsecondary education institutions; amending s. 246.021, F.S.; clarifying the definition of the term "college"; amending s. 246.031, F.S.; revising requirements relating to members of the State Board of Independent Colleges and Universities; amending s. 246.041, F.S.; revising powers and duties of the board; deleting or correcting obsolete references; amending s. 246.084, F.S., relating to colleges receiving an authorization; revising certain requirements; providing for exemption from certain requirements; revising provisions relating to oversight of the review and collection of data for purposes of determining compliance; amending s. 246.085, F.S.; revising provisions relating to issuance of a certificate of exemption; amending s. 246.101, F.S., to conform; amending 246.121, F.S.; correcting obsolete references; amending s. 246.31, F.S., relating to

the Institutional Assessment Trust Fund; conforming provisions; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Finance and Taxation; and Representative Starks and others—

CS for HB 3395—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; including certain nonprofit corporations that make and distribute recordings to blind or visually impaired persons, and certain nonprofit corporations that provide religious services and administration or missionary assistance for established places of worship, within the definition of "religious institutions" for tax exemption purposes; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By the Committee on Civil Justice and Claims; and Representative Minton and others—

CS for HB 3419—A bill to be entitled An act relating to juries; amending s. 40.015, F.S.; providing a method for establishing jury districts, boundaries; providing an effective date.

—was referred to the Committees on Judiciary and Community Affairs.

By the Committee on Water and Resource Management; and Representative Kelly—

CS for HB 3439—A bill to be entitled An act relating to Lake Panasoffkee; creating the Lake Panasoffkee Restoration Council within the Southwest Florida Water Management District; providing for voting members; providing for advisory group members; providing for organization and meetings; providing powers and duties; requiring annual reports; providing for staff assistance; providing for members' per diem and travel expenses; providing for a Lake Panasoffkee restoration program; providing for tasks of the district, council, Department of Environmental Protection, Game and Fresh Water Fish Commission, and pertinent local governments; providing for award of restoration contracts contingent on certain funding; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Corrections and Representative Trovillion and others—

CS for HB 3527—A bill to be entitled An act relating to jails; amending s. 951.23, F.S., relating to county and municipal detention facilities; providing criminal penalties for repeatedly, knowingly, and willfully refusing to obey certain rules and regulations while a prisoner in any such facility; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Children and Family Empowerment; and Representative Lacasa—

HB 3559—A bill to be entitled An act relating to an integrated children's information system; providing legislative findings and intent; directing the State Technology Council to assess the feasibility of creating such a system; requiring a report; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By the Committee on Governmental Operations and Representative Peaden and others—

CS for HB 3585—A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements, except under specified circumstances; providing for future review and repeal; providing applicability; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By the Committee on Education Innovation and Representative Melvin and others—

HB 3599—A bill to be entitled An act relating to educational facilities; amending s. 235.056, F.S.; authorizing boards to rent or lease certain buildings or space within buildings for conversion to use as educational facilities; providing for funding; requiring school board adoption of a resolution certifying that specified conditions have been met; amending s. 201.24, F.S., relating to exemption from excise tax on documents; conforming provisions; amending s. 236.25, F.S., relating to school district tax for capital outlay; conforming provisions; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Civil Justice and Claims; and Representative Dennis—

CS for HB 3607—A bill to be entitled An act relating to the Florida Evidence Code; amending s. 90.612, F.S., relating to mode and order of interrogation of witnesses and presentation of evidence; providing for the court to protect a witness under 17 years of age from undue harassment or embarrassment; providing for the court to ensure that questions are stated in a form appropriate to the witness's age and understanding and to forbid certain questions upon objection by a party; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Tourism and Representative Tamargo—

CS for HB 3623—A bill to be entitled An act relating to pugilistic exhibitions; amending s. 548.003, F.S.; providing that the location of the State Athletic Commission shall be in Tampa; amending s. 548.007, F.S.; revising applicability of the Joe Lang Kershaw Act; amending s. 548.008, F.S.; clarifying language with respect to prohibited toughman and badman competitions; amending s. 548.026, F.S.; revising language with respect to the duration of licenses issued under the act; amending s. 548.043, F.S.; revising provisions regulating weights, classes, and gloves; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Reform and Oversight.

By Representative Sindler—

HB 3659—A bill to be entitled An act relating to trust funds; creating the Crime Stoppers Trust Fund; providing for administration of the fund; providing for termination; providing for review; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Ways and Means.

By the Committee on Finance and Taxation; and Representative Ball and others—

CS for HB 3681—A bill to be entitled An act relating to capital investment tax credits; amending s. 220.02, F.S.; revising legislative intent on the order of application of certain credits; creating s. 220.191, F.S.; providing definitions; providing for a credit against the corporate income tax for certain capital costs; providing requirements; providing limitations; providing for certification of eligibility by the Office of Tourism, Trade, and Economic Development; providing duties of the Department of Revenue; authorizing the office to develop certification guidelines and application materials; providing a responsibility for qualifying businesses; authorizing the Department of Revenue to adopt rules; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Financial Services and Representative Bainter—

CS for HB 3697—A bill to be entitled An act relating to commercial inland marine insurance; amending s. 627.021, F.S.; excluding commercial inland marine insurance from application of ch. 627, F.S.; amending s. 627.410, F.S., to conform; repealing s. 627.0651(13)(c), F.S., relating to inland marine risks to conform; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Hill—

HB 3737—A bill to be entitled An act relating to The Florida Sexual Predators Act; amending s. 775.21, F.S.; providing an additional requirement with respect to the duty of law enforcement agencies to inform the community and the public of the presence of a sexual predator; providing an effective date.

—was referred to the Committees on Criminal Justice and Community Affairs.

By Representative Smith and others—

HB 3745—A bill to be entitled An act relating to the local government infrastructure surtax; amending s. 212.055, F.S.; revising provisions which authorize certain counties to use tax proceeds to retire or service indebtedness for bonds issued before July 1, 1987, for infrastructure purposes; including charter counties within such authorization; authorizing use of interest accrued on tax proceeds for such purpose; extending such authorization to bonds subsequently issued to refund such bonds; ratifying prior use of tax proceeds and interest for such refunding bonds; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

By Representative Trovillion—

HB 3759—A bill to be entitled An act relating to arrests; amending s. 901.02, F.S., relating to issuance of arrest warrants; providing that the court may issue a warrant for the defendant's arrest which provides for the defendant's release upon his or her own recognizance under specified circumstances when a complaint has been filed charging the commission of a misdemeanor only and the summons issued to the defendant is returned unserved; creating s. 901.36, F.S.; prohibiting a person who has been arrested or lawfully detained by a law enforcement officer from giving a false name or otherwise falsely identifying himself or herself to the law enforcement officer or county jail personnel; providing penalties; prohibiting a person who has been arrested or lawfully detained by a law enforcement officer from adversely affecting another person by giving a false name belonging to another person or otherwise falsely identifying himself or herself to the law enforcement officer or county jail personnel; providing penalties; permitting the adversely affected person to obtain court orders to correct public records under specified circumstances; authorizing issuance of such court orders by the sentencing court; providing for restitution orders; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Community Colleges and Career Prep; and Representative Sindler and others—

HB 3799—A bill to be entitled An act relating to community colleges; amending ss. 239.117 and 240.35, F.S.; authorizing community colleges to bond capital improvement fees for financing or refinancing equipment, renovation, or remodeling of educational facilities; limiting terms; providing additional allowable uses; amending s. 240.319, F.S.; authorizing community college boards of trustees to issue revenue bonds for the purpose of equipment, renovation, or remodeling of educational facilities; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

By Representative Merchant and others—

HB 3825—A bill to be entitled An act relating to the Board of Trustees of the Internal Improvement Trust Fund; directing the board to transfer certain properties to the Florida Atlantic University Foundation, Inc., for the Pine Jog Environmental Education Center; providing restrictions on the use of the land; providing an effective date.

—was referred to the Committees on Natural Resources; Education; and Ways and Means.

By Representative Argenziano and others—

HB 3863—A bill to be entitled An act relating to the Coastal Zone Protection Act; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

—was referred to the Committee on Community Affairs.

By Representative Lawson—

HB 3891—A bill to be entitled An act relating to insurance; creating s. 627.5015, F.S.; prohibiting delivery or issuance of industrial life insurance policies after a certain date; providing application; requiring disclosure of certain information to policyholders or premium payors; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committees on Governmental Operations; Real Property and Probate; and Representative Crow—

CS for HB 3925—A bill to be entitled An act relating to public records exemptions; creating s. 744.7081, F.S.; providing an exemption from public records requirements for certain records requested by the Statewide Public Guardianship Office; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Judiciary; and Governmental Reform and Oversight.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant and others—

HB 3931—A bill to be entitled An act relating to economic development grants; amending s. 14.2015, F.S.; establishing an economic development grant program under the Office of Tourism, Trade, and Economic Development; providing criteria, requirements, and restrictions with respect thereto; amending ss. 288.108 and 288.90152, F.S.; correcting cross references; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means.

By Representative Trovillion and others—

HB 3951—A bill to be entitled An act relating to school attendance; amending s. 228.041, F.S.; clarifying definition of the term "home education program"; amending s. 229.808, F.S.; providing that definition of the term "nonpublic school" does not include home education program for purpose of survey requirements; amending s. 232.01, F.S., relating to school attendance; clarifying provisions relating to state or school district control of home education programs; amending s. 232.02, F.S.; providing that private tutoring may be used to meet regular school attendance requirements; revising provisions relating to home education programs; clarifying inspection of portfolio; providing for parental selection of method of evaluation; revising process for reporting and submitting written evaluation and test results to superintendent; creating s. 232.0202, F.S.; providing requirements for private tutoring programs; amending s. 232.021, F.S.; providing that attendance reporting requirements do not apply to home education programs; amending ss. 232.425, 240.116, 240.321, 240.40202, 240.40205, and 240.40206, F.S.; correcting cross references and conforming provisions; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Gay and others—

HB 3971—A bill to be entitled An act relating to health facilities authorities; amending s. 154.209, F.S.; providing that an accounts receivable program in which an authority participates on behalf of a health facility may include the financing of accounts receivable acquired by the facility from other not-for-profit health care corporations, regardless of affilliation or location; providing an effective date.

—was referred to the Committees on Health Care; and Banking and Insurance.

By the Committee on Tourism and Representative Maygarden—

CS for HB 3979—A bill to be entitled An act relating to facilities and properties under the supervision of the Division of Historical Resources of the Department of State; amending s. 266.0015, F.S.; deleting the requirement that moneys from admissions to and rental of facilities and properties of the Historic Pensacola Preservation Board of Trustees be deposited into the board's operating trust fund; amending s. 266.0018, F.S.; providing for the deposit of such moneys into an account of the board's direct-support organization; amending s. 267.17, F.S.; clarifying authority of the Division of Historical Resources and its citizen support organizations to rent facilities and properties; providing for the deposit of moneys received from the rental of such facilities and properties; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Community Affairs; and Ways and Means.

By the Committee on Financial Services and Representative Ziebarth—

CS for HB 4047—A bill to be entitled An act relating to international health insurance policies sold at airports; creating s. 624.123, F.S.; providing definitions; authorizing licensed agents to sell international health insurance policies to residents of foreign countries at international airports; requiring a specified disclaimer; providing exemptions from regulation under the Insurance Code; specifying applicable provisions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committees on Governmental Operations; Elder Affairs and Long Term Care; and Representative Brooks and others—

CS for HB 4123—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a nursing facility in connection with background screening of employees and prospective employees of the facility; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By the Committee on Colleges and Universities; and Representative Casey and others—

HB 4161—A bill to be entitled An act relating to budgeting; amending s. 216.0172, F.S.; providing for the submission of certain performance-based program budgets by the Department of Education; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Transportation and Representative Fuller—

HB 4197—A bill to be entitled An act relating to highway safety and motor vehicles; reenacting s. 316.003, F.S.; relating to the definition of hazardous material; amending s. 316.008, F.S.; deleting obsolete language; amending ss. 316.061, 316.062, 316.063, 316.064, 316.065, 316.066, 316.068, 316.069, 316.070, and 316.072, F.S.; changing the term "accident" to "crash"; amending s. 316.067, F.S.; providing a second degree misdemeanor penalty for certain false reports; amending ss. 316.0745, 316.0747, 316.1895, 316.193, and 316.2065, F.S.; deleting obsolete language; amending s. 316.1935, F.S.; providing a first degree misdemeanor penalty for certain violations with respect to fleeing or attempting to elude a law enforcement officer; amending s. 316.2074, F.S.; deleting certain findings of the Legislature with respect to all-terrain vehicles; amending ss. 316.3027 and 316.70, F.S.; providing reference to the United States Department of Transportation; amending s. 316.615, F.S., relating to school buses; amending ss. 316.613, 316.6135, and 316.635, F.S.; correcting reference to the Department of Children and Family Services; revising various provisions in chapter 316, F.S., to correct cross references, delete obsolete language, and to provide uniform references to penalties for moving and nonmoving noncriminal traffic offenses punishable under chapter 318, F.S.; amending s. 318.12, F.S.; revising references; amending ss. 318.13 and 318.14, F.S.; correcting cross references; amending s. 318.18, F.S.; revising language with respect to civil penalties; amending s. 318.21, F.S.; correcting cross references and obsolete language; amending s. 319.28, F.S.; revising language with respect to repossession; amending s. 319.33, F.S.; correcting cross references; amending ss. 320.02 and 320.03, F.S.; deleting obsolete language; amending s. 320.031, F.S.; revising language with respect to the mailing of registration certificates, license plates, and validation stickers; amending s. 320.055, F.S.; correcting cross references; amending ss. 320.06 and 320.061, F.S.; deleting obsolete language; amending ss. 320.0605 and 320.07, F.S.; providing uniform reference to noncriminal traffic infractions; repealing s. 320.073, F.S., relating to refund of impact fees; amending s. 320.0802, F.S.; providing reference to the Department of Management Services; amending s. 320.08058, F.S.; revising language with respect to Florida Special Olympics license plates; amending s. 320.087, F.S.; providing reference to the United States Department of Transportation; amending s. 320.1325, F.S.; deleting a cross reference; amending s. 320.20, F.S.; deleting obsolete language; amending s. 320.8255, F.S.; providing reference to labels rather than seals with respect to certain mobile home inspections; repealing s.

320.8256, F.S., relating to recreational vehicle inspection; amending s. 321.05, F.S.; deleting obsolete language; repealing ss. 321.06, 321.07, 321.09, 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201, 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222, and 321.223, F.S., relating to the Florida Highway Patrol and the pension system therefor; amending s. 322.055, F.S.; providing reference to the Department of Health; amending s. 322.08, F.S.; deleting obsolete language; amending ss. 322.12 and 322.121, F.S.; correcting cross references; amending s. 322.141, F.S.; deleting obsolete language; amending s. 322.15, F.S.; providing reference to noncriminal traffic infractions; amending s. 322.20, F.S.; providing reference to the Department of Health; reenacting s. 322.264, F.S., relating to habitual traffic offenders; amending s. 322.27, F.S.; correcting cross references; amending s. 322.292, F.S.; revising language with respect to DUI programs supervision; amending s. 322.293, F.S.; deleting obsolete language; amending s. 322.57, F.S.; revising language with respect to driving tests; amending s. 324.202, F.S.; deleting obsolete language; repealing ss. 325.01, 325.02, 325.03, 325.04, 325.05, 325.06, 325.07, 325.08, 325.09, and 325.10, F.S., relating to vehicle safety equipment and inspections; amending s. 325.209, F.S.; revising language with respect to waivers; reenacting s. 325.212(2), F.S., relating to reinspections; amending s. 327.25, F.S.; correcting a cross reference; reenacting s. 328.17(1), F.S., relating to nonjudicial sale of vessels; amending s. 627.7415, F.S., relating to commercial motor vehicles, to include reference to noncriminal traffic infractions; amending s. 627.742, F.S.; providing reference to noncriminal traffic infractions with respect to certain violations with respect to nonpublic sector buses; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Jacobs and others—

HB 4231—A bill to be entitled An act relating to the Long-Term Care Community Diversion Pilot Project Act; amending s. 430.705, F.S.; providing for choice, to the extent possible, of long-term care service providers affiliated with an individual's religious faith or denomination; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

By the Committee on Corrections and Representative Brooks and others—

CS for HB 4455—A bill to be entitled An act relating to mobile surgical facilities; amending s. 395.001, F.S.; providing legislative intent; amending s. 395.002, F.S.; revising definitions; defining "mobile surgical facility"; amending s. 395.003, F.S.; requiring the licensure of mobile surgical facilities under ch. 395, F.S.; amending s. 395.004, F.S.; requiring a license fee upon application for licensure as a mobile surgical facility; amending s. 395.0161, F.S.; requiring licensure inspections of such facilities under specified circumstances; providing an exception; amending s. 395.0163, F.S.; requiring construction inspections of such facilities under specified circumstances; providing an exception; amending s. 395.1055, F.S.; authorizing the establishment of separate standards for mobile surgical facilities; amending s. 408.036, F.S.; providing an exemption from review and application for certificate of need for mobile surgical facilities; amending s. 395.7015, F.S.; providing for the imposition of an annual assessment upon mobile surgical facilities; providing application; requiring specified mobile surgical facilities in operation prior to the effective date of the act to continue to operate and be subject to the provisions of the act only after the effective date of rules established by the Agency for Health Care Administration; providing an effective date.

—was referred to the Committees on Criminal Justice and Health Care.

By the Committees on Law Enforcement and Public Safety; Crime and Punishment; and Representative Lynn and others—

CS for CS for HB 679—A bill to be entitled An act relating to weapons and firearms; creating s. 790.233, F.S.; prohibiting a person who has been issued a currently effective final injunction against committing acts of domestic violence from possessing any firearm or ammunition; providing penalties; providing an exception for law enforcement officers; amending s. 741.30, F.S.; requiring that a final injunction for protection against domestic violence indicate that possessing any firearm or ammunition is prohibited; amending s. 741.31, F.S.; providing that it is a first degree misdemeanor to violate a final injunction by possessing a firearm or ammunition; providing an exception for law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant under certain circumstances when there is probable cause to believe that the person has committed a crime in violation of specified provisions prohibiting possession of firearm or ammunition by person restrained by final injunction from committing acts of domestic violence; amending s. 790.06, F.S., relating to issuance by the Department of State of license to carry a concealed weapon or firearm; revising qualifications for such license to include restrictions that the applicant has not had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence within a specified period and is not enjoined from committing acts of domestic violence or repeat violence; requiring denial or revocation of such license under specified circumstances; requiring that the department suspend such license, or the processing of the license application, if the licensee or applicant is issued an injunction against committing acts of domestic violence or acts of repeat violence; amending s. 790.065, F.S.; removing obsolete provisions; requiring that the Department of Law Enforcement determine if a potential buyer or transferee of a firearm has been convicted of a misdemeanor crime of domestic violence or had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Corrections and Representative Brooks and others—

CS for HB 769—A bill to be entitled An act relating to state correctional facilities; creating s. 386.213, F.S.; providing legislative intent; requiring the Department of Corrections and private vendors operating state correctional facilities to make smoking-cessation assistance available to inmates; requiring full implementation of the act by a specified date; providing definitions; prohibiting an inmate within a state correctional facility from using tobacco products in prohibited areas; prohibiting employees or visitors from using tobacco products in prohibited areas; providing penalties; authorizing the department to adopt rules; amending s. 386.203 (1), F.S.; adding state correctional facilities to the definition of public place; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Sindler—

HB 1447—A bill to be entitled An act relating to veterinary medical practice; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; correcting a cross reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.2165, F.S., expanding controls on veterinary records; reenacting s. 474.217(2), F.S., relating to licensure by endorsement, to incorporate the amendment to s. 474.214, F.S., in a reference thereto; providing for participation of veterinarians in impaired practitioner treatment programs; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By the Committee on Children and Family Empowerment; and Representative Harrington and others—

CS for HB 1455—A bill to be entitled An act relating to prison inmates; amending s. 440.15, F.S.; providing that the state shall be reimbursed for all medical treatment rendered an inmate; providing that workers' compensation benefits be paid in certain circumstances; amending s. 414.095, F.S.; prohibiting temporary cash assistance and services to an inmate; amending s. 414.32, F.S.; prohibiting food stamp issuance to an inmate; amending s. 409.903, F.S.; prohibiting the provision of Medicaid services to an inmate; amending s. 409.904; F.S.; prohibiting optional payments for medical assistance and related services to an inmate; providing an effective date.

—was referred to the Committees on Criminal Justice; Banking and Insurance; and Ways and Means.

By Representative Livingston—

HB 2023—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; providing for direct mailing of absentee ballots; prohibiting mailing of more than two absentee ballots to the same address; providing exceptions; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By the Committees on Finance and Taxation; Governmental Operations; Law Enforcement and Public Safety; and Representative K. Pruitt and others—

CS for CS for CS for HB 3075—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans," "local law plans," and "supplemental plan municipality"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S, relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; creating ss. 175.411 and 185.60, F.S.; providing for optional participation; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Elder Affairs and Long Term Care; and Representative Brooks and others—

CS for HB's 3089 and 171—A bill to be entitled An act relating to nursing facilities; amending s. 400.121, F.S.; providing procedure for administrative hearings on certain actions to deny, suspend, or revoke a nursing facility's license; creating s. 400.215, F.S.; requiring background screening for certain nursing facility employees; providing requirements for employers and employees; authorizing conditional status for certain employees; requiring the Agency for Health Care Administration to establish and maintain a database and provide certain information; providing for screening fees; providing for exemptions from disqualification; providing an exemption from rescreening for certain persons; providing for certain sharing of screening information among employers; providing for adoption of rules; specifying dates and conditions for compliance by employees and new applicants; repealing s. 400.211(5), F.S., relating to screening requirements for certified nursing assistants; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Health Care Services and Representative Heyman and others—

CS for HB 3145—A bill to be entitled An act relating to health care; creating s. 381.0045, F.S.; creating the "Targeted Outreach for Pregnant Women Act of 1998"; providing purpose; requiring the Department of Health to establish a pilot program; providing requirements; requiring interim and final reports; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Representative Culp and others—

HB 3215—A bill to be entitled An act relating to corrections; amending s. 945.485, F.S., relating to subsistence fees with respect to prisoners; requiring a state correctional facility, or the Department of Corrections acting in its behalf, to seek reimbursement for costs of incarceration for a prisoner, including certain medical and dental expenses, which have not been reimbursed as otherwise provided by law; specifying order of sources of reimbursement; providing for deduction of the costs from the prisoner's cash account, placement of a lien against the account or the prisoner's other personal property, or reimbursement from the proceeds of the prisoner's insurance policy, health care corporation proceeds, or other source; providing that the lien may be carried over to future incarceration under certain circumstances; requiring the prisoner to cooperate with such reimbursement efforts; providing for sanctions in case of willful refusal to cooperate, including placement of a lien against the prisoner's cash account or other personal property and ineligibility to receive incentive gain-time; clarifying that the department is responsible for reimbursement efforts at the private correctional facilities; creating a task force within the Department of Corrections to investigate and analyze strategies to seek reimbursement for inmate health care costs incurred during incarceration; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Crist and others—

HB 3763—A bill to be entitled An act relating to funeral and cemetery services; providing a short title; amending s. 497.005, F.S.; defining "care and maintenance"; creating s. 497.0255, F.S.; providing a duty of care and maintenance of licensed cemeteries in this state; providing rulemaking authority to the Board of Funeral and Cemetery Services for such purpose; amending s. 497.229, F.S.; providing circumstances under which a cemetery or component thereof may be deemed a public nuisance and providing for abatement thereof; amending s. 497.253, F.S.; providing additional requirements with respect to the conveyance of

cemetery property to noncemetery uses, including certain notice; creating s. 497.255, F.S.; providing standards for construction and significant alteration or renovation of mausoleums and columbaria; providing rulemaking authority with respect to such standards to the board, in conjunction with the Board of Building Codes and Standards, and providing for incorporation of a portion thereof in the State Minimum Building Codes; requiring all newly constructed and significantly altered or renovated mausoleums and columbaria to conform to such standards and applicable building codes; amending s. 497.257, F.S.; including columbaria in provisions relating to preconstruction requirements applicable to mausoleums and belowground crypts; amending s. 497.417, F.S.; deleting authority of the trustee of a trust to purchase life insurance policies and annuity contracts; repealing subsection (12) of s. 497.429, F.S., deleting the requirement that the trustee of an alternative preneed contract trust make valuations of assets and provide annual reports to the purchaser and the board; amending s. 497.527, F.S.; authorizing the Attorney General to bring a civil action for violation of chapter 497, relating to regulation of funeral and cemetery services, in the appropriate court; providing for damages; amending s. 872.02, F.S., relating to prohibitions against injuring or removing tombs or monuments or disturbing the contents of graves or tombs; increasing penalties; specifying that the term "tomb" includes any mausoleum, columbarium, and belowground crypt; amending s. 245.07, F.S.; revising provisions relating to retention and disposition of bodies received by an anatomical board; creating the Task Force on Abandoned and Neglected Cemeteries within the Department of Banking and Finance; providing for appointment of members and election of officers; authorizing reimbursement for per diem and travel; requiring the department to provide administrative and staff support; providing duties; requiring preliminary and final reports; providing for termination of the task force; providing an appropriation; providing effective dates.

—was referred to the Committees on Banking and Insurance; Community Affairs; and Ways and Means.

By Representative Carlton—

HB 3777—A bill to be entitled An act relating to election protests and contests; amending s. 102.166, F.S., relating to protests of election returns; revising provisions with respect to the timeframes for filing election protests and requests for manual recounts; eliminating protests of election returns in circuit court; amending s. 102.167, F.S.; deleting the provision that prescribes the form of the protest of election returns to circuit judge, to conform; amending s. 102.168, F.S., relating to election contests; revising the timeframe for filing a contest of election; specifying the grounds authorized for contesting an election; specifying conditions under which a statement of the grounds of contest may not be rejected or dismissed for want of form; providing for service of the complaint upon the defendant and any other person named therein and providing a timeframe for filing an answer or response thereto; specifying that the contestant is entitled to an immediate hearing; authorizing the circuit judge to fashion any orders necessary to investigate, examine, or check each allegation, prevent or correct any wrong, and provide any relief appropriate under the circumstances; creating s. 102.171, F.S.; codifying that jurisdiction to hear a contest of the election of a member to either house of the Legislature at any general or special election is vested in the applicable house in accordance with its rules; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Judiciary.

By Representative Constantine and others—

HB 3797—A bill to be entitled An act relating to governmental controversies; amending s. 164.101, F.S.; renaming the "Florida Governmental Cooperation Act" as the "Florida Governmental Conflict Resolution Act"; amending s. 164.102, F.S.; providing purpose and intent; creating s. 164.1031, F.S.; providing definitions; creating s. 164.1041, F.S.; requiring local and regional governmental entities to exhaust the procedural options of the act before court proceedings in circuit or county court, except in specified circumstances; providing for review by the court of the justification for failure to comply with the act; creating s. 164.1051, F.S.; specifying the governmental conflicts to which the act applies; creating s. 164.1052, F.S.; providing procedures and requirements for initiation of conflict resolution procedures and determination of participants; creating s. 164.1053, F.S.; providing for a conflict assessment meeting and providing requirements with respect thereto; creating s. 164.1055, F.S.; providing for a joint public meeting between conflicting entities; providing for mediation when no agreement is reached; creating s. 164.1056, F.S.; providing for final resolution of a conflict when there is a failure to resolve the conflict under the act; creating s. 164.1057, F.S.; specifying the manner of execution of the resolution of a conflict; renumbering and amending s. 164.104, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; creating s. 164.1061, F.S.; providing for extension of the time requirements of the act; repealing ss. 164.103 and 164.106, F.S., which provide procedures and requirements for resolution of governmental disputes; providing effect on existing contracts and agreements; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Community Affairs.

By Representative Lynn—

HB 3887—A bill to be entitled An act relating to public records; amending and renumbering s. 415.51, F.S.; revising provisions relating to confidentiality of Department of Children and Family Services reports and records of cases of child abuse and neglect; providing an exemption from public records requirements for department reports and records of cases of child abandonment; requiring certain recordkeeping and preservation by the department; providing for future review and repeal; providing a finding of public necessity; amending s. 119.07, F.S., to conform; providing a contingent effective date.

—was referred to the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

By Representative Mackenzie and others—

HB 3897—A bill to be entitled An act relating to motor vehicles; amending s. 521.004, F.S.; modifying the disclosure form for a motor vehicle lease; amending s. 681.102, F.S.; modifying definition applicable to motor vehicle sales warranties; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Transportation.

By Representative Wasserman Schultz—

HB 3901—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; providing an additional requirement for school district receipt of lottery funds; amending s. 229.58, F.S.; providing a name requirement for school advisory councils and providing council responsibilities and duties; providing for certain council review; providing for the use of funds; amending s. 229.592, F.S., relating to school improvement and education accountability; conforming provisions relating to release of funds to school districts; requiring notice of certain deficiency; amending s. 230.23, F.S., relating to school board duties; providing requirements for school improvement plans; requiring local-level decisionmaking policies; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Healey and others—

HB 3949—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.532, F.S.; providing that nothing in the section shall limit the right of a law enforcement or correctional agency to discipline or pursue criminal charges against an officer; amending s. 122.533, F.S.; revising provisions with respect to the receipt and processing of complaints to provide for certain recorded statements; amending s. 122.534, F.S.; providing a penalty for failure to comply with

part VI of chapter 112, F.S.; providing definitions; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Elder Affairs and Long Term Care; and Representative Roberts-Burke—

CS for HB 4035—A bill to be entitled An act relating to adult family-care homes; amending ss. 400.616, 400.617, 400.618, 400.619, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, and 400.629, F.S., and creating s. 400.6194, F.S.; revising legislative intent and purpose; revising definitions; requiring adult family-care home providers to meet certain screening requirements; revising requirements for licensure application and renewal; providing a late renewal fee; revising grounds for denial, suspension, or revocation of a license; revising requirements for rules relating to appropriate placement of residents; revising provisions relating to injunctive relief; requiring certain information to be provided to residents' legal representatives; conforming terminology and correcting references and cross references; amending s. 419.001, F.S.; correcting a cross reference; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Representative Sanderson—

HB 4039—A bill to be entitled An act relating to state lands; creating s. 253.0345, F.S.; providing for special events; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Natural Resources; and Ways and Means.

By the Committee on Agriculture and Representative Ziebarth—

CS for HB 4051—A bill to be entitled An act relating to agriculture; creating ss. 570.251-570.2815, F.S.; creating the "Florida Agricultural Development Act"; providing legislative findings; providing definitions; establishing the Florida Agricultural Development Authority; providing powers and duties; providing for membership of a board; providing for terms of board members; providing for organization of the board; providing general powers of the authority; providing for an executive director and specifying duties; requiring an annual report; providing for the use of surplus moneys by the authority; providing for combination of state and federal programs to facilitate the purposes of the authority; establishing a beginning farmer loan program; providing purposes of the loan program; authorizing the authority to participate in federal programs; requiring the authority to provide for loan criteria by rule; authorizing the authority to provide loan requirements; authorizing the authority to make loans to beginning farmers for agricultural land and improvements and depreciable agricultural property; authorizing the authority to make loans to mortgage lenders and other lenders; authorizing the authority to purchase mortgage loans and secured loans from mortgage lenders; providing powers of the authority relating to loans; providing for the issuance of bonds and notes by the authority; authorizing the authority to establish bond reserve funds; providing remedies of bondholders and holders of notes; providing for the pledging of bonds by the state; providing that bonds and notes shall be considered legal investments; providing requirements with respect to funds of the authority; authorizing examination of accounts by the Auditor General; requiring a report; providing limitation of liability for members of the authority; requiring the assistance of state officers, agencies, and departments; providing for construction of the act; requiring disclosure of specified conflicts of interest; prohibiting certain participation in the event of a conflict of interest; specifying conflicts of interest with respect to the executive director of the authority; providing exemption from competitive bid laws; providing for receipt of specified trust assets by the authority; authorizing the authority to enter into specified agreements; providing for liability; providing for additional beginning farmer and loan assistance programs; authorizing additional beginning farmer loan program; requiring the authority to establish and develop an agricultural loan assistance program; providing program criteria; requiring the authority to create and develop alternative agriculture assistance programs; providing for the adoption of rules with respect to enforcement of provisions relative to such programs; authorizing the authority to bring action for enforcement; creating s. 159.8082, F.S.; establishing the agricultural development bond pool; amending s. 159.804, F.S.; providing for specific allocations of state volume limitations to the agricultural development bond pool; amending s. 159.809, F.S.; including the agricultural development bond pool within provisions relating to recapture of unused amounts for addition to the state allocation pool; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Law Enforcement and Public Safety; and Representative Futch and others—

HB 4059—A bill to be entitled An act relating to violations of traffic law; amending s. 316.1935, F.S.; providing that it is a third-degree felony for a person to willfully flee or attempt to elude a law enforcement officer in a marked patrol vehicle; providing that, it is a second-degree felony for a person to drive at high speed, or in any manner demonstrating a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer in a marked patrol vehicle; providing that the offense of aggravated fleeing or eluding a law enforcement officer is a second-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; revising the ranking of such offenses to conform to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Turnbull and others—

HB 4151—A bill to be entitled An act relating to homestead property; amending s. 222.01, F.S.; providing that a statement declaring property to be a homestead for purposes of exemption from forced sale shall be recorded in person with the clerk of the circuit court; specifying that a homestead exemption granted under s. 196.031, F.S., is deemed a designation of homestead as provided in s. 222.01, F.S.; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By Representative Flanagan and others—

HB 4153—A bill to be entitled An act relating to juvenile justice; amending s. 985.309, F.S.; providing funding for boot camps operated by the department, a county, or municipal government, contingent upon specific appropriation, local funding, or state and local funding; requiring boot camps operated by a sheriff to be under his or her supervisory jurisdiction and authority as determined by a contract between the department and the sheriff; providing for placement of children eligible for boot camp placement in boot camp in or nearest to the judicial circuit in which they were adjudicated; requiring exceptions to a boot camp placement; deleting requirement that the department charge and a county or municipal government pay a monitoring fee; clarifying consequences for a department, county or municipal boot camp failing to comply with department rules for boot camps; deleting authorization by the department to institute injunctive proceedings against a county or municipal boot camp for failing to comply with department rules for boot camps; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Ways and Means.

By the Committee on Community Colleges and Career Prep; and Representative Sindler and others—

HB 4259—A bill to be entitled An act relating to postsecondary education; amending s. 232.2466, F.S.; revising requirements for the college-ready diploma program; amending s. 239.117, F.S.; exempting specified students from postsecondary fees; amending s. 239.225, F.S.; revising provisions relating to the Vocational Improvement Program; amending s. 240.1163, F.S.; revising dual enrollment provisions; amending s. 240.235, F.S.; exempting specified university students from fees; amending s. 240.321, F.S., relating to duties of community college district boards of trustees; requiring notification of alternative remedial options; providing student requirements relating to enrollment in courses; amending s. 240.324, F.S., relating to the community college accountability process; providing for coinciding reporting deadlines; clarifying language; amending s. 240.35, F.S.; exempting specified community college students from fees; amending s. 240.36, F.S.; revising provisions relating to the matching of funds and the uses of proceeds of a trust fund for community colleges; amending s. 240.382, F.S.; correcting a cross reference; amending s. 240.4097, F.S., relating to the Florida Postsecondary Student Assistance Grant Program; requiring the establishment of application deadlines; amending s. 246.201, F.S.; revising legislative intent; amending s. 246.203, F.S.; renaming the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools the State Board of Nonpublic Career Education; revising definition of schools regulated by the board; amending s. 246.205, F.S.; conforming language; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; conforming language; amending s. 246.215, F.S.; requiring licensing of specified programs by the board; creating s. 246.216, F.S.; providing for exemption from licensure for specified entities; providing for statements of exemption; providing for revocation of statements of exemption; providing for remedies; amending ss. 246.219, 246.220, 246.2265, 246.227, and 246.31, F.S.; conforming language; amending ss. 20.15, 240.40204, 246.011, 246.081, 246.085, 246.091, 246.111, 246.50, 455.2125, 455.554, 467.009, 476.178, 477.023, and 488.01, F.S.; conforming language; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4559—A bill to be entitled An act relating to water management districts; amending s. 373.536, F.S.; providing that the Legislature shall statutorily adopt or modify program priorities for water management district budgets; providing that the districts shall incorporate these program priorities in developing their budgets; providing that the Executive Office of the Governor shall determine whether each district's budget is consistent with the applicable program priorities; providing that the Executive Office of the Governor shall disapprove those portions of a water management district's budget that are determined to be inconsistent with applicable program priorities; amending s. 373.421, F.S.; allowing for use of Global Positioning Systems in wetlands surveys; providing an effective date.

—was referred to the Committees on Natural Resources; Rules and Calendar; and Ways and Means.

By Representative Safley—

HM 4265—A memorial to the Congress of the United States, urging Congress to enact legislation designating the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association as tax-exempt entities under s. 501(c) of the Internal Revenue Code.

—was referred to the Committee on Rules and Calendar.

By Representative Ball—

HM 4341—A memorial to the Congress of the United States, urging action by the U.S. Department of the Army, Corps of Engineers, Jacksonville Division, and Region IV of the Environmental Protection Agency, relating to wetland jurisdiction.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 830 and SB 1436.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 17 was corrected and approved.

CO-SPONSORS

Senators Casas—SB 656, CS for SB 1516, CS for SB 1540, CS for SB 1868, CS for SB 1872, SB 1876; Cowin—CS for SB 1576; Forman—CS for SB 544, CS for SB 604, CS for CS for SB's 1794 and 2200, SB 2222; Latvala—SB 854

RECESS

On motion by Senator Bankhead, the Senate recessed at 6:10 p.m. to reconvene at 9:00 a.m., Wednesday, April 22.

SENATE PAGES

April 20-24

Randy C. Barrelle, Sharpes; Cody W. Connell, Monticello; Nekittrae (Neki) Davis, Quincy; Taylor Gregory, Miami; Melissa Lilliston, Monticello; Richie Robinson, Tampa; Cheyla Renee Scantling, Jacksonville; Ronit (Rony) Singer, Aventura; Jason Suskey, Davie; Lisa Michelle Vinson, St. Petersburg

Journal of the Senate

Number 18—Regular Session **Wednesday, April 22, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—32:

Madam President	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Myers
Brown-Waite	Forman	Jones	Ostalkiewicz
Campbell	Geller	Kirkpatrick	Scott
Casas	Grant	Klein	Silver
Childers	Gutman	Kurth	Thomas
Clary	Hargrett	Laurent	Turner
Cowin	Harris	Lee	Williams

Excused: Senator Thomas at 4:00 p.m.; Conferees periodically for purpose of working on Civil Litigation Reform: Senator McKay, Chairman; Senators Burt, Bankhead, Dudley, Rossin, Dyer and Latvala; Conferees periodically for purpose of working on Elections: Senators Latvala, Silver and Lee; Alternate, Senator Meadows

PRAYER

The following prayer was offered by Rev. Barry E. Dickson, Pastor, Bagdad Methodist Church, Bagdad:

Almighty God, we give you thanks for this opportunity to acknowledge your providence over our great state. We come to you in a spirit of repentance this morning, asking forgiveness for our imperfections, Lord, and for our inadequacies and our unwillingness oftentimes to make your righteousness our highest aim.

Father, we just want to ask for wisdom and discernment today for this honorable assembly, that the laws that we make in this assembly, Lord, would be conformable to your eternal law. Father, help us to honor the intentions of our founders and the principles of our Constitution, so that our land would abide in peace and be a beacon of liberty for the nations of this earth.

We praise you for the many blessings we have received as Americans and as Floridians. We ask that those blessings would continue and that you would help us to use them to further your kingdom in this world. Father, we just know, Lord, that your truth shall prevail in the end. And unto you, we want to ascribe all the glory, all the majesty, all the power and all the dominion, now and forever more. Amen.

PLEDGE

Senate Pages Cheyla Scantling of Jacksonville and Melissa Lilliston of Monticello, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Hargrett—

By Senator Hargrett—

SR 2318—A resolution honoring Barbara Brown, a language arts middle school teacher, as Hillsborough County's 1998 Teacher of the Year.

WHEREAS, Barbara Brown has a master's degree in English from the University of South Florida, is one of 9,730 classroom teachers in Hillsborough County, has 23 years of teaching experience, has been nominated as Teacher of the Year in Hillsborough County four times, and this year has been named the 1998 Teacher of the Year, and

WHEREAS, Barbara Brown chairs the school improvement team at Middleton Magnet School of Technology and works with the student newspaper and the yearbook, and

WHEREAS, Barbara knows what a tremendous amount of power a teacher has in the classroom and credits Medora Brown, her 11th grade English teacher at Robinson High School, with inspiring her to become a teacher who encourages students to let their imaginations run loose, and

WHEREAS, in her acceptance speech at the Hillsborough Education Foundation banquet Barbara also thanked Sylvia Kimbell for helping her stay in the teaching profession when she was ready to "throw it in" after the death of her 5-year old son from cancer, and

WHEREAS, Principal Charles Dixon at Middleton School recently said, "She's the kind of person who takes a big task and makes it seem simple, makes it seem fun. Her enthusiasm is infectious. She's an all-around great person," NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Barbara Brown is commended for her lifelong dedication to teaching and for being named as Hillsborough County Teacher of the Year for 1998.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Barbara Brown as a tangible token of the sentiments and good wishes of the Florida Senate.

—**SR 2318** was introduced, read and adopted by publication.

At the request of Senator Hargrett—

By Senator Hargrett—

SR 2624—A resolution honoring Isadore Billy Reed.

WHEREAS, Isadore Billy Reed was a star athlete throughout his high school and college careers, having played football, baseball, and basketball in both high school and college, and

WHEREAS, upon graduating from Florida A&M University, Billy Reed, as he is called by most who know him, became a teacher and coach in the Hillsborough County School System, a career to which he devoted his life for more than 40 years, and

WHEREAS, Billy Reed was instrumental in organizing the Belmont Heights Little League, a program that not only has produced outstanding young men, but has achieved international fame, and

WHEREAS, such notable athletes as Dwight Gooden, Gary Sheffield, Carl Everette, Frank Romano, Vance Lovelace, and many others are the product of Billy Reed's commitment to his chosen profession, and

WHEREAS, Billy Reed won more than 400 games as a baseball coach alone and has been inducted into the Walk of Fame, the Florida A&M University Hall of Fame, and the West Coast Rattlers Booster Club's Hillsborough County Wall of Fame, and

WHEREAS, Billy Reed, devoted husband and father, has received many awards, honors, and commendations for his leadership ability, his service to the Tampa Bay community, his dedication to youth, and his contributions to education and sports, and

WHEREAS, though retired from his profession, Billy Reed is still active in his community, with an emphasis on youth sports, and it is fitting that he be recognized as an individual who has done much to benefit the children of Hillsborough County and bring honor to the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate pauses in its deliberations to recognize Isadore Billy Reed for his dedication to his profession and to honor him for the positive influence he has had on the lives he has touched.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Isadore Billy Reed as a token of the sentiments of the Florida Senate.

—**SR 2624** was introduced, read and adopted by publication.

At the request of Senator Grant—

By Senators Grant, Kirkpatrick, Harris, Brown-Waite, Crist, Forman, Dudley, Campbell, Kurth, Laurent, Gutman, Ostalkiewicz, Burt, Clary, Bankhead, Diaz-Balart, Meadows, McKay, Bronson, Cowin, Lee, Dyer, Latvala, Silver, Childers, Thomas, Casas, Williams, Holzendorf, Horne, Klein, Turner, Sullivan, Jones, Scott, Hargrett, Myers, Geller, Rossin and Jennings—

SR 2698—A resolution recognizing the 50th anniversary of the Independent State of Israel.

WHEREAS, the State of Israel was declared an independent state in 1948, and

WHEREAS, the State of Israel is the independent homeland of the Jewish people, and has been host to a pluralistic society and, for 50 years, has worked to obtain peace in the region with all its neighbors, and

WHEREAS, the people of the United States have a special friendship and relationship with Israel, characterized by their common commitments to freedom and democracy, and the people of Florida also share with Israel an emphasis on agriculture and high-tech industry as elements of their economies, and

WHEREAS, the State of Israel has grown into a modern democratic society that mirrors the will of its people and seeks to defend and protect the rights of all regardless of race, creed, or religion, and

WHEREAS, in the brief period of 50 years since its rebirth, Israel has created a remarkable record of achievement in agriculture, science, medicine, and technology and has generously shared the fruits of its brilliant successes in these fields with dozens of third-world countries, and

WHEREAS, the people and the government of Israel have welcomed, integrated, and absorbed hundreds of thousands of refugees from post-World War II Europe, Ethiopia, the Soviet Union, Iran, Iraq, and many other countries, while maintaining their economic and defense responsibilities and commitments with courage and strength, and

WHEREAS, the achievements of Israel constitute a tribute to the ideals of democracy and freedom, and the people of Florida enjoy a close relationship and affinity with the people of the State of Israel, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the people and the nation of Israel are hereby congratulated on the 50th anniversary of the founding of the independent State of Israel, and that the Florida Senate does hereby call upon all people in the State of Florida to participate in the various celebrations of this event, recalling the ancient expression of good wishes from the Bible that Israel may continue to grow from strength to strength in the years ahead.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be sent to Ambassador Dan Haezrachy, acting Consul General for Israel in Florida, to the Chairman of the Florida-Israel Institute, and to the Presidents of the Jewish Federations in Florida.

—**SR 2698** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Turner, by two-thirds vote **SB 658**, **SB 764**, **SB 848** and **SB 850** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 924**, **SB 1126**, **CS for SB 1158**, **SB 1582**, **CS for SB 1646**, **CS for SB 1868**, **CS for SB 1924**, **SB 1940**, **CS for SB 2060**, **CS for SB 2074**, **CS for SB 2100**, **CS for SB 2132**, **CS for SB 2150**, **CS for SB 2172** and **CS for SB 2356** were withdrawn from the Committee on Ways and Means.

On motion by Senator Brown-Waite, by two-thirds vote **SB 430** and **SB 252** were withdrawn from the committees of reference and further consideration.

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB's 2024 and 2648** was withdrawn from the Committees on Community Affairs and Education; **CS for SJR 298** was withdrawn from the Committee on Governmental Reform and Oversight; **SB 970** was withdrawn from the Committee on Education; **CS for SB 1036** was withdrawn from the Committee on Community Affairs; **CS for SB 1318** was withdrawn from the Committee on Governmental Reform and Oversight; **CS for SB 1426** was withdrawn from the Committee on Community Affairs; **CS for SB 1516** was withdrawn from the Committees on Health Care and Natural Resources; **CS for SB 1734** was withdrawn from the Committee on Children, Families and Seniors; **CS for SB 1932** was withdrawn from the Committee on Governmental Reform and Oversight; **CS for SB 1952** and **CS for SB 1988** were withdrawn from the Committee on Community Affairs; and **CS for SB 2262** and **SB 2540** were withdrawn from the Committee on Judiciary.

On motion by Senator Diaz-Balart, by two-thirds vote **SB 446**, **SB 448** and **SB 736** were withdrawn from the committees of reference and further consideration.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Sullivan, the rules were waived and the Committee on Ways and Means was granted permission to add **CS for CS for SB 2198** to the agenda at the meeting on April 23.

MOTIONS

On motion by Senator Diaz-Balart, the rules were waived and a deadline of 7:00 p.m. this day was set for filing amendments to the Special Order Calendar and Bills on Third Reading to be considered Thursday, April 23.

CONSIDERATION OF BILLS ON THIRD READING

CS for CS for SB 2524—A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES

Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of the WAGES Program State Board of Directors; allowing the Governor to designate the WAGES Program State Board of Directors as a nonprofit corporation; providing requirements; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate the amendment in a reference; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances; providing that an individual who cares for a disabled family member is exempt from certain time limitations; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; providing legislative intent; amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation; creating s. 414.80, F.S.; designating specified sections as the "WAGES Emergency Response Act"; creating s. 414.810, F.S.; providing legislative findings and intent; creating s. 414.811, F.S.; providing for policy and purposes relating to the WAGES Emergency Response Program; creating s. 414.812, F.S.; limiting authority of the State WAGES Emergency Response Team; creating s. 414.813, F.S.; providing for liberal construction; creating s. 414.820, F.S.; designating areas of critical state economic concern; creating s. 414.830, F.S.; providing for WAGES Emergency Response Team Coordinators; providing team authorities; providing for gubernatorial authorities; creating s. 414.840, F.S.; creating Regional WAGES Emergency Response Teams; providing for responsibilities; creating s. 414.845, F.S.; creating local project teams; providing for powers and responsibilities for such teams; creating s. 414.850, F.S.; providing for expiration and review of the WAGES Emergency Response Program; creating s. 414.860, F.S.; providing for a legislative oversight committee; requiring a contract related to job creation and training activities; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.047, F.S.; creating a Quick–response Training Program for WAGES participants; providing requirements; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; providing an effective date.

—as amended April 17 was read the third time by title.

Senator Harris moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 13, line 13, after the period (.) insert: *Positions associated with operation of WAGES Program functions that will be transferred to local WAGES coalitions must be vacated within 60 days after transfer of such functions and placed in reserve by the Executive Office of the Governor. When positions have been vacated, funds associated with those positions are to be transferred to local WAGES coalitions to support operation of the transferred functions. The amount of funds provided to each local WAGES coalition will be determined by an allocation formula to be developed by the State WAGES Board.*

Senator Harris moved the following amendment:

Amendment 2 (with title amendment)—On page 20, line 13 through page 22, line 2, delete those lines and insert:

Section 4. Section 414.20, Florida Statutes, is amended to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision of needed support services, the department and the Department of Labor and Employment Security may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary cash assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) TRANSPORTATION.—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. *Transportation services may include, but are not limited to, cooperative arrangements with the following: public transit providers; community transportation coordinators designated under chapter 427; school districts, churches and community centers; donated motor vehicle programs, vanpools, and ridesharing programs; small enterprise developments and entrepreneurial programs that encourage WAGES participants to become transportation providers; public and private transportation partnerships; and other innovative strategies to expand transportation options available to program participants.*

(a) Local WAGES coalitions are authorized to provide payment for vehicle operational and repair expenses, including repair expenditures necessary to make a vehicle functional; vehicle registration fees; driver's license fees; and liability insurance for the vehicle for a period of up to 6 months. Request for vehicle repairs must be accompanied by an estimate of the cost prepared by a repair facility registered under s. 559.904.

(b) Transportation disadvantaged funds as defined in chapter 427 do not include WAGES support services funds that are used for the provision of transportation services for WAGES program participants. It is the intent of the Legislature that local WAGES coalitions consult with local community transportation coordinators designated under chapter 427 regarding the availability and cost of transportation services through the coordinated transportation system prior to contracting for comparable transportation services outside the coordinated system. ~~Support services funds may also be used to develop transportation resources to expand transportation options available to participants. These services may include cooperative arrangements with local transit authorities or school districts and small enterprise development.~~

(2) ANCILLARY EXPENSES.—Ancillary expenses such as books, tools, clothing, fees, and costs necessary to comply with work activity requirements or employment requirements may be provided.

(3) MEDICAL SERVICES.—A family that meets the eligibility requirements for Medicaid shall receive medical services under the Medicaid program.

(4) PERSONAL AND FAMILY COUNSELING AND THERAPY.—Counseling may be provided to participants who have a personal or family problem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, the department and the Department of Labor and Employment Security shall use services that are available in the community at no additional cost. If these services are not available, the department and the Department of Labor and Employment Security may use support services funds. Personal or family counseling not available through Medicaid may not be considered a medical service for purposes of the required statewide implementation plan or use of federal funds.

And the title is amended as follows:

On page 2, lines 9-11, delete those lines and insert: amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; amending s. 414.105, F.S.; providing

Senators Kirkpatrick and Hargrett offered the following amendment to **Amendment 2** which was moved by Senator Hargrett and adopted by two-thirds vote:

Amendment 2A—On page 2, line 31 through page 3, line 3, delete those lines and insert: *chapter 427 do not include WAGES support services funds or funds appropriated to assist persons eligible under the Job Training Partnership Act. It is the intent of the Legislature that local WAGES coalitions and regional workforce development boards consult with local*

Amendment 2 as amended was adopted by two-thirds vote.

Senator Harris moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (with title amendment)—On page 35, line 8 through page 37, line 3, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 3-5, delete those lines and insert: Directors;

Senator Kirkpatrick offered the following amendments which were moved by Senator Harris and adopted by two-thirds vote:

Amendment 4—On page 45, line 27, after "*order*" insert: *, effective for a period of no longer than one year, and subject to legislative review and approval at the next regular legislative session*

Amendment 5—On page 46, delete line 3 and insert:

(5) The Legislature by concurrent resolution may at any time terminate an executive order issued for purposes described in this section.

(6) The State WAGES Emergency Response Team is

Amendment 6—On page 46, delete line 18 and insert: *councils, and a representative of each school board in the region shall*

Senators Silver, Thomas, Turner and Gutman offered the following amendment which was moved by Senator Silver and adopted by two-thirds vote:

Amendment 7 (with title amendment)—On page 48, lines 19-21, delete those lines and insert: *the team shall consider projects which provide retail employment opportunities and may select retail projects if: the projects provide significant employment opportunities for WAGES Program participants; the project developers either have or can obtain the necessary permits to begin construction of the project on or before December 1, 1998; and the sponsors of the project are willing to enter into a contract with the state to deliver the commitments required under this subsection. The team shall give priority attention to any retail development project if such a project: is located in an area of critical state economic concern; is designed to provide for more than 5,000 permanent jobs; provides for the right of first refusal for at least 3,000 construction jobs to WAGES Program participants; provides a program for the transportation of WAGES Program participants employed in the construction of the project to and from the construction site; provides on–the–job training for WAGES Program participants at the project site; provides for multiple job fairs for WAGES Program participants; provides that a substantial portion of operational and clerical positions hired directly by the project be WAGES Program participants; and provides for rent and lease incentive programs for businesses renting or leasing space in project facilities based upon the employment of WAGES Program participants. The team may consider any other contract provision designed to increase employment opportunities for WAGES Program participants. The Department of Community Affairs, on behalf of the team, shall develop a contract in consultation with the Department of Labor and Employment Security, the Department of Children and Family Services, and the Department of Transportation, which will utilize state resources such as the Department of Agriculture's Florida AgVentures Program, the Department of Community Affairs' Community Development Block Grant Loan Guarantee Program, the Department of Labor's Welfare–to–Work Program, additional federal funds provided to the Department of Transportation in fiscal year 1998-99, through the reauthorization of the Federal Highway Act, the Department of Environmental Protection's Sewage Treatment Facilities Revolving Loan Program, and WAGES Program support funds to facilitate projects meeting the requirements under this subsection.*

And the title is amended as follows:

On page 4, line 6, after the semicolon (;) insert: providing guidelines for prioritization of projects;

Senator Sullivan offered the following amendment which was moved by Senator Harris and adopted by two-thirds vote:

Amendment 8 (with title amendment)—On page 58, between lines 17 and 18, insert:

Section 37. *There is appropriated $32 million from federal funds received by the state pursuant to Public Law 104-193, The Personal Responsibility and Work Opportunity Act, to the Employment Security Administration Trust Fund in the Department of Labor and Employment Security, to support the activities of local WAGES Coalitions directed toward preparing, placing, and supporting WAGES program participants in jobs or other approved work related activities.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: providing an appropriation from federal funds to support local WAGES Coalitions;

Senator Bankhead offered the following amendment which was moved by Senator Harris and adopted by two-thirds vote:

Amendment 9 (with title amendment)—On page 58, between lines 17 and 18 insert:

Section 36. Section 414.155, Florida Statutes, is created to read:

414.155 Relocation assistance program.—

(1) The Legislature recognizes that the need for public assistance may arise because a family is located in an area with limited employment opportunities, because of geographic isolation, because of formidable transportation barriers, because of isolation from their extended family, or because domestic violence interferes with the ability of a parent to maintain self-sufficiency. Accordingly there is established a voluntary program to assist families in relocating to communities with greater opportunities for self-sufficiency.

(2) The relocation assistance program shall involve five steps by the Department of Children and Family Services and the Department of Labor and Employment Security:

(a) A determination that the family is a WAGES Program participant or that all requirements of eligibility for the WAGES Program would likely be met.

(b) A determination that there is a basis for believing that relocation will contribute to the ability of the applicant to achieve self-sufficiency. For example, the applicant:

1. Is unlikely to achieve independence at the current community of residence;

2. Has secured a job that requires relocation to another community;

3. Has a family support network in another community; or

4. Is determined pursuant to criteria or procedures established by the WAGES Program State Board of Directors to be a victim of domestic violence who would experience reduced probability of further incidents through relocation.

(c) Establishment of a relocation plan, including a budget and such requirements as are necessary to prevent abuse of the benefit and to provide an assurance that the applicant will relocate. The plan may require that expenditures be made on behalf of the recipient; however, the plan must include provisions to protect the safety of victims of domestic violence and avoid provisions that place them in anticipated danger. The payment to defray relocation expenses shall be limited to an amount not to exceed 4 months' temporary cash assistance, based on family size, and will not count towards the time limitations stated in s. 414.105. The Department of Children and Family Services may adopt rules necessary to administer this section.

(d) A determination, pursuant to criteria adopted by the WAGES Program State Board of Directors, that a Florida community receiving a relocated family has the capacity to provide needed services and employment opportunities. The Department of Labor and Employment Security may adopt rules necessary to establish criteria to be used by the WAGES Program State Board of Directors in administering this paragraph.

(e) Monitoring the relocation.

(3) A family receiving relocation assistance for reasons other than domestic violence must sign an agreement restricting the family from applying for temporary cash assistance for 6 months, unless an emergency is demonstrated to the department. If a demonstrated emergency forces the family to reapply for temporary cash assistance within 6 months after receiving a relocation assistance payment, repayment must be made on a prorated basis over an 8-month period and subtracted from any regular payment of temporary cash assistance for which the applicant may be eligible. The Department of Children and Family Services may adopt rules necessary to administer this section.

(4) Nothing herein shall be construed to allow any WAGES Coalition or state agency to require relocation of a WAGES participant for the purposes of this section or any other.

(5) When the relocation plan for a WAGES participant involves relocating the participant within the state, the plan must be approved by the local WAGES coalition in the district from which the participant is moving and the local WAGES coalition in the district to which the participant is moving before the effective date of the move.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing rulemaking authority for the Department of Children and Family Services and the Department of Labor and Employment Security; prescribing that the relocation assistance program shall not be construed to require relocation of a WAGES participant; requiring approval of the relocation plan of a WAGES participant;

Senator Sullivan offered the following amendment which was moved by Senator Harris and adopted by two-thirds vote:

Amendment 10 (with title amendment)—On page 58, between lines 17 and 18, insert:

Section 37. *The following resources are designated for support of the WAGES Emergency Response Program:*

(1) Up to $25,000,000 of funds designated for WAGES reserve is to be expended for WAGES Program job development in areas of critical state economic concern.

(2) A total of $15,000,000 is to be transferred from Employment Security Administration Trust Fund amounts associated with JTPA IIB, IIC and III allocations to the Economic Development Trust Fund administered by the Office of Tourism, Trade, and Economic Development to be used to fund programs and projects that produce jobs for WAGES Program participants in areas of critical state economic concern.

(3) Up to $7,500,000 from Employment Security Administration Trust Fund amounts associated with the Welfare–to–Work grant is to be reserved for activities that lead to employment of WAGES Program participants in areas of critical state economic concern as defined by the WAGES Emergency Response Program. Of the $7,500,000 reserved, $2,500,000 is to be provided to the Institute of Food and Agricultural Sciences of the University of Florida for WAGES job opportunities, and $1,000,000 is to be provided to the Department of Military Affairs to provide job readiness services for WAGES Program participants as approved by the State WAGES Board.

(4) Contingent upon passage of federal legislation reauthorizing the Intermodal Surface Transportation Efficiency Act or similar legislation that provides Florida more than 78 percent of its federal transportation tax contribution or that increases revenue to Florida, up to $25,000,000 is to be committed to transportation projects in areas of critical state economic concern that produce jobs for WAGES Program participants.

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: designating resources for support of the WAGES Emergency Response Program;

Senator Kirkpatrick moved the following amendment which was adopted by two-thirds vote:

Amendment 11 (with title amendment)—On page 58, between lines 17 and 18, insert:

Section 37. *A total of $1.9 million is appropriated from the Employment Security Administration Trust Fund to establish a life preparation program with the National Guard for children of WAGES participants and economically disadvantaged youths in concert with neighborhood revitalization efforts.*

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: appropriating resources for the life preparation program;

On motions by Senator Harris, **CS for CS for SB 2524** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Madam President	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Myers
Brown-Waite	Forman	Jones	Ostalkiewicz
Campbell	Geller	Kirkpatrick	Scott
Casas	Grant	Klein	Silver
Childers	Gutman	Kurth	Thomas
Clary	Hargrett	Laurent	Turner
Cowin	Harris	Lee	Williams

Nays—None

HB 3239—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising certain definitions; amending s. 517.051, F.S.; specifying additional securities as exempt from certain registration requirements; specifying priority of application; amending s. 517.061, F.S.; clarifying the exemption of certain securities in certain transactions from registration requirements; specifying additional

transactions as exempt from certain registration requirements; amending ss. 517.081, 517.082, and 517.12, F.S.; authorizing the Department of Banking and Finance to adopt certain rules for electronic deposits and filings; correcting a cross reference; including certain notice filing requirements within application of certain registration provisions; requiring certain dealers to comply with net capital and ratio requirements; providing application; creating s. 517.1201, F.S.; specifying notice filing requirements for federal covered advisers; prohibiting certain activities; providing for certain fees; authorizing the Department of Banking and Finance to adopt rules; providing for permits for certain purposes; amending ss. 517.1205 and 517.131, F.S.; including federal covered advisers within application of certain registration requirements; amending s. 517.161, F.S.; specifying additional conditions for denial, revocation, restriction, or suspension of certain registrations; amending s. 517.302, F.S.; providing for additional uses of moneys in the Anti-Fraud Trust Fund; amending s. 517.311, F.S.; clarifying application of false representation and deceptive words proscriptions to notice filings; providing an appropriation; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Horne, **HB 3239** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Madam President	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Myers
Brown-Waite	Forman	Jones	Ostalkiewicz
Campbell	Geller	Kirkpatrick	Scott
Casas	Grant	Klein	Silver
Childers	Gutman	Kurth	Thomas
Clary	Hargrett	Laurent	Turner
Cowin	Harris	Lee	Williams

Nays—None

SB 1724—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; revising definitions of employment and wages to incorporate additional exclusions; amending s. 443.091, F.S.; clarifying certain benefit eligibility conditions relating to services at educational institutions; amending s. 443.191, F.S.; limiting use of certain moneys in the Unemployment Compensation Trust Fund for a time certain; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **SB 1724** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Jones	Scott
Bronson	Forman	Kirkpatrick	Silver
Brown-Waite	Geller	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Consideration of **HB 3125** was deferred.

CS for HB 3161—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.532, F.S.; providing requirements with respect to recordings made during the formal interrogation of a law enforcement or correctional officer; amending s. 112.533, F.S.; providing for rights of law enforcement and correctional officers to review their personnel files, attach a response, and receive a copy of certain materials in the file; providing for application to the release of certain information; amending s. 943.135, F.S.; permitting law enforcement officers who are elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **CS for HB 3161** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Jones	Scott
Bronson	Forman	Kirkpatrick	Silver
Brown-Waite	Geller	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

CS for SB 608—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the United States Internal Revenue Code for purposes of the corporate income tax; amending s. 220.02, F.S.; providing legislative intent regarding taxation of a "qualified subchapter S subsidiary;" amending s. 220.22, F.S.; requiring certain returns; providing for retroactive effect; providing an effective date.

—was read the third time by title.

On motions by Senator Ostalkiewicz, **CS for SB 608** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Jones	Scott
Bronson	Forman	Kirkpatrick	Silver
Brown-Waite	Geller	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

SB 1944—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; creating s. 535.08, F.S.; providing a prohibition against the administration of medications to thoroughbred horses prior to sale; providing an exception and certain requirements; providing for testing; providing for a tolerance or test for medications and depressants; providing penalties; amending s. 535.11, F.S., relating to prohibition against administration of drugs to horses; providing a definition; creating s. 585.147, F.S.; requiring a permit for transporting or hauling certain animals or animal products; providing vehicle and container requirements; amending s. 500.09, F.S.; authorizing the department to perform certain laboratory services relating to food safety and establish fees therefor; amending s. 500.121, F.S.; adding new disciplinary procedures for food establishments operating without a permit or with a suspended or revoked permit; providing a penalty; amending s. 570.07, F.S.; authorizing an employees' benefit fund; amending s. 570.952, F.S.; revising membership of the Florida Agriculture Center and Horse Park Authority; amending s. 571.25, F.S.; changing the registration date for membership in the Florida Agricultural Promotional Campaign; amending s. 581.031, F.S.; providing duties of the department relating to a commercial citrus inventory; amending s. 500.11, F.S.; specifying conditions for animal products to be considered misbranded; amending ss. 570.50, 570.51, F.S.; deleting powers and duties of the Division of Food Safety of the Department of Agriculture and Consumer Services relating to certain animal and animal product inspection; amending and transferring ss. 585.89, 585.92, F.S., relating to

prohibitions on purchase of beef and pork, specifications for bid invitations, penalties, and labeling requirements; conforming provisions; amending s. 828.22, F.S.; correcting a cross-reference; amending s. 877.05, F.S., relating to the killing of young veal for sale; conforming provisions; repealing s. 205.1951, F.S., relating to the issuance of a grant of inspection or a custom animal slaughtering or processing establishment permit; repealing ss. 585.70, 585.88, 585.90, 585.91, 585.93, 585.96, F.S., relating to animal and animal product inspection and labeling; repealing ss. 828.23(5) and (6), 828.24, 828.25, 828.26(2), F.S., relating to definitions of terms "packer" and "stockyard," prohibited acts, department administration, and penalties pertaining to slaughter of livestock; repealing s. 877.06, F.S., relating to labeling of beef not slaughtered according to state or United States standards; repealing s. 102, ch. 92-291, Laws of Florida, relating to review and repeal of ss. 500.12, 500.121, F.S.; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Thomas, **SB 1944** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Jones	Scott
Bronson	Forman	Kirkpatrick	Silver
Brown-Waite	Geller	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

SB 2314—A bill to be entitled An act relating to rulemaking authority of boards of trustees of community colleges (RAB); amending s. 240.319, F.S.; prescribing rulemaking authority or such boards of trustees; providing an effective date.

—was read the third time by title.

On motions by Senator Grant, **SB 2314** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Jones	Scott
Bronson	Forman	Kirkpatrick	Silver
Brown-Waite	Geller	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

CS for SB 280—A bill to be entitled An act relating to sales contracts for motor vehicle or truck repair parts; creating s. 686.30, F.S.; providing for contract agreement; providing requirements with respect to agreements between manufacturers and distributors of and dealers in motor vehicle or truck repair parts; requiring that termination of such contracts be done in good faith; providing definitions; providing penalties for terminating a contract in specified circumstances; providing for attorney's fees for the prevailing party in certain legal actions; prohibiting coercion respecting exclusive purchase of parts; allowing the negotiation of an exclusive contract; providing for injunctive relief; providing applicability; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Williams, **CS for SB 280** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Jones	Scott
Bronson	Forman	Kirkpatrick	Silver
Brown-Waite	Geller	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Consideration of **CS for CS for SB 1796** was deferred.

CS for SB 844—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.091, F.S.; providing that on specified highways certain commercial vehicles may drive only in certain lanes; amending s. 316.302, F.S.; adopting federal motor carrier safety regulations; authorizing audits of intrastate motor carriers for drivers' hours of service compliance; amending s. 320.01, F.S.; defining the term "agricultural products"; amending s. 320.055, F.S.; providing for staggered fleet registration; amending s. 320.0657, F.S.; defining the term "fleet"; providing registration fees; providing penalties for late or improper registration; repealing s. 320.065, F.S., which requires permanent registration for certain agricultural vehicles; providing an effective date.

—as amended April 17 was read the third time by title.

Senator Hargrett moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 3, delete line 9 and insert:

(42) For purposes of this chapter, "agricultural products" means any food product;

On motions by Senator Hargrett, **CS for SB 844** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Madam President	Crist	Horne	Myers
Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Forman	Kirkpatrick	Scott
Campbell	Geller	Klein	Silver
Casas	Gutman	Kurth	Sullivan
Childers	Hargrett	Laurent	Thomas
Clary	Harris	Lee	Turner
Cowin	Holzendorf	Meadows	Williams

Nays—None

HB 3289—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S., relating to player activated vending machines; requiring a certain number of clerks to be on duty at certain lottery retailer locations; amending s. 24.111, F.S.; deleting the requirement that the Department of the Lottery lease all instant vending machines for a specified initial evaluation period; providing an effective date.

—was read the third time by title.

Senator Gutman moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (with title amendment)—On page 3, between lines 21 and 22, insert:

Section 3. *Provisions contained in the 1998-1999 Appropriations Act to the contrary notwithstanding, funds provided in specific appropriation 1952 may be used for production and airing of a television game show during the 1998-1999 fiscal year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: authorizing the use of certain funds for a television game show;

On motions by Senator Gutman, **HB 3289** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—20

Madam President	Diaz-Balart	Jones	Meadows
Campbell	Forman	Kirkpatrick	Scott
Casas	Geller	Klein	Silver
Childers	Gutman	Kurth	Thomas
Cowin	Harris	Lee	Turner

Nays—13

Bronson	Grant	Horne	Ostalkiewicz
Brown-Waite	Hargrett	Laurent	Sullivan
Clary	Holzendorf	Myers	Williams
Crist			

CS for HB 161—A bill to be entitled An act relating to education paraprofessionals; amending ss. 228.041, 228.056, 231.141, 231.15, 231.3605, 231.40, 240.40685, and 121.091, F.S.; replacing the term "teacher aide" with the term "education paraprofessional"; requiring the State Board of Education to classify school services and prescribe rules; creating s. 231.143, F.S.; authorizing school districts to adopt a program for the career development of education paraprofessionals; specifying levels of achievement that paraprofessionals can attain through the program; providing restrictions; providing an effective date.

—was read the third time by title.

On motions by Senator Turner, **CS for HB 161** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Jones	Scott
Bronson	Forman	Kirkpatrick	Silver
Brown-Waite	Geller	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

CS for SB 498—A bill to be entitled An act relating to tax administration; creating s. 213.285, F.S.; authorizing the Department of Revenue to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; providing rulemaking authority for the Department of Revenue; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audits project; providing an appropriation and authorizing positions within the department; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Sullivan, **CS for SB 498** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Jones	Scott
Bronson	Forman	Kirkpatrick	Silver
Brown-Waite	Geller	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

HB 3125—A bill to be entitled An act relating to disposal of solid waste; amending s. 403.707, F.S.; revising and clarifying conditions under which the disposal of solid waste is exempt from Department of Environmental Protection permitting requirements; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Kirkpatrick, **HB 3125** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Jones	Scott
Bronson	Forman	Kirkpatrick	Silver
Brown-Waite	Geller	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

CS for SB 1878—A bill to be entitled An act relating to the Child Care Executive Partnership; amending s. 409.178, F.S.; conforming title of the partnership program; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements; providing an effective date.

—was read the third time by title.

On motions by Senator Kurth, **CS for SB 1878** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Diaz-Balart	Jones	Scott
Bronson	Forman	Kirkpatrick	Silver
Brown-Waite	Geller	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Consideration of **CS for HB 935** was deferred.

SB 864—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption under certain circumstances to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed;

providing for canceling outstanding tax certificates on, and taxes assessed against, such property and for refunding any such taxes that have been paid; providing for expiration; providing an effective date.

—was read the third time by title.

On motions by Senator Meadows, **SB 864** was passed and certified to the House. The vote on passage was:

Yeas—32

Madam President	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Myers
Brown-Waite	Forman	Jones	Ostalkiewicz
Campbell	Geller	Kirkpatrick	Scott
Casas	Grant	Klein	Silver
Childers	Gutman	Kurth	Sullivan
Clary	Hargrett	Laurent	Turner
Cowin	Harris	Lee	Williams

Nays—None

HB 3889—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.7295, F.S.; authorizing certain fees; amending s. 627.736, F.S.; providing alternate means of paying certain interest penalties on overdue personal injury protection benefits; prohibiting a provider's statement of charges from including certain charges; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying where an independent medical examination of a claimant may be conducted; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Diaz-Balart, **HB 3889** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—30

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Forman	Jones	Scott
Brown-Waite	Geller	Kirkpatrick	Silver
Campbell	Grant	Klein	Thomas
Casas	Gutman	Kurth	Turner
Childers	Hargrett	Laurent	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—1

Crist

HB 3205—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to payments under the educational tuition assistance program administered by the Department of Military Affairs; providing an effective date.

—was read the third time by title.

On motions by Senator Kirkpatrick, **HB 3205** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Madam President	Crist	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Myers
Brown-Waite	Forman	Jones	Ostalkiewicz
Campbell	Geller	Kirkpatrick	Scott
Casas	Grant	Klein	Silver
Childers	Gutman	Kurth	Thomas
Clary	Hargrett	Laurent	Turner
Cowin	Harris	Lee	Williams

Nays—None

CS for HB 4065—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; providing definitions; amending s. 473.303, F.S.; revising provisions relating to membership on probable cause panels of the Board of Accountancy; amending s. 473.306, F.S.; providing conditions under which the board may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership, corporation, or limited liability company to practice public accountancy in this state; amending s. 473.3101, F.S.; providing requirements for the licensure of sole proprietors and other legal entities; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 473.313, F.S.; providing continuing education requirements for the reactivation of certain licenses; amending s. 473.315, F.S.; providing an exemption for attorneys; amending ss. 473.319, 473.3205, F.S.; revising provisions relating to contingency fees, commissions, and referral fees; amending s. 473.322, F.S.; providing certain requirements for persons offering certain public accounting services; providing an effective date.

—was read the third time by title.

On motions by Senator Horne, **CS for HB 4065** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Madam President	Crist	Horne	Myers
Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Forman	Kirkpatrick	Silver
Campbell	Geller	Klein	Sullivan
Casas	Gutman	Kurth	Thomas
Childers	Hargrett	Laurent	Turner
Clary	Harris	Lee	Williams
Cowin	Holzendorf	Meadows	

Nays—None

STATEMENT OF INTENT FOR CS FOR HB 4065

First, this bill is intended to ensure that unlicensed accounting firms, such as American Express Tax and Business Services, Inc., can prepare certain types of financial statements.

Second, this bill is not intended to preclude certified public accountants from preparing certain types of financial statements on behalf of unlicensed public accounting firms such as American Express Tax and Business Services, Inc. In other words, this bill requires the Board of Accountancy to make the necessary changes to the current regulatory scheme to ensure compliance with these provisions of the bill and prevents the Board of Accountancy from adopting a regulatory approach that prevents CPAs working for unlicensed firms from preparing certain types of financial statements.

Third, any regulation of CPAs working for unlicensed accounting firms under this bill shall not exceed restrictions placed on CPAs working for licensed audit firms.

Fourth, the bill does not alter what unlicensed accountants, bookkeepers or others can or cannot do. The lawful services that they perform are unchanged and undisturbed.

Fifth, this bill does not preclude the Office of the Auditor General from expressing an opinion on the financial statements for the entities they audit.

Jack Latvala
District 19

Consideration of **HB 4167** was deferred.

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2014** was deferred.

On motion by Senator Clary, the Senate resumed consideration of—

CS for SB 340—A bill to be entitled An act relating to real estate; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting ss. 475.180(2)(b), 475.181(2), 475.22(2), 475.422(2), 475.482(1), F.S., relating to nonresident licenses, licensure, refusal of a broker to comply with certain requests or notices, furnishing of copies of termite and roof inspection reports, and recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; creating s. 475.279, F.S.; authorizing signatures transmitted by electronic means or facsimile; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.01, 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

—which was previously considered and amended April 17. Pending **Amendment 2** by Senator Clary was adopted.

Senator Clary moved the following amendments which were adopted:

Amendment 3 (with title amendment)—On page 52, between lines 25 and 26, insert:

Section 41. Section 475.274, Florida Statutes, is amended to read:

475.274 Scope of coverage.—The authorized brokerage relationships described in *ss. 475.2755 and* ~~s.~~ 475.278 apply in all brokerage activities as defined in s. 475.01(1)(a). The disclosure requirements of ss. 475.276 and 475.278 apply only to residential sales as defined in s. 475.276.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: amending s. 475.274, F.S.; amending a cross-reference;

Amendment 4 (with title amendment)—On page 52, between lines 25 and 26, insert:

Section 41. Section 475.2801, Florida Statutes, is amended to read:

475.2801 Rules.—The commission may adopt rules establishing disciplinary guidelines, notices of noncompliance, and citations for violations of ss. *475.2755,* 475.276, and 475.278.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: amending s. 475.2801, F.S.; amending a cross-reference;

Amendment 5 (with title amendment)—On page 52, between lines 25 and 26, insert:

Section 41. Section 475.5015, Florida Statutes, is amended to read:

475.5015 Brokerage business records.—Each broker shall keep and make available to the department such books, accounts, and records as will enable the department to determine whether such broker is in compliance with the provisions of this chapter. Each broker shall preserve at least one legible copy of all books, accounts, and records pertaining to her or his real estate brokerage business for at least 5 years from the date of receipt of any money, fund, deposit, check, or draft entrusted to the broker or, in the event no funds are entrusted to the broker, for at least 5 years from the date of execution by any party of any listing agreement, offer to purchase, rental property management agreement, rental or lease agreement, or any other written or verbal agreement which engages the services of the broker. If any brokerage record has been the subject of or has served as evidence for litigation, relevant books, accounts, and records must be retained for at least 2 years after the conclusion of the civil action or the conclusion of any appellate proceeding, whichever is later, but in no case less than a total of 5 years as set above. Disclosure documents required under ss. *475.2755,* 475.276, and 475.278 shall be retained by the real estate licensee in all transactions that result in a written contract to purchase and sell real property.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: amending s. 475.5015, F.S.; amending a cross-reference;

Amendment 6 (with title amendment)—On page 52, between lines 25 and 26, insert:

Section 41. Section 475.276, Florida Statutes, is amended to read:

475.276 Notice of nonrepresentation.—

(1) APPLICABILITY.—

(a) Residential sales.—The real estate licensee disclosure requirements of this section and s. 475.278 apply to all residential sales. As used in this section, the term "residential sales" means the sale of improved residential property of four units or fewer, the sale of unimproved residential property intended for use of four units or fewer, or the sale of agricultural property of 10 acres or fewer.

(b) Disclosure limitations.—The real estate licensee disclosure requirements of this section and s. 475.278 do not apply to: nonresidential transactions; the rental or leasing of real property, unless an option to purchase all or a portion of the property improved with four or fewer residential units is given; auctions; appraisals; and dispositions of any interest in business enterprises or business opportunities, except for property with four or fewer residential units.

(2) NOTICE REQUIREMENT.—Unless otherwise exempted by this part, all real estate licensees are required to provide to any potential seller or buyer at first contact the notice of nonrepresentation as outlined in subsection (3), except in situations where*:*

(a) A licensee knows that the potential seller or buyer is represented by a single agent or a transaction broker*; or*

(b) An owner is selling new residential units built by the owner, and the circumstances or setting of the first contact should reasonably inform the potential buyer that the owner's employee or single agent is acting on behalf of the owner, whether by the location of the sales office, by office signage, placards, or identification badges worn by the owner's employee or single agent.

If first contact between a licensee and a customer occurs during the course of a telephone conversation or any other communication in which the licensee is unable to provide the required notice of nonrepresentation, the licensee shall provide an oral notice and thereafter provide the required notice of nonrepresentation at the time of the first face-to-face contact, execution of a brokerage relationship agreement, or execution of a contractual agreement for purchase and sale, whichever occurs first.

(3) CONTENTS OF NOTICE.—

(a) Required information.—The notice required under subsection (2) must contain the following information:

NOTICE OF NONREPRESENTATION

FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES PROVIDE THIS NOTICE AT FIRST CONTACT TO ALL POTENTIAL SELLERS AND BUYERS OF REAL ESTATE.

You are hereby notified that _____ (insert name of brokerage firm) and I do not represent you in any capacity. You should not assume that any real estate broker or salesperson represents you unless you agree to engage a real estate licensee in an authorized brokerage relationship, either as a single agent or as a transaction broker. You are advised not to disclose any information you want to be held in confidence until you make a decision on representation. Your signature below acknowledges receipt of this form and does not establish a brokerage relationship.

_____ _____

Date (Signature Optional)

_____

(Signature Optional)

(b) Required format.—The notice required under subsection (2) must be printed as a separate and distinct form on paper no smaller than 8½ inches by 11 inches. Nothing may be added to the form except a brokerage firm logo containing only the firm name, address, and relevant phone numbers. The form title and first sentence are to be in bold typeface of no less than 16-point type. The remainder of the form must be of 12-point type or larger.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: amending s. 475.276, F.S.; providing an exception to requirement that real estate licensees provide a notice of nonrepresentation;

Pursuant to Rule 4.19, **CS for SB 340** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth, the Senate resumed consideration of—

SB 564—A bill to be entitled An act relating to higher education; amending s. 240.299, F.S.; providing reporting requirements for university direct-support organizations; amending s. 240.311, F.S., relating to rules of the State Board of Community Colleges; requiring a community college district board of trustees to annually evaluate the college president; amending s. 240.324, F.S.; providing an additional requirement for the accountability plan for community colleges; amending ss. 240.331, 240.3315, F.S.; prescribing membership of boards of directors and executive committees of community college direct-support organizations and statewide community college direct-support organizations; restricting activities of such direct-support organizations; providing reporting requirements for such organizations; amending s. 240.3335, F.S.; removing the authority of a board of directors of a center of technology innovation to acquire, lease, or sublease property; amending s. 240.363, F.S.; providing restrictions upon the transfer of funds to a direct-support organization; providing an effective date.

—which was previously considered and amended April 17. Pending **Amendment 4** by Senator Kurth was withdrawn. The question recurred on **Amendment 3** by Senator Grant which was adopted.

Senator Kurth moved the following amendment which was adopted:

Amendment 5—On page 5, line 23, delete "*s. 240.335*" and insert: *s. 240.3335*

SENATOR BANKHEAD PRESIDING

Senator Bronson moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 10, between lines 17 and 18, insert:

Section 8. *There is hereby appropriated from the General Revenue Fund the sum of $1 million as a grant and aid to Brevard Community College for fiscal year 1998-1999 to support the acquisition of a black beam interferometer for the Open Access Clean Room on the Palm Bay Campus.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 25, after the semicolon (;) insert: providing an appropriation;

Senator Kurth moved the following amendment which was adopted:

Amendment 7—On page 10, line 14, delete "*private*"

Pursuant to Rule 4.19, **SB 564** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2054** was deferred.

On motion by Senator Horne, by two-thirds vote **CS for HB 3701** was withdrawn from the Committee on Natural Resources.

On motion by Senator Horne—

CS for HB 3701—A bill to be entitled An act relating to pollution control; creating s. 403.7211, F.S.; restricting authority of the Department of Environmental Protection to issue permits for construction, modification, and initial operation of facilities for disposal, storage, or treatment of hazardous wastes generated off-site; restricting the locations of hazardous waste transfer facilities; providing application to pending permits and proposed transfer stations; providing an effective date.

—a companion measure, was substituted for **CS for SB 1390** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3701** was placed on the calendar of Bills on Third Reading.

STATEMENT OF LEGISLATIVE INTENT FOR CS FOR SB 1390 AND CS FOR HB 3701

This bill is intended only to prevent risks from airborne exposure from fires, spills, explosions or entrainment of toxic substances in a fire, spill or explosion scenario. A hazardous substance must be in an airborne form in order to meet the criteria or concentrations set by the American Industrial Hygienists' Association, which is what is referred to in subsection (4) of the bill by the use of the words "life-threatening concentrations of hazardous substances". Moreover, the Emergency Response Planning Guideline, published by the American Industrial Hygienist

Association, is directed only toward airborne concentrations of hazardous substances.

Facilities which increase the storage capacity of wastes which do not have the potential for offsite airborne impacts would not fall within the "substantial modification" portion of the bill. Additionally, existing facilities which change their operations so that they would be authorized to treat hazardous waste would not fall within the "substantial modification" portion of the bill if the proposed change would not increase the potential impact or risk of impact of an airborne release. Finally, just to be clear, a proposed modification of an existing facility which does not increase the potential impact or potential risk of an airborne release would not be considered a "substantial modification" under this bill.

Jim Horne
6th District

THE PRESIDENT PRESIDING

On motion by Senator McKay, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

CS for CS for SB 1796—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.411, F.S.; requiring that the Department of Children and Family Services notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain specified sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 490.012, F.S.; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 490.0145, F.S.; providing that only certain persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; requiring the Board of Psychology to require training and coursework for juvenile sexual offender therapists; amending s. 491.012, F.S.; defining the offense of the unlawful use of the term "juvenile sexual offender therapist," and providing penalties therefor; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 491.0144, F.S.; providing for qualifications for licensure as a juvenile sexual offender therapist under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services; creating ss. 943.17291, 943.17295, F.S.; requiring that the Criminal Justice Standards and Training Commission incorporate instruction in investigating juvenile sexual offenders into the course curriculum for law enforcement officers; amending s. 985.04, F.S.; requiring that the Department of Juvenile Justice notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 985.308, F.S.; requiring that the Department of Juvenile Justice inspect offender commitment programs operated by the department based on specified standards; authorizing any state attorney to establish a sexual abuse intervention network; providing for membership and prescribing duties of such network; requiring the Office of the Attorney General in collaboration with the Department of Children and Family Services and the Department of Juvenile Justice to award grants to sexual abuse intervention networks; specifying criteria for grant awards; requiring the Office of the Attorney General, in collaboration with the Department of Juvenile Justice and the Department of Children and Family Services, to establish minimum standards for juvenile sex offender day treatment and residential treatment programs funded pursuant to specified provisions; providing rulemaking authority for the Department of Legal Affairs; deleting rulemaking authority for the Department of Juvenile Justice; providing an effective date.

—was read the third time by title.

Senator McKay moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 5, line 4, after "*Association*" insert: *, Association for the Treatment of Sexual Abusers Practitioner's Handbook,*

Amendment 2—On page 6, line 12, after "*Association*" insert: *, Association for the Treatment of Sexual Abusers Practitioner's Handbook,*

Amendment 3 (with title amendment)—On page 10, delete line 16 and insert: juvenile sexual offender program *operated by or under contract with the department,*

And the title is amended as follows:

On page 2, delete line 20 and insert: operated by or under contract with the department based on specified

Amendment 4 (with title amendment)—On page 10, lines 24-26, delete those lines and insert:

(11) A child protection team or the state attorney in any judicial circuit may establish a sexual abuse intervention network to assist in identifying, investigating, prosecuting, treating, and

And the title is amended as follows:

On page 2, line 21, after "any" insert: child protection team or

Amendment 5 (with title amendment)—On page 11, lines 20-22, delete those lines and insert: *the Attorney General, the Department of Children and Family Services, the Department of Juvenile Justice, or local juvenile justice councils shall award grants to sexual abuse intervention*

And the title is amended as follows:

On page 2, lines 25-27, delete those lines and insert: Attorney General, the Department of Children and Family Services, the Department of Juvenile Justice, or local juvenile justice councils to award

On motions by Senator McKay, **CS for CS for SB 1796** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Kurth	Thomas
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

CS for HB 935—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's liability to pay over within 10 days certain moneys collected; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Burt, **CS for HB 935** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Forman	Klein	Sullivan
Burt	Geller	Kurth	Thomas
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—1

Ostalkiewicz

HB 4167—A bill to be entitled An act relating to adult abuse, neglect, and exploitation; amending ss. 415.102 and 415.1102, F.S.; deleting references to self-neglect from provisions relating to adult protective services cases and reports; defining "disabled adult in need of services" and "elderly person in need of services"; amending s. 415.1045, F.S.; providing for determinations in onsite protective investigations that certain persons are persons in need of services; amending s. 415.105, F.S.; providing for referral of such persons to programs of the Department of Elderly Affairs; amending s. 415.1055, F.S.; providing that no classification or notification is required for reports resulting in such determinations; amending s. 415.1065, F.S.; providing for retention and expunction of records of such reports; amending s. 430.205, F.S.; revising circumstances under which certain elderly persons must receive primary consideration for community-care-for-the-elderly services; defining "primary consideration"; providing an effective date.

—as amended April 17 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Rossin, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (with title amendment)—On page 5, after line 31, insert:

Section 9. Subsection (6) of section 415.107, Florida Statutes, is amended to read:

415.107 Confidentiality of reports and records.—

(6) The identity of any person reporting adult abuse, neglect, or exploitation may not be released, without that person's written consent, to any person other than employees of the department responsible for adult protective services, the central abuse registry and tracking system, or the appropriate state attorney *or law enforcement agency*. This subsection grants protection only for the person who reported the adult abuse, neglect, or exploitation and protects only the fact that the person is the reporter. This subsection does not prohibit the subpoena of a person reporting adult abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect a disabled adult or an elderly person who is the subject of a report, if the fact that the person made the report is not disclosed.

Section 10. Present subsections (4) and (5) of section 415.111, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and amended, and a new subsection (4) is added to that section, to read:

415.111 Criminal penalties.—

(4) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the reports to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 415.102. During the pendency of the investigation by the local law enforcement agency, the local law enforcement agency must respond to all subsequent reports concerning the same disabled adult or elderly person in accordance with s. 415.104 or s. 415.1045. If the law enforcement agency believes that there are indicators of abuse, neglect, or exploitation, it must immediately notify the department, which must assure the safety of the disabled adult or elderly person. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

(5)~~(4)~~ A person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person, or a person who advises another to make a false report, commits a *felony of the third* ~~misdemeanor of the second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

(a) The department shall establish procedures for determining whether a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person has been made and for submitting all identifying information relating to such a false report to the *local law enforcement agency as provided in this subsection and shall report annually to the Legislature the number of reports referred* ~~state attorney for prosecution~~.

(b) Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(6)~~(5)~~ Each state attorney shall establish *and publish* procedures to facilitate the prosecution of persons under this section *and shall report to the Legislature annually the number of complaints that have resulted in the filing of an information or indictment under this section.*

Section 11. Subsection (1) of section 415.1113, Florida Statutes, is amended to read:

415.1113 Administrative fines for false report of abuse, neglect, or exploitation of a disabled adult or an elderly person.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed *$10,000* ~~$1,000~~ for each violation, upon a person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person, or a person who counsels another to make a false report.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 5, after the semicolon (;) insert: amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report;

Amendment 1 as amended was adopted by two-thirds vote.

On motions by Senator Rossin, **HB 4167** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Burt	Clary	Forman
Bankhead	Campbell	Cowin	Geller
Bronson	Casas	Crist	Grant
Brown-Waite	Childers	Dudley	Gutman

Hargrett	Kirkpatrick	McKay	Silver
Harris	Klein	Meadows	Sullivan
Holzendorf	Kurth	Myers	Turner
Horne	Laurent	Ostalkiewicz	Williams
Jones	Lee	Rossin	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Burt, by two-thirds vote **HM 4265** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Burt, by unanimous consent—

HM 4265—A memorial to the Congress of the United States, urging Congress to enact legislation designating the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association as tax-exempt entities under s. 501(c) of the Internal Revenue Code.

—was taken up out of order and read the second time in full. On motions by Senator Burt, **HM 4265** was adopted and by two-thirds vote immediately certified to the House. The vote on adoption was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Meadows, the rules were waived and the Senate reconsidered the vote by which—

SB 864—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption under certain circumstances to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed; providing for canceling outstanding tax certificates on, and taxes assessed against, such property and for refunding any such taxes that have been paid; providing for expiration; providing an effective date.

—passed this day.

Pending further consideration of **SB 864**, on motion by Senator Meadows, by two-thirds vote **CS for HB 29** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Meadows, the rules were waived and by two-thirds vote—

CS for HB 29—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed under certain circumstances; providing for cancellation of taxes assessed and outstanding tax certificates; providing for expiration; amending s. 196.195, F.S.; specifying that certain nonprofit corporations are nonprofit for purposes of determining eligibility for the religious, literary, scientific, or charitable ad valorem tax exemption and providing requirements for establishing such status; amending s. 196.196, F.S.; providing an additional criterion for use in determining whether property is being used for a charitable, religious, scientific, or literary purpose; providing an effective date.

—a companion measure, was substituted for **SB 864** and by two-thirds vote read the second time by title. On motions by Senator Meadows, by two-thirds vote **CS for HB 29** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

On motion by Senator Childers, the Senate resumed consideration of—

CS for CS for SB 194—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a default under the title loan agreement; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

—which was previously considered and amended April 17. Pending **Amendment 2** by Senator Williams failed.

Senator Williams moved the following amendments which failed:

Amendment 3—On page 16, line 27, delete "*22*" and insert: *9*

Amendment 4—On page 16, line 27, delete "*22*" and insert: *10*

Amendment 5—On page 16, line 27, delete "*22*" and insert: *12*

Amendment 6—On page 16, line 27, delete "*22*" and insert: *15*

Amendment 7—On page 16, line 27, delete "*22*" and insert: *18*

Amendment 8 (with title amendment)—On page 30, between lines 3 and 4, insert:

Section 24. *The Office of Program Policy Analysis and Government Accountability shall conduct a review to determine the effectiveness and adequacy of the regulation of title loan transactions and submit a report to the Speaker of the House of Representatives and the President of the Senate by December 30, 1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, insert: requiring the Office of Program Policy Analysis and Government Accountability to review the effectiveness of regulation of title loans and submit report;

Pursuant to Rule 4.19, **CS for CS for SB 194** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, by two-thirds vote **CS for HB 885** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Holzendorf—

CS for HB 885—A bill to be entitled An act relating to funeral directing, embalming, and direct disposition; amending s. 470.002, F.S.; expanding the definition of the term "legally authorized person"; amending s. 470.006, F.S.; revising a provision relating to licensure as an embalmer by examination, to clarify applicability of the internship requirement; amending s. 470.0085, F.S., relating to the embalmer apprentice program; authorizing an extension of apprenticeship for certain students working in funeral establishments; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending ss. 470.015 and 470.018, F.S.; providing for inclusion of a required course on human immunodeficiency virus and acquired immune deficiency syndrome in the board-approved course on communicable diseases for renewal of funeral director and embalmer licenses and renewal of registration of direct disposers; amending s. 470.024, F.S.; authorizing operation of visitation chapels and establishing criteria therefor; providing licensing limitations with respect to colocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities, including biennial renewal and applicable fees; providing for an annual inspection fee; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; amending s. 470.036, F.S; extending disciplinary actions to certain registrants and licensees; providing an effective date.

—a companion measure, was substituted for **SB 1370** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 885** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 442—A bill to be entitled An act relating to forensic client services; amending s. 40.29, F.S., relating to estimated amount of pay for expert witnesses, to conform a reference; amending s. 393.11, F.S.; specifying persons or entities that may file petition for proposed involuntary admission to residential services arising out of ch. 916, F.S., relating to forensic services; providing for petitions for defendants with autism; revising requirements relating to notice of filing of petition or service of copy of order; prohibiting release from order for involuntary admission except by court order; amending and reorganizing ch. 916, F.S., the Forensic Client Services Act; creating pt. I of ch. 916, F.S.; providing general provisions of the chapter; amending s. 916.105, F.S.; revising legislative intent; amending s. 916.106, F.S.; providing or revising definitions with respect to ch. 916, F.S.; redefining "department" to refer to the Department of Children and Family Services in lieu of the Department of Health and Rehabilitative Services; amending s. 916.107, F.S.; revising state policy with respect to the rights of forensic clients, and conforming terminology; amending and renumbering s. 916.175, F.S., relating to criminal escape by a client; prohibiting escape or attempted escape from a facility or program by a client under specified circumstances, and providing penalties therefor; amending and renumbering s. 916.178, F.S.; prohibiting the introduction of certain articles into or upon, or the taking or attempt to take or send certain articles from, facility grounds, under specified circumstances, and providing penalties therefor; providing for enforcement by institutional security personnel or law enforcement officers; conforming a reference; amending and renumbering s. 916.19, F.S.; providing for client protection and security; renumbering s. 916.20, F.S., relating to departmental rulemaking; creating pt. II of ch. 916, F.S., relating to forensic services for persons who are mentally ill; amending and renumbering s. 916.108, F.S.; providing for evaluation of defendant for competency to proceed or for sanity, under specified circumstances; amending and renumbering s. 916.11, F.S.; revising time limits and guidelines relating to appointment of experts; amending s. 916.12, F.S.; providing duties of examining experts and guidelines with respect to reports on defendant's mental competence to proceed and recommended treatment for defendant to attain competence to proceed; amending s. 916.13, F.S.; providing criteria for involuntary commitment of defendant adjudicated incompetent to proceed due to mental illness; revising duties of the court or the department and guidelines relating to commitment and placement of defendant and filing of reports; amending s. 916.14, F.S.; providing for inapplicability of statute of limitations and of bar against former jeopardy under specified circumstances when defendant is incompetent to proceed; amending s. 916.145, F.S.; revising time limits and guidelines with respect to dismissal of charges against a defendant adjudicated incompetent to proceed; providing for dismissal without prejudice under specified circumstances; amending s. 916.15, F.S., relating to involuntary commitment of defendant adjudicated not guilty by reason of insanity; conforming terminology; providing for mandatory departmental retention and treatment of defendant; reenacting s. 394.467(7)(a), F.S., relating to procedure for continued involuntary placement, to incorporate said amendment in a reference; amending s. 916.16, F.S.; providing for retention of jurisdiction by committing court over a defendant hospitalized as incompetent to proceed or because of a finding of not guilty by reason of insanity or over a defendant placed on conditional release; prohibiting release except by court order in specified circumstances; amending s. 916.17, F.S.; revising procedures and guidelines relating to conditional release and modification of release conditions, including filing requirements for plans for outpatient treatment; creating pt. III of ch. 916, F.S., relating to forensic services for persons who are mentally retarded or autistic; creating s. 916.301, F.S.; providing for appointment of experts who are retardation or autism professionals, under specified circumstances; providing for certain witness fees and evaluator fees as court costs; providing for reimbursement of certain travel and per diem expenses of state employees; creating s. 916.3012, F.S.; providing for determination of incompetence to proceed when the defendant's suspected mental condition is retardation or autism; creating s. 916.302, F.S.; providing for involuntary commitment of defendant determined to be incompetent to proceed due to retardation or autism; requiring the department to notify the court of transfer of a defendant; creating s. 916.3025, F.S.; providing for retention of jurisdiction over certain defendants found incompetent to proceed and ordered into a secure facility for retarded or autistic defendants; prohibiting release except by court order; creating s. 916.303, F.S.; providing for dismissal of charges without prejudice or involuntary admission to residential services or a training program under specified circumstances when the defendant is found incompetent to proceed due to retardation or autism; providing for petitions to continue defendant's placement in a secure facility or program under specified circumstances; creating s. 916.304, F.S.; providing for conditional release based on an approved plan for providing continuing community-based training of defendant; providing for modification of release conditions or termination of jurisdiction under specified circumstances; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

Amendment 1—On page 31, line 28, before "psychologist" insert: *licensed*

Amendment 2—On page 37, lines 22-24, delete those lines and insert: if the defendant remains incompetent to *proceed 5 years after such determination* ~~stand trial 2 years after such adjudication~~, unless the

Pursuant to Rule 4.19, **CS for CS for SB 442** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Scott, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 3-Org. and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representatives Crady and Thrasher—

HCR 3-Org.—A concurrent resolution providing that the House of Representatives and Senate convene in Joint Session for the purpose of receiving a message from the Speaker of the United States House of Representatives.

WHEREAS, the Honorable Newt Gingrich has expressed a desire to address the Legislature in Joint Session, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the House of Representatives and the Senate convene in Joint Session in the Chamber of the House of Representatives at 1:00 p.m., Wednesday, April 22, 1998, for the purpose of receiving the message of the Speaker of the United States House of Representatives.

—was read the first time in full. On motions by Senator Scott, by two-thirds vote **HCR 3-Org.** was read the second time by title, unanimously adopted and immediately certified to the House.

RECESS

On motion by Senator Diaz-Balart, the Senate recessed at 12:26 p.m. to reconvene at 3:00 p.m. following the joint session with the House of Representatives.

JOINT SESSION

Pursuant to **HCR 3-Org.**, the Senate in procession was received in the chamber of the House of Representatives. The joint session was called to order by The Honorable Daniel Webster, Speaker of the House of Representatives.

The Speaker invited Senator Jennings, President of the Senate, and Senator Casas, President Pro Tempore of the Senate, to the rostrum.

The Speaker declared a quorum of the joint session present.

PRAYER

Representative Bush delivered the prayer.

PLEDGE

House Pages, Hunter Pittman, Derek Sindler, John Anderson and Amanda Sarkis, led the pledge of allegiance to the flag of the United States of America.

COMMITTEE APPOINTED

On motion by Representative Crist that a committee be appointed to notify Speaker Gingrich that the joint session was assembled to receive his message, Speaker Webster appointed Representatives Starks, Thrasher, Bradley, Smith, Dockery and Ritchie; and on behalf of the President, appointed Senators Bankhead, Burt, Dyer, Thomas, Scott and Childers. The committee withdrew from the chamber.

The committee appointed to notify Speaker Gingrich subsequently returned to the chamber and escorted Speaker Gingrich to the rostrum.

Speaker Webster recognized President Jennings for the following remarks:

President Jennings: Thank you, Mr. Speaker.

As I was reading over Speaker Gingrich's resume I think we all need to take a page out of his book and redo ours. His resume starts with a great deal of information about the early years. As you know, we immediately go to our political and professional life. In case you had not had an opportunity to have any of this information, I wanted to share a couple of facts with you that I think are important for all of us to know as we reflect on the gentleman who is here with us today. I will read from this and then paraphrase a little bit.

Newt's grandmother was a self-made woman who believed strongly in education as a key to a successful life. In that spirit, she taught Newt to read by the time he was four years old. Now Senator Holzendorf, that is readiness, isn't it? By age 10, with Grandma's encouragement, he had read hundreds of books and in later life, because of that love of reading, he founded, and gave of his personal time and energy to the Earning by Learning program that rewards underprivileged children for reading books. It started with Grandma, as it often does.

Newt has always been a dog lover, or an animal lover, in this case. I will tell you a story about his dog, and how he almost gave his life to prove it, when he was a child. He and his dog, Pride, were playing fetch in the snow one winter. The big dog ran over the stick Newt threw and skidded onto a frozen creek and fell into the water. Those of us in Florida don't have any understanding of this, but we have seen it on television. Without hesitation, Newt dove into the freezing water, pulled her from beneath the ice, and got her back on shore.

His interest in animals made newspaper headlines. When Newt was 10, he wanted to have a zoo in Harrisburg (at that time he lived in Pennsylvania), so he developed a plan. He took a bus, on his own, to City Hall and laid out the plan for city officials. The next day's newspaper headlines read, "Boy explains zoo needs to state/city leaders." At this early age he became convinced that one person can make a difference. He started as a lobbyist, obviously. And from that his involvement with the Atlanta Zoo is noteworthy. He has personally been involved and donated an endangered black rhinoceros and two endangered Komodo dragons. All started with that dog.

And the last, but not the least of all those things, we should remember, he lived in France for a while, his father was in the Army. He was taken to the site of the World War I battle at Verdun. Seeing the remains of over ten thousand soldiers displayed there and hearing the causes of the war, the Speaker became convinced that bad politics can cause wars and that good political leaders can prevent them. Thus, at age fifteen he first considered running for the House one day. I would say, the rest is history.

The Speaker is going to introduce our Speaker of the U.S. House of Representatives, but it is my honor to be here with him today.

INTRODUCTION OF THE HONORABLE NEWT GINGRICH SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Speaker Webster presented Speaker Gingrich to the joint session.

ADDRESS BY SPEAKER GINGRICH

Speaker Gingrich: I thank you very, very much for that very warm welcome and for the honor that you pay me by allowing me to come here as a neighbor from the state of Georgia—as a fellow legislator—to share a few ideas. I really am grateful that you would take the time. I know how busy your session is. I know how much you're accomplishing and you're frankly a lot further down the road on your budget than we are on ours, so I'm not sure I have much to come here and report. But it is a great honor and I think we share the same experience of running for office, of representing constituents, of working in a legislative body with our colleagues and trying to get things done. In so many ways, under our federal system, if we can delegate more and more power back home as we have with welfare reform and get more power back home over things like vocational/technical education and a whole range of areas where we

could give you more responsibility to represent locally the uniqueness of Florida, I think that we would then be a much healthier country.

So, in a very real sense I come as your partner in a federal-state relationship of trying to get out of Washington and back home to the communities more power and more responsibility in America. It's in that spirit that I want to come today. I can't help, though, but say, as I look out, and I must say, both Mr. Speaker and Madam President, that it's a great honor to be with you two. We have been friends and I've watched with great admiration the way in which the whole system has developed down here. But as I look out over this body, and I think back to those years ago when my dear friend and colleague, Bill Young, was serving here by himself as the only Republican, I believe, at that point. I just want to report that Bill is doing fine and he is now Chairman of the Defense Appropriations Subcommittee. It's a small job. It only spends about 240 billion dollars a year, but he's doing what he can to make sure that he took all of the lessons from the Florida Legislature. He still has the seat that was given him by the Senate, or the desk, rather, there. So you have quite a delegation. I just left this morning chatting with Connie Mack, who's one of my closest friends in the Congress, and I thank the state of Florida for sending him, and he has done an extraordinary job. I should say both on behalf of Connie Mack and John Mica, who had been working on it, that we hoped to get the BESTEA Bill done in the next few weeks and that Florida—like Georgia, a donor state—will be in dramatically better shape in about 2 1/2 or 3 weeks and we will have far more of our share of our tax money back in our states.

I had mentioned that Bill Young does a great job on defense. Let me also point out that this is a state with a unique range of talent and skill in its congressional delegation. Porter Goss and our good friend Lincoln Diaz-Balart, both serve on the Rules Committee—I think you are the only state to have two people on the Rules Committee in modern times. And in the case of Lincoln, of course, who works very aggressively not only on every bill that comes through but also and particularly on foreign policy, where he works with Ileana Ros-Lehtinen, who serves on the Foreign Affairs Committee. But in addition, Porter Goss not only works with Lincoln on Rules; Porter is the Chairman of the Intelligence Committee and, again, brings, I think, from a Florida perspective, a unique set of concerns. Let me also mention on defense, Tillie Fowler and Joe Scarborough also work on defense issues. And so, again, you have, I think, a very powerful representation in an area which is both for the nation and in terms of Florida's economy a very, very important component. You also have had, many of you have participated, I suspect, in drafting the state implementation of welfare reform where we returned enormous power to the states—a welfare reform, I might point out, which has been very successful across the country. There are today 2,200,000 fewer people on welfare; 2,200,000 more people in the private sector earning a living; and it's a major reason that this year we will have the first balanced budget since 1969 and the largest budget surplus in American history because we've changed that dynamic. And by the way, Mayor Rudy Giuliani reports that New York City now has the lowest level of welfare participation since 1967, as we continue to implement. You can be grateful and proud here in Florida that the leading figure in developing that welfare reform bill was Clay Shaw on the Ways and Means Committee representing the state of Florida.

We are collectively concerned now—we talked a little bit about drugs. I just wanted to report to you that Bill McCollum is one of the co-chairs of our task force on drugs and represents the effort to rebuild the interdiction capability which was working up through 1992 and then was dismantled by the Clinton-Gore administration. We are rebuilding our capacity to stop drugs. We think if we can stop both illegal drugs and illegal immigrants that we can dramatically improve the physical safety of Americans because violent crime will go down and we save a lot of our young people from addiction and the potential threat of death. Fourteen thousand Americans a year die because of drugs directly and another 6,000 die because of violence and other drug-related activities. If you're a woman in a home that has hard drugs, you are 28 times as likely to be killed as if you're in a drug-free home. You want to reduce violence, we need to reduce drug use. I think that you should be proud of the fact that Bill McCollum is doing a very, very important job in the area of drug use.

Let me also say, as a state that has a large number of retirees, that Mike Bilirakis' role, he is not only chairman of the subcommittee which deals with Medicare and Medicaid, he is also on the Medicare Commission and is working to save Medicare for the baby boomers and their children. He's working closely with Cliff Stearns who's also been—not only serves on that committee with Mike but also serves in a very important way in veterans' affairs and, as a state, there's an awful lot of veterans who are either from Florida originally, or have retired to Florida. Veterans' activities are very, very important. We need to continue to modernize the Veterans Administration, and Cliff is playing a key role there.

Dan Miller is vital in terms of being chairman of the Subcommittee on Census. Every one of you knows how important the census can be. Let me ask you to look carefully at this issue of a statistical adjustment. It may, in theory, at the aggregate level nationally, make some sense if you are a mathematician who has never been in politics. You get down to the level of Dade County and you start statistically sampling, between the Haitian, Nicaguaran, Cuban, and other populations you are going to have chaos. Because you will literally skip entire populations statistically. People will not only be underrepresented and overrepresented, they will be nonrepresented. The basic principle in our Constitution of an actual enumeration, which is the wording in the Constitution, is very important because every American citizen deserves to be counted. If that means in the most difficult-to-count neighborhoods, we need to hire the Postal Service which probably has the highest knowledge of these neighborhoods, it is better by far to pay for an honest, accurate count of every city than it is to start down the road of a bunch of mathematicians at political direction, estimating whether or not in fact people are alive. Dan Miller is playing a very key role in that area as he also has played in the area of developing Medicare.

Let me also suggest, my other colleagues who joined us today, both Lincoln [Diaz-Balart] and Mark [Foley] wanted to come back and look around for a little bit. They both served in both the House and Senate and they had the chance to come down here for a little bit and report in to you. They were also briefed—I think they were also worried that if I came down unprotected, who knows what would happen, so they briefed me all the way down on what I could and could not do. Mark Foley's played a great role in a couple of things that are very important to Florida. First of all, he is very aggressive in the whole area of travel and tourism. There is no industry that in the long run is going to be more important to the U.S.; it is the second largest industry in the world. It is going to create more and more jobs and more and more revenue for us. As the rest of the world gets wealthier, they're all going to want to visit Disney World. So the result is going to be more foreign exchange, frankly, for the United States. And Mark plays a key role there. But he's also played, I think, a very creative role along with Clay Shaw in helping us work to save the Everglades.

We have a very innovative idea to take federal land which is, for example, in the inner city, HUD properties not developed that are deteriorating, swap them to developers in return for land that is environmentally sensitive. This is not a new idea. In fact, it was done for the 10,000-island area of the Everglades, which was actually acquired on a swap for downtown Phoenix land. It's something Bruce Babbitt knows perfectly well because he was Governor when he arranged for the swap of the land in downtown Phoenix.

Sadly the Clinton Administration has been very, very slow in implementing this, but Mark deserves a lot of credit, because with his drive and leadership and the rest of the delegation, we actually were able to pass a $300 million program specifically for the Everglades, plus permission to swap an additional $100 million of federal land to acquire environmentally sensitive areas for Florida. So, I just want to commend Mark for the leadership he has shown in those areas.

Let me also say that Charlie Canady is showing great courage. He is the leading advocate for a bill which would eliminate quotas and set-asides. I think it is very important to this country that we become truly color blind and that people and contractors are treated based on their qualifications and whether or not they meet their qualifications. This is not an excuse to go back to cronyism and old boy networks. It is an argument for saying that we ought to have genuine competition with the widest possible bidding with plenty of affirmative outreach to make sure everybody's included and potentially hired and everybody's included in bidding on contracts, but that the lowest bidder should, in fact, if they're honest and fair, get the deal. Because in America we shouldn't rig the game. We should allow fair, open competition; and we should insist on fair and open competition. Charlie Canady has been the leader in pushing that.

Finally, Congressman Dave Weldon is working very, very hard on science in general and on the space program in particular. This is a permanent battle because, frankly, science is underrepresented politically. Science is the heart of this country's future. Basic research is the core of where we need to go. Yet the fact is that there are a lot of other pressure groups that would eat the seed corn of the next generation's knowledge. Dave is very active in fighting to make sure that we get the money for research. It's of vital importance to Florida and jobs. But, frankly, it's of vital importance to every American in terms of quality of life and the future. So, I'm just very proud to be working with him. I should say that I know that Lincoln has a brother who is serving here in the Legislature. Let me also say that Carrie Meek wanted me to make sure that I said to Kendrick that she was doing her job in Washington; she was counting on him to do his job down here.

I also want to report to all of you that we have been working very closely with Alcee Hastings on a number of issues and it is very encouraging to reach out on a bipartisan basis to the Florida delegation and work on a variety of these things.

Let me go back for a minute, though, before I talk about domestic things. I mentioned the important role the Florida delegation plays in foreign policy in our national security. I happened, on the way down, to be looking at the *Miami Herald* and, on the front page today; "U.S. Loses U.N. Vote on Cuba." Here's the opening sentence. "In a startling defeat for U.S. policy in Cuba the President of the United States went to a summit in Chile." Only two Latin-American countries voted with us in the U.N. The Clinton administration, whether by design or incompetence, has consistently allowed the pressure on Fidel to decay. Now we have a bill which has become law which is very straightforward; we want to end the embargo. This may startle some of you. Here I am a conservative Republican, I want to end the embargo. We not only want to end the embargo, we want to have a Marshall plan to help the people of Cuba recover from dictatorship; and we've written it into law; it's signed into law. All it requires is a vote. There has to be a free election.

Now, if that principle is good enough for East Germany, if it's good enough for us to send troops to Bosnia, if it's good enough for us to go to Haiti, it seems to me after 30 long, difficult years, it shouldn't be that hard for the Clinton administration to say over and over again; we are committed to freedom in Cuba and we believe it's very, very important.

Let me say, by the way, for everything the President says about Saddam Hussein and who's apparently far enough away he can safely oppose him we have as much evidence about biological and chemical warfare with Fidel Castro as we have with Saddam Hussein. We have as much evidence of the danger of terrorism from Fidel as we have of the danger of terrorism from Saddam. If in fact he goes through with building a nuclear power plant of an obsolete design without international inspection, the largest environmental danger to Florida will be a Chernobyl-type release. This is a real and a present threat. By the way, underwritten, apparently, by a $350 million loan from the Russians who apparently loaned him the money we're loaning the Russians.

Now this administration needs to thoroughly review its policies. If the Russians insist on having enough money to loan to Fidel, we should cut off the money we're sending Russia.

Here at home, let me start by thanking this Legislature because you passed the Tri-State Compact on the Chattahoochee-Flint-Apalachicola Rivers which was a six-year long water war that we hope will now become a water cooperative. We are upstream, so we recognize that we owe you clean water and enough of it. At the same time, I can tell you, since the City of Atlanta has one of the smallest watersheds of any major city in the country and all that watershed is the Chattahoochee River, you held us literally by the throat. If we'd gotten in a long lawsuit you could have strangled economic development in the Atlanta area for as long as it took to go through the courts. It was an act of real statesmanship to put together that compact. I am delighted that it was signed. We have a few things to work out with the federal government, but I'm also here to pledge to you that I would like to work with you on a state-federal partnership to design a real-time monitoring and management system for that entire river basin to be the world model of how you would really use information-age technologies to be able to manage a river system. I think, between places like Georgia Tech and Auburn and Florida State we could build a really sophisticated development. We'd be in a position then, if I might say, I just picked those because they're the major education system places close to the river. But the fact is, I'm not going to get involved in those questions about the best, I mean, you may think there are problems in Florida, then I go back home and the Georgia fans all show up.

Let me just say that my point's this, though. We have a level of potential scientific knowledge in monitoring and developing river basin ecosystems that stretches across political boundaries and that is a different world than what we've done in the past. So, I'd like us to work from the ground up as we build this compact to really have the finest database in the world and to make it a real-time database, so we can be changing behaviors as we need to in order to be able to really develop things. But I thank you for the leadership you showed as a Legislature in helping us get that through. It was very, very important and very important to the City of Atlanta.

We came out of the Contract with America, period, having reformed welfare, saved Medicare without a tax increase, cut taxes for the first time in 17 years, and balanced the budget. Lots of people say, well, it's not a real balance and they give all sorts of arguments.

We set out to balance the budget in 2002. With your help in areas like welfare reform, we have reduced the cost of entitlements by $600 billion over the next decade. We saved, with Bill Young and other members helping us, Dan Miller on Appropriations, $100 billion in domestic discretionary spending because we were firmly committed to getting to a balanced budget. Alan Greenspan, in the Federal Reserve, kept interest rates about two percentage points lower than they would have been. You can figure out whether it's for state government, city government, whether it's for people paying off student loans or folks buying a house, two percentage points is a lot of money. The result is we've had a long period of economic growth and we've controlled federal spending. We thought we'd get the budget balanced by 2002. About four months ago they said, you know, we might actually balance it this year, said they think we'll get about $8 billion. Three weeks ago they said, you know, it might be $18 billion. The largest surplus in American history was $11 million in 1947, or 1948.

Then they said, actually the Federal Reserve now has a projection that it could be $50 billion. Now, I mention this for two reasons. First of all, to go from this year's projected deficit of $229 billion, which was the projection the day we were sworn in as the majority, to a surplus of $50 billion in three-and-a-half years, by the standards of any corporation in the world, is real change.

Second, I think as important as the economic effect of lower interest rates, lower taxes, a balanced budget, more economic growth, more jobs and more take-home pay, as important as all that is, there's a second question. We set out in the Contract with America to say, we will go to this place. Our key commercial was a two-page ad in *TV Guide*, the most expensive single thing we did in 1994, which didn't attack any Democrat, didn't mention President Clinton, didn't have any pictures. It just said, if you elect us, here are the ten things we'll do, and it was very fine print. I say that because 9 million additional people turned out to vote that year because they really liked somebody being positive. That was the largest single one-party turnout in American history for an off-year election.

I really believe, despite all the soap opera stuff and the headlines, despite all the scandal-ridden stuff in the evening news, despite all the negative commercials, that all of the consultants will tell all of us to run, that there is a hunger in this country for a positive direction and a positive leadership because people know if America is going to succeed in the 21st Century, if we're going to adjust to the Information Age and compete in the world market, we need leadership dedicated to real change in a positive way that applies basic American principles with a common sense adult approach.

I came today to suggest to you four goals for our generation as the logical next step in terms of building on what we accomplished with a Contract with America. Let me say to all of you that I am very pleased and very proud of what you're doing on tort reform because the fact is, that is one of the things we could not get through, out of the Contract, something we'll be coming back to later on, and if you finish successfully and can get it signed, we're probably going to look at what you're doing here as a model of what we will then do in Washington, D.C. So, that's one of the leftovers from the Contract with America, but I'm delighted at what I see happening here. I understand that there's some leadership involved in this. The four goals I want to suggest to you are very large,

and taken together, I believe they are larger than the Contract with America.

The first goal, I think, ought to be to make winning the war on drugs and reducing violent crime the highest priority in this country. By that I mean, taking seriously everything from education—don't do drugs to rehabilitation—if you're doing drugs, we'll help you get off them, to very strong sanctions against users—because you shouldn't be doing something illegal, to very aggressively going after drug dealers, to very significant interdiction efforts in other countries, and to going after the money in the banks. So, that on every front—and the model I would use is a World War II style model. We tend not to think about this. The Second World War for the United States lasted from December the 7th, 1941 to September 1945. It's less than four years. In less than four years we mobilized a nation and defeated Nazi Germany, Facist Italy and Imperial Japan, because we were serious. We didn't create a World War II czar and then overrule him. We didn't create a World War II czar and then not fund him. We didn't say to George Marshall, why don't you invade Europe? But you can't have any ships, you can't have any tanks, and you can't train any troops. We said, tell us what it takes to win.

We have been saying to the drug czar, Barry McCaffrey, who I think is trying to do the best he can in a virtually impossible situation, we've said to General McCaffrey who is a four-star general, give us a World War II style victory plan. I came here in part to say to you as a Legislature, it would be very helpful over the next six months if you would help develop a master plan for Florida and come back to us and say, if we're serious about a drug-free America, here is what Florida needs from the federal government and here is what Florida will do as its share. And let me suggest to all of you if you would read Rudy Guiliani's speech last fall which I put in the *Congressional Record*, it is the finest, single speech on the war on drugs by anybody I have read. As Mayor of New York, he is going to come as close to creating a drug-free New York as he can, and it is systematic and clear.

Now, there are a couple of things that become obvious. You have to be very, very clear. Under Reagan and Bush we were very, very clear. Drug use dropped by two-thirds. When I say we can win the war on drugs, as a historic fact, drug use dropped by two-thirds between 1979 and 1992. That's a fact, it's not a theory. They started back up under Clinton and Gore and have risen dramatically, as has teen smoking.

Now, why did it drop? It dropped, first of all, because Nancy Reagan was right. If you just say no, it works. If you laugh about inhaling, it doesn't work. If you're confused about needles, it doesn't work. You have to send one simple, consistent, direct signal to every young person. Do not do it.

Second, we spent a lot more on interdiction and we interdicted deep. We interdicted in Bolivia, we interdicted in Peru. This administration adopted a totally failed strategy of waiting until drugs got to Mexico and, what it did is, it increased the corruption of Mexico. I don't know what they thought would happen. You have drug dealers with billions of dollars and modern technology and good lawyers who are dedicated to winning the war on drugs, for their side. You have a confused administration that doesn't apply the resources, doesn't have a rational strategy, and isn't willing to do what it takes.

There was a period where we had no aircraft flying over the Caribbean. The most powerful nation on the planet and we couldn't protect our own children in Florida because we had no aircraft left. The last AWAC plane was sent to Alaska to look for oil slicks. Now, what kind of priority list is this? Despite the fact we've had 20 years of worrying about the Caribbean, it has never occurred to any administration to simply put a satellite up directly over the Caribbean and simply have real-time, 24-hour-a-day monitoring day and night. Is that expensive? Sure. It's a lot less expensive than the next thousand kids who'll die. It's a lot less expensive than the next 10,000 addicts.

So, I came here first of all to say to you, I think our number one goal for our generation should be to take seriously returning America to the country we once were. Prior to 1965 drug use was rare and it was not a threat in your neighborhood. There is no town in America, no suburb in America, no city in America which is, today, safe. But you have my pledge that the team we've assembled, that Bill McCollum, Denny Hastert and Rob Portman lead, is going to work hand-in-hand with your Legislature and hand-in-hand with the mayors, the sheriffs, and the county commissioners to develop an effective plan. We will provide the resources and we will change the federal law until we make sure—until we win this war.

Second, I think we should have as a goal a world-class system of education and learning. Here I want to commend all of you because I know you've already taken major steps in education reform. Frankly, your Education Commissioner is a national leader on education reform. He's been in my office; we've talked about new ideas and new approaches. There are things that you are doing that are steps in the right direction. But I want to suggest two standards that are a little different.

An education standard which is, when the teacher knows what you should learn and the teacher is in charge, and a learning standard, which is when you know what you need to learn and you are pursuing it. The Information Age gives us the potential to create a real-time, seven-day-a-week, 24-hour-a-day learning system, unlike anything we've ever seen before. I'll come back to that in a minute.

Let me start with education. Let me be clear, I'm here addressing the Legislature, in part, because I don't think we can solve this in Washington, D.C. I do not think Washington bureaucrats will end up educating a single child in Florida. I don't think Washington red tape will teach literacy to a single child in Florida. I think the bill that Congressman Pitts has proposed, to return 95 percent of the money back home so that you have it in the classroom locally, is a lot better than the layer-upon-layer of bureaucracy in Washington, which has been wasting the money. Let me also say, one of our highest priorities at the federal level should be, and for us in the Congress will be, to get to full federal funding of the federal share of the Individuals With Disabilities Education Act. We say we're going to pay for 40 percent of it. We currently pay for 7 percent of it. Yet, for many small local communities, it is among the highest single cost they have. They are going to mandate it federally, we ought to pay for it federally, and you will see a major effort on our part to eliminate bureaucracies in Washington to move the money in to pay for our commitment to your local schools on IDEA, and on the Individuals With Disabilities so that children with disabilities can get funded and the federal government ought to meet its share of that assignment.

Let me suggest to you something you could adopt at the state level that fits in with where you're already going in terms of standards. I believe nationally we ought to adopt one major goal for education. That is for every child to learn how to read and write by the end of the first grade. If they can't read and write by the end of the first grade that they be immersed in reading and writing. The reason is simple. If you can read and write you can then do virtually anything else. You can gradually learn almost any other skill. If you can't read and write and you give up on learning how to read and write, and you become embarrassed because you've fallen behind, you will probably not learn anything else.

Now, I can't give you statistics for Florida but I was very sobered by Mayor Richard Reardon of Los Angeles, who is a passionate devotee of reading and writing. He has personally, as a businessman, given millions of dollars to literacy programs. It is his estimate that in the poorest neighborhoods of Los Angeles 88 percent of the 18 year olds cannot read and write at an eighth grade level. It's his estimate that in the poorest neighborhoods of Los Angeles, or the neighborhoods with the poorest schools, rather, only 12 percent of the 18 years olds today can read and write at an eighth grade level. Now, if you think about it, normally you'd say—if I came and said only 88 percent can read and write, we have 12 percent we're losing, 30 years ago that would have been considered a crisis. Yet, the Mayor of Los Angeles is saying flatly, he believes we are losing 88 percent of the kids in those neighborhoods.

So, I think we have to focus on reading and writing. I want to be direct, and I know it's controversial, I think they have to be able to read and write in English because it is the language of opportunity and prosperity in this country. Every child should have the maximum chance to pursue happiness and that means the maximum chance to get a job and to rise. I think every child should learn a second language, but I think they have to learn English.

Second, you have a provision in your state law which I think could be expanded slightly and have a huge impact. You require in your state law that children learn about the Declaration of Independence. I think, frankly, if you went out to the average school and said, okay, so how much have you learned about it? You'd find out it was not quite as much as you might have hoped. I have been proposing that we dedicate one day a year from first through twelfth grade, every year, to studying the

Declaration of Independence and the Constitution. First of all, you can use it to teach reading. You can use it to teach history. There's a more important reason, and Florida represents this as much as any state in the country. To be an American is a learned civilization. You can come from anywhere in the world and become an American. You're born African. You're born Caucasian. You're born Asian. You become an American. You have to learn it. It's about private property, the work ethic, the rule of law, free speech, the right of free elections. There's a whole bunch of things that come together in this magic, romantic thing that we call American civilization. And, yet, we're not teaching our kids. Why would we expect them to learn about our civilization if they never study it?

The Declaration of Independence is particularly important for three reasons. First of all, it starts with the phrase, "We hold these truths to be self evident."

It's going to sound very old-fashioned, but I want to point out how they worded that. They didn't say propositions, ideas, arguments; they said truths so obviously truthful they were self evident, not debatable. I want to suggest that Washington may need to learn this lesson more than anyplace else. But I believe truth is at the heart of a free society and if truth disappears, it is almost impossible to imagine a free society surviving. These truths were so obvious to these members that they signed their lives, their fortunes, and their sacred honor. Now, imagine you believed something enough—and, of course, they meant it. They raised an army and put it in the field for seven years; some of them were killed, most of them were bankrupt. That's a pretty deep belief in truth.

Second, the Declaration says, "We are endowed by our creator with certain inalienable rights." It's a very important concept. You see, in the European model, power went from God to the King and was loaned to the citizen. That's why in the end Brussels will be worse than the IRS.

In the European model, it is the state which is at the center of society. In the Anglo-American model, power goes from God to the citizen and is loaned to the state, which is why the Constitution begins, "We the people of the United States of America," which means that we are a society-based system which creates a state. It's a very different model and almost none of us are taught it, frankly, in college anymore because almost all of our college professors learn the European model. They don't understand what America is all about.

There's a third thing. While it will undoubtedly lead to an American Civil Liberties Union suit, the fact is, you can't teach the Declaration of Independence without explaining the word "creator". What did the founding fathers mean when they wrote, "We are endowed by our Creator"? I think this is very, very important. Let me say, first of all, as a historian, they meant God. They didn't mean mystic being. They didn't mean large clockmaker. They didn't mean banana in the sky. They didn't mean meditation. They meant God.

You can't read Washington's First Inaugural, Washington's Farewell Address, and Jefferson's Second Inaugural without understanding that they mean God. You can't understand America if you read Lincoln's Second Inaugural Address; he mentions God 14 times in an address short enough to be engraved in stone on the Lincoln Memorial.

Only since 1963 have we had this maniacal effort to drive God out of the public square. It is absolutely wrong and it's wrong for a profound reason. If we are simply randomly gathered protoplasma, then exploiting each other is just a matter of good defense lawyers. There are no rules; there is no justice; there is no romance. You were available; I needed to exploit somebody; I exploited you. What are you complaining about? Don't be vulnerable next time. That's the law of the jungle. But if you know the person next to you is endowed by God, then if you rape that person, you are raping somebody God has personally endowed with the right not to be violated. If you kill somebody who is endowed by God, you have violated God's law. Now, this is not a sectarian position.

I remind people that Jefferson was, the liberals always like to say, Jefferson, well, he really was a Deist. They don't actually know what that means, but they're confident it means he wasn't a Baptist and they regard that as reassuring. Since I'm a Baptist, I'm allowed to make that comment.

Let me just suggest to you, the next time you visit Washington, go to the Jefferson Memorial and look around the top where it is engraved, "I have sworn upon the altar of God Almighty eternal hostility against all forms of tyranny over the minds of man." Ask yourself, why did Jefferson write, "I have sworn upon the altar of God Almighty"? Now, I happen to think, and this is why I'm a Conservative, that Jefferson had a remarkable understanding of the English language and probably meant, "I have sworn upon the altar of God Almighty" but I'm sure you'll find somebody with a tenured chair who will explain to you by appropriate deconstruction, that he actually meant to say, "The Great Banana in the sky having blessed me." It's very important. I'm making it humorous, but I can't tell you in my heart, at 54 years of age, having thought about this for 40 years, how deeply I believe returning this society, not to sectarianism, not to a Catholic country, not to a Baptist country, not to a Jewish country, but returning it to an understanding of the spiritual base of this society. If you have any doubts, as I said, read Washington's First Inaugural, read his Farewell Address. Read Jefferson's Second Inaugural. Read Lincoln's Second Inaugural and look at those four documents. Or, in the modern era, do as I once did in a course, play Franklin Delano Roosevelt's radio address on June the 6th, 1944, when for eight minutes, he led the nation in prayer. He didn't say, "I hope you all will pray eventually in a way that is not too public." He said, "I hope all of you will join me in praying for our sons and our fathers." He began, "Almighty God," and then he prayed on the air for eight minutes at the beginning of the invasion of Normandy. Now, that is a healthier America. It's an America that will have a lot less drugs and a lot less teen suicide and a lot more freedom and a lot more safety. It's at the heart of the education reforms we need.

Thank you.

Let me say this, two more things about education, at the risk of meddling, I want to recommend you consider seriously a bill that says very simply; if your school is in the bottom 20 percent in performance, there is no tenure, there is no union contract, there is no bureaucracy, there is no credentialing. If your school is in the bottom 20 percent, the children of your school are being cheated and we have the right to replace every person and every practice in this school until the children are getting a good education. Seems to me we ought to defend the children.

Let me, in particular, in that sense commend Jeb Bush for the Liberty City Charter School. It takes great courage to go to some of the hardest places and start the best schools.

The fact is, I am a populist. I believe every child of every ethnic background in every neighborhood deserves a world-class education because they cannot have their God-given right to pursue happiness in the Information Age if they can't read and write and do math. So I think we need a much bolder commitment.

By the way, the test is simple, by the children learning. If the children aren't learning don't give me the last five bureaucratic excuses. Are the children learning? And the test doesn't have to be a $70-million cultural norm, statistically accurate, computerized system. The test of reading ought to be simple. You hand the child a book. The child reads. You ask the child questions. But when you start going down the road of highly sophisticated testing, which is, frankly, make-work for statisticians, what you create is an environment where the teacher teaches the test, the child studies the test, and learning disappears in the interest of grading. That's not what we're describing.

Lastly, I want to talk for a minute about learning as opposed to education because it's the greatest breakthrough in the 21st Century. We're right at the edge of it, but we need more boldness and more focus. I'll give you an example of what I mean by learning. Recently, I went to Eggleston Children's Hospital at Emory. They showed me a system they used for very, very young children between prenatal and about six weeks of age where, if they have a lung disease, they will use a membrane breather which is very soft, because a ventilator is so strong it will literally destroy their lungs. They were telling me with great pride that they had recently used this system on a 55-year-old woman and saved her life. But, here's the magic. She was at Piedmont Hospital, arguably the most prestigious hospital in Atlanta, and she was dying. Her children got on the Internet and discovered three places in America that were using this membrane system on adults. Her children went to the doctor and said, would you mind calling Eggleston to see if they could do this? The doctor didn't have a clue. The doctor called Eggleston and he said, well, he'd never done it but, of course, it could be done. They gave him the same citation on the Internet, the Eggleston people read the citations, called the doctors, figured out exactly what to do, they moved the woman over by ambulance, and her life was saved.

As you go into an Information Age, you have two major intersections. One is that the sheer scale of knowledge is going to be so great that the meaning of expert is going to change. Nobody will know what's going on. There will be no expert who truly knows their field because their field will change so rapidly.

I recently asked Dr. King, the woman who discovered the breast cancer gene, how often do you think biology textbooks get obsolete. She said annually, that the breakthroughs in the human genome project are so massive that if you're looking at last year's textbook, it's no longer accurate. Well, the next time you visit your doctor, ask them the last time they read a cell textbook. It'll give you some idea of how many generations behind the current state of the art they are. This is not to say they're dumb. We need to rethink how you deal with this scale of information.

Secondly, when I was a kid we went to libraries. Those of you who visit schools, if you're like me, and almost every elected official goes to schools, you now go to media centers, right? Some time over the last 30 years libraries became passe. Libraries had books. Media centers have books and they have television and they have videotapes. The media center of the 21st Century is your personal computer.

There is a firm in California called NetSchools that now builds a child-proof computer; it's literally magnesium. You can stand on it. You can throw it against the wall. You can pour milk on it. It's designed to be taken home by the child, starting with first grade. Here's your computer. They said they don't have a hard drive, but they have a pretty good memory system. I said, how much memory. They said 128,000 pages. You can imagine for the average first grader, when you go home, you can access the Internet.

Now, my point is this. Within 20 years, every citizen of Florida, the most rural, the most elderly, the youngest, will potentially have access seven days a week, 24 hours a day, to the world of knowledge. We don't know how to organize it. We don't know how to think about it. Because it doesn't fit the school of education credentialing process, and because it doesn't fit the Carnegie unit sitting on your rear end waiting to have enough hours processed, and because it doesn't fit the average daily attendance way we pay for schools' process, we're not spending the energy on it we should.

You ought to think boldly. How could you make Florida the most wired state in the country? How could you give all forms of knowledge available to every citizen? How could you do it so it's convenient seven days a week, 24 hours a day in their home? That's what a world-class learning system will be like. It's going to come because the technology is available; but it will come slowly because the bureaucracies won't profit from it, and it is something I really urge you as elected officials to look at.

Our third goal is one I hope we can enact this year. We have this problem I mentioned to you earlier. We have a $50 billion surplus. This is a very new problem in Washington—or it's between $18 and $50 billion. I mean, nobody in my lifetime has had a surplus except once in 1969. We had a surplus—actually, I'm old enough, we had two or three surpluses in the forties and fifties. No one has ever had a decade of surpluses. We're now projecting ten straight years of surpluses, probably amounting to about a trillion dollars. Now, of course, if you leave it sitting in Washington, it will not be a problem. It will be spent.

Here's what we could do with it. If we took the surplus and created a Social Security Savings Account and every October when we announced that year's surplus, we sent back to every citizen in Florida who paid FICA tax, their share of the surplus, and we allowed it to have a tax-free interest build-up, the first year could potentially be $350. Not a lot of money unless you're 20 years old. If you're 20 years old and you're in the average rate of interest the stock market has paid since 1920, the average since 1920, including the Great Depression. When you retire that becomes $5600. If you do that for four, five, six, seven years in a row, you begin to have real money.

Our goal is very simple. If we were able to give people a Social Security Savings Account—we have not touched FICA now, nobody on Social Security's threatened at all. We haven't changed the system at all. What we have done is given the baby boomers and their children a savings account they control that the politicians can't borrow, that they get a quarterly report on, and it has two huge effects.

First, it means that every young person can look forward to actually having a retirement account under any circumstance, and if that account is applied against our Social Security obligation, it means we have actually saved Social Security permanently without a tax increase or a benefit cut, and some time in the 21st Century we actually start cutting the FICA tax because we get more money saved than we need.

Second, it means that the poorest person in Florida, in the poorest neighborhood, the minute they go to work, a 16-year-old out here who has nothing, living in public housing, the minute they go to work, when they pay their FICA tax, they get a savings account. They get a quarterly report. They learn about savings and investing. They learn about compound interest. In a very few years we will have ended class warfare in America by creating one class. We'll have 130 million savers and investors who understand that their future is a stronger, healthier, better America. I think that's a future that brings Americans together, that recreates trust among the baby boomers and their children, that gets the money away from Washington before we can spend it, and that saves Social Security for our senior citizens so they do not have to worry about anything because they will get every penny of their cost-of-living increase. I ask you to consider it. We have materials we are handing out today to give you a chance to look at it. I'd love to get your advice on it through the delegation or directly to my office. This is potentially an enormous step to save Social Security without risk, and to do it in a way that gets the money back home. It would be the equivalent of about a trillion dollar tax cut against the FICA, as a credit against FICA, that would allow people to have the money back home. I think it's a much better way to save the money than it is to create more Washington bureaucracies and spend more money in Washington.

Lastly, the fourth goal I want to suggest, and this will sound a little bit like meddling, because it is, but I think we have to be in this one together, and if you think about it, it's actually very, very exciting. We're at the edge of a revolution in how we manage government. If you read the works of Peter Drucker, the management consultant, W. Edwards Demming, the father of the quality movement, if you look at the capacity of information systems, we could create, over the next 10 or 12 years, a dramatically more powerful and different system of government.

Let me give you just two examples. How many of you have been out of the country and used a credit card overseas? I'm just curious. My guess would be, almost all of you. Okay.

Think about this magic. I mean, when I was an army brat we were paid in U.S. script, not currency, because the French franc was so weak we couldn't use the dollar. We couldn't use greenbacks in France in 1958. The idea that you could walk around the world, hand over a piece of plastic, get goods or services and leave, would have been magic. But it's more than that.

Marianne and I were in Davos, Switzerland in February. We went into a store that sold very high quality German scissors. Now, all of you who have ever shopped will know that a very high-quality German scissor store is expensive, that's what the term means. So, we were looking at really high-quality German steel, with a really remarkable edge, with a fabulous handcrafted design. My wife decided that she would like to have some high-quality German scissors. I have two daughters and we decided, well, we'd get them slightly smaller and, still high-quality scissors. Being the gallant person I am, I whipped out my American Express card and handed it to the Swiss store who knew who I was because it was a pretty big event that we were there for, the World Economic Forum. He took it over, and being a good businessman, he put it in the telephone system, and in real time, standing in Davos, Switzerland, found out that my credit card had expired three days earlier. At which point, luckily for me, Marianne had seven credit cards available, and he could pick which one he wanted to use.

But here's my point. Imagine a planet where you can go to seven countries in a row, stay in seven different hotels, pay with a credit card in all seven, go out to seven different restaurants, pay with a credit card, go to seven different stores, pay with a credit card, come back home and within 40 days you'll get a note that says: here's where you were; here's what you bought; here's the day you did it; here's the value in U.S. dollars at that day's exchange rate; and, by the way, this bottom line is the number we expect you to send in.

Now we don't think of that as magic. We think of that as everyday life. Well, let me give you a test: call the Veterans Administration; they

won't be able to get to your file. Call the Immigration and Naturalization Service; they won't even know that you have a file; call the IRS, they'll have four files and they will all be conflicting. The Federal Government invented the computer. It was a U.S. government project. The Federal Government subsidized the first chipless assembly line. It was a U.S. government project. The Federal Government built the Internet, and yet we can not modernize ourselves to provide real time services on a seven-day-a-week, 24-hour basis. By the way, in Arizona you can now buy your license tag on the Internet. The result is, not only is it more convenient for the customer but they have discovered that if a person is sitting in their own living room looking at their own PC, they are more likely to buy a vanity plate. So Arizona is making a higher profit on a lower investment with greater customer satisfaction by putting it on the Internet. That is a minor example of where we are going.

My last example: my wife last year had to get her license renewed. In Georgia, you can get your driver's license renewed at Kroger's. So she called around to three different places, and she found 2 1/2 hours, 2 1/2 hours, 1 1/2 hour. Being a good American she went to the 1 1/2 hour. She stood in line for an hour and a half. She was spending 15 dollars. It struck her as she stood there, there were people spending 15 dollars at Kroger's in 90 seconds. You know you go stand, in fact if you're buying two or three items you go through the quick line. I am sure all of you have done this at Publix or somewhere.

Here's my point, we have two clocks in our head, we have a private sector clock, and all of you can check this out in your own life. You walk into a private sector business and there is a second hand. 90 seconds, this happened to me Sunday, we got in a drive-thru line for McDonald's—90 seconds into a private sector line you get impatient. I am a customer. Do they want my money, or not? Why are they not paying attention? Now you have a second clock in your head. It's a public sector clock. It has 15-minute increments. I mean all of you say this, I've got to go to the courthouse. I think I'll take a book. Maybe it should be a big book.

Now here's all I want to leave you to think about. This is all a cultural artifact. We are the inheritors of a German model of bureaucracy codified by the American Civil Service model. So that we now have a pre-typewriter system. We know it violates all human nature if you can't be fired, if you can't be controlled, if you can't be rewarded, if there can't be merit pay. If you have no customer complaint system, if there are no standards, why would you think it would work? Not a business in America could operate the way almost every government does. This is what I want to propose: in a free society in peacetime if you work all of Monday and half of Tuesday to pay taxes that should be enough. The rest of the week you should be able to work for your family, your church or synagogue, your favorite charity, or for your own retirement. For you to be required to work more than 25 percent of the time for government is wrong. Today, nationally, the average is 38 percent. What I am proposing is that from school board to county commission to sheriff's office to city council to state legislature to the Federal Government that we work as a team to modernize, rationalize, downsize, prioritize government to apply information-age models to apply the lessons of Demming, and for you to tell me what I have to do to get out of your way so you can do it faster and better and cheaper, and to give me any advice you've got on what I can do faster and better and cheaper. So that 10 or 12 years from now we have cut taxes by a third. So you have a faster moving system that is more customer responsive that is actually a better government with better services at lower costs. I believe it is doable. I believe it is hard, but I believe it is exactly the right challenge for the 21st Century. I think it will leave us a freer country, a more productive country, and a wealthier country. I think it is the direction we ought to go.

Let me just in closing say this, we are collectively in a very tough business. It's made tougher by the news media's current cultural style which is to turn politics into soap opera. It's made tougher by some of the politicians. It's made tougher by the interest groups and it's made tougher by citizens who would like everything yesterday without having paid for it. That's just reality. This is a very difficult society. Guess what, it always has been. If you read Paul Johnson's *History of the American People*, he has a wonderful line. He says, "The Americans in the early 1770s may have been the lowest taxed people in the history of the human race and they resented every penny." It's sort of a nice reminder. What I want to encourage you with is as you finish up your session and you go back home, and maybe I feel this so passionately and so deeply because of my childhood and living in Europe after the Second World War and watching my Dad serve his country and being aware that back then the Soviet Empire was real, and the danger of defeat was real, we really have a marvelous, marvelous opportunity to lead the entire world. We have a chance to draw together as a people from amazing backgrounds. Again, Florida is as perfect as any place in the country to think about how many places people come from. The ability to elect people who can sublimate civil war into a room where they talk out their passions, their fears, their hopes, their dreams, and make law. Then to make that law in such a way that the rule of law prevails. So that every person has their God-endowed rights, that's really a magical thing. It's been done very seldom in all of human history. You are literally key organic biological parts of that. Democracy is one generation deep. It's the generation that is doing it and their ability to teach the next generation. As you have young folks in your campaigns, they are learning from you how a free people govern themselves. As young reporters trying to understand the process, they are learning from you how free people govern themselves. We are in the same business, because legislating in Washington and legislating in Tallahassee is the same frustrating, complex, chaotic, confused, exhausting, human process.

So I came today to say thank you for all of your support for freedom, to say thank you for having helped Georgia dramatically with the Three Rivers Compact, and to tell you that I would like to be your partner in creating four goals for our generation to give all of America and all of Florida a safer, a more prosperous and a freer future.

Thank you very much. Good luck, and God bless you.

DISSOLUTION OF JOINT SESSION

Following his address, the committee previously appointed escorted Speaker Gingrich from the rostrum and from the House chamber.

On motion by Senator Bankhead, the joint session was dissolved at 2:42 p.m. and the Senators were escorted from the House chamber by the Senate Sergeant at Arms.

AFTERNOON SESSION

The Senate was called to order by the President at 3:11 p.m. A quorum present—39:

Madam President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Gutman—

CS for SB 334—A bill to be entitled An act relating to juvenile justice programs; amending s. 985.401, F.S.; requiring the Juvenile Justice Advisory Board to develop a standard methodology for interpreting outcome-evaluation reports; specifying information to be included; requiring the board to consult with other agencies, providers, and interested parties; requiring the board to report to the Legislature; amending s. 985.404, F.S.; requiring the Department of Juvenile Justice and other agencies to develop a cost-effectiveness model for each commitment program; requiring the department to rank programs and report to the Legislature; authorizing the department to terminate a program that fails to achieve a minimum threshold of effectiveness; requiring that the cost-effectiveness model be consistent with certain requirements for performance-based budgeting; requiring the department to conduct certain evaluations of commitment programs and identify the factors that contribute to various program ratings; providing appropriations; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Gutman and adopted:

Amendment 1—On page 3, lines 7 and 8; on page 6, lines 14 and 15; and on page 7, lines 15 and 25 and 26, delete "*of the Joint Legislative Management Committee*"

Senator Gutman moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 1, line 28, insert:

Section 1. Subsection (8) is added to section 943.053, Florida Statutes, to read:

943.053 Dissemination of criminal justice information; fees.—

(8) Notwithstanding s. 943.0525 or any user agreement adopted under s. 943.0525, and notwithstanding the confidentiality of sealed records provided in s. 943.059, the Department of Juvenile Justice and any other state or local criminal justice agency may provide a copy of the criminal history records of a juvenile offender currently or formerly detained or housed in a contracted juvenile assessment center or detention facility, or treated through a treatment program, or the criminal history records of an employee or other individual who has access to a contracted juvenile assessment center, detention facility, or treatment program, only to an entity under direct contract with the Department of Juvenile Justice to operate a juvenile assessment center, detention facility, or treatment program. The criminal justice agency may assess a charge for providing the records as provided in chapter 119. A sealed record received by a private entity under this subsection remains confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Information provided under this subsection may be used only for the criminal justice purpose for which it was requested and may not be further disseminated.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law;

Senator Gutman moved the following amendment which failed:

Amendment 3 (with title amendment)—On page 1, line 28, insert:

Section 1. Subsection (6) of section 985.307, Florida Statutes, is amended to read:

985.307 Juvenile assignment centers.—

(6) Notwithstanding any provision to the contrary, this section expires July 1, *2002* ~~1998~~, unless reenacted by the Legislature. The department may not create or operate a juvenile assignment center after July 1, *2002* ~~1998~~, without further legislative authority. Unless reenacted by the Legislature, any juvenile assignment center created under this section shall be converted to a high-level or maximum-level residential commitment program, subject to availability of funds.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to juvenile justice; amending s. 984.307, F.S.; postponing the date on which the authority of the Department of Juvenile Justice to create or operate juvenile assignment centers is scheduled to expire;

Pursuant to Rule 4.19, **CS for SB 334** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

SB 656—A bill to be entitled An act relating to education; amending s. 233.061, F.S.; encouraging school districts to provide instruction in the history of labor and business; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 656** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 314—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 394.4788, F.S., relating to mental health services; updating provisions relating to duties of the agency formerly performed by the Health Care Cost Containment Board; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain outpatient facilities; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that, following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of staff and patients; providing for applicability; providing for a report by the agency to the Governor and Legislature; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the former Department of Health and Rehabilitative Services; authorizing the agency to conduct data-based studies and make recommendations; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; repealing ss. 395.403(9), 395.806(3), 407.61, 408.003, 408.072, 408.085, F.S., relating to reimbursement of state-sponsored trauma centers, studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of provisions of the act relating to repeal of review of hospital budgets; amending ss. 381.026, 381.0261, F.S.; requiring distribution of the Florida Patient's Bill of Rights and Responsibilities; providing penalties; repealing s. 395.002(2) and (15), F.S.; deleting definitions of "adverse or untoward incident" and "injury"; amending s. 395.0193, F.S.; revising provisions relating to facility peer review disciplinary actions against practitioners; requiring a report to the Agency for Health Care Administration; providing penalties; amending s. 395.0197, F.S.; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring certain reports to the agency; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective action plans; providing penalties; renumbering s. 626.941, F.S., relating to the purpose of the health care risk manager licensure program; renumbering and amending s. 626.942, F.S., relating to the Health Care Risk Manager Advisory Council; renumbering and amending s. 626.943, F.S.; providing powers and duties of the agency; renumbering and amending s. 626.944, F.S., relating to qualifications for health care risk managers; providing for fees; providing for issuance, cancellation, and renewal of licenses; renumbering and amending s. 626.945, F.S., relating to grounds for denial, suspension, or revocation of licenses; amending s. 766.101, F.S., relating to medical review committees; adding "physician-hospital organization," "provider-sponsored organization," and "integrated delivery system" to the definition of "medical review committee" or "committee"; amending ss. 394.4787, 395.602, 400.051, 409.905, 440.13, 458.331, 459.015, 468.505, 641.55, 766.1115, F.S.; conforming

references and correcting cross-references; transferring the internal risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; providing an appropriation; providing effective dates.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendments which were moved by Senator Brown-Waite and adopted:

Amendment 1—On page 59, delete line 6 and insert: *and can determine within 1 business day that any of the*

Amendment 2—On page 59, lines 9-11, delete those lines and insert: *admission in the licensed facility:*

Amendment 3—On page 63, line 14, after the period (.) insert: *This subsection does not apply to the notice requirements under subsection (7).*

Senators Campbell and Silver offered the following amendment which was moved by Senator Campbell and adopted:

Amendment 4—On page 50, lines 23 and 24, delete those lines and insert: ~~However, the procedures~~

Senators Gutman and Geller offered the following amendment which was moved by Senator Gutman and adopted:

Amendment 5 (with title amendment)—On page 82, between lines 17 and 18, insert:

Section 42. Paragraph (a) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; criteria; Nursing Home Advisory Committee; evaluation and rating system; fee for review of plans.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and Rehabilitative Services and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, lighting, ventilation, and other housing conditions which will ensure the health, safety, and comfort of residents, including an adequate call system. The agency shall establish standards for facilities and equipment to increase the extent to which *new* facilities *and a new wing or floor added to an existing facility after July 1, 1999,* are structurally capable of serving as shelters *only for residents, staff, and families of residents and staff,* and equipped to be self-supporting during and immediately following disasters. *The Agency for Health Care Administration shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for cost-effective renovation standards to be applied to existing facilities.* In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: amending s. 400.23, F.S.; amending rulemaking powers of the Agency for Health Care Administration relating to structural standards for nursing homes; requiring a report to the Governor and Legislature;

Pending further consideration of **CS for SB 314** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for CS for CS for HB 349** was withdrawn from the Committees on Health Care; Banking and Insurance; and Ways and Means.

On motion by Senator Brown-Waite—

CS for CS for CS for HB 349—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending ss. 154.304, 154.306, and 154.312, F.S., relating to health care for indigent persons; revising definitions; conforming references to changes made by the act; amending s. 394.4788, F.S., relating to mental health services; updating provisions relating to duties of the agency formerly performed by the Health Care Cost Containment Board; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain outpatient facilities; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that, following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of patients and staff; providing for applicability; providing for a report by the agency to the Governor and Legislature; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending ss. 395.403, 395.605, 395.7015, and 395.806, F.S.; conforming references; amending ss. 408.05, 408.061, 408.062, and 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the former Department of Health and Rehabilitative Services; authorizing the agency to conduct data-based studies and make recommendations; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending s. 408.50, F.S.; conforming a reference; amending ss. 409.2673 and 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; repealing ss. 395.403(9), 407.61, 408.003, 408.072, and 408.085, F.S., relating to reimbursement of state-sponsored trauma centers, studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of provisions of the act relating to repeal of review of hospital budgets; amending ss. 381.026 and 381.0261, F.S.; requiring distribution of the Florida Patient's Bill of Rights and Responsibilities; providing penalties; repealing s. 395.002(2) and (15), F.S.; deleting definitions of "adverse or untoward incident" and "injury"; amending s. 395.0193, F.S.; revising provisions relating to facility peer review disciplinary actions against practitioners; requiring a report to the Agency for Health Care Administration; providing penalties; amending s. 395.0197, F.S.; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring certain reports to the agency; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective action plans; providing penalties; renumbering s. 626.941, F.S., relating to the purpose of the health care risk manager licensure program; renumbering and amending s. 626.942, F.S., relating to the Health Care Risk Manager Advisory Council; renumbering and amending s. 626.943, F.S.; providing powers and duties of the agency; renumbering and amending s. 626.944, F.S., relating to qualifications for health care risk managers; providing for fees; providing for issuance, cancellation, and renewal of licenses; renumbering and amending s. 626.945, F.S., relating to grounds for denial, suspension, or revocation of licenses; amending ss. 394.4787, 395.602, 400.051, 409.905, 440.13, 458.331, 459.015, 468.505, 641.55, and 766.1115, F.S.; conforming references and correcting cross references; transferring the internal risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **CS for SB 314** as amended and read the second time by title.

Senators Gutman and Geller offered the following amendment which was moved by Senator Gutman and adopted:

Amendment 1 (with title amendment)—On page 83, between lines 10 and 11, insert:

Section 42. Paragraph (a) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; criteria; Nursing Home Advisory Committee; evaluation and rating system; fee for review of plans.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and Rehabilitative Services and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, lighting, ventilation, and other housing conditions which will ensure the health, safety, and comfort of residents, including an adequate call system. The agency shall establish standards for facilities and equipment to increase the extent to which *new* facilities *and a new wing or floor added to an existing facility after July 1, 1999,* are structurally capable of serving as shelters *only for residents, staff, and families of residents and staff,* and equipped to be self-supporting during and immediately following disasters. *The Agency for Health Care Administration shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for cost-effective renovation standards to be applied to existing facilities.* In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.

And the title is amended as follows:

On page 4, line 18, after the semicolon (;) insert: amending s. 400.23, F.S.; amending rulemaking powers of the Agency for Health Care Administration relating to structural standards for nursing homes; requiring a report to the Governor and Legislature;

RECONSIDERATION

On motion by Senator Brown-Waite, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Brown-Waite, the Senate reconsidered the vote by which **CS for CS for CS for HB 349** was substituted for **CS for SB 314** and read the second time.

Pursuant to Rule 4.19, **CS for SB 314** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth—

CS for SB 1880—A bill to be entitled An act relating to boating safety; amending s. 327.02, F.S.; redefining "personal watercraft"; amending s. 327.25, F.S.; classifying all personal watercraft as class A-2 vessels; amending s. 327.28, F.S.; providing for distribution and use of registration fees therefor; amending s. 327.39, F.S.; revising requirements for operation of a personal watercraft relating to authorized flotation devices, times of operation, maneuvers constituting reckless operation, and minimum age for operation; prohibiting lease, hiring, or rental to certain persons; requiring all vessel operators to have certain photographic identification; providing a penalty; providing a grandfather clause; amending s. 327.395, F.S.; conforming provisions relating to boating safety identification cards; amending s. 327.54, F.S.; revising requirements for lease, hiring, or rental of vessels by liveries relating to prerental or preride instruction, minimum age for rental, and safety information and instruction; removing liveries' immunity from liability for certain accidents or injuries; requiring certain insurance coverage; providing a penalty; reenacting s. 327.73(1)(p) and (s), F.S., relating to a penalty for violation of vessel laws, to incorporate the amendments to ss. 327.39, 327.395, F.S., in references; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendments which were adopted:

Amendment 1—On page 5, line 29 through page 6, line 4, delete those lines and insert:

(d) Operating contrary to navigation rules.

SENATOR BANKHEAD PRESIDING

Amendment 2—On page 7, between lines 27 and 28, insert:

(8) Vessels operated by boat/motor test facilities, for those test operations which are permitted by the Department of Environmental Protection, are exempt from paragraphs (4)(b) and (c).

Pursuant to Rule 4.19, **CS for SB 1880** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt, by two-thirds vote **CS for HB 1151** was withdrawn from the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Burt—

CS for HB 1151—A bill to be entitled An act relating to law enforcement; amending s. 384.287, F.S.; permitting certain support personnel, including a crime scene analyst, forensic technologist, and crime lab analyst, to request, and seek court orders for, screening of a person for a sexually transmissible disease, under specified circumstances; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; providing duties of the department as custodial manager; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 318.18, F.S., relating to civil penalties; redesignating regional criminal justice assessment centers as criminal justice selection centers; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; conforming cross references; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; creating s. 943.146, F.S., relating to copyrighting

and sale of work products of the Department of Law Enforcement; defining "product"; prescribing powers and duties of the department and guidelines for securing and enforcing copyrights; providing for certain notification to the Department of State; providing for deposit of proceeds of sales or products or certain rights in products; amending s. 943.256, F.S.; providing for the regional criminal justice assessment centers, which are directed by a postsecondary public school or a criminal justice agency, to be redesignated as criminal justice selection centers; amending s. 943.325, F.S., relating to blood specimen testing for DNA analysis; requiring entities responsible for a county jail, correctional facility, or juvenile facility to ensure that required blood specimens from certain offenders are secured and transmitted to the department under specified provisions; prohibiting release of the offender from the custody of the court and release of bond or surety until blood specimens have been taken as required; prescribing duties of the chief administrative judge of each circuit and the sheriff or other entity maintaining the county jail with respect to collection and forwarding of blood specimens; providing for a statewide protocol for securing blood specimens of certain offenders to be developed by the department in conjunction with the sheriffs, the court, the Department of Corrections, and the Department of Juvenile Justice; requiring certain offenders to submit or resubmit to blood testing, under specified circumstances; providing for certain immunity from liability as a result of withdrawal of blood specimens; providing for court orders authorizing the taking of the person into custody for purposes of securing the required blood specimens; providing for issuance of the court order; providing for transportation or release of the person taken into custody, under specified circumstances; providing that the offender is liable for actual costs of blood collection, unless declared indigent; providing for construction; reenacting s. 760.40(2)(a), F.S., relating to genetic testing and informed consent therefor, and s. 948.03(10), F.S., relating to terms and conditions of probation or community control, to incorporate said amendment in references; amending s. 943.33, F.S., relating to state-operated criminal analysis laboratories; defining "good cause" for purposes of certifying court orders for state-operated laboratory services to the criminal defendant; requiring the laboratory to include a cost statement with the report of the service provided; requiring provision of a copy of the report and the cost statement to prosecutor and court; providing an effective date.

—a companion measure, was substituted for **CS for SB 1378** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1151** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 1962—A bill to be entitled An act relating to memory disorder clinics; amending s. 430.502, F.S.; creating a clinic at St. Mary's Hospital in West Palm Beach; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1962** to **CS for CS for HB 3387**.

Pending further consideration of **SB 1962** as amended, on motion by Senator Rossin, by two-thirds vote **CS for CS for HB 3387** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Rossin, the rules were waived and—

CS for CS for HB 3387—A bill to be entitled An act relating to health care; amending s. 430.502, F.S.; establishing additional memory disorder clinics; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; amending s. 430.707, F.S.; authorizing the department to contract for certain services; exempting certain providers from the provisions of ch. 641, F.S.; creating the Panel for the Study of End-of-Life Care; providing for membership and duties; requiring a report; providing for future repeal; providing an effective date.

—a companion measure, was substituted for **SB 1962** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 3387** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

CS for CS for SB 1800—A bill to be entitled An act relating to health insurance; amending s. 222.21, F.S.; exempting moneys paid into a Roth individual retirement account from creditors' claims; amending s. 222.22, F.S.; exempting moneys paid into a Medical Savings Account from attachment, garnishment, or legal process; amending s. 627.410, F.S.; exempting certain policies from rating requirements; amending s. 627.6425, F.S.; specifying exceptions to guaranteed renewability of individual health insurance policies; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed-issuance of an individual health insurance policy; amending s. 627.6498, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining premium rates of coverage issued by the Florida Comprehensive Health Association; amending s. 627.6571, F.S.; specifying exceptions to guaranteed renewability of group health insurance policies; amending s. 627.6675, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining maximum premiums for conversion policies; revising standards for renewal of converted insurance policies; requiring the insurer to mail certain information to a person eligible for a converted policy, upon request; creating s. 627.6685, F.S.; requiring health insurers and health maintenance organizations to include in their plans that offer mental health coverage certain mental health benefits that are not less favorable than those for medical or surgical benefits covered by the plan; defining terms; providing exemptions; limiting applicability of this section; amending s. 627.6699, F.S.; redefining the term "health benefit plan" as used in the Employee Health Care Access Act; amending s. 627.674, F.S.; revising the minimum standards for Medicare Supplement policies; amending s. 627.6741, F.S.; revising requirements for insurers to issue, cancel, nonrenew, and replace Medicare supplement policies; restricting preexisting-condition exclusions; authorizing the Department of Insurance to adopt rules governing guaranteed issue of Medicare supplement coverage for continuously covered individuals; amending s. 627.9403, F.S.; specifying the provisions of the Long-term Care Insurance Act that apply to limited benefit policies; amending s. 627.9404, F.S.; defining the terms "limited benefit policy" and "qualified long-term care limited benefit insurance policy"; amending s. 627.9407, F.S.; revising the requirements for exclusion of coverage for preexisting conditions for long-term care policies; requiring limited-benefit policies to contain a disclosure statement regarding their qualification for favorable tax treatment; amending s. 627.94073, F.S.; revising the notice requirement for long-term care policies regarding the right to designate a secondary person to receive notice of lapse of coverage; amending s. 641.225, F.S.; increasing surplus requirements for health maintenance organizations; amending s. 641.285, F.S.; increasing deposit requirements for health maintenance organizations; revising exceptions; amending s. 641.26, F.S.; requiring health maintenance organizations to file certain reports with the Department of Insurance; requiring that health maintenance organizations provide additional information upon the request of the department; amending s. 641.31074, F.S.; revising requirements for guaranteed renewability of a health maintenance organization contract; amending s. 641.3111, F.S.; requiring health maintenance organization contracts to provide for an extension of benefits upon termination of the contract; amending s. 641.316, F.S.; revising the amount of the bond that a fiscal intermediary services organization is required to maintain; specifying certain additional requirements and conditions for the bond and the intermediary; amending s. 641.3922, F.S.; revising the method for establishing the maximum premium for converted contracts issued by health maintenance organizations; revising the exceptions to guaranteed renewability of converted health maintenance organization contracts; requiring a health maintenance organization to mail certain information to a person eligible for a converted contract; amending s. 641.495, F.S.; exempting from licensure under part I of ch. 395, F.S., certain beds of a health maintenance organization; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 1—On page 7, lines 10-31, delete those lines and insert:

Section 4. Subsection (3) of section 627.6425, Florida Statutes, is amended to read:

627.6425 Renewability of individual coverage.—

(3)(a) In any case in which an insurer decides to discontinue offering a particular policy form for health insurance coverage offered in the individual market, coverage under such form may be discontinued by the insurer only if:

1. The insurer provides notice to each covered individual provided coverage under this policy form in the individual market of such discontinuation at least 90 days prior to the date of the *nonrenewal* ~~discontinuation~~ of such coverage;

2. The insurer offers to each individual in the individual market provided coverage under this policy form the option to purchase any other individual health insurance coverage currently being offered by the insurer for individuals in such market in the state; and

3. In exercising the option to discontinue coverage of this policy form and in offering the option of coverage under subparagraph 2., the insurer acts uniformly without regard to any health-status-related factor of enrolled individuals or individuals who may become eligible for such coverage.

(b)1. Subject to subparagraph (a)3., in any case in which an insurer elects to discontinue offering all health insurance coverage in the individual market in this state, health insurance coverage may be discontinued by the insurer only if:

a. The insurer provides notice to the department and to each individual of such discontinuation at least 180 days prior to the date of the *nonrenewal* ~~expiration~~ of such coverage; and

b. All health insurance issued or delivered for issuance in the state in the individual market is discontinued and coverage under such health insurance coverage in such market is not renewed.

2. In the case of a discontinuation under subparagraph 1. in the individual market, the insurer may not provide for the issuance of any individual health insurance coverage in this state during the 5-year period beginning on the date of the discontinuation of the last health insurance coverage not so renewed.

Senator Holzendorf moved the following amendment:

Amendment 2—On page 8, line 27, after "641.3921" insert: *, federal law, the laws of any other state, or, if the conversion policy offered by a self-insured group complies with s. 627.6675, a conversion policy under a self-insured group health plan*

Senator Diaz-Balart moved the following substitute amendment which was adopted:

Amendment 3—On page 8, lines 26 and 27, delete those lines and insert:

2. A conversion policy *or contract issued by an authorized insurer or health maintenance organization* under s. 627.6675 or s. 641.3921, *respectively, offered to an individual who is no longer eligible for coverage under either an insured or self-insured employer plan*;

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 4—On page 11, delete line 26 and insert: 180 days prior to the date of the *nonrenewal* ~~discontinuation~~ of such

Senator Rossin moved the following amendments which were adopted:

Amendment 5 (with title amendment)—On page 12, between lines 5 and 6, insert:

Section 8. Subsection (4) of section 627.6575, Florida Statutes, is amended to read:

627.6575 Coverage for newborn children.—

(4) A policy or contract may require the insured to notify the insurer of the birth of a child within a time period, as specified in the policy, of not less than 30 days after the birth. If timely notice is given, the insurer may not charge an additional premium for coverage of the newborn child for the duration of the notice period. If timely notice is not given, the insurer may charge an additional premium from the date of birth. *If notice is given within 60 days of the birth of the child,* the insurer may not deny coverage for a child due to the failure of the insured to timely notify the insurer of the birth of the child.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the first semicolon (;) insert: amending s. 627.6575, F.S.; providing that coverage may not be denied if specified notice is given;

Amendment 6 (with title amendment)—On page 12, between lines 5 and 6, insert:

Section 8. Subsection (2) of section 627.6415, Florida Statutes, is amended to read:

627.6415 Coverage for natural-born, adopted, and foster children; children in insured's custodial care.—

(2) A policy may require the insured to notify the insurer of the birth or placement of an adopted child within a specified time period of not less than 30 days after the birth or placement in the residence of a child adopted by the insured. If timely notice is given, the insurer may not charge an additional premium for coverage of the child for the notice period. If timely notice is not given, the insurer may charge an additional premium from the date of birth or placement. *If notice is given within 60 days of the birth of the child,* the insurer may not deny coverage for the child due to the failure of the insured to timely notify the insurer of the birth or placement of the child.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the first semicolon (;) insert: amending s. 627.6415, F.S.; providing that coverage may not be denied if specified notice is given;

Amendment 7 (with title amendment)—On page 12, between lines 5 and 6, insert:

Section 8. Subsection (2) of section 627.6578, Florida Statutes, is amended to read:

627.6578 Coverage for natural-born, adopted, and foster children; children in insured's custodial care.—

(2) A policy or contract may require the insured to notify the insurer of the birth or placement of an adopted child within a specified time period of not less than 30 days after the birth or placement in the residence of a child adopted by the insured. If timely notice is given, the insurer may not charge an additional premium for coverage of the child for the duration of the notice period. If timely notice is not given, the insurer may charge an additional premium from the date of birth or placement. *If notice is given within 60 days of the birth of the child,* the insurer may not deny coverage for the child due to the failure of the insured to timely notify the insurer of the birth or placement of the child.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the first semicolon (;) insert: amending s. 627.6578, F.S.; providing that coverage may not be denied if specified notice is given;

Senator Diaz-Balart moved the following amendments which were adopted:

Amendment 8—On page 27, delete line 3 and insert:

(10) "Qualified limited benefit

Amendment 9—On page 27, delete line 15 and insert: s. 7702B of the Internal Revenue Code *and all applicable sections of this part.*

Amendment 10—On page 29, delete line 12 and insert: or termination of this *long-term care or limited benefit*

Amendment 11—On page 39, lines 5 and 6, delete those lines and insert: *information as to its material transactions which, in the department's opinion, may have a material adverse effect on the health*

Senator Rossin moved the following amendment which was adopted:

Amendment 12 (with title amendment)—On page 39, between lines 20 and 21, insert:

Section 20. Paragraph (a) of subsection (9) of section 641.31, is amended to read:

641.31 Health maintenance contracts.—

(9) All health maintenance contracts that provide coverage, benefits, or services for a member of the family of the subscriber must, as to such family member's coverage, benefits, or services, provide also that the coverage, benefits, or services applicable for children must be provided with respect to a newborn child of the subscriber, or covered family member of the subscriber, from the moment of birth. However, with respect to a newborn child of a covered family member other than the spouse of the insured or subscriber, the coverage for the newborn child terminates 18 months after the birth of the newborn child. The coverage, benefits, or services for newborn children must consist of coverage for injury or sickness, including the necessary care or treatment of medically diagnosed congenital defects, birth abnormalities, or prematurity, and transportation costs of the newborn to and from the nearest appropriate facility appropriately staffed and equipped to treat the newborn's condition, when such transportation is certified by the attending physician as medically necessary to protect the health and safety of the newborn child.

(a) A contract may require the subscriber to notify the plan of the birth of a child within a time period, as specified in the contract, of not less than 30 days after the birth, or a contract may require the preenrollment of a newborn prior to birth. However, if timely notice is given, a plan may not charge an additional premium for additional coverage of the newborn child for not less than 30 days after the birth of the child. If timely notice is not given, the plan may charge an additional premium from the date of birth. *If notice is given within 60 days of the birth of the child*, the contract may not deny coverage of the child due to failure of the subscriber to timely notify the plan of the birth of the child or to preenroll the child.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 17, after the first semicolon (;) insert: amending s. 641.31, F.S.; providing that coverage may not be denied if specified notice is given;

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 13—On page 41, delete line 2 and insert: the *nonrenewal* ~~discontinuation~~ of such coverage; and

Senator Diaz-Balart moved the following amendment:

Amendment 14—On page 42, lines 18-22, delete those lines and insert:

(4) Except as provided in subsection (1), no subscriber is entitled to an extension of benefits if the termination of the contract by the health maintenance organization is based upon any event referred to in s. 641.3922(7)*(a), (c), or (f)* ~~(a) (g)~~.

Senator Diaz-Balart moved the following amendment to **Amendment 14** which was adopted:

Amendment 14A—On page 1, line 21, delete "*(c), or (f)*" and insert: *(b), or (e)*

Amendment 14 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 1800** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 392—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; redefining the term "qualified professional" for purposes of providing certain substance abuse assessment or treatment services; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 392** to **CS for HB 3227**.

Pending further consideration of **SB 392** as amended, on motion by Senator Holzendorf, by two-thirds vote **CS for HB 3227** was withdrawn from the Committee on Children, Families and Seniors.

On motion by Senator Holzendorf, the rules were waived and—

CS for HB 3227—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; redefining the term "qualified professional" for purposes of providing certain substance abuse assessment or treatment services; requiring persons certified to provide such services in other states to meet Florida's certification requirements within a specified period after employment in this state; providing a grandfather clause for a specified period for persons with certain qualifications and experience; providing that certain certified professionals are exempt from meeting the additional statutory requirements for a qualified professional; providing an effective date.

—a companion measure, was substituted for **SB 392** as amended and read the second time by title.

Senator Cowin moved the following amendment:

Amendment 1 (with title amendment)—On page 2, between lines 23 and 24 insert:

Section 3. *Any person who holds a Master's degree in a social or behavioral science in a human services discipline with a minimum of 2 years of experience in the assessment or treatment of substance abuse functioning as a qualified professional on December 31, 1998, shall be exempt from section 397.311(25), Florida Statutes, beginning January 1, 1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: providing an exemption from certification;

On motion by Senator Holzendorf, further consideration of **CS for HB 3227** with pending **Amendment 1** was deferred.

On motion by Senator Sullivan—

SB 150—A bill to be entitled An act relating to journalism; creating s. 90.5015, F.S.; creating a privilege for professional journalists to refuse to be a witness or to disclose specified information; providing definitions; authorizing courts to order disclosure of certain information; providing for nonwaiver of the privilege; providing severability; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Sullivan and failed:

Amendment 1 (with title amendment)—On page 1, line 13, insert:

Section 1. Paragraph (b) of subsection (1) of section 945.10, Florida Statutes, is amended to read:

945.10 Confidential information.—

(1) Except as otherwise provided by law or in this section, the following records and information of the Department of Corrections are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(b) Preplea *or*~~,~~ pretrial intervention~~, presentence or postsentence investigative~~ records.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to confidential information; amending s. 945.10, F.S.; deleting a provision that presentence or postsentence investigative records are confidential; creating s.

Senator Sullivan moved the following amendments which were adopted:

Amendment 2—On page 1, lines 21-27, delete those lines and insert: *livelihood, who obtained the information sought while working as a salaried employee of, or independent contractor for, a newspaper, news journal, news agency, press association, wire service, radio or television station, network, or news magazine. Book authors and others who are not professional journalists, as defined in this paragraph, are not included in the provisions of this section.*

(b) "News" means information of public concern

Amendment 3—On page 1, line 30 through page 2, line 8, delete those lines and insert:

(2) A professional journalist has a qualified privilege not to be a witness concerning, and not to disclose the information, including the identity of any source, that the professional journalist has obtained while actively gathering news. This privilege applies only to information or eyewitness observations obtained within the normal scope of employment and does not apply to physical evidence, eyewitness observations, or visual or audio recording of crimes. A party seeking to overcome this privilege

Amendment 4—On page 2, lines 23-25, delete those lines and insert: *privilege by publishing or broadcasting information.*

Amendment 5 (with title amendment)—On page 2, delete line 29 and insert:

(6) Authentication: Photographs, diagrams, video recordings, audio recordings, computer records, or other business records maintained, disclosed, provided, or produced by a professional journalist, or by the employer or principal of a professional journalist, may be authenticated for admission in evidence upon a showing, by affidavit of the professional journalist, or other individual with personal knowledge, that the photograph, diagram, video recording, audio recording, computer record, or other business record is a true and accurate copy of the original, and that the copy truly and accurately reflects the observations and facts contained therein.

(7) If the affidavit of authenticity and accuracy, or other relevant factual circumstance, causes the court to have clear and convincing doubts as to the authenticity or accuracy of the proferred evidence, the court may decline to admit such evidence.

(8) If any provision of this section or its

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: providing for an affidavit of authenticity;

Pursuant to Rule 4.19, **SB 150** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1308—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S.; providing that a child may not obtain an injunction for protection against domestic violence based on acts committed by a family member unless such acts constitute harm or child abuse or neglect; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment:

Amendment 1 (with title amendment)—On page 1, line 11, insert:

Section 1. Subsection (6) of section 415.107, Florida Statutes, is amended to read:

415.107 Confidentiality of reports and records.—

(6) The identity of any person reporting adult abuse, neglect, or exploitation may not be released, without that person's written consent, to any person other than employees of the department responsible for adult protective services, the central abuse registry and tracking system, or the appropriate state attorney *or law enforcement agency*. This subsection grants protection only for the person who reported the adult abuse, neglect, or exploitation and protects only the fact that the person is the reporter. This subsection does not prohibit the subpoena of a person reporting adult abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect a disabled adult or an elderly person who is the subject of a report, if the fact that the person made the report is not disclosed.

Section 2. Present subsections (4) and (5) of section 415.111, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and amended, and a new subsection (4) is added to that section, to read:

415.111 Criminal penalties.—

(4) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the reports to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 415.102. During the pendency of the investigation by the local law enforcement agency, the local law enforcement agency must respond to all subsequent reports concerning the same disabled adult or elderly person in accordance with s. 415.104 or s. 415.1045. If the law enforcement agency believes that there are indicators of abuse, neglect, or exploitation, it must immediately notify the department, which must assure the safety of the disabled adult or elderly person. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

(5)~~(4)~~ A person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person, or a person who advises another to make a false report, commits a *felony of the third* ~~misdemeanor of the second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

(a) The department shall establish procedures for determining whether a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person has been made and for submitting all identifying information relating to such a false report to the *local law enforcement agency as provided in this subsection and shall report annually to the Legislature the number of reports referred* ~~state attorney for prosecution~~.

(b) Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(6)~~(5)~~ Each state attorney shall establish *and publish* procedures to facilitate the prosecution of persons under this section *and shall report to the Legislature annually the number of complaints that have resulted in the filing of an information or indictment under this section.*

Section 3. Subsection (1) of section 415.1113, Florida Statutes, is amended to read:

415.1113 Administrative fines for false report of abuse, neglect, or exploitation of a disabled adult or an elderly person.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed *$10,000* ~~$1,000~~ for each violation, upon a person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person, or a person who counsels another to make a false report.

Section 4. Subsection (3) of section 415.513, Florida Statutes, is amended, and present subsections (4) and (5) of that section are redesignated as subsections (5) and (6), respectively, and amended, and a new subsection (4) is added to that section, to read:

415.513 Penalties relating to abuse reporting.—

(3) The department shall establish procedures for determining whether a false report of child abuse or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency and *shall report annually to the Legislature the number of reports referred* ~~the state attorney for prosecution~~.

(4) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the report to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 415.503. During the pendency of the investigation by the local law enforcement agency, the local law enforcement agency must respond to all subsequent reports concerning children in that same family in accordance with s. 415.505. If the law enforcement agency believes that there are indicators of abuse or neglect, it must immediately notify the department, which must assure the safety of the children. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

(5)~~(4)~~ A person who knowingly and willfully makes a false report of child abuse or neglect, or who advises another to make a false report, is guilty of a *felony of the third* ~~misdemeanor of the second~~ degree, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(6)~~(5)~~ Each state attorney shall establish *and publish* procedures to facilitate the prosecution of persons under this section, *and shall report to the Legislature annually the number of complaints that have resulted in the filing of an information or indictment under this section.*

Section 5. Subsection (1) of section 415.5131, Florida Statutes, is amended to read:

415.5131 Administrative fines for false report of abuse or neglect of a child.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed *$10,000* ~~$1,000~~ for each violation, upon a person who knowingly and willfully makes a false report of abuse or neglect of a child, or a person who counsels another to make a false report.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to false reports of abuse or neglect of a child or of abuse, neglect, or exploitation of a disabled adult or elderly person; amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report; amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.5131, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making, or counseling another to make, a false report; amending

On motion by Senator Hargrett, further consideration of **CS for CS for SB 1308** with pending **Amendment 1** was deferred.

On motion by Senator Bronson—

CS for SB 1088—A bill to be entitled An act relating to agriculture emergencies; amending s. 206.606, F.S.; distributing fuel sales tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; amending s. 206.608, F.S.; distributing State Comprehensive Enhanced Transportation System Tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; creating s. 206.609, F.S.; providing restrictions on the transfer of moneys to the Agricultural Emergency Eradication Trust Fund; requiring the Commissioner of Agriculture to give notice concerning the use of trust fund moneys; providing appropriations; providing a contingent effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Bronson and adopted:

Amendment 1—On page 4, delete line 15 and insert: *transfers provided for in ss. 206.606(1)(d) and 206.608(1) shall be*

Senator Bronson moved the following amendments which were adopted:

Amendment 2—On page 4, lines 25-29, delete those lines and insert:

(3)(a) Any refunds of the tax imposed under s. 206.41(1)(f) claimed under s. 206.41(4)(c)1. in excess of such refunds claimed during the fiscal year preceding the effective date of this act shall be deducted from the amount transferred pursuant to s. 206.608(1), during the year the claims are made, to the Agricultural Emergency Eradication Trust Fund.

(b) Any refunds of the tax imposed under s. 206.41(1)(g) claimed under s. 206.41(4)(c)1. in excess of such refunds claimed during the fiscal year preceding the effective date of this act shall be deducted from the amount transferred pursuant to s. 206.606(1)(d), during the year the claims are made, to the Agricultural Emergency Eradication Trust Fund.

Amendment 3—On page 5, line 8, delete "*$6,000,000*" and insert: *$4,000,000*

Pursuant to Rule 4.19, **CS for SB 1088** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett, the Senate resumed consideration of—

CS for CS for SB 1308—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S.; providing that a child may not obtain an injunction for protection against domestic violence based on acts committed by a family member unless such acts constitute harm or child abuse or neglect; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Hargrett was withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 1308** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

SB 1010—A bill to be entitled An act relating to agriculture; creating s. 570.191, F.S.; creating the Agricultural Emergency Eradication Trust Fund; prescribing its uses; defining what constitutes an "agricultural emergency"; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Bronson and adopted:

Amendment 1—On page 1, lines 20-25, delete those lines and insert: *emergency. The term "agricultural emergency" means an animal or plant disease, insect infestation, or plant or pest endangering or threatening the horticultural, aquacultural, and agricultural interests in this state.*

Senator Laurent moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 1, between lines 25 and 26, insert:

Section 2. *For fiscal year 1998-1999, up to $10 million collected in the Agricultural Emergency Eradication Trust Fund is hereby transferred to the Plant Industry Trust Fund for the purposes of carrying out any existing or future declared agricultural emergencies.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: transferring moneys from the Agricultural Emergency Eradication Trust Fund to the Plant Industry Trust Fund for specified purposes;

Pursuant to Rule 4.19, **SB 1010** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

CS for SB 1578—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; amending provisions prescribing the voting membership of an M.P.O.; providing an effective date.

—was read the second time by title.

Senator Dudley offered the following amendment which was moved by Senator Forman and adopted:

Amendment 1—On page 2, delete line 20 and insert: *commission of not less than seven members may have one less*

RECONSIDERATION OF AMENDMENT

On motion by Senator Forman, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Senator Dudley offered the following amendment which was moved by Senator Forman and adopted:

Amendment 2—On page 2, delete line 20 and insert: *commission having more than five members may have one less*

Pursuant to Rule 4.19, **CS for SB 1578** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **HB 4561** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Latvala, by two-thirds vote—

HB 4561—A bill to be entitled An act relating to marine fisheries; amending s. 370.01, F.S.; redefining the terms "closed season" and "nonresident alien" and alphabetizing definitions; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators' licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; amending s. 370.026, F.S.; deleting obsolete references to commissioners' terms; amending s. 370.0605, F.S.; authorizing agents of the Game and Fresh Water Fish Commission to enforce provisions relating to licenses; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.12, F.S.; relating to protection of mammalian dolphins; amending s. 370.1405, F.S.; relating to reporting requirements for crawfish wholesalers and retailers; amending s. 370.25, F.S.; clarifying criminal, civil, and administrative penalties; repealing s. 370.015, F.S., relating to obsolete Suwannee River Authority; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.092(3) and (4), F.S., relating to penalties on use of proscribed nets; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.12(4), F.S.; related to manta rays; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing section 370.1611, F.S., relating to an oyster depuration plant; providing an effective date.

—a companion measure, was substituted for **CS for SB 1084** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 4561** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 752—A bill to be entitled An act relating to the State University System; designating the tennis court complex at the University of West Florida the "Harold 'Skeeter' Carson Tennis Complex"; designating the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University the "Barry and Florence Friedberg Lifelong Learning Center"; designating the swim/dive office and training facility at the University of Florida the "Wayne and Jimmie Carse Swimming and Diving Complex"; renaming Flint Hall at the University of Florida as "Keene-Flint Hall"; designating the residence hall known as 2nd Court, Pei Residence Halls, located at New College of the University of South Florida the "Peggy Bates Residence Hall"; designating the library tower on the campus of Florida International University the "Steven and Dorothea Green Library"; designating the recording facility donated to Florida State University as "Critchfield Hall"; authorizing the respective universities to erect suitable markers; amending s. 240.605, F.S.; renaming the Florida Resident Access Grant Program as the William L. Boyd, IV, Florida Resident Access Grant Program; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick offered the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (with title amendment)—On page 6, between lines 6 and 7, insert:

Section 10. *The Regional Office of the Florida Game and Fresh Water Fish Commission located at 8535 Northlake Boulevard in West Palm Beach, Florida is designated as the "Woodrow 'Woody' Darden Building."*

The Game and Fresh Water Fish Commission is authorized to erect suitable markers designating this building.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: designating the Regional Office of the Florida Game and Fresh Water Fish Commission in West Palm Beach as the "Woodrow 'Woody' Darden Building"; authorizing the commission to erect suitable markers;

Senator Kurth moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 6, between lines 6 and 7, insert:

Section 10. *Dr. William R. Dannahower Building designated; markers.—*

(1) The Children's Medical Services Clinic of St. Lucie County is hereby designated the "Dr. William R. Dannahower Building."

(2) The Department of Health is authorized to erect suitable markers designating the Dr. William R. Dannahower Building as described in subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-27, delete those lines and insert: An act relating to the designation of buildings and programs; designating the tennis court complex at the University of West Florida the "Harold 'Skeeter' Carson Tennis Complex"; designating the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University the "Barry and Florence Friedberg Lifelong Learning Center"; designating the swim/dive office and training facility at the University of Florida the "Wayne and Jimmie Carse Swimming and Diving Complex"; renaming Flint Hall at the University of Florida as "Keene-Flint Hall"; designating the residence hall known as 2nd Court, Pei Residence Halls, located at New College of the University of South Florida the "Peggy Bates Residence Hall"; designating the library tower on the campus of Florida International University the "Steven and Dorothea Green Library"; designating the recording facility donated to Florida State University as "Critchfield Hall"; authorizing the respective universities to erect suitable markers; amending s. 240.605, F.S.; renaming the Florida Resident Access Grant Program as the William L. Boyd, IV, Florida Resident Access Grant Program; designating the Children's Medical Services Clinic of St. Lucie County as the "Dr. William R. Dannahower Building"; authorizing the Department of Health to erect suitable markers; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 752** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 228** and **CS for SB 832** was deferred.

CS for SB 1130—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; authorizing the Executive Office of the Governor to contract for certain services; increasing the amount of the bond required of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; providing that the official seal and certificate of commission are the exclusive property of the notary public; providing a criminal penalty for unlawful possession of a notary public official seal or papers; specifying the elements of a notarial certificate; revising provisions relating to identification; deleting specified circumstances under which a signature may not be notarized; revising provisions relating to copying certain documents; requiring a notary public to make reasonable accommodations to provide notarial services to disabled persons; amending s. 117.10, F.S.; conforming a cross-reference; amending s. 117.103, F.S.; providing that a notary public's commission is not required to be filed with the clerk of the circuit court; providing for certification of the commission from the Secretary of State; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; providing a civil penalty; amending s. 117.20, F.S.; providing for electronic notarizations; amending s. 118.10, F.S.; redefining the terms "authentication instrument" and "Florida international notary"; revising requirements to become a Florida international notary; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment:

Amendment 1—On page 2, delete line 18 and insert: subsection (4), and subsection (5) of section 117.01,

On motion by Senator Grant, further consideration of **CS for SB 1130** with pending **Amendment 1** was deferred.

On motion by Senator Forman—

SB 1384—A bill to be entitled An act relating to animals; creating s. 828.35, F.S.; providing requirements for the rabies vaccination of ferrets; providing exemptions; providing for rabies vaccination certificates; providing for quarantine according to rules; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 828.30, Florida Statutes, is amended to read:

828.30 Rabies vaccination of dogs, ~~and~~ cats, *and ferrets.—*

(1) All dogs, ~~and~~ cats, *and ferrets* 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a United States Government-approved vaccine. The cost of vaccination must be borne by the animal's owner.

(2) A dog, ~~or~~ cat, *or ferret* is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate which must contain at least the following information:

(a) The license number of the administering veterinarian.

(b) The name, address, and phone number of the veterinarian and owner.

(c) The date of vaccination.

(d) The expiration date of the vaccination.

(e) The species, age, sex, color, breed, weight, and name of the animal vaccinated.

(f) The rabies vaccine manufacturer.

(g) The vaccine lot number and expiration date.

(h) The type and brand of vaccine used.

(i) The route of administration of the vaccine.

(j) The signature or signature stamp of the licensed veterinarian.

(4) Beginning March 1, 1999, each ferret vaccinated according to this section must be quarantined, when necessary, according to rules of the Department of Health.

(5)~~(4)~~ Violation of this section is a civil infraction, punishable as provided in s. 828.27(2).

(6)~~(5)~~ This section does not prohibit or limit municipalities or counties from enacting requirements similar to or more stringent than the provisions of this section for the implementation and enforcement of rabies-control ordinances.

Section 2. This act shall take effect January 1, 1999.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to animals; amending s. 828.30, F.S.; providing for the rabies vaccination of ferrets; providing for quarantine according to rules; providing an effective date.

Pursuant to Rule 4.19, **SB 1384** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 484** was deferred.

On motion by Senator Holzendorf—

SB 72—A bill to be entitled An act relating to public officers and employees; amending s. 112.324, F.S.; allowing the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 72** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 880—A bill to be entitled An act relating to barbering and cosmetology; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; repealing s. 476.134, F.S., relating to time, place, and subjects of examination; amending s. 476.144, F.S.; revising requirements for licensure to practice barbering; amending s. 477.013, F.S.; redefining the term "hair braiding"; defining the terms "hair wrapping" and "photography studio salon"; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty salon; providing the circumstances for practicing as a hair wrapper or hair braider pending receipt of registration; amending s. 477.0135, F.S.; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure by examination; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; amending s. 477.0201, F.S.; providing circumstances for practicing as a specialist pending receipt of registration; repealing s. 477.022, F.S., relating to examinations; amending s. 477.025, F.S.; authorizing the board to adopt rules for mobile cosmetology salons; amending s. 477.026, F.S.; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 880** to **CS for HB 3343**.

Pending further consideration of **CS for SB 880** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 3343** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Clary—

CS for HB 3343—A bill to be entitled An act relating to barbering and cosmetology; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; amending s. 476.134, F.S.; revising provisions relating to examination of applicants for licenses as barbers; amending s. 476.144, F.S.; revising requirements for licensure to practice barbering; amending s. 476.204, F.S.; prohibiting allowing an employee to practice barbering unless licensed or otherwise authorized by law; providing penalties; amending s. 476.214, F.S.; providing for denial of issuance or renewal of barber or barbershop license or certificate of registration under certain circumstances; amending s. 477.013, F.S.; revising the definition of the term "hair braiding"; defining the terms "hair wrapping" and "photography studio salon"; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty salon; providing circumstances for practicing as a hair wrapper or hair braider pending receipt of registration; amending s. 477.0135, F.S., and repealing paragraph (1)(g), relating to an exemption from regulation applicable to graduates of certain cosmetology schools or programs; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure to practice cosmetology; providing for supervised practice by graduates of certain cosmetology schools or programs; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; amending s. 477.0201, F.S.; providing circumstances for practicing as a specialist pending receipt of registration; amending s. 477.022, F.S.; revising provisions relating to examinations; amending s. 477.025, F.S.; authorizing the board to adopt rules for mobile cosmetology salons and providing requirements therefor; providing for fees; amending s. 477.026, F.S.; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; amending s. 477.028, F.S.; providing for denial of issuance or renewal of cosmetology, specialty, and salon license or certificate of registration under certain circumstances; amending s. 477.029, F.S.; revising prohibitions relating to unlicensed or other unauthorized practice; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 880** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3343** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for SB 832—A bill to be entitled An act relating to information resources management; amending s. 186.021, F.S.; providing that certain information resources management projects are not required in agency strategic plans; amending s. 216.181, F.S.; providing that certain information resource management projects are not subject to the mandatory notice and review requirements for amendments to agencies' original approved operating budgets; amending s. 186.022, F.S.; providing that certain coordinating councils and boards are required to develop annual performance reports; amending s. 282.3063, F.S.; modifying the date for submission of the Agency Annual Information Resources Management Report; amending s. 282.310, F.S.; modifying the date by which the State Annual Report on Information Resources Management must be developed; requiring the inclusion of specified information within the report; amending s. 282.3091, F.S.; authorizing members of the State Technology Council to appoint designees to serve on their behalf; amending s. 282.322, F.S.; requiring the submission of quarterly reports for information resource projects designated for special monitoring; providing an additional recipient of project monitors' final reports; amending s. 282.404, F.S.; removing the chair of the Geographic Information Advisory Council as an ex officio member of the Geographic Information Board; requiring the chair to attend all meetings of the Geographic Information Board on behalf of the council; revising duties of the Geographic Information Board; providing that the board shall serve as coordinator for census activities; amending s. 215.96, F.S.; providing a technical correction; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, line 11, insert:

Section 1. Subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(a) "Annual salary rate" means the salary estimated to be paid or actually paid a position or positions on an annualized basis. In calculating salary rate, a vacant position shall be calculated at the minimum of the pay grade for that position.

(b) "Appropriation" means a legal authorization to make expenditures for specific purposes within the amounts authorized in the appropriations act.

(c) "Appropriations act" means the authorization of the Legislature, based upon legislative budgets or based upon legislative findings of the necessity for an authorization when no legislative budget is filed, for the expenditure of amounts of money by an agency, the judicial branch, and the legislative branch for stated purposes in the performance of the functions it is authorized by law to perform.

(d) "Authorized position" means a position included in an approved budget. In counting the number of authorized positions, part-time positions shall be converted to full-time equivalents.

(e) "Budget entity" means a unit or function at the lowest level to which funds are specifically appropriated in the appropriations act.

(f) "Consultation" means to deliberate and seek advice in an open and forthright manner with the full committee, a subcommittee thereof, the chair, or the staff as deemed appropriate by the chair of the respective appropriations committee.

(g) "Continuing appropriation" means an appropriation automatically renewed without further legislative action, period after period, until altered or revoked by the Legislature.

(h) "Data processing services" means electronic data processing services provided by or to state agencies or the judicial branch, which services include, but are not limited to, systems design, software development, or time-sharing by other governmental units or budget entities.

(i) "Disbursement" means the payment of an expenditure.

(j) "Disincentive" means a sanction as described in s. 216.163.

(k)~~(j)~~ "Established position" means an authorized position which has been classified in accordance with a classification and pay plan as provided by law.

(l)~~(k)~~ "Expenditure" means the creation or incurring of a legal obligation to disburse money.

(m)~~(l)~~ "Expense" means the usual, ordinary, and incidental expenditures by an agency or the judicial branch, including, but not limited to, such items as contractual services, commodities, and supplies of a consumable nature, current obligations, and fixed charges, and excluding expenditures classified as operating capital outlay. Payments to other funds or local, state, or federal agencies are included in this budget classification of expenditures.

(n)~~(m)~~ "Fiscal year of the state" means a period of time beginning July 1 and ending on the following June 30, both dates inclusive.

(o)~~(n)~~ "Fixed capital outlay" means real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and including furniture and equipment necessary to furnish and operate a new or improved facility, when appropriated by the Legislature in the fixed capital outlay appropriation category.

(p)~~(o)~~ "Full-time position" means a position authorized for the entire normally established work period, daily, weekly, monthly, or annually.

(q)~~(p)~~ "Grants and aids" means contributions to units of governments or nonprofit organizations to be used for one or more specified purposes, activities, or facilities. Funds appropriated under this category may be advanced.

(r) "Incentive" means a mechanism, as described in s. 216.163, for recognizing the achievement of performance standards or for motivating performance that exceeds performance standards.

(s)~~(q)~~ "Independent judgment" means an evaluation of actual needs made separately and apart from the legislative budget request of any other agency or of the judicial branch, or any assessments by the Governor. Such evaluation shall not be limited by revenue estimates of the Revenue Estimating Conference.

(t)~~(r)~~ "Judicial branch" means all officers, employees, and offices of the Supreme Court, district courts of appeal, circuit courts, county courts, and the Judicial Qualifications Commission.

(u)~~(s)~~ "Legislative branch" means the various officers, committees, and other units of the legislative branch of state government.

(v)~~(t)~~ "Legislative budget" means a request to the Legislature, filed pursuant to s. 216.023, or supplemental detailed requests filed with the Legislature, for the amounts of money such agency or branch believes will be needed in the performance of the functions that it is authorized, or which it is requesting authorization by law, to perform.

(w)~~(u)~~ "Lump-sum appropriation" means funds appropriated to accomplish a specific activity or project which must be transferred to one or more appropriation categories for expenditure.

(x)~~(v)~~ "Operating capital outlay" means equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature, the value or cost of which is $500 or more and the normal expected life of which is 1 year or more, and hardback-covered bound books that are circulated to students or the general public, the value or cost of which is $25 or more, and hardback-covered bound books, the value or cost of which is $100 or more.

(y)~~(w)~~ "Original approved budget" means the approved plan of operation of an agency or of the judicial branch consistent with the General Appropriations Act or special appropriations acts.

(z)~~(x)~~ "Other personal services" means the compensation for services rendered by a person who is not a regular or full-time employee filling an established position. This definition includes, but is not limited to, services of temporary employees, student or graduate assistants, persons on fellowships, part-time academic employees, board members, and consultants and other services specifically budgeted by each agency, or by the judicial branch, in this category.

1. In distinguishing between payments to be made from salaries appropriations and other-personal-services appropriations, those persons filling established positions shall be paid from salaries appropriations and those persons performing services for a state agency or for the judicial branch, but who are not filling established positions, shall be paid from other-personal-services appropriations.

2. It is further intended that those persons paid from salaries appropriations shall be state officers or employees and shall be eligible for membership in a state retirement system and those paid from other-personal-services appropriations shall not be eligible for such membership.

(aa)~~(y)~~ "Part-time position" means a position authorized for less than the entire normally established work period, daily, weekly, monthly, or annually.

(bb)~~(z)~~ "Pay plan" means a document which formally describes the philosophy, methods, procedures, and salary schedule for compensating employees for work performed.

(cc)~~(aa)~~ "Perquisites" means those things, or the use thereof, or services of a kind which confer on the officers or employees receiving same some benefit that is in the nature of additional compensation, or which reduces to some extent the normal personal expenses of the officer or employee receiving the same, and shall include, but not be limited to, such things as quarters, subsistence, utilities, laundry services, medical service, use of state-owned vehicles for other than state purposes, servants paid by the state, and other similar things.

(dd)~~(bb)~~ "Position" means the work, consisting of duties and responsibilities, assigned to be performed by an officer or employee.

(ee)~~(cc)~~ "Position number" means the identification number assigned to an established position.

(ff)~~(dd)~~ "Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

(gg)~~(ee)~~ "Proviso" means language that qualifies or restricts a specific appropriation and which can be logically and directly related to the specific appropriation.

(hh)~~(ff)~~ "Reclassification" means changing an established position in one class in a series to the next higher or lower class in the same series or to a class in a different series which is the result of a natural change in the duties and responsibilities of the position.

(ii)~~(gg)~~ "Revolving fund" means a cash fund maintained within or outside of the State Treasury and established from an appropriation, to be used by an agency or the judicial branch in making authorized expenditures.

(jj)~~(hh)~~ "Salary" means the cash compensation for services rendered for a specific period of time.

(kk)~~(ii)~~ "Salary schedule" means an official document which contains a complete list of classes and their assigned salary ranges.

(ll)~~(jj)~~ "Special category" means amounts appropriated for a specific need or classification of expenditures.

(mm)~~(kk)~~ "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, "state agency" or "agency" includes state attorneys, public defenders, the Capital Collateral Representative, and the Justice Administrative Commission.

(nn)~~(ll)~~ "State revenue sharing" means statutory or constitutional distributions to local units of government.

(oo)~~(mm)~~ "Title of position," or "class of positions" means the official name assigned to a position or class of positions.

(pp)~~(nn)~~ "Grants and Aids to Local Governments and Nonprofit Organizations-Fixed Capital Outlay" means that appropriation category which includes:

1. Grants to local units of governments and nonprofit organizations for the acquisition of real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.); additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use; and operating capital outlay necessary to furnish and operate a new or improved facility; and

2. Grants to local units of government for their respective infrastructure and growth management needs related to local government comprehensive plans.

Funds appropriated under this category may be advanced in part or in whole.

(qq)~~(oo)~~ "Baseline data" means indicators of a state agency's current performance level, pursuant to guidelines established by the Executive Office of the Governor, in consultation with legislative appropriations and appropriate substantive committees.

(rr)~~(pp)~~ "Outcome" means an indicator of the actual impact or public benefit of a program.

(ss)~~(qq)~~ "Output" means the actual service or product delivered by a state agency.

(tt)~~(rr)~~ "Performance-based program budget" means a budget that incorporates approved programs and performance measures.

(uu)~~(ss)~~ "Performance measure" means a quantitative or qualitative indicator used to assess state agency performance.

(vv)~~(tt)~~ "Program" means a set of activities undertaken in accordance with a plan of action organized to realize identifiable goals and objectives based on legislative authorization.

(ww)~~(uu)~~ "Standard" means the level of performance of an outcome or output.

(xx) "Performance-based program appropriation" means funds appropriated for a specific set of activities or classification of expenditure within an approved performance-based program.

(yy) "Performance ledger" means the official compilation of information about state agency performance-based programs and measures, including approved programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.

Section 2. Section 216.0166, Florida Statutes, is amended to read:

216.0166 Submission by state agencies of performance-based budget requests, programs, and performance measures.—

(1) Prior to *September 1* ~~October 15~~ of the fiscal year *prior to* ~~in~~ which a state agency is required to submit a performance-based program budget request pursuant to s. 216.0172, such state agency shall identify and submit to the Executive Office of the Governor a list of proposed state agency programs *and performance measures. The agency may also provide a list of statutes or rules affecting its performance which may be addressed as incentives or disincentives for the performance-based program budget. The list should be accompanied by recommended legislation to implement the requested changes for potential incentives.* Such identification shall be conducted after discussion with legislative appropriations and appropriate substantive committees and shall be approved by the Executive Office of the Governor. ~~State agencies selected by the Governor pursuant to s. 216.0172(1) shall submit such lists prior to May 15, 1994.~~ The Executive Office of the Governor, after discussion with legislative appropriations and appropriate substantive committees *and the Office of Program Policy Analysis and Government Accountability,* shall review the list *of programs and performance measures,* may make any changes *or require the agency to resubmit the list,* and shall *make a final recommendation of programs and associated performance measures to the Legislature* ~~approve or disapprove a list~~ within *60* ~~30~~ days *after* ~~of~~ receipt, to be used in the preparation and submission of the state agency's final legislative budget request pursuant to s. 216.023(5). *The Executive Office of the Governor may also recommend legislation to implement any or all of the proposed incentives. Agencies continuing under performance-based program budgeting may provide as part of their legislative budget request a list of statutes or rules affecting their program performance which may be addressed as incentives or disincentives for the performance-based program budget.* ~~The Executive Office of the Governor shall provide the approved program list to the Legislature.~~

(2) The following documentation shall accompany the list of proposed programs *and measures* submitted by the state agency:

(a) The constitutional or statutory direction and authority for each program.

(b) Identification of the customers, clients, and users of each program.

(c) The purpose of each program or the benefit derived by the customers, clients, and users of the program.

(d) Direct and indirect costs of each program.

~~(e) Information on fees collected and the adequacy of those fees in funding each program for which the fees are collected.~~

(e)~~(f)~~ An assessment of whether each program is conducive to performance-based program budgeting.

(f)~~(g)~~ An assessment of the time needed to develop meaningful performance measures for each program.

(g) Any proposed legislation necessary to implement the incentives or disincentives requested pursuant to this subsection.

(h) A comparison of the agency's existing budget structure to the proposed budget structure.

(i) A description of the use of performance measures in agency decisionmaking, agency actions to allocate funds and manage programs, and the agency strategic plan.

~~(3) The Executive Office of the Governor, after discussion with legislative appropriations committees, appropriate substantive committees, and the Legislative Auditing Committee, shall jointly develop instructions for the development of performance measures for each program on the list approved pursuant to this section and shall submit such instructions to the state agencies prior to December 1 of the fiscal year preceding the year in which a state agency is required to submit a performance-based program budget request pursuant to s. 216.0172.~~

~~(4) Prior to June 1, each state agency is required to submit to the executive Office of the Governor performance measures for each program on the approved list required pursuant to subsection (1). State agencies shall also identify~~

(j) The outputs produced by each *proposed* ~~approved~~ program, the outcomes resulting from each *proposed* ~~approved~~ program, and baseline data associated with each performance measure. *Agencies must submit documentation for each output and outcome measure which explains the validity, reliability, and appropriateness of each performance measure. Such documentation must be prepared by the agency in consultation with its inspector general.* ~~Performance measures shall be reviewed, after discussion with legislative appropriations and appropriate substantive committees and the Office of Program Policy Analysis and Government Accountability, revised as necessary, and approved or disapproved by the Executive Office of the Governor within 30 days of receipt. For those state agencies selected by the Governor pursuant to s. 216.0172(1), performance measures, outputs, outcomes, and baseline data shall be submitted prior to July 1, 1994.~~

(3)~~(5)~~ *The agency shall submit a performance-based program legislative budget request pursuant to s. 216.0172, using the programs and performance measures adopted by the Legislature, or, if none are adopted, those recommended by the Executive Office of the Governor.* Notwithstanding the programs, performance measures, and standards requested in each state agency's final legislative budget request or the Governor's budget recommendations, the Legislature shall have final approval of all programs, performance measures, and standards through the General Appropriations Act or legislation implementing the General Appropriations Act.

~~(6) Each state agency shall submit documentation to the Executive Office of the Governor regarding the validity, reliability, and appropriateness of each performance measure. In addition, each state agency shall indicate how the performance measure relates to its strategic plan and how it is used in management decisionmaking and other agency processes.~~

(4)~~(7)~~ Annually, no later than 45 days after the General Appropriations Act becomes law, state agencies may submit to the Executive Office of the Governor any adjustments to their performance standards based on the amounts appropriated for each program by the Legislature. When such adjustment is made, all performance standards, including any adjustments made, shall be submitted to and reviewed and revised as necessary by the Executive Office of the Governor, and, upon approval, submitted to the Legislature pursuant to the review and approval process provided in s. 216.177. The Executive Office of the Governor shall maintain *both* the official record of adjustments to the performance standards as part of the agency's approved operating budget *and the official performance ledger*.

(5)~~(8)~~ A state agency operating under a performance-based program budget pursuant to s. 216.0172 shall not have the authority to amend *approved* ~~or establish~~ programs or performance measures. However, a state agency may propose *revisions* ~~a revision~~ to ~~the list of~~ approved programs or performance measures ~~used in its legislative budget request~~. Such *revisions are* ~~revision is~~ subject to review and approval by the Executive Office of the Governor and the Legislature and shall be submitted to the Executive Office of the Governor prior to *February 1* ~~April 15~~ of the year in which the state agency *proposes* ~~intends~~ to incorporate these changes into its legislative budget request. *The submission must include the documentation required by s. 216.0166(2), where applicable.* The Executive Office of the Governor shall have 30 days to *review* ~~act on~~ the proposed revisions *and make a recommendation to the Legislature. All approved revisions must* ~~Revised performance measures, standards, and baseline data shall~~ be submitted ~~along~~ with the *agency's* preliminary legislative budget request. *Any new programs or performance measures proposed by the agency must be submitted pursuant to s. 216.0166(1) and must include the documentation required by s. 216.0166(2), where applicable.*

Section 3. Section 216.0172, Florida Statutes, is amended to read:

216.0172 Schedule for submission of performance-based program budgets.—In order to implement the provisions of chapter 94-249, Laws of Florida, state agencies shall submit performance-based program *budget legislative budget requests* ~~budgets~~ for programs approved pursuant to s. 216.0166 to the Executive Office of the Governor and the Legislature based on the following schedule:

(1) By September 1, 1994, for the 1995-1996 fiscal year, two state agencies selected by the Governor, subject to the review and approval process pursuant to s. 216.177.

(2) By September 1, 1995, for the 1996-1997 fiscal year:

(a) Department of Education (Community Colleges).

(b) Department of Health and Rehabilitative Services (Alcohol, Drug Abuse, Mental Health).

(c) Department of Labor and Employment Security.

(d) Department of Law Enforcement.

(e) Department of Management Services.

(f) Division of Retirement.

(3) By September 1, 1996, for the 1997-1998 fiscal year, by the following:

(a) Agency for Health Care Administration.

(b) Department of Education (State University System).

(c) Game and Fresh Water Fish Commission.

(d) Department of Highway Safety and Motor Vehicles.

(e) Department of Revenue.

(f) Department of State.

(g) Department of Transportation.

(4) By September 1, 1997, for the 1998-1999 fiscal year, by the following:

(a) Department of Banking and Finance.

(b) Department of Corrections.

(c) Department of Education (Public Schools).

(d) Department of Environmental Protection.

(e) Executive Office of the Governor.

(f) Department of *Children and Family* ~~Health and Rehabilitative~~ Services.

(g) Department of Legal Affairs.

(h) Department of Juvenile Justice.

(5) By September 1, 1998, for the 1999-2000 fiscal year, by the following:

(a) Department of Agriculture and Consumer Services.

~~(b) Department of Commerce.~~

(b)~~(c)~~ Department of Elderly Affairs.

(c)~~(d)~~ Department of the Lottery.

(d)~~(e)~~ Department of Military Affairs.

(6) By September 1, 1999, for the 2000-2001 fiscal year, by the following:

(a) Division of Administrative Hearings.

(b) Department of Business and Professional Regulation.

(c) Parole and Probation Commission.

(d) Public Service Commission.

(e) Department of Health.

(f) Department of Education (all remaining programs).

(7) By September 1, 2000, for the 2001-2002 fiscal year, by the following:

(a) Department of Citrus.

(b) Department of Community Affairs.

(c) Department of Insurance.

(d) Department of Veterans' Affairs.

(e) State attorneys.

(f) Public defenders.

(g) Justice Administrative Commission and capital collateral counsel.

(8) Any new agency or portion thereof created after September 1, 2000, shall submit a performance-based program budget request for programs approved pursuant to s. 216.0166 to the Executive Office of the Governor and the Legislature by September 1 of the year following the creation of the agency or portion thereof.

(9)~~(8)~~ The schedule set forth in subsections (2) through (7) may be amended by the Legislative Auditing Committee, the General Appropriations Act, or upon the recommendation of the Governor, which recommendation is subject to the review and approval process provided in s. 216.177.

(10) Beginning in fiscal year 1998-1999, the Executive Office of the Governor shall, for any agency that fails to meet the requirements set forth in s. 216.0166 according to the schedule set forth in s. 216.0172 or within three years thereafter, recommend programs and performance measures to the Legislature on behalf of that agency.

Section 4. Subsection (3) of section 216.0235, Florida Statutes, is amended to read:

216.0235 Performance-based legislative program budget requests to be furnished by agencies.—

(3) The Executive Office of the Governor and the legislative appropriations committees shall jointly develop legislative program budget instructions from which each agency that has an approved program and the judicial branch, pursuant to ss. 216.0166 and 216.043, shall prepare its legislative program budget request. The program budget instructions must be consistent with s. 216.141 and must be transmitted to each agency and to the judicial branch no later than June 15 of each year. *The budget instructions must also include instructions for agencies in submitting performance measures and standards as required by s. 216.0166.* In the event that agreement cannot be reached between the Executive Office of the Governor and the legislative appropriations committees regarding legislative program budget instructions, the issue shall be resolved by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 5. Subsection (11) of section 216.031, Florida Statutes, is amended and subsection (12) is added to that section to read:

216.031 Budgets for operational expenditures.—A legislative budget request, reflecting the independent judgment of the head of the state agency, and of the Chief Justice of the Supreme Court, with respect to the needs of the agency and the judicial branch for operational expenditures during the next fiscal year, shall be submitted by each head of a state agency and by the Chief Justice of the Supreme Court and shall contain the following:

(11) *For performance-based program budgets,* the baseline data, *outcome measures* ~~outcomes~~, *output* ~~performance~~ measures, and standards for *program measures* ~~current programs~~, including justification for those programs *in the format required by the legislative budget instructions.*

(12) A prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as provided for in s. 216.221. Such list shall be in the format provided in the planning and budgeting instructions.

Either chair of a legislative appropriations committee, or the Executive Office of the Governor for state agencies, may require the agency or the Chief Justice to address major issues separate from those outlined in s. 216.023, this section, and s. 216.043 for inclusion in the requests of the agency or of the judicial branch. The issues shall be submitted to the agency no later than July 30 of each year and shall be displayed in its requests as provided in the budget instructions. The Executive Office of the Governor may request an agency, or the chair of the appropriations committees of the Senate or House of Representatives may request any agency or the judicial branch, to submit no later than September 15 of each year a budget plan with respect to targets established by the Governor or either chair. The target budget shall require each entity to establish an order of priorities for its budget issues and may include requests for multiple options for the budget issues. The target budget may also require each entity to submit a program budget or a performance-based budget in the format prescribed by the Executive Office of the Governor or either chair; provided, however, the target budget format shall be compatible with the planning and budgeting system requirements set out in s. 216.141. Such a request shall not influence the agencies' or judicial branch's independent judgment in making legislative budget requests, as required by law.

Section 6. Subsection (4) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(4) The Executive Office of the Governor shall review the evaluation report required by s. 216.031(10) and the findings of the Office of Program Policy Analysis and Government Accountability, to the extent they are available, request any reports or additional analyses as necessary, and submit a recommendation, ~~pursuant to paragraph (2)(g)~~ which may include a recommendation regarding incentives or disincentives for agency performance. Incentives or disincentives may apply to all or part of a state agency.

(a) Incentives may include, but are not limited to:

1. Additional flexibility in budget management, *such as, but not limited to, the use of lump sums, special categories, or performance-based program appropriation; consolidation of budget entities or program components; consolidation of appropriation categories; and increased agency transfer authority between appropriation categories or budget entities.*

2. Additional flexibility in salary rate and position management.

3. Retention of up to 50 percent of *all* ~~unexpended and~~ unencumbered balances of appropriations *as of June 30, or undisbursed balances as of December 31,* excluding special categories and grants and aids,

which may be used for nonrecurring purposes including, but not limited to, lump-sum bonuses, employee training, or productivity enhancements, including technology and other improvements.

4. Additional funds to be used for, but not limited to, lump-sum bonuses, employee training, or productivity enhancements, including technology and other improvements.

5. Additional funds provided pursuant to law to be released to an agency quarterly or incrementally contingent upon the accomplishment of units of output or outcome specified in the General Appropriations Act.

(b) Disincentives may include, but are not limited to:

1. Mandatory quarterly reports to the Executive Office of the Governor and the Legislature on the agency's progress in meeting performance standards.

2. Mandatory quarterly appearances before the Legislature, the Governor, or the Governor and Cabinet to report on the agency's progress in meeting performance standards.

3. Elimination or restructuring of the program, which may include, but not be limited to transfer of the program or outsourcing all or a portion of the program.

4. Reduction of total positions for a program.

5. Restriction on or reduction of the spending authority provided in *s. 216.292(2) and (4)* ~~s. 216.292(2)(c)~~.

6. Reduction of managerial salaries.

Section 7. Section 216.167, Florida Statutes, is amended to read:

216.167 Governor's recommendations.—The Governor's recommendations shall include a financial schedule *that provides* ~~which shall provide~~:

(1) The Governor's estimate of the recommended recurring revenues available *in the Budget Stabilization Fund*, ~~in~~ the Working Capital Fund, and the General Revenue Fund.

(2) The Governor's estimate of the recommended nonrecurring revenues available *in the Budget Stabilization Fund,* ~~in~~ the Working Capital Fund, and the General Revenue Fund.

(3) The Governor's recommended recurring and nonrecurring appropriations from *the Budget Stabilization Fund,* the Working Capital Fund, and the General Revenue Fund.

(4) The Governor's estimates of any interfund loans or temporary obligations of *the Budget Stabilization Fund*, the Working Capital Fund, or trust funds, which loans or obligations are needed to implement his or her recommended budget.

(5)(a) For any recommendation to be funded by a proposed state debt or obligation as defined in s. 216.0442, the documents set forth in s. 216.0442(2) and a 5-year estimate of the program operational costs associated with any proposed fixed capital outlay project to be funded by the proposed state debt or obligation.

(b) The Governor's estimates of the debt service and reserve requirements for any recommended new bond issues or reissues and his or her recommended debt service appropriations for all outstanding fixed capital outlay bond issues.

Section 8. Subsection (2) of section 216.178, Florida Statutes, is amended to read:

216.178 General Appropriations Act; format; procedure; cost statement for new debt or obligation.—

(2) Effective June 30, 1993, the Office of Planning and Budgeting shall develop a final budget report that reflects the net appropriations for each budget item. The report shall reflect actual expenditures for each of the 2 preceding fiscal years and the estimated expenditures for the current fiscal year. In addition, the report must contain the actual revenues and cash balances for the preceding 2 fiscal years and the estimated revenues and cash balances for the current fiscal year. The report may also contain expenditure data, program objectives, and program measures for each state agency program. The report must be produced *by October 15 each year* ~~within 90 days after the beginning of the fiscal year~~. A copy of the report must be made available to each member of the Legislature, to the head of each state agency, to the Auditor General, and to the public.

Section 9. Section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(1)(a) Funds provided in the General Appropriations Act or as otherwise expressly provided by law shall be expended only for the purpose for which appropriated, except that if deemed necessary such moneys may be transferred as provided in subsections (3), ~~and~~ (4), *and (5)* when it is determined to be in the best interest of the state. Appropriations for fixed capital outlay may not be expended for any other purpose, and appropriations may not be transferred between state agencies, or between a state agency and the judicial branch, unless specifically authorized by law.

(b) For the 1997-1998 fiscal year only, the Department of Children and Family Services and the Agency for Health Care Administration may transfer general revenue funds as necessary to comply with any provision of the General Appropriations Act that requires or specifically authorizes the transfer of general revenue funds between these two agencies. This paragraph is repealed on July 1, 1998.

(2) A lump sum appropriated for a performance-based program must be distributed by the Governor for state agencies or the Chief Justice for the judicial branch into the traditional expenditure categories in accordance with *s. 216.181(5)(b)* ~~s. 216.181(4)(b)~~. At any time during the year, the agency head or Chief Justice may transfer funds between those categories with no limit on the amount of the transfer. *Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. The Executive Office of the Governor shall forward a copy of the revisions within 7 working days to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller.* ~~Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revisions shall be furnished, within 7 working days, to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General.~~ Such authorized revisions shall be consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. Additionally, subsection (3) shall not apply to programs operating under *performance-based program budgeting where a lump sum was appropriated* ~~program performance based budgets~~.

(3) The head of each department or the Chief Justice of the Supreme Court, whenever it is deemed necessary by reason of changed conditions, may transfer appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases as furnished pursuant to ss. 216.181 and 216.192, as follows:

(a) Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $25,000, whichever is greater, by all action taken under this subsection.

(b) Additionally, between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $25,000, whichever is greater, by all action taken under this subsection.

(c) Such authorized revisions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

Such authorized revisions, together with related changes, if any, in the plan for release of appropriations, shall be transmitted by the state agency or by the judicial branch to the Comptroller for entry in the Comptroller's records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revision shall be furnished to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative committees, and the Auditor General.

(4) The head of each department or the Chief Justice of the Supreme Court, whenever it is deemed necessary by reason of changed conditions, may transfer funds, positions, and salary rate within and between program budget entities with performance-based program appropriations as defined in s. 216.011(1)(xx). Such transfers may include appropriations from any operating category, except appropriations for fixed capital outlay. However, the total program funds, positions, and salary rate shall not be increased or decreased by more than 5 percent by all action taken under this section. Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. The Executive Office of the Governor shall forward a copy of the revisions within 7 working days to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller.

(5)~~(4)~~(a) Transfers of appropriations for operations from the General Revenue Fund in excess of those provided in *subsections* ~~subsection~~ (3) *and (4)* but within a state agency or within the judicial branch may be authorized by the commission for the executive branch and the Chief Justice for the judicial branch, pursuant to the request of the agency filed with the Executive Office of the Governor, or pursuant to the request of an entity of the judicial branch filed with the Chief Justice of the Supreme Court, if deemed necessary and in the best interest of the state and consistent with legislative policy and intent. The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177.

(b) When an appropriation for a named fixed capital outlay project is found to be in excess of that needed to complete that project, at the request of the Executive Office of the Governor for state agencies or the Chief Justice of the Supreme Court for the judicial branch the excess may be transferred, with the approval of the commission or the Chief Justice, to another project for which there has been an appropriation in the same fiscal year from the same fund and within the same department where a deficiency is found to exist. Further, a fixed capital outlay project may not be initiated without a specific legislative appropriation, nor may the scope of a fixed capital outlay project be changed by the transfer of funds. The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177.

(6)~~(5)~~ Upon request of a department to, and approval by, the Comptroller, funds appropriated may be transferred to accounts established for disbursement purposes upon release of such appropriation. Such transfer may only be made to the same appropriation category and the same funding source from which the funds are transferred.

(7)~~(6)~~ Any transfers from the Working Capital Fund to the General Revenue Fund may be approved provided such transfers were identified or contemplated by the Legislature in the original approved budget.

(8)~~(7)~~(a) Should any state agency or the judicial branch become more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the Department of Labor and Employment Security shall certify to the Comptroller the amount due; and the Comptroller shall transfer the amount due to the Unemployment Compensation Trust Fund from any funds of the agency available.

(b) Should any state agency or the judicial branch become more than 90 days delinquent in paying the Division of Risk Management of the Department of Insurance for insurance coverage, the Department of Insurance may certify to the Comptroller the amount due; and the Comptroller shall transfer the amount due to the Division of Risk Management from any funds of the agency or the judicial branch available.

(9)~~(8)~~ Moneys appropriated in the General Appropriations Act for the purpose of paying for services provided by the state communications system in the Division of Communications of the Department of Management Services shall be paid by the user agencies, or the judicial branch, within 45 days after the billing date. Billed amounts not paid by the user agencies, or by the judicial branch, shall be transferred by the Comptroller from the user agencies to the Communications Working Capital Trust Fund.

(10)~~(9)~~ The Comptroller shall report all such transfers and the reasons for such transfers to the legislative appropriations committees.

(11)~~(10)~~ Where any reorganization has been authorized by the Legislature and the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act, the Administration Commission may approve, consistent with legislative policy and intent, the necessary transfers to accomplish the purposes of such reorganization within state agencies. The Chief Justice of the Supreme Court may approve such transfers for the judicial branch.

Section 10. Subsection (2) of section 186.022, Florida Statutes, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(2) Each agency strategic plan must be in a form and manner prescribed in written instructions prepared by the Executive Office of the Governor after consultation with the President of the Senate and the Speaker of the House of Representatives. Each agency strategic plan must identify the specific legislative authority necessary to implement the provisions of the plan. An agency may only implement those portions of its strategic plan that are consistent with existing statutory or constitutional authority and for which funding, if needed, is available consistent with the provisions of chapter 216. An agency's budget request prescribed in s. 216.023(1) shall identify the financial resources necessary to further the provisions of the agency's strategic plan. *Performance measures, as defined in s. 216.011 and proposed by the agency pursuant to s. 216.0166(1), must be consistent with the objectives in the draft agency strategic plan and shall represent 1-year implementation efforts necessary to meet the 5-year agency strategic plan objectives. State agency strategic plans shall be amended by the agency, as necessary, to ensure consistency with the legislative actions prior to the effective date of the agency strategic plan.*

Section 11. Subsection (8) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(8) DIVISION OF REHABILITATION AND LIQUIDATION EMPLOYEES MEMBERSHIP.—Effective July 1, 1994, the regular receivership employees of the Division of Rehabilitation and Liquidation who are assigned to established positions and are subject to established rules and regulations regarding discipline, pay, classification, and time and attendance are hereby declared to be state employees within the meaning of this chapter and shall be compulsory members in compliance with this chapter, the provisions of *s. 216.011(1)(z)2.* ~~s. 216.011(1)(x)2.~~, notwithstanding. Employment performed before July 1, 1994, as such a receivership employee may be claimed as creditable retirement service upon payment by the employee or employer of contributions required in s. 121.081(1), as applicable for the period claimed.

Section 12. Section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(1) All moneys received by the state shall be deposited in the State Treasury unless specifically provided otherwise by law and shall be deposited in and accounted for by the Treasurer and the Department of Banking and Finance within the following funds, which funds are hereby created and established:

(a) General Revenue Fund.

(b) Trust funds.

(c) Working Capital Fund.

(d) Budget Stabilization Fund.

(2) The source and use of each of these funds shall be as follows:

(a) The General Revenue Fund shall consist of all moneys received by the state from every source whatsoever, except as provided in paragraphs (b) and (c). Such moneys shall be expended pursuant to General Revenue Fund appropriations acts or transferred as provided in paragraph (c). Annually, at least 5 percent of the estimated increase in General Revenue Fund receipts for the upcoming fiscal year over the current year General Revenue Fund effective appropriations shall be appropriated for state-level capital outlay, including infrastructure improvement and general renovation, maintenance, and repairs.

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Comptroller may establish accounts within the trust fund at a level *considered* ~~deemed~~ necessary for proper accountability. Once an account is established within a trust fund, the Comptroller *may* ~~shall~~ authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In order to maintain a minimum number of trust funds in the State Treasury, each state agency or the judicial branch may consolidate, if permitted under the terms and conditions of their receipt, the trust funds administered by it; provided, however, the agency or judicial branch employs effectively a uniform system of accounts sufficient to preserve the integrity of such trust funds; and provided, further, that consolidation of trust funds is approved by the Administration Commission or the Chief Justice.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the *Budget Stabilization and* Working Capital Fund in the General Appropriations Act.

b. ~~The provisions of~~ This subparagraph *does* ~~shall~~ not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement Trust Fund; trust funds under the management of the Board of Regents, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Comptroller or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

(c)*1. The Budget Stabilization Fund shall consist of amounts equal to at least 5 percent of net revenue collections for the General Revenue Fund during the last completed fiscal year. The Budget Stabilization Fund's principal balance shall not exceed an amount equal to 10 percent of the last completed fiscal year's net revenue collections for the General Revenue Fund. As used in this paragraph, the term "last completed fiscal year" means the most recently completed fiscal year prior to the regular legislative session at which the Legislature considers the General Appropriations Act for the year in which the transfer to the Budget Stabilization Fund must be made under this paragraph.*

2. By September 15 of each year, the Governor shall authorize the Comptroller to transfer, and the Comptroller shall transfer pursuant to appropriations made by law, to the Budget Stabilization Fund the amount of money needed for the balance of that fund to equal the amount specified in subparagraph 1., less any amounts expended and not restored. The moneys needed for this transfer may be appropriated by the Legislature from any funds.

3. Unless otherwise provided in this subparagraph, an expenditure from the Budget Stabilization Fund must be restored pursuant to a restoration schedule that provides for making five equal annual transfers from the General Revenue Fund, beginning in the fiscal year following that in which the expenditure was made. For any Budget Stabilization Fund expenditure, the Legislature may establish by law a different restoration schedule and such change may be made at any time during the restoration period. Moneys are hereby appropriated for transfers pursuant to this subparagraph.

4. The Budget Stabilization Fund and the Working Capital Fund may be used as revolving funds for transfers as provided in s. 18.125; however, any interest earned must be deposited in the General Revenue Fund.

(d) The Working Capital Fund shall consist of moneys in the General Revenue Fund which are in excess of the amount needed to meet General Revenue Fund appropriations for the current fiscal year. Each year, no later than the publishing date of the annual financial statements for the state by the Comptroller under s. 216.102, funds shall be transferred between the Working Capital Fund and the General Revenue Fund to establish the balance of the Working Capital Fund for that fiscal year at the amount determined pursuant to this paragraph.

~~1. The amount of moneys in the General Revenue Fund shall be determined at the beginning of the fiscal year based on the Revenue Estimating Conference's estimate of funds available. This amount shall be adjusted upon determination of the previous year's appropriations which remain unspent after certifications are completed pursuant to s. 216.301.~~

~~2. The Working Capital Fund shall consist of an amount, not more than 10 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, which accrues from moneys in the General Revenue Fund which are in excess of the amount needed to meet the General Revenue Fund appropriations acts. The Legislature shall have as a goal that the Working Capital Fund for fiscal year 1994-1995 have not less than 2 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, that the Working Capital Fund for fiscal year 1995-1996 have not less than 3 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, that the Working Capital Fund for fiscal year 1996-1997 have not less than 4 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, and that the Working Capital Fund for fiscal year 1997-1998 and each fiscal year thereafter have not less than 5 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year. By September 15 of each year, the Executive Office of the Governor shall transfer the excess funds that are in the General Revenue Fund to the Working Capital Fund. Whenever the Governor determines that revenue collections in the General Revenue Fund will be insufficient to meet General Revenue Fund appropriations, he or she shall certify the amount of the deficit and transfer up to the amount specified in the General Appropriations Act from the Working Capital Fund to the General Revenue Fund pursuant to s. 216.221. When not required to meet General Revenue Fund appropriations, such moneys shall be used as a revolving fund for transfers as provided by s. 215.18; and when the Comptroller determines that such moneys are not needed for either type of transfer, they may be temporarily invested as provided in s. 18.125.~~

~~3. The provisions of subparagraph 1. notwithstanding, the Comptroller shall pay from the Working Capital Fund such claims as are authorized pursuant to s. 265.55.~~

Section 13. Subsections (2), (5), and (7) of section 216.221, Florida Statutes, are amended to read:

216.221 Appropriations as maximum appropriations; adjustment of budgets to avoid or eliminate deficits.—

(2) The Legislature shall annually provide direction in the General Appropriations Act regarding use of the *Budget Stabilization Fund and* Working Capital Fund to offset General Revenue Fund deficits.

(5)(a) If, in the opinion of the Governor, after consultation with the Revenue Estimating Conference, a deficit will occur in the General Revenue Fund, he or she shall so certify to the commission and to the Chief Justice of the Supreme Court. No more than 30 days after certifying that a deficit will occur in the General Revenue Fund, the Governor shall develop for the executive branch, and the Chief Justice of the Supreme Court shall develop for the judicial branch, and provide to the commission and to the Legislature plans of action to eliminate the deficit.

(b) In developing a plan of action to prevent deficits in accordance with subsection (7), the Governor and Chief Justice shall, to the extent possible, preserve legislative policy and intent, and, absent any specific direction to the contrary in the General Appropriations Act, the Governor and Chief Justice shall comply with the following guidelines for reductions in the approved operating budgets of the executive branch and the judicial branch:

1. Entire statewide programs previously established by the Legislature should not be eliminated.

2. Education budgets should not be reduced more than provided for in s. 215.16(2).

3. The use of nonrecurring funds to solve recurring deficits should be minimized.

4. Newly created programs that are not fully implemented and programs with critical audits should receive first consideration for reductions.

5. No agencies or branches of government receiving appropriations should be exempt from reductions.

6. When reductions in positions are required, the focus should be initially on vacant positions.

7. Any reductions applied to all agencies and branches should be uniformly applied.

8. Reductions that would cause substantial losses of federal funds should be minimized.

9. To the greatest extent possible, across-the-board, prorated reductions should be considered.

10. Reductions to statewide programs should occur only after review of programs that provide only local benefits.

11. Reductions in administrative and support functions should be considered before reductions in direct-support services.

12. Maximum reductions should be considered in budgets for expenses including travel and in budgets for equipment replacement, outside consultants, and contracts.

13. Reductions in salaries for elected state officials should be considered.

14. Reductions that adversely affect the public health, safety, and welfare should be minimized.

15. The *Budget Stabilization Fund* ~~Working Capital Fund~~ should not be reduced to a level that would impair the financial stability of this state.

16. Reductions in programs that are traditionally funded by the private sector and that may be assumed by private enterprise should be considered.

17. Reductions in programs that are duplicated among state agencies or branches of government should be considered.

(7) Deficits in the General Revenue Fund that do not meet the amounts specified by subsection (6) shall be resolved by the commission for the executive branch and the Chief Justice of the Supreme Court for the judicial branch. The commission and Chief Justice shall implement any directions provided in the General Appropriations Act related to eliminating deficits and to *reducing* ~~reduce~~ agency and judicial branch budgets, including the use of those legislative appropriations voluntarily placed in reserve. In addition, the commission shall implement any directions in the General Appropriations Act relating to the *resolution of* ~~use of the Working Capital Fund in~~ deficit situations. When reducing state agency or judicial branch budgets, the commission or the Chief Justice, respectively, shall use the guidelines prescribed in subsection (5). The Executive Office of the Governor for the commission, and the Chief Justice for the judicial branch, shall implement the deficit reduction plans through amendments to the approved operating budgets in accordance with s. 216.181.

Section 14. Subsections (1) and (2) of section 252.37, Florida Statutes, are amended to read:

252.37 Financing.—

(1) ~~It is the intent of~~ The Legislature *intends* and *declares it* ~~declared~~ to be the policy of the state that funds to ~~be prepared for and~~ meet emergencies shall always be available.

(2) It is the legislative intent that the first recourse ~~shall~~ be *made* to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, she or he may make funds available by transferring and expending moneys appropriated for other purposes, *by transferring and expending moneys* ~~or~~ out of any unappropriated surplus funds, *or from the Budget Stabilization Fund or Working Capital Fund*.

Section 15. Paragraph (b) of subsection (2) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.—

(2) The Office of Inspector General is hereby established in each state agency to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government. It shall be the duty and responsibility of each inspector general, with respect to the state agency in which the office is established, to:

(b) Assess the reliability and validity of the information provided by the state agency on performance measures and standards, and make recommendations for improvement, if necessary, *prior to submission of those measures and standards to the Executive Office of the Governor pursuant to s. 216.0166(1).*

Section 16. *Subsection (3) of section 212.081, Florida Statutes, and subsection (5) of section 186.021, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to public business and financial matters; amending s. 216.011, F.S.; defining the terms “disincentive,” “incentive,” “performance-based program appropriation,” and “performance ledger” for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies in submitting performance-based budget requests, programs, and performance measures; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring that additional information be included in program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.167, F.S.; requiring that the Governor's recommendations include a financial schedule that provides information on revenues in the Budget Stabilization Fund; amending s. 216.178, F.S.; providing a date for the final budget report; amending s. 216.292, F.S.; providing an exception to nontransferable appropriations; amending 186.022, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; amending s. 215.32, F.S.; including the Budget Stabilization Fund in the list of funds in which state moneys are deposited; amending s. 216.221, F.S.; providing legislative intent for use of the Budget Stabilization Fund; amending

s. 20.055, F.S.; requiring inspectors general to review and assess the validity of performance measures prior to submission to the Executive Office of the Governor; amending s. 252.37, F.S.; providing legislative intent regarding the order of recourse in use of state funds for emergencies; repealing s. 186.021(5), F.S., relating to state agency strategic plans; repealing s. 212.081(3), F.S., relating to legislative intent; amending s. 186.021, F.S.;

Pursuant to Rule 4.19, **CS for SB 832** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, the Senate resumed consideration of—

CS for SB 1130—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; authorizing the Executive Office of the Governor to contract for certain services; increasing the amount of the bond required of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; providing that the official seal and certificate of commission are the exclusive property of the notary public; providing a criminal penalty for unlawful possession of a notary public official seal or papers; specifying the elements of a notarial certificate; revising provisions relating to identification; deleting specified circumstances under which a signature may not be notarized; revising provisions relating to copying certain documents; requiring a notary public to make reasonable accommodations to provide notarial services to disabled persons; amending s. 117.10, F.S.; conforming a cross-reference; amending s. 117.103, F.S.; providing that a notary public's commission is not required to be filed with the clerk of the circuit court; providing for certification of the commission from the Secretary of State; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; providing a civil penalty; amending s. 117.20, F.S.; providing for electronic notarizations; amending s. 118.10, F.S.; redefining the terms "authentication instrument" and "Florida international notary"; revising requirements to become a Florida international notary; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Silver was adopted. The vote was:

Yeas—16

Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Forman	Klein	Scott
Cowin	Hargrett	Lee	Silver
Crist	Holzendorf	Meadows	Sullivan

Nays—14

Bankhead	Dyer	Horne	Rossin
Campbell	Geller	Kurth	Williams
Casas	Grant	Laurent	
Dudley	Gutman	Myers	

Senator Silver moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 5, lines 10-24, delete those lines

And the title is amended as follows:

On page 1, lines 6 and 7, delete those lines and insert: for certain services; providing

Senator Grant moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 26, line 20 through page 29, line 9, delete those lines and insert:

Section 10. Section 118.10, Florida Statutes, is amended to read:

118.10 *Civil-law* ~~Florida international~~ notary.—

(1) As used in this section, the term:

(a) *"Authentic act"* ~~"Authentication instrument"~~ means an instrument executed by a *civil-law* ~~Florida international~~ notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a *civil-law* ~~Florida international~~ notary as prescribed by the Florida Secretary of State ~~for use in a jurisdiction outside the borders of the United States~~.

(b) *"Civil-law notary"* ~~"Florida international notary"~~ means a person who is *a member in good standing of The Florida Bar* ~~admitted to the practice of law in this state~~, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a *civil-law* ~~Florida international~~ notary.

(c) "Protocol" means a registry maintained by a *civil-law* ~~Florida international~~ notary in which the acts of the *civil-law* ~~Florida international~~ notary are archived.

(2) The Secretary of State shall have the power to appoint *civil-law* ~~Florida international~~ notaries and administer this section.

(3) A *civil-law* ~~Florida international~~ notary is authorized to issue *authentic acts and may administer an oath and make a certificate thereof when it is necessary for execution of any writing or document to be attested, protested, or published under the seal of a notary public* ~~authentication instruments for use in non-United States jurisdictions~~. *A civil-law notary may also take acknowledgements of deeds and other instruments of writing for record, and solemnize the rites of matrimony, as fully as other officers of this state.* A *civil-law* ~~Florida international~~ notary is not authorized to issue *authentic acts* ~~authentication instruments~~ for use in a ~~non-United States~~ jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

~~(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.~~

(4)~~(5)~~ The *authentic acts, oaths and acknowledgements, and solemnizations* ~~authentication instruments~~ of a *civil-law* ~~Florida international~~ notary shall be recorded in the *civil-law* ~~Florida international~~ notary's protocol in a manner prescribed by the Secretary of State.

(5)~~(6)~~ The Secretary of State may adopt rules prescribing:

(a) The form and content of signatures and seals or their legal equivalents for *authentic acts* ~~authentication instruments~~;

(b) Procedures for the permanent archiving of *authentic acts, maintaining records of acknowledgments, oaths and solemnizations, and procedures for the administration of oaths and taking of acknowledgments* ~~authentication instruments~~;

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section;

(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with *authentic acts* ~~authentication instruments in jurisdictions outside the United States~~;

(e) Procedures for the disciplining of *civil-law* ~~Florida international~~ notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the *civil-law* ~~Florida international~~ notary's authority, the effect of the *civil-law* ~~Florida international~~ notary's *authentic acts* ~~authentication instruments~~, or the identities or acts of the parties to a transaction; and

(f) Other matters necessary for administering this section.

(6)~~(7)~~ The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any *civil-law*

~~Florida international~~ notary for, or with regard to, any action or conduct that would constitute the practice of law in this state, *except by agreement with The Florida Bar*. The Secretary of State shall not establish as a prerequisite to the appointment of a *civil-law* ~~Florida international~~ notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States, *except by agreement with The Florida Bar*.

(7) The powers of civil law notaries include, but are not limited to, all of the powers of a notary public under any law of this state.

(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 11. Section 695.03, Florida Statutes, is amended to read:

695.03 Acknowledgment and proof; validation of certain acknowledgments; legalization or authentication before foreign officials.—To entitle any instrument concerning real property to be recorded, the execution must be acknowledged by the party executing it, proved by a subscribing witness to it, or legalized or authenticated by a civil-law notary or notary public who affixes her or his official seal, before the officers and in the form and manner following:

(1) WITHIN THIS STATE.—An acknowledgment or proof made within this state may be made before a judge, clerk, or deputy clerk of any court; a United States commissioner or magistrate; or a notary public *or civil-law notary of this state*, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. All affidavits and acknowledgments heretofore made or taken in this manner are hereby validated.

(2) WITHOUT THIS STATE BUT WITHIN THE UNITED STATES.—An acknowledgment or proof made out of this state but within the United States may be made before *a civil-law notary of this state or* a commissioner of deeds appointed by the Governor of this state; a judge or clerk of any court of the United States or of any state, territory, or district; a United States commissioner or magistrate; or a notary public, justice of the peace, master in chancery, or registrar or recorder of deeds of any state, territory, or district having a seal, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. If the acknowledgment or proof is made before a notary public who does not affix a seal, it is sufficient for the notary public to type, print, or write by hand on the instrument, "I am a Notary Public of the State of __(state)__, and my commission expires on __(date)__."

(3) WITHIN FOREIGN COUNTRIES.—If the acknowledgment, legalization, authentication, or proof is made in a foreign country, it may be made before a commissioner of deeds appointed by the Governor of this state to act in such country; before a ~~civil-law notary or~~ notary public of such foreign country *or a civil-law notary of this state or of such foreign country* who has an official seal; before an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent, or other diplomatic or consular officer of the United States appointed to reside in such country; or before a military or naval officer authorized by the Laws or Articles of War of the United States to perform the duties of notary public, and the certificate of acknowledgment, legalization, authentication, or proof must be under the seal of the officer. A certificate legalizing or authenticating the signature of a person executing an instrument concerning real property and to which a civil-law notary or notary public of that country has affixed her or his official seal is sufficient as an acknowledgment. For the purposes of this section, the term "civil-law notary" means *a civil-law notary as defined in chapter 118 or* an official of a foreign country who has an official seal and who is authorized to make legal or lawful the execution of any document in that jurisdiction, in which jurisdiction the affixing of her or his official seal is deemed proof of the execution of the document or deed in full compliance with the laws of that jurisdiction.

All affidavits, legalizations, authentications, and acknowledgments heretofore made or taken in the manner set forth above are hereby validated.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 6-9, delete those lines and insert: amending s. 118.10, F.S.; providing for civil-law notaries in lieu of Florida international notaries; providing requirements for becoming a civil-law notary; providing definitions; providing for "authentic acts," in lieu of "authentication instruments"; providing powers of civil-law notaries; providing educational requirements; providing for discipline; amending s. 695.03, F.S., relating to acknowledgement and proof of certain instruments concerning real property; including civil-law notaries as officials before whom acknowledgements of proof may be made; amending

Pending further consideration of **CS for SB 1130** as amended, on motion by Senator Grant, by two-thirds vote **CS for HB 1125** was withdrawn from the Committees on Governmental Reform and Oversight; Banking and Insurance; and Ways and Means.

On motion by Senator Grant, the rules were waived and—

CS for HB 1125—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; specifying the elements of a notarial certificate; revising provisions relating to identification; providing for notice to the Governor of lost or stolen notary seals; revising provisions relating to copying certain documents; amending s. 117.10, F.S.; correcting a cross reference; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

—a companion measure, was substituted for **CS for SB 1130** as amended and read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 27 through page 36, line 10, delete those lines and insert:

Section 1. Subsections (1) and (2), paragraph (g) of subsection (4), and subsections (5) and (7) of section 117.01, Florida Statutes, are amended to read:

117.01 Appointment, application, suspension, revocation, application fee, bond, and oath.—

(1) The Governor may appoint ~~for a term of 4 years~~ as many notaries public as he or she deems necessary, each of whom shall be at least 18 years of age and a legal resident of the state. A permanent resident alien may apply and be appointed and shall file with his or her application a recorded Declaration of Domicile. The residence required for appointment must be maintained throughout the term of appointment. *Notaries public shall be appointed for 4 years and shall use and exercise the office of notary public within the boundaries of this state. An applicant must be able to read, write, and understand the English language.*

(2) The application for appointment shall be signed and sworn to by the applicant and shall be accompanied by a fee of $25, together with *the $10 commission fee required by s. 113.01, and* a surcharge of $4, which $4 is appropriated to the Executive Office of the Governor to be used to educate and assist notaries public. *The Executive Office of the Governor may contract with private vendors to provide the services set forth in this section.* However, no commission fee shall be required for the issuance of a commission as a notary public to a veteran who served during a period of wartime service, as defined in s. 1.01(14), and who has been rated by the United States Government or the United States Department of Veterans Affairs or its predecessor to have a disability rating of 50 percent or more; such a disability is subject to verification by the Secretary of State, who has authority to adopt reasonable procedures to implement this act. The oath of office and notary bond required by this section shall also accompany the application and shall be in a form prescribed by the Department of State which shall require, but not be limited to, the following information: full name, residence address and telephone number, business address and telephone number, date of birth, race, sex, social security number, citizenship status, driver's license number or the number of other official state-issued identification, affidavit of good character from someone unrelated to the applicant who has known the applicant for 1 year or more, a list of all professional

licenses and commissions issued by the state during the previous 10 years and a statement as to whether or not the applicant has had such license or commission revoked or suspended, and a statement as to whether or not the applicant has been convicted of a felony, and, if there has been a conviction, a statement of the nature of the felony and restoration of civil rights. The applicant may not use a fictitious or assumed name other than a nickname on an application for commission. The application shall be maintained by the Department of State for the full term of a notary commission. A notary public shall notify, in writing, the Department of State of any change in his or her business address, home telephone number, business telephone number, home address, or criminal record within 60 days after such change. The Governor may require any other information he or she deems necessary for determining whether an applicant is eligible for a notary public commission. Each applicant must swear *or affirm* on the application that the information on the application is true and correct ~~to the best of his or her knowledge~~.

(4) The Governor may suspend a notary public for any of the grounds provided in s. 7, Art. IV of the State Constitution. Grounds constituting malfeasance, misfeasance, or neglect of duty include, but are not limited to, the following:

(g) Failure to report a change in business or home address or telephone number*, or failure to submit documentation to request an amended commission after a lawful name change,* within the specified period of time.

(5)*(a)* If a notary public receives notice from the Department of State that his or her office has been declared vacant, the notary shall forthwith mail or deliver to the Secretary of State his or her notary commission.

(b) A notary public who wishes to resign his or her commission, or a notary public who does not maintain legal residence in this state during the entire term of appointment, or a notary public whose resignation is required by the Governor, shall send a signed letter of resignation to the Governor and shall return his or her certificate of notary public commission. The resigning notary public shall destroy his or her official notary public seal of office, unless the Governor requests its return.

(7)(a) A notary public shall, prior to executing the duties of the office and throughout the term of office, give bond, payable to any individual harmed as a result of a breach of duty by the notary public acting in his or her official capacity, in the amount of *$7,500* ~~$5,000~~, conditioned for the due discharge of the office and shall take an oath that he or she will honestly, diligently, and faithfully discharge the duties of the notary public. The bond shall be approved and filed with the Department of State and executed by a surety company for hire duly authorized to transact business in this state.

(b) Any notary public whose term of appointment extends beyond January 1, *1999* ~~1992~~, is required to increase the amount of his or her bond to *$7,500* ~~$5,000~~ only upon reappointment on or after January 1, *1999* ~~1992~~.

(c) Beginning July 1, 1996, surety companies for hire which process notary public applications, oaths, affidavits of character, and bonds for submission to the Department of State must properly submit these documents in a software and hard copy format approved by the Department of State.

Section 2. Section 117.03, Florida Statutes, is amended to read:

117.03 Administration of oaths.—A notary public may administer an oath and make a certificate thereof when it is necessary for the execution of any writing or document to be ~~attested, protested, or~~ published under the seal of a notary public. The notary public may not take an acknowledgment of execution in lieu of an oath if an oath is required.

Section 3. Section 117.04, Florida Statutes, is amended to read:

117.04 ~~Marriages;~~ Acknowledgments.—A notary public is authorized ~~to solemnize the rites of matrimony and~~ to take the acknowledgments of deeds and other instruments of writing for record, as fully as other officers of this state. ~~For solemnizing the rites of matrimony, the fee of a notary public may not exceed those provided by law to the clerks of the circuit court for like services.~~

Section 4. Section 117.045, Florida Statutes, is created to read:

117.045 Marriages.—A notary public is authorized to solemnize the rites of matrimony. For solemnizing the rites of matrimony, the fee of a notary public may not exceed those provided by law to the clerks of the circuit court for like services.

Section 5. Section 117.05, Florida Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(1) No person shall obtain or use a notary public commission in other than his or her legal name, and it is unlawful for a notary public to notarize his or her own signature. Any person applying for a notary public commission must submit proof of identity to the Department of State if so requested. Any person who violates the provisions of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The fee of a notary public may not exceed $10 for any one notarial act, except as provided in *s. 117.045* ~~s. 117.04~~.

(3)(a) A notary public seal shall be affixed to all notarized paper documents and shall be of the rubber stamp type and shall include the words "Notary Public-State of Florida." The seal shall also include the name of the notary public, the date of expiration of the commission of the notary public, and the commission number. The rubber stamp seal must be affixed to the notarized paper document in photographically reproducible black ink. Every notary public shall print, type, or stamp below his or her signature on a paper document his or her name exactly as commissioned. An impression-type seal may be used in addition to the rubber stamp seal, but the rubber stamp seal shall be the official seal for use on a paper document, and the impression-type seal may not be substituted therefor.

(b) Any notary public whose term of appointment extends beyond January 1, 1992, is required to use a rubber stamp type notary public seal on paper documents only upon reappointment on or after January 1, 1992.

(c) The notary public official seal and the certificate of notary public commission are the exclusive property of the notary public and must be kept under the direct and exclusive control of the notary public. The seal and certificate of commission must not be surrendered to an employer upon termination of employment, regardless of whether the employer paid for the seal or for the commission.

(d) A notary public whose official seal is lost, stolen, or believed to be in the possession of another person shall immediately notify the Department of State or the Governor in writing.

(e) Any person who unlawfully possesses a notary public official seal or any papers or copies relating to notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) When notarizing a signature, a notary public shall *complete a jurat or notarial certificate in substantially the same form as those found in s. 117.05(13). The jurat or certificate of acknowledgement shall contain the following elements:*

(a) The venue stating the location of the notarization in the format, "State of Florida, County of _____."

(b) The type of notarial act performed, an oath or an acknowledgement, evidenced by the words "sworn" or "acknowledged."

(c) That the signer personally appeared before the notary public at the time of the notarization.

(d) The exact date of the notarial act.

(e) The name of the person whose signature is being notarized. It is presumed, absent such specific notation by the notary public, that notarization is to all signatures.

(f) The specific type of identification the notary public is relying upon in identifying the signer, either based on personal knowledge or satisfactory evidence specified in s. 117.05(5).

(g) The notary's official signature.

(h) The notary's name, typed, printed, or stamped below the signature.

(i) The notary's official seal affixed below or to either side of the notary's signature. ~~sign and date a notarial certificate or jurat and shall specify which signature is being notarized and that the signer personally appeared before the notary public at the time of notarization. It is presumed, absent such specific notation by the notary public, that notarization is to all signatures.~~

(5) A notary public may not notarize a signature on a document unless he or she personally knows, or has satisfactory evidence, that the person whose signature is to be notarized is the individual who is described in and who is executing the instrument. A notary public shall certify in the certificate of acknowledgment or jurat the type of identification, either based on personal knowledge or other form of identification, upon which the notary public is relying.

(b) For the purposes of this subsection, "satisfactory evidence" means the absence of any information, evidence, or other circumstances which would lead a reasonable person to believe that the person *whose signature is to be notarized* ~~making the acknowledgment~~ is not the person he or she claims to be and any one of the following:

1. The sworn written statement of *one* ~~a~~ credible witness personally known to the notary public *or* ~~that the person whose signature is to be notarized is personally known to the witness;~~

~~2.~~ the sworn written statement of two credible witnesses whose identities are proven to the notary public upon the presentation of satisfactory evidence that each of the following *is* ~~are~~ true:

a. *That* the person whose signature is to be notarized is the person named in the document;

b. *That* the person whose signature is to be notarized is personally known to the witnesses;

c. That it is the reasonable belief of the witnesses that the circumstances of the person whose signature is to be notarized are such that it would be very difficult or impossible for that person to obtain another *acceptable* form of identification;

d. *That it is the reasonable belief of the witnesses that* the person whose signature is to be notarized does not possess any of the identification documents specified in subparagraph *2.*~~3.~~; and

e. *That* the witnesses do not have a financial interest in nor are parties to the underlying transaction; or

2.~~3.~~ Reasonable reliance on the presentation to the notary public of *any* one of the following forms of identification, if the document is current or has been issued within the past 5 years *and bears a serial or other identifying number*:

a. *A Florida* ~~An~~ identification card or driver's license issued by the *public agency authorized to issue driver's licenses* ~~Department of Highway Safety and Motor Vehicles~~;

b. A passport issued by the Department of State of the United States; ~~or~~

c. *A passport issued by a foreign government if* ~~Reasonable reliance on the presentation of any one of the following forms of identification, if the document is current or has been issued within the past 5 years and bears a serial or other identifying number, and, if the document is a passport,~~ the document is stamped by the United States Immigration and Naturalization Service;~~:~~

~~(I) A passport issued by a foreign government;~~

d.~~(II)~~ A driver's license *or an identification card* issued by a *public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico* ~~territory of the United States or a state other than Florida or by a Canadian or Mexican public agency authorized to issue drivers' licenses~~;

~~(III) An identification card issued by a territory of the United States or a state other than Florida;~~

e.~~(IV)~~ An identification card issued by any branch of the armed forces of the United States;

f.~~(V)~~ An inmate identification card issued on or after January 1, 1991, by the *Florida* Department of Corrections for an inmate who is in the custody of the department; ~~or~~

g. An inmate identification card issued by the United States Department of Justice, Bureau of Federal Prisons, for an inmate who is in the custody of the department;

h. A sworn, written statement from a sworn law enforcement officer that the forms of identification for an inmate in an institution of confinement were confiscated upon confinement and that the person named in the document is the person whose signature is to be notarized; or

i.~~(VI)~~ An identification card issued by the United States ~~Department of Justice,~~ Immigration~~,~~ and Naturalization Service.

~~(6) A notary public may not notarize a signature on a document if:~~

~~(a) The person whose signature is being notarized is not in the presence of the notary public at the time the signature is notarized. Any notary public who violates this paragraph is guilty of a civil infraction, punishable by penalty not exceeding $5,000, and that conduct constitutes malfeasance and misfeasance in the conduct of official duties. It is no defense to the civil infraction specified in this paragraph that the notary public acted without intent to defraud. A notary public who violates this paragraph with the intent to defraud is guilty of violating s. 117.105.~~

~~(b) The document is incomplete. However, an endorsement or assignment in blank of a negotiable or nonnegotiable note and the assignment in blank of any instrument given as security for such note is not deemed incomplete.~~

~~(c) The notary public actually knows that the person signing the document has been adjudicated mentally incapacitated, and the notarization relates to a right that has been removed pursuant to s. 744.3215(2) or (3), and that the person has not been restored to capacity as a matter of record.~~

~~(d) The person whose signature is to be notarized is the spouse, son, daughter, mother, or father of the notary public.~~

~~(e) The notary public has a financial interest in or is a party to the underlying transaction; provided, however, a notary public who is an employee may notarize a signature for his or her employer and this employment is not a financial interest in the transaction nor is he or she a party to the transaction under this subsection unless he or she receives a benefit other than salary and any fee for services authorized by law. For purposes of this paragraph, a notary public who is an attorney does not have a financial interest in and is not a party to the underlying transaction evidenced by a notarized document if he or she notarizes a signature on that document for a client for whom he or she serves as an attorney of record and the attorney has no interest in the document other than a fee paid to him or her for legal services and any fee authorized by law for services as a notary public.~~

(6)~~(7)~~ The employer of a notary public shall be liable to the persons involved for all damages proximately caused by the notary's official misconduct, if the notary public was acting within the scope of his or her employment at the time the notary engaged in the official misconduct.

(7)~~(8)~~ Any person who acts as or otherwise willfully impersonates a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(9) Any person who unlawfully possesses a notary public official seal or any papers or copies relating to notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

(8)~~(10)~~ Any notary public who knowingly acts as a notary public after his or her commission has expired is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(9)~~(11)~~ Any notary public who lawfully changes his or her name shall*, within 60 days after such change,* ~~forthwith~~ request an amended commission from the Secretary of State and shall send $25, his or her current commission, and a notice of change form, obtained from the Secretary of State, which shall include the new name and contain a specimen of his or her official signature. The Secretary of State shall issue an amended commission to the notary public in the new name. A rider to the notary public's bond must accompany the notice of change form. After *submitting the required notice of change form and rider to the Secretary of State* ~~requesting an amended commission~~, the notary public may continue to perform notarial acts in his or her former name *for 60 days or* until receipt of the amended commission*, whichever date is earlier*.

~~(12) Any notary public who loses or misplaces his or her notary public seal of office shall forthwith mail or deliver notice of the fact to the Secretary of State.~~

(10)~~(13)~~ A notary public who is not an attorney who advertises the services of a notary public in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall post or otherwise include with the advertisement a notice in English and in the language used for the advertisement. The notice shall be of a conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF FLORIDA, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If the advertisement is by radio or television, the statement may be modified but must include substantially the same message.

(11)~~(14)~~ Literal translation of the phrase "Notary Public" into a language other than English is prohibited in an advertisement for notarial services.

(12)~~(15)~~(a) A notary public may supervise the making of a photocopy of an original document and attest to the trueness of the copy*, provided the document is neither a vital record in this state, another state, a territory of the United States, or another country, nor a public record, if a copy can be made by the custodian of the public record.* ~~A notary public may not supervise the making of a photocopy and may not attest to the trueness of a photocopy of a public record if a copy can be made by another public official.~~

(b) A notary public must use a certificate in substantially the following form in notarizing an attested copy:

STATE OF FLORIDA
COUNTY OF _____

On this ____ day of _____, *(year)* ~~19~~____, I attest that the preceding or attached document is a true, exact, complete, and unaltered photocopy made by me of (description of document) presented to me by the document's custodian, _____, and, to the best of my knowledge, that the photocopied document is neither a *vital* ~~public~~ record nor a *public record* ~~publicly recordable document~~, certified copies of which are available from an official source other than a notary public.

(Official Notary Signature and Notary Seal)
(Name of Notary Typed, Printed or Stamped)

(13)~~(16)~~ The following *notarial* ~~form~~ certificates are sufficient for the purposes indicated, if completed with the information required by this chapter. The specification of forms under this subsection does not preclude the use of other forms.

(a) For an oath or affirmation:

STATE OF FLORIDA
COUNTY OF _____

(Signature of Applicant)

Sworn to (or affirmed) and subscribed before me this ____ day of _____, *(year)* ~~19~~____, by (name of person making statement).

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, *(year)* ~~19~~____, by (name of person acknowledging)

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

(c) For an acknowledgment in a representative capacity:

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, *(year)* ~~19~~____, by (name of person) as (type of authority, . . . e.g. officer, trustee, attorney in fact) for (name of party on behalf of whom instrument was executed)

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

(14) A notary public must make reasonable accommodations to provide notarial services to persons with disabilities.

(a) A notary public may notarize the signature of a person who is blind after the notary public has read the entire instrument to that person.

(b) A notary public may notarize the signature of a person who signs with a mark if:

1. The document signing is witnessed by two disinterested persons;

2. The notary prints the person's first name at the beginning of the designated signature line and the person's last name at the end of the designated signature line; and

3. The notary prints the words "his (or her) mark" below the person's signature mark.

(c) The following notarial certificates are sufficient for the purpose of notarizing for a person who signs with a mark:

1. For an oath or affirmation:

(First Name) (Last Name)
His (or her) Mark

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this ____ *day of* _____, *(year)*, *by (name of person making statement), who signed with a mark in the presence of these witnesses:*

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ *OR Produced Identification* _____

Type of Identification Produced _____

2. For an acknowledgment in an individual capacity:

(First Name) (Last Name)
His (or her) Mark

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ *day of* _____, *(year)*, *by (name of person acknowledging), who signed with a mark in the presence of these witnesses:*

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ *OR Produced Identification* _____

Type of Identification Produced _____

(d) A notary public may sign the name of a person whose signature is to be notarized when that person is physically unable to sign or make a signature mark on a document if:

1. The person with a disability directs the notary to sign in his or her presence;

2. The document signing is witnessed by two disinterested persons;

3. The notary writes below the signature the following statement: "Signature affixed by notary, pursuant to s. 117.05(14), Florida Statutes," and states the circumstances of the signing in the notarial certificate.

(e) The following notarial certificates are sufficient for the purpose of notarizing for a person with a disability who directs the notary to sign his or her name:

1. For an oath or affirmation:

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) before me this ____ *day of* _____, *(year)*, *by* *(name of person making statement)*, *and subscribed by* *(name of notary)* *at the direction of and in the presence of* *(name of person making statement)*, *and in the presence of these witnesses:*

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ *OR Produced Identification* _____

Type of Identification Produced _____

2. For an acknowledgment in an individual capacity:

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ *day of* _____, *(year)*, *by* *(name of person acknowledging)* *and subscribed by* *(name of notary)* *at the direction of and in the presence of* *(name of person acknowledging)*, *and in the presence of these witnesses:*

(Signature of Notary Public - State of Florida)

(Print, type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ *OR Produced Identification* _____

Type of Identification Produced _____

Section 6. Section 117.10, Florida Statutes, is amended to read:

117.10 Law enforcement officers and correctional officers.—Law enforcement officers, correctional officers, and correctional probation officers, as defined in s. 943.10, *and* traffic accident investigation officers~~,~~ ~~as described in s. 316.640,~~ and traffic infraction enforcement officers, as described in s. *316.640* ~~318.141~~, are *authorized to administer oaths* ~~notaries public~~ when engaged in the performance of official duties. Sections 117.01, 117.04, *117.045*, 117.05, and 117.103 do not apply to the provisions of this section. An officer may not notarize his or her own signature.

Section 7. Section 117.103, Florida Statutes, is amended to read:

117.103 Certification of notary's authority by Secretary of State.—*A notary public is not required to record his or her notary public commission in an office of a clerk of the circuit court. If certification of the notary public's commission is required, it must be obtained from the Secretary of State.* Upon the receipt of a written request, the notarized document, and a fee of $10 payable to the Secretary of State, the Secretary of State shall provide a certificate of notarial authority. Documents destined for countries participating in an International Treaty called the Hague Convention require an Apostille, and that requirement shall be determined by the Secretary of State.

Section 8. Section 117.107, Florida Statutes, is amended to read:

117.107 Prohibited acts.—

(1) A notary public may not use a name or initial in signing certificates other than that by which the notary public is commissioned.

(2) *A notary public may not sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits his or her ability to make a written signature and unless the notary public has first submitted written notice to the Department of State with an exemplar of the facsimile signature stamp.* ~~A notary public may not acknowledge an instrument in which the notary public's name appears as a party to the transaction.~~

(3) A notary public may not affix his or her signature to a blank form of affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment.

(4) A notary public may not take the acknowledgment of or administer an oath to a person whom the notary public actually knows to have been *adjudicated* ~~adjudged~~ mentally incapacitated by a court of competent jurisdiction, where the acknowledgment or oath necessitates the exercise of a right that has been removed pursuant to s. 744.3215(2) or (3), and where the person has not been restored to capacity as a matter of record.

(5) *A notary public may not notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization.* ~~A notary public may not take the acknowledgment of a person who is blind until the notary public has read the instrument to such person.~~

(6) A notary public may not take the acknowledgment of a person who does not speak or understand the English language, unless the nature and effect of the instrument to be notarized is translated into a language which the person does understand.

(7) A notary public may not change anything in a written instrument after it has been signed by anyone.

(8) A notary public may not amend a notarial certificate after the notarization is complete.

(9) A notary public may not notarize a signature on a document if the person whose signature is being notarized is not in the presence of the notary public at the time the signature is notarized. Any notary public who violates this subsection is guilty of a civil infraction, punishable by penalty not exceeding $5,000, and such violation constitutes malfeasance and misfeasance in the conduct of official duties. It is no defense to the civil infraction specified in this subsection that the notary public acted without intent to defraud. A notary public who violates this subsection with the intent to defraud is guilty of violating s. 117.105.

(10) A notary public may not notarize a signature on a document if the document is incomplete or blank. However, an endorsement or assignment in blank of a negotiable or nonnegotiable note and the assignment in blank of any instrument given as security for such note is not deemed incomplete.

(11) A notary public may not notarize a signature on a document if the person whose signature is to be notarized is the spouse, son, daughter, mother, or father of the notary public.

(12) A notary public may not notarize a signature on a document if the notary public has a financial interest in or is a party to the underlying transaction; however, a notary public who is an employee may notarize a signature for his or her employer, and this employment does not constitute a financial interest in the transaction nor make the notary a party to the transaction under this subsection as long as he or she does not receive a benefit other than his or her salary and the fee for services as a notary public authorized by law. For purposes of this subsection, a notary public who is an attorney does not have a financial interest in and is not a party to the underlying transaction evidenced by a notarized document if he or she notarizes a signature on that document for a client for whom he or she serves as an attorney of record and he or she has no interest in the document other than the fee paid to him or her for legal services and the fee authorized by law for services as a notary public.

Section 9. Section 117.20, Florida Statutes, is amended to read:

117.20 Electronic notarization.—

(1) The provisions of ss. 117.01, 117.03, 117.04, *117.05(1)-(11), (13), and (14)* ~~117.05(1)-(14) and (16)~~, 117.105, and 117.107 apply to all notarizations under this section except as set forth in this section.

(2) An electronic notarization shall include *the words "Notary Public - State of Florida,"* the name of the notary public, exactly as commissioned, the date of expiration of the commission of the notary public, the commission number, and the notary's digital signature. Neither a rubber stamp seal nor an impression-type seal is required for an electronic notarization.

(3) Any notary public who seeks to perform electronic notarizations and obtains a certificate from any certification authority, as defined in s. 282.72(2), *and who is licensed in the state* shall request an amended commission from the Secretary of State as set forth in *s. 117.05(9)* ~~s. 117.05(11)~~. The Secretary of State shall issue an amended commission to the notary public indicating that the notary is a subscriber to the certification authority identified in the notary's request for an amended commission. After requesting an amended commission, the notary public may continue to perform notarial acts, but may not use his or her digital signature in the performance of notarial acts until receipt of the amended commission. Any fees collected from such amended commissions shall be used to fund the Secretary of State's administration of electronic notary commissions.

(4) If the notary public's private key corresponding to his or her public key has been compromised, the notary public shall immediately notify the Secretary of State in writing of the breach of security and shall request the issuing certification authority to suspend or revoke the certificate.

(5) A notary public shall keep a sequential journal of all acts performed as a notary public under the provisions of this section.

(a) The journal must include, at a minimum, for every notarial act, the date and time of the notarial act, the type of notarial act, the type or name of the document, the signer's printed name and signature, the signer's complete address and telephone number, and the specific type of identification presented by the signer, including both its serial number and its expiration date.

(b) When requested in writing by the Governor's Office or Department of State, the notary public must provide the journal for inspection. The notary public must retain the journal for safekeeping for at least five years beyond the date of the last notarial act recorded in the journal.

(c) If the notary public journal is stolen, lost, misplaced, destroyed, or rendered unusable within the time period specified in paragraph (b), the notary public must immediately notify the Governor's Office or the Department of State in writing of the circumstances of the incident.

(6)~~(5)~~ Failure to comply with this section constitutes grounds for suspension from office by the Governor.

Section 10. Section 118.10, Florida Statutes, is amended to read:

118.10 Florida international notary.—

(1) As used in this section, the term:

(a) *"Authentic act"* ~~"Authentication instrument"~~ means an instrument executed by a Florida international notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a Florida international notary as prescribed by the Florida Secretary of State ~~for use in a jurisdiction outside the borders of the United States~~.

(b) "Florida international notary" means a person who is *a member in good standing of The Florida Bar* ~~admitted to the practice of law in this state~~, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a Florida international notary.

(c) "Protocol" means a registry maintained by a Florida international notary in which the acts of the Florida international notary are archived.

(2) The Secretary of State shall have the power to appoint Florida international notaries and administer this section.

(3) ~~A Florida international notary is authorized to issue authentication instruments for use in non-United States jurisdictions.~~ A Florida international notary is not authorized to issue *authentic acts* ~~authentication instruments~~ for use in a ~~non-United States~~ jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

~~(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.~~

(4)~~(5)~~ The *authentic acts* ~~authentication instruments~~ of a Florida international notary shall be recorded in the Florida international notary's protocol in a manner prescribed by the Secretary of State.

(5)~~(6)~~ The Secretary of State may adopt rules prescribing:

(a) The form and content of signatures and seals or their legal equivalents for *authentic acts* ~~authentication instruments~~;

(b) Procedures for the permanent archiving of *authentic acts* ~~authentication instruments~~;

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section;

(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with *authentic acts* ~~authentication instruments in jurisdictions outside the United States~~;

(e) Procedures for the disciplining of Florida international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the Florida international notary's authority, the effect of the Florida international notary's *authentic acts* ~~authentication instruments~~, or the identities or acts of the parties to a transaction; and

(f) Other matters necessary for administering this section.

(6)~~(7)~~ The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any Florida international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state, *except by agreement with The Florida Bar*. The Secretary of State shall not establish as a prerequisite to the appointment of a Florida international notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States, *except by agreement with The Florida Bar*.

(7)~~(8)~~ This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 11. Subsection (1) of section 11.03, Florida Statutes, is amended to read:

11.03 Proof of publication of notice.—

(1) Affidavit of proof of publication of such notice of intention to apply therefor, may be made, in substantially the following general form, but such form shall not be exclusive:

STATE OF FLORIDA
COUNTY OF ____

Before the undersigned authority personally appeared ____, who on oath does solemnly swear (or affirm) that she or he has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to

____(here identify bill)____

has been published at least 30 days prior to this date, by being printed in the issues of ____(here state day, month and year of issue or issues)____ of the____, a newspaper or newspapers published in ____ County or Counties, Florida (or) there being no newspaper, by being posted for at least 30 days

prior to this date at three public places in ____ County or Counties, one of which places was at the courthouse of said county or counties, where the matter or thing to be affected by the contemplated law is situated; that a copy of the notice that has been published as aforesaid and also this affidavit of proof of publication are attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

Sworn to (or affirmed) and subscribed before me this ____ day of _____, ____(year)____, by ____(name of person making statement)____.

____(Signature of Notary Public - State of Florida)____
____(Print, Type, or Stamp Commissioned Name of Notary Public)____

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

~~Sworn to and subscribed before me this ____ 19____~~

~~(SEAL)~~
____(Signature)____
~~Notary Public, State of Florida.~~
~~My commission expires ____~~

Section 12. Paragraph (a) of subsection (2) of section 475.180, Florida Statutes, is amended to read:

475.180 Nonresident licenses.—

(2)(a) Any applicant who is not a resident of this state shall file an irrevocable consent that suits and actions may be commenced against her or him in any county of this state in which a plaintiff having a cause of action or suit against her or him resides, and that service of any process or pleading in suits or actions against her or him may be made by delivering the process or pleading to the director of the Division of Real Estate by certified mail, return receipt requested, and also to the licensee by registered mail addressed to the licensee at her or his designated principal place of business. Service, when so made, must be taken and held in all courts to be as valid and binding upon the licensee as if made upon her or him in this state within the jurisdiction of the court in which the suit or action is filed. The irrevocable consent must be in a form prescribed by the department and be acknowledged *before* ~~by~~ a notary public.

Section 13. Subsection (3) of section 713.08, Florida Statutes, is amended to read:

713.08 Claim of lien.—

(3) The claim of lien shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN
State of ____
County of ____

Before me, the undersigned notary public, personally appeared ____, who was duly sworn and says that she or he is (the lienor herein) (the agent of the lienor herein ____), whose address is ____; and that in accordance with a contract with ____, lienor furnished labor, services, or materials consisting of ____ on the following described real property in ____ County, Florida:

(Legal description of real property)

owned by ____ of a total value of $____, of which there remains unpaid $____, and furnished the first of the items on ____, ____(year)____ ~~19____~~, and the last of the items on ____, ____(year)____ ~~19____~~; and (if the lien is claimed by one not in privity with the owner) that the lienor served her or his notice to owner on ____, ____(year)____ ~~19____~~, by ____; and (if required) that the lienor served copies of the notice on the contractor on ____, ____(year)____ ~~19____~~, by ____ and on the subcontractor, ____, on ____, ____(year)____ ~~19____~~, by ____.

____(Signature)____

Sworn to (or affirmed) and subscribed before me this ____ day of _____, ____(year)____, by ____(name of person making statement)____.

____(Signature of Notary Public - State of Florida)____
____(Print, Type, or Stamp Commissioned Name of Notary Public)____

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

~~Sworn to and subscribed before me this ____ day of ____, 19____.~~
____(Notary Public)____ ~~My commission expires: ____~~

Section 14. Paragraph (d) of subsection (1) of section 713.13, Florida Statutes, is amended to read:

713.13 Notice of commencement.—

(1)

(d) A notice of commencement must be in substantially the following form:

Permit No.____ Tax Folio No.____

NOTICE OF COMMENCEMENT

State of____
County of____

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. Description of property: ____(legal description of the property, and street address if available)____.

2. General description of improvement:____.

3. Owner information:____.

a. Name and address:____.

b. Interest in property:____.

c. Name and address of fee simple titleholder (if other than Owner):____.

4. Contractor: ____(name and address)____.

a. Phone number:____.

b. Fax number:____(optional, if service by fax is acceptable).

5. Surety

a. Name and address:____.

b. Phone number:____.

c. Fax number:____(optional, if service by fax is acceptable).

d. Amount of bond: $____.

6. Lender: ____(name and address)____.

a. Phone number:____.

b. Fax number:____(optional, if service by fax is acceptable).

7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)7., Florida Statutes: ____(name and address)____.

a. Phone number:____.

b. Fax number:____(optional, if service by fax is acceptable).

8. In addition to himself or herself, Owner designates _____ of _____ to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.

a. Phone number:____.

b. Fax number:____(optional, if service by fax is acceptable).

9. Expiration date of notice of commencement (the expiration date is 1 year from the date of recording unless a different date is specified)____

____(Signature of Owner)____

Sworn to (or affirmed) and subscribed before me this ____ day of _____, ___(year)___ , by ___(name of person making statement)___ .

___(Signature of Notary Public - State of Florida)___
___(Print, Type, or Stamp Commissioned Name of Notary Public)___

Personally Known _____ OR Produced Identification _____

Type of Identification Produced_____

~~Sworn to and subscribed before me this ____ day of ____, 19____.~~

___(Notary Public)___ ~~My Commission Expires:____.~~

Section 15. Subsection (7) of section 713.135, Florida Statutes, is amended to read:

713.135 Notice of commencement and applicability of lien.—

(7) In addition to any other information required by the authority issuing the permit, the building permit application must be in substantially the following form:

Tax Folio No._____

BUILDING PERMIT APPLICATION

Owner's Name_____
Owner's Address_____
Fee Simple Titleholder's Name (If other than owner)_____
Fee Simple Titleholder's Address (If other than owner)_____
City_____
State_____ Zip_____
Contractor's Name_____
Contractor's Address_____
City_____
State_____ Zip_____
Job Name_____
Job Address_____
City_____ County_____
Legal Description_____
Bonding Company_____
Bonding Company Address_____
City_____ State_____
Architect/Engineer's Name_____
Architect/Engineer's Address_____
Mortgage Lender's Name_____
Mortgage Lender's Address_____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

___(Signature of Owner or Agent)___
___(including contractor)___

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____, ___(year)___ , by ___(name of person making statement)___ .

___(Signature of Notary Public - State of Florida)___
___(Print, Type, or Stamp Commissioned Name of Notary Public)___

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

___(Signature of Contractor)___

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____, ___(year)___ , by ___(name of person making statement)___ .

___(Signature of Notary Public - State of Florida)___
___(Print, Type, or Stamp Commissioned Name of Notary Public)___

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

~~Signature____~~ ~~Signature____~~
~~Owner or Agent~~ ~~Contractor~~
~~(including contractor)~~

~~Date____~~ ~~Date____~~

~~NOTARY as~~ ~~NOTARY as~~
~~to Owner or Agent____~~ ~~to Contractor____~~
~~My Commission Expires:____~~ ~~My Commission Expires:____~~

(Certificate of Competency Holder)

Contractor's State Certification or Registration No.____

Contractor's Certificate of Competency No._____

APPLICATION APPROVED BY_____Permit Officer

Section 16. Subsections (4), (6), and (8) of section 713.245, Florida Statutes, are amended to read:

713.245 Conditional payment bond.—

(4) Within 90 days after a claim of lien is recorded for labor, services, or materials for which the contractor has been paid, the owner or the contractor may record a notice of bond as specified in s. 713.23(2), together with a copy of the bond and a sworn statement in substantially the following form:

CERTIFICATE OF PAYMENT TO THE CONTRACTOR

TO: Lienor ___(name and address from claim of lien)___
Contractor ___(name and address)___
Surety ___(name and address)___

Under penalties of perjury, the undersigned certifies that the bond recorded with this certificate conforms with s. 713.245, F.S., that the bond is in full force and effect, and that the contractor has been paid $____ for the labor, services, and materials described in the Claim of Lien filed by _____ dated ____, ___(year)___ ~~19____~~, and recorded _____, ___(year)___ ~~19____~~, in Official Records Book ____ at Page ____ of the Public Records of _____ County, Florida.

Dated this ____ day of _____, ___(year)___ ~~19____~~.

___(Owner)___
___(Address)___
_____
_____

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____, ___(year)___ , by ___(name of person making statement)___ .

___(Signature of Notary Public - State of Florida)___
___(Print, Type, or Stamp Commissioned Name of Notary Public)___

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

~~Sworn to and subscribed before me,~~
~~the undersigned authority, this~~
~~____ day of ____, 19____.~~

___(Name)___
~~NOTARY PUBLIC~~
~~My Commission Expires:~~

___(Contractor)___
___(Address)___
_____
_____

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ *day of* _____, ___(year)___ *, by* ___(name of person making statement)___ .

___*(Signature of Notary Public - State of Florida)*___
___*(Print, Type, or Stamp Commissioned Name of Notary Public)*___

Personally Known _____ *OR Produced Identification* _____

Type of Identification Produced _____

~~Sworn to and subscribed before me,~~
~~the undersigned authority, this~~
~~____ day of ____, 19____.~~

___(Name)___
~~NOTARY PUBLIC~~
~~My Commission Expires:~~

Any notice of bond recorded more than 90 days after the recording of the claim of lien shall have no force or effect as to that lien unless the owner, the contractor and the surety all sign the notice of bond.

(6) The contractor may join in a certificate of payment to the contractor at any time by recording a sworn statement substantially in the following form:

JOINDER IN CERTIFICATE OF PAYMENT

TO: Owner ___(name and address from certificate of payment)___
Lienor ___(name and address from claim of lien)___
Surety ___(name and address)___

The undersigned joins in the Certificate of Payment to the Contractor recorded on _____, ___*(year)*___ ~~19____~~, in Official Records Book ____ at Page ____ of the Public Records of _____ County, Florida, and certifies that the facts stated in the Certificate of Payment to the Contractor are true and correct.

Dated this ____ day of _____, ___*(year)*___ ~~19____~~.

___(Name)___
___(Address)___
_____
_____

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ *day of* _____, ___*(year),*___ *, by* ___*(name of person making statement)*___ .

___*(Signature of Notary Public - State of Florida)*___
___*(Print, Type, or Stamp Commissioned Name of Notary Public)*___

Personally Known _____ *OR Produced Identification* _____

Type of Identification Produced _____

~~Sworn to and subscribed before me,~~
~~the undersigned authority, this~~
~~____ day of ____, 19____.~~

___(Name)___
~~NOTARY PUBLIC~~
~~My Commission Expires:~~

(8) If the contractor disputes the certificate of payment to the contractor, the contractor must record, not later than 15 days after the date the clerk certifies service of the certificate, a sworn statement in substantially the following form:

NOTICE OF CONTEST OF PAYMENT

TO: Owner ___(name and address from certificate of payment)___
Lienor ___(name and address from claim of lien)___
Surety ___(name and address)___

Under penalties of perjury, the undersigned certifies that the contractor has not been paid or has only been paid $____ for the labor, services, and materials described in the Certificate of Payment to the Contractor recorded in Official Records Book ____ at Page ____ of the Public Records of _____ County, Florida.

Dated this ____ day of _____, ___*(year)*___ ~~19____~~.

___(Name)___
___(Address)___
_____
_____

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ *day of* _____, ___*(year)*___ *, by* ___*(name of person making statement)*___ .

___*(Signature of Notary Public - State of Florida)*___
___*(Print, Type, or Stamp Commissioned Name of Notary Public)*___

Personally Known _____ *OR Produced Identification* _____

Type of Identification Produced _____

~~Sworn to and subscribed before me,~~
~~the undersigned authority, this~~
~~____ day of ____, 19____.~~

___(Name)___
~~NOTARY PUBLIC~~
~~My Commission Expires:~~

Section 17. Paragraph (b) of subsection (1) of section 727.104, Florida Statutes, is amended to read:

727.104 Commencement of proceedings.—

(1)

(b) The assignment shall be in substantially the following form:

ASSIGNMENT

ASSIGNMENT, made this ____ day of ____, ___*(year)*___ ~~19____~~, between ____, with a principal place of business at ____, hereinafter "assignor," and ____, whose address is ____, hereinafter "assignee."

WHEREAS, the assignor has been engaged in the business of ____;

WHEREAS, the assignor is indebted to creditors, as set forth in Schedule A annexed hereto, is unable to pay its debts as they become due, and is desirous of providing for the payment of its debts, so far as it is possible by an assignment of all of its assets for that purpose.

NOW, THEREFORE, the assignor, in consideration of the assignee's acceptance of this assignment, and for other good and valuable consideration, hereby grants, assigns, conveys, transfers, and sets over, unto the assignee, her or his successors and assigns, all of its assets, except such assets as are exempt by law from levy and sale under an execution, including, but not limited to, all real property, fixtures, goods, stock, inventory, equipment, furniture, furnishings, accounts receivable, bank deposits, cash, promissory notes, cash value and proceeds of insurance policies, claims and demands belonging to the assignor, wherever such assets may be located, hereinafter the "estate," as which assets are, to the best knowledge and belief of the assignor, set forth on Schedule B annexed hereto.

The assignee shall take possession and administer the estate in accordance with the provisions of chapter 727, Florida Statutes, and shall liquidate the assets of the estate with reasonable dispatch and convert the estate into money, collect all claims and demands hereby assigned as may be collectible, and pay and discharge all reasonable expenses, costs, and disbursements in connection with the execution and administration of this assignment from the proceeds of such liquidations and collections.

The assignee shall then pay and discharge in full, to the extent that funds are available in the estate after payment of administrative expenses, costs, and disbursements, all of the debts and liabilities now due from the assignor, including interest on such debts and liabilities. If funds of the estate shall not be sufficient to pay such debts and liabilities in full, then the assignee shall pay from funds of the estate such debts and liabilities, on a pro rata basis and in proportion to their priority as set forth in s. 727.114, Florida Statutes.

In the event that all debts and liabilities are paid in full, any funds of the estate remaining shall be returned to the assignor.

To accomplish the purposes of this assignment, the assignor hereby appoints the assignee its true and lawful attorney, irrevocable, with full power and authority to do all acts and things which may be necessary to execute the assignment hereby created; to demand and recover from all persons all assets of the estate; to sue for the recovery of such assets; to execute, acknowledge, and deliver all necessary deeds, instruments, and conveyances; and to appoint one or more attorneys under her or him to assist the assignee in carrying out her or his duties hereunder.

The assignor hereby authorizes the assignee to sign the name of the assignor to any check, draft, promissory note, or other instrument in writing which is payable to the order of the assignor, or to sign the name of the assignor to any instrument in writing, whenever it shall be necessary to do so, to carry out the purpose of this assignment.

The assignee hereby accepts the trust created by the assignment, and agrees with the assignor that the assignee will faithfully and without delay carry out her or his duties under the assignment.

_____
Assignor

_____
Assignee

STATE OF FLORIDA
COUNTY OF _____ ~~SS: _____~~

The foregoing assignment was acknowledged before me this ____ day of ____, *(year)* ~~19____~~, by ____, as assignor, and by ____, as assignee, for the purposes therein expressed.

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ *OR Produced Identification* _____

Type of Identification Produced _____

_____
~~Notary Public~~

~~My Commission Expires:~~

Section 18. Section 732.503, Florida Statutes, is amended to read:

732.503 Self-proof of will.—A will or codicil executed in conformity with s. 732.502(1) and (2) may be made self-proved at the time of its execution or at any subsequent date by the acknowledgment of it by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths and evidenced by the officer's certificate attached to or following the will, in substantially the following form:

STATE OF ____
COUNTY OF ____

We, ____, ____, and ____ the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, having been sworn, declared to the undersigned officer that the testator, in the presence of witnesses, signed the instrument as the testator's last will (codicil), that the testator (signed) (or directed another to sign for him or her), and that each of the witnesses, in the presence of the testator and in the presence of each other, signed the will as a witness.

(Testator)
(Witness)
(Witness)

Subscribed and sworn to before me by ____, the testator ~~a witness~~ who is personally known to me or who has produced (type of identification) as identification, and by ____, a witness who is personally known to me or who has produced (type of identification) as identification, and *by* ____, a witness who is personally known to me or who has produced (type of identification) as identification, on ____, *(year)* ~~19____~~.

(Signature of Notary Public)
(Print, type, or stamp commissioned name of Notary Public)
~~My Commission Expires: ____~~

Section 19. Subsection (1) of section 747.051, Florida Statutes, is amended to read:

747.051 Summary procedure.—

(1) If the wife of any person defined as an absentee in s. 747.01(1), or his next of kin if said absentee has no wife, shall wish to sell or transfer any property of the absentee which has a gross value of less than $5,000, or shall require the consent of the absentee in any matter regarding the absentee's children or in any other matter in which the gross value of the subject matter is less than $5,000, she may apply to the circuit court for an order authorizing said sale, transfer, or consent without opening a full conservatorship proceeding as provided by this chapter. She may make the application without the assistance of an attorney. Said application shall be made by petition on the following form, which form shall be made readily available to the applicant by the clerk of the circuit court:

In the Circuit Court

In re: (Absentee) , case number ____.

PETITION FOR SUMMARY RELIEF

Petitioner, (Name) , whose residence is (Street & number) , (City or town) , and (County) , Florida, and who is the (Describe relationship to absentee) of the absentee, (Name) , states that the absentee has been (Imprisoned or missing in action) since (Date) when (Describe details) . Petitioner desires to sell/transfer (Describe property) of the value of (Value) because (Give reasons) . The terms of sale/transfer are (Give reasons) . Petitioner requires the consent of the absentee for the purpose of ____.

(Petitioner)

State of Florida
County of____

Sworn to (or affirmed) and subscribed before me this ____ *day of* _____, *(year)* , *by* *(name of person making statement)* .

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ *OR Produced Identification* _____

Type of Identification Produced _____

~~The above named, ____, being by me duly sworn, says the foregoing petition is true and correct to the best of his/her knowledge and belief.~~

(Notary Public or County Court Judge)
~~My commission expires ____~~

And the title is amended as follows:

On page 1, lines 2-22, delete those lines and insert: An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; authorizing the Executive Office of the Governor to contract for certain services; increasing the amount of the bond required of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; providing that the official seal and certificate of commission are the exclusive property of the notary public; providing a criminal penalty for unlawful possession of a notary public official seal or papers; specifying the elements of a notarial certificate; revising provisions relating to identification; deleting specified circumstances under which a signature may not be notarized; revising provisions relating to copying certain documents; requiring a notary public to make reasonable accommodations to provide notarial services to disabled persons; amending s. 117.10, F.S.; conforming a cross-reference; amending s. 117.103, F.S.; providing that a notary public's commission is not required to be filed with the clerk of the circuit court; providing for certification of the commission from the Secretary of State; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; providing a civil penalty; amending s. 117.20, F.S.; providing for electronic notarizations; amending s. 118.10, F.S.; redefining the terms "authentication instrument" and "Florida international notary"; revising requirements to become a Florida international notary; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms;

Senator Silver moved the following amendment which failed:

Amendment 2—On page 1, delete line 28 and insert: subsection (4), and subsection (5) of section 117.01,

The vote was:

Yeas—8

Forman	Harris	Jones	Ostalkiewicz
Hargrett	Holzendorf	Meadows	Silver

Nays—22

Bankhead	Casas	Cowin	Dudley
Campbell	Clary	Crist	Dyer

Geller	Klein	Lee	Sullivan
Grant	Kurth	Myers	Williams
Gutman	Latvala	Rossin	
Horne	Laurent	Scott	

THE PRESIDENT PRESIDING

Senator Grant moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 36, between lines 11 and 12, insert:

Section 17. Section 118.10, Florida Statutes, is amended to read:

118.10 *Civil-law* ~~Florida international~~ notary.—

(1) As used in this section, the term:

(a) "*Authentic act*" ~~"Authentication instrument"~~ means an instrument executed by a *civil-law* ~~Florida international~~ notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a *civil-law* ~~Florida international~~ notary as prescribed by the Florida Secretary of State ~~for use in a jurisdiction outside the borders of the United States~~.

(b) "*Civil-law notary*" ~~"Florida international notary"~~ means a person who is *a member in good standing of The Florida Bar* ~~admitted to the practice of law in this state~~, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a *civil-law* ~~Florida international~~ notary.

(c) "Protocol" means a registry maintained by a *civil-law* ~~Florida international~~ notary in which the acts of the *civil-law* ~~Florida international~~ notary are archived.

(2) The Secretary of State shall have the power to appoint *civil-law* ~~Florida international~~ notaries and administer this section.

(3) A *civil-law* ~~Florida international~~ notary is authorized to issue *authentic acts and may administer an oath and make a certificate thereof when it is necessary for execution of any writing or document to be attested, protested, or published under the seal of a notary public* ~~authentication instruments for use in non-United States jurisdictions~~. *A civil-law notary may also take acknowledgements of deeds and other instruments of writing for record, and solemnize the rites of matrimony, as fully as other officers of this state.* A *civil-law* ~~Florida international~~ notary is not authorized to issue *authentic acts* ~~authentication instruments~~ for use in a ~~non-United States~~ jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

~~(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.~~

(4)~~(5)~~ The *authentic acts, oaths and acknowledgements, and solemnizations* ~~authentication instruments~~ of a *civil-law* ~~Florida international~~ notary shall be recorded in the *civil-law* ~~Florida international~~ notary's protocol in a manner prescribed by the Secretary of State.

(5)~~(6)~~ The Secretary of State may adopt rules prescribing:

(a) The form and content of signatures and seals or their legal equivalents for *authentic acts* ~~authentication instruments~~;

(b) Procedures for the permanent archiving of *authentic acts, maintaining records of acknowledgments, oaths and solemnizations, and procedures for the administration of oaths and taking of acknowledgments* ~~authentication instruments~~;

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section;

(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with *authentic acts* ~~authentication instruments in jurisdictions outside the United States~~;

(e) Procedures for the disciplining of *civil-law* ~~Florida international~~ notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the *civil-law* ~~Florida international~~ notary's authority, the effect of the *civil-law* ~~Florida international~~ notary's *authentic acts* ~~authentication instruments~~, or the identities or acts of the parties to a transaction; and

(f) Other matters necessary for administering this section.

(6)~~(7)~~ The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any *civil-law* ~~Florida international~~ notary for, or with regard to, any action or conduct that would constitute the practice of law in this state, *except by agreement with The Florida Bar*. The Secretary of State shall not establish as a prerequisite to the appointment of a *civil-law* ~~Florida international~~ notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States, *except by agreement with The Florida Bar*.

(7) The powers of civil law notaries include, but are not limited to, all of the powers of a notary public under any law of this state.

(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 18. Section 695.03, Florida Statutes, is amended to read:

695.03 Acknowledgment and proof; validation of certain acknowledgments; legalization or authentication before foreign officials.—To entitle any instrument concerning real property to be recorded, the execution must be acknowledged by the party executing it, proved by a subscribing witness to it, or legalized or authenticated by a civil-law notary or notary public who affixes her or his official seal, before the officers and in the form and manner following:

(1) WITHIN THIS STATE.—An acknowledgment or proof made within this state may be made before a judge, clerk, or deputy clerk of any court; a United States commissioner or magistrate; or a notary public *or civil-law notary of this state*, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. All affidavits and acknowledgments heretofore made or taken in this manner are hereby validated.

(2) WITHOUT THIS STATE BUT WITHIN THE UNITED STATES.—An acknowledgment or proof made out of this state but within the United States may be made before *a civil-law notary of this state or* a commissioner of deeds appointed by the Governor of this state; a judge or clerk of any court of the United States or of any state, territory, or district; a United States commissioner or magistrate; or a notary public, justice of the peace, master in chancery, or registrar or recorder of deeds of any state, territory, or district having a seal, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. If the acknowledgment or proof is made before a notary public who does not affix a seal, it is sufficient for the notary public to type, print, or write by hand on the instrument, "I am a Notary Public of the State of __(state)__, and my commission expires on __(date)__."

(3) WITHIN FOREIGN COUNTRIES.—If the acknowledgment, legalization, authentication, or proof is made in a foreign country, it may be made before a commissioner of deeds appointed by the Governor of this state to act in such country; before a ~~civil-law notary or~~ notary public of such foreign country *or a civil-law notary of this state or of such foreign country* who has an official seal; before an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent, or other diplomatic or consular officer of the United States appointed to reside in such country; or before a military or naval officer authorized by the Laws or Articles of War of the United States to perform the duties of notary public, and the certificate of acknowledgment, legalization, authentication, or proof must be under the seal of the officer. A certificate legalizing or authenticating the signature of a person executing an instrument concerning real property and to which a civil-law notary or notary public of that country has affixed her or his official seal is sufficient as an acknowledgment. For the purposes of this section, the term "civil-law notary" means *a civil-law notary as defined in chapter 118 or* an official of a foreign country who has an official seal and who is authorized to make legal or lawful the execution of any document in that jurisdiction,

in which jurisdiction the affixing of her or his official seal is deemed proof of the execution of the document or deed in full compliance with the laws of that jurisdiction.

All affidavits, legalizations, authentications, and acknowledgments heretofore made or taken in the manner set forth above are hereby validated.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: amending s. 118.10, F.S.; providing for civil-law notaries in lieu of Florida international notaries; providing requirements for becoming a civil-law notary; providing definitions; providing for "authentic acts," in lieu of "authentication instruments"; providing powers of civil-law notaries; providing educational requirements; providing for discipline; amending s. 695.03, F.S., relating to acknowledgement and proof of certain instruments concerning real property; including civil-law notaries as officials before whom acknowledgements of proof may be made;

Pursuant to Rule 4.19, **CS for HB 1125** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 228—A bill to be entitled An act relating to cleft-lip and cleft-palate treatment; creating s. 627.64193, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66911, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; amending s. 641.31, F.S.; providing for cleft-lip and cleft-palate treatment for children by health maintenance organizations; providing a legislative determination of an important state interest; providing applicability; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 6, between lines 15 and 16, insert:

Section 6. Subsection (7) is added to section 627.419, Florida Statutes, to read:

627.419 Construction policies.—

(9) Notwithstanding any other provision of law, any health insurance policy, health care services plan, or other contract which provides anatomic pathology or clinical laboratory coverage, benefits or services which are performed or directed by pathologists licensed pursuant to chapter 458 or chapter 459 shall provide for payment to the provider for professional services.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the first semicolon (;) insert: amending s. 627.419, F.S., providing for certain provider payments to pathologists;

Pursuant to Rule 4.19, **CS for SB 228** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

CS for SB 1258—A bill to be entitled An act relating to health care; creating s. 381.0045, F.S.; creating the "Targeted Outreach for Pregnant Women Act of 1998"; providing purpose; requiring the Department of Health to establish a pilot program; providing requirements; requiring interim and final reports; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, delete line 27 and insert:

Section 4. *There is appropriated to the Department of Health from the Tobacco Settlement Trust Fund the sum of $15 million to replace the Tampa Branch Health Laboratory and the sum of $600,000 for the Healthy Moms and Healthy Babies facility at the University of South Florida.*

Section 5. This act shall take effect October 1, 1998, except that this section and section 4 of this act shall take effect July 1, 1998.

And the title is amended as follows:

On page 1, lines 8 and 9, delete those lines and insert: reports; providing appropriations; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 1258** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, the Senate resumed consideration of—

CS for HB 3227—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; redefining the term "qualified professional" for purposes of providing certain substance abuse assessment or treatment services; requiring persons certified to provide such services in other states to meet Florida's certification requirements within a specified period after employment in this state; providing a grandfather clause for a specified period for persons with certain qualifications and experience; providing that certain certified professionals are exempt from meeting the additional statutory requirements for a qualified professional; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Cowin was withdrawn.

Pursuant to Rule 4.19, **CS for HB 3227** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1660** was deferred.

On motion by Senator Brown-Waite—

CS for CS for SB 208—A bill to be entitled An act relating to nursing home facilities; amending s. 400.121, F.S.; providing for an expedited administrative hearing upon the request of a licensee following an action by the Agency for Health Care Administration to suspend, deny, or revoke a facility's license; creating s. 400.215, F.S.; requiring certain nursing home facilities to investigate the background of their employees and of certain applicants for employment; providing for rescreening; specifying the period for which screenings are to remain valid, subject to certain conditions; authorizing nursing home facility administrators to acknowledge the receipt of background screening reports; requiring employees and applicants to pay the costs associated with background screening investigations; requiring the Department of Health and the Agency for Health Care Administration to determine certain exemptions from disqualification from employment; authorizing rulemaking; amending s. 415.107, F.S.; providing that the Department of Children and Family Services may impose a charge in an amount up to the actual cost for screening a volunteer; providing for applicability; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 208** to **CS for HB's 3089 and 171**.

Pending further consideration of **CS for CS for SB 208** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB's 3089 and 171** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Brown-Waite—

CS for HB's 3089 and 171—A bill to be entitled An act relating to nursing facilities; amending s. 400.121, F.S.; providing procedure for administrative hearings on certain actions to deny, suspend, or revoke a nursing facility's license; creating s. 400.215, F.S.; requiring background screening for certain nursing facility employees; providing requirements for employers and employees; authorizing conditional status for certain employees; requiring the Agency for Health Care Administration to establish and maintain a database and provide certain information; providing for screening fees; providing for exemptions from disqualification; providing an exemption from rescreening for certain persons; providing for certain sharing of screening information among employers; providing for adoption of rules; specifying dates and conditions for compliance by employees and new applicants; repealing s. 400.211(5), F.S., relating to screening requirements for certified nursing assistants; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 208** as amended and read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1—On page 5, line 3, after the period (.) insert: *The Department of Law Enforcement shall charge the agency for a level 1 or level 2 screening a rate sufficient to cover the costs of such screening pursuant to s. 943.053(3).*

Pursuant to Rule 4.19, **CS for HB's 3089 and 171** as amended was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Diaz-Balart, the rules were waived and time of recess was extended until completion of **CS for SB 390**, motions and announcements.

On motion by Senator Holzendorf, by two-thirds vote **CS for HB 159** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Holzendorf—

CS for HB 159—A bill to be entitled An act relating to community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community Faculty Diversity Program; providing for fellowships; requiring service or repayment; providing an effective date.

—a companion measure, was substituted for **CS for SB 390** and read the second time by title.

Senator Holzendorf moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (9) is added to section 240.498, Florida Statutes, to read:

240.498 Florida Education Fund.—

(9) There is created the Community College Faculty Diversity Program of the Florida Education Fund, a collaborative effort of the State Board of Community Colleges and the Florida Education Fund, to provide the opportunity for ethnic minorities and women to attain greater representation as faculty, executive, administrative, and managerial personnel in the State Community College System. The faculty diversity program shall be limited to a fellowship program to be administered by the board of directors of the Florida Education Fund for this purpose.

(a) The board of directors shall provide, from funds appropriated for this purpose, financial, academic, and other support to those who are selected for participation in this program.

(b) The selection of participants must be made in accordance with policies established by the Florida Education Fund and adopted by the board of directors for that purpose and must be based, at least in part, on an assessment of potential for success, merit, and financial need. Such selection must be based in part upon whether the participants will be representative of geographic areas throughout the state. First preference must be given to participants who are employed by institutions where ethnic minorities and women are underrepresented in faculty and executive-level positions.

(c) Funds for this program must be appropriated directly to the Florida Education Fund to be distributed appropriately between the sponsoring institution and the selected fellows.

(d) Participants must agree in writing to return to the employing community college for a period of time equal to the amount of time for which the participant received aid, up to 3 years, or to repay the amount of aid received.

(e) During the period of participation, the community college that employs the fellow must agree to continue the fellow on the payroll at full salary and benefits, based on the salary earned by the participant at the time of initial entry into the program.

Section 2. This act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to universities and community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community Faculty Diversity Program; providing for awarding fellowships; requiring service or repayment; providing requirements of participants' employers; providing an effective date.

WHEREAS, the Florida Legislature recognizes the underrepresentation of ethnic and gender minorities as faculty and executive, administrative, and managerial personnel in Florida community colleges, and

WHEREAS, the Florida Legislature is interested in increasing the number of ethnic and gender minorities employed in these positions, and

WHEREAS, national availability statistics indicate a severe shortage of minorities holding the requisite degrees to enter the pool as faculty senior-level employees in Florida community colleges, and

WHEREAS, the Florida Legislature wishes to establish a means by which to develop, use, promote, and maintain human resources currently employed in the Florida Community College System, NOW, THEREFORE,

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 2, between lines 25 and 26, insert:

Section 2. *The sum of $250,000 is appropriated from the General Revenue Fund to the Community College Faculty Diversity Program for Fiscal Year 1998-1999 to implement this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 9, after the semicolon (;) insert: providing an appropriation;

Senators Holzendorf and Sullivan offered the following amendment to **Amendment 1** which was moved by Senator Holzendorf and adopted:

Amendment 1B (with title amendment)—On page 2, between lines 25 and 26, insert:

Section 2. Subsection (1) of section 228.055, Florida Statutes, is amended to read:

228.055 Regional autism centers.—

(1) *Six* ~~Five~~ regional autism centers are established to provide nonresidential resource and training services for persons of all ages and of

all levels of intellectual functioning who have autism, as defined in s. 393.063; who have a pervasive developmental disorder that is not otherwise specified; who have an autistic-like disability; who have a dual sensory impairment; or who have a sensory impairment with other handicapping conditions. Each center shall be operationally and fiscally independent and shall provide services within its geographical region of the state. Each center shall coordinate services within and between state and local agencies and school districts but may not duplicate services provided by those agencies or school districts. The respective locations and service areas of the centers are:

(a) The Department of Communication Disorders at Florida State University, which serves Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.

(b) The College of Medicine at the University of Florida, which serves Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, ~~Lake,~~ Levy, Marion, ~~Orange, Osceola,~~ Putnam, ~~Seminole, Sumter,~~ Suwannee, and Union Counties.

(c) The University of Florida Health Science Center at Jacksonville, which serves Baker, ~~Brevard,~~ Clay, Duval, Flagler, Nassau, *and* St. Johns~~, and Volusia~~ Counties.

(d) The Florida Mental Health Institute at the University of South Florida, which serves Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee, Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

(e) The Mailman Center for Child Development at the University of Miami, which serves Broward, Dade, Monroe, and Palm Beach Counties.

(f) The College of Health and Public Affairs at the University of Central Florida, which serves Brevard, Lake, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 9, after the semicolon (;) insert: increasing number of regional autism centers;

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with title amendment)—On page 2, between lines 25 and 26, insert:

Section 2. *(1) There is created the Leadership Board for Applied Research and Public Service to be staffed by the Institute of Science and Public Affairs at Florida State University. The purpose of the board is to focus, coordinate, and maximize university resources on current issues and events affecting Florida's residents and elected officials. Emphasis shall be placed on being responsive to and providing accurate, timely, useful, and relevant information to decisionmakers in state and local governments. The board shall set forth a process to provide comprehensive guidance and advice for improving the types and quality of services to be delivered by the State University System. Specifically, the board shall better identify and define the missions and roles of existing institutes and centers within the State University System, work to eliminate duplication and confusion over conflicting roles and missions, involve more students in learning with applied research and public service activities, and be organizationally separate from academic departments. The board shall meet at least quarterly. The board may create internal management councils that may include working institute and center directors. The board is responsible for, but is not limited to:*

(a) Providing strategic direction, planning, and accompanying decisions that support a coordinated applied public service and research approach in the state.

(b) Addressing State University System policy matters and making recommendations to the Board of Regents as they relate to applied public service and research.

(c) Serving as a clearinghouse for services requested by public officials.

(d) Providing support for funding and fiscal initiatives involving applied public service and research.

(2) Membership of the board shall be:

(a) The Chancellor of the Board of Regents, who shall serve as chair.

(b) The director of the Office of Planning and Budgeting of the Executive Office of the Governor.

(c) The Secretary of the Department of Management Services.

(d) The Director of Economic and Demographic Research.

(e) The Director of the Office of Program Policy Analysis and Government Accountability.

(f) The President of the Florida League of Cities.

(g) The President for the Florida Association of Counties.

(h) The President of the Florida School Board Association.

(i) Five additional university president members, designated by the Chancellor, to rotate annually.

(3) The board shall prepare a report for the Board of Regents to be submitted to the Governor and the Legislature by January 1 of each year which summarizes the work and recommendations of the board in meeting its purpose and mission.

Section 3. *For the 1998-1999 fiscal year, a recurring sum of $450,000 is appropriated from the General Revenue Fund to the Leadership Board for Applied Research and Public Service.*

Section 4. *For the 1998-1999 fiscal year, $200,000 is appropriated from the General Revenue Fund to the State Agency Dispute Resolution Demonstration Project at Florida State University.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 9, after the semicolon (;) insert: creating the Leadership Board for Applied Research and Public Service; providing for its membership and duties; providing an appropriation for the board; providing an appropriation for the State Agency Dispute Resolution Demonstration Project;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 159** as amended was placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Diaz-Balart, the rules were waived and—

CS for SB 228—A bill to be entitled An act relating to cleft-lip and cleft-palate treatment; creating s. 627.64193, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66911, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; amending s. 641.31, F.S.; providing for cleft-lip and cleft-palate treatment for children by health maintenance organizations; providing a legislative determination of an important state interest; providing applicability; providing an effective date.

—was recalled from Engrossing.

On motion by Senator Diaz-Balart, the Senate reconsidered the vote by which **Amendment 1** was adopted.

On motion by Senator Diaz-Balart, further consideration of **CS for SB 228** with pending **Amendment 1** was deferred.

MOTION

On motion by Senator Diaz-Balart, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 23.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following Special and Continuing Order Calendar for Wednesday, April 22 and Thursday, April 23, 1998: CS for SB 1258, CS for CS for SB 1660, CS for CS for SB 208, CS for SB 390, CS for SB 726, SB 2242, SB 2222, CS for CS for SB 1044, CS for SB 248, CS for SB 544, CS for CS for SB 646, SB 756, CS for CS for SB 294, CS for SB 2474, CS for SB 1872, CS for SB 1466, SB 2504, CS for CS for SB 1024, SB 2534, CS for SB 2000, CS for SB 1960, SB 316, SB 1730, CS for SB 1192, CS for SB 1460, SB 2316, CS for SB 368, CS for SB 266, CS for SB 1540, CS for SB 1440, CS for SB 1908, CS for SB 2110, CS for SB 1230, CS for SB 2086, CS for SB 86, SB 282, CS for SB 720, CS for SB 840, CS for SB 506, CS for SB 1294, CS for CS for CS for SB 1432, SB 2478, CS for CS for SB 2288, CS for SB 1160, CS for SB 1626, CS for SB 1684, CS for SB 1722, SB 1976, CS for SB 1452, CS for SB 1736, SB 1306, CS for CS for SB 502, CS for SB 2324, CS for SB 2128, CS for SB 2092, SB 400, CS for SB 2346, CS for SB 1752, SB 854, CS for SB 514, CS for SB 152, SB 978, CS for SB 926, CS for SB 2076, SB 1738, CS for SB 2004, CS for SB 932, SB 1404, CS for SB 1430, CS for SB 1256, CS for SB 1506, CS for SB 1624, HB 3509

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Ways and Means recommends the following pass: SB 936 with 1 amendment

The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Judiciary recommends the following pass: SB 2016 with 1 amendment

The Committee on Ways and Means recommends the following pass: SB 470 with 2 amendments, CS for CS for SB's 1190 and 868, SB 2332 with 1 amendment, SB 2370, SB 2372, SB 2374, SB 2376, SB 2378, SB 2380, SB 2382, SB 2384, SB 2386, SB 2388, SB 2390, SB 2392, SB 2394, SB 2396, SB 2398, SB 2400, SB 2402, SB 2404, SB 2406 with 1 amendment, SB 2408, SB 2410, SB 2412, SB 2414, SB 2416, SB 2418, SB 2420, SB 2422 with 1 amendment, SB 2424 with 1 amendment, SB 2426, SB 2428, SB 2430, SB 2432, SB 2434, SB 2436, SB 2438, SB 2440, SB 2442, SB 2444, SB 2446, SB 2448, SB 2450, SB 2452, SB 2456, SB 2458, SB 2460, SB 2462, SB 2464, SB 2466, SB 2490, SB 2492, SB 2494, SB 2496, SB 2498, SB 2506, SB 2508, SB 2510, SB 2512, SB 2514, SB 2516, SB 2518, SB 2520

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2008

The bill with committee substitute attached was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1740

The Committee on Ways and Means recommends a committee substitute for the following: SB 1608

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Natural Resources recommends a committee substitute for the following: Senate Bills 2024 and 2648

The bills with committee substitute attached were referred to the Committee on Community Affairs under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1556

The Committee on Education recommends committee substitutes for the following: SB 1852, SB 2214

The Committee on Health Care recommends a committee substitute for the following: SB 1170

The Committee on Natural Resources recommends a committee substitute for the following: SB 1396

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2230

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2180

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1382, SB 2274

The bills with committee substitutes attached were referred to the Committee on Transportation under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 1594

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 2336

The Committee on Criminal Justice recommends committee substitutes for the following: SB 702, SB 1122, SB 1216

The Committee on Education recommends committee substitutes for the following: SB 1374, SB 1536, SB 1854

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: CS for SB 1604

The Committee on Regulated Industries recommends a committee substitute for the following: SB 440

The Committee on Transportation recommends a committee substitute for the following: Senate Bills 1492 and 1242

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1064

The Committee on Natural Resources recommends a committee substitute for the following: SB 1338

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1558

The Committee on Transportation recommends committee substitutes for the following: CS for CS for SB 92, CS for SB 604, CS for SB 1366

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 1554, SB 1686, SB 1688, SB 1690, SB 1692, SB 1694, SB 1696

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Campbell—

SB 2702—A bill to be entitled An act relating to the West Parkland Water Management District, Broward County; repealing chapter 75-353, Laws of Florida, which creates the West Parkland Water Management District, to abolish the West Parkland Water Management District; transferring all obligations and assets to the City of Parkland; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2704—A bill to be entitled An act relating to Collier County; providing for a three-member district board for the Big Corkscrew Island Fire Control and Rescue District, an independent special fire control district and a political subdivision of the State of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 2706—A bill to be entitled An act relating to Central County Water Control District in Hendry County; amending chapter 70-702, Laws of Florida, as amended; requiring that two of the five supervisors of the district be elected by a vote of qualified electors residing in the district and establishing qualifications and procedures therefor; changing the annual meeting date; requiring payment of special assessments as a condition for voting at an annual meeting; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2708—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; codifying the district's charter, chapter 67-904, Laws of Florida, as amended; providing that South Broward Drainage District is an independent special district; providing that all officers and employees of the district on the effective date of this act shall continue to hold their respective offices until their successors are elected or appointed; changing name of district manager to district director; revising obsolete agency and department references; providing for the district's plan for the drainage and reclamation of lands within the district to remain in full force and effect; deleting interest rate provisions which conflict with section 31 of district's charter; deleting provision authorizing assessment of a tax on lands within the district which belong to the county, school district, or other political subdivisions; providing for deletion of obsolete or no longer required proceedings; revising inconsistent provisions; adding a brief description of sections of district charter which are not described; repealing all prior special acts of the Legislature relating to the South Broward Drainage District except as stated; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2710—A bill to be entitled An act relating to Tindall Hammock Irrigation and Soil Conservation District, Broward County; codifying the district's charter, chapter 27428, Laws of Florida, 1951, as amended; providing a provision that the district is an independent special district; providing for the appointment of the board of supervisors; providing for correction of scrivener's errors; revising obsolete constitution and statute references; revising obsolete roadway and agency references; providing that all rights, title, and ownership of property owned by the district will continue to be owned by the district and that all obligations, contracts, rules, resolutions, and regulations of the district will continue in effect and be valid as to the district; repealing all prior special acts of the Legislature relating to the Tindall Hammock Irrigation and Soil Conservation District; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Jones—

SB 2712—A bill to be entitled An act relating to Monroe County; amending ch. 97-345, Laws of Florida; correcting a scrivener's error; repealing ch. 89-410, Laws of Florida, and ch. 89-461, Laws of Florida, relating to the classified service of the sheriff's office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 2714—A bill to be entitled An act relating to the Bonita Springs Fire Control and Rescue District, Lee County; providing for a codification of special laws relating to the Bonita Springs Fire Control and Rescue District pursuant to s. 191.015, F.S.; providing legislative intent; codifying reenacting and amending all prior special acts; creating and establishing a fire control and rescue district in said county and fixing the boundaries of district; providing for a governing body; prescribing the powers of the board; authorizing the board to establish and maintain emergency medical services and equipment; authorizes the board to make rules and regulations; providing procedure for adopting a budget, giving the board the power to tax; providing procedure for assessing and collecting taxes; limiting tax collector's responsibility; providing for payment of expenses; requiring the treasurer to post a bond; providing that such act shall be construed liberally; providing for severability; providing for the repeal of chapters 65-1828, 68-90, 69-1242, 81-414, 96-500, and 96-545, Laws of Florida, and section 6 of 87-447, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2716—Not referenced.

By Senator Williams—

SB 2718—A bill to be entitled An act relating to the Town of Horseshoe Beach, Dixie County; authorizing unrestricted use of fuel taxes under certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Transportation; and Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Transportation; Governmental Reform and Oversight; Judiciary; and Senators Grant, Casas, Bronson and Kirkpatrick—

CS for CS for CS for SB 92—A bill to be entitled An act relating to public works; amending s. 73.0511, F.S.; providing for dispute resolution before the initiation of an eminent domain proceeding; providing for prelitigation notice by the condemning authority to fee owners and business owners; providing requirements with respect to written offers; providing for requests for business information; providing for exchange of appraisals and other documents; providing for letters of initial concern; providing for conferences between the parties; providing for disclosure of business records; providing for offers of business damages and counteroffers; providing for negotiations, mediation, and settlement; requiring the use of certified mail for delivery of certain documents; providing for notice in certain inverse condemnation proceedings; allowing modification of certain provisions by mutual agreement; amending s. 73.071, F.S.; revising provisions with respect to compensation that may be awarded by determination of a jury; revising circumstances under which compensation may be paid for damage to a business; allowing evidence of ability to mitigate damages; amending s. 73.092, F.S.; revising attorney's fees; amending s. 337.25, F.S., relating to the acquisition, lease, and disposal of real and personal property; conforming cross-references to changes made by the act; providing a statement of important state interest; repealing s. 337.27(2), s. 348.0008(2), s. 348.759(2), s. 348.957(2), s. 337.271, F.S., relating to the power of certain condemning authorities to acquire whole parcels of property; requiring that the Department of Transportation report to the Governor and the Legislature on the cost and effectiveness of certain provisions of the act; creating a working group to study the feasibility of establishing certain business assistance programs; providing for membership of the working group; requiring a report to the Governor and the Legislature; amending ss. 215.20, 215.22, F.S.; exempting certain proceeds of the county fuel tax and the Local Option Fuel Tax Trust Fund from the service charge paid into the General Revenue Fund; providing a schedule for implementing the exemption; amending s. 253.82, F.S.; providing for all transportation easements acquired under the Murphy Act to be conveyed to the Department of Transportation or the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing transportation reservations acquired under the Murphy Act; setting requirements for the review process; providing for compensation of certain property owners when the reservation denies current economic use of the property; providing for mediation or arbitration; amending ss. 712.04, 712.05, F.S.; providing for the release of certain easements held by governmental entities; providing for preservation of certain road easement reservations pursuant to a road project scheduled to begin within a specified period; amending s. 479.15, F.S.; providing for relocation of lawful nonconforming signs; amending s. 337.19, F.S.; authorizing suits to be brought against the department for the breach of an expressed provision or an implied covenant; providing that liability may not be based on an oral modification of the written contract; providing effective dates.

By the Committee on Regulated Industries—

CS for SB 440—A bill to be entitled An act relating to pari-mutuel wagering; reviving and reenacting s. 550.09515, F.S., relating to thoroughbred horse taxes; reviving and reenacting s. 550.2625, F.S., relating to thoroughbred horse purses; amending s. 550.615, F.S.; providing that certain permitholders are required or authorized to make broadcast signals available to other permitholders; amending s. 26 of chapter 96-364, Laws of Florida, abrogating the expiration of certain amendments to ss. 550.09515, 550.2625, F.S.; providing an effective date.

By the Committees on Transportation, Criminal Justice and Senators Lee and Forman—

CS for CS for SB 604—A bill to be entitled An act relating to the operation of vehicles or vessels while under the influence; amending s. 316.193; providing for impoundment or immobilization of a vehicle; providing circumstances for dismissal of the impoundment or immobilization order; amending s. 327.35, F.S.; providing for impoundment or immobilization of a vessel; providing circumstances for dismissal of a court's impoundment or immobilization order; providing an effective date.

By the Committee on Criminal Justice and Senators Grant, Casas, Latvala and Lee—

CS for SB 702—A bill to be entitled An act relating to elections; providing a short title; providing a statement of legislative intent; amending s. 104.271, F.S.; expanding applicability of the prohibition against making false or malicious charges against, or false statements about, candidates; eliminating the requirement of actual malice in the prohibition against making false statements about candidates and providing for personal liability with respect thereto; clarifying and providing penalties; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Campbell—

CS for SB 1064—A bill to be entitled An act relating to persons not legally authorized for employment; amending s. 287.012, F.S.; providing that, to be a "qualified bidder" with respect to providing personal property or services, a person must comply with any contract conditions prohibiting the employment of persons not legally authorized for such employment; amending s. 287.057, F.S.; requiring that invitations to bid, requests for proposal, and contracts shall contain notice specifying that contracts with a contractor who knowingly employs persons not legally authorized for such employment shall be subject to cancellation; providing the process for such cancellation; providing an effective date.

By the Committee on Criminal Justice and Senators Forman and Campbell—

CS for SB 1122—A bill to be entitled An act relating to child care facilities; creating the "Jeremy Fiedelholtz Safe Day Care Act"; amending s. 402.319, F.S.; providing a penalty for making misrepresentations to certain persons regarding licensure or operation of a child care facility or family day care home; providing a penalty for culpable negligence or intentional act and the parent or guardian relied on a misrepresentation; amending s. 921.0022, F.S.; providing for ranking of violation on the offense severity ranking chart; providing an effective date.

By the Committee on Health Care and Senator Myers—

CS for SB 1170—A bill to be entitled An act relating to public hospital meetings and records; amending s. 395.3035, F.S.; defining "strategic plan" for purposes of provisions that provide for the confidentiality of such plans and of meetings relating thereto; providing an exemption from open meetings requirements for meetings at which such plans are modified or approved by the hospital's governing board; providing for public meeting and notice regarding strategic plans; providing for future review and repeal; authorizing the governing board of a public hospital to study issues relating to reduction or termination of a health service; requiring a public meeting for presentation of proposals; providing for public comment; restricting governing board adoption to proposals pres-

ented; providing conditions for the early release of transcripts of meetings at which such plans are discussed; prohibiting public hospitals from taking certain specified actions at closed meetings; requiring a public meeting prior to implementation of a strategic plan; requiring notice and access to certain materials upon request; providing a finding of public necessity; providing an effective date.

By the Committee on Criminal Justice and Senator Crist—

CS for SB 1216—A bill to be entitled An act relating to corrections; amending s. 945.485, F.S., relating to subsistence fees with respect to prisoners; requiring a state correctional facility, or the Department of Corrections acting in its behalf, to seek reimbursement for costs of incarceration for a prisoner, including certain medical and dental expenses, which have not been reimbursed as otherwise provided by law; specifying order of sources of reimbursement; providing for deduction of the costs from the prisoner's cash account, placement of a lien against the account or the prisoner's other personal property, or reimbursement from the proceeds of the prisoner's insurance policy, health care corporation proceeds, or other source; providing that the lien may be carried over to future incarceration under certain circumstances; requiring the prisoner to cooperate with such reimbursement efforts; providing for sanctions in case of willful refusal to cooperate, including placement of a lien against the prisoner's cash account or other personal property and ineligibility to receive incentive gain-time; clarifying that the department is responsible for reimbursement efforts at the private correctional facilities; creating a task force within the Department of Corrections to investigate and analyze strategies to use in seeking reimbursement for inmate health care costs incurred during incarceration; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1338—A bill to be entitled An act relating to a special election to be held on September 1, 1998, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution amending Section 11 of Article VII of the State Constitution, which authorizes the issuance of state bonds to finance or refinance conservation, outdoor recreation, and water resource development projects; providing an effective date.

By the Committees on Transportation; Commerce and Economic Opportunities; and Senator Klein—

CS for CS for SB 1366—A bill to be entitled An act relating to motor vehicles; amending s. 521.004, F.S.; modifying the disclosure form for a motor vehicle lease; amending s. 681.102, F.S.; modifying definitions applicable to motor vehicle sales warranties; providing an effective date.

By the Committee on Education and Senator Campbell—

CS for SB 1374—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Goals Act"; providing intent; providing goals relating to class size in certain grade levels; providing for funding; providing for review of statutory mandates; requiring annual reports and a study based on class size reductions; amending s. 233.0612, F.S.; encouraging school boards to install character-development programs in elementary schools; providing an effective date.

By the Committee on Criminal Justice and Senator Forman—

CS for SB 1382—A bill to be entitled An act relating to the operation of vehicles or vessels while under the influence; amending s. 316.193; providing for impoundment or immobilization of a vehicle; providing circumstances for dismissal of the impoundment or immobilization order; amending s. 327.35, F.S.; providing for impoundment or immobilization of a vessel; providing circumstances for dismissal of a court's impoundment or immobilization order; providing an effective date.

By the Committee on Natural Resources and Senators Sullivan, Crist, Lee, Diaz-Balart, Williams, Holzendorf, Kirkpatrick, Bronson, Brown-Waite, Forman, Harris, Ostalkiewicz, Klein, Thomas, McKay, Grant, Clary and Myers—

CS for SB 1396—A bill to be entitled An act relating to greenways and trails; providing purposes; amending s. 110.501, F.S.; revising the definition of "volunteer" to include persons who consent to certain use of real property; amending s. 260.012, F.S.; revising declaration of policy and legislative intent relating to the "Florida Greenways and Trails Act"; creating s. 260.0125, F.S.; providing rights and benefits of landowners whose lands are designated as greenways or trails; requiring the Department of Environmental Protection to post certain notices of trespass; providing for penalties; amending s. 260.013, F.S.; revising definitions; amending s. 260.014, F.S.; requiring the landowner's specific written consent for designation of lands as a part of the statewide system of greenways and trails; amending ss. 260.0141 and 260.018, F.S.; restricting certain construction or use of planning materials; amending s. 260.016, F.S., relating to powers of the department; providing for rules; providing penalties; providing for fees; providing for a process for designation of lands as a part of the state system of greenways and trails; authorizing negotiations with private landowners; authorizing incentives for certain landowners; directing the Department of Environmental Protection to erect a suitable memorial to Marjorie Harris Carr on the Cross Florida Greenways State Recreation Area; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisals provided by a public agency or nonprofit organization; amending s. 259.101, F.S.; revising the date that certain unencumbered funds in the Preservation 2000 Trust Fund will be redistributed; providing for the sale of specified lands by the Board of Trustees of the Internal Improvement Trust Fund; providing for the deposit of funds from the sale; providing an effective date.

By the Committee on Transportation and Senators Hargrett and Forman—

CS for SB's 1492 and 1242—A bill to be entitled An act relating to the transportation disadvantaged; creating s. 186.024, F.S.; requiring agencies to develop a joint strategic plan for providing services to the transportation disadvantaged; amending s. 427.011, F.S.; revising definitions; amending s. 427.012, F.S.; revising the membership of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising the purpose and responsibilities of the commission; creating s. 427.0133, F.S.; establishing functions and responsibilities of the Department of Transportation relating to the transportation disadvantaged; amending s. 427.0135, F.S.; revising the duties and responsibilities of agencies that purchase transportation disadvantaged services; amending s. 427.015, F.S.; revising the function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged; amending s. 427.0155, F.S.; revising the powers and duties of community transportation coordinators; creating s. 427.0156, F.S.; providing for the membership and organization of local coordinating boards; amending s. 427.0157, F.S.; revising the powers and duties of local coordinating boards; amending s. 427.0159, F.S.; revising provisions with respect to the Transportation Disadvantaged Trust Fund; amending s. 427.016, F.S.; revising provisions with regard to the expenditure of funds for the transportation disadvantaged; conforming provisions; providing an effective date.

By the Committee on Education and Senator Turner—

CS for SB 1536—A bill to be entitled An act relating to high school graduation requirements; providing mathematics, science, and language requirements for the college-ready diploma; providing a minimum grade-point average; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senators Williams and Kirkpatrick—

CS for CS for SB 1554—A bill to be entitled An act relating to air pollution control revenues; amending s. 215.22, F.S.; exempting the Air

Pollution Control Trust Fund from a surcharge; amending s. 403.0872, F.S.; providing for adjustments in the major stationary source annual air-operation permit license fees; deleting obsolete provisions relating to a study that was conducted; changing the date for an audit of the major stationary source air-operation permit program; providing for continued funding of certain activities; providing an effective date.

By the Committee on Criminal Justice and Senator Williams—

CS for SB 1556—A bill to be entitled An act relating to access to records and personal information by inmates and other offenders under correctional supervision; amending s. 945.10, F.S., relating to confidential information and other information available to inmates and offenders in the correctional system or under supervision; defining terms; prohibiting certain disclosure or use of certain "personal information about another person," as defined, by an inmate or offender with intent to obtain a benefit from, harass, harm, or defraud such person; providing penalties; providing that an inmate or offender convicted of such offense is prohibited from subsequent participation in correctional work programs or other programs; providing that an inmate or offender convicted of such offense is subject to forfeiture of gain-time; providing for adoption of rules by the department; providing an effective date.

By the Committee on Regulated Industries and Senator Rossin—

CS for SB 1558—A bill to be entitled An act relating to temporary licenses and permits under the Beverage Law; amending ss. 561.331, 561.181, F.S.; declaring that a temporary license under the Beverage Law is a distinct and separate classification; providing for limited validity; providing that, when a temporary license expires for specified reasons, the license not be continued or extended; revising conditions for validity of temporary licenses; amending s. 561.422, F.S.; providing an exception for a municipality or county with respect to limitations on temporary permits; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Regulated Industries; and Senator Klein—

CS for CS for SB 1594—A bill to be entitled An act relating to telephonic solicitations; amending s. 501.059, F.S.; providing legislative intent; revising provisions relating to telephonic solicitations; revising definitions; revising procedures for limiting or prohibiting telephonic solicitations; revising certain fees; providing for an affirmative defense; revising requirements regulating telephonic solicitations; requiring the Department of Agriculture and Consumer Services to provide certain notice of violations; providing for legislative review of certain fees; providing an effective date.

By the Committees on Governmental Reform and Oversight; Judiciary; and Senator Harris—

CS for CS for SB 1604—A bill to be entitled An act relating to public access; creating the "Clerks of the Circuit Court Public Records Access Act"; requiring the clerks of the circuit court to make public records information available on the Internet by January 1, 2001; providing for security; providing a declaration of important state purpose; amending s. 318.18, F.S.; providing a funding source; providing an effective date.

By the Committee on Ways and Means; and Senator Harris—

CS for SB 1608—A bill to be entitled An act relating to credits against taxes; amending s. 220.02, F.S.; providing the order of credits against the corporate income tax or franchise tax; amending s. 220.03, F.S.; amending the definition of the term "child care facility startup costs" and defining the term "operation of a child care facility"; amending s. 220.12, F.S.; revising the definition of a taxpayer's net income for corporate income tax purposes to delete the deduction of child care facility startup costs; creating s. 220.19, F.S.; authorizing a credit against the corporate income tax for child care facility startup costs and operation, and for payment of an employee's child care costs; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; defining the term "corporation"; creating s. 624.5107, F.S.; authorizing a credit against insurance premium taxes for child care facility startup costs and operation and for payment of an employee's child care costs; providing definitions; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 1686—A bill to be entitled An act relating to ad valorem taxation (RAB); amending s. 193.075, F.S.; providing for certain recreation vehicle-type units to be considered mobile homes for purposes of ad valorem taxation; amending s. 197.162, F.S.; providing for discounts on early tax payments; amending s. 197.182, F.S.; providing for automatic refunds of overpayments of tax greater than $5; amending s. 197.243, F.S.; redefining the term "household" to exclude boarders and renters; amending s. 197.252, F.S.; providing a formula for estimating household income; amending s. 197.253, F.S.; providing for notification by the property appraiser concerning homestead status; amending s. 197.332, F.S.; providing for collection of penalties, interest, and costs for delinquent taxes; amending s. 197.344, F.S.; providing for tax notices for lienholders, trustees, and vendees; amending s. 197.413, F.S.; providing for advertising costs to be added to delinquent taxes at the time of advertising; amending s. 197.432, F.S.; prescribing conditions for bidding on tax certificates; amending s. 197.443, F.S.; providing for recouping costs of advertising void tax certificates; providing for cancellation of tax certificates at the request of the owner; amending s. 197.542, F.S.; authorizing the clerk to refuse certain bids for lands sold at public auction; creating s. 197.4325, F.S.; providing a procedure for handling bad checks received for payment of taxes or tax certificates; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 1688—A bill to be entitled An act relating to taxation (RAB); amending s. 212.02, F.S.; redefining the term "retail sales" to revise standards for the exclusion of packaging materials; redefining the term "sales price" to exclude certain federal tax; redefining the term "use" to exclude the loan of an automobile for use by a driver education program; amending s. 212.03, F.S.; revising provisions for eligibility for the exemption provided for rental in trailer parks and similar facilities; amending s. 212.031, F.S.; providing partial exemption for rentals of certain property used as residential facilities for the aged; exempting utility charges paid by a tenant in specified circumstances; providing taxability of charges for canceling or terminating a lease; amending s. 212.04, F.S.; providing standards for determining taxability of components of packages sold by travel agents; exempting fees for entering sporting events from the admissions tax when spectators at such events are charged the tax; amending s. 212.05, F.S.; prescribing the entities that are considered selling dealers for purposes of the sales, storage, and use tax on aircraft and boats; providing for return of aircraft to the state without incurring tax liability in certain circumstances; providing taxability for property originally exempt which is converted to the owner's use; providing guidelines for taxability of lease or rental of motor vehicles; providing taxability of sales of newspapers; providing guidelines for taxability of newspaper and magazine inserts; providing taxability of certain sales by florists; providing for calculating tax on prizes distributed by concessionaires; amending s. 212.06, F.S.; providing taxability of newspapers, magazines, and periodicals used by the publisher thereof; amending s. 212.18, F.S.; providing for rules relating to registration of vending machines and newspaper rack machines; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 1690—A bill to be entitled An act relating to taxes on sales, use, and other transactions (RAB); amending s. 212.0506, F.S.; revising

guidelines for tax liability of service warranties; amending s. 212.0515, F.S.; providing tax liability for sales of nonfood items from vending machines; revising eligibility for rewards; amending s. 212.054, F.S.; revising guidelines for determination of exemption from partial sales surtaxes; amending s. 212.0598, F.S.; revising provisions relating to determination of air carriers' tax liability; amending s. 212.06, F.S.; revising guidelines for determining tax liability of certain personal property; providing a presumption with respect to tax liability for sales of motor vehicles; providing for a use tax on certain aircraft; defining the terms "real property," "fixtures," and "improvements to real property," for purposes of determining when a person is improving real property; providing guidelines for determining tax liability on rock, shell, fill dirt, and similar materials; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 1692—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.02, F.S.; defining the terms "itinerant merchant," "flea market operator, manager, lessor, or owner," "agricultural commodity," "farmer," and "livestock"; amending s. 212.07, F.S.; prescribing dealer liability for certain tax; prescribing tax liability for sales of race horses in claiming races; amending s. 212.08, F.S.; exempting certain sales of racing dogs; disallowing a sales tax exemption for purchases made by an employee of an exempt organization when such payment is made by the employee; amending s. 212.09, F.S.; revising provisions regulating credits for trade-ins; amending s. 212.17, F.S.; providing for reimbursement of certain taxes paid by dealers; amending s. 212.18, F.S.; prescribing procedures for remittance of tax on sales at flea markets; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 1694—A bill to be entitled An act relating to taxation (RAB); amending s. 212.08, F.S., relating to the tax on sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; exempting additional medical supplies and equipment; defining the term "prescriptions"; revising the exemption for school books and school lunches; providing exemptions with respect to parent-teacher organizations and associations, to schools with grades K through 12, to mobile home lot improvements, and to sales of certain personal property supported through the Veterans Administration; providing a partial exemption for certain commercial fishing vessels; providing guidelines for determining applicability of sales surtaxes to certain transactions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining the taxability of specific products; providing membership requirements; amending s. 213.22, F.S.; providing for the issuance of technical assistance advisements; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 1696—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.08, F.S.; revising eligibility standards for the partial exemption for farm equipment; providing additional uses to which equipment may be put and be eligible for the exemption; revising exemption standards for water; exempting disinfectants, pesticides, weed killers, certain seeds, cuttings, seedlings, plants, and specified packaging items in agricultural use; exempting paint color cards and other color samples available at no charge; providing guidelines for determining applicability of exemption for sales to a governmental entity to sales of tangible personal property to contractors for incorporation into public works; providing guidelines for determining applicability of sales surtaxes to certain transactions; authorizing aircraft to be returned to the state under specified circumstances without incurring tax liability; providing an effective date.

By the Committee on Community Affairs and Senator Meadows—

CS for SB 1740—A bill to be entitled An act relating to local government; creating ss. 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526, F.S., the Urban Infill and Redevelopment Act; providing legislative findings; providing definitions; authorizing counties and municipalities to designate urban infill and redevelopment areas based on specified criteria; requiring preparation of a plan or designation of an existing plan and providing requirements with respect thereto; requiring a public hearing; providing for amendment of the local comprehensive plan; providing that counties and municipalities that have adopted such plan may issue revenue bonds and employ tax increment financing under the Community Redevelopment Act and exercise powers granted to community redevelopment neighborhood improvement districts; requiring a report by certain state agencies; providing a program for grants to counties and municipalities with urban infill and redevelopment areas; providing for review and evaluation of the act and requiring a report; amending s. 163.3180, F.S.; authorizing exemptions from the transportation facilities concurrency requirement for developments located in an urban infill and redevelopment area; amending s. 163.3187, F.S.; providing that comprehensive plan amendments to designate such areas are not subject to statutory limits on the frequency of plan amendments; including such areas within certain limitations relating to small scale development amendments; amending s. 187.201, F.S.; including policies relating to urban policy in the State Comprehensive Plan; amending s. 380.06, F.S., relating to developments of regional impact; increasing certain numerical standards for determining a substantial deviation for projects located in certain urban infill and redevelopment areas; amending s. 163.375, F.S.; authorizing acquisition by eminent domain of property in unincorporated enclaves surrounded by a community redevelopment area when necessary to accomplish a community development plan; amending s. 171.0413, F.S., relating to municipal annexation procedures; deleting a requirement that a separate referendum be held in the annexing municipality when the annexation exceeds a certain size; providing procedures by which a county or combination of counties and the municipalities therein may develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services; providing for initiation of the process by resolution; providing requirements for the plan; requiring approval by the local governments' governing bodies and by referendum; authorizing municipal annexation through such plan; amending s. 166.251, F.S.; revising provisions with respect to service fees for dishonored checks; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

CS for SB 1852—A bill to be entitled An act relating to student grants; amending s. 216.136, F.S.; providing duties of the Education Estimating Conference; amending s. 240.409, F.S.; authorizing eligibility determination and grant distribution for the Florida Public Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4095, F.S.; authorizing eligibility determination and grant distribution for the Florida Private Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4097, F.S.; authorizing eligibility determination and grant distribution for the Florida Postsecondary Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

CS for SB 1854—A bill to be entitled An act relating to the State University System; amending s. 240.235, F.S.; authorizing each university president to submit a plan to the Board of Regents to increase matriculation and tuition fees for specified professional programs; providing a limit on such increase; specifying certain contents of plans; providing for the retention of revenue; amending s. 240.4042, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Criminal Justice and Senator Lee—

CS for SB 2008—A bill to be entitled An act relating to delinquent acts or criminal offenses committed by juveniles; amending s. 90.610, F.S., relating to conviction of certain crimes as impeachment; providing that certain adjudications of delinquency are admissible into evidence for impeachment purposes; amending s. 921.0011, F.S; redefining the term "prior record" with respect to specified provisions relating to sentencing; providing for scoring as adult offenses an offender's prior juvenile offenses that would be crimes if committed by an adult; providing for a withholding of an adjudication of delinquency or an adjudication of guilt to be considered a conviction for certain purposes relating to sentencing; providing for expiration; amending s. 921.0021, F.S.; redefining the term "prior record" with respect to specified provisions relating to sentencing; providing for scoring as adult offenses an offender's prior juvenile offenses that would be crimes if committed by an adult; amending s. 943.0515, F.S., relating to retention of criminal history records of minors; providing for an offender's criminal history record of forcible or nonforcible felonies charged as an adult to be merged and retained as a part of the person's adult criminal history record, under specified circumstances; amending s. 985.03, F.S.; defining "violation of supervision" with respect to specified provisions relating to delinquency; amending s. 985.04, F.S., relating to oaths, records, and confidential information; providing for public disclosure of all of a juvenile's prior history of acts that would be crimes if committed by an adult, and of orders of disposition for such acts; providing for a withholding of an adjudication of delinquency or an adjudication of guilt to be considered a conviction for certain purposes relating to disclosure of the records; reenacting s. 985.31(4)(k), F.S., relating to serious or habitual juvenile offenders, to incorporate said amendment in a reference; amending s. 985.05, F.S., relating to court records; providing for nonapplicability of certain recordkeeping requirements to nonconfidential juvenile history records; providing for admissibility in other civil or criminal proceedings of certain court records of juvenile proceedings; providing for merger of a defendant's record of prior delinquent acts with the defendant's adult record, under specified circumstances; amending s. 985.211, F.S., relating to release or delivery from custody; providing for reference to violation of supervision in certain written reports or probable cause affidavits; amending s. 985.21, F.S., relating to intake and case management; providing that the state attorney may take certain actions unless otherwise required by law; amending s. 985.213, F.S., relating to use of detention; conforming references; reenacting s. 985.208(1), relating to detention of furloughed child or escapee on authority of the department, and s. 985.219(5), relating to process and service, to incorporate said amendment in references; amending s. 985.219, F.S.; providing a civil penalty for any parent, legal guardian, or adult relative who fails to produce a child for a court appearance; repealing s. 985.218(6), F.S., relating to petitions for delinquency; removing provisions requiring the dismissal of a petition with prejudice when the adjudicatory hearing is not commenced within 90 days; removing provisions authorizing the court to extend the 90-day period; amending s. 985.226, F.S., relating to criteria for discretionary waiver and mandatory waiver of juvenile court jurisdiction; providing for the state attorney to file a motion requesting the court to transfer a child of at least 14 years of age for criminal prosecution, under specified circumstances; providing for exceptions; amending s. 985.227, F.S., relating to discretionary direct-file criteria and mandatory direct-file criteria; permitting the filing of an information when a child was 14 or 15 years of age at the time the child attempted to commit any one of specified offenses; requiring the state attorney to file an information for certain illegal acts when the child committing the act is at least 16 years of age and has a specified history of delinquent acts; revising duties of the court and guidelines for transfer of cases pertaining to the child when a child is transferred for adult prosecution; removing a requirement for annual updating by the state attorney of direct-file policies and guidelines; providing that the information filed pursuant to specified provisions may include all charges that are based on the same act, criminal episode, or transaction as the primary offense; amending s. 985.228, F.S., relating to adjudicatory hearings, to conform an exception to the construction of "conviction"; amending s. 985.231, F.S.; revising powers of disposition in delinquency cases; conforming references; providing for exceptions to conform to changes made by the act; amending s. 985.233, F.S., relating to sentencing powers, procedures, and dispositional alternatives for juveniles prosecuted as adults; revising sentencing alternatives in cases when a child is prosecuted on indictment and other cases; providing that a court may withhold adjudication of guilt and place the child on probation or community control to be supervised by the Department of Corrections, under specified circumstances; providing for completion of a commitment program recommended by the Department of Juvenile Justice as a special condition of the probation or community control; authorizing a judge in adult court to access the juvenile commitment programs for sentencing purposes; providing that the juvenile would not be required to pay supervision costs to the Department of Corrections while participating in a Department of Juvenile Justice commitment program; prohibiting imposition of juvenile sanctions when the state attorney's motion to transfer and certify the child for prosecution as an adult is granted under specified provisions; revising guidelines for sentencing to juvenile sanctions; removing a requirement that the court stay adjudication of guilt when the child is sentenced to juvenile sanctions under specified provisions; removing provisions that the adjudication of delinquency shall not be deemed to be a conviction or operate to impose civil disabilities resulting from a conviction; removing a prohibition against the imposition of a combination of juvenile and adult sanctions; reenacting s. 985.225(3) and (4), relating to indictment of a juvenile, and s. 985.31(3)(k), relating to serious or habitual juvenile offenders, to incorporate said amendment in references; amending s. 985.309, F.S., relating to criteria for placement of a child in a boot camp program; providing for boot camp placement of a child at least 14 years of age who has not entered a plea of guilty or nolo contendere to, or been adjudicated of, a capital felony, life felony, or violent felony of the first degree; providing for early-intervention boot camp placement of a child at least 12 years of age under specified circumstances; providing for certain minimum periods of participation in aftercare; authorizing operation of an early-intervention boot camp program by the Department of Juvenile Justice, or a county or municipality; providing purpose of program; providing criteria for disqualification from participation in the early-intervention boot camp program; reenacting s. 985.231(1)(j), relating to powers of disposition in delinquency cases, s. 985.31(3)(i), relating to serious or habitual juvenile offenders, s. 985.311(3)(i), relating to intensive residential treatment programs for offenders less than 13 years of age, and s. 985.314(1)(a), relating to commitment programs for juvenile felony offenders, to incorporate said amendment in references; amending s. 985.404, F.S., relating to administration of the juvenile justice continuum; specifying factors to be considered in the report ranking commitment programs; amending s. 984.307, F.S.; postponing the date on which the authority of the Department of Juvenile Justice to create or operate juvenile assignment centers is scheduled to expire; providing an effective date.

By the Committee on Natural Resources and Senators Latvala and Laurent—

CS for SB's 2024 and 2648—A bill to be entitled An act relating to the Florida Forever Program; creating s. 259.202, F.S.; providing for the Florida Forever Program Act; providing legislative findings and intent relating to the acquisition of lands for conservation, ecosystem restoration, recreation, water resource and water supply development, and urban green space and recreational opportunities; providing a process for surplusing Florida Forever lands; authorizing the sale of up to $3 billion in bonds to implement the Florida Forever Program; providing for alternatives to fee simple acquisitions, providing a limitation on such acquisitions; providing a funding mechanism for the State Lands Management Trust Fund, which is to be created by general law; providing for the continuation of existing debt service payments for prior bond issues; providing uses for the State Lands Management Trust Fund; creating the Preservation 2000 Program Review Study Commission; providing for membership of the commission and its duties; requiring a report; providing an appropriation; amending s. 259.032, F.S.; revising eligibility requirements for payments in lieu of taxes; providing for payments in lieu of taxes to school boards, as well as to Glades County to compensate the county for its tax loss due to the opening of a prison; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisal reports provided by nonprofit organizations or public agencies; amending s. 259.101, F.S.; requiring the Department of Environmental Protection to fund certain fixed capital outlay projects; requiring the Southwest Florida Water Management District to fund water supply development activities; providing a limitation and requirements; requiring the South Florida Water Management District to fund Everglades restoration; requiring an extraordinary vote of the Board of Trustees of the Internal Improvement Trust Fund before an acquisition may be made in a county having more than 35 percent of its lands in public ownership; providing a limitation on the acquisition of projects using less than fee acquisition alternatives; delaying the redistribution of certain funds; revising accounting procedures relating to a redistribution of certain Preservation 2000 moneys; amending s. 373.59, F.S.; revising

eligibility requirements for payments in lieu of taxes; providing for payments in lieu of taxes to school boards; authorizing the Board of Trustees of the Internal Improvement Trust Fund to transfer specified lands to Walton County at a specified price, providing limitations on the use of those lands; amending s. 253.82, F.S.; providing for all transportation easements acquired under the Murphy Act to be conveyed to the Department of Transportation or the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing transportation reservations acquired under the Murphy Act; setting requirements for the review process; providing for compensation of certain property owners when the reservation denies current economic use of the property; providing for mediation or arbitration; amending ss. 712.04, 712.05, F.S.; providing for the release of certain easements held by governmental entities; providing for preservation of certain road easement reservations pursuant to a road project scheduled to begin within a specified period; providing an effective date.

By the Committee on Education and Senator Holzendorf—

CS for SB 2180—A bill to be entitled An act relating to school safety; amending s. 229.58, F.S.; providing duties of school advisory councils with respect to School Environmental Safety Incident Reports; amending s. 230.2318, F.S.; providing duties of school resource officers with respect to School Environmental Safety Incident Reports; creating s. 232.2565, F.S.; requiring development of school programs; providing reporting requirements; providing for a School Environmental Safety Incident Report; providing duties of the Department of Education; providing duties of the Office of Program Policy Analysis and Government Accountability in evaluating school safety reporting procedures; providing for school safety awards; amending s. 232.26, F.S.; providing for reporting school safety issues; providing an effective date.

By the Committee on Education and Senator Clary—

CS for SB 2214—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; renaming the Florida Prepaid Postsecondary Education Expense Program, Board, and Trust Fund the Florida Prepaid College Program, Board, and Trust Fund, respectively; reordering provisions and providing technical revisions; deleting obsolete provisions; conforming cross-references; permitting soliciting and contracting for records administration services; providing for the inclusion of certain fees within advance payment contracts for tuition; amending s. 222.22, F.S.; conforming provisions; amending s. 732.402, F.S.; exempting Florida Prepaid College Program contracts from the probate claims of creditors; reenacting ss. 731.201(13) and 735.301(1), F.S., relating to probate, to incorporate the amendment to s. 732.402, F.S., in references; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Campbell—

CS for SB 2230—A bill to be entitled An act revising the "Uniform Commercial Code—Letters of Credit"; creating ss. 675.5101-675.5117, F.S.; revising provisions of the code relating to letters of credit; defining terms; providing formal requirements; providing consideration; providing time and effect of establishment of credit; providing advice of credit, confirmation, error in statement of terms; providing "notation credit"; prescribing issuer's obligation to its customers; providing availability of credit in portions; providing warranties on transfer and presentment; prescribing time allowed for honor or rejection; providing indemnities; providing issuer's duty and privilege to honor; providing a right to reimbursement; providing remedy for dishonor or anticipatory repudiation; providing transfer and assignment; providing insolvency of bank holding funds for documentary credit; amending ss. 671.105, 672.512, 679.103, 679.104, 679.105, 679.106, 679.304, 679.305, F.S.; conforming provisions to changes made by the act; repealing ss. 675.101, 675.102, 675.103, 675.104, 675.105, 675.106, 675.107, 675.108, 675.109, 675.110, 675.111, 675.112, 675.113, 675.114, 675.115, 675.116, 675.117, F.S., relating to letters of credit; repealing 95.11(5)(c), F.S., relating to the statute of limitations with respect to bulk transfers; providing an effective date.

By the Committee on Criminal Justice and Senator McKay—

CS for SB 2274—A bill to be entitled An act relating to driving under the influence of alcohol or drugs; amending s. 322.34, F.S.; providing that a motor vehicle is subject to forfeiture under the Florida Contraband Act if the motor vehicle is driven by a person under the influence of alcohol or drugs and the person's license is suspended as a result of a prior conviction for driving under the influence; requiring that notification of the impoundment or seizure be sent to the Department of Highway Safety and Motor Vehicles; amending s. 932.701, F.S., relating to definitions with respect to the Florida Contraband Act; redefining the term "contraband article" to conform to changes made by the act; reenacting s. 932.703, F.S., relating to forfeiture of contraband articles, to incorporate the amendment to s. 932.701, F.S., in references; providing an effective date.

By the Committees on Community Affairs, Regulated Industries and Senator Clary—

CS for CS for SB 2336—A bill to be entitled An act relating to regulation of contracting; amending s. 468.603, F.S.; providing definitions; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; providing membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; providing standards for certification as an inspector, building code administrator, or plans examiner; eliminating the board's authority to issue temporary certificates; amending s. 468.617, F.S.; providing that nothing prohibits local governments from contracting with certified persons to perform inspections; amending s. 468.627, F.S.; increasing the initial examination fee; creating ss. 471.045, 481.222, F.S.; allowing architects and professional engineers to perform the duties of building code inspectors in specified circumstances; providing disciplinary guidelines; providing restrictions; amending s. 489.129, F.S.; deleting a ground for discipline; requiring the department to provide certain information to a contractor who is the subject of a complaint; amending s. 489.131, F.S.; specifying the department's authority to investigate complaints; requiring local boards to have consumer members; amending s. 469.001, F.S.; redefining the terms "abatement" and "survey"; defining the term "project designer"; amending s. 469.002, F.S., relating to exemptions from state regulation of asbestos abatement; revising an exemption applicable to certain asbestos-related activities done by government employees; revising certain existing exemptions; amending s. 469.004, F.S.; eliminating provisions relating to prerequisites to issuance of a license and to continuing education; amending s. 469.005, F.S.; revising licensure requirements for asbestos consultants and asbestos contractors relating to required coursework; amending s. 469.006, F.S.; requiring applicants for business licensure to submit evidence of financial responsibility and an affidavit attesting to having obtained the required workers' compensation, public liability, and property damage insurance; amending s. 469.013, F.S.; revising continuing education requirements applicable to asbestos surveyors, management planners, and project monitors; repealing s. 469.015, F.S., relating to seals; amending ss. 255.551, 376.60, and 469.014, F.S.; conforming cross-references; amending s. 489.103, F.S.; providing exemptions from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under certain conditions; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; eliminating reference to board jurisdiction over examinations; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.113, F.S.; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., which provides for certification of underground utility and excavation contractors; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring certain coursework; requiring an examination for certain persons; providing for discipline and penalties; providing a definition; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances;

amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the term "monitoring"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; eliminating an inconsistent provision relating to failure to renew an active or inactive certificate or registration; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; authorizing the taking of the certification examination more than three times and providing requirements with respect thereto; eliminating an obsolete provision; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; providing for verification of public liability and property damage insurance; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; authorizing a person passing the certification examination and applying for licensure to place his or her license on inactive status without having to qualify a business; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; providing technical changes; amending s. 489.525, F.S.; revising reporting requirements of the Department of Business and Professional Regulation to local boards and building officials; providing applicability with respect to information provided on the Internet; amending s. 489.533, F.S.; revising and providing grounds for discipline; providing penalties; reenacting s. 489.518(5), F.S., relating to alarm system agents, to incorporate the amendment to s. 489.533, F.S., in a reference thereto; amending s. 489.537, F.S.; authorizing registered electrical contractors to install raceways for alarm systems; providing that licensees under part II, ch. 489, F.S., are subject, as applicable, to certain provisions relating to local occupational license taxes; amending ss. 489.539, 553.19, F.S.; updating electrical and alarm standards; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; amending s. 489.505, F.S.; defining the term "fire alarm system agent"; creating s. 489.5185, F.S.; providing requirements for fire alarm system agents, including specified training and fingerprint and criminal background checks; providing for fees for approval of training providers and courses; providing applicability to applicants, current employees, and various licensees; requiring an identification card and providing requirements therefor; providing continuing education requirements; providing disciplinary penalties; creating s. 501.937, F.S.; providing requirements for use of professional titles by industrial hygienists and safety professionals; providing definitions; providing that violation of such requirements is a deceptive and unfair trade practice; amending s. 633.021, F.S.; defining the term "fire extinguisher"; amending s. 633.061, F.S.; requiring an individual or organization that hydrotests fire extinguishers and preengineered systems to obtain a permit or license from the State Fire Marshal; revising the services that may be performed under certain licenses and permits issued by the State Fire Marshal; providing additional application requirements; providing requirements for obtaining an upgraded license; amending ss. 633.065, 633.071, F.S.; providing requirements for installing and inspecting fire suppression equipment; amending s. 633.162, F.S.; prohibiting an owner, officer, or partner of a company from applying for licensure if the license held by the company is suspended or revoked; revising the grounds upon which the State Fire Marshal may deny, revoke, or suspend a license or permit; providing restrictions on activities of former licenseholders and permittees; amending s. 633.171, F.S.; revising the prohibition against rendering a fire extinguisher or preengineered system inoperative to conform to changes made by the act; amending s. 633.547, F.S.; providing the State Fire Marshal authority to suspend and revoke certificates; providing restrictions on the activities of former certificateholders whose certificates are suspended or revoked; amending s. 489.105, F.S., relating to contracting; conforming a cross-reference to changes made by the act; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 188, SB 230 and SB 288 which became law without his signature on April 21, 1998.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 757, CS for HB 3035, CS for HB 3391, CS for HB 3511, CS for CS for HB 4181, HB 4281, HB 4483, HB 4561, HB 4681, HB 4741, HB 4747; has passed as amended CS for HB 29, CS for HB 1087, CS for CS for HB 1093, HB 1269, CS for HB 1381, HB 1719, HB 3217, CS for HB 3327, CS for HB 3373, CS for HB 3733, HB 3823, HB 3965, HB 4163, HB 4279, HB 4431, HB 4783 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Governmental Operations; Health Care Standards and Regulatory Reform; and Representative D. Prewitt—

CS for CS for HB 757—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information about patients of home medical equipment providers which is obtained by employees or service providers or the licensing agency; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a home medical equipment provider in connection with background screening of prospective employees of the provider; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By the Committee on Civil Justice and Claims; and Representative Meek and others—

CS for HB 3035—A bill to be entitled An act for the relief of Freddie Lee Pitts and Wilbert Lee; providing for a hearing to be conducted by the Division of Administrative Hearings; requiring the Department of Legal Affairs to represent the state; providing a contingent appropriation to compensate Freddie Lee Pitts and Wilbert Lee, if appropriate; providing a contingent appropriation for the payment of attorneys' fees; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By the Committee on Children and Family Empowerment; and Representative Turnbull and others—

CS for HB 3391—A bill to be entitled An act relating to protection of victims who apply for or receive public assistance; amending s. 414.0252, F.S.; defining "domestic violence" with respect to specified provisions relating to temporary family assistance; amending s. 414.028, F.S., relating to local WAGES coalitions; prescribing responsibilities of a local WAGES coalition and the WAGES Program State Board of Directors with respect to development of a plan for victims of domestic violence; providing requirements and guidelines for the local WAGES coalition plan; amending s. 414.065, F.S., relating to work requirements; providing exceptions from the work requirements for certain individuals at risk of domestic violence; providing exceptions for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate said amendment in a reference; amending s. 414.095, F.S., relating to determination of eligibility for the WAGES program; providing that a person who has been battered or subject to extreme cruelty in the United States by a spouse or parent is a "qualified noncitizen" under specified circumstances; providing for program applicants or participants to receive certain information regarding services available from domestic violence centers or organizations and to request referrals thereto; amending s. 414.105, F.S., relating to time limitations on temporary cash assistance; permitting domestic violence victims to be granted hardship exemptions to allow 3 continuous years of benefits, not subject to certain percentage limitations, under specified circumstances; amending s. 414.115, F.S., relating to limited temporary cash assistance for children born to families receiving temporary cash assistance; providing for nonapplicability to certain victims of specified provisions limiting such assistance under certain circumstances; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By the Committee on Law Enforcement and Public Safety; and Representative Constantine and others—

CS for HB 3511—A bill to be entitled An act relating to driver license revocations; amending s. 322.26, F.S.; providing for permanent revocation of a driver license for murder resulting from the operation of a motor vehicle and for vehicular homicide; amending s. 322.271, F.S.; providing for petition for reinstatement under certain circumstances; creating s. 322.275, F.S.; providing for the authority of the court to authorize reinstatement of permanently revoked driver license; amending s. 322.28, F.S.; revising language with respect to the period of suspension or revocation; conforming current language to the act; creating s. 322.283, F.S.; providing for the commencement of the period of suspension or revocation for incarcerated offenders; providing for notification to the Department of Highway Safety and Motor Vehicles; creating s. 322.341, F.S.; providing penalties for driving while a license is permanently revoked; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By the Committees on Transportation and Economic Development Appropriations; Community Affairs; and Representative Constantine and others—

CS for CS for HB 4181—A bill to be entitled An act relating to a statewide unified building code; amending ss. 468.621, F.S.; providing an additional ground for certain disciplinary actions; amending ss. 471.033, 481.225, 481.2251, and 481.325, F.S.; providing for additional fines for certain violations of the Florida Building Code; amending s. 468.602, F.S.; clarifying application of an exemption for certain persons; amending ss. 468.609, 468.627, 471.017, 471.019, 481.215, 481.313, 489.115, 489.1455, and 489.5335, F.S.; requiring certificateholders, licensees, or registrants to prove completion of certain education requirements relating to the Florida Building Code; providing certain core curriculum or continuing education requirements for certain license, certificate, or registration renewals; authorizing certain licensing boards to require certain specialized or advanced education courses; creating s. 455.2286, F.S.; requiring the Department of Business and Professional Regulation to implement an automated information system for certain purposes; providing requirements relating to such system; amending s. 489.103, F.S.; exempting certain residential structures from certain construction contracting requirements; amending s. 489.117, F.S.; clarifying certain information provision requirements for local jurisdictions relating to specialty contractor licensure and discipline; amending s. 489.513, F.S.; requiring local jurisdictions to provide certain information to certain licensing boards; requiring such boards to maintain and provide such information through an automated information system; providing for local responsibility for imposing certain disciplinary action; authorizing imposition of penalties by ordinance; amending s. 489.517, F.S.; requiring certificateholders or registrants to provide proof of completion of certain education courses; authorizing the electrical contractors' licensing board to require certain education courses; amending s. 489.533, F.S.; revising a ground for certain disciplinary action; amending s. 553.06, F.S.; requiring the Florida Building Commission to adopt the State Plumbing Code; amending s. 553.19, F.S.; requiring the commission to adopt certain electrical standards as part of the Florida Building Code and to revise and maintain such standards; amending s. 553.71, F.S.; revising certain definitions; renaming the Board of Building Codes and Standards as the Florida Building g Commission; amending s. 553.72, F.S.; revising legislative intent; amending s. 553.73, F.S.; providing for adoption of the Florida Building Code to replace the State Minimum Building Codes; providing for legislative approval; providing purposes; requiring the Florida Building Commission to adopt the code; providing requirements and criteria for the code; providing for resolution of conflicts between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code; providing requirements; providing for local technical amendments to the code; providing procedures and requirements; providing limitations; requiring counties to establish compliance review boards for certain purposes; providing requirements; authorizing local governments to adopt amendments to the code; providing requirements; providing procedures for challenges by affected parties; providing for appeals; requiring the commission to update the code periodically; authorizing the commission to adopt technical amendments to the code under certain circumstances; providing requirements; providing for exempting certain buildings, structures, and facilities from the code; specifying nonapplication of the code under certain circumstances; prohibiting administration or enforcement of the code for certain purposes; amending s. 553.74, F.S.; replacing the State Board of Building Codes and Standards with the Florida Building Commission; providing for additional membership; providing for continuation of terms of existing board members; amending ss. 553.75, 553.76, and 553.77, F.S., to conform; providing additional powers of the commission; requiring commission staff to attend certain meetings; requiring the commission to develop and publish descriptions of roles and responsibilities of certain persons; authorizing the commission to provide plans review and approval of certain public buildings; creating s. 553.781, F.S.; providing for licensee accountability; authorizing local jurisdictions to impose fines and order certain disciplinary action for certain violations of the Florida Building Code; providing for challenges to such actions; requiring the Department of Business and Professional Regulation and local jurisdictions to report such disciplinary actions; providing for disposition and use of such fines; providing construction; providing for suspension of certain permitting privileges under certain circumstance; amending s. 553.79, F.S., to conform; authorizing owners of certain buildings to designate such buildings as threshold buildings for certain purposes; providing for local government enforcement of the Florida Building Code under certain circumstances; amending s. 553.80, F.S.; authorizing certain additional permit fees and reinspection fees under certain circumstances; requiring certain agencies to provide support to local governments for certain purposes; specifying certain code enforcement requirements for state universities, community colleges, and public school districts; preserving authority of certain local governments to enforce code requirements; providing construction; creating s. 553.841, F.S.; providing for establishing a building code training program; providing requirements; providing criteria; authorizing the Florida Building Commission to enter into contracts for certain purposes; requiring the assistance and participation of certain state agencies; creating s. 553.842, F.S.; providing for a system for product evaluation and approval; providing requirements; providing procedures; providing for challenging, review, and appeal of certain evaluations; authorizing the commission to charge fees for certain certifications and reviews; providing exceptions; amending s. 553.905, F.S.; exempting certain HVAC equipment from additional insulation requirements; amending s. 633.01, F.S.; authorizing the Department of Insurance to issue declaratory statements of certain firesafety codes; creating s. 633.0215, F.S.;

requiring the Department of Insurance to adopt certain fire prevention and life safety codes; providing requirements; providing for temporary effect of local amendments to such codes; providing providing procedures for adopting or rescinding local amendments to such codes; requiring the department to update such codes periodically; providing for technical amendments to such codes; providing exceptions to application of such codes for certain purposes; amending s. 633.025, F.S.; specifying adoption by local jurisdictions of certain firesafety codes; authorizing local jurisdictions to adopt more stringent firesafety standards under certain circumstances; providing procedures; providing limitations; deleting obsolete provisions; amending s. 633.085, F.S.; clarifying certain inspection duties of the State Fire Marshal; amending s. 633.72, F.S.; specifying cooperation between the Florida Fire Code Advisory Council and the Florida Building Commission under certain circumstances; requiring administrative staff of the State Fire Marshal to attend certain meetings and coordinate efforts for consistency between certain codes; amending ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 489.127, 489.131, 489.531, 489.537, 500.459, 553.18, and 627.351, F.S., to conform; requiring the Florida Building Commission to submit the Florida Building Code to the Legislature for approval; requiring the commission to recommend changes to the law to conform to adoption of the Florida Building Code; providing for future repeal of local amendments to certain building codes; providing for readoption; requiring the State Fire Marshal, the Florida Building Commission, and the Commissioner of Education to establish a select committee for certain purposes; providing for committee membership; providing duties of the committee; requiring a report to the Legislature; requiring the Department of Management Services to conduct a pilot project to study the effects of installing an ozonation water treatment system for a cooling tower on state buildings; requiring a report to the Legislature; repealing s. 471.003(2)(f), F.S., relating to engineering faculty exemption from registration requirements; repealing s. 489.539, F.S., relating to adoption of electrical standards; repealing s. 553.73(5), F.S., relating to a presumption of compliance with certain building code requirements; providing for future repeal of s. 489.120, F.S., relating to an automated information system; providing for future repeal of s. 489.129(1)(d), F.S., relating to disciplinary action for knowing violations of building codes; providing for future repeal of parts I, II, and III of chapter 553, F.S., relating to the Florida Plumbing Control Act, the Florida Electrical Code, and glass standards; providing appropriations; providing effective dates.

—was referred to the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

By the Committee on Education Innovation and Representative Melvin—

HB 4281—A bill to be entitled An act relating to school improvement and education accountability; amending ss. 229.592 and 230.23, F.S.; providing for the organization of Florida Distinguished Educator School Improvement Teams; providing for technical assistance and training for schools operating under an assistance and intervention plan; providing for the use of Florida Distinguished Educator School Improvement Teams to assist in the development and implementation of school improvement plans and assistance and intervention plans; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Children and Family Empowerment; and Representative Lacasa—

HB 4483—A bill to be entitled An act instructing the Division of Statutory Revision to make necessary changes to conform the Florida Statutes to the name change of the Department of Health and Rehabilitative Services and the divestiture of programs of the former department to other departments or agencies; transferring and renumbering ss. 408.601, 408.602, 408.603, and 408.604, F.S.; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Rules and Calendar.

By the Committee on Water and Resource Management; and Representative Carlton—

HB 4561—A bill to be entitled An act relating to marine fisheries; amending s. 370.01, F.S.; redefining the terms "closed season" and "nonresident alien" and alphabetizing definitions; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators' licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; amending s. 370.026, F.S.; deleting obsolete references to commissioners' terms; amending s. 370.0605, F.S.; authorizing agents of the Game and Fresh Water Fish Commission to enforce provisions relating to licenses; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.12, F.S.; relating to protection of mammalian dolphins; amending s. 370.1405, F.S.; relating to reporting requirements for crawfish wholesalers and retailers; amending s. 370.25, F.S.; clarifying criminal, civil, and administrative penalties; repealing s. 370.015, F.S., relating to obsolete Suwannee River Authority; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.092(3) and (4), F.S., relating to penalties on use of proscribed nets; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.12(4), F.S.; related to manta rays; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing section 370.1611, F.S., relating to an oyster depuration plant; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Jones—

HB 4681—A bill to be entitled An act relating to regulation of professions; amending s. 455.225, F.S.; revising probable cause provisions and eliminating or revising obsolete references; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards thereunder to refuse to issue an initial license under circumstances relating to ongoing investigations or prosecutions; providing for certain alternative continuing education credit; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending s. 455.574, F.S.; providing the Department of Health rulemaking authority with respect to examinations; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 409.908, 415.1055, 415.5055, 415.51, 440.13, 455.209, 455.213, 455.218, 455.2285, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.4061, 460.407, 461.007, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035,

473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.005, 491.009, 491.015, 492.103, 492.113, 627.6407, 627.6619, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, 865.09, and 937.031, F.S.; correcting references, cross references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, and 641.60, F.S.; correcting cross references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 322.125, 381.0031, 381.026, 381.0261, 381.0302, 382.002, 395.0191, 395.0195, 395.1041, 395.301, 404.22, 409.906, 415.1034, 415.503, 415.504, 440.106, 440.13, 440.134, 440.15, 455.654, 455.684, 455.691, 455.694, 455.697, 455.698, 456.31, 456.32, 459.002, 460.403, 460.404, 460.405, 460.406, 460.408, 460.411, 460.412, 460.413, 460.4166, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013, 461.0134, 461.014, 461.015, 461.018, 462.01, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.021, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 641.316, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 817.234, 893.02, 945.047, and 984.03, F.S.; revising terminology relating to chiropractic and podiatric medicine; retitling chapters 460 and 461, F.S., to conform; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Jones—

HB 4741—A bill to be entitled An act relating to managed health care; amending s. 641.316, F.S.; revising fidelity bond requirements for fiscal intermediary services organizations; providing surety bond requirements for such organizations; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Colleges and Universities; and Representative Casey—

HB 4747—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.40201, F.S.; providing responsibilities of school principals; revising provisions relating to payment for awards; amending s. 240.40202, F.S.; providing additional student eligibility requirements for an initial award; amending s. 240.40205, F.S.; revising student eligibility requirements for receipt of a Florida Academic Scholars award; specifying fees for which payment may be made; amending s. 240.40206, F.S.; revising student eligibility requirements for receipt of a Florida Merit Scholars award; specifying fees for which payment may be made; amending s. 240.40207, F.S.; restricting the use of a Florida Gold Seal Vocational Scholars award; specifying fees for which payment may be made; revising provisions relating to transfer of awards and providing requirements; amending s. 240.40208, F.S., to conform; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Community Affairs and Representative Greene and others—

CS for HB 29—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed under certain circumstances; providing for cancellation of taxes assessed and outstanding tax certificates; providing for expiration; amending s. 196.195, F.S.; specifying that certain nonprofit corporations are nonprofit for purposes of determining eligibility for the religious, literary, scientific, or charitable ad valorem tax exemption and providing requirements for establishing such status; amending s. 196.196, F.S.; providing an additional criterion for use in determining whether property is being used for a charitable, religious, scientific, or literary purpose; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Goode and others—

CS for HB 1087—A bill to be entitled An act relating to health care; amending s. 641.51, F.S.; requiring health maintenance organizations to provide a subscriber continued access to a treating physician terminated by the organization; providing limitations; amending s. 641.315, F.S.; revising the notice requirements for termination of provider contracts; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By the Committees on Finance and Taxation; Elder Affairs and Long Term Care; and Representative Crist and others—

CS for CS for HB 1093—A bill to be entitled An act relating to taxation of homes for the aged; amending s. 196.1976, F.S.; providing that the provisions of s. 196.1975, F.S., relating to the ad valorem tax exemption for nonprofit homes for the aged, are severable, rather than nonseverable; creating s. 196.1977, F.S.; providing an exemption for each apartment in certain continuing care facilities occupied by a person who holds a continuing care contract, who makes the apartment his or her permanent home, and who is not eligible for homestead exemption; providing procedures and requirements; providing legislative intent; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Community Affairs.

By Representative Healey and others—

HB 1269—A bill to be entitled An act relating to vehicular homicide; amending s. 782.071, F.S.; redefining the offense of "vehicular homicide" to include the killing of a viable fetus by any injury to the mother which would be vehicular homicide if it resulted in the death of the mother; providing a right of action for civil damages; providing a definition; providing penalties; reenacting ss. 921.0022(3)(h) and 960.03(3), F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, to conform terminology; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Crime and Punishment; and Representative Heyman and others—

CS for HB 1381—A bill to be entitled An act relating to collection of court costs and fines; creating the "Comprehensive Court Enforcement Program Act"; providing legislative intent; creating s. 938.30, F.S.; providing for supplementary proceedings for enforcement of court-ordered payment of financial obligations in criminal cases; providing for examination under oath regarding a person's ability to pay financial obligations in a criminal case; providing for reduction of the obligation based on a person's ability to pay; providing for service or actual notice of orders to appear; providing for taking of testimony; providing for orders that nonexempt property in the hands of another be applied toward satisfying an obligation; providing for a judgment of civil lien; providing for applicability of the Uniform Fraudulent Transfer Act in certain collection matters; providing or payment schedules; providing for civil contempt sanctions for failure to appear or comply with certain orders;

providing for specified enforcement costs and fees and attorney's fees to be assessed to offset the costs of operating the program; providing for the use of special masters; providing that the clerk of court shall make quarterly reports to the chief judge; permitting county commissions to refer certain court-imposed financial obligations to collection agents; permitting use of the new provisions in addition to or in lieu of other provisions of law; providing for certain court orders; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; and Ways and Means.

By Representative Feeney and others—

HB 1719—A bill to be entitled An act relating to professions, occupations, and businesses; prohibiting specified state agencies from penalizing a person for violating specified rules of which he had no knowledge; prohibiting such agencies from enforcing rules applicable to the collection of taxes or to professions, occupations, or businesses when specified conditions are met; providing exceptions; providing a defense for enforcement actions in specified circumstances; providing exceptions; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Judiciary; and Ways and Means.

By Representative Murman and others—

HB 3217—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize," "related services," and "eligible lead community-based provider"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; providing plan requirements; requiring the department to state whether and why privatization cannot be accomplished in a particular district or portion of a district and how the department will address the obstacles to privatization; providing for legal services; requiring that child welfare legal services be provided by specified providers; providing for case management responsibilities; providing for quality assurance; providing requirements for and restrictions upon funding for privatization; creating s. 415.5071, F.S.; providing for a model program for child protective investigative services, to be initiated in specified districts; requiring the department to contract with sheriffs in those districts; providing responsibilities of the department; requiring a report; providing for funding; providing for the creation of a specified committee which shall submit a required report; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By the Committee on Family Law and Children; and Representative Villalobos and others—

CS for HB 3327—A bill to be entitled An act relating to sexual predators; creating the "Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act"; creating s. 916.30, F.S.; providing findings and intent; creating s. 916.31, F.S.; providing definitions; creating s. 916.32, F.S.; requiring certain notice to the state attorney of anticipated release of specified persons who may meet the criteria for a sexually violent predator; requiring provision of certain records and information by the agency with jurisdiction to the state attorney; providing certain immunity from liability of the agency with jurisdiction, the state attorney, and their employees and service providers; creating s. 916.33, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.34, F.S.; providing for determination of probable cause and taking respondent into custody; providing for transfer of the respondent to a secure facility for evaluation under specified circumstances when the court finds probable cause to believe that the respondent is a sexually violent predator; creating s. 916.35, F.S.; providing for trial on the issue of whether a person is a sexually violent predator; creating s. 916.36, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.37, F.S.; requiring annual examination of persons committed; creating s. 916.38, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; providing that the Department of Children and Family Services is responsible for specified evaluation and treatment costs; providing for reimbursement; providing for court orders for certain disclosures to the department by the committed person of income and assets; providing for imposition and assessment of certain financial liabilities for payment of daily subsistence and treatment costs based on specified criteria; providing for notice and contest of the assessment; providing for survival of the order directing payment against the person's estate; creating s. 916.41, F.S.; providing for notice to victims; creating s. 916.42, F.S.; providing severability; creating s. 916.43, F.S.; providing for access to certain records; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

By the Committee on Crime and Punishment; and Representative Tamargo and others—

CS for HB 3373—A bill to be entitled An act relating to pretrial detention; amending s. 907.041, F.S.; revising criteria for pretrial detention; deleting requirement for additional court findings for pretrial detention; permitting pretrial detention for any violation of conditions of pretrial release or bond which, in the discretion of the court, supports a finding that no condition of release can reasonably protect the community from physical harm, assure the presence of the accused at trial, or assure the integrity of the judicial process; deleting limitation upon detention period when detention is based on threat of harm to the community; authorizing a court to detain a defendant at a bail hearing without separate hearing or motion for pretrial detention; authorizing the state to orally move for pretrial detention anytime the defendant is before the court for a bail hearing; providing for construction; repealing Rules 3.131 and 3.132, Florida Rules of Criminal Procedure, relating to pretrial release and pretrial detention, to the extent of inconsistency with the act; amending s. 901.31, F.S.; providing for cancellation of bond under certain circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Ways and Means.

By the Committee on Crime and Punishment; and Representative Byrd and others—

CS for HB 3733—A bill to be entitled An act relating to offenders under correctional supervision; amending s. 947.1405, F.S., relating to conditional release; providing that a conditional releasee must submit to searches of his or her person, property, or residence as requested by a correctional probation officer; reenacting s. 775.084(4)(i), F.S., relating to habitual felony offenders and habitual violent felony offenders, to incorporate said amendment in a reference; amending s. 947.18, F.S., relating to conditions of parole; providing that a parolee must submit to searches of his or her person, property, or residence as requested by a correctional probation officer; amending s. 947.22, F.S.; providing for issuance of arrest warrant for a parole violator by a correctional probation officer, under specified circumstances; authorizing a correctional probation officer to arrest without warrant a parolee, control releasee, or conditional releasee, or to search or request search by a law enforcement officer of the parolee or releasee's person, property, or residence, under specified circumstances if there are reasonable grounds to believe a violation has occurred or if there are reasonable grounds to believe the parolee or releasee possesses prohibited items; providing that evidence is admissible at a hearing for violation of supervision even if no reasonable ground for seizure exists; amending s. 948.03, F.S., relating to probation and community control; requiring a probationer or community controllee on supervision to submit to certain searches of his or her person, property, or residence; requiring notice to offender to be provided; prohibiting a probationer or community controllee from having "contact," as defined, with the victim unless authorized by the court; reenacting s. 947.23(6), F.S., relating to action of Parole Commission

upon arrest of parolee, s. 948.001(5), F.S., relating to definition of "probation" with respect to chapter 948, F.S., and s. 958.03(4), F.S., relating to definition of "probation" with respect to specified provisions in chapter 958, F.S., to incorporate said amendment in references; amending s. 948.06, F.S., relating to violations of probation or community control; authorizing law enforcement officers and probation or community control officers to search without a warrant the person, property, or residence of any of specified offenders under certain circumstances; limiting authority for searches of residences; requiring report when residence is searched; defining reasonable grounds; prohibiting the exclusion or suppression of evidence from trials for subsequent offenses by offenders on probation, parole, conditional release, or community control under certain circumstances when there were "reasonable grounds," to believe that at the time of the search the offender violated the law or the terms of supervision; providing that evidence is admissible at a hearing for violation of supervision even if no reasonable ground for seizure exists; prohibiting the exclusion or suppression of evidence from hearings for violation of supervision of offenders on probation, parole, conditional release, or community control; reenacting s. 948.01(9), (11)(b), and (13)(b), F.S., relating to circumstances when a court may place a defendant on probation or into community control, and s. 958.14, F.S., relating to violation of probation or community control program, to incorporate said amendment in references; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Ways and Means.

By Representative Boyd—

HB 3823—A bill to be entitled An act relating to the Cedar Key Special Water and Sewerage District in Levy County; codifying laws governing the independent special district; revising the name of the district; establishing revised district boundaries; revising the election procedures for district commissioners; providing for administrative secretary; granting power and duties to Board; authorizing district to issue bonds and to prescribe duties and procedures; giving the Board the power to tax and providing procedures; requiring the advertising and bidding on district work over a certain amount; granting additional powers to Board; providing the qualifications of district electors; stating the Legislature is not restricted in its ability to modify boundaries and bond principal maximums; exempting the district from paying taxes on its property and income; providing for severability; repealing chapters 63-1569, 75-426, 76-416, 80-531, and 87-528, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 3965—A bill to be entitled An act relating to the Immokalee Water and Sewer District, an independent special district in Collier County, as created by chapter 78-494, Laws of Florida, as amended; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Immokalee Water and Sewer District, as required by chapter 97-255, Laws of Florida; defining its boundaries; providing definitions; authorizing the district to operate a water and sewer system; providing for a governing board of the district; restricting the use of funds of the district; providing the powers of the board; providing for water rates and service charges; providing for special assessments; providing for the collection of rates and charges; requiring certain persons to connect to the sewer system established under the act under certain circumstances; providing a declaration of policy; providing for annual audits; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Colleges and Universities; and Representative Casey and others—

HB 4163—A bill to be entitled An act relating to postsecondary education; amending s. 240.61, F.S., relating to the college reach-out program; revising the criteria for participating in the college reach-out program; requiring the Postsecondary Education Planning Commission to determine the frequency of certain assessments; revising the reporting date; repealing ss. 240.154 and 240.278, F.S., relating to proposals for undergraduate enhancement and the Quality Assurance Fund; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Governmental Rules and Regulations; and Representative Wallace and others—

HB 4279—A bill to be entitled An act relating to state government; requiring the Joint Administrative Procedures Committee to publish certain statistics relating to rules in its annual report; directing the Office of Program Policy Analysis and Government Accountability to conduct a study and prepare a report on the cost of state regulation and providing requirements with respect thereto; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Rules and Calendar.

By the Committee on Business Regulation and Consumer Affairs; and Representative Ogles—

HB 4431—A bill to be entitled An act relating to talent agencies; amending and renumbering s. 468.401, F.S. as 501.940, F.S.; providing definitions; amending and renumbering s. 468.412, F.S. as s. 501.941; providing requirements and prohibitions associated with practicing as a talent agent; providing that failure to comply is deemed an unfair or deceptive practice under part II of the ch 501; creating s. 501.942, F.S.; exempting attorneys from penalties and remedies provided in bill; repealing ss. 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.413, 468.414, 468.415, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Reform and Oversight.

By Representative Constantine—

HB 4783—A bill to be entitled An act relating to local government; creating ss. 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526, F.S., the Urban Infill and Redevelopment Act; providing legislative findings; providing definitions; authorizing counties and municipalities to designate urban infill and redevelopment areas based on specified criteria; requiring preparation of a plan or designation of an existing plan and providing requirements with respect thereto; requiring a public hearing; providing for amendment of the local comprehensive plan; providing that counties and municipalities that have adopted such plan may issue revenue bonds and employ tax increment financing under the Community Redevelopment Act and exercise powers granted to community redevelopment neighborhood improvement districts; requiring a report by certain state agencies; providing a program for grants to counties and municipalities with urban infill and redevelopment areas; providing for review and evaluation of the act and requiring a report; amending s. 163.3180, F.S.; authorizing exemptions from the transportation facilities concurrency requirement for developments located in an urban infill and redevelopment area; amending s. 163.3187, F.S.; providing that comprehensive plan amendments to designate such areas are not subject to statutory limits on the frequency of plan amendments; including such areas within certain limitations relating to small scale development amendments; amending s. 187.201, F.S.; including policies relating to urban policy in the State Comprehensive Plan; amending s. 380.06, F.S., relating to developments of regional impact; increasing certain numerical standards for determining a substantial deviation for projects located in certain urban infill and redevelopment

areas; amending s. 163.375, F.S.; authorizing acquisition by eminent domain of property in unincorporated enclaves surrounded by a community redevelopment area when necessary to accomplish a community development plan; amending s. 171.0413, F.S., relating to municipal annexation procedures; deleting a requirement that a separate referendum be held in the annexing municipality when the annexation exceeds a certain size; providing procedures by which a county or combination of counties and the municipalities therein may develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services; providing for initiation of the process by resolution; providing requirements for the plan; requiring approval by the local governments' governing bodies and by referendum; authorizing municipal annexation through such plan; amending s. 166.251 F.S.; revising provisions with respect to service fee for dishonored checks; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Economic Opportunities; and Ways and Means.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment(s) to CS for SB 1402 and has acceded to the request of the Senate for the appointment of a conference committee.

The Speaker has appointed the following Representatives as conferees on the part of the House: Representatives Morse, Meek, Stabins and Carlton (alternate).

John B. Phelps, Clerk

CS for SB 1402—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license or Florida identification number be included in the uniform statewide voter registration application; amending s. 196.111, F.S.; providing for notice of termination of homestead exemption; creating s. 196.115, F.S.; providing for termination of homestead exemption and subsequent disqualification upon registration as an elector in another precinct; amending s. 196.121, F.S.; requiring homestead exemption forms to include notice of the requirements for factual determination of permanent residency by the property appraiser and notice of the requirements relating to voter registration and the potential loss of homestead exemption; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information of a witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.061, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing a time period for filing complaints with the commission; providing for civil penalties; amending s. 106.265, F.S.; requiring the Department of Revenue to collect civil fines levied by the Florida Elections Commission; providing an appropriation; providing effective dates.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 200, CS for SB 930 and SB 1972.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

COMMITTEE MEMBERSHIP CHANGE

The President announced the change in status of Senator Latvala from an alternate member to a full member of the Conference Committee on Civil Litigation Reform.

ENROLLING REPORTS

SB 142, SB 222, CS for SB 482, CS for CS for SB 626, SB 712, SB 734, SB 768, SB 770, CS for CS for SB 1046, CS for SB 1052, SB 1334, SB 1336 and SB 1350 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 22, 1998.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 21 was corrected and approved.

VOTES RECORDED

Senator Rossin was recorded as voting "yea" on the following bills which were considered April 22: CS for HB 161, HB 3125, CS for HB 3161, HB 3205, HB 3239, HB 3289, HB 3889, CS for HB 4065, CS for SB 280, CS for SB 498, CS for SB 608, CS for SB 844, SB 864, SB 1724, CS for SB 1878, SB 1944, SB 2314 and CS for CS for SB 2524.

RECESS

On motion by Senator Diaz-Balart, the Senate recessed at 6:12 p.m. to reconvene at 9:45 a.m., Thursday, April 23.

Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:45 a.m. A quorum present—37:

Madam President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Kirkpatrick	Scott
Bronson	Dyer	Klein	Silver
Brown-Waite	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	
Crist	Holzendorf	Ostalkiewicz	

Excused: Senator Jones; Conferees periodically for the purpose of working on Civil Litigation Reform: Senator McKay, Chairman; Senators Burt, Bankhead, Dudley, Rossin, Dyer and Latvala

PRAYER

The following prayer was offered by Rev. John Guns, Pastor, St. Paul Missionary Baptist Church, Jacksonville:

Eternal God, we thank you for the beauty and blessedness of another day. We acknowledge your presence in our midst. We ask that you will guide and govern our state; that you will bless our elected and appointed leadership; that you will enable them and connect us to them and them to us so that this state will be the best.

We ask, Lord, that you will continue to encourage them and to empower them. Bless this day. In the name of the living Lord, let us all say together, Amen.

PLEDGE

Senate Pages Taylor Gregory of Miami and Jason Suskey of Davie, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sullivan, by two-thirds vote **CS for SJR 408**, **CS for SJR 528**, **CS for SB 1374**, **SB 1392**, **CS for CS for SB 1604**, **CS for CS for SB 1994**, **CS for SB 2160**, **CS for SB 2488**, **SB 2540** and **CS for HB 1373** were withdrawn from the Committee on Ways and Means.

On motion by Senator Dudley, by two-thirds vote **SB 68** was withdrawn from The Special Master on Claims; the Committees on Criminal Justice; and Ways and Means; and referred to the Committees on Judiciary; and Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 986**, **CS for SB 1216**, **CS for SB 1572**, **SB 1784**, **CS for SB 1814**, **CS for SB 1988**, **CS for SB 2204**, **CS for CS for SB 2352**, **CS for SB 2480** and **SB 2610** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1442** was withdrawn from the Committee on Community Affairs.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the meeting of the Special Order Calendar Subcommittee of the Committee on Rules and Calendar scheduled this day was cancelled.

MOTIONS

On motion by Senator Bankhead, the rules were waived and a deadline of 7:00 p.m. this day was set for filing amendments to the Special Order Calendar and Bills on Third Reading to be considered Friday, April 24.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2014**, **CS for SB 2054**, **CS for SB 228** and **CS for CS for SB 484** was deferred.

On motion by Senator Kurth—

CS for CS for SB 1660—A bill to be entitled An act relating to children and families; creating s. 383.145, F.S.; creating the Healthy Families Florida program; providing legislative findings and intent; providing purpose; requiring integrated community-based delivery of services; specifying program requirements; providing responsibilities of the Department of Health and the Department of Children and Family Services; providing for development, implementation, and administration of the program; specifying criteria for community program grant funding; requiring collaboration with existing community boards, coalitions, providers, and planning groups; authorizing contracts for training and evaluation; providing for quality assurance; establishing the Healthy Families Florida Advisory Committee; providing for application for a federal waiver; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendment which was adopted:

Amendment 1—On page 3, lines 11-22, delete those lines and insert: *health outcomes. The following disclaimer shall be presented verbally and in writing at the initial contact with the parent, which may occur before or after the birth of a child: "Participation in the initial*

interview and assessment process and all services provided through the Healthy Families Florida program is voluntary. You have the right not to answer any questions asked during the assessment process and the right to decline to participate in the program at any time."

(4) PROGRAM REQUIREMENTS.—The program shall provide for intensive home visits and include the following critical elements:

(a) Initiation of services. This element provides for:

1. Initiation of services prenatally or at birth.

2. Use of a standardized assessment tool to systematically identify those families most in need of services.

3. Offering services on a voluntary basis and using outreach efforts to build family trust.

Senator Hargrett moved the following amendment which was adopted:

Amendment 2—On page 3, line 19, after the period (.) insert: *Under no circumstances shall an assessment tool use the fact that a person has been spanked or has spanked a child as an indicator of a need for services unless such spanking constitutes harm as defined in s. 415.503(9).*

Senator Sullivan moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 11, between lines 15 and 16, insert:

Section 2. *The sum of $10 million is appropriated from tobacco settlement revenues and the sum of $5 million is appropriated from funds of the Temporary Assistance for Needy Families program to the Department of Children and Family Services to implement this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: providing appropriations;

Pursuant to Rule 4.19, **CS for CS for SB 1660** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

CS for SB 726—A bill to be entitled An act relating to health care contracts; amending s. 627.419, F.S.; providing that health insurance policies that provide certain benefits must pay for the services of advanced registered nurse practitioners; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 726** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

SB 2242—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; creating s. 932.7051, F.S.; creating the Federal Law Enforcement Trust Fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2242** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2222** was deferred.

On motion by Senator Williams—

CS for CS for SB 1044—A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that when a public lessor complies with the public finance accountability provisions of s. 155.40(5), F.S., with respect to the transfer of any public funds to a private lessee, the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements if the corporation meets specified criteria; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1044** to **CS for HB 3585**.

Pending further consideration of **CS for CS for SB 1044** as amended, on motion by Senator Williams, by two-thirds vote **CS for HB 3585** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight.

On motion by Senator Williams—

CS for HB 3585—A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements, except under specified circumstances; providing for future review and repeal; providing applicability; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1044** as amended and read the second time by title.

Senator Williams moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 395.3036, Florida Statutes, is created to read:

395.3036 Confidentiality of records and meetings of corporations that lease public hospitals or other public health care facilities.—The records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and the meetings of the governing board of a private corporation are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution when the public lessor complies with the public finance accountability provisions of s. 155.40(5) with respect to the transfer of any public funds to the private lessee and when the private lessee meets at least three of the five following criteria:

(1) The public lessor that owns the public hospital or other public health care facility was not the incorporator of the private corporation that leases the public hospital or other health care facility.

(2) The public lessor and the private lessee do not commingle any of their funds in any account maintained by either of them, other than the payment of the rent and administrative fees or the transfer of funds pursuant to subsection (2).

(3) Except as otherwise provided by law, the private lessee is not allowed to participate, except as a member of the public, in the decision-making process of the public lessor.

(4) The lease agreement does not expressly require the lessee to comply with the requirements of s. 119.07(1) and s. 286.011.

(5) The public lessor is not entitled to receive any revenues from the lessee, except for rental or administrative fees due under the lease, and the lessor is not responsible for the debts or other obligations of the lessee.

Section 2. *(1) The Legislature finds that it is a public necessity that all records of a private corporation and all meetings of the governing board of the private corporation be confidential and exempt from the*

public records and public meeting laws of this state when the private corporation leases a public hospital or other public health care facility from a public entity in accordance with the terms of this act. The Legislature further finds that private corporations have entered into such leases in reliance on the legal standard governing the application of the public records and open meeting laws to such lease agreements which was set forth in case law existing at the time of the transaction. That standard provided that such private lessees were not "acting on behalf of" the public entity and, therefore, not subject to the state's public records laws so long as the public entity did not retain control over the private lessee. No one factor was used to determine whether the public entity exerted control; instead a "totality of factors" was analyzed and the decision made on the balance of those factors. In a recent decision, however, the Fifth District Court of Appeal has now applied the standard in a manner that may cause more lessees to be subject to public records and meetings requirements. The Legislature finds that the effect of the decision has been:

(a) To create uncertainty with respect to the status of records and meetings under existing lease arrangements; and

(b) To create a disincentive for private corporations to enter into such lease agreements in the future.

(2) Public entities have chosen to privatize the operations of their public hospitals and public health care facilities in order to alleviate three problems that pose a significant threat to the continued viability of Florida's public hospitals:

(a) A financial drain on the facilities from their forced participation in the Florida Retirement System;

(b) The competitive disadvantage placed on these facilities vis a vis their private competitors resulting from their required compliance with the state's public records and public meeting laws; and

(c) State constitutional restrictions on public facility participation in partnerships with private corporations as a result of the limitations contained in the State Constitution. For years, the Legislature has approved and encouraged these leases, first through special acts that it has adopted authorizing the lease agreements and, more recently, through the adoption of section 155.40, Florida Statutes, which provides for the conversion of public hospital facilities to private operation by lease, as a means to provide public entities with the necessary flexibility to use these public assets in a manner that best serves the interests of the public. Through such lease arrangement, public entities have been able to obtain substantial and oftentimes desperately needed private capital investment into these facilities and to relieve the oftentimes burdensome drain on public tax revenues which resulted from public operation.

(3) In the absence of a defined and, therefore, predictable statewide standard for determining when the public records and public meetings laws apply to future lease agreements, public entities may find it difficult, if not impossible, to find a private corporation that is willing to enter into a lease to operate the public hospital or other public health care facility. This, in turn, could force the public entity:

(a) To close the hospital or other health care facility, which would result in a reduction in health care services to the public;

(b) To sell the hospital or other health care facility, which sale, if the facility has deteriorated because of inadequate capital investments over time, will likely be at a loss; or

(c) To continue operating the hospital or other health care facility using public tax dollars to subsidize recurring losses. None of these options is in the best interest of the public.

(3) The Legislature, therefore, finds that it is a public necessity for it, through this act, to clarify when the public records and public meeting laws apply to private lessees of public hospital or other public health care facilities. The Legislature further finds that it is a public necessity for these private lessees to be exempt from the public records and public meetings laws of the state so long as, applying the standard codified by this act, the public entity does not retain control over the private entity.

Section 3. *This act does not change existing law relating to discovery of records and information that are otherwise discoverable under the Florida Rules of Civil Procedure or any statutory provision allowing discovery or pre-suit disclosure of such records and information for the purpose of civil actions.*

Section 4. This act shall take effect upon becoming law and shall apply to existing leases and future leases of public hospitals and other health care facilities.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that when a public lessor complies with the public finance accountability provisions of s. 155.40(5), F.S., with respect to the transfer of any public funds to a private lessee, the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements if the corporation meets specified criteria; providing for future review and repeal; providing a finding of public necessity; providing for the continued applicability of the Florida Rules of Civil Procedure and statutory provisions relating to discoverability in civil actions to records and information made exempt in the act; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 3585** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 248—A bill to be entitled An act relating to the regulation of health care professionals; creating s. 455.569, F.S.; providing for the revocation of the licenses of health care professionals who are convicted of sexual misconduct; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 248** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 544** and **CS for CS for SB 646** was deferred.

On motion by Senator Klein—

SB 756—A bill to be entitled An act relating to Alzheimer's disease and related disorders; amending s. 430.502, F.S.; establishing an additional memory disorder clinic; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; providing an effective date.

—was read the second time by title.

The Committee on Children, Families and Seniors recommended the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (with title amendment)—On page 2, lines 7-9, delete those lines and insert:

(h) A memory disorder clinic at St. Mary's Medical Center in Palm Beach County, and

(i) A memory disorder clinic at the Tallahassee Memorial Regional Medical Center,

And the title is amended as follows:

On page 1, lines 4 and 5, delete those lines and insert: establishing additional memory disorder clinics; revising authority of the Department of

Senator Dudley offered the following amendment which was moved by Senator Klein and adopted:

Amendment 2 (with title amendment)—On page 2, lines 7-9, delete those lines and insert:

(h) A memory disorder clinic at St. Mary's Medical Center in Palm Beach County; and

(i) A memory disorder clinic at Lee Memorial Hospital created by chapter 63-1552, Laws of Florida, as amended,

And the title is amended as follows:

On page 1, lines 4 and 5, delete those lines and insert: establishing additional memory disorder clinics; revising the authority of the Department of

Pursuant to Rule 4.19, **SB 756** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for CS for SB 294—A bill to be entitled An act relating to home medical equipment providers; creating part IX of chapter 400, F.S.; providing for regulation of home medical equipment providers by the Agency for Health Care Administration; providing legislative intent; providing definitions; providing for licensure and exemptions; providing unlawful acts; providing penalties; providing for license applications; providing for fees; providing for background screening; providing for provisional licenses and temporary permits; providing for administrative penalties; providing for injunctions, emergency orders, and moratoriums; providing for licensure inspections and investigations; providing minimum standards; providing for agency rules; providing for patient records; providing for notice of toll-free telephone number for the central abuse registry; providing for background screening of home medical equipment provider personnel; providing penalties; providing screening procedures; providing for agency injunctions; prohibiting patient referrals and rebates; providing for application of the act to existing providers; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1—On page 5, delete line 14 and insert: *corporation that is in the business of*

Pursuant to Rule 4.19, **CS for CS for SB 294** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SB 926—A bill to be entitled An act relating to eradication of agricultural pests; prescribing additional duties of the Department of Agriculture and Consumer Services and the Department of Health with respect to programs of emergency aerial application of pesticide for eradication of plant pests; requiring use of certain pesticides; requiring development of a system for informing the public of such programs and requiring public and other notice of certain programs of pest eradication; providing for information to be furnished to health-care providers; providing for health advisory committees; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendments which were moved by Senator Lee and adopted:

Amendment 1—On page 3, line 19, before "*result*" insert: *may*

Amendment 2—On page 4, line 3, delete "*the*" and insert: *a*

Pursuant to Rule 4.19, **CS for SB 926** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner, by two-thirds vote **CS for HB 4035** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Turner—

CS for HB 4035—A bill to be entitled An act relating to adult family-care homes; amending ss. 400.616, 400.617, 400.618, 400.619, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, and 400.629, F.S., and creating s. 400.6194, F.S.; revising legislative intent and purpose; revising definitions; requiring adult family-care home providers to meet certain screening requirements; revising requirements for licensure application and renewal; providing a late renewal fee; revising grounds for denial, suspension, or revocation of a license; revising requirements for rules relating to appropriate placement of residents; revising provisions relating to injunctive relief; requiring certain information to be provided to residents' legal representatives; conforming terminology and correcting references and cross references; amending s. 419.001, F.S.; correcting a cross reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 1872** and read the second time by title.

Senator Turner moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 400.616, Florida Statutes, is amended to read:

400.616 Short title.—*This part* ~~Sections 400.616-400.629~~ may be cited as the "Adult Family-Care Home Act."

Section 2. Section 400.617, Florida Statutes, is amended to read:

400.617 Legislative intent; purpose.—

(1) The Legislature encourages the provision of care for disabled adults and *frail elders* ~~aged persons~~ in family-type living arrangements in private homes.

(2) *Adult family-care homes provide housing and personal care for disabled adults and frail elders who choose to live with an individual or family in a private home. The adult family-care home provider must live in the home.* The purpose of *this part* ~~ss. 400.616-400.629~~ is to provide for the health, safety, and welfare of residents of adult family-care homes in the state.

(3) The Legislature recognizes that adult family-care homes are an important part of the continuum of long-term care. The personal *care* ~~services~~ available in these homes, which may be provided directly or through contract or agreement, *is* ~~are~~ intended to help residents remain as independent as possible in order to delay or avoid placement in a nursing home or other institution. Regulations governing adult family-care homes must be sufficiently flexible to allow residents to age in place if resources are available to meet their needs and accommodate their preferences.

(4) The Legislature further finds and declares that licensure under *this part* ~~ss. 400.616-400.629~~ is a public trust and a privilege, and not an entitlement. This principle must guide the finder of fact or trier of law at any administrative proceeding or circuit court action initiated by the department to enforce *this part* ~~ss. 400.616-400.629~~.

(5) Rules of the department relating to adult family-care homes shall be as minimal and flexible as possible to ensure the protection of residents while minimizing the obstacles that could inhibit the establishment of adult family-care homes.

Section 3. Section 400.618, Florida Statutes, is amended to read:

400.618 Definitions.—As used in *this part* ~~ss. 400.616-400.629~~, the term:

(1) "Activities of daily living" means functions and tasks for self-care, including eating, bathing, grooming, dressing, ambulating, and other similar tasks.

(2) "Adult family-care home" means a full-time, family-type living arrangement, in a private home, under which a person or persons provide~~, for profit or not for profit,~~ room, board, and *personal care* ~~one or more personal services~~, as appropriate for the level of functional impairment, for no more than five ~~aged persons or~~ disabled adults *or frail elders* who are not relatives. The following establishments are not adult family-care homes:

(a) An *arrangement whereby the person who owns or rents the home provides room, board, and* ~~establishment that provides~~ personal services for *not more than two* ~~three or fewer~~ adults who do not receive optional

state supplementation under s. 409.212~~, but that does not hold itself out to the public to be an establishment that regularly provides such services~~. *The person who provides the housing, meals, and personal care must own or rent the home and reside therein.*

(b) An *arrangement whereby the person who owns or rents the home provides room, board, and* ~~establishment in which a person or persons provide~~ personal services only to *his or her* ~~their~~ relatives.

(c) An establishment that is licensed as an assisted living facility *under part III.*

~~(3) "Aged person" means any person age 60 or over who is currently a resident of the state and who, because of a functional impairment, requires one or more personal services but does not require 24-hour skilled nursing home or institutional care.~~

(3)~~(4)~~ "Agency" means the Agency for Health Care Administration.

(4)~~(5)~~ "Aging in place" means remaining in a noninstitutional living environment despite the physical or mental changes that may occur in a person who is aging. For aging in place to occur, needed services are added, increased, or adjusted to compensate for a person's physical or mental changes.

(5) "Appropriate placement" means that the resident's needs can be met by the adult family-care home or can be met by services arranged by the adult family-care home or the resident.

(6) "Chemical restraint" means a pharmacologic drug that physically limits, restricts, or deprives an individual of movement or mobility, and is used for discipline or convenience and not required for the treatment of medical symptoms.

(7) "Department" means the Department of Elderly Affairs.

(8) "Disabled adult" means any person between 18 and 59 years of age, inclusive, who is a resident of the state and who has one or more permanent physical or mental limitations that restrict the person's ability to perform the normal activities of daily living.

(9) "Frail elder" means a functionally impaired elderly person who is 60 years of age or older and who has physical or mental limitations that restrict the person's ability to perform the normal activities of daily living and that impede the person's capacity to live independently.

(10)~~(9)~~ "Personal services" *or "personal care" includes* ~~include, but are not limited to,~~ individual assistance with or supervision of *the* activities of daily living *and the self-administration of medication,*~~; supervision of self-administered medication;~~ and other similar services ~~that the department defines by rule~~.

(11)~~(10)~~ "Provider" means a person who is licensed to operate an adult family-care home.

(12)~~(11)~~ "Relative" means an individual who is the father, mother, son, daughter, brother, sister, *grandfather, grandmother, greatgrandfather, and greatgrandmother,* uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister of a provider.

(13) "Relief person" means an adult designated by the provider to supervise the residents during the provider's absence.

(14) "Resident" means a person receiving room, board, and personal care in an adult family-care home.

Section 4. Section 400.619, Florida Statutes, is amended to read:

400.619 Licensure *application and renewal* ~~requirements~~.—

(1) Each person who intends to be ~~a provider of~~ an adult family-care home *provider* must *apply for* ~~obtain~~ a license from the agency ~~before caring for a disabled adult or an aged person in the adult family-care home. Such application must be made~~ at least 90 days before the applicant intends to operate the adult family-care home.

(2) A person who intends to be ~~a provider of~~ an adult family-care home *provider* must own or rent ~~and live in~~ the adult family-care home that is to be licensed *and reside therein.*

(3) Application for a license or annual license renewal ~~to operate an adult family-care home~~ must be made on a form provided by the agency, *signed under oath,* and must be accompanied by a licensing fee of $100 per year ~~to offset the cost of training and education programs by the Department of Elderly Affairs for providers~~.

(4) Upon receipt of a license application *or license renewal,* and the fee, the agency *shall conduct a level 1 background screening as provided under chapter 435 on* ~~must check with the abuse registry and the Department of Law Enforcement concerning~~ the adult family-care home *provider* applicant, *the designated relief person,* all adult household members, and all staff members. The agency shall also conduct an onsite visit to the home that is to be licensed.

(5) Access to a licensed adult family-care home must be provided at reasonable times for the appropriate officials of the department, the Department of Health, *the Department of Children and Family* ~~and Rehabilitative~~ Services, the agency, and the State Fire Marshal, who are responsible for the development and maintenance of fire, health, sanitary, and safety standards, to inspect the facility to assure compliance with these standards. In addition, access to a licensed adult family-care home must be provided at reasonable times for the *district* long-term care ombudsman council.

(6) A license is effective for 1 year after the date of issuance unless revoked sooner. Each license must state the name of the provider, the address of the home to which the license applies, and the maximum number of residents of the home. *Failure to timely file a license renewal application shall result in a late fee equal to 50 percent of the license fee.* ~~A license may be issued with or without restrictions governing the residents or care offered in the adult family-care home.~~

(7) A license is not transferable or applicable to any location or person other than the location *and* ~~or~~ person indicated on the *license* ~~application for licensure~~.

(8) The licensed maximum capacity of each adult family-care home is based on the service needs of the residents and the capability of the provider to meet the needs of the residents. Any relative who lives in the adult family-care home and who is ~~an aged person or~~ a disabled adult *or frail elder* must be included in that limitation.

(9) Each adult family-care home must designate at least one licensed space for a resident receiving optional state supplementation as defined in s. 409.212. The department ~~of Health and Rehabilitative Services~~ shall specify by rule the procedures to be followed for referring residents who receive optional state supplementation to adult family-care homes. Those homes licensed as adult foster homes or assisted living facilities prior to January 1, 1994, that convert to adult family-care homes, are exempt from *this* ~~the~~ requirement ~~of designating one space for a resident receiving optional state supplementation~~.

(10) The agency may issue a conditional license to a provider for the purpose of bringing the adult family-care home into compliance with licensure requirements. A conditional license must be limited to a specific period, not exceeding 6 months~~, as determined by the department, in consultation with the agency~~. The department shall, by rule, establish criteria for *issuing* conditional licenses.

~~(11) The agency may deny, suspend, or revoke a license for any of the following reasons:~~

~~(a) A confirmed report, obtained under s. 415.1075, of abuse, neglect, or exploitation, or conviction of a crime related to abuse, neglect, or exploitation.~~

~~(b) A proposed confirmed report that remains unserved and is maintained in the central abuse registry and tracking system pursuant to s. 415.1065(2)(c).~~

~~(c) An intentional or negligent act materially affecting the health, safety, or welfare of the adult family-care home residents.~~

~~(d) A violation of ss. 400.616-400.629 or rules adopted under ss. 400.616-400.629, including the failure to comply with any restrictions specified in the license.~~

~~(e) Submission of fraudulent or inaccurate information to the agency.~~

~~(f) Conviction of a felony involving violence to a person.~~

~~(g) Failure to pay a civil penalty assessed under this part.~~

(11)~~(12)~~ All moneys collected under this section must be deposited into the Department of Elderly Affairs Administrative Trust Fund and ~~must be~~ used to offset the expenses of departmental training and education for adult family-care home providers.

(12)~~(13)~~ The department shall adopt rules to implement this section.

Section 5. Section 400.6194, Florida Statutes, is created to read:

400.6194 Denial or revocation of a license.—The agency may deny or revoke a license for any of the following reasons:

(1) Failure of any of the persons required to undergo background screening under s. 400.619 to meet the level 1 screening standards of s. 435.03.

(2) An intentional or negligent act materially affecting the health, safety, or welfare of the adult family-care home residents.

(3) Submission of fraudulent information or omission of any material fact on a license application or any other document required by the agency.

(4) Failure to pay an administrative fine assessed under this part.

(5) A violation of this part or adopted rules which results in conditions or practices that directly threaten the physical or emotional health, safety, or welfare of residents.

(6) Failure to correct cited fire code violations that threaten the health, safety, or welfare of residents.

(7) Failure to submit a completed initial license application, or to complete a license renewal application within the specified timeframe.

Section 6. Paragraph (b) of subsection (1) of section 400.6196, Florida Statutes, is amended to read:

400.6196 Violations; penalties.—

(1) In addition to any other liability or penalty provided by law, the agency may impose a civil penalty on a person for:

(b) Violating any rule adopted under *this part* ~~ss. 400.616-400.629~~.

Section 7. Paragraph (f) of subsection (1) and subsection (4) of section 400.621, Florida Statutes, are amended to read:

400.621 Rules and standards relating to adult family-care homes.—

(1) The department shall, in consultation with the Department of Health and Rehabilitative Services and the agency, by rule, establish minimum standards and licensure procedures for adult family-care homes. The rules must, at a minimum:

(f) Assure that an adult family-care home is the appropriate living arrangement for each resident. A resident who requires 24-hour nursing supervision may not be retained in an adult family-care home *unless such resident is an enrolled hospice patient and the resident's continued residency is mutually agreeable to the resident and the provider.* ~~A person who would not be an appropriate resident in any assisted living facility under s. 400.426 would not be an appropriate resident in an adult family care home.~~

(4) The provider of any adult family-care home that is in operation at the time any rules are adopted or amended under *this part* ~~ss. 400.616-400.629~~ may be given a reasonable time, not exceeding 6 months, within which to comply with those new or revised rules and standards.

Section 8. Paragraph (c) of subsection (2) and subsections (3) and (4) of section 400.6211, Florida Statutes, are amended to read:

400.6211 Training and education programs.—

(2) Training and education programs must include, but are not limited to, information relating to:

(c) Identifying and meeting the special needs of ~~aged persons and~~ disabled adults *and frail elders.*

(3) Providers must complete the training and education program within a reasonable time determined by the department. Failure to complete the training and education program within the time set by the department is a violation of *this part* ~~ss. 400.616-400.629~~ and subjects the provider to revocation of the license.

(4) If the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the agency, or the department determines that there are problems in an adult family-care home which could be reduced through specific training or education beyond that required under this section, the *agency* ~~department~~ may require the provider or staff to complete such training or education.

Section 9. Section 400.622, Florida Statutes, is amended to read:

400.622 Injunctive proceedings.—

~~(1)~~ The department, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, or the agency may institute injunctive proceedings in a court of competent jurisdiction to:

(1)~~(a)~~ Enforce the provisions of *this part* ~~ss. 400.616-400.629~~ or any license requirement, minimum standard, rule, or order issued or entered into under *this part* ~~ss. 400.616-400.629~~; or

(2)~~(b)~~ Terminate the operation of an adult family-care home when violations of any license requirement, standard, or rule adopted under *this part* ~~ss. 400.616-400.629~~ exist which materially affect the health, safety, or welfare of residents.

~~(2) Such injunctive relief may be temporary or permanent.~~

Section 10. Subsection (2) of section 400.625, Florida Statutes, is amended to read:

400.625 Residency agreements.—

(2) Each residency agreement must specify the personal *care* ~~services~~ and accommodations to be provided by the adult family-care home, the rates or charges, a requirement of at least 30 days' notice before a rate increase, and any other provisions required by rule of the department.

Section 11. Section 400.6255, Florida Statutes, is amended to read:

400.6255 *Residents* ~~Patients~~ with Alzheimer's disease or other related disorders; certain disclosures.—An adult family-care home licensed under this part which claims that it provides special care for persons who have Alzheimer's disease or other related disorders must disclose in its advertisements or in a separate document those services that distinguish the care as being especially applicable to, or suitable for, such persons. The home must give a copy of all such advertisements or a copy of the document to each person who requests information about programs and services for persons with Alzheimer's disease or other related disorders offered by the home and must maintain a copy of all such advertisements and documents in its records. The *agency* ~~department~~ shall examine all such advertisements and documents in the home's records as part of the license renewal procedure.

Section 12. Subsections (2) and (6) and paragraph (c) of subsection (4) of section 400.628, Florida Statutes, are amended to read:

400.628 Residents' bill of rights.—

(2) The provider shall ensure that residents *and their legal representatives* are made aware of the rights, obligations, and prohibitions set forth in *this part* ~~ss. 400.616-400.629~~. Residents must also be given the names, addresses, and telephone numbers of the district ombudsman council and the adult abuse registry where they may lodge complaints.

(4) A provider or staff of an adult family-care home may not serve notice upon a resident to leave the premises or take any other retaliatory action against any person who:

(c) Files a civil action alleging a violation of *this part* ~~ss. 400.616-400.629~~ or notifies a state attorney or the Attorney General of a possible violation of *this part* ~~these sections~~.

(6) Any person who reports a complaint concerning a suspected violation of *this part* ~~ss. 400.616-400.629~~ or the services and conditions in an adult family-care home, or who testifies in any administrative or judicial proceeding arising from such a complaint, is immune from any civil or criminal liability therefor, unless the person acted in bad faith or with malicious purpose or the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party.

Section 13. Section 400.629, Florida Statutes, is amended to read:

400.629 Civil actions to enforce rights.—Any person or resident whose rights as specified in *this part* ~~ss. 400.616-400.629~~ are violated has a cause of action against any adult family-care home, provider, or staff responsible for the violation. The action may be brought by the resident or the resident's guardian, or by a person or organization acting on behalf of a resident with the consent of the resident or the resident's guardian, to enforce the right. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual damages, and punitive damages when malicious, wanton, or willful disregard of the rights of others can be shown. Any plaintiff who prevails in any such action is entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith or with malicious purpose or that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant is entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to other legal and administrative remedies available to a resident or to the *agency* ~~department~~.

Section 14. Paragraph (d) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the following definitions shall apply:

(d) "Resident" means any of the following: *a frail elder* ~~an aged person~~ as defined in s. 400.618~~(3)~~; a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled person as defined in s. 393.063(11); a nondangerous mentally ill person as defined in s. 394.455*(18)*~~(16)~~; or a child as defined in s. 39.01(12) and (14).

Section 15. This act shall take effect on October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to adult family-care homes; amending ss. 400.616, 400.617, 400.618, 400.619, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, and 400.629, F.S., and creating s. 400.6194, F.S.; revising legislative intent and purpose; revising definitions; requiring adult family-care home providers to meet certain screening requirements; revising requirements for licensure application and renewal; providing a late renewal fee; revising grounds for denial, suspension, or revocation of a license; revising requirements for rules relating to appropriate placement of residents; revising provisions relating to injunctive relief; requiring certain information to be provided to residents' legal representatives; conforming terminology, references, and cross-references; amending s. 419.001, F.S.; conforming a cross-reference; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 4035** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1466** and **SB 2504** was deferred.

On motion by Senator Hargrett—

CS for CS for SB 1024—A bill to be entitled An act relating to false reports of abuse or neglect of a child or of abuse, neglect, or exploitation of a disabled adult or elderly person; amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report; amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.5131, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making, or counseling another to make, a false report; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

Amendment 1—On page 3, line 29 and on page 5, line 31, after the comma (,) insert: *the department must notify the local law enforcement agency of and*

Pursuant to Rule 4.19, **CS for CS for SB 1024** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer, by two-thirds vote **CS for CS for HB 3193** was withdrawn from the Committees on Community Affairs and Judiciary.

On motion by Senator Dyer—

CS for CS for HB 3193—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; prohibiting the commingling of certain funds; amending s. 617.307, F.S.; revising language with respect to the transition of homeowners' association control in a community; providing a list of required documents which must be provided to the board by the developer; creating s. 617.3075, F.S.; providing for prohibited clauses in homeowners' association documents; amending s. 689.26, F.S.; revising language with respect to disclosure to prospective purchasers; providing for the cancellation of certain contracts; providing for the inclusion of information on certain amenities; providing an effective date.

—a companion measure, was substituted for **CS for SB 544** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 3193** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Dyer, Senator Forman was recorded as a prime sponsor of **CS for SB 544**.

On motion by Senator Gutman, the Senate resumed consideration of—

CS for SB 228—A bill to be entitled An act relating to cleft-lip and cleft-palate treatment; creating s. 627.64193, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66911, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; amending s. 641.31, F.S.; providing for cleft-lip and cleft-palate treatment for children by health maintenance organizations; providing a legislative determination of an important state interest; providing applicability; providing an effective date.

—which was previously considered April 22. Pending **Amendment 1** by Senator Gutman was withdrawn.

Pursuant to Rule 4.19, **CS for SB 228** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

SB 2534—A bill to be entitled An act relating to the Excellent Teaching Program Trust Fund; creating the fund; providing a source of funds; providing purpose; providing for future review and termination or recreation of the fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2534** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SB 2000—A bill to be entitled An act relating to rulemaking authority for matters pertaining to education (RAB); amending s. 231.17, F.S.; authorizing the Commissioner of Education to make decisions about granting certification to an applicant in extenuating circumstances not otherwise provided for in statute or by rule; amending s. 231.24, F.S.; allowing the state board to approve rules for the expanded use of training in teaching students having limited proficiency in English toward renewing a professional certificate; amending s. 231.29, F.S., relating to assessment procedures and criteria for personnel assessment; authorizing the state board to adopt necessary rules; amending s. 240.116, F.S.; allowing the state board to adopt rules for certain dual-enrollment programs; amending s. 240.233, F.S.; allowing the state board to adopt rules for the articulation of foreign-language competency and equivalency between secondary and postsecondary institutions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2000** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 1960—A bill to be entitled An act relating to assisted living facilities and adult family-care homes; amending s. 400.402, F.S.; revising definitions; amending s. 400.404, F.S.; providing additional exemptions from licensure as an assisted living facility; amending ss. 400.407, 400.408, F.S.; reorganizing and revising provisions relating to unlawful facilities; providing penalties; requiring report of unlicensed facilities; providing for disciplinary actions; revising provisions relating to referral to unlicensed facilities; providing for certain notice to service providers; amending s. 400.411, F.S.; revising requirements for an initial application for license; providing for a fee; amending s. 400.414, F.S.; revising authority and grounds for denial, revocation, or suspension of licenses or imposition of administrative fines; specifying terms for review of proceedings challenging administrative actions; amending s. 400.415, F.S.; requiring a facility to post notice of a moratorium on admissions; providing for rules establishing grounds for imposition of a moratorium; amending s. 400.417, F.S.; providing for coordinated expiration of a facility's license; revising requirements for license renewal; providing for rules; amending s. 400.4174, F.S.; amending an outdated reference to child abuse or neglect; amending s. 400.4176, F.S.; revising time requirement for notice of change of administrator; amending ss. 400.418, 400.422, 400.452, 408.036, F.S., relating to the disposition of fees and fines, receivership proceedings, staff training and education, and the review of certain projects; conforming cross-references to changes made by the act; amending s. 400.419, F.S.; revising procedures relating to violations and penalties; increasing administrative fines for specified classes of violations; providing fines for unlicensed operation of a facility and for failure to apply for a change of ownership license; authorizing a survey fee to cover the cost of certain complaint investigations; providing for corrective action plans to correct violations; expanding dissemination of information regarding facilities sanctioned or fined; amending s. 400.4195, F.S., relating to prohibitions and rebates; creating s. 400.4256, F.S., relating to assistance with the self-administration of medication; amending s. 400.428, F.S.; providing for surveys to determine compliance with facility standards and residents' rights; amending s. 400.474, F.S.; providing for disciplinary action against a home health agency or employee who knowingly provides services in an unlicensed assisted living facility or adult family-care home; amending s. 400.618, F.S.; revising the definition of the term "adult-family care home"; amending s. 394.4574, F.S.; requiring district administrators of the Department of Children and Family Services to develop plans to ensure the provision of mental health and substance abuse treatment services to residents of assisted living facilities that hold a limited mental health license; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 14, between lines 23 and 24, insert:

Section 4. Effective January 1, 1999, subsection (1) of section 400.4075, Florida Statutes, is amended to read:

400.4075 Limited mental health license.—An assisted living facility that serves three or more mental health residents must obtain a limited mental health license.

(1) To obtain a limited mental health license, a facility must hold a standard license as an assisted living facility, *must not have any current uncorrected deficiencies or violations,* and must ensure that, within 6 months after receiving a limited mental health license, the facility administrator and the staff of the facility who are in direct contact with mental health residents must complete training of no less than 6 hours related to their duties. This training will be provided by or approved by the Department of Children and Family Services.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the first semicolon (;) insert: amending s. 400.4075, F.S.; providing requirements for obtaining a limited mental health license;

Amendment 2—On page 49, line 1, after "*Services*" insert: *, in consultation with the Agency for Health Care Administration,*

Pursuant to Rule 4.19, **CS for SB 1960** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR COWIN PRESIDING

On motion by Senator Brown-Waite—

SB 316—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in a notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; providing that such information is not discoverable or admissible in a civil action or administrative proceeding unless such action or proceeding is a disciplinary proceeding conducted by the agency or a regulatory board; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 316** to **CS for CS for HB 3311**.

Pending further consideration of **SB 316** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for CS for HB 3311** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight.

On motion by Senator Brown-Waite—

CS for CS for HB 3311—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in a notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; providing that such information is not discoverable or admissible in a civil action or administrative proceeding unless such action or proceeding is a disciplinary proceeding conducted by the agency or a regulatory board; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 316** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 3311** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 1730—A bill to be entitled An act relating to the Legislature; amending s. 11.111, F.S.; providing for the continuance of certain proceedings that involve a member of the Legislature and conflict with scheduled activity of a legislative committee; specifying the period of the continuance which applies when the Legislature is not in session; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendment which was moved by Senator Campbell and adopted:

Amendment 1—On page 2, between lines 16 and 17, insert:

(4) The continuance provided for herein shall be granted upon filing of a verified pleading or affidavit.

Pursuant to Rule 4.19, **SB 1730** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB's 1192, 628 and 1412—A bill to be entitled An act relating to third-party liability; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing a savings clause for certain actions; providing an effective date.

—was read the second time by title.

On motion by Senator Clary, further consideration of **CS for SB's 1192, 628 and 1412** was deferred.

CS for SB 1460—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; providing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides; prohibiting specified bungy operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendments which were adopted:

Amendment 1—On page 6, line 24, delete "*compliance*" and insert: *conformance*

Amendment 2—On page 10, lines 29 and 31, delete "*15*" and insert: *14*

THE PRESIDENT PRESIDING

Senator Forman moved the following amendments which were adopted:

Amendment 3—On page 14, between lines 11 and 12, insert:

9. Facilities described in s. 549.09(1)(a).

Amendment 4—On page 19, line 8, delete "*$5000*" and insert: *$2,500*

On motion by Senator Forman, further consideration of **CS for SB 1460** as amended was deferred.

On motion by Senator Clary, the Senate resumed consideration of—

CS for SB's 1192, 628 and 1412—A bill to be entitled An act relating to third-party liability; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing a savings clause for certain actions; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for SB's 1192, 628 and 1412**, on motion by Senator Clary, by two-thirds vote **HB 3077** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Clary—

HB 3077—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; limiting certain fees; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1192, 628 and 1412** and read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(1) It is the intent of the Legislature that Medicaid be the payor of last resort for medically necessary goods and services furnished to Medicaid recipients. All other sources of payment for medical care are primary to medical assistance provided by Medicaid. If benefits of a liable third party are *discovered or become* available *after medical assistance has been provided by Medicaid*, it is the intent of the Legislature that Medicaid be repaid in full and prior to any other person, program, or entity. Medicaid is to be repaid in full from, and to the extent of, any third-party benefits, regardless of whether a recipient is made whole or other creditors paid. Principles of common law and equity as to assignment, lien, *and* subrogation~~, comparative negligence, assumption of~~

~~risk, and all other affirmative defenses normally available to a liable third party,~~ are ~~to be~~ abrogated to the extent necessary to ensure full recovery by Medicaid from third-party resources~~; such principles shall apply to a recipient's right to recovery against any third party, but shall not act to reduce the recovery of the agency pursuant to this section. The concept of joint and several liability applies to any recovery on the part of the agency~~. It is intended that if the resources of a liable third party become available at any time, the public treasury should not bear the burden of medical assistance to the extent of such resources. ~~Common-law theories of recovery shall be liberally construed to accomplish this intent.~~

(2) This section may be cited as the "Medicaid Third-Party Liability Act."

(3) Third-party benefits for medical services shall be primary to medical assistance provided by Medicaid.

(4) After the department has provided medical assistance under the Medicaid program, it shall seek recovery of reimbursement from third-party benefits to the limit of legal liability and for the full amount of third-party benefits, but not in excess of the amount of medical assistance paid by Medicaid, as to:

(a) Claims for which the department has a waiver pursuant to federal law; or

(b) Situations in which *the department learns of the existence of* a *liable* third party ~~is liable and the liability~~ or *in which third-party* benefits ~~available~~ are discovered ~~either before~~ or *become available* after medical assistance has been provided by Medicaid.

(5) An applicant, recipient, or legal representative shall inform the department of any rights the applicant or recipient has to third-party benefits and shall inform the department of the name and address of any person that is or may be liable to provide third-party benefits. When the department provides, pays for, or becomes liable for medical services provided by a hospital, the recipient receiving such medical services or his or her legal representative shall also provide the information as to third-party benefits, as defined in this section, to the hospital, which shall provide notice thereof to the department in a manner specified by the department.

(6) When the department provides, pays for, or becomes liable for medical care under the Medicaid program, it has the following rights, as to which the department may assert independent principles of law, which shall nevertheless be construed together to provide the greatest recovery from third-party benefits:

~~(a) The agency has a cause of action against a liable third party to recover the full amount of medical assistance provided by Medicaid, and such cause of action is independent of any rights or causes of action of the recipient.~~

(a)~~(b)~~ The department is automatically subrogated to any rights that an applicant, recipient, or legal representative has to any third-party benefit for the full amount of medical assistance provided by Medicaid. Recovery pursuant to the subrogation rights created hereby shall not be reduced, prorated, or applied to only a portion of a judgment, award, or settlement, but is to provide full recovery by the department from any and all third-party benefits. Equities of a recipient, his or her legal representative, a recipient's creditors, or health care providers shall not defeat, reduce, or prorate recovery by the department as to its subrogation rights granted under this paragraph.

(b)~~(c)~~ By applying for or accepting medical assistance, an applicant, recipient, or legal representative automatically assigns to the department any right, title, and interest such person has to any third-party benefit, excluding any Medicare benefit to the extent required to be excluded by federal law.

1. The assignment granted under this paragraph is absolute, and vests legal and equitable title to any such right in the department, but not in excess of the amount of medical assistance provided by the department.

2. The department is a bona fide assignee for value in the assigned right, title, or interest, and takes vested legal and equitable title free and clear of latent equities in a third person. Equities of a recipient, the recipient's legal representative, his or her creditors, or health care providers shall not defeat or reduce recovery by the department as to the assignment granted under this paragraph.

3. By accepting medical assistance, the recipient grants to the department the limited power of attorney to act in his or her name, place, and stead to perform specific acts with regard to third-party benefits, the recipient's assent being deemed to have been given, including:

a. Endorsing any draft, check, money order, or other negotiable instrument representing third-party benefits that are received on behalf of the recipient as a third-party benefit.

b. Compromising claims to the extent of the rights assigned, *provided that the recipient is not otherwise represented by an attorney as to the claim*.

(c)~~(d)~~ The department is entitled to, and has, an automatic lien for the full amount of medical assistance provided by Medicaid to or on behalf of the recipient for medical care furnished as a result of any covered injury or illness for which a third party is or may be liable, upon the collateral, as defined in s. 409.901.

1. The lien attaches automatically when a recipient first receives treatment for which the department may be obligated to provide medical assistance under the Medicaid program. The lien is perfected automatically at the time of attachment.

2. The department is authorized to file a verified claim of lien. The claim of lien shall be signed by an authorized employee of the department, and shall be verified as to the employee's knowledge and belief. The claim of lien may be filed and recorded with the clerk of the circuit court in the recipient's last known county of residence or in any county deemed appropriate by the department. The claim of lien, to the extent known by the department, shall contain:

a. The name and last known address of the person to whom medical care was furnished.

b. The date of injury.

c. The period for which medical assistance was provided.

d. The amount of medical assistance provided or paid, or for which Medicaid is otherwise liable.

e. The names and addresses of all persons claimed by the recipient to be liable for the covered injuries or illness.

3. The filing of the claim of lien pursuant to this section shall be notice thereof to all persons.

4. If the claim of lien is filed within 1 year after the later of the date when the last item of medical care relative to a specific covered injury or illness was paid, or the date of discovery by the department of the liability of any third party, or the date of discovery of a cause of action against a third party brought by a recipient or his or her legal representative, record notice shall relate back to the time of attachment of the lien.

5. If the claim of lien is filed after 1 year after the later of the events specified in subparagraph 4., notice shall be effective as of the date of filing.

6. Only one claim of lien need be filed to provide notice as set forth in this paragraph and shall provide sufficient notice as to any additional or after-paid amount of medical assistance provided by Medicaid for any specific covered injury or illness. The department may, in its discretion, file additional, amended, or substitute claims of lien at any time after the initial filing, until the department has been repaid the full amount of medical assistance provided by Medicaid or otherwise has released the liable parties and recipient.

7. No release or satisfaction of any cause of action, suit, claim, counterclaim, demand, judgment, settlement, or settlement agreement shall be valid or effectual as against a lien created under this paragraph, unless the department joins in the release or satisfaction or executes a release of the lien. An acceptance of a release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment and any settlement of any of the foregoing in the absence of a release or satisfaction

of a lien created under this paragraph shall prima facie constitute an impairment of the lien, and the department is entitled to recover damages on account of such impairment. In an action on account of impairment of a lien, the department may recover from the person accepting the release or satisfaction or making the settlement the full amount of medical assistance provided by Medicaid. Nothing in this section shall be construed as creating a lien or other obligation on the part of an insurer which in good faith has paid a claim pursuant to its contract without knowledge or actual notice that the department has provided medical assistance for the recipient related to a particular covered injury or illness. However, notice or knowledge that an insured is, or has been a Medicaid recipient within 1 year from the date of service for which a claim is being paid creates a duty to inquire on the part of the insurer as to any injury or illness for which the insurer intends or is otherwise required to pay benefits.

8. The lack of a properly filed claim of lien shall not affect the department's assignment or subrogation rights provided in this subsection, nor shall it affect the existence of the lien, but only the effective date of notice as provided in subparagraph 5.

9. The lien created by this paragraph is a first lien and superior to the liens and charges of any provider, and shall exist for a period of 7 years, if recorded, after the date of recording; and shall exist for a period of 7 years after the date of attachment, if not recorded. If recorded, the lien may be extended for one additional period of 7 years by rerecording the claim of lien within the 90-day period preceding the expiration of the lien.

10. The clerk of the circuit court for each county in the state shall endorse on a claim of lien filed under this paragraph the date and hour of filing and shall record the claim of lien in the official records of the county as for other records received for filing. The clerk shall receive as his or her fee for filing and recording any claim of lien or release of lien under this paragraph the total sum of $2. Any fee required to be paid by the department shall not be required to be paid in advance of filing and recording, but may be billed to the department after filing and recording of the claim of lien or release of lien.

11. After satisfaction of any lien recorded under this paragraph, the department shall, within 60 days after satisfaction, either file with the appropriate clerk of the circuit court or mail to any appropriate party, or counsel representing such party, if represented, a satisfaction of lien in a form acceptable for filing in Florida.

(7) The department shall recover the full amount of all medical assistance provided by Medicaid on behalf of the recipient to the full extent of third-party benefits.

(a) Recovery of such benefits shall be collected directly from:

1. Any third party;

2. The recipient or legal representative, if he or she has received third-party benefits;

3. The provider of a recipient's medical services if third-party benefits have been recovered by the provider; notwithstanding any provision of this section, to the contrary, however, no provider shall be required to refund or pay to the department any amount in excess of the actual third-party benefits received by the provider from a third-party payor for medical services provided to the recipient; or

4. Any person who has received the third-party benefits.

(b) Upon receipt of any recovery or other collection pursuant to this section, the department shall distribute the amount collected as follows:

1. To itself, an amount equal to the state Medicaid expenditures for the recipient plus any incentive payment made in accordance with paragraph (14)(a).

2. To the Federal Government, the federal share of the state Medicaid expenditures minus any incentive payment made in accordance with paragraph (14)(a) and federal law, and minus any other amount permitted by federal law to be deducted.

3. To the recipient, after deducting any known amounts owed to the department for any related medical assistance or to health care providers, any remaining amount. This amount shall be treated as income or resources in determining eligibility for Medicaid.

(8) The department shall require an applicant or recipient, or the legal representative thereof, to cooperate in the recovery by the department of third-party benefits of a recipient and in establishing paternity and support of a recipient child born out of wedlock. As a minimal standard of cooperation, the recipient or person able to legally assign a recipient's rights shall:

(a) Appear at an office designated by the department to provide relevant information or evidence.

(b) Appear as a witness at a court or other proceeding.

(c) Provide information, or attest to lack of information, under penalty of perjury.

(d) Pay to the department any third-party benefit received.

(e) Take any additional steps to assist in establishing paternity or securing third-party benefits, or both.

(f) Paragraphs (a)-(e) notwithstanding, the department shall have the discretion to waive, in writing, the requirement of cooperation for good cause shown and as required by federal law.

~~(9) In the event that medical assistance has been provided by Medicaid to more than one recipient, and the agency elects to seek recovery from liable third parties due to actions by the third parties or circumstances which involve common issues of fact or law, the agency may bring an action to recover sums paid to all such recipients in one proceeding. In any action brought under this subsection, the evidence code shall be liberally construed regarding the issues of causation and of aggregate damages. The issue of causation and damages in any such action may be proven by use of statistical analysis.~~

~~(a) In any action under this subsection wherein the number of recipients for which medical assistance has been provided by Medicaid is so large as to cause it to be impracticable to join or identify each claim, the agency shall not be required to so identify the individual recipients for which payment has been made, but rather can proceed to seek recovery based upon payments made on behalf of an entire class of recipients.~~

~~(b) In any action brought pursuant to this subsection wherein a third party is liable due to its manufacture, sale, or distribution of a product, the agency shall be allowed to proceed under a market share theory, provided that the products involved are substantially interchangeable among brands, and that substantially similar factual or legal issues would be involved in seeking recovery against each liable third party individually.~~

(9)~~(10)~~ The department shall deny or terminate eligibility for any applicant or recipient who refuses to cooperate as required in subsection (8), unless cooperation has been waived in writing by the department as provided in paragraph (8)(f). However, any denial or termination of eligibility shall not reduce medical assistance otherwise payable by the department to a provider for medical care provided to a recipient prior to denial or termination of eligibility.

(10)~~(11)~~ An applicant or recipient shall be deemed to have provided to the department the authority to obtain and release medical information and other records with respect to such medical care, for the sole purpose of obtaining reimbursement for medical assistance provided by Medicaid.

(11)~~(12)~~ The department may, as a matter of right, in order to enforce its rights under this section, institute, intervene in, or join any legal or administrative proceeding in its own name in one or more of the following capacities: individually, as subrogee of the recipient, as assignee of the recipient, or as lienholder of the collateral.

(a) If either the recipient, or his or her legal representative, or the department brings an action against a third party, the recipient, or the recipient's legal representative, or the department, or their attorneys, shall, within 30 days after filing the action, provide to the other written notice, by personal delivery or registered mail, of the action, the name of the court in which the case is brought, the case number of such action, and a copy of the pleadings. If an action is brought by either the department, or the recipient or the recipient's legal representative, the other

may, at any time before trial on the merits, become a party to, or shall consolidate his or her action with the other if brought independently. Unless waived by the other, the recipient, or his or her legal representative, or the department shall provide notice to the other of the intent to dismiss at least 21 days prior to voluntary dismissal of an action against a third party. Notice to the department shall be sent to an address set forth by rule. Notice to the recipient or his or her legal representative, if represented by an attorney, shall be sent to the attorney, and, if not represented, then to the last known address of the recipient or his or her legal representative. ~~The provisions of this subsection shall not apply to any actions brought pursuant to subsection (9), and in any such action, no notice to recipients is required, and the recipients shall have no right to become a party to any action brought under such subsection.~~

(b) An action by the department to recover damages in tort under this subsection, which action is derivative of the rights of the recipient or his or her legal representative, shall not constitute a waiver of sovereign immunity pursuant to s. 768.14.

(c) In the event of judgment, award, or settlement in a claim or action against a third party, the court shall order the segregation of an amount sufficient to repay the department's expenditures for medical assistance, plus any other amounts permitted under this section, and shall order such amounts paid directly to the department.

(d) No judgment, award, or settlement in any action by a recipient or his or her legal representative to recover damages for injuries or other third-party benefits, when the department has an interest, shall be satisfied without first giving the department notice and a reasonable opportunity to file and satisfy its lien, and satisfy its assignment and subrogation rights or proceed with any action as permitted in this section.

(e) Except as otherwise provided in this section, notwithstanding any other provision of law, the entire amount of any settlement of the recipient's action or claim involving third-party benefits, with or without suit, is subject to the department's claims for reimbursement of the amount of medical assistance provided and any lien pursuant thereto.

(f) Notwithstanding any provision in this section to the contrary, in the event of an action in tort against a third party in which the recipient or his or her legal representative is a party and in which the amount of any judgment, award, or settlement from third-party benefits, excluding medical coverage as defined in subparagraph 4., after reasonable costs and expenses of litigation, is an amount equal to or less than 200 percent of the amount of medical assistance provided by Medicaid less any medical coverage paid or payable to the department, then distribution of the amount recovered shall be as follows:

1. Any fee for services of an attorney retained by the recipient or his or her legal representative shall not exceed an amount equal to 25 percent of the recovery, after reasonable costs and expenses of litigation, from the judgment, award, or settlement.

2. After attorney's fees, two-thirds of the remaining recovery shall be designated for past medical care and paid to the department for medical assistance provided by Medicaid.

3. The remaining amount from the recovery shall be paid to the recipient.

4. For purposes of this paragraph, "medical coverage" means any benefits under health insurance, a health maintenance organization, a preferred provider arrangement, or a prepaid health clinic, and the portion of benefits designated for medical payments under coverage for workers' compensation, personal injury protection, and casualty.

(g) In the event that the recipient, his or her legal representative, or the recipient's estate brings an action against a third party, notice of institution of legal proceedings, notice of settlement, and all other notices required by this section or by rule shall be given to the department, in Tallahassee, in a manner set forth by rule. All such notices shall be given by the attorney retained to assert the recipient's or legal representative's claim, or, if no attorney is retained, by the recipient, the recipient's legal representative, or his or her estate.

(h) Except as otherwise provided in this section, actions to enforce the rights of the department under this section shall be commenced within 5 years after the date a cause of action accrues, with the period running from the later of the date of discovery by the department of a case filed by a recipient or his or her legal representative, or of discovery of any judgment, award, or settlement contemplated in this section, or of *discovery of facts giving rise to a cause of action under this section* ~~the provision of medical assistance to a recipient~~. ~~Each item of expense provided by the agency shall be considered to constitute a separate cause of action for purposes of this subsection. The defense of statute of repose shall not apply to any action brought under this section by the agency.~~ Nothing in this paragraph affects or prevents a proceeding to enforce a lien during the existence of the lien as set forth in subparagraph (6)(c)9.

(i) Upon the death of a recipient, and within the time prescribed by ss. 733.702 and 733.710, the department, in addition to any other available remedy, may file a claim against the estate of the recipient for the total amount of medical assistance provided by Medicaid for the benefit of the recipient. Claims so filed shall take priority as class 3 claims as provided by s. 733.707(1)(c). The filing of a claim pursuant to this paragraph shall neither reduce nor diminish the general claims of the department under s. 414.28, except that the department may not receive double recovery for the same expenditure. Claims under this paragraph shall be superior to those under s. 414.28. The death of the recipient shall neither extinguish nor diminish any right of the department to recover third-party benefits from a third party or provider. Nothing in this paragraph affects or prevents a proceeding to enforce a lien created pursuant to this section or a proceeding to set aside a fraudulent conveyance as defined in subsection (16).

(12)~~(13)~~ No action taken by the department shall operate to deny the recipient's recovery of that portion of benefits not assigned or subrogated to the department, or not secured by the department's lien. The department's rights of recovery created by this section, however, shall not be limited to some portion of recovery from a judgment, award, or settlement. Only the following benefits are not subject to the rights of the department: benefits not related in any way to a covered injury or illness; proceeds of life insurance coverage on the recipient; proceeds of insurance coverage, such as coverage for property damage, which by its terms and provisions cannot be construed to cover personal injury, death, or a covered injury or illness; proceeds of disability coverage for lost income; and recovery in excess of the amount of medical benefits provided by Medicaid after repayment in full to the department.

(13)~~(14)~~ No action of the recipient shall prejudice the rights of the department under this section. No settlement, agreement, consent decree, trust agreement, annuity contract, pledge, security arrangement, or any other device, hereafter collectively referred to in this subsection as a "settlement agreement," entered into or consented to by the recipient or his or her legal representative shall impair the department's rights. However, in a structured settlement, no settlement agreement by the parties shall be effective or binding against the department for benefits accrued without the express written consent of the department or an appropriate order of a court having personal jurisdiction over the department.

(14)~~(15)~~ The department is authorized to enter into agreements to enforce or collect medical support and other third-party benefits.

(a) If a cooperative agreement is entered into with any agency, program, or subdivision of the state, or any agency, program, or legal entity of or operated by a subdivision of the state, or with any other state, the department is authorized to make an incentive payment of up to 15 percent of the amount actually collected and reimbursed to the department, to the extent of medical assistance paid by Medicaid. Such incentive payment is to be deducted from the federal share of that amount, to the extent authorized by federal law. The department may pay such person an additional percentage of the amount actually collected and reimbursed to the department as a result of the efforts of the person, but no more than a maximum percentage established by the department. In no case shall the percentage exceed the lesser of a percentage determined to be commercially reasonable or 15 percent, in addition to the 15-percent incentive payment, of the amount actually collected and reimbursed to the department as a result of the efforts of the person under contract.

(b) If an agreement to enforce or collect third-party benefits is entered into by the department with any person other than those described in paragraph (a), including any attorney retained by the department who is not an employee or agent of any person named in paragraph (a), then the department may pay such person a percentage of the amount

actually collected and reimbursed to the department as a result of the efforts of the person, to the extent of medical assistance paid by Medicaid. In no case shall the percentage exceed a maximum established by the department, which shall not exceed the lesser of a percentage determined to be commercially reasonable or 30 percent of the amount actually collected and reimbursed to the department as a result of the efforts of the person under contract.

(c) An agreement pursuant to this subsection may permit reasonable litigation costs or expenses to be paid from the department's recovery to a person under contract with the department.

(d) Contingency fees and costs incurred in recovery pursuant to an agreement under this subsection may, for purposes of determining state and federal share, be deemed to be administrative expenses of the state. To the extent permitted by federal law, such administrative expenses shall be shared with, or fully paid by, the Federal Government.

(15)~~(16)~~ Insurance and other third-party benefits may not contain any term or provision which purports to limit or exclude payment or provisions of benefits for an individual if the individual is eligible for, or a recipient of, medical assistance from Medicaid, and any such term or provision shall be void as against public policy.

(16)~~(17)~~ Any transfer or encumbrance of any right, title, or interest to which the department has a right pursuant to this section, with the intent, likelihood, or practical effect of defeating, hindering, or reducing recovery by the department for reimbursement of medical assistance provided by Medicaid, shall be deemed to be a fraudulent conveyance, and such transfer or encumbrance shall be void and of no effect against the claim of the department, unless the transfer was for adequate consideration and the proceeds of the transfer are reimbursed in full to the department, but not in excess of the amount of medical assistance provided by Medicaid.

(17)~~(18)~~ A recipient or his or her legal representative or any person representing, or acting as agent for, a recipient or the recipient's legal representative, who has notice, excluding notice charged solely by reason of the recording of the lien pursuant to paragraph (6)(d), or who has actual knowledge of the department's rights to third-party benefits under this section, who receives any third-party benefit or proceeds therefrom for a covered illness or injury, is required either to pay the department the full amount of the third-party benefits, but not in excess of the total medical assistance provided by Medicaid, or to place the full amount of the third-party benefits in a trust account for the benefit of the department pending judicial or administrative determination of the department's right thereto. Proof that any such person had notice or knowledge that the recipient had received medical assistance from Medicaid, and that third-party benefits or proceeds therefrom were in any way related to a covered illness or injury for which Medicaid had provided medical assistance, and that any such person knowingly obtained possession or control of, or used, third-party benefits or proceeds and failed either to pay the department the full amount required by this section or to hold the full amount of third-party benefits or proceeds in trust pending judicial or administrative determination, unless adequately explained, gives rise to an inference that such person knowingly failed to credit the state or its agent for payments received from social security, insurance, or other sources, pursuant to s. 414.39(4)(b), and acted with the intent set forth in s. 812.014(1).

(a) In cases of suspected criminal violations or fraudulent activity, the department may take any civil action permitted at law or equity to recover the greatest possible amount, including, without limitation, treble damages under ss. 772.11 and 812.035(7).

(b)~~(a)~~ The department is authorized to investigate and to request appropriate officers or agencies of the state to investigate suspected criminal violations or fraudulent activity related to third-party benefits, including, without limitation, ss. *414.39* ~~409.325~~ and 812.014. Such requests may be directed, without limitation, to the Medicaid Fraud Control Unit of the Office of the Attorney General, or to any state attorney. Pursuant to s. 409.913, the Attorney General has primary responsibility to investigate and control Medicaid fraud.

(c)~~(b)~~ In carrying out duties and responsibilities related to Medicaid fraud control, the department may subpoena witnesses or materials within or outside the state and, through any duly designated employee, administer oaths and affirmations and collect evidence for possible use in either civil or criminal judicial proceedings.

(d)~~(c)~~ All information obtained and documents prepared pursuant to an investigation of a Medicaid recipient, the recipient's legal representative, or any other person relating to an allegation of recipient fraud or theft is confidential and exempt from s. 119.07(1):

1. Until such time as the department takes final agency action;

2. Until such time as the *Department of Legal Affairs* ~~Attorney General~~ refers the case for criminal prosecution;

3. Until such time as an indictment or criminal information is filed by a state attorney in a criminal case; or

4. At all times if otherwise protected by law.

~~(19) In cases of suspected criminal violations or fraudulent activity, on the part of any person including a liable third party, the department is authorized to take any civil action permitted at law or equity to recover the greatest possible amount, including without limitation, treble damages under s. 772.73. In any action in which the recipient has no right to intervene, or does not exercise his or her right to intervene, any amounts recovered under this subsection shall be the property of the agency, and the recipient shall have no right or interest in such recovery.~~

(18)~~(20)~~ In recovering any payments in accordance with this section, the department is authorized to make appropriate settlements.

(19)~~(21)~~ Notwithstanding any provision in this section to the contrary, the department shall not be required to seek reimbursement from a liable third party on claims for which the department determines that the amount it reasonably expects to recover will be less than the cost of recovery, or that recovery efforts will otherwise not be cost-effective.

(20)~~(22)~~ Entities providing health insurance as defined in s. 624.603, and health maintenance organizations and prepaid health clinics as defined in chapter 641, shall provide such records and information as are necessary to accomplish the purpose of this section, unless such requirement results in an unreasonable burden.

(a) The secretary of the department and the Insurance Commissioner shall enter into a cooperative agreement for requesting and obtaining information necessary to effect the purpose and objective of this section.

1. The department shall request only that information necessary to determine whether health insurance as defined pursuant to s. 624.603, or those health services provided pursuant to chapter 641, could be, should be, or have been claimed and paid with respect to items of medical care and services furnished to any person eligible for services under this section.

2. All information obtained pursuant to subparagraph 1. is confidential and exempt from s. 119.07(1).

3. The cooperative agreement or rules adopted under this subsection may include financial arrangements to reimburse the reporting entities for reasonable costs or a portion thereof incurred in furnishing the requested information. Neither the cooperative agreement nor the rules shall require the automation of manual processes to provide the requested information.

(b) The department and the Department of Insurance jointly shall adopt rules for the development and administration of the cooperative agreement. The rules shall include the following:

1. A method for identifying those entities subject to furnishing information under the cooperative agreement.

2. A method for furnishing requested information.

3. Procedures for requesting exemption from the cooperative agreement based on an unreasonable burden to the reporting entity.

(21)~~(23)~~ The department is authorized to adopt rules to implement the provisions of this section and federal requirements.

Section 2. Paragraph (a) of subsection (9) of section 624.424, Florida Statutes, is amended to read:

624.424 Annual statement and other information.—

(9)(a) Each authorized insurer shall, pursuant to *s. 409.910(20)* ~~s. 409.910(22)~~, provide records and information to the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ to identify potential insurance coverage for claims filed with that *agency* ~~department~~ and its fiscal agents for payment of medical services under the Medicaid program.

Section 3. This act shall take effect upon becoming a law and shall operate retroactively to July 1, 1994, except that any action filed prior to March 1, 1998, any appeal of such action, any matter related to such action, any enforcement of the terms of a settlement agreement entered in such action, or any action filed prior to March 1, 1998, in which the parties have agreed to settle and the trial court has approved the settlement agreement, whether or not the time to appeal the approval of such settlement has expired, remains covered by and shall proceed under the law as it existed on the date of the filing of such action. If any settlement agreement entered in any such action filed prior to March 1, 1998, is overturned, canceled, or terminated, or is altered in any material manner by subsequent court order, such action remains covered by and shall proceed under the law as it existed on the date of the filing of such action.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid third-party liability; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; amending s. 624.424, F.S.; conforming a cross-reference and correcting an agency reference; providing for retroactive application; providing a savings clause for certain actions; providing an effective date.

Pursuant to Rule 4.19, **HB 3077** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for CS for SB 646—A bill to be entitled An act relating to sexually violent predators; requesting that the Division of Statutory Revision redesignate ch. 916, F.S.; amending s. 916.10, F.S.; providing a short title; creating s. 916.30, F.S.; providing a short title; creating s. 916.31, F.S.; providing legislative findings and intent; creating s. 916.32, F.S.; defining terms; creating s. 916.33, F.S.; requiring notice of release from custody of a person alleged to be a sexually violent predator; providing for evaluation of such person; creating s. 916.34, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.35, F.S.; providing for determination of probable cause, for hearings, and for taking such person into custody; creating s. 916.36, F.S.; providing for trial on the issue of whether such person is a sexually violent predator; creating s. 916.37, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.38, F.S.; requiring examinations of persons committed; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; authorizing petition for release; creating s. 916.41, F.S.; providing for access to certain records; creating s. 916.42, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.43, F.S.; providing immunity from civil liability; creating s. 916.44; providing severability; creating s. 916.45, F.S.; providing for retrospective and prospective application; creating s. 916.46, F.S.; providing for notice to victims; creating s. 916.47, F.S.; penalizing escape; creating s. 916.48, F.S.; authorizing subsistence fees and costs; creating s. 916.49, F.S.; providing that the Department of Health is responsible for costs; providing that other costs for psychological evaluations, expert witnesses, and court-appointed counsel are paid from state funds; providing an effective date.

—was read the second time by title.

Senators Klein and Gutman offered the following amendments which were moved by Senator Klein and adopted:

Amendment 1 (with title amendment)—On page 4, line 13; on page 12, line 27; on page 13, line 16; and on page 16, lines 28 and 29, delete "*Health*" and insert: *Children and Family Services*

And the title is amended as follows:

On page 2, line 10, delete "Health" and insert: Children and Family Services

Amendment 2—On page 6, line 15, strike the comma (,) and insert: *to the multidisciplinary team, and a copy*

Amendment 3—On page 6, line 29, delete "*state attorney*" and insert: *multidisciplinary team*

Senators Klein and Gutman offered the following amendment which was moved by Senator Gutman and adopted:

Amendment 4—On page 7, lines 12-21, delete those lines and insert: *the provisions of ss. 916.30-916.49. However, the state attorney has no lawful authority to file a petition with the circuit court alleging that a person is a sexually violent predator without a written assessment and recommendation from the multidisciplinary team.*

(3) The Secretary of Children and Family Services shall establish a multidisciplinary team, which shall include a person knowledgeable in the field of law enforcement designated by the Attorney General, a licensed psychologist, a licensed psychiatrist, a person designated by the Department of Corrections who is knowledgeable in the treatment of sexual offenders, and a mental health counselor licensed under chapter 491, to review available records of each person referred to such team under subsection (1). The team, within 45 days after receiving notice, shall assess whether the person meets the definition of a sexually violent predator and provide the state attorney with its written assessment and recommendation.

Senators Klein and Gutman offered the following amendments which were moved by Senator Klein and adopted:

Amendment 5—On page 8, lines 12-19, delete those lines and insert: *held in an appropriate secure facility or, in the case of an adjudicated committed delinquent, the closest regional juvenile secure detention facility to the county where the petition was filed.*

(2) Before the release from custody of a person whom the multidisciplinary team recommends for civil confinement, but after the state attorney files a petition under s. 916.33, the state attorney may further petition the court for an adversarial probable cause hearing. The person shall be provided with notice of, and an opportunity to appear in person at, an adversary hearing. At this hearing, the judge

Amendment 6—On page 9, lines 17 and 18, delete those lines and insert:

(1) Within 30 days after the determination of probable cause, the court shall conduct a trial to

Amendment 7—On page 10, line 28 through page 11, line 14, delete those lines and insert:

(2) If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the Department of Children and Family Services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that it is safe for the person to be at large. Such control, care, and treatment shall be provided at a facility operated by the Department of Children and Family Services. At all times, sexually violent predators who are committed for control, care, and treatment by the Department of Children and Family Services under this section shall be kept in a secure facility segregated from patients who are not committed under this section.

Amendment 8 (with title amendment)—On page 17, between lines 3 and 4 insert:

Section 23. *The Department of Children and Family Services may contract with a private entity or state agency for use of facilities to comply with the requirements of this act.*

Section 24. *There is hereby appropriated from the General Revenue Fund in a lump sum to the Department of Children and Family Services the sum of $3,400,000 and 50 full-time equivalent positions, and from the Grants and Donations Trust Fund, $1,500,000 to the Department of Corrections for the purpose of carrying out the provisions of this act. From the funds appropriated to the Department of Children and Family Services, the department may, at the counties' request, reimburse counties for*

the cost of no more than one examination of each person subject to this act, provided that the department's reimbursement for each examination shall not exceed the cost to the department for examinations that it conducts of such persons.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 14, after the semicolon (;) insert: authorizing the Department of Children and Family Services to contract for the use of facilities; providing an appropriation;

Amendment 9—On page 17, line 4, delete "July 1, 1998" and insert: January 1, 1999

Pursuant to Rule 4.19, **CS for CS for SB 646** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman, the Senate resumed consideration of—

CS for SB 1460—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; providing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides; prohibiting specified bungy operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

—which was previously considered and amended this day.

Senator Forman moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 21, between lines 11 and 12, insert:

(20) LIENS.—

(a)1. All fees, fines, interest, and costs levied or assessed by the department against the owner of an amusement ride or rides and not paid by the owner shall constitute and operate as a lien in favor of the department. The lien shall arise as of the time the fees, fines, interest, and costs become due and payable and shall cover all real and personal property owned by the owner from the date the lien arises until paid. The lien shall secure all unpaid fees, fines, interest, and costs which are due and which may accrue subsequent to the recording of the claim of lien and prior to the entry of a final judgment of foreclosure. The lien may be recorded in the public records of any county where the owner owns real or personal property and shall state the name of the owner and the amount due.

2. The department may enforce the lien upon real property in the manner in which a mortgage of real property is foreclosed. The lien may also be enforced against personal property in the manner provided for the enforcement of other liens on personal property in this state. Enforcement of a lien for fees, fines, interests, and costs shall not operate as a waiver of any other remedies available to the department, including an action to recover a money judgment for the unpaid fees, fines, interest, and costs, or enforcement of the lien provided in paragraph (b).

(b)1. In addition to the lien provided in subparagraph (a)1., the department shall have a special lien on all amusement rides owned by the owner. Notwithstanding any provisions under chapter 697 to the contrary, any special lien on amusement rides for fees, fines, interest, and costs, shall have equal dignity and the same priority as liens for taxes in favor of the state as described in s. 197.122. The special lien shall arise as of the time the fees, fines, interest, and costs become due and payable and shall cover all amusement rides owned by the owner from the date the lien arises until paid. The lien shall secure all unpaid fees, fines, interest, and costs which are due and which may accrue prior to the enforcement of the lien.

2. The department may provide notice of a claim of lien to potential buyers by tagging all amusement rides owned by the owner as being subject to a lien or by mailing a copy of a claim of the lien. The claim of lien shall state the name of the owner, the date or dates of the unpaid fees, fines, interest, and costs, and the amount that is due.

3. The special lien on all amusement rides owned by the owner may be enforced in the manner provided for the enforcement of other liens on personal property in this state. The lien shall also extend to the proceeds of a sale of any amusement ride owned by the owner to a buyer. If a buyer has not received written notice of the lien and the amusement rides are not tagged, then such buyer takes free of the lien. A buyer of amusement rides other than a person buying the amusement ride or rides from the owner takes free of the lien created by this paragraph. Nothing in this paragraph shall be construed to operate as a waiver of other remedies available to the department for unpaid fees, fines, interest, or costs, including an action to recover a money judgment for the unpaid fees, fines, interest, or costs, or enforcement of the lien provided in subparagraph (a)2.

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: providing for liens for unpaid fees, fines, interest, and costs;

Pursuant to Rule 4.19, **CS for SB 1460** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 2316** and **CS for SB 368** was deferred.

On motion by Senator Childers—

CS for SB 266—A bill to be entitled An act relating to the municipal firefighters' pension trust fund and the municipal police officers' retirement trust fund; amending ss. 175.071, 185.06, F.S.; revising the powers of the board of trustees for each trust fund; providing guidelines for the investment of funds; requiring additional recordkeeping by the boards; providing qualifications for professionally qualified independent consultants; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 266** was placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

CS for SB 1540—A bill to be entitled An act relating to children and families; creating s. 39.5085, F.S.; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; naming a service center building; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1540** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1440—A bill to be entitled An act relating to rulemaking authority with respect to marine resources (RAB); amending s. 370.06, F.S.; authorizing rulemaking for issuance of special-activities licenses; amending s. 370.08, F.S.; authorizing the adoption of rules defining food fish; amending s. 370.12, F.S.; authorizing rulemaking for issuance of special permits for conservation of marine turtles; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1440** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1908** was deferred.

On motion by Senator Kurth—

CS for SB 368—A bill to be entitled An act relating to motorcycle safety education; amending s. 215.22, F.S.; providing an exemption from a required deduction for that portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee; amending s. 322.0255, F.S.; deleting a limitation on the reimbursement of certain fees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 368** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 3951** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Lee—

HB 3951—A bill to be entitled An act relating to school attendance; amending s. 228.041, F.S.; clarifying definition of the term "home education program"; amending s. 229.808, F.S.; providing that definition of the term "nonpublic school" does not include home education program for purpose of survey requirements; amending s. 232.01, F.S., relating to school attendance; clarifying provisions relating to state or school district control of home education programs; amending s. 232.02, F.S.; providing that private tutoring may be used to meet regular school attendance requirements; revising provisions relating to home education programs; clarifying inspection of portfolio; providing for parental selection of method of evaluation; revising process for reporting and submitting written evaluation and test results to superintendent; creating s. 232.0202, F.S.; providing requirements for private tutoring programs; amending s. 232.021, F.S.; providing that attendance reporting requirements do not apply to home education programs; amending ss. 232.425, 240.116, 240.321, 240.40202, 240.40205, and 240.40206, F.S.; correcting cross references and conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 2110** and read the second time by title.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **HB 3951**, motions and announcements.

Senator Lee moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 3, lines 9-25, delete those lines and insert:

Section 3. Paragraphs (b) and (c) of subsection (1) of section 232.01, Florida Statutes, are amended to read:

232.01 School attendance.—

(1)

(b) Any child who has attained the age of 6 years on or before September 1 of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before September 1 and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's pupil progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools *or home education programs*.

(c) A child who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the child files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the child *and the child's parent or legal guardian*. The school district must notify the child's parent or legal guardian *of receipt* of the child's declaration of intent to terminate school enrollment. A child who attains the age of 18 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age.

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: revising provisions relating to compulsory school attendance;

Amendment 2—On page 6, line 9, after "*teacher*" insert: *, at a location and under testing conditions approved by the school district*

Pursuant to Rule 4.19, **HB 3951** as amended was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:02 p.m. to reconvene at 2:45 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 3:02 p.m. A quorum present—39:

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 484—A bill to be entitled An act relating to public assistance; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; prescribing guidelines for Medicaid payment of Medicare deductibles and coinsurance; eliminating a prohibition on specified contracts; repealing redundant provisions; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; amending s. 409.9122, F.S.; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified ratio of enrollees; amending s. 409.910, F.S.; providing for the distribution of amounts recovered in certain tort suits involving intervention by the Agency for Health Care Administration; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 198.30, F.S.; requiring that each circuit judge provide a report of decedents to the Agency for Health Care Administration; amending s. 154.504, F.S.; providing certain restrictions on the use of copayments by public health facilities; creating ss. 381.0022, 402.115, F.S.; authorizing the Department of Health and the Department of Children and Family Services to share certain confidential information; amending s. 414.028, F.S.; providing for a representative of a county health department or Healthy Start Coalition to serve on the local

WAGES coalition; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee of the Department of Health; amending s. 383.04, F.S.; revising the requirements for the prophylactic to be used for the eyes of infants; repealing s. 383.05, F.S., relating to the free distribution of such prophylactic; providing an effective date.

—was read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1—On page 5, lines 4 and 5, delete those lines and insert: access to such care. *Effective no earlier than the rate-setting period beginning April 1, 1999, the agency shall establish a*

Amendment 2—On page 5, line 19, after the period (.) insert: *In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component.*

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 7, lines 13-31, delete those lines and insert:

Section 2. Paragraph (c) of subsection (4) of section 409.912, Florida Statutes, is repealed, paragraphs (b) and (d) of subsection (3) and subsection (13) of that section are amended, and subsection (34) is added to that section to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(b) An entity that is providing comprehensive inpatient and outpatient mental health care services to certain Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must become licensed under chapter 624, *chapter 636*, or chapter 641 by December 31, 1998, and is exempt from the provisions of part I of chapter 641 until then. However, if the entity assumes risk, the Department of Insurance shall develop appropriate regulatory requirements by rule under the insurance code before the entity becomes operational.

And the title is amended as follows:

On page 1, between lines 12 and 13, insert: modifying the licensure requirements for a provider of services under a pilot project;

Senator Bankhead moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 7, line 13 through page 9, line 12, delete those lines and insert:

Section 2. Paragraph (c) of subsection (4) of section 409.912, Florida Statutes, is repealed, paragraph (d) of subsection (3) and subsection (13) of that section are amended, and subsections (34) and (35) are added to that section, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(d) No more than four provider service networks for demonstration projects to test Medicaid direct contracting. ~~However, no such demonstration project shall be established with a federally qualified health center nor shall any provider service network under contract with the agency pursuant to this paragraph include a federally qualified health center in its provider network.~~ One demonstration project must be located in Orange County. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for 2 years from the date of implementation.

(13) The agency shall identify health care utilization and price patterns within the Medicaid program *which* ~~that~~ are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate. *Such methods may include disease-management initiatives, an integrated and systematic approach for managing the health care needs of recipients who are at risk of or diagnosed with a specific disease by using best practices, prevention strategies, clinical-practice improvement, clinical interventions and protocols, outcomes research, information technology, and other tools and resources to reduce overall costs and improve measurable outcomes.*

(34) The agency may provide for cost-effective purchasing of home health services through competitive negotiation pursuant to s. 287.057. The agency may request appropriate waivers from the federal Health Care Financing Administration in order to competitively bid home health services.

(35) The Agency for Health Care Administration is directed to issue a request for proposal or intent to negotiate to implement on a demonstration basis an outpatient specialty services pilot project in a rural and urban county in the state. As used in this subsection, the term "outpatient specialty services" means clinical laboratory, diagnostic imaging, and specified home medical services to include durable medical equipment, prosthetics and orthotics, and infusion therapy.

(a) The entity that is awarded the contract to provide Medicaid managed care outpatient specialty services must, at a minimum, meet the following criteria:

1. The entity must be licensed by the Department of Insurance under part II of chapter 641.

2. The entity must be experienced in providing outpatient specialty services.

3. The entity must demonstrate to the satisfaction of the agency that it provides high-quality services to its patients.

4. The entity must demonstrate that it has in place a complaints and grievance process to assist Medicaid recipients enrolled in the pilot managed care program to resolve complaints and grievances.

(b) The pilot managed care program shall operate for a period of 3 years. The objective of the pilot program shall be to determine the cost-effectiveness and effects on utilization, access, and quality of providing outpatient specialty services to Medicaid recipients on a prepaid, capitated basis.

(c) The agency shall conduct a quality-assurance review of the prepaid health clinic each year that the demonstration program is in effect. The prepaid health clinic is responsible for all expenses incurred by the agency in conducting a quality assurance review.

(d) The entity that is awarded the contract to provide outpatient specialty services to Medicaid recipients shall report data required by the agency in a format specified by the agency, for the purpose of conducting the evaluation required in paragraph (e).

(e) The agency shall conduct an evaluation of the pilot managed care program and report its findings to the Governor and the Legislature by no later than January 1, 2001.

(f) Nothing in this subsection is intended to conflict with the provision of the 1997-1998 General Appropriations Act which authorizes competitive bidding for Medicaid home health, clinical laboratory, or x-ray services.

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature;

Senator Myers moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 10, lines 4-24, delete those lines and insert: The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to ss. 236.0812 and 409.908(21) shall be reimbursed by Medicaid, subject to the limitations of s. 236.0812(1) and (2), for a Medicaid-eligible child participating in the services as authorized in s. 236.0812, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts ~~and county health departments~~ regarding the coordinated provision of services authorized under s. 236.0812. *County health departments delivering school–based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid, subject to s. 409.908(19), for a Medicaid–eligible child participating in the services as authorized in s. 381.0056 and 381.0057, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services authorized under ss. 381.0056 and 381.0057.* To ensure continuity of care for Medicaid patients, the agency, *the Department of Health,* and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 236.0812, *381.0056, 381.0057,* and 409.9071.

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: requiring the Agency for Health Care Administration to reimburse county health departments for school–based services; requiring Medicaid managed–care contractors to attempt to enter agreements with school districts and county health departments for specified services;

Senator Bankhead moved the following amendments which were adopted:

Amendment 6—On page 7, line 8, before the period (.) insert: *provided by ambulances licensed pursuant to chapter 401*

Amendment 7—On page 15, line 28 through page 17, line 21, delete those lines and insert:

(f) Notwithstanding any provision in this section to the contrary, in the event of an action in tort against a third party in which the recipient or his or her legal representative is a party *which results in a* ~~and in which the amount of any~~ judgment, award, or settlement from *a third party,* ~~third-party benefits, excluding medical coverage as defined in subparagraph 4., after reasonable costs and expenses of litigation, is an amount equal to or less than 200 percent of the amount of medical assistance provided by Medicaid less any medical coverage paid or payable to the department, then distribution of~~ the amount recovered shall be *distributed* as follows:

1. After attorney's fees and taxable costs as defined by the Florida Rules of Civil Procedure, one-half of the remaining recovery shall be paid to the department up to the total amount of medical assistance provided by Medicaid.

2. The remaining amount of the recovery shall be paid to the recipient.

3. For purposes of calculating the department's recovery of medical assistance benefits paid, the fee for services of an attorney retained by the recipient or his or her legal representative shall be calculated at 25 percent of the judgment, award, or settlement.

4. Notwithstanding any provision of this section to the contrary, the department shall be entitled to all medical coverage benefits up to the total amount of medical assistance provided by Medicaid.

~~1. Any fee for services of an attorney retained by the recipient or his or her legal representative shall not exceed an amount equal to 25 percent of the recovery, after reasonable costs and expenses of litigation, from the judgment, award, or settlement.~~

~~2. After attorney's fees, two-thirds of the remaining recovery shall be designated for past medical care and paid to the department for medical assistance provided by Medicaid.~~

~~3. The remaining amount from the recovery shall be paid to the recipient.~~

~~4.~~ For purposes of this paragraph, "medical coverage" means any benefits under health insurance, a health maintenance organization, a preferred provider arrangement, or a prepaid health clinic, and the portion of benefits designated for medical payments under coverage for workers' compensation, personal injury protection, and casualty.

Amendment 8—On page 21, lines 14-21, delete those lines and insert:

381.0022 Sharing confidential or exempt information.—Notwithstanding any other provision of law to the contrary, the Department of Health and the Department of Children and Family Services may share confidential information or information exempt from disclosure under chapter 119 on any individual who is or has been the subject of a program within the jurisdiction of each agency. Information so exchanged remains confidential or exempt as provided by law.

Amendment 9—On page 21, lines 24-31, delete those lines and insert:

402.115 Sharing confidential or exempt information.—Notwithstanding any other provision of law to the contrary, the Department of Health and the Department of Children and Family Services may share confidential information or information exempt from disclosure under chapter 119 on any individual who is or has been the subject of a program within the jurisdiction of each agency. Information so exchanged remains confidential or exempt as provided by law.

Senator Sullivan moved the following amendment which was adopted:

Amendment 10 (with title amendment)—On page 25, between lines 2 and 3, insert:

Section 14. *The amount of $2 million is appropriated from tobacco settlement revenues to the Grants and Donations Trust Fund of the Agency for Health Care Administration to be matched at an appropriate level with federal Medicaid funds available under Title XIX of the Social Security Act to provide prosthetic and orthotic devices for Medicaid recipients when such devices are prescribed by licensed practitioners participating in the Medicaid program.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 27, after the semicolon (;) insert: providing an appropriation to be matched by federal Medicaid funds;

Senator Bankhead moved the following amendment which was adopted:

Amendment 11 (with title amendment)—On page 25, between lines 2 and 3, insert:

Section 14. Section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The *agency* ~~department~~ shall make payments for medical assistance and related services on behalf of the following persons who the *agency* ~~department~~ determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) *Low-income families with children are eligible for Medicaid provided they meet the following requirements:* ~~Persons who receive payments from or are determined eligible to participate in the WAGES Program, and certain persons who would be eligible but do not meet certain technical requirements. This group includes, but is not limited to:~~

(a) *The family includes a dependent child who is living with a caretaker relative.* ~~Low-income, single-parent families and their children.~~

(b) *The family's income does not exceed the gross income test limit.* ~~Low-income, two-parent families in which at least one parent is disabled or otherwise incapacitated.~~

(c) *The family's countable income and resources do not exceed the applicable aid-to-families-with-dependent-children (AFDC) income and resource standards under the AFDC state plan in effect in July 1996, except as amended in the Medicaid state plan to conform as closely as possible to the requirements of the WAGES Program as created in s. 414.015, to the extent permitted by federal law.* ~~Certain unemployed two-parent families and their children.~~

(2) A person who receives payments from, who is determined eligible for, or who was eligible for but lost cash benefits from the federal program known as the Supplemental Security Income program (SSI). This category includes a low-income person age 65 or over and a low-income person under age 65 considered to be permanently and totally disabled.

(3) A child under age 21 living in a low-income, two-parent family, and a child under age 7 living with a nonrelative, if the income and assets of the family or child, as applicable, do not exceed the resource limits under the WAGES Program.

(4) A child who is eligible under Title IV-E of the Social Security Act for subsidized board payments, foster care, or adoption subsidies, and a child for whom the state has assumed temporary or permanent responsibility and who does not qualify for Title IV-E assistance but is in foster care, shelter or emergency shelter care, or subsidized adoption.

(5) A pregnant woman for the duration of her pregnancy and for the post partum period as defined in federal law and rule, or a child under age 1, if either is living in a family that has an income which is at or below 150 percent of the most current federal poverty level, or, effective January 1, 1992, that has an income which is at or below 185 percent of the most current federal poverty level. Such a person is not subject to an assets test. Further, a pregnant woman who applies for eligibility for the Medicaid program through a qualified Medicaid provider must be offered the opportunity, subject to federal rules, to be made presumptively eligible for the Medicaid program.

(6) A child born after September 30, 1983, living in a family that has an income which is at or below 100 percent of the current federal poverty level, who has attained the age of 6, but has not attained the age of 19. In determining the eligibility of such a child, an assets test is not required.

(7) A child living in a family that has an income which is at or below 133 percent of the current federal poverty level, who has attained the age of 1, but has not attained the age of 6. In determining the eligibility of such a child, an assets test is not required.

(8) A person who is age 65 or over or is determined by the *agency* ~~department~~ to be disabled, whose income is at or below 100 percent of the most current federal poverty level and whose assets do not exceed limitations established by the *agency* ~~department~~. However, the *agency* ~~department~~ may only pay for premiums, coinsurance, and deductibles, as required by federal law, unless additional coverage is provided for any or all members of this group by s. 409.904(1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 27, after the semicolon (;) insert: amending s. 409.903, F.S.; providing Medicaid eligibility standards for certain persons; conforming references;

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 12 (with title amendment)—On page 24, between lines 10 and 11, insert:

Section 12. Paragraph (i) is added to subsection (1) of section 383.011, Florida Statutes, and subsection (2) of that section is amended, to read:

383.011 Administration of maternal and child health programs.—

(1) The Department of Health is designated as the state agency for:

(i) Receiving federal funds for children eligible for assistance through the child portion of the federal Child and Adult Care Food Program, which is referred to as the Child Care Food Program, and for establishing and administering this program. The purpose of the Child Care Food Program is to provide nutritious meals and snacks for children in nonresidential day care. To ensure the quality and integrity of the program, the department shall develop standards and procedures that govern sponsoring organizations, day care homes, child care centers, and centers that operate outside school hours. Standards and procedures must address the following: participation criteria for sponsoring organizations, which may include administrative budgets, staffing requirements, requirements for experience in operating similar programs, operating hours and availability, bonding requirements, geographic coverage, and a required minimum number of homes or centers; procedures for investigating complaints and allegations of noncompliance; application and renewal requirements; audit requirements; meal pattern requirements; requirements for managing funds; participant eligibility for free and reduced-price meals; food storage and preparation; food service companies; reimbursements; use of commodities; administrative reviews and monitoring; training requirements; recordkeeping requirements; and criteria pertaining to imposing sanctions and penalties, including the denial, termination, and appeal of program eligibility.

(2) The Department of Health *shall follow federal requirements and* may adopt any rules necessary for the implementation of the maternal and child health care program, ~~or~~ the WIC program, *and the Child Care Food Program. With respect to the Child Care Food Program, the department shall adopt rules that interpret and implement relevant federal regulations, including 7 C.F.R., part 226. The rules must address at least those program requirements and procedures identified in paragraph (1)(i).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 23, after the first semicolon (;) insert: amending s. 383.011, F.S.; providing that the Department of Health is the designated state agency for receiving federal funds for the Child Care Food Program; requiring the department to adopt rules for administering the program;

On motion by Senator Bankhead, further consideration of **CS for CS for SB 484** as amended was deferred.

On motion by Senator Brown-Waite—

CS for SB 1230—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information provided by applicants to the Florida Kids Health program; providing an exemption for certain information obtained through quality assurance activities and patient satisfaction surveys; providing for future

review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendments which were moved by Senator Brown-Waite and adopted:

Amendment 1—On page 2, line 6, after "*exempting*" insert: *identifying*

Amendment 2—On page 2, delete line 19 and insert: *effectively and efficiently administer the Florida Kids Health program. If such information is not kept confidential, the administration of the program could be significantly impaired because the applicants would be less inclined to apply to the program if personal medical and financial information were made available to the public.*

Pursuant to Rule 4.19, **CS for SB 1230** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

SB 2316—A bill to be entitled An act relating to the State Board of Independent Colleges and Universities (RAB); amending s. 246.081, F.S.; restricting certain activities of graduates of foreign medical schools; amending s. 246.085, F.S.; requiring rules relating to certificates of exemption; amending ss. 246.087, 246.091, F.S.; requiring certain procedures and rules to be adopted relating to licensing requirements; creating s. 246.093, F.S.; requiring certain colleges to obtain permission to operate; amending s. 246.095, F.S.; requiring rules relating to fair consumer practices; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 3, lines 1, 18, and 30; on page 4, lines 12 and 27; on page 5, lines 13 and 29; and on page 6, line 9, delete "*shall*" and insert: *has authority to*

And the title is amended as follows:

On page 1, lines 6, 8, and 13, delete "requiring" and insert: providing for

Pursuant to Rule 4.19, **SB 2316** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 2086—A bill to be entitled An act relating to counties; repealing s. 125.2801, F.S., which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending s. 403.7095, F.S.; deleting the expiration date for annual solid waste and recycling grants to small counties; creating s. 218.076, F.S.; providing for waiver of permit processing fees under certain circumstances; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2086** to **CS for CS for HB 1589**.

Pending further consideration of **CS for SB 2086** as amended, on motion by Senator Williams, by two-thirds vote **CS for CS for HB 1589** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Williams—

CS for CS for HB 1589—A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, and 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, and 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending s. 403.7095, F.S.; deleting the expiration date for annual solid waste and recycling grants to small counties; creating s. 218.076, F.S.; providing for a waiver of permit processing fees under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 2086** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1589** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for SB 86—A bill to be entitled An act relating to education; requiring academic enrichment activities for specified students; requiring an evaluation of student academic progress; providing conditions that require a funding shift; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 86** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 282** and **CS for SB 720** was deferred.

On motion by Senator Bronson, by two-thirds vote **CS for HB 3671** was withdrawn from the Committee on Agriculture.

On motion by Senator Bronson, by two-thirds vote—

CS for HB 3671—A bill to be entitled An act relating to timber management; creating s. 253.036, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services, or other qualified professional forester, to assess the feasibility of managing timber in land management plans; providing legislative intent; providing for the reimbursement of management services performed by the division; amending s. 259.035, F.S.; requiring the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy; amending s. 373.591, F.S.; specifying circumstances under which the land managing agency must provide an explanation to the management review team concerning the management of lands; amending s. 589.04, F.S.; directing the Division of Forestry to begin certain forestation programs on certain lands; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for SB 840** and by two-thirds vote read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, lines 12-15, delete those lines and insert: *bill.*

And the title is amended as follows:

On page 1, delete line 21 and insert: providing an appropriation; providing an

Pursuant to Rule 4.19, **CS for HB 3671** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 506—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; deleting provisions relating to the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation or the death of a child as a result of abuse, neglect, or abandonment; amending s. 415.107, F.S., and repealing s. 415.107(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation; amending s. 415.51, F.S., and repealing s. 415.51(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a child as a result of abuse, abandonment, or neglect; creating ss. 381.0022, 402.115, F.S.; providing for the sharing of confidential or exempt information between the Department of Health and the Department of Children and Family Services; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 506** to **CS for HB 1433**.

Pending further consideration of **CS for SB 506** as amended, on motion by Senator Rossin, by two-thirds vote **CS for HB 1433** was withdrawn from the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

On motion by Senator Rossin—

CS for HB 1433—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; deleting provisions relating to the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation or the death of a child as a result of abuse, neglect, or abandonment; amending s. 415.107, F.S., and repealing s. 415.107(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation; amending s. 415.51, F.S., and repealing s. 415.51(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a child as a result of abuse, abandonment, or neglect; providing an effective date.

—a companion measure, was substituted for **CS for SB 506** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1433** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 282—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Keep Kids Drug-Free license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1—On page 1, line 16, delete "*$20*" and insert: *$25*

Senator Crist moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 1, line 30 through page 2, line 2, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

And the title is amended as follows:

On page 1, line 6, delete "a contingent" and insert: an

Pursuant to Rule 4.19, **SB 282** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bankhead, the Senate resumed consideration of—

CS for CS for SB 484—A bill to be entitled An act relating to public assistance; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; prescribing guidelines for Medicaid payment of Medicare deductibles and coinsurance; eliminating a prohibition on specified contracts; repealing redundant provisions; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; amending s. 409.9122, F.S.; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified

ratio of enrollees; amending s. 409.910, F.S.; providing for the distribution of amounts recovered in certain tort suits involving intervention by the Agency for Health Care Administration; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 198.30, F.S.; requiring that each circuit judge provide a report of decedents to the Agency for Health Care Administration; amending s. 154.504, F.S.; providing certain restrictions on the use of copayments by public health facilities; creating ss. 381.0022, 402.115, F.S.; authorizing the Department of Health and the Department of Children and Family Services to share certain confidential information; amending s. 414.028, F.S.; providing for a representative of a county health department or Healthy Start Coalition to serve on the local WAGES coalition; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee of the Department of Health; amending s. 383.04, F.S.; revising the requirements for the prophylactic to be used for the eyes of infants; repealing s. 383.05, F.S., relating to the free distribution of such prophylactic; providing an effective date.

—which was previously considered and amended this day.

Senator Gutman moved the following amendment:

Amendment 13 (with title amendment)—On page 12, lines 25-30, delete those lines and insert:

(f) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. *Medicaid recipients who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an equal enrollment of 50 percent in MediPass and 50 percent in managed care plans is achieved. Once equal enrollment is achieved, the assignments shall be divided in order to maintain an equal enrollment in MediPass and managed care plans for the 1998-99 fiscal year.* ~~In the first period that assignment begins, the assignments shall be divided equally between the MediPass program and managed care plans.~~ Thereafter,

And the title is amended as follows:

On page 1, line 29, after the first semicolon (;) insert: amending requirements for the mandatory assignment of Medicaid recipients;

Senator Bankhead moved the following amendment to **Amendment 13** which was adopted:

Amendment 13A—On page 1, lines 22 and 23, delete those lines and insert: *assigned to managed care plans or provider service networks until an equal enrollment of 50 percent in MediPass and provider service networks and 50 percent in managed care plans is*

Amendment 13 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 484** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

SB 2222—A bill to be entitled An act relating to the duties of property appraisers; amending s. 197.122, F.S.; specifying the time within which property appraisers may correct a material mistake of fact in an appraisal; allowing the property appraiser to directly submit a correction and refund order to the tax collector; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

Amendment 1—On page 1, line 13, delete "Paragraph" and insert: Effective January 1, 1999, paragraph

Amendment 2—On page 2, line 4, after "*action*" insert: *in accordance with the notice provisions of s. 197.182(2)*

Amendment 3 (with title amendment)—On page 2, between lines 6 and 7, insert:

Section 2. Section 197.4155, Florida Statutes, is created to read:

197.4155 Delinquent personal property taxes; installment payment program.—

(1) A county tax collector may implement an installment payment program for the payment of delinquent personal property taxes. If implemented, the program must be available, upon application to the tax collector, to each delinquent personal property taxpayer whose delinquent personal property taxes exceed $1,000. The tax collector shall require each taxpayer who requests to participate in the program to submit an application on a form prescribed by the tax collector which, at a minimum, must include the name, address, a description of the property subject to personal property taxes, and the amount of the personal property taxes owed by the taxpayer.

(2) Within 10 days after a taxpayer who owes delinquent personal property taxes submits the required application, the tax collector shall prescribe an installment payment plan for the full payment of the taxpayer's delinquent personal property taxes, including any delinquency charges, interest, and costs allowed by this chapter. The plan must be in writing and must be delivered to the taxpayer after it is prescribed. At the time the plan is developed, the tax collector may consider a taxpayer's current and anticipated future ability to pay over the time period of a potential installment payment plan. The plan must provide that if the taxpayer does not follow the payment terms or fails to timely file returns or pay current obligations after the date of the payment plan, the taxpayer will be considered delinquent under the terms of the plan, and any unpaid balance of tax, penalty, or interest scheduled in the payment plan will be due and payable immediately. The plan must also provide that unpaid tax amounts bear interest as provided by law. In prescribing such an installment payment plan, the tax collector may exercise flexibility as to the dates, amounts, and number of payments to collect all delinquent personal property taxes owed by the taxpayer, except that the plan must provide for the full satisfaction of all amounts owed by the taxpayer by no later than 3 years after the due date of the first payment under the plan.

(3) If a tax warrant is issued under s. 197.413 against a delinquent taxpayer who is participating in an installment payment plan under this section, the tax warrant is unenforceable as long as the taxpayer is neither delinquent under the terms of the installment payment plan nor attempting to remove or dispose of the personal property that is subject to the tax warrant.

(4) If the amounts due under the installment payment plan are not paid in full in accordance with the terms of the plan, the tax collector may use all enforcement methods available under the law.

Section 3. Subsection (10) of section 197.432, Florida Statutes, is amended, and subsection (14) is added to said section, to read:

197.432 Sale of tax certificates for unpaid taxes.—

(10) Any tax certificates issued pursuant to this section after January 1, 1977, which are void due to an error of the property appraiser, the tax collector, any other county official, or any municipal official and which are subsequently canceled, or which are corrected, pursuant to this chapter or chapter 196 shall earn interest at the rate of 8 percent per year, simple interest, *or the rate of interest bid at the tax certificate sale, whichever is less,* calculated from the date the certificate was purchased until the date the refund is ordered. Refunds made on tax certificates that are corrected or void shall be processed in accordance with the procedure set forth in s. 197.182, except that the 4-year time period provided for in s. 197.182(1)(c) does not apply to or bar refunds resulting from correction or cancellation of certificates and release of tax deeds as authorized herein.

(14) The holder of a tax certificate may not directly, through an agent, or otherwise initiate contact with the owner of property upon which he or she holds a tax certificate to encourage or demand payment.

(15) Any holder of a tax certificate who initiates, or whose agent initiates, contact with the property owner upon which he or she holds a certificate encouraging or demanding payment may be barred by the tax collector from bidding at a tax certificate sale. Unfair or deceptive contact by the holder of a tax certificate to a property owner to obtain payment is an unfair and deceptive trade practice, as referenced in s. 501.204(1), regardless of whether the holder of the tax certificate redeems the tax

certificate. Such unfair or deceptive contact is actionable under ss. 501.2075-501.211. If the holder of the tax certificate later redeems the certificate in reliance on the deceptive or unfair practice, the unfair or deceptive contact is actionable under applicable laws prohibiting fraud.

Section 4. Effective upon becoming law, section 200.069, Florida Statutes, is amended to read:

200.069 Notice of proposed property taxes and ~~adopted~~ non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in subsection (11) and s. 200.065(13).

(1) The notice shall read:

NOTICE OF PROPOSED PROPERTY TAXES

DO NOT PAY—THIS IS NOT A BILL

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

(2) The notice shall further contain information applicable to the specific parcel in question. The information shall be in columnar form. There shall be five column headings which shall read: "Taxing Authority," "Your Property Taxes Last Year," "Your Taxes This Year IF PROPOSED Budget Change is Made," "A Public Hearing on the Proposed Taxes and Budget Will be Held:", and "Your Taxes This Year IF NO Budget Change is Made."

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; a single entry for other independent special districts in which the parcel lies, if any, except as provided in subsection (11); and a single entry for all voted levies for debt service applicable to the parcel, if any.

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:". The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11). For voted levies for debt service, the entry shall be "Voter Approved Debt Payments."

(b) In the second column, the gross amount of ad valorem taxes levied against the parcel in the previous year. If the parcel did not exist in the previous year, the second column shall be blank.

(c) In the third column, the gross amount of ad valorem taxes proposed to be levied in the current year, which amount shall be based on the proposed millage rates provided to the property appraiser pursuant to s. 200.065(2)(b) or, in the case of voted levies for debt service, the millage rate previously authorized by referendum, and the taxable value of the parcel as shown on the current year's assessment roll.

(d) In the fourth column, the date, the time, and a brief description of the location of the public hearing required pursuant to s. 200.065(2)(c). However:

1. No entry shall be made in the fourth column for the line showing independent special districts other than water management districts if that line represents more than one district;

2. For the line showing voted levies for debt service pursuant to paragraph (a), the following statement shall appear: "Includes debt of __(list of brief, commonly used names for each taxing authority whose debt service levy is included on this line)__"; and

3. For the line showing totals, the following statement shall appear: "For details on independent special districts and voter-approved debt, contact your Tax Collector at __(phone number)__." If the option in subsection (11) is utilized, the phrase "independent special districts and" shall be deleted.

(e) In the fifth column, the gross amount of ad valorem taxes which would apply to the parcel in the current year if each taxing authority were to levy the rolled-back rate computed pursuant to s. 200.065(1) or, in the case of voted levies for debt service, the amount previously authorized by referendum.

(f) For special assessments collected utilizing the ad valorem method pursuant to s. 197.363, the previous year's assessment amount shall be added to the ad valorem taxes shown in the second and fifth columns, and the amount proposed to be imposed for the current year shall be added to the ad valorem taxes shown in the third column.

(5) The amounts shown on each line preceding the entry for voted levies for debt service shall include the sum of all ad valorem levies of the applicable unit of local government for operating purposes, including those of dependent special districts (except for municipal service taxing units, which shall be listed on the line for municipalities), and all nonvoted or nondebt service special assessments imposed by the applicable unit of local government to be collected utilizing the ad valorem method. Voted levies for debt service for all units of local government shall be combined and shown on a single line, including voter-approved special assessments for debt service if collected utilizing the ad valorem method.

(6) Following the entries for each taxing authority, a final entry shall show: in the first column, the words "Total Property Taxes:" and in the second, third, and fifth columns, the sum of the entries for each of the individual taxing authorities. The second, third, and fifth columns shall, immediately below said entries, be labeled Column 1, Column 2, and Column 3, respectively. Below these labels shall appear, in boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

(7) The notice shall further show a brief legal description of the property and the name and mailing address of the owner of record.

(8) The notice shall further read:

	Market Value	Assessed Value	Exemptions	Taxable Value
Your Property Value Last Year	$....	$....	$....	$....
Your Property Value This Year	$....	$....	$....	$....

If you feel that the market value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at __(phone number)__ or __(location)__.

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE __(date)__.

(9) The reverse side of the form shall read:

EXPLANATION

*COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

*COLUMN 2—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

*COLUMN 3—"YOUR TAXES IF NO BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

For homestead property: value as limited by the State Constitution;

For agricultural and similarly assessed property: classified use value;

For all other property: market value.

*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

(10) The front side of the form required pursuant to this section shall approximate in all essential respects the facsimile set forth in this subsection as it appears in s. 26, chapter 80-274, Laws of Florida, except for amendments subsequent to 1980.

(11) If authorized by resolution of the governing body of the county prior to July 1, and with the written concurrence of the property appraiser, the notice specified in this section shall contain a separate line entry for each independent special taxing district in the jurisdiction of which the parcel lies. Each such district shall be identified by name. The form used for this purpose shall be identical to that supplied by the department and shall be delivered to the property appraiser not later than July 31, except that a larger space shall be provided for listing the columnar information specified in subsections (2), (3), (4), and (5). If the executive director of the department grants written permission, the form may be printed only on one side. The governing body of the county shall bear the expense of procuring such form.

(12) The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

(13)(a) If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of *proposed or* adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

NOTICE OF PROPOSED PROPERTY TAXES AND *PROPOSED OR* ADOPTED NON-AD VALOREM ASSESSMENTS

DO NOT PAY—THIS IS NOT A BILL

There must be a clear partition between the notice of proposed property taxes and the notice of *proposed or* adopted non-ad valorem assessments. The partition must be a bold, horizontal line approximately ⅛-inch thick. By rule, the department shall provide a format for the form of the notice of *proposed or* adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.

2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the purpose is not clearly indicated by the name of the board.

3. Each non-ad valorem assessment for each levying local governing board must be listed separately.

4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.

5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection (12) shall not be placed on the notice.

Section 5. Subsection (2) of section 170.201, Florida Statutes, is amended to read:

170.201 Special assessments.—

(2) Property owned or occupied by a religious institution and used as a place of worship or education*;* ~~or~~ by a public or private elementary, middle, or high school*; or by a governmentally financed, insured, or subsidized housing facility that is used primarily for persons who are elderly or disabled* shall be exempt from any special assessment levied by a municipality to fund emergency medical services if the municipality so desires. As used in this subsection, *the term* "religious institution" means any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on *and the term "governmentally financed, insured, or subsidized housing facility" means a facility that is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 8, s. 202, s. 221(d)(3) or (4), s. 232, or s. 236 of the National Housing Act and is owned or operated by an entity that qualifies as an exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code.*

Section 6. Section 213.68, Florida Statutes, is created to read:

213.68 Garnishment; collecting entity of counties which self-administer collection of tourist development tax.—The collecting entity of a county which self-administers the collection of the tourist development tax under s. 125.0104 shall have the same authority and use the same procedure as described in s. 213.67.

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; amending s. 197.122, F.S.; specifying the time within which property appraisers may correct a material mistake of fact in an appraisal; allowing the property appraiser to directly submit a correction and refund order to the tax collector; creating s. 197.4155, F.S.; authorizing county tax collectors to implement an installment payment program for delinquent personal property taxes; providing for a tax collector to prescribe an installment payment plan within a specified time period; allowing flexibility; prescribing limitations upon the duration of an installment plan; providing that tax warrants against a taxpayer participating in a plan are unenforceable if specified conditions are met; authorizing the tax collector to use all legally available enforcement methods if taxes due under an installment plan are not paid in full; amending s. 197.432, F.S.; revising requirements for calculating the rate of interest on void tax certificates; prohibiting holders of tax certificates from contacting property owners and demanding payment; providing for barring the holder of a tax certificate from bidding at a certificate sale; providing that any such contact is an unfair or deceptive trade practice; amending s. 200.069, F.S.; providing for the notice of proposed property taxes to include a notice of proposed non-ad valorem assessments, if requested by the local governing board levying the non-ad valorem assessments and agreed to by the property appraiser; amending s. 170.201, F.S.; allowing municipalities to exempt certain government financed or insured housing facilities from special assessments for emergency medical services; creating s. 213.68, F.S.; specifying the garnishment authority and procedures applicable to counties which self-administer the local option tourist development tax; providing an effective date.

Amendment 4—On page 2, delete line 7 and insert:

Section 2. Unless otherwise provided in this act, this act shall take effect October 1, 1998.

Pursuant to Rule 4.19, **SB 2222** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

CS for SB 720—A bill to be entitled An act relating to the Beverage Law; amending s. 562.45, F.S.; providing restrictions on locations for on-premises consumption of alcoholic beverages; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, between lines 3 and 4, insert:

Section 2. Subsection (4) is added to section 562.11, Florida Statutes, to read:

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.—

(4) Any law enforcement officer, as defined in s. 943.10(1), may use persons under the age of 21 to assist the officer in enforcement efforts by testing vendor compliance with the prohibitions established in this section. Notwithstanding the prohibitions contained in s. 562.111, such person acting on behalf of the law enforcement officer to test vendor compliance with the prohibitions established in this section shall be immune from civil and criminal liability imposed by s. 562.111 while acting on behalf of the law enforcement officer.

Section 3. Subsections (2) and (6) of section 567.01, Florida Statutes, are amended to read:

567.01 Petition, order, notice of election.—

(2) The election so ordered shall be to decide *either:*

(a) Whether the sale of intoxicating liquors, wines, or beer shall be prohibited or permitted in said county, and to decide also whether such sale, if permitted by said election, shall be restricted to sales by the package as hereinafter defined*; or*~~.~~

(b) Whether the sale of intoxicating liquors, wines, or beer shall be sold by the drink for consumption on premises as provided in s. 567.07(3).

(6) It is the purpose and intent of the Legislature that such election shall obviate the necessity for holding two separate elections*, except as provided in s. 567.07(3),* by determining in one election:

(a) Whether the sale of intoxicating liquors, wines, or beer shall be prohibited or permitted, and

(b) If such sales are determined to be permitted, to further determine whether the sales so made shall be limited to sales by the package as herein before defined, or whether sales by the drink on the premises, as well as sales by the package, may be permitted.

A majority of those legally voting at such election must cast their votes for selling intoxicating liquors, wines, or beer in order that the results of the election on the second question shall be effective and binding.

Section 4. Subsection (3) is added to section 567.06, Florida Statutes, to read:

567.06 Form of ballot; canvassing votes.—

(3) However, for a local option election authorized by s. 567.01(2)(b) on the sole question of whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises, ballot instructions shall be presented in the following form:

INSTRUCTIONS: Local Option Election on the Following Question:

THE QUESTION BEFORE THE ELECTORATE is to decide whether the sale of intoxicating liquors, wines, or beer, containing more than 6.243 percent of alcohol by volume, may be sold by the drink for consumption on premises in ( ) County, Florida.

For Sales by the Drink:

followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the question and a "no" vote will indicate rejection.

Section 5. Present subsection (3) of section 567.07, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

567.07 Results of election.—

(3) In the event a majority of those legally voting at any such election cast their vote "For Selling Intoxicating Liquors, Wines, or Beer" on question number 1 and a majority of the votes legally cast on question number 2 be "For Sales by the Package Only" then, after the expiration of 2 years an election pursuant to s. 567.01(2)(b) may be held to determine the sole question of whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises. If a majority of those legally voting cast their votes for selling intoxicating liquors, wines, or beer by the drink for consumption on premises, then such alcoholic beverages may be sold as otherwise provided by law in that county until otherwise determined in an election, which shall not be held oftener than once every 2 years. If a majority of those legally voting cast their vote against the sale of intoxicating liquors, wines, or beer by the drink for consumption on premises, then sales by the package only shall continue.

Section 6. Subsection (7) of section 569.002, Florida Statutes, is amended to read:

569.002 Definitions.—As used in this chapter, the term:

(7) "Any person under the age of 18" does not include any person under the age of 18 who:

(a) Has had his or her disability of nonage removed under chapter 743;

(b) Is in the military reserve or on active duty in the Armed Forces of the United States;

(c) Is otherwise emancipated by a court of competent jurisdiction and released from parental care and responsibility; *or*

(d) Is acting in his or her scope of lawful employment with an entity licensed under the provisions of chapter 210 or this chapter.~~; or~~

~~(e) Is working in conjunction with a law enforcement agency to test the compliance of dealers with this chapter.~~

Section 7. Subsection (4) is added to section 569.101, Florida Statutes, to read:

569.101 Selling, delivering, bartering, furnishing, or giving tobacco products to persons under 18 years of age; criminal penalties; defense.—

(4) Any law enforcement officer, as defined in s. 943.10(1), may use persons under the age of 18 to assist the officer in enforcement efforts by testing vendor compliance with the prohibitions established in this section. Notwithstanding the prohibitions contained in s. 569.11, such person acting on behalf of a law enforcement officer to test vendor compliance with the prohibitions established in this section shall be immune from civil liability imposed by s. 569.11 while acting on behalf of the law enforcement officer.

Section 8. Subsection (5) of section 569.11, Florida Statutes, is amended to read:

569.11 Possession, misrepresenting age or military service to purchase, and purchase of tobacco products by persons under 18 years of age prohibited; penalties; jurisdiction; disposition of fines.—

(5)(a) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service *within 60 days*, pay the fine as required by paragraph (1)(a) or paragraph (2)(a) *within 30 days*, or attend a school-approved anti-tobacco program, if locally available, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver's license or driving privilege of that person for a period of 30 consecutive days.

(b) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (1)(b) or paragraph (2)(b) *within 30 days*, the court must direct the Department

of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver's license or driving privilege of that person for a period of 45 consecutive days.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-6, delete those lines and insert: An act relating to alcohol and tobacco sales; amending s. 562.45, F.S.; providing restrictions on locations for on-premises consumption of alcoholic beverages; amending s. 562.11, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of alcoholic beverages to certain minors; amending s. 567.01, F.S.; providing for local-option elections to determine sales of intoxicating liquors, wines, or beer by the drink; amending s. 567.06, F.S.; providing ballot instructions for local-option elections; amending s. 567.07, F.S.; providing for a local option election for sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises; amending ss. 569.002 and 569.101, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of tobacco products to certain minors; amending s. 569.11, F.S.; specifying times within which community service or fines are satisfied; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 720** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 1294—A bill to be entitled An act relating to agricultural sales; amending s. 570.55, F.S.; revising the "Florida Avocado, Mango, Lime, and Tomato Sales Law" to the "Florida Tropical or Subtropical Fruit and Vegetables Sales Law"; revising provisions to apply to tropical or subtropical fruit and vegetables; prescribing use of certain containers in shipping or distribution; providing an exception; increasing a penalty; amending s. 603.161, F.S.; revising a definition; increasing a penalty; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1—On page 5, lines 3 and 4, delete those lines and insert:

(1) This section applies to tropical or *subtropical* ~~semitropical~~ fruit. "Tropical or *subtropical* ~~semitropical~~ fruit" means avocados,

Pursuant to Rule 4.19, **CS for SB 1294** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for CS for CS for SB 1432—A bill to be entitled An act relating to the delivery of health care services; amending s. 409.912, F.S.; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; creating s. 624.1291, F.S.; providing an exemption from the Insurance Code for certain health care services; creating part IV of ch. 641, F.S., the "Provider-Sponsored-Organization Act"; providing legislative findings and purposes with respect to certain federal requirements for authorizing provider-sponsored organizations in this state to provide health care coverage to Medicare beneficiaries under the Medicare Choice plan; providing definitions; prohibiting a provider-sponsored organization from transacting insurance business other than the offering of Medicare Choice plans; providing applicability of parts I and III of ch. 641, F.S., to provider-sponsored organizations; providing exceptions; amending s. 641.227, F.S.; providing for deposits into the Rehabilitation Administrative Expense Fund by a provider-sponsored organization; providing for reimbursements; amending s. 641.316, F.S., relating to fiscal intermediary services; providing for an exemption from s. 455.654, F.S., to provider-sponsored organizations, relating to financial arrangements; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1432** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 3825** was withdrawn from the Committees on Natural Resources; Education; and Ways and Means.

On motion by Senator Rossin—

HB 3825—A bill to be entitled An act relating to the Board of Trustees of the Internal Improvement Trust Fund; directing the board to transfer certain properties to the Florida Atlantic University Foundation, Inc., for the Pine Jog Environmental Education Center; providing restrictions on the use of the land; providing an effective date.

—a companion measure, was substituted for **SB 2478** and read the second time by title.

Pursuant to Rule 4.19, **HB 3825** was placed on the calendar of Bills on Third Reading.

COMMUNICATION

The Honorable Toni Jennings April 17, 1998
President of the Florida Senate

Dear Madam President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Supplemental Appropriations Bill, **SB 2504**, have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed April 17, 1998, at 1:00 p.m., EDT.

Respectfully submitted,
Faye W. Blanton, Secretary

On motion by Senator Sullivan—

SB 2504—A bill to be entitled An act making supplemental appropriations providing moneys from the annual periods beginning July 1, 1997 and ending June 30, 1998; to pay salaries, and other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State government; supplementing appropriations as provided in Chapter 97-152, Laws of Florida; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2504** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for CS for SB 2288—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 984.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; amending s. 985.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; providing that penalties imposed for an escape from detention or a commitment facility apply to a juvenile who escapes from a maximum-risk residential facility; conforming cross-references to changes made by the act; amending ss. 985.207, 985.208, F.S., relating to conditions for taking a juvenile into custody and detention; conforming provisions to changes made by the act; amending s. 985.209, F.S.; providing for the Department of Juvenile Justice to establish juvenile assessment centers; providing for the centers to be operated through cooperative agreements

with other state agencies; providing for intake and screening services; amending ss. 985.21, 985.211, F.S.; providing for certain functions formerly considered case-management functions to be probation functions; amending s. 985.215, F.S.; conforming terminology to changes made by the act; requiring that a juvenile held in secure detention awaiting dispositional placement meet certain criteria for detention; amending s. 985.216, F.S.; deleting a provision authorizing placement of a juvenile in a secure residential commitment facility for direct or indirect contempt of court; amending s. 985.223, F.S.; revising procedures for determining competency in juvenile delinquency cases; prescribing duties of courts, the Department of Juvenile Justice, and the Department of Children and Family Services; amending ss. 985.226, 985.23, F.S., relating to criteria for waiver of jurisdiction and disposition hearings in delinquency cases; conforming provisions to changes made by the act; amending s. 985.231, F.S.; providing for placing a juvenile on home detention with electronic monitoring if a residential consequence unit is not available; amending ss. 985.301, 985.304, F.S., relating to civil citations and community arbitration; conforming provisions to changes made by the act; deleting certain references to case-management services; amending s. 985.307, F.S.; extending the period during which the Department of Juvenile Justice is authorized to operate juvenile assignment centers; amending ss. 985.31, 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 944.401, F.S., relating to the offense of escaping from secure detention or a residential commitment facility; conforming a cross-reference; amending s. 985.406, F.S., relating to juvenile justice training academies; conforming provisions to changes made by the act; amending s. 985.412, F.S.; deleting a duty of the department's inspector general with respect to quality assurance; amending s. 985.413, F.S.; increasing the number of consecutive terms that may be served by a member of a district juvenile justice board; deleting an exemption from such limitation; amending s. 985.414, F.S.; specifying the parties to be included in an interagency agreement for developing a county juvenile justice plan; amending s. 985.415, F.S.; revising eligibility requirements for a Community Juvenile Justice Partnership Grant; providing effective dates.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1—On page 31, lines 24-27, delete those lines

Senators Gutman and Bankhead offered the following amendment which was moved by Senator Gutman and adopted:

Amendment 2 (with title amendment)—On page 52, lines 22-30, delete those lines and insert:

(6) Notwithstanding any provision to the contrary, this section expires July 1, *2000* ~~1998~~, unless reenacted by the Legislature. ~~The department may not create or operate a juvenile assignment center after July 1, 1998, without further legislative authority.~~ Unless reenacted by the Legislature, any juvenile assignment center created under this section shall be converted to a high-level or maximum-level residential commitment program, subject to availability of funds.

(7) The department may utilize juvenile assignment centers to the fullest extent possible for the purpose of conducting pre-adjudicatory assessments and evaluations of youth referred to the department. Prior to July 1, 1999, the department must transition any assignment centers to provide the capacity necessary to perform the intake and assessment functions currently performed pursuant to s. 985.209.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 31, after the semicolon (;) insert: providing for pre-adjudicatory assessments;

Senator Gutman moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 59, lines 1-27, delete those lines and insert:

6. Evaluate each program operated by *the department or* a provider under a contract with the department and establish minimum thresholds for each program component. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the canceled service for a period of 12 months. *If a department-operated program fails to meet the established minimum thresholds, the department must take necessary and sufficient steps to ensure and document program changes to achieve compliance with the established minimum thresholds. If the department-operated program fails to achieve compliance with the established minimum thresholds within 6 months and if there are no documented extenuating circumstances, the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to:*

a. Contracting out for the services provided in the program;

b. Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds;

c. Redesigning the program; or

d. Realigning the program.

The department shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than February 1 of each year. The annual report must contain, at a minimum, for each specific program component: a comprehensive description of the population served by the program; a specific description of the services provided by the program; cost; a comparison of expenditures to federal and state funding; immediate and long-range concerns; and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The *department* ~~department's inspector general~~ shall ensure the reliability and validity of the information contained in the report.

And the title is amended as follows:

On page 3, lines 13 and 14, delete those lines and insert: relating to quality assurance; requiring evaluation of each program operated by the department; requiring program changes and notification to the Executive Office of the Governor and Legislature of corrective action, under specified circumstances when a department-operated program fails to meet established minimum thresholds; providing for appropriate corrective action, including disciplinary action against employees under specified circumstances; providing for the Department of Juvenile Justice to ensure the reliability of the annual report;

Senator Rossin moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 67, between lines 3 and 4, insert:

Section 26. Section 938.19, Florida Statutes, is amended to read:

938.19 Teen courts; operation and administration.—*Notwithstanding s. 318.121,* in each county in which a teen court has been created, a county may adopt a mandatory cost to be assessed in specific cases as provided for in subsection (1) by incorporating by reference the provisions of this section in a county ordinance. Assessments collected by the clerk of the circuit court pursuant to this section shall be deposited into an account specifically for the operation and administration of the teen court:

(1) A sum of $3, which shall be assessed as a court cost by both the circuit court and the county court in the county against every person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a state criminal statute or a municipal ordinance or county ordinance or who pays a fine or civil penalty for any violation of chapter 316. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. The $3 assessment for court costs shall be assessed in addition to any fine, civil penalty, or other court cost and shall not be deducted from the proceeds of that portion of any fine or civil penalty which is received by a municipality in the county or by the county in accordance with ss. 316.660 and 318.21. The $3 assessment shall specifically be

added to any civil penalty paid for a violation of chapter 316, whether such penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. However, the $3 assessment shall not be made against a person for a violation of any state statutes, county ordinance, or municipal ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws. The clerk of the circuit court shall collect the respective $3 assessments for court costs established in this subsection and shall remit the same to the teen court monthly, less 5 percent, which is to be retained as fee income of the office of the clerk of the circuit court.

(2) Such other moneys as become available for establishing and operating teen courts under the provisions of Florida law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: amending s. 938.19, F.S.; authorizing the assessment of certain fees for the purpose of operating and administering a teen court, notwithstanding certain contrary provisions;

Pursuant to Rule 4.19, **CS for CS for SB 2288** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

On motion by Senator Clary, by two-thirds vote **CS for CS for HB 3211** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Clary, by two-thirds vote—

CS for CS for HB 3211—A bill to be entitled An act relating to real estate; amending s. 475.01, F.S.; revising definitions; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting s. 475.482(1), F.S., relating to recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in a reference thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; creating s. 475.2755, F.S.; providing for designated salespersons under certain circumstances; providing disclosure requirements; amending ss. 475.274, 475.2801, and 475.5015, F.S.; applying to designated salespersons provisions relating to scope of coverage, rule authority relating to disciplinary measures, and retention of brokerage records, to conform; amending s. 475.276, F.S.; providing an exception to requirement that real estate licensees provide a notice of nonrepresentation; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; creating s. 475.279, F.S.; providing for the acceptance of facsimile signatures or writing; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, and 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending ss. 489.103 and 489.503, F.S., relating to exemptions from statutory provisions regulating construction contracting and electrical and alarm system contracting; providing exemptions relating to contracting for certain repairs, maintenance, remodeling, or improvement by a real estate licensee acting as the owner's agent; providing circumstances under which such exemptions do not apply; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

—a companion measure, was substituted for **CS for SB 340** as amended and by two-thirds vote read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for CS for HB 3211** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SB 564—A bill to be entitled An act relating to higher education; amending s. 240.299, F.S.; providing reporting requirements for university direct-support organizations; amending s. 240.311, F.S., relating to rules of the State Board of Community Colleges; requiring a community college district board of trustees to annually evaluate the college president; amending s. 240.324, F.S.; providing an additional requirement for the accountability plan for community colleges; amending ss. 240.331, 240.3315, F.S.; prescribing membership of boards of directors and executive committees of community college direct-support organizations and statewide community college direct-support organizations; restricting activities of such direct-support organizations; providing reporting requirements for such organizations; amending s. 240.3335, F.S.; removing the authority of a board of directors of a center of technology innovation to acquire, lease, or sublease property; providing an appropriation; providing an effective date.

—as amended April 22 was read the third time by title.

Senator Grant moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 9, between lines 14 and 15, insert:

Section 7. Section 240.363, Florida Statutes, is amended to read:

240.363 Financial accounting and expenditures.—All funds accruing to ~~the benefit of~~ a community college *must* ~~shall~~ be received, accounted for, and expended in accordance with rules of the State Board of Community Colleges. *A direct-support organization shall have sole responsibility for the acts, debts, liabilities, and obligations of the organization. A community college shall have no responsibility for such acts, debts, liabilities, or obligations incurred or assumed by a direct-support organization solely by reason of certification.*~~, except that~~ Each community college board of trustees may adopt policies that provide procedures for transferring ~~private contributions to the community college~~ to the direct-support organization of *that* ~~the~~ community college for administration by such organization *contributions made to the community college.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the first semicolon (;) insert: amending s. 240.363, F.S.; providing that a community college is not responsible for the acts, debts, liabilities, or obligations of a direct-support organization;

On motions by Senator Kurth, **SB 564** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Lee

CS for HB 3701—A bill to be entitled An act relating to pollution control; creating s. 403.7211, F.S.; restricting authority of the Department of Environmental Protection to issue permits for construction, modification, and initial operation of facilities for disposal, storage, or treatment of hazardous wastes generated off-site; restricting the locations of hazardous waste transfer facilities; providing application to pending permits and proposed transfer stations; providing an effective date.

—was read the third time by title.

On motions by Senator Horne, **CS for HB 3701** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Laurent

CS for CS for SB 194—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a default under the title loan agreement; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Childers, **CS for CS for SB 194** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Hargrett	Meadows
Bankhead	Crist	Harris	Myers
Bronson	Diaz-Balart	Holzendorf	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Dyer	Kurth	Silver
Campbell	Forman	Latvala	Sullivan
Casas	Geller	Laurent	Thomas
Childers	Grant	Lee	Turner
Clary	Gutman	McKay	

Nays—3

Horne	Ostalkiewicz	Williams

Vote after roll call:

Yea—Kirkpatrick

CS for HB 885—A bill to be entitled An act relating to funeral directing, embalming, and direct disposition; amending s. 470.002, F.S.; expanding the definition of the term "legally authorized person"; amending s. 470.006, F.S.; revising a provision relating to licensure as an embalmer by examination, to clarify applicability of the internship requirement; amending s. 470.0085, F.S., relating to the embalmer apprentice program; authorizing an extension of apprenticeship for certain students working in funeral establishments; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending ss. 470.015 and 470.018, F.S.; providing for inclusion of a required course on human immunodeficiency virus and acquired immune deficiency syndrome in the board-approved course on communicable diseases for renewal of funeral director and embalmer licenses and renewal of registration of direct disposers; amending s. 470.024, F.S.; authorizing operation of visitation chapels and establishing criteria therefor; providing licensing limitations with respect to colocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities, including biennial renewal and applicable fees; providing for an annual inspection fee; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; amending s. 470.036, F.S; extending disciplinary actions to certain registrants and licensees; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **CS for HB 885** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for CS for SB 442—A bill to be entitled An act relating to forensic client services; amending s. 40.29, F.S., relating to estimated amount of pay for expert witnesses, to conform a reference; amending s. 393.11, F.S.; specifying persons or entities that may file petition for proposed involuntary admission to residential services arising out of ch. 916, F.S., relating to forensic services; providing for petitions for defendants with autism; revising requirements relating to notice of filing of petition or service of copy of order; prohibiting release from order for involuntary admission except by court order; amending and reorganizing ch. 916, F.S., the Forensic Client Services Act; creating pt. I of ch. 916, F.S.; providing general provisions of the chapter; amending s. 916.105, F.S.; revising legislative intent; amending s. 916.106, F.S.; providing or revising definitions with respect to ch. 916, F.S.; redefining "department" to refer to the Department of Children and Family Services in lieu of the Department of Health and Rehabilitative Services; amending s. 916.107, F.S.; revising state policy with respect to the rights of forensic clients, and conforming terminology; amending and renumbering s. 916.175, F.S., relating to criminal escape by a client; prohibiting escape or attempted escape from a facility or program by a client under specified circumstances, and providing penalties therefor; amending and renumbering s. 916.178, F.S.; prohibiting the introduction of certain articles into or upon, or the taking or attempt to take or send certain articles from, facility grounds, under specified circumstances, and providing penalties therefor; providing for enforcement by institutional security personnel or law enforcement officers; conforming a reference; amending and renumbering s. 916.19, F.S.; providing for client protection and security; renumbering s. 916.20, F.S., relating to departmental rulemaking; creating pt. II of ch. 916, F.S., relating to forensic services for persons who are mentally ill; amending and renumbering s. 916.108, F.S.; providing for evaluation of defendant for competency to proceed or for sanity, under specified circumstances; amending and renumbering s. 916.11, F.S.; revising time limits and guidelines relating to appointment of experts; amending s. 916.12, F.S.; providing duties of examining experts and guidelines with respect to reports on defendant's mental competence to proceed and recommended treatment for defendant to attain competence to proceed; amending s. 916.13, F.S.; providing criteria for involuntary commitment of defendant adjudicated incompetent to proceed due to mental illness; revising duties of the court or the department and guidelines relating to commitment and placement of defendant and filing of reports; amending s. 916.14, F.S.; providing for inapplicability of statute of limitations and of bar against former jeopardy under specified circumstances when defendant is incompetent to proceed; amending s. 916.145, F.S.; revising time limits and guidelines with respect to dismissal of charges against a defendant adjudicated incompetent to proceed; providing for dismissal without prejudice under specified circumstances; amending s. 916.15, F.S., relating to involuntary commitment of defendant adjudicated not guilty by reason of insanity; conforming terminology; providing for mandatory departmental retention and treatment of defendant; reenacting s. 394.467(7)(a), F.S., relating to procedure for continued involuntary placement, to incorporate said amendment in a reference; amending s. 916.16, F.S.; providing for retention of jurisdiction by committing court over a defendant hospitalized as incompetent to proceed or because of a finding of not guilty by reason of insanity or over a defendant placed on conditional release; prohibiting release except by court order in specified circumstances; amending s. 916.17, F.S.; revising procedures and guidelines relating to conditional release and modification of release conditions, including filing requirements for plans for outpatient treatment; creating pt. III of ch. 916, F.S., relating to forensic services for persons who are mentally retarded or autistic; creating s. 916.301, F.S.; providing for appointment of experts who are retardation or autism professionals, under specified circumstances; providing for certain witness fees and evaluator fees as court costs; providing for reimbursement of certain travel and per diem expenses of state employees; creating s. 916.3012, F.S.; providing for determination of incompetence to proceed when the defendant's suspected mental condition is retardation or autism; creating s. 916.302, F.S.; providing for involuntary commitment of defendant determined to be incompetent to proceed due to retardation or autism; requiring the department to notify the court of transfer of a defendant; creating s. 916.3025, F.S.; providing for retention of jurisdiction over certain defendants found incompetent to proceed and ordered into a secure facility for retarded or autistic defendants; prohibiting release except by court order; creating s. 916.303, F.S.; providing for dismissal of charges without prejudice or involuntary admission to residential services or a training program under specified circumstances when the defendant is found incompetent to proceed due to retardation or autism; providing for petitions to continue defendant's placement in a secure facility or program under specified circumstances; creating s. 916.304, F.S.; providing for conditional release based on an approved plan for providing continuing community-based training of defendant; providing for modification of release conditions or termination of jurisdiction under specified circumstances; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Campbell, **CS for CS for SB 442** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Sullivan

CS for SB 334—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 985.401, F.S.; requiring the Juvenile Justice Advisory Board to develop a standard methodology for interpreting outcome-evaluation reports; specifying information to be included; requiring the board to consult with other agencies, providers, and interested parties; requiring the board to report to the Legislature; amending s. 985.404, F.S.; requiring the Department of Juvenile Justice and other agencies to develop a cost-effectiveness model for each commitment program; requiring the department to rank programs and report to the Legislature; authorizing the department to terminate a program that fails to achieve a minimum threshold of effectiveness; requiring that the cost-effectiveness model be consistent with certain requirements for performance-based budgeting; requiring the department to conduct certain evaluations of commitment programs and identify the factors that contribute to various program ratings; providing appropriations; providing an effective date.

—as amended April 22 was read the third time by title.

Senators Gutman and Bankhead offered the following amendment which was moved by Senator Gutman and adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 2, between lines 27 and 28, insert:

Section 2. Subsection (6) of section 985.307, Florida Statutes, is amended, and subsection (7) is added to that section to read:

985.307 Juvenile assignment centers.—

(6) Notwithstanding any provision to the contrary, this section expires July 1, *2000* ~~1998~~, unless reenacted by the Legislature. ~~The department may not create or operate a juvenile assignment center after July 1, 1998, without further legislative authority.~~ Unless reenacted by the Legislature, any juvenile assignment center created under this section shall be converted to a high-level or maximum-level residential commitment program, subject to availability of funds.

(7) The department may utilize juvenile assignment centers to the fullest extent possible for the purpose of conducting pre-adjudicatory assessments and evaluations of youth referred to the department. Prior to July 1, 1999, the department must transition any assignment centers to provide the capacity necessary to perform the intake and assessment functions currently performed pursuant to s. 985.209.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: amending s. 985.307, F.S.; postponing the date on which the authority of the Department of Juvenile Justice to create or operate juvenile assignment centers is scheduled to expire; providing for pre-adjudicatory assessments;

Senator Kurth moved the following amendment:

Amendment 2 (with title amendment)—On page 9, between lines 6 and 7, insert:

Section 4. Subsection (5) of section 985.41, Florida Statutes, is amended to read:

985.41 Siting of facilities; study; criteria.—

(5) When the department *or a contracted provider* proposes a site for a *juvenile justice* ~~state~~ facility, *the department or provider* ~~it~~ shall request that the local government having jurisdiction over such proposed site determine whether or not the proposed site is *appropriate for public use under* ~~in compliance with~~ local government comprehensive plans, local land use ordinances, local zoning ordinances or regulations, and other local ordinances in effect at the time of such request. If no such determination is made within 90 days after the request, it shall be presumed that the proposed site is in compliance with such plans, ordinances, or regulations.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30, after the first semicolon (;) insert: amending s. 985.41, F.S.; requiring a determination whether a proposed site for a juvenile justice facility is appropriate for public use under local government plans and ordinances;

On motion by Senator Gutman, further consideration of **CS for SB 334** as amended, with pending **Amendment 2** was deferred.

SB 656—A bill to be entitled An act relating to education; amending s. 233.061, F.S.; encouraging school districts to provide instruction in the history of labor and business; providing an effective date.

—was read the third time by title.

On motions by Senator Turner, **SB 656** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Casas	Dudley	Hargrett
Bankhead	Childers	Dyer	Harris
Bronson	Clary	Forman	Holzendorf
Brown-Waite	Cowin	Geller	Horne
Burt	Crist	Grant	Kirkpatrick
Campbell	Diaz-Balart	Gutman	Klein
Kurth	McKay	Rossin	Thomas
Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	

Nays—None

CS for SB 314—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 394.4788, F.S., relating to mental health services; updating provisions relating to duties of the agency formerly performed by the Health Care Cost Containment Board; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain outpatient facilities; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that, following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of staff and patients; providing for applicability; providing for a report by the agency to the Governor and Legislature; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the former Department of Health and Rehabilitative Services; authorizing the agency to conduct data-based studies and make recommendations; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; repealing ss. 395.403(9), 395.806(3), 407.61, 408.003, 408.072, 408.085, F.S., relating to reimbursement of state-sponsored trauma centers, studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of provisions of the act relating to repeal of review of hospital budgets; amending ss. 381.026, 381.0261, F.S.; requiring distribution of the Florida Patient's Bill of Rights and Responsibilities; providing penalties; repealing s. 395.002(2) and (15), F.S.; deleting definitions of "adverse or untoward incident" and "injury"; amending s. 395.0193, F.S.; revising provisions relating to facility peer review disciplinary actions against practitioners; requiring a report to the Agency for Health Care Administration; providing penalties; amending s. 395.0197, F.S.; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring certain reports to the agency; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective action plans; providing penalties; renumbering s. 626.941, F.S., relating to the purpose of the health care risk manager licensure program; renumbering and amending s. 626.942, F.S., relating to the Health Care Risk Manager Advisory Council; renumbering and amending s. 626.943, F.S.; providing powers and duties of the agency; renumbering and amending s. 626.944, F.S., relating to qualifications for health care risk managers; providing for fees; providing for issuance, cancellation, and renewal of licenses; renumbering and amending s. 626.945, F.S., relating to grounds for denial, suspension, or revocation of licenses; amending s. 766.101, F.S., relating to medical review committees; adding "physician-hospital organization," "provider-sponsored organization," and "integrated delivery system" to the definition of "medical review committee" or "committee"; amending ss. 394.4787, 395.602, 400.051, 409.905, 440.13, 458.331, 459.015, 468.505, 641.55, 766.1115, F.S.; conforming

references and correcting cross-references; amending s. 400.23, F.S.; amending rulemaking powers of the Agency for Health Care Administration relating to structural standards for nursing homes; requiring a report to the Governor and Legislature; transferring the internal risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; providing an appropriation; providing effective dates.

—as amended April 22 was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 314** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

The Senate resumed consideration of—

CS for SB 334—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 985.401, F.S.; requiring the Juvenile Justice Advisory Board to develop a standard methodology for interpreting outcome-evaluation reports; specifying information to be included; requiring the board to consult with other agencies, providers, and interested parties; requiring the board to report to the Legislature; amending s. 985.404, F.S.; requiring the Department of Juvenile Justice and other agencies to develop a cost-effectiveness model for each commitment program; requiring the department to rank programs and report to the Legislature; authorizing the department to terminate a program that fails to achieve a minimum threshold of effectiveness; requiring that the cost-effectiveness model be consistent with certain requirements for performance-based budgeting; requiring the department to conduct certain evaluations of commitment programs and identify the factors that contribute to various program ratings; providing appropriations; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2** by Senator Kurth was adopted by two-thirds vote.

On motions by Senator Gutman, **CS for SB 334** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for SB 1880—A bill to be entitled An act relating to boating safety; amending s. 327.02, F.S.; redefining "personal watercraft"; amending s. 327.25, F.S.; classifying all personal watercraft as class A-2 vessels; amending s. 327.28, F.S.; providing for distribution and use of registration fees therefor; amending s. 327.39, F.S.; revising requirements for operation of a personal watercraft relating to authorized flotation devices, times of operation, maneuvers constituting reckless operation, and minimum age for operation; prohibiting lease, hiring, or rental to certain persons; requiring all vessel operators to have certain photographic identification; providing a penalty; providing a grandfather clause; amending s. 327.395, F.S.; conforming provisions relating to boating safety identification cards; amending s. 327.54, F.S.; revising requirements for lease, hiring, or rental of vessels by liveries relating to prerental or preride instruction, minimum age for rental, and safety information and instruction; removing liveries' immunity from liability for certain accidents or injuries; requiring certain insurance coverage; providing a penalty; reenacting s. 327.73(1)(p) and (s), F.S., relating to a penalty for violation of vessel laws, to incorporate the amendments to ss. 327.39, 327.395, F.S., in references; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Kurth, **CS for SB 1880** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—27

Madam President	Dudley	Holzendorf	Myers
Bankhead	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Kurth	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	McKay	Turner
Clary	Harris	Meadows	

Nays—11

Bronson	Crist	Horne	Scott
Childers	Diaz-Balart	Lee	Williams
Cowin	Hargrett	Ostalkiewicz	

Vote after roll call:

Yea—Latvala

Consideration of **CS for HB 1151** was deferred.

CS for CS for HB 3387—A bill to be entitled An act relating to health care; amending s. 430.502, F.S.; establishing additional memory disorder clinics; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; amending s. 430.707, F.S.; authorizing the department to contract for certain services; exempting certain providers from the provisions of ch. 641, F.S.; creating the Panel for the Study of End-of-Life Care; providing for membership and duties; requiring a report; providing for future repeal; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for CS for HB 3387** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Kurth
Bankhead	Cowin	Gutman	Latvala
Bronson	Crist	Hargrett	Laurent
Brown-Waite	Diaz-Balart	Harris	Lee
Burt	Dudley	Holzendorf	McKay
Campbell	Dyer	Horne	Meadows
Casas	Forman	Kirkpatrick	Myers
Childers	Geller	Klein	Ostalkiewicz

Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

CS for CS for SB 1800—A bill to be entitled An act relating to health insurance; amending s. 222.21, F.S.; exempting moneys paid into a Roth individual retirement account from creditors' claims; amending s. 222.22, F.S.; exempting moneys paid into a Medical Savings Account from attachment, garnishment, or legal process; amending s. 627.410, F.S.; exempting certain policies from rating requirements; amending s. 627.6425, F.S.; specifying exceptions to guaranteed renewability of individual health insurance policies; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed-issuance of an individual health insurance policy; amending s. 627.6498, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining premium rates of coverage issued by the Florida Comprehensive Health Association; amending s. 627.6571, F.S.; specifying exceptions to guaranteed renewability of group health insurance policies; amending s. 627.6575, F.S.; providing that coverage may not be denied if specified notice is given; amending s. 627.6415, F.S.; providing that coverage may not be denied if specified notice is given; amending s. 627.6578, F.S.; providing that coverage may not be denied if specified notice is given; amending s. 627.6675, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining maximum premiums for conversion policies; revising standards for renewal of converted insurance policies; requiring the insurer to mail certain information to a person eligible for a converted policy, upon request; creating s. 627.6685, F.S.; requiring health insurers and health maintenance organizations to include in their plans that offer mental health coverage certain mental health benefits that are not less favorable than those for medical or surgical benefits covered by the plan; defining terms; providing exemptions; limiting applicability of this section; amending s. 627.6699, F.S.; redefining the term "health benefit plan" as used in the Employee Health Care Access Act; amending s. 627.674, F.S.; revising the minimum standards for Medicare Supplement policies; amending s. 627.6741, F.S.; revising requirements for insurers to issue, cancel, nonrenew, and replace Medicare supplement policies; restricting preexisting-condition exclusions; authorizing the Department of Insurance to adopt rules governing guaranteed issue of Medicare supplement coverage for continuously covered individuals; amending s. 627.9403, F.S.; specifying the provisions of the Long-term Care Insurance Act that apply to limited benefit policies; amending s. 627.9404, F.S.; defining the terms "limited benefit policy" and "qualified long-term care limited benefit insurance policy"; amending s. 627.9407, F.S.; revising the requirements for exclusion of coverage for preexisting conditions for long-term care policies; requiring limited-benefit policies to contain a disclosure statement regarding their qualification for favorable tax treatment; amending s. 627.94073, F.S.; revising the notice requirement for long-term care policies regarding the right to designate a secondary person to receive notice of lapse of coverage; amending s. 641.225, F.S.; increasing surplus requirements for health maintenance organizations; amending s. 641.285, F.S.; increasing deposit requirements for health maintenance organizations; revising exceptions; amending s. 641.26, F.S.; requiring health maintenance organizations to file certain reports with the Department of Insurance; requiring that health maintenance organizations provide additional information upon the request of the department; amending s. 641.31, F.S.; providing that coverage may not be denied if specified notice is given; amending s. 641.31074, F.S.; revising requirements for guaranteed renewability of a health maintenance organization contract; amending s. 641.3111, F.S.; requiring health maintenance organization contracts to provide for an extension of benefits upon termination of the contract; amending s. 641.316, F.S.; revising the amount of the bond that a fiscal intermediary services organization is required to maintain; specifying certain additional requirements and conditions for the bond and the intermediary; amending s. 641.3922, F.S.; revising the method for establishing the maximum premium for converted contracts issued by health maintenance organizations; revising the exceptions to guaranteed renewability of converted health maintenance organization contracts; requiring a health maintenance organization to mail certain information to a person eligible for a converted contract; amending s. 641.495, F.S.; exempting from licensure under part I of ch. 395, F.S., certain beds of a health maintenance organization; providing an effective date.

—as amended April 22 was read the third time by title.

Senator Diaz-Balart moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 14, lines 1 and 18, after "*birth*" insert: *or placement*

On motions by Senator Diaz-Balart, **CS for CS for SB 1800** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Rossin
Bankhead	Diaz-Balart	Horne	Scott
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Burt	Forman	Kurth	Thomas
Campbell	Geller	Lee	Turner
Casas	Grant	McKay	Williams
Childers	Gutman	Meadows	
Clary	Hargrett	Myers	
Cowin	Harris	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Latvala, Laurent

CS for HB 3227—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; redefining the term "qualified professional" for purposes of providing certain substance abuse assessment or treatment services; requiring persons certified to provide such services in other states to meet Florida's certification requirements within a specified period after employment in this state; providing a grandfather clause for a specified period for persons with certain qualifications and experience; providing that certain certified professionals are exempt from meeting the additional statutory requirements for a qualified professional; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **CS for HB 3227** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **SB 150** and **CS for CS for SB 1308** was deferred.

CS for SB 1088—A bill to be entitled An act relating to agriculture emergencies; amending s. 206.606, F.S.; distributing fuel sales tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; amending s. 206.608, F.S.; distributing State Comprehensive Enhanced Transportation System Tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; creating s. 206.609, F.S.; providing restrictions on the transfer of moneys to the Agricultural Emergency Eradication

Trust Fund; requiring the Commissioner of Agriculture to give notice concerning the use of trust fund moneys; providing appropriations; providing a contingent effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Bronson, **CS for SB 1088** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Geller

SB 1010—A bill to be entitled An act relating to agriculture; creating s. 570.191, F.S.; creating the Agricultural Emergency Eradication Trust Fund; prescribing its uses; defining what constitutes an "agricultural emergency"; transferring moneys from the Agricultural Emergency Eradication Trust Fund to the Plant Industry Trust Fund for specified purposes; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Bronson, **SB 1010** as amended was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Lee

CS for SB 1578—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; amending provisions prescribing the voting membership of an M.P.O.; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Forman, **CS for SB 1578** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary
Cowin	Gutman	Latvala	Scott
Crist	Hargrett	Laurent	Silver
Diaz-Balart	Harris	Lee	Sullivan
Dudley	Holzendorf	McKay	Thomas
Dyer	Horne	Meadows	Turner
Forman	Kirkpatrick	Myers	Williams
Geller	Klein	Ostalkiewicz	
Grant	Kurth	Rossin	

Nays—None

HB 4561—A bill to be entitled An act relating to marine fisheries; amending s. 370.01, F.S.; redefining the terms "closed season" and "nonresident alien" and alphabetizing definitions; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators' licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; amending s. 370.026, F.S.; deleting obsolete references to commissioners' terms; amending s. 370.0605, F.S.; authorizing agents of the Game and Fresh Water Fish Commission to enforce provisions relating to licenses; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.12, F.S.; relating to protection of mammalian dolphins; amending s. 370.1405, F.S.; relating to reporting requirements for crawfish wholesalers and retailers; amending s. 370.25, F.S.; clarifying criminal, civil, and administrative penalties; repealing s. 370.015, F.S., relating to obsolete Suwannee River Authority; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.092(3) and (4), F.S., relating to penalties on use of proscribed nets; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.12(4), F.S.; related to manta rays; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing section 370.1611, F.S., relating to an oyster depuration plant; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **HB 4561** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for SB 752—A bill to be entitled An act relating to the designation of buildings and programs; designating the tennis court complex at the University of West Florida the "Harold 'Skeeter' Carson Tennis Complex"; designating the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University the "Barry and Florence Friedberg Lifelong Learning Center"; designating the swim/dive office and training facility at the University of Florida the "Wayne and Jimmie Carse Swimming and Diving Complex"; renaming Flint Hall at the University of Florida as "Keene-Flint Hall"; designating the residence hall known as 2nd Court, Pei Residence Halls, located at New College of the University of South Florida the "Peggy Bates Residence Hall"; designating the library tower on the campus of Florida International University the "Steven and Dorothea Green Library"; designating the recording facility donated to Florida State University as "Critchfield Hall"; authorizing the respective universities to erect suitable markers; amending s. 240.605, F.S.; renaming the Florida Resident Access Grant Program as the William L. Boyd, IV, Florida Resident Access Grant Program; designating the Children's Medical Services Clinic of St. Lucie County as the "Dr. William R. Dannahower Building"; authorizing the Department of Health to erect suitable markers; designating the Regional Office of the Florida Game and Fresh Water Fish Commission in West Palm Beach as the "Woodrow 'Woody' Darden Building"; authorizing the commission to erect suitable markers; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Klein, **CS for SB 752** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Horne

CS for SB 832—A bill to be entitled An act relating to public business and financial matters; amending s. 216.011, F.S.; defining the terms "disincentive," "incentive," "performance-based program appropriation," and "performance ledger" for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies in submitting performance-based budget requests, programs, and performance measures; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring that additional information be included in program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.167, F.S.; requiring that the Governor's recommendations include a financial schedule that provides information on revenues in the Budget Stabilization Fund; amending s. 216.178, F.S.; providing a date for the final budget report; amending s. 216.292, F.S.; providing an exception to nontransferable appropriations; amending 186.022, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; amending s. 215.32, F.S.; including the Budget Stabilization Fund in the list of funds in which state moneys are deposited; amending s. 216.221, F.S.; providing legislative intent for use of the Budget Stabilization Fund; amending s. 20.055, F.S.; requiring inspectors general to review and assess the validity of performance measures prior to submission to the Executive Office of the Governor; amending s. 252.37, F.S.; providing legislative intent regarding the order of recourse in use of state funds for emergencies; repealing s. 186.021(5), F.S., relating to state agency strategic plans; repealing s. 212.081(3), F.S., relating to legislative intent; amending s. 186.021, F.S.; providing that certain information resources management projects are not required in agency strategic plans; amending s. 216.181, F.S.; providing that certain information resource management projects are not subject to the mandatory notice and review requirements for amendments to agencies' original approved operating budgets; amending s. 186.022, F.S.; providing that certain coordinating councils and boards are required to develop annual performance reports; amending s. 282.3063, F.S.; modifying the date for submission of the Agency Annual Information Resources Management Report; amending s. 282.310, F.S.; modifying the date by which the State Annual Report on Information Resources Management must be developed; requiring the inclusion of specified information within the report; amending s. 282.3091, F.S.; authorizing members of the State Technology Council to appoint designees to serve on their behalf; amending s. 282.322, F.S.; requiring the submission of quarterly reports for information resource projects designated for special monitoring; providing an additional recipient of project monitors' final reports; amending s. 282.404, F.S.; removing the chair of the Geographic Information Advisory Council as an ex officio member of the Geographic Information Board; requiring the chair to attend all meetings of the Geographic Information Board on behalf of the council; revising duties of the Geographic Information Board; providing that the board shall serve as coordinator for census activities; amending s. 215.96, F.S.; providing a technical correction; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Kirkpatrick, **CS for SB 832** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for HB 1125—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; specifying the elements of a notarial certificate; revising provisions relating to identification; providing for notice to the Governor of lost or stolen notary seals; revising provisions relating to copying certain documents; amending s. 117.10, F.S.; correcting a cross reference; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Grant, **CS for HB 1125** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Campbell	Diaz-Balart	Grant
Bankhead	Casas	Dudley	Gutman
Bronson	Clary	Dyer	Hargrett
Brown-Waite	Cowin	Forman	Harris
Burt	Crist	Geller	Holzendorf

Horne	Laurent	Ostalkiewicz	Thomas
Kirkpatrick	Lee	Rossin	Turner
Klein	McKay	Scott	Williams
Kurth	Meadows	Silver	
Latvala	Myers	Sullivan	

Nays—None

Vote after roll call:

Yea—Childers

On motion by Senator Forman, by two-thirds vote **HB 3115** was withdrawn from the Committee on Agriculture.

On motion by Senator Forman, by two-thirds vote—

HB 3115—A bill to be entitled An act relating to animals; amending s. 828.30, F.S.; providing for the rabies vaccination of ferrets; providing for quarantine according to rules; providing an effective date.

—a companion measure, was substituted for **SB 1384** as amended and by two-thirds vote read the second time by title. On motions by Senator Forman, by two-thirds vote **HB 3115** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Rossin
Bankhead	Diaz-Balart	Horne	Scott
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Geller	Lee	Turner
Casas	Grant	McKay	Williams
Childers	Gutman	Meadows	
Clary	Hargrett	Myers	
Cowin	Harris	Ostalkiewicz	

Nays—1

Laurent

Vote after roll call:

Yea—Kurth

SB 72—A bill to be entitled An act relating to public officers and employees; amending s. 112.324, F.S.; allowing the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **SB 72** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for HB 3343—A bill to be entitled An act relating to barbering and cosmetology; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; amending s. 476.134, F.S.; revising provisions relating to examination of applicants for licenses as barbers; amending s. 476.144, F.S.; revising requirements for licensure to practice barbering; amending s. 476.204, F.S.; prohibiting allowing an employee to practice barbering unless licensed or otherwise authorized by law; providing penalties; amending s. 476.214, F.S.; providing for denial of issuance or renewal of barber or barbershop license or certificate of registration under certain circumstances; amending s. 477.013, F.S.; revising the definition of the term "hair braiding"; defining the terms "hair wrapping" and "photography studio salon"; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty salon; providing circumstances for practicing as a hair wrapper or hair braider pending receipt of registration; amending s. 477.0135, F.S., and repealing paragraph (1)(g), relating to an exemption from regulation applicable to graduates of certain cosmetology schools or programs; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure to practice cosmetology; providing for supervised practice by graduates of certain cosmetology schools or programs; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; amending s. 477.0201, F.S.; providing circumstances for practicing as a specialist pending receipt of registration; amending s. 477.022, F.S.; revising provisions relating to examinations; amending s. 477.025, F.S.; authorizing the board to adopt rules for mobile cosmetology salons and providing requirements therefor; providing for fees; amending s. 477.026, F.S.; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; amending s. 477.028, F.S.; providing for denial of issuance or renewal of cosmetology, specialty, and salon license or certificate of registration under certain circumstances; amending s. 477.029, F.S.; revising prohibitions relating to unlicensed or other unauthorized practice; providing penalties; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for HB 3343** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

On motion by Senator Harris, by two-thirds vote **CS for HB 3145** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Harris, by two-thirds vote—

CS for HB 3145—A bill to be entitled An act relating to health care; creating s. 381.0045, F.S.; creating the "Targeted Outreach for Pregnant Women Act of 1998"; providing purpose; requiring the Department of Health to establish a pilot program; providing requirements; requiring interim and final reports; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1258** as amended and read the second time by title.

Senator Harris moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 381.0045, Florida Statutes, is created to read:

381.0045 Targeted outreach for pregnant women.—

(1) This section may be cited as the "Targeted Outreach for Pregnant Women Act of 1998."

(2) It is the purpose of this section to establish a targeted outreach program for high-risk pregnant women who may not seek proper prenatal care, who suffer from substance abuse problems, or who are infected with human immunodeficiency virus (HIV), and to provide these women with links to much needed services and information.

(3) Effective October 1, 1998, the Department of Health shall establish a 2-year pilot program to provide outreach services to high-risk pregnant women, based in county health departments in the five counties with the highest rates of HIV infection in pregnant women and the largest proportion of substance-exposed newborns. These counties shall include Dade, Broward, Palm Beach, Hillsborough, and Orange Counties.

(4) The department shall:

(a) Conduct outreach programs through contracts with, grants to, or other working relationships with persons or entities where the target population is likely to be found.

(b) Provide outreach that is peer-based, culturally sensitive, and performed in a nonjudgmental manner.

(c) Encourage high-risk pregnant women of unknown status to be tested for HIV.

(d) Educate women not receiving prenatal care as to the benefits of such care.

(e) Provide HIV-infected pregnant women with information so they can make an informed decision about the use of Zidovudine (AZT).

(f) Link women with substance abuse treatment, when available, and act as a liaison with Healthy Start coalitions, children's medical services, Ryan White-funded providers, and other services of the Department of Health.

(g) Provide continued oversite to HIV-exposed newborns.

(5) The types of entities the department is encouraged to contract with, provide grants to, or enter into other working relationships with may include, but are not limited to, faith-based organizations, academic institutions, religious organizations, nonprofit community centers, and other social-services-related entities.

Section 2. *The Department of Health shall compile and analyze the risk information collected by the targeted outreach programs and other services of the Department of Health, including Healthy Start coalitions, children's medical services, and Ryan White-funded providers, and submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate an interim report by December 1, 1999, and a final report by December 1, 2000, that includes, but is not limited to:*

(1) The number of pregnant women and infants identified as at potential risk of HIV infection or substance abuse.

(2) The number of pregnant women and infants who receive outreach services.

(3) The demand for services and unmet need for services for the identified target groups.

(4) An assessment of the program's success in reaching high-risk pregnant women and providing these women and their infants with much needed services and information.

(5) Recommendations regarding whether the program should be continued or expanded statewide, the funding necessary to continue or expand the program, and any additional efforts that are necessary to maximize the success of the program.

Section 3. *There is hereby appropriated to the Department of Health from the General Revenue Fund the sum of $500,000 to establish target outreach programs in Dade, Broward, Palm Beach, Hillsborough, and Orange Counties, with two existing employees to be based in each county's health department. All of the funds appropriated to the department shall be used in the delivery of services as described in s. 381.0045, Florida Statutes, as created by this act.*

Section 4. *There is appropriated to the Department of Health from the Tobacco Settlement Trust Fund the sum of $15 million to replace the Tampa Branch Health Laboratory and the sum of $600,000 for the Healthy Moms and Healthy Babies facility at the University of South Florida.*

Section 5. This act shall take effect October 1, 1998, except that this section and section 4 of this act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; creating s. 381.0045, F.S.; creating the "Targeted Outreach for Pregnant Women Act of 1998"; providing purpose; requiring the Department of Health to establish a pilot program; providing requirements; requiring interim and final reports; providing appropriations; providing effective dates.

WHEREAS, Florida ranks second in the nation in the number of female AIDS cases and pediatric AIDS cases, and

WHEREAS, approximately 700 HIV-exposed women give birth each year in Florida, and

WHEREAS, the administration of Zidovudine (AZT) to pregnant HIV-exposed women can reduce the rate of mother-to-child transmission by as much as two-thirds, while without it approximately 210 of the 700 babies born to HIV-exposed women in Florida would test positive for HIV, and

WHEREAS, thousands of infants born each year in Florida are identified as prenatally substance-exposed, and

WHEREAS, the effect on a fetus from drugs can result in a lifetime of devastating physical and mental problems for the child, and

WHEREAS, the lifetime cost of treating an HIV-infected infant can be as high as $200,000, and the cost of caring for drug-exposed infants can be as high as $65,000, with special classes for substance-exposed children costing approximately $17,000 per year, and

WHEREAS, there is a strong need to reach out to pregnant women who do not seek prenatal care, substance abuse treatment, or HIV testing due to poverty, lack of transportation, lack of education, lack of health insurance, fear of legal consequences, fear of domestic violence, and fear of losing their child, and

WHEREAS, preventing perinatally transmitted HIV infection and substance exposure depends on maximizing the opportunities for pregnant women to learn their HIV status, to be offered and receive preventive AZT therapy, and to gain access to drug treatment and other health and social services for themselves and their infants, NOW, THEREFORE,

On motions by Senator Harris, by two-thirds vote **CS for HB 3145** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Turner
Casas	Grant	Laurent	Williams
Childers	Gutman	Lee	
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Sullivan

CS for HB's 3089 and 171—A bill to be entitled An act relating to nursing facilities; amending s. 400.121, F.S.; providing procedure for administrative hearings on certain actions to deny, suspend, or revoke a nursing facility's license; creating s. 400.215, F.S.; requiring background screening for certain nursing facility employees; providing requirements for employers and employees; authorizing conditional status for certain employees; requiring the Agency for Health Care Administration to establish and maintain a database and provide certain information; providing for screening fees; providing for exemptions from disqualification; providing an exemption from rescreening for certain persons; providing for certain sharing of screening information among employers; providing for adoption of rules; specifying dates and conditions for compliance by employees and new applicants; repealing s. 400.211(5), F.S., relating to screening requirements for certified nursing assistants; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Brown-Waite, **CS for HB's 3089 and 171** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for HB 159—A bill to be entitled An act relating to community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community Faculty Diversity Program; providing for fellowships; requiring service or repayment; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Holzendorf, **CS for HB 159** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SB 150—A bill to be entitled An act relating to journalism; creating s. 90.5015, F.S.; creating a privilege for professional journalists to refuse to be a witness or to disclose specified information; providing definitions; authorizing courts to order disclosure of certain information; providing for nonwaiver of the privilege; providing for an affidavit of authenticity; providing severability; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Sullivan, **SB 150** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Madam President	Forman	Kurth	Rossin
Bankhead	Geller	Latvala	Scott
Casas	Gutman	Laurent	Silver
Childers	Harris	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meadows	Turner
Crist	Kirkpatrick	Myers	Williams
Dyer	Klein	Ostalkiewicz	

Nays—8

Bronson	Burt	Diaz-Balart	Grant
Brown-Waite	Campbell	Dudley	Hargrett

CS for HB 1151—A bill to be entitled An act relating to law enforcement; amending s. 384.287, F.S.; permitting certain support personnel, including a crime scene analyst, forensic technologist, and crime lab analyst, to request, and seek court orders for, screening of a person for a sexually transmissible disease, under specified circumstances; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; providing duties of the department as custodial manager; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 318.18, F.S., relating to civil penalties; redesignating regional criminal justice assessment centers as criminal justice selection centers; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; conforming cross references; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; creating s. 943.146, F.S., relating to copyrighting and sale of work products of the Department of Law Enforcement; defining "product"; prescribing powers and duties of the department and guidelines for securing and enforcing copyrights; providing for certain notification to the Department of State; providing for deposit of proceeds of sales or products or certain rights in products; amending s. 943.256, F.S.; providing for the regional criminal justice assessment centers, which are directed by a postsecondary public school or a criminal justice agency, to be redesignated as criminal justice selection centers; amending s. 943.325, F.S., relating to blood specimen testing for DNA analysis; requiring entities responsible for a county jail, correctional facility, or juvenile facility to ensure that required blood specimens from certain offenders are secured and transmitted to the department under specified provisions; prohibiting release of the offender from the custody of the court and release of bond or surety until blood specimens have been taken as required; prescribing duties of the chief administrative judge of each circuit and the sheriff or other entity maintaining the county jail with respect to collection and forwarding of blood specimens; providing for a statewide protocol for securing blood specimens of certain offenders

to be developed by the department in conjunction with the sheriffs, the court, the Department of Corrections, and the Department of Juvenile Justice; requiring certain offenders to submit or resubmit to blood testing, under specified circumstances; providing for certain immunity from liability as a result of withdrawal of blood specimens; providing for court orders authorizing the taking of the person into custody for purposes of securing the required blood specimens; providing for issuance of the court order; providing for transportation or release of the person taken into custody, under specified circumstances; providing that the offender is liable for actual costs of blood collection, unless declared indigent; providing for construction; reenacting s. 760.40(2)(a), F.S., relating to genetic testing and informed consent therefor, and s. 948.03(10), F.S., relating to terms and conditions of probation or community control, to incorporate said amendment in references; amending s. 943.33, F.S., relating to state-operated criminal analysis laboratories; defining "good cause" for purposes of certifying court orders for state-operated laboratory services to the criminal defendant; requiring the laboratory to include a cost statement with the report of the service provided; requiring provision of a copy of the report and the cost statement to prosecutor and court; providing an effective date.

—was read the third time by title.

On motions by Senator Burt, **CS for HB 1151** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SPECIAL ORDER CALENDAR, continued

CS for SB 2014—A bill to be entitled An act relating to the WAGES Program; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing rulemaking authority for the Department of Children and Family Services and the Department of Labor and Employment Security; providing legislative intent with respect to encouraging the employment of participants in the WAGES Program; requiring the Office of Tourism, Trade, and Economic Development to certify to the President of the Senate and the Speaker of the House of Representatives the amount of taxes and the economic benefit generated by the restaurant industry from employing WAGES participants and to add that amount to the total amount of certain beverage taxes and penalties paid during a specified calendar year; providing for the repeal of s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages, if the total amount of the surcharge exceeds a specified figure; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Bankhead and adopted:

Amendment 1—On page 2, line 18, after "a" insert: *voluntary*

Amendment 2—On page 4, between lines 12 and 13, insert:

(4) Nothing herein shall be construed to allow any WAGES Coalition or state agency to require relocation of a WAGES participant for the purposes of this section or any other.

Senator Bankhead moved the following amendment:

Amendment 3 (with title amendment)—On page 4, line 13 through page 5, line 2, delete those lines and insert:

Section 2. *The Legislature recognizes that the restaurant industry is uniquely positioned to provide employment opportunities for a significant number of WAGES participants. Therefore, it is the intent of the Legislature to encourage employment of WAGES participants by the food and beverage industry. By March 1, 1999, and each March thereafter, the Office of Tourism, Trade, and Economic Development shall certify the total number of WAGES participants employed by the food and beverage industry during the prior calendar year, using data from the Department of Labor's WAGES Information System as summarized in the Employment Information Report prepared by the Bureau of Labor Market and Performance Information and information from the Florida Education and Training Placement Information Program at the Department of Education. To be counted for purposes of this act, each WAGES participant must have been on welfare for at least 3 months and must remain off of the welfare rolls for the 3 calendar quarters immediately following the calendar quarter in which the individual is first employed by the food and beverage industry. By July 1, 1999, and each year thereafter, the Department of Business and Professional Regulation shall recalculate and reduce the tax rate imposed by section 561.501, Florida Statutes, by the following formula: each WAGES participant job certified in the report shall be given a value of $3,500, which shall then be multiplied by the total number of WAGES participant jobs certified in the report to arrive at a "gross economic benefit." The "gross economic benefit" shall then be subtracted from the total amount collected from the tax imposed under section 561.501, Florida Statutes, and shall not exceed 33 1/3 percent reduction in any given year, to arrive at a "remainder." The Department of Business and Professional Regulation shall then recalculate and reduce the tax rate imposed by section 561.501, Florida Statutes, to generate the revenue represented by the "remainder." The Department of Business and Professional Regulation shall adopt procedures for administering these provisions and adopt rules pursuant to the provisions of this section.*

And the title is amended as follows:

On page 1, line 24 through page 2, line 3, delete those lines and insert: the amount of economic benefit generated by the restaurant industry employing WAGES participants; providing for recalculation of alcoholic beverage tax surcharges; providing

Senator Bankhead moved the following amendments to **Amendment 3** which were adopted:

Amendment 3A—On page 2, lines 3-6, delete those lines and insert: *at least 3 months within the 6 months prior to first being employed by the food and beverage industry, must remain off of the welfare rolls for the 3 calendar quarters immediately following the calendar quarter in which the individual is first employed by the food and beverage industry, and must have been employed in the food and beverage industry for at least 3 calendar quarters. A participant meeting these requirements may only be counted in the first year in which the requirements are met. By July 1, 1999, and each year*

Amendment 3B—On page 2, line 16, before "*and*" insert: *during the most recent calendar year*

Amendment 3C—On page 2, line 19, after "*rate*" insert: *, rounded to the nearest tenth of a cent,*

MOTION

On motion by Senator Thomas, the rules were waived and time of recess was extended until completion of **CS for SB 2014**, motions and announcements.

Amendment 3 as amended was adopted.

Senator Bankhead moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 5, between lines 2 and 3, insert:

Section 3. *When the relocation plan for a WAGES participant involves relocating the participant within the state, the plan must be ap-*

proved by the local WAGES coalition in the district from which the participant is moving and the local WAGES coalition in the district to which the participant is moving before the effective date of the move.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: requiring approval of the relocation plan of a WAGES participant;

Senator Holzendorf moved the following amendment:

Amendment 5 (with title amendment)—On page 5, between lines 2 and 3, insert:

Section 3. Section 290.00651, Florida Statutes, is created to read:

290.00651 Designation of Enterprise Zone Pilot Area.—

(1) The Office of Tourism, Trade, and Economic Development shall designate one pilot project area within one state enterprise zone. The Office of Tourism, Trade, and Economic Development shall select the pilot area by July 1, 1998, which meets the following qualifications:

(a) The area is contained within an enterprise zone that is composed of one contiguous area and is placed in the category delineated in s. 290.0065(3)(a)1.

(b) The local government having jurisdiction over the enterprise zone grants economic development ad valorem tax exemptions in the enterprise zone pursuant to s. 196.1995, and electrical energy public service tax exemptions pursuant to s. 166.231.

(c) The local government having jurisdiction over the enterprise zone has developed a plan for revitalizing the pilot project area or for revitalizing an area within the enterprise zone that contains the pilot project area, and has committed at least $5 million to redevelop an area including the pilot project area.

(d) The pilot project area is contiguous and is limited to no more than 70 acres, or equivalent square miles, to avoid a dilution of additional state assistance effectively concentrating those additional resources on revitalizing the acute area of economic distress.

(e) The pilot project area contains a diverse cluster or grouping of facilities or space for a mix of retail, restaurants, or service related businesses, necessary to an overall revitalization of surrounding neighborhoods through community involvement, investment, enhancement of employment markets.

(2)(a) Beginning December 1, 1998, no more than four businesses located within the pilot project area are eligible for a credit against any tax due for a taxable year under part I, chapter 212, and chapter 220.

(b) The credit shall be computed as $5,000 times the number of full–time employees of the business and $2,500 times the number of part–time employees of the business. For purposes of this section, a person shall be deemed to be employed by such a business if the person performs duties in connection with the operations of the business on a full–time basis, provided he or she is performing such duties for an average of at least 36 hours per week each month, or a part–time basis, provided he or she is performing such duties for an average of at least 20 hours per week each month through the year. The person must be performing such duties at a business site located in the pilot project area.

(c) The total amount of tax credits that may be granted under this section is $2 million annually. In the event the Office of Tourism, Trade, and Economic Development receives applications that total more than $2 million each year, the director shall pro–rate the amount of tax credit each applicant is eligible to receive to ensure that all eligible applicants receive a tax credit.

(d) In order to be eligible to apply to the Office of Tourism, Trade, and Economic Development for tax credits under this section a business must:

1. Have entered into a contract with the developer of the diverse cluster or grouping of facilities or space located in the pilot project area, governing lease of commercial space in the facility;

2. Have commenced operations in the facility after July 1, 1998, and before July 1, 1999; and

3. Be a business predominantly engaged in activities usually provided for consideration by firms classified with the Standard Industrial Classification SIC 5311, SIC 7832, or SIC 5399.

(e) All applications for the granting of the tax credits allowed under this section shall require the prior approval of the director of the Office of Tourism, Trade, and Economic Development. The director shall provide one submittal date each year for the receipt of applications for such tax credits.

(f) Any business wishing to receive a tax credit pursuant to this section must submit an application to the Office of Tourism, Trade, and Economic Development which sets forth the business name and address, and the number of employees of the business.

(g) The decision of the director shall be in writing, and, if approved, the application shall state the maximum credit allowable to the business. A copy of the decision shall be transmitted to the Executive Director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.

(h) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the business, the unused amount may be carried forward for a period not to exceed 5 years.

(4) The Office of Tourism, Trade, and Economic Development is authorized to promulgate all rules necessary to administer this section, including rules for the approval or disapproval of applications for tax incentives by businesses.

(5) The Department of Revenue shall promulgate any rules necessary to ensure the orderly implementation and administration of this section.

(6) For purposes of this section, "business" and "taxable year" shall have the same meaning as in s. 220.03.

(7) The Office of Program Policy Analysis and Government Accountability shall review and evaluate the effectiveness and viability of the pilot project area created in subsection (1) as part of the review of state enterprise zones performed pursuant to s. 290.015(2). The office shall specifically evaluate whether relief from certain taxes induced new investment and development in the area, increased the number of jobs created or retained in the area, induced the renovation, rehabilitation, restoration, improvement, or new construction of businesses or housing within the area, and contributed to the economic viability and profitability of business and commerce located within the area.

(8) This section shall stand repealed on June 30, 2014, and any designation made pursuant to this section shall be revoked on that date.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: creating s. 290.00651, F.S.; directing the Office of Tourism, Trade, and Economic Development to designate a pilot project area within an enterprise zone; providing qualifications for such area; providing that certain businesses in the pilot project area are eligible for tax credits; prescribing application criteria and procedures governing such tax credits; providing rulemaking authority; requiring a review by the Office of Program Policy Analysis and Government Accountability; providing for repeal and revocation of designation as an enterprise zone pilot project area;

Senator Holzendorf moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A—On page 3, lines 5 and 7, delete "*$2 million*" and insert: *$500,000*

Amendment 5 as amended was adopted.

POINT OF ORDER

Senator Sullivan raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Committee on Ways and Means.

RULING ON POINT OF ORDER

The President ruled the point well taken and **CS for SB 2014** as amended was referred to the Committee on Ways and Means.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, April 24.

REPORTS OF COMMITTEES

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 356, SB 494, CS for SB 910, SB 2158

The Committee on Regulated Industries recommends a committee substitute for the following: SB 640

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 1456

The Committee on Judiciary recommends committee substitutes for the following: SB 516, CS for SB 820, SB 1538, SB 1606, CS for SB 2104

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 714, CS for SB 882, CS for SB 1074, CS for SB's 1124, 2048 and 1120, CS for SB 1512, CS for SB 1576, SB 1636, SB 1698

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Judiciary, Criminal Justice and Senators Williams, Kirkpatrick and Brown-Waite—

CS for CS for SB 356—A bill to be entitled An act relating to appellate review; creating a task force to review the death penalty appeal process; providing for the composition of the task force; providing for the term of the task force; providing for organization and composition; providing for powers and duties; requiring the task force to maintain the confidentiality of certain documents and other information; providing an effective date.

By the Committee on Judiciary and Senator Silver—

CS for SB 494—A bill to be entitled An act relating to domestic violence; amending s. 25.385, F.S.; providing for instruction for circuit and county judges in domestic violence; redefining the term "domestic violence" for purposes of training provided by the Florida Court Educational Council; defining "judge who has responsibility for cases of domestic violence"; revising duties of the council; providing for a comprehensive domestic violence education plan and tools; requiring the council to develop educational programs on domestic violence; providing the programs may be a part of other programs offered by the Office of State Courts Administrator; providing for maintenance by the office of certain records of judicial attendance of such programs; providing for public inspection of the records; providing for inclusion of certain information with respect to the programs in the annual report by the council to the Governor and Legislature; amending s. 44.102, F.S.; providing for nonreferral of a case to court-ordered family mediation upon the court's own motion, under specified circumstances; amending s. 61.13, F.S.; prohibiting the court from awarding visitation rights to a parent who has been convicted of a capital felony or a first-degree felony that involved domestic violence; providing certain exceptions; requiring that the Supreme Court through The Florida Bar annually report to the Governor and Legislature on its courses of continuing legal education on domestic violence; amending s. 741.28; deleting requirement that victim and alleged perpetrator currently or formerly have resided in the same single dwelling unit; providing an effective date.

By the Committee on Judiciary and Senator Hargrett—

CS for SB 516—A bill to be entitled An act relating to Murphy Act lands; amending s. 253.82, F.S.; providing for conveyance of all Murphy Act transportation easements to the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing Murphy Act transportation reservations; setting requirements for the review process; providing for compensation of certain property owners if the reservation denies the property owner the current economic use of the property; amending s. 712.04, F.S.; providing for reservations of easements in deeds by the Board of Trustees of the Internal Improvement Trust Fund to be extinguished on a specified date, subject to certain limitations; amending s. 712.05, F.S.; providing procedures by which a governmental entity may preserve a road reservation; requiring notice; providing an effective date.

By the Committee on Regulated Industries—

CS for SB 640—A bill to be entitled An act relating to telecommunications services; amending s. 364.025, F.S.; providing duties and responsibilities of the Florida Public Service Commission to assist the Legislature in establishing a permanent universal service mechanism; requiring the commission to select a cost proxy model; providing for the calculation of small local exchange companies' costs to provide basic service; providing legislative determinations; directing the commission to make recommendations relating to fair and reasonable basic local telecommunications service rates; providing criteria; requiring a report to the Legislature; requiring local exchange companies to provide certain information to the commission; requiring the provision of discounted rates for services for certain subscribers; amending s. 364.163, F.S.; providing a cap for certain rates; requiring reductions in certain rates; providing legislative findings; requiring the commission to study the provision of telecommunications service to multi-tenant environments; requiring a report to the Legislature; requiring the commission to conduct workshops; requiring the commission to consider promotion of a competitive telecommunications market to end users; providing duties of the Public Service Commission relating to its consumer education program; creating part III of chapter 364, F.S.; providing a short title; providing definitions; requiring the commission to adopt rules to prevent unauthorized changing of certain services; providing requirements; providing requirements for billing practices; amending s. 364.051, F.S.; delaying the date for removing the cap on certain rates; amending s. 364.161, F.S.; requiring local exchange telecommunications companies to timely provide certain services; requiring the commission to maintain a file of certain complaints; requiring inclusion of certain information in the commission's annual report to the Legislature on competition; amending ss. 166.231 and 203.01, F.S.; requiring the Public Service Commission to publish certain rates for commonly used services; amending s. 364.02, F.S.; revising a definition; amending s. 364.336, F.S.; providing for deducting certain amounts from gross operating revenues for certain purposes; amending s. 364.337, F.S.; requiring provision of 911 service at certain levels; subjecting intrastate interexchange telecommunications companies to certain access to records provisions; deleting provisions relating to certain deductions from gross operating revenues; amending s. 364.339, F.S.; including residential tenants in shared tenant service provisions; providing an effective date.

By the Committees on Ways and Means; Health Care; and Senator Forman—

CS for CS for SB 714—A bill to be entitled An act relating to health quality assurance; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; requiring background screening for an applicant for licensure of certain laboratories; authorizing the use of certain body hair for drug testing; creating s. 381.60225, F.S.; requiring background screening for an applicant for certification to operate an organ procurement organization, a tissue bank, or an eye bank; amending s. 383.302,

F.S., relating to the regulation of birth centers; revising definitions to reflect the transfer of regulatory authority from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 383.305, F.S.; requiring background screening for an applicant for licensure of a birth center; amending ss. 383.308, 383.309, 383.31, 383.312, 383.313, 383.318, 383.32, 383.324, 383.325, 383.327, 383.33, 383.331, F.S., relating to the regulation of birth centers; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 390.015, F.S.; requiring background screening for an applicant for licensure of an abortion clinic; amending s. 391.206, F.S.; requiring background screening for an applicant for licensure to operate a pediatric extended care center; amending s. 393.063, F.S., relating to developmental disabilities; providing a definition; amending s. 393.067, F.S.; requiring background screening for an applicant for licensure to operate an intermediate care facility for the developmentally disabled; amending s. 394.4787, F.S., relating to the regulation of mental health facilities; conforming a cross-reference to changes made by the act; amending s. 394.67, F.S., relating to community alcohol, drug abuse, and mental health services; revising definitions; amending s. 394.875, F.S.; requiring background screening for an applicant for licensure of a crisis stabilization unit or residential treatment facility; amending ss. 394.876, 394.877, 394.878, 394.879, 394.90, 394.902, 394.903, 394.904, 394.907, F.S., relating to the regulation of mental health facilities; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 395.002, F.S., relating to hospital licensing and regulation; providing definitions; creating s. 395.0055, F.S.; requiring background screening for an applicant for licensure of a facility operated under ch. 395, F.S.; amending s. 395.0199, F.S.; requiring background screening for an applicant for registration as a utilization review agent; amending s. 400.051, F.S.; conforming a cross-reference; amending s. 400.071, F.S.; requiring background screening for an applicant for licensure of a nursing home; amending s. 400.411, F.S.; requiring background screening for an applicant for licensure of an assisted living facility; amending ss. 400.414, 400.417, 400.4174, 400.4176, F.S., relating to the regulation of assisted living facilities; providing additional grounds for denial, revocation, or suspension of a license; requiring background screening for employees hired on or after a specified date; amending ss. 400.461, F.S., relating to the regulation of home health agencies; conforming a cross-reference; amending s. 400.471, F.S.; requiring background screening for an applicant for licensure of a home health agency; amending s. 400.506, F.S.; requiring background screening for an applicant for licensure of a nurse registry; amending s. 400.555, F.S.; requiring background screening for an applicant for licensure of an adult day care center; amending s. 400.556, F.S., relating to disciplinary actions against adult day care center licensees; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.557, F.S., relating to renewal of an adult day care center license; requiring an affidavit of compliance with background screening requirements when a license is renewed; creating s. 400.5572, F.S.; requiring background screening for employees of an adult day care center hired on or after a specified date; amending s. 400.606, F.S.; requiring background screening for an applicant for licensure of a hospice; creating s. 400.6065, F.S.; providing requirements for background screening of hospice employees; amending s. 400.607, F.S., relating to disciplinary actions against a hospice license; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.619, F.S.; revising background screening requirements for an applicant for licensure of an adult family care home; providing screening requirements for designated relief persons; deleting agency authority to take disciplinary action against an adult family-care-home license; revising rulemaking authority; creating s. 400.6194, F.S.; providing for disciplinary action against an adult family-care-home license; making noncompliance with screening requirements a basis for disciplinary action; amending s. 400.801, F.S.; requiring background screening for an applicant for licensure of a home for special services; amending s. 400.805, F.S.; requiring background screening for an applicant for licensure of a transitional living facility; amending s. 430.04, F.S.; providing duties and responsibilities of the Department of Elderly Affairs; requiring the department to take disciplinary action against an area agency on aging for failure to implement and maintain a department-approved grievance resolution procedure; amending s. 455.654, F.S., relating to referring health care providers; conforming cross-references to changes made by the act; amending s. 468.505, F.S., relating to disciplinary action against certain medical professionals and activities exempt from regulation; updating provisions and conforming cross-references; amending s. 483.101, F.S.; requiring background screening for an applicant for licensure of a clinical laboratory; amending s. 483.106, F.S., relating to a certificate of exemption; correcting terminology; amending s. 483.30, F.S.; requiring background screening for an applicant for licensure of a multiphasic health testing center; repealing s. 455.661, F.S., which provides for licensure of designated health care services; providing appropriations and authorizing positions; providing for applicability of background screening requirements; providing for future repeal; providing for a review of certain background screening requirements; providing an effective date.

By the Committees on Judiciary, Community Affairs and Senator Kurth—

CS for CS for SB 820—A bill to be entitled An act relating to skateboarding, freestyle bicycling, and rollerblading activities; creating s. 316.0085, F.S.; providing legislative purpose; providing definitions; providing that the act does not limit liability of independent concessionaires or other persons or organizations for certain injuries or damages; providing for the assumption of certain risks; providing for the effect of certain insurance; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senators Sullivan, Myers, Dudley, Gutman, Forman, Klein, Bronson, Latvala, Harris, Crist, Turner, Rossin, Scott, Meadows, Clary, Childers, McKay, Kurth, Silver, Williams, Thomas and Geller—

CS for CS for SB 882—A bill to be entitled An act relating to funding for beach management; amending s. 161.088, F.S.; providing a legislative declaration that beach restoration and renourishment projects are in the public interest and shall be funded in a specified manner; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to implement regional components of the beach management plan, to enter into agreements to cost-share and coordinate such activity, and to sponsor or cosponsor beach management demonstration projects; providing criteria to be considered in determining annual funding priorities for beach management projects; providing for reductions in local sponsors' cost shares; amending s. 161.161, F.S.; providing for regional components of the statewide beach management plan; providing for submission of funding recommendations to the Legislature; deleting obsolete provisions; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of beach preservation and repair; providing an appropriation; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; amending s. 163.360, F.S.; requiring additional findings before approval of certain community redevelopment plans; creating s. 163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

By the Committees on Judiciary, Criminal Justice and Senators Gutman and Hargrett—

CS for CS for SB 910—A bill to be entitled An act relating to false identification; prohibiting a person from assuming the identity of another person and thereby causing an economic loss or legal disability; providing penalties; authorizing any person who suffers such economic loss or legal disability to apply to the court for an order to correct certain records; prohibiting a person who has been arrested or lawfully detained from giving a false name or false identification to a law enforcement officer or jail personnel; providing penalties; providing an enhanced penalty if any person suffers an economic loss or legal disability due to the offense; defining the term "economic loss"; providing an effective date.

By the Committees on Ways and Means; Governmental Reform and Oversight; and Senator Silver—

CS for CS for SB 1074—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; adding assistant state attorneys, assistant statewide prosecutors, and assistant public defenders to the Senior Management Service Class of the Florida Retirement System; authorizing the state courts to pay Select Exempt benefits to judicial assistants; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Grant, Horne, Diaz-Balart and Turner—

CS for CS for SB's 1124, 2048 and 1120—A bill to be entitled An act relating to workforce development; creating an incentive grant program; requiring certain administrative procedures; requiring certain data analysis and reports; providing an implementation schedule; providing a definition; amending s. 229.551, F.S.; providing for nonpublic postsecondary education institutions to use the common course designation and numbering system used by public institutions; amending s. 229.8075, F.S.; requiring job retention data to be collected; amending s. 236.081, F.S.; deleting a school district responsibility for funding certain community college programs; amending s. 239.105, F.S.; amending definitions; amending s. 239.115, F.S., relating to funds for operation of adult general education and vocational education programs; revising provisions relating to workforce development education programs; changing the name of the associate in applied technology degree to the applied technology diploma; revising provisions relating to funding through the Workforce Development Education Fund; providing duties relating to workforce development programs and funding; providing for use of funds; amending s. 239.117, F.S.; revising calculation of fees required of students in workforce development programs; deleting certain requirements for application for student financial assistance; amending ss. 240.3031, 240.311, F.S.; renaming the State Community College System; amending s. 239.213, F.S., relating to vocational-preparatory instruction; deleting obsolete provisions; amending s. 239.229, F.S., relating to vocational standards; conforming provisions; amending s. 239.233, F.S.; requiring job-retention data; amending s. 239.301, F.S.; revising adult general education provisions; amending s. 240.115, F.S.; providing guidelines for awarding credit for transfer students; revising s. 240.35, F.S.; revising calculation of fees required of students in community college programs; amending s. 240.359, F.S.; providing funding for college preparatory coursework; amending ss. 446.011, 446.041, 446.052, F.S.; deleting responsibilities of the Division of Public Schools and Community Education; providing a 1998-1999 fee schedule for certain programs; authorizing waivers; providing an effective date.

By the Committees on Community Affairs, Transportation and Senator Hargrett—

CS for CS for SB 1456—A bill to be entitled An act relating to economic development; amending s. 163.3178, F.S.; requiring certain ports to identify certain spoil disposal sites; requiring such ports to prepare comprehensive master plans; amending s. 163.3187, F.S.; exempting comprehensive plan amendments for port transportation facilities and projects from a time limitation; amending s. 163.3191, F.S.; authorizing the Department of Community Affairs to grant an extension of the Evaluation and Appraisal Report submission from local governments in order to coordinate planning efforts with Metropolitan Planning Organizations; amending s. 253.77, F.S.; providing that certain ports and inland navigation districts are not required to pay fees for activities involving the use of sovereign lands; amending s. 311.07, F.S.; providing that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program must be consistent with port master plans; amending s. 311.09, F.S.; declaring that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program are presumed to be in the public interest; amending s. 315.03, F.S.; delineating powers for certain local governmental entities that consist of three or more ports; amending s. 320.20, F.S.; authorizing such entities to exercise the authority granted under chapter 315, F.S.; amending s. 334.046, F.S.; providing program objectives for enhancing position in world economy; providing for work program development; amending s. 339.175, F.S.; providing that plans and programs developed by metropolitan planning organizations shall not be considered agency action or agency rules; providing planning factors to be considered in Metropolitan Planning Organization transportation plans; providing for the creation of planning goals; creating the Land-Use Transportation Planning Reconciliation Committee; providing for its membership and duties; amending s. 341.053, F.S.; providing for the creation of the Strategic Intermodal Transportation and Economic Development Planning Council within the Department of Transportation; providing an effective date.

By the Committees on Ways and Means; Banking and Insurance; and Senators Latvala and Forman—

CS for CS for SB 1512—A bill to be entitled An act relating to certified capital companies; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor to administer tax credits; creating s. 288.99, F.S.; creating the "Certified Capital Company Act"; providing a short title; providing a purpose; providing definitions; providing certification procedures; providing deadlines; requiring an application fee; providing grounds for application denial or decertification; requiring the Department of Banking and Finance to enforce certification and decertification procedures; requiring certification reports filed with the Office of Tourism, Trade, and Economic Development; requiring an annual renewal fee; specifying investment benchmarks; specifying depositories for funds not invested in qualified businesses; providing a credit against premium tax liability; specifying effect of credit on retaliatory tax; providing an aggregate premium tax credit cap; providing a tax credit allocation formula; requiring forfeiture of tax credits under certain circumstances; providing for an annual report by each certified capital company; requiring the Office of Tourism, Trade, and Economic Development to review and verify annual reports; authorizing the Department of Revenue to audit and examine books of certified capital companies and investors; providing for distributions to debt holders; requiring the Department of Banking and Finance to conduct annual reviews of certified capital companies; providing requirements for distributions; providing decertification procedures; providing a cure period; providing recapture of tax credits under certain circumstances; providing a schedule for tax credit recapture and penalties; providing for transfer of tax credits; requiring the Office of Tourism, Trade, and Economic Development to annually report to the Governor and the Legislature; providing for application and renewal fees; providing rulemaking authority; providing appropriations; providing effective dates.

By the Committee on Judiciary and Senator Turner—

CS for SB 1538—A bill to be entitled An act relating to the Florida Evidence Code; amending s. 90.612, F.S., relating to mode and order of interrogation of witnesses and presentation of evidence; providing for the court to protect a witness under 14 years of age from undue harassment or embarrassment; providing for the court to ensure that questions are stated in a form appropriate to the witness's age and understanding and to forbid certain questions upon objection by a party; providing an effective date.

By the Committees on Ways and Means; Judiciary; and Senators Rossin, Harris, Meadows, Dudley, Kurth, Kirkpatrick, Campbell, Forman, Ostalkiewicz, Grant and Cowin—

CS for CS for SB 1576—A bill to be entitled An act relating to marriage; creating the "Marriage Preparation and Preservation Act"; providing legislative findings; amending s. 232.246, F.S.; prescribing a high school graduation requirement; amending s. 741.01, F.S.; providing for a reduction of the marriage license fee under certain circumstances; creating a waiting period before a marriage license is issued; creating s. 741.0305, F.S.; providing for a premarital preparation course; providing for modification of marriage license fees; specifying course providers; providing course contents; providing for a review of such courses; providing for compilation of information and report of findings; providing for pilot programs; creating s. 741.0306, F.S.; providing for creation of a marriage law handbook created by the Family Law Section of The Florida Bar; amending s. 741.04, F.S.; prohibiting issuance of a marriage

license until petitioners verify certain facts and complete a questionnaire; providing for a waiting period; amending s. 741.05, F.S.; conforming provisions; amending s. 61.043, F.S.; providing for completion of an informational questionnaire upon filing for dissolution of marriage; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; providing legislative findings and purpose; requiring judicial circuits to approve a parenting course; requiring parties to a dissolution proceeding with a minor child to attend a court-approved parenting family course; providing procedures and guidelines and course objectives; requiring parties to file proof of compliance with the court; authorizing the court to require parties to a modification of a final judgment of dissolution to take the course under certain circumstances; amending s. 28.101, F.S.; providing a fee for filing for dissolution of marriage; providing an appropriation; providing an effective date.

By the Committee on Judiciary and Senator Harris—

CS for SB 1606—A bill to be entitled An act relating to statute of limitations; amending s. 95.051, F.S.; providing that the fraudulent concealment of the cause of action or the identity of the person to be sued tolls the statute; providing legislative intent; providing effective dates.

By the Committee on Ways and Means; and Senators Brown-Waite, Grant, Hargrett and Latvala—

CS for SB 1636—A bill to be entitled An act relating to the Cigarette Tax Collection Trust Fund; amending s. 210.20, F.S.; providing for a portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer and Research Institute, for the purpose of financing a cancer-research facility at the University of South Florida; providing duties of the institute's board of directors; providing for uses of the transferred moneys, including the issuance of tax-exempt bonds, to be used as specified; providing that proceeds of the cigarette tax which are transferred under this act are pledged to cover the costs of constructing, furnishing, and equipping the cancer-research facility; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 1698—A bill to be entitled An act relating to financial matters (RAB); amending s. 72.011, F.S.; providing for adoption of procedures for notifying a taxpayer of an assessment or denial of a refund; amending s. 199.052, F.S.; prescribing conditions under which a trust will be considered a Florida-situs trust; amending s. 213.21, F.S.; providing for conferences relating to denial of refunds; providing for closing agreements; amending s. 220.222, F.S.; prescribing conditions under which a taxpayer will be considered not in compliance with s. 220.32, F.S., for purposes of granting extensions; amending s. 624.515, F.S.; providing for determination of the percentage of fire insurance within an insurance line; amending s. 896.102, F.S.; authorizing the Department of Revenue to adopt rules for reporting certain business transactions; providing an effective date.

By the Committees on Judiciary, Agriculture and Senator Kurth—

CS for CS for SB 2104—A bill to be entitled An act relating to dogs; amending s. 767.11, F.S.; redefining the term "dangerous dog"; amending s. 767.13, F.S.; providing penalties for a dog owner that disregards the dog's dangerous propensities; amending s. 767.12, F.S.; amending procedures relating to imposing restrictions upon dogs classified as dangerous; including dogs that are subject to similar restrictions imposed by jurisdictions outside this state; amending s. 784.05, F.S.; providing that a person commits the offense of exposing another to personal injury through culpable negligence when such person knowingly has permitted the person's dog to run at large as a "pack of dogs," as defined, and the pack of dogs inflicts significant personal injury; providing penalties; providing that a person commits the offense of exposing another to personal injury through culpable negligence when such person knowingly has permitted the person's dog to run at large as a pack of dogs and the death of any person occurs from injury inflicted by the pack of dogs; providing penalties; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

CS for SB 2158—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing for the filling of vacancies occurring as a result of the creation of judicial offices; amending s. 318.37, F.S.; providing funds to establish the Civil Traffic Infraction Hearing Officer Program; providing for method of payment; providing for funds for the judicial branch to contract for the development of a specified type system to use in determing the need for additional judges; giving the Office of Program Policy Analysis and Government Accountability certain responsibilities with regard to the development of a system to determine the need for additional judges; providing effective dates.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 3549, CS for CS for HB 3657, CS for HB 3905, HB 4219, HB 4687; has passed as amended HB 909, HB 1019, HB 1317, HB 3115, HB 3141, CS for CS for HB 3211, CS for CS for HB 3265, CS for HB 3605, CS for HB 3671; has passed by the required Constitutional three-fifths vote of the membership HJR 3151 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Civil Justice and Claims; and Representative Littlefield and others—

CS for HB 3549—A bill to be entitled An act relating to government; creating the "Citizen Participation in Government Act" and providing for its purposes; providing procedures for the judiciary to respond to lawsuits relating to the constitutional right to petition the government for redress of grievances; defining terms; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Reform and Oversight.

By the Committees on Governmental Operations; Crime and Punishment; and Representative Sindler and others—

CS for CS for HB 3657—A bill to be entitled An act relating to culpable negligence; providing definitions; specifying conditions for committing culpable negligence causing public financial injury; providing penalties; requiring certain contracts to provide notice of such conditions; providing construction; providing for prosecution by a state attorney or the Statewide Prosecutor; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Criminal Justice; and Ways and Means.

By the Committee on Governmental Operations and Representative Fasano and others—

CS for HB 3905—A bill to be entitled An act relating to the state lotteries; creating s. 24.1153, F.S.; authorizing the assignment of certain prizes pursuant to a court order and providing requirements therefor; providing for the securing of funds offset for child support payments or debts owed to a state agency; exempting the Department of the Lottery from liability upon payment of an assigned prize; authorizing a fee to defray the administrative expenses associated with such assignments;

providing circumstances under which such court orders may no longer be issued; amending ss. 24.115 and 24.118, F.S., relating to payment of prizes and unlawful assignment or transfer of a right to claim a prize, to conform; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means.

By the Committee on Law Enforcement and Public Safety; and Representative Futch and others—

HB 4219—A bill to be entitled An act relating to mutual aid agreements; amending s. 23.1225, F.S.; redefining the term "mutual aid agreement" to include certain agreements between one or more law enforcement agencies and either a school board that employs school safety officers or a state university that employs or appoints university police officers; providing for a state university to enter and lend assistance pursuant to such agreements; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Reform and Oversight.

By the Committee on Water and Resource Management; and Representative Carlton—

HB 4687—A bill to be entitled An act relating to regional water supply authorities; amending s. 120.52, F.S.; providing that a member government is not considered a party in administrative proceedings under certain conditions; amending s. 373.1963, F.S.; revising criteria for governance of the West Coast Regional Water Supply Authority and its member governments under interlocal agreements; repealing s. 373.1963(5), F.S., relating to a process for review of a consumptive use permit; amending s. 682.02, F.S.; providing for the arbitration of certain controversies concerning water use; amending s. 768.28, F.S.; allowing an authority to indemnify its member governments; declaring legislative intent to supersede other laws; providing an effective date.

—was referred to the Committees on Natural Resources and Community Affairs.

By Representative Crady and others—

HB 909—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in Florida; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Bloom and others—

HB 1019—A bill to be entitled An act relating to marriage; creating ss. 741.0305, 741.0306, and 741.0307, F.S., the "Marriage Preparation and Preservation Act of 1998"; providing legislative findings and purpose; requiring the creation of a handbook pertaining to the rights and responsibilities under Florida law of marital partners; amending s. 741.0306, F.S., to provide criteria to be contained in the handbook; amending s. 741.04, F.S.; providing that verification that both parties contemplating marriage have obtained and read the information contained in the handbook created pursuant to s. 741.0307, F.S., is a condition precedent to issuance of a marriage license; amending s. 741.05, F.S., to conform; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; designating such course as the parent education and family stabilization course; providing legislative findings and purpose; authorizing the court in any action between parents in which the custody or support of a minor child is an issue to order parties to attend the family education and stabilization course if the court finds attendance to be in the best interests of the child or children; providing procedures and guidelines for required attendance; requiring parties to file proof of compliance with the court; authorizing a course fee; authorizing each judicial circuit to establish a registry of course providers and sites; authorizing the court to grant exemption from required course attendance; providing parent education and family stabilization course curriculum; providing qualifications and duties of course providers; amending s. 232.246, F.S.; including marriage and relationship education within the life management skills credit required for graduation from high school; amending s. 28.101, F.S.; providing an additional charge for petition for a dissolution of marriage; providing for deposit of such funds in the Family Courts Trust Fund; amending s. 25.388, F.S.; providing an additional source of funding for the Family Courts Trust Fund; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

By Representative Argenziano and others—

HB 1317—A bill to be entitled An act relating to obtaining personal property or certain services illegally; amending s. 812.15, F.S.; prohibiting the possession or advertisement for sale of certain equipment designed and primarily useful for unauthorized reception of cable system communications; providing penalties; amending s. 812.155, F.S.; prescribing acts that constitute prima facie evidence of intent to defraud; providing authorized means for demand for return; requiring notice on rental agreements; providing penalties; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

By Representative Futch and others—

HB 3115—A bill to be entitled An act relating to animals; amending s. 828.30, F.S.; providing for the rabies vaccination of ferrets; providing for quarantine according to rules; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committee on Family Law and Children; and Representative Lynn and others—

HB 3141—A bill to be entitled An act restricting to specified criminal provisions the applicability provision of s. 64 of ch. 95-228, Laws of Florida, relating to offenses against children, which was inadvertently attributed to the entire act; providing legislative findings and intent; providing for retroactivity; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By the Committees on Community Affairs; Real Property and Probate; Business Regulation and Consumer Affairs; and Representative Ogles and others—

CS for CS for HB 3211—A bill to be entitled An act relating to real estate; amending s. 475.01, F.S.; revising definitions; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate

Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting s. 475.482(1), F.S., relating to recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in a reference thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; creating s. 475.2755, F.S.; providing for designated salespersons under certain circumstances; providing disclosure requirements; amending ss. 475.274, 475.2801, and 475.5015, F.S.; applying to designated salespersons provisions relating to scope of coverage, rule authority relating to disciplinary measures, and retention of brokerage records, to conform; amending s. 475.276, F.S.; providing an exception to requirement that real estate licensees provide a notice of nonrepresentation; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; creating s. 475.279, F.S.; providing for the acceptance of facsimile signatures or writing; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, and 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending ss. 489.103 and 489.503, F.S., relating to exemptions from statutory provisions regulating construction contracting and electrical and alarm system contracting; providing exemptions relating to contracting for certain repairs, maintenance, remodeling, or improvement by a real estate licensee acting as the owner's agent; providing circumstances under which such exemptions do not apply; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By the Committees on General Government Appropriations; Law Enforcement and Public Safety; and Representative Ziebarth and others—

CS for CS for HB 3265—A bill to be entitled An act relating to boating safety and emergency responses; creating the "Kelly Johnson Act"; amending s. 316.003, F.S.; redefining the term "authorized emergency vehicles" to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term "operate" with respect to vessels; amending s. 327.03, F.S.; directing the Department of Highway Safety and Motor Vehicles to keep certain records and perform certain duties; amending s. 327.352, F.S.; revising language with respect to the operation of a vessel while under the influence; providing legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35215, F.S.; restoring a penalty for refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations and equipment and lighting requirements to clarify responsibility for compliance; creating s. 327.355, F.S.; prohibiting the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; providing penalties; defining the term "conviction" for purposes of the section; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; providing effective dates.

—was referred to the Committees on Natural Resources; Transportation; and Ways and Means.

By the Committee on Governmental Operations and Representative Fasano and others—

CS for HB 3605—A bill to be entitled An act relating to public hospital meetings and records; amending s. 395.3035, F.S.; defining "strategic plan" for purposes of provisions which provide for the confidentiality of such plans and of meetings relating thereto; providing an exemption from open meetings requirements for meetings at which such plans are modified or approved by the hospital's governing board; prohibiting public hospitals from taking certain specified actions at closed meetings; authorizing the governing board of a public hospital to study issues relating to reduction or termination of a health service; requiring a public meeting for presentation of proposals; providing for public comment; restricting governing board adoption to proposals presented; providing for a public meeting and notice regarding strategic plans; providing for future review and repeal; providing conditions for the early release of transcripts of meetings at which such plans are discussed; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By the Committee on Agriculture and Representative Sembler—

CS for HB 3671—A bill to be entitled An act relating to timber management; creating s. 253.036, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services, or other qualified professional forester, to assess the feasibility of managing timber in land management plans; providing legislative intent; providing for the reimbursement of management services performed by the division; amending s. 259.035, F.S.; requiring the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy; amending s. 373.591, F.S.; specifying circumstances under which the land managing agency must provide an explanation to the management review team concerning the management of lands; amending s. 589.04, F.S.; directing the Division of Forestry to begin certain forestation programs on certain lands; providing appropriations; providing an effective date.

—was referred to the Committee on Agriculture.

By Representative Villalobos and others—

HJR 3151—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution relating to an additional homestead tax exemption.

—was referred to the Committees on Community Affairs; Ways and Means; and Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 22 was corrected and approved.

CO-SPONSORS

Senators Diaz-Balart—SB 1750; Geller—CS for CS for SB 294, CS for SB 1460; Hargrett—CS for SB 1540, CS for SB 2014; Kirkpatrick—CS for SB 2136; Silver—SJR 610; Turner—SB 1080

RECESS

On motion by Senator Bankhead, the Senate recessed at 6:14 p.m. to reconvene at 9:00 a.m., Friday, April 24.

Journal of the Senate

Number 20—Regular Session **Friday, April 24, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—34:

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Kirkpatrick	Ostalkiewicz
Bronson	Dudley	Klein	Rossin
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Thomas
Campbell	Geller	Laurent	Turner
Casas	Grant	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	

Excused: Senator Jones

PRAYER

The following prayer was offered by Rhett O'Doski, Legislative Assistant to Senator Williams:

Our gracious Heavenly Father, we pause at the start of another busy day to ask your blessing upon the elected men and women who serve the citizens of Florida. For those who have the awesome responsibility to make decisions that will greatly affect the future of our state, we ask that you provide us wisdom, patience, courage, and most of all—brevity.

Lord, help us maintain a genuine spirit of cooperation, collegiality, dignity and respect for honest differences of opinion, for we are all here with a sincere desire to be your humble servants. Let us not trifle with selfish motives, but remember we are here for a higher purpose—to better our cities, our state and this great nation we call our own.

Finally, we ask that you guide us with your loving hand and bless us in the proceedings of the day. In your blessed name we pray. Amen.

PLEDGE

Senate Pages Richie Robinson of Tampa and Lisa Vinson of St. Petersburg, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Forman—

By Senator Forman—

SR 838—A resolution recognizing May 18 to May 24, 1998, as child, domestic, and elder abuse awareness week.

WHEREAS, residents of this state should have a safe home environment in which to live, and

WHEREAS, many children, spouses, and elders living in this state are subjected to abuses, both physical and mental, which drastically reduce the quality of their life, and

WHEREAS, child, domestic, and elder abuse is increasing both within this state and nationally, and

WHEREAS, the Florida Senate recognizes the needs of children, spouses, and elders, and the detrimental effects of abuse and wishes to emphasize the plight of victims of child, domestic, and elder abuse in the state, who are in need of help, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That May 18 to May 24, 1998, is recognized as child, domestic, and elder abuse awareness week.

—**SR 838** was introduced, read and adopted by publication.

At the request of Senator Rossin—

By Senator Rossin—

SR 858—A resolution honoring youths 15 years of age and older who are in foster care and honoring the State Youth Advisory Board of the Department of Children and Family Services.

WHEREAS, youths who enter the foster care system have not experienced the benefit of traditional family support and values that come with a stable family background, and frequently there is a stigma associated with being in foster care which creates the perception that youths in foster care are different from other young people or are to blame for their circumstances, and

WHEREAS, the Independent Living Program of the Department of Children and Family Services has been in existence for over 11 years and has proven to be a highly effective program in assisting youths who are in foster care to become independent of the welfare system, and

WHEREAS, youths who complete the Independent Living Program go on to work and live in their communities as taxpaying citizens who contribute to the state's economy, and

WHEREAS, youths who do not complete the Independent Living Program are more likely to become homeless, more likely to commit crimes, and more likely to continue to depend on the welfare system, and

WHEREAS, there are currently 2,919 youths in foster care who are between the ages of 15-21 and are eligible for the Independent Living Program, and

WHEREAS, the National Resource Center for Youth Services, University of Oklahoma, has named the Florida Department of Children and Family Services as having the most successful state youth board in the nation, and

WHEREAS, the National Resource Center for Youth Services has requested that the Department of Children and Family Services provide other states with access to its expertise in working with state youth boards, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate hereby honors the state's youths who are in foster care and, specifically, the State Youth Advisory Board for their role in serving as a bridge between the system and children in foster care.

—**SR 858** was introduced, read and adopted by publication.

At the request of Senator Kurth—

By Senator Kurth—

SR 2472—A resolution recognizing the month of January 1999 as Amelia Earhart Month.

WHEREAS, Amelia Earhart was an internationally renowned aviator when she disappeared in 1937, and

WHEREAS, Amelia Earhart was the first woman transatlantic air passenger in 1928, the first woman to fly solo across the Atlantic, and the first woman to be awarded the United States Distinguished Flying Cross, and

WHEREAS, Amelia Earhart encouraged women to expand their horizons by exploring occupations and holding positions beyond those traditionally held by women, and

WHEREAS, Amelia Earhart was a beloved member of Zonta International before she was lost in the Pacific Ocean while attempting to circle the globe by air in 1937, and

WHEREAS, in 1938, one year after her disappearance, Zonta International established its annual graduate fellowships in aerospace-related sciences and engineering, in honor of Amelia Earhart, and

WHEREAS, Zonta International fellowships are open to women of any nationality, and grants may be used in any institution offering fully accredited graduate courses and degrees in aerospace-related sciences and engineering, and

WHEREAS, Zonta International has awarded fellowships for study in such fields as aerospace engineering, astronomy, astrophysics, biomedical engineering, computer science, fluid mechanics, geological oceanography, meteorology, molecular biology, and space medicine, and

WHEREAS, since its inception, Zonta International has awarded 816 fellowships to more than 41 women from 28 countries, totaling $3.7 million, as a living memorial to Amelia Earhart, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the month of January 1999 as Amelia Earhart Month.

—**SR 2472** was introduced, read and adopted by publication.

At the request of Senator Forman—

By Senator Forman—

SR 2676—A resolution recognizing the importance of research into the preservation of Florida's sea turtles.

WHEREAS, Florida's waters are home to a number of species of sea turtles, including the green sea turtle and the loggerhead sea turtle, all of which are listed by the state and the Federal Government as threatened or endangered, and

WHEREAS, although identified as threatened or endangered, and thereby protected by law, Florida's sea turtles continue to face a host of threats to their survival, and

WHEREAS, the green sea turtle and loggerhead sea turtle are currently victims of fibropapilloma, a fatal disease of unknown cause, which is at epidemic levels in certain areas of Florida, and the seriousness of this disease has been amply attested by wildlife and sea turtle biologists, whose research efforts have been documented in several reports and papers, and

WHEREAS, the National Marine Fisheries Service has established a Sea Turtle Recovery Plan for both green sea turtles and loggerhead sea turtles and is working with the Department of Environmental Protection in tagging, releasing, and recovering both green and loggerhead sea turtles and assisting in the disposal of diseased and dead turtles, and

WHEREAS, despite some fibropapilloma research, much more is required in order to effectively protect both the green sea turtle and the loggerhead sea turtle, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes that fibropapilloma is indeed a serious threat to the survival of the state's green sea turtles and loggerhead sea turtles, both protected by state and federal law, and urges that research into the preservation of these species be viewed as a matter of pressing concern.

BE IT FURTHER RESOLVED that copies of this resolution be dispatched to the National Marine Fisheries Service, the Department of Environmental Protection, and the Florida Marine Research Institute.

—**SR 2676** was introduced, read and adopted by publication.

At the request of Senator Horne—

By Senators Horne, Forman, Scott, Campbell, Myers, Diaz-Balart, Geller, Laurent, Clary, Casas, Turner, Kurth, Holzendorf, Brown-Waite, Crist, Meadows, Bronson, Ostalkiewicz, Cowin, Jones, Klein, Grant and Thomas—

SR 2722—A resolution honoring Beth Doody.

WHEREAS, Beth Doody, for nearly 20 years a member of the Florida legislative family, has worked for 18 legislative sessions as an advocate for business and social issues, having begun in 1980 as a governmental affairs professional with Associated Industries of Florida, and

WHEREAS, Beth Doody has been proactive on issues leading to legislation affecting workers' compensation, health care, transportation, insurance, and education, and has consistently striven to resolve issues for the mutual benefit of business owners, employees, teachers, and children and families, and

WHEREAS, Beth Doody has been a valuable member of the Capital City of Tallahassee as a member of the United Way Appeals Committee, the Leon County Advisory Committee of the Southeastern Blood Bank, the Florida Family Visitation Task Force, the Governor's Advisory Committee on the Census, the Florida Education Crossroads Advisory Committee, and the Board of Directors of the Tallahassee Refuge House, and

WHEREAS, Beth Doody has been a member of the Junior League of Florida's State Public Affairs Committee Task Force on Education for seven years, served as its chair for three years, and served as its first legislative analyst, and

WHEREAS, Beth Doody has been diligent in her support of the Special Olympics, has worked to curb domestic and school violence, and has served her community as a member of Leadership Tallahassee, Class of 1995-1996, and

WHEREAS, as a person who has worked tirelessly to secure through legislation certain benefits for others with no thought of possible advantage to herself, Beth Doody has served as a role model for legislative staff and lobbyists alike and has had a profound impact on the lives of legislators, staff, and lobbyists with whom she has worked, and

WHEREAS, now engaged in a struggle with cancer, Beth Doody, continues to serve as a model of strength and courage in this her personal battle, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate pauses in its deliberations to express its heartfelt gratitude and extend its warmest encouragement to Beth Doody, a remarkable lady.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Beth Doody as a tangible token of the sentiments of the Florida Senate.

—**SR 2722** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Turner, by two-thirds vote **SB 652**, **SB 654**, **SB 662** and **SB 1542** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **SB 554**, **CS for SB 640**, **SB 680**, **SB 732**, **CS for SB 792**, **SB 970**, **SB 1082**, **CS for SB 1162**, **SB 1504**, **SB 1954**, **CS for SB 1986**, **SB 2190**, **CS for CS for SB 2198**, **CS for SB 2262**, **SB 2302** and **CS for SB 2342** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 2084** was withdrawn from the Committee on Regulated Industries; and **CS for SB 2214** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Dudley, by two-thirds vote **CS for HB 4123** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight; and referred to the Committee on Judiciary.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 300** was withdrawn from the Committee on Community Affairs; and **CS for SB 1162** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Sullivan, by two-thirds vote **CS for CS for SB 356**, **CS for SB 494**, **CS for CS for SB 910**, **CS for SB 1218**, **CS for SB 1486**, **CS for SB 1536**, **CS for SB 2084**, **CS for SB 2158**, **CS for SB 2214** and **CS for CS for SB 2336** were withdrawn from the Committee on Ways and Means.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Dudley, the rules were waived and the Committee on Judiciary was granted permission to add **CS for HB 4123** to the agenda at the meeting on April 27.

MOTIONS

On motion by Senator Bankhead, the rules were waived and a deadline of 6:30 p.m. this day was set for filing amendments to the bills remaining on the Special Order Calendar and Bills on Third Reading to be considered Monday, April 27.

On motion by Senator Bankhead, the rules were waived and a deadline of 10:00 a.m. Monday, April 27, was set for filing amendments to the new bills placed on the Special Order Calendar to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for CS for SB 1308** and **CS for SB 228** was deferred.

CS for CS for SB 484—A bill to be entitled An act relating to public assistance; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; prescribing guidelines for Medicaid payment of Medicare deductibles and coinsurance; eliminating a prohibition on specified contracts; repealing redundant provisions; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; modifying the licensure requirements for a provider of services under a pilot project; amending s. 409.9122, F.S.; requiring the Agency for Health Care Administration to reimburse county health departments for school–based services; requiring Medicaid managed–care contractors to attempt to enter agreements with school districts and county health departments for specified services; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified ratio of enrollees; amending requirements for the mandatory assignment of Medicaid recipients; amending s. 409.910, F.S.; providing for the distribution of amounts recovered in certain tort suits involving intervention by the Agency for Health Care Administration; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 198.30, F.S.; requiring that each circuit judge provide a report of decedents to the Agency for Health Care Administration; amending s. 154.504, F.S.; providing certain restrictions on the use of copayments by public health facilities; creating ss. 381.0022, 402.115, F.S.; authorizing the Department of Health and the Department of Children and Family Services to share certain confidential information; amending s. 414.028, F.S.; providing for a representative of a county health department or Healthy Start Coalition to serve on the local WAGES coalition; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee of the Department of Health; amending s. 383.011, F.S.; providing that the Department of Health is the designated state agency for receiving federal funds for the Child Care Food Program; requiring the department to adopt rules for administering the program; amending s. 383.04, F.S.; revising the requirements for the prophylactic to be used for the eyes of infants; repealing s. 383.05, F.S., relating to the free distribution of such prophylactic; amending s. 409.903, F.S.; providing Medicaid eligibility standards for certain persons; conforming references; providing an appropriation to be matched by federal Medicaid funds; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Bankhead, **CS for CS for SB 484** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Crist	Kirkpatrick	Ostalkiewicz
Bankhead	Dudley	Klein	Rossin
Bronson	Dyer	Kurth	Silver
Brown-Waite	Forman	Latvala	Thomas
Burt	Geller	Laurent	Turner
Casas	Grant	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Gutman, Hargrett

CS for CS for SB 1660—A bill to be entitled An act relating to children and families; creating s. 383.145, F.S.; creating the Healthy Families Florida program; providing legislative findings and intent; providing purpose; requiring integrated community-based delivery of services; specifying program requirements; providing responsibilities of the Department of Health and the Department of Children and Family Services; providing for development, implementation, and administration of the program; specifying criteria for community program grant

funding; requiring collaboration with existing community boards, coalitions, providers, and planning groups; authorizing contracts for training and evaluation; providing for quality assurance; establishing the Healthy Families Florida Advisory Committee; providing for application for a federal waiver; providing appropriations; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Kurth, **CS for CS for SB 1660** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Harris	McKay
Bankhead	Crist	Holzendorf	Meadows
Bronson	Dudley	Horne	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Diaz-Balart

CS for SB 726—A bill to be entitled An act relating to health care contracts; amending s. 627.419, F.S.; providing that health insurance policies that provide certain benefits must pay for the services of advanced registered nurse practitioners; providing an effective date.

—was read the third time by title.

Senator Sullivan moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 1, lines 14-22, delete those lines and insert:

(9) Any health insurance policy that provides for payment for services when performed by a physician licensed under chapters 458 or 459, which services may be legally performed by licensed advanced registered nurse practitioners, shall be construed as providing for payment of such services if performed by a licensed advanced registered nurse practitioner. Services of an advanced registered nurse practitioner shall only be performed in accordance with protocols and under physician medical supervision or on-site medical direction as required by ss. 464.012 and 395.0191.

On motions by Senator Sullivan, **CS for SB 726** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Silver
Brown-Waite	Forman	Kurth	Sullivan
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

SB 2242—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; creating s. 932.7051, F.S.; creating the Federal Law Enforcement Trust Fund; providing an effective date.

—was read the third time by title.

On motions by Senator Hargrett, **SB 2242** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

Consideration of **SB 2222** was deferred.

CS for HB 3585—A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements, except under specified circumstances; providing for future review and repeal; providing applicability; providing a finding of public necessity; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Williams, **CS for HB 3585** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for SB 248—A bill to be entitled An act relating to the regulation of health care professionals; creating s. 455.569, F.S.; providing for the revocation of the licenses of health care professionals who are convicted of sexual misconduct; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 248** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Clary	Grant	Kurth	Rossin
Cowin	Gutman	Latvala	Silver
Crist	Hargrett	Laurent	Sullivan
Diaz-Balart	Harris	Lee	Thomas
Dudley	Holzendorf	McKay	Turner
Dyer	Horne	Meadows	Williams
Forman	Kirkpatrick	Myers	
Geller	Klein	Ostalkiewicz	

Nays—None

CS for CS for HB 3193—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; prohibiting the commingling of certain funds; amending s. 617.307, F.S.; revising language with respect to the transition of homeowners' association control in a community; providing a list of required documents which must be provided to the board by the developer; creating s. 617.3075, F.S.; providing for prohibited clauses in homeowners' association documents; amending s. 689.26, F.S.; revising language with respect to disclosure to prospective purchasers; providing for the cancellation of certain contracts; providing for the inclusion of information on certain amenities; providing an effective date.

—was read the third time by title.

On motions by Senator Dyer, **CS for CS for HB 3193** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Consideration of **CS for CS for SB 646** was deferred.

SB 756—A bill to be entitled An act relating to Alzheimer's disease and related disorders; amending s. 430.502, F.S.; establishing additional memory disorder clinics; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Klein, **SB 756** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for CS for SB 294—A bill to be entitled An act relating to home medical equipment providers; creating part IX of chapter 400, F.S.; providing for regulation of home medical equipment providers by the Agency for Health Care Administration; providing legislative intent; providing definitions; providing for licensure and exemptions; providing unlawful acts; providing penalties; providing for license applications; providing for fees; providing for background screening; providing for provisional licenses and temporary permits; providing for administrative penalties; providing for injunctions, emergency orders, and moratoriums; providing for licensure inspections and investigations; providing minimum standards; providing for agency rules; providing for patient records; providing for notice of toll-free telephone number for the central abuse registry; providing for background screening of home medical equipment provider personnel; providing penalties; providing screening procedures; providing for agency injunctions; prohibiting patient referrals and rebates; providing for application of the act to existing providers; providing an appropriation; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Brown-Waite, **CS for CS for SB 294** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Gutman

CS for SB 926—A bill to be entitled An act relating to eradication of agricultural pests; prescribing additional duties of the Department of Agriculture and Consumer Services and the Department of Health with respect to programs of emergency aerial application of pesticide for eradication of plant pests; requiring use of certain pesticides; requiring development of a system for informing the public of such programs and requiring public and other notice of certain programs of pest eradication; providing for information to be furnished to health-care providers; providing for health advisory committees; providing an effective date.

—as amended April 23 was read the third time by title.

Senator Lee moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 2, line 23, delete "*96*" and insert: *48*

Amendment 2—On page 4, lines 13-27, delete those lines and redesignate subsequent sections.

On motions by Senator Lee, **CS for SB 926** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Grant	Latvala
Bankhead	Cowin	Hargrett	Laurent
Bronson	Crist	Harris	Lee
Brown-Waite	Diaz-Balart	Holzendorf	McKay
Burt	Dudley	Horne	Meadows
Campbell	Dyer	Kirkpatrick	Myers
Casas	Forman	Klein	Ostalkiewicz
Childers	Geller	Kurth	Rossin

Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

Vote after roll call:

Yea—Gutman

CS for HB 4035—A bill to be entitled An act relating to adult family-care homes; amending ss. 400.616, 400.617, 400.618, 400.619, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, and 400.629, F.S., and creating s. 400.6194, F.S.; revising legislative intent and purpose; revising definitions; requiring adult family-care home providers to meet certain screening requirements; revising requirements for licensure application and renewal; providing a late renewal fee; revising grounds for denial, suspension, or revocation of a license; revising requirements for rules relating to appropriate placement of residents; revising provisions relating to injunctive relief; requiring certain information to be provided to residents' legal representatives; conforming terminology and correcting references and cross references; amending s. 419.001, F.S.; correcting a cross reference; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Turner, **CS for HB 4035** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SB 2504—A bill to be entitled An act making supplemental appropriations providing moneys from the annual periods beginning July 1, 1997 and ending June 30, 1998; to pay salaries, and other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State government; supplementing appropriations as provided in Chapter 97-152, Laws of Florida; providing an effective date.

—was read the third time by title.

On motions by Senator Sullivan, **SB 2504** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for CS for SB 1024—A bill to be entitled An act relating to false reports of abuse or neglect of a child or of abuse, neglect, or exploitation of a disabled adult or elderly person; amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report; amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.5131, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making, or counseling another to make, a false report; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Hargrett, **CS for CS for SB 1024** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

SB 2534—A bill to be entitled An act relating to the Excellent Teaching Program Trust Fund; creating the fund; providing a source of funds; providing purpose; providing for future review and termination or recreation of the fund; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Horne, **SB 2534** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Burt	Clary	Dudley
Bankhead	Campbell	Cowin	Dyer
Bronson	Casas	Crist	Forman
Brown-Waite	Childers	Diaz-Balart	Geller

Grant	Klein	Meadows	Sullivan
Gutman	Kurth	Myers	Thomas
Hargrett	Latvala	Ostalkiewicz	Turner
Harris	Laurent	Rossin	Williams
Holzendorf	Lee	Scott	
Kirkpatrick	McKay	Silver	

Nays—None

Vote after roll call:

Yea—Horne

CS for SB 2000—A bill to be entitled An act relating to rulemaking authority for matters pertaining to education (RAB); amending s. 231.17, F.S.; authorizing the Commissioner of Education to make decisions about granting certification to an applicant in extenuating circumstances not otherwise provided for in statute or by rule; amending s. 231.24, F.S.; allowing the state board to approve rules for the expanded use of training in teaching students having limited proficiency in English toward renewing a professional certificate; amending s. 231.29, F.S., relating to assessment procedures and criteria for personnel assessment; authorizing the state board to adopt necessary rules; amending s. 240.116, F.S.; allowing the state board to adopt rules for certain dual-enrollment programs; amending s. 240.233, F.S.; allowing the state board to adopt rules for the articulation of foreign-language competency and equivalency between secondary and postsecondary institutions; providing an effective date.

—was read the third time by title.

Senator Bankhead moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 2, lines 23 and 24, delete those lines and insert: *renewal of the professional certificate during the subsequent validity periods.*

On motions by Senator Lee, **CS for SB 2000** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Consideration of **CS for SB 1960** was deferred.

CS for CS for HB 3311—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in a notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; providing that such information is not discoverable or admissible in a civil action or administrative proceeding unless such action or proceeding is a disciplinary proceeding conducted by the agency or a regulatory board; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for CS for HB 3311** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SB 1730—A bill to be entitled An act relating to the Legislature; amending s. 11.111, F.S.; providing for the continuance of certain proceedings that involve a member of the Legislature and conflict with scheduled activity of a legislative committee; specifying the period of the continuance which applies when the Legislature is not in session; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Campbell, **SB 1730** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea to Nay—Ostalkiewicz

HB 3077—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; limiting certain fees; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Clary, **HB 3077** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

COMMUNICATIONS

On motion by Senator Dudley, the following communications were ordered spread upon the Journal:

Senator Charles Clary April 23, 1998
The Florida Senate

Dear Senator Clary:

Because you are the sponsor of SB 1192, I wanted to confirm for you that the Governor supports the bill as amended in the Senate Rules and Calendar meeting last Thursday. With the exception of the case *The State of Florida, et al. v. The American Tobacco Company, et al.*, Civil Action No. 95-1466 AH, we are not aware of any other lawsuit that has been filed under Chapter Law 94-251, Laws of Florida, otherwise known as the 1994 amendments to the Medicaid Third Party Liability Act.

Please do not hesitate to let me know if we may be helpful to you in any other way.

With kind regards, I am

Sincerely,
J. Hardin Peterson
General Counsel
Office of the Governor

The Honorable Charles W. Clary III April 23, 1998
Senator, 7th District
The Florida Senate

Dear Senator Clary:

During the Senate Rules Committee's consideration of a strike-after amendment to SB 1192 last week, Senator Dudley questioned whether any lawsuits were brought by on behalf the State using the provisions of Chapter 94-251, Laws of Florida—the 1994 amendments to the Medicaid Third-Party Liability Act.

Other than the well-known lawsuit brought by the State against tobacco manufacturers in *State of Florida, et al. v. The American Tobacco Company, et al.*, the Attorney General's Office has neither participated in nor is aware of any lawsuits brought by or on behalf of the State under the provisions of Chapter 94-251, Laws of Florida, excluding the provision now cited as subsection 409.910(19), Florida Statutes (relating to civil theft actions for criminal violations or fraudulent activity).

If this office may be of further assistance to you on this matter, please do not hesitate to contact me.

Sincerely,
Marty E. Moore
Deputy General Counsel
Office of The Attorney General

The Honorable Charles W. Clary III April 23, 1998
Senator, 7th District
The Florida Senate

Subject: CS for SB's 1192, 628 and 1412—Medicaid Third Party Liability

Dear Senator Clary:

This letter will confirm that the Agency For Health Care Administration has brought no other law suits under Chapter 94-251, Laws of Florida, other than the suit against the Tobacco Companies, *State of Florida, et al. v. American Tobacco Company, et al.*

Please let me know if I can provide any other information on this subject.

Sincerely,
Paul J. Martin
General Counsel
Agency For Health Care
Administration

CS for SB 1460—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; providing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides; prohibiting specified bungy operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; providing for liens for unpaid fees, fines, interest, and costs; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

—as amended April 23 was read the third time by title.

Senator Silver moved the following amendment:

Amendment 1 (with title amendment)—On page 23, between lines 7 and 8, insert:

Section 5. *Each applicant for employment, including those under lease agreement, with any exhibition, amusement enterprise, carnival, or game or test of skill, within the grounds of, and in connection with, any public fair or amusement attraction must file a set of his or her fingerprints with the Department of Agriculture and Consumer Services for the purpose of determining any prior criminal record. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and forwarding to the Federal Bureau of Investigation for federal processing. The applicant shall bear the actual cost of such state and federal processing. The department may allow an applicant to work pending the results of the fingerprint investigation, which work privilege is fully revocable if the department subsequently determines that any facts set forth in the application are untrue or misrepresented.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to entertainment enterprises; requiring an applicant for employment with any exhibition, amusement enterprise, carnival, or game or test of skill that is connected with a fair or amusement attraction to submit a set of fingerprints to the Department of Agriculture and Consumer Services; requiring the applicant to bear the costs of processing the fingerprints; providing that the work privilege is revocable by the department; amending s.

On motion by Senator Forman, further consideration of **CS for SB 1460** with pending **Amendment 1** was deferred.

SB 2316—A bill to be entitled An act relating to the State Board of Independent Colleges and Universities (RAB); amending s. 246.081, F.S.; restricting certain activities of graduates of foreign medical schools; amending s. 246.085, F.S.; providing for rules relating to certificates of exemption; amending ss. 246.087, 246.091, F.S.; providing for certain procedures and rules to be adopted relating to licensing requirements; creating s. 246.093, F.S.; requiring certain colleges to obtain permission to operate; amending s. 246.095, F.S.; providing for rules relating to fair consumer practices; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Grant, **SB 2316** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Gutman	Latvala
Bankhead	Cowin	Hargrett	Laurent
Bronson	Crist	Harris	Lee
Brown-Waite	Diaz-Balart	Holzendorf	McKay
Burt	Dudley	Horne	Meadows
Campbell	Dyer	Kirkpatrick	Myers
Casas	Geller	Klein	Ostalkiewicz
Childers	Grant	Kurth	Rossin

Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

CS for SB 368—A bill to be entitled An act relating to motorcycle safety education; amending s. 215.22, F.S.; providing an exemption from a required deduction for that portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee; amending s. 322.0255, F.S.; deleting a limitation on the reimbursement of certain fees; providing an effective date.

—was read the third time by title.

On motions by Senator Kurth, **CS for SB 368** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Childers

CS for SB 266—A bill to be entitled An act relating to the municipal firefighters' pension trust fund and the municipal police officers' retirement trust fund; amending ss. 175.071, 185.06, F.S.; revising the powers of the board of trustees for each trust fund; providing guidelines for the investment of funds; requiring additional recordkeeping by the boards; providing qualifications for professionally qualified independent consultants; providing an effective date.

—was read the third time by title.

On motions by Senator Dudley, **CS for SB 266** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for SB 1540—A bill to be entitled An act relating to children and families; creating s. 39.5085, F.S.; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; naming a service center building; providing an effective date.

—was read the third time by title.

On motions by Senator Turner, **CS for SB 1540** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

CS for SB 1440—A bill to be entitled An act relating to rulemaking authority with respect to marine resources (RAB); amending s. 370.06, F.S.; authorizing rulemaking for issuance of special-activities licenses; amending s. 370.08, F.S.; authorizing the adoption of rules defining food fish; amending s. 370.12, F.S.; authorizing rulemaking for issuance of special permits for conservation of marine turtles; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for SB 1440** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Bankhead

HB 3951—A bill to be entitled An act relating to school attendance; amending s. 228.041, F.S.; clarifying definition of the term "home education program"; amending s. 229.808, F.S.; providing that definition of the term "nonpublic school" does not include home education program for purpose of survey requirements; amending s. 232.01, F.S., relating to school attendance; clarifying provisions relating to state or school district control of home education programs; amending s. 232.02, F.S.; providing that private tutoring may be used to meet regular school attendance requirements; revising provisions relating to home education programs; clarifying inspection of portfolio; providing for parental selection of method of evaluation; revising process for reporting and submitting written evaluation and test results to superintendent; creating s. 232.0202, F.S.; providing requirements for private tutoring programs; amending s. 232.021, F.S.; providing that attendance reporting requirements do not apply to home education programs; amending ss. 232.425, 240.116, 240.321, 240.40202, 240.40205, and 240.40206, F.S.; correcting cross references and conforming provisions; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Lee, **HB 3951** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for SB 1230—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information provided by applicants to the Florida Kids Health program; providing an exemption for certain information obtained through quality assurance activities and patient satisfaction surveys; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 1230** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Bankhead

CS for CS for HB 1589—A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, and 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, and 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending s. 403.7095, F.S.; deleting the expiration date for annual solid waste and recycling grants to small counties; creating s. 218.076, F.S.; providing for a waiver of permit processing fees under certain circumstances; providing an effective date.

—was read the third time by title.

On motions by Senator Williams, **CS for CS for HB 1589** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for SB 86—A bill to be entitled An act relating to education; requiring academic enrichment activities for specified students; requiring an evaluation of student academic progress; providing conditions that require a funding shift; providing an effective date.

—was read the third time by title.

On motions by Senator Kirkpatrick, **CS for SB 86** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Lee

SB 282—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Keep Kids Drug-Free license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Crist, **SB 282** as amended was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Sullivan
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Clary

CS for SB 720—A bill to be entitled An act relating to alcohol and tobacco sales; amending s. 562.45, F.S.; providing restrictions on locations for on-premises consumption of alcoholic beverages; amending s. 562.11, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of alcoholic beverages to certain minors; amending s. 567.01, F.S.; providing for local-option elections to determine sales of intoxicating liquors, wines, or beer by the drink; amending s. 567.06, F.S.; providing ballot instructions for local-option elections; amending s. 567.07, F.S.; providing for a local option election for sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises; amending ss. 569.002 and 569.101, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of tobacco products to certain minors; amending s. 569.11, F.S.; specifying times within which community service or fines are satisfied; providing effective dates.

—as amended April 23 was read the third time by title.

On motions by Senator Hargrett, **CS for SB 720** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for HB 3671—A bill to be entitled An act relating to timber management; creating s. 253.036, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services, or other qualified professional forester, to assess the feasibility of managing timber in land management plans; providing legislative intent; providing for the reimbursement of management services performed by the division; amending s. 259.035, F.S.; requiring the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy; amending s. 373.591, F.S.; specifying circumstances under which the land managing agency must provide an explanation to the management review team concerning the management of lands; amending s. 589.04, F.S.; directing the Division of Forestry to begin certain forestation programs on certain lands; providing appropriations; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Bronson, **CS for HB 3671** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Grant

INTRODUCTION OF FORMER SENATOR

The President recognized former Senate President Bob Crawford, Commissioner of Agriculture, who was present in the chamber.

CS for HB 1433—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; deleting provisions relating to the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation or the death of a child as a result of abuse, neglect, or abandonment; amending s. 415.107, F.S., and repealing s. 415.107(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation; amending s. 415.51, F.S., and repealing s. 415.51(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a child as a result of abuse, abandonment, or neglect; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for HB 1433** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Rossin
Bankhead	Dudley	Klein	Scott
Bronson	Dyer	Kurth	Silver
Brown-Waite	Forman	Latvala	Sullivan
Burt	Geller	Laurent	Thomas
Campbell	Grant	Lee	Turner
Casas	Gutman	McKay	Williams
Childers	Hargrett	Meadows	
Clary	Harris	Myers	
Cowin	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

CS for SB 1294—A bill to be entitled An act relating to agricultural sales; amending s. 570.55, F.S.; revising the "Florida Avocado, Mango, Lime, and Tomato Sales Law" to the "Florida Tropical or Subtropical Fruit and Vegetables Sales Law"; revising provisions to apply to tropical or subtropical fruit and vegetables; prescribing use of certain containers in shipping or distribution; providing an exception; increasing a penalty; amending s. 603.161, F.S.; revising a definition; increasing a penalty; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Gutman, **CS for SB 1294** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

CS for CS for CS for SB 1432—A bill to be entitled An act relating to the delivery of health care services; amending s. 409.912, F.S.; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; creating s. 624.1291, F.S.; providing an exemption from the Insurance Code for certain health care services; creating part IV of ch. 641, F.S., the "Provider-Sponsored-Organization Act"; providing legislative findings and purposes with respect to certain federal requirements for authorizing provider-sponsored organizations in this state to provide health care coverage to Medicare beneficiaries under the Medicare Choice plan; providing definitions; prohibiting a provider-sponsored organization from transacting insurance business other than the offering of Medicare Choice plans; providing applicability of parts I and III of ch. 641, F.S., to provider-sponsored organizations; providing exceptions; amending s. 641.227, F.S.; providing for deposits into the Rehabilitation Administrative Expense Fund by a provider-sponsored organization; providing for reimbursements; amending s. 641.316, F.S., relating to fiscal intermediary services; providing for an exemption from s. 455.654, F.S., to provider-sponsored organizations, relating to financial arrangements; providing an appropriation; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for CS for CS for SB 1432** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

HB 3825—A bill to be entitled An act relating to the Board of Trustees of the Internal Improvement Trust Fund; directing the board to transfer certain properties to the Florida Atlantic University Foundation, Inc., for the Pine Jog Environmental Education Center; providing restrictions on the use of the land; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **HB 3825** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Myers	

Nays—None

Consideration of **CS for CS for SB 2288** was deferred.

CS for SB 228—A bill to be entitled An act relating to cleft-lip and cleft-palate treatment; creating s. 627.64193, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66911, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; amending s. 641.31, F.S.; providing for cleft-lip and cleft-palate treatment for children by health maintenance organizations; providing a legislative determination of an important state interest; providing applicability; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **CS for SB 228** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SB 2222—A bill to be entitled An act relating to taxation; amending s. 197.122, F.S.; specifying the time within which property appraisers may correct a material mistake of fact in an appraisal; allowing the property appraiser to directly submit a correction and refund order to the tax collector; creating s. 197.4155, F.S.; authorizing county tax collectors to implement an installment payment program for delinquent personal property taxes; providing for a tax collector to prescribe an installment payment plan within a specified time period; allowing flexibility; prescribing limitations upon the duration of an installment plan; providing that tax warrants against a taxpayer participating in a plan are unenforceable if specified conditions are met; authorizing the tax collector to use all legally available enforcement methods if taxes due under an installment plan are not paid in full; amending s. 197.432, F.S.; revising requirements for calculating the rate of interest on void tax certificates; prohibiting holders of tax certificates from contacting property owners and demanding payment; providing for barring the holder of a tax certificate from bidding at a certificate sale; providing that any such contact is an unfair or deceptive trade practice; amending s. 200.069, F.S.; providing for the notice of proposed property taxes to include a notice of proposed non-ad valorem assessments, if requested by the local governing board levying the non-ad valorem assessments and agreed to by the property appraiser; amending s. 170.201, F.S.;

allowing municipalities to exempt certain government financed or insured housing facilities from special assessments for emergency medical services; creating s. 213.68, F.S.; specifying the garnishment authority and procedures applicable to counties which self-administer the local option tourist development tax; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator McKay, **SB 2222** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

On motion by Senator Gutman, by two-thirds vote **CS for HB 3327** was withdrawn from the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

On motion by Senator Gutman, by two-thirds vote—

CS for HB 3327—A bill to be entitled An act relating to sexual predators; creating the "Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act"; creating s. 916.30, F.S.; providing findings and intent; creating s. 916.31, F.S.; providing definitions; creating s. 916.32, F.S.; requiring certain notice to the state attorney of anticipated release of specified persons who may meet the criteria for a sexually violent predator; requiring provision of certain records and information by the agency with jurisdiction to the state attorney; providing certain immunity from liability of the agency with jurisdiction, the state attorney, and their employees and service providers; creating s. 916.33, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.34, F.S.; providing for determination of probable cause and taking respondent into custody; providing for transfer of the respondent to a secure facility for evaluation under specified circumstances when the court finds probable cause to believe that the respondent is a sexually violent predator; creating s. 916.35, F.S.; providing for trial on the issue of whether a person is a sexually violent predator; creating s. 916.36, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.37, F.S.; requiring annual examination of persons committed; creating s. 916.38, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; providing that the Department of Children and Family Services is responsible for specified evaluation and treatment costs; providing for reimbursement; providing for court orders for certain disclosures to the department by the committed person of income and assets; providing for imposition and assessment of certain financial liabilities for payment of daily subsistence and treatment costs based on specified criteria; providing for notice and contest of the assessment; providing for survival of the order directing payment against the person's estate; creating s. 916.41, F.S.; providing for notice to victims; creating s. 916.42, F.S.; providing severability; creating s. 916.43, F.S.; providing for access to certain records; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 646** as amended and read the second time by title.

Senators Klein and Gutman offered the following amendment which was moved by Senator Klein:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Division of Statutory Revision of the Joint Legislative Management Committee shall change the name of chapter 916, Florida Statutes, from "Mentally Deficient and Mentally Ill Defendants" to "Mentally Deficient and Mentally Ill Defendants; Civil Commitment of Sexually Violent Predators."*

Section 2. Section 916.10, Florida Statutes, is amended to read:

916.10 Short title.—*Sections 916.10-916.20* ~~This chapter~~ may be cited as the "Forensic Client Services Act."

Section 3. Section 916.30, Florida Statutes, is created to read:

916.30 Sections 916.30-916.49 may be cited as the "The Jimmy Ryce Act of 1998."

Section 4. Section 916.31, Florida Statutes, is created to read:

916.31 Legislative findings and intent.—The Legislature finds that a mentally abnormal and extremely dangerous group of sexually violent predators exists and requires involuntary civil commitment for long-term control, care, and treatment. The Legislature further finds that the likelihood that sexually violent predators will engage in repeat acts of sexual violence, if not treated for their mental conditions, is significant. Because the existing civil commitment process under the Baker Act is inadequate to address the special needs of sexually violent predators and the risks that they present to society, the Legislature determines that a separate involuntary civil commitment process for the long-term control, care, and treatment of sexually violent predators is necessary. The Legislature also determines that, because of the nature of the mental conditions from which sexually violent predators suffer and the dangers they present, it is necessary to house involuntarily committed sexually violent predators in an environment separate from persons involuntarily committed under traditional civil commitment statutes.

Section 5. Section 916.32, Florida Statutes, is created to read:

916.32 Definitions.—As used in ss. 916.30-916.49, the term:

(1) "Agency with jurisdiction" means the agency that releases, upon lawful order or authority, a person serving a sentence in the custody of the Department of Corrections, a person adjudicated delinquent and committed to the custody of the Department of Juvenile Justice or a person who was involuntarily committed to the custody of the Department of Children and Family Services upon an adjudication of not guilty by reason of insanity.

(2) "Convicted of a sexually violent offense" means a person who has been:

(a) Adjudicated guilty of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere;

(b) Adjudicated not guilty by reason of insanity of a sexually violent offense; or

(c) Adjudicated delinquent of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere.

(3) "Department" means the Department of Children and Family Services.

(4) "Likely to engage in acts of sexual violence" means the person's propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(5) "Mental abnormality" means a mental condition affecting a person's emotional or volitional capacity which predisposes the person to commit sexually violent offenses.

(6) "Person" means an individual 18 years of age or older who is a potential or actual subject of proceedings under ss. 916.30-916.49.

(7) "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for sexual gratification.

(8) "Sexually violent offense" means:

(a) Murder of a human being while engaged in sexual battery in violation of s. 782.04(1)(a)2.;

(b) Kidnapping of a child under the age of 16 and, in the course of that offense, committing:

1. Sexual battery; or

2. A lewd, lascivious, or indecent assault or act upon or in the presence of the child;

(c) Committing the offense of false imprisonment upon a child under the age of 16 and, in the course of that offense, committing:

1. Sexual battery; or

2. A lewd, lascivious or indecent assault or act upon or in the presence of the child;

(d) Sexual battery in violation of s. 794.011;

(e) Lewd, lascivious, or indecent assault or act upon or in presence of the child in violation of s. 800.04;

(f) An attempt, criminal solicitation, or conspiracy, in violation of s. 777.04, of a sexually violent offense;

(g) Any conviction for a felony offense in effect at any time before July 1, 1998, which is comparable to a sexually violent offense under paragraphs (a)-(f) or any federal conviction or conviction in another state for a felony offense that in this state would be a sexually violent offense; or

(h) Any criminal act that, either at the time of sentencing for the offense or subsequently during civil commitment proceedings under ss. 916.30-916.49, has been determined beyond a reasonable doubt to have been sexually motivated.

(9) "Sexually violent predator" means any person who:

(a) Has been convicted of a sexually violent offense; and

(b) Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.

(10) "Total confinement" means that the person is currently being held in any physically secure facility being operated or contractually operated for the Department of Corrections, the Department of Juvenile Justice, or the Department of Children and Family Services.

Section 6. Section 916.33, Florida Statutes, is created to read:

916.33 Notice to state attorney and multidisciplinary team of release of sexually violent predator; establishing multidisciplinary team.—

(1) The agency having jurisdiction over a person who has been convicted of a sexually violent offense shall give written notice to the multidisciplinary team, and a copy to the state attorney of the circuit where that person was last convicted of a sexually violent offense, 180 days or, in the case of an adjudicated committed delinquent, 90 days before:

(a) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense, except that in the case of persons who have been returned to confinement for no more than 90 days, written notice must be given as soon as practicable following the person's return to confinement; or

(b) The anticipated hearing regarding possible release of a person who has been found not guilty by reason of insanity or mental incapacity of a sexually violent offense.

(2) The agency having jurisdiction shall provide the multidisciplinary team with the following information:

(a) The person's name; identifying characteristics; anticipated future residence; the type of supervision the person will receive in the community, if any; and the person's offense history; and

(b) Documentation of institutional adjustment and any treatment received and, in the case of an adjudicated delinquent committed to the Department of Juvenile Justice, copies of the most recent performance plan and performance summary.

The provisions of this section are not jurisdictional, and failure to comply with them in no way prevents the state attorney from proceeding against a person otherwise subject to the provisions of ss. 916.30-916.49. However, the state attorney has no lawful authority to file a petition with the circuit court alleging that a person is a sexually violent predator without a written assessment and recommendation from the multidisciplinary team.

(3) The Secretary of Children and Family Services shall establish a multidisciplinary team, which shall include a person knowledgeable in the field of law enforcement designated by the Department of Law Enforcement, a licensed psychologist, a licensed psychiatrist, a person who is knowledgeable in the treatment of sexual offenders, and a mental health counselor licensed under chapter 491, to review available records of each person referred to such team under subsection (1). The Attorney General's Office shall serve as legal counsel to the multidisciplinary team. The team, within 45 days after receiving notice, shall assess whether the person meets the definition of a sexually violent predator and provide the state attorney with its written assessment and recommendation.

Section 7. Section 916.34, Florida Statutes, is created to read:

916.34 Petition; time; contents.—When a multidisciplinary team determines that a person meets the definition of a sexually violent predator as provided in s. 916.32, the state attorney in the judicial circuit where the person committed the sexually violent offense may file a petition with the circuit court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation.

Section 8. Section 916.35, Florida Statutes, is created to read:

916.35 Determination of probable cause; hearing; evaluation; respondent taken into custody; bail.—

(1) When the state attorney files a petition seeking to have a person declared a sexually violent predator, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If the judge determines that there is probable cause to believe that the person is a sexually violent predator, the judge shall direct that the person be taken into custody and held in an appropriate secure facility.

(2) Before the release from custody of a person whom the multidisciplinary team recommends for civil commitment, but after the state attorney files a petition under s. 916.33, the state attorney may further petition the court for an adversarial probable cause hearing. The person shall be provided with notice of, and an opportunity to appear in person at, an adversary hearing. At this hearing, the judge shall:

(a) Receive evidence and hear argument from the person and the state attorney; and

(b) Determine whether probable cause exists to believe that the person is a sexually violent predator.

(3) At the probable cause hearing, the person has the right to:

(a) Be represented by counsel;

(b) Present evidence;

(c) Cross-examine any witnesses who testify against the person; and

(d) View and copy all petitions and reports in the court file.

(4) If the court again concludes that there is probable cause to believe that the person is a sexually violent predator, the court shall direct that the person be held in a county jail or a detention facility in the county where the petition was filed for an evaluation by a mental health professional.

(5) After a court finds probable cause to believe that the person is a sexually violent predator, the person must be held in custody in a secure facility without opportunity for pretrial release or release during the trial proceedings.

Section 9. Section 916.36, Florida Statutes, is created to read:

916.36 Trial; counsel and experts; indigent persons; jury.—

(1) Within 30 days after the determination of probable cause, the court shall conduct a trial to determine whether the person is a sexually violent predator.

(2) The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the interests of justice, when the person will not be substantially prejudiced.

(3) At all adversarial proceedings under this act, the person subject to this act is entitled to the assistance of counsel, and, if the person is indigent, the court shall appoint the public defender or, if a conflict exists, other counsel to assist the person.

(4) If the person is subjected to a mental health examination under this chapter, the person also may retain experts or mental health professionals to perform an examination. If the person wishes to be examined by a professional of the person's own choice, the examiner must be provided reasonable access to the person, as well as to all relevant medical and mental health records and reports. In the case of a person who is indigent, the court, upon the person's request, shall determine whether such an examination is necessary. If the court determines that an examination is necessary, the court shall appoint a mental health professional and determine the reasonable compensation for the professional's services.

(5) The person or the state attorney has the right to demand that the trial be before a jury. A demand for a jury trial must be filed, in writing, at least 5 days before the trial. If no demand is made, the trial shall be to the court.

Section 10. Section 916.37, Florida Statutes, is created to read:

916.37 Determination; commitment procedure; mistrials; housing.—

(1) The court or jury shall determine by clear and convincing evidence whether the person is a sexually violent predator. If the determination is made by a jury, the decision must be unanimous. If a majority of the jury finds that the person is a sexually violent predator, but the decision is not unanimous, the state attorney may refile the petition and proceed according to the provisions of ss. 916.30-916.49. Any retrial must occur within 90 days after the previous trial, unless the subsequent proceeding is continued in accordance with s. 916.36(2). The determination that a person is a sexually violent predator may be appealed.

(2) If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the Department of Children and Family Services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that it is safe for the person to be at large. Such control, care, and treatment shall be provided at a facility operated by the Department of Children and Family Services. At all times, sexually violent predators who are committed for control, care, and treatment by the Department of Children and Family Services under this section shall be kept in a secure facility segregated from patients who are not committed under this section.

Section 11. Section 916.38, Florida Statutes, is created to read:

916.38 Examinations.—

(1) A person committed under ss. 916.30-916.49 shall have an examination of his or her mental condition once every 3 years or more frequently at the court's discretion. The person may retain or, if the person is indigent and so requests, the court may appoint, a qualified professional to examine the person. Such a professional shall have access to all records concerning the person. The results of the examination shall be provided to the court that committed the person under ss. 916.30-916.49. Upon receipt of the report, the court shall conduct a review of the person's status.

(2) The department shall provide the person with annual written notice of the person's right to petition the court for release over the objection of the director of the facility where the person is housed. The notice must contain a waiver of rights. The director of the facility shall forward the notice and waiver form to the court.

(3) The court shall hold a limited hearing to determine whether there is probable cause to believe that the person's condition has so changed that it is safe for the person to be at large and that the person will not engage in acts of sexual violence if discharged. The person has the right to be represented by counsel at the probable cause hearing, but the person is not entitled to be present. If the court determines that there is probable cause to believe it is safe to release the person, the court shall set a trial before the court on the issue.

(4) At the trial before the court, the person is entitled to be present and is entitled to the benefit of all constitutional protections afforded the person at the initial trial, except for the right to a jury. The state attorney shall represent the state and has the right to have the person examined by professionals chosen by the state. At the hearing the state bears the burden of proving, by clear and convincing evidence, that the person's mental condition remains such that it is not safe for the person to be at large and that, if released, the person is likely to engage in acts of sexual violence.

Section 12. Section 916.39, Florida Statutes, is created to read:

916.39 Authorized petition for release; procedure.—

(1) If the Secretary of Children and Family Services or the secretary's designee at any time determines that the person is not likely to commit acts of sexual violence if conditionally discharged, the secretary or the secretary's designee shall authorize the person to petition the court for release. The petition shall be served upon the court and the state attorney. The court, upon receipt of such a petition, shall order a trial before the court within 30 days, unless continued for good cause.

(2) The state attorney shall represent the state, and has the right to have the person examined by professionals of the state attorney's choice. The state bears the burden of proving, by clear and convincing evidence, that the person's mental condition remains such that it is not safe for the person to be at large and that, if released, the person is likely to engage in acts of sexual violence.

Section 13. Section 916.40, Florida Statutes, is created to read:

916.40 Petition for release.—Sections 916.30-916.49 do not prohibit a person from filing a petition for discharge at any time. However, if the person has previously filed such a petition without the approval of the Secretary of Children and Family Services or the secretary's designee and the court determined that the petition was without merit, a subsequent petition shall be denied unless the petition contains facts upon which a court could find that the person's condition has so changed that a probable-cause hearing is warranted.

Section 14. Section 916.41, Florida Statutes, is created to read:

916.41 Release of records to state attorney.—

(1) In order to protect the public, relevant information and records that are otherwise confidential or privileged shall be released to the agency having jurisdiction or to the state attorney for the purpose of meeting the notice requirements of ss. 916.30-916.49 and determining whether a person is or continues to be a sexually violent predator.

(2) Psychological or psychiatric reports, drug and alcohol reports, treatment records, medical records, or victim impact statements that have been submitted to the court or admitted into evidence under ss. 916.30-916.49 shall be part of the record, but shall be sealed and may be opened only pursuant to a court order.

Section 15. Section 916.42, Florida Statutes, is created to read:

916.42 Constitutional requirements.—The long-term control, care, and treatment of a person committed under ss. 916.30-916.49 must conform to constitutional requirements.

Section 16. Section 916.43, Florida Statutes, is created to read:

916.43 Immunity from civil liability.—The agency with jurisdiction and its officers and employees; the department and its officers and employees; members of the multidisciplinary team; the state attorney and the state attorney's employees; and those involved in the evaluation, care, and treatment of sexually violent persons committed under ss. 916.30-916.49, are immune from any civil liability for good-faith conduct under ss. 916.30-916.49.

Section 17. Section 916.44, Florida Statutes, is created to read:

916.44 Severability.—If any section, subsection, or provision of ss. 916.30-916.49 is held to be unconstitutional or invalid by a court of competent jurisdiction, the remaining portions of ss. 916.30-916.49 shall be unaffected because the Legislature declares that the provisions of ss. 916.30-916.49 are severable from each other.

Section 18. Section 916.45, Florida Statutes, is created to read:

916.45 Applicability of act.—Sections 916.30-916.49 apply to all persons currently in custody who have been convicted of a sexually violent offense, as that term is defined in s. 916.32(8), as well as to all persons convicted of a sexually violent offense in the future.

Section 19. Section 916.46, Florida Statutes, is created to read:

916.46 Notice to victims of release of persons committed as sexually violent predators.—As soon as is practicable, the department shall give written notice of the release of a person committed as a sexually violent predator to any victim of the committed person who is alive and whose address is known to the department or, if the victim is deceased, to the victim's family, if the family's address is known to the department. Failure to notify is not a reason for postponement of release. This section does not create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to ss. 916.30-916.49.

Section 20. Section 916.47, Florida Statutes, is created to read:

916.47 Escape while in lawful custody.—A person who is held in lawful custody pursuant to a judicial finding of probably cause under s. 916.35 or pursuant to a commitment as a sexually violent predator under s. 916.36 and who escapes or attempts to escape while in such custody commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 21. Section 916.48, Florida Statutes, is created to read:

916.48 Subsistence fees and costs of treatment.—

(1) In recognition of the fact that persons committed under ss. 916.30-916.49 may have sources of income and assets, which may include bank accounts, inheritances, real estate, social security payments, veteran's payments, and other types of financial resources, and in recognition of the fact that the daily subsistence cost and costs of treatment of persons committed under ss. 916.30-916.49 are a burden on the taxpayers of the state, each person so committed shall:

(a) Upon order of the court committing the person, disclose all revenue or assets to the department.

(b) Pay from such income and assets, except where such income is exempt by state or federal law, all or a fair portion of the person's daily subsistence and treatment costs, based upon the person's ability to pay, the liability or potential liability of the person to the victim or the guardian or the estate of the victim, and the needs of his or her dependents.

(2)(a) Any person who is directed to pay all or a fair portion of daily subsistence and treatment costs is entitled to reasonable advance notice of the assessment and shall be afforded an opportunity to present reasons for opposition to the assessment.

(b) An order directing payment of all or a fair portion of a person's daily subsistence costs may survive against the estate of the person.

Section 22. Section 916.49, Florida Statutes, is created to read:

916.49 Department of Children and Family Services responsible for costs.—The Department of Children and Family Services is responsible for all costs relating to the evaluation and treatment of persons committed to the department's custody as sexually violent predators. A county is not obligated to fund costs for psychological examinations, expert witnesses, court-appointed counsel, or other costs required by ss. 916.30-916.49. Other costs for psychological examinations, expert witnesses, and court-appointed counsel required by ss. 916.30-916.49 shall be paid from state funds appropriated by general law.

Section 23. *The Department of Children and Family Services may contract with a private entity or state agency for use of facilities to comply with the requirements of this act.*

Section 24. *There is hereby appropriated from the General Revenue Fund in a lump sum to the Department of Children and Family Services the sum of $3,400,000 and 50 full-time equivalent positions, and from the Grants and Donations Trust Fund, $1,500,000 to the Department of Corrections for the purpose of carrying out the provisions of this act. From the funds appropriated to the Department of Children and Family Services, the department shall, at the counties' request, reimburse counties for the cost of no more than one examination of each person subject to this act, provided that the department's reimbursement for each examination shall not exceed the cost to the department for examinations that it conducts of such persons.*

Section 25. This act shall take effect January 1, 1999.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to sexually violent predators; requesting that the Division of Statutory Revision redesignate ch. 916, F.S.; amending s. 916.10, F.S.; providing a short title; creating s. 916.30, F.S.; providing a short title; creating s. 916.31, F.S.; providing legislative findings and intent; creating s. 916.32, F.S.; defining terms; creating s. 916.33, F.S.; requiring notice of release from custody of a person alleged to be a sexually violent predator; providing for evaluation of such person; providing for legal counsel to the evaluation team; creating s. 916.34, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.35, F.S.; providing for determination of probable cause, for hearings, and for taking such person into custody; creating s. 916.36, F.S.; providing for trial on the issue of whether such person is a sexually violent predator; creating s. 916.37, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.38, F.S.; requiring examinations of persons committed; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; authorizing petition for release; creating s. 916.41, F.S.; providing for access to certain records; creating s. 916.42, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.43, F.S.; providing immunity from civil liability; creating s. 916.44; providing severability; creating s. 916.45, F.S.; providing for retrospective and prospective application; creating s. 916.46, F.S.; providing for notice to victims; creating s. 916.47, F.S.; penalizing escape; creating s. 916.48, F.S.; authorizing subsistence fees and costs; creating s. 916.49, F.S.; providing that the Department of Children and Family Services is responsible for costs; providing that other costs for psychological evaluations, expert witnesses, and court-appointed counsel are paid from state funds; authorizing the Department of Children and Family Services to contract for the use of facilities; providing an appropriation; providing an effective date.

Senator Silver moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 6, line 15, after "*team*" insert: *that the state attorney file a petition seeking civil commitment*

Senators Klein and Gutman offered the following amendment to **Amendment 1** which was moved by Senator Klein and adopted:

Amendment 1B—On page 6, lines 18-24, delete those lines and insert: *two licensed psychiatrists or psychologists, or one licensed psychiatrist and one licensed psychologist, designated by the Secretary of Children and Family Services. Both evaluators must concur. If one of the professionals performing the evaluation does not concur that the person meets the criteria for civil commitment, but the other professional concludes that the person meets the criteria, the Secretary of Children and Family Services shall arrange for further examination of the person by two independent licensed psychiatrists or psychologists or by one independent licensed psychiatrist and one independent licensed psychologist. If an examination by independent professionals is conducted, a petition to seek commitment under this act shall only be filed if both independent professionals who evaluate the person pursuant to this subsection concur that the person meets the criteria for civil commitment. The Attorney General's Office shall serve as*

Senator Klein moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C—On page 8, line 13, delete "*county jail or a detention*" and insert: *appropriate secure*

Senators Klein and Gutman offered the following amendment to **Amendment 1** which was moved by Senator Klein and adopted:

Amendment 1D—On page 10, lines 11-13, delete those lines and insert: *changed that it is safe for the person to be at large. At*

Senator Gutman moved the following amendments to **Amendment 1** which were adopted:

Amendment 1E (with title amendment)—On page 16, line 14, after "*for use of*" insert: *and operations of*

And the title is amended as follows:

On page 18, line 21, after "the use of" insert: and operations of

Amendment 1F (with title amendment)—On page 16, line 15, after the period (.) insert: *The Department of Children and Family Services may also contract with the Correctional Privatization Commission as defined in chapter 957 to issue a request for proposals and monitor contract compliance for these services.*

And the title is amended as follows:

On page 18, line 21, after "facilities" insert: and for monitoring contract compliance

Amendment 1 as amended was adopted.

On motions by Senator Gutman, by two-thirds vote **CS for HB 3327** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Hargrett, the rules were waived and the Senate reconsidered the vote by which—

SB 2242—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; creating s. 932.7051, F.S.; creating the Federal Law Enforcement Trust Fund; providing an effective date.

—passed this day.

Pending further consideration of **SB 2242**, on motion by Senator Hargrett, by two-thirds vote **HB 4713** was withdrawn from the Committees on Transportation; and Ways and Means.

On motion by Senator Hargrett, by two-thirds vote—

HB 4713—A bill to be entitled An act relating to trust funds; amending s. 932.705, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 895.09 and 932.7055, F.S., relating to duties of various agencies with respect to the deposit of certain moneys, to conform; providing an effective date.

—a companion measure, was substituted for **SB 2242** and by two-thirds vote read the second time by title. On motions by Senator Hargrett, by two-thirds vote **HB 4713** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

The Senate resumed consideration of—

CS for SB 1460—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; providing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides; prohibiting specified bungy operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; providing for liens for unpaid fees, fines, interest, and costs; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

—as amended which was previously considered this day. Pending **Amendment 1** by Senator Silver was withdrawn.

On motions by Senator Forman, **CS for SB 1460** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

COMMUNICATION

The Honorable Toni Jennings, President April 23, 1998
The Florida Senate

Dear Madam President:

Pursuant to Senate Rule 4.5, copies of the Conference Committee Report on **CS for SB 1402**, relating to Elections, have been furnished to each member of the Senate.

Delivery was completed April 23, 1998, at 3:45 p.m., EDT.

Respectfully submitted,
Faye W. Blanton, Secretary

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB 1402

The Honorable Toni Jennings April 23, 1998
President of the Senate

The Honorable Daniel Webster
Speaker, House of Representatives

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two Houses on House Amendment to CS for SB 1402 same being:

An act relating to Elections

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the House recede from its Amendment.

2. That the Senate and the House of Representatives adopt Conference Committee Amendment 1, attached hereto and, by reference, made a part of this report.

3. That the Senate and the House of Representatives pass CS for SB 1402, as amended by said Conference Committee Amendment.

s/Jack Latvala
Chair
s/Tom Lee
s/Ronald A. Silver
Managers on the part of the Senate

s/Luis C. Morse
Vice-Chair
s/Kendrick Meek
s/Jeff Stabins
Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (12) is added to section 97.012, Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(12) Maintain a voter fraud hotline and provide election-fraud education to the public.

Section 2. Subsection (11) is added to section 98.015, Florida Statutes, to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(11) Each supervisor of elections shall forward, to the property appraiser for the county in which the homestead is claimed, the name of the person and the address of the homestead of each person who registers to vote at an address other than that at which the person claims a homestead exemption, as disclosed on the uniform statewide voter registration application pursuant to s. 97.052.

Section 3. Subsection (1) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) "Absent elector" means any registered and qualified voter who*:* ~~is unable to attend the polls on election day.~~

(a) Is unable without another's assistance to attend the polls.

(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he or she is registered to vote.

(c) On account of the tenets of his or her religion, cannot attend the polls on the day of the general, special, or primary election.

(d) May not be in the precinct of his or her residence during the hours the polls are open for voting on the day of the election.

(e) Has changed his or her residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.

(f) Has changed his or her residency to another state and is ineligible under the laws of that state to vote in the general election; however, this pertains only to presidential ballots.

Section 4. Effective July 1, 1999, subsections (2) and (3) of section 97.052, Florida Statutes, are amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) Full name.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) County of legal residence.

(f) Address of property for which the applicant has been granted a homestead exemption, if any.

(g)~~(f)~~ Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not Hispanic.

4. White, not Hispanic.

5. Hispanic.

(h)~~(g)~~ Sex.

(i)~~(h)~~ Party affiliation.

(j)~~(i)~~ Whether the applicant needs assistance in voting.

(k)~~(j)~~ Name and address where last registered.

(l)~~(k)~~ *Last four digits of the applicant's* social security number ~~(optional)~~.

(m) Florida Driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n)~~(l)~~ Telephone number (optional).

(o)~~(m)~~ Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(p)~~(n)~~ Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

(q)~~(o)~~ Whether the applicant is a citizen of the United States.

(r)~~(p)~~ That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.

(s)~~(q)~~ That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form *must* ~~shall~~ be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

~~(d) A statement that the disclosure of a social security number is voluntary, a citation of the statutory authority under which the social security number is being solicited, a delineation of the uses that will be made of the social security number, and a notice that the social security number will be open to public inspection.~~

(d)~~(e)~~ A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e)~~(f)~~ A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.

Section 5. Effective July 1, 1999, subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.

2. The applicant's legal residence address.

3. The applicant's date of birth.

4. An indication that the applicant is a citizen of the United States.

5. The last four digits of the applicant's social security number.

6.~~5.~~ An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7.~~6.~~ An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8.~~7.~~ Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

Section 6. Effective July 1, 1999, section 97.056, Florida Statutes, is created to read:

97.056 Registration by mail; persons required to vote in person.—

(1) Any registered voter who has registered by mail and has not previously voted in the county in which he or she is registered must vote:

(a) In person at the precinct in which he or she is registered to vote; or

(b) In person at the office of the supervisor of elections, as provided in s. 101.657.

(2) The provisions of this section do not apply to a person who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or any other federal law, or an elector who is absent from the county and does not plan to return before the day of the election.

Section 7. Present subsections (2) and (3) of section 97.071, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section to read:

97.071 Registration identification card.—

(2)(a) Except as provided in paragraph (b), the supervisor of elections shall mail a registration identification card to the voter at the address listed as the legal residence on the voter's registration application. The card must be sent by nonforwardable, return-if-undeliverable mail. If the identification card is returned as undeliverable and the voter has indicated a different mailing address on the registration application, the supervisor must mail a notice to the mailing address, notifying the voter that his or her registration identification card was returned and that the voter may appear in person at the supervisor's office to pick up the identification card. The supervisor must surrender the identification card to the elector upon presentation of a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor has doubts as to the identity of the elector, the supervisor must require the elector to swear an oath substantially similar to the one prescribed in s. 101.49 prior to surrendering the identification card. The supervisor must keep the identification card on file for 45 days following return of the card as undeliverable.

(b) The supervisor shall mail the voter identification card by forwardable mail to voters who are covered by the Uniformed and Overseas Citizens Absentee Voting Act.

Section 8. Effective upon this act becoming a law, section 98.0975, Florida Statutes, is created to read:

98.0975 Central voter file; periodic list maintenance.—

(1) By August 15, 1998, the division shall provide to each county supervisor of elections a list containing the name, address, date of birth, race, gender, and any other available information identifying the voter of each person included in the central voter file as a registered voter in the supervisor's county who:

(a) Is deceased;

(b) Has been convicted of a felony and has not had his or her civil rights restored; or

(c) Has been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored.

(2) The division shall annually update the information required in subsection (1), and forward a like list to each supervisor by June 1 of each year.

(3)(a) In order to meet its obligations under this section, the division shall annually contract with a private entity to compare information in the central voter file with available information in other computer databases, including, without limitation, databases containing reliable criminal records and records of deceased persons.

(b) The entity contracted by the division is designated as an agent of the division for purposes of administering the contract, and must be limited to seeking only that information which is necessary for the division to meet its obligations under this section. Information obtained under this section may not be used for any purpose other than determining voter eligibility.

(4) Upon receiving the list from the division, the supervisor must attempt to verify the information provided. If the supervisor does not determine that the information provided by the division is incorrect, the supervisor must remove from the registration books by the next subsequent election the name of any person who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting.

Section 9. Effective upon this act becoming a law, section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification ~~approved by the Department of State~~, which *must* ~~shall~~ include, but *is* not ~~be~~ limited to, *a* ~~the voter registration identification card and~~ Florida driver's license, *a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State.* The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

Section 10. Effective upon this act becoming a law, section 98.471, Florida Statutes, is amended to read:

98.471 Use of precinct register at polls.—The precinct register, as prescribed in s. 98.461, may be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present *a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification* ~~one of the forms of identification which are on the list of forms~~ approved by the Department of State ~~pursuant to s. 98.461~~. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector. If the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49. The precinct register may also contain the information set forth in s. 101.47(8) and, if so, the inspector shall follow the procedure required in s. 101.47, except that the identification provided by the elector shall be used for the signature comparison.

Section 11. Effective upon becoming law, subsection (2) of section 100.041, Florida Statutes, is amended to read:

100.041 Officers chosen at general election.—

(2)*(a)* Each county commissioner from an odd-numbered district shall be elected at the general election in each year the number of which is a multiple of 4, for a 4-year term commencing on the second Tuesday following such election, and each county commissioner from an even-numbered district shall be elected at the general election in each even-numbered year the number of which is not a multiple of 4, for a 4-year term commencing on the second Tuesday following such election.

(b) Notwithstanding paragraph (a), the governing board of a charter county may provide by ordinance, to be approved by referendum, that the terms of its members shall commence on a date later than the second Tuesday following general elections, but in any case the date of commencement shall be uniform for all members and shall be no later than the first Tuesday after the first Monday in January following each member's election.

Section 12. Subsection (3) is added to section 101.5611, Florida Statutes, to read:

101.5611 Instructions to electors.—

(3) The supervisor of elections shall have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years."

Section 13. Effective upon this act becoming a law, subsections (1) and (4) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)*(a)* The supervisor may accept a request for an absentee ballot from an elector *in person or in writing.* ~~or for an elector from any person designated by such elector. Such request may be made in person, by mail, or by telephone.~~ One request shall be deemed sufficient to receive an absentee ballot for all elections which are held within a calendar year, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested;

2. The elector's address;

3. The last four digits of the elector's social security number;

4. The registration number on the elector's registration identification card;

5. The requester's name;

6. The requester's address;

7. The requester's social security number and, if available, driver's license number;

8. The requester's relationship to the elector; and

9. The requester's signature (written requests only).

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. The advance absentee ballot for the

general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(b) As soon as the remainder of the absentee ballots are printed, the supervisor shall *provide* ~~deliver or mail~~ an absentee ballot to each elector by whom a request for that ballot has been made *by one of the following means:*~~.~~

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor, unless the elector specifies in the request that:

a. The elector is absent from the county and does not plan to return before the day of the election;

b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

c. The elector is in a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility,

in which case the supervisor shall mail the ballot nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

2. By forwardable mail to voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Voting Act.

3. By personal delivery to the elector, upon presentation of the identification required in s. 101.657.

4. By delivery to a designee on election day or up to 4 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

Section 14. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, ____, am a qualified and registered voter of ____ County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

1. I am unable without another's assistance to attend the polls.

2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.

3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.

4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.

5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.

6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

(Voter's Signature)

(Last four digits of voter's social security number)

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this ____ day of _____, (year), by (name of person making statement). My commission expires this ____ day of _____, (year).

(Signature of Official)

(Print, Type, or Stamp Name)

(State or Country of Commission)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

OR

b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

(Signature of Witness)

(Printed Name of Witness)

(Voter I.D. Number of Witness and County of Registration)

(Address)

(City/State)

~~Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.~~

~~VOTER'S CERTIFICATE~~

~~I, (print name) , do solemnly swear or affirm that I am a qualified elector in this election, that I am unable to attend the polls on election day, and that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.~~

(Voter's Signature)

~~Note: Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in Item 7. of the Instruction Sheet.~~

~~I swear or affirm that the elector signed this Voter's Certificate in my presence.~~

(Signature of Witness)

(Address) (City/State)

Section 15. Section 101.647, Florida Statutes, is created to read:

101.647 Return of absentee ballots.—

(1) Absentee ballots must be returned to the supervisor of elections by the elector, either in person or by mail.

(2) If the elector is unable to mail or personally deliver the ballot, the elector may designate in writing a person who may return the ballot for the elector; however, the person designated may not return more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be returned for members of the designee's immediate family. For purposes of this section, the term "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee must provide to the supervisor the written authorization by the elector and a picture identification of the designee.

Section 16. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.

2. Mark your ballot in secret as instructed on the ballot. *You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.*

3. Place your marked ballot in the enclosed secrecy envelope.

4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

6. VERY IMPORTANT. *In order for your absentee ballot to be counted, you must* sign your name on the line above ~~"~~(Voter's Signature), *place the last four digits of your Social Security number in the space provided, and your ballot must be witnessed in either of the following manners:*~~."~~

a. One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing five ballots per election unless certified as an absentee ballot coordinator. A candidate may not serve as an attesting witness.

b. Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.

~~7. VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. No candidate may serve as an attesting witness.~~

7.~~8.~~ Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

8. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false of fraudulent.

Section 17. Section 101.657, Florida Statutes, is created to read:

101.657 Voting absentee ballots in person.—Notwithstanding s. 97.021(1), any qualified and registered elector who is unable to attend the polls on election day may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49.

Section 18. Effective upon this act becoming a law, section 101.66, Florida Statutes, is created to read:

101.66 Voting absentee ballots.—All electors must personally mark or designate their choices on the absentee ballot, except:

(1) Electors who require assistance to vote because of blindness, disability, or inability to read or write, who may have some person of the elector's choice, other than the elector's employer, an agent of the employer, or an officer or agent of the elector's union, mark the elector's choices or assist the elector in marking his or her choices on the ballot.

(2) As otherwise provided in s. 101.051 or s. 101.655.

Section 19. Section 101.665, Florida Statutes, is amended to read:

101.665 Administration of oaths; military personnel, federal employees, and other absentee registrants.—For the purposes of this code, oaths may be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, any civilian official empowered by state or federal law to administer oaths, *any supervisor of elections, deputy supervisor of elections, or employee of the supervisor of elections when designated by the supervisor of elections,* or any civilian employee designated by the head of any department or agency of the United States, except when this code requires an oath to be administered and attested by another official specifically named.

Section 20. Section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor may compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to determine whether the elector is duly registered in the county and may record on the elector's registration certificate that the elector has voted. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote.

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin upon the opening of the polls on election day. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be made until after the close of the polls on election day.

(b) To ensure that all absentee ballots to be counted by the canvassing board are accounted for, the canvassing board shall compare the number of ballots in its possession with the number of requests for ballots received to be counted according to the supervisor's file or list.

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. An absentee ballot shall be considered illegal if it does not include the signature *and the last four digits of the social security number* of the elector, as shown by the registration records, and *either:*

a. The subscription of a notary or officer defined in Item 6.b. of the instruction sheet, or

b. The signature, printed name, address, voter identification number, and county of registration of one attesting witness, who is a registered voter in the state. ~~the signature and address of an attesting witness.~~

However, an absentee ballot shall not be considered illegal if the signature of the elector or attesting witness does not cross the seal of the mailing envelope *or if the person witnessing the ballot is in violation of s. 104.047(3).* If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

2. If any elector or candidate present believes that an absentee ballot is illegal due to a defect apparent on the voter's certificate, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate may not be accepted after the ballot has been removed from the mailing envelope.

(d) The canvassing board shall record the ballot upon the proper record, unless the ballot has been previously recorded by the supervisor. The mailing envelopes shall be opened and the secrecy envelopes shall be mixed so as to make it impossible to determine which secrecy envelope came out of which signed mailing envelope; however, in any county in which an electronic or electromechanical voting system is used, the ballots may be sorted by ballot styles and the mailing envelopes may be opened and the secrecy envelopes mixed separately for each ballot style. The votes on absentee ballots shall be included in the total vote of the county.

(3) The supervisor or the chair of the county canvassing board shall, after the board convenes, have custody of the absentee ballots until a final proclamation is made as to the total vote received by each candidate.

(4) The supervisor of elections shall, on behalf of the county canvassing board, notify each elector whose ballot was rejected as illegal because of a difference between the elector's signature on the ballot and that on the elector's voter registration record. The supervisor shall mail a voter registration application to the elector to be completed indicating the elector's current signature. This section does not prohibit the supervisor from providing additional methods for updating an elector's signature.

Section 21. Section 101.685, Florida Statutes, is created to read:

101.685 Absentee ballot coordinators.—

(1)(a) At least 28 days before a general or special election, the state executive committee of any political party having a candidate on the ballot may submit to the division a list of persons to be absentee ballot coordinators. Each state executive committee may designate a number of absentee ballot coordinators equal to the number of state Senate districts. However, for a special election for state senator or member of the House of Representatives, each state executive committee may designate no more than 10 absentee ballot coordinators. Absentee ballot coordinators may not be designated for primary elections or for elections involving only municipal or nonpartisan candidates.

(b) The Division of Elections shall investigate the criminal background of each designee. Any designee who has been convicted of a crime relating to elections shall not be certified as an absentee ballot coordinator, and the division shall so notify the designee and the appropriate political party.

(2) The list must contain the full name, address and Florida voter registration number of each absentee ballot coordinator.

(3) An absentee ballot coordinator must submit to the political party the information required in subsection (2) and an affidavit from the absentee ballot coordinator that he or she has read and understands chapter 104.

(4) Certification of an individual as an absentee ballot coordinator under this section is valid until the polls close on the day of the election for which the coordinator is designated, and the state executive committee of a political party submitting a list of absentee ballot coordinators under this section must maintain the records required in subsection (3) for 2 years.

(5) Notwithstanding any other provision of this chapter, an absentee ballot coordinator may witness an unlimited number of absentee ballots in the general or special election for which designated.

Section 22. Subsection (2) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(2) Each member of the election board shall be able to read and write the English language and shall be a registered qualified elector of the county in which the member is appointed *or a person who has preregistered to vote, pursuant to s. 97.041(1)(b), in the county in which the member is appointed.* No election board shall be composed solely of members of one political party; however, in any primary in which only one party has candidates appearing on the ballot, all clerks and inspectors may be of that party. Any person whose name appears as an opposed candidate for any office shall not be eligible to serve on an election board.

Section 23. Section 104.012, Florida Statutes, is amended to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation; alteration of registration application.—

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084.* This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

(2) A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083 , *or s. 775.084,* and, upon any subsequent conviction, commits a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084.*

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084.*

Section 24. Section 104.013, Florida Statutes, is amended to read:

104.013 Unauthorized use, possession, or destruction of voter registration identification card.—

(1) It is unlawful for any person knowingly to have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter registration identification card unless possession by such person has been duly authorized by the supervisor.

(2) It is unlawful for any person to barter, trade, sell, or give away a voter registration identification card unless said person has been duly authorized to issue a registration identification card.

(3) It is unlawful for any person willfully to destroy or deface the registration identification card of a duly registered voter.

(4) Any person who violates any of the provisions of this section commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 25. Section 104.045, Florida Statutes, is amended to read:

104.045 Vote selling.—Any person who:

(1) Corruptly offers to vote for or against, or to refrain from voting for or against, any candidate in any election in return for pecuniary or other benefit; or

(2) Accepts a pecuniary or other benefit in exchange for a promise to vote for or against, or to refrain from voting for or against, any candidate in any election,

is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 26. Section 104.047, Florida Statutes, is created to read:

104.047 Absentee voting.—

(1) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, except as provided in ss. 101.6105-101.694, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Except as provided in s. 101.62 or s. 101.655, any person who requests an absentee ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person, other than a notary or other officer entitled to administer oaths or an absentee ballot coordinator as provided by s. 101.685, who witnesses more than 5 ballots in any single election, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.66, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who returns more than 2 absentee ballots to the supervisors of elections in violation of s. 101.647 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 27. Subsection (4) of section 104.051, Florida Statutes, is amended to read:

104.051 Violations; neglect of duty; corrupt practices.—

(4) Any supervisor, deputy supervisor, or election employee who attempts to influence or interfere with any elector voting a ballot *commits* ~~is guilty of~~ a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 28. Section 104.0515, Florida Statutes, is amended to read:

104.0515 Voting rights; deprivation of, or interference with, prohibited; penalty.—

(1) All citizens of this state who are otherwise qualified by law to vote at any election by the people in this state or in any district, county, city, town, municipality, school district, or other subdivision of this state shall be entitled and allowed to vote at all such elections without distinction according to race, color, or previous condition of servitude, notwithstanding any law, ordinance, regulation, custom, or usage to the contrary.

(2) No person acting under color of law shall:

(a) In determining whether any individual is qualified under law to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under law to other individuals within the same political subdivision who have been found to be qualified to vote; or

(b) Deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under law to vote in such election. This paragraph shall apply to absentee ballots only if there is a pattern or history of discrimination on the basis of race, color, or previous condition of servitude in regard to absentee ballots.

(3) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or not to vote as that person may choose, or for the purpose of causing such other person to vote for, or not vote for, any candidate for any office at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(4) No voting qualification or prerequisite to voting, and no standard, practice, or procedure, shall be imposed or applied by any political subdivision of this state to deny or abridge the right of any citizen to vote on account of race or color.

(5) Any person who violates the provisions of this section is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 29. Subsection (1) of section 104.061, Florida Statutes, is amended to read:

104.061 Corruptly influencing voting.—

(1) Whoever by bribery, menace, threat, or other corruption whatsoever, either directly or indirectly, attempts to influence, deceive, or deter any elector in voting or interferes with him or her in the free exercise of the elector's right to vote at any election *commits* ~~is guilty of~~ a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084* for the first conviction, and a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any subsequent conviction.

Section 30. Section 104.081, Florida Statutes, is amended to read:

104.081 Threats of employers to control votes of employees.—It *is* ~~shall be~~ unlawful for any person having one or more persons in his or her service as employees to discharge or threaten to discharge any employee in his or her service for voting or not voting in any election, state, county, or municipal, for any candidate or measure submitted to a vote of the people. Any person who violates the provisions of this section is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 31. Section 104.24, Florida Statutes, is amended to read:

104.24 Penalty for assuming name.—*A person may not* ~~No registered elector shall~~, in connection with any part of the election process, fraudulently call himself or herself, or fraudulently pass by, any other name than the name by which the *person* ~~elector~~ is registered or fraudulently use the name of another in voting. Any person who violates this section is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084*.

Section 32. Section 104.42, Florida Statutes, is amended to read:

104.42 Fraudulent registration and illegal voting; investigation.—

(1) The supervisor of elections is authorized to investigate fraudulent registrations and illegal voting and to report his or her findings to the local state attorney and the Florida Elections Commission.

(2) The board of county commissioners in any county may appropriate funds *to the supervisor of elections* for the purpose of investigating fraudulent registrations and illegal voting.

Section 33. Subsection (2) of section 117.05, Florida Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(2)*(a)* The fee of a notary public may not exceed $10 for any one notarial act, except as provided in s. 117.04.

(b) A notary public may not charge a fee for witnessing an absentee ballot in an election, and must witness such a ballot upon the request of an elector, provided the notarial act is in accordance with the provisions of this chapter.

Section 34. Section 106.25, Florida Statutes, is amended to read:

106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.—

(1) Jurisdiction to investigate and determine violations of this chapter *and chapter 104* is vested in the Florida Elections Commission; however, nothing in this section limits the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) The commission shall investigate all violations of this chapter *and chapter 104*, but only after having received either a sworn complaint or information reported to it by the Division of Elections. Any person, other than the division, having information of any violation of this chapter *or chapter 104* shall file a sworn complaint with the commission. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator. *All sworn complaints alleging violations of the Florida Elections Code over which the commission has jurisdiction shall be filed with the commission within 2 years of the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission.*

(3) For the purposes of commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter *or chapter 104* or the willful failure to perform an act required by this chapter *or chapter 104*.

(4) The commission shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred. Upon completion of the preliminary investigation, the commission shall, by written report, find probable cause or no probable cause to believe that this chapter or *chapter 104* ~~s. 104.271~~ has been violated.

(a) If no probable cause is found, the commission shall dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator.

(b) If probable cause is found, the commission shall so notify the complainant and the alleged violator in writing. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

In a case where probable cause is found, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred.

(5) When there are disputed issues of material fact in a proceeding conducted under ss. 120.569 and 120.57, a person alleged by the Elections Commission to have committed a violation of *this chapter or chapter 104* ~~the Florida Election Code~~ may elect, within 30 days after the date of the filing of the commission's allegations, to have a hearing conducted by an administrative law judge in the Division of Administrative Hearings.

(6) It is the duty of a state attorney receiving a complaint referred by the commission to investigate the complaint promptly and thoroughly; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of such investigation, the action taken, and the disposition thereof. The failure or refusal of a state attorney to prosecute or to initiate action upon a complaint or a referral by the commission shall not bar further action by the commission under this chapter.

(7) Every sworn complaint filed pursuant to this chapter with the commission, every investigation and investigative report or other paper of the commission with respect to a violation of this chapter *or chapter 104*, and every proceeding of the commission with respect to a violation of this chapter *or chapter 104* is confidential, is exempt from the provisions of ss. 119.07(1) and 286.011, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation, except under the following circumstances:

(a) As provided in subsection (6);

(b) Upon a determination of probable cause or no probable cause by the commission; or

(c) For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter *or chapter 104*, the commission may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 35. Subsection (11) of section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(11) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter *or chapter 104* has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

Section 36. Subsections (1) and (2) of section 106.265, Florida Statutes, are amended to read:

106.265 Civil penalties.—

(1) The commission is authorized upon the finding of a violation of this chapter *or chapter 104* to impose civil penalties in the form of fines not to exceed $1,000 per count. In determining the amount of such civil penalties, the commission shall consider, among other mitigating and aggravating circumstances:

(a) The gravity of the act or omission;

(b) Any previous history of similar acts or omissions;

(c) The appropriateness of such penalty to the financial resources of the person, political committee, committee of continuous existence, or political party; and

(d) Whether the person, political committee, committee of continuous existence, or political party has shown good faith in attempting to comply with the provisions of this chapter *or chapter 104*.

(2) If any person, political committee, committee of continuous existence, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the *Department of Revenue* ~~State Comptroller~~ shall be responsible for collecting the civil penalties resulting from such action.

Section 37. Subsections (1) and (3) of section 106.27, Florida Statutes, are amended to read:

106.27 Determinations by commission; legal disposition.—

(1) Criminal proceedings for violations of this chapter *or chapter 104* may be brought in the appropriate court of competent jurisdiction. Any such action brought under this chapter *or chapter 104* shall be advanced on the docket of the court in which filed and put ahead of all other actions.

(3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter *or chapter 104*. Such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which is located the officer before whom the candidate qualified for office.

Section 38. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.—

(1) The property appraiser shall examine each claim for exemption filed with or referred to him or her and shall allow the same, if found to be in accordance with law, by marking the same approved and by making the proper deductions on the tax books.

(2) The property appraiser shall examine each referral, of a person registering to vote at an address different from the one where the person has filed for a homestead exemption, which has been provided by a supervisor of elections pursuant to s. 98.015. The property appraiser shall initiate procedures to terminate a person's homestead exemption and assess back taxes, if appropriate, if the person claiming such exemption is not entitled to the exemption under law.

Section 39. *The sum of $4 million is appropriated from the General Revenue Fund to the Division of Elections of the Department of State for the purpose of meeting its obligations under this act.*

Section 40. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 98.015, F.S.; requiring supervisors of elections to notify property appraisers of voters who are registered at an address other than the voters homestead address; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.052, F.S.; modifying uniform statewide voter registration application; amending s. 97.053, F.S.; amending the standards for accepting the uniform statewide voter registration application; creating s. 97.056, F.S.; providing that persons who register to vote by mail must vote in person at first election after registration; providing exceptions; amending s. 97.071, F.S.; providing that voter registration cards be mailed to the legal residence address on the voter registration form; providing exceptions; creating s. 98.0975, F.S.; providing periodic list maintenance to the central voter file; amending s. 98.461, F.S.; providing forms of picture identification included on precinct register; amending s. 98.471, F.S.; requiring photo identification to vote at the polls; providing an exception; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.5611, F.S.; requiring a notice of penalties for voting fraud be posted at each polling place; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the voter's certificate; providing reasons for voting absentee; requiring additional information from the voter and the witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising instructions to absentee electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absentee voters to personally mark their ballot; providing exceptions; amending s. 101.665, F.S.; providing that supervisors of elections and other specified persons may administer oaths; amending s. 101.68, F.S.; relating to canvassing of absentee ballots; revising the requirements for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots are rejected; creating s. 101.685, F.S.; providing for designation of absentee ballot coordinators to witness absentee ballots; amending s. 102.012, F.S.; providing that persons who are preregistered to vote may serve on election boards; amending s. 104.012, F.S.; increasing the penalty for paying someone to register, interfering with registration, paying someone to solicit registrations on a contingent fee basis, or altering a voter registration; amending s. 104.013, F.S.; increasing the penalty for unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.045, F.S.; increasing the penalty for vote selling; creating s. 104.47, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.051, F.S.; increasing the penalty for an election official interfering with voting; amending s. 104.0515, F.S.; increasing the penalty for deprivation of voting rights; amending s. 104.061; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for using a false name in connection with voting; amending s. 104.42, F.S.; authorizing supervisors of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; providing that a notary may not charge a fee for witnessing an absentee ballot and may not refuse to witness an absentee ballot; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing a time period for filing complaints with the commission; providing for civil penalties; amending s. 196.141, F.S.; requiring property appraiser examine the homestead exemption of persons referred by the supervisor of elections to determine lawfulness and to initiate procedures to terminate the exemption and assess back taxes if appropriate; providing an appropriation; providing an effective date.

On motion by Senator Silver, the rules were waived by two-thirds vote and the Conference Committee Report on **CS for SB 1402** was read the second time.

On motion by Senator Silver, the Conference Committee Report was adopted and **CS for SB 1402** passed as recommended and by two-thirds vote was immediately certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—30

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Lee	Turner
Clary	Gutman	McKay	
Cowin	Harris	Meadows	

Nays—9

Casas	Hargrett	Laurent	Thomas
Childers	Holzendorf	Ostalkiewicz	Williams
Dudley			

CONSIDERATION OF BILLS ON THIRD READING, continued

CS for CS for SB 2288—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 984.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an

intake counselor or case manager; amending s. 985.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; providing that penalties imposed for an escape from detention or a commitment facility apply to a juvenile who escapes from a maximum-risk residential facility; conforming cross-references to changes made by the act; amending ss. 985.207, 985.208, F.S., relating to conditions for taking a juvenile into custody and detention; conforming provisions to changes made by the act; amending s. 985.209, F.S.; providing for the Department of Juvenile Justice to establish juvenile assessment centers; providing for the centers to be operated through cooperative agreements with other state agencies; providing for intake and screening services; amending ss. 985.21, 985.211, F.S.; providing for certain functions formerly considered case-management functions to be probation functions; amending s. 985.215, F.S.; conforming terminology to changes made by the act; requiring that a juvenile held in secure detention awaiting dispositional placement meet certain criteria for detention; amending s. 985.216, F.S.; deleting a provision authorizing placement of a juvenile in a secure residential commitment facility for direct or indirect contempt of court; amending s. 985.223, F.S.; revising procedures for determining competency in juvenile delinquency cases; prescribing duties of courts, the Department of Juvenile Justice, and the Department of Children and Family Services; amending ss. 985.226, 985.23, F.S., relating to criteria for waiver of jurisdiction and disposition hearings in delinquency cases; conforming provisions to changes made by the act; amending s. 985.231, F.S.; providing for placing a juvenile on home detention with electronic monitoring if a residential consequence unit is not available; amending ss. 985.301, 985.304, F.S., relating to civil citations and community arbitration; conforming provisions to changes made by the act; deleting certain references to case-management services; amending s. 985.307, F.S.; extending the period during which the Department of Juvenile Justice is authorized to operate juvenile assignment centers; providing for pre-adjudicatory assessments; amending ss. 985.31, 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 944.401, F.S., relating to the offense of escaping from secure detention or a residential commitment facility; conforming a cross-reference; amending s. 985.406, F.S., relating to juvenile justice training academies; conforming provisions to changes made by the act; amending s. 985.412, F.S.; relating to quality assurance; requiring evaluation of each program operated by the department; requiring program changes and notification to the Executive Office of the Governor and Legislature of corrective action, under specified circumstances when a department-operated program fails to meet established minimum thresholds; providing for appropriate corrective action, including disciplinary action against employees under specified circumstances; providing for the Department of Juvenile Justice to ensure the reliability of the annual report; amending s. 985.413, F.S.; increasing the number of consecutive terms that may be served by a member of a district juvenile justice board; deleting an exemption from such limitation; amending s. 985.414, F.S.; specifying the parties to be included in an interagency agreement for developing a county juvenile justice plan; amending s. 985.415, F.S.; revising eligibility requirements for a Community Juvenile Justice Partnership Grant; amending s. 938.19, F.S.; authorizing the assessment of certain fees for the purpose of operating and administering a teen court, notwithstanding certain contrary provisions; providing effective dates.

—as amended April 23 was read the third time by title.

Senator Gutman moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 69, line 26, delete "16" and insert: 17

On motions by Senator Gutman, **CS for CS for SB 2288** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Bankhead	Childers	Dyer	Harris
Bronson	Clary	Forman	Holzendorf
Brown-Waite	Cowin	Geller	Horne
Burt	Crist	Grant	Kirkpatrick
Campbell	Diaz-Balart	Gutman	Klein
Casas	Dudley	Hargrett	Kurth
Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	
McKay	Rossin	Thomas	

Nays—None

MOTION

On motion by Senator Bankhead, by two-thirds vote **SB 2040** was placed on the Consent Calendar for this day.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:22 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

SENATOR BURT PRESIDING

The Senate was called to order by Senator Burt at 1:24 p.m. A quorum present—29:

Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Cowin	Hargrett	McKay	
Crist	Harris	Meadows	
Dudley	Horne	Ostalkiewicz	

CONSENT CALENDAR

CS for SB 140—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for certain records furnished pursuant to certain housing assistance programs; providing a statement of public necessity; providing for future review and repeal; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 140** to **CS for HB 1613**.

Pending further consideration of **CS for SB 140** as amended, on motion by Senator Forman, by two-thirds vote **CS for HB 1613** was withdrawn from the Committee on Community Affairs.

On motion by Senator Forman—

CS for HB 1613—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for certain records furnished pursuant to certain housing assistance programs; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 140** as amended and read the second time by title. On motions by Senator Forman, by two-thirds vote **CS for HB 1613** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—29

Bronson	Crist	Gutman	Latvala
Brown-Waite	Dudley	Hargrett	Laurent
Burt	Dyer	Harris	Lee
Campbell	Forman	Horne	McKay
Casas	Geller	Kirkpatrick	Meadows
Cowin	Grant	Klein	Ostalkiewicz

Rossin	Sullivan	Turner	Williams
Silver			

Nays—None

Vote after roll call:

Yea—Childers

On motion by Senator Meadows, by two-thirds vote **CS for HB 767** was withdrawn from the Committees on Criminal Justice and Judiciary.

On motion by Senator Meadows—

CS for HB 767—A bill to be entitled An act relating to violations involving checks; amending s. 68.065, F.S.; providing for triple damages, court costs, and attorney's fees with respect to certain civil actions to recover fines due on stop payments on checks, drafts, or orders of payment; amending s. 166.251, F.S.; revising language with respect to service fee for dishonored checks; amending s. 832.07, F.S., relating to prima facie evidence of identity with regard to prosecution of bad check charges; removing "race" as a required element of establishing the identity of the person presenting the check; providing an effective date.

—a companion measure, was substituted for **SB 212** and read the second time by title. On motions by Senator Meadows, by two-thirds vote **CS for HB 767** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—32

Bronson	Dudley	Holzendorf	Meadows
Brown-Waite	Dyer	Horne	Ostalkiewicz
Burt	Forman	Kirkpatrick	Rossin
Campbell	Geller	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Laurent	Thomas
Cowin	Hargrett	Lee	Turner
Crist	Harris	McKay	Williams

Nays—None

Consideration of **CS for SB 244** and **SB 354** was deferred.

CS for SB 418—A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.29, F.S.; deleting requirement for appointment based upon race or gender and requiring consideration of those factors in making appointments; providing for the judicial nominating commission of a judicial circuit to include among its members and electors at least one resident from each county within the judicial circuit; providing an effective date.

—was read the second time by title. On motions by Senator Bronson, by two-thirds vote **CS for SB 418** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—32

Bronson	Crist	Harris	Meadows
Brown-Waite	Dudley	Horne	Ostalkiewicz
Burt	Dyer	Kirkpatrick	Rossin
Campbell	Forman	Klein	Silver
Casas	Geller	Kurth	Sullivan
Childers	Grant	Laurent	Thomas
Clary	Gutman	Lee	Turner
Cowin	Hargrett	McKay	Williams

Nays—None

On motion by Senator Ostalkiewicz, by two-thirds vote **CS for CS for HB 1093** was withdrawn from the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Community Affairs.

On motion by Senator Ostalkiewicz—

CS for CS for HB 1093—A bill to be entitled An act relating to taxation of homes for the aged; amending s. 196.1976, F.S.; providing that the provisions of s. 196.1975, F.S., relating to the ad valorem tax exemption for nonprofit homes for the aged, are severable, rather than nonseverable; creating s. 196.1977, F.S.; providing an exemption for each apartment in certain continuing care facilities occupied by a person who holds a continuing care contract, who makes the apartment his or her permanent home, and who is not eligible for homestead exemption; providing procedures and requirements; providing legislative intent; providing an effective date.

—a companion measure, was substituted for **CS for SB 636** and read the second time by title. On motions by Senator Ostalkiewicz, by two-thirds vote **CS for CS for HB 1093** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—33

Bronson	Dudley	Horne	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Geller	Kurth	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Ostalkiewicz	

Nays—None

SB 790—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating an Everglades River of Grass license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1—On page 2, lines 14-17, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

On motions by Senator Crist, by two-thirds vote **SB 790** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Holzendorf	Myers
Bronson	Dudley	Horne	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Laurent	Sullivan
Childers	Gutman	Lee	Thomas
Clary	Hargrett	McKay	Turner
Cowin	Harris	Meadows	Williams

Nays—None

CS for SB 794—A bill to be entitled An act relating to violations of traffic law; amending s. 318.18, F.S.; prescribing additional assessments to be made by courts with respect to traffic infractions to be used to fund law enforcement education and training; amending s. 316.1935, F.S.; providing that it is a third-degree felony for a person to willfully flee or attempt to elude a law enforcement officer in a marked patrol vehicle; providing that, it is a second-degree felony for a person to drive at high speed, or in any manner demonstrating a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer in a marked patrol vehicle;

providing that the offense of aggravated fleeing or eluding a law enforcement officer is a second-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; revising the ranking of such offenses to conform to changes made by the act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 794** to **HB 4059**.

Pending further consideration of **CS for SB 794** as amended, on motion by Senator Dudley, by two-thirds vote **HB 4059** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Dudley—

HB 4059—A bill to be entitled An act relating to violations of traffic law; amending s. 316.1935, F.S.; providing that it is a third-degree felony for a person to willfully flee or attempt to elude a law enforcement officer in a marked patrol vehicle; providing that, it is a second-degree felony for a person to drive at high speed, or in any manner demonstrating a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer in a marked patrol vehicle; providing that the offense of aggravated fleeing or eluding a law enforcement officer is a second-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; revising the ranking of such offenses to conform to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 794** as amended and read the second time by title. On motions by Senator Dudley, by two-thirds vote **HB 4059** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

On motion by Senator Cowin, by two-thirds vote **HB 1705** was withdrawn from the Committees on Judiciary; and Rules and Calendar.

On motion by Senator Cowin—

HB 1705—A bill to be entitled An act relating to access to the courts for vulnerable elders; providing legislative findings and intent; defining the term "elder"; requesting the Judicial Management Council or another court committee to evaluate the accessibility of the courts to elders and make recommendations to improve the responsiveness of the courts; providing an effective date.

—a companion measure, was substituted for **SB 828** and read the second time by title. On motions by Senator Cowin, by two-thirds vote **HB 1705** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Cowin	Hargrett	Laurent
Bronson	Crist	Harris	Lee
Brown-Waite	Dudley	Holzendorf	McKay
Burt	Dyer	Horne	Meadows
Campbell	Forman	Kirkpatrick	Myers
Casas	Geller	Klein	Ostalkiewicz
Childers	Grant	Kurth	Rossin
Clary	Gutman	Latvala	Scott
Silver	Thomas	Turner	Williams
Sullivan			

Nays—None

SB 884—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; revising provisions which authorize imposition of an additional tax to pay debt service on bonds issued to finance construction or renovation of a professional sports franchise facility or convention center; removing a condition on use of tax revenues for a convention center; providing an effective date.

—was read the second time by title.

Senators Clary and Rossin offered the following amendment which was moved by Senator Rossin and adopted:

Amendment 1 (with title amendment)—On page 2, lines 5-7, delete those lines and insert:

3. Pay the operation and maintenance costs of a convention center for a period of up to 10 years. Only counties that have elected to levy the tax for the purposes authorized in subparagraph 2. may use the tax for the purposes enumerated in this subparagraph.

~~3. Only counties that have elected to levy the tax initially for the purposes authorized in subparagraph 1. may use the tax for the purposes enumerated in subparagraph 2.~~

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: authorizing use of tax revenues for operation and maintenance of a convention center for a specified period;

On motions by Senator Clary, by two-thirds vote **SB 884** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—34

Bankhead	Dyer	Kirkpatrick	Rossin
Bronson	Forman	Klein	Scott
Brown-Waite	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dudley	Horne	Myers	

Nays—3

Burt	Cowin	Ostalkiewicz

On motion by Senator Campbell, by two-thirds vote **HB 3271** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Campbell—

HB 3271—A bill to be entitled An act relating to grand juries; amending s. 905.01, F.S.; increasing the maximum number of persons which may be appointed to serve on a grand jury; providing an effective date.

—a companion measure, was substituted for **SB 950** and read the second time by title. On motions by Senator Campbell, by two-thirds vote **HB 3271** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Bronson	Clary	Geller	Horne
Brown-Waite	Cowin	Grant	Kirkpatrick
Burt	Crist	Gutman	Klein
Campbell	Dudley	Hargrett	Kurth
Casas	Dyer	Harris	Latvala
Childers	Forman	Holzendorf	Laurent

Lee	Myers	Scott	Thomas
McKay	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams

Nays—None

On motion by Senator Grant, by two-thirds vote **HB 3799** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Grant—

HB 3799—A bill to be entitled An act relating to community colleges; amending ss. 239.117 and 240.35, F.S.; authorizing community colleges to bond capital improvement fees for financing or refinancing equipment, renovation, or remodeling of educational facilities; limiting terms; providing additional allowable uses; amending s. 240.319, F.S.; authorizing community college boards of trustees to issue revenue bonds for the purpose of equipment, renovation, or remodeling of educational facilities; providing an effective date.

—a companion measure, was substituted for **CS for SB 962** and read the second time by title.

THE PRESIDENT PRESIDING

On motions by Senator Grant, by two-thirds vote **HB 3799** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Dudley	Horne	Myers
Bronson	Dyer	Kirkpatrick	Ostalkiewicz
Brown-Waite	Forman	Klein	Rossin
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Clary	Hargrett	Lee	Thomas
Cowin	Harris	McKay	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Childers

On motion by Senator Dyer, by two-thirds vote **HB 3901** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Dyer—

HB 3901—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; providing an additional requirement for school district receipt of lottery funds; amending s. 229.58, F.S.; providing a name requirement for school advisory councils and providing council responsibilities and duties; providing for certain council review; providing for the use of funds; amending s. 229.592, F.S., relating to school improvement and education accountability; conforming provisions relating to release of funds to school districts; requiring notice of certain deficiency; amending s. 230.23, F.S., relating to school board duties; providing requirements for school improvement plans; requiring local-level decisionmaking policies; providing an effective date.

—a companion measure, was substituted for **CS for SB 1158** and read the second time by title. On motions by Senator Dyer, by two-thirds vote **HB 3901** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Campbell	Cowin	Dyer
Bronson	Casas	Crist	Forman
Brown-Waite	Childers	Diaz-Balart	Geller
Burt	Clary	Dudley	Grant
Gutman	Klein	Meadows	Sullivan
Hargrett	Kurth	Myers	Thomas
Harris	Latvala	Ostalkiewicz	Turner
Holzendorf	Laurent	Rossin	Williams
Horne	Lee	Scott	
Kirkpatrick	McKay	Silver	

Nays—None

COMMUNICATION

On motion by Senator Dyer, the following communication was ordered spread upon the Journal:

Honorable John H. Dyer April 24, 1998
Democratic Leader
The Florida Senate

Dear Senator Dyer:

It has been brought to my attention that there may be an administrative problem with some language contained in the engrossed version of House Bill 3901 relating to the release of lottery revenues to school districts which do not comply with section 229.58(1), Florida Statutes. That section relates to the composition of School Advisory Councils. With the implementation date of the bill being July 1, 1998, schools may be adversely affected without having an opportunity to revise the composition of the councils prior to the end of the school year. Unless the legislature directs the department otherwise, the Department of Education will continue to release the funds to the districts on a monthly basis, as we currently do, and give the schools and school districts an opportunity to comply with the law. Since the department is required in section 229.592(4) to provide technical assistance to schools on the composition of School Advisory Councils, we would not consider the schools to be out of compliance until such time as technical assistance was provided.

I hope this provides with you sufficient information. Please let me know if you have any questions.

Sincerely,
Frank T. Brogan
Commissioner of Education

SB 1306—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Protect Wild Dolphins license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

Senator Kurth moved the following amendment which was adopted:

Amendment 1—On page 2, lines 19-22, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

On motions by Senator Kurth, by two-thirds vote **SB 1306** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

CS for CS for SB 1366—A bill to be entitled An act relating to motor vehicles; amending s. 521.004, F.S.; modifying the disclosure form for a motor vehicle lease; amending s. 681.102, F.S.; modifying definitions applicable to motor vehicle sales warranties; providing an effective date.

—was read the second time by title. On motions by Senator Klein, by two-thirds vote **CS for CS for SB 1366** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Harris	Myers
Bronson	Diaz-Balart	Holzendorf	Ostalkiewicz
Brown-Waite	Dudley	Horne	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Geller	Kurth	Sullivan
Childers	Grant	Lee	Thomas
Clary	Gutman	McKay	Turner
Cowin	Hargrett	Meadows	Williams

Nays—None

SB 1750—A bill to be entitled An act relating to the Old Keys Bridges located in Monroe County; amending chapter 86-304, Laws of Florida; providing legislative intent; providing that title to the bridges shall be held by the Board of Trustees of the Internal Improvement Trust Fund; providing an exception; authorizing rather than requiring the board to offer certain leases with respect to the bridges; revising language with respect to such leases; limiting commercial use of the bridges; eliminating obsolete language with respect to appropriations; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 1—On page 3, lines 15 and 16, delete those lines and insert: Such leases shall not create any third party

On motions by Senator Silver, by two-thirds vote **SB 1750** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

SB 1776—A bill to be entitled An act relating to The Florida Sexual Predators Act; amending s. 775.21, F.S.; providing an additional requirement with respect to the duty of law enforcement agencies to inform the community and the public of the presence of a sexual predator; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1776** to **HB 3737**.

Pending further consideration of **SB 1776** as amended, on motion by Senator Holzendorf, by two-thirds vote **HB 3737** was withdrawn from the Committees on Criminal Justice and Community Affairs.

On motion by Senator Holzendorf—

HB 3737—A bill to be entitled An act relating to The Florida Sexual Predators Act; amending s. 775.21, F.S.; providing an additional requirement with respect to the duty of law enforcement agencies to inform the community and the public of the presence of a sexual predator; providing an effective date.

—a companion measure, was substituted for **SB 1776** as amended and read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (7) of section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act; definitions; legislative findings, purpose, and intent; criteria; designation; registration; community and public notification; immunity; penalties.—

(7) COMMUNITY AND PUBLIC NOTIFICATION.—

(a) Law enforcement agencies must inform the community and the public of a sexual predator's presence. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. *Within 48 hours after receiving notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify each licensed day care center, elementary school, middle school, and high school within a 1-mile radius of the temporary or permanent residence of the sexual predator of the presence of the sexual predator.* Information provided to the community and the public regarding a sexual predator must include:

1. The name of the sexual predator;

2. A description of the sexual predator, including a photograph;

3. The sexual predator's current address, including the name of the county or municipality if known;

4. The circumstances of the sexual predator's offense or offenses; and

5. Whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult.

This paragraph does not authorize the release of the name of any victim of the sexual predator.

(c) The department shall notify the public of all designated sexual predators through the Internet. The Internet notice shall include the information required by paragraph (a).

Section 2. This act shall take effect July 1, 1998.

On motions by Senator Holzendorf, by two-thirds vote **HB 3737** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

On motion by Senator Burt, by two-thirds vote **CS for CS for HB 3265** was withdrawn from the Committees on Natural Resources; Transportation; and Ways and Means.

On motion by Senator Burt—

CS for CS for HB 3265—A bill to be entitled An act relating to boating safety and emergency responses; creating the "Kelly Johnson Act"; amending s. 316.003, F.S.; redefining the term "authorized emergency vehicles" to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term "operate" with respect to vessels; amending s. 327.03, F.S.; directing the Department of Highway Safety and Motor Vehicles to keep certain records and perform certain duties; amending s. 327.352, F.S.; revising language with respect to the operation of a vessel while under the influence; providing legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35215, F.S.; restoring a penalty for refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations and equipment and lighting requirements to clarify responsibility for compliance; creating s. 327.355, F.S.; prohibiting the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; providing penalties; defining the term "conviction" for purposes of the section; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB's 1794 and 2200** and read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (with title amendment)—On page 2, line 9 through page 11, line 29, delete all those lines and insert:

Section 2. Subsection (1) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, *the Department of Environmental Protection,* and the Department of Transportation as are designated or authorized by *their respective* ~~the~~ department or the chief of police of an incorporated city or any sheriff of any of the various counties.

Section 3. Subsection (24) of section 327.02, Florida Statutes, is amended to read:

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(24) "Operate" means to be in *charge of or in command of or in* ~~the~~ actual physical control of a vessel upon the waters of this state, or to exercise control over or *to have responsibility for a vessel's navigation or safety while the vessel is underway upon the waters of this state, or to control or* steer a vessel being towed by another vessel upon the waters of the state*; provided, however, that this definition shall not apply to a person on a vessel that is docked or otherwise made fast to the shore and shall not apply to a vessel owner or operator who designates a driver pursuant to s. 327.35.*

Section 4. Effective April 1, 1999, subsection (2) of section 327.03, Florida Statutes, is amended to read:

327.03 Administration of vessel registration and titling laws; records.—

(2) The Department of Highway Safety and Motor Vehicles shall keep records and perform such other clerical duties *as required* pertaining to*:*

(a) Vessel registration and titling ~~as required~~.

(b) Suspension of the vessel operating privilege under ss. 327.35-327.355.

Section 5. Paragraphs (a) and (c) of subsection (1) of section 327.352, Florida Statutes, are amended to read:

327.352 Breath, blood, and urine tests for alcohol, chemical substances, or controlled substances; implied consent; right to refuse.—

(1)(a) *The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore,* any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by so operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath, and to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages, chemical substances, or controlled substances. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of one type of test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath or urine, or both, *will result in a civil penalty of $500. The refusal to submit to a chemical or physical breath or urine test upon the request of a law enforcement officer as provided in this section* is admissible into evidence in any criminal proceeding.

(c) Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. *Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of $500. The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.*

Section 6. Section 327.35215, Florida Statutes, is created to read:

327.35215 Penalty for failure to submit to test.—

(1) A person who is lawfully arrested for an alleged violation of s. 327.35 and who refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352 is subject to a civil penalty of $500.

(2) When a person refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352, a law enforcement officer who is authorized to make arrests for violations of this chapter shall file with the clerk of the court, on a form provided by the department, a certified statement that probable cause existed to arrest the person for a violation of s. 327.35 and that the person refused to submit to a test as required by s. 327.352.

Along with the statement, the officer must also submit a sworn statement on a form provided by the department that the person has been advised of both the penalties for failure to submit to the blood, breath, or urine test and the procedure for requesting a hearing.

(3) A person who has been advised of the penalties pursuant to subsection (2) may, within 30 days afterwards, request a hearing before a county court judge. A request for a hearing tolls the period for payment of the civil penalty, and, if assessment of the civil penalty is sustained by the hearing and any subsequent judicial review, the civil penalty must be paid within 30 days after final disposition. The clerk of the court shall notify the department of the final disposition of all actions filed under this section.

(4) It is unlawful for any person who has not paid a civil penalty imposed pursuant to this section, or who has not requested a hearing with respect to the civil penalty, within 30 calendar days after receipt of notice of the civil penalty to operate a vessel upon the waters of this state. Violation of this subsection is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Moneys collected by the clerk of the court pursuant to this section shall be disposed of in the following manner:

(a) If the arresting officer was employed or appointed by a state law enforcement agency except the Game and Fresh Water Fish Commission, the moneys shall be deposited into the Marine Resources Conservation Trust Fund.

(b) If the arresting officer was employed or appointed by a county or municipal law enforcement agency, the moneys shall be deposited into the law enforcement trust fund of that agency.

(c) If the arresting officer was employed or appointed by the Game and Fresh Water Fish Commission, the money shall be deposited into the State Game Trust Fund.

Section 7. Section 327.50, Florida Statutes, is amended to read:

327.50 Vessel safety regulations; equipment and lighting requirements.—

(1)*(a) The owner and operator of* every vessel on the waters of this state shall carry, store, maintain, and use safety equipment in accordance with current United States Coast Guard safety equipment requirements as specified in the Code of Federal Regulations, unless expressly exempted by *the department* ~~state law~~.

(b) No person shall operate a vessel less than 26 feet in length on the waters of this state unless every person under 6 years of age on board *the* ~~a motorboat, sailboat, or~~ vessel *is wearing* ~~which measures less than 26 feet in length shall wear~~ a type I, type II, or type III Coast Guard approved personal flotation device while such ~~motorboat, sailboat, or~~ vessel is underway. For the purpose of this section, "underway" shall mean at all times except when a ~~motorboat, sailboat, or~~ vessel is anchored, moored, *made fast to the shore,* or aground.

(2) *No person shall operate a vessel on the waters of this state unless said vessel is equipped with properly serviceable* ~~Every vessel on the waters of this state shall display the~~ lights and shapes required by the navigation rules.

(3) The use of sirens or flashing, *occulting,* or revolving ~~red or blue emergency~~ lights on any vessel is prohibited, except *as expressly provided in the navigation rules or annexes thereto* ~~on a vessel operated by a law enforcement officer or fire protection officer in the performance of his or her official duties or on a vessel engaged in emergency rescue activity~~.

Section 8. Section 327.355, Florida Statutes, is created to read:

327.355 Operation of vessels by persons under 21 years of age who have consumed alcoholic beverages.—

(1)(a) Notwithstanding s. 327.35, it is unlawful for a person under the age of 21 who has a breath-alcohol level of 0.02 percent or higher to operate or be in actual physical control of a vessel.

(b) A law enforcement officer who has probable cause to believe that a vessel is being operated by or is in the actual physical control of a person who is under the age of 21 while under the influence of alcoholic beverages or who has any breath-alcohol level may lawfully detain such a person and may request that person to submit to a test to determine his or her breath-alcohol level. If the person under the age of 21 refuses to submit to such testing, the law enforcement officer shall warn the person that failure to submit to the breath test will result in the required performance of 50 hours of public service and that his or her vessel operating privilege will be suspended until the public service is performed. Failure or refusal to submit to a breath test after this warning is a violation of this section.

(2) Any person under the age of 21 who accepts the privilege extended by the laws of this state of operating a vessel upon the waters of this state, by so operating such vessel, is deemed to have expressed his or her consent to the provisions of this section.

(3) A breath test to determine breath-alcohol level pursuant to this section may be conducted as authorized by s. 316.1932 or s. 327.352, or by a preliminary alcohol screening test device listed in the United States Department of Transportation's conforming-product list of evidential breath-measurement devices. The reading from such a device is admissible in evidence in any trial or hearing.

(4) A violation of this section is a noncriminal infraction and being detained pursuant to this section does not constitute an arrest. This section does not bar prosecution under s. 327.35 and the penalties provided herein shall be imposed in addition to any other penalty provided for boating under the influence or for refusal to submit to testing.

(5) Any person who is convicted of a violation of subsection (1) shall be punished as follows:

(a) The court shall order the defendant to participate in public service or a community work project for a minimum of 50 hours;

(b) The court shall order the defendant to refrain from operating any vessel until the 50 hours of public service or community work has been performed; and

(c) Enroll in, attend, and successfully complete a boating safety course that meets minimum standards established by the department by rule.

(6) For the purposes of this section, "conviction" means a finding of guilt or the acceptance of a plea of guilty or nolo contendere, regardless of whether or not adjudication was withheld. Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold imposition of sentence for any violation of this section. Any person who operates any vessel on the waters of this state while his or her vessel operating privilege is suspended pursuant to this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. Effective October 1, 1998, section 327.731, Florida Statutes, is amended to read:

327.731 Mandatory education for violators.—

(1) *Every* ~~The court shall require any~~ person convicted of a criminal violation of this chapter, *every* ~~any~~ person convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, and *every* ~~any~~ person convicted of *two* ~~a~~ noncriminal *infractions* ~~infraction~~ as defined in s. 327.73(1)*(h) through (k), (m) through (p), (s), and (t), said infractions occurring within a 12-month period, must* ~~(f) through (n), excepting (j), to~~:

(a) Enroll in, *attend,* and successfully complete, at his or her own expense, a boating safety course that meets minimum standards established by the department by rule*; however, the department may provide by rule for waivers of the attendance requirement for violators residing in areas where classroom presentation of the course is not available*;

(b) File with the ~~court and the~~ department within 90 days proof of successful completion of the course;

(c) Refrain from operating a vessel until he or she has filed the proof of successful completion of the course with the ~~court and the~~ department.

Any person who has successfully completed an approved boating course shall be exempt from these provisions upon showing proof to the ~~court and the~~ department as specified in paragraph (b).

(2) For the purposes of this section, "conviction" means a finding of guilt, or the acceptance of a plea of guilty or nolo contendere, regardless of whether or not adjudication was withheld or whether imposition of sentence was withheld, deferred, or suspended. Any person who operates a vessel on the waters of this state in violation of the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The department shall print on the reverse side of the defendant's copy of the boating citation a notice of the provisions of this section. Upon conviction, the clerk of the court shall notify the defendant that it is unlawful for him or her to operate any vessel until he or she has complied with this section, but failure of the clerk of the court to provide such a notice shall not be a defense to a charge of unlawful operation of a vessel under subsection (2).

Section 10. Subsection (10) is added to section 327.35, Florida Statutes, to read:

327.35 Boating under the influence; penalties.—

(10) It is the intent of the Legislature to encourage boaters to have a "designated driver" who does not consume alcoholic beverages.

Section 11. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 4 through page 2, line 3, delete those lines and insert: amending s. 316.003, F.S.; redefining the term "authorized emergency vehicles" to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term "operate" with respect to vessels; amending s. 327.03, F.S.; directing the Department of Highway Safety and Motor Vehicles to keep certain records and perform certain duties; amending s. 327.352, F.S.; revising provisions with respect to the operation of a vessel while under the influence; providing legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35215, F.S.; restoring a penalty for refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations and equipment and lighting requirements to clarify responsibility for compliance; creating s. 327.355, F.S.; prohibiting the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; providing penalties; defining the term "conviction" for purposes of the section; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; amending s. 327.35, F.S.; providing legislative intent; providing effective dates.

On motion by Senator Burt, further consideration of **CS for CS for HB 3265** with pending **Amendment 1** was deferred.

CS for CS for SB 1846—A bill to be entitled An act relating to air carriers; directing the Department of Management Services to evaluate the state contract for air carrier service for state employees, to undertake a pilot program, and to adopt purchasing guidelines; directing the Office of Program Policy Analysis and Government Accountability to review the impact of the pilot program and report to the Legislature; authorizing the department to reinstate certain contracts under certain circumstances; directing Enterprise Florida, Inc., to complete a review of the impact of regional airports on economic development in the state; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1846** to **CS for HB 3393**.

Pending further consideration of **CS for CS for SB 1846** as amended, on motion by Senator Williams, by two-thirds vote **CS for HB 3393** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Williams—

CS for HB 3393—A bill to be entitled An act relating to air carriers; directing the Department of Management Services to evaluate the state contract for air carrier service for state employees, undertake a pilot program, and adopt purchasing guidelines; directing the Office of Program Policy Analysis and Government Accountability to review the impact of the pilot program and report to the Legislature; authorizing the department to reinstate certain contracts under certain circumstances; directing Enterprise Florida, Inc., to complete a review of the impact of regional airports on economic development in the State of Florida; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1846** as amended and read the second time by title. On motions by Senator Williams, by two-thirds vote **CS for HB 3393** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

On motion by Senator Silver, by two-thirds vote **CS for CS for HB 1021** was withdrawn from the Committees on Banking and Insurance; and Health Care.

On motion by Senator Silver—

CS for CS for HB 1021—A bill to be entitled An act relating to health care; amending s. 627.6472, F.S., and creating s. 641.3923, F.S.; prohibiting exclusive provider organizations and health maintenance organizations from discriminating against participation by licensed and certified advanced registered nurse practitioners, solely on the basis of such license or certification; providing an effective date.

—a companion measure, was substituted for **CS for SB 2146** and read the second time by title. On motions by Senator Silver, by two-thirds vote **CS for CS for HB 1021** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SB 2276—A bill to be entitled An act relating to Florida School Improvement and Academic Achievement Trust Fund grants; amending s. 236.1229, F.S.; revising funding, allocation, and district-level administration; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 2276** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Clary	Grant	Kurth	Rossin
Cowin	Gutman	Latvala	Scott
Crist	Hargrett	Laurent	Silver
Diaz-Balart	Harris	Lee	Sullivan
Dudley	Holzendorf	McKay	Thomas
Dyer	Horne	Meadows	Turner
Forman	Kirkpatrick	Myers	Williams
Geller	Klein	Ostalkiewicz	

Nays—None

The Senate resumed consideration of—

CS for CS for HB 3265—A bill to be entitled An act relating to boating safety and emergency responses; creating the "Kelly Johnson Act"; amending s. 316.003, F.S.; redefining the term "authorized emergency vehicles" to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term "operate" with respect to vessels; amending s. 327.03, F.S.; directing the Department of Highway Safety and Motor Vehicles to keep certain records and perform certain duties; amending s. 327.352, F.S.; revising language with respect to the operation of a vessel while under the influence; providing legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35215, F.S.; restoring a penalty for refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations and equipment and lighting requirements to clarify responsibility for compliance; creating s. 327.355, F.S.; prohibiting the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; providing penalties; defining the term "conviction" for purposes of the section; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; providing effective dates.

—with pending **Amendment 1** by Senator Burt.

Senator Burt moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 2, line 19, delete "April 1, 1999" and insert: January 1, 1999

Amendment 1 as amended was adopted.

On motions by Senator Burt, by two-thirds vote **CS for CS for HB 3265** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SB 2040—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; requiring the department to establish a residential-tree-replacement program for residential trees removed due to infestation by or exposure to citrus canker disease; requiring the department to prepare a report on the program; providing for submission of the report by January 1, 1999; providing an effective date.

—was read the second time by title. On motions by Senator Gutman, by two-thirds vote **SB 2040** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2054** and **CS for SB 1466** was deferred.

On motion by Senator Dyer, by two-thirds vote **HB 887** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Dyer—

HB 887—A bill to be entitled An act relating to school district expenditures; amending s. 237.081, F.S.; revising provisions relating to the advertisement of a school board's tentative budget; requiring the inclusion of specified information; authorizing rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 1160** and read the second time by title.

Pursuant to Rule 4.19, **HB 887** was placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

CS for SB 1626—A bill to be entitled An act relating to occupational safety and health; amending s. 442.006, F.S.; limiting investigations and penalties to public-sector employers; amending s. 442.008, F.S.; limiting division authority to public-sector employers; providing for voluntary inspections and consultations; amending s. 442.013, F.S.; limiting penalties to public-sector employers; amending s. 442.019, F.S.; limiting compliance to public-sector employers; repealing s. 442.003, F.S., relating to legislative intent; repealing s. 442.009, F.S., relating to right of entry by division representatives; repealing s. 442.0105, F.S., relating to employers whose employees have a high frequency of work–related injuries; repealing s. 442.015, F.S., relating to cancellation of coverage on certain employers; repealing s. 442.017, F.S., relating to penalties for employers who refuse to admit certain investigators; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 3, lines 14-19, delete those lines.

And the title is amended as follows:

On page 1, lines 7 and 8, delete those lines and insert: amending s. 442.013, F.S.;

Amendment 2 (with title amendment)—On page 4, between lines 19 and 20, insert:

Section 5. Section 442.0085, Florida Statutes, is created to read:

442.0085 Employer consultations.—The division may provide safety consultations to employers who are insured pursuant to the joint underwriting plan approved by the Department of Insurance pursuant to s. 627.311(4).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: creating s. 442.0085, F.S.; providing for safety consultations;

Pursuant to Rule 4.19, **CS for SB 1626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1684** was deferred.

On motion by Senator McKay—

CS for SB 1722—A bill to be entitled An act relating to rulemaking authority of school boards (RAB); amending s. 230.23, F.S.; creating s. 230.23005, F.S.; prescribing the rulemaking authority of school boards; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1722** was placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

SB 1976—A bill to be entitled An act relating to the Construction Industry Recovery Fund; amending s. 489.143, F.S.; increasing the aggregate amount that may be paid for claims against any one certificateholder or registrant; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment:

Amendment 1 (with title amendment)—On page 1, lines 15-21, delete those lines and insert: certificateholder or registrant shall not exceed, in the aggregate, $100,000 *annually. Beginning in the 1998 calendar year, any claims approved by the board in excess of the annual cap are eligible for payment in the next and succeeding fiscal years, in the same manner as other claims.*

And the title is amended as follows:

On page 1, delete line 4 and insert: changing the aggregate amount to an annual amount that may be

On motion by Senator Forman, further consideration of **SB 1976** with pending **Amendment 1** was deferred.

On motion by Senator Dudley—

CS for SB 1452—A bill to be entitled An act relating to condominiums and cooperative property; amending ss. 718.103, 719.103, F.S.; defining the term "buyer"; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1452** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for SB 1736—A bill to be entitled An act relating to job training; creating s. 446.609, F.S.; creating a school-to-work program entitled "Jobs for Florida's Graduates"; providing definitions and intent; providing requirements for school and student participation; creating an endowment fund and providing for appropriations and gifts; providing for the investment and deposit of funds in an operating account; creating an endowment foundation as a direct-support organization; providing duties of the foundation and a foundation board of directors; providing for use of funds and startup funding; requiring an annual audit and report; providing for rules; requiring legislative review of the program; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 8, between lines 22 and 23, insert:

Section 3. *(1) There is created a 1-year pilot apprenticeship program at Okaloosa-Walton Community College to develop and implement programs designed to meet employee training needs of business and industry within the community college's service area.*

(2) Okaloosa-Walton Community College shall be recognized as an apprenticeship sponsor under the definition in section 446.071, Florida Statutes, and shall be entitled to four positions as indicated in this section. The community college shall have the responsibility to survey and identify within its service area all business and industry that may benefit from an apprenticeship program, to develop programs to meet those needs, and to implement the programs utilizing funding from the affected industry.

(3) The four positions allocated to Okaloosa-Walton Community College shall be funded by Enterprise Florida, Inc., in the amount not to exceed $200,000. These shall be two job development specialists at a total cost for both positions not to exceed $138,000; one researcher at a total cost not to exceed $34,660; and one secretary at a total cost not to exceed $19,390. Office furniture and supplies shall be funded in the amount of $7,950.

(4) Okaloosa-Walton Community College shall be entitled to apply for continued funding of these positions for 1 additional year if it can prove substantial progress toward meeting the goals of this section. However, it is the intent of the Legislature that, beginning with the third academic year, costs of this program shall be borne substantially by the businesses and industries that take part in the program and that Okaloosa-Walton Community College shall provide all interested areas with a full report on the program and its success.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: creating a 1-year pilot apprenticeship program at Okaloosa-Walton Community College; providing recognition of the community college as an apprenticeship sponsor; providing responsibilities and positions; providing for funding by Enterprise Florida, Inc.; authorizing the community college to apply for continued funding;

Pursuant to Rule 4.19, **CS for SB 1736** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 1684—A bill to be entitled An act relating to the Florida Retirement System (RAB); clarifying provisions throughout ch. 121, F.S., relating to vesting and the normal retirement date for a member; amending s. 121.021, F.S., relating to definitions; revising and adding definitions; amending s. 121.051, F.S., relating to participation in the Florida Retirement System; providing that consultants and independent contractors are ineligible to participate; establishing procedures and requirements for municipalities or special districts that choose to participate in the Florida Retirement System; providing requirements for employers that transfer, merge, or consolidate governmental services or functions; limiting a member's rights following a conviction for causing a shortage in a public account; providing requirements and limitations for a member who is dually employed; amending s. 121.0515, F.S., relating to Special Risk Class membership; providing for retroactive membership in certain cases; requiring certain members who are moved or reassigned to participate in the Special Risk Administrative Support Class; amending s. 121.052, F.S., relating to the Elected State and County Officers' Class; providing for calculating average final compensation; amending s. 121.053, F.S., relating to retired member participation in the Elected State and County Officers' Class; clarifying requirements for creditable service; amending s. 121.055, F.S., relating to the Senior Management Service Optional Annuity Program; clarifying participation requirements; providing for the Optional Annuity Program Trust Fund; providing eligibility requirements for receiving benefits;

providing for administering the program; providing requirements and limitations for a member who is dually employed; amending s. 121.071, F.S., relating to system contributions; providing requirements for contributions for other creditable service; amending s. 121.081, F.S., relating to contributions for past service or prior service; clarifying provisions with respect to required contributions; providing requirements for receiving service credit and prior service credit; amending s. 121.091, F.S., relating to benefits payable under the Florida Retirement System; providing for cancellation of application for retirement benefits; clarifying and consolidating benefit provisions; providing procedures for determining average final compensation; providing for determining disability retirement benefits; providing for optional forms of retirement benefits and disability retirement benefits; providing requirements for determining death benefits; providing for designating beneficiaries; providing for the payment of benefits; authorizing certain deductions from the monthly benefit payment; amending s. 121.111, F.S., relating to credit for military service; providing requirements for determining creditable service; amending s. 121.121, F.S.; providing requirements for purchasing creditable service for authorized leaves of absence; amending s. 121.122, F.S., relating to renewed membership; clarifying requirements for a member who does not claim credit for all postretirement service; creating s. 121.193, F.S., relating to external compliance audits; providing responsibilities of the Division of Retirement of the Department of Management Services with respect to such audits; specifying requirements of participating agencies; amending s. 121.35, F.S., relating to the Optional Retirement Program for the State University System; providing for the application of certain federal requirements; providing for the administration of the Optional Retirement Program Trust Fund; clarifying benefit requirements; providing for responsibilities of the Board of Regents and institutions in the State University System; amending s. 121.40, F.S., relating to the supplemental retirement benefits provided for certain personnel at the Institute of Food and Agricultural Sciences at the University of Florida; providing for the deduction of certain payments from the monthly benefit payment; providing legislative intent with respect to the amendments made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1684** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 502** was deferred.

On motion by Senator Rossin, by two-thirds vote **HB 4231** was withdrawn from the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

On motion by Senator Rossin—

HB 4231—A bill to be entitled An act relating to the Long-Term Care Community Diversion Pilot Project Act; amending s. 430.705, F.S.; providing for choice, to the extent possible, of long-term care service providers affiliated with an individual's religious faith or denomination; providing an effective date.

—a companion measure, was substituted for **CS for SB 2324** and read the second time by title.

Pursuant to Rule 4.19, **HB 4231** was placed on the calendar of Bills on Third Reading.

CS for SB 2128—A bill to be entitled An act relating to regulation of professions; amending ss. 455.209, 455.213, 455.218, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.225, F.S.; revising probable-cause provisions; prescribing authority of the department or a board in cases of failure to comply with continuing-education requirements; conforming provisions to a previous administrative reorganization; amending s. 455.2285, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.667, F.S.; revising provisions relating to ownership and control of patient records; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards under the department to refuse to issue an initial license under circumstances relating to ongoing investigations or prosecutions of certain applicants; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 415.1055, 415.5055, 415.51, 440.13, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.404, 460.4061, 460.407, 461.004, 461.007, 461.013, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, and 937.031, F.S.; correcting references, cross-references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; authorizing the department to issue a physicist-in-training certificate; authorizing the Board of Medicine to adopt by rule practice standards; authorizing the Board of Osteopathic Medicine to adopt by rule practice standards; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, 641.60, F.S.; correcting cross-references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 381.026, 381.0261, 381.0302, 395.0191, 395.1041, 395.301, 404.22, 409.906, 415.503, 440.106, 440.13, 440.134, 440.15, 455.684, 455.691, 455.697, 455.698, 456.31, 456.32, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013, 461.0134, 461.014, 461.015, 461.018, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 627.912, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 893.02, 984.03, F.S.; revising terminology relating to podiatry and podiatrists; authorizing dentists and dental hygienists to be governmental contractors; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; requiring the Department of Health to adopt rules governing insurance coverage for midwives; amending s. 455.564, F.S.; requiring that the Department of Health or a regulatory board adopt rules governing alternative methods by which licensees may obtain continuing education credits in risk management; amending s. 455.574, F.S.; requiring the Department of Health to adopt rules governing licensure examinations; amending s. 468.705, F.S.; requiring that the Department of Health adopt rules governing a protocol between athletic trainers and supervising physicians; amending s. 865.09, F.S., relating to fictitious name registration; providing certain exemptions for persons licensed by the Department of Health; amending ss. 627.6407, 627.6619, F.S.; providing conditions for health insurance coverage of massage; amending s. 458.317, F.S.; providing requirements for a physician who practices under a limited license; amending s. 465.019, F.S.; providing emergency room physician authority to dispense up to a 24-hour drug supply to a patient under certain circumstances; amending s. 468.703, F.S.; revising requirements for members of the Council of Athletic Training; amending s. 766.204, F.S.; revising procedures for the availability of medical records; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which failed:

Amendment 1 (with title amendment)—On page 14, between lines 28 and 29, insert:

Section 9. Paragraph (g) of subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he or she shall be subject to disciplinary action unless, within 30 days from the date of mailing, he or she either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required *either* to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *or to* ~~and~~ provide a written statement to any person to whom medical services are being provided. ~~A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.~~ Such sign *or* ~~and~~ statement shall state: "Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

Section 10. Paragraph (g) of section (5) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he or she shall be subject to disciplinary action unless, within 30 days from the date of mailing, the licensee either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required *either* to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *or to* ~~and~~ provide a written statement to any person to whom medical services are being provided. ~~A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall~~

~~be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.~~ Such sign *or* ~~and~~ statement shall state: "Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: amending ss. 458.320 and 459.0085, F.S.; revising notice requirements of financial responsibility for physicians and osteopathic physicians;

The vote was:

Yeas—14

Madam President	Crist	Kirkpatrick	Scott
Campbell	Gutman	Lee	Williams
Casas	Harris	McKay	
Cowin	Horne	Myers	

Nays—19

Bankhead	Diaz-Balart	Grant	Rossin
Brown-Waite	Dudley	Hargrett	Silver
Burt	Dyer	Holzendorf	Thomas
Childers	Forman	Klein	Turner
Clary	Geller	Kurth	

RECONSIDERATION OF AMENDMENT

On motion by Senator Diaz-Balart, the Senate reconsidered the vote by which **Amendment 1** failed. **Amendment 1** was adopted.

The vote was:

Yeas—22

Madam President	Crist	Laurent	Sullivan
Bronson	Gutman	Lee	Thomas
Campbell	Hargrett	Meadows	Turner
Casas	Holzendorf	Myers	Williams
Childers	Kirkpatrick	Ostalkiewicz	
Cowin	Klein	Scott	

Nays—13

Brown-Waite	Forman	Harris	Latvala
Diaz-Balart	Geller	Horne	Rossin
Dudley	Grant	Kurth	Silver
Dyer			

Senator Rossin moved the following amendment:

Amendment 2 (with title amendment)—On page 14, between lines 28 and 29, insert:

Section 9. Subsection (1) of section 455.661, Florida Statutes, is amended to read:

455.661 Designated health care services; licensure required.—

(1) An entity, as defined in s. 455.654, which furnishes *clinical laboratory services, diagnostic-imaging services, or radiation therapy services* ~~designated health care services~~ may not operate in this state unless licensed by the Agency for Health Care Administration pursuant to subsection (2).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: amending s. 455.661, F.S.; eliminating an entity licensure requirement for comprehensive rehabilitation services;

Senator Dudley moved the following substitute amendment which was adopted:

Amendment 3 (with title amendment)—On page 14, between lines 28 and 29, insert:

Section 9. *Section 455.661, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after "fingerprints;" insert: repealing s. 455.661, F.S., relating to licensure of designated health services;

Senator Myers moved the following amendment which was adopted:

Amendment 4—On page 53, line 27 and on page 57, line 9, after "*settings*" insert: *, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals*

Senator Forman moved the following amendments which were adopted:

Amendment 5 (with title amendment)—On page 54, between lines 10 and 11, insert:

Section 44. Subsection (1) of section 458.337, Florida Statutes, is amended to read:

458.337 Reports of disciplinary actions by medical organizations and hospitals.—

(1)(a) The department shall be notified when any physician:

1. Has been removed or suspended or has had any other disciplinary action taken by his or her peers within any professional medical association, society, body, or professional standards review organization established pursuant to Pub. L. No. 92-603, s. 249F, or similarly constituted professional organization, whether or not such association, society, body, or organization is local, regional, state, national, or international in scope; or

2. Has been disciplined by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home or the medical staff of such a hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home, including allowing the physician to resign, for any act that constitutes a violation of this chapter. If a physician resigns or withdraws from privileges when such facility notifies the physician that it is conducting an investigation or inquiry regarding an act which is potentially a violation of this chapter, the facility shall complete its investigation or inquiry and shall notify the department of the physician's resignation or withdrawal from privileges if the completed investigation or inquiry results in a finding that such act constitutes a violation of this chapter for which the facility would have disciplined the physician or allowed the physician to resign or withdraw from privileges.

(b) Within 20 days of receipt of such notification, the department shall notify all hospitals *and health maintenance organizations* in the state of any disciplinary action which is severe enough for expulsion or resignation reported pursuant to subparagraph (a)2., identifying the disciplined physician, the action taken, and the reason for such action.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: amending s. 458.337, F.S.; requiring the Department of Health to notify health maintenance organizations of specified disciplinary action against physicians;

Amendment 6 (with title amendment)—On page 57, between lines 24 and 25, insert:

Section 49. Subsection (1) of section 459.016, Florida Statutes, is amended to read:

459.016 Reports of disciplinary actions by medical organizations.—

(1) The department shall be notified when any osteopathic physician:

(a) Has been removed or suspended or has had any other disciplinary action taken by her or his peers within any professional medical association, society, body, or professional standards review organization established pursuant to Pub. L. No. 92-603, s. 249F, or similarly constituted professional organization, whether or not such association, society, body, or organization is local, regional, state, national, or international in scope; or

(b) Has been disciplined, which shall include allowing an osteopathic physician to resign, by a licensed hospital or medical staff of said hospital for any act that constitutes a violation of this chapter. If a physician resigns or withdraws from privileges when such facility notifies the physician that it is conducting an investigation or inquiry regarding an act which is potentially a violation of this chapter, the facility shall complete its investigation or inquiry and shall notify the department of the physician's resignation or withdrawal from privileges if the completed investigation or inquiry results in a finding that such act constitutes a violation of this chapter for which the facility would have disciplined the physician or allowed her or him to resign or withdraw from privileges.

Within 20 days of receipt of such notification, upon board approval, the department shall notify all hospitals *and health maintenance organizations* in the state of any disciplinary action which is severe enough for expulsion or resignation reported pursuant to this subsection, identifying the disciplined physician, the action taken, and the reason for such action.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: amending s. 459.016, F.S.; requiring the Department of Health to notify health maintenance organizations of specified disciplinary action against osteopathic physicians;

Senator Myers moved the following amendment which was adopted:

Amendment 7 (with title amendment)—On page 178, lines 3-5, delete those lines and insert:

Section 232. Subsections (2) and (5) of section 455.564, Florida Statutes, are amended to read:

455.564 Department; general licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. *The license shall consist of a wallet-size identification card, a 3-inch by 5-inch certificate, and an 8 1/2-inch by 13-inch wall certificate suitable for conspicuous display.*

And the title is amended as follows:

On page 3, line 26, after the semicolon (;) insert: requiring that the Department of Health issue certain identification cards and certificates;

Senator Diaz-Balart moved the following amendment which failed:

Amendment 8—On page 185, line 20, delete "*hospital*" and insert: *rural hospital*

Senator Hargrett moved the following amendment which failed:

Amendment 9 (with title amendment)—On page 186, between lines 2 and 3, insert:

Section 240. Subsection (12) of section 465.003, Florida Statutes, is amended to read:

465.003 Definitions.—As used in this chapter, the term:

(12) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug*;* ~~and~~ consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders*; and other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the evaluation and monitoring of the patient's health as it relates to drug therapy and assisting the patient in the management of his or her drug therapy, and includes the assessment of the patient's drug therapy and communication with the patient and the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. "Practice of the profession of pharmacy"* ~~The phrase~~ also includes any other act, service, operation, *research,* or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients. *In addition to the authority to order and dispense medicinal drugs independently of an established protocol as set forth in s. 465.186, a pharmacist may also administer immunizations within the framework of an established protocol under a supervisory practitioner who is a physician licensed under chapter 458 or chapter 459 or by written agreement with a county health department. Each protocol must contain specific procedures to address any unforeseen allergic reactions to an immunization. A pharmacist may not enter into a protocol unless he or she maintains at least $200,000 of professional liability insurance and has completed any training in immunizations which is required by the board. The decision by a supervisory practitioner to enter into such a protocol is a professional decision of the practitioner, and no person may interfere with a supervisory practitioner's decision as to whether to enter into such a protocol. A pharmacist may not enter into a protocol that is to be performed while acting as an employee without the written approval of the owner of the pharmacy.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 17, after the first semicolon (;) insert: amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy";

Senator Silver moved the following amendment which was adopted:

Amendment 10 (with title amendment)—On page 187, between lines 2 and 3, insert:

Section 243. Paragraph (e) of subsection (6) of section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(e) On receipt of an application and fee as specified in this section, the department may issue a license to practice medical physics in this state:

1. Until October 1, *1998* ~~1997~~, to a person who meets any of the following requirements:

a. Earned from an accredited college or university a doctoral degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 2 years' experience in the practice of the medical physics specialty for which application is made.

b. Earned from an accredited college or university a master's degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 3 years' experi-

ence in the practice of the medical physics specialty for which application is made.

c. Earned from an accredited college or university a bachelor's degree in physics and has at least 5 years' experience in the practice of the medical physics specialty for which application is made.

d. Has at least 8 years' experience in the practice of the medical physics specialty for which application is made, 2 years of which must have been earned within the 4 years immediately preceding application for licensure.

e. Is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics or the Canadian Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the agency.

2. On or after October 1, 1997, to a person who is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the department.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: amending s. 483.901, F.S.; revising a deadline for issuance of certain licenses to practice medical physics;

Senator Myers moved the following amendment which was adopted:

Amendment 11 (with title amendment)—On page 187, between lines 2 and 3, insert:

Section 242. Subsection (3) of section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(3) Every hospital employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification shall designate a person who shall, *on dates designated by the board, in consultation with the department* ~~on January 1 and July 1 of each year~~, furnish the department with a list of the hospital's employees and such other information as the board may direct. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.

Section 243. Subsection (3) of section 459.021, Florida Statutes, is amended to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(3) Every hospital having employed or contracted with or utilized the services of a person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification shall designate a person who shall furnish, *on dates designated by the board, in consultation with the department* ~~in January and July of each year~~, to the department a list of all such persons who have served in the hospital during the preceding 6-month period. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: amending ss. 458.345, 459.021, F.S.; revising the requirements for a hospital's submission of reports on resident physicians, interns, and fellows;

Senator Silver moved the following amendment which was adopted:

Amendment 12 (with title amendment)—On page 187, between lines 2 and 3, insert:

Section 242. Paragraph (g) of subsection (3) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.

2. Health care services pools, as provided under s. 402.48.

3. The Board of Acupuncture, created under chapter 457.

4. The Board of Medicine, created under chapter 458.

5. The Board of Osteopathic Medicine, created under chapter 459.

6. The Board of Chiropractic *Medicine*, created under chapter 460.

7. The Board of Podiatric Medicine, created under chapter 461.

8. Naturopathy, as provided under chapter 462.

9. The Board of Optometry, created under chapter 463.

10. The Board of Nursing, created under chapter 464.

11. The Board of Pharmacy, created under chapter 465.

12. The Board of Dentistry, created under chapter 466.

13. Midwifery, as provided under chapter 467.

14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

15. The Board of Nursing Home Administrators, created under part II of chapter 468.

16. Occupational therapy, as provided under part III of chapter 468.

17. Respiratory therapy, as provided under part V of chapter 468.

18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part *XIII* ~~XIV~~ of chapter 468.

20. Electrolysis, as provided under chapter 478.

21. The Board of Massage Therapy, created under chapter 480.

22. The Board of Clinical Laboratory Personnel, created under part III of chapter 483.

23. Medical physicists, as provided under part IV of chapter 483.

24. The Board of Opticianry, created under part I of chapter 484.

25. The Board of Hearing Aid Specialists, created under part II of chapter 484.

26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department may contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 243. Subsection (1) of section 322.125, Florida Statutes, is amended to read:

322.125 Medical Advisory Board.—

(1) There shall be a Medical Advisory Board composed of not fewer than 12 or more than 25 members, at least one of whom must be 60 years of age or older and all but one of whose medical and other specialties must relate to driving abilities, which number must include a doctor of medicine who is employed by the Department of Highway Safety and Motor Vehicles in Tallahassee, who shall serve as administrative officer for the board. The executive director of the Department of Highway Safety and Motor Vehicles shall recommend persons to serve as board members. Every member but two must be a doctor of medicine licensed to practice medicine in this or any other state and must be a member in good standing of the Florida Medical Association or the Florida Osteopathic Association. One member must be an optometrist licensed to practice optometry in this state and must be a member in good standing of the Florida Optometric Association. One member must be a *chiropractic physician* ~~chiropractor~~ licensed to practice chiropractic *medicine* in this state. Members shall be approved by the Cabinet and shall serve 4-year staggered terms. The board membership must, to the maximum extent possible, consist of equal representation of the disciplines of the medical community treating the mental or physical disabilities that could affect the safe operation of motor vehicles.

Section 244. Subsection (1) of section 381.0031, Florida Statutes, is amended to read:

381.0031 Report of diseases of public health significance to department.—

(1) Any practitioner, licensed in Florida to practice medicine, osteopathic medicine, chiropractic *medicine*, naturopathy, or veterinary medicine, who diagnoses or suspects the existence of a disease of public health significance shall immediately report the fact to the Department of Health.

Section 245. Paragraph (b) of subsection (2) and subsection (5) of section 381.0302, Florida Statutes, are amended to read:

381.0302 Florida Health Services Corps.—

(2) As used in this section, the term:

(b) "Florida Health Services Corps" means a program authorized by this section which:

1. Offers scholarships to allopathic, osteopathic, chiropractic, podiatric, dental, physician assistant, and nursing students, and loan repayment assistance and travel and relocation expenses to allopathic and osteopathic residents and physicians, *chiropractic physicians* ~~chiropractors~~, podiatrists, nurse practitioners, dentists, and physician assistants, in return for service in a public health care program or in a medically underserved area.

2. Offers membership on a voluntary basis to physicians and other health care personnel who provide uncompensated care.

(5) The department may award scholarships to students studying medicine, osteopathic medicine, chiropractic *medicine*, podiatric, nursing, or dentistry.

(a) The program shall require a student who receives a scholarship to accept an assignment in a public health care program or work in a specific community located in a medically underserved area upon completion of primary care training. The department shall determine assignments. If a practitioner is assigned to a medically underserved area, the practitioner must treat Medicaid patients and other patients with low incomes.

(b) An eligible student must be pursuing a full-time course of study in:

1. Allopathic or osteopathic medicine, including physician assistants;

2. Dentistry;

3. Podiatric medicine;

4. Nursing, including registered nurses, nurse midwives, and other nurse practitioners; or

5. Chiropractic medicine.

(c) In selecting students to participate in the scholarship program, priority shall be given to students who indicate a desire to practice a primary care specialty in a medically underserved area after their obligation is completed and who indicate an intent to practice medical specialties for which the department has a need.

(d) Scholarship assistance shall consist of reimbursement for tuition and other educational costs such as books, supplies, equipment, transportation, and monthly living expense stipends. The department shall pay the same amount for living expense stipends as is paid by the National Health Services Corps. Each monthly living expense stipend shall be for a 12-month period beginning with the first month of each school year in which the student is a participant. The department may reimburse a participant for books, supplies, and equipment based on average costs incurred by participants for these items. The department shall prescribe, by rule, eligible expenses for reimbursement and allowable amounts.

(e) For an allopathic or osteopathic medical student, enrollment in the corps may begin in the second year of medical school or in any year thereafter. For a nursing student or other student, enrollment may occur in any year.

(f) For a student who receives scholarship assistance, participation in the corps after completion of training shall be 1 year for each school year of scholarship assistance, up to a maximum of 3 years. The period of obligated service shall begin when the participant is assigned by the department to a public health program or to a medically underserved area.

Section 246. Subsection (11) of section 382.002, Florida Statutes, is amended to read:

382.002 Definitions.—As used in this chapter, the term:

(11) "Physician" means a person authorized to practice medicine, osteopathic medicine, or chiropractic *medicine* pursuant to chapter 458, chapter 459, or chapter 460.

Section 247. Section 395.0195, Florida Statutes, is amended to read:

395.0195 Access of *chiropractic physicians* ~~chiropractors~~ to diagnostic reports.—Each hospital shall set standards and procedures which provide for reasonable access by licensed *chiropractic physicians* ~~chiropractors~~ to the reports of diagnostic X rays and laboratory tests of licensed facilities, subject to the same standards and procedures as other licensed physicians. However, this section does not require a licensed facility to grant staff privileges to a *chiropractic physician* ~~chiropractor~~.

Section 248. Paragraph (a) of subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopathic physician, medical examiner, *chiropractic physician* ~~chiropractor~~, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. Human rights advocacy committee or long-term care ombudsman council member; or

7. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

Section 249. Paragraph (a) of subsection (1) of section 415.504, Florida Statutes, is amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse hotline.—

(1) Any person, including, but not limited to, any:

(a) Physician, osteopathic physician, medical examiner, *chiropractic physician* ~~chiropractor~~, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

Section 250. Subsection (2) of section 440.106, Florida Statutes, is amended to read:

440.106 Civil remedies; administrative penalties.—

(2) Whenever a physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, podiatrist, or other practitioner is determined to have violated s. 440.105, the Board of Medicine as set forth in chapter 458, the Board of Osteopathic Medicine as set forth in chapter 459, the Board of Chiropractic *Medicine* as set forth in chapter 460, the Board of Podiatric Medicine as set forth in chapter 461, or other appropriate licensing authority, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, or other practitioner.

Section 251. Paragraph (r) of subsection (1) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) DEFINITIONS.—As used in this section, the term:

(r) "Physician" or "doctor" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, each of whom must be certified by the division as a health care provider.

Section 252. Paragraph (k) of subsection (1) of section 440.134, Florida Statutes, is amended to read:

440.134 Workers' compensation managed care arrangement.—

(1) As used in this section, the term:

(k) "Primary care provider" means, except in the case of emergency treatment, the initial treating physician and, when appropriate, continuing treating physician, who may be a family practitioner, general practitioner, or internist physician licensed under chapter 458; a family practitioner, general practitioner, or internist osteopathic physician licensed under chapter 459; a *chiropractic physician* ~~chiropractor~~ licensed under chapter 460; a podiatrist licensed under chapter 461; an optometrist licensed under chapter 463; or a dentist licensed under chapter 466.

Section 253. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the division, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The

certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

Section 254. Subsections (2) and (5) of section 455.564, Florida Statutes, are amended to read:

455.564 Department; general licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. *The licensee shall be issued a wallet-size identification card and a wall certificate suitable for conspicuous display, which shall be no smaller than 8 1/2 inches by 14 inches. The licensee shall surrender to the department the wallet-size identification card and the wall certificate if the licensee's license is suspended or revoked. The department shall promptly return the wallet-size identification card and the wall certificate to the licensee upon reinstatement of a suspended or revoked license.*

(5) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic *Medicine*, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years, which may include up to 1 hour of risk management or cost containment and up to 2 hours of other topics related to the applicable medical specialty, if required by board rule. Each of such boards shall determine whether any specific course requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any course mandated by such board.

Section 255. Paragraph (a) of subsection (3) of section 455.654, Florida Statutes, is amended to read:

455.654 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(a) "Board" means any of the following boards relating to the respective professions: the Board of Medicine as created in s. 458.307; the Board of Osteopathic Medicine as created in s. 459.004; the Board of Chiropractic *Medicine* as created in s. 460.404; the Board of Podiatric Medicine as created in s. 461.004; the Board of Optometry as created in s. 463.003; the Board of Pharmacy as created in s. 465.004; and the Board of Dentistry as created in s. 466.004.

Section 256. Section 455.684, Florida Statutes, is amended to read:

455.684 Chiropractic and podiatric health care; denial of payment; limitation.—A chiropractic physician licensed under chapter 460 or a podiatrist licensed under chapter 461 shall not be denied payment for treatment rendered solely on the basis that the *chiropractic physician* ~~chiropractor~~ or podiatrist is not a member of a particular preferred provider organization or exclusive provider organization which is composed only of physicians licensed under the same chapter.

Section 257. Paragraph (a) of subsection (1) of section 455.691, Florida Statutes, is amended to read:

455.691 Treatment of Medicare beneficiaries; refusal, emergencies, consulting physicians.—

(1) Effective as of January 1, 1993, as used in this section, the term:

(a) "Physician" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, a podiatrist licensed under chapter 461, or an optometrist licensed under chapter 463.

Section 258. Subsection (1) of section 455.694, Florida Statutes, is amended to read:

455.694 Boards regulating certain health care practitioners.—

(1) As a prerequisite for licensure or license renewal, the Board of Acupuncture, the Board of Chiropractic *Medicine*, the Board of Podiatric Medicine, and the Board of Dentistry shall, by rule, require that all health care practitioners licensed under the respective board, and the Board of Nursing shall, by rule, require that advanced registered nurse practitioners certified under s. 464.012, maintain medical malpractice insurance or provide proof of financial responsibility in an amount and in a manner determined by the board to be sufficient to cover claims arising out of the rendering of or failure to render professional care and services in this state.

Section 259. Subsection (2) of section 456.31, Florida Statutes, is amended to read:

456.31 Legislative intent.—

(2) It is the intent of the Legislature to provide for certain practitioners of the healing arts, such as a trained and qualified dentist, to use hypnosis for hypnoanesthesia or for the allaying of anxiety in relation to dental work; however, under no circumstances shall it be legal or proper for the dentist or the individual to whom the dentist may refer the patient, to use hypnosis for the treatment of the neurotic difficulties of a patient. The same applies to the optometrist, podiatrist, *chiropractic physician* ~~chiropractor~~, osteopathic physician, or physician of medicine.

Section 260. Subsections (2) and (3) of section 456.32, Florida Statutes, are amended to read:

456.32 Definitions.—In construing this chapter, the words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

(2) "Healing arts" shall mean the practice of medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic *medicine*, naturopathy, podiatry, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, and optometry.

(3) "Practitioner of the healing arts" shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic *medicine*, naturopathy, podiatry, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, or optometry within the scope of his or her professional training and competence and within the purview of the statutes applicable to his or her respective profession, and who may refer a patient for treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner.

Section 261. The catchline of section 459.002, Florida Statutes, is amended to read:

459.002 Chapter not applicable to practice of medicine, surgery, chiropractic *medicine*, etc.—

Section 262. *Chapter 460, Florida Statutes, entitled "Chiropractic," is retitled "Chiropractic Medicine."*

Section 263. Subsections (2) and (4) and paragraphs (a) and (e) of subsection (8) of section 460.403, Florida Statutes, are amended to read:

460.403 Definitions.—As used in this chapter, the term:

(2) "Board" means the Board of Chiropractic *Medicine*.

(4) "Chiropractic physician" means any person licensed to practice chiropractic *medicine* pursuant to this chapter.

(8)(a) "Practice of chiropractic *medicine*" means a noncombative principle and practice consisting of the science, philosophy, and art of the adjustment, manipulation, and treatment of the human body in which vertebral subluxations and other malpositioned articulations and

structures that are interfering with the normal generation, transmission, and expression of nerve impulse between the brain, organs, and tissue cells of the body, thereby causing disease, are adjusted, manipulated, or treated, thus restoring the normal flow of nerve impulse which produces normal function and consequent health by chiropractic physicians using specific chiropractic adjustment or manipulation techniques taught in chiropractic colleges accredited by the Council on Chiropractic Education. No person other than a licensed chiropractic physician may render chiropractic services, chiropractic adjustments, or chiropractic manipulations.

(e) The term *"chiropractic medicine,"* "chiropractic," "doctor of chiropractic," or "chiropractor" shall be synonymous with "chiropractic physician," and each term shall be construed to mean a practitioner of chiropractic *medicine* as the same has been defined herein. Chiropractic physicians may analyze and diagnose the physical conditions of the human body to determine the abnormal functions of the human organism and to determine such functions as are abnormally expressed and the cause of such abnormal expression.

Section 264. Section 460.404, Florida Statutes, is amended to read:

460.404 Board of Chiropractic *Medicine*; membership; appointment; terms.—

(1) The Board of Chiropractic *Medicine* is created within the department and shall consist of seven members to be appointed by the Governor and confirmed by the Senate.

(2) Five members of the board must be licensed chiropractic physicians who are residents of the state and who have been licensed chiropractic physicians engaged in the practice of chiropractic *medicine* for at least 4 years. The remaining two members must be residents of the state who are not, and have never been, licensed as chiropractic physicians or members of any closely related profession. At least one member of the board must be 60 years of age or older.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed.

(4) All provisions of *part II of* chapter 455 relating to the board shall apply.

Section 265. Section 460.405, Florida Statutes, is amended to read:

460.405 Authority to make rules.—The Board of Chiropractic *Medicine* is authorized to make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the board by this chapter.

Section 266. Paragraphs (c) and (e) of subsection (1) and subsection (3) of section 460.406, Florida Statutes, are amended to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(c) Submitted proof satisfactory to the department that he or she is a graduate of a chiropractic college which is accredited by or has status with the Council on Chiropractic Education or its predecessor agency. However, any applicant who is a graduate of a chiropractic college that was initially accredited by the Council on Chiropractic Education in 1995, who graduated from such college within the 4 years immediately preceding such accreditation, and who is otherwise qualified shall be eligible to take the examination. No application for a license to practice chiropractic *medicine* shall be denied solely because the applicant is a graduate of a chiropractic college that subscribes to one philosophy of chiropractic *medicine* as distinguished from another.

(e) Completed not less than a 3-month training program in this state of not less than 300 hours with a chiropractic physician licensed in this state. The chiropractic physician candidate may perform all services offered by the licensed chiropractic physician, but must be under the supervision of the licensed chiropractic physician until the results of the first licensure examination for which the candidate has qualified have been received, at which time the candidate's training program shall be terminated. However, an applicant who has practiced chiropractic *medicine* in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction for at least 5 years as a licensed chiropractic physician need not be required to complete the 3-month training program as a requirement for licensure.

(3) An applicant for the licensure examination may elect not to take the certification examination to use acupuncture. The department shall, in addition to the licensing exam, offer an examination for certification to use acupuncture. An applicant may elect to take the certification examination at the time of taking the licensure examination. Passage of the certification examination shall not grant any applicant the right to practice chiropractic *medicine* absent the passage of the licensing examination.

Section 267. Paragraph (b) of subsection (1) of section 460.408, Florida Statutes, is amended to read:

460.408 Continuing chiropractic education.—

(1) The board shall require licensees to periodically demonstrate their professional competence as a condition of renewal of a license by completing up to 40 hours of continuing education.

(b) The board shall approve those courses that build upon the basic courses required for the practice of chiropractic *medicine*, and the board may also approve courses in adjunctive modalities.

Section 268. Subsection (1) and paragraph (c) of subsection (2) of section 460.411, Florida Statutes, are amended to read:

460.411 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice chiropractic *medicine* without an active license or with a license fraudulently obtained.

(b) Using or attempting to use a license to practice chiropractic *medicine* which has been suspended or revoked.

(2) Each of the following acts constitutes a violation of this chapter and is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(c) Using the name or title "chiropractic physician," "doctor of chiropractic," *"chiropractic medicine,"* or any other name or title which would lead the public to believe that such person is engaging in the practice of chiropractic *medicine*, unless such person is licensed as a chiropractic physician in this state.

Section 269. Section 460.412, Florida Statutes, is amended to read:

460.412 Sexual misconduct in the practice of chiropractic *medicine*.—The chiropractic physician-patient relationship is founded on mutual trust. Sexual misconduct in the practice of chiropractic *medicine* means violation of the chiropractic physician-patient relationship through which the chiropractic physician uses said relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of chiropractic *medicine* is prohibited.

Section 270. Paragraphs (a), (b), (c), (h), (k), (m), (q), (r), and (s) of subsection (1) and subsection (3) of section 460.413, Florida Statutes, are amended to read:

460.413 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice chiropractic *medicine* by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice chiropractic *medicine* revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of chiropractic *medicine* or to the ability to practice chiropractic *medicine*. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(h) Aiding, assisting, procuring, or advising any unlicensed person to practice chiropractic *medicine* contrary to this chapter or to a rule of the department or the board.

(k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of chiropractic *medicine* or employing a trick or scheme in the practice of chiropractic *medicine* when such trick or scheme fails to conform to the generally prevailing standards of treatment in the chiropractic *medical* community.

(m) Failing to keep legibly written chiropractic *medical* records that identify clearly by name and credentials the licensed chiropractic physician rendering, ordering, supervising, or billing for each examination or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and diagnosis of a disease, condition, or injury. X rays need not be retained for more than 4 years.

(q) Being unable to practice chiropractic *medicine* with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding by the secretary of the department, or his or her designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. The record of proceedings to obtain a compelled mental or physical examination shall not be used against a licensee in any other proceedings. A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of chiropractic *medicine* with reasonable skill and safety to patients.

(r) Gross or repeated malpractice or the failure to practice chiropractic *medicine* at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this provision. A recommended order by an administrative law judge, or a final order of the board finding a violation under this section shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice chiropractic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances" or any combination thereof, and any publication by the board shall so specify.

(s) Performing any procedure or prescribing any therapy which, by the prevailing standards of chiropractic *medical* practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(3) The department shall not reinstate the license of a chiropractic physician, or cause a license to be issued to a person the board has deemed unqualified, until such time as the board is satisfied that she or he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of chiropractic *medicine*.

Section 271. Subsection (1) of section 460.4166, Florida Statutes, is amended to read:

460.4166 Registered chiropractic assistants.—

(1) DEFINITION.—As used in this section, "registered chiropractic assistant" means a professional, multiskilled person dedicated to assisting in all aspects of chiropractic *medical* practice under the direct supervision and responsibility of a chiropractic physician. A registered chiropractic assistant assists with patient care management, executes administrative and clinical procedures, and often performs managerial and supervisory functions. Competence in the field also requires that a registered chiropractic assistant adhere to ethical and legal standards of professional practice, recognize and respond to emergencies, and demonstrate professional characteristics.

Section 272. Subsection (1) of section 462.01, Florida Statutes, is amended to read:

462.01 Definitions.—As used in this chapter:

(1) "Natureopathy" and "Naturopathy" shall be construed as synonymous terms and mean the use and practice of psychological, mechanical, and material health sciences to aid in purifying, cleansing, and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology, and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy, dietetics, psychotherapy, suggestotherapy, hydrotherapy, zone therapy, biochemistry, external applications, electrotherapy, mechanotherapy, mechanical and electrical appliances, hygiene, first aid, sanitation, and heliotherapy; provided, however, that nothing in this chapter shall be held or construed to authorize any naturopathic physician licensed hereunder to practice materia medica or surgery or chiropractic *medicine*, nor shall the provisions of this law in any manner apply to or affect the practice of osteopathic medicine, chiropractic *medicine*, Christian Science, or any other treatment authorized and provided for by law for the cure or prevention of disease and ailments.

Section 273. Subsection (10) of section 468.301, Florida Statutes, is amended to read:

468.301 Definitions.—As used in this part, the term:

(10) "Licensed practitioner" means a person who is licensed or otherwise authorized by law to practice medicine, podiatry, chiropody, osteopathic medicine, naturopathy, or chiropractic *medicine* in this state.

Section 274. Paragraph (a) of subsection (6) of section 468.302, Florida Statutes, is amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(6) Requirement for certification does not apply to:

(a) A hospital resident who is not a licensed practitioner in this state or a student enrolled in and attending a school or college of medicine, osteopathic medicine, chiropody, podiatry, or chiropractic *medicine* or a radiologic technology educational program and who applies radiation to a human being while under the direct supervision of a licensed practitioner.

Section 275. Paragraph (j) of subsection (2) of section 468.314, Florida Statutes, is amended to read:

468.314 Advisory Council on Radiation Protection; appointment; terms; powers; duties.—

(2) The council shall be comprised of:

(j) A ~~board-certified~~ chiropractic radiologist.

Section 276. Subsection (1) of section 476.044, Florida Statutes, is amended to read:

476.044 Exemptions.—This chapter does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

(1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic *medicine*, naturopathy, or podiatry;

Section 277. Paragraph (a) of subsection (1) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(1) This chapter does not apply to the following persons when practicing pursuant to their professional or occupational responsibilities and duties:

(a) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic *medicine*, massage, naturopathy, or podiatry.

Section 278. Paragraph (i) of subsection (3), paragraph (a) of subsection (4), and paragraph (j) of subsection (6) of section 483.901, Florida Statutes, are amended to read:

483.901 Medical physicists; definitions; licensure.—

(3) DEFINITIONS.—As used in this section, the term:

(i) "Physician" means a doctor of medicine, osteopathic medicine, podiatry, dentistry, or chiropractic *medicine* who is licensed in this state and who prescribes a radiological procedure.

(4) COUNCIL.—The Advisory Council of Medical Physicists is created in the Department of Health to advise the department in regulating the practice of medical physics in this state.

(a) The council shall be composed of nine members appointed by the secretary of the department as follows:

1. A licensed medical physicist who specializes in diagnostic radiological physics.

2. A licensed medical physicist who specializes in therapeutic radiological physics.

3. A licensed medical physicist who specializes in medical nuclear radiological physics.

4. A physician who is board certified by the American Board of Radiology or its equivalent.

5. A physician who is board certified by the American Osteopathic Board of Radiology or its equivalent.

6. A *chiropractic* physician who *practices radiology* ~~is board certified by the American Chiropractic Radiology Board or its equivalent~~.

7. Three consumer members who are not, and have never been, licensed as a medical physicist or licensed in any closely related profession.

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(j) The department may issue a temporary license to an applicant pending completion of the application process *for board certification*.

Section 279. Subsection (11) of section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.—In this chapter, unless the context otherwise requires, the term:

(11) "Practice of physical therapy" means the performance of physical therapy assessments and the treatment of any disability, injury, disease, or other health condition of human beings, or the prevention of such disability, injury, disease, or other condition of health, and rehabilitation as related thereto by the use of the physical, chemical, and other properties of air; electricity; exercise; massage; the performance of acupuncture only upon compliance with the criteria set forth by the Board of Medicine, when no penetration of the skin occurs; the use of radiant energy, including ultraviolet, visible, and infrared rays; ultrasound; water; the use of apparatus and equipment in the application of the foregoing or related thereto; the performance of tests of neuromuscular functions as an aid to the diagnosis or treatment of any human condition; or the performance of electromyography as an aid to the diagnosis of any human condition only upon compliance with the criteria set forth by the Board of Medicine. A physical therapist may implement a plan of treatment for a patient. The physical therapist shall refer the patient to or consult with a health care practitioner licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, if the patient's condition is found to be outside the scope of physical therapy. If physical therapy treatment for a patient is required beyond 21 days for a condition not previously assessed by a practitioner of record, the physical therapist shall obtain a practitioner of record who will review and sign the plan. A health care practitioner licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 and engaged in active practice is eligible to serve as a practitioner of record. The use of roentgen rays and radium for diagnostic and therapeutic purposes and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter. The practice of physical therapy as defined in this chapter does not authorize a physical therapy practitioner to practice chiropractic *medicine* as defined in chapter 460, including specific spinal manipulation. For the performance of specific chiropractic spinal manipulation, a physical therapist shall refer the patient to a health care practitioner licensed under chapter 460. Nothing in this subsection authorizes a physical therapist to implement a plan of treatment for a patient currently being treated in a facility licensed pursuant to chapter 395.

Section 280. Subsection (1) of section 486.161, Florida Statutes, is amended to read:

486.161 Exemptions.—

(1) No provision of this chapter shall be construed to prohibit any person licensed in this state from using any physical agent as a part of, or incidental to, the lawful practice of her or his profession under the statutes applicable to the profession of *chiropractic physician* ~~chiropractor~~, podiatrist, doctor of medicine, massage therapist, nurse, osteopathic physician or surgeon, occupational therapist, or naturopath.

Section 281. Subsection (1) of section 621.03, Florida Statutes, is amended to read:

621.03 Definitions.—As used in this act the following words shall have the meaning indicated:

(1) The term "professional service" means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example and without limiting the generality thereof, the personal services which come within the provisions of this act are the personal services rendered by certified public accountants, public accountants, *chiropractic physicians* ~~chiropractors~~, dentists, osteopathic physicians, physicians and surgeons, doctors of medicine, doctors of dentistry, podiatrists, chiropodists, architects, veterinarians, attorneys at law, and life insurance agents.

Section 282. Paragraph (h) of subsection (4) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(h) As used in this subsection:

1. "Health care provider" means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopathic physicians licensed under chapter 459; podiatrists licensed under chapter 461; dentists licensed under chapter 466; *chiropractic physicians* ~~chiropractors~~ licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under chapter 464; midwives licensed under chapter 467; clinical laboratories registered under chapter 483; physician assistants certified under chapter 458; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. "Other medical facility" means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing nonsurgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an "other medical facility."

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 395, or other medical facility as defined in subparagraph 2.

Section 283. Paragraph (b) of subsection (1) of section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

(1) DEFINITIONS.—As used in this section, the term:

(b) "Health care provider" means any:

1. Hospital licensed under chapter 395.

2. Physician licensed, or physician assistant certified, under chapter 458.

3. Osteopathic physician licensed under chapter 459.

4. Podiatrist licensed under chapter 461.

5. Health maintenance organization certificated under part I of chapter 641.

6. Ambulatory surgical center licensed under chapter 395.

7. *Chiropractic physician* ~~Chiropractor~~ licensed under chapter 460.

8. Psychologist licensed under chapter 490.

9. Optometrist licensed under chapter 463.

10. Dentist licensed under chapter 466.

11. Pharmacist licensed under chapter 465.

12. Registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under chapter 464.

13. Other medical facility.

14. Professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9., 10., 11., and 12. for professional activity.

Section 284. Subsection (10) of section 627.6482, Florida Statutes, is amended to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(10) "Physician" means a physician licensed under chapter 458; an osteopathic physician licensed under chapter 459; a *chiropractic physician* ~~chiropractor~~ licensed under chapter 460; a podiatrist licensed under chapter 461; or, for purposes of oral surgery only, a dental surgeon licensed under chapter 466.

Section 285. Subsection (1) of section 641.316, Florida Statutes, is amended to read:

641.316 Fiscal intermediary services.—

(1) It is the intent of the Legislature, through the adoption of this section, to ensure the financial soundness of fiscal intermediary services organizations established to develop, manage, and administer the business affairs of health care professional providers such as medical doctors, doctors of osteopathy, doctors of chiropractic *medicine*, doctors of podiatric medicine, doctors of dentistry, or other health professionals regulated by the Department of Health.

Section 286. Section 725.01, Florida Statutes, is amended to read:

725.01 Promise to pay another's debt, etc.—No action shall be brought whereby to charge any executor or administrator upon any special promise to answer or pay any debt or damages out of her or his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person or to charge any person upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, tenements or hereditaments, or of any uncertain interest in or concerning them, or for any lease thereof for a period longer than 1 year, or upon any agreement that is not to be performed within the space of 1 year from the making thereof, or whereby to charge any health care provider upon any guarantee, warranty, or assurance as to the results of any medical, surgical, or diagnostic procedure performed by any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466, unless the agreement or promise upon which such action shall be brought, or some note or memorandum thereof shall be in writing and signed by the party to be charged therewith or by some other person by her or him thereunto lawfully authorized.

Section 287. Paragraph (b) of subsection (1) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(b) The term "health care providers" means physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, podiatrists licensed under chapter 461, optometrists licensed under chapter 463, dentists licensed under chapter 466, *chiropractic physicians* ~~chiropractors~~ licensed under chapter 460, pharmacists licensed under chapter 465, or hospitals or ambulatory surgical centers licensed under chapter 395.

Section 288. Paragraph (a) of subsection (6) of section 766.102, Florida Statutes, is amended to read:

766.102 Medical negligence; standards of recovery.—

(6)(a) In any action for damages involving a claim of negligence against a physician licensed under chapter 458, osteopathic physician licensed under chapter 459, podiatrist licensed under chapter 461, or *chiropractic physician* ~~chiropractor~~ licensed under chapter 460 providing emergency medical services in a hospital emergency department, the court shall admit expert medical testimony only from physicians, osteopathic physicians, podiatrists, and *chiropractic physicians* ~~chiropractors~~ who have had substantial professional experience within the preceding 5 years while assigned to provide emergency medical services in a hospital emergency department.

Section 289. Subsection (3) of section 766.103, Florida Statutes, is amended to read:

766.103 Florida Medical Consent Law.—

(3) No recovery shall be allowed in any court in this state against any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466 in an action brought for treating, examining, or operating on a patient without his or her informed consent when:

(a)1. The action of the physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, podiatrist, or dentist in obtaining the consent of the patient or another person authorized to give consent for the patient was in accordance with an accepted standard of medical practice among members of the medical profession with similar training and experience in the same or similar medical community; and

2. A reasonable individual, from the information provided by the physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, podiatrist, or dentist, under the circumstances, would have a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedures, which are recognized

among other physicians, osteopathic physicians, *chiropractic physicians* ~~chiropractors~~, podiatrists, or dentists in the same or similar community who perform similar treatments or procedures; or

(b) The patient would reasonably, under all the surrounding circumstances, have undergone such treatment or procedure had he or she been advised by the physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, podiatrist, or dentist in accordance with the provisions of paragraph (a).

Section 290. Subsection (2) of section 817.234, Florida Statutes, is amended to read:

817.234 False and fraudulent insurance claims.—

(2) Any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, or other practitioner licensed under the laws of this state who knowingly and willfully assists, conspires with, or urges any insured party to fraudulently violate any of the provisions of this section or part XI of chapter 627, or any person who, due to such assistance, conspiracy, or urging by said physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, or practitioner, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, or practitioner is adjudicated guilty of a violation of this section, the Board of Medicine as set forth in chapter 458, the Board of Osteopathic Medicine as set forth in chapter 459, the Board of Chiropractic *Medicine* as set forth in chapter 460, or other appropriate licensing authority shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, or practitioner.

Section 291. The catchline and subsection (1) of section 945.047, Florida Statutes, are amended to read:

945.047 Licensing requirements for physicians, osteopathic physicians, and *chiropractic physicians* ~~chiropractors~~ employed by the department.—

(1) The Department of Corrections shall employ only physicians, osteopathic physicians, or chiropractic physicians holding licenses in good standing to practice medicine in this state, except that, by October 1, 1980, no more than 10 percent of the total number of such physicians employed by the department may be exempted from the provisions of this subsection. Each such exempted physician shall hold a valid license to practice medicine, osteopathic medicine, or chiropractic *medicine* in another state and shall have been certified by the appropriate board as eligible for admission for examination in this state under chapter 458, chapter 459, or chapter 460, as applicable. The appropriate board shall not certify as eligible for admission for examination any person who has been adjudged unqualified or guilty of any of the acts enumerated in the disciplinary provisions contained in chapter 458, chapter 459, or chapter 460, as applicable.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: amending ss. 20.43, 322.125, 381.0031, 381.0302, 382.002, 395.0195, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 455.564, 455.654, 455.684, 455.691, 455.694, 456.31, 456.32, 459.002, 460.403, 460.404, 460.405, 460.406, 460.408, 460.411, 460.412, 460.413, 460.4166, 462.01, 468.301, 468.302, 468.314, 476.044, 477.0135, 483.901, 486.021, 486.161, 621.03, 627.351, 627.357, 627.6482, 641.316, 725.01, 766.101, 766.102, 766.103, 817.234, and 945.047, F.S.; revising terminology relating to chiropractic medicine; retitling chapter 460, F.S., to conform; providing form of professional licenses;

Senators Gutman and Casas offered the following amendment which was moved by Senator Gutman and adopted:

Amendment 13 (with title amendment)—On page 187, between lines 2 and 3, insert:

Section 242. Paragraph (a) of subsection (1) of section 458.3115, Florida Statutes, is amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)(a) Notwithstanding any other provision of law, the agency shall provide procedures under which certain physicians who are or were foreign-licensed and have practiced medicine no less than 2 years may take the USMLE or an agency-developed examination to qualify for a restricted license to practice medicine in this state. The agency and board-developed examination shall test the same areas of medical knowledge as the Federation of State Medical Boards of the United States, Inc. (FLEX) previously administered by the Florida Board of Medicine to grant medical licensure in Florida. ~~Said examination shall be in the same form and content and shall be administered in the same manner as the FLEX.~~ The agency-developed examination must be made available no later than *December 31* ~~September 1~~, 1998, to a physician who qualifies for licensure. A person who is eligible to take and elects to take the agency and board-developed examination, who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the agency-developed examination, and may sit for the agency and board-developed examination five times within 5 years.

Section 243. *The sum of $1.2 million from the unallocated balance in the Medical Quality Assurance Trust Fund is appropriated to the Department of Health to allow the department to develop the examination required for foreign licensed physicians in section 458.3115(1)(a), Florida Statutes, through a contract with the University of South Florida. The department shall charge examinees a fee that, in the aggregate, will reimburse the Medical Quality Assurance Trust Fund for the amount advanced to the department under this section. This section expires July 1, 1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: providing an appropriation to the Department of Health to develop the examination required for foreign-licensed physicians; providing examination fees; providing an expiration date;

Senator Gutman moved the following amendment:

Amendment 14 (with title amendment)—On page 187, between lines 2 and 3, insert:

Section 242. Paragraph (b) of subsection (1) of section 490.005, Florida Statutes, is amended to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has:

(b) Submitted proof satisfactory to the board that the applicant has:

1. Received doctoral-level psychological education, as defined in s. 490.003(3);

2. Received the equivalent of a doctoral-level psychological education, as defined in s. 490.003(3), from a program at a school or university located outside the United States of America and Canada, which was officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. The burden of establishing that the requirements of this provision have been met shall be upon the applicant; ~~or~~

3. Received and submitted to the board, prior to July 1, 1999, certification of an augmented doctoral-level psychological education from the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States Department of Education*; or*~~.~~

4. Received and submitted to the board, prior to July 1, 2001, certification of a doctoral-level program that at the time the applicant was enrolled and graduated maintained a standard of training comparable to the standard of training of programs accredited by the American Psychological Association, as such comparability was determined immediately prior to the amendment of section 490.005, Florida Statutes, 1994

Supplement, by section 5 of chapter 95-279, Laws of Florida. However, this subparagraph applies only to applicants who were enrolled in such a program before October 1, 1995. This subparagraph is repealed on July 1, 2001.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: amending s. 490.005, F.S.; revising requirements for licensure as a psychologist by examination to grandfather in certain applicants; providing for future repeal of such grandfathering provisions

Senator Gutman moved the following amendment to **Amendment 14** which was adopted:

Amendment 14A (with title amendment)—On page 2, lines 12-22, delete those lines and insert:

4. Received and submitted to the board, prior to July 1, 2001, certification of a doctoral-level program that at the time the applicant was enrolled and graduated maintained a standard of education and training comparable to the standard of training of programs accredited by a programmatic agency recognized and approved by the United States Department of Education, as such comparability was determined by the Board of Psychological Examiners immediately prior to the amendment of section 490.005, Florida Statutes, 1994 Supplement, by section 5 of chapter 95-279, Laws of Florida.

And the title is amended as follows:

On page 3, lines 4 and 5, delete those lines and insert: applicants;

Amendment 14 as amended was adopted.

Senator Klein moved the following amendment which was adopted:

Amendment 15—On page 174, line 17, delete "*and*" and insert: *or*

On motion by Senator Myers, further consideration of **CS for SB 2128** as amended was deferred.

On motion by Senator Dyer—

CS for SB 2092—A bill to be entitled An act relating to child care facilities; amending s. 402.302, F.S.; excluding operators of transient establishments from the definition of "child care facility"; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; providing an effective date.

—was read the second time by title.

Senator Kurth offered the following amendment which was moved by Senator Dyer and adopted:

Amendment 1—On page 3, line 28 through page 4, line 2, delete those lines and insert: *physical facilities of a child care program for school-age children which is operated in a public school facility, the department shall adopt the State Uniform Building Code for Public Educational Facilities Construction as the minimum standards, regardless of the operator of the program. The Legislature intends that if a child care program for school-age children is operated in a public school, the program*

Senator Kurth moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 4, between lines 12 and 13, insert:

Section 3. Subsections (1), (3), (4), and (5) of section 409.178, Florida Statutes, are amended to read:

409.178 Child Care Partnership Act; findings and intent; grant; limitation; rules.—

(1) This section may be cited as the "Child Care *Executive* Partnership Act."

(3) There is created a body politic and corporate known as the Child Care Executive Partnership which shall establish and govern the Child Care *Executive* Partnership Program. The purpose of the Child Care *Executive* Partnership Program is to utilize state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources, so that Florida communities may create local flexible partnerships with employers. The Child Care *Executive* Partnership Program funds shall be used at the discretion of local communities to meet the needs of ~~local communities in addressing the child care needs of~~ working parents. A child care purchasing pool shall be developed with the state, federal, and local funds to provide subsidies to low-income working parents who are eligible for subsidized child care with a dollar-for-dollar match from employers, local government, and other matching *contributions* ~~contributors~~. The funds used from the child care purchasing pool must be used to supplement or extend the use of existing public or private funds and may not be used to supplant the maintenance of effort presently exerted by the employer or other participant in the activity funded.

(4) The Child Care Executive Partnership, staffed by the department, shall consist of:

~~(a)~~ a representative of the Executive Office of the Governor*; and*~~.~~

~~(b)~~ nine members of the corporate or child care community, appointed by the Governor.~~, to be known hereafter as the "board."~~

~~(c) One representative from each of the 10 Child Care Partnership Program pilot purchasing pool counties established by the board, known hereafter as the "oversight group."~~

(a)~~1.~~ Members ~~of the board~~ shall serve for a period of 4 years*, except that*~~.~~

~~2. Members of the oversight group and~~ the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.

(b)~~3.~~ The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote ~~of the board~~ and shall meet at least quarterly and at other times upon the call of the chair.

(c)~~4.~~ Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(d)~~5.~~ The Child Care Executive Partnership shall have all the powers and authority, not explicitly prohibited by statute, necessary to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

1.~~a.~~ Assisting in the formulation and coordination of the state's child care policy.

2.~~b.~~ Adopting an official seal.

3.~~c.~~ Soliciting, accepting, receiving, investing, and expending funds from public or private sources.

4.~~d.~~ Contracting with public or private entities as necessary.

5.~~e.~~ Approving an annual budget.

6.~~f.~~ Carrying forward any unexpended state appropriations into succeeding fiscal years.

7.~~g.~~ Providing a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, on or before December 1 of each year.

(5)(a) The Legislature shall annually determine the amount of state or federal low-income child care moneys which shall be used to create Child Care *Executive* Partnership Program child care purchasing pools in counties chosen by ~~the board of~~ the Child Care Executive Partnership

~~through June 30, 1998~~, provided that at least two of the counties have populations of no more than 300,000. ~~After that date,~~ The Legislature shall *annually* review the effectiveness of the child care purchasing pool program and reevaluate the percentage of additional state or federal funds, if any, that can be used for the program's expansion.

(b) To ensure a seamless service delivery and ease of access for families, the community coordinated child care agencies *or the state resource and referral agency* shall administer the child care purchasing pool funds.

(c) The department, *in conjunction with the Child Care Executive Partnership, shall develop procedures for disbursement of funds through the* ~~shall issue a request for proposal for the operation of the pilot~~ child care purchasing pools. In order to be considered *for funding,* the community coordinated child care agency *or the statewide resource and referral agency* must commit to:

1. Matching the state ~~pilot~~ purchasing pool funds on a dollar-for-dollar basis; and

2. Expending only those public funds which are matched by employers, local government, and other matching contributors who contribute to the ~~pilot~~ purchasing pool. Parents shall also pay a fee, *which shall be not less than the amount identified in* ~~based upon~~ the department's subsidized child care sliding fee scale.

(d) Each community coordinated child care agency shall be required to establish a community child care task force for each ~~pilot~~ child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative each from the district interagency coordinating council for children's services and the local children's services council, if they exist in the area of the ~~pilot~~ purchasing pool. The community coordinated child care agency is expected to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area of a ~~pilot~~ purchasing pool. A majority of the task force shall consist of employers. Each task force shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the ~~pilot~~ purchasing pool, how many will be new to receiving child care services, and how the community coordinated child care agency intends to attract new employers and their employees to the *program* ~~pilot project~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 409.178, F.S.; conforming title of the partnership program; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements;

Pursuant to Rule 4.19, **CS for SB 2092** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 400—A bill to be entitled An act relating to state financial accountability; creating the Florida Single Audit Act; providing intent and findings; creating s. 216.3491, F.S.; providing purposes of the act; providing definitions; providing duties of the Executive Office of the Governor, the Comptroller, and state agencies that award state funds to nonstate agencies to carry out state projects; providing conditions on nonstate agencies' receipt of state funds; requiring recipients and subrecipients of state funds to obtain audits; prescribing standards for such audits; prescribing duties of auditors; providing for access to records; prescribing duties of the Auditor General; repealing s. 216.349, F.S., relating to financial review of grants and aids appropriations; amending s. 265.2861, F.S., to conform; providing applicability; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendments which were adopted:

Amendment 1—On page 14, delete line 24 and insert: *complied with the provisions of laws, rules, and*

Amendment 2—On page 16, lines 30 and 31, delete those lines and insert: *fiscal year beginning on or after July 1, 2000.*

Section 6. This act shall take effect July 1, 2000.

Pursuant to Rule 4.19, **SB 400** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman, the Senate resumed consideration of—

SB 1976—A bill to be entitled An act relating to the Construction Industry Recovery Fund; amending s. 489.143, F.S.; increasing the aggregate amount that may be paid for claims against any one certificate-holder or registrant; providing an effective date.

—with pending **Amendment 1** by Senator Forman.

Senators Dudley, Forman and Lee offered the following substitute amendment which was moved by Senator Dudley and adopted:

Amendment 2—On page 1, lines 16-21, delete those lines and insert: aggregate, $100,000 *annually, up to a total aggregate of $250,000. Beginning January 1, 1998, for any claim approved by the board which is in excess of the annual cap, the amount in excess of $100,000 up to the total aggregate cap of $250,000 is eligible for payment in the next and succeeding fiscal years, but only after all claims for the then current calendar year have been paid. Payments may not exceed the aggregate annual or per-claimant limits under law.*

Pursuant to Rule 4.19, **SB 1976** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, by two-thirds vote **HB 4039** was withdrawn from the Committees on Governmental Reform and Oversight; Natural Resources; and Ways and Means.

On motion by Senator Campbell—

HB 4039—A bill to be entitled An act relating to state lands; creating s. 253.0345, F.S.; providing for special events; providing an effective date.

—a companion measure, was substituted for **CS for SB 2346** and read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1—On page 1, line 28, delete "*submerged land lease or consent of use*" and insert: *special event provided for in subsection (1)*

Pursuant to Rule 4.19, **HB 4039** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for SB 1752—A bill to be entitled An act relating to health insurance; amending s. 636.016, F.S.; requiring prepaid limited health service contracts to provide certain information; requiring prepaid limited health service organizations to provide certain information; amending s. 636.038, F.S.; requiring prepaid limited health service organizations to report certain information annually; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1752** was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

SB 854—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Sheriffs Youth Ranches license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

Senator Williams moved the following amendment which was adopted:

Amendment 1—On page 2, lines 1-4, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

Pursuant to Rule 4.19, **SB 854** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote **CS for HB 3107** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Grant, the rules were waived and—

CS for HB 3107—A bill to be entitled An act relating to sexual predator registration; amending s. 775.21, F.S.; revising an exception to sexual predator registration requirements; revising the conditions for removal of sexual predator designation by the court; requiring filing of the petition for removal in the circuit of the sexual predator's residence; extending from 10 years to 20 years the minimum period following the sexual predator's release during which the predator may not have been arrested before petitioning the court to remove the sexual predator designation; requiring the petitioner to make certain demonstrations to the court with respect to lack of arrest and compliance with federal standards for removal of designation as a predator; permitting the removal of designation only when the court is satisfied the petitioner is not a threat to the public safety; requiring specified notice of hearing on the petition to the state attorney in the circuit where filed; allowing the state attorney to present evidence in opposition to the petition; allowing the court to establish date for rehearing of petition, if denied; providing an effective date.

—a companion measure, was substituted for **CS for SB 514** and read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, line 14 through page 3, line 5, delete those lines and insert: a sexual predator who *was designated a sexual predator by a court before July 1, 1998, and who* has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court *in the circuit in which the sexual predator resides* for the purpose of removing the sexual predator designation. *A sexual predator who was designated a sexual predator by a court on or after July 1, 1998, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for a least 20 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation.* The court *may* ~~has the discretion to~~ grant ~~or deny~~ such relief *if the petitioner demonstrates to the court that he or she has not been arrested for any felony or misdemeanor offense since release, the requested relief complies with federal standards applicable to the removal of the designation as a sexual predator, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual predator may again petition the court for relief, subject to the standards for relief provided in this paragraph.*

And the title is amended as follows:

On page 1, lines 2-26, delete those lines and insert: An act relating to sexual predators; amending s. 775.21, F.S.; revising the period of time after which a sexual predator may petition the court for removal of such designation; requiring that the court make certain determinations following a petition to remove an offender's designation as a sexual predator; requiring that the state attorney be given notice of such petition; authorizing the state attorney to present evidence at the hearing on the petition; authorizing the court to allow a sexual predator to petition the court at a future date;

Senators Silver, Dudley, Bankhead and Grant offered the following amendment which was moved by Senator Dudley and adopted:

Amendment 2 (with title amendment)—On page 3, between lines 5 and 6, insert:

Section 2. *Notwithstanding the proviso language associated with Specific Appropriation 620 in the Conference Report on House Bill 4201, which is the 1998-1999 General Appropriations Act, the funds provided in Specific Appropriation 620 are not contingent upon the implementation of a quarterly workload report.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: providing that funding provided in House Bill 4201, the General Appropriations Act for fiscal year 1998-1999, for Specific Appropriation 620 is not contingent upon implementing a specified report;

Pursuant to Rule 4.19, **CS for HB 3107** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Myers, the Senate resumed consideration of—

CS for SB 2128—A bill to be entitled An act relating to regulation of professions; amending ss. 455.209, 455.213, 455.218, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.225, F.S.; revising probable-cause provisions; prescribing authority of the department or a board in cases of failure to comply with continuing-education requirements; conforming provisions to a previous administrative reorganization; amending s. 455.2285, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.667, F.S.; revising provisions relating to ownership and control of patient records; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards under the department to refuse to issue an initial license under circumstances relating to ongoing investigations or prosecutions of certain applicants; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 415.1055, 415.5055, 415.51, 440.13, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.404, 460.4061, 460.407, 461.004, 461.007, 461.013, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, and 937.031, F.S.; correcting references, cross-references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; authorizing the department to issue a physicist-in-training certificate; authorizing the Board of Medicine to adopt by rule practice standards; authorizing the

Board of Osteopathic Medicine to adopt by rule practice standards; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, 641.60, F.S.; correcting cross-references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 381.026, 381.0261, 381.0302, 395.0191, 395.1041, 395.301, 404.22, 409.906, 415.503, 440.106, 440.13, 440.134, 440.15, 455.684, 455.691, 455.697, 455.698, 456.31, 456.32, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013, 461.0134, 461.014, 461.015, 461.018, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 627.912, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 893.02, 984.03, F.S.; revising terminology relating to podiatry and podiatrists; authorizing dentists and dental hygienists to be governmental contractors; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; requiring the Department of Health to adopt rules governing insurance coverage for midwives; amending s. 455.564, F.S.; requiring that the Department of Health or a regulatory board adopt rules governing alternative methods by which licensees may obtain continuing education credits in risk management; amending s. 455.574, F.S.; requiring the Department of Health to adopt rules governing licensure examinations; amending s. 468.705, F.S.; requiring that the Department of Health adopt rules governing a protocol between athletic trainers and supervising physicians; amending s. 865.09, F.S., relating to fictitious name registration; providing certain exemptions for persons licensed by the Department of Health; amending ss. 627.6407, 627.6619, F.S.; providing conditions for health insurance coverage of massage; amending s. 458.317, F.S.; providing requirements for a physician who practices under a limited license; amending s. 465.019, F.S.; providing emergency room physician authority to dispense up to a 24-hour drug supply to a patient under certain circumstances; amending s. 468.703, F.S.; revising requirements for members of the Council of Athletic Training; amending s. 766.204, F.S.; revising procedures for the availability of medical records; providing an effective date.

—which was previously considered and amended this day.

Senator Dudley moved the following amendment which was adopted:

Amendment 16—On page 9, lines 16-19, delete those lines and insert: expiration of the time limit. If the probable cause panel finds that probable cause

Pursuant to Rule 4.19, **CS for SB 2128** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Monday, April 27.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 24, 1998: CS for SB 1352, CS for CS for SB 1358, CS for SB 366, CS for SB 1522, CS for SB 814, CS for CS for SB's 1794 and 2200, CS for SB 1646, SB 1266, CS for SB 190, CS for SB 1644, SB 2122, SJR 542, CS for SB 244, CS for SB 364, CS for CS for SB 1728, CS for CS for SB 374, CS for SB 642, CS for SB 1014, CS for SB 1338, CS for SB 140, CS for SB 1686, CS for SB 1688, CS for SB 1690, CS for SB 1692, CS for SB 1694, CS for SB 1696, CS for SB 2164, SB 292, SB 1300, SB 1302

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Friday, April 24, 1998: CS for SB 140, SB 212, CS for SB 244, SB 354, CS for SB 418, CS for SB 636, SB 790, CS for SB 794, SB 828, SB 884, SB 950, CS for SB 962, CS for CS for SB 1024, CS for SB 1158, SB 1306, CS for CS for SB 1366, SB 1750, SB 1776, CS for CS for SB's 1794 and 2200, CS for CS for SB 1846, CS for SB 2146, SB 2276

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Rules and Calendar recommends the following pass: SJR 324, SB 992

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Rules and Calendar recommends the following pass: SJR 246, SJR 610, SJR 1008 with 1 amendment, SB 1032, SR 2108, CS for SB 2170 with 10 amendments

The Committee on Ways and Means recommends the following pass: CS for SB 440 with 1 amendment, CS for SB 504, SB 1080, SB 2454 with 2 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Ways and Means recommends a committee substitute for the following: SB 1900

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 2244

The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Ways and Means recommends committee substitutes for the following: SB 300, CS for CS for SB 938, SB 1270, SB 1748, CS for SB's 2024 and 2648, CS for SB 2258

The bills with committee substitutes attached were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Jones—

SB 2720—A bill to be entitled An act relating to Monroe County; amending chapter 97-348, Laws of Florida, relating to the charter of Islamorada, Village of Islands; revising transition provisions relating to state-shared revenues to extend a waiver of applicable revenue-sharing eligibility requirements and to authorize the usage of millage levied by the Monroe County Mosquito Control District for purposes of meeting the minimum amount of revenue required to be raised for revenue-sharing eligibility; clarifying legislative intent regarding the referendum required to effectuate the charter, which referendum was concluded on November 4, 1997, with the required majority of voters approving the charter; adopting nunc pro tunc the effective dates in chapter 97-348, Laws of Florida, in connection with the clarification of legislative intent; declaring the charter to be effective pursuant to its terms and conditions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2722—2724—Not referenced.

By Senator Campbell—

SB 2726—A bill to be entitled An act relating to the Central Broward Water Control District, Broward County; amending section 4g. of charter; deleting the provision for expense reimbursement; amending section

4j. of charter to provide for assumption of office at the first regular meeting following the election; amending section 7 of charter to provide for an organizational meeting annually at the first regular meeting following the first Tuesday after the first Monday in November; deleting obsolete provisions; codifying the Charter of the Central Broward Water Control District, an independent special district; codifying chapter 61-1439, Laws of Florida, as amended; consolidating amendments thereto contained in this act and chapters 65-1006, 67-1002, 69-528, 70-479, 71-388, 72-486, 79-432, 80-462, 82-268, 85-388, 86-359, 86-363, 87-506, 88-523, 91-350, 94-426, and 96-536, Laws of Florida; repealing chapters 61-1439, 65-1006, 67-1002, 69-528, 70-479, 71-388, 72-486, 79-432, 80-462, 82-268, 85-388, 86-359, 86-363, 87-506, 88-523, 91-350, 94-426, and 96-536, Laws of Florida; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ways and Means; and Senators Hargrett and Lee—

CS for SB 300—A bill to be entitled An act relating to economic development; authorizing tax credits to a certain business; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; amending s. 290.0055, F.S.; extending the date by which certain counties may apply to amend enterprise zone boundary lines; amending s. 290.0065, F.S.; providing for amendment of the boundaries of an enterprise zone designated pursuant to s. 290.0065(5)(b), F.S., upon application by the county to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones upon request from certain counties; providing restrictions; providing an appropriation to the Department of Community Affairs; providing an appropriation to the Office of Tourism, Trade, and Economic Development for the Technological Research and Development Authority; providing an effective date.

By the Committees on Ways and Means; Governmental Reform and Oversight; Transportation; and Senator Harris—

CS for CS for CS for SB 938—A bill to be entitled An act relating to the operation and registration of motor vehicles; amending s. 320.02, F.S.; providing for voluntary contributions on motor vehicle registration applications; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; creating s. 322.081, F.S.; revising provisions with respect to requirements for requests to establish voluntary contributions on driver's license applications; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; amending s. 322.21, F.S.; revising provisions with respect to license fees for the renewal of certain Class D or Class E licenses; providing an effective date.

By the Committee on Ways and Means; and Senator Thomas—

CS for SB 1270—A bill to be entitled An act relating to public funds; providing for the appropriation of revenues obtained as a result of the settlement of litigation involving the tobacco industry; providing for specified amounts to be appropriated to the Department of Health to continue implementing the Florida Kids Campaign Against Tobacco Pilot Program; providing for additional appropriations of revenues to be used for marketing, education and training, youth programs, and community partnerships; providing an appropriation to the Department of Business and Professional Regulation; requiring that such funds be used to enforce laws governing access to and possession of tobacco products by underage persons; providing for an evaluation of the pilot program; providing for program coordination and administrative support; providing an appropriation to the Working Capital Fund; providing an effective date.

By the Committee on Ways and Means; and Senator Thomas—

CS for SB 1748—A bill to be entitled An act relating to funds distributed to local governments; amending s. 236.081, F.S.; amending the prerequisites to excluding from the computation of district required local effort the assessed value of property that is the subject of litigation; creating s. 218.66, F.S.; providing for a special distribution of funds from the Local Government Half-cent Sales Tax Clearing Trust Fund to a county or municipality under certain conditions; providing an effective date.

By the Committee on Ways and Means; and Senator Cowin—

CS for SB 1900—A bill to be entitled An act relating to sales taxes; creating s. 212.0805, F.S.; designating the second Saturday in August as Taxpayer Relief Day; providing that certain sales on that day be free of sales taxes; authorizing counties to exempt sales from discretionary local surtaxes; providing for rules; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senators Latvala and Laurent—

CS for CS for SB's 2024 and 2648—A bill to be entitled An act relating to the Florida Forever Program; creating s. 259.202, F.S.; providing for the Florida Forever Program Act; providing legislative findings and intent relating to the acquisition of lands for conservation, ecosystem restoration, recreation, water resource and water supply development, and urban green space and recreational opportunities; providing a process for surplusing Florida Forever lands; authorizing the sale of up to $3 billion in bonds to implement the Florida Forever Program; providing for alternatives to fee simple acquisitions, providing a limitation on such acquisitions; providing a funding mechanism for the State Lands Management Trust Fund, which is to be created by general law; providing for the continuation of existing debt service payments for prior bond issues; providing uses for the State Lands Management Trust Fund; creating the Preservation 2000 Program Review Study Commission; providing for membership of the commission and its duties; requiring a report; providing an appropriation; amending s. 259.032, F.S.; revising eligibility requirements for payments in lieu of taxes; providing for payments in lieu of taxes to school boards, as well as to Glades County to compensate the county for its tax loss due to the opening of a prison; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisal reports provided by nonprofit organizations or public agencies; amending s. 259.101, F.S.; requiring the Department of Environmental Protection to fund certain fixed capital outlay projects; requiring the Southwest Florida Water Management District to fund water supply development activities; providing a limitation and requirements; requiring the South Florida Water Management District to fund Everglades restoration; requiring an extraordinary vote of the Board of Trustees of the Internal Improvement Trust Fund before an acquisition may be made in a county having more than 35 percent of its lands in public ownership; providing a limitation on the acquisition of projects using less than fee acquisition alternatives; delaying the redistribution of certain funds; revising accounting procedures relating to a redistribution of certain Preservation 2000 moneys; amending s. 373.59, F.S.; revising eligibility requirements for payments in lieu of taxes; providing for payments in lieu of taxes to school boards; authorizing the Board of Trustees of the Internal Improvement Trust Fund to transfer specified lands to Walton County at a specified price, providing limitations on the

use of those lands; amending s. 253.82, F.S.; providing for all transportation easements acquired under the Murphy Act to be conveyed to the Department of Transportation or the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing transportation reservations acquired under the Murphy Act; setting requirements for the review process; providing for compensation of certain property owners when the reservation denies current economic use of the property; providing for mediation or arbitration; amending ss. 712.04, 712.05, F.S.; providing for the release of certain easements held by governmental entities; providing for preservation of certain road easement reservations pursuant to a road project scheduled to begin within a specified period; amending s. 201.15, F.S.; revising the amounts of tax revenues to be distributed for debt service on the Preservation 2000 Program and the Florida Forever Program; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

CS for SB 2244—A bill to be entitled An act relating to child support enforcement; amending s. 61.13, F.S.; requiring child support orders to apportion certain medical expenses; providing requirements for notice and service of process; amending s. 61.1301, F.S.; revising provisions relating to income deduction orders and notices; amending s. 61.181, F.S.; requiring evaluation of certain child support enforcement demonstration projects; requiring a report; amending s. 61.30, F.S.; requiring certain information to accompany child support determinations; providing a limitation on retroactive awards; amending s. 69.041, F.S.; authorizing Department of Revenue participation in mortgage foreclosures based upon interests in a child support lien; amending ss. 319.24, 409.2575, F.S.; authorizing the director of the state child support enforcement program to delegate certain responsibilities with respect to motor vehicle liens; amending s. 319.32, F.S.; providing a fee for motor vehicle liens; amending ss. 372.561, 372.57, F.S.; requiring applicants for certain game and freshwater fish licenses to provide social security numbers; amending s. 382.008, F.S.; requiring death and fetal death registrations to include social security numbers, if available; restricting use of such numbers; amending s. 382.013, F.S.; providing for certain use of birth registration information; specifying inclusion of certain birth information on the birth certificate; providing certain notice relating to paternity affidavits; amending s. 409.2557, F.S.; providing specific rulemaking authority; creating s. 409.2558, F.S.; providing for the department's distribution and disbursement of child support payments; creating s. 409.2559, F.S.; providing for establishment of a state disbursement unit; amending s. 409.2561, F.S., relating to child support obligations when public assistance is paid; amending s. 409.2564, F.S., relating to subpoenas in child support actions; providing for challenges; providing for enforcement; providing for fines; amending s. 409.25641, F.S.; providing for processing of automated administrative enforcement requests; creating s. 409.25658, F.S.; providing for use of certain unclaimed property for past-due child support; providing duties of the department and the Department of Banking and Finance; providing for notice and hearings; amending ss. 409.2567, 409.2578, 443.051, F.S.; correcting and conforming references; amending ss. 409.2572, 414.095, 414.32, F.S.; providing for determinations of good cause for failure to cooperate with the child support enforcement agency; amending ss. 409.2576, 455.213, F.S.; clarifying conditions for disclosure of social security numbers; amending s. 409.2579, F.S.; revising provisions which limit or prohibit disclosure of the identity and whereabouts of certain persons; providing a penalty; amending s. 443.1715, F.S., relating to disclosure of wage and unemployment compensation information; amending s. 741.04, F.S., relating to information required for issuance of a marriage license; amending s. 742.032, F.S., relating to requirements for notice and service of process; amending s. 61.14, F.S.; prohibiting deductions by local depositories for certain costs and fees until the total due the obligee has been paid; repealing s. 382.013(1), (2)(b), F.S., as amended by ch. 97-170, Laws of Florida, to clarify legislative intent with respect to conflicting enactments; providing an effective date.

By the Committees on Ways and Means; Education; and Senator Cowin—

CS for CS for SB 2258—A bill to be entitled An act relating to education; amending s. 231.02, F.S., relating to qualifications of district school system personnel; deleting certain provisions relating to background check; amending s. 231.096, F.S.; revising provisions relating to teaching out-of-field; amending s. 231.15, F.S.; providing State Board of Education duties relating to teacher certification; amending s. 231.17, F.S.; revising provisions relating to qualification for a temporary certificate; amending s. 231.1725, F.S.; deleting provisions relating to employment of noncertificated teachers in critical teacher shortage areas; amending s. 231.261, F.S.; providing rulemaking authority of the Education Practices Commission; amending s. 231.263, F.S.; clarifying provisions relating to the recovery network program for educators; amending s. 231.47, F.S.; conforming a cross-reference; amending s. 231.546, F.S., relating to the Education Standards Commission; deleting duties relating to teacher education centers; amending s. 231.600, F.S.; revising requirements of the school district professional development system; creating s. 231.6002, F.S.; requiring school districts to develop professional development plans; providing for stipends and funding; providing for rules; amending s. 231.601, F.S.; deleting provisions relating to teacher education center purposes; amending s. 231.625, F.S.; deleting provisions relating to a teacher referral and recruitment center; requiring establishment of a teacher recruitment and retention services office; amending s. 231.6255, F.S.; revising provisions relating to the Christa McAuliffe Ambassador for Education Program; creating s. 231.63, F.S.; creating the Florida Educator Hall of Fame; providing for nominations, recommendations, and selection of members; amending s. 20.15, F.S.; creating additional divisions of the Department of Education; amending s. 231.262, F.S.; providing a show-cause process for violations of probation imposed by the Education Practices Commission; amending s. 231.28, F.S.; providing a show-cause process for violation of an order of the Education Practices Commission; providing authority for additional penalties; amending s. 236.081, F.S.; providing for a supplemental capping calculation for those districts whose weighted FTE enrollment is over the weighted FTE ceiling established in the annual appropriations act; providing a procedure for such calculation; repealing s. 236.081(8), F.S., which provides for a caps adjustment supplement for group 2 programs when there are funds remaining in the Florida Education Finance Program appropriation; amending s. 236.25, F.S.; conforming a cross-reference; amending s. 229.57, F.S.; authorizing the Commissioner of Education to establish criteria for exempting a student from taking certain parts of the high school competency test; repealing s. 231.613, F.S., relating to inservice training institutes; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for HB 447, HB 3449, HB 3451, HB 3453, HB 3455, HB 3457, HB 3459, HB 3461, HB 3463, HB 3465, HB 3467, HB 3469, HB 3471, HB 3473, CS for CS for HB 4551, HB 4557, HB 4575, HB 4577, HB 4579, HB 4581, HB 4583, HB 4585, HB 4587, HB 4589, HB 4591, HB 4593, HB 4595, HB 4597, HB 4599, HB 4601, HB 4603, HB 4605, HB 4607, HB 4609, HB 4611, HB 4613, HB 4615, HB 4617, HB 4619, HB 4621, HB 4623, HB 4625, HB 4627, HB 4629, HB 4631, HB 4633, HB 4635, HB 4637, HB 4639, HB 4641, HB 4643, HB 4645, HB 4647, HB 4649, HB 4651, HB 4653, HB 4725, HB 4831, HB 4833; has passed as amended CS for HB 3661; has passed by the required Constitutional three-fifths vote of the membership HB 3475, CS for HJR 4553, HB 4655, HB 4657, HB 4659, HB 4661, HB 4663, HB 4711, HB 4713, HB 4715, HB 4717, HB 4719, HB 4721, HB 4723, HB 4727, HB 4729, HB 4731, HB 4733, HB 4735, HB 4737, HB 4739, HB 4813; has passed as amended by the required Constitutional three-fourths vote of the membership HB 4555; has adopted HCR 4829 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Finance and Taxation; Governmental Operations; Transportation; and Representative Lippman and others—

CS for CS for CS for HB 447—A bill to be entitled An act relating to the Florida Safety Belt Law; amending s. 316.614, F.S.; providing for the issuance of a warning for a first violation of the act for a specified period; eliminating a provision which requires enforcement of the act only as a secondary action; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3449—A bill to be entitled An act relating to trust funds; recreating the Turnpike Controlled Access Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3451—A bill to be entitled An act relating to trust funds; recreating the Toll Facilities Revolving Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3453—A bill to be entitled An act relating to trust funds; recreating the Transportation Disadvantaged Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3455—A bill to be entitled An act relating to trust funds; recreating the Highway Safety Operating Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3457—A bill to be entitled An act relating to trust funds; recreating the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3459—A bill to be entitled An act relating to trust funds; recreating the Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3461—A bill to be entitled An act relating to trust funds; recreating the Fuel Tax Collection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3463—A bill to be entitled An act relating to trust funds; recreating the Mobile Home and Recreational Vehicle Protection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3465—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3467—A bill to be entitled An act relating to trust funds; recreating the Working Capital Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3469—A bill to be entitled An act relating to trust funds; recreating the License Tax Collection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3471—A bill to be entitled An act relating to trust funds; recreating the Highway Patrol Insurance Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3473—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds in the Department of Transportation are exempt from the automatic-termination requirements of Section 19(f), Article III of the State Constitution; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committees on General Government Appropriations, Environmental Protection and Representative Safley and others—

CS for CS for HB 4551—A bill to be entitled An act relating to the Florida 2020 Program; amending s. 201.15, F.S.; providing for distribution of certain documentary stamp tax revenues to the Land Acquisition Trust Fund to pay debt service on the Florida 2020 Program bonds; creating s. 201.155, F.S.; providing for annual appropriation to pay such debt service; creating s. 235.45, F.S.; establishing the Florida Year 2020 Higher Education Facilities Program; authorizing issuance of bonds for certain purposes; providing duties of the Commissioner of Education; requiring a report; providing financing requirements; amending s. 259.02, F.S.; providing bonding authority for the Florida 2020 Program; deleting obsolete language; creating s. 259.021, F.S.; subjecting bond issuance to constitutional authorization; providing requirements and limitations; amending s. 259.03, F.S.; deleting obsolete definitions; amending s. 259.032, F.S.; revising legislative intent to include an emphasis on water resource development and on adequate management of lands acquired by the state; directing the Board of Trustees of the Internal Improvement Trust Fund to consider buying lands that promote water resource development and facilitates restoration of the Everglades; specifying that Conservation and Recreation Lands Trust Fund shall be source of fund to pay management costs and payment-in-lieu-of-taxes for the Florida 2020 program; reducing a millage threshold for authorization for payment-in-lieu-of-taxes; deleting obsolete language throughout section; creating s. 259.034, F.S.; creating the Florida Lands Commission; specifying membership and duties of the commission; requiring the commission to develop an acquisition list; requiring a plan of restoration, acquisition, and capital improvements; providing requirements; authorizing the commission to adopt rules; amending s. 259.04, F.S.; directing the board of trustees to develop a 5-year plan for restoring, acquiring, or making capital improvements to lands or ecosystems identified by the Land Acquisition and Management Council or its successor; amending s. 259.041, F.S.; directing the Department of Environmental Protection's Division of State Lands to use appraisals obtained by other public agencies or by nonprofit organizations, if certain conditions are met; providing legislative intent and guidelines for use of less-than-fee simple land acquisition alternatives; amending s. 259.101, F.S.; clarifying redistribution of certain unspent P2000 funds; creating s. 259.105, F.S.; creating the Florida 2020 Act; providing legislative findings and intent; providing for disposition of bond proceeds issued pursuant to the act; specifying uses of the bond proceeds; specifying criteria to be used to select projects for the program; specifying the manner in which lands acquired under the program may be disposed of as surplus or donated for alternative government uses; providing requirements; providing procedures; authorizing the Florida Lands Commission, the Department of Environmental Protection, water management districts, and public agencies to adopt rules for certain purposes; amending s. 373.139, F.S.; prohibiting water management districts from participating in certain acquisitions by eminent domain under certain circumstances; amending s. 373.459, F.S.; specifying that Florida 2020 bond proceeds may be deposited into the Ecosystem Management and Restoration Trust Fund for use in financing Surface Water Improvement and Management projects; specifying eligibility for certain funds; amending s. 373.59, F.S.; providing that Florida 2020 bond proceeds may be spent to acquire water management district lands; limiting funding of management and related activities to documentary stamp tax revenues legislatively appropriated to the Water Management Lands Trust Fund; specifying that any revenues from the sale of water management district lands acquired with Florida 2020 proceeds shall only be spent to acquire lands that meet the program's criteria; providing for payment in lieu of taxes to qualifying school districts; amending s. 375.075, F.S.; providing that Florida 2020 bond proceeds shall be available to fund those Florida Recreational Development and Assistance Program projects selected through the Florida 2020 program process; directing the Department of Environmental Protection and the Florida Communities Trust to assist qualified counties and municipalities to obtain certain grants; amending s. 380.507, F.S.; providing for the Florida Communities Trust program eligibility to receive Florida 2020 bond proceeds; providing procedures; amending s. 380.510, F.S.; including the Florida 2020 Trust Fund moneys as subject to conditions of grants and loans made by the Florida Communities Trust; creating the Florida 2020 Study Commission; specifying membership, duties, and responsibilities; requiring a report of findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives and certain legislative committees; providing an appropriation; providing for the sale of specified lands by the Board of Trustees of the Internal Improvement Trust Fund; providing for the deposit of funds into the Preservation 2000 Trust Fund; specifying the purposes for which funds derived from the future sale of such lands may be used; directing the St. John's River Water Management District and the South Florida Water Management District to begin immediate acquisition of certain parcels of real property for certain purposes; directing such water management districts to undertake condemnation proceedings under certain circumstances; amending a specified conservation easement; providing an effective date.

—was referred to the Committees on Natural Resources; Community Affairs; and Ways and Means.

By Representative K. Pruitt and others—

HB 4557—A bill to be entitled An act relating to trust funds; creating s. 259.1051, F.S.; creating the Florida 2020 Trust Fund; specifying purposes of trust fund; specifying application of moneys in the trust fund; specifying sources of funds for the trust fund; requiring the Department of Environmental Protection to distribute moneys in the fund for certain purposes; requiring the department to administer the trust fund; providing for alternative use of moneys in the fund under certain circumstances; providing an effective date.

—was referred to the Committees on Natural Resources; Education; and Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4575—A bill to be entitled An act relating to trust funds; recreating the Criminal Justice Standards and Training Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4577—A bill to be entitled An act relating to trust funds; recreating the Correctional Work Program Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4579—A bill to be entitled An act relating to trust funds; recreating the Florida Agricultural Exposition Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4581—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4583—A bill to be entitled An act relating to trust funds; recreating the Operating Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4585—A bill to be entitled An act relating to trust funds; recreating the Sale of Goods and Services Clearing Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4587—A bill to be entitled An act relating to trust funds; recreating the Capital Collateral Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4589—A bill to be entitled An act relating to trust funds; recreating the Child Support Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4591—A bill to be entitled An act relating to trust funds; recreating the State Attorney RICO Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4593—A bill to be entitled An act relating to trust funds; recreating the Consumer Frauds Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4595—A bill to be entitled An act relating to trust funds; recreating the State Attorney's Forfeiture and Investigative Support Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4597—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4599—A bill to be entitled An act relating to trust funds; recreating the Indigent Criminal Defense Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4601—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4603—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4605—A bill to be entitled An act relating to trust funds; recreating the Juvenile Justice Training Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4607—A bill to be entitled An act relating to trust funds; recreating the Social Services Block Grant Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4609—A bill to be entitled An act relating to trust funds; recreating the Juvenile Crime Prevention and Early Intervention Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4611—A bill to be entitled An act relating to trust funds; recreating the Criminal Justice Standards and Training Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4613—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4615—A bill to be entitled An act relating to trust funds; recreating the Forfeiture and Investigative Support Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4617—A bill to be entitled An act relating to trust funds; recreating the Operating Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4619—A bill to be entitled An act relating to trust funds; recreating the Revolving Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4621—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4623—A bill to be entitled An act relating to trust funds; recreating the Florida Motor Vehicle Theft Prevention Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4625—A bill to be entitled An act relating to trust funds; recreating the Consumer Frauds Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4627—A bill to be entitled An act relating to trust funds; recreating the Crimes Compensation Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4629—A bill to be entitled An act relating to trust funds; recreating the Florida Crime Prevention Training Institute Revolving

Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4631—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4633—A bill to be entitled An act relating to trust funds; recreating the Legal Services Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4635—A bill to be entitled An act relating to trust funds; recreating the Legal Affairs Revolving Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4637—A bill to be entitled An act relating to trust funds; recreating the Motor Vehicle Warranty Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4639—A bill to be entitled An act relating to trust funds; recreating the Elections Commission Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4641—A bill to be entitled An act relating to trust funds; recreating the Revolving Escrow Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4643—A bill to be entitled An act relating to trust funds; recreating the Family Courts Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing for future termination; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4645—A bill to be entitled An act relating to trust funds; recreating the Court Education Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4647—A bill to be entitled An act relating to trust funds; recreating the State Mediation and Arbitration Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4649—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4651—A bill to be entitled An act relating to trust funds; recreating the Family Courts Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4653—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Parole Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Education Appropriations and Representative Sublette—

HB 4725—A bill to be entitled An act relating to disposition of funds accrued under the Florida Contraband Forfeiture Act; amending s. 932.7055, F.S.; requiring school boards and state universities to retain funds accrued under the act and account for them separately from other funds; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Rules, Resolutions, and Ethics; and Representative Thrasher and others—

HB 4831—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 110.108, 110.123, 120.57, 154.04, 215.196, 216.292, 217.045, 217.11, 230.23, 255.102, 255.249, 255.25, 255.25001, 255.253, 255.254, 255.255, 255.257, 255.258, 255.31, 255.45, 255.451, 255.502, 255.503, 255.504, 255.505, 255.506, 255.507, 255.508, 255.509, 255.51, 255.511, 255.513, 255.514, 255.515, 255.517, 255.518, 255.52, 255.521, 255.522, 255.523, 265.001, 265.002, 265.2865, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.16, 272.185, 273.055, 281.02, 281.03, 281.04, 281.05, 281.06, 281.08, 281.09, 282.102, 282.103, 282.104, 282.105, 282.1095, 282.111, 283.30, 283.32, 284.33, 287.012, 287.017, 287.022, 287.032, 287.042, 287.045, 287.055, 287.056, 287.057, 287.058, 287.073, 287.083, 287.09451, 287.131, 287.15, 287.16, 287.161, 287.19, 288.15, 288.18, 318.21, 334.0445, 364.515, 365.171, 376.10, 395.1031, 401.013, 401.015, 401.018, 401.024, 403.7065, and 946.515, Florida Statutes, pursuant to the directive of the Legislature in s. 4, ch. 97-296, Laws of Florida, to substitute a reference to the Department of Management Services for all references in the Florida Statutes to any division, bureau, or other unit of the Department of Management Services, except for references to the Division of Administrative Hearings, the Division of Retirement, or commissions.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules, Resolutions, and Ethics; and Representative Thrasher and others—

HB 4833—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 20.19, 20.316, 26.012, 27.02, 27.151, 27.52, 39.01, 39.40, 39.403, 39.408, 39.41, 39.452, 39.454, 49.011, 95.11, 228.041, 230.2316, 230.23161, 230.335, 232.17, 232.19, 239.117, 240.235, 240.35, 253.025, 316.003, 316.635, 318.143, 318.21, 397.6758, 397.706, 409.145, 409.1685, 409.2564, 409.803, 415.107, 415.5015, 415.503, 415.5086, 415.51, 419.001, 743.0645, 744.309, 784.075, 790.22, 790.23, 877.22, 921.0012, 921.0022, 938.17, 943.0515, 943.0585, 943.059, 944.401, 948.51, 958.04, 958.046, 960.001, 984.03, 984.04, 984.05, 984.071, 984.10, 984.15, 984.16, 984.20, 984.21, 984.22, 984.225, 984.226, 984.23, 984.24, 985.03, 985.213, 985.214, 985.218, 985.231, and 985.306, F.S., to conform to the directive of the Legislature in section 122 of chapter 97-238, Laws of Florida, to incorporate the reorganization of the content of chapter 39, F.S., into chapters 39, 984, and 985, F.S., as provided in chapter 97-238; correcting cross-references.

—was referred to the Committee on Rules and Calendar.

By the Committee on Governmental Operations and Representative Garcia and others—

CS for HB 3661—A bill to be entitled An act relating to authority of the State Board of Administration to invest public funds; amending s. 215.44, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to conduct or have conducted periodic performance audits of the board's management of trust fund investments and to submit the audit reports to the board and specified individuals; authorizing the State Board of Administration to invest funds of a state agency or unit of local government under certain circumstances; amending s. 215.47, F.S.; revising provisions relating to the investment of public funds and the securities authorized for such investment; providing for the loan of securities; repealing s. 215.455, F.S., relating to the loan of securities, to conform; amending s. 215.50, F.S.; correcting a cross reference, to conform; amending s. 215.515, F.S.; eliminating review by the Department of Management Services of charges of the board for investment services rendered; amending s. 215.835, F.S.; authorizing the board to adopt rules necessary to carry out the provisions and intent of the State Bond Act; amending s. 159.825, F.S.; authorizing the board to adopt rules necessary to carry out provisions of law relating to interest rate waivers for the sale of taxable bonds; amending s. 190.016, F.S.; correcting a cross reference, to conform; amending s. 218.407, F.S.; revising provisions relating to local government resolutions required for deposit of surplus funds in the Local Government Surplus Funds Trust Fund; amending s. 235.187, F.S.; authorizing covenants that additional funds from lottery and certain similar sources will be available for payments for Classrooms First Program bonds before any other purpose; amending s. 235.2195, F.S.; authorizing covenants that additional funds from lottery and certain similar sources will be available for payments for the 1997 School Capital Outlay Bond Program bonds before any other purpose; creating s. 218.412, F.S.; authorizing the board to adopt rules necessary for the administration of the trust fund; creating s. 413.0115, F.S.; authorizing the board to invest and reinvest the portfolio of stocks, bonds, and mutual funds held by the Division of Blind Services; requiring the division director to make the portfolio available and transfer it to the board for investment; providing intent with respect to a time limitation on the issuance of certain lottery bonds; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 3475—A bill to be entitled An act relating to trust funds; terminating specified trust funds and fund accounts within the Department of Transportation; providing for the transfer of current balances to general revenue, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Environmental Protection and Representative Constantine and others—

CS for HJR 4553—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution, relating to bonds for state conservation, recreation, and restoration programs and for postsecondary education infrastruction construction.

—was referred to the Committees on Natural Resources; Ways and Means; and Rules and Calendar.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4655—A bill to be entitled An act relating to trust funds; creating the Employee Benefit Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carryforward of funds; providing for future review and termination or recreation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4657—A bill to be entitled An act relating to trust funds; creating the Inmate Welfare Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carry-

forward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4659—A bill to be entitled An act relating to trust funds; creating the Privately Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4661—A bill to be entitled An act relating to trust funds; creating s. 943.365, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Law Enforcement; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 932.7055 and 943.362, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

HB 4663—A bill to be entitled An act relating to criminal justice trust funds; terminating specified trust funds and fund accounts within the state courts system and the Department of Corrections; providing for the transfer of current balances to general revenue, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; modifying provisions relating to specified trust funds and fund accounts within the state courts system and the Department of Corrections; amending s. 216.272, F.S., relating to Working Capital Trust Funds used to fund data processing centers; removing reference to the judicial branch; amending s. 945.215, F.S.; providing sources of funds and purposes of the Inmate Welfare Trust Fund, the Privately Owned Institutions Inmate Welfare Trust Fund, and the Employee Benefit Trust Fund within the department; providing for annual appropriation of funds deposited in the Inmate Welfare Trust Fund; requiring certain annual reports; amending s. 944.803, F.S., relating to faith-based programs for inmates; revising a reference, to conform; amending s. 945.31, F.S.; providing for deposit of the department's administrative processing fee in the department's Operating Trust Fund; amending s. 945.76, F.S.; revising provisions relating to fees for certification and monitoring of batterers' intervention programs; providing for deposit of such fees in the department's Operating Trust Fund; amending s. 944.10, F.S.; providing for deposit of contractual service and inmate labor fees in the Correctional Work Program Trust Fund; amending s. 948.09, F.S.; providing for deposit of the electronic monitoring surcharge in the department's Operating Trust Fund; amending s. 951.23, F.S.; providing for deposit of fees collected pursuant to local detention facility inspection agreements in the department's Operating Trust Fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 4711—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds in the Department of Highway Safety and Motor Vehicles are exempt from the automatic-termination requirements of Section 19(f), Article III of the State Constitution; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations; and Representative Merchant—

HB 4713—A bill to be entitled An act relating to trust funds; amending s. 932.705, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 895.09 and 932.7055, F.S., relating to duties of various agencies with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4715—A bill to be entitled An act relating to trust funds; creating s. 20.2553, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Environmental Protection; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 370.021, 370.061, and 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4717—A bill to be entitled An act relating to trust funds; creating s. 372.107, F.S.; creating the Federal Law Enforcement Trust Fund within the Game and Fresh Water Fish Commission; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 372.73, 372.9901, 372.9904, and 932.7055, F.S., relating to duties of the commission with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4719—A bill to be entitled An act relating to trust funds; creating s. 561.027, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Business and Professional Regulation; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending s. 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4721—A bill to be entitled An act relating to trust funds; creating s. 570.205, F.S.; creating the Federal Law Enforcement Trust Fund

within the Department of Agriculture and Consumer Services; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending s. 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4723—A bill to be entitled An act relating to trust funds; creating s. 250.175, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Military Affairs; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending s. 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

HB 4727—A bill to be entitled An act relating to trust funds; amending s. 20.435, F.S., relating to trust funds of the Department of Health; creating the Tobacco Settlement Trust Fund within the department; providing sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

HB 4729—A bill to be entitled An act relating to trust funds; creating s. 20.425, F.S.; creating the Tobacco Settlement Trust Fund within the Agency for Health Care Administration; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

HB 4731—A bill to be entitled An act relating to trust funds; creating s. 20.195, F.S.; creating the Tobacco Settlement Trust Fund within the Department of Children and Family Services; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations; and Representative Sanderson—

HB 4733—A bill to be entitled An act relating to trust funds; amending s. 20.435, F.S., relating to trust funds of the Department of Health; creating the Tobacco Pilot Program Trust Fund within the department; providing sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4735—A bill to be entitled An act relating to trust funds; creating s. 17.41(1)(b) and (2), F.S., relating to tobacco clearing trust funds of the Department of Banking and Finance; creating the Tobacco Settlement Clearing Trust Fund within the department; providing for sources of moneys; providing for exemption from various service charges; providing purposes; providing for investment of such moneys; providing for annual carryforward of funds; proclaiming that the trust fund is exempt from constitutional termination; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4737—A bill to be entitled An act relating to trust funds; creating s. 17.41(1)(a) and (2), F.S., relating to tobacco clearing trust funds of the Department of Banking and Finance; creating the Tobacco Pilot Program Clearing Trust Fund within the department; providing for sources of moneys; providing for exemption from various service charges; providing purposes; providing for investment of such moneys; providing for annual carryforward of funds; proclaiming that the trust fund is exempt from constitutional termination; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4739—A bill to be entitled An act relating to trust funds; creating s. 20.1655, F.S.; creating the Tobacco Pilot Program Trust Fund within the Department of Business and Professional Regulation; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations and Representative K. Pruitt—

HB 4813—A bill to be entitled An act relating to trust funds; creating s. 17.43, F.S.; creating the Comptroller's Federal Equitable Sharing Trust Fund within the Department of Banking and Finance; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By Representative Constantine and others—

HB 4555—A bill to be entitled An act relating to a special election to be held on September 1, 1998, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution creating Section 19 of Article VII of the State Constitution, which authorizes the issuance of state bonds to finance or refinance state conservation, recreation, and restoration programs and postsecondary education infrastructure; providing for publication of notice and for procedures; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Rules, Resolutions, and Ethics; and Representative Thrasher and others—

HCR 4829—A concurrent resolution authorizing the creation of an interim task force study for review and improvement of the provisions of Florida's ethics laws.

—was referred to the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 6, SB 16 and SB 44.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 23 was corrected and approved.

CO-SPONSORS

Senator Casas—CS for SB 1134

RECESS

On motion by Senator Rossin, the Senate recessed at 5:23 p.m. to reconvene at 10:00 a.m., Monday, April 27.

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Abbreviations:

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Sponsors
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
Boldfaced Page Numbers — Passage of Bill

Types of Bills:

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition:

CSP — Companion or Similar Bill Passed
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
UHC — Unfavorable Report, House Committee
USC — Unfavorable Report, Senate Committee
WS — Withdrawn from the Senate

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4 Relief/Garcia/Miami Beach (Forman) (CR)6, (CR)7, (CR)8, (FR)9, (CR)118, (BA)132, (CR)135, (BA)145, (BA)170 LTS/CSP-HB 1771
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8 Relief/Heather Roszell (Grant) (CR)7, (CR)8, (FR)9, (CR)118, (BA)133, (CR)135, (BA)145, (BA)**170**, 355, 415, 484 Ch. 98-433
10 Relief/Alice Berdat Estate/DOC (Crist) (CR)7, (CR)8, (FR)9, (CR)118, (BA)133, (CR)135, (BA)145, (BA)**171** DHC
12 Relief/Mary Beth Wiggers/DOC (Crist) (CR)7, (CR)8, (FR)9, (CR)118, (BA)133, (CR)135, (BA)145, (BA)**171** DHC
14 Relief/Tirini S. Riley/Broward Co. (Forman) (CR)7, (CR)8, (FR)9, (CR)118, (CR)135, (BA)146, (CR)148, (BA)**174**, 320, 385, 458 Ch. 98-434
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26 Relief/Adela Azcuy/Dade Co. (Turner) (CR)6, (CR)7, (CR)8, (FR)10, (CR)118, (BA)133, (CR)135, (BA)145, (BA)**171**, 355, 415, 484 Ch. 98-437
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186 Personal Injury Protection Insurance (Grant) (FR)17 DSC
188 Transitional Living Facilities (Health Care) (CR)7, (CR)9, (FR)18, (CS)96, (BA)117, (CR)118, (BA)**130**, 415, 458, 821 Ch. 98-12
190 Drivers License Suspension/Bad Check (Transportation and others) (CR)8, (FR)18, (CS)96, (MO)114, (CR)927, (BA)967, (BA)968, (BA)991, (BA)1148, (BA)1163 LTS/CSP-HB 3275
192 Community Contribution Tax Credits (Ways and Means) (FR)18, (CR)222, (MO)940, (CR)(CS)982, (CR)1093, (BA)1136 LTS/CSP-HB 3113
194 Florida Title Loan Act (Ways and Means and others) (CR)8, (FR)18, (CS)96, (CR)345, (CS/CS)346, (BA)(CR)528, (BA)770, (BA)**856** DCH
196 Execution (Klein) (FR)18 DSC/CSP-CS/HB 3033, CS/HB 3053
198 Death by Lethal Injection/Records (Klein) (CR)7, (FR)18, (BA)114, (CR)118, (BA)129, (BA)132 LTS/CSP-CS/HB 3053, CS/HB 3033
200 County Court Assessments (Klein) (CR)7, (FR)18, (CR)119, (CR)344, (CR)406, (BA)445, (BA)**463**, 827 Ch. 98-84 CSP-CS/CS/HB 1589
SJR
202 Voter Approval/Taxes (Crist) (FR)18, (CR)742 USC/LTS
SB
204 Candidates/Reporting Requirements (Brown-Waite) (FR)19 DSC
206 Criminal Conduct/Civil Liability (Judiciary) (FR)19, (CR)303, (CR)(CS)499 DCS
208 Nursing Home Facilities (Ways and Means and others) (CR)8, (FR)19, (CS)96, (CR)(CS/CS)743, (BA)810, (BA)811, (CR)813 LTS/CSP-CS/HB 3089
210 Speedy Trial Reform (Rossin) (FR)19 DSC
212 Bad Check Charges (Meadows) (CR)7, (FR)19, (CR)268, (BA)902, (CR)927 LTS/CSP-CS/HB 767

SB
214 Sentencing/Criminal Punishment Code (Jenne) (FR)19 DSC
216 Deferred Retirement Options/FRS (Governmental Reform and Oversight and others) (CR)8, (FR)19, (CS)96, (MO)168, (CR)343, (BA)360 LTS/CSP-CS/CS/HB 3131
218 Employment Screening/Criminals (Rossin) (CR)7, (FR)20 DCS
220 Unemployment Compensation (Forman and others) (FR)20 DSC
222 Bond Requirements/Public Officers (Burt) (CR)7, (FR)20, (CR)344, (BA)402, (CR)406, (BA)**423**, 505, 827, 1523 Ch. 98-34
224 Motorcycle Riders/Safety Equipment (Ostalkiewicz and others) (CR)6, (FR)20, (CR)304 USC/LTS
226 Family Day Care Homes/Insurance (Banking and Insurance) (CR)9, (FR)20, (CS)96, (CR)180, (BA)221 LTS/CSP-HB 3597
228 Health Ins./Cleft-lip & Cleft-palate (Health Care and others) (FR)21, (CO)143, (CO)216, (CO)270, (CO)355, (CR)375, (CS)378, (MO)386, (CR)528, (BA)788, (BA)810, (BA)812, (BA)828, (BA)835, (BA)877, (BA)**886**, 1231, (CO)1818 Ch. 98-66
230 Food & Building Permits (Agriculture and others) (MO)3, (CR)7, (FR)21, (CR)180, (BA)221, (BA)239, (BA)**273**, 415, 458, 821 Ch. 98-13
232 Windstorm Insurance (Banking and Insurance) (CR)7, (FR)21 DCS/CSP-CS/SB 1108
234 Water & Wastewater Utility Systems (Regulated Industries and others) (FR)21 DSC
236 Mental Health/Children & Adolescents (Children, Families and Seniors and others) (CR)8, (FR)21, (CS)96, (MO)114, (BA)(CR)180 LTS/CSP-HB 1991
238 Professions & Occupations/Regulation (Regulated Industries) (CR)8, (FR)21, (CR)180, (BA)221, (BA)239, (BA)**274** DM
240 Overseas Electors & Faxed Ballots (Executive Business, Ethics and Elections and others) (MO)3, (CR)7, (FR)21, (CR)343, (BA)363, (BA)**388** DM
242 Fla. Safety Belt Law (Grant and others) (FR)21, (CO)165, (CO)216 DSC
244 Drycleaning Solvent Cleanup (Natural Resources) (FR)22, (CR)(CS)268, (MO)506, (BA)902, (CR)927, (BA)968, (BA)969, (BA)992, (BA)1088, **1092**, (BA)**1273** Ch. 98-189
SJR
246 Homestead Exemption/Age 65 or Older (Diaz-Balart and others) (CR)7, (FR)22, (MO)272, (CR)927, (CR)1092, (CO)1098, (BA)1137, (CO)1231 LTS/CSP-HJR 3151
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248 Health Care Professionals (Health Care) (FR)22, (CR)408, (CS)409, (CR)813, (BA)830, (BA)**878** DM
250 Certificates of Need (Health Care) (MO)3, (CR)8, (FR)22, (CS)97, (CR)180, (BA)221, (BA)239, (BA)272, **273**, 1098 Ch. 98-85
252 Telecommunications (Brown-Waite) (FR)22, (MO)758 WS
254 Baldomero Lopez State Nursing Home (Latvala and others) (CR)7, (FR)22, (CR)478, (BA)518 LTS/CSP-HB 1893
256 Health Care Professionals/Regulation (Health Care) (FR)22 DSC
258 Motor Vehicle Title Loans (Williams and others) (FR)23, (CO)355, (CR)374 DSC
260 Confidentiality/Medical Records (Health Care) (FR)23, (CR)136, (CS)139 DCS
262 Firearms/Safe Storage (Rossin) (FR)23, (MO)462 WS
264 Adoption/Sibling Communication (Rossin) (FR)23, (CR)136, (CR)304, (CR)406, (BA)473, (CR)478 LTS/CSP-CS/HB 585
266 Firefighters & Police Pension TF (Community Affairs) (FR)23, (CR)182, (CS)206, (MO)462, (CR)813, (BA)842, (BA)**883** DM/CSP-SB 1462
268 Mental Illness Insurance Parity Act (Banking and Insurance and others) (CR)8, (FR)23, (CS)97, (CR)407, (CR)1093, (BA)1327, (BA)**1328**, (CR)1522 DM
270 Firefighters & Police Pension TF (Community Affairs and others) (FR)23, (CR)408, (CS)409, (MO)462, (CR)982, (CR)1093, (BA)1328, (BA)1329, (CR)1522 LTS/CSP-SB 1462
272 Citizen Participation in Govt. Act (Judiciary) (FR)24, (CR)136, (CS)139, (CR)181 DCS
274 Sales Tax/Commercial Property Leases (Grant) (FR)24 DSC
276 Controlled Substances (Criminal Justice and others) (MO)3, (CR)8, (FR)24, (CS)97, (BA)295, (CR)303, (BA)**337** DM
SB
278 Taxation of Intangible Property (Grant and others) (FR)24 DSC
280 Motor Vehicle & Truck Repair Parts (Judiciary) (CR)7, (FR)24, (CR)304, (CS)312, (BA)519, (BA)520, (BA)522, (CR)528, (BA)**763**, (BA)827, 1098 Ch. 98-86
282 Keep Kids Drug-Free License Plate (Crist) (FR)24, (CR)344, (MO)386, (CR)813, (BA)848, (BA)884, **885**, 1231 Ch. 98-67
284 Prisoners/Work Requirements (Crist) (FR)24 DSC
286 Pharmacy Practice (Crist) (FR)24, (CR)741 DSC
288 Rural Hospitals (Thomas and others) (MO)3, (CR)7, (FR)24, (BA)176, (BA)177, (CR)180, (BA)**219**, 415, 458, 821 Ch. 98-14
290 Paramedics & EMTs (Health Care) (CR)9, (FR)25, (CS)97, (CR)343, (BA)369, (BA)**390**, 1098 Ch. 98-87
292 Public Records/Patient Information (Brown-Waite and others) (FR)25, (CR)118, (CR)479, (CR)927, (BA)979 LTS
294 Home Medical Equipment Providers (Ways and Means and others) (FR)25, (CR)136, (CS)140, (CR)529, (CS/CS)530, (CR)813, (BA)831, (CO)873, (BA)**879** DM
296 Religious Freedom Restoration Act (Judiciary and others) (FR)25, (CR)498, (CS)499, (MO)940, (CR)1093, (CR)1523, (BA)1642, (CR)1807 LTS/CSP-CS/HB 3201
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298 Religious Freedom (Judiciary and others) (FR)25, (CR)498, (CS)499, (MO)758 DSC/CSP-CS/HB 3201
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300 Enterprise Zones (Ways and Means and others) (FR)25, (CR)408, (MO)877, (CR)927, (CS)928, (CR)982, (CR)1093, (CR)1523, (BA)1736, (CR)1808 LTS/CSP-HB 3225
302 Regional Poison Control Center (Community Affairs) (CR)9, (FR)25, (CS)97, (BA)177, (CR)180 LTS/CSP-CS/HB 1739
304 Organ & Tissue Donation (Childers) (CR)7, (FR)25, (MO)272, (CR)344, (CR)406, (BA)444, (BA)445, (BA)**462**, 1231 Ch. 98-68
306 Universities/Student Fee Exemptions (Governmental Reform and Oversight and others) (MO)3, (CR)8, (FR)25, (CS)(CS/CS)97 DCS
308 Victim of Crime/Rights (Clary) (FR)25 DSC
310 Parole/Sex Offender/Murderer/ID Card (Bronson) (FR)25 DSC
312 Water Resource Management (Natural Resources and others) (FR)26, (CR)498, (CS)499, (CR)742, (CR)982, (BA)1085, (CR)1092, (BA)1162, (BA)**1166**, 1526 Ch. 98-88
314 Health Care Facilities/Regulation (Health Care) (CR)7, (CR)8, (FR)26, (CS)97, (MO)324, (CR)528, (BA)779, (BA)780, (BA)781, (BA)858, **859**, 1231 Ch. 98-89 CSP-CS/CS/HB 3311, CS/CS/SB 484
316 Public Record/Health Care Facilities (Brown-Waite) (CR)7, (FR)26, (CR)479, (CR)813, (BA)835, (BA)836 LTS/CSP-CS/CS/HB 3311, CS/SB 314
318 Real Estate Appraisals (Regulated Industries) (FR)26, (CR)529, (CS)530 DCS/CSP-CS/CS/HB 3211
320 Intangible Personal Property Tax (Ostalkiewicz and others) (FR)26 DSC
322 Taxation (Commerce and Economic Opportunities) (FR)26, (CR)182, (CS)207 DSC
SJR
324 Taxes/Tangible Personal Property (Ostalkiewicz and others) (FR)27, (CR)181, (CR)927 DSC
SB
326 Revenue Estimating Conference (Ostalkiewicz) (CR)9, (FR)27 DSC
328 Sales Tax Exemptions/Aircraft (Ways and Means and others) (CR)9, (FR)27, (MO)357, (CR)374, (CS)378, (CR)1092, (BA)1108 LTS/CSP-CS/HB 3171
SM
330 Older Americans Act (Campbell and others) (FR)27 DSC
SB
332 Juvenile Justice (Forman) (FR)27 DSC/CSP-CS/CS/SB 2288
334 Juvenile Justice (Criminal Justice) (CR)8, (FR)27, (CS)98, (CR)407, (CR)528, (BA)778, (BA)779, (BA)857, (BA)858, (BA)**859** DM/CSP-CS/CS/SB 2288
336 International Economic Development (Commerce and Economic Opportunities and others) (FR)27, (CR)455, (CS)456, (CR)982, (CR)1092, (BA)1168, (BA)1453, (BA)1484, (CR)1522 LTS/CSP-CS/CS/SB 626
338 Sales Tax Exemption on Electricity (Ways and Means and others) (CR)9, (FR)27, (MO)357, (CR)374, (CS)409, (CR)1092, (BA)1108 LTS/CSP-CS/CS/HB 3249

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340 Real Estate (Regulated Industries and others) (CR)8, (FR)27, (CS)98, (MO)272, (BA)525, (BA)526, (CR)528, (BA)766, (BA)767, (BA)855 LTS/CSP-CS/CS/HB 3211
342 Condominium Association Liens (Campbell) (FR)28, (MO)506 WS
344 Arraignment of Juvenile (Campbell) (FR)28, (MO)506 WS
346 Law Enf. & Correctional Officers (Criminal Justice and others) (FR)28, (CR)304, (CS)312 DCS
348 Public Records/Minors/Statement (Cowin and others) (CR)7, (FR)28, (BA)(CR)118, (BA)**130**, 320, 415, 458 Ch. 98-9
350 Execution by Lethal Injection (Klein) (MO)3, (CR)8, (FR)28, (CS)99, (BA)114, (CR)118, (BA)129, (BA)131 LTS/CSP-CS/HB 3033
352 Foster Care/Privatization (Ways and Means and others) (FR)28, (CR)182, (CS)207, (CR)(CS/CS)743, (CR)982, (BA)997, (CR)1092 LTS/CSP-HB 3217
354 Elections/Absentee Ballots (Rossin) (FR)28, (CR)181, (BA)902, (CR)927 DCS
356 Death Penalty Appeals Task Force (Judiciary and others) (FR)28, (CO)126, (CR)182, (CS)207, (CR)(CS/CS)868, (MO)877 DCS
358 Controlled Substances/Public Housing (Criminal Justice) (MO)3, (CR)8, (FR)29, (CS)98, (BA)117, (BA)(CR)118, (BA)**130**, (BA)**442**, 536, 982 Ch. 98-22
360 Execution by Lethal Injection (Criminal Justice and others) (MO)3, (CR)8, (FR)29, (CS)99, (BA)114, (CR)118, (BA)129, (BA)131 LTS/CSP-CS/HB 3033
362 Public Office/Candidacy/Leave (Crist) (FR)29, (CR)742 DCS
364 Public Records/Natural Persons (Health Care) (CR)9, (FR)29, (CS)99, (CR)927, (BA)969, (BA)**992** DM
366 Concealed Weapons/Nonresidents (Criminal Justice and others) (FR)29, (CO)270, (CR)479, (CS)480, (CR)927, (BA)965 LTS
368 Motorcycle Safety Education (Transportation) (FR)29, (CR)375, (CS)378, (MO)462, (CR)813, (BA)842, (BA)843, (BA)**883**, 983 Ch. 98-90
370 Municipal Water & Sewer Utilities (Silver) (CR)7, (FR)29, (CR)136, (CR)343, (BA)367, (BA)369 LTS/CSP-HB 791
372 Workers' Comp/Chiropractic Services (Silver) (FR)29 DSC
374 Motor Vehicle Emissions Inspections (Natural Resources and others) (CR)8, (FR)30, (CS)99, (CO)165, (CR)344, (CS/CS)347, (MO)462, (CR)927, (BA)970 LTS/CSP-CS/HB 1377
376 Solid Waste Disposal (Kirkpatrick) (MO)3, (CR)7, (FR)30, (CR)478, (BA)516, (BA)520 LTS/CSP-HB 3125
378 Forensic Client Services Act (Rossin) (FR)30, (CR)478, (MO)506 DSC
380 Florida Retirement System (Governmental Reform and Oversight and others) (CR)8, (FR)30, (CS)99, (CR)344, (CR)982, (CR)1093, (CR)1523, (CR)1808 DCS/CSP-CS/CS/HB 3491, CS/SB 1684
382 Secondhand Dealers (Banking and Insurance) (FR)30, (CR)182, (CS)207, (CR)344, (CR)406, (BA)447 LTS/CSP-CS/HB 3199
384 Children's Services/Special Dist. (Grant) (FR)30 DSC
386 Educ./Teacher Preparation Program (Education and others) (CR)8, (FR)30, (CS)99, (CR)407, (BA)475, (BA)476, (CR)478, (CO)489, (BA)**493** DM
388 Math & Sciences Academy/Study Comm. (Ways and Means) (CR)8, (FR)30, (CS)99, (CR)(CS/CS)743, (CR)1093, (CR)1523, (CR)1808 DCS
390 Community College Faculty Diversity (Education) (CR)8, (FR)30, (CS)99, (CR)528, (BA)811, (CR)813 LTS
392 Substance Abuse Treatment (Holzendorf and others) (FR)30, (CR)222, (CO)320, (CR)528, (BA)784 LTS/CSP-CS/HB 3227
394 Human Rights Committees (Forman) (CR)7, (FR)30 DCS
396 Human Rights Advocacy Councils (Forman) (CR)7, (FR)30 DCS
398 Sexually Violent Predator Treatment (Klein and others) (FR)31 DSC/CSP-CS/HB 3327
400 Florida Single Audit Act (Burt) (CR)7, (FR)31, (MO)433, (CR)813, (BA)925, (BA)**974**, 1098 Ch. 98-91
402 Nonclinical Social Work Practice (Health Care and others) (FR)31, (CR)424, (CS)425 DSC
404 Criminal Penalty/Jail Rules (Bronson and others) (CR)7, (FR)31, (CR)982, (CR)1093, (BA)1181, (BA)1185, (CO)1231, (BA)1236, (CR)1522, (CO)1526 LTS
406 Land Platting (Regulated Industries) (CR)9, (FR)31, (CS)99, (CR)344, (BA)401, (CR)406 LTS/CSP-CS/HB 3223

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408 Homestead Exemption/Age 65 or Older (Community Affairs) (CR)8, (FR)31, (CS)99, (MO)828 DSC/CSP-HJR 3151

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410 Ad Valorem Tax/Agricultural Land (Bronson) (CR)6, (FR)31, (CR)119, (MO)272, (CR)478, (BA)516 LTS/CSP-CS/HB 489
412 Premium Finance Agreement Payments (Clary) (CR)7, (FR)32 DCS
414 Osteoporosis (Campbell) (MO)3, (FR)32 WS
416 Children's Protection Act of 1998 (Campbell) (FR)32 DSC
418 Judicial Nominating Commissions (Judiciary) (FR)32, (CR)344, (CS)347, (BA)**902**, (CR)927, 983 Vetoed
420 Firearms (Holzendorf) (FR)32, (MO)984 WS
422 Community Outreach Partnership Act (Meadows and others) (FR)32, (CR)478, (MO)538 DSC
424 Violent Offenders/Public Notices (Crist) (FR)32 DSC
426 Public Service Commission (Crist and others) (FR)32 DSC
428 Domestic Violence (Criminal Justice) (CR)8, (FR)32, (CS)99 DSC
430 School Health Services Program (Brown-Waite and others) (FR)33, (MO)758 WS
432 Water & Wastewater Utilities (Cowin) (FR)33 DSC
434 Sales Tax Exempt./Pollution Control (Ways and Means and others) (FR)33, (CR)148, (MO)357, (CR)375, (CS)409, (CR)1093, (BA)1134, (BA)1135 LTS/CSP-CS/CS/HB 3229
436 Harness Horse Taxes (Regulated Industries) (FR)33, (CR)407 DSC
438 Pari-mutuel Wagering (Regulated Industries) (FR)33, (CR)408, (CS)409 DSC/CSP-HB 1747
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442 Forensic Client Services (Criminal Justice and others) (CR)8, (FR)33, (CS)99, (CR)182, (CS/CS)207, (CR)528, (BA)771, (BA)**857**, 1098 Ch. 98-92
444 Criminal Mischief/Graffiti (Gutman) (CR)6, (FR)34, (MO)114, (CR)119, (BA)295, (CR)303, (BA)**337**, 1098 Ch. 98-93
446 Opticianry (Diaz-Balart) (FR)34, (MO)758 WS
448 Sales Tax/Nonprofit Organization (Diaz-Balart) (FR)34, (MO)758 WS
450 Scalp Hair Prostheses/Health Care (Campbell) (MO)3, (FR)34 WS
452 Fla. Mobile Home Act (Community Affairs and others) (FR)34, (CO)458, (CR)479, (CS)480, (MO)506, (CR)1093, (BA)**1177** DM
454 Sovereign Immunity/Prison Guards (Gutman) (CR)7, (FR)34 DSC
456 Congressional Candidates (Crist) (FR)34, (CR)742 DSC
458 Sales Tax Exempt./Credit Counseling (Crist) (FR)34, (CR)375 DSC
460 Crime Victims/Toll-free Phone Number (Judiciary) (CR)7, (FR)34, (CR)304, (CS)312, (MO)940 DCS
462 Court Costs & Fines Collection (Criminal Justice) (FR)34, (CR)303, (CR)479, (CS)480, (MO)506, (CR)982, (CR)1093, (BA)1258, (CR)1522 LTS/CSP-CS/HB 1381
464 Conserve Wildlife License Plate (Crist and others) (FR)35, (CR)303, (MO)940, (CR)1093, (CR)1523, (BA)1726, (CR)1807 LTS/CSP-HB 3273
466 Surplus Food Distribution (Commerce and Economic Opportunities) (FR)35, (CR)182, (CS)208, (CR)344, (CR)406, (BA)422, (BA)434 LTS/CSP-CS/HB 105
468 Community Hospital Protection Act (Klein) (FR)35 DSC
470 Land Use by G&FWFC (Bronson) (CR)7, (FR)35, (CR)813 DCS/CSP-CS/HB 3673, CS/HB 3771
472 Veterinary Medical Practice (Dyer) (MO)3, (CR)7, (FR)35, (CR)343, (BA)367, (BA)369, (BA)371, (BA)390, (BA)**394** DM
474 Community Policing Innovations (Dyer) (CR)7, (FR)35, (CR)478, (BA)516 LTS/CSP-HB 627
476 Driver's License Suspension (Transportation and others) (CR)9, (FR)35, (CS)100, (CR)344, (CR)406, (BA)445, (BA)**463** DM/CSP-HB 3275
478 Managed-Care-Subscriber/Rights (Forman) (FR)35 DSC
480 Controlled Substances/Child Care (Klein) (CR)7, (FR)36, (BA)296, (CR)303, (BA)337, **338** DM
482 Educational Facilities (Regulated Industries) (CR)7, (FR)36, (CR)136, (CS)140, (CR)343, (BA)367, (BA)**390**, 505, 827, 1523 Ch. 98-35
484 Health Care (Ways and Means) (CR)8, (FR)36, (CS)100, (CR)408, (CS/CS)410, (CR)528, (BA)789, (BA)828, (BA)843,

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(BA)846, (BA)848, (BA)849, (BA)**877**, (BA)1273, **1283**
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486 Law Enforcement Department (Criminal Justice) (MO)3, (CR)7, (CR)8, (FR)36, (CS)100, (CR)148, (BA)175, (BA)177, (BA)178, (CR)180, (BA)218, **219**, 1098 Ch. 98-94
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488 Hazardous Waste (Forman) (MO)3, (FR)36 WS
490 Health Maintenance Organizations (Silver) (FR)36 DSC
492 Property Owners/Assessment Notice (Community Affairs) (MO)3, (CR)8, (FR)37, (CS)101, (CR)344, (CR)406, (BA)447, (BA)473, (CR)478, (BA)491, **492**, (MO)498, (BA)517
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494 Domestic Violence (Judiciary) (FR)37, (CR)(CS)868, (MO)877 DCS
496 State Employee Telecommuting Program (Kirkpatrick and others) (MO)3, (CR)7, (FR)37, (CR)344, (CR)406, (BA)447
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498 Tax Administration (Ways and Means and others) (CR)7, (FR)37, (CR)408, (CS)410, (BA)522, (CR)528, (BA)**764**, (BA)827, 1098 Ch. 98-95
500 Tax Exemption/Industrial Machinery (Burt) (FR)37, (CR)148, (CR)374, (MO)386, (CR)1093, (BA)1135
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502 Court Cost/Law Enforcement Funding (Judiciary and others) (CR)8, (FR)37, (CS)(CS/CS)101, (CO)216, (MO)433, (CR)813, (BA)911, (BA)940, (BA)976 LTS/CSP-CS/HB 3255
504 Firearms-related Licenses (Criminal Justice) (FR)37, (CR)182, (CS)208, (CR)927 DCS/CSP-CS/HB 3713
506 Public Records/CFS Department (Children, Families and Seniors) (CR)8, (FR)37, (CS)101, (CR)407, (CR)813, (BA)848 LTS/CSP-CS/HB 1433, CS/CS/SB 484
508 Alcohol Impairment Notification (Criminal Justice) (FR)37, (CR)182, (CS)208, (CR)344, (CR)406, (BA)452
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510 Securities Transactions (Horne and others) (CR)7, (FR)37, (CO)216, (CR)407, (CR)478, (BA)497, (BA)514, (BA)515
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512 Excess Utility Payments Refund (Cowin and others) (FR)38 DSC
514 Sexual Predator Registration (Criminal Justice and others) (CR)9, (FR)38, (CS)101, (CR)813, (BA)926 LTS/CSP-CS/SB 1992
516 Murphy Act Lands (Judiciary) (CR)7, (FR)38, (CR)136, (CR)(CS)868 DCS
518 Mergers/Businesses or Corporations (Commerce and Economic Opportunities) (FR)38, (CR)136, (CS)140, (MO)538
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520 Intangible Personal Property/Taxes (Ostalkiewicz) (FR)38
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522 Sales Tax Exemption/Nonprofit Orgs. (Ostalkiewicz) (CR)9, (FR)38 DSC
524 Offense of Murder/Redefined (Criminal Justice) (MO)3, (CR)8, (FR)38, (CS)101, (CR)1093, (CR)1523, (BA)1643, (BA)1710, (BA)1718, (BA)1719, (CR)1807 LTS/CSP-HB 4233
526 Victim & Witness/Protective Services (Campbell) (MO)3, (CR)7, (FR)38, (BA)295, (CR)303, (BA)**337**, 1098 Ch. 98-96
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528 Conservation & Recreation/Bonds (Natural Resources) (FR)39, (CR)454, (CS)456, (MO)828 DSC
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530 Organic Material Removal/State Water (Kirkpatrick) (FR)39, (MO)272 WS
532 Fines/Executive-branch Agencies (Grant) (FR)39 DSC
534 National Guard (Kirkpatrick) (MO)3, (CR)7, (FR)39, (BA)525, (CR)528 LTS/CSP-HB 3205
536 College-prep Class/Student Funding (Ways and Means) (FR)39, (CR)119, (BA)(CR)343, (CR)345, (CS)347, (BA)**359**
DHC
538 Sales Tax Exemption/Nonprofit Org. (Lee) (CR)9, (FR)39
DSC
540 Emergency Medical Care Providers (Lee) (MO)3, (CR)7, (FR)39, (CR)344, (CR)406, (BA)452, (BA)**469**, 1098
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SJR
542 Water Management Districts/Budgets (Bronson and others) (FR)39, (CR)136, (MO)324, (CR)528, (CR)927, (BA)968, (BA)991, **992** DM
SB
544 Homeowners' Associations (Judiciary) (CR)7, (FR)39, (CR)408, (CS)410, (CO)756, (CR)813, (BA)830, (BA)(CO)834 LTS/CSP-CS/CS/HB 3193
546 Schools/Uniform Dress Code Policy (Dyer) (FR)39, (MO)114 WS
548 Family Bill of Rights Act (Ostalkiewicz) (FR)39, (CR)136, (MO)272 DSC/CSP-HB 1019
550 Adoption (Judiciary) (FR)40, (MO)168, (CR)222, (CS)227, (CR)406, (BA)453, (BA)454, (BA)472, (BA)473, (CR)478, (BA)490, **491** DM
552 Jury Districts/Boundaries (Judiciary) (FR)40, (CR)344, (CS)347, (CR)407, (BA)476, (CR)478, (BA)**494**, 1526
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554 DUI/Subsequent Convictions (Burt) (FR)40, (CR)119, (MO)877 DCS
556 Delinquent Personal Property Taxes (Forman) (FR)40, (MO)272 WS
558 Delinquent Personal Property Taxes (Forman) (FR)40
DSC/CSP-SB 2222
560 Determination of Millage (Bronson) (FR)40, (MO)114, (CR)119, (CR)344, (CR)406, (BA)452 LTS/CSP-HB 3477
562 Medical Examiners (Criminal Justice and others) (FR)41, (CR)182, (CS)208, (CR)982, (CR)1093, (CR)1523, (BA)1636, (CR)1807 LTS/CSP-CS/HB 1329
564 Higher Education (Kurth) (FR)41, (MO)114, (CR)119, (CR)478, (BA)517, (BA)518, (BA)767, (BA)855, **856**, 1098
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566 Rhea Chiles Health Care Education TF (Grant) (MO)3, (FR)41 DSC
568 Alcohol/Substance Abuse Treatment (Dudley) (FR)41 DSC
570 Assessments on Health Care Entities (Ways and Means) (FR)41, (CR)181, (CR)408, (CS)410, (CR)1092, (BA)1147, (BA)**1235**, (BA)**1644** Ch. 98-192
572 Death Sentence (Dudley) (FR)41 DSC
574 Florida Housing Finance Corporation (Meadows) (FR)41
DSC
576 Special Districts/Governing Body (Ostalkiewicz) (FR)41
DSC
578 Special Districts (Ostalkiewicz) (FR)41, (CR)742 USC/LTS
580 Sales Tax Exemption/Vehicle Prices (Ostalkiewicz) (FR)41
DSC
582 Parking Permits For Disabled (Childers and others) (FR)41 DSC/CSP-CS/SB 1498
584 Criminal History Background Checks (Silver) (FR)41 DSC
586 Felony Offenses/Bodily Injury (Criminal Justice) (MO)3, (CR)8, (FR)42, (CS)101, (BA)295, (CR)303, (BA)**337**
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588 Unlawful Possession of Firearm (Silver and others) (FR)42, (CR)478, (CO)489, (MO)506 DCS
590 Property Crimes (Criminal Justice) (CR)9, (FR)42, (CS)101, (BA)(CR)478, (BA)**496** DM
592 Lake Panasoffkee Restoration Council (Natural Resources and others) (FR)42, (CR)182, (CS)208, (MO)386, (CR)478, (BA)516, (BA)517, (BA)**740**, 1231 Ch. 98-69
594 Veterans' Homes (Brown-Waite) (CR)7, (FR)42, (MO)114, (CR)344, (BA)371 LTS/CSP-HB 1649
596 Battery/Corrections Employee (McKay) (CR)7, (FR)42, (MO)114 DCS
598 Statewide Prosecutor (Jenne) DNI
600 Solid Waste Management (Natural Resources) (FR)42, (CR)344, (CS)347, (CR)479 DCS
602 Bulk Transfers (Bronson and others) (FR)42 DSC
604 DUI Vehicle/Vessel Impoundment (Transportation and others) (MO)3, (FR)42, (CR)(CS)425, (CO)756, (CR)814, (CS/CS)815 DCS/CSP-CS/HB 3345
606 Driver's License Suspension (Hargrett and others) (FR)42, (CO)143 DSC/CSP-HB 3275
608 Corporate Income Tax (Ways and Means) (FR)43, (CR)408, (CS)410, (CR)478, (BA)518, (BA)**762**, (BA)827, 1231
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SJR
610 Prisoners/Clemency (Crist and others) (FR)43, (CR)303, (MO)506, (CO)873, (CR)927, (CR)1093, (CR)1523, (CR)1808 DCS
SB
612 Admissions Tax/Sporting Events (Crist) (FR)43, (MO)940, (CR)982, (CR)1093, (CR)1523, (BA)1743, (CR)1808
LTS/CSP-CS/HB 73
614 Education/Public-private Partnership (McKay) (FR)43
DSC
616 Education/Employee Leave (McKay) (FR)43 DSC

SB
618 Regional Planning Councils (Brown-Waite) (FR)43 DSC
620 Bright Futures Scholarship Program (Grant) (FR)43 DSC
622 Practice of Professional Biology (Meadows) (FR)43 DSC
624 Felony Offenses/Enhanced Penalties (Silver) (FR)43 DSC
626 Timeshare Plans (Judiciary and others) (FR)43, (CR)136, (CS)140, (CR)304, (CS/CS)313, (CR)344, (CR)406, (BA)450, (BA)**467**, 505, 827, 1523 Ch. 98-36 CSP-CS/CS/HB 3321
628 Medicaid Provider Fraud (Williams) (FR)44, (CR)743, (CS)744, (BA)836 LTS/CSP-HB 3077
630 Culpable Negligence/Pack of Dogs (Lee) (FR)44 DSC
632 Professions/Occupations/Businesses (Governmental Reform and Oversight) (FR)44, (CR)742, (CS)743 DSC
634 Intangible Personal Property Tax (Ostalkiewicz) (CR)9, (FR)44 DSC
636 Taxation of Homes for the Aged (Ways and Means and others) (FR)44, (CO)126, (CR)148, (CR)408, (CS)410, (CR)742, (BA)902, (CR)927 LTS/CSP-CS/CS/HB 1093
638 Sales Tax Exemption on Electricity (Ostalkiewicz and others) (CR)9, (FR)44 DSC/CSP-CS/CS/HB 3249
640 Telecommunications Services (Regulated Industries) (FR)44, (CR)(CS)868, (MO)877, (CR)982, (CR)1092, (BA)1147, (BA)1168 LTS/CSP-HB 4785
642 HRS Department/Statutory Changes (Children, Families and Seniors) (CR)8, (FR)44, (CS)101, (CR)528, (CR)927, (BA)970 LTS/CSP-HB 4483
644 UCC/Investment Securities (Judiciary and others) (CR)8, (FR)44, (CS)102, (CR)119, (BA)279, (CR)303, (BA)330 LTS/CSP-HB 1083
646 The Jimmy Ryce Act of 1998 (Children, Families and Seniors and others) (CR)8, (FR)45, (CS)102, (CR)182, (CS/CS)208, (CR)344, (CR)813, (BA)830, (BA)841, (BA)842, (BA)879, (BA)887 LTS/CSP-CS/HB 3327
648 State Purchasing Guidelines (Kirkpatrick and others) (MO)3, (FR)45 WS
650 Medicaid/Healthy Start Program (Health Care) (FR)45, (CR)119, (CS)124, (MO)272, (BA)338, (CR)343, (BA)**358** DM
652 Minority Business Enterprises (Turner) (FR)45, (MO)877 WS
654 School Pesticide Safety (Turner) (FR)45, (MO)877 WS
656 School Curriculum/History of Labor (Turner and others) (FR)46, (CR)407, (MO)433, (CR)528, (CO)756, (BA)779, (BA)**858**, (CO)1526 DM
658 Veterans/Military Awards/Taglets (Turner) (FR)46, (MO)758 WS
660 State-funded Educ./Infant & Toddler (Turner) (FR)46, (CR)303, (CR)344, (MO)386, (BA)477, (CR)478, (BA)**495**, 1098 Ch. 98-70
662 Weapons & Firearms (Turner) (FR)46, (MO)877 WS/CSP-CS/CS/HB 679
664 Duval Co./School District Personnel (Horne) (FR)46, (CR)119 DSC/CSP-HB 3651
666 WAGES Program Transportation (Transportation and others) (CR)8, (FR)46, (CS)102, (MO)114, (CR)180, (BA)221, (BA)239, (BA)**273**, (CO)416 DCH/CSP-CS/SB 1114
668 Violent Offenders (Crist) (FR)46, (CR)119, (MO)272, (CR)344, (CR)406, (BA)451, (BA)452, (BA)454, (BA)**468** DM
670 FRS/Special Risk Member (Crist and others) (CR)6, (FR)46, (CO)165, (CR)181 DSC
672 Hearsay Evidence (Horne) (FR)47, (MO)128, (CR)148, (MO)168 DSC
674 Bingo (Latvala) (FR)47 DSC
676 Procuring Agencies/Contracts (Governmental Reform and Oversight) (FR)47, (CR)(CS)425 DSC
678 Victims & Witnesses/Fair Treatment (Bronson) (CR)7, (FR)47 DCS
680 Tax Exemption/Products For Cattle (Ways and Means) (FR)47, (CR)375, (MO)877, (MO)940, (CR)(CS)982, (CR)1093, (CR)1523, (BA)1641, (CR)1807 LTS/CSP-HB 4155
682 Lottery/Public Assistance Recipients (Ostalkiewicz) (FR)47 DSC
684 Science Advisory Board (Meadows) (FR)47, (MO)168 WS
686 Homestead Property (Williams) (FR)47, (CR)374, (MO)984 DCS
688 Tax Exemption/Seaport Duty-free Zone (Gutman) (FR)47, (CR)408 DSC
690 Interstate Highway/Level-of-Service (Williams) (FR)47 DSC
692 DUI & Controlled Substances (Grant and others) (FR)48 DSC

SB
694 Racketeering Activity (Grant) (FR)48 DSC
696 Violent Video Game/Public Exhibition (Grant and others) (FR)48, (CO)489 DSC
698 Antique Vessel Registration (Ostalkiewicz) (FR)48 DSC
700 School Year Extension/Funding (Grant) (FR)48 DSC
702 Truth in Campaigning Act (Criminal Justice and others) (FR)48, (CR)407, (CR)813, (CS)815 DSC
704 Business Entities (Klein) (FR)48, (CR)119, (CR)374, (CR)1093, (BA)1123, **1134**, 1526 Ch. 98-101 CSP-CS/HB 4413, CS/SB 608
706 HS Graduation Credit Requirements (Education) (FR)48, (CR)136, (CS)140, (BA)(CR)343, (CR)344, (BA)**359**, (BA)1574, 1818 Vetoed/CSP-HB 4259
708 Juvenile Substance Abuse Testing (Grant) (FR)48, (CR)119, (CR)344, (CR)406, (BA)451, (BA)473, (CR)478 LTS/CSP-CS/HB 3007
710 Wrecker Operator/Immobilizing Autos (Transportation and others) (FR)48, (CR)424, (CS)425, (MO)538, (CR)1093, (CO)1231, (CR)1523, (CO)1526, (BA)1737, (CR)1808 LTS/CSP-CS/HB 3345
712 Municipalities/Business Enterprises (Bronson) (FR)48, (CR)181, (CR)303, (MO)324, (BA)401, (CR)406, (BA)**421**, 505, 827, 1523 Ch. 98-37
714 Health Care (Ways and Means and others) (FR)49, (CR)182, (CS)209, (CR)(CS/CS)868, (CR)982, (CR)1093, (BA)1185, (BA)1194, (CO)1231, (BA)1235, **1236**, (BA)1645, 1818 Ch. 98-171 CSP-CS/HB 4035, CS/SB 1960
716 Tax Exempt/Educational Institution (Forman) (FR)50 DSC
718 Obtaining Property/False Personation (Hargrett) (FR)50, (MO)128 WS
720 Tobacco Sales (Regulated Industries and others) (FR)50, (CR)136, (CS)140, (CR)479, (CR)813, (BA)848, (BA)852, (BA)853, (BA)**885**, (CO)983, (BA)**1807** Ch. 98-172
722 Certified Nursing Assistants (Dudley) (FR)50 DSC
724 Noncriminal Traffic Offenses/Costs (Hargrett) (FR)50 DSC
726 Health Care Contracts/Nurses (Banking and Insurance) (FR)50, (CR)304, (CS)313, (MO)324, (CR)813, (BA)829, (BA)**878** DM
728 Homestead Tax Exemption Notification (Brown-Waite) (FR)50 DSC
730 Prison Inmates/Benefits (Dudley) (FR)50, (CR)478 DSC
732 Sales Tax Exemption/Gasparilla (Grant) (FR)50, (CR)375, (MO)877, (MO)940, (CR)982, (CR)1093, (CR)1523, (BA)1736, (CR)1808 LTS/CSP-CS/HB 117
734 Fuel Measuring Devices (RAB) (Bronson) (CR)7, (FR)50, (CR)148, (BA)176, (CR)180, (BA)**218**, 505, 827, 1523 Ch. 98-38
736 Miami-Dade Community College (Diaz-Balart and others) (FR)50, (CO)320, (CO)355, (MO)758 WS

SJR
738 Real Property Assessment (Dudley) (FR)50, (CR)303 DSC

SB
740 Real Property Assessment (Dudley) (FR)50 DSC
742 Sponsored Research & Development (Education and others) (FR)51, (CR)136, (CS)140, (CR)222, (CS/CS)227, (CR)344, (CR)1092, (BA)1108 LTS/CSP-CS/CS/HB 3351
744 Fictitious Names/Prohibited Use (Holzendorf and others) (FR)51, (CO)216, (CR)479 DCS
746 Public Records/Auto Jt. Underwriting (Williams) (FR)51, (CR)181, (CR)407, (CR)478, (BA)518 LTS/CSP-CS/HB 1887
748 Public Hospital Lease (Williams) (FR)51 DSC/CSP-CS/HB 3585
750 DUI Sentencing/Vehicle Impoundment (Klein) (FR)51, (MO)128 WS/CSP-CS/HB 3345
752 Designation of Buildings/Programs (Education) (FR)51, (CR)375, (CS)378, (CR)528, (BA)787, (BA)788, (BA)**862**, 983 Ch. 98-71 CSP-CS/HB 3065
754 Retirement Benefit Study Commission (Governmental Reform and Oversight) (FR)51, (CR)479, (CS)480, (MO)940 DCS
756 Alzheimer's Disease (Klein) (FR)51, (CR)181, (MO)490, (CR)813, (BA)830, (BA)831, (BA)**879**, 1231 Ch. 98-102 CSP-CS/CS/HB 3387
758 State University System (Education and others) (CR)8, (FR)51, (CS)103, (MO)386 DCS/CSP-HB 4259
760 Economic Development (Ways and Means and others) (CR)8, (FR)52, (CS)103, (BA)394, (BA)401, (CR)406, (CR)408, (CS/CS)410, (BA)419, **421** DHC/CSP-HB 3225, CS/HB 4413, CS/CS/SB 626, CS/SB 1114, CS/SB 1202

SB
762 Workforce Development Board (Commerce and Economic Opportunities) (CR)7, (FR)52, (CR)374, (BA)401, (CR)406, (BA)**421** DM
764 Small Businesses (Turner) (FR)52, (MO)758 WS
766 Insurance/Continuing Education (Diaz-Balart) (CR)7, (FR)52, (CR)148, (BA)298, (BA)299, (CR)303, (BA)**338**, 1098 Ch. 98-103 CSP-CS/SB 1108
768 Sureties/Insurance Dept. (RAB) (Diaz-Balart) (CR)7, (FR)52, (CR)148, (BA)175, (BA)176, (CR)180, (BA)218, (BA)**220**, 505, 827, 1523 Ch. 98-39
770 Firefighter/Forestry Training (RAB) (Diaz-Balart) (CR)7, (FR)52, (CR)148, (BA)176, (CR)180, (BA)218, (BA)**221**, 505, 827, 1523 Ch. 98-40
772 Criminal Justice (Criminal Justice and others) (FR)52, (MO)168, (CR)182, (CS)209, (CR)982, (CR)1093, (BA)1214, (BA)1236, (BA)1272 LTS/CSP-CS/HB 3709
774 Drivers' Licenses (Gutman) (FR)52 DSC
776 Physician Assistant Certification (Health Care) (FR)52, (CR)136, (CS)140, (CR)344, (CR)406, (BA)446, (BA)447, (BA)474, (CR)478, (BA)**492**, 983 Ch. 98-49
778 Controlled Substances (Gutman) (FR)52 DSC
780 Felony Offenders (Gutman) (FR)52, (CR)181, (MO)462 DCS/CSP-CS/SB 1522
782 Obstruction of Law Enforcement (Gutman) (FR)53, (CR)181, (MO)324 DCS
784 Federal Proceeds Trust Fund (Criminal Justice) (FR)53, (CR)(CS)425 DCS
786 Trespass (Criminal Justice) (FR)53, (CR)119, (CS)124, (MO)168 DCS
788 Sexually Violent Predator Treatment (Klein and others) (FR)53 DSC/CSP-CS/HB 3327
790 Everglades River Grass License Plate (Crist and others) (FR)53, (CR)344, (MO)386, (BA)**902**, (CR)927, 1098 Ch. 98-72
792 Dental Insurance Coverage (Banking and Insurance and others) (FR)53, (CR)(CS)499, (CR)742, (MO)877, (CR)1093, (CR)1522, (BA)1635, (CR)1807 LTS/CSP-CS/HB 3487
794 Traffic Violations/Eluding Officer (Criminal Justice) (FR)53, (CR)425, (CS)426, (MO)433, (BA)902, (BA)903, (CR)927 LTS/CSP-HB 4059, CS/HB 3255
796 Health Maintenance Organizations (Silver) (FR)53 DSC
798 Sexual Offenses Against Children (Silver) (FR)53 DSC
800 Workers' Compensation/Officers (Grant) (FR)54 DSC
802 Inmate Health/Purchase Requirements (Crist) (FR)54 DSC
804 Political Campaigns/Use of Aircraft (Crist) (FR)54, (CR)303, (CR)742 DCS
806 Public Records/Fla. Land Sales Div. (Dudley) (FR)54, (CR)222, (CR)407, (CR)478, (BA)497 LTS/CSP-CS/HB 1903
808 Tax Exemption/Religious Activities (Grant) (CR)9, (FR)54 DSC/CSP-CS/HB 3395
810 International Motorsports Museum (Silver and others) (FR)54, (CR)407, (CO)432 DSC
812 Clean Air (Natural Resources and others) (FR)55, (CR)136, (CS)140, (CR)181, (MO)272, (CR)344, (CR)406, (BA)447, (BA)450, (BA)**466**, (BA)**1284** Ch. 98-193 CSP-CS/SB 814
814 Public Records/Clean Air Act (Governmental Reform and Oversight and others) (FR)55, (CR)136, (CR)181, (CR)(CS)743, (CR)927, (BA)966, (BA)977, (BA)**990**, 1818 Ch. 98-406 CSP-CS/SB 812

SJR
816 Judicial Terms & Limitations (Horne) (FR)55, (CR)267, (CR)407 USC/LTS

SB
818 Fire Protection Contractors (Banking and Insurance) (FR)55, (CR)182, (CS)209, (MO)239, (CR)344, (CR)406, (BA)451, (BA)467, (BA)**468**, 1231 Ch. 98-104
820 Skateboarding/Rollerblading/Bikes (Judiciary) (FR)55, (CR)374, (CS)379, (CR)478, (CR)868, (CS/CS)869 DCS
822 Vehicles Used By State Agencies (Governmental Reform and Oversight) (FR)55, (CR)182, (CS)209, (CR)343, (CR)344, (BA)360, (BA)361, (BA)**387** DM
824 State Planning & Budgeting (Rules and Calendar) (FR)55, (CR)182, (CS)209, (CR)344, (CR)(CS/CS)743 DCS/CSP-CS/SB 832
826 Solid Waste Management (Natural Resources) (FR)55 DSC
828 Elders/Access to Courts (Cowin) (FR)55, (CR)268, (CR)528, (BA)903, (CR)927 LTS/CSP-HB 1705

SB
830 Homestead Tax Exemptions/SS Numbers (Cowin and others) (FR)56, (MO)114, (CR)119, (CS)344, (CR)406, (BA)452, (BA)**469**, 756, 1526 Vetoed
832 State Planning & Budgeting (Governmental Reform and Oversight and others) (FR)56, (CR)304, (CS)313, (CR)528, (BA)788, (BA)789, (BA)798, (BA)**862**, 1098 Ch. 98-73
834 Gambling Equipment Rules (Gutman) (FR)56 DSC
836 State Lottery Requirements (Gutman) (FR)56, (CR)136, (BA)521, (BA)522, (CR)528 LTS/CSP-HB 3289

SR
838 Child/Domestic/Elder Abuse Awareness (Forman) (FR)**875** Adopted

SB
840 Timber Management (Agriculture) (FR)56, (CR)182, (CS)210, (MO)490, (CR)813, (BA)848 LTS/CSP-CS/HB 3671
842 Special Needs Child/Adoption Program (Campbell) (FR)56, (CR)181, (CR)406, (BA)473, (CR)478, (BA)**491** DM
844 Commercial Motor Vehicles (Transportation) (FR)56, (CR)119, (CS)124, (BA)521, (CR)528, (BA)**763**, (BA)827 DM
846 Transportation Dept.(RAB) (Transportation) (MO)3, (FR)56, (CR)182, (CS)210, (BA)274, (BA)276, (CR)303, (BA)**324**, 983 Ch. 98-105 CSP-CS/SB 1440
848 Art Therapy/Regulation (Turner) (FR)56, (MO)758 WS
850 Public Record Exempt./Art Therapists (Turner) (FR)57, (MO)758 WS
852 Condominium Owners/Cable TV Service (Forman) (FR)57, (CR)222 DCS
854 License Plate/Sheriffs Youth Ranches (Williams and others) (FR)57, (CO)126, (CO)143, (CR)344, (MO)462, (CO)756, (CR)813, (BA)926, (BA)**975**, 1231 Ch. 98-74
856 Beach Management Funding (Sullivan) (MO)3, (FR)57 WS/CSP-CS/HB 3427

SR
858 Youth/Foster Care/Youth Advisory Bd. (Rossin) (FR)875, **876** Adopted

SB
860 Voyeurism (Criminal Justice) (FR)57, (CR)479, (CS)480, (MO)490 DCS/CSP-CS/HB 3709
862 Educational Technology/Upgrades (Kirkpatrick) (FR)57, (CR)742 DSC
864 Ad Valorem Tax Exemption/Charities (Meadows) (FR)57, (CR)407, (MO)433, (BA)523, (CR)528, (BA)764, **765**, (BA)770, (BA)827 LTS/CSP-CS/HB 29
866 Professional Sports Franchises (Community Affairs) (FR)57, (CR)222, (CR)479, (CS)480 DSC
868 Single Statewide Building Code (Meadows) (FR)57, (CR)408, (CS)412, (MO)490, (CR)499, (CS/CS)500, (CR)813, (BA)997, (BA)998, (BA)999, (CR)1092 LTS/CSP-CS/CS/HB 4181, HB 4439
870 Public Records/Social Workers (Health Care) (FR)57, (CR)344, (CS)347 DSC
872 Game & Fishing Licenses (Kirkpatrick) (FR)57, (CR)268, (MO)433 DCS/CSP-CS/HB 3673
874 Civil Actions (Rules and Calendar and others) (FR)58, (CR)344, (CS)347, (BA)401, (BA)403, (BA)(CR)406, (BA)421, **422**, (BA)435, (BA)442, 489, (BA)1259, (MO)1268, **1269**, 1526 Vetoed
876 Medicaid Third-party Liability (McKay) (FR)58 DSC/CSP-HB 3077
878 Medical Malpractice (McKay) (FR)58 DSC
880 Barbering & Cosmetology (Regulated Industries) (FR)58, (CR)136, (CS)141, (MO)324, (CR)528, (BA)789 LTS/CSP-CS/HB 3343
882 Beach Management Funding (Ways and Means and others) (FR)58, (CO)126, (CO)143, (CO)165, (CO)216, (CO)270, (CO)416, (CR)454, (CS)457, (CR)868, (CS/CS)869, (CR)982, (CR)1092, (BA)1147, (BA)1148 LTS/CSP-CS/HB 3427, CS/SB 1458
884 Local Option Tourist Development Tax (Clary) (FR)58, (CR)181, (CR)303, (MO)324, (BA)**903**, (CR)927, 1098 Ch. 98-106
886 Political Ads/Manipulated Images (Executive Business, Ethics and Elections) (FR)59, (CR)304, (CS)313 DCS
888 Sales Tax Exemption/Flight Training (Bronson) (FR)59, (CR)408 DSC
890 Ad Valorem Tax/Training Facilities (Bronson) (FR)59 DSC
892 Substance Abuse Services (Rossin) (FR)59, (CR)222, (CR)344, (CR)406, (BA)451, (BA)**468**, 1098 Ch. 98-107

SB
894 Amphitheaters/Noise Ordinances (Rossin) (FR)59 DSC
896 Antitrust Claims (Campbell) (FR)59 DSC
898 Postconviction/Capital Cases (Burt) (MO)3, (FR)59, (BA)115, (CR)118, (CR)119, (BA)**129**, (BA)1645, **1646** Ch. 98-194
900 Sales At Flea Markets/Authorization (McKay) (FR)59 DSC
902 Annuity Contracts/Assessment Rates (McKay) (FR)59 DSC
904 School Counselors/Pilot Program (Education and others) (FR)59, (CR)182, (CS)210, (CO)355 DSC
906 Intangible Personal Property Taxes (Cowin) (FR)59 DSC
908 Death Sentence/Overturned (Gutman) (FR)59 DSC
910 False Identification (Judiciary and others) (FR)59, (CR)182, (CS)210, (CO)270, (CR)868, (CS/CS)869, (MO)877 DCS
912 School Funding (Diaz-Balart and others) (FR)60, (CO)216 DSC
914 Sentencing of Capital Felons (Criminal Justice) (FR)60, (MO)272, (CR)304, (CS)313 DCS
916 Sales Tax Exemptions/Aquaculture (Ways and Means) (CR)9, (FR)60, (MO)357, (CR)374, (CS)379, (CR)1092, (BA)**1108** DM
918 Patient Records/Disclosure (Gutman) (FR)60 DSC
920 Motor Vehicle Accident Reports (Gutman) (FR)60 DSC
922 Employee Organization/Dues Deduction (Forman) (MO)3, (FR)60 DSC
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962 Community Colleges Facilities (Education) (FR)62, (CR)182, (CS)210, (CR)407, (MO)506, (BA)904, (CR)927 LTS/CSP-HB 3799
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1784 Robbery/Sudden Snatching (Bronson) (FR)158, (CR)742, (MO)828 DCS
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1860 Repackaged Raw Meat, Fish, Poultry (Klein) (FR)163, (MO)324, (CR)478 DSC
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1870 Small-Business-Enterprise Programs (Turner) (FR)164, (MO)984 WS
1872 Adult Family-care Homes (Children, Families and Seniors and others) (FR)164, (CR)408, (CS)414, (MO)490, (CO)756, (CR)813, (BA)831, (CO)1231 LTS/CSP-CS/HB 4035, CS/CS/SB 714, CS/SB 1706
1874 Education Paraprofessionals (Turner and others) (FR)164, (CR)407, (MO)433, (BA)522, (CR)528, (CO)1526 LTS/CSP-CS/HB 161
1876 Neurodegenerative Disorders (Turner and others) (FR)164, (CR)407, (CO)756, (CO)1526 DSC
1878 Child Care Executive Partnership (Children, Families and Seniors) (FR)164, (CR)344, (CS)350, (MO)386, (BA)523, (CR)528, (BA)**764**, (BA)827 DM/CSP-CS/SB 2092
1880 Boating Safety (Natural Resources) (FR)164, (CR)344, (CS)350, (MO)433, (CR)528, (BA)781, (BA)**859** DM
1882 School Buses/Safety Belts (Transportation and others) (FR)165, (CO)238, (CO)270, (CR)303, (CR)343, (CO)355, (CR)375, (CS)382, (MO)490 DCS

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1886 FSU/British Open University (Grant) (FR)165 DSC
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1896 Nonprofit Private Schools (Scott and others) (FR)165, (CR)303, (MO)324, (CR)478, (BA)517 LTS/CSP-CS/CS/HB 1793
1898 Volunteers/Nepotism Law (Cowin) (FR)182, (CR)304, (CR)343, (BA)369, (BA)**391**, 1098 Ch. 98-160
1900 Sales Taxes/Taxpayer Relief Day (Ways and Means) (FR)182, (CR)408, (CR)927, (CS)928, (MO)940, (CR)1092, (BA)1103 LTS/CSP-CS/CS/HB 4407
1902 Workers' Compensation (Grant) (FR)182 DSC
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1906 Beverage Law (Latvala and others) (FR)183, (CO)270, (CO)320, (CR)529, (CS)532 DSC
1908 District School Board Elections (Education) (FR)183, (CR)408, (CS)414, (CR)813, (BA)843 DCS
1910 School System Personnel (Dyer) (FR)183, (CR)304, (CS)318, (CR)408, (CS/CS)414, (CO)432, (BA)475, (CR)478, (BA)**493** DM/CSP-CS/HB 3389, SB 2534
1912 Teach Tuition Reimbursement Program (Dyer) (FR)183, (CR)407 DSC
1914 Affordable Residential Accommodation (Dyer) (FR)183 DSC
1916 Dept. of Management Services (Clary) (FR)184 DSC
1918 Natural Resources Laws (Clary) (FR)184, (MO)272 WS
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1920 Green, Matthew (Bronson) (FR)**386** Adopted
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1922 Agricultural Fairs & Facilities (Agriculture) (FR)184, (CR)374, (CS)382, (CR)742, (CR)982, (CR)1093 DCS
1924 Aquaculture (Natural Resources and others) (FR)184, (CR)303, (CO)489, (CR)499, (CS)502, (MO)758, (CR)982, (CR)1093, (BA)1213, (BA)1214 LTS/CSP-CS/HB 3673, CS/SB 1440, CS/SB 1506
1926 Insurance Premium/Income Tax Credit (Holzendorf) (FR)184, (MO)984 WS
1928 Postsecondary Education (Grant) (FR)184 DSC
1930 Property, Casualty, Surety Insurance (Banking and Insurance) (FR)184, (CR)742, (CS)745 DSC
1932 Mutual Aid Agreements (Criminal Justice) (FR)184, (CR)479, (CS)482, (MO)758, (CR)1093, (CR)1523, (BA)1726, (BA)1768, (CR)1807 LTS/CSP-HB 4219
1934 Public Lodging Establishments (Commerce and Economic Opportunities) (FR)184, (CR)304, (CS)318, (MO)386, (CR)982, (CR)1093, (CR)1523, (BA)1736, (CR)1808 LTS/CSP-HB 4063
1936 Public Food Service Regulation (Myers) (FR)184 DSC/CSP-CS/SB 1716
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1938 Insurance Week (Thomas) (FR)**128** Adopted
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1940 Health Care/Credentials Verification (Myers) (FR)185, (CR)407, (MO)758, (CR)1093, (CR)1523, (BA)1730, (CR)1808 LTS/CSP-HB 4515
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1942 National Kidney Month (Myers) (FR)271, **272** Adopted
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1944 Agric. & Consumer Services Dept. (Thomas) (FR)185, (CR)303, (MO)433, (BA)518, (BA)519, (CR)528, (BA)762, **763**, (BA)827, (BA)1300, **1301** Ch. 98-396
1946 Workers' Comp./Leased Workers (Williams) (FR)185, (CR)741, (MO)1100 DSC/CSP-CS/SB 1372
1948 Community Development Districts (Dudley) (FR)185, (CR)478 DSC
1950 Retirement System/Purchasing Credit (Burt) (FR)185, (CR)407, (MO)462, (CR)982, (CR)1093, (BA)1168, (BA)1177, (BA)1212, (BA)1213 LTS/CSP-CS/CS/HB 3491, CS/CS/HB 3131
1952 Revenue Laws/Administration (Ways and Means) (FR)186, (CR)529, (CS)532, (MO)758, (CR)1093, (BA)1111 LTS/CSP-CS/HB 4413
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1954 Ad Val Tax/Tornado Damaged Property (Bronson and others) (FR)186, (CR)407, (MO)877, (CR)1093, (BA)1257, (BA)1258, (CR)1522 LTS/CSP-HB 4261
1956 Occupational Safety & Health (Williams) (FR)186 DSC
1958 M.V. Licenses/Validation Stickers (Silver) (FR)186 DSC/CSP-CS/HB 3345
1960 Assisted Living Facilities/Licensure (Children, Families and Seniors) (FR)186, (CR)425, (CS)428, (MO)462, (CR)813, (BA)835, (BA)881, (BA)**971**, 1098 Ch. 98-80 CSP-CS/CS/SB 714
1962 St. Mary's Hospital/Memory Disorder (Rossin) (FR)187, (CR)304, (CR)528, (BA)782 LTS/CSP-CS/CS/HB 3387, SB 756
1964 Forensic Procedure Act (Gutman) (MO)168, (FR)187 DSC
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1976 Construction Industry Recovery Fund (Forman) (FR)188, (CR)303, (MO)462, (CR)813, (BA)910, (BA)925, (BA)**972**, 1526 Ch. 98-162
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1986 Certified Nursing Asst. Practice Act (Health Care) (FR)188, (CR)742, (CS)745, (MO)877 DCS/CSP-CS/HB 3089
1988 Lake Belt Mitigation Trust Fund (Natural Resources and others) (FR)189, (CR)498, (CS)503, (MO)758, (MO)828 DCS/CSP-CS/HB 1667
1990 Hurricane Loss Mitigation TF (Community Affairs) (FR)189, (CR)742, (CS)745 DSC
1992 Sexual Predators Act (Criminal Justice and others) (FR)189, (CR)425, (CS)428, (MO)462, (CR)982, (BA)(CR)**1092**, (CO)1231, 1526 Ch. 98-81 CSP-CS/HB 1151
1994 Fla. Agricultural Development Act (Governmental Reform and Oversight) (FR)189, (CR)374, (CS)382, (CR)499, (CS/CS)503, (MO)828, (CR)1093, (CR)1523, (BA)1736, (BA)1743, (CR)1808 LTS
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1998 Taxation (RAB) (Thomas) (FR)190, (MO)490 WS/CSP-CS/CS/HB 315, CS/SB 1686, CS/SB 1690, CS/SB 1692, CS/SB 1694, CS/SB 1696
2000 Education/Rulemaking Authority (RAB) (Education) (FR)190, (CR)529, (CS)532, (CR)813, (BA)835, (BA)**881**, 1231 Ch. 98-163
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2004 Viatical Settlement Act (Banking and Insurance) (FR)190, (CR)408, (CS)414, (CR)813, (BA)941, (BA)**986**, 1098 Ch. 98-164
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2010 Preventive Health Collaborative (Kurth) (FR)191, (MO)272 WS
2012 Law Enf. & Correctional Officers (Bronson) (FR)191, (CR)303, (MO)357, (CR)478, (BA)518 LTS/CSP-CS/HB 3161, CS/HB 1151
2014 WAGES Program (Commerce and Economic Opportunities and others) (FR)191, (CR)303, (CR)344, (CS)350, (CR)424, (BA)476, (CR)478, (BA)496, (BA)507, (BA)766, (BA)828, (BA)866, (BA)868, (CO)873, (MO)940, (CR)1093, (BA)1177, (BA)1180, (BA)1181 LTS/CSP-CS/SB 1114
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2366 Russian Delegation (Bankhead) (FR)**217** Adopted
2368 International Day/April 2, 1998 (Bankhead) (FR)**323** Adopted
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2448 Grants & Donations Trust Fund/FDLE (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1568 LTS/CSP-HB 4613
2450 Operating Trust Fund/FDLE (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1568 LTS/CSP-HB 4617
2452 Revolving Trust Fund/FDLE (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1568 LTS/CSP-HB 4619
2454 Homestead Tax Exemptions (Ways and Means and others) (FR)309, (CR)927, (CR)1092, (BA)1101, **1102**, (CO)1818 Vetoed
2456 Grants & Donations TF/Parole Comm. (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1569 LTS/CSP-HB 4653
2458 Administrative TF/Juvenile Justice (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1569 LTS/CSP-HB 4601
2460 Grants & Donations TF/Juv. Justice (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1569 LTS/CSP-HB 4603
2462 Juvenile Crime Prevention TF (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1569 LTS/CSP-HB 4609
2464 Juvenile Justice Training TF (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1569 LTS/CSP-HB 4605
2466 Social Services Block Grant TF (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1570 LTS/CSP-HB 4607

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2468 Florida Federation of Garden Clubs (Williams) (FR)**272** Adopted
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2470 Contractors/Journeyman Craftsmen (Turner) (FR)309, (MO)984 WS
SR
2472 Amelia Earhart Month (Kurth) (FR)**876** Adopted
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2474 Growth Management/Land Use/Schools (Community Affairs) (FR)309, (CR)425, (CS)431, (MO)506, (CR)813, (BA)940, (BA)941, (BA)**985**, (MO)1234, (BA)1302, (BA)**1320**, 1818 Ch. 98-176
2476 DBPR/Regulation (Clary) (FR)310 DSC
2478 Pine Jog Environmental Educ. Center (Rossin) (FR)310, (CR)407, (MO)419, (MO)462, (CR)813, (BA)853 LTS/CSP-HB 3825
2480 Alternative Education Institute (Criminal Justice) (FR)310, (CR)424, (CS)431, (MO)506, (MO)828, (CR)982, (CR)1093, (BA)1179, **1180**, (BA)1649, **1650** Ch. 98-209
SR
2482 Stop Day Enough Is Enough Day (Jones) (FR)**272** Adopted
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2484 Fire Prevention & Control (Banking and Insurance and others) (FR)310, (CO)355, (CR)479, (CS)484, (MO)506, (CR)982, (CR)1093, (BA)1221, **1222**, 1526 Ch. 98-170 CSP-HB 4439
2486 Alligator Egg Collection/Protection (Rossin) (FR)310, (MO)462 WS
2488 Manatee License Plates (Transportation) (FR)310, (CR)425, (CS)431, (MO)828 DCS/CSP-HB 3509
2490 Privately Operated Institutions TF (Ways and Means) (FR)310, (CR)813, (CR)1093, (BA)1570 LTS/CSP-HB 4659
2492 Employee Benefit Trust Fund/DOC (Ways and Means) (FR)310, (CR)813, (CR)1093, (BA)1570 LTS/CSP-HB 4655
2494 Grants & Donations TF/State Courts (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1570 LTS/CSP-HB 4649
2496 Working Capital Trust Fund (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1571 LTS/CSP-HB 4663
2498 Appellate Opinion Distribution TF (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1571 DCS
2500 Appropriations (Ways and Means) (MO)168, (FR)206, (BA)239, (BA)259, (BA)266, (CR)267, (BA)272, (BA)299 LTS/CSP-HB 4201, HB 4205
2502 Appropriations Implementing Bill (Ways and Means) (MO)168, (FR)206, (BA)266, (BA)(CR)267, (BA)272, (BA)299, (BA)301 LTS/CSP-HB 4205, HB 4201
2504 Supplemental Appropriations (Ways and Means) (MO)506, (FR)529, (CR)813, (BA)834, (BA)853, (BA)**880**, 983, 1223 Ch. 98-26
2506 Correctional Work Program TF/DOC (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1571 LTS/CSP-HB 4577
2508 Indigent Criminal Defense Trust Fund (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1571 LTS/CSP-HB 4599
2510 Elections Commission Trust Fund (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1571 LTS/CSP-HB 4639
2512 Family Courts TF/State Courts System (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1572 LTS/CSP-HB 4643, HB 4651
2514 Family Courts TF/State Courts System (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1572 LTS/CSP-HB 4651, HB 4643
2516 Inmate Welfare Trust Fund/DOC (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1572 LTS/CSP-HB 4657
2518 Court Education Trust Fund (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1572 LTS/CSP-HB 4645
2520 State Mediation & Arbitration TF (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1572 LTS/CSP-HB 4647
2522 Trust Funds/DOC (Ways and Means) (FR)311 DSC/CSP-HB 4663
2524 WAGES Program (Ways and Means and others) (FR)312, (CO)355, (CR)375, (CS)383, (CR)455, (CS/CS)458, (CO)489, (BA)507, (BA)514, (CR)528, (BA)738, (BA)758, **761**, (BA)827 DM/CSP-CS/SB 1114, HB 3225, CS/CS/SB 484
2526 Municipal Utility Company/Refunds (Ostalkiewicz) (FR)312 DSC
2528 Insurance/Self-evaluative Audits (Holzendorf) (FR)312 DSC
2530 Insurance Audits/Confidentiality (Holzendorf) (FR)312 DSC
2532 Educ. Facilities/Fees or Assessments (Turner) (FR)312, (MO)984 WS
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2534 Excellent Teaching Program TF (Horne) (FR)312, (CR)407, (MO)506, (CR)813, (BA)835, (BA)**880**, 1818 Ch. 98-210 CSP-CS/HB 3389
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2536 Joint Rules of Legislature (Grant) (FR)290, (BA)295, (BA)331, **336**, (BA)**1146** Adopted
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2538 Political Committee/Parties/Expenses (Geller) (FR)345, (CR)742 DCS
2540 Holocaust Victims Insurance Act (Geller and others) (FR)345, (CR)478, (MO)758, (MO)828 DCS/CSP-CS/SB 1108
2542 Wastewater Treatment Systems (Community Affairs) (FR)345, (CR)742, (CS)745, (MO)940, (BA)1086, (CR)1092, (BA)1166, (BA)1167 LTS/CSP-HB 4475
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2544 Pensacola Junior College/50 Years (Childers and others) (CO)432, (FR)**461** Adopted
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2546 Health Dept./Prescription Drugs (Myers) (FR)345 DSC/CSP-CS/SB 1716
2548 Amusement Enterprises/Employment (Silver) (FR)346 DSC
2550 Brain & Spinal Cord Injury (Silver) (FR)346 DSC
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2552 Congregation Beth David (Silver) (FR)**1232** Adopted
2554 Lichtman, Howard (Silver) (FR)323, **324** Adopted
2556 Campbell, Ruth L. (Jones) (FR)**356** Adopted
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2558 Water Management/Taxation & Budgets (McKay) (FR)346 DSC
2560 Education/Public-private Partnership (McKay) (FR)346 DSC
2562 Water Management Districts (Natural Resources and others) (FR)346, (CR)499, (CS)503, (CR)742 DSC
2564 SMART Schools Clearinghouse (Clary) (FR)346 DSC
SR
2566 Miami-Dade Days in Tallahassee (Gutman) (FR)**357** Adopted
2568 Stiefel Laboratories, Inc. (Gutman) (FR)1232, **1233** Adopted
SB
2570 Cedar Key/New Charter (Williams) (FR)375 DSC/CSP-HB 4133
2572 Charlotte Co./Shell & Prairie Creeks (Harris) (FR)375 DSC
2574 Punta Gorda/Saltwater Canal Fishing (Harris) (FR)375 DSC/CSP-HB 4391
2576 Hernando Co. Law Library (Brown-Waite) (FR)375 DSC/CSP-HB 4171
2578 Barefoot Bay Recreation District (Regulated Industries) (FR)375, (CR)499, (CS)503 DSC/CSP-HB 3769
2580 Pinellas Co./Enclave Annexation (Latvala) (FR)376 DSC/CSP-HB 3851
2582 Palm Beach Co./Sheriff Employees (Klein) (FR)376 DSC/CSP-HB 4323
2584 Lee Co. & Fort Myers/Annexation (Rossin) (FR)376 DSC/CSP-HB 3859
2586 Hillsborough Co. Civil Service Act (Grant and others) (FR)376, (BA)**1538**, (CR)1808, 1818 Ch. 98-450
2588 Fla. Keys Aqueduct Authority (Jones) (FR)376 DSC/CSP-HB 4349
2590 Tampa/Job Training & Retirement (Hargrett and others) (FR)376 DSC/CSP-HB 4305
2592 Tampa/Firefighters & Police/Pension (Hargrett and others) (FR)376, (MO)506 DSC/CSP-HB 4307
2594 Community Transportation (Hargrett and others) (FR)376, (BA)**1538**, (CR)1808, 1818 Ch. 98-451
2596 Circulo Cubano de Tampa, Inc. (Hargrett and others) (FR)376, (CR)478, (BA)**1538**, (CR)1808, 1818 Ch. 98-452
2598 La Sociedad La Union Marti-Maceo (Hargrett and others) (FR)377, (CR)478, (BA)**1538**, (CR)1808, 1818 Ch. 98-453
2600 Italian Club of Tampa, Inc. (Hargrett and others) (FR)377, (CR)478, (BA)**1539**, (CR)1808, 1818 Ch. 98-454
2602 The Centro Asturiano de Tampa, Inc. (Hargrett and others) (FR)377, (CR)478, (BA)**1539**, (CR)1808, 1818 Ch. 98-455
2604 Hillsborough Co./Hospitals (Grant and others) (FR)377 DSC/CSP-HB 4081
2606 Santa Rosa Co./Civil Service Board (Clary) (FR)377 DSC/CSP-HB 4777
2608 City of Pembroke Pines/Broward Co. (Campbell) (FR)377 DSC/CSP-HB 4291

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2610 South Broward Utility Advisory Board (Campbell) (FR)377, (MO)828 DSC/CSP-HB 4463
2612 Town of Davie/Corporate Limits (Campbell) (FR)377 DSC/CSP-HB 4289
2614 Town of Davie/Corporate Limits (Campbell) (FR)377 DSC/CSP-HB 4285
2616 Broward Co./Water/Sewer Rate Changes (Campbell) (FR)377, (CR)478 DSC/CSP-HB 4465
2618 Town of Davie/Corporate Limits' (Campbell) (FR)378 DSC/CSP-HB 4293
2620 Town of Davie/Corporate Limits (Campbell) (FR)378 DSC/CSP-HB 4287
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2622 New World Symphony/10th Anniversary (Silver) (FR)**324** Adopted
2624 Isadore Billy Reed (Hargrett) (FR)757, **758** Adopted
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2626 Lee Co./Hospital Funds/Investment (Rossin) (FR)378 DSC/CSP-HB 4547
SR
2628 Cuevas, Roger C. (Gutman) (FR)**357** Adopted
2630 Villella, Edward (Silver) (FR)**1233** Adopted
2632 Opposition to Illegal Drug Use (Gutman) DNI
SB
2634 Pretrial Detention (Laurent and others) (FR)378, (CR)478 DSC
2636 Collier Co./County Park Events (Dudley) (FR)378 DSC/CSP-HB 3847
2638 Marco Island/State Revenue Sharing (Dudley) (FR)378, (CR)478 DSC/CSP-HB 3963
2640 Parent & Child Communications (Geller) (FR)455 DSC
2642 Sales Tax Exemption/Works of Art (Geller) (FR)455 DSC
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2644 Florida National Guard (Bankhead) (FR)**461** Adopted
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2646 Florida 2020 Trust Fund (Laurent) (FR)455 DSC
2648 Florida 2020 Program (Laurent) (FR)455, (MO)758, (CR)813, (CS)819, (CR)927, (CS/CS)928, (BA)1083, (BA)1084, (CR)1092, (BA)1153, (BA)1235 DCS/CSP-CS/HB 3771
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2650 Fla. 2020 Program/Bonding Authority (Laurent) (FR)455 DSC
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2652 Special Election/Issuance of Bonds (Laurent) (FR)456 DSC
2654 Eminent Domain/Agricultural Prop. (Laurent) (FR)456 DSC
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2656 Golden, Albert (Childers) (FR)461, **462** Adopted
2658 Fla. A&M University/College of Year (Thomas and others) (FR)**418** Adopted
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2660 Polk Co. Sheriff/Personnel System (Laurent) (FR)456 DSC/CSP-HB 4319
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2662 John Edward "Zeke" Bagley (Thomas) (FR)**418** Adopted
2664 Vocational Student Organizations (Latvala) (FR)**939** Adopted
2666 Broward Navy Days, Inc. (Scott) (FR)418, **419** Adopted
2668 Mt. Dora High School Hurricanes (Cowin) (FR)**462** Adopted
2670 NASCAR & Wm. H.G. France, Sr. Family (Burt and others) (FR)**419** Adopted
SB
2672 Volusia Co. Health Care District (Burt and others) (FR)456, (BA)**1539**, (CR)1808 DM
2674 Collier Co./Fire Districts/Boards (Dudley) (FR)456 DSC/CSP-HB 3917, HB 3961
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2676 Florida's Sea Turtles (Forman) (FR)**876** Adopted
2678 Hallandale Hot Baseball Team (Geller) (FR)537, **538** Adopted
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2680 Hillsborough County School District (Hargrett and others) (FR)479, (CR)742 DSC/CSP-HB 3637
2682 Charlotte Co. Airport Authority (Harris) (FR)480 DSC/CSP-HB 4253
2684 St. Lucie Co. Port & Airport Auth. (Kurth) (FR)480 DSC/CSP-HB 4029
2686 Candidates Right of Free Expression (Dudley) (BA)(FR)454, (CR)742 DCS
2688 Bay Co./Panama City-Bay Co. Airport (Clary) (FR)529 DSC/CSP-HB 4545
2690 Deerfield Beach & Pompano Beach (Campbell) (FR)529 DSC
2692 Broward Co./Cities/Corporate Limits (Campbell) (FR)529 DSC/CSP-HB 4797
2694 South Broward Hospital District (Campbell) (FR)529 DSC
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2696 McLean, Archibald "Arch" Wilton, Jr. (Dudley and others) (FR)**538** Adopted
2698 Independent State of Israel (Grant and others) (FR)**758** Adopted
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2700 Deerfield Beach/Corporate Limits (Campbell) (FR)529 DSC/CSP-HB 4799
2702 West Parkland Water Management Dist. (Campbell) (FR)814 DSC/CSP-HB 4097
2704 Big Corkscrew Island Fire Dist. (Geller) (FR)814 DSC/CSP-HB 3917, HB 3961
2706 Central County Water Control Dist. (Dudley) (FR)814 DSC/CSP-HB 3967
2708 South Broward Drainage District (Campbell) (FR)814 DSC/CSP-HB 4469
2710 Tindall Hammock Irrigation District (Campbell) (FR)814 DSC/CSP-HB 4467
2712 Monroe County (Jones) (FR)814 DSC/CSP-HB 4249
2714 Lee Co./Bonita Springs Fire Control (Dudley) (FR)814 DSC/CSP-HB 3543
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2716 351st Military Police Company/Ocala (Cowin and others) (FR)939, **940** Adopted
SB
2718 Dixie Co./Town of Horseshoe Beach (Williams) (FR)815 DSC
2720 Monroe Co./Village of Islands (Jones) (FR)927 DSC/CSP-HB 4325
SR
2722 Doody, Beth (Horne and others) (FR)876, **877** Adopted
2724 Great Irish Famine (Forman) (FR)1099, **1100** Adopted
SB
2726 Central Broward Water Control Dist. (Campbell) (FR)927 DSC/CSP-HB 4099
SR
2728 Ryan, Susan (Cowin) (FR)**1100** Adopted
2730 Rousseau, Sgt. William/Tampa Police (Hargrett) (FR)**1233** Adopted
SB
2732 Cedar Key Water & Sewer District (Williams) (FR)1222 DSC/CSP-HB 3823
2734 Pinellas Park Water Management Dist. (Latvala) (FR)1222, (BA)**1539**, (CR)1808, 1818 Ch. 98-456
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2736 McKinney, Dr. John Albert (Turner) (FR)1233, **1234** Adopted
2738 Miami Northwestern Football Team (Turner) (FR)**1234** Adopted
2740 Miami Carol City Football Team (Turner) (FR)**1234** Adopted
2742 St. Johns River/American Heritage (Horne) DNI
2744 School Improvement & Accountability (Turner) DNI

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11 Victim of Crime/Rights (Saunders and others) 230, (FR)234 DSC
29 Ad Valorem Tax Exemption/Charities (Community Affairs and others) (BA)**770**, 821, (FR)824 Ch. 98-289
41 Mental Illness Insurance Parity Act (Brennan and others) 318, (FR)319 DSC
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51 Schools/Divided Districts (Education/K-12 and others) 485, (FR)488 DSC
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65 Crime Prevention Assistance (Constantine and others) 230, (FR)234, (BA)451, (BA)**467** Ch. 98-28
69 Body-piercing Salons (Health Care Standards & Regulatory Reform and others) 745, (FR)746 DSC
73 Admissions Tax/Sporting Events (Tourism and others) (FR)1093, (BA)**1743** Ch. 98-290
105 Surplus Food Distribution (Children & Family Empowerment and others) 230, (FR)235, (BA)434, **435**, 1231 Ch. 98-283
117 Sales Tax/Gasparilla Dist. Classic (Business Development & International Trade and others) 1093, (FR)1096, (BA)1735, **1736** Ch. 98-291
123 FRS/Special Risk Member (Wasserman Schultz and others) 230, (FR)238 DSC
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125 Recording of Instruments/County Seat (Gay and others) 230, (FR)238, (BA)1729, **1730** Passed
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159 Community College Faculty Diversity (Community Colleges & Career Prep and others) 230, (FR)235, (BA)811, (BA)812, (BA)**865** DM
161 Education Paraprofessionals (Education/K-12) 230, (FR)235, (BA)522, (BA)**764**, (BA)827 Ch. 98-292
171 Nursing Home Facilities Staff (Diaz de la Portilla and others) 745, (FR)753, (BA)810, (BA)811, (BA)**865**, 1231 Ch. 98-248
175 School Counselors/Pilot Program (Education Appropriations and others) (FR)230 DSC
193 Corp. Income Tax Credits/Child Care (Finance & Taxation and others) (BA)**1123**, 1223, (FR)1224 Ch. 98-293
209 Sales Tax/Farm Equipment (Agriculture and others) 230, (FR)235, (BA)1110, (BA)1111, (BA)**1123**, 1526 Ch. 98-294
217 Elections/Soliciting Pledges/Surveys (Election Reform and others) 230, (FR)235 DSC
231 Bidders/Illegal Aliens/Nonemployment (Governmental Operations and others) 230, (FR)235 DSC
267 Candidates/Reporting Requirements (Carlton and others) 230, (FR)235 DSC
271 Child Support Enforcement (Health & Human Services Appropriations and others) (FR)384, (BA)1195, (BA)1212, (BA)**1235**, (BA)**1650** Ch. 98-397
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291 National Voter Registration Act (Feeney and others) 214, (FR)216 DSC
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315 Sales Tax/Food & Drinks (Finance & Taxation and others) (FR)384, (BA)**1136**, 1526 Ch. 98-408 CSP-CS/SB 1694
319 Minority Business Enterprises (Business Development & International Trade and others) 318, (FR)319, (BA)444, (BA)462, (BA)**472**, 1231 Ch. 98-295
349 Health Care Facilities/Regulation (Health Care Standards & Regulatory Reform and others) (FR)230, (BA)780, (BA)781 DCS/CSP-CS/SB 314, CS/CS/HB 3311, CS/CS/SB 484
367 Fla. Maximum Class Size Study Act (Rayson and others) (FR)504, (BA)999, (BA)1088, (BA)1151, (BA)**1152**, (BA)**1179**, 1526 Ch. 98-211
447 Fla. Safety Belt Law (Finance & Taxation and others) (FR)929 DSC
489 Ad Valorem Tax/Agricultural Land (Agriculture and others) (FR)230, (BA)516, (BA)**740** Ch. 98-313
505 Private Attorneys/State Agencies (Civil Justice & Claims and others) (FR)504 DSC
513 Juvenile & Criminal Justice (Juvenile Justice and others) 230, (FR)235 DSC/CSP-CS/CS/SB 2288
547 R. Newman & S. Simon Act of 1998 (Elder Affairs & Long Term Care and others) (FR)230 DSC
585 Adoption/Sibling Communication (Family Law & Children and others) 230, (FR)236, (BA)473, (BA)**491** Ch. 98-50
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627 Community Policing Innovations (Goode and others) 230, (FR)236, (BA)516, (BA)**740** Ch. 98-314
651 Truth in Campaigning Act (Posey and others) 230, (FR)236 DSC
653 Relief/Dena Sheryl Steels/Leon Co. (Lawson and others) (BA)**172**, (FR)214 Ch. 98-457
671 Contracting/Unlicensed Violations (Livingston and others) 230, (FR)236 DSC
679 Weapons & Firearms/Domestic Violence (Law Enforcement & Public Safety and others) 745, (FR)752, (BA)**1148** Ch. 98-284
683 Children First Act of 1998 (Education Appropriations and others) 484, (FR)486, (MO)1234, (BA)1236, (BA)1527, **1534**, (CR)1807 DM/CSP-CS/HB 4415
705 Adult Family-care Homes (Elder Affairs & Long Term Care) 230, (FR)231 DSC
729 Taxpayer Protection Act (Community Affairs and others) 230, (FR)231 DSC
731 Political Ads/Manipulated Images (Election Reform and others) 230, (FR)236 DSC
737 Motor Vehicle License Plates/Seizure (Law Enforcement & Public Safety and others) 230, (FR)231 DSC
747 Sales Taxes/Chamber of Commerce (Finance & Taxation and others) 230, (FR)236, (BA)1453, **1454** Ch. 98-296
755 State Univ. System/Board of Regents (Constantine and others) 230, (FR)236, (BA)958, (BA)965, (BA)988, **989**, 1526 Ch. 98-65
757 Public Records/Patient Information (Governmental Operations) (FR)821, (BA)979, (BA)995, (BA)**996** Vetoed
767 Bad Check Charges (Crime & Punishment) 230, (FR)237, (BA)**902** Ch. 98-297
769 Correctional Facilities/Tobacco (Corrections and others) 745, (FR)752 DSC
791 Municipal Water & Sewer Utilities (Heyman) 230, (FR)231, (BA)369, (BA)**390** Ch. 98-15
815 Procuring Agencies/Contracts (Governmental Operations) 230, (FR)237 DSC
823 State Moneys/Investments (Finance & Taxation and others) 351, (FR)352, (BA)476, (BA)477, (BA)494, **495**, (BA)1320, **1326** Ch. 98-409 CSP-CS/SB 1070
825 Govt Efficiency/Management Reduction (Governmental Rules & Regulations and others) 230, (FR)237 DSC
835 Tax Returns/Electronic Data Vetoed
853 Building Codes Admin. & Inspectors (Trovillion) 230, (FR)237 DSC/CSP-HB 4439
879 Agency Accountability Act (Governmental Rules & Regulations and others) 230, (FR)237 DSC
885 Funeral Directing & Embalming (Business Regulation & Consumer Affairs) 745, (FR)746, (BA)771, (BA)856, **857** Ch. 98-298
887 School Board's Tentative Budget (Sublette and others) 351, (FR)352, (BA)909, (BA)**971** Ch. 98-212
899 Vessels/Boats & Boating (Civil Justice & Claims and others) 230, (FR)231, (CR)407, (MO)490, (MO)984 DCS/CSP-CS/HB 229, CS/HB 3345
909 Concealed Weapons/Nonresidents (Crady and others) 871, (FR)872, (BA)965, (BA)966, (BA)**989** Vetoed
921 Schools/Education Programs/Funds (Education/K-12 and others) 230, (FR)237, (BA)476, (BA)493, **494** Ch. 98-51
935 Legal Process (Civil Justice & Claims) 230, (FR)237, (BA)523, (BA)764, (BA)**768**, 1526 Ch. 98-410
945 Environmental Equity & Justice (Environmental Protection and others) (BA)1242, **1244**, (FR)1523, (BA)**1650** Ch. 98-304
957 Electronic Commerce (Business Development & International Trade and others) 230, (FR)231 DSC/CSP-CS/HB 1413, CS/SB 1754
1003 Restricted Fuel Taxes (Crady and others) 230, (FR)231 DSC
1005 Managed Care/Subscriber Grievances (Health Care Standards & Regulatory Reform) (BA)178, (BA)180, 214, (FR)215, (BA)**219**, 355 Ch. 98-10
1019 Children & Family Health & Safety (Bloom and others) 871, (FR)872, (BA)1004, (BA)1083, (BA)1087, (BA)1152, **1153**, (BA)1651, **1708** Ch. 98-403 CSP-CS/CS/SB 1024, CS/SB 1540
1021 Managed Care Nondiscrimination (Health Care Standards & Regulatory Reform and others) (FR)431, (BA)**908** Ch. 98-285

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1083 UCC/Investment Securities (Financial Services and others) (BA)**330**, 351, (FR)352 Ch. 98-11
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1093 Taxation of Homes for the Aged (Finance & Taxation and others) 821, (FR)824, (BA)**902** Ch. 98-177
1125 Notaries Public (Governmental Operations) 318, (FR)319, (BA)799, (BA)810, (BA)**862**, 1231 Ch. 98-246 CSP-CS/CS/HB 3321
1127 Motor Vehicle Insurance/Claims (Financial Services) 745, (FR)746 DSC/CSP-SB 766, CS/SB 1108
1137 Alcohol Impairment Notification (Health Care Standards & Regulatory Reform and others) 230, (FR)231, (BA)452, (BA)**468** Ch. 98-27
1139 Public Records/Rabies Vaccination (Sindler and others) (BA)**1643**, (FR)1815 Ch. 98-213
1151 Criminal & Juvenile Justice Info. (Law Enforcement & Public Safety and others) 745, (FR)746, (BA)781, (BA)782, (BA)859, (BA)865, **866** Ch. 98-251 CSP-CS/HB 3161, CS/SB 486, CS/SB 1992
1159 Math & Science Academy/Study Comm. (Education Innovation) 318, (FR)319 DSC
1213 Prostate & Breast Cancer (Health Care Services and others) (BA)497, (BA)498, (FR)504, (BA)**507** Ch. 98-305
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CONTINUATION OF

THIRTIETH REGULAR SESSION

UNDER THE CONSTITUTION AS REVISED IN 1968

MARCH 3 THROUGH MAY 1, 1998

Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Jennings at 10:00 a.m. A quorum present—37:

Madam President	Dudley	Kirkpatrick	Rossin
Bankhead	Dyer	Klein	Scott
Bronson	Forman	Kurth	Silver
Brown-Waite	Geller	Latvala	Sullivan
Burt	Grant	Laurent	Thomas
Campbell	Hargrett	Lee	Turner
Casas	Harris	McKay	Williams
Childers	Holzendorf	Meadows	
Clary	Horne	Myers	
Crist	Jones	Ostalkiewicz	

Excused: Senator Cowin until 12:15 p.m. and Senator Diaz-Balart until 3:15 p.m.

PRAYER

The following prayer was offered by Lucy Hadi, Policy Director, Office of the Senate President:

In peace and with reverence we pray to you, Lord God. We ask your blessings on the Senate family and, especially, on these men and women who have been chosen to lead and to serve. In times of stress and struggle, fill them with your peace. When they grow weary, refresh their spirits and sharpen their senses.

When they are tempted to speak hastily or hurtfully, renew their patience and give them thoughts of unity and words of comfort. When cynicism threatens, lead them to look again for joy in the simple blessings of life, in the warmth of friendship and in the wonder and beauty of your creation.

Give them strength and courage to serve you and those they represent with vigor and with honor. Help us to find and nurture that which is good and noble in ourselves and in each other. Empower us to do your will in all that we undertake.

All this we ask in your holy name. Amen.

PLEDGE

Senate Pages Tony Labno of Ormond Beach and Shaun Porter of Brandon, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Latvala—

By Senator Latvala—

SR 2664—A resolution commending the vocational student organizations in this state.

WHEREAS, the vocational student organizations in this state promote many of the skills needed for employment, and

WHEREAS, the vocational student organizations in this state prepare students to successfully compete at the highest national and international levels and prepare them to make reasoned and thoughtful lifelong decisions, and

WHEREAS, the vocational student organizations in this state train and encourage students to manage information and be effective communicators, problem solvers, critical thinkers, and responsible and cooperative workers, and

WHEREAS, the vocational student organizations in this state have provided business and career education to students for many years, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends vocational student organizations in this state for their many years of providing career and business education to the students.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Travis A. Manning, 1997-1998 President of the Cooperative Education Clubs of Florida, as a tangible token of the sentiments of the Florida Senate.

—**SR 2664** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By Senators Cowin, Williams, Bankhead and Kirkpatrick—

SR 2716—A resolution commending the 351st Military Police Company from Ocala for their service in Bosnia.

WHEREAS, the members of the 351st Military Police Company serve our country with courage and distinction, and

WHEREAS, the Reserve and National Guard Forces of the United States comprise over 50 percent of this country's military strength, and

WHEREAS, the 351st Military Police Company has served our country with distinction in Operation Desert Shield and Operation Desert Storm, and

WHEREAS, the members of the 351st Military Police Company proudly fulfill the Military Police motto, "Of the Troops, For the Troops, and By the Troops", and

WHEREAS, the 351st Military Police Company has brought decades of honor and service to the Ocala community, and

WHEREAS, the 351st Military Police Company has been called to active duty to share the principles, patriotism, and freedoms of the United States with the citizens of Bosnia, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the 351st Military Police Company is commended for its service, commitment, and patriotism to the United States.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the 351st Military Police Company as a tangible token of the sentiments of the Florida Senate.

—**SR 2716** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 680**, **SB 732**, **SB 1504**, **SB 2190**, **SB 1082** and **SB 2302** were withdrawn from the Committee on Commerce and Economic Opportunities and referred to the Committee on Ways and Means; and **SB 612** was withdrawn from the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; Commerce and Economic Opportunities; and Community Affairs; and referred to the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1060** was withdrawn from the Committee on Banking and Insurance; **CS for SB 1900** was withdrawn from the Committee on Commerce and Economic Opportunities; and **SB 2072** was withdrawn from the Committee on Judiciary.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 754**, **CS for SB 1122**, **SB 1632** and **CS for SB 1664** were withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **SJR 82**, **SB 464**, **SB 1220**, **SB 1368**, **CS for SB 2014** and **CS for SB 460** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 464** was withdrawn from the Committee on Natural Resources; **SB 936**, **CS for SB 1114** and **CS for SB 1608** were withdrawn from the Committee on Commerce and Economic Opportunities; **CS for SB 2542** and **CS for SB 2080** were withdrawn from the Committee on Health Care; and **CS for SB 296** was withdrawn from the Committee on Governmental Reform and Oversight.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Committee on Ways and Means was granted permission to meet this day from 1:15 p.m. until 2:15 p.m.

On motion by Senator Sullivan, the rules were waived and the Committee on Ways and Means was granted permission to place **SB 680**, **SB 732**, **SB 1504**, **SB 2190**, **SB 1082**, **SB 2302**, **SB 192**, **CS for SB 1612**, **SB 612** and **CS for SB 68** on the agenda at the meeting this day.

On motion by Senator Bankhead, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet this day from 7:00 p.m. until completion in lieu of upon recess as scheduled this day.

On motion by Senator McKay, the rules were waived and the Conference Committee on Civil Litigation Reform was granted permission to meet from 7:30 p.m. until 9:00 p.m. in lieu of 6:30 p.m. until 8:00 p.m. as scheduled this day.

MOTIONS

On motion by Senator Bankhead, a deadline of 7:05 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Tuesday, April 28.

On motion by Senator Bankhead, the rules were waived and a deadline of 10:00 a.m. Tuesday, April 28, was set for filing amendments to the new bills placed on the Special Order Calendar to be considered that day.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2054**, **CS for SB 1466** and **CS for CS for SB 502** was deferred.

On motion by Senator Latvala—

CS for SB 152—A bill to be entitled An act relating to the powers and duties of the Governor; amending s. 14.23, F.S.; regulating the nomination of appointees to federal regional fisheries management councils; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 152** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 978** was deferred.

On motion by Senator Lee—

CS for SB 2474—A bill to be entitled An act relating to planning for educational facilities; amending s. 163.3177, F.S.; requiring that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools; specifying the date by which such plans must comply and providing effect of noncompliance; providing requirements with respect to the data and analyses on which a public school facilities element should be based; providing for goals, objectives, and policies; providing for a future conditions map; amending s. 163.3180, F.S.; revising requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement; requiring a public schools facilities element; providing requirements for level of service standards; providing requirements for designation of service areas; providing requirements with respect to financial feasibility; specifying an availability standard; requiring that intergovernmental coordination requirements be satisfied and providing that certain municipalities are not required to be a signatory of the required interlocal agreement; providing duties of such municipalities to evaluate their status and enter into the interlocal agreement when required, and providing effect of failure to do so; providing requirements for an interlocal agreement; directing the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element; amending s. 163.3191, F.S.; providing that the local planning agency's periodic report on the comprehensive plan shall assess the coordination of the plan with public schools; amending s. 235.185, F.S.; directing school boards to adopt annually 10-year and 20-year work programs in addition to the required 5-year district facilities work program; amending s. 235.186, F.S.; including additional expenditures in a district's planned basic capital outlay expenditures that may be eligible for an effort index grant; including districts that have adopted a public school facilities element in districts to which priority consideration for such grants should be given under certain circumstances; amending s. 235.19, F.S.; providing a directive to school boards with respect to school location; amending s. 235.193, F.S.; providing requirements for the 5-year district facilities work program with respect to enrollment and population projections; precluding the siting of new schools in certain jurisdictions; amending s. 235.2155, F.S.; specifying additional savings by school districts which the SIT Program is designed to reward; providing that the SMART Schools Clearinghouse shall examine data relating to educational facilities planning, and favorably consider districts where local governments have adopted a public school facilities element, in recommending SIT Program awards; authorizing use of such awards for offsite infrastructure needs generated by

development of educational facilities; providing for interim use of certain criteria and guidelines by the state land planning agency in compliance review of a school concurrency system; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendments which were adopted:

Amendment 1—On page 13, lines 6-10, delete those lines and insert:

(e) Availability standard.--Consistent with the public welfare, a local government may not deny a development permit authorizing residential development for failure to achieve and maintain the level of service standard for public school capacity in a local-option school concurrency system where adequate school facilities will be in place or under actual construction within 3 years after permit issuance.

Amendment 2 (with title amendment)—On page 18, line 16 through page 20, line 9, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 15-22, delete those lines and insert: program; amending

Amendment 3 (with title amendment)—On page 21, line 16 through page 22, line 27, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, line 30 through page 3, line 10, delete those lines and insert: providing for interim use of

Amendment 4—On page 22, lines 28-31 and on page 23, lines 1-13, delete those lines and insert:

Section 9. *Until the minimum criteria for a public school facilities element adopted for purposes of imposition of school concurrency, as required by section 163.3180(13), Florida Statutes, are in effect, the state land planning agency shall utilize the minimum criteria for a public school facilities element adopted for purposes of imposition of school concurrency contained in the Final Report and Consensus Text by the Department of Community Affairs Public School Construction Working Group, dated March 9, 1998, in any compliance review of any such element.*

(Redesignate subsequent sections.)

Amendment 5 (with title amendment)—On page 23, between lines 13 and 14, insert:

Section 10. *Any county whose adopted public school facilities element is the subject of a final order entered by the Administration Commission prior to the effective date of this act may implement its public school facilities element in accordance with the general law concerning public school facilities concurrency in effect when the final order was entered and in accord with the final order consistent with any appellate court decision. The county shall comply with the requirements of the final order, consistent with any appellate decision, in implementing its public school facilities element and in adopting any necessary amendment to its comprehensive plan.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 13, after the semicolon (;) insert: providing an alternative concurrency system for counties subject to final order by the Administration Commission;

Pursuant to Rule 4.19, **CS for SB 2474** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2076** and **SB 1738** was deferred.

On motion by Senator Burt—

CS for SB 2004—A bill to be entitled An act relating to the Viatical Settlement Act; amending s. 626.9911, F.S.; modifying definitions used in the act and adding a definition of related provider trust; amending s. 626.9913, F.S.; requiring viatical settlement providers to file certain information with the Department of Insurance; specifying applicability of fee and deposit requirements; amending s. 626.9914, F.S.; specifying liability of a viatical settlement provider for a related provider trust; amending s. 626.9921, F.S.; requiring certain providers to file notice with the department; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, between lines 18 and 19, insert:

Section 5. Section 626.99235, Florida Statutes, is created to read:

626.99235 Disclosures to investors; misrepresentations.—

(1) No person shall misrepresent the nature of the return or the duration of time to obtain the return of any investment related to one or more viatical settlements sold by a viatical settlement provider or related provider trust.

(2) The viatical settlement provider, itself or through another person, shall provide in writing the following disclosures to any investor or investor prospect:

(a) That the return available under the viatical investment is directly tied to the projected life span or date of death of one or more viators;

(b) If a return is represented, the disclosure shall indicate the projected life span or date of death of the viator or viators whose life or lives are tied to the return.

(c) If required by the terms of the investment contract, that the investor may be responsible for the payment of insurance premiums on the life of the viator or late or surrender fees or other costs related to the life insurance policy on the life of the viator or viators which may reduce the return.

(d) The amount of any trust fees or other expenses, if any, to be charged to the investor.

The written disclosure required under this subsection shall be conspicuously displayed in any investment agreement, and any solicitation material furnished to the investor by such provider, trust or person, and shall be in contrasting color and in not less than 10 point type or no smaller than the largest type on the page if larger than 10 point type.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: creating s. 626.99235, F.S.; prohibiting misrepresentation; providing disclosure of required information;

Pursuant to Rule 4.19, **CS for SB 2004** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

SB 1738—A bill to be entitled An act relating to public records; amending section 446.609, F.S.; providing an exemption from public records requirements for the identity of donors to the Florida Endowment Foundation for Florida's Graduates; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Horne and adopted:

Amendment 1—On page 2, line 6, delete "House Bill ____" and insert: Senate Bill 1736

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Horne and adopted:

Amendment 2—On page 1, line 30, after "*of*" insert: *anonymous*

Pursuant to Rule 4.19, **SB 1738** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 932** was deferred.

On motion by Senator Brown-Waite—

SB 1404—A bill to be entitled An act relating to the Coastal Zone Construction Act; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1404** to **HB 3863**.

Pending further consideration of **SB 1404** as amended, on motion by Senator Brown-Waite, by two-thirds vote **HB 3863** was withdrawn from the Committee on Community Affairs.

On motion by Senator Brown-Waite—

HB 3863—A bill to be entitled An act relating to the Coastal Zone Protection Act; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

—a companion measure, was substituted for **SB 1404** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 3863** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SB 1430—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Choose Life license plate; providing for the distribution of annual use fees received from the sale of such plates; providing certain limitations on the use of such funds; providing a contingent effective date.

—was read the second time by title.

Senator Lee moved the following amendments which were adopted:

Amendment 1—On page 2, lines 22 and 23, delete those lines and insert: *lieu of the annual audit. The Office of Program Policy Analysis and Government Accountability shall review the expenditure of*

Amendment 2—On page 2, line 29 through page 3, line 2, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

Pursuant to Rule 4.19, **CS for SB 1430** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

CS for SB 1256—A bill to be entitled An act relating to inland waterway management; amending s. 374.976, F.S.; authorizing the Florida Inland Navigation District and the West Coast Inland Navigation District to enter into cooperative agreements with the Federal Government, participate with the United States Army Corps of Engineers in waterway maintenance projects, engage in anchorage management programs and beach renourishment projects, and enter into ecosystem management agreements with the Department of Environmental Protection; conforming language relating to existing matching fund requirements; repealing s. 374.976(5), F.S., as amended by ch. 96-320, Laws of Florida, to clarify legislative intent with respect to duplicate provisions; amending s. 403.061, F.S.; providing a supplemental process for issuance of joint coastal permits and environmental resource permits for regional waterway management activities; amending s. 311.105, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1256** to **CS for HB 3369**.

Pending further consideration of **CS for SB 1256** as amended, on motion by Senator Harris, by two-thirds vote **CS for HB 3369** was withdrawn from the Committee on Natural Resources.

On motion by Senator Harris—

CS for HB 3369—A bill to be entitled An act relating to inland waterway management; amending s. 374.976, F.S.; authorizing the Florida Inland Navigation District and the West Coast Inland Navigation District to enter into cooperative agreements with the Federal Government, participate with the United States Army Corps of Engineers in waterway maintenance projects, engage in anchorage management programs and beach renourishment projects, and enter into ecosystem management agreements with the Department of Environmental Protection; conforming language relating to existing matching fund requirements; repealing s. 374.976(5), F.S., as amended by ch. 96-320, Laws of Florida, to clarify legislative intent with respect to duplicate provisions; amending s. 403.061, F.S.; providing a supplemental process for issuance of joint coastal permits and environmental resource permits for regional waterway management activities; amending s. 311.105, F.S.; correcting cross references; repealing s. 8 of ch. 90-264, Laws of Florida, relating to Sundown review and repeal of the West Coast Inland Navigation District; providing an effective date.

—a companion measure, was substituted for **CS for SB 1256** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3369** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1506** was deferred.

On motion by Senator Dudley—

CS for SB 1624—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.103, F.S.; defining the terms "buyer" and "division"; amending s. 718.111, F.S.; providing for the operation of certain condominiums created prior to 1977 as single associations; permitting consolidated financial operation; requiring a developer-controlled association to exercise due diligence to obtain and maintain insurance; providing that failure to obtain and maintain adequate insurance shall constitute a breach of fiduciary responsibility by the developer-appointed members of the board of directors; providing that records may be obtained in person or by mail; providing specified associations must, upon written request, copy and deliver requested records and charge its actual costs; amending s. 718.112, F.S.; providing requirements for eligibility to be a candidate for the board; amending s. 718.116, F.S.; providing for unit owners and the developer to be assessed in accordance with their ownership interest in losses resulting from a natural disaster or an act of God; amending s. 719.103, F.S.; defining the terms "buyer" and "division"; amending s. 719.1035, F.S.; requiring filing of information; amending s. 719.104, F.S.; requiring notification; amending s. 719.106, F.S.; providing requirements relating to association meetings; amending s. 719.301, F.S.; providing rulemaking authority; amending s. 719.403, F.S.; requiring filing of information; amending s. 719.502, F.S.; providing conditions precedent to closing on a contract for sale or specified contracts for lease; providing rulemaking authority; amending s. 719.503, F.S.; providing conditions for closing within the 15-day voidability period; creating s. 719.621, F.S.; providing rulemaking authority; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1624** to **CS for CS for HB 3321**.

Pending further consideration of **CS for SB 1624** as amended, on motion by Senator Dudley, by two-thirds vote **CS for CS for HB 3321** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Dudley—

CS for CS for HB 3321—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.103, F.S.; defining the terms "buyer" and "division"; amending s. 718.104, F.S.; requiring filing of recording information with creation of condominiums; amending s. 718.111, F.S.; providing for the operation of certain condominiums created prior to 1977 as single associations; permitting consolidated financial operation; requiring a developer-controlled association to exercise due diligence to obtain and maintain insurance; providing that failure to obtain and maintain adequate insurance shall constitute a breach of fiduciary responsibility by the developer-appointed members of the board of directors; providing for the recording of certain meetings; providing that records may be obtained in person or by mail; providing that an association with more than 50 units must, upon written request, copy and deliver requested records and charge its actual costs; providing a fine for subsequent violations; amending s. 718.112, F.S.; providing requirements relating to association meetings; providing requirements for eligibility to be a candidate for the board; amending s. 718.116, F.S.; providing for unit owners and the developer to be assessed in accordance with their ownership interest in losses resulting from a natural disaster or an act of God; amending s. 718.117, F.S.; requiring notification of certain mergers or termination; amending s. 718.301, F.S.; providing rulemaking authority for requirements relating to the transition of a condominium; amending s. 718.403, F.S.; requiring filing of recording information; amending s. 718.502, F.S.; providing certain requirements prior to the closure on any contract for sale or lease of over 5 years; providing rulemaking authority for requirements relating to filing and review programs and timetables; amending s. 718.503, F.S.; providing requirements relating to the closure of a transaction for the purchase of a condominium unit; creating s. 718.621, F.S.; providing rulemaking authority; amending s. 719.103, F.S.; providing definitions; amending s. 719.1035, F.S.; requiring filing of certain information with respect to the creation of a cooperative; amending s. 719.104, F.S.; requiring notification; amending s. 719.106, F.S.; providing requirements relating to association meetings; amending s. 719.301, F.S.; providing rulemaking authority; amending s. 719.403, F.S.; requiring filing of information; amending s. 719.502, F.S.; providing conditions precedent to closing on a contract for sale or specified contracts for lease; providing rulemaking authority; amending s. 719.503, F.S.; providing conditions for closing within the 15-day voidability period; creating s. 719.621, F.S.; providing rulemaking authority; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 1624** as amended and read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(1) "Assessment" means a share of the funds which are required for the payment of common expenses, which from time to time is assessed against the unit owner.

(2) "Association" means, in addition to those entities responsible for the operation of common elements owned in undivided shares by unit owners, any entity which operates or maintains other real property in which condominium unit owners have use rights, where unit owner membership in the entity is composed exclusively of condominium unit owners or their elected or appointed representatives, and where membership in the entity is a required condition of unit ownership.

(3) "Association property" means that property, real and personal, which is owned or leased by, or is dedicated by a recorded plat to, the association for the use and benefit of its members.

(4) "Board of administration" means the board of directors or other representative body which is responsible for administration of the association.

(5) "Buyer" means a person who purchases a condominium. The term "purchaser" may be used interchangeably with the term "buyer."

(6)~~(5)~~ "Bylaws" means the bylaws of the association as they exist from time to time.

(7)~~(6)~~ "Committee" means a group of board members, unit owners, or board members and unit owners appointed by the board or a member of the board to make recommendations to the board regarding the association budget or take action on behalf of the board.

(8)~~(7)~~ "Common elements" means the portions of the condominium property which are not included in the units.

(9)~~(8)~~ "Common expenses" means all expenses and assessments which are properly incurred by the association for the condominium.

(10)~~(9)~~ "Common surplus" means the excess of all receipts of the association collected on behalf of a condominium (including, but not limited to, assessments, rents, profits, and revenues on account of the common elements) over the common expenses.

(11)~~(10)~~ "Condominium" means that form of ownership of real property which is created pursuant to the provisions of this chapter, which is comprised of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

(12)~~(11)~~ "Condominium parcel" means a unit, together with the undivided share in the common elements which is appurtenant to the unit.

(13)~~(12)~~ "Condominium property" means the lands, leaseholds, and personal property that are subjected to condominium ownership, whether or not contiguous, and all improvements thereon and all easements and rights appurtenant thereto intended for use in connection with the condominium.

(14)~~(13)~~ "Conspicuous type" means type in capital letters no smaller than the largest type, exclusive of headings, on the page on which it appears and, in all cases, at least 10-point type. Where conspicuous type is required, it must be separated on all sides from other type and print. Conspicuous type may be used in contracts for purchase or public offering statements only where required by law.

(15)~~(14)~~ "Declaration" or "declaration of condominium" means the instrument or instruments by which a condominium is created, as they are from time to time amended.

(16)~~(15)~~ "Developer" means a person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business, but does not include an owner or lessee of a condominium or cooperative unit who has acquired the unit for his or her own occupancy, nor does it include a cooperative association which creates a condominium by conversion of an existing residential cooperative after control of the association has been transferred to the unit owners if, following the conversion, the unit owners will be the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion.

(17) "Division" means the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation.

(18)~~(16)~~ "Land" means, unless otherwise defined in the declaration as hereinafter provided, the surface of a legally described parcel of real property and includes, unless otherwise specified in the declaration and whether separate from or including such surface, airspace lying above and subterranean space lying below such surface. However, if so defined in the declaration, the term "land" may mean all or any portion of the airspace or subterranean space between two legally identifiable elevations and may exclude the surface of a parcel of real property and may mean any combination of the foregoing, whether or not contiguous.

(19)~~(17)~~ "Limited common elements" means those common elements which are reserved for the use of a certain condominium unit or units

to the exclusion of other units, as specified in the declaration of condominium.

(20)~~(18)~~ "Operation" or "operation of the condominium" includes the administration and management of the condominium property.

(21)~~(19)~~ "Rental agreement" means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.

(22)~~(20)~~ "Residential condominium" means a condominium consisting of condominium units, any of which are intended for use as a private temporary or permanent residence, except that a condominium is not a residential condominium if the use for which the units are intended is primarily commercial or industrial and not more than three units are intended to be used for private residence, and are intended to be used as housing for maintenance, managerial, janitorial, or other operational staff of the condominium. With respect to a condominium that is not a timeshare condominium, a residential unit includes a unit intended as a private temporary or permanent residence as well as a unit not intended for commercial or industrial use. With respect to a timeshare condominium, the timeshare instrument as defined in s. 721.05(28) shall govern the intended use of each unit in the condominium. If a condominium is a residential condominium but contains units intended to be used for commercial or industrial purposes, then, with respect to those units which are not intended for or used as private residences, the condominium is not a residential condominium. A condominium which contains both commercial and residential units is a mixed-use condominium subject to the requirements of s. 718.404.

(23)~~(21)~~ "Special assessment" means any assessment levied against unit owners other than the assessment required by a budget adopted annually.

(24)~~(22)~~ "Timeshare estate" means any interest in a unit under which the exclusive right of use, possession, or occupancy of the unit circulates among the various purchasers of a timeshare plan pursuant to chapter 721 on a recurring basis for a period of time.

(25)~~(23)~~ "Timeshare unit" means a unit in which timeshare estates have been created.

(26)~~(24)~~ "Unit" means a part of the condominium property which is subject to exclusive ownership. A unit may be in improvements, land, or land and improvements together, as specified in the declaration.

(27)~~(25)~~ "Unit owner" or "owner of a unit" means a record owner of legal title to a condominium parcel.

(28)~~(26)~~ "Voting certificate" means a document which designates one of the record title owners, or the corporate, partnership, or entity representative, who is authorized to vote on behalf of a condominium unit that is owned by more than one owner or by any entity.

(29)~~(27)~~ "Voting interest" means the voting rights distributed to the association members pursuant to s. 718.104(4)(i).

Section 2. Subsections (6) and (11), paragraph (c) of subsection (12), and subsection (15) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(6) OPERATION OF ~~PHASE~~ CONDOMINIUMS *CREATED PRIOR TO 1977*.—Notwithstanding any provision of this chapter, an association may operate *two or more* residential condominiums in *which the initial condominium declaration was recorded prior to January 1, 1977,* ~~a phase project initially created pursuant to former s. 711.64~~ and may continue to so operate such *condominiums* ~~project~~ as ~~though it were~~ a single condominium for purposes of financial matters, including budgets, assessments, accounting, recordkeeping, and similar matters, if provision is made for such consolidated operation in the applicable declarations of each such condominium ~~as initially recorded~~ or in the bylaws ~~as initially adopted~~. *An association for such condominiums may also provide for consolidated financial operation as described in this section either by amending its declaration pursuant to s. 718.110(1)(a) or by amending its bylaws and having the amendment approved by not less than two-thirds of the total voting interests.* Notwithstanding any provision in this chapter, common expenses for residential condominiums in such a project being operated by a single association may be assessed against all unit owners in such project pursuant to the proportions or percentages established therefor in the declarations as initially recorded or in the bylaws as initially adopted, subject, however, to the limitations of ss. 718.116 and 718.302.

(11) INSURANCE.—

(a) *A unit-owner controlled* ~~The~~ association shall use its best efforts to obtain and maintain adequate insurance to protect the association, the association property, the common elements, and the condominium property required to be insured by the association pursuant to paragraph (b). *If the association is developer-controlled, the association shall exercise due diligence to obtain and maintain such insurance. Failure to obtain and maintain adequate insurance during any period of developer control shall constitute a breach of fiduciary responsibility by the developer appointed members of the board of directors of the association, unless said members can show that despite such failure, they have exercised due diligence. An* ~~The~~ association may also obtain and maintain liability insurance for directors and officers, insurance for the benefit of association employees, and flood insurance for common elements, association property, and units. An association or group of associations may self-insure against claims against the association, the association property, and the condominium property required to be insured by an association, upon compliance with ss. 624.460-624.488. A copy of each policy of insurance in effect shall be made available for inspection by unit owners at reasonable times.

(b) Every hazard policy which is issued to protect a condominium building shall provide that the word "building" wherever used in the policy include, but not necessarily be limited to, fixtures, installations, or additions comprising that part of the building within the unfinished interior surfaces of the perimeter walls, floors, and ceilings of the individual units initially installed, or replacements thereof of like kind or quality, in accordance with the original plans and specifications, or as they existed at the time the unit was initially conveyed if the original plans and specifications are not available. However, unless prior to October 1, 1986, the association is required by the declaration to provide coverage therefor, the word "building" does not include unit floor coverings, wall coverings, or ceiling coverings, and, as to contracts entered into after July 1, 1992, does not include the following equipment if it is located within a unit and the unit owner is required to repair or replace such equipment: electrical fixtures, appliances, air conditioner or heating equipment, water heaters, or built-in cabinets. With respect to the coverage provided for by this paragraph, the unit owners shall be considered additional insureds under the policy.

(c) Every insurance policy issued to an individual unit owner shall provide that the coverage afforded by such policy is excess over the amount recoverable under any other policy covering the same property without rights of subrogation against the association.

(d) The association shall obtain and maintain adequate insurance or fidelity bonding of all persons who control or disburse funds of the association. The insurance policy or fidelity bond must cover the maximum funds that will be in the custody of the association or its management agent at any one time. As used in this paragraph, the term "persons who control or disburse funds of the association" includes, but is not limited to, those individuals authorized to sign checks and the president, secretary, and treasurer of the association. The association shall bear the cost of bonding.

(12) OFFICIAL RECORDS.—

(c) The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the association member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying. The failure of an association to provide the records within 10 working days after receipt of a written request shall create a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this paragraph. The minimum damages shall be $50 per calendar day up to 10 days, the calculation to begin on the 11th working day after receipt of the written request. The failure

to permit inspection of the association records as provided herein entitles any person prevailing in an enforcement action to recover reasonable attorney's fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records for inspection. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet provided for in s. 718.504 *and year-end financial information required in this section* on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the same. Notwithstanding the provisions of this paragraph, the following records shall not be accessible to unit owners:

1. A record which was prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings until the conclusion of the litigation or adversarial administrative proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

3. Medical records of unit owners.

(15) COMMINGLING.—All funds shall be maintained separately in the association's name. Reserve and operating funds of the association shall not be commingled *unless combined for investment purposes. This subsection is not meant to prohibit prudent investment of association funds even if combined with operating or other reserve funds of the same association, but such funds must be accounted for separately, and the combined account balance may not, at any time, be less than the amount identified as reserve funds in the combined account.* No manager or business entity required to be licensed or registered under s. 468.432, and no agent, employee, officer, or director of a condominium association shall commingle any association funds with his or her funds or with the funds of any other condominium association or community association as defined in s. 468.431.

Section 3. Subsection (2) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(a) Administration.—

1. The form of administration of the association shall be described indicating the title of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and boards. In the absence of such a provision, the board of administration shall be composed of five members, except in the case of a condominium which has five or fewer units, in which case in a not-for-profit corporation the board shall consist of not fewer than three members. In the absence of provisions to the contrary in the bylaws, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of such officers customarily performed by officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them the duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board of administration. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. When a unit owner files a written inquiry by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days of receipt of the inquiry. The board's response shall either give a substantive response to the inquirer, notify the inquirer that a legal opinion has been requested, or notify the inquirer that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the inquirer. If a legal opinion is requested, the board shall, within 60 days after the receipt of the inquiry, provide in writing a substantive response to the inquiry. The failure to provide a substantive response to the inquiry as provided herein precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the inquiry. The association may through its board of administration adopt reasonable rules and regulations regarding the frequency and manner of responding to unit owner inquiries, one of which may be that the association is only obligated to respond to one written inquiry per unit in any given 30-day period. In such a case, any additional inquiry or inquiries must be responded to in the subsequent 30-day period, or periods, as applicable.

(b) Quorum; voting requirements; proxies.—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be a majority of the voting interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)3., decisions shall be made by owners of a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, after January 1, 1992, unit owners may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive financial statement requirements as provided by s. 718.111(14); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), after January 1, 1992, no proxy, limited or general, shall be used in the election of board members. General proxies may be used for other matters for which limited proxies are not required, and may also be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding the provisions of this subparagraph, unit owners may vote in person at unit owner meetings. Nothing contained herein shall limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association.

3. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy is revocable at any time at the pleasure of the unit owner executing it.

(c) Board of administration meetings.—Meetings of the board of administration at which a quorum of the members is present shall be open to all unit owners. Any unit owner may tape record or videotape meetings of the board of administration. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt reasonable rules governing the frequency, duration, and manner of unit owner statements. Adequate notice of all meetings, which notice shall specifically incorporate an identification of agenda items, shall be posted conspicuously on the condominium property at least 48 continuous hours preceding the meeting except in an emergency. Any item not included on the notice may be taken up on an emergency basis by at least a majority plus one of the members of the board. Such emergency action shall be noticed and ratified at the next regular meeting of the board. However, written notice of any meeting at which nonemergency special assessments, or at which amendment to rules regarding unit use, will be considered shall be mailed or delivered to the unit owners and posted conspicuously on the condominium property not less than 14 days prior to the meeting. Evidence of compliance with this 14-day notice shall be made by an affidavit executed by the person providing the notice and filed among the official records of the association. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the condominium property or association property upon which all notices of board meetings shall be posted. If there is no condominium property or association property upon which notices can be posted, notices of board meetings shall be mailed or delivered at least 14 days before the meeting to the owner of each unit. Notice of any meeting in which regular assessments against unit owners are to be considered for

any reason shall specifically contain a statement that assessments will be considered and the nature of any such assessments. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to the provisions of this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to the provisions of this section, unless those meetings are exempted from this section by the bylaws of the association. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners is inapplicable to meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, when the meeting is held for the purpose of seeking or rendering legal advice.

(d) Unit owner meetings.—

1. There shall be an annual meeting of the unit owners. Unless the bylaws provide otherwise, a vacancy on the board of administration caused by the expiration of a director's term shall be filled by electing a new board member, and the election shall be by *secret* ~~closed~~ ballot; however, if *the number of vacancies equals or exceeds the number of candidates* ~~there is only one candidate for election to fill the vacancy~~, no election is required. If there is no provision in the bylaws for terms of the members of the board of administration, the terms of all members of the board of administration shall expire upon the election of their successors at the annual meeting. Any unit owner desiring to be a candidate for board membership shall comply with subparagraph 3. *In order to be eligible for board membership a person must meet the requirements set forth in the declaration. A person who has been convicted of any felony by any court of record in the United States and who has not had his or her right to vote restored pursuant to law in the jurisdiction of his or her residence is not eligible for board membership. The validity of an action by the board is not affected if it is later determined that a member of the board is ineligible for board membership due to having been convicted of a felony.*

2. The bylaws shall provide the method of calling meetings of unit owners, including annual meetings. Written notice, which notice must include an agenda, shall be mailed or delivered to each unit owner at least 14 days prior to the annual meeting and shall be posted in a conspicuous place on the condominium property at least 14 continuous days preceding the annual meeting. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the condominium property or association property upon which all notices of unit owner meetings shall be posted; however, if there is no condominium property or association property upon which notices can be posted, this requirement does not apply. Unless a unit owner waives in writing the right to receive notice of the annual meeting by mail, the notice of the annual meeting shall be sent by mail to each unit owner. Where a unit is owned by more than one person, the association shall provide notice, for meetings and all other purposes, to that one address which the developer initially identifies for that purpose and thereafter as one or more of the owners of the unit shall so advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, shall provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered, in accordance with this provision, to each unit owner at the address last furnished to the association.

3. ~~After January 1, 1992,~~ The members of the board of administration shall be elected by written ballot or voting machine. Proxies shall in no event be used in electing the board of administration, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. Not less than 60 days before a scheduled election, the association shall mail or deliver, whether by separate association mailing or included in another association mailing or delivery including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. Any unit owner or other eligible person desiring to be a candidate for the board of administration must give written notice to the association not less than 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 2., the association shall mail or deliver a second notice of the election to all unit owners entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the association shall include an information sheet, no larger than 8½ inches by 11 inches, which must be furnished by the candidate not less than 35 days before the election, to be included with the mailing of the ballot, with the costs of mailing or delivery and copying to be borne by the association. However, the association has no liability for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with the provisions contained herein, including rules providing for the secrecy of ballots. Elections shall be decided by a plurality of those ballots cast. There shall be no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election of members of the board of administration. No unit owner shall permit any other person to vote his or her ballot, and any such ballots improperly cast shall be deemed invalid. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain assistance in casting the ballot. Any unit owner violating this provision may be fined by the association in accordance with s. 718.303. The regular election shall occur on the date of the annual meeting. The provisions of this subparagraph shall not apply to timeshare condominium associations. Notwithstanding the provisions of this subparagraph, an election and balloting are not required unless more candidates file notices of intent to run or are nominated than vacancies exist on the board.

4. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), shall be made at a duly noticed meeting of unit owners and shall be subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any statute *that* ~~which~~ provides for such action.

5. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any statute.

6. Unit owners shall have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

7. Any unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

8. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to the requirements of subparagraph 3. unless the association has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (j) and rules adopted by the division.

Notwithstanding subparagraphs (b)2. and (d)3., an association may, by the affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which vote may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(e) Budget meeting.—The board of administration shall ~~mail or~~ hand deliver to each unit owner, *or mail to each unit owner* at the address last furnished to the association, a meeting notice and copies of the proposed annual budget of common expenses not less than 14 days prior to the meeting of the unit owners or the board of administration at which the budget will be considered. Evidence of compliance with this 14-day notice must be made by an affidavit executed by an officer of the association or the manager or other person providing notice of the meeting and filed among the official records of the association. The meeting must be open to the unit owners. If an adopted budget requires assessments against the unit owners in any fiscal or calendar year which exceed 115 percent of the assessments for the preceding year, the board, upon written application of 10 percent of the voting interests to the board, shall

call a special meeting of the unit owners within 30 days upon not less than 10 days' written notice to each unit owner. At the special meeting, unit owners shall consider and enact a budget. Unless the bylaws require a larger vote, the adoption of the budget requires a vote of not less than a majority vote of all the voting interests. The board of administration may propose a budget to the unit owners at a meeting of members or in writing, and if the budget or proposed budget is approved by the unit owners at the meeting or by a majority of all the voting interests in writing, the budget is adopted. If a meeting of the unit owners has been called and a quorum is not attained or a substitute budget is not adopted by the unit owners, the budget adopted by the board of directors goes into effect as scheduled. In determining whether assessments exceed 115 percent of similar assessments in prior years, any authorized provisions for reasonable reserves for repair or replacement of the condominium property, anticipated expenses by the condominium association which are not anticipated to be incurred on a regular or annual basis, or assessments for betterments to the condominium property must be excluded from the computation. However, as long as the developer is in control of the board of administration, the board may not impose an assessment for any year greater than 115 percent of the prior fiscal or calendar year's assessment without approval of a majority of all the voting interests.

(f) Annual budget.—

1. The proposed annual budget of common expenses shall be detailed and shall show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 718.504(20). In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached thereto shall show amounts budgeted therefor. *If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(20) are not applicable, they need not be listed.*

2. In addition to annual operating expenses, the budget shall include reserve accounts for capital expenditures and deferred maintenance. These accounts shall include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other item for which the deferred maintenance expense or replacement cost exceeds $10,000. The amount to be reserved shall be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. This subsection does not apply to budgets in which the members of an association have, by a majority vote at a duly called meeting of the association, and voting determined for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. However, prior to turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 718.301, the developer may vote to waive the reserves or reduce the funding of reserves for the first 2 years of the operation of the association, after which time reserves may ~~only~~ be waived or reduced *only* upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association. If a meeting of the unit owners has been called to determine to provide no reserves or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a ~~vote of the~~ majority *vote* ~~of the voting interests voting in person or by limited proxy~~ at a duly called meeting of the association. Prior to turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association shall not vote to use reserves for purposes other than that for which they were intended without the approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association.

(g) Assessments.—The manner of collecting from the unit owners their shares of the common expenses shall be stated in the bylaws. Assessments shall be made against units not less frequently than quarterly in an amount which is not less than that required to provide funds in advance for payment of all of the anticipated current operating expenses and for all of the unpaid operating expenses previously incurred. Nothing in this paragraph shall preclude the right of an association to accelerate assessments of an owner delinquent in payment of common expenses. Accelerated assessments shall be due and payable on the date the claim of lien is filed. Such accelerated assessments shall include the amounts due for the remainder of the budget year in which the claim of lien was filed.

(h) Amendment of bylaws.—

1. The method by which the bylaws may be amended consistent with the provisions of this chapter shall be stated. If the bylaws fail to provide a method of amendment, the bylaws may be amended if the amendment is approved by the owners of not less than two-thirds of the voting interests.

2. No bylaw shall be revised or amended by reference to its title or number only. Proposals to amend existing bylaws shall contain the full text of the bylaws to be amended; new words shall be inserted in the text underlined, and words to be deleted shall be lined through with hyphens. However, if the proposed change is so extensive that this procedure would hinder, rather than assist, the understanding of the proposed amendment, it is not necessary to use underlining and hyphens as indicators of words added or deleted, but, instead, a notation must be inserted immediately preceding the proposed amendment in substantially the following language: "Substantial rewording of bylaw. See bylaw . . . . for present text."

3. Nonmaterial errors or omissions in the bylaw process will not invalidate an otherwise properly promulgated amendment.

(i) Transfer fees.—No charge shall be made by the association or any body thereof in connection with the sale, mortgage, lease, sublease, or other transfer of a unit unless the association is required to approve such transfer and a fee for such approval is provided for in the declaration, articles, or bylaws. Any such fee may be preset, but in no event may such fee exceed $100 per applicant other than husband/wife or parent/dependent child, which are considered one applicant. However, if the lease or sublease is a renewal of a lease or sublease with the same lessee or sublessee, no charge shall be made. The foregoing notwithstanding, an association may, if the authority to do so appears in the declaration or bylaws, require that a prospective lessee place a security deposit, in an amount not to exceed the equivalent of 1 month's rent, into an escrow account maintained by the association. The security deposit shall protect against damages to the common elements or association property. Payment of interest, claims against the deposit, refunds, and disputes under this paragraph shall be handled in the same fashion as provided in part II of chapter 83.

~~(j) Fidelity bonds.—The association shall obtain and maintain adequate fidelity bonding of all persons who control or disburse funds of the association. As used in this section, the term "persons who control or disburse funds of the association" means those individuals authorized to sign checks, and the president, secretary, and treasurer of the association. If an association's annual gross receipts do not exceed $100,000, the bond shall be in the principal sum of not less than $10,000 for each such person. If an association's annual gross receipts exceed $100,000, but do not exceed $300,000, the bond shall be in the principal sum of $30,000 for each such person. If an association's annual gross receipts exceed $300,000, the bond shall be in the principal sum of not less than $50,000 for each such person. The association shall bear the cost of bonding.~~

(j)~~(k)~~ Recall of board members.—Subject to the provisions of s. 718.301, any member of the board of administration may be recalled and removed from office with or without cause by the vote or agreement in writing by a majority of all the voting interests. A special meeting of the unit owners to recall a member or members of the board of administration may be called by 10 percent of the voting interests giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting.

1. If the recall is approved by a majority of all voting interests by a vote at a meeting, the recall will be effective as provided herein. The board shall duly notice and hold a board meeting within 5 full business days of the adjournment of the unit owner meeting to recall one or more board members. At the meeting, the board shall either certify the recall, in which case such member or members shall be recalled effective immediately and shall turn over to the board within 5 full business days any

and all records and property of the association in their possession, or shall proceed as set forth in subparagraph 3.

2. If the proposed recall is by an agreement in writing by a majority of all voting interests, the agreement in writing or a copy thereof shall be served on the association by certified mail or by personal service in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. The board of administration shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement in writing. At the meeting, the board shall either certify the written agreement to recall a member or members of the board, in which case such member or members shall be recalled effective immediately and shall turn over to the board within 5 full business days any and all records and property of the association in their possession, or proceed as described in subparagraph 3.

3. If the board determines not to certify the written agreement to recall a member or members of the board, or does not certify the recall by a vote at a meeting, the board shall, within 5 full business days after the meeting, file with the division a petition for arbitration pursuant to the procedures in s. 718.1255. For the purposes of this section, the unit owners who voted at the meeting or who executed the agreement in writing shall constitute one party under the petition for arbitration. If the arbitrator certifies the recall as to any member or members of the board, the recall will be effective upon mailing of the final order of arbitration to the association. If the association fails to comply with the order of the arbitrator, the division may take action pursuant to s. 718.501. Any member or members so recalled shall deliver to the board any and all records of the association in their possession within 5 full business days of the effective date of the recall.

4. If the board fails to duly notice and hold a board meeting within 5 full business days of service of an agreement in writing or within 5 full business days of the adjournment of the unit owner recall meeting, the recall shall be deemed effective and the board members so recalled shall immediately turn over to the board any and all records and property of the association.

5. If a vacancy occurs on the board as a result of a recall and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any provision to the contrary contained in this subsection. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies shall be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this subsection. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but prior to the recall election.

(k)~~(l)~~ Arbitration.—There shall be a provision for mandatory nonbinding arbitration as provided for in s. 718.1255.

(l)~~(m)~~ Certificate of compliance.—There shall be a provision that a certificate of compliance from a licensed electrical contractor or electrician may be accepted by the association's board as evidence of compliance of the condominium units to the applicable fire and life safety code.

(m)~~(n)~~ Common elements; limited power to convey.—

1. With respect to condominiums created on or after October 1, 1994, the bylaws shall include a provision granting the association a limited power to convey a portion of the common elements to a condemning authority for the purpose of providing utility easements, right-of-way expansion, or other public purposes, whether negotiated or as a result of eminent domain proceedings.

2. In any case where the bylaws are silent as to the association's power to convey common elements as described in subparagraph 1., the bylaws shall be deemed to include the provision described in subparagraph 1.

Section 4. Paragraph (b) of subsection (1) of section 718.115, Florida Statutes, is amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) If so provided in the declaration, the cost of a master antenna television system or duly franchised cable television service obtained pursuant to a bulk contract shall be deemed a common expense. *If the declaration does not provide for the cost of a master antenna television system or duly franchised cable television service obtained under a bulk contract as a common expense, the board of administration may enter into such a contract and the cost of the service will be a common expense but allocated on a per-unit basis rather than a percentage basis if the declaration provides for other than an equal sharing of common expenses and any contract entered into before July 1, 1998, in which the cost of the service is not equally divided among all unit owners, may be changed by vote of a majority of the voting interests present at a regular or special meeting of the association, to allocate the cost equally among all units.*~~, and if not, such cost shall be considered common expense if it is designated as such in a written contract between the board of administration and the company providing the master television antenna system or the cable television service.~~ The contract shall be for a term of not less than 2 years.

1. Any contract made by the board after the effective date hereof for a community antenna system or duly franchised cable television service may be canceled by a majority of the voting interests present at the next regular or special meeting of the association. Any member may make a motion to cancel said contract, but if no motion is made or if such motion fails to obtain the required majority at the next regular or special meeting, whichever is sooner, following the making of the contract, then such contract shall be deemed ratified for the term therein expressed.

2. Any such contract shall provide, and shall be deemed to provide if not expressly set forth, that any hearing impaired or legally blind unit owner who does not occupy the unit with a *non-hearing-impaired* ~~non-hearing impaired~~ or sighted person may discontinue the service without incurring disconnect fees, penalties, or subsequent service charges, and as to such units, the owners shall not be required to pay any common expenses charge related to such service. If less than all members of an association share the expenses of cable television, the expense shall be shared equally by all participating unit owners. The association may use the provisions of s. 718.116 to enforce payment of the shares of such costs by the unit owners receiving cable television.

Section 5. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, as well as a copy of the question and answer sheet provided for by s. 718.504 *and a copy of the financial information required by s. 718.111.*

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, *A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION* AND THE QUESTION AND ANSWER SHEET MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S IN-

TENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, *A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION* AND QUESTION AND ANSWER SHEET IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 6. Section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division *and a copy of the financial information required by s. 718.111*. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the condominium.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.

(6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such

lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall

appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(16) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(17) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(18) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(19) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(20) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(21) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(22) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the condominium.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the condominium and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(24) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with the provisions of this chapter.

(25) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(26) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1) or a statement that such acceptance or approval has not been acquired or received.

(27) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

Section 7. Paragraph (a) of subsection (9) of section 718.116, Florida Statutes, is amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(9)(a) No unit owner may be excused from the payment of his or her share of the common expense of a condominium unless all unit owners are likewise proportionately excused from payment, except as provided in subsection (1) and in the following cases:

1. If the declaration so provides, a developer or other person who owns condominium units offered for sale may be excused from the payment of the share of the common expenses and assessments related to those units for a stated period of time subsequent to the recording of the declaration of condominium. The period must terminate no later than the first day of the fourth calendar month following the month in which the closing of the purchase and sale of the first condominium unit occurs. However, the developer must pay *those* ~~the portion of~~ common expenses incurred during that period which exceed the amount assessed against other unit owners. *Notwithstanding this limitation, if a developer-controlled association has maintained all insurance coverages required by s. 718.111(11)(a), the common expenses incurred during the foregoing period resulting from a natural disaster or an act of God, which are not covered by insurance proceeds from the insurance maintained by the association, may be assigned against all unit owners owning units on the date of such natural disaster or act of God, and their successors and assigns, including the developer with respect to units owned by the developer. In the event of such an assessment, all units shall be assessed in accordance with their ownership interest in the common elements as required by s. 718.115(2).*

2. A developer or other person who owns condominium units or who has an obligation to pay condominium expenses may be excused from the payment of his or her share of the common expense which would have been assessed against those units during the period of time that he or she has guaranteed to each purchaser in the purchase contract, declaration, or prospectus, or by agreement between the developer and a majority of the unit owners other than the developer, that the assessment for common expenses of the condominium imposed upon the unit owners would not increase over a stated dollar amount and has obligated himself or herself to pay any amount of common expenses incurred during that period and not produced by the assessments at the guaranteed level receivable from other unit owners. *Notwithstanding this limitation, if a developer-controlled association has maintained all insurance coverages required by s. 718.111(11)(a), the common expenses incurred during the guarantee period resulting from a natural disaster or an act of God, which are not covered by insurance proceeds from the insurance maintained by the association, may be assessed against all unit owners owning units on the date of such natural disaster or act of God, and their successors and assigns, including the developer with respect to units owned by the developer. In the event of such an assessment, all units shall be assessed in accordance with their ownership interest in the common elements as required by s. 718.115(2).* The guarantee may provide that after an initial stated period, the developer has an option or options to extend the guarantee for one or more additional stated periods.

Section 8. Section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(1) "Assessment" means a share of the funds required for the payment of common expenses, which from time to time is assessed against the unit owner.

(2) "Association" means the corporation for profit or not for profit that owns the record interest in the cooperative property or a leasehold of the property of a cooperative and that is responsible for the operation of the cooperative.

(3) "Board of administration" means the board of directors or other representative body responsible for administration of the association.

(4) "Buyer" means a person who purchases a cooperative. The term "purchaser" may be used interchangeably with the term "buyer."

(5)~~(4)~~ "Bylaws" means the bylaws of the association existing from time to time.

(6)~~(5)~~ "Committee" means a group of board members, unit owners, or board members and unit owners appointed by the board or a member of the board to make recommendations to the board regarding the association budget or take action on behalf of the board.

(7)~~(6)~~ "Common areas" means the portions of the cooperative property not included in the units.

(8) "Common areas" includes within its meaning the following:

(a) The cooperative property which is not included within the units.

(b) Easements through units for conduits, ducts, plumbing, wiring, and other facilities for the furnishing of utility services to units and the common areas.

(c) An easement of support in every portion of a unit which contributes to the support of a building.

(d) The property and installations required for the furnishing of utilities and other services to more than one unit or to the common areas.

(e) Any other part of the cooperative property designated in the cooperative documents as common areas.

(9)~~(7)~~ "Common expenses" means all expenses and assessments properly incurred by the association for the cooperative.

(10)~~(8)~~ "Common surplus" means the excess of all receipts of the association—including, but not limited to, assessments, rents, profits, and revenues on account of the common areas—over the amount of common expenses.

(11) "Conspicuous type" means type in capital letters no smaller than the largest type on the page on which it appears.

(12)~~(9)~~ "Cooperative" means that form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property.

(13)~~(10)~~ "Cooperative documents" means:

(a) The documents that create a cooperative, including, but not limited to, articles of incorporation of the association, bylaws, and the ground lease or other underlying lease, if any.

(b) The document evidencing a unit owner's membership or share in the association.

(c) The document recognizing a unit owner's title or right of possession to his or her unit.

(14)~~(11)~~ "Cooperative parcel" means the shares or other evidence of ownership in a cooperative representing an undivided share in the assets of the association, together with the lease or other muniment of title or possession.

(15)~~(12)~~ "Cooperative property" means the lands, leaseholds, and personal property owned by a cooperative association.

(16)~~(13)~~ "Developer" means a person who creates a cooperative or who offers cooperative parcels for sale or lease in the ordinary course of business, but does not include the owner or lessee of a unit who has acquired or leased the unit for his or her own occupancy, nor does it include a condominium association which creates a cooperative by conversion of an existing residential condominium after control of the association has been transferred to the unit owners if, following the conversion, the unit owners will be the same persons.

(17) "Division" means the Division of Florida Land Sales, Condominiums and Mobile Homes of the Department of Business and Professional Regulation.

(18) "Limited common areas" means those common areas which are reserved for the use of a certain cooperative unit or units to the exclusion of other units, as specified in the cooperative documents.

(19)~~(14)~~ "Operation" or "operation of the cooperative" includes the administration and management of the cooperative property.

(20) "Rental agreement" means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.

(21) "Residential cooperative" means a cooperative consisting of cooperative units, any of which are intended for use as a private residence. A cooperative is not a residential cooperative if the use of the units is intended as primarily commercial or industrial and not more than three units are intended to be used for private residence, domicile, or homestead, or if the units are intended to be used as housing for maintenance, managerial, janitorial, or other operational staff of the cooperative. If a cooperative is a residential cooperative under this definition, but has units intended to be commercial or industrial, then the cooperative is a residential cooperative with respect to those units intended for use as a private residence, domicile, or homestead, but not a residential cooperative with respect to those units intended for use commercially or industrially.

(22)~~(15)~~ "Unit" means a part of the cooperative property which is subject to exclusive use and possession. A unit may be improvements, land, or land and improvements together, as specified in the cooperative documents.

(23)~~(16)~~ "Unit owner" or "owner of a unit" means the person holding a share in the cooperative association and a lease or other muniment of title or possession of a unit that is granted by the association as the owner of the cooperative property.

~~(17) "Residential cooperative" means a cooperative consisting of cooperative units, any of which are intended for use as a private residence. A cooperative is not a residential cooperative if the use of the units is intended as primarily commercial or industrial and not more than three units are intended to be used for private residence, domicile, or homestead, or if the units are intended to be used as housing for maintenance, managerial, janitorial, or other operational staff of the cooperative. If a cooperative is a residential cooperative under this definition, but has units intended to be commercial or industrial, then the cooperative is a residential cooperative with respect to those units intended for use as a private residence, domicile, or homestead, but not a residential cooperative with respect to those units intended for use commercially or industrially.~~

~~(18) "Rental agreement" means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.~~

~~(19) "Conspicuous type" means type in capital letters no smaller than the largest type on the page on which it appears.~~

~~(20) "Limited common areas" means those common areas which are reserved for the use of a certain cooperative unit or units to the exclusion of other units, as specified in the cooperative documents.~~

~~(21) "Common areas" includes within its meaning the following:~~

~~(a) The cooperative property which is not included within the units.~~

~~(b) Easements through units for conduits, ducts, plumbing, wiring, and other facilities for the furnishing of utility services to units and the common areas.~~

~~(c) An easement of support in every portion of a unit which contributes to the support of a building.~~

~~(d) The property and installations required for the furnishing of utilities and other services to more than one unit or to the common areas.~~

~~(e) Any other part of the cooperative property designated in the cooperative documents as common areas.~~

Section 9. Section 719.1035, Florida Statutes, is amended to read:

719.1035 Creation of cooperatives.—The date when cooperative existence shall commence is upon commencement of corporate existence of the cooperative association as provided in s. 607.0203. The cooperative documents must be recorded in the county in which the cooperative is located before property may be conveyed or transferred to the cooperative. All persons who have any record interest in any mortgage encumbering the interest in the land being submitted to cooperative ownership

must either join in the execution of the cooperative documents or execute, with the requirements for deed, and record, a consent to the cooperative documents or an agreement subordinating their mortgage interest to the cooperative documents. *Upon creation of a cooperative, the developer or association shall file the recording information with the division within 30 working days on a form prescribed by the division.*

Section 10. Subsection (10) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(10) NOTIFICATION OF DIVISION.—When the board of directors intends to dissolve or merge the cooperative association, the board shall so notify the division before taking any action to dissolve or merge the cooperative association.

Section 11. Paragraphs (b) and (c) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(b) Quorum; voting requirements; proxies.—

1. Unless otherwise provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be a majority of voting interests, and decisions shall be made by owners of a majority of the voting interests. Unless otherwise provided in this chapter, or in the articles of incorporation, bylaws, or other cooperative documents, and except as provided in subparagraph (d)1., decisions shall be made by owners of a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, after January 1, 1992, unit owners may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (j)2., for votes taken to amend the articles of incorporation or bylaws pursuant to this section, and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), after January 1, 1992, no proxy, limited or general, shall be used in the election of board members. General proxies may be used for other matters for which limited proxies are not required, and may also be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding the provisions of this section, unit owners may vote in person at unit owner meetings. Nothing contained herein shall limit the use of general proxies or require the use of limited proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare cooperative.

3. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken and may not be used for the purposes of creating a quorum.

5. When some or all of the board or committee members meet by telephone conference, those board or committee members attending by telephone conference may be counted toward obtaining a quorum and may vote by telephone. A telephone speaker shall be utilized so that the conversation of those board or committee members attending by telephone may be heard by the board or committee members attending in person, as well as by unit owners present at a meeting.

(c) Board of administration meetings.—Meetings of the board of administration at which a quorum of the members is present shall be open to all unit owners. Any unit owner may tape record or videotape meetings of the board of administration. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt reasonable *written* rules governing the frequency, duration, and manner of unit owner statements. Adequate notice of all meetings shall be posted in a conspicuous place upon the cooperative property at least 48 continuous hours preceding the meeting, except in an emergency. Any item not included on the notice may be taken up on an emergency basis by at least a majority plus one of the members of the board. Such emergency action shall be noticed and ratified at the next regular meeting of the board. However, written notice of any meeting at which nonemergency special assessments, or at which amendment to rules regarding unit use, will be considered shall be mailed or delivered to the unit owners and posted conspicuously on the cooperative property not less than 14 days prior to the meeting. Evidence of compliance with this 14-day notice shall be made by an affidavit executed by the person providing the notice and filed among the official records of the association. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the cooperative property upon which all notices of board meetings shall be posted. Notice of any meeting in which regular assessments against unit owners are to be considered for any reason shall specifically contain a statement that assessments will be considered and the nature of any such assessments. Meetings of a committee to take final action on behalf of the board or to make recommendations to the board regarding the association budget are subject to the provisions of this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to the provisions of this section, unless those meetings are exempted from this section by the bylaws of the association. Notwithstanding any other law to the contrary, the requirement that board meetings and committee meetings be open to the unit owners is inapplicable to meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, when the meeting is held for the purpose of seeking or rendering legal advice.

Section 12. Subsection (6) is added to section 719.301, Florida Statutes, to read:

719.301 Transfer of association control.—

(6) The division may adopt rules administering the provisions of this section.

Section 13. Subsection (7) is added to section 719.403, Florida Statutes, to read:

719.403 Phase cooperatives.—

(7) Upon recording the cooperative documents or amendments adding phases pursuant to this section, the developer or association shall file the recording information with the division within 30 working days on a form prescribed by the division.

Section 14. Subsection (1) of section 719.502, Florida Statutes, is amended to read:

719.502 Filing prior to sale or lease.—

(1)*(a)* A developer of a residential cooperative shall file with the division one copy of each of the documents and items required to be furnished to a buyer or lessee by ss. 719.503 and 719.504, if applicable. Until the developer has so filed, a contract for sale or lease of a unit for more than 5 years shall be voidable by the purchaser or lessee prior to the closing of his or her purchase or lease of a unit. *A developer shall not close on any contract for sale or contract for a lease period of more than 5 years until the developer prepares and files with the division documents complying with the requirements of this chapter and the rules promulgated by the division and until the division notifies the developer that the filing is proper. A developer shall not close on any contract for sale or contract for a lease period of more than 5 years, as further provided in s. 719.503(1)(b), until the developer prepares and delivers all documents required by s. 719.503(1)(b) to the prospective buyer.*

(b) The division may by rule develop filing, review, and examination requirements and the relevant timetables necessary to ensure compliance with the notice and disclosure requirements of this section.

Section 15. Paragraph (b) of subsection (1) of section 719.503, Florida Statutes, is amended to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(b) Copies of documents to be furnished to prospective buyer or lessee.—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a unit or lease it for more than 5 years, the contract may be voided by that person, entitling the person to a refund of any deposit together with interest thereon as provided in s. 719.202. The contract may be terminated by written notice from the proposed buyer or lessee delivered to the developer within 15 days after the buyer or lessee receives all of the documents required by this section. *The developer shall not close for 15 days following the execution of the agreement and delivery of the documents to the buyer as evidenced by a receipt for documents signed by the buyer unless the buyer is informed in the 15-day voidability period and agrees to close prior to the expiration of the 15 days. The developer shall retain in his or her records a separate signed agreement as proof of the buyer's agreement to close prior to the expiration of said voidability period. Said proof shall be retained for a period of 5 years after the date of the closing transaction.* The documents to be delivered to the prospective buyer are the prospectus or disclosure statement with all exhibits, if the development is subject to the provisions of s. 719.504, or, if not, then copies of the following which are applicable:

1. The question and answer sheet described in s. 719.504, and cooperative documents, or the proposed cooperative documents if the documents have not been recorded, which shall include the certificate of a surveyor approximately representing the locations required by s. 719.104.

2. The documents creating the association.

3. The bylaws.

4. The ground lease or other underlying lease of the cooperative.

5. The management contract, maintenance contract, and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year, and any management contracts that are renewable.

6. The estimated operating budget for the cooperative and a schedule of expenses for each type of unit, including fees assessed to a shareholder who has exclusive use of limited common areas, where such costs are shared only by those entitled to use such limited common areas.

7. The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.

8. The lease of recreational and other common areas that will be used by unit owners in common with unit owners of other cooperatives.

9. The form of unit lease if the offer is of a leasehold.

10. Any declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.

11. If the development is to be built in phases or if the association is to manage more than one cooperative, a description of the plan of phase development or the arrangements for the association to manage two or more cooperatives.

12. If the cooperative is a conversion of existing improvements, the statements and disclosure required by s. 719.616.

13. The form of agreement for sale or lease of units.

14. A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

15. A copy of all covenants and restrictions which will affect the use of the property and which are not contained in the foregoing.

16. If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the cooperative, a copy of any such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502(1) or a statement that such acceptance or approval has not been acquired or received.

17. Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

Section 16. Section 719.621, Florida Statutes, is created to read:

719.621 Rulemaking authority.—The division may adopt rules to administer and ensure compliance with a developer's obligations with respect to cooperative conversions concerning the filing and noticing of intended conversions, rental agreement extensions, rights of first refusal, and disclosures and post-purchase protections.

Section 17. Subsection (28) of section 721.05, Florida Statutes, is amended to read:

721.05 Definitions.—As used in this chapter, the term:

(28) "Timeshare estate" means a right to occupy a timeshare unit, coupled with a freehold estate or an estate for years with a future interest in a timeshare property or a specified portion thereof. The term shall also mean an interest in a condominium unit pursuant to *s. 718.103* ~~s. 718.103(22)~~.

Section 18. Subsection (1) of section 721.97, Florida Statutes, as created by CS for CS for SB 626 (1998) is amended to read:

(1) The Governor may appoint commissioners of deeds to take acknowledgments, proofs of execution, or oaths in any foreign country. The term of office is 4 years. Commissioners of deeds shall have authority to take acknowledgments, proofs of execution, and oaths in connection with the execution of any deed, mortgage, deed of trust, contract, power of attorney, or any other writing to be used or recorded in connection with a timeshare estate, timeshare license, any property subject to a timeshare plan, or the operation of a timeshare plan located within this state; provided such instrument or writing is executed outside the United States. Such acknowledgments, proofs of execution, and oaths must be taken or made in the manner directed by the laws of this state, including but not limited to s. 117.05(4), (5)(a) and (6), *Florida Statutes (1997)* and certified by a commissioner of deeds. The certification must be endorsed on or annexed to the instrument or writing aforesaid and has the same effect as if made or taken by a notary public licensed in this state.

Section 19. *The amendment to section 721.97(1), Florida Statutes, made by section 18 of this act shall take effect only if CS for HB 1125 (1998) becomes law, and shall operate retroactively to the effective date of CS for CS for SB 626 (1998).*

Section 20. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.103, F.S.; defining the terms "buyer" and "division"; amending s. 718.111, F.S.; providing for the operation of certain condominiums created prior to 1977 as single associations; permitting consolidated financial operation; requiring a developer-controlled association to exercise due diligence to obtain and maintain insurance; providing that failure to obtain and maintain adequate insurance shall constitute a breach of fiduciary responsibility by the developer-appointed members of the board of directors; requiring adequate insurance or fidelity bonding to cover funds in the custody of an association; providing for financial reporting requirements; providing for the commingling of reserve and operating funds; amending s. 718.112, F.S.; providing requirements for eligibility to be a candidate for the board; providing for the validity of certain actions by the board; amending procedures for elections; amending procedures for recall of board members; amending procedures for mailing of notices; amending procedures for annual budgets; deleting fidelity bonding requirements; amending s. 718.115, F.S.; providing procedures that allocate cable television services as a common expense; amending ss. 718.503, 718.504, F.S.; requiring disclosure of financial information; amending s. 718.116, F.S.; providing for unit owners and the developer to be assessed in accordance with their ownership interest in losses resulting from a natural disaster or an act of God; amending

s. 719.103, F.S.; defining the terms "buyer" and "division"; amending s. 719.1035, F.S.; requiring filing of information; amending s. 719.104, F.S.; requiring notification; amending s. 719.106, F.S.; providing requirements relating to association meetings; amending s. 719.301, F.S.; providing rulemaking authority; amending s. 719.403, F.S.; requiring filing of information; amending s. 719.502, F.S.; providing conditions precedent to closing on a contract for sale or specified contracts for lease; providing rulemaking authority; amending s. 719.503, F.S.; providing conditions for closing within the 15-day voidability period; creating s. 719.621, F.S.; providing rulemaking authority; amending s. 721.05, F.S.; conforming a cross-reference; amending s. 721.97, F.S. as created by CS for CS for SB 626 (1998); providing a 1997 statutory reference; providing for contingent retroactive application; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 3321** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

HB 3509—A bill to be entitled An act relating to motor vehicle specialty license plates; amending s. 320.08053, F.S.; revising language with respect to requirements for requests to establish specialty license plates; amending s. 320.08056, F.S.; revising language with respect to specialty license plates to provide criteria for the discontinuance of the issuance of an approved plate; amending s. 320.08062, F.S.; revising language with respect to an annual required audit or report; revising language with respect to annual use fees of special license plates; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Burt and adopted:

Amendment 1—In title, on page 1, lines 1 and 2, delete those lines and insert: An act relating to motor vehicles; amending s. 320.08053, F.S.;

The Committee on Transportation recommended the following amendment which was moved by Senator Burt and failed:

Amendment 2—On page 2, delete line 14 and insert:

(c) An *initial* application fee not to exceed $30,000, *and any amount of the annual use fee required*

The Committee on Transportation recommended the following amendment which was moved by Senator Burt and adopted:

Amendment 3 (with title amendment)—On page 6, between lines 7 and 8, insert:

Section 4. Section 320.023, Florida Statutes, is created to read:

320.023 Requests to establish voluntary check-off on motor vehicle registration application.—

(1) *An organization that seeks authorization to establish a voluntary contribution on a motor vehicle registration application must submit to the department:*

(a) A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms.

(b) An application fee, not to exceed $10,000 to defray the department's cost for reviewing the application and developing the voluntary contribution check-off, if authorized. State funds may not be used to pay the application fee.

(c) A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

The information required under this subsection must be submitted to the department at least 90 days before the convening of the next regular session of the Legislature.

(2) If the voluntary contribution is not approved by the Legislature, the application fee must be refunded to the requesting organization.

(3) The department must include any voluntary contributions approved by the Legislature on the motor vehicle application form when the form is reprinted by the agency.

(4)(a) The department must discontinue the voluntary contribution if:

1. Less than $25,000 has been contributed by the end of the 5th year.

2. Less than $25,000 is contributed during any subsequent 5-year period.

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request.

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, or to pay the cost of the audit or report required by law.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law. Such audits must be delivered to the department no later than December 31 of the calendar year in which the audit was performed.

(c) In lieu of an annual audit, any organization receiving less than $15,000 in voluntary contributions directly from the department may annually report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(6) By February 1 each year, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The Auditor General and the department have the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

Section 5. Section 322.081, Florida Statutes, is created to read:

322.081 Requests to establish voluntary check-off on driver's license application.—

(1) *An organization that seeks authorization to establish a voluntary contribution on a driver's license application must submit to the department:*

(a) A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms.

(b) An application fee, not to exceed $10,000 to defray the department's cost for reviewing the application and developing the voluntary

contribution check-off, if authorized. State funds may not be used to pay the application fee.

(c) A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

The information required under this subsection must be submitted to the department at least 90 days before the convening of the next regular session of the Legislature.

(2) If the voluntary contribution is not approved by the Legislature, the application fee must be refunded to the requesting organization.

(3) The department must include any voluntary contributions approved by the Legislature on the driver's license application form when the form is reprinted by the agency.

(4)(a) The department must discontinue the voluntary contribution if:

1. Less than $25,000 has been contributed by the end of the 5th year.

2. Less than $25,000 is contributed during any subsequent 5-year period.

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request.

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, or to pay the cost of the audit or report required by law.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law. Such audits must be delivered to the department no later than December 31 of the calendar year in which the audit was performed.

(c) In lieu of an annual audit, any organization receiving less than $15,000 in voluntary contributions directly from the department may annually report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(6) By February 1 each year, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The Auditor General and the department have the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: creating s. 320.023, F.S.; revising language with respect to requirements for requests to establish voluntary contributions on motor vehicle registration applications; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; creating s. 322.081, F.S.; revising language with respect to requirements for requests to establish voluntary contributions on driver's license applications; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution;

Senator Burt moved the following amendment which was adopted:

Amendment 4—On page 5, line 6, after "*department*" insert: *, or from another state agency,*

Pursuant to Rule 4.19, **HB 3509** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 1352—A bill to be entitled An act relating to investment of public funds; amending s. 215.44, F.S.; authorizing the Office of Program Policy Analysis and Government Accountability to conduct performance audits; repealing s. 215.455, F.S., relating to the loan of securities; amending s. 215.515, F.S.; deleting provisions relating to review of charges for investment services of the State Board of Administration; amending s. 215.47, F.S.; revising list of eligible securities; authorizing the loan of securities or investments under specified conditions; creating s. 413.0115, F.S.; authorizing the State Board of Administration to manage the investment portfolio of the Division of Blind Services; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1352** to **CS for HB 3661**.

Pending further consideration of **CS for SB 1352** as amended, on motion by Senator Rossin, by two-thirds vote **CS for HB 3661** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Rossin—

CS for HB 3661—A bill to be entitled An act relating to authority of the State Board of Administration to invest public funds; amending s. 215.44, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to conduct or have conducted periodic performance audits of the board's management of trust fund investments and to submit the audit reports to the board and specified individuals; authorizing the State Board of Administration to invest funds of a state agency or unit of local government under certain circumstances; amending s. 215.47, F.S.; revising provisions relating to the investment of public funds and the securities authorized for such investment; providing for the loan of securities; repealing s. 215.455, F.S., relating to the loan of securities, to conform; amending s. 215.50, F.S.; correcting a cross reference, to conform; amending s. 215.515, F.S.; eliminating review by the Department of Management Services of charges of the board for investment services rendered; amending s. 215.835, F.S.; authorizing the board to adopt rules necessary to carry out the provisions and intent of the State Bond Act; amending s. 159.825, F.S.; authorizing the board to adopt rules necessary to carry out provisions of law relating to interest rate waivers for the sale of taxable bonds; amending s. 190.016, F.S.; correcting a cross reference, to conform; amending s. 218.407, F.S.; revising provisions relating to local government resolutions required for deposit of surplus funds in the Local Government Surplus Funds Trust Fund; amending s. 235.187, F.S.; authorizing covenants that additional funds from lottery and certain similar sources will be available for payments for Classrooms First Program bonds before any other purpose; amending s. 235.2195, F.S.; authorizing covenants that additional funds from lottery and certain similar sources will be available for payments for the 1997 School Capital Outlay Bond Program bonds before any other purpose; creating s. 218.412, F.S.; authorizing the board to adopt rules necessary for the administration of the trust fund; creating s. 413.0115, F.S.; authorizing the board to invest and reinvest the portfolio of stocks,

bonds, and mutual funds held by the Division of Blind Services; requiring the division director to make the portfolio available and transfer it to the board for investment; providing intent with respect to a time limitation on the issuance of certain lottery bonds; providing an effective date.

—a companion measure, was substituted for **CS for SB 1352** as amended and read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1—On page 3, between lines 27 and 28, insert:

(6) The Auditor General shall audit annually the entire operation of the board. *The Office of Program Policy Analysis and Government Accountability* ~~In addition to his or her regular financial and compliance audit, the Auditor General~~ shall ~~also~~ perform or cause to be performed a performance audit of the management by the board of investments *every 2 years.*~~, including among other things his or her independent verification of the data included by the board in its reports to the Legislature required by subsection (5). The Auditor General may elect to contract with a private professional firm qualified in investment portfolio management to conduct the performance audit of investment management required by this subsection.~~ In addition to the duties prescribed in this subsection, the Auditor General *and the Office of Program Policy Analysis and Government Accountability* shall annually as part of his or her audit conduct performance postaudits of investments under s. 215.47(6) which are not otherwise authorized under ss. 215.44-215.53. The Auditor General shall submit such audit report to the board, the President of the Senate, and the Speaker of the House of Representatives and their designees.

Pursuant to Rule 4.19, **CS for HB 3661** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote **HB 755** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Grant—

HB 755—A bill to be entitled An act relating to education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.289, F.S.; revising rulemaking for credit card, charge card, or debit card use; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), and 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB's 1358 and 160** and read the second time by title.

Senator Grant moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (6) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)(a) The provisions of subsections (2), (3), and (4) do not apply to any employee for whom the Board of Regents or the Board of Trustees of the Florida School for the Deaf and the Blind is the employer as defined in s. 447.203(2); except that, for purposes of subsection (5), ~~the Board of Regents and~~ the Board of Trustees of the Florida School for the Deaf and the Blind shall comply with the recordkeeping and reporting requirements adopted by the department pursuant to subsection (3) with respect to those other-personal-services employees exempted by this subsection.

Section 2. Subsection (1) of section 228.055, Florida Statutes, is amended to read:

228.055 Regional autism centers.—

(1) *Six* ~~Five~~ regional autism centers are established to provide nonresidential resource and training services for persons of all ages and of all levels of intellectual functioning who have autism, as defined in s. 393.063; who have a pervasive developmental disorder that is not otherwise specified; who have an autistic-like disability; who have a dual sensory impairment; or who have a sensory impairment with other handicapping conditions. Each center shall be operationally and fiscally independent and shall provide services within its geographical region of the state. Each center shall coordinate services within and between state and local agencies and school districts but may not duplicate services provided by those agencies or school districts. The respective locations and service areas of the centers are:

(a) The Department of Communication Disorders at Florida State University, which serves Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.

(b) The College of Medicine at the University of Florida, which serves Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, ~~Lake,~~ Levy, Marion, ~~Orange, Osceola,~~ Putnam, ~~Seminole, Sumter,~~ Suwannee, and Union Counties.

(c) The University of Florida Health Science Center at Jacksonville, which serves Baker, ~~Brevard,~~ Clay, Duval, Flagler, Nassau, *and* St. Johns~~, and Volusia~~ Counties.

(d) The Florida Mental Health Institute at the University of South Florida, which serves Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee, Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

(e) The Mailman Center for Child Development at the University of Miami, which serves Broward, Dade, Monroe, and Palm Beach Counties.

(f) The College of Health and Public Affairs at the University of Central Florida, which serves Brevard, Lake, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

Section 3. Section 235.055, Florida Statutes, is amended to read:

235.055 Construction of facilities on leased property; conditions.—

(1) *A board may* ~~Boards, including the Board of Regents, are authorized to~~ construct or place educational facilities and ancillary facilities on land which is owned by any person after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.

(2) A board *may*~~, including the Board of Regents, is authorized to~~ enter into a short-term lease for the use of land owned by any person on which temporary or relocatable facilities are to be utilized.

Section 4. Subsections (2), (3), and (4) of section 235.195, Florida Statutes, are amended to read:

235.195 Cooperative development and use of facilities by two or more boards.—

(2) An educational plant survey must be conducted within 90 days after submission of the joint resolution and substantiating data describing the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed project. Upon completion of the educational plant survey, the participating boards may include the recommended projects in their plan as provided in *s. 235.15* ~~s. 235.16~~. Upon approval of the project by the commissioner, ~~up to~~ 25 percent of the total cost of the project, *or the pro rata share based on space utilization of 25 percent of the cost,* must be included in the department's legislative capital outlay budget request as provided in s. 235.41 for educational plants. The participating boards must include in their joint resolution a commitment to finance the remaining funds necessary to complete the planning, construction, and equipping of the facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(3) Included in all proposals for joint-use facilities ~~which result in the creation of one or more new campuses for public postsecondary educational institutions~~ must be documentation that the proposed *new* campus *or new joint-use facility* has been reviewed by the Postsecondary Education Planning Commission, recommended to the State Board of Education, and has been formally requested for authorization by the Legislature in accordance with s. 240.147(8).

(4) No school board, community college, or state university shall receive funding for more than one approved joint-use facility *per campus* in any *3-year* ~~5-year~~ period ~~effective August 1, 1990. All projects previously approved under the provisions of this section shall not be affected. The first year of the 5-year period shall be the first year a board receives an appropriation~~.

Section 5. Paragraph (j) is added to subsection (10) of section 240.1201, Florida Statutes, to read:

240.1201 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition fees in public community colleges and universities.

(10) The following persons shall be classified as residents for tuition purposes:

(j) Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending a public community college or university within 50 miles of the military establishment where they are stationed.

Section 6. Subsection (4) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(4) Recommend to the State Board of Education contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education. In making recommendations, the commission shall consider the annual report submitted by the Board of Regents pursuant to *s. 240.209(3)(s)* ~~s. 240.209(3)(r)~~. Each program shall be reviewed, with the cooperation of the institution, every 5 years.

Section 7. Subsection (6) of section 240.205, Florida Statutes, is amended to read:

240.205 Board of Regents incorporated.—The Board of Regents is hereby created as a body corporate with all the powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:

(6) Acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for *the acquisition of commodities,* goods, equipment, *contractual* ~~or~~ services, ~~including educational services for~~ leases of real and personal property, and ~~for~~ construction~~, in accordance with chapter 287, as applicable~~. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. The board may also acquire the same *commodities,* goods, equipment, *contractual* services, leases, and construction~~, as designated for the board,~~ for use by a university when the contractual obligation exceeds *$1 million* ~~$500,000~~. Title to all real property, however acquired, shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. *Notwithstanding any other provisions of this subsection, the Board of Regents shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.*

Section 8. Paragraphs (e) and (r) of subsection (3) of section 240.209, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214~~(2)~~ and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 50 percent of funds from the student financial aid fee shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award.

5. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

6. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

(r) Adopt such rules as are necessary to carry out its duties and responsibilities*, including, but not limited to, procedures to administer an acquisition program for the purchase or lease of real and personal property and contractual services pursuant to s. 240.205(6).*

(9) Notwithstanding the provisions of s. 253.025, the Board of Regents may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of a university in the State University System.

(a) The board may secure appraisals and surveys. The board shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

(b) The board may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board.

(c) This subsection is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by the board shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

Section 9. Subsections (1) and (3) of section 240.2097, Florida Statutes, are amended to read:

240.2097 Education programs, limited access status; transfer students; student handbook; rules.—The Board of Regents shall adopt rules to include the following provisions:

(1) The criteria for assigning limited access status to an educational program shall be delineated. A process for the periodic review of programs shall be identified so that the board can determine the need for retention or removal of limited access status. ~~The board shall provide in a report to the Legislature, by institution, a list of all limited access programs, the minimum admission standards for each program, and a copy of the most recent review demonstrating the need for retention of limited access status. Such report shall be submitted by December 1, 1990, and annually thereafter.~~

(3) Each university shall *review* ~~compile~~ and update *as necessary* ~~annually~~ a student handbook that includes, but is not limited to, ~~a comprehensive calendar that emphasizes important dates and deadlines,~~ student rights and responsibilities, appeals processes available to students, a roster of contact persons within the administrative staff available to respond to student inquiries, and a statement as to the State University System policy on acquired immune deficiency syndrome including the name and telephone number of the university acquired immune deficiency syndrome counselor. Each student handbook must include a statement displayed prominently which provides that the university will not tolerate the sale, possession, or use of controlled substances, with the exception of medication prescribed by a physician and taken in accordance with the prescribed usage, nor will the university tolerate the consumption of alcoholic beverages by students younger than 21 years of age or the sale of alcoholic beverages to students younger than 21 years of age. Each student handbook must also list the legal and university-specific sanctions that will be imposed upon students who violate the law or university policies regarding controlled substances and alcoholic beverages.

Section 10. Section 240.214, Florida Statutes, is amended to read:

240.214 State University System accountability process.—It is the intent of the Legislature that an accountability process be implemented which provides for the systematic, ongoing evaluation of quality and effectiveness in the State University System. It is further the intent of the Legislature that this accountability process monitor performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process shall provide for the adoption of systemwide performance standards and performance goals for each standard identified through a collaborative effort involving the State University System, the Legislature, and the Governor's Office. *These standards and goals shall be consistent with s. 216.011(1) to maintain congruity with the performance-based budgeting process. This process requires that university accountability reports reflect measures defined through performance-based budgeting. The performance-based budgeting measures must also reflect the elements of teaching, research, and service inherent in the missions of the institutions in the State University System.* ~~The accountability process shall result in an annual accountability report to the Legislature.~~

~~(1) The annual accountability report shall include goals and measurable objectives related to the systemwide strategic plan pursuant to s. 240.209. The plan must include, at a minimum, objectives related to the following measures:~~

~~(a) Total student credit hours;~~

~~(b) Total number of contact hours of instruction produced by faculty, by institution, rank, and course level;~~

~~(c) Pass rates on professional licensure examinations, by institution;~~

~~(d) Institutional quality as assessed by followup, such as analyses of employment information on former students, national rankings, and surveys of alumni, parents, clients, and employers;~~

~~(e) Length of time and number of academic credits required to complete an academic degree, by institution and by degree;~~

~~(f) Enrollment, progression, retention, and graduation rates by race and gender;~~

~~(g) Student course demand;~~

~~(h) An analysis of administrative and support functions;~~

~~(i) Every 3 years, beginning 1995-1996, an analysis of the cumulative debt of students; and~~

~~(j) An evaluation of the production of classroom contact hours at each university in comparison to a standard of 12 contact hours per term or 32 contact hours per year for each full-time instructional position and the level of funding provided for instruction.~~

(1)~~(2)~~ By December 31 of each year, the Board of Regents shall submit *an* ~~the~~ annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during

the next year. The accountability reports shall be designed in consultation with the Governor's Office, the Office of the Auditor General, and the Legislature.

(2)~~(3)~~ The Board of Regents shall recommend in the annual accountability report any appropriate modifications to this section.

Section 11. Subsections (12) and (13) of section 240.227, Florida Statutes, are amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. Each university president shall:

(12) Approve and execute contracts for *the acquisition of commodities,* goods, ~~for~~ equipment, ~~for~~ services, ~~including educational services, for~~ leases *of* ~~for~~ real *and personal* property, and ~~for~~ construction to be rendered to or by the university, provided such contracts are made pursuant to *rules of the Board of Regents* ~~the provisions of chapter 287, as applicable~~, are for the implementation of approved programs of the university, and do not require expenditures in excess of *$1 million* ~~$500,000~~. *The acquisition* ~~Goods and equipment~~ may be *made* ~~acquired~~ by installment or lease-purchase contract. Such contracts may provide for the payment of interest on the unpaid portion of the purchase price. *Notwithstanding any other provisions of this subsection, university presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment for projects with building programs and construction budgets approved by the Board of Regents.*

(13) Manage the property and financial resources of the university, *including, but not limited to, having the authority to adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the Board of Regents. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited* ~~pursuant to s. 240.225~~.

Section 12. Subsection (16) is added to section 240.241, Florida Statutes, to read:

240.241 Divisions of sponsored research at state universities.—

(16) Notwithstanding the provisions of s. 216.351, section 216.346 does not apply to contracts or subcontracts between state universities, between community colleges, or between state universities and community colleges.

Section 13. Section 240.2605, Florida Statutes, is amended to read:

240.2605 Trust Fund for Major Gifts.—

(1) There is established a Trust Fund for Major Gifts. *The purpose of the* ~~Such~~ trust fund *is to enable* ~~shall provide~~ *the Board of Regents Foundation,* each university, and New College ~~with the opportunity~~ to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments, which *must* ~~shall~~ be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by *procedure* ~~rule~~ of the Board of Regents. All funds appropriated for the challenge grants, new donors, major gifts, or eminent scholars program *must* ~~shall~~ be deposited into the trust fund and invested pursuant to ~~the provisions of~~ s. 18.125 until the Board of Regents allocates *the* ~~such~~ funds to universities to match private donations. Notwithstanding ~~the provisions of~~ s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund *which is* not matched and distributed to universities *must remain in the trust fund and used to* ~~shall~~ increase the total funds available for challenge grants. The Board of Regents may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 240.272.

(2) The Board of Regents shall specify the process for submission, documentation, and approval of requests for matching funds, accountability for endowments and proceeds of endowments, allocations to universities, restrictions on the use of the proceeds from endowments, and criteria used in determining the value of donations.

(3)(a) *The Board of Regents shall allocate* the amount appropriated to the trust fund ~~shall be allocated by the Board of Regents~~ to *the Board of Regents Foundation,* each university, and New College based on the amount of the donation and the restrictions applied to the donation.

(b) Donations for a specific purpose *must be* ~~are~~ matched in the following manner:

1. *The Board of Regents Foundation and* each university that raises at least $100,000 but no more than $599,999 from a private source *must* ~~shall~~ receive a matching grant equal to 50 percent of the private contribution.

2. *The Board of Regents Foundation and* each university that raises a contribution of at least $600,000 but no more than $1 million from a private source *must* ~~shall~~ receive a matching grant equal to 70 percent of the private contribution.

3. *The Board of Regents Foundation and* each university that raises a contribution in excess of $1 million but no more than $1.5 million from a private source *must* ~~shall~~ receive a matching grant equal to 75 percent of the private contribution.

4. *The Board of Regents Foundation and* each university that raises a contribution in excess of $1.5 million but no more than $2 million from a private source *must* ~~shall~~ receive a matching grant equal to 80 percent of the private contribution.

5. *The Board of Regents Foundation and* each university that raises a contribution in excess of $2 million from a private source *must* ~~shall~~ receive a matching grant equal to 100 percent of the private contribution.

(c) The Board of Regents shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge grant and the amount of the private donations actually received by the university *or Board of Regents Foundation* for the respective challenge grant.

(4) Matching funds may be provided for contributions encumbered or pledged under the Florida Endowment Trust Fund for Eminent Scholars Act prior to July 1, 1994, and for donations or pledges of any amount equal to or in excess of the prescribed minimums which are pledged for the purpose of this section.

(5)(a) *The Board of Regents Foundation,* each university foundation, and New College Foundation shall establish a challenge grant account for each challenge grant as a depository for private contributions and state matching funds to be administered on behalf of the *Board of Regents, the* university, or New College. State matching funds *must* ~~shall~~ be transferred to a university foundation or New College Foundation upon notification that the university or New College has received and deposited the amount specified in this section in a foundation challenge grant account.

(b) The foundation serving a university and New College Foundation *each has* ~~shall have~~ the responsibility for the maintenance and investment of its challenge grant account and for the administration of the program on behalf of the university or New College, pursuant to procedures specified by the Board of Regents. Each foundation shall include in its annual report to the Board of Regents information concerning collection and investment of matching gifts and donations and investment of the account.

(c) A donation of at least $600,000 and associated state matching funds may be *used to designate* ~~designated as~~ an Eminent Scholar Endowed Chair pursuant to procedures specified by the Board of Regents.

(6) The donations, state matching funds, or proceeds from endowments established *under* ~~pursuant to~~ this section *may* ~~shall~~ not be expended for the construction, renovation, or maintenance of facilities or for the support of intercollegiate athletics.

(7) The Board of Regents Foundation may participate in the same manner as a university foundation with regard to the provisions of this section.

Section 14. Subsection (9) of section 240.281, Florida Statutes, is amended to read:

240.281 Deposit of funds received by institutions and agencies in the State University System.—All funds received by any institution or agency in the State University System, from whatever source received and for whatever purpose, shall be deposited in the State Treasury subject to disbursement in such manner and for such purposes as the Legislature may by law provide. The following funds shall be exempt from the provisions of this section and, with the approval of the Board of Regents, may be deposited outside the State Treasury:

(9) Such other funds as may be approved by the Board of Regents and the Executive Office of the Governor *subject to the review provisions of s. 216.177.*

Section 15. Present subsection (4) of section 243.151, Florida Statutes, is renumbered as subsection (5), present subsection (3) is renumbered as subsection (4) and amended, and a new subsection (3) is added to that section, to read:

243.151 Lease agreements; land, facilities.—

(3) Upon approval by the Board of Regents, a university may:

(a) Construct educational facilities on land that is owned by a direct-support organization, as defined in s. 240.299, or a governmental agency at the federal, state, county, or municipal level, if the university has acquired a long-term lease for the use of the land. The lease must be for at least 40 years or the expected time the facilities to be constructed on the land are expected to remain in a condition acceptable for use, whichever is longer.

(b) Acquire a short-term lease from one of the entities listed in paragraph (a) for the use of land, if adequate temporary or relocatable facilities are available on the land.

(c) Enter into a short-term lease for the use of land and buildings upon which capital improvements may be made.

If sufficient land is not available from any of the entities listed in paragraph (a), a university may acquire a short-term lease from a private landowner or developer.

(4)~~(3)~~ Agreements as provided in this section shall be entered into with an offeror resulting from publicly announced competitive bids or proposals, except that the university may enter into an agreement *with an entity enumerated in paragraph (3)(a) for leasing land or* with a direct-support organization as provided in s. 240.299, which shall enter into subsequent agreements for financing and constructing the project after receiving competitive bids or proposals. Any facility constructed, lease-purchased, or purchased under such agreements, whether erected on land under the jurisdiction of the university or not, shall conform to the construction standards and codes applicable to university facilities. The Board of Regents shall adopt such rules as are necessary to carry out its duties and responsibilities imposed by this section.

Section 16. Subsection (1) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(1) "Agency" means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. *"Agency" does not include the Board of Regents or the State University System.*

Section 17. *Section 240.247, subsection (4) of section 240.4988, subsection (3) of section 287.017, and section 240.225, Florida Statutes, are repealed.*

Section 18. Section 240.2475, Florida Statutes, is amended to read:

240.2475 State University System *employment* equity accountability program.—

(1) ~~No later than August 1, 1992,~~ Each state university shall *maintain an annual equity* ~~develop a~~ plan for *appropriate representation* ~~increasing the number~~ of women and minorities in senior-level administrative positions, *within tenure-track faculty, and within faculty granted tenure. Such plan shall be maintained until appropriate representation has been achieved. As used in this subsection, the term:*

(a) "Appropriate representation" means category employment representation that at least meets comparable national standards for at least two consecutive reporting periods.

(b) "Category" means major executive, administrative, and professional grouping, including senior-level administrative and professional positions, senior academic administrative-level positions, and tenure-track faculty ~~for increasing the number of women and minorities in ranked faculty positions, and for increasing the number of women and minorities granted tenure. The plan must include specific measurable goals and objectives, specific strategies for accomplishing these goals and objectives, a time period for accomplishing these goals and objectives, and comparative national standards. The plan shall be submitted to the Legislature on or before September 1, 1992~~.

(2)(a) By *April 1* ~~October 31~~ of each year, each state university president shall submit an *annual* equity ~~accountability~~ report to the Chancellor and the Board of Regents. *The equity report shall consist of a status update, an analysis, and a status report of selected personnel transactions. As used in this paragraph, the term, "selected personnel transactions" means new hires in, promotions into, tenure actions in, and terminations from a category. Each university shall provide the job classification title, gender, race, and appointment status of selected personnel transactions. The status update shall assess underrepresentation in each category. The status report shall consist of current category employment representation, comparable national standards, an evaluation of representation, and annual goals to address underrepresentation.* ~~which shows the number of administrative positions in the faculty and in the administrative and professional pay plans which were filled in the previous fiscal year. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration under standard practice CM 87-17.1 and positions in the administrative and professional pay plans that are defined as administrative positions under the Board of Regents' classification of occupational groupings. The report must include the following information pertaining to the employees hired in those positions:~~

~~1. Job classification title;~~

~~2. Gender;~~

~~3. Ethnicity;~~

~~4. Appointment status pursuant to chapter 6C-5.105, Florida Administrative Code;~~

~~5. The salary at which the individual was hired;~~

~~6. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires;~~

~~7. Guidelines for ensuring a gender-balanced and ethnically balanced selection committee for each vacancy;~~

~~8. Steps taken to develop a diverse pool of candidates for each vacancy; and~~

~~9. An assessment of the university's accomplishment of annual goals and of long-range goals for hiring and promoting women and minorities in senior-level administrative positions.~~

(b) *After 1 year of implementation of a plan, and annually thereafter, for those categories in which prior year goals were not achieved, each university shall provide, in its annual equity report, a narrative explanation and a plan for achievement of equity. The plan shall include guidelines for ensuring balanced membership on selection committees and specific steps for developing a diverse pool of candidates for each vacancy in the category. The plan shall also include a systematic process by which those responsible for hiring are provided information and are evaluated regarding their responsibilities pursuant to this section.* ~~Each university's equity accountability report must also include the following information pertaining to candidates formally applying for tenure:~~

~~1. Rank;~~

~~2. Gender;~~

~~3. Ethnicity;~~

~~4. The salary at which the individual was hired; and~~

~~5. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires.~~

(c) *The equity report shall include an analysis and assessment of the university's accomplishment of annual goals, as specified in the university's affirmative action plan, for increasing the representation of women and minorities in tenure-earning and senior-level administrative positions.* ~~The report must also include:~~

~~1. The requirements for achieving tenure;~~

~~2. The gender and ethnic composition of the committees that review tenure recommendations at the department, college, and university levels;~~

~~3. Guidelines for ensuring the equitable distribution of assignments that would enhance tenure opportunities for women and minority faculty; and~~

~~4. Guidelines for obtaining feedback on the annual progress towards achievement of tenure by women and minorities.~~

(d) The equity report shall also include the current rank, race, and gender of faculty eligible for tenure in a category. In addition, each university shall report representation of the pool of tenure-eligible faculty at each stage of the transaction process, and provide certification that each eligible faculty member was apprised annually of progress toward tenure. Each university shall also report on the dissemination of standards for achieving tenure; racial and gender composition of committees reviewing recommendations at each transaction level; and dissemination of guidelines for equitable distribution of assignments.

(3)(a) A factor in the evaluation of university presidents, vice presidents, deans, and chairpersons shall be their annual progress in achieving the annual and long-range hiring and promotional goals and objectives, *as specified in the university's equity plan and affirmative action plan*. Annual budget allocations for positions and funding shall be based on this evaluation. *A summary of such evaluations* ~~Such evaluation~~ shall be submitted to the Chancellor and the Board of Regents *as part of the university's annual equity report*.

(b) ~~Beginning January 1994,~~ The Chancellor and the Board of Regents shall annually evaluate the performance of the university presidents in achieving the annual *equity* ~~and long-term~~ goals and objectives. *A summary of the results of such evaluations shall be included as part of the annual equity progress report submitted by the Board of Regents to the Legislature and the State Board of Education.*

(4) The Board of Regents shall submit an *annual* equity progress report to the *President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the State Board of Education on or before *August* ~~December~~ 1 of each year.

(5) *Each university shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the university president and the Board of Regents, the plan shall be submitted as part of the annual equity report submitted by each university to the Board of Regents.* ~~Effective July 1, 1993, positions that become vacant in the faculty or the administrative and professional pay plans at a university shall be transferred into a pool at that university to be allocated by the administration to departments to reward department managers for attaining equity goals. Each university president shall develop rules regarding the filling of vacant positions and the transferring of positions into the pool. Such rules must provide for a total cap on the vacant position pool at 10 percent of the number of vacant positions for the university as of the date of the preparation of the initial operating budget for each year. The rule must also provide that the number of positions to be transferred into the vacant position pool, at the departmental level, may not exceed 10 percent of the total number of authorized positions for the department as of the date of the preparation of the initial operating budget for each year. Subject to available funding, the Legislature shall provide an annual appropriation to be allocated to the department managers in recognition of the attainment of equity goals and objectives.~~

(6) Relevant components of each university's affirmative action plan may be used to satisfy the requirements of this section.

(7) Subject to available funding, the Legislature shall provide an annual appropriation to the Board of Regents to be allocated to the universities to further enhance equity initiatives and related priorities that support the mission of departments, divisions, or colleges in recognition of the attainment of equity goals and objectives.

Section 19. Section 240.3355, Florida Statutes, is amended to read:

240.3355 Community College System *employment* equity accountability program.—

(1) ~~No later than May 1, 1993,~~ Each community college *shall include in its* annual equity update ~~plan must include~~ a plan for increasing the *representation* ~~number~~ of women and minorities in senior-level administrative positions *and*~~, for increasing the number of women and minorities~~ in *full-time* ~~ranked~~ faculty positions, and for increasing the *representation* ~~number~~ of women and minorities who have attained continuing-contract status. *Positions shall be defined in the personnel data element directory of the Division of Community Colleges.* The plan must include specific measurable goals and objectives, specific strategies *and timelines* for accomplishing these goals and objectives, and *comparable national standards as provided by the Division of Community Colleges* ~~a time period for accomplishing these goals and objectives~~. The goals *and objectives* shall *be based on meeting or exceeding comparable national standards and shall* be reviewed and recommended by the State Board of Community Colleges as appropriate. *Such plans shall be maintained until appropriate representation has been achieved and maintained for at least 3 consecutive reporting years.*

(2)(a) On *or before* May 1 of each year, each community college president shall submit *an* ~~the~~ annual *employment accountability plan* ~~equity update~~ to the Executive Director of the State Board of Community Colleges. The *accountability plan* ~~equity update~~ must show *faculty and administrator employment data according to requirements specified on the federal Equal Employment Opportunity (EE0-6) report* ~~the number of deans, associates, assistant deans, vice presidents, associate and assistant presidents, provosts, legal counsel, and similar administrative positions which were filled in the previous 12-month period. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration by rule and positions that are defined as administrative positions under the Community College System's classification of occupational groupings~~.

(b) The *plan* ~~report~~ must show the following information for those positions including, but not limited to:

1. Job classification title.~~;~~

2. Gender.~~;~~

3. Ethnicity.~~;~~

4. Appointment status.~~;~~

5. Salary information. *At each community college, salary information shall also include* ~~including~~ the salary *ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications.* ~~at which the individual was hired compared to the salary range for the respective position and to other employees in the same job title classification;~~

6. Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the community college by race, gender, and salary range compared to the number of new hires.~~;~~

7. *A statement certifying diversity and balance in* the gender and ethnic composition of the selection committee for each vacancy, *including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees.*~~;~~

~~8. Steps taken to develop a diverse pool of candidates for each vacancy; and~~

(c)~~9.~~ *The annual employment accountability plan shall also include an analysis and* an assessment of the community college's *attainment* ~~accomplishment~~ of annual goals and of long-range goals for increasing the number of women and minorities in *faculty and* senior-level administrative positions, *and a corrective action plan for addressing underrepresentation*.

(d)~~(c)~~ Each community college's *employment* ~~equity~~ accountability *plan* ~~report~~ must also include:

1. The requirements for receiving a continuing contract.~~;~~

2. *A brief description of the process used to grant* ~~The gender and ethnic composition of the committees that review~~ continuing-contract *status.* ~~recommendations;~~

3. *A brief description of the process used to annually apprise each eligible faculty member of progress toward attainment of continuing-contract status.* ~~The enhancement of continuing-contract opportunities for women and minority faculty; and~~

~~4. Written documentation of feedback on the annual progress towards achievement of continuing-contract status by women and minorities.~~

(3) Community college presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the *community college's employment accountability* ~~equity update~~ plan.

(a) The community college presidents, *or the president's designee,* shall annually evaluate each department chairperson, dean, *provost,* and vice president in achieving the annual and long-term goals and objectives. *A summary of the results of such evaluations shall be reported annually by the president of the community college to the board of trustees.* Annual budget allocations *by the board of trustees* for positions and funding must take into consideration *these evaluations* ~~this evaluation~~.

(b) ~~Beginning January 1994,~~ Community college district boards of trustees shall annually evaluate the performance of the community college presidents in achieving the annual and long-term goals and objectives. *A summary of the results of such evaluations shall be reported to the Executive Director of the State Board of Community Colleges as part of the community college's annual employment accountability plan, and to the Legislature and State Board of Education as part of the annual equity progress report submitted by the State Board of Community Colleges.*

(4)~~(c)~~ The State Board of Community Colleges shall submit an *annual* equity progress report to the *President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the State Board of Education on or before *January* ~~December~~ 1 of each year.

(5) Each community college shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the community college president and the State Board of Community Colleges, the plan shall be submitted as part of the annual employment accountability plan submitted by each community college to the State Board of Community Colleges.

(6)~~(4)~~ Subject to available funding, the Legislature shall provide an annual appropriation *to the State Board of Community Colleges* to be allocated to *community college presidents, faculty, and administrative personnel to further enhance equity initiatives and related priorities that support the mission of colleges and departments* ~~the department managers~~ in recognition of the attainment of the equity goals and objectives.

Section 20. Subsection (1) of s. 240.2803, Florida Statutes, is amended to read:

240.2803 Auxiliary enterprises; contracts, grants, and donations; definitions.—As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(1) "Auxiliary enterprises" includes activities that directly or indirectly provide *a product or* a service, *or both,* to a university or its students, faculty, or staff and for which *a charge is made* ~~is charged a fee related to, but not necessarily in an amount that will cover, the cost of the service~~. *These* auxiliary enterprises are *business activities of a university which require no support from the General Revenue Fund* ~~generally self-sufficient operations~~, and include *activities such as* housing, bookstores, student health services, continuing education programs, food services, college stores, *operation of* vending machines, specialty shops, day care centers, golf courses, student activities programs, *data center operations, and* ~~financial aid programs,~~ intercollegiate athletics programs~~, and other programs for which the funds are deposited outside the State Treasury~~.

Section 21. Section 3 of chapter 97-381, Laws of Florida, is amended to read:

Section 3. When the Department of Insurance receives a $6 million settlement as specified in the Consent Order of the Treasurer and Insurance Commissioner, case number 18900-96-c, that portion of the $6 million not used to satisfy the requirements of section 18 of the Consent Order must be transferred from the Insurance Commissioner's Regulatory Trust Fund to the State Student Financial Assistance Trust Fund is appropriated from the State Student Financial Assistance Trust Fund to provide Ethics in Business scholarships to students enrolled in public community colleges and independent postsecondary education institutions eligible to participate in the Florida Resident Access Grant Program under section 240.605, Florida Statutes. The funds shall be allocated to institutions for scholarships in the following ratio: Two-thirds for community colleges and one-third for eligible independent institutions. The Department of Education shall administer the scholarship program for students attending community colleges and independent institutions. These funds must be allocated to institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing Ethics in Business scholarships. Public funds may not be used to provide the match, nor may funds collected for other purposes. *Notwithstanding any other provision of law, the State Board of Administration shall have the authority to invest the funds appropriated under this section.* The Department of Education may adopt rules for administration of the program.

Section 22. This act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 228.055, F.S.; providing for a regional autism center; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross-reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements for state universities and community colleges; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.281, F.S.; revising the authority for an

institution to deposit certain funds outside the State Treasury; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; amending s. 240.2803, F.S., clarifying the definition of auxiliary enterprises; amending s. 3, ch. 75-381, Laws of Florida; providing authority to the State Board of Administration to invest certain funds; providing an effective date.

Senator Sullivan moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 32, between lines 22 and 23, insert:

Section 22. *(1) There is created the Leadership Board for Applied Research and Public Service to be staffed by the Institute of Science and Public Affairs at Florida State University. The purpose of the board is to focus, coordinate, and maximize university resources on current issues and events affecting Florida's residents and elected officials. Emphasis shall be placed on being responsive to and providing accurate, timely, useful, and relevant information to decisionmakers in state and local governments. The board shall set forth a process to provide comprehensive guidance and advice for improving the types and quality of services to be delivered by the State University System. Specifically, the board shall better identify and define the missions and roles of existing institutes and centers within the State University System, work to eliminate duplication and confusion over conflicting roles and missions, involve more students in learning with applied research and public service activities, and be organizationally separate from academic departments. The board shall meet at least quarterly. The board may create internal management councils that may include working institute and center directors. The board is responsible for, but is not limited to:*

(a) Providing strategic direction, planning, and accompanying decisions that support a coordinated applied public service and research approach in the state.

(b) Addressing State University System policy matters and making recommendations to the Board of Regents as they relate to applied public service and research.

(c) Serving as a clearinghouse for services requested by public officials.

(d) Providing support for funding and fiscal initiatives involving applied public service and research.

(2) Membership of the board shall be:

(a) The Chancellor of the Board of Regents, who shall serve as chair.

(b) The director of the Office of Planning and Budgeting of the Executive Office of the Governor.

(c) The Secretary of the Department of Management Services.

(d) The Director of Economic and Demographic Research.

(e) The Director of the Office of Program Policy Analysis and Government Accountability.

(f) The President of the Florida League of Cities.

(g) The President for the Florida Association of Counties.

(h) The President of the Florida School Board Association.

(i) Five additional university president members, designated by the Chancellor, to rotate annually.

(3) The board shall prepare a report for the Board of Regents to be submitted to the Governor and the Legislature by January 1 of each year which summarizes the work and recommendations of the board in meeting its purpose and mission.

Section 23. *For the 1998-1999 fiscal year, a recurring sum of $450,000 is appropriated from the General Revenue Fund to the Leadership Board for Applied Research and Public Service.*

Section 24. *For the 1998-1999 fiscal year, $200,000 is appropriated from the General Revenue Fund to the State Agency Dispute Resolution Demonstration Project at Florida State University.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 35, line 27, after the semicolon (;) insert: creating the Leadership Board for Applied Research and Public Service; providing for its membership and duties; providing an appropriation for the board; providing an appropriation for the State Agency Dispute Resolution Demonstration Project;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 755** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 366—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in this state; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 366** to **HB 909**.

Pending further consideration of **CS for SB 366** as amended, on motion by Senator Williams, by two-thirds vote **HB 909** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Williams—

HB 909—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in Florida; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

—a companion measure, was substituted for **CS for SB 366** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 909** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 1522—A bill to be entitled An act relating to sentencing; amending s. 2, ch. 97-194, Laws of Florida; clarifying that the Criminal Punishment Code does not apply to capital felonies; amending s. 921.002, F.S.; revising the principles embodied by the Criminal Punishment Code; requiring that the Department of Corrections report on sentencing trends and practices; requiring that the Criminal Justice Estimating Conference make certain estimates with respect to the prison population; requiring the Criminal Justice Estimating Conference to project the impact of proposed changes to the Criminal Punishment Code; authorizing the Department of Corrections to collect scoresheets and report on compliance; amending s. 921.0021, F.S.; clarifying application of the code; amending s. 921.0022, F.S.; providing for ranking certain offenses under the severity ranking chart of the code; specifying the ranking of additional offenses; amending s. 921.0023, F.S., relating to the ranking of unlisted offenses; deleting duplicative provisions; amending s. 921.0024, F.S.; revising the arrangement of the sentencing scoresheet; providing that domestic violence in the presence of a child be included as a multiplier on the offense score of the Criminal Punishment Code; providing for calculating the total sentence points and the lowest permissible sentence; clarifying the calculation of points for a prior capital felony; requiring the imposition of the code sentence when it exceeds the statutory maximum; authorizing a life sentence when the total sentence points equal or exceed a threshold amount; prohibiting discretionary early release for such offenders; requiring that the Department of Corrections consult with certain persons and entities and revise the scoresheet as necessary; requiring the department to distribute copies of scoresheets; creating s. 921.0025, F.S.; providing for the adoption and implementation of sentencing scoresheets; amending s. 921.0026, F.S.; prohibiting the court from imposing a sentence below the lowest permissible sentence unless there are mitigating circumstances; creating s. 921.00265, F.S.; requiring that the court delineate its reasons if the court decreases a defendant's sentence below the lowest permissible sentence; amending s. 775.082, F.S.; providing for the applicability of sentencing structures, based on the date of the offense; amending s. 775.084, F.S.; providing for community control without an adjudication of guilt to be considered a prior conviction under certain circumstances for purposes of sentencing; requiring that the court submit a report when the court finds it unnecessary to sentence a given defendant as a habitual felony offender, a habitual violent felony offender, or a violent career criminal; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; amending s. 924.06, F.S.; providing for an appeal of a sentence that exceeds the maximum penalty under s. 775.082, F.S.; amending s. 924.07, F.S.; authorizing the state to appeal a sentence imposed below the lowest sentence permitted under the Criminal Punishment Code; amending s. 944.17, F.S.; revising requirements for the sheriff or chief correctional officer in preparing scoresheets for a prisoner who is transferred to the state correctional system; creating s. 944.70, F.S.; specifying the conditions under which persons convicted of crimes may be released from incarceration; amending s. 944.705, F.S., relating to the release orientation program; conforming cross-references to changes made by the act; amending s. 948.015, F.S.; revising requirements for the presentence investigation report for certain defendants; amending s. 948.034, F.S., relating to probation for certain persons convicted of drug-related offenses; conforming cross-references; conforming provisions to reflect the reorganization of the Department of Health and Rehabilitative Services; amending s. 948.51, F.S., relating to community corrections assistance; conforming a cross-reference; conforming a reference to sentencing scores to reflect changes in sentencing requirements; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing for a sentence imposed outside of the code to be appealed; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1—On page 29, between lines 4 and 5, insert:

847.0135(3)	*3rd*	*Solicitation of a child, via a computer service, to commit an unlawful sex act.*

Pursuant to Rule 4.19, **CS for SB 1522** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 814** was deferred.

On motion by Senator Myers—

CS for SB 1646—A bill to be entitled An act relating to protection of children; amending s. 20.19, F.S.; deleting reference to child protection and sexual abuse treatment teams from responsibilities of the Children and Families Program Office of the Department of Children and Family Services; transferring all powers and duties relating to the child protection teams and the sexual abuse treatment program to the Department of Health; providing the Department of Health with certain authority with respect to transferred positions; amending s. 20.43, F.S.; providing responsibility of the Department of Health to provide services to abused and neglected children through the teams and program; amending ss. 39.4031, 39.4032, and 39.408, F.S., relating to children and family case plan requirements and case staffing, and hearings for dependency cases; providing for coordination with the child protection teams of the Department of Health; amending ss. 119.07, 415.50175, and 415.51, F.S.; providing confidentiality under existing public records exemptions for records of child protection teams and personnel thereof; amending ss. 415.50171, 415.5018, 415.503, 415.5055, and 415.5095, F.S.; clarifying respective responsibilities of the Department of Health and the Department of Children and Family Services, relating to child abuse and neglect cases, policy, and procedures, to child protection teams, and to child sexual abuse cases, pursuant to the transfer of responsibilities under the act; providing duties of the Division of Children's Medical Services; deleting requirements that child protection teams be capable of providing short-term psychological treatment; amending s. 415.501, F.S.; revising participants in the state plan for prevention of child abuse and neglect; creating s. 415.515, F.S.; authorizing rulemaking by the Department of Health; repealing s. 415.5075, F.S., relating to rulemaking; requiring a memorandum of agreement between the Department of Children and Family Services and the Department of Health; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, line 2, after "*Health*" insert: *, Division of Children's Medical Services,*

And the title is amended as follows:

On page 1, line 10, after "Health" insert: , Division of Children's Medical Services

Pursuant to Rule 4.19, **CS for SB 1646** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

SB 1266—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Barry University license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1—On page 1, lines 27-30, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

Pursuant to Rule 4.19, **SB 1266** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 190—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing an effective date.

—was read the second time by title.

Senator McKay moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 832.09, Florida Statutes, is created to read:

832.09 Suspension of driver license after warrant or capias is issued in worthless check case.—

(1) Any person who does not fulfill the agreements for a bad check diversion program pursuant to s. 832.08 or who is being prosecuted for passing a worthless check in violation of s. 832.05, who fails to appear before the court and against whom a warrant or capias for failure to appear is issued by the court shall have his or her driver's license suspended or revoked pursuant to s. 322.251.

(2) Within 5 working days after the issuance of a warrant or capias for failure to appear the clerk of the court in the county where the warrant or capias is issued, shall notify the Department of Highway Safety and Motor Vehicles by the most efficient method available of the action of the court.

Section 2. Subsection (7) is added to section 322.251, Florida Statutes, to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license.—

(7)(a) A person whose driving privilege is suspended or revoked pursuant to s. 832.09 shall be notified, pursuant to this section, and the notification shall direct the person to surrender himself or herself to the sheriff who entered the warrant to satisfy the conditions of the warrant. A person whose driving privilege is suspended or revoked under this subsection shall not have his or her driving privilege reinstated for any reason other than:

1. Full payment of any restitution, court costs, and fees incurred as a result of a warrant or capias being issued pursuant to s. 832.09.

2. The cancellation of the warrant or capias from the Department of Law Enforcement recorded by the entering agency.

3. The payment of an additional fee of $10 to the Department of Highway Safety and Motor Vehicles to be paid into the Highway Safety Operating Trust Fund.

(b) The Department of Law Enforcement shall provide electronic access to the department for the purpose of identifying any person who is the subject of an outstanding warrant or capias for passing worthless bank checks.

(c) The Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement shall develop and implement a plan to ensure the identification of any person who is the subject of an outstanding warrant or capias for passing worthless bank checks and to ensure the identification of the person's driver's license record.

Section 3. This act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to worthless checks; creating s. 832.09, F.S.; providing for the suspension of a driver's license with respect to certain persons who do not fulfill an agreement for a bad check diversion program or against whom a warrant or capias is issued in a worthless check case; amending s. 322.251, F.S.; providing for notification; providing for conditions for reinstatement; providing a fee; directing the Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement to develop and implement a plan; providing an effective date.

Senator McKay moved the following amendment to **Amendment 1**:

Amendment 1A (with title amendment)—On page 3, between lines 1 and 2, insert:

Section 3. Subsections (5) and (6) are added to section 322.142, Florida Statutes, to read:

322.142 Color photographic or digital imaged licenses.—

(5) Notwithstanding any other provisions of law, the department may sell copies of photographs, electronically stored photographs, or digitized images and other driver's license and state identification card information on file, which are recorded and maintained as required, if such items are to be used solely for the prevention of fraud, including, but not limited to, use in mechanism intended to prevent the fraudulent use of credit cards, debit cards, or checks or fraud in other forms of financial transactions. The use of such photographs, electronically stored photographs, or digitized images obtained pursuant to this subsection is limited to the verification of the identity of the holder of an account, other form of identification, or other similar uses and may not be used for any other purpose.

(6) Notwithstanding any other provisions of law, the department may sell copies of photographs, electronically stored photographs, or digitized images maintained by the department as required, upon receipt of the following from an applicant:

(a) Proof of the identity of the applicant;

(b) A declaration, in such form as is required by the department, describing how the applicant will use such photographs, electronically stored photographs, or digitized images for the prevention of fraud; and

(c) Payment of a fee for the photographs, electronically stored photographs, or digitized images. The department shall establish a fee for providing copies of such photographs, electronically stored photographs, or digitized images and all fees collected pursuant to this subsection shall be used to defray the costs of the department in providing such copies to an applicant.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 22, after the semicolon (;) insert: amending s. 322.142, F.S.; allowing the Department of Highway Safety and Motor Vehicles to sell copies of certain records of the department;

On motion by Senator McKay, further consideration of **CS for SB 190** with pending **Amendment 1** and **Amendment 1A** was deferred.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:59 p.m. to reconvene at 2:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:45 p.m. A quorum present—39:

Madam President	Crist	Horne	Myers
Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

SPECIAL ORDER CALENDAR, continued

On motion by Senator McKay, the Senate resumed consideration of—

CS for SB 190—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing an effective date.

—which was previously considered this day. Pending **Amendment 1A** by Senator McKay was adopted.

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 3, between lines 1 and 2, insert:

Section 3. Section 832.10, Florida Statutes, is created to read:

832.10 Alternative to bad check diversion program; fees for collection.—

(1) In lieu of referring a complaint to a bad check diversion program, the state attorney may initiate a debt collection process involving collection by a private debt collector registered under part VI of chapter 559, for the purpose of diverting from prosecution certain persons accused of a violation of s. 832.04, s. 832.041, s. 832.05, or s. 832.06. The use of such debt collector shall not affect the authority of the state attorney to prosecute any person for any such violation.

(2) Upon receipt of the notification from the state attorney initiating the debt collection process authorized by this section, the payee on the bad check shall place or assign the debt evidenced by the bad check for collection by such debt collector. Upon such placement or assignment, the payee is entitled to add a collection fee to offset the cost of collection. This collection fee is in addition to the bad check service charges authorized by law. The collection fee payable to the debt collector must be a reasonable fee in accordance with industry standards and based upon the total amount collected.

(3) Unless extended by the state attorney, the debt collector shall have 90 days after the date of placement or assignment of the debt for collection within which to collect the amount of the bad check, applicable bad debt charges, and the collector's collection fee. Upon the expiration of the 90-day period and any extensions thereof, the state attorney shall proceed with prosecution or other disposition of the case. The debt collector may continue to try to collect the debt, provided that such collection effort does not impede the prosecution or other disposition of the case by the state attorney. The debt collector shall remit to the payee the amount collected less the collector's fee percentage on the total amount collected.

(4) The debt collector may compromise the amount to be collected only with the express consent of the payee of the check.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 22, after the semicolon (;) insert: creating s. 832.10, F.S.; providing for the use of private debt collectors;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 190** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 1644—A bill to be entitled An act relating to child care facilities; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1644** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 2122—A bill to be entitled An act relating to securities transactions; amending s. 517.12, F.S.; limiting certain assessment fee reductions under certain circumstances; amending s. 517.1203, F.S.; providing for allocations from the Securities Guaranty Fund for certain purposes; providing for certain additional disbursements from the fund; extending the period for filing claims; authorizing the Department of Banking and Finance to adopt rules; creating s. 517.1204, F.S.; creating the Investment Fraud Restoration Financing Corporation; providing purposes; providing for a board of directors; providing powers and duties of the corporation; authorizing the department and the corporation to enter into service contracts for certain purposes; authorizing the corporation to issue evidences of indebtedness for payment of certain claims; providing requirements and limitations; authorizing the corporation to validate bond obligations; exempting the corporation from certain taxes and assessments; providing application; prohibiting benefits or earnings of the corporation from inuring to private persons; providing for reversion of corporate property to the Securities Guaranty Fund upon dissolution of the corporation; providing for the State Board of Administration to be trustee of the corporation's securities; amending s. 517.131, F.S.; providing a limitation on allocations from the Securities Guaranty Fund under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendments which were moved by Senator Lee and adopted:

Amendment 1 (with title amendment)—On page 8, lines 30 and 31, delete those lines

And the title is amended as follows:

On page 1, lines 10 and 11, delete those lines and insert: creating s. 517.1204,

Amendment 2 (with title amendment)—On page 14, between lines 16 and 17, insert:

(14) The Auditor General may conduct a financial audit of the accounts and records of the corporation.

And the title is amended as follows:

On page 1, line 30, after the semicolon (;) insert: authorizing the Auditor General to conduct an audit of the corporation;

Pursuant to Rule 4.19, **SB 2122** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

SJR 542—A joint resolution proposing an amendment to Section 19 of Article III of the State Constitution relating to state budgeting, planning, and appropriation processes.

—was read the second time by title.

Pursuant to Rule 4.19, **SJR 542** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 244—A bill to be entitled An act relating to drycleaning solvent cleanup; amending s. 376.30, F.S.; providing legislative intent regarding drycleaning solvents; amending s. 376.301, F.S.; providing

definitions; amending s. 376.303, F.S.; providing for late fees for registration renewals; amending s. 376.3078, F.S.; providing legislative intent regarding voluntary cleanup; providing that certain deductibles must be deposited into the Water Quality Assurance Trust Fund; clarifying circumstances under which drycleaning restoration fund may not be used; providing additional criteria for determining eligibility for rehabilitation; specifying when certain deductibles must be paid; amending the date after which no restoration funds may be used for drycleaning site rehabilitation; clarifying who may apply jointly for participation in the program; providing certain liability immunity for certain adjacent landowners; providing for contamination cleanup criteria that incorporate risk-based corrective action principles to be adopted by rule; requiring certain third-party liability insurance coverage for each operating facility; specifying the circumstances under which work may proceed on the next site rehabilitation task without prior approval; requiring the Department of Environmental Protection to give priority consideration to the processing and approval of permits for voluntary cleanup projects; providing the conditions under which further rehabilitation may be required; providing for continuing application of certain immunity for real property owners; requiring the Department of Environmental Protection to attempt to negotiate certain agreements with the U.S. Environmental Protection Agency; amending s. 376.308, F.S.; protecting certain immunity for real property owners; amending s. 376.313, F.S.; correcting a statutory cross-reference; amending s. 376.70, F.S.; clarifying certain registration provisions; requiring certain facilities to pay the gross receipts tax; deleting a requirement that certain information must be disclosed on the drycleaning receipt; providing for the payment of taxes and the determination of eligibility in the program; amending s. 376.75, F.S.; deleting a requirement that certain information must be disclosed on the drycleaning receipt; amending ss. 287.0595, 316.302, F.S.; correcting statutory cross-references; amending s. 213.053, F.S.; authorizing the Department of Revenue to release certain information to certain persons; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 42, lines 6-13, delete those lines and insert: remove affected soils, if any. ~~Costs incurred by an owner or operator for such response actions, up to a maximum of $10,000 in the aggregate for all spills at a single facility, shall be credited to the owner or operator against the future gross receipts tax set forth in s. 376.70 and, in the case of a wholesale supply facility, against the future tax on production or importation of perchloroethylene, as set forth in s. 376.75.~~

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: eliminating a tax credit for small spills at drycleaning facilities;

Amendment 2 (with title amendment)—On page 43, delete line 1 and insert: *policies with a minimum coverage of $1 million for each member of the group*

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: allowing certain group coverage policies;

Amendment 3 (with title amendment)—On page 48, lines 23-25, delete those lines and insert: services the amount of such tax and a statement that the imposition of the tax was requested by the Florida Dry Cleaners Coalition.

And the title is amended as follows:

On page 2, lines 15 and 16, delete "deleting a requirement that certain information must be disclosed on the drycleaning receipt;"

Amendment 4 (with title amendment)—On page 50, lines 26-29, delete those lines and insert:

Section 8. Subsections (1) and (12) of section 376.75, Florida Statutes, are amended to read:

376.75 Tax on production or importation of perchloroethylene.—

(1) Beginning October 1, 1994, a tax of $5 per gallon is levied on the sale of perchloroethylene (tetrachloroethylene) in this state to a drycleaning facility located in this state or the import of perchloroethylene into this state by a drycleaning facility. *This tax is not subject to sales and use tax pursuant to ch. 212.*

And the title is amended as follows:

On page 2, line 19, after the semicolon (;) insert: providing that the tax on perchloroethylene is not subject to sales tax;

Amendment 5 (with title amendment)—On page 51, lines 3-5, delete those lines and insert: services the amount of such tax and a statement that the imposition of the tax was requested by the Florida Dry Cleaners Coalition.

And the title is amended as follows:

On page 2, lines 19-21, delete "deleting a requirement that certain information must be disclosed on the drycleaning receipt;"

Pursuant to Rule 4.19, **CS for SB 244** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 364—A bill to be entitled An act relating to public records; amending s. 119.07, F.S., relating to inspection, examination, and duplication of records; exempting information pertaining to natural persons in health, medical, patient, or health insurance records from the public records law; providing exceptions; amending s. 286.011, F.S., relating to public meetings; exempting from public discussion portions of public meetings during which the contents of health, medical, patient, or health insurance information pertaining to a natural person are considered; providing exceptions; providing justification for exemptions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 364** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **CS for HB 4455** was withdrawn from the Committees on Criminal Justice and Health Care.

On motion by Senator Bronson—

CS for HB 4455—A bill to be entitled An act relating to mobile surgical facilities; amending s. 395.001, F.S.; providing legislative intent; amending s. 395.002, F.S.; revising definitions; defining "mobile surgical facility"; amending s. 395.003, F.S.; requiring the licensure of mobile surgical facilities under ch. 395, F.S.; amending s. 395.004, F.S.; requiring a license fee upon application for licensure as a mobile surgical facility; amending s. 395.0161, F.S.; requiring licensure inspections of such facilities under specified circumstances; providing an exception; amending s. 395.0163, F.S.; requiring construction inspections of such facilities under specified circumstances; providing an exception; amending s. 395.1055, F.S.; authorizing the establishment of separate standards for mobile surgical facilities; amending s. 408.036, F.S.; providing an exemption from review and application for certificate of need for mobile surgical facilities; amending s. 395.7015, F.S.; providing for the imposition of an annual assessment upon mobile surgical facilities; providing application; requiring specified mobile surgical facilities in operation prior to the effective date of the act to continue to operate and be subject to the provisions of the act only after the effective date of rules established by the Agency for Health Care Administration; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1728** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 4455** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

CS for CS for SB 374—A bill to be entitled An act relating to motor vehicle emissions inspections; directing the Department of Highway Safety and Motor Vehicles to hire an independent expert consultant to do a study; prohibiting the department from entering into a contract for a motor vehicle inspection program; amending s. 325.214, F.S.; setting the fee for inspections; establishing funds for the study; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 374** to **CS for HB 1377**.

Pending further consideration of **CS for CS for SB 374** as amended, on motion by Senator Hargrett, by two-thirds vote **CS for HB 1377** was withdrawn from the Committees on Transportation; and Ways and Means.

On motion by Senator Hargrett, the rules were waived and—

CS for HB 1377—A bill to be entitled An act relating to motor vehicle emissions and safety inspections; amending s. 325.203, F.S.; providing for biennial emissions inspections; amending ss. 325.209 and 325.210, F.S.; conforming to the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 374** as amended and read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The Department of Highway Safety and Motor Vehicles shall hire an independent expert consultant to develop appropriate request-for-proposal specifications and a range of inspection fees for the motor vehicle emissions inspection program based on an annual and a biennial inspection program for vehicles 4 model years old and older, using the basic test for hydrocarbon emissions and carbon monoxide emissions and other mobile source testing for nitrous oxides or other pollutants, and no later than January 1, 1999, to report to the President of the Senate and the Speaker of the House of Representatives setting forth the relevant facts and the department's recommendations. Notwithstanding the provisions of chapter 325, Florida Statutes, the department and the Governor and Cabinet, acting as head of that agency, are prohibited from entering into any contract or extension of a contract for any form of motor-vehicles-emissions testing without legislative approval through the enactment of specific legislation directing the department to implement an inspection program and establishing a fee for the program.*

(2) If no specific legislation is passed during the 1999 legislative session to direct the department to implement a motor vehicle inspection program, the department may issue a Request for Proposal and enter one or more contracts for a biennial inspection program for vehicles five model years and older using the basic test for hydrocarbon emissions and carbon monoxide emissions. The requirements for the program included in the proposals must be based on the requirements under chapter 325, Florida Statutes, unless those requirements conflict with this section. No contract entered into under this subsection may be for longer than 2 years. Notwithstanding the provisions of s. 325.214, if the fee for motor vehicle inspection proposed by the Department of Highway Safety and Motor Vehicles will exceed $10 per inspection, the department may impose the higher fee if such fee is approved through the budget amendment process set forth in chapter 216 and notice is provided to the Chairmen of the Senate and House Transportation and Natural Resources Committees at the time it is provided to the Senate Ways and Means and House Appropriations Committees.

Section 2. Subsection (2) of section 325.214, Florida Statutes, is amended to read:

325.214 Motor vehicle inspection; fees; disposition of fees.—

(2) The ~~department shall set an~~ inspection fee *shall be* ~~not to exceed~~ $10. ~~By rule, the department shall set a regulatory amount to be included in the fee which is commensurate with the cost of administering and enforcing the inspection program. It is the intent of the Legislature that the program be self-supporting.~~ Notwithstanding any other provision of law to the contrary, an additional fee of $1 shall be assessed upon the issuance of each dealer certificate, which fee shall be forwarded to the department for deposit into the Highway Safety Operating Trust Fund.

Section 3. *There is appropriated from the Department of Highway Safety Operating Trust Fund of the Department of Highway Safety and Motor Vehicles for fiscal year 1998-1999, the sum of $125,000 to fund the study established in this act.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to motor vehicle emissions inspections; directing the Department of Highway Safety and Motor Vehicles to hire an independent expert consultant to do a study; prohibiting the department from entering into a contract for a motor vehicle inspection program; providing circumstances for issuance of request for proposals and one or more contracts; amending s. 325.214, F.S.; setting the fee for inspections; establishing funds for the study; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 1377** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 4483** was withdrawn from the Committees on Children, Families and Seniors; and Rules and Calendar.

On motion by Senator Rossin—

HB 4483—A bill to be entitled An act instructing the Division of Statutory Revision to make necessary changes to conform the Florida Statutes to the name change of the Department of Health and Rehabilitative Services and the divestiture of programs of the former department to other departments or agencies; transferring and renumbering ss. 408.601, 408.602, 408.603, and 408.604, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 642** and read the second time by title.

Pursuant to Rule 4.19, **HB 4483** was placed on the calendar of Bills on Third Reading.

CS for SB 1014—A bill to be entitled An act relating to road designations; designating the Gratigny Parkway in Dade County as the "Marlins Expressway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 267 in Gadsden County as the "Pat Thomas Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 528 in Brevard County as the "Kennedy Space Center Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of the Polk County Highway as the "James Henry Mills Medal of Honor Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of N.W. 167th Street in Miami Lakes as "Zuly Reyes Road"; directing the Department of Transportation to erect suitable markers; designating State Road 50 within Hernando County as the "Deputy Lonnie Coburn Memorial Highway"; directing the Department of Transportation to erect suitable markers; co-designating the MacArthur Causeway Bridge in Miami-Dade County as the "Trooper Robert G. Smith Bridge"; directing the Department of Transportation to erect suitable markers; designating the Florida Turnpike as the "Ronald Reagan Turnpike"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 71 South in Jackson County as the "Pete Peterson Parkway"; directing the Department of Transportation to erect suitable markers; designating that portion of State Road 71 extending through Port St. Joe (known as 5th Street) as "Cecil G. Costin, Sr. Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which failed:

Amendment 1—On page 7, lines 10 and 19, delete "*Ronald Reagan*" and insert: *Abraham Lincoln*

Senators Forman and Silver offered the following amendment which was moved by Senator Forman:

Amendment 2 (with title amendment)—On page 7, lines 10-22, delete section 8 and insert:

Section 8. *LeRoy Collins Turnpike designated; Department of Transportation to erect suitable markers.—*

(1) The Florida Turnpike consisting of the 312 contiguous miles of limited-access toll highway stretching from Florida City, where South Dade County meets the Florida Keys, continuing northward through 11 counties, including the greater metropolitan areas of Miami, Fort Lauderdale, West Palm Beach, and Orlando, and ending at a junction with Interstate 75 in North Central Florida is hereby designated as the "LeRoy Collins Turnpike."

(2) The Department of Transportation is directed to erect suitable markers designating the "LeRoy Collins Turnpike" as described in subsection (1).

And the title is amended as follows:

On page 1, lines 29 and 30, delete "Ronald Reagan Turnpike" and insert: "LeRoy Collins Turnpike"

On motion by Senator Gutman, further consideration of **CS for SB 1014** with pending **Amendment 2** was deferred.

On motion by Senator Dyer, the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for CS for SB 1308** and **CS for SB 1960** was deferred.

HB 887—A bill to be entitled An act relating to school district expenditures; amending s. 237.081, F.S.; revising provisions relating to the advertisement of a school board's tentative budget; requiring the inclusion of specified information; authorizing rules; providing an effective date.

—was read the third time by title.

On motion by Senator Dyer, **HB 887** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dudley	Jones	Rossin
Bronson	Dyer	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Kurth	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Clary

CS for SB 1960—A bill to be entitled An act relating to assisted living facilities and adult family-care homes; amending s. 400.402, F.S.; revising definitions; amending s. 400.404, F.S.; providing additional exemptions from licensure as an assisted living facility; amending ss. 400.407, 400.408, F.S.; reorganizing and revising provisions relating to unlawful facilities; providing penalties; requiring report of unlicensed facilities; providing for disciplinary actions; revising provisions relating to referral to unlicensed facilities; providing for certain notice to service providers; amending s. 400.4075, F.S.; providing requirements for obtaining a limited mental health license; amending s. 400.411, F.S.; revising requirements for an initial application for license; providing for a fee; amending s. 400.414, F.S.; revising authority and grounds for denial, revocation, or suspension of licenses or imposition of administrative fines; specifying terms for review of proceedings challenging administrative actions; amending s. 400.415, F.S.; requiring a facility to post notice of a moratorium on admissions; providing for rules establishing grounds for imposition of a moratorium; amending s. 400.417, F.S.; providing for coordinated expiration of a facility's license; revising requirements for license renewal; providing for rules; amending s. 400.4174, F.S.; amending an outdated reference to child abuse or neglect; amending s. 400.4176, F.S.; revising time requirement for notice of change of administrator; amending ss. 400.418, 400.422, 400.452, 408.036, F.S., relating to the disposition of fees and fines, receivership proceedings, staff training and education, and the review of certain projects; conforming cross-references to changes made by the act; amending s. 400.419, F.S.; revising procedures relating to violations and penalties; increasing administrative fines for specified classes of violations; providing fines for unlicensed operation of a facility and for failure to apply for a change of ownership license; authorizing a survey fee to cover the cost of certain complaint investigations; providing for corrective action plans to correct violations; expanding dissemination of information regarding facilities sanctioned or fined; amending s. 400.4195, F.S., relating to prohibitions and rebates; creating s. 400.4256, F.S., relating to assistance with the self-administration of medication; amending s. 400.428, F.S.; providing for surveys to determine compliance with facility standards and residents' rights; amending s. 400.474, F.S.; providing for disciplinary action against a home health agency or employee who knowingly provides services in an unlicensed assisted living facility or adult family-care home; amending s. 400.618, F.S.; revising the definition of the term "adult-family care home"; amending s. 394.4574, F.S.; requiring district administrators of the Department of Children and Family Services to develop plans to ensure the provision of mental health and substance abuse treatment services to residents of assisted living facilities that hold a limited mental health license; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Rossin, **CS for SB 1960** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

CS for SB 1626—A bill to be entitled An act relating to occupational safety and health; amending s. 442.006, F.S.; limiting investigations and penalties to public-sector employers; amending s. 442.008, F.S.; limiting division authority to public-sector employers; amending s. 442.013, F.S.; limiting penalties to public-sector employers; amending s. 442.019, F.S.; limiting compliance to public-sector employers; creating s. 442.0085, F.S.; providing for safety consultations; repealing s. 442.003, F.S., relating to legislative intent; repealing s. 442.009, F.S., relating to right of entry by division representatives; repealing s. 442.0105, F.S., relating to employers whose employees have a high frequency of work–related injuries; repealing s. 442.015, F.S., relating to cancellation of coverage on certain employers; repealing s. 442.017, F.S., relating to penalties for employers who refuse to admit certain investigators; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Harris, **CS for SB 1626** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Laurent	Sullivan
Casas	Grant	Lee	Thomas
Childers	Gutman	McKay	Turner
Cowin	Hargrett	Meadows	Williams
Crist	Harris	Myers	

Nays—1

Holzendorf

Vote after roll call:

Yea—Clary

CS for SB 1684—A bill to be entitled An act relating to the Florida Retirement System (RAB); clarifying provisions throughout ch. 121, F.S., relating to vesting and the normal retirement date for a member; amending s. 121.021, F.S., relating to definitions; revising and adding definitions; amending s. 121.051, F.S., relating to participation in the Florida Retirement System; providing that consultants and independent contractors are ineligible to participate; establishing procedures and requirements for municipalities or special districts that choose to participate in the Florida Retirement System; providing requirements for employers that transfer, merge, or consolidate governmental services or functions; limiting a member's rights following a conviction for causing a shortage in a public account; providing requirements and limitations for a member who is dually employed; amending s. 121.0515, F.S., relating to Special Risk Class membership; providing for retroactive membership in certain cases; requiring certain members who are moved or reassigned to participate in the Special Risk Administrative Support Class; amending s. 121.052, F.S., relating to the Elected State and County Officers' Class; providing for calculating average final compensation; amending s. 121.053, F.S., relating to retired member participation in the Elected State and County Officers' Class; clarifying requirements for creditable service; amending s. 121.055, F.S., relating to the Senior Management Service Optional Annuity Program; clarifying participation requirements; providing for the Optional Annuity Program Trust Fund; providing eligibility requirements for receiving benefits; providing for administering the program; providing requirements and limitations for a member who is dually employed; amending s. 121.071, F.S., relating to system contributions; providing requirements for contributions for other creditable service; amending s. 121.081, F.S., relating to contributions for past service or prior service; clarifying provisions with respect to required contributions; providing requirements for receiving service credit and prior service credit; amending s. 121.091, F.S., relating to benefits payable under the Florida Retirement System; providing for cancellation of application for retirement benefits; clarifying and consolidating benefit provisions; providing procedures for determining average final compensation; providing for determining disability retirement benefits; providing for optional forms of retirement benefits and disability retirement benefits; providing requirements for determining death benefits; providing for designating beneficiaries; providing for the payment of benefits; authorizing certain deductions from the monthly benefit payment; amending s. 121.111, F.S., relating to credit for military service; providing requirements for determining creditable service; amending s. 121.121, F.S.; providing requirements for purchasing creditable service for authorized leaves of absence; amending s. 121.122, F.S., relating to renewed membership; clarifying requirements for a member who does not claim credit for all postretirement service; creating s. 121.193, F.S., relating to external compliance audits; providing responsibilities of the Division of Retirement of the Department of Management Services with respect to such audits; specifying requirements of participating agencies; amending s. 121.35, F.S., relating to the Optional Retirement Program for the State University System; providing for the application of certain federal requirements; providing for the administration of the Optional Retirement Program Trust Fund; clarifying benefit requirements; providing for responsibilities of the Board of Regents and institutions in the State University System; amending s. 121.40, F.S., relating to the supplemental retirement benefits provided for certain personnel at the Institute of Food and Agricultural Sciences at the University of Florida; providing for the deduction of certain payments from the monthly benefit payment; providing legislative intent with respect to the amendments made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Williams, **CS for SB 1684** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dudley	Jones	Rossin
Bronson	Dyer	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Kurth	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

CS for SB 1722—A bill to be entitled An act relating to rulemaking authority of school boards (RAB); amending s. 230.23, F.S.; creating s. 230.23005, F.S.; prescribing the rulemaking authority of school boards; providing an effective date.

—was read the third time by title.

On motion by Senator McKay, **CS for SB 1722** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dudley	Jones	Rossin
Bronson	Dyer	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Kurth	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Clary

SB 1976—A bill to be entitled An act relating to the Construction Industry Recovery Fund; amending s. 489.143, F.S.; increasing the aggregate amount that may be paid for claims against any one certificateholder or registrant; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Forman, **SB 1976** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Clary	Grant	Klein	Ostalkiewicz
Cowin	Gutman	Kurth	Rossin

Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

CS for SB 1452—A bill to be entitled An act relating to condominiums and cooperative property; amending ss. 718.103, 719.103, F.S.; defining the term "buyer"; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Dudley, **CS for SB 1452** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Horne, by two-thirds vote **HB 1901** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Horne, by two-thirds vote—

HB 1901—A bill to be entitled An act relating to job training; creating s. 446.609, F.S.; creating a school-to-work program entitled "Jobs for Florida's Graduates"; providing definitions and intent; providing requirements for school and student participation; creating an endowment fund and providing for appropriations and gifts; providing for the investment and deposit of funds in an operating account; creating an endowment foundation as a direct-support organization; providing duties of the foundation and a foundation board of directors; providing program outcome goals; providing for use of funds and startup funding; providing for accreditation; requiring an annual audit; providing for assessment of program results; requiring an annual report; providing for rules; requiring legislative review of the program; creating a pilot apprenticeship program; providing for positions and funding; providing an effective date.

—a companion measure, was substituted for **CS for SB 1736** as amended and read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 1901** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

HB 4231—A bill to be entitled An act relating to the Long-Term Care Community Diversion Pilot Project Act; amending s. 430.705, F.S.; providing for choice, to the extent possible, of long-term care service providers affiliated with an individual's religious faith or denomination; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **HB 4231** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

CS for SB 2128—A bill to be entitled An act relating to regulation of professions; amending ss. 455.209, 455.213, 455.218, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.225, F.S.; revising probable-cause provisions; prescribing authority of the department or a board in cases of failure to comply with continuing-education requirements; conforming provisions to a previous administrative reorganization; amending s. 455.2285, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.667, F.S.; revising provisions relating to ownership and control of patient records; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards under the department to refuse to issue an initial license under circumstances relating to ongoing investigations or prosecutions of certain applicants; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending ss. 458.320 and 459.0085, F.S.; revising notice requirements of financial responsibility for physicians and osteopathic physicians; repealing s. 455.661, F.S., relating to licensure of designated health services; amending s. 458.337, F.S.; requiring the Department of Health to notify health maintenance organizations of specified disciplinary action against physicians; amending s. 459.016, F.S.; requiring the Department of Health to notify health maintenance organizations of specified disciplinary action against osteopathic physicians; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 415.1055, 415.5055, 415.51, 440.13, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.404, 460.4061, 460.407, 461.004, 461.007, 461.013, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, and 937.031, F.S.; correcting references, cross-references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; authorizing the department to issue a physicist-in-training certificate; authorizing the Board of Medicine to adopt by rule practice standards; authorizing the Board of Osteopathic Medicine to adopt by rule practice standards; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, 641.60, F.S.; correcting cross-references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 381.026, 381.0261, 381.0302, 395.0191, 395.1041, 395.301, 404.22, 409.906, 415.503, 440.106, 440.13, 440.134, 440.15, 455.684, 455.691, 455.697, 455.698, 456.31, 456.32, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013,

461.0134, 461.014, 461.015, 461.018, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 627.912, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 893.02, 984.03, F.S.; revising terminology relating to podiatry and podiatrists; authorizing dentists and dental hygienists to be governmental contractors; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; requiring the Department of Health to adopt rules governing insurance coverage for midwives; amending s. 455.564, F.S.; requiring that the Department of Health issue certain identification cards and certificates; requiring that the Department of Health or a regulatory board adopt rules governing alternative methods by which licensees may obtain continuing education credits in risk management; amending s. 455.574, F.S.; requiring the Department of Health to adopt rules governing licensure examinations; amending s. 468.705, F.S.; requiring that the Department of Health adopt rules governing a protocol between athletic trainers and supervising physicians; amending s. 865.09, F.S., relating to fictitious name registration; providing certain exemptions for persons licensed by the Department of Health; amending ss. 627.6407, 627.6619, F.S.; providing conditions for health insurance coverage of massage; amending s. 458.317, F.S.; providing requirements for a physician who practices under a limited license; amending s. 465.019, F.S.; providing emergency room physician authority to dispense up to a 24-hour drug supply to a patient under certain circumstances; amending s. 468.703, F.S.; revising requirements for members of the Council of Athletic Training; amending s. 766.204, F.S.; revising procedures for the availability of medical records; amending s. 483.901, F.S.; revising a deadline for issuance of certain licenses to practice medical physics; amending ss. 458.345, 459.021, F.S.; revising the requirements for a hospital's submission of reports on resident physicians, interns, and fellows; amending ss. 20.43, 322.125, 381.0031, 381.0302, 382.002, 395.0195, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 455.564, 455.654, 455.684, 455.691, 455.694, 456.31, 456.32, 459.002, 460.403, 460.404, 460.405, 460.406, 460.408, 460.411, 460.412, 460.413, 460.4166, 462.01, 468.301, 468.302, 468.314, 476.044, 477.0135, 483.901, 486.021, 486.161, 621.03, 627.351, 627.357, 627.6482, 641.316, 725.01, 766.101, 766.102, 766.103, 817.234, and 945.047, F.S.; revising terminology relating to chiropractic medicine; retitling chapter 460, F.S., to conform; providing form of professional licenses; providing an appropriation to the Department of Health to develop the examination required for foreign-licensed physicians; providing examination fees; providing an expiration date; amending s. 490.005, F.S.; revising requirements for licensure as a psychologist by examination to grandfather in certain applicants; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Myers, **CS for SB 2128** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Dyer	Jones	Ostalkiewicz
Bronson	Forman	Kirkpatrick	Rossin
Campbell	Geller	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dudley	Horne	Myers	

Nays—3

Brown-Waite	Burt	Latvala

CS for SB 2092—A bill to be entitled An act relating to child care facilities; amending s. 402.302, F.S.; excluding operators of transient establishments from the definition of "child care facility"; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; amending s. 409.178, F.S.; conforming title of the partnership program; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Dyer, **CS for SB 2092** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

SB 400—A bill to be entitled An act relating to state financial accountability; creating the Florida Single Audit Act; providing intent and findings; creating s. 216.3491, F.S.; providing purposes of the act; providing definitions; providing duties of the Executive Office of the Governor, the Comptroller, and state agencies that award state funds to nonstate agencies to carry out state projects; providing conditions on nonstate agencies' receipt of state funds; requiring recipients and subrecipients of state funds to obtain audits; prescribing standards for such audits; prescribing duties of auditors; providing for access to records; prescribing duties of the Auditor General; repealing s. 216.349, F.S., relating to financial review of grants and aids appropriations; amending s. 265.2861, F.S., to conform; providing applicability; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Burt, **SB 400** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

HB 4039—A bill to be entitled An act relating to state lands; creating s. 253.0345, F.S.; providing for special events; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Campbell, **HB 4039** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Campbell	Cowin	Dyer
Bronson	Casas	Crist	Forman
Brown-Waite	Childers	Diaz-Balart	Geller
Burt	Clary	Dudley	Grant

Gutman	Kirkpatrick	McKay	Sullivan
Hargrett	Klein	Meadows	Thomas
Harris	Kurth	Myers	Turner
Holzendorf	Latvala	Ostalkiewicz	Williams
Horne	Laurent	Rossin	
Jones	Lee	Silver	

Nays—None

CS for SB 1752—A bill to be entitled An act relating to health insurance; amending s. 636.016, F.S.; requiring prepaid limited health service contracts to provide certain information; requiring prepaid limited health service organizations to provide certain information; amending s. 636.038, F.S.; requiring prepaid limited health service organizations to report certain information annually; providing an effective date.

—was read the third time by title.

On motion by Senator Cowin, **CS for SB 1752** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

SB 854—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Sheriffs Youth Ranches license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Williams, **SB 854** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	

Nays—None

CS for HB 3107—A bill to be entitled An act relating to sexual predator registration; amending s. 775.21, F.S.; revising an exception to sexual predator registration requirements; revising the conditions for removal of sexual predator designation by the court; requiring filing of the petition for removal in the circuit of the sexual predator's residence; extending from 10 years to 20 years the minimum period following the sexual predator's release during which the predator may not have been arrested before petitioning the court to remove the sexual predator designation; requiring the petitioner to make certain demonstrations to the court with respect to lack of arrest and compliance with federal standards for removal of designation as a predator; permitting the removal of designation only when the court is satisfied the petitioner is not a threat to the public safety; requiring specified notice of hearing on the petition to the state attorney in the circuit where filed; allowing the state attorney to present evidence in opposition to the petition; allowing the court to establish date for rehearing of petition, if denied; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Grant, **CS for HB 3107** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Dudley—

CS for SB 1466—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; revising provisions pertaining to the bond of a contractor constructing public buildings; providing for revised time periods for certain claims; revising forms for waiver of right to claim against bond; providing for written statements to the contractor with respect to the nature of labor or services performed in certain circumstances; providing for the maintenance of actions in law and in equity for breach of contract on public works projects; amending s. 713.01, F.S.; redefining the terms "improve," "improvement," "subcontractor," and "sub-subcontractor" to include reference to solid-waste removal; amending s. 713.06, F.S.; revising provisions relating to contractor's affidavit; amending s. 713.132, F.S.; revising requirements pertaining to service of notice of termination; amending s. 713.18, F.S.; revising requirements pertaining to service of documents; amending s. 713.23, F.S.; amending the timeframe within which certain actions to enforce a claim against the payment bond may commence; providing a form; creating s. 713.235, F.S.; providing for waivers of right to claim against a payment bond; providing forms; amending s. 713.24, F.S.; revising the process for transferring liens to security; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 2, lines 5 and 6, delete those lines and insert: 255.05, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

Amendment 2—On page 3, line 30, delete "A" and insert: *If a claimant is no longer furnishing labor, services, or materials on a project, a*

Amendment 3—On page 7, delete line 26 and insert: *claimant, serve a written demand on any claimant who is not in privity with the contractor for a*

Amendment 4—On page 8, delete line 2 and insert: *claimant who is not in privity with the contractor must be served on the claimant at the address and to*

Amendment 5 (with title amendment)—On page 8, line 27 through page 9, line 11, delete those lines

And the title is amended as follows:

On page 1, lines 10-13, delete those lines and insert: performed in certain circumstances; amending s. 713.01, F.S.; redefining

Pursuant to Rule 4.19, **CS for SB 1466** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR BURT PRESIDING

On motion by Senator Gutman, by two-thirds vote **CS for HB 3255** was withdrawn from the Committees on Criminal Justice; Judiciary; and Ways and Means.

On motion by Senator Gutman—

CS for HB 3255—A bill to be entitled An act relating to court costs to fund law enforcement programs; creating s. 938.06, F.S.; imposing an additional court cost on fines for criminal offenses in county and circuit courts; providing for deposit in the Crime Stoppers Trust Fund; amending s. 16.555, F.S.; providing for distribution of such funds in the trust fund by the Department of Legal Affairs to counties to support official Crime Stoppers and their programs; amending s. 318.18, F.S.; including the court cost assessed pursuant to s. 938.15 in court costs for noncriminal traffic infractions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 502** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3255** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 978—A bill to be entitled An act relating to trust funds; creating the Crime Stoppers Trust Fund; providing for administration of the fund; providing for termination; providing for review; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **SB 978** to **HB 3659**.

Pending further consideration of **SB 978**, on motion by Senator Gutman, by two-thirds vote **HB 3659** was withdrawn from the Committees on Criminal Justice; Judiciary; and Ways and Means.

On motion by Senator Gutman—

HB 3659—A bill to be entitled An act relating to trust funds; creating the Crime Stoppers Trust Fund; providing for administration of the fund; providing for termination; providing for review; providing an effective date.

—a companion measure, was substituted for **SB 978** and read the second time by title.

Pursuant to Rule 4.19, **HB 3659** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1506—A bill to be entitled An act relating to marine resources; amending s. 253.72, F.S.; providing restrictions for certain areas for harvesting shellfish; amending s. 370.06, F.S.; providing an exemption for totally disabled residents for a restricted species endorsement; providing qualifications for the issuance of a marine life endorsement on a saltwater products license; providing for a moratorium on the issuance of endorsements; providing for the transfer and reissuance of endorsements; providing for a report; amending s. 370.0608, F.S.; revising the distribution of funds collected from the sale of recreational saltwater fishing licenses; amending s. 370.092, F.S.; providing specific rulemaking authority for the regulation of nets on boats of a specific length; directing the Marine Fisheries Commission to adopt rules prohibiting the possession and sale of mullet taken in illegal gill or entangling nets; providing a penalty for violations; amending s. 370.093, F.S.; authorizing the Marine Fisheries Commission to adopt rules implementing s. 370.093, F.S.; amending s. 370.142, F.S.; providing for a surcharge to be assessed upon the initial transfer of a transferable crawfish trap certificate outside the original transferor's immediate family; prohibiting the lease of lobster trap certificates after July 1, 1998; providing additional penalties for violations relating to traps; providing for the continuation of the Marine Fisheries Commission notwithstanding its scheduled abolition; amending s. 370.13, F.S.; restricting the issuance of stone crab trap numbers until July 1, 2000; providing for renewal under certain circumstances; amending s. 370.135, F.S.; restricting the issuance of new blue crab endorsements for a certain period of time; providing for renewal or replacement under certain circumstances; amending s. 370.021, F.S.; providing additional penalties for violations involving buying saltwater products from an unlicensed seller or the sale of saltwater products by an unlicensed seller; authorizing the suspension, revocation, or denial of renewal of licenses for specified major violations involving finfish, shrimp, marine life species, crawfish, stone crabs, and blue crabs; requiring clerks of courts to certify the final disposition of specified court proceedings to the Department of Environmental Protection; amending s. 370.07, F.S.; authorizing the sharing of wholesale saltwater products dealer reports with other states under specified conditions; providing civil penalties for violation of recordkeeping and reporting requirements; prohibiting a licensed retail dealer or a licensed restaurant from buying saltwater products from any person other than a licensed wholesale or retail dealer; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permits; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.135(2) and (3), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), and (e) and (5)(b) and (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing s. 370.1127, F.S., relating to mullet regulation west of the Ochlockonee River; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 4, between lines 9 and 10, insert:

Section 2. Subsection (12) of section 370.01, Florida Statutes, is amended to read:

370.01 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(12) "Food fish" shall include mullet, trout, redfish, sheepshead, pompano, mackerel, bluefish, red snapper, grouper, *black drum, jack crevalle,* and all other fish generally used for human consumption.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 370.01, F.S.; defining food fish for human consumption;

Amendment 2—On page 13, lines 3-5, delete those lines and insert:

c. Not less than *27.5* ~~30~~ percent of the total fees collected, for marine research.

d. Not less than 30 percent of the total fees

Amendment 3 (with title amendment)—On page 13, line 26 through page 14, line 15, delete those lines and insert:

(3)*(a) Notwithstanding subsections (1) and (2), unless authorized by rule of the Marine Fisheries Commission, it is a major violation under this section, punishable as provided in subsection (4), for any person, firm, or corporation to possess any gill or entangling net, or any seine net larger than 500 square feet in mesh area, on any airboat or on any other vessel less than 22 feet in length and on any vessel less than 25 feet if*

primary power of the vessel is mounted forward of the vessel center point. Gill or entangling nets shall be as defined in s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or in a rule of the Marine Fisheries Commission implementing s. 16, Art. X of the State Constitution. Vessel length shall be determined in accordance with current U.S. Coast Guard regulations specified in the Code of Federal Regulations or as titled by the State of Florida. The Marine Fisheries Commission is directed to initiate by July 1, 1998, rulemaking to adjust by rule the use of gear on vessels longer than 22 feet where the primary power of the vessel is mounted forward of the vessel center point in order to prevent the illegal use of gill and entangling nets in state waters and to provide reasonable opportunities for the use of legal net gear in adjacent federal waters.

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: creating a major violation for the possession of specified nets on certain vessels;

Amendment 4 (with title amendment)—On page 15, lines 22-28, delete those lines and insert:

Section 5. Section 370.093, Florida Statutes, is amended to read:

370.093 Illegal use of nets.—

(1) It is unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net that is not consistent with the provisions of s. 16, Art. X of the State Constitution.

(2)(a) Beginning July 1, 1998, it is also unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net, as defined in subsection (3) and any attachments to such net, that combined are larger than 500 square feet and have not been expressly authorized for such use by rule of the Marine Fisheries Commission under s. 370.027. The use of currently legal shrimp trawls and purse seines outside nearshore and inshore Florida waters shall continue to be legal until the commission implements rules regulating those types of gear.

(b) The use of gill or entangling nets of any size is prohibited, as such nets are defined in s. 16, Art. X of the State Constitution. Any net constructed wholly or partially of monofilament or *multistrand monofilament* ~~multifilament~~ material, other than a hand thrown cast net, or a handheld landing or dip net, shall be considered to be an entangling net within the prohibition of s. 16, Art. X of the State Constitution unless specifically authorized by rule of the commission. *Multistrand monofilament* ~~Multifilament~~ material shall not be defined to include nets constructed of braided or twisted nylon, cotton, linen twine, or polypropylene twine.

(c) This subsection shall not be construed to apply to aquaculture activities licenses issued pursuant to s. 370.26.

(3) As used in s. 16, Art. X of the State Constitution and this subsection, the term "net" or "netting" must be broadly construed to include all manner or combination of mesh or webbing or any other solid or semisolid fabric or other material used to comprise a device that is used to take or harvest marine life.

(4) Upon the arrest of any person for violation of this subsection, the arresting officer shall seize the nets illegally used. Upon conviction of the offender, the arresting authority shall destroy the nets.

(5) Any person who violates this section shall be punished as provided in s. 370.092(4).

(6) The Marine Fisheries Commission is granted authority to adopt rules pursuant to ss. 370.025 and 370.027 implementing *this section and* the prohibitions and restrictions of s. 16, Art. X of the State Constitution.

And the title is amended as follows:

On page 1, line 23, after the comma (,) insert: prohibiting the use of certain nets composed of specified materials; providing a definition;

Amendment 5—On page 28, line 6 through page 35, line 3, delete those lines and insert:

Section 10. Subsection (4) is added to section 370.021, Florida Statutes, to read:

370.021 Administration; rules, publications, records; penalty for violation of chapter; injunctions.—

(4) In addition to being subject to other penalties provided in this chapter, any violation of ss. 370.06 or 370.07, or rules of the department implementing ss. 370.06 or 370.07, involving buying saltwater products from an unlicensed person, firm, or corporation, shall be a major violation, and the department may assess the following penalties:

1. For a first violation, the department may assess a civil penalty of up to $2,500 and may suspend the wholesale and/or retail dealer's license privileges for up to 90 calendar days.

2. For a second violation occurring within 12 months of a prior violation, the department may assess a civil penalty of up to $5,000 and may suspend the wholesale and/or retail dealer's license privileges for up to 180 calendar days.

3. For a third or subsequent violation occurring within a 24 month period, the department shall assess a civil penalty of $5,000 and shall suspend the wholesale and/or retail dealer's license privileges for up to 24 months.

Any proceeds from the civil penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund and shall be used as follows: 40 percent for administration and processing purposes; and 60 percent for law enforcement purposes.

Amendment 6—On page 35, lines 28-31, delete those lines and insert: *preserve confidentiality as established by Florida law.*

Amendment 7 (with title amendment)—On page 37, lines 1-23, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 2-23, delete those lines and insert: dealer;

Amendment 8 (with title amendment)—On page 37, line 1, insert:

Section 12. Subsection (6) is added to section 370.1405, Florida Statutes, to read:

370.1405 Crawfish reports by dealers during closed season required.—

(6) The Department of Environmental Protection is authorized to adopt rules incorporating by reference such forms as are necessary to implement the provisions of this section.

And the title is amended as follows:

On page 1, line 26, before "amending" insert: amending s. 370.1405, F.S.; authorizing the Department of Environmental Protection to adopt certain rules;

Pursuant to Rule 4.19, **CS for SB 1506** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1338** was deferred.

On motion by Senator Dyer—

CS for SB 814—A bill to be entitled An act relating to public records; creating s. 252.943, F.S.; providing an exemption from public records provisions for information provided by a stationary source subject to the Accidental Release Prevention Program under the federal Clean Air Act; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 814** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

CS for SB 1686—A bill to be entitled An act relating to ad valorem taxation (RAB); amending s. 193.075, F.S.; providing for certain recreation vehicle-type units to be considered mobile homes for purposes of ad valorem taxation; amending s. 197.162, F.S.; providing for discounts on early tax payments; amending s. 197.182, F.S.; providing for automatic refunds of overpayments of tax greater than $5; amending s. 197.243, F.S.; redefining the term "household" to exclude boarders and renters; amending s. 197.252, F.S.; providing a formula for estimating household income; amending s. 197.253, F.S.; providing for notification by the property appraiser concerning homestead status; amending s. 197.332, F.S.; providing for collection of penalties, interest, and costs for delinquent taxes; amending s. 197.344, F.S.; providing for tax notices for lienholders, trustees, and vendees; amending s. 197.413, F.S.; providing for advertising costs to be added to delinquent taxes at the time of advertising; amending s. 197.432, F.S.; prescribing conditions for bidding on tax certificates; amending s. 197.443, F.S.; providing for recouping costs of advertising void tax certificates; providing for cancellation of tax certificates at the request of the owner; amending s. 197.542, F.S.; authorizing the clerk to refuse certain bids for lands sold at public auction; creating s. 197.4325, F.S.; providing a procedure for handling bad checks received for payment of taxes or tax certificates; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1686** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

CS for SB 1688—A bill to be entitled An act relating to taxation (RAB); amending s. 212.02, F.S.; redefining the term "retail sales" to revise standards for the exclusion of packaging materials; redefining the term "sales price" to exclude certain federal tax; redefining the term "use" to exclude the loan of an automobile for use by a driver education program; amending s. 212.03, F.S.; revising provisions for eligibility for the exemption provided for rental in trailer parks and similar facilities; amending s. 212.031, F.S.; providing partial exemption for rentals of certain property used as residential facilities for the aged; exempting utility charges paid by a tenant in specified circumstances; providing taxability of charges for canceling or terminating a lease; amending s. 212.04, F.S.; providing standards for determining taxability of components of packages sold by travel agents; exempting fees for entering sporting events from the admissions tax when spectators at such events are charged the tax; amending s. 212.05, F.S.; prescribing the entities that are considered selling dealers for purposes of the sales, storage, and use tax on aircraft and boats; providing for return of aircraft to the state without incurring tax liability in certain circumstances; providing taxability for property originally exempt which is converted to the owner's use; providing guidelines for taxability of lease or rental of motor vehicles; providing taxability of sales of newspapers; providing guidelines for taxability of newspaper and magazine inserts; providing taxability of certain sales by florists; providing for calculating tax on prizes distributed by concessionaires; amending s. 212.06, F.S.; providing taxability of newspapers, magazines, and periodicals used by the publisher thereof; amending s. 212.18, F.S.; providing for rules relating to registration of vending machines and newspaper rack machines; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1688** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Ostalkiewicz—

CS for SB 1690—A bill to be entitled An act relating to taxes on sales, use, and other transactions (RAB); amending s. 212.0506, F.S.; revising guidelines for tax liability of service warranties; amending s. 212.0515, F.S.; providing tax liability for sales of nonfood items from vending machines; revising eligibility for rewards; amending s. 212.054, F.S.; revising guidelines for determination of exemption from partial sales surtaxes; amending s. 212.0598, F.S.; revising provisions relating to determination of air carriers' tax liability; amending s. 212.06, F.S.; revising guidelines for determining tax liability of certain personal property; providing a presumption with respect to tax liability for sales of motor vehicles; providing for a use tax on certain aircraft; defining the terms "real property," "fixtures," and "improvements to real property," for purposes of determining when a person is improving real property; providing guidelines for determining tax liability on rock, shell, fill dirt, and similar materials; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1690** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

CS for SB 1692—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.02, F.S.; defining the terms "itinerant merchant," "flea market operator, manager, lessor, or owner," "agricultural commodity," "farmer," and "livestock"; amending s. 212.07, F.S.; prescribing dealer liability for certain tax; prescribing tax liability for sales of race horses in claiming races; amending s. 212.08, F.S.; exempting certain sales of racing dogs; disallowing a sales tax exemption for purchases made by an employee of an exempt organization when such payment is made by the employee; amending s. 212.09, F.S.; revising provisions regulating credits for trade-ins; amending s. 212.17, F.S.; providing for reimbursement of certain taxes paid by dealers; amending s. 212.18, F.S.; prescribing procedures for remittance of tax on sales at flea markets; providing an effective date.

—was read the second time by title.

Senator Ostalkiewicz moved the following amendments which were adopted:

Amendment 1—On page 1, lines 25 and 26, delete "(29), (30), and (31)" and insert: and (29)

Amendment 2 (with title amendment)—On page 2, lines 1-19, delete those lines and redesignate subsequent subsections.

And the title is amended as follows:

On page 1, lines 4-6, delete those lines and insert: F.S.; defining the terms "agricultural commodity," "farmer," and

Amendment 3—On page 30, lines 19 and 20, delete those lines and insert: Statutes, is amended to read:

Amendment 4—On page 31, lines 5-10, delete those lines and insert: reasonably require. The department may appoint the

Amendment 5 (with title amendment)—On page 34, line 13 through page 37, line 2, delete those lines

And the title is amended as follows:

On page 1, lines 19 and 20, delete those lines and insert: 212.18, F.S.; providing for revocation of a dealer's certificate of registration;

Pursuant to Rule 4.19, **CS for SB 1692** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

CS for SB 1694—A bill to be entitled An act relating to taxation (RAB); amending s. 212.08, F.S., relating to the tax on sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; exempting additional medical supplies and equipment; defining the term "prescriptions"; revising the exemption for school books and school lunches; providing exemptions with respect to parent-teacher organizations and associations, to schools with grades K through 12, to mobile home lot improvements, and to sales of certain personal property supported through the Veterans Administration; providing a partial exemption for certain commercial fishing vessels; providing guidelines for determining applicability of sales surtaxes

to certain transactions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining the taxability of specific products; providing membership requirements; amending s. 213.22, F.S.; providing for the issuance of technical assistance advisements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1694** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

CS for SB 1696—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.08, F.S.; revising eligibility standards for the partial exemption for farm equipment; providing additional uses to which equipment may be put and be eligible for the exemption; revising exemption standards for water; exempting disinfectants, pesticides, weed killers, certain seeds, cuttings, seedlings, plants, and specified packaging items in agricultural use; exempting paint color cards and other color samples available at no charge; providing guidelines for determining applicability of exemption for sales to a governmental entity to sales of tangible personal property to contractors for incorporation into public works; providing guidelines for determining applicability of sales surtaxes to certain transactions; authorizing aircraft to be returned to the state under specified circumstances without incurring tax liability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1696** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **HB 4143** was withdrawn from the Committees on Regulated Industries and Judiciary.

On motion by Senator Latvala, by two-thirds vote—

HB 4143—A bill to be entitled An act relating to emergency telephone number "911" services; amending s. 365.171, F.S.; providing for indemnification and limitation of liability for wireless telecommunications service providers that provide 911 service; providing an effective date.

—a companion measure, was substituted for **CS for SB 2164** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 4143** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 292—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information about patients of home medical equipment providers which is obtained by employees or service providers or the licensing agency; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a home medical equipment provider in connection with background screening of prospective employees of the provider; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 292** to **CS for CS for HB 757**.

Pending further consideration of **SB 292** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for CS for HB 757** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight.

On motion by Senator Brown-Waite—

CS for CS for HB 757—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information about patients of home medical equipment providers which is obtained by employees or service providers or the licensing agency; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a home medical equipment provider in connection with background screening of prospective employees of the provider; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 292** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 757** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1300** and **SB 1302** was deferred.

On motion by Senator Grant—

CS for CS for SB's 1124, 2048 and 1120—A bill to be entitled An act relating to workforce development; creating an incentive grant program; requiring certain administrative procedures; requiring certain data analysis and reports; providing an implementation schedule; providing a definition; amending s. 229.551, F.S.; providing for nonpublic postsecondary education institutions to use the common course designation and numbering system used by public institutions; amending s. 229.8075, F.S.; requiring job retention data to be collected; amending s. 236.081, F.S.; deleting a school district responsibility for funding certain community college programs; amending s. 239.105, F.S.; amending definitions; amending s. 239.115, F.S., relating to funds for operation of adult general education and vocational education programs; revising provisions relating to workforce development education programs; changing the name of the associate in applied technology degree to the applied technology diploma; revising provisions relating to funding through the Workforce Development Education Fund; providing duties relating to workforce development programs and funding; providing for use of funds; amending s. 239.117, F.S.; revising calculation of fees required of students in workforce development programs; deleting certain requirements for application for student financial assistance; amending ss. 240.3031, 240.311, F.S.; renaming the State Community College System; amending s. 239.213, F.S., relating to vocational-preparatory instruction; deleting obsolete provisions; amending s. 239.229, F.S., relating to vocational standards; conforming provisions; amending s. 239.233, F.S.; requiring job-retention data; amending s. 239.301, F.S.; revising adult general education provisions; amending s. 240.115, F.S.; providing guidelines for awarding credit for transfer students; revising s. 240.35, F.S.; revising calculation of fees required of students in community college programs; amending s. 240.359, F.S.; providing funding for college preparatory coursework; amending ss. 446.011, 446.041, 446.052, F.S.; deleting responsibilities of the Division of Public Schools and Community Education; providing a 1998-1999 fee schedule for certain programs; authorizing waivers; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 1—On page 21, lines 17-19, delete those lines and insert: *these adult basic education courses for the elderly may be provided in a separate categorical subject to*

Senator Horne moved the following amendments which were adopted:

Amendment 2—On page 29, line 27, after "education" insert: *for school districts and community colleges*

Amendment 3—On page 38, line 17, after "*representing*" insert: *school districts,*

Amendment 4—On page 53, line 25 through page 54, line 9, delete those lines and insert:

Section 23. *(1) The State Board of Education shall adopt an implementation schedule that establishes standard fees for instruction in certificate career education and continuing workforce education offered by community colleges and school districts. The schedule shall establish fees for the 1998-1999 school year and shall take effect in the fall term of 1998. This implementation schedule must provide a transition in fee levels from the 1997-1998 fees to the level established in this act, and must provide authority for local educational agencies to vary their fees by 10 percent below the standard. However, the fee schedule must not require an educational agency to reduce its fees to reach the standard fee level.*

(Redesignate subsequent sections.)

Amendment 5 (with title amendment)—On page 54, between lines 13 and 14, insert:

Section 24. *(1) The Commissioner of Education and the Executive Director of the State Board of Community Colleges shall continue to investigate issues related to implementation of this act, especially those issues associated with:*

(a) The adoption of common reporting formats and common timeframes associated with the Workforce Development Information System;

(b) The expansion of electronic transcript systems;

(c) The implementation of occupational completion points and literacy completion points;

(d) The consolidation of state and federal workforce development funds into a common administrative entity; and

(e) The elimination of duplicative reporting requirements.

(2) The commissioner and director shall report to the Executive Office of the Governor and the Legislature before December 31, 1998, on the progress of the implementation of the provisions of this act and this section. The report must indicate recommendations for changes in law or policy.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: requiring that the Commissioner of Education and the Executive Director of the State Board of Community Colleges investigate issues related to implementing the act; requiring a report to the Governor and the Legislature;

Amendment 6 (with title amendment)—On page 54, between lines 13 and 14, insert:

Section 24. *There is established the Employment Task Force for Adults with Disabilities, to be composed of an equal number of members appointed by the Commissioner of Education and the Executive Director of the State Board of Community Colleges. The commissioner shall appoint an additional member to serve as chairperson. Composition of the task force must include representation from organizations and state agencies that provide services to people with disabilities and people who receive services through programs that enroll adults with disabilities.*

(1) The task force shall:

(a) Review current programs that provide education for adults with disabilities and identify those that are appropriately funded by the Workforce Development Education Fund or the categorical fund created in Specific Appropriations 119-A and 157-A of the Conference Report on House Bill 4201. If the task force identifies programs that are appropriate for funding from both sources, it shall define conditions of the programs or the students that make the dual funding appropriate.

(b) Identify and classify programs conducted for adults with disabilities and report the number of adults with disabilities enrolled in those programs and in other workforce development education programs during the 1997-1998 and 1998-1999 school years.

(c) Review the expenditure of funds by school districts and community colleges for educational programs for adults with disabilities. This review includes identifying programs in which funds are used with maximum efficiency and an analysis of the characteristics of effective and efficient funding methods.

(d) Identify and recommend remedies for conditions that could preclude the participation of people who are capable of working toward competitive employment.

(2) The Department of Education shall provide staff to assist the task force. Task force members may be reimbursed for travel expenses as provided in section 112.061, Florida Statutes.

(3) The task force shall submit a report to the Commissioner of Education by December 1, 1998. The report may include recommendations for changes in policy, rule, or law to increase the effectiveness of programs that enroll adults with disabilities.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: creating the Employment Task Force for Adults with Disabilities to review programs that provide education for adults with disabilities; providing for the appointment of members of the task force; requiring that the Department of Education provide staff to assist the task force; providing for reimbursement for travel expenses; requiring that the task force report to the Commissioner of Education;

Amendment 7 (with title amendment)—On page 54, between lines 13 and 14, insert:

Section 24. *(1) The State Board of Community Colleges shall identify procedures that will encourage the joint use of facilities by community colleges and school districts for the purpose of conducting educational programs in workforce development.*

(2) The board shall report its findings and recommendations to the Legislature by December 1, 1998.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: requiring the State Board of Community Colleges to identify procedures to encourage the joint use of facilities for specified programs; requiring the board to report to the Legislature;

Pursuant to Rule 4.19, **CS for CS for SB's 1124, 2048 and 1120** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

CS for SB 1270—A bill to be entitled An act relating to public funds; providing for the appropriation of revenues obtained as a result of the settlement of litigation involving the tobacco industry; providing for specified amounts to be appropriated to the Department of Health to continue implementing the Florida Kids Campaign Against Tobacco Pilot Program; providing for additional appropriations of revenues to be used for marketing, education and training, youth programs, and community partnerships; providing an appropriation to the Department of Business and Professional Regulation; requiring that such funds be used to enforce laws governing access to and possession of tobacco products by underage persons; providing for an evaluation of the pilot program; providing for program coordination and administrative support; providing an appropriation to the Working Capital Fund; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 6, between lines 10 and 11, insert:

Section 3. *The following guidelines shall be applied to the expenditure of all funds paid to the State of Florida as a result of litigation entitled The State of Florida et al. v. American Tobacco Company et al., Case #95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County:*

(1) The Legislature asserts its rights to appropriate all funds awarded to the state through the tobacco settlement. Before any funds are released, the Legislature must approve all program and funding proposals.

(2) Funds received from the tobacco settlement should not be deposited in the General Revenue Fund. Instead, a trust fund should be created solely for the purpose of receiving and managing settlement funds, so that a full and complete record of all budget and expenditure actions is maintained.

(3) Some portion of settlement funds received each year should be placed in escrow to create a long-term funding stream.

(4) Administrative costs associated with programs and providers that receive funds from the tobacco settlement should be set at a reasonable level, consistent with best-management practices.

(5) Funds should be spent on children's health services, as provided for in the settlement, and settlement funds may be used to match federal funds available under Title XXI.

(6) Local law enforcement agencies, businesses, and school districts should be involved in enforcement efforts as appropriate to the mission of each organization.

(7) Funds received from the tobacco settlement may not be used for advertising that includes the name, voice, or likeness of any elected or appointed public official.

(8) Greater emphasis should be placed on funding education, training, and enforcement programs, such as classroom programs, after-school programs, "tobacco-free" sports programs, peer mentoring programs, and museum, science, and discovery programs than is placed on the funding of advertising.

(9) Reimbursement should be provided to local governments that have borne costs of tobacco-related Medicaid patient care.

(10) Tobacco use should be treated as substance abuse for purposes of providing cessation and counseling programs. Youth and adult smoking cessation programs, with appropriate incentives, should be supported by tobacco funds.

(11) State funds may not be used to support a national or "global" settlement.

(12) County health departments must administer funds provided to each local coalitions that is not specifically granted an exemption by the Legislature. Exemptions from requirements to administer coalition programs by county health departments shall be limited to established administrative entities that meet a test of several criteria established by the Department of Health and may not include provider agencies that could receive funding from the settlement.

(13) Consideration should be given to providing additional funding for public and not-for-profit hospitals, clinics, and medical schools that treat patients with tobacco-related illnesses, and to investing in the Med Access/Medical Buy-In Program for uninsured or underinsured employees of small businesses.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: specifying guidelines to be applied by the Legislature in expending funds paid to the state as a result of the settlement of litigation involving the tobacco industry; providing that funds should be deposited into a trust fund rather than into the General Revenue Fund; providing that funds should be spent on children's health services and on education, training, and enforcement programs; prohibiting the use of such funds to support a national settlement; requiring county health departments to administer certain funds unless granted an exemption;

Pursuant to Rule 4.19, **CS for SB 1270** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

CS for SB 1810—A bill to be entitled An act relating to firearms-related licenses; amending ss. 493.6111, 493.6113, F.S.; extending the licensure period for certain licenses; amending s. 790.06, F.S.; extending the licensure period for concealed weapons licenses; requiring persons who conduct or instruct certain gun safety and licensure courses to maintain records; disqualifying persons convicted of a DUI offense from obtaining a concealed weapons license; providing for an annual records check of licenseholders; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1810** to **CS for HB 3713**.

Pending further consideration of **CS for SB 1810** as amended, on motion by Senator Harris, by two-thirds vote **CS for HB 3713** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Harris—

CS for HB 3713—A bill to be entitled An act relating to firearms-related licenses; amending ss. 493.6111, 493.6113, F.S.; extending the licensure period for certain licenses; amending s. 790.06, F.S.; extending the licensure period for concealed weapons licenses; requiring persons who conduct or instruct certain gun safety and licensure courses to maintain records; providing an effective date.

—a companion measure, was substituted for **CS for SB 1810** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3713** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman, the Senate resumed consideration of—

CS for SB 1014—A bill to be entitled An act relating to road designations; designating the Gratigny Parkway in Dade County as the "Marlins Expressway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 267 in Gadsden County as the "Pat Thomas Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 528 in Brevard County as the "Kennedy Space Center Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of the Polk County Highway as the "James Henry Mills Medal of Honor Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of N.W. 167th Street in Miami Lakes as "Zuly Reyes Road"; directing the Department of Transportation to erect suitable markers; designating State Road 50 within Hernando County as the "Deputy Lonnie Coburn Memorial Highway"; directing the Department of Transportation to erect suitable markers; co-designating the MacArthur Causeway Bridge in Miami-Dade County as the "Trooper Robert G. Smith Bridge"; directing the Department of Transportation to erect suitable markers; designating the Florida Turnpike as the "Ronald Reagan Turnpike"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 71 South in Jackson County as the "Pete Peterson Parkway"; directing the Department of Transportation to erect suitable markers; designating that portion of State Road 71 extending through Port St. Joe (known as 5th Street) as "Cecil G. Costin, Sr. Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—which was previously considered this day. Pending **Amendment 2** by Senators Forman and Silver failed.

Senator Gutman moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 8, between lines 12 and 13, insert:

Section 11. *Ofelia Perez-Roura Memorial Way; Department of Transportation to erect suitable markers.—*

(1) That portion of S.W. 24th Street (known as Coral Way) extending between S.W. 28th Avenue and S.W. 29th Avenue in Miami is designated as the "Ofelia Perez-Roura Memorial Way."

(2) The Department of Transportation is directed to erect suitable markers designating the "Ofelia Perez-Roura Memorial Way" as described in subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 9, after the semicolon (;) insert: designating a portion of Coral Way in Miami as the "Ofelia Perez-Roura Memorial Way" directing the Department of Transportation to erect suitable markers;

Pursuant to Rule 4.19, **CS for SB 1014** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of motions and announcements.

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, April 28.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, April 27, 1998: CS for CS for SB's 1124, 2048 and 1120, SB 1270, CS for SB 1810, CS for CS for SB 1576, SB 300, CS for CS for SB 352, CS for SB 1162, CS for CS for SB 1190, CS for SB 1374, CS for SB 2074, CS for SB 2100, CS for SB 2342, CS for CS for SB 1554, CS for SB 772, CS for SB 2484, SB 1034, SB 970, SJR 1610, SB 404, SB 1950, CS for SB 28, CS for SB 462, CS for CS for SB 714, SB 1416, CS for CS for SB 1074, CS for SB 336, CS for SB 58, CS for SB 640, SB 1582, CS for SB 1922, CS for SB 1992, SR 2108, CS for SB 2172, CS for SB 1442, CS for SB 1868, CS for CS for SB 882, CS for SB 1924, CS for SB 2356, CS for SB 312, CS for SB 986, CS for SB 440, CS for SB 562, CS for SB 994, CS for SB 380, CS for SB 1426, CS for CS for SB 2198, CS for SB 2084, CS for SB 2480, CS for SB 1028, CS for CS for SB 1456, CS for SB 1934, CS for SB 2060, CS for CS for SB 2258, CS for SB 1814, HB 1747, CS for SB 270, SB 1080, SJR 2140, SJR 1008, CS for CS for CS for SB 92, CS for SB 2024

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Judiciary recommends the following pass: CS for HB 4123

The Committee on Ways and Means recommends the following pass: CS for SB 68 with 1 amendment, SB 612 with 1 amendment, SB 732, CS for SB 1612 with 2 amendments, SB 2190 with 1 amendment, SB 2302 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary recommends a committee substitute for the following: SB 68

The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Ways and Means recommends committee substitutes for the following: SB 192, SB 680, SB 1082, SB 1504

The bills with committee substitutes attached were placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary and Senators Holzendorf, Turner, Dudley, Casas, Forman, Diaz-Balart, Hargrett, Silver, Meadows, Harris, Campbell, Kirkpatrick, Horne, Bronson, Geller, Rossin, Grant, Crist, Klein, Gutman and Dyer—

CS for SB 68—A bill to be entitled An act for the relief of Freddie Lee Pitts and Wilbert Lee; providing an appropriation to compensate them for being victims of a miscarriage of justice; providing an effective date.

By the Committee on Ways and Means; and Senator Horne—

CS for SB 192—A bill to be entitled An act relating to community contribution tax credits; amending ss. 220.183 and 624.5105, F.S.; increasing the annual limitation on the amount of such credits which may be granted against the corporate income tax and insurance premium taxes; providing an effective date.

By the Committee on Ways and Means; and Senator Kirkpatrick—

CS for SB 680—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale of performance-enhancing or growth-enhancing products for cattle; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 1082—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.09, F.S.; prescribing liability for the tax when a renewal note increases the unpaid balance or the original face amount of an original contract and obligation; providing a retroactive exemption for taxes on certain promissory notes; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 1504—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for food and drinks; providing definitions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; amending s. 213.22, F.S.; providing for the issuance of technical assistance advisements; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 358 which became law without his signature on April 25, 1998.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 4143 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Edwards and others—

HB 4143—A bill to be entitled An act relating to emergency telephone number "911" services; amending s. 365.171, F.S.; providing for indemnification and limitation of liability for wireless telecommunications service providers that provide 911 service; providing an effective date.

—was referred to the Committees on Regulated Industries and Judiciary.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 150, CS for SB 418, CS for SB 752, CS for SB 776, CS for SB 846, CS for SB 1070, CS for SB 1626, CS for CS for SB 1704, CS for SB 1708, SB 2276, SB 2504; passed CS for SB 368 and SB 1010 by the required Constitutional three-fifths vote of the membership.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

SB 2504 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 27, 1998.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 24 was corrected and approved.

CO-SPONSORS

Senators Bronson—CS for SB 68; Crist—CS for SB 68; Dyer—CS for SB 68; Geller—CS for SB 68; Grant—CS for SB 68; Gutman—CS for SB 68; Hargrett—SB 2302; Horne—CS for SB 68; Klein—CS for SB 68; Lee—CS for SB 720; Rossin—CS for SB 68

RECESS

On motion by Senator Bankhead, the Senate recessed at 6:05 p.m. to reconvene at 9:00 a.m., Tuesday, April 28.

SENATE PAGES

April 27-May 1

Kelsey Anderson, Gainesville; Shannon Blizzard, Tallahassee; Charles T. Douglas, Jr., Palatka; Stephenie Ford, Bristol; Holly Fuqua, Tallahassee; Ashley Brooke Herrald, Tallahassee; Alan Ivarson, Tallahassee; Kyra Elaine Jennings, Tallahassee; Anthony (Tony) Labno, Ormond Beach; Stephen J. Overholser, Tallahassee; Shaun Porter, Brandon; Raymond Washington, Jr., Alachua; C. Andrew Yancey, Ormond Beach

Journal of the Senate

Number 22—Regular Session **Tuesday, April 28, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—38:

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Excused: Conferees periodically for purpose of working on Civil Litigation Reform: Senator McKay, Chairman; Senators Burt, Bankhead, Dudley, Rossin, Dyer and Latvala

PRAYER

The following prayer was offered by Bishop John H. Ricard, Bishop of the Diocese of Pensacola-Tallahassee, Pensacola:

O Lord, the Psalmist said many centuries ago, "Unless the Lord build a city, they labor in vain who build it and unless the Lord keep watch, those who watch, watch in vain." We ask you today for the wisdom to know that every good intention, all good efforts, every good deed comes from you and it's brought by you to a successful conclusion.

We ask your continued guidance as this legislative work is brought to a completion. May what we have done promote the human dignity of each person here and in our state. May our legislative efforts secure that no one hungers or thirsts for food or water; that all who need it may find shelter, clothing for their bodies and meaningful work.

Lord, may our efforts be blessed. May the sacrifices we and our families have made be an offering pleasing in your sight, and may you grant each one of us as we bring this session to a successful conclusion, a safe and peaceful journey home to be back with our loved ones. May you forgive whatever injury we may have done through human weakness, and may our love for you be expressed in love for one another.

I would like to conclude with this ancient prayer:

May God support us all the day long 'til the shadows leaven and the evening comes and the busy world is hushed and the fever of life is over and our work is done. Then, in God's mercy, may God give us a safe lodging and a holy rest in peace at last. Amen.

PLEDGE

Senate Pages Andrew Yancey of Ormond Beach and Raymond Washington of Alachua, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1740** was withdrawn from the Committee on Commerce and Economic Opportunities; **CS for SB 1516** was withdrawn from the Committee on Ways and Means; **CS for SB 1180** and **CS for SB 1396** were withdrawn from the Committee on Governmental Reform and Oversight; and **SB 686** and **SB 1106** were withdrawn from the Committee on Judiciary.

On motion by Senator Holzendorf, by two-thirds vote **SB 2174**, **SB 1768**, **SB 1772**, **SB 1926**, **SB 1818**, **SB 1842**, **SB 2254**, **SB 420**, **SB 1856**, **SB 1858**, **SB 2116** and **SB 46** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for HB 899** was withdrawn from the Committee on Judiciary; **SB 1288** was withdrawn from the Committee on Banking and Insurance; **CS for SB 1726** was withdrawn from the Committee on Commerce and Economic Opportunities; and **CS for SB 1852** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Sullivan, by two-thirds vote **SB 992**, **CS for SB 1214**, **CS for CS for SB 2188** and **CS for SB 2244** were withdrawn from the Committee on Ways and Means.

On motion by Senator Turner, by two-thirds vote **SB 1544**, **SB 1870**, **SB 2470** and **SB 2532** were withdrawn from the committees of reference and further consideration.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator McKay, the rules were waived and the Senate conferees on Civil Litigation Reform were granted permission to meet this day from 3:30 p.m. until completion.

On motion by Senator McKay, the rules were waived and the Conference Committee on Civil Litigation Reform was granted permission to meet this day from 7:30 p.m. until completion.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 1466—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; revising provisions pertaining to the bond of a contractor constructing public buildings; providing for revised time periods for certain claims; revising forms for waiver of right to claim against bond; providing for written statements to the contractor with respect to the nature of labor or services performed in certain circumstances; amending s. 713.01, F.S.; redefining amending s. 713.01, F.S.; redefining the terms "improve," "improvement," "subcontractor," and "sub-subcontractor" to include reference to solid-waste removal; amending s. 713.06, F.S.; revising provisions relating to contractor's affidavit; amending s. 713.132, F.S.; revising requirements pertaining to service of notice of termination; amending s. 713.18, F.S.; revising requirements

pertaining to service of documents; amending s. 713.23, F.S.; amending the timeframe within which certain actions to enforce a claim against the payment bond may commence; providing a form; creating s. 713.235, F.S.; providing for waivers of right to claim against a payment bond; providing forms; amending s. 713.24, F.S.; revising the process for transferring liens to security; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Dudley, **CS for SB 1466** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Consideration of **CS for HB 3255** was deferred.

CS for SB 152—A bill to be entitled An act relating to the powers and duties of the Governor; amending s. 14.23, F.S.; regulating the nomination of appointees to federal regional fisheries management councils; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for SB 152** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Burt	Forman	Kurth	Thomas
Campbell	Grant	Latvala	Turner
Casas	Gutman	Laurent	Williams
Childers	Hargrett	Lee	
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Ostalkiewicz

Consideration of **HB 3659** was deferred.

CS for SB 2474—A bill to be entitled An act relating to planning for educational facilities; amending s. 163.3177, F.S.; requiring that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools; specifying the date by which such plans must comply and providing effect of noncompliance; providing requirements with respect to the data and analyses on which a public school facilities element should be based; providing for goals, objectives, and policies; providing for a future conditions map; amending s. 163.3180, F.S.; revising requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement; requiring a public schools facilities element; providing requirements for level of service standards; providing requirements for designation of service areas; providing requirements with respect to financial feasibility; specifying an availability standard; requiring that intergovernmental coordination requirements be satisfied and providing that certain municipalities are not required to be a signatory of the required interlocal agreement; providing duties of such municipalities to evaluate their status and enter into the interlocal agreement when required, and providing effect of failure to do so; providing requirements for an interlocal agreement; directing the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element; amending s. 163.3191, F.S.; providing that the local planning agency's periodic report on the comprehensive plan shall assess the coordination of the plan with public schools; amending s. 235.185, F.S.; directing school boards to adopt annually 10-year and 20-year work programs in addition to the required 5-year district facilities work program; amending s. 235.19, F.S.; providing a directive to school boards with respect to school location; amending s. 235.193, F.S.; providing requirements for the 5-year district facilities work program with respect to enrollment and population projections; precluding the siting of new schools in certain jurisdictions; providing for interim use of certain criteria and guidelines by the state land planning agency in compliance review of a school concurrency system; providing an alternative concurrency system for counties subject to final order by the Administration Commission; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Lee, **CS for SB 2474** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Grant	Latvala	Sullivan
Campbell	Gutman	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

SENATOR BANKHEAD PRESIDING

On motion by Senator Horne, by two-thirds vote **HB 1945** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Horne, by two-thirds vote—

HB 1945—A bill to be entitled An act relating to public records; amending s. 446.609, F.S.; providing an exemption from public records requirements for the identity of donors to the Florida Endowment Foundation for Florida's Graduates; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 1738** as amended and read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 1945** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Cowin	Hargrett	Kurth
Brown-Waite	Crist	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Laurent
Campbell	Dyer	Horne	Lee
Casas	Forman	Jones	McKay
Childers	Grant	Kirkpatrick	Meadows
Clary	Gutman	Klein	Myers

Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

CS for SB 2004—A bill to be entitled An act relating to the Viatical Settlement Act; amending s. 626.9911, F.S.; modifying definitions used in the act and adding a definition of related provider trust; amending s. 626.9913, F.S.; requiring viatical settlement providers to file certain information with the Department of Insurance; specifying applicability of fee and deposit requirements; amending s. 626.9914, F.S.; specifying liability of a viatical settlement provider for a related provider trust; amending s. 626.9921, F.S.; requiring certain providers to file notice with the department; creating s. 626.99235, F.S.; prohibiting misrepresentation; providing disclosure of required information; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Burt, **CS for SB 2004** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

HB 3863—A bill to be entitled An act relating to the Coastal Zone Protection Act; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, **HB 3863** was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

CS for SB 1430—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Choose Life license plate; providing for the distribution of annual use fees received from the sale of such plates; providing certain limitations on the use of such funds; providing a contingent effective date.

—as amended April 27 was read the third time by title.

Senator Klein moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (with title amendment)—On page 1, lines 17, 22, 24, delete "*Choose Life*" and insert: *Adopt a Child*

And the title is amended as follows:

On page 1, lines 3 and 4, delete "Choose Life" and insert: Adopt a Child

On motion by Senator Lee, **CS for SB 1430** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—28

Madam President	Clary	Hargrett	McKay
Bankhead	Cowin	Harris	Myers
Bronson	Crist	Horne	Ostalkiewicz
Brown-Waite	Diaz-Balart	Kirkpatrick	Scott
Burt	Dudley	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Williams

Nays—12

Campbell	Geller	Klein	Rossin
Dyer	Holzendorf	Kurth	Silver
Forman	Jones	Meadows	Turner

CS for HB 3369—A bill to be entitled An act relating to inland waterway management; amending s. 374.976, F.S.; authorizing the Florida Inland Navigation District and the West Coast Inland Navigation District to enter into cooperative agreements with the Federal Government, participate with the United States Army Corps of Engineers in waterway maintenance projects, engage in anchorage management programs and beach renourishment projects, and enter into ecosystem management agreements with the Department of Environmental Protection; conforming language relating to existing matching fund requirements; repealing s. 374.976(5), F.S., as amended by ch. 96-320, Laws of Florida, to clarify legislative intent with respect to duplicate provisions; amending s. 403.061, F.S.; providing a supplemental process for issuance of joint coastal permits and environmental resource permits for regional waterway management activities; amending s. 311.105, F.S.; correcting cross references; repealing s. 8 of ch. 90-264, Laws of Florida, relating to Sundown review and repeal of the West Coast Inland Navigation District; providing an effective date.

—was read the third time by title.

On motion by Senator Harris, **CS for HB 3369** was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

CS for SB 1506—A bill to be entitled An act relating to marine resources; amending s. 253.72, F.S.; amending s. 370.01, F.S.; defining food fish for human consumption; providing restrictions for certain areas for harvesting shellfish; amending s. 370.06, F.S.; providing an exemption for totally disabled residents for a restricted species endorsement; providing qualifications for the issuance of a marine life endorsement on a saltwater products license; providing for a moratorium on the issuance of endorsements; providing for the transfer and reissuance of endorsements; providing for a report; amending s. 370.0608, F.S.; revising the distribution of funds collected from the sale of recreational saltwater fishing licenses; amending s. 370.092, F.S.; creating a major violation for the possession of specified nets on certain vessels; providing specific rulemaking authority for the regulation of nets on boats of a specific

length; directing the Marine Fisheries Commission to adopt rules prohibiting the possession and sale of mullet taken in illegal gill or entangling nets; providing a penalty for violations; prohibiting the use of certain nets composed of specified materials; providing a definition; amending s. 370.093, F.S.; authorizing the Marine Fisheries Commission to adopt rules implementing s. 370.093, F.S.; amending s. 370.1405, F.S.; authorizing the Department of Environmental Protection to adopt certain rules; amending s. 370.142, F.S.; providing for a surcharge to be assessed upon the initial transfer of a transferable crawfish trap certificate outside the original transferor's immediate family; prohibiting the lease of lobster trap certificates after July 1, 1998; providing additional penalties for violations relating to traps; providing for the continuation of the Marine Fisheries Commission notwithstanding its scheduled abolition; amending s. 370.13, F.S.; restricting the issuance of stone crab trap numbers until July 1, 2000; providing for renewal under certain circumstances; amending s. 370.135, F.S.; restricting the issuance of new blue crab endorsements for a certain period of time; providing for renewal or replacement under certain circumstances; amending s. 370.021, F.S.; providing additional penalties for violations involving buying saltwater products from an unlicensed seller or the sale of saltwater products by an unlicensed seller; authorizing the suspension, revocation, or denial of renewal of licenses for specified major violations involving finfish, shrimp, marine life species, crawfish, stone crabs, and blue crabs; requiring clerks of courts to certify the final disposition of specified court proceedings to the Department of Environmental Protection; amending s. 370.07, F.S.; authorizing the sharing of wholesale saltwater products dealer reports with other states under specified conditions; providing civil penalties for violation of recordkeeping and reporting requirements; prohibiting a licensed retail dealer or a licensed restaurant from buying saltwater products from any person other than a licensed wholesale or retail dealer; repealing s. 370.1127, F.S., relating to mullet regulation west of the Ochlockonee River; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Latvala, **CS for SB 1506** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

CS for CS for HB 3321—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.103, F.S.; defining the terms "buyer" and "division"; amending s. 718.104, F.S.; requiring filing of recording information with creation of condominiums; amending s. 718.111, F.S.; providing for the operation of certain condominiums created prior to 1977 as single associations; permitting consolidated financial operation; requiring a developer-controlled association to exercise due diligence to obtain and maintain insurance; providing that failure to obtain and maintain adequate insurance shall constitute a breach of fiduciary responsibility by the developer-appointed members of the board of directors; providing for the recording of certain meetings; providing that records may be obtained in person or by mail; providing that an association with more than 50 units must, upon written request, copy and deliver requested records and charge its actual costs; providing a fine for subsequent violations; amending s. 718.112, F.S.; providing requirements relating to association meetings; providing requirements for eligibility to be a candidate for the board; amending s. 718.116, F.S.; providing for unit owners and the developer to be assessed in accordance with their ownership interest in losses resulting from a natural disaster or an act of God; amending s. 718.117, F.S.; requiring notification of certain mergers or termination; amending s. 718.301, F.S.; providing rulemaking authority for requirements relating to the transition of a condominium; amending s. 718.403, F.S.; requiring filing of recording information; amending s. 718.502, F.S.; providing certain requirements prior to the closure on any contract for sale or lease of over 5 years; providing rulemaking authority for requirements relating to filing and review programs and timetables; amending s. 718.503, F.S.; providing requirements relating to the closure of a transaction for the purchase of a condominium unit; creating s. 718.621, F.S.; providing rulemaking authority; amending s. 719.103, F.S.; providing definitions; amending s. 719.1035, F.S.; requiring filing of certain information with respect to the creation of a cooperative; amending s. 719.104, F.S.; requiring notification; amending s. 719.106, F.S.; providing requirements relating to association meetings; amending s. 719.301, F.S.; providing rulemaking authority; amending s. 719.403, F.S.; requiring filing of information; amending s. 719.502, F.S.; providing conditions precedent to closing on a contract for sale or specified contracts for lease; providing rulemaking authority; amending s. 719.503, F.S.; providing conditions for closing within the 15-day voidability period; creating s. 719.621, F.S.; providing rulemaking authority; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Dudley, **CS for CS for HB 3321** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

HB 3509—A bill to be entitled An act relating to motor vehicle specialty license plates; amending s. 320.08053, F.S.; revising language with respect to requirements for requests to establish specialty license plates; amending s. 320.08056, F.S.; revising language with respect to specialty license plates to provide criteria for the discontinuance of the issuance of an approved plate; amending s. 320.08062, F.S.; revising language with respect to an annual required audit or report; revising language with respect to annual use fees of special license plates; providing an effective date.

—as amended April 27 was read the third time by title.

Senators Holzendorf and Hargrett offered the following amendment which was moved by Senator Holzendorf and adopted by two-thirds vote:

Amendment 5—On page 2, line 19, after the period (.) insert: *Any private college or university for whom legislation was filed to create a speciality license plate in the 1997 legislative session may reapply for such speciality license plate for consideration in the 1999 legislative session subject to the application fee which was in effect for the 1997 application. All other requirements in current law must be met.*

Senator McKay moved the following amendment which was adopted by two-thirds vote:

Amendment 6 (with title amendment)—On page 6, between lines 7 and 8, insert:

Section 4. Effective July 1, 1999, paragraph (a) of subsection (4) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(a) Manatee license plate, *$20* ~~$15~~.

Section 5. Effective July 1, 1999, paragraph (b) of subsection (1) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(1) MANATEE LICENSE PLATES.—

(b)~~1.~~ The manatee license plate annual use fee must be deposited into the Save the Manatee Trust Fund, created within the Department of Environmental Protection. The funds deposited in the Save the Manatee Trust Fund may be used only for *manatee-related* environmental education; manatee research; facilities, as provided in s. 370.12(5)(b); and manatee protection and recovery.

~~2. For fiscal year 1996-1997, 25 percent of the manatee license plate annual use fee must be deposited into the Save the Manatee Trust Fund within the Department of Environmental Protection and shall be used for manatee facilities as provided in s. 370.12(5)(b).~~

Section 6. Effective July 1, 1999, paragraph (t) is added to subsection (1) of section 215.22, Florida Statutes, to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the deduction required by s. 215.20(1):

(t) The Save the Manatee Trust Fund.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: amending s. 320.08056, F.S.; increasing the annual use fee for manatee license plates; amending s. 320.08058, F.S.; revising the permitted use of such fees; amending s. 215.22, F.S.; exempting the Save the Manatee Trust Fund from certain required contributions to the General Revenue Fund;

On motion by Senator Burt, **HB 3509** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	
Diaz-Balart	Jones	Ostalkiewicz	

Nays—1

Forman

CS for HB 3661—A bill to be entitled An act relating to authority of the State Board of Administration to invest public funds; amending s. 215.44, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to conduct or have conducted periodic performance audits of the board's management of trust fund investments and to submit the audit reports to the board and specified individuals; authorizing the State Board of Administration to invest funds of a state agency or unit of local government under certain circumstances; amending s. 215.47, F.S.; revising provisions relating to the investment of public funds and the securities authorized for such investment; providing for the loan of securities; repealing s. 215.455, F.S., relating to the loan of securities, to conform; amending s. 215.50, F.S.; correcting a cross reference, to conform; amending s. 215.515, F.S.; eliminating review by the Department of Management Services of charges of the board for investment services rendered; amending s. 215.835, F.S.; authorizing the board to adopt rules necessary to carry out the provisions and intent of the State Bond Act; amending s. 159.825, F.S.; authorizing the board to adopt rules necessary to carry out provisions of law relating to interest rate waivers for the sale of taxable bonds; amending s. 190.016, F.S.; correcting a cross reference, to conform; amending s. 218.407, F.S.; revising provisions relating to local government resolutions required for deposit of surplus funds in the Local Government Surplus Funds Trust Fund; amending s. 235.187, F.S.; authorizing covenants that additional funds from lottery and certain similar sources will be available for payments for Classrooms First Program bonds before any other purpose; amending s. 235.2195, F.S.; authorizing covenants that additional funds from lottery and certain similar sources will be available for payments for the 1997 School Capital Outlay Bond Program bonds before any other purpose; creating s. 218.412, F.S.; authorizing the board to adopt rules necessary for the administration of the trust fund; creating s. 413.0115, F.S.; authorizing the board to invest and reinvest the portfolio of stocks, bonds, and mutual funds held by the Division of Blind Services; requiring the division director to make the portfolio available and transfer it to the board for investment; providing intent with respect to a time limitation on the issuance of certain lottery bonds; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Rossin, **CS for HB 3661** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

HB 755—A bill to be entitled An act relating to education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.289, F.S.; revising rulemaking for credit card, charge card, or debit card use; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), and 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and

minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Grant, **HB 755** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

HB 3659—A bill to be entitled An act relating to trust funds; creating the Crime Stoppers Trust Fund; providing for administration of the fund; providing for termination; providing for review; providing an effective date.

—was read the third time by title.

On motion by Senator Gutman, **HB 3659** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	

Nays—None

HB 909—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in Florida; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

—was read the third time by title.

On motion by Senator Williams, **HB 909** was passed and certified to the House. The vote on passage was:

Yeas—32

Bankhead	Casas	Diaz-Balart	Hargrett
Bronson	Childers	Dudley	Harris
Brown-Waite	Clary	Dyer	Horne
Burt	Cowin	Grant	Kirkpatrick
Campbell	Crist	Gutman	Klein
Kurth	Lee	Ostalkiewicz	Thomas
Latvala	McKay	Scott	Turner
Laurent	Myers	Sullivan	Williams

Nays—6

Forman	Jones	Rossin	Silver
Geller	Meadows		

CS for HB 3255—A bill to be entitled An act relating to court costs to fund law enforcement programs; creating s. 938.06, F.S.; imposing an additional court cost on fines for criminal offenses in county and circuit courts; providing for deposit in the Crime Stoppers Trust Fund; amending s. 16.555, F.S.; providing for distribution of such funds in the trust fund by the Department of Legal Affairs to counties to support official Crime Stoppers and their programs; amending s. 318.18, F.S.; including the court cost assessed pursuant to s. 938.15 in court costs for noncriminal traffic infractions; providing an effective date.

—was read the third time by title.

On motion by Senator Gutman, **CS for HB 3255** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

CS for SB 1522—A bill to be entitled An act relating to sentencing; amending s. 2, ch. 97-194, Laws of Florida; clarifying that the Criminal Punishment Code does not apply to capital felonies; amending s. 921.002, F.S.; revising the principles embodied by the Criminal Punishment Code; requiring that the Department of Corrections report on sentencing trends and practices; requiring that the Criminal Justice Estimating Conference make certain estimates with respect to the prison population; requiring the Criminal Justice Estimating Conference to project the impact of proposed changes to the Criminal Punishment Code; authorizing the Department of Corrections to collect scoresheets and report on compliance; amending s. 921.0021, F.S.; clarifying application of the code; amending s. 921.0022, F.S.; providing for ranking certain offenses under the severity ranking chart of the code; specifying the ranking of additional offenses; amending s. 921.0023, F.S., relating to the ranking of unlisted offenses; deleting duplicative provisions; amending s. 921.0024, F.S.; revising the arrangement of the sentencing scoresheet; providing that domestic violence in the presence of a child be included as a multiplier on the offense score of the Criminal Punishment Code; providing for calculating the total sentence points and the lowest permissible sentence; clarifying the calculation of points for a prior capital felony; requiring the imposition of the code sentence when it exceeds the statutory maximum; authorizing a life sentence when the total sentence points equal or exceed a threshold amount; prohibiting discretionary early release for such offenders; requiring that the Department of Corrections consult with certain persons and entities and revise the scoresheet as necessary; requiring the department to distribute copies of scoresheets; creating s. 921.0025, F.S.; providing for the adoption and implementation of sentencing scoresheets; amending s. 921.0026, F.S.; prohibiting the court from imposing a sentence below the lowest permissible sentence unless there are mitigating circumstances; creating s. 921.00265, F.S.; requiring that the court delineate its reasons if the court decreases a defendant's sentence below the lowest permissible sentence; amending s. 775.082, F.S.; providing for the applicability of sentencing structures, based on the date of the offense; amending s. 775.084, F.S.; providing for community control without an adjudication of guilt to be considered a prior conviction under certain circumstances

for purposes of sentencing; requiring that the court submit a report when the court finds it unnecessary to sentence a given defendant as a habitual felony offender, a habitual violent felony offender, or a violent career criminal; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; amending s. 924.06, F.S.; providing for an appeal of a sentence that exceeds the maximum penalty under s. 775.082, F.S.; amending s. 924.07, F.S.; authorizing the state to appeal a sentence imposed below the lowest sentence permitted under the Criminal Punishment Code; amending s. 944.17, F.S.; revising requirements for the sheriff or chief correctional officer in preparing scoresheets for a prisoner who is transferred to the state correctional system; creating s. 944.70, F.S.; specifying the conditions under which persons convicted of crimes may be released from incarceration; amending s. 944.705, F.S., relating to the release orientation program; conforming cross-references to changes made by the act; amending s. 948.015, F.S.; revising requirements for the presentence investigation report for certain defendants; amending s. 948.034, F.S., relating to probation for certain persons convicted of drug-related offenses; conforming cross-references; conforming provisions to reflect the reorganization of the Department of Health and Rehabilitative Services; amending s. 948.51, F.S., relating to community corrections assistance; conforming a cross-reference; conforming a reference to sentencing scores to reflect changes in sentencing requirements; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing for a sentence imposed outside of the code to be appealed; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Gutman, **CS for SB 1522** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

CS for SB 814—A bill to be entitled An act relating to public records; creating s. 252.943, F.S.; providing an exemption from public records provisions for information provided by a stationary source subject to the Accidental Release Prevention Program under the federal Clean Air Act; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Dyer, **CS for SB 814** was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Crist	Hargrett	Latvala
Bronson	Diaz-Balart	Harris	Laurent
Brown-Waite	Dudley	Holzendorf	Lee
Burt	Dyer	Horne	McKay
Campbell	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Clary	Grant	Klein	Ostalkiewicz
Cowin	Gutman	Kurth	Rossin
Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

CS for SB 1646—A bill to be entitled An act relating to protection of children; amending s. 20.19, F.S.; deleting reference to child protection and sexual abuse treatment teams from responsibilities of the Children and Families Program Office of the Department of Children and Family Services; transferring all powers and duties relating to the child protection teams and the sexual abuse treatment program to the Department of Health, Division of Children's Medical Services; providing the Department of Health with certain authority with respect to transferred positions; amending s. 20.43, F.S.; providing responsibility of the Department of Health to provide services to abused and neglected children through the teams and program; amending ss. 39.4031, 39.4032, and 39.408, F.S., relating to children and family case plan requirements and case staffing, and hearings for dependency cases; providing for coordination with the child protection teams of the Department of Health; amending ss. 119.07, 415.50175, and 415.51, F.S.; providing confidentiality under existing public records exemptions for records of child protection teams and personnel thereof; amending ss. 415.50171, 415.5018, 415.503, 415.5055, and 415.5095, F.S.; clarifying respective responsibilities of the Department of Health and the Department of Children and Family Services, relating to child abuse and neglect cases, policy, and procedures, to child protection teams, and to child sexual abuse cases, pursuant to the transfer of responsibilities under the act; providing duties of the Division of Children's Medical Services; deleting requirements that child protection teams be capable of providing short-term psychological treatment; amending s. 415.501, F.S.; revising participants in the state plan for prevention of child abuse and neglect; creating s. 415.515, F.S.; authorizing rulemaking by the Department of Health; repealing s. 415.5075, F.S., relating to rulemaking; requiring a memorandum of agreement between the Department of Children and Family Services and the Department of Health; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Myers, **CS for SB 1646** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

SB 1266—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Barry University license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Forman, **SB 1266** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Childers	Dyer	Harris
Bronson	Clary	Forman	Holzendorf
Brown-Waite	Cowin	Geller	Horne
Burt	Crist	Grant	Jones
Campbell	Diaz-Balart	Gutman	Kirkpatrick
Casas	Dudley	Hargrett	Klein

Kurth	McKay	Rossin	Thomas
Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	

Nays—None

Consideration of **CS for SB 190** was deferred.

CS for SB 1644—A bill to be entitled An act relating to child care facilities; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **CS for SB 1644** was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

SB 2122—A bill to be entitled An act relating to securities transactions; amending s. 517.12, F.S.; limiting certain assessment fee reductions under certain circumstances; amending s. 517.1203, F.S.; providing for allocations from the Securities Guaranty Fund for certain purposes; providing for certain additional disbursements from the fund; extending the period for filing claims; creating s. 517.1204, F.S.; creating the Investment Fraud Restoration Financing Corporation; providing purposes; providing for a board of directors; providing powers and duties of the corporation; authorizing the department and the corporation to enter into service contracts for certain purposes; authorizing the corporation to issue evidences of indebtedness for payment of certain claims; providing requirements and limitations; authorizing the corporation to validate bond obligations; exempting the corporation from certain taxes and assessments; providing application; prohibiting benefits or earnings of the corporation from inuring to private persons; providing for reversion of corporate property to the Securities Guaranty Fund upon dissolution of the corporation; providing for the State Board of Administration to be trustee of the corporation's securities; authorizing the Auditor General to conduct an audit of the corporation; amending s. 517.131, F.S.; providing a limitation on allocations from the Securities Guaranty Fund under certain circumstances; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Lee, **SB 2122** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Childers	Dyer	Harris
Bronson	Clary	Forman	Holzendorf
Brown-Waite	Cowin	Geller	Horne
Burt	Crist	Grant	Kirkpatrick
Campbell	Diaz-Balart	Gutman	Klein
Casas	Dudley	Hargrett	Kurth
Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	
McKay	Rossin	Thomas	

Nays—None

THE PRESIDENT PRESIDING

SJR 542—A joint resolution proposing an amendment to Section 19 of Article III of the State Constitution relating to state budgeting, planning, and appropriation processes.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 19 of Article III of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III

LEGISLATURE

SECTION 19. State Budgeting, Planning and Appropriations Processes.—

(a) ANNUAL BUDGETING. Effective July 1, 1994, general law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills. For purposes of this subsection, the terms department and agency shall include the judicial branch.

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars ($1,000,000.00) in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8. This subsection shall be effective July 1, 1994.

(c) APPROPRIATIONS REVIEW PROCESS. Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms department and agency shall include the judicial branch.

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. Effective November 4, 1992, all general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage thereof, by either house of the legislature.

(e) FINAL BUDGET REPORT. Effective November 4, 1992, a final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the 90th day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) TRUST FUNDS.

(1) No trust fund of the State of Florida or other public body may be created by law without a three-fifths (3/5) vote of the membership of each house of the legislature in a separate bill for that purpose only.

(2) State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection. State trust funds created after the effective date of this subsection shall terminate not more than four years after the effective date of the act authorizing the creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

(3) Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of Regents, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the comptroller or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by this Constitution, are not subject to the requirements set forth in paragraph (2) of this subsection.

(4) All cash balances and income of any trust funds abolished under this subsection shall be deposited into the general revenue fund.

(5) The provisions of this subsection shall be effective November 4, 1992.

(g) BUDGET STABILIZATION FUND. Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year. Subject to the provisions of this subsection, the budget stabilization fund shall be maintained at an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.

(h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. The governor shall recommend to the legislature biennially any revisions to the state planning document, as defined by law. General law shall require a biennial review and revision of the state planning document, shall require the governor to report to the legislature on the progress in achieving the state planning document's goals, and shall require all departments and agencies of state government to develop planning documents consistent with the state planning document. The state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.

(i) The Legislature may, as provided by general law, approve, modify, or disapprove, in whole or in part, the budget of each water management district, commencing with the budgets for fiscal year 2000-2001.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 19

LEGISLATIVE OVERSIGHT OF WATER MANAGEMENT DISTRICT BUDGETS.—Proposing an amendment to the State Constitution to provide that the Legislature may approve, disapprove, or modify, in whole or in part, the budget of each such district, beginning in fiscal year 2000-2001.

—was read the third time in full.

On motion by Senator Bronson, **SJR 542** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—26

Madam President	Cowin	Holzendorf	Myers
Bankhead	Crist	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Latvala	Scott
Brown-Waite	Dudley	Laurent	Sullivan
Burt	Grant	Lee	Williams
Casas	Gutman	McKay	
Clary	Harris	Meadows	

Nays—12

Campbell	Forman	Kirkpatrick	Rossin
Childers	Geller	Klein	Thomas
Dyer	Hargrett	Kurth	Turner

Vote after roll call:

Yea—Silver

Nay to Yea—Rossin

Consideration of **CS for SB 244** was deferred.

CS for SB 364—A bill to be entitled An act relating to public records; amending s. 119.07, F.S., relating to inspection, examination, and duplication of records; exempting information pertaining to natural persons in health, medical, patient, or health insurance records from the public records law; providing exceptions; amending s. 286.011, F.S., relating to public meetings; exempting from public discussion portions of public meetings during which the contents of health, medical, patient, or health insurance information pertaining to a natural person are considered; providing exceptions; providing justification for exemptions; providing an effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 364** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Casas	Dyer	Harris
Bankhead	Childers	Forman	Holzendorf
Bronson	Clary	Geller	Horne
Brown-Waite	Cowin	Grant	Jones
Burt	Crist	Gutman	Kirkpatrick
Campbell	Dudley	Hargrett	Klein

Kurth	McKay	Rossin	Thomas
Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	

Nays—None

CS for HB 4455—A bill to be entitled An act relating to mobile surgical facilities; amending s. 395.001, F.S.; providing legislative intent; amending s. 395.002, F.S.; revising definitions; defining "mobile surgical facility"; amending s. 395.003, F.S.; requiring the licensure of mobile surgical facilities under ch. 395, F.S.; amending s. 395.004, F.S.; requiring a license fee upon application for licensure as a mobile surgical facility; amending s. 395.0161, F.S.; requiring licensure inspections of such facilities under specified circumstances; providing an exception; amending s. 395.0163, F.S.; requiring construction inspections of such facilities under specified circumstances; providing an exception; amending s. 395.1055, F.S.; authorizing the establishment of separate standards for mobile surgical facilities; amending s. 408.036, F.S.; providing an exemption from review and application for certificate of need for mobile surgical facilities; amending s. 395.7015, F.S.; providing for the imposition of an annual assessment upon mobile surgical facilities; providing application; requiring specified mobile surgical facilities in operation prior to the effective date of the act to continue to operate and be subject to the provisions of the act only after the effective date of rules established by the Agency for Health Care Administration; providing an effective date.

—was read the third time by title.

On motion by Senator Bronson, **CS for HB 4455** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for HB 1377—A bill to be entitled An act relating to motor vehicle emissions and safety inspections; amending s. 325.203, F.S.; providing for biennial emissions inspections; amending ss. 325.209 and 325.210, F.S.; conforming to the act; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Hargrett, **CS for HB 1377** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4483—A bill to be entitled An act instructing the Division of Statutory Revision to make necessary changes to conform the Florida Statutes to the name change of the Department of Health and Rehabilitative Services and the divestiture of programs of the former department to other departments or agencies; transferring and renumbering ss. 408.601, 408.602, 408.603, and 408.604, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **HB 4483** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1014—A bill to be entitled An act relating to road designations; designating the Gratigny Parkway in Dade County as the "Marlins Expressway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 267 in Gadsden County as the "Pat Thomas Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 528 in Brevard County as the "Kennedy Space Center Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of the Polk County Highway as the "James Henry Mills Medal of Honor Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of N.W. 167th Street in Miami Lakes as "Zuly Reyes Road"; directing the Department of Transportation to erect suitable markers; designating State Road 50 within Hernando County as the "Deputy Lonnie Coburn Memorial Highway"; directing the Department of Transportation to erect suitable markers; co-designating the MacArthur Causeway Bridge in Miami-Dade County as the "Trooper Robert G. Smith Bridge"; directing the Department of Transportation to erect suitable markers; designating the Florida Turnpike as the "Ronald Reagan Turnpike"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 71 South in Jackson County as the "Pete Peterson Parkway"; directing the Department of Transportation to erect suitable markers; designating that portion of State Road 71 extending through Port St. Joe (known as 5th Street) as "Cecil G. Costin, Sr. Boulevard"; directing the Department of Transportation to erect suitable markers; designating a portion of Coral Way in Miami as the "Ofelia Perez-Roura Memorial Way" directing the Department of Transportation to erect suitable markers; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Gutman, **CS for SB 1014** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

CS for SB 1686—A bill to be entitled An act relating to ad valorem taxation (RAB); amending s. 193.075, F.S.; providing for certain recre-

ation vehicle-type units to be considered mobile homes for purposes of ad valorem taxation; amending s. 197.162, F.S.; providing for discounts on early tax payments; amending s. 197.182, F.S.; providing for automatic refunds of overpayments of tax greater than $5; amending s. 197.243, F.S.; redefining the term "household" to exclude boarders and renters; amending s. 197.252, F.S.; providing a formula for estimating household income; amending s. 197.253, F.S.; providing for notification by the property appraiser concerning homestead status; amending s. 197.332, F.S.; providing for collection of penalties, interest, and costs for delinquent taxes; amending s. 197.344, F.S.; providing for tax notices for lienholders, trustees, and vendees; amending s. 197.413, F.S.; providing for advertising costs to be added to delinquent taxes at the time of advertising; amending s. 197.432, F.S.; prescribing conditions for bidding on tax certificates; amending s. 197.443, F.S.; providing for recouping costs of advertising void tax certificates; providing for cancellation of tax certificates at the request of the owner; amending s. 197.542, F.S.; authorizing the clerk to refuse certain bids for lands sold at public auction; creating s. 197.4325, F.S.; providing a procedure for handling bad checks received for payment of taxes or tax certificates; providing an effective date.

—was read the third time by title.

On motion by Senator Ostalkiewicz, **CS for SB 1686** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 1688—A bill to be entitled An act relating to taxation (RAB); amending s. 212.02, F.S.; redefining the term "retail sales" to revise standards for the exclusion of packaging materials; redefining the term "sales price" to exclude certain federal tax; redefining the term "use" to exclude the loan of an automobile for use by a driver education program; amending s. 212.03, F.S.; revising provisions for eligibility for the exemption provided for rental in trailer parks and similar facilities; amending s. 212.031, F.S.; providing partial exemption for rentals of certain property used as residential facilities for the aged; exempting utility charges paid by a tenant in specified circumstances; providing taxability of charges for canceling or terminating a lease; amending s. 212.04, F.S.; providing standards for determining taxability of components of packages sold by travel agents; exempting fees for entering sporting events from the admissions tax when spectators at such events are charged the tax; amending s. 212.05, F.S.; prescribing the entities that are considered selling dealers for purposes of the sales, storage, and use tax on aircraft and boats; providing for return of aircraft to the state without incurring tax liability in certain circumstances; providing taxability for property originally exempt which is converted to the owner's use; providing guidelines for taxability of lease or rental of motor vehicles; providing taxability of sales of newspapers; providing guidelines for taxability of newspaper and magazine inserts; providing taxability of certain sales by florists; providing for calculating tax on prizes distributed by concessionaires; amending s. 212.06, F.S.; providing taxability of newspapers, magazines, and periodicals used by the publisher thereof; amending s. 212.18, F.S.; providing for rules relating to registration of vending machines and newspaper rack machines; providing an effective date.

—was read the third time by title.

On motion by Senator Ostalkiewicz, **CS for SB 1688** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Kirkpatrick	Rossin
Bankhead	Dudley	Klein	Scott
Bronson	Dyer	Kurth	Silver
Brown-Waite	Geller	Latvala	Sullivan
Burt	Grant	Laurent	Thomas
Campbell	Hargrett	Lee	Turner
Casas	Harris	McKay	Williams
Childers	Holzendorf	Meadows	
Clary	Horne	Myers	
Cowin	Jones	Ostalkiewicz	

Nays—None

Consideration of **CS for SB 1690** was deferred.

CS for SB 1692—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.02, F.S.; defining the terms "agricultural commodity," "farmer," and "livestock"; amending s. 212.07, F.S.; prescribing dealer liability for certain tax; prescribing tax liability for sales of race horses in claiming races; amending s. 212.08, F.S.; exempting certain sales of racing dogs; disallowing a sales tax exemption for purchases made by an employee of an exempt organization when such payment is made by the employee; amending s. 212.09, F.S.; revising provisions regulating credits for trade-ins; amending s. 212.17, F.S.; providing for reimbursement of certain taxes paid by dealers; amending s. 212.18, F.S.; providing for revocation of a dealer's certificate of registration; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Ostalkiewicz, **CS for SB 1692** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

CS for SB 1694—A bill to be entitled An act relating to taxation (RAB); amending s. 212.08, F.S., relating to the tax on sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; exempting additional medical supplies and equipment; defining the term "prescriptions"; revising the exemption for school books and school lunches; providing exemptions with respect to parent-teacher organizations and associations, to schools with grades K through 12, to mobile home lot improvements, and to sales of certain personal property supported through the Veterans Administration; providing a partial exemption for certain commercial fishing vessels; providing guidelines for determining applicability of sales surtaxes to certain transactions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining the taxability of specific products; providing membership requirements; amending s. 213.22, F.S.; providing for the issuance of technical assistance advisements; providing an effective date.

—was read the third time by title.

On motion by Senator Ostalkiewicz, **CS for SB 1694** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	Meadows	

Nays—None

CS for SB 1696—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.08, F.S.; revising eligibility standards for the partial exemption for farm equipment; providing additional uses to which equipment may be put and be eligible for the exemption; revising exemption standards for water; exempting disinfectants, pesticides, weed killers, certain seeds, cuttings, seedlings, plants, and specified packaging items in agricultural use; exempting paint color cards and other color samples available at no charge; providing guidelines for determining applicability of exemption for sales to a governmental entity to sales of tangible personal property to contractors for incorporation into public works; providing guidelines for determining applicability of sales surtaxes to certain transactions; authorizing aircraft to be returned to the state under specified circumstances without incurring tax liability; providing an effective date.

—was read the third time by title.

On motion by Senator Ostalkiewicz, **CS for SB 1696** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4143—A bill to be entitled An act relating to emergency telephone number "911" services; amending s. 365.171, F.S.; providing for indemnification and limitation of liability for wireless telecommunications service providers that provide 911 service; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **HB 4143** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

Consideration of **CS for CS for HB 757** was deferred.

CS for CS for SB's 1124, 2048 and 1120—A bill to be entitled An act relating to workforce development; creating an incentive grant program; requiring certain administrative procedures; requiring certain data analysis and reports; providing an implementation schedule; providing a definition; amending s. 229.551, F.S.; providing for nonpublic postsecondary education institutions to use the common course designation and numbering system used by public institutions; amending s. 229.8075, F.S.; requiring job retention data to be collected; amending s. 236.081, F.S.; deleting a school district responsibility for funding certain community college programs; amending s. 239.105, F.S.; amending definitions; amending s. 239.115, F.S., relating to funds for operation of adult general education and vocational education programs; revising provisions relating to workforce development education programs; changing the name of the associate in applied technology degree to the applied technology diploma; revising provisions relating to funding through the Workforce Development Education Fund; providing duties relating to workforce development programs and funding; providing for use of funds; amending s. 239.117, F.S.; revising calculation of fees required of students in workforce development programs; deleting certain requirements for application for student financial assistance; amending ss. 240.3031, 240.311, F.S.; renaming the State Community College System; amending s. 239.213, F.S., relating to vocational-preparatory instruction; deleting obsolete provisions; amending s. 239.229, F.S., relating to vocational standards; conforming provisions; amending s. 239.233, F.S.; requiring job-retention data; amending s. 239.301, F.S.; revising adult general education provisions; amending s. 240.115, F.S.; providing guidelines for awarding credit for transfer students; revising s. 240.35, F.S.; revising calculation of fees required of students in community college programs; amending s. 240.359, F.S.; providing funding for college preparatory coursework; amending ss. 446.011, 446.041, 446.052, F.S.; deleting responsibilities of the Division of Public Schools and Community Education; providing a 1998-1999 fee schedule for certain programs; authorizing waivers; requiring that the Commissioner of Education and the Executive Director of the State Board of Community Colleges investigate issues related to implementing the act; requiring a report to the Governor and the Legislature; creating the Employment Task Force for Adults with Disabilities to review programs that provide education for adults with disabilities; providing for the appointment of members of the task force; requiring that the Department of Education provide staff to assist the task force; providing for reimbursement for travel expenses; requiring that the task force report to the Commissioner of Education; requiring the State Board of Community Colleges to identify procedures to encourage the joint use of facilities for specified programs; requiring the board to report to the Legislature; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Grant, **CS for CS for SB's 1124, 2048 and 1120** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1270—A bill to be entitled An act relating to public funds; providing for the appropriation of revenues obtained as a result of the settlement of litigation involving the tobacco industry; providing for specified amounts to be appropriated to the Department of Health to continue implementing the Florida Kids Campaign Against Tobacco Pilot Program; providing for additional appropriations of revenues to be used for marketing, education and training, youth programs, and community partnerships; providing an appropriation to the Department of Business and Professional Regulation; requiring that such funds be used to enforce laws governing access to and possession of tobacco products by underage persons; providing for an evaluation of the pilot program; providing for program coordination and administrative support; providing an appropriation to the Working Capital Fund; specifying guidelines to be applied by the Legislature in expending funds paid to the state as a result of the settlement of litigation involving the tobacco industry; providing that funds should be deposited into a trust fund rather than into the General Revenue Fund; providing that funds should be spent on children's health services and on education, training, and enforcement programs; prohibiting the use of such funds to support a national settlement; requiring county health departments to administer certain funds unless granted an exemption; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Thomas, **CS for SB 1270** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for HB 3713—A bill to be entitled An act relating to firearms-related licenses; amending ss. 493.6111, 493.6113, F.S.; extending the licensure period for certain licenses; amending s. 790.06, F.S.; extending the licensure period for concealed weapons licenses; requiring persons who conduct or instruct certain gun safety and licensure courses to maintain records; providing an effective date.

—was read the third time by title.

On motion by Senator Harris, **CS for HB 3713** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1690—A bill to be entitled An act relating to taxes on sales, use, and other transactions (RAB); amending s. 212.0506, F.S.; revising guidelines for tax liability of service warranties; amending s. 212.0515, F.S.; providing tax liability for sales of nonfood items from vending machines; revising eligibility for rewards; amending s. 212.054, F.S.; revising guidelines for determination of exemption from partial sales surtaxes; amending s. 212.0598, F.S.; revising provisions relating to determination of air carriers' tax liability; amending s. 212.06, F.S.; revising guidelines for determining tax liability of certain personal property; providing a presumption with respect to tax liability for sales of motor vehicles; providing for a use tax on certain aircraft; defining the terms "real property," "fixtures," and "improvements to real property," for purposes of determining when a person is improving real property; providing guidelines for determining tax liability on rock, shell, fill dirt, and similar materials; providing an effective date.

—was read the third time by title.

On motion by Senator Ostalkiewicz, **CS for SB 1690** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for CS for HB 757—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information about patients of home medical equipment providers which is obtained by employees or service providers or the licensing agency; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a home medical equipment provider in connection with background screening of prospective employees of the provider; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, **CS for CS for HB 757** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—1

Laurent

Vote after roll call:

Nay to Yea—Laurent

SPECIAL ORDER CALENDAR

On motion by Senator Brown-Waite, by two-thirds vote **HB 3217** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Brown-Waite—

HB 3217—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize," "related services," and

"eligible lead community-based provider"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; providing plan requirements; requiring the department to state whether and why privatization cannot be accomplished in a particular district or portion of a district and how the department will address the obstacles to privatization; providing for legal services; requiring that child welfare legal services be provided by specified providers; providing for case management responsibilities; providing for quality assurance; providing requirements for and restrictions upon funding for privatization; creating s. 415.5071, F.S.; providing for a model program for child protective investigative services, to be initiated in specified districts; requiring the department to contract with sheriffs in those districts; providing responsibilities of the department; requiring a report; providing for funding; providing for the creation of a specified committee which shall submit a required report; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 352** and read the second time by title.

Pursuant to Rule 4.19, **HB 3217** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for SB 1162—A bill to be entitled An act relating to computers; creating s. 14.025, F.S., relating to the Governor; recognizing the potential computer problems that may occur in state agencies due to the date change necessitated by the year 2000; authorizing the Governor to reassign resources in the event of a likely computer failure; authorizing the Administration Commission to reassign resources if an agency headed by the Governor and Cabinet or a Cabinet officer is likely to experience a computer failure; requiring the reassignment of resources to conform with the law governing budget amendments; requiring the reassignment of personnel to conform with the law governing employee interchanges; requiring legislative approval if a reassignment of resources is necessary for more than 90 days; authorizing legislative veto of the reassignment of state resources; providing for repeal of the powers granted to the Governor; amending ss. 112.24 and 112.27, F.S., relating to employee interchange programs; clarifying that state agencies may exchange employees; creating s. 282.4045, F.S.; providing legislative findings relating to the adequacy of the state's actions to prevent year 2000 computer failures; protecting the state and units of local government against legal actions that result from a year 2000 computer date calculation failure; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1—On page 3, delete line 24 and insert:

(6) This section is repealed July 1, 2000.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 2—On page 9, line 18, after the period (.) insert: *For purposes of this section, the state's agencies or instrumentalities shall be deemed to include any public or private university school of medicine that is part of a public or private university supported in whole or in part by state funds and that has an affiliation with a local government or state instrumentality under which the medical school's computer system or systems, or diagnostic or therapeutic equipment dependent upon date logic, are used, among other things, in providing clinical patient care services to the public.*

Pursuant to Rule 4.19, **CS for SB 1162** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for CS for SB's 1190 and 868—A bill to be entitled An act relating to a statewide unified building code; amending s. 468.621, F.S.; providing an additional ground for certain disciplinary actions; amending ss. 471.033, 481.225, 481.2251, and 481.325, F.S.; providing for additional fines for certain violations of the Florida Building Code; amending s. 468.602, F.S.; clarifying application of an exemption for certain persons; amending ss. 468.609, 468.627, 471.017, 471.019, 481.215, 481.313, 489.115, 489.1455, and 489.5335, F.S.; requiring certificateholders, licensees, or registrants to prove completion of certain education requirements relating to the Florida Building Code; providing recording requirements for reported continuing education; requiring notification of failure to comply; requiring that action be taken when noncompliance is determined; providing certain core curriculum or continuing education requirements for certain license, certificate, or registration renewals; authorizing certain licensing boards to require certain specialized or advanced education courses; creating s. 455.2286, F.S.; requiring the Department of Business and Professional Regulation to implement an automated information system for certain purposes; providing requirements relating to such system; amending s. 489.103, F.S.; exempting certain residential structures from certain construction contracting requirements; amending s. 489.117, F.S.; clarifying certain information provision requirements for local jurisdictions relating to specialty contractor licensure and discipline; amending s. 489.513, F.S.; requiring local jurisdictions to provide certain information to certain licensing boards; requiring such boards to maintain and provide such information through an automated information system; providing for local responsibility for imposing certain disciplinary action; authorizing imposition of penalties by ordinance; amending s. 489.517, F.S.; requiring certificateholders or registrants to provide proof of completion of certain education courses; authorizing the electrical contractors' licensing board to require certain education courses; amending s. 489.533, F.S.; revising a ground for certain disciplinary action; amending s. 553.06, F.S.; requiring the Florida Building Commission to adopt the State Plumbing Code; amending s. 553.19, F.S.; requiring the commission to adopt certain electrical standards as part of the Florida Building Code and to revise and maintain such standards; amending s. 553.71, F.S.; revising certain definitions; renaming the Board of Building Codes and Standards as the Florida Building g Commission; amending s. 553.72, F.S.; revising legislative intent; amending s. 553.73, F.S.; providing for adoption of the Florida Building Code to replace the State Minimum Building Codes; providing for legislative approval; providing purposes; requiring the Florida Building Commission to adopt the code; providing requirements and criteria for the code; providing for resolution of conflicts between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code; providing requirements; providing for local technical amendments to the code; providing procedures and requirements; providing limitations; requiring counties to establish compliance review boards for certain purposes; providing requirements; authorizing local governments to adopt amendments to the code; providing requirements; providing procedures for challenges by affected parties; providing for appeals; requiring the commission to update the code periodically; authorizing the commission to adopt technical amendments to the code under certain circumstances; providing requirements; providing for exempting certain buildings, structures, and facilities from the code; specifying nonapplication of the code under certain circumstances; prohibiting administration or enforcement of the code for certain purposes; amending s. 553.74, F.S.; replacing the State Board of Building Codes and Standards with the Florida Building Commission; providing for additional membership; providing for continuation of terms of existing board members; amending ss. 553.75, 553.76, and 553.77, F.S., to conform; providing additional powers of the commission; requiring commission staff to attend certain meetings; requiring the commission to develop and publish descriptions of roles and responsibilities of certain persons; authorizing the commission to provide plans review and approval of certain public buildings; creating s. 553.781, F.S.; providing for licensee accountability; authorizing local jurisdictions to impose fines and order certain disciplinary action for certain violations of the Florida Building Code; providing for challenges to such actions; requiring the Department of Business and Professional Regulation and local jurisdictions to report such disciplinary actions; providing for disposition and use of such fines; providing construction; providing for suspension of certain permitting privileges under certain circumstance; amending s. 553.79, F.S., to conform; authorizing owners of certain buildings to designate such buildings as threshold buildings for certain purposes; providing for local government enforcement of the Florida Building Code under certain circumstances; amending s. 553.80, F.S.; authorizing certain reinspection fees under certain circumstances; requiring certain agencies to provide support to local governments for certain purposes; specifying certain code enforcement requirements for

state universities, community colleges, and public school districts; preserving authority of certain local governments to enforce code requirements; providing construction; creating s. 553.841, F.S.; providing for establishing a building code training program; providing requirements; providing criteria; authorizing the Florida Building Commission to enter into contracts for certain purposes; requiring the assistance and participation of certain state agencies; creating s. 553.842, F.S.; providing for a system for product evaluation and approval; providing requirements; providing procedures; providing for challenging, review, and appeal of certain evaluations; authorizing the commission to charge fees for certain certifications and reviews; providing exceptions; amending s. 633.01, F.S.; authorizing the Department of Insurance to issue binding interpretations of certain firesafety codes; creating s. 633.0215, F.S.; requiring the Department of Insurance to adopt certain fire prevention and life safety codes; providing requirements; providing for temporary effect of local amendments to such codes; providing providing procedures for adopting or rescinding local amendments to such codes; requiring the department to update such codes periodically; providing for technical amendments to such codes; providing exceptions to application of such codes for certain purposes; amending s. 633.025, F.S.; specifying adoption by local jurisdictions of certain firesafety codes; authorizing local jurisdictions to adopt more stringent firesafety standards under certain circumstances; providing procedures; providing limitations; deleting obsolete provisions; amending s. 633.085, F.S.; clarifying certain inspection duties of the State Fire Marshal; amending s. 633.72, F.S.; specifying cooperation between the Florida Fire Code Advisory Council and the Florida Building Commission under certain circumstances; requiring administrative staff of the State Fire Marshal to attend certain meetings and coordinate efforts for consistency between certain codes; amending ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 489.127, 489.131, 489.531, 489.537, 500.459, 553.18, and 627.351, F.S., to conform; requiring the Florida Building Commission to submit the Florida Building Code to the Legislature for approval; requiring the commission to recommend changes to the law to conform to adoption of the Florida Building Code; providing for future repeal of local amendments to certain building codes; providing for readoption; requiring the State Fire Marshal, the Florida Building Commission, and the Commissioner of Education to establish a select committee for certain purposes; providing for committee membership; providing duties of the committee; requiring a report to the Legislature; requiring the Department of Management Services to conduct a pilot project to study the effects of installing an ozonation water treatment system for a cooling tower on state buildings; requiring a report to the Legislature; repealing s. 471.003(2)(f), F.S., relating to engineering faculty exemption from registration requirements; repealing s. 489.539, F.S., relating to adoption of electrical standards; repealing s. 553.73(5), F.S., relating to a presumption of compliance with certain building code requirements; providing for future repeal of s. 489.120, F.S., relating to an automated information system; providing for future repeal of s. 489.129(1)(d), F.S., relating to disciplinary action for knowing violations of building codes; providing for future repeal of parts I, II, and III of chapter 553, F.S., relating to the Florida Plumbing Control Act, the Florida Electrical Code, and glass standards; providing appropriations; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB's 1190 and 868** to **CS for CS for HB 4181**.

Pending further consideration of **CS for CS for SB's 1190 and 868** as amended, on motion by Senator Clary, by two-thirds vote **CS for CS for HB 4181** was withdrawn from the Committees on Community Affairs; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Clary—

CS for CS for HB 4181—A bill to be entitled An act relating to a statewide unified building code; amending ss. 468.621, F.S.; providing an additional ground for certain disciplinary actions; amending ss. 471.033, 481.225, 481.2251, and 481.325, F.S.; providing for additional fines for certain violations of the Florida Building Code; amending s. 468.602, F.S.; clarifying application of an exemption for certain persons; amending ss. 468.609, 468.627, 471.017, 471.019, 481.215, 481.313, 489.115, 489.1455, and 489.5335, F.S.; requiring certificateholders, licensees, or registrants to prove completion of certain education requirements relating to the Florida Building Code; providing certain core curriculum or continuing education requirements for certain license, certificate, or registration renewals; authorizing certain licensing boards to require certain specialized or advanced education courses; creating s. 455.2286, F.S.; requiring the Department of Business and Professional Regulation to implement an automated information system for certain purposes; providing requirements relating to such system; amending s. 489.103, F.S.; exempting certain residential structures from certain construction contracting requirements; amending s. 489.117, F.S.; clarifying certain information provision requirements for local jurisdictions relating to specialty contractor licensure and discipline; amending s. 489.513, F.S.; requiring local jurisdictions to provide certain information to certain licensing boards; requiring such boards to maintain and provide such information through an automated information system; providing for local responsibility for imposing certain disciplinary action; authorizing imposition of penalties by ordinance; amending s. 489.517, F.S.; requiring certificateholders or registrants to provide proof of completion of certain education courses; authorizing the electrical contractors' licensing board to require certain education courses; amending s. 489.533, F.S.; revising a ground for certain disciplinary action; amending s. 553.06, F.S.; requiring the Florida Building Commission to adopt the State Plumbing Code; amending s. 553.19, F.S.; requiring the commission to adopt certain electrical standards as part of the Florida Building Code and to revise and maintain such standards; amending s. 553.71, F.S.; revising certain definitions; renaming the Board of Building Codes and Standards as the Florida Building g Commission; amending s. 553.72, F.S.; revising legislative intent; amending s. 553.73, F.S.; providing for adoption of the Florida Building Code to replace the State Minimum Building Codes; providing for legislative approval; providing purposes; requiring the Florida Building Commission to adopt the code; providing requirements and criteria for the code; providing for resolution of conflicts between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code; providing requirements; providing for local technical amendments to the code; providing procedures and requirements; providing limitations; requiring counties to establish compliance review boards for certain purposes; providing requirements; authorizing local governments to adopt amendments to the code; providing requirements; providing procedures for challenges by affected parties; providing for appeals; requiring the commission to update the code periodically; authorizing the commission to adopt technical amendments to the code under certain circumstances; providing requirements; providing for exempting certain buildings, structures, and facilities from the code; specifying nonapplication of the code under certain circumstances; prohibiting administration or enforcement of the code for certain purposes; amending s. 553.74, F.S.; replacing the State Board of Building Codes and Standards with the Florida Building Commission; providing for additional membership; providing for continuation of terms of existing board members; amending ss. 553.75, 553.76, and 553.77, F.S., to conform; providing additional powers of the commission; requiring commission staff to attend certain meetings; requiring the commission to develop and publish descriptions of roles and responsibilities of certain persons; authorizing the commission to provide plans review and approval of certain public buildings; creating s. 553.781, F.S.; providing for licensee accountability; authorizing local jurisdictions to impose fines and order certain disciplinary action for certain violations of the Florida Building Code; providing for challenges to such actions; requiring the Department of Business and Professional Regulation and local jurisdictions to report such disciplinary actions; providing for disposition and use of such fines; providing construction; providing for suspension of certain permitting privileges under certain circumstance; amending s. 553.79, F.S., to conform; authorizing owners of certain buildings to designate such buildings as threshold buildings for certain purposes; providing for local government enforcement of the Florida Building Code under certain circumstances; amending s. 553.80, F.S.; authorizing certain additional permit fees and reinspection fees under certain circumstances; requiring certain agencies to provide support to local governments for certain purposes; specifying certain code enforcement requirements for state universities, community colleges, and public school districts; preserving authority of certain local governments to enforce code requirements; providing construction; creating s. 553.841, F.S.; providing for establishing a building code training program; providing requirements; providing criteria; authorizing the Florida Building Commission to enter into contracts for certain purposes; requiring the assistance and participation of certain state agencies; creating s. 553.842, F.S.; providing for a system for product evaluation and approval; providing requirements; providing procedures; providing for challenging, review, and appeal of certain evaluations; authorizing the commission to charge fees for certain certifications and reviews; providing exceptions; amending s. 553.905, F.S.; exempting certain HVAC equipment from additional insulation requirements; amending s.

633.01, F.S.; authorizing the Department of Insurance to issue declaratory statements of certain firesafety codes; creating s. 633.0215, F.S.; requiring the Department of Insurance to adopt certain fire prevention and life safety codes; providing requirements; providing for temporary effect of local amendments to such codes; providing providing procedures for adopting or rescinding local amendments to such codes; requiring the department to update such codes periodically; providing for technical amendments to such codes; providing exceptions to application of such codes for certain purposes; amending s. 633.025, F.S.; specifying adoption by local jurisdictions of certain firesafety codes; authorizing local jurisdictions to adopt more stringent firesafety standards under certain circumstances; providing procedures; providing limitations; deleting obsolete provisions; amending s. 633.085, F.S.; clarifying certain inspection duties of the State Fire Marshal; amending s. 633.72, F.S.; specifying cooperation between the Florida Fire Code Advisory Council and the Florida Building Commission under certain circumstances; requiring administrative staff of the State Fire Marshal to attend certain meetings and coordinate efforts for consistency between certain codes; amending ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 489.127, 489.131, 489.531, 489.537, 500.459, 553.18, and 627.351, F.S., to conform; requiring the Florida Building Commission to submit the Florida Building Code to the Legislature for approval; requiring the commission to recommend changes to the law to conform to adoption of the Florida Building Code; providing for future repeal of local amendments to certain building codes; providing for readoption; requiring the State Fire Marshal, the Florida Building Commission, and the Commissioner of Education to establish a select committee for certain purposes; providing for committee membership; providing duties of the committee; requiring a report to the Legislature; requiring the Department of Management Services to conduct a pilot project to study the effects of installing an ozonation water treatment system for a cooling tower on state buildings; requiring a report to the Legislature; repealing s. 471.003(2)(f), F.S., relating to engineering faculty exemption from registration requirements; repealing s. 489.539, F.S., relating to adoption of electrical standards; repealing s. 553.73(5), F.S., relating to a presumption of compliance with certain building code requirements; providing for future repeal of s. 489.120, F.S., relating to an automated information system; providing for future repeal of s. 489.129(1)(d), F.S., relating to disciplinary action for knowing violations of building codes; providing for future repeal of parts I, II, and III of chapter 553, F.S., relating to the Florida Plumbing Control Act, the Florida Electrical Code, and glass standards; providing appropriations; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB's 1190 and 868** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 4181** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, by two-thirds vote **HB 367** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Campbell, the rules were waived and—

HB 367—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Study Act"; requiring school districts to reduce the teacher-to-student ratio in certain schools; requiring the Department of Education to conduct a study of the efficacy of class size reductions; providing legislative goals; providing an effective date.

—a companion measure, was substituted for **CS for SB 1374** and read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, between lines 25 and 26, insert:

Section 2. Subsection (1) of section 233.0612, Florida Statutes, is amended to read:

233.0612 Authorized instruction.—Each school district may provide students with programs and instruction at the appropriate grade levels in areas including, but not limited to, the following:

(1) Character development and law education. *Each school board shall be encouraged to install in the elementary schools of the district a program in character development which is the same as or similar to the Character Counts or Character First! Education Series. The programs must be secular in nature and stress such character qualities as attentiveness, patience, and initiative.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the second semicolon (;) insert: amending s. 233.0612, F.S.; encouraging school boards to install character-development programs in elementary schools;

Pursuant to Rule 4.19, **HB 367** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for CS for SB 2258—A bill to be entitled An act relating to education; amending s. 231.02, F.S., relating to qualifications of district school system personnel; deleting certain provisions relating to background check; amending s. 231.096, F.S.; revising provisions relating to teaching out-of-field; amending s. 231.15, F.S.; providing State Board of Education duties relating to teacher certification; amending s. 231.17, F.S.; revising provisions relating to qualification for a temporary certificate; amending s. 231.1725, F.S.; deleting provisions relating to employment of noncertificated teachers in critical teacher shortage areas; amending s. 231.261, F.S.; providing rulemaking authority of the Education Practices Commission; amending s. 231.263, F.S.; clarifying provisions relating to the recovery network program for educators; amending s. 231.47, F.S.; conforming a cross-reference; amending s. 231.546, F.S., relating to the Education Standards Commission; deleting duties relating to teacher education centers; amending s. 231.600, F.S.; revising requirements of the school district professional development system; creating s. 231.6002, F.S.; requiring school districts to develop professional development plans; providing for stipends and funding; providing for rules; amending s. 231.601, F.S.; deleting provisions relating to teacher education center purposes; amending s. 231.625, F.S.; deleting provisions relating to a teacher referral and recruitment center; requiring establishment of a teacher recruitment and retention services office; amending s. 231.6255, F.S.; revising provisions relating to the Christa McAuliffe Ambassador for Education Program; creating s. 231.63, F.S.; creating the Florida Educator Hall of Fame; providing for nominations, recommendations, and selection of members; amending s. 20.15, F.S.; creating additional divisions of the Department of Education; amending s. 231.262, F.S.; providing a show-cause process for violations of probation imposed by the Education Practices Commission; amending s. 231.28, F.S.; providing a show-cause process for violation of an order of the Education Practices Commission; providing authority for additional penalties; amending s. 236.081, F.S.; providing for a supplemental capping calculation for those districts whose weighted FTE enrollment is over the weighted FTE ceiling established in the annual appropriations act; providing a procedure for such calculation; repealing s. 236.081(8), F.S., which provides for a caps adjustment supplement for group 2 programs when there are funds remaining in the Florida Education Finance Program appropriation; amending s. 236.25, F.S.; conforming a cross-reference; amending s. 229.57, F.S.; authorizing the Commissioner of Education to establish criteria for exempting a student from taking certain parts of the high school competency test; repealing s. 231.613, F.S., relating to inservice training institutes; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendments which were adopted:

Amendment 1—On page 3, line 13, delete "(2)~~(a)~~" and insert: (2)(a)

Amendment 2 (with title amendment)—On page 15, line 5 through page 17, line 17, delete sections 11 and 12 and redesignate subsequent sections.

And the title is amended as follows:

On page 1, line 26 through page 2, line 1, delete those lines and insert: professional development system; amending s. 231.625, F.S.; deleting

Amendment 3 (with title amendment)—On page 36, between lines 18 and 19, insert:

Section 23. Paragraph (d) of subsection (5) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(d) ~~Beginning July 1, 1993,~~ No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(16).

Section 24. Paragraph (a) of subsection (1) of section 229.58, Florida Statutes, is amended to read:

229.58 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The school board shall establish an advisory council for each school in the district, and shall develop procedures for the election and appointment of advisory council members. A majority of the members of each school advisory council must be persons who are not employed by the school board. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school.~~, provided that~~ Vocational-technical center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. *School advisory councils of vocational-technical and adult education centers are not required to include parents as members.* Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.

2. Education support employees shall be elected by education support employees.

3. Students shall be elected by students.

4. Parents shall be elected by parents.

The school board shall establish procedures for use by schools in selecting business and community members. Such procedures shall include means of ensuring wide notice of vacancies and for taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The school board shall review the membership composition of each advisory council. Should the school board determine that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the board shall appoint additional members to achieve proper representation. Although schools should be strongly encouraged to establish school advisory councils, any school district that has a student population of 10,000 or fewer may establish a district advisory council which shall include at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term "teacher" shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 228.041 and whose duties require 20 or more hours in each normal working week.

Section 25. Paragraph (f) of subsection (3) of section 229.591, Florida Statutes, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability.—

(3) EDUCATION GOALS.—The state as a whole shall work toward the following goals:

(f) Teachers and staff.—The schools, district, *all postsecondary institutions,* and state ensure professional teachers and staff.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 5, after the semicolon (;) insert: amending s. 24.121, F.S.; deleting obsolete provisions; amending s. 229.58, F.S.; revising provisions governing the membership of school advisory councils; amending s. 229.591, F.S.; revising education goals with respect to postsecondary institutions;

Senator Sullivan moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 36, between lines 18 and 19, insert:

Section 2. *Deregulated Public Schools.—*

(1) PILOT PROGRAM.—To provide public schools the same flexibility and accountability afforded charter schools, pilot programs for deregulated public schools shall be conducted in two large, two medium-sized, and two small school districts. For the 1998-1999 school year, no more than six schools per district, to include no more than two high schools, two middle schools, and two elementary schools, may participate in the flexibility program. The following districts are authorized to conduct pilot program in 1998-1999: Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus Counties.

(2) PURPOSE.—The purpose of the pilot program for deregulated public schools shall be to:

(a) Improve student learning.

(b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.

(c) Encourage the use of different and innovative learning methods.

(d) Increase choice of learning opportunities for students.

(e) Establish a new form of accountability for schools.

(f) Require the measurement of learning outcomes and create innovative measurement tools.

(g) Make the school the unit for improvement.

(h) Relieve schools of paperwork and procedures that are required by the state and the district for purposes other than health, safety, equal opportunity, fiscal accountability and documentation of student achievement.

(3) PROPOSAL.—

(a) A proposal to be a deregulated school must be developed by the school principal and the school advisory council. A majority of the members of the school advisory council must approve the proposal, and the principal and the school advisory council chairman must sign the proposal. At least 50 percent of the teachers employed at the school must approve the proposal. The school must conduct a survey to show parental support for the proposal.

(b) A district school board shall receive and review all proposals for a deregulated public school during July and August. A district school board must by a majority vote approve or deny a proposal no later than 30 days after the proposal is received. If a proposal is denied, the district school board must, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the proposal.

(c) The Department of Education may provide technical assistance to an applicant upon written request.

(d) The terms and conditions for the operation of a deregulated public school shall be set forth in the proposal. The school district shall not impose unreasonable rules or regulations that violate the intent of giving schools greater flexibility to meet educational goals.

(4) ELIGIBLE STUDENTS.—

(a) A deregulated school shall be open to all students residing in the school's attendance boundaries as determined by the school district.

(b) The deregulated public school shall have maximum flexibility to enroll students under the school district open enrolled plan.

(5) REQUIREMENTS.—Like other public schools, a deregulated public school shall:

(a) Be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) Not charge tuition or fees, except those fees normally charged by other public schools.

(c) Meet all applicable state and local health, safety, and civil rights requirements.

(d) Not violate the antidiscrimination provisions of section 228.2001, Florida Statutes.

(e) Be subject to an annual financial audit in a manner similar to that of other public schools in the district.

(6) ELEMENTS OF THE PROPOSAL.—The major issues involving the operation of a deregulated public school shall be considered in advance and written into the proposal.

(a) The proposal shall address, and criteria for approval of the proposal shall be based, on:

1. The school's mission and the students to be served.

2. The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed.

3. The current baseline standard of achievement and the outcomes to be achieved and the method of measurement that will be used.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the school. Students in deregulated and flexible public schools shall, at a minimum, participate in the statewide assessment program.

5. In secondary schools, a method for determining that a student has satisfied the requirements for graduation in section 232.246, Florida Statutes.

6. A method for resolving conflicts between the school and the district.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school's racial/ethnic balance reflects the community it serves or reflects the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school including a statement of the areas in which the school will have administrative and fiscal autonomy and the areas in which the school will follow school district fiscal and administrative policies.

10. The manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

11. The qualifications to be required of the teachers.

(a) The school shall make annual progress reports to the district, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

1. The school's progress towards achieving the goals outlined in its proposal.

2. The information required in the annual school report pursuant to section 229.592, Florida Statutes.

3. Financial records of the school, including revenues and expenditures.

4. Salary and benefit levels of school employees.

(c) A school district shall ensure that the proposal is innovative and consistent with the state education goals established by section 229.591, Florida Statutes.

(d) Upon receipt of the annual report required by paragraph (d), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives with a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the norm-referenced assessment tests, versus comparable public school students in the district as determined by norm-referenced assessment tests currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to section 229.57(3), Florida Statutes.

(7) EXEMPTION FROM STATUTES.—

(a) A deregulated public school shall operate in accordance with its proposal and shall be exempt from all statutes of the Florida School Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section. A deregulated public school shall not be exempt from the following statutes: chapter 119, relating to public records, and section 286.011, Florida Statutes, relating to public meetings and records, public inspection, and penalties. The school district, upon request of a deregulated public school, may apply to the Commissioner of Education for a waiver of provisions of chapters 230 through 239 which are applicable to deregulated public schools under this section, except that the provisions of chapters 236 or 237 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The commissioner may grant the waiver if necessary to implement the school program.

(b) Teachers employed by or under contract to a deregulated public school shall be certified as required by chapter 231. A deregulated public school may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as teacher aides in the same manner as defined in chapter 231. A deregulated public school may not employ an individual to provide instructional services or to serve as a teacher aide if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. The qualifications of teachers shall be disclosed to parents.

(c) A deregulated public school shall employ or contract with employees who have been fingerprinted as provided in section 231.02, Florida Statutes.

(8) REVENUE.—Students enrolled in a deregulated public school, shall be funded in a basic program or a special program, in the same manner as students enrolled in other public schools in the school district.

(9) LENGTH OF SCHOOL YEAR.—A deregulated public school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(10) FACILITIES.—A deregulated public school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to section 235.26, Florida Statutes or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to section 633.025, Florida Statutes, as adopted by the authority in whose jurisdiction the facility is located.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 5, after the semicolon (;) insert: creating pilot programs for deregulated public schools in a maximum of six counties;

Pursuant to Rule 4.19, **CS for CS for SB 2258** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 2074—A bill to be entitled An act relating to education; authorizing the creation of charter technical career centers; prescribing powers and duties of the Commissioner of Education, the Department of Education, participating district school boards, and community college district boards of trustees, with respect to charter technical career centers; prescribing powers and duties of charter technical career centers and their boards of directors; providing for funding; prescribing rights and duties of employees of centers and of district school board employees and community college employees working at charter technical career centers; providing for the resolution of complaints; providing for revocation of a charter; providing for rules; amending s. 121.021, F.S.; redefining the term "covered group" with respect to the Florida Retirement System to include charter technical career centers; amending s. 121.051, F.S.; providing for optional participation in the Florida Retirement System by employees of charter technical career centers; amending s. 236.081, F.S.; providing for calculating changes in school district funding resulting from a drop in enrollment based on student transfers to a charter technical career center; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 13, lines 5-10, delete those lines

And the title is amended as follows:

On page 1, lines 15 and 16, delete "providing for the resolution of complaints"

Amendment 2 (with title amendment)—On page 15, line 4 through page 18, line 3, delete those lines and insert:

Section 2. Subsections (10) and (34) of section 121.021, Florida Statutes, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(10) "Employer" means any agency, branch, department, institution, university, institution of higher education, or board of the state, or any county agency, branch, department board, district school board, or special district of the state, or any city of the state which participates in the system for the benefit of certain of its employees, or a charter school *or charter technical career center* that participates as provided in s. 121.051(2)(d).

(34) "Covered group" means the officers and employees of an employer who become members under this chapter. "Covered group" applies also when the employer is a *charter technical career center,* charter school, special district, or city for which coverage under this chapter is applied for by the employer and approved for social security coverage by the United States Secretary of Health and Human Services and approved by the administrator for membership under this chapter. Members of a firefighters' pension trust fund or a municipal police officers' retirement trust fund, established in accordance with chapter 175 or chapter 185, respectively, shall be considered eligible for membership under this chapter only after holding a referendum and by affirmative majority vote electing coverage under this chapter.

Section 3. Paragraphs (c) and (d) of subsection (2) of section 121.051, Florida Statutes, are amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(c) Employees of members of the State Community College System *or charter technical career centers sponsored by members of the State Community College System,* as designated in s. 240.3031, who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and in s. 240.3195 may elect, in lieu of participating in the Florida Retirement System, to withdraw from the Florida Retirement System altogether and participate in a lifetime monthly annuity program, to be known as the State Community College System Optional Retirement Program, which may be provided by the employing agency under s. 240.3195. Pursuant thereto:

1. The cost to the employer for such annuity shall equal the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the Regular Class, plus the portion of the contribution rate required by s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund, and less an amount approved by the employer to provide for the administration of the optional retirement program. The employer providing such annuity shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in such an optional retirement program shall be irrevocable for as long as the employee holds a position eligible for participation. Any service creditable under the Florida Retirement System shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Florida Retirement System shall not be earned while a member of the optional retirement program.

3. Participation in an optional annuity program shall be limited to those employees who satisfy the following eligibility criteria:

a. The employee must be otherwise eligible for membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12).

b. The employee must be employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management, if a community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and:

(A) The duties and responsibilities of the position include either the formulation, interpretation, or implementation of policies; or

(B) The duties and responsibilities of the position include the performance of functions that are unique or specialized within higher education and that frequently involve the support of the mission of the community college.

c. The employee must be employed in a position not included in the Senior Management Service Class of the Florida Retirement System, as described in s. 121.055.

4. Participants in the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions as are applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively.

5. Eligible community college employees shall be compulsory members of the Florida Retirement System until, pursuant to the procedures set forth in s. 240.3195, the first day of the next full calendar month following the filing of both a written election to withdraw and a completed application for an individual contract or certificate with the program administrator and receipt of such election by the division.

(d) The governing body of a charter school *or a charter technical career center* may elect to participate in the system upon proper application to the administrator and shall cover its units as approved by the Secretary of Health and Human Services and the administrator. Once this election is made and approved, it may not be revoked, and all present officers and employees selecting coverage under this chapter and all future officers and employees shall be compulsory members of the Florida Retirement System.

Section 4. Section 121.1122, Florida Statutes, is amended to read:

121.1122 Purchase of retirement credit for in-state public service and in-state service in accredited nonpublic, nonsectarian schools and colleges, including charter schools *and charter technical career centers.*—Effective January 1, 1998, a member of the Florida Retirement

System may purchase creditable service for periods of certain public or nonpublic~~, nonsectarian~~ employment performed in this state, as provided in this section.

(1) PURCHASE OF RETIREMENT CREDIT AUTHORIZED.—Subject to the provisions of subsections (2) and (3), a member of the Florida Retirement System may purchase up to 5 years of retirement credit for:

(a) Periods of public employment in this state; or

(b) Periods of employment in charter schools *or charter technical career centers* or in any nonpublic, nonsectarian school or college in this state that is accredited by the Southern Association of Colleges and Schools.

Credit for 1 year of such service may be purchased for each year of creditable service a member completes under the Florida Retirement System.

(2) LIMITATIONS AND CONDITIONS.—

(a) A member is not eligible to receive credit for in-state service under this section until he or she has completed 10 years of creditable service under the Florida Retirement System, excluding service purchased under this section and out-of-state service claimed and purchased under s. 121.1115.

(b) A member may not purchase and receive credit for more than 5 years of creditable service aggregated under the provisions of this section and s. 121.1115.

(c) Service credit claimed under this section shall be credited only as service in the Regular Class of membership and shall be subject to the provisions of s. 112.65.

(d) A member shall be eligible to receive service credit for in-state service performed after leaving the Florida Retirement System only upon returning to membership and completing at least 1 year of creditable service in the Florida Retirement System following the in-state service.

(e) The service claimed must have been service covered by a retirement or pension plan provided by the employer.

(3) COST.—The cost to purchase retirement credit under this section shall be calculated in the same manner as set forth in s. 121.1115(2) for purchase of credit for out-of-state service.

And the title is amended as follows:

On page 1, lines 18-24, delete those lines and insert: amending s. 121.021, F.S.; redefining the terms "covered group" and "employer" with respect to the Florida Retirement System to include charter technical career centers; amending s. 121.051, F.S.; providing for optional participation in the Florida Retirement System by employees of charter technical career centers; amending s. 121.1122, F.S.; including charter technical career centers with a group for the purchase of certain retirement credit; amending s.

Amendment 3 (with title amendment)—On page 18, between lines 24 and 25, insert:

Section 5. *There is appropriated from the General Revenue Fund the sum of $3 million, for fiscal year 1998-1999, as a grant and aid to Daytona Beach Community College for planning and design costs for a charter technical career center which will serve Volusia and Flagler County students in grades 11 through 14 on a model basis.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: providing an appropriation;

Pursuant to Rule 4.19, **CS for SB 2074** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:07 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:23 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

INTRODUCTION OF FORMER SENATOR

Senator Forman introduced former Senator Tom McPherson who was present in the chamber.

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for SB 68** was deferred.

On motion by Senator Forman—

CS for SB 28—A bill to be entitled An act providing for the relief of Frank Roster; providing an appropriation to reimburse him for injuries suffered due, in part, to the negligence of the Department of Transportation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 28** was placed on the calendar of Bills on Third Reading.

On motion by Senator Meadows, by two-thirds vote **CS for HB 3085** was withdrawn from the Special Master; and the Committees on Community Affairs; and Ways and Means.

On motion by Senator Meadows—

CS for HB 3085—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Kimberly L. Gonzalez; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Palm Beach County Sheriff's Department; providing an effective date.

—a companion measure, was substituted for **CS for SB 58** and read the second time by title.

Senator Meadows moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, between lines 9 and 10, insert:

Section 3. *The claimant and the claimant's attorney shall make payment to the Florida Agency for Health Care Administration the amount due under s. 409.910, Florida Statutes, except that the amount due to the agency shall be reduced by the agency's proportionate share of legal costs and attorney's fees. However, the amount due to the Agency for Health Care Administration shall be reduced by no more than 25 percent. The amount due to the agency shall be calculated based on medical payments paid up to the date that this bill becomes law.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for payment of Medicaid liens;

Pursuant to Rule 4.19, **CS for HB 3085** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1019** was withdrawn from the Committees on Judiciary; and Ways and Means.

On motion by Senator Rossin—

HB 1019—A bill to be entitled An act relating to marriage; creating ss. 741.0305, 741.0306, and 741.0307, F.S., the "Marriage Preparation and Preservation Act of 1998"; providing legislative findings and purpose; requiring the creation of a handbook pertaining to the rights and responsibilities under Florida law of marital partners; amending s. 741.0306, F.S., to provide criteria to be contained in the handbook; amending s. 741.04, F.S.; providing that verification that both parties contemplating marriage have obtained and read the information contained in the handbook created pursuant to s. 741.0307, F.S., is a condition precedent to issuance of a marriage license; amending s. 741.05, F.S., to conform; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; designating such course as the parent education and family stabilization course; providing legislative findings and purpose; authorizing the court in any action between parents in which the custody or support of a minor child is an issue to order parties to attend the family education and stabilization course if the court finds attendance to be in the best interests of the child or children; providing procedures and guidelines for required attendance; requiring parties to file proof of compliance with the court; authorizing a course fee; authorizing each judicial circuit to establish a registry of course providers and sites; authorizing the court to grant exemption from required course attendance; providing parent education and family stabilization course curriculum; providing qualifications and duties of course providers; amending s. 232.246, F.S.; including marriage and relationship education within the life management skills credit required for graduation from high school; amending s. 28.101, F.S.; providing an additional charge for petition for a dissolution of marriage; providing for deposit of such funds in the Family Courts Trust Fund; amending s. 25.388, F.S.; providing an additional source of funding for the Family Courts Trust Fund; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1576** and read the second time by title.

Senator Rossin moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Marriage Preparation and Preservation Act of 1998."*

Section 2. *It is the finding of the Legislature based on reliable research that:*

(1) The divorce rate has been accelerating.

(2) Just as the family is the foundation of society, the marital relationship is the foundation of the family. Consequently, strengthening marriages can only lead to stronger families, children, and communities, as well as a stronger economy.

(3) An inability to cope with stress from both internal and external sources leads to significantly higher incidents of domestic violence, child abuse, absenteeism, medical costs, learning and social deficiencies, and divorce.

(4) Relationship skills can be learned.

(5) Once learned, relationship skills can facilitate communication between parties to a marriage and assist couples in avoiding conflict.

(6) Once relationship skills are learned, they are generalized to parenting, the workplace, schools, neighborhoods, and civic relationships.

(7) By reducing conflict and increasing communication, stressors can be diminished and coping can be furthered.

(8) When effective coping exists, domestic violence, child abuse, divorce and its effect on children such as absenteeism, medical costs, and learning and social deficiencies, are diminished.

(9) The state has a compelling interest in educating its citizens with regard to marriage and, if contemplated, the effects of divorce.

Section 3. Paragraph (i) of subsection (1) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(i) One-half credit in life management skills to include consumer education, positive emotional development, *marriage and relationship skill-based education*, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholar's Certificate Program requirements as specified in a district's pupil progression plan.

Section 4. Subsection (5) is added to section 741.01, Florida Statutes, to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(5) The fee charged for each marriage license issued in the state shall be reduced by a sum of $32.50 for all couples who present valid certificates of completion of a premarital preparation course from a qualified course provider registered under s. 741.0305(5) for a course taken no more than 1 year prior to the date of application for a marriage license. For each license issued that is subject to the fee reduction of this subsection, the clerk is not required to transfer the sum of $7.50 to the State Treasury for deposit in the Displaced Homemaker Trust Fund pursuant to subsection (3) or to transfer the sum of $25 to the Supreme Court for deposit in the Family Courts Trust Fund.

Section 5. Section 741.0305, Florida Statutes, is created to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(1) A man and a woman who intend to apply for a marriage license under s. 741.04 may, together or separately, complete a premarital preparation course of not less than 4 hours. All individuals shall verify completion of the course by filing with the application a valid certificate of completion from the course provider for each applicant which certificate shall specify whether the course was completed by personal instruction, videotape instruction, instruction via other electronic medium, or a combination of those methods. All individuals who complete a premarital preparation course pursuant to this section must be issued a certificate of completion at the conclusion of the course by their course provider. Upon furnishing such certificate when applying for a marriage license, the individuals shall have their marriage license fee reduced by $32.50.

(2) The premarital preparation course must include instruction regarding:

(a) Conflict management.

(b) Communication skills.

(c) Financial responsibilities.

(d) Children and parenting responsibilities.

(e) Data compiled from available information relating to problems reported by married couples who seek marital or individual counseling.

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.

2. A clinical social worker licensed under chapter 491.

3. A marriage and family therapist licensed under chapter 491.

4. A mental health counselor licensed under chapter 491.

5. An official representative of a religious institution which is recognized under s. 496.404(20) if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

(b) The costs of such premarital preparation course shall be paid by the applicant.

(4) Each premarital preparation course provider shall furnish each participant who completes the course with a certificate of completion specifying the name of the participant and the date of completion and whether the course was conducted by personal instruction, videotape instruction, or instruction via other electronic medium, or by a combination of these methods.

(5) All area course providers shall register with the clerk of the circuit court by filing an affidavit in writing attesting to the provider's compliance with the premarital preparation course requirements as set forth in this section and including the course instructor's name and qualifications, including the license number, if any, or, if an official representative of a religious institution, a statement as to relevant training. The affidavit shall also include the addresses where the provider may be contacted.

Section 6. *(1) Premarital preparation courses offered and completed by individuals across the state shall be reviewed by researchers from the Florida State University Center for Marriage and Family in order to determine the efficacy of such premarital preparation courses.*

(2) Premarital preparation pilot programs may be created by the Florida State University Center for Marriage and Family which will be administered by course providers or by qualified instructors as provided in section 741.0305(3), Florida Statutes. These pilot programs shall offer a premarital preparation course based on statistical information and data obtained by researchers from the Florida State University Center for Marriage and Family.

(3) The Florida State University Center for Marriage and Family shall develop a questionnaire and create a curriculum based on data collected by its researchers. Any curriculum developed by The Florida State University Center for Marriage and Family researchers, shall be the sole property of the Center.

Section 7. Section 741.0306, Florida Statutes, is created to read:

741.0306 Creation of a family law handbook.—

(1) Based upon their willingness to undertake this project, there shall be created by the Family Law Section of The Florida Bar a handbook explaining those sections of Florida law pertaining to the rights and responsibilities under Florida law of marital partners to each other and to their children both during a marriage and upon dissolution. The material in the handbook or other suitable electronic media shall be reviewed for accuracy by the Family Court Steering Committee of the Florida Supreme Court prior to publication and distribution.

(2) Such handbooks shall be available from the clerk of the circuit court upon application for a marriage license. The clerks may also make the information in the handbook available on videotape or other electronic media and are encouraged to provide a list of course providers and sites at which marriage and relationship skill building classes are available.

(3) The information contained in the handbook or other electronic media presentation may be reviewed and updated annually, and may include, but not be limited to:

(a) Pre-nuptial agreements; as a contract and as an opportunity to structure financial arrangements and other aspects of the marital relationship;

(b) Shared parental responsibility for children; the determination of primary residence or custody and secondary residence or routine visitation, holiday, summer and vacation visitation arrangements, telephone access, and the process for notice for changes;

(c) Permanent relocation restrictions on parents with primary residential responsibility;

(d) Child support for minor children; both parents are obligated for support in accordance with applicable child support guidelines;

(e) Property rights, including equitable distribution, special equity, pre-marital property, and non-marital property;

(f) Alimony, including temporary, permanent rehabilitative, and lump sum;

(g) Domestic violence and child abuse and neglect, including penalties and other ramifications of false reporting;

(h) Court process for dissolution with or without legal assistance, including who may attend, the recording of proceedings, how to access those records, and the cost of such access;

(i) Parent education course requirements for divorcing parents with children;

(j) Community resources that are available for separating or divorcing persons and their children; and

(k) Women's rights specified in the Battered Women's Bill of Rights.

(4) The material contained in such a handbook may also be provided through video tape or other suitable electronic media. The information contained in the handbook or other electronic media presentation shall be reviewed and updated annually.

Section 8. Section 741.04, Florida Statutes, is amended to read:

741.04 Marriage license issued.—

(1) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her an affidavit in writing, signed by both parties to the marriage, providing the social security numbers of each party, made and subscribed before some person authorized by law to administer an oath, reciting the true and correct ages of such parties; unless both such parties shall be over the age of 18 years, except as provided in s. 741.0405; and unless one party is a male and the other party is a female. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(2) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her:

(a) A statement in writing, signed by both parties which specifies whether the parties, separately or together, have completed a premarital preparation course.

(b) A statement that verifies that both parties have obtained and read or otherwise accessed the information contained in the handbook or other electronic media presentation of the rights and responsibilities of parties to a marriage specified in s. 741.0306.

(3) If a couple has not submitted to the clerk valid certificates of completion of a premarital preparation course, the couple will be required to wait 3 days before they may obtain a marriage license. If a couple has submitted valid certificates of completion of a premarital preparation course, they will not be required to wait 3 days before issuance of a marriage license. A county court judge issuing a marriage license may waive the 3-day waiting period for good cause.

Section 9. *When applying for a marriage license, an applicant may complete and file with the clerk of the circuit court an unsigned anonymous informational questionnaire which shall be provided by the clerk. The clerk shall, for purposes of anonymity, keep all such questionnaires in a separate file for later distribution by the clerk to researchers from The Florida State University Center for Marriage and Family. These questionnaires must be made available to researchers from the center at their request. Researchers from the center shall develop the questionnaire and distribute them to the clerk of the circuit court in each county.*

Section 10. Section 741.05, Florida Statutes, is amended to read:

741.05 Penalty for violation of ss. 741.03, 741.04*(1)*.—Any county court judge, clerk of the circuit court, or other person who shall violate any provision of ss. 741.03 and 741.04*(1)* shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Section 61.043, Florida Statutes, is amended to read:

61.043 Commencement of a proceeding for dissolution of marriage or for alimony and child support.—

(1) A proceeding for dissolution of marriage or a proceeding under s. 61.09 shall be commenced by filing in the circuit court a petition entitled "In re the marriage of . . . . , husband, and . . . . , wife." A copy of the petition together with a copy of a summons shall be served upon the other party to the marriage in the same manner as service of papers in civil actions generally.

(2) Upon filing for dissolution of marriage, the petitioner must complete and file with the clerk of the circuit court an unsigned anonymous informational questionnaire. For purposes of anonymity, completed questionnaires must be kept in a separate file for later distribution by the clerk to researchers from The Florida State University Center for Marriage and Family. These questionnaires must be made available to researchers from The Florida State University Center for Marriage and Family at their request. The actual questionnaire shall be formulated by researchers from Florida State University who shall distribute them to the clerk of the circuit court in each county.

Section 12. Subsection (2) of section 61.052, Florida Statutes, is amended to read:

61.052 Dissolution of marriage.—

(2) Based on the evidence at the hearing, which evidence need not be corroborated except to establish that the residence requirements of s. 61.021 are met which may be corroborated by a valid Florida driver's license, a Florida voter's registration card, *a valid Florida identification card issued under ss. 322.051,* or the testimony or affidavit of a third party, the court shall dispose of the petition for dissolution of marriage when the petition is based on the allegation that the marriage is irretrievably broken as follows:

(a) If there is no minor child of the marriage and if the responding party does not, by answer to the petition for dissolution, deny that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage if the court finds that the marriage is irretrievably broken.

(b) When there is a minor child of the marriage, or when the responding party denies by answer to the petition for dissolution that the marriage is irretrievably broken, the court may:

1. Order either or both parties to consult with a marriage counselor, psychologist, psychiatrist, minister, priest, rabbi, or any other person deemed qualified by the court and acceptable to the party or parties ordered to seek consultation; or

2. Continue the proceedings for a reasonable length of time not to exceed 3 months, to enable the parties themselves to effect a reconciliation; or

3. Take such other action as may be in the best interest of the parties and the minor child of the marriage.

If, at any time, the court finds that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage. If the court finds that the marriage is not irretrievably broken, it shall deny the petition for dissolution of marriage.

Section 13. Section 61.21, Florida Statutes, is amended to read:

61.21 Parenting course authorized; fees; required attendance authorized; contempt.—

(1) LEGISLATIVE FINDINGS; PURPOSE.—It is the finding of the Legislature that:

(a) A large number of children experience the separation or divorce of their parents each year. Parental conflict related to divorce is a societal concern because children suffer potential short-term and long-term detrimental economic, emotional, and educational effects during this difficult period of family transition. This is particularly true when parents engage in lengthy legal conflict.

(b) Parents are more likely to consider the best interests of their children when determining parental arrangements if courts provide families with information regarding the process by which courts make decisions on issues affecting their children and suggestions as to how parents may ease the coming adjustments in family structure for their children.

(c) It has been found to be beneficial to parents who are separating or divorcing to have available an educational program that will provide general information regarding:

1. The issues and legal procedures for resolving custody and child support disputes.

2. The emotional experiences and problems of divorcing adults.

3. The family problems and the emotional concerns and needs of the children.

4. The availability of community services and resources.

(d) Parents who are separating or divorcing are more likely to receive maximum benefit from a program if they attend such program at the earliest stages of their dispute, before extensive litigation occurs and adversarial positions are assumed or intensified.

(2)~~(1)~~ All judicial circuits in the state *shall* ~~may~~ approve a parenting course which shall be a course of a minimum of 4 hours designed to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children.

(a) The parenting course referred to in this section shall be named The Parent Education and Family Stabilization Course and may include, but not be limited to, the following topics as they relate to court actions between parents involving custody, care, visitation, and support of a child or children:

1. Legal aspects of deciding child-related issues between parents.

2. Emotional aspects of separation and divorce on adults.

3. Emotional aspects of separation and divorce on children.

4. Family relationships and family dynamics.

5. Financial responsibilities to a child or children.

6. Issues regarding spousal or child abuse and neglect.

7. Skill-based relationship education that may be generalized to parenting, workplace, school, neighborhood, and civic relationships.

(b) Information regarding spousal and child abuse and neglect shall be included in every parent education and family stabilization course. A list of local agencies that provide assistance with such issues shall also be provided.

(c) The parent education and family stabilization course shall be educational in nature and shall not be designed to provide individual mental health therapy for parents or children, or individual legal advice to parents or children.

(d) Course providers shall not solicit participants from the sessions they conduct to become private clients or patients.

(e) Course providers shall not give individual legal advice or mental health therapy.

(3)~~(2)~~ All parties to a dissolution of marriage proceeding with minor children *or a paternity action which involves issues of parental responsibility shall* ~~or a modification of a final judgment action involving shared parental responsibilities, custody, or visitation may~~ be required to complete *The Parent Education and Family Stabilization* ~~a court-approved parenting~~ Course prior to the entry by the court of a final judgment ~~or order modifying the final judgment~~. *The court may excuse a party from attending the parenting course for good cause.*

(4)~~(3)~~ All parties required to complete a parenting course *under this section shall begin the course as expeditiously as possible after filing for dissolution of marriage and* shall file proof of compliance with the court prior to the entry of the final judgment ~~or order modifying the final judgment~~.

(5) All parties to a modification of a final judgment involving shared parental responsibilities, custody, or visitation may be required to complete a court-approved parenting course prior to the entry of an order modifying the final judgment.

(6) Each judicial circuit may establish a registry of course providers and sites at which the parent education and family stabilization course required by this section may be completed. The court shall also include within the registry of course providers and sites at least one site in each circuit at which the parent education and family stabilization course may be completed on a sliding fee scale, if available.

(7)~~(4)~~ A reasonable fee may be charged to each parent attending the course.

(8)~~(5)~~ Information obtained or statements made by the parties at any educational session required under this statute shall not be considered in the adjudication of a pending or subsequent action, nor shall any report resulting from such educational session become part of the record of the case unless the parties have stipulated in writing to the contrary.

(9)~~(6)~~ The court may hold any parent who fails to attend a required parenting course in contempt or that parent may be denied shared parental responsibility or visitation or otherwise sanctioned as the court deems appropriate.

(10)~~(7)~~ Nothing in this section shall be construed to require the parties to a dissolution of marriage to attend a court-approved parenting course together.

(11) The court may, without motion of either party, prohibit the parenting course from being taken together, if there is a history of domestic violence between the parties.

Section 14. Paragraph (d) is added to subsection (1) of section 28.101, Florida Statutes, to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(d) A charge of $32.50. On a monthly basis the clerk shall transfer the moneys collected pursuant to this paragraph as follows:

1. An amount of $7.50 to the State Treasury for deposit in the Displaced Homemaker Trust Fund.

2. An amount of $25 to the Supreme Court for deposit in the Family Courts Trust Fund.

Section 15. Section 25.388, Florida Statutes, is amended to read:

25.388 Family Courts Trust Fund.—

(1)(a) The trust fund moneys in the Family Courts Trust Fund, administered by the Supreme Court, shall be used to implement family court plans in all judicial circuits of this state.

(b) The Supreme Court, through the Office of the State Courts Administrator, shall adopt a comprehensive plan for the operation of the trust fund and the expenditure of any moneys deposited into the trust fund. The plan shall provide for a comprehensive integrated response to families in litigation, including domestic violence matters, guardian ad litem programs, mediation programs, legal support, training, automation, and other related costs incurred to benefit the citizens of the state and the courts in relation to family law cases. *The trust fund shall be used to fund the publication of the handbook created pursuant to s. 741.0306.*

(2) As part of its comprehensive plan, the Supreme Court shall evaluate the necessity for an installment plan or a waiver for any or all of the fees based on financial necessity and report such findings to the Legislature.

(3) The trust fund shall be funded with moneys generated from fees assessed pursuant to *ss. 28.101 and* ~~s.~~ 741.01(4).

Section 16. *There is hereby appropriated in fiscal year 1998-1999 the sum of $75,000 from the General Revenue Fund to the Florida State University Center for Marriage and Family for review of premarital preparation courses, development of premarital preparation pilot programs, and development of a questionnaire and creation of a curriculum based on data collected by its researchers.*

Section 17. Part I of chapter 39, Florida Statutes, consisting of sections 39.001, 39.01, 39.011, 39.012, 39.0121, 39.013, 39.0131, 39.0132, 39.0133, 39.0134, and 39.0135, Florida Statutes, shall be entitled to read:

PART I

GENERAL PROVISIONS

Section 18. Section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(1) *PURPOSES OF CHAPTER.*—The purposes of this chapter are:

(a)~~(b)~~ To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care.

(b) To recognize that most families desire to be competent caregivers and providers for their children and that children achieve their greatest potential when families are able to support and nurture the growth and development of their children. Therefore, the Legislature finds that policies and procedures that provide for intervention through the department's child protection system should be based on the following principles:

1. The health and safety of the children served shall be of paramount concern.

2. The intervention should engage families in constructive, supportive, and nonadversarial relationships.

3. The intervention should intrude as little as possible into the life of the family, be focused on clearly defined objectives, and take the most parsimonious path to remedy a family's problems.

4. The intervention should be based upon outcome evaluation results that demonstrate success in protecting children and supporting families.

(c) To provide a child protection system that reflects a partnership between the department, other agencies, and local communities.

(d) To provide a child protection system that is sensitive to the social and cultural diversity of the state.

(e) To provide procedures that allow the department to respond to reports of child abuse, abandonment, or neglect in the most efficient and effective manner and that ensure the health and safety of children and the integrity of families.

~~(c) To ensure the protection of society, by providing for a comprehensive standardized assessment of the child's needs so that the most appropriate control, discipline, punishment, and treatment can be administered consistent with the seriousness of the act committed, the community's long-term need for public safety, the prior record of the child and the specific rehabilitation needs of the child, while also providing whenever possible restitution to the victim of the offense.~~

(f)~~(d)~~ To preserve and strengthen the child's family ties whenever possible, removing the child from parental custody only when his or her welfare ~~or the safety and protection of the public~~ cannot be adequately safeguarded without such removal.~~; and, when the child is removed from his or her own family, to secure for the child custody, care, and discipline as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.~~

(g) To ensure that the parent or guardian from whose custody the child has been taken assists the department to the fullest extent possible in locating relatives suitable to serve as caregivers for the child.

(h) To ensure that permanent placement with the biological or adoptive family is achieved as soon as possible for every child in foster care and that no child remains in foster care longer than 1 year.

(i) To secure for the child, when removal of the child from his or her own family is necessary, custody, care, and discipline as nearly as possible equivalent to that which should have been given by the parents; and to ensure, in all cases in which a child must be removed from parental custody, that the child is placed in an approved relative home, licensed foster home, adoptive home, or independent living program that provides the most stable and potentially permanent living arrangement for the child, as determined by the court. All placements shall be in a safe environment where drugs and alcohol are not abused.

(j) To ensure that, when reunification or adoption is not possible, the child will be prepared for alternative permanency goals or placements, to include, but not be limited to, long-term foster care, independent living, custody with a relative on a permanent basis with or without legal guardianship, or custody with a foster parent or caregiver on a permanent basis with or without legal guardianship.

(k) To make every possible effort, when two or more children who are in the care or under the supervision of the department are siblings, to place the siblings in the same home; and in the event of permanent placement of the siblings, to place them in the same adoptive home or, if the siblings are separated, to keep them in contact with each other.

(l)~~(a)~~ To provide judicial and other procedures to assure due process through which children, *parents, and guardians* and other interested parties are assured fair hearings by a respectful and respected court or other tribunal and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests and the authority and dignity of the courts are adequately protected.

(m) To ensure that children under the jurisdiction of the courts are provided equal treatment with respect to goals, objectives, services, and case plans, without regard to the location of their placement. It is the further intent of the Legislature that, when children are removed from their homes, disruption to their education be minimized to the extent possible.

~~(c)1. To assure that the adjudication and disposition of a child alleged or found to have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.~~

~~2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.~~

~~(f) To provide children committed to the Department of Juvenile Justice with training in life skills, including career education.~~

(2) *DEPARTMENT CONTRACTS.*—The department ~~of Juvenile Justice or the Department of Children and Family Services, as appropriate,~~ may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) When the department ~~of Juvenile Justice or the Department of Children and Family Services~~ contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(b) The department ~~of Juvenile Justice and the Department of Children and Family Services~~ shall require employment screening*, and rescreening no less frequently than once every 5 years,* pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

(c) The department ~~of Juvenile Justice or the Department of Children and Family Services~~ may grant exemptions from disqualification from working with children as provided in s. 435.07.

(d) The department shall require all job applicants, current employees, volunteers, and contract personnel who currently perform or are seeking to perform child protective investigations to be drug-tested pursuant to the procedures and requirements of s. 112.0455, the Drug-Free Workplace Act. The department is authorized to adopt rules, policies, and procedures necessary to implement this paragraph.

(e) The department shall develop and implement a written and performance-based testing and evaluation program, pursuant to s. 20.19(4), to ensure measurable competencies of all employees assigned to manage or supervise cases of child abuse, abandonment, and neglect.

(3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, abandonment, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(f) Equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services.

(h) An independent, trained advocate, when intervention is necessary and a skilled guardian or caregiver in a safe environment when alternative placement is necessary.

(4) SUBSTANCE ABUSE SERVICES.—The Legislature finds that children in the care of the state's dependency system need appropriate

health care services, that the impact of substance abuse on health indicates the need for health care services to include substance abuse services to children and parents where appropriate, and that it is in the state's best interest that such children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency system must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the dependency system, which will be fully implemented and utilized as resources permit.

(5) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caregivers to fulfill their responsibilities are identified through the dependency process and that appropriate recommendations and services to address those problems are considered in any judicial or nonjudicial proceeding.

(6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE, ABANDONMENT, AND NEGLECT OF CHILDREN.—The incidence of known child abuse, abandonment, and neglect has increased rapidly over the past 5 years. The impact that abuse, abandonment, or neglect has on the victimized child, siblings, family structure, and inevitably on all citizens of the state has caused the Legislature to determine that the prevention of child abuse, abandonment, and neglect shall be a priority of this state. To further this end, it is the intent of the Legislature that a comprehensive approach for the prevention of abuse, abandonment, and neglect of children be developed for the state and that this planned, comprehensive approach be used as a basis for funding.

(7) PLAN FOR COMPREHENSIVE APPROACH.—

(a) The department shall develop a state plan for the prevention of abuse, abandonment, and neglect of children and shall submit the plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than January 1, 1983. The Department of Education and the Division of Children's Medical Services of the Department of Health shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the district human rights advocacy committees; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies, and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(b) The development of the comprehensive state plan shall be accomplished in the following manner:

1. The department shall establish an interprogram task force comprised of the Assistant Secretary for Children and Family Services, or a designee, a representative from the Children and Families Program Office, a representative from the Alcohol, Drug Abuse, and Mental Health Program Office, a representative from the Developmental Services Program Office, a representative from the Office of Standards and Evaluation, and a representative from the Division of Children's Medical Services of the Department of Health. Representatives of the Department of Law Enforcement and of the Department of Education shall serve as ex officio members of the interprogram task force. The interprogram task force shall be responsible for:

a. Developing a plan of action for better coordination and integration of the goals, activities, and funding pertaining to the prevention of child abuse, abandonment, and neglect conducted by the department in order to maximize staff and resources at the state level. The plan of action shall be included in the state plan.

b. Providing a basic format to be utilized by the districts in the preparation of local plans of action in order to provide for uniformity in the district plans and to provide for greater ease in compiling information for the state plan.

c. Providing the districts with technical assistance in the development of local plans of action, if requested.

d. Examining the local plans to determine if all the requirements of the local plans have been met and, if they have not, informing the districts of the deficiencies and requesting the additional information needed.

e. Preparing the state plan for submission to the Legislature and the Governor. Such preparation shall include the collapsing of information obtained from the local plans, the cooperative plans with the Department of Education, and the plan of action for coordination and integration of departmental activities into one comprehensive plan. The comprehensive plan shall include a section reflecting general conditions and needs, an analysis of variations based on population or geographic areas, identified problems, and recommendations for change. In essence, the plan shall provide an analysis and summary of each element of the local plans to provide a statewide perspective. The plan shall also include each separate local plan of action.

f. Working with the specified state agency in fulfilling the requirements of subparagraphs 2., 3., 4., and 5.

2. The department, the Department of Education, and the Department of Health shall work together in developing ways to inform and instruct parents of school children and appropriate district school personnel in all school districts in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect, and in caring for a child's needs after a report is made. The plan for accomplishing this end shall be included in the state plan.

3. The department, the Department of Law Enforcement, and the Department of Health shall work together in developing ways to inform and instruct appropriate local law enforcement personnel in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect.

4. Within existing appropriations, the department shall work with other appropriate public and private agencies to emphasize efforts to educate the general public about the problem of and ways to detect child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect. The plan for accomplishing this end shall be included in the state plan.

5. The department, the Department of Education, and the Department of Health shall work together on the enhancement or adaptation of curriculum materials to assist instructional personnel in providing instruction through a multidisciplinary approach on the identification, intervention, and prevention of child abuse, abandonment, and neglect. The curriculum materials shall be geared toward a sequential program of instruction at the four progressional levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging all school districts to utilize the curriculum are to be included in the comprehensive state plan for the prevention of child abuse, abandonment, and neglect.

6. Each district of the department shall develop a plan for its specific geographical area. The plan developed at the district level shall be submitted to the interprogram task force for utilization in preparing the state plan. The district local plan of action shall be prepared with the involvement and assistance of the local agencies and organizations listed in paragraph (a), as well as representatives from those departmental district offices participating in the treatment and prevention of child abuse, abandonment, and neglect. In order to accomplish this, the district administrator in each district shall establish a task force on the prevention of child abuse, abandonment, and neglect. The district administrator shall appoint the members of the task force in accordance with the membership requirements of this section. In addition, the district administra-

tor shall ensure that each subdistrict is represented on the task force; and, if the district does not have subdistricts, the district administrator shall ensure that both urban and rural areas are represented on the task force. The task force shall develop a written statement clearly identifying its operating procedures, purpose, overall responsibilities, and method of meeting responsibilities. The district plan of action to be prepared by the task force shall include, but shall not be limited to:

a. Documentation of the magnitude of the problems of child abuse, including sexual abuse, physical abuse, and emotional abuse, and child abandonment and neglect in its geographical area.

b. A description of programs currently serving abused, abandoned, and neglected children and their families and a description of programs for the prevention of child abuse, abandonment, and neglect, including information on the impact, cost-effectiveness, and sources of funding of such programs.

c. A continuum of programs and services necessary for a comprehensive approach to the prevention of all types of child abuse, abandonment, and neglect as well as a brief description of such programs and services.

d. A description, documentation, and priority ranking of local needs related to child abuse, abandonment, and neglect prevention based upon the continuum of programs and services.

e. A plan for steps to be taken in meeting identified needs, including the coordination and integration of services to avoid unnecessary duplication and cost, and for alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, contracting with local universities for services, and local government or private agency funding.

f. A description of barriers to the accomplishment of a comprehensive approach to the prevention of child abuse, abandonment, and neglect.

g. Recommendations for changes that can be accomplished only at the state program level or by legislative action.

(8) FUNDING AND SUBSEQUENT PLANS.—

(a) All budget requests submitted by the department, the Department of Education, or any other agency to the Legislature for funding of efforts for the prevention of child abuse, abandonment, and neglect shall be based on the state plan developed pursuant to this section.

(b) The department at the state and district levels and the other agencies listed in paragraph (7)(a) shall readdress the plan and make necessary revisions every 5 years, at a minimum. Such revisions shall be submitted to the Speaker of the House of Representatives and the President of the Senate no later than June 30 of each year divisible by 5. An annual progress report shall be submitted to update the plan in the years between the 5-year intervals. In order to avoid duplication of effort, these required plans may be made a part of or merged with other plans required by either the state or Federal Government, so long as the portions of the other state or Federal Government plan that constitute the state plan for the prevention of child abuse, abandonment, and neglect are clearly identified as such and are provided to the Speaker of the House of Representatives and the President of the Senate as required above.

(9)~~(3)~~ *LIBERAL CONSTRUCTION.*—It is the intent of the Legislature that this chapter be liberally interpreted and construed in conformity with its declared purposes.

Section 19. Section 415.5015, Florida Statutes, is renumbered as section 39.0015, Florida Statutes, and amended to read:

39.0015 ~~415.5015~~ Child abuse prevention training in the district school system.—

(1) SHORT TITLE.—This section may be cited as the "Child Abuse Prevention Training Act of 1985."

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature that primary prevention training for all children in kindergarten through grade 12 be encouraged in the district school system through the training of school teachers, guidance counselors, parents, and children.

(3) DEFINITIONS.—As used in this section:

(a) "Department" means the Department of Education.

(b) "Child abuse" means those acts as defined in ss. 39.01~~, 415.503,~~ and 827.04.

(c) "Primary prevention and training program" means a training and educational program for children, parents, and teachers which is directed toward preventing the occurrence of child abuse, including sexual abuse, physical abuse, *child abandonment,* child neglect, and drug and alcohol abuse, and toward reducing the vulnerability of children through training of children and through including coordination with, and training for, parents and school personnel.

(d) "Prevention training center" means a center as described in subsection (5).

(4) PRIMARY PREVENTION AND TRAINING PROGRAM.—A primary prevention and training program shall include all of the following, as appropriate for the persons being trained:

(a) Information provided in a clear and nonthreatening manner, describing the problem of sexual abuse, physical abuse, *abandonment,* neglect, and alcohol and drug abuse, and the possible solutions.

(b) Information and training designed to counteract common stereotypes about victims and offenders.

(c) Crisis counseling techniques.

(d) Available community resources and ways to access those resources.

(e) Physical and behavioral indicators of abuse.

(f) Rights and responsibilities regarding reporting.

(g) School district procedures to facilitate reporting.

(h) Caring for a child's needs after a report is made.

(i) How to disclose incidents of abuse.

(j) Child safety training and age-appropriate self-defense techniques.

(k) The right of every child to live free of abuse.

(l) The relationship of child abuse to handicaps in young children.

(m) Parenting, including communication skills.

(n) Normal and abnormal child development.

(o) Information on recognizing and alleviating family stress caused by the demands required in caring for a high-risk or handicapped child.

(p) Supports needed by school-age parents in caring for a young child.

(5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION PROCESS; MONITORING AND EVALUATION.—

(a) Each training center shall perform the following functions:

1. Act as a clearinghouse to provide information on prevention curricula which meet the requirements of this section and the requirements of ss. *39.001,* 231.17, *and* 236.0811~~, and 415.501~~.

2. Assist the local school district in selecting a prevention program model which meets the needs of the local community.

3. At the request of the local school district, design and administer training sessions to develop or expand local primary prevention and training programs.

4. Provide assistance to local school districts, including, but not limited to, all of the following: administration, management, program development, multicultural staffing, and community education, in order to better meet the requirements of this section and of ss. *39.001,* 231.17, *and* 236.0811~~, and 415.501~~.

5. At the request of the department ~~of Education~~ or the local school district, provide ongoing program development and training to achieve all of the following:

a. Meet the special needs of children, including, but not limited to, the needs of disabled and high-risk children.

b. Conduct an outreach program to inform the surrounding communities of the existence of primary prevention and training programs and of funds to conduct such programs.

6. Serve as a resource to the Department of Children and Family Services and its districts.

(b) The department, in consultation with the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, shall select and award grants by January 1, 1986, for the establishment of three private, nonprofit prevention training centers: one located in and serving South Florida, one located in and serving Central Florida, and one located in and serving North Florida. The department, in consultation with the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, shall select an agency or agencies to establish three training centers which can fulfill the requirements of this section and meet the following requirements:

1. Have demonstrated experience in child abuse prevention training.

2. Have shown capacity for training primary prevention and training programs as *provided for in subsections (3) and* ~~defined in subsection~~ (4).

3. Have provided training and organizing technical assistance to the greatest number of private prevention and training programs.

4. Have employed the greatest number of trainers with experience in private child abuse prevention and training programs.

5. Have employed trainers which represent the cultural diversity of the area.

6. Have established broad community support.

(c) The department shall monitor and evaluate primary prevention and training programs utilized in the local school districts and shall monitor and evaluate the impact of the prevention training centers on the implementation of primary prevention programs and their ability to meet the required responsibilities of a center as described in this section.

(6) The department ~~of Education~~ shall administer this *section* ~~act~~ and in so doing is authorized to adopt rules and standards necessary to implement the specific provisions of this *section* ~~act~~.

Section 20. Section 39.01, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.01 Definitions.—When used in this chapter*, unless the context otherwise requires*:

(1) "Abandoned" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the *caregiver* ~~person~~ responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or *caregiver* ~~person~~ primarily responsible for the child's welfare, to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in chapter 984 or a "family in need of services" as defined in chapter 984. The incarceration of a parent, legal custodian, or *caregiver* ~~person~~ responsible for a child's welfare *may support* ~~does not constitute a bar to~~ a finding of abandonment.

(2) "Abuse" means any willful act *or threatened act* that results in any physical, mental, or sexual injury *or harm* that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. *For the purpose of protective investigations, abuse of a child includes the acts or omissions of the parent, legal custodian, caregiver, or other person responsible for the child's welfare.* Corporal discipline of a child by a parent*, legal custodian*, or *caregiver* ~~guardian~~ for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child ~~as defined in s. 415.503~~.

(3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.

(4) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition ~~as is provided for under s. 39.408(2),~~ in dependency cases~~,~~ or ~~s. 39.467,~~ in termination of parental rights cases.

(5) "Adult" means any natural person other than a child.

(6) "Adoption" means the act of creating the legal relationship between parent and child where it did not exist, thereby declaring the child to be legally the child of the adoptive parents and their heir at law, and entitled to all the rights and privileges and subject to all the obligations of a child born to such adoptive parents in lawful wedlock.

(7) "Alleged juvenile sexual offender" means:

(a) A child 12 years of age or younger who is alleged to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133; or

(b) A child who is alleged to have committed any violation of law or delinquent act involving juvenile sexual abuse. "Juvenile sexual abuse" means any sexual behavior that occurs without consent, without equality, or as a result of coercion. For purposes of this paragraph, the following definitions apply:

1. "Coercion" means the exploitation of authority or the use of bribes, threats of force, or intimidation to gain cooperation or compliance.

2. "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

3. "Consent" means an agreement, including all of the following:

a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.

b. Knowledge of societal standards for what is being proposed.

c. Awareness of potential consequences and alternatives.

d. Assumption that agreement or disagreement will be accepted equally.

e. Voluntary decision.

f. Mental competence.

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

(8)~~(6)~~ "Arbitration" means a process whereby a neutral third person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which may be binding or nonbinding.

(9)~~(7)~~ "Authorized agent" or "designee" of the department means *an employee, volunteer, or other person or agency determined by the state to be eligible for state-funded risk management coverage, which is* ~~a person or agency~~ assigned or designated by the department ~~of Juvenile Justice or the Department of Children and Family Services, as appropriate,~~ to perform duties or exercise powers pursuant to this chapter ~~and includes contract providers and their employees for purposes of providing services to and managing cases of children in need of services and families in need of services~~.

(10) "Caregiver" means the parent, legal custodian, adult household member, or other person responsible for a child's welfare as defined in subsection (47).

~~(8) "Caretaker/homemaker" means an authorized agent of the Department of Children and Family Services who shall remain in the~~

~~child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.~~

(11)~~(9)~~ "Case plan" or "plan" means a document, as described in s. *39.601* ~~39.4031~~, prepared by the department *with input from all parties, including parents, guardians ad litem, legal custodians, caregivers, and the child. The case plan*~~, that~~ follows the child from the provision of voluntary services through any dependency, foster care, or termination of parental rights proceeding or related activity or process.

(12)~~(10)~~ "Child" or ~~"juvenile" or~~ "youth" means any unmarried person under the age of 18 *years* who has not been emancipated by order of the court and who has been *alleged or* found ~~or alleged~~ to be dependent~~, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years~~.

(13) "Child protection team" means a team of professionals established by the department to receive referrals from the protective investigators and protective supervision staff of the department and to provide specialized and supportive services to the program in processing child abuse, abandonment, or neglect cases. A child protection team shall provide consultation to other programs of the department and other persons regarding child abuse, abandonment, or neglect cases.

(14)~~(11)~~ "Child who is found to be dependent" means a child who, pursuant to this chapter, is found by the court:

(a) To have been abandoned, abused, or neglected by the child's *parent or* parents*, legal custodians, or caregivers;* ~~or other custodians.~~

(b) To have been surrendered to the department ~~of Children and Family Services~~, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption*;*~~.~~

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department ~~of Children and Family Services~~, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of ~~part II of~~ this chapter, a case plan has expired and the parent or parents*, legal custodians, or caregivers* have failed to substantially comply with the requirements of the plan*;*~~.~~

(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a natural parent or parents *has* signed a consent pursuant to the Florida Rules of Juvenile Procedure*;*~~.~~

(e) To have no parent, legal custodian, or *caregiver* ~~responsible adult relative~~ to provide supervision and care*; or*~~.~~

(f) To be at substantial risk of imminent abuse*, abandonment,* or neglect by the parent or parents*, legal custodians, or caregivers* ~~or the custodian~~.

(15)~~(12)~~ "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

(16)~~(13)~~ "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.

(17)~~(14)~~ "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of ~~a juvenile offender's or~~ a child's *and caregiver's* physical*, psychiatric,* psychological *or mental health*, educational, vocational, and social condition and family environment as they relate to the child's *and caregiver's* need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

(18)~~(15)~~ "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(19)~~(16)~~ "Department~~,~~" ~~as used in this chapter,~~ means the Department of Children and Family Services.

(20)~~(17)~~ "Diligent efforts by a parent*, legal custodian, or caregiver*" means a course of conduct which results in a reduction in risk to the child in the child's home that would allow the child to be safely placed permanently back in the home as set forth in the case plan.

(21)~~(18)~~ "Diligent efforts of social service agency" means reasonable efforts to provide social services or reunification services made by any social service agency ~~as defined in this section~~ that is a party to a case plan.

(22)~~(19)~~ "Diligent search" means the efforts of a social service agency to locate a parent or prospective parent whose identity or location is unknown, ~~or a relative made known to the social services agency by the parent or custodian of a child. When the search is for a parent, prospective parent, or relative of a child in the custody of the department, this search must be~~ initiated as soon as the *social service* agency is made aware of the existence of such parent*, with the search progress reported at each court hearing until the parent is either identified and located or the court excuses further search.* ~~prospective parent, or relative. A diligent search shall include interviews with persons who are likely to have information about the identity or location of the person being sought, comprehensive database searches, and records searches, including searches of employment, residence, utilities, Armed Forces, vehicle registration, child support enforcement, law enforcement, and corrections records, and any other records likely to result in identifying and locating the person being sought. The initial diligent search must be completed within 90 days after a child is taken into custody. After the completion of the initial diligent search, the department, unless excused by the court, shall have a continuing duty to search for relatives with whom it may be appropriate to place the child, until such relatives are found or until the child is placed for adoption.~~

(23)~~(20)~~ "Disposition hearing" means a hearing in which the court determines the most appropriate *family support* ~~dispositional~~ services in the least restrictive available setting ~~provided for under s. 39.408(3),~~ in dependency cases~~,~~ or ~~s. 39.469,~~ in termination of parental rights cases.

(24) "District" means any one of the 15 service districts of the department established pursuant to s. 20.19.

(25)~~(21)~~ "District administrator" means the chief operating officer of each service district of the department ~~of Children and Family Services~~ as defined in s. 20.19*(7)*~~(6)~~ and, where appropriate, includes *any* ~~each~~ district administrator whose service district falls within the boundaries of a judicial circuit.

(26) "Expedited termination of parental rights" means proceedings wherein a case plan with the goal of reunification is not being offered.

(27) "False report" means a report of abuse, neglect, or abandonment of a child to the central abuse hotline, which report is maliciously made for the purpose of:

(a) Harassing, embarrassing, or harming another person;

(b) Personal financial gain for the reporting person;

(c) Acquiring custody of a child; or

(d) Personal benefit for the reporting person in any other private dispute involving a child.

The term "false report" does not include a report of abuse, neglect, or abandonment of a child made in good faith to the central abuse hotline.

(28)~~(22)~~ "Family" means a collective body of persons, consisting of a child and a parent*, legal* ~~guardian, adult~~ custodian*, caregiver,* or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent*, legal* ~~guardian, adult~~ custodian*, caregiver,* or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(29)~~(23)~~ "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(30) "Harm" to a child's health or welfare can occur when the parent, legal custodian, or caregiver responsible for the child's welfare:

(a) Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Such injury includes, but is not limited to:

1. Willful acts that produce the following specific injuries:

a. Sprains, dislocations, or cartilage damage.

b. Bone or skull fractures.

c. Brain or spinal cord damage.

d. Intracranial hemorrhage or injury to other internal organs.

e. Asphyxiation, suffocation, or drowning.

f. Injury resulting from the use of a deadly weapon.

g. Burns or scalding.

h. Cuts, lacerations, punctures, or bites.

i. Permanent or temporary disfigurement.

j. Permanent or temporary loss or impairment of a body part or function.

As used in this subparagraph, the term "willful" refers to the intent to perform an action, not to the intent to achieve a result or to cause an injury.

2. Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury. For the purposes of this subparagraph, the term "drugs" means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

3. Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.

4. Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in this section, or emotional injury. The significance of any injury must be evaluated in light of the following factors: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Corporal discipline may be considered excessive or abusive when it results in any of the following or other similar injuries:

a. Sprains, dislocations, or cartilage damage.

b. Bone or skull fractures.

c. Brain or spinal cord damage.

d. Intracranial hemorrhage or injury to other internal organs.

e. Asphyxiation, suffocation, or drowning.

f. Injury resulting from the use of a deadly weapon.

g. Burns or scalding.

h. Cuts, lacerations, punctures, or bites.

i. Permanent or temporary disfigurement.

j. Permanent or temporary loss or impairment of a body part or function.

k. Significant bruises or welts.

(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, or lewd or lascivious acts, as defined in chapter 800, against the child.

(c) Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or

2. Engage in a sexual performance, as defined by chapter 827.

(d) Exploits a child, or allows a child to be exploited, as provided in s. 450.151.

(e) Abandons the child. Within the context of the definition of "harm," the term "abandons the child" means that the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of such a parent or legal custodian or person primarily responsible for the child's welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the child may be determined to have been abandoned.

(f) Neglects the child. Within the context of the definition of "harm," the term "neglects the child" means that the parent or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so. However, a parent, legal custodian, or caregiver who, by reason of the legitimate practice of religious beliefs, does not provide specified medical treatment for a child may not be considered abusive or neglectful for that reason alone, but such an exception does not:

1. Eliminate the requirement that such a case be reported to the department;

2. Prevent the department from investigating such a case; or

3. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined in this section, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(g) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. Use by the mother of a controlled substance or alcohol during pregnancy when the child, at birth, is demonstrably adversely affected by such usage; or

2. Continued chronic and severe use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage.

As used in this paragraph, the term "controlled substance" means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

(h) Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child.

(i) Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.

(j) Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another.

(k) Has allowed a child's sibling to die as a result of abuse, abandonment, or neglect.

(31)~~(24)~~ "Health and human services board" means the body created in each service district of the department ~~of Children and Family Services~~ pursuant to the provisions of s. 20.19*(8)*~~(7)~~.

(32) "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child's care.

(33)~~(25)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

(34)~~(26)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care. *The legal custodian is the person or entity in whom the legal right to custody is vested.*

(35) "Legal guardianship" means a judicially created relationship between the child and caregiver which is intended to be permanent and self-sustaining and is provided pursuant to the procedures in chapter 744.

(36)~~(27)~~ "Licensed child-caring agency" means a person, society, association, or agency licensed by the department ~~of Children and Family Services~~ to care for, receive, and board children.

(37)~~(28)~~ "Licensed child-placing agency" means a person, society, association, or institution licensed by the department ~~of Children and Family Services~~ to care for, receive, or board children and to place children in a licensed child-caring institution or a foster or adoptive home.

(38)~~(29)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under chapter 464, a physician assistant certified under chapter 458 *or chapter 459*, or a dentist licensed under chapter 466.

(39)~~(30)~~ "Likely to injure oneself" means that, as evidenced by violent or other actively self-destructive behavior, it is more likely than not that within a 24-hour period the child will attempt to commit suicide or inflict serious bodily harm on himself or herself.

(40)~~(31)~~ "Likely to injure others" means that it is more likely than not that within a 24-hour period the child will inflict serious and unjustified bodily harm on another person.

(41)~~(32)~~ "Long-term relative custodian" means an adult *relative* who is a party to a long-term custodial relationship created by a court order pursuant to *this chapter* ~~s. 39.41(2)(a)5~~.

(42)~~(33)~~ "Long-term relative custody" or "long-term custodial relationship" means the relationship that a juvenile court order creates between a child and an adult relative of the child or *other caregiver* ~~an adult nonrelative~~ approved by the court when the child cannot be placed in the custody of a natural parent and termination of parental rights is not deemed to be in the best interest of the child. Long-term relative custody confers upon the long-term relative or *other caregiver* ~~nonrelative custodian~~ the right to physical custody of the child, a right which will not be disturbed by the court except upon request of the *caregiver* ~~custodian~~ or upon a showing that a material change in circumstances necessitates a change of custody for the best interest of the child. A long-term relative or *other caregiver* ~~nonrelative custodian~~ shall have all of the rights *and duties* of a natural parent, including, but not limited to, the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the long-term custodial relationship.

(43)~~(34)~~ "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. ~~In mediation, decision-making authority rests with the parties.~~ The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(44) "Mental injury" means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

(45)~~(35)~~ "Necessary medical treatment" means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(46)~~(36)~~ "Neglect" occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the *caregiver* ~~person primarily responsible for the child's welfare~~ deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent, *legal custodian*, or *caregiver* ~~guardian~~ legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent, *legal custodian*, or *caregiver* ~~guardian~~; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatrist, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

For the purpose of protective investigations, neglect of a child includes the acts or omissions of the parent, legal custodian, or caregiver.

(47) "Other person responsible for a child's welfare" includes the child's legal guardian, legal custodian, or foster parent; an employee of a private school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care. For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity.

(48)~~(37)~~ "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.

(49)~~(38)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of ~~either s. 39.4051(7) or~~ s. 63.062(1)(b).

(50)~~(39)~~ "Participant," for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents *or caregivers*, identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(51)~~(40)~~ "Party~~,~~" ~~for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding,~~ means the parent *or legal custodian* of the child, the petitioner, the department, the guardian ad litem *or the representative of the guardian ad litem program* when *the program* ~~one~~ has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

(52) "Physical injury" means death, permanent or temporary disfigurement, or impairment of any bodily part.

(53) "Physician" means any licensed physician, dentist, podiatrist, or optometrist and includes any intern or resident.

(54)~~(41)~~ "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

(55)~~(42)~~ "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal *custodian* ~~guardian~~ of the child, or the *caregiver* ~~custodian~~ of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child's need for *physical, mental, and emotional health and* a safe, ~~continuous,~~ stable, living environment, ~~and~~ shall promote family autonomy, and shall strengthen family life, ~~as the first priority~~ whenever possible.

(56)~~(43)~~ "Prospective parent" means a person who claims to be, or has been identified as, a person who may be a mother or a father of a child.

(57)~~(44)~~ "Protective investigation" means the acceptance of a report alleging child abuse, *abandonment,* or neglect, as defined in *this chapter* ~~s. 415.503~~, by the central abuse hotline or the acceptance of a report of other dependency by the *department* ~~local children, youth, and families office of the Department of Children and Family Services~~; the investigation ~~and classification~~ of each report; the determination of whether action by the court is warranted; the determination of the disposition of each report without court or public agency action when appropriate; *and* the referral of a child to another public or private agency when appropriate~~; and the recommendation by the protective investigator of court action when appropriate~~.

(58)~~(45)~~ "Protective investigator" means an authorized agent of the department ~~of Children and Family Services~~ who receives *and*~~,~~ investigates~~, and classifies~~ reports of child abuse, *abandonment,* or neglect ~~as defined in s. 415.503~~; who, as a result of the investigation, may recommend that a dependency petition be filed for the child ~~under the criteria of paragraph (11)(a)~~; and who performs other duties necessary to carry out the required actions of the protective investigation function.

(59)~~(46)~~ "Protective supervision" means a legal status in dependency cases~~, child-in-need-of-services cases, or family-in-need-of-services cases~~ which permits the child to remain *safely* in his or her own home or other placement under the supervision of an agent of the *department and which must be reviewed by* ~~Department of Juvenile Justice or the Department of Children and Family Services, subject to being returned to~~ the court during the period of supervision.

~~(47) "Protective supervision case plan" means a document that is prepared by the protective supervision counselor of the Department of Children and Family Services, is based upon the voluntary protective supervision of a case pursuant to s. 39.403(2)(b), or a disposition order entered pursuant to s. 39.41(2)(a)3., and that:~~

~~(a) Is developed in conference with the parent, guardian, or custodian of the child and, if appropriate, the child and any court-appointed guardian ad litem.~~

~~(b) Is written simply and clearly in the principal language, to the extent possible, of the parent, guardian, or custodian of the child and in English.~~

~~(c) Is subject to modification based on changing circumstances and negotiations among the parties to the plan and includes, at a minimum:~~

~~1. All services and activities ordered by the court.~~

~~2. Goals and specific activities to be achieved by all parties to the plan.~~

~~3. Anticipated dates for achieving each goal and activity.~~

~~4. Signatures of all parties to the plan.~~

~~(d) Is submitted to the court in cases where a dispositional order has been entered pursuant to s. 39.41(2)(a)3.~~

(60)~~(48)~~ "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(61)~~(49)~~ "Reunification services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal *custodian* ~~guardian~~ of the child, or the *caregiver* ~~custodian~~ of the child, whichever is applicable, *to* the child, and where appropriate *to* the foster parents of the child, for the purpose of enabling a child who has been placed in *out-of-home* ~~foster~~ care to *safely* return to his or her family at the earliest possible time. *The health and safety of the child shall be the paramount goal of* social services and other supportive and rehabilitative services. *Such services* shall promote the child's need for *physical, mental, and emotional health and* a safe, ~~continuous,~~ stable, living environment, ~~and~~ shall promote family autonomy, and *shall* strengthen family life, ~~as a first priority~~ whenever possible.

(62) "Secretary" means the Secretary of Children and Family Services.

(63) "Sexual abuse of a child" means one or more of the following acts:

(a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.

(d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:

1. Any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with, or affection for a child; or

2. Any act intended for a valid medical purpose.

(e) The intentional masturbation of the perpetrator's genitals in the presence of a child.

(f) The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.

(g) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or

2. Engage in a sexual performance, as defined by chapter 827.

(64)~~(50)~~ "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be dependent, ~~a child from a family in need of services, or a child in need of services,~~ pending court disposition before or after adjudication. ~~or after execution of a court order. "Shelter" may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 984.14.~~

(65)~~(51)~~ "Shelter hearing" means a hearing *in which the court determines whether probable cause exists to keep a child in shelter status pending further investigation of the case* ~~provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases~~.

(66)~~(52)~~ "Social service agency" means the department ~~of Children and Family Services~~, a licensed child-caring agency, or a licensed child-placing agency.

~~(53) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.~~

(67)~~(54)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(68)~~(55)~~ "Substantial compliance" means that the circumstances which caused the *creation of the case plan* ~~placement in foster care~~ have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child's *remaining with or* being returned to the child's parent, *legal custodian, or caregiver* ~~or guardian~~.

(69)~~(56)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release *or placement*~~, detention, placement, or other disposition as authorized by law~~.

(70)~~(57)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, *legal custodian, or caregiver* ~~adult nonrelative~~ approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(71) "Victim" means any child who has sustained or is threatened with physical, mental, or emotional injury identified in a report involving child abuse, neglect, or abandonment, or child-on-child sexual abuse.

Section 21. Section 39.455, Florida Statutes, is renumbered as section 39.011, Florida Statutes, and amended to read:

39.011 ~~39.455~~ Immunity from liability.—

(1) In no case shall employees or agents of the *department or a* social service agency acting in good faith be liable for damages as a result of failing to provide services agreed to under the case plan ~~or permanent placement plan~~ unless the failure to provide such services occurs as a result of bad faith or malicious purpose or occurs in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) The inability or failure of the *department or of a* social service agency or the employees or agents of the social service agency to provide the services agreed to under the case plan ~~or permanent placement plan~~ shall not render the state or the social service agency liable for damages unless such failure to provide services occurs in a manner exhibiting wanton or willful disregard of human rights, safety, or property.

(3) A member or agent of a citizen review panel acting in good faith is not liable for damages as a result of any review or recommendation with regard to a foster care or shelter care matter unless such member or agent exhibits wanton and willful disregard of human rights or safety, or property.

Section 22. Section 39.012, Florida Statutes, is amended to read:

39.012 Rules for implementation.—The department ~~of Children and Family Services~~ shall adopt rules for the efficient and effective management of all programs, services, facilities, and functions necessary for implementing this chapter. *Such rules may not conflict with the Florida Rules of Juvenile Procedure. All rules and policies must conform to accepted standards of care and treatment.*

Section 23. Section 39.0121, Florida Statutes, is created to read:

39.0121 Specific rulemaking authority.—Pursuant to the requirements of s. 120.536, the department is specifically authorized to adopt, amend, and repeal administrative rules that implement or interpret law or policy, or describe the procedure and practice requirements necessary to implement this chapter, including, but not limited to, the following:

(1) Background screening of department employees and applicants; criminal records checks of prospective foster and adoptive parents; and drug testing of protective investigators.

(2) Reporting of child abuse, neglect, and abandonment; reporting of child-on-child sexual abuse; false reporting; child protective investigations; taking a child into protective custody; and shelter procedures.

(3) Confidentiality and retention of department records; access to records; and record requests.

(4) Department and client trust funds.

(5) Child protection teams and services, and eligible cases.

(6) Consent to and provision of medical care and treatment for children in the care of the department.

(7) Federal funding requirements and procedures; foster care and adoption subsidies; subsidized independent living; and subsidized child care.

(8) Agreements with law enforcement and other state agencies; access to the National Crime Information Center (NCIC); and access to the parent locator service.

(9) Licensing, registration, and certification of child day care providers, shelter and foster homes, and residential child-caring and child-placing agencies.

(10) The Family Builders Program, the Intensive Crisis Counseling Program, and any other early-intervention programs and kinship care assistance programs.

(11) Department contracts, pilot programs, and demonstration projects.

(12) Legal and casework procedures, including, but not limited to, mediation, diligent search, stipulations, consents, surrenders, and default, with respect to dependency, termination of parental rights, adoption, guardianship, and kinship care proceedings.

(13) Legal and casework management of cases involving in-home supervision and out-of-home care, including judicial reviews, administrative reviews, case plans, and any other documentation or procedures required by federal or state law.

(14) Injunctions and other protective orders, domestic-violence-related cases, and certification of domestic violence centers.

Section 24. Section 39.40, Florida Statutes, is renumbered as section 39.013, Florida Statutes, and amended to read:

39.013 ~~39.40~~ Procedures and jurisdiction*; right to counsel*.—

(1) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in *this chapter* ~~dependency cases~~ shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law. Parents must be informed by the court of their right to counsel in dependency proceedings at each stage of the dependency proceedings. Parents who are unable to afford counsel and who are threatened with criminal charges based on the facts underlying the dependency petition or a permanent loss of custody of their children must be appointed counsel.

(2) The circuit court shall have exclusive original jurisdiction of all proceedings under ~~parts III, IV, V, and VI of~~ this chapter, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department, *and of the adoption of children whose parental rights have been terminated pursuant to this chapter*. Jurisdiction attaches when the initial shelter petition, dependency petition, or termination *of parental rights* petition is filed or when a child is taken into the custody of the department. The circuit court may assume jurisdiction over any such proceeding regardless of whether the child was in the physical custody of both parents, was in the sole legal or physical custody of only one parent, *caregiver*, or ~~of~~ some other person, or was in the physical or legal custody of no person when the event or condition

occurred that brought the child to the attention of the court. When the *court obtains* jurisdiction of any child who has been found to be dependent ~~is obtained~~, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 18 years of age.

(3) When a child is under the jurisdiction of the circuit court pursuant to the provisions of this chapter, the juvenile court, as a division of the circuit court, may exercise the general and equitable jurisdiction over guardianship proceedings pursuant to the provisions of chapter 744, and proceedings for temporary custody of minor children by extended family pursuant to the provisions of chapter 751.

(4)~~(3)~~ The court shall expedite the resolution of the placement issue in cases involving a child *who* ~~under 4 years of age when the child~~ has been removed from the family and placed in a shelter.

(5)~~(4)~~ The court shall expedite the judicial handling of all cases when the child has been removed from the family and placed in a shelter~~, and of all cases involving a child under 4 years of age~~.

(6)~~(5) It is the intent of the Legislature that~~ Children removed from their homes *shall* be provided equal treatment with respect to goals, objectives, services, and case plans, without regard to the location of their placement.~~, and that placement shall be in a safe environment where drugs and alcohol are not abused. It is the further intent of the Legislature that, when children are removed from their homes, disruption to their education be minimized to the extent possible.~~

(7) For any child who remains in the custody or under the supervision of the department, the court shall, within the 6-month period before the child's 18th birthday, hold a hearing to review the progress of the child while in the custody or under the supervision of the department.

(8)(a) At each stage of the proceedings under this chapter, the court shall advise the parent, legal custodian, or caregiver of the right to counsel. The court shall appoint counsel for indigent persons. The court shall ascertain whether the right to counsel is understood. When right to counsel is waived, the court shall determine whether the waiver is knowing and intelligent. The court shall enter its findings in writing with respect to the appointment or waiver of counsel for indigent parties or the waiver of counsel by nonindigent parties.

(b) Once counsel has entered an appearance or been appointed by the court to represent the parent of the child, the attorney shall continue to represent the parent throughout the proceedings. If the attorney-client relationship is discontinued, the court shall advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

(c)1. No waiver of counsel may be accepted if it appears that the parent, legal custodian, or caregiver is unable to make an intelligent and understanding choice because of mental condition, age, education, experience, the nature or complexity of the case, or other factors.

2. A waiver of counsel made in court must be of record.

3. If a waiver of counsel is accepted at any hearing or proceeding, the offer of assistance of counsel must be renewed by the court at each subsequent stage of the proceedings at which the parent, legal custodian, or caregiver appears without counsel.

(d) This subsection does not apply to any parent who has voluntarily executed a written surrender of the child and consents to the entry of a court order terminating parental rights.

(9) The time limitations in this chapter do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds for believing that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or guardian may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents; however, the petitioner shall continue regular efforts to provide notice to the parents during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

(10) Court-appointed counsel representing indigent parents or legal guardians at shelter hearings shall be paid from state funds appropriated by general law.

Section 25. *Section 39.4057, Florida Statutes, is renumbered as section 39.0131, Florida Statutes.*

Section 26. Section 39.411, Florida Statutes, is renumbered as section 39.0132, Florida Statutes, and amended to read:

39.0132 ~~39.411~~ Oaths, records, and confidential information.—

(1) The judge, clerks or deputy clerks, or authorized agents of the department shall each have the power to administer oaths and affirmations.

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records pertaining to a dependent child until 10 years after the last entry was made, or until the child is 18 years of age, whichever date is first reached, and may then destroy them, except that records of cases where orders were entered permanently depriving a parent of the custody of a juvenile shall be preserved permanently. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this part and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which may be filed therein.

(3) The clerk shall keep all court records required by this part separate from other records of the circuit court. All court records required by this part shall not be open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that, subject to the provisions of s. 63.162, a child and the parents, ~~or~~ legal custodians, *or caregivers* of the child and their attorneys, *guardian ad litem,* law enforcement agencies, and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions.

(4) All information obtained pursuant to this part in the discharge of official duty by any judge, employee of the court, authorized agent of the department, correctional probation officer, or law enforcement agent shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, *guardian ad litem,* and others entitled under this chapter to receive that information, except upon order of the court.

(5) All orders of the court entered pursuant to this chapter shall be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.

(6) No court record of proceedings under this chapter shall be admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders permanently terminating the rights of a parent and committing the child to a licensed child-placing agency or the department for adoption shall be admissible in evidence in subsequent adoption proceedings relating to the child.

(b) Records of proceedings under this part forming a part of the record on appeal shall be used in the appellate court in the manner hereinafter provided.

(c) Records necessary therefor shall be admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury.

(d) Records of proceedings under this part may be used to prove disqualification pursuant to s. 435.06 and for proof regarding such disqualification in a chapter 120 proceeding.

Section 27. *Section 39.414, Florida Statutes, is renumbered as section 39.0133, Florida Statutes.*

Section 28. Section 39.415, Florida Statutes, is renumbered as section 39.0134, Florida Statutes, and amended to read:

39.0134 ~~39.415~~ Appointed counsel; compensation.—

(1) If counsel is entitled to receive compensation for representation pursuant to *a* court appointment in a dependency proceeding *pursuant to this chapter*, such compensation shall *be established by each county* ~~not exceed $1,000 at the trial level and $2,500 at the appellate level~~.

(2) If counsel is entitled to receive compensation for representation pursuant to court appointment in a termination of parental rights proceeding, such compensation shall not exceed $1,000 at the trial level and $2,500 at the appellate level.

Section 29. Section 39.418, Florida Statutes, is renumbered as section 39.0135, Florida Statutes, and amended to read:

39.0135 ~~39.418~~ Operations and Maintenance Trust Fund.~~—Effective July 1, 1996,~~ The department ~~of Children and Family Services~~ shall deposit all child support payments made to the department pursuant to *this chapter* ~~s. 39.41(2)~~ into the Operations and Maintenance Trust Fund. The purpose of this funding is to care for children who are committed to the temporary legal custody of the department ~~pursuant to s. 39.41(2)(a)8~~.

Section 30. Part II of chapter 39, Florida Statutes, consisting of sections 39.201, 39.202, 39.203, 39.204, 39.205, and 39.206, Florida Statutes, shall be entitled to read:

PART II

REPORTING CHILD ABUSE

Section 31. Section 415.504, Florida Statutes, is renumbered as section 39.201, Florida Statutes, and amended to read:

39.201 ~~415.504~~ Mandatory reports of child abuse, *abandonment,* or neglect; mandatory reports of death; central abuse hotline.—

(1) Any person, including, but not limited to, any:

(a) Physician, osteopathic physician, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

(b) Health or mental health professional other than one listed in paragraph (a);

(c) Practitioner who relies solely on spiritual means for healing;

(d) School teacher or other school official or personnel;

(e) Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker; or

(f) Law enforcement officer,

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(2)(a) Each report of known or suspected child abuse, *abandonment,* or neglect pursuant to this section, except those solely under s. 827.04*(3)*~~(4)~~, shall be made immediately to the department's central abuse hotline on the single statewide toll-free telephone number, and, if the report is of an instance of known or suspected child abuse by a noncaretaker, the call shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline. If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04*(3)*~~(4)~~, the report shall be made immediately to the appropriate county sheriff's office or other appropriate law enforcement agency. If the report is of an instance of known or suspected child abuse solely under s. 827.04*(3)*~~(4)~~, the reporting provisions of this subsection do not apply to health care professionals or other persons who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of medical services.

(b) Reporters in occupation categories designated in subsection (1) are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential as provided in s. *39.202* ~~415.51~~.

(c) Reports involving known or suspected institutional child abuse or neglect shall be made and received in the same manner as all other reports made pursuant to this section.

(d) Reports involving a known or suspected juvenile sexual offender shall be made and received by the department.

1. The department shall determine the age of the alleged juvenile sexual offender if known.

2. When the alleged juvenile sexual offender is 12 years of age or younger, the department shall proceed with an investigation of the report pursuant to *this* part ~~III~~, immediately electronically transfer the call to the appropriate law enforcement agency office by the central abuse hotline, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.

3. When the alleged juvenile sexual offender is 13 years of age or older, the department shall immediately electronically transfer the call to the appropriate county sheriff's office by the central abuse hotline, and send a written report to the appropriate county sheriff's office within 48 hours after the initial report to the central abuse hotline.

(e) Hotline counselors shall receive periodic training in encouraging reporters to provide their names when reporting abuse, *abandonment, or neglect*. Callers shall be advised of the confidentiality provisions of s. *39.202* ~~415.51~~. The department shall secure and install electronic equipment that automatically provides to the hotline the number from which the call is placed. This number shall be entered into the report of abuse, *abandonment, or neglect* and become a part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the caller pursuant to s. *39.202* ~~415.51~~.

(3) Any person required to report or investigate cases of suspected child abuse, *abandonment,* or neglect who has reasonable cause to suspect that a child died as a result of child abuse, *abandonment,* or neglect shall report his or her suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation ~~pursuant to s. 406.11~~ and shall report his or her findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements provided for in s. *39.202* ~~415.51~~.

(4)~~(a)~~ The department shall establish and maintain a central abuse hotline to receive all reports made pursuant to this section in writing or through a single statewide toll-free telephone number, which any person may use to report known or suspected child abuse, abandonment, or neglect at any hour of the day or night, any day of the week. The central abuse hotline shall be operated in such a manner as to enable the department to:

(a)~~1.~~ Immediately identify and locate prior reports or cases of child abuse, *abandonment,* or neglect through utilization of the department's automated tracking system.

(b)~~2.~~ Monitor and evaluate the effectiveness of the department's program for reporting and investigating suspected abuse, *abandonment,* or neglect of children through the development and analysis of statistical and other information.

(c)~~3.~~ Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse, *abandonment,* or neglect.

(d)~~4.~~ Maintain and produce aggregate statistical reports monitoring patterns of ~~both~~ child abuse, *child abandonment,* and child neglect. The department shall collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports.

(e)~~5.~~ Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse, *abandonment,* or neglect.

(f)~~6.~~ Initiate and enter into agreements with other states for the purpose of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

~~(b) Upon receiving an oral or written report of known or suspected child abuse or neglect, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated children and families district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated children and families district staff responsible for protective investigations in sufficient time to allow for an investigation, or if the district determines appropriate, a family services response system approach to be commenced within 24 hours. When a district decides to respond to a report of child abuse or neglect with a family services response system approach, the provisions of part III apply. If, in the course of assessing risk and services or at any other appropriate time, responsible district staff determines that the risk to the child requires a child protective investigation, then the department shall suspend its family services response system activities and shall proceed with an investigation as delineated in this part. At the time of notification of district staff with respect to the report, the central abuse hotline shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.~~

~~(c) Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:~~

~~1. The names of the investigators and identifying credentials from the department.~~

~~2. The purpose of the investigation.~~

~~3. The right to obtain his or her own attorney and ways that the information provided by the subject may be used.~~

~~(d) The department shall make and keep records of all cases brought before it pursuant to this part and shall preserve the records pertaining to a child and family until 7 years after the last entry was made or until the child is 18 years of age. The department shall then destroy the records, except where the child has been placed under the protective supervision of the department, the court has made a finding of dependency, or a criminal conviction has resulted from the facts associated with the report and there is a likelihood that future services of the department may be required.~~

(5) The department shall be capable of receiving and investigating reports of known or suspected child abuse, abandonment, or neglect 24 hours a day, 7 days a week. If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child will be unavailable for purposes of conducting a child protective investigation, or that the facts otherwise so warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In all other child abuse, abandonment, or neglect cases, a child protective investigation shall be commenced within 24 hours after receipt of the report. In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or accompanied by another person, if the person or the attorney executes an affidavit of understanding with the department and agrees to comply with the confidentiality provisions of s. 39.202. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. In institutional child abuse cases when the institution is not operating and the child cannot otherwise be located, the investigation shall commence immediately upon the resumption of operation. If requested by a state attorney or local law enforcement agency, the department shall furnish all investigative reports to that agency.

(6)~~(e)~~ Information in the central abuse hotline may not be used for employment screening *except as provided in s. 39.202(2)(a) and (h). Information in the central abuse hotline and the department's automated abuse information system may be used by the department, its authorized agents or contract providers, the Department of Health, or county agencies as part of the licensure or registration process pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.* ~~Access to the information shall only be granted as set forth in s. 415.51.~~

(7)~~(5)~~ This section does not require a professional who is hired by or enters into a contract with the department for the purpose of treating or counseling any person, as a result of a report of child abuse, *abandonment,* or neglect, to again report to the central abuse hotline the abuse, *abandonment,* or neglect that was the subject of the referral for treatment.

Section 32. Section 415.511, Florida Statutes, is renumbered as section 39.203, Florida Statutes, and amended to read:

39.203 ~~415.511~~ Immunity from liability in cases of child abuse, *abandonment,* or neglect.—

(1)(a) Any person, official, or institution participating in good faith in any act authorized or required by *this chapter* ~~ss. 415.502-415.514~~, or reporting in good faith any instance of child abuse, *abandonment, or neglect* to any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

(b) Except as provided in *this chapter* ~~s. 415.503(10)(f)~~, nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, *abandoned,* or neglected a child, or committed any illegal act upon or against a child.

(2)(a) No resident or employee of a facility serving children may be subjected to reprisal or discharge because of his or her actions in reporting abuse, *abandonment,* or neglect pursuant to the requirements of this section.

(b) Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his or her making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

Section 33. Section 415.512, Florida Statutes, is renumbered as section 39.204, Florida Statutes, and amended to read:

39.204 ~~415.512~~ Abrogation of privileged communications in cases involving child abuse, *abandonment,* or neglect.—The privileged quality of communication between husband and wife and between any professional person and his or her patient or client, and any other privileged communication except that between attorney and client or the privilege provided in s. 90.505, as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, *abandonment,* or neglect and shall not constitute grounds for failure to report as required by s. *39.201* ~~415.504~~ regardless of the source of the information requiring the report, failure to cooperate with the department in its activities pursuant to *this chapter* ~~ss. 415.502-415.514~~, or failure to give evidence in any judicial proceeding relating to child abuse, *abandonment,* or neglect.

Section 34. Section 415.513, Florida Statutes, is renumbered as section 39.205, Florida Statutes, and amended to read:

39.205 ~~415.513~~ Penalties relating to ~~abuse~~ reporting *of child abuse, abandonment, or neglect.*—

(1) A person who is required ~~by s. 415.504~~ to report known or suspected child abuse, *abandonment,* or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse *hotline* ~~registry and tracking system~~ or in the records of any child abuse, *abandonment,* or neglect case, except as provided in *this chapter* ~~ss. 415.502-415.514~~, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The department shall establish procedures for determining whether a false report of child abuse, *abandonment,* or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency and *shall report annually to the Legislature the number of reports referred* ~~the state attorney for prosecution~~.

(4) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the report to the local law enforcement agency having jurisdiction of an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 39.01(27). During the pendency of the investigation by the local law enforcement agency, the department must notify the local law enforcement agency of, and the local law enforcement agency must respond to, all subsequent reports concerning children in that same family in accordance with s. 39.301. If the law enforcement agency believes that there are indicators of abuse or neglect, it must immediately notify the department, which must assure the safety of the children. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

(5)~~(4)~~ A person who knowingly and willfully makes a false report of child abuse or neglect, or who advises another to make a false report, is guilty of a *felony of the third* ~~misdemeanor of the second~~ degree, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(6)~~(5)~~ Each state attorney shall establish *written* procedures to facilitate the prosecution of persons under this section, *and shall report to the Legislature annually the number of complaints that have resulted in the filing of an information or indictment and the disposition of those complaints under this section.*

Section 35. Section 415.5131, Florida Statutes, is renumbered as section 39.206, Florida Statutes, and amended to read:

39.206 ~~415.5131~~ Administrative fines for false report of abuse, *abandonment,* or neglect of a child.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed *$10,000* ~~$1,000~~ for each violation, upon a person who knowingly and willfully makes a false report of abuse, *abandonment,* or neglect of a child, or a person who counsels another to make a false report.

(2) If the department alleges that a person has filed a false report with the central abuse *hotline* ~~registry and tracking system~~, the department must file a Notice of Intent which alleges the name, age, and address of the individual, the facts constituting the allegation that the individual made a false report, and the administrative fine the department proposes to impose on the person. Each time that a false report is made constitutes a separate violation.

(3) The Notice of Intent to impose the administrative fine must be served upon the person alleged to have filed the false report and the person's legal counsel, if any. Such Notice of Intent must be given by certified mail, return receipt requested.

(4) Any person alleged to have filed the false report is entitled to an administrative hearing, pursuant to chapter 120, before the imposition of the fine becomes final. The person must request an administrative hearing within 60 days after receipt of the Notice of Intent by filing a request with the department. Failure to request an administrative hearing within 60 days after receipt of the Notice of Intent constitutes a waiver of the right to a hearing, making the administrative fine final.

(5) At the hearing, the department must prove by clear and convincing evidence that the person filed a false report with the central abuse *hotline* ~~registry and tracking system~~. The court shall advise any person against whom a fine may be imposed of that person's right to be represented by counsel at the hearing.

(6) In determining the amount of fine to be imposed, if any, the following factors shall be considered:

(a) The gravity of the violation, including the probability that serious physical or emotional harm to any person will result or has resulted, the severity of the actual or potential harm, and the nature of the false allegation.

(b) Actions taken by the false reporter to retract the false report as an element of mitigation, or, in contrast, to encourage an investigation on the basis of false information.

(c) Any previous false reports filed by the same individual.

(7) A decision by the department, following the administrative hearing, to impose an administrative fine for filing a false report constitutes final agency action within the meaning of chapter 120. Notice of the imposition of the administrative fine must be served upon the person and the person's legal counsel, by certified mail, return receipt requested, and must state that the person may seek judicial review of the administrative fine pursuant to s. 120.68.

(8) All amounts collected under this section shall be deposited into an appropriate trust fund of the department.

(9) A person who is determined to have filed a false report of abuse, *abandonment,* or neglect is not entitled to confidentiality. Subsequent to the conclusion of all administrative or other judicial proceedings concerning the filing of a false report, the name of the false reporter and the nature of the false report shall be made public, pursuant to s. 119.01(1). Such information shall be admissible in any civil or criminal proceeding.

(10) Any person making a report who is acting in good faith is immune from any liability under this section and shall continue to be entitled to have the confidentiality of their identity maintained.

Section 36. Part III of chapter 39, Florida Statutes, consisting of sections 39.301, 39.302, 39.303, 39.3035, 39.304, 39.305, 39.306, and 39.307, Florida Statutes, shall be entitled to read:

PART III

PROTECTIVE INVESTIGATIONS

Section 37. Section 39.301, Florida Statutes, is created to read:

39.301 Initiation of protective investigations.—

(1) Upon receiving an oral or written report of known or suspected child abuse, abandonment, or neglect, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated children and families district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated children and families district staff responsible for protective investigations in sufficient time to allow for an investigation. At the time of notification of district staff with respect to the report, the central abuse hotline shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.

(2)(a) Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:

1. The names of the investigators and identifying credentials from the department.

2. The purpose of the investigation.

3. The right to obtain his or her own attorney and ways that the information provided by the subject may be used.

4. The possible outcomes and services of the department's response shall be explained to the caregiver.

5. The right of the parent, legal custodian, or caregiver to be involved to the fullest extent possible in determining the nature of the allegation and the nature of any identified problem.

(b) The department's training program shall ensure that protective investigators know how to fully inform parents, guardians, and caregivers of their rights and options, including opportunities for audio or video recording of investigators' interviews with parents, guardians, caretakers, or children.

(3) An assessment of risk and the perceived needs of the child and family shall be conducted in a manner that is sensitive to the social, economic, and cultural environment of the family.

(4) Protective investigations shall be performed by the department or its agent.

(5) The person responsible for the investigation shall make a preliminary determination as to whether the report or complaint is complete, consulting with the attorney for the department when necessary. In any case in which the person responsible for the investigation finds that the report or complaint is incomplete, he or she shall return it without delay to the person or agency originating the report or complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction, and request additional information in order to complete the report or complaint; however, the confidentiality of any report filed in accordance with this chapter shall not be violated.

(a) If it is determined that the report or complaint is complete, after determining that such action would be in the best interests of the child, the attorney for the department shall file a petition for dependency.

(b) If it is determined that the report or complaint is complete, but the interests of the child and the public will be best served by providing the child care or other treatment voluntarily accepted by the child and the parents, caregivers, or legal custodians, the protective investigator may refer the child for such care or other treatment.

(c) If the person conducting the investigation refuses to request that the attorney for the department file a petition for dependency, the complainant shall be advised of the right to file a petition pursuant to this part.

(6) For each report it receives, the department shall perform an onsite child protective investigation to:

(a) Determine the composition of the family or household, including the name, address, date of birth, social security number, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household.

(b) Determine whether there is indication that any child in the family or household has been abused, abandoned, or neglected; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, abandonment, or neglect, including the name, address, date of birth, social security number, sex, and race of each such person.

(c) Determine the immediate and long-term risk to each child by conducting state and federal records checks on the parents, legal custodians, or caregivers, and any other persons in the same household. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, post-trial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purpose. The department's child protection investigators are hereby designated a criminal justice agency for the purpose of accessing criminal justice information to be used for enforcing this state's laws concerning the crimes of child abuse, abandonment, and neglect.

(d) Determine the immediate and long-term risk to each child through utilization of standardized risk-assessment instruments.

(e) Based on the information obtained from the caregiver, complete the risk-assessment instrument within 48 hours after the initial contact and, if needed, develop a case plan.

(f) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's safety and well-being and development, and cause the delivery of those services through the early intervention of the department or its agent.

(7) If the department or its agent is denied reasonable access to a child by the parents, legal custodians, or caregivers and the department deems that the best interests of the child so require, it shall seek an appropriate court order or other legal authority prior to examining and interviewing the child. The department must show cause to the court that it is necessary to examine and interview the child. If the department interviews a child, the interview must be audio recorded or videotaped, unless the court orders otherwise for good cause. The court shall consider the best interests and safety of the child in making such a determination. If the department interviews a child, the interview must be audio recorded or videotaped.

(8) If the department or its agent determines that a child requires immediate or long-term protection through:

(a) Medical or other health care;

(b) Homemaker care, day care, protective supervision, or other services to stabilize the home environment, including intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both; or

(c) Foster care, shelter care, or other substitute care to remove the child from the custody of the parents, legal guardians, or caregivers,

such services shall first be offered for voluntary acceptance unless there are high-risk factors that may impact the ability of the parents, legal guardians, or caregivers to exercise judgment. Such factors may include the parents', legal guardians', or caregivers' young age or history of substance abuse or domestic violence. The parents, legal custodians, or caregivers shall be informed of the right to refuse services, as well as the responsibility of the department to protect the child regardless of the acceptance or refusal of services. If the services are refused and the department deems that the child's need for protection so requires, the department shall take the child into protective custody or petition the court as provided in this chapter.

(9) When a child is taken into custody pursuant to this section, the authorized agent of the department shall request that the child's parent, caregiver, or legal custodian disclose the names, relationships, and addresses of all parents and prospective parents and all next of kin, so far as are known.

(10) No later than 30 days after receiving the initial report, the local office of the department shall complete its investigation.

(11) Immediately upon receipt of a report alleging, or immediately upon learning during the course of an investigation, that:

(a) The immediate safety or well-being of a child is endangered;

(b) The family is likely to flee;

(c) A child has died as a result of abuse, abandonment, or neglect;

(d) A child is a victim of aggravated child abuse as defined in s. 827.03; or

(e) A child is a victim of sexual battery or of sexual abuse,

the department shall orally notify the jurisdictionally responsible state attorney and county sheriff's office or local police department and, as soon as practicable, transmit the report to those agencies. The law enforcement agency shall review the report and determine whether a criminal investigation needs to be conducted and shall assume lead responsibility for all

criminal fact-finding activities. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding an offense described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate.

(12) In a child protective investigation or a criminal investigation, when the initial interview with the child is conducted at school, the department or the law enforcement agency may allow, notwithstanding the provisions of s. 39.0132(4), a school instructional staff member who is known by the child to be present during the initial interview if:

(a) The department or law enforcement agency believes that the school instructional staff member could enhance the success of the interview by his or her presence; and

(b) The child requests or consents to the presence of the school instructional staff member at the interview.

School instructional staff may be present only when authorized by this subsection. Information received during the interview or from any other source regarding the alleged abuse or neglect of the child shall be confidential and exempt from the provisions of s. 119.07(1), except as otherwise provided by court order. A separate record of the investigation of the abuse, abandonment, or neglect shall not be maintained by the school or school instructional staff member. Violation of this subsection constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13) Within 15 days after the completion of the investigation of cases reported to him or her pursuant to this section, the state attorney shall report his or her findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 38. Section 39.302, Florida Statutes, is created to read:

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(32) or (47), acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall immediately initiate a child protective investigation and orally notify the appropriate state attorney, law enforcement agency, and licensing agency. These agencies shall immediately conduct a joint investigation, unless independent investigations are more feasible. When a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation shall be entitled to full access to the information gathered by the department in the course of the investigation. In all cases, the department shall make a full written report to the state attorney within 3 days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(2)(a) If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict the subject's access to the children pending the outcome of the investigation. The department or its agent shall employ the least restrictive means necessary to safeguard the physical health, mental health, and welfare of the children in care. This authority shall apply only to child protective investigations in which there is some evidence that child abuse, abandonment, or neglect has occurred. A subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial review. The court shall enter written findings of fact based upon the preponderance of evidence that child abuse, abandonment, or neglect did occur and that the department's restrictive action against a subject of the report was justified in order to safeguard the physical health, mental health, and welfare of the children in care. The restrictive action of the department shall be effective for no more than 90 days without a judicial finding supporting the actions of the department.

(b) Upon completion of the department's child protective investigation, the department may make application to the circuit court for continued restrictive action against any person necessary to safeguard the physical health, mental health, and welfare of the children in care.

(3) Pursuant to the restrictive actions described in subsection (2), in cases of institutional abuse, abandonment, or neglect in which the removal of a subject of a report will result in the closure of the facility, and when requested by the owner of the facility, the department may provide appropriate personnel to assist in maintaining the operation of the facility. The department may provide assistance when it can be demonstrated by the owner that there are no reasonable alternatives to such action. The length of the assistance shall be agreed upon by the owner and the department; however, the assistance shall not be for longer than the course of the restrictive action imposed pursuant to subsection (2). The owner shall reimburse the department for the assistance of personnel provided.

(4) The department shall notify the human rights advocacy committee in the appropriate district of the department as to every report of institutional child abuse, abandonment, or neglect in the district in which a client of the department is alleged or shown to have been abused, abandoned, or neglected, which notification shall be made within 48 hours after the department commences its investigation.

(5) The department shall notify the state attorney and the appropriate law enforcement agency of any other child abuse, abandonment, or neglect case in which a criminal investigation is deemed appropriate by the department.

(6) In cases of institutional child abuse, abandonment, or neglect in which the multiplicity of reports of abuse, abandonment, or neglect or the severity of the allegations indicates the need for specialized investigation by the department in order to afford greater safeguards for the physical health, mental health, and welfare of the children in care, the department shall provide a team of persons specially trained in the areas of child abuse, abandonment, and neglect investigations, diagnosis, and treatment to assist the local office of the department in expediting its investigation and in making recommendations for restrictive actions and to assist in other ways deemed necessary by the department in order to carry out the provisions of this section. The specially trained team shall also provide assistance to any investigation of the allegations by local law enforcement and the Department of Law Enforcement.

Section 39. Section 415.5055, Florida Statutes, is renumbered as section 39.303, Florida Statutes, and amended to read:

39.303 ~~415.5055~~ Child protection teams; services; eligible cases.— The department shall develop, maintain, and coordinate the services of one or more multidisciplinary child protection teams in each of the service districts of the department. Such teams may be composed of representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies. The Legislature finds that optimal coordination of child protection teams and sexual abuse treatment programs requires collaboration between the Department of Health and the Department of Children and Family Services. The two departments shall maintain an interagency agreement that establishes protocols for oversight and operations of child protection teams and sexual abuse treatment programs. The Secretary of Health and the Director of the Division of Children's Medical Services, in consultation with the Secretary of Children and Family Services, shall maintain the responsibility for the screening, employment, and, if necessary, the termination of child protection team medical directors, at headquarters and in the 15 districts. Child protection team medical directors shall be responsible for oversight of the teams in the districts.

(1) The department shall utilize and convene the teams to supplement the assessment and protective supervision activities of ~~the children, youth, and families program of~~ the department. Nothing in this section shall be construed to remove or reduce the duty and responsibility of any person to report pursuant to *this chapter* ~~s. 415.504~~ all suspected or actual cases of child abuse, *abandonment,* or neglect or sexual abuse of a child. The role of the teams shall be to support activities of the program and to provide services deemed by the teams to be necessary and appropriate to abused, *abandoned,* and neglected children

upon referral. The specialized diagnostic assessment, evaluation, coordination, consultation, and other supportive services that a child protection team shall be capable of providing include, but are not limited to, the following:

(a) Medical diagnosis and evaluation services, including provision or interpretation of X rays and laboratory tests, and related services, as needed, and documentation of findings relative thereto.

(b) Telephone consultation services in emergencies and in other situations.

(c) Medical evaluation related to abuse, *abandonment,* or neglect, as defined by department policy or rule.

(d) Such psychological and psychiatric diagnosis and evaluation services for the child or the child's parent or parents, *legal custodian or custodians* ~~guardian or guardians~~, or other caregivers, or any other individual involved in a child abuse, *abandonment,* or neglect case, as the team may determine to be needed.

(e) Short-term psychological treatment. It is the intent of the Legislature that short-term psychological treatment be limited to no more than 6 months' duration after treatment is initiated, except that the appropriate district administrator may authorize such treatment for individual children beyond this limitation if the administrator deems it appropriate.

(f) Expert medical, psychological, and related professional testimony in court cases.

(g) Case staffings to develop, implement, and monitor treatment plans for children whose cases have been referred to the team. A child protection team may provide consultation with respect to a child who has not been referred to the team, but who is alleged or is shown to be abused, *abandoned, or neglected,* which consultation shall be provided at the request of a representative of the children, youth, and families program or at the request of any other professional involved with a child or the child's parent or parents, *legal custodian or custodians* ~~guardian or guardians~~, or other caregivers. In every such child protection team case staffing, consultation, or staff activity involving a child, a children, youth, and families program representative shall attend and participate.

(h) Case service coordination and assistance, including the location of services available from other public and private agencies in the community.

(i) Such training services for program and other department employees as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling child abuse, *abandonment,* and neglect cases.

(j) Educational and community awareness campaigns on child abuse, *abandonment,* and neglect in an effort to enable citizens more successfully to prevent, identify, and treat child abuse, *abandonment,* and neglect in the community.

(2) The child abuse, *abandonment,* and neglect cases that are appropriate for referral by the children, youth, and families program to child protection teams for support services as set forth in subsection (1) include, but are not limited to, cases involving:

(a) Bruises, burns, or fractures in a child under the age of 3 years or in a nonambulatory child of any age.

(b) Unexplained or implausibly explained bruises, burns, fractures, or other injuries in a child of any age.

(c) Sexual abuse of a child in which vaginal or anal penetration is alleged or in which other unlawful sexual conduct has been determined to have occurred.

(d) Venereal disease, or any other sexually transmitted disease, in a prepubescent child.

(e) Reported malnutrition of a child and failure of a child to thrive.

(f) Reported medical, physical, or emotional neglect of a child.

(g) Any family in which one or more children have been pronounced dead on arrival at a hospital or other health care facility, or have been injured and later died, as a result of suspected abuse, *abandonment,* or neglect, when any sibling or other child remains in the home.

(h) Symptoms of serious emotional problems in a child when emotional or other abuse, *abandonment,* or neglect is suspected.

~~(3) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and 455.241, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court.~~

(3) In all instances in which a child protection team is providing certain services to abused, *abandoned,* or neglected children, other offices and units of the department shall avoid duplicating the provision of those services.

Section 40. Section 39.3035, Florida Statutes, is created to read:

39.3035 Child advocacy centers; standards; state funding.—

(1) In order to become eligible for a full membership in the Florida Network of Children's Advocacy Centers, Inc., a child advocacy center in this state shall:

(a) Be a private, nonprofit incorporated agency or a governmental entity.

(b) Be a child protection team with established community protocols that meet all of the requirements of the National Network of Children's Advocacy Centers, Inc.

(c) Have a neutral, child-focused facility where joint department and law enforcement interviews take place with children in appropriate cases of suspected child sexual abuse or physical abuse. All multidisciplinary agencies shall have a place to interact with the child as investigative or treatment needs require.

(d) Have a minimum designated staff that is supervised and approved by the local board of directors or governmental entity.

(e) Have a multidisciplinary case review team that meets on a regularly scheduled basis or as the caseload of the community requires. The team shall consist of representatives from the Office of the State Attorney, the department, the child protection team, mental health services, law enforcement, and the child advocacy center staff. Medical personnel and a victim's advocate may be part of the team.

(f) Provide case tracking of child abuse cases seen through the center. A center shall also collect data on the number of child abuse cases seen at the center, by sex, race, age, and other relevant data; the number of cases referred for prosecution; and the number of cases referred for mental health therapy. Case records shall be subject to the confidentiality provisions of s. 39.202.

(g) Provide referrals for medical exams and mental health therapy. The center shall provide followup on cases referred for mental health therapy.

(h) Provide training for various disciplines in the community that deal with child abuse.

(i) Have an interagency commitment, in writing, covering those aspects of agency participation in a multidisciplinary approach to the handling of child sexual abuse and serious physical abuse cases.

(2) Provide assurance that child advocacy center employees and volunteers at the center are trained and screened in accordance with s. 39.001(2).

(3) Any child advocacy center within this state that meets the standards of subsection (1) and is certified by the Florida Network of Children's Advocacy Centers, Inc., as being a full member in the organization shall be eligible to receive state funds that are appropriated by the Legislature.

Section 41. Section 415.507, Florida Statutes, is renumbered as section 39.304, Florida Statutes, and amended to read:

39.304 ~~415.507~~ Photographs, medical examinations, X rays, and medical treatment of abused, *abandoned,* or neglected child.—

(1) Any person required to investigate cases of suspected child abuse, *abandonment,* or neglect may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report. If the areas of trauma visible on a child indicate a need for a medical examination, or if the child verbally complains or otherwise exhibits distress as a result of injury through suspected child abuse, *abandonment,* or neglect, or is alleged to have been sexually abused, the person required to investigate may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents, *caregiver* ~~legal guardian~~, or legal custodian. Such examination may be performed by an advanced registered nurse practitioner licensed pursuant to chapter 464. Any licensed physician, or advanced registered nurse practitioner licensed pursuant to chapter 464, who has reasonable cause to suspect that an injury was the result of child abuse, *abandonment, or neglect* may authorize a radiological examination to be performed on the child without the consent of the child's parent, *caregiver* ~~legal guardian~~, or legal custodian.

(2) Consent for any medical treatment shall be obtained in the following manner.

(a)1. Consent to medical treatment shall be obtained from a parent or *legal custodian* ~~guardian~~ of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or *legal custodian* ~~guardian~~ of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or *legal custodian* ~~guardian~~ of the child is available but refuses to consent to the necessary treatment, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse, *abandonment,* or neglect of the child by a parent or *legal custodian* ~~guardian~~. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3) Any facility licensed under chapter 395 shall provide to the department, its agent, or a child protection team that contracts with the department any photograph or report on examinations made or X rays taken pursuant to this section, or copies thereof, for the purpose of investigation or assessment of cases of abuse, abandonment, neglect, or exploitation of children.

(4)~~(3)~~ Any photograph or report on examinations made or X rays taken pursuant to this section, or copies thereof, shall be sent to the department as soon as possible.

(5)~~(4)~~ The county in which the child is a resident shall bear the initial costs of the examination of the allegedly abused, *abandoned, or neglected* child; however, the parents, *caregiver* ~~legal guardian~~, or legal custodian of the child shall be required to reimburse the county for the costs of such examination, other than an initial forensic physical examination as provided in s. 960.28, and to reimburse the department ~~of Children and Family Services~~ for the cost of the photographs taken pursuant to this section. A medical provider may not bill a child victim, directly or indirectly, for the cost of an initial forensic physical examination.

~~(5) The court shall order a defendant or juvenile offender who pleads guilty or nolo contendere to, or who is convicted of or adjudicated delinquent for, a violation of chapter 794 or chapter 800 to make restitution to the Crimes Compensation Trust Fund or to the county, whichever paid for the initial forensic physical examination, in an amount equal to the compensation paid to the medical provider for the cost of the initial forensic physical examination. The order may be enforced by the department in the same manner as a judgment in a civil action.~~

Section 42. Section 415.5095, Florida Statutes, is renumbered as section 39.305, Florida Statutes, and amended to read:

39.305 ~~415.5095~~ Intervention and treatment in sexual abuse cases; model plan.—

~~(1) The impact of sexual abuse on the child and family has caused the Legislature to determine that special intervention and treatment must be offered in certain cases so that the child can be protected from further abuse, the family can be kept together, and the abuser can benefit from treatment. To further this end, it is the intent of the Legislature that special funding shall be available in those communities where agencies and professionals are able to work cooperatively to effectuate intervention and treatment in intrafamily sexual abuse cases.~~

~~(2)~~ The department ~~of Children and Family Services~~ shall develop a model plan for community intervention and treatment of intrafamily sexual abuse in conjunction with the Department of Law Enforcement, *the Department of Health,* the Department of Education, the Attorney General, the state Guardian Ad Litem Program, the Department of Corrections, representatives of the judiciary, and professionals and advocates from the mental health and child welfare community.

Section 43. Section 39.306, Florida Statutes, is created to read:

39.306 Child protective investigations; working agreements with local law enforcement.—The department shall enter into agreements with the jurisdictionally responsible county sheriffs' offices and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect. The written agreement must specify how the requirements of this chapter will be met. For the purposes of such agreement, the jurisdictionally responsible law enforcement entity is authorized to share Florida criminal history information that is not otherwise exempt from s. 119.07(1) with the district personnel, authorized agent, or contract provider directly responsible for the child protective investigation and emergency child placement. The agencies entering into such agreement must comply with s. 943.0525. Criminal justice information provided by such law enforcement entity shall be used only for the purposes specified in the agreement and shall be provided at no charge. Notwithstanding any other provision of law, the Department of Law Enforcement shall provide to the department electronic access to Florida criminal justice information that is lawfully available and not exempt from s. 119.07(1), only for the purpose of child protective investigations and emergency child placement. As a condition of access to such information, the department shall be required to execute an appropriate user agreement addressing the access, use, dissemination, and destruction of such information and to comply with all applicable laws and regulations and with rules of the Department of Law Enforcement.

Section 44. Section 415.50171, Florida Statutes, is renumbered as section 39.307, Florida Statutes, and amended to read:

39.307 ~~415.50171 Family services response system;~~ Reports of child-on-child sexual abuse.—

(1) ~~Subject to specific appropriation,~~ Upon receiving a report alleging juvenile sexual abuse as defined in s. *39.01(7)(b), the department shall assist the family in receiving appropriate services* ~~415.50165(7), district staff shall, unless caregiver abuse or neglect is involved, use a family services response system approach~~ to address the allegations of the report.

(2) District staff, at a minimum, shall adhere to the following procedures:

(a) The purpose of the response to a report alleging juvenile sexual abuse behavior shall be explained to the caregiver.

1. The purpose of the response shall be explained in a manner consistent with legislative purpose and intent provided in this *chapter* ~~part~~.

2. The name and office telephone number of the person responding shall be provided to the caregiver of the alleged juvenile sexual offender and victim's caregiver.

3. The possible consequences of the department's response, including outcomes and services, shall be explained to the caregiver of the alleged juvenile sexual offender and the victim's family or caregiver.

(b) The caregiver of the alleged juvenile sexual offender and the caregiver of the victim shall be involved to the fullest extent possible in determining the nature of the allegation and the nature of any problem or risk to other children.

(c) The assessment of risk and the perceived treatment needs of the alleged juvenile sexual offender, the victim, and respective caregivers shall be conducted by the district staff, the child protection team, and other providers under contract with the department to provide services to the caregiver of the alleged offender, the victim, and the victim's caregiver.

(d) The assessment shall be conducted in a manner that is sensitive to the social, economic, and cultural environment of the family.

(e) When necessary, the child protection team shall conduct an evidence-gathering physical examination of the victim.

(f) Based on the information obtained from the alleged juvenile sexual offender, the alleged juvenile sexual offender's caregiver, the victim, and the victim's caregiver, an assessment service and treatment needs report must be completed within 7 days and, if needed, a case plan developed within 30 days.

(g) The department shall classify the outcome of its initial assessment of the report as follows:

1. Report closed. Services were not offered to the alleged juvenile sexual offender because the department determined that there was no basis for intervention.

2. Services accepted by alleged offender. Services were offered to the alleged juvenile sexual offender and accepted by the caregiver.

3. Report closed. Services were offered to the alleged juvenile sexual offender, but were rejected by the caregiver.

4. Notification to law enforcement. Either the risk to the victim's safety and well-being cannot be reduced by the provision of services or the family rejected services, and notification of the alleged delinquent act or violation of law to the appropriate law enforcement agency was initiated.

5. Services accepted by victim. Services were offered to the victim of the alleged juvenile sexual offender and accepted by the caregiver.

6. Report closed. Services were offered to the victim of the alleged juvenile sexual offender, but were rejected by the caregiver.

(3) When services have been accepted by the alleged juvenile sexual offender, victim, and respective caregivers or family, the department shall designate a case manager and develop a specific case plan.

(a) Upon receipt of the plan, the caregiver or family shall indicate its acceptance of the plan in writing.

(b) The case manager shall periodically review the progress toward achieving the objectives of the plan in order to:

1. Make adjustments to the plan or take additional action as provided in this part; or

2. Terminate the case when indicated by successful or substantial achievement of the objectives of the plan.

(4) In the event the family or caregiver of the alleged juvenile sexual offender fails to adequately participate or allow for the adequate participation of the juvenile sexual offender in the services or treatment delineated in the case plan, the case manager may recommend that the department:

(a) Close the case;

(b) Refer the case to mediation or arbitration, if available; or

(c) Notify the appropriate law enforcement agency of failure to comply.

(5) Services to the alleged juvenile sexual offender, the victim, and respective caregivers or family under this section shall be voluntary and of necessary duration.

(6) At any time, as a result of additional information, findings of facts, or changing conditions, the department may pursue a child protective investigation as provided in *this chapter* ~~part IV~~.

(7) The department is authorized to develop rules and other policy directives necessary to implement the provisions of this section.

Section 45. Part IV of chapter 39, Florida Statutes, consisting of sections 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, and 39.318, Florida Statutes, shall be entitled to read:

PART IV

FAMILY BUILDERS PROGRAM

Section 46. Section 415.515, Florida Statutes, is renumbered as section 39.311, Florida Statutes, and amended to read:

39.311 ~~415.515~~ Establishment of Family Builders Program.—

(1) Any Family Builders Program that is established by the department ~~of Children and Family Services or the Department of Juvenile Justice~~ shall provide family preservation services to families whose children are at risk of imminent out-of-home placement because they are dependent ~~or delinquent or are children in need of services~~, to reunite families whose children have been removed and placed in foster care, and to maintain adoptive families intact who are at risk of fragmentation. The Family Builders Program shall provide programs to achieve long-term changes within families that will allow children to remain with their families as an alternative to the more expensive and potentially psychologically damaging program of out-of-home placement.

(2) The department ~~of Children and Family Services and the Department of Juvenile Justice~~ may adopt rules to implement the Family Builders Program.

Section 47. Section 415.516, Florida Statutes, is renumbered as section 39.312, Florida Statutes, and amended to read:

39.312 ~~415.516~~ Goals.—The goals of any Family Builders Program shall be to:

(1) Ensure child health and safety while working with the family.

(2)~~(1)~~ Help parents to improve their relationships with their children and to provide better care, nutrition, hygiene, discipline, protection, instruction, and supervision.

(3)~~(2)~~ Help parents to provide a better household environment for their children by improving household maintenance, budgeting, and purchasing.

(4)~~(3)~~ Provide part-time child care when parents are unable to do so or need temporary relief.

(5)~~(4)~~ Perform household maintenance, budgeting, and purchasing when parents are unable to do so on their own or need temporary relief.

(6)~~(5)~~ Assist parents and children to manage and resolve conflicts.

(7)~~(6)~~ Assist parents to meet the special physical, mental, or emotional needs of their children and help parents to deal with their own special physical, mental, or emotional needs that interfere with their ability to care for their children and to manage their households.

(8)~~(7)~~ Help families to discover and gain access to community resources to which the family or children might be entitled and which would assist the family in meeting its needs and the needs of the children, including the needs for food, clothing, housing, utilities, transportation, appropriate educational opportunities, employment, respite care, and recreational and social activities.

(9)~~(8)~~ Help families by providing cash or in-kind assistance to meet their needs for food, clothing, housing, or transportation when such needs prevent or threaten to prevent parents from caring for their children, and when such needs are not met by other sources in the community in a timely fashion.

~~(9) Emphasize parental responsibility and facilitate counseling for children at high risk of delinquent behavior and their parents.~~

(10) Provide such additional reasonable services for the prevention of maltreatment and unnecessary foster care as may be needed in order to strengthen a family at risk.

Section 48. Section 415.517, Florida Statutes, is renumbered as section 39.313, Florida Statutes, and amended to read:

39.313 ~~415.517~~ Contracting of services.—The department may contract for the delivery of Family Builders Program services by professionally qualified persons or local governments when it determines that it is in the family's best interest. The service provider or program operator must submit to the department monthly activity reports covering any services rendered. These activity reports must include project evaluation in relation to individual families being served, as well as statistical data concerning families referred for services who are not served due to the unavailability of resources. The costs of program evaluation are an allowable cost consideration in any service contract negotiated in accordance with this *section* ~~subsection~~.

Section 49. Section 415.518, Florida Statutes, is renumbered as section 39.314, Florida Statutes, and amended to read:

39.314 ~~415.518~~ Eligibility for Family Builders Program services.—Family Builders Program services must be made available to a family at risk on a voluntary basis, provided the family meets the eligibility requirements as established by rule and there is space available in the program. All members of the families who accept such services are responsible for cooperating fully with the family preservation plan developed for each family under *s. 39.315* ~~this section~~. Families in which children are at imminent risk of sexual abuse or physical endangerment perpetrated by a member of their immediate household are not eligible to receive family preservation services unless the perpetrator is in, or has agreed to enter, a program for treatment and the safety of the children may be enhanced through participation in the Family Builders Program.

Section 50. *Section 415.519, Florida Statutes, is renumbered as section 39.315, Florida Statutes.*

Section 51. Section 415.520, Florida Statutes, is renumbered as section 39.316, Florida Statutes, and amended to read:

39.316 ~~415.520~~ Qualifications of Family Builders Program workers.—

(1) A public or private agency staff member who provides direct service to an eligible family must possess a bachelor's degree in a human-service-related field and 2 years' experience providing direct services to children, youth, or their families or possess a master's degree in a human-service-related field with 1 year of experience. A person who supervises caseworkers who provide direct services to eligible families must possess a master's degree in a human-service-related field and have at least 2 years of experience in social work or counseling or must possess a bachelor's degree in a human-service-related field and have at least 3 years' experience in social work or counseling.

(2) A person who provides paraprofessional aide services to families must possess a valid high school diploma or a Graduate Equivalency Diploma and must have a minimum of 2 years' experience in working with families with children. Experience in a volunteer capacity while working with families may be included in the 2 years of required experience.

(3) Caseworkers must successfully complete at least 40 hours of intensive training prior to providing direct *services* ~~service~~ under this program. Paraprofessional aides and supervisors must, within 90 days after hiring, complete a training program prescribed by the department on child abuse, *abandonment,* and neglect and an overview of the children, youth, and families program components and service delivery system. Program supervisors and caseworkers must thereafter complete at least 40 hours of additional training each year in accordance with standards established by the department.

Section 52. *Section 415.521, Florida Statutes, is renumbered as section 39.317, Florida Statutes.*

Section 53. Section 415.522, Florida Statutes, is renumbered as section 39.318, Florida Statutes, and amended to read:

39.318 ~~415.522~~ Funding.—The department is authorized to use appropriate state, federal, and private funds within its budget for operating the Family Builders Program. For each child served, the cost of providing home-based services described in this *part* ~~act~~ must not exceed the costs of out-of-home care which otherwise would be incurred.

Section 54. Part V of chapter 39, Florida Statutes, consisting of sections 39.395, 39.401, 39.402, 39.407, and 39.4075, Florida Statutes, shall be entitled to read:

PART V

TAKING CHILDREN INTO CUSTODY

AND SHELTER HEARINGS

Section 55. Section 39.395, Florida Statutes, is created to read:

39.395 Taking a child into protective custody; medical or hospital personnel.—Any person in charge of a hospital or similar institution or any physician or licensed health care professional treating a child may keep that child in his or her custody without the consent of the parents, caregiver, or legal custodian, whether or not additional medical treatment is required, if the circumstances are such, or if the condition of the child is such, that continuing the child in the child's place of residence or in the care or custody of the parents, caregiver, or legal custodian presents an imminent danger to the child's life or physical or mental health. Any such person taking a child into protective custody shall immediately notify the department, whereupon the department shall immediately begin a child protective investigation in accordance with the provisions of this chapter and shall make every reasonable effort to immediately notify the parents, caregiver, or legal custodian that such child has been taken into protective custody. If the department determines, according to the criteria set forth in this chapter, that the child should remain in protective custody longer than 24 hours, it shall petition the court for an order authorizing such custody in the same manner as if the child were placed in a shelter. The department shall attempt to avoid the placement of a child in an institution whenever possible.

Section 56. Section 39.401, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.401 Taking a child alleged to be dependent into custody*; law enforcement officers and authorized agents of the department.*—

(1) A child may only be taken into custody:

(a) Pursuant to an order of the circuit court issued pursuant to the provisions of this part, based upon sworn testimony, either before or after a petition is filed*; or*~~.~~

(b) By a law enforcement officer, or an authorized agent of the department, if the officer or *authorized* agent has probable cause to support a finding of reasonable grounds for removal and that removal is necessary to protect the child. Reasonable grounds for removal are as follows:

1. That the child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;

2. That the *parent, legal custodian, caregiver, or responsible adult relative* ~~custodian~~ of the child has materially violated a condition of placement imposed by the court; or

3. That the child has no parent, legal custodian, *caregiver,* or responsible adult relative immediately known and available to provide supervision and care.

(2) If the *law enforcement officer takes* ~~person taking~~ the child into custody ~~is not an authorized agent of the department~~, that *officer* ~~person~~ shall:

(a) Release the child to*:*

1. The parent, *caregiver, or* ~~guardian,~~ legal custodian *of the child;*~~;~~

2. A responsible adult approved by the court when limited to temporary emergency situations;~~;~~

3. A responsible adult relative who shall be given priority consideration over a nonrelative placement *when this is in the best interests of the child*;~~,~~ or

4. A responsible adult approved by the department; ~~within 3 days following such release, the person taking the child into custody shall make a full written report to the department for cases involving allegations of abandonment, abuse, or neglect or other dependency cases;~~ or

(b) Deliver the child to an authorized agent of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is abandoned, abused, or neglected, or otherwise dependent ~~and make a full written report to the department within 3 days~~.

For cases involving allegations of abandonment, abuse, or neglect, or other dependency cases, within 3 days after such release or within 3 days after delivering the child to an authorized agent of the department, the law enforcement officer who took the child into custody shall make a full written report to the department.

(3) If the child is taken into custody by, or is delivered to, an authorized agent of the department, the authorized agent shall review the facts supporting the removal with *an attorney representing the* department ~~legal staff prior to the emergency shelter hearing~~. The purpose of this review shall be to determine whether probable cause exists for the filing of *a* ~~an emergency~~ shelter petition ~~pursuant to s. 39.402(1)~~. If the facts are not sufficient to support the filing of a *shelter* petition, the child shall immediately be returned to the custody of the parent, *caregiver,* or legal custodian. If the facts are sufficient to support the filing of the *shelter* petition, and the child has not been returned to the custody of the parent, *caregiver,* or legal custodian, the department shall file the *shelter* petition and schedule a *shelter* hearing ~~pursuant to s. 39.402(1)~~, such hearing to be held within 24 hours after the removal of the child. While awaiting the ~~emergency~~ shelter hearing, the authorized agent of the department may place the child in licensed shelter care or may release the child to a parent, ~~guardian,~~ legal custodian, *caregiver, or* responsible adult relative who shall be given priority consideration over a *licensed* ~~nonrelative~~ placement, or responsible adult approved by the department *when this is in the best interests of the child. Any placement of a child which is not in a licensed shelter must be preceded by a local and state criminal records check, as well as a search of the department's automated abuse information system, on all members of the household, to assess the child's safety within the home.* In addition, the department may authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

(4) When a child is taken into custody pursuant to this section, the department ~~of Children and Family Services~~ shall request that the child's parent, *caregiver,* or *legal* custodian disclose the names, relationships, and addresses of all parents and prospective parents and all next of kin of the child, so far as are known.

Section 57. Section 39.402, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.402 Placement in a shelter.—

(1) Unless ordered by the court under this chapter, a child taken into custody shall not be placed in a shelter prior to a court hearing unless there are reasonable grounds for removal and removal is necessary to protect the child. Reasonable grounds for removal are as follows:

(a) The child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;

(b) The custodian of the child has materially violated a condition of placement imposed by the court; or

(c) The child has no parent, legal custodian, *caregiver,* or responsible adult relative immediately known and available to provide supervision and care.

(2) A child taken into custody may be placed or continued in a shelter only if one or more of the criteria in subsection (1) applies and the court has made a specific finding of fact regarding the necessity for removal of the child from the home and has made a determination that the provision of appropriate and available services will not eliminate the need for placement.

(3) Whenever a child is taken into custody, the department shall immediately notify the parents or legal custodians, shall provide the parents or legal custodians with a statement setting forth a summary of procedures involved in dependency cases, and shall notify them of their right to obtain their own attorney.

(4) If the department determines that placement in a shelter is necessary under subsections (1) and (2), the authorized agent of the department shall authorize placement of the child in a shelter.

(5)(a) The parents or legal custodians of the child shall be given actual notice of the date, time, and location of the ~~emergency~~ shelter hearing. If the parents *or legal custodians* are outside the jurisdiction of the court, are not known, or cannot be located or refuse or evade service, they shall be given such notice as best ensures their actual knowledge of the date, time, and location of the ~~emergency~~ shelter hearing. The person providing or attempting to provide notice to the parents or legal custodians shall, if the parents or legal custodians are not present at the hearing, advise the court either in person or by sworn affidavit, of the attempts made to provide notice and the results of those attempts.

(b) The parents or legal custodians shall be given written notice that:

~~(b) At the emergency shelter hearing, the department must establish probable cause that reasonable grounds for removal exist and that the provision of appropriate and available services will not eliminate the need for placement.~~

1.~~(c)~~ *They will* ~~The parents or legal custodians shall~~ be given an opportunity to be heard and to present evidence at the ~~emergency~~ shelter hearing*; and*~~.~~

2. They have the right to be represented by counsel, and, if indigent, the right to be represented by appointed counsel, at the shelter hearing and at each subsequent hearing or proceeding, pursuant to the procedures set forth in s. 39.013.

(6)~~(5)~~(a) The circuit court, or the county court~~,~~ if previously designated by the chief judge of the circuit court for such purpose, shall hold the shelter hearing.

(b) The shelter petition filed with the court must address each condition required to be determined by the court in *paragraphs (8)(a) and (b)* ~~subsection (7)~~.

(7)~~(6)~~ A child may not be removed from the home or continued out of the home pending disposition if, with the provision of appropriate and available *early-intervention or preventive* services, including services provided in the home, the child could safely remain at home. If the child's safety and well-being are in danger, the child shall be removed from danger and continue to be removed until the danger has passed. If the child has been removed from the home and the reasons for his or her removal have been remedied, the child may be returned to the home. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home, the court shall allow the child to remain in the home.

(8)~~(7)~~(a) A child may not be held in a shelter longer than 24 hours unless an order so directing is entered by the court after *a* ~~an emergency~~ shelter hearing. *In the interval until the shelter hearing is held, the decision to place the child in a shelter or release the child from a shelter lies with the protective investigator.* ~~At the emergency shelter hearing, the court shall appoint a guardian ad litem to represent the child unless the court finds that such representation is unnecessary.~~

(b) The parents or legal custodians of the child shall be given such notice as best ensures their actual knowledge of the time and place of the *shelter* hearing ~~and shall be given an opportunity to be heard and to present evidence at the emergency shelter hearing~~. *The failure to provide notice to a party or participant does not invalidate an order placing a child in a shelter if the court finds that the petitioner has made a good-faith effort to provide such notice.* The court shall require the parents or *legal* custodians present at the hearing to provide to the court on the record the names, addresses, and relationships of all parents, prospective parents, and next of kin of the child, so far as are known.

(c) At the shelter hearing, the court shall:

1. Appoint a guardian ad litem to represent the child, unless the court finds that such representation is unnecessary;

2. Inform the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013; and

3. Give the parents or legal custodians an opportunity to be heard and to present evidence.

(d) At the shelter hearing, the department must establish probable cause that reasonable grounds for removal exist and that the provision of appropriate and available services will not eliminate the need for placement.

(e) At the shelter hearing, each party shall provide to the court a permanent mailing address. The court shall advise each party that this address will be used by the court and the petitioner for notice purposes unless and until the party notifies the court and the petitioner in writing of a new mailing address.

(f)~~(b)~~ The order for placement of a child in shelter care must identify the parties present at the hearing and must contain written findings:

1. That placement in shelter care is necessary based on the criteria in subsections (1) and (2).

2. That placement in shelter care is in the best interest of the child.

3. That continuation of the child in the home is contrary to the welfare of the child because the home situation presents a substantial and immediate danger to the *child's physical, mental, or emotional health or safety* ~~child~~ which cannot be mitigated by the provision of preventive services.

4. That based upon the allegations of the petition for placement in shelter care, there is probable cause to believe that the child is dependent.

5. That the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home. A finding of reasonable effort by the department to prevent or eliminate the need for removal may be made and the department is deemed to have made reasonable efforts to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency.

b. The appraisal of the home situation by the department indicates that the home situation presents a substantial and immediate danger to the *child's physical, mental, or emotional health or safety* ~~child~~ which cannot be mitigated by the provision of preventive services.

c. The child cannot safely remain at home, either because there are no preventive services that can ensure the *health and* safety of the child or because, even with appropriate and available services being provided, the *health and* safety of the child cannot be ensured.

6. That the court notified the parents or legal custodians of the subsequent dependency proceedings, including scheduled hearings, and of the importance of the active participation of the parents or legal custodians in those subsequent proceedings and hearings.

7. That the court notified the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013.

~~(c) The failure to provide notice to a party or participant does not invalidate an order placing a child in a shelter if the court finds that the petitioner has made a good faith effort to provide such notice.~~

~~(d) In the interval until the shelter hearing is held under paragraph (a), the decision to place the child in a shelter or release the child from a shelter lies with the protective investigator in accordance with subsection (3).~~

(9) At any shelter hearing, the court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child.

(10) The shelter hearing order shall contain a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to ensure the protection of the child in the home when such services are necessary for the child's health and safety.

~~(8) A child may not be held in a shelter under an order so directing for more than 21 days unless an order of adjudication for the case has been entered by the court. The parent, guardian, or custodian of the child must be notified of any order directing placement of the child in an emergency shelter and, upon request, must be afforded a hearing within 48 hours, excluding Sundays and legal holidays, to review the necessity for continued placement in the shelter for any time periods as provided in this section. At any arraignment hearing or determination of emergency shelter care, the court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child, and the court shall make a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to assure the protection of the child in the home when such services are necessary for the child's safety. Within 7 days after the child is taken into custody, a petition alleging dependency must be filed and, within 14 days after the child is taken into custody, an arraignment hearing must be held for the child's parent, guardian, or custodian to admit, deny, or consent to the findings of dependency alleged in the petition.~~

(11)~~(12)~~ *If a* ~~When any~~ child is placed in a shelter *pursuant to* ~~under~~ a court order following a shelter hearing, the court shall *prepare a shelter hearing* order *requiring* the parents of the child, or the guardian of the child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(12) In the event the shelter hearing is conducted by a judge other than the juvenile court judge, the juvenile court judge shall hold a shelter review on the status of the child within 2 working days after the shelter hearing.

(13)~~(9)~~ *A child may not be held in a shelter under an order so directing for more than 60 days without an adjudication of dependency.* A child may not be held in a shelter for more than 30 days after the entry of an order of adjudication unless an order of disposition ~~under s. 39.41~~ has been entered by the court.

(14)~~(10)~~ The time limitations in *this section* ~~subsection (8)~~ do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child's attorney or the child's guardian ad litem, if one has been appointed by the court, and the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or *legal custodian* ~~guardian~~ may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents *or legal custodians*; however, the petitioner shall continue regular efforts to provide notice to the parents *or legal custodians* during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

(15) At the conclusion of a shelter hearing, the court shall notify all parties in writing of the next scheduled hearing to review the shelter placement. Such hearing shall be held no later than 30 days after placement of the child in shelter status, in conjunction with the arraignment hearing.

~~(11) The court shall review the necessity for a child's continued placement in a shelter in the same manner as the initial placement decision was made and shall make a determination regarding the continued placement:~~

~~(a) Within 24 hours after any violation of the time requirements for the filing of a petition or the holding of an arraignment hearing as prescribed in subsection (8); or~~

~~(b) Prior to the court's granting any delay as specified in subsection (10).~~

Section 58. Section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical or mental examination of parent~~, guardian,~~ or person requesting custody of child.—

(1) When any child is taken into custody and is to be detained in shelter care, the department is authorized to have a medical screening performed on the child without authorization from the court and without consent from a parent or *legal custodian* ~~guardian~~. Such medical screening shall be performed by a licensed health care professional and shall be to examine the child for injury, illness, and communicable diseases and to determine the need for immunization. The department shall by rule establish the invasiveness of the medical procedures authorized to be performed under this subsection. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When the department has performed the medical screening authorized by subsection (1), or when it is otherwise determined by a licensed health care professional that a child who is in the custody of the department, but who has not been committed to the department ~~pursuant to s. 39.41~~, is in need of medical treatment, including the need for immunization, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent or *legal custodian* ~~guardian~~ of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or *legal custodian* ~~guardian~~ of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment, including immunization, for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or *legal custodian* ~~guardian~~ of the child is available but refuses to consent to the necessary treatment, including immunization, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse, *abandonment*, or neglect of the child by a parent, *caregiver, or legal custodian* ~~or guardian~~. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order a child in the physical custody of the department to be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the department. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education as defined in s. *230.23* ~~230.2315(2)~~.

(4) A judge may order a child in the physical custody of the department to be treated by a licensed health care professional based on evidence that the child should receive treatment. The judge may also order such child to receive mental health or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable. A child may be provided mental health or retardation services in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable.

(5) When a child is in the physical custody of the department, a licensed health care professional shall be immediately called if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, nothing in this section shall be deemed to eliminate the right of a parent, *legal custodian* ~~guardian~~, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, nothing in this section shall be deemed to alter the provisions of s. 743.064.

(8) A court shall not be precluded from ordering services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9) Nothing in this section shall be construed to authorize the permanent sterilization of the child unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination, or receiving treatment as authorized pursuant to this *section* ~~subsection~~, no child alleged to be or found to be dependent shall be placed in a detention home or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents or *legal custodian* ~~guardian~~ of a child in the physical custody of the department remain financially responsible for the cost of medical treatment provided to the child even if either one or both of the parents or if the *legal custodian* ~~guardian~~ did not consent to the medical treatment. After a hearing, the court may order the parents or *legal custodian* ~~guardian~~, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) Nothing in this section alters the authority of the department to consent to medical treatment for a dependent child when the child has been committed to the department ~~pursuant to s. 39.41,~~ and the department has become the legal custodian of the child.

(13) At any time after the filing of a *shelter petition or* petition for dependency, when the mental or physical condition, including the blood group, of a parent, *caregiver, legal custodian* ~~guardian~~, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 59. Section 39.4033, Florida Statutes, is renumbered as section 39.4075, Florida Statutes, and amended to read:

39.4075 ~~39.4033~~ Referral of a dependency case to mediation.—

(1) At any stage in a dependency proceeding, ~~the case staffing committee or~~ any party may request the court to refer the parties to mediation in accordance with chapter 44 and rules and procedures developed by the Supreme Court.

(2) A court may refer the parties to mediation. *When such services are available, the court must determine whether it is in the best interests of the child to refer the parties to mediation.*

(3) The department shall advise the *parties* ~~parents or legal guardians~~ that they are responsible for contributing to the cost of the *dependency* ~~family~~ mediation to the extent of their ability to pay.

(4) This section applies only to courts in counties in which dependency mediation programs have been established and does not require the establishment of such programs in any county.

Section 60. Part VI of chapter 39, Florida Statutes, consisting of sections 39.501, 39.502, 39.503, 39.504, 39.505, 39.506, 39.507, 39.508, 39.5085, 39.509, and 39.5101, Florida Statutes, shall be entitled to read:

PART VI

PETITION, ARRAIGNMENT, ADJUDICATION, AND DISPOSITION

Section 61. Section 39.404, Florida Statutes, is renumbered as section 39.501, Florida Statutes, and amended to read:

39.501 ~~39.404~~ Petition for dependency.—

(1) All proceedings seeking an adjudication that a child is dependent shall be initiated by the filing of a petition by an attorney for the department, or any other person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(2) The purpose of a petition seeking the adjudication of a child as a dependent child is the protection of the child and not the punishment of the person creating the condition of dependency.

(3)(a) The petition shall be in writing, shall identify and list all parents, if known, and all current *caregivers or legal* custodians of the child, and shall be signed by the petitioner under oath stating the petitioner's good faith in filing the petition. When the petition is filed by the department, it shall be signed by an attorney for the department.

(b) The form of the petition and its contents shall be determined by rules of *juvenile* procedure adopted by the Supreme Court.

(c) The petition must specifically set forth the acts or omissions upon which the petition is based and the identity of the person or persons alleged to have committed the acts or omissions, if known. The petition need not contain allegations of acts or omissions by both parents.

(d) The petitioner must state in the petition, if known, whether:

1. A parent, legal custodian, or *caregiver* ~~person responsible for the child's welfare~~ named in the petition has *previously* unsuccessfully participated in voluntary services offered by the department;

2. A parent *or*~~,~~ legal custodian~~, or person responsible for the child's welfare~~ named in the petition has participated in mediation and whether a mediation agreement exists;

3. A parent *or*~~,~~ legal custodian~~, or person responsible for the child's welfare~~ has rejected the voluntary services offered by the department; or

4. The department has determined that voluntary services are not appropriate for this family and the reasons for such determination.

(4) When *a child has been placed in shelter status by order of the court* ~~the child has been taken into custody~~, a petition alleging dependency must be filed within 7 days *upon demand of a party, but no later than 21 days after the shelter hearing* ~~after the date the child is taken into custody~~. In all other cases, the petition must be filed within a reasonable time after the date the child was referred to protective investigation ~~under s. 39.403~~. *The child's parent, guardian, or custodian must be served with a copy of the petition at least 72 hours before the arraignment hearing.*

(5) A petition for termination of parental rights ~~under s. 39.464~~ may be filed at any time.

Section 62. Section 39.405, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.502, Florida Statutes, and amended to read:

39.502 ~~39.405~~ Notice, process, and service.—

(1) Unless parental rights have been terminated, all parents *and legal custodians* must be notified of all proceedings *or hearings* involving the child. Notice in cases involving shelter hearings and hearings resulting from medical emergencies must be that most likely to result in actual notice to the parents *and legal custodians*. In all other dependency proceedings, notice must be provided in accordance with subsections (4) through (9).

(2) Personal appearance of any person in a hearing before the court obviates the necessity of serving process on that person.

(3) Upon the filing of a petition containing allegations of facts which, if true, would establish that the child is a dependent child, and upon the request of the petitioner, the clerk or deputy clerk shall issue a summons.

(4) The summons shall require the person on whom it is served to appear for a hearing at a time and place specified, not less than 24 hours after service of the summons. A copy of the petition shall be attached to the summons.

(5) The summons shall be directed to, and shall be served upon, all parties other than the petitioner.

(6) It is the duty of the petitioner or moving party to notify all participants and parties known to the petitioner or moving party of all hearings subsequent to the initial hearing unless notice is contained in prior court orders and these orders were provided to the participant or party. Proof of notice or provision of orders may be provided by certified mail with a signed return receipt.

(7) Service of the summons and service of pleadings, papers, and notices subsequent to the summons on persons outside this state must be made pursuant to s. 61.1312.

(8) It is not necessary to the validity of a proceeding covered by this part that the parents, *caregivers,* or legal custodians be present if their identity or residence is unknown after a diligent search has been made, *but in this event the petitioner shall file an affidavit of diligent search prepared by the person who made the search and inquiry, and the court may appoint a guardian ad litem for the child.*

(9) When an affidavit of diligent search has been filed under subsection (8), the petitioner shall continue to search for and attempt to serve the person sought until excused from further search by the court. The petitioner shall report on the results of the search at each court hearing until the person is identified or located or further search is excused by the court.

(10)~~(9)~~ Service by publication shall not be required for dependency hearings and the failure to serve a party or give notice to a participant shall not affect the validity of an order of adjudication or disposition if the court finds that the petitioner has completed a diligent search for that party or participant.

(11)~~(10)~~ Upon the application of a party or the petitioner, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, and other tangible objects at any hearing.

(12)~~(11)~~ All process and orders issued by the court shall be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the department or the guardian ad litem.

(13)~~(12)~~ Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding and, in addition, may be served by authorized agents of the department.

(14)~~(13)~~ No fee shall be paid for service of any process or other papers by an agent of the department or the guardian ad litem. If any process, orders, or any other papers are served or executed by any sheriff, the sheriff's fees shall be paid by the county.

~~(14) Failure of a person served with notice to respond or appear at the arraignment hearing constitutes the person's consent to a dependency adjudication. The document containing the notice to respond or appear must contain, in type at least as large as the balance of the document, the following or substantially similar language: "FAILURE TO RESPOND TO THIS NOTICE OR TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR THESE CHILDREN) AS DEPENDENT CHILDREN AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD."~~

(15) A party who is identified as a *person with mental illness or with a developmental disability* ~~developmentally disabled person~~ must be informed by the court of the availability of advocacy services through the department, the Association for Retarded Citizens, or other appropriate *mental health or developmental disability* advocacy groups and encouraged to seek such services.

(16) If the party to whom an order is directed is present or represented at the final hearing, service of the order is not required.

(17) The parent or legal custodian of the child, the attorney for the department, the guardian ad litem, and all other parties and participants shall be given reasonable notice of all hearings provided for under this part.

(18) In all proceedings under this chapter, the court shall provide to the parent or legal custodian of the child, at the conclusion of any hearing, a written notice containing the date of the next scheduled hearing. The court shall also include the date of the next hearing in any order issued by the court.

Section 63. Section 39.4051, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.503, Florida Statutes, and amended to read:

39.503 ~~39.4051~~ Identity or location of parent *or legal custodian* unknown; special procedures.—

(1) If the identity or location of a parent *or legal custodian* is unknown and a petition for dependency or shelter is filed, the court shall conduct the following inquiry of the parent *or legal custodian* who is available, or, if no parent *or legal custodian* is available, of any relative or custodian of the child who is present at the hearing and likely to have the information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the *court shall direct the* department *to* ~~shall~~ conduct a diligent search for that person before ~~the~~ scheduling ~~of~~ a disposition hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without notice to the person whose location is unknown.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all relatives of the parent or prospective parent made known to the petitioner, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, and inquiries of appropriate law enforcement agencies. *Pursuant to s. 453 of the Social Security Act, 42 U.S.C. 653(c)(B)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator service for diligent search activities.*

(7) Any agency contacted by a petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or prior to the adjudicatory hearing in any termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section unless the other parent contests the determination of parenthood. If the known parent contests the recognition of the prospective parent as a parent, the prospective parent shall not be recognized as a parent until proceedings under chapter 742 have been concluded. However, the prospective parent shall continue to receive notice of hearings as a participant pending results of the chapter 742 proceedings.

Section 64. Section 39.4055, Florida Statutes, is renumbered as section 39.504, Florida Statutes, and amended to read:

39.504 ~~39.4055~~ Injunction pending disposition of petition for ~~detention or~~ dependency; penalty.—

(1)(a) When a petition for detention or a petition for dependency has been filed or when a child has been taken into custody and reasonable cause, as defined in paragraph (b), exists, the court, upon the request of the department, a law enforcement officer, the state attorney, or other responsible person, or upon its own motion, shall have the authority to issue an injunction to prevent any act of child abuse or any unlawful sexual offense involving a child.

(b) Reasonable cause for the issuance of an injunction exists if there is evidence of child abuse or an unlawful sexual offense involving a child or if there is a reasonable likelihood of such abuse or offense occurring based upon a recent overt act or failure to act.

(2)~~(a)~~ Notice shall be provided to the parties as set forth in the Florida Rules of Juvenile Procedure, unless the child is reported to be in imminent danger, in which case the court may issue an injunction immediately. *A judge may issue an emergency injunction pursuant to this section without notice at times when the court is closed for the transaction of judicial business.* When such an immediate injunction is issued, the court shall hold a hearing on the next day of judicial business either to dissolve the injunction or to continue or modify it in accordance with the other provisions of this section.

~~(b) A judge may issue an emergency injunction pursuant to this section at times when the court is closed for the transaction of judicial business. The court shall hold a hearing on the next day of judicial business either to dissolve the emergency injunction or to continue or modify it in accordance with the other provisions of this section.~~

(3)(a) In every instance in which an injunction is issued under this section, the purpose of the injunction shall be primarily to protect and

promote the best interests of the child, taking the preservation of the child's immediate family into consideration. The effective period of the injunction shall be determined by the court, except that the injunction will expire at the time of the disposition of the petition for detention or dependency.

(b) The injunction shall apply to the alleged or actual offender in a case of child abuse or an unlawful sexual offense involving a child. The conditions of the injunction shall be determined by the court, which conditions may include ordering the alleged or actual offender to:

1. Refrain from further abuse or unlawful sexual activity involving a child.

2. Participate in a specialized treatment program.

3. Limit contact or communication with the child victim, other children in the home, or any other child.

4. Refrain from contacting the child at home, school, work, or wherever the child may be found.

5. Have limited or supervised visitation with the child.

6. Pay temporary support for the child or other family members; the costs of medical, psychiatric, and psychological treatment for the child victim incurred as a result of the offenses; and similar costs for other family members.

7. Vacate the home in which the child resides.

(c) At any time prior to the disposition of the petition, the alleged or actual offender may offer the court evidence of changed circumstances as a ground to dissolve or modify the injunction.

(4) A copy of any injunction issued pursuant to this section shall be delivered to the protected party, or a parent *or caregiver* or ~~an~~ individual acting in the place of a parent who is not the respondent, and to any law enforcement agency having jurisdiction to enforce such injunction. Upon delivery of the injunction to the appropriate law enforcement agency, the agency shall have the duty and responsibility to enforce the injunction.

(5) Any person who fails to comply with an injunction issued pursuant to this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 65. Section 39.406, Florida Statutes, is renumbered as section 39.505, Florida Statutes, and amended to read:

39.505 ~~39.406~~ No answer required.—No answer to the petition or any other pleading need be filed by any child, parent, or legal custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the *respondent* ~~child or parent~~ shall, prior to an adjudicatory hearing, be advised by the court of the right to counsel and shall be given an opportunity to deny the allegations in the petition for dependency or to enter a plea to allegations in the petition before the court.

Section 66. Section 39.408, Florida Statutes, is renumbered as section 39.506, Florida Statutes, and amended to read:

39.506 ~~39.408~~ *Arraignment* hearings ~~for dependency cases~~.—

(1) ~~ARRAIGNMENT HEARING.—~~

~~(a)~~ When a child has been detained by order of the court, an arraignment hearing must be held, within *7 days after the date of filing of the dependency petition* ~~14 days from the date the child is taken into custody~~, for the parent~~, guardian,~~ or *legal* custodian to admit, deny, or consent to findings of dependency alleged in the petition. If the parent~~, guardian,~~ or *legal* custodian admits or consents to the findings in the petition, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if the parent~~, guardian,~~ or *legal* custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within *30 days after* ~~7 days from~~ the date of the arraignment hearing unless a continuance is granted pursuant to *this chapter* ~~s. 39.402(11)~~.

(2)~~(b)~~ When a child is in the custody of the parent~~, guardian,~~ or *legal* custodian, upon the filing of a petition the clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing. If the parent~~, guardian,~~ or *legal* custodian admits or consents to an adjudication, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if the parent~~, guardian,~~ or *legal* custodian denies any of the allegations of dependency, the court shall hold an adjudicatory hearing within a reasonable time after the date of the arraignment hearing.

(3) Failure of a person served with notice to respond or appear at the arraignment hearing constitutes the person's consent to a dependency adjudication. The document containing the notice to respond or appear must contain, in type at least as large as the balance of the document, the following or substantially similar language: "FAILURE TO RESPOND TO THIS NOTICE OR TO PERSONALLY APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR CHILDREN) AS A DEPENDENT CHILD (OR CHILDREN) AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD (OR CHILDREN)."

(4) At the arraignment hearing, each party shall provide to the court a permanent mailing address. The court shall advise each party that this address will be used by the court and the petitioner for notice purposes unless and until the party notifies the court and the petitioner in writing of a new mailing address.

(5)~~(c)~~ If at the arraignment hearing the parent~~, guardian,~~ or *legal* custodian consents or admits to the allegations in the petition, the court shall proceed to hold a dispositional hearing *no more than 15 days after the date of the arraignment hearing unless a continuance is necessary* ~~at the earliest practicable time that will allow for the completion of a predisposition study~~.

(6) At any arraignment hearing, the court shall order visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child.

(7) The court shall review whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the court determines that the department has not made such an effort, the court shall order the department to provide appropriate and available services to assure the protection of the child in the home when such services are necessary for the child's physical, mental, or emotional health and safety.

(8) At the arraignment hearing, and no more than 15 days thereafter, the court shall review the necessity for the child's continued placement in the shelter. The court shall also make a written determination regarding the child's continued placement in the shelter within 24 hours after any violation of the time requirements for the filing of a petition or prior to the court's granting any continuance as specified in subsection (5).

(9) At the conclusion of the arraignment hearing, all parties shall be notified in writing by the court of the date, time, and location for the next scheduled hearing.

~~(2) ADJUDICATORY HEARING.—~~

~~(a) The adjudicatory hearing shall be held as soon as practicable after the petition for dependency is filed and in accordance with the Florida Rules of Juvenile Procedure, but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. If the child is in custody, the time limitations provided in s. 39.402 and subsection (1) of this section apply.~~

~~(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In a hearing on a petition in which it is alleged that the child is dependent, a preponderance of evidence will be required to establish the state of dependency. Any evidence presented in the dependency hearing which was obtained as the result of an anonymous call must be independently corroborated. In no instance shall allegations made in an anonymous report of abuse be sufficient to support an adjudication of dependency in the absence of corroborating evidence.~~

~~(c) All hearings, except as provided in this section, shall be open to the public, and a person may not be excluded except on special order of the judge, who may close any hearing to the public upon determining that the public interest or the welfare of the child is best served by so~~

~~doing. However, the parents shall be allowed to obtain discovery pursuant to the Florida Rules of Juvenile Procedure. However, nothing in this paragraph shall be construed to affect the provisions of s. 415.51(9). Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents or legal custodians of the child may be examined separately and apart from each other.~~

~~(3) DISPOSITION HEARING.—At the disposition hearing, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted, the court shall receive and consider a predisposition study, which must be in writing and presented by an authorized agent of the department.~~

~~(a) The predisposition study shall cover for any dependent child all factors specified in s. 61.13(3), and must also provide the court with the following documented information:~~

~~1. An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.~~

~~2. A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.~~

~~3. A description of the benefits of returning the child home.~~

~~4. A description of all unresolved issues.~~

~~5. An abuse registry history for all caretakers, family members, and individuals residing within the household.~~

~~6. The complete child protection team report and recommendation or, if no report exists, a statement reflecting that no report has been made.~~

~~7. All opinions or recommendations from other professionals or agencies that provide evaluative, social, reunification, or other services to the family.~~

~~8. The availability of appropriate prevention and reunification services for the family to prevent the removal of the child from the home or to reunify the child with the family after removal, including the availability of family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.~~

~~9. The inappropriateness of other prevention and reunification services that were available.~~

~~10. The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the family if appropriate services were available, including the application of intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.~~

~~11. Whether the services were provided to the family and child.~~

~~12. If the services were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home.~~

~~13. If the services were not provided, the reasons for such lack of action.~~

~~14. The need for, or appropriateness of, continuing the services if the child remains in the custody of the family or if the child is placed outside the home.~~

~~15. Whether family mediation was provided.~~

~~16. Whether a multidisciplinary case staffing was conducted and, if so, the results.~~

~~17. If the child has been removed from the home and there is a parent who may be considered for custody pursuant to s. 39.41(1), a recommendation as to whether placement of the child with that parent would be detrimental to the child.~~

~~(b) If placement of the child with anyone other than the child's parent or custodian is being considered, the study shall include the designation of a specific length of time as to when custody by the parent or custodian will be reconsidered.~~

~~(c) A copy of the predisposition study must be furnished to all parties no later than 48 hours before the disposition hearing.~~

~~(d) The predisposition study may not be made before the adjudication of dependency unless the parents or custodians of the child consent.~~

~~Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2)(c), nothing in this section prohibits the publication of proceedings in a hearing.~~

~~(4) NOTICE OF HEARINGS.—The parent or legal custodian of the child, the attorney for the department, the guardian ad litem, and all other parties and participants shall be given reasonable notice of all hearings provided for under this section.~~

Section 67. Section 39.409, Florida Statutes, is renumbered as section 39.507, Florida Statutes, and amended to read:

39.507 ~~39.409~~ *Adjudicatory hearings;* orders of adjudication.—

(1)(a) The adjudicatory hearing shall be held as soon as practicable after the petition for dependency is filed and in accordance with the Florida Rules of Juvenile Procedure, but no later than 30 days after the arraignment.

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In a hearing on a petition in which it is alleged that the child is dependent, a preponderance of evidence will be required to establish the state of dependency. Any evidence presented in the dependency hearing which was obtained as the result of an anonymous call must be independently corroborated. In no instance shall allegations made in an anonymous report of abuse, abandonment, or neglect be sufficient to support an adjudication of dependency in the absence of corroborating evidence.

(2) All hearings, except as provided in this section, shall be open to the public, and a person may not be excluded except on special order of the judge, who may close any hearing to the public upon determining that the public interest or the welfare of the child is best served by so doing. However, the parents shall be allowed to obtain discovery pursuant to the Florida Rules of Juvenile Procedure. However, nothing in this subsection shall be construed to affect the provisions of s. 39.202. Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents, caregivers, or legal custodians of the child may be examined separately and apart from each other.

(3) Except as otherwise specifically provided, nothing in this section prohibits the publication of the proceedings in a hearing.

(4)~~(1)~~ If the court finds *at the adjudicatory hearing* that the child named in a petition is not dependent, it shall enter an order so finding and dismissing the case.

(5)~~(2)~~ If the court finds that the child named in the petition is dependent, but finds that no action other than supervision in the child's home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child's home under the supervision of the department. If the court later finds that the *parents, caregivers, or legal* custodians of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of dependency, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(6)~~(3)~~ If the court finds that the child named in a petition is dependent, but shall elect not to proceed under subsection *(5)* ~~(2)~~, it shall

incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(7) At the conclusion of the adjudicatory hearing, if the child named in the petition is found dependent, the court shall schedule the disposition hearing within 30 days after the filing of the adjudicatory order. All parties shall be notified in writing by the court of the date, time, and location of the disposition hearing.

(8)~~(4)~~ An order of adjudication by a court that a child is dependent shall not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

Section 68. Section 39.41, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.508, Florida Statutes, and amended to read:

39.508 ~~39.41~~ Powers of disposition.—

(1) At the disposition hearing, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents, caregivers, or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted, the court shall receive and consider a case plan and a predisposition study, which must be in writing and presented by an authorized agent of the department.

(2) The predisposition study shall cover for any dependent child all factors specified in s. 61.13(3), and must also provide the court with the following documented information:

(a) An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.

(b) A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.

(c) A description of the benefits of returning the child home.

(d) A description of all unresolved issues.

(e) An abuse registry history and criminal records check for all caregivers, family members, and individuals residing within the household.

(f) The complete child protection team report and recommendation or, if no report exists, a statement reflecting that no report has been made.

(g) All opinions or recommendations from other professionals or agencies that provide evaluative, social, reunification, or other services to the family.

(h) The availability of appropriate prevention and reunification services for the family to prevent the removal of the child from the home or to reunify the child with the family after removal, including the availability of family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.

(i) The inappropriateness of other prevention and reunification services that were available.

(j) The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the family if appropriate services were available, including the application of intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.

(k) Whether the services were provided to the family and child.

(l) If the services were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain safely at home or to be returned home.

(m) If the services were not provided, the reasons for such lack of action.

(n) The need for, or appropriateness of, continuing the services if the child remains in the custody of the family or if the child is placed outside the home.

(o) Whether family mediation was provided.

(p) If the child has been removed from the home and there is a parent, caregiver, or legal custodian who may be considered for custody pursuant to this section, a recommendation as to whether placement of the child with that parent, caregiver, or legal custodian would be detrimental to the child.

(q) If the child has been removed from the home and will be remaining with a relative or caregiver, a home study report shall be included in the predisposition report.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as otherwise specifically provided, nothing in this section prohibits the publication of proceedings in a hearing.

(3)(a) Prior to recommending to the court any out-of-home placement for a child other than placement in a licensed shelter or foster home, the department shall conduct a study of the home of the proposed caregivers, which must include, at a minimum:

1. An interview with the proposed adult caregivers to assess their ongoing commitment and ability to care for the child.

2. Records checks through the department's automated abuse information system, and local and statewide criminal and juvenile records checks through the Department of Law Enforcement, on all household members 12 years of age or older and any other persons made known to the department who are frequent visitors in the home.

3. An assessment of the physical environment of the home.

4. A determination of the financial security of the proposed caregivers.

5. A determination of suitable child care arrangements if the proposed caregivers are employed outside of the home.

6. Documentation of counseling and information provided to the proposed caregivers regarding the dependency process and possible outcomes.

7. Documentation that information regarding support services available in the community has been provided to the caregivers.

(b) The department shall not place the child or continue the placement of the child in the home of the proposed caregivers if the results of the home study are unfavorable.

(4) If placement of the child with anyone other than the child's parent, caregiver, or legal custodian is being considered, the predisposition study shall include the designation of a specific length of time as to when custody by the parent, caregiver, or legal custodian will be reconsidered.

(5) The predisposition study may not be made before the adjudication of dependency unless the parents, *caregivers,* or *legal* custodians of the child consent.

(6) A case plan and predisposition study must be filed with the court and served upon the parents, caregivers, or legal custodians of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan.

(7) The initial judicial review must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, but in no event shall the review

be held later than 6 months after the date of the child's removal from the home.

(8)~~(1)~~ When any child is adjudicated by a court to be dependent, and the court finds that removal of the child from the custody of a parent, *legal custodian, or caregiver* is necessary, the court shall first determine whether there is a parent with whom the child was not residing at the time the events or conditions arose that brought the child within the jurisdiction of the court who desires to assume custody of the child and, if such parent requests custody, the court shall place the child with the parent unless it finds that such placement would endanger the safety, ~~and~~ well-being, *or physical, mental, or emotional health* of the child. Any party with knowledge of the facts may present to the court evidence regarding whether the placement will endanger the safety, ~~and~~ well-being, *or physical, mental, or emotional health* of the child. If the court places the child with such parent, it may do either of the following:

(a) Order that the parent become the legal and physical custodian of the child. The court may also provide for reasonable visitation by the noncustodial parent. The court shall then terminate its jurisdiction over the child. The custody order shall continue unless modified by a subsequent order of the court. The order of the juvenile court shall be filed in any dissolution or other custody action or proceeding between the parents.

(b) Order that the parent assume custody subject to the jurisdiction of the juvenile court. The court may order that reunification services be provided to the parent, *caregiver, or legal custodian* ~~or guardian~~ from whom the child has been removed, that services be provided solely to the parent who is assuming physical custody in order to allow that parent to retain later custody without court jurisdiction, or that services be provided to both parents, in which case the court shall determine at *every* review *hearing* ~~hearings held every 6 months~~ which parent, if either, shall have custody of the child. The standard for changing custody of the child from one parent to another *or to a relative or caregiver must meet the home study criteria and court approval pursuant to this chapter* ~~at the review hearings shall be the same standard as applies to changing custody of the child in a custody hearing following a decree of dissolution of marriage~~.

(9)~~(2)~~(a) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power, by order, to:

1. Require the parent, *caregiver, or legal* ~~guardian, or~~ custodian, and the child when appropriate, to participate in treatment and services identified as necessary.

2. Require the parent, *caregiver, or legal* ~~guardian, or~~ custodian, and the child when appropriate, to participate in mediation if the parent, *caregiver, or legal* ~~guardian, or~~ custodian refused to participate in mediation ~~under s. 39.4033~~.

3. Place the child under the protective supervision of an authorized agent of the department, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or of *a caregiver* ~~an adult nonrelative~~ approved by the court, or in some other suitable place under such reasonable conditions as the court may direct. ~~Whenever the child is placed under protective supervision pursuant to this section, the department shall prepare a case plan and shall file it with the court.~~ Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision *shall* ~~may~~ be terminated by the court whenever the court determines that *permanency has been achieved for the child* ~~the child's placement~~, whether with a parent, another relative, *a legal custodian, or a caregiver,* ~~or a nonrelative, is stable~~ and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department ~~of Children and Family Services~~ shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified.

4. Place the child in the temporary legal custody of an adult relative or *caregiver* ~~an adult nonrelative~~ approved by the court who is willing to care for the child.

5.a. When the parents have failed to comply with a case plan and the court determines at a judicial review hearing, *or at an adjudication hearing* held pursuant to ~~s. 39.453, or at a hearing held pursuant to subparagraph (1)(a)7. of~~ this section, that neither reunification, termination of parental rights, nor adoption is in the best interest of the child, the court may place the child in the long-term custody of an adult relative or *caregiver* ~~adult nonrelative~~ approved by the court willing to care for the child, if the following conditions are met:

(I) A case plan describing the responsibilities of the relative or *caregiver* ~~nonrelative~~, the department, and any other party must have been submitted to the court.

(II) The case plan for the child does not include reunification with the parents or adoption by the relative *or caregiver*.

(III) The child and the relative or *caregiver* ~~nonrelative custodian~~ are determined not to need protective supervision or preventive services to ensure the stability of the long-term custodial relationship, or the department assures the court that protective supervision or preventive services will be provided in order to ensure the stability of the long-term custodial relationship.

(IV) Each party to the proceeding agrees that a long-term custodial relationship does not preclude the possibility of the child returning to the custody of the parent at a later date.

(V) The court has considered the reasonable preference of the child if the court has found the child to be of sufficient intelligence, understanding, and experience to express a preference.

(VI) The court has considered the recommendation of the guardian ad litem if one has been appointed.

b. The court shall retain jurisdiction over the case, and the child shall remain in the long-term custody of the relative or *caregiver* ~~nonrelative~~ approved by the court until the order creating the long-term custodial relationship is modified by the court. The court may relieve the department of the responsibility for supervising the placement of the child whenever the court determines that the placement is stable and that such supervision is no longer needed. Notwithstanding the retention of jurisdiction, the placement shall be considered a permanency option for the child when the court relieves the department of the responsibility for supervising the placement. The order terminating supervision by the department ~~of Children and Family Services~~ shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the order terminating supervision of the long-term relative or *caregiver* ~~nonrelative~~ placement if it finds that a party to the proceeding has shown a material change in circumstances which causes the long-term relative or *caregiver* ~~nonrelative~~ placement to be no longer in the best interest of the child.

6.a. Approve placement of the child in long-term *out-of-home* ~~foster~~ care, when the following conditions are met:

(I) The foster child is 16 years of age or older, unless the court determines that the history or condition of a younger child makes long-term *out-of-home* ~~foster~~ care the most appropriate placement.

(II) The child demonstrates no desire to be placed in an independent living arrangement pursuant to this subsection.

(III) The department's social services study pursuant to *part VIII* ~~s. 39.453(6)(a)~~ recommends long-term *out-of-home* ~~foster~~ care.

b. Long-term *out-of-home* ~~foster~~ care under the above conditions shall not be considered a permanency option.

c. The court may approve placement of the child in long-term *out-of-home* ~~foster~~ care, as a permanency option, when all of the following conditions are met:

(I) The child is 14 years of age or older,

(II) The child is living in a licensed home and the foster parents desire to provide care for the child on a permanent basis and the foster parents and the child do not desire adoption,

(III) The foster family has made a commitment to provide for the child until he or she reaches the age of majority and to prepare the child for adulthood and independence, and

(IV) The child has remained in the home for a continuous period of no less than 12 months.

(V) The foster parents and the child view one another as family and consider living together as the best place for the child to be on a permanent basis.

(VI) The department's social services study recommends such placement and finds the child's well-being has been promoted through living with the foster parents.

d. Notwithstanding the retention of jurisdiction and supervision by the department, long-term *out-of-home* ~~foster~~ care placements made pursuant to ~~sub-subparagraph (2)(a)6.c. of~~ this section shall be considered a permanency option for the child. For purposes of this subsection, supervision by the department shall be defined as a minimum of semiannual visits. The order placing the child in long-term *out-of-home* ~~foster~~ care as a permanency option shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the permanency option of long-term *out-of-home* ~~foster~~ care if it finds that a party to the proceeding has shown a material change in circumstances which causes the placement to be no longer in the best interests of the child.

e. Approve placement of the child in an independent living arrangement for any foster child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult nonrelative approved by the court, continue to be subject to court review provisions.

~~7. Commit the child to a licensed child-caring agency willing to receive the child. Continued commitment to the licensed child-caring agency, as well as all other proceedings under this section pertaining to the child, are also governed by part V of this chapter.~~

7.~~8.~~ Commit the child to the temporary legal custody of the department. Such commitment invests in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for short visitation periods, without the approval of the court. The term of such commitment continues until terminated by the court or until the child reaches the age of 18. After the child is committed to the temporary custody of the department, all further proceedings under this section are also governed by ~~part V of~~ this chapter.

8.~~9.~~a. Change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing subsequent to the initial detention hearing, without the necessity of another adjudicatory hearing. A child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a *legal custodian or caregiver* ~~nonrelative~~, or in some other place may be brought before the court by the agent of the department who is supervising the placement or by any other interested person, upon the filing of a petition alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. *The standard for changing custody of the child from one parent to another or to a relative or caregiver must meet the home study criteria and court approval pursuant to this chapter.*

b. In cases where the issue before the court is whether a child should be reunited with a parent, the court shall determine whether the parent has substantially complied with the terms of the case plan to the extent that the ~~well-being and~~ safety*, well-being, and physical, mental, and emotional health* of the child is not endangered by the return of the child to the home.

~~10. Approve placement of the child in an independent living arrangement for any foster child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the safety and welfare of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult nonrelative approved by the court, continue to be subject to the court review provisions of s. 39.453.~~

(b) The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child as provided in paragraph (a).

2. Special conditions of placement and visitation.

3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.

4. The persons or entities responsible for supervising or monitoring services to the child and family.

5. Continuation or discharge of the guardian ad litem, as appropriate.

6. *The date, time, and location of the next scheduled review hearing, which must occur within 90 days after the disposition hearing or within the earlier of:*

a. Six months after the date of the last review hearing; or

b. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home. ~~The period of time or date for any subsequent case review required by law.~~

7. Other requirements necessary to protect the health, safety, and well-being of the child*, to preserve the stability of the child's educational placement*, and to promote family preservation or reunification whenever possible.

(c) If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, ~~and~~ well-being*, and physical, mental, and emotional health* will not be endangered.

(d)~~(5)(a)~~ If the court commits the child to the temporary legal custody of the department, the disposition order must include a written determination that the child cannot *safely* remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child has been removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department has made a reasonable effort to reunify the family. The department has the burden of demonstrating that it has made reasonable efforts under this *paragraph* ~~subsection~~.

1.~~(b)~~ For the purposes of this *paragraph* ~~subsection~~, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services delineated in the case plan.

2.~~(c)~~ In support of its determination as to whether reasonable efforts have been made, the court shall:

a.~~1.~~ Enter written findings as to whether or not prevention or reunification efforts were indicated.

b.~~2.~~ If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.

c.~~3.~~ Indicate in writing why further efforts could or could not have prevented or shortened the separation of the family.

3.~~(d)~~ A court may find that the department has made a reasonable effort to prevent or eliminate the need for removal if:

a.~~1.~~ The first contact of the department with the family occurs during an emergency.

b.~~2.~~ The appraisal by the department of the home situation indicates that it presents a substantial and immediate danger to the *child's safety or physical, mental, or emotional health* ~~child~~ which cannot be mitigated by the provision of preventive services.

c.~~3.~~ The child cannot safely remain at home, either because there are no preventive services that can ensure the *health and* safety of the child or, even with appropriate and available services being provided, the *health and* safety of the child cannot be ensured.

4.~~(e)~~ A reasonable effort by the department for reunification of the family has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.

5.~~(f)~~ If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this *chapter* ~~part~~.

(10)~~(3)~~(a) When any child is adjudicated by the court to be dependent and temporary legal custody of the child has been placed with an adult relative, *legal custodian, or caregiver* ~~or adult nonrelative~~ approved by the court ~~willing to care for the child~~, a licensed child-caring agency, or the department, the court shall, unless a parent has voluntarily executed a written surrender for purposes of adoption, order the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay child support to the adult relative, *legal custodian, or caregiver* ~~or nonrelative~~ caring for the child, the licensed child-caring agency, or the department. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61.

(b) Placement of the child pursuant to subsection *(8)* ~~(1)~~ shall not be contingent upon issuance of a support order.

(11)~~(4)~~(a) If the court does not commit the child to the temporary legal custody of an adult relative, *legal custodian, or caregiver* ~~or adult nonrelative~~ approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, *legal custodian, or caregiver* willing to care for the child in order to present that placement option to the court instead of placement with the department.

(b) If *diligent efforts are* ~~a diligent search is~~ made to locate an adult relative willing and able to care for the child but, because no suitable relative is found, the child is placed with the department or a *legal custodian or caregiver* ~~nonrelative custodian~~, both the department and the court shall consider transferring temporary legal custody to *an* ~~a willing~~ adult relative ~~or adult nonrelative~~ approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement. *For the purposes of this paragraph, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.*

(12)~~(6)~~ An agency granted legal custody shall have the right to determine where and with whom the child shall live, but an individual granted legal custody shall exercise all rights and duties personally unless otherwise ordered by the court.

(13)~~(7)~~ In carrying out the provisions of this chapter, the court may order the natural parents, *caregivers,* or legal *custodians* ~~guardian~~ of a child who is found to be dependent to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child.

(14)~~(8)~~ With respect to a child who is the subject in proceedings under ~~part V of~~ this chapter, the court shall *issue to the department an order to show cause why it should not* return the child to the custody of the natural parents, *legal custodians, or caregivers* upon expiration of the case plan, or sooner if the parents, *legal custodians, or caregivers* have substantially complied with the case plan.

(15)~~(9)~~ The court may at any time enter an order ending its jurisdiction over any child, except that, when a child has been returned to the parents under subsection *(14)* ~~(8)~~, the court shall not terminate its jurisdiction over the child until 6 months after the *child's* return. Based on a report of the department or agency *or the child's guardian ad litem,* and any other relevant factors, the court shall then determine whether its jurisdiction should be continued or terminated in such a case; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

Section 69. Section 39.5085, Florida Statutes, is created to read:

39.5085 Relative-Caregiver Program.—

(1) It is the intent of the Legislature in enacting this section to:

(a) Recognize family relationships in which a grandparent or other relative is the head of a household that includes a child otherwise at risk of foster care placement.

(b) Enhance family preservation and stability by recognizing that most children in such placements with grandparents and other relatives do not need intensive supervision of the placement by the courts or by the department.

(c) Provide additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.

(d) Reserve the limited casework and supervisory resources of the courts and the department for those cases in which children do not have the option for safe, stable care within the family.

(2)(a) The Department of Children and Family Services shall establish and operate the Relative-Caregiver Program pursuant to eligibility guidelines established in this section as further implemented by rule of the department. The Relative-Caregiver Program shall, within the limits of available funding, provide financial assistance to relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that child in the role of substitute parent as a result of a departmental determination of child abuse, neglect, or abandonment and subsequent placement with the relative pursuant to chapter 39. Such placement may be either court-ordered temporary legal custody to the relative pursuant to s. 39.508(9) or court-ordered placement in the home of a relative under protective supervision of the department pursuant to s. 39.508(9). The Relative-Caregiver Program shall offer financial assistance to caregivers who are relatives and who would be unable to serve in that capacity without the relative-caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

(b) Caregivers who are relatives and who receive assistance under this section must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care, and must assure that the children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services as needed.

(c) Relatives who qualify for and participate in the Relative-Caregiver Program are not required to meet foster care licensing requirements under s. 409.175.

(d) Relatives who are caring for children placed with them by the child protection system shall receive a special monthly relative-caregiver benefit established by rule of the department. The amount of the special benefit payment shall be based on the child's age within a payment schedule established by rule of the department and subject to availability of funding. The statewide average monthly rate for children judicially placed with relatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, nor may the cost of

providing the assistance described in this section to any relative-caregiver exceed the cost of providing out-of-home care in emergency shelter or foster care.

(e) Children receiving cash benefits under this section are not eligible to simultaneously receive WAGES cash benefits under chapter 414.

(f) Within available funding, the Relative-Caregiver Program shall provide relative-caregivers with family support and preservation services, flexible funds in accordance with s. 409.165, subsidized child care, and other available services in order to support the child's safety, growth, and healthy development. Children living with relative-caregivers who are receiving assistance under this section shall be eligible for medicaid coverage.

(g) The department may use appropriate available state, federal, and private funds to operate the Relative-Caregiver Program.

Section 70. Section 39.4105, Florida Statutes, is renumbered as section 39.509, Florida Statutes, and amended to read:

39.509 ~~39.4105~~ Grandparents rights.—Notwithstanding any other provision of law, a maternal or paternal grandparent as well as a stepgrandparent is entitled to reasonable visitation with his or her grandchild who has been adjudicated a dependent child and taken from the physical custody of *the* ~~his or her~~ parent, custodian, legal guardian, or caregiver unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of the case plan ~~pursuant to s. 39.451~~. Reasonable visitation may be unsupervised and, where appropriate and feasible, may be frequent and continuing.

(1) Grandparent visitation may take place in the home of the grandparent unless there is a compelling reason for denying such a visitation. The department's caseworker shall arrange the visitation to which a grandparent is entitled pursuant to this section. The state shall not charge a fee for any costs associated with arranging the visitation. However, the grandparent shall pay for the child's cost of transportation when the visitation is to take place in the grandparent's home. The caseworker shall document the reasons for any decision to restrict a grandparent's visitation.

(2) A grandparent entitled to visitation pursuant to this section shall not be restricted from appropriate displays of affection to the child, such as appropriately hugging or kissing his or her grandchild. Gifts, cards, and letters from the grandparent and other family members shall not be denied to a child who has been adjudicated a dependent child.

(3) Any attempt by a grandparent to facilitate a meeting between the child who has been adjudicated a dependent child and the child's parent, *custodian, legal guardian, or caregiver* in violation of a court order shall automatically terminate future visitation rights of the grandparent.

(4) When the child has been returned to the physical custody of his or her parent or permanent custodian, legal guardian, or caregiver, the visitation rights granted pursuant to this section shall terminate.

(5) The termination of parental rights does not affect the rights of grandparents unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of permanency planning for the child.

(6)~~(5)~~ In determining whether grandparental visitation is not in the child's best interest, consideration may be given to the finding of guilt, regardless of adjudication, or entry or plea of guilty or nolo contendere to charges under the following statutes, or similar statutes of other jurisdictions: s. 787.04, relating to removing minors from the state or concealing minors contrary to court order; s. 794.011, relating to sexual battery; s. 798.02, relating to lewd and lascivious behavior; chapter 800, relating to lewdness and indecent exposure; or chapter 827, relating to the abuse of children. Consideration may also be given to a finding of confirmed abuse, *abandonment, or neglect* under ss. 415.101-415.113 *or this chapter* ~~and ss. 415.502-415.514~~.

Section 71. Section 39.413, Florida Statutes, is renumbered as section 39.5101, Florida Statutes, and subsection (1) of said section is amended to read:

39.5101 ~~39.413~~ Appeal.—

(1) Any child, ~~any~~ parent, guardian ad litem, *caregiver,* or legal custodian of any child, any other party to the proceeding who is affected by an order of the court, or the department may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure. Appointed counsel shall be compensated as provided in *this chapter* ~~s. 39.415~~.

Section 72. Part VII of chapter 39, Florida Statutes, consisting of sections 39.601, 39.602, and 39.603, Florida Statutes, shall be entitled to read:

PART VII

CASE PLANS

Section 73. Section 39.4031, Florida Statutes, are renumbered as section 39.601, Florida Statutes, and amended to read:

39.601 ~~39.4031~~ Case plan requirements.—

(1) The department or agent of the department shall develop a case plan for each child or child's family receiving services *pursuant to this chapter* ~~who is a party to any dependency proceeding, activity, or process under this part~~. A parent, *caregiver, or legal* ~~guardian, or~~ custodian of a child may not be required *or* ~~nor~~ coerced through threat of loss of custody or parental rights to admit in the case plan to abusing, neglecting, or abandoning a child. *Where dependency mediation services are available and appropriate to the best interests of the child, the court may refer the case to mediation for development of a case plan.* This section does not change the provisions of s. *39.807* ~~39.464~~.

~~(2) The case plan must be:~~

(a) *The case plan must be* developed in conference with the parent, *caregiver, or legal* ~~guardian, or~~ custodian of the child ~~and, if appropriate, the child~~ and any court-appointed guardian ad litem *and, if appropriate, the child.* ~~Any parent who believes that his or her perspective has not been considered in the development of a case plan may request referral to mediation pursuant to s. 39.4033 when such services are available.~~

(b) *The case plan must be* written simply and clearly in English and, if English is not the principal language of the child's parent, *caregiver, or legal* ~~guardian, or~~ custodian, to the extent possible in such principal language.

(c) The case plan must describe the minimum number of face-to-face meetings to be held each month between the parents, caregivers, or legal custodians and the department's caseworkers to review progress of the plan, to eliminate barriers to progress, and to resolve conflicts or disagreements.

(d)~~(c)~~ *The case plan must be* subject to modification based on changing circumstances.

(e)~~(d)~~ *The case plan must be* signed by all parties.

(f)~~(e)~~ *The case plan must be* reasonable, accurate, and in compliance with the requirements of other court orders.

(2)~~(3)~~ When the child *or family* is receiving services ~~in the child's home~~, the case plan must ~~be developed within 30 days from the date of the department's initial contact with the child, or within 30 days of the date of a disposition order placing the child under the protective supervision of the department in the child's own home, and must~~ include, in addition to the requirements in subsection *(1)* ~~(2)~~, at a minimum:

(a) A description of the problem being addressed that includes the behavior or act of a parent, *legal custodian, or caregiver* resulting in risk to the child and the reason for the department's intervention.

(b) A description of the services to be provided to the family and child specifically addressing the identified problem, including:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location of the delivery of the services.

4. The accountable department staff or service provider.

~~5. The need for a multidisciplinary case staffing under s. 39.4032.~~

(c) A description of the measurable objectives, including timeframes for achieving objectives, addressing the identified problem.

(3)~~(4)~~ When the child is receiving services in a placement outside the child's home or in foster care, the case plan must be *submitted to the court for approval at the disposition hearing* ~~prepared within 30 days after placement and also be approved by the court~~ and must include, in addition to the requirements in subsections *(1) and* (2) ~~and (3)~~, at a minimum:

(a) A description of the permanency goal for the child, including the type of placement. *Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to prevent removal of the child from the home or make it possible for the child to return safely home.*

(b) A description of the type of home or institution in which the child is to be placed.

(c) A description of the financial support obligation to the child, including health insurance, of the child's parent, parents, *caregiver, or legal custodian* ~~or guardian~~.

(d) A description of the visitation rights and obligations of the parent or parents, *caregiver, or legal custodian* during the period the child is in care.

(e) A discussion of the *safety and* appropriateness of the child's placement, which placement is intended to be *safe,* ~~in~~ the least restrictive and most family-like setting available consistent with the best interest and special needs of the child, and in as close proximity as possible to the child's home. *The plan must also establish the role for the foster parents or custodians in the development of the services that are to be provided to the child, foster parents, or legal custodians. It must also address the child's need for services while under the jurisdiction of the court and implementation of these services in the case plan.*

(f) A description of the efforts to be undertaken to maintain the stability of the child's educational placement.

(g)~~(f)~~ A discussion of the department's plans to carry out the judicial determination made by the court, with respect to the child, in accordance with this chapter and applicable federal regulations.

(h)~~(g)~~ A description of the plan for assuring that services outlined in the case plan are provided to the child and the child's parent or parents, *legal custodians, or caregivers,* to improve the conditions in the family home and facilitate either the *safe* return of the child to the home or the permanent placement of the child.

(i)~~(h)~~ A description of the plan for assuring that services as outlined in the case plan are provided to the child and the child's parent or parents, *legal custodians, or caregivers,* to address the needs of the child and a discussion of the appropriateness of the services.

(j)~~(i)~~ A description of the plan for assuring that services are provided to the child and foster parents to address the needs of the child while in foster care, *which shall include an itemized list of costs to be borne by the parent or caregiver associated with any services or treatment that the parent and child are expected to receive.*

(k)~~(j)~~ A written notice to the parent that failure of the parent to substantially comply with the case plan may result in the termination of parental rights, and that a material failure to substantially comply may result in the filing of a petition for termination of parental rights sooner than the compliance periods set forth in the case plan itself. The child protection team shall coordinate its effort with the case staffing committee.

(l) In the case of a child for whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child; to place the child with an adoptive family, with a fit and willing relative, with a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child-specific recruitment efforts such as the use of state, regional, and national adoption exchanges, including electronic exchange systems.

(4)~~(5)~~ In the event that the parents, *legal custodians, or caregivers* are unwilling or unable to participate in the development of a case plan, the department shall document that unwillingness or inability *to participate. Such documentation must be provided* ~~and provide~~ in writing to the parent, *legal custodians, or caregivers* when available for the court record, and then the department shall prepare a case plan conforming as nearly as possible with the requirements set forth in this section. The unwillingness or inability of the parents, *legal custodians, or caregivers* to participate in the development of a case plan shall not in itself bar the filing of a petition for dependency or for termination of parental rights. The parents, *legal custodians, or caregivers,* if available, must be provided a copy of the case plan and be advised that they may, at any time prior to the filing of *a* petition for termination of parental rights, enter into a case plan and that they may request judicial review of any provision of the case plan with which they disagree at any court review hearing set for the child.

(5)~~(6)~~ The services delineated in the case plan must be designed to improve the conditions in the family home and aid in maintaining the child in the home, to facilitate the *safe* return of the child to the family home, or to facilitate the permanent placement of the child. The service intervention must be the least intrusive possible into the life of the family, must focus on clearly defined objectives, and must provide the most efficient path to quick reunification or permanent placement, *with the child's health and safety being paramount.* To the extent possible, the service intervention must be grounded in outcome evaluation results that demonstrate success in the reunification or permanent placement process. In designing service interventions, generally recognized standards of the professions involved in the process must be taken into consideration.

(6) After jurisdiction attaches, all case plans must be filed with the court and a copy provided to the parents, caregivers, or legal custodians of the child, to the representative of the guardian ad litem program if the program has been appointed, and to all other parties, not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. The department shall also file with the court all case plans prepared before jurisdiction of the court attached. If the court does not accept the case plan, the court shall require the parties to make necessary modifications to the plan. An amended plan must be submitted to the court for review and approval within 30 days after the hearing on the case plan.

(7) The case plan must be limited to as short a period as possible for the accomplishment of its provisions. Unless extended, the plan expires no later than 12 months after the date the child was initially removed from the home or the date the case plan was accepted by the court, whichever comes first.

(8) The case plan must meet applicable federal and state requirements.

(9)(a) In each case in which the custody of a child has been vested, either voluntarily or involuntarily, in the department and the child has been placed in out-of-home care, a case plan must be prepared within 60 days after the department removes the child from the home, and shall be submitted to the court before the disposition hearing, for the court to review and accept. If the preparation of a case plan, in conference with the parents and other pertinent parties, cannot be completed before the disposition hearing, for good cause shown, the court may grant an extension not to exceed 30 days and set a hearing to review and accept the case plan.

(b) The parent or parents, *legal custodians, or caregivers* may receive assistance from any person~~,~~ or social service agency in the preparation of the case plan.

(c) The social service agency, *the department,* and the court, when applicable, shall inform the parent or parents, *legal custodians, or caregivers* of the right to receive such assistance, including the right to assistance of counsel.

(d) Before the signing of the case plan, the authorized agent of the department shall explain it to all persons involved in its implementation, including, when appropriate, the child.

(e) After the case plan has been agreed upon and signed by the parties involved, a copy of the plan must be given immediately to the parents, the

department or agency, the foster parents or caregivers, the legal custodian, the caregiver, the representative of the guardian ad litem program if the program is appointed, and any other parties identified by the court, including the child, if appropriate.

(f) The case plan may be amended at any time if all parties are in agreement regarding the revisions to the plan and the plan is submitted to the court with a memorandum of explanation. The case plan may also be amended by the court or upon motion of any party at a hearing, based on competent evidence demonstrating the need for the amendment. A copy of the amended plan must be immediately given to the parties specified in paragraph (e).

(10) A case plan must be prepared, but need not be submitted to the court, for a child who will be in care no longer than 30 days unless that child is placed in out-of-home care a second time within a 12-month period.

Section 74. Section 39.452, Florida Statutes, is renumbered as section 39.602, Florida Statutes, and amended to read:

39.602 ~~39.452~~ Case planning when parents, *legal custodians, or caregivers* do not participate and the child is in *out-of-home* ~~foster~~ care.—

(1)~~(a)~~ In the event the parents, *legal custodians, or caregivers* will not or cannot participate in preparation of a case plan, the department shall submit a full explanation of the circumstances and ~~a plan for the permanent placement of the child to the court within 30 days after the child has been removed from the home and placed in temporary foster care and schedule a court hearing within 30 days after submission of the plan to the court to review and accept or modify the plan. If preparation cannot be accomplished within 30 days, for good cause shown, the court may grant extensions not to exceed 15 days each for the filing, the granting of which shall be for similar reason to that contained in s. 39.451(4)(a).~~

~~(b) In the full explanation of the circumstances submitted to the court, the department shall~~ state the nature of its efforts to secure *such persons'* ~~parental~~ participation in the preparation of a case plan.

(2) In a case in which the physical, emotional, or mental condition or physical location of the parent is the basis for the parent's nonparticipation, it is the burden of the department to provide substantial evidence to the court that such condition or location has rendered the parent unable or unwilling to participate in the preparation of a case plan, either pro se or through counsel. The supporting documentation must be submitted to the court at the time the plan is filed.

(3) The plan must include, but need not be limited to, the specific services to be provided by the department, the goals and plans for the child, and the time for accomplishing the provisions of the plan and for accomplishing permanence for the child.

(4)(a) *At least 72* ~~Seventy-two~~ hours prior to the filing of a plan, *all parties* ~~each parent~~ must be provided with a copy of the plan developed by the department. If the location of one or both parents is unknown, this must be documented in writing and included in the plan submitted to the court. After the filing of the plan, if the location of an absent parent becomes known, that parent must be served with a copy of the plan.

(b) Before the filing of the plan, the department shall advise each parent, both orally and in writing, that the failure of the parents to substantially comply with a plan ~~which has reunification as its primary goal~~ may result in the termination of parental rights, but only after notice and hearing as provided in *this chapter* ~~part VI~~. If, after the plan has been submitted to the court, an absent parent is located, the department shall advise the parent, both orally and in writing, that the failure of the parents to substantially comply with a plan ~~which has reunification as its goal~~ may result in termination of parental rights, but only after notice and hearing as provided in *this chapter* ~~part VI~~. Proof of written notification must be filed with the court.

~~(5)(a) The court shall set a hearing, with notice to all parties, on the plan or any provisions of the plan, within 30 days after the plan has been received by the court. If the location of a parent is unknown, the notice must be directed to the last permanent address of record.~~

~~(b) At the hearing on the plan, the court shall determine:~~

~~1. All parties who were notified and are in attendance at the hearing, either in person or through a legal representative. The court shall appoint a guardian ad litem under Rule 1.210, Florida Rules of Civil Procedure, to represent the interests of any parent, if the location of the parent is known but the parent is not present at the hearing and the development of the plan is based upon the physical, emotional, or mental condition or physical location of the parent.~~

~~2. If the plan is consistent with previous orders of the court placing the child in care.~~

~~3. If the plan is consistent with the requirements for the content of a plan as specified in subsection (3).~~

~~4. In involuntary placements, whether each parent was notified of the right to counsel at each stage of the dependency proceedings, in accordance with the Florida Rules of Juvenile Procedure.~~

~~5. Whether each parent whose location was known was notified of the right to participate in the preparation of a case plan and of the right to receive assistance from any other person in the preparation of the case plan.~~

~~6. Whether the plan is meaningful and designed to address facts and circumstances upon which the court based the finding of dependency in involuntary placements or the plan is meaningful and designed to address facts and circumstances upon which the child was placed in foster care voluntarily.~~

~~(c) When the court determines any of the elements considered at the hearing related to the plan have not been met, the court shall require the parties to make necessary amendments to the plan. The amended plan must be submitted to the court for review and approval within a time certain specified by the court. A copy of the amended plan must also be provided to each parent, if the location of the parent is known.~~

~~(d) A parent who has not participated in the development of a case plan must be served with a copy of the plan developed by the department if the parent can be located at least 72 hours prior to the court hearing. Any parent is entitled to, and may seek, a court review of the plan prior to the initial 6 months' review and must be informed of this right by the department at the time the department serves the parent with a copy of the plan. If the location of an absent parent becomes known to the department, the department shall inform the parent of the right to a court review at the time the department serves the parent with a copy of the case plan.~~

Section 75. Section 39.603, Florida Statutes, is created to read:

39.603 Court approvals of case planning.

(1) At the hearing on the plan, which shall occur in conjunction with the disposition hearing unless otherwise directed by the court, the court shall determine:

(a) All parties who were notified and are in attendance at the hearing, either in person or through a legal representative. The court shall appoint a guardian ad litem under Rule 1.210, Florida Rules of Civil Procedure, to represent the interests of any parent, if the location of the parent is known but the parent is not present at the hearing and the development of the plan is based upon the physical, emotional, or mental condition or physical location of the parent.

(b) If the plan is consistent with previous orders of the court placing the child in care.

(c) If the plan is consistent with the requirements for the content of a plan as specified in this chapter.

(d) In involuntary placements, whether each parent was notified of the right to counsel at each stage of the dependency proceedings, in accordance with the Florida Rules of Juvenile Procedure.

(e) Whether each parent whose location was known was notified of the right to participate in the preparation of a case plan and of the right to receive assistance from any other person in the preparation of the case plan.

(f) Whether the plan is meaningful and designed to address facts and circumstances upon which the court based the finding of dependency in

involuntary placements or the plan is meaningful and designed to address facts and circumstances upon which the child was placed in out-of-home care voluntarily.

(2) When the court determines any of the elements considered at the hearing related to the plan have not been met, the court shall require the parties to make necessary amendments to the plan. The amended plan must be submitted to the court for review and approval within a time certain specified by the court. A copy of the amended plan must also be provided to each parent, if the location of the parent is known.

(3) A parent who has not participated in the development of a case plan must be served with a copy of the plan developed by the department, if the parent can be located, at least 48 hours prior to the court hearing. Any parent is entitled to, and may seek, a court review of the plan prior to the initial review and must be informed of this right by the department at the time the department serves the parent with a copy of the plan. If the location of an absent parent becomes known to the department, the department shall inform the parent of the right to a court review at the time the department serves the parent with a copy of the case plan.

Section 76. Part VIII of chapter 39, Florida Statutes, consisting of sections 39.701, 39.702, 39.703, and 39.704, Florida Statutes, shall be entitled to read:

PART VIII

JUDICIAL REVIEWS

Section 77. Section 39.453, Florida Statutes, is renumbered as section 39.701, Florida Statutes, and amended to read:

39.701 ~~39.453~~ Judicial review.—

(1)(a) The court shall have continuing jurisdiction in accordance with this section and shall review the status of the child as required by this subsection or more frequently if the court deems it necessary or desirable.

(b) The court shall retain jurisdiction over a child returned to its parents, *caregivers*, or legal guardians for a period of 6 months, but, at that time, based on a report of the social service agency *and the guardian ad litem, if one has been appointed,* and any other relevant factors, the court shall make a determination as to whether its jurisdiction shall continue or be terminated.

~~(c) After termination of parental rights, the court shall retain jurisdiction over any child for whom custody is given to a social service agency until the child is adopted. The jurisdiction of the court after termination of parental rights and custody is given to the agency is for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.~~

(2)*(a)* The court shall review the status of the child and shall hold a hearing as provided in *this part* ~~subsection (7)~~. The court may dispense with the attendance of the child at the hearing, but may not dispense with the hearing or the presence of other parties to the review unless before the review a hearing is held before a citizen review panel.

(b) Citizen review panels may ~~be established under s. 39.4531 to~~ conduct *hearings to* ~~a~~ review ~~of~~ the status of a child. *The court shall select the cases appropriate for referral to the citizen review panels and may order the attendance of the parties at the review panel hearings. However, any party may object to the referral of a case to a citizen review panel. Whenever such an objection has been filed with the court, the court shall review the substance of the objection and may conduct the review itself or refer the review to a citizen review panel. All parties retain the right to take exception to the findings or recommended orders of a citizen review panel in accordance with Rule 1.490(h), Florida Rules of Civil Procedure.*

(c) Notice of a hearing by a citizen review panel must be provided as set forth in subsection (5). At the conclusion of a citizen review panel hearing, each party may propose a recommended order to the chairperson of the panel. Thereafter, the citizen review panel shall submit its report, *copies of the proposed recommended orders,* and *a copy of the panel's* recommended order to the court. The citizen review panel's recommended order must be limited to the dispositional options available to the court in subsection (8). Each party may file exceptions to the report and recommended order of the citizen review panel in accordance with Rule 1.490, Florida Rules of Civil Procedure.

(3)(a) The initial judicial review must be held no later than *90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, but in no event shall the review be held later than* 6 months after the date the child was removed from the home. *Citizen review panels shall not conduct more than two consecutive reviews without the child and the parties coming before the court for a judicial review.* ~~If the child remains in shelter or foster care, subsequent judicial reviews must be held at least every 6 months after the date of the most recent judicial review until the child is 13 years old and has been in foster care at least 18 months.~~

(b) If the court extends *any* ~~the~~ case plan beyond *12* ~~18~~ months, judicial reviews must be held at least every 6 months ~~for children under the age of 13 and at least annually for children age 13 and older~~.

(c) If the child is placed in the custody of the department or a licensed child-placing agency for the purpose of adoptive placement, judicial reviews must be held at least every 6 months until adoptive placement, to determine *the appropriateness of the current placement and* the progress made toward adoptive placement.

(d) If the department and the court have established a formal agreement that includes specific authorization for particular cases, the department may conduct administrative reviews instead of the judicial reviews for children in *out-of-home* ~~foster~~ care. Notices of such administrative reviews must be provided to all parties. However, an administrative review may not be substituted for the first judicial review, and in every case the court must conduct a judicial review at least every *6* ~~12~~ months. Any party dissatisfied with the results of an administrative review may petition for a judicial review.

(e) The clerk of the circuit court shall schedule judicial review hearings in order to comply with the mandated times cited in *this section* ~~paragraphs (a)-(d)~~.

(f) In each case in which a child has been voluntarily placed with the licensed child-placing agency, the agency shall notify the clerk of the court in the circuit where the child resides of such placement within 5 working days. Notification of the court is not required for any child who will be in *out-of-home* ~~foster~~ care no longer than 30 days unless that child is placed in *out-of-home* ~~foster~~ care a second time within a 12-month period. If the child is returned to the custody of the parents, *caregiver, or legal custodian* ~~or guardian~~ before the scheduled review hearing or if the child is placed for adoption, the child-placing agency shall notify the court of the child's return or placement within 5 working days, and the clerk of the court shall cancel the review hearing.

(4) *The court shall schedule the date, time, and location of the next judicial review in the judicial review order.* ~~The social service agency shall file a petition for review with the court within 10 calendar days after the judicial review hearing. The petition must include a statement of the dispositional alternatives available to the court. The petition must accompany the notice of the hearing served upon persons specified in subsection (5).~~

(5) Notice of *a judicial review hearing or a citizen review panel* ~~the~~ hearing, and a copy of the *motion for judicial review* ~~petition~~, including a statement of the dispositional alternatives available to the court, must be served by the court upon:

(a) The social service agency charged with the supervision of care, custody, or guardianship of the child, if that agency is not the *movant* ~~petitioner~~.

(b) The foster parent or parents or *caregivers* ~~caretakers~~ in whose home the child resides.

(c) The parent, *caregiver, or legal custodian* ~~guardian, or relative~~ from whom the care and custody of the child have been transferred.

(d) The guardian ad litem for the child, *or the representative of the guardian ad litem program* if *the program* ~~one~~ has been appointed.

(e) Any preadoptive parent.

(f)~~(e)~~ Such other persons as the court may in its discretion direct.

(6)(a) *Prior to every judicial review hearing or citizen review panel hearing,* the social service agency shall make an investigation and social study concerning all pertinent details relating to the child and shall furnish to the court or citizen review panel a written report that includes, but is not limited to:

1. A description of the type of placement the child is in at the time of the hearing, *including the safety of the child and the continuing necessity for and appropriateness of the placement.*

2. Documentation of the diligent efforts made by all parties to the case plan to comply with each applicable provision of the plan.

3. The amount of fees assessed and collected during the period of time being reported.

4. The services provided to the foster family or *caregivers* ~~caretakers~~ in an effort to address the needs of the child as indicated in the case plan.

5. A statement *that* ~~concerning whether~~ the parent or *legal custodian* ~~guardian~~, though able to do so, did not comply substantially with the provisions of the case plan and the agency recommendations or a statement that the parent or *legal custodian* ~~guardian~~ did substantially comply with such provisions.

6. A statement from the foster parent or parents or *caregivers* ~~caretakers~~ providing any material evidence concerning the return of the child to the parent or parents *or legal custodians.*

7. A statement concerning the frequency, duration, and results of the parent-child visitation, if any, and the agency recommendations for an expansion or restriction of future visitation.

8. The number of times a child has been removed from his or her home and placed elsewhere, the number and types of placements that have occurred, and the reason for the changes in placement.

9. The number of times a child's educational placement has been changed, the number and types of educational placements that have occurred, and the reason for any change in placement.

(b) A copy of the *social service agency's* written report must be provided to the attorney of record of the parent, parents, or *legal custodians* ~~guardian~~; to the parent, parents, or *legal custodians* ~~guardian~~; to the foster parents or *caregivers* ~~caretakers~~; to each citizen review panel ~~established under s. 39.4531~~; and to the guardian ad litem for the child, *or the representative of the guardian ad litem program* if *the program* ~~one~~ has been appointed by the court, at least 48 hours before the judicial review hearing~~,~~ or citizen review panel hearing ~~if such a panel has been established under s. 39.4531~~. The requirement for providing parents or *legal custodians* ~~guardians~~ with a copy of the written report does not apply to those parents or *legal custodians* ~~guardians~~ who have voluntarily surrendered their child for adoption.

(c) In a case in which the child has been permanently placed with the social service agency, the agency shall furnish to the court a written report concerning the progress being made to place the child for adoption. If~~, as stated in s. 39.451(1),~~ the child cannot be placed for adoption, a report on the progress made by the child in alternative permanency goals or placements, including, but not limited to, long-term foster care, independent living, custody to a relative or *caregiver* ~~adult nonrelative~~ approved by the court on a permanent basis with or without legal guardianship, or custody to a foster parent *or caregiver* on a permanent basis with or without legal guardianship, must be submitted to the court. The report must be submitted to the court at least 48 hours before each scheduled judicial review.

(d) In addition to or in lieu of any written statement provided to the court, the foster parent or *caregivers, or any preadoptive parent,* ~~caretakers~~ shall be given the opportunity to address the court with any information relevant to the best interests of the child at any judicial review hearing.

(7) The court~~,~~ and any citizen review panel ~~established under s. 39.4531,~~ shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent or *legal custodian* ~~guardian~~, the foster parent or *caregivers* ~~caretakers~~, the guardian ad litem if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. In its deliberations, the court~~,~~ and any citizen review panel ~~established under s. 39.4531,~~ shall seek to determine:

(a) If the parent or *legal custodian* ~~guardian~~ was advised of the right to receive assistance from any person or social service agency in the preparation of the case plan.

(b) If the parent or *legal custodian* ~~guardian~~ has been advised of the right to have counsel present at the judicial review or citizen review hearings. If not so advised, the court or citizen review panel shall advise the parent or *legal custodian* ~~guardian~~ of such right.

(c) If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

(d) The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents' compliance with child support orders.

(e) The compliance or lack of compliance with a visitation contract between the parent, *caregiver, or legal custodian* ~~or guardian~~ and the social service agency for contact with the child, including the *frequency, duration, and results of the parent-child visitation and the* reason for any noncompliance.

(f) The compliance or lack of compliance of the parent, *caregiver, or legal custodian* ~~or guardian~~ in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply if such is the case.

(g) The appropriateness of the child's current placement, including whether the child is in a setting which is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs, *and including maintaining stability in the child's educational placement.*

(h) A projected date likely for the child's return home or other permanent placement.

(i) When appropriate, the basis for the unwillingness or inability of the parent, *caregiver, or legal custodian* ~~or guardian~~ to become a party to a case plan. The court and the citizen review panel shall determine if ~~the nature of the location or the condition of the parent and~~ the efforts of the social service agency to secure *party* ~~parental~~ participation in a case plan were sufficient.

(8)(a) Based upon the criteria set forth in subsection (7) and the recommended order of the citizen review panel, if *any* ~~established under s. 39.4531~~, the court shall determine whether or not the social service agency shall initiate proceedings to have a child declared a dependent child, return the child to the parent, *legal custodian, or caregiver,* continue the child in *out-of-home* ~~foster~~ care for a specified period of time, or initiate termination of parental rights proceedings for subsequent placement in an adoptive home. Modifications to the plan must be handled as prescribed in s. *39.601* ~~39.451~~. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, ~~and~~ well-being, *and physical, mental, and emotional health* will not be endangered.

(b) The court shall return the child to the custody of the parents, *legal custodians, or caregivers* at any time it determines that they have substantially complied with the plan, if the court is satisfied that reunification will not be detrimental to the child's safety, ~~and~~ well-being, *and physical, mental, and emotional health.*

(c) If, in the opinion of the court, the social service agency has not complied with its obligations as specified in the written case plan, the court may find the social service agency in contempt, shall order the social service agency to submit its plans for compliance with the agreement, and shall require the social service agency to show why the child

could ~~should~~ not *safely* be returned ~~immediately~~ to the home of the parents*, legal custodians, or caregivers* ~~or legal guardian~~.

(d) The court may extend the time limitation of the case plan, or may modify the terms of the plan, based upon information provided by the social service agency*, and the guardian ad litem, if one has been appointed,* the ~~natural~~ parent or parents, and the foster parents, and any other competent information on record demonstrating the need for the amendment. *If the court extends the time limitation of the case plan, the court must make specific findings concerning the frequency of past parent-child visitation, if any, and the court may authorize the expansion or restriction of future visitation.* Modifications to the plan must be handled as prescribed in s. *39.601* ~~39.451~~. Any extension of a case plan must comply with the time requirements and other requirements specified by this *chapter* ~~part~~.

(e) If, at any judicial review, the court finds that the parents have failed to substantially comply with the case plan to the degree that further reunification efforts are without merit and not in the best interest of the child, it may authorize the filing of a petition for termination of parental rights, whether or not the time period as contained in the case plan for substantial compliance has elapsed.

(f) *No later than 12 months after the date that the child was placed in shelter care, the court shall conduct a judicial review. At this hearing, if the child is not returned to the physical custody of the parents, caregivers, or legal custodians, the case plan may be extended with the same goals only if the court finds that the situation of the child is so extraordinary that the plan should be extended. The case plan must document steps the department is taking to find an adoptive parent or other permanent living arrangement for the child.* ~~If, at the time of the 18-month judicial review or citizen review, the child is not returned to the physical custody of the natural parents, the case plan may be extended only if, at the time of the judicial review or citizen review, the court finds that the situation of the child is so extraordinary that the plan should be extended. The extension must be in accordance with subsection (3).~~

(g) The court may issue a protective order in assistance, or as a condition, of any other order made under this part. In addition to the requirements included in the case plan, the protective order may set forth requirements relating to reasonable conditions of behavior to be observed for a specified period of time by a person or agency who is before the court; and such order may require any such person or agency to make periodic reports to the court containing such information as the court in its discretion may prescribe.

Section 78. Section 39.4531, Florida Statutes, is renumbered as section 39.702, Florida Statutes, and amended to read:

39.702 ~~39.4531~~ Citizen review panels.—

(1) Citizen review panels may be established in each judicial circuit and shall be authorized by an administrative order executed by the chief judge of each circuit. The court shall administer an oath of office to each citizen review panel member which shall authorize the panel member to participate in citizen review panels and make recommendations to the court pursuant to the provisions of this section.

(2) Citizen review panels shall be administered by an independent not-for-profit agency. For the purpose of this section, an organization that has filed for nonprofit status under the provisions of s. 501(c)(3) of the United States Internal Revenue Code is an independent not-for-profit agency for a period of 1 year after the date of filing. At the end of that 1-year period, in order to continue conducting citizen reviews, the organization must have qualified for nonprofit status under s. 501(c)(3) of the United States Internal Revenue Code and must submit to the chief judge of the circuit court a consumer's certificate of exemption that was issued to the organization by the Florida Department of Revenue and a report of the organization's progress. If the agency has not qualified for nonprofit status, the court must rescind its administrative order that authorizes the agency to conduct citizen reviews. All independent not-for-profit agencies conducting citizen reviews must submit citizen review annual reports to the court.

(3) For the purpose of this section, a citizen review panel shall be composed of five volunteer members and shall conform with the requirements of this *chapter* ~~section~~. The presence of three members at a panel hearing shall constitute a quorum. Panel members shall serve without compensation.

(4)~~(3)~~ Based on the information provided to each citizen review panel pursuant to s. *39.701* ~~39.453~~, each citizen review panel shall provide the court with a report and recommendations regarding the placement and dispositional alternatives the court shall consider before issuing a judicial review order.

(5)~~(4)~~ *The* ~~An~~ independent not-for-profit agency authorized to administer each citizen review panel shall:

(a) In collaboration with the department, develop policies to assure that citizen review panels comply with all applicable state and federal laws.

(b) Establish policies for the recruitment, selection, retention, and terms of volunteer panel members. Final selection of citizen review panel members shall, to the extent possible, reflect the multicultural composition of the community which they serve. A criminal background check and personal reference check shall be conducted on each citizen review panel member prior to the member serving on a citizen review panel.

(c) In collaboration with the department, develop, implement, and maintain a training program for citizen review volunteers and provide training for each panel member prior to that member serving on a review panel. Such training may include, but shall not be limited to, instruction on dependency laws, departmental policies, and judicial procedures.

(d) Ensure that all citizen review panel members have read, understood, and signed an oath of confidentiality relating to ~~the citizen review hearings and~~ written or verbal information provided to the panel members *for review hearings.*

(e) Establish policies to avoid actual or perceived conflicts of interest by panel members during the review process and to ensure accurate, fair reviews of each child dependency case.

(f) Establish policies to ensure ongoing communication with the department and the court.

(g) Establish policies to ensure adequate communication with the parent*, caregiver, or legal custodian* ~~or guardian~~, the foster parent *or caregiver,* the guardian ad litem, and any other person deemed appropriate.

(h) Establish procedures that encourage attendance *and participation* of interested persons *and parties, including the biological parents, foster parents or caregivers, or a relative or nonrelative with whom the child is placed,* at *citizen* review hearings.

(i) Coordinate with existing citizen review panels to ensure consistency of operating procedures, data collection, ~~and~~ analysis, and report generation.

(j) Make recommendations as necessary to the court concerning attendance of essential persons at the review and other issues pertinent to an effective review process.

(k) Ensure consistent methods of identifying barriers to the permanent placement of the child and delineation of findings and recommendations to the court.

(6)~~(5)~~ The department and agents of the department shall submit information to the citizen review panel when requested and shall address questions asked by the citizen review panel to identify barriers to the permanent placement of each child.

Section 79. Section 39.454, Florida Statutes, is renumbered as section 39.703, Florida Statutes, and amended to read:

39.703 ~~39.454~~ Initiation of termination of parental rights proceedings.—

(1) If, in preparation for any judicial review hearing under this *chapter* ~~part~~, it is the opinion of the social service agency that the parents ~~or legal guardian~~ of the child have not complied with their responsibilities as specified in the written case plan although able to do so, the social service agency shall state its intent to initiate proceedings to terminate parental rights, unless the social service agency can demonstrate to the court that such a recommendation would not be in the child's best interests. If it is the intent of the department or licensed child-placing agency

to initiate proceedings to terminate parental rights, the department or licensed child-placing agency shall file a petition for termination of parental rights no later than 3 months after the date of the previous judicial review hearing. If the petition cannot be filed within 3 months, the department or licensed child-placing agency shall provide a written report to the court outlining the reasons for delay, the progress made in the termination of parental rights process, and the anticipated date of completion of the process.

(2) If, at the time of the *12-month* ~~18-month~~ judicial review hearing, a child is not returned to the physical custody of the ~~natural~~ parents, *caregivers, or legal custodians*, the social service agency shall initiate termination of parental rights proceedings under ~~part VI of~~ this chapter within 30 days. Only if the court finds that the situation of the child is so extraordinary and that the best interests of the child will be met by such action at the time of the judicial review may the case plan be extended. If the court decides to extend the plan, the court shall enter detailed findings justifying the decision to extend, as well as the length of the extension. *A termination of parental rights petition need not be filed if: the child is being cared for by a relative who chooses not to adopt the child; the court determines that filing such a petition would not be in the best interests of the child; or the state has not provided the child's family, when reasonable efforts to return a child are required, consistent with the time period in the state's case plan, such services as the state deems necessary for the safe return of the child to his or her home.* Failure to initiate termination of parental rights proceedings at the time of the *12-month* ~~18-month~~ judicial review or within 30 days after such review does not prohibit initiating termination of parental rights proceedings at any other time.

Section 80. Section 39.456, Florida Statutes, is renumbered as section 39.704, Florida Statutes, and amended to read:

39.704 ~~39.456~~ Exemptions *from judicial review.—Judicial review* ~~This part~~ does not apply to:

(1) Minors who have been placed in adoptive homes by the department or by a licensed child-placing agency; *or*

(2) Minors who are refugees or entrants to whom federal regulations apply and who are in the care of a social service agency.~~; or~~

~~(3) Minors who are the subjects of termination of parental rights cases pursuant to s. 39.464.~~

Section 81. Part IX of chapter 39, Florida Statutes, consisting of sections 39.801, 39.802, 39.803, 39.804, 39.805, 39.806, 39.807, 39.808, 39.809, 39.810, 39.811, 39.812, 39.813, 39.814, 39.815, 39.816, and 39.817, Florida Statutes, shall be entitled to read:

PART IX

TERMINATION OF PARENTAL RIGHTS

Section 82. Section 39.46, Florida Statutes, is renumbered as section 39.801, Florida Statutes, and amended to read:

39.801 ~~39.46~~ Procedures and jurisdiction*; notice; service of process.—*

(1) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in termination of parental rights proceedings shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(2) The circuit court shall have exclusive original jurisdiction of a proceeding involving termination of parental rights.

(3) Before the court may terminate parental rights, in addition to the other requirements set forth in this part, the following requirements must be met:

(a) Notice of the date, time, and place of the advisory hearing for the petition to terminate parental rights and a copy of the petition must be personally served upon the following persons, specifically notifying them that a petition has been filed:

1. The parents of the child.

2. The caregivers or legal custodians of the child.

3. If the parents who would be entitled to notice are dead or unknown, a living relative of the child, unless upon diligent search and inquiry no such relative can be found.

4. Any person who has physical custody of the child.

5. Any grandparent entitled to priority for adoption under s. 63.0425.

6. Any prospective parent who has been identified under s. 39.503 or s. 39.803.

7. The guardian ad litem for the child or the representative of the guardian ad litem program, if the program has been appointed.

The document containing the notice to respond or appear must contain, in type at least as large as the type in the balance of the document, the following or substantially similar language: "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN)."

(b) If a person required to be served with notice as prescribed in paragraph (a) cannot be served, notice of hearings must be given as prescribed by the rules of civil procedure, and service of process must be made as specified by law or civil actions.

(c) Notice as prescribed by this section may be waived, in the discretion of the judge, with regard to any person to whom notice must be given under this subsection if the person executes, before two witnesses and a notary public or other officer authorized to take acknowledgments, a written surrender of the child to a licensed child-placing agency or the department.

(d) If the person served with notice under this section fails to appear at the advisory hearing, the failure to appear shall constitute consent for termination of parental rights by the person given notice.

(4) Upon the application of any party, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring the attendance and testimony of witnesses and the production of records, documents, or other tangible objects at any hearing.

(5) All process and orders issued by the court must be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the department or the guardian ad litem.

(6) Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding.

(7) A fee may not be paid for service of any process or other papers by an agent of the department or the guardian ad litem. If any process, orders, or other papers are served or executed by any sheriff, the sheriff's fees must be paid by the county.

Section 83. Section 39.461, Florida Statutes, is renumbered as section 39.802, Florida Statutes, and amended to read:

39.802 ~~39.461~~ Petition for termination of parental rights*; filing; elements.—*

(1) All proceedings seeking an adjudication to terminate parental rights pursuant to this chapter must be initiated by the filing of an original petition by the department, the guardian ad litem, or a licensed child-placing agency or by any other person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(2) The form of the petition is governed by the Florida Rules of Juvenile Procedure. The petition must be in writing and signed by the petitioner under oath stating the petitioner's good faith in filing the petition.

(3) When a petition for termination of parental rights has been filed, the clerk of the court shall set the case before the court for an advisory hearing.

(4) A petition for termination of parental rights filed under this chapter must contain facts supporting the following allegations:

(a) That at least one of the grounds listed in s. 39.806 has been met.

(b) That the parents of the child were informed of their right to counsel at all hearings that they attend and that a dispositional order adjudicating the child dependent was entered in any prior dependency proceeding relied upon in offering a parent a case plan as described in s. 39.806.

(c) That the manifest best interests of the child, in accordance with s. 39.810, would be served by the granting of the petition.

(5) When a petition for termination of parental rights is filed under s. 39.806(1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights to allow continuation of services until the termination is granted or until further orders of the court are issued.

(6) The fact that a child has been previously adjudicated dependent as alleged in a petition for termination of parental rights may be proved by the introduction of a certified copy of the order of adjudication or the order of disposition of dependency.

(7) The fact that the parent of a child was informed of the right to counsel in any prior dependency proceeding as alleged in a petition for termination of parental rights may be proved by the introduction of a certified copy of the order of adjudication or the order of disposition of dependency containing a finding of fact that the parent was so advised.

(8) Whenever the department has entered into a case plan with a parent with the goal of reunification, and a petition for termination of parental rights based on the same facts as are covered in the case plan is filed prior to the time agreed upon in the case plan for the performance of the case plan, the petitioner must allege and prove by clear and convincing evidence that the parent has materially breached the provisions of the case plan.

Section 84. Section 39.803, Florida Statutes, is created to read:

39.803 Identity or location of parent unknown after filing of termination of parental rights petition; special procedures.—

(1) If the identity or location of a parent is unknown and a petition for termination of parental rights is filed, the court shall conduct the following inquiry of the parent who is available, or, if no parent is available, of any relative, caregiver, or legal custodian of the child who is present at the hearing and likely to have the information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct the department to conduct a diligent search for that person before scheduling an adjudicatory hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without actual notice to the person whose location is unknown.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all known relatives of the parent or prospective parent, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, and inquiries of appropriate law enforcement agencies.

(7) Any agency contacted by a petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or prior to the adjudicatory hearing in the termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section.

Section 85. *Section 39.4627, Florida Statutes, is renumbered as section 39.804, Florida Statutes.*

Section 86. Section 39.463, Florida Statutes, is renumbered as section 39.805, Florida Statutes, and amended to read:

39.805 ~~39.463~~ No answer required.—No answer to the petition or any other pleading need be filed by any child, parent, *caregiver,* or legal custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of any answer or any pleading, the child or parent shall, prior to the adjudicatory hearing, be advised by the court of the right to counsel and shall be given an opportunity to deny the allegations in the petition for termination of parental rights or to enter a plea to allegations in the petition before the court.

Section 87. Section 39.464, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.806, Florida Statutes, and amended to read:

39.806 ~~39.464~~ Grounds for termination of parental rights.—

(1) The department, the guardian ad litem, a licensed child-placing agency, or any person who has knowledge of the facts alleged or who is informed of said facts and believes that they are true, may petition for the termination of parental rights under any of the following circumstances:

(a) When the parent or parents voluntarily executed a written surrender of the child and consented to the entry of an order giving custody of the child to the department or to a licensed child-placing agency for subsequent adoption and the department or licensed child-placing agency is willing to accept custody of the child.

1. The surrender document must be executed before two witnesses and a notary public or other person authorized to take acknowledgments.

2. The surrender and consent may be withdrawn after acceptance by the department or licensed child-placing agency only after a finding by the court that the surrender and consent were obtained by fraud or duress.

(b) When the identity or location of the parent or parents is unknown and~~, if the court requires a diligent search pursuant to s. 39.4625,~~ cannot be ascertained by diligent search ~~as provided in s. 39.4625~~ within 90 days.

(c) When the parent or parents engaged in conduct toward the child or toward other children that demonstrates that the continuing involvement of the parent or parents in the parent-child relationship threatens the life, *safety* ~~or~~ well-being, *or physical, mental, or emotional health* of the child irrespective of the provision of services. Provision of services *may be* ~~is~~ evidenced by proof that services were provided through a previous plan or offered as a case plan from a child welfare agency.

(d) When the parent of a child is incarcerated in a state or federal correctional institution and:

1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this paragraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; and

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

(e)~~(f)~~ A petition for termination of parental rights may also be filed when a child has been adjudicated dependent, a case plan has been filed with the court, and the child continues to be abused, neglected, or abandoned by the parents. In this case, the failure of the parents to substantially comply for a period of 12 months after an adjudication of the child as a dependent child constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due either to the lack of financial resources of the parents or to the failure of the department to make reasonable efforts to reunify the family. Such 12-month period may begin to run only after the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the *approval by* ~~subsequent filing with~~ the court of a case plan with a goal of reunification with the parent.

(f)~~(e)~~ When the parent or parents engaged in egregious conduct *or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct threatening the life, safety, or physical, mental, or emotional health* ~~that endangers the life, health, or safety~~ of the child or the child's sibling ~~or had the opportunity and capability to prevent egregious conduct that threatened the life, health, or safety of the child or the child's sibling and knowingly failed to do so~~.

1. As used in this subsection, the term "sibling" means another child who resides with or is cared for by the parent or parents regardless of whether the child is related legally or by consanguinity.

2. As used in this subsection, the term "egregious *conduct* ~~abuse~~" means *abuse, abandonment, neglect, or any other* conduct of the parent or parents that is deplorable, flagrant, or outrageous by a normal standard of conduct. Egregious *conduct* ~~abuse~~ may include an act or omission that occurred only once but was of such intensity, magnitude, or severity as to endanger the life of the child.

(g) When the parent or parents have subjected the child to aggravated child abuse as defined in s. 827.03, sexual battery or sexual abuse as defined in s. 39.01, or chronic abuse.

(h) When the parent or parents have committed murder or voluntary manslaughter of another child of the parent, or a felony assault that results in serious bodily injury to the child or another child of the parent, or aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter or felony assault.

(i) When the parental rights of the parent to a sibling have been terminated involuntarily.

(2) Reasonable efforts to preserve and reunify families shall not be required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(e)-(i) have occurred.

(3)~~(2)~~ When a petition for termination of parental rights is filed under subsection (1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights *to allow continuation of services until the termination is granted or until further orders of the court are issued.*

(4) When an expedited termination of parental rights petition is filed, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

Section 88. Section 39.465, Florida Statutes, is renumbered as section 39.807, Florida Statutes, and amended to read:

39.807 ~~39.465~~ Right to counsel; guardian ad litem.—

(1)(a) At each stage of the proceeding under this part, the court shall advise the parent~~, guardian, or custodian~~ of the right to have counsel present. The court shall appoint counsel for *indigent* ~~insolvent~~ persons. The court shall ascertain whether the right to counsel is understood and, where appropriate, is knowingly and intelligently waived. The court shall enter its findings in writing with respect to the appointment or waiver of counsel for *indigent* ~~insolvent~~ parties.

(b) Once counsel has been retained or, in appropriate circumstances, appointed to represent the parent of the child, the attorney shall continue to represent the parent throughout the proceedings or until the court has approved discontinuing the attorney-client relationship. If the attorney-client relationship is discontinued, the court shall advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

(c)~~(b)~~1. No waiver of counsel may be accepted if it appears that the parent~~, guardian, or custodian~~ is unable to make an intelligent and understanding choice because of mental condition, age, education, experience, the nature or complexity of the case, or other factors.

2. A waiver of counsel made in court must be of record. A waiver made out of court must be in writing with not less than two attesting witnesses and must be filed with the court. The witnesses shall attest to the voluntary execution of the waiver.

3. If a waiver of counsel is accepted at any stage of the proceedings, the offer of assistance of counsel must be renewed by the court at each subsequent stage of the proceedings at which the parent~~, guardian, or custodian~~ appears without counsel.

(d)~~(c)~~ This subsection does not apply to any parent who has voluntarily executed a written surrender of the child and consent to the entry of a court order therefor and who does not deny the allegations of the petition.

(2)(a) The court shall appoint a guardian ad litem to represent the child in any termination of parental rights proceedings and shall ascertain at each stage of the proceedings whether a guardian ad litem has been appointed.

(b) The guardian ad litem has the following responsibilities:

1. To investigate the allegations of the petition and any subsequent matters arising in the case and, unless excused by the court, to file a written report. This report must include a statement of the wishes of the child and the recommendations of the guardian ad litem and must be provided to all parties and the court at least 48 hours before the disposition hearing.

2. To be present at all court hearings unless excused by the court.

3. To represent the interests of the child until the jurisdiction of the court over the child terminates or until excused by the court.

~~4. To perform such other duties and undertake such other responsibilities as the court may direct.~~

(c) A guardian ad litem is not required to post bond but shall file an acceptance of the office.

(d) A guardian ad litem is entitled to receive service of pleadings and papers as provided by the Florida Rules of Juvenile Procedure.

(e) This subsection does not apply to any voluntary relinquishment of parental rights proceeding.

Section 89. Section 39.466, Florida Statutes, is renumbered as section 39.808, Florida Statutes, and amended to read:

39.808 ~~39.466~~ Advisory hearing*; pretrial status conference.*—

(1) An advisory hearing on the petition to terminate parental rights must be held as soon as possible after all parties have been served with a copy of the petition and a notice of the date, time, and place of the advisory hearing for the petition.

(2) At the hearing the court shall inform the parties of their rights under s. *39.807* ~~39.465~~, shall appoint counsel for the parties in accordance with legal requirements, and shall appoint a guardian ad litem to represent the interests of the child if one has not already been appointed.

(3) The court shall set a date for an adjudicatory hearing to be held within 45 days after the advisory hearing, unless all of the necessary parties agree to some other hearing date.

(4) An advisory hearing may not be held if a petition is filed seeking an adjudication voluntarily to terminate parental rights. Adjudicatory hearings for petitions for voluntary termination must be held within 21 days after the filing of the petition. Notice of the use of this subsection must be filed with the court at the same time as the filing of the petition to terminate parental rights.

(5) Not less than 10 days before the adjudicatory hearing, the court shall conduct a prehearing status conference to determine the order in which each party may present witnesses or evidence, the order in which cross-examination and argument shall occur, and any other matters that may aid in the conduct of the adjudicatory hearing, to prevent any undue delay in the conduct of the adjudicatory hearing.

Section 90. Section 39.467, Florida Statutes, is renumbered as section 39.809, Florida Statutes, and amended to read:

39.809 ~~39.467~~ Adjudicatory hearing.—

(1) In a hearing on a petition for termination of parental rights, the court shall consider the elements required for termination ~~as set forth in s. 39.4611~~. Each of these elements must be established by clear and convincing evidence before the petition is granted.

(2) The adjudicatory hearing must be held within 45 days after the advisory hearing, but reasonable continuances for the purpose of investigation, discovery, or procuring counsel or witnesses may, when necessary, be granted.

(3) The adjudicatory hearing must be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the case from time to time as necessary. For purposes of the adjudicatory hearing, to avoid unnecessary duplication of expense, the judge may consider in-court testimony previously given at any properly noticed hearing, without regard to the availability or unavailability of the witness at the time of the actual adjudicatory hearing, if the recorded testimony itself is made available to the judge. Consideration of such testimony does not preclude the witness being subpoenaed to answer supplemental questions.

(4) All hearings involving termination of parental rights are confidential and closed to the public. Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents ~~or legal custodians~~ may be examined separately and apart from each other.

(5) The judge shall enter a written order with the findings of fact and conclusions of law.

Section 91. Section 39.4612, Florida Statutes, is renumbered as section 39.810, Florida Statutes, is amended to read:

39.810 ~~39.4612~~ Manifest best interests of the child. In a hearing on a petition for termination of parental rights, the court shall consider the manifest best interests of the child. This consideration shall not include a comparison between the attributes of the parents and those of any persons providing a present or potential placement for the child. For the purpose of determining the manifest best interests of the child, the court shall consider and evaluate all relevant factors, including, but not limited to:

(1) Any suitable permanent custody arrangement with a relative of the child.

(2) The ability and disposition of the parent or parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under state law instead of medical care, and other material needs of the child.

(3) The capacity of the parent or parents to care for the child to the extent that the child's *safety, well-being, and physical, mental, and emotional* health ~~and well-being~~ will not be endangered upon the child's return home.

(4) The present mental and physical health needs of the child and such future needs of the child to the extent that such future needs can be ascertained based on the present condition of the child.

(5) The love, affection, and other emotional ties existing between the child and the child's parent or parents, siblings, and other relatives, and the degree of harm to the child that would arise from the termination of parental rights and duties.

(6) The likelihood of an older child remaining in long-term foster care upon termination of parental rights, due to emotional or behavioral problems or any special needs of the child.

(7) The child's ability to form a significant relationship with a parental substitute and the likelihood that the child will enter into a more stable and permanent family relationship as a result of permanent termination of parental rights and duties.

(8) The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(9) The depth of the relationship existing between the child and the present custodian.

(10) The reasonable preferences and wishes of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(11) The recommendations for the child provided by the child's guardian ad litem or legal representative.

Section 92. Section 39.469, Florida Statutes, is renumbered as section 39.811, Florida Statutes, and amended to read:

39.811 ~~39.469~~ Powers of disposition; order of disposition.—

(1) If the court finds that the grounds for termination of parental rights have not been established by clear and convincing evidence, the court shall:

(a) If grounds for dependency have been established, adjudicate or readjudicate the child dependent and:

1. Enter an order placing or continuing the child in *out-of-home* ~~foster~~ care under a case plan; or

2. Enter an order returning the child to the parent or parents. The court shall retain jurisdiction over a child returned to the *parent or* parents ~~or legal guardians~~ for a period of 6 months, but, at that time, based on a report of the social service agency and any other relevant factors, the court shall make a determination as to whether its jurisdiction shall continue or be terminated.

(b) If grounds for dependency have not been established, dismiss the petition.

(2) If the child is in *out-of-home* ~~foster~~ care custody of the department and the court finds that the grounds for termination of parental rights have been established by clear and convincing evidence, the court shall, by order, place the child in the custody of the department for the purpose of adoption or place the child in the custody of a licensed child-placing agency for the purpose of adoption.

(3) If the child is in the custody of one parent and the court finds that the grounds for termination of parental rights have been established for the remaining parent by clear and convincing evidence, the court shall enter an order terminating the rights of the parent for whom the grounds have been established and placing the child in the custody of the remaining parent, granting that parent sole parental responsibility for the child.

(4) If the child is neither in the custody of the department ~~of Children and Family Services~~ nor in the custody of a parent and the court finds that the grounds for termination of parental rights have been established for either or both parents, the court shall enter an order terminating parental rights for the parent or parents for whom the grounds for termination have been established and placing the child with an appropriate custodian. If the parental rights of both parents have been terminated, or if the parental rights of only one parent have been terminated and the court makes specific findings based on evidence presented that placement with the remaining parent is likely to be harmful to the child, the court may order that the child be placed with a custodian other than the department after hearing evidence of the suitability of such intended placement. Suitability of the intended placement includes the fitness *and capabilities* of the *proposed* ~~intended placement, with primary consideration being given to the welfare of the child; the fitness and capabilities of the proposed~~ custodian to function as the primary *caregiver* ~~caretaker~~ for a particular child; and the compatibility of the child with the home in which the child is intended to be placed. If the court orders that a child be placed with a custodian under this subsection, the court shall appoint such custodian as the guardian for the child as provided in s. 744.3021. The court may modify the order placing the child in the custody of the custodian and revoke the guardianship established under s. 744.3021 if the court subsequently finds that a party to the proceeding other than a parent whose rights have been terminated has shown a material change in circumstances which causes the placement to be no longer in the best interest of the child.

(5) If the court terminates parental rights, the court shall enter a written order of disposition briefly stating the facts upon which its decision to terminate the parental rights is made. An order of termination of parental rights, whether based on parental consent or after notice served as prescribed in this part, permanently deprives the parents ~~or legal guardian~~ of any right to the child.

(6) The parental rights of one parent may be severed without severing the parental rights of the other parent only under the following circumstances:

(a) If the child has only one surviving parent;

(b) If the identity of a prospective parent has been established as unknown after sworn testimony;

(c) If the parent whose rights are being terminated became a parent through a single-parent adoption;

(d) If the protection of the child demands termination of the rights of a single parent; or

(e) If the parent whose rights are being terminated meets the criteria specified in s. *39.806(1)(d)* ~~39.464(1)(d)~~.

(7)*(a) The termination of parental rights does not affect the rights of grandparents unless the court finds that continued visitation is not in the best interests of the child or that such visitation would interfere with the goals of permanency planning for the child.*

(b) If the court terminates parental rights, it may order that the parents or relatives of the parent whose rights are terminated be allowed to maintain some contact with the child pending adoption if the best interests of the child support this continued contact, *except as provided in paragraph (a).* If the court orders such continued contact, the nature and frequency of the contact must be set forth in written order and may be reviewed upon motion of any party, including a prospective adoptive parent if a child has been placed for adoption. If a child is placed for adoption, the nature and frequency of the contact must be reviewed by the court at the time the child is adopted.

(8) If the court terminates parental rights, it shall, in its order of disposition, provide for a hearing, to be scheduled no later than 30 days after the date of disposition, in which the department or the licensed child-placing agency shall provide to the court a plan for permanency for the child. *Reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.* Thereafter, until the adoption of the child is finalized or the child reaches the age of 18 years, whichever occurs first, the court shall hold hearings at 6-month intervals to review the progress being made toward permanency for the child.

(9) After termination of parental rights, the court shall retain jurisdiction over any child for whom custody is given to a social service agency until the child is adopted. The court shall review the status of the child's placement and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.

Section 93. Section 39.47, Florida Statutes, is renumbered as section 39.812, Florida Statutes, and amended to read:

39.812 ~~39.47~~ Post disposition relief.—

(1) A licensed child-placing agency or the department which is given custody of a child for subsequent adoption in accordance with this chapter may place the child in a family home for prospective subsequent adoption and *the licensed child-placing agency or the department* may thereafter become a party to any proceeding for the legal adoption of the child and appear in any court where the adoption proceeding is pending and consent to the adoption; and that consent alone shall in all cases be sufficient.

(2) In any subsequent adoption proceeding, the parents ~~and legal guardian~~ shall not be entitled to any notice thereof, nor shall they be entitled to knowledge at any time after the order terminating parental rights is entered of the whereabouts of the child or of the identity or location of any person having the custody of or having adopted the child, except as provided by order of the court pursuant to this chapter or chapter 63; and in any habeas corpus or other proceeding involving the child brought by any parent ~~or legal guardian~~ of the child, no agent *or contract provider* of the licensed child-placing agency or department shall be compelled to divulge that information, but may be compelled to produce the child before a court of competent jurisdiction if the child is still subject to the guardianship of the licensed child-placing agency or department.

(3) The entry of the custody order to the department or licensed child-placing agency shall not entitle the licensed child-placing agency or department to guardianship of the estate or property of the child, but the licensed child-placing agency or department shall be the guardian of the person of the child.

(4) The court shall retain jurisdiction over any child for whom custody is given to a licensed child-placing agency or to the department until the child is adopted. After custody of a child for subsequent adoption has been given to an agency or the department, the court has jurisdiction for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.

~~(5) The Legislature finds that children are most likely to realize their potential when they have the ability provided by good permanent families rather than spending long periods of time in temporary placements or unnecessary institutions. It is the intent of the Legislature that decisions be consistent with the child's best interests and that the department make proper adoptive placements as expeditiously as possible following a final judgment terminating parental rights.~~

Section 94. Section 39.813, Florida Statutes, is created to read:

39.813 Continuing jurisdiction.—The court that terminates the parental rights of a child who is the subject of termination proceedings pursuant to this chapter shall retain exclusive jurisdiction in all matters pertaining to the child's adoption pursuant to chapter 63.

Section 95. *Section 39.471, Florida Statutes, is renumbered as section 39.814, Florida Statutes.*

Section 96. Section 39.473, Florida Statutes, is renumbered as section 39.815, Florida Statutes, and subsection (1) of said section is amended to read:

39.815 ~~39.473~~ Appeal.—

(1) Any child, any parent *or*~~,~~ guardian ad litem~~, or legal custodian~~ of any child, any other party to the proceeding who is affected by an order of the court, or the department may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure. The district court of appeal shall give an appeal from an order terminating parental rights priority in docketing and shall render a decision on the appeal as expeditiously as possible. Appointed counsel shall be compensated as provided in s. *39.0134* ~~39.474~~.

Section 97. Section 39.816, Florida Statutes, is created to read:

39.816 Authorization for pilot and demonstration projects.—

(1) Contingent upon receipt of a federal grant or contract pursuant to s. 473A(i) of the Social Security Act, 42 U.S.C. 673A(i), enacted November 19, 1997, the department is authorized to establish one or more pilot projects for the following purposes:

(a) The development of best practice guidelines for expediting termination of parental rights.

(b) The development of models to encourage the use of concurrent planning.

(c) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

(d) The development of risk-assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

(e) The development of models to encourage the fast-tracking into preadoptive placements of children who have not attained 1 year of age.

(f) The development of programs that place children into preadoptive families without waiting for termination of parental rights.

(2) Contingent upon receipt of federal authorization and funding pursuant to s. 1130(a) of the Social Security Act, 42 U.S.C. 1320a-9, enacted November 19, 1997, the department is authorized to establish one or more demonstration projects for the following purposes:

(a) Identifying and addressing barriers that result in delays to adoptive placements for children in out-of-home care.

(b) Identifying and addressing parental substance abuse problems that endanger children and result in the placement of children in out-of-home care. This purpose may be accomplished through the placement of children with their parents in residential treatment facilities, including residential treatment facilities for post-partum depression, which are specifically designed to serve parents and children together, in order to promote family reunification, and which can ensure the health and safety of the children.

(c) Addressing kinship care.

Section 98. Section 39.817, Florida Statutes, is created to read:

39.817 Foster care privatization demonstration pilot project.—A pilot project shall be established through The Ounce of Prevention Fund of Florida to contract with a private entity for a foster care privatization demonstration project. No more then 30 children with a goal of family reunification shall be accepted into the program on a no-eject-or-reject basis as identified by the department. Sibling groups shall be kept together in one placement in their own communities. Foster care parents shall be paid employees of the program. The program shall provide for public/private partnerships, community collaboration, counseling, and medical and legal assistance, as needed. For purposes of identifying measurable outcomes, the pilot project shall be located in a department district with an integrated district management which was selected as a family transition program site, has a population of less than 500,000, has a total caseload of no more than 400, with and without board payment, and has a total foster care case load of no more than 250.

Section 99. Part X of chapter 39, Florida Statutes, consisting of sections 39.820, 39.821, 39.822, 39.823, 39.824, 39.825, 39.826, 39.827, 39.828, 39.829, and 39.8295, Florida Statutes, shall be entitled to read:

PART X

GUARDIANS AD LITEM AND GUARDIAN ADVOCATES

Section 100. Section 39.820, Florida Statutes, is created to read:

39.820 Definitions.—As used in this part, the term:

(1) "Guardian ad litem" as referred to in any civil or criminal proceeding includes the following: a certified guardian ad litem program; a duly certified volunteer; a staff attorney, contract attorney, or certified pro bono attorney working on behalf of a guardian ad litem or the program; staff members of a program office; a court-appointed attorney; or a responsible adult who is appointed by the court to represent the best interests of a child in a proceeding as provided for by law, including, but not limited to, this chapter, who is a party to any judicial proceeding as a representative of the child, and who serves until discharged by the court.

(2) "Guardian advocate" means a person appointed by the court to act on behalf of a drug-dependent newborn pursuant to the provisions of this part.

Section 101. *Section 415.5077, Florida Statutes, is renumbered as section 39.821, Florida Statutes.*

Section 102. Section 415.508, Florida Statutes, is renumbered as section 39.822, Florida Statutes, and amended to read:

39.822 ~~415.508~~ Appointment of guardian ad litem for abused, *abandoned*, or neglected child.—

(1) A guardian ad litem shall be appointed by the court at the earliest possible time to represent the child in any child abuse, *abandonment*, or neglect judicial proceeding, whether civil or criminal. Any person participating in a civil or criminal judicial proceeding resulting from such appointment shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed.

(2) In those cases in which the parents are financially able, the parent or parents of the child shall reimburse the court, in part or in whole, for the cost of provision of guardian ad litem services. Reimbursement to the individual providing guardian ad litem services shall not be contingent upon successful collection by the court from the parent or parents.

(3) The guardian ad litem or the program representative shall review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding or submit a written report of recommendations to the court.

Section 103. Section 415.5082, Florida Statutes, is renumbered as section 39.823, Florida Statutes, and amended to read:

39.823 ~~415.5082~~ Guardian advocates for drug dependent newborns.—The Legislature finds that increasing numbers of drug dependent children are born in this state. Because of the parents' continued dependence upon drugs, the parents may temporarily leave their child with a relative or other adult or may have agreed to voluntary family services under s. *39.301(8)* ~~415.505(1)(e)~~. The relative or other adult may be left with a child who is likely to require medical treatment but for whom they are unable to obtain medical treatment. The purpose of this section is to provide an expeditious method for such relatives or other responsible adults to obtain a court order which allows them to provide consent for medical treatment and otherwise advocate for the needs of the child and to provide court review of such authorization.

Section 104. Section 415.5083, Florida Statutes, is renumbered as section 39.824, Florida Statutes, and amended to read:

39.824 ~~415.5083~~ Procedures and jurisdiction.—

(1) The Supreme Court is requested to adopt rules of juvenile procedure by October 1, 1989, to implement *this part* ~~ss. 415.5082-415.5089~~. All procedures, including petitions, pleadings, subpoenas, summonses, and hearings in cases for the appointment of a guardian advocate shall

be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(2) The circuit court shall have exclusive original jurisdiction of a proceeding in which appointment of a guardian advocate is sought. The court shall retain jurisdiction over a child for whom a guardian advocate is appointed until specifically relinquished by court order.

Section 105. *Section 415.5084, Florida Statutes, is renumbered as section 39.825, Florida Statutes.*

Section 106. *Section 415.5085, Florida Statutes, is renumbered as section 39.826, Florida Statutes.*

Section 107. Section 415.5086, Florida Statutes, is renumbered as section 39.827, Florida Statutes, and amended to read:

39.827 ~~415.5086~~ Hearing for appointment of a guardian advocate.—

(1) When a petition for appointment of a guardian advocate has been filed with the circuit court, the hearing shall be held within 14 days unless all parties agree to a continuance. If a child is in need of necessary medical treatment as defined in s. 39.01, the court shall hold a hearing within 24 hours.

(2) At the hearing, the parents have the right to be present, to present testimony, to call and cross-examine witnesses, to be represented by counsel at their own expense, and to object to the appointment of the guardian advocate.

(3) The hearing shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases. In a hearing on a petition for appointment of a guardian advocate, the moving party shall prove all the elements in s. *39.828* ~~415.5087~~ by a preponderance of the evidence.

(4) The hearing under this section shall remain confidential and closed to the public. The clerk shall keep all court records required by *this part* ~~ss. 415.5082-415.5089~~ separate from other records of the circuit court. All court records required by *this part* ~~ss. 415.5082-415.5089~~ shall be confidential and exempt from the provisions of s. 119.07(1). All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents or custodians of the child and their attorneys and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions. All information obtained pursuant to *this part* ~~ss. 415.5082-415.5089~~ in the discharge of official duty by any judge, employee of the court, or authorized agent of the department, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed to anyone other than the authorized personnel of the court or the department and its designees, except upon order of the court.

Section 108. Section 415.5087, Florida Statutes, is renumbered as section 39.828, Florida Statutes, and amended to read:

39.828 ~~415.5087~~ Grounds for appointment of a guardian advocate.—

(1) The court shall appoint the person named in the petition as a guardian advocate with all the powers and duties specified in s. *39.829* ~~415.5088~~ for an initial term of 1 year upon a finding that:

(a) The child named in the petition is or was a *drug-dependent* ~~drug dependent~~ newborn as described in s. *39.01(30)(g)* ~~415.503(10)(a)2.~~;

(b) The parent or parents of the child have voluntarily relinquished temporary custody of the child to a relative or other responsible adult;

(c) The person named in the petition to be appointed the guardian advocate is capable of carrying out the duties as provided in s. *39.829* ~~415.5088~~; and

(d) A petition to adjudicate the child dependent pursuant to *this* chapter ~~39~~ has not been filed.

(2) The appointment of a guardian advocate does not remove from the parents the right to consent to medical treatment for their child. The appointment of a guardian advocate does not prevent the filing of a subsequent petition under *this* chapter ~~39~~ to have the child adjudicated dependent.

Section 109. *Section 415.5088, Florida Statutes, is renumbered as section 39.829, Florida Statutes.*

Section 110. Section 415.5089, Florida Statutes, is renumbered as section 39.8295, Florida Statutes, and amended to read:

39.8295 ~~415.5089~~ Review and removal of guardian advocate.—

(1) At the end of the initial 1-year appointment, the court shall review the status of the child's care, health, and medical condition for the purpose of determining whether to reauthorize the appointment of the guardian advocate. If the court finds that all of the elements of s. *39.828* ~~415.5087~~ are still met the court shall reauthorize the guardian advocate for another year.

(2) At any time, the court may, upon its own motion, or upon the motion of the department, a family member, or other interested person remove a guardian advocate. A guardian advocate shall be removed if the court finds that the guardian advocate is not properly discharging his or her responsibilities or is acting in a manner inconsistent with his or her appointment, that the parents have assumed parental responsibility to provide for the child, or that the child has been adjudicated dependent pursuant to *this* chapter ~~39~~.

Section 111. Part XI of chapter 39, Florida Statutes, consisting of sections 39.901, 39.902, 39.903, 39.904, 39.905, 39.906, and 39.908, Florida Statutes, shall be entitled to read:

PART XI

DOMESTIC VIOLENCE

Section 112. *Section 415.601, Florida Statutes, is renumbered as section 39.901, Florida Statutes.*

Section 113. Section 415.602, Florida Statutes, is renumbered as section 39.902, Florida Statutes, and amended to read:

39.902 ~~415.602~~ Definitions ~~of terms used in ss. 415.601-415.608.—~~ As used in *this part* ~~ss. 415.601-415.608~~, the term:

~~(1) "Department" means the Department of Children and Family Services.~~

~~(2) "District" means a service district of the department as created in s. 20.19.~~

(1)~~(3)~~ "Domestic violence" means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

(2)~~(4)~~ "Domestic violence center" means an agency that provides services to victims of domestic violence, as its primary mission.

(3)~~(5)~~ "Family or household member" means spouses, former spouses, adults related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 114. Section 415.603, Florida Statutes, is renumbered as section 39.903, Florida Statutes, and amended to read:

39.903 ~~415.603~~ Duties and functions of the department with respect to domestic violence.—

(1) The department shall:

(a) Develop by rule criteria for the approval or rejection of certification or funding of domestic violence centers.

(b) Develop by rule minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.

(c) Receive and approve or reject applications for certification of domestic violence centers, and receive and approve or reject applications for funding of domestic violence centers. When approving funding for a newly certified domestic violence center, the department shall make every effort to minimize any adverse economic impact on existing certified centers or services provided within the same district. In order to minimize duplication of services, the department shall make every effort to encourage subcontracting relationships with existing centers within the district. If any of the required services are exempted by the department under s. *39.905(1)(c)* ~~415.605(1)(c)~~, the center shall not receive funding for those services.

(d) Evaluate each certified domestic violence center annually to ensure compliance with the minimum standards. The department has the right to enter and inspect the premises of certified domestic violence centers at any reasonable hour in order to effectively evaluate the state of compliance of these centers with *this part* ~~ss. 415.601-415.608~~ and rules relating to *this part* ~~those sections~~.

(e) Adopt rules to implement *this part* ~~ss. 415.601-415.608~~.

(f) Promote the involvement of certified domestic violence centers in the coordination, development, and planning of domestic violence programming in the districts and the state.

(2) The department shall serve as a clearinghouse for information relating to domestic violence.

(3) The department shall enlist the assistance of public and voluntary health, education, welfare, and rehabilitation agencies in a concerted effort to prevent domestic violence and to treat persons engaged in or subject to domestic violence. With the assistance of these agencies, the department, within existing resources, shall formulate and conduct a research and evaluation program on domestic violence. Efforts on the part of these agencies to obtain relevant grants to fund this research and evaluation program must be supported by the department.

(4) The department shall develop and provide educational programs on domestic violence for the benefit of the general public, persons engaged in or subject to domestic violence, professional persons, or others who care for or may be engaged in the care and treatment of persons engaged in or subject to domestic violence.

(5) The department shall cooperate with, assist in, and participate in, programs of other properly qualified agencies, including any agency of the Federal Government, schools of medicine, hospitals, and clinics, in planning and conducting research on the prevention, care, treatment, and rehabilitation of persons engaged in or subject to domestic violence.

(6) The department shall contract with a statewide association whose primary purpose is to represent and provide technical assistance to domestic violence centers. This association shall receive 2 percent of the Domestic Violence Trust Fund for this purpose.

Section 115. Section 415.604, Florida Statutes, is renumbered as section 39.904, Florida Statutes, and amended to read:

39.904 ~~415.604~~ Report to the Legislature on the status of domestic violence cases.—On or before January 1 of each year, the department ~~of Children and Family Services~~ shall furnish to the President of the Senate and the Speaker of the House of Representatives a report on the status of domestic violence in this state, which report shall include, but is not limited to, the following:

(1) The incidence of domestic violence in this state.

(2) An identification of the areas of the state where domestic violence is of significant proportions, indicating the number of cases of domestic violence officially reported, as well as an assessment of the degree of unreported cases of domestic violence.

(3) An identification and description of the types of programs in the state that assist victims of domestic violence or persons who commit domestic violence, including information on funding for the programs.

(4) The number of persons who are treated by or assisted by local domestic violence programs that receive funding through the department.

(5) A statement on the effectiveness of such programs in preventing future domestic violence.

(6) An inventory and evaluation of existing prevention programs.

(7) A listing of potential prevention efforts identified by the department; the estimated annual cost of providing such prevention services, both for a single client and for the anticipated target population as a whole; an identification of potential sources of funding; and the projected benefits of providing such services.

Section 116. Section 415.605, Florida Statutes, is renumbered as section 39.905, Florida Statutes, and amended to read:

39.905 ~~415.605~~ Domestic violence centers.—

(1) Domestic violence centers certified under *this part* ~~ss. 415.601-415.608~~ must:

(a) Provide a facility which will serve as a center to receive and house persons who are victims of domestic violence. For the purpose of *this part* ~~ss. 415.601-415.608~~, minor children and other dependents of a victim, when such dependents are partly or wholly dependent on the victim for support or services, may be sheltered with the victim in a domestic violence center.

(b) Receive the annual written endorsement of local law enforcement agencies.

(c) Provide minimum services which include, but are not limited to, information and referral services, counseling and case management services, temporary emergency shelter for more than 24 hours, a 24-hour hotline, training for law enforcement personnel, assessment and appropriate referral of resident children, and educational services for community awareness relative to the incidence of domestic violence, the prevention of such violence, and the care, treatment, and rehabilitation for persons engaged in or subject to domestic violence. If a 24-hour hotline, professional training, or community education is already provided by a certified domestic violence center within a district, the department may exempt such certification requirements for a new center serving the same district in order to avoid duplication of services.

(d) Participate in the provision of orientation and training programs developed for law enforcement officers, social workers, and other professionals and paraprofessionals who work with domestic violence victims to better enable such persons to deal effectively with incidents of domestic violence.

(e) Establish and maintain a board of directors composed of at least three citizens, one of whom must be a member of a local, municipal, or county law enforcement agency.

(f) Comply with rules adopted pursuant to *this part* ~~ss. 415.601-415.608~~.

(g) File with the department a list of the names of the domestic violence advocates who are employed or who volunteer at the domestic violence center who may claim a privilege under s. 90.5036 to refuse to disclose a confidential communication between a victim of domestic violence and the advocate regarding the domestic violence inflicted upon the victim. The list must include the title of the position held by the advocate whose name is listed and a description of the duties of that position. A domestic violence center must file amendments to this list as necessary.

(h) Demonstrate local need and ability to sustain operations through a history of 18 consecutive months' operation as a domestic violence center, including 12 months' operation of an emergency shelter as *provided in paragraph (c)* ~~defined in paragraph (1)(a)~~, and a business plan which addresses future operations and funding of future operations.

(i) If its center is a new center applying for certification, demonstrate that the services provided address a need identified in the most current statewide needs assessment approved by the department.

(2) If the department finds that there is failure by a center to comply with the requirements established under *this part* ~~ss. 415.601-415.608~~ or with the rules adopted pursuant thereto, the department may deny, suspend, or revoke the certification of the center.

(3) The annual certificate shall automatically expire on the termination date shown on the certificate.

(4) The domestic violence centers shall establish procedures pursuant to which persons subject to domestic violence may seek services from these centers voluntarily.

(5) Domestic violence centers may be established throughout the state when private, local, state, or federal funds are available.

(6) In order to receive state funds, a center must:

(a) Obtain certification pursuant to *this part* ~~ss. 415.601-415.608~~. However, the issuance of a certificate will not obligate the department to provide funding.

(b) Receive at least 25 percent of its funding from one or more local, municipal, or county sources, public or private. Contributions in kind, whether materials, commodities, transportation, office space, other types of facilities, or personal services, may be evaluated and counted as part of the required local funding.

(7)(a) All funds collected and appropriated to the domestic violence program shall be distributed annually by the department to each district according to an allocation formula determined by the department. In developing the formula, the department shall consider population, a rural and geographical area factor, and the incidence of domestic violence.

(b) A contract between a district and a certified domestic violence center shall contain provisions assuring the availability and geographic accessibility of services throughout the district. For this purpose, a center may distribute funds through subcontracts or to center satellites, provided such arrangements and any subcontracts are approved by the district.

Section 117. *Section 415.606, Florida Statutes, is renumbered as section 39.906, Florida Statutes.*

Section 118. *Section 415.608, Florida Statutes, is renumbered as section 39.908, Florida Statutes.*

Section 119. Subsections (4) through (20) of section 20.19, Florida Statutes, are renumbered as subsections (5) through (21), respectively, paragraph (b) of present subsection (4), paragraph (o) of present subsection (7), and paragraph (c) of present subsection (20) are amended, and a new subsection (4) is added to that section, to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(4) CERTIFICATION PROGRAMS FOR DEPARTMENT EMPLOYEES.-- The department is authorized to create certification programs for family safety and preservation employees and agents to ensure that only qualified employees and agents provide child protection services. The department is authorized to develop rules that include qualifications for certification, including training and testing requirements, continuing education requirements for ongoing certification, and decertification procedures to be used to determine when an individual no longer meets the qualifications for certification and to implement the decertification of an employee or agent.

(5)~~(4)~~ PROGRAM OFFICES.—

(a) There are created program offices, each of which shall be headed by an assistant secretary who shall be appointed by and serve at the pleasure of the secretary. Each program office shall have the following responsibilities:

1. Ensuring that family services programs are implemented according to legislative intent and as provided in state and federal laws, rules, and regulations.

2. Establishing program standards and performance objectives.

3. Reviewing, monitoring, and ensuring compliance with statewide standards and performance objectives.

4. Conducting outcome evaluations and ensuring program effectiveness.

5. Developing workload and productivity standards.

6. Developing resource allocation methodologies.

7. Compiling reports, analyses, and assessment of client needs on a statewide basis.

8. Ensuring the continued interagency collaboration with the Department of Education for the development and integration of effective programs to serve children and their families.

9. Other duties as are assigned by the secretary.

(b) The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging is for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

1. Economic Self-Sufficiency Program Office.—The responsibilities of this office encompass income support programs within the department, such as temporary assistance to families with dependent children, food stamps, welfare reform, and state supplementation of the supplemental security income (SSI) program.

2. Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

3. Children and Families Program Office.—The responsibilities of this program office encompass early intervention services for children and families at risk; intake services for protective investigation of abandoned, abused, and neglected children; interstate compact on the placement of children programs; adoption; child care; out-of-home care programs and other specialized services to families; and child protection and sexual abuse treatment teams created under chapter *39* ~~415~~, excluding medical direction functions.

4. Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department.

(8)~~(7)~~ HEALTH AND HUMAN SERVICES BOARDS.—

(a) There is created at least one health and human services board in each service district for the purpose of encouraging the initiation and support of interagency cooperation and collaboration in addressing family services needs and promoting service integration. The initial membership and the authority to appoint the members shall be allocated among the counties of each district as follows:

1. District 1 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Escambia County, 6 members; Okaloosa County, 3 members; Santa Rosa County, 2 members; and Walton County, 1 member.

2. District 2 has a board composed of 23 members, with 5 at-large members to be appointed by the Governor, and 18 members to be appointed by the boards of county commissioners in the respective counties, as follows: Holmes County, 1 member; Washington County, 1 member; Bay County, 2 members; Jackson County, 1 member; Calhoun County, 1 member; Gulf County, 1 member; Gadsden County, 1 member; Franklin County, 1 member; Liberty County, 1 member; Leon County, 4 members; Wakulla County, 1 member; Jefferson County, 1 member; Madison County, 1 member; and Taylor County, 1 member.

3. District 3 has a board composed of 19 members, with 4 at-large members to be appointed by the Governor, and 15 members to be appointed by the boards of county commissioners of the respective counties, as follows: Hamilton County, 1 member; Suwannee County, 1 member; Lafayette County, 1 member; Dixie County, 1 member; Columbia County, 1 member; Gilchrist County, 1 member; Levy County, 1 member; Union County, 1 member; Bradford County, 1 member; Putnam County, 1 member; and Alachua County, 5 members.

4. District 4 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be ap-

pointed by the boards of county commissioners of the respective counties, as follows: Baker County, 1 member; Nassau County, 1 member; Duval County, 7 members; Clay County, 2 members; and St. Johns County, 1 member.

5. District 5 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Pasco County, 3 members; and Pinellas County, 9 members.

6. District 6 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Hillsborough County, 9 members; and Manatee County, 3 members.

7. District 7 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners in the respective counties, as follows: Seminole County, 3 members; Orange County, 5 members; Osceola County, 1 member; and Brevard County, 3 members.

8. District 8 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners in the respective counties, as follows: Sarasota County, 3 members; DeSoto County, 1 member; Charlotte County, 1 member; Lee County, 3 members; Glades County, 1 member; Hendry County, 1 member; and Collier County, 2 members.

9. District 9 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the Board of County Commissioners of Palm Beach County.

10. District 10 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the Board of County Commissioners of Broward County.

11. District 11 has two boards, one from Dade County and one from Monroe County. Each board is composed of 15 members, with 3 at-large members to be appointed to each board by the Governor, and 12 members to be appointed by each of the respective boards of county commissioners.

12. District 12 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Flagler County, 3 members; and Volusia County, 9 members.

13. District 13 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Marion County, 4 members; Citrus County, 2 members; Hernando County, 2 members; Sumter County, 1 member; and Lake County, 3 members.

14. District 14 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Polk County, 9 members; Highlands County, 2 members; and Hardee County, 1 member.

15. District 15 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Indian River County, 3 members; Okeechobee County, 1 member; St. Lucie County, 5 members; and Martin County, 3 members.

Notwithstanding any other provisions of this subsection, in districts consisting of two counties, the number of members to be appointed by any one board of county commissioners may not be fewer than three nor more than nine.

(b) At any time after the adoption of initial bylaws pursuant to paragraph (o), a district health and human services board may adopt a bylaw that enlarges the size of the board up to a maximum of 23 members, or otherwise adjusts the size or composition of the board, including a decision to change from a district board to subdistrict boards, or from a subdistrict board to a district board, if in the judgment of the board, such change is necessary to adequately represent the diversity of the population within the district or subdistrict. In the creation of subdistrict boards, the bylaws shall set the size of the board, not to exceed 15 members, and shall set the number of appointments to be made by the Governor and the respective boards of county commissioners in the subdistrict. The Governor shall be given the authority to appoint no fewer than one-fifth of the members. Current members of the district board shall become members of the subdistrict board in the subdistrict where they reside. Vacancies on a newly created subdistrict board shall be filled from among the list of nominees submitted to the subdistrict nominee qualifications review committee pursuant to subsection (8).

(c) The appointments by the Governor and the boards of county commissioners are from nominees selected by the appropriate district nominee qualifications review committee pursuant to subsection (8). Membership of each board must be representative of its district with respect to age, gender, and ethnicity. For boards having 15 members or fewer, at least two members must be consumers of the department's services. For boards having more than 15 members, there must be at least three consumers on the board. Members must have demonstrated their interest and commitment to, and have appropriate expertise for, meeting the health and family services needs of the community. The Governor shall appoint nominees whose presence on the health and human services board will help assure that the board reflects the demographic characteristics and consumer perspective of each of the service districts.

(d)1. Board members shall submit annually a disclosure statement of health and family services interests to the department's inspector general and the board. Any member who has an interest in a matter under consideration by the board must abstain from voting. Board members are subject to the provisions of s. 112.3145, relating to disclosure of financial interests.

2. Individual providers or employees of provider agencies, other than employees of units of local or state government, may not serve as health and human services board members but may serve in an advisory capacity to the board. Salaried employees of units of local or state government occupying positions providing services under contract with the department may not serve as members of the board. Elected officials who have authority to appoint members to a health and human services board may not serve as members of a board. The district administrator shall serve as a nonvoting ex officio member of the board. A department employee may not be a member of the board.

(e) Appointments to fill vacancies created by the death, resignation, or removal of a member are for the unexpired term. A member may not serve more than two full consecutive terms.

(f) A member who is absent from three meetings within any 12-month period, without having been excused by the chairperson, is deemed to have resigned, and the board shall immediately declare the seat vacant. Members may be suspended or removed for cause by a majority vote of the board members or by the Governor.

(g) Members of the health and human services boards shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. Payment may also be authorized for preapproved child care expenses or lost wages for members who are consumers of the department's services and for preapproved child care expenses for other members who demonstrate hardship.

(h) Appointees to the health and human services board are subject to the provisions of chapter 112, part III, Code of Ethics for Public Officers and Employees.

(i) Actions taken by the board must be consistent with departmental policy and state and federal laws, rules, and regulations.

(j) The department shall provide comprehensive orientation and training to the members of the boards to enable them to fulfill their responsibilities.

(k) Each health and human services board, and each of its subcommittees, shall hold periodic public meetings and hearings throughout the district to receive input on the development of the district service delivery plan, the legislative budget request, and the performance of the department.

(l) Except as otherwise provided in this section, responsibility and accountability for local family services planning rests with the health and human services boards. All local family-services-related planning or advisory councils shall submit their plans to the health and human services boards. The boards shall provide input on the plan's attention to integrating service delivery at the local level. The health and human services boards may establish additional subcouncils or technical advisory committees.

(m) The health and human services boards shall operate through an annual agreement negotiated between the secretary and the board. Such agreements must include expected outcomes and provide for periodic reports and evaluations of district and board performance and must also include a core set of service elements to be developed by the secretary and used by the boards in district needs assessments to ensure consistency in the development of district legislative budget requests.

(n) The annual agreement between the secretary and the board must include provisions that specify the procedures to be used by the parties to resolve differences in the interpretation of the agreement or disputes as to the adequacy of the parties' compliance with their respective obligations under the agreement.

(o) Health and human services boards have the following responsibilities, with respect to those programs and services assigned to the districts, as developed jointly with the district administrator:

1. Establish district outcome measures consistent with statewide outcomes.

2. Conduct district needs assessments using methodologies consistent with those established by the secretary.

3. Negotiate with the secretary a district performance agreement that:

a. Identifies current resources and services available;

b. Identifies unmet needs and gaps in services;

c. Establishes service and funding priorities;

d. Establishes outcome measures for the district; and

e. Identifies expenditures and the number of clients to be served, by service.

4. Provide budget oversight, including development and approval of the district's legislative budget request.

5. Provide policy oversight, including development and approval of district policies and procedures.

6. Act as a focal point for community participation in department activities such as:

a. Assisting in the integration of all health and social services within the community;

b. Assisting in the development of community resources;

c. Advocating for community programs and services;

d. Receiving and addressing concerns of consumers and others; and

e. Advising the district administrator on the administration of service programs throughout the district.

7. Advise the district administrator on ways to integrate the delivery of family and health care services at the local level.

8. Make recommendations which would enhance district productivity and efficiency, ensure achievement of performance standards, and assist the district in improving the effectiveness of the services provided.

9. Review contract provider performance reports.

10. Immediately upon appointment of the membership, develop bylaws that clearly identify and describe operating procedures for the board. At a minimum, the bylaws must specify notice requirements for all regular and special meetings of the board, the number of members required to constitute a quorum, and the number of affirmative votes of members present and voting that are required to take official and final action on a matter before the board.

11.a. Determine the board's internal organizational structure, including the designation of standing committees. In order to foster the coordinated and integrated delivery of family services in its community, a local board shall use a committee structure that is based on issues, such as children, housing, transportation, or health care. Each such committee must include consumers, advocates, providers, and department staff from every appropriate program area. In addition, each board and district administrator shall jointly identify community entities, including, but not limited to, the Area Agency on Aging, and resources outside the department to be represented on the committees of the board.

b. The district juvenile justice boards established in s. *985.413* ~~39.025~~ constitute the standing committee on issues relating to planning, funding, or evaluation of programs and services relating to the juvenile justice continuum.

12. Participate with the secretary in the selection of a district administrator according to the provisions of paragraph *(10)*~~(9)~~(b).

13. Complete an annual evaluation of the district and review the evaluation at a meeting of the board at which the public has an opportunity to comment.

14. Provide input to the secretary on the annual evaluation of the district administrator. The board may request that the secretary submit a written report on the actions to be taken to address negative aspects of the evaluation. At any time, the board may recommend to the secretary that the district administrator be discharged. Upon receipt of such a recommendation, the secretary shall make a formal reply to the board stating the action to be taken with respect to the board's recommendation.

15. Elect a chair and other officers, as specified in the bylaws, from among the members of the board.

(21)~~(20)~~ INNOVATION ZONES.—The health and human services board may propose designation of an innovation zone for any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a district, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(a)1. The district administrator shall submit a proposal for an innovation zone to the secretary. If the purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the proposal may request the secretary to waive such existing rules, policies, or procedures or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with applicable state or federal law.

2. For innovation zone proposals that the secretary determines require changes to state law, the secretary may submit a request for a waiver from such laws, together with any proposed changes to state law, to the chairs of the appropriate legislative committees for consideration.

3. For innovation zone proposals that the secretary determines require waiver of federal law, the secretary may submit a request for such waivers to the applicable federal agency.

(b) An innovation zone project may not have a duration of more than 2 years, but the secretary may grant an extension.

(c) The Statewide Health and Human Services Board, in conjunction with the secretary, shall develop a family services innovation transfer network for the purpose of providing information on innovation zone research and projects or other effective initiatives in family services to the health and human services boards established under subsection *(8)* ~~(7)~~.

(d) Prior to implementing an innovation zone pursuant to the requirements of this subsection and chapter 216, the secretary shall, in conjunction with the Auditor General, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. No more than 15 innovative zones shall be in operation at any one time within the districts.

Section 120. Paragraph (h) of subsection (1) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(h) Provide medical direction for child protection team and sexual abuse treatment functions created under chapter *39* ~~415~~.

Section 121. Paragraph (b) of subsection (2) of section 61.13, Florida Statutes, is amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. *39.806(1)(d)* ~~39.464(1)(d)~~, creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities that the court finds unique to a particular family.

b. The court shall order "sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of" the minor child.

c. The court may award the grandparents visitation rights with a minor child if it is in the child's best interest. Grandparents have legal standing to seek judicial enforcement of such an award. This section does not require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor do grandparents have legal standing as "contestants" as defined in s. 61.1306. A court may not order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to a parent because the parent is not the child's primary residential parent.

Section 122. Section 61.401, Florida Statutes, is amended to read:

61.401 Appointment of guardian ad litem.—In an action for dissolution of marriage, modification, parental responsibility, custody, or visitation, if the court finds it is in the best interest of the child, the court may appoint a guardian ad litem to act as next friend of the child, investigator or evaluator, not as attorney or advocate. The court in its discretion may also appoint legal counsel for a child to act as attorney or advocate; however, the guardian and the legal counsel shall not be the same person. In such actions which involve an allegation of child abuse, *abandonment,* or neglect as defined in s. *39.01* ~~415.503(3)~~, which allegation is verified and determined by the court to be well-founded, the court shall appoint a guardian ad litem for the child. The guardian ad litem shall be a party to any judicial proceeding from the date of the appointment until the date of discharge.

Section 123. Section 61.402, Florida Statutes, is amended to read:

61.402 Qualifications of guardians ad litem.—A guardian ad litem must be either a citizen certified by the Guardian Ad Litem Program to act in family law cases or an attorney who is a member in good standing of The Florida Bar. Prior to certifying a guardian ad litem to be appointed under this chapter, the Guardian Ad Litem Program must conduct a security background investigation as provided in s. *39.821* ~~415.5077~~.

Section 124. Subsection (4) of section 63.052, Florida Statutes, is amended to read:

63.052 Guardians designated; proof of commitment.—

(4) If a child is voluntarily surrendered to an intermediary for subsequent adoption and the adoption does not become final within 180 days, the intermediary must report to the court on the status of the child and the court may at that time proceed under s. *39.701* ~~39.453~~ or take action reasonably necessary to protect the best interest of the child.

Section 125. Paragraph (b) of subsection (2) of section 63.092, Florida Statutes, is amended to read:

63.092 Report to the court of intended placement by an intermediary; preliminary study.—

(2) PRELIMINARY HOME STUDY.—Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a licensed professional, or agency described in s. 61.20(2), unless the petitioner is a stepparent, a spouse of the birth parent, or a relative. The preliminary study shall be completed within 30 days after the receipt by the court of the intermediary's report, but in no event may the child be placed in the prospective adoptive home prior to the completion of the preliminary study unless ordered by the court. If the petitioner is a stepparent, a spouse of the birth parent, or a relative, the preliminary home study may be required by the court for good cause shown. The department is required to perform the preliminary home study only if there is no licensed child-placing agency, licensed professional, or agency described in s. 61.20(2), in the county where the prospective adoptive parents reside. The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to identification of a prospective adoptive child. A favorable preliminary home study is valid for 1 year after the date of its completion. A child must not be placed in an intended adoptive home before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under s. 409.175. The preliminary home study must include, at a minimum:

(b) Records checks of the department's central abuse registry ~~under chapter 415~~ and ~~statewide~~ criminal records correspondence checks *pursuant to s. 435.045* through the Department of Law Enforcement on the intended adoptive parents;

If the preliminary home study is favorable, a minor may be placed in the home pending entry of the judgment of adoption. A minor may not be placed in the home if the preliminary home study is unfavorable. If the

preliminary home study is unfavorable, the intermediary or petitioner may, within 20 days after receipt of a copy of the written recommendation, petition the court to determine the suitability of the intended adoptive home. A determination as to suitability under this subsection does not act as a presumption of suitability at the final hearing. In determining the suitability of the intended adoptive home, the court must consider the totality of the circumstances in the home.

Section 126. Subsection (2) of section 90.5036, Florida Statutes, is amended to read:

90.5036 Domestic violence advocate-victim privilege.—

(2) A victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the victim to a domestic violence advocate or any record made in the course of advising, counseling, or assisting the victim. The privilege applies to confidential communications made between the victim and the domestic violence advocate and to records of those communications only if the advocate is registered under s. *39.905* ~~415.605~~ at the time the communication is made. This privilege includes any advice given by the domestic violence advocate in the course of that relationship.

Section 127. Section 154.067, Florida Statutes, is amended to read:

154.067 Child abuse and neglect cases; duties.—The Department of Health shall adopt a rule requiring every county health department, as described in s. 154.01, to adopt a protocol that, at a minimum, requires the county health department to:

(1) Incorporate in its health department policy a policy that every staff member has an affirmative duty to report, pursuant to chapter *39* ~~415~~, any actual or suspected case of child abuse, *abandonment,* or neglect; and

(2) In any case involving suspected child abuse, *abandonment,* or neglect, designate, at the request of the department, a staff physician to act as a liaison between the county health department and the Department of Children and Family Services office that is investigating the suspected abuse, *abandonment,* or neglect, and the child protection team, as defined in s. *39.01* ~~415.503~~, when the case is referred to such a team.

Section 128. Subsection (15) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(15) The department may disclose confidential taxpayer information contained in returns, reports, accounts, or declarations filed with the department by persons subject to any state or local tax to the child support enforcement program, to assist in the location of parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act, their assets, their income, and their employer, *and to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39.* Nothing in this subsection authorizes the disclosure of information if such disclosure is prohibited by federal law. Employees of the child support enforcement program *and of the Department of Children and Family Services* are bound by the same requirements of confidentiality and the same penalties for violation of the requirements as the department.

Section 129. Paragraph (a) of subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—

(a) Duties.—The Child Welfare System Estimating Conference shall develop the following information relating to the child welfare system:

1. Estimates and projections of the number of initial and additional reports of child abuse, *abandonment,* or neglect made to the central abuse *hotline* ~~registry and tracking system~~ maintained by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services as established in s. *39.201(4)* ~~415.504(4)(a)~~.

2. Estimates and projections of the number of children who are alleged to be victims of child abuse, *abandonment,* or neglect and are in need of placement in *a* ~~an emergency~~ shelter.

In addition, the conference shall develop other official information relating to the child welfare system of the state which the conference determines is needed for the state planning and budgeting system. The Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall provide information on the child welfare system requested by the Child Welfare System Estimating Conference, or individual conference principals, in a timely manner.

Section 130. Section 232.50, Florida Statutes, is amended to read:

232.50 Child abuse, *abandonment,* and neglect policy.—Every school board shall by March 1, 1985:

(1) Post in a prominent place in each school a notice that, pursuant to chapter *39* ~~415~~, all employees or agents of the district school board have an affirmative duty to report all actual or suspected cases of child abuse, *abandonment,* or neglect, have immunity from liability if they report such cases in good faith, and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, *abandonment,* and neglect. The notice shall also include the statewide toll-free telephone number of the state abuse registry.

(2) Provide that the superintendent, or the superintendent's designee, at the request of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, will act as a liaison to the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and the child protection team, as defined in s. *39.01* ~~415.503~~, when in a case of suspected child abuse, *abandonment,* or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this subsection may in no instance be construed as relieving or restricting the Department of *Children and Family* ~~Health and Rehabilitative~~ Services from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, *abandonment,* or neglect or unlawful sexual offense involving a child.

Each district school board shall comply with the provisions of this section, and such board shall notify the Department of Education and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services of its compliance by March 1, 1985.

Section 131. Paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 2(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Fifteen and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 132. Effective July 1, 1999, paragraph (a) of subsection (2) of section 318.21, as amended by section 3(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Ten and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 133. Effective July 1, 2000, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 4(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 134. Effective July 1, 2001, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 5(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the County Article V Trust Fund, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 135. Effective July 1, 2002, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 6 of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 136. Paragraph (e) of subsection (1) of section 384.29, Florida Statutes, is amended to read:

384.29 Confidentiality.—

(1) All information and records held by the department or its authorized representatives relating to known or suspected cases of sexually transmissible diseases are strictly confidential and exempt from the provisions of s. 119.07(1). Such information shall not be released or made public by the department or its authorized representatives, or by a court or parties to a lawsuit upon revelation by subpoena, except under the following circumstances:

(e) When made to the proper authorities as required by *chapter 39 or* chapter 415.

Section 137. Paragraph (e) of subsection (1) of section 392.65, Florida Statutes, is amended to read:

392.65 Confidentiality.—

(1) All information and records held by the department or its authorized representatives relating to known or suspected cases of tuberculosis or exposure to tuberculosis shall be strictly confidential and exempt from s. 119.07(1). Such information shall not be released or made public by the department or its authorized representatives or by a court or parties to a lawsuit, except that release may be made under the following circumstances:

(e) When made to the proper authorities as required by *chapter 39 or* chapter 415.

Section 138. The introductory paragraph of subsection (14) of section 393.063, Florida Statutes, is amended to read:

393.063 Definitions.—For the purposes of this chapter:

(14) "Direct service provider," also known as "caregiver" in *chapters 39 and* ~~chapter~~ 415 or "caretaker" in provisions relating to employment security checks, means a person 18 years of age or older who has direct contact with individuals with developmental disabilities and is unrelated to the individuals with developmental disabilities.

Section 139. Section 395.1023, Florida Statutes, is amended to read:

395.1023 Child abuse and neglect cases; duties.—Each licensed facility shall adopt a protocol that, at a minimum, requires the facility to:

(1) Incorporate a facility policy that every staff member has an affirmative duty to report, pursuant to chapter *39* ~~415~~, any actual or suspected case of child abuse, *abandonment,* or neglect; and

(2) In any case involving suspected child abuse, *abandonment,* or neglect, designate, at the request of the department, a staff physician to act as a liaison between the hospital and the Department of Children and Family Services office which is investigating the suspected abuse, *abandonment,* or neglect, and the child protection team, as defined in s. *39.01* ~~415.503~~, when the case is referred to such a team.

Each general hospital and appropriate specialty hospital shall comply with the provisions of this section and shall notify the agency and the department of its compliance by sending a copy of its policy to the agency and the department as required by rule. The failure by a general hospital or appropriate specialty hospital to comply shall be punished by a fine not exceeding $1,000, to be fixed, imposed, and collected by the agency. Each day in violation is considered a separate offense.

Section 140. Section 400.4174, Florida Statutes, is amended to read:

400.4174 Reports of abuse in facilities.—When an employee, volunteer, administrator, or owner of a facility has a confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, or *a judicially determined report of* child abuse, *abandonment,* or neglect, as defined in s. *39.01* ~~415.503~~, and the protective investigator knows that the individual is an employee, volunteer, administrator, or owner of a facility, the agency shall be notified of the ~~confirmed~~ report.

Section 141. Paragraph (c) of subsection (2) of section 400.556, Florida Statutes, is amended to read:

400.556 Denial, suspension, revocation of license; administrative fines; investigations and inspections.—

(2) Each of the following actions by the owner of an adult day care center or by its operator or employee is a ground for action by the agency against the owner of the center or its operator or employee:

(c) A confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, or *a report* of child abuse, *abandonment,* or neglect, as defined in s. *39.01* ~~415.503~~, which report has been upheld following a hearing held pursuant to chapter 120 or a waiver of such hearing.

Section 142. Paragraph (a) of subsection (8) of section 402.165, Florida Statutes, is amended to read:

402.165 Statewide Human Rights Advocacy Committee; confidential records and meetings.—

(8)(a) In the performance of its duties, the Statewide Human Rights Advocacy Committee shall have:

1. Authority to receive, investigate, seek to conciliate, hold hearings on, and act on complaints which allege any abuse or deprivation of constitutional or human rights of clients.

2. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and any records which are material to its investigation and which are in the custody of any other agency or department of government. The committee's investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure.

3. Standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from the Department of *Children and Family* ~~Health and Rehabilitative~~ Services or agency facilities. Under no circumstance shall the committee have access to confidential adoption records in accordance with the provisions of ss. *39.0132* ~~39.411~~, 63.022, and 63.162. Upon completion of a general investigation of practices and procedures of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the committee shall report its findings to that department.

Section 143. Paragraph (a) of subsection (8) of section 402.166, Florida Statutes, is amended to read:

402.166 District human rights advocacy committees; confidential records and meetings.—

(8)(a) In the performance of its duties, a district human rights advocacy committee shall have:

1. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and any records which are material to its investigation and which are in the custody of any other agency or department of government. The committee's investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure.

2. Standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from Department of *Children and Family* ~~Health and Rehabilitative~~ Services or agency facilities. Upon no circumstances shall the committee have access to confidential adoption records in accordance with the provisions of ss. *39.0132* ~~39.411~~, 63.022, and 63.162. Upon completion of a general investigation of practices and procedures of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the committee shall report its findings to that department.

Section 144. Section 409.1672, Florida Statutes, is amended to read:

409.1672 Incentives for department employees.—In order to promote accomplishing the goal of family preservation, family reunification, or permanent placement of a child in an adoptive home, the department may, pursuant to s. 110, chapter 92-142, Laws of Florida, or subsequent legislative authority and within existing resources, develop monetary performance incentives such as bonuses, salary increases, and educational enhancements for department employees engaged in positions and activities related to the child welfare system under chapter 39~~, chapter 415,~~ or this chapter who demonstrate outstanding work in these areas.

Section 145. Subsection (8) and paragraph (c) of subsection (9) of section 409.176, Florida Statutes, are amended to read:

409.176 Registration of residential child-caring agencies and family foster homes.—

(8) The provisions of chapters *39* ~~415~~ and 827 regarding child abuse, *abandonment,* and neglect and the provisions of s. 409.175 and chapter 435 regarding screening apply to any facility registered under this section.

(9) The qualified association may deny, suspend, or revoke the registration of a Type II facility which:

(c) Violates the provisions of chapter *39* ~~415~~ or chapter 827 regarding child abuse, *abandonment,* and neglect or the provisions of s. 409.175 or chapter 435 regarding screening.

The qualified association shall notify the department within 10 days of the suspension or revocation of the registration of any Type II facility registered under this section.

Section 146. Paragraph (b) of subsection (10) of section 409.2554, Florida Statutes, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2598, the term:

(10) "Support" means:

(b) Support for a child who is placed under the custody of someone other than the custodial parent pursuant to s. *39.508* ~~39.41~~.

Section 147. Section 409.2577, Florida Statutes, is amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. Any agency as defined in s. 120.52, any political subdivision, and any other person shall, upon request, provide the department any information relating to location, salary, insurance, social security, income tax, and employment history necessary to locate parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. This provision shall expressly take precedence over any other statutory nondisclosure provision which limits the ability of an agency to disclose such information, except that law enforcement information as provided in s. 119.07(3)(i) is not required to be disclosed, and except that confidential taxpayer information possessed by the Department of Revenue shall be disclosed only to the extent authorized in s. 213.053(15). Nothing in this section requires the disclosure of information if such disclosure is prohibited by federal law. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). Additionally, the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). The department may make such information available only to public officials and agencies of this state; political subdivisions of this state; the custodial parent, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the sole purpose of establishing, modifying, or enforcing their liability for support, *and shall make such information available to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39.* If the department has reasonable evidence of domestic violence or child abuse and the disclosure of information could be harmful to the custodial parent or the child of such parent, the child support program director or designee shall notify the *Department of Children and Family Services and the* Secretary of the United States Department of Health and Human Services of this evidence. Such evidence is sufficient grounds for the department to disapprove an application for location services.

Section 148. Subsection (29) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(29) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03 or has a confirmed report of abuse, neglect, or exploitation pursuant to ~~part I of~~ chapter 415.

Section 149. Paragraph (a) of subsection (1) of section 409.9126, Florida Statutes, is amended to read:

409.9126 Children with special health care needs.—

(1) As used in this section:

(a) "Children's Medical Services network" means an alternative service network that includes health care providers and health care facilities specified in chapter 391 and ss. *39.303*, 383.15-383.21, *and* 383.216~~, and 415.5055~~.

Section 150. Paragraph (f) of subsection (5) of section 414.065, Florida Statutes, is amended to read:

414.065 Work requirements.—

(5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.—

(f) If the department is unable to designate a qualified protective payee or authorized representative, a referral shall be made under the provisions of chapter *39* ~~415~~ for protective intervention.

Section 151. Section 435.045, Florida Statutes, is created to read:

435.045 Requirements for prospective foster or adoptive parents.—

(1) Unless an election provided for in subsection (2) is made with respect to the state, the department shall conduct criminal records checks equivalent to the level 2 screening required in s. 435.04(1) for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments under s. 471 of the Social Security Act, 42 U.S.C. 671, are to be made. Approval shall not be granted:

(a) In any case in which a record check reveals a felony conviction for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the department finds that a court of competent jurisdiction has determined that the felony was committed at any time; and

(b) In any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if the department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.

(2) For purposes of this section, and ss. 39.401(3) and 39.508(9)(b) and (10)(a), the department and its authorized agents or contract providers are hereby designated a criminal justice agency for the purposes of accessing criminal justice information, including National Crime Information Center information, to be used for enforcing Florida's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purposes.

(3) Subsection (2) shall not apply if the Governor has notified the Secretary of the United States Department of Health and Human Services in writing that the state has elected to make subsection (2) inapplicable to the state, or if the Legislature, by law, has elected to make subsection (2) inapplicable to the state.

Section 152. Section 447.401, Florida Statutes, is amended to read:

447.401 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; however, when the issue under appeal is an allegation of abuse, *abandonment,* or neglect by an employee under *s. 39.201 or* s. 415.1075 ~~or s. 415.504~~, the grievance may not be decided until the *abuse, abandonment, or neglect of a child has been judicially determined or until a* confirmed report of abuse or neglect *of a disabled adult or elderly person* has been upheld pursuant to the procedures for appeal in *s.* ~~ss.~~ 415.1075 ~~and 415.504~~. However, an arbiter or other neutral shall not have the power to add to, subtract from, modify, or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure administered without regard to membership or nonmembership in any organization, except that certified employee organizations shall not be required to process grievances for employees who are not members of the organization. A career service employee shall have the option of utilizing the civil service appeal procedure, an unfair labor practice procedure, or a grievance procedure established under this section, but such employee is precluded from availing himself or herself to more than one of these procedures.

Section 153. Paragraph (d) of subsection (1) of section 464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(d) Being found guilty, regardless of adjudication, of any of the following offenses:

1. A forcible felony as defined in chapter 776.

2. A violation of chapter 812, relating to theft, robbery, and related crimes.

3. A violation of chapter 817, relating to fraudulent practices.

4. A violation of chapter 800, relating to lewdness and indecent exposure.

5. A violation of chapter 784, relating to assault, battery, and culpable negligence.

6. A violation of chapter 827, relating to child abuse.

7. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.

8. A violation of chapter 39, relating to child abuse, abandonment, and neglect.

Section 154. Paragraph (a) of subsection (2) of section 490.014, Florida Statutes, is amended to read:

490.014 Exemptions.—

(2) No person shall be required to be licensed or provisionally licensed under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter *39* ~~415~~; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution.

Section 155. Paragraph (a) of subsection (4) of section 491.014, Florida Statutes, is amended to read:

491.014 Exemptions.—

(4) No person shall be required to be licensed, provisionally licensed, registered, or certified under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter *39* ~~415~~; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution.

Section 156. Paragraph (b) of subsection (3) of section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(3)

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name), who has been sworn and says that the following statements are true:

(a) Petitioner resides at: (address)

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: (last known address)

(c) Respondent's last known place of employment: (name of business and address)

(d) Physical description of respondent: . . . .

Race. . . .

Sex. . . .

Date of birth. . . .

Height. . . .

Weight. . . .

Eye color. . . .

Hair color. . . .

Distinguishing marks or scars. . . .

(e) Aliases of respondent: . . . .

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent: . . . . . .
. . . . . .

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt
. . . . . .
. . . . . .
Case numbers should be included if available.

(h) Petitioner has suffered or has reasonable cause to fear imminent domestic violence because respondent has: . . . . . .

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

. . . . Petitioner is the custodian of a minor child or children whose names and ages are as follows: . . . . . .

. . . . Petitioner needs the exclusive use and possession of the dwelling that the parties share.

. . . . Petitioner is unable to obtain safe alternative housing because:
. . . . . .

. . . . Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because: . . . . . .
. . . . . .

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

. . . . Immediately restraining the respondent from committing any acts of domestic violence.

. . . . Restraining the respondent from committing any acts of domestic violence.

. . . . Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

. . . . Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties, or prohibiting or limiting visitation to that which is supervised by a third party.

. . . . Establishing temporary support for the minor child or children or the petitioner.

. . . . Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. *39.901* ~~415.601~~.

. . . . Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

Section 157. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, *abandonment,* or neglect against a child as defined in s. 39.01~~(2) and (47)~~, or who has a confirmed report of abuse, neglect, or exploitation which has been uncontested or upheld pursuant to the provisions of ss. 415.104 and 415.1075 shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 158. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff.—A person who commits a battery on an intake counselor or case manager, as defined in s. *984.03(31)* ~~39.01(34)~~, on other staff of a detention center or facility as defined in s. *984.03(19)* ~~39.01(23)~~, or on a staff member of a

commitment facility as defined in s. *985.03(45)* ~~39.01(59)(c), (d), or (e),~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 159. Section 933.18, Florida Statutes, is amended to read:

933.18 When warrant may be issued for search of private dwelling.—No search warrant shall issue under this chapter or under any other law of this state to search any private dwelling occupied as such unless:

(1) It is being used for the unlawful sale, possession, or manufacture of intoxicating liquor;

(2) Stolen or embezzled property is contained therein;

(3) It is being used to carry on gambling;

(4) It is being used to perpetrate frauds and swindles;

(5) The law relating to narcotics or drug abuse is being violated therein;

(6) A weapon, instrumentality, or means by which a felony has been committed, or evidence relevant to proving said felony has been committed, is contained therein;

(7) One or more of the following misdemeanor child abuse offenses is being committed there:

(a) Interference with custody, in violation of s. 787.03.

(b) Commission of an unnatural and lascivious act with a child, in violation of s. 800.02.

(c) Exposure of sexual organs to a child, in violation of s. 800.03.

(8) It is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boardinghouse, or lodginghouse;

(9) It is being used for the unlawful sale, possession, or purchase of wildlife, saltwater products, or freshwater fish being unlawfully kept therein; or

(10) The laws in relation to cruelty to animals have been or are being violated therein, except that no search pursuant to such a warrant shall be made in any private dwelling after sunset and before sunrise unless specially authorized by the judge issuing the warrant, upon a showing of probable cause. Property relating to the violation of such laws may be taken on a warrant so issued from any private dwelling in which it is concealed or from the possession of any person therein by whom it shall have been used in the commission of such offense or from any person therein in whose possession it may be.

If, during a search pursuant to a warrant issued under this section, a child is discovered and appears to be in imminent danger, the law enforcement officer conducting such search may remove the child from the private dwelling and take the child into protective custody pursuant to *chapter 39* ~~s. 415.506~~. The term "private dwelling" shall be construed to include the room or rooms used and occupied, not transiently but solely as a residence, in an apartment house, hotel, boardinghouse, or lodginghouse. No warrant shall be issued for the search of any private dwelling under any of the conditions hereinabove mentioned except on sworn proof by affidavit of some creditable witness that he or she has reason to believe that one of said conditions exists, which affidavit shall set forth the facts on which such reason for belief is based.

Section 160. Subsection (10) of section 943.045, Florida Statutes, is amended to read:

943.045 Definitions; ss. 943.045-943.08.—The following words and phrases as used in ss. 943.045-943.08 shall have the following meanings:

(10) "Criminal justice agency" means:

(a) A court.

(b) The department.

(c) The Department of Juvenile Justice.

(d) The Department of Children and and Family Services' Protective Investigations, which investigates the crimes of abuse and neglect.

(e)~~(d)~~ Any other governmental agency or subunit thereof which performs the administration of criminal justice pursuant to a statute or rule of court and which allocates a substantial part of its annual budget to the administration of criminal justice.

Section 161. Section 944.401, Florida Statutes, is amended to read:

944.401 Escapes from secure detention or residential commitment facility.—An escape from any secure detention facility maintained for the temporary detention of children, pending adjudication, disposition, or placement; an escape from any residential commitment facility defined in s. *985.03(45)* ~~39.01(59)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or an escape from lawful transportation thereto or therefrom constitutes escape within the intent and meaning of s. 944.40 and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 162. Subsection (3) of section 944.705, Florida Statutes, is amended to read:

944.705 Release orientation program.—

(3) Any inmate who claims to be a victim of domestic violence as defined in s. 741.28 shall receive, as part of the release orientation program, referral to the nearest domestic violence center certified under *chapter 39* ~~ss. 415.601-415.608~~.

Section 163. Subsections (2) and (41) of section 984.03, Florida Statutes, as amended by chapter 97-276, Laws of Florida, are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(2) "Abuse" means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. *39.01* ~~415.503~~.

(41) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. *39.503* ~~39.4051(7)~~ or s. 63.062(1)(b).

Section 164. Subsection (4) of section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

(4) If the department has reasonable grounds to believe that the child has been abandoned, abused, or neglected, it shall proceed pursuant to the provisions of ~~s. 415.505 and~~ chapter 39.

Section 165. Paragraphs (a) and (c) of subsection (3) of section 984.15, Florida Statutes, are amended to read:

984.15 Petition for a child in need of services.—

(3)(a) The parent, guardian, or legal custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after

receiving a written request for such a meeting from the child's parent, guardian, or legal custodian.

3. The parent, guardian, or legal custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. *984.12(8)* ~~39.426(8)~~.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services as defined in s. *984.03(9)* ~~39.01~~. The petition must also demonstrate that the parent, guardian, or legal custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. *984.11 and 984.12* ~~39.424 and 39.426~~.

Section 166. Section 984.24, Florida Statutes, is amended to read:

984.24 Appeal.—The state, any child, or the family, guardian ad litem, or legal custodian of any child who is affected by an order of the court pursuant to this *chapter* ~~part~~ may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure ~~and pursuant to s. 39.413~~.

Section 167. Subsection (42) of section 985.03, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

985.03 Definitions.—When used in this chapter, the term:

(42) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. *39.503* ~~39.4051(7)~~ or s. 63.062(1)(b).

Section 168. Paragraph (c) of subsection (4) of section 985.303, Florida Statutes, is amended to read:

985.303 Neighborhood restorative justice.—

(4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.—

(c) The board shall require the parent or legal guardian of the juvenile who is referred to a Neighborhood Restorative Justice Center to appear with the juvenile before the board at the time set by the board. In scheduling board meetings, the board shall be cognizant of a parent's or legal guardian's other obligations. The failure of a parent or legal guardian to appear at the scheduled board meeting with his or her child or ward may be considered by the juvenile court as an act of child neglect as defined by s. *39.01* ~~415.503(3)~~, and the board may refer the matter to the Department of Children and Family Services for investigation under the provisions of chapter *39* ~~415~~.

Section 169. *Sections 39.002, 39.0195, 39.0196, 39.39, 39.403, 39.4032, 39.4052, 39.4053, 39.408(3), (4), 39.449, 39.45, 39.451, 39.457, 39.459, 39.4611, 39.462, 39.4625, 39.472, 39.474, 39.475, 415.501, 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, 415.5019, 415.502, 415.503, 415.505, 415.506, 415.5075, 415.509, and 415.514, Florida Statutes, are repealed.*

Section 170. *There is hereby appropriated to the Department of Children and Families in a lump sum, $11,000,000 from the Federal Grants Trust Fund to implement the Relative-Caregiver Program. The source of funding shall be the Temporary Assistance to Needy Families Block Grant. Any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended or any other applicable federal requirement or limitation.*

Section 171. *There is hereby appropriated to the Justice Administration Commission $3,500,000 from the General Revenue Fund for the purpose of implementing sections 24, 57, and 88 of this act.*

Section 172. Except as otherwise provided in this act and except for sections 1 through 15 of this act, which shall take effect January 1, 1999, this act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to families and children; creating the "Marriage Preparation and Preservation Act"; providing legislative findings; amending s. 232.246, F.S.; prescribing a high school graduation requirement; amending s. 741.01, F.S.; providing for a reduction of the marriage license fee under certain circumstances; creating a waiting period before a marriage license is issued; creating s. 741.0305, F.S.; providing for a premarital preparation course; providing for modification of marriage license fees; specifying course providers; providing course contents; providing for a review of such courses; providing for compilation of information and report of findings; providing for pilot programs; creating s. 741.0306, F.S.; providing for creation of a marriage law handbook created by the Family Law Section of The Florida Bar; providing for information that may be included in the handbook; amending s. 741.04, F.S.; prohibiting issuance of a marriage license until petitioners verify certain facts and complete a questionnaire; providing for a waiting period; providing for a waiver of the waiting period; amending s. 741.05, F.S.; conforming provisions; amending s. 61.043, F.S.; providing for completion of an informational questionnaire upon filing for dissolution of marriage; amending s. 61.052, F.S.; specifying documents that may be used to corroborate residency requirements; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; providing legislative findings and purpose; requiring judicial circuits to approve a parenting course; requiring parties to a dissolution proceeding with a minor child to attend a court-approved parenting family course; providing procedures and guidelines and course objectives; requiring parties to file proof of compliance with the court; authorizing the court to require parties to a modification of a final judgment of dissolution to take the course under certain circumstances; amending s. 28.101, F.S.; providing a fee for filing for dissolution of marriage; amending s. 25.388, F.S.; providing funding for the marriage law handbook; providing an appropriation; reorganizing and revising ch. 39, F.S.; providing for part I of that chapter, entitled "General Provisions"; amending s. 39.001, F.S.; revising purposes and intent; providing for personnel standards and screening and for drug testing; renumbering and amending s. 415.5015, F.S., relating to child abuse prevention training in the district school system; amending s. 39.01, F.S.; revising definitions; renumbering and amending s. 39.455, F.S., relating to immunity from liability for agents of the Department of Children and Family Services or a social service agency; amending s. 39.012, F.S., and creating s. 39.0121, F.S.; providing authority and requirements for department rules; renumbering and amending s. 39.40, F.S., relating to procedures and jurisdiction; providing for right to counsel; renumbering s. 39.4057, F.S., relating to permanent mailing address designation; renumbering and amending s. 39.411, F.S., relating to oaths, records, and confidential information; renumbering s. 39.414, F.S., relating to court and witness fees; renumbering and amending s. 39.415, F.S., relating to providing for compensation of appointed counsel; renumbering and amending s. 39.418, F.S., relating to the Operations and Maintenance Trust Fund; providing for part II of ch. 39, F.S., entitled "Reporting Child Abuse"; renumbering and amending s. 415.504, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; renumbering and amending s. 415.511, F.S., relating to immunity from liability in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.512, F.S., relating to abrogation of privileged communications in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; renumbering and amending s. 415.5131, F.S.; increasing an administrative fine for false reporting; providing for part III of ch. 39, F.S., entitled "Protective Investigations"; creating s. 39.301, F.S.; providing for child protective investigations; creating s. 39.302, F.S.; providing for protective investigations of institutional child abuse, abandonment, or neglect; renumbering and amending s. 415.5055, F.S.,

relating to child protection teams and services and eligible cases; creating s. 39.3035, F.S.; providing standards for child advocacy centers eligible for state funding; renumbering and amending s. 415.507, F.S., relating to photographs, medical examinations, X rays, and medical treatment of an abused, abandoned, or neglected child; renumbering and amending s. 415.5095, F.S., relating to a model plan for intervention and treatment in sexual abuse cases; creating s. 39.306, F.S.; providing for working agreements with local law enforcement to perform criminal investigations; renumbering and amending s. 415.50171, F.S., relating to reports of child-on-child sexual abuse; providing for part IV of ch. 39, F.S., entitled "Family Builders Program"; renumbering and amending s. 415.515, F.S., relating to establishment of the program; renumbering and amending s. 415.516, F.S., relating to goals of the program; renumbering and amending s. 415.517, F.S., relating to contracts for services; renumbering and amending s. 415.518, F.S., relating to family eligibility; renumbering s. 415.519, F.S., relating to delivery of services; renumbering and amending s. 415.520, F.S., relating to qualifications of program workers; renumbering s. 415.521, F.S., relating to outcome evaluation; renumbering and amending s. 415.522, F.S., relating to funding; providing for part V of ch. 39, F.S., entitled "Taking Children into Custody and Shelter Hearings"; creating s. 39.395, F.S.; providing for medical or hospital personnel taking a child into protective custody; amending s. 39.401, F.S.; providing for law enforcement officers or authorized agents of the department taking a child alleged to be dependent into custody; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.407, F.S., relating to physical and mental examination and treatment of a child and physical or mental examination of a person requesting custody; renumbering and amending s. 39.4033, F.S., relating to referral of a dependency case to mediation; providing for part VI of ch. 39, F.S., entitled "Petition, Arraignment, Adjudication, and Disposition"; renumbering and amending s. 39.404, F.S., relating to petition for dependency; renumbering and amending s. 39.405, F.S., relating to notice, process, and service; renumbering and amending s. 39.4051, F.S., relating to procedures when the identity or location of the parent, legal custodian, or caregiver is unknown; renumbering and amending s. 39.4055, F.S., relating to injunction pending disposition of a petition for detention or dependency; renumbering and amending s. 39.406, F.S., relating to answers to petitions or other pleadings; renumbering and amending s. 39.408, F.S., relating to arraignment hearings; renumbering and amending s. 39.409, F.S., relating to adjudicatory hearings and orders; renumbering and amending s. 39.41, F.S., relating to disposition hearings and powers of disposition; creating s. 39.5085, F.S.; establishing the Relative-Caregiver Program; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; renumbering and amending s. 39.4105, F.S., relating to grandparents' rights; renumbering and amending s. 39.413, F.S., relating to appeals; providing for part VII of ch. 39, F.S., entitled "Case Plans"; renumbering and amending s. 39.4031, F.S., relating to case plan requirements and case planning for children in out-of-home care; renumbering and amending s. 39.452, F.S., relating to case planning for children in out-of-home care when the parents, legal custodians, or caregivers do not participate; creating s. 39.603, F.S.; providing for court approvals of case planning; providing for part VIII of ch. 39, F.S., entitled "Judicial Reviews"; renumbering and amending s. 39.453, F.S., relating to judicial review of the status of a child; renumbering and amending s. 39.4531, F.S., relating to citizen review panels; renumbering and amending s. 39.454, F.S., relating to initiation of proceedings for termination of parental rights; renumbering and amending s. 39.456, F.S.; revising exemptions from judicial review; providing for part IX of ch. 39, F.S., entitled "Termination of Parental Rights"; renumbering and amending s. 39.46, F.S., relating to procedures, jurisdiction, and service of process; renumbering and amending s. 39.461, F.S., relating to petition for termination of parental rights, and filing and elements thereof; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions and pleadings for which no answer is required; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to post-disposition relief; creating s. 39.813, F.S.; providing for continuing jurisdiction of the court that terminates parental rights over all matters pertaining to the child's adoption; renumbering s. 39.471, F.S., relating to oaths, records, and confidential information; renumbering and amending s. 39.473, F.S., relating to appeal; creating s. 39.816, F.S.; authorizing certain pilot and demonstration projects contingent on receipt of federal grants or contracts; creating s. 39.817, F.S.; providing for a foster care demonstration pilot project; providing for part X of ch. 39, F.S., entitled "Guardians Ad Litem and Guardian Advocates"; creating s. 39.820, F.S.; providing definitions; renumbering s. 415.5077, F.S., relating to qualifications of guardians ad litem; renumbering and amending s. 415.508, F.S., relating to appointment of a guardian ad litem for an abused, abandoned, or neglected child; renumbering and amending s. 415.5082, F.S., relating to guardian advocates for drug dependent newborns; renumbering and amending s. 415.5083, F.S., relating to procedures and jurisdiction; renumbering s. 415.5084, F.S., relating to petition for appointment of a guardian advocate; renumbering s. 415.5085, F.S., relating to process and service; renumbering and amending s. 415.5086, F.S., relating to hearing for appointment of a guardian advocate; renumbering and amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate; renumbering s. 415.5088, F.S., relating to powers and duties of the guardian advocate; renumbering and amending s. 415.5089, F.S., relating to review and removal of a guardian advocate; providing for part XI of ch. 39, F.S., entitled "Domestic Violence"; renumbering s. 415.601, F.S., relating to legislative intent regarding treatment and rehabilitation of victims and perpetrators; renumbering and amending s. 415.602, F.S., relating to definitions; renumbering and amending s. 415.603, F.S., relating to duties and functions of the department; renumbering and amending s. 415.604, F.S., relating to an annual report to the Legislature; renumbering and amending s. 415.605, F.S., relating to domestic violence centers; renumbering s. 415.606, F.S., relating to referral to such centers and notice of rights; renumbering s. 415.608, F.S., relating to confidentiality of information received by the department or a center; amending s. 20.19, F.S.; providing for certification programs for family safety and preservation employees of the department; providing for rules; amending ss. 20.43, 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036, 154.067, 216.136, 232.50, 318.21, 384.29, 392.65, 393.063, 395.1023, 400.4174, 400.556, 402.165, 402.166, 409.1672, 409.176, 409.2554, 409.912, 409.9126, 414.065, 447.401, 464.018, 490.014, 491.014, 741.30, 744.309, 784.075, 933.18, 944.401, 944.705, 984.03, 984.10, 984.15, 984.24, 985.03, 985.303, F.S.; correcting cross-references; conforming related provisions and references; amending ss. 213.053 and 409.2577, F.S.; authorizing disclosure of certain confidential taxpayer and parent locator information for diligent search activities under ch. 39, F.S.; creating s. 435.045, F.S.; providing background screening requirements for prospective foster or adoptive parents; amending s. 943.045, F.S.; providing that the Department of Children and Family Services is a "criminal justice agency" for purposes of the criminal justice information system; repealing s. 39.002, F.S., relating to intent; repealing s. 39.0195, F.S., relating to sheltering unmarried minors and aiding unmarried runaways; repealing s. 39.0196, F.S., relating to children locked out of the home; repealing ss. 39.39, 39.449, and 39.459, F.S., relating to definition of "department"; repealing s. 39.403, F.S., relating to protective investigation; repealing s. 39.4032, F.S., relating to multidisciplinary case staffing; repealing s. 39.4052, F.S., relating to affirmative duty of written notice to adult relatives; repealing s. 39.4053, F.S., relating to diligent search after taking a child into custody; repealing s. 39.408(3), (4), F.S., relating to disposition hearings and notice of hearings; repealing s. 39.45, F.S., relating to legislative intent regarding foster care; repealing s. 39.451, F.S., relating to case planning; repealing s. 39.457, F.S., relating to a pilot program in Leon County to provide additional benefits to children in foster care; repealing s. 39.4611, F.S., relating to elements of petitions; repealing s. 39.462, F.S., relating to process and services; repealing s. 39.4625, F.S., relating to identity or location of parent unknown after filing of petition for termination of parental rights; repealing s. 39.472, F.S., relating to court and witness fees; repealing s. 39.474, F.S., relating to compensation of counsel; repealing s. 39.475, F.S., relating to rights of grandparents; repealing s. 415.501, F.S., relating to the state plan for prevention of abuse and neglect; repealing ss. 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, and 415.5019, F.S., relating to purpose and legislative intent, definitions, procedures, confidentiality of records, district authority and responsibilities, outcome evaluation, and rules for the family services response system;

repealing s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused or neglected children; repealing s. 415.503, F.S., relating to definitions; repealing s. 415.505, F.S., relating to child protective investigations and investigations of institutional child abuse or neglect; repealing s. 415.506, F.S., relating to taking a child into protective custody; repealing s. 415.5075, F.S., relating to rules for medical screening and treatment of children; repealing s. 415.509, F.S., relating to public agencies' responsibilities for prevention, identification, and treatment of child abuse and neglect; repealing s. 415.514, F.S., relating to rules for protective services; providing appropriations; providing effective dates.

WHEREAS, the Florida Legislature endorses and encourages marriage as a means of promoting stability and continuity in society, and

WHEREAS, children of divorced parents can suffer long-lasting adverse consequences from the break-up of their parents' relationship and the existing family law system, and

WHEREAS, recent annual statistics show that for every two marriages in Florida, one ends in divorce, and

WHEREAS, the state has a compelling interest in promoting those relationships which inure to the benefit of Florida's children, and

WHEREAS, the state has a compelling interest in educating its citizens with regard to the responsibilities of marriage and, if contemplated, the effects of divorce, NOW, THEREFORE,

Senator Rossin moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 4, line 25, delete "*must*" and insert: *may*

Senator Ostalkiewicz moved the following amendment to **Amendment 1** which failed:

Amendment 1B—On page 82, delete line 25 and insert:

(10) In lieu of, or subsequent to, the administrative procedures provided in this section, a person who knowingly and willfully makes a false report of abuse, abandonment, or neglect of a child, or a person who counsels another to make a false report may be civilly liable for damages suffered including reasonable attorney fees and costs as a result of the filing of the false report. If the name of the person who filed the false report or counseled another to do so has not been disclosed under subsection (9), the department as custodian of the records may be named as a party in the suit until the court determines upon an in camera inspection of the records and report that there is a reasonable basis for believing that the report was false and that the identity of the reporter may be disclosed for the purpose of proceeding with a lawsuit for civil damages resulting from the filing of the false report. The alleged perpetrator may submit witness affidavits to assist the court in making this initial determination.

(11) ~~(10)~~ Any person making a report who is acting in good

The vote was:

Yeas—15

Childers	Grant	Laurent	Scott
Clary	Gutman	Lee	Sullivan
Cowin	Hargrett	McKay	Williams
Crist	Horne	Ostalkiewicz	

Nays—16

Bankhead	Dyer	Klein	Myers
Brown-Waite	Forman	Kurth	Rossin
Burt	Geller	Latvala	Silver
Campbell	Jones	Meadows	Turner

Senator Ostalkiewicz moved the following amendment to **Amendment 1**:

Amendment 1C—On page 112, line 11, after "*may*" insert: *, except in an emergency, after receiving oral or written authorization from a court of competent jurisdiction,*

Further consideration of **Amendment 1C** was deferred.

Senator Ostalkiewicz moved the following amendment to **Amendment 1**:

Amendment 1D—On page 113, delete line 15 and insert: *for removal and, except in an emergency, has received oral or written authorization from a court of competent jurisdiction that removal is necessary to protect the*

Further consideration of **Amendment 1D** was deferred.

Senator Dudley moved the following amendment to **Amendment 1**:

Amendment 1E (with title amendment)—On page 203, line 14 through page 223, line 27, delete those lines and insert:

Section 83. Section 39.461, Florida Statutes, is renumbered as section 39.802, Florida Statutes, and amended to read:

39.802 ~~39.461~~ Petition for termination of parental rights*; filing; elements.*—

(1) All proceedings seeking an adjudication to terminate parental rights pursuant to this chapter must be initiated by the filing of an original petition by the department, the guardian ad litem, ~~or a licensed child-placing agency~~ or ~~by~~ any other person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(2) The form of the petition is governed by the Florida Rules of Juvenile Procedure. The petition must be in writing and signed by the petitioner *or, if the department is the petitioner, by an employee of the department,* under oath stating the petitioner's good faith in filing the petition.

(3) When a petition for termination of parental rights has been filed, the clerk of the court shall set the case before the court for an advisory hearing.

(4) A petition for termination of parental rights filed under this chapter must contain facts supporting the following allegations:

(a) That at least one of the grounds listed in s. 39.806 has been met.

(b) That the parents of the child were informed of their right to counsel at all hearings that they attend and that a dispositional order adjudicating the child dependent was entered in any prior dependency proceeding relied upon in offering a parent a case plan as described in s. 39.806.

(c) That the manifest best interests of the child, in accordance with s. 39.810, would be served by the granting of the petition.

(5) When a petition for termination of parental rights is filed under s. 39.806(1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights to allow continuation of services until the termination is granted or until further orders of the court are issued.

(6) The fact that a child has been previously adjudicated dependent as alleged in a petition for termination of parental rights may be proved by the introduction of a certified copy of the order of adjudication or the order of disposition of dependency.

(7) The fact that the parent of a child was informed of the right to counsel in any prior dependency proceeding as alleged in a petition for termination of parental rights may be proved by the introduction of a certified copy of the order of adjudication or the order of disposition of dependency containing a finding of fact that the parent was so advised.

(8) Whenever the department has entered into a case plan with a parent with the goal of reunification, and a petition for termination of parental rights based on the same facts as are covered in the case plan is filed prior to the time agreed upon in the case plan for the performance of the case plan, the petitioner must allege and prove by clear and convincing evidence that the parent has materially breached the provisions of the case plan.

Section 84. Section 39.803, Florida Statutes, is created to read:

39.803 Identity or location of parent unknown after filing of termination of parental rights petition; special procedures.—

(1) If the identity or location of a parent is unknown and a petition for termination of parental rights is filed, the court shall conduct the following inquiry of the parent who is available, or, if no parent is available, of any relative, caregiver, or legal custodian of the child who is present at the hearing and likely to have the information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct the department to conduct a diligent search for that person before scheduling an adjudicatory hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without actual notice to the person whose location is unknown.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all known relatives of the parent or prospective parent, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, and inquiries of appropriate law enforcement agencies.

(7) Any agency contacted by a petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or prior to the adjudicatory hearing in the termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section.

Section 85. *Section 39.4627, Florida Statutes, is renumbered as section 39.804, Florida Statutes.*

Section 86. Section 39.463, Florida Statutes, is renumbered as section 39.805, Florida Statutes, and amended to read:

39.805 ~~39.463~~ No answer required.—No answer to the petition or any other pleading need be filed by any child, parent, *caregiver,* or legal custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of any answer or any pleading, the child or parent shall, prior to the adjudicatory hearing, be advised by the court of the right to counsel and shall be given an opportunity to deny the allegations in the petition for termination of parental rights or to enter a plea to allegations in the petition before the court.

Section 87. Section 39.464, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.806, Florida Statutes, and amended to read:

39.806 ~~39.464~~ Grounds for termination of parental rights.—

(1) The department, the guardian ad litem, ~~a licensed child-placing agency,~~ or any person *related to the child* who has knowledge of the facts alleged or who is informed of said facts and believes that they are true, may petition for the termination of parental rights under any of the following circumstances:

(a) When the parent or parents voluntarily executed a written surrender of the child and consented to the entry of an order giving custody of the child to the department ~~or to a licensed child-placing agency~~ for subsequent adoption and the department ~~or licensed child-placing agency~~ is willing to accept custody of the child.

1. The surrender document must be executed before two witnesses and a notary public or other person authorized to take acknowledgments.

2. The surrender and consent may be withdrawn after acceptance by the department ~~or licensed child-placing agency~~ only after a finding by the court that the surrender and consent were obtained by fraud or duress.

(b) When the identity or location of the parent or parents is unknown and~~, if the court requires a diligent search pursuant to s. 39.4625,~~ cannot be ascertained by diligent search ~~as provided in s. 39.4625~~ within 90 days.

(c) When the parent or parents engaged in conduct toward the child or toward other children that demonstrates that the continuing involvement of the parent or parents in the parent-child relationship threatens the life, *safety* ~~or~~ well-being, *or physical, mental, or emotional health* of the child irrespective of the provision of services. Provision of services *may be* ~~is~~ evidenced by proof that services were provided through a previous plan or offered as a case plan from a child welfare agency.

(d) When the parent of a child is incarcerated in a state or federal correctional institution and:

1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this paragraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; and

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

(e)~~(f)~~ A petition for termination of parental rights may also be filed when a child has been adjudicated dependent, a case plan has been filed with the court, and the child continues to be abused, neglected, or abandoned by the parents. In this case, the failure of the parents to substantially comply for a period of 12 months after an adjudication of the child as a dependent child constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due either to the lack of financial resources of the parents or to the failure of the department to make reasonable efforts to reunify the family. Such 12-month period may begin to run only after the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the *approval by* ~~subsequent filing with~~ the court of a case plan with a goal of reunification with the parent.

(f)~~(e)~~ When the parent or parents engaged in egregious conduct *or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct threatening the life, safety, or physical, mental, or emotional health* ~~that endangers the life, health, or safety~~ of the child or the child's sibling ~~or had the opportunity and capability to prevent egregious conduct that threatened the life, health, or safety of the child or the child's sibling and knowingly failed to do so~~.

1. As used in this subsection, the term "sibling" means another child who resides with or is cared for by the parent or parents regardless of whether the child is related legally or by consanguinity.

2. As used in this subsection, the term "egregious *conduct* ~~abuse~~" means *abuse, abandonment, neglect, or any other* conduct of the parent or parents that is deplorable, flagrant, or outrageous by a normal standard of conduct. Egregious *conduct* ~~abuse~~ may include an act or omission that occurred only once but was of such intensity, magnitude, or severity as to endanger the life of the child.

(g) When the parent or parents have subjected the child to aggravated child abuse as defined in s. 827.03, sexual battery or sexual abuse as defined in s. 39.01, or chronic abuse.

(h) When the parent or parents have committed murder or voluntary manslaughter of another child of the parent, or a felony assault that results in serious bodily injury to the child or another child of the parent, or aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter or felony assault.

(i) When the parental rights of the parent to a sibling have been terminated involuntarily.

(2) Reasonable efforts to preserve and reunify families shall not be required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(e)-(i) have occurred.

(3)~~(2)~~ When a petition for termination of parental rights is filed under subsection (1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights *to allow continuation of services until the termination is granted or until further orders of the court are issued.*

(4) When an expedited termination of parental rights petition is filed, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

Section 88. Section 39.465, Florida Statutes, is renumbered as section 39.807, Florida Statutes, and amended to read:

39.807 ~~39.465~~ Right to counsel; guardian ad litem.—

(1)(a) At each stage of the proceeding under this part, the court shall advise the parent~~, guardian, or custodian~~ of the right to have counsel present. The court shall appoint counsel for *indigent* ~~insolvent~~ persons. The court shall ascertain whether the right to counsel is understood and, where appropriate, is knowingly and intelligently waived. The court shall enter its findings in writing with respect to the appointment or waiver of counsel for *indigent* ~~insolvent~~ parties.

(b) Once counsel has been retained or, in appropriate circumstances, appointed to represent the parent of the child, the attorney shall continue to represent the parent throughout the proceedings or until the court has approved discontinuing the attorney-client relationship. If the attorney-client relationship is discontinued, the court shall advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

(c)~~(b)~~1. No waiver of counsel may be accepted if it appears that the parent~~, guardian, or custodian~~ is unable to make an intelligent and understanding choice because of mental condition, age, education, experience, the nature or complexity of the case, or other factors.

2. A waiver of counsel made in court must be of record. A waiver made out of court must be in writing with not less than two attesting witnesses and must be filed with the court. The witnesses shall attest to the voluntary execution of the waiver.

3. If a waiver of counsel is accepted at any stage of the proceedings, the offer of assistance of counsel must be renewed by the court at each subsequent stage of the proceedings at which the parent~~, guardian, or custodian~~ appears without counsel.

(d)~~(c)~~ This subsection does not apply to any parent who has voluntarily executed a written surrender of the child and consent to the entry of a court order therefor and who does not deny the allegations of the petition.

(2)(a) The court shall appoint a guardian ad litem to represent the child in any termination of parental rights proceedings and shall ascertain at each stage of the proceedings whether a guardian ad litem has been appointed.

(b) The guardian ad litem has the following responsibilities:

1. To investigate the allegations of the petition and any subsequent matters arising in the case and, unless excused by the court, to file a written report. This report must include a statement of the wishes of the child and the recommendations of the guardian ad litem and must be provided to all parties and the court at least 48 hours before the disposition hearing.

2. To be present at all court hearings unless excused by the court.

3. To represent the interests of the child until the jurisdiction of the court over the child terminates or until excused by the court.

~~4. To perform such other duties and undertake such other responsibilities as the court may direct.~~

(c) A guardian ad litem is not required to post bond but shall file an acceptance of the office.

(d) A guardian ad litem is entitled to receive service of pleadings and papers as provided by the Florida Rules of Juvenile Procedure.

(e) This subsection does not apply to any voluntary relinquishment of parental rights proceeding.

Section 89. Section 39.466, Florida Statutes, is renumbered as section 39.808, Florida Statutes, and amended to read:

39.808 ~~39.466~~ Advisory hearing*; pretrial status conference.*—

(1) An advisory hearing on the petition to terminate parental rights must be held as soon as possible after all parties have been served with a copy of the petition and a notice of the date, time, and place of the advisory hearing for the petition.

(2) At the hearing the court shall inform the parties of their rights under s. *39.807* ~~39.465~~, shall appoint counsel for the parties in accordance with legal requirements, and shall appoint a guardian ad litem to represent the interests of the child if one has not already been appointed.

(3) The court shall set a date for an adjudicatory hearing to be held within 45 days after the advisory hearing, unless all of the necessary parties agree to some other hearing date.

(4) An advisory hearing may not be held if a petition is filed seeking an adjudication voluntarily to terminate parental rights. Adjudicatory hearings for petitions for voluntary termination must be held within 21 days after the filing of the petition. Notice of the use of this subsection must be filed with the court at the same time as the filing of the petition to terminate parental rights.

(5) Not less than 10 days before the adjudicatory hearing, the court shall conduct a prehearing status conference to determine the order in which each party may present witnesses or evidence, the order in which cross-examination and argument shall occur, and any other matters that may aid in the conduct of the adjudicatory hearing, to prevent any undue delay in the conduct of the adjudicatory hearing.

Section 90. Section 39.467, Florida Statutes, is renumbered as section 39.809, Florida Statutes, and amended to read:

39.809 ~~39.467~~ Adjudicatory hearing.—

(1) In a hearing on a petition for termination of parental rights, the court shall consider the elements required for termination ~~as set forth in s. 39.4611~~. Each of these elements must be established by clear and convincing evidence before the petition is granted.

(2) The adjudicatory hearing must be held within 45 days after the advisory hearing, but reasonable continuances for the purpose of investigation, discovery, or procuring counsel or witnesses may, when necessary, be granted.

(3) The adjudicatory hearing must be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the case from time to time as necessary. For purposes of the adjudicatory hearing, to avoid unnecessary duplication of expense, the judge may consider in-court testimony previously given at any properly noticed hearing, without regard to the availability or unavailability of the witness at the time of the actual adjudicatory hearing, if the recorded testimony itself is made available to the judge. Consideration of such testimony does not preclude the witness being subpoenaed to answer supplemental questions.

(4) All hearings involving termination of parental rights are confidential and closed to the public. Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents ~~or legal custodians~~ may be examined separately and apart from each other.

(5) The judge shall enter a written order with the findings of fact and conclusions of law.

Section 91. Section 39.4612, Florida Statutes, is renumbered as section 39.810, Florida Statutes, is amended to read:

39.810 ~~39.4612~~ Manifest best interests of the child. In a hearing on a petition for termination of parental rights, the court shall consider the manifest best interests of the child. This consideration shall not include a comparison between the attributes of the parents and those of any persons providing a present or potential placement for the child. For the purpose of determining the manifest best interests of the child, the court shall consider and evaluate all relevant factors, including, but not limited to:

(1) Any suitable permanent custody arrangement with a relative of the child.

(2) The ability and disposition of the parent or parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under state law instead of medical care, and other material needs of the child.

(3) The capacity of the parent or parents to care for the child to the extent that the child's *safety, well-being, and physical, mental, and emotional* health ~~and well-being~~ will not be endangered upon the child's return home.

(4) The present mental and physical health needs of the child and such future needs of the child to the extent that such future needs can be ascertained based on the present condition of the child.

(5) The love, affection, and other emotional ties existing between the child and the child's parent or parents, siblings, and other relatives, and the degree of harm to the child that would arise from the termination of parental rights and duties.

(6) The likelihood of an older child remaining in long-term foster care upon termination of parental rights, due to emotional or behavioral problems or any special needs of the child.

(7) The child's ability to form a significant relationship with a parental substitute and the likelihood that the child will enter into a more stable and permanent family relationship as a result of permanent termination of parental rights and duties.

(8) The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(9) The depth of the relationship existing between the child and the present custodian.

(10) The reasonable preferences and wishes of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(11) The recommendations for the child provided by the child's guardian ad litem or legal representative.

Section 92. Section 39.469, Florida Statutes, is renumbered as section 39.811, Florida Statutes, and amended to read:

39.811 ~~39.469~~ Powers of disposition; order of disposition.—

(1) If the court finds that the grounds for termination of parental rights have not been established by clear and convincing evidence, the court shall:

(a) If grounds for dependency have been established, adjudicate or readjudicate the child dependent and:

1. Enter an order placing or continuing the child in *out-of-home* ~~foster~~ care under a case plan; or

2. Enter an order returning the child to the parent or parents. The court shall retain jurisdiction over a child returned to the *parent or* parents ~~or legal guardians~~ for a period of 6 months, but, at that time, based on a report of the social service agency and any other relevant factors, the court shall make a determination as to whether its jurisdiction shall continue or be terminated.

(b) If grounds for dependency have not been established, dismiss the petition.

(2) If the child is in *out-of-home* ~~foster~~ care custody of the department and the court finds that the grounds for termination of parental rights have been established by clear and convincing evidence, the court shall, by order, place the child in the custody of the department for the purpose of adoption ~~or place the child in the custody of a licensed child-placing agency for the purpose of adoption~~.

(3) If the child is in the custody of one parent and the court finds that the grounds for termination of parental rights have been established for the remaining parent by clear and convincing evidence, the court shall enter an order terminating the rights of the parent for whom the grounds have been established and placing the child in the custody of the remaining parent, granting that parent sole parental responsibility for the child.

(4) If the child is neither in the custody of the department ~~of Children and Family Services~~ nor in the custody of a parent and the court finds that the grounds for termination of parental rights have been established for either or both parents, the court shall enter an order terminating parental rights for the parent or parents for whom the grounds for termination have been established and placing the child with an appropriate custodian. If the parental rights of both parents have been terminated, or if the parental rights of only one parent have been terminated and the court makes specific findings based on evidence presented that placement with the remaining parent is likely to be harmful to the child, the court may order that the child be placed with a custodian other than the department after hearing evidence of the suitability of such intended placement. Suitability of the intended placement includes the fitness *and capabilities* of the *proposed* ~~intended placement, with primary consideration being given to the welfare of the child; the fitness and capabilities of the proposed~~ custodian to function as the primary *caregiver* ~~caretaker~~ for a particular child; and the compatibility of the child with the home in which the child is intended to be placed. If the court orders that a child be placed with a custodian under this subsection, the court shall appoint such custodian as the guardian for the child as provided in s. 744.3021. The court may modify the order placing the child in the custody of the custodian and revoke the guardianship established under s. 744.3021 if the court subsequently finds that a party to the proceeding other than a parent whose rights have been terminated has shown a material change in circumstances which causes the placement to be no longer in the best interest of the child.

(5) If the court terminates parental rights, the court shall enter a written order of disposition briefly stating the facts upon which its decision to terminate the parental rights is made. An order of termination of parental rights, whether based on parental consent or after notice served as prescribed in this part, permanently deprives the parents ~~or legal guardian~~ of any right to the child.

(6) The parental rights of one parent may be severed without severing the parental rights of the other parent only under the following circumstances:

(a) If the child has only one surviving parent;

(b) If the identity of a prospective parent has been established as unknown after sworn testimony;

(c) If the parent whose rights are being terminated became a parent through a single-parent adoption;

(d) If the protection of the child demands termination of the rights of a single parent; or

(e) If the parent whose rights are being terminated meets the criteria specified in s. *39.806(1)(d)* ~~39.464(1)(d)~~.

(7)*(a) The termination of parental rights does not affect the rights of grandparents unless the court finds that continued visitation is not in the best interests of the child or that such visitation would interfere with the goals of permanency planning for the child.*

(b) If the court terminates parental rights, it may order that the parents or relatives of the parent whose rights are terminated be allowed to maintain some contact with the child pending adoption if the best interests of the child support this continued contact, *except as provided in paragraph (a).* If the court orders such continued contact, the nature and frequency of the contact must be set forth in written order and may be reviewed upon motion of any party, including a prospective adoptive parent if a child has been placed for adoption. If a child is placed for adoption, the nature and frequency of the contact must be reviewed by the court at the time the child is adopted.

(8) If the court terminates parental rights, it shall, in its order of disposition, provide for a hearing, to be scheduled no later than 30 days after the date of disposition, in which the department ~~or the licensed child-placing agency~~ shall provide to the court a plan for permanency for the child. *Reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.* Thereafter, until the adoption of the child is finalized or the child reaches the age of 18 years, whichever occurs first, the court shall hold hearings at 6-month intervals to review the progress being made toward permanency for the child.

(9) After termination of parental rights, the court shall retain jurisdiction over any child for whom custody is given to a social service agency until the child is adopted. The court shall review the status of the child's placement and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.

Section 93. Section 39.47, Florida Statutes, is renumbered as section 39.812, Florida Statutes, and amended to read:

39.812 ~~39.47~~ *Postdisposition* ~~Post-disposition~~ relief.—

(1) ~~A licensed child-placing agency or~~ The department *that* ~~which~~ is given custody of a child for subsequent adoption in accordance with this chapter may place the child in a family home for prospective subsequent adoption and *the licensed child-placing agency or the department* may thereafter become a party to any proceeding for the legal adoption of the child and appear in any court where the adoption proceeding is pending and consent to the adoption; and that consent alone shall in all cases be sufficient.

(2) In any subsequent adoption proceeding, the parents *are* ~~and legal guardian shall~~ not ~~be~~ entitled to ~~any~~ notice *of the proceeding and are not* ~~thereof, nor shall they be~~ entitled to knowledge at any time after the order terminating parental rights is entered of the whereabouts of the child or of the identity or location of any person having the custody of or having adopted the child, except as provided by order of the court pursuant to this chapter or chapter 63; and in any habeas corpus or other proceeding involving the child brought by any parent ~~or legal guardian~~ of the child, *an* ~~no~~ agent *or contract provider* of the ~~licensed child-placing agency or~~ department *may not* ~~shall~~ be compelled to divulge that information, but may be compelled to produce the child before a court of competent jurisdiction if the child is still subject to the guardianship of the ~~licensed child-placing agency or~~ department.

(3) The entry of the custody order to the department *does* ~~or licensed child-placing agency shall~~ not entitle the ~~licensed child-placing agency or~~ department to guardianship of the estate or property of the child, but the ~~licensed child-placing agency or~~ department shall be the guardian of the person of the child.

(4) The court shall retain jurisdiction over any child for whom custody is given to ~~a licensed child-placing agency or to~~ the department until the child is adopted. After custody of a child for subsequent adoption has been given to ~~an agency or~~ the department, the court has jurisdiction for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child. *The petition for adoption must be filed in the division of the circuit court which issued the judgment terminating parental rights. A copy of the consent required under s. 63.062(4) and executed by the department must be attached to the petition for adoption. The petition for adoption must be accompanied by a form created by the department which details the social and medical history of each birth parent and includes the social security number and date of birth for each birth parent, if such information is available or readily obtainable. The person seeking to adopt the minor may not file a petition for adoption until the order terminating parental rights becomes final. An adoption proceeding under this subsection is governed by chapter 63, as limited under s. 63.037.*

~~(5) The Legislature finds that children are most likely to realize their potential when they have the ability provided by good permanent families rather than spending long periods of time in temporary placements or unnecessary institutions. It is the intent of the Legislature that decisions be consistent with the child's best interests and that the department make proper adoptive placements as expeditiously as possible following a final judgment terminating parental rights.~~

Section 94. Section 63.022, Florida Statutes, is amended to read:

63.022 Legislative intent.—

(1) It is the intent of the Legislature to protect and promote the well-being of persons being adopted and their birth and adoptive parents and to provide to all children who can benefit by it a permanent family life, and, whenever possible, to maintain sibling groups.

(2) The basic safeguards intended to be provided by this *chapter* ~~act~~ are that:

(a) The *minor* ~~child~~ is legally free for adoption.

(b) The required persons consent to the adoption or the parent-child relationship is terminated by judgment of the court.

(c) The required social studies are completed and the court considers the reports of these studies prior to judgment on adoption petitions.

(d) All placements of minors for adoption are reported to the Department of Children and Family Services.

(e) A sufficient period of time elapses during which the *minor* ~~child~~ has lived within the proposed adoptive home under the guidance of the department or a licensed child-placing agency.

(f) All expenditures by *adoption entities* ~~intermediaries~~ placing, and persons independently adopting, a minor are reported to the court and become a permanent record in the file of the adoption proceedings.

(g) Social and medical information concerning the *minor* child and the birth parents is furnished by the birth parent when available and filed with the *court before a final hearing on a petition to terminate parental rights pending adoption* ~~consent to the adoption when a minor is placed by an intermediary~~.

(h) A new birth certificate is issued after entry of the adoption judgment.

(i) At the time of the hearing, the court *may* ~~is authorized to~~ order temporary substitute care when it determines that the minor is in an unsuitable home.

(j) The records of all proceedings concerning custody and adoption of *minor* children are confidential and exempt from ~~the provisions of~~ s. 119.07(1), except as provided in s. 63.162.

(k) The birth parent, the adoptive parent, and the *minor* child receive the same or similar safeguards, guidance, counseling, and supervision in an intermediary adoption as they receive in an agency or department adoption.

(l) In all matters coming before the court pursuant to this *chapter* ~~act~~, the court shall enter such orders as it deems necessary and suitable to promote and protect the best interests of the person to be adopted.

Section 95. Section 63.032, Florida Statutes, is amended to read:

63.032 Definitions.—As used in this *chapter* ~~act~~, ~~unless the context otherwise requires,~~ the term:

(1) "Department" means the Department of Children and Family Services.

(2) "Child" means a son or daughter, whether by birth or adoption.

(3) "Court" means any circuit court of this state and, when the context requires, the court of any state that is empowered to grant petitions for adoption.

(4) "Minor" means a person under the age of 18 years.

(5) "Adult" means a person who is not a minor.

(6) "Person" includes a natural person, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association, and any other legal entity.

(7) "Agency" means any child-placing agency licensed by the department pursuant to s. 63.202 to place minors for adoption.

(8) "Intermediary" means an attorney ~~or physician~~ who is licensed or authorized to practice in this state *and who has reported the intended placement of a minor for adoption under s. 63.092* or, for the purpose of adoptive placements of children from out of state with citizens of this state, a child-placing agency licensed in another state that is qualified by the department.

(9) "To place" or "placement" means the process of a person giving a child up for adoption and the prospective parents receiving and adopting the child, and includes all actions by any person or agency participating in the process.

(10) "Adoption" means the act of creating the legal relationship between parent and child where it did not exist, thereby declaring the child to be legally the child of the adoptive parents and their heir at law and entitled to all the rights and privileges and subject to all the obligations of a child born to such adoptive parents in lawful wedlock.

(11) "Suitability of the intended placement" includes the fitness of the intended placement, with primary consideration being given to the welfare of the child; the fitness and capabilities of the adoptive parent or parents to function as parent or parents for a particular child; *any familial relationship between the child and the prospective placement;* and the compatibility of the child with the home in which the child is intended to be placed.

(12) "Primary residence and place of employment in Florida" means a person lives and works in this state at least 6 months of the year and intends to do so for the foreseeable future or military personnel who designate Florida as their place of residence in accordance with the Soldiers' and Sailors' Civil Relief Act of 1940 or employees of the United States Department of State living in a foreign country who designate Florida as their place of residence.

(13) "Primarily lives and works outside Florida" means anyone who does not meet the definition of "primary residence and place of employment in Florida."

(14) "Abandoned" means a situation in which the parent or legal custodian of a child, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If, in the opinion of the court, the efforts of such parent or legal custodian to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. In making this decision, the court may consider the conduct of a father towards the child's mother during her pregnancy.

(15) "Adoption entity" means the department under chapter 39; an agency under chapter 63 or, at the request of the department, under chapter 39; or an intermediary under chapter 63, placing a person for adoption.

Section 96. Section 63.037, Florida Statutes, is created to read:

63.037 Proceedings applicable to cases resulting from a termination of parental rights under chapter 39.—A case in which a minor becomes available for adoption after the parental rights of each parent have been terminated by a court order issued pursuant to chapter 39 will be governed by s. 39.47 and this chapter. Adoption proceedings filed under chapter 39 are exempt from the following provisions of this chapter: disclosure requirements for the adoption entity provided in s. 63.085; general provisions governing termination of parental rights pending adoption provided in s. 63.087; notice and service provisions governing termination of parental rights pending adoption provided in s. 63.088; and procedures for terminating parental rights pending adoption provided in s. 63.089.

Section 97. Section 63.038, Florida Statutes, is created to read:

63.038 Prohibited acts.—A person who knowingly and willfully provides false information under this chapter or who, with the intent to defraud, accepts benefits related to the same pregnancy from more than one agency or intermediary without disclosing that fact to each entity commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. In addition to any other penalty or liability allowed by law, a person who knowingly and willfully provides false information under this chapter or who, with intent to defraud, accepts benefits related to the same pregnancy from more than one agency or intermediary without disclosing that fact to each entity and to any prospective adoptive parent providing sums for the payment of the benefits is liable for sums paid by anyone who paid sums permitted under this chapter in anticipation of or in connection with an adoption. A person seeking to collect moneys under this section may do so by filing a civil action or may be awarded restitution in a criminal prosecution.

Section 98. Section 63.039, Florida Statutes, is created to read:

63.039 Duty of adoption entity to prospective adoptive parents; sanctions.—

(1) An adoption entity placing a minor for adoption has an affirmative duty to follow the requirements of this chapter, specifically the following provisions, which protect and promote the well-being of persons being adopted and their birth and adoptive parents by promoting certainty, finality, and permanency for such persons:

(a) Provide written initial disclosure to the adoptive parent at the time and in the manner required under s. 63.085(1);

(b) Obtain a written statement by the adoptive parent acknowledging receipt of the written initial disclosure and distribute copies of that acknowledgment at the time and in the manner required under s. 63.085(3);

(c) Provide written initial and postbirth disclosure to the birth parent at the time and in the manner required under s. 63.085;

(d) Obtain a written statement by the birth parent acknowledging receipt of the written initial and postbirth disclosure and distribute copies of that acknowledgment at the time and in the manner required under s. 63.085(3);

(e) When a written consent for adoption is obtained, obtain the consent at the time and in the manner required under s. 63.082;

(f) When a written consent or affidavit of nonpaternity for adoption is obtained, obtain a consent or affidavit of nonpaternity that contains the language required under s. 63.062 or s. 63.082;

(g) Include in the petition to terminate parental rights pending adoption all information required under s. 63.087(6)(e);

(h) Obtain and file the affidavit of inquiry required under s. 63.088(3);

(i) When the identity of a person whose consent to adoption is necessary under this chapter is known but the location of such a person is unknown, conduct the due-diligence search and file the affidavit required under s. 63.088(4);

(j) Serve the petition and notice of hearing to terminate parental rights pending adoption at the time and in the manner required by s. 63.088; and

(k) Hold the hearings required under this chapter no sooner than permitted by this chapter.

(2) An adoption entity that materially fails to meet a duty specified in subsection (1), may be liable to the prospective adoptive parents for all sums paid by the prospective adoptive parents or on their behalf in anticipation of or in connection with an adoption.

(3) If a court finds that a consent taken under this chapter was obtained by fraud or duress attributable to the adoption entity, the court must award all sums paid by the prospective adoptive parents or on their behalf in anticipation of or in connection with the adoption. The court may also award reasonable attorney's fees and costs incurred by the prospective adoptive parents in connection with the adoption and any litigation related to placement or adoption of a minor. An award under this subsection must be paid directly to the prospective adoptive parents by the adoption entity.

(4) If a person whose consent to an adoption is necessary under s. 63.062 prevails in an action to set aside a consent to adoption, a judgment terminating parental rights pending adoption, or a judgment of adoption, the court must award a reasonable attorney's fee to the prevailing party. An award under this subsection is to be paid by the adoption entity if the court finds that the acts or omissions of the entity were the basis for the court's order granting relief to the prevailing party.

(5) The court must provide to The Florida Bar any order that imposes sanctions under this section against an attorney, whether acting as an adoption agency or as an intermediary. The court must provide to the Department of Children and Family Services any order that imposes sanctions under this section against an agency. The order must be provided within 30 days after the date that the order was issued.

Section 99. Section 63.052, Florida Statutes, is amended to read:

63.052 Guardians designated; proof of commitment.—

(1) For minors who have been placed for adoption with and permanently committed to an agency, the agency shall be the guardian of the person of the *minor* ~~child~~; for those who have been placed for adoption with and permanently committed to the department, the department shall be the guardian of the person of the *minor* ~~child~~.

(2) For minors who have been voluntarily surrendered to an intermediary through an execution of consent to adoption, the intermediary shall be responsible for the child until the time a court orders preliminary approval of placement of the child in the prospective adoptive home, at which time the prospective adoptive parents become guardians pending finalization of adoption. *Until a court has terminated parental rights pending adoption and has ordered preliminary approval of placement of the minor in the adoptive home, the minor must be placed in the care of a birth relative, placed in foster care, or placed in the care of a prospective adoptive home that has received a favorable home study by a licensed child placing agency, a licensed professional, or an agency described in s. 61.20(2) within 1 year before such placement of the minor with the prospective adoptive parents. The fact that a minor is temporarily placed with the prospective adoptive parents does not give rise to a presumption that the parental rights of the birth parents will subsequently be terminated.*

~~(2)~~ For minors who have been placed for adoption with or voluntarily surrendered to an agency, but have not been permanently committed to the agency, the agency shall have the responsibility and authority to provide for the needs and welfare for such minors. For those minors placed for adoption with or voluntarily surrendered to the department, but not permanently committed to the department, the department shall have the responsibility and authority to provide for the needs and welfare for such minors. The *adoption entity may* ~~department, an intermediary, or a licensed child-placing agency has the authority to~~ authorize all appropriate medical care for *a minor* ~~the children~~ who *has* ~~have~~ been placed for adoption with or voluntarily surrendered to them. The provisions of s. 627.6578 shall remain in effect notwithstanding the guardianship provisions in this section.

(3) If a minor is surrendered to an intermediary for subsequent adoption and a suitable prospective adoptive home is not available *under s. 63.092 at the time the minor is surrendered to the intermediary or, if the minor is a newborn admitted to a licensed hospital or birth center, at the time the minor is discharged from the hospital or birth center the minor must be placed in licensed foster care*~~, the intermediary shall be responsible for the child~~ until a suitable prospective adoptive home is available *under s. 63.092.*

(4) If a *minor* ~~child~~ is voluntarily surrendered to an intermediary for subsequent adoption and the adoption does not become final within 180 days, the intermediary must report to the court on the status of the *minor* ~~child~~ and the court may at that time proceed under s. 39.453 or take action reasonably necessary to protect the best interest of the *minor* ~~child~~.

(5) The recital in the written consent given by the department that the *minor* ~~child~~ sought to be adopted has been permanently committed to the department shall be prima facie proof of such commitment. The recital in the written consent given by a licensed child-placing agency or the declaration in an answer or recommendation filed by a licensed child-placing agency that the *minor* ~~child~~ has been permanently committed and the child-placing agency is duly licensed by the department shall be prima facie proof of such commitment and of such license.

(6) Unless otherwise authorized by law, the department is not responsible for expenses incurred by licensed child-placing agencies or intermediaries participating in placement of a *minor* ~~child~~ for the purposes of adoption.

(7) The court retains jurisdiction over a minor who has been placed for adoption until the adoption is final. After a minor is placed with an adoption entity or prospective adoptive parent, the court has jurisdiction for the purpose of reviewing the status of the minor and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by a person whose consent to an adoption is required under s. 63.062, by a party to any proceeding involving the minor, or upon the court's own motion, the court may review the appropriateness of the adoptive placement of the minor.

Section 100. Section 63.062, Florida Statutes, is amended to read:

63.062 Persons required to consent to adoption.—

(1) Unless *supported by one or more of the grounds enumerated under s. 63.089(3)* ~~consent is excused by the court~~, a petition to *terminate parental rights pending adoption* ~~adopt a minor~~ may be granted only if written consent has been executed *as provided in s. 63.082* after the birth of the minor *or notice has been served under s. 63.088 to* ~~by~~:

(a) The mother of the minor.

(b) The father of the minor, if:

1. The minor was conceived or born while the father was married to the mother;~~.~~

2. The minor is his child by adoption;~~.~~

3. The minor has been established by court proceeding to be his child.

(c) If there is no father as set forth in subsection (b), any man for whom the minor has been established to be his child by scientific tests that are generally acceptable within the scientific community to show a probability of paternity.

(d) If there is no father as set forth in subsection (b) or subsection (c), any man who:

1.~~4.~~ ~~He~~ Has acknowledged in writing, signed in the presence of a competent witness, that he is the father of the minor and has filed such acknowledgment with the Office of Vital Statistics of the Department of Health;~~.~~

2.~~5.~~ ~~He~~ Has provided the child *or the mother during her pregnancy* with support in a repetitive, customary manner;~~.~~

3. Has been identified by the birth mother as a person she has reason to believe may be the father of the minor in an action to terminate parental rights pending adoption pursuant to this chapter; or

4. Is a party in any pending proceeding in which paternity, custody, or termination of parental rights regarding the minor is at issue.

(e)~~(c)~~ The minor, if more than 12 years of age, unless the court in the best interest of the minor dispenses with the minor's consent.

(2) Any person whose consent is required under paragraph (1)(b), paragraph (1)(c), or paragraph (1)(d) may execute an affidavit of nonpaternity in lieu of a consent under this section and by doing so waives notice to all court proceedings after the date of execution. An affidavit of nonpaternity must be executed under s. 63.082 and the person executing the affidavit must receive disclosure under s. 63.085 prior to signing the affidavit. An affidavit of nonpaternity must be in substantially the following form:

AFFIDAVIT OF NONPATERNITY

1. I have personal knowledge of the facts stated herein.

2. I have been told that . . . . . has a child. I shall not establish or claim paternity for this child.

3. The child noted herein was not conceived or born while the birth mother was married to me. I AM NOT MARRIED TO THE BIRTH MOTHER, nor do I intend to marry the birth mother.

4. I have not provided the birth mother with child support or prebirth support; I have not provided her with prenatal care nor assisted her with medical expenses; I have not provided the birth mother or her child or unborn child with support of any kind, nor do I intend to do so.

5. I have no interest in assuming the responsibilities of parenthood for this child. I will not acknowledge in writing to be the father of this child nor institute court proceedings to establish the child to be mine.

6. I do not object to any decision or arrangements ... makes regarding this child, including adoption.

I WAIVE NOTICE OF ANY AND ALL PROCEEDINGS TO TERMINATE PARENTAL RIGHTS OR FINALIZE AN ADOPTION UNDER THIS CHAPTER.

(3)~~(2)~~ The court may require that consent be executed by:

(a) Any person lawfully entitled to custody of the minor; or

(b) The court having jurisdiction to determine custody of the minor, if the person having physical custody of the minor has no authority to consent to the adoption.

(4)~~(3)~~ The petitioner must make good faith and diligent efforts *as provided under s. 63.088* to notify, and obtain written consent from, the persons required to consent to adoption *under s. 63.062* ~~within 60 days after filing the petition~~. ~~These efforts may include conducting interviews and record searches to locate those persons, including verifying information related to location of residence, employment, service in the Armed Forces, vehicle registration in this state, and corrections records.~~

(5)~~(4)~~ If parental rights to the minor have previously been terminated, a licensed child-placing agency or the department with which the *minor* ~~child~~ has been placed for subsequent adoption may provide consent to the adoption. In such case, no other consent is required.

(6)~~(5)~~ A petition to adopt an adult may be granted if:

(a) Written consent to adoption has been executed by the adult and the adult's spouse, if any.

(b) Written consent to adoption has been executed by the birth parents, if any, or proof of service of process has been filed, showing notice has been served on the parents as provided in this *chapter* ~~section~~.

Section 101. Section 63.082, Florida Statutes, is amended to read:

63.082 Execution of consent *or affidavit of nonpaternity*; family medical history; withdrawal of consent.—

(1) Consent *or an affidavit of nonpaternity* shall be executed as follows:

(a) If by the person to be adopted, by oral or written statement in the presence of the court or by being acknowledged before a notary public.

(b) If by an agency, by affidavit from its authorized representative.

(c) If by any other person, in the presence of the court or by affidavit.

(d) If by a court, by an appropriate order or certificate of the court.

(2) A consent that does not name or otherwise identify the adopting parent is valid if the consent contains a statement by the person consenting that the consent was voluntarily executed and that identification of the adopting parent is not required for granting the consent.

(3)(a) The department must provide a consent form and a family *social and* medical history form to an *adoption entity that* ~~intermediary who~~ intends to place a child for adoption. The forms completed by the birth parents must be attached to the petition *to terminate parental rights pending adoption* and must contain such biological and sociological information, or such information as to the family medical history, regarding the *minor* ~~child~~ and the birth parents as is required by the department. The information must be incorporated into the final home investigation report specified in s. 63.125. The ~~court may also require that the~~ birth mother *and birth father must* be interviewed by a representative of the department, a licensed child-placing agency, or a professional pursuant to s. 63.092 *before the consent is executed, unless the birth parent is found to be an unlocated parent or an unidentified parent. A summary of each interview, or a statement that the parent is unlocated or unidentified, must be filed with the petition to terminate parental rights pending adoption and included in the final home study filed under s. 63.125.*

(b) Consent executed by ~~the department, by a licensed child-placing agency, or by~~ an appropriate order or certificate of the court *under s. 63.062(3)(b)* must be attached to the petition *to terminate parental rights pending adoption* ~~and must be accompanied by a family medical history that includes such information concerning the medical history of the child and the birth parents as is available or readily obtainable~~.

(c) If any executed consent or social and medical history is unavailable because the person whose consent is required is unlocated or unidentified, the petition must be accompanied by the affidavit of due diligence required under s. 63.088.

(4)*(a)* The consent *to an adoption or affidavit of nonpaternity shall not* ~~for voluntary surrender must~~ be executed *before* ~~after~~ the birth of the *minor.*

(b) A consent to adoption of a minor who is to be placed for adoption under s. 63.052 upon the minor's release following birth from a licensed hospital or birth center, shall not be executed sooner than:

1. 48 hours from the time of the minor's birth; or

2. The day the birth mother is determined in writing, either on a patient chart or in release paperwork to be fit for release from a licensed hospital or birth center; whichever is sooner.

A consent executed under this paragraph is valid upon execution and thereafter may only be withdrawn when the court finds that it was obtained by fraud or under duress.

(c) When the minor to be adopted is not placed under s. 63.052 upon the minor's release following birth from a licensed hospital or birth center, the consent may be executed at any time after the birth of the minor. While such consent is valid upon execution, it is subject to a 3-day revocation period under subsection (7).

(d) The consent or affidavit of nonpaternity must be signed ~~child,~~ in the presence of two witnesses, and be acknowledged before a notary public *who is not signing as one of the witnesses. The notary public must legibly note on the consent or affidavit of nonpaternity the date and time the consent or affidavit of nonpaternity was executed.* The witnesses'

names must be typed or printed underneath their signatures. *The witnesses'*~~, and their~~ home or business addresses and social security numbers*, driver's license numbers, or state identification card numbers* must be included. The absence of a social security number*, driver's license number, or state identification card number* shall not be deemed to invalidate the consent. *The person who signs the consent or affidavit has the right to have at least one of the witnesses be an individual who does not have a partnership, employment, agency, or other professional or personal relationship with the adoption entity or the prospective adoptive parents. The person who signs the consent or affidavit of nonpaternity must be given reasonable notice of the right to select a witness of his or her own choosing. The person who signs the consent or affidavit of nonpaternity must acknowledge in writing on the consent or affidavit that such notice was given and indicate the witness, if any, who was selected by the person signing the consent or affidavit. A consent to adoption must contain, in at least 16-point boldfaced type, an acknowledgement of the birth parent's rights in substantially the following form:*

YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU HAVE THE RIGHT TO DO ANY OF THE FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS CONSENT:

(A) CONSULT WITH AN ATTORNEY;

(B) HOLD, CARE FOR, AND FEED THE CHILD;

(C) PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR YOUR CHILD;

(D) TAKE THE CHILD HOME; AND

(E) FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.

IF YOU DO SIGN THIS CONSENT, YOU ARE RELINQUISHING ALL RIGHTS TO YOUR CHILD. YOUR CONSENT IS VALID AND BINDING UNLESS WITHDRAWN AS PERMITTED BY LAW. WHEN RELINQUISHING YOUR RIGHTS TO A CHILD WHO IS TO BE PLACED FOR ADOPTION UNDER S. 63.052, F.S., UPON THE MINOR'S RELEASE FOLLOWING BIRTH FROM A LICENSED HOSPITAL OR BIRTH CENTER, A WAITING PERIOD WILL BE IMPOSED BEFORE YOU MAY SIGN THE CONSENT FOR ADOPTION. YOU WILL BE REQUIRED TO WAIT 48 HOURS FROM THE TIME OF BIRTH, OR UNTIL THE BIRTH MOTHER HAS BEEN NOTIFIED IN WRITING, EITHER ON HER CHART OR IN RELEASE PAPERS THAT SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTHING CENTER, WHICHEVER IS SOONER, BEFORE YOU MAY SIGN THE CONSENT FOR ADOPTION. ONCE YOU HAVE SIGNED THE CONSENT, IT IS VALID AND BINDING AND CANNOT BE WITHDRAWN UNLESS A COURT FINDS THAT IT WAS OBTAINED THROUGH FRAUD OR UNDER DURESS. IF YOU ARE RELINQUISHING YOUR RIGHTS TO A CHILD WHO IS NOT PLACED UNDER S. 63.052, F.S., UPON THE MINOR'S RELEASE FOLLOWING BIRTH FROM A LICENSED HOSPITAL OR BIRTH CENTER, THE CONSENT MAY BE EXECUTED AT ANY TIME AFTER THE BIRTH OF THE MINOR. WHILE SUCH CONSENT IS VALID UPON EXECUTION, IT IS SUBJECT TO A 3-DAY REVOCATION PERIOD.

WHEN THE REVOCATION PERIOD APPLIES, YOU MAY WITHDRAW YOUR CONSENT FOR ANY REASON IF YOU DO SO WITHIN 3 BUSINESS DAYS AFTER THE DATE YOU SIGNED THE CONSENT OR 1 BUSINESS DAY AFTER THE DATE OF THE BIRTH MOTHER'S DISCHARGE FROM A LICENSED HOSPITAL OR BIRTH CENTER, WHICHEVER IS LATER.

YOU MAY DO THIS BY NOTIFYING THE ADOPTION ENTITY IN WRITING THAT YOU ARE WITHDRAWING YOUR CONSENT. YOU MAY DO THIS BY PRESENTING A LETTER AT A UNITED STATES POST OFFICE AND ASKING THAT THE LETTER BE SENT BY CERTIFIED UNITED STATES MAIL WITH RETURN RECEIPT REQUESTED WITHIN 3 BUSINESS DAYS AFTER THE DATE YOU SIGNED THE CONSENT OR 1 BUSINESS DAY AFTER THE DATE OF THE BIRTH MOTHER'S DISCHARGE FROM A LICENSED HOSPITAL OR BIRTH CENTER, WHICHEVER IS LATER. AS USED IN THIS SECTION, THE TERM "BUSINESS DAY" MEANS A DAY ON WHICH THE UNITED STATES POST OFFICE ACCEPTS CERTIFIED MAIL FOR DELIVERY. THE COST OF THIS MUST BE PAID AT THE TIME OF MAILING AND THE RECEIPT SHOULD BE RETAINED AS PROOF THAT CONSENT WAS WITHDRAWN IN A TIMELY MANNER.

THE ADOPTION ENTITY YOU SHOULD NOTIFY IS: (Name of Adoption Entity), (Address of Adoption Entity), (Phone Number of Adoption Entity). *FOLLOWING 3 BUSINESS DAYS AFTER THE DATE YOU SIGNED THE CONSENT OR 1 BUSINESS DAY AFTER THE DATE OF THE BIRTH MOTHER'S DISCHARGE FROM A LICENSED HOSPITAL OR BIRTH CENTER, WHICHEVER IS LATER, YOU MAY WITHDRAW YOUR CONSENT ONLY IF YOU CAN PROVE IN COURT THAT CONSENT WAS OBTAINED BY FRAUD OR DURESS.*

(5) Before any consent to adoption or affidavit of nonpaternity is executed by a birth parent, but after the birth of the child, all requirements of disclosure under s. 63.085 must be met.

(6) A copy of each consent signed in an action for termination of parental rights pending adoption must be provided to each person whose consent is required under s. 63.062. A copy of each consent must be hand delivered, with a written acknowledgement of receipt signed by the person whose consent is required, or mailed by first class United States mail to the address of record in the court file. If a copy of a consent cannot be provided as required in this section, the adoption entity must execute an acknowledgement that states the reason the copy of the consent is undeliverable. The original consent and acknowledgment of receipt, or the acknowledgment of mailing by the adoption entity, must be filed with the petition for termination of parental rights pending adoption.

(7)~~(5)~~ *Consent executed under subsection (4) paragraph (c) may be withdrawn for any reason by notifying the adoption entity in writing by certified United States mail, return receipt requested, not later than 3 business days after execution of the consent or 1 business day after the date of the birth mother's discharge from a licensed hospital or birth center, whichever occurs later. As used in this subsection, the term "business day" means a day on which the United States Post Office accepts certified mail for delivery. Upon receiving written notice from a person of that person's desire to withdraw consent, the adoption entity must contact the prospective adoptive parent to arrange a time certain for the adoption entity to regain physical custody of the child, unless upon motion for emergency hearing by the adoption entity, the court determines in written findings that placement of the minor with the person withdrawing consent may endanger the minor. If the court finds that such placement may endanger the minor, the court must enter an order regarding continued placement of the child. The order shall include, but not be limited to, whether temporary placement in foster care is appropriate, whether an investigation by the Department of Children and Families is recommended, and whether a relative within the third degree is available for the temporary placement. In addition, if the person withdrawing consent claims to be the father of the minor but has not been established to be the father by marriage, court order, or scientific testing, the court may order scientific paternity testing and reserve ruling on removal of the child until the results of such testing have been filed with the court. The adoption entity must return the minor within 3 days to the physical custody of the person withdrawing consent. Thereafter,* consent may be withdrawn only when the court finds that the consent was obtained by fraud or duress. *An affidavit of nonpaternity may be withdrawn only if the court finds that the affidavit of nonpaternity was obtained by fraud. The adoption entity must include its name, address, and telephone number on the consent form.*

Section 102. Section 63.085, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 63.085, F.S., for present text.)

63.085 Disclosure by adoption entity.—

(1) DISCLOSURE REQUIRED TO BIRTH PARENTS AND PROSPECTIVE ADOPTIVE PARENTS.—Not later than 7 days after a person seeking to adopt a minor or a person seeking to place a minor for adoption contacts an adoption entity in person or provides the adoption entity with a mailing address, the entity must provide a written disclosure statement to that person. If a birth parent did not initially contact the adoption entity, the written disclosure must be provided within 7 days after that birth parent is identified and located. The written disclosure statement must be in substantially the following form:

ADOPTION DISCLOSURE

THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL PERSONS CONSIDERING ADOPTION TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING ADOPTION UNDER FLORIDA LAW:

1. Under section 63.212, Florida Statutes, the existence of a placement or adoption contract signed by the birth parent or adoptive parent, prior approval of that contract by the court, or payment of any expenses permitted under Florida law does not obligate anyone to sign a consent or ultimately place a minor for adoption.

2. Under section 63.092, Florida Statutes, a favorable preliminary home study and a home investigation of the prospective adoptive home must be completed as required by chapter 63, Florida Statutes, before the minor may be placed in that home.

3. Under section 63.082, Florida Statutes, a consent for adoption or affidavit of nonpaternity may not be signed until after the birth of the minor. The consent or affidavit of nonpaternity is valid and binding upon execution unless withdrawn as permitted under section 63.082, Florida Statutes. If the minor is to be placed for adoption upon leaving the hospital, the consent may not be signed until 48 hours after birth or the day the birth mother is released from the hospital. If the minor is not placed for adoption upon leaving the hospital, a 3-day revocation period applies. Consent may be withdrawn for any reason by notifying the adoption entity in writing. In order to withdraw consent, the written withdrawal of consent must be mailed no later than 3 business days after execution of the consent or 1 business day after the date of the birth mother's discharge from a licensed hospital or birth center, whichever occurs later. The letter must be mailed certified mail, return receipt requested. This is done by presenting it at any United States Post Office, and asking that the letter be sent by certified United States mail with return receipt requested. The cost of this must be paid at the time of mailing and the receipt should be retained as proof that consent was withdrawn in a timely manner. For purposes of this chapter, the term "business day" means a day on which the United States Post Office accepts certified mail for delivery. Upon receiving written notice from a person of that person's desire to withdraw consent, the adoption entity must contact the prospective adoptive parent to arrange a time certain to regain physical custody of the child. The adoption entity must return the minor within 3 days to the physical custody of the person withdrawing consent. Thereafter, consent may be withdrawn only if the court finds that consent was obtained by fraud. An affidavit of nonpaternity, once executed, may be withdrawn only if the court finds that it was obtained by fraud.

4. Under section 63.082, Florida Statutes, a person who signs a consent or affidavit of nonpaternity for adoption must be given reasonable notice of his or her right to select a person who does not have a partnership, employment, agency, or other professional or personal relationship with the adoption entity or the prospective adoptive parents to be present when the consent or affidavit of nonpaternity is executed and to sign the consent or affidavit as a witness.

5. Under section 63.088, Florida Statutes, specific and extensive efforts are required by law to attempt to obtain the consents required under section 63.062, Florida Statutes. If these efforts are unsuccessful, an order terminating parental rights pending adoption may not be issued by the court until those requirements have been met and an affidavit of service has been filed with the court.

6. Under Florida law, an intermediary may represent the legal interests of only the adoptive parents, not of any birth parent. Each person whose consent to an adoption is required under section 63.062, Florida Statutes, including each birth parent, is entitled to seek independent legal advice and representation before signing any document or surrendering parental rights.

7. Under section 63.089, Florida Statutes, the termination of parental rights will occur simultaneously with the entry of a judgment terminating parental rights pending adoption.

8. Under section 63.182, Florida Statutes, an action or proceeding of any kind to vacate, set aside, or otherwise nullify an order of adoption or an underlying order terminating parental rights pending adoption on any ground, including fraud or duress, must be filed within 1 year after entry of the order terminating parental rights pending adoption.

9. Under section 63.182, Florida Statutes, for 1 year after the entry of a judgment of adoption, any irregularity or procedural defect in the adoption proceeding may be the subject of an appeal contesting the validity of the judgment.

10. Under section 63.089, Florida Statutes, a judgment terminating parental rights pending adoption is voidable and any later judgment of adoption of that minor is voidable if, upon the motion of a birth parent, the court finds that any person knowingly gave false information that prevented the birth parent from timely making known his or her desire to assume parental responsibilities toward the minor or meeting the requirements under chapter 63, Florida Statutes, to exercise his or her parental rights. A motion under section 63.089, Florida Statutes, must be filed with the court originally entering the judgment. The motion must be filed within a reasonable time, but not later than 1 year after the date the judgment to which the motion is directed was entered.

11. Under section 63.165, Florida Statutes, the State of Florida maintains a registry of adoption information. Information about the registry is available from the Department of Children and Family Services.

12. Under section 63.032, Florida Statutes, a court may find that a birth parent has abandoned his or her child based on conduct during the pregnancy or based on conduct after the child is born. In addition, under section 63.089, Florida Statutes, the failure of a birth parent to respond to notices of proceedings involving his or her child shall result in termination of parental rights of a birth parent. A lawyer can explain what a birth parent must do to protect his or her parental rights. Any birth parent wishing to protect his or her parental rights should act IMMEDIATELY.

13. Each birth parent and adoptive parent is entitled to independent legal advice and representation. Attorney information may be obtained from the yellow pages, The Florida Bar's lawyer referral service, and local legal aid offices and bar associations.

14. There are counseling services available in the community to assist in making a parenting decision. Consult the yellow pages of the telephone directory.

15. Medical and social services support is available if the birth parent wishes to retain parental rights and responsibilities. Consult the Department of Children and Family Services.

(2) ACKNOWLEDGMENT OF DISCLOSURE.—The adoption entity must obtain a written statement acknowledging receipt of the disclosure required under subsection (1) and signed by the persons receiving the disclosure or, if it is not possible to obtain such an acknowledgement, the adoption entity must execute an affidavit stating why an acknowledgement could not be obtained. A copy of the acknowledgement of receipt of the disclosure must be provided to the person signing it. A copy of the acknowledgement or affidavit executed by the adoption entity in lieu of the acknowledgement must be maintained in the file of the adoption entity. The original acknowledgement or affidavit must be filed with the court. In the case of a disclosure provided under subsection (1), the original acknowledgement or affidavit must be included in the preliminary home study required in s. 63.092(3).

(3) POST-BIRTH DISCLOSURE TO BIRTH PARENTS.—Before execution of any consent to adoption by a birth parent, but after the birth of the minor, all requirements of subsections (1) and (2) for making certain disclosures to a birth parent and obtaining a written acknowledgment of receipt must be repeated.

Section 103. Section 63.087, Florida Statutes, is created to read:

63.087 Proceeding to terminate parental rights pending adoption; general provisions.—

(1) INTENT.—It is the intent of the Legislature to provide a proceeding in which the court determines whether a minor is legally available for adoption through a separate proceeding to address termination of parental rights prior to the filing of a petition for adoption.

(2) GOVERNING RULES.—The Florida Family Law Rules of Procedure govern a proceeding to terminate parental rights pending adoption unless otherwise provided by law.

(3) JURISDICTION.—A court of this state which is competent to decide child welfare or custody matters has jurisdiction to hear all mat-

ters arising from a proceeding to terminate parental rights pending adoption. All subsequent proceedings for the adoption of the minor, if the petition for termination is granted, must be conducted by the same judge as these proceedings whenever possible.

(4) VENUE.—A petition to terminate parental rights pending adoption must be filed in the county where the child resided for the prior 6 months or, if the child is younger than 6 months of age, in the county where the birth mother or birth father resided at the time of the execution of the consent to adoption or the affidavit of nonpaternity, or, if there is no consent or affidavit of nonpaternity executed by a birth parent, in the county where the birth mother resides.

(5) PREREQUISITE FOR ADOPTION.—A petition for adoption may not be filed until 30 days after the date the judge signed the judgment terminating parental rights pending adoption under this chapter, unless the adoptee is an adult or the minor has been the subject of a judgment terminating parental rights under chapter 39.

(6) PETITION.—

(a) A proceeding seeking to terminate parental rights pending adoption pursuant to this chapter must be commenced by the filing of an original petition after the birth of the minor.

(b) The petition may be filed by a birth parent or legal guardian of the minor.

(c) The petition must be entitled: "In the Matter of the Proposed Adoption of a Minor Child."

(d) If a petition for a declaratory statement under s. 63.102 has previously been filed, a subsequent petition to terminate parental rights pending adoption may, at the request of any party or on the court's own motion, be consolidated with that previous action. If the petition to terminate parental rights pending adoption is consolidated with a prior petition filed under this chapter for which a filing fee has been paid, the petitioner may not be charged a subsequent or additional filing fee.

(e) The petition to terminate parental rights pending adoption must be in writing and signed by the petitioner under oath stating the petitioner's good faith in filing the petition. A written consent, affidavit of nonpaternity, or affidavit of due diligence under s. 63.088, for each person whose consent is required under s. 63.062, must be attached.

(f) The petition must include:

1. The minor's name, gender, date of birth, and place of birth. The petition must contain all names by which the minor is or has been known, including the minor's legal name at the time of the filing of the petition, to allow interested parties to the action, including birth parents, legal guardians, persons with custodial or visitation rights to the minor, and persons entitled to notice pursuant to the Uniform Child Custody Jurisdiction Act or the Indian Child Welfare Act, to identify their own interest in the action.

2. If the petition is filed before the day the minor is 6 months old and if the identity or location of the birth father is unknown, each city in which the birth mother resided or traveled during the 12 months prior to the minor's birth, including the county and state in which that city is located.

3. Unless the consent of each person whose consent is required under s. 63.062 or an affidavit of nonpaternity is attached to the petition, the name and address or, if a specific address is unknown, the city, including the county and state in which that city is located, of:

a. The minor's mother;

b. Any man whom the mother reasonably believes may be the minor's father; and

c. Any legal custodian of the minor.

If a required name or address is not known, the petition must so state.

4. All information required by the Uniform Child Custody Jurisdiction Act and the Indian Child Welfare Act.

5. A statement of the grounds under s. 63.089 upon which the petition is based.

6. The name, address, and telephone number of any adoption entity seeking to place the minor for adoption.

7. The name, address, and phone number of the division of the circuit in which the petition is to be filed.

(7) ANSWER NOT REQUIRED.—An answer to the petition or any pleading need not be filed by any minor, parent, or legal custodian, but any matter that might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of any answer or any pleading, any person present at the hearing to terminate parental rights pending adoption whose consent to adoption is required under s. 63.062 must:

(a) Be advised by the court that he or she has a right to ask that the hearing be reset for a later date so that the person may consult with an attorney;

(b) Be given an opportunity to deny the allegations in the petition; and

(c) Be given the opportunity to challenge the validity of any consents or affidavits of nonpaternity signed by any person.

Section 104. Section 63.088, Florida Statutes, is created to read:

63.088 Proceeding to terminate parental rights pending adoption; notice and service.—

(1) INITIATE LOCATION AND IDENTIFICATION PROCEDURES.—When the location or identity of a person whose consent to an adoption is required but is not known, the adoption entity must begin the inquiry and diligent search process required by this section not later than 7 days after the date on which the person seeking to place a minor for adoption has evidenced in writing to the entity a desire to place the minor for adoption with that entity or not later than 7 days after the date any money is provided as permitted under this chapter by the adoption entity for the benefit of the person seeking to place a minor for adoption.

(2) LOCATION AND IDENTITY KNOWN.—Before the court may determine that a minor is available for adoption, and in addition to the other requirements set forth in this chapter, each person whose consent is required under s. 63.062, who has not executed an affidavit of nonpaternity, and whose location and identity has been determined by compliance with the procedures in this section must be personally served, pursuant to chapter 48, at least 30 days before the hearing with a copy of the petition to terminate parental rights pending adoption and with notice in substantially the following form:

NOTICE OF PETITION AND HEARING

TO TERMINATE PARENTAL RIGHTS PENDING ADOPTION

A petition to terminate parental rights pending adoption has been filed. A copy of the petition is being served with this notice. There will be a hearing on the petition to terminate parental rights pending adoption on ... (date) ... at ... (time) ... before ... (judge) ... at ... (location, including complete name and street address of the courthouse) .... The court has set aside ... (amount of time) ... for this hearing.

UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE TO FILE A WRITTEN RESPONSE TO THIS NOTICE WITH THE COURT OR TO APPEAR AT THIS HEARING CONSTITUTES GROUNDS UPON WHICH THE COURT SHALL END ANY PARENTAL RIGHTS YOU MAY HAVE REGARDING THE MINOR CHILD.

(3) REQUIRED INQUIRY.—In all cases filed under this section, the court must conduct the following inquiry of the person who is placing the minor for adoption and of any relative or custodian of the minor who is present at the hearing and likely to have the following information:

(a) Whether the mother of the minor was married at any time when conception of the minor may have occurred or at the time of the birth of the minor;

(b) Whether the mother was cohabiting with a male at any time when conception of the minor may have occurred;

(c) Whether the mother has received payments or promises of support with respect to the minor or, because of her pregnancy, from any person she has reason to believe may be the father;

(d) Whether the mother has named any person as the father on the birth certificate of the minor or in connection with applying for or receiving public assistance;

(e) Whether any person has acknowledged or claimed paternity of the minor; and

(f) Whether the mother knows the identity of any person whom she has reason to believe may be the father.

The information required under this subsection may be provided to the court in the form of a sworn affidavit by a person having personal knowledge of the facts, addressing each inquiry enumerated in this subsection. The inquiry required under this subsection may be conducted before the birth of the minor.

(4) LOCATION UNKNOWN; IDENTITY DETERMINED.—If the inquiry by the court under subsection (3) identifies any person whose consent is required under s. 63.062 and who has not executed an affidavit of nonpaternity, and the location of the person from whom consent is required is unknown, the adoption entity must conduct a diligent search for that person which must include the following inquiries:

(a) The person's current address, or any previous address, through an inquiry of the United States Post Office through the Freedom of Information Act;

(b) The last known employment of the person, including the name and address of the person's employer. Inquiry should be made of the last known employer as to any address to which wage and earnings statements (W-2 forms) of the person have been mailed. Inquiry should be made of the last known employer as to whether the person is eligible for a pension or profit-sharing plan and any address to which pension or other funds have been mailed;

(c) Union memberships the person may have held or unions that governed the person's particular trade or craft in the area where the person last resided;

(d) Regulatory agencies, including those regulating licensing in the area where the person last resided;

(e) Names and addresses of relatives to the extent such can be reasonably obtained from the petitioner or other sources, contacts with those relatives, and inquiry as to the person's last known address. The petitioner shall pursue any leads of any addresses where the person may have moved. Relatives include, but are not limited to, parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great grandparents, former in-laws, stepparents, and stepchildren;

(f) Information as to whether or not the person may have died, and if so, the date and location;

(g) Telephone listings in the area where the person last resided;

(h) Inquiries of law enforcement agencies in the area where the person last resided;

(i) Highway patrol records in the state where the person last resided;

(j) Department of Corrections records in the state where the person last resided;

(k) Hospitals in the area where the person last resided;

(l) Records of utility companies, including water, sewer, cable TV, and electric companies in the area where the person last resided;

(m) Records of the Armed Forces of the United States as to whether there is any information as to the person;

(n) Records of the tax assessor and tax collector in the area where the person last resided; and

(o) Search of one Internet data bank locator service.

Any person contacted by a petitioner who is requesting information pursuant to this subsection must release the requested information to the petitioner, except when prohibited by law, without the necessity of a subpoena or court order. An affidavit of diligent search executed by the petitioner and the adoption entity must be filed with the court confirming completion of each aspect of the diligent search enumerated in this subsection and specifying the results. The diligent search required under this subsection may be conducted before the birth of the minor.

(5) LOCATION NOT DETERMINED OR IDENTITY UNKNOWN.—This subsection only applies if, as to any person whose consent is required under s. 63.062 and who has not executed an affidavit of nonpaternity, the location or identity of the person is unknown and the inquiry under subsection (3) fails to identify the person or the due diligence search under subsection (4) fails to locate the person. The unlocated or unidentified person must be served notice under s. 63.088(2), of the petition and hearing to terminate parental rights pending adoption by constructive service in the manner provided in chapter 49 in each county identified in the petition, as provided in s. 63.087(6). The notice, in addition to all information required in the petition under s. 63.087(6) and chapter 49, must contain a physical description, including, but not limited to, age, race, hair and eye color, and approximate height and weight of the minor's mother and of any person the mother reasonably believes may be the father; the minor's date of birth; and any date and city, including the county and state in which the city is located, in which conception may have occurred. If any of the facts that must be included in the petition under this subsection are unknown and cannot be reasonably ascertained, the petition must so state.

Section 105. Section 63.089, Florida Statutes, is created to read:

63.089 Proceeding to terminate parental rights pending adoption.—

(1) HEARING.—The court may terminate parental rights pending adoption only after a full evidentiary hearing.

(2) HEARING PREREQUISITES.—The court may hold the hearing only when:

(a) For each person whose consent is required under s. 63.062:

1. A consent under s. 63.082 has been executed and filed within the court;

2. An affidavit of nonpaternity under s. 63.082 has been executed and filed with the court; or

3. Notice has been provided under ss. 63.087 and 63.088;

(b) For each notice and petition that must be served under ss. 63.087 and 63.088:

1. At least 30 days have elapsed since the date of personal service and an affidavit of service has been filed with the court;

2. At least 60 days have elapsed since the first date of publication of constructive service and an affidavit of service has been filed with the court; or

3. An affidavit of nonpaternity which affirmatively waives service has been executed and filed with the court;

(c) The minor named in the petition has been born; and

(d) The petition contains all information required under s. 63.087 and all affidavits of inquiry, due diligence, and service required under s. 63.088 have been obtained and filed with the court.

(3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING ADOPTION.—The court may issue a judgment terminating parental rights pending adoption if the court determines by clear and convincing evidence that each person whose consent to an adoption is required under s. 63.062:

(a) Has executed a valid consent that has not been withdrawn under s. 63.082 and the consent was obtained according to the requirements of this chapter;

(b) Has executed an affidavit of nonpaternity and the affidavit was obtained according to the requirements of this chapter;

(c) Has been properly served notice of the proceeding in accordance with the requirements of this chapter and has failed to file a written answer or appear at the evidentiary hearing resulting in the order terminating parental rights pending adoption;

(d) Has abandoned the minor as abandonment is defined in s. 63.032(14);

(e) Is a parent of the person to be adopted, which parent has been judicially declared incapacitated with restoration of competency found to be medically improbable;

(f) Is a legal guardian or lawful custodian of the person to be adopted, other than a parent, who has failed to respond in writing to a request for consent for a period of 60 days or, after examination of his or her written reasons for withholding consent, is found by the court to be withholding his or her consent unreasonably; or

(g) Is the spouse of the person to be adopted who has failed to consent, and the failure of the spouse to consent to the adoption is excused by reason of prolonged and unexplained absence, unavailability, incapacity, or circumstances that are found by the court to constitute unreasonable withholding of consent.

(4) FINDING OF ABANDONMENT.—A finding of abandonment resulting in a termination of parental rights must be based upon clear and convincing evidence. A finding of abandonment may not be based upon a lack of emotional support to a birth mother during her pregnancy.

(a) In making a determination of abandonment the court must consider:

1. Whether the actions alleged to constitute abandonment demonstrate a willful disregard for the safety of the child or unborn child;

2. Whether other persons prevented the person alleged to have abandoned the child from making the efforts referenced in this subsection;

3. Whether the person alleged to have abandoned the child, while being able, refused to provide financial support when such support was requested by the child's legal guardian or custodian;

4. Whether the person alleged to have abandoned the child, while being able, refused to pay for medical treatment when such payment was requested by the child's legal guardian or custodian and those expenses were not covered by insurance or other available sources;

5. Whether the amount of support provided or medical expenses paid was appropriate, taking into consideration the needs of the child and relative means and resources available to the person alleged to have abandoned the child and available to the child's legal guardian or custodian during the period the child allegedly was abandoned; and

6. Whether the child's legal guardian or custodian made the child's whereabouts known to the person alleged to have abandoned the child; advised that person of the needs of the child or the needs of the mother of an unborn child with regard to the pregnancy; or informed that person of events such as medical appointments and tests relating to the child or, if unborn, the pregnancy.

(b) The child has been abandoned when the parent of a child is incarcerated on or after October 1, 1998, in a state or federal correctional institution and sentenced to a term of incarceration of 8 years or longer, regardless of how long the person is actually incarcerated under that sentence or how long the person will be incarcerated after October 1, 1998, and:

1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this paragraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; and

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

(c) The only conduct of a father toward a mother during pregnancy that the court may consider in determining whether the child has been abandoned is conduct that occurred after reasonable and diligent efforts have been made to inform the father that he is, or may be, the father of the child.

(5) DISMISSAL OF CASE WITH PREJUDICE.—If the court does not find by clear and convincing evidence that parental rights of a birth parent should be terminated pending adoption, the court must dismiss the case with prejudice and that birth parent's parental rights remain in full force under the law. Parental rights may not be terminated based upon a consent that the court finds has been timely withdrawn under s. 63.082 or a consent or affidavit of nonpaternity that the court finds was obtained by fraud. The court must enter an order based upon written findings providing for the placement of the minor. The court may order scientific testing to determine the paternity of the minor at any time during which the court has jurisdiction over the minor. Further proceedings, if any, regarding the minor must be brought in a separate custody action under chapter 61, a dependency action under chapter 39, or a paternity action under chapter 742.

(6) A JUDGMENT TERMINATING PARENTAL RIGHTS PENDING ADOPTION.—

(a) The judgment terminating parental rights pending adoption must be in writing and contain findings of fact as to the grounds for terminating parental rights pending adoption.

(b) The clerk of the court shall mail a copy of the judgment within 24 hours after filing to the department, the petitioner, and the respondent. The clerk shall execute a certificate of each mailing.

(c) A judgment terminating parental rights pending adoption is voidable and any later judgment of adoption of that minor is voidable if, upon the motion of a birth parent, the court finds that a person knowingly gave false information that prevented the birth parent from timely making known his or her desire to assume parental responsibilities toward the minor or meeting the requirements under this chapter to exercise his or her parental rights. A motion under this paragraph must be filed with the court originally entering the judgment. The motion must be filed within a reasonable time, but not later than 1 year after the date the termination of parental rights final order was entered.

(d) Not later than 30 days after the filing of a motion under this subsection, the court must conduct a preliminary hearing to determine what contact, if any, shall be permitted between a birth parent and the child pending resolution of the motion. Such contact shall only be considered if it is requested by a birth parent who has appeared at the hearing. If the court orders contact between a birth parent and child, the order must be issued in writing as expeditiously as possible and must state with specificity any provisions regarding contact with persons other than those with whom the child resides.

(e) At the preliminary hearing, the court, upon the motion of any party or its own motion, may order scientific testing to determine the paternity of the minor if the person seeking to set aside the judgment is alleging to be the child's birth father and that fact has not previously been determined by legitimacy or scientific testing. The court may order supervised visitation with a person from whom scientific testing for paternity has been ordered conditional upon the filing of those test results with the court and such results establish that person's paternity of the minor.

(f) No later than 45 days after the preliminary hearing, the court must conduct a final hearing on the motion to set aside the judgment and issue its written order as expeditiously as possible thereafter.

(7) RECORDS; CONFIDENTIAL INFORMATION.—All records pertaining to a petition to terminate parental rights pending adoption are records related to the subsequent adoption of the minor and are subject to the provisions of s. 63.162, as such provisions apply to records of an adoption proceeding. The confidentiality provisions of this chapter do not apply to the extent information regarding persons or proceedings must be made available as specified under s. 63.088.

Section 106. Section 63.092, Florida Statutes, is amended to read:

63.092 Report to the court of intended placement by an intermediary; preliminary study.—

(1) REPORT TO THE COURT.—The *adoption entity* ~~intermediary~~ must report any intended placement of a minor for adoption with any person not related within the third degree or a stepparent if the *adoption entity* ~~intermediary~~ has knowledge of, or participates in, such intended placement. The report must be made to the court before the minor is placed in the home.

(2) AT-RISK PLACEMENT.—If the minor is placed in the prospective adoptive home before the parental rights of the minor's birth parents are terminated under s. 63.089, the placement is an at-risk placement. If the placement is an at-risk placement, the prospective adoptive parents must acknowledge in writing before the minor may be placed in the prospective adoptive home that the placement is at risk and that the minor is subject to removal from the prospective adoptive home by the adoption entity or by court order.

(3)~~(2)~~ PRELIMINARY HOME STUDY.—Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a licensed professional, or agency described in s. 61.20(2), unless the petitioner is a stepparent, a spouse of the birth parent, or a relative. The preliminary study shall be completed within 30 days after the receipt by the court of the *adoption entity's* ~~intermediary's~~ report, but in no event may the *minor* ~~child~~ be placed in the prospective adoptive home prior to the completion of the preliminary study unless ordered by the court. If the petitioner is a stepparent, a spouse of the birth parent, or a relative, the preliminary home study may be required by the court for good cause shown. The department is required to perform the preliminary home study only if there is no licensed child-placing agency, licensed professional, or agency described in s. 61.20(2), in the county where the prospective adoptive parents reside. The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to identification of a prospective adoptive *minor* ~~child~~. A favorable preliminary home study is valid for 1 year after the date of its completion. A *minor may* ~~child must~~ not be placed in an intended adoptive home before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under s. 409.175. The preliminary home study must include, at a minimum:

(a) An interview with the intended adoptive parents;

(b) Records checks of the department's central abuse registry under chapter 415 and statewide criminal records correspondence checks through the Department of Law Enforcement on the intended adoptive parents;

(c) An assessment of the physical environment of the home;

(d) A determination of the financial security of the intended adoptive parents;

(e) Documentation of counseling and education of the intended adoptive parents on adoptive parenting;

(f) Documentation that information on adoption and the adoption process has been provided to the intended adoptive parents;

(g) Documentation that information on support services available in the community has been provided to the intended adoptive parents; *and*

(h) A copy of *each* ~~the~~ signed *acknowledgement* ~~statement~~ required by s. 63.085~~; and~~

~~(i) A copy of the written acknowledgment required by s. 63.085(1)~~.

If the preliminary home study is favorable, a minor may be placed in the home pending entry of the judgment of adoption. A minor may not be placed in the home if the preliminary home study is unfavorable. If the preliminary home study is unfavorable, the intermediary or petitioner may, within 20 days after receipt of a copy of the written recommendation, petition the court to determine the suitability of the intended adoptive home. A determination as to suitability under this subsection does not act as a presumption of suitability at the final hearing. In determining the suitability of the intended adoptive home, the court must consider the totality of the circumstances in the home.

Section 107. Section 63.097, Florida Statutes, is amended to read:

63.097 Fees.—

(1) The following fees, costs, and expenses may be assessed by the adoption entity or paid by the adoption entity on behalf of the prospective adoptive parents:

(a) Reasonable living expenses of the birth mother which the birth mother is unable to pay due to involuntary unemployment, medical disability due to the pregnancy which is certified by a medical professional who has examined the birth mother, or any other disability defined in s. 110.215. Reasonable living expenses are rent, utilities, basic telephone service, food, necessary clothing, transportation, and items included in the affidavit filed under s. 63.132 and found by the court to be necessary for the health of the unborn child.

(b) Reasonable and necessary medical expenses.

(c) Expenses necessary to comply with the requirements of this chapter including, but not limited to, service of process under s. 63.088, a due diligence search under s. 63.088, a preliminary home study under s. 63.092, and a final home study under s. 63.125.

(d) Court filing expenses, court costs, and other litigation expenses.

(e) Costs associated with advertising under s. 63.212(1)(h).

(f) The following professional fees:

1. A reasonable hourly fee necessary to provide legal representation to the adoptive parents in a proceeding filed under this chapter.

2. A reasonable hourly fee for contact with the birth parent related to the adoption. In determining a reasonable hourly fee under this subparagraph, the court must consider if the tasks done were clerical or of such a nature that the matter could have been handled by support staff at a lesser rate than the rate for legal representation charged under subparagraph 1. This includes, but need not be limited to, tasks such as transportation, transmitting funds, arranging appointments, and securing accommodations. This does not include obtaining a birth parent's signature on any document.

3. A reasonable hourly fee for counseling services provided to a birth parent or adoptive parent by a psychologist licensed under chapter 490 or a clinical social worker, marriage and family therapist, or mental health counselor licensed under chapter 491.

(2) Prior approval of the court is not required until the cumulative total of amounts permitted under subsection (1) exceeds:

(a) $2,500 in legal or other fees;

(b) $500 in court costs; or

(c) $3,000 in expenditures.

(3) Any fees, costs, or expenditures not included in subsection (1) or prohibited under subsection (4) require court approval prior to payment and must be based on a finding of extraordinary circumstances.

(4) The following fees, costs, and expenses are prohibited:

1. Any fee or expense that constitutes payment for locating a minor for adoption.

2. Cumulative expenses in excess of a total of $500 related to the minor, the pregnancy, a birth parent, or adoption proceeding which are incurred prior to the date the prospective adoptive parent retains the adoption entity.

3. Any lump-sum payment to the entity which is nonrefundable directly to the payor or which is not itemized on the affidavit filed under s. 63.132.

4. Any fee on the affidavit which does not specify the service that was provided and for which the fee is being charged, such as a fee for facilitation, acquisition, or other similar service, or which does not identify the date the service was provided, the time required to provide the service, the person or entity providing the service, and the hourly fee charged.

~~(1) APPROVAL OF FEES TO INTERMEDIARIES.—Any fee over $1,000 and those costs as set out in s. 63.212(1)(d) over $2,500, paid to an intermediary other than actual, documented medical costs, court costs, and hospital costs must be approved by the court prior to assessment of the fee by the intermediary and upon a showing of justification for the larger fee.~~

(5)~~(2) FEES FOR AGENCIES OR THE DEPARTMENT.—~~When an intermediary uses the services of a licensed child-placing agency, a professional, any other person or agency pursuant to s. 63.092, or, if necessary, the department, the person seeking to adopt the child must pay the licensed child-placing agency, professional, other person or agency, or the department an amount equal to the cost of all services performed, including, but not limited to, the cost of conducting the preliminary home study, counseling, and the final home investigation. The court, upon a finding that the person seeking to adopt the child is financially unable to pay that amount, may order that such person pay a lesser amount.

Section 108. Section 63.102, Florida Statutes, is amended to read:

63.102 Filing of petition; venue; proceeding for approval of fees and costs.—

(1) *After a court order terminating parental rights has been issued,* a proceeding for adoption *may* ~~shall~~ be commenced by filing a petition entitled, "In the Matter of the Adoption of . . . . " in the circuit court. The person to be adopted shall be designated in the caption in the name by which he or she is to be known if the petition is granted. ~~If the child is placed for adoption by an agency,~~ Any name by which the *minor* ~~child~~ was previously known *may* ~~shall~~ not be disclosed in the petition, the notice of hearing, or the judgment of adoption.

(2) A petition for adoption or for a declaratory statement as to the adoption contract shall be filed in the county where the petitioner or petitioners or the *minor* ~~child~~ resides or where the agency *or intermediary with* ~~in~~ which the *minor* ~~child~~ has been placed is located.

(3) Except for adoptions involving placement of a *minor* ~~child~~ with a relative within the third degree of consanguinity, a petition for adoption in an adoption handled by an intermediary shall be filed within 30 working days after placement of a *minor* ~~child~~ with a parent seeking to adopt the *minor* ~~child~~. If no petition is filed within 30 days, any interested party, including the state, may file an action challenging the prospective adoptive parent's physical custody of the *minor* ~~child~~.

(4) If the filing of the petition for adoption or for a declaratory statement as to the adoption contract in the county where the petitioner or *minor* ~~child~~ resides would tend to endanger the privacy of the petitioner or *minor* ~~child~~, the petition for adoption may be filed in a different county, provided the substantive rights of any person will not thereby be affected.

(5) A proceeding for prior approval of fees and costs may be commenced any time after an agreement is reached between the birth mother and the adoptive parents by filing a petition for declaratory statement on the agreement entitled "In the Matter of the Proposed Adoption of a Minor Child" in the circuit court.

(a) The petition must be filed jointly by the adoption entity and each person who enters into the agreement.

(b) A contract for the payment of fees, costs, and expenditures permitted under this chapter must be in writing, and any person who enters into the contract has 3 business days in which to cancel the contract. To cancel the contract, the person must notify the adoption entity in writing by certified United States mail, return receipt requested, no later than 3 business days after signing the contract. For the purposes of this subsection, the term "business day" means a day on which the United States Post Office accepts certified mail for delivery. If the contract is canceled within the first 3 business days, the person who cancels the contract does not owe any legal, intermediary, or other fees, but may be responsible for the adoption entity's actual costs during that time.

(c) The court may grant prior approval only of fees and expenditures permitted under s. 63.097. A prior approval of prospective fees and costs does not create a presumption that these items will subsequently be approved by the court under s. 63.132 unless such a finding is supported by the evidence submitted at that time. The court retains jurisdiction to order an adoption entity to refund to the person who enters into the contract any sum or portion of a sum preapproved under this subsection if, upon submission of a complete accounting of fees, costs, and expenses in an affidavit required under s. 63.132, the court finds the fees, costs, and expenses actually incurred to be less than the sums approved prospectively under this subsection.

(d) The contract may not require, and the court may not approve, any lump-sum payment to the entity which is nonrefundable to the payor or any amount that constitutes payment for locating a minor for adoption.

(e) If a petition for adoption is filed under this section subsequent to the filing of a petition for a declaratory statement or a petition to terminate parental rights pending adoption, the previous petition may, at the request of any party or on the court's own motion, be consolidated with the petition for adoption. If the petition for adoption is consolidated with a prior petition filed under this chapter for which a filing fee has been paid, the petitioner may not be charged any subsequent or additional filing fee.

(f) Prior approval of fees and costs by the court does not obligate the birth parent to ultimately relinquish the minor for adoption. ~~If a petition for adoption is subsequently filed, the petition for declaratory statement and the petition for adoption must be consolidated into one case.~~

Section 109. Section 63.112, Florida Statutes, is amended to read:

63.112 Petition for adoption; description; report or recommendation, exceptions; mailing.—

(1) A sufficient number of copies of the petition for adoption shall be signed and verified by the petitioner and filed with the clerk of the court so that service may be made under subsection (4) and shall state:

(a) The date and place of birth of the person to be adopted, if known;

(b) The name to be given to the person to be adopted;

(c) The date petitioner acquired custody of the minor and the name of the person placing the minor;

(d) The full name, age, and place and duration of residence of the petitioner;

(e) The marital status of the petitioner, including the date and place of marriage, if married, and divorces, if any;

(f) The facilities and resources of the petitioner, including those under a subsidy agreement, available to provide for the care of the minor to be adopted;

(g) A description and estimate of the value of any property of the person to be adopted;

(h) The *case style and date of entry of the order terminating parental rights or the judgment declaring a minor available for adoption* ~~name and address, if known, of any person whose consent to the adoption is required, but who has not consented, and facts or circumstances that excuse the lack of consent~~; and

(i) The reasons why the petitioner desires to adopt the person.

(2) The following documents are required to be filed with the clerk of the court at the time the petition is filed:

(a) *A certified copy of the court order terminating parental rights under chapter 39 or the judgment declaring a minor available for adoption under this chapter* ~~The required consents, unless consent is excused by the court~~.

(b) The favorable preliminary home study of the department, licensed child-placing agency, or professional pursuant to s. 63.092, as to the suitability of the home in which the minor has been placed.

(c) The surrender document must include documentation that *an interview was* ~~interviews were~~ held with~~:~~

~~1. The birth mother, if parental rights have not been terminated;~~

~~2. The birth father, if his consent to the adoption is required and parental rights have not been terminated; and~~

~~3.~~ the *minor* ~~child~~, if older than 12 years of age, unless the court, in the best interest of the *minor* ~~child~~, dispenses with the *minor's* ~~child's~~ consent under s. *63.062(1)(e)* ~~63.062(1)(c)~~.

~~The court may waive the requirement for an interview with the birth mother or birth father in the investigation for good cause shown.~~

(3) Unless ordered by the court, no report or recommendation is required when the placement is a stepparent adoption or when the *minor* ~~child~~ is related to one of the adoptive parents within the third degree.

(4) The clerk of the court shall mail a copy of the petition within 24 hours after filing, and execute a certificate of mailing, to the department and the agency placing the minor, if any.

Section 110. Section 63.122, Florida Statutes, is amended to read:

63.122 Notice of hearing on petition.—

(1) After the petition to adopt a minor is filed, the court must establish a time and place for hearing the petition. The hearing *may* ~~must~~ not be held sooner than *30 days after the date the judgment terminating parental rights was entered or sooner than* 90 days after *the date the minor was placed* ~~the placing of the minor~~ in the physical custody of the petitioner. The minor must remain under the supervision of the department, an intermediary, or a licensed child-placing agency until the adoption becomes final. When the petitioner is a spouse of the birth parent, the hearing may be held immediately after the filing of the petition.

(2) Notice of hearing must be given as prescribed by the rules of civil procedure, and service of process must be made as specified by law for civil actions.

(3) Upon a showing by the petitioner that the privacy of the petitioner or *minor* ~~child~~ may be endangered, the court may order the names of the petitioner or *minor* ~~child~~, or both, to be deleted from the notice of hearing and from the copy of the petition attached thereto, provided the substantive rights of any person will not thereby be affected.

(4) Notice of the hearing must be given by the petitioner to *the adoption entity that places the minor.*~~:~~

~~(a) The department or any licensed child-placing agency placing the minor.~~

~~(b) The intermediary.~~

~~(c) Any person whose consent to the adoption is required by this act who has not consented, unless such person's consent is excused by the court.~~

~~(d) Any person who is seeking to withdraw consent.~~

(5) After filing the petition to adopt an adult, a notice of the time and place of the hearing must be given to any person whose consent to the adoption is required but who has not consented. The court may order an appropriate investigation to assist in determining whether the adoption is in the best interest of the persons involved.

Section 111. Section 63.125, Florida Statutes, is amended to read:

63.125 Final home investigation.—

(1) The final home investigation must be conducted before the adoption becomes final. The investigation may be conducted by a licensed child-placing agency or a professional in the same manner as provided in s. 63.092 to ascertain whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor. Unless directed by the court, an investigation and recommendation are not required if the petitioner is a stepparent or if the *minor* ~~child~~ is related to one of the adoptive parents within the third degree of consanguinity. The department is required to perform the home investigation only if there is no licensed child-placing agency or professional pursuant to s. 63.092 in the county in which the prospective adoptive parent resides.

(2) The department, the licensed child-placing agency, or the professional that performs the investigation must file a written report of the investigation with the court and the petitioner within 90 days after the date the petition is filed.

(3) The report of the investigation must contain an evaluation of the placement with a recommendation on the granting of the petition for adoption and any other information the court requires regarding the petitioner or the minor.

(4) The department, the licensed child-placing agency, or the professional making the required investigation may request other state agencies or child-placing agencies within or outside this state to make investigations of designated parts of the inquiry and to make a written report to the department, the professional, or other person or agency.

(5) The final home investigation must include:

(a) The information from the preliminary home study.

(b) After the *minor* ~~child~~ is placed in the intended adoptive home, two scheduled visits with the *minor* ~~child~~ and the *minor's* ~~child's~~ adoptive parent or parents, one of which visits must be in the home, to determine the suitability of the placement.

(c) The family *social and* medical history as provided in s. 63.082.

(d) Any other information relevant to the suitability of the intended adoptive home.

(e) Any other relevant information, as provided in rules that the department may adopt.

Section 112. Section 63.132, Florida Statutes, is amended to read:

63.132 *Affidavit* ~~Report~~ of expenditures and receipts.—

(1) At least 10 days before the hearing *on the petition for adoption*, the petitioner and any *adoption entity* ~~intermediary~~ must file two copies of an affidavit *under this section.*

(a) The affidavit must be signed by the adoption entity and the prospective adoptive parents. A copy of the affidavit must be provided to the adoptive parents at the time the affidavit is executed.

(b) The affidavit must itemize ~~containing a full accounting of~~ all disbursements and receipts of anything of value, including professional *and legal* fees, made or agreed to be made by or on behalf of the petitioner and any *adoption entity* ~~intermediary~~ in connection with the adoption *or in connection with any prior proceeding to terminate parental rights which involved the minor who is the subject of the petition for adoption. The affidavit must also include, for each fee itemized, the service provided for which the fee is being charged, the date the service was provided, the time required to provide the service, the person or entity that provided the service, and the hourly fee charged.*

(c) The clerk of the court shall forward a copy of the affidavit to the department. *The department must retain these records for 5 years. Copies of affidavits received by the department under this subsection must be provided upon the request of any person. The department must redact all identifying references to the minor, the birth parent, or the adoptive parent from any affidavit released by the department. The name of the adoption entity may not be redacted. The intent of this paragraph is to create a resource for adoptive parents and others wishing to obtain information about the cost of adoption in this state.*

(d) The *affidavit* ~~report~~ must show any expenses or receipts incurred in connection with:

1.~~(a)~~ The birth of the minor.

2.~~(b)~~ The placement of the minor with the petitioner.

3.~~(c)~~ The medical or hospital care received by the mother or by the minor during the mother's prenatal care and confinement.

4.~~(d)~~ The living expenses of the birth mother. The living expenses must be documented in detail to apprise the court of the exact expenses incurred.

5.~~(e)~~ The services relating to the adoption or to the placement of the minor for adoption that were received by or on behalf of the petitioner, the *adoption entity* ~~intermediary~~, either *birth* ~~natural~~ parent, the minor, or any other person.

The affidavit must state whether any of these expenses were or are eligible to be paid for by collateral sources, including, but not limited to, health insurance, Medicaid, Medicare, or public assistance.

(2) The court may require such additional information as is deemed necessary.

(3) The court must issue a separate order approving or disapproving the fees, costs, and expenditures itemized in the affidavit. The court may approve only fees, costs, and expenditures allowed under s. 63.097. The court may reject in whole or in part any fee, cost, or expenditure listed if the court finds that the expense is:

(a) Contrary to this chapter;

(b) Not supported by a receipt in the record, if the expense is not a fee of the adoption entity; or

(c) Not deemed by the court to be a reasonable fee or expense, taking into consideration the requirements of this chapter and the totality of the circumstances.

(4)~~(3)~~ This section does not apply to an adoption by a stepparent whose spouse is a *birth* ~~natural~~ or adoptive parent of the *minor* ~~child~~.

Section 113. Section 63.142, Florida Statutes, is amended to read:

63.142 Hearing; judgment of adoption.—

(1) *APPEARANCE.*—The petitioner and the person to be adopted shall appear at the hearing on the petition *for adoption*, unless:

(a) The person is a minor under 12 years of age;~~,~~ or

(b) The presence of either is excused by the court for good cause.

(2) *CONTINUANCE.*—The court may continue the hearing from time to time to permit further observation, investigation, or consideration of any facts or circumstances affecting the granting of the petition.

(3) *DISMISSAL.*—

(a) If the petition is dismissed, the court shall determine the person that is to have custody of the minor.

(b) If the petition is dismissed, the court shall state with specificity the reasons for the dismissal.

(4) *JUDGMENT.*—At the conclusion of the hearing, *after* ~~when~~ the court determines that *the date for a birth parent to file an appeal of a valid judgment terminating that birth parent's parental rights has passed and no appeal is pending* ~~all necessary consents have been obtained~~ and that the adoption is in the best interest of the person to be adopted, a judgment of adoption shall be entered.

(a) A judgment terminating parental rights pending adoption is voidable and any later judgment of adoption of that minor is voidable if, upon the motion of the birth parent, the court finds that any person knowingly gave false information that prevented the birth parent from timely making known his or her desire to assume parental responsibilities toward the minor or meeting the requirements under this chapter to exercise his or her parental rights. A motion under this paragraph must be filed with the court that entered the original judgment. The motion must be filed within a reasonable time, but not later than 1 year after the date the termination of parental rights final order was entered.

(b) Not later than 30 days after the filing of a motion under this subsection, the court must conduct a preliminary hearing to determine what contact, if any, shall be permitted between a birth parent and the child pending resolution of the motion. Such contact shall only be considered if it is requested by a birth parent who has appeared at the hearing. If the court orders contact between a birth parent and child, the order must be issued in writing as expeditiously as possible and must state with specificity any provisions regarding contact with persons other than those with whom the child resides.

(c) At the preliminary hearing, the court, upon the motion of any party or its own motion, may order scientific testing to determine the paternity of the minor if the person seeking to set aside the judgment is alleging to be the child's birth father and that fact has not previously been determined by legitimacy or scientific testing. The court may order supervised visitation with a person from whom scientific testing for paternity has been ordered conditional upon the filing of those test results with the court and such results establish that person's paternity of the minor.

(d) No later than 45 days after the preliminary hearing, the court must conduct a final hearing on the motion to set aside the judgment and issue its written order as expeditiously as possible thereafter.

Section 114. Section 63.152, Florida Statutes, is amended to read:

63.152 Application for new birth record.—Within 30 days after entry of a judgment of adoption, the clerk of the court, and in agency adoptions, any child-placing agency licensed by the department, shall prepare a certified statement of the entry for the state registrar of vital statistics on a form provided by the registrar. *The clerk of the court must mail a copy of the form completed under this section to the state registry of adoption information under s. 63.165.* A new birth record containing the necessary information supplied by the certificate shall be issued by the registrar on application of the adopting parents or the adopted person.

Section 115. Section 63.165, Florida Statutes, is amended to read:

63.165 State registry of adoption information; duty to inform and explain.—Notwithstanding any other law to the contrary, the department shall maintain a registry with the last known names and addresses of an adoptee and his or her *birth* ~~natural~~ parents and adoptive parents*; the certified statement of the final decree of adoption provided by the clerk of the court under s. 63.152;* and any other identifying information *that* ~~which~~ the adoptee, *birth* ~~natural~~ parents, or adoptive parents desire to include in the registry. *The department shall maintain the registry records for the time required by rules adopted by the department in accordance with this chapter or for 99 years, whichever period is greater.* The registry shall be open with respect to all adoptions in the state, regardless of when they took place. The registry shall be available for those persons choosing to enter information therein, but no one shall be required to do so.

(1) Anyone seeking to enter, change, or use information in the registry, or any agent of such person, shall present verification of his or her identity and, if applicable, his or her authority. A person who enters information in the registry shall be required to indicate clearly the persons to whom he or she is consenting to release this information, which persons shall be limited to the adoptee and the *birth* ~~natural~~ mother, *birth* ~~natural~~ father, adoptive mother, adoptive father, *birth* ~~natural~~ siblings, and maternal and paternal *birth* ~~natural~~ grandparents of the adoptee. Except as provided in this section, information in the registry is confidential and exempt from ~~the provisions of~~ s. 119.07(1). Consent to the release of this information may be made in the case of a minor adoptee by his or her adoptive parents or by the court after a showing of good cause. At any time, any person may withdraw, limit, or otherwise restrict consent to release information by notifying the department in writing.

(2) The department may charge a reasonable fee to any person seeking to enter, change, or use information in the registry. The department shall deposit such fees in a trust fund to be used by the department only for the efficient administration of this section. The department and agencies shall make counseling available for a fee to all persons seeking to use the registry, and the department shall inform all affected persons of the availability of such counseling.

(3) The department, intermediary, or licensed child-placing agency must inform the birth parents before parental rights are terminated, and the adoptive parents before placement, in writing, of the existence and purpose of the registry established under this section, but failure to do so does not affect the validity of any proceeding under this chapter.

Section 116. Section 63.182, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 63.182, F.S., for present text.)

63.182 Statute of repose.—An action or proceeding of any kind to vacate, set aside, or otherwise nullify an order of adoption or an underlying order terminating parental rights on any ground, including fraud or duress, must be filed within 1 year after entry of the order terminating parental rights.

Section 117. Section 63.207, Florida Statutes, is amended to read:

63.207 Out-of-state placement.—

(1) Unless the *minor* ~~child~~ is to be placed with a relative within the third degree or with a stepparent, *or is a special needs child as defined in s. 409.166, an adoption entity may not* ~~no person except an intermediary, an agency, or the department shall~~:

(a) Take or send a *minor* ~~child~~ out of the state for the purpose of placement for adoption; or

(b) Place or attempt to place a *minor* ~~child~~ for the purpose of adoption with a family who primarily lives and works outside Florida in another state. ~~An intermediary may place or attempt to place a child for adoption in another state only if the child is a special needs child as that term is defined in s. 409.166.~~ If an *adoption entity* ~~intermediary~~ is acting under this subsection, the *adoption entity must* ~~intermediary shall~~ file a petition for declaratory statement pursuant to s. 63.102 for prior approval of fees and costs. The court shall review the costs pursuant to s. 63.097. The petition for declaratory statement must be converted to a petition for an adoption upon placement of the *minor* ~~child~~ in the home. The circuit court in this state must retain jurisdiction over the matter until the adoption becomes final. The adoptive parents must come to this state to have the adoption finalized. Violation of the order subjects the *adoption entity* ~~intermediary~~ to contempt of court and to the penalties provided in s. 63.212.

(2) An *adoption entity* ~~intermediary~~ may not counsel a birth mother to leave the state for the purpose of giving birth to a child outside the state in order to secure a fee in excess of that permitted under s. 63.097 when it is the intention that the child is to be placed for adoption outside the state.

(3) When applicable, the Interstate Compact on the Placement of Children authorized in s. 409.401 shall be used in placing children outside the state for adoption.

Section 118. Section 63.212, Florida Statutes, is amended to read:

63.212 Prohibited acts; penalties for violation.—

(1) It is unlawful for any person:

(a) Except *an adoption entity* ~~the department, an intermediary, or an agency~~, to place or attempt to place a *minor* ~~child~~ for adoption with a person who primarily lives and works outside this state unless the *minor* ~~child~~ is placed with a relative within the third degree or with a stepparent *or is a special needs child as defined in s. 409.166*. An *adoption entity* ~~intermediary~~ may place or attempt to place a special needs child for adoption with a person who primarily lives and works outside this state only if the *adoption entity* ~~intermediary~~ has a declaratory statement from the court establishing the fees to be paid *under s. 63.207*. This requirement does not apply if the *minor* ~~child~~ is placed with a relative within the third degree or with a stepparent.

(b) Except *an adoption entity* ~~the department, an intermediary, or an agency~~, to place or attempt to place a *minor* ~~child~~ for adoption with a family whose primary residence and place of employment is in another state unless the *minor* ~~child~~ is placed with a relative within the third degree or with a stepparent. An *adoption entity* ~~intermediary~~ may place or attempt to place a special needs child for adoption with a family whose primary residence and place of employment is in another state only if the *adoption entity* ~~intermediary~~ has a declaratory statement from the court establishing the fees to be paid. This requirement does not apply if the *special needs* child is placed with a relative within the third degree or with a stepparent.

(c) Except *an adoption entity* ~~the Department of Children and Family Services, an agency, or an intermediary~~, to place or attempt to place within the state a *minor* ~~child~~ for adoption unless the *minor* ~~child~~ is placed with a relative within the third degree or with a stepparent. This prohibition, however, does not apply to a person who is placing or attempting to place a *minor* ~~child~~ for the purpose of adoption with the *adoption entity* ~~Department of Children and Family Services or an agency or through an intermediary~~.

(d) To sell or surrender, or to arrange for the sale or surrender of, a *minor* ~~child~~ to another person for money or anything of value or to receive such minor child for such payment or thing of value. If a *minor* ~~child~~ is being adopted by a relative within the third degree or by a stepparent, or is being adopted through *an adoption entity, this paragraph does not prohibit* ~~the Department of Children and Family Services, an agency, or an intermediary, nothing herein shall be construed as prohibiting~~ the person who is contemplating adopting the child from paying, *under s. 63.097 and s. 63.132*, the actual prenatal care and living expenses of the mother of the child to be adopted, nor from paying, *under s. 63.097 and s. 63.132*, the actual living and medical expenses of such mother for a reasonable time, not to exceed 6 weeks, if medical needs require such support, after the birth of the *minor* ~~child~~.

(e) Having the rights and duties of a parent with respect to the care and custody of a minor to assign or transfer such parental rights for the purpose of, incidental to, or otherwise connected with, selling or offering to sell such rights and duties.

(f) To assist in the commission of any act prohibited in paragraph (a), paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

(g) Except *an adoption entity* ~~the Department of Children and Family Services or an agency~~, to charge or accept any fee or compensation of any nature from anyone for making a referral in connection with an adoption.

(h) Except *an adoption entity* ~~the Department of Children and Family Services, an agency, or an intermediary~~, to advertise or offer to the public, in any way, by any medium whatever that a *minor* ~~child~~ is available for adoption or that a *minor* ~~child~~ is sought for adoption; and further, it is unlawful for any person to publish or broadcast any such advertisement without including a Florida license number of the agency *or*~~,~~ attorney~~, or physician~~ placing the advertisement.

(i) To contract for the purchase, sale, or transfer of custody or parental rights in connection with any child, ~~or~~ in connection with any fetus yet unborn, or in connection with any fetus identified in any way but not yet conceived, in return for any valuable consideration. Any such contract is void and unenforceable as against the public policy of this state. However, fees, costs, and other incidental payments made in accordance with statutory provisions for adoption, foster care, and child welfare are permitted, and a person may agree to pay expenses in connection with a preplanned adoption agreement as specified below, but the payment of such expenses may not be conditioned upon the transfer of parental rights. Each petition for adoption which is filed in connection with a preplanned adoption agreement must clearly identify the adoption as a preplanned adoption arrangement and must include a copy of the preplanned adoption agreement for review by the court.

1. Individuals may enter into a preplanned adoption arrangement as specified herein, but such arrangement shall not in any way:

a. Effect final transfer of custody of a child or final adoption of a child, without review and approval of the department and the court, and without compliance with other applicable provisions of law.

b. Constitute consent of a mother to place her child for adoption until 7 days following birth, and unless the court making the custody determination or approving the adoption determines that the mother was aware of her right to rescind within the 7-day period following birth but chose not to rescind such consent.

2. A preplanned adoption arrangement shall be based upon a preplanned adoption agreement *that must* ~~which shall~~ include, but need not be limited to, the following terms:

a. That the volunteer mother agrees to become pregnant by the fertility technique specified in the agreement, to bear the child, and to terminate any parental rights and responsibilities to the child she might have through a written consent executed at the same time as the preplanned adoption agreement, subject to a right of rescission by the volunteer mother any time within 7 days after the birth of the child.

b. That the volunteer mother agrees to submit to reasonable medical evaluation and treatment and to adhere to reasonable medical instructions about her prenatal health.

c. That the volunteer mother acknowledges that she is aware that she will assume parental rights and responsibilities for the child born to her as otherwise provided by law for a mother, if the intended father and intended mother terminate the agreement before final transfer of custody is completed, or if a court determines that a parent clearly

specified by the preplanned adoption agreement to be the biological parent is not the biological parent, or if the preplanned adoption is not approved by the court pursuant to the Florida Adoption Act.

d. That an intended father who is also the biological father acknowledges that he is aware that he will assume parental rights and responsibilities for the child as otherwise provided by law for a father, if the agreement is terminated for any reason by any party before final transfer of custody is completed or if the planned adoption is not approved by the court pursuant to the Florida Adoption Act.

e. That the intended father and intended mother acknowledge that they may not receive custody or the parental rights under the agreement if the volunteer mother terminates the agreement or if the volunteer mother rescinds her consent to place her child for adoption within 7 days after birth.

f. That the intended father and intended mother may agree to pay all reasonable legal, medical, psychological, or psychiatric expenses of the volunteer mother related to the preplanned adoption arrangement, and may agree to pay the reasonable living expenses of the volunteer mother. No other compensation, whether in cash or in kind, shall be made pursuant to a preplanned adoption arrangement.

g. That the intended father and intended mother agree to accept custody of and to assert full parental rights and responsibilities for the child immediately upon the child's birth, regardless of any impairment to the child.

h. That the intended father and intended mother shall have the right to specify the blood and tissue typing tests to be performed if the agreement specifies that at least one of them is intended to be the biological parent of the child.

i. That the agreement may be terminated at any time by any of the parties.

3. A preplanned adoption agreement shall not contain any provision:

a. To reduce any amount paid to the volunteer mother if the child is stillborn or is born alive but impaired, or to provide for the payment of a supplement or bonus for any reason.

b. Requiring the termination of the volunteer mother's pregnancy.

4. An attorney who represents an intended father and intended mother or any other attorney with whom that attorney is associated shall not represent simultaneously a female who is or proposes to be a volunteer mother in any matter relating to a preplanned adoption agreement or preplanned adoption arrangement.

5. Payment to agents, finders, and intermediaries, including attorneys and physicians, as a finder's fee for finding volunteer mothers or matching a volunteer mother and intended father and intended mother is prohibited. Doctors, psychologists, attorneys, and other professionals may receive reasonable compensation for their professional services, such as providing medical services and procedures, legal advice in structuring and negotiating a preplanned adoption agreement, or counseling.

6. As used in this paragraph, the term:

a. "Blood and tissue typing tests" include, but are not limited to, tests of red cell antigens, red cell isoenzymes, human leukocyte antigens, and serum proteins.

b. "Child" means the child or children conceived by means of an insemination that is part of a preplanned adoption arrangement.

c. "Fertility technique" means artificial embryonation, artificial insemination, whether in vivo or in vitro, egg donation, or embryo adoption.

d. "Intended father" means a male who, as evidenced by a preplanned adoption agreement, intends to have the parental rights and responsibilities for a child conceived through a fertility technique, regardless of whether the child is biologically related to the male.

e. "Intended mother" means a female who, as evidenced by a preplanned adoption agreement, intends to have the parental rights and responsibilities for a child conceived through a fertility technique, regardless of whether the child is biologically related to the female.

f. "Parties" means the intended father and intended mother, the volunteer mother and her husband, if she has a husband, who are all parties to the preplanned adoption agreement.

g. "Preplanned adoption agreement" means a written agreement among the parties that specifies the intent of the parties as to their rights and responsibilities in the preplanned adoption arrangement, consistent with the provisions of this act.

h. "Preplanned adoption arrangement" means the arrangement through which the parties enter into an agreement for the volunteer mother to bear the child, for payment by the intended father and intended mother of the expenses allowed by this act, for the intended father and intended mother to assert full parental rights and responsibilities to the child if consent to adoption is not rescinded after birth by the volunteer mother, and for the volunteer mother to terminate, subject to a right of rescission, in favor of the intended father and intended mother all her parental rights and responsibilities to the child.

i. "Volunteer mother" means a female person at least 18 years of age who voluntarily agrees, subject to a right of rescission, that if she should become pregnant pursuant to a preplanned adoption arrangement, she will terminate in favor of the intended father and intended mother her parental rights and responsibilities to the child.

(2) *This section does not* ~~Nothing herein shall be construed to~~ prohibit a licensed child-placing agency from charging fees reasonably commensurate to the services provided.

(3) It is unlawful for any *adoption entity* ~~intermediary~~ to fail to report to the court, prior to placement, the intended placement of a *minor* ~~child~~ for purposes of adoption with any person not a stepparent or a relative within the third degree, if the *adoption entity* ~~intermediary~~ participates in such intended placement.

(4) It is unlawful for any *adoption entity* ~~intermediary~~ to charge any fee over $1,000 and those costs as set out in paragraph (1)(d) over $2,500, other than for actual documented medical costs, court costs, and hospital costs unless such fee is approved by the court prior to the assessment of the fee by the *adoption entity* ~~intermediary~~ and upon a showing of justification for the larger fee.

(5) It is unlawful for any *adoption entity* ~~intermediary~~ to counsel a birth mother to leave the state for the purpose of giving birth to a child outside the state in order to secure a fee in excess of that permitted under s. 63.097 when it is the intention that the child be placed for adoption outside the state.

(6) It is unlawful for any *adoption entity* ~~intermediary~~ to obtain a preliminary home study or final home investigation and fail to disclose the existence of the study to the court.

(7) A person who violates any provision of this section, excluding paragraph (1)(h), is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who violates paragraph (1)(h) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083; and each day of continuing violation shall be considered a separate offense.

Section 119. *Section 63.072, Florida Statutes, is repealed.*

Section 120. *Any petition for adoption filed before October 1, 1998, shall be governed by the law in effect at the time the petition was filed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 297, line 30 through page 298, line 24, delete those lines and insert: process; renumbering and amending s. 39.461, F.S., relating to petition for termination of parental rights, and filing and elements thereof; removing provisions authorizing licensed child-placing agencies to file actions to terminate parental rights; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions

and pleadings for which no answer is required; deleting references to licensed child-placing agencies; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to postdisposition relief; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions in this state; amending s. 63.032, F.S.; revising definitions; defining the term "adoption entity"; creating s. 63.037, F.S.; exempting adoption proceedings that result from a termination of parental rights under ch. 39, F.S., from certain provisions of ch. 63, F.S.; creating s. 63.038, F.S.; providing criminal penalties for committing certain fraudulent acts; creating s. 63.039, F.S.; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor who has been placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; permitting an affidavit of nonpaternity under certain circumstances; amending s. 63.082, F.S.; revising requirements for executing a consent to an adoption; providing a time period for withdrawing consent; providing additional disclosure requirements; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the birth parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a birth parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; creating s. 63.088, F.S.; providing requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing requirements for the notice; providing requirements for conducting a diligent search for such person whose location is unknown; requiring that an unlocated or unidentified person be served notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing procedures for the proceeding to terminate parental rights pending adoption; specifying the matters to be determined; specifying grounds upon which parental rights may be terminated; providing for procedures following a judgment; providing for records to be made part of the subsequent adoption; amending s. 63.092, F.S.; providing requirements to be met if a prospective placement in an adoptive home is an at-risk placement; defining at-risk placement; amending s. 63.097, F.S.; revising requirements for the court in approving specified fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; amending s. 63.112, F.S.; revising requirements for the information that must be included in a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S., relating to the final home investigation; conforming provisions to changes made by the act; amending s. 63.132, F.S.; revising requirements for the report of expenditures and receipts which is filed with the court; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.152, F.S.; requiring that the clerk of the court mail a copy of a new birth record to the state registry of adoption information; amending s. 63.165, F.S.; requiring that a copy of the certified statement of final decree of adoption be included in the state registry of adoption information; requiring that the Department of Children and Family Services maintain such information for a specified period; amending s. 63.182, F.S.; requiring that an action to vacate an order of adoption or an order terminating parental rights pending adoption be filed within a specified period after entry of the order; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S., relating to prohibitions and penalties with respect to adoptions; conforming provisions to changes made by the act; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; creating s. 39.813,

POINT OF ORDER

Senator Silver raised a point of order that pursuant to Rule 7.1 **Amendment 1E** was not germane to the bill.

The President referred the point to Senator Bankhead, Chairman of the Committee on Rules and Calendar.

On motion by Senator Rossin, further consideration of **HB 1019** with pending **Amendment 1**, **Amendment 1C**, **Amendment 1D** and **Amendment 1E** was deferred.

On motion by Senator Latvala—

CS for CS for SB's 2024 and 2648—A bill to be entitled An act relating to the Florida Forever Program; creating s. 259.202, F.S.; providing for the Florida Forever Program Act; providing legislative findings and intent relating to the acquisition of lands for conservation, ecosystem restoration, recreation, water resource and water supply development, and urban green space and recreational opportunities; providing a process for surplusing Florida Forever lands; authorizing the sale of up to $3 billion in bonds to implement the Florida Forever Program; providing for alternatives to fee simple acquisitions, providing a limitation on such acquisitions; providing a funding mechanism for the State Lands Management Trust Fund, which is to be created by general law; providing for the continuation of existing debt service payments for prior bond issues; providing uses for the State Lands Management Trust Fund; creating the Preservation 2000 Program Review Study Commission; providing for membership of the commission and its duties; requiring a report; providing an appropriation; amending s. 259.032, F.S.; revising eligibility requirements for payments in lieu of taxes; providing for payments in lieu of taxes to school boards, as well as to Glades County to compensate the county for its tax loss due to the opening of a prison; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisal reports provided by nonprofit organizations or public agencies; amending s. 259.101, F.S.; requiring the Department of Environmental Protection to fund certain fixed capital outlay projects; requiring the Southwest Florida Water Management District to fund water supply development activities; providing a limitation and requirements; requiring the South Florida Water Management District to fund Everglades restoration; requiring an extraordinary vote of the Board of Trustees of the Internal Improvement Trust Fund before an acquisition may be made in a county having more than 35 percent of its lands in public ownership; providing a limitation on the acquisition of projects using less than fee acquisition alternatives; delaying the redistribution of certain funds; revising accounting procedures relating to a redistribution of certain Preservation 2000 moneys; amending s. 373.59, F.S.; revising eligibility requirements for payments in lieu of taxes; providing for payments in lieu of taxes to school boards; authorizing the Board of Trustees of the Internal Improvement Trust Fund to transfer specified lands to Walton County at a specified price, providing limitations on the use of those lands; amending s. 253.82, F.S.; providing for all transportation easements acquired under the Murphy Act to be conveyed to the Department of Transportation or the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing transportation reservations acquired under the Murphy Act; setting requirements for the review process; providing for compensation of certain property owners when the reservation denies current economic use of the property; providing for mediation or arbitration; amending ss. 712.04, 712.05, F.S.; providing for the release of certain easements held by governmental entities; providing for preservation of certain road easement reservations pursuant to a road project scheduled to begin within a specified period; amending s. 201.15, F.S.; revising the amounts of tax revenues to be distributed for debt service on the Preservation 2000 Program and the Florida Forever Program; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment which failed:

Amendment 1 (with title amendment)—On page 9, line 30 through page 10, line 5, delete those lines and insert:

(4) Proceeds from the sale of bonds to implement the Florida Forever Program may be used for acquisition or management activities and improvements on lands acquired under the program. Such management

activities and improvements include the control of upland and wetland invasive plant species; the control burning of lands; the fencing of lands; the construction, reconstruction, repair, and renovation of service facilities, such as sanitary facilities and other public-use buildings; and the provision of utility services, such as garbage services and other management activities to improve and protect lands acquired under the program.

Section 2. *The Legislature finds that the sale of bonds to implement the Florida Forever Program is an appropriate mechanism to meet the needs of future generations to enjoy the outdoors and natural resources of Florida forever and intends that the sale of up to $1.5 billion in bonds be authorized over the 10-year period beginning July 1, 2001, and ending July 1, 2010. Sixty percent of bond proceeds shall be used for land management activities as specified in section 259.202(4), Florida Statutes, and 40 percent of bond proceeds shall be used for the acquisition of lands that exhibit a need for protection based on scientific research.*

And the title is amended as follows:

On page 1, lines 11 and 12, delete those lines and insert: surplusing Florida Forever lands; authorizing use of bond proceeds for management activities and certain improvements; authorizing the sale of up to $1.5 billion in bonds to

Senator Latvala moved the following amendments which were adopted:

Amendment 2—On page 16, lines 5-7, delete those lines and insert:

3. Beginning in fiscal year 1998-1999 and thereafter, to school boards in counties with a population of 100,000 or less which do not contain all or a portion of an area of critical state concern designated pursuant to chapter 380 that levy the maximum millage pursuant to s. 236.25(1) and (2) and to school boards in counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380.

Amendment 3—On page 17, line 3, before the period (.) insert: *, except the payment amount for school boards in counties with a population of 100,000 or less which do not contain all or a portion of an area of critical state concern designated pursuant to chapter 380 shall be calculated based only on the value of the millage levied pursuant to s. 236.25(1) and (2) on purchases completed after July 1, 1998*

Senator Diaz-Balart offered the following amendment which was moved by Senator Latvala and adopted:

Amendment 4—On page 22, line 25, after the period (.) insert: *Extra consideration shall also be given to projects that are joint acquisitions with other governmental entities.*

Senator Latvala moved the following amendments which were adopted:

Amendment 5—On page 26, lines 19-26, delete those lines and insert: designated pursuant to chapter 380*; and, beginning in fiscal year 1998-1999, to school boards in counties with a population of 100,000 or less which do not contain all or a portion of an area of critical state concern designated pursuant to chapter 380 that levy the maximum millage pursuant to s. 236.25(1) and (2) and to school boards in counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380.*

Amendment 6—On page 27, line 3, before the period (.) insert: *, except the payment amount for school boards in counties with a population of 100,000 or less which do not contain all or a portion of an area of critical state concern designated pursuant to chapter 380 shall be calculated based only on the value of the millage levied pursuant to s. 236.25(1) and (2) on purchases completed after July 1, 1998*

Senator Clary moved the following amendment which was adopted:

Amendment 7—On page 27, line 29 through page 28, line 1, delete those lines and insert:

Section 10. *(1) Notwithstanding any provision to the contrary in chapter 259 or chapter 253, Florida Statutes, the Board of Trustees of the Internal Improvement Trust Fund, pursuant to chapters 93-184 and 95-275, Laws of Florida, shall convey the lands located*

Senator Latvala moved the following amendment which was adopted:

Amendment 8 (with title amendment)—On page 31, between lines 15 and 16, insert:

Section 12. Subsection (1) of section 380.504, Florida Statutes, is amended to read:

380.504 Florida Communities Trust; creation; membership; expenses.—

(1) There is created within the Department of Community Affairs a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, known as the "Florida Communities Trust." The governing body of the trust shall consist of:

(a) The Secretary of Community Affairs, ~~and~~ the Secretary of Environmental Protection*, and the director of the Division of Historical Resources in the Department of State*; and

(b) Three public members whom the Governor shall appoint subject to Senate confirmation.

The Governor shall appoint a former elected official of a local government, a representative of a nonprofit organization as defined in this part, and a representative of the development industry. The Secretary of Community Affairs may designate his or her assistant secretary or the director of the Division of Resource Planning and Management to serve in his or her absence. The Secretary of Environmental Protection may appoint his or her assistant executive director, the deputy assistant director for Land Resources, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in his or her absence. The Secretary of Community Affairs shall be the chair of the governing body of the trust. The Governor shall make his or her appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 11, after the semicolon (;) insert: amending s. 380.504, F.S.; revising the membership of the governing body of the Florida Communities Trust;

Pursuant to Rule 4.19, **CS for CS for SB's 2024 and 2648** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SJR 1008—A joint resolution proposing an amendment to Section 14 of Article VII of the State Constitution, relating to bonds for pollution control and abatement and other water facilities, decreasing debt service requirements for the bonds.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendment which was moved by Senator Latvala and adopted:

Amendment 1 (with title amendment)—Delete everything after the resolving clause and insert:

That the following amendment to Section 11 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 11. State bonds; revenue bonds.—

(a) State bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, upon approval by a vote of the electors; provided state bonds issued pursuant to this subsection may be refunded without a vote of the electors at a lower net average interest cost rate. The total outstanding principal of state bonds issued pursuant to this subsection shall never exceed fifty percent of the total tax revenues of the state for the two preceding fiscal years, excluding any tax revenues held in trust under the provisions of this constitution.

(b) Moneys sufficient to pay debt service on state bonds as the same becomes due shall be appropriated by law.

(c) Any state bonds pledging the full faith and credit of the state issued under this section or any other section of this constitution may be combined for the purposes of sale.

(d) Revenue bonds may be issued by the state or its agencies without a vote of the electors to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, and shall be payable solely from funds derived directly from sources other than state tax revenues.

(e) Bonds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.

(f)~~(e)~~ Each project, building, or facility to be financed or refinanced with revenue bonds issued under this section shall first be approved by the Legislature by an act relating to appropriations or by general law.

Be It Further Resolved that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 11

STATE BONDS; REVENUE BONDS.—Proposing an amendment to the State Constitution to allow bonds to be issued pledging all or part of a dedicated state tax revenue as provided by general law to finance the acquisition and improvement of land, water areas, and related property interests for the purpose of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.

And the title is amended as follows:

Delete everything before the resolving clause and insert: Senate Joint Resolution No. 1008 A joint resolution proposing an amendment to Section 11 of Article VII of the State Constitution, relating to revenue bonds for natural resource conservation, outdoor recreation, and water resource development purposes.

Pursuant to Rule 4.19, **SJR 1008** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1338—A bill to be entitled An act relating to a special election to be held on September 1, 1998, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution amending Section 11 of Article VII of the State Constitution, which authorizes the issuance of state bonds to finance or refinance conservation, outdoor recreation, and water resource development projects; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1338** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB's 312 and 2298—A bill to be entitled An act relating to water resource management; amending s. 373.016, F.S.; providing legislative policy relating to state and regional water resource management; encouraging use of water from sources nearest the area of need; providing an exception; amending s. 373.196, F.S.; clarifying legislative intent that water resource development is a function of the water management districts; amending s. 373.1962, F.S.; providing an exemption for water supply authorities under certain circumstances from certain factors for consumptive use permits; amending s. 373.223, F.S.; directing the Department of Environmental Protection or water management district governing board to consider certain factors when determining the public interest for the transport and use of water across county boundaries or outside the watershed; amending s. 373.229, F.S.; requiring additional information in permit applications for proposed transport and use of water pursuant to s. 373.223(2), F.S.; reenacting s. 373.536(5)(c), F.S.; clarifying intent with respect to language inadvertently omitted by legislative action; amending ss. 373.036, 373.209, 373.226, 373.421, F.S.; correcting cross-references; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendments which were moved by Senator Brown-Waite and adopted:

Amendment 1—On page 4, line 17, after "Project" insert: *, and anywhere in the state when the transport and use of water is supplied exclusively for bottled water as defined in s. 500.03(1)(d),*

Amendment 2—On page 3, line 2, after "(d)" insert: *, nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in section 366.02(2)*

SENATOR BANKHEAD PRESIDING

The Committee on Community Affairs recommended the following amendment which was moved by Senator Brown-Waite and failed:

Amendment 3—On page 3, line 25, after "373.1963(1)" insert: *, if applicable,*

Senator Latvala moved the following amendment which was adopted:

Amendment 4—On page 3, line 25, after "*373.1963(1)*" insert: *(b)*

Senator Clary moved the following amendment which was adopted:

Amendment 5—On page 4, line 17, after "*Project*" insert: *, any water use permit applications pending as of April 1, 1998, with the Northwest Florida Water Management District*

Senator Laurent moved the following amendment which was adopted:

Amendment 6—On page 4, line 22, delete "*or outside the watershed from which it is taken*"

Senators McKay and Laurent offered the following amendment which was moved by Senator McKay and adopted:

Amendment 7—On page 5, between lines 17 and 18, insert:

(g) The value of the existing capital investment in water-related infrastructure made by the applicant.

Senator Laurent moved the following amendment which was adopted:

Amendment 8—On page 5, line 31 through page 6, line 1, delete those lines and insert: *and use of water across county boundaries shall include information*

Pursuant to Rule 4.19, **CS for SB's 312 and 2298** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **CS for HB 4027** was withdrawn from the Committees on Natural Resources and Community Affairs.

On motion by Senator Latvala, by two-thirds vote—

CS for HB 4027—A bill to be entitled An act relating to regional water supply authorities; amending s. 120.52, F.S.; providing that a member government is not considered a party in administrative proceedings under certain conditions; amending s. 373.1963, F.S.; revising criteria for governance of the West Coast Regional Water Supply Authority and its member governments under interlocal agreements; declaring legislative intent to supersede other laws; repealing s. 373.1963(5), F.S., relating to a process for review of a consumptive use permit; amending s. 682.02, F.S.; providing for the arbitration of certain controversies concerning water use; amending s. 768.28, F.S.; allowing an authority to indemnify its member governments; providing an effective date.

—a companion measure, was substituted for **CS for SB 1442** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 4027** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Laurent, by two-thirds vote **CS for CS for HB 4141** was withdrawn from the Committee on Natural Resources.

On motion by Senator Laurent, by two-thirds vote—

CS for CS for HB 4141—A bill to be entitled An act relating to water resources; creating s. 373.45923, F.S.; providing legislative findings and intent; authorizing the South Florida Water Management District to participate as local sponsor for the Restudy of the Central and Southern Florida Project; providing duties of the Joint Legislative Committee on Everglades Oversight; providing for public hearings; providing reporting requirements; providing for project cooperation agreements; providing for legislative authorization; providing an effective date.

—a companion measure, was substituted for **CS for SB 2356** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 4141** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for SB 2542—A bill to be entitled An act relating to wastewater treatment systems; amending s. 381.0065, F.S.; revising guidelines and procedures for granting variances for such systems; revising membership of the department's variance review and advisory committee; providing criteria for use of guttering; amending s. 381.0068, F.S.; revising duties and procedures of the department's technical review and advisory panel; providing for the transfer of a certain amount from the Solid Waste Trust Fund to the State Housing Trust Fund for the purposes of funding wastewater treatment systems; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 10, line 23 through page 11, line 19, delete section 7 and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 11-14, delete those lines and insert: panel; providing

Pursuant to Rule 4.19, **CS for SB 2542** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, by two-thirds vote **CS for HB 3035** was withdrawn from the Committees on Judiciary; and Ways and Means.

On motion by Senator Holzendorf, the rules were waived and—

CS for HB 3035—A bill to be entitled An act for the relief of Freddie Lee Pitts and Wilbert Lee; providing for a hearing to be conducted by the Division of Administrative Hearings; requiring the Department of Legal Affairs to represent the state; providing a contingent appropriation to compensate Freddie Lee Pitts and Wilbert Lee, if appropriate; providing a contingent appropriation for the payment of attorneys' fees; providing an effective date.

—a companion measure, was substituted for **CS for SB 68** and read the second time by title.

Senators Holzendorf and Dudley offered the following amendment which was moved by Senator Holzendorf:

Amendment 1—Delete everything after the enacting clause and insert:

Section 1. *The Division of Administrative Hearings is directed to appoint an administrative law judge to conduct a hearing and determine whether a basis for equitable relief exists for the purpose of compensating claimants Freddie Lee Pitts and Wilbert Lee for any wrongful act or omission of the State of Florida, or officials thereof, which affected the fundamental fairness of the criminal proceedings against the claimants and resulted in their convictions. In conducting the hearing, the administrative law judge shall review the trial and appellate record of the criminal cases against the claimants, the record of the legislative proceedings, and the Cabinet pardon proceedings and shall report on the fundamental fairness thereof. The Department of Legal Affairs is directed to provide representation for the State of Florida.*

Section 2. *If the administrative law judge determines by a preponderance of the evidence that the State of Florida, or officials, thereof, committed a wrongful act and that a basis for equitable relief exists, the administrative law judge is authorized to award claimants Freddie Lee Pitts and Wilbert Lee the amount of $500,000 each. The determination of the administrative law judge shall be reported to the President of the Florida Senate and the Speaker of the Florida House of Representatives no later than August 1, 1998. The Comptroller is authorized to draw a warrant in satisfaction of the relief awarded by the administrative law judge as provided in this act, and the State Treasurer is directed to pay the same out of funds appropriated in section 3 of this act.*

Section 3. *The amount of $1,250,000 is hereby appropriated from the General Revenue Fund in the State Treasury to fund any amounts awarded to Freddie Lee Pitts and Wilbert Lee pursuant to this act, including amounts awarded pursuant to section 4 of this act.*

Section 4. *In addition to any funds awarded to claimants, if the claimants are determined to be prevailing parties, the administrative law judge is authorized to award a reasonable attorney's fee including all costs to the claimants in an amount not to exceed 25 percent of the compensation awarded.*

Section 5. This act shall take effect upon becoming a law.

Senators Jones and Klein offered the following amendment to **Amendment 1** which was moved by Senator Jones and failed:

Amendment 1A—On page 2, lines 5-13, delete those lines and insert: *Wilbert Lee the amount of $1 million each. The determination of the administrative law judge shall be reported to the President of the Florida Senate and the Speaker of the Florida House of Representatives no later than August 1, 1998. The Comptroller is authorized to draw a warrant in satisfaction of the relief awarded by the administrative law judge as provided in this act, and the State Treasurer is directed to pay the same out of funds appropriated in section 3 of this act.*

Section 3. *The amount of $2.5 million is hereby*

Senator Silver moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B—On page 1, between lines 16 and 17, insert:

Section 1. *This act may be cited as the "Maurice Rosen Act."*

(Redesignate subsequent sections.)

Amendment 1 as amended was adopted.

On motion by Senator Holzendorf, further consideration of **CS for HB 3035** as amended was deferred.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until 7:30 p.m. this day.

RECESS

The President declared the Senate in informal recess at 5:22 p.m. to reconvene at 5:30 p.m.

CALL TO ORDER

The Senate was called to order by the President at 5:37 p.m. A quorum present.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Rossin, the Senate resumed consideration of—

HB 1019—A bill to be entitled An act relating to marriage; creating ss. 741.0305, 741.0306, and 741.0307, F.S., the "Marriage Preparation and Preservation Act of 1998"; providing legislative findings and purpose; requiring the creation of a handbook pertaining to the rights and responsibilities under Florida law of marital partners; amending s. 741.0306, F.S., to provide criteria to be contained in the handbook; amending s. 741.04, F.S.; providing that verification that both parties contemplating marriage have obtained and read the information contained in the handbook created pursuant to s. 741.0307, F.S., is a condition precedent to issuance of a marriage license; amending s. 741.05, F.S., to conform; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; designating such course as the parent education and family stabilization course; providing legislative findings and purpose; authorizing the court in any action between parents in which the custody or support of a minor child is an issue to order parties to attend the family education and stabilization course if the court finds attendance to be in the best interests of the child or children; providing procedures and guidelines for required attendance; requiring parties to file proof of compliance with the court; authorizing a course fee; authorizing each judicial circuit to establish a registry of course providers and sites; authorizing the court to grant exemption from required course attendance; providing parent education and family stabilization course curriculum; providing qualifications and duties of course providers; amending s. 232.246, F.S.; including marriage and relationship education within the life management skills credit required for graduation from high school; amending s. 28.101, F.S.; providing an additional charge for petition for a dissolution of marriage; providing for deposit of such funds in the Family Courts Trust Fund; amending s. 25.388, F.S.; providing an additional source of funding for the Family Courts Trust Fund; providing an effective date.

—with pending **Amendment 1**, **Amendment 1C**, **Amendment 1D** and **Amendment 1E** with a pending point of order by Senator Silver. **Amendment 1C** and **Amendment 1D** by Senator Ostalkiewicz were withdrawn.

RULING ON POINT OF ORDER

Recommendation by Senator Bankhead, Chairman of the Committee on Rules and Calendar, on Senator Silver's point of order on **Amendment 1E** by Senator Dudley: We have applied the standard Mason's Manual as well as the Senate's Germanity analysis procedures to Senator Dudley's Amendment to Senator Rossin's Amendment:

Test One: *Do they relate to the same subject?* Yes, they relate to the same subject, in large part. They both have significant termination of parental rights sections in them, and they both have significant permanent placement leading to adoption provisions in them.

Test Two: *Are they in a natural and logical sequence?* Yes, both are in logical and natural sequence to each other—they have intertwined provisions. One takes up where the other leaves off.

Test Three: *Does the amendment by Senator Dudley introduce an independent new question?* Well, they are both independent bills in the system, but not on a new subject.

Accordingly, I recommend to you that the amendment by Senator Dudley is germane and that Senator Silver's point of order is not well taken.

Ruling by the President

The President ruled the point of order not well taken.

The question recurred on **Amendment 1E** by Senator Dudley which was adopted.

Senator Campbell moved the following amendment to **Amendment 1** which was adopted:

Amendment 1F—On page 82, delete line 25 and insert:

(10) A person who knowingly and willfully makes a false report of abuse, abandonment, or neglect of a child, or a person who counsels another to make a false report may be civilly liable for damages suffered including reasonable attorney fees and costs as a result of the filing of the false report. If the name of the person who filed the false report or counseled another to do so has not been disclosed under subsection (9), the department as custodian of the records may be named as a party in the suit until the court determines upon an in camera inspection of the records and report that there is a reasonable basis for believing that the report was false and that the identity of the reporter may be disclosed for the purpose of proceeding with a lawsuit for civil damages resulting from the filing of the false report. The alleged perpetrator may submit witness affidavits to assist the court in making this initial determination.

(11) ~~(10)~~ Any person making a report who is acting in good

Senator Rossin moved the following amendment to **Amendment 1** which was adopted:

Amendment 1G—On page 9, delete line 31 and insert: *marriage license. Exceptions must be granted to non-Florida residents seeking a marriage license from the state and for individuals asserting hardship. Marriage license fee waivers shall continue to be available to all eligible individuals. For state residents, a county court judge issuing a marriage*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1019** as amended was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for HB 3035—A bill to be entitled An act for the relief of Freddie Lee Pitts and Wilbert Lee; providing for a hearing to be conducted by the Division of Administrative Hearings; requiring the Department of Legal Affairs to represent the state; providing a contingent appropriation to compensate Freddie Lee Pitts and Wilbert Lee, if appropriate; providing a contingent appropriation for the payment of attorneys' fees; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Holzendorf, the Senate reconsidered the vote by which **Amendment 1** as amended was adopted.

Senators Jones and Klein offered the following amendment to **Amendment 1** which was moved by Senator Jones and adopted:

Amendment 1C—On page 2, line 8, delete "*August*" and insert: *July*

Amendment 1 as amended was adopted.

On motion by Senator Holzendorf, by two-thirds vote **CS for HB 3035** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—1

Thomas

On motion by Senator Campbell, the Senate resumed consideration of—

HB 367—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Study Act"; requiring school districts to reduce the teacher-to-student ratio in certain schools; requiring the Department of Education to conduct a study of the efficacy of class size reductions; providing legislative goals; providing an effective date.

—which was previously considered and amended this day.

Senator Williams moved the following amendment which failed:

Amendment 2—On page 1, line 15, after "*district*" insert: *, which has more than ten elementary schools,*

The vote was:

Yeas—12

Bankhead	Grant	Laurent	Ostalkiewicz
Bronson	Horne	McKay	Sullivan
Geller	Kirkpatrick	Myers	Williams

Nays—22

Campbell	Diaz-Balart	Jones	Rossin
Casas	Dudley	Klein	Scott
Childers	Forman	Kurth	Silver
Clary	Gutman	Latvala	Turner
Cowin	Hargrett	Lee	
Crist	Holzendorf	Meadows	

Pursuant to Rule 4.19, **HB 367** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 244—A bill to be entitled An act relating to drycleaning solvent cleanup; amending s. 376.30, F.S.; providing legislative intent regarding drycleaning solvents; amending s. 376.301, F.S.; providing definitions; amending s. 376.303, F.S.; providing for late fees for registration renewals; amending s. 376.3078, F.S.; providing legislative intent regarding voluntary cleanup; providing that certain deductibles must be deposited into the Water Quality Assurance Trust Fund; clarifying circumstances under which drycleaning restoration fund may not be used; providing additional criteria for determining eligibility for rehabilitation; specifying when certain deductibles must be paid; amending the date after which no restoration funds may be used for drycleaning site rehabilitation; clarifying who may apply jointly for participation in the program; providing certain liability immunity for certain adjacent landowners; providing for contamination cleanup criteria that incorporate risk-based corrective action principles to be adopted by rule; requiring certain third-party liability insurance coverage for each operating facility; eliminating a tax credit for small spills at drycleaning facilities; allowing certain group coverage policies; specifying the circumstances under which work may proceed on the next site rehabilitation task without prior approval; requiring the Department of Environmental Protection to give priority consideration to the processing and approval of permits for voluntary cleanup projects; providing the conditions under which further rehabilitation may be required; providing for continuing application of certain immunity for real property owners; requiring the Department of Environmental Protection to attempt to negotiate certain agreements with the U.S. Environmental Protection Agency; amending s. 376.308, F.S.; protecting certain immunity for real property owners; amending s. 376.313, F.S.; correcting a statutory cross-reference; amending s. 376.70, F.S.; clarifying certain registration provisions; requiring certain facilities to pay the gross receipts tax; providing for the payment of taxes and the determination of eligibility in the program; amending s. 376.75, F.S.; providing that the tax on perchloroethylene is not subject to sales tax; amending ss. 287.0595, 316.302, F.S.; correcting statutory cross-references; amending s. 213.053, F.S.; authorizing the Department of Revenue to release certain information to certain persons; providing an effective date.

—as amended April 27 was read the third time by title.

Senator McKay moved the following amendment:

Amendment 1 (with title amendment)—On page 2, between lines 29 and 30, insert:

Section 1. Section 199.1055, Florida Statutes, is created to read:

199.1055 Contaminated site rehabilitation tax credit.—

(1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

(a) A credit in the amount of 35 percent of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites is allowed against any tax due for a taxable year under s. 199.032, less any credit allowed by s. 220.68 for that year:

1. A drycleaning-solvent-contaminated site eligible for state-funded site rehabilitation under s. 376.3078(3);

2. A drycleaning-solvent-contaminated site at which cleanup is undertaken by the real property owner pursuant to s. 376.3078(11), if the real property owner is not also, and has never been, the owner or operator of the drycleaning facility where the contamination exists; or

3. A brownfield site in a designated brownfield area under s. 376.80.

(b) A taxpayer, or multiple taxpayers working jointly to clean up a single site, may not receive more than $250,000 per year in tax credits for each site voluntarily rehabilitated. Multiple taxpayers shall receive tax credits in the same proportion as their contribution to payment of cleanup costs. Subject to the same conditions and limitations as provided in this section a municipality or county which voluntarily rehabilitates a site may receive not more than $250,000 per year in tax credits which it can subsequently transfer subject to the provisions in (g).

(c) If the credit granted under this section is not fully used in any one year because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 5 years.

(d) A taxpayer that receives a credit under s. 220.1845 is ineligible to receive credit under this section in a given tax year.

(e) A taxpayer that receives state-funded site rehabilitation pursuant to s. 376.3078(3) for rehabilitation of a drycleaning-solvent-contaminated site is ineligible to receive credit under this section for costs incurred by the taxpayer in conjunction with the rehabilitation of that site during the same time period that state-administered site rehabilitation was underway.

(f) The total amount of the tax credits which may be granted under this section and s. 220.1845 is $5 million annually.

(g) 1. Tax credits that may be available under this section to an entity eligible under s. 376.30781 may be transferred after a merger or acquisition to the surviving or acquiring entity and used in the same manner with the same limitations.

2. The entity or its surviving or acquiring entity as described in (g)1., may transfer any unused credit in whole or in units of no less than 25 percent of the remaining credit. The entity acquiring such credit may use it in the same manner and with the same limitation as described in this section. Such transferred credits may not be transferred again although they may succeed to a surviving or acquiring entity subject to the same conditions and limitations as described in this section.

3. In the event the credit provided for under this section is reduced either as a result of a determination by the Department of Environmental Protection or an examination or audit by the Department of Revenue, such tax deficiency shall be recovered from the first entity, or the surviving or acquiring entity, to have claimed such credit up to the amount of credit taken. Any subsequent deficiencies shall be assessed against any entity acquiring and claiming such credit, or in the case of multiple succeeding entities in the order of credit succession.

(h) In order to encourage completion of site rehabilitation at contaminated sites being voluntarily cleaned up and eligible for a tax credit under this section, the taxpayer may claim an additional 10 percent of the total cleanup costs, not to exceed $50,000, in the final year of cleanup as evidenced by the Department of Environmental Protection issuing a "No Further Action" order for that site.

(2) FILING REQUIREMENTS.—Any taxpayer that wishes to obtain credit under this section must submit with its return a tax credit certificate approving partial tax credits issued by the Department of Environmental Protection under s. 376.30781.

(3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT FORFEITURE.—

(a) The Department of Revenue may adopt rules to prescribe any necessary forms required to claim a tax credit under this section and to provide the administrative guidelines and procedures required to administer this section.

(b) In addition to its existing audit and investigation authority relating to chapters 199 and 220, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, or records of the tax credit applicant, which are necessary to verify the site-rehabilitation costs included in a tax credit return and to ensure compliance with this section. The Department of Environmental Protection shall provide technical assistance, when requested by the Department of Revenue, on any technical audits performed under this section.

(c) It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines, as a result of either an audit or information received from the Department of Environmental Protection, that a taxpayer received tax credits under this section to which the taxpayer was not entitled. In the case of fraud, the taxpayer shall be prohibited from claiming any future tax credits under this section or s. 220.1845.

1. The taxpayer is responsible for returning forfeited tax credits to the Department of Revenue and such funds shall be paid into the General Revenue Fund of the state.

2. The taxpayer shall file with the Department of Revenue an amended tax return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax within 60 days after the taxpayer receives notification from the Department of Environmental Protection pursuant to s. 376.30781 that previously approved tax credits have been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.

3. A notice of deficiency may be issued by the Department of Revenue at any time within 5 years after the date the taxpayer receives notification from the Department of Environmental Protection pursuant to s. 376.30781 that previously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any change in its tax credit claimed, a notice of deficiency may be issued at any time. In either case, the amount of any proposed assessment set forth in such notice of deficiency shall be limited to the amount of any deficiency resulting under this section from the recomputation of the taxpayer's tax for the taxable year.

4. Any taxpayer that fails to report and timely pay any tax due as a result of the forfeiture of its tax credit is in violation of this section and is subject to applicable penalty and interest.

Section 2. Subsection (10) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(10) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 220.68, those enumerated in s. 631.719(1), those enumerated in s. 631.705, those enumerated in s. 220.18, those enumerated in s. 631.828, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, ~~and~~ those enumerated in s. 220.188, *and those enumerated in s. 220.1845.*

Section 3. Section 220.1845, Florida Statutes, is created to read:

220.1845 Contaminated site rehabilitation tax credit.—

(1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

(a) A credit in the amount of 35 percent of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites is allowed against any tax due for a taxable year under this chapter:

1. A drycleaning-solvent-contaminated site eligible for state-funded site rehabilitation under s. 376.3078(3);

2. A drycleaning-solvent-contaminated site at which cleanup is undertaken by the real property owner pursuant to s. 376.3078(11), if the real property owner is not also, and has never been, the owner or operator of the drycleaning facility where the contamination exists; or

3. A brownfield site in a designated brownfield area under s. 376.80.

(b) A taxpayer, or multiple taxpayers working jointly to clean up a single site, may not receive more than $250,000 per year in tax credits for each site voluntarily rehabilitated. Multiple taxpayers shall receive tax credits in the same proportion as their contribution to payment of cleanup costs. Subject to the same conditions and limitations as provided in this section a municipality or county which voluntarily rehabilitates a site may receive not more than $250,000 per year in tax credits which it can subsequently transfer subject to the provisions in (h).

(c) If the credit granted under this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for that year exceeds the credit for which the corporation is eligible in that year under this section after applying the other credits and unused carryovers in the order provided by s. 220.02(10).

(d) A taxpayer that files a consolidated return in this state as a member of an affiliated group under s. 220.131(1) may be allowed the credit on a consolidated return basis up to the amount of tax imposed upon and paid by the taxpayer that incurred the rehabilitation costs.

(e) A taxpayer that receives credit under s. 199.1055 is ineligible to receive credit under this section in a given tax year.

(f) A taxpayer that receives state-funded site rehabilitation under s. 376.3078(3) for rehabilitation of a drycleaning-solvent-contaminated site is ineligible to receive credit under this section for costs incurred by the taxpayer in conjunction with the rehabilitation of that site during the same time period that state-administered site rehabilitation was underway.

(g) The total amount of the tax credits which may be granted under this section and s. 199.1055 is $5 million annually.

(h) 1. Tax credits that may be available under this section to an entity eligible under s. 376.30781 may be transferred after a merger or acquisition to the surviving or acquiring entity and used in the same manner and with the same limitations.

2. The entity or its surviving or acquiring entity as described in (h)1., may transfer any unused credit in whole or in units of no less than 25 percent of the remaining credit. The entity acquiring such credit may use it in the same manner and with the same limitation as described in this section. Such transferred credits may not be transferred again although they may succeed to a surviving or acquiring entity subject to the same conditions and limitations as described in this section.

3. In the event the credit provided for under this section is reduced either as a result of a determination by the Department of Environmental Protection or an examination or audit by the Department of Revenue, such tax deficiency shall be recovered from the first entity, or the surviving or acquiring entity, to have claimed such credit up to the amount of credit taken. Any subsequent deficiencies shall be assessed against any entity acquiring and claiming such credit, or in the case of multiple succeeding entities in the order of credit succession.

(i) In order to encourage completion of site rehabilitation at contaminated sites being voluntarily cleaned up and eligible for a tax credit under this section, the taxpayer may claim an additional 10 percent of the total cleanup costs, not to exceed $50,000, in the final year of cleanup as evidenced by the Department of Environmental Protection issuing a "No Further Action" order for that site.

(2) FILING REQUIREMENTS.—Any corporation that wishes to obtain credit under this section must submit with its return a tax credit certificate approving partial tax credits issued by the Department of Environmental Protection under s. 376.30781.

(3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT FORFEITURE.—

(a) The Department of Revenue may adopt rules to prescribe any necessary forms required to claim a tax credit under this section and to provide the administrative guidelines and procedures required to administer this section.

(b) In addition to its existing audit and investigation authority relating to chapters 199 and 220, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, or records of the tax credit applicant, which are necessary to verify the site-rehabilitation costs included in a tax credit return and to ensure compliance with this section. The Department of Environmental Protection shall provide technical assistance, when requested by the Department of Revenue, on any technical audits performed pursuant to this section.

(c) It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines, as a result of either an audit or information received from the Department of Environmental Protection, that a taxpayer received tax credits pursuant to this section to which the taxpayer was not entitled. In the case of fraud, the taxpayer shall be prohibited from claiming any future tax credits under this section or s. 199.1055.

1. The taxpayer is responsible for returning forfeited tax credits to the Department of Revenue and such funds shall be paid into the General Revenue Fund of the state.

2. The taxpayer shall file with the Department of Revenue an amended tax return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax within 60 days after the taxpayer receives notification from the Department of Environmental Protection pursuant to s. 376.30781 that previously approved tax credits have been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.

3. A notice of deficiency may be issued by the Department of Revenue at any time within 5 years after the date the taxpayer receives notification from the Department of Environmental Protection pursuant to s. 376.30781 that previously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any change in its tax credit claimed, a notice of deficiency may be issued at any time. In either case, the amount of any proposed assessment set forth in such notice of deficiency shall be limited to the amount of any deficiency resulting under this section from the recomputation of the taxpayer's tax for the taxable year.

4. Any taxpayer that fails to report and timely pay any tax due as a result of the forfeiture of its tax credit is in violation of this section and is subject to applicable penalty and interest.

Section 4. Section 376.30781, Florida Statutes, is created to read:

376.30781 Partial tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(1) The Legislature finds that:

(a) To facilitate property transactions and economic growth and development, it is in the interest of the state to encourage the cleanup, at the earliest possible time, of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas.

(b) It is the intent of the Legislature to encourage the voluntary cleanup of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas by providing a partial tax credit for the restoration of such property in specified circumstances.

(2)(a) A credit in the amount of 35 percent of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites is allowed pursuant to ss. 199.1055 and 220.1845:

1. A drycleaning-solvent-contaminated site eligible for state-funded site rehabilitation under s. 376.3078(3);

2. A drycleaning-solvent-contaminated site at which cleanup is undertaken by the real property owner pursuant to s. 376.3078(10), if the real property owner is not also, and has never been, the owner or operator of the drycleaning facility where the contamination exists; or

3. A brownfield site in a designated brownfield area under s. 376.80.

(b) A taxpayer, or multiple taxpayers working jointly to clean up a single site, may not receive more than $250,000 per year in tax credits for each site voluntarily rehabilitated. Multiple taxpayers shall receive tax credits in the same proportion as their contribution to payment of cleanup costs. Tax credits are available only for site rehabilitation conducted during the tax year in which the tax credit application is submitted.

(c) In order to encourage completion of site rehabilitation at contaminated sites that are being voluntarily cleaned up and that are eligible for a tax credit under this section, the tax credit applicant may claim an additional 10 percent of the total cleanup costs, not to exceed $50,000, in the final year of cleanup as evidenced by the Department of Environmental Protection issuing a "No Further Action" order for that site.

(3) The Department of Environmental Protection shall be responsible for allocating the tax credits provided for in ss. 199.1055 and 220.1845, not to exceed a total of $5 million in tax credits annually.

(4) To claim the credit, each applicant must apply to the Department of Environmental Protection for an allocation of the $5 million annual credit by December 31 on a form developed by the Department of Environmental Protection in cooperation with the Department of Revenue. The form shall include an affidavit from each applicant certifying that all information contained in the application, including all records of costs incurred and claimed in the tax credit application, are true and correct. If the application is submitted pursuant to subparagraph (2)(a)2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of partial tax credits must be accomplished on a first-come, first-served basis based upon the date complete applications are received by the Division of Waste Management. An applicant shall submit only one application per site per year. To be eligible for a tax credit the applicant must:

(a) Have entered into a voluntary cleanup agreement with the Department of Environmental Protection for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement, as applicable; and

(b) Have paid all deductibles pursuant to s. 376.3078(3)(d) for eligible drycleaning-solvent-cleanup program sites.

(5) To obtain the tax credit certificate, an applicant must annually file an application for certification, which must be received by the Depart-

ment of Environmental Protection by December 31. The applicant must provide all pertinent information requested on the tax credit application form, including, at a minimum, the name and address of the applicant and the address and tracking identification number of the eligible site. Along with the application form, the applicant must submit the following:

(a) A nonrefundable review fee of $250 made payable to the Water Quality Assurance Trust Fund to cover the administrative costs associated with the department's review of the tax credit application;

(b) Copies of contracts and documentation of contract negotiations, accounts, invoices, sales tickets, or other payment records from purchases, sales, leases, or other transactions involving actual costs incurred for that tax year related to site rehabilitation, as that term is defined in ss. 376.301 and 376.79;

(c) Proof that the documentation submitted pursuant to paragraph (b) has been reviewed and verified by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants. Specifically, the certified public accountant must attest to the accuracy and validity of the costs incurred and paid by conducting an independent review of the data presented by the applicant. Accuracy and validity of costs incurred and paid would be determined once the level of effort was certified by an appropriate professional registered in this state in each contributing technical discipline. The certified public accountant's report would also attest that the costs included in the application form are not duplicated within the application. A copy of the accountant's report shall be submitted to the Department of Environmental Protection with the tax credit application; and

(d) A certification form stating that site rehabilitation activities associated with the documentation submitted pursuant to paragraph (b) have been conducted under the observation of, and related technical documents have been signed and sealed by, an appropriate professional registered in this state in each contributing technical discipline. The certification form shall be signed and sealed by the appropriate registered professionals stating that the costs incurred were integral, necessary, and required for site rehabilitation, as that term is defined in ss. 376.301 and 376.79.

(6) The certified public accountant and appropriate registered professionals submitting forms as part of a tax credit application must verify such forms. Verification must be accomplished as provided in s. 92.525(1)(b) and subject to the provisions of s. 92.525(3).

(7) The Department of Environmental Protection shall review the tax credit application and any supplemental documentation submitted by each applicant, for the purpose of verifying that the applicant has met the qualifying criteria in subsections (2) and (4) and has submitted all required documentation listed in subsection (5). Upon verification that the applicant has met these requirements, the department shall issue a written decision granting eligibility for partial tax credits (a tax credit certificate) in the amount of 35 percent of the total costs claimed, subject to the $250,000 limitation, for the tax year in which the tax credit application is submitted based on the report of the certified public accountant and the certifications from the appropriate registered technical professionals.

(8) On or before March 1, the Department of Environmental Protection shall inform each eligible applicant of the amount of its partial tax credit and provide each eligible applicant with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit. Credits will not result in the payment of refunds if total credits exceed the amount of tax owed.

(9) If an applicant does not receive a tax credit allocation due to an exhaustion of the $5-million annual tax credit authorization, such application will then be included in the same first-come, first-served order in the next year's annual tax credit allocation, if any, based on the prior year application.

(10) The Department of Environmental Protection may adopt rules to prescribe the necessary forms required to claim tax credits under this section and to provide the administrative guidelines and procedures required to administer this section. Prior to the adoption of rules regulating the tax credit application, the department shall, by September 1, 1998, establish reasonable interim application requirements and forms.

(11) The Department of Environmental Protection may revoke or modify any written decision granting eligibility for partial tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive partial tax credits under this section. The Department of Environmental Protection shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted partial tax credits. Additionally, the taxpayer must notify the Department of Revenue of any change in its tax credit claimed.

(12) An owner, operator, or real property owner who receives state-funded site rehabilitation under s. 376.3078(3) for rehabilitation of a drycleaning-solvent-contaminated site is ineligible to receive a tax credit under s. 199.1055 or s. 220.1845 for costs incurred by the taxpayer in conjunction with the rehabilitation of that site during the same time period that state-administered site rehabilitation was underway.

Section 5. Paragraph (o) is added to subsection (7) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(o) Information relative to ss. 199.1055, 220.1845, and 376.30781 to the Department of Environmental Protection in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, between lines 2 and 3, insert: creating s. 199.1055, F.S.; providing for a contaminated site rehabilitation tax credit against the intangible personal property tax; authorizing the Department of Revenue to adopt rules; amending s. 220.02, F.S.; providing for an additional cross-reference; creating s. 220.1845, F.S.; providing for a contaminated site rehabilitation tax credit against the corporate income tax; authorizing the Department of Revenue to adopt rules; creating s. 376.30781, F.S.; providing for a partial tax credit for the rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites; providing for the Department of Environmental Protection to allocate such partial credits; providing procedures for application for tax credits; providing for a nonrefundable review fee; providing verification requirements; authorizing the Department of Environmental Protection to adopt rules; providing for revocation or modification of eligibility for tax credit under certain conditions; amending s. 213.053, F.S.; providing for information-sharing;

Senator McKay moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1A—On page 8, line 1, delete "*$5 million*" and insert: *$2 million*

Amendment 1B (with title amendment)—On page 17, line 10, insert:

Section 16. *The $4,000,000 appropriated from the General Revenue Fund Specific Appropriation 1727 for Brownfield Redevelopment in the Conference Report on House Bill 4201 is hereby reduced by $1 million and the $1 million is to cover the cost of tax credit provisions authorized by this act.*

And the title is amended as follows:

On page 18, line 11, after the semicolon (;) insert: reducing appropriation provisions for fiscal year 1998-1999 for brownfield redevelopment activities;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Latvala, **CS for SB 244** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Gutman—

CS for SB 2060—A bill to be entitled An act relating to the Legal Immigrant's Temporary Income Bridge Program; amending s. 10, ch. 97-259, Laws of Florida; providing that unused program funds for the current fiscal year may be used for food stamps for legal immigrants who are in the naturalization and citizenship process or in the process of seeking an exemption thereto and who are children, recipients of Supplemental Security Income, or persons of a specified age; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1—On page 3, lines 8 and 9, delete those lines and insert: 5 ~~4~~ percent of the funds provided. Total administrative charges

Pursuant to Rule 4.19, **CS for SB 2060** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1992—A bill to be entitled An act relating to criminal justice; amending s. 415.5018, F.S.; requiring that the Department of Law Enforcement provide the Department of Children and Family Services with access to certain criminal justice information for purposes of child protective investigations and emergency child placement; amending s. 775.13, F.S., relating to the registration of convicted felons; providing a definition; providing an exemption from registration requirements for certain registered sexual offenders; amending s. 775.21, F.S.; revising the Florida Sexual Predators Act; defining terms; prescribing criteria and procedures for designation as a sexual predator; requiring that fingerprints be made if a sexual predator is not imprisoned; prescribing registration and notification requirements; providing registration requirements with respect to a sexual predator who is supervised by the Department of Corrections or by a federal agency or who is in the custody of a local jail; providing notification requirements for a sexual predator who intends to reside in another state or jurisdiction; providing for removal of designation as a sexual predator; providing penalties for failing to comply with duties imposed on persons so designated; requiring the Department of Law Enforcement and the Department of Corrections to verify the addresses of sexual predators; prohibiting misuse and misrepresentation of public records information and providing penalties; creating s. 775.24, F.S.; specifying that it is the duty of the court to uphold laws governing sexual predators and sexual offenders; providing certain requirements for the court if a person meets the criteria for designation as a sexual predator or for classification as a sexual offender; creating s. 775.25, F.S.; specifying jurisdictions in which a sexual predator or sexual offender may be prosecuted for an act or for failure to act; amending s. 943.043, F.S.; authorizing the Department of Law Enforcement to provide information on sexual offenders and sexual predators through the Internet; providing civil immunity for certain persons and entities who provide information regarding sexual offenders and sexual predators; amending s. 943.0435, F.S.; revising definitions; specifying sexual offenders who must report and identify themselves; revising reporting requirements; providing civil immunity for specified persons and entities that administer such reporting requirements; providing for certain persons to be relieved from such reporting requirements; requiring that the Department of Law Enforcement verify the addresses of certain sexual offenders; providing requirements for a sexual offender who intends to reside in another state or jurisdiction; requiring that a sexual offender maintain registration for life, except under specified circumstances; amending s. 943.325, F.S.; providing for drawing blood specimens from certain convicted persons committed to a county jail for purposes of DNA analysis; providing for obtaining blood specimens from a person who is not incarcerated following conviction; providing for a statewide protocol for securing such specimens; providing that certain medical facilities and personnel and persons who assist a law enforcement officer in withdrawing blood specimens are not civilly or criminally liable for such actions; providing for an application to the court for an order authorizing that a person be taken into custody for the purpose of providing blood specimens; providing that failure to comply with certain requirements is not grounds for challenging the validity of a blood specimen or excluding evidence based on a blood specimen; amending ss. 944.605, 947.177, F.S.; prescribing penalties for inmates who refuse to submit to the taking of a digitized photograph; amending ss. 944.606, 944.607, F.S.; revising provisions governing notification concerning the release of sexual offenders; specifying persons with respect to whom such provisions apply; requiring that fingerprints be made if the sexual offender is not imprisoned; providing registration requirements with respect to a sexual offender who is in the custody of a local jail or who is supervised by the Department of Corrections or by a federal agency; providing civil immunity for specified persons and entities who release information concerning such offenders; amending s. 948.01, F.S.; providing that after a specified date, an offender who commits certain specified sexual offenses is ineligible for administrative probation; amending s. 948.03, F.S.; providing that conditions of probation and community control for specified offenders do not require oral pronouncement and shall be standard conditions of supervision; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for SB 1992** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

MOTIONS

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of motions and announcements.

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Wednesday, April 29.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 28, 1998: CS for CS for SB 352, CS for SB 1162, CS for CS for SB's 1190 and 868, CS for SB 1374, CS for CS for SB 2258, CS for SB 2074, CS for SB 68, CS for SB 28, CS for SB 58, CS for CS for SB 1576, CS for CS for SB's 2024 and 2648, SJR 1008, CS for SB 1338, CS for SB's 312 and 2298, CS for SB 1442, CS for SB 2356, CS for SB 2542, CS for SB 2060, CS for SB 1992, CS for SB 570, CS for SB 440, SJR 246, CS for SB 640, CS for CS for SB 882, SB 1582, CS for SB 336, SB 2454, CS for SB 1900, CS for SB 1450, CS for SB 328, CS for SB 338, CS for CS for SB 742, CS for SB 916, CS for CS for SB 1314, CS for SB 1564, CS for SB 984, CS for SB

1608, CS for SB 1952, SB 704, CS for SB 434, SB 500, CS for CS for SB 1512, SB 192, SB 1504, SB 1082, SB 936, SB 1950, CS for SB 1922, CS for SB 2014, CS for SB 452, CS for SB 2282, CS for SB 2480, CS for CS for SB 1074, CS for SB 2342, CS for SB 2172, SB 404, CS for CS for SB 714, CS for CS for SB 1760, CS for SB 1060, CS for SB 1924, CS for SB 772, SB 1300, SB 1302, CS for SB 2484, CS for SB 2076, CS for SB 1426, SB 2090, CS for CS for SB 1456, SB 1034, CS for SB 2132, CS for SB 2080, CS for SB 1620, SB 1954, CS for SB 462, SB 1416, SJR 82, CS for SB 270, CS for CS for SB 2336, CS for SB 1028, CS for SB 1664, CS for SB 2100, CS for SB 2158, CS for SB 300, SJR 610, CS for CS for SB 2198, CS for SB 1396, CS for SB 1516, CS for SB 1932, CS for SB 1572, SB 2302, CS for SB 268, CS for SB 2214, CS for SB 1814, CS for SB 1486, SR 2108, CS for SB 924, CS for CS for SB 1994, SB 732, SB 1940, SJR 2140, CS for SB 1934, CS for SB 1114, CS for SB 524, CS for SB 986, SB 1032, SB 2190, CS for SB 1066, CS for SB 792, SB 1220, SB 970, HB 1747, CS for SB 562, CS for CS for CS for SB 938, SB 612, SB 1080, CS for SB 1868, CS for SB 2084, CS for CS for CS for SB 92, CS for SB 680, CS for SB 994, CS for SB 710, CS for SB 1748, SJR 1610, CS for CS for SB 2352, HB 3689, CS for SB 296, CS for SB 1134, CS for CS for SB 1554, CS for SB 1636, SB 464, CS for SB 1742, CS for CS for SB 388, CS for SB 2170, CS for SB 2150, CS for SB 380, CS for SB 1142, CS for SB 2054, CS for SB 1612, CS for SB 1614

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Trust Fund Calendar for Tuesday, April 28, 1998: SB 2370, SB 2372, SB 2374, SB 2376, SB 2378, SB 2380, SB 2382, SB 2384, SB 2386, SB 2388, SB 2390, SB 2392, SB 2394, SB 2396, SB 2398, SB 2400, SB 2402, SB 2404, SB 2406, SB 2408, SB 2410, SB 2412, SB 2414, SB 2416, SB 2418, SB 2420, SB 2422, SB 2424, SB 2426, SB 2428, SB 2430, SB 2432, SB 2434, SB 2436, SB 2438, SB 2440, SB 2444, SB 2446, SB 2448, SB 2450, SB 2452, SB 2456, SB 2458, SB 2460, SB 2462, SB 2464, SB 2466, SB 2490, SB 2492, SB 2494, SB 2496, SB 2498, SB 2506, SB 2508, SB 2510, SB 2512, SB 2514, SB 2516, SB 2518, SB 2520

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 73, CS for HB 3581, CS for HB 3663, HB 3669, HB 3725, HB 3749, HB 3829, HB 3831, HB 3833, HB 3919, CS for HB 4027, HB 4029, HB 4033, CS for HB 4101, CS for HB 4125, CS for CS for HB 4141, HB 4171, HB 4173, HB 4249, HB 4285, HB 4287, HB 4291, HB 4293, HB 4305, HB 4319, HB 4391, HB 4397, HB 4463, HB 4467, HB 4547, HB 4703, HB 4769, HB 4777, HB 4799; has passed as amended CS for HB 117, HB 3139, CS for HB 3257, HB 3309, CS for HB 3495, CS for HB 3709, CS for HB 3771, CS for HB 4267, HB 4311 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Tourism and Representative Bradley and others—

CS for HB 73—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.04, F.S.; exempting admissions to certain collegiate tournament games, baseball all-star games, and postseason collegiate football games from the tax on admissions; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; Commerce and Economic Opportunities; and Community Affairs.

By the Committee on Crime and Punishment; and Representative Effman and others—

CS for HB 3581—A bill to be entitled An act relating to child care facilities; creating the "Jeremy Fiedelholtz Safe Day Care Act"; amending s. 402.319, F.S.; increasing a penalty for violations relating to licensure or operation of a child care facility or family day care home; providing a penalty for making other misrepresentations to certain persons regarding such licensure or operation; providing a penalty for negligence or intentional act and the parent or guardian relied on a misrepresentation; amending s. 921.0022, F.S.; providing for ranking of violations on the offense severity ranking chart; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Criminal Justice; and Ways and Means.

By the Committee on Regulated Services and Representative Westbrook and others—

CS for HB 3663—A bill to be entitled An act relating to jai alai permitholders; amending s. 550.01215, F.S.; allowing any jai alai permitholder to apply, during a specified period, for licensure to conduct performances in fiscal year 1998-1999; requiring the Division of Pari-mutuel Wagering to issue the license within a specified period of time; amending s. 550.09511, F.S.; qualifying the provision that jai alai permitholders should pay their fair share of taxes on pari-mutuel wagering; providing that the amount of taxes on handle and admissions which is imposed on such a permitholder should not exceed the permitholder's operating earnings and that permitholders may apply any excess amount against future taxes due; defining the term "operating earnings"; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Representative Sindler and others—

HB 3669—A bill to be entitled An act relating to Orange County; amending chapter 96-521, Laws of Florida, relating to the issuance of special alcoholic beverage vendor licenses to entities located within an entertainment/resort complex located in Orange County and to the conditions therefor; redefining a term and expanding boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Representative Melvin and others—

HB 3725—A bill to be entitled An act relating to North Bay Fire Control District, Okaloosa County; recreating and reenacting the North Bay Fire Control District as an independent fire control district operating pursuant to the terms of chapter 191, Florida Statutes; describing the boundaries of said district; establishing a governing body for the district; authorizing the district to levy up to 2 mills of ad valorem tax as previously approved by referendum vote; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Boyd—

HB 3749—A bill to be entitled An act relating to the Town of Horseshoe Beach, Dixie County; authorizing unrestricted use of fuel taxes under certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Transportation; and Rules and Calendar.

By Representative Sindler and others—

HB 3829—A bill to be entitled An act relating to the Zellwood Drainage and Water Control District, Orange County; repealing chapter 20715, Laws of Florida, 1941, chapter 24323, Laws of Florida, 1947; providing for dissolution of the district contingent upon purchase or acquisition of all property within district boundaries by the St. Johns River Water Management District on or before September 30, 1998; providing for a plan to allocate district assets and liabilities; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wallace and others—

HB 3831—A bill to be entitled An act relating to the Carrollwood Recreation District, Hillsborough County; consolidating, compiling, and codifying extant laws pertaining to the district; providing legislative intent; deleting provisions that have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition; improving clarity and facilitating correct interpretation; providing notice that the district is an independent special district approved by referendum; adding definitions; providing for election of trustees; revising ballot language requirements; providing that the district elect one secretary; providing that the board is a public body and shall conduct its business accordingly; conforming the law to s. 768.28, F.S., relating to trustees' civil liability and immunity from suit; consolidating the powers and duties of the board into a single section; conforming the law to the actual business practices of the district, routine in nature but not previously enumerated, including the power and duty to perform duties required by general law, when applicable, relating to special districts and to the levy of non-ad valorem assessments, to operate, supervise, and maintain recreational facilities or to contract for same, to insure the facilities, properties, operation, and trustees of the district, to establish, charge, and collect fees for use of the facilities, to direct the supervisor to place certain referenda on the ballot, and to employ personnel, including security guards and certified law enforcement officers; conforming the law to the requirements of ch. 197, F.S., relating to non-ad valorem assessments; providing for dissolution of the district in accordance with general law; providing a savings clause; repealing chs. 72-565, 75-385, 81-394, 84-445, Laws of Florida, relating to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

HB 3833—A bill to be entitled An act relating to the Tampa Sports Authority; amending sections 13A and 13C of chapter 96-520, Laws of Florida; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wallace and others—

HB 3919—A bill to be entitled An act relating to Hillsborough County; amending chapter 67-945, Laws of Florida, as amended; providing for the election of school board members at the time of the first primary and general elections as provided by law; providing for any runoff to be held at the same time as the general election; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Water and Resource Management; and Representative Littlefield and others—

CS for HB 4027—A bill to be entitled An act relating to regional water supply authorities; amending s. 120.52, F.S.; providing that a member government is not considered a party in administrative proceedings under certain conditions; amending s. 373.1963, F.S.; revising criteria for governance of the West Coast Regional Water Supply Authority and its member governments under interlocal agreements; declaring legislative intent to supersede other laws; repealing s. 373.1963(5), F.S., relating to a process for review of a consumptive use permit; amending s. 682.02, F.S.; providing for the arbitration of certain controversies concerning water use; amending s. 768.28, F.S.; allowing an authority to indemnify its member governments; providing an effective date.

—was referred to the Committees on Natural Resources and Community Affairs.

By Representative K. Pruitt—

HB 4029—A bill to be entitled An act relating to the St. Lucie County Port and Airport Authority; providing for the dissolution of the St. Lucie County Port and Airport Authority; providing for the transfer of assets, including real property and liabilities of the authority, to the Board of County Commissioners of St. Lucie County; providing for contracts of this authority to remain in effect; providing for liberal construction; providing for the repeal of chapter 97-377, Laws of Florida; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Maygarden and others—

HB 4033—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending subsection (2) of s. 4 and subsection (6) of s. 100 of chapter 15425, Laws of Florida, 1931, as amended; providing for establishing the date of city council elections and alternative method of qualifying a candidate for ballot by city ordinance; providing for repeal of conflicting laws; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Education Innovation and Representative Byrd and others—

CS for HB 4101—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising credit requirements for high school graduation; creating s. 233.0616, F.S.; encouraging elementary schools and middle schools to implement personal fitness programs and providing for the allocation of funds; providing for the allocation of funds for upgrading a physical education specialist position in the Department of Education; providing effective dates.

—was referred to the Committees on Education; and Ways and Means.

By the Committees on Governmental Operations, Tourism and Representative Barreiro and others—

CS for HB 4125—A bill to be entitled An act relating to public records; amending s. 288.1254, F.S.; providing an exemption from public records requirements for information held by the Office of Entertainment Industry Commissioner relating to specified information with respect to the business activities of private persons, partnerships, or corporations in the entertainment industry, when such confidentiality is requested; providing a penalty for violation of the act; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Governmental Reform and Oversight.

By the Committees on Environmental Protection; Water and Resource Management; and Representative Saunders and others—

CS for CS for HB 4141—A bill to be entitled An act relating to water resources; creating s. 373.45923, F.S.; providing legislative findings and intent; authorizing the South Florida Water Management District to participate as local sponsor for the Restudy of the Central and Southern Florida Project; providing duties of the Joint Legislative Committee on Everglades Oversight; providing for public hearings; providing reporting requirements; providing for project cooperation agreements; providing for legislative authorization; providing an effective date.

—was referred to the Committee on Natural Resources.

By Representative Stabins—

HB 4171—A bill to be entitled An act relating to the Hernando County Law Library; amending ch. 65-1627, Laws of Florida, as amended; providing membership of the law library board; revising powers and duties of the board; providing for fees to fund the library; providing for determination of fee amounts; revising powers and duties of the board of county commissioners with respect to the library; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Byrd and others—

HB 4173—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida; revising the Hillsborough County Civil Service Act to exempt the judiciary from the act; providing for review of certain actions adversely affecting certain employees within the Administrative Office of the Courts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Horan—

HB 4249—A bill to be entitled An act relating to Monroe County; amending ch. 97-345, Laws of Florida; correcting a scrivener's error; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 4285—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 4287—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 4291—A bill to be entitled An act relating to the City of Pembroke Pines, Broward County; extending and enlarging the corporate limits of the City of Pembroke Pines to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 4293—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Culp and others—

HB 4305—A bill to be entitled An act relating to Hillsborough County; providing for the consolidation of the job training partnership programs of the City of Tampa and of Hillsborough County; providing for employees who are transferred from the city to the county to elect, within a specified deadline, to remain in the City of Tampa pension plan or to transfer to the Florida Retirement System; providing procedures for making the election; providing that county job training partnership program employees who are hired after a specified date become members of the Florida Retirement System; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Putnam—

HB 4319—A bill to be entitled An act relating to Polk County; amending ch. 88-443, Laws of Florida, to revise provisions relating to a personnel system for the Sheriff's Office, a personnel board, board members' powers and duties, board expenditures, a classified service, new positions and vacancies, probationary periods, hearings, appointments, rules, policies, pay plans, rights, and benefits; providing for a Members Nominating Committee for selecting board members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrington—

HB 4391—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; prohibiting the taking of saltwater fish, except by hook and line, from within any manmade saltwater canal in the City of Punta Gorda; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Education Innovation and Representative Melvin—

HB 4397—A bill to be entitled An act relating to general requirements for high school graduation; amending s. 232.246, F.S.; providing for the award of credit toward graduation for students who act as tutors; specifying requirements for student tutors and evaluation procedures; correcting cross references; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By Representative Rayson—

HB 4463—A bill to be entitled An act relating to the City of Sunrise, Broward County; creating the South Broward Utility Advisory Board; providing for membership, qualifications, terms, responsibilities, and powers of the board; providing an appropriation; providing a limitation of the power of the board; providing for adoption of procedures and regulations; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 4467—A bill to be entitled An act relating to Tindall Hammock Irrigation and Soil Conservation District, Broward County; codifying the district's charter, chapter 27428, Laws of Florida, 1951, as amended; providing a provision that the district is an independent special district; providing for the appointment of the board of supervisors; providing for correction of scrivener's errors; revising obsolete constitution and statute references; revising obsolete roadway and agency references; providing that all rights, title, and ownership of property owned by the district will continue to be owned by the district and that all obligations, contracts, rules, resolutions, and regulations of the district will continue in effect and be valid as to the district; repealing all prior special acts of the Legislature relating to the Tindall Hammock Irrigation and Soil Conservation District; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston—

HB 4547—A bill to be entitled An act relating to Lee County; amending chapter 63-1552, Laws of Florida, as amended; providing methods by which the hospital Board of Directors of Lee County may invest its funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Financial Services and Representative Safley and others—

HB 4703—A bill to be entitled An act relating to the workers' compensation joint underwriting plan; amending s. 627.311, F.S., relating to joint underwriters and joint reinsurers; revising the composition of the board of governors of the workers' compensation joint underwriting plan; prohibiting insurers from providing workers' compensation insurance to persons under certain circumstances; deleting an obsolete provision; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Banking and Insurance.

By Representative Rayson—

HB 4769—A bill to be entitled An act relating to Broward County and the South Broward Hospital District; amending chapter 24415, Laws of Florida, 1947, as amended; providing that the South Broward Hospital District is not a "public body" or "taxing authority" for purposes of part III, chapter 163, F.S.; providing an exception with respect to community redevelopment agencies created before a specified date; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Representative Burroughs and others—

HB 4777—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing for additional supervisory personnel to be included within the definition of an "unclassified service" position; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 4799—A bill to be entitled An act relating to the City of Deerfield Beach, Broward County; extending and enlarging the corporate limits of the City of Deerfield Beach to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Business Development and International Trade; and Representative Culp and others—

CS for HB 117—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

By Representative Ogles and others—

HB 3139—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim's mental or physical disability or advanced age; providing

definitions; providing that certain offenses shall not be deemed as evidencing prejudice under certain circumstances; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Crime and Punishment; and Representative Sindler and others—

CS for HB 3257—A bill to be entitled An act relating to liabilities for driving offenses; amending s. 316.193, F.S., relating to the offense of driving under the influence and penalties; providing third degree felony penalties for a third or subsequent conviction for driving under the influence; conforming provisions with respect to fine amounts and prison terms; removing surplusage to improve clarity and facilitate correct interpretation; reenacting s. 318.143(1), (4), and (5), F.S., relating to sanctions for infractions by minors, s. 318.17(3) and (8), F.S., relating to excepted offenses, s. 322.03(2), F.S., relating to driver's license requirement and penalties for violation of requirement, s. 322.0602(2)(a), F.S., relating to Youthful Drunk Driver Visitation Program, s. 322.12(2), F.S., relating to examination of driver's license applicants, s. 322.25(5), F.S., relating to forwarding of surrendered licenses and reporting of certain convictions, s. 322.2615(1), (2), (7), (8)(b), (10)(b), and (14), F.S., relating to suspension of license and right to review, s. 322.2616(1)(a), (15), and (18), F.S., relating to suspension of license of person under 21 years of age and right to review, s. 322.264(1)(b), F.S., relating to definition of "habitual traffic offender," s. 322.271(2)(a) and (c) and (4), F.S., relating to authority to modify revocation, cancellation, or suspension order, s. 322.282(2)(a), F.S., relating to procedure when court revokes or suspends license or driving privilege and orders reinstatement, s. 322.291, F.S., relating to driver improvement school course requirements for certain violators, s. 322.44, F.S., relating to Driver License Compact, s. 322.62(3), F.S., relating to driving-under-the-influence violations by commercial motor vehicle operators, s. 322.63(2)(d) and (6), F.S., relating to alcohol or drug testing of commercial motor vehicle operators, s. 322.64(1), (2), (7)(a), (8)(b), (14), and (15), F.S., relating to driving with unlawful blood-alcohol level and refusal to submit to breath, urine, or blood test by holder of commercial driver's license, s. 327.35(6), F.S., relating to boating-under-the-influence offenses and penalties, s. 397.405(10), F.S., relating to certain licensure exemptions, s. 440.09(7)(b), F.S., relating to worker's compensation coverage, s. 493.6101(1)(d), F.S., relating to certain license requirements, s. 627.758(4), F.S., relating to conditions and limit for surety on auto club traffic arrest bond and bail bond; s. 790.06(2)(f) and (10)(f), F.S., relating to license to carry concealed weapon or firearm, s. 903.36(2), F.S., relating to guaranteed arrest bond certificates as cash bail, s. 921.0022(3), (g), (h), and (i), F.S., relating to the Criminal Punishment Code offense severity ranking chart, s. 938.07, F.S., relating to court costs for the offense of driving under the influence, s. 938.21, F.S., relating to alcohol and drug abuse programs, s. 938.23(1), F.S., relating to assistance grants for alcohol and other drug abuse programs, and s. 960.03(3)(b), F.S., relating to certain definitions with respect to crimes compensation, to incorporate said amendment in references; amending s. 921.0022, F.S.; conforming provisions in the Criminal Punishment Code offense severity ranking chart; amending s. 318.1451, F.S.; revising language with respect to driver improvement schools; providing for the distribution of certain pamphlets; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Representative Fischer and others—

HB 3309—A bill to be entitled An act relating to education; amending s. 229.58, F.S.; revising provisions relating to membership of school advisory councils; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Crime and Punishment; and Representative Ball and others—

CS for HB 3495—A bill to be entitled An act relating to guidelines for fair treatment of victims and witnesses in the justice system; amending s. 960.001, F.S.; allowing specified state agencies to participate in crime prevention and educational activities; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Crime and Punishment; and Representative Dockery and others—

CS for HB 3709—A bill to be entitled An act relating to voyeurism; creating s. 810.14, F.S., relating to the offense of voyeurism; prohibiting a person, with lewd, lascivious, or indecent intent, from secretly observing, photographing, filming, videotaping, or recording another person located in a dwelling, structure, or conveyance providing a reasonable expectation of privacy; providing for conviction and sentencing of the offense separately from other offenses; providing penalties; providing third degree felony penalties upon conviction of a second or subsequent offense of voyeurism; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Environmental Protection and Representative Sembler and others—

CS for HB 3771—A bill to be entitled An act relating to recreational lands; providing purposes; amending s. 110.501, F.S.; revising the definition of "volunteer" to include persons who consent to certain use of real property; amending s. 260.012, F.S.; revising declaration of policy and legislative intent relating to the "Florida Greenways and Trails Act"; creating s. 260.0125, F.S.; providing rights and benefits of landowners whose lands are designated as greenways or trails; requiring the Department of Environmental Protection to post certain notices of trespass; providing for penalties; amending s. 260.013, F.S.; revising definitions; amending s. 260.014, F.S.; requiring the landowner's specific written consent for designation of lands as a part of the statewide system of greenways and trails; amending ss. 260.0141 and 260.018, F.S.; restricting certain construction or use of planning materials; amending s. 260.016, F.S., relating to powers of the department; providing for rules; providing penalties; providing for fees; providing for a process for designation of lands as a part of the state system of greenways and trails; authorizing negotiations with private landowners; authorizing incentives for certain landowners; directing the Department of Environmental Protection to erect a suitable memorial to Marjorie Harris Carr on the Cross Florida Greenways State Recreation Area; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisals provided by a public agency or nonprofit organization; amending s. 259.101, F.S.; revising the date that certain unencumbered funds in the Preservation 2000 Trust Fund will be redistributed; amending s. 372.57, F.S.; providing for a recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by Game and Fresh Water Fish Commission from private nongovernmental owners; providing for the sale of specified lands by the Board of Trustees of the Internal Improvement Trust Fund; providing for the deposit of funds from the sale; providing an effective date.

—was referred to the Committees on Natural Resources; and Governmental Reform and Oversight.

By the Committee on Financial Services and Representative Wiles—

CS for HB 4267—A bill to be entitled An act relating to employee leasing; creating s. 627.192, F.S.; providing purposes; providing definitions; authorizing certain lessors to secure workers' compensation insurance coverage on leased employees under certain circumstances; providing procedures; requiring such lessors to provide certain information to insurers for certain purposes; providing for cancellation or nonrenewal of such insurance under certain circumstances; providing for notice;

providing an exception; providing for assigning an experience modification factor to lessees under a terminated employee leasing arrangement; requiring notice; providing application; prohibiting lessees from entering into employee leasing relationships or from being eligible for certain workers' compensation coverage under certain circumstances; requiring insurers to conduct audits of employee leasing companies for certain purposes; specifying procedures; requiring the insured to pay additional premiums if the lessor or lessee fails to provide certain audit access; providing an exception; providing application; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; and Ways and Means.

By Representative Culp and others—

HB 4311—A bill to be entitled An act relating to debtors and creditors; amending s. 222.21, F.S.; providing an exemption from legal process; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 250, CS for SB 280, CS for SB 290, SB 400, CS for CS for SB 442, SB 444, CS for SB 486, CS for SB 498, SB 526, SB 540, SB 564, SB 660, SB 766, SB 790, CS for SB 832, SB 884, SB 892, CS for SB 926, CS for CS for SB 1024, SB 1058, CS for SB 1152, CS for SB 1176, SB 1232, SB 1260, SB 1262, SB 1266, CS for SB 1294, SB 1306, CS for SB 1332, CS for SB 1342, CS for SB 1346, SB 1348, CS for SB 1410, CS for SB 1466, CS for SB 1584, CS for SB 1646, SB 1700, CS for SB 1702, CS for SB 1716, SB 1720, CS for SB 1722, SB 1724, CS for SB 1752, SB 1762, CS for CS for SB 1800, SB 1898, CS for SB 1960, CS for SB 2004, CS for SB 2092, SB 2122 and SB 2222.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for SB 1402, as amended by the Conference Committee Report.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

CO-SPONSORS

Senators Forman—CS for SB 2150; Holzendorf—SJR 246; Jones—SJR 246; Kirkpatrick—SJR 246; Meadows—SJR 246; Sullivan—SJR 246

RECESS

On motion by Senator Bankhead, the Senate recessed at 7:32 p.m. to reconvene at 9:00 a.m., Wednesday, April 29.

Journal of the Senate

Number 23—Regular Session **Wednesday, April 29, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

PRAYER

The following prayer was offered by Rev. Jack Oliver, Pastor, Idlewild Baptist Church, Tampa:

Father, we thank you for the opportunity to be here today. I pray that you would bless these Senators who are here. I just pray you would watch over them.

Lord, we thank you for how you love us, how you provide for us. Thank you for the Lord Jesus Christ. I pray, Father, that all decisions they make today would honor you.

I thank you for them. Thank you for the time they spend away from their families. I pray you would bless their families, Lord, while they are away. Watch over them and protect them. We thank you, Lord, for them. It's in Jesus' name we pray. Amen.

PLEDGE

Senate Pages Shannon Blizzard of Tallahassee and Holly Fuqua of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Crist—

By Senator Crist—

SR 130—A proclamation honoring Dr. R. Vijayanagar of Tampa, cardiovascular surgeon, for his historic achievements in heart transplantation and in other state-of-the-art procedures.

WHEREAS, Dr. R. Vijayanagar, Assistant Clinical Professor of Surgery, College of Medicine, University of South Florida, in 1985 became the first physician in this state to perform a heart transplant upon a patient who survived for an appreciable period of time (10 years), and

WHEREAS, Dr. Vijayanagar has enjoyed a distinguished career in this country, both before and after becoming a naturalized citizen of the United States in 1977, and

WHEREAS, he was born in India, received his M.B.B.S. at G.S. Medical College, University of Bombay, served an internship at Passaic (New Jersey) General Hospital, and completed several residencies at hospitals in the Bronx, New York, and

WHEREAS, he is a fellow or member of more than a dozen physicians' associations, is the author or coauthor of a vast number of articles on the uses of cardiovascular surgery in a wide variety of cardiac ailments, including articles appearing in prestigious periodicals published in India as well as in major U.S. medical periodicals, and

WHEREAS, Dr. Vijayanagar has also lectured here and abroad at international congresses of cardiovascular surgeons and of thoracic surgeons, and

WHEREAS, Dr. Vijayanagar continues to provide state-of-the-art treatment for heart disease, including the performance, in 1995, of two partial left ventriculectomies, or "Batista procedures," so named in honor of the doctor who developed the procedure in a primitive hospital in the jungles of Brazil, and first performed in this country in 1995, and

WHEREAS, it is fitting that we recognize the amazing accomplishments of this Tampa practitioner, who has helped put his city and state "on the map," worldwide, for his extraordinary achievements in his field, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate honors Dr. R. Vijayanagar for performing the first heart transplant in Florida on a surviving patient and for his many other contributions to the advancement of cardiovascular surgery, through means including publishing numerous scholarly articles in noted medical journals as well as performing many successful operations.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Senate Seal affixed, be presented to Dr. R. Vijayanagar as a tangible token of the regard of the Florida Senate.

—**SR 130** was introduced, read and adopted by publication.

SPECIAL GUEST

Senator Crist introduced Dr. R. Vijayanagar who was present in the chamber.

At the request of Senator Forman—

By Senator Forman—

SR 2724—A resolution commemorating the Great Irish Famine and recognizing the many Irish-Americans and others living in Florida who support peace in a united Ireland.

WHEREAS, in 1169 Britain invaded Ireland and because of their religion, language, and race the Irish people were exploited, discriminated against, and subjugated, and

WHEREAS, in 1704 the Penal Laws deprived Irish Catholics of their civil rights and education, reducing them to a condition of extreme and brutal ignorance, and furthermore outlawed their religion and robbed them of their land, which was the only means of employment, profit, and subsistence for the people of Ireland, and

WHEREAS, in 1845, the year of the potato blight, the economy of Ireland was artificially designed for sole dependence on the potato by three million Irish who were forced to surrender all of their crops to the British government to be sold for profit, and

WHEREAS, Irish Catholics were forced to tithe and otherwise support the state church, thereby bankrolling their own oppression, and

WHEREAS, between 1845-1850 in The Great Famine - The Irish Holocaust, over one and a half million people died from starvation, fever, cold, and execution for stealing food and approximately two million more emigrated while thousands of starving men, women, and children were imprisoned or deported for stealing food, and

WHEREAS, sufficient food to abundantly feed every person in Ireland was exported for profit and starving men were forced to load the cargo ships that would carry away the food that could have saved their families' lives, and

WHEREAS, during the harvest of death and eviction, members of the British Parliament proclaimed that property rights took precedence over the Irish peasants' right to survive and the British official in charge of Irish Famine relief professed that the Famine was "divine judgment on a wicked and perverse people" and was an Act of God meted out to a lazy and indolent Irish peasant population, and

WHEREAS, British economists advised against assisting the Irish agrarian system and the "surplus" population was urged to emigrate and public funds were used for senseless projects like building roads that lead nowhere while the starving Irish were committed to workhouses that were soon closed, leading to soup kitchens where Catholics were promised food in return for denouncing their religion, and

WHEREAS, many of these immigrants died at sea in wretched coffin ships or in quarantine camps and were buried at sea or in unmarked graves while the remaining arrived without food, clothing, resources, or employment potential, products of the British immigration projects, and yet their contributions in industry, labor, arts, education, the military, and government have not been surpassed, and

WHEREAS, because of a shortage of experienced ship pilots, many more died from shipwrecks, or ironically, landed on uninhabited islands and died from starvation, and

WHEREAS, so unnatural was the concept of emigration to the Irish that their language had no word for it, the closest meaning was "exile or one who has been banished", and

WHEREAS, in 1847, known as Black '47, British landlords evicted over 500,000 starving and sick families from their homes without notice by British landlords, for nonpayment of exorbitant rents, and many of them died from cold and fever, while their homes and possessions were destroyed to prevent their further use, and

WHEREAS, 150,000 Irish immigrants fought and died in the American Civil War for a country and cause they hardly knew, and

WHEREAS, historians, philosophers, and humanitarians agree that we have learned less than we should have learned from the Great Irish Famine, and

WHEREAS, British Prime Minister, Tony Blair, in apologizing to the Irish people proclaimed: "Those who governed in London at the time failed their people through standing by while a crop failure turned into a massive human tragedy", NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commemorates the 150th Anniversary of THE GREAT IRISH FAMINE which was a genocide against the Irish people and joins British Prime Minister Tony Blair in celebrating the "resilience and courage of those Irish men and women."

BE IT FURTHER RESOLVED that the Florida Senate joins the four million Irish-Americans in Florida and all Floridians in the dream for peace with justice in a united Ireland.

—**SR 2724** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By Senator Cowin—

SR 2728—A resolution honoring Susan Ryan, a fifth-grade teacher at Tavares Elementary School, as Lake County Teacher of the Year.

WHEREAS, Susan Ryan has a Master's Degree in Elementary Education from the University of Central Florida, has 19 years of teaching experience in Florida, and this year has been named Lake County's Teacher of the Year, and

WHEREAS, Susan Ryan holds a Florida Teaching Certificate in Elementary Education with endorsements in Music, English as a Second Language, and Gifted Education, and

WHEREAS, Susan Ryan co-authored Florida's Environmental Activity Guide, an activity book for environmental education, and she has participated in the development of materials on energy-related topics for teachers and students through her involvement in Florida State University's Energy and Environmental Alliance, and

WHEREAS, Susan Ryan has given more than 20 workshops to teachers throughout Florida on science-teaching methods and has presented at three Elementary Education Conferences, the League of Environmental Educators Conference, and the Florida Association of Science Teachers Conference, and

WHEREAS, Susan Ryan wrote, "Each day in my classroom my students have small victories they can call their own. My greatest accomplishments are their accomplishments", NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Susan Ryan is commended for her lifelong dedication to teaching and for being named Lake County Teacher of the Year for 1998.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Susan Ryan as a tangible token of the sentiments and good wishes of the Florida Senate.

—**SR 2728** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sullivan, by two-thirds vote **CS for SB 1726** was withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1178** was withdrawn from the Committee on Governmental Reform and Oversight; **SB 1946** was withdrawn from the Committee on Commerce and Economic Opportunities; **HB 3433** was withdrawn from the Committee on Community Affairs; **HB 3541** was withdrawn from the Committee on Regulated Industries; **HB 3637** and **HB 3651** were withdrawn from the Committee on Education; **HB 3669** and **HB 3769** were withdrawn from the Committee on Regulated Industries; **HB 3963** was withdrawn from the Committee on Community Affairs; **HB 4465** was withdrawn from the Committee on Regulated Industries; **HB 4505** was withdrawn from the Committee on Community Affairs; **HB 4531** was withdrawn from the Committee on Natural Resources; and **HB 4691** was withdrawn from the Committee on Community Affairs.

MOTIONS

On motion by Senator Bankhead, a deadline of 10:00 a.m. Thursday, April 30, was set for filing amendments to the Local Bill Calendar to be considered that day.

On motion by Senator Bankhead, the rules were waived and a deadline of 9:30 p.m. this day was set for filing amendments to the Special

Order Calendar and Bills on Third Reading to be considered Thursday, April 30.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

SB 2454—A bill to be entitled An act relating to the re-creation of the Working Capital Trust Fund of the Department of Law Enforcement without modification; re-creating the Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Burt and failed:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Each person who, as of July 1, 1997 holds a homestead exemption under Florida law, with a just value of $150,000 or less or is a registered owner of a mobile home licensed pursuant to s. 320.08 (11) shall be entitled to a tax rebate of $50 as set forth herein; provided, if a property to which this subsection applies is owned jointly by one or more persons, the joint owners shall be treated as one person for purposes of this section. The rebate will be sent to qualified persons as soon as practical by U.S. Mail, first class presort.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: providing for a rebate under certain conditions; providing an effective date.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Burt:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Each Florida resident with active, residential electric utility service established by May 1, 1998, shall be provided with a $50 credit, or an amount for which funds are equally available, toward electric utility service. The method for the award of this credit shall be as follows:*

(a) The Florida Public Service Commission shall obtain from each electric utility provider regulated by the Commission a certified list of all electric utility customers with active service established on or before May 1, 1998 by June 1, 1998.

(b) Upon receipt of these lists, the Commission shall calculate the amount of funds necessary per electric utility company to accomplish the provision of this section by multiplying the number of customers by $50.

(c) The Commission shall produce a list of all public, private and municipal electric utility companies under their regulation detailing the calculated amount of funds necessary to provide the $50 credit and certify this list to the Comptroller of the State of Florida, the President of the Senate, and the Speaker of the House of Representatives by June 1, 1998.

(d) The Comptroller shall distribute funds to each individual public, private and municipal electric utility company based on the list submitted by the Commission on or before July 1, 1998. The Comptroller shall make appropriate adjustments as funds are available to ensure an equal credit to each specified electric utility customer as provided by this section.

(e) The Commission shall direct each public, private and municipal electric utility company to provide the credit toward the amount due for the service period ending on or before August 30, 1998 to each residential electric utility customer as provided by this section, without exception.

It is the intent of the Legislature that this one-time credit not require any increase in current utility rates as established at the effective date of this section.

Section 2. This act shall take effect upon becoming law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: providing for an electric utilities credit under certain conditions; providing an effective date.

Senator Burt moved the following substitute amendment:

Amendment 3 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) Each person who, as of June 30, 1998, was entitled to and received a homestead exemption under section 196.031, Florida Statutes, for tax year 1998, is entitled to a distribution of $50 as set forth in this section. If the homestead property is owned jointly by more than one person, the joint owners shall be treated as one person for purposes of this distribution.*

(2) By July 15, 1998, every property appraiser must provide to the Department of Revenue a certified list of all homestead property in his or her county as of June 30, 1998. This list must include each owner's name, the address and legal description of the property, and the code indicating the homestead classification for each eligible property and must be in compatible electronic format. Distributions shall be sent to qualified persons as soon as practicable, but no later than October 1, 1998. Each check distributed shall include a letter stating that the distribution is being provided to homestead property owners by the Governor, the Cabinet, and the Florida Legislature.

(3) No person is entitled to a distribution with respect to property for which he or she received a homestead exemption improperly, as described in section 196.011(9) or section 196.161, Florida Statutes.

(4) Persons who, after January 1, 1998, but on or before June 30, 1998, obtain legal or equitable title to real property on which a homestead exemption exists and are listed as owners of the property on the certified list of homestead properties provided by the property appraiser under this section shall receive the distribution provided by this section for that property.

(5) If a delinquent child-support obligor is entitled to receive a distribution, the department must withhold the amount of the delinquency from the rebate of that obligor. The department shall notify the obligor that his or her rebate is being withheld under this section for the purpose of paying the obligor's delinquent child-support obligations. The department shall apply the distribution amount withheld to the delinquent child-support obligation and transmit the balance, if any to the delinquent obligor.

(6) The department shall offset any distribution pursuant to section 213.25, Florida Statutes, and any other applicable law regarding debts or obligations owed to the state.

Section 2. *The sum of $184 million is appropriated from the General Revenue Fund to the Department of Revenue for fiscal year 1998-1999 for distribution to eligible holders of homestead tax exemptions. In the event these funds are insufficient to carry out the provisions of this act, the Administration Commission is authorized to transfer sufficient funds from the Working Capital Fund.*

Section 3. *The sum of $1.8 million is appropriated from the General Revenue Fund to the Department of Revenue for fiscal year 1998-1999 to administer the distributions provided for in this act. The department may contract with private vendors to carry out the distributions, notwithstanding the requirements set out in chapter 287, Florida Statutes. The provisions of chapter 120, Florida Statutes, do not apply to this act.*

Section 4. *Any action to challenge the validity or constitutionality of the rebate provided for in this act must be brought within 60 days after the effective date of this act, or else the challenge is barred. If any such proceeding is initiated, distribution of the rebate amounts under this act shall be held in abeyance until a judicial determination has become final and the time limit for any further proceeding regarding the validity or constitutionality of this act has expired.*

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to homestead tax exemptions; providing for a distribution of money to specified persons who are entitled to an homestead tax exemption; providing appropriations; providing a time limit within which challenges to the rebate must be brought; providing an effective date.

SENATOR LATVALA PRESIDING

Senators Rossin, Silver, Campbell, Dyer, Forman, Hargrett, Holzendorf, Kurth, Meadows, Thomas and Turner offered the following amendment to **Amendment 3** which was moved by Senator Rossin and failed:

Amendment 3A (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Each residential electric utility customer account of an "electric utility" as defined in s. 366.02(2), F.S. receiving active, residential electric utility service on May 1, 1998, shall be provided with a $50 credit, or an amount for which funds are equally available from the General Revenue Trust Fund, on their electric utility service account in August of 1998. The method for the award of this credit shall be as follows:*

(a) Each electric utility shall file with the Florida Public Service Commission by June 1, 1998 certification of the total number of residential electric utility accounts receiving active service on May 1, 1998.

(b) Upon receipt of the certification of the total number of residential electric utility accounts from the utilities , the Commission shall calculate the amount of funds necessary for each electric utility to accomplish the provision of this section by multiplying the number of residential accounts active on May 1, 1998 by $50.

(c) The Commission shall produce a list of the utilities detailing the calculated amount of funds necessary to provide the $50 credit and certify this list to the Comptroller of the State of Florida, the President of the Senate, and the Speaker of the House of Representatives by June 15, 1998. Upon any specific request of the Comptroller, the President of the Senate, or the Speaker of the House of Representatives, the Public Service Commission shall have the authority to audit the total number of residential electric utility accounts as filed pursuant to subsection (b) of this act.

(d) The Comptroller shall distribute funds to each individual electric utility based on the list submitted by the Commission on or before July 1, 1998. The Comptroller shall make appropriate adjustments as funds are available to ensure an equal credit to each specified electric utility customer as provided by this section.

(e) The Florida Public Service Commission shall direct each electric utility to provide the credit on the electric service account of the eligible residential electric service customers on August 1, 1998 as provided by this section, without exception. The Commission shall develop the appropriate language describing the credit on the bill and notifying customers of the credit application process making every effort to neutralize costs to the utilities. Credits shall be reflected on the bills rendered by the utility starting on August 1, 1998 for the applicable customer accounts as they are subsequently billed according to the utility's standard billing cycles, said credits being applied to the bills up to the total amount owed each month for electric service. When bills for electric service do not have sufficient electric service amounts owed to utilize the entire amount of the credit, the remaining credit will be carried on the account for subsequent months billing until the total credit has been utilized or until October 31, 1998. Any customer receiving service on May 1, 1998 that is no longer receiving electric service from the electric utility on August 1, 1998, shall have the credit reflected on their prior account until such time as the utility determines that such customer has not requested or renewed service from the utility between August 1, 1998 and October 31, 1998. All undistributed credits which have not been distributed for whatever reason, shall be accounted for by the utility and returned to the Comptroller of the State of Florida before December 1, 1998. All disputes related to the distribution or the amount of the credit shall be resolved by the Florida Public Service Commission.

It is the intent of the Legislature that this one-time credit not require any increase or decrease in current utility rates as established at the effective date of this section. Prior to the application of this credit, amounts owed by each customer shall be calculated without regard to the existence of the credit. As a result, the amounts due from each customer, including but not limited to rates, state, and local taxes, franchise fees, and any other applicable charges, shall not be affected by the existence of this credit.

Section 2. This act shall take effect upon becoming law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: providing for a residential electric utilities credit under certain conditions; providing legislative intent with respect to the credit; providing an effective date.

The vote was:

Yeas—13

Campbell	Hargrett	Klein	Rossin
Childers	Holzendorf	Kurth	Silver
Dyer	Jones	Meadows	Turner
Forman			

Nays—24

Bankhead	Cowin	Harris	McKay
Bronson	Crist	Horne	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Ostalkiewicz
Burt	Dudley	Latvala	Scott
Casas	Grant	Laurent	Sullivan
Clary	Gutman	Lee	Williams

Senator Burt moved the following amendment to **Amendment 3** which was adopted:

Amendment 3B—On page 2, between lines 29 and 30, insert:

(7) Under procedures established by the department, each recipient of the distribution described in this section may elect to return the distribution and designate the application of the $50 to the state for one of the following uses:

(a) Education;

(b) Children's health care;

(c) Criminal justice; or

(d) Roads.

Senator Hargrett moved the following amendment to **Amendment 3** which was adopted:

Amendment 3C—On page 2, between lines 29 and 30, insert:

(7) Under procedures established by the department, each recipient of the distribution described in this section may elect to return the distribution and designate the application of the $50 to the state for one of the following uses:

(a) Education;

(b) Children's health care;

(c) Criminal justice; or

(d) Transportation.

THE PRESIDENT PRESIDING

Amendment 3 as amended was adopted.

On motion by Senator Burt, by two-thirds vote **SB 2454** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Clary	Grant	Klein	Scott
Cowin	Gutman	Latvala	Silver
Crist	Hargrett	Laurent	Sullivan
Diaz-Balart	Harris	Lee	Thomas
Dudley	Holzendorf	McKay	Turner
Dyer	Horne	Meadows	Williams
Forman	Jones	Ostalkiewicz	
Geller	Kirkpatrick	Rossin	

Nays—2

Kurth Myers

Vote after roll call:

Yea to Nay—Geller

On motion by Senator Cowin, by two-thirds vote **CS for CS for HB 4407** was withdrawn from the Committee on Ways and Means.

On motion by Senator Cowin, the rules were waived and by two-thirds vote—

CS for CS for HB 4407—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing a short title; providing that no tax levied under ch. 212, F.S., shall be collected on sales of clothing with a value of $50 or less during specified periods in August 1998 and January 1999; providing a definition; excluding sales within a theme park or entertainment complex or public lodging establishment; providing for rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 1900** and by two-thirds vote read the second time by title.

Senator Cowin moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The sale of clothing, sold as part of a transaction with a taxable value totaling $100 or less, shall be exempt from the tax imposed by chapter 212, Florida Statutes, beginning at 12:01 a.m. on Saturday, August 15, 1998, through midnight of Wednesday, August 19, 1998.*

(2) For purposes of this section, the term "clothing" means any article of wearing apparel, including footwear and the materials and cloth used for fabricating clothing, intended to be worn on or about the human body. For purposes of this section, the term "clothing" does not include watches, watchbands, jewelry, or similar items of adornment, and does not include special clothing or footwear that is primarily designed for athletic activity or protective use and that is not worn except when so used.

(3) Notwithstanding the provisions of chapter 120, Florida Statutes, the Department of Revenue is authorized to notify dealers and administer the provisions of this section.

Section 2. *The sum of $200,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering this act.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to sales taxes; specifying a date on which the sale of clothing shall be exempt from sales taxes; defining the term "clothing"; authorizing the Department of Revenue to notify dealers and administer the provisions of the act; providing an appropriation; providing an effective date.

Senators Geller, Campbell, Forman, Turner, Meadows and Silver offered the following amendment to **Amendment 1** which was moved by Senator Geller and failed:

Amendment 1A (with title amendment)—On page 2, between lines 5 and 6, insert:

Section 3. *(1) The tax imposed by section 624.509, Florida Statutes, does not apply to premiums received by insurers in calendar year 1998 for residential property insurance policies. For the purposes of this subsection, the term "residential property insurance policies" has the same meaning as the term "covered policy" as defined in section 215.555(2), Florida Statutes.*

(2) An insurer exempt from premium tax liability under subsection (1) shall not be required to pay any additional retaliatory tax levied pursuant to section 624.5091, Florida Statutes, as a result of claiming such credit.

(3) Within 60 days after January 1, 1999, each insurer writing residential property insurance policies in this state shall make a rate filing indicating the reduction in expenses resulting from the exemption from the premium tax and retaliatory tax provided in subsection (1). An insurer may include this factor in a rate filing that indicates additional factors, as authorized by laws and rules applying to such rate filing.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 22, after the semicolon (;) insert: exempting residential property insurance from certain taxes; requiring rate filings that indicate reduced expense resulting from such tax exemptions;

Senator Dyer moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 2, between lines 5 and 6, insert:

Section 3. *This act does not apply to sales within a theme park complex, as defined in section 509.013(9), Florida Statutes, or within a public lodging establishment, as defined in section 509.013(4), Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 22, after the semicolon (;) insert: providing exceptions;

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C—On page 1, lines 27-30, delete those lines and insert: *watchbands, jewelry, or similar items of adornment.*

Amendment 1 as amended was adopted.

On motion by Senator Cowin, by two-thirds vote **CS for CS for HB 4407** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—2

Kurth Myers

STATEMENT OF INTENT

This is a very good bill and we might want to add some intent language that clearly is aimed at those buying the very basic things they need for going to school. However, there are a lot of cunning accountants and CPAs out there who might manipulate the system and begin to do little deals where they price a very expensive item at $100 with some obligation to buy a whole bunch of other things at $100 and are able to manipulate the system. So, I would like to spread some intent language in the

Journal that would say something to the effect that things that are usually priced as one item cannot be split into smaller increments to get under this threshold of $100, so that people won't manipulate the system.

Jim Horne
District 6

CS for SB 1450—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.023, F.S.; defining the terms "ministerial function" and "processing activity" for purposes of ch. 199, F.S.; amending s. 199.052, F.S.; increasing the minimum amount of annual intangible personal property tax which a person may be required to pay; repealing s. 199.052(11), F.S., relating to returns filed by banking organizations, to conform; amending s. 199.175, F.S., relating to taxable situs; conforming provisions; amending s. 199.185, F.S.; revising the exemption from intangible personal property taxes for certain property held in trust; revising the exemption for real estate mortgage investment conduits; partially exempting accounts receivable arising out of a trade or business from intangible personal property taxes; providing legislative intent to fully exempt such assets in subsequent years; providing a full, rather than partial, exemption from the annual tax for banks and savings associations and providing for application of the exemption to organizations defined by s. 220.62(1), (2), (3), and (4), F.S.; exempting insurers from the annual tax; repealing s. 199.104, F.S., which provides a credit against the annual tax for banks and savings associations; repealing s. 220.68, F.S., which provides a credit against the franchise tax imposed on banks and savings associations based on intangible tax paid; amending s. 199.282, F.S.; revising the penalty for late filing of an annual intangible tax return; providing a limitation on combined delinquency and late filing penalties; revising the penalty for omitting or undervaluing property on an annual return; amending s. 199.292, F.S.; revising the distribution of intangible tax revenues; amending s. 220.02, F.S., relating to order of credits against the corporate income tax or franchise tax, and s. 624.509, F.S., relating to the insurance premium tax; conforming provisions; providing application; providing effective dates.

—was read the second time by title.

Senator Ostalkiewicz moved the following amendment which failed:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (13) and (14) are added to section 199.023, Florida Statutes, to read:

199.023 Definitions.—As used in this chapter:

(13) "Ministerial function" means an act the performance of which does not involve the use of discretion or judgment.

(14) "Processing activity" means an activity undertaken to administer or service intangible personal property in accordance with such terms, guidelines, criteria, or directions as are provided solely by the owner of the property. Methods, systems, or techniques chosen by the processor to implement such terms, guidelines, criteria, or directions are not considered the exercise of management or control.

Section 2. Subsection (2) of section 199.052, Florida Statutes, is amended to read:

199.052 Annual tax returns; payment of annual tax.—

(2) No person shall be required to pay the annual tax in any year when the aggregate annual tax upon the person's intangible personal property, after exemptions, would be less than *$60* ~~$5~~. In such case, an annual return is not required unless the taxpayer is a corporation, a banking organization claiming the exemption provided in s. 199.185(1)(i), or an agent or fiduciary of whom the department requires an informational return. Agents and fiduciaries shall report for each person for whom they hold intangible personal property if the aggregate annual tax on such person is *$60 or* more ~~than $5~~.

Section 3. Effective July 1, 2000, subsection (11) of section 199.052, Florida Statutes, is repealed, and subsection (2) of that section, as amended by this act, is amended to read:

199.052 Annual tax returns; payment of annual tax.—

(2) No person shall be required to pay the annual tax in any year when the aggregate annual tax upon the person's intangible personal property, after exemptions, would be less than $60. In such case, an annual return is not required unless the taxpayer is a corporation~~, a banking organization claiming the exemption provided in s. 199.185(1)(i),~~ or an agent or fiduciary of whom the department requires an informational return. Agents and fiduciaries shall report for each person for whom they hold intangible personal property if the aggregate annual tax on such person is $60 or more.

Section 4. Effective July 1, 2000, paragraph (a) of subsection (1) and paragraph (b) of subsection (2) of section 199.175, Florida Statutes, are amended to read:

199.175 Taxable situs.—For purposes of the annual tax imposed under this chapter:

(1) Intangible personal property shall have a taxable situs in this state when it is owned, managed, or controlled by any person domiciled in this state on January 1 of the tax year. Such intangibles shall be subject to annual taxation under this chapter, unless the person who owns, manages, or controls them is specifically exempt or unless the property is specifically exempt. This provision shall apply regardless of where the evidence of the intangible property is kept; where the intangible is created, approved, or paid; or where business may be conducted from which the intangible arises. The fact that a Florida corporation owns the stock of an out-of-state corporation and manages and controls such corporation from a location in this state shall not operate to give a taxable situs in this state to the intangibles owned by the out-of-state corporation, which intangibles arise out of business transacted outside this state.

(a) For the purposes of this chapter, "any person domiciled in this state" means:

1. Any natural person who is a legal resident of this state;

2. Any ~~bank or financial institution,~~ business, business trust as described in chapter 609, company, corporation, ~~insurance company,~~ partnership, or other artificial entity organized or created under the law of this state, except a trust; or

3. Any person, including a trust, who has established a commercial domicile in this state.

(2) Intangible personal property shall have a taxable situs in this state when it is deemed to have a business situs in this state and it is owned, managed, or controlled by a person transacting business in this state, even though the owner may claim a domicile elsewhere. This provision shall apply regardless of where the evidence of the intangible is kept or where the intangible is created, approved, or paid.

(b) Notwithstanding the provisions of this subsection:

1.a. Intangibles that are credit card or charge card receivables or related lines of credit or loans shall be deemed to have business situs in this state only when the debt represented by such intangibles is owed by a customer who is domiciled in this state.

b. The performance of ministerial functions relating to, or the processing of, credit card or charge card receivables in this state for the owner of such receivables is not sufficient to support a finding that the owner is transacting business in this state.

c. The term "credit card or charge card receivables" does not include trade or service receivables as defined in s. 864 of the Internal Revenue Code of 1986, as amended.

2. An intangible owned by a real estate mortgage investment conduit, a real estate investment trust, or a regulated investment company, as those terms are defined in the United States Internal Revenue Code of 1986, as amended, shall not be deemed to have a taxable situs in this state unless such entity has its legal or commercial domicile in this state.

3. The ownership of any interest in a participation or syndication loan or pool of loans, notes, or receivables shall not be sufficient to support a finding that the owner of such interest is transacting business

in this state. For the purposes of this subparagraph, a participation or syndication loan is a loan in which more than one lender is a creditor to a common borrower, and a participation or syndication interest in a pool of loans, notes, or receivables is an interest acquired from the originator or initial creditor with respect to the loans, notes, or receivables constituting the pool.

~~4. Assets owned by a foreign insurance company, as defined in s. 624.06, shall not be deemed to have a business situs in this state if they are managed and controlled outside this state.~~

Section 5. Subsections (1), (2), and (5) of section 199.185, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(1) The following intangible personal property shall be exempt from the annual and nonrecurring taxes imposed by this chapter:

(a) Money.

(b) Franchises.

(c) Any interest as a partner in a partnership, either general or limited, other than any interest as a limited partner in a limited partnership registered with the Securities and Exchange Commission pursuant to the Securities Act of 1933, as amended.

(d) Notes, bonds, and other obligations issued by the State of Florida or its municipalities, counties, and other taxing districts, or by the United States Government and its agencies.

(e) Intangible personal property held in trust pursuant to any stock bonus, pension, or profit-sharing plan or any individual retirement account which is qualified under *s. 530,* s. 401, ~~or~~ s. 408, *or s. 408A* of the United States Internal Revenue Code, 26 U.S.C. ss. *530,* 401, ~~and~~ 408, *and 408A,* as amended.

(f) Intangible personal property held under a retirement plan of a Florida-based corporation exempt from federal income tax under s. 501(c)(6) of the United States Internal Revenue Code, 26 U.S.C., if the primary purpose of the corporation is to support the promotion of professional sports and the retirement plan is either a qualified plan under s. 457 of the United States Internal Revenue Code or the contributions to the plan, pursuant to a ruling by the United States Internal Revenue Service, are not taxable to plan participants until actual receipt or withdrawal by the participant.

(g) Notes and other obligations, except bonds, to the extent that such notes and obligations are secured by mortgage, deed of trust, or other lien upon real property situated outside the state.

(h) The assets of a corporation registered under the Investment Company Act of 1940, 15 U.S.C. s. 80a-1-52, as amended.

(i) All intangible personal property issued in or arising out of any international banking transaction and owned by a banking organization.

(j) Units of a unit investment trust organized under an agreement or declaration of trust and registered under the Investment Company Act of 1940, as amended, whose portfolio of assets consists solely of assets exempt under this section.

(k) *Interests in real estate securitizations, including, but not limited to,* real estate mortgage investment conduits (REMIC) *and financial asset securitization trusts (FASITS), which* ~~that~~ are directly or indirectly secured by or payable from notes and obligations that are in turn secured *solely* by a mortgage, deed of trust, or other lien upon real property situated in or outside ~~of~~ the state, including, but not limited to, mortgage pools, participations, and derivatives and are held as investments by banks or savings associations in compliance with regulatory agency guidelines.

(l) One-third of the accounts receivable arising or acquired in the ordinary course of a trade or business which are owned, controlled, or managed by a taxpayer on January 1, 1999, and thereafter. It is the intent of the Legislature that, pursuant to future legislative action, the portion of such accounts receivable exempt from taxation be increased to two-thirds for taxes levied on January 1, 2000, and further increased to all such accounts receivable on January 1, 2001, and thereafter. This exemption does not apply to accounts receivable which arise outside the taxpayer's ordinary course of trade or business. For the purposes of this chapter, the term "accounts receivable" means a business debt that is owed by another to the taxpayer or the taxpayer's assignor in the ordinary course of trade or business and is not supported by negotiable instruments. Accounts receivable include, but are not limited to, credit card receivables, charge card receivables, credit receivables, margin receivables, inventory or other floor plan financing, lease payments past due, conditional sales contracts, retail installment sales agreements, financing lease contracts, and a claim against a debtor usually arising from sales or services rendered and which is not necessarily due or past due. The examples specified in this paragraph shall be deemed not to be supported by negotiable instruments. The term "negotiable instrument" means a written document that is legally capable of being transferred by indorsement or delivery. The term "indorsement" means the act of a payee or holder in writing his or her name on the back of an instrument without further qualifying words other than "pay to the order of" or "pay to" whereby the property is assigned and transferred to another.

(2)(a) With respect to the ~~first mill of the~~ annual tax, every natural person is entitled each year to an exemption of the first *$50,000* ~~$20,000~~ of the value of property otherwise subject to *the* ~~said~~ tax *on January 1, 2000; $100,000 of the value of property otherwise subject to the tax on January 1, 2001; $150,000 of the value of property otherwise subject to the tax on January 1, 2002; and $200,000 of the value of property otherwise subject to the tax on January 1, 2003.* A husband and wife filing jointly shall have an exemption of *$100,000* ~~$40,000~~ *on January 1, 2000; $200,000 on January 1, 2001; $300,000 on January 1, 2002; and $400,000 on January 1, 2003.*

(b) *With respect to the annual tax, every taxpayer that is not a natural person is entitled to the following exemption:*

1. The first $100,000 of the value of property otherwise subject to the tax on January 1, 2000;

2. The first $200,000 of the value of property otherwise subject to the tax on January 1, 2001;

3. The first $300,000 of the value of property otherwise subject to the tax on January 1, 2002; and

4. The first $400,000 of the value of property otherwise subject to the tax on January 1, 2003. ~~With respect to the last mill of the annual tax, every natural person is entitled each year to an exemption of the first $100,000 of the value of property otherwise subject to said tax. A husband and wife filing jointly shall have an exemption of $200,000.~~

Agents and fiduciaries, other than guardians and custodians under a gifts-to-minors act, filing as such may not claim this exemption on behalf of their principals or beneficiaries; however, if the principal or beneficiary returns the property held by the agent or fiduciary ~~and is a natural person~~, the principal or beneficiary may claim the exemption. No taxpayer shall be entitled to more than one exemption under *this subsection* ~~paragraph (a) and one exemption under paragraph (b)~~. This exemption shall not apply to that intangible personal property described in s. 199.023(1)(d).

(5) *Those organizations* ~~Every bank and savings association, as~~ defined in s. 220.62*(1), (2), (3), or (4) are*~~, is~~ exempt from ~~.5 mill of~~ the tax imposed by s. 199.032.

(8) Every insurer, as defined in s. 624.03, whether the insurer is authorized or unauthorized as defined in s. 624.09, is exempt from the tax imposed by s. 199.032.

Section 6. *The amendment to subsection (5) and the creation of subsection (8) of section 199.185, Florida Statutes, by this section shall apply to taxes due on or after July 1, 1999.*

Section 7. Effective July 1, 2000, paragraph (k) of subsection (1) of section 199.185, Florida Statutes, as amended by this act is amended to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(1) The following intangible personal property shall be exempt from the annual and nonrecurring taxes imposed by this chapter:

(k) Interests in real estate securitizations, including, but not limited to real estate mortgage investment conduits (REMIC) and financial asset securitization trusts (FASITS), which are directly or indirectly secured by or payable from notes and obligations that are in turn secured solely by a mortgage, deed of trust, or other lien upon real property situated outside the state, including, but not limited to, mortgage pools, participations, and derivatives ~~and are held as investments by banks or savings associations in compliance with regulatory agency guidelines~~.

Section 8. *Effective for tax years beginning after December 31, 1999, sections 199.104 and 220.68, Florida Statutes, are repealed.*

Section 9. Subsections (3) and (4) of section 199.282, Florida Statutes, are amended to read:

199.282 Penalties for violation of this chapter.—

(3)(a) If any annual or nonrecurring tax is not paid by the due date, a delinquency penalty shall be charged. The delinquency penalty shall be 10 percent of the delinquent tax for each calendar month or portion thereof from the due date until paid, up to a limit of 50 percent of the total tax not timely paid.

(b) If any annual tax return required by this chapter is not filed by the due date, a penalty of *10* ~~30~~ percent of the tax due with the return shall be charged *for each calendar month or portion thereof during which the return remains unfiled, up to a limit of 50 percent of the total tax due* ~~for each year or portion of the year during which the return remains unfiled~~.

For any penalty assessed under this subsection, the combined total for all penalties assessed under paragraphs (a) and (b) shall not exceed 10 percent per calendar month, up to a limit of 50 percent of the total tax due.

(4) If an annual tax return is filed and property is either omitted from it or undervalued, then a specific penalty shall be charged. The specific penalty shall be *10* ~~30~~ percent of the tax attributable to each omitted item or to each undervaluation. No delinquency or late filing penalty shall be charged with respect to any undervaluation.

Section 10. Subsection (3) of section 199.292, Florida Statutes, is amended to read:

199.292 Disposition of intangible personal property taxes.—All intangible personal property taxes collected pursuant to this chapter shall be placed in a special fund designated as the "Intangible Tax Trust Fund." The fund shall be disbursed as follows:

(3) ~~An amount equal to 33.5 percent~~ Of the remaining intangible personal property taxes collected*, an amount equal to 35.3 percent in state fiscal year 1998-1999 and an amount equal to 37.7 percent in each year thereafter,* shall be transferred to the Revenue Sharing Trust Fund for Counties. ~~An amount equal to 66.5 percent~~ Of the remaining taxes collected*, an amount equal to 64.7 percent in state fiscal year 1998-1999 and an amount equal to 62.3 percent in each year thereafter,* shall be transferred to the General Revenue Fund of the state.

Section 11. Effective July 1, 2000, subsection (10) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(10) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: ~~those enumerated in s. 220.68,~~ those enumerated in s. 631.719(1), those enumerated in s. 631.705, those enumerated in s. 220.18, those enumerated in s. 631.828, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, and those enumerated in s. 220.188.

Section 12. Effective July 1, 2000, subsections (4), (7), and (8) of section 624.509, Florida Statutes, are amended to read:

624.509 Premium tax; rate and computation.—

(4) ~~The intangible tax imposed under chapter 199,~~ The income tax imposed under chapter 220, and the emergency excise tax imposed under chapter 221 which are paid by any insurer shall be credited against, and to the extent thereof shall discharge, the liability for tax imposed by this section for the annual period in which such tax payments are made. As to any insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by this section, as intended and contemplated by this subsection, shall be construed to mean the net amount of such tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firefighters' relief and pension funds and police officers' retirement funds maintained in such cities or towns, as provided in and by relevant provisions of the Florida Statutes. For purposes of this subsection, payments of estimated income tax under chapter 220 and of estimated emergency excise tax under chapter 221 shall be deemed paid either at the time the insurer actually files its annual returns under chapter 220 or at the time such returns are required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

(7) Credits and deductions against the tax imposed by this section shall be taken in the following order: deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220, the emergency excise tax paid under chapter 221 and the credit allowed under subsection (5), as these credits are limited by subsection (6); ~~credits for intangible taxes paid under chapter 199;~~ all other available credits and deductions.

(8) From and after July 1, 1980, the premium tax authorized by this section shall not be imposed upon receipts of annuity premiums or considerations paid by holders in this state ~~and from and after July 1, 1991, the intangible tax imposed by chapter 199 shall not be imposed on assets equal to the statutory legal reserves of annuity products maintained by insurance companies on behalf of their holders~~ if the tax savings derived are credited to the annuity holders. Upon request by the Department of Revenue, any insurer availing itself of this provision shall submit to the department evidence which establishes that the tax savings derived have been credited to annuity holders. As used in this subsection, the term "holders" shall be deemed to include employers contributing to an employee's pension, annuity, or profit-sharing plan.

Section 13. *For tax years beginning after December 31, 1999, no credit under section 624.509(4), Florida Statutes, for intangible tax imposed under chapter 199, Florida Statutes, shall be available.*

Section 14. *Effective January 1, 2004, sections 199.012, 199.023, 199.032, 199.042, 199.052, 199.057, 199.062, 199.104, 199.106, 199.133, 199.145, 199.155, 199.175, 199.202, 199.212, 199.218, 199.232, 199.282, 199.292, and 199.303, Florida Statutes; section 199.103, Florida Statutes, as amended by section 1 of chapter 95-244, Laws of Florida, and by section 14 of chapter 97-287, Laws of Florida; section 199.135, Florida Statutes, as amended by section 1480 of chapter 95-147, Laws of Florida; section 199.143, Florida Statutes, as amended by section 1 of chapter 97-123, Laws of Florida; section 199.183, Florida Statutes, as amended by section 2 of chapter 96-283, Laws of Florida, and by section 4 of chapter 97-197, Laws of Florida; section 199.185, Florida Statutes, as amended by section 1 of chapter 96-283, Laws of Florida, by section 13 of chapter 96-320, by section 1 of chapter 97-191, Laws of Florida, and by this act; section 199.262, Florida Statutes, as amended by section 1046 of chapter 95-147, Laws of Florida; and section 199.272, Florida Statutes, as amended by section 1047 of chapter 95-147, Laws of Florida, are repealed.*

Section 15. *The Department of Revenue is authorized to take any action after January 1, 2004, which it was authorized to take before that date to collect any tax that was due before that date under chapter 199, Florida Statutes, and that was unpaid, underpaid, or otherwise avoided.*

Section 16. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to intangible personal property taxes; amending

s. 199.023, F.S.; defining the terms "ministerial function" and "processing activity" for purposes of ch. 199, F.S.; amending s. 199.052, F.S.; increasing the minimum amount of annual intangible personal property tax which a person may be required to pay; repealing s. 199.052(11), F.S., relating to returns filed by banking organizations, to conform; amending s. 199.175, F.S., relating to taxable situs; conforming provisions; amending s. 199.185, F.S.; revising the exemption from intangible personal property taxes for certain property held in trust; revising the exemption for real estate mortgage investment conduits; partially exempting accounts receivable arising out of a trade or business from intangible personal property taxes; providing legislative intent to fully exempt such assets in subsequent years; providing increased exemptions; providing a full, rather than partial, exemption from the annual tax for banks and savings associations and providing for application of the exemption to organizations defined by s. 220.62(1), (2), (3), and (4), F.S.; exempting insurers from the annual tax; repealing s. 199.104, F.S., which provides a credit against the annual tax for banks and savings associations; repealing s. 220.68, F.S., which provides a credit against the franchise tax imposed on banks and savings associations based on intangible tax paid; amending s. 199.282, F.S.; revising the penalty for late filing of an annual intangible tax return; providing a limitation on combined delinquency and late filing penalties; revising the penalty for omitting or undervaluing property on an annual return; amending s. 199.292, F.S.; revising the distribution of intangible tax revenues; amending s. 220.02, F.S., relating to order of credits against the corporate income tax or franchise tax, and s. 624.509, F.S., relating to the insurance premium tax; conforming provisions; providing for future repeal of tax on personal property, authorizing the Department of Revenue to collect any tax that was due before the date of repeal; providing application; providing effective dates.

Senator Rossin moved the following amendments which were adopted:

Amendment 2 (with title amendment)—On page 3, between lines 14 and 15, insert:

(15) If a bank or savings association, as defined in s. 220.62, acts as a fiduciary or agent of a trust other than as a trustee, intangible personal property of the trust shall not have taxable situs in this state pursuant to s. 199.175 solely by virtue of the management or control of the bank or savings association.

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: providing that personal property of a trust will not have taxable situs in this state under specified circumstances;

Amendment 3—On page 3, line 2, after "amended" insert: , and subsection (15) is added to that section,

Senator Bankhead moved the following amendments which were adopted:

Amendment 4 (with title amendment)—On page 3, line 30, insert:

Section 4. Paragraph (c) is added to subsection (1) of section 199.175, Florida Statutes, to read:

199.175 Taxable situs.—For purposes of the annual tax imposed under this chapter:

(1) Intangible personal property shall have a taxable situs in this state when it is owned, managed, or controlled by any person domiciled in this state on January 1 of the tax year. Such intangibles shall be subject to annual taxation under this chapter, unless the person who owns, manages, or controls them is specifically exempt or unless the property is specifically exempt. This provision shall apply regardless of where the evidence of the intangible property is kept; where the intangible is created, approved, or paid; or where business may be conducted from which the intangible arises. The fact that a Florida corporation owns the stock of an out-of-state corporation and manages and controls such corporation from a location in this state shall not operate to give a taxable situs in this state to the intangibles owned by the out-of-state corporation, which intangibles arise out of business transacted outside this state.

(c) Notwithstanding the provisions of this subsection, intangibles that are credit card receivables or charge card receivables or related lines of credit or loans that would otherwise be deemed to have taxable situs in this state solely because they are owned, managed, or controlled by a bank or savings association as defined in s. 220.62, or an affiliate or subsidiary thereof, which is domiciled in this state shall be treated as having a taxable situs in this state only when the debt represented by the intangible is owed by a customer who is domiciled in this state. As used in this paragraph, the terms "credit card receivables" and "charge card receivables" do not include trade or service receivables as defined in s. 864 of the Internal Revenue Code of 1986, as amended.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) following "situs" insert: amending s. 199.175, F.S.; providing for situs of credit or charge card receivables owned, managed, or controlled by a bank or savings association;

Amendment 5—On page 8, lines 11 and 12, delete "and are held as investments by banks or savings associations in compliance with regulatory agency guidelines" and insert: ~~and are held as investments by banks or savings associations in compliance with regulatory agency guidelines~~

Amendment 6—On page 8, line 25, delete "*assignor*" and insert: *assignee*

Senator Burt moved the following amendment which was adopted:

Amendment 7 (with title amendment)—On page 9, between lines 11 and 12, insert:

(m) Stock options granted to employees by their employer pursuant to an incentive plan, if the employees cannot transfer, sell, or mortgage the options. Stock purchased by an employee from an employer pursuant to an incentive plan shall be treated as a nontaxable stock option if part of the purchase price of the stock is nonrecourse debt secured by the stock and the stock cannot be sold, transferred, or assigned by the employee until the nonrecourse debt is discharged. Such stock becomes taxable stock when it can be sold, transferred, or assigned by the employee.

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: exempting stock options granted to employees by an employer and stock purchased by employees under certain conditions from intangible personal property taxes;

Senator Bankhead moved the following amendment which was adopted:

Amendment 8—On page 9, line 22 through page 10, line 8, delete section 7 and redesignate subsequent sections.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1450** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Rossin
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Geller	Laurent	Turner
Casas	Gutman	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Grant, Lee

On motion by Senator Ostalkiewicz, by two-thirds vote **CS for HB 3171** was withdrawn from the Committees on Ways and Means; and Commerce and Economic Opportunities.

On motion by Senator Ostalkiewicz—

CS for HB 3171—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the application of the exemption for labor charges for the maintenance and repair of certain aircraft; providing an exemption for replacement engines, parts, and equipment used in the repair or maintenance of certain aircraft; providing an exemption for the sale or lease of certain aircraft for use by a common carrier; providing an effective date.

—a companion measure, was substituted for **CS for SB 328** and read the second time by title. On motion by Senator Ostalkiewicz, by two-thirds vote **CS for HB 3171** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

On motion by Senator Latvala, by two-thirds vote **CS for CS for HB's 3249 and 3305** was withdrawn from the Committee on Ways and Means.

On motion by Senator Latvala, by two-thirds vote—

CS for CS for HB's 3249 and 3305—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; exempting the sale of steam energy used in manufacturing; providing a threshold for electricity use; providing a presumption with respect to the proportion of nonexempt use for electricity use that falls below the threshold; deleting a requirement that the electricity be separately metered; revising the applicability of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 338** and by two-thirds vote read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for CS for HB's 3249 and 3305** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

On motion by Senator Clary, by two-thirds vote **CS for CS for HB 3351** was withdrawn from the Committee on Ways and Means.

On motion by Senator Clary, by two-thirds vote—

CS for CS for HB 3351—A bill to be entitled An act relating to corporate income tax; amending s. 220.15, F.S., which provides for apportionment of adjusted federal income for corporate income tax purposes; providing that the property factor fraction shall not include property certified as dedicated to research and development pursuant to sponsored research conducted through certain universities; providing a definition; providing that the payroll factor shall not include compensation paid to employees certified as dedicated to such activities; providing that no such activities shall cause a corporation not otherwise subject to corporate income tax to be subject to said tax; providing limitations; providing for rules; requiring a report; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 742** and by two-thirds vote read the second time by title. On motion by Senator Clary, by two-thirds vote **CS for CS for HB 3351** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 916—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing exemptions from the tax for aquaculture purposes; providing an effective date.

—was read the second time by title. On motion by Senator Bronson, by two-thirds vote **CS for SB 916** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

On motion by Senator Bronson, by two-thirds vote **CS for HB 3681** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Bronson—

CS for HB 3681—A bill to be entitled An act relating to capital investment tax credits; amending s. 220.02, F.S.; revising legislative intent on the order of application of certain credits; creating s. 220.191, F.S.; providing definitions; providing for a credit against the corporate income tax for certain capital costs; providing requirements; providing limitations; providing for certification of eligibility by the Office of Tourism, Trade, and Economic Development; providing duties of the Department of Revenue; authorizing the office to develop certification guidelines and application materials; providing a responsibility for qualifying businesses; authorizing the Department of Revenue to adopt rules; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1314** and read the second time by title. On motion by Senator Bronson, by two-thirds vote **CS for HB 3681** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1564—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; amending the exemption for machinery and equipment used in silicon technology production and research and development; deleting the requirement that the exemption be accomplished through the refund of taxes that were previously paid; deleting the provision that the refund is subject to a specific annual legislative appropriation; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, lines 16-24, delete those lines and insert:

Section 1. Paragraphs (f) and (j) of subsection (5) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(f) *Certain property* ~~Motion picture or video equipment~~ used in motion picture or television production activities *or broadcasting* and sound recording equipment used in the production of master tapes and master records.—

1. Motion picture or video equipment and sound recording equipment purchased or leased for use in this state in production activities is exempt from the tax imposed by this chapter upon an affirmative showing by the purchaser or lessee to the satisfaction of the department that the equipment will be used for production activities. *There is exempt from the tax imposed under this chapter all personal or real property purchased or leased for use in the operation of any television broadcasting station that:*

a. Has been acquired following the conclusion of bankruptcy proceedings by a previous owner;

b. Submits an affidavit from its general manager stating that the broadcasting station employs more than 50 employees and that at least 90 percent of the employees of the bankrupt station were offered jobs following its acquisition;

c. Has received more than $5 million in capital improvements following its acquisition;

d. Is located within the boundaries of a metropolitan statistical area and shares common ownership or management with another broadcasting station that has been acquired following bankruptcy and that is located in a different metropolitan statistical area;

e. Has spent more than $3 million since 1995 for equipment used in the digital storage of programming; and

f. In the year following receipt of a tax refund under this section, broadcasts, at no cost to the state, youth-oriented, anti-tobacco public service announcements of an equal or greater value than the tax refund received by the broadcasting station in the previous year. If the broadcasting station that has received a refund fails to broadcast a sufficient number of public service announcements, the taxpayer must return the refund to the state together with interest and penalties.

The exemption provided by this paragraph shall inure to the taxpayer only through a refund of previously paid taxes. *The maximum refund allowed in any year is $350,000 for any broadcasting station, and a taxpayer may not receive a refund for more than 5 years.* Notwithstanding the provisions of s. 212.095, such refund shall be made within 30 days of formal application, which application may be made after the completion of *each quarter* ~~production activities or on a quarterly basis~~. Notwithstanding the provisions of chapter 213, the department shall provide the Department of Commerce with a copy of each refund application and the amount of such refund, if any.

2. For the purpose of the exemption provided in subparagraph 1.:

a. "Motion picture or video equipment" and "sound recording equipment" includes only equipment meeting the definition of "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code that is used by the lessee or purchaser exclusively as an integral part of production activities; however, motion picture or video equipment and sound recording equipment does not include supplies, tape, records, film, or video tape used in productions or other similar items; vehicles or vessels; or general office equipment not specifically suited to production activities. In addition, the term does not include equipment purchased or leased by television or radio broadcasting or cable companies licensed by the Federal Communications Commission.

b. "Production activities" means activities directed toward the preparation of a:

(I) Master tape or master record embodying sound; or

(II) Motion picture or television production which is produced for theatrical, commercial, advertising, or educational purposes and utilizes live or animated actions or a combination of live and animated actions. The motion picture or television production shall be commercially produced for sale or for showing on screens or broadcasting on television and may be on film or video tape.

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: creating a tax incentive for certain television broadcasting stations;

Senator McKay moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 6, between lines 2 and 3, insert:

Section 2. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, as amended by section 17 of chapter 97-384, Laws of Florida, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified.

Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 50,000 that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011(1), may, in addition, use the proceeds to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes.

2. For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

3. Notwithstanding any other provision of this subsection, a discretionary sales surtax imposed or extended after the effective date of this act may provide for an amount not to exceed 30 percent of the local option sales surtax proceeds to be allocated for deposit to a trust fund within the county's accounts created for the purpose of funding economic development projects of a general public purpose targeted to improve local economies, including the funding of operational costs and incentives related to such economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: amending s. 212.055, F.S.; authorizing counties to use a specified percent of surtax proceeds for economic development projects;

On motion by Senator McKay, by two-thirds vote **CS for SB 1564** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Harris, by two-thirds vote **CS for HB 209** was withdrawn from the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

On motion by Senator Harris—

CS for HB 209—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing a definition of "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest"; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 984** and read the second time by title.

Senator Harris moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (27), (28), (29), and (30) are added to section 212.02, Florida Statutes, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(27) "Self-propelled farm equipment" means equipment that contains within itself the means for its own propulsion, including, but not limited to, tractors.

(28) "Power-drawn farm equipment" means equipment that is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, disks, harrows, hay balers, and mowers.

(29) "Power-driven farm equipment" means moving or stationary equipment that is dependent upon an external power source to perform its function, including, but not limited to, conveyors, augers, feeding systems, and pumps.

(30) "Forest" means the land stocked by trees of any size used in the production of forest products, or formerly having such tree cover, and not currently developed for nonforest use.

Section 2. Subsection (3) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(3) EXEMPTIONS, PARTIAL; CERTAIN FARM EQUIPMENT.—There shall be taxable at the rate of 3 percent the sale, use, consumption, or storage for use in this state of self-propelled, ~~or~~ power-drawn, *or power-driven* farm equipment used exclusively *on a farm or in a forest* ~~by a farmer on a farm owned, leased, or sharecropped by the farmer~~ in plowing, planting, cultivating, or harvesting crops *or products as produced by those agricultural industries included in s. 570.02(1), or for fire prevention and supression work with respect to such crops or products. Harvesting may not be construed to include processing activities. This exemption is not forfeited by moving farm equipment between farms or forests.* The rental of self-propelled, ~~or~~ power-drawn, *or power-driven* farm equipment shall be taxed at the rate of *3* ~~6~~ percent.

Section 3. This act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing a definition of "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest"; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; reducing the rate of tax on such equipment; providing an effective date.

Senator Kirkpatrick moved the following amendment:

Amendment 2 (with title amendment)—On page 2, between lines 25 and 26, insert:

Section 3. Paragraph (k) is added to subsection (5) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(k) Growth enhancers or performance enhancers for cattle.—There is exempt from the tax imposed by this chapter the sale of performance-enhancing or growth-enhancing products for cattle.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: providing an exemption for the sale of performance-enhancing or growth-enhancing products for cattle;

On motion by Senator Harris, further consideration of **CS for HB 209** as amended with pending **Amendment 2** was deferred.

Consideration of **CS for SB 1608** was deferred.

On motion by Senator Burt, by two-thirds vote **CS for HB 4413** was withdrawn from the Committee on Ways and Means.

On motion by Senator Burt, by two-thirds vote—

CS for HB 4413—A bill to be entitled An act relating to administration of revenue laws; amending s. 192.001, F.S.; restricting applicability of the definition of "computer software" for purposes of imposing ad valorem taxes; amending s. 199.052, F.S.; requiring banks and financial organizations filing annual intangible personal property tax returns for their customers to file information using machine-sensible media; amending s. 212.0515, F.S.; eliminating the requirement that persons selling food or beverages to operators for resale through vending machines report to the Department of Revenue quarterly; amending s. 212.054, F.S.; removing provisions which specify when a dealer outside a county which adopts or revises a discretionary sales surtax who makes sales within that county must begin to collect the surtax; prescribing the effective date of an increase or decrease in the rate of any discretionary sales surtax and revising the termination date; providing requirements with respect to notice to the department by a county or school board imposing, terminating, revising, or proposing to impose, terminate, or revise, a surtax, and specifying effect of failure to provide notice; amending s. 212.055, F.S.; removing provisions which allow a nonuniform effective date for the local government infrastructure surtax, small county surtax, indigent care surtax, small county indigent care surtax, and school capital outlay surtax; amending s. 125.2801, F.S.; correcting a reference; amending ss. 212.097 and 212.098, F.S.; redefining "new business" for purposes of the urban high-crime area job tax credit and the rural job tax credit; amending s. 212.11, F.S.; providing requirements relating to sales tax returns filed through electronic data interchange; amending s. 212.12, F.S.; revising provisions relating to the dealer's credit for collecting sales tax; specifying that the credit is also for the filing of timely returns; authorizing the department to deny, rather than reduce, the credit if an incomplete return is filed; revising the definition of "incomplete return"; amending s. 212.17, F.S.; providing that the department shall prescribe the format for filing returns through electronic data interchange and specifying that failure to use the format does not relieve a dealer from the payment of tax; amending s. 213.755, F.S.; defining "payment" and "return" for purposes of revenue laws administered by the department; amending s. 213.053, F.S., relating to confidentiality of information obtained by the department and sharing of such information; revising provisions relating to applicability of said section; amending s. 213.0535, F.S.; revising provisions relating to frequency of exchange of information by certain participants in the Registration Information Sharing and Exchange Program; amending s. 213.21, F.S.; revising provisions that authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; amending s. 213.28, F.S.; revising qualifications of certified public accountants contracting with the department to perform audits; amending s. 213.67, F.S.; providing that a person who receives a notice to withhold with respect to property of a delinquent taxpayer and who disposes of such property during the effective period of the notice is liable for the taxpayer's indebtedness under certain circumstances; providing that such notice remains in effect while a taxpayer's contest of an intended levy is pending; providing that a financial institution receiving such notice has a right of setoff for certain debit card transactions; requiring persons who receive such notice to notify the department of assets of the delinquent taxpayer subsequently coming into their possession and prohibiting disposal of such assets; specifying that a notice of levy to such persons be by registered mail; authorizing the department to bring an action to compel compliance with notices issued under said section; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; amending s. 220.02, F.S.; providing legislative intent regarding taxation of a "qualified subchapter S subsidiary"; amending s. 220.22, F.S.; requiring certain returns by such subsidiaries; providing retroactive application; providing effective dates.

—a companion measure, was substituted for **CS for SB 1952** and by two-thirds vote read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 125.2801, Florida Statutes, is amended to read:

125.2801 County qualification retention.—Once a county qualifies for authorization to create a jury district under s. 40.015(1), and once a county qualifies for small county technical assistance pursuant to s. 163.05(3), and once a county qualifies to be required to include optional elements in their comprehensive plans pursuant to s. 163.3177(6)(i), and once a county qualifies to enter into a written agreement with the state land planning agency pursuant to s. 163.3191(12)(a), and once a county qualifies under s. 212.055(2)(d)1. to use local government infrastructure surtax proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure, and once a county qualifies under *s. 212.055(2)(h)* ~~s. 212.055(2)(j)~~ to use local government infrastructure surtax proceeds and interest for operation and maintenance of parks and recreation programs and facilities established with proceeds of the surtax, and once a county qualifies for reduction or waiver of permit processing fees pursuant to s. 218.075, and once a county qualifies for emergency distribution pursuant to s. 218.65, and once a county qualifies for funds from the Emergency Management, Preparedness, and Assistance Trust Fund pursuant to s. 252.373(3)(a), and once a county qualifies for priority State Touring Program grants under s. 265.2861(1)(c), and once a county qualifies under s. 403.706(4)(d) to provide its residents with the opportunity to recycle, and once a county qualifies for receipt of annual solid waste and recycling grants pursuant to s. 403.7095(7)(a), the county shall retain such qualification until it exceeds a population of 75,000.

Section 2. Subsection (19) of section 192.001, Florida Statutes, is amended to read:

192.001 Definitions.—All definitions set out in chapters 1 and 200 that are applicable to this part are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(19) "Computer software" means any information, program, or routine, or any set of one or more programs, routines, or collections of information used or intended for use to convey information or to cause one or more computers or pieces of computer-related peripheral equipment, or any combination thereof, to perform a task or set of tasks. Without limiting the generality of the definition provided in this subsection, the term includes operating and applications programs and all related documentation. Computer software does not include embedded software that resides permanently in the internal memory of a computer or computer-related peripheral equipment and that is not removable without terminating the operation of the computer or equipment. Computer software constitutes personal property only to the extent of the value of the unmounted or uninstalled medium on or in which the information, program, or routine is stored or transmitted, and, after installation or mounting by any person, computer software does not increase the value of the computer or computer-related peripheral equipment, or any combination thereof. *Notwithstanding any other provision of law, this subsection applies to the 1997 and subsequent tax rolls and to any assessment in an administrative or judicial action pending on June 1, 1997.*

Section 3. Subsection (15) is added to section 199.052, Florida Statutes, to read:

199.052 Annual tax returns; payment of annual tax.—

(15) All banks and financial organizations filing annual intangible tax returns for their customers shall file return information for taxes due January 1, 1999, and thereafter using machine-sensible media. The information required by this subsection must be reported by banks or financial organizations on machine-sensible media, using specifications and instructions of the department. A bank or financial organization that demonstrates to the satisfaction of the department that a hardship exists is not required to file intangible tax returns for its customers using machine-sensible media. The department shall adopt rules necessary to administer this subsection.

Section 4. Paragraph (c) of subsection (14) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(14)

(c) "Retail sales," "sale at retail," "use," "storage," and "consumption" do not include materials, containers, labels, sacks, or bags intended to be used one time only for packaging tangible personal property for sale or for packaging in the process of providing a service taxable under this chapter and do not include the sale, use, storage, or consumption of industrial materials, including chemicals and fuels except as provided herein, for future processing, manufacture, or conversion into articles of tangible personal property for resale when such industrial materials, including chemicals and fuels except as provided herein, become a component or ingredient of the finished product *and do not include the sale, use, storage, or consumption of materials for use in repairing a motor vehicle, airplane, or boat, when such materials are incorporated into the repaired vehicle, airplane, or boat.* However, said terms include the sale, use, storage, or consumption of tangible personal property, including machinery and equipment or parts thereof, purchased electricity, and fuels used to power machinery, when said items are used and dissipated in fabricating, converting, or processing tangible personal property for sale, even though they may become ingredients or components of the tangible personal property for sale through accident, wear, tear, erosion, corrosion, or similar means.

Section 5. Subsections (3) and (4) are added to section 212.0601, Florida Statutes, to read:

212.0601 Use taxes of vehicle dealers.—

(3) Unless otherwise exempted by law, a motor vehicle dealer who loans a vehicle to any person at no charge shall accrue use tax based on the annual lease value as determined by the United States Interval Revenue Service's Automobile Annual Lease Value Table.

(4) Notwithstanding the provisions of a motor vehicle rental agreement, no sales or use tax and no rental car surcharge pursuant to s. 212.0606 shall accrue to the use of a motor vehicle provided at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the entity providing the replacement motor vehicle.

Section 6. Subsection (4) is added to section 212.0606, Florida Statutes, to read:

212.0606 Rental car surcharge.—

(4) The surcharge imposed by this section does not apply to a motor vehicle provided at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the entity providing the replacement motor vehicle.

Section 7. Subsection (5) of section 212.0515, Florida Statutes, is amended to read:

212.0515 Sales from vending machines; special provisions; registration; penalties.—

(5)~~(a) Any person who sells food or beverages to an operator for resale through vending machines shall submit to the department on or before the 20th day of the month following the close of each calendar quarter a report which identifies by dealer registration number each operator described in paragraph (b) who has purchased such items from said person and states the net dollar amount of purchases made by each operator from said person. In addition, the report shall also include the purchaser's name, dealer registration number, and sales price for any tax-free sale for resale of canned soft drinks of 25 cases or more.~~

(a)~~(b)~~ Each operator who purchases food or beverages for resale in vending machines shall annually provide to the dealer from whom the items are purchased a certificate on a form prescribed and issued by the department. The certificate must affirmatively state that the purchaser is a vending machine operator. The certificate shall initially be provided upon the first transaction between the parties and by November 1 of each year thereafter.

(b)~~(c) A penalty of $250 is imposed on any person who is required to file the quarterly report required by this subsection who fails to do so or who files false information.~~ A penalty of $250 is imposed on any operator who fails to comply with the requirements of this subsection or who provides the dealer with false information. Penalties accrue interest as provided for delinquent taxes under this chapter and apply in addition to all other applicable taxes, interest, and penalties.

~~(d) The department is authorized to adopt rules regarding the form in which the quarterly report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.~~

Section 8. Section 212.054, Florida Statutes, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(1) No general excise tax on sales shall be levied by the governing body of any county unless specifically authorized in s. 212.055. Any general excise tax on sales authorized pursuant to said section shall be administered and collected exclusively as provided in this section.

(2)(a) The tax imposed by the governing body of any county authorized to so levy pursuant to s. 212.055 shall be a discretionary surtax on all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rentals, admissions, and other transactions by this chapter. The surtax, if levied, shall be computed as the applicable rate or rates authorized pursuant to s. 212.055 times the amount of taxable sales and taxable purchases representing such transactions. If the surtax is levied on the sale of an item of tangible personal property or on the sale of a service, the surtax shall be computed by multiplying the rate imposed by the county within which the sale occurs by the amount of the taxable sale. The sale of an item of tangible personal property or the sale of a service is not subject to the surtax if the property, the service, or the tangible personal property representing the service is delivered within a county that does not impose a discretionary sales surtax.

(b) However:

1. The tax on any sales amount above $5,000 on any item of tangible personal property and on long-distance telephone service shall not be subject to the surtax. For purposes of administering the $5,000 limitation on an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the $5,000 limitation when supported by a charge ticket, sales slip, invoice, or other tangible evidence of a single sale or rental. The limitation provided in this subparagraph does not apply to the sale of any other service.

2. In the case of utility, telecommunication, or television system program services billed on or after the effective date of any such surtax, the entire amount of the tax for utility, telecommunication, or television system program services shall be subject to the surtax. In the case of utility, telecommunication, or television system program services billed after the last day the surtax is in effect, the entire amount of the tax on said items shall not be subject to the surtax.

3. In the case of written contracts which are signed prior to the effective date of any such surtax for the construction of improvements to real property or for remodeling of existing structures, the surtax shall be paid by the contractor responsible for the performance of the contract. However, the contractor may apply for one refund of any such surtax paid on materials necessary for the completion of the contract. Any application for refund shall be made no later than 15 months following initial imposition of the surtax in that county. The application for refund shall be in the manner prescribed by the department by rule. A complete application shall include proof of the written contract and of payment of the surtax. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county information necessary for issuance of a refund to the applicant. Counties are hereby authorized to issue refunds for this purpose and shall set aside from the proceeds of the surtax a sum sufficient to pay any refund lawfully due. Any person who fraudulently obtains or attempts to obtain a refund pursuant to this subparagraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) For the purpose of this section, a transaction shall be deemed to have occurred in a county imposing the surtax when:

(a)1. The sale includes an item of tangible personal property, a service, or tangible personal property representing a service, and the item of tangible personal property, the service, or the tangible personal property representing the service is delivered within the county. If there is no reasonable evidence of delivery of a service, the sale of a service is deemed to occur in the county in which the purchaser accepts the bill of sale.

~~2. However, a dealer selling tangible personal property, or delivering a service or tangible personal property representing a service, into a county which, before November 9 of any year, adopts or revises any surtax authorized in s. 212.055, from outside such a county, is not required to collect the surtax at the new or revised rate on such transaction until February 1 of the year following the year of the adoption or revision of the surtax. However, if the surtax is adopted or revised between November 9 and December 31 of any year, such dealer is not required to collect such surtax at the new or revised rate until February 1 of the year after the subsequent year. The department shall notify all dealers of all surtax rates in effect on November 9 no later than February 1 of the subsequent year.~~

2.~~3.~~ The sale of any motor vehicle or mobile home of a class or type which is required to be registered in this state or in any other state shall be deemed to have occurred only in the county identified as the residence address of the purchaser on the registration or title document for such property.

(b) The event for which an admission is charged is located in the county.

(c) The consumer of utility or television system program services is located in the county, or the telecommunication services are provided to a location within the county.

(d)1. The user of any aircraft or boat of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government imported into the county for use, consumption, distribution, or storage to be used or consumed in the county is located in the county.

2. However, it shall be presumed that such items used outside the county for 6 months or longer before being imported into the county were not purchased for use in the county, except as provided in s. 212.06(8)(b).

3. This paragraph does not apply to the use or consumption of items upon which a like tax of equal or greater amount has been lawfully imposed and paid outside the county.

(e) The purchaser of any motor vehicle or mobile home of a class or type which is required to be registered in this state is a resident of the taxing county as determined by the address appearing on or to be reflected on the registration document for such property.

(f)1. Any motor vehicle or mobile home of a class or type which is required to be registered in this state is imported from another state into the taxing county by a user residing therein for the purpose of use, consumption, distribution, or storage in the taxing county.

2. However, it shall be presumed that such items used outside the taxing county for 6 months or longer before being imported into the county were not purchased for use in the county.

(g) The real property which is leased or rented is located in the county.

(h) The transient rental transaction occurs in the county.

(i) The delivery of any aircraft or boat of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government is to a location in the county. However, this paragraph does not apply to the use or consumption of items upon which a like tax of equal or greater amount has been lawfully imposed and paid outside the county.

(j) The dealer owing a use tax on purchases or leases is located in the county.

(k) The delivery of tangible personal property other than that described in paragraph (d), paragraph (e), or paragraph (f) is made to a location outside the county, but the property is brought into the county within 6 months after delivery, in which event, the owner must pay the surtax as a use tax.

(l) The coin-operated amusement or vending machine is located in the county.

(m) The florist taking the original order to sell tangible personal property is located in the county, notwithstanding any other provision of this section.

(4)(a) The department shall administer, collect, and enforce the tax authorized under s. 212.055 pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under the provisions of this chapter, except as provided in this section. The provisions of this chapter regarding interest and penalties on delinquent taxes shall apply to the surtax. Discretionary sales surtaxes shall not be included in the computation of estimated taxes pursuant to s. 212.11. Notwithstanding any other provision of law, a dealer need not separately state the amount of the surtax on the charge ticket, sales slip, invoice, or other tangible evidence of sale. For the purposes of this section and s. 212.055, the "proceeds" of any surtax means all funds collected and received by the department pursuant to a specific authorization and levy under s. 212.055, including any interest and penalties on delinquent surtaxes.

(b) The proceeds of a discretionary sales surtax collected by the selling dealer located in a county which imposes the surtax shall be returned, less the cost of administration, to the county where the selling dealer is located. The proceeds shall be transferred to the Discretionary Sales Surtax Clearing Trust Fund. A separate account shall be established in such trust fund for each county imposing a discretionary surtax. The amount deducted for the costs of administration shall not exceed 3 percent of the total revenue generated for all counties levying a surtax authorized in s. 212.055. The amount deducted for the costs of administration shall be used only for those costs which are solely and directly attributable to the surtax. The total cost of administration shall be prorated among those counties levying the surtax on the basis of the amount collected for a particular county to the total amount collected for all counties. No later than March 1 of each year, the department shall submit a written report which details the expenses and amounts deducted for the costs of administration to the President of the Senate, the Speaker of the House of Representatives, and the governing authority of each county levying a surtax. The department shall distribute the moneys in the trust fund each month to the appropriate counties, unless otherwise provided in s. 212.055.

(c)1. Any dealer located in a county that does not impose a discretionary sales surtax but who collects the surtax due to sales of tangible personal property or services delivered outside the county shall remit monthly the proceeds of the surtax to the department to be deposited into an account in the Discretionary Sales Surtax Clearing Trust Fund

which is separate from the county surtax collection accounts. The department shall distribute funds in this account using a distribution factor determined for each county that levies a surtax and multiplied by the amount of funds in the account and available for distribution. The distribution factor for each county equals the product of:

a. The county's latest official population determined pursuant to s. 186.901;

b. The county's rate of surtax; and

c. The number of months the county has levied a surtax during the most recent distribution period;

divided by the sum of all such products of the counties levying the surtax during the most recent distribution period.

2. The department shall compute distribution factors for eligible counties once each quarter and make appropriate quarterly distributions.

3. A county that fails to timely provide the information required by this section to the department authorizes the department, by such action, to use the best information available to it in distributing surtax revenues to the county. If this information is unavailable to the department, the department may partially or entirely disqualify the county from receiving surtax revenues under this paragraph. A county that fails to provide timely information waives its right to challenge the department's determination of the county's share, if any, of revenues provided under this paragraph.

(5) No discretionary sales surtax *or increase or decrease in the rate of any discretionary sales surtax* shall take effect on a date other than January 1. No discretionary sales surtax shall terminate on a day other than *December 31* ~~the last day of a calendar quarter~~.

(6) The governing body of any county levying a discretionary sales surtax shall enact an ordinance levying the surtax in accordance with the procedures described in s. 125.66(2) ~~and shall notify the department within 10 days after adoption of the ordinance. The notice shall include the time period during which the surtax will be in effect, the rate, a copy of the ordinance, and such other information as the department may prescribe by rule. Notification and final adoption of the surtax shall occur no later than 45 days prior to initial imposition of the surtax~~.

(7)(a) The governing body of any county levying a discretionary sales surtax or the school board of any county levying the school capital outlay surtax authorized by s. 212.055(7) shall notify the department within 10 days after final adoption by ordinance or referendum of an imposition, termination, or rate change of the surtax, but no later than November 16 prior to the effective date. The notice must specify the time period during which the surtax will be in effect and the rate and must include a copy of the ordinance and such other information as the department requires by rule. Failure to timely provide such notification to the department shall result in the delay of the effective date for a period of 1 year.

(b) In addition to the notification required by paragraph (a), the governing body of any county proposing to levy a discretionary sales surtax or the school board of any county proposing to levy the school capital outlay surtax authorized by s. 212.055(7) shall notify the department by October 1 if the referendum or consideration of the ordinance that would result in imposition, termination, or rate change of the surtax is scheduled to occur on or after October 1 of that year. Failure to timely provide such notification to the department shall result in the delay of the effective date for a period of 1 year.

(8)~~(7)~~ With respect to any motor vehicle or mobile home of a class or type which is required to be registered in this state, the tax due on a transaction occurring in the taxing county as herein provided shall be collected from the purchaser or user incident to the titling and registration of such property, irrespective of whether such titling or registration occurs in the taxing county.

Section 9. Section 212.055, Florida Statutes, as amended by section 17 of chapter 97-384, Laws of Florida, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(a) Each charter county which adopted a charter prior to June 1, 1976, and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(b) The rate shall be up to 1 percent.

(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.

(d) Proceeds from the surtax shall be:

1. Deposited by the county in the trust fund and shall be used only for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, and related costs of a fixed guideway rapid transit system;

2. Remitted by the governing body of the county to an expressway or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, or for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges; or

3. For each county, as defined in s. 125.011(1), used for the development, construction, operation, or maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of an existing bus system; or for the payment of principal and interest on existing bonds issued for the construction of fixed guideway rapid transit systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, roads, or bridges.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax.

(b) A statement which includes a brief general description of the projects to be funded by the surtax and which conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county which enacts an ordinance calling for a referendum on the levy of the surtax or in which the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions calling for a referendum on the surtax. The following question shall be placed on the ballot:

. . . . FOR the . . . . –cent sales tax
. . . . AGAINST the . . . . –cent sales tax

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula must take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 50,000 that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011(1), may, in addition, use the proceeds to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes.

2. For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

3. Notwithstanding any other provision of this subsection, a discretionary sales surtax imposed or extended after the effective date of this act may provide for an amount not to exceed 30 percent of the local option sales surtax proceeds to be allocated for deposit to a trust fund within the county's accounts created for the purpose of funding economic development projects of a general public purpose targeted to improve local economies, including the funding of operational costs and incentives related to such economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

(f) Counties and municipalities shall not use the surtax proceeds to supplant or replace user fees or to reduce ad valorem taxes existing prior to the levy of the surtax authorized by this subsection.

~~(g) Notwithstanding s. 212.054(5), the surtax must take effect on the first day of a month, as fixed by the ordinance adopted pursuant to paragraph (a), and may not take effect until at least 60 days after the date that the referendum approving the levy is held.~~

(g)~~(h)~~1. Notwithstanding paragraph (d), a county that has a population of 50,000 or less on April 1, 1992, or any county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may use the proceeds and interest of the surtax for any public purpose if:

a. The debt service obligations for any year are met;

b. The county's comprehensive plan has been determined to be in compliance with part II of chapter 163; and

c. The county has adopted an amendment to the surtax ordinance pursuant to the procedure provided in s. 125.66 authorizing additional uses of the surtax proceeds and interest.

2. A municipality located within a county that has a population of 50,000 or less on April 1, 1992, or within a county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may not use the proceeds and interest of the surtax for any purpose other than an infrastructure purpose authorized in paragraph (d) unless the municipality's comprehensive plan has been determined to be in compliance with part II of chapter 163 and the municipality has adopted an amendment to its surtax ordinance or resolution pursuant to the procedure provided in s. 166.041 authorizing additional uses of the surtax proceeds and interest. Such municipality may expend the surtax proceeds and interest for any public purpose authorized in the amendment.

3. Those counties designated as an area of critical state concern which qualify to use the surtax for any public purpose may use only up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes authorized by this section.

(h)~~(i)~~ Notwithstanding paragraph (d), a county in which 40 percent or more of the just value of real property is exempt or immune from ad valorem taxation, and the municipalities within such a county, may use the proceeds and interest of the surtax for operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax.

(i)~~(j)~~ Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (3), (4), (5), and (6) in excess of a combined rate of 1 percent.

(3) SMALL COUNTY SURTAX.—

(a) The governing authority in each county that has a population of 50,000 or less on April 1, 1992, may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by an extraordinary vote of the members of the county governing authority if the surtax revenues are expended for operating purposes. If the surtax revenues are expended for the purpose of servicing bond indebtedness, the surtax shall be approved by a majority of the electors of the county voting in a referendum on the surtax.

(b) A statement that includes a brief general description of the projects to be funded by the surtax and conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county that enacts an ordinance calling for a referendum on the levy of the surtax for the purpose of servicing bond indebtedness. The following question shall be placed on the ballot:

. . . . FOR the . . . . –cent sales tax
. . . . AGAINST the . . . . –cent sales tax

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within the county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula shall take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

(d)1. If the surtax is levied pursuant to a referendum, the proceeds of the surtax and any interest accrued thereto may be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, for the purpose of servicing bond indebtedness to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources. However, if the surtax is levied pursuant to an ordinance approved by an extraordinary vote of the members of the county governing authority, the proceeds and any interest accrued thereto may be used for operational expenses of any infrastructure or for any public purpose authorized in the ordinance under which the surtax is levied.

2. For the purposes of this paragraph, "infrastructure" means any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

(e) A school district, county, or municipality that receives proceeds under this subsection following a referendum may pledge the proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. A jurisdiction may not issue bonds pursuant to this subsection more frequently than once per year. A county and municipality may join together to issue bonds authorized by this subsection.

~~(f) Notwithstanding s. 212.054(5), the surtax shall take effect on the first day of a month, as fixed by the ordinance adopted pursuant to paragraph (a). A surtax levied pursuant to a referendum shall not take effect until at least 60 days after the date that the referendum approving the levy is held.~~

(f)~~(g)~~ Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2), (4), (5), and (6) in excess of a combined rate of 1 percent.

(4) INDIGENT CARE SURTAX.—

(a) The governing body in each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents and is not authorized to levy a surtax under subsection (5) or subsection (6), may levy, pursuant to an ordinance either approved by an extraordinary vote of the governing body or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) If the ordinance is conditioned on a referendum, a statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

FOR THE. . . .CENTS TAX

AGAINST THE. . . .CENTS TAX

~~(c) Notwithstanding s. 212.054(5), the sales surtax may take effect on the first day of any month, as fixed by the ordinance adopted pursuant to paragraph (a), but may not take effect until at least 60 days after the date of adoption of the ordinance adopted pursuant to paragraph (a) or, if the surtax is made subject to a referendum, at least 60 days after the date of approval by the electors of the ordinance adopted pursuant to paragraph (a).~~

(c)~~(d)~~ The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in paragraph *(d)*~~(e)~~. Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(d)~~(e)~~ For the purpose of this subsection, the term "qualified resident" means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;

2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(e)~~(f)~~ Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund;

2. Invest any funds held on deposit in the trust fund pursuant to general law; and

3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs *(c)*~~(d)~~ and *(d)*~~(e)~~, upon directive from the authorizing county.

(f)~~(g)~~ Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(g)~~(h)~~ This subsection expires October 1, 2005.

(5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in s. 125.011(1) may levy the surtax authorized in this subsection pursuant to an ordinance either approved by extraordinary vote of the county commission or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. In a county as defined in s. 125.011(1), for the purposes of this subsection, "county public general hospital" means a general hospital as defined in s. 395.002 which is owned, operated, maintained, or governed by the county or its agency, authority, or public health trust.

(a) The rate shall be 0.5 percent.

(b) If the ordinance is conditioned on a referendum, the proposal to adopt the county public hospital surtax shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing

body. The referendum question on the ballot shall include a brief general description of the health care services to be funded by the surtax.

(c) Proceeds from the surtax shall be:

1. Deposited by the county in a special fund, set aside from other county funds, to be used only for the operation, maintenance, and administration of the county public general hospital; and

2. Remitted promptly by the county to the agency, authority, or public health trust created by law which administers or operates the county public general hospital.

(d) The county shall continue to contribute each year at least 80 percent of that percentage of the total county budget appropriated for the operation, administration, and maintenance of the county public general hospital from the county's general revenues in the fiscal year of the county ending September 30, 1991.

(e) Notwithstanding any other provision of this section, a county may not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(6) SMALL COUNTY INDIGENT CARE SURTAX.—

(a) The governing body in each county that has a population of 50,000 or less on April 1, 1992, may levy, pursuant to an ordinance approved by an extraordinary vote of the governing body, a discretionary sales surtax at a rate of 0.5 percent. Any county that levies the surtax authorized by this subsection shall continue to expend county funds for the medically poor and related health services in an amount equal to the amount that it expended for the medically poor and related health services in the fiscal year preceding the adoption of the authorizing ordinance.

~~(b) Notwithstanding s. 212.054(5), the sales surtax may take effect on the first day of any month, as fixed by the ordinance adopted pursuant to paragraph (a), but may not take effect until at least 60 days after the date of adoption of the ordinance.~~

(b)~~(c)~~ The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a brief plan for providing health care services to qualified residents, as defined in paragraph *(c)*~~(d)~~. Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment including, but not limited to, case management. It shall also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the rules of the Health Care Cost Containment Board. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(c)~~(d)~~ For the purpose of this subsection, "qualified resident" means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;

2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(d)~~(e)~~ Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund;

2. Invest any funds held on deposit in the trust fund pursuant to general law; and

3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs *(b)*~~(c)~~ and *(c)*~~(d)~~, upon directive from the authorizing county.

(e)~~(f)~~ Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(f)~~(g)~~ This subsection expires October 1, 1998.

(7) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

. . . . FOR THE	. . . . CENTS TAX
. . . . AGAINST THE	. . . . CENTS TAX

~~(c) Notwithstanding s. 212.054(5), the sales surtax may take effect on the first day of any month, as fixed by the resolution adopted pursuant to paragraph (a), but may not take effect until at least 60 days after the date of approval by the electors of the resolution adopted pursuant to paragraph (a).~~

(c)~~(d)~~ The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.

(d)~~(e)~~ Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(e)~~(f)~~ Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 10. Paragraph (c) of subsection (2) of section 212.097, Florida Statutes, is amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

(2) As used in this section, the term:

(c) "New business" means any eligible business first beginning operation on a site in a qualified high-crime area and clearly separate from any other commercial or business operation of the business entity within a qualified high-crime area. A business entity that operated an eligible business within a qualified high-crime area within the 48 months before the *period provided for* application *by subsection (3) is* ~~date shall~~ not ~~be~~ considered a new business.

Section 11. Paragraph (d) of subsection (2) of section 212.098, Florida Statutes, is amended to read:

212.098 Rural Job Tax Credit Program.—

(2) As used in this section, the term:

(d) "New business" means any eligible business first beginning operation on a site in a qualified county and clearly separate from any other commercial or business operation of the business entity within a qualified county. A business entity that operated an eligible business within a qualified county within the 48 months before the *period provided for* application *by subsection (3) is* ~~date shall~~ not ~~be~~ considered a new business.

Section 12. Subsection (1) of section 212.11, Florida Statutes, is amended to read:

212.11 Tax returns and regulations.—

(1)(a) Each dealer shall calculate his or her estimated tax liability for any month by one of the following methods:

1. Sixty-six percent of the current month's liability pursuant to this part as shown on the tax return;

2. Sixty-six percent of the tax reported on the tax return pursuant to this part by a dealer for the taxable transactions occurring during the corresponding month of the preceding calendar year; or

3. Sixty-six percent of the average tax liability pursuant to this part for those months during the preceding calendar year in which the dealer reported taxable transactions.

(b) For the purpose of ascertaining the amount of tax payable under this chapter, it shall be the duty of all dealers to *file* ~~make~~ a return *and remit the tax*, on or before the 20th day of the month, to the department, upon forms prepared and furnished by it *or in a format prescribed by it. Such return must show*~~, showing~~ the rentals, admissions, gross sales, or purchases, as the case may be, arising from all leases, rentals, admissions, sales, or purchases taxable under this chapter during the preceding calendar month.

(c) However, the department may require:

1. A quarterly return and payment when the tax remitted by the dealer for the preceding four calendar quarters did not exceed $1,000.

2. A semiannual return and payment when the tax remitted by the dealer for the preceding four calendar quarters did not exceed $500.

3. An annual return and payment when the tax remitted by the dealer for the preceding four calendar quarters did not exceed $100.

4. A quarterly return and monthly payment when the tax remitted by the dealer for the preceding four calendar quarters exceeded $1,000 but did not exceed $12,000.

(d) The department may authorize dealers who are newly required to file returns and pay tax quarterly to file returns and remit the tax for the 3-month periods ending in February, May, August, and November, and may authorize dealers who are newly required to file returns and pay tax semiannually to file returns and remit the tax for the 6-month periods ending in May and November.

(e) The department shall accept returns*, except those required to be initiated through an electronic data interchange,* as timely if postmarked on or before the 20th day of the month; if the 20th day falls on a Saturday, Sunday, or federal or state legal holiday, returns shall be accepted as timely if postmarked on the next succeeding workday. Any dealer who operates two or more places of business for which returns are required to be filed with the department and maintains records for such places of business in a central office or place shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business; however, such consolidated returns must clearly indicate the amounts collected within each county of the state. Any dealer who files a consolidated return shall calculate his or her estimated tax liability for each county by the same method the dealer uses to calculate his or her estimated tax liability on the consolidated return as a whole. Each dealer shall file a return for each tax period even though no tax is due for such period.

(f)1. A taxpayer who is required to remit taxes by electronic funds transfer shall make a return in a *manner* ~~form~~ that is initiated through an electronic data interchange. The acceptable method of transfer, the method, form, and content of the electronic data interchange, giving due regard to developing uniform standards for formats as adopted by the American National Standards Institute, the circumstances under which an electronic data interchange shall serve as a substitute for the filing of another form of return, and the means, if any, by which taxpayers will be provided with acknowledgments, shall be as prescribed by the department. *The department must accept such returns as timely if initiated and accepted on or before the 20th day of the month. If the 20th day falls on a Saturday, Sunday, or federal or state legal holiday, returns must be accepted as timely if initiated and accepted on the next succeeding workday.*

2. The department may waive the requirement to make a return through an electronic data interchange due to problems arising from the taxpayer's computer capabilities, data systems changes, and taxpayer operating procedures. To obtain a waiver, the taxpayer shall demonstrate in writing to the department that such circumstances exist.

Section 13. Subsection (1) of section 212.12, Florida Statutes, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1) Notwithstanding any other provision of law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records*, filing timely tax returns*, and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner, and remitter (except dealers who make mail order sales) shall be allowed 2.5 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his or her report and paying the amount due by him or her; the department shall allow such deduction of 2.5 percent of the amount of the tax to the person paying the same for remitting the tax *and making of tax returns* in the manner herein provided, for paying the amount due to be paid by him or her, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds $1,200, no allowance shall be allowed for all amounts in excess of $1,200. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the *required tax return or* tax is delinquent at the time of payment.

(b) The Department of Revenue may *deny* ~~reduce~~ the collection allowance ~~by 10 percent or $50, whichever is less,~~ if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, ~~or~~ review of the return, *or determination of other taxes and fees reported on the return* may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, *reported,* and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown. ~~For returns remitted on or after February 1, 1992, the department shall also require that~~ Sales made through vending machines as defined in s. 212.0515 *must* be separately shown *on the return*. ~~For returns remitted on or after February 1, 1995,~~ Sales made through coin-operated amusement machines as defined by s. 212.02 and the number of machines operated must be separately shown on the return or on a form prescribed by the department. If a separate form is required, the same penalties for late filing, incomplete filing, or failure to file as provided for the sales tax return shall apply to said form.

(c) The collection allowance and other credits or deductions provided in this chapter shall be applied proportionally to any taxes or fees reported on the same documents used for the sales and use tax.

Section 14. Subsection (4) of section 212.17, Florida Statutes, is amended to read:

212.17 Credits for returned goods, rentals, or admissions; additional powers of department.—

(4)*(a)* The department shall design, prepare, print and furnish to all dealers, *except dealers filing through electronic data interchange,* or make available *or prescribe* to *the* ~~said~~ dealers, all necessary forms for filing returns and instructions to ensure a full collection from dealers and an accounting for the taxes due, but failure of any dealer to secure such forms *does* ~~shall~~ not relieve *the* ~~such~~ dealer from the payment of *the* ~~said~~ tax at the time and in the manner ~~herein~~ provided.

(b) The department shall prescribe the format and instructions necessary for filing returns in a manner that is initiated through an electronic data interchange to ensure a full collection from dealers and an accounting for the taxes due. The failure of any dealer to use such format does not relieve the dealer from the payment of the tax at the time and in the manner provided.

Section 15. Effective January 1, 1999, subsection (1) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; *chapter 175, municipal firefighters' pension trust funds; chapter 185, municipal police officers' retirement trust funds;* chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; chapter 221, emergency excise tax; *s. 252.372, emergency management, preparedness, and assistance surcharge;* s. 370.07(3), Apalachicola Bay oyster surcharge; chapter 376, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint disposal fees; ~~s. 403.7197, advance disposal fees;~~ s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; *ss. 624.501 and 624.509-624.515* ~~ss. 624.509-624.514~~, insurance code~~: administration and general provisions~~; s. 681.117, motor vehicle warranty enforcement; and s. 896.102, reports of financial transactions in trade or business.

Section 16. Effective October 1, 1998, paragraph (a) of subsection (4) of section 213.0535, Florida Statutes, is amended to read:

213.0535 Registration Information Sharing and Exchange Program.—

(4) There are two levels of participation:

(a) Each unit of state or local government responsible for administering one or more of the provisions specified in subparagraphs 1.-7. is a level-one participant. Level-one participants shall exchange, monthly *or quarterly, as determined jointly by each participant and the department,* the data enumerated in subsection (2) for each new registrant, new filer, or initial reporter, permittee, or licensee, with respect to the following taxes, licenses, or permits:

1. The sales and use tax imposed under chapter 212.

2. The tourist development tax imposed under s. 125.0104.

3. The tourist impact tax imposed under s. 125.0108.

4. Local occupational license taxes imposed under chapter 205.

5. Convention development taxes imposed under s. 212.0305.

6. Public lodging and food service establishment licenses issued pursuant to chapter 509.

7. Beverage law licenses issued pursuant to chapter 561.

Section 17. Paragraph (a) of subsection (2) of section 213.21, Florida Statutes, is amended and subsection (7) is added to that section to read:

213.21 Informal conferences; compromises.—

(2)(a) The executive director of the department or his or her designee is authorized to enter into a written closing agreement with any taxpayer settling or compromising the taxpayer's liability for any tax, interest, or penalty assessed under any of the chapters specified in s. 72.011(1). When such a closing agreement has been approved by the department and signed by the executive director or his or her designee and the taxpayer, it shall be final and conclusive; and, except upon a showing of fraud or misrepresentation of material fact or except as to adjustments pursuant to ss. 198.16 and 220.23, no additional assessment may be made by the department against the taxpayer for the tax, interest, or penalty specified in the closing agreement for the time period specified in the closing agreement, and the taxpayer shall not be entitled to institute any judicial or administrative proceeding to recover any tax, interest, or penalty paid pursuant to the closing agreement. The department is authorized to delegate to the executive director the authority to approve any such closing agreement resulting in a tax reduction of *$250,000* ~~$100,000~~ or less.

(7)(a) When a taxpayer voluntarily self–discloses a liability for tax to the department, the department may settle and compromise the tax and interest due under the voluntary self–disclosure to those amounts due for the 5 years immediately preceding the date that the taxpayer initially contacted the department concerning the voluntary self–disclosure. For purposes of this paragraph, the term "years" means tax years or calendar years, whichever is applicable to the tax that is voluntarily self-disclosed. A voluntary self–disclosure does not occur if the department has contacted or informed the taxpayer that the department is inquiring into the taxpayer's liability for tax or whether the taxpayer is subject to tax in this state.

(b) The department may further settle and compromise the tax and interest due under a voluntary self–disclosure when the department is able to determine that such further settlement and compromise is in the best interests of this state. When making this determination the department shall consider, but is not limited to, the following:

1. The amount of tax and interest that will be collected and compromised under the voluntary self-disclosure;

2. The financial ability of the taxpayer and the future outlook of the taxpayer's business and the industry involved;

3. Whether the taxpayer has paid or will be paying other taxes to the state;

4. The future voluntary compliance of the taxpayer; and

5. Any other factor that the department considers relevant to this determination.

(c) This subsection does not limit the department's ability to enter into further settlement and compromise of the liability that is voluntarily self-disclosed based on any other provision of this section.

(d) This subsection does not apply to a voluntary self–disclosure when the taxpayer collected, but failed to remit, the tax to the state.

Section 18. Subsection (6) of section 213.28, Florida Statutes, is amended to read:

213.28 Contracts with private auditors.—

(6) Certified public accountants entering into such contracts must be in good standing under the laws of the state in which they are licensed ~~and in which the work is performed~~. They shall be bound by the same confidentiality requirements and subject to the same penalties as the department under s. 213.053. Any return, return information, or documentation obtained from the Internal Revenue Service under an information-sharing agreement is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall not be divulged or disclosed in any manner by an officer or employee of the department to any certified public accountant under a contract authorized by this section, unless the department and the Internal Revenue Service mutually agree to such disclosure.

Section 19. Section 213.67, Florida Statutes, is amended to read:

213.67 Garnishment.—

(1) If a person is delinquent in the payment of any taxes, penalties, and interest owed to the department, the executive director or his or her designee may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or personal property, exclusive of wages, belonging to the delinquent taxpayer, or owing any debts to such delinquent taxpayer at the time of receipt by them of such notice. Thereafter, any person who has been notified may not transfer or make any other disposition of such credits, other personal property, or debts until the executive director or his or her designee consents to a transfer or disposition or until 60 days after the receipt of such notice. *If during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld hereunder, he or she is liable to the state for any indebtedness owed to the department by the person with respect to whose obligation the notice was given to the extent of the value of the property or the amount of the debts thus transferred or paid if, solely by reason of such transfer or disposition, the state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given. If the delinquent taxpayer contests the intended levy in circuit court or under chapter 120, the notice under this section remains effective until that final resolution of the contest. Any financial institution receiving such notice will maintain a right of set-off for any transaction involving a debit card occurring on or before the date of receipt of such notice.* ~~The notice provided for in this section may be renewed when the taxpayer contests the intended levy in circuit court or under chapter 120, pending the final resolution of that action.~~

(2) All persons who have been notified must, within 5 days after receipt of the notice, advise the executive director or his or her designee of the credits, other personal property, or debts in their possession, under their control, or owing them, *and must advise the executive director or designee within 5 days after coming into possession or control of any subsequent credits, personal property, or debts owed during the time prescribed by the notice. Any such person coming into possession or control of such subsequent credits, personal property, or debts may not transfer or dispose of them during the time prescribed by the notice or before the department consents to a transfer.*

(3) During the last 30 days of the 60-day period set forth in subsection (1), the executive director or his or her designee may levy upon such credits, other personal property, or debts. The levy must be accomplished by delivery of a notice of levy *by registered mail*, upon receipt of which the person possessing the credits, other personal property, or debts shall transfer them to the department or pay to the department the amount owed to the delinquent taxpayer.

(4) A notice that is delivered under this section is effective at the time of delivery against all credits, other personal property, or debts of the delinquent taxpayer which are not at the time of such notice subject to an attachment, garnishment, or execution issued through a judicial process.

(5) Any person acting in accordance with the terms of the notice or levy issued by the executive director or his or her designee is expressly discharged from any obligation or liability to the delinquent taxpayer with respect to such credits, other personal property, or debts of the delinquent taxpayer affected by compliance with the notice of freeze or levy.

(6)(a) Levy may be made under subsection (3) upon credits, other personal property, or debt of any person with respect to any unpaid tax, penalties, and interest only after the executive director or his or her designee has notified such person in writing of the intention to make such levy.

(b) No less than 30 days before the day of the levy, the notice of intent to levy required under paragraph (a) shall be given in person or sent by certified or registered mail to the person's last known address.

(c) The notice required in paragraph (a) must include a brief statement that sets forth in simple and nontechnical terms:

1. The provisions of this section relating to levy and sale of property;

2. The procedures applicable to the levy under this section;

3. The administrative and judicial appeals available to the taxpayer with respect to such levy and sale, and the procedures relating to such appeals; and

4. The alternatives, if any, available to taxpayers which could prevent levy on the property.

(7) A taxpayer may contest the notice of intent to levy provided for under subsection (6) by filing an action in circuit court. Alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. After an action has been initiated under chapter 120 to contest the notice of intent to levy, an action relating to the same levy may not be filed by the taxpayer in circuit court, and judicial review is exclusively limited to appellate review pursuant to s. 120.68. Also, after an action has been initiated in circuit court, an action may not be brought under chapter 120.

(8) An action may not be brought to contest a notice of intent to levy under chapter 120 or in circuit court, later than 21 days after the date of receipt of the notice of intent to levy.

(9) The department shall provide notice to the Comptroller, in electronic or other form specified by the Comptroller, listing the taxpayers for which tax warrants are outstanding. Pursuant to subsection (1), the Comptroller shall, upon notice from the department, withhold all payments to any person or business, as defined in s. 212.02, which provides commodities or services to the state, leases real property to the state, or constructs a public building or public work for the state. The department may levy upon the withheld payments in accordance with subsection (3). The provisions of s. 215.422 do not apply from the date the notice is filed with the Comptroller until the date the department notifies the Comptroller of its consent to make payment to the person or 60 days after receipt of the department's notice in accordance with subsection (1), whichever occurs earlier.

(10) The department may bring an action in circuit court for an order compelling compliance with any notice issued under this section.

Section 20. Section 213.755, Florida Statutes, is amended to read:

213.755 Payment of taxes by electronic funds transfer.—

(1) The executive director of the Department of Revenue shall have authority to require a taxpayer to remit taxes by electronic funds transfer where the taxpayer, including consolidated filers, is subject to tax

and has paid that tax in the prior state fiscal year in an amount of $50,000 or more.

(2) As used in any revenue law administered by the department, the term:

(a) "Payment" means any payment or remittance required to be made or paid within a prescribed period or on or before a prescribed date under the authority of any provision of a revenue law which the department has the responsibility for regulating, controlling, and administering. The term does not include any remittance unless the amount of the remittance is actually received by the department.

(b) "Return" means any report, claim, statement, notice, application, affidavit, or other document required to be filed within a prescribed period or on or before a prescribed date under the authority of any provision of a revenue law which the department has the responsibility of regulating, controlling, and administering.

(3) Solely for the purposes of administering this section:

(a)~~(1)~~ Taxes levied under parts I and II of chapter 206 shall be considered a single tax.

(b)~~(2)~~ A person required to remit a tax acting as a collection agent or dealer for the state shall nonetheless be considered the taxpayer.

Section 21. Effective retroactively to January 1, 1998, paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, *1998* ~~1997~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, *1998* ~~1997~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

Section 22. Subsection (11) is added to section 220.02, Florida Statutes, to read:

220.02 Legislative intent.—

(11) Notwithstanding any other provision of this chapter, it is the intent of the Legislature that, except as otherwise provided under the Internal Revenue Code, for the purposes of this chapter, the term "qualified subchapter S subsidiary," as that term is defined in s. 1361(b)(3) of the Internal Revenue Code, shall not be treated as a separate corporation or entity from the S corporation parent to which the subsidiary's assets, liabilities, income, deductions, and credits are attributed under s. 1361(b)(3) of the Internal Revenue Code.

Section 23. Except as otherwise expressly provided by this act, this act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to administration of revenue laws; amending s. 125.2801, F.S.; conforming a reference; amending s. 192.001, F.S.; restricting applicability of the definition of the term "computer software"; amending s. 199.052, F.S.; requiring banks and financial organizations filing annual intangible personal property tax returns for their customers to file information using machine-sensible media; amending s. 212.02, F.S.; excluding materials purchased by certain repair facilities which are incorporated in the repair from the definition of the term "retail sales"; amending s. 212.0606, F.S.; providing an exemption to the rental car surcharge for certain motor vehicles; amending s. 212.0515, F.S.; modifying requirements relating to quarterly records required to be submitted to the Department of Revenue by certain persons selling food or beverages to operators for resale through vending machines; eliminating a penalty for failure to file such reports; eliminating the department's authority to adopt rules relating to such reports; amending s. 212.054, F.S.; eliminating a requirement that certain dealers collect the surtax on tangible personal property or specified service under certain conditions; prescribing the effective date of an increase or decrease in the rate of any discretionary sales surtax; requiring the governing body of any county levying a discretionary sales surtax and a county school board levying the school capital outlay surtax to provide notice to the department; amending s. 212.055, F.S.; providing an effective date for any change in the distribution formula of a local government infrastructure surtax or a small county surtax; authorizing counties to use a specified percentage of surtax proceeds for economic development projects; amending ss. 212.097, 212.098, F.S.; redefining the term "new business"; amending s. 212.11, F.S.; providing requirements relating to sales tax returns filed through electronic data interchange; amending s. 212.12, F.S.; revising provisions relating to the dealer's credit for collecting sales tax; specifying that the credit is also for the filing of timely returns; authorizing the department to deny, rather than reduce, the credit if an incomplete return is filed; revising the definition of "incomplete return"; amending s. 212.17, F.S.; providing that the department shall prescribe the format for filing returns through electronic data interchange and specifying that failure to use the format does not relieve a dealer from the payment of tax; amending s. 213.053, F.S., relating to information sharing; amending s. 213.0535, F.S.; providing for participation in RISE; amending s. 213.21, F.S.; revising provisions that authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, in order to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; amending s. 213.28, F.S.; prescribing qualifications of certified public accountants contracting with the department to perform audits; amending s. 213.67, F.S.; subjecting the garnishee to liability in the event that property subject to the freeze is transferred or disposed of by the garnishee; prohibiting disposition of assets of a delinquent taxpayer which come into the possession of another person after that person receives garnishment notice from the department for a specified period; requiring the garnishee to notify the department of such assets; providing that the garnishment notice remains in effect while a taxpayer's contest of an intended levy is pending; providing a financial institution receiving notice with a right of setoff; amending s. 213.755, F.S.; defining terms for use in any revenue law administered by the department; amending s. 220.03, F.S.; revising definitions; amending s. 212.0601, F.S.; providing a use tax for motor vehicle dealers who loan a vehicle at no charge unless otherwise exempted; prohibiting a sales or use tax and a rental car surcharge on a motor vehicle provided at no charge to a person whose vehicle is being repaired; amending s. 220.02, F.S.; providing legislative intent regarding qualified subchapter S subsidiaries; providing effective dates, including a retroactive effective date.

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 20, line 24, delete "*30*" and insert: *15*

Senator Bankhead moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 51, between lines 20 and 21, insert:

Section 23. *The Department of Revenue, in consultation with the Division of Economic and Demographic Research, shall conduct a study on the equity of the refund provisions for diesel fuel taxes pursuant to section 206.8745, Florida Statutes, with regard to their applicability to commercial carriers using fuel in a similar manner. The department shall issue a report on its findings to the President of the Senate and the Speaker of the House of Representatives before December 31, 1998.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 55, line 6, after the semicolon (;) insert: requiring a study and a report;

Senator Ostalkiewicz moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with title amendment)—On page 51, between lines 20 and 21, insert:

Section 23. Paragraph (b) of subsection (2) of section 72.011, Florida Statutes, is amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(2)

(b) The date on which an assessment or a denial of refund becomes final and *procedures* ~~a procedure~~ by which a taxpayer must be notified of the assessment or of the denial of refund must be established:

1. By rule adopted by the Department of Revenue;

2. With respect to assessments or refund denials under chapter 207, by rule adopted by the Department of Highway Safety and Motor Vehicles;

3. With respect to assessments or refund denials under chapters 210, 550, 561, 562, 563, 564, and 565, by rule adopted by the Department of Business and Professional Regulation; or

4. With respect to taxes that a county collects or enforces under s. 125.0104(10) or s. 212.0305(5), by an ordinance that may additionally provide for informal dispute resolution procedures in accordance with s. 213.21.

Section 24. Subsection (5) of section 199.052, Florida Statutes, is amended to read:

199.052 Annual tax returns; payment of annual tax.—

(5) The trustee of a Florida-situs trust is primarily responsible for returning the trust's intangible personal property and paying the annual tax on it.

(a) A trust has a Florida situs when:

1. All trustees are residents of the state;

2. There are three or more trustees sharing equally in the ownership, management, or control of the trust's intangible property, and the majority of the trustees are residents of this state; or

3. Trustees consist of both residents and nonresidents and management or control of the trust is with a resident trustee.

(b) When trustees consist of both residents and nonresidents and management or control is with a nonresident trustee, the trust does not have Florida situs and no return is necessary by any resident trustee.

(c) A portion of the trust has Florida situs when there are two trustees, one a resident of this state and one a nonresident, and they share equally in the ownership, management, or control of the trust's intangible property. The tax on such property shall be based on the value apportioned between them.

(d) If there is more than one trustee in the state, only one tax return for the trust must be filed.

(e) The trust's beneficiaries, however, may individually return their equitable shares of the trust's intangible personal property and pay the tax on such shares, in which case the trustee need not return such property or pay such tax, although the department may require the trustee to file an informational return.

Section 25. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 213.21, Florida Statutes, are amended to read:

213.21 Informal conferences; compromises.—

(1)(a) The Department of Revenue may adopt rules for establishing informal conference procedures within the department for resolution of disputes relating to assessment of taxes, interest, and penalties *and the denial of refunds*, and for informal hearings under ss. 120.569 and 120.57(2).

(2)(a) The executive director of the department or his or her designee is authorized to enter into ~~a written~~ closing *agreements* ~~agreement~~ with any taxpayer settling or compromising the taxpayer's liability for any tax, interest, or penalty assessed under any of the chapters specified in s. 72.011(1). *Such agreements shall be in writing when the amount of tax, penalty, or interest compromised exceeds $30,000 or for lesser amounts when the department deems it appropriate or when requested by the taxpayer.* When ~~such~~ a *written* closing agreement has been approved by the department and signed by the executive director or his or her designee and the taxpayer, it shall be final and conclusive; and, except upon a showing of fraud or misrepresentation of material fact or except as to adjustments pursuant to ss. 198.16 and 220.23, no additional assessment may be made by the department against the taxpayer for the tax, interest, or penalty specified in the closing agreement for the time period specified in the closing agreement, and the taxpayer shall not be entitled to institute any judicial or administrative proceeding to recover any tax, interest, or penalty paid pursuant to the closing agreement. The department is authorized to delegate to the executive director the authority to approve any such closing agreement resulting in a tax reduction of $100,000 or less.

Section 26. Paragraph (c) is added to subsection (2) of section 220.222, Florida Statutes, to read:

220.222 Returns; time and place for filing.—

(2)

(c) For purposes of this subsection, a taxpayer is not in compliance with the requirements of s. 220.32 if the taxpayer underpays the required payment by more than the greater of $2000 or 30 percent of the tax shown on the return when filed.

Section 27. Subsection (1) of section 624.515, Florida Statutes, is amended to read:

624.515 State Fire Marshal regulatory assessment and surcharge; levy and amount.—

(1)*(a)* In addition to any other license or excise tax now or hereafter imposed, and such taxes as may be imposed under other statutes, there is hereby assessed and imposed upon every domestic, foreign, and alien insurer authorized to engage in this state in the business of issuing policies of fire insurance, a regulatory assessment in an amount equal to 1 percent of the gross amount of premiums collected by each such insurer on policies of fire insurance issued by it and insuring property in this state. The assessment shall be payable annually on or before March 1 to the Department of Revenue by the insurer on such premiums collected by it during the preceding calendar year.

(b) When it is impractical, due to the nature of the business practices within the insurance industry, to determine the percentage of fire insurance contained within a line of insurance written by an insurer on risks located or resident in Florida, the Department of Revenue may establish by rule such percentages for the industry. The Department of Revenue may also amend the percentages as the insurance industry changes its practices concerning the portion of fire insurance within a line of insurance.

Section 28. Subsection (3) of section 896.102, Florida Statutes, is amended to read:

896.102 Currency more than $10,000 received in trade or business; report required; noncompliance penalties.—

(3) The Department of Revenue may adopt rules and guidelines to administer and enforce these reporting requirements.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 55, line 6, after the semicolon (;) insert: amending s. 72.011, F.S.; providing for adoption of procedures for notifying a taxpayer of an

assessment or denial of a refund; amending s. 199.052, F.S.; prescribing conditions under which a trust will be considered a Florida-situs trust; amending s. 213.21, F.S.; providing for conferences relating to denial of refunds; providing for closing agreements; amending s. 220.222, F.S.; prescribing conditions under which a taxpayer will be considered not in compliance with s. 220.32, F.S., for purposes of granting extensions; amending s. 624.515, F.S.; providing for determination of the percentage of fire insurance within an insurance line; amending s. 896.102, F.S.; authorizing the Department of Revenue to adopt rules for reporting certain business transactions;

Amendment 1 as amended was adopted.

On motion by Senator Burt, by two-thirds vote **CS for HB 4413** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for SB 1608—A bill to be entitled An act relating to credits against taxes; amending s. 220.02, F.S.; providing the order of credits against the corporate income tax or franchise tax; amending s. 220.03, F.S.; amending the definition of the term "child care facility startup costs" and defining the term "operation of a child care facility"; amending s. 220.12, F.S.; revising the definition of a taxpayer's net income for corporate income tax purposes to delete the deduction of child care facility startup costs; creating s. 220.19, F.S.; authorizing a credit against the corporate income tax for child care facility startup costs and operation, and for payment of an employee's child care costs; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; defining the term "corporation"; creating s. 624.5107, F.S.; authorizing a credit against insurance premium taxes for child care facility startup costs and operation and for payment of an employee's child care costs; providing definitions; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1608** to **CS for HB 193**.

Pending further consideration of **CS for SB 1608** as amended, on motion by Senator Harris, by two-thirds vote **CS for HB 193** was withdrawn from the Committee on Ways and Means.

On motion by Senator Harris, by two-thirds vote—

CS for HB 193—A bill to be entitled An act relating to credits against taxes; amending s. 220.02, F.S.; providing the order of credits against the corporate income tax or franchise tax; amending s. 220.03, F.S.; revising the definition of "child care facility startup costs" and defining "operation of a child care facility"; amending s. 220.12, F.S.; revising the definition of a taxpayer's net income for corporate income tax purposes to delete the deduction of child care facility startup costs; creating s. 220.19, F.S.; authorizing a credit against the corporate income tax for child care facility startup costs and operation, and for payment of an employee's child care costs; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; defining "corporation"; creating s. 624.5107, F.S.; authorizing a credit against insurance premium taxes for child care facility startup costs and operation, and for payment of an employee's child care costs; providing definitions; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; providing an effective date.

—a companion measure, was substituted for **CS for SB 1608** as amended and by two-thirds vote read the second time by title. On motion by Senator Harris, by two-thirds vote **CS for HB 193** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Lee

The Senate resumed consideration of—

CS for HB 209—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing a definition of "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest"; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2** by Senator Kirkpatrick was withdrawn.

On motion by Senator Harris, by two-thirds vote **CS for HB 209** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Sullivan

SB 704—A bill to be entitled An act relating to limited liability companies; amending s. 220.02, F.S.; revising legislative intent; providing application; amending s. 220.03, F.S.; revising a definition; amending s. 220.13, F.S.; redefining the term "taxable income" as applied to limited liability companies to exclude income of certain limited liability companies; amending s. 608.406, F.S.; revising criteria for limited liability company names; amending s. 608.471, F.S.; exempting certain limited

liability companies from the corporate income tax; providing for classifying certain limited liability companies or members or assignees of a member of a limited liability company for certain taxation purposes; providing an effective date.

—was read the second time by title.

Senators Grant and Harris offered the following amendment which was moved by Senator Grant:

Amendment 1 (with title amendment)—On page 1, line 20, insert:

Section 1. Subsections (2) and (3) of section 607.0730, Florida Statutes, are amended to read:

607.0730 Voting trusts.—

(2) A voting trust becomes effective on the date the first shares subject to the trust are registered in the trustee's name. ~~A voting trust is valid for not more than 10 years after its effective date unless extended under subsection (3). The validity of any voting trust otherwise lawful shall not be affected during a period of 10 years from the date when it was created or last extended by the fact that under its terms it will or may last beyond the 10-year period.~~

~~(3) All or some of the parties to a voting trust may extend it for additional terms of not more than 10 years each by signing an extension agreement and obtaining the voting trustee's written consent to the extension. An extension is valid for the period set forth therein, up to 10 years, from the date the first shareholder signs the extension agreement. The voting trustee must deliver copies of the extension agreement and list of beneficial owners to the corporation's principal office. An extension agreement binds only those parties signing it.~~

Section 2. *Holding company formation by merger by certain corporations.—*

(1) This section applies only to a corporation that has shares of any class or series which are either registered on a national securities exchange or designated as a national market system security on an interdealer quotation system by the National Association of Securities Dealers, Inc., or held of record by not fewer than 2,000 shareholders.

(2) As used in this section, the term:

(a) "Constituent corporation" means a corporation that is a party to a merger governed by this section.

(b) "Holding company" means a corporation that, from the date it first issued shares until consummation of a merger governed by this section, was at all times a wholly owned subsidiary of a constituent corporation, and whose shares are issued in such merger.

(c) "Wholly owned subsidiary" means, as to a corporation, any other corporation of which it owns, directly or indirectly through one or more subsidiaries, all of the issued and outstanding shares.

(3) Notwithstanding the requirements of section 607.1103, Florida Statutes, unless expressly required by its articles of incorporation, no vote of shareholders of a corporation is necessary to authorize a merger of the corporation with or into a wholly owned subsidiary of such corporation if:

(a) Such corporation and wholly owned subsidiary are the only constituent corporations to the merger;

(b) Each share or fraction of a share of the constituent corporation whose shares are being converted pursuant to the merger into a share or equal fraction of share of a holding company having the same designations, rights, powers and preferences, and qualifications, limitations and restrictions thereof as the share of the constituent corporation being converted in the merger;

(c) The holding company and each of the constituent corporations to the merger are domestic corporations;

(d) The articles of incorporation and by–laws of the holding company immediately following the effective time of the merger contain provisions identical to the articles of incorporation and by–laws of the constituent corporation whose shares are being converted pursuant to the merger immediately prior to the effective time of the merger, except provisions regarding the incorporators, the corporate name, the registered office and agent, the initial board of directors, the initial subscribers for shares and matters solely of historical significance, and such provisions contained in any amendment to the articles of incorporation as were necessary to effect a change, exchange, reclassification, or cancellation of shares, if such change, exchange, reclassification, or cancellation has become effective;

(e) As a result of the merger, the constituent corporation whose shares are being converted pursuant to the merger or its successor corporation becomes or remains a direct or indirect wholly–owned subsidiary of the holding company;

(f) The directors of the constituent corporation become or remain the directors of the holding company upon the effective date of the merger;

(g) The articles of incorporation of the surviving corporation immediately following the effective time of the merger are identical to the articles of incorporation of the constituent corporation whose shares are being converted pursuant to the merger immediately prior to the effective time of the merger, except provisions regarding the incorporators, the corporate name, the registered office and agent, the initial board of directors, the initial subscribers for shares and matters solely of historical significance, and such provisions contained in any amendment to the articles of incorporation as were necessary to effect a change, exchange, reclassification, or cancellation of shares, if such change, exchange, reclassification, or cancellation has become effective. The articles of incorporation of the surviving corporation must be amended in the merger to contain a provision requiring, by specific reference to this section, that any act or transaction by or involving the surviving corporation which requires for its adoption under this act or its articles of incorporation the approval of the shareholders of the surviving corporation also be approved by the shareholders of the holding company, or any successor by merger, by the same vote as is required by this act or the articles of incorporation of the surviving corporation. The articles of incorporation of the surviving corporation may be amended in the merger to reduce the number of classes and shares which the surviving corporation is authorized to issue;

(h) The board of directors of the constituent corporation determines that the shareholders of the constituent corporation will not recognize gain or loss for United States federal income tax purposes; and

(i) The board of directors of such corporation adopts a plan of merger that sets forth:

1. The names of the constituent corporations;

2. The manner and basis of converting the shares of the corporation into shares of the holding company and the manner and basis of converting rights to acquire shares of such corporation into rights to acquire shares of the holding company; and

3. A provision for the pro rata issuance of shares of the holding company to the holders of shares of the corporation upon surrender of any certificates therefor.

(4) From and after the effective time of a merger adopted by a constituent corporation by action of its board of directors and without any vote of shareholders pursuant to this section:

(a) To the extent the restrictions of sections 607.0901 and 607.0902, Florida Statutes, applied to the constituent corporation and its shareholders at the effective time of the merger, such restrictions also apply to the holding company and its shareholders immediately after the effective time of the merger as though it were the constituent corporation, and all shares of the holding company acquired in the merger shall, for purposes of sections 607.0901 and 607.0902, Florida Statutes, be deemed to have been acquired at the time that the shares of the constituent corporation converted in the merger were acquired, and provided further that any shareholder who immediately prior to the effective time of the merger was not an interested shareholder within the meaning of section 607.0901, Florida Statutes, shall not, solely by reason of the merger, become an interested shareholder of the holding company; and

(b) If the corporate name of the holding company immediately following the effective time of the merger is the same as the corporate name of the constituent corporation immediately prior to the effective time of the

merger, the shares of the holding company into which the shares of the constituent corporation are converted in the merger shall be represented by the share certificates that previously represented shares of the constituent corporation.

(5) If a plan of merger is adopted by a constituent corporation by selection of its board of directors without any vote of shareholders pursuant to this section, the secretary or assistant secretary of the constituent corporation shall certify in the articles of merger that the plan of merger has been adopted pursuant to this section and that the conditions specified in the first sentence of this section have been satisfied. The articles of merger so certified shall then be filed and become effective in accordance with section 607.1106, Florida Statutes.

Section 3. Subsection (2) of section 608.407, Florida Statutes, is amended to read:

608.407 Articles of organization.—

(2) An affidavit declaring that the limited liability company has at least *one member* ~~two members~~ and setting forth the amount of the cash and a description and agreed value of property other than cash contributed by the members and the amount anticipated to be contributed by the members shall accompany the articles of organization of a limited liability company.

Section 4. Sections 607.1108, 607.1109, and 607.11101, Florida Statutes, are created to read:

607.1108 Merger of domestic corporation and other business entity.—

(1) As used in this section and ss. 607.1109 and 607.11101, the term "other business entity" means a limited liability company, a foreign corporation, a not-for-profit corporation, a business trust or association, a real estate investment trust, a common law trust, an unincorporated business, a general partnership, a limited partnership, or any other entity that is formed pursuant to the requirements of applicable law. Notwithstanding the provisions of chapter 617, a domestic not-for-profit corporation acting under a plan of merger approved pursuant to s. 617.1103 shall be governed by the provisions of ss. 607.1108, 607.1109, and 607.11101.

(2) Pursuant to a plan of merger complying and approved in accordance with this section, one or more domestic corporations may merge with or into one or more other business entities formed, organized, or incorporated under the laws of this state or any other state, the United States, foreign country, or other foreign jurisdiction, if:

(a) Each domestic corporation which is a party to the merger complies with the applicable provisions of this chapter.

(b) Each domestic partnership that is a party to the merger complies with the applicable provisions of chapter 620.

(c) Each domestic limited liability company that is a party to the merger complies with the applicable provisions of chapter 608.

(d) The merger is permitted by the laws of the state, country, or jurisdiction under which each other business entity that is a party to the merger is formed, organized, or incorporated and each such other business entity complies with such laws in effecting the merger.

(3) The plan of merger shall set forth:

(a) The name of each domestic corporation and the name and jurisdiction of formation, organization, or incorporation of each other business entity planning to merge, and the name of the surviving or resulting domestic corporation or other business entity into which each other domestic corporation or other business entity plans to merge, which is hereinafter and in ss. 607.1109 and 607.11101 designated as the surviving entity.

(b) The terms and conditions of the merger.

(c) The manner and basis of converting the shares of each domestic corporation that is a party to the merger and the partnership interests, interests, shares, obligations or other securities of each other business entity that is a party to the merger into partnership interests, interests, shares, obligations or other securities of the surviving entity or any other domestic corporation or other business entity or, in whole or in part, into cash or other property, and the manner and basis of converting rights to acquire the shares of each domestic corporation that is a party to the merger and rights to acquire partnership interests, interests, shares, obligations or other securities of each other business entity that is a party to the merger into rights to acquire partnership interests, interests, shares, obligations or other securities of the surviving entity or any other domestic corporation or other business entity or, in whole or in part, into cash or other property.

(d) If a partnership is to be the surviving entity, the names and business addresses of the general partners of the surviving entity.

(e) If a limited liability company is to be the surviving entity and management thereof is vested in one or more managers, the names and business addresses of such managers.

(f) All statements required to be set forth in the plan of merger by the laws under which each other business entity that is a party to the merger is formed, organized, or incorporated.

(4) The plan of merger may set forth:

(a) If a domestic corporation is to be the surviving entity, any amendments to, or a restatement of, the articles of incorporation of the surviving entity, and such amendments or restatement shall be effective at the effective date of the merger.

(b) The effective date of the merger, which may be on or after the date of filing the certificate of merger.

(c) Any other provisions relating to the merger.

(5) The plan of merger required by subsection (3) shall be adopted and approved by each domestic corporation that is a party to the merger in the same manner as is provided in s. 607.1103. Notwithstanding the foregoing, if the surviving entity is a partnership, no shareholder of a domestic corporation that is a party to the merger shall, as a result of the merger, become a general partner of the surviving entity, unless such shareholder specifically consents in writing to becoming a general partner of the surviving entity, and unless such written consent is obtained from each such shareholder who, as a result of the merger, would become a general partner of the surviving entity, such merger shall not become effective under s. 607.11101. Any shareholder providing such consent in writing shall be deemed to have voted in favor of the plan of merger for purposes of s. 607.1103.

(6) Sections 607.1103 and 607.1301-607.1320 shall, insofar as they are applicable, apply to mergers of one or more domestic corporations with or into one or more other business entities.

(7) Notwithstanding any provision of this section or ss. 607.1109 and 607.11101, any merger consisting solely of the merger of one or more domestic corporations with or into one or more foreign corporations shall be consummated solely in accordance with the requirements of s. 607.1107.

607.1109 Articles of merger.—

(1) After a plan of merger is approved by each domestic corporation and other business entity that is a party to the merger, the surviving entity shall deliver to the Department of State for filing articles of merger, which shall be executed by each domestic corporation as required by s. 607.0120 and by each other business entity as required by applicable law, and which shall set forth:

(a) The plan of merger.

(b) A statement that the plan of merger was approved by each domestic corporation that is a party to the merger in accordance with the applicable provisions of this chapter, and, if applicable, a statement that the written consent of each shareholder of such domestic corporation who, as a result of the merger, becomes a general partner of the surviving entity has been obtained pursuant to s. 607.1108(5).

(c) A statement that the plan of merger was approved by each domestic partnership that is a party to the merger in accordance with the applicable provisions of chapter 620.

(d) A statement that the plan of merger was approved by each domestic limited liability company that is a party to the merger in accordance with the applicable provisions of chapter 608.

(e) A statement that the plan of merger was approved by each other business entity that is a party to the merger, other than domestic corporations, limited liability companies, and partnerships formed, organized, or incorporated under the laws of this state, in accordance with the applicable laws of the state, country, or jurisdiction under which such other business entity is formed, organized, or incorporated.

(f) The effective date of the merger, which may be on or after the date of filing the articles of merger, provided, if the articles of merger do not provide for an effective date of the merger, the effective date shall be the date on which the articles of merger are filed.

(g) If the surviving entity is another business entity formed, organized, or incorporated under the laws of any state, country, or jurisdiction other than this state:

1. The address, including street and number, if any, of its principal office under the laws of the state, country, or jurisdiction in which it was formed, organized, or incorporated.

2. A statement that the surviving entity is deemed to have appointed the Secretary of State as its agent for service of process in a proceeding to enforce any obligation or the rights of dissenting shareholders of each domestic corporation that is a party to the merger.

3. A statement that the surviving entity has agreed to promptly pay to the dissenting shareholders of each domestic corporation that is a party to the merger the amount, if any, to which they are entitled under s. 607.1302.

(2) A copy of the articles of merger, certified by the Department of State, may be filed in the office of the official who is the recording officer of each county in this state in which real property of a party to the merger other than the surviving entity is situated.

607.11101 Effect of merger of domestic corporation and other business entity.—When a merger becomes effective:

(1) Every domestic corporation and other business entity that is a party to the merger merges into the surviving entity and the separate existence of every domestic corporation and other business entity that is a party to the merger except the surviving entity ceases.

(2) The title to all real estate and other property, or any interest therein, owned by each domestic corporation and other business entity that is a party to the merger is vested in the surviving entity without reversion or impairment and without any requirement to record any deed or other conveyance.

(3) The surviving entity shall thereafter be responsible and liable for all the liabilities and obligations of each domestic corporation and other business entity that is a party to the merger, including liabilities arising out of the rights of dissenters with respect to such merger under applicable law.

(4) Any claim existing or action or proceeding pending by or against any domestic corporation or other business entity that is a party to the merger may be continued as if the merger did not occur or the surviving entity may be substituted in the proceeding for the domestic corporation or other business entity which ceased existence.

(5) Neither the rights of creditors nor any liens upon the property of any domestic corporation or other business entity shall be impaired by such merger.

(6) If a domestic corporation is the surviving entity, the articles of incorporation of such corporation in effect immediately prior to the time the merger becomes effective shall be the articles of incorporation of the surviving entity, except as amended or restated to the extent provided in the plan of merger.

(7) The shares, partnership interests, interests, obligations, or other securities, and the rights to acquire shares, partnership interests, interests, obligations, or other securities, of each domestic corporation and other business entity that is a party to the merger shall be converted into shares, partnership interests, interests, obligations, or other securities, or rights to such securities, of the surviving entity or any other domestic corporation or other business entity or, in whole or in part, into cash or other property as provided in the plan of merger, and the former holders of shares, partnership interests, interests, obligations, or other securities, or rights to such securities, shall be entitled only to the rights provided in the plan of merger and to their rights as dissenters, if any, under ss. 607.1301-607.1320, s. 608.4384, s. 620.205, or other applicable law.

Section 5. Sections 608.438, 608.4381, 608.4382, 608.4383, and 608.4384, Florida Statutes, are created to read:

608.438 Merger of limited liability company.—

(1) As used in this section and ss. 608.4381-608.4384, the term "other business entity" includes a corporation, a business trust or association, a real estate investment trust, a common law trust, an unincorporated business, a general partnership, a limited partnership, a limited liability company other than a limited liability company organized under the laws of this chapter, or any other entity that is formed pursuant to the requirements of applicable law.

(2) Unless otherwise provided in the articles of organization or the regulations of a limited liability company, pursuant to a plan of merger, a limited liability company may merge with or into one or more limited liability companies or other business entities formed, organized, or incorporated under the laws of this state or any other state, the United States, foreign country, or other foreign jurisdiction, if:

(a) Each limited liability company that is a party to the merger complies with the applicable provisions of this chapter and complies with the terms of its articles of organization and regulations.

(b) Each domestic partnership that is a party to the merger complies with the applicable provisions of chapter 620.

(c) Each domestic corporation that is a party to the merger complies with the applicable provisions of chapter 607.

(d) The merger is permitted by the laws of the state, country, or jurisdiction under which each other business entity that is a party to the merger is formed, organized, or incorporated, and each such other business entity complies with such laws in effecting the merger.

(3) The plan of merger shall set forth:

(a) The name of each limited liability company and the name and jurisdiction of formation, organization, or incorporation of each other business entity planning to merge, and the name of the surviving or resulting limited liability company or other business entity into which each other limited liability company or other business entity plans to merge, which is, in this section and in ss. 608.4381-608.4384, designated as the surviving entity.

(b) The terms and conditions of the merger.

(c) The manner and basis of converting the interests of the members of each limited liability company that is a party to the merger and the interests, partnership interests, shares, obligations, or other securities of each other business entity that is a party to the merger into interests, partnership interests, shares, obligations, or other securities of the surviving entity or any other limited liability company or other business entity or, in whole or in part, into cash or other property, and the manner and basis of converting rights to acquire interests of each limited liability company that is a party to the merger and rights to acquire interests, partnership interests, shares, obligations, or other securities of each other business entity that is a party to the merger into rights to acquire interests, partnership interests, shares, obligations, or other securities of the surviving entity or any other limited liability company or other business entity or, in whole or in part, into cash or other property.

(d) If a partnership is to be the surviving entity, the names and business addresses of the general partners of the surviving entity.

(e) If a limited liability company is to be the surviving entity, and management thereof is vested in one or more managers, the names and business addresses of such managers.

(f) All statements required to be set forth in the plan of merger by the laws under which each other business entity that is a party to merger is formed, organized, or incorporated.

(4) The plan of merger may set forth:

(a) If a limited liability company is to be the surviving entity, any amendments to, or a restatement of, the articles of organization or the regulations of the surviving entity, and such amendments or restatement shall be effective at the effective date of the merger.

(b) The effective date of the merger, which may be on or after the date of filing the certificate of merger.

(c) A provision authorizing one or more of the limited liability companies that are parties to the merger to abandon the proposed merger pursuant to s. 608.4381(7).

(d) A statement of, or a statement of the method of determining, the "fair value," as defined in s. 608.4384(1)(b), of an interest in any limited liability company that is a party to the merger.

(e) Other provisions relating to the merger.

608.4381 Action on plan of merger.—

(1) Unless the articles of organization or the regulations of a limited liability company require a greater-than-majority vote, the plan of merger shall be approved in writing by a majority of the managers of a limited liability company that is a party to the merger in which management is not reserved to its members. Unless the articles of organization or the regulations of a limited liability company require a greater-than-majority vote or provide for another method of determining the voting rights of each of its members, and whether or not management is reserved to its members, the plan of merger shall be approved in writing by a majority of the members of a limited liability company that is a party to the merger, and, if applicable, the vote of each member shall be weighted in accordance with s. 608.4231(1)(b), provided, unless the articles of organization or the regulations of the limited liability company require a greater-than-majority vote or provide for another method of determining the voting rights of each of its members, if there is more than one class or group of members, the merger shall be approved by a majority of the members of each such class or group, and, if applicable, the vote of each member shall be weighted in accordance with s. 608.4231(1)(b).

(2) In addition to the approval required by subsection (1), if the surviving entity is a partnership, no member of a limited liability company that is a party to the merger shall, as a result of the merger, become a general partner of the surviving entity unless such member specifically consents in writing to becoming a general partner of the surviving entity and unless such written consent is obtained from each such member who, as a result of the merger, would become a general partner of the surviving entity, such merger shall not become effective under s. 608.4383. Any member providing such consent in writing shall be deemed to have voted in favor of the plan of merger for purposes of s. 608.4384.

(3) All members of each limited liability company that is a party to the merger shall be given written notice of any meeting or other action with respect to the approval of a plan of merger as provided in subsection (4), not fewer than 30 or more than 60 days before the date of the meeting at which the plan of merger shall be submitted for approval by the members of such limited liability company, provided, if the plan of merger is submitted to the members of the limited liability company for their written approval or other action without a meeting, such notification shall be given to each member not fewer than 30 or more than 60 days before the effective date of the merger. Pursuant to s. 608.455, the notification required by this subsection may be waived in writing by the person or persons entitled to such notification.

(4) The notification required by subsection (3) shall be in writing and shall include:

(a) The date, time, and place of the meeting, if any, at which the plan of merger is to be submitted for approval by the members of the limited liability company, or, if the plan of merger is to be submitted for written approval or by other action without a meeting, a statement to that effect.

(b) A copy or summary of the plan of merger.

(c) A clear and concise statement that, if the plan of merger is effected, members dissenting therefrom may be entitled, if they comply with the provisions of s. 608.4384 regarding the rights of dissenting members, to be paid the fair value of their interests, which shall be accompanied by a copy of s. 608.4384.

(d) A statement of, or a statement of the method of determining, the "fair value," as defined in s. 608.4384(1)(b), of an interest in the limited liability company, in the case of a limited liability company in which management is not reserved to its members, as determined by the managers of such limited liability company, which statement may consist of a reference to the applicable provisions of such limited liability company's articles of organization or regulations that determine the fair value of an interest in the limited liability company for such purposes, and which shall constitute an offer by the limited liability company to purchase at such fair value any interests of a "dissenter," as defined in s. 608.4384(1)(a), unless and until such dissenter's right to receive the fair value of his interests in the limited liability company is terminated pursuant to s. 608.4384(8).

(e) The date on which such notification was mailed or delivered to the members.

(f) Any other information concerning the plan of merger.

(5) The notification required by subsection (3) shall be deemed to be given at the earliest date of:

(a) The date such notification is received;

(b) Five days after the date such notification is deposited in the United States mail addressed to the member at his address as it appears in the books and records of the limited liability company, with postage thereon prepaid;

(c) The date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee; or

(d) The date such notification is given in accordance with the provisions of the articles of organization or the regulations of the limited liability company.

(6) A plan of merger may provide for the manner, if any, in which the plan of merger may be amended at any time before the effective date of the merger, except after the approval of the plan of merger by the members of a limited liability company that is a party to the merger, the plan of merger may not be amended to:

(a) Change the amount or kind of interests, partnership interests, shares, obligations, other securities, cash, rights, or any other property to be received by the members of such limited liability company in exchange for or on conversion of their interests;

(b) If the surviving entity is a limited liability company, change any term of the articles of organization or the regulations of the surviving entity, except for changes that otherwise could be adopted without the approval of the members of the surviving entity;

(c) If the surviving entity is not a limited liability company, change any term of the articles of incorporation or comparable governing document of the surviving entity, except for changes that otherwise could be adopted by the board of directors or comparable representatives of the surviving entity; or

(d) Change any of the terms and conditions of the plan of merger if any such change, alone or in the aggregate, would materially and adversely affect the members, or any class or group of members, of such limited liability company.

If an amendment to a plan of merger is made in accordance the plan and articles of merger have been filed with the Department of State, amended articles of merger executed by each limited liability company and other business entity that is a party to the merger shall be filed with the Department of State prior to the effective date of the merger.

(7) Unless the limited liability company's articles of organization or regulations or the plan of merger provide otherwise, notwithstanding the prior approval of the plan of merger by any limited liability company that is a party to the merger in which management is not reserved to its members, and at any time prior to the filing of articles of merger with the Department of State, the planned merger may be abandoned, subject to any contractual rights, by any such limited liability company by the affirmative vote of a majority of its managers without further action by its members, in accordance with the procedure set forth in the plan of

merger or if none is set forth, in the manner determined by the managers of such limited liability company.

608.4382 Articles of merger.—

(1) After a plan of merger is approved by each limited liability company and other business entity that is a party to the merger, the surviving entity shall deliver to the Department of State for filing articles of merger, which shall be executed by each limited liability company and by each other business entity as required by applicable law, and which shall set forth:

(a) The plan of merger.

(b) A statement that the plan of merger was approved by each limited liability company that is a party to the merger in accordance with the applicable provisions of this chapter, and, if applicable, a statement that the written consent of each member of such limited liability company who, as a result of the merger, becomes a general partner of the surviving entity has been obtained pursuant to s. 608.4381(2).

(c) A statement that the plan of merger was approved by each domestic partnership that is a party to the merger in accordance with the applicable provisions of chapter 620.

(d) A statement that the plan of merger was approved by each domestic corporation that is a party to the merger in accordance with the applicable provisions of chapter 607.

(e) A statement that the plan of merger was approved by each other business entity that is a party to the merger, other than limited liability companies, partnerships, and corporations formed, organized, or incorporated under the laws of this state, in accordance with the applicable laws of the state, country, or jurisdiction under which such other business entity is formed, organized, or incorporated.

(f) The effective date of the merger, which may be on or after the date of filing the articles of merger, provided, if the articles of merger do not provide for an effective date of the merger, the effective date shall be the date on which the articles of merger are filed.

(g) If the surviving entity is another business entity formed, organized, or incorporated under the laws of any state, country, or jurisdiction other than this state:

1. The address, including street and number, if any, of its principal office under the laws of the state, country, or jurisdiction in which it was formed, organized, or incorporated.

2. A statement that the surviving entity is deemed to have appointed the Secretary of State as its agent for service of process in a proceeding to enforce any obligation or the rights of dissenting members of each limited liability company that is a party to the merger.

3. A statement that the surviving entity has agreed to promptly pay to the dissenting members of each limited liability company that is a party to the merger the amount, if any, to which such dissenting members are entitled under s. 608.4384.

(2) A copy of the articles of merger, certified by the Department of State, may be filed in the office of the official who is the recording officer of each county in this state in which real property of a party to the merger other than the surviving entity is situated.

608.4383 Effect of merger.—When a merger becomes effective:

(1) Every limited liability company and other business entity that is a party to the merger merges into the surviving entity and the separate existence of every limited liability company and other business entity that is a party to the merger, except the surviving entity, ceases.

(2) The title to all real estate and other property, or any interest therein, owned by each limited liability company and other business entity that is a party to the merger is vested in the surviving entity without reversion or impairment and without any requirement to record any deed or other conveyance.

(3) The surviving entity shall thereafter be responsible and liable for all the liabilities and obligations of each limited liability company and other business entity that is a party to the merger, including liabilities arising out of the rights of dissenters with respect to such merger under applicable law.

(4) Any claim existing or action or proceeding pending by or against any limited liability company or other business entity that is a party to the merger may be continued as if the merger did not occur or the surviving entity may be substituted in the proceeding for the limited liability company or other business entity which ceased existence.

(5) Neither the rights of creditors nor any liens upon the property of any limited liability company or other business entity shall be impaired by such merger.

(6) If a limited liability company is the surviving entity, the articles of organization and the regulations of such limited liability company in effect immediately prior to the time the merger becomes effective shall be the articles of organization and the regulations of the surviving entity, except as amended or restated to the extent provided in the plan of merger.

(7) The interests, partnership interests, shares, obligations, or other securities, and the rights to acquire interests, partnership interests, shares, obligations, or other securities, of each limited liability company and other business entity that is a party to the merger shall be converted into interests, partnership interests, shares, obligations, or other securities, or rights to such securities, of the surviving entity or any other limited liability company or other business entity or, in whole or in part, into cash or other property as provided in the plan of merger, and the former holders of interests, partnership interests, shares, obligations, or other securities, or rights to such securities, shall be entitled only to the rights provided in the plan of merger and to their rights as dissenters, if any, under s. 608.4384, ss. 607.1301-607.1320, s. 620.205, or other applicable law.

608.4384 Rights of dissenting members.—

(1) For purposes of this section, the term:

(a) "Dissenter" means a member of a limited liability company who is a recordholder of the interests to which he seeks relief as of the date fixed for the determination of members entitled to notice of a plan of merger, who does not vote such interests in favor of the plan of merger, and who exercises the right to dissent from the plan of merger when and in the manner required by this section.

(b) "Fair value," with respect to a dissenter's interests, means the value of the interests in the limited liability company that is a party to a plan of merger as of the close of business of the day prior to the effective date of the merger to which the dissenter objects, excluding any appreciation or depreciation in anticipation of the merger, unless such exclusion would be inequitable.

(2) Each member of a limited liability company that is a party to a merger shall have the right to be paid the fair value of his interests as a dissenter only as provided in this section.

(3) Not later than 20 days after the date on which the notification required by s. 608.4381(3) is given to the members, or if such notification is waived in writing by the dissenter, not later than 20 days after the date of such written waiver, the dissenter shall deliver to the limited liability company a written demand for payment to him of the fair value of the interests as to which he seeks relief that states his address, the number and class, if any, of those interests, and, at the election of the dissenter, the amount claimed by him as the fair value of the interests. The statement of fair market value by the dissenter, if any, shall constitute an offer by the dissenter to sell the interests to the limited liability company at such amount. A dissenter may dissent as to less than all the interests registered in his name. In such event, the dissenter's rights shall be determined as if the interests as to which he has dissented and his remaining interests were registered in the names of different members. If the interests as to which a dissenter seeks relief are represented by certificates, the dissenter shall deposit such certificates with the limited liability company simultaneously with the delivery of the written demand for payment. Upon receiving a demand for payment from a dissenter who is a recordholder of uncertificated interests, the limited liability company shall make an appropriate notation of the demand for payment in its records. The limited liability company may restrict the transfer of uncertificated interests from the date the dissenter's written demand for payment is delivered. A written demand for payment served on the limited

liability company in which the dissenter is a member shall constitute service on the surviving entity.

(4) The written demand for payment required by subsection (3) shall be deemed to be delivered to the limited liability company at the earliest of:

(a) The date such written demand is received;

(b) Five days after the date such written demand is deposited in the United States mail addressed to the principal business office of the limited liability company, with postage thereon prepaid;

(c) The date shown on the return receipt, if such written demand is sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee; or

(d) The date such written demand is given in accordance with the provisions of the limited liability company's articles of organization or regulations.

(5) Unless the articles of organization or regulations of the limited liability company in which the dissenter is a member provides a basis or method for determining and paying the fair value of the interests as to which the dissenter seeks relief, or unless the limited liability company or the surviving entity and the dissenter have agreed in writing as to the fair value of the interests as to which the dissenter seeks relief, the dissenter, the limited liability company, or the surviving entity, within 90 days after the dissenter delivers the written demand for payment to the limited liability company, may file an action in any court of competent jurisdiction in the county in this state where the registered office of the limited liability company is located or was located when the plan of merger was approved by its members, or in the county in this state in which the principal office of the limited liability company that issued the interests is located or was located when the plan of merger was approved by its partners, requesting that the fair value of the dissenter's interests be determined. The court shall also determine whether each dissenter that is a party to such proceeding, as to whom the limited liability company or the surviving entity requests the court to make such determination, is entitled to receive payment of the fair value for his interests. Other dissenters, within the 90-day period after a dissenter delivers a written demand to the limited liability company, may join such proceeding as plaintiffs or may be joined in any such proceeding as defendants, and any two or more such proceedings may be consolidated. If the limited liability company or surviving entity commences such a proceeding, all dissenters, whether or not residents of this state, other than dissenters who have agreed in writing with the limited liability company or the surviving entity as to the fair value of the interests as to which such dissenters seek relief, shall be made parties to such action as an action against their interests. The limited liability company or the surviving entity shall serve a copy of the initial pleading in such proceeding upon each dissenter who is a party to such proceeding and who is a resident of this state in the manner provided by law for the service of a summons and complaint and upon each such dissenter who is not a resident of this state either by registered or certified mail and publication or in such matter as is permitted by law. The jurisdiction of the court in such a proceeding shall be plenary and exclusive. All dissenters who are proper parties to the proceeding are entitled to judgment against the limited liability company or the surviving entity for the amount of the fair value of their interests as to which payment is sought hereunder. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as is specified in the order of their appointment or an amendment thereof. The limited liability company shall pay each dissenter the amount found to be due him within 10 days after final determination of the proceedings. Upon payment of the judgment, the dissenter shall cease to have any interest in the interests as to which payment is sought hereunder.

(6) The judgment may, at the discretion of the court, include a fair rate of interest, to be determined by the court.

(7) The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the limited liability company or the surviving entity, but all or any part of such costs and expenses may be apportioned and assessed as the court deems equitable against any or all of the dissenters who are parties to the proceeding, to whom the limited liability company or the surviving entity has made an offer to pay for the interests, if the court finds that the action of such dissenters in failing to accept such offer was arbitrary, vexatious or not in good faith. Such expenses shall include reasonable compensation for, and reasonable expenses of, the appraisers, but shall exclude the fees and expenses of counsel for, and experts employed by, any party. If the fair value of the interests, as determined, materially exceeds the amount which the limited liability company or the surviving entity offered to pay therefor, the court in its discretion may award to any dissenter who is a party to the proceeding such amount as the court determines to be reasonable compensation to any attorney or expert employed by the dissenter in the proceeding.

(8) The right of a dissenter to receive fair value for and the obligation to sell such interests as to which he seeks relief, and the right of the limited liability company or the surviving entity to purchase such interests and the obligation to pay the fair value of such interests, shall terminate if:

(a) The dissenter has not complied with this section, unless the limited liability company or the surviving entity waives, in writing, such noncompliance;

(b) The limited liability company abandons the merger or is finally enjoined or prevented from carrying it out, or the members rescind their adoption or approval of the merger;

(c) The dissenter withdraws his demand, with the consent of the limited liability company or the surviving entity; or

(d)1. The articles of organization or the regulations of the limited liability company in which the dissenter was a member does not provide a basis or method for determining and paying the dissenter the fair value of his interests.

2. The limited liability company or the surviving entity and the dissenter have not agreed upon the fair value of the dissenter's interests.

3. Neither the dissenter, the limited liability company, nor the surviving entity has filed or is joined in a complaint under subsection (5) within the 90-day period provided in subsection (5).

(9) Unless otherwise provided in the articles of organization or the regulations of the limited liability company in which the dissenter was a member, after the date the dissenter delivers the written demand for payment in accordance with subsection (3) until either the termination of the rights and obligations arising under subsection (3) or the purchase of the dissenter's interests by the limited liability company or the surviving entity, the dissenter shall be entitled only to payment as provided in this section and shall not be entitled to any other rights accruing from such interests, including voting or distribution rights. If the right to receive fair value is terminated other than by the purchase of the dissenter's interests by the limited liability company or the surviving entity, all rights of the dissenter as a member of the limited liability company shall be reinstated effective as of the date the dissenter delivered the written demand for payment, including the right to receive any intervening payment or other distribution with respect to the dissenter's interests in the limited liability company, or, if any such rights have expired or any such distribution other than a cash payment has been completed, in lieu thereof at the election of the surviving entity, the fair value thereof in cash as determined by the surviving entity as of the time of such expiration or completion, but without prejudice otherwise to any action or proceeding of the limited liability company that may have been taken by the limited liability company on or after the date the dissenter delivered the written demand for payment.

(10) A member who is entitled under this section to demand payment for his interests shall not have any right at law or in equity to challenge the validity of any merger that creates his entitlement to demand payment hereunder, or to have the merger set aside or rescinded, except with respect to compliance with the provisions of the limited liability company's articles of organization or regulations or if the merger is unlawful or fraudulent with respect to such member.

(11) Unless otherwise provided in the articles of organization or the regulations of the limited liability company in which the dissenter was a member, this section does not apply with respect to a plan of merger if, as of the date fixed for the determination of members entitled to notice of a plan of merger:

(a) The interests of the limited liability company were held of record by not fewer than 500 members; or

(b) The interests were registered on a national securities exchange or quoted on the National Association of Securities Dealers Automated Quotation System.

Section 6. Sections 620.201, 620.202, 620.203, 620.204, and 620.205, Florida Statutes, are created to read:

620.201 Merger of domestic limited partnership.

(1) As used in this section and ss. 620.202-620.205, the term "other business entity" includes a corporation, a limited liability company, a business trust or association, a real estate investment trust, a common law trust, an unincorporated business, a general partnership or a limited partnership but excluding a domestic limited partnership, or any other entity that is formed pursuant to the requirements of applicable law.

(2) Unless otherwise provided in the partnership agreement of a domestic limited partnership, pursuant to a plan of merger, a domestic limited partnership may merge with or into one or more domestic limited partnerships or other business entities formed, organized, or incorporated under the laws of this state or any other state, the United States, foreign country, or other foreign jurisdiction, if:

(a) Each domestic partnership that is a party to the merger complies with the applicable provisions of this chapter and complies with the terms of its partnership agreement.

(b) Each domestic limited liability company that is a party to the merger complies with the applicable provisions of chapter 608.

(c) Each domestic corporation that is a party to the merger complies with the applicable provisions of chapter 607.

(d) The merger is permitted by the laws of the state, country, or jurisdiction under which each other business entity that is a party to the merger is formed, organized, or incorporated, and each such other business entity complies with such laws in effecting the merger.

(3) The plan of merger shall set forth:

(a) The name of each domestic limited partnership and the name and jurisdiction of formation, organization, or incorporation of each other business entity planning to merge, and the name of the surviving or resulting domestic limited partnership or other business entity into which each other domestic limited partnership or other business entity plans to merge, which is hereinafter and in ss. 620.202-620.205 designated as the surviving entity.

(b) The terms and conditions of the merger.

(c) The manner and basis of converting the partnership interests of each domestic limited partnership that is a party to the merger and the partnership interests, interests, shares, obligations, or other securities of each other business entity that is a party to the merger into partnership interests, interests, shares, obligations, or other securities of the surviving entity or any other domestic limited partnership or other business entity or, in whole or in part, into cash or other property, and the manner and basis of converting rights to acquire the partnership interests of each domestic limited partnership that is a party to the merger and rights to acquire partnership interests, interests, shares, obligations, or other securities of each other business entity that is a party to the merger into rights to acquire partnership interests, interests, shares, obligations, or other securities of the surviving entity or any other domestic limited partnership or other business entity or, in whole or in part, into cash or other property.

(d) If a partnership is to be the surviving entity, the names and business addresses of the general partners of the surviving entity.

(e) If a limited liability company is to be the surviving entity, and management thereof is vested in one or more managers, the names and business addresses of such managers.

(f) All statements required to be set forth in the plan of merger by the laws under which each other business entity that is a party to merger is formed, organized, or incorporated.

(4) The plan of merger may set forth:

(a) If a domestic limited partnership is to be the surviving entity, any amendments to, or a restatement of, the certificate of limited partnership or partnership agreement of the surviving entity, and such amendments or restatement shall be effective on the effective date of the merger.

(b) The effective date of the merger, which may be on or after the date of filing the certificate of merger.

(c) A provision authorizing one or more of the domestic limited partnerships that are parties to the merger to abandon the proposed merger pursuant to s. 620.202(7).

(d) A statement of, or a statement of the method of determining, the "fair value," as defined in s. 620.205(1)(b), of a partnership interest in any domestic limited partnership that is a party to the merger.

(e) Any other provisions relating to the merger.

620.202 Action on plan of merger.—

(1) Unless otherwise provided in the partnership agreement of a domestic limited partnership, the plan of merger shall be approved in writing by all of the general partners of a domestic limited partnership that is a party to the merger. Unless the partnership agreement of a domestic limited partnership requires a greater vote, the plan of merger shall also be approved in writing by those limited partners who own more than a majority of the then current percentage or other interests in the profits of the domestic limited partnership owned by all of the limited partners, provided, unless the partnership agreement of the domestic limited partnership requires a greater vote, if there is more than one class or group of limited partners, the plan of merger shall be approved by those limited partners who own more than a majority of the then current percentage or other interests in the profits of the domestic limited partnership owned by the limited partners in each class or group.

(2) In addition to the approval required by subsection (1):

(a) If a domestic limited partnership is to be the surviving entity, no person shall, as a result of the merger, continue to be or become a general partner of the surviving entity, unless such person specifically consents in writing to continuing to be or to becoming, as the case may be, a general partner of the surviving entity, and unless such written consent is obtained from each such person who, as a result of the merger, would become a general partner of the surviving entity, such merger shall not become effective under s. 620.204.

(b) If a partnership other than a domestic limited partnership is to be the surviving entity, no partner of a domestic limited partnership that is a party to the merger shall, as a result of the merger, become a general partner of the surviving entity unless such partner specifically consents in writing to becoming a general partner of the surviving entity, and unless such written consent is obtained from each person who, as a result of the merger, would become a general partner of the surviving entity, such merger shall not become effective under s. 620.204. Any person providing such consent in writing shall be deemed to have voted in favor of the plan of merger for purposes of s. 620.205.

(3) All partners of each domestic limited partnership that is a party to the merger shall be given written notice of any meeting or other action with respect to the approval of a plan of merger as provided in subsection (4), not fewer than 30 or more than 60 days before the date of the meeting at which the plan of merger shall be submitted for approval by the partners of such limited partnership. However, if the plan of merger is submitted to the partners of the limited partnership for their written approval or other action without a meeting, such notification shall be given to each partner not fewer than 30 or more than 60 days before the effective date of the merger. Notwithstanding the foregoing, the notification required by this subsection may be waived in writing by the person or persons entitled to such notification.

(4) The notification required by subsection (3) shall be in writing and shall include:

(a) The date, time, and place of the meeting, if any, at which the plan of merger shall be submitted for approval by the partners of the domestic limited partnership, or, if the plan of merger will be submitted for written approval or by other action without a meeting, a statement to that effect.

(b) A copy or summary of the plan of merger.

(c) A clear and concise statement that, if the plan of merger is effected, partners dissenting therefrom may be entitled, if they comply with the provisions of s. 620.205 regarding the rights of dissenting partners, to be paid the fair value of their partnership interests, which shall be accompanied by a copy of s. 620.205.

(d) A statement of, or a statement of the method of determining, the "fair value," as defined in s. 620.205(1)(b), of an interest in the limited partnership as determined by the general partners of the limited partnership, which statement may consist of a reference to the applicable provisions of such limited partnership's partnership agreement that determine the fair value of an interest in the limited partnership for these purposes, and which shall constitute an offer by the limited partnership to purchase at such fair value any partnership interests of a "dissenter," as defined in s. 620.205(1)(a), unless and until such a dissenter's right to receive the fair value of his interests in the limited partnership are is terminated pursuant to s. 620.205(8).

(e) The date on which such notification was mailed or delivered to the partners.

(f) Any other information concerning the plan of merger.

(5) The notification required by subsection (3) shall be deemed to be given at the earliest of:

(a) The date such notification is received;

(b) Five days after the date such notification is deposited in the United States mail addressed to the partner at his address as it appears in the books and records of the limited partnership, with postage thereon prepaid;

(c) The date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee; or

(d) The date such notification is given in accordance with the provisions of the limited partnership's partnership agreement.

(6) A plan of merger may provide for the manner, if any, in which the plan of merger may be amended at any time before the effective date of the merger, except, after the approval of the plan of merger by the limited partners of a domestic limited partnership that is a party to the merger, the general partners of such domestic limited partnership shall not be authorized to amend the plan of merger to:

(a) Change the amount or kind of partnership interests, interests, shares, obligations, other securities, cash, rights, or any other property to be received by the limited partners of such domestic limited partnership in exchange for or on conversion of their partnership interests;

(b) If the surviving entity is a partnership, change any term of the partnership agreement of the surviving entity, except for changes that otherwise could be adopted by the general partners of the surviving entity;

(c) If the surviving entity is not a partnership, change any term of the articles of incorporation or comparable governing document of the surviving entity, except for changes that otherwise could be adopted by the board of directors or comparable representatives of the surviving entity; or

(d) Change any of the terms and conditions of the plan of merger if any such change, alone or in the aggregate, would materially and adversely affect the limited partners, or any class or group of limited partners, of such domestic limited partnership.

If an amendment to a plan of merger is made in accordance with such plan and articles of merger have been filed with the Department of State, amended articles of merger executed by the general partners of each domestic limited partnership and other business entity that is a party to the merger shall be filed with the Department of State prior to the effective date of the merger.

(7) Unless the domestic limited partnership's partnership agreement or the plan of merger provides otherwise, notwithstanding the prior approval of the plan of merger by any domestic limited partnership that is a party to the merger and at any time prior to the filing of articles of merger with the Department of State, the planned merger may be abandoned, subject to any contractual rights, by any such domestic limited partnership by the affirmative vote of all of its general partners, without further action by its limited partners, in accordance with the procedure set forth in the plan of merger or if none is set forth, in the manner determined by the general partners of such domestic limited partnership.

620.203 Articles of merger.—

(1) After a plan of merger is approved by each domestic limited partnership and other business entity that is a party to the merger, the surviving entity shall deliver articles of merger to the Department of State for filing, which articles shall be executed by the general partners of each domestic limited partnership and by each other business entity as required by applicable law, and which shall set forth:

(a) The plan of merger.

(b) A statement that the plan of merger was approved by each domestic partnership that is a party to the merger in accordance with the applicable provisions of this chapter, and, if applicable, a statement that the written consent of each person who, as a result of the merger, becomes a general partner of the surviving entity has been obtained pursuant to s. 620.202(2).

(c) A statement that the plan of merger was approved by each domestic corporation that is a party to the merger in accordance with the applicable provisions of chapter 607.

(d) A statement that the plan of merger was approved by each domestic limited liability company that is a party to the merger in accordance with the applicable provisions of chapter 608.

(e) A statement that the plan of merger was approved by each other business entity that is a party to the merger, other than partnerships, limited liability companies, and corporations formed, organized, or incorporated under the laws of this state, in accordance with the applicable laws of the state, country, or jurisdiction under which such other business entity is formed, organized, or incorporated.

(f) The effective date of the merger, which may be on or after the date of filing the articles of merger, provided, if the articles of merger do not provide for an effective date of the merger, the effective date shall be the date on which the articles of merger are filed.

(g) If the surviving entity is another business entity formed, organized, or incorporated under the laws of any state, country, or jurisdiction other than this state:

1. The address, including street and number, if any, of its principal office under the laws of the state, country, or jurisdiction in which it was formed, organized or incorporated.

2. A statement that the surviving entity is deemed to have appointed the Secretary of State as its agent for service of process in a proceeding to enforce any obligation or the rights of dissenting partners of each domestic limited partnership that is a party to the merger.

3. A statement that the surviving entity has agreed to promptly pay to the dissenting partners of each domestic limited partnership that is a party to the merger the amount, if any, to which they are entitled under s. 620.205.

(2) A copy of the articles of merger, certified by the Department of State, may be filed in the office of the official who is the recording officer of each county in this state in which real property of a party to the merger other than the surviving entity is situated.

(3) Articles of merger shall act as a certificate of cancellation for purposes of s. 620.113 for a domestic limited partnership that is a party to the merger that is not the surviving entity and such partnership's certificate of limited partnership shall be canceled upon the effective date of the merger.

620.204 Effect of merger.—

(1) When a merger becomes effective:

(a) Every domestic limited partnership and other business entity that is a party to the merger merges into the surviving entity and the separate existence of every domestic limited partnership and other business entity that is a party to the merger except the surviving entity ceases.

(b) The title to all real estate and other property, or any interest therein, owned by each domestic limited partnership and other business entity that is a party to the merger is vested in the surviving entity without reversion or impairment and without any requirement to record any deed or other conveyance.

(c) The surviving entity shall thereafter be responsible and liable for all the liabilities and obligations of each domestic limited partnership and other business entity that is a party to the merger, including liabilities arising out of the rights of dissenters with respect to such merger under applicable law.

(d) Any claim existing or action or proceeding pending by or against any domestic limited partnership or other business entity that is a party to the merger may be continued as if the merger did not occur or the surviving entity may be substituted in the proceeding for the domestic limited partnership or other business entity which ceased existence.

(e) Neither the rights of creditors nor any liens upon the property of any domestic limited partnership or other business entity shall be impaired by such merger.

(f) If a general partner of a partnership formed or organized under the laws of this state or any other state, country, or jurisdiction that is a party to the merger is not a general partner of the surviving entity, the former general partner shall have no liability for obligations arising out of the rights of dissenters with respect to such merger under applicable law or for any obligation incurred after the effective date of the merger, except to the extent that a former creditor of the partnership in which the former general partner was a general partner extends credit to the surviving entity reasonably believing that the former general partner continued as a general partner of the surviving entity.

(g) If a domestic limited partnership is the surviving entity, the certificate of limited partnership and partnership agreement of such partnership in effect immediately prior to the time the merger becomes effective shall be the certificate of limited partnership and partnership agreement of the surviving entity, except as amended or restated to the extent provided in the plan of merger.

(h) The partnership interests, interests, shares, obligations, or other securities, and the rights to acquire partnership interests, membership interests, shares, obligations, or other securities, of each domestic limited partnership and other business entity that is a party to the merger shall be converted into partnership interests, interests, shares, obligations, or other securities, or rights to such securities, of the surviving entity or any other domestic limited partnership or other business entity or, in whole or in part, into cash or other property as provided in the plan of merger, and the former holders of partnership interests, interests, shares, obligations, or other securities, or rights to such securities, shall be entitled only to the rights provided in the plan of merger and to their rights as dissenters, if any, under s. 620.205, ss. 607.1301-607.1320, s. 608.4384, or other applicable law.

(2) Unless otherwise provided in the plan of merger, a merger of a domestic limited partnership, including a domestic limited partnership that is not the surviving entity, shall not require such domestic limited partnership to wind up its affairs under s. 620.159 or pay its liabilities and distribute its assets under s. 620.162.

620.205 Rights of dissenting partners.—

(1) For purposes of this section, the term:

(a) "Dissenter" means a partner of a domestic limited partnership who is a recordholder of the partnership interests to which he seeks relief as of the date fixed for the determination of partners entitled to notice of a plan of merger, who does not vote such interests in favor of the plan of merger, and who exercises the right to dissent from the plan of merger when and in the manner required by this section.

(b) "Fair value," with respect to a dissenter's partnership interests, means the value of the partnership interests in the domestic limited partnership that is a party to a plan of merger as of the close of business of the day prior to the effective date of the merger to which the dissenter objects, excluding any appreciation or depreciation in anticipation of the merger, unless such exclusion would be inequitable.

(2) Each partner of a domestic limited partnership that is a party to a merger shall have the right to be paid the fair value of his partnership interests as a dissenter as provided in this section.

(3) Not later than 20 days after the date on which the notification required by s. 620.202(3) is given to the partners, or if such notification was waived in writing by the dissenter, not later than 20 days after the date of such written waiver, the dissenter shall deliver to the limited partnership a written demand for payment to him of the fair value of the interests as to which he seeks relief that states his address, the number and class, if any, of those interests, and, at the election of the dissenter, the amount claimed by him as the fair value of the interests. The statement of fair market value by the dissenter, if any, shall constitute an offer by the dissenter to sell the partnership interests to the limited partnership for such amount. A dissenter may dissent as to less than all the partnership interests registered in his name. In such event, the dissenter's rights shall be determined as if the partnership interests as to which he has dissented and his remaining partnership interests were registered in the names of different partners. If the interests as to which a dissenter seeks relief are represented by certificates, the dissenter shall deposit such certificates with the limited partnership simultaneously with the delivery of the written demand for payment. Upon receiving a demand for payment from a dissenter who is a record holder of uncertificated interests, the limited partnership shall make an appropriate notation of the demand for payment in its records. The limited partnership may restrict the transfer of uncertificated interests from the date the dissenter's written demand for payment is delivered. A written demand for payment served on the domestic limited partnership in which the dissenter is a partner shall constitute service on the surviving entity.

(4) The written demand for payment required by subsection (3) shall be deemed to be delivered to the limited partnership at the earliest of:

(a) The date such written demand is received;

(b) Five days after the date such written demand is deposited in the United States mail addressed to the principal business office of the limited partnership, with postage thereon prepaid;

(c) The date shown on the return receipt, if such written demand is sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee; or

(d) The date such written demand is given in accordance with the provisions of the limited partnership's partnership agreement.

(5) Unless the partnership agreement of the limited partnership in which the dissenter is a partner provides a basis or method for determining and paying the fair value of the interests as to which the dissenter seeks relief, or unless the limited partnership or the surviving entity and the dissenter have agreed in writing as to the fair value of the interests as to which the dissenter seeks relief, the dissenter, the limited partnership, or the surviving entity, within 90 days after the dissenter delivers the written demand for payment to the limited partnership, may file an action in any court of competent jurisdiction in the county in this state where the registered office of the limited partnership is located or was located when the plan of merger was approved by its partners, or in the county in this state in which the principal office of the limited partnership that issued the partnership interests is located or was located when the plan of merger was approved by its partners, requesting a determination of the fair value of the dissenter's partnership interests. The court shall also determine whether each dissenter that is a party to such proceeding, as to whom the limited partnership or the surviving entity requests the court to make such determination, is entitled to receive payment of the fair value for his partnership interests. Other dissenters, within the 90-day period after a dissenter delivers a written demand to the partnership, may join such proceeding as plaintiffs or may be joined in any such proceeding as defendants, and any two or more such proceedings may be consolidated. If the limited partnership or surviving entity commences such a proceeding, all dissenters, whether or not residents of this state, other than dissenters who have agreed in writing with the limited partnership or the surviving entity as to the fair value of the partnership interests as to which such dissenters seek relief, shall be made parties to such action as an action against their partnership interests. The limited partnership or the surviving entity shall serve a copy of the initial pleading in such proceeding upon each dissenter who is a party to such proceeding and who is a resident of this state in the manner provided by law for the service of a summons and complaint and upon each such dissenter

who is not a resident of this state either by registered or certified mail and publication or in such manner as is permitted by law. The jurisdiction of the court in such a proceeding shall be plenary and exclusive. All dissenters who are proper parties to the proceeding are entitled to judgment against the limited partnership or the surviving entity for the amount of the fair value of their partnership interests as to which payment is sought hereunder. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as is specified in the order of their appointment or an amendment thereof. The limited partnership shall pay each dissenter the amount found to be due him within 10 days after final determination of the proceedings. Upon payment of the judgment, the dissenter shall cease to have any interest in the partnership interests as to which payment is sought hereunder.

(6) The judgment may, at the discretion of the court, include a fair rate of interest, to be determined by the court.

(7) The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the limited partnership or the surviving entity. However, all or any part of such costs and expenses may be apportioned and assessed as the court deems equitable against any or all of the dissenters who are parties to the proceeding, to whom the limited partnership or the surviving entity has made an offer to pay for the partnership interests, if the court finds that the action of such dissenters in failing to accept such offer was arbitrary, vexatious, or not in good faith. Such expenses shall include reasonable compensation for, and reasonable expenses of, the appraisers, but shall exclude the fees and expenses of counsel for, and experts employed by, any party. If the fair value of the partnership interests, as determined, materially exceeds the amount which the limited partnership or the surviving entity offered to pay therefor, the court in its discretion may award to any dissenter who is a party to the proceeding such amount as the court determines to be reasonable compensation to any attorney or expert employed by the dissenter in the proceeding.

(8) The right of a dissenter to receive fair value for and the obligation to sell such partnership interests as to which he seeks relief and the right of the domestic limited partnership or the surviving entity to purchase such interests and the obligation to pay the fair value of such interests shall terminate if:

(a) The dissenter has not complied with this section, unless the limited partnership or the surviving entity waives in writing such noncompliance;

(b) The limited partnership abandons the merger or is finally enjoined or prevented from carrying out the merger, or the partners rescind their adoption or approval of the merger;

(c) The dissenter withdraws his demand, with the consent of the limited partnership or the surviving entity; or

(d)1. The partnership agreement of the domestic limited partnership in which the dissenter was a partner does not provide a basis or method for determining and paying the dissenter the fair value of his partnership interests.

2. The limited partnership or the surviving entity and the dissenter have not agreed upon the fair value of the dissenter's partnership interests.

3. Neither the dissenter, the limited partnership nor the surviving entity has filed or is joined in a complaint under subsection (5) within the 90-day period provided in that subsection.

(9) Unless otherwise provided in the partnership agreement of the domestic limited partnership in which the dissenter was a partner, after the date the dissenter delivers the written demand for payment in accordance with subsection (3) until either the termination of the rights and obligations arising from it or the purchase of the dissenter's partnership interests by the limited partnership or the surviving entity, the dissenter shall be entitled only to payment as provided in this section and shall not be entitled to any other rights accruing from such interests, including voting or distribution rights. If the right to receive fair value is terminated other than by the purchase of the dissenter's partnership interests by the limited partnership or the surviving entity, all rights of the dissenter as a partner of the limited partnership shall be reinstated effective as of the date the dissenter delivered the written demand for payment, including the right to receive any intervening payment or other distribution with respect to the dissenter's interests in the limited partnership, or, if any such rights have expired or any such distribution other than a cash payment has been completed, in lieu thereof at the election of the surviving entity, the fair value thereof in cash as determined by the surviving entity as of the time of such expiration or completion, but without prejudice otherwise to any action or proceeding of the limited partnership that may have been taken by the limited partnership on or after the date the dissenter delivered the written demand for payment.

(10) A partner who is entitled under this section to demand payment for his partnership interests shall not have any right at law or in equity to challenge the validity of any merger that creates his entitlement to demand payment hereunder, or to have the merger set aside or rescinded, except with respect to compliance with the provisions of the limited partnership's partnership agreement or if the merger is unlawful or fraudulent with respect to such partner.

(11) Unless otherwise provided in the partnership agreement of the domestic limited partnership in which the dissenter was a partner, this section does not apply with respect to a plan of merger if, as of the date fixed for the determination of partners entitled to notice of a plan of merger:

(a) The partnership interests of the limited partnership were held of record by not fewer than 500 partners; or

(b) The partnership interests were registered on a national securities exchange or quoted on the National Association of Securities Dealers Automated Quotation System.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to business entities; amending s. 607.0730, F.S.; removing 10-year limit on voting trusts; creating holding company formation by merger by certain corporations; amending s. 608.407, F.S.; reducing minimum number of members necessary to form a limited liability company; creating ss. 607.1108, 607.1109, 607.11101, F.S.; providing for mergers of domestic corporations and other business entities under certain circumstances; requiring a plan of merger; providing criteria; providing for articles of merger; providing for effect of merger; creating ss. 608.438, 608.4381, 608.4382, 608.4383, 608.4384, F.S.; providing for mergers of limited liability companies under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting members; providing procedures; creating ss. 620.201, 620.202, 620.203, 620.204, 620.205, F.S.; providing for mergers of domestic limited partnerships under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting partners; providing procedures;

Senators Grant and Harris offered the following amendments to **Amendment 1** which were moved by Senator Grant and adopted:

Amendment 1A—On page 12, lines 14-19 and on page 23, lines 8-13, delete those lines and insert:

(2) The title to all property other than real property or any interest therein, owned by each domestic corporation and other business entity that is a party to the merger is vested in the surviving entity without reversion or impairment. Title to real property or any interest therein shall be conveyed by the recordation of a deed with payment of applicable taxes thereon.

Amendment 1B—On page 41, lines 15-20, delete those lines and insert:

(b) The title to all property other than real property or any interest therein, owned by each domestic corporation and other business entity that is a party to the merger is vested in the surviving entity without reversion or impairment. Title to real property or any interest therein shall be conveyed by the recordation of a deed with payment of applicable taxes thereon.

Amendment 1 as amended was adopted.

Senator Klein moved the following amendments which were adopted:

Amendment 2 (with title amendment)—On page 1, line 21 through page 2, line 26, delete those lines and insert:

Section 1. Subsection (1) of section 220.02, Florida Statutes, is amended and subsection (11) is added to that section to read:

220.02 Legislative intent.—

(1) It is the intent of the Legislature in enacting this code to impose a tax upon all corporations, organizations, associations, and other artificial entities which derive from this state or from any other jurisdiction permanent and inherent attributes not inherent in or available to natural persons, such as perpetual life, transferable ownership represented by shares or certificates, and limited liability for all owners. It is intended that *any* limited liability *company that is classified as a partnership for federal income tax purposes and formed under chapter 608 or qualified to do business in this state as a foreign limited liability company not* ~~companies~~ be subject to the tax imposed by this code. It is the intent of the Legislature to subject such corporations and other entities to taxation hereunder for the privilege of conducting business, deriving income, or existing within this state. This code is not intended to tax, and shall not be construed so as to tax, any natural person who engages in a trade, business, or profession in this state under his or her own or any fictitious name, whether individually as a proprietorship or in partnership with others, *or as a member or a manager of a limited liability company classified as a partnership for federal income tax purposes*; any estate of a decedent or incompetent; or any testamentary trust. However, a corporation or other taxable entity which is or which becomes partners with one or more natural persons shall not, merely by reason of being a partner, exclude from its net income subject to tax its respective share of partnership net income. This statement of intent shall be given preeminent consideration in any construction or interpretation of this code in order to avoid any conflict between this code and the mandate in s. 5, Art. VII of the State Constitution that no income tax be levied upon natural persons who are residents and citizens of this state.

(11) Notwithstanding any other provision in this chapter, it is the intent of the Legislature that, except as otherwise provided under the Internal Revenue Code, for purposes of this chapter a "qualified subchapter S subsidiary," as that term is defined in s. 1361(b)(3) of the Internal Revenue Code, shall not be treated as a separate corporation or entity from the S corporation parent to which the subsidiary's assets, liabilities, income, deductions, and credits are attributed under s. 1361(b)(3) thereof.

(2) This section shall take effect upon this act becoming a law. The provisions of this section are intended to clarify the intent of the Legislature under existing law and are effective with respect to tax years beginning on or after January 1, 1997.

Section 2. (1) Subsection (4) is added to section 220.22, Florida Statutes, to read:

220.22 Returns; filing requirement.—

(4) For the year in which an election is made pursuant to s. 1361(b)(3) of the Internal Revenue Code, the qualified subchapter S subsidiary shall file an informational return with the department, which return shall be restricted to information identifying the subsidiary, the electing S corporation parent, and the effective date of the election.

(2) This section shall take effect upon this act becoming a law. The provisions of this section are intended to clarify the intent of the Legislature under existing law and are effective with respect to tax years beginning on or after January 1, 1997; however, no penalty shall be assessed for failure to file the information return required by this section if the return would have been due on or before the date this act becomes a law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the second semicolon (;) insert: amending s. 220.02, F.S.; providing legislative intent regarding taxation of a "qualified subchapter S subsidiary"; amending s. 220.22, F.S.; requiring certain returns by such subsidiaries; providing retroactive application;

Amendment 3 (with title amendment)—On page 7, between lines 25 and 26, insert:

Section 5. Section 608.405, Florida Statutes, is amended to read:

608.405 Formation.—*One* ~~Two~~ or more persons may form a limited liability company.

Section 6. Section (2) of section 608.407, Florida Statutes, is amended to read:

608.407 Articles of organization.—

(2) An affidavit declaring that the limited liability company has at least *one member* ~~two members~~ and setting forth the amount of the cash and a description and agreed value of property other than cash contributed by the members and the amount anticipated to be contributed by the members shall accompany the articles of organization of a limited liability company.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 11 and insert: names; amending ss. 608.405 and 608.407, F.S.; reducing minimum number of members necessary to form a limited liability company; amending s. 608.471, F.S.; exempting

Amendment 4 (with title amendment)—On page 8, between lines 28 and 29, insert:

Section 6. *Subsections (2) and (3) of section 607.0122, section 607.0402, paragraph (b) of subsection (2) of section 607.1506, section 608.4061, subsections (2) and (3) of section 617.0122, section 617.0402, paragraph (a) of subsection (2) of section 617.1506, section 620.104, subsection (7) of section 620.182, and subsection (2) of section 620.784, Florida Statutes, are repealed.*

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: repealing ss. 607.0122(2) and (3), 607.0402, 607.1506(2)(b), 608.4061, 617.0122(2) and (3), 617.0402, 617.1506(2)(a), 620.104, 620.182(7), and 620.784(2), F.S., relating to corporation and partnership name reservation; conforming statutory provisions to the elimination of the name reservation program provided in the 1997-1998 General Appropriations Act;

On motion by Senator Klein, by two-thirds vote **SB 704** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

CS for SB 434—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.051, F.S.; providing an exemption for certain facilities, devices, fixtures, equipment, machinery, and structures used for pollution prevention or control in manufacturing, processing, compounding, or producing for sale certain items of personal property; providing requirements for qualification; providing an exemption for certain machinery, equipment, or materials purchased for the monitoring, prevention, abatement, or control of pollution or contaminants at privately owned and operated solid waste management facilities; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 434** to **CS for CS for HB 3229**.

Pending further consideration of **CS for SB 434** as amended, on motion by Senator Dyer, by two-thirds vote **CS for CS for HB 3229** was withdrawn from the Committee on Ways and Means.

On motion by Senator Dyer, by two-thirds vote—

CS for CS for HB 3229—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.051, F.S.; providing an exemption for certain facilities, equipment, and machinery used for pollution control or abatement associated with manufacturing activities, and for structures or equipment associated with replacement thereof; requiring compliance with permitted conditions of the Department of Environmental Protection; providing an exemption for equipment, machinery, and materials required by permit or law for the monitoring, prevention, abatement, or control of pollution at solid waste management facilities; providing an effective date.

—a companion measure, was substituted for **CS for SB 434** as amended and by two-thirds vote read the second time by title.

Senator Dyer moved the following amendment which was adopted:

Amendment 1—On page 2, lines 24 and 25, delete those lines and insert:

Section 2. This act shall take effect January 1, 1999.

On motion by Senator Dyer, by two-thirds vote **CS for CS for HB 3229** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

STATEMENT OF INTENT FOR CS FOR CS FOR HB 3229

This legislation is not intended in any way to limit the exemption for pollution control equipment that is necessary for the generation of steam or electricity under the JEA decision's integrated plant theory.

Buddy Dyer
District 14

SB 500—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing a tax exemption for industrial machinery and equipment purchased for use in expanding certain printing or publishing facilities; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 500** to **CS for HB 1273**.

Pending further consideration of **SB 500** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 1273** was withdrawn from the Committee on Ways and Means.

On motion by Senator Burt, the rules were waived and by two-thirds vote—

CS for HB 1273—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing a tax exemption for industrial machinery and equipment purchased for use in expanding certain printing facilities; providing an effective date.

—a companion measure, was substituted for **SB 500** as amended and by two-thirds vote read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for HB 1273** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

CS for CS for SB 1512—A bill to be entitled An act relating to certified capital companies; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor to administer tax credits; creating s. 288.99, F.S.; creating the "Certified Capital Company Act"; providing a short title; providing a purpose; providing definitions; providing certification procedures; providing deadlines; requiring an application fee; providing grounds for application denial or decertification; requiring the Department of Banking and Finance to enforce certification and decertification procedures; requiring certification reports filed with the Office of Tourism, Trade, and Economic Development; requiring an annual renewal fee; specifying investment benchmarks; specifying depositories for funds not invested in qualified businesses; providing a credit against premium tax liability; specifying effect of credit on retaliatory tax; providing an aggregate premium tax credit cap; providing a tax credit allocation formula; requiring forfeiture of tax credits under certain circumstances; providing for an annual report by each certified capital company; requiring the Office of Tourism, Trade, and Economic Development to review and verify annual reports; authorizing the Department of Revenue to audit and examine books of certified capital companies and investors; providing for distributions to debt holders; requiring the Department of Banking and Finance to conduct annual reviews of certified capital companies; providing requirements for distributions; providing decertification procedures; providing a cure period; providing recapture of tax credits under certain circumstances; providing a schedule for tax credit recapture and penalties; providing for transfer of tax credits; requiring the Office of Tourism, Trade, and Economic Development to annually report to the Governor and the Legislature; providing for application and renewal fees; providing rulemaking authority; providing appropriations; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1512** to **CS for HB 1575**.

Pending further consideration of **CS for CS for SB 1512** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB 1575** was withdrawn from the Committee on Ways and Means.

On motion by Senator Latvala, by two-thirds vote—

CS for HB 1575—A bill to be entitled An act relating to certified capital companies; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor to administer tax credits; creating s. 288.99, F.S.; creating the "Certified Capital Company Act"; providing a short title; providing a purpose; providing definitions; providing certification procedures; providing deadlines; requiring an application fee; providing grounds for application denial or decertification; requiring the Department of Banking and Finance to enforce certification and decertification procedures; requiring certification reports filed with the Office of Tourism, Trade, and Economic Development; requiring an annual renewal fee; specifying investment benchmarks; specifying depositories for funds not invested

in qualified businesses; providing a credit against premium tax liability; specifying effect of credit on retaliatory tax; providing an aggregate premium tax credit cap; providing a tax credit allocation formula; requiring forfeiture of tax credits under certain circumstances; providing for an annual report by each certified capital company; requiring the Office of Tourism, Trade, and Economic Development to review and verify annual reports; authorizing the Department of Revenue to audit and examine books of certified capital companies and investors; providing for distributions to debt holders; requiring the Department of Banking and Finance to conduct annual reviews of certified capital companies; providing requirements for distributions; providing decertification procedures; providing a cure period; providing recapture of tax credits under certain circumstances; providing a schedule for tax credit recapture and penalties; providing for transfer of tax credits; requiring the Office of Tourism, Trade, and Economic Development to annually report to the Governor and the Legislature; providing for application and renewal fees; providing rulemaking authority; providing appropriations; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1512** as amended and by two-thirds vote read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 1575** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

On motion by Senator Horne, by two-thirds vote **HB 3113** was withdrawn from the Committee on Ways and Means.

On motion by Senator Horne, by two-thirds vote—

HB 3113—A bill to be entitled An act relating to community contribution tax credits; amending ss. 220.183 and 624.5105, F.S.; increasing the annual limitation on the amount of such credits that may be granted against the corporate income tax and insurance premium taxes; providing an effective date.

—a companion measure, was substituted for **CS for SB 192** and by two-thirds vote read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 3113** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Ostalkiewicz, by two-thirds vote **CS for CS for HB 315** was withdrawn from the Committees on Ways and Means; and Commerce and Economic Opportunities.

On motion by Senator Ostalkiewicz—

CS for CS for HB 315—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for food and drinks; providing definitions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 1504** and read the second time by title.

Senator Ostalkiewicz moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 8, line 10 through page 9, line 24, delete those lines and insert:

(14) *TECHNICAL ASSISTANCE ADVISORY COMMITTEE.*—The department shall establish a technical assistance advisory committee with public and private sector members, *including representatives of both manufacturers and retailers*, to advise the Department of Revenue and the Department of Health ~~and Rehabilitative Services~~ in determining the taxability of specific products and product lines pursuant to subsection (1) and paragraph (2)(a). In determining taxability and in preparing a list of specific products and product lines *that* ~~which~~ are or are not taxable, the committee shall not be subject to the provisions of chapter 120. Private sector members shall not be compensated for serving on the committee.

Section 2. Subsection (1) of section 213.22, Florida Statutes, is amended to read:

213.22 Technical assistance advisements.—

(1) The department may issue informal technical assistance advisements to persons, upon written request, as to the position of the department on the tax consequences of a stated transaction or event, under existing statutes, rules, or policies. After the issuance of an assessment, a technical assistance advisement may not be issued to a taxpayer who requests an advisement relating to the tax or liability for tax in respect to which the assessment has been made, *except that a technical assistance advisement may be issued to a taxpayer who requests an advisement relating to the exemptions in s. 212.08(1) or (2) at any time.* Technical assistance advisements shall have no precedential value except to the taxpayer who requests the advisement and then only for the specific transaction addressed in the technical assistance advisement, unless specifically stated otherwise in the advisement. Any modification of an advisement shall be prospective only. A technical assistance advisement is not an order issued pursuant to s. 120.565 or s. 120.569 or a rule or policy of general applicability under s. 120.54. The provisions of s. 120.53(1) are not applicable to technical assistance advisements.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 15-23, delete those lines and insert: membership requirements; amending s. 213.22, F.S.; providing for the issuance of technical assistance advisements; providing an effective date.

On motion by Senator Ostalkiewicz, by two-thirds vote **CS for CS for HB 315** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Burt	Clary	Dudley
Bankhead	Campbell	Cowin	Dyer
Bronson	Casas	Crist	Forman
Brown-Waite	Childers	Diaz-Balart	Geller

Grant	Jones	Lee	Scott
Gutman	Kirkpatrick	McKay	Silver
Hargrett	Klein	Meadows	Sullivan
Harris	Kurth	Myers	Thomas
Holzendorf	Latvala	Ostalkiewicz	Turner
Horne	Laurent	Rossin	Williams

Nays—None

On motion by Senator Ostalkiewicz, by two-thirds vote **HB 4373** was withdrawn from the Committee on Ways and Means.

On motion by Senator Ostalkiewicz, by two-thirds vote—

HB 4373—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.09, F.S.; prescribing liability for the tax when a renewal note increases the unpaid balance or the original face amount of an original contract and obligation; providing that s. 3, ch. 97-123, Laws of Florida, which exempts from tax a renewal note evidencing a revolving obligation which does not increase the original face amount of the original contract and obligation, applies retroactively to certain renewal notes; providing effective dates.

—a companion measure, was substituted for **CS for SB 1082** and by two-thirds vote read the second time by title. On motion by Senator Ostalkiewicz, by two-thirds vote **HB 4373** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 936—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; including certain nonprofit corporations that make and distribute recordings to blind or visually impaired persons within the definition of "religious institutions" for tax exemption purposes; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 936** to **CS for HB 3395**.

Pending further consideration of **SB 936** as amended, on motion by Senator Harris, by two-thirds vote **CS for HB 3395** was withdrawn from the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

On motion by Senator Harris—

CS for HB 3395—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; including certain nonprofit corporations that make and distribute recordings to blind or visually impaired persons, and certain nonprofit corporations that provide religious services and administration or missionary assistance for established places of worship, within the definition of "religious institutions" for tax exemption purposes; providing an effective date.

—a companion measure, was substituted for **SB 936** as amended and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 7, between lines 19 and 20, insert:

Section 2. *The amount of $26,224 is hereby appropriated from the General Revenue Fund to the Bureau of Blind Services of the Department of Labor and Employment Security for completion of automation of the Talking Book Library. This is a non-recurring appropriation for fiscal year 1998-1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: providing an appropriation to the Bureau of Blind Services for specified purposes;

On motion by Senator Harris, by two-thirds vote **CS for HB 3395** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

On motion by Senator Diaz-Balart, by two-thirds vote **HJR 3151** was withdrawn from the Committees on Community Affairs; Ways and Means; and Rules and Calendar.

On motion by Senator Diaz-Balart—

HJR 3151—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution relating to an additional homestead tax exemption.

—a companion measure, was substituted for **SJR 246** and read the second time by title.

Senators Gutman and Casas offered the following amendment which was moved by Senator Gutman and adopted:

Amendment 1—On page 3, lines 11-28, delete those lines and insert: *by general law, does not exceed a specified amount established by general law. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 6

ADDITIONAL HOMESTEAD TAX EXEMPTION.—Proposing an amendment to the State Constitution, effective January 1, 1999, to authorize the Legislature to allow counties and municipalities to grant an additional homestead tax exemption not exceeding $25,000 to certain persons 65 years of age or older whose household income does not exceed a specified amount established by general law.

The vote was:

Yeas—18

Bronson	Dyer	Jones	Silver
Casas	Forman	Kirkpatrick	Thomas
Childers	Geller	Kurth	Turner
Clary	Grant	McKay	
Cowin	Gutman	Meadows	

Nays—13

Bankhead	Diaz-Balart	Lee	Rossin
Brown-Waite	Dudley	Myers	Sullivan
Campbell	Horne	Ostalkiewicz	Williams
Crist			

On motion by Senator Diaz-Balart, further consideration of **HJR 3151** as amended was deferred.

RECESS

On motion by Senator Bankhead, the Senate recessed at 1:28 p.m. to reconvene at 2:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:32 p.m. A quorum present—39:

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

On motion by Senator Bronson, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1088, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1088—A bill to be entitled An act relating to agriculture emergencies; amending s. 206.606, F.S.; distributing fuel sales tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; amending s. 206.608, F.S.; distributing State Comprehensive Enhanced Transportation System Tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; creating s. 206.609, F.S.; providing restrictions on the transfer of moneys to the Agricultural Emergency Eradication Trust Fund; requiring the Commissioner of Agriculture to give notice concerning the use of trust fund moneys; providing appropriations; providing a contingent effective date.

House Amendment 1—On page 1, between lines 20 and 21 of the bill, insert:

Section 1. *Notwithstanding any other legislation passed and either signed by the Governor or allowed to become law without signature to the contrary, the Legislature intends that this bill be its full and total intent, regardless of when it is presented to the Secretary of State.*

House Amendment 2—On page 5, line 16 remove from the bill: *$4,000,000* and insert in lieu thereof: *$1,000,000*

On motion by Senator Bronson, the Senate concurred in the House amendments.

CS for SB 1088 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Sullivan

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 1434, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1434—A bill to be entitled An act relating to rulemaking authority with respect to environmental permitting (RAB); amending s. 161.052, F.S.; providing authority to adopt rules relating to coastal construction and excavation; amending s. 161.053, F.S.; authorizing the exemption of certain activities from permit requirements; providing authority to adopt rules relating to coastal construction and regulation on county basis; amending s. 403.813, F.S.; clarifying authority to implement certain exemptions without adoption of rules; providing an effective date.

House Amendment 1—On page 3, lines 16 through 17 remove from the bill: all of said lines and insert in lieu thereof:

(21) The department is authorized to adopt rules related to the following provisions of this section: establishment of coastal construction control lines; activities seaward of the coastal construction control line; exemptions; property owner agreements; delegation of the program; permitting programs; and violations and penalties.

House Amendment 2—On page 1, lines 21 through 22 remove from the bill: all of said lines and insert in lieu thereof:

(11) The department is authorized to adopt rules for the implementation of the following provisions of this section: excavation and construction; setback requirements; waivers or variances; exemptions; the removal of unauthorized structures or refilling of unauthorized excavations; and violations and penalties.

On motion by Senator Latvala, the Senate concurred in the House amendments.

SB 1434 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1460, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1460—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; providing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides; prohibiting specified bungy operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; providing for liens for unpaid fees, fines, interest, and costs; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

House Amendment 1—On page 13, line 13 after the period (.) insert:
Furthermore, the permanent facilities must file an affidavit of the annual inspection required by paragraph (5)(b). Additionally, the Department of Agriculture and Consumer Services may consult annually with the permanent facilities regarding industry safety programs.

House Amendment 2 (with title amendment)—On page 21, line 12, through page 23, line 8, remove from the bill: all of said lines

And the title is amended as follows:

On page 1, lines 23 and 24, remove from the title of the bill: all of said lines and insert in lieu thereof: enforcement, and penalties;

House Amendment 3—On page 14, line 13, delete said line and insert in lieu thereof:

9. Facilities described in s. 549.09(1)(a) when such facilities are operating cars, trucks, or motorcycles only.

House Amendment 4—On page 16, lines 15-17, remove from the bill: all of said lines

On motion by Senator Forman, the Senate concurred in the House amendments.

CS for SB 1460 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1574, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1574—A bill to be entitled An act relating to personnel and agencies of the legislative branch; amending s. 11.045, F.S.; defining the term "division," for purposes of lobbyist registration, as the Division of Legislative Information Services; transferring certain functions of the Joint Legislative Management Committee to the division or to the presiding officers; authorizing the presiding officers to waive fines imposed against lobbyists; amending s. 11.12, F.S.; providing for the presiding officers to determine subsistence rates; amending s. 11.13, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to compensation of members to the Office of Legislative Services or to the presiding officers; amending s. 11.147, F.S.; abolishing the Joint Legislative Management Committee and replacing it with an Office of Legislative Services; repealing s. 11.39, F.S., relating to the Legislative Information Technology Resource Committee; amending s. 112.0455, F.S.; transferring certain functions of the Joint Legislative Management Committee with respect to rules relating to drug-free workplace requirements to the presiding officers; amending s. 112.3148, F.S.; transferring certain functions of the Joint Legislative Management Committee relating to reports of gifts to the Division of Legislative Information Services; amending s. 121.055, F.S.; transferring duties of the Joint Legislative Management Committee relating to designation of employees to participate in the Senior Management Service Optional Annuity Program to the presiding officers; amending s. 216.136, F.S.; conforming provisions to the amendments made by the act; amending s. 216.251, F.S.; clarifying authority with respect to approval of classification and pay plans for legislative employees; amending s. 985.401, F.S.; renaming the Juvenile Justice Advisory Board; amending ss. 11.241, 11.242, 11.243, 11.70, 13.01, 13.10, 15.155, 20.315, 27.709, 112.061, 112.321, 119.15, 218.60, 229.593, 282.3091, 282.310, 282.322, 350.031, 402.50, 790.22, F.S.; conforming provisions to the amendments made by the act; providing for the Office of Legislative Services to assume rights, duties, and obligations of the Joint Legislative Management Committee with respect to existing contracts; transferring unexpended balances of appropriated funds; providing an effective date.

House Amendment 1—On page 8, lines 16 and 17, remove from the bill: all of said lines and insert in lieu thereof: to a hearing before the *General Counsel of the Office of Legislative Services* ~~Joint Legislative Management Committee~~, *who* ~~which~~

On motion by Senator Grant, the Senate concurred in the House amendment.

CS for SB 1574 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1706, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1706—A bill to be entitled An act relating to the care of elderly persons (RAB); amending s. 400.404, F.S., relating to facilities to be licensed; amending s. 400.424, F.S.; providing requirements for the contract executed between the licensee and the resident of an assisted living facility; authorizing the Department of Elderly Affairs to adopt rules; amending s. 400.427, F.S.; revising requirements for a facility with respect to obtaining surety bonds; authorizing the Department of

Elderly Affairs to adopt rules; creating s. 400.4275, F.S., relating to business records; amending s. 400.441, F.S., relating to rules; amending s. 400.442, F.S., relating to pharmacy and dietary services; amending s. 400.444, F.S., relating to construction requirements; amending s. 400.619, F.S., relating to licensure; amending s. 400.6196, F.S., relating to violations and penalties; amending s. 400.621, F.S., relating to rules for adult family care homes; amending s. 400.6211, F.S., relating to training; amending s. 409.212, F.S., relating to optional supplementation; providing an effective date.

House Amendment 1—remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (2) of section 400.404, Florida Statutes, is amended to read:

400.404 Facilities to be licensed; exemptions.—

(2) The following are exempt from this part:

(a) Any facility, institution, or other place operated by the Federal Government or any agency of the Federal Government.

(b) Any facility or part of a facility licensed under chapter 393 or chapter 394.

(c) Any home or facility approved by the United States Department of Veterans Affairs as a residential care home wherein care is provided exclusively to three or fewer veterans.

(d) Any facility that has been incorporated in this state for 50 years or more on or before July 1, 1983, and the board of directors of which is nominated or elected by the residents, until the facility is sold or its ownership is transferred; or any facility, with improvements or additions thereto, which has existed and operated continuously in this state for 60 years or more on or before July 1, 1989, is directly or indirectly owned and operated by a nationally recognized fraternal organization, is not open to the public, and accepts only its own members and their spouses as residents.

(e) Any facility certified under chapter 651, or a retirement community, may provide services authorized under this part or part IV of this chapter to its residents who live in single-family homes, duplexes, quadruplexes, or apartments located on the campus without obtaining a license to operate an assisted living facility if residential units within such buildings are used by residents who do not require staff supervision for that portion of the day when personal services are not being delivered and the owner obtains a home health license to provide such services. However, any building or distinct part of a building on the campus that is designated for persons who receive personal services and require supervision beyond that which is available while such services are being rendered must be licensed in accordance with this part. If a facility provides personal services to residents who do not otherwise require supervision and the owner is not licensed as a home health agency, the buildings or distinct parts of buildings where such services are rendered must be licensed under this part. A resident of a facility that obtains a home health license may contract with a home health agency of his or her choice, provided that the home health agency provides liability insurance and workers' compensation coverage for its employees. Facilities covered by this exemption may establish policies that give residents the option of contracting for services and care beyond that which is provided by the facility to enable them to age in place. For purposes of this section, a retirement community consists of a facility licensed under this part or under part II, and apartments designed for independent living located on the same campus.

(f) Any residential unit for independent living which is located within a facility certified under chapter 651, or any residential unit which is colocated with a nursing home licensed under part II or colocated with a facility licensed under this part in which services are provided through an outpatient clinic or a nursing home on an outpatient basis.

Section 2. Subsections (1), (2), (3), and (5) of section 400.424, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

400.424 Contracts.—

(1) The presence of each resident in a facility shall be covered by a contract, executed at the time of admission or prior thereto, between the licensee and the resident or his or her designee or legal representative. Each party to the contract shall be provided with a duplicate original thereof, and the licensee shall keep on file in the facility all such contracts. The licensee *may* ~~shall~~ not destroy or otherwise dispose of any such contract until 5 years after its expiration ~~or such longer period as may be provided in the rules of the department~~.

(2) Each contract *must* ~~shall~~ contain express provisions specifically setting forth the services and accommodations to be provided by the facility; the rates or charges; provision for at least 30 days' *written* notice of a rate increase; the rights, duties, and obligations of the residents, other than those specified in s. 400.428; and other matters *that* ~~which~~ the parties deem appropriate. Whenever money is deposited or advanced by a resident in a contract as security for performance of the contract agreement or as advance rent for other than the next immediate rental period:

(a) Such funds shall be *deposited* ~~held~~ in a banking institution in this state *that is*~~. Funds held shall be kept separate from the funds and property of the facility; shall be deposited in a bank savings association, trust company, or credit union located in this state and, if possible,~~ located, *if possible,* in the same *community* ~~district~~ in which the facility is located; shall *be kept separate from the funds and property of the facility; may* not be represented as part of the assets of the facility on financial statements; and shall be used, or otherwise expended, only for the account of the resident.

(b) The licensee shall, within 30 days of receipt of advance rent or a security deposit, notify the resident or residents in writing of the manner in which the licensee is holding the advance rent or security deposit and state the name and address of the depository where the moneys are being held. The licensee shall notify residents of the facility's policy on advance deposits.

(3)(a) The contract shall include a refund policy to be implemented at the time of a resident's transfer, discharge, or death. The refund policy shall provide that the resident or responsible party is entitled to a prorated refund based on the daily rate for any unused portion of payment beyond the termination date after all charges, including the cost of damages to the residential unit resulting from circumstances other than normal use, have been paid to the licensee. For the purpose of this paragraph, the termination date shall be the date the unit is vacated by the resident and cleared of all personal belongings. If the amount of belongings does not preclude renting the unit, the facility may clear the unit and charge the resident or his or her estate for moving and storing the items at a rate equal to the actual cost to the facility, not to exceed 20 percent of the regular rate for the unit, provided that 14 days' advance written notification is given. If the resident's possessions are not claimed within 45 days after notification, the facility may dispose of them. The contract shall also specify any other conditions under which claims will be made against the refund due the resident. Except in the case of death or a discharge due to medical reasons, the refunds shall be computed in accordance with the notice of relocation requirements specified in the contract. However, a resident may not be required to provide the licensee with more than 30 days' notice of termination. If after a contract is terminated, the facility intends to make a claim against a refund due the resident, the facility shall notify the resident or responsible party in writing of the claim and shall provide said party with a reasonable time period of no less than 14 calendar days to respond. The facility shall provide a refund to the resident or responsible party within 45 days after the transfer, discharge, or death of the resident. The agency shall impose a fine upon a facility that fails to comply with the refund provisions of the paragraph, which fine shall be equal to three times the amount due to the resident. One-half of the fine shall be remitted to the resident or his or her estate, and the other half to the Health Care Trust Fund to be used for the purpose specified in s. 400.418.

(b) If a licensee agrees to reserve a bed for a resident who is admitted to a medical facility, including, but not limited to, a nursing home, health care facility, or psychiatric facility, the resident or his or her responsible party shall notify the licensee of any change in status that would prevent the resident from returning to the facility. Until such notice is received, the agreed upon daily rate may be charged by the licensee.

(c) The purpose of any advance payment and a refund policy for such payment, including any advance payment for *housing,* meals, ~~lodging,~~ or personal services, shall be covered in the contract.

(5) *Neither the* ~~No~~ contract *nor*~~, or~~ any provision thereof *relieves*~~, shall be construed to relieve~~ any licensee of any requirement or obligation imposed upon it by this *part or rules adopted under this part* ~~act or by standards or rules in force pursuant thereto~~.

(8) The department may by rule clarify terms, establish procedures, clarify refund policies and contract provisions, and specify documentation as necessary to administer this section.

Section 3. Subsections (2), (3), and (7) of section 400.427, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

400.427 Property and personal affairs of residents.—

(2) A facility, or an owner, administrator, employee, or representative thereof, may not act as the guardian, trustee, or conservator for any resident of the *assisted living* facility or any of such resident's property. An owner, administrator, or staff member, or representative thereof, may not act as a competent resident's payee for social security, veteran's, or railroad benefits without the consent of the resident. Any facility whose owner, administrator, or staff, or representative thereof, serves as representative payee for any resident of the facility shall file a surety bond with the agency in an amount equal to twice the average monthly aggregate income or personal funds due to residents, or expendable for their account, which are received by a facility. Any facility whose owner, administrator, or staff, or a representative thereof, is granted power of attorney for any resident of the facility shall file a surety bond with the agency for each resident for whom such power of attorney is granted. The surety bond shall be in an amount equal to twice the average monthly income of the resident, plus the value of any *resident's* ~~other~~ property ~~of the resident, which income and property are~~ under the control of the attorney in fact. The bond shall be executed by the facility as principal and a *licensed* surety company ~~authorized and licensed to do business in the state as surety~~. The bond shall be conditioned upon the faithful compliance of the facility with this section and shall run to the agency for the benefit of any resident who suffers a financial loss as a result of the misuse or misappropriation by a facility of funds held pursuant to this subsection. Any surety company *that* ~~which~~ cancels or does not renew the bond of any licensee shall notify the agency in writing not less than 30 days in advance of such action, giving the reason for the cancellation or nonrenewal. ~~The agency, in cooperation with insurance companies, associations, and organizations representing facilities licensed under this part, and the Department of Insurance shall develop procedures to implement the bonding requirements of this subsection.~~ Any facility owner, administrator, or staff, or representative thereof, who is granted power of attorney for any resident of the facility shall, on a monthly basis, be required to provide the resident a written statement of any transaction made on behalf of the resident pursuant to this subsection, and a copy of such statement given to the resident shall be retained ~~in the facility~~ in each resident's file and available for *agency* inspection.

(3) A facility, upon mutual consent with the resident, shall provide for the safekeeping in the facility of personal effects not in excess of $500 and funds of the resident not in excess of $200 cash, *and*~~. A facility~~ shall keep complete and accurate records of all such funds and personal effects received ~~for safekeeping~~. *If* ~~When~~ a resident is absent from a facility for 24 hours or more, the facility may provide for the safekeeping of the resident's personal effects in excess of $500.

(7) In the event of the death of a resident, a licensee shall return all refunds, funds, and property held in trust to the resident's personal representative, if one has been appointed at the time the facility disburses such funds, and, if not, to the resident's spouse or adult next of kin named in a beneficiary designation form provided by the facility to the resident. *If* ~~In the event~~ the resident has no spouse or adult next of kin or such person cannot be located, funds due the resident shall be placed in an interest-bearing account, and all property held in trust by the facility shall be safeguarded until such time as the funds and property are disbursed pursuant to the Florida Probate Code. Such funds shall be kept separate from the funds and property of the facility and other residents of the facility. *If* ~~In the event~~ the funds of the deceased resident are not disbursed pursuant to ~~the provisions of~~ the Florida Probate Code within 2 years *after* ~~of~~ the resident's death, the funds shall be deposited in the Health Care Trust Fund *administered by the agency* ~~as provided in s. 400.418~~.

(8) The department may by rule clarify terms and specify procedures and documentation necessary to administer the provisions of this section relating to the proper management of residents' funds and personal property and the execution of surety bonds.

Section 4. Section 400.4275, Florida Statutes, is created to read:

400.4275 Business practice; personnel records; liability insurance.—The assisted living facility shall be administered on a sound financial basis that is consistent with good business practices.

(1) The administrator or owner of a facility shall maintain accurate business records that identify, summarize, and classify funds received and expenses disbursed and shall use written accounting procedures and a recognized accounting system.

(2) The administrator or owner of a facility shall maintain personnel records for each staff member which contain, at a minimum, documentation of background screening, if applicable, documentation of compliance with all training requirements of this part or applicable rule, and a copy of all licenses or certification held by each staff who performs services for which licensure or certification is required under this part or rule.

(3) The administrator or owner of a facility shall maintain liability insurance coverage that is in force at all times.

(4) The department may by rule clarify terms, establish requirements for financial records, accounting procedures, personnel procedures, insurance coverage, and reporting procedures, and specify documentation as necessary to implement the requirements of this section.

Section 5. Subsections (1) and (3) of section 400.441, Florida Statutes, are amended to read:

400.441 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, *the Department of Children and Family Services,* and the Department of Health ~~and Rehabilitative Services~~, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(a) The *requirements for and* maintenance of facilities, not in conflict with the provisions of chapter 553, relating to plumbing, heating, lighting, ventilation, *living space,* and other housing conditions, which will ensure the health, safety, and comfort of residents and protection from fire hazard, including adequate provisions for fire alarm and other fire protection suitable to the size of the structure. Uniform firesafety standards shall be established and enforced by the State Fire Marshal in cooperation with the agency, the department, and the Department of Health ~~and Rehabilitative Services~~.

1. Evacuation capability determination.—

a. The provisions of the National Fire Protection Association, NFPA 101A, Chapter 5, 1995 edition, shall be used for determining the ability of the residents, with or without staff assistance, to relocate from or within a licensed facility to a point of safety as provided in the fire codes adopted herein. An evacuation capability evaluation for initial licensure shall be conducted within 6 months after the date of licensure. For existing licensed facilities that are not equipped with an automatic fire sprinkler system, the administrator shall evaluate the evacuation capability of residents at least annually. The evacuation capability evaluation for each facility not equipped with an automatic fire sprinkler system shall be validated, without liability, by the State Fire Marshal, by the local fire marshal, or by the local authority having jurisdiction over firesafety, before the license renewal date. If the State Fire Marshal, local fire marshal, or local authority having jurisdiction over firesafety has reason to believe that the evacuation capability of a facility as reported by the administrator may have changed, it may, with assistance

from the facility administrator, reevaluate the evacuation capability through timed exiting drills. Translation of timed fire exiting drills to evacuation capability may be determined:

(I) Three minutes or less: prompt.

(II) More than 3 minutes, but not more than 13 minutes: slow.

(III) More than 13 minutes: impractical.

b. The Office of the State Fire Marshal shall provide or cause the provision of training and education on the proper application of Chapter 5, NFPA 101A, 1995 edition, to its employees, to staff of the Agency for Health Care Administration who are responsible for regulating facilities under this part, and to local governmental inspectors. The Office of the State Fire Marshal shall provide or cause the provision of this training within its existing budget, but may charge a fee for this training to offset its costs. The initial training must be delivered within 6 months after July 1, 1995, and as needed thereafter.

c. The Office of the State Fire Marshal, in cooperation with provider associations, shall provide or cause the provision of a training program designed to inform facility operators on how to properly review bid documents relating to the installation of automatic fire sprinklers. The Office of the State Fire Marshal shall provide or cause the provision of this training within its existing budget, but may charge a fee for this training to offset its costs. The initial training must be delivered within 6 months after July 1, 1995, and as needed thereafter.

d. The administrator of a licensed facility shall sign an affidavit verifying the number of residents occupying the facility at the time of the evacuation capability evaluation.

2. Firesafety requirements.—

a. Except for the special applications provided herein, effective January 1, 1996, the provisions of the National Fire Protection Association, Life Safety Code, NFPA 101, 1994 edition, Chapter 22 for new facilities and Chapter 23 for existing facilities shall be the uniform fire code applied by the State Fire Marshal for assisted living facilities, pursuant to s. 633.022.

b. Any new facility, regardless of size, that applies for a license on or after January 1, 1996, must be equipped with an automatic fire sprinkler system. The exceptions as provided in section 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply to any new facility housing eight or fewer residents. On July 1, 1995, local governmental entities responsible for the issuance of permits for construction shall inform, without liability, any facility whose permit for construction is obtained prior to January 1, 1996, of this automatic fire sprinkler requirement. As used in this part, the term "a new facility" does not mean an existing facility that has undergone change of ownership.

c. Notwithstanding any provision of s. 633.022 or of the National Fire Protection Association, NFPA 101A, Chapter 5, 1995 edition, to the contrary, any existing facility housing eight or fewer residents is not required to install an automatic fire sprinkler system, nor to comply with any other requirement in Chapter 23 of NFPA 101, 1994 edition, that exceeds the firesafety requirements of NFPA 101, 1988 edition, that applies to this size facility, unless the facility has been classified as impractical to evacuate. Any existing facility housing eight or fewer residents that is classified as impractical to evacuate must install an automatic fire sprinkler system within the timeframes granted in this section.

d. Any existing facility that is required to install an automatic fire sprinkler system under this paragraph need not meet other firesafety requirements of Chapter 23, NFPA 101, 1994 edition, which exceed the provisions of NFPA 101, 1988 edition. The mandate contained in this paragraph which requires certain facilities to install an automatic fire sprinkler system supersedes any other requirement.

e. This paragraph does not supersede the exceptions granted in NFPA 101, 1988 edition or 1994 edition.

f. This paragraph does not exempt facilities from other firesafety provisions adopted under s. 633.022 and local building code requirements in effect before July 1, 1995.

g. A local government may charge fees only in an amount not to exceed the actual expenses incurred by local government relating to the installation and maintenance of an automatic fire sprinkler system in an existing and properly licensed assisted living facility structure as of January 1, 1996.

h. If a licensed facility undergoes major reconstruction or addition to an existing building on or after January 1, 1996, the entire building must be equipped with an automatic fire sprinkler system. Major reconstruction of a building means repair or restoration that costs in excess of 50 percent of the value of the building as reported on the tax rolls, excluding land, before reconstruction. Multiple reconstruction projects within a 5-year period the total costs of which exceed 50 percent of the initial value of the building at the time the first reconstruction project was permitted are to be considered as major reconstruction. Application for a permit for an automatic fire sprinkler system is required upon application for a permit for a reconstruction project that creates costs that go over the 50-percent threshold.

i. Any facility licensed before January 1, 1996, that is required to install an automatic fire sprinkler system shall ensure that the installation is completed within the following timeframes based upon evacuation capability of the facility as determined under subparagraph 1.:

(I) Impractical evacuation capability, 24 months.

(II) Slow evacuation capability, 48 months.

(III) Prompt evacuation capability, 60 months.

The beginning date from which the deadline for the automatic fire sprinkler installation requirement must be calculated is upon receipt of written notice from the local fire official that an automatic fire sprinkler system must be installed. The local fire official shall send a copy of the document indicating the requirement of a fire sprinkler system to the Agency for Health Care Administration.

j. It is recognized that the installation of an automatic fire sprinkler system may create financial hardship for some facilities. The appropriate local fire official shall, without liability, grant two 1-year extensions to the timeframes for installation established herein, if an automatic fire sprinkler installation cost estimate and proof of denial from two financial institutions for a construction loan to install the automatic fire sprinkler system are submitted. However, for any facility with a class I or class II, or a history of uncorrected class III, firesafety deficiencies, an extension must not be granted. The local fire official shall send a copy of the document granting the time extension to the Agency for Health Care Administration.

k. A facility owner whose facility is required to be equipped with an automatic fire sprinkler system under Chapter 23, NFPA 101, 1994 edition, as adopted herein, must disclose to any potential buyer of the facility that an installation of an automatic fire sprinkler requirement exists. The sale of the facility does not alter the timeframe for the installation of the automatic fire sprinkler system.

l. Existing facilities required to install an automatic fire sprinkler system as a result of construction-type restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted herein, or evacuation capability requirements shall be notified by the local fire official in writing of the automatic fire sprinkler requirement, as well as the appropriate date for final compliance as provided in this subparagraph. The local fire official shall send a copy of the document to the Agency for Health Care Administration.

m. Except in cases of life-threatening fire hazards, if an existing facility experiences a change in the evacuation capability, or if the local authority having jurisdiction identifies a construction-type restriction, such that an automatic fire sprinkler system is required, it shall be afforded time for installation as provided in this subparagraph.

~~n. There is created a study-work group consisting of representatives of the Office of the State Fire Marshal, Florida Fire Chiefs' Association, Florida Fire Marshals' Association, Florida Assisted Living Association, Florida Association of Homes for the Aging, Florida Health Care Association, Florida League of Cities, Florida Association of Counties, Florida State Firemen's Association, Building Officials' Association of Florida, the Aging and Adult Services Program Office of the Department of Health and Rehabilitative Services, and the Agency for Health Care~~

~~Administration. Each entity involved shall select its representative to the study-work group. The Florida Fire Chiefs' Association shall coordinate study-work group activities. The study-work group shall examine the National Fire Protection Association, NFPA 101, Chapter 23, 1994 edition, and shall report to the Legislature by December 31, 1995, its recommendations for firesafety standards that will provide a reasonable level of firesafety for the protection of assisted living facility residents without imposing unnecessary economic impact on facilities regulated under this part. Expenses incurred while participating in this study-work group activity shall be borne by the participants.~~

Facilities that are fully sprinkled and in compliance with other firesafety standards are not required to conduct more than one of the required fire drills between the hours of 11 p.m. and 7 a.m., per year. In lieu of the remaining drills, staff responsible for residents during such hours may be required to participate in a mock drill that includes a review of evacuation procedures. Such standards must be included or referenced in the rules adopted by the ~~department after consultation with the~~ State Fire Marshal. Pursuant to s. 633.022(1)(b), the State Fire Marshal is the final administrative authority for firesafety standards established and enforced pursuant to this section. All licensed facilities must have an annual fire inspection conducted by the local fire marshal or authority having jurisdiction.

(b) The preparation and annual update of a comprehensive emergency management plan. Such standards must be included in the rules adopted by the department after consultation with the Department of Community Affairs. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including provision of emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; communication with families; and responses to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health ~~and Rehabilitative Services~~, the Agency for Health Care Administration, and the Department of Community Affairs. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(c) The number, *training*, and qualifications of all personnel having responsibility for the care of residents. The rules must require adequate staff to provide for the safety of all residents. Facilities licensed for 17 or more residents are required to maintain an alert staff for 24 hours per day.

(d) All sanitary conditions within the facility and its surroundings~~, including water supply, sewage disposal, food handling, and general hygiene, and maintenance thereof,~~ which will ensure the health and comfort of residents. The rules must clearly delineate the responsibilities of the agency's licensure *and survey* staff, ~~and the responsibilities of~~ the county health departments, *and the local authority having jurisdiction over fire safety* and ensure that inspections are not duplicative. The agency may collect fees for food service inspections conducted by the county health departments and transfer such fees to the Department of Health ~~and Rehabilitative Services~~.

(e) License application and license renewal, transfer of ownership, proper management of resident funds and personal property, surety bonds, resident contracts, refund policies, financial ability to operate, and facility and staff records.

(f)~~(e)~~ *Inspections, complaint investigations, moratoriums, classification of deficiencies,*

~~The~~ levying and enforcement of penalties, and use of income from fees and fines.

(g)~~(f)~~ The enforcement of the resident bill of rights specified in s. 400.428.

(h)~~(g)~~ The care and maintenance of residents, which must include, but is not limited to:

1. The supervision of residents;

2.~~1.~~ The provision of personal services;

3.~~2.~~ The provision of, or arrangement for, social and leisure activities;

4.~~3.~~ The arrangement for appointments and transportation to appropriate medical, dental, nursing, or mental health services, as needed by residents;

~~4. The provision of limited nursing services;~~

5. *The management of medication;* ~~The provision of extended congregate care services; and~~

6. *The nutritional needs of residents; and* ~~The provision of limited mental health services.~~

7. Resident records.

(i) Facilities holding a limited nursing, extended congregate care, or limited mental health license.

(j)~~(h)~~ The establishment of specific criteria to define appropriateness of *resident* admission and continued residency *in a facility holding a standard, limited nursing, extended congregate care, and limited mental health license.*

(k)~~(i)~~ The ~~definition and~~ use of physical or chemical restraints. The use of physical restraints is limited to half-bed rails as prescribed and documented by the resident's physician with the consent of the resident or, if applicable, the resident's representative or designee or the resident's surrogate, guardian, or attorney in fact. The use of chemical restraints is limited to prescribed dosages of medications authorized by the resident's physician and must be consistent with the resident's diagnosis. Residents who are receiving medications that can serve as chemical restraints must be evaluated by their physician at least annually to assess:

1. The continued need for the medication.

2. The level of the medication in the resident's blood.

3. The need for adjustments in the prescription.

(3) The department shall submit a copy of proposed rules to the Speaker of the House of Representatives, the President of the Senate, and appropriate committees of substance for review and comment prior to the promulgation thereof.

(a) Rules promulgated by the department shall encourage the development of homelike facilities which promote the dignity, individuality, personal strengths, and decisionmaking ability of residents.

(b) The agency, in consultation with the department, may waive rules promulgated pursuant to this part in order to demonstrate and evaluate innovative or cost-effective congregate care alternatives which enable individuals to age in place. Such waivers may be granted only in instances where there is reasonable assurance that the health, safety, or welfare of residents will not be endangered. To apply for a waiver, the licensee shall submit to the agency a written description of the concept to be demonstrated, including goals, objectives, and anticipated benefits; the number and types of residents who will be affected, if applicable; a brief description of how the demonstration will be evaluated; and any other information deemed appropriate by the agency. Any facility granted a waiver shall submit a report of findings to the agency and the department within 12 months. At such time, the agency may renew or revoke the waiver or pursue any regulatory or statutory changes necessary to allow other facilities to adopt the same practices. *The department may by rule clarify terms and establish waiver application procedures, criteria for reviewing waiver proposals, and procedures for reporting findings, as necessary to implement this subsection.*

Section 6. Subsection (3) is added to section 400.442, Florida Statutes, to read:

400.442 Pharmacy and dietary services.—

(3) The department may by rule establish procedures and specify documentation as necessary to implement this section.

Section 7. Subsection (3) is added to section 400.444, Florida Statutes, to read:

400.444 Construction and renovation; requirements.—

(3) The department may adopt rules to establish procedures and specify the documentation necessary to implement this section.

Section 8. Subsections (3), (4), and (13) of section 400.619, Florida Statutes, are amended to read:

400.619 Licensure requirements.—

(3) Application for a license or annual license renewal to operate an adult family-care home must be made on a form provided by the agency, *signed under oath,* and must be accompanied by a licensing fee of $100 per year to offset the cost of training and education programs by the Department of Elderly Affairs for providers.

(4) Upon receipt of a *completed* license application *or license renewal,* and the fee, the agency *shall conduct a level 1 background screening as provided under chapter 435 on* ~~must check with the abuse registry and the Department of Law Enforcement concerning~~ the adult family-care home *provider* ~~applicant~~*, the designated relief person,* all adult household members, and all staff members. The agency shall ~~also~~ conduct an onsite visit to the home that is to be licensed.

(13) The department *may* ~~shall~~ adopt rules to *establish procedures, identify forms, specify documentation, and clarify terms, as necessary, to administer* ~~implement~~ this section.

Section 9. Section 400.6196, Florida Statutes, is amended to read:

400.6196 Violations; penalties.—

(1) In addition to any other liability or penalty provided by law, the agency may impose a civil penalty on a *provider according to the following classification* ~~person for~~:

(a) Class I violations are those conditions or practices related to the operation and maintenance of an adult family-care home or to the care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice that constitutes a class I violation must be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction. A class I deficiency is subject to an administrative fine in an amount not less that $500 and not exceeding $1,000 for each violation. A fine may be levied notwithstanding the correction of the deficiency.

(b) Class II violations are those conditions or practices related to the operation and maintenance of an adult family-care home or to the care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the residents, other than class I violations. A class II violation is subject to an administrative fine in an amount not less that $250 and not exceeding $500 for each violation. A citation for a class II violation must specify the time within which the violation is required to be corrected. If a class II violation is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

(c) Class III violations are those conditions or practices related to the operation and maintenance of an adult family-care home or to the care of residents which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of residents, other than class I or class II violations. A class III violation is subject to an administrative fine in an amount not less than $100 and not exceeding $250 for each violation. A citation for a class III violation shall specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

(d) Class IV violations are those conditions or occurrences related to the operation and maintenance of an adult family-care home, or related to the required reports, forms, or documents, which do not have the potential of negatively affecting the residents. A provider that does not correct a class IV violation within the time limit specified by the agency is subject to an administrative fine in an amount not less that $50 and not exceeding $100 for each violation. Any class IV violation that is corrected during the time the agency survey is conducted will be identified as an agency finding and not as a violation.

(2) The agency may impose an administrative fine for violations which do not qualify as class I, class II, class III, or class IV violations. The amount of the fine shall not exceed $250 for each violation or $2,000 in the aggregate. Unclassified violations include:

(a) Violating any term or condition of a license.~~; or~~

(b) Violating any rule adopted under *this part* ~~ss. 400.616-400.629~~.

(c) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of adult family-care home residents.

(d) Exceeding licensed capacity.

(e) Providing services beyond the scope of the license.

(f) Violating a moratorium.

(3)~~(2)~~ Each day during which a violation occurs constitutes a separate *offense* ~~violation~~.

(4)~~(3)~~ In determining whether a penalty is to be imposed, and in fixing the amount of any penalty to be imposed, the agency must consider:

(a) The gravity of the violation.

(b) Actions taken by the provider to correct a violation.

(c) Any previous violation by the provider.

(d) The financial benefit to the provider of committing or continuing the violation.

(5)~~(4)~~ As an alternative to or in conjunction with an administrative action against a provider, the agency may request a plan of corrective action that demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the *agency* ~~department~~.

(6)~~(5)~~ The department shall set forth, by rule, *notice requirements and procedures for correction of deficiencies* ~~classifications of violations and civil penalties to be levied~~.

(7)~~(6)~~ Civil penalties paid by a provider must be deposited into the Department of Elderly Affairs Administrative Trust Fund and used to offset the expenses of departmental training and education for adult family-care home providers.

(8)~~(7)~~ The agency may impose an immediate moratorium on admissions to any adult family-care home if the agency finds that a condition in the home presents a threat to the health, safety, or welfare of its residents. *The department may by rule establish facility conditions that constitute grounds for imposing a moratorium and establish procedures for imposing and lifting a moratorium.*

Section 10. Section 400.621, Florida Statutes, is amended to read:

400.621 Rules and standards relating to adult family-care homes.—

(1) The department ~~shall~~, in consultation with the Department of Health, *the Department of Children and Family Services,* ~~and Rehabilitative Services~~ and the agency *shall,* by rule, establish minimum standards *to ensure* ~~and licensure procedures for adult family-care homes. The rules must, at a minimum:~~

~~(a) Provide for~~ the health, safety, and well-being of each resident in the adult family-care home. *The rules must address:*

(a) Requirements for the physical site of the facility and facility maintenance.

(b) Services that must be provided to all residents of an adult family-care home and standards for such services, which must include, but need not be limited to:

1. Room and board.

2. Assistance necessary to perform the activities of daily living.

3. Assistance necessary to administer medication.

4. Supervision of residents.

5. Health monitoring.

6. Social and leisure activities.

(c)~~(b)~~ *Standards and* ~~Provide~~ procedures for *license application and* annual license renewal, *advertising* ~~prevention of abuse~~, proper management of each resident's *funds and personal* property and personal affairs, *financial ability to operate, medication management,* inspections, *complaint investigations, and facility, staff, and resident* ~~and~~ records ~~and reports~~.

(d) Qualifications, training, standards, and responsibilities for providers and staff.

~~(c) Promote the growth of adult family-care homes as a component of a long-term care system.~~

~~(d) Promote the goal of aging in place.~~

(e) ~~Mandate~~ Compliance with chapter 419, *relating to community residential homes.*

(f) *Criteria and procedures for determining the appropriateness of a resident's placement and continued residency in* ~~Assure that~~ an adult family-care home ~~is the appropriate living arrangement for each resident~~. A resident who requires 24-hour nursing supervision may not be retained in an adult family-care home. A person who would not be an appropriate resident in any assisted living facility under s. 400.426 would not be an appropriate resident in an adult family-care home.

(g) *Procedures for providing notice and assuring* ~~Assure~~ the least possible disruption of residents' lives when *residents are relocated,* an adult family-care home is closed, *or the ownership of an adult family-care home is transferred.*

(h) ~~Provide~~ Procedures to protect the residents' rights as provided in s. 400.628.

(i) Procedures to promote the growth of adult family-care homes as a component of a long-term-care system.

(j) Procedures to promote the goal of aging in place for residents of adult family-care homes.

(2) *The department shall by rule provide minimum standards and procedures for emergencies.* Minimum firesafety standards shall be established and enforced by the State Fire Marshal in cooperation with the department and the agency. Such standards must be included in the rules adopted by the department after consultation with the State Fire Marshal and the agency.

~~(3) The department shall by rule establish standards for the adequate supervision of adult family-care residents.~~

(3)~~(4)~~ The provider of any adult family-care home that is in operation at the time any rules are adopted or amended under *this part* ~~ss. 400.616-400.629~~ may be given a reasonable time, not exceeding 6 months, within which to comply with *the* ~~those~~ new or revised rules and standards.

Section 11. Section 400.6211, Florida Statutes, is amended to read:

400.6211 Training and education programs.—

(1) The department ~~of Elderly Affairs~~ must provide training and education programs for all adult family-care home providers.

(2) Training and education programs must include~~, but are not limited to,~~ information relating to:

(a) State law and rules governing adult family-care homes, with emphasis on appropriateness of placement of residents *in an adult family-care home.*

(b) Identifying and reporting abuse, neglect, and exploitation.

(c) Identifying and meeting the special needs of aged persons and disabled adults.

(d) Monitoring the health of residents, including guidelines for prevention and care of pressure ulcers.

(3) Providers must complete the training and education program within a reasonable time determined by the department *by rule.* Failure to complete the training and education program within the time set by the department ~~is a violation of ss. 400.616-400.629 and~~ subjects the provider to revocation *or denial* of the license *under this part.*

(4) If the Department of *Children and Family Services* ~~Health and Rehabilitative Services~~, the agency, or the department determines that there are problems in an adult family-care home which could be reduced through specific training or education beyond that required under this section, the department may require the provider or staff to complete such training or education.

(5) The department shall specify by rule training and education programs, training requirements and the assignment of training responsibilities for staff, training procedures, and training fees as necessary to administer this section.

Section 12. Present subsections (3) and (4) of section 409.212, Florida Statutes, are redesignated as subsections (4) and (5), respectively, present subsection (4) is amended, and a new subsection (3) is added to that section, to read:

409.212 Optional supplementation.—

(3) Assisted living facilities, adult family-care homes, family placement, or any other specialized living arrangement accepting residents who receive optional supplementation payments must comply with the requirements of 42 U.S.C. s. 1382e(e).

(4)~~(3)~~ In addition to the amount of optional supplementation provided by the state, a person may receive additional supplementation from third parties to contribute to his or her cost of care. Additional supplementation may be provided under the following conditions:

(a) Payments shall be made to the assisted living facility, or to the operator of an adult family-care home, family placement, or other special living arrangement, on behalf of the person and not directly to the optional state supplementation recipient.

(b) Contributions made by third parties shall be entirely voluntary and shall not be a condition of providing proper care to the client.

(c) The additional supplementation shall not exceed two times the provider rate recognized under the optional state supplementation program.

(d) Rent vouchers issued pursuant to a federal, state, or local housing program may be issued directly to a recipient of optional state supplementation.

(5)~~(4)~~ When contributions are made in accordance with the provisions of subsection *(4)*~~(3)~~, the department shall not count such supplements as income to the client for purposes of determining eligibility for, or computing the amount of, optional state supplementation benefits, nor shall the department increase an optional state supplementation payment to offset the reduction in Supplemental Security Income benefits that will occur because of the third-party contribution.

Section 13. This act shall take effect July 1 of the year in which enacted.

On motion by Senator Rossin, the Senate concurred in the House amendment.

CS for SB 1706 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Jones	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Horne	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 2536, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SCR 2536—A concurrent resolution amending Joint Rules 1, 3, and 4 of the Joint Rules of the Legislature.

House Amendment 1—On page 17, lines 12 and 13, remove from the bill: all of said lines and insert in lieu thereof: request for a hearing on the matter before the *General Counsel of the Office of Legislative Services* ~~Joint Legislative Management~~

On motion by Senator Grant, the Senate concurred in the House amendment.

SCR 2536 as amended was adopted, ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Sullivan

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

HJR 3151—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution relating to an additional homestead tax exemption.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Gutman, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

HJR 3151—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution relating to an additional homestead tax exemption.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election, and, if approved, shall take effect January 1, 1999:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding twenty-five thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 6

ADDITIONAL HOMESTEAD TAX EXEMPTION.—Proposing an amendment to the State Constitution, effective January 1, 1999, to authorize the Legislature to allow counties and municipalities to grant an additional homestead tax exemption not exceeding $25,000 to certain persons 65 years of age or older whose household income does not exceed a specified amount.

On motion by Senator Diaz-Balart, by two-thirds vote **HJR 3151** was read the third time in full, passed by the required constitutional three-

fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—34

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Geller	Klein	Silver
Campbell	Grant	Laurent	Sullivan
Casas	Gutman	Lee	Turner
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—5

Childers	Kurth	Thomas	Williams
Forman			

SPECIAL GUEST

Senators Horne, Bankhead and Holzendorf introduced Christy Neuman, "Miss Florida", who was present in the gallery.

On motion by Senator Dudley—

CS for SB 570—A bill to be entitled An act relating to assessments on health care entities; amending s. 395.701, F.S.; exempting outpatient radiation therapy services provided by certain hospitals from the annual assessment on net operating revenues of such hospitals; amending s. 395.7015, F.S.; exempting freestanding radiation therapy centers from the annual assessment on net operating revenues of certain health care entities; revising the assessment; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, lines 20-28, delete those lines and insert:

(a) The assessment shall be equal to 1.5 percent of the annual net operating revenues of health care entities.

And the title is amended as follows:

On page 1, lines 10 and 11, delete "revising the assessment;"

Senator Burt moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 6, between lines 28 and 29, insert:

Section 3. *It is the intent of the Legislature to evaluate the implications of an Adult Heart Transplant Program in this state. The Senate Committee on Ways and Means, the Senate Health Care Committee, the House of Representatives Health Care Services Committee, and the House of Representatives Fiscal Responsibility Council shall analyze the short and long term public policy and cost implications of implementing a state-sponsored Adult Heart Transplant Program. The report shall consider all direct and ancillary costs associated with providing comprehensive care associated with an adult heart transplant. The report shall also include the alternatives of implementing this program through the Medicaid program and on a non-Medicaid basis. The report shall be presented to the Social Services Estimating Conference, which shall review and certify the cost estimates. Thereafter, the report and the findings of the Social Services Estimating Conference shall be presented to the President of the Senate and the Speaker of the House of Representatives by September 1, 1998. The agency may submit a budget amendment in accordance with the provisions of chapter 216, Florida Statutes, for the purpose of implementing an Adult Heart Transplant Program in fiscal year 1998-1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: providing legislative intent to evaluate the implication of an Adult Heart Transplant Program in this state; providing for a report by legislative committees; providing parameters for the report; providing for the report to be presented to the Social Services Estimating Conference; providing for review and certification of the cost estimates by the conference;

Pursuant to Rule 4.19, **CS for SB 570** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 640** was deferred.

CS for CS for SB 882—A bill to be entitled An act relating to funding for beach management; amending s. 161.088, F.S.; providing a legislative declaration that beach restoration and renourishment projects are in the public interest and shall be funded in a specified manner; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to implement regional components of the beach management plan, to enter into agreements to cost-share and coordinate such activity, and to sponsor or cosponsor beach management demonstration projects; providing criteria to be considered in determining annual funding priorities for beach management projects; providing for reductions in local sponsors' cost shares; amending s. 161.161, F.S.; providing for regional components of the statewide beach management plan; providing for submission of funding recommendations to the Legislature; deleting obsolete provisions; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of beach preservation and repair; providing an appropriation; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; amending s. 163.360, F.S.; requiring additional findings before approval of certain community redevelopment plans; creating s. 163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 882** to **CS for HB 3427**.

Pending further consideration of **CS for CS for SB 882** as amended, on motion by Senator Sullivan, by two-thirds vote **CS for HB 3427** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Sullivan—

CS for HB 3427—A bill to be entitled An act relating to funding for beach management; amending s. 161.088, F.S.; providing a legislative declaration that beach restoration and renourishment projects are in the public interest and shall be funded in a specified manner; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to implement regional components of the beach management plan, to enter into agreements to cost-share and coordinate such activity, and to sponsor or cosponsor beach management demonstration projects; providing criteria to be considered in determining annual funding priorities for beach management projects; providing for reductions in local sponsors' cost shares; amending s. 161.161, F.S.; providing for regional components of the statewide beach management plan; providing for submission of funding recommendations to the Legislature; deleting obsolete provisions; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of

beach preservation and repair; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 882** as amended and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for HB 3427** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

SB 1582—A bill to be entitled An act relating to weapons and firearms; creating s. 790.233, F.S.; prohibiting a person who has been issued a currently effective final injunction against committing acts of domestic violence from possessing any firearm or ammunition; providing penalties; providing an exception for law enforcement officers; amending s. 741.30, F.S.; requiring that a final injunction for protection against domestic violence indicate that possessing any firearm or ammunition is prohibited; amending s. 741.31, F.S.; providing that it is a first degree misdemeanor to violate a final injunction by possessing a firearm or ammunition; providing an exception for law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant under certain circumstances when there is probable cause to believe that the person has committed a crime in violation of specified provisions prohibiting possession of firearm or ammunition by person restrained by final injunction from committing acts of domestic violence; amending s. 790.06, F.S., relating to issuance by the Department of State of license to carry a concealed weapon or firearm; revising qualifications for such license to include restrictions that the applicant has not had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence within a specified period and is not enjoined from committing acts of domestic violence or repeat violence; requiring denial or revocation of such license under specified circumstances; requiring that the department suspend such license, or the processing of the license application, if the licensee or applicant is issued an injunction against committing acts of domestic violence or acts of repeat violence; amending s. 790.065, F.S.; removing obsolete provisions; requiring that the Department of Law Enforcement determine if a potential buyer or transferee of a firearm has been convicted of a misdemeanor crime of domestic violence or had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence; providing an effective date.

—was read the second time by title.

Two amendments were adopted and one amendment to **SB 1582** failed.

Pending further consideration of **SB 1582** as amended, on motion by Senator Kurth, by two-thirds vote **CS for CS for HB 679** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Kurth—

CS for CS for HB 679—A bill to be entitled An act relating to weapons and firearms; creating s. 790.233, F.S.; prohibiting a person who has been issued a currently effective final injunction against committing acts of domestic violence from possessing any firearm or ammunition; providing penalties; providing an exception for law enforcement officers; amending s. 741.30, F.S.; requiring that a final injunction for protection against domestic violence indicate that possessing any firearm or ammunition is prohibited; amending s. 741.31, F.S.; providing that it is a first degree misdemeanor to violate a final injunction by possessing a firearm or ammunition; providing an exception for law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant under certain circumstances when there is probable cause to believe that the person has committed a crime in violation of specified provisions prohibiting possession of firearm or ammunition by person restrained by final injunction from committing acts of domestic violence; amending s. 790.06, F.S., relating to issuance by the Department of State of license to carry a concealed weapon or firearm; revising qualifications for such license to include restrictions that the applicant has not had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence within a specified period and is not enjoined from committing acts of domestic violence or repeat violence; requiring denial or revocation of such license under specified circumstances; requiring that the department suspend such license, or the processing of the license application, if the licensee or applicant is issued an injunction against committing acts of domestic violence or acts of repeat violence; amending s. 790.065, F.S.; removing obsolete provisions; requiring that the Department of Law Enforcement determine if a potential buyer or transferee of a firearm has been convicted of a misdemeanor crime of domestic violence or had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence; providing an effective date.

—a companion measure, was substituted for **SB 1582** as amended and read the second time by title. On motion by Senator Kurth, by two-thirds vote **CS for CS for HB 679** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Madam President	Crist	Harris	Laurent
Bankhead	Diaz-Balart	Holzendorf	Meadows
Brown-Waite	Dyer	Horne	Rossin
Burt	Forman	Jones	Silver
Campbell	Geller	Kirkpatrick	Sullivan
Casas	Grant	Klein	Thomas
Childers	Gutman	Kurth	Turner
Clary	Hargrett	Latvala	Williams

Nays—4

Bronson	Cowin	Ostalkiewicz	Scott

On motion by Senator Brown-Waite, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for SB 190** was deferred.

HB 3217—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize," "related services," and "eligible lead community-based provider"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; providing plan requirements; requiring the department to state whether and why privatization cannot be accomplished in a particular district or portion of a district and how the department will address the obstacles to privatization; providing for legal services; requiring that child welfare legal services be provided by specified providers; providing for case management responsibilities; providing for quality assurance; providing requirements for and restrictions upon funding for privatization; creating s. 415.5071, F.S.; providing for a model program for child protective investigative services, to be initiated in specified districts; requiring the department to contract with sheriffs in those districts; providing responsibilities of the department; requiring a report; providing for funding; providing for the creation of a specified committee which shall submit a required report; providing an effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, **HB 3217** was passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Dudley	Jones	Myers
Bronson	Dyer	Kirkpatrick	Ostalkiewicz
Brown-Waite	Forman	Klein	Rossin
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Silver
Childers	Gutman	Laurent	Sullivan
Clary	Hargrett	Lee	Thomas
Crist	Harris	McKay	Turner
Diaz-Balart	Horne	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Cowin

SENATOR BURT PRESIDING

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 3619** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Kirkpatrick, by two-thirds vote—

CS for HB 3619—A bill to be entitled An act relating to computers; creating s. 14.025, F.S., relating to the Governor; recognizing the potential computer problems that may occur in state agencies due to the date change necessitated by the year 2000; authorizing the Governor to reassign resources in the event of a likely computer failure; authorizing the Administration Commission to reassign resources if an agency headed by the Governor and Cabinet or a Cabinet officer is likely to experience a computer failure; requiring the reassignment of resources to conform with the law governing budget amendments; requiring the reassignment of personnel to conform with the law governing employee interchanges; requiring legislative approval if a reassignment of resources is necessary for more than 90 days; authorizing legislative veto of the reassignment of state resources; providing for repeal of the powers granted to the Governor; amending ss. 112.24 and 112.27, F.S., relating to employee interchange programs; clarifying that state agencies may exchange employees; creating s. 282.4045, F.S.; providing legislative findings relating to the adequacy of the state's actions to prevent year 2000 computer failures; protecting the state and units of local government against legal actions that result from a year 2000 computer date calculation failure; providing an effective date.

—a companion measure, was substituted for **CS for SB 1162** and by two-thirds vote read the second time by title.

Senator Kirkpatrick moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 14.025, Florida Statutes, is created to read:

14.025 Executive powers for year 2000 computer remediation.—

(1) In the event the Governor believes that a computer system may fail related to the impending date change necessitated by the year 2000, or in the event of a computer system failure related to the date change necessitated by the year 2000, the Governor may reassign resources, including personnel, from one or more agencies or departments to the agency with the projected or actual computer system failure. If this agency is under the control of the Governor, and the agencies affected by the reassignment of resources also are under the control of the Governor, the actions and decisions of the Governor with respect to the reassignment of resources are final. If the transfer is from an agency under the control of the Governor to an agency under the control of the Governor and Cabinet or the transfer is from an agency under the control of the Governor and Cabinet to an agency under the control of the Governor, the recommendation by the Governor shall be forwarded to the Administration Commission for approval.

(2) If a year 2000 computer system failure occurs, or is predicted to occur, in an agency under the control of the Governor and Cabinet, and the Governor recommends the reassignment of resources, including personnel, from an agency under the control of the Governor and Cabinet, such recommendation by the Governor shall be forwarded to the Administration Commission for approval.

(3) If a year 2000 computer system failure occurs, or is predicted to occur, in an agency under the control of a Cabinet officer, and the Governor recommends the reassignment of resources, including personnel, from an agency under the control of a Cabinet officer, such recommendation by the Governor shall be forwarded to the Administration Commission for approval.

(4) Notwithstanding ss. 216.292 and 216.351, or any other law to the contrary, moneys reassigned related to a predicted or actual year 2000 computer system failure must be transferred as specified by s. 216.177. The Governor shall follow the process in part II of chapter 112 in transferring personnel among affected agencies. The transfer of personnel or moneys for more than 90 days must have the concurrence of the President of the Senate, the Speaker of the House of Representatives, and a majority of the members of each of the House and Senate fiscal committees.

(5) The Legislature may, by concurrent resolution, terminate the reassignment of state resources made pursuant to this section.

(6) This section is repealed July 1, 2000.

Section 2. Section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental transfer and interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with *other state agencies,* the Federal Government, ~~with~~ another state, *a* ~~with another~~ municipality, or *a* political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with *a state agency,* the Federal Government, ~~with~~ another state, ~~with~~ a municipality, or *a* political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(1) Details of an employee interchange program shall be the subject of an agreement, which may be extended or modified, between a sending party and a receiving party. State agencies shall report such agreements and any extensions or modifications thereto to the Department of Management Services.

(2) The period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years. Upon agreement of the sending party and the receiving party and under the same or modified terms, an assignment or detail of 2 years may be extended by 3 months. However, agreements relating to faculty members of the State University System may be extended biennially upon approval by the Department of Management Services. If the appointing agency is the Governor or the Governor and Cabinet, the period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years plus an extension of 3 months or the number of years left in the term of office of the Governor, whichever is less.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(a) An employee of a sending party who is participating in an interchange agreement may be considered as on detail to regular work assignments of the sending party or in a leave status from the sending party except that the receiving agency shall pay the salary and benefits of such employee during the time, in excess of 1 week, that the employee is working for the receiving agency. However, an employee of a sending party who is participating in an interchange agreement pursuant to s. 10, chapter 91-429, Laws of Florida, shall be considered as on detail to regular work assignments of the sending party, and the sending party shall reimburse the receiving agency for the salary and benefits and expenses of such employee and any other direct costs of conducting the inspections during the time the employee is working for the receiving agency.

1. If on detail, an employee shall receive the same salary and benefits as if he or she were not on detail and shall remain the employee of the sending party for all purposes except that supervision during the period of detail may be governed by the interchange agreement.

2. If on leave, an employee shall have the same rights, benefits, and obligations as other employees in a leave status subject to exceptions provided in rules for state employees issued by the department or the rules or other decisions of the governing body of the municipality or political subdivision.

(b) The assignment of an employee of a state agency either on detail or on leave of absence may be made without reimbursement by the receiving party for the travel and transportation expenses to or from the place of the assignment or for the pay and benefits, or a part thereof, of the employee during the assignment.

(c) If the rate of pay for an employee of an agency of the state on temporary assignment or on leave of absence is less than the rate of pay he or she would have received had the employee continued in his or her regular position, such employee is entitled to receive supplemental pay from the sending party in an amount equal to such difference.

(d) Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending party's employee compensation program, as an employee who sustained injury in the performance of duty, but shall not receive benefits under such program for any period for which the employee is entitled to, and elects to receive, similar benefits under the receiving party's employee compensation program.

(e) A sending party in this state may, in accordance with the travel regulations of such party, pay the travel expenses of an employee who is assigned to a receiving party on either detail or leave basis, but shall not pay the travel expenses of such an employee incurred in connection with work assignments at the receiving party. If the assignment or detail will exceed 8 months, travel expenses may include expenses to transport immediate family, household goods, and personal effects to and from the location of the receiving party. If the period of assignment is 3 months or less, the sending party may pay a per diem allowance to the employee on assignment or detail.

(4)(a) When any agency, municipality, or political subdivision of this state acts as a receiving party, an employee of the sending party who is assigned under authority of this section may be given appointments by the receiving party covering the periods of such assignments, with compensation to be paid from the receiving party's funds, or without compensation, or be considered to be on detail to the receiving party.

(b) Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving party.

(c) During the period of an assignment, the employee who is detailed to the receiving party shall not by virtue of such detail be considered an employee of the receiving party, except as provided in paragraph (d), nor shall the employee be paid a wage or salary by the receiving party. The supervision of an employee during the period of the detail may be governed by agreement between the sending party and the receiving party. A detail of an employee to a state agency may be made with or without reimbursement to the sending party by the receiving party for the pay and benefits, or a part thereof, of the employee during the period of the detail.

(d) If the sending party of an employee assigned to an agency, municipality, or political subdivision of this state fails to continue making the employer's contribution to the retirement, life insurance, and health benefit plans for that employee, the receiving party of this state may make the employer's contribution covering the period of the assignment or any part thereof.

(e) Any employee of a sending party assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of the receiving party's employee compensation program, as an employee who has sustained injury in the performance of duty, but shall not receive benefits under such program for any period for which he or she elects to receive similar benefits as an employee under the sending party's employee compensation program.

(f) A receiving party in this state may, in accordance with the travel regulations of such party, pay travel expenses of persons assigned thereto during the period of such assignments on the same basis as if they were regular employees of the receiving party.

(5) An agency may enter into agreements with private institutions of higher education in this state as the sending or receiving party as specified in subsections (3) and (4).

Section 3. Subsection (1) of section 112.27, Florida Statutes, is amended to read:

112.27 Authority to interchange employees.—

(1) Any department, agency, or instrumentality of the state is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the *state, the* federal government, or another state, as a sending or receiving agency.

Section 4. Section 282.4045, Florida Statutes, is created to read:

282.4045 Immunity for state agencies and units of local government for year 2000 computer date calculation failures.—The State of Florida, its agencies, and any unit of local government shall be immune from damages consistent with s. 768.28. For purposes of this section, the state's agencies or instrumentalities shall be deemed to include any public or private university school of medicine that is part of a public or private university supported in whole or in part by state funds and that has an affiliation with a local government or state instrumentality under which the medical school's computer system or systems, or diagnostic or therapeutic equipment dependent upon date logic, are used to provide clinical patient care services to the public.

Section 5. *No new information technology projects shall be established with funding releases unless the agency plan for year 2000 work is on schedule or ahead of schedule for the two most recent reporting periods of the Agency Year 2000 Progress Report. Such status shall be certified by the year 2000 project officer.*

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to computers; creating s. 14.025, F.S., relating to the Governor; recognizing the potential computer problems that may occur in state agencies due to the date change necessitated by the year 2000; authorizing the Governor to reassign resources in the event of a likely computer failure; authorizing the Administration Commission to reassign resources if an agency headed by the Governor and Cabinet or a Cabinet officer is likely to experience a computer failure; requiring the reassignment of resources to conform with the law governing budget amendments; requiring the reassignment of personnel to conform with the law governing employee interchanges; requiring legislative approval if a reassignment of resources is necessary for more than 90 days; authorizing legislative veto of the reassignment of state resources; providing for repeal of the powers granted to the Governor; amending ss. 112.24 and 112.27, F.S., relating to employee interchange programs; clarifying that state agencies may exchange employees; creating s. 282.4045, F.S.; providing legislative findings relating to the adequacy of the state's actions to prevent year 2000 computer failures; protecting the state and units of local government against legal actions that result from a year 2000 computer date calculation failure; providing an effective date.

On motion by Senator Kirkpatrick, further consideration of **CS for HB 3619** with pending **Amendment 1** was deferred.

Consideration of **CS for CS for HB 4181**, **HB 367**, **CS for CS for SB 2258** and **CS for SB 2074** was deferred.

CS for SB 28—A bill to be entitled An act providing for the relief of Frank Roster; providing an appropriation to reimburse him for injuries suffered due, in part, to the negligence of the Department of Transportation; providing an effective date.

—was read the third time by title.

On motion by Senator Forman, **CS for SB 28** was passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Horne	Meadows
Bronson	Dudley	Jones	Myers
Brown-Waite	Dyer	Kirkpatrick	Ostalkiewicz
Campbell	Forman	Klein	Rossin
Casas	Geller	Kurth	Scott
Childers	Gutman	Latvala	Silver
Clary	Hargrett	Laurent	Sullivan
Cowin	Harris	Lee	Turner
Crist	Holzendorf	McKay	Williams

Nays—None

Vote after roll call:

Yea to Nay—Ostalkiewicz

CS for CS for HB 4181—A bill to be entitled An act relating to a statewide unified building code; amending ss. 468.621, F.S.; providing an additional ground for certain disciplinary actions; amending ss. 471.033, 481.225, 481.2251, and 481.325, F.S.; providing for additional fines for certain violations of the Florida Building Code; amending s. 468.602, F.S.; clarifying application of an exemption for certain persons; amending ss. 468.609, 468.627, 471.017, 471.019, 481.215, 481.313, 489.115, 489.1455, and 489.5335, F.S.; requiring certificateholders, licensees, or registrants to prove completion of certain education requirements relating to the Florida Building Code; providing certain core curriculum or continuing education requirements for certain license, certificate, or registration renewals; authorizing certain licensing boards to require certain specialized or advanced education courses; creating s. 455.2286, F.S.; requiring the Department of Business and Professional Regulation to implement an automated information system for certain purposes; providing requirements relating to such system; amending s. 489.103, F.S.; exempting certain residential structures from certain construction contracting requirements; amending s. 489.117, F.S.; clarifying certain information provision requirements for local jurisdictions relating to specialty contractor licensure and discipline; amending s. 489.513, F.S.; requiring local jurisdictions to provide certain information to certain licensing boards; requiring such boards to maintain and provide such information through an automated information system; providing for local responsibility for imposing certain disciplinary action; authorizing imposition of penalties by ordinance; amending s. 489.517, F.S.; requiring certificateholders or registrants to provide proof of completion of certain education courses; authorizing the electrical contractors' licensing board to require certain education courses; amending s. 489.533, F.S.; revising a ground for certain disciplinary action; amending s. 553.06, F.S.; requiring the Florida Building Commission to adopt the State Plumbing Code; amending s. 553.19, F.S.; requiring the commission to adopt certain electrical standards as part of the Florida Building Code and to revise and maintain such standards; amending s. 553.71, F.S.; revising certain definitions; renaming the Board of Building Codes and Standards as the Florida Building g Commission; amending s. 553.72, F.S.; revising legislative intent; amending s. 553.73, F.S.; providing for adoption of the Florida Building Code to replace the State Minimum Building Codes; providing for legislative approval; providing purposes; requiring the Florida Building Commission to adopt the code; providing requirements and criteria for the code; providing for resolution of conflicts between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code; providing requirements; providing for local technical amendments to the code; providing procedures and requirements; providing limitations; requiring counties to establish compliance review boards for certain purposes; providing requirements; authorizing local governments to adopt amendments to the code; providing requirements; providing procedures for challenges by affected parties; providing for appeals; requiring the commission to update the code periodically; authorizing the commission to adopt technical amendments to the code under certain circumstances; providing requirements; providing for exempting certain buildings, structures, and facilities from the code; specifying nonapplication of the code under certain circumstances; prohibiting administration or enforcement of the code for certain purposes; amending s. 553.74, F.S.; replacing the State Board of Building Codes and Standards with the Florida Building Commission; providing for additional membership; providing for continuation of terms of existing board members; amending ss. 553.75, 553.76, and 553.77, F.S., to conform; providing additional powers of the commission; requiring commission staff to attend certain meetings; requiring the commission to develop and publish descriptions of roles and responsibilities of certain persons; authorizing the commission to provide plans review and approval of certain public buildings; creating s. 553.781, F.S.; providing for licensee accountability; authorizing local jurisdictions to impose fines and order certain disciplinary action for certain violations of the Florida Building Code; providing for challenges to such actions; requiring the Department of Business and Professional Regulation and local jurisdictions to report such disciplinary actions; providing for disposition and use of such fines; providing construction; providing for suspension of certain permitting privileges under certain circumstance; amending s. 553.79, F.S., to conform; authorizing owners of certain buildings to designate such buildings as threshold buildings for certain purposes; providing for local government enforcement of the Florida Building Code under certain circumstances; amending s. 553.80, F.S.; authorizing certain additional permit fees and reinspection fees under certain circumstances; requiring certain agencies to provide support to local governments for certain purposes; specifying certain code enforcement requirements for state universities, community colleges, and public school districts; preserving authority of certain local governments to enforce code requirements; providing construction; creating s. 553.841, F.S.; providing for establishing a building code training program; providing requirements; providing criteria; authorizing the Florida Building Commission to enter into contracts for certain purposes; requiring the assistance and participation of certain state agencies; creating s. 553.842, F.S.; providing for a system for product evaluation and approval; providing requirements; providing procedures; providing for challenging, review, and appeal of certain evaluations; authorizing the commission to charge fees for certain certifications and reviews; providing exceptions; amending s. 553.905, F.S.; exempting certain HVAC equipment from additional insulation requirements; amending s. 633.01, F.S.; authorizing the Department of Insurance to issue declaratory statements of certain firesafety codes; creating s. 633.0215, F.S.; requiring the Department of Insurance to adopt certain fire prevention and life safety codes; providing requirements; providing for temporary effect of local amendments to such codes; providing providing procedures for adopting or rescinding local amendments to such codes; requiring the department to update such codes periodically; providing for technical amendments to such codes; providing exceptions to application of such codes for certain purposes; amending s. 633.025, F.S.; specifying adoption by local jurisdictions of certain firesafety codes; authorizing local jurisdictions to adopt more stringent firesafety standards under certain circumstances; providing procedures; providing limitations; deleting obsolete provisions; amending s. 633.085, F.S.; clarifying certain inspection duties of the State Fire Marshal; amending s. 633.72, F.S.; specifying cooperation between the Florida Fire Code Advisory Council and the Florida Building Commission under certain circumstances; requiring administrative staff of the State Fire Marshal to attend certain meetings and coordinate efforts for consistency between certain codes; amending ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 489.127, 489.131, 489.531, 489.537, 500.459, 553.18, and 627.351, F.S., to conform; requiring the Florida Building Commission to submit the Florida Building Code to the Legislature for approval; requiring the commission to recommend changes to the law to conform to adoption of the Florida Building Code; providing for future repeal of local amendments to certain building codes; providing for readoption; requiring the State Fire Marshal, the Florida Building Commission, and the Commissioner of Education to establish a select committee for certain purposes; providing for committee membership; providing duties of the committee; requiring a report to the Legislature; requiring the Department of Management Services to conduct a pilot project to study the effects of installing an ozonation

water treatment system for a cooling tower on state buildings; requiring a report to the Legislature; repealing s. 471.003(2)(f), F.S., relating to engineering faculty exemption from registration requirements; repealing s. 489.539, F.S., relating to adoption of electrical standards; repealing s. 553.73(5), F.S., relating to a presumption of compliance with certain building code requirements; providing for future repeal of s. 489.120, F.S., relating to an automated information system; providing for future repeal of s. 489.129(1)(d), F.S., relating to disciplinary action for knowing violations of building codes; providing for future repeal of parts I, II, and III of chapter 553, F.S., relating to the Florida Plumbing Control Act, the Florida Electrical Code, and glass standards; providing appropriations; providing effective dates.

—was read the third time by title.

On motion by Senator Clary, **CS for CS for HB 4181** was passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	
Crist	Jones	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Gutman

HB 367—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Study Act"; requiring school districts to reduce the teacher-to-student ratio in certain schools; requiring the Department of Education to conduct a study of the efficacy of class size reductions; providing legislative goals; providing an effective date.

—as amended April 28 was read the third time by title.

Senators Cowin and Holzendorf offered the following amendment which was moved by Senator Holzendorf and adopted by two-thirds vote:

Amendment 2—On page 1, lines 15, 16, and 30 and on page 2, line 9, delete "*1998-1999*" and insert: *1999-2000*

On motion by Senator Campbell, **HB 367** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

CS for HB 3085—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Kimberly L. Gonzalez; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Palm Beach County Sheriff's Department; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Meadows, **CS for HB 3085** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Cowin

The Senate resumed consideration of—

CS for HB 3619—A bill to be entitled An act relating to computers; creating s. 14.025, F.S., relating to the Governor; recognizing the potential computer problems that may occur in state agencies due to the date change necessitated by the year 2000; authorizing the Governor to reassign resources in the event of a likely computer failure; authorizing the Administration Commission to reassign resources if an agency headed by the Governor and Cabinet or a Cabinet officer is likely to experience a computer failure; requiring the reassignment of resources to conform with the law governing budget amendments; requiring the reassignment of personnel to conform with the law governing employee interchanges; requiring legislative approval if a reassignment of resources is necessary for more than 90 days; authorizing legislative veto of the reassignment of state resources; providing for repeal of the powers granted to the Governor; amending ss. 112.24 and 112.27, F.S., relating to employee interchange programs; clarifying that state agencies may exchange employees; creating s. 282.4045, F.S.; providing legislative findings relating to the adequacy of the state's actions to prevent year 2000 computer failures; protecting the state and units of local government against legal actions that result from a year 2000 computer date calculation failure; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Kirkpatrick was adopted.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 3619** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

HB 1019—A bill to be entitled An act relating to marriage; creating ss. 741.0305, 741.0306, and 741.0307, F.S., the "Marriage Preparation and Preservation Act of 1998"; providing legislative findings and purpose; requiring the creation of a handbook pertaining to the rights and responsibilities under Florida law of marital partners; amending s. 741.0306, F.S., to provide criteria to be contained in the handbook; amending s. 741.04, F.S.; providing that verification that both parties contemplating marriage have obtained and read the information contained in the handbook created pursuant to s. 741.0307, F.S., is a condi-

tion precedent to issuance of a marriage license; amending s. 741.05, F.S., to conform; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; designating such course as the parent education and family stabilization course; providing legislative findings and purpose; authorizing the court in any action between parents in which the custody or support of a minor child is an issue to order parties to attend the family education and stabilization course if the court finds attendance to be in the best interests of the child or children; providing procedures and guidelines for required attendance; requiring parties to file proof of compliance with the court; authorizing a course fee; authorizing each judicial circuit to establish a registry of course providers and sites; authorizing the court to grant exemption from required course attendance; providing parent education and family stabilization course curriculum; providing qualifications and duties of course providers; amending s. 232.246, F.S.; including marriage and relationship education within the life management skills credit required for graduation from high school; amending s. 28.101, F.S.; providing an additional charge for petition for a dissolution of marriage; providing for deposit of such funds in the Family Courts Trust Fund; amending s. 25.388, F.S.; providing an additional source of funding for the Family Courts Trust Fund; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Rossin, **HB 1019** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Horne	Meadows
Bronson	Dudley	Jones	Myers
Brown-Waite	Dyer	Kirkpatrick	Ostalkiewicz
Burt	Forman	Klein	Rossin
Campbell	Geller	Kurth	Scott
Childers	Grant	Latvala	Sullivan
Clary	Gutman	Laurent	Thomas
Cowin	Hargrett	Lee	Turner
Crist	Harris	McKay	Williams

Nays—1

Silver

Consideration of **CS for CS for SB's 2024 and 2648**, **SJR 1008** and **CS for SB 1338** was deferred.

CS for CS for SB 2258—A bill to be entitled An act relating to education; amending s. 231.02, F.S., relating to qualifications of district school system personnel; deleting certain provisions relating to background check; amending s. 231.096, F.S.; revising provisions relating to teaching out-of-field; amending s. 231.15, F.S.; providing State Board of Education duties relating to teacher certification; amending s. 231.17, F.S.; revising provisions relating to qualification for a temporary certificate; amending s. 231.1725, F.S.; deleting provisions relating to employment of noncertificated teachers in critical teacher shortage areas; amending s. 231.261, F.S.; providing rulemaking authority of the Education Practices Commission; amending s. 231.263, F.S.; clarifying provisions relating to the recovery network program for educators; amending s. 231.47, F.S.; conforming a cross-reference; amending s. 231.546, F.S., relating to the Education Standards Commission; deleting duties relating to teacher education centers; amending s. 231.600, F.S.; revising requirements of the school district professional development system; amending s. 231.625, F.S.; deleting provisions relating to a teacher referral and recruitment center; requiring establishment of a teacher recruitment and retention services office; amending s. 231.6255, F.S.; revising provisions relating to the Christa McAuliffe Ambassador for Education Program; creating s. 231.63, F.S.; creating the Florida Educator Hall of Fame; providing for nominations, recommendations, and selection of members; amending s. 20.15, F.S.; creating additional divisions of the Department of Education; amending s. 231.262, F.S.; providing a show-cause process for violations of probation imposed by the Education Practices Commission; amending s. 231.28, F.S.; providing a show-cause process for violation of an order of the Education Practices Commission; providing authority for additional penalties; amending s. 236.081, F.S.; providing for a supplemental capping calculation for those districts whose weighted FTE enrollment is over the weighted FTE ceiling established in the annual appropriations act; providing a procedure for such calculation; repealing s. 236.081(8), F.S., which provides for a caps adjustment supplement for group 2 programs when there are funds remaining in the Florida Education Finance Program appropriation; amending s. 236.25, F.S.; conforming a cross-reference; amending s. 229.57, F.S.; authorizing the Commissioner of Education to establish criteria for exempting a student from taking certain parts of the high school competency test; repealing s. 231.613, F.S., relating to inservice training institutes; amending s. 24.121, F.S.; deleting obsolete provisions; amending s. 229.58, F.S.; revising provisions governing the membership of school advisory councils; amending s. 229.591, F.S.; revising education goals with respect to postsecondary institutions; creating pilot programs for deregulated public schools in a maximum of six counties; providing an effective date.

—as amended April 28 was read the third time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2258** to **HB 4837**.

Pending further consideration of **CS for CS for SB 2258** as amended, on motion by Senator Cowin, by two-thirds vote **HB 4837** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Cowin, the rules were waived and by two-thirds vote—

HB 4837—A bill to be entitled An act relating to the procedure to be used to calculate funding for students enrolled in group 2 of the Florida Education Finance Program; amending s. 236.081, F.S.; providing for a supplemental capping calculation for those districts whose weighted FTE enrollment is over the weighted FTE ceiling established in the annual appropriations act; providing procedure for such calculation; repealing s. 236.081(8), F.S., which provides for a caps adjustment supplement for group 2 programs when there are funds remaining in the Florida Education Finance Program appropriation; amending s. 236.25, F.S.; correcting a reference; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2258** as amended and by two-thirds vote read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 231.02, Florida Statutes, is amended to read:

231.02 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired to fill positions requiring direct contact with students in any district school system or laboratory school shall, upon employment, file a complete set of fingerprints taken by an authorized law enforcement officer or an employee of the school or district who is trained to take fingerprints. These fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. ~~School districts which have authorized terminal access to the Florida Crimes Information Telecommunications Network or the National Crime Information Center may use this equipment for the background check required by this subsection.~~ Such new employees shall be on probationary status pending fingerprint processing and determination of compliance with standards of good moral character. Employees found through fingerprint processing to have been convicted of a crime involving moral turpitude shall not be employed in any position requiring direct contact with students. Probationary employees terminated because of their criminal record shall have the right to appeal such decisions. The cost of the fingerprint processing may be borne by the school board or the employee.

~~(b) Any provision of law notwithstanding, by January 1, 1997, for personnel currently required to be certified under s. 231.17, and January 1, 1998, for all other personnel currently employed by any district school system or any other public school who have not been fingerprinted and screened in the same manner outlined in paragraph (a) shall submit a complete set of fingerprints taken by an authorized law enforcement~~

~~officer or an employee of the school or district who is trained to take fingerprints. The fingerprints shall be submitted to the Department of Law Enforcement for state processing and the Federal Bureau of Investigation for federal processing. School districts which have authorized terminal access to the Florida Crimes Telecommunications Network or the National Crime Information Center may use that equipment for the background check required by this paragraph. Employees found through fingerprint processing to have been convicted of a crime involving moral turpitude shall not be employed in any position requiring direct contact with students. The cost of the fingerprint processing may be borne by the school district or the individual employee at a cost not to exceed $24.00. Any additional cost shall be borne by the Department of Education. Each local school board and laboratory school shall develop policies necessary for the implementation of this subsection. The Commissioner of Education shall provide guidelines regarding standards of good moral character for use in the development of these policies. Within these standards, the lack of good moral character shall be defined as having been convicted of a crime involving moral turpitude.~~

(b)~~(c)~~ Personnel who have been fingerprinted or screened pursuant to this subsection and who have not been unemployed for more than 90 days shall not be required to be refingerprinted or rescreened in order to comply with the requirements of this subsection.

Section 2. Section 231.096, Florida Statutes, is amended to read:

231.096 Teacher teaching out-of-field; assistance.—Each school district shall have a plan to assist any teacher teaching out-of-field, and priority consideration *in professional development activities* shall be given to teachers who are teaching out-of-field ~~in summer inservice institutes. A district may include in its annual summer inservice institute plan a section that provides for institutes in instructional areas identified as district critical teacher shortage areas and approved by the Department of Education.~~

Section 3. Section 231.15, Florida Statutes, is amended to read:

231.15 Positions for which certificates required.—

(1) The State Board of Education shall have authority to classify school services*, designate the certification subject areas, establish competencies and certification requirements for all school-based personnel,* and ~~to~~ prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to *applicants* ~~school employees~~ who meet the standards prescribed by such rules for their class of service. Each person employed or occupying a position as school supervisor, principal, teacher, library media specialist, school counselor, athletic coach, or other position in which the employee serves in an instructional capacity, in any public school of any district of this state shall hold the certificate required by law and by rules of the state board in fulfilling the requirements of the law for the type of service rendered. However, the state board shall adopt rules authorizing school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as teacher aides. Each person who is employed and renders service as an athletic coach in any public school in any district of this state shall hold a valid part-time, temporary, or professional certificate. Each person employed as a school nurse shall hold a license to practice nursing in the state, and each person employed as a school physician shall hold a license to practice medicine in the state. The provisions of this subsection shall not apply to any athletic coach who renders service in a voluntary capacity and who is not employed by any public school of any district in this state.

(2) A commissioned or noncommissioned military officer who is an instructor of junior reserve officer training shall be exempt from requirements for teacher certification, except for the filing of fingerprints pursuant to s. *231.02* ~~231.1712~~, if he or she meets the following qualifications:

(a) Is retired from active military duty with at least 20 years of service and draws retirement pay or is retired, or transferred to retired reserve status, with at least 20 years of active service and draws retirement pay or retainer pay.

(b) Satisfies criteria established by the appropriate military service for certification by the service as a junior reserve officer training instructor.

(c) Has an exemplary military record.

If such instructor is assigned instructional duties other than junior reserve officer training, he or she shall hold the certificate required by law and rules of the state board for the type of service rendered.

Section 4. Paragraph (c) of subsection (3) of section 231.17, Florida Statutes, is amended to read:

231.17 Official statements of eligibility and certificates granted on application to those meeting prescribed requirements.—

(3) TEMPORARY CERTIFICATE.—

(c) To qualify for a temporary certificate, the applicant must:

1. File a written statement under oath that the applicant subscribes to and will uphold the principles incorporated in the Constitutions of the United States and of the State of Florida.

2. Be at least 18 years of age.

3. Document receipt of a bachelor's or higher degree from an accredited institution of higher learning*, as defined by state board rule. Credits and degrees awarded by a newly created Florida state institution that is part of the State University System shall be considered as granted by an accredited institution of higher learning during the first 2 years of course offerings while accreditation is gained. Degrees from foreign institutions, or degrees from other institutions of higher learning that are in the accreditation process, may be validated by a process established in state board rule. Once accreditation is gained, the institution shall be considered as accredited beginning with the 2-year period prior to the date of accreditation.* The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegreed areas. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems.

~~4. Meet such academic and professional requirements based on credentials certified by standard institutions of higher learning, including any institutions of higher learning in this state accredited by an accrediting association that is a member of the Commission on Recognition of Postsecondary Accreditation, as prescribed by the state board.~~

4.~~5.~~ Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

5.~~6.~~ Be of good moral character.

Rules adopted pursuant to this section shall provide for the review and acceptance of credentials from foreign institutions of higher learning.

Section 5. Section 231.1725, Florida Statutes, is amended to read:

231.1725 Employment of substitute teachers, teachers of adult education*, and* nondegreed teachers of career education*; students performing clinical field experience*~~, and noncertificated teachers in critical teacher shortage areas.—~~

(1) Notwithstanding the provisions of ss. 231.02, 231.15, *and* 231.17, ~~and 231.172~~ or any other provision of law or rule to the contrary, each school board shall establish the minimal qualifications for:

(a) Substitute teachers to be employed pursuant to s. 231.47. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 231.02.

(b) Part-time and full-time teachers in adult education programs. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 231.02. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

(c) Part-time and full-time nondegreed teachers of vocational programs. Qualifications shall be established for agriculture, business, health occupations, family and consumer sciences, industrial, marketing, and public service education teachers, based primarily on successful

occupational experience rather than academic training. The qualifications for such teachers shall require:

1. The filing of a complete set of fingerprints in the same manner as required by s. 231.02. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

2. Documentation of education and successful occupational experience including documentation of:

a. A high school diploma or the equivalent.

b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. Alternate means of determining successful occupational experience may be established by the school board.

c. Completion of career education training conducted through the local school district inservice master plan.

d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from a standard institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

~~(d) Part-time and full-time noncertificated teachers in critical teacher shortage areas. The qualifications shall require the filing of fingerprints in the same manner as required by s. 231.02 and shall be based on academic training in the essential generic and specialization competencies of the instructional assignment. The school board shall be responsible for determining critical teacher shortage areas within the school district. Each school board shall annually report the number, qualifications, and areas of assignment of all noncertificated teachers employed pursuant to this paragraph during each school year.~~

(2) Substitute, adult education, and nondegreed career education teachers ~~and noncertificated teachers in critical teacher shortage areas~~ who are employed pursuant to this section shall have the same rights and protection of laws as certified teachers.

Section 6. Paragraph (d) of subsection (7) of section 231.261, Florida Statutes, is amended to read:

231.261 Education Practices Commission; organization.—

(7) The duties and responsibilities of the commission are to:

(d) Have rulemaking authority pursuant to chapter 120 *to establish procedures for operations and administration, disciplinary proceedings, indexing, implementation of orders, and retention of records, and to establish disciplinary guidelines.*

Section 7. Subsections (9) and (12) of section 231.263, Florida Statutes, are amended to read:

231.263 Recovery network program for educators.—

(9) An approved treatment provider must disclose to the recovery network program all information in its possession which relates to a person's impairment and participation in the treatment program. Information obtained under this subsection is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is necessary to promote the rehabilitation of impaired *educators* ~~teachers~~ and to protect the privacy of treatment program participants. The failure to provide such information to the program is grounds for withdrawal of approval of a treatment provider. Medical records provided to the program may not be disclosed to any other person, except as authorized by law.

(12) The State Board of Education shall include in the fees established pursuant to *s. 231.30* ~~s. 231.15(3)~~ an amount sufficient to implement the provisions of this section. The state board shall by rule establish procedures and additional standards for:

(a) Approving treatment providers, including appropriate qualifications and experience, amount of reasonable fees and charges, and quality and effectiveness of treatment programs provided.

(b) Admitting eligible persons to the program.

(c) Evaluating impaired persons by the recovery network program.

Section 8. Section 231.47, Florida Statutes, is amended to read:

231.47 Substitute teachers.—Each school board shall adopt rules prescribing the compensation of, and the procedure for employment of, substitute teachers. Such procedure for employment shall include, but not be limited to, the filing of a complete set of fingerprints as required in s. *231.02* ~~231.1712~~.

Section 9. Subsection (1) of section 231.546, Florida Statutes, is amended to read:

231.546 Education Standards Commission; powers and duties.—

(1) The Education Standards Commission shall have the duty to:

(a) Recommend to the state board desirable standards relating to programs and policies for the development, certification and certification extension, improvement, and maintenance of competencies of educational personnel, including teacher interns.

(b) Recommend to the state board standards for approval of preservice teacher education programs.

(c) Plan and conduct an annual review of human resources studies regarding teaching personnel and report the findings to the state board.

(d) Recommend to the state board objective, independently verifiable standards of measurement and evaluation of teaching competence.

(e) Recommend to the state board alternative ways to demonstrate qualifications for certification which assure fairness and flexibility while protecting against incompetence.

~~(f) Recommend to the state board the most feasible locations for teacher education centers from proposals submitted by school districts and universities.~~

~~(g) Recommend to the state board guidelines for the expenditure of funds for teacher education centers and approval of teacher education center programs.~~

(f)~~(h)~~ Recommend critical state priorities for preservice and inservice teacher training such as understanding diverse student populations, working in a changing workplace, and understanding subject matter and instruction. The commission shall recommend standards for measuring evidence of training in these priorities for continuing program approval for preservice teacher education, initial teacher certification and certificate renewal, and staff development activities.

(g)~~(i)~~ Evaluate the progress of school community professional development systems as provided in s. 231.600.

(h)~~(j)~~ Perform such other duties as may be required to achieve the purposes of this section and s. 231.545.

Section 10. Paragraph (b) of subsection (4) and subsection (6) of section 231.600, Florida Statutes, are amended to read:

231.600 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, and public colleges and universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each district school board shall consult with teachers and representatives of college and university faculty, community agencies, and other interested citizen groups to establish policy and procedures to guide the operation of the district professional development program. The professional development system must:

1. Require that schools identify student needs that can be met by improved professional performance, and assist schools in making these identifications;

2. Provide training *activities coupled with followup support that is* ~~and other professional development~~ appropriate to accomplish district-level and school-level improvement goals and standards; and

3. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

(6) The Department of Education shall design methods by which the state and district school boards may evaluate and improve the professional development system. The evaluation must include an annual assessment of data that indicate progress or lack of progress of *all* students ~~whose needs were identified as most critical to improved professional development, including needs of students with disabilities, students having limited proficiency in English, and low-achieving student populations~~. If the review of data indicates an achievement level that is unusual, the department may investigate the causes of the success or lack of success, may provide technical assistance, and may require the school district to employ a different approach to professional development. The department shall report annually to the State Board of Education and the Legislature any school district that, in the determination of the department, has failed to provide an adequate professional development system. This report must include the results of the department's investigation and of any intervention provided.

Section 11. Section 231.625, Florida Statutes, is amended to read:

231.625 Teacher ~~shortage~~ recruitment and *retention* ~~referral~~.—

(1) The Department of Education, ~~through the Center for Career Development Services,~~ in cooperation with teacher organizations, ~~and~~ district personnel *offices, and colleges of education* ~~directors~~, shall ~~expand its career information system to~~ concentrate on the recruitment of qualified teachers ~~in teacher shortage areas~~.

(2) The Department of Education~~, through the Center for Career Development Services,~~ shall establish a teacher ~~referral and~~ recruitment *and retention services office* ~~center~~ which shall:

(a) Advertise teacher positions in targeted states ~~with declining student enrollments~~.

(b) Advertise in major newspapers, national professional publications, and other professional publications and in ~~graduate~~ schools of education.

(c) Utilize *state and* ~~a~~ nationwide toll-free *numbers* ~~number and a central post office box~~.

(d) Develop standardized resumes for teacher applicant data.

(e) Conduct periodic communications with district ~~superintendents and~~ personnel directors regarding ~~new~~ applicants.

(f) Provide district access to the applicant database by computer or telephone.

(g) Develop and distribute promotional materials related to teaching as a career.

(h) Publish and distribute information pertaining to *employment opportunities, application procedures, teacher certification, and* teacher salaries ~~and benefits for beginning and continuing teachers~~.

(i) *Provide* ~~Publish~~ information related to alternative certification procedures.

(j) Develop and sponsor the *Florida* Future Educator of America *Program* ~~clubs~~ throughout the state.

(k) Review and recommend to the Legislature and school districts incentives for attracting teachers to this state.

(3) The *Office of Teacher Recruitment and Retention Services* ~~teacher referral and recruitment center~~, in cooperation with ~~teacher organizations and~~ district personnel *offices* ~~directors~~, shall sponsor *a* ~~an annual~~ job fair in a central part of the state to match in-state educators and out-of-state educators with teaching opportunities in this state.

Section 12. Section 231.6255, Florida Statutes, is amended to read:

231.6255 Christa McAuliffe Ambassador for Education Program.—

(1) The Legislature recognizes that Florida *continues to face teacher shortages* ~~faces a severe shortage of teachers~~ and that fewer young people consider teaching as a career. It is the intent of the Legislature to promote the positive and rewarding aspects of being a teacher, to encourage more individuals to become teachers, and to provide annual sabbatical support for outstanding Florida teachers to serve as goodwill ambassadors for education. The Legislature further wishes to honor the memory of Christa McAuliffe, who epitomized the challenge and inspiration that teaching can be.

(2) There is established the Christa McAuliffe Ambassador for Education Program to provide salary, travel, and other related expenses annually for an outstanding Florida teacher to promote the positive aspects of teaching as a career. The goals of the program are to:

(a) Enhance the stature of teachers and the teaching profession.

(b) Promote the importance of quality education and teaching for our future.

(c) Inspire and attract talented ~~young~~ people to become teachers.

(d) Provide information regarding Florida's scholarship and loan programs related to teaching.

(e) Promote the teaching profession within community and business groups.

(f) Provide information ~~regarding Florida's alternative certification program~~ to retired military personnel and other individuals who might consider teaching as a second career.

(g) Work with and represent the *Office of Teacher Recruitment and Retention Services* ~~teacher referral and recruitment center~~, as needed.

(h) Work with and encourage the efforts of school *and* district teachers of the year.

(i) Support the activities of the *Florida* Future *Educator* ~~Teacher~~ of America *Program* ~~clubs~~.

(j) Represent Florida teachers at business, trade, education, and other conferences and meetings.

(k) Promote the teaching profession in other ways related to the teaching responsibilities, background experiences, and aspirations of the Ambassador for Education.

(3) The Teacher of the Year shall serve as the Ambassador for Education~~, except that for the first 2 years, Florida's NASA Teachers in Space shall also serve as Ambassadors for Education~~. If the Teacher of the Year is unable to serve as the Ambassador for Education, the first runner-up shall serve in his or her place. *The Department of Education* ~~Each district school board~~ shall establish application and selection procedures for determining an annual teacher of the year. *Applications and selection criteria shall be developed and distributed annually by the Department of Education to all school districts.* The Commissioner of Education shall establish a selection committee which assures representation from teacher organizations, administrators, and parents to select the Teacher of the Year and Ambassador for Education from among the district teachers of the year. ~~Selection criteria shall be developed and distributed annually to all school districts.~~

(4)(a) The Department of Education *and the Office of Teacher Recruitment and Retention Services*~~, through the Center for Career Development Services and in conjunction with the teacher referral and recruitment center,~~ shall administer the program.

(b) The Commissioner of Education shall pay an annual salary, fringe benefits, travel costs, and other costs associated with administering the program.

(c) The Ambassador for Education shall serve for 1 year, from July 1 to June 30, and shall be assured of returning to his or her teaching position upon completion of the program. The ambassador will not have a break in creditable or continuous service or employment for the period of time in which he or she participates in the program.

Section 13. Section 231.63, Florida Statutes, is created to read:

231.63 Florida Educator Hall of Fame.—

(1) It is the intent of the Legislature to recognize and honor those persons, living or dead, who have made significant contributions to education in this state.

(2)(a) There is hereby established the Florida Educator Hall of Fame. The Florida Educator Hall of Fame shall be located in an area on the Plaza Level of the Capitol Building.

(b) The Florida Education Foundation shall make a recommendation for the design and theme for the Florida Educator Hall of Fame. The Commissioner of Education, in consultation with the Secretary of Management Services, shall approve the foundation's recommendation.

(c) Each person who is selected as a member shall have a plaque placed in the Florida Educator Hall of Fame. The plaque shall designate the member's particular discipline or contribution and shall set forth vital information relating to the member. Each member shall also receive a standardized memento of the member's selection.

(3) The Florida Education Foundation shall accept nominations annually for persons to be recommended as members of the Florida Educator Hall of Fame. Floridians who have made a significant contribution to education in this state, as determined and documented by the Florida Education Foundation, shall be eligible for membership. The foundation shall recommend to the Commissioner of Education persons to be named as members of the Florida Educator Hall of Fame.

(4) In the first year, the Commissioner of Education shall name no more than 10 members to the Florida Educator Hall of Fame. Thereafter, the commissioner shall name no more than four members to the Florida Educator Hall of Fame in any 1 year.

(5) The Commissioner of Education and the Florida Education Foundation shall develop and adopt written policies to carry out the purposes of this section, including procedures to accept nominations, make recommendations for selection of members, provide recipient's travel expenses, and provide funding for the Florida Educator Hall of Fame.

(6) The Commissioner of Education may annually request an appropriation from the Legislature sufficient to carry out the purposes of this section. The Florida Education Foundation may also provide funds to cover any or all expenses related to the Florida Educator Hall of Fame.

Section 14. Subsection (3) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—

~~(a)~~ The following divisions of the Department of Education are established:

(a)~~1.~~ Division of Community Colleges.

(b)~~2.~~ Division of Public Schools and Community Education.

(c)~~3.~~ Division of Universities.

(d)~~4.~~ Division of Workforce Development.

(e)~~5.~~ Division of Human Resource Development.

(f) Division of Administration.

(g) Division of Financial Services.

(h) Division of Support Services.

~~(b) The Commissioner of Education is authorized to establish within the Department of Education a Division of Administration.~~

Section 15. Present subsection (7) of section 231.262, Florida Statutes, is redesignated as subsection (8) and a new subsection (7) is added to that section to read:

231.262 Complaints against teachers and administrators; procedure; penalties.—

(7) Violations of the provisions of probation shall result in an order to show cause issued by the Clerk of the Education Practices Commission. Upon failure of the probationer, at the time and place stated in the order, to show cause satisfactorily to the Education Practices Commission why a penalty for violating probation should not be imposed, the Education Practices Commission shall impose whatever penalty is appropriate as established in s. 231.28(6). Any probation period will be tolled when an order to show cause has been issued until the issue is resolved by the Education Practices Commission.

Section 16. Subsection (1) of section 231.28, Florida Statutes, is amended and subsection (6) is added to that section to read:

231.28 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission shall have authority to suspend the teaching certificate of any person as defined in s. 228.041(9) or (10) for a period of time not to exceed 3 years, thereby denying that person the right to teach for that period of time, after which the holder may return to teaching as provided in subsection (4); to revoke the teaching certificate of any person, thereby denying that person the right to teach for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); to revoke permanently the teaching certificate of any person; to suspend the teaching certificate, upon order of the court, of any person found to have a delinquent child support obligation; or to impose any other penalty provided by law, provided it can be shown that such person:

(a) Obtained the teaching certificate by fraudulent means;

(b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school;

(c) Has been guilty of gross immorality or an act involving moral turpitude;

(d) Has had a teaching certificate revoked in another state;

(e) Has been convicted of a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation;

(f) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the school board;

(g) Has breached a contract, as provided in s. 231.36(2);

(h) Has been the subject of a court order directing the Education Practices Commission to suspend the certificate as a result of a delinquent child support obligation;

(i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules; ~~or~~

(j) Has otherwise violated the provisions of law, the penalty for which is the revocation of the teaching certificate*; or*~~.~~

(k) Has violated any order of the Education Practices Commission.

(6) When an individual violates the provisions of a settlement agreement enforced by a final order of the Education Practices Commission an order to show cause may be issued by the Clerk of the Commission. The order shall require the individual to appear before the commission to show cause why further penalties should not be levied against the individual's certificate pursuant to the authority provided to the Education Practices Commission in subsection (1). The Education Practices Commission shall have the authority to fashion further penalties under the authority of subsection (1) as deemed appropriate when the show cause order is responded to by the individual.

Section 17. Subsection (8) of section 236.081, Florida Statutes, is repealed, and paragraph (d) of subsection (1), paragraphs (a) and (b) of subsection (4), subsection (9), and paragraph (a) of subsection (10) of that section, as amended by chapter 97-380, Laws of Florida, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the

substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(d) Annual allocation calculation.—

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, students-at-risk programs, all basic programs other than the programs in group 1, and all vocational programs in grades 7-12.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3. This adjustment shall be calculated beginning with the third calculation of the 1998-1999 FEFP.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. For the 1997-1998 fiscal year only, the General Appropriations Act may direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. This sub-subparagraph is repealed on July 1, 1998, unless enacted in other legislation.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of subparagraph *(9)*~~(10)~~(a)2., shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the commissioner the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual K-12 Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes and no further adjustments shall be made, except those made pursuant to subparagraph *(9)*~~(10)~~(a)2.

(8)~~(9)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection *(9)*~~(10)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per weighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection *(9)*~~(10)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(9)~~(10)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the K-12 FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) The basic amount for current operation for the K-12 FEFP as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), and the quality assurance guarantee as determined in subsection *(8)*~~(9)~~, less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

Section 18. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081*(9)*~~(10)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 236.081(4)(a)1. In addition to the required local effort millage levy, each school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

Section 19. Paragraph (c) of subsection (3) of section 229.57, Florida Statutes, is amended to read:

229.57 Student assessment program.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner is directed to design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools. The program must be designed, as far as possible, so as not to conflict with ongoing district assessment programs and so as to use information obtained from district programs. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program as part of the statewide assessment program, to be administered at designated times at the elementary, middle, and high school levels to measure reading, writing, and mathematics. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the state board as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, and mathematics. Other content areas may be included as directed by the commissioner. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The tests are criterion-referenced and include, to the extent determined by the commissioner, items that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings which are then scored by appropriate methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. All 11th grade students take a high school competency test developed by the state board to test minimum student performance skills and competencies in reading, writing, and mathematics. The test must be based on the skills and competencies adopted by the state board pursuant to paragraph (a). Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the high school competency test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. *The commissioner may establish criteria whereby a student who successfully demonstrates proficiency in either reading or mathematics or both may be exempted from taking the corresponding section of the high school competency test or the college placement test.* A student must earn a passing score *or have been exempted from* ~~on~~ each part *of the high school competency test in order* ~~taken~~ to qualify for a regular high school diploma. The school districts shall provide appropriate remedial instruction to students who do not pass part of the competency test.

6. Participation in the testing program is mandatory for all students, except as otherwise prescribed by the commissioner. The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency.

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

The commissioner may design and implement student testing programs for any grade level and subject area, based on procedures designated by the commissioner to monitor educational achievement in the state.

Section 20. Paragraph (d) of subsection (5) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(d) ~~Beginning July 1, 1993,~~ No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(16).

Section 21. Paragraph (a) of subsection (1) of section 229.58, Florida Statutes, is amended to read:

229.58 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The school board shall establish an advisory council for each school in the district, and shall develop procedures for the election and appointment of advisory council members. A majority of the members of each school advisory council must be persons who are not employed by the school board. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school.~~, provided that~~ Vocational-technical center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. *School advisory councils of vocational-technical and adult education centers are not required to include parents as members.* Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.

2. Education support employees shall be elected by education support employees.

3. Students shall be elected by students.

4. Parents shall be elected by parents.

The school board shall establish procedures for use by schools in selecting business and community members. Such procedures shall include means of ensuring wide notice of vacancies and for taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The school board shall review the membership composition of each advisory council. Should the school board determine that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the board shall appoint additional members to achieve proper representation. Although schools should be strongly encouraged to establish school advisory councils, any school district that has a student population of 10,000 or fewer may establish a district advisory council which shall include at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term "teacher" shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 228.041 and whose duties require 20 or more hours in each normal working week.

Section 22. Paragraph (f) of subsection (3) of section 229.591, Florida Statutes, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability.—

(3) EDUCATION GOALS.—The state as a whole shall work toward the following goals:

(f) Teachers and staff.—The schools, district, *all postsecondary institutions,* and state ensure professional teachers and staff.

Section 23. *Deregulated Public Schools.—*

(1) PILOT PROGRAM.—To provide public schools the same flexibility and accountability afforded charter schools, pilot programs for deregulated public schools shall be conducted in two large, two medium-sized, and two small school districts. For the 1998-1999 school year, no more than six schools per district, to include no more than two high schools, two middle schools, and two elementary schools, may participate in the flexibility program. The following districts are authorized to conduct pilot program in 1998-1999: Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus Counties.

(2) PURPOSE.—The purpose of the pilot program for deregulated public schools shall be to:

(a) Improve student learning.

(b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.

(c) Encourage the use of different and innovative learning methods.

(d) Increase choice of learning opportunities for students.

(e) Establish a new form of accountability for schools.

(f) Require the measurement of learning outcomes and create innovative measurement tools.

(g) Make the school the unit for improvement.

(h) Relieve schools of paperwork and procedures that are required by the state and the district for purposes other than health, safety, equal opportunity, fiscal accountability and documentation of student achievement.

(3) PROPOSAL.—

(a) A proposal to be a deregulated school must be developed by the school principal and the school advisory council. A majority of the members of the school advisory council must approve the proposal, and the principal and the school advisory council chairman must sign the proposal. At least 50 percent of the teachers employed at the school must approve the proposal. The school must conduct a survey to show parental support for the proposal.

(b) A district school board shall receive and review all proposals for a deregulated public school during July and August. A district school board must by a majority vote approve or deny a proposal no later than 30 days after the proposal is received. If a proposal is denied, the district school board must, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the proposal.

(c) The Department of Education may provide technical assistance to an applicant upon written request.

(d) The terms and conditions for the operation of a deregulated public school shall be set forth in the proposal. The school district shall not impose unreasonable rules or regulations that violate the intent of giving schools greater flexibility to meet educational goals.

(4) ELIGIBLE STUDENTS.—

(a) A deregulated school shall be open to all students residing in the school's attendance boundaries as determined by the school district.

(b) The deregulated public school shall have maximum flexibility to enroll students under the school district open enrolled plan.

(5) REQUIREMENTS.—Like other public schools, a deregulated public school shall:

(a) Be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) Not charge tuition or fees, except those fees normally charged by other public schools.

(c) Meet all applicable state and local health, safety, and civil rights requirements.

(d) Not violate the antidiscrimination provisions of s. 228.2001.

(e) Be subject to an annual financial audit in a manner similar to that of other public schools in the district.

(6) ELEMENTS OF THE PROPOSAL.—The major issues involving the operation of a deregulated public school shall be considered in advance and written into the proposal.

(a) The proposal shall address, and criteria for approval of the proposal shall be based, on:

1. The school's mission and the students to be served.

2. The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed.

3. The current baseline standard of achievement and the outcomes to be achieved and the method of measurement that will be used.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the school. Students in deregulated and flexible public schools shall, at a minimum, participate in the statewide assessment program.

5. In secondary schools, a method for determining that a student has satisfied the requirements for graduation in s. 232.246.

6. A method for resolving conflicts between the school and the district.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school's racial/ethnic balance reflects the community it serves or reflects the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school including a statement of the areas in which the school will have administrative and fiscal autonomy and the areas in which the school will follow school district fiscal and administrative policies.

10. The manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

11. The qualifications to be required of the teachers.

(b) The school shall make annual progress reports to the district, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

1. The school's progress towards achieving the goals outlined in its proposal.

2. The information required in the annual school report pursuant to section 229.592, Florida Statutes.

3. Financial records of the school, including revenues and expenditures.

4. Salary and benefit levels of school employees.

(c) A school district shall ensure that the proposal is innovative and consistent with the state education goals established by section 229.591, Florida Statutes.

(d) Upon receipt of the annual report required by paragraph (b), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives with a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the norm-referenced assessment tests, versus comparable public school students in the district as determined by norm-referenced assessment tests currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to section 229.57(3), Florida Statutes.

(7) EXEMPTION FROM STATUTES.—

(a) A deregulated public school shall operate in accordance with its proposal and shall be exempt from all statutes of the Florida School Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section. A deregulated public school shall not be exempt from the following statutes: chapter 119, relating to public records, and section 286.011, Florida Statutes, relating to public meetings and records, public inspection, and penalties. The school district, upon request of a deregulated public school, may apply to the Commissioner of Education for a waiver of provisions of chapters 230 through 239 which are applicable to deregulated public schools under this section, except that the provisions of chapters 236 or 237 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The commissioner may grant the waiver if necessary to implement the school program.

(b) Teachers employed by or under contract to a deregulated public school shall be certified as required by chapter 231. A deregulated public school may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as teacher aides in the same manner as defined in chapter 231. A deregulated public school may not employ an individual to provide instructional services or to serve as a teacher aide if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. The qualifications of teachers shall be disclosed to parents.

(c) A deregulated public school shall employ or contract with employees who have been fingerprinted as provided in section 231.02, Florida Statutes.

(8) REVENUE.—Students enrolled in a deregulated public school, shall be funded in a basic program or a special program, in the same manner as students enrolled in other public schools in the school district.

(9) LENGTH OF SCHOOL YEAR.—A deregulated public school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(10) FACILITIES.—A deregulated public school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to section 235.26, Florida Statutes, or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to section 633.025, Florida Statutes, as adopted by the authority in whose jurisdiction the facility is located.

Section 24. *Section 231.613, Florida Statutes, is repealed.*

Section 25. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to education; amending s. 231.02, F.S., relating to qualifications of district school system personnel; deleting certain provisions relating to background check; amending s. 231.096, F.S.; revising provisions relating to teaching out-of-field; amending s. 231.15, F.S.; providing State Board of Education duties relating to teacher certification; amending s. 231.17, F.S.; revising provisions relating to qualification for a temporary certificate; amending s. 231.1725, F.S.; deleting provisions relating to employment of noncertificated teachers in critical teacher shortage areas; amending s. 231.261, F.S.; providing rulemaking authority of the Education Practices Commission; amending s. 231.263, F.S.; clarifying provisions relating to the recovery network program for educators; amending s. 231.47, F.S.; conforming a cross-reference; amending s. 231.546, F.S., relating to the Education Standards Commission; deleting duties relating to teacher education centers; amending s. 231.600, F.S.; revising requirements of the school district professional development system; amending s. 231.625, F.S.; deleting provisions relating to a teacher referral and recruitment center; requiring establishment of a teacher recruitment and retention services office; amending s. 231.6255, F.S.; revising provisions relating to the Christa McAuliffe Ambassador for Education Program; creating s. 231.63, F.S.; creating the Florida Educator Hall of Fame; providing for nominations, recommendations, and selection of members; amending s. 20.15, F.S.; creating additional divisions of the Department of Education; amending s. 231.262, F.S.; providing a show-cause process for violations of probation imposed by the Education Practices Commission; amending s. 231.28, F.S.; providing a show-cause process for violation of an order of the Education Practices Commission; providing authority for additional penalties; amending s. 236.081, F.S.; providing for a supplemental capping calculation for those districts whose weighted FTE enrollment is over the

weighted FTE ceiling established in the annual appropriations act; providing a procedure for such calculation; repealing s. 236.081(8), F.S., which provides for a caps adjustment supplement for group 2 programs when there are funds remaining in the Florida Education Finance Program appropriation; amending s. 236.25, F.S.; conforming a cross-reference; amending s. 229.57, F.S.; authorizing the Commissioner of Education to establish criteria for exempting a student from taking certain parts of the high school competency test; repealing s. 231.613, F.S., relating to inservice training institutes; amending s. 24.121, F.S.; deleting obsolete provisions; amending s. 229.58, F.S.; revising provisions governing the membership of school advisory councils; amending s. 229.591, F.S.; revising education goals with respect to postsecondary institutions; creating pilot programs for deregulated public schools in a maximum of six counties; providing an effective date.

On motion by Senator Cowin, by two-thirds vote **HB 4837** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Consideration of **CS for SB's 312 and 2298** was deferred.

CS for HB 4027—A bill to be entitled An act relating to regional water supply authorities; amending s. 120.52, F.S.; providing that a member government is not considered a party in administrative proceedings under certain conditions; amending s. 373.1963, F.S.; revising criteria for governance of the West Coast Regional Water Supply Authority and its member governments under interlocal agreements; declaring legislative intent to supersede other laws; repealing s. 373.1963(5), F.S., relating to a process for review of a consumptive use permit; amending s. 682.02, F.S.; providing for the arbitration of certain controversies concerning water use; amending s. 768.28, F.S.; allowing an authority to indemnify its member governments; providing an effective date.

—was read the third time by title.

Senator Gutman moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 10, between lines 2 and 3, insert:

Section 5. *(1)(a) The Miami River Commission is hereby established as the official coordinating clearinghouse for all public policy and projects related to the Miami River to unite all governmental agencies, businesses, and residents in the area to speak with one voice on river issues, to develop coordinated plans, priorities, programs, projects, and budgets that might substantially improve the river area, and to act as the principal advocate and watchdog to ensure that river projects are funded and implemented in a proper and timely manner.*

(b) The commission may seek and receive funding to further its coordinating functions regarding river improvement projects of the commission. Nothing in this act affects or supersedes the regulatory authority of any governmental agency or any local government and any responsibilities of any governmental entity relating to the Miami River shall remain with such respective governmental entity. However, the commission may accept any specifically defined coordinating authority or functions delegated to the commission by any governmental entity, through a memorandum of understanding or other legal instrument. The commission shall use powers of persuasion to achieve its objectives through the process of building a consensus work plan and through widespread publication of regular progress reports.

(2) The Miami River Commission shall consist of:

(a) A policy committee comprised of the Governor, the chair of the Dade delegation, the chair of the governing board of the South Florida Water Management District, the Miami-Dade County State Attorney, the Mayor of Miami, the Mayor of Miami-Dade County, a commissioner of the City of Miami Commission, a commissioner of the Miami-Dade County Commission, the chair of the Miami River Marine Group, the chair of the Marine Council, the Executive Director of the Downtown Development Authority, and the chair of the Greater Miami Chamber of Commerce; two neighborhood representatives, selected from the Spring Garden Neighborhood Association, the Grove Park Neighborhood Association, and the Miami River Neighborhood Enhancement Corporation, one neighborhood representative to be appointed by the city commission and one neighborhood representative to be appointed by the county commission, each selected from a list of 3 names submitted by each such organization; one representative from an environmental or civic association, appointed by the Governor; and three members-at-large, who shall be persons who have a demonstrated history of involvement on the Miami River through business, residence, or volunteer activity, one appointed by the Governor, one appointed by the city commission, and one appointed by the county commission. All members shall be voting members. The committee shall also include a member of the United States Congressional delegation and the Captain of the Port of Miami as a representative of the United States Coast Guard, as nonvoting, ex officio members. The policy committee may meet monthly, but shall meet at least quarterly.

(b) A managing director who has the responsibility to implement plans and programs.

(c) A working group consisting of all governmental agencies that have jurisdiction in the Miami River area, as well as representatives from business and civic associations.

(3) The policy committee shall have the following powers and duties:

(a) Consolidate existing plans, programs, and proposals into a coordinated strategic plan for improvement of the Miami River and surrounding areas, addressing environmental, economic, social, recreational, and aesthetic issues. The committee shall monitor the progress on each element of such plan and shall revise the plan regularly.

(b) Prepare an integrated financial plan using the different jurisdictional agencies available for projected financial resources. The committee shall monitor the progress on each element of such plan and revise the plan regularly.

(c) Provide technical assistance and political support as needed to help implement each element of the strategic and financial plans.

(d) Accept any specifically defined coordinating authority or function delegated to the committee by any level of government through a memorandum of understanding or other legal instrument.

(e) Publicize a semiannual report describing accomplishments of the commission and each member agency, as well as the status of each pending task. The committee shall distribute the report to the City and County Commissions and Mayors, the Governor, chair of the Dade County delegation, stakeholders and the local media.

(f) Seek grants from public and private sources and receive grant funds to provide for the enhancement of its coordinating functions and activities and administer contracts that achieve these goals.

(g) Coordinate a joint planning area agreement between the Department of Community Affairs, the city, and the county under the provisions of s. 163.3177(11)(a),(b), and (c), Florida Statutes.

(h) Provide a forum for exchange of information and facilitate the resolution of conflicts.

(i) Act as a clearinghouse for public information and conduct public education programs.

(j) Establish the Miami River working group, appoint members to the group, and organize subcommittees, delegate tasks, and seek council from

members of the working group as necessary to carry out the powers and duties listed in this subsection.

(k) Elect officers and adopt rules of procedure as necessary to carry out the powers and duties listed above and solicit appointing authorities to name replacements for policy committee members who do not participate on a regular basis.

(l) Hire the managing director, who shall be authorized to represent the commission and to implement all policies, plans, and programs of the commission. The committee shall employ any additional staff necessary to assist the managing director.

Section 6. *(1) No item, motion, directive, or policy position that would impact or in any way diminish levels of currently permitted commercial activity on the Miami River or riverfront properties shall be adopted by the Miami River Commission unless passed by a unanimous vote of the appointed members of the commission then in office.*

(2) No item, motion, directive, or policy position suggesting, proposing, or otherwise promoting additional taxes, fees, charges, or any other financial obligation on owners of riverfront property or shipping companies or operators shall be adopted by the Miami River Commission unless passed by a unanimous vote of all appointed members of the commission then in office.

Section 7. *The Miami River Commission shall terminate July 1, 2003, unless the Legislature, in a review of the creation, operation, and accomplishments of the Miami River Commission during the 2003 Regular Session, determines that the commission should be continued and reenacts provisions providing for its continuation.*

And the title is amended as follows:

On page 1, line 18, insert: prohibiting the adoption of certain actions by the commission unless by a required minimum vote; providing for future termination of the commission pending legislative review of reenactment;

On motion by Senator Latvala, **CS for HB 4027** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Lee

CS for SB 190—A bill to be entitled An act relating to worthless checks; creating s. 832.09, F.S.; providing for the suspension of a driver's license with respect to certain persons who do not fulfill an agreement for a bad check diversion program or against whom a warrant or capias is issued in a worthless check case; amending s. 322.251, F.S.; providing for notification; providing for conditions for reinstatement; providing a fee; directing the Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement to develop and implement a plan; amending s. 322.142, F.S.; allowing the Department of Highway Safety and Motor Vehicles to sell copies of certain records of the department; creating s. 832.10, F.S.; providing for the use of private debt collectors; providing an effective date.

—as amended April 27 was read the third time by title.

Amendments were considered and adopted to conform **CS for SB 190** to **HB 3275**.

Pending further consideration of **CS for SB 190** as amended, on motion by Senator McKay, by two-thirds vote **HB 3275** was withdrawn from the Committees on Transportation; and Ways and Means.

On motion by Senator McKay, by two-thirds vote—

HB 3275—A bill to be entitled An act relating to worthless checks; creating s. 832.09, F.S.; providing for the suspension of a driver's license with respect to certain persons against whom a warrant or capias is issued in a worthless check case; creating s. 832.10, F.S.; providing for the state attorney to use a private debt collector or independent contractor for 90 days to collect worthless checks; providing for the case to be referred back to the state attorney if the worthless check is not collected in the time allowed; creating s. 832.10, F.S.; providing an alternative to the bad check diversion program; providing fees for collection; amending s. 322.251, F.S.; providing for notification; providing for conditions for reinstatement; providing a fee; directing the Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement to develop and implement a plan; amending s. 322.142, relating to records of the Department of Highway Safety and Motor Vehicles; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 190** as amended and by two-thirds vote read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 5, between lines 29 and 30, insert:

Section 6. Subsection (3) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(3)(a) Except as otherwise provided in this section, $60 for all moving violations not requiring a mandatory appearance.

(b) For moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by:	Fine:
1-5 m.p.h	*Warning*
6-9 ~~1-9~~ m.p.h.	$ 25
10-14 m.p.h.	$100
15-19 m.p.h.	$125
20-29 m.p.h.	$150
30 m.p.h. and above	$250

(c) *Notwithstanding paragraph (b),* a person cited for exceeding the speed limit *by up to 5 m.p.h.* in a legally posted school zone *will be fined $50. A person exceeding the speed limit in a school zone will be assessed a fine double the amount listed in paragraph (b).*

(d) A person cited for exceeding the speed limit in ~~or~~ a posted construction zone will be assessed a fine double the amount listed in paragraph (b). *The fine shall be doubled for construction zone violations only if construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction.*

(e)~~(d)~~ If a violation of s. 316.1301 or s. 316.1303 results in an injury to the pedestrian or damage to the property of the pedestrian, an additional fine of up to $250 must be assessed. This amount must be distributed pursuant to s. 318.21.

Section 7. Subsection (3) of section 320.07, Florida Statutes, is amended to read:

320.07 Expiration of registration; annual renewal required; penalties.—

(3) The operation of any motor vehicle without having attached thereto a registration license plate and validation stickers, or the use of any mobile home without having attached thereto a mobile home sticker, for the current registration period shall subject the owner thereof, if he or she is present, or, if the owner is not present, the operator thereof to the following penalty provisions:

(a) Any person whose motor vehicle or mobile home registration has been expired for a period of 6 months or less shall be subject to the penalty provided in s. 318.14.

(b) Any person whose motor vehicle or mobile home registration has been expired for more than 6 months shall upon a first offense be subject to the penalty provided in s. 318.14.

(c)~~(b)~~ Any person whose motor vehicle or mobile home registration has been expired for more than 6 months *shall upon a second or subsequent offense be* ~~is~~ guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d)~~(c)~~ However, no operator shall be charged with a violation of this subsection if the operator can show, pursuant to a valid lease agreement, that the vehicle had been leased for a period of 30 days or less at the time of the offense.

Section 8. Subsections (1) and (2) of section 322.26, Florida Statutes, are amended to read:

322.26 Mandatory revocation of license by department.—The department shall forthwith revoke the license or driving privilege of any person upon receiving a record of such person's conviction of any of the following offenses:

(1)*(a) Murder resulting from the operation of a motor vehicle, DUI manslaughter where the conviction represents a subsequent DUI-related conviction, or a fourth violation of s. 316.193 or former s. 316.1931. For such cases, the revocation of the driver's license or driving privilege shall be permanent.*

(b) Manslaughter resulting from the operation of a motor vehicle.

(2) Driving a motor vehicle or being in actual physical control thereof, or entering a plea of nolo contendere, said plea being accepted by the court and said court entering a fine or sentence to a charge of driving, while under the influence of alcoholic beverages or a substance controlled under chapter 893, or being in actual physical control of a motor vehicle while under the influence of alcoholic beverages or a substance controlled under chapter 893. In any case where DUI manslaughter occurs *and the person has no prior convictions for DUI-related offenses*, the revocation of the license or driving privilege shall be permanent, except as provided for in s. 322.271(4).

Section 9. Paragraph (b) of subsection (1) and subsection (4) of section 322.271, Florida Statutes, are amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(1)

(b) A person whose driving privilege has been revoked under s. 322.27(5) may, upon expiration of 12 months from the date of such revocation, petition the department for *reinstatement* ~~restoration~~ of his or her driving privilege. Upon such petition and after investigation of the person's qualification, fitness, and need to drive, the department shall hold a hearing pursuant to chapter 120 to determine whether the driving privilege shall be *reinstated* ~~restored~~ on a restricted basis solely for business or employment purposes.

(4) Notwithstanding the provisions of s. 322.28(2)(e), a person whose driving privilege has been permanently revoked because he or she ~~has been convicted four times of violating s. 316.193 or former s. 316.1931 or because he or she~~ has been convicted of DUI manslaughter in violation of s. 316.193 *and has no prior convictions for DUI-related offenses* may, upon the expiration of 5 years after the date of such revocation or the expiration of 5 years after the termination of any term of incarceration under s. 316.193 or former s. 316.1931, whichever date is later, petition the department for reinstatement of his or her driving privilege.

(a) Within 30 days after the receipt of such a petition, the department shall afford the petitioner an opportunity for a hearing. At the hearing, the petitioner must demonstrate to the department that he or she:

1. Has not been arrested for a drug-related offense during the 5 years preceding the filing of the petition;

2. Has not driven a motor vehicle without a license for at least 5 years prior to the hearing;

3. Has been drug-free for at least 5 years prior to the hearing; and

4. Has completed a DUI program licensed by the department.

(b) At such hearing, the department shall determine the petitioner's qualification, fitness, and need to drive. Upon such determination, the department may, in its discretion, reinstate the driver's license of the petitioner. Such reinstatement must be made subject to the following qualifications:

1. The license must be restricted for employment purposes for not less than 1 year; and

2. Such person must be supervised by a DUI program licensed by the department and report to the program for such supervision and education at least four times a year or additionally as required by the program for the remainder of the revocation period. Such supervision shall include evaluation, education, referral into treatment, and other activities required by the department.

(c) Such person must assume the reasonable costs of supervision. If such person fails to comply with the required supervision, the program shall report the failure to the department, and the department shall cancel such person's driving privilege.

(d) If, after reinstatement, such person is convicted of an offense for which mandatory revocation of his or her license is required, the department shall revoke his or her driving privilege.

(e) The department shall adopt rules regulating the providing of services by DUI programs pursuant to this section.

Section 10. Paragraph (e) of subsection (2) of section 322.28, Florida Statutes, is amended, present subsections (3), (4), (6), and (8) of that section are redesignated as subsections (4), (5), (7), and (9), respectively, present subsection (5) of that section is redesignated as subsection (6) and amended, and a new subsection (3) is added to that section, to read:

322.28 Period of suspension or revocation.—

(2) In a prosecution for a violation of s. 316.193 or former s. 316.1931, the following provisions apply:

(e) The court shall permanently revoke the driver's license or driving privilege of a person who has been convicted four times for violation of s. 316.193 or former s. 316.1931 or a combination of such sections. The court shall permanently revoke the driver's license or driving privilege of any person who has been convicted of DUI manslaughter in violation of s. 316.193. If the court has not permanently revoked such *driver's* license or *driving* privilege within 30 days after imposing sentence, the department shall permanently revoke the *driver's* license or *driving* privilege pursuant to this paragraph. No driver's license or driving privilege may be issued or granted to any such person. This paragraph applies only if at least one of the convictions for violation of s. 316.193 or former s. 316.1931 was for a violation that occurred after July 1, 1982. For the purposes of this paragraph, a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is also considered a conviction for violation of s. 316.193. Also, a conviction of driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other similar alcohol-related or drug-related traffic offense outside this state is considered a conviction for the purposes of this paragraph.

(3) The court shall permanently revoke the driver's license or driving privilege of a person who has been convicted of murder resulting from the operation of a motor vehicle. No driver's license or driving privilege may be issued or granted to any such person.

(4)~~(3)~~ Upon the conviction of a person for a violation of s. 322.34, the license or driving privilege, if suspended, shall be suspended for 3 months in addition to the period of suspension previously imposed and, if revoked, the time after which a new license may be issued shall be delayed 3 months.

(5)~~(4)~~ If, in any case arising under this section, a licensee, after having been given notice of suspension or revocation of his or her license

in the manner provided in s. 322.251, fails to surrender to the department a license theretofore suspended or revoked, as required by s. 322.29, or fails otherwise to account for the license to the satisfaction of the department, the period of suspension of the license, or the period required to elapse after revocation before a new license may be issued, shall be extended until, and shall not expire until, a period has elapsed after the date of surrender of the license, or after the date of expiration of the license, whichever occurs first, which is identical in length with the original period of suspension or revocation.

(6)~~(5)~~(a) Upon a conviction for a violation of s. 316.193(3)*(c)2., involving serious bodily injury*, a conviction of manslaughter resulting from the operation of a motor vehicle, or a conviction of vehicular homicide, the court shall revoke the driver's license of the person convicted for a minimum period of 3 years ~~if death to any other person resulted from the operation of a motor vehicle by such driver~~. *In the event that a conviction under s. 316.193(3)(c)2., involving serious bodily injury, is also a subsequent conviction as described under paragraph (2)(a), the court shall revoke the driver's license or driving privilege of the person convicted for the period applicable as provided in paragraph (2)(a) or paragraph (2)(e).*

(b) If the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter, the department shall revoke the driver's license for the minimum period applicable under paragraph (a) or, for a subsequent conviction, for the minimum period applicable under paragraph (2)(a) or paragraph (2)(e).

(7)~~(6)~~ No administrative suspension of a driving privilege under s. 322.2615 shall be stayed upon a request for review of the departmental order that resulted in such suspension and, except as provided in former s. 322.261, no suspension or revocation of a driving privilege shall be stayed upon an appeal of the conviction or order that resulted therein.

(8)~~(7)~~ In a prosecution for a violation of s. 316.172(1), and upon a showing of the department's records that the licensee has received a second conviction within a period of 5 years from the date of a prior conviction of s. 316.172(1), the department shall, upon direction of the court, suspend the driver's license of the person convicted for a period of not less than 90 days nor more than 6 months.

Section 11. Section 322.283, Florida Statutes, is created to read:

322.283 Commencement of period of suspension or revocation for incarcerated offenders.—

(1) When the court in a criminal traffic case orders the defendant to serve a term of incarceration or imprisonment and also suspends or revokes the defendant's driver's license as a result of the offense, the period of suspension or revocation shall commence upon the defendant's release from incarceration. For purposes of calculating the defendant's eligibility for reinstatement of his or her driver's license or driving privilege under this section, the date of the defendant's release from incarceration shall be deemed the date the suspension or revocation period was imposed.

(2) For defendants convicted of a criminal traffic offense and sentenced to imprisonment with the Department of Corrections, the Department of Corrections shall notify the Department of Highway Safety and Motor Vehicles of the date of the defendant's release from prison or other state correctional facility. For defendants convicted of a criminal traffic offense and sentenced to incarceration within the jurisdictional county jail or other correctional facility operated by the jurisdictional county, the sheriff of the jurisdictional county wherein the defendant is incarcerated shall notify the Department of Highway Safety and Motor Vehicles of the date of the defendant's release from the county jail or other correctional facility. The notification of a defendant's release from incarceration shall be on a form approved by the Department of Highway Safety and Motor Vehicles. This subsection applies only to those defendants who have had their driver's license or driving privilege suspended or revoked as a result of the offense for which they are incarcerated or imprisoned.

Section 12. Subsection (2) of section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(2) Any person whose driver's license or driving privilege has been canceled, suspended, or revoked as provided by law, except persons defined in s. 322.264, who, knowing of such cancellation, suspension, or revocation, drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, upon:

(a) A first conviction is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A third or subsequent conviction is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The element of knowledge is satisfied if the person has been previously cited as provided in subsection (1); or the person admits to knowledge of the cancellation, suspension, or revocation; or the person received notice as provided in subsection (4). *There shall be a rebuttable presumption that the knowledge requirement is satisfied if a judgment or order as provided in subsection (4) appears in the department's records for any case except for one involving a suspension by the department for failure to pay a traffic fine or for a financial responsibility violation.*

Section 13. Section 322.341, Florida Statutes, is created to read:

322.341 Driving while license permanently revoked.—Any person whose driver's license or driving privilege has been permanently revoked pursuant to s. 322.26 or s. 322.28 and who drives a motor vehicle upon the highways of this state is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Effective July 1, 2000, subsections (6) and (7) of section 627.733, Florida Statutes, are amended to read:

627.733 Required security.—

(6) The Department of Highway Safety and Motor Vehicles shall suspend, after due notice and an opportunity to be heard, the registration ~~and driver's license~~ of any owner or registrant of a motor vehicle with respect to which security is required under this section and s. 324.022:

(a) Upon its records showing that the owner or registrant of such motor vehicle did not have in full force and effect when required security complying with the terms of this section; or

(b) Upon notification by the insurer to the Department of Highway Safety and Motor Vehicles, in a form approved by the department, of cancellation or termination of the required security.

(7)(a) Any operator or owner whose ~~driver's license or~~ registration has been suspended pursuant to this section or s. 316.646 may effect its reinstatement upon compliance with the requirements of this section and upon payment to the Department of Highway Safety and Motor Vehicles of a nonrefundable reinstatement fee of $150 for the first reinstatement. Such reinstatement fee shall be $250 for the second reinstatement and $500 for each subsequent reinstatement during the 3 years following the first reinstatement. Any person reinstating her or his insurance under this subsection must also secure noncancelable coverage as described in s. 627.7275(2) and present to the appropriate person proof that the coverage is in force on a form promulgated by the Department of Highway Safety and Motor Vehicles, such proof to be maintained for 2 years. If the person does not have a second reinstatement within 3 years after her or his initial reinstatement, the reinstatement fee shall be $150 for the first reinstatement after that 3-year period. ~~In the event that a person's license and registration are suspended pursuant to this section or s. 316.646, only one reinstatement fee shall be paid to reinstate the license and the registration.~~ All fees shall be collected by the Department of Highway Safety and Motor Vehicles at the time of reinstatement. The Department of Highway Safety and Motor Vehicles shall issue proper receipts for such fees and shall promptly deposit those fees in the Highway Safety Operating Trust Fund. One-third of the fee collected under this subsection shall be distributed from the Highway Safety Operating Trust Fund to the local government entity or state agency which employed the law enforcement officer or the recovery agent who seizes a license plate pursuant to s. 324.201 or to s. 324.202. Such funds may be used by the local government entity or state agency for any authorized purpose.

(b) One-third of the fee collected for the seizure of a license plate by a recovery agent shall be paid to the recovery agent, and the balance

shall remain in the Highway Safety Operating Trust Fund and be distributed pursuant to s. 321.245.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, delete "providing an effective date." and insert: amending s. 318.18, F.S.; rescinding the fine for speeds exceeding the limit by 1-5 m.p.h. and replacing the fine with a warning; providing that fines for construction zone speed violations shall be doubled only under certain circumstances; amending s. 320.07, F.S.; revising penalties for expiration of registration; amending s. 322.26, F.S.; providing for permanent revocation of a driver's license for murder resulting from the operation of a motor vehicle, DUI manslaughter where the conviction represents a subsequent DUI-related conviction, or four or more DUI violations; amending s. 322.271, F.S.; providing for petition for reinstatement under certain circumstances; amending s. 322.28, F.S.; revising provisions with respect to the period of suspension or revocation; conforming current provisions to the act; creating s. 322.283, F.S.; providing for the commencement of the period of suspension or revocation for incarcerated offenders; providing for notification to the Department of Highway Safety and Motor Vehicles; amending s. 322.34, F.S.; providing that the element of knowledge with respect to the suspension, revocation, cancellation, or disqualification is satisfied when certain notice is sent; creating s. 322.341, F.S.; providing penalties for driving while a license is permanently revoked; amending s. 627.733, F.S.; deleting a provision for revoking the driver's license of an owner or registrant of a motor vehicle who does not provide required security for that vehicle; providing effective dates.

On motion by Senator McKay, by two-thirds vote **HB 3275** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

CS for CS for HB 4141—A bill to be entitled An act relating to water resources; creating s. 373.45923, F.S.; providing legislative findings and intent; authorizing the South Florida Water Management District to participate as local sponsor for the Restudy of the Central and Southern Florida Project; providing duties of the Joint Legislative Committee on Everglades Oversight; providing for public hearings; providing reporting requirements; providing for project cooperation agreements; providing for legislative authorization; providing an effective date.

—was read the third time by title.

On motion by Senator Laurent, **CS for CS for HB 4141** was passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	
Crist	Jones	Ostalkiewicz	

Nays—1

Forman

Vote after roll call:

Yea—Gutman

CS for SB's 312 and 2298—A bill to be entitled An act relating to water resource management; amending s. 373.016, F.S.; providing legislative policy relating to state and regional water resource management; encouraging use of water from sources nearest the area of need; providing an exception; amending s. 373.196, F.S.; clarifying legislative intent that water resource development is a function of the water management districts; amending s. 373.1962, F.S.; providing an exemption for water supply authorities under certain circumstances from certain factors for consumptive use permits; amending s. 373.223, F.S.; directing the Department of Environmental Protection or water management district governing board to consider certain factors when determining the public interest for the transport and use of water across county boundaries or outside the watershed; amending s. 373.229, F.S.; requiring additional information in permit applications for proposed transport and use of water pursuant to s. 373.223(2), F.S.; reenacting s. 373.536(5)(c), F.S.; clarifying intent with respect to language inadvertently omitted by legislative action; amending ss. 373.036, 373.209, 373.226, 373.421, F.S.; correcting cross-references; providing an effective date.

—as amended April 28 was read the third time by title.

Senator Brown-Waite moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 5, line 17, delete "*(a)*" and insert: *(b)*

Amendment 2—On page 2, line 25, delete "*(f)*" and insert: *(g)*

Amendment 3—On page 4, line 1, delete "*(f)*" and insert: *(g)*

Amendment 4—On page 4, line 29, delete "*paragraph (c)*" and insert: *subsection (1)(c)*

On motion by Senator Brown-Waite, **CS for SB's 312 and 2298** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

CS for SB 2542—A bill to be entitled An act relating to wastewater treatment systems; amending s. 381.0065, F.S.; revising guidelines and procedures for granting variances for such systems; revising membership of the department's variance review and advisory committee; providing criteria for use of guttering; amending s. 381.0068, F.S.; revising duties and procedures of the department's technical review and advisory panel; providing an effective date.

—as amended April 28 was read the third time by title.

An amendment was considered and adopted to conform **CS for SB 2542** to **HB 4475**.

Pending further consideration of **CS for SB 2542** as amended, on motion by Senator Laurent, by two-thirds vote **HB 4475** was withdrawn from the Committees on Community Affairs and Health Care.

On motion by Senator Laurent, by two-thirds vote—

HB 4475—A bill to be entitled An act relating to wastewater treatment systems; amending s. 381.0064, F.S., relating to continuing education courses for persons installing or servicing septic tanks; amending s. 381.0065, F.S.; revising guidelines and procedures for granting variances for such systems; revising membership of the department's variance review and advisory committee; providing criteria for use of guttering; amending s. 381.0068, F.S.; revising duties and procedures of the department's technical review and advisory panel; providing an effective date.

—a companion measure, was substituted for **CS for SB 2542** as amended and by two-thirds vote read the second time by title. On motion by Senator Laurent, by two-thirds vote **HB 4475** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

CS for SB 2060—A bill to be entitled An act relating to the Legal Immigrant's Temporary Income Bridge Program; amending s. 10, ch. 97-259, Laws of Florida; providing that unused program funds for the current fiscal year may be used for food stamps for legal immigrants who are in the naturalization and citizenship process or in the process of seeking an exemption thereto and who are children, recipients of Supplemental Security Income, or persons of a specified age; providing an appropriation; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Gutman, **CS for SB 2060** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

THE PRESIDENT PRESIDING

On motion by Senator Burt, by two-thirds vote **CS for HB 4135** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Burt, by two-thirds vote—

CS for HB 4135—A bill to be entitled An act relating to education; authorizing the creation of charter technical career centers; prescribing powers and duties of the Commissioner of Education, the Department of Education, participating district school boards, and community college district boards of trustees, with respect to charter technical career centers; prescribing powers and duties of charter technical career centers and their boards of directors; providing for funding; prescribing rights and duties of employees of centers and of district school board employees and community college employees working at charter technical career centers; providing for revocation of a charter; providing for rules; amending s. 121.021, F.S.; redefining the terms "covered group" and "employer" with respect to the Florida Retirement System to include charter technical career centers; amending s. 121.051, F.S.; providing for optional participation in the Florida Retirement System by employees of charter technical career centers; amending s. 121.1122, F.S.; including charter technical career centers with a group for the purchase of certain retirement credit; amending s. 236.081, F.S.; providing for calculating changes in school district funding resulting from a drop in enrollment based on student transfers to a charter technical career center; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 2074** and by two-thirds vote read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for HB 4135** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Scott, by two-thirds vote **HB 4785** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Scott, by two-thirds vote—

HB 4785—A bill to be entitled An act relating to telecommunications services; amending s. 364.025, F.S.; providing duties and responsibilities of the Florida Public Service Commission to assist the Legislature in establishing a permanent universal service mechanism; requiring the commission to select a cost proxy model; providing for the calculation of small local exchange companies' costs to provide basic service; providing legislative determinations; directing the commission to make recommendations relating to fair and reasonable basic local telecommunications service rates; providing criteria; requiring a report to the Legislature; requiring local exchange companies to provide certain information to the commission; requiring the provision of discounted rates for services for certain subscribers; amending s. 364.163, F.S.; providing a cap for certain rates; requiring reductions in certain rates; providing legislative findings; requiring the commission to study the provision of telecommunications service to multi-tenant environments; requiring a report to the Legislature; requiring the commission to conduct workshops; requiring the commission to consider promotion of a competitive telecommunications market to end users; providing duties of the Public Service Commission relating to its consumer education program; creating part III of chapter 364, F.S.; providing a short title; providing definitions; requiring the commission to adopt rules to prevent unauthorized changing of certain services; providing requirements; providing requirements for billing practices; amending s. 364.051, F.S.; delaying the date for removing the cap on certain rates; amending s. 364.161, F.S.; requiring local exchange telecommunications companies to timely provide certain services; requiring the commission to maintain a file of certain complaints; requiring inclusion of certain information in the commission's annual report to the Legislature on competition; amending ss. 166.231 and 203.01, F.S.; requiring the Public Service Commission to publish certain rates for commonly used services; amending s. 364.02, F.S.; revising a definition; amending s. 364.336, F.S.; providing for deducting certain amounts from gross operating revenues for certain purposes; amending s. 364.337, F.S.; requiring provision of 911 service at certain levels; subjecting intrastate interexchange telecommunications companies to certain access to records provisions; deleting provisions relating to certain deductions from gross operating revenues; amending s. 364.339,

F.S.; including residential tenants in shared tenant service provisions; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **CS for SB 640** and by two-thirds vote read the second time by title.

Senator Forman moved the following amendment which failed:

Amendment 1—On page 8, line 10, after the period (.) insert: *The Public Service Commission is directed to determine, after notice and an opportunity for hearing, whether or not charges for intrastate switched access and other services are set above costs and whether or not such charges are providing an implicit subsidy of residential basic local telecommunications service rates in this state.*

SENATOR BANKHEAD PRESIDING

On motion by Senator Scott, by two-thirds vote **HB 4785** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	
Dudley	Jones	Ostalkiewicz	

Nays—None

Consideration of **CS for SB 336** and **CS for SB 440** was deferred.

SB 1950—A bill to be entitled An act relating to retirement; amending s. 121.1122, F.S.; authorizing members of the Florida Retirement System to purchase credit for certain in-state service in nonpublic educational institutions; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) is added to subsection (3), paragraph (e) is added to subsection (8), and subsection (9) of section 112.363, Florida Statutes, is amended, to read:

112.363 Retiree health insurance subsidy.—

(3) RETIREE HEALTH INSURANCE SUBSIDY AMOUNT.—

(d) Beginning January 1, 1999, each eligible retiree or, if the retiree is deceased, his or her beneficiary who is receiving a monthly benefit from such retiree's account and who is a spouse, or a person who meets the definition of joint annuitant in s. 121.021(28), shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021(17), completed at the time of retirement multiplied by $5; however, no eligible retiree or such beneficiary may receive a subsidy payment of more than $150 or less than $50. If there are multiple beneficiaries, the total payment must not be greater than the payment to which the retiree was entitled.

(8) CONTRIBUTIONS.—For purposes of funding the insurance subsidy provided by this section:

(e) Beginning July 1, 1998, the employer of each member of a state-administered retirement plan shall contribute 0.94 percent of gross compensation each pay period.

Such contributions shall be submitted to the Division of Retirement and deposited in the Retiree Health Insurance Subsidy Trust Fund.

(9) BENEFITS.—Subsidy payments shall be payable under the retiree health insurance subsidy program only to participants in the program or their beneficiaries, *beginning with the month the division receives certification of coverage for health insurance for the eligible retiree or beneficiary. If the division receives such certification at any time during the 6 months after retirement benefits commence, the retiree health insurance subsidy shall be paid retroactive to the effective retirement date. If, however, the division receives such certification 7 or more months after commencement of benefits, the retroactive retiree health insurance subsidy payment will cover a maximum of 6 months.* Such subsidy payments shall not be subject to assignment, execution, or attachment or to any legal process whatsoever.

Section 2. Paragraph (b) of subsection (2) of section 121.011, Florida Statutes, is amended to read:

121.011 Florida Retirement System.—

(2) CONSOLIDATION OF EXISTING SYSTEMS AND LAWS.—

(b) The chapters or retirement system laws named in paragraph (a) are hereby consolidated as separate instruments appended to the "Florida Retirement System Act" established by this chapter, and the administration of said chapters or retirement systems shall be consolidated with the administration of the Florida Retirement System established by this chapter *and the Florida Retirement System shall assume all liabilities related to the payment of benefits to members and their beneficiaries.*

Section 3. Effective July 1, 1998, subsections (22), (24), (28), (29), and (30) of section 121.021, Florida Statutes, are amended, and subsections (45) through (54) are added to said section, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(22) "Compensation" means the monthly salary paid a member by his or her employer for work performed arising from that employment.~~, including~~

(a) Compensation shall include:

1. Overtime payments paid from a salary fund.~~, except that:~~

2. Accumulated annual leave payments.

3. Payments in addition to the employee's base rate of pay if all the following apply:

a. The payments are paid according to a formal written policy that applies to all eligible employees equally;

b. The policy provides that payments shall commence no later than the 11th year of employment;

c. The payments are paid for as long as the employee continues his or her employment; and

d. The payments are paid at least annually.

4. Amounts withheld for tax sheltered annuities or deferred compensation programs, or any other type of salary reduction plan authorized under the Internal Revenue Code.

5. Payments made in lieu of a permanent increase in the base rate of pay, whether made annually or in 12 or 26 equal payments within a 12-month period, when the member's base pay is at the maximum of his or her pay range. When a portion of a member's annual increase raises his or her pay range and the excess is paid as a lump sum payment, such lump sum payment shall be compensation for retirement purposes.

(b)~~(a)~~ Under no circumstances shall compensation include*:*

1. Fees paid professional persons for special or particular services or include salary payments made from a faculty practice plan operated by

rule of the Board of Regents for eligible clinical faculty at the University of Florida and the University of South Florida*; or*~~.~~

2. Any bonuses or other payments prohibited from inclusion in the member's average final compensation and defined in subsection (47).

(c)~~(b)~~ For all purposes under this chapter, the member's compensation or gross compensation contributed as employee-elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to be the compensation or gross compensation which the member would receive if he or she were not participating in such program and shall be treated as compensation for retirement purposes under this chapter. Any public funds otherwise paid by an employer into an employee's salary reduction, deferred compensation, or tax-sheltered annuity program on or after July 1, 1990 (the date as of which all employers were notified in writing by the division to cease making contributions to the System Trust Fund based on such amounts), shall be considered a fringe benefit and shall not be treated as compensation for retirement purposes under this chapter. However, if an employer was notified in writing by the division to cease making such contributions as of a different date, that employer shall be subject to the requirements of said written notice.

(d)~~(c)~~ For any person who first becomes a member on or after July 1, 1996, compensation for any plan year shall not include any amounts in excess of the s. 401(a)(17), Internal Revenue Code limitation (as amended by the Omnibus Budget Reconciliation Act of 1993), which limitation of $150,000 effective July 1, 1996, shall be adjusted as required by federal law for qualified government plans and shall be further adjusted for changes in the cost of living in the manner provided by s. 401(a)(17)(B), Internal Revenue Code. For any person who first became a member prior to July 1, 1996, compensation for all plan years beginning on or after July 1, 1990, shall not include any amounts in excess of the compensation limitation (originally $200,000) established by s. 401(a)(17), Internal Revenue Code prior to the Omnibus Budget Reconciliation Act of 1993, which limitation shall be adjusted for changes in the cost of living since 1989, in the manner provided by s. 401(a)(17) of the Internal Revenue Code of 1991. This limitation, which has been part of the Florida Retirement System since plan years beginning on or after July 1, 1990, shall be adjusted as required by federal law for qualified government plans.

(24) "Average final compensation" means the average of the 5 highest fiscal years of compensation for creditable service prior to retirement, termination, or death. For in-line-of-duty disability benefits, if less than 5 years of creditable service have been completed, the term "average final compensation" means the average annual compensation of the total number of years of creditable service. Each year used in the calculation of average final compensation shall commence on July 1.

(a) The average final compensation shall include:

1. Accumulated annual leave payments, not to exceed 500 hours; and

2. All payments defined as compensation in subsection (22).

(b) The average final compensation shall not include:

1. Compensation paid to professional persons for special or particular services;

2. Payments for accumulated sick leave made due to retirement or termination;

3. Payments for accumulated annual leave in excess of 500 hours;

4. Bonuses as defined in subsection (47);

5. Third party payments made on and after July 1, 1990; or

6. Fringe benefits (for example, automobile allowances or housing allowances). ~~The payment for accumulated sick leave, accumulated annual leave in excess of 500 hours, and bonuses, whether paid as salary or otherwise, shall not be used in the calculation of the average final compensation.~~

(28) "Joint annuitant" ~~or "dependent beneficiary"~~ means any person designated by the member to receive a retirement benefit upon the member's death who is ~~either~~:

(a) The spouse of the member;

(b) The member's natural or adopted child who is under age 25, or is physically or mentally disabled and incapable of self-support, regardless of age; or any person other than the spouse for whom the member is the legal guardian, provided that such person is under age 25 and is financially dependent for no less than one-half of his or her support from the member at retirement or at the time of death of such member, whichever occurs first; or

(c) A parent or grandparent, or a person age 25 or older for whom the member is the legal guardian, provided that such parent, grandparent, or other person is financially dependent for no less than one-half of his or her support from the member at retirement or at time of the death of such member, whichever occurs first.

(29) "Normal retirement date" means the first day of any month following the date a member attains one of the following statuses:

(a) *If a Regular Class member, the member:*

1. Completes 10 or more years of creditable service and attains age 62; *or*

2.~~(b)~~ Completes 30 years of creditable service, *regardless of age,* which may include a maximum of 4 years of military service credit *as*~~, so~~ long as such credit is not claimed under any other system.~~, regardless of age;~~

(b)~~(c)~~ If a Special Risk *Class* member, *the member*:

1. Completes 10 or more years of creditable service *in the Special Risk Class* and attains age 55;

2. Completes 25 years of creditable service *in the Special Risk Class,* regardless of age; or

3. Completes 25 years of creditable service *and attains age 52,* which *service* may include a maximum of 4 years of military service credit *as long as such credit is not claimed under any other system and the remaining years are in the Special Risk Class.*~~, and attains age 52; or~~

(c)~~(d)~~ If a Senior Management Service Class member, *the member*:

1. Completes 7 years of creditable service in the Senior Management Service Class and attains age 62; or

2. Completes 30 years of *any* creditable service, *regardless of age,* which may include a maximum of 4 years of military service credit *as long as such credit is not claimed under any other system; or*~~, regardless of age.~~

(d) If an Elected State County Officers' Class member, the member:

1. Completes 8 years of creditable service in the Elected State and County Officers' Class and attains age 62; or

2. Completes 30 years of any creditable service, regardless of age, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system.

"Normal retirement age" is attained on the "normal retirement date."

(30) "Early retirement date" means the first day of the month following the date a member *becomes vested* ~~completes 10 years of creditable service~~ and elects to receive retirement benefits in accordance with this chapter. Such benefits shall be based on average monthly compensation and creditable service as of the member's early retirement date, and the benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement date precedes his or her normal retirement date as provided in s. 121.091(3).

(45) "Vested" or "vesting" means the guarantee that a member is eligible to receive a future retirement benefit upon completion of the required years of creditable service for the employee's class of membership even though the member may have terminated covered employment before reaching normal or early retirement date. Being vested does not entitle a member to a disability benefit based on a disability caused by an injury or disease that occurs after termination of covered employment.

(46) "Beneficiary" means the joint annuitant or any other person, organization, estate, or trust fund designated by the member to receive a retirement benefit, if any, which may be payable upon the member's death.

(47) "Bonus" means a payment made in addition to an employee's regular or overtime salary. A bonus is usually nonrecurring, does not increase the employee's base rate of pay, and includes no commitment for payment in a subsequent year. Such payments are not considered compensation. Effective July 1, 1989, employers may not report such payments to the division as salary, and may not make retirement contributions on such payments.

(a) A payment is a bonus if any of the following circumstances apply:

1. The payment is not made according to a formal written policy that applies to all eligible employees equally.

2. The payment commences later than the 11th year of employment.

3. The payment is not based on permanent eligibility.

4. The payment is made less frequently than annually.

(b) Bonuses shall include, but not be limited to, the following:

1. Exit bonus or severance pay.

2. Longevity payments in conformance with the provisions of paragraph (a).

3. Salary increases granted pursuant to an employee's agreement to retire, including increases paid over several months or years prior to retirement.

4. Payments for accumulated overtime or compensatory time, reserve time, or holiday time worked, if not made within 11 months of the month in which the work was performed.

5. Quality Instruction Incentives Program (QUIIP) Payments.

6. Lump sum payments in recognition of employees' accomplishments.

(48) "Accumulated annual leave payment" means any payment, made either during an employee's employment or at termination or retirement, for leave accrued during such employee's career, which leave was intended for, but never utilized by the employee for, his or her personal use. General leave, which may be used for both sickness and vacation, is considered accumulated annual leave. When leave is initially accrued separately as annual leave or sick leave and is later combined into a consolidated leave account, only the payment for that portion of the account which represents annual leave shall be considered as compensation. If any single lump-sum annual leave payment, made at anytime during a member's employment, exceeds 500 hours, only a maximum of 500 hours of such annual leave payment shall be considered as compensation.

(49) "Accumulated sick leave payment" means leave accrued during an employee's career which was intended for use in the event of sickness, injury, or other health problems of a member or his or her family. General leave which may be used for both sickness and vacation is not considered sick leave. When leave is initially accrued separately as annual leave or sick leave and is later combined into a consolidated leave account, the payment for that portion of the account which represents sick leave shall not be considered compensation.

(50) "Independent contractor" means an individual who is not subject to the control and direction of the employer for whom work is being performed, with respect not only to what shall be done but to how it shall be done. If the employer has the right to exert such control, an employee-employer relationship exists, and, for purposes of this chapter, the person is an employee and not an independent contractor. The division shall adopt rules providing criteria for determining whether an individual is an employee or an independent contractor.

(51) "Previous service" means the number of years, complete months, and any fractional part of a month, as recognized and credited by an employer and approved by the administrator, of service under one of the retirement systems established by this chapter, chapter 122, former chapter 123, chapter 238, or chapter 321, on which the required contributions were paid at the member's termination of employment, and for which the member has received no refund of contributions.

(52) "Regularly established position" is defined as follows:

(a) In a state agency, the term means a position which is authorized and established pursuant to law and is compensated from a salaries appropriation pursuant to s. 216.011(1)(x)1. and 2., or an established position which is authorized pursuant to s. 216.262(1)(a) and (b) and is compensated from a salaries account as provided by rule.

(b) In a local agency (district school board, county agency, community college, city, or special district), the term means a regularly established position which will be in existence for a period beyond 6 consecutive months, except as provided by rule.

(53) "Temporary position" is defined as follows:

(a) In a state agency, the term means an employment position which is compensated from an other personal services (OPS) account, as provided for in s. 216.011(1)(x).

(b) In a local agency, the term means an employment position which will exist for less than 6 consecutive months, or other employment position as determined by rule of the division, regardless of whether it will exist for 6 consecutive months or longer.

(54) "Work year" means the period of time an employee is required to work to receive a full year of retirement credit, as provided by rule.

Section 4. Subsection (3) of section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(3) The administrator shall cause an actuarial study of the system to be made at least once every *year beginning July 1, 1998* ~~2 years~~ and shall report the results of such study to the Legislature by February 1 prior to the next legislative session. Such study shall, at a minimum, conform to the requirements of s. 112.63, with the following exceptions and additions:

(a) The valuation of plan assets shall be based on a 5-year averaging methodology such as that specified in the United States Department of Treasury Regulations, 26 C.F.R. s. 1.412(c)(2)-1, or a similar accepted approach designed to attenuate fluctuations in asset values.

(b) The study shall include a narrative explaining the changes in the covered group over the period between actuarial valuations and the impact of those changes on actuarial results.

(c) When substantial changes in actuarial assumptions have been made, the study shall reflect the results of an actuarial assumption as of the current date based on the assumptions utilized in the prior actuarial report.

(d) The study shall include an analysis of the changes in actuarial valuation results by the factors generating those changes. Such analysis shall reconcile the current actuarial valuation results with those results from the prior valuation.

(e) The study shall include measures of funding status and funding progress designed to facilitate the assessment of trends over several actuarial valuations with respect to the overall solvency of the system. Such measures shall be adopted by the division and shall be used consistently in all actuarial valuations performed on the system.

Section 5. Paragraphs (a) and (c) of subsection (7) of section 121.052, Florida Statutes, are amended to read:

121.052 Membership class of elected ~~state and county~~ officers.—

(7) CONTRIBUTIONS.—

(a) The following table states the required retirement contribution rates for members of the Elected ~~State and County~~ Officers' Class and

their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund. *The contribution rate changes made in this subsection are for the period July 1, 1998 through June 30, 1999 only.*

Dates of Contribution Rate Changes	Members	Employers
July 1, 1972, through September 30, 1977		
Legislators	8%	8%
All Other Members	8%	8%
October 1, 1977, through September 30, 1978		
Legislators	8%	8%
All Other Members	4%	12%
October 1, 1978, through September 30, 1979		
Legislators	8%	10.57%
All Other Members	4%	16.78%
October 1, 1979, through September 30, 1981		
Legislators	8%	10.57%
Governor, Lt. Governor, Cabinet Officers	4%	16.78%
All Other Members	0%	20.78%
July 1, 1981, through June 30, 1984		
County Elected Officers	0%	19.30%
July 1, 1984, through September 30, 1984		
County Elected Officers	0%	20.25%
October 1, 1981, through September 30, 1984		
Legislators	0%	19.30%
Governor, Lt. Governor, Cabinet Officers	0%	21.03%
State Attorneys, Public Defenders	0%	20.95%
Justices, Judges	0%	22.55%
October 1, 1984, through September 30, 1986		
Legislators	0%	10.98%
Governor, Lt. Governor, Cabinet Officers	0%	10.98%
State Attorneys, Public Defenders	0%	10.98%
Justices, Judges	0%	21.79%
County Elected Officers	0%	16.97%
October 1, 1986, through December 31, 1988		
Legislators	0%	11.50%
Governor, Lt. Governor, Cabinet Officers	0%	11.50%
State Attorneys, Public Defenders	0%	11.50%
Justices, Judges	0%	20.94%
County Elected Officers	0%	17.19%
January 1, 1989, through December 31, 1989		
Legislators	0%	13.70%
Governor, Lt. Governor, Cabinet Officers	0%	13.70%
State Attorneys, Public Defenders	0%	13.70%
Justices, Judges	0%	22.58%
County Elected Officers	0%	18.44%
January 1, 1990, through December 31, 1990		
Legislators	0%	15.91%
Governor, Lt. Governor, Cabinet Officers	0%	15.91%
State Attorneys, Public Defenders	0%	15.91%
Justices, Judges	0%	24.22%
County Elected Officers	0%	19.71%
January 1, 1991, through December 31, 1991		
Legislators	0%	17.73%
Governor, Lt. Governor, Cabinet Officers	0%	17.73%
State Attorneys, Public Defenders	0%	17.73%
Justices, Judges	0%	26.63%
County Elected Officers	0%	23.32%
January 1, 1992, through December 31, 1992		
Legislators	0%	19.94%
Governor, Lt. Governor, Cabinet Officers	0%	19.94%
State Attorneys, Public Defenders	0%	19.94%
Justices, Judges	0%	28.27%
County Elected Officers	0%	24.59%
January 1, 1993, through December 31, 1993		
Legislators	0%	22.14%
Governor, Lt. Governor, Cabinet Officers	0%	22.14%
State Attorneys, Public Defenders	0%	22.14%
Justices, Judges	0%	29.91%
County Elected Officers	0%	25.84%
January 1, 1994, through December 31, 1994		
Legislators	0%	22.65%
Governor, Lt. Governor, Cabinet Officers	0%	22.65%
State Attorneys, Public Defenders	0%	22.65%
Justices, Judges	0%	30.52%
County Elected Officers	0%	26.07%
January 1, 1995, through December 31, 1995		
Legislators	0%	22.80%
Governor, Lt. Governor, Cabinet Officers	0%	22.80%
State Attorneys, Public Defenders	0%	22.80%
Justices, Judges	0%	30.21%
County Elected Officers	0%	27.48%
January 1, 1996, through June 30, 1996		
Legislators	0%	22.90%
Governor, Lt. Governor, Cabinet Officers	0%	22.90%
State Attorneys, Public Defenders	0%	22.90%
Justices, Judges	0%	30.15%
County Elected Officers	0%	27.54%
~~Effective~~ July 1, 1996, *through June 30, 1998*		
Legislators	0%	23.07%
Governor, Lt. Governor, Cabinet Officers	0%	23.07%
State Attorneys, Public Defenders	0%	23.07%
Justices, Judges	0%	29.55%
County Elected Officers	0%	27.33%
Effective July 1, 1998		
Legislators	*0%*	*19.48%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*19.48%*
State Attorneys, Public Defenders	*0%*	*19.48%*
Justices, Judges	*0%*	*19.88%*
County elected officers	*0%*	*23.51%*

(c) The following table states the required employer contribution on behalf of each member of the Elected ~~State and County~~ Officers' Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
~~Effective~~ January 1, 1995, *through June 30, 1998*	0.66%
Effective July 1, 1998	*0.94%*

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 6. Paragraph (b) of subsection (1) and paragraphs (a) and (c) of subsection (3) of section 121.055, Florida Statutes, are amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the local agency employer. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each local agency employer reporting to the Division of Retirement; for local agencies with *100* ~~200~~ or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed *1* ~~0.5~~ percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class pursuant to the provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether and participate in a lifetime monthly annuity program which may be provided by the employing agency. The cost to the employer for such annuity shall equal the normal cost portion of the contributions required in the Senior Management Service Class. The employer providing such annuity shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Senior Management Service Class contribution rate. The decision to participate in such local government annuity shall be irrevocable for as long as the employee holds a position eligible for the annuity. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

(3)(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of a percentage of the member's gross compensation. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund. *The contribution rate changes made in this subsection are for the period July 1, 1998 through June 30, 1999 only.*

Dates of Contribution Rate Changes	Members	Employers
February 1, 1987, through December 31, 1988	0%	13.88%
January 1, 1989, through December 31, 1989	0%	14.95%
January 1, 1990, through December 31, 1990	0%	16.04%
January 1, 1991, through December 31, 1991	0%	18.39%
January 1, 1992, through December 31, 1992	0%	19.48%
January 1, 1993, through December 31, 1993	0%	20.55%
January 1, 1994, through December 31, 1994	0%	23.07%
January 1, 1995, through December 31, 1995	0%	23.88%
January 1, 1996, through June 30, 1996	0%	24.14%
~~Effective~~ July 1, 1996, *through June 30, 1998*	0%	21.58%
Effective July 1, 1998, through June 30, 1999	*0%*	*22.06%*

(c) The following table states the required employer contribution on behalf of each member of the Senior Management Service Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
~~Effective~~ January 1, 1995, *through June 30, 1998*	0.66%
Effective July 1, 1998, through June 30, 1999	*0.94%*

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 7. Subsections (1) and (4) of section 121.071, Florida Statutes, are amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) The following tables state the required retirement contribution rates for members of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class and their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund. *The contribution rate changes made in this subsection are for the period July 1, 1998 through June 30, 1999 only.*

(a) Retirement contributions for regular members are as follows:

Dates of Contribution Rate Changes	Members	Employers
December 1, 1970, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	4%	4%
December 1, 1970, through September 30, 1975, for all other local government agencies	4%	4%
January 1, 1975, through September 30, 1978, for state agencies and state universities	0%	9%
January 1, 1975, through July 31, 1978, for community colleges and district school boards	0%	9%
October 1, 1975, through September 30, 1978, for all other local government agencies	0%	9%

Dates of Contribution Rate Changes	Members	Employers
August 1, 1978, through September 30, 1981, for community colleges and district school boards	0%	9.1%
October 1, 1978, through September 30, 1981, for all other agencies	0%	9.1%
October 1, 1981, through September 30, 1984	0%	10.93%
October 1, 1984, through September 30, 1986	0%	12.24%
October 1, 1986, through December 31, 1988	0%	13.14%
January 1, 1989, through December 31, 1989	0%	13.90%
January 1, 1990, through December 31, 1990	0%	14.66%
January 1, 1991, through December 31, 1991	0%	15.72%
January 1, 1992, through December 31, 1992	0%	16.51%
January 1, 1993, through December 31, 1993	0%	17.27%
January 1, 1994, through December 31, 1994	0%	17.10%
January 1, 1995, through December 31, 1995	0%	16.91%
January 1, 1996, through June 30, 1996	0%	17.00%
~~Effective~~ July 1, 1996, *through June 30, 1998*	0%	16.77%
Effective July 1, 1998, through June 30, 1999	*0%*	*12.19%*

(b) Retirement contributions for special risk members are as follows:

Dates of Contribution Rate Changes	Members	Employers
December 1, 1970, through September 30, 1974	6%	6%
October 1, 1974, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	8%	8%
October 1, 1974, through September 30, 1975, for all other local government agencies	8%	8%
January 1, 1975, through September 30, 1978, for state agencies, state universities, community colleges, and district school boards	0%	13%
October 1, 1975, through September 30, 1978, for other local government agencies	0%	13%
October 1, 1978, through September 30, 1981	0%	13.95%
October 1, 1981, through September 30, 1984	0%	13.91%
October 1, 1984, through September 30, 1986	0%	14.67%
October 1, 1986, through December 31, 1988	0%	15.11%
January 1, 1989, through December 31, 1989	0%	17.50%
January 1, 1990, through December 31, 1990	0%	19.90%
January 1, 1991, through December 31, 1991	0%	25.52%
January 1, 1992, through December 31, 1992	0%	26.35%
January 1, 1993, through December 31, 1993	0%	27.14%
January 1, 1994, through December 31, 1994	0%	27.03%
January 1, 1995, through December 31, 1995	0%	26.83%
January 1, 1996, through June 30, 1996	0%	26.84%
~~Effective~~ July 1, 1996, *through June 30, 1998*	0%	26.44%
Effective July 1, 1998 through June 30, 1999	*0%*	*14.53%*

(c) Retirement contributions for special risk administrative support members are as follows:

Dates of Contribution Rate Changes	Members	Employers
July 1, 1982, through September 30, 1984	0%	11.14%
October 1, 1984, through September 30, 1986	0%	13.09%
October 1, 1986, through December 31, 1988	0%	15.44%
January 1, 1989, through December 31, 1989	0%	14.76%
January 1, 1990, through December 31, 1990	0%	14.09%
January 1, 1991, through December 31, 1991	0%	20.16%
January 1, 1992, through December 31, 1992	0%	19.51%
January 1, 1993, through December 31, 1993	0%	18.83%
January 1, 1994, through December 31, 1994	0%	18.59%
January 1, 1995, through December 31, 1995	0%	17.81%
January 1, 1996, through June 30, 1996	0%	17.80%
~~Effective~~ July 1, 1996, *through June 30, 1998*	0%	17.20%
Effective July 1, 1998, through June 20, 1999	*0%*	*6.48%*

(4) The following table states the required employer contribution on behalf of each member of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
~~Effective~~ January 1, 1995, *through June 30, 1998*	0.66%
Effective July 1, 1998, through June 30, 1999	*0.94%*

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 8. Subsection (2), paragraph (d) of subsection (6), paragraph (a) of subsection (7), and subsection (8) of section 121.091, Florida Statutes, are amended, paragraphs (f) and (g) of subsection (7) of said section are redesignated as paragraphs (g) and (h), respectively, and a new paragraph (f) is added to said subsection, to read:

121.091 Benefits payable under the system.—No benefits shall be paid under this section unless the member has terminated employment as provided in s. 121.021(39) and a proper application has been filed in the manner prescribed by the division.

(2) BENEFITS PAYABLE FOR DUAL NORMAL RETIREMENT AGES.—In the event a member accumulates retirement benefits to commence at different normal retirement ages by virtue of having performed duties for an employer which would entitle him or her to benefits as both a ~~regular member and special risk~~ member *of the Special Risk Class and a member of either the Regular Class, Senior Management Service Class, or Elected Officers' Class,* the amount of benefits payable shall be computed separately with respect to each such age and the sum of such computed amounts shall be paid as provided in this section.

(6) OPTIONAL FORMS OF RETIREMENT BENEFITS AND DISABILITY RETIREMENT BENEFITS.—

(d) A member who elects the option in subparagraph (a)3. or subparagraph (a)4. shall, on a form provided for that purpose, designate a joint annuitant to receive the benefits which continue to be payable upon the death of the member. After benefits have commenced under the option in subparagraph (a)3. or subparagraph (a)4., *the following shall apply:*

1. A retired member may change his or her designation of a joint annuitant only twice. If such a retired member desires to change his or her designation of a joint annuitant, he or she shall file with the division a notarized "change of joint annuitant" form and shall notify the former joint annuitant in writing of such change. Upon receipt of a completed change of joint annuitant form, the division shall adjust the member's monthly benefit by the application of actuarial tables and calculations developed to ensure that the benefit paid is the actuarial equivalent of the present value of the member's current benefit. The consent of a retired member's first designated joint annuitant to any such change shall not be required.

2. In the event of the dissolution of marriage of a retired member and a joint annuitant, such member may make an election to nullify the joint annuitant designation of the former spouse, unless there is an existing qualified domestic relations order preventing such action. The member shall file with the division a written, notarized nullification which shall be effective on the first day of the next month following receipt by the division. Benefits shall be paid as if the former spouse predeceased the member. A member who makes such an election may not reverse the nullification but may designate a new joint annuitant in accordance with subparagraph 1.

(7) DEATH BENEFITS.—

(a) If the employment of a member is terminated by reason of his or her death prior to the completion of 10 years of creditable service, *except as provided in paragraph (f),* there shall be payable to his or her designated beneficiary the member's accumulated contributions.

(f) Notwithstanding any other provisions in this chapter to the contrary and upon application to the administrator, an eligible joint annuitant, of a member whose employment is terminated by death within 1 year of such member satisfying the service requirements for vesting and retirement eligibility, shall be permitted to purchase only the additional service credit necessary to vest and qualify for retirement benefits by one of the following methods:

1. Such eligible joint annuitant may use the deceased member's accumulated hours of annual, sick, and compensatory leave to purchase additional creditable service, on an hour by hour basis, provided that such deceased member's accumulated leave is sufficient to cover the additional months required. For each month of service credit needed prior to the final month, credit for the total number of work hours in that month must be purchased, using an equal number of the deceased member's accumulated leave hours. Service credit required for the final month in which the deceased member would have become vested shall be awarded upon the purchase of 1 hour of credit. Such eligible joint annuitant shall pay the contribution rate in effect at the time of purchase of the deceased member's class of membership, multiplied by such member's monthly salary at the time of death. The accumulated leave payment used in the average final compensation shall not include that portion of the payment that represents any leave hours used in the purchase of such creditable service.

2. Such eligible joint annuitant may purchase additional months of creditable service, up to a maximum of 1 year, for any periods of out-of-state service as provided in s. 121.1115, or in-state service as provided in s. 121.1122, that the deceased member would have been eligible to purchase prior to his or her death.

Service purchased under this paragraph shall be added to the creditable service of the member and used to vest for retirement eligibility, and shall be used in the calculation of any benefits which may be payable to the eligible joint annuitant. Any benefits paid in accordance with this paragraph shall only be made prospectively.

(8) DESIGNATION OF BENEFICIARIES.—Each member may, on a form provided for that purpose, signed and filed with the division, designate a choice of one or more persons, named sequentially or jointly, as his or her beneficiary who shall receive the benefits, if any, which may be payable in the event of the member's death pursuant to the provisions of this chapter. If no beneficiary is named in the manner provided above, or if no beneficiary designated by the member survives the member, the beneficiary shall be the spouse of the deceased, if living. If the member's spouse is not alive at his or her death, the beneficiary shall be the living children of the member. If no children survive, the beneficiary shall be the member's father or mother, if living; otherwise, the beneficiary shall be the member's estate. The beneficiary most recently designated by a member on a form or letter filed with the division shall be the beneficiary entitled to any benefits payable at the time of the member's death, except benefits shall be paid as provided in paragraph (7)(d) when death occurs in the line of duty. *Notwithstanding any other provisions in this subsection to the contrary, for a member who dies prior to his or her effective date of retirement on or after January 1, 1999, the spouse at the time of death shall be the member's beneficiary unless such member designates a different beneficiary as provided herein subsequent to the member's most recent marriage.*

Section 9. Subsection (1) of section 121.1122, Florida Statutes, is amended to read:

121.1122 Purchase of retirement credit for in-state public service and in-state service in accredited nonpublic, ~~nonsectarian~~ schools and colleges, including charter schools.—Effective January 1, 1998, a member of the Florida Retirement System may purchase creditable service for periods of certain public or nonpublic, ~~nonsectarian~~ employment performed in this state, as provided in this section.

(1) PURCHASE OF RETIREMENT CREDIT AUTHORIZED.—Subject to the provisions of subsections (2) and (3), a member of the Florida Retirement System may purchase up to 5 years of retirement credit for:

(a) Periods of public employment in this state; or

(b) Periods of employment in charter schools or in any nonpublic, ~~nonsectarian~~ school or college in this state that is accredited by the Southern Association of Colleges and Schools.

Credit for 1 year of such service may be purchased for each year of creditable service a member completes under the Florida Retirement System.

Section 10. Section 121.121, Florida Statutes, is amended to read:

121.121 ~~Future service to include~~ Authorized leaves of absence.—

(1) A member may purchase creditable service for ~~Future service of any member as defined in s. 121.021(21) shall also include~~ up to 2 work years of ~~creditable service for~~ authorized leaves of absence if:

(a)~~(1)~~ The member has completed a minimum of 10 years of creditable service, excluding periods of leave of absence;

(b)~~(2)~~ The leave of absence is authorized in writing by the employer of the member and approved by the administrator;

(c)~~(3)~~ The member returns to active employment performing service with a Florida Retirement System employer in a regularly established position immediately upon termination of the leave of absence and remains on the employer's payroll for 1 calendar month, except that a member who retires on disability while on a medical leave of absence shall not be required to return to employment; and

(d)~~(4)~~ The member makes the required contributions for service credit during the leave of absence, which shall be 8 percent until January 1, 1975, and 9 percent thereafter of his or her rate of monthly compensation in effect immediately prior to the commencement of such leave for each month of such period, plus 4 percent interest until July 1, 1975, and 6.5 percent interest thereafter on such contributions, compounded annually each June 30 from the due date of the contribution to date of payment. Effective July 1, 1980, any leave of absence purchased pursuant to this section shall be at the contribution rates specified in s. 121.071 in effect at the time the leave is granted for the class of membership from which the leave of absence was granted; however, any member who purchased leave-of-absence credit prior to July 1, 1980, for a leave of absence from a position in a class other than the regular membership class, may pay the appropriate additional contributions plus compound interest thereon and receive creditable service for such leave of absence in the membership class from which the member was granted the leave of absence.

(2) A member who is required to resign his or her office as a subordinate officer, deputy sheriff, or police officer because he or she is a candidate for a public office which is currently held by his or her superior officer who is also a candidate for reelection to the same office, in accordance with s. 99.012(5), shall, upon return to covered employment, be eligible to purchase retirement credit for the period between his or her date of resignation and the beginning of the term of office for which he or she was a candidate as a leave of absence without pay, as provided in subsection (1).

Section 11. Subsection (3) of section 121.122, Florida Statutes, is amended to read:

121.122 Renewed membership in system.—Except as provided in s. 121.053, effective July 1, 1991, any retiree of a state-administered retirement system who is employed in a regularly established position with a covered employer shall be enrolled as a compulsory member of the Regular Class of the Florida Retirement System or, effective July 1, 1997, any retiree of a state-administered retirement system who is employed in a position included in the Senior Management Service Class shall be enrolled as a compulsory member of the Senior Management Service Class of the Florida Retirement System as provided in s. 121.055, and shall be entitled to receive an additional retirement benefit, subject to the following conditions:

(3) Such member shall be entitled to purchase additional retirement credit in the Regular Class *or the Senior Management Service Class, as applicable,* for any postretirement service performed in a regularly established position *as follows:*

(a) For regular class service prior to July 1, 1991, by paying the Regular Class applicable employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund*; or*

(b) For Senior Management Service Class prior to June 1, 1997, as provided in s. 121.055(1)(h).

The contribution for postretirement service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member.

Section 12. Subsection (5) of section 121.30, Florida Statutes, is amended to read:

121.30 Statements of purpose and intent and other provisions required for qualification under the Internal Revenue Code of the United States.—Any other provisions in this chapter to the contrary notwithstanding, it is specifically provided that:

(5) No benefit payable hereunder for any limitation year shall exceed the maximum amount, including cost-of-living adjustments, allowable by law for qualified pension plans under applicable provisions of the Internal Revenue Code of the United States. *In the event of any participation of a Florida Retirement System member in any other plan that is maintained by the participating employer, benefits that accrue under the Florida Retirement System shall be considered primary for any aggregate limitation applicable under s. 415 of the Internal Revenue Code.*

Section 13. Section 121.133, Florida Statutes, is created to read:

121.133 Cancellation of uncashed warrants.—Notwithstanding the provisions of s. 17.26 or s. 717.123 to the contrary, effective July 1, 1998, if any state warrant issued by the Comptroller for the payment of retirement benefits from the Florida Retirement System Trust Fund, or any other pension trust fund administered by the division, is not presented for payment within 1 year after the last day of the month in which it was originally issued, the Comptroller shall cancel the benefit warrant and credit the amount of the warrant to the Florida Retirement System Trust Fund or other pension trust fund administered by the division, as appropriate. The Division of Retirement may provide for issuance of a replacement warrant when deemed appropriate.

Section 14. Paragraph (b) of subsection (12) of section 121.40, Florida Statutes, is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(12) CONTRIBUTIONS.—

(b) The monthly contributions required to be paid pursuant to paragraph (a) on the gross monthly salaries, from all sources with respect to such employment, paid to those employees of the institute who hold both state and federal appointments and who participate in the federal Civil Service Retirement System shall be as follows:

Dates of Contribution Rate Changes	Percentage Due
July 1, 1985, through December 31, 1988	6.68%
January 1, 1989, through December 31, 1993	6.35%
January 1, 1994, through December 31, 1994	6.69%
January 1, 1995, through June 30, 1996	6.82%
~~Effective~~ July 1, 1996, *through June 30,1998*	5.64%
Effective July 1, 1998, through June 30, 1999	*7.17%*

Section 15. *Sections 121.0505 and 121.0516, Florida Statutes, are repealed.*

Section 16. *The Executive Director of the State Board of Administration and the Director of the Division of Retirement shall undertake a comprehensive review of the assumptions and contribution rate structure underpinning the operation of the Florida Retirement System. By March 1, 1999, the State Board of Administration and the division shall submit to the Board of Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives a report which shall contain the following elements:*

(1) The method of development of actuarial assumptions and their application.

(2) The relevance of present assumptions in light of patterns of recruitment, retention, and retirement.

(3) The investment and economic market in which the Florida Retirement System, and similarly constituted systems, operate.

(4) Prospective conditions in economic forecasts within a reasonable degree of estimation which may affect investment performance, workforce, and salary trends.

The State Board of Administration and the Division of Retirement may, at their discretion, utilize the services of the Office of Economic and Demographic Research and may also convene a working group of affected principals for use in the development of the study proposed in this section. The President of the Senate and the Speaker of the House of Representatives may each appoint two legislative members to the working group.

Section 17. *(1) The changes to the retirement contribution rates for the Florida Retirement System included in this act are the result of the 1997 Actuarial Valuation of the Florida Retirement System, as recommended by the consulting actuaries and subsequently modified by the special actuarial study of April 20, 1998. These changes shall remain in effect until the rates are further amended or until the rates are adjusted as provided in subsection (2).*

(2) The rate adjustments set forth in this act are in addition to all other changes to such contribution rates which are separately enacted into law and applicable on July 1, 1998. With respect to such other changes, the Division of Statutory Revision of the Joint Legislative Management Committee shall edit the statutes as necessary to adjust the contribution rate percentages listed in sections 121.052(7)(a), 121.055(3)(a), and 121.071(1), Florida Statutes, as appropriate. Pursuant to section 11.242(5)(i), Florida Statutes, this section shall be omitted from publication in the Florida statutes or any revision or supplement thereof.

Section 18. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Art. X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.*

Section 19. *In editing manuscript for the next edition of the official Florida Statutes, the Statutory Revision Division of the Joint Legislative Management Committee, or its successor, shall change "Elected State and County Officers' Class" to "Elected Officers' Class" wherever the same appears in chapter 121.*

Section 20. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Retirement System; amending s. 112.363, F.S.; increasing the retiree health insurance subsidy payment and the contribution rate; providing for retroactive payments under certain circumstances; amending s. 121.011, F.S.; clarifying benefits payable under existing systems; amending s. 121.021, F.S.; revising and adding definitions; amending s. 121.031, F.S.; providing an annual valuation of the Florida Retirement System; amending ss. 121.052, 121.055, and 121.071, F.S.; modifying the statutory limit on the number of nonelective full-time positions that may be designated by a local agency employer for inclusion in the Senior Management Service Class; changing contribution rates for specified classes and subclasses of the system and for the retiree health insurance subsidy; amending s. 121.091, F.S.; providing for benefit computations using dual retirement ages for service in the Senior Management Service Class and the Elected Officer's Class; providing for nullification of a joint annuitant designation in the event of dissolution of marriage; providing for purchase of additional service credit using a deceased member's accumulated leave, out-of-state service, or in-state service under certain circumstances; specifying that a member's spouse at the time of death shall be the member's beneficiary under certain circumstances; providing a directive to statute editors; amending s. 121.1122, F.S.; deleting reference to nonsectarian schools and colleges; amending s. 121.121, F.S.; providing for eligibility to purchase retirement credit for certain leaves of absence; amending s. 121.122, F.S.; allowing members with renewed membership in the Senior Management Service Class to purchase additional retirement credit for certain postretirement service; amending s. 121.30, F.S.; conforming to the Internal Revenue Code; creating s. 121.133, F.S.; providing intent; requiring the Comptroller to cancel any benefit warrant issued from the Florida Retirement System Trust Fund, or from certain other pension trust funds, if such warrants are not presented within a specified timeframe; providing that such funds shall be transferred and recredited to specified trust funds; providing for issuance of replacement warrants; amending s. 121.40, F.S.; changing contribution rates for the supplemental retirement plan for the Institute of Food and Agricultural Sciences at the University of Florida; repealing ss. 121.0505 and 121.0516, F.S.; relating to duplicative contribution rates; providing for a report to the Board of Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives on the Florida Retirement System; directing the Division of Statutory Revision to make described adjustments to the statutes with respect to contribution rates; providing a finding of important state interest; providing effective dates.

Senator Silver moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 40, between lines 22 and 23, insert:

Section 20. *On or within 6 months before a member of the Florida Retirement System's 62nd birthday, the Division of Retirement shall provide notification at the member's last known address that the member is eligible for retirement benefits.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 43, line 6, after the semicolon (;) insert: directing the Division of Retirement to notify members of their eligibility for benefits when they reach age 62;

Senator Williams moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 40, between lines 22 and 23, insert:

Section 1. *(1) There is created the Florida Defined Contribution Retirement Study Commission for the purpose of advising the Legislature and the Governor on measures in the formulation and implementation of an optional portable retirement program.*

(a) The commission shall consist of 20 members, as follows:

1. Two legislators appointed by the President of the Senate;

2. Two legislators appointed by the Speaker of the House of Representatives;

3. One employee of the Governors Office of Planning and Budgeting, appointed by the Governor;

4. The President of the Senate and the Speaker of the House of Representatives shall appoint the following commission members based upon the recommendations of each of the respective employer or employee member organizations:

a. Three members representing the financial services industry, to include a provider of mutual funds, a provider of insurance/annuity products, and a provider from a financial services company;

b. One member representing the Division of Retirement;

c. One member representing the State Board of Administration;

d. One member representing municipality members of the Florida Retirement System;

e. Two members representing counties, one representing the employer, and one representing the non-managerial, nonsupervisory employees;

f. Four members representing education, one school board member, one superintendent or administrator, and two teachers;

g. One member representing state employees;

h. One representing the special risk class of the Florida Retirement System;

i. One member representing Special District members of the Florida Retirement System.

(2) The Commission shall be co-chaired by one Representative and one Senator.

(3) It is the duty of the commission to:

(a) Review existing defined benefit and defined contribution pension plans, taking into consideration:

1. The proper relationship of employer and employee contributions to any alternate plan;

2. Any effects on the existing retirement plan resulting from implementation of a new retirement plan, including, but not limited to:

a. Vesting rights and portability options;

b. Other factors influencing the demand for either program; and

c. Considering the effect of implementing the optional defined contribution plan, including affect on unfunded accrued liabilities of existing defined benefit plans.

3. Review of a study performed by the Florida Retirement System on credit for transferring funds from the existing retirement plan to an optional retirement plan.

(b) Recommend and address:

1. The role and obligations for educating employees regarding the differences and advantages of the two plans, and regarding their investment choices;

2. Program administration and its cost, and who shall bear the cost; and

3. The offering of plans independently, or as a group.

(4) The commission shall make its recommendation in an official report, adopted by the commission and transmitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 1999.

(5) Commission members shall be appointed by June 1, 1998 and shall convene to organize immediately after the appointments have been completed.

(6) Members of the commission shall service without compensation. Members of the commission shall be entitled to receive reimbursement for travel and per diem as provided in section 112.061, Florida Statutes, while carrying out official business of the commission.

(7) The commission shall hold meetings when deemed necessary.

Section 2. *The Division of Retirement shall furnish funds necessary for the completion of the study.*

And the title is amended as follows:

On page 43, lines 6 and 7, delete those lines and insert: important state interest; creating the Florida Defined Contribution Retirement Study Commission; providing for membership; providing powers and duties of the commission; providing an effective date.

WHEREAS, pursuant to chapter 97-296, Laws of Florida, the Workforce 2000 Study Commission complete a comprehensive study comparing employee benefits in the public and private sectors, and

WHEREAS, the appropriate application of a defined contribution plan in the Florida Retirement System might enable a more efficient use of public tax dollars while providing additional choices for the workforce, and

WHEREAS, the initiative to create a defined benefit retirement plan for members of the Florida Retirement System can be accomplished through a review of all the components of public-employee compensation, and

WHEREAS, the proper relationship of salary and benefit compensation is acritical issue in personnel administration policies in the public sector, NOW, THEREFORE,

On motion by Senator Burt, further consideration of **SB 1950** with pending **Amendment 1** as amended was deferred.

Consideration of **CS for SB 2014** was deferred.

CS for SB 452—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; revising the definition of "pass-through charge"; amending s. 723.012, F.S.; clarifying pass-through charges for vacant lots or undeveloped phases; providing for amendment to the prospectus; amending s. 723.078, F.S., relating to bylaws of homeowners' associations; revising provisions relating to the number of members which constitutes a quorum; providing an effective date.

—was read the second time by title.

Senator Latvala offered the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1—On page 1, line 31 through page 2, line 2, delete those lines and insert: *undeveloped phases, and any property of the park owner not available for use as recreational or common facilities by the mobile home owner.*

On motion by Senator Brown-Waite, by two-thirds vote **CS for SB 452** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

On motion by Senator Gutman, by two-thirds vote **HB 4365** was withdrawn from the Committee on Health Care.

On motion by Senator Gutman, by two-thirds vote—

HB 4365—A bill to be entitled An act relating to acupuncture; amending s. 457.102, F.S.; defining the term "acupuncture"; amending s. 457.103, F.S.; revising the membership of the Board of Acupuncture; amending s. 457.105, F.S.; revising the licensing requirements for acupuncturists; amending s. 457.116, F.S.; prohibiting certain acts; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 2282** and by two-thirds vote read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 457.102, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

457.102 Definitions.—As used in this chapter:

(1) "Acupuncture" means a form of primary health care, based on traditional Chinese medical concepts *and modern Oriental medical techniques*, that employs acupuncture diagnosis and treatment, as well as

adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture shall include, but not be limited to, the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body.

(6) "Oriental medicine" means the use of acupuncture, electro-acupuncture, Qi Gong, oriental massage, herbal therapy, dietary guidelines, and other adjunctive therapies.

Section 2. Subsection (1) of section 457.103, Florida Statutes, is amended to read:

457.103 Board of Acupuncture; membership; appointment and terms.—

(1) The Board of Acupuncture is created within the department and shall consist of *seven* ~~five~~ members, to be appointed by the Governor and confirmed by the Senate. *Five* ~~Three~~ members of the board must be licensed Florida acupuncturists. Two members must be laypersons who are not and who have never been acupuncturists or members of any closely related profession. Members shall be appointed for 4-year terms or for the remainder of the unexpired term of a vacancy.

Section 3. Subsection (2) of section 457.105, Florida Statutes, is amended to read:

457.105 Licensure qualifications and fees.—

(2) A person may become licensed to practice acupuncture if the person applies to the department and:

(a) Is 18 years of age or older;

(b) Has completed 60 college credits from an accredited postsecondary institution as a prerequisite to enrollment in an authorized 3-year course of study in acupuncture *and Oriental medicine*, and has completed a 3-year course of study in acupuncture *and Oriental medicine*, and effective July 31, 2001, a 4-year course of study in acupuncture *and Oriental medicine*, which meets standards established by the board by rule, which standards include, *but are not limited to*, successful completion of academic courses in western anatomy, western physiology, western pathology, ~~and~~ western biomedical terminology, *first aid, and cardiopulmonary resuscitation (CPR)*. However, any person who enrolled in an authorized course of study in acupuncture before August 1, 1997, must have completed only a 2-year course of study which meets standards established by the board by rule, which standards must include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology;

(c) Has successfully completed a board-approved national certification process, is actively licensed in a state that has examination requirements that are substantially equivalent to or more stringent than those of this state, or passes an examination administered by the department, which examination tests the applicant's competency and knowledge of the practice of acupuncture. At the request of any applicant, oriental nomenclature for the points shall be used in the examination. The examination shall include a practical examination of the knowledge and skills required to practice acupuncture, covering diagnostic and treatment techniques and procedures; and

(d) Pays the required fees set by the board by rule not to exceed the following amounts:

1. Examination fee: $500 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from a national organization approved by the board.

2. Application fee: $300.

3. Reexamination fee: $500 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from a national organization approved by the board.

4. Initial biennial licensure fee: $400, if licensed in the first half of the biennium, and $200, if licensed in the second half of the biennium.

Section 4. Subsection (3) of section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of licenses; continuing education.—

(3) The board shall by rule prescribe continuing education requirements, not to exceed 30 hours biennially, as a condition for renewal of a license. ~~The criteria for such programs or courses shall be approved by the board. In order to meet continuing education requirements, prior approval by the board of such programs or courses is required.~~ All education programs that contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture, whether conducted by a nonprofit or profitmaking entity, are eligible for approval. *The continuing professional education requirements must be in acupuncture or Oriental-medicine subjects, including, but not limited to, anatomy, biological sciences, adjunctive therapies, sanitation and sterilization, emergency protocols, and diseases.* The board shall have the authority to set a fee, not to exceed $100, for each continuing education provider ~~or program submitted for approval~~. *The licensee shall retain in his or her records the certificates of completion of continuing professional education requirements to prove compliance with this subsection. The board may request such documentation without cause from applicants who are selected at random. All national and state acupuncture and Oriental-medicine organizations and acupuncture and Oriental-medicine schools are approved to provide continuing professional education in accordance with this subsection.*

Section 5. Section 457.116, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 457.116, F.S., for present text.)

(1) A person may not:

(a) Practice acupuncture unless the person is licensed under ss. 457.101-457.118;

(b) Use, in connection with his or her name or place of business, any title or description of services which incorporates the words "acupuncture," "acupuncturist," "certified acupuncturist," "licensed acupuncturist," "Oriental medical practitioner"; the letters "L.Ac.," "R.Ac.," "A.P.," or "D.O.M."; or any other words, letters, abbreviations, or insignia indicating or implying that he or she practices acupuncture unless he or she is a holder of a valid license issued pursuant to ss. 457.101-457.118;

(c) Present as his or her own the license of another;

(d) Knowingly give false or forged evidence to the board or a member thereof;

(e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status;

(f) Employ any person who is not licensed pursuant to ss. 457.101-457.118 to engage in the practice of acupuncture; or

(g) Conceal information relating to any violation of ss. 457.101-457.118.

(2) A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 6. This act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Oriental medicine; amending s. 457.102, F.S.; revising definitions relating to the regulation of acupuncture; defining the term "Oriental medicine"; amending s. 457.103, F.S.; revising membership of the Board of Acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; conforming terminology; amending s. 457.107, F.S.; revising continuing education programs and approvals; amending s. 457.116, F.S.; revising grounds for disciplinary action and prohibited acts; providing penalties; providing an effective date.

THE PRESIDENT PRESIDING

On motion by Senator Gutman, by two-thirds vote **HB 4365** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Laurent, the Senate reconsidered the vote by which—

HB 4475—A bill to be entitled An act relating to wastewater treatment systems; amending s. 381.0064, F.S., relating to continuing education courses for persons installing or servicing septic tanks; amending s. 381.0065, F.S.; revising guidelines and procedures for granting variances for such systems; revising membership of the department's variance review and advisory committee; providing criteria for use of guttering; amending s. 381.0068, F.S.; revising duties and procedures of the department's technical review and advisory panel; providing an effective date.

—passed this day.

Senator Laurent moved the following amendment which was adopted by two-thirds vote:

Amendment 1—In title, on page 1, lines 3-11, delete those lines and insert: systems; amending s. 381.0064, F.S.; authorizing the Department of Health to establish certain continuing education requirements by rule; amending s. 381.0065, F.S.; revising guidelines and procedures for granting variances for onsite sewage treatment and disposal systems; revising membership of the department's variance review and advisory committee; providing system criteria for use in conjunction with structural gutters; providing system criteria for use in certain floodways; amending s. 381.0068, F.S., revising duties and procedures of the department's technical review and advisory panel; amending s. 489.551, F.S.; authorizing certain plumbers to qualify as master septic tank contractors; amending 489.554, F.S.; authorizing the department to prescribe by rule the method of approval of certain continuing education courses, including minimum annual registration renewal requirements; amending s. 489.555, F.S.; revising the guidelines regarding the certification of septic tank contractor partnerships and corporations; providing an effective date.

On motion by Senator Laurent, **HB 4475** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Campbell, the Senate reconsidered the vote by which—

HB 367—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Study Act"; requiring school districts to reduce the teacher-to-student ratio in certain schools; requiring the Department of Education to conduct a study of the efficacy of class size reductions; providing legislative goals; providing an effective date.

—as amended passed this day.

On motion by Senator Campbell, by two-thirds vote the Senate reconsidered the vote by which **HB 367** was read the third time.

On motion by Senator Campbell, the Senate reconsidered the vote by which **Amendment 2** was adopted. **Amendment 2** was withdrawn.

On motion by Senator Campbell, by two-thirds vote **HB 367** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Diaz-Balart	Jones	Ostalkiewicz
Bankhead	Dudley	Klein	Rossin
Brown-Waite	Forman	Kurth	Scott
Campbell	Geller	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Harris	McKay	Turner
Cowin	Holzendorf	Meadows	Williams
Crist	Horne	Myers	

Nays—None

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until 8:00 p.m.

CS for SB 2480—A bill to be entitled An act relating to a residential public education facility; amending s. 230.23162, F.S.; requiring the facility authorized to be constructed by the Alternative Education Institute to be operated by the Department of Juvenile Justice and the Hillsborough County School Board; providing for transfer of ownership from the institute to the State of Florida; providing duties of the Department of Management Services; providing student eligibility; providing for funding; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Notwithstanding any other provision of law, the Alternative Education Institute is abolished.*

Section 2. Section 230.23162, Florida Statutes, as renumbered from section 985.402 and amended by chapter 97-382, Laws of Florida, is amended to read:

(Substantial rewording of section. See s. 230.23162, F.S., for present text.)

230.23162 Residential public education facility.—

(1) Ownership of the facility and related assets authorized under former s. 985.402, is transferred to the Department of Management Services. The Department of Management Services shall direct change orders in existing construction contracts necessary to complete construction to the extent necessary to stabilize assets and prepare the facility for

future utilization. The Department of Management Services shall provide administrative, site inspection, and security services as necessary to carry out the provisions of this section. The Department of Management Services shall have access to all state funds previously appropriated to the Alternative Education Institute for this purpose.

(2)(a) A working group is formed to develop a plan for the use of the facility and to develop a request for proposals or request for information for operation of the program by a private contractor. The working group shall be composed of eight members: one member each from the Department of Education, Department of Juvenile Justice, and Department of Children and Family Services; one member appointed by the President of the Senate; one member appointed by the Speaker of the House; one representative of the 13th judicial circuit of Hillsborough County, to be appointed by the Chief Circuit Judge; one representative of the Hillsborough School District, and one representative from local law enforcement to be appointed by the Sheriff of Hillsborough County. The Department of Education shall provide administrative support for the working group.

(b) The group shall assess needs of categories of clients served by the member agencies in evaluating possible uses for the facility in meeting the needs of the clients. The group shall identify client categories that may be served through the use of the facility, shall outline a program structure, and shall make further recommendations, including a proposed private provider for implementation. The group should consider previous recommendations for use of the facility, and shall specifically consider the viability of prior proposals submitted for use of the facility in the fiscal year 1997-1998. The group shall be formed and activated when this act becomes law. The group shall make a recommendation to the President of the Senate and the Speaker of the House of Representatives, no later than October 1, 1998, and shall be disbanded upon that date.

(3) The Department of Management Services shall survey state agencies, and shall invite bids and proposals from state agencies, local government agencies, federal agencies, and the private sector for use or disposition of the facility and related assets, no later than June 15, 1998. Notwithstanding any law to the contrary, the Department of Management Services shall set a deadline for receipt of bids and proposals of not less than 3 months after the invitation for bids and proposals is advertised. By October 1, 1998, the Department of Management Services shall evaluate all bids and proposals and make a recommendation to the President of the Senate and the Speaker of the House of Representatives regarding proposed uses for the facility, taking into account local and state interests and concerns.

(4) Upon receipt and review of the recommendations from the working group and the Department of Management Services, the President of the Senate and the Speaker of the House of Representatives shall make a final determination regarding use or disposition of the facility and related assets. However, any such determination must take into account local and state concerns and interests. The President of the Senate, and the Speaker of the House of Representatives shall notify the Governor of their determination.

Section 3. *There is appropriated to the Florida Department of Education for fiscal year 1998-1999 from the General Revenue Fund the sum of $50,000 to carry out the provisions of this act.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Alternative Education Institute; amending s. 230.23162, F.S.; abolishing the institute; transferring the institute to the Department of Management Services; providing duties of the Department of Management Services; establishing a working group to develop a plan for use of the facility; requiring a report; requiring the department to provide services and make a recommendation for the disposition of the facility taking account of local and state concerns; providing an appropriation; providing an effective date.

On motion by Senator Lee, by two-thirds vote **CS for SB 2480** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Silver—

CS for CS for SB 1074—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; adding assistant state attorneys, assistant statewide prosecutors, and assistant public defenders to the Senior Management Service Class of the Florida Retirement System; authorizing the state courts to pay Select Exempt benefits to judicial assistants; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 3, between lines 11 and 12, insert:

Section 3. *There is hereby appropriated to the Department of Legal Affairs, $116,166 from the General Revenue Fund for six months' funding of salary rate increases within the Office of Statewide Prosecution during fiscal year 1998-1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: providing an appropriation;

Amendment 2—On page 3, line 12, delete "October 1, 1998" and insert: June 1, 1999

Pursuant to Rule 4.19, **CS for CS for SB 1074** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bankhead, the Senate resumed consideration of—

CS for SB 2014—A bill to be entitled An act relating to the WAGES Program; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing rulemaking authority for the Department of Children and Family Services and the Department of Labor and Employment Security; providing legislative intent with respect to encouraging the employment of participants in the WAGES Program; requiring the Office of Tourism, Trade, and Economic Development to certify to the President of the Senate and the Speaker of the House of Representatives the amount of taxes and the economic benefit generated by the restaurant industry from employing WAGES participants and to add that amount to the total amount of certain beverage taxes and penalties paid during a specified calendar year; providing for the repeal of s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages, if the total amount of the surcharge exceeds a specified figure; providing an effective date.

—which was previously considered and amended April 23.

Pending further consideration of **CS for SB 2014** as amended, on motion by Senator Bankhead, by two-thirds vote **CS for HB 4147** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Bankhead, by two-thirds vote—

CS for HB 4147—A bill to be entitled An act relating to the WAGES Program; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing authority for rules; providing legislative intent with respect to employment of WAGES recipients by the food and beverage industry; requiring the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to annually certify the total number of specified WAGES recipients; requiring the Department of Business and Professional Regulation to annually recalculate and reduce the surcharge on the sale of alcoholic beverages for consumption on the premises; providing a formula for such recalculation; requiring the department to adopt procedures and establish rules; creating s. 290.00651, F.S.; directing the Office of Tourism, Trade, and Economic Development to designate a pilot project area within an enterprise zone; providing qualifications for such area; providing that certain businesses in such pilot project area are eligible for tax credits; prescribing application criteria and procedures governing such tax credits; providing rulemaking authority; requiring a review by the Office of Program Policy Analysis and Government Accountability; providing for future repeal and revocation of designation as an enterprise zone pilot project area; providing an effective date.

—a companion measure, was substituted for **CS for SB 2014** as amended and by two-thirds vote read the second time by title. On motion by Senator Bankhead, by two-thirds vote **CS for HB 4147** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Consideration of **CS for SB 2342** was deferred.

CS for SB 2172—A bill to be entitled An act relating to public assistance; providing legislative intent and findings; providing for demonstration projects to be implemented which require drug screening and possibly drug testing for individuals who apply for temporary assistance or services under the "Work and Gain Economic Self-sufficiency (WAGES) Act"; providing for expiration of the demonstration projects unless reauthorized by the Legislature; directing the Department of Children and Family Services to implement the demonstration projects in specified local WAGES coalitions; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; providing that, if a parent is deemed ineligible due to a failure of a drug test, the eligibility of the children of the parent will not be affected; requiring the department to provide for substance abuse treatment programs for certain persons; giving the Department of Children and Family Services rulemaking authority; specifying circumstances resulting in termination of temporary assistance or services; requiring the department and the local WAGES coalitions to evaluate the demonstration projects and report to the WAGES Program State Board of Directors and the Legislature; providing that, in the event of conflict, federal requirements and regulations control; providing an effective date.

—was read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1—On page 5, lines 13-22, delete those lines and insert:

(1) From the funds appropriated in Specific Appropriations 361, Grants and Aid - Community Substance Abuse Services, and 1892, Grants and Aid - WAGES Coalitions, the Department of Children and Family Services and the WAGES Program State Board of Directors, in consultation with the Department of Labor and Employment Security, shall provide a substance-abuse-treatment program for a person who fails a drug test conducted under this act and is eligible to receive temporary assistance or services under the WAGES Program. The Department of Children and Family Services shall provide for a retest at the end of the treatment period. Failure to pass the retest will result in the termination of temporary assistance or services provided under chapter 414, Florida Statutes, and of any right to appeal the termination. Implementation of this project is subject to the availability of funding.

On motion by Senator Holzendorf, further consideration of **CS for SB 2172** as amended was deferred.

SB 404—A bill to be entitled An act relating to jails; amending s. 951.23, F.S.; providing a criminal penalty for refusing to obey jail rules and regulations; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Bronson and failed:

Amendment 1 (with title amendment)—On page 1, lines 13-16, delete those lines and insert:

(11) Any inmate in any jail who knowingly and willfully refuses to obey any rule or regulation governing the conduct of inmates as provided in the Florida Model Jail Standards, pursuant to subsection (4), on three or more occasions while being subject

And the title is amended as follows:

On page 1, line 4, after "regulations" insert: on three or more occasions

Senator Bronson moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 1, lines 13-20, delete those lines and insert:

(11)(a) Any prisoner in a county or municipal detention facility who knowingly and willfully refuses on three or more occasions to obey or comply with any rule governing the conduct of prisoners commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Such punishment must be in addition to any sentence he or she may be serving. A prisoner may be charged with, convicted of, and sentenced for a violation of this subsection in addition to any other criminal offense committed while detained in a county or municipal detention facility.

(b) Upon a prisoner's classification in a county or municipal detention facility, he or she must be provided with a printed copy of the rules governing the conduct of prisoners. Translation assistance must be provided, as needed.

(c) As used in this subsection, the term "rules governing the conduct of prisoners" means any of the rules relating to order and discipline provided in the Florida Model Jail Standards, adopted pursuant to subsection (4) and effective on October 1, 1997.

And the title is amended as follows:

On page 1, line 4, delete "and regulations;" and insert: ; requiring that a printed copy of rules be provided to prisoners; providing a definition;

Senators Silver and Jones offered the following amendment which was moved by Senator Silver:

Amendment 3 (with title amendment)—On page 1, line 8, insert:

Section 1. *(1) The following trust funds and fund accounts are terminated on July 1, 1998:*

(a) Within the state courts system:

1. Appellate Opinion Distribution Trust Fund, SAMAS number 222215.

2. Working Capital Trust Fund, SAMAS number 222792.

(b) Within the Department of Corrections:

1. Hurricane Andrew Recovery and Rebuilding Trust Fund, SAMAS number 702205.

2. Working Capital Trust Fund, SAMAS number 702792.

(2) All current balances remaining in, and all revenues of, the trust funds and fund accounts terminated by this act shall be transferred to the General Revenue Fund.

(3) For each trust fund or fund account terminated by this act, the state courts system or Department of Corrections, as applicable, shall pay any outstanding debts or obligations of the terminated fund or account as soon as practicable, and the Comptroller shall close out and remove the terminated fund or account from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Section 216.272, Florida Statutes, is amended to read:

216.272 Working Capital Trust Funds.—

(1) There are hereby created Working Capital Trust Funds for the purpose of providing sufficient funds for the operation of data processing centers, which may include the creation of a reserve account within the Working Capital Trust Fund to pay for future information technology resource acquisitions as appropriated by the Legislature. Such funds shall be created from moneys budgeted for data processing services and equipment by those agencies~~, and the judicial branch,~~ to be served by the data processing center.

(2) The funds so allocated shall be in an amount sufficient to finance the center's operation; however, each agency ~~or judicial branch~~ served by the center shall contribute an amount equal to its proportionate share of cost of operating such data processing center. Each agency~~, or the judicial branch,~~ utilizing the services of the data processing center shall pay such moneys into the appropriate Working Capital Trust Fund on a quarterly basis or such other basis as may be determined by the Executive Office of the Governor ~~or the Chief Justice as appropriate~~.

Section 3. Section 945.215, Florida Statutes, is amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1) *INMATE WELFARE TRUST FUND; DEPARTMENT OF CORRECTIONS.—*

(a) *The Inmate Welfare Trust Fund constitutes a trust held by the department for the benefit and welfare of offenders under the jurisdiction of the Department of Corrections. Funds shall be credited to the trust fund as follows:*

1. All *funds* ~~moneys~~ held in any auxiliary, canteen, welfare, or similar fund in any *correctional facility operated directly by the department* ~~state institution under the jurisdiction of the Department of Corrections shall be deposited in the Inmate Welfare Trust Fund of the department, which fund is created in the State Treasury, to be appropriated annually by the Legislature and deposited in the Department of Corrections Grants and Donations Trust Fund~~.

2. All net proceeds from operating inmate canteens, vending machines used primarily by inmates, hobby shops, and other such facilities; however, *funds necessary to* ~~moneys budgeted by the department for the~~ purchase ~~of~~ items for resale at *inmate* canteens *and* ~~or~~ vending machines must be deposited into local bank accounts designated by the department. ~~The department shall submit to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year a report that documents the receipts and expenditures, including a verification of telephone commissions, from the Inmate Welfare Trust Fund for the previous fiscal year. The report must present this information by program, by institution, and by type of receipt.~~

3. All proceeds from contracted telephone commissions. The department shall develop and update, as necessary, administrative procedures to verify that:

a. Contracted telephone companies accurately record and report all telephone calls made by inmates incarcerated in correctional facilities under the department's jurisdiction;

b. Persons who accept collect calls from inmates are charged the contracted rate; and

c. The department receives the contracted telephone commissions.

4. Any funds that may be assigned by inmates or donated to the department by the general public or an inmate service organization; however, the department shall not accept any donation from, or on behalf of, any individual inmate.

5. Repayment of the one-time sum of $500,000 appropriated in fiscal year 1996-1997 from the Inmate Welfare Trust Fund for correctional work programs pursuant to s. 946.008.

6. All proceeds from:

a. The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate:

b. Disciplinary fines imposed against inmates;

c. Forfeitures of inmate earnings; and

d. Unexpended balances in individual inmate trust fund accounts of less than $1.

7. All interest earnings and other proceeds derived from investments of funds deposited in the trust fund. In the manner authorized by law for fiduciaries, the secretary of the department, or the secretary's designee, may invest any funds in the trust fund when it is determined that such funds are not needed for immediate use.

(b) *Funds* ~~Beginning with the legislative appropriation for fiscal year 1995-1996 and thereafter, the money~~ in the Inmate Welfare Trust Fund must be used exclusively *for the following purposes at correctional facilities operated directly by the department*:

1. To *operate inmate canteens and vending machines, including purchasing* ~~purchase~~ items for resale at ~~the~~ inmate canteens *and* ~~or~~ vending machines, ~~maintained at the correctional facilities;~~

~~2.~~ *employing* ~~To employ~~ personnel and inmates to manage, supervise, and operate *inmate* ~~the~~ canteens and vending machines, ~~at the correctional facilities;~~

~~3.~~ *and covering other* ~~For~~ operating and fixed capital *outlay* expenses associated with *operating* ~~the operation of~~ inmate canteens and vending machines;

2.~~4.~~ To employ personnel to manage and supervise the proceeds from telephone commissions;

3. To develop, implement, and maintain the medical copayment accounting system;

4.~~5.~~ ~~To employ personnel for correctional education~~ To provide literacy programs, vocational training *programs*, and *educational* ~~academic~~

programs that comply with standards of the Department of Education, *including employing personnel and covering other*~~;~~

~~6. For~~ operating and fixed capital *outlay* expenses associated with *providing such programs* ~~the delivery to inmates of literacy programs, vocational training, and academic programs that comply with standards of the Department of Education~~;

5.~~7.~~ *To operate inmate chapels, faith-based programs, visiting pavilions, libraries, and law libraries, including employing personnel and covering other* ~~For~~ operating and fixed capital *outlay* expenses associated with *operating* ~~the operation of~~ inmate chapels, *faith-based programs, visiting pavilions,* libraries, and *law libraries* ~~visiting pavilions~~;

~~8. To employ personnel to operate the libraries, chapels, and visiting pavilions;~~

6.~~9.~~ *To provide* for expenses associated with various inmate clubs;

7.~~10.~~ *To provide* for expenses associated with legal services for inmates;

8.~~11.~~ ~~To employ personnel~~ To provide inmate substance abuse treatment *programs* and transition and life skills training programs*, including employing personnel*~~;~~ and

~~12.~~ *covering other* ~~For~~ operating and fixed capital *outlay* expenses associated with *providing such programs* ~~the delivery of inmate substance abuse treatment and transition and life skills training programs~~.

(c) The *Legislature shall annually appropriate the funds deposited in the Inmate Welfare Trust Fund. It is the intent of the Legislature that* total annual expenditures for *providing literacy programs, vocational training programs, and educational programs exceed the combined* ~~items listed in subparagraphs 5. and 6. must exceed the~~ total annual expenditures for *operating inmate chapels, faith-based programs, visiting pavilions, libraries, and law libraries, covering expenses associated with inmate clubs, and providing inmate substance abuse treatment programs and transition and life skills training programs* ~~items listed in subparagraphs 7. through 12~~.

(d) Funds in the Inmate Welfare Trust Fund or any other fund may not be used to purchase cable television service, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreation purposes. This paragraph does not preclude the purchase or rental of electronic or audiovisual equipment for inmate training or educational programs. ~~The department shall develop administrative procedures to verify that contracted telephone commissions are being received, that persons who have accepted collect calls from inmates are being charged the contracted rate, and that contracted telephone companies are accurately and completely recording and reporting all inmate telephone calls made.~~

~~(c) There shall be deposited in the Inmate Welfare Trust Fund all net proceeds from the operation of canteens, vending machines, hobby shops, and other such facilities and any moneys that may be assigned by the inmates or donated to the department by the general public or an inmate service organization for deposit in the fund. However, the department shall refuse to accept any donations from or on behalf of any individual inmate. The moneys of the fund shall constitute a trust held by the department for the benefit and welfare of the inmates of the institutions under the jurisdiction of the department.~~

~~(d) There shall be deposited in the Inmate Welfare Trust Fund such moneys as constitute repayment of the one-time sum appropriated pursuant to s. 946.008.~~

~~(e) Any contraband found upon, or in the possession of, any inmate in any institution under the jurisdiction of the department shall be confiscated and liquidated, and the proceeds thereof shall be deposited in the Inmate Welfare Trust Fund of the department.~~

~~(f) The secretary of the department or the secretary's designee may invest in the manner authorized by law for fiduciaries any money in the Inmate Welfare Trust Fund of the department that in his or her opinion is not necessary for immediate use, and the interest earned and other increments derived from such investments made pursuant to this section shall be deposited in the Inmate Welfare Trust Fund of the department.~~

(e)~~(g)~~ Items for resale at ~~the~~ inmate canteens *and* ~~or~~ vending machines maintained at the correctional facilities shall be priced comparatively with like items for retail sale at fair market prices.

(f)~~(h)~~ Notwithstanding any other provision of law, inmates with sufficient balances in their individual inmate bank trust fund accounts, after all debts against the account are satisfied, shall be allowed to request a weekly draw of up to $45 to be expended for personal use on canteen *and vending machine* items.

(g) The department shall annually compile a report that specifically documents Inmate Welfare Trust Fund receipts and expenditures. This report shall be compiled at both the statewide and institutional levels. The department must submit this report for the previous fiscal year by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives and to the Executive Office of the Governor.

(2) *PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND; PRIVATE CORRECTIONAL FACILITIES.—*

(a) For purposes of this subsection, privately operated institutions or private correctional facilities are those correctional facilities under contract with the department pursuant to chapter 944 or the Correctional Privatization Commission pursuant to chapter 957.

(b)1. The net proceeds derived from inmate canteens, vending machines used primarily by inmates, telephone commissions, and similar sources at private correctional facilities shall be deposited in the Privately Operated Institutions Inmate Welfare Trust Fund.

2. Funds in the Privately Operated Institutions Inmate Welfare Trust Fund shall be expended only pursuant to legislative appropriation.

(c) The Correctional Privatization Commission shall annually compile a report that documents Privately Operated Institutions Inmate Welfare Trust Fund receipts and expenditures at each private correctional facility. This report must specifically identify receipt sources and expenditures. The Correctional Privatization Commission shall compile this report for the prior fiscal year and shall submit the report by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and House of Representatives and to the Executive Office of the Governor.

(3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF CORRECTIONS.—

(a) The department may establish an Employee Benefit Trust Fund. Trust fund sources may be derived from any of the following:

1.~~(a)~~ Proceeds of vending machines or other such services not intended for use by inmates.

2.~~(b)~~ Donations, except donations by, or on behalf of, an individual inmate.

3.~~(c)~~ Additional trust funds and grants which may become available.

(b) Funds from the Employee Benefit Trust Fund ~~Such fund shall be maintained and audited separately and apart from the Inmate Welfare Trust Fund. Portions of the fund~~ may be used to construct*, operate, and maintain* training and recreation facilities at *correctional facilities for the exclusive use of department employees* ~~respective institutions~~. Such facilities *are* ~~shall be~~ the property of the department and *must* ~~shall~~ provide the maximum benefit to *all* interested employees*, regardless of gender* ~~of both sexes, including teachers, clerical staff, medical and psychological services personnel, and officers and administrators~~.

Section 4. Paragraph (d) of subsection (2) of section 944.803, Florida Statutes, is amended to read:

944.803 Faith-based programs for inmates.—

(2) It is the intent of the Legislature that the Department of Corrections and the private vendors operating private correctional facilities shall continuously:

(d) Fund through the use of ~~the~~ inmate welfare trust *funds* ~~fund~~ pursuant to s. 945.215 an adequate number of chaplains and support

staff to operate *faith-based* ~~chaplaincy~~ programs in ~~state~~ correctional institutions.

Section 5. Section 945.31, Florida Statutes, is amended to read:

945.31 Restitution and other payments.—The department may establish bank accounts outside the State Treasury for the purpose of collecting and disbursing restitution and other court-ordered payments from persons in its custody or under its supervision, and may collect an administrative processing fee in an amount equal to 4 percent of the gross amounts of such payments. Such administrative processing fee shall be deposited in the department's *Operating* ~~Grants and Donations~~ Trust Fund and shall be used to offset the cost of the department's services.

Section 6. Section 945.76, Florida Statutes, is amended to read:

945.76 Certification and monitoring of batterers' intervention programs; fees.—

(1) Pursuant to s. 741.32, the Department of Corrections is authorized to assess and collect*:*

(a) An annual certification *fee* ~~fees~~ not to exceed $300 for the certification and monitoring of *batterers' intervention* programs ~~certified by the Department of Corrections' Office of Certification and Monitoring of Batterers' Intervention Programs and~~.

(b) An annual certification fee not to exceed $200 for the certification and monitoring of assessment personnel providing direct services to persons who:

1.~~(a)~~ Are ordered by the court to participate in a domestic violence prevention program;

2.~~(b)~~ Are adjudged to have committed an act of domestic violence as defined in s. 741.28;

3.~~(c)~~ Have an injunction entered for protection against domestic violence; or

4.~~(d)~~ Agree to attend a program as part of a diversion or pretrial intervention agreement by the offender with the state attorney.

(2) All persons required by the court to attend domestic violence programs certified by the Department of Corrections' Office of Certification and Monitoring of Batterers' Intervention Programs shall pay an additional $30 fee for each 29-week program to the Department of Corrections.

(3) The *fees assessed and collected under this section* ~~fee~~ shall be deposited in the *department's Operating* ~~Grants and Donations~~ Trust Fund ~~to be used by the department~~ to fund the cost of certifying and monitoring batterers' intervention programs.

Section 7. Subsection (7) of section 944.10, Florida Statutes, is amended to read:

944.10 Department of Corrections to provide buildings; sale and purchase of land; contracts to provide services and inmate labor.—

(7) The department may enter into contracts with federal, state, or local governmental entities or subdivisions to provide services and inmate labor for the construction of buildings, parks, roads, any detention or commitment facilities, or any other project deemed to be appropriate by the Department of Corrections, which may include, but is not limited to, the planning, design, site acquisition or preparation, management, or construction of such projects. The department may charge fees for providing such services. All fees collected must be placed in the *Correctional Work Program* ~~Grants and Donations~~ Trust Fund.

Section 8. Subsection (2) of section 948.09, Florida Statutes, is amended to read:

948.09 Payment for cost of supervision and rehabilitation.—

(2) Any person being electronically monitored by the department as a result of placement on community control shall be required to pay a $1-per-day surcharge in addition to the cost of supervision fee as directed by the sentencing court. The surcharge shall be deposited in the *Operating* ~~Grants and Donations~~ Trust Fund to be used by the department for purchasing and maintaining electronic monitoring devices.

Section 9. Subsection (10) of section 951.23, Florida Statutes, is amended to read:

951.23 County and municipal detention facilities; definitions; administration; standards and requirements.—

(10) Nothing in this section prohibits the governing board of a county or municipality to enter into an agreement with the Department of Corrections authorizing the department to inspect the local detention facilities under the jurisdiction of the governing body. A governing board of a county or municipality may enter into such agreements with the department upon consultation with the sheriff if the sheriff operates the detention facility. The inspections performed by the department shall be consultatory in nature and for the purpose of advising the local governing bodies concerning compliance with the standards adopted by the detention facility's chief correctional officer. Such agreements must include, but are not limited to, provisions for the physical and operational standards that were adopted by the chief correctional officer of the detention facility, the manner and frequency of inspections to be conducted by the department, whether such inspections are to be announced or unannounced by the department, the type of access the department may have to the detention facility, and the amount of payment by the local governing body, if any, for the services rendered by the department. Inspections and access to local detention facilities shall not interfere with custody of inmates or the security of the facilities as determined by the chief correctional officer of each facility. Any fees collected by the department pursuant to such agreements must be deposited into the *Operating* ~~Grants and Donations~~ Trust Fund and shall be used to pay the cost of the services provided by the department to monitor local detention facilities pursuant to such agreements. This subsection shall be repealed effective October 1, 1999.

Section 10. *There is appropriated $550,000 from the Inmate Welfare Trust Fund to the Department of Corrections for the New Horizon Community Mental Health Center's Family Intervention, Preservation, and Support Program for fiscal year 1998-1999.*

Section 11. *There is appropriated $770,000 from the Inmate Welfare Trust Fund to the Department of Corrections for the fixed capital outlay needs of the AGAPE program in Dade County, including the purchase of new housing units and renovations to existing AGAPE facilities, for fiscal year 1998-1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to corrections; terminating specified trust funds and fund accounts within the state courts system and the Department of Corrections; providing for the transfer of current balances to general revenue, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; modifying provisions relating to specified trust funds and fund accounts within the state courts system and the Department of Corrections; amending s. 216.272, F.S., relating to Working Capital Trust Funds used to fund data processing centers; removing reference to the judicial branch; amending s. 945.215, F.S.; providing sources of funds and purposes of the Inmate Welfare Trust Fund, the Privately Owned Institutions Inmate Welfare Trust Fund, and the Employee Benefit Trust Fund within the department; providing for annual appropriation of funds deposited in the Inmate Welfare Trust Fund; requiring certain annual reports; amending s. 944.803, F.S., relating to faith-based programs for inmates; revising a reference, to conform; amending s. 945.31, F.S.; providing for deposit of the department's administrative processing fee in the department's Operating Trust Fund; amending s. 945.76, F.S.; revising provisions relating to fees for certification and monitoring of batterers' intervention programs; providing for deposit of such fees in the department's Operating Trust Fund; amending s. 944.10, F.S.; providing for deposit of contractual service and inmate labor fees in the Correctional Work Program Trust Fund; amending s. 948.09, F.S.; providing for deposit of the electronic monitoring surcharge in the department's Operating Trust Fund; amending s. 951.23, F.S.; providing for deposit of fees collected pursuant to local detention facility inspection agreements in the department's Operating Trust Fund; amending s. 951.23,

On motion by Senator Bronson, further consideration of **SB 404** with pending **Amendment 3** was deferred.

On motion by Senator Forman—

CS for CS for SB 714—A bill to be entitled An act relating to health quality assurance; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; requiring background screening for an applicant for licensure of certain laboratories; authorizing the use of certain body hair for drug testing; creating s. 381.60225, F.S.; requiring background screening for an applicant for certification to operate an organ procurement organization, a tissue bank, or an eye bank; amending s. 383.302, F.S., relating to the regulation of birth centers; revising definitions to reflect the transfer of regulatory authority from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 383.305, F.S.; requiring background screening for an applicant for licensure of a birth center; amending ss. 383.308, 383.309, 383.31, 383.312, 383.313, 383.318, 383.32, 383.324, 383.325, 383.327, 383.33, 383.331, F.S., relating to the regulation of birth centers; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 390.015, F.S.; requiring background screening for an applicant for licensure of an abortion clinic; amending s. 391.206, F.S.; requiring background screening for an applicant for licensure to operate a pediatric extended care center; amending s. 393.063, F.S., relating to developmental disabilities; providing a definition; amending s. 393.067, F.S.; requiring background screening for an applicant for licensure to operate an intermediate care facility for the developmentally disabled; amending s. 394.4787, F.S., relating to the regulation of mental health facilities; conforming a cross-reference to changes made by the act; amending s. 394.67, F.S., relating to community alcohol, drug abuse, and mental health services; revising definitions; amending s. 394.875, F.S.; requiring background screening for an applicant for licensure of a crisis stabilization unit or residential treatment facility; amending ss. 394.876, 394.877, 394.878, 394.879, 394.90, 394.902, 394.903, 394.904, 394.907, F.S., relating to the regulation of mental health facilities; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 395.002, F.S., relating to hospital licensing and regulation; providing definitions; creating s. 395.0055, F.S.; requiring background screening for an applicant for licensure of a facility operated under ch. 395, F.S.; amending s. 395.0199, F.S.; requiring background screening for an applicant for registration as a utilization review agent; amending s. 400.051, F.S.; conforming a cross-reference; amending s. 400.071, F.S.; requiring background screening for an applicant for licensure of a nursing home; amending s. 400.411, F.S.; requiring background screening for an applicant for licensure of an assisted living facility; amending ss. 400.414, 400.417, 400.4174, 400.4176, F.S., relating to the regulation of assisted living facilities; providing additional grounds for denial, revocation, or suspension of a license; requiring background screening for employees hired on or after a specified date; amending ss. 400.461, F.S., relating to the regulation of home health agencies; conforming a cross-reference; amending s. 400.471, F.S.; requiring background screening for an applicant for licensure of a home health agency; amending s. 400.506, F.S.; requiring background screening for an applicant for licensure of a nurse registry; amending s. 400.555, F.S.; requiring background screening for an applicant for licensure of an adult day care center; amending s. 400.556, F.S., relating to disciplinary actions against adult day care center licensees; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.557, F.S., relating to renewal of an adult day care center license; requiring an affidavit of compliance with background screening requirements when a license is renewed; creating s. 400.5572, F.S.; requiring background screening for employees of an adult day care center hired on or after a specified date; amending s. 400.606, F.S.; requiring background screening for an applicant for licensure of a hospice; creating s. 400.6065, F.S.; providing requirements for background screening of hospice employees; amending s. 400.607, F.S., relating to disciplinary actions against a hospice license; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.619, F.S.; revising background screening requirements for an applicant for licensure of an adult family care home; providing screening requirements for designated relief persons; deleting agency authority to take disciplinary action against an adult family-care-home license; revising rulemaking authority; creating s. 400.6194, F.S.; providing for disciplinary action against an adult family-care-home license; making noncompliance with screening requirements a basis for disciplinary action; amending s. 400.801, F.S.; requiring background screening for an applicant for licensure of a home for special services; amending s. 400.805, F.S.; requiring background screening for an applicant for licensure of a transitional living facility; amending s. 430.04, F.S.; providing duties and responsibilities of the Department of Elderly Affairs; requiring the department to take disciplinary action against an area agency on aging for failure to implement and maintain a department-approved grievance resolution procedure; amending s. 455.654, F.S., relating to referring health care providers; conforming cross-references to changes made by the act; amending s. 468.505, F.S., relating to disciplinary action against certain medical professionals and activities exempt from regulation; updating provisions and conforming cross-references; amending s. 483.101, F.S.; requiring background screening for an applicant for licensure of a clinical laboratory; amending s. 483.106, F.S., relating to a certificate of exemption; correcting terminology; amending s. 483.30, F.S.; requiring background screening for an applicant for licensure of a multiphasic health testing center; repealing s. 455.661, F.S., which provides for licensure of designated health care services; providing appropriations and authorizing positions; providing for applicability of background screening requirements; providing for future repeal; providing for a review of certain background screening requirements; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 5, line 31, insert:

Section 1. Subsection (1) of section 381.0035, Florida Statutes, is amended to read:

381.0035 Educational course on human immunodeficiency virus and acquired immune deficiency syndrome; employees and clients of certain health care facilities.—

(1) The Department of Health shall require all employees and clients of facilities licensed under chapters 393, 394, and 397 and employees of facilities licensed under chapter 395 and parts II, III, IV, and VI of chapter 400 to complete, biennially, a continuing educational course on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome with an emphasis on appropriate behavior and attitude change. Such instruction shall include information on current Florida law and its impact on testing, confidentiality of test results, and treatment of patients *and any protocols and procedures applicable to human immunodeficiency counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25*.

Section 2. Subsections (2), (3), (4), (5), and (8) of section 381.004, Florida Statutes, are amended, and subsection (6) of that section is reenacted, to read:

381.004 Testing for human immunodeficiency virus.—

(2) DEFINITIONS.—As used in this section:

(a) "HIV test" means a test ordered after July 6, 1988, to determine the presence of the antibody or antigen to human immunodeficiency virus or the presence of human immunodeficiency virus infection.

(b) "HIV test result" means a laboratory report of a human immunodeficiency virus test result entered into a medical record on or after July 6, 1988, or any report or notation in a medical record of a laboratory report of a human immunodeficiency virus test. As used in this section, the term "HIV test result" does not include test results reported to a health care provider by a patient.

(c) "Significant exposure" means:

1. Exposure to blood or body fluids through needlestick, instruments, or sharps;

2. Exposure of mucous membranes to visible blood or body fluids, to which universal precautions apply according to the National Centers for Disease Control and Prevention, including, without limitations, the following body fluids:

a. Blood.

b. Semen.

c. Vaginal secretions.

d. Cerebro-spinal fluid (CSF).

e. Synovial fluid.

f. Pleural fluid.

g. Peritoneal fluid.

h. Pericardial fluid.

i. Amniotic fluid.

j. Laboratory specimens that contain HIV (e.g., suspensions of concentrated virus); or

3. Exposure of skin to visible blood or body fluids, especially when the exposed skin is chapped, abraded, or afflicted with dermatitis or the contact is prolonged or involving an extensive area.

(d) "Preliminary HIV test" means an antibody screening test, such as the enzyme-linked immunosorbent assays (ELISAs) or the Single-Use Diagnostic System (SUDS).

(e)~~(d)~~ "Test subject" or "subject of the test" means the person upon whom an HIV test is performed, or the person who has legal authority to make health care decisions for the test subject.

(3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(a) No person in this state shall *order* ~~perform~~ a test designed to identify the human immunodeficiency virus, or its antigen or antibody, without first obtaining the informed consent of the person upon whom the test is being performed, except as specified in paragraph (i). Informed consent shall be preceded by an explanation of the right to confidential treatment of information identifying the subject of the test and the results of the test to the extent provided by law. *Information shall also be provided on the fact that a positive HIV test result will be reported to the county health department with sufficient information to identify the test subject and on the availability and location of sites at which anonymous testing is performed. As required in paragraph (4)(c), each county health department shall maintain a list of sites at which anonymous testing is performed, including the locations, phone numbers, and hours of operation of the sites.* Consent need not be in writing provided there is documentation in the medical record that the test has been explained and the consent has been obtained.

(b) Except as provided in paragraph (i), informed consent must be obtained from a legal guardian or other person authorized by law when the person:

1. Is not competent, *is incapacitated*, or is otherwise unable to make an informed judgment; or

2. Has not reached the age of majority, except as provided in s. 384.30.

(c) *The person ordering the test or that person's designee shall ensure that all reasonable efforts are made to notify the test subject of his or her test result. Notification of a person with a positive test result shall include information on the availability of appropriate medical and support services, on the importance of notifying partners who may have been exposed, and on preventing transmission of HIV. Notification of a person with a negative test result shall include, as appropriate, information on preventing the transmission of HIV. When testing occurs in a hospital emergency department, detention facility, or other facility and the test subject has been released before being notified of positive test results, informing the county health department for that department to notify the test subject fulfills this responsibility.* ~~No person shall order a test without making available to the person tested, prior to the test, information regarding measures for the prevention of, exposure to, and transmission of human immunodeficiency virus. At the time an HIV test is ordered, the person ordering the test shall schedule a return visit with the test subject for the purpose of disclosing the test results and conducting posttest counseling as described in paragraph (e).~~

(d) No test result shall be determined as positive, and no positive test result shall be revealed to any person, without corroborating or confirmatory tests being conducted *except in the following situations:*~~.~~

1. ~~However,~~ Preliminary test results may be released to licensed physicians or the medical *or nonmedical* personnel subject to the significant exposure for purposes of subparagraphs *(h)10.,* ~~(i)10. and~~ 11., *and 12.*

2. Preliminary test results may be released to health care providers and to the person tested when decisions about medical care or treatment of the person tested cannot await the results of confirmatory testing. Positive preliminary HIV test results shall not be characterized to the patient as a diagnosis of HIV infection. Justification for the use of preliminary test results must be documented in the medical record by the health care provider who ordered the test. This subparagraph does not authorize the release of preliminary test results for the purpose of routine identification of HIV-infected individuals or when HIV testing is incidental to the preliminary diagnosis or care of a patient. Corroborating or confirmatory testing must be conducted as followup to a positive preliminary test. Results shall be communicated to the patient according to statute regardless of the outcome. Except as provided in this section, test results are confidential and exempt from the provisions of s. 119.07(1).

~~(e) Except as otherwise provided, no test result shall be revealed to the person upon whom the test was performed without affording that person the immediate opportunity for individual, face-to-face counseling about:~~

~~1. The meaning of the test results;~~

~~2. The possible need for additional testing;~~

~~3. Measures for the prevention of the transmission of the human immunodeficiency virus infection;~~

~~4. The availability in the geographic area of any appropriate health care services, including mental health care, and appropriate social and support services;~~

~~5. The benefits of locating and counseling any individual by whom the infected individual may have been exposed to the human immunodeficiency virus infection and any individual whom the infected individual may have exposed to such human immunodeficiency virus infection; and~~

~~6. The availability, if any, of the services of public health authorities with respect to locating and counseling any individual described in subparagraph 5.~~

~~Telephonic posttest counseling shall be permitted when reporting the HIV test results of a home access HIV test that is approved by the United States Food and Drug Administration and analyzed by a laboratory certified under the federal Clinical Laboratory Improvement Amendments of 1988 or licensed under part I of chapter 483.~~

(e)~~(f)~~ Except as provided in this section, the identity of any person upon whom a test has been performed and test results are confidential and exempt from the provisions of s. 119.07(1). No person who has obtained or has knowledge of a test result pursuant to this section may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons:

1. The subject of the test or the subject's legally authorized representative.

2. Any person, including third-party payors, designated in a legally effective release of the test results executed prior to or after the test by the subject of the test or the subject's legally authorized representative. The test subject may in writing authorize the disclosure of the test subject's HIV test results to third party payors, who need not be specifically identified, and to other persons to whom the test subject subsequently issues a general release of medical information. A general release without such prior written authorization is not sufficient to release HIV test results.

3. An authorized agent or employee of a health facility or health care provider if the health facility or health care provider itself is authorized to obtain the test results, the agent or employee participates in the administration or provision of patient care or handles or processes specimens of body fluids or tissues, and the agent or employee has a need to know such information. The department shall adopt a rule defining which persons have a need to know pursuant to this subparagraph.

4. Health care providers consulting between themselves or with health care facilities to determine diagnosis and treatment. For purposes of this subparagraph, health care providers shall include licensed health care professionals employed by or associated with state, county, or municipal detention facilities when such health care professionals are acting exclusively for the purpose of providing diagnoses or treatment of persons in the custody of such facilities.

5. The department, in accordance with rules for reporting and controlling the spread of disease, as otherwise provided by state law.

6. A health facility or health care provider which procures, processes, distributes, or uses:

a. A human body part from a deceased person, with respect to medical information regarding that person; or

b. Semen provided prior to July 6, 1988, for the purpose of artificial insemination.

7. Health facility staff committees, for the purposes of conducting program monitoring, program evaluation, or service reviews pursuant to chapters 395 and 766.

8. Authorized medical or epidemiological researchers who may not further disclose any identifying characteristics or information.

9. A person allowed access by a court order which is issued in compliance with the following provisions:

a. No court of this state shall issue such order unless the court finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for disclosure against the privacy interest of the test subject and the public interest which may be disserved by disclosure which deters blood, organ, and semen donation and future human immunodeficiency virus-related testing or which may lead to discrimination. This paragraph shall not apply to blood bank donor records.

b. Pleadings pertaining to disclosure of test results shall substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject's true name shall be communicated confidentially in documents not filed with the court.

c. Before granting any such order, the court shall provide the individual whose test result is in question with notice and a reasonable opportunity to participate in the proceedings if he or she is not already a party.

d. Court proceedings as to disclosure of test results shall be conducted in camera, unless the subject of the test agrees to a hearing in open court or unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice.

e. Upon the issuance of an order to disclose test results, the court shall impose appropriate safeguards against unauthorized disclosure which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

10. A person allowed access by order of a judge of compensation claims of the Division of Workers' Compensation of the Department of Labor and Employment Security. A judge of compensation claims shall not issue such order unless he or she finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means.

11. Those employees of the department or of child-placing or child-caring agencies or of family foster homes, licensed pursuant to s. 409.175, who are directly involved in the placement, care, control, or custody of such test subject and who have a need to know such information; adoptive parents of such test subject; or any adult custodian, any adult relative, or any person responsible for the child's welfare, if the test subject was not tested under subparagraph (b)2. and if a reasonable attempt has been made to locate and inform the legal guardian of a test result. The department shall adopt a rule to implement this subparagraph.

12. Those employees of residential facilities or of community-based care programs that care for developmentally disabled persons, pursuant to chapter 393, who are directly involved in the care, control, or custody of such test subject and who have a need to know such information.

13. A health care provider involved in the delivery of a child can note the mother's HIV test results in the child's medical record.

14.~~12.~~ Medical personnel *or nonmedical personnel* who have been subject to a significant exposure during the course of medical practice or in the performance of professional duties, or individuals who are the subject of the significant exposure as provided in subparagraphs *(h)10.*, ~~(i)10. and~~ 11.*, and 13.*

15. The medical examiner shall disclose positive HIV test results to the department in accordance with rules for reporting and controlling the spread of disease.

(f)~~(g)~~ Except as provided in this section, the identity of a person upon whom a test has been performed is confidential and exempt from the provisions of s. 119.07(1). No person to whom the results of a test have been disclosed may disclose the test results to another person except as authorized by this subsection and by ss. 951.27 and 960.003. Whenever disclosure is made pursuant to this subsection, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied by oral notice and followed by a written notice within 10 days, except that this notice shall not be required for disclosures made pursuant to subparagraphs *(e)3.* ~~(f)3.~~ and 4.

(g)~~(h)~~ Human immunodeficiency virus test results contained in the medical records of a hospital licensed under chapter 395 may be released in accordance with s. 395.3025 without being subject to the requirements of subparagraph *(e)2.* ~~(f)2.~~, subparagraph *(e)9.* ~~(f)9.~~, or paragraph *(f)* ~~(g)~~; provided the hospital has obtained written informed consent for the HIV test in accordance with provisions of this section.

(h)~~(i)~~ Notwithstanding the provisions of paragraph (a), informed consent is not required:

1. When testing for sexually transmissible diseases is required by state or federal law, or by rule including the following situations:

a. HIV testing pursuant to s. 796.08 of persons convicted of prostitution or of procuring another to commit prostitution.

b. Testing for HIV by a medical examiner in accordance with s. 406.11.

2. Those exceptions provided for blood, plasma, organs, skin, semen, or other human tissue pursuant to s. 381.0041.

3. For the performance of an HIV-related test by licensed medical personnel in bona fide medical emergencies when the test results are necessary for medical diagnostic purposes to provide appropriate emergency care or treatment to the person being tested and the patient is unable to consent, as supported by documentation in the medical record. *Notification of test results in accordance with paragraph (c)* ~~Posttest counseling~~ is required.

4. For the performance of an HIV-related test by licensed medical personnel for medical diagnosis of acute illness where, in the opinion of the attending physician, obtaining informed consent would be detrimental to the patient, as supported by documentation in the medical record, and the test results are necessary for medical diagnostic purposes to provide appropriate care or treatment to the person being tested. *Notification of test results in accordance with paragraph (c)* ~~Posttest counsel-~~

~~ing~~ is required if it would not be detrimental to the patient. This subparagraph does not authorize the routine testing of patients for HIV infection without informed consent.

5. When HIV testing is performed as part of an autopsy for which consent was obtained pursuant to s. 872.04.

6. For the performance of an HIV test upon a defendant pursuant to the victim's request in a prosecution for any type of sexual battery where a blood sample is taken from the defendant voluntarily, pursuant to court order for any purpose, or pursuant to the provisions of s. 775.0877, s. 951.27, or s. 960.003; however, the results of any HIV test performed shall be disclosed solely to the victim and the defendant, except as provided in ss. 775.0877, 951.27, and 960.003.

7. When an HIV test is mandated by court order.

8. For epidemiological research pursuant to s. 381.0032, for research consistent with institutional review boards created by 45 C.F.R. part 46, or for the performance of an HIV-related test for the purpose of research, if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.

9. When human tissue is collected lawfully without the consent of the donor for corneal removal as authorized by s. 732.9185 or enucleation of the eyes as authorized by s. 732.919.

10. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice and where a blood sample is *available that was* taken from that individual voluntarily by medical personnel for other purposes. "Medical personnel" includes a licensed or certified health care professional; an employee of a health care professional, health care facility, or blood bank; and a paramedic or emergency medical technician as defined in s. 401.23.

a. Prior to performance of an HIV test on a voluntarily obtained blood sample, the individual from whom the blood was obtained shall be requested to consent to the performance of the test and to the release of the results. The individual's refusal to consent and all information concerning the performance of an HIV test and any HIV test result shall be documented only in the medical personnel's record unless the individual gives written consent to entering this information on the individual's medical record.

b. Reasonable attempts to locate the individual and to obtain consent shall be made and all attempts must be documented. If the individual cannot be found, an HIV test may be conducted on the available blood sample. If the individual does not voluntarily consent to the performance of an HIV test, the individual shall be informed that an HIV test will be performed, and counseling shall be furnished as provided in this section. However, HIV testing shall be conducted only after a licensed physician documents, in the medical record of the medical personnel, that there has been a significant exposure and that, in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel.

c. Costs of any HIV test of a blood sample performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment shall not be borne by the medical personnel or the employer of the medical personnel.

d. In order to utilize the provisions of this subparagraph, the medical personnel must either be tested for HIV pursuant to this section or provide the results of an HIV test taken within 6 months prior to the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

f. If the source of the exposure will not voluntarily submit to HIV testing and a blood sample is not available, the medical personnel or the employer of such person acting on behalf of the employee may seek a court order directing the source of the exposure to submit to HIV testing. A sworn statement by a physician licensed under chapter 458 or chapter 459 that a significant exposure has occurred and that, in the physician's medical judgment, testing is medically necessary to determine the course of treatment constitutes probable cause for the issuance of an order by the court. The results of the test shall be released to the source of the exposure and to the person who experienced the exposure.

11. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice of the medical personnel while the medical personnel provides emergency medical treatment to the individual; or who comes into contact with nonmedical personnel in such a way that a significant exposure has occurred while the nonmedical personnel provides emergency medical assistance during a medical emergency. For the purposes of this subparagraph, a medical emergency means an emergency medical condition outside of a hospital or health care facility that provides physician care. The test may be performed only during the course of treatment for the medical emergency.

a. An individual who is capable of providing consent shall be requested to consent to an HIV test prior to the testing. The individual's refusal to consent, and all information concerning the performance of an HIV test and its result, shall be documented only in the medical personnel's record unless the individual gives written consent to entering this information on the individual's medical record.

b. HIV testing shall be conducted only after a licensed physician documents, in the medical record of the medical personnel or nonmedical personnel, that there has been a significant exposure and that, in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel or nonmedical personnel.

c. Costs of any HIV test performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment shall not be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel.

d. In order to utilize the provisions of this subparagraph, the medical personnel or nonmedical personnel shall be tested for HIV pursuant to this section or shall provide the results of an HIV test taken within 6 months prior to the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

f. If the source of the exposure will not voluntarily submit to HIV testing and a blood sample was not obtained during treatment for the medical emergency, the medical personnel, the employer of the medical personnel acting on behalf of the employee, or the nonmedical personnel may seek a court order directing the source of the exposure to submit to HIV testing. A sworn statement by a physician licensed under chapter 458 or chapter 459 that a significant exposure has occurred and that, in the physician's medical judgment, testing is medically necessary to determine the course of treatment constitutes probable cause for the issuance of an order by the court. The results of the test shall be released to the source of the exposure and to the person who experienced the exposure.

12. For the performance of an HIV test by the medical examiner upon a deceased individual who is the source of a significant exposure to medical personnel or nonmedical personnel who provided emergency medical assistance and who expired or could not be resuscitated during treatment for the medical emergency.

13.~~12.~~ For the performance of an HIV-related test medically indicated by licensed medical personnel for medical diagnosis of a hospitalized infant as necessary to provide appropriate care and treatment of the infant when, after a reasonable attempt, a parent cannot be contacted to provide consent. The medical records of the infant shall reflect the reason consent of the parent was not initially obtained. Test results ~~and posttest counseling~~ shall be provided to the parent when the parent is located.

14. For the performance of HIV testing conducted to monitor the clinical progress of a patient previously diagnosed to be HIV positive.

15. For the performance of repeated HIV testing conducted to monitor possible conversion from a significant exposure.

(4) COUNTY HEALTH DEPARTMENT NETWORK OF VOLUNTARY HUMAN IMMUNODEFICIENCY VIRUS TESTING PROGRAMS.—

(a) The Department of Health shall establish a network of voluntary human immunodeficiency virus testing programs in every county in the state. These programs shall be conducted in each ~~county~~ health department established under the provisions of part I of chapter 154. Additional programs may be contracted to other private providers to the extent that finances permit and local circumstances dictate.

(b) Each county health department shall have the ability to provide counseling and testing for human immunodeficiency virus to each patient who receives services and shall offer such testing on a voluntary basis to each patient who presents himself or herself for services in a public health program designated by the State Health Officer by rule.

(c) Each county health department shall provide a program of counseling and testing for human immunodeficiency virus infection, on both an anonymous and confidential basis. Counseling provided to a patient tested on both an anonymous and confidential basis shall include informing the patient of the availability of partner-notification services, the benefits of such services, and the confidentiality protections available as part of such services. The Department of Health or its designated agent shall continue to provide for anonymous testing through an alternative testing site program with sites throughout all areas of the state. Each county health department shall maintain a list of anonymous testing sites. The list shall include the locations, phone numbers, and hours of operation of the sites and shall be disseminated to all persons and programs offering human immunodeficiency virus testing within the service area of the county health department, including physicians licensed under chapter 458 or chapter 459. Except as provided in this section, the identity of a person upon whom a test has been performed and test results are confidential and exempt from the provisions of s. 119.07(1).

(d) The result of a serologic test conducted under the auspices of the Department of Health shall not be used to determine if a person may be insured for disability, health, or life insurance or to screen or determine suitability for, or to discharge a person from, employment. Any person who violates the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS; REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM REGISTRATION.—No county health department and no other person in this state shall conduct or hold themselves out to the public as conducting a testing program for acquired immune deficiency syndrome~~, acquired immune deficiency syndrome related complex,~~ or human immunodeficiency virus status without first registering with the Department of Health, *reregistering each year,* complying with all other applicable provisions of state law, and meeting the following requirements:

(a) The program must be directed by a person with a minimum number of contact hours of experience in the counseling of persons with acquired immune deficiency syndrome~~, acquired immune deficiency syndrome related complex,~~ or human immunodeficiency virus infection, as established by the Department of Health by rule.

(b) The program must have all medical care supervised by a physician licensed under the provisions of chapter 458 or chapter 459.

(c) The program shall have all laboratory procedures performed in a laboratory licensed under the provisions of chapter 483.

(d) The program must meet all the informed consent criteria contained in subsection (3).

(e) The program must provide *the opportunity for* pretest counseling on the meaning of a test for human immunodeficiency virus, including medical indications for the test; the possibility of false positive or false negative results; the potential need for confirmatory testing; the potential social, medical, and economic consequences of a positive test result; and the need to eliminate high-risk behavior.

(f) The program must provide supplemental corroborative testing on all positive test results before the results of any positive test are provided to the patient. Except as provided in this section, the identity of any person upon whom a test has been performed and test results are confidential and exempt from the provisions of s. 119.07(1).

(g) The program must provide *the opportunity for* face-to-face posttest counseling on the meaning of the test results; the possible need for additional testing; the social, medical, and economic consequences of a positive test result; and the need to eliminate behavior which might spread the disease to others.

(h) Each person providing posttest counseling to a patient with a positive test result shall receive specialized training, to be specified by rule of the department, about the special needs of persons with positive results, including recognition of possible suicidal behavior, and shall refer the patient for further health and social services as appropriate.

(i) When services are provided for a charge during pretest counseling, testing, supplemental testing, and posttest counseling, the program must provide a complete list of all such charges to the patient and the Department of Health.

(j) Nothing in this subsection shall be construed to require a facility licensed under chapter 483 or a person licensed under the provisions of chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 466, or chapter 467 to register with the Department of Health if he or she does not advertise or hold himself or herself out to the public as conducting testing programs for human immunodeficiency virus infection or specializing in such testing.

(k) The department shall deny, suspend, or revoke the registration of any person or agency that violates this section, or any rule adopted under this section, constituting an emergency affecting the immediate health, safety, and welfare of a person receiving service.

(6) PENALTIES.—

(a) Any violation of this section by a facility or licensed health care provider shall be a ground for disciplinary action contained in the facility's or professional's respective licensing chapter.

(b) Any person who violates the confidentiality provisions of this section and s. 951.27 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) MODEL PROTOCOL FOR COUNSELING AND TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.—The Department of Health shall develop, *by rule,* a model protocol consistent with the provisions of this section for counseling and testing persons for the human immunodeficiency virus. *The protocol shall include criteria for evaluating a patient's risk for human immunodeficiency virus infection and for offering human immunodeficiency virus testing, on a voluntary basis, as a routine part of primary health care or admission to a health care facility. The Department of Health shall ensure that the protocols developed under this section are made available to health care providers.*

Section 3. Section 384.25, Florida Statutes, is amended to read:

384.25 Reporting required.—

(1) Each person who makes a diagnosis of or treats a person with a sexually transmissible disease and each laboratory that performs a test for a sexually transmissible disease which concludes with a positive result shall report such facts as may be required by the department by rule, within a time period as specified by rule of the department, but in no case to exceed 2 weeks.

(2) The department shall adopt rules specifying the information required in and a minimum time period for reporting a sexually transmissible disease. In adopting such rules, the department shall consider the need for information, protections for the privacy and confidentiality of the patient, and the practical ability of persons and laboratories to report in a reasonable fashion. To ensure the confidentiality of persons infected with the human immunodeficiency virus (HIV), reporting of HIV infection and acquired immune deficiency syndrome (AIDS) must

be conducted using the HIV/AIDS Reporting System (HARS) developed by the Centers for Disease Control and Prevention of the United States Public Health Service.

(3) The department shall require reporting of physician diagnosed cases of AIDS based upon diagnostic criteria from the Centers for Disease Control and Prevention.

(4) The department may require physician and laboratory reporting of HIV infection. However, only reports of HIV infection identified on or after the effective date of the rule developed by the department pursuant to this subsection shall be accepted. The reporting may not affect or relate to anonymous HIV testing programs conducted pursuant to s. 381.004(4) or to university-based medical research protocols as determined by the department.

(5) After notification of the test subject under subsection (4), the department may, with the consent of the test subject, notify school superintendents of students and school personnel whose HIV tests are positive.

(6) The department shall by February 1 of each year submit to the Legislature an annual report relating to all information obtained pursuant to this section.

~~(7) The rules adopted by the department pursuant to this section shall specify the protocols for the reporting required or permitted by subsection (3) or subsection (4). The protocol developed for implementation of subsection (4) shall include, but need not be limited to, information to be given to a test subject during pretest counseling, including:~~

~~(a) The fact that a positive HIV test result may be reported to the county health department with sufficient information to identify the test subject and the availability and location of anonymous testing sites; and~~

~~(b) The partner notification services available through the county health departments, the benefits of such services, and the confidentiality protections available as part of such services.~~

(7)~~(8)~~ Each person who violates the provisions of this section or the rules adopted hereunder may be fined by the department up to $500 for each offense. The department shall report each violation of this section to the regulatory agency responsible for licensing each health care professional and each laboratory to which these provisions apply.

Section 4. Subsection (1) of section 455.604, Florida Statutes, is amended to read:

455.604 Requirement for instruction for certain licensees on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The appropriate board shall require each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter 466; part II, part III, or part V of chapter 468; or chapter 486 to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, ~~and~~ treatment of patients, *and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to health care; amending s. 381.0035, F.S.; requiring certain information related to HIV testing and counseling to be included in HIV educational courses; amending s. 381.004, F.S.; requiring informed consent before an HIV test may be ordered; requiring certain information to be provided when informed consent is sought; providing requirements with respect to notification and release of test results; authorizing certain disclosures of test results; providing for court orders for testing in specified circumstances; providing for emergency action against a registration; providing requirements for model protocols; providing penalties; amending s. 384.25, F.S.; deleting provisions relating to protocols and to notification to school superintendents; amending s. 455.604, F.S.; requiring certain information related to HIV testing to be included in HIV educational courses for certain licensed professions;

Senator Forman moved the following amendments which were adopted:

Amendment 2—On page 84, line 1 through page 97, line 4, delete those lines and insert:

Section 38. Section 400.411, Florida Statutes, is amended to read:

400.411 Initial application for license; provisional license.—

(1) Application for *a* license shall be made to the agency on forms furnished by it and shall be accompanied by the appropriate license fee. ~~The application shall contain sufficient information, as required by rules of the department, to establish that the applicant can provide adequate care.~~

(2) The applicant may be an individual owner, a corporation, a partnership, a firm, an association, or a governmental entity.

(3)~~(2)~~ The application *must* ~~shall~~ be *signed by the applicant* under oath and *must* ~~shall~~ contain the following:

(a) The name, address, date of birth, and social security number of the applicant and the name by which the facility is to be known. ~~Pursuant thereto:~~

~~1.~~ If the applicant is a firm, partnership, or association, the application shall contain the name, address, date of birth, and social security number of every member thereof.

~~2.~~ If the applicant is a corporation, the application shall contain *the corporation's* ~~its~~ name and address*;*~~,~~ the name, address, date of birth, and social security number of each of its directors and officers*;*~~,~~ and the name and address of each person having at least a *5-percent ownership* ~~10-percent~~ interest in the corporation.

(b) The name and address of any professional service, firm, association, partnership, or corporation that is to provide goods, leases, or services to the facility ~~for which the application is made,~~ if a *5-percent* ~~10-percent~~ or greater *ownership* interest in the service, firm, association, partnership, or corporation is owned by a person whose name must be listed on the application under paragraph (a).

(c) ~~Information that provides a source to establish the suitable character, financial stability, and competency of the applicant and of each person specified in the application under subparagraph (a)1. or subparagraph (a)2. who has at least a 10-percent interest in the firm, partnership, association, or corporation and, if applicable, of the administrator, including~~ The name and address of any long-term care facility with which the applicant, ~~or~~ administrator, *or financial officer* has been affiliated through ownership or employment within 5 years of the date of *this license* ~~the~~ application ~~for a license~~; and a signed affidavit disclosing any financial or ownership interest that the applicant, or any *person listed in paragraph (a)* ~~principal, partner, or shareholder thereof~~, holds or has held within the last 5 years in any ~~other~~ facility licensed under this part, or in any other entity licensed by *this* ~~the~~ state or another state to provide health or residential care, which facility or entity closed or ceased to operate as a result of financial problems, *or has had a receiver appointed or a license denied, suspended or revoked, or was subject to a moratorium on admissions, or has had an injunctive proceeding initiated against it.*

(d) A description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from the Medicare or Medicaid programs. Proof of compliance with disclosure of ownership and control interest requirements of the Medicaid or Medicare programs shall be accepted in lieu of this submission.

(e)~~(d)~~ The names and addresses of ~~other~~ persons of whom the agency may inquire as to the character, ~~and~~ reputation, *and financial responsibility* of the *owner* ~~applicant~~ and, if *different from the applicant,* ~~applicable, of~~ the administrator *and financial officer.*

~~(e) The names and addresses of other persons of whom the agency may inquire as to the financial responsibility of the applicant.~~

(f) Identification of all other homes or facilities, including the addresses and the license or licenses under which they operate, if applicable, which are *currently* operated by the applicant *or administrator* and which provide housing, meals, and personal services to *residents* ~~adults~~.

~~(g) Such other reasonable information as may be required by the agency to evaluate the ability of the applicant to meet the responsibilities entailed under this part.~~

(g)~~(h)~~ The location of the facility for which a license is sought and documentation, signed by the appropriate local government official, which states that the applicant has met local zoning requirements.

(h)~~(i)~~ The name, address, date of birth, social security number, education, and experience of the administrator*, if different from the applicant*.

(4)~~(3)~~ The applicant shall furnish satisfactory proof of financial ability to operate and conduct the facility in accordance with the requirements of this part. *A certificate of authority, pursuant to chapter 651, may be provided as proof of financial ability.* ~~An applicant applying for an initial license shall submit a balance sheet setting forth the assets and liabilities of the owner and a statement projecting revenues, expenses, taxes, extraordinary items, and other credits or charges for the first 12 months of operation of the facility.~~

(5)~~(4)~~ If the applicant *is a continuing care facility certified under* ~~offers continuing care agreements, as defined in~~ chapter 651*, a copy of the facility's* ~~proof shall be furnished that the applicant has obtained a~~ certificate of authority *must be provided* ~~as required for operation under that chapter~~.

(6)~~(5)~~ The applicant shall provide proof of liability insurance *as defined in s. 624.605*.

(7)~~(6)~~ *If the applicant is a community residential home, the applicant must provide proof that it has met* the requirements specified in chapter 419 ~~shall apply to community residential homes zoned single-family or multifamily~~.

(8)~~(7)~~ The applicant must provide the agency with proof of legal right to occupy the property. ~~This proof may include, but is not limited to, copies of recorded warranty deeds, or copies of lease or rental agreements, contracts for deeds, quitclaim deeds, or other such documentation.~~

(9)~~(8)~~ The applicant must furnish proof that the facility has received a satisfactory firesafety inspection. The local ~~fire marshal or other~~ authority having jurisdiction *or the State Fire Marshal* must conduct the inspection within 30 days after ~~the~~ written request by the applicant. ~~If an authority having jurisdiction does not have a certified firesafety inspector, the State Fire Marshal shall conduct the inspection.~~

(10) The applicant must furnish documentation of a satisfactory sanitation inspection of the facility by the county health department.

(11) The applicant must furnish proof of compliance with level 2 background screening as required under s. 400.4174.

(12)~~(9)~~ A provisional license may be issued to an applicant making initial application for licensure or making application for a change of ownership. A provisional license shall be limited in duration to a specific period of time not to exceed 6 months, as determined by the agency.

(13)~~(10)~~ *A* ~~No~~ county or municipality *may not* ~~shall~~ issue an occupational license *that* ~~which~~ is being obtained for the purpose of operating a facility regulated under this part without first ascertaining that the applicant has been licensed to operate such facility at the specified location or locations by the agency. The agency shall furnish to local agencies responsible for issuing occupational licenses sufficient instruction for making *such* ~~the above-required~~ determinations.

Section 39. Section 400.414, Florida Statutes, is amended to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The agency may deny, revoke, or suspend *any* ~~a~~ license issued under this part, or impose an administrative fine in the manner provided in chapter 120, *for*~~. At the chapter 120 hearing, the agency shall prove by a preponderance of the evidence that its actions are warranted.~~

~~(2)~~ any of the following actions by *an assisted living* ~~a~~ facility*, any person subject to level 2 background screening under s. 400.4174, or facility* ~~or its~~ employee ~~shall be grounds for action by the agency against a licensee~~:

(a) An intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(b) The determination by the agency that ~~the facility owner or administrator is not of suitable character or competency, or that~~ the owner lacks the financial ability, to provide continuing adequate care to residents~~, pursuant to the information obtained through s. 400.411, s. 400.417, or s. 400.434~~.

(c) Misappropriation or conversion of the property of a resident of the facility.

(d) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a facility resident.

(e) *One or more class I, three or more class II, or* five or more repeated or recurring identical or similar class III violations *that are similar or identical to violations* ~~of this part~~ which were identified by the agency *within the last 2 years* ~~during the last biennial inspection, monitoring visit, or complaint investigation and which, in the aggregate, affect the health, safety, or welfare of the facility residents~~.

(f) A determination that a person subject to level 2 background screening under s. 400.4174(1) does not meet the screening standards of s. 435.04 or that the facility is retaining an employee subject to level 1 background screening standards under s. 400.4174(2) who does not meet the screening standards of s. 435.03 and for whom exemptions from disqualification have not been provided by the agency.

(g)~~(f)~~ A confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, which has been upheld following a chapter 120 hearing or a waiver of such proceedings where the perpetrator is an employee, volunteer, administrator, or owner, or otherwise has access to the residents of a facility, and the *owner or* administrator has not taken action to remove the perpetrator. Exemptions from disqualification may be granted as set forth in s. 435.07. No administrative action may be taken against the facility if the perpetrator is granted an exemption.

(h)~~(g)~~ Violation of a moratorium.

(i)~~(h)~~ Failure of *the license applicant,* the licensee during relicensure, or ~~failure of~~ a licensee that holds *a provisional* ~~an initial or change of ownership~~ license~~,~~ to meet minimum license ~~standards or the~~ requirements of ~~rules adopted under~~ this part *or related rules, at the time of license application or renewal.*

(j)~~(i)~~ A fraudulent statement *or omission of any material fact* on an application for a license or any other document required by the agency*, including the submission of a license application that conceals the fact that any board member, officer, or person owning 5 percent or more of the facility may not meet the background screening requirements of s. 400.4174, or that the applicant has been excluded, permanently suspended, or terminated from the Medicaid or Medicare programs* ~~that is signed and notarized~~.

(k)~~(j)~~ An intentional or negligent life-threatening act in violation of the uniform firesafety standards for assisted living facilities or other firesafety standards ~~established by the State Fire Marshal,~~ that threatens the health, safety, or welfare of a resident of a facility, as communicated to the agency by the ~~State Fire Marshal, a~~ local ~~fire marshal, or other~~ authority having jurisdiction *or the State Fire Marshal.*

(l) Exclusion, permanent suspension, or termination from the Medicare or Medicaid programs.

(m) Knowingly operating any unlicensed facility or providing without a license any service that must be licensed under this chapter.

Administrative proceedings challenging agency action under this subsection shall be reviewed on the basis of the facts and conditions that resulted in the agency action.

~~(3) Proceedings brought under paragraphs (2)(a), (c), (e), and (j) shall not be subject to de novo review.~~

(2)~~(4)~~ Upon notification by the ~~State Fire Marshal,~~ local ~~fire marshal, or other~~ authority having jurisdiction *or by the State Fire Marshal,* the agency may deny or revoke the license of *an assisted living* ~~a~~ facility that fails to correct cited fire code violations ~~issued by the State Fire Marshal, a local fire marshal, or other authority having jurisdiction,~~ that affect or threaten the health, safety, or welfare of a resident of a facility.

(3) The agency may deny a license to any applicant or to any officer or board member of an applicant who is a firm, corporation, partnership, or association or who owns 5 percent or more of the facility, if the applicant, officer, or board member has or had a 25-percent or greater financial or ownership interest in any other facility licensed under this part, or in any entity licensed by this state or another state to provide health or residential care, which facility or entity during the 5 years prior to the application for a license closed due to financial inability to operate; had a receiver appointed or a license denied, suspended, or revoked; was subject to a moratorium on admissions; had an injunctive proceeding initiated against it; or has an outstanding fine assessed under this chapter.

(4) The agency shall deny or revoke the license of an assisted living facility that has two or more class I violations that are similar or identical to violations identified by the agency during a survey, inspection, monitoring visit, or complaint investigation occurring within the previous 2 years.

~~(5) The agency may deny a license to an applicant who owns 25 percent or more of, or operates, a facility which, during the 5 years prior to the application for a license, has had a license denied, suspended, or revoked pursuant to subsection (2), or, during the 2 years prior to the application for a license, has had a moratorium imposed on admissions, has had an injunctive proceeding initiated against it, has had a receiver appointed, was closed due to financial inability to operate, or has an outstanding fine assessed under this part.~~

(5)~~(6)~~ An action taken by the agency to suspend, deny, or revoke a facility's license under this part, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility~~, shall, upon receipt of the facility's request for a hearing,~~ be heard by the Division of Administrative Hearings of the Department of Management Services within 120 days after *receipt of the facility's* ~~the~~ request for a hearing, unless that time *limitation* ~~period~~ is waived by both parties. The administrative law judge must render a decision within 30 days after *receipt of a proposed recommended order* ~~the hearing~~.

(6)~~(7)~~ The agency shall provide to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, on a monthly basis, a list of those *assisted living* facilities *that* ~~which~~ have had their licenses denied, suspended, or revoked or *that* ~~which~~ are involved in an appellate proceeding pursuant to s. 120.60 related to the denial, suspension, or revocation of a license.

(7) Agency notification of a license suspension or revocation, or denial of a license renewal, shall be posted and visible to the public at the facility.

Section 40. Section 400.417, Florida Statutes, is amended to read:

400.417 Expiration of license; renewal; conditional license.—

(1) Biennial licenses ~~issued for the operation of a facility~~, unless sooner suspended or revoked, shall expire ~~automatically~~ 2 years from the date of issuance. *Limited nursing, extended congregate care, and limited mental health licenses shall expire at the same time as the facility's standard license, regardless of when issued.* The agency shall notify the facility by certified mail *at least* 120 days prior to ~~the~~ expiration ~~of the license~~ that *a renewal license* ~~relicensure~~ is necessary to continue operation. Ninety days prior to the expiration date, an application for renewal shall be submitted to the agency. ~~A license shall be renewed upon the filing of an application on forms furnished by the agency if the applicant has first met the requirements established under this part and all rules promulgated under this part.~~ The failure to file a timely *renewal* application shall result in a late fee charged to the facility in an amount equal to 50 percent of the *current* fee. ~~in effect on the last preceding regular renewal date. Late fees shall be deposited into the Health Care Trust Fund as provided in s. 400.418. The facility shall file with the application satisfactory proof of ability to operate and conduct the facility in accordance with the requirements of this part.~~

(2) A license shall be renewed within 90 days upon the timely filing of an application on forms furnished by the agency and the provision of satisfactory proof of ability to operate and conduct the facility in accordance with the requirements of this part and adopted rules, including ~~An applicant for renewal of a license must furnish~~ proof that the facility has received a satisfactory firesafety inspection, conducted by the local ~~fire marshal or other~~ authority having jurisdiction *or the State Fire Marshal,* within the preceding 12 months *and an affidavit or compliance with the background screening requirements of s. 400.4174.*

(3) An applicant for renewal of a license who has complied ~~on the initial license application~~ with the provisions of s. 400.411 with respect to proof of financial ability to operate shall not be required to provide *further* proof ~~of financial ability on renewal applications~~ unless the facility or any other facility owned or operated in whole or in part by the same person ~~or business entity~~ has demonstrated financial instability as *provided under s. 400.447(2)* ~~evidenced by bad checks, delinquent accounts, or nonpayment of withholding taxes, utility expenses, or other essential services~~ or unless the agency suspects that the facility is not financially stable as a result of the annual survey or complaints from the public or a report from the State Long-Term Care Ombudsman Council. Each facility *must* ~~shall~~ report to the agency any adverse court action concerning the facility's financial viability, within 7 days after its occurrence. The agency shall have access to books, records, and any other financial documents maintained by the facility to the extent necessary to *determine the facility's financial stability* ~~carry out the purpose of this section~~. A license for the operation of a facility shall not be renewed if the licensee has any outstanding fines assessed pursuant to this part which are in final order status.

(4)~~(2)~~ A licensee against whom a revocation or suspension proceeding is pending at the time of license renewal may be issued a conditional license effective until final disposition by the agency ~~of such proceeding~~. If judicial relief is sought from the final disposition, the court having jurisdiction may issue a conditional license for the duration of the judicial proceeding.

(5)~~(3)~~ A conditional license may be issued to an applicant for license renewal *if* ~~when~~ the applicant fails to meet all standards and requirements for licensure. A conditional license issued under this subsection shall be limited in duration to a specific period of time not to exceed 6 months, as determined by the agency, and shall be accompanied by an *agency-approved* ~~approved~~ plan of correction.

(6) When an extended care or limited nursing license is requested during a facility's biennial license period, the fee shall be prorated in order to permit the additional license to expire at the end of the biennial license period. The fee shall be calculated as of the date the additional license application is received by the agency.

Section 41. Section 400.4174, Florida Statutes, is amended to read:

400.4174 *Background screening; exemptions;* reports of abuse in facilities.—

(1)(a) Level 2 background screening must be conducted on each of the following persons, who shall be considered employees for the purposes of conducting screening under chapter 435:

1. The facility owner if an individual; the administrator; and the financial officer.

2. An officer or board member if the facility owner is a firm, corporation, partnership, or association, or any person owning 5 percent or more of the facility if the agency has probable cause to believe that such person has been convicted of any offense prohibited by s. 435.04. For each officer, board member, or person owning 5 percent or more who has been convicted of any such offense, the facility shall submit to the agency a description and explanation of the conviction at the time of license application. This subparagraph does not apply to a board member of a not-for-profit corporation or organization if the board member serves solely in a

voluntary capacity, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the board member and facility submit a statement affirming that the board member's relationship to the facility satisfies the requirements of this subparagraph.

(b) Proof of compliance with level 2 screening standards which has been submitted within the previous 5 years to meet any facility or professional licensure requirements of the agency or the Department of Health satisfies the requirements of this subsection, provided that such proof is accompanied, under penalty of perjury, by an affidavit of compliance with the provisions of chapter 435. Proof of compliance with the background screening requirements of the Department of Insurance for applicants for a certificate of authority to operate a continuing care retirement community under chapter 651, submitted within the last 5 years, satisfies the Department of Law Enforcement and Federal Bureau of Investigation portions of a level 2 background check.

(c) The agency may grant a provisional license to a facility applying for an initial license when each individual required by this subsection to undergo screening has completed the abuse registry and Department of Law Enforcement background checks, but has not yet received results from the Federal Bureau of Investigation, or when a request for an exemption from disqualification has been submitted to the agency pursuant to s. 435.07, but a response has not been issued.

(2) The owner or administrator of an assisted living facility must conduct level 1 background screening, as set forth in chapter 435, on all employees hired on or after October 1, 1998, who perform personal services as defined in s. 400.402(16). The agency may exempt an individual from employment disqualification as set forth in chapter 435. Such persons shall be considered as having met this requirement if:

(a) Proof of compliance with level 1 screening requirements obtained to meet any professional license requirements in this state is provided and accompanied, under penalty of perjury, by a copy of the person's current professional license and an affidavit of current compliance with the background screening requirements.

(b) The person required to be screened has been continuously employed in the same type of occupation for which the person is seeking employment without a breach in service which exceeds 180 days, and proof of compliance with the level 1 screening requirement which is no more than 2 years old is provided. Proof of compliance shall be provided directly from one employer or contractor to another, and not from the person screened. Upon request, a copy of screening results shall be provided by the employer retaining documentation of the screening to the person screened.

(c) The person required to be screened is employed by a corporation or business entity or related corporation or business entity that owns, operates, or manages more than one facility or agency licensed under chapter 400, and for whom a level 1 screening was conducted by the corporation or business entity as a condition of initial or continued employment.

(3) When an employee, volunteer, administrator, or owner of a facility *is the subject of* ~~has~~ a confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, ~~or child abuse or neglect, as defined in s. 415.503,~~ and the protective investigator knows that the individual is an employee, volunteer, administrator, or owner of a facility, the agency shall be notified of the confirmed report.

Section 42. Section 400.4176, Florida Statutes, is amended to read:

400.4176 Notice of change of administrator.—If, during the period for which a license is issued, the owner changes administrators, the owner must notify the agency of the change within *10* ~~45~~ days ~~thereof~~ and ~~must~~ provide documentation *within 90 days* that the new administrator has completed the applicable core educational requirements under s. 400.452. Background screening shall be completed on any new administrator ~~to establish that the individual is of suitable character~~ as specified in *s. 400.4174* ~~ss. 400.411(2)(c) and 400.456~~.

Amendment 3—On page 113, line 13 through page 118, line 20, delete those lines and insert:

Section 53. Section 400.619, Florida Statutes, is amended to read:

400.619 Licensure *application and renewal* ~~requirements.—~~

(1) Each person who intends to be ~~a provider of~~ an adult family-care home *provider* must *apply for* ~~obtain~~ a license from the agency ~~before caring for a disabled adult or an aged person in the adult family-care home. Such application must be made~~ at least 90 days before the applicant intends to operate the adult family-care home.

(2) A person who intends to be ~~a provider of~~ an adult family-care home *provider* must own or rent and live in the adult family-care home that is to be licensed.

(3) Application for a license or annual license renewal ~~to operate an adult family-care home~~ must be made on a form provided by the agency, *signed under oath,* and must be accompanied by a licensing fee of $100 per year ~~to offset the cost of training and education programs by the Department of Elderly Affairs for providers~~.

(4) Upon receipt of a license application *or license renewal,* and the fee, the agency *shall initiate level 1 background screening as provided under chapter 435 on* ~~must check with the abuse registry and the Department of Law Enforcement concerning~~ the adult family-care home *provider, the designated relief person* ~~applicant~~, all adult household members, and all staff members. The agency shall also conduct an onsite visit to the home that is to be licensed.

(a) Proof of compliance with level 1 screening standards which has been submitted within the previous 5 years to meet any facility or professional licensure requirements of the agency or the Department of Health satisfies the requirements of this subsection. Such proof must be accompanied, under penalty of perjury, by a copy of the person's current professional license and an affidavit of current compliance with the background screening requirements.

(b) The person required to be screened must have been continuously employed in the same type of occupation for which the person is seeking employment without a breach in service that exceeds 180 days, and proof of compliance with the level 1 screening requirement which is no more than 2 years old must be provided. Proof of compliance shall be provided directly from one employer or contractor to another, and not from the person screened. Upon request, a copy of screening results shall be provided to the person screened by the employer retaining documentation of the screening.

(5) The application must be accompanied by a description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from participation in the Medicaid or Medicare programs or any other governmental health care or health insurance program.

(6) Unless the adult family-care home is a community residential home subject to chapter 419, the applicant must provide documentation, signed by the appropriate governmental official, that the home has met local zoning requirements for the location for which the license is sought.

(7)~~(5)~~ Access to a licensed adult family-care home must be provided at reasonable times for the appropriate officials of the department, the Department of Health, *the Department of Children and Family Services* ~~and Rehabilitative Services~~, the agency, and the State Fire Marshal, who are responsible for the development and maintenance of fire, health, sanitary, and safety standards, to inspect the facility to assure compliance with these standards. In addition, access to a licensed adult family-care home must be provided at reasonable times for the long-term care ombudsman council.

(8)~~(6)~~ A license is effective for 1 year after the date of issuance unless revoked sooner. Each license must state the name of the provider, the address of the home to which the license applies, and the maximum number of residents of the home. *Failure to timely file a license renewal application shall result in a late fee equal to 50 percent of the license fee.* ~~A license may be issued with or without restrictions governing the residents or care offered in the adult family-care home.~~

(9)~~(7)~~ A license is not transferable or applicable to any location or person other than the location *and* ~~or~~ person indicated on the *license* ~~application for licensure~~.

(10)~~(8)~~ The licensed maximum capacity of each adult family-care home is based on the service needs of the residents and the capability

of the provider to meet the needs of the residents. Any relative who lives in the adult family-care home and who is ~~an aged person or~~ a disabled adult *or frail elder* must be included in that limitation.

(11)~~(9)~~ Each adult family-care home must designate at least one licensed space for a resident receiving optional state supplementation ~~as defined in s. 409.212~~. The Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall specify by rule the procedures to be followed for referring residents who receive optional state supplementation to adult family-care homes. Those homes licensed as adult foster homes or assisted living facilities prior to January 1, 1994, that convert to adult family-care homes, are exempt from *this* ~~the~~ requirement ~~of designating one space for a resident receiving optional state supplementation~~.

(12)~~(10)~~ The agency may issue a conditional license to a provider for the purpose of bringing the adult family-care home into compliance with licensure requirements. A conditional license must be limited to a specific period, not exceeding 6 months~~, as determined by the department, in consultation with the agency~~. The department shall, by rule, establish criteria for *issuing* conditional licenses.

~~(11) The agency may deny, suspend, or revoke a license for any of the following reasons:~~

~~(a) A confirmed report, obtained under s. 415.1075, of abuse, neglect, or exploitation, or conviction of a crime related to abuse, neglect, or exploitation.~~

~~(b) A proposed confirmed report that remains unserved and is maintained in the central abuse registry and tracking system pursuant to s. 415.1065(2)(c).~~

~~(c) An intentional or negligent act materially affecting the health, safety, or welfare of the adult family-care home residents.~~

~~(d) A violation of ss. 400.616-400.629 or rules adopted under ss. 400.616-400.629, including the failure to comply with any restrictions specified in the license.~~

~~(e) Submission of fraudulent or inaccurate information to the agency.~~

~~(f) Conviction of a felony involving violence to a person.~~

~~(g) Failure to pay a civil penalty assessed under this part.~~

(13)~~(12)~~ All moneys collected under this section must be deposited into the Department of Elderly Affairs Administrative Trust Fund and ~~must be~~ used to offset the expenses of departmental training and education for adult family-care home providers.

(14)~~(13)~~ The department shall adopt rules to implement this section.

Section 54. Section 400.6194, Florida Statutes, is created to read:

400.6194 Denial, revocation, or suspension of a license.—The agency may deny, suspend, or revoke a license for any of the following reasons:

(1) Failure of any of the persons required to undergo background screening under s. 400.619 to meet the level 1 screening standards of s. 435.03, unless an exemption from disqualification has been provided by the agency.

(2) An intentional or negligent act materially affecting the health, safety, or welfare of the adult family-care home residents.

(3) Submission of fraudulent information or omission of any material fact on a license application or any other document required by the agency.

(4) Failure to pay an administrative fine assessed under this part.

(5) A violation of this part or adopted rules which results in conditions or practices that directly threaten the physical or emotional health, safety, or welfare of residents.

(6) Failure to correct cited fire code violations that threaten the health, safety, or welfare of residents.

(7) Failure to submit a completed initial license application or to complete an application for license renewal within the specified timeframes.

(8) Exclusion, permanent suspension, or termination of the provider from the Medicare or Medicaid program.

Amendment 4 (with title amendment)—On page 140, between lines 18 and 19, insert:

Section 65. *Pursuant to section 216.262, Florida Statutes, the Florida Department of Law Enforcement is granted authority to establish positions in excess of the total authorized positions upon submission of a proper request to the Administration Commission. These positions shall be established with funding from the department's Law Enforcement Operating Trust Fund and shall be used to process the increased workload of conducting the criminal history records checks authorized under this section. These positions will be earmarked by the department, and, at such time as they are no longer needed, may be placed in a reserve status for future use.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 22, after the semicolon (;) insert: authorizing certain positions in excess of those otherwise authorized; providing funding;

Pursuant to Rule 4.19, **CS for CS for SB 714** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1760—A bill to be entitled An act relating to unemployment compensation; amending s. 1, ch. 97-29, Laws of Florida; extending for an additional year a temporary reduction in certain contribution rates for specified employers; amending 443.101, F.S.; clarifying provisions relating to disqualification for benefits; amending s. 443.111, F.S.; extending for an additional year a temporary increase in the maximum weekly and yearly benefit amounts for unemployment compensation benefits; specifying benefit years; amending s. 443.036, F.S.; providing an alternative base period to be used in calculating benefits in specified circumstances; providing an effective date.

—was read the second time by title.

Senator McKay moved the following amendments which were adopted:

Amendment 1—On page 2, line 18 and on page 3, line 2, delete "*10* ~~17~~" and insert: 17

Amendment 2 (with title amendment)—On page 5, lines 3-29, delete section 4 and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 13-16, delete those lines and insert: years; providing an effective date.

On motion by Senator McKay, by two-thirds vote **CS for CS for SB 1760** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

The Senate resumed consideration of—

CS for SB 2172—A bill to be entitled An act relating to public assistance; providing legislative intent and findings; providing for demonstration projects to be implemented which require drug screening and possibly drug testing for individuals who apply for temporary assistance or services under the "Work and Gain Economic Self-sufficiency (WAGES) Act"; providing for expiration of the demonstration projects unless reauthorized by the Legislature; directing the Department of Children and Family Services to implement the demonstration projects in specified local WAGES coalitions; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; providing that, if a parent is deemed ineligible due to a failure of a drug test, the eligibility of the children of the parent will not be affected; requiring the department to provide for substance abuse treatment programs for certain persons; giving the Department of Children and Family Services rulemaking authority; specifying circumstances resulting in termination of temporary assistance or services; requiring the department and the local WAGES coalitions to evaluate the demonstration projects and report to the WAGES Program State Board of Directors and the Legislature; providing that, in the event of conflict, federal requirements and regulations control; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **CS for SB 2172** as amended, on motion by Senator Holzendorf, by two-thirds vote **CS for CS for HB 271** was withdrawn from the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Holzendorf—

CS for CS for HB 271—A bill to be entitled An act relating to public assistance; creating s. 414.103, F.S.; providing for drug testing under the "Work and Gain Economic Self-sufficiency (WAGES) Act" for illegal use of controlled substances; providing legislative intent and findings; directing the Department of Children and Family Services to implement a program to screen and test WAGES Program applicants; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; requiring the department to provide a rehabilitation treatment program for certain persons; specifying circumstances resulting in termination of temporary assistance or services; providing limitations; providing for rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 2172** as amended and read the second time by title.

Senator Holzendorf moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Legislative intent and findings.—*

(1) It is the intent of the Legislature that the provisions of this act enhance the employability of participants in the WAGES Program through drug screening, testing, and treatment.

(2) The Legislature finds that there is a perception on the part of employers that the individuals who receive temporary assistance or services under the WAGES Program are likely to use drugs, and that such perception adds to the difficulties such individuals have in securing employment.

(3) The Legislature also finds that the failure of individuals to achieve the independence provided by gainful employment results in welfare costs that burden the state's taxpayers.

(4) The Legislature further finds that drug use adversely effects a significant portion of the workforce, which results in billions of dollars of lost productivity each year and poses a threat to the safety of the workplace and to public safety and security.

(5) In balancing the interests of taxpayers, participants in the WAGES Program, and potential employers against the interests of those who will be screened and tested under this act, the Legislature finds that drug screening, testing, and treatment as provided for in this act are in the greater interests of all concerned.

Section 2. *Drug testing and screening program; procedures.—*

(1) The Department of Children and Family Services, in consultation with local WAGES coalitions 3 and 8, shall develop and, as soon as possible after January 1, 1999, implement a demonstration project in WAGES regions 3 and 8 to screen each applicant and test applicants for temporary cash assistance provided under chapter 414, Florida Statutes, who the department has reasonable cause to believe, based on the screening, engage in illegal use of controlled substances. Unless reauthorized by the Legislature, this demonstration project expires June 30, 2001. As used in this act, the term "applicant" means an individual who first applies for assistance or services under the WAGES Program. Screening and testing for the illegal use of controlled substances is not required if the individual reapplies during any continuous period in which the individual receives assistance or services. However, an individual may volunteer for drug testing and treatment if funding is available.

(2) Under the demonstration project the Department of Children and Family Services shall:

(a) Provide notice of drug screening and the potential for possible drug testing to each applicant at the time of application. The notice must advise the applicant that drug screening and possibly drug testing will be conducted as a condition for receiving temporary assistance or services under chapter 414, Florida Statutes, and shall specify the assistance or services that are subject to this requirement. The notice must also advise the applicant that a prospective employer may require the applicant to submit to a pre-employment drug test. The applicant shall be advised that the required drug screening and possible drug testing may be avoided if the applicant does not apply for or receive assistance or services. The drug screening and testing program is not applicable in child-only cases.

(b) Develop a procedure for drug screening and conducting drug testing of applicants for temporary assistance or services under the WAGES Program.

(c) Provide a procedure to advise each person to be tested, before the test is conducted, that he or she may, but is not required to, advise the agent administering the test of any prescription or over-the-counter medication he or she is taking.

(d) Require each person to be tested to sign a written acknowledgment that he or she has received and understood the notice and advice provided under paragraphs (a) and (c).

(e) Provide a procedure to assure each person being tested a reasonable degree of dignity while producing and submitting a sample for drug testing, consistent with the state's need to ensure the reliability of the sample.

(f) Specify circumstances under which a person who fails a drug test has the right to take one or more additional tests.

(g) Provide a procedure for appealing the results of a drug test by a person who fails a test and for advising the appellant that he or she may, but is not required to, advise appropriate staff of any prescription or over-the-counter medication he or she has been taking.

(h) Notify each person who fails a drug test of the local substance abuse treatment programs that may be available to such person.

Section 3. *Children.—*

(1) If a parent is deemed ineligible for cash assistance due to the failure of a drug test under this act, his or her dependent child's eligibility for cash assistance is not affected.

(2) If a parent is deemed ineligible for cash assistance due to the failure of a drug test, an appropriate protective payee will be established for the benefit of the child.

(3) If the parent refuses to cooperate in establishing an appropriate protective payee for the child, the Department of Children and Family Services will appoint one.

Section 4. *Treatment.—*

(1) Subject to the availability of funding, the Department of Children and Family Services shall provide a substance-abuse-treatment program

for a person who fails a drug test conducted under this act and is eligible to receive temporary assistance or services under the WAGES Program. The department shall provide for a retest at the end of the treatment period. Failure to pass the retest will result in the termination of temporary assistance or services provided under chapter 414, Florida Statutes, and of any right to appeal the termination.

(2) The Department of Children and Family Services shall develop rules regarding the disclosure of information concerning applicants who enter treatment, including the requirement that applicants sign a consent to release information to the Department of Children and Family Services or the Department of Labor and Employment Security, as necessary, as a condition of entering the treatment program.

(3) The Department of Children and Family Services may develop rules for assessing the status of persons formerly treated under this act who reapply for assistance or services under the WAGES act as well as the need for drug testing as a part of the reapplication process.

Section 5. *Evaluations and recommendations.—*

(1) The Department of Children and Family Services, in conjunction with the local WAGES coalitions in service areas 3 and 8, shall conduct a comprehensive evaluation of the demonstration projects operated under this act. By January 1, 2000, the department, in conjunction with the local WAGES coalitions involved, shall report to the WAGES Program State Board of Directors and to the Legislature on the status of the initial implementation of the demonstration projects and shall specifically describe the problems encountered and the funds expended during the first year of operation.

(2) By January 1, 2001, the department, in conjunction with the local WAGES coalitions involved, shall provide a comprehensive evaluation to the WAGES Program State Board of Directors and to the Legislature, which must include:

(a) The impact of the drug screening and testing program on employability, job placement, job retention, and salary levels of program participants.

(b) Recommendations, based in part on a cost and benefit analysis, as to the feasibility of expanding the program to other local WAGES service areas, including specific recommendations for implementing such expansion of the program.

Section 6. *In the event of a conflict between the implementation procedures described in this program and federal requirements and regulations, federal requirements and regulations shall control.*

Section 7. This act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public assistance; providing legislative intent and findings; providing for demonstration projects to be implemented which require drug screening and possibly drug testing for individuals who apply for temporary assistance or services under the "Work and Gain Economic Self-sufficiency (WAGES) Act"; providing for expiration of the demonstration projects unless reauthorized by the Legislature; directing the Department of Children and Family Services to implement the demonstration projects in specified local WAGES coalitions; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; providing that, if a parent is deemed ineligible due to a failure of a drug test, the eligibility of the children of the parent will not be affected; requiring the department to provide for substance abuse treatment programs for certain persons; giving the Department of Children and Family Services rulemaking authority; specifying circumstances resulting in termination of temporary assistance or services; requiring the department and the local WAGES coalitions to evaluate the demonstration projects and report to the WAGES Program State Board of Directors and the Legislature; providing that, in the event of conflict, federal requirements and regulations control; providing an effective date.

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 6, between lines 9 and 10, insert:

Section 7. *From the funds appropriated in Specific Appropriations 361, Grants and Aid - Community Substance Abuse Services, and 1892, Grants and Aid - WAGES Coalitions, the Department of Children and Family Services and the WAGES Program State Board of Directors, in consultation with the Department of Labor and Employment Security, shall provide a substance abuse treatment program for a person who fails a drug test conducted under this act and is eligible to receive temporary assistance or services under the WAGES Program. The Department of Children and Family Services shall provide for a retest at the end of the treatment period. Failure to pass the retest will result in the termination of temporary assistance or services provided under chapter 414, Florida Statutes, and of any right to appeal the termination. Implementation of this project is subject to the availability of funding.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 19, after the semicolon (;) insert: providing for a substance abuse treatment program, subject to the availability of funding;

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 6, delete line 10 and insert:

Section 7. Paragraph (b) of subsection (1) and paragraph (c) of subsection (9) of section 61.13, Florida Statutes, are amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(1)

(b) Each order for child support shall contain a provision for health insurance for the minor child when the insurance is reasonably available. Insurance is reasonably available if either the obligor or obligee has access at a reasonable rate to group insurance. The court may require the obligor either to provide health insurance coverage or to reimburse the obligee for the cost of health insurance coverage for the minor child when coverage is provided by the obligee. In either event, the court shall apportion the cost of coverage, *and any noncovered medical, dental, and prescription medication expenses of the child,* to both parties by adding the cost to the basic obligation determined pursuant to s. 61.30(6). *The court may order that payment of uncovered medical, dental, and prescription medication expenses of the minor child be made directly to the payee on a percentage basis.*

(9)

(c) Beginning July 1, 1997, in any subsequent Title IV-D child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, *the court of competent jurisdiction shall* ~~the tribunal may~~ deem state due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry pursuant to paragraph (a). Beginning October 1, 1998, in any subsequent non-Title IV-D child support enforcement action between the parties, the same requirements for service shall apply.

Section 8. Section 61.1301, Florida Statutes, is amended to read:

61.1301 Income deduction *orders*.—

(1) *ISSUANCE IN CONJUNCTION WITH* ~~REQUIREMENT FOR INCOME DEDUCTION AS PART OF~~ AN ORDER ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD SUPPORT.—

(a) Upon the entry of an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support, *other than a temporary order,* the court shall *enter a separate order* ~~include provisions~~ for income deduction *if one has not been entered* ~~of the alimony and/or child support in the order~~. Copies of the orders

shall be served on the obligee and obligor. *If* the order establishing, enforcing, or modifying the obligation *directs* ~~shall direct~~ that payments be made through the depository,~~.~~ the court shall provide to the depository a copy of the order establishing, enforcing, or modifying the obligation. If the obligee is a *recipient of Title* IV-D *services* ~~applicant~~, the court shall furnish to the *Title* IV-D agency a copy of the *income deduction* order *and the order* establishing, enforcing, or modifying the obligation.

1. *The obligee or, in Title IV-D cases, the Title IV-D agency may implement income deduction after receiving a copy of an order from the court under this paragraph or a forwarding agency under UIFSA, URESA, or RURESA by issuing an income deduction notice to the payor.*

2. The income deduction notice must state that it is based upon a valid support order and that it contains an income deduction requirement or upon a separate income deduction order. The income deduction notice must contain the notice to payor provisions specified by paragraph (2)(e). The income deduction notice must contain the following information from the income deduction order upon which the notice is based: the case number, the court that entered the order, and the date entered.

3. Payors shall deduct support payments from income, as specified in the income deduction notice, in the manner provided under paragraph (2)(e).

4. In non-Title IV-D cases, the income deduction notice must be accompanied by a copy of the support order upon which the notice is based. In Title IV-D cases, upon request of a payor, the Title IV-D agency shall furnish the payor a copy of the income deduction order. ~~The income deduction shall be implemented by serving an income deduction notice upon the payor.~~

5.~~2.~~ If a support order entered before *January 1, 1994,* ~~October 1, 1996,~~ in a non-Title IV-D case does not specify income deduction, income deduction may be initiated upon a delinquency without the need for any amendment to the support order or any further action by the court. In such case the obligee may implement income deduction by serving a notice of delinquency on the obligor as provided for under paragraph (f).

(b) ~~Provisions for income deduction.~~ The *income deduction* order ~~entered pursuant to paragraph (a)~~ shall:

1. Direct a payor to deduct from all income due and payable to an obligor the amount required by the court to meet the obligor's support obligation including any attorney's fees or costs owed and forward the deducted amount pursuant to the order.

2. State the amount of arrearage owed, if any, and direct a payor to withhold an additional 20 percent or more of the periodic amount specified in the order establishing, enforcing, or modifying the obligation, until full payment is made of any arrearage, attorney's fees and costs owed, provided no deduction shall be applied to attorney's fees and costs until the full amount of any arrearage is paid;

3. Direct a payor not to deduct in excess of the amounts allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended;

4. Direct whether a payor shall deduct all, a specified portion, or no income which is paid in the form of a bonus or other similar one-time payment, up to the amount of arrearage reported in the income deduction notice or the remaining balance thereof, and forward the payment to the governmental depository. For purposes of this subparagraph, "bonus" means a payment in addition to an obligor's usual compensation and which is in addition to any amounts contracted for or otherwise legally due and shall not include any commission payments due an obligor; and

5. In Title IV-D cases, direct a payor to provide to the court depository the date on which each deduction is made.

(c) The income deduction *order* is effective immediately unless the court upon good cause shown finds that *the* income deduction *order* shall be effective upon a delinquency in an amount specified by the court but not to exceed 1 month's payment, *pursuant to the order establishing, enforcing, or modifying the obligation*. In order to find good cause, the court must at a minimum make written findings that:

1. Explain why implementing immediate income deduction would not be in the child's best interest;

2. There is proof of timely payment of the previously ordered obligation without an income deduction order in cases of modification; and

3.a. There is an agreement by the obligor to advise the IV-D agency and court depository of any change in payor and health insurance; or

b. There is a signed written agreement providing an alternative arrangement between the obligor and the obligee and, at the option of the IV-D agency, by the IV-D agency in IV-D cases in which there is an assignment of support rights to the state, reviewed and entered in the record by the court.

(d) The income deduction *order* shall be effective *as long as the order upon which it is based is effective or* until further order of the court.

(e) Statement of obligor's rights. When the court orders the income deduction to be effective immediately, the court shall furnish to the obligor a statement of his or her rights, remedies, and duties in regard to the income deduction *order*. The statement shall state:

1. All fees or interest which shall be imposed.

2. The total amount of income to be deducted for each pay period until the arrearage, if any, is paid in full and shall state the total amount of income to be deducted for each pay period thereafter. The amounts deducted may not be in excess of that allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.

3. That the income deduction *order* ~~notice~~ applies to current and subsequent payors and periods of employment.

4. That a copy of the income deduction *order or, in Title IV-D cases, the income deduction* notice will be served on the obligor's payor or payors.

5. That enforcement of the income deduction *order* ~~notice~~ may only be contested on the ground of mistake of fact regarding the amount owed pursuant to the order establishing, enforcing, or modifying the obligation, the arrearages, or the identity of the obligor, *the payor, or the obligee*.

6. That the obligor is required to notify the obligee and, when the obligee is receiving IV-D services, the IV-D agency within 7 days of changes in the obligor's address, payors, and the addresses of his or her payors.

(f) Notice of delinquency. *If a support order was entered before January 1, 1994, or* ~~When~~ the court orders the income deduction to be effective upon a delinquency as provided in ~~subparagraph (a)2. or~~ paragraph (c), the obligee *or, in Title IV-D cases, the Title IV-D agency* may enforce the income deduction by serving a notice of delinquency on the obligor *under this subsection*.

1. The notice of delinquency shall state:

a. The terms of the order establishing, enforcing, or modifying the obligation.

b. The period of delinquency and the total amount of the delinquency as of the date the notice is mailed.

c. All fees or interest which may be imposed.

d. The total amount of income to be deducted for each pay period until the arrearage, and all applicable fees and interest, is paid in full and shall state the total amount of income to be deducted for each pay period thereafter. The amounts deducted may not be in excess of that allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.

e. That the income deduction *order* ~~notice~~ applies to current and subsequent payors and periods of employment.

f. That a copy of the notice of delinquency will be served on the obligor's payor or payors, together with a copy of the income deduction *order or, in Title IV-D cases, the income deduction* notice, unless the obligor applies to the court to contest enforcement of the income deduction. The application shall be filed within 15 days after the date the notice of delinquency was served.

g. That enforcement of the income deduction *order* ~~notice~~ may only be contested on the ground of mistake of fact regarding the amount owed pursuant to the order establishing, enforcing, or modifying the obligation, the amount of arrearages, or the identity of the obligor*, the payor, or the obligee.*

h. That the obligor is required to notify the obligee of the obligor's current address and current payors and of the address of current payors. All changes shall be reported by the obligor within 7 days. If the IV-D agency is enforcing the order, the obligor shall make these notifications to the agency instead of to the obligee.

2. The failure of the obligor to receive the notice of delinquency does not preclude subsequent service of the income deduction *order or, in Title IV-D cases, the income deduction notice* on the obligor's payor. A notice of delinquency which fails to state an arrearage does not mean that an arrearage is not owed.

(g) At any time, any party, including the IV-D agency, may apply to the court to:

1. Modify, suspend, or terminate the income deduction *order* ~~notice~~ in accordance with a modification, suspension, or termination of the support provisions in the underlying order; or

2. Modify the amount of income deducted when the arrearage has been paid.

(2) ENFORCEMENT OF INCOME DEDUCTION *ORDERS*.—

(a) The obligee or his or her agent shall serve an income deduction *order and notice to payor, or, in Title IV-D cases, the Title IV-D agency shall issue an income deduction* notice, and in the case of a delinquency a notice of delinquency, on the obligor's payor unless the obligor has applied for a hearing to contest the enforcement of the income deduction pursuant to paragraph (c).

(b)1. Service by or upon any person who is a party to a proceeding under this section shall be made in the manner prescribed in the Florida Rules of Civil Procedure for service upon parties.

2. Service upon an obligor's payor or successor payor under this section shall be made by prepaid certified mail, return receipt requested, or in the manner prescribed in chapter 48.

(c)1. The obligor, within 15 days after service of a notice of delinquency, may apply for a hearing to contest the enforcement of the income deduction on the ground of mistake of fact regarding the amount owed pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support, the amount of the arrearage, or the identity of the obligor*, the payor, or the obligee.* The obligor shall send a copy of the pleading to the obligee and, if the obligee is receiving IV-D services, to the IV-D agency. The timely filing of the pleading shall stay ~~the~~ service of an income deduction *order or, in Title IV-D cases, income deduction* notice on all payors of the obligor until a hearing is held and a determination is made as to whether enforcement of the income deduction order is proper. The payment of a delinquent obligation by an obligor upon *entry* ~~issuance~~ of an income deduction *order* ~~notice~~ shall not preclude service of the income deduction *order or, in Title IV-D cases, an income deduction* notice on the obligor's payor.

2. When an obligor timely requests a hearing to contest enforcement of *an* income deduction *order*, the court, after due notice to all parties and the IV-D agency if the obligee is receiving IV-D services, shall hear the matter within 20 days after the application is filed. The court shall enter an order resolving the matter within 10 days after the hearing. A copy of this order shall be served on the parties and the IV-D agency if the obligee is receiving IV-D services. If the court determines that ~~service of an~~ income deduction ~~notice~~ is proper, it shall specify the date the income deduction *order* ~~notice~~ must be served on the obligor's payor.

(d) When a court determines that an income deduction *order* ~~notice~~ is proper pursuant to paragraph (c), the obligee or his or her agent shall cause a copy of the notice of delinquency to be served on the obligor's payors. A copy of the income deduction *order or, in Title IV-D cases, income deduction* notice, and in the case of a delinquency a notice of delinquency, shall also be furnished to the obligor.

(e) *Notice to payor and* income deduction notice. The *notice to payor or, in Title IV-D cases,* income deduction notice shall contain only information necessary for the payor to comply with the order providing for income deduction. The notice shall:

1. Provide the obligor's social security number.

2. Require the payor to deduct from the obligor's income the amount specified in the ~~order providing for~~ income deduction *order*, and in the case of a delinquency the amount specified in the notice of delinquency, and to pay that amount to the obligee or to the depository, as appropriate. The amount actually deducted plus all administrative charges shall not be in excess of the amount allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b);

3. Instruct the payor to implement income deduction no later than the first payment date which occurs more than 14 days after the date the income deduction notice was served on the payor, and the payor shall conform the amount specified in the income deduction order *or, in Title IV-D cases, income deduction notice* to the obligor's pay cycle;

4. Instruct the payor to forward, within 2 days after each date the obligor is entitled to payment from the payor, to the obligee or to the depository the amount deducted from the obligor's income, a statement as to whether the amount totally or partially satisfies the periodic amount specified in the income deduction *order or, in Title IV-D cases, income deduction* notice, and the specific date each deduction is made. If the IV-D agency is enforcing the order, the payor shall make these notifications to the agency instead of the obligee;

5. Specify that if a payor fails to deduct the proper amount from the obligor's income, the payor is liable for the amount the payor should have deducted, plus costs, interest, and reasonable attorney's fees;

6. Provide that the payor may collect up to $5 against the obligor's income to reimburse the payor for administrative costs for the first income deduction and up to $2 for each deduction thereafter;

7. State that the *notice to payor or, in Title IV-D cases,* income deduction notice, and in the case of a delinquency the notice of delinquency, are binding on the payor until further notice by the obligee, IV-D agency, or the court or until the payor no longer provides income to the obligor;

8. Instruct the payor that, when he or she no longer provides income to the obligor, he or she shall notify the obligee and shall also provide the obligor's last known address and the name and address of the obligor's new payor, if known; and that, if the payor violates this provision, the payor is subject to a civil penalty not to exceed $250 for the first violation or $500 for any subsequent violation. If the IV-D agency is enforcing the order, the payor shall make these notifications to the agency instead of to the obligee. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction order;

9. State that the payor shall not discharge, refuse to employ, or take disciplinary action against an obligor because of *the requirement for* ~~an~~ income deduction ~~notice~~ and shall state that a violation of this provision subjects the payor to a civil penalty not to exceed $250 for the first violation or $500 for any subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction ~~notice~~, if any alimony or child support obligation is owing. If no alimony or child support obligation is owing, the penalty shall be paid to the obligor;

10. State that an obligor may bring a civil action in the courts of this state against a payor who refuses to employ, discharges, or otherwise disciplines an obligor because of ~~an~~ income deduction ~~notice~~. The obligor is entitled to reinstatement and all wages and benefits lost, plus reasonable attorney's fees and costs incurred;

11. Inform the payor that the *requirement for* income deduction ~~notice~~ has priority over all other legal processes under state law pertaining to the same income and that payment, as required by the *notice to payor or* income deduction notice, is a complete defense by the payor against any claims of the obligor or his or her creditors as to the sum paid;

12. Inform the payor that, when the payor receives *notices to payor or* income deduction notices requiring that the income of two or more obligors be deducted and sent to the same depository, the payor may combine the amounts that are to be paid to the depository in a single

payment as long as the payments attributable to each obligor are clearly identified; and

13. Inform the payor that if the payor receives more than one *notice to payor or* income deduction notice against the same obligor, the payor shall contact the court *or, in Title IV-D cases, the Title IV-D agency* for further instructions. Upon being so contacted, the court *or, in Title IV-D cases when all the cases upon which the notices are based are Title IV-D cases, the Title IV-D agency* shall allocate amounts available for income deduction as provided in subsection (4).

(f) At any time *an* income deduction *order* is being enforced, the obligor may apply to the court for a hearing to contest the continued enforcement of the income deduction on the same grounds set out in paragraph (c), with a copy to the obligee and, in IV-D cases, to the IV-D agency. The application does not affect the continued enforcement of the income deduction until the court enters an order granting relief to the obligor. The obligee or the IV-D agency is released from liability for improper receipt of moneys pursuant to *an* income deduction *order* upon return to the appropriate party of any moneys received.

(g) An obligee or his or her agent shall enforce *an* income deduction *order* against an obligor's successor payor who is located in this state in the same manner prescribed in this section for the enforcement of an income deduction order against a payor.

(h)1. When *an* income deduction *order* is to be enforced against a payor located outside the state, the obligee who is receiving IV-D services or his or her agent shall promptly request the agency responsible for income deduction in the other state to enforce the income deduction *order*. The request shall contain all information necessary to enforce the income deduction *order*, including the amount to be periodically deducted, a copy of the order establishing, enforcing, or modifying the obligation, and a statement of arrearages, if applicable.

2. When the IV-D agency is requested by the agency responsible for income deduction in another state to enforce *an* income deduction *order* against a payor located in this state for the benefit of an obligee who is being provided IV-D services by the agency in the other state, the IV-D agency shall act promptly pursuant to the applicable provisions of this section.

3. When an obligor who is subject to *an* income deduction *order* enforced against a payor located in this state for the benefit of an obligee who is being provided IV-D services by the agency responsible for income deduction in another state terminates his or her relationship with his or her payor, the IV-D agency shall notify the agency in the other state and provide it with the name and address of the obligor and the address of any new payor of the obligor, if known.

4.a. The procedural rules and laws of this state govern the procedural aspects of income deduction whenever the agency responsible for income deduction in another state requests the enforcement of an income deduction order in this state.

b. Except with respect to when withholding must be implemented, which is controlled by the state where the order establishing, enforcing, or modifying the obligation was entered, the substantive law of this state shall apply whenever the agency responsible for income deduction in another state requests the enforcement of an income deduction in this state.

c. When the IV-D agency is requested by an agency responsible for income deduction in another state to implement income deduction against a payor located in this state for the benefit of an obligee who is being provided IV-D services by the agency in the other state or when the IV-D agency in this state initiates an income deduction request on behalf of an obligee receiving IV-D services in this state against a payor in another state, *pursuant to this section or the Uniform Interstate Family Support Act*, the IV-D agency shall file the interstate income deduction documents, or an affidavit of such request when the income deduction documents are not available, with the depository and if the IV-D agency in this state is responding to a request from another state, provide copies to the payor and obligor in accordance with subsection (1). The depository created pursuant to s. 61.181 shall accept the interstate income deduction documents or affidavit and shall establish an account for the receipt and disbursement of child support or child support and alimony payments and advise the IV-D agency of the account number in writing within 2 days after receipt of the documents or affidavit.

(i) Certified copies of payment records maintained by a depository shall, without further proof, be admitted into evidence in any legal proceeding in this state.

(j)1. A person may not discharge, refuse to employ, or take disciplinary action against an employee because of the enforcement of *an* income deduction *order*. An employer who violates this subsection is subject to a civil penalty not to exceed $250 for the first violation or $500 for any subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction ~~order~~, if any alimony or child support is owing. If no alimony or child support is owing, the penalty shall be paid to the obligor.

2. An employee may bring a civil action in the courts of this state against an employer who refuses to employ, discharges, or otherwise disciplines an employee because of *an* income deduction *order*. The employee is entitled to reinstatement and all wages and benefits lost plus reasonable attorney's fees and costs incurred.

(k) When a payor no longer provides income to an obligor, he or she shall notify the obligee and, if the obligee is a IV-D applicant, the IV-D agency and shall also provide the obligor's last known address and the name and address of the obligor's new payor, if known. A payor who violates this subsection is subject to a civil penalty not to exceed $250 for the first violation or $500 for a subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction *order*.

(3) It is the intent of the Legislature that this section may be used to collect arrearages in child support payments or in alimony payments which have been accrued against an obligor.

(4) When there is more than one income deduction notice against the same obligor, the ~~court shall allocate~~amounts available for income deduction *must be allocated* among all obligee families as follows:

(a) For computation purposes, ~~the court shall convert~~ all obligations *must be converted* to a common payroll frequency and ~~determine~~ the percentage of deduction allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended, *must be determined*. ~~The court shall determine~~ The amount of income available for deduction *is determined* by multiplying that percentage ~~figure~~ by the obligor's net income ~~and determine the sum of all of the support obligations~~.

(b) If the *total monthly support obligation to all families is less than the amount of income available for deduction, the full amount of each obligation must be deducted.* ~~sum of the support obligations is less than the amount of income available for deduction, the court shall order that the full amount of each obligation shall be deducted.~~

(c) If the *total monthly support obligation to all families is greater than the amount of income available for deduction, the amount of the deduction must be prorated, giving priority to current support, so that each family is allocated a percentage of the amount deducted. The percentage to be allocated to each family is determined by dividing each current support obligation by the total of all current support obligations. If the total of all current support obligations is less than the income available for deduction, and past due support is owed to more than one family, then the remainder of the available income must be prorated so that each family is allocated a percentage of the remaining income available for deduction. The percentage to be allocated to each family is determined by dividing each past-due support obligation by the total of all past-due support obligations.* ~~sum of the support obligations is greater than the amount of income available for deduction, the court shall determine a prorated percentage for each support obligation by dividing each obligation by the sum total of all the support obligations. The court shall then determine the prorated deduction amount for each support obligation by multiplying the prorated percentage for each support obligation by the amount of income available for deduction. The court shall then order that the resultant amount for each support obligation shall be deducted from the obligor's income.~~

Section 9. Section 63.181, Florida Statutes, is amended to read:

61.181 Central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; fees.—

(1) The office of the clerk of the court shall operate a depository unless the depository is otherwise created by special act of the Legislature or unless, prior to June 1, 1985, a different entity was established to perform such functions. The department shall, no later than July 1, 1998, extend participation in the federal child support cost reimbursement program to the central depository in each county, to the maximum extent possible under existing federal law. The depository shall receive reimbursement for services provided under a cooperative agreement with the department as provided by federal law.

(2)(a) The depository shall impose and collect a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments as required under this section, which fee shall be a flat fee based, to the extent practicable, upon estimated reasonable costs of operation. The fee shall be reduced in any case in which the fixed fee results in a charge to any party of an amount greater than 3 percent of the amount of any support payment made in satisfaction of the amount which the party is obligated to pay, except that no fee shall be less than $1 nor more than $5 per payment made. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay.

(b)1. For the period of July 1, 1992, through June 30, 1999, the fee imposed in paragraph (a) shall be increased to 4 percent of the support payments which the party is obligated to pay, except that no fee shall be more than $5.25. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be remitted monthly to the Clerk of the Court Child Support Enforcement Collection System Trust Fund administered by the department as provided in subparagraph 2. These funds shall be used exclusively for the development, implementation, and operation of an automated child support enforcement collections system to be operated by the depositories. The department shall contract with the Florida Association of Court Clerks ~~and Comptrollers~~ and the depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but not be limited to, the provision of on-line electronic transfer of information to the IV-D agency as otherwise required by this chapter. Each depository created under this section shall fully participate in the automated child support enforcement collection system on or before July 1, 1997, and transmit data in a readable format as required by the contract between the Florida Association of Court Clerks ~~and Comptrollers~~ and the department. ~~The department may at its discretion exempt a depository from compliance with full participation in the automated child support enforcement collection system.~~

2. No later than December 31, 1996, moneys to be remitted to the department by the depository shall be done daily by electronic funds transfer and calculated as follows:

a. For each support payment of less than $33, 18.75 cents.

b. For each support payment between $33 and $140, an amount equal to 18.75 percent of the fee charged.

c. For each support payment in excess of $140, 18.75 cents.

3. Prior to June 30, 1995, the depositories and the department shall provide the Legislature with estimates of the cost of continuing the collection and maintenance of information required by this act.

4. The fees established by this section shall be set forth and included in every order of support entered by a court of this state which requires payment to be made into the depository.

(3)(a) The depository shall collect and distribute all support payments paid into the depository to the appropriate party. On or after July 1, 1998, if a payment *on a Title IV-D case* is made which is not accompanied by the required transaction fee, the depository shall not deduct any moneys from the support payment for payment of the fee. Nonpayment of the required fee shall be considered a delinquency, and when the total of fees and costs which are due but not paid exceeds $50, the judgment by operation of law process set forth in s. 61.14(6)(a) shall become applicable and operational. As part of its collection and distribution functions, the depository shall maintain records listing:

1. The obligor's name, address, social security number, place of employment, and any other sources of income.

2. The obligee's name, address, and social security number.

3. The amount of support due as provided in the court order.

4. The schedule of payment as provided in the court order.

5. The actual amount of each support payment received, the date of receipt, the amount disbursed, and the recipient of the disbursement.

6. The unpaid balance of any arrearage due as provided in the court order.

7. Other records as necessary to comply with federal reporting requirements.

(b) The depository may require a payor or obligor to complete an information form, which shall request the following about the payor or obligor who provides payment by check:

1. Full name, address, and home phone number.

2. Driver's license number.

3. Social security number.

4. Name, address, and business phone number of obligor's employer.

5. Date of birth.

6. Weight and height.

7. Such other information as may be required by the State Attorney if prosecution for an insufficient check becomes necessary.

If the depository requests such information, and a payor or obligor does not comply, the depository may refuse to accept personal checks from the payor or obligor.

(c) Parties using the depository for support payments shall inform the depository of changes in their names or addresses. An obligor shall, additionally, notify the depository of all changes in employment or sources of income, including the payor's name and address, and changes in the amounts of income received. Notification of all changes shall be made in writing to the depository within 7 days of a change.

(d) When custody of a child is relinquished by a custodial parent who is entitled to receive child support moneys from the depository to a licensed or registered long-term care child agency, that agency may request from the court an order directing child support payments which would otherwise be distributed to the custodial parent be distributed to the agency for the period of custody of the child by the agency. Thereafter, payments shall be distributed to the agency as if the agency were the custodial parent until further order of the court.

(4) The depository shall provide to the IV-D agency, at least once a month, a listing of IV-D accounts which identifies all delinquent accounts, the period of delinquency, and total amount of delinquency. The list shall be in alphabetical order by name of obligor, shall include the obligee's name and case number, and shall be provided at no cost to the IV-D agency.

(5) The depository shall accept a support payment tendered in the form of a check drawn on the account of a payor or obligor, unless the payor or obligor has previously remitted a check which was returned to the depository due to lack of sufficient funds in the account. If the payor or obligor has had a check returned for this reason, the depository shall accept payment by cash, cashier's check, or money order, or may accept a check upon deposit by the payor or obligor of an amount equal to 1 month's payment. Upon payment by cash, cashier's check, or money order, the depository shall disburse the proceeds to the obligee within 2 working days. Payments drawn by check on the account of a payor or obligor shall be disbursed within 4 working days. Notwithstanding the provisions of s. 28.243, the administrator of the depository shall not be personally liable if the check tendered by the payor or obligor is not paid by the bank.

(6) Certified copies of payment records maintained by a depository shall without further proof be admitted into evidence in any legal proceeding in this state.

(7) The depository shall provide to the Title IV-D agency the date provided by a payor, as required in s. 61.1301, for each payment received and forwarded to the agency. If no date is provided by the payor, the depository shall provide the date of receipt by the depository and shall report to the Title IV-D agency those payors who fail to provide the date the deduction was made.

(8) On or before July 1, 1994, the depository shall provide information required by this chapter to be transmitted to the Title IV-D agency by on-line electronic transmission pursuant to rules promulgated by the Title IV-D agency.

(9) If the increase in fees as provided by paragraph (2)(b) expires or is otherwise terminated, the depository shall not be required to provide the Title IV-D agency the date provided by a payor as required by s. 61.1301.

(10) Compliance with the requirements of this section shall be included as part of the annual county audit required pursuant to s. 11.45.

(11) The Office of Program Policy Analysis and Government Accountability shall conduct a program audit of the central child support enforcement depositories operating pursuant to this section. This audit shall include, but not be limited to, an analysis of current and pending federal requirements for the child support enforcement depository and a review of the adequacy of the present depository and funds distribution system to meet those requirements; a cost analysis of the current system; and a review of all strategies, including federal reimbursement, distribution of funds by the local depository, and privatization, to increase efficiency in payment processing. The audit must be completed and a report must be submitted to the Senate and the House of Representatives before December 1, 1996. This subsection shall not affect the implementation of any other parts of this section.

(12) The Office of Program Policy Analysis and Government Accountability is directed to evaluate the Dade County Child Support Enforcement demonstration project administered by the state attorney for the eleventh judicial circuit, and the Manatee County Child Support Enforcement demonstration project administered by the clerk of the circuit court. The office shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives, no later than January 1, 1999.

Section 10. Paragraph (a) of subsection (1) and subsections (8) and (17) of section 61.30, Florida Statutes, are amended to read:

61.30 Child Support guidelines; retroactive child support.—

(1)(a) The child support guideline amount as determined by this section presumptively establishes the amount the trier of fact shall order as child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. The trier of fact may order payment of child support which varies, plus or minus 5 percent, from the guideline amount, after considering all relevant factors, including the needs of the child or children, age, station in life, standard of living, and the financial status and ability of each parent. The trier of fact may order payment of child support in an amount which varies more than 5 percent from such guideline amount only upon a written finding~~, or a specific finding on the record,~~ explaining why ordering payment of such guideline amount would be unjust or inappropriate.

(8) Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b)*, and any noncovered medical, dental, and prescription medication expenses of the child*, shall be added to the basic obligation *unless these expenses have been ordered to be separately paid on a percentage basis*. After the health insurance costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for *health-related costs* ~~health insurance~~ for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children.

(17) In an initial determination of child support, whether in a paternity action, dissolution of marriage action, or petition for support during the marriage, the court has discretion to award child support retroactive to the date when the parents did not reside together in the same household with the child, *not to exceed a period of 24 months preceding the filing of the petition*, regardless of whether that date precedes the filing of the petition. In determining the retroactive award in such cases, the court shall consider the following:

(a) The court shall apply the guidelines in effect at the time of the hearing subject to the obligor's demonstration of his or her actual income, as defined by s. 61.30(2), during the retroactive period. Failure of the obligor to so demonstrate, shall result in the court using the obligor's income at the time of the hearing, in computing child support for the retroactive period.

(b) All actual payments made by the noncustodial parent to the custodial parent or the child or third parties for the benefit of the child throughout the proposed retroactive period.

(c) The court should consider an installment payment plan for the payment of retroactive child support.

Section 11. Subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant*, or interests under a lien arising from a judgment, order, or decree for child support*, against the subject property and with the same priority, regardless of whether a default against the department has been entered for failure to file an answer or other responsive pleading.

(b) *With respect to a duly filed tax warrant*, paragraph (a) applies only to mortgage foreclosure actions initiated on or after July 1, 1994, and to those mortgage foreclosure actions initiated before July 1, 1994, in which no default has been entered against the Department of Revenue before July 1, 1994. *With respect to mortgage foreclosure actions initiated based upon interests under a lien arising from a judgment, order, or decree for child support, paragraph (a) applies only to mortgage foreclosure actions initiated on or after July 1, 1998, and to those mortgage foreclosure actions initiated before July 1, 1998, in which no default has been entered against the Department of Revenue before July 1, 1998.*

Section 12. Subsection (4) of section 319.24, Florida Statutes, is amended to read:

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

(4) If the owner of the motor vehicle or mobile home, as shown on the title certificate, or the director of the state child support enforcement program*, or the director's designee*, desires to place a second or subsequent lien or encumbrance against the motor vehicle or mobile home when the title certificate is in the possession of the first lienholder, the owner shall send a written request to the first lienholder by certified mail, and such first lienholder shall forward the certificate to the department for endorsement. If the title certificate is in the possession of the owner, the owner shall forward the certificate to the department for endorsement. The department shall return the certificate to either the first lienholder or to the owner, as indicated in the notice of lien filed by the first lienholder, after endorsing the second or subsequent lien on the certificate and on the duplicate. If the first lienholder or owner fails, neglects, or refuses to forward the certificate of title to the department within 10 days from the date of the owner's or the director's *or designee's* request, the department, on the written request of the subsequent lienholder or an assignee thereof, shall demand of the first lienholder the return of such certificate for the notation of the second or subsequent lien or encumbrance.

Section 13. Subsection (4) of section 319.32, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to said section to read:

319.32 Fees; service charges; disposition.—

(4) The department shall charge a fee of $7 for each lien placed on a motor vehicle by the state child support enforcement program pursuant to s. 319.24.

Section 14. Subsection (2) of section 372.561, Florida Statutes, is amended to read:

372.561 Issuance of licenses to take wild animal life or freshwater aquatic life; costs; reporting.—

(2) The commission shall issue licenses and permits to take wild animal life or freshwater aquatic life upon proof by the applicant for licensure that she or he is entitled to such license or permit. The commission shall establish the forms for such licenses and permits. *Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement and use by the commission, and as otherwise provided by law.*

Section 15. The introductory paragraph of section 372.57, Florida Statutes, is amended to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, the date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany all applications for a lifetime license for residents 12 years of age and younger. *Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D child support enforcement program and use by the commission, and as otherwise provided by law.*

Section 16. Section 372.574, Florida Statutes, is amended to read:

372.574 Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.—

(1) A county tax collector who elects to sell licenses and permits may appoint any person as a subagent for the sale of fishing, hunting, and trapping licenses and permits that the tax collector is allowed to sell. The following are requirements for subagents:

(a) Each subagent must serve at the pleasure of the county tax collector.

(b) Neither an employee of the county tax collector nor her or his relative or next of kin, by blood or otherwise, may be appointed as a subagent.

(c) The tax collector may require each subagent to post an appropriate bond as determined by the tax collector, using an insurance company acceptable to the tax collector. In lieu of such bond, the tax collector may purchase blanket bonds covering all or selected subagents or may allow a subagent to post such other security as is required by the tax collector.

(d) A subagent may sell licenses and permits as are determined by the tax collector at such specific locations within the county and in states contiguous to Florida as will best serve the public interest and convenience in obtaining licenses and permits. The commission may uniformly prohibit subagents from selling certain licenses or permits.

(e) It is unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless she or he has been appointed as a subagent.

(f) Any person who willfully violates any of the provisions of this law is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(g) A subagent may charge and receive as her or his compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit.

(h) A subagent shall submit payment for and report the sale of licenses and permits to the tax collector as prescribed by the tax collector but no less frequently than monthly.

(i) Subagents shall submit an activity report, for sales made during the reporting period on forms prescribed or approved by the commission. Periodic audits may be performed at the discretion of the commission.

(2) If a tax collector elects not to appoint subagents, the commission may appoint subagents within that county. Subagents shall serve at the pleasure of the commission. The commission may establish, by rule, procedures for selection of subagents. The following are requirements for subagents so appointed:

(a) The commission may require each subagent to post an appropriate bond as determined by the commission, using an insurance company acceptable to the commission. In lieu of the bond, the commission may purchase blanket bonds covering all or selected subagents or may allow a subagent to post other security as required by the commission.

(b) A subagent may sell licenses and permits as authorized by the commission at specific locations within the county and in states as will best serve the public interest and convenience in obtaining licenses and permits. The commission may prohibit subagents from selling certain licenses or permits.

(c) It is unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless he or she has been appointed as a subagent.

(d) Any person who willfully violates any of the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A subagent may charge and receive as his or her compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit. In addition, no later than July 1, 1997, a subagent fee for the sale of licenses over the telephone by credit card shall be established by competitive bid procedures which are overseen by the Game and Fresh Water Fish Commission.

(f) A subagent shall submit payment for and report the sale of licenses and permits to the commission as prescribed by the commission.

(g) Subagents shall maintain records of all licenses and permits sold and all stamps issued, voided, stolen, or lost. Subagents are responsible to the commission for the fees for all licenses and permits sold and for the value of all stamps reported as lost. Subagents must report all stolen validation stamps to the appropriate law enforcement agency. The subagent shall submit a written report and a copy of the law enforcement agency's report to the commission within 5 days after discovering the theft. The value of a lost validation stamp is $5.

(h) Subagents shall submit an activity report, for sales made during the reporting period on forms prescribed or approved by the commission. Periodic audits may be performed at the discretion of the commission.

(i) By July 15 of each year, each subagent shall submit to the commission all unissued stamps for the previous year along with a written audit report, on forms prescribed or approved by the commission, on the numbers of the unissued stamps.

(3) All social security numbers which are provided pursuant to ss. 372.561 and 372.57 and are contained in records of any subagent appointed pursuant to this section are confidential as provided in those sections.

Section 17. Subsection (1) of section 382.008, Florida Statutes, is amended to read:

382.008 Death and fetal death registration.—

(1) A certificate for each death and fetal death which occurs in this state shall be filed on a form prescribed by the department with the local registrar of the district in which the death occurred within 5 days after such death and prior to final disposition, and shall be registered by such registrar if it has been completed and filed in accordance with this chapter or adopted rules. *The certificate shall include the decedent's social security number, if available. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement and as otherwise provided by law.* In addition, each certificate of death or fetal death:

(a) If requested by the informant, shall include aliases or "also known as" (AKA) names of a decedent in addition to the decedent's name of record. Aliases shall be entered on the face of the death certificate in the space provided for name if there is sufficient space. If there is not sufficient space, aliases may be recorded on the back of the certificate and shall be considered part of the official record of death;

(b) If the place of death is unknown, shall be registered in the registration district in which the dead body or fetus is found within 5 days after such occurrence; and

(c) If death occurs in a moving conveyance, shall be registered in the registration district in which the dead body was first removed from such conveyance.

Section 18. Section 382.013, Florida Statutes, is amended to read:

382.013 Birth registration.—A certificate for each live birth that occurs in this state shall be filed within 5 days after such birth with the local registrar of the district in which the birth occurred and shall be registered by the local registrar if the certificate has been completed and filed in accordance with this chapter and adopted rules. *The information regarding registered births shall be used for comparison with information in the state case registry, as defined in chapter 61.*

(1) FILING.—

(a) If a birth occurs in a hospital, birth center, or other health care facility, or en route thereto, the person in charge of the facility shall be responsible for preparing the certificate, certifying the facts of the birth, and filing the certificate with the local registrar. Within 48 hours after the birth, the physician, midwife, or person in attendance during or immediately after the delivery shall provide the facility with the medical information required by the birth certificate.

(b) If a birth occurs outside a facility and the child is not taken to the facility within 3 days after delivery, the certificate shall be prepared and filed by one of the following persons in the indicated order of priority:

1. The physician or midwife in attendance during or immediately after the birth.

2. In the absence of persons described in subparagraph 1., any other person in attendance during or immediately after the birth.

3. In the absence of persons described in subparagraph 2., the father or mother.

4. In the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(c) If a birth occurs in a moving conveyance and the child is first removed from the conveyance in this state, the birth shall be filed and registered in this state and the place to which the child is first removed shall be considered the place of birth.

(d) At least one of the parents of the child shall attest to the accuracy of the personal data entered on the certificate in time to permit the timely registration of the certificate.

(e) If a certificate of live birth is incomplete, the local registrar shall immediately notify the health care facility or person filing the certificate and shall require the completion of the missing items of information if they can be obtained prior to issuing certified copies of the birth certificate.

(f) Regardless of any plan to place a child for adoption after birth, the information on the birth certificate as required by this section must be as to the child's birth parents unless and until an application for a new birth record is made under s. 63.152.

(2) PATERNITY.—

(a) If the mother is married at the time of birth, the name of the husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

(b) If the husband of the mother dies while the mother is pregnant but before the birth of the child, the name of the deceased husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

(c) If the mother is not married at the time of birth, the name of the father may not be entered on the birth certificate without the execution of a consenting affidavit signed by both the mother and the person to be named as the father. *After giving notice orally or through the use of video or audio equipment, and in writing, of the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor, any rights afforded due to minority status, and responsibilities that arise from signing an acknowledgment of paternity,* the facility shall provide the mother and the person to be named as the father with the affidavit, as well as information provided by the Title IV-D agency established pursuant to s. 409.2557, regarding the benefits of voluntary establishment of paternity. Upon request of the mother and the person to be named as the father, the facility shall assist in the execution of the affidavit.

(d) If the paternity of the child is determined by a court of competent jurisdiction as provided under s. 382.015, the name of the father and the surname of the child shall be entered on the certificate in accordance with the finding and order of the court. If the court fails to specify a surname for the child, the surname shall be entered in accordance with subsection (3).

(e) If the father is not named on the certificate, no other information about the father shall be entered on the certificate.

(3) NAME OF CHILD.—

(a) If the mother is married at the time of birth, the mother and father whose names are entered on the birth certificate shall select the given names and surname of the child if both parents have custody of the child, otherwise the parent who has custody shall select the child's name.

(b) If the mother and father whose names are entered on the birth certificate disagree on the surname of the child and both parents have custody of the child, the surname selected by the father and the surname selected by the mother shall both be entered on the birth certificate, separated by a hyphen, with the selected names entered in alphabetical order. If the parents disagree on the selection of a given name, the given name may not be entered on the certificate until a joint agreement that lists the agreed upon given name and is notarized by both parents is submitted to the department, or until a given name is selected by a court.

(c) If the mother is not married at the time of birth, the *parent* ~~person~~ who will have custody of the child shall select the child's given name and surname.

(d) If multiple names of the child exceed the space provided on the face of the birth certificate they shall be listed on the back of the certificate. Names listed on the back of the certificate shall be part of the official record.

(e) Unless the child is of undetermined parentage under subsection (4), the child's given surname or, if the child's given surname is hyphenated, one of the names in that hyphenated surname must be the surname of the child's mother or the child's father as entered on the birth certificate under subsection (2).

(4) UNDETERMINED PARENTAGE.—A birth certificate shall be registered for every child of undetermined parentage showing all known or approximate facts relating to the birth. To assist in later determination, information concerning the place and circumstances under which

the child was found shall be included on the portion of the birth certificate relating to marital status and medical details. In the event the child is later identified to the satisfaction of the department, a new birth certificate shall be prepared which shall bear the same number as the original birth certificate, and the original certificate shall be sealed and filed, shall be confidential and exempt from the provisions of s. 119.07(1), and shall not be opened to inspection by, nor shall certified copies of the same be issued except by court order to, any person other than the registrant if of legal age.

(5) DISCLOSURE.—The original certificate of live birth shall contain all the information required by the department for legal, social, and health research purposes. However, all information concerning parentage, marital status, and medical details shall be confidential and exempt from the provisions of s. 119.07(1), except for health research purposes as approved by the department, nor shall copies of the same be issued except as provided in s. 382.025.

Section 19. Subsection (3) is added to section 409.2557, Florida Statutes, to read:

409.2557 State agency for administering child support enforcement program.—

(3) Specific rulemaking authority.-- The department has the authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement all laws administered by the department in its capacity as the Title IV-D agency for this state including, but not limited to, the following:

(a) background screening of department employees and applicants, including criminal records checks;

(b) confidentiality and retention of department records; access to records; record requests;

(c) department trust funds;

(d) federal funding procedures;

(e) agreements with law enforcement and other state agencies; National Crime Information Center (NCIC) access; Parent Locator Service access;

(f) written agreements entered into between the department and child support obligors in establishment, enforcement, and modification proceedings;

(g) procurement of services by the department, pilot programs, and demonstration projects;

(h) management of cases by the department involving any documentation or procedures required by federal or state law, including but not limited to, cooperation; review and adjustment; audits; interstate actions; diligent efforts for service of process;

(i) department procedures for orders for genetic testing; subpoenas to establish, enforce or modify orders; increasing the amount of monthly obligations to secure delinquent support; suspending or denying driver's and professional licenses and certificates; fishing and hunting license suspensions; suspending vehicle and vessel registrations, screening applicants for new or renewal licenses, registrations, or certificates; income deduction; credit reporting and accessing; tax refund intercepts; passport denials; liens; financial institution data matches; expedited procedures; medical support; and all other responsibilities of the department as required by state or federal law;

(j) collection and disbursement of child support and alimony payments by the department as required by federal law; collection of genetic testing costs and other costs awarded by the court;

(k) report information to and receive information from other agencies and entities;

(l) provide location services, including accessing from and reporting to federal and state agencies;

(m) privatizing location, establishment, enforcement, modification and other functions;

(n) state case registry;

(o) state disbursement unit; and

(p) all other responsibilities of the department as required by state or federal law;

Section 20. Section 409.2558, Florida Statutes, is created to read:

409.2558 Child support distribution and disbursement.—The department shall distribute and disburse child support payments collected in Title IV-D cases in accordance with 42 U.S.C. s. 657 and regulations adopted thereunder by the Secretary of the United States Department of Health and Human Services.

Section 21. Section 409.2559, Florida Statutes, is created to read:

409.2559 State disbursement unit.—The department shall establish and operate a state disbursement unit by October 1, 1999, as required by 42 U.S.C. s. 654(27).

Section 22. Subsection (1) of section 409.2561, Florida Statutes, is amended to read:

409.2561 *Child support obligations when public assistance is paid* ~~Public assistance payments; reimbursement of obligation to department~~; assignment of rights; subrogation; medical and health insurance information.—

(1) Any payment of public assistance money made to, or for the benefit of, any dependent child creates an obligation in an amount equal to the amount of public assistance paid. *In accordance with 42 U.S.C. s. 657, the state shall retain amounts collected only to the extent necessary to reimburse amounts paid to the family as assistance by the state.* If there has been a prior court order or final judgment of dissolution of marriage establishing an obligation of support, the obligation is limited to the amount provided by such court order or decree. ~~pursuant to the applicable child support guidelines in s. 61.30.~~ The obligor shall discharge the reimbursement obligation. If the obligor fails to discharge the reimbursement obligation, the department may apply for a contempt order to enforce reimbursement for support furnished. The extraordinary remedy of contempt is applicable in child support enforcement cases because of the public necessity for ensuring that dependent children be maintained from the resources of their parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through the public assistance program. If there is no prior court order establishing an obligation of support, the court shall establish the liability of the obligor, if any, for reimbursement of public assistance moneys paid~~, by applying the child support guidelines in s. 61.30 for the public assistance period.~~ Priority shall be given to establishing continuing reasonable support for the dependent child. The department may apply for modification of a court order on the same grounds as either party to the cause and shall have the right to settle and compromise actions brought pursuant to law.

Section 23. Subsections (8) and (9) of section 409.2564, Florida Statutes, are amended to read:

409.2564 Actions for support.—

(8) The director of the Title IV-D agency, or the director's designee, is authorized to subpoena *from any person* financial and other information ~~from any person~~ necessary to establish, modify, or enforce a child support order. ~~The agency is authorized to impose a fine for failure to comply with the subpoena.~~

(a) For the purpose of any investigation under this chapter, any designated employee may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence and require the production of any matter which is relevant to the *child support enforcement* investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

(b) Prior to *making application to the court for an order compelling compliance with a subpoena* ~~imposition of a fine~~, the department shall issue a written notification of noncompliance. Failure to comply within 15 days *after* ~~of~~ receipt of the written notification without good cause may result in the ~~agency taking the following actions:~~

~~1. Imposition of an administrative fine of not more than $500;~~

~~2. The~~ application by the Title IV-D agency to the circuit court for an order compelling compliance with the subpoena. The person who is determined to be in noncompliance with the subpoena shall be liable for reasonable attorney's fees and costs associated with the department bringing this action upon showing by the department that the person failed to comply with the request without good cause.

~~(c) All fines collected pursuant to this section shall be made payable to the Child Support Enforcement Application Fee and Program Revenue Trust Fund.~~

(9) In cases in which support is subject to an assignment as *provided under 45 C.F.R. s. 301.1* ~~required under s. 409.2561(2)~~, the Title IV-D agency shall, upon providing notice to the obligor and obligee, direct the obligor or other payor to change the payee to the appropriate depository.

Section 24. Subsection (1) of section 409.25641, Florida Statutes, is amended to read:

409.25641 Procedures for processing *automated administrative* ~~interstate~~ enforcement requests.—

(1) *The Title IV-D agency shall use automated administrative enforcement in response to a request from another state to enforce a support order and shall promptly report the results of enforcement action to the requesting state. "Automated administrative enforcement" means the use of automated data processing to search state databases and determine whether information is available regarding the parent who owes a child support obligation.* ~~The Title IV-D agency shall respond within 5 business days to a request from another state to enforce a support order.~~

Section 25. Section 409.25658, Florida Statutes, is created to read:

409.25658 Use of unclaimed property for past-due child support.—

(1) In a joint effort to facilitate the collection and payment of past-due child support, the Department of Revenue, in cooperation with the Department of Banking and Finance, shall identify persons owing child support collected through a court who are presumed to have abandoned property held by the Department of Banking and Finance.

(2) The department shall periodically provide the Department of Banking and Finance with an electronic file of child support obligors who owe past-due child support. The Department of Banking and Finance shall conduct a data match of the file against all apparent owners of abandoned property under chapter 717 and provide the resulting match list to the department.

(3) Upon receipt of the data match list, the department shall provide to the Department of Banking and Finance the obligor's last known address. The Department of Banking and Finance shall follow the notification procedures under s. 717.118.

(4) Prior to paying an obligor's approved claim, the Department of Banking and Finance shall notify the department that such claim has been approved. Upon confirmation that the Department of Banking and Finance has approved the claim, the department shall immediately send a notice by certified mail to the obligor, with a copy to the Department of Banking and Finance, advising the obligor of the department's intent to intercept the approved claim up to the amount of the past-due child support, and informing the obligor of the obligor's right to request a hearing under chapter 120. The Department of Banking and Finance shall retain custody of the property until a final order has been entered and any appeals thereon have been concluded. If the obligor fails to request a hearing, the department shall enter a final order instructing the Department of Banking and Finance to transfer to the department the property in the amount stated in the final order. Upon such transfer, the Department of Banking and Finance shall be released from further liability related to the transferred property.

(5) The provisions of this section provide a supplemental remedy and the department may use this remedy in conjunction with any other method of collecting child support.

Section 26. Section 409.2567, Florida Statutes, is amended to read:

409.2567 Services to individuals not otherwise eligible.—All child support services provided by the department shall be made available on behalf of all dependent children. Services shall be provided upon acceptance of public assistance or upon proper application filed with the department. The department shall adopt rules to provide for the payment of a $25 application fee from each applicant who is not a public assistance recipient. The application fee shall be deposited in the Child Support Enforcement Application and *Program Revenue* ~~User Fee~~ Trust Fund within the Department of Revenue to be used for the Child Support Enforcement Program. The obligor is responsible for all administrative costs, as defined in s. 409.2554. The court shall order payment of administrative costs without requiring the department to have a member of the bar testify or submit an affidavit as to the reasonableness of the costs. An attorney-client relationship exists only between the department and the legal services providers in Title IV-D cases. The attorney shall advise the obligee in Title IV-D cases that the attorney represents the agency and not the obligee. In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. In any case where the court does not award all costs, the court shall state in the record its reasons for not awarding the costs. The Department of Revenue shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1). The department shall submit a monthly report to the Governor and the chairs of the *Health and Human Services Fiscal* ~~Appropriations~~ Committee of the House of Representatives and the Ways and Means Committee of the Senate specifying the funds identified for collection from the noncustodial parents of children receiving temporary assistance and the amounts actually collected.

Section 27. Subsection (4) is added to section 409.2572, Florida Statutes, to read:

409.2572 Cooperation.—

(4) The Title IV-D agency shall determine whether an applicant for or recipient of public assistance for a dependent child has good cause for failing to cooperate with the Title IV-D agency as required by this section.

Section 28. Section 409.2575, Florida Statutes, is amended to read:

409.2575 Liens on motor vehicles and vessels.—

(1) The director of the state IV-D program*, or the director's designee,* may cause a lien for unpaid and delinquent support to be placed upon motor vehicles, as defined in chapter 320, and upon vessels, as defined in chapter 327, that are registered in the name of an obligor who is delinquent in support payments, if the title to the property is held by a lienholder, in the manner provided in chapter 319 or chapter 328. Notice of lien shall not be mailed unless the delinquency in support exceeds $600.

(2) If the first lienholder fails, neglects, or refuses to forward the certificate of title to the appropriate department as requested pursuant to s. 319.24 or s. 328.15, the director of the IV-D program*, or the director's designee,* may apply to the circuit court for an order to enforce the requirements of s. 319.24 or s. 328.15, whichever applies.

Section 29. Paragraph (c) of subsection (3) of section 409.2576, Florida Statutes, is amended to read:

409.2576 State Directory of New Hires; definitions; furnishing reports and data; matches to state registry; service of deduction notices; national registry; disclosure of information; rulemaking authority.—

(3) EMPLOYERS TO FURNISH REPORTS.—

(c) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement *and those programs listed in subsection (9).*

(9) DISCLOSURE OF INFORMATION.—

(a) New hire information shall be disclosed to the state agency administering the following programs for the purposes of determining eligibility under those programs:

1. Any state program funded under part A of Title IV of the Social Security Act;

2. The Medicaid program under Title XIX of the Social Security Act;

3. The unemployment compensation program under s. 3304 of the Internal Revenue Code of 1954;

4. The food stamp program under the Food Stamp Act of 1977; and

5. Any state program under a plan approved under Title I (Old-Age Assistance for the Aged), Title X (Aid to the Blind), Title XIV (Aid to the Permanently and Totally Disabled), or Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act.

(b) New hire information shall be disclosed to the state agencies operating employment security and workers' compensation programs for the purposes of administering such programs.

Section 30. Paragraph (b) of subsection (2) and subsection (3) of section 409.2578, Florida Statutes, are amended to read:

409.2578 Access to employment information; administrative fine.—

(2) Prior to imposition of a fine, the department shall issue a written notification of noncompliance. Failure to comply with the request within 15 days of receipt of the written notification without good cause may result in the agency taking the following actions:

(b) The application by the Title IV-D agency or its designee, to the circuit court for an *order* ~~court~~ compelling compliance. The person who is determined to be in noncompliance with the request shall be liable for reasonable attorney's fees and costs associated with the department bringing this action upon showing by the department that the person failed to comply with the request without good cause.

(3) All fines collected pursuant to this section shall be made payable to the Child Support Enforcement Application ~~Fee~~ and Program Revenue Trust Fund.

Section 31. Subsections (1), (3), (4), and (5) of section 409.2579, Florida Statutes, are amended to read:

409.2579 Safeguarding Title IV-D case file information.—

(1) Information concerning applicants for or recipients of Title IV-D child support services is confidential and exempt from the provisions of s. 119.07(1). The use or disclosure of such information by the IV-D program is limited to purposes directly connected with:

(a) The administration of the plan or program approved under part A, part B, part D, part E, or part F of Title IV; under Title II, Title X, Title XIV, Title XVI, Title XIX, or Title XX; or under the supplemental security income program established under Title XVI of the Social Security Act;

(b) Any investigation, prosecution, or criminal or civil proceeding connected with the administration of any such plan or program;

(c) The administration of any other federal or federally assisted program which provides service or assistance, in cash or in kind, directly to individuals on the basis of need; ~~and~~

(d) Reporting to an appropriate agency or official, information on known or suspected instances of physical or mental injury, child abuse, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support enforcement activity under circumstances which indicate that the child's health or welfare is threatened thereby*; and*~~.~~

(e) Mandatory disclosure of identifying and location information as provided in s. 61.13(9) by the IV-D program when providing Title IV-D services.

(3) As required by federal law, 42 U.S.C. s. 654*(26)*, upon notice that such an order exists, the IV-D program shall not disclose information on the whereabouts of one party *or the child* to the other party against whom a protective order with respect to the former party *or the child* has been entered.

(4) As required by federal law, 42 U.S.C. s. 654*(26)*, the IV-D program shall not disclose information on the whereabouts of one party *or the child* to another *person* ~~party~~ if the program has reason to believe that the release of information *to that person* may result in physical or emotional harm to the ~~former~~ party *or the child*.

(5) The Department of *Revenue* ~~Children and Family Services~~ is authorized to establish, by rule, procedures to implement this section.

(6) Any person who willfully and knowingly violates any of the provisions of this section is guilty of a misdemeanor of the first degree punishable as provided in s. 775.082 or s. 775.083.

Section 32. Subsection (7) of section 414.095, Florida Statutes, is amended to read:

414.095 Determining eligibility for the WAGES Program.—

(7) CHILD SUPPORT ENFORCEMENT.—As a condition of eligibility for *public* ~~temporary cash~~ assistance, the family must cooperate with the state agency responsible for administering the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. Cooperation is defined as:

(a) Assisting in identifying and locating a noncustodial parent and providing complete and accurate information on that parent;

(b) Assisting in establishing paternity; and

(c) Assisting in establishing, modifying, or enforcing a support order with respect to a child of a family member.

This subsection does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate.

Section 33. Paragraph (a) of subsection (1) of section 414.32, Florida Statutes, is amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

(1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT AGENCY.—

(a) A parent or caretaker relative who receives temporary cash assistance or food stamps on behalf of a child under 18 years of age who has an absent parent is ineligible for food stamps unless the parent or caretaker relative cooperates with the state agency that administers the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. This paragraph does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate ~~in establishing the paternity of the child~~.

Section 34. Paragraph (b) of subsection (3) of section 443.051, Florida Statutes, is amended to read:

443.051 Benefits not alienable; exception, child support intercept.—

(3) EXCEPTION, CHILD SUPPORT INTERCEPT.—

(b) The division shall deduct and withhold from any unemployment compensation otherwise payable to an individual who owes child support obligations:

1. The amount specified by the individual to the division to be deducted and withheld under this section;

2. The amount determined pursuant to an agreement submitted to the division under s. 454(20)(B)(i) of the Social Security Act by the state or local child support enforcement agency; or

3. Any amount otherwise required to be deducted and withheld from such unemployment compensation through legal process as defined in *s. 459* ~~s. 462(e)~~ of the Social Security Act.

Section 35. Subsection (2) of section 443.1715, Florida Statutes, is amended to read:

443.1715 Disclosure of information; confidentiality.—

(2) DISCLOSURE OF INFORMATION.—Subject to such restrictions as the division prescribes by rule, information declared confidential under this section may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the Bureau of Internal Revenue of the United States Department of the Treasury, or the Florida Department of Revenue and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. The division shall on a quarterly basis, furnish the National Directory of New Hires with *information* ~~extracts of the reports required under s. 303(a)(6) of the Social Security Act (42 U.S.C. s. 503) to be made to the Secretary of Labor~~ concerning the wages and unemployment compensation paid to individuals, by such dates, in such format and containing such information as the Secretary of Health and Human Services shall specify in regulations. Upon request therefor, the division shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of such information as provided in this section. The division may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter and may in connection with such request transmit any such report or return to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

Section 36. Subsection (9) of section 455.213, Florida Statutes, is amended to read:

455.213 General licensing provisions.—

(9) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement *and use by the Department of Business and Professional Regulation, and as otherwise provided by law*.

Section 37. Section 741.04, Florida Statutes, is amended to read:

741.04 Marriage license issued.—No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her an affidavit in writing, signed by both parties to the marriage, providing the social security numbers *or other identification numbers* of each party, made and subscribed before some person authorized by law to administer an oath, reciting the true and correct ages of such parties; unless both such parties shall be over the age of 18 years, except as provided in s. 741.0405; and unless one party is a male and the other party is a female. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. *However, when an individual is not a citizen of the United States and does not have a social security number, alien registration documentation, or other proof of immigration registration from the United States Immigration and Naturalization Service that contains the individual's alien admission number or alien file number, or such other documents as the state determines constitutes reasonable evidence indicating a satisfactory immigration status, shall be provided in lieu of the social security number.* Disclosure of social security numbers *or other identification numbers* obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 38. Subsection (2) of section 742.032, Florida Statutes, is amended to read:

742.032 Filing of location information.—

(2) Beginning July 1, 1997, in any subsequent Title IV-D child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the *court of competent jurisdiction shall* ~~tribunal may~~ deem state due process requirements for notice and service of process to be met with respect to the party upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry under subsection (1). Beginning October 1, 1998, in any subsequent non-Title IV-D child support enforcement action between the parties, the same requirements for service shall apply.

Section 39. Subsection (6) of section 61.14, Florida Statutes, is amended to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(6)(a)1. When support payments are made through the local depository, any payment or installment of support which becomes due and is unpaid under any support order is delinquent; and this unpaid payment or installment, and all other costs and fees herein provided for, become, after notice to the obligor and the time for response as set forth in this subsection, a final judgment by operation of law, which has the full force, effect, and attributes of a judgment entered by a court in this state for which execution may issue. *No deduction shall be made by the local depository from any payment made for costs and fees accrued in the judgment by operation of law process under paragraph (b) until the total amount of support payments due the obligee under the judgment has been paid.*

2. A certified copy of the support order and a certified statement by the local depository evidencing a delinquency in support payments constitute evidence of the final judgment under this paragraph.

3. The judgment under this paragraph is a final judgment as to any unpaid payment or installment of support which has accrued up to the time either party files a motion with the court to alter or modify the support order, and such judgment may not be modified by the court. The court may modify such judgment as to any unpaid payment or installment of support which accrues after the date of the filing of the motion to alter or modify the support order. This subparagraph does not prohibit the court from providing relief from the judgment pursuant to Florida Rule of Civil Procedure 1.540.

(b)1. When an obligor is 15 days delinquent in making a payment or installment of support, the local depository shall serve notice on the obligor informing him or her of:

a. The delinquency and its amount.

b. An impending judgment by operation of law against him or her in the amount of the delinquency and all other amounts which thereafter become due and are unpaid, together with costs and a fee of $5, for failure to pay the amount of the delinquency.

c. The obligor's right to contest the impending judgment and the ground upon which such contest can be made.

d. The local depository's authority to release information regarding the delinquency to one or more credit reporting agencies.

2. The local depository shall serve the notice by mailing it by first class mail to the obligor at his or her last address of record with the local depository. If the obligor has no address of record with the local depository, service shall be by publication as provided in chapter 49.

3. When service of the notice is made by mail, service is complete on the date of mailing.

(c) Within 15 days after service of the notice is complete, the obligor may file with the court that issued the support order, or with the court in the circuit where the local depository which served the notice is located, a motion to contest the impending judgment. An obligor may contest the impending judgment only on the ground of a mistake of fact regarding an error in whether a delinquency exists, in the amount of the delinquency, or in the identity of the obligor.

(d) The court shall hear the obligor's motion to contest the impending judgment within 15 days after the date of the filing of the motion. Upon the court's denial of the obligor's motion, the amount of the delinquency and all other amounts which thereafter become due, together with costs

and a fee of $5, become a final judgment by operation of law against the obligor. The depository shall charge interest at the rate established in s. 55.03 on all judgments for child support.

(e) If the obligor fails to file a motion to contest the impending judgment within the time limit prescribed in paragraph (c) and fails to pay the amount of the delinquency and all other amounts which thereafter become due, together with costs and a fee of $5, such amounts become a final judgment by operation of law against the obligor at the expiration of the time for filing a motion to contest the impending judgment.

(f)1. Upon request of any person, the local depository shall issue, upon payment of a fee of $5, a payoff statement of the total amount due under the judgment at the time of the request. The statement may be relied upon by the person for up to 30 days from the time it is issued unless proof of satisfaction of the judgment is provided.

2. When the depository records show that the obligor's account is current, the depository shall record a satisfaction of the judgment upon request of any interested person and upon receipt of the appropriate recording fee. Any person shall be entitled to rely upon the recording of the satisfaction.

3. The local depository, at the direction of the department, or the obligee in a non-IV-D case, may partially release the judgment as to specific real property, and the depository shall record a partial release upon receipt of the appropriate recording fee.

4. The local depository is not liable for errors in its recordkeeping, except when an error is a result of unlawful activity or gross negligence by the clerk or his or her employees.

Section 40. Section 61.046, Florida Statutes, is amended to read:

61.046 Definitions.—As used in this chapter:

(1) "Business day" means any day other than a Saturday, Sunday, or legal holiday.

(2) "Clerk of Court Child Support Collection System" or "CLERC System" means the automated system established pursuant to s. 61.181(2)(b)1., integrating all clerks of court and depositories and through which payment data and State Case Registry data is transmitted to the department's automated child support enforcement system.

(3)~~(1)~~ "Custodial parent" or "primary residential parent" means the parent with whom the child maintains his or her primary residence.

(4)~~(2)~~ "Department" means the Department of Revenue.

(5)~~(3)~~ "Depository" means the central governmental depository established pursuant to s. 61.181, *created by special act of the Legislature or other entity established before June 1, 1985, to perform depository functions and* to receive, record, report, disburse, monitor, and otherwise handle alimony and child support payments *not otherwise required to be processed by the State Disbursement Unit.*

(6) "Federal Case Registry of Child Support Orders" means the automated registry of support order abstracts and other information established and maintained by the United States Department of Health and Human Services as provided by 42 U.S.C. s. 653(h).

(7)~~(4)~~ "Income" means any form of payment to an individual, regardless of source, including, but not limited to: wages, salary, commissions and bonuses, compensation as an independent contractor, worker's compensation, disability benefits, annuity and retirement benefits, pensions, dividends, interest, royalties, trusts, and any other payments, made by any person, private entity, federal or state government, or any unit of local government. United States Department of Veterans Affairs disability benefits and unemployment compensation, as defined in chapter 443, are excluded from this definition of income except for purposes of establishing an amount of support.

(8)~~(5)~~ "IV-D" means services provided pursuant to Title IV-D of the Social Security Act, 42 U.S.C. *ss. 651 et seq* ~~s. 1302~~.

(9)~~(6)~~ "Local officer" means an elected or appointed constitutional or charter government official including, but not limited to, the state attorney and clerk of the circuit court.

(10)~~(7)~~ "Noncustodial parent" means the parent with whom the child does not maintain his or her primary residence.

(11)~~(8)~~ "Obligee" means the person to whom payments are made pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support.

(12)~~(9)~~ "Obligor" means a person responsible for making payments pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support.

(13)~~(10)~~ "Payor" means an employer or former employer or any other person or agency providing or administering income to the obligor.

(14)~~(11)~~ "Shared parental responsibility" means a court-ordered relationship in which both parents retain full parental rights and responsibilities with respect to their child and in which both parents confer with each other so that major decisions affecting the welfare of the child will be determined jointly.

(15)~~(12)~~ "Sole parental responsibility" means a court-ordered relationship in which one parent makes decisions regarding the minor child.

(16)~~(13)~~ "State Case Registry" means *the automated* ~~a~~ registry maintained by the Title IV-D agency, *containing records of each Title IV-D case and of each support order established or modified in the state on or after October 1, 1998. Such records shall consist of data elements as required by the United States Secretary of Health and Human Services.* ~~for information related to paternity and child support orders for Title IV-D. Beginning October 1, 1998, information related to non-Title IV-D cases established or modified in the state shall be maintained in the registry.~~

(17) "State Disbursement Unit" means the unit established and operated by the Title IV-D agency to provide one central address for collection and disbursement of child support payments made in cases enforced by the department pursuant to Title IV-D of the Social Security Act and in cases not being enforced by the department in which the support order was initially issued in this state on or after January 1, 1994, and in which the obligor's child support obligation is being paid through income deduction order.

(18) "Support order" means a judgment, decree, or order, whether temporary or final, issued by a court of competent jurisdiction for the support and maintenance of a child which provides for monetary support, health care, arrearages, or past support.

Section 41. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 61.181, Florida Statutes, are amended to read:

61.181 Central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; fees.—

(1) The office of the clerk of the court shall operate a depository unless the depository is otherwise created by special act of the Legislature or unless, prior to June 1, 1985, a different entity was established to perform such functions. The department shall, no later than July 1, 1998, extend participation in the federal child support cost reimbursement program to the central depository in each county, to the maximum extent possible under existing federal law. The depository shall receive reimbursement for services provided under a cooperative agreement with the department *pursuant to s. 61.1826. Each depository shall participate in the State Disbursement Unit and shall implement all statutory and contractual duties imposed on the State Disbursement Unit. Each depository shall receive from and transmit to the State Disbursement Unit required data through the Clerk of Court Child Support Enforcement Collection System. Payments on non-Title IV-D cases without income deduction orders shall not be sent to the State Disbursement Unit* ~~as provided by federal law~~.

(2)(a) *For payments not required to be processed through the State Disbursement Unit,* the depository shall impose and collect a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments as required under this section, which fee shall be a flat fee based, to the extent practicable, upon estimated reasonable costs of operation. The fee shall be reduced in any case in which the fixed fee results in a charge to any party of an amount greater than 3 percent of the amount of any support payment

made in satisfaction of the amount which the party is obligated to pay, except that no fee shall be less than $1 nor more than $5 per payment made. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay.

(b)1. For the period of July 1, 1992, through June 30, *2002* ~~1999~~, the fee imposed in paragraph (a) shall be increased to 4 percent of the support payments which the party is obligated to pay, except that no fee shall be more than $5.25. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be remitted monthly to the Clerk of the Court Child Support Enforcement Collection System Trust Fund administered by the department as provided in subparagraph 2. These funds shall be used exclusively for the development, implementation, and operation of *the Clerk of the Court* ~~an automated~~ Child Support Enforcement *Collection* ~~Collections~~ System to be operated by the depositories, *including the automation of civil case information necessary for the State Case Registry*. The department shall contract with the Florida Association of Court Clerks ~~and Comptrollers~~ and the depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but not be limited to, the provision of on-line electronic transfer of information to the IV-D agency as otherwise required by this chapter. *The department's obligation to fund the automation of the depositories is limited to the state share of funds available in the Clerk of the Court Child Support Enforcement Collection System Trust Fund.* Each depository created under this section shall fully participate in the *Clerk of the Court* ~~automated~~ Child Support Enforcement Collection System ~~on or before July 1, 1997,~~ and transmit data in a readable format as required by the contract between the Florida Association of Court Clerks ~~and Comptrollers~~ and the department. ~~The department may at its discretion exempt a depository from compliance with full participation in the automated child support enforcement collection system.~~

2. No later than December 31, 1996, moneys to be remitted to the department by the depository shall be done daily by electronic funds transfer and calculated as follows:

a. For each support payment of less than $33, 18.75 cents.

b. For each support payment between $33 and $140, an amount equal to 18.75 percent of the fee charged.

c. For each support payment in excess of $140, 18.75 cents.

3. Prior to June 30, 1995, the depositories and the department shall provide the Legislature with estimates of the cost of continuing the collection and maintenance of information required by this act.

4. The fees established by this section shall be set forth and included in every order of support entered by a court of this state which requires payment to be made into the depository.

(3)(a) *For payments not required to be processed through the State Disbursement Unit,* the depository shall collect and distribute all support payments paid into the depository to the appropriate party. On or after July 1, 1998, if a payment is made *on a Title IV-D case* which is not accompanied by the required transaction fee, the depository shall not deduct any moneys from the support payment for payment of the fee. Nonpayment of the required fee shall be considered a delinquency, and when the total of fees and costs which are due but not paid exceeds $50, the judgment by operation of law process set forth in s. 61.14(6)(a) shall become applicable and operational. As part of its collection and distribution functions, the depository shall maintain records listing:

1. The obligor's name, address, social security number, place of employment, and any other sources of income.

2. The obligee's name, address, and social security number.

3. The amount of support due as provided in the court order.

4. The schedule of payment as provided in the court order.

5. The actual amount of each support payment received, the date of receipt, the amount disbursed, and the recipient of the disbursement.

6. The unpaid balance of any arrearage due as provided in the court order.

7. Other records as necessary to comply with federal reporting requirements.

Section 42. Section 61.1824, Florida Statutes, is created to read:

61.1824 State Disbursement Unit.—

(1) The State Disbursement Unit is hereby created and shall be operated by the Department of Revenue or by a contractor responsible directly to the department. The State Disbursement Unit shall be responsible for the collection and disbursement of payments for:

(a) All child support cases enforced by the department pursuant to Title IV-D of the Social Security Act; and

(b) All child support cases not being enforced by the department pursuant to Title IV-D of the Social Security Act in which the initial support order was issued in this state on or after January 1, 1994, and in which the obligor's child support obligation is being paid through income deduction.

(2) The State Disbursement Unit must be operated in coordination with the department's child support enforcement automated system in Title IV-D cases.

(3) The State Disbursement Unit shall perform the following functions:

(a) Disburse all receipts from intercepts, including, but not limited to, United States Internal Revenue Service, unemployment compensation, lottery, and administrative offset intercepts.

(b) Provide employers and payors with one address to which all income deduction collections are sent.

(c) When there is more than one income deduction order being enforced against the same obligor by the payor, allocate the amounts available for income deduction in the manner set forth in s. 61.1301.

(d) To the extent feasible, use automated procedures for the collection and disbursement of support payments, including, but not limited to, having procedures for:

1. Receipt of payments from obligors, employers, other states and jurisdictions, and other entities.

2. Timely disbursement of payments to obligees, the department, and other state Title IV-D agencies.

3. Accurate identification of payment source and amount.

4. Furnishing any parent, upon request, timely information on the current status of support payments under an order requiring payments to be made by or to the parent, except that in cases described in paragraph (1)(b), prior to the date the State Disbursement Unit becomes fully operational, the State Disbursement Unit shall not be required to convert and maintain in automated form records of payments kept pursuant to s. 61.181.

(e) Information regarding disbursement must be transmitted in the following manner:

1. In Title IV-D cases, the State Disbursement Unit shall transmit, in an electronic format as prescribed by the department, all required information to the department on the same business day the information is received from the employer or other source of periodic income, if sufficient information identifying the payee is provided. The department shall determine distribution allocation of a collection and shall electronically transmit that information to the State Disbursement Unit, whereupon the State Disbursement Unit shall disburse the collection. The State Disbursement Unit may delay the disbursement of payments toward arrearages until the resolution of any timely appeal with respect to such arrearages. The State Disbursement Unit may delay the disbursement of Title IV-D collections until authorization by the Title IV-D agency has been received.

2. In non-Title IV-D cases payment information is not transmitted to the department. The State Disbursement Unit may delay the disbursement of payments toward arrearages until the resolution of any timely appeal with respect to such arrearages.

(f) Reconcile all cash receipts and all disbursements daily and provide the department with a daily reconciliation report in a format as prescribed by the department.

(g) Disburse child support payments to foreign countries as may be required.

(h) Receive and convert child support payments made in foreign currency.

(i) Remit to the department payments for costs due the department.

(j) Handle insufficient funds payments, claims of lost or stolen checks, and stop payment orders.

(k) Issue billing notices and statements of account, in accordance with federal requirements, in a format and frequency prescribed by the department to persons who pay and receive child support in Title IV-D cases.

(l) Provide the department with a weekly report that summarizes and totals all financial transaction activity.

(m) Provide toll-free access to customer assistance representatives and an automated voice response system that will enable the parties to a child support case to obtain payment information.

(4) For cases in which the obligor or payor fails to submit payment directly to the central address provided by the State Disbursement Unit, the depositories shall have procedures for accepting a support payment tendered in the form of cash or a check drawn on the account of a payor or obligor, unless the payor or obligor has previously remitted a check which was returned to the depository due to lack of sufficient funds in the account. If the payor or obligor has had a check returned for this reason, the depository shall accept payment by cash, cashier's check, or money order, or may accept a check upon deposit by the payor or obligor of an amount equal to 1 month's payment. Upon payment by cash, cashier's check, or money order, the depository shall remit the payment to the State Disbursement Unit within 1 business day after receipt.

(5) Obligees receiving payments through the State Disbursement Unit shall inform the State Disbursement Unit of changes in their names and addresses. Notification of all changes must be made directly to the State Disbursement Unit within 7 business days after a change. In Title IV-D cases, the State Disbursement Unit shall transmit the information to the department, in an electronic format prescribed by the department, within 1 business day after receipt.

Section 43. Section 61.1825, Florida Statutes, is created to read:

61.1825 State Case Registry.—

(1) The Department of Revenue or its agent shall operate and maintain a State Case Registry as provided by 42 U.S.C. s. 654A. The State Case Registry must contain records for:

(a) Each case in which services are being provided by the department as the state's Title IV-D agency; and

(b) By October 1, 1998, each support order established or modified in the state on or after October 1, 1998, in which services are not being provided by the Title IV-D agency.

The department shall maintain that part of the State Case Registry that includes support order information for Title IV-D cases on the department's child support enforcement automated system.

(2) By October 1, 1998, for each support order established or modified by a court of this state on or after October 1, 1998, the depository for the court that enters the support order in a non-Title IV-D case shall provide, in an electronic format prescribed by the department, the following information to that component of the State Case Registry that receives, maintains, and transmits support order information for non-Title IV-D cases:

(a) The name of the obligor, obligee, and child or children;

(b) The social security number of the obligor, obligee, and child or children;

(c) The date of birth of the obligor, obligee, and child or children;

(d) Whether a family violence indicator is present or if a court order has been entered against a party in a domestic violence or protective action;

(e) The date the support order was established or modified;

(f) The case identification number, which is the two-digit numeric county code followed by the civil circuit case number:

(g) The federal information processing system numeric designation for the county and state where the support order was established or modified; and

(h) Any other data as may be required by the United States Secretary of Health and Human Services.

(3) The depository, using standardized data elements, shall provide the support order information required by subsection (2) to the entity that maintains the non-Title IV-D support order information for the State Case Registry at a frequency and in a format prescribed by the department.

(4) The entity that maintains State Case Registry information for non-Title IV-D cases shall make the information available to the department in a readable and searchable electronic format that is compatible with the department's automated child support enforcement system.

(5) State Case Registry information must be transmitted electronically to the Federal Case Registry of Child Support Orders by the department in a manner and frequency prescribed by the United States Secretary of Health and Human Services.

Section 44. Section 61.1826, Florida Statutes, is created to read:

61.1826 Procurement of services for State Disbursement Unit and the non-Title IV-D component of the State Case Registry; contracts and cooperative agreements; penalties; withholding payment.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that the clerks of court play a vital role, as essential participants in the establishment, modification, collection, and enforcement of child support, in securing the health, safety, and welfare of the children of this state. The Legislature further finds and declares that:

(a) It is in the state's best interest to preserve the essential role of the clerks of court in disbursing child support payments and maintaining official records of child support orders entered by the courts of this state.

(b) As official recordkeeper for matters relating to court-ordered child support, the clerks of court are necessary parties to obtaining, safeguarding, and providing child support payment and support order information.

(c) As provided by the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the state must establish and operate a State Case Registry in full compliance with federal law by October 1, 1998, and a State Disbursement Unit by October 1, 1999.

(d) Noncompliance with federal law could result in a substantial loss of federal funds for the state's child support enforcement program and the temporary assistance for needy families welfare block grant.

(e) The potential loss of substantial federal funds poses a direct and immediate threat to the health, safety, and welfare of the children and citizens of the state and constitutes an emergency for purposes of s. 287.057(3)(a).

(f) The clerks of court maintain the official payment record of the court for amounts received, payments credited, arrearages owed, liens attached, and current mailing addresses of all parties, payor, obligor, and payee.

(g) The clerks of court have established a statewide Clerk of Court Child Support Enforcement Collection System for the automation of all payment processing using state and local government funds as provided under s. 61.181(2)(b)1.

(h) The Legislature acknowledges the improvements made by and the crucial role of the Clerk of the Court Child Support Enforcement Collection System in speeding payments to the children of Florida.

(i) There is no viable alternative to continuing the role of the clerks of court in collecting, safeguarding, and providing essential child support payment information.

For these reasons, the Legislature hereby directs the Department of Revenue, subject to the provisions of subsection (6), to contract with the Florida Association of Court Clerks and each depository to perform duties with respect to the operation and maintenance of a State Disbursement Unit and the non-Title IV-D component of the State Case Registry as further provided by this section.

(2) COOPERATIVE AGREEMENTS.—Each depository shall enter into a standard cooperative agreement with the department for participation in the State Disbursement Unit and the non-Title IV-D component of the State Case Registry through the Clerk of Court Child Support Enforcement Collection System within 60 days after the effective date of this section. The cooperative agreement shall be a uniform document, mutually developed by the department and the Florida Association of Court Clerks, that applies to all depositories and complies with all state and federal requirements. Each depository shall also enter into a written agreement with the Florida Association of Court Clerks and the department within 60 days after the effective date of this section that requires each depository to participate fully in the State Disbursement Unit and the non-Title IV-D component of the State Case Registry.

(3) CONTRACT.—The Florida Association of Court Clerks shall enter into a written contract with the department that fully complies with all federal and state laws within 60 days after the effective date of this section. The contract shall be mutually developed by the department and the Florida Association of Court Clerks. As required by s. 287.057 and 45 C.F.R. s. 74.43, any subcontracts entered into by the Florida Association of Court Clerks, except for a contract between the Florida Association of Court Clerks and its totally owned subsidiary corporation, must be procured through competitive bidding.

(4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.—The contract between the Florida Association of Court Clerks and the department, and cooperative agreements entered into by the depositories and the department, must contain, but are not limited to, the following terms:

(a) The initial term of the contract and cooperative agreements is for 5 years. The subsequent term of the contract and cooperative agreements is for 3 years, with the option of two 1-year renewal periods, at the sole discretion of the department.

(b) The duties and responsibilities of the Florida Association of Court Clerks, the depositories, and the department.

(c) Under s. 287.058(1)(a), all providers and subcontractors shall submit to the department directly, or through the Florida Association of Court Clerks, a report of monthly expenditures in a format prescribed by the department and in sufficient detail for a proper preaudit and postaudit thereof.

(d) All providers and subcontractors shall submit to the department directly, or through the Florida Association of Court Clerks, management reports in a format prescribed by the department.

(e) All subcontractors shall comply with chapter 280, as may be required.

(f) Federal financial participation for eligible Title IV-D expenditures incurred by the Florida Association of Court Clerks and the depositories shall be at the maximum level permitted by federal law for expenditures incurred for the provision of services in support of child support enforcement in accordance with 45 C.F.R., part 74 and Federal Office of Management and Budget Circulars A-87 and A-122 and based on an annual cost allocation study of each depository. The depositories shall submit directly, or through the Florida Association of Court Clerks, claims for Title IV-D expenditures monthly to the department in a standardized format as prescribed by the department. The Florida Association of Court Clerks shall contract with a certified public accounting firm, selected by the Florida Association of Court Clerks and the department, to audit and certify quarterly to the department all claims for expenditures submitted by the depositories for Title IV-D reimbursement.

(g) Upon termination of the contracts between the department and the Florida Association of Court Clerks or the depositories, the Florida Association of Court Clerks, its agents, and the depositories shall assist the department in making an orderly transition to a private vendor.

(h) Interest on late payment by the department shall be in accordance with s. 215.422.

If either the department or the Florida Association of Court Clerks objects to a term of the standard cooperative agreement or contract specified in subsections (2) and (3), the disputed term or terms shall be presented jointly by the parties to the Attorney General or the Attorney General's designee, who shall act as special master. The special master shall resolve the dispute in writing within 10 days. The resolution of a dispute by the special master is binding on the department and the Florida Association of Court Clerks.

(5) PERFORMANCE REVIEWS.—As provided by this subsection, the Office of Program Policy Analysis and Government Accountability shall conduct comprehensive performance reviews of the State Disbursement Unit and State Case Registry. In addition to the requirements of chapter 11, the review must include, but not be limited to, an analysis of state and federal requirements, the effectiveness of the current system in meeting those requirements; a cost analysis of the State Disbursement Unit and the non-Title IV-D component of the State Case Registry; a review and comparison of available alternative methodologies as utilized by other states; and a review of all strategies, including privatization, to increase the efficiency and cost effectiveness of the State Disbursement Unit and the non-Title IV-D component of the State Case Registry. A review must be completed and a written report submitted to the Governor, President of the Senate, and the Speaker of the House of Representatives by October 1, 1999, pertaining to the State Case Registry and October 1, 2000, pertaining to the State Disbursement Unit, and every 2 years thereafter beginning October 1, 2002, pertaining to both the State Case Registry and the State Disbursement Unit.

(6) CONTRACT TERMINATION.—If any of the following events occur, the department may discontinue its plans to contract, or terminate its contract, with the Florida Association of Court Clerks and the depositories upon 30 days' written notice by the department and may, through competitive bidding, procure services from a private vendor to perform functions necessary for the department to operate the State Disbursement Unit and the non-Title IV-D component of the State Case Registry with a minimum amount of disruption in service to the children and citizens of the state:

(a) Receipt by the department of final notice by the United States Secretary of Health and Human Services or the secretary's designee that the contractual arrangement between the department, the Florida Association of Court Clerks, and the depositories, does not satisfy federal requirements for a State Disbursement Unit or a State Case Registry and that the state's Title IV-D State Plan will not be approved, or that federal Title IV-D funding is not made available to fund the non-Title IV-D component of the State Case Registry or the State Disbursement Unit;

(b) The Florida Association of Court Clerks, a depository or any subcontractor fails to comply with any material contractual term or state or federal requirement;

(c) The non-Title IV-D component of the State Case Registry is not established and operational, consistent with the terms of the contract, by October 1, 1998; or

(d) The State Disbursement Unit is not established and operational, consistent with the terms of the contract, by October 1, 1999.

If either event specified in paragraph (a) occurs, the depositories are relieved of all responsibilities and duties under this chapter relating to Title IV-D payment processing and data transmission to the department.

(7) PARTICIPATION BY DEPOSITORIES.—

(a) Each depository shall participate in the non-Title IV-D component of the State Case Registry by using an automated system compatible with the department's automated child support enforcement system.

(b) For participation in the State Disbursement Unit, each depository shall:

1. Use the CLERC System;

2. Receive electronically and record payment information from the State Disbursement Unit for each support order entered by the court.

(8) TITLE IV-D PROGRAM INCOME.—Pursuant to 45 C.F.R. s. 304.50, all transaction fees and interest income realized by the State Disbursement Unit constitute and must be reported as program income under federal law and must be transmitted to the Title IV-D agency for deposit in the Child Support Enforcement Application and Program Revenue Trust Fund.

(9) PENALTIES.—All depositories must participate in the State Disbursement Unit and the non-Title IV-D component of the State Case Registry as provided in this chapter. If a depository fails to comply with this requirement or with any material contractual term or other state or federal requirement, the failure constitutes misfeasance which subjects the county officer or officers responsible for the depository to suspension under Article IV of the State Constitution. The department shall report any continuing acts of misfeasance by a depository to the Governor and Cabinet, and to the Florida Association of Court Clerks.

(10) WITHHOLDING PAYMENT UNDER CONTRACTS.—If the Florida Association of Court Clerks, its agent, a subcontractor, or a depository does not comply with any material contractual term or state or federal requirement, the department may withhold funds otherwise due under the individual contract with the Florida Association of Court Clerks or the individual cooperative agreement with the depository, or both, at the department's election, to enforce compliance. The department shall provide written notice of noncompliance before withholding funds. Within 10 business days after receipt of written notification of noncompliance, the department must be provided with a written proposed corrective action plan. Within 10 business days after receipt of a corrective action plan, the department shall accept the plan or allow 5 business days within which a revised plan may be submitted. Upon the department's acceptance of a corrective action plan, the agreed-upon plan must be fully completed within 30 business days unless a longer period is permitted by the department. If a proposed corrective action plan is not submitted, is not accepted, or is not fully completed, any funds withheld by the department for noncompliance are forfeited to the department. Withholding or forfeiture of funds may be contested by filing a petition or request for a hearing under the applicable provisions of chapter 120. For the purposes of this section, no party to a dispute involving less than $5,000 in withheld or forfeited funds is deemed to be substantially affected by the dispute or to have a substantial interest in the decision resolving the dispute.

Section 45. *Subsection (1) and paragraph (b) of subsection (2) of section 382.013, Florida Statutes, as amended by chapter 97-170, Laws of Florida, is hereby repealed.*

Section 46. This act shall take effect July 1, 1998, except that section 1 shall take effect October 1, 1998.

And the title is amended as follows:

On page 6, line 18 through page 7, line 19, delete those lines and insert: A bill to be entitled An act relating to social welfare; providing legislative intent and findings; providing for demonstration projects to be implemented which require drug screening and possibly drug testing for individuals who apply for temporary assistance or services under the "Work and Gain Economic Self-sufficiency (WAGES) Act"; providing for expiration of the demonstration projects unless reauthorized by the Legislature; directing the Department of Children and Family Services to implement the demonstration projects in specified local WAGES coalitions; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; providing that, if a parent is deemed ineligible due to a failure of a drug test, the eligibility of the children of the parent will not be affected; requiring the department to provide for substance abuse treatment programs for certain persons; giving the Department of Children and Family Services rulemaking authority; specifying circumstances resulting in termination of temporary assistance or services; requiring the department and the local WAGES coalitions to evaluate the demonstration projects and report to the WAGES Program State Board of Directors and the Legislature; providing that, in the event of conflict, federal requirements and regulations control; amending s. 61.13, F.S.; requiring child support orders to apportion certain medical expenses; providing requirements for notice and service of process; amending s. 61.1301, F.S.; revising provisions relating to income deduction orders and notices; amending s. 61.181, F.S.; requiring evaluation of certain child support enforcement demonstration projects; requiring a report; amending s. 61.30, F.S.; requiring certain information to accompany child support determinations; providing a limitation on retroactive awards; amending s. 69.041, F.S.; authorizing Department of Revenue participation in mortgage foreclosures based upon interests in a child support lien; amending ss. 319.24 and 409.2575, F.S.; authorizing the director of the state child support enforcement program to delegate certain responsibilities with respect to motor vehicle liens; amending s. 319.32, F.S.; providing a fee for motor vehicle liens; amending ss. 372.561 and 372.57, F.S.; requiring applicants for certain game and freshwater fish licenses to provide social security numbers; amending s. 372.574, F.S.; providing for confidentiality of records contained in records of subagents; amending s. 382.008, F.S.; requiring death and fetal death registrations to include social security numbers, if available; restricting use of such numbers; amending s. 382.013, F.S.; providing for certain use of birth registration information; providing certain notice relating to paternity affidavits; amending s. 409.2557, F.S.; providing specific rulemaking authority; creating s. 409.2558, F.S.; providing for the department's distribution and disbursement of child support payments; creating s. 409.2559, F.S.; providing for establishment of a state disbursement unit; amending s. 409.2561, F.S., relating to child support obligations when public assistance is paid; amending s. 409.2564, F.S., relating to subpoenas in child support actions; providing for challenges; providing for enforcement; providing for fines; amending s. 409.25641, F.S.; providing for processing of automated administrative enforcement requests; creating s. 409.25658, F.S.; providing for use of certain unclaimed property for past-due child support; providing duties of the department and the Department of Banking and Finance; providing for notice and hearings; amending ss. 409.2567, 409.2578, and 443.051, F.S.; correcting and conforming references; amending ss. 409.2572, 414.095, and 414.32, F.S.; providing for determinations of good cause for failure to cooperate with the child support enforcement agency; amending ss. 409.2576 and 455.213, F.S.; clarifying conditions for disclosure of social security numbers; amending s. 409.2579, F.S.; revising provisions which limit or prohibit disclosure of the identity and whereabouts of certain persons; providing a penalty; amending s. 443.1715, F.S., relating to disclosure of wage and unemployment compensation information; amending s. 741.04, F.S., relating to information required for issuance of a marriage license; amending s. 742.032, F.S., relating to requirements for notice and service of process; amending s. 61.14, F.S.; prohibiting deductions by local depositories for certain costs and fees until the total due the obligee has been paid; amending s. 61.046, F.S.; revising definitions; amending s. 61.181, F.S.; providing for processing of certain central depository payments through the Department of Revenue's State Disbursement Unit; continuing a fee through a specified date; providing for the use of funds; creating s. 61.1824, F.S.; providing for a State Disbursement Unit; providing responsibilities; creating s. 61.1825, F.S.; providing for operation of a State Case Registry; providing requirements; creating s. 61.1826, F.S.; providing legislative findings; providing for department cooperative agreements and contracts for operation of the State Disbursement Unit and the non-Title IV-D component of the State Case Registry; providing contract requirements; providing for performance reviews; requiring a report; providing for termination of contracts under specified conditions; providing for report of program income; providing penalties; authorizing the department to withhold funds for noncompliance with contractual terms; requiring notice; providing for a corrective action plan; repealing s. 382.013(1) and (2)(b), F.S., as amended by ch. 97-170, Laws of Florida, to clarify legislative intent with respect to conflicting enactments; providing effective dates.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 271** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1060** was deferred.

On motion by Senator Burt, the Senate resumed consideration of—

SB 1950—A bill to be entitled An act relating to retirement; amending s. 121.1122, F.S.; authorizing members of the Florida Retirement System to purchase credit for certain in-state service in nonpublic educational institutions; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** as amended by Senator Burt was adopted.

Pending further consideration of **SB 1950** as amended, on motion by Senator Burt, by two-thirds vote **CS for CS for HB 3491** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Burt, the rules were waived and by two-thirds vote—

CS for CS for HB 3491—A bill to be entitled An act relating to the Florida Retirement System; amending s. 112.363, F.S.; increasing the retiree health insurance subsidy payment and the contribution rate; providing for retroactive payments under certain circumstances; amending s. 121.011, F.S.; clarifying benefits payable under existing systems; amending s. 121.021, F.S.; revising and adding definitions; amending ss. 121.052, 121.055, and 121.071, F.S.; modifying the statutory limit on the number of nonelective full-time positions that may be designated by a local agency employer for inclusion in the Senior Management Service Class; changing contribution rates for specified classes and subclasses of the system and for the retiree health insurance subsidy; amending s. 121.091, F.S.; providing for benefit computations using dual retirement ages for service in the Senior Management Service Class and the Elected Officer's Class; providing for nullification of a joint annuitant designation in the event of dissolution of marriage; providing for purchase of additional service credit using a deceased member's accumulated leave, out-of-state service, or in-state service under certain circumstances; specifying that a member's spouse at the time of death shall be the member's beneficiary under certain circumstances; providing a directive to statute editors; amending s. 121.1122, F.S.; deleting reference to nonsectarian schools and colleges; amending s. 121.121, F.S.; providing for eligibility to purchase retirement credit for certain leaves of absence; amending s. 121.122, F.S.; allowing members with renewed membership in the Senior Management Service Class to purchase additional retirement credit for certain postretirement service; amending s. 121.30, F.S.; conforming to the Internal Revenue Code; creating s. 121.133, F.S.; providing intent; requiring the Comptroller to cancel any benefit warrant issued from the Florida Retirement System Trust Fund, or from certain other pension trust funds, if such warrants are not presented within a specified timeframe; providing that such funds shall be transferred and recredited to specified trust funds; providing for issuance of replacement warrants; amending s. 121.40, F.S.; changing contribution rates for the supplemental retirement plan for the Institute of Food and Agricultural Sciences at the University of Florida; repealing ss. 121.0505 and 121.0516, F.S.; relating to duplicative contribution rates; directing the Division of Statutory Revision to make described adjustments to the statutes with respect to contribution rates; providing a finding of important state interest; providing effective dates.

—a companion measure, was substituted for **SB 1950** as amended and by two-thirds vote read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 40, between lines 12 and 13, insert:

Section 18. *The Executive Director of the State Board of Administration and the Director of the Division of Retirement shall undertake a comprehensive review of the assumptions and contribution rate structure underpinning the operation of the Florida Retirement System. By March 1, 1999, the State Board of Administration and the division shall submit to the Board of Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives a report which shall contain the following elements:*

(1) The method of development of actuarial assumptions and their application.

(2) The relevance of present assumptions in light of patterns of recruitment, retention, and retirement.

(3) The investment and economic market in which the Florida Retirement System, and similarly constituted systems, operate.

(4) Prospective conditions in economic forecasts within a reasonable degree of estimation which may affect investment performance, workforce, and salary trends.

The State Board of Administration and the Division of Retirement may, at their discretion, utilize the services of the Office of Economic and Demographic Research and may also convene a working group of affected principals for use in the development of the study proposed in this section. The President of the Senate and the Speaker of the House of Representatives may each appoint two legislative members to the working group.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 30, after the semicolon (;) insert: relating to duplicative contribution rates; providing for a report to the Board of Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives on the Florida Retirement System;

On motion by Senator Burt, by two-thirds vote **CS for CS for HB 3491** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

SENATOR BANKHEAD PRESIDING

CS for SB 1924—A bill to be entitled An act relating to aquaculture; amending s. 253.72, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.06, F.S.; authorizing issuance of additional special activity licenses; authorizing permit consolidation procedures; providing activity license terms; amending s. 370.081, F.S.; revising provisions relating to the importation of nonindigenous marine plants and animals; amending s. 370.10, F.S.; authorizing the harvesting or possession of saltwater species for experimental, scientific, education, and exhibition purposes; amending s. 370.16, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.26, F.S.; defining the term "marine aquaculture facility" and revising definition of the term "marine aquaculture product"; authorizing delegation of regulatory authority for certain aquaculture facilities; amending s. 372.6672, F.S.; removing obsolete provisions relating to state-sanctioned sales of alligator hides; amending s. 372.6673, F.S.; providing for a portion of the fees assessed for alligator egg collection permits to be transferred to the General Inspection Trust Fund to be used for certain purposes; amending s. 372.6674, F.S.; providing for a portion of the fees assessed for alligator hide validation tags to be transferred to the General Inspection Trust Fund to be used for certain purposes; amending s. 373.046, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 403.814, F.S.; clarifying provisions relating to aquaculture general permits; amending s. 597.005, F.S.; providing for a list of prioritized research needs; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1924** to **CS for HB 3673**.

Pending further consideration of **CS for SB 1924** as amended, on motion by Senator Bronson, by two-thirds vote **CS for HB 3673** was withdrawn from the Committees on Agriculture; Natural Resources; and Ways and Means.

On motion by Senator Bronson, the rules were waived and by two-thirds vote—

CS for HB 3673—A bill to be entitled An act relating to aquaculture; amending s. 253.72, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.027, F.S.; providing an exception to rulemaking authority of the Marine Fisheries Commission with respect to

specified marine life; providing that marine aquaculture producers shall be regulated by the Department of Agriculture and Consumer Services; amending s. 370.06, F.S.; revising provisions relating to issuance and renewal of saltwater products licenses and special activity licenses; authorizing issuance of special activity licenses for the use of special gear or equipment, the importation and possession of sturgeon, and the harvest of certain shellfish; authorizing permit consolidation procedures; amending s. 370.081, F.S.; revising provisions relating to the importation of nonindigenous marine plants and animals; amending s. 370.10, F.S.; authorizing the harvesting or possession of saltwater species for experimental, scientific, education, and exhibition purposes; amending s. 370.16, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.26, F.S.; relating to aquaculture definitions; defining the term "marine product facility" and revising definition of the term "marine aquaculture product"; deleting requirements of an Aquaculture Section in the Department of Environmental Protection; providing duties of the Department of Agriculture and Consumer Services; authorizing delegation of regulatory authority for certain aquaculture facilities; amending s. 372.0225, F.S.; revising responsibilities of the Division of Fisheries of the Game and Fresh Water Fish Commission relating to freshwater organisms; amending s. 372.65, F.S.; authorizing exemption for freshwater fish dealer's license; amending s. 372.6672, F.S.; removing obsolete language relating to state-sanctioned sales of alligator hides; amending s. 372.6673, F.S.; providing for a portion of the fees assessed for alligator egg collection permits to be transferred to the General Inspection Trust Fund to be used for certain purposes; amending s. 372.6674, F.S.; providing for a portion of the fees assessed for alligator hide validation tags to be transferred to the General Inspection Trust Fund to be used for certain purposes; amending s. 373.046, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 373.406, F.S.; providing exemption for management and storage of surface water; amending s. 403.0885, F.S.; providing exemptions from the state National Pollutant Discharge Elimination System program; amending s. 403.814, F.S.; revising and clarifying provisions relating to aquaculture general permits; amending s. 597.002, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 597.003, F.S.; expanding the powers and duties of the Department of Agriculture and Consumer Services relating to regulation of aquaculture; amending s. 597.004, F.S.; revising provisions relating to aquaculture certificate of registration; providing for shellfish and nonshellfish certification; providing for rules, waiver of liability, compliance, and reports; amending s. 597.005, F.S.; providing for a list of prioritized research needs; providing an effective date.

—a companion measure, was substituted for **CS for SB 1924** as amended and by two-thirds vote read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1—On page 28, lines 10-12, delete those lines and insert: by the department pursuant to s. 369.25 shall also be *subject to the requirements of this subsection* ~~issued an aquaculture certificate of registration~~.

On motion by Senator Bronson, by two-thirds vote **CS for HB 3673** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dyer	Kirkpatrick	Rossin
Bronson	Forman	Klein	Scott
Brown-Waite	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	
Dudley	Jones	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Burt

THE PRESIDENT PRESIDING

On motion by Senator Gutman—

CS for SB 772—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; authorizing the aggregation of the value of damage to separate properties in determining the grade of the offense for criminal mischief in which the damage occurred during one scheme or course of conduct; providing an effective date.

—was read the second time by title.

Senators Kirkpatrick and Dudley offered the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 1 (with title amendment)—On page 2, between lines 28 and 29, insert:

Section 2. Section 810.14, Florida Statutes, is created to read:

810.14 Voyeurism prohibited; penalties.—

(1) A person commits the offense of voyeurism when he or she, with lewd, lascivious, or indecent intent, secretly observes, photographs, films, videotapes, or records another person when such other person is located in a dwelling, structure, or conveyance and such location provides a reasonable expectation of privacy.

(2) A person may be convicted of and sentenced separately for a violation of this section and for any other criminal offense, including, but not limited to, burglary, trespass, or loitering.

(3) A person who violates this section commits:

(a) A misdemeanor of the first degree for the first violation, punishable as provided in s. 775.082 or s. 775.083.

(b) A felony of the third degree for a second or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-8, delete those lines and insert: An act relating to criminal justice; amending s. 806.13, F.S.; authorizing the aggregation of the value of damage to separate properties in determining the grade of the offense for criminal mischief in which the damage occurred during one scheme or course of conduct; creating s. 810.14, F.S.; prohibiting a person from secretly observing or committing other acts against another person with lewd, lascivious, or indecent intent when the other person is in a location that provides a reasonable expectation of privacy; providing that a person may be convicted and sentenced separately for the voyeurism offense and for any other criminal offense; providing for criminal penalties; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 772** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver, by two-thirds vote **HB 3971** was withdrawn from the Committees on Health Care; and Banking and Insurance.

On motion by Senator Silver—

HB 3971—A bill to be entitled An act relating to health facilities authorities; amending s. 154.209, F.S.; providing that an accounts receivable program in which an authority participates on behalf of a health facility may include the financing of accounts receivable acquired by the facility from other not-for-profit health care corporations, regardless of affilliation or location; providing an effective date.

—a companion measure, was substituted for **CS for SB 1060** and read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, delete line 2 and insert: *health facilities, whether or not*

And the title is amended as follows:

On page 1, lines 8 and 9, delete those lines and insert: from other health facilities, regardless of affiliation or

Senator Sullivan moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 2, between lines 5 and 6, insert:

Section 2. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this chapter transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this chapter.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this chapter. Sales to a health system *foundation*, qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, which filed an application for exemption with the department prior to *November 15, 1997* ~~April 5, 1997~~, and which application is subsequently approved, shall be exempt as to any unpaid taxes on purchases made from *November 14, 1990* ~~January 1, 1994~~, to *December 31, 1997* ~~June 1, 1997~~.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and

which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 212.08, F.S.; providing an exemption from sales tax for sales to a health system foundation during specified years;

On motion by Senator Silver, by two-thirds vote **HB 3971** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

CS for SB 440—A bill to be entitled An act relating to pari-mutuel wagering; reviving and reenacting s. 550.09515, F.S., relating to thoroughbred horse taxes; reviving and reenacting s. 550.2625, F.S., relating to thoroughbred horse purses; amending s. 550.615, F.S.; providing that certain permitholders are required or authorized to make broadcast signals available to other permitholders; amending s. 26 of chapter 96-364, Laws of Florida, abrogating the expiration of certain amendments to ss. 550.09515, 550.2625, F.S.; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Scott:

Amendment 1 (with title amendment)—On page 9, between lines 6 and 7, insert:

Section 5. Section 550.6308, Florida Statutes, is created to read:

550.6308 Limited intertrack wagering license.—In recognition of the economic importance of the thoroughbred breeding industry to this state, its positive impact on tourism, and of the importance of a permanent thoroughbred sales facility as a key focal point for the activities of the industry, a limited license to conduct intertrack wagering is established to ensure the continued viability and public interest in thoroughbred breeding in Florida.

(1) Upon application to the division on or before January 31 of each year, any person that is licensed to conduct public sales of thoroughbred horses pursuant to s. 535.01, that has conducted at least 15 days of thoroughbred horse sales at a permanent sales facility in this state for at least 3 consecutive years, and that has conducted at least 1 day of non-wagering thoroughbred racing in this state, with a purse structure of at least $250,000 per year for 2 consecutive years before such application, shall be issued a license to conduct intertrack wagering for thoroughbred racing for up to 21 days in connection with thoroughbred sales, to conduct intertrack wagering at such permanent sales facility between November 1 and May 8, to conduct intertrack wagering at such permanent sales facility between May 9 and October 31 at such times and on such days as any thoroughbred, jai alai, or a greyhound permitholder in the same county is not conducting live performances, and to conduct intertrack wagering under the provisions of this subsection during the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet that is conducted before November 1 and after May 8, subject to conditions set forth in this section but no more than one such license may be issued and no such license may be issued for a facility located within 50 miles of any thoroughbred permitholder's track.

(2) If more than one application is submitted for such license, the division shall determine which applicant shall be granted the license. In making its determination, the division shall grant the license to the applicant demonstrating superior capabilities, as measured by the length of time the applicant has been conducting thoroughbred sales within this state or elsewhere, the applicant's total volume of thoroughbred horse sales, within this state or elsewhere, the length of time the applicant has maintained a permanent thoroughbred sales facility in this state, and the quality of the facility.

(3) The applicant must comply with the provisions of ss. 550.125 and 550.1815.

(4) Intertrack wagering under this section may be conducted only on thoroughbred horse racing.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: creating s. 550.6308, F.S.; providing for issuance of a limited intertrack wagering license;

Senator Casas moved the following substitute amendment:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (5) of section 550.01215, Florida Statutes, are amended to read:

550.01215 License application; periods of operation; bond, conversion of permit.—

(1) Each permitholder shall annually, during the period between December 15 and January 4, file in writing with the division its application for a license to conduct performances during the next state fiscal year. Each application shall specify the number, dates, and starting times of all performances which the permitholder intends to conduct. It shall also specify which performances will be conducted as charity or scholarship performances. In addition, each application for a license shall include, for each permitholder which elects to operate a cardroom, the dates and periods of operation the permitholder intends to operate the cardroom or, for each thoroughbred permitholder which elects to receive or rebroadcast out-of-state races *after 7 p.m.* ~~between the hours of 7 p.m. and 10 p.m.~~, the dates for all performances which the permitholder intends to conduct. Permitholders shall be entitled to amend their applications through February 28.

(5) *Except as provided in s. 550.5251 for thoroughbred racing,* the division shall issue each license no later than March 15. Each permitholder shall operate all performances at the date and time specified on its license. The division shall have the authority to approve minor changes in racing dates after a license has been issued. The division may approve changes in racing dates after a license has been issued when there is no objection from any operating permitholder located within 50 miles of the permitholder requesting the changes in operating dates. In the event of an objection, the division shall approve or disapprove the change in operating dates based upon the impact on operating permitholders located within 50 miles of the permitholder requesting the change in operating dates. In making the determination to change racing dates, the division shall take into consideration the impact of such changes on state revenues.

Section 2. Subsection (2) of section 550.0951, F.S., is amended to read:

550.0951 Payment of daily license fee and taxes.—

(2) ADMISSION TAX.—

(a) An admission tax equal to 15 percent of the admission charge for entrance to the permitholder's facility and grandstand area, or 10 cents,

whichever is greater, is imposed on each person attending a horserace, dograce, or jai alai game. The permitholder shall be responsible for collecting the admission tax.

(b) No admission tax under this chapter or chapter 212 shall be imposed on any free passes or complimentary cards issued to persons for which there is no cost to the person for admission to pari-mutuel events. ~~An admission tax is imposed on any free passes or complimentary cards issued to guests by permitholders in an amount equal to the tax imposed on the regular and usual admission charge for entrance to the permitholder's facility and grandstand area.~~

(c) A permitholder may issue tax-free passes to its officers, officials, and employees or other persons actually engaged in working at the racetrack, including accredited press representatives such as reporters and editors, and may also issue tax-free passes to other permitholders for the use of their officers and officials. The permitholder shall file with the division a list of all persons to whom tax-free passes are issued *under this paragraph*.

Section 3. Notwithstanding subsection (5) of section 550.09515, Florida Statutes, as created by section 1 of chapter 93-123, Laws of Florida, and notwithstanding section 26 of chapter 96-364, Laws of Florida, section 550.09515, Florida Statutes, shall not stand repealed on July 1, 1998, but is revived, reenacted, and amended to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(1) Pari-mutuel wagering at thoroughbred horse racetracks in this state is an important business enterprise, and taxes derived therefrom constitute a part of the tax structure which funds operation of the state. Thoroughbred horse permitholders should pay their fair share of these taxes to the state. This business interest should not be taxed to such an extent as to cause any racetrack which is operated under sound business principles to be forced out of business. Due to the need to protect the public health, safety, and welfare, the gaming laws of the state provide for the thoroughbred horse industry to be highly regulated and taxed. The state recognizes that there exist identifiable differences between thoroughbred horse permitholders based upon their ability to operate under such regulation and tax system and at different periods during the year.

(2)(a) Notwithstanding the provisions of s. 550.0951(3)(a), the tax on handle for live thoroughbred horse performances shall be subject to the following:

1. The tax on handle per performance for live thoroughbred performances is 2.25 percent of handle for performances conducted during the period beginning on January 3 and ending March 16; *.20* ~~.70~~ percent of handle for performances conducted during the period beginning March 17 and ending May 22; and 1.5 percent of handle for performances conducted during the period beginning May 23 and ending January 2.

2. If any thoroughbred permitholder conducts performances during more than one time period or if performances are conducted during more than one period at any facility, the tax on handle per performance is double the sum of the tax percentages for the periods in which performances are being conducted, except:

a. Pursuant to s. 550.01215, two permitholders, by mutual written agreement, may agree to the operation by one of them in the other permitholder's tax period for up to 3 days, if the 3 days are either the first 3 days or the last 3 days of the racing period in which the permitholders intend to operate.

b. If, on March 31 of any year, there is no permitholder holding a license for operating any one of the three race periods set forth in this section or if the permitholder who is licensed to operate in any period fails to operate for 10 consecutive days, a permitholder already licensed to operate in another period may apply for and be issued a license to operate the period in question, in addition to the period already licensed.

c. Two permitholders who operated in different periods in the preceding fiscal year may, by mutual written agreement, switch periods for the current racing season, even if it results in either permitholder or the facility of a permitholder being operated in two different periods.

However, any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is authorized to conduct live performances at any time of the year and shall pay 0.5 percent on live handle per performance.

3. For the period beginning on April 1 and ending May 23 during the state fiscal year 1992-1993, any permitholder which has operated less than 51 racing days in the last 18 months may operate said period and pay 1.25 percent tax on live handle per performance. In the event this provision takes effect after April 1, 1993, it shall be construed to apply retroactively from April 1, 1993, through May 23, 1993.

4. In the event any licenses have been issued to any thoroughbred permitholders for racing dates prior to April 26, 1993, then, notwithstanding the provisions of s. 550.525(2), amendments may be filed to the racing dates up to May 1, 1993.

(b) For purposes of this section, the term "handle" shall have the same meaning as in s. 550.0951, and shall not include handle from intertrack wagering.

(3)(a) The permit of a thoroughbred horse permitholder who does not pay tax on handle for live thoroughbred horse performances for a full schedule of live races during any 2 consecutive state fiscal years shall be void and shall escheat to and become the property of the state unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

(b) In order to maximize the tax revenues to the state, the division shall reissue an escheated thoroughbred horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated thoroughbred horse permit. As specified in the application and upon approval by the division of an application for the permit, the new permitholder shall be authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.

(4) In the event that a court of competent jurisdiction determines any of the provisions of this section to be unconstitutional, it is the intent of the Legislature that the provisions contained in this section shall be null and void and that the provisions of s. 550.0951 shall apply to all thoroughbred horse permitholders beginning on the date of such judicial determination. To this end, the Legislature declares that it would not have enacted any of the provisions of this section individually and, to that end, expressly finds them not to be severable.

(5) Notwithstanding the provisions of s. 550.0951(3)(c), the tax on handle for intertrack wagering on rebroadcasts of simulcast horseraces is 2.4 percent of the handle; provided however, that if the guest track is a throughbred track located more than 35 miles from the host track, the host track shall pay a tax of .5 percent of the handle, and additionally the host track shall pay to the guest track 1.9 percent of the handle to be used by the guest track solely for purses. The tax shall be deposited into the General Revenue Fund.

Section 4. Effective July 1, 2000, paragraph (a) of subsection (2) of section 550.09515, Florida Statutes, is amended to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(2)(a) Notwithstanding the provisions of s. 550.0951(3)(a), the tax on handle for live thoroughbred horse performances shall be subject to the following:

1. The tax on handle per performance for live thoroughbred performances is 2.25 percent of handle for performances conducted during the period beginning on January 3 and ending March 16; *.70* ~~.20~~ percent of handle for performances conducted during the period beginning March 17 and ending May 22; and 1.5 percent of handle for performances conducted during the period beginning May 23 and ending January 2.

~~2. If any thoroughbred permitholder conducts performances during more than one time period or if performances are conducted during more than one period at any facility, the tax on handle per performance is~~

~~double the sum of the tax percentages for the periods in which performances are being conducted, except:~~

~~a. Pursuant to s. 550.01215, two permitholders, by mutual written agreement, may agree to the operation by one of them in the other permitholder's tax period for up to 3 days, if the 3 days are either the first 3 days or the last 3 days of the racing period in which the permitholders intend to operate.~~

~~b. If, on March 31 of any year, there is no permitholder holding a license for operating any one of the three race periods set forth in this section or if the permitholder who is licensed to operate in any period fails to operate for 10 consecutive days, a permitholder already licensed to operate in another period may apply for and be issued a license to operate the period in question, in addition to the period already licensed.~~

~~c. Two permitholders who operated in different periods in the preceding fiscal year may, by mutual written agreement, switch periods for the current racing season, even if it results in either permitholder or the facility of a permitholder being operated in two different periods.~~

2. However, any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is authorized to conduct live performances at any time of the year and shall pay 0.5 percent on live handle per performance.

~~3. For the period beginning on April 1 and ending May 23 during the state fiscal year 1992-1993, any permitholder which has operated less than 51 racing days in the last 18 months may operate said period and pay 1.25 percent tax on live handle per performance. In the event this provision takes effect after April 1, 1993, it shall be construed to apply retroactively from April 1, 1993, through May 23, 1993.~~

~~4. In the event any licenses have been issued to any thoroughbred permitholders for racing dates prior to April 26, 1993, then, notwithstanding the provisions of s. 550.525(2), amendments may be filed to the racing dates up to May 1, 1993.~~

Section 5. Paragraph (d) of subsection (3) of section 550.2625, Florida Statutes, is amended to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(3) Each horseracing permitholder conducting any thoroughbred race under this chapter, including any intertrack race taken pursuant to ss. 550.615-550.6305 or any interstate simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal to 0.75 percent on all pari-mutuel pools conducted during any such race for the payment of breeders' and stallion awards as authorized in this section. This subsection also applies to all Breeder's Cup races conducted outside this state taken pursuant to s. 550.3551(3). On any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 550.3551(2), the host track is required to pay 3.3 percent of the gross revenue derived from such out-of-state broadcasts as breeders' and stallion awards. The Florida Thoroughbred Breeders' Association is authorized to receive these payments from the permitholders and make payments of awards earned. The Florida Thoroughbred Breeders' Association has the right to withhold up to 10 percent of the permitholder's payments under this section as a fee for administering the payments of awards and for general promotion of the industry. The permitholder shall remit these payments to the Florida Thoroughbred Breeders' Association by the 5th day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the division as prescribed by the division. With the exception of the 10-percent fee, the moneys paid by the permitholders shall be maintained in a separate, interest-bearing account, and such payments together with any interest earned shall be used exclusively for the payment of breeders' awards and stallion awards in accordance with the following provisions:

(d) In order for an owner of the sire of a thoroughbred horse winning a stakes race to be eligible to receive a stallion award, the stallion must have been registered with the Florida Thoroughbred Breeders' Association, and the breeding of the registered Florida-bred horse must have occurred in this state. The stallion must be standing permanently in this state *during the period of time between February 1 and June 15 of each year* or, if the stallion is dead, must have stood permanently in this state for a period of not less than 1 year immediately prior to its death. The removal of a stallion from this state *during the period of time between February 1 and June 15 of any year* for any reason, other than exclusively for prescribed medical treatment, *as approved by the Florida Thoroughbred Breeders' Association* renders the owner or owners of the stallion ineligible to receive a stallion award under any circumstances for offspring sired prior to removal; however, if a removed stallion is returned to this state, all offspring sired subsequent to the return make the owner or owners of the stallion eligible for the stallion award but only for those offspring sired subsequent to such return to this state. The Florida Thoroughbred Breeders' Association shall maintain complete records showing the date the stallion arrived in this state for the first time, whether or not the stallion remained in the state permanently, the location of the stallion, and whether the stallion is still standing in this state and complete records showing awards earned, received, and distributed. The association may charge the owner, owners, or breeder a reasonable fee for this service.

Section 6. Notwithstanding section 26 of chapter 96-364, Laws of Florida, subsection (2) of section 550.2625, Florida Statutes, shall not stand repealed on July 1, 1998, but is revived, reenacted, and amended to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(2) Each permitholder conducting a horserace meet is required to pay from the takeout withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.

(a) A permitholder conducting a thoroughbred horse race meet under this chapter must pay from the takeout withheld a sum not less than 7.5 percent of all contributions to pari-mutuel pools conducted during the race meet as purses. In addition to the 7.5 percent minimum purse payment, permitholders conducting live thoroughbred performances shall be required to pay as additional purses .375 percent of live handle for performances conducted during the period beginning on January 3 and ending March 16; .225 percent for performances conducted during the period beginning March 17 and ending May 22; and .6 percent for performances conducted during the period beginning May 23 and ending January 2. Except that any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is not subject to this additional purse payment. A permitholder authorized to conduct thoroughbred racing may withhold from the handle an additional amount equal to 1 percent on exotic wagering for use as owners' awards, and may withhold from the handle an amount equal to 2 percent on exotic wagering for use as overnight purses. No permitholder may withhold in excess of 20 percent from the handle without withholding the amounts set forth in this subsection.

(b)1. A permitholder conducting a harness horse race meet under this chapter must pay to the purse pool from the takeout withheld a purse requirement that totals an amount not less than 8 percent of all contributions to pari-mutuel pools conducted during the race meet. An amount not less than 7.5 percent of the total handle shall be paid from this purse pool as purses.

2. An amount not to exceed 0.5 percent of the total handle on all harness horse races that are subject to the purse requirement of subparagraph 1., must be available for use to provide medical, dental, surgical, life, funeral, or disability insurance benefits for occupational licensees who work at tracks in this state at which harness horse races are conducted. Such insurance benefits must be paid from the purse pool specified in subparagraph 1. An annual plan for payment of insurance benefits from the purse pool, including qualifications for eligibility, must be submitted by the Florida Standardbred Breeders and Owners Association for approval to the division. An annual report of the implemented plan shall be submitted to the division. All records of the Florida Standardbred Breeders and Owners Association concerning the administration of the plan must be available for audit at the discretion of the division to determine that the plan has been implemented and administered as authorized. If the division finds that the Florida Standardbred Breeders and Owners Association has not complied with the provisions of this section, the division may order the association to cease and desist from administering the plan and shall appoint the division as temporary administrator of the plan until the division reestablishes administration of the plan with the association.

(c) A permitholder conducting a quarter horse race meet under this chapter shall pay from the takeout withheld a sum not less than 6

percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(d) The division shall adopt reasonable rules to ensure the timely and accurate payment of all amounts withheld by horserace permitholders regarding the distribution of purses, owners' awards, and other amounts collected for payment to owners and breeders. Each permitholder that fails to pay out all moneys collected for payment to owners and breeders shall, within 10 days after the end of the meet during which the permitholder underpaid purses, deposit an amount equal to the underpayment into a separate interest-bearing account to be distributed to owners and breeders in accordance with division rules.

(e) An amount equal to 8.5 percent of the purse account generated through intertrack wagering and interstate simulcasting will be used for Florida Owners' Awards as set forth in subsection (3). Any thoroughbred permitholder with an average blended takeout which does not exceed 20 percent and with an average daily purse distribution excluding sponsorship, entry fees, and nominations exceeding $225,000 is exempt from the provisions of this *paragraph* ~~subsection~~.

Section 7. Subsection (4) of section 550.5251, Florida Statutes, is amended to read:

550.5251 Florida thoroughbred racing; certain permits; operating days.—

(4) A thoroughbred racing permitholder may not begin any race later than 7 p.m. However, any thoroughbred permitholder in a county in which the authority for cardrooms has been approved by the board of county commissioners may elect not to operate a cardroom when conducting live races during its current race meet and instead to receive and rebroadcast out-of-state races *after the hour* ~~between the hours~~ of 7 p.m. ~~and 10 p.m.~~ on any day during which the permitholder conducts live races. However, such permitholder may not engage in both operating a cardroom and receiving or rebroadcasting out-of-state races after 7 p.m. Permitholders shall be required to elect between either operating a cardroom or engaging in simulcasting after 7 p.m. at the time of submitting its application for its annual license pursuant to *this section* ~~s. 550.01215~~.

Section 8. Subsection (11) of section 550.615, Florida Statutes, is amended to read:

550.615 Intertrack wagering.—

(11) Notwithstanding any other provision of this section, any thoroughbred permitholder that conducts performances during the period beginning May 23 and ending January 2 *or during the period beginning January 3 and ending March 16* must make available any live pari-mutuel event conducted and any simulcast pari-mutuel event received by such permitholder to any thoroughbred permitholder that conducts performances during the period beginning March 17 and ending May 22, and such guest permitholder is authorized to accept wagers on such signals. Notwithstanding s. 550.0951(3)(c), the tax on wagers accepted by the guest permitholder on such events shall be 2 percent, *but such amount shall be retained by the host track as compensation for lost revenues and purses. At least 50 percent of the amount retained shall be paid as purses at the host track.* This subsection applies only to thoroughbred permitholders located in any area of the state where there are three or more thoroughbred permitholders within 25 miles of each other.

Section 9. *Effective July 1, 2000, subsection (11) of s. 550.615, Florida Statutes, is repealed.*

Section 10. Paragraphs (a) and (g) of subsection (9) of section 550.6305, Florida Statutes, are amended to read:

550.6305 Intertrack wagering; guest track payments; accounting rules.—

(9) A host track that has contracted with an out-of-state horse track to broadcast live races conducted at such out-of-state horse track pursuant to s. 550.3551(5) may broadcast such out-of-state races to any guest track and accept wagers thereon in the same manner as is provided in s. 550.3551.

(a) For purposes of this section, "net proceeds" means the amount of takeout remaining after the payment of state taxes, *purses required pursuant to s. 550.0951(3)(c)1.*, the cost to the permitholder required to be paid to the out-of-state horse track, ~~and~~ breeders' awards paid to the Florida Thoroughbred Breeders' Association and the Florida Standardbred Breeders and Owners Association, to be used as set forth in s. 550.625(2)(a) and (b), *and the deduction of any amount retained pursuant to s. 550.615(11).*

(g)1. Any thoroughbred permitholder which accepts wagers on a simulcast signal must make the signal available to any permitholder that is eligible to conduct intertrack wagering under the provisions of ss. 550.615-550.6345.

2. Any thoroughbred permitholder which accepts wagers on a simulcast signal received after 6 p.m. must make such signal available to any permitholder that is eligible to conduct intertrack wagering under the provisions of ss. 550.615-550.6345, including any permitholder located as specified in s. 550.615(6). Such guest permitholders are authorized to accept wagers on such simulcast signal, notwithstanding any other provision of this chapter to the contrary.

3. Any thoroughbred permitholder which accepts wagers on a simulcast signal received after 6 p.m. must make such signal available to any permitholder that is eligible to conduct intertrack wagering under the provisions of ss. 550.615-550.6345, including any permitholder located as specified in s. 550.615(9). Such guest permitholders are authorized to accept wagers on such simulcast signals for a number of performances not to exceed that which constitutes a full schedule of live races for a quarter horse permitholder pursuant to s. 550.002(11), notwithstanding any other provision of this chapter to the contrary, except that the restrictions provided in s. 550.615(9)(a) apply to wagers on such simulcast signals.

No thoroughbred permitholder shall be required to continue to rebroadcast a simulcast signal to any in-state permitholder if the average per performance gross receipts returned to the host permitholder over the preceding 30-day period were less than $100. *Subject to the provisions of s. 550.615(4),* as a condition of receiving rebroadcasts of thoroughbred simulcast signals under this paragraph, a guest permitholder must accept intertrack wagers on all live races conducted by *all then-operating thoroughbred permitholders* ~~a thoroughbred permitholder located in a county where there are only three permits, one for thoroughbred, one for greyhound, and one for jai alai~~.

Section 11. Section 550.6308, Florida Statutes, is created to read:

550.6308 Limited intertrack wagering license.—In recognition of the economic importance of the thoroughbred breeding industry to this state, its positive impact on tourism, and of the importance of a permanent thoroughbred sales facility as a key focal point for the activities of the industry, a limited license to conduct intertrack wagering is established to ensure the continued viability and public interest in thoroughbred breeding in Florida.

(1) Upon application to the division on or before January 31 of each year, any person that is licensed to conduct public sales of thoroughbred horses pursuant to s. 535.01, that has conducted at least 15 days of thoroughbred horse sales at a permanent sales facility in this state for at least 3 consecutive years, and that has conducted at least 1 day of non-wagering thoroughbred racing in this state, with a purse structure of at least $250,000 per year for 2 consecutive years before such application, shall be issued a license to conduct intertrack wagering for thoroughbred racing for up to 21 days in connection with thoroughbred sales, to conduct intertrack wagering at such permanent sales facility between November 1 and May 8, to conduct intertrack wagering at such permanent sales facility between May 9 and October 31 at such times and on such days as any thoroughbred, jai alai, or a greyhound permitholder in the same county is not conducting live performances, and to conduct intertrack wagering under the provisions of this subsection during the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet that is conducted before November 1 and after May 8, subject to conditions set forth in this section but no more than one such license may be issued and no such license may be issued for a facility located within 50 miles of any thoroughbred permitholder's track.

(2) If more than one application is submitted for such license, the division shall determine which applicant shall be granted the license. In making its determination, the division shall grant the license to the applicant demonstrating superior capabilities, as measured by the length of time the applicant has been conducting thoroughbred sales within this

state or elsewhere, the applicant's total volume of thoroughbred horse sales, within this state or elsewhere, the length of time the applicant has maintained a permanent thoroughbred sales facility in this state, and the quality of the facility.

(3) The applicant must comply with the provisions of ss. 550.125 and 550.1815.

(4) Intertrack wagering under this section may be conducted only on thoroughbred horse racing.

Section 12. Section 550.72, Florida Statutes, is created to read:

550.72 Department of State; City of Hialeah; Study of Hialeah Park; appropriation; duties and responsibilities; taxation.—

(1) The Department of State, in conjunction with the office of the mayor of the City of Hialeah, is hereby directed to undertake a comprehensive study of the feasibility of state or municipal ownership of Hialeah Park and its operation of a limited race meet pursuant to this section. All references to the "Department" for purposes of this section shall mean the Secretary of State.

(2)(a) There is hereby appropriated the sum of $185,000 from the Pari-Mutuel Wagering Trust Fund to the department. Such funds shall be expended solely and exclusively for a review, analysis, and report to the Senate, the House of Representatives, and the Governor in regard to the feasibility of state or municipal ownership of the property known as Hialeah Park located in Hialeah, Florida and the pari-mutuel permit held by Hialeah, Inc. The report shall contain the following information:

1. A financial analysis as to the cost of operating the facility as a racetrack, including year-round maintenance expenses.

2. An analysis of other compatible uses for the property, including, but not limited to, amusement, retail shopping development, recreational use, or a museum, that would operate in conjunction with a racetrack, operating a limited racing meet and simulcast program.

3. A recommendation of future revenues that the property could generate.

4. A recommendation as to its future operation and financing.

5. Such other necessary information in regard to the overall health of the thoroughbred industry as will be required to complete the analysis, review, and report to the Senate, the House of Representatives, and the Governor.

(b) The department shall also obtain an appraisal of the land and facilities known as Hialeah Park and the pari-mutuel permit held by Hialeah, Inc. utilizing the information filed in accordance with the provisions of s. 550.125, provided the appraiser shall have no ex parte communications with any party holding a pari-mutuel permit until the conclusion of the appraisal, at which time the appraisal shall become a public record, and available for inspection by all parties. This appraisal shall be completed by November 15, 1998.

(c) None of the funds appropriated pursuant to paragraph (a) shall be expended by the department for any salaries of employees of the department; however, nothing contained herein shall be interpreted to prevent the department from contracting with individuals to oversee, on behalf of the department and the office of the mayor of the City of Hialeah, the means to properly carry out the duties and responsibilities set out in this section.

(d) The analysis, review, and report shall receive at least one public hearing. A final recommendation shall be filed with the Speaker of the House, the President of the Senate, the Governor and the Mayor of the City of Hialeah. Such recommendation shall contain a definitive recommendation by January 31, 1999 as to the following:

1. What part of the property is determined to be necessary and essential for conducting a live racing meet in conjunction with the simulcast program.

2. The projected capital cost of purchase of the property determined in subparagraph 1. and the pari-mutuel permit.

3. A recommendation as to a method of paying the projected capital cost.

(3) In the conduct of the duties and responsibilities set out herein, the department and all employees, agents, and others shall be subject to the provisions of chapter 119, provided that the confidentiality of the appraisal and communications with such appraiser shall be governed by paragraph (b) of subsection (2) and provided the appraiser shall have no ex parte communications with any party holding a pari-mutuel permit until the conclusion of the appraisal at which time the appraisal shall become a public record.

Section 13. *Sections 550.2425 and 550.655, Florida Statutes, are repealed.*

Section 14. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 3-13, delete those lines and insert: amending s. 550.01215, F.S.; revising language with respect to periods of operation for certain permitholders; amending s. 550.0951, F.S.; providing that no admission tax shall be imposed on any free passes or complimentary cards for admission to pari-mutuel events; reviving, reenacting, and amending s. 550.09515, F.S., relating to thoroughbred horse taxes; revising the tax on handle and additional purse payment requirements for certain guest thoroughbred permitholders; amending s. 550.09515, F.S.; amending thoroughbred horse taxes; repealing increased tax requirements for certain thoroughbred permitholders operating in multiple tax periods; deleting obsolete language; amending s. 550.2625, F.S.; revising eligibility requirements with respect to stallion awards; reenacting s. 550.2625(2), F.S., relating to horseracing purse payment requirements and purse accounts used for Florida Owners' Awards; amending s. 550.5251, F.S.; revising the hours of operation for thoroughbred racing permitholders; amending s. 550.615, F.S.; providing for the retention of tax revenues by a thoroughbred permitholder conducting specified intertrack wagering; providing for certain purse payments; repealing subsection (11) of s. 550.615, F.S.; requiring certain intertrack wagering broadcasts; amending s. 550.6305, F.S.; revising language with respect to intertrack wagering and guest track payments; creating s. 550.6308, F.S.; providing for a limited intertrack wagering license; creating s. 550.72, F.S.; directing a study of the feasibility of state or municipal ownership of Hialeah Race Course; providing an appropriation; repealing s. 550.2425, F.S., relating to a racing laboratory at horse racetrack facilities; repealing s. 550.655, F.S., relating to backside medical and health benefits; providing effective dates.

Senator Geller moved the following amendment to **Amendment 2** which failed:

Amendment 2A (with title amendment)—On page 14, line 28 through page 15, line 17, delete section 8 and redesignate subsequent sections.

And the title is amended as follows:

On page 22, lines 22-26, delete those lines and insert: permitholders; repealing subsections

The question recurred on **Amendment 2** which was adopted.

On motion by Senator Scott, by two-thirds vote **CS for SB 440** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	

Nays—1

Ostalkiewicz

On motion by Senator Bankhead, by two-thirds vote **HB 4831** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Bankhead—

HB 4831—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 110.108, 110.123, 120.57, 154.04, 215.196, 216.292, 217.045, 217.11, 230.23, 255.102, 255.249, 255.25, 255.25001, 255.253, 255.254, 255.255, 255.257, 255.258, 255.31, 255.45, 255.451, 255.502, 255.503, 255.504, 255.505, 255.506, 255.507, 255.508, 255.509, 255.51, 255.511, 255.513, 255.514, 255.515, 255.517, 255.518, 255.52, 255.521, 255.522, 255.523, 265.001, 265.002, 265.2865, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.16, 272.185, 273.055, 281.02, 281.03, 281.04, 281.05, 281.06, 281.08, 281.09, 282.102, 282.103, 282.104, 282.105, 282.1095, 282.111, 283.30, 283.32, 284.33, 287.012, 287.017, 287.022, 287.032, 287.042, 287.045, 287.055, 287.056, 287.057, 287.058, 287.073, 287.083, 287.09451, 287.131, 287.15, 287.16, 287.161, 287.19, 288.15, 288.18, 318.21, 334.0445, 364.515, 365.171, 376.10, 395.1031, 401.013, 401.015, 401.018, 401.024, 403.7065, and 946.515, Florida Statutes, pursuant to the directive of the Legislature in s. 4, ch. 97-296, Laws of Florida, to substitute a reference to the Department of Management Services for all references in the Florida Statutes to any division, bureau, or other unit of the Department of Management Services, except for references to the Division of Administrative Hearings, the Division of Retirement, or commissions.

—a companion measure, was substituted for **SB 1300** and read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 4831** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Consideration of **SB 1302** was deferred.

CS for SB 2484—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021, F.S.; defining the term "fire extinguisher"; amending s. 633.061, F.S.; requiring an individual or organization that hydrotests fire extinguishers and preengineered systems to obtain a permit or license from the State Fire Marshal; revising the services that may be performed under certain licenses and permits issued by the State Fire Marshal; providing additional application requirements; providing requirements for obtaining an upgraded license; amending ss. 633.065, 633.071, F.S.; providing requirements for installing and inspecting fire suppression equipment; amending s. 633.162, F.S.; prohibiting an owner, officer, or partner of a company from applying for licensure if the license held by the company is suspended or revoked; revising the grounds upon which the State Fire Marshal may deny, revoke, or suspend a license or permit; providing restrictions on activities of former licenseholders and permittees; amending s. 633.171, F.S.; revising the prohibition against rendering a fire extinguisher or preengineered system inoperative to conform to changes made by the act; amending s. 633.547, F.S.; providing the State Fire Marshal authority to suspend and revoke certificates; providing restrictions on the activities of former certificateholders whose certificates are suspended or revoked; amending s. 489.105, F.S., relating to contracting; conforming a cross-reference to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 22, after line 31, insert:

Section 9. Subsection (28) is added to section 489.505, Florida Statutes, to read:

489.505 Definitions.—As used in this part:

(28) "Fire alarm system agent" means a person:

(a) Who is employed by a licensed fire alarm contractor or certified unlimited electrical contractor;

(b) Who is performing duties which are an element of an activity that constitutes fire alarm system contracting requiring certification under this part; and

(c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling onsite, or monitoring a fire alarm system for compensation.

Section 10. Section 489.5185, Florida Statutes, is created to read:

489.5185 Fire alarm system agents.—

(1) A certified unlimited electrical contractor or licensed fire alarm contractor may not employ a person to perform the duties of a fire alarm system agent unless the person:

(a) Is at least 18 years of age or has evidence of a court-approved declaration of emancipation.

(b) Has successfully completed a minimum of 18 hours of initial training, to include basic fire alarm system technology in addition to related training in National Fire Protection Association (NFPA) codes and standards and access control training. Such training must be from a board-approved provider, and the employee or applicant for employment must provide proof of successful completion to the licensed employer. The board, by rule, shall establish criteria for the approval of training courses and providers. The board shall approve qualified providers that conduct training in other than the English language. The board shall establish a fee for the approval of training providers, not to exceed $200, and a fee for the approval of courses at $25 per credit hour, not to exceed $100 per course.

(c) Has not been convicted within the last 3 years of a crime that directly relates to the business for which employment is being sought. Although the employee is barred from operating as a fire alarm system agent for 3 years subsequent to his or her conviction, the employer shall be supplied the information regarding any convictions occurring prior to that time, and the employer may at his or her discretion consider an earlier conviction to be a bar to employment as a fire alarm system agent. To ensure that this requirement has been met, a certified unlimited electrical contractor or licensed fire alarm contractor must obtain from the Florida Department of Law Enforcement a completed fingerprint and criminal background check for each applicant for employment as a fire alarm system agent or for each individual currently employed on the effective date of this act as a fire alarm system agent.

(d) Has not been committed for controlled substance abuse or been found guilty of a crime under chapter 893 or any similar law relating to controlled substances in any other state within the 3-year period immediately preceding the date of application for employment, or immediately preceding the effective date of this act for an individual employed as a fire alarm system agent on that date, unless the person establishes that he or she is not currently abusing any controlled substance and has successfully completed a rehabilitation course.

(2)(a) Any applicant for employment as a fire alarm system agent, or any individual employed as a fire alarm system agent on the effective date of this act, who has completed alarm system agent or burglar alarm system agent training prior to the effective date of this act in a board-certified program is not required to take additional training in order to comply with the initial training requirements of this section.

(b) A state-certified electrical contractor, a state-certified fire alarm system contractor, a state-registered fire alarm system contractor, a journeyman electrician licensed by any local jurisdiction, or an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications is not required to complete the training required for fire alarm system agents. A state-registered electrical contractor is not required to complete the training required for fire alarm system agents, so long as he or she is only doing electrical work up to the alarm panel.

(c) A nonsupervising employee working as a helper or apprentice under the direct, onsite, continuous supervision of a state-certified electrical contractor, a state-registered electrical contractor, a state-certified fire alarm system contractor, a state-registered fire alarm system contractor, a journeyman electrician licensed by any local jurisdiction, an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications, or a qualified fire alarm system agent is not required to complete the training otherwise required and is not required to be 18 years of age or older.

(d) A burglar alarm system agent employed by a licensed fire alarm contractor or certified unlimited electrical contractor who has fulfilled all requirements of s. 489.518 prior to the effective date of this act is not required to complete the initial training required by this section for fire alarm system agents.

(3) An applicant for employment as a fire alarm system agent may commence employment, or an individual employed as a fire alarm system agent on the effective date of this act may continue employment, pending completion of both the training and the fingerprint and criminal background checks required by this section, for a period not to exceed 90 days after the date of application for employment or 90 days after the effective date of this act for individuals employed as fire alarm system agents on that date. However, the person must work under the direction and control of a sponsoring certified unlimited electrical contractor or licensed fire alarm contractor until completion of both the training and the fingerprint and criminal background checks. If an applicant or an individual employed on the effective date of this act does not complete the training or receive satisfactory fingerprint and criminal background checks within the 90-day period, the employment must be terminated immediately.

(4)(a) A certified unlimited electrical contractor or licensed fire alarm contractor must furnish each of his or her fire alarm system agents with an identification card.

(b) The card shall follow a board-approved format, to include a picture of the agent; shall specify at least the name of the holder of the card and the name and license number of the certified unlimited electrical contractor or licensed fire alarm contractor; and shall be signed by both the contractor and the holder of the card. Each identification card shall be valid for a period of 2 years after the date of issuance. The identification card must be in the possession of the fire alarm system agent while engaged in fire alarm system agent duties.

(c) Each person to whom an identification card has been issued is responsible for the safekeeping thereof, and may not loan, or allow any other person to use or display, the identification card.

(d) Each identification card must be renewed every 2 years and in a board-approved format to show compliance with the 6 hours of continuing education necessary to maintain certification as a fire alarm system agent.

(5) Each fire alarm system agent must receive 6 hours of continuing education on fire alarm system installation and repair every 2 years from a board-approved sponsor of training and through a board-approved training course.

(6) Failure to comply with any of the provisions of this section shall be grounds for disciplinary action against the contractor pursuant to s. 489.533.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 4, after the semicolon (;) insert: amending s. 489.505, F.S.; defining the term "fire alarm system agent" for purposes of electrical and alarm system contracting; creating s. 489.5185, F.S.; providing requirements for fire alarm system agents, including specified training and fingerprint and criminal background checks; providing for fees for approval of training providers and courses; providing applicability to applicants, current employees, and various licensees; requiring an identification card and providing requirements therefor; providing continuing education requirements; providing disciplinary penalties;

On motion by Senator Geller, by two-thirds vote **CS for SB 2484** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—1

Ostalkiewicz

Vote after roll call:

Nay to Yea—Ostalkiewicz

MOTIONS

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of motions and announcements.

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, April 30.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2728—2730—Not referenced.

By Senator Williams—

SB 2732—A bill to be entitled An act relating to the Cedar Key Water and Sewer District in Levy County; codifying laws governing the independent special district; establishing revised district boundaries; revising the elections procedure for district commissioners; revising the name of the district; repealing chapters 63-1569, 75-426, 76-416, 80-531, and 87-528, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Latvala—

SB 2734—A bill to be entitled An act relating to Pinellas County; amending chapter 75-491, Laws of Florida, as amended; providing that property not receiving any benefits from the Pinellas Park Water Management District may be removed from the district by amendment to its charter; removing provisions which provide a method for deletion of taxable property from the district's tax rolls if over 50 percent of the property drains outside the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 2504 which he approved on April 28, 1998.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1273, CS for CS for HB's 3249 and 3305, CS for CS for HB 3351, HB 4081, HB 4103, HB 4365, CS for HB 4413, HB 4743, HB 4837; has passed as amended CS for HB 193, CS for HB 1575, HB 3113, CS for CS for HB 3229, HB 3275, CS for CS for HB 3491, HB 3513, HB 3543, CS for HB 3619, HB 3649, CS for HB 3673, HB 3769, HB 3851, HB 3857, HB 3859, HB 3963, HB 3967, HB 4097, HB 4099, HB 4127, HB 4133, CS for HB 4135, CS for HB 4147, HB 4243, HB 4253, HB 4289, HB 4307, HB 4323, HB 4325, HB 4349, HB 4373, CS for CS for HB 4407, HB 4465, HB 4469, HB 4475, HB 4505, HB 4531, HB 4545, HB 4691, HB 4785, HB 4795, HB 4797, HB 4821 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Finance and Taxation; and Representative Barreiro and others—

CS for HB 1273—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing a tax exemption for industrial machinery and equipment purchased for use in expanding certain printing facilities; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committees on Finance and Taxation; Business Development and International Trade; and Representative Fasano and others—

CS for CS for HB's 3249 and 3305—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; exempting the sale of steam energy used in manufacturing; providing a threshold for electricity use; providing a presumption with respect to the proportion of nonexempt use for electricity use that falls below the threshold; deleting a requirement that the electricity be separately metered; revising the applicability of the exemption; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committees on Finance and Taxation; Colleges and Universities; and Representative Fasano and others—

CS for CS for HB 3351—A bill to be entitled An act relating to corporate income tax; amending s. 220.15, F.S., which provides for apportionment of adjusted federal income for corporate income tax purposes; providing that the property factor fraction shall not include property certified as dedicated to research and development pursuant to sponsored research conducted through certain universities; providing a definition; providing that the payroll factor shall not include compensation paid to employees certified as dedicated to such activities; providing that no such activities shall cause a corporation not otherwise subject to corporate income tax to be subject to said tax; providing limitations; providing for rules; requiring a report; providing an effective date.

—was referred to the Committee on Ways and Means.

By Representative Culp and others—

HB 4081—A bill to be entitled An act relating to Hillsborough County; authorizing the board of county commissioners of Hillsborough County to provide by ordinance for liens in favor of all operators of hospitals in Hillsborough County and in favor of Hillsborough County when it pays for medical care, treatment, or maintenance of qualifying residents of the county upon all causes of action, suits, claims, counterclaims, and demands accruing to persons to whom care, treatment, or maintenance is furnished by such hospital or is paid for by Hillsborough County on behalf of a qualifying resident of the county, or accruing to the legal representatives of such persons, and upon all judgments, settlements, and settlement agreements entered into by virtue thereof on account of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy giving rise to such causes of action, suits, claims, counterclaims, demands, judgments, settlements, or settlement agreements, and which necessitated such care, treatment, or maintenance; authorizing the board of county commissioners of Hillsborough County to provide by ordinance for the attachment, perfection, priority, and enforcement of such liens and for such procedural and other matters as may be necessary or appropriate to carry out the purposes of the ordinance; requiring the ordinance to provide identical remedies to the hospitals and the County Indigent Health Care Plan; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Chestnut—

HB 4103—A bill to be entitled An act relating to Alachua County; codifying and reenacting chapters 85-376 and 87-529, Laws of Florida, relating to the Alachua County Library District; repealing chapters 85-376 and 87-529, Laws of Florida, and s. 2 of chapter 90-501, Laws of Florida, relating to the Alachua County Library District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kelly—

HB 4365—A bill to be entitled An act relating to acupuncture; amending s. 457.102, F.S.; defining the term "acupuncture"; amending s. 457.103, F.S.; revising the membership of the Board of Acupuncture; amending s. 457.105, F.S.; revising the licensing requirements for acupuncturists; amending s. 457.116, F.S.; prohibiting certain acts; providing penalties; providing an effective date.

—was referred to the Committee on Health Care.

By the Committees on General Government Appropriations; Finance and Taxation; and Representative Starks and others—

CS for HB 4413—A bill to be entitled An act relating to administration of revenue laws; amending s. 192.001, F.S.; restricting applicability of the definition of "computer software" for purposes of imposing ad valorem taxes; amending s. 199.052, F.S.; requiring banks and financial organizations filing annual intangible personal property tax returns for their customers to file information using machine-sensible media; amending s. 212.0515, F.S.; eliminating the requirement that persons selling food or beverages to operators for resale through vending machines report to the Department of Revenue quarterly; amending s. 212.054, F.S.; removing provisions which specify when a dealer outside a county which adopts or revises a discretionary sales surtax who makes sales within that county must begin to collect the surtax; prescribing the effective date of an increase or decrease in the rate of any discretionary sales surtax and revising the termination date; providing requirements with respect to notice to the department by a county or school board imposing, terminating, revising, or proposing to impose, terminate, or revise, a surtax, and specifying effect of failure to provide notice; amending s. 212.055, F.S.; removing provisions which allow a nonuniform effective date for the local government infrastructure surtax, small

county surtax, indigent care surtax, small county indigent care surtax, and school capital outlay surtax; amending s. 125.2801, F.S.; correcting a reference; amending ss. 212.097 and 212.098, F.S.; redefining "new business" for purposes of the urban high-crime area job tax credit and the rural job tax credit; amending s. 212.11, F.S.; providing requirements relating to sales tax returns filed through electronic data interchange; amending s. 212.12, F.S.; revising provisions relating to the dealer's credit for collecting sales tax; specifying that the credit is also for the filing of timely returns; authorizing the department to deny, rather than reduce, the credit if an incomplete return is filed; revising the definition of "incomplete return"; amending s. 212.17, F.S.; providing that the department shall prescribe the format for filing returns through electronic data interchange and specifying that failure to use the format does not relieve a dealer from the payment of tax; amending s. 213.755, F.S.; defining "payment" and "return" for purposes of revenue laws administered by the department; amending s. 213.053, F.S., relating to confidentiality of information obtained by the department and sharing of such information; revising provisions relating to applicability of said section; amending s. 213.0535, F.S.; revising provisions relating to frequency of exchange of information by certain participants in the Registration Information Sharing and Exchange Program; amending s. 213.21, F.S.; revising provisions that authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; amending s. 213.28, F.S.; revising qualifications of certified public accountants contracting with the department to perform audits; amending s. 213.67, F.S.; providing that a person who receives a notice to withhold with respect to property of a delinquent taxpayer and who disposes of such property during the effective period of the notice is liable for the taxpayer's indebtedness under certain circumstances; providing that such notice remains in effect while a taxpayer's contest of an intended levy is pending; providing that a financial institution receiving such notice has a right of setoff for certain debit card transactions; requiring persons who receive such notice to notify the department of assets of the delinquent taxpayer subsequently coming into their possession and prohibiting disposal of such assets; specifying that a notice of levy to such persons be by registered mail; authorizing the department to bring an action to compel compliance with notices issued under said section; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; amending s. 220.02, F.S.; providing legislative intent regarding taxation of a "qualified subchapter S subsidiary"; amending s. 220.22, F.S.; requiring certain returns by such subsidiaries; providing retroactive application; providing effective dates.

—was referred to the Committee on Ways and Means.

By Representative Jones—

HB 4743—A bill to be entitled An act relating to Pinellas County and municipalities in Pinellas County; authorizing the Board of County Commissioners of Pinellas County for unincorporated areas and for the boards of the municipalities within Pinellas County to provide by ordinance for liens in favor of all operators of hospitals in Pinellas County and in favor of Pinellas County when it pays for medical care, treatment, or maintenance of qualifying residents of the county and hospitals within such municipalities, respectively, upon all causes of action, suits, claims, counterclaims, and demands accruing to persons to whom care, treatment, or maintenance is furnished by such hospital or is paid for by Pinellas County on behalf of a qualifying resident of the county or accruing to legal representatives of such persons, and upon all judgments, settlements, and settlement agreements entered into by virtue thereof on account of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy giving rise to such causes of action, suits, claims, counterclaims, demands, judgments, settlements, or settlement agreements, and which necessitates such care, treatment, or maintenance; authorizing the Board of County Commissioners of Pinellas County and the board of the Pinellas County municipalities to provide by ordinance for the attachment, perfection, priority, and enforcement of such liens and for such procedural and other matters as may be necessary or appropriate to carry out the purposes of said ordinances; providing that the lien be limited to the greater of either the worker's compensation rate in effect on the effective date of this act or the nongovernmental, commercial health insurance or managed care contractual rate applicable to the injured person at the time medical care or treatment was rendered plus the amounts for which the patient is personally responsible; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Education Appropriations and Representative Sublette and others—

HB 4837—A bill to be entitled An act relating to the procedure to be used to calculate funding for students enrolled in group 2 of the Florida Education Finance Program; amending s. 236.081, F.S.; providing for a supplemental capping calculation for those districts whose weighted FTE enrollment is over the weighted FTE ceiling established in the annual appropriations act; providing procedure for such calculation; repealing s. 236.081(8), F.S., which provides for a caps adjustment supplement for group 2 programs when there are funds remaining in the Florida Education Finance Program appropriation; amending s. 236.25, F.S.; correcting a reference; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Finance and Taxation; and Representative Lynn and others—

CS for HB 193—A bill to be entitled An act relating to credits against taxes; amending s. 220.02, F.S.; providing the order of credits against the corporate income tax or franchise tax; amending s. 220.03, F.S.; revising the definition of "child care facility startup costs" and defining "operation of a child care facility"; amending s. 220.12, F.S.; revising the definition of a taxpayer's net income for corporate income tax purposes to delete the deduction of child care facility startup costs; creating s. 220.19, F.S.; authorizing a credit against the corporate income tax for child care facility startup costs and operation, and for payment of an employee's child care costs; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; defining "corporation"; creating s. 624.5107, F.S.; authorizing a credit against insurance premium taxes for child care facility startup costs and operation, and for payment of an employee's child care costs; providing definitions; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Financial Services and Representative Feeney and others—

CS for HB 1575—A bill to be entitled An act relating to certified capital companies; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor to administer tax credits; creating s. 288.99, F.S.; creating the "Certified Capital Company Act"; providing a short title; providing a purpose; providing definitions; providing certification procedures; providing deadlines; requiring an application fee; providing grounds for application denial or decertification; requiring the Department of Banking and Finance to enforce certification and decertification procedures; requiring certification reports filed with the Office of Tourism, Trade, and Economic Development; requiring an annual renewal fee; specifying investment benchmarks; specifying depositories for funds not invested in qualified businesses; providing a credit against premium tax liability; specifying effect of credit on retaliatory tax; providing an aggregate premium tax credit cap; providing a tax credit allocation formula; requiring forfeiture of tax credits under certain circumstances; providing for an annual report by each certified capital company; requiring the Office

of Tourism, Trade, and Economic Development to review and verify annual reports; authorizing the Department of Revenue to audit and examine books of certified capital companies and investors; providing for distributions to debt holders; requiring the Department of Banking and Finance to conduct annual reviews of certified capital companies; providing requirements for distributions; providing decertification procedures; providing a cure period; providing recapture of tax credits under certain circumstances; providing a schedule for tax credit recapture and penalties; providing for transfer of tax credits; requiring the Office of Tourism, Trade, and Economic Development to annually report to the Governor and the Legislature; providing for application and renewal fees; providing rulemaking authority; providing appropriations; providing effective dates.

—was referred to the Committee on Ways and Means.

By Representative Fuller and others—

HB 3113—A bill to be entitled An act relating to community contribution tax credits; amending ss. 220.183 and 624.5105, F.S.; increasing the annual limitation on the amount of such credits that may be granted against the corporate income tax and insurance premium taxes; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committees on Finance and Taxation; Environmental Protection; and Representative Thrasher and others—

CS for CS for HB 3229—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.051, F.S.; providing an exemption for certain facilities, equipment, and machinery used for pollution control or abatement associated with manufacturing activities, and for structures or equipment associated with replacement thereof; requiring compliance with permitted conditions of the Department of Environmental Protection; providing an exemption for equipment, machinery, and materials required by permit or law for the monitoring, prevention, abatement, or control of pollution at solid waste management facilities; providing an effective date.

—was referred to the Committee on Ways and Means.

By Representative Arnall and others—

HB 3275—A bill to be entitled An act relating to worthless checks; creating s. 832.09, F.S.; providing for the suspension of a driver's license with respect to certain persons against whom a warrant or capias is issued in a worthless check case; creating s. 832.10, F.S.; providing for the state attorney to use a private debt collector or independent contractor for 90 days to collect worthless checks; providing for the case to be referred back to the state attorney if the worthless check is not collected in the time allowed; creating s. 832.10, F.S.; providing an alternative to the bad check diversion program; providing fees for collection; amending s. 322.251, F.S.; providing for notification; providing for conditions for reinstatement; providing a fee; directing the Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement to develop and implement a plan; amending s. 322.142, relating to records of the Department of Highway Safety and Motor Vehicles; providing an appropriation; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By the Committees on Finance and Taxation; Governmental Operations; and Representative Boyd and others—

CS for CS for HB 3491—A bill to be entitled An act relating to the Florida Retirement System; amending s. 112.363, F.S.; increasing the retiree health insurance subsidy payment and the contribution rate; providing for retroactive payments under certain circumstances; amending s. 121.011, F.S.; clarifying benefits payable under existing systems; amending s. 121.021, F.S.; revising and adding definitions; amending ss. 121.052, 121.055, and 121.071, F.S.; modifying the statutory limit on the number of nonelective full-time positions that may be designated by a local agency employer for inclusion in the Senior Management Service Class; changing contribution rates for specified classes and subclasses of the system and for the retiree health insurance subsidy; amending s. 121.091, F.S.; providing for benefit computations using dual retirement ages for service in the Senior Management Service Class and the Elected Officer's Class; providing for nullification of a joint annuitant designation in the event of dissolution of marriage; providing for purchase of additional service credit using a deceased member's accumulated leave, out-of-state service, or in-state service under certain circumstances; specifying that a member's spouse at the time of death shall be the member's beneficiary under certain circumstances; providing a directive to statute editors; amending s. 121.1122, F.S.; deleting reference to nonsectarian schools and colleges; amending s. 121.121, F.S.; providing for eligibility to purchase retirement credit for certain leaves of absence; amending s. 121.122, F.S.; allowing members with renewed membership in the Senior Management Service Class to purchase additional retirement credit for certain postretirement service; amending s. 121.30, F.S.; conforming to the Internal Revenue Code; creating s. 121.133, F.S.; providing intent; requiring the Comptroller to cancel any benefit warrant issued from the Florida Retirement System Trust Fund, or from certain other pension trust funds, if such warrants are not presented within a specified timeframe; providing that such funds shall be transferred and recredited to specified trust funds; providing for issuance of replacement warrants; amending s. 121.40, F.S.; changing contribution rates for the supplemental retirement plan for the Institute of Food and Agricultural Sciences at the University of Florida; repealing ss. 121.0505 and 121.0516, F.S.; relating to duplicative contribution rates; directing the Division of Statutory Revision to make described adjustments to the statutes with respect to contribution rates; providing a finding of important state interest; providing effective dates.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Livingston—

HB 3513—A bill to be entitled An act relating to the Lee County Hyacinth Control District, an independent district; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Lee County Hyacinth Control District as required by chapter 97-255, Laws of Florida; providing for continuation of a hyacinth control district in the county from the effective date of this act; providing for a governing board; prescribing the powers, organization, and duties of the board; setting the compensation of the board; providing for audit of books and time of meetings; providing for a budget; granting eminent domain; giving the board the power to tax and to levy assessments for special benefits and providing the methods, procedures, and limitations thereon; providing for a limited millage; providing for employees; providing for cooperation with local, state, and federal agencies and entities; providing that the legal authority for the Lee County Hyacinth Control District shall be construed liberally to accomplish continuation of the work of the Lee County Hyacinth Control District; providing for the repeal of all special acts relating to the Lee County Hyacinth Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston—

HB 3543—A bill to be entitled An act relating to the Bonita Springs Fire Control and Rescue District, Lee County; providing for a codification of special laws relating to the Bonita Springs Fire Control and Rescue District pursuant to s. 191.015, F.S.; providing legislative intent; codifying reenacting and amending all prior special acts; creating and establishing a fire control and rescue district in said county and fixing the boundaries of district; providing for a governing body; prescribing the powers of the board; authorizing the board to establish and maintain emergency medical services and equipment; authorizes the board to make rules and regulations; providing procedure for adopting a budget, giving the board the power to tax; providing procedure for assessing and

collecting taxes; limiting tax collector's responsibility; providing for payment of expenses; requiring the treasurer to post a bond; providing that such act shall be construed liberally; providing for severability; providing for the repeal of chapters 65-1828, 68-90, 69-1242, 81-414, 96-500, and 96-545, Laws of Florida, and section 6 of 87-447, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Governmental Operations and Representative Culp and others—

CS for HB 3619—A bill to be entitled An act relating to computers; creating s. 14.025, F.S., relating to the Governor; recognizing the potential computer problems that may occur in state agencies due to the date change necessitated by the year 2000; authorizing the Governor to reassign resources in the event of a likely computer failure; authorizing the Administration Commission to reassign resources if an agency headed by the Governor and Cabinet or a Cabinet officer is likely to experience a computer failure; requiring the reassignment of resources to conform with the law governing budget amendments; requiring the reassignment of personnel to conform with the law governing employee interchanges; requiring legislative approval if a reassignment of resources is necessary for more than 90 days; authorizing legislative veto of the reassignment of state resources; providing for repeal of the powers granted to the Governor; amending ss. 112.24 and 112.27, F.S., relating to employee interchange programs; clarifying that state agencies may exchange employees; creating s. 282.4045, F.S.; providing legislative findings relating to the adequacy of the state's actions to prevent year 2000 computer failures; protecting the state and units of local government against legal actions that result from a year 2000 computer date calculation failure; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Fuller and others—

HB 3649—A bill to be entitled An act relating to the City of Jacksonville Beach, Duval County; amending chapter 27643, Laws of Florida, 1951, as amended, the Employees' Retirement System of the City of Jacksonville Beach; specifying that benefits may be payable to a participant's Deferred Retirement Option Program; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; providing overview of the Deferred Retirement Option Program; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing limitations on employment after participation; specifying contribution rates; specifying that Deferred Retirement Option Program participation does not exempt such participants from the forfeiture of benefits under the provisions of s. 112.3173, F.S.; providing for administration of the program; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Agriculture and Representative Bronson—

CS for HB 3673—A bill to be entitled An act relating to aquaculture; amending s. 253.72, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.027, F.S.; providing an exception to rulemaking authority of the Marine Fisheries Commission with respect to specified marine life; providing that marine aquaculture producers shall be regulated by the Department of Agriculture and Consumer Services; amending s. 370.06, F.S.; revising provisions relating to issuance and renewal of saltwater products licenses and special activity licenses; authorizing issuance of special activity licenses for the use of special gear or equipment, the importation and possession of sturgeon, and the harvest of certain shellfish; authorizing permit consolidation procedures; amending s. 370.081, F.S.; revising provisions relating to the importation of nonindigenous marine plants and animals; amending s. 370.10, F.S.; authorizing the harvesting or possession of saltwater species for experimental, scientific, education, and exhibition purposes; amending s. 370.16, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.26, F.S.; relating to aquaculture definitions; defining the term "marine product facility" and revising definition of the term "marine aquaculture product"; deleting requirements of an Aquaculture Section in the Department of Environmental Protection; providing duties of the Department of Agriculture and Consumer Services; authorizing delegation of regulatory authority for certain aquaculture facilities; amending s. 372.0225, F.S.; revising responsibilities of the Division of Fisheries of the Game and Fresh Water Fish Commission relating to freshwater organisms; amending s. 372.65, F.S.; authorizing exemption for freshwater fish dealer's license; amending s. 372.6672, F.S.; removing obsolete language relating to state-sanctioned sales of alligator hides; amending s. 372.6673, F.S.; providing for a portion of the fees assessed for alligator egg collection permits to be transferred to the General Inspection Trust Fund to be used for certain purposes; amending s. 372.6674, F.S.; providing for a portion of the fees assessed for alligator hide validation tags to be transferred to the General Inspection Trust Fund to be used for certain purposes; amending s. 373.046, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 373.406, F.S.; providing exemption for management and storage of surface water; amending s. 403.0885, F.S.; providing exemptions from the state National Pollutant Discharge Elimination System program; amending s. 403.814, F.S.; revising and clarifying provisions relating to aquaculture general permits; amending s. 597.002, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 597.003, F.S.; expanding the powers and duties of the Department of Agriculture and Consumer Services relating to regulation of aquaculture; amending s. 597.004, F.S.; revising provisions relating to aquaculture certificate of registration; providing for shellfish and nonshellfish certification; providing for rules, waiver of liability, compliance, and reports; amending s. 597.005, F.S.; providing for a list of prioritized research needs; providing an effective date.

—was referred to the Committees on Agriculture; Natural Resources; and Ways and Means.

By Representative Futch—

HB 3769—A bill to be entitled An act relating to Barefoot Bay Recreation District, Brevard County; providing for the issuance of a special alcoholic beverage license to a mobile home park recreation district operating within Brevard County; providing restrictions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Representative Bradley—

HB 3851—A bill to be entitled An act relating to Pinellas County; providing a short title; providing background and purpose of the act; providing for the annexation of certain small enclaves within the municipalities of Pinellas County; providing for the act to apply to a specified type of enclave; providing prerequisites for annexation; requiring the governing body of a municipality to provide certain incentives within the area to be annexed; providing for certain exemptions; providing for expiration of specified provisions of the act; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sindler and others—

HB 3857—A bill to be entitled An act relating to the City of Orlando and Orange County; repealing chapter 55-31098, Laws of Florida, relating to the number of licenses which may be granted for the sale of

intoxicating beverages therein; providing a grandfather clause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston—

HB 3859—A bill to be entitled An act relating to Lee County and the City of Fort Myers; providing for the annexation of the enclaves known as "Dunbar" and "Belle Vue" by interlocal agreement between the city and county, subject to approval by referendum; providing for procedures for adoption of the agreement and for a referendum; providing for authority for assumption of municipal service duties and transfer of infrastructure; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Saunders—

HB 3963—A bill to be entitled An act relating to the City of Marco Island, Collier County; amending chapter 97-367, Laws of Florida; providing for waiver of s. 218.23(1), F.S., relating to eligibility for participation in state revenue sharing beyond the minimum entitlement, and s. 218.26(3), F.S., relating to calculation of apportionment factors, for additional fiscal years; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Representative Spratt—

HB 3967—A bill to be entitled An act relating to Central County Water Control District in Hendry County; amending chapter 70-702, Laws of Florida, as amended; requiring that two of the five supervisors of the district be elected by a vote of qualified electors residing in the district and establishing qualifications and procedures therefor; changing the annual meeting date; requiring payment of special assessments as a condition for voting at an annual meeting; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 4097—A bill to be entitled An act relating to the West Parkland Water Management District, Broward County; repealing chapter 75-353, Laws of Florida, which creates the West Parkland Water Management District, to abolish the West Parkland Water Management District; transferring all obligations and assets to the City of Parkland; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 4099—A bill to be entitled An act relating to the Central Broward Water Control District, Broward County; amending section 4g. of charter; deleting the provision for expense reimbursement; amending section 4j. of charter, to provide for assumption of office at the first regular meeting following the election; amending section 7 of charter, to provide for an organizational meeting annually at the first regular meeting following the first Tuesday after the first Monday in November; deleting obsolete provisions; codifying the Charter of the Central Broward Water Control District, an independent special district; codifying chapter 61-1439, Laws of Florida, as amended; consolidating amendments thereto contained in this act and chapters 65-1006, 67-1002, 69-528, 70-479, 71-388, 72-486, 79-432, 80-462, 82-268, 85-388, 86-359, 86-363, 87-506, 88-523, 91-350, 94-426, and 96-536, Laws of Florida; repealing chapters 61-1439, 65-1006, 67-1002, 69-528, 70-479, 71-388, 72-486, 79-432, 80-462, 82-268, 85-388, 86-359, 86-363, 87-506, 88-523, 91-350, 94-426, and 96-536, Laws of Florida; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Jacobs—

HB 4127—A bill to be entitled An act relating to the Delray Beach Downtown Development Authority, Palm Beach County; amending chapter 71-604, Laws of Florida, as amended, by amending the Delray Beach Downtown Development Authority area description to provide for inclusion of properties west of Swinton Avenue westward of the current Downtown Development Authority area to include those properties lying approximately south of N.W. 1st Street, and properties lying north of S.W. 1st Street, bounded generally on the west by Interstate 95, all such properties lying within the municipal boundaries of the City of Delray Beach; providing for seven members on the board for the Delray Beach Downtown Development Authority; providing that four members of the Board of Directors of the Delray Beach Downtown Development Authority shall be owners of realty within the Downtown Area, a lessee required by the lease to pay taxes, or a director, officer, or managing agent of an owner or of a lessee thereof so required to pay taxes thereon; requiring at least four affirmative votes of the authority to take any action; authorizing the authority to actively participate in plans and programs to encourage economic development and the promotion of downtown; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Boyd—

HB 4133—A bill to be entitled An act relating to the City of Ceder Key, Levy County; repealing chapter 69-929, Laws of Florida, and replacing same with a new charter; providing for the powers and duties of the city commission; providing for appointment of administrative officials; establishing special provisions; providing a transition schedule; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Community Colleges and Career Prep; and Representative Lynn and others—

CS for HB 4135—A bill to be entitled An act relating to education; authorizing the creation of charter technical career centers; prescribing powers and duties of the Commissioner of Education, the Department of Education, participating district school boards, and community college district boards of trustees, with respect to charter technical career centers; prescribing powers and duties of charter technical career centers and their boards of directors; providing for funding; prescribing rights and duties of employees of centers and of district school board employees and community college employees working at charter technical career centers; providing for revocation of a charter; providing for rules; amending s. 121.021, F.S.; redefining the terms "covered group" and "employer" with respect to the Florida Retirement System to include charter technical career centers; amending s. 121.051, F.S.; providing for optional participation in the Florida Retirement System by employees of charter technical career centers; amending s. 121.1122, F.S.; including

charter technical career centers with a group for the purchase of certain retirement credit; amending s. 236.081, F.S.; providing for calculating changes in school district funding resulting from a drop in enrollment based on student transfers to a charter technical career center; providing an appropriation; providing an effective date.

—was referred to the Committees on Education; and Ways and Means.

By the Committee on Children and Family Empowerment; and Representative Littlefield and others—

CS for HB 4147—A bill to be entitled An act relating to the WAGES Program; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing authority for rules; providing legislative intent with respect to employment of WAGES recipients by the food and beverage industry; requiring the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to annually certify the total number of specified WAGES recipients; requiring the Department of Business and Professional Regulation to annually recalculate and reduce the surcharge on the sale of alcoholic beverages for consumption on the premises; providing a formula for such recalculation; requiring the department to adopt procedures and establish rules; creating s. 290.00651, F.S.; directing the Office of Tourism, Trade, and Economic Development to designate a pilot project area within an enterprise zone; providing qualifications for such area; providing that certain businesses in such pilot project area are eligible for tax credits; prescribing application criteria and procedures governing such tax credits; providing rulemaking authority; requiring a review by the Office of Program Policy Analysis and Government Accountability; providing for future repeal and revocation of designation as an enterprise zone pilot project area; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Representative Ziebarth—

HB 4243—A bill to be entitled An act relating to Volusia County; amending chapter 95-462, Laws of Florida, changing the uniform municipal election and qualification dates; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrington—

HB 4253—A bill to be entitled An act relating to Charlotte County; codifying, reenacting, amending, and repealing chapters 65-1357, 70-628, 73-430, 74-453, 84-405, 84-406, 88-479, and 91-399, Laws of Florida; creating and establishing the Charlotte County Airport Authority, an independent special district; providing for membership; authorizing the County of Charlotte and its incorporated municipalities to contract with the airport authority; providing for the government, jurisdiction, powers, franchises, and privileges of the airport authority; deleting obsolete provisions; repealing all prior special acts relating to the Charlotte County Development Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 4289—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits, under certain conditions; providing for redefining the town limits; providing for an agreement between the owner of the property and the Town Council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Culp and others—

HB 4307—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; enabling an increase in the accrual of benefits from 2 percent to 2.5 percent for additional years of service after 26 years; providing for pension benefits after 20 years of service without reduction upon separation; providing for a Deferred Retirement Option Program; providing for additional benefits; providing for contribution rates; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Warner—

HB 4323—A bill to be entitled An act relating to Palm Beach County; amending ch. 93-367, Laws of Florida, as amended; revising provisions relating to employees of the Palm Beach County Sheriff; revising procedures for appeal of disciplinary actions and complaints against employees of the sheriff; providing that certain monetary emoluments be based on performance for employees at the rank of captain or its civilian equivalent; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Horan—

HB 4325—A bill to be entitled An act relating to Monroe County; amending chapter 97-348, Laws of Florida, relating to the charter of Islamorada, Village of Islands; revising transition provisions relating to state shared revenues to extend waivers of applicable revenue sharing eligibility requirements and to authorize the usage of millage levied by the Monroe County Mosquito Control District for purposes of meeting the minimum amount of revenue required to be raised for revenue sharing eligibility; clarifying legislative intent regarding the referendum required to effectuate the charter, which referendum was concluded on November 4, 1997, with the required majority of voters approving the charter; adopting nunc pro tunc the effective dates in chapter 97-348, Laws of Florida, in connection with the clarification of legislative intent; declaring the charter to be effective pursuant to its terms and conditions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Horan—

HB 4349—A bill to be entitled An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended, relating to the Florida Keys Aqueduct Authority; providing for certain matters regarding the construction, acquisition, and maintaining of a wastewater system for the collection, treatment, and disposal of wastewater in Monroe County; providing for certain matters with respect to the purchase of property by the Florida Keys Aqueduct Authority; providing for notifica-

tion to the public of the availability of the Florida Keys Aqueduct Authority's annual audit; amending certain provisions relating to the issuance of bonds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Flanagan and others—

HB 4373—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.09, F.S.; prescribing liability for the tax when a renewal note increases the unpaid balance or the original face amount of an original contract and obligation; providing that s. 3, ch. 97-123, Laws of Florida, which exempts from tax a renewal note evidencing a revolving obligation which does not increase the original face amount of the original contract and obligation, applies retroactively to certain renewal notes; providing effective dates.

—was referred to the Committee on Ways and Means.

By the Committees on Finance and Taxation; Governmental Operations; and Representative Byrd and others—

CS for CS for HB 4407—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing a short title; providing that no tax levied under ch. 212, F.S., shall be collected on sales of clothing with a value of $50 or less during specified periods in August 1998 and January 1999; providing a definition; excluding sales within a theme park or entertainment complex or public lodging establishment; providing for rules; providing an effective date.

—was referred to the Committee on Ways and Means.

By Representative Rayson—

HB 4465—A bill to be entitled An act relating to Broward County; providing for notice of water or sewer rate changes to residents served outside of municipal boundaries within Broward County; providing for a public hearing; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Representative Rayson—

HB 4469—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; codifying the district's charter, chapter 67-904, Laws of Florida, as amended; providing that South Broward Drainage District is an independent special district; providing that all officers and employees of the district on the effective date of this act shall continue to hold their respective offices until their successors are elected or appointed; changing name of district manager to district director; revising obsolete agency and department references; providing for the district's plan for the drainage and reclamation of lands within the district to remain in full force and effect; deleting interest rate provisions which conflict with section 31 of district's charter; deleting provision authorizing assessment of a tax on lands within the district which belong to the county, school district, or other political subdivisions; providing for deletion of obsolete or no longer required proceedings; revising inconsistent provisions; adding a brief description of sections of district charter which are not described; repealing all prior special acts of the Legislature relating to the South Broward Drainage District except as stated; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Alexander and others—

HB 4475—A bill to be entitled An act relating to wastewater treatment systems; amending s. 381.0064, F.S., relating to continuing education courses for persons installing or servicing septic tanks; amending s. 381.0065, F.S.; revising guidelines and procedures for granting variances for such systems; revising membership of the department's variance review and advisory committee; providing criteria for use of guttering; amending s. 381.0068, F.S.; revising duties and procedures of the department's technical review and advisory panel; providing an effective date.

—was referred to the Committees on Community Affairs and Health Care.

By Representative Minton—

HB 4505—A bill to be entitled An act relating to the Lake Worth Drainage District, Palm Beach County; providing for codification of special laws regarding special districts, relating to the Lake Worth Drainage District, a body corporate existing under the laws of the State of Florida and existing and operating in Palm Beach County pursuant to chapter 61-1747, Laws of Florida, as amended; codifying and reenacting chapter 61-1747, Laws of Florida; chapter 63-616, Laws of Florida; chapter 63-618, Laws of Florida; chapter 67-867, Laws of Florida; chapter 71-830, Laws of Florida; chapter 75-472, Laws of Florida; chapter 81-460, Laws of Florida; chapter 82-353, Laws of Florida; chapter 83-493, Laws of Florida; chapter 84-496, Laws of Florida; chapter 87-521, Laws of Florida; Section 5(1)(b) of chapter 90-416, Laws of Florida; chapter 90-480, Laws of Florida; and chapter 96-478, Laws of Florida; providing for repeal of chapter 61-1747, Laws of Florida, as amended; providing for repeal of prior special acts relating to the Lake Worth Drainage District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Representative Gay—

HB 4531—A bill to be entitled An act relating to Lee, Charlotte, Sarasota, and Manatee Counties; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the West Coast Inland Navigation District, a special tax district of the State of Florida composed of the Counties of Lee, Charlotte, Sarasota, and Manatee; providing legislative intent, and codifying and reenacting chapter 23770, Laws of Florida, 1947; chapters 27289 and 27290, Laws of Florida, 1951; chapter 28542, Laws of Florida, 1953; chapter 30074, Laws of Florida, 1955; chapter 57-467, Laws of Florida; chapter 59-756, Laws of Florida; chapter 61-1590, Laws of Florida; chapter 77-494, Laws of Florida; sections 2, 3, 4, and 5 of chapter 79-435, Laws of Florida; chapter 81-337, Laws of Florida; section 5 of chapter 85-200, Laws of Florida; and section 5 of chapter 86-286, Laws of Florida; providing additional powers; providing for the repeal of section 8 of chapter 90-264, Laws of Florida; providing for repeal of all prior special acts related to the West Coast Inland Navigation District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Natural Resources; and Rules and Calendar.

By Representative Clemons—

HB 4545—A bill to be entitled An act relating to Bay County; amending chapter 67-1099, Laws of Florida, as amended, relating to the codification, re-creation, reestablishment, and organization of an airport district in Bay County, to be designated as the Panama City-Bay County Airport and Industrial District; re-creating the Board of Directors as the governing body; providing for its government, jurisdiction, expansion of powers, franchises, and privileges, including the creation of an

independent airport police department, with full police powers; repealing chapters 67-1099 and 69-834, Laws of Florida, prior special acts relating to the airport authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wiles—

HB 4691—A bill to be entitled An act relating to Flagler Estates Road and Water Control District, St. Johns and Flagler Counties, an independent special district, created under chapter 298, Florida Statutes; reenacting by codified charter all special acts for the district relating to the creation, organization, authority, landowners' meeting quorum, notification of landowners' meeting, and boundaries of the road and water control district; providing for the subsequent repeal of all individual special acts pertaining to the district including chapters 81-481, 82-294, 83-509, 87-502, and 89-505, Laws of Florida, and in furtherance of the purposes and intent of chapter 298, Florida Statutes, to include substantive changes to clarify the powers and duties of the district by defining the road authority; authorizing the district to make its surplus real property available to the public for passive use; permitting the district to enter into lease or interlocal agreements with other governmental entities for the operation and/or maintenance of such passive use areas within the district boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By the Committee on Utilities and Communications; and Representative Arnall—

HB 4785—A bill to be entitled An act relating to telecommunications services; amending s. 364.025, F.S.; providing duties and responsibilities of the Florida Public Service Commission to assist the Legislature in establishing a permanent universal service mechanism; requiring the commission to select a cost proxy model; providing for the calculation of small local exchange companies' costs to provide basic service; providing legislative determinations; directing the commission to make recommendations relating to fair and reasonable basic local telecommunications service rates; providing criteria; requiring a report to the Legislature; requiring local exchange companies to provide certain information to the commission; requiring the provision of discounted rates for services for certain subscribers; amending s. 364.163, F.S.; providing a cap for certain rates; requiring reductions in certain rates; providing legislative findings; requiring the commission to study the provision of telecommunications service to multi-tenant environments; requiring a report to the Legislature; requiring the commission to conduct workshops; requiring the commission to consider promotion of a competitive telecommunications market to end users; providing duties of the Public Service Commission relating to its consumer education program; creating part III of chapter 364, F.S.; providing a short title; providing definitions; requiring the commission to adopt rules to prevent unauthorized changing of certain services; providing requirements; providing requirements for billing practices; amending s. 364.051, F.S.; delaying the date for removing the cap on certain rates; amending s. 364.161, F.S.; requiring local exchange telecommunications companies to timely provide certain services; requiring the commission to maintain a file of certain complaints; requiring inclusion of certain information in the commission's annual report to the Legislature on competition; amending ss. 166.231 and 203.01, F.S.; requiring the Public Service Commission to publish certain rates for commonly used services; amending s. 364.02, F.S.; revising a definition; amending s. 364.336, F.S.; providing for deducting certain amounts from gross operating revenues for certain purposes; amending s. 364.337, F.S.; requiring provision of 911 service at certain levels; subjecting intrastate interexchange telecommunications companies to certain access to records provisions; deleting provisions relating to certain deductions from gross operating revenues; amending s. 364.339, F.S.; including residential tenants in shared tenant service provisions; providing an appropriation; providing effective dates.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Representative Rayson—

HB 4795—A bill to be entitled An act relating to the Cities of Deerfield Beach and Pompano Beach, Broward County; extending and enlarging the corporate limits of such cities to include specific unincorporated lands within the corporate limits of said cities; providing for transfer of public roads and rights-of-way, and responsibilities thereof; providing exceptions; providing applicability with regard to the Broward County Work Release Facility; prohibiting modification of land use designation and zoning regulations under certain circumstances; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rayson—

HB 4797—A bill to be entitled An act relating to Broward County; amending chapter 97-371, Laws of Florida; extending the corporate limits of the cities of Pembroke Pines, Davie, Cooper City, and Weston; providing for the annexation of the unincorporated area known as Southwest Ranches; providing for amendment to the legal description of Southwest Ranches and surrounding areas and Sunshine Acres and surrounding areas; providing for incorporation of a new municipality; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Arnall—

HB 4821—A bill to be entitled An act relating to St. Johns County; creating the Town of Ponte Vedra Beach; providing legislative intent; providing municipal boundaries and municipal powers; providing a council-manager form of government; providing for election of a town council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for compensation and expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of town council members; providing certain interference with town employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter offices, including a town manager and town attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referenda; providing the town a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for a transition agreement between St. Johns County and Town of Ponte Vedra Beach; providing for interim municipal services; providing for disposition of existing special districts; providing for the grandfathering in of existing land uses and zoning for certain property owners; providing land descriptions of the town; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 42, SB 66, CS for SB 228, SB 282, SB 304, CS for SB 314, CS for SB 592, CS for SB 608, SB 756, CS for SB 818, SB 854, CS for CS for SB's 1124, 2048 and 1120, CS for SB 1164, CS for SB 1202, CS for SB 1204, CS for CS for SB 1366, CS for SB 1430, CS for SB 1540, SB 1750, CS for SB 2000, CS for SB 2128 and SB 2316.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has failed to pass CS for SB 152.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments(s) and passed CS for HB 105, CS for HB 319, CS for HB 1125, CS for HB's 3089 and 171, HB 3125, CS for CS for HB 3229, HB 3239, CS for HB 3585, CS for HB 3661, HB 3889, HB 3951, CS for HB 4035 and HB 4167, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

CO-SPONSORS

Senators Casas—SJR 246; Cowin—SB 404, CS for SB 1992; Dudley—SJR 246; Forman—SB 936; Klein—CS for CS for SB 714, CS for SB 1872, CS for SB 2068; Lee—CS for SB 710; Meadows—CS for SB 1540; Turner—CS for CS for SB 1576

Senator Gutman was recorded as a prime sponsor of SJR 246.

RECESS

On motion by Senator Bankhead, the Senate recessed at 8:05 p.m. to reconvene at 9:00 a.m., Thursday, April 30.

Journal of the Senate

Number 24—Regular Session **Thursday, April 30, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—39:

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

PRAYER

The following prayer was offered by Chaplain Dan Pabon, Florida Hospital Medical Center, Longwood:

Chaplain Pabon sang "The Lord's Prayer".

Our Father who art in heaven, Hallowed be thy name. Thy kingdom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil: For thine is the kingdom, and the power, and the glory, for ever. Amen.

PLEDGE

Senate Pages Kelsey Anderson of Gainesville and Charles Douglas of Palatka, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Silver—

By Senator Silver—

SR 2552—A resolution in recognition of Congregation Beth David, Miami's original Jewish congregation, on its 85th anniversary.

WHEREAS, long before the hundreds of thousands of Jews who now live in South Florida moved to this state and created a presence as one of America's largest Jewish communities, Congregation Beth David existed, and

WHEREAS, a spiritual home to more than 70 Key Biscayne families, the congregation was founded in 1912 by a handful of pioneers who came from Key West to live in the frontier town of Miami, and

WHEREAS, religious services for the Beth David congregation were originally held in private homes with laymen officiating, and Beth David members established a Jewish section at the City of Miami cemetery, and

WHEREAS, as the congregation grew, services took place in public halls until 1916, when congregates purchased a permanent home at N.E. 8th Street and 2nd Avenue in the heart of town, and

WHEREAS, in 1949, the congregation moved to the landmark classical sanctuary on Coral Way at S.W. 26 Road, near Key Biscayne, and

WHEREAS, the temple has since grown to include a school building, offices, a library, a ballroom, and a Judaica museum, and

WHEREAS, Miami's pioneer synagogue commemorated its 85 years in Miami during Shabbat service on November 22, 1997, and

WHEREAS, Congregation Beth David is proud of its historical significance as Miami's pioneer Jewish congregation and looks forward to continuing its role as the leading congregation in the Miami community, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate of the State of Florida hereby recognizes Congregation Beth David, Miami's first Jewish congregation, on its 85th anniversary.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Rabbi David Oler of Congregation Beth David as a tangible token of the sentiments expressed herein.

—**SR 2552** was introduced, read and adopted by publication.

At the request of Senator Gutman—

By Senator Gutman—

SR 2568—A resolution recognizing and commending Stiefel Laboratories, Inc., on its success as an international leader in dermatology and healthcare products.

WHEREAS, Stiefel Laboratories, Inc., an international corporation specializing in skin care products, had its beginning in 1847 in Germany as a maker of soaps and candles, and made its transition into dermatology in response to the therapeutic use of soaps as a delivery system for many medications during the mid-nineteenth century, and

WHEREAS, Stiefel focused on producing medicated soaps focusing on the skin's health, and

WHEREAS, August C. Stiefel and his sons opened their first manufacturing facility in this country in 1945, in Oak Hill, New York, and

WHEREAS, dedicated research and development efforts and a close cooperation with the medical community created new opportunities for

Stiefel to address the market and its therapeutic needs through the introduction of new products, and

WHEREAS, during the last five decades, Stiefel Laboratories has grown into a significant global manufacturing and distribution organization with subsidiaries in over 30 countries that serve more than 100 countries, and

WHEREAS, Stiefel Laboratories is recognized for its "leading edge" technology for the treatment of skin conditions, and

WHEREAS, Stiefel is the largest dermatology specialty company in the world and boasts six primary manufacturing sites on four continents, providing products for the world market, and

WHEREAS, Stiefel Laboratories has grown to a force that employs more than 1,500 people, but maintains a family-oriented corporate culture, and

WHEREAS, Stiefel Laboratories, Inc., maintains a home office in Coral Cables, Florida, and creates jobs and opportunities for people throughout Florida, and

WHEREAS, Stiefel is a unique international corporation that is family-directed and employee-friendly and that has roots going back more than 150 years, yet is positioned for success in the twenty-first century, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Stiefel Laboratories, Inc., is recognized and commended for its outstanding accomplishments and its proud 150-year history in the field of dermatology and healthcare products in this state and throughout the United States and around the world.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Stiefel Laboratories, Inc., as a tangible token of the esteem of the Florida Senate.

—**SR 2568** was introduced, read and adopted by publication.

At the request of Senator Silver—

By Senator Silver—

SR 2630—A resolution honoring Edward Villella, Founding Artistic Director of Miami City Ballet and recipient of the National Medal of Arts.

WHEREAS, Edward Villella has had one of the most spectacular careers of any American male dancer and, during his performance career with the New York City Ballet, originated numerous roles and introduced the public to neoclassical and classical dance and the work of George Balanchine through his work on television's "Bell Telephone Hour" and the Public Broadcasting series "Dance in America," and

WHEREAS, Edward Villella was presented with the 1997 National Medal of Arts by President William Clinton and First Lady Hillary Rodham Clinton during ceremonies on the South Lawn of the White House on September 29, 1997, and

WHEREAS, on December 7, 1997, Edward Villella was once again greeted at the White House by President Clinton as a recipient of the Kennedy Center Honors in recognition of his artistic achievements and contributions to the cultural life of this country, and

WHEREAS, as Miami City Ballet enters its thirteenth season, Edward Villella is exerting perhaps his greatest influence as the founding artistic director of a premier dance company that has presented over 81 ballets, including 32 world premieres, and that performs throughout the United States and in Europe, Israel, and Central and South America, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends Edward Villella for his achievements as an extraordinary performer and also for his contribution to the state in molding Miami City Ballet into one of the fastest growing and most exciting ballet companies in the country.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to Edward Villella, Founding Artistic Director of Miami City Ballet.

—**SR 2630** was introduced, read and adopted by publication.

At the request of Senator Hargrett—

By Senator Hargrett—

SR 2730—A resolution honoring Sergeant William Rousseau and the Tampa Police Department.

WHEREAS, Sergeant Rousseau, the Domestic Violence coordinator for the Tampa Police Department, is recognized as an expert on domestic violence by the United States Department of Justice, the Florida Governor's Domestic and Sexual Violence Task Force, and the James Harrell Center for Domestic Violence at the University of South Florida, and

WHEREAS, Sergeant Rousseau created and administers a three-day Domestic Violence Investigator School in Tampa for law enforcement, victim advocates, and social service providers, which school has trained over 600 domestic violence investigators throughout the state, and

WHEREAS, an active member of the Hillsborough County Domestic Violence Council, Sergeant Rousseau has coordinated a three-day training conference in Tampa for the United States Department of Justice, has spoken on domestic violence issues at C.O.P.S. seminars in Boston, Phoenix, and San Diego, and has lectured at the Maine Criminal Justice Academy in Bar Harbor, Maine, and

WHEREAS, Sergeant Rousseau, in conjunction with the Florida Law Enforcement Research Coalition of Florida State University, participated in the development of the model law enforcement policies for domestic and sexual violence and, in 1997, was awarded a S.T.O.P. grant to teach the model policies to law enforcement officers throughout the state, and

WHEREAS, Sergeant Rousseau was honored by the Hillsborough County Bar Association in 1997 as its "Law Enforcement Officer of the Year," and, in 1998, he and the Tampa Police Department received the Governor's "Peace At Home" Award from Governor Lawton Chiles for their outstanding work in preventing and controlling domestic violence, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate pauses in its deliberations to express its appreciation to Sergeant William Rousseau and the Tampa Police Department for their accomplishments in addressing the problems of domestic violence.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Sergeant William Rousseau and to the Tampa Police Department as a tangible token of the sentiments of the Florida Senate.

—**SR 2730** was introduced, read and adopted by publication.

At the request of Senator Turner—

By Senator Turner—

SR 2736—A resolution expressing regret at the death of Dr. John Albert McKinney.

WHEREAS, the Florida Senate, with deep regret, has learned of the death of Dr. John Albert McKinney, and

WHEREAS, Dr. McKinney for 35 years had an outstanding career as a Dade County school administrator, and

WHEREAS, it is fitting that the Florida Senate commemorate the passing of a distinguished Florida resident who contributed greatly to the well-being of this state, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this legislative body does pause in its deliberations to pay its respects to the late Dr. John Albert McKinney and that the Florida Senate in session assembled does record this testimonial of esteem and bereavement:

IN MEMORIAM
JOHN ALBERT MCKINNEY

John Albert McKinney was born in Miami, attended the Dade County public schools, and was graduated from Booker T. Washington High School in Overtown. Subsequently, Dr. McKinney earned a B.S. degree in History at Florida A & M University, a master's degree at Barry University, and a doctorate in Education at Nova University. He then dedicated his life and career to educating youthful minds.

Dr. McKinney's numerous career highlights include serving as the principal of Holmes Elementary School and opening adult centers at Miami Central Senior High School and at Miami Sunset Senior High School. In addition to being county school administrator, he was a site administrator for Nova University, a professor of teacher education and director of the Masters and Educational Specialist program in Nova's Center for the Advancement of Education, and a professor of education at Nova-Southeastern University and at The Union Institute.

During his career, John A. McKinney received hundreds of civil and education awards, including recognition as one of the 500 Male Role Models of Excellence. He also capably fulfilled many civic and community duties and was the devoted husband of Rhonda Edwards McKinney and the father of three sons, Mario, Chauncey, and JaRon McKinney.

Dr. John A. McKinney will long be remembered by the many residents of Dade County whose lives he touched for his 35 years of educational service and dedication to the students and community of Dade County.

I, William H. "Bill" Turner, Senator, 36th District, State of Florida, on behalf of myself and of the Florida Senate, do express condolences to the family of Dr. John Albert McKinney and do proclaim our appreciation and respect for his many contributions to our county and state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to Mrs. Rhonda Edwards McKinney, widow of Dr. John Albert McKinney, as a tangible token of the respect of the members of the Florida Senate.

—**SR 2736** was introduced, read and adopted by publication.

At the request of Senator Turner—

By Senator Turner—

SR 2738—A resolution honoring the Miami Northwestern Senior High School Varsity Football Team.

WHEREAS, Miami Northwestern High School has established itself as a bastion of excellence in the academic arena, providing comprehensive, college-ready education for the children of Northwest Dade County, and

WHEREAS, the football team of Miami Northwestern High School, under the outstanding leadership of Coach William Rolle, has led to a season comprising eight wins and three losses and a victory at the 28th Annual Soul Bowl Classic in the presence of 25,000 enthusiastic fans in the Orange Bowl stadium, and

WHEREAS, all of Miami-Dade County is proud of Coach William Rolle, the coaching staff, cheerleaders, marching band, students, and every member of the Miami Northwestern High School football team, and

WHEREAS, it is appropriate that official recognition be given to Miami Northwestern High School, its football team, athletic program, students, and staff, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Miami Northwestern High School varsity football team is commended for its outstanding season, for its academic excellence, and for its victory in the 28th Annual Soul Bowl Classic.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Miami Northwestern High School as a tangible token of the esteem of the Florida Senate for the school's proud tradition and fine athletes.

—**SR 2738** was introduced, read and adopted by publication.

At the request of Senator Turner—

By Senator Turner—

SR 2740—A resolution honoring the Miami Carol City Senior High School varsity football team.

WHEREAS, Miami Carol City High School is a beacon of academic excellence, sponsoring several special student programs, including a Legal and Public Affairs Magnet, Criminal Justice, Gifted, and Pacesetters programs, and having approximately 225 football scholarships awarded over the past 15 years, and

WHEREAS, the athletic department of Miami Carol City High School has proven itself to be a powerhouse among high school athletics, winning state championships in thirteen sports from 1969 through 1997, and

WHEREAS, the varsity football team of Miami Carol City High School, under the outstanding leadership of Coach Walt Frazier, was led to a perfect season of 15 and 0, and

WHEREAS, the Miami Carol City High School varsity football team intrepidly defeated the Lake City Columbia High School football team in the Class 6-A State Championships by a score of 20-17, and

WHEREAS, this victory has elevated Miami Carol City High School to the distinction of being the first Class 6-A high school to win consecutive, back-to-back football state championships, and

WHEREAS, Coach Walt Frazier, the coaching staff, cheerleaders, marching band, and every member of the Miami Carol City High School varsity football team is held in high esteem by the residents of Dade County, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Miami Carol City High School varsity football team is to be commended for its incredible season and for its repeat victory at the Class 6-A State Football Championships.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Miami Carol City High School as a tangible token of the appreciation and respect of the Florida Senate for such a proud tradition and such fine athletes.

—**SR 2740** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for CS for HB's 683 and 2131** and **CS for HB 4415** were withdrawn from the committees of reference and the rules were waived and by two-thirds vote placed first on the Special Order Calendar for this day.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 1740** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **HB 4715**, **HB 4717**, **HB 4719**, **HB 4721**, **HB 4723**, **HB 4725** and **HB 4813** were withdrawn from the Committee on Ways and Means and by two-thirds vote placed on the Special Order Trust Fund Bill Calendar.

MOTIONS

On motion by Senator Silver, the House was requested to return **HB 3971**.

On motion by Senator Silver, the House was requested to return **CS for SB 2474**.

On motion by Senator Bankhead, the rules were waived and a deadline of 9:00 p.m. this day was set for filing amendments to the Special Order Calendar and Bills on Third Reading to be considered Friday, May 1.

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for CS for SB's 2024 and 2648**, **SJR 1008** and **CS for SB 1338** was deferred.

SENATOR BANKHEAD PRESIDING

CS for SB 570—A bill to be entitled An act relating to assessments on health care entities; amending s. 395.701, F.S.; exempting outpatient radiation therapy services provided by certain hospitals from the annual assessment on net operating revenues of such hospitals; amending s. 395.7015, F.S.; exempting freestanding radiation therapy centers from the annual assessment on net operating revenues of certain health care entities; providing legislative intent to evaluate the implication of an Adult Heart Transplant Program in this state; providing for a report by legislative committees; providing parameters for the report; providing for the report to be presented to the Social Services Estimating Conference; providing for review and certification of the cost estimates by the conference; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Dudley, **CS for SB 570** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

CS for CS for SB 1074—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; adding assistant state attorneys, assistant statewide prosecutors, and assistant public defenders to the Senior Management Service Class of the Florida Retirement System; authorizing the state courts to pay Select Exempt benefits to judicial assistants; providing an appropriation; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Silver, **CS for CS for SB 1074** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

CS for CS for HB 271—A bill to be entitled An act relating to public assistance; creating s. 414.103, F.S.; providing for drug testing under the "Work and Gain Economic Self-sufficiency (WAGES) Act" for illegal use of controlled substances; providing legislative intent and findings; directing the Department of Children and Family Services to implement a program to screen and test WAGES Program applicants; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; requiring the department to provide a rehabilitation treatment program for certain persons; specifying circumstances resulting in termination of temporary assistance or services; providing limitations; providing for rules; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Holzendorf, **CS for CS for HB 271** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

CS for CS for SB 714—A bill to be entitled An act relating to health care; amending s. 381.0035, F.S.; requiring certain information related to HIV testing and counseling to be included in HIV educational courses; amending s. 381.004, F.S.; requiring informed consent before an HIV test may be ordered; requiring certain information to be provided when informed consent is sought; providing requirements with respect to notification and release of test results; authorizing certain disclosures of test results; providing for court orders for testing in specified circumstances; providing for emergency action against a registration; providing requirements for model protocols; providing penalties; amending s. 384.25, F.S.; deleting provisions relating to protocols and to notification to school superintendents; amending s. 455.604, F.S.; requiring certain information related to HIV testing to be included in HIV educational courses for certain licensed professions; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; requiring background screening for an applicant for licensure of certain laboratories; authorizing the use of certain body hair for drug testing; creating s. 381.60225, F.S.; requiring background screening for an applicant for certification to operate an organ procurement organization, a tissue bank, or an eye bank; amending s. 383.302, F.S., relating to the regulation of birth centers; revising definitions to reflect the transfer of regulatory authority from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 383.305, F.S.; requiring background screening for an applicant for licensure of a birth center; amending ss. 383.308, 383.309, 383.31, 383.312, 383.313, 383.318, 383.32, 383.324, 383.325, 383.327, 383.33, 383.331, F.S., relating to the regulation of birth centers; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 390.015, F.S.; requiring background screening for an applicant for licensure of an abortion clinic; amending s. 391.206, F.S.; requiring background screening for an applicant for licensure to operate a pediatric extended care center; amending s. 393.063, F.S., relating to developmental disabilities; providing a definition; amending s. 393.067, F.S.; requiring background screening for an applicant for licensure to operate an intermediate care facility for the developmentally disabled; amending s. 394.4787, F.S., relating to the regulation of mental health facilities; conforming a cross-reference to changes made by the act; amending s. 394.67, F.S., relating to community alcohol, drug abuse, and mental health services; revising definitions; amending s. 394.875, F.S.; requiring background screening for an applicant for licensure of a crisis stabilization unit or residential treatment facility; amending ss. 394.876, 394.877, 394.878, 394.879, 394.90, 394.902, 394.903, 394.904, 394.907, F.S., relating to the regulation of mental health facilities; conforming provisions to reflect the transfer of regulatory authority to the Agency

for Health Care Administration; amending s. 395.002, F.S., relating to hospital licensing and regulation; providing definitions; creating s. 395.0055, F.S.; requiring background screening for an applicant for licensure of a facility operated under ch. 395, F.S.; amending s. 395.0199, F.S.; requiring background screening for an applicant for registration as a utilization review agent; amending s. 400.051, F.S.; conforming a cross-reference; amending s. 400.071, F.S.; requiring background screening for an applicant for licensure of a nursing home; amending s. 400.411, F.S.; requiring background screening for an applicant for licensure of an assisted living facility; amending ss. 400.414, 400.417, 400.4174, 400.4176, F.S., relating to the regulation of assisted living facilities; providing additional grounds for denial, revocation, or suspension of a license; requiring background screening for employees hired on or after a specified date; amending ss. 400.461, F.S., relating to the regulation of home health agencies; conforming a cross-reference; amending s. 400.471, F.S.; requiring background screening for an applicant for licensure of a home health agency; amending s. 400.506, F.S.; requiring background screening for an applicant for licensure of a nurse registry; amending s. 400.555, F.S.; requiring background screening for an applicant for licensure of an adult day care center; amending s. 400.556, F.S., relating to disciplinary actions against adult day care center licensees; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.557, F.S., relating to renewal of an adult day care center license; requiring an affidavit of compliance with background screening requirements when a license is renewed; creating s. 400.5572, F.S.; requiring background screening for employees of an adult day care center hired on or after a specified date; amending s. 400.606, F.S.; requiring background screening for an applicant for licensure of a hospice; creating s. 400.6065, F.S.; providing requirements for background screening of hospice employees; amending s. 400.607, F.S., relating to disciplinary actions against a hospice license; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.619, F.S.; revising background screening requirements for an applicant for licensure of an adult family care home; providing screening requirements for designated relief persons; deleting agency authority to take disciplinary action against an adult family-care-home license; revising rulemaking authority; creating s. 400.6194, F.S.; providing for disciplinary action against an adult family-care-home license; making noncompliance with screening requirements a basis for disciplinary action; amending s. 400.801, F.S.; requiring background screening for an applicant for licensure of a home for special services; amending s. 400.805, F.S.; requiring background screening for an applicant for licensure of a transitional living facility; amending s. 430.04, F.S.; providing duties and responsibilities of the Department of Elderly Affairs; requiring the department to take disciplinary action against an area agency on aging for failure to implement and maintain a department-approved grievance resolution procedure; amending s. 455.654, F.S., relating to referring health care providers; conforming cross-references to changes made by the act; amending s. 468.505, F.S., relating to disciplinary action against certain medical professionals and activities exempt from regulation; updating provisions and conforming cross-references; amending s. 483.101, F.S.; requiring background screening for an applicant for licensure of a clinical laboratory; amending s. 483.106, F.S., relating to a certificate of exemption; correcting terminology; amending s. 483.30, F.S.; requiring background screening for an applicant for licensure of a multiphasic health testing center; repealing s. 455.661, F.S., which provides for licensure of designated health care services; providing appropriations and authorizing positions; authorizing certain positions in excess of those otherwise authorized; providing funding; providing for applicability of background screening requirements; providing for future repeal; providing for a review of certain background screening requirements; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Forman, **CS for CS for SB 714** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Childers	Dyer	Harris
Bronson	Clary	Forman	Holzendorf
Brown-Waite	Cowin	Geller	Horne
Burt	Crist	Grant	Jones
Campbell	Diaz-Balart	Gutman	Kirkpatrick
Casas	Dudley	Hargrett	Klein
Kurth	McKay	Rossin	Thomas
Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	

Nays—None

Consideration of **CS for SB 772** was deferred.

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for HB's 683 and 2131** and **CS for HB 4415** was deferred.

On motion by Senator Bronson, the Senate resumed consideration of—

SB 404—A bill to be entitled An act relating to jails; amending s. 951.23, F.S.; providing a criminal penalty for refusing to obey jail rules and regulations; providing an effective date.

—which was previously considered and amended April 29. Pending **Amendment 3** by Senators Silver and Jones was withdrawn.

Pending further consideration of **SB 404** as amended, on motion by Senator Bronson, by two-thirds vote **CS for HB 3527** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Bronson—

CS for HB 3527—A bill to be entitled An act relating to jails; amending s. 951.23, F.S., relating to county and municipal detention facilities; providing criminal penalties for repeatedly, knowingly, and willfully refusing to obey certain rules and regulations while a prisoner in any such facility; providing an effective date.

—a companion measure, was substituted for **SB 404** as amended and read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (11) is added to section 951.23, Florida Statutes, to read:

951.23 County and municipal detention facilities; definitions; administration; standards and requirements.—

(11)(a) Any prisoner in a county or municipal detention facility who knowingly and willfully refuses on three or more occasions to obey or comply with any rule governing the conduct of prisoners commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Such punishment must be in addition to any sentence he or she may be serving. A prisoner may be charged with, convicted of, and sentenced for a violation of this subsection in addition to any other criminal offense committed while detained in a county or municipal detention facility.

(b) Upon a prisoner's classification in a county or municipal detention facility, he or she must be provided with a printed copy of the rules governing the conduct of prisoners. Translation assistance must be provided, as needed.

(c) As used in this subsection, the term "rules governing the conduct of prisoners" means any of the rules relating to order and discipline provided in the Florida Model Jail Standards, adopted pursuant to subsection (4) and effective on October 1, 1997.

Section 2. *(1) The following trust funds and fund accounts are terminated on July 1, 1998:*

(a) Within the state courts system:

1. Appellate Opinion Distribution Trust Fund, SAMAS number 222215.

2. Working Capital Trust Fund, SAMAS number 222792.

(b) Within the Department of Corrections:

1. Hurricane Andrew Recovery and Rebuilding Trust Fund, SAMAS number 702205.

2. Working Capital Trust Fund, SAMAS number 702792.

(2) All current balances remaining in, and all revenues of, the trust funds and fund accounts terminated by this act shall be transferred to the General Revenue Fund.

(3) For each trust fund or fund account terminated by this act, the state courts system or Department of Corrections, as applicable, shall pay any outstanding debts or obligations of the terminated fund or account as soon as practicable, and the Comptroller shall close out and remove the terminated fund or account from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 3. Section 216.272, Florida Statutes, is amended to read:

216.272 Working Capital Trust Funds.—

(1) There are hereby created Working Capital Trust Funds for the purpose of providing sufficient funds for the operation of data processing centers, which may include the creation of a reserve account within the Working Capital Trust Fund to pay for future information technology resource acquisitions as appropriated by the Legislature. Such funds shall be created from moneys budgeted for data processing services and equipment by those agencies~~, and the judicial branch,~~ to be served by the data processing center.

(2) The funds so allocated shall be in an amount sufficient to finance the center's operation; however, each agency ~~or judicial branch~~ served by the center shall contribute an amount equal to its proportionate share of cost of operating such data processing center. Each agency~~, or the judicial branch,~~ utilizing the services of the data processing center shall pay such moneys into the appropriate Working Capital Trust Fund on a quarterly basis or such other basis as may be determined by the Executive Office of the Governor ~~or the Chief Justice as appropriate~~.

Section 4. Section 945.215, Florida Statutes, is amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1) *INMATE WELFARE TRUST FUND; DEPARTMENT OF CORRECTIONS.—*

(a) *The Inmate Welfare Trust Fund constitutes a trust held by the department for the benefit and welfare of offenders and inmates under the jurisdiction of the Department of Corrections. Funds shall be credited to the trust fund as follows:*

1. All *funds* ~~moneys~~ held in any auxiliary, canteen, welfare, or similar fund in any *correctional facility operated directly by the department* ~~state institution under the jurisdiction of the Department of Corrections shall be deposited in the Inmate Welfare Trust Fund of the department, which fund is created in the State Treasury, to be appropriated annually by the Legislature and deposited in the Department of Corrections Grants and Donations Trust Fund~~.

2. All net proceeds from operating inmate canteens, vending machines used primarily by inmates, hobby shops, and other such facilities; however, *funds necessary to* ~~moneys budgeted by the department for the~~ purchase ~~of~~ items for resale at *inmate* canteens *and* ~~or~~ vending machines must be deposited into local bank accounts designated by the department. ~~The department shall submit to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year a report that documents the receipts and expenditures, including a verification of telephone commissions, from the Inmate Welfare Trust Fund for the previous fiscal year. The report must present this information by program, by institution, and by type of receipt.~~

3. All proceeds from contracted telephone commissions. The department shall develop and update, as necessary, administrative procedures to verify that:

a. Contracted telephone companies accurately record and report all telephone calls made by inmates incarcerated in correctional facilities under the department's jurisdiction;

b. Persons who accept collect calls from inmates are charged the contracted rate; and

c. The department receives the contracted telephone commissions.

4. Any funds that may be assigned by inmates or donated to the department by the general public or an inmate service organization; however, the department shall not accept any donation from, or on behalf of, any individual inmate.

5. Repayment of the one-time sum of $500,000 appropriated in fiscal year 1996-1997 from the Inmate Welfare Trust Fund for correctional work programs pursuant to s. 946.008.

6. All proceeds from:

a. The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate:

b. Disciplinary fines imposed against inmates;

c. Forfeitures of inmate earnings; and

d. Unexpended balances in individual inmate trust fund accounts of less than $1.

7. All interest earnings and other proceeds derived from investments of funds deposited in the trust fund. In the manner authorized by law for fiduciaries, the secretary of the department, or the secretary's designee, may invest any funds in the trust fund when it is determined that such funds are not needed for immediate use.

(b) *Funds* ~~Beginning with the legislative appropriation for fiscal year 1995-1996 and thereafter, the money~~ in the Inmate Welfare Trust Fund must be used exclusively *for the following purposes at correctional facilities operated directly by the department*:

1. To *operate inmate canteens and vending machines, including purchasing* ~~purchase~~ items for resale at ~~the~~ inmate canteens *and* ~~or~~ vending machines, ~~maintained at the correctional facilities;~~

~~2.~~ *employing* ~~To employ~~ personnel and inmates to manage, supervise, and operate *inmate* ~~the~~ canteens and vending machines, ~~at the correctional facilities;~~

~~3.~~ *and covering other* ~~For~~ operating and fixed capital *outlay* expenses associated with *operating* ~~the operation of~~ inmate canteens and vending machines;

2.~~4.~~ To employ personnel to manage and supervise the proceeds from telephone commissions;

3. To develop, implement, and maintain the medical copayment accounting system;

4.~~5.~~ ~~To employ personnel for correctional education~~ To provide literacy programs, vocational training *programs*, and *educational* ~~academic~~ programs that comply with standards of the Department of Education, *including employing personnel and covering other*~~;~~

~~6. For~~ operating and fixed capital *outlay* expenses associated with *providing such programs* ~~the delivery to inmates of literacy programs, vocational training, and academic programs that comply with standards of the Department of Education~~;

5.~~7.~~ *To operate inmate chapels, faith-based programs, visiting pavilions, libraries, and law libraries, including employing personnel and covering other* ~~For~~ operating and fixed capital *outlay* expenses associated with *operating* ~~the operation of~~ inmate chapels, *faith-based programs, visiting pavilions*, libraries, and *law libraries* ~~visiting pavilions~~;

~~8. To employ personnel to operate the libraries, chapels, and visiting pavilions;~~

6.~~9.~~ *To provide* for expenses associated with various inmate clubs;

7.~~10.~~ *To provide* for expenses associated with legal services for inmates;

8.~~11.~~ ~~To employ personnel~~ To provide inmate substance abuse treatment *programs* and transition and life skills training programs, *including employing personnel*~~;~~ and

~~12.~~ *covering other* ~~For~~ operating and fixed capital *outlay* expenses associated with *providing such programs* ~~the delivery of inmate substance abuse treatment and transition and life skills training programs~~.

(c) The *Legislature shall annually appropriate the funds deposited in the Inmate Welfare Trust Fund. It is the intent of the Legislature that* total annual expenditures for *providing literacy programs, vocational training programs, and educational programs exceed the combined* ~~items listed in subparagraphs 5. and 6. must exceed the~~ total annual expenditures for *operating inmate chapels, faith-based programs, visiting pavilions, libraries, and law libraries, covering expenses associated with inmate clubs, and providing inmate substance abuse treatment programs and transition and life skills training programs* ~~items listed in subparagraphs 7. through 12~~.

(d) Funds in the Inmate Welfare Trust Fund or any other fund may not be used to purchase cable television service, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreation purposes. This paragraph does not preclude the purchase or rental of electronic or audiovisual equipment for inmate training or educational programs. ~~The department shall develop administrative procedures to verify that contracted telephone commissions are being received, that persons who have accepted collect calls from inmates are being charged the contracted rate, and that contracted telephone companies are accurately and completely recording and reporting all inmate telephone calls made.~~

~~(c) There shall be deposited in the Inmate Welfare Trust Fund all net proceeds from the operation of canteens, vending machines, hobby shops, and other such facilities and any moneys that may be assigned by the inmates or donated to the department by the general public or an inmate service organization for deposit in the fund. However, the department shall refuse to accept any donations from or on behalf of any individual inmate. The moneys of the fund shall constitute a trust held by the department for the benefit and welfare of the inmates of the institutions under the jurisdiction of the department.~~

~~(d) There shall be deposited in the Inmate Welfare Trust Fund such moneys as constitute repayment of the one-time sum appropriated pursuant to s. 946.008.~~

~~(e) Any contraband found upon, or in the possession of, any inmate in any institution under the jurisdiction of the department shall be confiscated and liquidated, and the proceeds thereof shall be deposited in the Inmate Welfare Trust Fund of the department.~~

~~(f) The secretary of the department or the secretary's designee may invest in the manner authorized by law for fiduciaries any money in the Inmate Welfare Trust Fund of the department that in his or her opinion is not necessary for immediate use, and the interest earned and other increments derived from such investments made pursuant to this section shall be deposited in the Inmate Welfare Trust Fund of the department.~~

(e)~~(g)~~ Items for resale at ~~the~~ inmate canteens *and* ~~or~~ vending machines maintained at the correctional facilities shall be priced comparatively with like items for retail sale at fair market prices.

(f)~~(h)~~ Notwithstanding any other provision of law, inmates with sufficient balances in their individual inmate bank trust fund accounts, after all debts against the account are satisfied, shall be allowed to request a weekly draw of up to $45 to be expended for personal use on canteen *and vending machine* items.

(g) The department shall annually compile a report that specifically documents Inmate Welfare Trust Fund receipts and expenditures. This report shall be compiled at both the statewide and institutional levels. The department must submit this report for the previous fiscal year by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives and to the Executive Office of the Governor.

(2) *PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND; PRIVATE CORRECTIONAL FACILITIES.—*

(a) For purposes of this subsection, privately operated institutions or private correctional facilities are those correctional facilities under contract with the department pursuant to chapter 944 or the Correctional Privatization Commission pursuant to chapter 957.

(b)1. The net proceeds derived from inmate canteens, vending machines used primarily by inmates, telephone commissions, and similar sources at private correctional facilities shall be deposited in the Privately Operated Institutions Inmate Welfare Trust Fund.

2. Funds in the Privately Operated Institutions Inmate Welfare Trust Fund shall be expended only pursuant to legislative appropriation.

(c) The Correctional Privatization Commission shall annually compile a report that documents Privately Operated Institutions Inmate Welfare Trust Fund receipts and expenditures at each private correctional facility. This report must specifically identify receipt sources and expenditures. The Correctional Privatization Commission shall compile this report for the prior fiscal year and shall submit the report by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and House of Representatives and to the Executive Office of the Governor.

(3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF CORRECTIONS.—

(a) The department may establish an Employee Benefit Trust Fund. Trust fund sources may be derived from any of the following:

1.~~(a)~~ Proceeds of vending machines or other such services not intended for use by inmates.

2.~~(b)~~ Donations, except donations by, or on behalf of, an individual inmate.

3.~~(c)~~ Additional trust funds and grants which may become available.

(b) Funds from the Employee Benefit Trust Fund ~~Such fund shall be maintained and audited separately and apart from the Inmate Welfare Trust Fund. Portions of the fund~~ may be used to construct, *operate, and maintain* training and recreation facilities at *correctional facilities for the exclusive use of department employees* ~~respective institutions~~. Such facilities *are* ~~shall be~~ the property of the department and *must* ~~shall~~ provide the maximum benefit to *all* interested employees*, regardless of gender* ~~of both sexes, including teachers, clerical staff, medical and psychological services personnel, and officers and administrators~~.

Section 5. Paragraph (d) of subsection (2) of section 944.803, Florida Statutes, is amended to read:

944.803 Faith-based programs for inmates.—

(2) It is the intent of the Legislature that the Department of Corrections and the private vendors operating private correctional facilities shall continuously:

(d) Fund through the use of ~~the~~ inmate welfare trust *funds* ~~fund~~ pursuant to s. 945.215 an adequate number of chaplains and support staff to operate *faith-based* ~~chaplaincy~~ programs in ~~state~~ correctional institutions.

Section 6. Section 945.31, Florida Statutes, is amended to read:

945.31 Restitution and other payments.—The department may establish bank accounts outside the State Treasury for the purpose of collecting and disbursing restitution and other court-ordered payments from persons in its custody or under its supervision, and may collect an administrative processing fee in an amount equal to 4 percent of the gross amounts of such payments. Such administrative processing fee shall be deposited in the department's *Operating* ~~Grants and Donations~~ Trust Fund and shall be used to offset the cost of the department's services.

Section 7. Section 945.76, Florida Statutes, is amended to read:

945.76 Certification and monitoring of batterers' intervention programs; fees.—

(1) Pursuant to s. 741.32, the Department of Corrections is authorized to assess and collect*:*

(a) An annual certification *fee* ~~fees~~ not to exceed $300 for the certification and monitoring of *batterers' intervention* programs ~~certified by the Department of Corrections' Office of Certification and Monitoring of Batterers' Intervention Programs and~~.

(b) An annual certification fee not to exceed $200 for the certification and monitoring of assessment personnel providing direct services to persons who:

1.~~(a)~~ Are ordered by the court to participate in a domestic violence prevention program;

2.~~(b)~~ Are adjudged to have committed an act of domestic violence as defined in s. 741.28;

3.~~(c)~~ Have an injunction entered for protection against domestic violence; or

4.~~(d)~~ Agree to attend a program as part of a diversion or pretrial intervention agreement by the offender with the state attorney.

(2) All persons required by the court to attend domestic violence programs certified by the Department of Corrections' Office of Certification and Monitoring of Batterers' Intervention Programs shall pay an additional $30 fee for each 29-week program to the Department of Corrections.

(3) The *fees assessed and collected under this section* ~~fee~~ shall be deposited in the *department's Operating* ~~Grants and Donations~~ Trust Fund ~~to be used by the department~~ to fund the cost of certifying and monitoring batterers' intervention programs.

Section 8. Subsection (7) of section 944.10, Florida Statutes, is amended to read:

944.10 Department of Corrections to provide buildings; sale and purchase of land; contracts to provide services and inmate labor.—

(7) The department may enter into contracts with federal, state, or local governmental entities or subdivisions to provide services and inmate labor for the construction of buildings, parks, roads, any detention or commitment facilities, or any other project deemed to be appropriate by the Department of Corrections, which may include, but is not limited to, the planning, design, site acquisition or preparation, management, or construction of such projects. The department may charge fees for providing such services. All fees collected must be placed in the *Correctional Work Program* ~~Grants and Donations~~ Trust Fund.

Section 9. Subsection (2) of section 948.09, Florida Statutes, is amended to read:

948.09 Payment for cost of supervision and rehabilitation.—

(2) Any person being electronically monitored by the department as a result of placement on community control shall be required to pay a $1-per-day surcharge in addition to the cost of supervision fee as directed by the sentencing court. The surcharge shall be deposited in the *Operating* ~~Grants and Donations~~ Trust Fund to be used by the department for purchasing and maintaining electronic monitoring devices.

Section 10. Subsection (10) of section 951.23, Florida Statutes, is amended to read:

951.23 County and municipal detention facilities; definitions; administration; standards and requirements.—

(10) Nothing in this section prohibits the governing board of a county or municipality to enter into an agreement with the Department of Corrections authorizing the department to inspect the local detention facilities under the jurisdiction of the governing body. A governing board of a county or municipality may enter into such agreements with the department upon consultation with the sheriff if the sheriff operates the detention facility. The inspections performed by the department shall be consultatory in nature and for the purpose of advising the local governing bodies concerning compliance with the standards adopted by the detention facility's chief correctional officer. Such agreements must include, but are not limited to, provisions for the physical and operational standards that were adopted by the chief correctional officer of the detention facility, the manner and frequency of inspections to be conducted by the department, whether such inspections are to be announced or unannounced by the department, the type of access the department may have to the detention facility, and the amount of payment by the local governing body, if any, for the services rendered by the department. Inspections and access to local detention facilities shall not interfere with custody of inmates or the security of the facilities as determined by the chief correctional officer of each facility. Any fees collected by the department pursuant to such agreements must be deposited into the *Operating* ~~Grants and Donations~~ Trust Fund and shall be used to pay the cost of the services provided by the department to monitor local detention facilities pursuant to such agreements. This subsection shall be repealed effective October 1, 1999.

Section 11. *There is appropriated $550,000 from the Inmate Welfare Trust Fund to the Department of Corrections for the New Horizon Community Mental Health Center's Family Intervention, Preservation, and Support Program for fiscal year 1998-1999.*

Section 12. *There is appropriated $770,000 from the Inmate Welfare Trust Fund to the Department of Corrections for the fixed capital outlay needs of the AGAPE program in Dade County, including the purchase of new housing units and renovations to existing AGAPE facilities, for fiscal year 1998-1999.*

Section 13. Section 386.213, Florida Statutes, is created to read:

386.213 Smoking prohibited inside state correctional facilities.—

(1) The purpose of this section is to protect the health, comfort, and environment of employees of the Department of Corrections, employees of privately operated correctional facilities, employees of the Correctional Privatization Commission, and inmates by prohibiting inmates from using tobacco products inside any offices or buildings within state correctional facilities, and by ensuring that employees and visitors do not use tobacco products inside any office or building within state correctional facilities. Scientific evidence links the use of tobacco products with numerous significant health risks. The use of tobacco products by inmates, employees, or visitors is contrary to efforts by the Department of Corrections to reduce the costs of inmate health care and to limit unnecessary litigation. The Department of Corrections and the private vendors operating correctional facilities shall make smoking cessation assistance available to inmates in order to implement this section. The Department of Corrections and the private vendors operating correctional facilities shall implement this section as soon as possible, and all provisions of this section must be fully implemented by January 1, 1999.

(2) As used in this section, the term:

(a) "Department" means the Department of Corrections.

(b) "Employee" means an employee of the department or a private vendor in a contractual relationship with either the Department of Corrections or the Correctional Privatization Commission, and includes persons such as contractors, volunteers, or law enforcement officers who are within a state correctional facility to perform a professional service.

(c) "State correctional facility" means a state or privately operated correctional institution as defined in s. 944.02, or a correctional institution or facility operated under s. 944.105 or chapter 957.

(d) "Tobacco products" means items such as cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant, which are prepared or used for smoking, chewing, dipping, sniffing, or other personal use.

(e) "Visitor" means any person other than an inmate or employee who is within a state correctional facility for a lawful purpose and includes, but is not limited to, persons who are authorized to visit state correctional institutions pursuant to s. 944.23, and persons authorized to visit as prescribed by departmental rule or vendor policy.

(f) "Prohibited areas" means any indoor areas of any building, portable or other enclosed structure within a state correctional facility.

(3)(a) An inmate within a state correctional facility may not use tobacco products in prohibited areas at any time while in the custody of the department or under the supervision of a private vendor operating a correctional facility.

(b)1. An employee or visitor may not use any tobacco products in prohibited areas.

2. The superintendent, warden, or supervisor of a state correctional facility shall take reasonable steps to ensure that the tobacco prohibition for employees and visitors is strictly enforced.

(4) An inmate who violates this section commits a disciplinary infraction and is subject to punishment determined to be appropriate by the disciplinary authority in the state correctional facility, including, but not limited to, forfeiture of gain-time or the right to earn gain-time in the future under s. 944.28.

(5) The department may adopt rules and the private vendors operating correctional facilities may adopt policies and procedures for the designation of prohibited areas and smoking areas and for the imposition of penalties pursuant to this section. For the purposes of this section, the designation of prohibited areas shall not include employee housing on the grounds of a state correctional facility or maximum security inmate housing areas.

Section 14. Subsection (1) of section 386.203, Florida Statutes, is amended to read:

386.203 Definitions.—As used in this part:

(1) "Public place" means the following enclosed, indoor areas used by the general public:

(a) Government buildings;

(b) Public means of mass transportation and their associated terminals not subject to federal smoking regulation;

(c) Elevators;

(d) Hospitals;

(e) Nursing homes;

(f) Educational facilities;

(g) Public school buses;

(h) Libraries;

(i) Courtrooms;

(j) Jury waiting and deliberation rooms;

(k) Museums;

(l) Theaters;

(m) Auditoriums;

(n) Arenas;

(o) Recreational facilities;

(p) Restaurants which seat more than 50 persons;

(q) Retail stores, except a retail store the primary business of which is the sale of tobacco or tobacco related products;

(r) Grocery stores;

(s) Places of employment;

(t) Health care facilities;

(u) Day care centers; ~~and~~

(v) Common areas of retirement homes and condominiums~~.~~*; and*

(w) State correctional facilities.

Section 15. Subsection (1) of section 921.141, Florida Statutes, is amended to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(1) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—

(a) Upon conviction or adjudication of guilt of a defendant of a capital felony, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant and shall include matters relating to any of the aggravating or mitigating circumstances enumerated in subsections (5) and (6). Any such evidence which the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Constitution of the State of Florida. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death.

(b) If the court determines, by a preponderance of the evidence, that the defendant suffers from mental retardation, and has an IQ less than 55 the court shall sentence the defendant to life imprisonment.

Section 16. Subsection (2) of section 921.142, Florida Statutes, is amended to read:

921.142 Sentence of death or life imprisonment for capital drug trafficking felonies; further proceedings to determine sentence.—

(2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—

(a) Upon conviction or adjudication of guilt of a defendant of a capital felony under s. 893.135, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant and shall include matters relating to any of the aggravating or mitigating circumstances enumerated in subsections (6) and (7). Any such evidence which the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Constitution of the State of Florida. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death.

(b) If the court determines, by a preponderance of the evidence, that the defendant suffers from mental retardation, and has an IQ less than 55 the court shall sentence the defendant to life imprisonment.

Section 17. Paragraph (m) is added to subsection (1) of section 924.07, Florida Statutes, to read:

924.07 Appeal by state.—

(1) The state may appeal from:

(m) An order pursuant to s. 921.141(1)(a) or s. 921.142(2)(a) declaring a defendant mentally retarded.

Section 18. *For purposes of sections 921.141 and 921.142, Florida Statutes, the term "mental retardation" means significantly subaverage*

general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the period from conception to age 18. The term "significantly subaverage general intellectual functioning," for the purpose of this definition, means an intelligence quotient of 55 or less on a standardized intelligence test specified in the rules of the Department of Children and Family Services. The term "adaptive behavior," for the purpose of this definition, means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's age, cultural group, and community.

Section 19. Section 945.10, Florida Statutes, is amended to read:

945.10 Confidential information*; illegal acts; penalties.*—

(1) Except as otherwise provided by law or in this section, the following records and information of the Department of Corrections are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Mental health, medical, or substance abuse records of an inmate or an offender.

(b) Preplea, pretrial intervention, presentence or postsentence investigative records.

(c) Information regarding a person in the federal witness protection program.

(d) Parole Commission records which are confidential or exempt from public disclosure by law.

(e) Information which if released would jeopardize a person's safety.

(f) Information concerning a victim's statement and identity.

(g) The identity of an executioner.

(h) Records that are otherwise confidential or exempt from public disclosure by law.

(2) The records and information specified in paragraphs (1)(b)-(h) may be released as follows unless expressly prohibited by federal law:

(a) Information specified in paragraphs (1)(b), (d), and (f) to the Office of the Governor, the Legislature, the Parole Commission, the Department of Health and Rehabilitative Services, a private correctional facility or program that operates under a contract, the Department of Legal Affairs, a state attorney, the court, or a law enforcement agency. A request for records or information pursuant to this paragraph need not be in writing.

(b) Information specified in paragraphs (1)(c), (e), and (h) to the Office of the Governor, the Legislature, the Parole Commission, the Department of Health and Rehabilitative Services, a private correctional facility or program that operates under contract, the Department of Legal Affairs, a state attorney, the court, or a law enforcement agency. A request for records or information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

(c) Information specified in paragraph (1)(b) to an attorney representing an inmate under sentence of death, except those portions of the records containing a victim's statement or address, or the statement or address of a relative of the victim. A request for records of information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

(d) Information specified in paragraph (1)(b) to a public defender representing a defendant, except those portions of the records containing a victim's statement or address, or the statement or address of a relative of the victim. A request for records or information pursuant to this paragraph need not be in writing.

(e) Information specified in paragraph (1)(b) to state or local governmental agencies. A request for records or information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

(f) Information specified in paragraph (1)(b) to a person conducting legitimate research. A request for records and information pursuant to this paragraph must be in writing, the person requesting the records or information must sign a confidentiality agreement, and the department must approve the request in writing.

Records and information released under this subsection remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution when held by the receiving person or entity.

(3) Due to substantial concerns regarding institutional security and unreasonable and excessive demands on personnel and resources if an inmate or an offender has unlimited or routine access to records of the Department of Corrections, an inmate or an offender who is under the jurisdiction of the department may not have unrestricted access to the department's records or to information contained in the department's records. However, except as to another inmate's or offender's records, the department may permit limited access to its records if an inmate or an offender makes a written request and demonstrates an exceptional need for information contained in the department's records and the information is otherwise unavailable. Exceptional circumstances include, but are not limited to:

(a) The inmate or offender requests documentation to resolve a conflict between the inmate's court documentation and the commitment papers or court orders received by the department regarding the inmate or offender.

(b) The inmate's or offender's release is forthcoming and a prospective employer requests, in writing, documentation of the inmate's or offender's work performance.

(c) The inmate or offender needs information concerning the amount of victim restitution paid during the inmate's or offender's incarceration.

(d) The requested records contain information required to process an application or claim by the inmate or offender with the Internal Revenue Service, the Social Security Administration, the Department of Labor and Employment Security, or any other similar application or claim with a state agency or federal agency.

(e) The inmate or offender wishes to obtain the current address of a relative whose address is in the department's records and the relative has not indicated a desire not to be contacted by the inmate or offender.

(f) Other similar circumstances that do not present a threat to the security, order, or rehabilitative objectives of the correctional system or to any person's safety.

(4) The Department of Corrections shall adopt rules to prevent disclosure of confidential records or information to unauthorized persons.

(5) The Department of Corrections and the Parole Commission shall mutually cooperate with respect to maintaining the confidentiality of records that are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(6)(a) As used in this subsection:

1. The term "personal information about another person" means the home addresses, telephone numbers, social security numbers, and photographs of health care clinicians of the Department of Corrections who are licensed or certified pursuant to chapter 458, chapter 459, chapter 464, chapter 465, chapter 466, or chapter 490 and of educational personnel of the Department of Corrections who are certified pursuant to s. 231.17 and of other state officers and employees whose duties are performed in whole or in part in state correctional institutions; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons.

2. The terms "another person" and "such person" mean any person described in subparagraph 1.

3. The term "harass" means engaging in a course of conduct directed at another person which causes substantial emotional distress to such person and serves no legitimate purpose.

(b) An inmate or offender in the correctional system or under correctional supervision, whether on parole, probation, postrelease supervision, or any other form of supervision, is prohibited from disclosing or using personal information about another person with the intent to obtain a benefit from, harass, harm, or defraud such person. Any inmate or offender who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) An inmate or offender who has been convicted of an offense under paragraph (b) is prohibited from subsequently participating in any correctional work or other correctional program that provides inmates or offenders with access to personal information about persons who are not in the correctional system or under correctional supervision. If, during a term of imprisonment, an inmate or offender is convicted of the offense under paragraph (b), the inmate or offender shall be subject to forfeiture of all or any part of his or her gain-time pursuant to rules adopted by the department. The department may adopt rules to prohibit the subsequent participation of an inmate who has been convicted of an offense under paragraph (b) in any correctional work or other correctional program that provides inmates access to personal information about another person. The department may also adopt rules to implement the forfeiture or deletion of gain-time.

Section 20. Subsection (5) of section 99.012, Florida Statutes, is amended to read:

99.012 Restrictions on individuals qualifying for public office.—

(5)*(a)* A person who is a subordinate officer, deputy sheriff, or police officer *must* ~~need not~~ resign *effective upon qualifying, pursuant to Chapter 99, F.S., if* ~~pursuant to this section unless~~ the person is seeking to qualify for a public office which is currently held by an officer who has authority to appoint, employ, promote, or otherwise supervise that person and who has qualified as a candidate for reelection to that office.

(b) ~~However,~~ Upon qualifying *pursuant to Chapter 99, F.S., a* ~~the~~ subordinate officer, deputy sheriff, or police officer *who is seeking public office and who is not required to resign under paragraph (a)* must take a leave of absence without pay during the period in which he or she is a candidate for office.

Section 21. *There is appropriated from the General Revenue Fund to Hillsborough County the sum of $500,000 for fiscal year 1998-1999 for the planning, design, development, acquisition and construction of the Hillsborough County Sheriff's District 4 Office with such sums released only upon a two to one matching funding commitment from Hillsborough County for the completion of such project.*

Section 22. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal justice; amending s. 951.23, F.S.; providing a criminal penalty for refusing to obey jail rules and regulations; requiring that a printed copy of rules be provided to prisoners; providing a definition; terminating specified trust funds and fund accounts within the state courts system and the Department of Corrections; providing for the transfer of current balances to general revenue, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; modifying provisions relating to specified trust funds and fund accounts within the state courts system and the Department of Corrections; amending s. 216.272, F.S., relating to Working Capital Trust Funds used to fund data processing centers; removing reference to the judicial branch; amending s. 945.215, F.S.; providing sources of funds and purposes of the Inmate Welfare Trust Fund, the Privately Owned Institutions Inmate Welfare Trust Fund, and the Employee Benefit Trust Fund within the department; providing for annual appropriation of funds deposited in the Inmate Welfare Trust Fund; requiring certain annual reports; amending s. 944.803, F.S., relating to faith-based programs for inmates; revising a reference, to conform; amending s. 945.31, F.S.; providing for deposit of the department's administrative processing fee in the department's Operating Trust Fund; amending s. 945.76, F.S.; revising provisions relating to fees for certification and monitoring of batterers' intervention programs; providing for deposit of such fees in the department's Operating Trust Fund; amending s. 944.10, F.S.; providing for deposit of contractual service and inmate labor fees in the Correctional Work Program Trust Fund; amending s. 948.09, F.S.; providing for deposit of the electronic monitoring surcharge in the department's Operating Trust Fund; amending s. 951.23, F.S.; providing for deposit of fees collected pursuant to local detention facility inspection agreements in the department's Operating Trust Fund; creating s. 386.213, F.S.; providing legislative intent; requiring the Department of Corrections and private vendors operating state correctional facilities to make smoking-cessation assistance available to inmates; requiring full implementation of the act by a specified date; providing definitions; prohibiting an inmate within a state correctional facility from using tobacco products in prohibited areas; prohibiting employees or visitors from using tobacco products in prohibited areas; providing penalties; authorizing the department to adopt rules; amending s. 386.203 (1), F.S.; adding state correctional facilities to the definition of public place; amending ss. 921.141, 921.142, F.S.; prescribing the penalty to be imposed if the defendant is determined to be mentally retarded; amending s. 924.07, F.S.; providing that the state may appeal a determination that a defendant is mentally retarded; providing a definition of mental retardation; amending s. 945.10, F.S., relating to confidential information and other information available to inmates and offenders in the correctional system or under supervision; defining terms; prohibiting certain disclosure or use of certain "personal information about another person," as defined, by an inmate or offender with intent to obtain a benefit from, harass, harm, or defraud such person; providing penalties; providing that an inmate or offender convicted of such offense is prohibited from subsequent participation in correctional work programs or other programs; providing that an inmate or offender convicted of such offense is subject to forfeiture of gain-time; providing for adoption of rules by the department; amending s. 99.012, F.S.; requiring a subordinate officer, deputy sheriff, or police officer seeking to qualify for a public office to resign or take a leave of absence, depending on certain circumstances relating to the office sought; providing an appropriation; providing an effective date.

On motion by Senator Bronson, by two-thirds vote **CS for HB 3527** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Turner, by two-thirds vote **CS for HB 945** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Turner, by two-thirds vote—

CS for HB 945—A bill to be entitled An act relating to environmental equity and justice; creating s. 760.854, F.S.; creating the Center for Environmental Equity and Justice; providing purpose of the center; providing an effective date.

—a companion measure, was substituted for **CS for SB 1516** and by two-thirds vote read the second time by title.

Senator Turner moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, between lines 3 and 4, insert:

Section 3. Section 381.102, Florida Statutes, is created to read:

381.102 Short title.—Sections 381.102-381.107 may be cited as the "Florida Community Environmental Health Protection Act."

Section 4. Section 381.103, Florida Statutes, is created to read:

381.103 Community environmental health protection; legislative findings.—

(1) This state is committed to the economic, environmental, and public health revitalization of its communities.

(2) Low-income communities bear a significant burden of environmental contamination that thwarts the revitalization of these communities.

(3) This state has made progress in addressing the economic development and environmental needs of its communities.

(4) Measures to address the public health needs of low-income communities that are exposed to contaminated sites must be implemented in order to ensure the sustainability of the communities in this state.

(5) The Legislature has determined that it would be beneficial to provide resources in this state to undertake a series of pilot projects that demonstrate techniques and approaches to ensure health care for low-income persons who are living in communities that are adversely affected by contaminated sites, to mobilize additional resources from the government, private sector, and private foundations to address this need, and to develop a mechanism for collecting data.

(6) The implementation of these measures will enhance cooperative efforts among the private sector, government, and nonprofit organizations in this state to ensure the sustainability of this state.

(7) Efforts to initiate measures that address public health problems in communities affected by contaminated sites will enable this state to leverage additional resources available from the Federal Government and private foundations for this purpose.

Section 5. Section 381.104, Florida Statutes, is created to read:

381.104 Definitions.—As used in ss. 381.102-381.107, the term:

(1) "Low-income community" means a contiguous grouping of residences with a significant portion of occupants who have a family income equal to or below 100 percent of the most recent federal poverty level and who are exposed to multiple sources of environmental contamination.

(2) "Contaminated site" means any contiguous land, surface water, or groundwater areas that may contain contaminants that may be harmful to human health or the environment and includes federal Superfund sites and state or federally designated Brownfield areas.

Section 6. Section 381.105, Florida Statutes, is created to read:

381.105 Community Environmental Health Program; creation; purposes.—There is created the Community Environmental Health Program. The primary purpose of the program is to ensure the availability of public health services to members of low-income communities that may be adversely affected by contaminated sites located in or near the community. These services extend beyond health services that are currently provided pursuant to chapter 154 and include measures to address the cumulative and synergistic health effects that may be associated with exposure to environmental contamination. An additional purpose is to ensure the collection of information and data on health effects potentially caused by acute and chronic exposure to low and high levels of environmental contaminants so that the information and data may be used for research, education, and the improvement of decisionmaking on sustainability goals.

Section 7. Section 381.106, Florida Statutes, is created to read:

381.106 Community Environmental Health Program pilot projects.—

(1) Community Environmental Health Program pilot projects are hereby established within the Department of Health to promote disease prevention and health protection among low-income people who live in communities that have Superfund or legally designated Brownfield areas. The pilot projects must seek to build upon existing environmental and economic efforts to address contaminated sites through the Florida Brownfields Redevelopment Act, the Eastward Ho! Brownfields Partnership, the federal Superfund Program, and other state and federal programs that address public health and the environment. The pilot projects may form partnerships with existing health care providers, contribute to a health care needs assessment, and serve as the basis for the development of health care capacity in underserved areas.

(2) A pilot project must be established to serve each of the following:

(a) In Escambia County, the low-income communities surrounding the Escambia Treating Company and Agrico Company Superfund sites that are part of the national pilot relocation project and the former workers at those sites;

(b) In Broward County, the low-income communities surrounding the Wingate Superfund site, which is located in the federally designated Brownfield Showcase Community;

(c) In Palm Beach County, within the City of Riviera Beach, the low-income communities surrounding the BMI-Textron Superfund site, which is located in the federally designated Brownfield Showcase community;

(d) In Pinellas County, the low-income communities designated as a pilot project under the 1997 Florida Brownfields Redevelopment Act, including the Greenwood community in Clearwater;

(e) In Miami-Dade County, the low income communities in Liberty City and Brownsville, which are located in the federally designated Brownfield Showcase Community;

(f) In Polk County, the low-income communities surrounding the Alpha Chemical Corporation Superfund site;

(g) In Hillsborough County, the low-income communities surrounding the Kassouf-Kimberling Battery Disposal Superfund site, the Landfill Superfund site, and the Sixty-Second Street Dump Superfund site, which have been designated as a proposed Brownfield Redevelopment project area; and

(h) In Duval County, the low-income communities surrounding the Pickettville Road Landfill Superfund site.

(3) The Department of Health shall establish a Community Environmental Health Advisory Board for each pilot project, and the majority of board members shall be low-income residents who are beneficiaries of the pilot project. The board must also include representatives from the respective county health departments, health care professionals and providers, and elected officials. The board shall identify the community environmental health needs and types of services which should be provided by the pilot project, initiate and support efforts to secure additional resources to meet these needs, oversee the functions and operations of the pilot project, evaluate the pilot project, and prepare for the Legislature a report that discusses the progress of the pilot project toward achieving its stated goals and recommends future courses of action.

Section 8. Section 381.107, Florida Statutes, is created to read:

381.107 Duties of Department of Health.—The Department of Health shall, to the extent that resources are available:

(1) Assist each pilot project in obtaining low-cost health care services designed to treat the effects of exposure to environmental contaminants and to ensure disease prevention and health promotion.

(2) Facilitate the application to other appropriate Superfund sites and Brownfield areas in the state the techniques and approaches developed by the pilot project to ensure health care for low-income persons who are living in communities with contaminated sites.

(3) Develop a proactive, rapid-identification system for evaluating the health impact of exposure to environmental contamination and for detecting health effects.

(4) Explore alternative methodologies for evaluating the human health consequences of exposure to environmental contamination.

(5) Develop and maintain a registry to track health problems addressed by the project.

(6) Develop environmental education and outreach programs for health care providers and communities which increase awareness and

reporting of health effects resulting from exposure to environmental contamination within communities.

(7) Work with affected communities, appropriate agencies, and ongoing initiatives, such as Eastward Ho! Brownfields Partnership, to implement communication between government agencies and affected communities.

(8) Collect data on potential environmental health effects of environmental contamination.

Section 9. *The sum of $100,000 is appropriated from the General Revenue Fund during the 1998-1999 fiscal year for the Community Environmental Health Program and must be used for the establishment of voluntary community environmental health advisory boards for each pilot project for the purpose of determining the public health needs of the community, identifying and accessing additional public and private sector resources, and laying the foundation for implementing the pilot projects described in this act when funding is available.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: creating ss. 381.102, 381.103, 381.104, 381.105, 381.106, 381.107, F.S., the "Florida Community Environmental Health Protection Act"; providing a short title; providing for community environmental health protection; providing legislative findings; providing definitions; creating the Community Environmental Health Program; providing purposes of the program; designating pilot projects; providing for Committee Environmental Health Advisory Boards; requiring a report to the Legislature; providing duties of the Department of Health; providing an appropriation;

On motion by Senator Turner, by two-thirds vote **CS for HB 945** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	

Nays—None

On motion by Senator Forman, by two-thirds vote **HB 4259** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Forman—

HB 4259—A bill to be entitled An act relating to postsecondary education; amending s. 232.2466, F.S.; revising requirements for the college-ready diploma program; amending s. 239.117, F.S.; exempting specified students from postsecondary fees; amending s. 239.225, F.S.; revising provisions relating to the Vocational Improvement Program; amending s. 240.1163, F.S.; revising dual enrollment provisions; amending s. 240.235, F.S.; exempting specified university students from fees; amending s. 240.321, F.S., relating to duties of community college district boards of trustees; requiring notification of alternative remedial options; providing student requirements relating to enrollment in courses; amending s. 240.324, F.S., relating to the community college accountability process; providing for coinciding reporting deadlines; clarifying language; amending s. 240.35, F.S.; exempting specified community college students from fees; amending s. 240.36, F.S.; revising provisions relating to the matching of funds and the uses of proceeds of a trust fund for community colleges; amending s. 240.382, F.S.; correcting a cross reference; amending s. 240.4097, F.S., relating to the Florida Postsecondary Student Assistance Grant Program; requiring the establishment of application deadlines; amending s. 246.201, F.S.; revising legislative intent; amending s. 246.203, F.S.; renaming the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools the State Board of Nonpublic Career Education; revising definition of schools regulated by the board; amending s. 246.205, F.S.; conforming language; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; conforming language; amending s. 246.215, F.S.; requiring licensing of specified programs by the board; creating s. 246.216, F.S.; providing for exemption from licensure for specified entities; providing for statements of exemption; providing for revocation of statements of exemption; providing for remedies; amending ss. 246.219, 246.220, 246.2265, 246.227, and 246.31, F.S.; conforming language; amending ss. 20.15, 240.40204, 246.011, 246.081, 246.085, 246.091, 246.111, 246.50, 455.2125, 455.554, 467.009, 476.178, 477.023, and 488.01, F.S.; conforming language; providing an effective date.

—a companion measure, was substituted for **CS for SB 2100** and read the second time by title.

Senators Forman and Kirkpatrick offered the following amendment which was moved by Senator Forman:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 232.2466, Florida Statutes, is amended to read:

232.2466 College-ready diploma program.—

(1) Beginning with the *1998-1999* ~~1997-1998~~ school year, each school district shall award a differentiated college-ready diploma to each student who:

(a) Successfully completes the requirements for a standard high school diploma as prescribed by s. 232.246. Among courses taken to fulfill the 24-academic-credit requirement, a student must take *high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses.*~~:~~

~~1. Two credits in algebra and one credit in geometry, or their equivalents, as determined by the state board.~~

~~2. One credit in biology, one credit in chemistry, and one credit in physics, or their equivalents, as determined by the state board.~~

~~3. Two credits in the same foreign language, taken for elective credit. A student whose native language is not English is exempt from this requirement if the student demonstrates proficiency in the native language. American sign language constitutes a foreign language.~~

(b) Takes the postsecondary education common placement test prescribed in s. 240.117, or an equivalent test identified by the State Board of Education, before graduation and scores at or above the established statewide passing score in each test area.

(2) A college-ready diploma entitles a student to admission without *additional* placement testing to a public postsecondary education program that terminates in a technical certificate, *an applied technology diploma, an associate in applied science degree,* an associate in science degree, or an associate in arts degree, if the student enters postsecondary education within 2 years after earning the college-ready diploma.

(3) The Department of Education shall *periodically* convene a task force of educators and employers to recommend additional incentives for students to pursue a college-ready diploma. The incentives may include awards and recognition, preference for positions in firms, and early registration privileges in postsecondary education institutions.

Section 2. Paragraph (f) is added to subsection (4) of section 239.117, Florida Statutes, to read:

239.117 Postsecondary student fees.—

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(f) A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buy-out of property around Lake Apopka by the State of Florida. Such a student may receive a fee exemption only if the student has not received compensation because of the buy-out, the student is

designated a Florida resident for tuition purposes, pursuant to s. 240.1201, and the student has applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this paragraph have been met, including support documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years from the date that the postsecondary education institution confirms that the conditions of this paragraph have been met.

Section 3. Subsection (1) and paragraph (c) of subsection (3) of section 239.225, Florida Statutes, are amended, and subsection (5) is added to said section, to read:

239.225 Vocational Improvement Program.—

(1) There is established the Vocational Improvement Program to be administered by the Department of Education pursuant to this section ~~and rules of the State Board for Career Education. Such rules must provide for the submission of applications and distribution of funds pursuant to this section~~. The priorities for allocation of funds for the program are the development of vocational programs for disadvantaged persons; recruitment, preservice and inservice activities for vocational counselors and teachers; the development of information systems that are compatible between school districts and community colleges; job placement services for vocational completers; the development of exploratory vocational courses; activities that provide faculty articulation for the purpose of integrating vocational and academic instruction; and activities that ensure greater community involvement in career education.

(3)

~~(c) The State Board for Career Education may adopt rules necessary to implement the provisions of this subsection.~~

(5) The State Board for Career Education may adopt rules to implement this program.

Section 4. Subsections (4) and (5) are added to section 240.1163, Florida Statutes, to read:

240.1163 Joint dual enrollment and advanced placement instruction.—

(4) School districts and community colleges must weigh college-level dual enrollment courses the same as honors courses and advanced placement courses when grade point averages are calculated. Alternative grade calculation or weighting systems that discriminate against dual enrollment courses are prohibited.

(5) The Commissioner of Education may approve dual enrollment agreements for limited course offerings that have statewide appeal. Such programs shall be limited to a single site with multiple county participation.

Section 5. Subsections (6), (7), (8), and (9) of section 240.235, Florida Statutes, are renumbered as subsections (7), (8), (9), and (10), respectively, and a new subsection (6) is added to said section to read:

240.235 Fees.—

(6) Any proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buy-out of property around Lake Apopka by the State of Florida is exempt from the payment of registration, matriculation, and laboratory fees. A student receiving a fee exemption in accordance with this subsection must not have received compensation because of the buy-out, must be designated a Florida resident for tuition purposes, pursuant to s. 240.1201, and must first have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this subsection have been met, including support documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years from the date that the postsecondary education institution confirms that the conditions of this subsection have been met.

Section 6. Subsection (3) of section 240.311, Florida Statutes, is amended to read:

240.311 State Board of Community Colleges; powers and duties.—

(3) The State Board of Community Colleges shall:

(a) Provide for each community college to offer educational training and service programs designed to meet the needs of both students and the communities served.

(b) Provide, through rule, for the coordination of the state community college system.

(c) Review new associate degree or certificate programs for relationship to student demand; conduct periodic reviews of existing programs; and provide rules for termination of associate degree or certificate programs when excessive duplication exists.

(d) Ensure that the rules and procedures of community college district boards relating to admission to, enrollment in, employment in, and programs, services, functions, and activities of each college provide equal access and equal opportunity for all persons.

(e) Advise presidents of community colleges of the fiscal policies adopted by the Legislature and of their responsibilities to follow such policies.

(f) Specify, by rule, procedures to be used by the boards of trustees in the periodic evaluations of presidents and formally review the evaluations of presidents by the boards of trustees.

(g) Recommend to the State Board of Education minimum standards for the operation of each community college as required in s. 240.325, which standards may include, but are not limited to, general qualifications of personnel, budgeting, accounting and financial procedures, educational programs, student admissions and services, and community services.

(h) Establish an effective information system which will provide composite data about the community colleges and assure that special analyses and studies about the colleges are conducted, as necessary, for provision of accurate and cost-effective information about the colleges and about the community college system as a whole.

(i) Encourage the colleges and the system as a whole to cooperate with other educational institutions and agencies and with all levels and agencies of government in the interest of effective utilization of all resources, programs, and services.

(j) Establish criteria for making recommendations relative to modifying district boundary lines and for making recommendations upon all proposals for the establishment of additional centers or campuses for community colleges.

(k) Develop a plan in cooperation with the local school district and the Department of Education to include any and all counties in a community college service district.

(l) Assess the need to consolidate any community colleges.

(m) Develop and adopt guidelines relating to salary and fringe benefit policies for community college administrators, including community college presidents.

(n) Develop and adopt guidelines relating to official travel by community college employees.

(o) Receive an annual administrative review of each community college.

1. Such review shall include, but is not limited to, the administrator-to-faculty ratio, the percent of funds for administrative costs in the total budget, and the percent of funds in support programs compared to the percent of funds in instructional programs and may include such other indicators of quality as are necessary.

2. The review shall also include all courses offered by a community college outside its district. Courses offered outside the home district which are not approved by the State Board of Community Colleges shall not be counted for funding purposes or to meet enrollment assignments. *For purposes of this subparagraph, electronically originated instruction, to include satellite, broadcast, and internet delivered instruction, shall be exempt. Exemption is only permitted when the community college's intent is to offer the instruction for students residing within the community college's home district and only markets the instruction to students residing within the community college's home district. If a community college's intent is to market the electronically originated instruction outside its home district and thus recruit students outside its home district, the community college must receive the approval of the State Board of Community Colleges. The State Board of Community Colleges shall have authority to review any electronically originated instruction for compliance with this section.*

(p) Encourage and support activities which promote and advance college and statewide direct-support organizations.

(q) Specify, by rule, the degree program courses that may be taken by students concurrently enrolled in college-preparatory instruction.

Section 7. Section 240.321, Florida Statutes, is amended to read:

240.321 Community college district board of trustees; rules for admissions of students.—The board of trustees shall make rules governing admissions of students. These rules shall include the following:

(1) Admissions counseling shall be provided to all students entering college credit programs, which counseling shall utilize tests to measure achievement of college-level communication and computation competencies by all students entering college credit programs.

(2) Admission to associate degree programs is subject to minimum standards adopted by the State Board of Education and shall require:

(a) A *standard* high school diploma, a high school equivalency diploma as prescribed in s. 229.814, previously demonstrated competency in college credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of s. 232.02(4). Students who are enrolled in a dual enrollment or early admission program pursuant to s. 240.116 and secondary students enrolled in college-level instruction creditable toward the associate degree, but not toward the high school diploma, shall be exempt from this requirement.

(b) A demonstrated level of achievement of college-level communication and computation skills. Students entering a postsecondary education program within 2 years of graduation from high school with an earned college-ready diploma issued pursuant to s. 232.2466 shall be exempt from this testing requirement.

(c) Any other requirements established by the board of trustees.

(3) Admission to other programs within the community college shall include education requirements as established by the board of trustees.

Each board of trustees shall establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction. *Such notification shall include a written listing or a prominent display of information on alternative remedial options that must be available to each student who scores below college level in any area on the common placement test. The list or display shall include, but is not limited to, options provided by the community college, adult education programs, and programs provided by private-sector providers. The college shall not endorse, recommend, evaluate, or rank any of the providers. The list of providers or the display materials shall include all those providers that request to be included. The written list must provide students with specific contact information and disclose the full costs of the course tuition, laboratory fees, and instructional materials of each option listed. A student who elects a private provider for remedial instruction is entitled to enroll in up to 12 credits of college-level courses in skill areas other than those for which the student is being remediated. A student is prohibited from enrolling in additional college-level courses until the student scores above the cut-score on all sections of the common placement test.*

Section 8. Section 240.324, Florida Statutes, is amended to read:

240.324 Community college accountability process.—

(1) It is the intent of the Legislature that a management and accountability process be implemented which provides for the systematic, ongoing improvement and assessment of the improvement of the quality and efficiency of the State Community College System. Accordingly, the State Board of Community Colleges and the community college boards of trustees shall develop and implement *an accountability* ~~a~~ plan to improve and evaluate the instructional and administrative efficiency and effectiveness of the State Community College System. This plan *shall be designed in consultation with staff of the Governor and the Legislature and* must address the following issues:

(a) Graduation rates of A.A. and A.S. degree-seeking students compared to first-time-enrolled students seeking the associate degree.

(b) Minority student enrollment and retention rates.

(c) Student performance, including student performance in college-level academic skills, mean grade point averages for community college A.A. transfer students, and community college student performance on state licensure examinations.

(d) Job placement rates of community college vocational students.

(e) Student progression by admission status and program.

(f) Vocational accountability standards identified in s. 239.229.

(g) Other measures as identified by the Postsecondary Education Planning Commission and approved by the State Board of Community Colleges.

(2) ~~By January 1, 1992, the State Board of Community Colleges shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a plan for addressing these issues. The plan must provide a specific timetable that identifies specific issues to be addressed each year and must provide for full implementation by December 31, 1994.~~ Beginning *September 1, 1998* ~~December 31, 1992~~, the State Board of Community Colleges shall submit an annual ~~interim~~ report*, to coincide with the submission of the agency strategic plan required by law,* providing the results of initiatives taken during the prior year and the initiatives and related objective performance measures proposed for the next year. ~~The initial plan and each interim plan shall be designed in consultation with staff of the Governor and the Legislature.~~

(3) ~~Beginning January 1, 1993,~~ The State Board of Community Colleges shall address within the annual evaluation of the performance of the executive director, and the boards of trustees shall address within the annual evaluation of the presidents, the achievement of the performance goals established *by the accountability process* ~~in the community college accountability plan~~.

Section 9. Subsections (4) through (14) of section 240.35, Florida Statutes, as amended by chapter 97-383, Laws of Florida, are renumbered as subsections (5) through (15), respectively, paragraph (c) of present subsection (10) is amended, and a new subsection (4) is added to said section, to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate degree, including college-preparatory courses defined in s. 239.105.

(4) Any proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buy-out of property around Lake Apopka by the State of Florida is exempt from the payment of registration, matriculation, and laboratory fees. A student receiving a fee exemption in accordance with this subsection must not have received compensation because of the buy-out, must be designated a Florida resident for tuition purposes pursuant to s. 240.1201, and must first have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this subsection have been met, including support documentation provided by

the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years from the date that the postsecondary education institution confirms that the conditions of this subsection have been met.

(11)~~(10)~~

(c) Up to 25 percent or $250,000, whichever is greater, of the fees collected may be used to assist students who demonstrate academic merit, who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution, or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection *(15)* ~~(14)~~ for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 50 percent of the balance of these funds shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

Section 10. Subsections (4) and (7) of section 240.36, Florida Statutes, are amended to read:

240.36 Dr. Philip Benjamin Academic Improvement Trust Fund for Community Colleges.—

(4) Challenge grants shall be proportionately allocated from the trust fund on the basis of matching each $4 of state funds with $6 of local or private funds. ~~The matching funds shall come from contributions made after July 1, 1983, for the purposes of matching this grant.~~ To be eligible, a minimum of $4,500 must be raised from private sources~~, and such contributions must be in excess of the total average annual cash contributions made to the foundation at each community college in the 3 fiscal years before July 1, 1983~~.

(7)(a) The board of trustees of the community college and the State Board of Community Colleges are responsible for determining the uses for the proceeds of their respective trust funds. Such uses of the proceeds shall be limited to expenditure of the funds for:

1. Scientific and technical equipment.

2. Other activities that will benefit future students as well as students currently enrolled at the community college and that will improve the quality of education at the community college or in the community college system.

3. Scholarships, *loans, or need-based grants*~~, which are the lowest priority for use of these funds~~.

(b) If a community college includes scholarships, *loans, or need-based grants in its proposal, it shall create an endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships, loans, or need-based grants.* ~~in its proposal, it shall create an endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships. Such scholarships must be program specific and require high academic achievement for students to qualify for or retain the scholarship. A scholarship program may be used for minority recruitment but may not be used for athletic participants. The board of trustees may award scholarships to students in associate in arts programs and vocational programs. However, for vocational programs, the board of trustees must have designated the program as a program of emphasis for quality improvement, a designation that should be restricted to a limited number of programs at the community college. In addition, the board of trustees must have adopted a specific plan that details how the community college will improve the quality of the program designated for emphasis and that includes quality measures and outcome measures. Over a period of time, the community college operating budget should show additional financial commitment to the program of emphasis above and beyond the average increases to other programs offered by the community college. Fundraising activities must be specifically identified as being for the program of emphasis or scholarship money. The community college must fully levy the amount for financial aid purposes provided by s. 240.35(10) in addition to the tuition and matriculation fee before any scholarship funds are awarded to the community college as part of its approved request.~~

(b)~~(c)~~ Proposals for use of the trust fund shall be submitted to the State Board of Community Colleges for approval. Any proposal not acted upon in 60 days shall be considered not approved.

Section 11. Subsection (5) of section 240.382, Florida Statutes, is amended to read:

240.382 Establishment of child development training centers at community colleges.—

(5) In addition to revenues derived from child care fees charged to parents and other external resources, each child development training center may be funded by a portion of funds from the student activity and service fee authorized by s. 240.35*(10)*~~(9)~~ and the capital improvement fee authorized by s. 240.35*(14)*~~(13)~~. Community colleges are authorized to transfer funds as necessary from the college's general fund to support the operation of the child development training center.

Section 12. Subsection (2) of section 240.4097, Florida Statutes, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(2)(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed a total of $1,500 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in ~~and chartered as a domestic corporation by~~ the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

No student may receive an award for more than the equivalent of 9 semesters or 14 quarters in a period of not more than 6 consecutive years, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student.

(c) The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the school of the applicant's choice. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs.

(d) The department is directed to establish, for fall enrollment, an initial application deadline for students attending all eligible institutions and an additional application deadline for students who apply to

all eligible institutions after the initial application deadline. The second deadline shall be October 1 following the initial application deadline. The department shall reserve an amount to be designated annually in the General Appropriations Act for the purpose of providing awards to postsecondary students who apply for a student assistance grant after the initial application deadline. Applicants who apply during the initial application period and are eligible to receive an award, but do not receive an award because of insufficient funds, shall have their applications reconsidered with those applicants who apply after the initial application deadline. The provisions of this paragraph shall take effect with the 1999-2000 academic year.

Section 13. Section 246.201, Florida Statutes, is amended to read:

246.201 Legislative intent.—

(1) Sections 246.201-246.231 shall provide for the protection of the health, education, and welfare of the citizens of Florida and shall facilitate and promote the acquisition of a minimum satisfactory career~~, technical, trade, and business~~ education by all the citizens of this state. ~~There are presently many fine nonpublic schools existing in this state, but there are some nonpublic schools which do not generally offer those educational opportunities which the citizens of Florida deem essential. The latter type of school also fails to contribute to the ultimate health, education, and welfare of the citizens of Florida.~~ It shall be in the interest of, and essential to, the public health and welfare that the state create the means whereby all *nonpublic postsecondary career* ~~independent degree career education, technical, trade, and business~~ schools as defined in s. 246.203(1) shall satisfactorily meet minimum educational standards *and fair consumer practices*.

(2) A common practice in our society is to use diplomas and degrees for many purposes. Some of these purposes are: for employers to judge the qualifications of prospective employees; for public and nonpublic professional groups, vocational groups, educational agencies, governmental agencies, and educational institutions to determine the qualifications for admission to, and continuation of, educational goals, occupational goals, professional affiliations, or occupational affiliations; and for public and professional assessment of the extent of competency of individuals engaged in a wide range of activities within our society.

(3) Because of the common use of diplomas and degrees, the minimum legal requirements provided by ss. 246.201-246.231 for the establishment and operation of *nonpublic postsecondary career* ~~independent degree career education, technical, trade, and business~~ schools shall protect the individual student from deceptive, fraudulent, or substandard education; protect such ~~independent degree career education, technical, trade, and business~~ schools; and protect the citizens of Florida holding diplomas or degrees.

~~(4) Nothing contained herein is intended in any way, nor shall be construed, to regulate the stated purpose of an independent degree career education, technical, trade, and business school or to restrict any religious instruction or training in a nonpublic school. Any school or business regulated by the state or approved, certified, or regulated by the Federal Aviation Administration is hereby expressly exempt from ss. 246.201-246.231. Nonprofit schools, owned, controlled, operated, and conducted by religious, denominational, eleemosynary, or similar public institutions exempt from property taxation under the laws of this state shall be exempt from the provisions of ss. 246.201-246.231. However, such schools may choose to apply for a license hereunder, and, upon approval and issuance thereof, such schools shall be subject to ss. 246.201-246.231.~~

Section 14. Subsections (1) and (7) of section 246.203, Florida Statutes, are amended to read:

246.203 Definitions.—As used in ss. 246.201-246.231, unless the context otherwise requires:

(1) "School" means any *nonpublic postsecondary noncollegiate career educational institution, association, corporation, person, partnership, or organization of any type that:*

(a) Offers to provide or provides any postsecondary program of instruction, course, or class through the student's personal attendance, in the presence of an instructor, in a classroom, clinical, or other practicum setting or through correspondence or other distance learning; and

(b) Represents, directly or by implication, that the instruction will qualify the student for employment in any occupation whose practice in this state does not require a degree, as defined in s. 246.021(5); and

(c) Receives remuneration from the student or any other source on the enrollment of a student or on the number of students enrolled; or

(d) Offers to award or awards a diploma, as defined in subsection (6), regardless of whether or not it engages in the activities described in paragraph (a), paragraph (b), or paragraph (c). ~~nongovernmental, postsecondary, vocational, technical, trade, or business noncollegiate educational institution, organization program, home study course, or class maintained or conducted in residence or through correspondence by any person, partnership, association, organization, or corporation for the purpose of offering instruction of any kind leading to occupational objectives or of furnishing a diploma, as defined in subsection (6), in business, management, trade, technical, or other career education and professional schools not otherwise regulated. Nonpublic colleges and universities which award a baccalaureate or higher degree, and nonpublic junior colleges which award an associate degree in liberal arts do not fall under the authority granted in ss. 246.201-246.231 unless the college, university, or junior college conducts, or seeks to conduct, a program for which a diploma, as defined in subsection (6), is to be awarded. Any nonpublic college, university, or junior college which conducts or seeks to conduct a diploma program shall, for the purposes of ss. 246.201-246.231, be included in the definition of "school." Schools offering only examination preparation courses for which they do not award a diploma as defined in subsection (6) do not fall under the authority granted in ss. 246.201-246.231; nor does a nonprofit class provided and operated entirely by an employer, a group of employers in related business or industry, or a labor union solely for its employees or prospective employees or members.~~

(7) "Board" means the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.

Section 15. Subsections (1) and (2) of section 246.205, Florida Statutes, are amended to read:

246.205 State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.—

(1) There shall be established in the Department of Education a State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~. The board shall be assigned to the Department of Education only for the purpose of payroll, procurement, and related administrative functions which shall be exercised by the head of the department. The board shall independently exercise the other powers, duties, and functions prescribed by law. The board shall include nine members, appointed by the Governor as follows:

(a) One from a business school;

(b) One from a technical school;

(c) One from a home study school;

(d) One from a nonpublic school;

(e) Four from business and industry; and

(f) An administrator of vocational-technical education from a public school district or community college.

(2) Each of the members shall be appointed by the Governor, subject to confirmation by the Senate, for a term of 3 years. Of the original members appointed by the Governor, three shall serve for terms of 1 year, three shall serve for terms of 2 years, and three shall serve for terms of 3 years. Of the appointive members from the *nonpublic postsecondary career* ~~independent~~ schools, each shall have occupied executive or managerial positions in *a nonpublic postsecondary career* ~~an independent~~ school in this state for at least 5 years. All members shall be residents of this state. In the event of a vacancy on the board caused other than by the expiration of a term, the Governor shall appoint a successor to serve the unexpired term.

Section 16. Subsection (1) and paragraph (e) of subsection (2) of section 246.207, Florida Statutes, are amended to read:

246.207 Powers and duties of board.—

(1) The board shall:

(a) Hold such meetings as are necessary to administer efficiently the provisions of ss. 246.201-246.231.

(b) Select annually a chairperson and a vice chairperson.

~~(c) Adopt and use an official seal in the authentication of its acts.~~

(c)~~(d)~~ Make rules for its own government.

(d)~~(e)~~ Prescribe and recommend to the State Board of Education rules as are required by ss. 246.201-246.231 or as it may find necessary to aid in carrying out the objectives and purposes of ss. 246.201-246.231.

(e)~~(f)~~ Administer ss. 246.201-246.231 and execute such rules adopted pursuant thereto by the State Board of Education for the establishment and operation of *nonpublic postsecondary career* ~~independent~~ schools as defined in s. 246.203(1).

(f)~~(g)~~ Appoint, on the recommendation of its chairperson, executives, deputies, clerks, and employees of the board.

(g)~~(h)~~ Maintain a record of its proceedings.

(h)~~(i)~~ Cooperate with other state and federal agencies in administering ss. 246.201-246.231.

(i)~~(j)~~ Prepare an annual budget.

(j)~~(k)~~ Transmit all fees, donations, and other receipts of money to the *Institutional Assessment Trust Fund* ~~State Treasurer to be deposited in the General Revenue Fund~~.

(k)~~(l)~~ Transmit to the Governor, the Speaker of the House of Representatives, the President of the Senate, the minority leader of the Senate, and the minority leader of the House of Representatives on July 1, 1987, and each succeeding year an annual report which shall include, but not be limited to:

1. A detailed accounting of all funds received and expended.

2. The number of complaints received and investigated, by type.

3. The number of findings of probable cause.

4. A description of disciplinary actions taken, by statutory classification.

5. A description of all administrative hearings and court actions.

6. A description of the board's major activities during the previous year.

(l)~~(m)~~ Assure that no school that has met board requirements established by law or rule be made to operate without a current license due to scheduling of board meetings or application procedures for license renewal.

(m)~~(n)~~ Cause to be investigated criminal justice information, as defined in s. 943.045, for each owner, administrator, and agent employed by a school applying for licensure or renewal of licensure.

(n)~~(o)~~ Serve as a central agency for collection and distribution of current information regarding institutions licensed by the board.

1. The data collected by the board shall include information relating to the school administration, calendar system, admissions requirements, student costs and financial obligations, financial aid information, refund policy, placement services, number of full-time and part-time faculty, student enrollment and demographic figures, programs, and off-campus programs. Other information shall be collected in response to specific needs or inquiries. Financial information of a strictly proprietary, commercial nature is excluded from this requirement.

2. The data collected by the board must also include the data for the career education program evaluation reports required by s. 239.233 for each school that chooses to provide public information under s. 239.245.

3. The board shall provide to each participating institution annually the format, definitions, and instructions for submitting the required information.

4. The data submitted by each institution shall be accompanied by a letter of certification signed by the chief administrative officer of the institution, affirming that the information submitted is accurate.

5. A summary of the data collected by the board shall be included in the annual report to the Governor, the Speaker of the House of Representatives and the President of the Senate, the minority leader of the Senate, and the minority leader of the House of Representatives. The information collected by the board may also be used by the Department of Education for such purposes as statewide master planning, state financial aid programs, and publishing directories, by the Legislature, and to respond to consumer inquiries received by the board.

~~(p) Publish and index all policies and agency statements. If a policy or agency statement meets the criteria of a rule, as defined in s. 120.52, the board shall adopt it as a rule.~~

(o)~~(q)~~ Establish and publicize the procedures for receiving and responding to complaints from students, faculty, and others about schools or programs licensed by the board and shall keep records of such complaints in order to determine their frequency and nature for specific institutions of higher education. With regard to any written complaint alleging a violation of any provision of ss. 246.201-246.231 or any rule promulgated pursuant thereto, the board shall periodically notify, in writing, the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any administrative action, civil action, or appellate action, and if the board has found that probable cause exists, it shall notify, in writing, the party complained against of the results of the investigation and disposition of the complaint. The findings of the probable cause panel, if a panel is established, shall not be disclosed until the information is no longer confidential.

(2) The board may:

(e) Issue a license to any school subject to ss. 246.201-246.231 which is *exempted* ~~excluded~~ from the licensing and regulatory requirements of ss. 246.201-246.231, upon voluntary application for such license and upon payment of the appropriate fee as set forth in s. 246.219.

Section 17. Section 246.213, Florida Statutes, is amended to read:

246.213 Power of State Board of Education.—

(1) The State Board of Education, acting on the recommendation of the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~, shall adopt such minimum standards and rules as are required for the administration of ss. 246.201-246.231.

(2)(a) The minimum educational standards for the licensing of schools shall include, but not be limited to: name of school, purpose, administrative organization, educational program and curricula, finances, financial stability, faculty, library, student personnel services, physical plant and facilities, publications, and disclosure statements about the status of the institution in relation to professional certification and licensure.

(b) Rules of the State Board of Education shall require that nonpublic schools administer an entry-level test of basic skills to each student who enrolls in a nondegree program of at least 450 clock hours, or the credit hour equivalent, which purports to prepare such student for employment. The State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ shall designate examinations authorized for use for entry-level testing purposes. State Board of Education rules shall require that applicable schools provide students who are deemed to lack a minimal level of basic skills with a structured program of basic skills instruction. No student shall be granted a diploma, as defined in s. 246.203, until he or she has demonstrated mastery of basic skills. Exceptional students, as defined in s. 228.041, may be exempted from the provisions of this paragraph. The State Board of Education shall identify means through which students who are capable of demonstrating mastery of basic skills may be exempted from the provisions of this paragraph.

(c) The State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ may request that schools within its jurisdiction provide the board all documents associated with institutional accreditation. The board shall solicit from schools which provide such documents only such additional information undisclosed in the accreditation documents provided. The board may conduct a comprehensive study of a school that fails to provide all documents associated with its institutional accreditation. The cost of such study shall be borne by the institution. Standards imposed by the board shall not be constrained in quality or quantity to those imposed by the respective accrediting body.

(d) The State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ shall recommend to the State Board of Education minimum placement standards for institutions that conduct programs that prepare students for employment.

(3) The minimum requirements for the licensing of agents shall include: name, residential and business addresses, background training, institution or institutions to be represented, and demonstrated knowledge of statutes and rules related to the authority granted to agents and the limitations imposed upon such authority. No employee of a nonpublic school shall solicit prospective students for enrollment in such school until that employee is licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ as an agent.

(4) The State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ shall adopt criteria for specialized associate degrees, diplomas, certificates, or other educational credentials that will be recognized in licensed schools. The State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ shall adopt a common definition for each credential. To determine the level of *a nonpublic* ~~an independent~~ institution's vocational program or to establish criteria for a specialized degree, the board shall use procedures developed pursuant to s. 239.205, which requires the Department of Education to determine the level of each public degree career education program.

Section 18. Section 246.215, Florida Statutes, is amended to read:

246.215 License required.—

(1) No *nonpublic postsecondary career* ~~independent~~ school required to be licensed pursuant to ss. 246.201-246.231 shall be operated or established within the state until such school makes application and obtains a license or authorization from the board. Each nonpublic school that seeks licensure shall first submit articles of incorporation to the Department of State. After the Department of State approves such articles and verifies that the articles indicate the corporation is a postsecondary school within the meaning and intent of s. 246.203, the corporation shall apply for licensure by the board within 60 days of approval of the articles. Department of State approval of the articles of incorporation shall not constitute authorization to operate the nonpublic school. The Department of State shall immediately transmit approved articles of incorporation for nonpublic schools to the board.

(2) No agent shall solicit any prospective student for enrollment in a nonpublic school until both the agent and the school are appropriately licensed or otherwise authorized by the board.

(3) No *nonpublic postsecondary career* ~~independent~~ school required to be licensed pursuant to ss. 246.201-246.231 shall advertise in any manner until such school is granted an appropriate license by the board, nor shall any licensed school advertise in any manner while such school is under an injunction against operating, soliciting students, or offering diplomas.

(4) No license granted by the board shall be transferable to another *nonpublic postsecondary career* ~~independent~~ school or to another agent, nor shall school licensure transfer upon a change in ownership of the institution.

(5) Each license granted by the board shall delineate the specific nondegree programs that the nonpublic school is authorized to offer. No such school shall conduct a program unless express authority is granted in its license.

(6) A diploma program offered by a nonpublic junior college, college, or university must be licensed by the board, notwithstanding the fact that such institution is concurrently subject to the jurisdiction of the State Board of Independent Colleges and Universities, if such program does the following:

(a) The program qualifies a student for employment or engagement in an occupation whose practice in this state does not require a degree.

(b) The program awards a diploma, as defined in s. 246.203(6), for successful completion, including any program that is organized to give students an option of exiting at a specified point and receiving a diploma, or continuing and receiving a degree, as defined in s. 246.021(5).

Section 19. Section 246.216, Florida Statutes, is created to read:

246.216 Exemption from licensure.—

(1) A person or entity which otherwise fits the definition of school in s. 246.203(1) shall be exempt from licensure if it meets the criteria specified in this section and applies to the board for a statement of exemption. The board shall issue a statement of exemption if it determines, based on all available information, that the applicant meets the following criteria:

(a) The entity is a church or religious organization whose programs of instruction include:

1. A religious modifier in the title of the program, immediately preceding the name of the occupation to which the instruction relates, and in the title of the diploma.

2. No representation, directly or by implication, that individuals who successfully complete the program will be qualified to be employed in the field to which the training relates by an employer other than a church or religious organization.

3. No students who receive state or federal financial aid to pursue the program;

(b) The person or entity is regulated by the Federal Aviation Administration, another agency of the Federal Government, or an agency of the state whose regulatory laws are similar in nature and purpose to those of the board and require minimum educational standards, for at least curriculum, instructors, and academic progress and provide protection against fraudulent, deceptive, and substandard education practices;

(c) The person or entity offers only examination preparation courses provided that:

1. A diploma as defined in s. 246.203(6) is not awarded.

2. The courses do not include state licensing examinations in occupations for which state laws do not require a licensee to have a bachelor's degree or higher academic or professional degree;

(d) The person or entity is:

1. An employer who offers training and trains only its own bona fide employees;

2. A trade or professional association or a group of employers in the same or related business who in writing agree to offer training and to train only individuals who are bona fide employees of an employer who is a member of the association or a party to the written agreement; or

3. An independent contractor engaged by any of the foregoing by written contract to provide the training on its behalf exclusively to individuals who are selected by the employer, association, or group which engaged the contractor and who are bona fide employees thereof.

For purposes of this paragraph, a bona fide employee is an individual who works for salary or wages paid by the employer in at least the minimum amount required by law;

(e) The entity is a labor union or group of labor unions which offers training to, and trains only, individuals who are dues paying members of a participating labor union; or the person or entity is an independent contractor engaged by the labor union or group of labor unions, by written contract, to provide the training on its behalf exclusively to individuals who are selected by the labor union or group of labor unions which engaged the contractor and who are dues paying members thereof;

(f) The person or entity offers only continuing education programs to individuals who engage in an occupation or profession whose practitioners are subject to licensure, certification, or registration by a state agency which recognizes the programs for continuing education purposes and provides a written statement of such recognition; or

(g) The person or entity offers a program of instruction whose objective is not occupational, but is avocational and only for personal enrichment and which:

1. Prior to enrollment, gives to each enrollee, and maintains a record copy of, a written statement which states substantially the following: "This program is not designed or intended to qualify its participants and graduates for employment in (the field to which the training pertains). It is intended solely for the avocation, personal enrichment, and enjoyment of its participants."

2. Makes no other verbal or written statements which negate the written statement required in subparagraph 1. by stating or implying that persons who enroll in or complete the program have any more substantial likelihood of getting employment in the field to which the training pertains than persons who do not.

3. Maintains and makes available to the board, upon request, records which demonstrate that each enrollee received the statement required by subparagraph 1. prior to enrollment.

To be eligible for the statement of exemption, the applicant must maintain records documenting its qualification for exemption. A person or entity which is exempt pursuant to this subsection and which is also a licensee for programs which do not qualify for exemption may not include in the catalog, contract, or advertising relating to its licensed program any reference to its unlicensed programs. This restriction does not apply to a licensee which voluntarily becomes licensed to offer programs which would otherwise qualify for exemption.

(2) The board shall revoke a statement of exemption if it determines, based on all available information, that the entity does not meet the criteria required in subsection (1) because of the following:

(a) There has been a material change in circumstances or in the law;

(b) The statement was erroneously issued as a result of false or misleading information provided by the applicant or other source;

(c) There was a misunderstanding by the board of the information which it had considered; or

(d) New information has been received.

Probable cause proceedings do not apply to the foregoing board decisions.

(3) The board may invoke the remedies provided in s. 246.227 when no application for a statement of exemption is pending; in conjunction with, or subsequent to, its notice of denial of an application; or in conjunction with, or subsequent to, its notice of revocation. The filing of a civil action pursuant to s. 246.227 shall have the effect of suspending administrative proceedings under this section unless the board takes a voluntary dismissal without prejudice in a judicial case. An order of the court which determines or renders moot an issue presented in suspended administrative proceedings shall be grounds for dismissal of the administrative proceeding as to that issue.

Section 20. Subsection (1) of section 246.219, Florida Statutes, is amended to read:

246.219 License fees.—

(1) Each initial application for a license to operate a *nonpublic postsecondary career* school shall be accompanied by a license fee of not less than $500, and each application for the renewal of such license shall be accompanied by an annual license fee of at least $300, provided that the fee for a biennial license shall be at least $600. A fee shall be charged for a supplementary application for the approval of any additional field or course of instruction. Such fees shall be delineated, by rule, by the board.

Section 21. Section 246.220, Florida Statutes, is amended to read:

246.220 Surety bonds or insurance.—Surety bonds or insurance shall not be required of any school licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~, except as may be required by the board to insure the train-out of projected or currently enrolled students, issuance of refunds to projected or currently enrolled students, payment of liabilities to the Student Protection Fund, or for the retrieval or safekeeping of student records.

Section 22. Subsections (1) and (4) of section 246.2265, Florida Statutes, are amended to read:

246.2265 Additional regulatory powers while disciplinary proceedings are pending; cease and desist orders.—

(1) The board may, in conjunction with an administrative complaint or notice of denial of licensure, issue cease and desist orders for the purpose of protecting the health, safety, and welfare of students, prospective students, and the general public. Such orders may be mandatory or prohibitory in form and may order *a nonpublic* ~~an independent~~ postsecondary *career* institution, officer, employee, or agent to:

(a) Cease and desist from specified conduct which relates to acts or omissions stated in the administrative complaint or notice of denial of licensure; or

(b) Cease and desist from failing to engage in specified conduct which is necessary to achieve or preserve the regulatory purposes of ss. 246.201-246.231.

(4) The executive director of the board, with the approval of the chair of the board, may issue and deliver a cease and desist order to *a nonpublic* ~~an independent~~ postsecondary *career* institution.

Section 23. Subsections (2) and (3) of section 246.227, Florida Statutes, are amended to read:

246.227 Injunctive relief; unlicensed operation of a school; cease and desist notice; civil penalty.—

(2) An unlicensed *nonpublic* ~~independent~~ postsecondary *career* institution required to be licensed pursuant to ss. 246.201-246.231 that advertises or causes advertisements to be made public through which students are solicited for enrollment or are offered diplomas shall be in violation of the provisions of ss. 246.201-246.231. A licensed *nonpublic* ~~independent~~ postsecondary *career* institution that is under temporary or permanent injunction against operating or offering diplomas that advertises or causes advertisements to be made public through which students are solicited for enrollment or are offered diplomas shall be in violation of such injunctive order upon presentation to the court of the advertisement.

(3) The executive director of the board, with the approval of the chair of the board, may issue and deliver a cease and desist order to any *nonpublic* ~~independent~~ postsecondary *career* institution or agent required to be licensed pursuant to ss. 246.201-246.231 that is not so licensed. The board may file, in the name of the state, a proceeding which seeks issuance of an injunction against any person in violation of any provision of such order.

Section 24. Subsection (1) of section 246.31, Florida Statutes, is amended to read:

246.31 Institutional Assessment Trust Fund.—

(1) There is created an Institutional Assessment Trust Fund to be administered by the Department of Education pursuant to this section and rules of the State Board of Education. The trust fund shall consist of all fees and fines imposed upon nonpublic colleges and schools pursuant to this chapter, including all fees collected from nonpublic colleges for participation in the common course designation and numbering system. The department shall maintain separate revenue accounts for the State Board of Independent Colleges and Universities; the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~; and the Department of Education.

Section 25. Subsection (6) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(6) COUNCILS AND COMMITTEES.—Notwithstanding anything contained in law to the contrary, the Commissioner of Education shall appoint all members of all councils and committees of the Department of Education, except the Board of Regents, the State Board of Community Colleges, the community college district boards of trustees, the Postsecondary Education Planning Commission, the Education Practices Commission, the Education Standards Commission, the State Board of Independent Colleges and Universities, the Florida Commission on Education Reform and Accountability, and the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.

Section 26. Subsection (5) of section 240.40204, Florida Statutes, is amended to read:

240.40204 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(5) A Florida independent postsecondary education institution that is licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, or Business Schools~~ and which:

(a) Has a program completion and placement rate of at least the rate required by the current Florida Statutes, the Florida Administrative Code, or the Department of Education for an institution at its level; and

(b) Shows evidence of sound financial condition; and either:

1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in the state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in Florida for 5 years during which there has been no complaint for which probable cause has been found.

Section 27. Subsection (3) of section 246.011, Florida Statutes, is amended to read:

246.011 Purpose.—

(3) It is the intent of the Legislature that a nonpublic college which offers both degrees and vocational certificates or diplomas shall be subject to the rules of the State Board of Independent Colleges and Universities as provided by ss. 246.011-246.151 and the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ as provided by ss. 246.201-246.231.

Section 28. Subsection (3) of section 246.081, Florida Statutes, is amended to read:

246.081 License, certificate of exemption, or authorization required; exceptions.—

(3) No nonpublic college shall continue to conduct or begin to conduct any diploma program, as defined in s. 246.203, unless the college applies for and obtains from the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ a license or authorization for such diploma program in the manner and form prescribed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.

Section 29. Subsection (3) of section 246.085, Florida Statutes, is amended to read:

246.085 Certificate of exemption.—

(3) Any college which holds a certificate of exemption and which conducts any diploma program, as defined in s. 246.203, shall be subject to licensure of such diploma program by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.

Section 30. Subsection (3) of section 246.091, Florida Statutes, is amended to read:

246.091 License period and renewal.—

(3) A licensed college which seeks to conduct any diploma program, as defined in s. 246.203, shall apply to the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ for licensure for such program.

Section 31. Subsection (1) of section 246.111, Florida Statutes, is amended to read:

246.111 Denial, probation, or revocation of license or certificate of exemption.—

(1) Any temporary license, provisional license, or regular license, agent's license, certificate of exemption, or other authorization required under the provisions of ss. 246.011-246.151 may be denied, placed on probation, or revoked by the board. A college which has its certificate of exemption revoked shall become subject to the licensing provisions of the board. The board shall promulgate rules for these actions. Placement of a college on probation for a period of time and subject to such conditions as the board may specify may also carry the imposition of an administrative fine not to exceed $5,000. Such fine shall be deposited into the Institutional Assessment Trust Fund. Disciplinary action undertaken pursuant to this section against a college that is also licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ shall prompt disciplinary proceedings pursuant to s. 246.226.

Section 32. Subsection (1) of section 246.50, Florida Statutes, is amended to read:

246.50 Certified Teacher-Aide Welfare Transition Program; participation by independent postsecondary schools.—An independent postsecondary school may participate in the Certified Teacher-Aide Welfare Transition Program and may receive incentives for successful performance from the Performance Based Incentive Funding Program if:

(1) The school is accredited by the Southern Association of Colleges and Schools and licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~;

Section 33. Section 455.2125, Florida Statutes, is amended to read:

455.2125 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the State Board of Independent Colleges and Universities; the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~; the Board of Regents; and the State Board of Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 34. Section 455.554, Florida Statutes, is amended to read:

455.554 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the State Board of Independent Colleges and Universities; the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~; the Board of Regents; and the State Board of Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 35. Subsection (8) of section 467.009, Florida Statutes, is amended to read:

467.009 Midwifery programs; education and training requirements.—

(8) Nonpublic educational institutions that conduct approved midwifery programs shall be accredited by a member of the Commission on Recognition of Postsecondary Accreditation and shall be licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.

Section 36. Section 476.178, Florida Statutes, is amended to read:

476.178 Schools of barbering; licensure.—No private school of barbering shall be permitted to operate without a license issued by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ pursuant to chapter 246. However, this section shall not be construed to prevent certification by the Department of Education of barber training programs within the public school system or to prevent government operation of any other program of barbering in this state.

Section 37. Section 477.023, Florida Statutes, is amended to read:

477.023 Schools of cosmetology; licensure.—No private school of cosmetology shall be permitted to operate without a license issued by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ pursuant to chapter 246. However, nothing herein shall be construed to prevent certification by the Department of Education of cosmetology training programs within the public school system or to prevent government operation of any other program of cosmetology in this state.

Section 38. Section 488.01, Florida Statutes, is amended to read:

488.01 License to engage in business of operating a driver's school required.—The Department of Highway Safety and Motor Vehicles shall oversee and license all commercial driver's schools except truck driving schools. All commercial truck driving schools shall be required to be licensed pursuant to chapter 246, and additionally shall be subject to the provisions of ss. 488.04 and 488.05. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a driver's school without first obtaining a license therefor from the Department of Highway Safety and Motor Vehicles pursuant to this chapter or from the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ pursuant to chapter 246.

Section 39. Effective July 1, 1999, subsection (1) and paragraph (a) of subsection (6) of section 232.246, Florida Statutes, are amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics. Effective for students entering the 9th grade in the 1997-1998 school year and thereafter, one of these credits must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course.

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government, including study of the Constitution of the United States. For students entering the 9th grade in the 1997-1998 school year and thereafter, the study of Florida government, including study of the State Constitution, the three branches of state government, and municipal and county government, shall be included as part of the required study of American government.

(h)1. One credit in practical arts career education or exploratory career education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory career education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts career education or exploratory career education and performing fine arts, as defined in this paragraph.

Such credit for practical arts career education or exploratory career education or for performing fine arts shall be made available in the 9th grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

(j) *One* ~~One-half~~ credit in physical education to include assessment, improvement, and maintenance of personal fitness. Participation in an interscholastic sport~~, whether~~ at the ~~freshman,~~ junior varsity~~,~~ or varsity level, for *two* ~~a~~ full *seasons* ~~season~~, shall satisfy the *one-credit* ~~one-half credit~~ requirement in physical education *if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A school board may not require that the one credit in physical education be taken during the 9th grade year.*

(k) *Eight and one-half* ~~Nine~~ elective credits.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic *Scholars award* ~~Scholar's Certificate Program~~ requirements as specified in a district's pupil progression plan.

(6) The Legislature recognizes that adult learners are unique in situation and needs. The following graduation requirements are therefore instituted for students enrolled in adult general education in accordance with s. 239.301 in pursuit of a high school diploma:

(a) The *one* ~~one-half~~ credit in physical education required for graduation, pursuant to subsection (1), is not required for graduation and shall be substituted with elective credit keeping the total credits needed for graduation consistent with subsection (1).

Section 40. Section 233.0616, Florida Statutes, is created to read:

233.0616 Personal fitness programs.—Each elementary school and middle school is encouraged to implement a personal fitness program, approved by the Department of Education, that complies with American Heart Association guidelines for elementary school and middle school personal fitness courses. From incentive funds provided in the General Appropriations Act, the Department of Education shall allocate funds to schools implementing personal fitness programs pursuant to this section.

Section 41. *From funds provided in the General Appropriations Act, the Department of Education shall allocate funds to provide for an additional one-fourth-time position to upgrade the physical education specialist position in the department from a three-fourths-time position to a full-time position.*

Section 42. Subsections (3) and (13) of section 240.61, Florida Statutes, are amended to read:

240.61 College reach-out program.—

(3) To participate in the college reach-out program, a community college, a public university, or an independent postsecondary institution ~~that is participating in a special program for students from disadvantaged backgrounds pursuant to 20 U.S.C., ss. 1070d et seq.~~ may submit a proposal to the Department of Education. The State Board of Education shall consider the proposals and determine which proposals to implement as programs that will strengthen the educational motivation and preparation of low-income educationally disadvantaged students.

(13) By *February 15* ~~January 15~~ of each year, the Postsecondary Education Planning Commission shall submit to the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Governor a report that evaluates the effectiveness of the college reach-out program. The report must be based upon information provided by participating institutions, the Division of Universities, the Division of Community Colleges, and the Division of Workforce Development pursuant to subsections (7) and (12). ~~The evaluation must include longitudinal cohort assessments of college reach-out program participants from their entry into the program to their graduation from postsecondary institutions.~~ To the extent feasible, the performance of college reach-out program participants must be compared to the performance of comparable cohorts of students in public school and postsecondary education.

Section 43. *Sections 240.154, 240.278, 240.521, 240.522, 240.523, and 240.525, Florida Statutes, are repealed.*

Section 44. Subsection (4) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(4) EDUCATION ESTIMATING CONFERENCE.—

(a) Duties.—The Education Estimating Conference shall develop such official information relating to the state public educational system, including forecasts of student enrollments, *the number of* students qualified for state financial aid programs *and the appropriation required to fund the full award amounts for each program*, fixed capital outlay needs, and Florida Education Finance Program formula needs, as the conference determines is needed for the state planning and budgeting system. The conference's initial projections of enrollments in public schools shall be forwarded by the conference to each school district no later than 2 months prior to the start of the regular session of the Legislature. Each school district may, in writing, request adjustments to the initial projections. Any adjustment request shall be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. A school district may amend its adjustment request, in writing, during the first 3 weeks of the legislative session, and such amended adjustment request shall be considered by the principals of the conference. For any adjustment so requested, the district shall indicate and explain, using definitions adopted by the conference, the components of anticipated enrollment changes that correspond to continuation of current programs with workload changes; program improvement; program reduction or elimination; initiation of new programs; and any other information that may be needed by the Legislature. For public schools, the conference shall submit its full-time equivalent student consensus estimate to the Legislature no later than 1 month after the start of the regular session of the Legislature. No conference estimate may be changed without the agreement of the full conference.

(b) Adjustments.—No later than 2 months prior to the start of the regular session of the Legislature, the conference shall forward to each eligible postsecondary education institution its initial projections of the number of students qualified for state financial aid programs and the appropriation required to fund those students at the full award amount. Each postsecondary education institution may request, in writing, adjustments to the initial projection. Any adjustment request must be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. For any adjustment so requested, the postsecondary education institution shall indicate and explain, using definitions adopted by the conference, the components of anticipated changes that correspond to continuation of current programs with enrollment changes, program reduction or elimination, initiation of new programs, award amount increases or decreases, and any other information that is considered by the conference. The conference shall submit its consensus estimate to the Legislature no later than 1 month after the start of the regular session of the Legislature. No conference estimate may be changed without the agreement of the full conference.

(c)~~(b)~~ Principals.—The Associate Deputy Commissioner for Educational Management, the Executive Office of the Governor, the director of the Division of Economic and Demographic Research of the Joint Legislative Management Committee, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Education Estimating Conference. The Associate Deputy Commissioner for Educational Management or his or her designee shall preside over sessions of the conference.

Section 45. Effective *July* ~~January~~ 1, 1999, section 240.409, Florida Statutes, is amended to read:

240.409 Florida Public Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Public Student Assistance Grant Program. *The program shall* ~~to~~ be administered by the *participating institutions* ~~Department of Education~~ in accordance with rules of the state board.

(2)(a) State student assistance grants through the program may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of ~~tuition and~~ matriculation fees *and other registration fees* for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a state student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters *of full-time enrollment* ~~in a period of not more than 6 consecutive years~~, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida public student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered ~~by the department~~ when conducting an assessment of the financial resources available to each student.

(c) ~~The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, and such system shall include a certification of acceptability by the state university or community college of the applicant's choice and the use of a nationally recognized system of need analysis.~~ Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, *in accordance with a nationally recognized system of need analysis* ~~as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs~~. *Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution*

may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department.

(d) *Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.* ~~The department is directed to establish, for fall enrollment, an initial application deadline for students attending all eligible institutions and an additional application deadline for community college applicants who apply after the initial application deadline. The second community college deadline shall be at the close of each institution's drop-add period. The department shall reserve an amount to be designated annually in the General Appropriations Act for the purpose of providing awards to community college students who apply for a student assistance grant after the initial application deadline. Community college applicants who apply during the initial application period and are eligible to receive an award, but do not receive an award because of insufficient funds, shall have their applications reconsidered with those community college applicants who apply after the initial application deadline. The provisions of this paragraph shall take effect beginning with the 1990-1991 academic year.~~

(3) Based on the unmet financial need of an eligible applicant, the ~~full~~ amount of a Florida public student assistance grant must be between $200 and *the weighted average of the cost of matriculation and other registration fees for 30 credit hours at state universities* ~~$1,500~~ per academic year or the amount specified in the General Appropriations Act. ~~When funds are not sufficient to make full awards to all eligible applicants, the department shall reduce the amount of each recipient's grant award pro rata. For any year in which a pro rata grant reduction is necessary, such adjustment shall be made by reducing the second semester or the second and third quarter award disbursements to grant recipients. In each such instance, institutions shall notify students of award adjustments.~~

~~(4) In the event that a Florida public student assistance grant recipient transfers from one institution eligible under this section, s. 240.4095, or s. 240.4097 to another, his or her eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.~~

(4)~~(5)~~(a) *The funds appropriated for the Florida Public Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission, the State Board of Community Colleges, and the Board of Regents. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds.*

(b) Payment of Florida public student assistance grants *shall* ~~may~~ be transmitted to the president of the state university or community college ~~which the recipient is attending~~, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c)~~(b) Institutions shall certify to the department, within 30 days of the end of regular registration, the eligibility status of each awarded student.~~ The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of *changing* ~~amending~~ eligibility determinations previously made. ~~However, an institution shall be required to make refunds for students who receive award disbursements and terminate enrollment for any reason during the academic term when an institution's refund policies permit a student to receive a refund under these circumstances.~~

(d)~~(c)~~ Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances *by June 1 of each year* ~~within 60 days of the end of regular registration~~.

(5)~~(6)~~ Funds appropriated by the Legislature for state student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

(6)~~(7)~~ The State Board of Education shall establish rules necessary to implement this section.

Section 46. Effective July 1, 1999, section 240.4095, Florida Statutes, is amended to read:

240.4095 Florida Private Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Private Student Assistance Grant Program. *The program shall* ~~to~~ be administered by the *participating institutions* ~~Department of Education~~ in accordance with rules of the state board.

(2)(a) Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed *an amount equal to the average matriculation and other registration fees for 30 credit hours at state universities plus $1,000* ~~a total of $1,500~~ per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools~~, and which has a secular purpose,~~ and which is located in and chartered as a domestic corporation by the state. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters *of full-time enrollment* ~~in a period of not more than 6 consecutive years~~, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida private student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered ~~by the department~~ when conducting an assessment of the financial resources available to each student.

(c) ~~The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the independent nonprofit college or university of the applicant's choice.~~ Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, *in accordance with a nationally recognized system of need analysis* ~~as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs~~. *Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department.*

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(3) Based on the unmet financial need of an eligible applicant, the ~~full~~ amount of a Florida private student assistance grant must be between $200 and *the average cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000* ~~$1,500~~ per academic year or the amount specified in the General Appropriations Act. ~~When funds are not sufficient to make full awards to all eligible applicants, the department shall reduce the amount of each recipient's grant award pro rata. For any year in which a pro rata grant reduction is necessary, such adjustment shall be made by reducing the second semester or the second and third quarter award disbursements to grant recipients. In each such instance, institutions shall notify students of award adjustments.~~

~~(4) In the event that a Florida private student assistance grant recipient transfers from one institution eligible under this section, s. 240.409, or s. 240.4097 to another, his or her eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.~~

(4)~~(5)~~(a) *The funds appropriated for the Florida Private Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Independent Colleges and Universities of Florida. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds.*

(b) Payment of Florida private student assistance grants *shall* ~~may~~ be transmitted to the president of the college or university ~~which the recipient is attending~~, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c)~~(b) Institutions shall certify to the department, within 30 days of the end of regular registration, the eligibility status of each awarded student.~~ The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of *changing* ~~amending~~ eligibility determinations previously made. ~~However, an institution shall be required to make refunds for students who receive award disbursements and terminate enrollment for any reason during the academic term when an institution's refund policies permit a student to receive a refund under these circumstances.~~

(d)~~(c)~~ Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances *by June 1 of each year* ~~within 60 days of the end of regular registration~~.

(e)~~(d)~~ Each institution that receives moneys through the Florida Private Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(5)~~(6)~~ Funds appropriated by the Legislature for Florida private student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(6)~~(7)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 47. Effective July 1, 1999, section 240.4097, Florida Statutes, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Postsecondary Student Assistance Grant Program. *The program shall* ~~to~~ be administered by the *participating institutions* ~~Department of Education~~ in accordance with rules of the state board.

(2)(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed *an amount equal to the average prior-academic-year cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000* ~~a total of $1,500~~ per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in and chartered as a domestic corporation by the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

No student may receive an award for more than the equivalent of 9 semesters or 14 quarters *of full-time enrollment* ~~in a period of not more than 6 consecutive years~~, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered ~~by the department~~ when conducting an assessment of the financial resources available to each student.

(c) ~~The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the school of the applicant's choice.~~ Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, *in accordance with a nationally recognized system of need analysis* ~~as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs~~. *Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department.*

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(3) Based on the unmet financial need of an eligible applicant, the ~~full~~ amount of a Florida postsecondary student assistance grant must be between $200 and *the average cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000* ~~$1,500~~ per academic year or the amount specified in the General Appropriations Act. ~~When funds are not sufficient to make full awards to all eligible applicants, the department shall reduce the amount of each recipient's grant award pro rata. For any year in which a pro rata grant reduction is necessary, such adjustment shall be made by reducing the second semester or the second and third quarter award disbursements to grant recipients. In each such instance, institutions shall notify students of award adjustments.~~

~~(4) In the event that a student assistance grant recipient transfers from one institution eligible under this section, s. 240.409, or s. 240.4095 to another, his or her eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.~~

(4)~~(5)~~(a) *The funds appropriated for the Florida Postsecondary Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Florida Association of Postsecondary Schools and Colleges. The formula shall consider*

at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida postsecondary student assistance grants *shall* ~~may~~ be transmitted to the president of the eligible institution ~~which the recipient is attending~~, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c)~~(b) Institutions shall certify to the department, within 30 days of the end of regular registration, the eligibility status of each awarded student.~~ The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of *changing* ~~amending~~ eligibility determinations previously made. ~~However, an institution shall be required to make refunds for students who receive award disbursements and terminate enrollment for any reason during the academic term when an institution's refund policies permit a student to receive a refund under these circumstances.~~

(d)~~(c)~~ Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances *by June 1 of each year* ~~within 60 days of the end of regular registration~~.

(e)~~(d)~~ Each institution that receives moneys through the Florida Postsecondary Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(5)~~(6)~~ Any institution that was eligible to receive state student assistance grants on January 1, 1989, and that is not eligible to receive grants pursuant to s. 240.4095 is eligible to receive grants pursuant to this section.

(6)~~(7)~~ Funds appropriated by the Legislature for Florida postsecondary student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(7)~~(8)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 48. Except as otherwise provided in this act, this act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education; amending s. 232.2466, F.S.; revising requirements for the college-ready diploma program; amending s. 239.117, F.S.; exempting specified students from postsecondary fees; amending s. 239.225, F.S.; revising provisions relating to the Vocational Improvement Program; amending s. 240.1163, F.S.; revising dual enrollment provisions; amending s. 240.235, F.S.; exempting specified university students from fees; amending s. 240.311, F.S., relating to powers and duties of the State Board of Community Colleges; amending s. 240.321, F.S., relating to duties of community college district boards of trustees; requiring notification of alternative remedial options; amending s. 240.324, F.S., relating to the community college accountability process; providing for coinciding reporting deadlines; clarifying language; amending s. 240.35, F.S.; exempting specified community college students from fees; amending s. 240.36, F.S.; revising provisions relating to the uses of a trust fund for community colleges; amending s. 240.382, F.S.; correcting a cross-reference; amending s. 240.4097, F.S., relating to the Florida Postsecondary Student Assistance Grant Program; requiring the establishment of application deadlines; amending s. 246.201, F.S.; revising legislative intent; amending s. 246.203, F.S.; renaming the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools the State Board of Nonpublic Career Education; revising definition of schools regulated by the board; amending s. 246.205, F.S.; conforming provisions; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; conforming provisions; amending s. 246.215, F.S.; requiring licensing of specified programs by the board; creating s. 246.216, F.S.; providing for exemption from licensure for specified entities; providing for statements of exemption; providing for revocation of statements of exemption; providing for remedies; amending ss. 246.219, 246.220, 246.2265, 246.227, and 246.31, F.S.; conforming provisions; amending ss. 20.15, 240.40204, 246.011, 246.081, 246.085, 246.091, 246.111, 246.50, 455.2125, 455.554, 467.009, 476.178, 477.023, and 488.01, F.S.; conforming provisions; amending s. 232.246, F.S.; revising credit requirements for high school graduation; creating s. 233.0616, F.S.; encouraging elementary schools and middle schools to implement personal fitness programs and providing for the allocation of funds; providing for the allocation of funds for upgrading a physical education specialist position in the Department of Education; amending s. 240.61, F.S.; revising criteria for participating in the college reach-out program; revising the due date for a report on the college reach-out program; removing the requirement for including longitudinal cohort assessment; repealing s. 240.154, F.S., which provides for undergraduate enhancement; repealing s. 240.278, F.S., which provides for the establishment and use of the Quality Assurance Fund; repealing s. 240.521, F.S., which provides for the establishment of a state university or a branch of an existing state university to be located in East Central Florida; repealing s. 240.522, F.S., which provides for the establishment of a university in Southwest Florida; repealing s. 240.523, F.S., which provides for the establishment of a 4-year college in Dade County; repealing s. 240.525, F.S., which provides for the establishment of a state university or branch of an existing state university or state college in Duval County; amending s. 216.136, F.S.; providing duties of the Education Estimating Conference; amending s. 240.409, F.S.; authorizing eligibility determination and grant distribution for the Florida Public Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4095, F.S.; authorizing eligibility determination and grant distribution for the Florida Private Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4097, F.S.; authorizing eligibility determination and grant distribution for the Florida Postsecondary Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; providing effective dates.

On motion by Senator Latvala, further consideration of **HB 4259** with pending **Amendment 1** was deferred.

Consideration of **CS for CS for SB 2198** was deferred.

SB 1954—A bill to be entitled An act relating to ad valorem taxation; providing for the partial abatement of taxes on certain property destroyed or damaged by a tornado; providing procedures; providing for expiration of the act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1954** to **HB 4261**.

Pending further consideration of **SB 1954** as amended, on motion by Senator Bronson, by two-thirds vote **HB 4261** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Bronson, by two-thirds vote—

HB 4261—A bill to be entitled An act relating to ad valorem taxation; providing for the partial abatement of taxes on certain property destroyed or damaged by a tornado; providing procedures; providing for expiration of the act; providing an effective date.

—a companion measure, was substituted for **SB 1954** as amended and by two-thirds vote read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 4261** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

On motion by Senator Crist, by two-thirds vote **CS for HB 1381** was withdrawn from the Committees on Judiciary; Criminal Justice; and Ways and Means.

On motion by Senator Crist—

CS for HB 1381—A bill to be entitled An act relating to collection of court costs and fines; creating the "Comprehensive Court Enforcement Program Act"; providing legislative intent; creating s. 938.30, F.S.; providing for supplementary proceedings for enforcement of court-ordered payment of financial obligations in criminal cases; providing for examination under oath regarding a person's ability to pay financial obligations in a criminal case; providing for reduction of the obligation based on a person's ability to pay; providing for service or actual notice of orders to appear; providing for taking of testimony; providing for orders that nonexempt property in the hands of another be applied toward satisfying an obligation; providing for a judgment of civil lien; providing for applicability of the Uniform Fraudulent Transfer Act in certain collection matters; providing or payment schedules; providing for civil contempt sanctions for failure to appear or comply with certain orders; providing for specified enforcement costs and fees and attorney's fees to be assessed to offset the costs of operating the program; providing for the use of special masters; providing that the clerk of court shall make quarterly reports to the chief judge; permitting county commissions to refer certain court-imposed financial obligations to collection agents; permitting use of the new provisions in addition to or in lieu of other provisions of law; providing for certain court orders; providing an effective date.

—a companion measure, was substituted for **CS for SB 462** and read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for HB 1381** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

The Senate resumed consideration of—

HB 4259—A bill to be entitled An act relating to postsecondary education; amending s. 232.2466, F.S.; revising requirements for the college-ready diploma program; amending s. 239.117, F.S.; exempting specified students from postsecondary fees; amending s. 239.225, F.S.; revising provisions relating to the Vocational Improvement Program; amending s. 240.1163, F.S.; revising dual enrollment provisions; amending s. 240.235, F.S.; exempting specified university students from fees; amending s. 240.321, F.S., relating to duties of community college district boards of trustees; requiring notification of alternative remedial options; providing student requirements relating to enrollment in courses; amending s. 240.324, F.S., relating to the community college accountability process; providing for coinciding reporting deadlines; clarifying language; amending s. 240.35, F.S.; exempting specified community college students from fees; amending s. 240.36, F.S.; revising provisions relating to the matching of funds and the uses of proceeds of a trust fund for community colleges; amending s. 240.382, F.S.; correcting a cross reference; amending s. 240.4097, F.S., relating to the Florida Postsecondary Student Assistance Grant Program; requiring the establishment of application deadlines; amending s. 246.201, F.S.; revising legislative intent; amending s. 246.203, F.S.; renaming the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools the State Board of Nonpublic Career Education; revising definition of schools regulated by the board; amending s. 246.205, F.S.; conforming language; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; conforming language; amending s. 246.215, F.S.; requiring licensing of specified programs by the board; creating s. 246.216, F.S.; providing for exemption from licensure for specified entities; providing for statements of exemption; providing for revocation of statements of exemption; providing for remedies; amending ss. 246.219, 246.220, 246.2265, 246.227, and 246.31, F.S.; conforming language; amending ss. 20.15, 240.40204, 246.011, 246.081, 246.085, 246.091, 246.111, 246.50, 455.2125, 455.554, 467.009, 476.178, 477.023, and 488.01, F.S.; conforming language; providing an effective date.

—with pending **Amendment 1** by Senator Forman.

Senator Forman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 18, lines 8-24, delete those lines.

THE PRESIDENT PRESIDING

On motion by Senator Forman, further consideration of **HB 4259** with pending **Amendment 1** as amended was deferred.

CS for CS for SB 2198—A bill to be entitled An act relating to programs and services for juveniles; providing a short title; creating the Florida Children's Cabinet within the Executive Office of the Governor; providing for membership; requiring the Children's Cabinet to hold public meetings; providing for appropriations to the Children's Cabinet; requiring that the Children's Cabinet coordinate programs to prevent juvenile crime and victimization; requiring that the Children's Cabinet submit a multiagency plan to the Legislature; providing for regional workshops; requiring a report to the Legislature; amending s. 216.0166, F.S., relating to performance-based budget requests; requiring certain agencies to conform budget requests to the multiagency plan for preventing juvenile crime and victimization; amending s. 230.23, F.S., relating to district school board duties; revising provisions relating to alternative education programs for students in residential care facilities; amending s. 230.2316, F.S.; requiring coordination between a school district's dropout-prevention program and juvenile assessment centers; amending s. 230.23161, F.S.; providing findings relating to juvenile assessment centers; providing school board and school district duties; providing requirements relating to teachers assigned to juvenile justice education programs; providing for the operation of specified education programs by the Department of Education; providing legislative intent with respect to educational programs operated by the Department of Juvenile Justice; requiring that the Juvenile Justice Advisory Board conduct a study of the educational programs for juvenile offenders; providing for the board to report to the Governor and the Legislature; requiring the board to hold public hearings; providing an appropriation; requiring that the Office of Program Policy Analysis and Government Accountability conduct a performance review of educational programs for juvenile offenders; creating s. 985.317, F.S.; providing legislative intent with respect to literacy programs for juvenile offenders; providing for the Department of Education to develop and administer literacy programs in residential commitment programs of the Department of Juvenile Justice; providing requirements for juveniles who participate in literacy programs; specifying requirements for the programs; providing for an initial assessment

when a juvenile is admitted to a residential commitment facility; providing for certain juveniles to be exempt from participating in literacy programs; requiring that the Juvenile Justice Advisory Board evaluate the program and report to the Legislature; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2198** to **HB 4315**.

Pending further consideration of **CS for CS for SB 2198** as amended, on motion by Senator Bankhead, by two-thirds vote **HB 4315** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Bankhead, by two-thirds vote—

HB 4315—A bill to be entitled An act relating to juvenile justice education programs; requiring the Juvenile Justice Advisory Board to conduct a study relating to education programs for juvenile offenders; requiring findings and recommendations; requiring a performance review by the Office of Program Policy Analysis and Government Accountability; providing an appropriation; amending s. 230.23, F.S., relating to district school board duties; revising provisions relating to alternative education programs for students in residential care facilities; amending s. 230.2316, F.S.; providing for certain coordination with school district dropout prevention programs; amending s. 230.23161, F.S.; revising provisions relating to educational services in Department of Juvenile Justice programs; providing findings relating to juvenile assessment centers; providing school board and school district duties; providing requirements relating to teachers assigned to juvenile justice education programs; providing for the operation of specified education programs by the Department of Education; amending s. 402.22, F.S.; revising provisions relating to education programs for students who reside in residential care facilities operated by the Department of Children and Family Services; creating s. 985.317, F.S.; requiring the development of a Juvenile Offender Functional Literacy Program; providing intent, eligibility, and program requirements; requiring initial assessment; providing for exemption from the program; providing for evaluation and reporting; amending s. 985.404, F.S.; revising provisions relating to a cost data report; providing definitions; prohibiting a state agency from expanding the existing Orlando Regional Juvenile Detention Center; prohibiting a state agency from building a new detention center or other commitment facility on property contiguous to the existing detention center; prohibiting a state agency from using property contiguous to the existing detention center to operate a detention center or other commitment facility; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2198** as amended and by two-thirds vote read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 4315** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

COMMUNICATION

The Honorable Toni Jennings, President April 29, 1998
The Florida Senate

Dear Madam President:

Pursuant to Senate Rule 4.5, copies of the Conference Committee Report on **CS for SB 874**, relating to Civil Litigation Reform, have been furnished to each member of the Senate.

Delivery was completed April 29, 1998, at 7:40 p.m., EDT.

Respectfully submitted,
Faye W. Blanton, Secretary

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 874

The Honorable Toni Jennings April 29, 1998
President of the Senate

The Honorable Daniel Webster
Speaker, House of Representatives

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 874, same being:

An act relating to civil actions

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate adopt the Conference Committee Amendment attached hereto and by reference made a part of this report and pass **CS for SB 874** as amended by said Conference Committee Amendment.

2. That the House of Representatives recede from **House Amendment 1** to **CS for SB 874** and adopt the Conference Committee Amendment, and pass **CS for SB 874** as amended by said Conference Committee Amendment.

s/John McKay, Chairman	*s/Tom Warner*, Vice Chairman I disapprove and dissent
s/W. G. (Bill) Bankhead	*s/David Bitner*
s/Locke Burt	*s/Rudy Bradley*
Fred R. Dudley	*s/Johnnie B. Byrd, Jr.*
Buddy Dyer	*s/Scott Clemons*
s/Jack Latvala	*s/R.Z. (Sandy) Safley*
Tom Rossin	*s/John Thrasher*
Managers on the part of the Senate	Managers on the part of the House of Representatives

Summary of Conference Committee Action:

As amended by Conference Committee Amendment 1, the bill is a product of the joint Committee on Litigation Reform between the Florida Senate and the House of Representatives to deal with the impact of the civil litigation system on Florida's business climate. The bill makes a wide variety of modifications and additions to both the procedural and the substantive aspects of the civil litigation system in Florida. Some of the major provisions:

- Provide a series of jury reform measures to inform and instruct jurors, and allow greater participation by the jurors in civil trials to include the provision of juror notebooks in civil trials likely to exceed 5 days, and permission to direct written questions to witnesses;

- Authorize more sanctions to deter litigation activities that are frivolous in nature or that are designed to delay the process;

- Provide for new or alternative court procedures in more civil cases;

- Eliminate automatic application of joint and several liability in cases with total damages of $25,000 or less, and specify that joint and several liability will only apply only up to $300,000 of the total of economic damages when a party's fault exceeds the claimant's fault and the party's own fault exceeds 20% (comparative fault is applied to the remainder of the economic damages, if any);

- Require a defendant to affirmatively plead the fault of a non-party and prove by a preponderance of the evidence at trial in order to include the non-party on the verdict form;

- Create a 12-year statute of repose for products liability cases with the period commencing from the date of delivery of the

completed project to its original purchaser, and providing a grandfather clause for certain actions to be filed until July 1, 2003;

- Create a "government rules defense" allowing manufacturers and sellers to assert a rebuttable presumption that products are not defective or unreasonably dangerous if the product complies with certain state or federal regulatory or statutory standards;
- Prescribe a rebuttable presumption against a claim of negligent hiring provided an employer takes investigatory steps of the prospective employee;
- Limit or prohibit recovery of certain damages, under specified conditions, when the influence of drugs or alcohol is involved;
- Provide definitions and duties relating to liability to different categories of trespassers on real property;
- Limit the vicarious liability of certain motor vehicle owners or rental companies for damages due to the operation of the vehicle by a person other than the owner/lessor to $100,000 per person and $300,000 per occurrence for bodily injury and $50,000 for property damage, but allowing an additional cap of $500,000 in economic damages when the operator is uninsured or under-insured;
- Revise burden of proof standard and conditions for recovery of punitive damages including the prohibition of repetitive punitive damages award under certain conditions;
- Set forth legislative intent to promote the adoption of stricter requirements on advertisements and solicitation of legal services; and
- Provide for an actuarial study to report, by March 1, 2001, expected reduction in judgments, settlements, and other related costs in claims of certain insurers resulting from impact of litigation reform measures in this act, and provide for subsequent review by Department of Insurance of certain insurers rate filings.

This bill substantially amends the following sections of the Florida Statutes: 44.102, 57.071, 57.105, 90.803, 95.031, 324.021, 400.023, 768.075, 768.095, 768.72, 768.73, 768.77, 768.78, 768.79, and 768.81. The bill also creates the following sections: 40.50, 44.1051, 47.025, 768.0705, 768.096, 768.1256, 768.36, 768.725, 768.735, 768.736. The bill also repeals the following subsections: 768.77(2) and 768.81(5).

Conference Committee Amendment (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 40.50, Florida Statutes, is created to read:

40.50 Jury duty and instructions in civil cases.—

(1) In any civil action immediately after the jury is sworn, the court shall instruct the jury concerning its duties, its conduct, the order of proceedings, the procedure for submitting written questions of witnesses, and the elementary legal principles that will govern the proceeding as provided in this section.

(2) The court shall instruct that the jurors may take notes regarding the evidence and keep the notes for the purpose of refreshing their memory for use during recesses and deliberations. The court may provide materials suitable for this purpose. The confidentiality of the notes should be emphasized to the jurors. After the jury has rendered its verdict, the notes shall be collected by the bailiff or clerk who shall promptly destroy them.

(3) In any case in which the court determines that the trial could exceed 5 days, the court shall provide a notebook for each juror. Notebooks may contain:

(a) A copy of the preliminary jury instructions, including special instructions on the issues to be tried.

(b) Jurors' notes.

(c) Witnesses' names and either photographs or biographies or both.

(d) Copies of key documents admitted into evidence and an index of all exhibits in evidence.

(e) A glossary of technical terms.

(f) A copy of the court's final instructions.

In its discretion, the court may authorize documents and exhibits in evidence to be included in notebooks for use by the jurors during trial to aid them in performing their duties. The preliminary jury instructions should be removed, discarded, and replaced by the final jury instructions before the latter are read to the jury by the court.

(4) The court shall permit jurors to have access to their notes and, in appropriate cases, notebooks during recesses and deliberations.

(5) The court shall permit jurors to submit to the court written questions directed to witnesses or to the court. Opportunity shall be given to counsel to object to such questions out of the presence of the jury. The court may, as appropriate, limit the submission of questions to witnesses.

(6) The court shall instruct the jury that any questions directed to witnesses or the court must be in writing, unsigned, and given to the bailiff. If the court determines that the juror's question calls for admissible evidence, the question may be asked by court or counsel in the court's discretion. Such question may be answered by stipulation or other appropriate means, including, but not limited to, additional testimony upon such terms and limitations as the court prescribes. If the court determines that the juror's question calls for inadmissible evidence, the question shall not be read or answered. If a juror's question is rejected, the jury should be told that trial rules do not permit some questions to be asked and that the jurors should not attach any significance to the failure of having their question asked.

(7) The court has discretion to give final instructions to the jury before closing arguments of counsel instead of after, in order to enhance jurors' ability to apply the applicable law to the facts. In that event, the court may wish to withhold giving the necessary procedural and housekeeping instructions until after closing arguments.

Section 2. Section 44.102, Florida Statutes, is amended to read:

44.102 Court-ordered mediation.—

(1) Court-ordered mediation shall be conducted according to rules of practice and procedure adopted by the Supreme Court.

(2) A court, under rules adopted by the Supreme Court:

(a) Must refer to mediation any filed civil action for monetary damages, unless:

1. The action is a landlord and tenant dispute that does not include a claim for personal injury.

2. The action is filed for the purpose of collecting a debt.

3. The action is a claim of medical malpractice.

4. The action is governed by the Florida Small Claims Rules.

5. The court determines that the action is proper for referral to nonbinding arbitration under this chapter.

6. The parties have agreed to binding arbitration.

(b)~~(a)~~ May refer to mediation all or any part of a filed civil action *for which mediation is not required under this section.*

(c)~~(b)~~ In circuits in which a family mediation program has been established and upon a court finding of a dispute, shall refer to mediation all or part of custody, visitation, or other parental responsibility issues as defined in s. 61.13. Upon motion or request of a party, a court shall not refer any case to mediation if it finds there has been a history of domestic violence that would compromise the mediation process.

(d)~~(c)~~ In circuits in which a dependency or in need of services mediation program has been established, may refer to mediation all or any portion of a matter relating to dependency or to a child in need of services or a family in need of services.

(3) Each party involved in a court-ordered mediation proceeding has a privilege to refuse to disclose, and to prevent any person present at the proceeding from disclosing, communications made during such proceeding. All oral or written communications in a mediation proceeding, other than an executed settlement agreement, shall be exempt from the requirements of chapter 119 and shall be confidential and inadmissible as evidence in any subsequent legal proceeding, unless all parties agree otherwise.

(4) There shall be no privilege and no restriction on any disclosure of communications made confidential in subsection (3) in relation to disciplinary proceedings filed against mediators pursuant to s. 44.106 and court rules, to the extent the communication is used for the purposes of such proceedings. In such cases, the disclosure of an otherwise privileged communication shall be used only for the internal use of the body conducting the investigation. Prior to the release of any disciplinary files to the public, all references to otherwise privileged communications shall be deleted from the record. When an otherwise confidential communication is used in a mediator disciplinary proceeding, such communication shall be inadmissible as evidence in any subsequent legal proceeding. "Subsequent legal proceeding" means any legal proceeding between the parties to the mediation which follows the court-ordered mediation.

(5) The chief judge of each judicial circuit shall maintain a list of mediators who have been certified by the Supreme Court and who have registered for appointment in that circuit.

(a) Whenever possible, qualified individuals who have volunteered their time to serve as mediators shall be appointed. If a mediation program is funded pursuant to s. 44.108, volunteer mediators shall be entitled to reimbursement pursuant to s. 112.061 for all actual expenses necessitated by service as a mediator.

(b) Nonvolunteer mediators shall be compensated according to rules adopted by the Supreme Court. If a mediation program is funded pursuant to s. 44.108, a mediator may be compensated by the county or by the parties. When a party has been declared indigent or insolvent, that party's pro rata share of a mediator's compensation shall be paid by the county at the rate set by administrative order of the chief judge of the circuit.

(6)(a) When an action is referred to mediation by court order, the time periods for responding to an offer of settlement pursuant to s. 45.061, or to an offer or demand for judgment pursuant to s. 768.79, respectively, shall be tolled until:

1. An impasse has been declared by the mediator; or

2. The mediator has reported to the court that no agreement was reached.

(b) Sections 45.061 and 768.79 notwithstanding, an offer of settlement or an offer or demand for judgment may be made at any time after an impasse has been declared by the mediator, or the mediator has reported that no agreement was reached. An offer is deemed rejected as of commencement of trial.

Section 3. Section 44.1051, Florida Statutes, is created to read:

44.1051 Voluntary trial resolution.—

(1) Two or more parties who are involved in a civil dispute may agree in writing to submit the controversy to voluntary trial resolution in lieu of litigation of the issues involved, prior to or after a lawsuit has been filed, provided that no constitutional issue is involved.

(2) If the parties have entered into an agreement that provides for a method for appointment of a member of The Florida Bar in good standing for more than 5 years to act as trial resolution judge, the court shall proceed with the appointment as prescribed.

(3) The trial resolution judge shall be compensated by the parties according to their agreement.

(4) Within 10 days after the submission of the request for binding voluntary trial resolution, the court shall provide for the appointment of the trial resolution judge. Once appointed, the trial resolution judge shall notify the parties of the time and place for the hearing.

(5) Application for voluntary trial resolution shall be filed and fees paid to the clerk of the court as if for complaints initiating civil actions. The clerk of the court shall handle and account for these matters in all respects as if they were civil actions except that the clerk of the court shall keep separate the records of the applications for voluntary binding trial resolution from all other civil actions.

(6) Filing of the application for binding voluntary trial resolution will toll the running of the applicable statutes of limitation.

(7) The appointed trial resolution judge shall have such power to administer oaths or affirmations and to conduct the proceedings as the rules of court provide. At the request of any party, the trial resolution judge shall issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence and may apply to the court for orders compelling attendance and production. Subpoenas shall be served and shall be enforceable as provided by law.

(8) The hearing shall be conducted by the trial resolution judge, who may determine any question and render a final decision.

(9) The Florida Evidence Code shall apply to all proceedings under this section.

(10) Any party may enforce a final decision rendered in a voluntary trial by filing a petition for final judgment in the circuit court in the circuit in which the voluntary trial took place. Upon entry of final judgment by the circuit court an appeal may be taken to the appropriate appellate court. The "harmless error doctrine" shall apply in all appeals. No further review shall be permitted unless a constitutional issue is raised. Factual findings determined in the voluntary trial shall not be subject to appeal.

(11) If no appeal is taken within the time provided by rules of the Supreme Court, the decision shall be referred to the presiding court judge in the case, or, if one has not been assigned, to the chief judge of the circuit for assignment to a circuit judge, who shall enter such orders and judgments as are required to carry out the terms of decision, which orders shall be enforceable by the contempt powers of the court and for which judgment executions shall issue on request of a party.

(12) This section does not apply to any dispute involving child custody, visitation, or child support, or to any dispute that involves the rights of a person who is not a party to the voluntary trial resolution.

Section 4. Section 57.105, Florida Statutes, is amended to read:

57.105 Attorney's fee*; sanctions for raising unfounded claims or defenses; damages for delay of litigation.—*

(1) *Upon the court's initiative or motion of any party,* the court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney *on any claim or defense at any time during a* ~~in any~~ civil *proceeding or* action in which the court finds that *the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial:*

(a) Was not supported by the material facts necessary to establish the claim or defense; or

(b) Would not be supported by the application of then-existing law to those material facts. ~~there was a complete absence of a justiciable issue of either law or fact raised by the complaint or defense of the losing party; provided,~~

However, ~~that~~ the losing party's attorney is not personally responsible if he or she has acted in good faith, based on the representations of his or her client *as to the existence of those material facts.* If the court *awards attorney's fees to a claimant pursuant to this subsection* ~~finds that there was a complete absence of a justiciable issue of either law or fact raised by the defense~~, the court shall also award prejudgment interest.

(2) Subsection (1) does not apply if the court determines that the claim or defense was initially presented to the court as a good-faith attempt with a reasonable probability of changing then-existing law as it applied to the material facts.

(3) At any time in any civil proceeding or action in which the moving party proves by a preponderance of the evidence that any action taken by

the opposing party, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, was taken primarily for the purpose of unreasonable delay, the court shall award damages to the moving party for the time necessitated by the conduct in question.

(4) The court also may impose such additional sanctions or other remedies as are just and warranted under the circumstances of the particular case, including, but not limited to, contempt of court, award of taxable costs, striking of a claim or defense, or dismissal of the pleading.

(5)~~(2)~~ If a contract contains a provision allowing attorney's fees to a party when he or she is required to take any action to enforce the contract, the court may also allow reasonable attorney's fees to the other party when that party prevails in any action, whether as plaintiff or defendant, with respect to the contract. *This subsection applies to any contract entered into on or after October 1, 1988.* ~~This act shall take effect October 1, 1988, and shall apply to contracts entered into on said date or thereafter.~~

Section 5. Subsections (3), (5), and (7) of section 768.79, Florida Statutes, are amended to read:

768.79 Offer of judgment and demand for judgment.—

(3) The offer shall be served upon the party to whom it is made, but it shall not be filed unless it is accepted or unless filing is necessary to enforce the provisions of this section. *In any case involving multiple party plaintiffs or multiple party defendants, an offer shall specify its applicability to each party and may specify any conditions thereof. Each individual party may thereafter accept or reject the offer as the offer applies to such party.*

(5) An offer may be withdrawn in writing which is served before the date a written acceptance is filed. Once withdrawn, an offer is void. *A subsequent offer to a party shall have the effect of voiding any previous offer to that party.*

(7)(a) *Prior to awarding costs and fees pursuant to this section the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made.* If a party is entitled to costs and fees pursuant to the provisions of this section, the court may, in its discretion, determine that an offer was not made in good faith. In such case, the court may disallow an award of costs and attorney's fees.

(b) When determining the reasonableness of an award of attorney's fees pursuant to this section, the court shall consider, along with all other relevant criteria, the following additional factors:

1. The then's apparent merit or lack's of merit in the claim.

2. The number and nature of offers made by the parties.

3. The closeness of questions of fact and law at issue.

4. Whether the person making the offer had unreasonable refused to furnish information necessary to evaluate the reasonableness of such offer.

5. Whether the suit was in the nature of a test case presenting questions of far-reaching's importance affecting nonparties.

6. The amount of the additional delay cost and expense that the person making the offer reasonable would be expected to incur if the litigation should be prolonged.

Section 6. Section 57.071, Florida Statutes, is amended to read:

57.071 Costs; what taxable.—

(1) If costs are awarded to any party the following shall also be allowed:

(a)~~(1)~~ The reasonable premiums or expenses paid on all bonds or other security furnished by such party.

(b)~~(2)~~ The expense of the court reporter for per diem, transcribing proceedings and depositions, including opening statements and arguments by counsel.

(c)~~(3)~~ Any sales or use tax due on legal services provided to such party, notwithstanding any other provision of law to the contrary.

(2) Expert witness fees shall not be awarded as taxable costs unless:

(a) The party retaining the expert witness files a written notice with the court and with each opposing party within 30 days after the entry of an order setting the trial date, which notice shall specify the expertise and experience of the expert, the rate of compensation of the expert witness, the subject matters or issues on which the expert is expected to render an opinion, and an estimate of the overall fees of the expert witness, including the fee for trial testimony. If the rate of compensation is hourly, the estimated overall fee may be stated in terms of estimated hours; and

(b) The party retaining the expert witness furnishes each opposing party with a written report signed by the expert witness which summarizes the expert witness's opinions and the factual basis of the opinions, including documentary evidence and the authorities relied upon in reaching the opinions. Such report shall be filed at least 10 days prior to discovery cut-off, 45 days prior to the trial, or as otherwise determined by the court.

Section 7. *Expedited trials.—Upon the joint stipulation of the parties to any civil case, the court may conduct an expedited trial as provided in this section. Where two or more plaintiffs or defendants have a unity of interest, such as a husband and wife, they shall be considered one party for the purpose of this section. Unless otherwise ordered by the court or agreed to by the parties with approval of the court, an expedited trial shall be conducted as follows:*

(1) All discovery in the trial shall be completed within 60 days.

(2) All interrogatories and requests for production must be served within 10 days and all responses must be served within 20 days after receipt.

(3) The court shall determine the number of depositions required.

(4) The case may be tried to a jury.

(5) The case must be tried within 30 days after the 60-day discovery cut-off.

(6) The trial must be limited to 1 day.

(7) The jury selection must be limited to 1 hour.

(8) The plaintiff will have 3 hours to present its case, including its opening, all of its testimony and evidence, and its closing.

(9) The defendant will have 3 hours to present its case, including its opening, all of its testimony and evidence, and its closing.

(10) The jury will be given "plain language" jury instructions at the beginning of the trial as well as a "plain language" jury verdict form. The jury instructions and verdict form must be agreed to by the parties.

(11) The parties will be permitted to introduce a written report of any expert and the expert's curriculum vitae instead of calling the expert to testify live at trial.

(12) At trial the parties may use excerpts from depositions, including video depositions, regardless of where the deponent lives or whether the deponent is available to testify.

(13) The Florida Evidence Code and the Florida Rules of Civil Procedure will apply.

(14) There will be no continuances of the trial absent extraordinary circumstances.

Section 8. Section 768.77, Florida Statutes, is amended to read:

768.77 Itemized verdict.—

~~(1)~~ In any action to which this part applies in which the trier of fact determines that liability exists on the part of the defendant, the trier of fact shall, as a part of the verdict, itemize the amounts to be awarded to the claimant into the following categories of damages:

(1)~~(a)~~ Amounts intended to compensate the claimant for economic losses;

(2)~~(b)~~ Amounts intended to compensate the claimant for noneconomic losses; and

(3)~~(c)~~ Amounts awarded to the claimant for punitive damages, if applicable.

~~(2) Each category of damages, other than punitive damages, shall be further itemized into amounts intended to compensate for losses which have been incurred prior to the verdict and into amounts intended to compensate for losses to be incurred in the future. Future damages itemized under paragraph (1)(a) shall be computed before and after reduction to present value. Damages itemized under paragraph (1)(b) or paragraph (1)(c) shall not be reduced to present value. In itemizing amounts intended to compensate for future losses, the trier of fact shall set forth the period of years over which such amounts are intended to provide compensation.~~

Section 9. Paragraph (a) of subsection (1) of section 768.78, Florida Statutes, is amended to read:

768.78 Alternative methods of payment of damage awards.—

(1)(a) In any action to which this part applies in which the *court determines that* ~~trier of fact makes~~ an award to compensate the claimant *includes* ~~for~~ future economic losses which exceed $250,000, payment of amounts intended to compensate the claimant for these losses shall be made by one of the following means, unless an alternative method of payment of damages is provided in this section:

1. The defendant may make a lump-sum payment for all damages so assessed, with future economic losses and expenses reduced to present value; or

2. Subject to the provisions of this subsection, the court shall, at the request of either party, unless the court determines that manifest injustice would result to any party, enter a judgment ordering future economic damages, as itemized pursuant to s. 768.77(1)~~(a)~~, in excess of $250,000 to be paid in whole or in part by periodic payments rather than by a lump-sum payment.

Section 10. Section 47.025, Florida Statutes, is created to read:

47.025 Actions against contractors.—Any venue provision in a contract for improvement to real property which requires a legal action against a resident contractor, subcontractor, or sub-subcontractor, as defined in part I of chapter 713, to be brought outside this state is void as a matter of public policy if enforcement would be unreasonable and unjust. To the extent that the venue provision in the contract is void under this section, any legal action arising out of that contract shall be brought only in this state in the county where the defendant resides, where the cause of action accrued, or where the property in litigation is located, unless the parties agree to the contrary.

Section 11. *Through the state's uniform case reporting system, the clerk of court shall report to the Office of the State Courts Administrator information from each settlement or jury verdict and final judgment in negligence cases as defined in section 768.81(4), Florida Statutes, as the President of the Senate and the Speaker of the House of Representatives deem necessary from time to time. The information shall include, but need not be limited to: the name of each plaintiff and defendant; the verdict; the percentage of fault of each; the amount of economic damages and noneconomic damages awarded to each plaintiff, identifying those damages that are to be paid jointly and severally and by which defendants; and the amount of any punitive damages to be paid by each defendant.*

Section 12. Subsection (22) of section 90.803, Florida Statutes, is amended to read:

90.803 Hearsay exceptions; availability of declarant immaterial.—The provision of s. 90.802 to the contrary notwithstanding, the following are not inadmissible as evidence, even though the declarant is available as a witness:

(22) FORMER TESTIMONY.—Former testimony given by the declarant *which testimony was given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a predecessor in interest, or a person with a similar interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination, provided, however, the court finds that the testimony is not inadmissible pursuant to s. 90.402 or s. 90.403* ~~at a civil trial, when used in a retrial of said trial involving identical parties and the same facts~~.

Section 13. Subsection (2) of section 95.031, Florida Statutes, is amended to read:

95.031 Computation of time.—Except as provided in subsection (2) and in s. 95.051 and elsewhere in these statutes, the time within which an action shall be begun under any statute of limitations runs from the time the cause of action accrues.

(2)*(a) An action* ~~Actions~~ for ~~products liability and~~ fraud under s. 95.11(3) must be begun within the period prescribed in this chapter, with the period running from the time the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, instead of running from any date prescribed elsewhere in s. 95.11(3), but in any event an action for fraud under s. 95.11(3) must be begun within 12 years after the date of the commission of the alleged fraud, regardless of the date the fraud was or should have been discovered.

(b) An action for products liability under s. 95.11(3) must be begun within the period prescribed in this chapter, with the period running from the date that the facts giving rise to the cause of action were discovered, or should have been discovered with the exercise of due diligence, rather than running from any other date prescribed elsewhere in s. 95.11(3), but in no event may an action for products liability under s. 95.11(3) be commenced unless the complaint is served and filed within 12 years after the date of delivery of the product to its first purchaser or lessee who was not engaged in the business of selling or leasing the product or of using the product as a component in the manufacture of another product, regardless of the date that the defect in the product was or should have been discovered. However, the 12-year limitation on filing an action for products liability does not apply if the manufacturer knew of a defect in the product and concealed or attempted to conceal this defect. In addition, the 12-year limitation does not apply if the claimant was exposed to or used the product within the 12-year period, but an injury caused by such exposure or use did not manifest itself until after the 12-year period.

Section 14. *Any action for products liability which would not have been barred under section 95.031(2), Florida Statutes, prior to the amendments to that section made by this act may be commenced before July 1, 2003, and, if it is not commenced by that date and is barred by the amendments to section 95.031(2), Florida Statutes, made by this act, it shall be barred.*

Section 15. Section 768.1256, Florida Statutes, is created to read:

768.1256 Government rules defense.—In a product liability action brought against a manufacturer or seller for harm allegedly caused by a product, there is a rebuttable presumption that the product is not defective or unreasonably dangerous and the manufacturer or seller is not liable if, at the time the specific unit of the product was sold or delivered to the initial purchaser or user, the aspect of the product that allegedly caused the harm was in compliance with product design, construction, or safety standards relevant to the event causing the death or injury promulgated by a federal or state statute or rule, such standards are designed to prevent the type of harm that allegedly occurred, and compliance with such standards is required as a condition for selling or otherwise distributing the product.

Section 16. Section 768.096, Florida Statutes, is created to read:

768.096 Employer presumption against negligent hiring.—

(1) In a civil action for the death of, or injury or damage to, a third person caused by the intentional tort of an employee, such employee's employer shall be presumed not to have been negligent in hiring such employee if, before hiring the employee, the employer conducted a background investigation of the prospective employee and the investigation

did not reveal any information that reasonably demonstrated the unsuitability of the prospective employee for the particular work to be performed or for the employment in general. A background investigation under this section must include:

(a) Obtaining a criminal background investigation on the prospective employee pursuant to subsection (2);

(b) Making a reasonable effort to contact references and former employers of the prospective employee concerning the suitability of the prospective employee for employment;

(c) Requiring the prospective employee to complete a job application form that includes questions concerning whether he or she has ever been convicted of a crime, including details concerning the type of crime; the date of conviction and the penalty imposed; and whether the prospective employee has ever been a defendant in a civil action for intentional tort, including the nature of the intentional tort and the disposition of the action;

(d) Obtaining, with written authorization from the prospective employee, a check of the driver's license record of the prospective employee if such a check is relevant to the work the employee will be performing and if the record can reasonably be obtained; and

(e) Interviewing the prospective employee.

(2) To satisfy the criminal-background-investigation requirement of this section, an employer must request and obtain from the Department of Law Enforcement a check of the information as reported and reflected in the Florida Crime Information Center system as of the date of the request.

(3) The election by an employer not to conduct the investigation specified in subsection (1) does not raise any presumption that the employer failed to use reasonable care in hiring an employee.

Section 17. Section 768.095, Florida Statutes, is amended to read:

768.095 Employer immunity from liability; disclosure of information regarding former *or current* employees.—An employer who discloses information about a former *or current employee* ~~employee's job performance~~ to a prospective employer of the former *or current* employee upon request of the prospective employer or of the former *or current* employee is ~~presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is~~ immune from civil liability for such disclosure or its consequences *unless it is shown by clear and convincing evidence*~~. For purposes of this section, the presumption of good faith is rebutted upon a showing~~ that the information disclosed by the former *or current* employer was knowingly false ~~or deliberately misleading, was rendered with malicious purpose,~~ or violated any civil right of the former *or current* employee protected under chapter 760.

Section 18. Section 768.0705, Florida Statutes, is created to read:

768.0705 Limitation on premises liability.—

(1) A person or organization owning or controlling an interest in a business premises is not liable for civil damages sustained by invitees, guests, or other members of the public which are caused by criminal acts that occur on the premises and which are committed by third parties who are not employees or agents of such person or organization, if the person or organization owning or controlling the interest in a business premises maintains a reasonably safe premises in light of the foreseeability of the occurrence of the particular criminal act.

(2) If at least six provisions contained in the following nine paragraphs of this subsection are substantially met, there shall be a presumption that a person or organization owning or controlling an interest in a business premises, other than a convenience store, has fulfilled any duty to provide adequate security for invitees, guests, and other members of the public against criminal acts that occur in common areas, in parking areas, or on portions of the premises not occupied by buildings or structures and that are committed by third parties who are not employees or agents of the person or organization owning or controlling the interest in a business premises.

(a) Signs shall be prominently posted in the parking area and other public-access points on the premises indicating the hours of normal business operations and the general security measures provided.

(b) The parking area, public walkways, and public building entrances and exits shall be illuminated at an intensity of at least 2 footcandles per square foot at 18 inches above the surface of the ground, pavement, or walkway or, if zoning requirements do not permit such levels of illumination, to the highest intensity permitted.

(c) Crime prevention training, with a curriculum approved by the local law enforcement agency or the Department of Legal Affairs, shall be provided to all nonmanagement on-site employees. To meet the requirements of this paragraph, persons employed at the business premises before October 1, 1998, must receive training by October 1, 1999, and persons employed at the business premises on or after October 1, 1998, must receive training within 120 days after hiring. No person shall be liable for ordinary negligence due to implementing the approved curriculum so long as the training was actually provided. Under no circumstances shall the state or the local law enforcement agency be held liable for the contents of the approved curriculum.

(d) Security cameras shall be installed and maintained, and shall be monitored or recorded, covering public entrances and exits to buildings and at least half the parking lot. Cameras shall operate during business hours and for at least 30 minutes after closing.

(e) An emergency call box, or an alarm system linked to a law enforcement agency, a private security agency, or a security guard or other agent on the premises, shall be maintained and available within 150 feet of any location in the parking lot or other public place on the premises.

(f) A licensed security guard or law enforcement officer is on duty at the time of the criminal occurrence and is either monitoring surveillance cameras or patrolling the premises with such frequency that the parking area and common areas are observed by the guard at not more than 15-minute intervals.

(g) Perimeter fencing shall be installed and maintained which surrounds parking areas and structures and directs pedestrian entry onto the premises.

(h) Landscaping shall be maintained which does not substantially obstruct the view of security personnel or cameras, and landscaping adjacent to areas frequented by the public shall be maintained in a manner that provides no hiding place sufficient to conceal an adult person.

(i) A public address system shall be installed and maintained which is capable of reaching portions of the premises regularly frequented by the public.

(3) The owner or operator of a convenience business that substantially implements the applicable security measures listed in ss. 812.173 and 812.174 shall gain a presumption against liability in connection with criminal acts that occur on the premises and that are committed by third parties who are not employees or agents of the owner or operator of the convenience business.

(4) Failure to implement a sufficient number of the measures listed in subsection (2) or ss. 812.173 and 812.174 shall not create a presumption of liability and no inference may be drawn from such failure or from the substance of measures listed within this section.

Section 19. Section 768.075, Florida Statutes, is amended to read:

768.075 Immunity from liability for injury to trespassers on real property*; definitions; duty to trespassers.*—

(1) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for any civil damages for death of or injury or damage to a trespasser upon the property ~~resulting from or arising by reason of the trespasser's commission of the offense of trespass as described in s. 810.08 or s. 810.09~~, when such trespasser was under the influence of alcoholic beverages with a blood-alcohol level of *0.08* ~~0.10~~ percent or higher, when such trespasser was under the influence of any chemical substance set forth in s. 877.111, when such trespasser was illegally under the influence of any substance controlled under chapter 893, or if the trespasser is affected by any of the aforesaid substances to the extent that her or his normal faculties are impaired. For the purposes of this section, voluntary intoxication or impediment of faculties by use of alcohol or any of the aforementioned substances shall not excuse a party

bringing an action or on whose behalf an action is brought from proving the elements of trespass. However, the person or organization owning or controlling the interest in real property shall not be immune from liability if gross negligence or *intentional* ~~willful and wanton~~ misconduct on the part of such person or organization or agent thereof is a proximate cause of the death of or injury or damage to the trespasser.

(2) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for any civil damages for death of or injury or damage to any discovered or undiscovered trespasser, except as provided in paragraphs (3)(a), (b), and (c), and regardless of whether the trespasser was intoxicated or otherwise impaired.

(3)(a) As used in this subsection, the term:

1. "Implied invitation" means that the visitor entering the premises has an objectively reasonable belief that he or she has been invited or is otherwise welcome on that portion of the real property where injury occurs.

2. "Discovered trespasser" means a person who enters real property without invitation, either express or implied, and whose actual physical presence was detected, within 24 hours preceding the accident, by the person or organization owning or controlling an interest in real property or to whose actual physical presence the person or organization owning or controlling an interest in real property was alerted by a reliable source within 24 hours preceding the accident. The status of a person who enters real property shall not be elevated to that of an invitee, unless the person or organization owning or controlling an interest in real property has issued an express invitation to enter the property or has manifested a clear intent to hold the property open to use by persons pursuing purposes such as those pursued by the person whose status is at issue.

3. "Undiscovered trespasser" means a person who enters property without invitation, either express or implied, and whose actual physical presence was not detected, within 24 hours preceding the accident, by the person or organization owning or controlling an interest in real property.

(b) To avoid liability to undiscovered trespassers, a person or organization owning or controlling an interest in real property must refrain from intentional misconduct, but has no duty to warn of dangerous conditions. To avoid liability to discovered trespassers, a person or organization owning or controlling an interest in real property must refrain from gross negligence or intentional misconduct, and must warn the trespasser of dangerous conditions that are known to the person or organization owning or controlling an interest in real property but that are not readily observable by others.

(c) This subsection shall not be interpreted or construed to alter the common law as it pertains to the "attractive nuisance doctrine."

(4) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for negligence that results in the death of, injury to, or damage to a person who is attempting to commit a felony or who is engaged in the commission of a felony on the property.

Section 20. Section 768.36, Florida Statutes, is created to read:

768.36 Alcohol or drug defense.—

(1) As used in this section, the term:

(a) "Alcoholic beverage" means distilled spirits and any beverage that contains 0.5 percent or more alcohol by volume as determined in accordance with s. 561.01(4)(b).

(b) "Drug" means any chemical substance set forth in s. 877.111 or any substance controlled under chapter 893. The term does not include any drug or medication obtained by the plaintiff pursuant to a prescription, as defined in s. 893.02, which was taken in accordance with the prescription, or any medication that is authorized pursuant to state or federal law for general distribution and use without a prescription in treating human diseases, ailments, or injuries and that was taken in the recommended dosage.

(2) In any civil action, a plaintiff may not recover any damages for loss or injury to his or her person or property if the trier of fact finds that, at the time the plaintiff was injured, the plaintiff was under the influence of any alcoholic beverage or drug to the extent that the plaintiff's normal faculties were impaired or the plaintiff had a blood or breath alcohol level of 0.08 percent or higher, and that as a result of the influence of such alcoholic beverage or drug the plaintiff was more than 50 percent at fault for his or her own harm.

Section 21. Section 768.725, Florida Statutes, is created to read:

768.725 Punitive damages; burden of proof.—In all civil actions the plaintiff must establish at trial by clear and convincing evidence its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof shall apply to the determination regarding the amount of damages.

Section 22. Section 768.72, Florida Statutes, is amended to read:

768.72 Pleading in civil actions; claim for punitive damages.—

(1) In any civil action, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent, only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity knowingly condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The provisions of this section are remedial in nature and shall be applied to all civil actions pending on October 1, 1998, in which the trial or retrial of the action has not commenced.

Section 23. Section 768.73, Florida Statutes, is amended to read:

768.73 Punitive damages; limitation.—

(1)(a) In any civil action *in which the judgment for compensatory damages is for $50,000 or less, judgment for punitive damages awarded to a claimant may not exceed $250,000, except as provided in paragraph (b). In any civil action in which the judgment for compensatory damages exceeds $50,000, the judgment for punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages or $250,000, whichever is higher, except as provided in paragraph (b)* ~~based on negligence, strict liability, products liability, misconduct in commercial transactions, professional liability, or breach of warranty, and involving willful, wanton, or gross misconduct, the judgment for the total~~

~~amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). However, this subsection does not apply to any class action~~.

(b) *No award for punitive damages may exceed the limitations* ~~If any award for punitive damages exceeds the limitation~~ specified in paragraph (a), ~~the award is presumed to be excessive and the defendant is entitled to remittitur of the amount in excess of the limitation~~ unless the claimant demonstrates to the court by clear and convincing evidence that the *defendant engaged in intentional misconduct and that the* award is not excessive in light of the facts and circumstances which were presented to the trier of fact.

(c) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(2)(a) Except as provided in paragraph (b), punitive damages shall not be awarded against a defendant in a civil action if that defendant establishes, before trial, that punitive damages have previously been awarded against that defendant in any state or federal court in any action alleging harm from the same act or single course of conduct for which the claimant seeks compensatory damages. For purposes of a civil action, the term "the same act or single course of conduct" includes acts resulting in the same manufacturing defects, acts resulting in the same defects in design, or failure to warn of the same hazards, with respect to similar units of a product.

(b) In subsequent civil actions involving the same act or single course of conduct for which punitive damages have already been awarded, if the court determines by clear and convincing evidence that the amount of prior punitive damages awarded was insufficient to punish that defendant's behavior, the court may award subsequent punitive damages. In awarding subsequent punitive damages, the court shall make specific findings of fact in the record to support its conclusion. In addition, the court may consider whether the defendant's act or course of conduct has ceased. Any subsequent punitive damage awards shall be reduced by the amount of any earlier punitive damage awards rendered in state or federal court.

(3) The claimant attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the entire judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(4)~~(2)~~ The jury may neither be instructed nor informed as to the provisions of this section.

(5) The provisions of this section are remedial in nature and shall be applied to all civil actions pending on October 1, 1998, in which the trial or retrial of the action has not commenced.

Section 24. Section 768.735, Florida Statutes, is created to read:

768.735 Punitive damages; exceptions; limitation.—

(1) Sections 768.72(2)-(4), 768.725, and 768.73 do not apply to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or arising under chapter 400. Such actions shall be governed by applicable statutes and controlling judicial precedent.

(2)(a) In any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or arising under chapter 400, and involving the award of punitive damages, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). However, this subsection does not apply to any class action.

(b) If any award for punitive damages exceeds the limitation specified in paragraph (a), the award is presumed to be excessive and the defendant is entitled to remittitur of the amount in excess of the limitation unless the claimant demonstrates to the court by clear and convincing evidence that the award is not excessive in light of the facts and circumstances that were presented to the trier of fact.

(c) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(d) The jury may not be instructed or informed as to the provisions of this section.

Section 25. Section 768.736, Florida Statutes, is created to read:

768.736 Punitive damages; exceptions for intoxication.—Sections 768.725 and 768.73 shall not apply to any defendant who, at the time of the act or omission for which punitive damages are sought, was under the influence of any alcoholic beverage or drug to the extent that the defendant's normal faculties were impaired, or who had a blood or breath alcohol level of 0.08 percent or higher.

Section 26. Subsection (3) of section 768.81, Florida Statutes, is amended, and subsection (5) of that section is repealed, to read:

768.81 Comparative fault.—

(3) APPORTIONMENT OF DAMAGES.—In cases to which this section applies, the court shall enter judgment against each party liable on the basis of such party's percentage of fault and not on the basis of the doctrine of joint and several liability; provided that with respect to any party whose percentage of fault equals or exceeds that of a particular claimant *and whose fault exceeds 20 percent*, the court shall enter judgment with respect to economic damages against that party on the basis of the doctrine of joint and several liability. *However, the doctrine of joint and several liability shall not apply to that portion of economic damages in excess of $300,000. A party against whom the court enters judgment with respect to economic damages on the basis of the doctrine of joint and several liability shall also be liable, on the basis of such party's percentage of fault, for the portion of the economic damages in excess of $300,000. Nothing in this subsection shall be construed to entitle a claimant to recover more than the total amount awarded to that claimant for economic damages.*

(a) In order to allocate any or all fault to a nonparty, a defendant must affirmatively plead the fault of a nonparty and, absent a showing of good cause, identify the nonparty, if known, or describe the nonparty as specifically as practicable, either by motion or in the initial responsive pleading when defenses are first presented, subject to amendment any time before trial in accordance with the Florida Rules of Civil Procedure.

(b) In order to allocate any or all fault to a nonparty and include the named or unnamed nonparty on the verdict form for purposes of apportioning damages, a defendant must prove at trial, by a preponderance of the evidence, any or all fault of the nonparty in causing the plaintiff's injuries.

~~(5) APPLICABILITY OF JOINT AND SEVERAL LIABILITY.—Notwithstanding the provisions of this section, the doctrine of joint and several liability applies to all actions in which the total amount of damages does not exceed $25,000.~~

Section 27. Paragraph (b) of subsection (9) of section 324.021, Florida Statutes, is amended, and paragraph (c) is added to that subsection, to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(9) OWNER; OWNER/LESSOR.—

(b) Owner/lessor.—Notwithstanding any other provision of the Florida Statutes or existing case law:~~;~~

1. The lessor, under an agreement to lease a motor vehicle for 1 year or longer which requires the lessee to obtain insurance acceptable to the lessor which contains limits not less than $100,000/$300,000 bodily injury liability and $50,000 property damage liability or not less than $500,000 combined property damage liability and bodily injury liability, shall not be deemed the owner of said motor vehicle for the purpose of determining financial responsibility for the operation of said motor vehicle or for the acts of the operator in connection therewith; further, this

subparagraph ~~paragraph~~ shall be applicable so long as the insurance meeting these requirements is in effect. The insurance meeting such requirements may be obtained by the lessor or lessee, provided, if such insurance is obtained by the lessor, the combined coverage for bodily injury liability and property damage liability shall contain limits of not less than $1 million and may be provided by a lessor's blanket policy.

2. The lessor, under an agreement to rent or lease a motor vehicle for a period of less than 1 year, shall be deemed the owner of the motor vehicle for the purpose of determining liability for the operation of the vehicle or the acts of the operator in connection therewith only up to $100,000 per person and up to $300,000 per incident for bodily injury and up to $50,000 for property damage. If the lessee or the operator of the motor vehicle is uninsured or has any insurance with limits less than $500,000 combined property damage and bodily injury liability, the lessor shall be liable for up to an additional $500,000 in economic damages only arising out of the use of the motor vehicle. The additional specified liability of the lessor for economic damages shall be reduced by amounts actually recovered from the lessee, from the operator, and from any insurance or self insurance covering the lessee or operator. Nothing in this subparagraph shall be construed to affect the liability of the lessor for its own negligence.

3. The owner who is a natural person and loans a motor vehicle to any permissive user other than a relative residing in the same household as defined in s. 627.732(4) shall be liable for the operation of the vehicle or the acts of the operator in connection therewith only up to $100,000 per person and up to $300,000 per incident for bodily injury and up to $50,000 for property damage. If the permissive user of the motor vehicle is uninsured or has any insurance with limits less than $500,000 combined property damage and bodily injury liability, the owner shall be liable for up to an additional $500,000 in economic damages only arising out of the use of the motor vehicle. The additional specified liability of the owner for economic damages shall be reduced by amounts actually recovered from the permissive user and from any insurance or self-insurance covering the permissive user. Nothing in this subparagraph shall be construed to affect the liability of the owner for his or her own negligence.

(c) Application.—The limits on liability in subparagraphs (b)2. and (b)3. do not apply to an owner of motor vehicles that are used for commercial activity in the owner's ordinary course of business, other than a rental company that rents or leases motor vehicles. For purposes of this paragraph, the term "rental company" includes only an entity that is engaged in the business of renting or leasing motor vehicles to the general public and that rents or leases a majority of its motor vehicles to persons with no direct or indirect affiliation with the rental company. The term also includes a motor vehicle dealer that provides temporary replacement vehicles to its customers for up to 10 days.

Section 28. Subsections (6), (7), and (8) are added to section 400.023, Florida Statutes, to read:

400.023 Civil enforcement.—

(6) To recover attorney's fees under this section, the following conditions precedent must be met:

(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.

1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:

a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.

b. Set a date for mediation.

c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.

2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.

3. The mediation shall be conducted in the following manner:

a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.

b. Each party shall mediate in good faith.

4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.

(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.

(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.

(d) This subsection applies to all causes of action that accrue on or after October 1, 1998.

(7) Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(8) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.

Section 29. *The Legislature declares as a matter of public policy that the state has a substantial interest in protecting the privacy, well-being, and tranquility of the public against intrusive elements of advertising by attorneys. The Legislature further declares as a matter of public policy that the state's substantial interest includes ensuring that advertising by attorneys presents the public with complete and accurate information necessary to make informed decisions about employing the legal services of an attorney and also ensuring that advertising does not negatively reflect upon the legal profession, the legal system, or the administration of justice. The Legislature finds that research conducted by The Florida Bar, and recognized by the United States Supreme Court in the case of The Florida Bar v. Went For It, Inc., 515 U.S. 618 (1995), shows that people of the State of Florida view elements of attorney advertising and solicitation as being intrusive on privacy and contributing to negative images of the legal profession. The Legislature also finds that The Florida Bar's research shows that electronic advertising by attorneys does not provide the public with useful and factual information with which to make informed decisions about hiring an attorney. The Legislature further finds that television advertising diminishes the public's respect for the fairness and integrity of the legal system. In light of these findings, it is the request of the Legislature that the Florida Supreme Court, through The Florida Bar, regulate attorney advertising in a limited but necessary manner that will directly and materially advance the state's public policy interests as declared by the Legislature. The Legislature further requests The Florida Bar to form a task force to address the adoption of rules prohibiting advertising by members of its voluntary sections and to consider creating additional voluntary components the members of which would be prohibited from advertising.*

Section 30. *Because the Legislature finds that comprehensive litigation reform is of the utmost importance, the Legislature also requests that the Florida Supreme Court consider adopting rules to effectuate the legislative expression of public policy as set forth in this act.*

Section 31. *(1) The Department of Insurance shall, after issuing a request for proposals, contract with a national independent actuarial firm to conduct an actuarial analysis, consistent with generally accepted actuarial practices, of the expected reduction in liability judgments, settlements, and related costs resulting from the provisions of this act. The analysis shall be based on credible loss cost data derived from settlement or adjudication of liability claims, other than liability claims insured under private passenger automobile insurance or personal lines residential property insurance, accruing after the effective date of this act. The*

analysis shall include an estimate of the percentage decrease in such judgments, settlements, and costs by type of coverage affected by this act, including the time period when such savings or reductions are expected.

(2) The report shall be completed and submitted to the department by March 1, 2001.

(3) After March 1, 2001, the department shall review the filed rates of insurers and underwriting profits and losses for Florida liability insurance businesses, and shall require any prospective rate modifications that the department deems to be necessary, consistent with the applicable rating law, to cause the rates of any specific insurer to comply with the applicable rating law. The department shall require each liability insurer's first rate filing after March 1, 2001, other than rate filings for private passenger automobile insurance or personal lines residential property insurance, to include specific data on the impact of this act on the insurer's liability judgments, settlements, and costs for the purpose of enabling the department and the Legislature to accurately monitor and evaluate the effects of this act.

(4) The report under subsection (1) shall be admissible in any proceedings relating to a liability insurance rate filing if the actuary who prepared the report is made available by the department to testify regarding the report's preparation and validity. Each party shall otherwise bear its own cost of any such proceeding.

(5) The provisions of this section do not limit the authority of the department to order an insurer to refund excessive profits, as provided in sections 627.066 and 627.215, Florida Statutes.

Section 32. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 33. This act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the taking of notes under certain circumstances; providing for notebooks; providing for written questions; providing for final instructions; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; creating s. 44.1051, F.S.; providing for voluntary trial resolution; providing for the appointment of a trial resolution judge; providing for compensation; providing for fees; providing for the tolling of applicable statutes of limitation; providing for powers of trial resolution judges; providing for hearings and evidence; providing for appeal; providing for application; amending s. 57.105, F.S.; revising conditions for award of attorney's fees for presenting unsupported claims or defenses; authorizing damage awards against a party for unreasonable delay of litigation; authorizing the court to impose additional sanctions; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; providing for expedited trials; amending s. 768.77, F.S.; deleting a requirement to itemize future damages on verdict forms; amending s. 768.78, F.S.; conforming provisions relating to alternative methods of payment of damage awards to changes made by the act; correcting a cross-reference; creating s. 47.025, F.S.; providing that certain venue provisions in a contract for improvement to real property are void; specifying appropriate venue for actions against resident contractors, subcontractors, and sub-subcontractors; requiring the clerk of court to report certain information on negligence cases to the Office of the State Court Administrator; amending s. 90.803, F.S.; revising the hearsay exception for former testimony; amending s. 95.031, F.S.; imposing a 12-year statute of repose on actions for product liability, with certain exceptions; specifying the date by which certain actions must be brought or be otherwise barred by the statute of repose; creating s. 768.1256, F.S.; providing a government rules defense with respect to certain product liability actions; providing for a rebuttable presumption; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.0705, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in a business premises; providing for a presumption against liability; providing conditions for the presumption; amending s. 768.075, F.S.; delineating the duty owed to trespassers by a person or organization owning or controlling an interest in real property; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing immunity from certain liability arising out of the attempt to commit or the commission of a felony; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if the plaintiff was more than a specified percentage at fault due to the influence of an alcoholic beverage or drugs; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.72, F.S.; revising provisions with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; amending s. 768.73, F.S.; revising provisions with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; providing for the effect of certain previous punitive damages awards; specifying the basis for calculating attorney's fees on judgments for punitive damages; providing for the application of the section; creating s. 768.735, F.S.; providing that ss. 768.72(2)-(4), 768.725, and 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; limiting the amount of punitive damages that may be awarded to a claimant in certain civil actions involving abuse or arising under ch. 400, F.S.; creating s. 768.736, F.S.; providing that ss. 768.725 and 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; limiting the applicability of joint and several liability based on the amount of damages; providing for the allocation of fault to a nonparty; requiring that such fault must be proved by a preponderance of the evidence; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; amending s. 324.021, F.S.; providing that the lessor of a motor vehicle under certain rental agreements shall be deemed the owner of the vehicle for the purpose of determining liability for the operation of the vehicle within certain limits; providing for the liability of the owner of a motor vehicle who loans the vehicle to certain users; providing for application; amending s. 400.023, F.S., relating to actions brought on behalf of nursing home residents; requiring mediation as a condition for recovery of attorney's fees; providing for application; providing a standard for any award of punitive damages; providing that the state has a substantial interest in protecting the public against intrusive advertising by attorneys; providing legislative findings; requesting that the Supreme Court regulate attorney advertising and form a task force; requesting that the Supreme Court adopt rules to effectuate the legislative expression of public policy; requiring the Department of Insurance to contract with an actuarial firm to conduct an actuarial analysis of expected reductions in judgments and related costs resulting from litigation reforms; specifying the basis and due date for the actuarial report; providing for review of rate filings by certain types of insurers after March 1, 2001; providing that provisions do not limit the refund of excessive profits by certain insurers; providing for severability; providing an effective date.

MOTION

On motion by Senator Bankhead, by two-thirds vote debate on the Conference Committee Report on **CS for SB 874** was limited to one half hour per side, including questions and answers, for a total of one hour.

POINT OF ORDER

Senator Dudley raised a point of order that pursuant to Rule 2.19 the Conference Committee Report contained a substance foreign to either the Senate or House bill and was therefore out of order.

The President referred the point to Senator Bankhead, Chairman of the Committee on Rules and Calendar.

RULING ON POINT OF ORDER

Recommendation of Senator Bankhead, Chairman of the Committee on Rules and Calendar, on the point of order: Senator Dudley's point of order is that there is substance in the Conference Report that is "foreign to the bills before the conferees"; specifically in Section 26 on page 33 that contains a threshold percentage and a cap on damages.

These are both sub-issues and components of the larger issue of comparative fault. Had neither house's bill had a reference to comparative fault, Senator Dudley's point would have been well taken.

However, the purpose of this part of Rule 2.19 is basically *Notice*. Members of the public and members of the Legislature must be informed of the substance of the legislation being considered for passage. Conference committees are given great power, and in fact take on many of the powers of the entire Legislature, and this power would be unlimited if a conference committee were allowed to consider and include in their report "substance foreign to the bills before the conferees."

The position established in the conference report on the above two sub-issues is well within the parameters of the two bills. CS for SB 874 (1st Engrossed) had a percentage threshold in Section 20, and the House amendment to CS for SB 874 had a cap in Section 11, all roughly comparable to those adopted by the Conference Report.

Accordingly, I recommend to you that Senator Dudley's point is not well taken.

Ruling by the President

The President ruled the point of order not well taken.

On motion by Senator McKay the Conference Committee Report was adopted and **CS for SB 874** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—24

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Kirkpatrick	Ostalkiewicz
Bronson	Diaz-Balart	Latvala	Scott
Brown-Waite	Grant	Laurent	Sullivan
Burt	Gutman	Lee	Thomas
Casas	Harris	McKay	Williams

Nays—16

Campbell	Dyer	Holzendorf	Meadows
Childers	Forman	Jones	Rossin
Clary	Geller	Klein	Silver
Dudley	Hargrett	Kurth	Turner

RECESS

The President declared the Senate in recess at 11:55 a.m.

CALL TO ORDER

The Senate was called to order by the President at 11:59 a.m. A quorum present.

RECONSIDERATION OF BILL

On motion by Senator Bronson, the Senate reconsidered the vote by which—

CS for HB 3673—A bill to be entitled An act relating to aquaculture; amending s. 253.72, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.027, F.S.; providing an exception to rulemaking authority of the Marine Fisheries Commission with respect to specified marine life; providing that marine aquaculture producers shall be regulated by the Department of Agriculture and Consumer Services; amending s. 370.06, F.S.; revising provisions relating to issuance and renewal of saltwater products licenses and special activity licenses; authorizing issuance of special activity licenses for the use of special gear or equipment, the importation and possession of sturgeon, and the harvest of certain shellfish; authorizing permit consolidation procedures; amending s. 370.081, F.S.; revising provisions relating to the importation of nonindigenous marine plants and animals; amending s. 370.10, F.S.; authorizing the harvesting or possession of saltwater species for experimental, scientific, education, and exhibition purposes; amending s. 370.16, F.S.; establishing wild harvest setbacks from shellfish leases; amending s. 370.26, F.S.; relating to aquaculture definitions; defining the term "marine product facility" and revising definition of the term "marine aquaculture product"; deleting requirements of an Aquaculture Section in the Department of Environmental Protection; providing duties of the Department of Agriculture and Consumer Services; authorizing delegation of regulatory authority for certain aquaculture facilities; amending s. 372.0225, F.S.; revising responsibilities of the Division of Fisheries of the Game and Fresh Water Fish Commission relating to freshwater organisms; amending s. 372.65, F.S.; authorizing exemption for freshwater fish dealer's license; amending s. 372.6672, F.S.; removing obsolete language relating to state-sanctioned sales of alligator hides; amending s. 372.6673, F.S.; providing for a portion of the fees assessed for alligator egg collection permits to be transferred to the General Inspection Trust Fund to be used for certain purposes; amending s. 372.6674, F.S.; providing for a portion of the fees assessed for alligator hide validation tags to be transferred to the General Inspection Trust Fund to be used for certain purposes; amending s. 373.046, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 373.406, F.S.; providing exemption for management and storage of surface water; amending s. 403.0885, F.S.; providing exemptions from the state National Pollutant Discharge Elimination System program; amending s. 403.814, F.S.; revising and clarifying provisions relating to aquaculture general permits; amending s. 597.002, F.S.; clarifying jurisdiction over aquaculture activities; amending s. 597.003, F.S.; expanding the powers and duties of the Department of Agriculture and Consumer Services relating to regulation of aquaculture; amending s. 597.004, F.S.; revising provisions relating to aquaculture certificate of registration; providing for shellfish and nonshellfish certification; providing for rules, waiver of liability, compliance, and reports; amending s. 597.005, F.S.; providing for a list of prioritized research needs; providing an effective date.

—as amended passed April 29.

Senator Bronson moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (with title amendment)—On page 3, line 16, insert:

Section 1. Paragraph (a) of subsection (2) of section 370.0605, Florida Statutes, is amended to read:

370.0605 Saltwater fishing license required; fees.—

(2) Saltwater fishing license fees are as follows:

(a)1. For a resident of the state, ~~$10 for a 10-day license and~~ $12 for a 1-year license.

2. For a resident of the state, $60 for 5 consecutive years from the date of purchase.

3. For a nonresident of the state, $5 for a 3-day license, $15 for a 7-day license, and $30 for a 1-year license.

4. For purposes of this section, "resident" has the same meaning as that found in s. 372.001.

Section 2. Paragraphs (b) and (f) of subsection (4) of section 372.57, Florida Statutes, are amended, paragraph (g) is added to said subsection, and subsection (7), paragraphs (c) and (d) of subsection (8), and subsections (9), (11), and (14) of that section are amended, to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued

to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, the date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany all applications for a lifetime license for residents 12 years of age and younger.

(4) In addition to any license required by this chapter, the following permits and fees for certain hunting, fishing, and recreational uses, and the activities authorized thereby, are:

(b)*1.* Management area permits to hunt, fish, or otherwise use for outdoor recreational purposes, land owned, leased, or managed by the commission or the State of Florida for the use and benefit of the commission, up to $25 annually. Permits, and fees thereof, for short-term use of land which is owned, leased, or managed by the commission may be established by rule of the commission for any activity on such lands. Such permits and fees may be in lieu of or in addition to the annual management area permit. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission shall have obtained the written consent of the owner or primary custodian of such lands.

2. A recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlockonee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway. The fee for this permit shall be based upon economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. On property currently in the private landowner payment program, the prior year's landowner payment shall be used to augment the landowner lease fee so as to decrease the permit fee for the users of that property. The spouse and dependent children of a permittee are exempt from the permit fee when engaged in outdoor recreational activities other than hunting in the company of the permittee. Notwithstanding any other provision of this chapter, there are no other exclusions, exceptions, or exemptions from this permit fee. The landowner lease fee, less an administrative permit fee of up to $25 per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

(f) A special use permit for limited entry hunting or fishing, where such hunting or fishing is authorized by commission rule, shall be up to $100 per day but shall not exceed $250 per week. *Notwithstanding any other provision of this chapter, there are no exclusions, exceptions, or exemptions from this fee.* In addition to the fee, the commission may charge each applicant for a special use permit a nonrefundable application fee of up to $10.

(g) The fee for a permanent hunting and fishing license for a resident 64 years of age or older is $12.

(7) A resident lifetime sportsman's license authorizes the holder to engage in the following noncommercial activities:

(a) To take or attempt to take or possess freshwater fish, marine fish, and game, consistent with state and federal regulations and rules of the commission and the Department of Environmental Protection in effect at the time of taking.

(b) All activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, an archery permit, a Florida waterfowl permit, a snook permit, and a crawfish permit.

~~(c) All activities for which an additional license, permit, or fee may be required to take or attempt to take or possess freshwater fish, marine fish, and game, imposed subsequent to the date of purchase of the resident lifetime sportsman's license.~~

(8) The fee for a resident lifetime sportsman's license is:

(c) *13* ~~13-63~~ years of age or older $1,000

~~(d) 64 years of age or older . . . . . $12~~

(9) A resident lifetime hunting license authorizes the holder to engage in the following noncommercial activities:

(a) To take or attempt to take or possess game consistent with state and federal regulations and rules of the commission in effect at the time of taking.

(b) All activities authorized by a management area permit, excluding fishing, a muzzle-loading gun permit, a turkey permit, an archery permit, and a Florida waterfowl permit.

~~(c) All activities for which an additional license, permit, or fee may be required to take or attempt to take or possess game, imposed subsequent to the date of purchase of the resident lifetime hunting license.~~

(11) A resident lifetime freshwater fishing license authorizes the holder to engage in the following noncommercial activities:

(a) To take or attempt to take or possess freshwater fish consistent with state and federal regulations and rules of the commission in effect at the time of taking.

(b) All activities authorized by a management area permit, excluding hunting.

~~(c) All activities for which an additional license, permit, or fee may be required to take or attempt to take or possess freshwater fish, imposed subsequent to the date of purchase of the resident lifetime freshwater fishing license.~~

(14) The following 5-year licenses are authorized:

(a) A 5-year freshwater fishing license for a resident to take or attempt to take or possess freshwater fish in this state for 5 consecutive years is $60 and authorizes the holder to engage in ~~the following~~ noncommercial activities~~:~~

~~1.~~ to take or attempt to take or possess freshwater fish consistent with state and federal regulations and rules of the commission in effect at the time of taking.

~~2. All activities authorized by a management area permit, excluding hunting.~~

~~3. All activities for which an additional license, permit, or fee is required to take or attempt to take or possess freshwater fish, imposed subsequent to the date of purchase of the 5-year resident freshwater fishing license until the date of expiration.~~

(b) A 5-year hunting license for a resident to take or attempt to take or possess game in this state for 5 consecutive years is *$55* ~~$270~~ and authorizes the holder to engage in ~~the following~~ noncommercial activities~~:~~

~~1.~~ to take or attempt to take or possess game consistent with state and federal regulations and rules of the commission in effect at the time of taking.

~~2. All activities authorized by a management area permit, excluding fishing, a muzzle-loading gun permit, a turkey permit, an archery permit, and a Florida waterfowl permit.~~

~~3. All activities for which an additional license, permit, or fee may be required to take or attempt to take or possess game, imposed subsequent to the date of purchase of the 5-year resident hunting license until the date of expiration.~~

Section 3. Paragraph (d) is added to subsection (2) of section 372.672, Florida Statutes, to read:

372.672 Florida Panther Research and Management Trust Fund.—

(2) Money from the fund shall be spent only for the following purposes:

(d) To fund and administer education programs authorized in s. 372.674.

Section 4. Paragraphs (b), (d), and (e) of subsection (6) and subsection (7) of section 372.674, Florida Statutes, are amended to read:

372.674 Environmental education.—

(6) The advisory council shall:

(b) Develop a recommended priority list for projects to be funded through the *Florida Panther Research and Management Trust Fund and the* Save the Manatee Trust Fund and review and evaluate projects implemented through the fund.

(d) Cooperate with the Department of Education in evaluating annual project proposals for projects to be funded through the *Florida Panther Research and Management Trust Fund and the* Save the Manatee Trust Fund to develop and distribute model instructional materials for use in environmental education to integrate environmental education into the general curriculum of public school districts, community colleges, and universities.

(e) Cooperate with the Department of Environmental Protection in evaluating annual proposals for projects to be funded through the *Florida Panther Research and Management Trust Fund and the* Save the Manatee Trust Fund that can promote an understanding about environmental protection programs and activities administered by the department.

(7) The Game and Fresh Water Fish Commission shall review the recommended list of projects to be funded from the *Florida Panther Research and Management Trust Fund and the* Save the Manatee Trust Fund by August of each year and make a final determination of projects to receive grants from available appropriations by the Legislature. The commission shall act upon the recommended list within 45 days after receipt of the list.

Section 5. Subsections (5), (6), (7), and (8) of section 372.921, Florida Statutes, are renumbered as subsections (6), (7), (8), and (9), respectively, and a new subsection (5) is added to said section to read:

372.921 Exhibition of wildlife.—

(5) In instances where wildlife is seized or taken into custody by the commission, said owner or possessor of such wildlife shall be responsible for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of wildlife. Such expenses shall be paid by said owner or possessor upon any conviction or finding of guilt of a criminal or noncriminal violation, regardless of adjudication or plea entered, of any provision of chapter 372 or chapter 828, or rule of the commission or if such violation is disposed of under s. 921.187. Failure to pay such expense may be grounds for revocation or denial of permits to such individual to possess wildlife.

Section 6. Subsections (4), (5), and (6) of section 372.922, Florida Statutes, are renumbered as subsections (5), (6), and (7), respectively, and a new subsection (4) is added to said section to read:

372.922 Personal possession of wildlife.—

(4) In instances where wildlife is seized or taken into custody by the commission, said owner or possessor of such wildlife shall be responsible for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of wildlife. Such expenses shall be paid by said owner or possessor upon any conviction or finding of guilt of a criminal or noncriminal violation, regardless of adjudication or plea entered, of any provision of chapter 372 or chapter 828, or rule of the commission or if such violation is disposed of under s. 921.187. Failure to pay such expense may be grounds for revocation or denial of permits to such individual to possess wildlife.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to conservation of plants and animals; amending s. 370.0605, F.S.; deleting the $10 for 10 days saltwater fishing license; amending s. 372.57, F.S.; providing for a recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by Game and Fresh Water Fish Commission from private nongovernmental owners; providing for the sale of specified lands by the Board of Trustees of the Internal Improvement Trust Fund; clarifying provisions with respect to special use permits; increasing to age 64 or older the age to obtain a permanent hunting or fishing license for a certain fee; revising provisions with respect to a lifetime sportsman's license and a lifetime freshwater fishing license; revising provisions with respect to 5-year licenses; reducing a 5-year hunting license fee; amending s. 372.672, F.S.; providing an additional use for funds in the Florida Panther Research and Management Trust Fund; amending s. 372.674, F.S.; providing reference to the Florida Panther Research and Management Trust Fund with respect to environmental education; amending ss. 372.921, 372.922, F.S.; providing for payment of expenses relative to wildlife seized or taken by the Game and Freshwater Fish Commission; amending s.

On motion by Senator Bronson, **CS for HB 3673** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SPECIAL ORDER CALENDAR, continued

CS for SB 1748—A bill to be entitled An act relating to funds distributed to local governments; amending s. 236.081, F.S.; amending the prerequisites to excluding from the computation of district required local effort the assessed value of property that is the subject of litigation; creating s. 218.66, F.S.; providing for a special distribution of funds from the Local Government Half-cent Sales Tax Clearing Trust Fund to a county or municipality under certain conditions; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **CS for SB 1748** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Gutman, the rules were waived and the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 772—A bill to be entitled An act relating to criminal justice; amending s. 806.13, F.S.; authorizing the aggregation of the value of damage to separate properties in determining the grade of the offense for criminal mischief in which the damage occurred during one scheme or course of conduct; creating s. 810.14, F.S.; prohibiting a person from secretly observing or committing other acts against another person with lewd, lascivious, or indecent intent when the other person is in a location that provides a reasonable expectation of privacy; providing that a person may be convicted and sentenced separately for the voyeurism offense and for any other criminal offense; providing for criminal penalties; providing an effective date.

—as amended April 29 was read the third time by title.

An amendment was considered and adopted to conform **CS for SB 772** to **CS for HB 3709**.

Pending further consideration of **CS for SB 772** as amended, on motion by Senator Gutman, by two-thirds vote **CS for HB 3709** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Gutman, by two-thirds vote—

CS for HB 3709—A bill to be entitled An act relating to voyeurism; creating s. 810.14, F.S., relating to the offense of voyeurism; prohibiting a person, with lewd, lascivious, or indecent intent, from secretly observing, photographing, filming, videotaping, or recording another person located in a dwelling, structure, or conveyance providing a reasonable expectation of privacy; providing for conviction and sentencing of the offense separately from other offenses; providing penalties; providing third degree felony penalties upon conviction of a second or subsequent offense of voyeurism; providing an effective date.

—a companion measure, was substituted for **CS for SB 772** as amended and read the second time by title.

Senators Gutman and Kirkpatrick offered the following amendment which was moved by Senator Gutman and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (3) of section 806.13, Florida Statutes, are reenacted and subsection (4) of that section is amended, to read:

806.13 Criminal mischief; penalties; penalty for minor.—

(1)(a) A person commits the offense of criminal mischief if he or she willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.

(b)1. If the damage to such property is $200 or less, it is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. If the damage to such property is greater than $200 but less than $1,000, it is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

3. If the damage is $1,000 or greater, or if there is interruption or impairment of a business operation or public communication, transportation, supply of water, gas or power, or other public service which costs $1,000 or more in labor and supplies to restore, it is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who willfully and maliciously defaces, injures, or damages by any means any church, synagogue, mosque, or other place of worship, or any religious article contained therein, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the damage to the property is greater than $200.

(3) Whoever, without the consent of the owner thereof, willfully destroys or substantially damages any public telephone, or telephone cables, wires, fixtures, antennas, amplifiers, or any other apparatus, equipment, or appliances, which destruction or damage renders a public telephone inoperative or which opens the body of a public telephone, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; provided, however, that a conspicuous notice of the provisions of this subsection and the penalties provided is posted on or near the destroyed or damaged instrument and visible to the public at the time of the commission of the offense.

(4)*(a) The amounts of value of damage to property owned by separate persons, if the property was damaged during one scheme or course or conduct, may be aggregated in determining the grade of the offense under this section.*

(b) Any person who violates this section may, in addition to any other criminal penalty, be required to pay for the damages caused by such offense.

Section 2. Section 810.14, Florida Statutes, is created to read:

810.14 Voyeurism prohibited; penalties.—

(1) A person commits the offense of voyeurism when he or she, with lewd, lascivious, or indecent intent, secretly observes, photographs, films, videotapes, or records another person when such other person is located in a dwelling, structure, or conveyance and such location provides a reasonable expectation of privacy.

(2) A person who violates this section commits a misdemeanor of the first degree for the first violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who violates this section and who has been previously convicted or adjudicated delinquent two or more times of any violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) For purposes of this section, a person has been previously convicted or adjudicated delinquent of a violation of this section if the violation resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense.

Section 3. This act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal justice; amending s. 806.13, F.S.; authorizing the aggregation of the value of damage to separate properties in determining the grade of the offense for criminal mischief in which the damage occurred during one scheme or course of conduct; creating s. 810.14, F.S.; prohibiting a person from secretly observing or committing other acts against another person with lewd, lascivious, or indecent intent when the other person is in a location that provides a reasonable expectation of privacy; providing for criminal penalties; defining a previous conviction or adjudication of delinquency; providing an effective date.

On motion by Senator Gutman, by two-thirds vote **CS for HB 3709** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Latvala, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 244, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 244—A bill to be entitled An act relating to drycleaning solvent cleanup; creating s. 199.1055, F.S.; providing for a contaminated site rehabilitation tax credit against the intangible personal property tax; authorizing the Department of Revenue to adopt rules; amending s. 220.02, F.S.; providing for an additional cross-reference; creating s. 220.1845, F.S.; providing for a contaminated site rehabilitation tax credit against the corporate income tax; authorizing the Department of Revenue to adopt rules; creating s. 376.30781, F.S.; providing for a partial tax credit for the rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites; providing for the Department of Environmental Protection to allocate such partial credits; providing procedures for application for tax credits; providing for a nonrefundable review fee; providing verification requirements; authorizing the Department of Environmental Protection to adopt rules; providing for revocation or modification of eligibility for tax credit under certain conditions; amending s. 213.053, F.S.; providing for information-sharing; reducing appropriation provisions for fiscal year 1998-1999 for brownfield redevelopment activities; amending s. 376.30, F.S.; providing legislative intent regarding drycleaning solvents; amending s. 376.301, F.S.; providing definitions; amending s. 376.303, F.S.; providing for late fees for registration renewals; amending s. 376.3078, F.S.; providing legislative intent regarding voluntary cleanup; providing that certain deductibles must be deposited into the Water Quality Assurance Trust Fund; clarifying circumstances under which drycleaning restoration fund may not be used; providing additional criteria for determining eligibility for rehabilitation; specifying when certain deductibles must be paid; amending the date after which no restoration funds may be used for drycleaning site rehabilitation; clarifying who may apply jointly for participation in the program; providing certain liability immunity for certain adjacent landowners; providing for contamination cleanup criteria that incorporate risk-based corrective action principles to be adopted by rule; requiring certain third-party liability insurance coverage for each operating facility; eliminating a tax credit for small spills at drycleaning facilities; allowing certain group coverage policies; specifying the circumstances under which work may proceed on the next site rehabilitation task without prior approval; requiring the Department of Environmental Protection to give priority consideration to the processing and approval of permits for voluntary cleanup projects; providing the conditions under which further rehabilitation may be required; providing for continuing application of certain immunity for real property owners; requiring the Department of Environmental Protection to attempt to negotiate certain agreements with the U.S. Environmental Protection Agency; amending s. 376.308, F.S.; protecting certain immunity for real property owners; amending s. 376.313, F.S.; correcting a statutory cross-reference; amending s. 376.70, F.S.; clarifying certain registration provisions; requiring certain facilities to pay the gross receipts tax; providing for the payment of taxes and the determination of eligibility in the program; amending s. 376.75, F.S.; providing that the tax on perchloroethylene is not subject to sales tax; amending ss. 287.0595, 316.302, F.S.; correcting statutory cross-references; amending s. 213.053, F.S.; authorizing the Department of Revenue to release certain information to certain persons; providing an effective date.

House Amendment 1—On page 5, line 9; page 14, line 28; page 15, line 1; and on page 18, line 5 remove from the bill: *"$5"* and insert in lieu thereof: *$2*

On motion by Senator Latvala, the Senate concurred in the House amendment.

CS for SB 244 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 484, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 484—A bill to be entitled An act relating to public assistance; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; prescribing guidelines for Medicaid payment of Medicare deductibles and coinsurance; eliminating a prohibition on specified contracts; repealing redundant provisions; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; modifying the licensure requirements for a provider of services under a pilot project; amending s. 409.9122, F.S.; requiring the Agency for Health Care Administration to reimburse county health departments for school–based services; requiring Medicaid managed–care contractors to attempt to enter agreements with school districts and county health departments for specified services; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified ratio of enrollees; amending requirements for the mandatory assignment of Medicaid recipients; amending s. 409.910, F.S.; providing for the distribution of amounts recovered in certain tort suits involving intervention by the Agency for Health Care Administration; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 198.30, F.S.; requiring that each circuit judge provide a report of decedents to the Agency for Health Care Administration; amending s. 154.504, F.S.; providing certain restrictions on the use of copayments by public health facilities; creating ss. 381.0022, 402.115, F.S.; authorizing the Department of Health and the Department of Children and Family Services to share certain confidential information; amending s. 414.028, F.S.; providing for a representative of a county health department or Healthy Start Coalition to serve on the local WAGES coalition; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee of the Department of Health; amending s. 383.011, F.S.; providing that the Department of Health is the designated state agency for receiving federal funds for the Child Care Food Program; requiring the department to adopt rules for administering the program; amending s. 383.04, F.S.; revising the requirements for the prophylactic to be used for the eyes of infants; repealing s. 383.05, F.S., relating to the free distribution of such prophylactic; amending s. 409.903, F.S.; providing Medicaid eligibility standards for certain persons; conforming references; providing an appropriation to be matched by federal Medicaid funds; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *The Legislature finds that the provisions of this act which amend sections 154.301 through 154.316, Florida Statutes, fulfill the important state interest of promoting the legislative intent of the Florida Health Care Responsibility Act, as that intent is expressed in section 154.302, Florida Statutes.*

Section 2. Section 154.301, Florida Statutes, is amended to read:

154.301 Short title.—Sections 154.301-154.316 may be cited as "The Florida Health Care Responsibility Act ~~of 1988~~."

Section 3. Section 154.302, Florida Statutes, is amended to read:

154.302 Legislative intent.—The Legislature finds that certain hospitals provide a disproportionate share of charity care for persons who are indigent, ~~and~~ not able to pay their medical bills, and ~~who are~~ not eligible for government-funded programs. The burden of absorbing the cost of this uncompensated charity care is borne by the hospital, the private pay patients, and, many times, by the taxpayers in the county when the hospital is subsidized by tax revenues. The Legislature further finds that it is inequitable for hospitals and taxpayers of one county to be expected to subsidize the care of out-of-county indigent persons. Finally, the Legislature declares that the state and the counties must share the responsibility of assuring that adequate and affordable health care is available to all Floridians. Therefore, it is the intent of the Legislature to place the ultimate financial obligation for the out-of-county hospital care of qualified indigent patients on the county in which the indigent patient resides.

Section 4. Section 154.304, Florida Statutes, is amended to read:

154.304 Definitions.—*As used in this part, the term* ~~For the purpose of this act~~:

(1) "Agency" means the Agency for Health Care Administration.

~~(1) "Board" means the Health Care Board as established in chapter 408.~~

(2) "Certification determination procedures" means the process used by the county of residence or the *agency* ~~department~~ to determine a person's county of residence.

(3) "Certified resident" means a United States citizen or lawfully admitted alien who has been certified as a resident of the county by a person designated by the county governing body to provide certification determination procedures for the county in which the patient resides; by the *agency* ~~department~~ if such county does not make a determination of residency within 60 days *after* ~~of~~ receiving a certified letter from the treating hospital; or by the *agency* ~~department~~ if the hospital appeals the decision of the county making such determination.

(4) "Charity care obligation" means the minimum amount of uncompensated charity care as reported to the agency ~~for Health Care Administration~~, based on the hospital's most recent audited actual experience, which must be provided by a participating hospital or a regional referral hospital before the hospital is eligible to be reimbursed by a county under ~~the provisions of~~ this *part* ~~act~~. That amount shall be the ratio of uncompensated charity care days compared to total acute care inpatient days, which shall be equal to or greater than 2 percent.

(5) "Department" means the Department of Health.

(6) "Eligibility determination procedures" means the process used by a county or the *agency* ~~department~~ to evaluate a person's financial eligibility, eligibility for state-funded or federally funded programs, and the availability of insurance, in order to document a person as a qualified indigent for the purpose of this *part* ~~act~~.

(7) "Hospital~~,~~" ~~for the purposes of this act,~~ means an establishment as defined in s. 395.002 and licensed by the *agency* ~~department~~ which qualifies as either a participating hospital or as a regional referral hospital pursuant to this section; except that, hospitals operated by the department shall not be considered participating hospitals for purposes of this *part* ~~act~~.

(8) "Participating hospital" means a hospital which is eligible to receive reimbursement under the provisions of this *part* ~~act~~ because it has been certified by the *agency* ~~board~~ as having met its charity care obligation and has either:

(a) A formal signed agreement with a county or counties to treat such county's indigent patients; or

(b) Demonstrated to the *agency* ~~board~~ that at least 2.5 percent of its uncompensated charity care, as reported to the *agency* ~~board~~, is generated by out-of-county residents.

(9) "Qualified indigent person" or "qualified indigent patient" means a person who has been determined pursuant to s. 154.308 to have an average family income, for the 12 months preceding the determination, which is below 100 percent of the federal nonfarm poverty level; who is not eligible to participate in any other government program *that* ~~which~~ provides hospital care; who has no private insurance or has inadequate private insurance; and who does not reside in a public institution as defined under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended.

(10) "Regional referral hospital" means any hospital *that* ~~which~~ is eligible to receive reimbursement under the provision of this *part* ~~act~~ because it has met its charity care obligation and it meets the definition of teaching hospital as defined in s. 408.07.

Section 5. Section 154.306, Florida Statutes, is amended to read:

154.306 Financial responsibility for certified residents who are qualified indigent patients treated at an out-of-county participating hospital or regional referral hospital.—Ultimate financial responsibility for treatment received at a participating hospital or a regional referral hospital by a qualified indigent patient who is a certified resident of a county in the State of Florida, but is not a resident of the county in which the participating hospital or regional referral hospital is located, *is* ~~shall be~~ the obligation of the county of which the qualified indigent patient is a resident. Each county *shall* ~~is directed to~~ reimburse participating hospitals or regional referral hospitals as provided for in this *part* ~~act~~, and shall provide or arrange for indigent eligibility determination procedures and resident certification determination procedures as provided for in rules developed to implement this *part* ~~act~~. The *agency* ~~department~~, or any county determining eligibility of a qualified indigent, shall provide to the county of residence, upon request, a copy of any documents, forms, or other information, as determined by rule, which may be used in making an eligibility determination.

(1) A county's financial obligation for each certified resident who qualifies as an indigent patient under this *part* ~~act~~, and who has received treatment at an out-of-county hospital, shall not exceed 45 days per county fiscal year at a rate of payment equivalent to 100 percent of the per diem reimbursement rate currently in effect for the out-of-county hospital under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended, except that those counties that are at their 10-mill cap on October 1, 1991, shall reimburse hospitals for such services at not less than 80 percent of the hospital Medicaid per diem. However, nothing in this section shall preclude a hospital *that* ~~which~~ has a formal signed agreement with a county to treat such county's indigents from negotiating a higher or lower per diem rate with the county. ~~In addition,~~ No county shall be required ~~by this act~~ to pay more than the equivalent of $4 per capita in the county's fiscal year. The *agency* ~~department~~ shall calculate and certify to each county by March 1 of each year, the maximum amount the county may be required to pay ~~under this act~~ by multiplying the most recent official state population estimate for the total population of the county by $4 per capita. Each county shall certify to the *agency* ~~department~~ within 60 days *after* ~~of~~ the end of the county's fiscal year, or upon reaching the $4 per capita threshold, should that occur before the end of the fiscal year, the amount of reimbursement it paid to all out- of-county hospitals under this *part* ~~act~~. *The maximum amount a county may be required to pay to out-of-county hospitals for care provided to qualified indigent residents may be reduced by up to one-half, provided that the amount not paid has or is being spent for in-county hospital care provided to qualified indigent residents.*

(2) No county shall be required to pay for any elective or nonemergency admissions or services at an out-of-county hospital for a qualified indigent who is a certified resident of the county *if* ~~when~~ the county provides funding for such services and the services are available at a local hospital in the county where the indigent resides; or the out-of-county hospital has not obtained prior written authorization and approval for such hospital admission or service, provided that the resident county has established a procedure to authorize and approve such admissions.

(3) The county where the indigent resides shall, in all instances, be liable for the cost of treatment provided to a qualified indigent patient at an out-of-county hospital for any emergency medical condition which will deteriorate from failure to provide such treatment *if* ~~and when~~ such condition is determined and documented by the attending physician to be of an emergency nature; provided that the patient has been certified to be a resident of such county pursuant to s. 154.309.

(4) No county shall be liable for payment for treatment of a qualified indigent who is a certified resident and has received services at an out-of-county participating hospital or regional referral hospital, until such time as that hospital has documented to the *agency* ~~board~~ and the *agency* ~~board~~ has determined that it has met its charity care obligation based on the most recent audited actual experience.

Section 6. Section 154.308, Florida Statutes, is amended to read:

154.308 Determination of patient's eligibility; spend-down program.—

(1) The *agency* ~~department~~, pursuant to s. 154.3105, shall adopt rules which provide statewide eligibility determination procedures, forms, and criteria which shall be used by all counties for determining whether a person financially qualifies as indigent for the purposes of this *part* ~~act~~.

(a) The criteria used to determine eligibility *must* ~~shall~~ be uniform statewide and ~~shall~~ include, at a minimum, which assets, if any, may be included in the determination, which verification of income shall be required, which categories of persons shall be eligible, and any other criteria which may be determined as necessary.

(b) The methodology *for determining* ~~by which to determine~~ financial eligibility *must* ~~shall also~~ be uniform statewide such that any county or the state could determine whether a person *is* ~~would be~~ a qualified indigent ~~under this act~~.

(2) Determination of financial eligibility as a qualified indigent may occur either prior to a person's admission to a participating ~~hospital~~ or a regional referral hospital or subsequent to such admission.

(3) Determination of whether a hospital patient not already determined eligible meets or does not meet eligibility standards to financially qualify as indigent ~~for the purpose of this act~~ shall be made within 60 days following notification by the hospital requesting a determination of indigency, by certified letter, to the county known or believed to be the county of residence or to the *agency* ~~department~~. If, for any reason, the county or *agency* ~~department~~ is unable to determine a patient's eligibility within the allotted timeframe, the hospital shall be notified in writing of the reason or reasons.

(4) A patient determined eligible as a qualified indigent ~~for the purpose of this act~~ subsequent to his or her admission to a participating hospital or a regional referral hospital shall be considered to have been qualified upon admission. Such determination shall be made by a person designated by the governing board of the county to make such a determination or by the *agency* ~~department~~.

(5) Notwithstanding any other provision *of this part* ~~within this act~~, any county may establish thresholds of financial eligibility ~~to qualify indigents under this act~~ which are less restrictive than 100 percent of the federal poverty line. However, *a* ~~no~~ county may *not* establish eligibility thresholds which are more restrictive than 100 percent of the federal poverty line.

(6) Notwithstanding any other provision of this *part* ~~act~~, there is hereby established a spend-down program for persons who would otherwise qualify as qualified indigent persons, but whose average family income, for the 12 months preceding the determination, is between 100 percent and 150 percent of the federal poverty level. The *agency* ~~department~~ shall adopt, by rule, procedures for the spend-down program. The rule shall require that in order to qualify ~~for the spend-down program~~, a person must have incurred bills for hospital care which would otherwise have qualified for payment under this part. This subsection does not apply to persons who are residents of counties that are at their 10-mill cap on October 1, 1991.

Section 7. Section 154.309, Florida Statutes, is amended to read:

154.309 Certification of county of residence.—

(1) The *agency* ~~department~~, pursuant to s. 154.3105, shall adopt rules for certification determination procedures which provide criteria to be used for determining a qualified indigent's county of residence. Such criteria *must* ~~shall~~ include, at a minimum, how and to what extent residency shall be verified and how a hospital shall be notified of a patient's certification or the inability to certify a patient.

(2) In all instances, the county known or thought to be the county of residence shall be given first opportunity to certify a resident. If the county known or thought to be the county of residence fails to, or is unable to, make such determination within 60 days following written notification by a hospital, the *agency* ~~department~~ shall determine residency utilizing the same criteria required by rule as the county, and the *agency's* ~~department's~~ determination of residency shall be binding on the county of residence. The county determined as the residence of any qualified indigent ~~under this act~~ shall be liable to reimburse the treating hospital pursuant to s. 154.306. If, for any reason, a county or the *agency* ~~department~~ is unable to determine an indigent's residency, the hospital shall be notified in writing of such reason or reasons.

Section 8. Section 154.31, Florida Statutes, is amended to read:

154.31 Obligation of participating hospital or regional referral hospital.—As a condition of *participation* ~~accepting the procedures of this act~~, each participating hospital or regional referral hospital in Florida shall be obligated to admit for emergency treatment all Florida residents, without regard to county of residence, who meet the eligibility standards established pursuant to s. 154.308 and who meet the medical standards for admission to such institutions. If the *agency* ~~department~~ determines that a participating hospital or a regional referral hospital has failed to meet the requirements of this section, the *agency* ~~department~~ may impose an administrative fine, not to exceed $5,000 per incident, and suspend the hospital from eligibility for reimbursement under ~~the provisions of~~ this *part* ~~act~~.

Section 9. Section 154.3105, Florida Statutes, is amended to read:

154.3105 Rules.—Rules governing the Health Care Responsibility Act ~~of 1988~~ shall be developed by the *agency* ~~department~~ based on recommendations of a work group consisting of equal representation by the *agency* ~~department~~, the hospital industry, and the counties. County representatives to this work group shall be appointed by the Florida Association of Counties. Hospital representatives to this work group shall be appointed by the associations representing those hospitals which best represent the positions of the hospitals most likely to be eligible for reimbursement. Rules governing ~~the various aspects of~~ this *part* ~~act~~ shall be adopted by the *agency*. ~~department. Such rules shall address, at a minimum:~~

~~(1) Eligibility determination procedures and criteria.~~

~~(2) Certification determination procedures and methods of notification to hospitals.~~

Section 10. Section 154.312, Florida Statutes, is amended to read:

154.312 Procedure for settlement of disputes.—All disputes among counties, ~~the board,~~ the *agency* ~~department~~, a participating hospital, or a regional referral hospital shall be resolved ~~by order as provided in chapter 120. Hearings held under this provision shall be conducted in the same manner~~ as provided in ss. 120.569 and 120.57, except that the presiding officer's order shall be final agency action. Cases filed under chapter 120 may combine all disputes between parties. Notwithstanding any other provisions of this part, *if* ~~when~~ a county alleges that a residency determination or eligibility determination made by the *agency* ~~department~~ is incorrect, the burden of proof shall be on the county to demonstrate that such determination is, in light of the total record, not supported by the evidence.

Section 11. Section 154.314, Florida Statutes, is amended to read:

154.314 Certification of the State of Florida.—

(1) In the event payment for the costs of services rendered by a participating hospital or a regional referral hospital is not received from the responsible county within 90 days of receipt of a statement for services rendered to a qualified indigent who is a certified resident of the

county, or if the payment is disputed and said payment is not received from the county determined to be responsible within 60 days of the date of exhaustion of all administrative and legal remedies ~~as provided in chapter 120~~, the hospital shall certify to the Comptroller the amount owed by the county.

(2) The Comptroller shall have *no* ~~not~~ longer than 45 days from the date of receiving the hospital's certified notice to forward the amount delinquent to the appropriate hospital from any funds due to the county under any revenue-sharing or tax-sharing fund established by the state, except as otherwise provided by the State Constitution. The Comptroller shall provide the Governor and the *fiscal* ~~appropriations and finance and tax~~ committees in the House of Representatives and the Senate with a quarterly accounting of the amounts certified by hospitals as owed by counties and the amount paid to hospitals out of any revenue or tax sharing funds due to the county.

Section 12. Section 154.316, Florida Statutes, is amended to read:

154.316 Hospital's responsibility to notify of admission of indigent patients.—

(1) Any hospital admitting or treating any out-of-county patient who may qualify as indigent under this *part* ~~act~~ shall, within *30* ~~10~~ days after admitting or treating such patient, notify the county known~~,~~ or thought to be~~,~~ the county of residency of such admission, or such hospital forfeits its right to reimbursement.

(2) It shall be the responsibility of any participating hospital or regional referral hospital to initiate any eligibility or certification determination procedures with any appropriate state or county agency which can determine financial eligibility or certify an indigent as a resident under this *part* ~~act~~.

Section 13. Subsection (1) of section 154.504, Florida Statutes, is amended to read:

154.504 Eligibility and benefits.—

(1) Any county or counties may apply for a primary care for children and families challenge grant to provide primary health care services to children and families with incomes of up to 150 percent of the federal poverty level. Participants shall pay no monthly premium for participation, but shall be required to pay a copayment at the time a service is provided. Copayments may be paid from sources other than the participant, including, but not limited to, the child's or parent's employer, or other private sources. *As used in s. 766.1115, the term "copayment" may not be considered and may not be used as compensation for services to health care providers, and all funds generated from copayments shall be used by the governmental contractor.*

Section 14. Section 198.30, Florida Statutes, is amended to read:

198.30 Circuit judge to furnish department with names of decedents, etc.—Each circuit judge of this state shall, on or before the 10th day of every month, notify the department of the names of all decedents; the names and addresses of the respective personal representatives, administrators, or curators appointed; the amount of the bonds, if any, required by the court; and the probable value of the estates, in all estates of decedents whose wills have been probated or propounded for probate before the circuit judge or upon which letters testamentary or upon whose estates letters of administration or curatorship have been sought or granted, during the preceding month; and such report shall contain any other information which the circuit judge may have concerning the estates of such decedents. *In addition, a copy of this report shall be provided to the Agency for Health Care Administration.* A circuit judge shall also furnish forthwith such further information, from the records and files of the circuit court in regard to such estates, as the department may from time to time require.

Section 15. Section 240.4075, Florida Statutes, is amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(1) To encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist, there is established the Nursing Student Loan Forgiveness Program. The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, birth centers, federally sponsored community health centers and teaching hospitals by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs.

(2) To be eligible, a candidate must have graduated from an accredited or approved nursing program and have received a Florida license as a licensed practical nurse or a registered nurse or a Florida certificate as an advanced registered nurse practitioner.

(3) Only loans to pay the costs of tuition, books, and living expenses shall be covered, at an amount not to exceed $4,000 for each year of education towards the degree obtained.

(4) Receipt of funds pursuant to this program shall be contingent upon continued proof of employment in the designated facilities in this state. Loan principal payments shall be made by the Department of *Education* ~~Health~~ directly to the federal or state programs or commercial lending institutions holding the loan as follows:

(a) Twenty-five percent of the loan principal and accrued interest shall be retired after the first year of nursing;

(b) Fifty percent of the loan principal and accrued interest shall be retired after the second year of nursing;

(c) Seventy-five percent of the loan principal and accrued interest shall be retired after the third year of nursing; and

(d) The remaining loan principal and accrued interest shall be retired after the fourth year of nursing.

In no case may payment for any nurse exceed $4,000 in any 12-month period.

(5) There is created the Nursing Student Loan Forgiveness Trust Fund to be administered by the Department of *Education* ~~Health~~ pursuant to this section and s. 240.4076 and department rules. The Comptroller shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of *Education* ~~Health~~. All moneys collected from the private health care industry and other private sources for the purposes of this section shall be deposited into the Nursing Student Loan Forgiveness Trust Fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section and s. 240.4076.

(6) In addition to licensing fees imposed under chapter 464, there is hereby levied and imposed an additional fee of $5, which fee shall be paid upon licensure or renewal of nursing licensure. Revenues collected from the fee imposed in this subsection shall be deposited in the Nursing Student Loan Forgiveness Trust Fund of the Department of *Education* ~~Health~~ and will be used solely for the purpose of carrying out the provisions of this section and s. 240.4076. Up to 50 percent of the revenues appropriated to implement this subsection may be used for the nursing scholarship program established pursuant to s. 240.4076.

(7)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, county health departments, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07.

(b) All Nursing Student Loan Forgiveness Trust Fund moneys shall be invested pursuant to s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for loan forgiveness and scholarships. Pledged contributions shall not be eligible for matching prior to the actual collection of the total private contribution for the year.

(8) The Department of *Education* ~~Health~~ may solicit technical assistance relating to the conduct of this program from the Department of *Health* ~~Education~~.

(9) The Department of *Education* ~~Health~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the Nursing Student Loan Forgiveness Program.

(10) The Department of *Education* ~~Health~~ may adopt rules necessary to administer this program.

(11) This section shall be implemented only as specifically funded.

Section 16. Section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship program.—

(1) There is established within the Department of *Education* ~~Health~~ a scholarship program for the purpose of attracting capable and promising students to the nursing profession.

(2) A scholarship applicant shall be enrolled as a full-time or part-time student in the upper division of an approved nursing program leading to the award of a baccalaureate or any advanced registered nurse practitioner degree or be enrolled as a full-time or part-time student in an approved program leading to the award of an associate degree in nursing or a diploma in nursing.

(3) A scholarship may be awarded for no more than 2 years, in an amount not to exceed $8,000 per year. However, registered nurses pursuing an advanced registered nurse practitioner degree may receive up to $12,000 per year. Beginning July 1, 1998, these amounts shall be adjusted by the amount of increase or decrease in the consumer price index for urban consumers published by the United States Department of Commerce.

(4) Credit for repayment of a scholarship shall be as follows:

(a) For each full year of scholarship assistance, the recipient agrees to work for 12 months at a health care facility in a medically underserved area as approved by the Department of *Education* ~~Health~~. Scholarship recipients who attend school on a part-time basis shall have their employment service obligation prorated in proportion to the amount of scholarship payments received.

(b) Eligible health care facilities include state-operated medical or health care facilities, county health departments, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07. The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

(c) Any recipient who does not complete an appropriate program of studies or who does not become licensed shall repay to the Department of *Education* ~~Health~~, on a schedule to be determined by the department, the entire amount of the scholarship plus 18 percent interest accruing from the date of the scholarship payment. Moneys repaid shall be deposited into the Nursing Student Loan Forgiveness Trust Fund established in s. 240.4075. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(d) Any recipient who does not accept employment as a nurse at an approved health care facility or who does not complete 12 months of approved employment for each year of scholarship assistance received shall repay to the Department of *Education* ~~Health~~ an amount equal to two times the entire amount of the scholarship plus interest accruing from the date of the scholarship payment at the maximum allowable interest rate permitted by law. Repayment shall be made within 1 year of notice that the recipient is considered to be in default. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(5) Scholarship payments shall be transmitted to the recipient upon receipt of documentation that the recipient is enrolled in an approved nursing program. The Department of *Education* ~~Health~~ shall develop a formula to prorate payments to scholarship recipients so as not to exceed the maximum amount per academic year.

(6) The Department of *Education* ~~Health~~ shall adopt rules, including rules to address extraordinary circumstances that may cause a recipient to default on either the school enrollment or employment contractual agreement, to implement this section and may solicit technical assistance relating to the conduct of this program from the Department of *Health* ~~Education~~.

(7) The Department of *Education* ~~Health~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the nursing scholarship program.

Section 17. *All statutory powers, duties and functions, records, rules, personnel, property, and unexpended balances of appropriations, allocations, or other funds, of the Department of Health relating to the Nursing Student Loan Forgiveness Program and the Nursing Student Loan Forgiveness Trust Fund, as created in section 240.4075, Florida Statutes, and the nursing scholarship program, as created in section 240.4076, Florida Statutes, are transferred by a type two transfer, as provided for in section 20.06(2), Florida Statutes, from the Department of Health to the Department of Education. Such transfer shall take effect July 1, 1998. Any rules adopted by or for the Department of Health for the administration and operation of the Nursing Student Loan Forgiveness Program, the Nursing Student Loan Forgiveness Trust Fund, and the nursing scholarship program are included in such transfer.*

Section 18. Section 381.0022, Florida Statutes, is created to read:

381.0022 Sharing confidential or exempt information.—Notwithstanding any other provision of law to the contrary, the Department of Health and the Department of Children and Family Services may share confidential information or information exempt from disclosure under chapter 119 on any individual who is or has been the subject of a program within the jurisdiction of each agency. Information so exchanged remains confidential or exempt as provided by law.

Section 19. Section 402.115, Florida Statutes, is created to read:

402.115 Sharing confidential or exempt information.—Notwithstanding any other provision of law to the contrary, the Department of Health and the Department of Children and Family Services may share confidential information or information exempt from disclosure under chapter 119 on any individual who is or has been the subject of a program within the jurisdiction of each agency. Information so exchanged remains confidential or exempt as provided by law.

Section 20. Subsection (6) of section 381.004, Florida Statutes, is amended to read:

381.004 Testing for human immunodeficiency virus.—

(6) PENALTIES.—

(a) Any violation of this section by a facility or licensed health care provider shall be a ground for disciplinary action contained in the facility's or professional's respective licensing chapter.

(b) Any person who violates the confidentiality provisions of this section and s. 951.27 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Any person who obtains information that identifies an individual who has a sexually transmissible disease including human immunodeficiency virus or acquired immunodeficiency syndrome, who knew or should have known the nature of the information and maliciously, or for monetary gain, disseminates this information or otherwise makes this information known to any other person, except by providing it either to a physician or nurse employed by the department or to a law enforcement agency, commits a felony of the third degree, punishable as provided in ss. 775.082 or 775.083.

Section 21. Section 384.34, Florida Statutes, is amended to read:

384.34 Penalties.—

(1) Any person who violates the provisions of s. 384.24(1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who violates the provisions of s. 384.26 or s. 384.29 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who maliciously disseminates any false information or report concerning the existence of any sexually transmissible disease *commits a felony of the third* ~~is guilty of a misdemeanor of the second~~ degree, punishable as provided in *ss.* ~~s.~~ 775.082, ~~or s.~~ 775.083, *and 775.084*.

(4) Any person who violates the provisions of the department's rules pertaining to sexually transmissible diseases may be punished by a fine not to exceed $500 for each violation. Any penalties enforced under this subsection shall be in addition to other penalties provided by this act.

(5) Any person who violates the provisions of s. 384.24(2) commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, and 775.0877(7). *Any person who commits multiple violations of the provisions of s. 384.24(2) commits a felony of the first degree, punishable as provided in ss. 775.082, 775.083, 775.084, and 775.0877(7).*

(6) Any person who obtains information that identifies an individual who has a sexually transmissible disease, who knew or should have known the nature of the information and maliciously, or for monetary gain, disseminates this information or otherwise makes this information known to any other person, except by providing it either to a physician or nurse employed by the Department of Health or to a law enforcement agency, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084.

Section 22. Paragraph (e) is added to subsection (1) of section 414.028, Florida Statutes, to read:

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level. The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the regional workforce development board established under the Enterprise Florida workforce development board. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

(1)

(e) A representative of a county health department or a representative of a Healthy Start Coalition shall serve as an ex officio, nonvoting member of the coalition.

Section 23. Paragraph (a) of subsection (1) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term "medical review committee" or "committee" means:

1.a. A committee of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part I of chapter 641,

b. A committee of a state or local professional society of health care providers,

c. A committee of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home,

d. A committee of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both,

e. A committee of a professional service corporation formed under chapter 621 or a corporation organized under chapter 607 or chapter 617, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients,

f. A committee of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907, provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

g. A committee of a substance abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

h. A peer review or utilization review committee organized under chapter 440, or

i. A committee of *the Department of Health,* a county health department, healthy start coalition, or certified rural health network, when reviewing quality of care, or employees of these entities when reviewing mortality records,

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service or to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review under s. 766.106.

Section 24. Paragraph (i) is added to subsection (1) of section 383.011, Florida Statutes, and subsection (2) of that section is amended, to read:

383.011 Administration of maternal and child health programs.—

(1) The Department of Health is designated as the state agency for:

(i) Receiving federal funds for children eligible for assistance through the child portion of the federal Child and Adult Care Food Program, which is referred to as the Child Care Food Program, and for establishing and administering this program. The purpose of the Child Care Food Program is to provide nutritious meals and snacks for children in nonresidential day care. To ensure the quality and integrity of the program, the department shall develop standards and procedures that govern sponsoring organizations, day care homes, child care centers, and centers that operate outside school hours. Standards and procedures must address the following: participation criteria for sponsoring organizations, which may include administrative budgets, staffing requirements, requirements for experience in operating similar programs, operating hours and availability, bonding requirements, geographic coverage, and a required minimum number of homes or centers; procedures for investigating complaints and allegations of noncompliance; application and renewal requirements; audit requirements; meal pattern requirements; requirements for managing funds; participant eligibility for free and reduced-price meals; food storage and preparation; food service companies; reimbursements; use of commodities; administrative reviews and monitoring; training requirements; recordkeeping requirements; and criteria pertaining to imposing sanctions and penalties, including the denial, termination, and appeal of program eligibility.

(2) The Department of Health *shall follow federal requirements and* may adopt any rules necessary for the implementation of the maternal and child health care program, ~~or~~ the WIC program, *and the Child Care Food Program. With respect to the Child Care Food Program, the department shall adopt rules that interpret and implement relevant federal regulations, including 7 C.F.R., part 226. The rules must address at least those program requirements and procedures identified in paragraph (1)(i).*

Section 25. Section 383.04, Florida Statutes, is amended to read:

383.04 Prophylactic required for eyes of infants.—Every physician, midwife, or other person in attendance at the birth of a child in the state is required to instill or have instilled into the eyes of the baby within 1 hour after birth *an effective prophylactic recommended by the Committee on Infectious Diseases of the American Academy of Pediatrics* ~~a 1-percent fresh solution of silver nitrate (with date of manufacture marked on container), two drops of the solution to be dropped into each eye after the eyelids have been opened, or some equally effective prophylactic approved by the Department of Health,~~ for the prevention of *neonatal* ~~blindness from~~ ophthalmia ~~neonatorum~~. This section *does* ~~shall~~ not apply to cases where the parents ~~shall~~ file with the physician, midwife, or other person in attendance at the birth of a child written objections on account of religious beliefs contrary to the use of drugs. In such case the physician, midwife, or other person in attendance shall maintain a record that such measures were or were not employed and attach thereto any written objection.

Section 26. *Section 383.05, Florida Statutes, is repealed.*

Section 27. Section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The *agency* ~~department~~ shall make payments for medical assistance and related services on behalf of the following persons who the *agency* ~~department~~ determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) *Low-income families with children are eligible for Medicaid provided they meet the following requirements:* ~~Persons who receive payments from or are determined eligible to participate in the WAGES Program, and certain persons who would be eligible but do not meet certain technical requirements. This group includes, but is not limited to:~~

(a) *The family includes a dependent child who is living with a caretaker relative.* ~~Low-income, single-parent families and their children.~~

(b) *The family's income does not exceed the gross income test limit.* ~~Low-income, two-parent families in which at least one parent is disabled or otherwise incapacitated.~~

(c) *The family's countable income and resources do not exceed the applicable aid-to-families-with-dependent-children (AFDC) income and resource standards under the AFDC state plan in effect in July 1996, except as amended in the Medicaid state plan to conform as closely as possible to the requirements of the WAGES Program as created in s. 414.015, to the extent permitted by federal law.* ~~Certain unemployed two-parent families and their children.~~

(2) A person who receives payments from, who is determined eligible for, or who was eligible for but lost cash benefits from the federal program known as the Supplemental Security Income program (SSI). This category includes a low-income person age 65 or over and a low-income person under age 65 considered to be permanently and totally disabled.

(3) A child under age 21 living in a low-income, two-parent family, and a child under age 7 living with a nonrelative, if the income and assets of the family or child, as applicable, do not exceed the resource limits under the WAGES Program.

(4) A child who is eligible under Title IV-E of the Social Security Act for subsidized board payments, foster care, or adoption subsidies, and a child for whom the state has assumed temporary or permanent responsibility and who does not qualify for Title IV-E assistance but is in foster care, shelter or emergency shelter care, or subsidized adoption.

(5) A pregnant woman for the duration of her pregnancy and for the post partum period as defined in federal law and rule, or a child under age 1, if either is living in a family that has an income which is at or below 150 percent of the most current federal poverty level, or, effective January 1, 1992, that has an income which is at or below 185 percent of the most current federal poverty level. Such a person is not subject to an assets test. Further, a pregnant woman who applies for eligibility for the Medicaid program through a qualified Medicaid provider must be offered the opportunity, subject to federal rules, to be made presumptively eligible for the Medicaid program.

(6) A child born after September 30, 1983, living in a family that has an income which is at or below 100 percent of the current federal poverty level, who has attained the age of 6, but has not attained the age of 19. In determining the eligibility of such a child, an assets test is not required.

(7) A child living in a family that has an income which is at or below 133 percent of the current federal poverty level, who has attained the age of 1, but has not attained the age of 6. In determining the eligibility of such a child, an assets test is not required.

(8) A person who is age 65 or over or is determined by the *agency* ~~department~~ to be disabled, whose income is at or below 100 percent of the most current federal poverty level and whose assets do not exceed limitations established by the *agency* ~~department~~. However, the *agency* ~~department~~ may only pay for premiums, coinsurance, and deductibles, as required by federal law, unless additional coverage is provided for any or all members of this group by s. 409.904(1).

Section 28. Subsections (2) and (13) of section 409.908, Florida Statutes, are amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)(a)1. Reimbursement to nursing homes licensed under part II of chapter 400 and state-owned-and-operated intermediate care facilities for the developmentally disabled licensed under chapter 393 must be made prospectively.

2. Unless otherwise limited or directed in the General Appropriations Act, reimbursement to hospitals licensed under part I of chapter 395 for the provision of swing-bed nursing home services must be made on the basis of the average statewide nursing home payment, and reimbursement to a hospital licensed under part I of chapter 395 for the provision of skilled nursing services must be made on the basis of the average nursing home payment for those services in the county in which the hospital is located. When a hospital is located in a county that does not have any community nursing homes, reimbursement must be determined by averaging the nursing home payments, in counties that surround the county in which the hospital is located. Reimbursement to hospitals, including Medicaid payment of Medicare copayments, for skilled nursing services shall be limited to 30 days, unless a prior authorization has been obtained from the agency. Medicaid reimbursement may be extended by the agency beyond 30 days, and approval must be based upon verification by the patient's physician that the patient requires short-term rehabilitative and recuperative services only, in which case an extension of no more than 15 days may be approved. Reimbursement to a hospital licensed under part I of chapter 395 for the temporary provision of skilled nursing services to nursing home residents who have been displaced as the result of a natural disaster or other emergency may not exceed the average county nursing home payment for those services in the county in which the hospital is located and is limited to the period of time which the agency considers necessary for continued placement of the nursing home residents in the hospital.

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care. *Effective no earlier than the rate-setting period beginning April 1, 1999, the agency shall establish a case-mix reimbursement methodology for the rate of payment for long-term-care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level-of-care data and other appropriate data. The case-mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the*

patient's care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology. It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(13) *Medicare premiums for persons eligible for both Medicare and Medicaid coverage shall be paid at the rates established by Title XVIII of the Social Security Act. For Medicare services rendered to Medicaid-eligible persons, Medicaid shall pay Medicare deductibles and coinsurance as follows:*

(a) Medicaid shall make no payment toward deductibles and coinsurance for any service that is not covered by Medicaid.

(b) Medicaid's financial obligation for deductibles and coinsurance payments shall be based on Medicare allowable fees, not on a provider's billed charges.

(c) Medicaid will pay no portion of Medicare deductibles and coinsurance when payment that Medicare has made for the service equals or exceeds what Medicaid would have paid if it had been the sole payor. The combined payment of Medicare and Medicaid shall not exceed the amount Medicaid would have paid had it been the sole payor.

(d) The following provisions are exceptions to paragraphs (a)-(c):

1. Medicaid payments for Nursing Home Medicare Part A coinsurance shall be the lesser of the Medicare coinsurance amount or the Medicaid nursing home per diem rate.

2. Medicaid shall pay all deductibles and coinsurance for Nursing Home Medicare Part B services.

3. Medicaid shall pay all deductibles and coinsurance for Medicare-eligible recipients receiving freestanding end stage renal dialysis center services.

4. Medicaid shall pay all deductibles and coinsurance for hospital outpatient Medicare Part B services.

5. Medicaid payments for general hospital inpatient services shall be limited to the Medicare deductible per spell of illness. Medicaid shall make no payment toward coinsurance for Medicare general hospital inpatient services.

6. Medicaid shall pay all deductibles and coinsurance for Medicare emergency transportation services provided by ambulances licensed pursuant to chapter 401. ~~Premiums, deductibles, and coinsurance for Medicare services rendered to Medicaid eligible persons shall be reimbursed in accordance with fees established by Title XVIII of the Social Security Act.~~

Section 29. Paragraph (c) of subsection (4) of section 409.912, Florida Statutes, is repealed, paragraph (b) of subsection (3) and subsection (13) of that section are amended, and subsections (34) and (35) are added to that section, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(b) An entity that is providing comprehensive inpatient and outpatient mental health care services to certain Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must become licensed under chapter 624, *chapter 636,* or chapter 641 by December 31, 1998, and is exempt from the provisions of part I of chapter 641 until then. However, if the entity assumes risk, the Department of Insurance shall develop appropriate regulatory requirements by rule under the insurance code before the entity becomes operational.

(13) The agency shall identify health care utilization and price patterns within the Medicaid program *which* ~~that~~ are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate. *Such methods may include disease-management initiatives, an integrated and systematic approach for managing the health care needs of recipients who are at risk of or diagnosed with a specific disease by using best practices, prevention strategies, clinical-practice improvement, clinical interventions and protocols, outcomes research, information technology, and other tools and resources to reduce overall costs and improve measurable outcomes.*

(34) The agency may provide for cost-effective purchasing of home health services through competitive negotiation pursuant to s. 287.057. The agency may request appropriate waivers from the federal Health Care Financing Administration in order to competitively bid home health services.

(35) The Agency for Health Care Administration is directed to issue a request for proposal or intent to negotiate to implement on a demonstration basis an outpatient specialty services pilot project in a rural and urban county in the state. As used in this subsection, the term "outpatient specialty services" means clinical laboratory, diagnostic imaging, and specified home medical services to include durable medical equipment, prosthetics and orthotics, and infusion therapy.

(a) The entity that is awarded the contract to provide Medicaid managed care outpatient specialty services must, at a minimum, meet the following criteria:

1. The entity must be licensed by the Department of Insurance under part II of chapter 641.

2. The entity must be experienced in providing outpatient specialty services.

3. The entity must demonstrate to the satisfaction of the agency that it provides high-quality services to its patients.

4. The entity must demonstrate that it has in place a complaints and grievance process to assist Medicaid recipients enrolled in the pilot managed care program to resolve complaints and grievances.

(b) The pilot managed care program shall operate for a period of 3 years. The objective of the pilot program shall be to determine the cost-effectiveness and effects on utilization, access, and quality of providing outpatient specialty services to Medicaid recipients on a prepaid, capitated basis.

(c) The agency shall conduct a quality-assurance review of the prepaid health clinic each year that the demonstration program is in effect. The prepaid health clinic is responsible for all expenses incurred by the agency in conducting a quality assurance review.

(d) The entity that is awarded the contract to provide outpatient specialty services to Medicaid recipients shall report data required by the agency in a format specified by the agency, for the purpose of conducting the evaluation required in paragraph (e).

(e) The agency shall conduct an evaluation of the pilot managed care program and report its findings to the Governor and the Legislature by no later than January 1, 2001.

(f) Nothing in this subsection is intended to conflict with the provision of the 1997-1998 General Appropriations Act which authorizes competitive bidding for Medicaid home health, clinical laboratory, or x-ray services.

Section 30. Effective January 1, 1999, paragraph (d) of subsection (3) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(d) No more than four provider service networks for demonstration projects to test Medicaid direct contracting. ~~However, no such demonstration project shall be established with a federally qualified health center nor shall any provider service network under contract with the agency pursuant to this paragraph include a federally qualified health center in its provider network.~~ One demonstration project must be located in Orange County. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for 2 years from the date of implementation.

Section 31. Paragraphs (a), (c), (f), (i), and (k) of subsection (2) of section 409.9122, Florida Statutes, are amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)(a) The agency shall enroll in a managed care plan or MediPass all Medicaid recipients, except those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal Health Care Financing Administration.

The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to ss. 236.0812 and 409.908(21) shall be reimbursed by Medicaid, subject to the limitations of s. 236.0812(1) and (2), for a Medicaid-eligible child participating in the services as authorized in s. 236.0812, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts ~~and county health departments~~ regarding the coordinated provision of services authorized under s. 236.0812. *County health departments delivering school–based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid–eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child.* To ensure continuity of care for Medicaid patients, the agency, *the Department of Health,* and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 236.0812, *381.0056, 381.0057,* and 409.9071.

(c) Medicaid recipients shall have a choice of managed care plans or MediPass. The Agency for Health Care Administration, the Department of Health ~~and Rehabilitative Services~~, *the Department of Children and Family Services,* and the Department of Elderly Affairs shall cooperate to ensure that each Medicaid recipient receives clear and easily understandable information that meets the following requirements:

1. Explains the concept of managed care, including MediPass.

2. Provides information on the comparative performance of managed care plans and MediPass in the areas of quality, credentialing, preventive health programs, network size and availability, and patient satisfaction.

3. Explains where additional information on each managed care plan and MediPass in the recipient's area can be obtained.

4. Explains that recipients have the right to choose their own managed care plans or MediPass. However, if a recipient does not choose a managed care plan or MediPass, the agency will assign the recipient to a managed care plan or MediPass according to the criteria specified in this section.

5. Explains the recipient's right to complain, file a grievance, or change managed care plans or MediPass providers if the recipient is not satisfied with the managed care plan or MediPass.

(f) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. *Medicaid recipients who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans or provider service networks until an equal enrollment of 50 percent in MediPass and provider service networks and 50 percent in managed care plans is achieved. Once equal enrollment is achieved, the assignments shall be divided in order to maintain an equal enrollment in MediPass and managed care plans for the 1998-99 fiscal year.* ~~In the first period that assignment begins, the assignments shall be divided equally between the MediPass program and managed care plans.~~ Thereafter, assignment of Medicaid recipients who fail to make a choice shall be based proportionally on the preferences of recipients who have made a choice in the previous period. Such proportions shall be revised at least quarterly to reflect an update of the preferences of Medicaid recipients. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

(i) After a recipient has made a selection or has been enrolled in a managed care plan or MediPass, the recipient shall have *90* ~~60~~ days in which to voluntarily disenroll and select another managed care plan or MediPass provider. After *90* ~~60~~ days, no further changes may be made except for cause. Cause shall include, but not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, or fraudulent enrollment. The agency shall develop criteria for good cause disenrollment for chronically ill and disabled populations who are assigned to managed care plans if more appropriate care is available through the MediPass program. The agency

must make a determination as to whether cause exists. However, the agency may require a recipient to use the managed care plan's or MediPass grievance process prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when utilized, must be completed in time to permit the recipient to disenroll no later than the first day of the second month after the month the disenrollment request was made. If the managed care plan or MediPass, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

~~(k) In order to provide increased access to managed care, the agency may request from the Health Care Financing Administration a waiver of the regulation requiring health maintenance organizations to have one commercial enrollee for each three Medicaid enrollees.~~

Section 32. Paragraph (f) of subsection (12) and subsection (18) of section 409.910, Florida Statutes, are amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(12) The department may, as a matter of right, in order to enforce its rights under this section, institute, intervene in, or join any legal or administrative proceeding in its own name in one or more of the following capacities: individually, as subrogee of the recipient, as assignee of the recipient, or as lienholder of the collateral.

(f) Notwithstanding any provision in this section to the contrary, in the event of an action in tort against a third party in which the recipient or his or her legal representative is a party *which results in a* ~~and in which the amount of any~~ judgment, award, or settlement from *a third party,* ~~third-party benefits, excluding medical coverage as defined in subparagraph 4., after reasonable costs and expenses of litigation, is an amount equal to or less than 200 percent of the amount of medical assistance provided by Medicaid less any medical coverage paid or payable to the department, then distribution of~~ the amount recovered shall be *distributed* as follows:

1. After attorney's fees and taxable costs as defined by the Florida Rules of Civil Procedure, one-half of the remaining recovery shall be paid to the department up to the total amount of medical assistance provided by Medicaid.

2. The remaining amount of the recovery shall be paid to the recipient.

3. For purposes of calculating the department's recovery of medical assistance benefits paid, the fee for services of an attorney retained by the recipient or his or her legal representative shall be calculated at 25 percent of the judgment, award, or settlement.

4. Notwithstanding any provision of this section to the contrary, the department shall be entitled to all medical coverage benefits up to the total amount of medical assistance provided by Medicaid.

~~1. Any fee for services of an attorney retained by the recipient or his or her legal representative shall not exceed an amount equal to 25 percent of the recovery, after reasonable costs and expenses of litigation, from the judgment, award, or settlement.~~

~~2. After attorney's fees, two-thirds of the remaining recovery shall be designated for past medical care and paid to the department for medical assistance provided by Medicaid.~~

~~3. The remaining amount from the recovery shall be paid to the recipient.~~

~~4.~~ For purposes of this paragraph, "medical coverage" means any benefits under health insurance, a health maintenance organization, a preferred provider arrangement, or a prepaid health clinic, and the portion of benefits designated for medical payments under coverage for workers' compensation, personal injury protection, and casualty.

(18) A recipient or his or her legal representative or any person representing, or acting as agent for, a recipient or the recipient's legal representative, who has notice, excluding notice charged solely by reason of the recording of the lien pursuant to paragraph (6)(d), or who has actual knowledge of the department's rights to third-party benefits under this section, who receives any third-party benefit or proceeds therefrom for a covered illness or injury, is required either to pay the department, *within 60 days after receipt of settlement proceeds,* the full amount of the third-party benefits, but not in excess of the total medical assistance provided by Medicaid, or to place the full amount of the third-party benefits in a trust account for the benefit of the department pending judicial or administrative determination of the department's right thereto. Proof that any such person had notice or knowledge that the recipient had received medical assistance from Medicaid, and that third-party benefits or proceeds therefrom were in any way related to a covered illness or injury for which Medicaid had provided medical assistance, and that any such person knowingly obtained possession or control of, or used, third-party benefits or proceeds and failed either to pay the department the full amount required by this section or to hold the full amount of third-party benefits or proceeds in trust pending judicial or administrative determination, unless adequately explained, gives rise to an inference that such person knowingly failed to credit the state or its agent for payments received from social security, insurance, or other sources, pursuant to s. 414.39(4)(b), and acted with the intent set forth in s. 812.014(1).

(a) The department is authorized to investigate and to request appropriate officers or agencies of the state to investigate suspected criminal violations or fraudulent activity related to third-party benefits, including, without limitation, ss. 409.325 and 812.014. Such requests may be directed, without limitation, to the Medicaid Fraud Control Unit of the Office of the Attorney General, or to any state attorney. Pursuant to s. 409.913, the Attorney General has primary responsibility to investigate and control Medicaid fraud.

(b) In carrying out duties and responsibilities related to Medicaid fraud control, the department may subpoena witnesses or materials within or outside the state and, through any duly designated employee, administer oaths and affirmations and collect evidence for possible use in either civil or criminal judicial proceedings.

(c) All information obtained and documents prepared pursuant to an investigation of a Medicaid recipient, the recipient's legal representative, or any other person relating to an allegation of recipient fraud or theft is confidential and exempt from s. 119.07(1):

1. Until such time as the department takes final agency action;

2. Until such time as the Attorney General refers the case for criminal prosecution;

3. Until such time as an indictment or criminal information is filed by a state attorney in a criminal case; or

4. At all times if otherwise protected by law.

Section 33. Subsection (1) of section 414.28, Florida Statutes, is amended to read:

414.28 Public assistance payments to constitute debt of recipient.—

(1) CLAIMS.—The acceptance of public assistance creates a debt of the person accepting assistance, which debt is enforceable only after the death of the recipient. The debt thereby created is enforceable only by claim filed against the estate of the recipient after his or her death or by suit to set aside a fraudulent conveyance, as defined in subsection (3). After the death of the recipient and within the time prescribed by law, the department may file a claim against the estate of the recipient for the total amount of public assistance paid to or for the benefit of such recipient, reimbursement for which has not been made. Claims so filed shall take priority as *class 3* ~~class 7~~ claims as provided by s. 733.707(1)(g).

Section 34. Subsection (1) of section 627.912, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed under chapter 458, to a practitioner of osteopathic medicine licensed under chapter 459, to a podiatrist licensed under chapter 461, to a dentist licensed under chapter 466, to a hospital licensed under chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

~~(c) A final disposition not resulting in payment on behalf of the insured.~~

Reports shall be filed with the department and, if the insured party is licensed under chapter 458, chapter 459, chapter 461, or chapter 466, with the Agency for Health Care Administration, no later than 30 days following the occurrence of any event listed in paragraph (a) *or*~~,~~ paragraph (b)~~, or paragraph (c)~~. The Agency for Health Care Administration shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The Agency for Health Care Administration, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the agency or the appropriate regulatory board.

(5) Any self-insurance program established under s. 240.213 shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of professional services provided by the Board of Regents through an employee or agent of the Board of Regents, including practitioners of medicine licensed under chapter 458, practitioners of osteopathic medicine licensed under chapter 459, podiatrists licensed under chapter 461, and dentists licensed under chapter 466, or based on a claimed performance of professional services without consent if the claim resulted in a final judgment in any amount, or a settlement in any amount. The reports required by this subsection shall contain the information required by subsection (3) and the name, address, and specialty of the employee or agent of the Board of Regents whose performance or professional services is alleged in the claim or action to have caused personal injury.

Section 35. *Upon completion, the Marion County Health Department building to be constructed in Belleview, Florida, shall be known as the "Carl S. Lytle, M.D., Memorial Health Facility."*

Section 36. *The amount of $2 million is appropriated from tobacco settlement revenues to the Grants and Donations Trust Fund of the Agency for Health Care Administration to be matched at an appropriate level with federal Medicaid funds available under Title XIX of the Social Security Act to provide prosthetic and orthotic devices for Medicaid recipients when such devices are prescribed by licensed practitioners participating in the Medicaid program.*

Section 37. Except as otherwise provided herein, this act shall take effect July 1 of the year in which enacted.

And the title is amended as follows:

On page , remove from the title of the bill: the entire title and insert in lieu thereof: An act relating to health care; providing an important state interest; amending ss. 154.301, 154.302, 154.304, 154.306, 154.308, 154.309, 154.31, 154.3105, 154.312, 154.314, and 154.316, F.S., relating to health care responsibility for indigents; revising short title; revising definitions; limiting the maximum amount a county may be required to pay an out-of-county hospital; providing hospitals additional time to notify counties of admission or treatment of out-of-county patients; revising language and conforming references; providing penalties; amending s. 154.504, F.S.; limiting applicability of copayments under the Primary Care for Children and Families Challenge Grant Program; amending s. 198.30, F.S.; requiring certain reports of estates of decedents to be provided to the Agency for Health Care Administration; amending ss. 240.4075 and 240.4076, F.S., relating the Nursing Student Loan Forgiveness Program, the Nursing Student Loan Forgiveness Trust Fund, and the nursing scholarship program; transferring powers, duties, and functions with respect thereto from the Department of Health to the Department of Education; creating ss. 381.0022 and 402.115, F.S.; authorizing the Department of Health and the Department of Children and Family Services to share confidential and exempt information; amending s. 381.004, F.S., relating to HIV testing; providing a penalty and increasing existing penalties; amending s. 384.34, F.S., relating to sexually transmissible diseases; providing a penalty and increasing existing penalties; amending s. 414.028, F.S.; providing for a representative of a county health department or Healthy Start Coalition to serve on the local WAGES coalition; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee of the Department of Health; amending s. 383.011, F.S.; providing that the Department of Health is the designated state agency for receiving federal funds for the Child Care Food Program; requiring the department to adopt rules for administering the program; amending s. 383.04, F.S.; revising the requirements for the prophylactic to be used for the eyes of infants; repealing s. 383.05, F.S., relating to the free distribution of such prophylactic; amending s. 409.903, F.S.; providing Medicaid eligibility standards for certain persons; conforming references; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; prescribing guidelines for Medicaid payment of Medicare deductibles and coinsurance; eliminating a prohibition on specified contracts; repealing redundant provisions; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; modifying the licensure requirements for a provider of services under a pilot project; amending s. 409.9122, F.S.; requiring the Agency for Health Care Administration to reimburse county health departments for school-based services; requiring Medicaid managed–care contractors to attempt to enter agreements with school districts and county health departments for specified services; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified ratio of enrollees; amending requirements for the mandatory assignment of Medicaid recipients; amending s. 409.910, F.S.; providing for the distribution of amounts recovered in certain tort suits involving intervention by the Agency for Health Care Administration; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 627.912, F.S.; revising reporting requirements by certain insurers; requiring certain self-insurers to report certain information to the Department of Insurance; naming the Carl S. Lytle, M.D., Memorial Health Facility in Marion County; providing an appropriation to be matched by federal Medicaid funds; providing effective dates.

On motion by Senator Bankhead, the Senate concurred in the House amendment.

CS for CS for SB 484 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Brown-Waite	Casas	Cowin
Bankhead	Burt	Childers	Crist
Bronson	Campbell	Clary	Diaz-Balart

Dudley	Harris	Laurent	Scott
Dyer	Horne	Lee	Silver
Forman	Jones	McKay	Sullivan
Geller	Kirkpatrick	Meadows	Thomas
Grant	Klein	Myers	Turner
Gutman	Kurth	Ostalkiewicz	Williams
Hargrett	Latvala	Rossin	

Nays—1

Holzendorf

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 812, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 812—A bill to be entitled An act relating to clean air; creating ss. 252.934, 252.935, 252.936, 252.937, 252.938, 252.939, 252.940, 252.941, 252.942, 252.944, 252.945, 252.946, F.S.; providing for the Florida Accidental Release Prevention and Risk Management Planning Act; providing a short title and purpose; defining terms; directing the Department of Community Affairs to seek delegation from the U.S. Environmental Protection Agency to implement the Accidental Release Prevention Program under the federal Clean Air Act or specified sources; providing for funding and fees; providing enforcement authority; providing penalties; authorizing the department to conduct inspections and audits; providing for tort liability; providing for a start-up loan; providing procedures for the release of information; directing legislative committees to review the Florida Accidental Release Prevention and Risk Management Planning Act; amending s. 252.85, F.S.; deleting certain standard industrial classification codes from certain annual reporting requirements; allowing the Department of Community Affairs to consider certain factors in assessing late fees; providing an effective date.

House Amendment 1—On page 17, lines 27-30 remove from the bill: all of said lines and insert in lieu thereof: *Environmental Protection Agency records.*

On motion by Senator Dyer, the Senate concurred in the House amendment.

CS for SB 812 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Jones	Scott
Bronson	Dyer	Kirkpatrick	Silver
Brown-Waite	Forman	Kurth	Sullivan
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	
Crist	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Klein

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1014, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1014—A bill to be entitled An act relating to road designations; designating the Gratigny Parkway in Dade County as the "Marlins Expressway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 267 in Gadsden County as the "Pat Thomas Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 528 in Brevard County as the "Kennedy Space Center Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of the Polk County Highway as the "James Henry Mills Medal of Honor Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of N.W. 167th Street in Miami Lakes as "Zuly Reyes Road"; directing the Department of Transportation to erect suitable markers; designating State Road 50 within Hernando County as the "Deputy Lonnie Coburn Memorial Highway"; directing the Department of Transportation to erect suitable markers; co-designating the MacArthur Causeway Bridge in Miami-Dade County as the "Trooper Robert G. Smith Bridge"; directing the Department of Transportation to erect suitable markers; designating the Florida Turnpike as the "Ronald Reagan Turnpike"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 71 South in Jackson County as the "Pete Peterson Parkway"; directing the Department of Transportation to erect suitable markers; designating that portion of State Road 71 extending through Port St. Joe (known as 5th Street) as "Cecil G. Costin, Sr. Boulevard"; directing the Department of Transportation to erect suitable markers; designating a portion of Coral Way in Miami as the "Ofelia Perez-Roura Memorial Way" directing the Department of Transportation to erect suitable markers; providing an effective date.

House Amendment 1 (with title amendment)—On page 8, line 31, after the period insert:

Section 12. *Richard G. Skinner, Jr., M.D., building designated; markers.—*

(1) The Jacksonville Children's Medical Services Building is designated as the "Richard G. Skinner, Jr., M.D., Children's Medical Services Building."

(2) The Department of Health is directed to erect suitable markers designating the Richard G. Skinner, Jr., M.D., Children's Medical Services Building as described in subsection (1).

Section 13. *Don Sutton Memorial Highway designated; markers.—*

(1) That portion of U.S. Highway 29 from Neal Road to Pine Barren Road in Escambia County is hereby designated as the "Don Sutton Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Don Sutton Memorial Highway" as described in subsection (1).

Section 14. *The Deerfield Beach High School Outpatient Family Health Center as identified in the Conference Report on HB 4201 is hereby renamed the "Amadeo Trinchitella Health Clinic."*

Section 15. *The new wing at Florida Atlantic University at St. Lucie West as identified in Specific Appropriation 209A of the Conference Report on HB 4201 is designated as the "I.A. 'MAC' Mascioli Education Wing."*

And the title is amended as follows:

On page 2, line 12, after the semicolon insert: designating the Jacksonville Children's Medical Services Building as the "Richard G. Skinner, Jr., M.D., Children's Medical Services Building"; designating a portion of U.S. Highway 29 in Escambia County as the "Don Sutton Memorial Highway;" providing for the erection of markers; renaming the Deerfield Beach High School Outpatient Family Health Center as the "Amadeo Trinchitella Health Clinic"; naming the new wing at Florida Atlantic University as the I.A. "MAC" Mascioli Education Wing;

House Amendment 2 (with title amendment)—On page 8, line 31, after the period insert in lieu thereof:

Section 12. *(1) That portion of SW 1st Street between 9th and 10th Avenue in Miami is hereby designated as "Lincoln-Marti Boulevard."*

(2) The Department of Transportation is directed to erect suitable markers designating the "Lincoln-Marti Boulevard" as described in subsection (1).

And the title is amended as follows:

On page 2, line 12, after the semicolon insert: designating a portion of SW 1st Street in Miami as the "Lincoln-Marti Boulevard"; directing the Department of Transportation to erect suitable markers;

Senator Gutman moved the following amendment which was adopted:

Senate Amendment 1 to House Amendment 1—In title, on page 2, between lines 17 and 18, insert: An act relating to road and building designations; designating the Gratigny Parkway in Dade County as the "Marlins Expressway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 267 in Gadsden County as the "Pat Thomas Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 528 in Brevard County as the "Kennedy Space Center Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of the Polk County Highway as the "James Henry Mills Medal of Honor Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of N.W. 167th Street in Miami Lakes as "Zuly Reyes Road"; directing the Department of Transportation to erect suitable markers; designating State Road 50 within Hernando County as the "Deputy Lonnie Coburn Memorial Highway"; directing the Department of Transportation to erect suitable markers; co-designating the MacArthur Causeway Bridge in Miami-Dade County as the "Trooper Robert G. Smith Bridge"; directing the Department of Transportation to erect suitable markers; designating the Florida Turnpike as the "Ronald Reagan Turnpike"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 71 South in Jackson County as the "Pete Peterson Parkway"; directing the Department of Transportation to erect suitable markers; designating that portion of State Road 71 extending through Port St. Joe (known as 5th Street) as "Cecil G. Costin, Sr. Boulevard"; directing the Department of Transportation to erect suitable markers; designating a portion of Coral Way in Miami as the "Ofelia Perez-Roura Memorial Way" directing the Department of Transportation to erect suitable markers;

On motion by Senator Gutman, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment; and concurred in **House Amendment 2**.

CS for SB 1014 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1054, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1054—A bill to be entitled An act relating to rulemaking authority of the Department of Business and Professional Regulation (RAB); amending s. 718.104, F.S.; requiring notification; amending s. 718.112, F.S.; providing requirements relating to association meetings; amending s. 718.117, F.S.; requiring notification; amending s. 718.301, F.S.; providing rulemaking authority for requirements relating to the transition of a condominium; amending s. 718.403, F.S.; requiring filing of recording information; amending s. 718.502, F.S.; providing certain requirements prior to the closure on any contract for sale or lease of over 5 years; providing rulemaking authority for requirements relating to filing and review programs and timetables; amending s. 718.503, F.S.; providing requirements relating to the closure of a transaction for the purchase of a condominium unit; creating s. 718.621, F.S.; providing rulemaking authority for requirements relating to condominium conversion; providing an effective date.

House Amendment 1—On page 7, lines 1-2, remove from the bill: all of said lines and insert in lieu thereof:

(6) The division has authority to adopt rules pursuant to the Administrative Procedure Act to ensure the efficient and effective transition from developer control of a condominium to the establishment of a unit owner-controlled association.

House Amendment 2—On page 12, line 28, remove from the bill: *as necessary* and insert in lieu thereof: *pursuant to the Administrative Procedure Act*

On motion by Senator Dudley, the Senate concurred in the House amendments.

CS for SB 1054 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

INTRODUCTION OF FORMER SENATOR

The President recognized former Senator Rick Dantzler who was present in the chamber.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1092, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1092—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; revising eligibility requirements for supplemental payments; providing a method for calculating workers' compensation benefits based on the aggregate amount of those benefits and other specified benefits payable to the employee; providing that certain supplemental payments are not workers' compensation benefits; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (f) of subsection (1) and subsection (13) of section 440.15, Florida Statutes, are amended, and subsection (14) is added to said section, to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(1) PERMANENT TOTAL DISABILITY.—

(f)1. If permanent total disability results from injuries that occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under s. 440.20(12), the injured employee shall receive additional weekly compensation benefits equal to 5 percent of her or his weekly compensation rate, as established pursuant to the law in effect on the date of her or his injury, multiplied by the number of calendar years since the date of injury. The weekly compensation payable and the additional benefits payable under this paragraph, when combined, may not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2). Entitlement to these supplemental payments shall cease at age 62 if the employee is eligible for social security benefits under 42 U.S.C. *s.* ~~ss.~~ 402 *or s.* ~~and~~ 423, whether or not the employee has applied for such benefits. These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955, and before July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974.

2.a. The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by such rules.

b. The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier is not required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules or if any employee who is receiving permanent total disability benefits refuses to apply for or cooperate with the employer or carrier in applying for social security benefits.

3. When an injured employee receives a full or partial lump-sum advance of the employee's permanent total disability compensation benefits, the employee's benefits under this paragraph shall be computed on the employee's weekly compensation rate as reduced by the lump-sum advance.

(13) REPAYMENT.—

(a) If an employee has received a sum as an indemnity benefit under any classification or category of benefit under this chapter to which she or he is not entitled, the employee is liable to repay that sum to the employer or the carrier or to have that sum deducted from future benefits, regardless of the classification of benefits, payable to the employee under this chapter; however, a partial payment of the total repayment may not exceed 20 percent of the amount of the biweekly payment.

(b)1. With respect to workers' compensation benefits payable before July 1, 1998, to the extent liability for repayment under this subsection is based on the combination of workers' compensation benefits and other benefits exceeding 100 percent of the employee's average weekly wage at the time of the injury, the employee is not required to repay the difference to the employer or carrier unless otherwise required by a contract that was in force at the time of the injury. However, an employer or carrier is not required to refund to the employee amounts actually recouped under this subsection prior to July 1, 1998.

2. As used in this paragraph, "other benefits" means social security benefits under 42 U.S.C. s. 402 or s. 423 and employer-funded benefits, including, but not limited to, nondisability retirement or nondisability pension benefits as described in subsection (14).

3. Nothing in this paragraph limits the applicability of subsection (10).

(14) COORDINATION OF BENEFITS.—Unless otherwise specifically provided by contract, workers' compensation benefits that are otherwise payable under this chapter must be reduced to the extent the combination of workers' compensation benefits and social security benefits under 42 U.S.C. s. 402 or s. 423, and employer-funded benefits other than nondisability retirement or nondisability pension benefits, provided to the employee and his or her dependents exceeds 100 percent of the employee's average weekly wage at the time of injury. A benefit shall be considered employer funded when the employer has contributed more than 50 percent of the cost of the benefit. "Workers' compensation benefits" excludes supplemental payments for permanent total disability pursuant to paragraph (1)(f).

Section 2. Section 440.49, Florida Statutes, is amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(1) LEGISLATIVE INTENT.—Whereas it is often difficult for workers with disabilities to achieve employment or to become reemployed following an injury, and it is the desire of the Legislature to facilitate the return of these workers to the workplace, it is the purpose of this section to encourage the employment, reemployment, and accommodation of the physically disabled by reducing an employer's insurance premium for reemploying an injured worker, to decrease litigation between carriers on apportionment issues, and to protect employers from excess liability for compensation and medical expense when an injury to a physically disabled worker merges with, aggravates, or accelerates her or his preexisting permanent physical impairment to cause either a greater disability or permanent impairment, or an increase in expenditures for temporary compensation or medical benefits than would have resulted from the injury alone. The division *or the administrator* shall inform all employers of the existence and function of the fund and shall interpret eligibility requirements liberally. However, this subsection shall not be construed to create or provide any benefits for injured employees or their dependents not otherwise provided by this chapter. The entitlement of an injured employee or her or his dependents to compensation under this chapter shall be determined without regard to this subsection, the provisions of which shall be considered only in determining whether an employer or carrier who has paid compensation under this chapter is entitled to reimbursement from the Special Disability Trust Fund.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Permanent physical impairment" means and is limited to the conditions listed in paragraph (6)(a).

(b) "Preferred worker" means a worker who, because of a permanent impairment resulting from a compensable injury or occupational disease, is unable to return to the worker's regular employment.

(c) "Merger" describes or means that:

1. If the permanent physical impairment had not existed, the subsequent accident or occupational disease would not have occurred;

2. The permanent disability or permanent impairment resulting from the subsequent accident or occupational disease is materially and substantially greater than that which would have resulted had the permanent physical impairment not existed, and the employer has been required to pay, and has paid, permanent total disability or permanent impairment benefits for that materially and substantially greater disability;

3. The preexisting permanent physical impairment is aggravated or accelerated as a result of the subsequent injury or occupational disease, or the preexisting impairment has contributed, medically and circumstantially, to the need for temporary compensation, medical, or attendant care and the employer has been required to pay, and has paid, temporary compensation, medical, or attendant care benefits for the aggravated preexisting permanent impairment; or

4. Death would not have been accelerated if the permanent physical impairment had not existed.

(d) "Excess permanent compensation" means that compensation for permanent impairment, or permanent total disability or death benefits, for which the employer or carrier is otherwise entitled to reimbursement from the Special Disability Trust Fund.

(e) "Administrator" means the entity selected by the commission to review, allow, deny, compromise, controvert, and litigate claims of the Special Disability Trust Fund.

(f) "Corporation" means the Special Disability Trust Fund Financing Corporation, as created under subsection (14).

(g) "Commission" means the Special Disability Trust Fund Privatization Commission, as created under subsection (13).

(3) DEDUCTIBLE.—Reimbursement may not be obtained for the first $10,000 of benefits paid which otherwise qualify for reimbursement under this section. This deductible does not apply to claims by employers for reimbursement under subparagraph (b)3.

(4) PERMANENT IMPAIRMENT OR PERMANENT TOTAL DISABILITY, TEMPORARY BENEFITS, MEDICAL BENEFITS, OR ATTENDANT CARE AFTER OTHER PHYSICAL IMPAIRMENT.—

(a) Permanent impairment.—If an employee who has a preexisting permanent physical impairment incurs a subsequent permanent impairment from injury or occupational disease arising out of, and in the course of, her or his employment which merges with the preexisting permanent physical impairment to cause a permanent impairment, the employer shall, in the first instance, pay all benefits provided by this chapter; but, subject to the limitations specified in subsection (6), such employer shall be reimbursed from the Special Disability Trust Fund created by subsection (8) for 50 percent of all impairment benefits which the employer has been required to provide pursuant to s. 440.15(3)(a) as a result of the subsequent accident or occupational disease.

(b) Permanent total disability.—If an employee who has a preexisting permanent physical impairment incurs a subsequent permanent impairment from injury or occupational disease arising out of, and in the course of, her or his employment which merges with the preexisting permanent physical impairment to cause permanent total disability, the employer shall, in the first instance, pay all benefits provided by this chapter; but, subject to the limitations specified in subsection (6), such employer shall be reimbursed from the Special Disability Trust Fund created by subsection (8) for 50 percent of all compensation for permanent total disability.

(c) Temporary compensation and medical benefits; aggravation or acceleration of preexisting condition or circumstantial causation.—If an employee who has a preexisting permanent physical impairment experiences an aggravation or acceleration of the preexisting permanent physical impairment as a result of an injury or occupational disease arising out of and in the course of her or his employment, or suffers an injury as a result of a merger as defined in subparagraph (1)(b)2., the employer shall provide all benefits provided by this chapter, but, subject to the limitations specified in subsection (7), the employer shall be reimbursed by the Special Disability Trust Fund created by subsection (8) for 50 percent of its payments for temporary, medical, and attendant care benefits.

(5) WHEN DEATH RESULTS.—If death results from the subsequent permanent impairment contemplated in paragraph (c) within 1 year after the subsequent injury, or within 5 years after the subsequent injury when disability has been continuous since the subsequent injury, and it is determined that the death resulted from a merger, the employer shall, in the first instance, pay the funeral expenses and the death benefits prescribed by this chapter; but, subject to the limitations specified in subsection (6), she or he shall be reimbursed from the Special Disability Trust Fund created by subsection (8) for the last 50 percent of all compensation allowable and paid for such death and for 50 percent of the amount paid as funeral expenses.

(6) EMPLOYER KNOWLEDGE, EFFECT ON REIMBURSEMENT.—

(a) Reimbursement is not allowed under this section unless it is established that the employer knew of the preexisting permanent physical impairment prior to the occurrence of the subsequent injury or occupational disease, and that the permanent physical impairment is one of the following:

1. Epilepsy.

2. Diabetes.

3. Cardiac disease.

4. Amputation of foot, leg, arm, or hand.

5. Total loss of sight of one or both eyes or a partial loss of corrected vision of more than 75 percent bilaterally.

6. Residual disability from poliomyelitis.

7. Cerebral palsy.

8. Multiple sclerosis.

9. Parkinson's disease.

10. Meniscectomy.

11. Patellectomy.

12. Ruptured cruciate ligament.

13. Hemophilia.

14. Chronic osteomyelitis.

15. Surgical or spontaneous fusion of a major weight-bearing joint.

16. Hyperinsulinism.

17. Muscular dystrophy.

18. Thrombophlebitis.

19. Herniated intervertebral disk.

20. Surgical removal of an intervertebral disk or spinal fusion.

21. One or more back injuries or a disease process of the back resulting in disability over a total of 120 or more days, if substantiated by a doctor's opinion that there was a preexisting impairment to the claimant's back.

22. Total deafness.

23. Mental retardation, provided the employee's intelligence quotient is such that she or he falls within the lowest 2 percentile of the general population. However, it shall not be necessary for the employer to know the employee's actual intelligence quotient or actual relative ranking in relation to the intelligence quotient of the general population.

24. Any permanent physical condition which, prior to the industrial accident or occupational disease, constitutes a 20-percent impairment of a member or of the body as a whole.

25. Obesity, provided the employee is 30 percent or more over the average weight designated for her or his height and age in the Table of Average Weight of Americans by Height and Age prepared by the Society of Actuaries using data from the 1979 Build and Blood Pressure Study.

26. Any permanent physical impairment as defined in s. 440.15(3) which is a result of a prior industrial accident with the same employer or the employer's parent company, subsidiary, sister company, or affiliate located within the geographical boundaries of this state.

(b) The Special Disability Trust Fund is not liable for any costs, interest, penalties, or attorneys' fees.

(c) An employer's or carrier's right to apportionment or deduction pursuant to ss. 440.02(1), 440.15(5)(b), and 440.151(1)(c) does not preclude reimbursement from such fund, except when the merger comes within the definition of subparagraph (2)(b)2. and such apportionment or deduction relieves the employer or carrier from providing the materially and substantially greater permanent disability benefits otherwise contemplated in those paragraphs.

(7) REIMBURSEMENT OF EMPLOYER.—

(a) The right to reimbursement as provided in this section is barred unless written notice of claim of the right to such reimbursement is filed by the employer or carrier entitled to such reimbursement with the division *or administrator* at Tallahassee within 2 years after the date the employee last reached maximum medical improvement, or within 2 years after the date of the first payment of compensation for permanent total disability, wage loss, or death, whichever is later. The notice of

claim must contain such information as the division by rule requires *or as established by the administrator*; and the employer or carrier claiming reimbursement shall furnish such evidence in support of the claim as the division *or administrator* reasonably may require.

(b) For notice of claims on the Special Disability Trust Fund filed on or after July 1, 1978, the Special Disability Trust Fund shall, within 120 days after receipt of notice that a carrier has paid, been required to pay, or accepted liability for excess compensation, serve notice of the acceptance of the claim for reimbursement.

(c) A proof of claim must be filed on each notice of claim on file as of June 30, 1997, within 1 year after July 1, 1997, or the right to reimbursement of the claim shall be barred. A notice of claim on file on or before June 30, 1997, may be withdrawn and refiled if, at the time refiled, the notice of claim remains within the limitation period specified in paragraph (a). Such refiling shall not toll, extend, or otherwise alter in any way the limitation period applicable to the withdrawn and subsequently refiled notice of claim. Each proof of claim filed shall be accompanied by a proof-of-claim fee as provided in paragraph (9)(d). The Special Disability Trust Fund shall, within 120 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(d) Each notice of claim filed or refiled on or after July 1, 1997, must be accompanied by a notification fee as provided in paragraph (9)(d). A proof of claim must be filed within 1 year after the date the notice of claim is filed or refiled, accompanied by a proof-of-claim fee as provided in paragraph (9)(d), or the claim shall be barred. The notification fee shall be waived if both the notice of claim and proof of claim are submitted together as a single filing. The Special Disability Trust Fund shall, within 180 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(e) For dates of accident on or after January 1, 1994, the Special Disability Trust Fund shall, within 120 days of receipt of notice that a carrier has been required to pay, and has paid over $10,000 in benefits, serve notice of the acceptance of the claim for reimbursement. Failure of the Special Disability Trust Fund to serve notice of acceptance shall give rise to the right to request a hearing on the claim for reimbursement. If the Special Disability Trust Fund through its representative denies or controverts the claim, the right to such reimbursement shall be barred unless an application for a hearing thereon is filed with the division *or administrator* at Tallahassee within 60 days after notice to the employer or carrier of such denial or controversion. When such application for a hearing is timely filed, the claim shall be heard and determined in accordance with the procedure prescribed in s. 440.25, to the extent that such procedure is applicable, and in accordance with the workers' compensation rules of procedure. In such proceeding on a claim for reimbursement, the Special Disability Trust Fund shall be made the party respondent, and no findings of fact made with respect to the claim of the injured employee or the dependents for compensation, including any finding made or order entered pursuant to s. 440.20(12), shall be res judicata. The Special Disability Trust Fund may not be joined or made a party to any controversy or dispute between an employee and the dependents and the employer or between two or more employers or carriers without the written consent of the fund.

(f) When it has been determined that an employer or carrier is entitled to reimbursement in any amount, the employer or carrier shall be reimbursed annually from the Special Disability Trust Fund for the compensation and medical benefits paid by the employer or carrier for which the employer or carrier is entitled to reimbursement, upon filing request therefor and submitting evidence of such payment in accordance with rules prescribed by the division, which rules may include parameters for annual audits. The Special Disability Trust Fund shall pay the approved reimbursement requests on a first-in, first-out basis reflecting the order in which the reimbursement requests were received.

(8) PREFERRED WORKER PROGRAM.—The division *or administrator* shall issue identity cards to preferred workers upon request by qualified employees and shall reimburse an employer, from the Special Disability Trust Fund, for the cost of workers' compensation premium related to the preferred workers payroll for up to 3 years of continuous employment upon satisfactory evidence of placement and issuance of payroll and classification records and upon the employee's certification of employment.

(9) SPECIAL DISABILITY TRUST FUND.—

(a) There is established in the State Treasury a special fund to be known as the "Special Disability Trust Fund," which shall be available only for the purposes stated in this section; and the assets thereof may not at any time be appropriated or diverted to any other use or purpose. The Treasurer shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the state. The Treasurer is authorized to disburse moneys from such fund only when approved by the division *or corporation* and upon the order of the Comptroller. The Treasurer shall deposit any moneys paid into such fund into such depository banks as the division *or corporation* may designate and is authorized to invest any portion of the fund which, in the opinion of the division, is not needed for current requirements, in the same manner and subject to all the provisions of the law with respect to the deposits of state funds by such Treasurer. All interest earned by such portion of the fund as may be invested by the Treasurer shall be collected by her or him and placed to the credit of such fund.

(b)1. The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals under s. 628.601, and the self-insurers under this chapter, which assessments shall become due and be paid quarterly at the same time and in addition to the assessments provided in s. 440.51. The division shall estimate annually in advance the amount necessary for the administration of this subsection and the maintenance of this fund and shall make such assessment in the manner hereinafter provided.

2. The annual assessment shall be calculated to produce during the ensuing fiscal year an amount which, when combined with that part of the balance in the fund on June 30 of the current fiscal year which is in excess of $100,000, is equal to the average of:

a. The sum of disbursements from the fund during the immediate past 3 calendar years, and

b. Two times the disbursements of the most recent calendar year.

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers.

3. The net premiums written by the companies for workers' compensation in this state and the net premium written applicable to the self-insurers in this state are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each insurance company and self-insurer to the division for the Special Disability Trust Fund in accordance with such regulations as the division prescribes.

4. The Treasurer is authorized to receive and credit to such Special Disability Trust Fund any sum or sums that may at any time be contributed to the state by the United States under any Act of Congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

(c) Notwithstanding the Special Disability Trust Fund assessment rate calculated pursuant to this section, the rate assessed shall not exceed 4.52 percent.

(d) The Special Disability Trust Fund shall be supplemented by a $250 notification fee on each notice of claim filed or refiled after July 1, 1997, and a $500 fee on each proof of claim filed in accordance with subsection (7). Revenues from the fee shall be deposited into the Special Disability Trust Fund and are exempt from the deduction required by s. 215.20. The fees provided in this paragraph shall not be imposed upon any insurer which is in receivership with the Department of Insurance.

(e) The Department of Labor and Employment Security *or administrator* shall report annually on the status of the Special Disability Trust Fund. The report shall update *the estimated undiscounted and discounted fund liability, as determined by an independent actuary* ~~the projected change in fund liability~~, change in the total number of notices of claim on file with the fund in addition to the number of newly filed notices of claim, change in the number of proofs of claim processed by the fund, ~~and~~ the fee revenues refunded and revenues applied to pay down the liability of the fund, *the average time required to reimburse accepted*

claims, and the average administrative costs per claim. The department *or administrator* shall submit its ~~initial~~ report to the Governor, the President of the Senate, and the Speaker of the House of Representatives ~~by March 1, 1998, for the period ending February 1, 1998, with additional reports submitted~~ by December 1 *of each year*~~, 1998, and December 1, 1999~~.

(10) DIVISION ADMINISTRATION OF FUND; CLAIMS; ADVISORY COMMITTEE; EXPENSES.—The division *or administrator* shall administer the Special Disability Trust Fund with authority to allow, deny, compromise, controvert, and litigate claims made against it and to designate an attorney to represent it in proceedings involving claims against the fund, including negotiation and consummation of settlements, hearings before judges of compensation claims, and judicial review. The division *or administrator* or the attorney designated by it shall be given notice of all hearings and proceedings involving the rights or obligations of such fund and shall have authority to make expenditures for such medical examinations, expert witness fees, depositions, transcripts of testimony, and the like as may be necessary to the proper defense of any claim. The division shall appoint an advisory committee composed of representatives of management, compensation insurance carriers, and self-insurers to aid it in formulating policies with respect to conservation of the fund, who shall serve without compensation for such terms as specified by it, but be reimbursed for travel expenses as provided in s. 112.061. All expenditures made in connection with conservation of the fund, including the salary of the attorney designated to represent it and necessary travel expenses, shall be allowed and paid from the Special Disability Trust Fund as provided in this section upon the presentation of itemized vouchers therefor approved by the division.

(11) EFFECTIVE DATES.—This section does not apply to any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred prior to July 1, 1955, or on or after January 1, 1998. In no event shall the Special Disability Trust Fund be liable for, or reimburse employers or carriers for, any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred on or after January 1, 1998. The Special Disability Trust Fund shall continue to reimburse employers or carriers for subsequent injuries occurring prior to January 1, 1998, and the division shall continue to assess for and *the division or administrator shall* fund reimbursements as provided in subsection (9) for this purpose.

(12) REIMBURSEMENT FROM THE SPECIAL DISABILITY TRUST FUND.—The applicable law for the purposes of determining entitlement to reimbursement from the Special Disability Trust Fund is the law in effect on the date the accident occurred.

(13)(a) The Special Disability Trust Fund Privatization Commission is created to evaluate and determine the feasibility of privatizing the Special Disability Trust Fund. The commission shall determine the liabilities of the fund and the costs to presently administer the Special Disability Trust Fund. The commission may develop and issue a request for proposal to transfer the liabilities of the Special Disability Trust Fund to an qualified entity. The commission is authorized to select and contract with an qualified entity, only if the commission determines that such an arrangement would substantially reduce the costs and be more effective than the current administration of the Special Disability Trust Fund. The commission may adopt rules necessary for the performance of its assigned duties and responsibilities.

(b) Consistent with the closing of the fund provided in subsection (11), the Special Disability Trust Fund Privatization Commission is authorized to contract with an administrator to review, allow, deny, compromise, controvert, and litigate claims of the Special Disability Trust Fund under this section. The Commission, in consultation with the division, is authorized to contract with an qualified entity to assume the reimbursement obligations of the Special Disability Trust Fund for claims which have previously have accepted for reimbursement by the Special Disability Trust Fund and claims which are determined to be reimbursable by the Special Disability Trust Fund. The qualified entity and the administrator shall not be affiliates of the other, and shall not establish or maintain a financial or contractual agreement with each other for purposes of this section. On or before July 1, 1999, the commission, in consultation with the division, may develop and issue a request for proposal for the transfer and assumption of liabilities, and administration of certain functions related to claims of the Special Disability Trust Fund. The administrator shall have experience in workers' compensation claims management of sufficient scope and size to undertake the duties and responsibilities of this section and shall demonstrate the ability to meet the criteria established by the commission, which shall include the ability to substantially reduce the overall costs of reviewing and reimbursing claims, and to settle and extinguish the liabilities of the Special Disability Trust Fund in a more cost efficient and more timely manner than presently provided by the division. In the event liabilities on the Special Disabilities Trust Fund are transferred to and assumed by an qualified entity, such insurer shall provide the state with financial assurance as to the satisfaction of any such liabilities or claims and the state and the Special Disability Trust Fund shall have no further liability with respect to those liabilities and claims. The financial assurances may include, but are not limited to, cash reserves, reinsurance, guarantees, or letters of credit.

(c) The commission shall be composed of three members, one member selected by the Governor; one selected by the Insurance Commissioner; and one selected by the Comptroller.

(d) The commission is authorized to appoint and employ such officers, agents, and employees as the commission deems advisable to operate and manage the affairs of the commission, which officers, agents, and employees may be employees of the division or the State Board of Administration. The commission shall contract with consultants deemed necessary to determine the liabilities of the Special Disability Trust Fund, as of December 31, 1998, and the feasibility of privatizing the Special Disability Trust Fund.

(14) Florida Special Disability Trust Fund Financing Corporation.—

(a) The Legislature finds that:

1. The liabilities of the Special Disability Trust Fund are substantial and that the extinguishment of these liabilities in a cost effective and timely manner are of paramount importance to the state. In connection therewith, in the event that the commission determines that it is more cost effective and in the best interest of the Special Disabilities Trust Fund and the state to finance the liabilities of the Special Disabilities Trust Fund through the issuance of bonds, notes or other evidence of indebtedness, it shall request the assistance of the corporation to issue such bonds, notes or other evidences of indebtedness.

2. The Legislature finds that the creation of a public benefits corporation and the issuance of bonds or other forms of indebtedness under this section is consistent with the underlying public purpose of reducing and ultimately eliminating the liabilities of the Special Disability Trust Fund. The purpose of the corporation and the subsequent bond issuance is to fund and pay the liabilities of the Special Disability Trust Fund, ensure the existence of a sufficient funding source for reimbursements to employers and carriers, and reduce the overall costs of the program provided by the state by employers and carriers.

(b) In the event the commission determines that it is more cost effective and in the best interest of the Special Disability Trust Fund, the state, insurers, and employers to finance the liabilities of the Special Disability Trust Fund through the issuance of bonds, notes, or other evidences of indebtedness, there is created a public benefits corporation to be known as the Special Disability Trust Fund Financing Corporation.

1. The corporation shall operate under a three-member board of directors consisting of the Governor or a designee, the Treasurer or a designee, and the Comptroller or a designee.

2. The corporation has all of the powers of corporations under chapter 607 and under chapter 617.

3. The corporation may issue bonds, notes, or other evidences of indebtedness and engage in such other financial transactions as are necessary to provide sufficient funds to achieve the purposes of this section.

4. The corporation may invest in any of the investments authorized under s. 215.47.

5. There shall be no liability on the part of, and no cause of action shall arise against, any board members or employees of the corporation or the state for any actions taken by them in the performance of their duties under this paragraph.

6. The corporation may appoint and employ such officers, agents, and employees as the corporation deems advisable to operate and manage the

affairs of the corporation, which officers, agents, and employees may be employees of the division or the State Board of Administration. The administrative costs and fees incurred by the corporation, and employee salaries, shall be paid from bond revenues. The corporation and the division shall have the power to contract with each other for expenses incurred in connection with the transfer, assumption, and settlement of liabilities of the Special Disability Trust Fund.

7. In addition to bonding, the corporation may also borrow from, or enter into other financing arrangements with, any market sources at interest rates not exceeding prevailing interest rates.

(c)1. The proceeds of revenue bonds issued by this corporation may be used to pay obligations of the Special Disability Trust Fund made pursuant to this section; to finance or replace previously existing borrowings or financial arrangements; to pay interest on bonds; to fund reserves for the bonds; to pay expenses incident to the issuance or sale of any bonds issued under this subsection, or for such other purposes related to the financial obligations of the Special Disability Trust Fund as the corporation may determine. The corporation may pledge all or a portion of the revenues collected under subsection (9) to secure such revenue bonds, and may execute such agreements between the corporation and the division, necessary or desirable in connection with the issuance of any revenue bonds.

2. The corporation may contract with the State Board of Administration to serve as trustee with respect to debt obligations issued by the corporation as provided by this section and to hold, administer, and invest proceeds of such debt obligations and other funds of the corporation. The State Board of Administration may perform such services and may contract with others to provide all or a part of such services and to recover the costs and expenses of providing such services. The investment of proceeds of debt obligations or other funds of the corporation and contracts of funds held in trust by the State Board of Administration, whether directly or indirectly related to the investments or contracts, are exempt from the provisions of chapter 287.

(d)1. Revenue bonds may not be issued under this subsection until validated under chapter 75. In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this subsection, or the security therefor, any such bond reciting in substance that it has been issued by the corporation in connection with any purpose of this section shall be conclusively deemed to have been carried out in accordance with the mandates herein. In actions under chapter 75 to validate any bonds issued by the corporation, the notice required by s. 75.06 shall be published only in Leon County and in two newspapers of general circulation in the state, and the complaint and order of the court shall be served only on the State Attorney of the Second Judicial Circuit. The validation of at least the first obligations incurred pursuant to this subsection shall be appealed to the Supreme Court, to be handled on an expedited basis.

2. The state hereby covenants with holders of bonds of the corporation that the state will not repeal or abrogate the power of the division to levy the assessments and to collect the proceeds of the revenues pledged to the payment of such bonds as long as any such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds.

3. The corporation and its corporate existence shall continue until terminated by law; however, no such law shall take effect as long as the corporation has bonds outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds. Upon termination of the existence of the corporation, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

(e)1. The funds, credit, property, or taxing power of the state or political subdivisions of the state shall not be pledged for the payment of such bonds. The bonds of the corporation are not a debt of the state or of any political subdivision, and neither the state nor any political subdivision is liable on such bonds. The corporation does not have the power to pledge the credit, the revenues, or the taxing power of the state or of any political subdivision. The credit, revenues, or taxing power of the state or of any political subdivision shall not be deemed to be pledged to the payment of any bonds of the corporation. However, bonds issued under this subsection are declared to be for an essential public and governmental purpose.

2. The property, revenues, and other assets of the corporation; the transactions and operations of the corporation and the income from such transactions and operations; and all bonds issued under this paragraph and the interest on such bonds, which is exempt from income taxes of the United States, are exempt from taxation by the state and any political subdivision, including, but not limited to, the intangibles tax under chapter 199, the income tax under chapter 220, and the premium tax under the Florida Insurance Code. This exemption does not apply to any tax imposed by chapter 220 on interest income or profits on debt obligations owned by corporations other than the Special Disability Trust Fund Financing Corporation. The corporation is not subject to the reporting requirements mandated by the Florida Insurance Code.

(f) All bonds of the corporation shall be and constitute legal investments without limitation for all public bodies of this state; for all banks, trust companies, savings banks, savings associations, savings and loan associations, and investment companies; for all administrators, executors, trustees, and other fiduciaries; for all insurance companies and associations and other persons carrying on an insurance business; and for all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of the state and shall be and constitute eligible securities to be deposited as collateral for the security of any state, county, municipal, or other public funds. This paragraph shall be considered as additional and supplemental authority and shall not be limited without specific reference to this paragraph.

(g) In the event the commission selects an qualified entity to assume all or some of the liabilities of the Special Disability Trust Fund, all or any portion of the monetary assets and claims liabilities held in and accruing to the Special Disability Trust Fund may, with the agreement of the corporation or the administrator, be transferred to and fully assumed by the corporation or the qualified entity. As provided in an agreement with the corporation or the qualified entity, subsequent assessments under subsection (9) shall be collected by the division, deposited into the Special Disability Trust Fund, and used exclusively for the debt service of the bonds issued by the corporation, the payment of outstanding liabilities of the Special Disability Trust Fund not assumed by the corporation or the qualified entity, and expenses of the corporation.

(h) The administrator is prohibited from reviewing, auditing, litigating, reimbursing, or settling any pending or future claim or liability of its affiliates or subsidiaries. The administrator is required to subcontract the responsibility of reviewing, auditing, litigating, reimbursing, or settling such a claim or liability.

(i) The Auditor General is authorized to examine and audit the records and accounts of the corporation.

Section 3. *There is hereby appropriated $200,000 from the Special Disability Trust Fund to the Special Disability Trust Fund Privatization Commission to implement this act.*

Section 4. This act shall take effect July 1 of the year in which enacted.

And the title is amended as follows:

On page 1, lines 3-11 remove from the title of the bill: all of said lines and insert in lieu thereof: amending s. 440.15, F.S.; providing an exception to certain benefit repayment requirements for employees; providing a definition; providing application; providing a method for determining workers' compensation benefits when in combination with certain other benefits; providing for the exclusion of certain supplemental payments; amending s. 440.49, F.S., creating the Special Disability Trust Fund Privatization Commission; providing purpose; providing for members; providing duties; providing for adoption of rules; creating the Special Disability Trust Fund Financing Corporation; providing purposes; providing for a board of directors; providing powers and duties of the corporation; authorizing the Division of Workers' Compensation to enter into service contracts for certain purposes; authorizing the corporation to issue evidences of indebtedness; authorizing the corporation to validate bond obligations; exempting the corporation from certain taxes and assessments; providing application; providing for reversion of the assets to the State upon dissolution of the corporation; providing for the State Board of Administration to be a trustee of the corporation's securities; authorizing the commission to issue a request for proposal for administration of the claims of the fund; authorizing the transfer and assumption of the liabilities of the Special Disability Trust Fund to an qualified entity if it is determined by the commission that such an arrangement would be more cost effective than the current administration by the division; authorizing the Auditor General to examine and audit the

records of the corporation; providing an appropriation; providing an effective date.

On motion by Senator Latvala, the Senate refused to concur in the House amendment to **CS for SB 1092** and the House was requested to recede.

RECONSIDERATION OF BILL

On motion by Senator Latvala, the Senate reconsidered the vote by which the motion to refuse to concur in the House amendment was adopted.

On motion by Senator Latvala, further consideration of **CS for SB 1092** as amended was deferred.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1144, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1144—A bill to be entitled An act relating to the rulemaking authority of the Department of Management Services and other agencies (RAB); creating s. 110.224, F.S.; requiring a review and performance planning system; requiring the department to adopt rules to implement a review and performance planning system to assess employee performance; amending s. 110.1095, F.S.; directing the department to provide technical assistance; requiring annual review of state training programs; requiring agencies to develop and implement training programs; directing the department to adopt rules for training programs; amending s. 110.207, F.S.; prohibiting positions from being filled before they have been classified; amending s. 110.227, F.S.; directing the department to adopt a grievance procedure for career service employees; requiring a grievance process to be available for career service employees; defining the term "grievance"; authorizing the adoption of rules for the grievance process; amending s. 216.262, F.S.; providing rulemaking authority; detailing use and value of perquisites; amending s. 946.515, F.S.; making a determination not to use corporation products or services; providing an effective date.

House Amendment 1 (with title amendment)—On page 11, lines 19, through page 13, line 2 remove from the bill: all said lines

And the title is amended as follows:

On page 1, lines 25 through 27, remove from the title of the bill: all said lines and insert in lieu thereof: and value of perquisites; providing an

On motion by Senator Gutman, the Senate concurred in the House amendment.

CS for SB 1144 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1406, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1406—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; defining the terms "corporate officer," "partner," and "sole proprietor," as used in ch. 440, F.S.; amending s. 440.05, F.S.; authorizing the Division of Workers' Compensation of the Department of Labor and Employment Security to approve and revoke certificates of exemption; specifying requirements for notices of election to be exempt; providing for renewal of exemption certificates; requiring notice on election forms that providing false information is a felony; revising fees for exemptions and specifying use of fees by the division; amending s. 440.09, F.S.; conforming references to judges of compensation claims and administrative law judges; amending s. 440.10, F.S.; revising documentation establishing conclusive presumption of independent contractor status and ineligibility for workers' compensation benefits; amending s. 440.103, F.S.; revising the documentation that must be filed by an employer that obtains a building permit; specifying requirements for certificates of coverage; amending s. 440.104, F.S.; revising the cause of action and remedies available to losers of competitive bidding against persons who violate certain provisions; increasing recoverable damages; amending s. 440.105, F.S.; providing penalties; providing a time limitation for bringing an action under s. 440.105(4), F.S.; amending s. 440.107, F.S.; providing legislative findings related to noncompliance with workers' compensation coverage requirements; authorizing the division to enter and inspect places of business for investigating compliance; requiring employers to maintain records required by the division by rule; authorizing the division to require sworn reports from employers, to administer oaths, and to issue subpoenas to enforce compliance; providing penalties for refusal to obey a subpoena; amending s. 440.45, F.S.; revising term of office, qualifications, and method of nomination for the Chief Judge of the Office of the Judges of Compensation Claims; providing for expiration of term of office for members of the statewide nominating commission for judges of compensation claims; providing for new appointments to the nominating commission and staggered terms; revising the procedures for nominating commission regarding performance of sitting judges and regarding nominations of applicants; providing for expiration of the term of office and reappointment of the Chief Judge of Compensation Claims; amending s. 627.413, F.S.; specifying notice requirements for minimum premium policies; requiring the division to notify certain persons of certain requirements of this act; providing an appropriation; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(1) "Accident" means only an unexpected or unusual event or result that happens suddenly. A mental or nervous injury due to stress, fright, or excitement only, or disability or death due to the accidental acceleration or aggravation of a venereal disease or of a disease due to the habitual use of alcohol or controlled substances or narcotic drugs, or a disease that manifests itself in the fear of or dislike for an individual because of the individual's race, color, religion, sex, national origin, age, or handicap is not an injury by accident arising out of the employment. If a preexisting disease or anomaly is accelerated or aggravated by an accident arising out of and in the course of employment, only acceleration of death or acceleration or aggravation of the preexisting condition reasonably attributable to the accident is compensable, with respect to death or permanent impairment.

(2) "Adoption" or "adopted" means legal adoption prior to the time of the injury.

(3) "Carrier" means any person or fund authorized under s. 440.38 to insure under this chapter and includes a self-insurer, and a commercial self-insurance fund authorized under s. 624.462.

(4) "Casual" as used in this section shall be taken to refer only to employments when the work contemplated is to be completed in not exceeding 10 working days, without regard to the number of persons employed, and when the total labor cost of such work is less than $100.

(5) "Child" includes a posthumous child, a child legally adopted prior to the injury of the employee, and a stepchild or acknowledged child born out of wedlock dependent upon the deceased, but does not include married children unless wholly dependent on the employee. "Grandchild" means a child as above defined of a child as above defined. "Brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but does not include married brothers or married sisters unless wholly dependent on the employee. "Child," "grandchild," "brother," and "sister" include only persons who at the time of the death of the deceased employees are under 18 years of age, or under 22 years of age if a full-time student in an accredited educational institution.

(6) "Compensation" means the money allowance payable to an employee or to his or her dependents as provided for in this chapter.

(7) "Construction industry" means for-profit activities involving the carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction. However, "construction" shall not mean a landowner's act of construction or the result of a construction upon his or her own premises, provided such premises are not intended to be sold or resold.

(8) "Corporate officer" or "officer of a corporation" means any person who fills an office provided for in the corporate charter or articles of incorporation filed with the Division of Corporations of the Department of State or as permitted or required by chapter 607.

(9)~~(8)~~ "Date of maximum medical improvement" means the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated, based upon reasonable medical probability.

(10)~~(9)~~ "Death" as a basis for a right to compensation means only death resulting from an injury.

(11)~~(10)~~ "Department" means the Department of Labor and Employment Security.

(12)~~(11)~~ "Disability" means incapacity because of the injury to earn in the same or any other employment the wages which the employee was receiving at the time of the injury.

(13)~~(12)~~ "Division" means the Division of Workers' Compensation of the Department of Labor and Employment Security.

(14)~~(13)~~(a) "Employee" means any person engaged in any employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes, but is not limited to, aliens and minors.

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing written notice of the election with the division as provided in s. 440.05.

2. As to officers of a corporation who are actively engaged in the construction industry, no more than three officers may elect to be exempt from this chapter by filing written notice of the election with the division as provided in s. 440.05.

3. An officer of a corporation who elects to be exempt from this chapter by filing a written notice of the election with the division as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

(c) "Employee" includes a sole proprietor or a partner who devotes full time to the proprietorship or partnership and, except as provided in this paragraph, elects to be included in the definition of employee by filing notice thereof as provided in s. 440.05. Partners or sole proprietors actively engaged in the construction industry are considered employees unless they elect to be excluded from the definition of employee by filing written notice of the election with the division as provided in s. 440.05. However, no more than three partners in a partnership that is actively engaged in the construction industry may elect to be excluded. A sole proprietor or partner who is actively engaged in the construction industry and who elects to be exempt from this chapter by filing a written notice of the election with the division as provided in s. 440.05 is not an employee. For purposes of this chapter, an independent contractor is an employee unless he or she meets all of the conditions set forth in subparagraph (d)1.

(d) "Employee" does not include:

1. An independent contractor, if:

a. The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

b. The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal requirements;

c. The independent contractor performs or agrees to perform specific services or work for specific amounts of money and controls the means of performing the services or work;

d. The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform;

e. The independent contractor is responsible for the satisfactory completion of work or services that he or she performs or agrees to perform and is or could be held liable for a failure to complete the work or services;

f. The independent contractor receives compensation for work or services performed for a commission or on a per-job or competitive-bid basis and not on any other basis;

g. The independent contractor may realize a profit or suffer a loss in connection with performing work or services;

h. The independent contractor has continuing or recurring business liabilities or obligations; and

i. The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

However, the determination as to whether an individual included in the Standard Industrial Classification Manual of 1987, Industry Numbers 0711, 0721, 0722, 0751, 0761, 0762, 0781, 0782, 0783, 0811, 0831, 0851, 2411, 2421, 2435, 2436, 2448, or 2449, or a newspaper delivery person, is an independent contractor is governed not by the criteria in this paragraph but by common-law principles, giving due consideration to the business activity of the individual.

2. A real estate salesperson or agent, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the division; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Any officer of a corporation who elects to be exempt from this chapter.

8. A sole proprietor or officer of a corporation who actively engages in the construction industry, and a partner in a partnership that is actively engaged in the construction industry, who elects to be exempt from the provisions of this chapter. Such sole proprietor, officer, or partner is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

(15)~~(14)~~ "Employer" means the state and all political subdivisions thereof, all public and quasi-public corporations therein, every person carrying on any employment, and the legal representative of a deceased person or the receiver or trustees of any person. If the employer is a corporation, parties in actual control of the corporation, including, but not limited to, the president, officers who exercise broad corporate powers, directors, and all shareholders who directly or indirectly own a controlling interest in the corporation, are considered the employer for the purposes of ss. 440.105 and 440.106.

(16)~~(15)~~(a) "Employment," subject to the other provisions of this chapter, means any service performed by an employee for the person employing him or her.

(b) "Employment" includes:

1. Employment by the state and all political subdivisions thereof and all public and quasi-public corporations therein, including officers elected at the polls.

2. All private employments in which four or more employees are employed by the same employer or, with respect to the construction industry, all private employment in which one or more employees are employed by the same employer.

3. Volunteer firefighters responding to or assisting with fire or medical emergencies whether or not the firefighters are on duty.

(c) "Employment" does not include service performed by or as:

1. Domestic servants in private homes.

2. Agricultural labor performed on a farm in the employ of a bona fide farmer, or association of farmers, who employs 5 or fewer regular employees and who employs fewer than 12 other employees at one time for seasonal agricultural labor that is completed in less than 30 days, provided such seasonal employment does not exceed 45 days in the same calendar year. The term "farm" includes stock, dairy, poultry, fruit, furbearing animals, fish, and truck farms, ranches, nurseries, and orchards. The term "agricultural labor" includes field foremen, timekeepers, checkers, and other farm labor supervisory personnel.

3. Professional athletes, such as professional boxers, wrestlers, baseball, football, basketball, hockey, polo, tennis, jai alai, and similar players, and motorsports teams competing in a motor racing event as defined in s. 549.08.

4. Labor under a sentence of a court to perform community services as provided in s. 316.193.

(17)~~(16)~~ "Misconduct" includes, but is not limited to, the following, which shall not be construed in pari materia with each other:

(a) Conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of the employee; or

(b) Carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of an employer's interests or of the employee's duties and obligations to the employer.

(18)~~(17)~~ "Injury" means personal injury or death by accident arising out of and in the course of employment, and such diseases or infection as naturally or unavoidably result from such injury. Damage to dentures, eyeglasses, prosthetic devices, and artificial limbs may be included in this definition only when the damage is shown to be part of, or in conjunction with, an accident. This damage must specifically occur as the result of an accident in the normal course of employment.

(19)~~(18)~~ "Parent" includes stepparents and parents by adoption, parents-in-law, and any persons who for more than 3 years prior to the death of the deceased employee stood in the place of a parent to him or her and were dependent on the injured employee.

(20) "Partner" means any person who is a member of a partnership that is formed by two or more persons to carry on as coowners of a business with the understanding that there will be a proportional sharing of the profits and losses between them. For the purposes of this chapter, a partner is a person who participates fully in the management of the partnership and who is personally liable for its debts.

(21)~~(19)~~ "Permanent impairment" means any anatomic or functional abnormality or loss determined as a percentage of the body as a whole, existing after the date of maximum medical improvement, which results from the injury.

(22)~~(20)~~ "Person" means individual, partnership, association, or corporation, including any public service corporation.

(23)~~(21)~~ "Self-insurer" means:

(a) Any employer who has secured payment of compensation pursuant to s. 440.38(1)(b) or (6) as an individual self-insurer;

(b) Any employer who has secured payment of compensation through a group self-insurance fund under s. 624.4621;

(c) Any group self-insurance fund established under s. 624.4621;

(d) A public utility as defined in s. 364.02 or s. 366.02 that has assumed by contract the liabilities of contractors or subcontractors pursuant to s. 440.571; or

(e) Any local government self-insurance fund established under s. 624.4622.

(24) "Sole proprietor" means a natural person who owns a form of business in which that person owns all the assets of the business and is solely liable for all the debts of the business.

(25)~~(22)~~ "Spouse" includes only a spouse substantially dependent for financial support upon the decedent and living with the decedent at the

time of the decedent's injury and death, or substantially dependent upon the decedent for financial support and living apart at that time for justifiable cause.

(26)~~(23)~~ "Time of injury" means the time of the occurrence of the accident resulting in the injury.

(27)~~(24)~~ "Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the injury and includes only the wages earned and reported for federal income tax purposes on the job where the employee is injured and any other concurrent employment where he or she is also subject to workers' compensation coverage and benefits, together with the reasonable value of housing furnished to the employee by the employer which is the permanent year-round residence of the employee, and gratuities to the extent reported to the employer in writing as taxable income received in the course of employment from others than the employer and employer contributions for health insurance for the employee or the employee's dependents. However, housing furnished to migrant workers shall be included in wages unless provided after the time of injury. In employment in which an employee receives consideration for housing, the reasonable value of such housing compensation shall be the actual cost to the employer or based upon the Fair Market Rent Survey promulgated pursuant to s. 8 of the Housing and Urban Development Act of 1974, whichever is less. However, if employer contributions for housing or health insurance are continued after the time of the injury, the contributions are not "wages" for the purpose of calculating an employee's average weekly wage.

(28)~~(25)~~ "Weekly compensation rate" means and refers to the amount of compensation payable for a period of 7 consecutive days, including any Saturdays, Sundays, holidays, and other nonworking days which fall within such period of 7 consecutive days. When Saturdays, Sundays, holidays, or other nonworking days immediately follow the first 7 days of disability or occur at the end of a period of disability as the last day or days of such period, such nonworking days constitute a part of the period of disability with respect to which compensation is payable.

(29)~~(26)~~ "Construction design professional" means an architect, professional engineer, landscape architect, or surveyor and mapper, or any corporation, professional or general, that has a certificate to practice in the construction design field from the Department of Business and Professional Regulation.

(30)~~(27)~~ "Individual self-insurer" means any employer who has secured payment of compensation pursuant to s. 440.38(1)(b) as an individual self-insurer.

(31)~~(28)~~ "Domestic individual self-insurer" means an individual self-insurer:

(a) Which is a corporation formed under the laws of this state;

(b) Who is an individual who is a resident of this state or whose primary place of business is located in this state; or

(c) Which is a partnership whose principals are residents of this state or whose primary place of business is located in this state.

(32)~~(29)~~ "Foreign individual self-insurer" means an individual self-insurer:

(a) Which is a corporation formed under the laws of any state, district, territory, or commonwealth of the United States other than this state;

(b) Who is an individual who is not a resident of this state and whose primary place of business is not located in this state; or

(c) Which is a partnership whose principals are not residents of this state and whose primary place of business is not located in this state.

(33)~~(30)~~ "Insolvent member" means an individual self-insurer which is a member of the Florida Self-Insurers Guaranty Association, Incorporated, or which was a member and has withdrawn pursuant to s. 440.385(1)(b), and which has been found insolvent, as defined in paragraph *(34)(a)* ~~(31)(a)~~, paragraph *(34)(b)* ~~(31)(b)~~, or paragraph *(34)(c)* ~~(31)(c)~~, by a court of competent jurisdiction in this or any other state, or meets the definition of paragraph *(34)(d)* ~~(31)(d)~~.

(34)~~(31)~~ "Insolvency" or "insolvent" means:

(a) With respect to an individual self-insurer:

1. That all assets of the individual self-insurer, if made immediately available, would not be sufficient to meet all the individual self-insurer's liabilities;

2. That the individual self-insurer is unable to pay its debts as they become due in the usual course of business;

3. That the individual self-insurer has substantially ceased or suspended the payment of compensation to its employees as required in this chapter; or

4. That the individual self-insurer has sought protection under the United States Bankruptcy Code or has been brought under the jurisdiction of a court of bankruptcy as a debtor pursuant to the United States Bankruptcy Code.

(b) With respect to an employee claiming insolvency pursuant to s. 440.25(5), a person is insolvent who:

1. Has ceased to pay his or her debts in the ordinary course of business and cannot pay his or her debts as they become due; or

2. Has been adjudicated insolvent pursuant to the federal bankruptcy law.

(35)~~(32)~~ "Arising out of" pertains to occupational causation. An accidental injury or death arises out of employment if work performed in the course and scope of employment is the major contributing cause of the injury or death.

(36)~~(33)~~ "Soft-tissue injury" means an injury that produces damage to the soft tissues, rather than to the skeletal tissues or soft organs.

(37)~~(34)~~ "Catastrophic injury" means a permanent impairment constituted by:

(a) Spinal cord injury involving severe paralysis of an arm, a leg, or the trunk;

(b) Amputation of an arm, a hand, a foot, or a leg involving the effective loss of use of that appendage;

(c) Severe brain or closed-head injury as evidenced by:

1. Severe sensory or motor disturbances;

2. Severe communication disturbances;

3. Severe complex integrated disturbances of cerebral function;

4. Severe episodic neurological disorders; or

5. Other severe brain and closed-head injury conditions at least as severe in nature as any condition provided in subparagraphs 1.-4.;

(d) Second-degree or third-degree burns of 25 percent or more of the total body surface or third-degree burns of 5 percent or more to the face and hands;

(e) Total or industrial blindness; or

(f) Any other injury that would otherwise qualify under this chapter of a nature and severity that would qualify an employee to receive disability income benefits under Title II or supplemental security income benefits under Title XVI of the federal Social Security Act as the Social Security Act existed on July 1, 1992, without regard to any time limitations provided under that act.

(38)~~(35)~~ "Insurer" means a group self-insurers' fund authorized by s. 624.4621, an individual self-insurer authorized by s. 440.38, a commercial self-insurance fund authorized by s. 624.462, an assessable mutual insurer authorized by s. 628.6011, and an insurer licensed to write workers' compensation and employer's liability insurance in this state. The term "carrier," as used in this chapter, means an insurer as defined in this subsection.

(39)~~(36)~~ "Statement," for the purposes of ss. 440.105 and 440.106, includes, but is not limited to, any notice, representation, statement, proof of injury, bill for services, diagnosis, prescription, hospital or doctor record, X ray, test result, or other evidence of loss, injury, or expense.

Section 2. Section 440.05, Florida Statutes, is amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(1) Each corporate officer who elects not to accept the provisions of this chapter or who, after electing such exemption, revokes that exemption shall mail to the division in Tallahassee notice to such effect in accordance with a form to be prescribed by the division.

(2) Each sole proprietor or partner who elects to be included in the definition of "employee" or who, after such election, revokes that election must mail to the division in Tallahassee notice to such effect, in accordance with a form to be prescribed by the division.

(3) Each sole proprietor, partner, or officer of a corporation who is actively engaged in the construction industry and who elects an exemption from this chapter or who, after electing such exemption, revokes that exemption, must mail a written notice to such effect to the division on a form prescribed by the division. The notice of election to be exempt from the provisions of this chapter must be notarized and under oath. The *notice of* election *to be exempt which is submitted to the division by the sole proprietor, partner, or officer of a corporation* must list the name, federal tax identification number, social security number, ~~and~~ all certified or registered licenses issued pursuant to chapter 489 held by the person seeking the exemption*, a copy of relevant documentation as to employment status filed with the IRS as specified by the division, a copy of the relevant occupational license in the primary jurisdiction of the business, and, for corporate officers and partners, the registration number of the corporation or partnership filed with the Division of Corporations of the Department of State.* The *notice of election to be exempt* ~~form~~ must identify each sole proprietorship, partnership, or corporation that employs the person electing the exemption and must list the social security number or federal tax identification number of each such employer *and the additional documentation required by this section.* In addition, the *notice of* election *to be exempt* ~~form~~ must provide that the sole proprietor, partner, or officer electing an exemption is not entitled to benefits under this chapter, must provide that the election does not exceed exemption limits for officers and partnerships provided in s. 440.02, and must certify that any employees of the sole proprietor, partner, or officer electing an exemption are covered by workers' compensation insurance. Upon receipt of the notice of the election to be exempt, *receipt of all application fees,* and a determination *by the division* that the notice meets the requirements of this subsection, the division shall issue a certification of the election to the sole proprietor, partner, or officer*, unless the division determines that the information contained in the notice is invalid. The division shall revoke a certificate of election to be exempt from coverage upon a determination by the division that the person does not meet the requirements for exemption or that the information contained in the notice of election to be exempt is invalid.* The certificate of election must list the names of the sole proprietorship, partnership, or corporation listed in the request for exemption. A new certificate of election must be obtained each time the person is employed by a new sole proprietorship, partnership, or corporation that is not listed on the certificate of election. A copy of the certificate of election must be sent to each workers' compensation carrier identified in the request for exemption. ~~The certification of the election is valid until the sole proprietor, partner, or officer revokes her or his election.~~ Upon filing a notice of revocation of election, a sole proprietor, partner, or officer who is a subcontractor must notify her or his contractor. *Upon revocation of a certificate of election of exemption by the division, the division shall notify the workers' compensation carriers identified in the request for exemption.*

(4) The notice of election to be exempt from the provisions of this chapter must contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive the division or any employer or employee, insurance company, or purposes program, files a notice of election to be exempt containing any false or misleading information is guilty of a felony of the third degree." Each person filing a notice of election to be exempt shall personally sign the notice and attest that he or she has reviewed, understands, and acknowledges the foregoing notice.

(5)~~(4)~~ A notice given under subsection (1), subsection (2), or subsection (3) *shall become effective when issued by the division or 30 days after an application for an exemption is received by the division, whichever occurs first* ~~is not effective until 30 days after the date it is mailed to the division in Tallahassee~~. However, if an accident or occupational disease occurs less than 30 days after the effective date of the insurance policy under which the payment of compensation is secured or the date the employer qualified as a self-insurer, such notice is effective as of 12:01 a.m. of the day following the date it is mailed to the division in Tallahassee.

(6) A construction industry certificate of election to be exempt which is issued in accordance with this section shall be valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the division. The construction industry certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. Any person who has received from the division a construction industry certificate of election to be exempt which is in effect on December 31, 1998, shall file a new notice of election to be exempt by the last day in his or her birth month following December 1, 1998. A construction industry certificate of election to be exempt may be revoked before its expiration by the sole proprietor, partner, or officer for whom it was issued or by the division for the reasons stated in this section. At least 60 days prior to the expiration date of a construction industry certificate of exemption issued after December 1, 1998, the division shall send notice of the expiration date and an application for renewal to the certificateholder at the address on the certificate.

(7)~~(5)~~ Any contractor responsible for compensation under s. 440.10 may register in writing with the workers' compensation carrier for any subcontractor and shall thereafter be entitled to receive written notice from the carrier of any cancellation or nonrenewal of the policy.

(8)(a)~~(6)~~ The division may assess a fee, not to exceed $50, with each request for *a nonconstruction* election ~~or renewal of election~~ under this section.

(b) The division must assess a fee of $50, with each request for a construction industry certificate of election to be exempt or renewal of election to be exempt under this section.

(c) The funds collected by the division shall be used to administer this section, ~~and~~ to audit the businesses that pay the fee for compliance with any requirements of this chapter*, and to enforce compliance with the provisions of this chapter.*

Section 3. Subsection (4) of section 440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(4) An employee shall not be entitled to compensation or benefits under this chapter if any *judge of compensation claims,* administrative *law judge* ~~hearing officer~~, court, or jury convened in this state determines that the employee has knowingly or intentionally engaged in any of the acts described in s. 440.105 for the purpose of securing workers' compensation benefits.

Section 4. Paragraph (g) of subsection (1) of section 440.10, Florida Statutes, is amended to read:

440.10 Liability for compensation.—

(1)

(g) For purposes of this section, a person is conclusively presumed to be an independent contractor if:

1. The independent contractor provides the general contractor with an affidavit stating that he or she meets all the requirements of s. 440.02*(14)*~~(13)~~(d); and

2. The independent contractor provides the general contractor with a valid certificate of workers' compensation insurance or a valid certificate of exemption issued by the division.

A sole proprietor, ~~independent contractor,~~ partner, or officer of a corporation who elects exemption from this chapter by filing a certificate of election under s. 440.05 may not recover benefits or compensation under

this chapter. *An independent contractor who provides the general contractor with both an affidavit stating that he or she meets the requirements of s. 440.02(14)(d) and a certificate of exemption is not an employee under s. 440.02(14)(c) and may not recover benefits under this chapter. For purposes of determining the appropriate premium for workers' compensation coverage, carriers may not consider any person who meets the requirements of this paragraph to be an employee.*

Section 5. Section 440.103, Florida Statutes, is amended to read:

440.103 Building permits*; identification of minimum premium policy*.—Except as otherwise provided in this chapter, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees under this chapter as provided in ss. 440.10 and 440.38. Such proof of compensation must be evidenced by a certificate of coverage issued by the carrier, a valid exemption certificate approved by the division, or a copy of the employer's authority to self-insure *and shall be presented each time the employer applies for a building permit. As provided in s. 627.413(5),* each certificate of coverage must show, on its face, whether or not coverage is secured under the minimum premium provisions of *rules adopted by rating organizations licensed by the Department of Insurance* ~~the National Council of Compensation Insurers rules~~. The words "minimum premium policy" or *equivalent* ~~similar~~ language *shall* ~~may~~ be typed, printed, stamped, or legibly handwritten.

Section 6. Subsections (1), (2), and (3) of section 440.104, Florida Statutes, are amended to read:

440.104 Competitive bidder; civil actions.—

(1) Any person engaged in the construction industry, as provided in s. 440.02(7), who loses a competitive bid for a contract *shall have a cause of* ~~may bring an~~ action for damages against *the* ~~another~~ person ~~who is~~ awarded the contract for which the bid was made, if the person making the losing bid establishes that the winning bidder *knew or should have known that he or she was in violation* ~~knowingly violated the provisions~~ of s. 440.10, s. 440.105, or s. 440.38 while performing the work under the contract.

(2) To recover in an action brought under this section, a party must establish a violation of *s. 440.10,* s. 440.105, or s. 440.38 by a preponderance of the evidence.

(3) Upon establishing that the *winning bidder knew or should have known of the* violation ~~occurred~~, the person shall recover as liquidated damages *30* ~~10~~ percent of the total amount bid on the contract by the person bringing the action, or *$15,000* ~~$5,000~~, whichever is greater.

Section 7. Subsections (4), (5), (6), and (7) of section 440.105, Florida Statutes, are amended, and subsection (9) is added to said said, to read:

440.105 Prohibited activities; penalties*; limitations*.—

(4) Whoever violates any provision of this subsection commits *insurance fraud* ~~a felony of the third degree~~, punishable as provided in *paragraph (f)* ~~s. 775.082, s. 775.083, or s. 775.084~~.

(a) It shall be unlawful for any employer to knowingly:

1. Present or cause to be presented any false, fraudulent, or misleading oral or written statement to any person as evidence of compliance with s. 440.38.

2. Make a deduction from the pay of any employee entitled to the benefits of this chapter for the purpose of requiring the employee to pay any portion of premium paid by the employer to a carrier or to contribute to a benefit fund or department maintained by such employer for the purpose of providing compensation or medical services and supplies as required by this chapter.

3. Fail to secure payment of compensation if required to do so by this chapter.

(b) It shall be unlawful for any person:

1. To knowingly make, or cause to be made, any false, fraudulent, or misleading oral or written statement for the purpose of obtaining or denying any benefit or payment under this chapter.

2. To present or cause to be presented any written or oral statement as part of, or in support of, a claim for payment *or* ~~of~~ other benefit pursuant to any provision of this chapter, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim.

3. To prepare or cause to be prepared any written or oral statement that is intended to be presented to any employer, insurance company, or self-insured program in connection with, or in support of, any claim for payment or other benefit pursuant to any provision of this chapter, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim.

4. To knowingly assist, conspire with, or urge any person to engage in activity prohibited by this section.

5. To knowingly make any false, fraudulent, or misleading oral or written statement, or to knowingly omit or conceal material information, required by s. 440.185 or s. 440.381, for the purpose of obtaining workers' compensation coverage or for the purpose of avoiding, delaying, or diminishing the amount of payment of any workers' compensation premiums.

6. To knowingly misrepresent or conceal payroll, classification of workers, or information regarding an employer's loss history which would be material to the computation and application of an experience rating modification factor for the purpose of avoiding or diminishing the amount of payment of any workers' compensation premiums.

7. To knowingly present or cause to be presented any false, fraudulent, or misleading oral or written statement to any person as evidence of compliance with s. 440.38*, as evidence of eligibility for a certificate of exemption under s. 440.05*.

(c) It shall be unlawful for any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, chiropractic physician licensed under chapter 460, podiatric physician licensed under chapter 461, optometric physician licensed under chapter 463, or any other practitioner licensed under the laws of this state to knowingly and willfully assist, conspire with, or urge any person to fraudulently violate any of the provisions of this chapter.

(d) It shall be unlawful for any person or governmental entity licensed under chapter 395 to maintain or operate a hospital in such a manner so that such person or governmental entity knowingly and willfully allows the use of the facilities of such hospital by any person, in a scheme or conspiracy to fraudulently violate any of the provisions of this chapter.

(e) It shall be unlawful for any attorney or other person, in his or her individual capacity or in his or her capacity as a public or private employee, or any firm, corporation, partnership, or association, to knowingly assist, conspire with, or urge any person to fraudulently violate any of the provisions of this chapter.

(f) *If the amount of any claim or workers' compensation insurance premium involved in any violation of this subsection:*

1. Is less than $20,000, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Is $20,000 or more, but less than $100,000, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Is $100,000 or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) It shall be unlawful for any attorney or other person, in his or her individual capacity or in his or her capacity as a public or private employee or for any firm, corporation, partnership, or association, to unlawfully solicit any business in and about city or county hospitals, courts, or any public institution or public place; in and about private hospitals or sanitariums; in and about any private institution; or upon private property of any character whatsoever for the purpose of making workers' compensation claims. *Whoever violates any provision of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.085.*

(6)~~(5)~~ This section shall not be construed to preclude the applicability of any other provision of criminal law that applies or may apply to any transaction.

(7)~~(6)~~ For the purpose of the section, the term "statement" includes, but is not limited to, any notice, representation, statement, proof of injury, bill for services, diagnosis, prescription, hospital or doctor records, X ray, test result, or other evidence of loss, injury, or expense.

(8)~~(7)~~ All claim forms as provided for in this chapter shall contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive any employer or employee, insurance company, or self-insured program, files a statement of claim containing any false or misleading information *commits insurance fraud, punishable as provided in s. 817.234* ~~is guilty of a felony of the third degree~~." Each claimant shall personally sign the claim form and attest that he or she has reviewed, understands, and acknowledges the foregoing notice.

Section 8. Present subsections (1) through (7) of section 440.107, Florida Statutes, are redesignated as subsections (5) through (11), respectively, and new subsections (1), (2), (3), and (4) are added to that section to read:

440.107 Division powers to enforce employer compliance with coverage requirements.—

(1) The Legislature finds that the failure of an employer to comply with the workers' compensation coverage requirements under chapter 440 poses an immediate danger to public health, safety, and welfare. The Legislature authorizes the division to secure employer compliance with the workers' compensation coverage requirements and authorizes the division to conduct investigations for the purpose of ensuring employer compliance.

(2) The division and its authorized representatives may enter and inspect any place of business at any reasonable time for the limited purpose of investigating compliance with workers' compensation coverage requirements under this chapter. Each employer shall keep true and accurate business records that contain such information as the division prescribes by rule. The business records must contain information necessary for the division to determine compliance with workers' compensation coverage requirements and must be maintained within this state by the business, in such a manner as to be accessible within a reasonable time upon request by the division. The business records must be open to inspection and be available for copying by the division at any reasonable time and place and as often as necessary. The division may require from any employer any sworn or unsworn reports, pertaining to persons employed by that employer, deemed necessary for the effective administration of the workers' compensation coverage requirements.

(3) In discharging its duties, the division may administer oaths and affirmations, certify to official acts, issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary by the division as evidence in order to ensure proper compliance with the coverage provisions of this chapter.

(4) If a person has refused to obey a subpoena to appear before the division or its authorized representative and produce evidence requested by the division or to give testimony about the matter that is under investigation, a court has jurisdiction to issue an order requiring compliance with the subpoena if the court has jurisdiction in the geographical area where the inquiry is being carried on or in the area where the person who has refused the subpoena is found, resides, or transacts business. Failure to obey such a court order may be punished by the court as contempt.

Section 9. Subsection (7) of section 440.185, Florida Statutes, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(7) Every carrier shall file with the division within 21 days after the issuance of a policy or contract of insurance such policy information as the division may require, *including notice of whether the policy is a minimum premium policy*. Notice of cancellation or expiration of a policy as set out in s. 440.42(2) shall be mailed to the division in accordance with rules promulgated by the division under chapter 120.

Section 10. Subsections (2) and (3) of section 440.42, Florida Statutes, are renumbered as subsections (3) and (4), respectively, and new subsection (2) is added to said section, to read:

440.42 Insurance policies; liability.—

(2) A workers' compensation insurance policy may require the employer to release certain employment and wage information maintained by the state pursuant to federal and state unemployment compensation laws except to the extent prohibited or limited under federal law. By entering into a workers' compensation insurance policy with such a provision, the employer consents to the release of the information. The insurance carrier requiring such consent shall safeguard the information and maintain its confidentiality. The carrier shall limit use of the information to verifying compliance with the terms of the workers' compensation insurance policy. The department may charge a fee to cover the cost of disclosing the information.

Section 11. Section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(1) There is hereby created the Office of the Judges of Compensation Claims within the Department of Labor and Employment Security. The Office of the Judges of Compensation Claims shall be headed by a Chief Judge ~~who shall serve at the pleasure of the Governor and Cabinet~~. The Chief Judge shall be appointed by the Governor *for a term of 4 years* ~~and confirmed by the Cabinet~~ from a list of *three* ~~two~~ names submitted by *the statewide nominating commission created under subsection (2)* ~~each of the District Court Judicial Nominating Commissions created by s. 2, Art. V of the State Constitution and s. 43.29~~. *The Chief Judge must possess the same qualifications for appointment as a judge of compensation claims, and the procedure for reappointment of the Chief Judge will be the same as for reappointment of a judge of compensation claims.* The office shall be a separate budget entity and the Chief Judge shall be its agency head for all purposes. The Department of Labor and Employment Security shall provide administrative support and service to the office to the extent requested by the Chief Judge but shall not direct, supervise, or control the Office of the Judges of Compensation Claims in any manner, including but not limited to personnel, purchasing, budgetary matters, or property transactions. The operating budget of the Office of the Judges of Compensation Claims shall be paid out of the Workers' Compensation Administration Trust Fund established in s. 440.50.

(2)(a) The Governor shall appoint full-time judges of compensation claims to conduct proceedings as required by this chapter or other law. No person may be *nominated to serve* ~~appointed~~ as a judge of compensation claims unless he or she has been a member of The Florida Bar in good standing ~~for the preceding 5 years~~ and is knowledgeable in the *practice of* law of workers' compensation. No judge of compensation claims shall engage in the private practice of law during a term of office.

(b) *Except as provided in paragraph (c),* the Governor shall ~~initially~~ appoint a judge of compensation claims from a list of three persons nominated by a statewide nominating commission. The statewide nominating commission shall be composed of the following:

1. Five ~~5~~ members, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are engaged in the practice of law. *On July 1, 1999, the term of office of each person appointed by the Board of Governors of The Florida Bar to the commission expires. The Board of Governors shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term*;

2. Five ~~5~~ electors, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Governor. *On July 1, 1999, the term of office of each person appointed by the Governor to the commission expires. The Governor shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to*

4-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term; and

3. Five ~~5~~ electors, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in the territorial jurisdictions of the district courts of appeal, selected and appointed by a majority vote of the other 10 members of the commission. *On October 1, 1999, the term of office of each person appointed to the commission by its other members expires. A majority of the other members of the commission shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning October 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning October 1, 1999. Thereafter, each member shall be appointed for a 4-year term.*

A vacancy occurring on the commission shall be filled by the original appointing authority for the unexpired balance of the term. No attorney who appears before any judge of compensation claims more than four times a year is eligible to serve on the statewide nominating commission. The meetings and determinations of the nominating commission as to the judges of compensation claims shall be open to the ~~general~~ public.

(c) Each judge of compensation claims shall be appointed for a term of 4 years, but during the term of office may be removed by the Governor for cause. Prior to the expiration of a judge's term of office, the statewide nominating commission shall review the judge's conduct *and determine whether the judge's performance is satisfactory. If the judge's performance is deemed satisfactory,* the commission shall report its finding to the Governor no later than 6 months prior to the expiration of the judge's term of office. *The Governor shall review the commission's report and may reappoint the judge for an additional 4-year term. If the Governor does not reappoint the judge, the Governor shall inform the commission. The judge shall remain in office until the Governor has appointed a successor judge in accordance with paragraphs (a) and (b).* ~~The report of the commission shall include a list of three candidates for appointment. The candidates shall include the judge whose term is expiring, if that judge desires reappointment and the judge's performance is satisfactory upon review by the commission.~~ If a vacancy occurs during a judge's unexpired term, *the statewide nominating commission does not find the judge's performance is satisfactory, or the governor does not reappoint the judge,* ~~the commission shall issue a report to~~ the Governor *shall appoint a successor judge for a term of 4 years in accordance with paragraph (b)* ~~which includes a list of three candidates for appointment. The Governor shall review the commission's report, and may select one of the listed candidates. If no candidate is selected, the Governor shall so inform the commission, which shall within 2 months issue a report to the Governor which includes a list of three different candidates for appointment~~.

(3) The Chief Judge shall select from among the full time judges of the office two or more judges to rotate as docketing judges. Docketing judges shall review all claims for benefits for consistency with the requirements of this chapter and the rules of procedure, including but not limited to specificity requirements, and shall dismiss any claim that fails to comport with such rules and requirements. The docketing judge shall not dismiss any claim with prejudice without offering the parties an opportunity to appear and present argument. The Chief Judge may as he or she deems appropriate expand the duties of the docketing judges to include resolution without hearing of other types of procedural and substantive matters, including resolution of fee disputes.

(4) The Chief Judge shall have the discretion to require mediation and to designate qualified persons to act as mediators in any dispute pending before the judges of compensation claims and the division. The Chief Judge shall coordinate with the Director of the Division of Workers' Compensation to establish a mandatory mediation program to facilitate early and efficient resolution of disputes arising under this chapter and to establish training and continuing education for new and sitting judges.

(5) The Office of the Judges of Compensation Claims shall promulgate rules to effect the purposes of this section. Such rules shall include procedural rules applicable to workers' compensation claim resolution and uniform criteria for measuring the performance of the office, including but not limited to the number of cases assigned and disposed, the age of pending and disposed cases, timeliness of decisionmaking, extraordinary fee awards and other performance indicators. The workers' compensation rules of procedure approved by the Supreme Court shall apply until the rules promulgated by the Office of the Judges of Compensation Claims pursuant to this section become effective.

(6) Not later than December 1 of each year, the Office of the Judges of Compensation Claims and the Division of Workers' Compensation shall jointly issue a written report to the Governor, the House of Representatives, and the Senate summarizing the amount, cost, and outcome of all litigation resolved in the prior year, summarizing the disposition of applications and motions for mediation conferences and recommending changes or improvements to the dispute resolution elements of the Workers' Compensation Law and regulations.

Section 12. *On July 1, 1999, the term of office of the Chief Judge of Compensation Claims expires. The statewide nominating commission is directed to submit a list of three names to the Governor pursuant to section 440.45(1), Florida Statutes, by March 1, 1999.*

Section 13. *The revised process for nomination and appointment of judges of compensation claims, as provided in the amendments to section 440.45(2)(c), Florida Statutes, shall take effect on July 1, 1999.*

Section 14. *Any member of the statewide nominating commission whose term of office expires as a result of the amendment of section 440.45, Florida Statutes, by this act is eligible for reappointment.*

Section 15. Subsection (9) is added to section 626.989, Florida Statutes, to read:

626.989 Division of Insurance Fraud; definition; investigative, subpoena powers; protection from civil liability; reports to division; division investigator's power to execute warrants and make arrests.—

(9) In recognition of the complementary roles of investigating instances of workers' compensation fraud and enforcing compliance with the workers' compensation coverage requirements under chapter 440, the Division of Insurance Fraud of the Department of Insurance and the Division of Workers' Compensation of the Department of Labor and Employment Security are directed to prepare and submit a joint performance report to the President of the Senate and the Speaker of the House of Representatives by November 1 of each year for each of the next 2 years, and then every 3 years thereafter, describing the results obtained in achieving compliance with the workers' compensation coverage requirements and reducing the incidence of workers' compensation fraud.

Section 16. Subsection (5) is added to section 627.413, Florida Statutes, to read:

627.413 Contents of policies, in general; identification.—

(5) Any policy that is a minimum premium policy issued by an insurer pursuant to the minimum premium provisions of rules adopted by rating organizations licensed by the Department of Insurance, shall have typed, printed, stamped, or legibly handwritten on the certificate the words "minimum premium policy" or equivalent language. The department may impose an administrative fine pursuant to s. 624.4211 if the department finds any violation of this subsection.

Section 17. Paragraph (h) is added to subsection (2) of section 775.15, Florida Statutes, to read:

775.15 Time limitations.—

(2) Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:

(h) A prosecution for a felony violation of s. 440.105 must be commenced within 5 years after the violation is committed.

Section 18. *Effective July 1, 1998, the Division of Workers' Compensation shall notify all persons holding a construction industry certificate of election of exemption of the requirements of section 440.05, Florida Statutes, as amended by this act.*

Section 19. *There is hereby appropriated to the Department of Labor and Employment Security from the Workers' Compensation Administration Trust Fund for the fiscal year 1998-1999, 15 positions and $1,100,000 to carry out the provisions of this act. This section shall take effect July 1, 1998.*

Section 20. Except as otherwise provided in this act, this act shall take effect January 1, 1999.

And the title is amended as follows:

On page 1, line 3 through page 2, line 31 remove from the title of the bill: all of said lines and insert in lieu thereof: amending s. 440.02, F.S.; defining the terms "corporate officer," "partner," and "sole proprietor," as used in ch. 440, F.S.; amending s. 440.05, F.S.; authorizing the Division of Workers' Compensation of the Department of Labor and Employment Security to approve and revoke certificates of exemption; specifying requirements for notices of election to be exempt; providing for renewal of exemption certificates; requiring notice on election forms that providing false information is a felony; revising fees for exemptions and specifying use of fees by the division; amending s. 440.09, F.S.; conforming references to judges of compensation claims and administrative law judges; amending s. 440.10, F.S.; relating to liability for compensation; revising provisions relating to when a person is conclusively presumed to be an independent contractor; providing circumstances in which carriers may not consider a person to be an employee; amending s. 440.103, F.S.; revising the documentation that must be filed by an employer that obtains a building permit; specifying requirements for certificates of coverage; amending s. 440.104, F.S.; revising the cause of action and remedies available to losers of competitive bidding against persons who violate certain provisions; increasing recoverable damages; amending s. 440.105, F.S.; providing penalties; providing a time limitation for bringing an action under s. 440.105(4), F.S.; amending s. 440.107, F.S.; providing legislative findings related to noncompliance with workers' compensation coverage requirements; authorizing the division to enter and inspect places of business for investigating compliance; requiring employers to maintain records required by the division by rule; authorizing the division to require sworn reports from employers, to administer oaths, and to issue subpoenas to enforce compliance; providing penalties for refusal to obey a subpoena; amending s. 440.185, F.S.; requiring carriers to notify the division whether certain policies are minimum premium policies; amending s. 440.42, F.S.; authorizing workers' compensation policies to require employers to release certain employment and wage information; amending s. 440.45, F.S.; revising term of office, qualifications, and method of nomination for the Chief Judge of the Office of the Judges of Compensation Claims; providing for expiration of term of office for members of the statewide nominating commission for judges of compensation claims; providing for new appointments to the nominating commission and staggered terms; revising the procedures for nominating commission regarding performance of sitting judges and regarding nominations of applicants; providing for expiration of the term of office and reappointment of the Chief Judge of Compensation Claims; amending s. 626.989, F.S.; requiring the Division of Insurance Fraud of the Department of Insurance and the Division of Workers' Compensation of the Department of Labor and Employment Security to periodically submit a joint performance report to the Legislature; amending s. 627.413, F.S.; specifying notice requirements for minimum premium policies; requiring the division to notify certain persons of certain requirements of this act; providing an appropriation; amending s. 775.15, F.S.; providing a statute of limitations for certain insurance fraud violations; providing an effective date.

On motion by Senator Clary, the Senate concurred in the House amendment.

CS for CS for SB 1406 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1408, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1408—A bill to be entitled An act relating to public records; creating s. 440.108, F.S.; providing an exemption from public records requirements for certain information obtained in administering the Workers' Compensation Law; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

House Amendment 1 (with title amendment)—On page 3, lines 15-18 remove from the bill: all of said lines and insert in lieu thereof:

Section 3. Subsection (10) of section 440.185, Florida Statutes, is created to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(10) Any information in a report of injury or illness filed pursuant to this section that would identify an ill or injured employee is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. *The Legislature finds that it is a public necessity that any information in a report of injury or illness filed pursuant to section 440.185, Florida Statutes, that would identify an ill or injured employee, be held confidential and exempt because such information is of a sensitive, personal nature. Disclosure of such sensitive, personal information about an employee is an invasion of that employee's privacy. Further, the release of such information could lead to discrimination against the employee by coworkers, potential employers, and others. The harm caused to such an employee by the release of this information outweighs any public benefit derived from its release.*

Section 5. Sections 1 and 2 of this act shall take effect on the effective date of CS/CS/SB 1406, or similar legislation, relating to the powers of the Division of Workers' Compensation of the Department of Labor and Employment Security, and Sections 3 and 4 of this act shall take effect upon becoming law.

And the title is amended as follows:

On page 1, lines 11 and 12 remove from the title of the bill: all of said lines and insert in lieu thereof: necessity; amending s. 440.185; F.S., providing an exemption from public records requirements for information in a report of injury or illness filed pursuant to the Workers' Compensation Law; providing a finding of public necessity; providing effective dates.

Senator Brown-Waite moved the following amendment which was adopted:

Senate Amendment 1 (with title amendment) to House Amendment 1—On page 2, lines 13-18, delete those lines and insert:

Section 5. *Except as provided in sections 400.215(2)(c) and 435.10, Florida Statutes, Federal Bureau of Investigation criminal records, juvenile records, or abuse registry information that is obtained by the Agency for Health Care Administration in connection with background screening requirements that apply to an employee or a prospective employee of a nursing facility is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and section 24(a), Article I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through enactment by the Legislature.*

Section 6. *The Legislature finds that exempting Federal Bureau of Investigation criminal records, juvenile records, and abuse registry back-*

ground screening information related to employees and prospective employees of nursing facilities from public disclosure is a public necessity, in that the health and safety of the public necessitates having available applicants for positions as nursing facility personnel. Allowing such information concerning employees or applicants to be disseminated would have a chilling effect upon the willingness to apply for such positions on the part of any person about whom there is information of past misbehavior contained in juvenile records or criminal records or in the central abuse registry, even if the person were fully rehabilitated and would be a suitable employee. Juvenile records and central abuse registry information are otherwise already exempt.

Section 7. Sections 1 and 2 of this act shall take effect on the effective date of CS/CS/SB 1406, or similar legislation, relating to the powers of the Division of Workers' Compensation of the Department of Labor and Employment Security; this section and sections 3 and 4 of this act shall take effect upon becoming a law; and sections 5 and 6 of this act shall take effect on the same date that Committee Substitute for House Bills 3089 and 171 or similar legislation creating the Nursing Home Facility Personnel Screening Act takes effect, if such legislation is adopted in the same legislative session or an extension thereof.

And the title is amended as follows:

On page 3, line 1, after the semicolon (;) insert: providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a nursing facility in connection with background screening of employees and prospective employees of the facility; providing for future review and repeal; providing a finding of public necessity;

On motion by Senator Clary, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 1408 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1458, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1458—A bill to be entitled An act relating to coastal redevelopment; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; amending s. 163.360, F.S.; requiring additional findings before approval of certain community redevelopment plans; creating s. 163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

House Amendment 1 (with title amendment)—On page 11, between lines 9 and 10 insert:

Section 5. *Effective July 1, 1998, there is hereby appropriated an additional $500,000 from the Grants and Donations Trust Fund for the purposes contained in Specific Appropriation 1258 of the Conference Report on HB 4201, 1998. Effective July 1, 1998, an additional $2,000,000 is appropriated from the Grants and Donations Trust Fund for the purposes contained in Specific Appropriation 1230 of the Conference Report on HB 4201, 1998. The $2,000,000 reflects the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7)(c), Florida Statutes.*

And the title is amended as follows:

On page 1, line 17, after the semicolon insert: providing appropriations;

House Amendment 3 (with title amendment)—On page 11, between lines 9 and 10, insert:

Section 5. *Notwithstanding the provisions of section 376.11, Florida Statutes, there is hereby appropriated from the Coastal Protection Trust Fund to the Department of Environmental Protection for fiscal year 1998-1999 the additional sum of $1 million. These funds shall be used by the department to provide grants to increase the knowledge of factors that control harmful algal blooms, including red tide, and to gain knowledge to be used for the early detection of factors precipitating harmful algal blooms; for accurate prediction of the extent and seriousness of harmful algal blooms; and for undertaking successful efforts to control and mitigate the effects of harmful algal blooms. The program shall foster partnerships through contracts between the state and universities, nonprofit organizations, and citizens groups.*

And the title is amended as follows:

On page 1, line 17, after the semicolon insert: providing an appropriation;

On motion by Senator Latvala, the Senate concurred in the House amendments.

CS for SB 1458 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Crist	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 1944, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1944—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; creating s. 535.08, F.S.; providing a prohibition against the administration of medications to thoroughbred horses prior to sale; providing an exception and certain requirements; providing for testing; providing for a tolerance or test for medications and depressants; providing penalties; amending s. 535.11, F.S., relating to prohibition against administration of drugs to horses; providing a definition; creating s. 585.147, F.S.; requiring a permit for transporting or hauling certain animals or animal products; providing vehicle and container requirements; amending s. 500.09, F.S.; authorizing the department to perform certain laboratory services relating to food safety and establish fees therefor; amending s. 500.121, F.S.; adding new disciplinary procedures for food establishments operating without a permit or with a suspended or revoked permit; providing a penalty; amending s. 570.07, F.S.; authorizing an employees' benefit fund; amending s.

570.952, F.S.; revising membership of the Florida Agriculture Center and Horse Park Authority; amending s. 571.25, F.S.; changing the registration date for membership in the Florida Agricultural Promotional Campaign; amending s. 581.031, F.S.; providing duties of the department relating to a commercial citrus inventory; amending s. 500.11, F.S.; specifying conditions for animal products to be considered misbranded; amending ss. 570.50, 570.51, F.S.; deleting powers and duties of the Division of Food Safety of the Department of Agriculture and Consumer Services relating to certain animal and animal product inspection; amending and transferring ss. 585.89, 585.92, F.S., relating to prohibitions on purchase of beef and pork, specifications for bid invitations, penalties, and labeling requirements; conforming provisions; amending s. 828.22, F.S.; correcting a cross-reference; amending s. 877.05, F.S., relating to the killing of young veal for sale; conforming provisions; repealing s. 205.1951, F.S., relating to the issuance of a grant of inspection or a custom animal slaughtering or processing establishment permit; repealing ss. 585.70, 585.88, 585.90, 585.91, 585.93, 585.96, F.S., relating to animal and animal product inspection and labeling; repealing ss. 828.23(5) and (6), 828.24, 828.25, 828.26(2), F.S., relating to definitions of terms "packer" and "stockyard," prohibited acts, department administration, and penalties pertaining to slaughter of livestock; repealing s. 877.06, F.S., relating to labeling of beef not slaughtered according to state or United States standards; repealing s. 102, ch. 92-291, Laws of Florida, relating to review and repeal of ss. 500.12, 500.121, F.S.; providing an effective date.

House Amendment 1 (with title amendment)—On page 10, line 21, through page 14, line 2, remove from the bill: all of said lines

And the title is amended as follows:

On page 2, line 4 after "misbranded;" through line 30 through the semicolon, remove from the title of the bill: all of said lines

House Amendment 2 (with title amendment)—On page 14, between lines 2 and 3 of the bill, insert:

Section 18. *In the event it is determined that the Citrus Budwood Registration Program in the amount of $601,396 cannot be funded from the Citrus Inspection Trust Fund, then the Citrus Budwood Registration Program shall be funded from budget transfers within the operating budget of the Department of Agriculture and Consumer Services.*

And the title is amended as follows:

On page 3, line 1 after the semicolon, insert: providing for funding for the Citrus Budwood Registration Program;

House Amendment 3 (with title amendment)—On page 14, between lines 2 and 3, of the bill insert:

Section 18. Section 506.5131, Florida Statutes, is created to read:

506.5131 Return of shopping carts; assessment of fees; fines and costs.—

(1) The rightful owner of any shopping cart with a registered name or mark found on public property shall be immediately notified of its recovery.

(2) Notwithstanding any other provision of law or local ordinance, no fee, fine or costs may be assessed against the owner of a shopping cart found on public property, unless the shopping cart was removed from the premises or parking area of a retail establishment by the owner of the shopping cart, or an employee acting on the owner's behalf, and such fee, fine or cost has been approved by the Department of Agriculture and Consumer Services.

And the title is amended as follows:

On page 3, line 1, after the semicolon, insert: creating s. 506.5131, F.S.; providing for the return of shopping carts to their owner when found on public property; providing that fees, fines, and costs may not be assessed against the owner of a shopping cart in certain circumstances;

House Amendment 4 (with title amendment)—On page 14, between lines 2 and 3 of the bill insert:

Section 16. Section 604.50, Florida Statutes, is created to read:

604.50 Nonresidential farm buildings.—Notwithstanding any other law to the contrary, any nonresidential farm building located on a farm is exempt from the Florida Building Code, and any county or municipal building code. For purposes of this section "nonresidential farm building" means any building or structure located on a farm that is not used as a residential dwelling. Farm is as defined in s. 823.14.

And the title is amended as follows:

On page 3, line 1 after the semicolon (;) insert: creating s. 604.50, F.S., relating to nonresidential farm buildings; providing exemptions from building codes; providing definitions;

On motion by Senator Thomas, the Senate concurred in the House amendments.

SB 1944 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

MOTION

On motion by Senator Bankhead, a deadline of 2:00 p.m. was set for filing amendments to the Local Bill Calendar to be considered this day.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:46 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:37 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

SPECIAL STAFF RECOGNITION

At the request of President Jennings, the staff of the President, the Secretary, the Sergeant at Arms, Senate Committees and the Majority and Minority Offices were present in the chamber and seated in the east gallery. The President, on behalf of the entire Senate, thanked the staff for their support and hard work in making the 1998 session a success.

On motion by Senator Silver, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has returned as requested HB 3971.

John B. Phelps, Clerk

HB 3971—A bill to be entitled An act relating to health facilities authorities; amending s. 154.209, F.S.; providing that an accounts receivable program in which an authority participates on behalf of a health facility may include the financing of accounts receivable acquired by the facility from other not-for-profit health care corporations, regardless of affilliation or location; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Silver, the Senate reconsidered the vote by which **HB 3971** as amended passed April 29.

On motion by Senator Silver, by two-thirds vote the Senate reconsidered the vote by which **HB 3971** was read the third time.

On motion by Senator Silver, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 2, delete line 2 and insert: *health facilities, whether or not*

And the title is amended as follows:

On page 1, lines 8 and 9, delete those lines and insert: from other health facilities, regardless of affiliation or

On motion by Senator Silver, by two-thirds vote **HB 3971** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2474, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2474—A bill to be entitled An act relating to planning for educational facilities; amending s. 163.3177, F.S.; requiring that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools; specifying the date by which such plans must comply and providing effect of noncompliance; providing requirements with respect to the data and analyses on which a public school facilities element should be based; providing for goals, objectives, and policies; providing for a future conditions map; amending s. 163.3180, F.S.; revising requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement; requiring a public schools facilities element; providing requirements for level of service standards; providing requirements for designation of service areas; providing requirements with respect to financial feasibility; specifying an availability standard; requiring that intergovernmental coordination requirements be satisfied and providing that certain municipalities are not required to be a signatory of the required interlocal agreement; providing duties of such municipalities to evaluate their status and enter into the interlocal agreement when required, and providing effect of failure to do so; providing requirements for an interlocal agreement; directing the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element; amending s. 163.3191, F.S.; providing that the local planning agency's periodic report on the comprehensive plan shall assess the coordination of the plan with public schools; amending s. 235.185, F.S.; directing school boards to adopt annually 10-year and 20-year work programs in addition to the required 5-year district facilities work program; amending s. 235.19, F.S.; providing a directive to school boards with respect to school location; amending s. 235.193, F.S.; providing requirements for the 5-year district facilities work program with respect to enrollment and population projections; precluding the siting of new schools in certain jurisdictions; providing for interim use of certain criteria and guidelines by the state land planning agency in compliance review of a school concurrency system; providing an alternative concurrency system for counties subject to final order by the Administration Commission; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (6) of section 163.3177, Florida Statutes, is amended, and subsection (12) is added to said section, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; and the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with this paragraph no later than October 1, *1999, or the deadline for the local government*

evaluation and appraisal report, whichever occurs first ~~1996~~*. The failure by a local government to comply with this requirement will result in the prohibition of the local government's ability to amend the local comprehensive plan as provided by s. 163.3187(6).* An amendment proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. *The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible.*

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection.

(a) A public school facilities element shall be based upon data and analyses that address, among other items, how level of service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the 5-year school district facilities work program adopted pursuant to s. 235.185; the educational plant survey and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and anticipated educational and ancillary plants with land area requirements.

(b) The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.

(c) The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(d) The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(e) The objectives and policies shall address items such as: the procedure for an annual update process; the procedure for school site selection; the procedure for school permitting; provision of supporting infrastructure; location of future school sites so they serve as community focal points; measures to ensure compatibility of school sites and surrounding land uses; coordination with adjacent local governments and the school district on emergency preparedness issues; and coordination with the future land use element.

(f) The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period.

Section 2. Subsection (1) of section 163.3180, Florida Statutes, is amended, and subsections (12) and (13) are added to said section, to read:

163.3180 Concurrency.—

(1)~~(a)~~ Roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

~~(b) If a local government elects to extend the concurrency requirement to public schools, it should first conduct a study to determine how the requirement would be met and shared by all affected parties. The local government shall provide an opportunity for full participation in this study by the school board. The state land planning agency may provide technical assistance to local governments that study and prepare for extension of the concurrency requirement to public schools. When establishing concurrency requirements for public schools, a local government shall comply with the following criteria for any proposed plan or plan amendment transmitted pursuant to s. 163.3184(3) after July 1, 1995:~~

~~1. Adopt level-of-service standards for public schools with the agreement of the school board. Public school level-of-service standards shall be adopted as part of the capital improvements element in the local government comprehensive plan, which shall contain a financially feasible public school capital facilities program established in conjunction with the school board that will provide educational facilities at an adequate level of service necessary to implement the adopted local government comprehensive plan.~~

~~2. Satisfy the requirement for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2.~~

(12) School concurrency, if imposed by local option, shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). School concurrency shall not become effective in a county until all local governments, except as provided in paragraph (f), have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part. The minimum requirements for school concurrency are the following:

(a) Public school facilities element.—A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

(b) Level of service standards.—The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level of service standards, as defined in rule 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level of service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special-purpose facilities such as magnet schools.

3. Local governments and school boards shall have the option to utilize tiered level of service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(c) Service areas.—The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level of service standards.

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to apply school concurrency to development on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide.

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified, included, and adopted as part of the comprehensive plan. Any subsequent change to the service area boundaries for purposes of a school concurrency system shall be by plan amendment and shall be exempt from the limitation on the frequency of plan amendments in s. 163.3187(1).

3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level of service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the development order shall be issued and mitigation measures shall not be exacted.

(d) Financial feasibility.—The Legislature recognizes that financial feasibility is an important issue because the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board, that demonstrates that the adopted level of service standards will be achieved and maintained.

2. Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3. When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.

(e) Availability standard.--Consistent with the public welfare, a local government may not deny a development permit authorizing residential development for failure to achieve and maintain the level of service standard for public school capacity in a local option school concurrency system where adequate school facilities will be in place or under actual construction within 3 years after permit issuance.

(f) Intergovernmental coordination.—

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by s. 163.3177(6)(h)2. as a prerequisite for imposition of school concurrency, and as a nonsignatory shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.

c. The municipality has no public schools located within its boundaries.

d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria. If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by s. 163.3177(6)(h)2., in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

(g) Interlocal agreement for school concurrency.—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement which satisfies the requirements in s. 163.3177(6)(h)1. and 2. and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of s. 163.3177(6)(h), the interlocal agreement shall meet the following requirements:

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

2. Establish a process by which each local government and the school board shall agree and base their plans on consistent projections of the amount, type, and distribution of population growth and coordinate and share information relating to existing and planned public school facilities projections and proposals for development and redevelopment, and infrastructure required to support public school facilities.

3. Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.

4. Specify uniform, districtwide level of service standards for public schools of the same type and the process for modifying the adopted levels of service standards.

5. Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

6. Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level of service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.

7. Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements;

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and

c. The monitoring and evaluation of the school concurrency system.

8. Include provisions relating to termination, suspension, and amendment of the agreement. The agreement shall provide that if the agreement is terminated or suspended, the application of school concurrency shall be terminated or suspended.

(13) The state land planning agency shall, by October 1, 1998, adopt by rule minimum criteria for the review and determination of compliance of a public school facilities element adopted by a local government for purposes of imposition of school concurrency.

Section 3. Paragraph (i) is added to subsection (2) of section 163.3191, Florida Statutes, to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an assessment and evaluation of the success or failure of the comprehensive plan, or element or portion thereof, and shall contain appropriate statements (using words, maps, illustrations, or other forms) related to:

(i) The coordination of the comprehensive plan with existing public schools and those identified in the applicable 5-year school district facilities work program adopted pursuant to s. 235.185. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

Section 4. Subsection (5) is added to section 235.185, Florida Statutes, as created by chapter 97-384, Laws of Florida, to read:

235.185 School district facilities work program; definitions; preparation, adoption, and amendment*; long-term work programs.*—

(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.—In addition to the adopted district facilities work program covering the 5-year work program, the district school board shall adopt annually a 10-year and a 20-year work program which include the information set forth in subsection (2), but based upon enrollment projections and facility needs for the 10-year and 20-year periods. It is recognized that the projections in the 10-year and 20-year timeframes are tentative and should be used only for general planning purposes.

Section 5. Subsection (1) of section 235.19, Florida Statutes, is amended to read:

235.19 Site planning and selection.—

(1) Before acquiring property for sites, each board shall determine the location of proposed educational centers or campuses for the board. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the compatibility of such plans with site planning. *Boards are encouraged to locate schools proximate to urban residential areas to the extent possible, and shall seek to collocate schools with other public facilities, such as parks, libraries, and community centers, to the extent possible.*

Section 6. Subsection (2) of section 235.193, Florida Statutes, is amended to read:

235.193 Coordination of planning with local governing bodies.—

(2) A school board and the local governing body must share and coordinate information related to existing and planned public school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the public school facilities, concurrent with proposed development. *A school board shall use Department of Education enrollment projections when preparing the 5-year district facilities work program pursuant to s. 235.185, and a school board shall affirmatively demonstrate in the educational facilities report consideration of local governments' population projections to ensure that the 5-year work program not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities report for the prior year required pursuant to s. 235.194 unless the failure is corrected.*

Section 7. Section 235.2157, Florida Statutes, is created to read:

235.2157 Small school requirement.—

(1) Beginning July 1, 1999 all plans for new educational facilities to be constructed within a school district and reflected in the 5-year school district facilities work plan shall be plans for small schools in order to promote increased learning and more effective use of school facilities.

(2) As used in this section, "small school" means:

(a) An elementary school with a student population of not more than 500 students.

(b) A middle school with a student population of not more than 900 students.

(c) A high school with a student population of not more than 1,200 students.

(d) A school serving kindergarten through grade 8 with a student population of not more than 700 students.

(e) A school serving kindergarten through grade 12 with a student population of not more than 900 students.

(3) This section does not apply to plans for new educational facilities already under contract or in the planning stage on July 1, 1999.

(4) Small schools shall comply with all laws, rules, and court orders relating to racial balance.

(5) The commissioner may waive or expand the small schools size requirements of this section upon request of the school district if the school district demonstrates the impracticality of the small schools limitation.

(6) By March 1, 1999, the commissioner shall recommend to the Legislature a sliding scale for optimal school size, as provided under this section, based on land availability, land cost, and student population.

Section 8. *Until the minimum criteria for a public school facilities element adopted for purposes of imposition of school concurrency, as required by s. 163.3180(13), Florida Statutes, are in effect, the state land planning agency shall utilize the minimum criteria for a public school facilities element adopted for purposes of imposition of school concurrency contained in the Final Report and Consensus Text by the Department of Community Affairs Public School Construction Working Group, dated March 9, 1998, in any compliance review of any such element.*

Section 9. *Any county whose adopted public school facilities element is the subject of a final order entered by the Administration Commission prior to the effective date of this act may implement its public school facilities element in accordance with the general law concerning public school facilities concurrency in effect when the final order was entered and in accord with the final order consistent with any appellate court decision. The county shall comply with the requirements of the final order, consistent with any appellate decision, in implementing its public school facilities element and in adopting any necessary amendment to its comprehensive plan.*

Section 10. This act shall take effect July 1 of the year in which enacted.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to planning for educational facilities; amending s. 163.3177, F.S.; requiring that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools; specifying the date by which such plans must comply and providing effect of noncompliance; providing requirements with respect to the data and analyses on which a public school facilities element to implement a school concurrency program should be based; providing for goals, objectives, and policies; providing for future conditions maps; amending s. 163.3180, F.S.; revising requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement; requiring a public schools facilities element; providing requirements for level of service standards; providing requirements for designation of service areas; providing requirements with respect to financial feasibility; specifying an availability standard; requiring that intergovernmental coordination requirements be satisfied and providing that certain municipalities are not required to be a signatory of the required interlocal agreement; providing duties of such municipalities to evaluate their status and enter into the interlocal agreement when required, and providing effect of failure to do so; providing requirements with respect to the interlocal agreement; directing the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element; amending s. 163.3191, F.S.; providing that the local planning agency's periodic report on the comprehensive plan shall assess the coordination of the plan with public schools; amending s. 235.185, F.S.; directing school boards to adopt annually 10-year and 20-year work programs in addition to the required 5-year district facilities work program; amending s. 235.19, F.S.; providing a directive to school boards with respect to school location; amending s. 235.193, F.S.; providing requirements for the 5-year district facilities work program with respect to enrollment and population projections; precluding the siting of new schools in certain jurisdictions; creating s. 235.2157, F.S.; defining "small school"; requiring that school districts plan construction of small schools only after July 1, 1998 and that this be reflected in the 5-year school district facilities work plan; providing for application; requiring small schools to comply with racial balance requirements; authorizing the commissioner to revise certain requirements under certain circumstances; requiring the commissioner to make certain recommendations to the Legislature; providing for interim use of certain criteria by the state land planning agency in compliance review of a public school facilities element; providing for implementation of an alternative public schools concurrency system by counties subject to a final order by the Administration Commission; providing an effective date.

WHEREAS, the Legislature recognizes the need to determine educational facility needs as Florida continues to grow, and the need to ensure that local school districts have adequate funds to finance needed educational facilities, and

WHEREAS, the Legislature recognizes that the state has an interest in school concurrency because public education is a state responsibility and because of the role of the state in the administration of statewide growth management policy, and

WHEREAS, the Legislature recognizes that state policy on school concurrency is incomplete, and

WHEREAS, it is the intent of the Legislature that local governments retain the authority to impose school concurrency on a local option basis within clearly defined parameters established by the state in statutes and rules, and

WHEREAS, it is the intent of the Legislature to increase predictability and minimize conflict and litigation in local governments which choose to impose school concurrency, and

WHEREAS, it is the intent of the Legislature that school concurrency, where implemented, should improve the state's educational system as well as advance the state's integrated planning and growth management system, NOW, THEREFORE,

Senators Lee and Dyer offered the following amendment which was moved by Senator Lee and adopted:

Senate Amendment 1 (with title amendment) to House Amendment 1—On page 1, line 18 through page 21, line 28, delete those lines and insert:

Section 1. Paragraph (c) of subsection (2) of section 20.18, Florida Statutes, is amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

(2) The following units of the Department of Community Affairs are established:

(c) Division of *Community* ~~Resource~~ Planning ~~and Management~~.

Section 2. Subsection (31) is added to section 163.3164, Florida Statutes, to read:

163.3164 Definitions.—As used in this act:

(31) "Optional sector plan" means an optional process authorized by s. 163.3245 in which one or more local governments by agreement with the state land planning agency are allowed to address development-of-regional impact issues within certain designated geographic areas identified in the local comprehensive plan as a means of fostering innovative planning and development strategies in s. 163.3177(11)(a) and (b), furthering the purposes of chapter 163, part II, and chapter 380, part I, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts.

Section 3. Subsection (4) of section 163.3171, Florida Statutes, is amended to read:

163.3171 Areas of authority under this act.—

(4) The state land planning agency and a local government shall have the power to enter into agreements with each other and to agree together to enter into agreements with a landowner, developer, or governmental agency as may be necessary or desirable to effectuate the provisions and purposes of s. 163.3177(6)(h) and (11)(a), (b), and (c)*, and s. 163.3245*.

Section 4. Effective July 1, 1998, paragraph (a) of section (6) of section 163.3177, Florida Statutes, is amended, and subsection (12) is added to said section, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; and the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to

residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with this paragraph no later than October 1, *1999, or the deadline for the local government evaluation and appraisal report, whichever occurs first* ~~1996~~. *The failure by a local government to comply with this requirement will result in the prohibition of the local government's ability to amend the local comprehensive plan as provided by s. 163.3187(6).* An amendment proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. *The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible.*

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection.

(a) A public school facilities element shall be based upon data and analyses that address, among other items, how level of service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the 5-year school district facilities work program adopted pursuant to s. 235.185; the educational plant survey and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and anticipated educational and ancillary plants with land area requirements.

(b) The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.

(c) The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(d) The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(e) The objectives and policies shall address items such as: the procedure for an annual update process; the procedure for school site selection; the procedure for school permitting; provision of supporting infrastructure; location of future school sites so they serve as community focal points; measures to ensure compatibility of school sites and surrounding land uses; coordination with adjacent local governments and the school district on emergency preparedness issues; and coordination with the future land use element.

(f) The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period.

Section 5. Effective July 1, 1998, subsections (1) and (6) of section 163.3180, Florida Statutes, are amended, and subsections (12) and (13) are added to said section, to read:

163.3180 Concurrency.—

(1)~~(a)~~ Roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

~~(b) If a local government elects to extend the concurrency requirement to public schools, it should first conduct a study to determine how the requirement would be met and shared by all affected parties. The local government shall provide an opportunity for full participation in this study by the school board. The state land planning agency may provide technical assistance to local governments that study and prepare for extension of the concurrency requirement to public schools. When establishing concurrency requirements for public schools, a local government shall comply with the following criteria for any proposed plan or plan amendment transmitted pursuant to s. 163.3184(3) after July 1, 1995:~~

~~1. Adopt level-of-service standards for public schools with the agreement of the school board. Public school level-of-service standards shall be adopted as part of the capital improvements element in the local government comprehensive plan, which shall contain a financially feasible public school capital facilities program established in conjunction with the school board that will provide educational facilities at an adequate level of service necessary to implement the adopted local government comprehensive plan.~~

~~2. Satisfy the requirement for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2.~~

(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if *the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility* ~~it~~ would exceed 110 percent of the *maximum volume at the adopted level of service of the affected* ~~sum of existing volumes and the projected volumes from approved projects on a~~ transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. Local governments are encouraged to adopt methodologies to encourage de minimis impacts on transportation facilities within an existing urban service area. Further, no impact will be de minimis if it would exceed the adopted level of service standard of any affected designated hurricane evacuation routes.

(12) School concurrency, if imposed by local option, shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). School concurrency shall not become effective in a county until all local governments, except as provided in paragraph (f), have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part. The minimum requirements for school concurrency are the following:

(a) Public school facilities element.—A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

(b) Level of service standards.—The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level of service standards, as defined in rule 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level of service standards shall be included and adopted into the capital improvements element of the local comprehensive

plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special-purpose facilities such as magnet schools.

3. Local governments and school boards shall have the option to utilize tiered level of service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(c) Service areas.—The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level of service standards.

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to apply school concurrency to development on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide.

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified, included, and adopted as part of the comprehensive plan. Any subsequent change to the service area boundaries for purposes of a school concurrency system shall be by plan amendment and shall be exempt from the limitation on the frequency of plan amendments in s. 163.3187(1).

3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level of service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the development order shall be issued and mitigation measures shall not be exacted.

(d) Financial feasibility.—The Legislature recognizes that financial feasibility is an important issue because the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board, that demonstrates that the adopted level of service standards will be achieved and maintained.

2. Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3. When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.

(e) Availability standard.--Consistent with the public welfare, a local government may not deny a development permit authorizing residential development for failure to achieve and maintain the level of service standard for public school capacity in a local option school concurrency system where adequate school facilities will be in place or under actual construction within 3 years after permit issuance.

(f) Intergovernmental coordination.—

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by s. 163.3177(6)(h)2. as a prerequisite for imposition of school concurrency, and as a nonsignatory shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.

c. The municipality has no public schools located within its boundaries.

d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria. If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by s. 163.3177(6)(h)2., in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

(g) Interlocal agreement for school concurrency.—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement which satisfies the requirements in s. 163.3177(6)(h)1. and 2. and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of s. 163.3177(6)(h), the interlocal agreement shall meet the following requirements:

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

2. Establish a process by which each local government and the school board shall agree and base their plans on consistent projections of the amount, type, and distribution of population growth and coordinate and share information relating to existing and planned public school facilities projections and proposals for development and redevelopment, and infrastructure required to support public school facilities.

3. Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.

4. Specify uniform, districtwide level of service standards for public schools of the same type and the process for modifying the adopted levels of service standards.

5. Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

6. Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level of service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.

7. Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements;

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and

c. The monitoring and evaluation of the school concurrency system.

8. Include provisions relating to termination, suspension, and amendment of the agreement. The agreement shall provide that if the agreement is terminated or suspended, the application of school concurrency shall be terminated or suspended.

(13) The state land planning agency shall, by October 1, 1998, adopt by rule minimum criteria for the review and determination of compliance of a public school facilities element adopted by a local government for purposes of imposition of school concurrency.

Section 6. Effective July 1, 1998, paragraph (i) is added to subsection (2) of section 163.3191, Florida Statutes, to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an assessment and evaluation of the success or failure of the comprehensive plan, or element or portion thereof, and shall contain appropriate statements (using words, maps, illustrations, or other forms) related to:

(i) The coordination of the comprehensive plan with existing public schools and those identified in the applicable 5-year school district facilities work program adopted pursuant to s. 235.185. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

Section 7. Effective July 1, 1998, subsection (5) is added to section 235.185, Florida Statutes, as created by chapter 97-384, Laws of Florida, to read:

235.185 School district facilities work program; definitions; preparation, adoption, and amendment*; long-term work programs.*—

(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.—In addition to the adopted district facilities work program covering the 5-year work program, the district school board shall adopt annually a 10-year and a 20-year work program which include the information set forth in subsection (2), but based upon enrollment projections and facility needs for the 10-year and 20-year periods. It is recognized that the projections in the 10-year and 20-year timeframes are tentative and should be used only for general planning purposes.

Section 8. Effective July 1, 1998, subsection (1) of section 235.19, Florida Statutes, is amended to read:

235.19 Site planning and selection.—

(1) Before acquiring property for sites, each board shall determine the location of proposed educational centers or campuses for the board. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the compatibility of such plans with site planning. *Boards are encouraged to locate schools proximate to urban residential areas to the extent possible, and shall seek to collocate schools with other public facilities, such as parks, libraries, and community centers, to the extent possible.*

Section 9. Effective July 1, 1998, subsection (2) of section 235.193, Florida Statutes, is amended to read:

235.193 Coordination of planning with local governing bodies.—

(2) A school board and the local governing body must share and coordinate information related to existing and planned public school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the public school facilities, concurrent with proposed development. *A school board shall use Department of Education enrollment projections when preparing the 5-year district facilities work program pursuant to s. 235.185, and a school board shall affirmatively demonstrate in the educational facilities report consideration of local governments' population projections to ensure that the 5-year work program not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities report for the prior year required pursuant to s. 235.194 unless the failure is corrected.*

Section 10. *Until the minimum criteria for a public school facilities element adopted for purposes of imposition of school concurrency, as required by s. 163.3180(13), Florida Statutes, are in effect, the state land planning agency shall utilize the minimum criteria for a public school facilities element adopted for purposes of imposition of school concurrency contained in the Final Report and Consensus Text by the Department of Community Affairs Public School Construction Working Group, dated March 9, 1998, in any compliance review of any such element.*

Section 11. *Any county whose adopted public school facilities element is the subject of a final order entered by the Administration Commission prior to the effective date of this act may implement its public school facilities element in accordance with the general law concerning public school facilities concurrency in effect when the final order was entered and in accord with the final order consistent with any appellate court decision. The county shall comply with the requirements of the final order, consistent with any appellate decision, in implementing its public school facilities element and in adopting any necessary amendment to its comprehensive plan.*

Section 12. Paragraph (b) of subsection (1) and subsections (2), (4), and (6) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section:

(b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.3178, *163.3180,* ~~and~~ 163.3191, *and 163.3245,* with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with chapter 163, part II and with the principles for guiding development in designated areas of critical state concern.

(2) COORDINATION.—Each comprehensive plan or plan amendment proposed to be adopted pursuant to this part shall be transmitted, adopted, and reviewed in the manner prescribed in this section. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this section, to the local governing body responsible for the comprehensive plan. *The state land planning agency shall maintain a single file concerning any proposed or adopted plan amendment submitted by a local government for any review under this section. Copies of all correspondence, papers, notes, memoranda, and other documents received or generated by the state land planning agency must be placed in the appropriate file. Paper copies of all electronic mail correspondence must be placed in the file. The file and its contents must be available for public inspection and copying as provided in chapter 119.*

(4) INTERGOVERNMENTAL REVIEW.—If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the department, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. These governmental agencies shall provide comments to the state land planning agency within 30 days after receipt of the proposed plan amendment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt of the proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. *Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).*

(6) STATE LAND PLANNING AGENCY REVIEW.—

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment if the request is received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). The agency shall issue a report of its objections, recommendations, and comments regarding the proposed plan amendment. A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made, if the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within 30 days of transmittal of the proposed plan amendment pursuant to subsection (3).

(c) The state land planning agency, upon receipt of comments from the various government agencies, *as well as written public comments,* pursuant to subsection (4), shall have 30 days to review comments from the various government agencies along with a local government's comprehensive plan or plan amendment. During that period, the state land planning agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications. When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. *In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.*

(d) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

Section 13. Effective October 1, 1998, subsection (6) of section 163.3187, Florida Statutes, is amended to read:

163.3187 Amendment of adopted comprehensive plan.—

(6)*(a)* No local government may amend its comprehensive plan after the date established by *the state land planning agency* ~~rule~~ for *adoption* ~~submittal~~ of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for *plan amendments described in paragraph (1)(b).*~~:~~

~~(a) Plan amendments to implement recommendations in the report or addendum.~~

(b) *A local government may amend its comprehensive plan after it has submitted its adopted evaluation and appraisal report and for a period of 1 year after the initial determination of sufficiency regardless of whether the report has been determined to be insufficient* ~~Plan amendments described in paragraph (1)(b)~~.

(c) *A local government may not amend its comprehensive plan, except for plan amendments described in paragraph (1)(b), if the 1-year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient* ~~Plan amendments described in s. 163.3184(16)(d) to implement the terms of compliance agreements entered into before the date established for submittal of the report or addendum~~.

(d) When the *state land planning* agency has determined that the report ~~or addendum~~ has sufficiently addressed all pertinent provisions of s. 163.3191, the local government may *amend its comprehensive plan without the limitations imposed by paragraph (a) or paragraph (c)* ~~proceed with plan amendments in addition to those necessary to implement recommendations in the report or addendum~~.

(e) Any plan amendment which a local government attempts to adopt in violation of paragraph (a) or paragraph (c) is invalid, but such invalidity may be overcome if the local government readopts the amendment and transmits the amendment to the state land planning agency pursuant to s. 163.3184(7) after the report is determined to be sufficient.

Section 14. Effective October 1, 1998, section 163.3191, Florida Statutes, as amended by this act, is amended to read:

(Substantial rewording of section. See s. 163.3191, F.S., for present text.)

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) The planning program shall be a continuous and ongoing process. Each local government shall adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan. Furthermore, it is the intent of this section that:

(a) Adopted comprehensive plans be reviewed through such evaluation process to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends, to ensure effective intergovernmental coordination, and to identify major issues regarding the community's achievement of its goals.

(b) After completion of the initial evaluation and appraisal report and any supporting plan amendments, each subsequent evaluation and appraisal report must evaluate the comprehensive plan in effect at the time of the initiation of the evaluation and appraisal report process.

(c) Local governments identify the major issues, if applicable, with input from state agencies, regional agencies, adjacent local governments, and the public in the evaluation and appraisal report process. It is also the intent of this section to establish minimum requirements for informa-

tion to ensure predictability, certainty, and integrity in the growth management process. The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so.

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.

(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level of service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of part II of chapter 163, the minimum criteria contained in Chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.

(h) A brief assessment of successes and shortcomings related to each element of the plan.

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable 5-year school district facilities work program adopted pursuant to s. 235.185. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

(3) Voluntary scoping meetings may be conducted by each local government or several local governments within the same county that agree to meet together. Joint meetings among all local governments in a county are encouraged. All scoping meetings shall be completed at least 1 year prior to the established adoption date of the report. The purpose of the meetings shall be to distribute data and resources available to assist in the preparation of the report, to provide input on major issues in each community that should be addressed in the report, and to advise on the extent of the effort for the components of subsection (2). If scoping meetings are held, the local government shall invite each state and regional reviewing agency, as well as adjacent and other affected local governments. A preliminary list of new data and major issues that have emerged since the adoption of the original plan, or the most recent evaluation and appraisal report-based update amendments, should be developed by state and regional entities and involved local governments for distribution at the scoping meeting. For purposes of this subsection, a "scoping meeting" is a meeting conducted to determine the scope of review of the evaluation and appraisal report by parties to which the report relates.

(4) The local planning agency shall prepare the evaluation and appraisal report and shall make recommendations to the governing body regarding adoption of the proposed report. The local planning agency shall prepare the report in conformity with its public participation procedures adopted as required by s. 163.3181. During the preparation of the proposed report and prior to making any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed report. At a minimum, the format and content of the proposed report shall include a table of contents, numbered pages, element headings, section headings within elements, a list of included tables, maps, and figures, a title and sources for all included tables, a preparation date, and the name of the preparer. Where applicable, maps shall include major natural and artificial geographic features, city, county, and state lines, and a legend indicating a north arrow, map scale, and the date.

(5) Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies to state and regional commenting agencies as prescribed by rule, adjacent jurisdictions, and interested citizens for review. All review comments, including comments by the state land planning agency, shall be transmitted to the local government and state land planning agency within 30 days after receipt of the proposed report.

(6) The governing body, after considering the review comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.3181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.

(7) The intent of the evaluation and appraisal process is the preparation of a plan update that clearly and concisely achieves the purpose of this section. Toward this end, the sufficiency review of the state land planning agency shall concentrate on whether the evaluation and appraisal report sufficiently fulfills the components of subsection (2). If the state land planning agency determines that the report is insufficient, the governing body shall adopt a revision of the report and submit the revised report for review pursuant to subsection (6).

(8) The state land planning agency may delegate the review of evaluation and appraisal reports, including all state land planning agency duties under subsections (4)-(7), to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region may elect to have its report reviewed by the regional planning council rather than the state land planning agency. The state land planning agency shall by agreement provide for uniform and adequate review of reports and shall retain oversight for any delegation of review to a regional planning council.

(9) The state land planning agency may establish a phased schedule for adoption of reports. The schedule shall provide each local government at least 7 years from plan adoption or last established adoption date for a report and shall allot approximately one-seventh of the reports to any 1 year. In order to allow the municipalities to use data and analyses gathered by the counties, the state land planning agency shall schedule municipal report adoption dates between 1 year and 18 months later than the report adoption date for the county in which those municipalities are located. A local government may adopt its report no earlier than 90 days prior to the established adoption date. Small municipalities which were scheduled by Chapter 9J-33, Florida Administrative Code, to adopt their evaluation and appraisal report after February 2, 1999, shall be rescheduled to adopt their report together with the other municipalities in their county as provided in this subsection.

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b).

(11) The Administration Commission may impose the sanctions provided by s. 163.3184(11) against any local government that fails to adopt and submit a report, or that fails to implement its report through timely and sufficient amendments to its local plan, except for reasons of excusable delay or valid planning reasons agreed to by the state land planning agency or found present by the Administration Commission. Sanctions for untimely or insufficient plan amendments shall be prospective only and shall begin after a final order has been issued by the Administration Commission and a reasonable period of time has been allowed for the local government to comply with an adverse determination by the Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government shall be a party to any such proceeding. The commission may implement this subsection by rule.

(12) The state land planning agency shall not adopt rules to implement this section, other than procedural rules.

(13) Within 1 year after the effective date of this act, the state land planning agency shall prepare and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives on the coordination efforts of local, regional, and state agencies to improve technical assistance for evaluation and appraisal reports and update plan amendments. Technical assistance shall include, but not be limited to, distribution of sample evaluation and appraisal report templates, distribution of data in formats usable by local governments, onsite visits with local governments, and participation in and assistance with the voluntary scoping meetings as described in subsection (3).

(14) The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the effectiveness of the evaluation and appraisal report process.

(15) An evaluation and appraisal report due for adoption before October 1, 1998, shall be evaluated for sufficiency pursuant to the provisions of this section. A local government which has an established adoption date for its evaluation and appraisal report after September 30, 1998, and before February 2, 1999, may choose to have its report evaluated for sufficiency pursuant to the provisions of this section if the choice is made in writing to the state land planning agency on or before the date the report is submitted.

Section 15. Section 163.3245, Florida Statutes, is created to read:

163.3245 Optional sector plans.—

(1) In recognition of the benefits of conceptual long-range planning for the buildout of an area, and detailed planning for specific areas, as a demonstration project the requirements of s. 380.06 may be addressed as identified by this section for up to five local governments or combinations of local governments which adopt into the comprehensive plan an optional sector plan in accordance with this section. This section is intended to further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of chapter 163, part II, and chapter 380, part I, and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. Optional sector plans are intended for substantial geographic areas including at least 5,000 acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and facilities. The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of chapter 163, part II, and chapter 380, part I. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under s. 163.3184. However, an optional sector plan may not be authorized in an area of critical state concern.

(2) The state land planning agency may enter into an agreement to authorize preparation of an optional sector plan upon the request of one or more local governments based on consideration of problems and opportunities presented by existing development trends; the effectiveness of current comprehensive plan provisions; the potential to further the state comprehensive plan, applicable strategic regional policy plans, chapter 163, part II, and chapter 380, part I; and those factors identified by s. 163.3177(10)(i). The applicable regional planning council shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184(4) before execution of the agreement authorized by this section. The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of subsequent plan amendments. The regional planning council shall make written recommendations to the state land planning agency and affected local governments, including whether a sustainable sector plan would be appropriate. The agreement must define the geographic area to be subject to the sector plan, the planning issues that will be emphasized, requirements for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, and procedures for public participation. An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement. All meetings between the department and the local government must be open to the public.

(3) Optional sector planning encompasses two levels: adoption under s. 163.3184 of a conceptual long-term buildout overlay to the comprehensive plan, having no immediate effect on the issuance of development orders or the applicability of s. 380.06, and adoption under s. 163.3184

of detailed specific area plans that implement the conceptual long-term buildout overlay and authorize issuance of development orders, and within which s. 380.06 is waived. Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.

(a) In addition to the other requirements of this chapter, a conceptual long-term buildout overlay must include:

1. A long-range conceptual framework map that at a minimum identifies anticipated areas of urban, agricultural, rural, and conservation land use.

2. Identification of regionally significant public facilities consistent with Rule 9J-2, Florida Administrative Code, irrespective of local governmental jurisdiction necessary to support buildout of the anticipated future land uses.

3. Identification of regionally significant natural resources consistent with Rule 9J-2, Florida Administrative Code.

4. Principles and guidelines that address the urban form and interrelationships of anticipated future land uses and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems, achieving a more clean, healthy environment, limiting urban sprawl, protecting wildlife and natural areas, advancing the efficient use of land and other resources, and creating quality communities and jobs.

5. Identification of general procedures to ensure intergovernmental coordination to address extrajurisdictional impacts from the long-range conceptual framework map.

(b) In addition to the other requirements of this chapter, including those in subsection (a), the detailed specific area plans must include:

1. An area of adequate size to accommodate a level of development which achieves a functional relationship between a full range of land uses within the area and to encompass at least 1,000 acres. The state land planning agency may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the plan furthers the purposes of chapter 163, part II, and chapter 380, part I.

2. Detailed identification and analysis of the distribution, extent, and location of future land uses.

3. Detailed identification of regionally significant public facilities, including public facilities outside the jurisdiction of the host local government, anticipated impacts of future land uses on those facilities, and required improvements consistent with Rule 9J-2, Florida Administrative Code.

4. Public facilities necessary for the short term, including developer contributions in a financially feasible 5-year capital improvement schedule of the affected local government.

5. Detailed analysis and identification of specific measures to assure the protection of regionally significant natural resources and other important resources both within and outside the host jurisdiction, including those regionally significant resources identified in Rule 9J-2, Florida Administrative Code.

6. Principles and guidelines that address the urban form and interrelationships of anticipated future land uses and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems, achieving a more clean, healthy environment, limiting urban sprawl, protecting wildlife and natural areas, advancing the efficient use of land and other resources, and creating quality communities and jobs.

7. Identification of specific procedures to ensure intergovernmental coordination to address extrajurisdictional impacts of the detailed specific area plan.

(c) This subsection may not be construed to prevent preparation and approval of the optional sector plan and detailed specific area plan concurrently or in the same submission.

(4) The host local government shall submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after adoption of a detailed specific area plan. The annual monitoring report must provide summarized information on development orders issued, development that has occurred, public facility improvements made, and public facility improvements anticipated over the upcoming 5 years.

(5) When a plan amendment adopting a detailed specific area plan has become effective under ss. 163.3184 and 163.3189(2), the provisions of s. 380.06 do not apply to development within the geographic area of the detailed specific area plan. However, any development-of-regional-impact development order that is vested from the detailed specific area plan may be enforced under s. 380.11.

(a) The local government adopting the detailed specific area plan is primarily responsible for monitoring and enforcing the detailed specific area plan. Local governments shall not issue any permits or approvals or provide any extensions of services to development that are not consistent with the detailed sector area plan.

(b) If the state land planning agency has reason to believe that a violation of any detailed specific area plan, or of any agreement entered into under this section, has occurred or is about to occur, it may institute an administrative or judicial proceeding to prevent, abate, or control the conditions or activity creating the violation, using the procedures in s. 380.11.

(c) In instituting an administrative or judicial proceeding involving an optional sector plan or detailed specific area plan, including a proceeding pursuant to s. 163.3245(5)(b), the complaining party shall comply with the requirements of subsections (4), (5), (6), and (7) of s. 163.3215.

(6) Beginning December 1, 1999, and each year thereafter, the department shall provide a status report to the Legislative Committee on Intergovernmental Relations regarding each optional sector plan authorized under this section.

(7) This section may not be construed to abrogate the rights of any person under this chapter.

Section 16. Subsection (6) is added to section 171.044, Florida Statutes, to read:

171.044 Voluntary annexation.—

(6) Upon publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located. The notice provision provided in this subsection shall not be the basis of any cause of action challenging the annexation.

Section 17. Section 186.003, Florida Statutes, is amended to read:

186.003 Definitions.—As used in ss. 186.001-186.031 and 186.801-186.911, the term:

(1) "Executive Office of the Governor" means the Office of Planning and Budgeting of the Executive Office of the Governor.

(2) "Goal" means the long-term end toward which programs and activities are ultimately directed.

(3) "Objective" means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

(4) "Policy" means the way in which programs and activities are conducted to achieve an identified goal.

(5) "Regional planning agency" means the regional planning council created pursuant to ss. 186.501-186.515 to exercise responsibilities under ss. 186.001-186.031 and 186.801-186.911 in a particular region of the state.

(6) "State agency" means each executive department, the Game and Fresh Water Fish Commission, the Parole Commission, and the Department of Military Affairs.

(7) "State agency strategic plan" means the statement of priority directions that an agency will take to carry out its mission within the

context of the state comprehensive plan and within the context of any other statutory mandates and authorizations given to the agency, pursuant to ss. 186.021-186.022.

(8) "State comprehensive plan" means the *state planning document required in Article III, s. 19 of the State Constitution and published as ss. 187.101 and 187.201.* ~~goals and policies contained within the state comprehensive plan initially prepared by the Executive Office of the Governor and adopted pursuant to s. 186.008.~~

Section 18. Subsections (4) and (8) of section 186.007, Florida Statutes, are amended and subsection (9) is added to that section to read:

186.007 State comprehensive plan; preparation; revision.—

(4)(a) The Executive Office of the Governor shall prepare statewide goals, objectives, and policies related to the opportunities, problems, and needs associated with growth and development in this state, which goals, objectives, and policies shall constitute the growth management portion of the state comprehensive plan. In preparing the growth management goals, objectives, and policies, the Executive Office of the Governor initially shall emphasize the management of land use, water resources, and transportation system development.

(b) The purpose of the growth management portion of the state comprehensive plan is to establish clear, concise, and direct goals, objectives, and policies related to land development, water resources, transportation, and related topics. In doing so, the plan should, where possible, draw upon the work that agencies have invested in ~~the state land development plan,~~ the Florida Transportation Plan, the Florida water plan, and similar planning documents.

(8) The revision of the state comprehensive plan is a continuing process. Each section of the plan shall be reviewed and analyzed biennially by the Executive Office of the Governor in conjunction with the planning officers of other state agencies significantly affected by the provisions of the particular section under review. In conducting this review and analysis, the Executive Office of the Governor shall review and consider, with the assistance of the state land planning agency *and regional planning councils*, the evaluation and appraisal reports submitted pursuant to s. 163.3191 *and the evaluation and appraisal reports prepared pursuant to s. 186.511*. Any necessary revisions of the state comprehensive plan shall be proposed by the Governor in a written report and be accompanied by an explanation of the need for such changes. If the Governor determines that changes are unnecessary, the written report must explain why changes are unnecessary. The proposed revisions and accompanying explanations may be submitted in the report required by s. 186.031. Any proposed revisions to the plan shall be submitted to the Legislature as provided in s. 186.008(2) at least 30 days prior to the regular legislative session occurring in each even-numbered year.

(9) The Governor shall appoint a committee to review and make recommendations as to appropriate revisions to the state comprehensive plan that should be considered for the Governor's recommendations to the Administration Commission for October 1, 1999, pursuant to s. 186.008(1). The committee must consist of persons from the public and private sectors representing the broad range of interests covered by the state comprehensive plan, including state, regional, and local government representatives. In reviewing the goals and policies contained in chapter 187, the committee must identify portions that have become outdated or have not been implemented, and, based upon best available data, the state's progress toward achieving the goals and policies. In reviewing the goals and policies relating to growth and development, the committee shall consider the extent to which the plan adequately addresses the guidelines set forth in s. 186.009, and recommend revisions as appropriate. In addition, the committee shall consider and make recommendations on the purpose and function of the state land development plan, as set forth in s. 380.031(17), including whether said plan should be retained and, if so, its future application. The committee may also make recommendations as to data and information needed in the continuing process to evaluate and update the state comprehensive plan. All meetings of the committee must be open to the public for input on the state planning process and amendments to the state comprehensive plan. The Executive Office of the Governor is hereby appropriated $50,000 in nonrecurring general revenue for costs associated with the committee, including travel and per diem reimbursement for the committee members.

Section 19. Section 186.008, Florida Statutes, is amended to read:

186.008 State comprehensive plan; revision; implementation.—

(1) On or before October 1 of every odd-numbered year ~~beginning in 1995~~, the Executive Office of the Governor shall prepare, and the Governor shall recommend to the Administration Commission, any proposed revisions to the state comprehensive plan deemed necessary. The Governor shall transmit his or her recommendations and explanation as required by s. 186.007(8). Copies shall also be provided to each state agency, to each regional planning agency, to any other unit of government that requests a copy, and to any member of the public who requests a copy.

(2) On or before December 15 of every odd-numbered year ~~beginning in 1995~~, the Administration Commission shall review the proposed revisions to the state comprehensive plan prepared by the Governor. The commission shall adopt a resolution, after public notice and a reasonable opportunity for public comment, and transmit the proposed revisions to the state comprehensive plan to the Legislature, together with any amendments approved by the commission and any dissenting reports. The commission shall identify those portions of the plan that are not based on existing law.

(3) All amendments, revisions, or updates to the plan shall be adopted by the Legislature as a general law.

(4) The state comprehensive plan shall be implemented and enforced by all state agencies consistent with their lawful responsibilities whether it is put in force by law or by administrative rule. The Governor, as chief planning officer of the state, shall oversee the implementation process.

(5) All state agency budgets and programs shall be consistent with the adopted state comprehensive plan and shall support and further its goals and policies.

(6) The Florida Public Service Commission, in approving the plans of utilities subject to its regulation, shall take into consideration the compatibility of the plan of each utility and all related utility plans taken together with the adopted state comprehensive plan.

Section 20. Subsections (2) and (3) of section 186.009, Florida Statutes, are amended to read:

186.009 Growth management portion of the state comprehensive plan.—

(2) The growth management portion of the state comprehensive plan shall:

(a) Provide strategic guidance for state, regional, and local actions necessary to implement the state comprehensive plan with regard to the physical growth and development of the state.

(b) Identify metropolitan and urban growth centers.

(c) Identify areas of state and regional environmental significance and establish strategies to protect them.

(d) Set forth and integrate state policy for Florida's future growth as it relates to land development, air quality, transportation, and water resources.

(e) Provide guidelines for determining where urban growth is appropriate and should be encouraged.

(f) Provide guidelines for state transportation corridors, public transportation corridors, new interchanges on limited access facilities, and new airports of regional or state significance.

(g) Promote land acquisition programs to provide for natural resource protection, open space needs, urban recreational opportunities, and water access.

(h) Set forth policies to establish state and regional solutions to the need for affordable housing.

(i) Provide coordinated state planning of road, rail, and waterborne transportation facilities designed to take the needs of agriculture into

consideration and to provide for the transportation of agricultural products and supplies.

(j) Establish priorities regarding coastal planning and resource management.

(k) Provide a statewide policy to enhance the multiuse waterfront development of existing deepwater ports, ensuring that priority is given to water-dependent land uses.

(l) Set forth other goals, objectives, and policies related to the state's natural and built environment that are necessary to effectuate those portions of the state comprehensive plan which are related to physical growth and development.

(m) Set forth recommendations on when and to what degree local government comprehensive plans must be consistent with the proposed growth management portion of the state comprehensive plan.

(n) Set forth recommendations on how to integrate the Florida water plan required by s. 373.036, ~~the state land development plan required by s. 380.031(17),~~ and transportation plans required by chapter 339.

(o) Set forth recommendations concerning what degree of consistency is appropriate for the strategic regional policy plans.

The growth management portion of the state comprehensive plan shall not include a land use map.

(3)~~(a) On or before October 15, 1993, the Executive Office of the Governor shall prepare, and the Governor shall recommend to the Administration Commission, the proposed growth management portion of the state comprehensive plan. Copies shall also be provided to each state agency, to each regional planning agency, to any other unit of government that requests a copy, and to any member of the public who requests a copy.~~

~~(b) On or before December 1, 1993, the Administration Commission shall review the proposed growth management portion of the state comprehensive plan prepared by the Governor. The commission shall adopt a resolution, after public notice and a reasonable opportunity for public comment, and transmit the proposed growth management portion of the state comprehensive plan to the Legislature, together with any amendments approved by the commission and any dissenting reports. The commission shall identify those portions of the plan that are not based on existing law.~~

~~(c)~~ The growth management portion of the state comprehensive plan, and all amendments, revisions, or updates to the plan, shall have legal effect only upon adoption by the Legislature as general law. The Legislature shall indicate, in adopting the growth management portion of the state comprehensive plan, which plans, activities, and permits must be consistent with the growth management portion of the state comprehensive plan.

~~(d) The Executive Office of the Governor shall evaluate and the Governor shall propose any necessary revisions to the adopted growth management portion of the state comprehensive plan in conjunction with the process for evaluating and proposing revisions to the state comprehensive plan.~~

Section 21. Subsection (2) of section 186.507, Florida Statutes, is amended to read:

186.507 Strategic regional policy plans.—

(2) The Executive Office of the Governor *may* ~~shall~~ adopt by rule minimum criteria to be addressed in each strategic regional policy plan and a uniform format for each plan. Such criteria must emphasize the requirement that each regional planning council, when preparing and adopting a strategic regional policy plan, *must* focus on regional rather than local resources and facilities.

Section 22. Section 186.508, Florida Statutes, is amended to read:

186.508 Strategic regional policy plan adoption; consistency with state comprehensive plan.—

(1) Each regional planning council shall submit to the Executive Office of the Governor its proposed strategic regional policy plan on a schedule *established* ~~adopted by rule~~ by the Executive Office of the Governor to coordinate implementation of the strategic regional policy plans with the evaluation and appraisal reports required by s. 163.3191. The Executive Office of the Governor, or its designee, shall review the proposed strategic regional policy plan *to ensure* ~~for~~ consistency with the adopted state comprehensive plan and shall, within 60 days, *provide any recommended revisions.* ~~return the proposed strategic regional policy plan to the council, together with any revisions recommended by the Governor.~~ The Governor's recommended revisions shall be included in the plans in a comment section. However, nothing herein shall preclude a regional planning council from adopting or rejecting any or all of the revisions as a part of its plan prior to the effective date of the plan. The rules adopting the strategic regional policy plan shall not be subject to rule challenge under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2., but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3) by substantially affected persons, including the Executive Office of the Governor. The rules shall be adopted by the regional planning councils ~~within 90 days after receipt of the revisions recommended by the Executive Office of the Governor~~, and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(3)(e)6.

(2) If a local government within the jurisdiction of a regional planning council challenges a portion of the council's regional policy plan pursuant to s. 120.56, the applicable portion of that local government's comprehensive plan shall not be required to be consistent with the challenged portion of the regional policy plan until 12 months after the challenge has been resolved by an administrative law judge.

(3) All amendments to the adopted regional policy plan shall be subject to all challenges pursuant to chapter 120.

Section 23. Section 186.511, Florida Statutes, is amended to read:

186.511 Evaluation of strategic regional policy plan; changes in plan.—The regional planning process shall be a continuous and ongoing process. Each regional planning council shall prepare an evaluation and appraisal report on its strategic regional policy plan at least once every 5 years; assess the successes or failures of the plan; address changes to the state comprehensive plan; and prepare and adopt by rule amendments, revisions, or updates to the plan as needed. Each regional planning council shall involve the appropriate local health councils in its region if the regional planning council elects to address regional health issues. The evaluation and appraisal report shall be prepared and submitted for review on a schedule established ~~by rule~~ by the Executive Office of the Governor. The schedule shall facilitate and be coordinated with, to the maximum extent feasible, the evaluation and revision of local comprehensive plans pursuant to s. 163.3191 for the local governments within each comprehensive planning district.

Section 24. Paragraph (f) of subsection (2) and subsections (3), (8), (9), (10), and (12) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

(2) As used in this section, the term:

(f) "Regional policy plan" means a ~~comprehensive regional policy plan that has been adopted by rule by a regional planning council until the council's rule adopting its strategic regional policy plan in accordance with the requirements of chapter 93-206, Laws of Florida, becomes effective, at which time "regional policy plan" shall mean a~~ strategic regional policy plan that has been adopted by rule by a regional planning council pursuant to s. 186.508.

(3) No later than 6 months ~~after May 31, 1994, or 6 months~~ after the designation of a military base for closure by the Federal Government, ~~whichever is later,~~ each host local government shall notify the secretary of the Department of Community Affairs and the director of the Office of Tourism, Trade, and Economic Development in writing, by hand delivery or return receipt requested, as to whether it intends to use the optional provisions provided in this act. If a host local government does not opt to use the provisions of this act, land use planning and regulation pertaining to base reuse activities within those host local governments shall be subject to all applicable statutory requirements, including those contained within chapters 163 and 380.

(8) At the request of a host local government, the Office of Tourism, Trade, and Economic Development shall coordinate a presubmission workshop concerning a military base reuse plan within the boundaries of the host jurisdiction. Agencies that shall participate in the workshop shall include any affected local governments; the Department of Environmental Protection; the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs; the Department of Transportation; the Department of Health ~~and Rehabilitative Services~~; *the Department of Children and Family Services;* the Department of Agriculture and Consumer Services; the Department of State; the Game and Fresh Water Fish Commission; and any applicable water management districts and regional planning councils. The purposes of the workshop shall be to assist the host local government to understand issues of concern to the above listed entities pertaining to the military base site and to identify opportunities for better coordination of planning and review efforts with the information and analyses generated by the federal environmental impact statement process and the federal community base reuse planning process.

(9) If a host local government elects to use the optional provisions of this act, it shall, no later than 12 months after notifying the agencies of its intent pursuant to subsection (3) either:

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments; the Department of Environmental Protection; the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs; the Department of Transportation; the Department of Health ~~and Rehabilitative Services~~; *the Department of Children and Family Services;* the Department of Agriculture and Consumer Services; the Department of State; the Florida Game and Fresh Water Fish Commission; and any applicable water management districts and regional planning councils, or

(b) Petition the secretary of the Department of Community Affairs for an extension of the deadline for submitting a proposed reuse plan. Such an extension request must be justified by changes or delays in the closure process by the federal Department of Defense or for reasons otherwise deemed to promote the orderly and beneficial planning of the subject military base reuse. The secretary of the Department of Community Affairs may grant *extensions* ~~up to a 1-year extension~~ to the required submission date of the reuse plan.

(10)~~(a)~~ Within 60 days after receipt of a proposed military base reuse plan, these entities shall review and provide comments to the host local government. The commencement of this review period shall be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. No later than *180* ~~60~~ days after receipt and consideration of all comments, and the holding of at least two public hearings, the host local government shall adopt the military base reuse plan. The host local government shall comply with the notice requirements set forth in s. 163.3184(15) to ensure full public participation in this planning process.

~~(b) Notwithstanding paragraph (a), a host local government may waive the requirement that the military base reuse plan be adopted within 60 days after receipt and consideration of all comments and the second public hearing. The waiver may extend the time period in which to adopt the military reuse plan to 180 days after the 60th day following the receipt and consideration of all comments and the second public hearing, or the date upon which this act becomes a law, whichever is later.~~

~~(c) The host local government may exercise the waiver after the 60th day following the receipt and consideration of all comments and the second public hearing. However, the host local government must exercise this waiver no later than 180 days after the 60th day following the receipt and consideration of all comments and the second public hearing, or the date upon which this act becomes a law, whichever is later.~~

~~(d) Any action by a host local government to adopt a military base reuse plan after the expiration of the 60-day period is deemed an exercise of the waiver pursuant to paragraph (b), without further action by the host local government.~~

(12) Following receipt of a petition, the petitioning party or parties and the host local government shall seek resolution of the issues in dispute. The issues in dispute shall be resolved as follows:

(a) The petitioning parties and host local government shall have 45 days to resolve the issues in dispute. Other affected parties that submitted comments on the proposed military base reuse plan may be given the opportunity to formally participate in decisions and agreements made in these and subsequent proceedings by mutual consent of the petitioning party and the host local government. A third-party mediator may be used to help resolve the issues in dispute.

(b) If resolution of the dispute cannot be achieved within 45 days, the petitioning parties and host local government may extend such dispute resolution for up to 45 days. If resolution of the dispute cannot be achieved with the above timeframes, the issues in dispute shall be submitted to the state land planning agency. If the issues stem from multiple petitions, the mediation shall be consolidated into a single proceeding. The state land planning agency shall have 45 days to hold informal hearings, if necessary, identify the issues in dispute, prepare a record of the proceedings, and provide recommended solutions to the parties. If the parties fail to implement the recommended solutions within 45 days, the state land planning agency shall submit the matter to the Administration Commission for final action. The report to the Administration Commission shall list each issue in dispute, describe the nature and basis for each dispute, identify the recommended solutions provided to the parties, and make recommendations for actions the Administration Commission should take to resolve the disputed issues.

(c) *If* ~~In the event~~ the state land planning agency is a party to the dispute, the *issues in* dispute shall be *submitted to* ~~resolved by~~ a party jointly selected by the state land planning agency and the host local government. The selected party shall comply with the responsibilities placed upon the state land planning agency in this section.

(d) Within 45 days after receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, *any requests for a formal administrative hearing pursuant to chapter 120,* the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships and the public interest involved. If the Administration Commission incorporates in its final order a term or condition that requires any local government to amend its local government comprehensive plan, the local government shall amend its plan within 60 days after the issuance of the order. Such amendment or amendments shall be exempt from the limitation of the frequency of plan amendments contained in s. 163.3187(2), and a public hearing on such amendment or amendments pursuant to s. 163.3184(15)(b)1. shall not be required. The final order of the Administration Commission is subject to appeal pursuant to s. 120.68. If the order of the Administration Commission is appealed, the time for the local government to amend its plan shall be tolled during the pendency of any local, state, or federal administrative or judicial proceeding relating to the military base reuse plan.

Section 25. Section 288.980, Florida Statutes, is amended to read:

288.980 *Military* base ~~closure,~~ retention~~, realignment, or defense-related readjustment and diversification~~; legislative intent; grants program.—

(1) It is the intent of this state to provide the necessary means to assist communities with military installations that would be adversely affected by federal base realignment or closure actions. It is further the intent to encourage communities to ~~establish local or regional community base realignment or closure commissions to~~ initiate a coordinated program of response and plan of action in advance of future actions of the federal Base Realignment and Closure Commission. It is critical that closure-vulnerable communities develop such a program to preserve affected military installations. The Legislature, therefore, declares that providing such assistance to support the defense-related initiatives within this section is a public purpose for which public money may be used.

(2)(a) The Office of Tourism, Trade, and Economic Development is authorized to award grants from *any* funds *available to it to support activities* ~~specifically appropriated for this purpose to applicants' eligible projects. Eligible projects shall be limited to:~~

~~1. Activities~~ related to the retention of military installations potentially affected by federal base closure or realignment.

~~2. Activities related to preventing the potential realignment or closure of a military installation officially identified by the Federal Government for potential realignment or closure.~~

(b) The term "activities" as used in this section means studies, presentations, analyses, plans, and modeling. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(c) The amount of any grant provided to an applicant ~~in any one year~~ may not exceed $250,000. The Office of Tourism, Trade, and Economic Development shall require that an applicant:

1. Represent a *local government* ~~community~~ with a military installation or military installations that could be adversely affected by federal base realignment or closure.

2. Agree to match at least *50* ~~25~~ percent of any grant awarded ~~by the department in cash or in-kind services. Such match must be directly related to the activities for which the grant is being sought~~.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for realignment or closure of a military installation located in the applicant's community and the adverse impacts such realignment or closure will have on the applicant's community.

(d) In making grant awards ~~for eligible projects,~~ the office shall consider, at a minimum, the following factors:

1. The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure.

2. The potential job displacement within the local community should the military installation be closed.

3. The potential adverse impact on industries and technologies which service the military installation.

~~(e) For purposes of base closure and realignment, "applicant" means one or more counties, or a base closure or realignment commission created by one or more counties, to oversee the potential or actual realignment or closure of a military installation within the jurisdiction of such local government.~~

(3) The Florida Economic Reinvestment Initiative is established to respond to the need for this state and defense-dependent communities in this state to develop alternative economic diversification strategies to lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse. The initiative shall consist of the following three distinct grant programs to be administered by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~:

(a) The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed $100,000 per applicant and shall be available on a competitive basis.

(b) The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed $100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.

(c) The Florida Military Installation Reuse Planning and Marketing Grant Program, through which funds shall be used to help counties, cities, and local economic development councils develop and implement plans for the reuse of closed or realigned military installations, including any necessary infrastructure improvements needed to facilitate reuse and related marketing activities. Grant awards are limited to not more than $100,000 per eligible applicant and made available through a competitive process. Awards shall be matched on a one-to-one basis.

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

(4)(a) The Defense-Related Business Adjustment Program is hereby created. The *Director of the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~ shall coordinate the development of the Defense-Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(b) The *office* ~~department~~ shall require that an applicant:

1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.

2. Agree to match at least 50 percent of any funds awarded by the department in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.

3. Prepare a coordinated program or plan delineating how the funds will be administered.

4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

(5) The *director* ~~Secretary of Commerce~~ may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

(6) The Office of Tourism, Trade, and Economic Development shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 26. Paragraph (d) is added to subsection (5) of section 380.06, Florida Statutes, and subsections (12) and (14) of that section are amended to read:

380.06 Developments of regional impact.—

(5) AUTHORIZATION TO DEVELOP.—

(a)1. A developer who is required to undergo development-of-regional-impact review may undertake a development of regional impact if the development has been approved under the requirements of this section.

2. If the land on which the development is proposed is within an area of critical state concern, the development must also be approved under the requirements of s. 380.05.

(b) State or regional agencies may inquire whether a proposed project is undergoing or will be required to undergo development-of-regional-impact review. If a project is undergoing or will be required to undergo development-of-regional-impact review, any state or regional permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, upon expiration of the time allowed for an administrative appeal of the development or upon final action

following an administrative appeal or judicial review, whichever is later. However, if the application for development approval is not filed within 18 months after the issuance of the permit, the time of validity of the permit shall be considered to be from the date of issuance of the permit. If a project is required to obtain a binding letter under subsection (4), any state or regional agency permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, only after the developer obtains a binding letter stating that the project is not required to undergo development-of-regional-impact review or after the developer obtains a development order pursuant to this section.

(c) Prior to the issuance of a final development order, the developer may elect to be bound by the rules adopted pursuant to chapters 373 and 403 in effect when such development order is issued. The rules adopted pursuant to chapters 373 and 403 in effect at the time such development order is issued shall be applicable to all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized in such development order, except that a later adopted rule shall be applicable to an application if:

1. The later adopted rule is determined by the rule-adopting agency to be essential to the public health, safety, or welfare;

2. The later adopted rule is adopted pursuant to s. 403.061(27);

3. The later adopted rule is being adopted pursuant to a subsequently enacted statutorily mandated program;

4. The later adopted rule is mandated in order for the state to maintain delegation of a federal program; or

5. The later adopted rule is required by state or federal law.

(d) The provision of day care service facilities in developments approved pursuant to this section is permissible but is not required.

Further, in order for any developer to apply for permits pursuant to this provision, the application must be filed within 5 years from the issuance of the final development order and the permit shall not be effective for more than 8 years from the issuance of the final development order. Nothing in this paragraph shall be construed to alter or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.

(12) REGIONAL REPORTS.—

(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:

1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans. For the purposes of this subsection, "applicable state plan" means the state comprehensive plan ~~and the state land development plan~~. For the purposes of this subsection, "applicable regional plan" means an adopted comprehensive regional policy plan until the adoption of a strategic regional policy plan pursuant to s. 186.508, and thereafter means an adopted strategic regional policy plan.

2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.

3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.

(b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.

(c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

(14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.—If the development is not located in an area of critical state concern, in considering whether the development shall be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and the extent to which:

~~(a) The development unreasonably interferes with the achievement of the objectives of an adopted state land development plan applicable to the area;~~

(a)~~(b)~~ The development is consistent with the local comprehensive plan and local land development regulations;

(b)~~(c)~~ The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12); and

(c)~~(d)~~ The development is consistent with the State Comprehensive Plan. In consistency determinations the plan shall be construed and applied in accordance with s. 187.101(3).

Section 27. Paragraph (a) of subsection (3) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements which is applicable to the site of a qualified development:

1. Have donated or entered into a binding commitment to donate the fee or a lesser interest sufficient to protect, in perpetuity, the natural attributes of the types of land listed below. In lieu of the above requirement, the developer may enter into a binding commitment which runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to use such areas for the purpose of passive recreation that is consistent with the purposes for which the land was preserved.

a. Those wetlands and water bodies throughout the state as would be delineated if the provisions of s. 373.4145(1)(b) were applied. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities to the extent that such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Protection which have been artificially created, if the redesign or alteration is done so as to produce a more naturally functioning system.

b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Historical Resources of the Department of State.

d. Areas known to be important to animal species designated as endangered or threatened animal species by the United States Fish and

Wildlife Service or by the Florida Game and Fresh Water Fish Commission, for reproduction, feeding, or nesting; for traveling between such areas used for reproduction, feeding, or nesting; or for escape from predation.

e. Areas known to contain plant species designated as endangered plant species by the Department of Agriculture and Consumer Services.

2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency or by the Department of Environmental Protection or the Department of Agriculture and Consumer Services. This subparagraph is not intended to apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.

3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or Outstanding Florida Waters, except as activities in those waters are permitted pursuant to s. 403.813(2) and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic preserves, as applicable.

5. Include open space, recreation areas, Xeriscape as defined in s. 373.185, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.

6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts which the development will impose on publicly funded facilities and services, except offsite transportation, and condition or phase the commencement of development to ensure that public facilities and services, except offsite transportation, will be available concurrent with the impacts of the development. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the standards of the state land planning agency's development-of-regional-impact transportation rule, the approved strategic regional policy plan, any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of chapter 163.

7. Design and construct the development in a manner that is consistent with the adopted state plan, ~~the state land development plan,~~ the applicable strategic regional policy plan, and the applicable adopted local government comprehensive plan.

Section 28. Subsection (3) of section 380.065, Florida Statutes, is amended to read:

380.065 Certification of local government review of development.—

(3) Development orders issued pursuant to this section are subject to the provisions of s. 380.07; however, a certified local government's findings of fact and conclusions of law are presumed to be correct on appeal. The grounds for appeal of a development order issued by a certified local government under this section shall be limited to:

(a) Inconsistency with the local government's comprehensive plan or land use regulations.

(b) Inconsistency with the ~~state land development plan and the~~ state comprehensive plan.

(c) Inconsistency with any regional standard or policy identified in an adopted strategic regional policy plan for use in reviewing a development of regional impact.

(d) Whether the public facilities meet or exceed the standards established in the capital improvements plan required by s. 163.3177 and will be available when needed for the proposed development, or that development orders and permits are conditioned on the availability of the public facilities necessary to serve the proposed development. Such development orders and permit conditions shall not allow a reduction in the level of service for affected regional public facilities below the level of services provided in the adopted strategic regional policy plan.

Section 29. Paragraph (d) is added to subsection (3) of section 380.23, Florida Statutes, to read:

380.23 Federal consistency.—

(3) Consistency review shall be limited to review of the following activities, uses, and projects to ensure that such activities and uses are conducted in accordance with the state's coastal management program:

(d) Federal activities within the territorial limits of neighboring states when the governor and the department determine that significant individual or cumulative impact to the land or water resources of the state would result from the activities.

Section 30. *Transportation and Land Use Study Committee.—The state land planning agency and the Department of Transportation shall evaluate the statutory provisions relating to land use and transportation coordination and planning issues, including community design, required in part II of chapter 163, Florida Statutes, and shall consider changes to statutes, as well as to all pertinent rules associated with the statutes. The evaluation must include an evaluation of the roles of local government, regional planning councils, state agencies, regional transportation authorities, and metropolitan planning organizations in addressing these subject areas. Special emphasis must be given in this evaluation to concurrency on the highway system, levels of service methodologies, and land use impact assessments used to project transportation needs. The evaluation must be conducted in consultation with a technical committee of at least 15 members to be known as the Transportation and Land Use Study Committee, appointed jointly by the secretary of the state land planning agency and the Secretary of Transportation. The membership must be representative of local governments, regional planning councils, the private sector, metropolitan planning organizations, regional transportation authorities, and citizen and environmental organizations. By January 15, 1999, the committee shall send an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives to provide recommendations for appropriate changes to the transportation planning requirements in chapter 163, Florida Statutes, and other statutes, as appropriate.*

Section 31. *Subsection (7) of section 380.0555, and paragraph (a) of subsection (14) of section 380.06, Florida Statutes, are repealed.*

Section 32. Subsection (17) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(17) "State land development plan" means a comprehensive statewide plan or any portion thereof setting forth state land development policies. *Such plan shall not have any legal effect until enacted by general law or the Legislature confers express rulemaking authority on the state land planning agency to adopt such plan by rule for specific application.*

Section 33. *Severability.—If any provision of this act or the application thereof to any person, government entity, or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 34. *The Department of Community Affairs, the Department of Environmental Protection, Miami-Dade County, and the municipalities of Key Biscayne and Miami must jointly conduct discussions, pursuant to section 163.3171(3) and (4), Florida Statutes, for the purpose of establishing agreements concerning land use, economic development, emergency management, and environmental protection for a planning area defined as eastward of the toll plaza at the entrance of the area known as "Key Biscayne." The departments, the county, and the municipalities must, after such discussions, enter into agreements by December 1, 1998 that provide for and ensure orderly development of the planning area. They shall also report to the Legislature by February 1, 1999, on the agreement and implementation thereof. In the event that no agreement is executed, the report to the Legislature shall include all items that at least three of the five governmental entities agreed upon and list the entities that agreed to each item.*

Section 35. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management, land use planning, and school concurrency; amending s. 20.18, F.S.; renaming the Division of Resource Planning and Management; amending s. 163.3164, F.S.; defining the term "optional sector plan"; amending s. 163.3171, F.S.; inserting a cross-reference; amending s. 163.3177, F.S.; requiring that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools; specifying the date by which such plans must comply and providing effect of noncompliance; providing requirements with respect to the data and analyses on which a public school facilities element to implement a school concurrency program should be based; providing for goals, objectives, and policies; providing for future conditions maps; amending s. 163.3180, F.S.; modifying de minimis standards for transportation concurrency; revising requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement; requiring a public schools facilities element; providing requirements for level of service standards; providing requirements for designation of service areas; providing requirements with respect to financial feasibility; specifying an availability standard; requiring that intergovernmental coordination requirements be satisfied and providing that certain municipalities are not required to be a signatory of the required interlocal agreement; providing duties of such municipalities to evaluate their status and enter into the interlocal agreement when required, and providing effect of failure to do so; providing requirements with respect to the interlocal agreement; directing the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element; amending s. 163.3184, F.S.; inserting cross-references; requiring the department to maintain specified documents dealing with amendments to local comprehensive plans; amending s. 163.3187, F.S.; prohibiting local governments from amending comprehensive plans until after adoption of an evaluation and appraisal report; amending s. 163.3191, F.S.; revising the requirements for evaluation and appraisal reports; providing for contents; providing that the local planning agency's periodic report on the comprehensive plan shall assess the coordination of the plan with public schools; amending s. 235.185, F.S.; directing school boards to adopt annually 10-year and 20-year work programs in addition to the required 5-year district facilities work program; amending s. 235.19, F.S.; providing a directive to school boards with respect to school location; amending s. 235.193, F.S.; providing requirements for the 5-year district facilities work program with respect to enrollment and population projections; precluding the siting of new schools in certain jurisdictions; providing for implementation of an alternative public schools concurrency system by counties subject to a final order by the Administration Commission; creating s. 163.3245, F.S.; authorizing the adoption of optional sector plans under certain circumstances; providing for agreements with the Department of Community Affairs; amending s. 171.044, F.S.; requiring a municipality to notify the county of voluntary annexation ordinances; amending ss. 186.507, 186.508, 186.511, F.S.; revising responsibilities of the Executive Office of the Governor relating to strategic regional policy plans; amending ss. 186.003, 186.007, 186.008, 186.009, F.S.; deleting references to the state land development plan; creating a committee to be appointed by the Governor to review the state comprehensive plan; revising a definition; deleting obsolete language; revising review responsibilities of the Executive Office of the Governor; amending s. 288.975, F.S.; redefining the term "regional policy plan"; revising criteria for military base reuse plans; amending s. 288.980, F.S.; providing revised standards for military base retention; providing conditions for the award of grants by the Office of Tourism, Trade, and Economic Development; amending s. 380.06, F.S.; deleting reference to the state land development plan; adding day care facilities as an issue in the development-of-regional-impact review process; amending s. 380.061, F.S.; deleting a consistency requirement for certain Florida Quality Developments; amending s. 380.065, F.S.; deleting a reference to the state land development plan; amending s. 380.23, F.S.; adding an element to federal consistency review; creating the Transportation and Land Use Study Committee; requiring the committee to report to the Governor and the Legislature; amending s. 380.031, F.S.; revising a definition; repealing s. 380.0555(7), F.S., which provides for a resource planning and management committee for the Apalachicola Bay Area; providing for severability; providing effective dates.

On motion by Senator Lee, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 2474 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Silver, the Senate reconsidered the vote by which **CS for SB 2474** as amended passed this day.

On motion by Senator Silver, the Senate reconsidered the vote by which the Senate concurred in **House Amendment 1** as amended.

On motion by Senator Silver, the Senate reconsidered the vote by which **Senate Amendment 1 to House Amendment 1** was adopted.

Senator Silver moved the following amendment to **Senate Amendment 1** which was adopted:

Amendment 1A to Senate Amendment 1 to House Amendment 1—On page 69, line 20, delete "*must*" and insert: *may*

Senate Amendment 1 to House Amendment 1 as amended was adopted.

On motion by Senator Lee, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 2474 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

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Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed CS for HB 823 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 823—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S., which provides requirements for deposit and investment of state money; revising the standards that certain corporate obligations and state and local government obligations must meet to be qualified for such investment; authorizing investment in certain foreign bonds and certain convertible debt obligations of corporations domiciled in the United States; amending s. 766.315, F.S.; providing that the investment of funds by the Florida Birth-Related Neurological Injury Compensation Association is subject to the provisions of s. 215.47, F.S.; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 31 of the amendment, after the period insert:

Section 4. Paragraph (c) of subsection (1) and subsection (2) of section 125.31, Florida Statutes, are amended to read:

125.31 Investment of surplus public funds; regulations.—

(1) Unless otherwise authorized by law or by ordinance, the board of county commissioners shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

(c) Interest-bearing time deposits or savings accounts in *qualified public depositories as defined in s. 280.02* ~~banks organized under the laws of this state, in national banks organized under the laws of the United States and doing business and situated in this state, in savings and loan associations which are under state supervision, or in federal savings and loan associations located in this state and organized under federal law and federal supervision, provided that any such deposits are secured by collateral as may be prescribed by law~~;

(2)(a) Every security purchased under this section on behalf of the governing body of a county shall be properly earmarked and:

1. If registered with the issuer or its agents, shall be immediately placed for safekeeping in a location which protects the governing body's interest in the security;

2. If in book entry form, shall be held for the credit of the governing body of the county by a depository chartered by ~~either~~ the Federal Government, ~~or~~ the state, *or any other state or territory of the United States, that has a branch or principal place of business in this state as defined in s. 658.12,* and shall be kept by the depository in an account separate and apart from the assets of the financial institution; or

3. If physically issued to the holder but not registered with the issuer or its agents, shall be immediately placed for safekeeping in a safe-deposit box in a financial institution in this state that maintains adequate safe-deposit box insurance.

(b) The board of county commissioners may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the United States Government, ~~or~~ the State of Florida, or *any other state or territory of the United States, that has a branch or principal place of business in this state as defined in s. 658.12* ~~their designated agents~~.

Section 5. Section 136.01, Florida Statutes, is amended to read:

136.01 County depositories.—*Each county depository shall be a qualified public depository as defined in s. 280.02 for the following* ~~Any bank or savings association organized under the laws of this state or of the United States and authorized to do business in this state which, as to the various funds herein referred to, conforms to the requirements of chapter 280 is authorized to accept county deposits. These~~ funds ~~include~~: county funds; funds of all county officers, including constitutional officers; funds of the school board; and funds of the community college district board of trustees. This enumeration of funds is made not by way of limitation, but of illustration; and it is the intent hereof that all funds of the county, the board of county commissioners or the several county officers, the school board, or the community college district board of trustees be included.

Section 6. Section 159.09, Florida Statutes, is amended to read:

159.09 Trust agreement.—In the discretion of the governing body, each or any issue of such bonds may be secured by a trust agreement by and between the unit and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside the state. Such trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any project or any part thereof. Either the ordinance or resolution providing for the issuance of revenue bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the unit and the governing body thereof in relation to the acquisition, construction, improvement, maintenance, operation, repair, and insurance of the project, and the custody, safeguarding, and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this state, *or any other state or territory of the United States, that has a branch or principal place of business in this state as defined in s. 658.12,* to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the governing body. Such ordinance or resolution or such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds or debentures of corporations. In addition to the foregoing, such ordinance or resolution or such trust agreement may contain such other provisions as the governing body may deem reasonable and proper for the security of bondholders. Except as in this part otherwise provided, the governing body may provide, by ordinance or resolution or by such trust agreement, for the payment of the proceeds of the sale of the bonds and the revenues of the project to such officer, board or depository as it may determine for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust agreement may be treated as a part of the cost of operation of the project affected by such trust agreement.

Section 7. Paragraph (c) of subsection (1) and subsection (2) of section 166.261, Florida Statutes, are amended to read:

166.261 Municipalities; investments.—

(1) Unless otherwise authorized by law or by ordinance, the governing body of each municipality shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

(c) Interest-bearing time deposits or savings accounts in *qualified public depositories as defined in s. 280.02* ~~banks organized under the laws of this state, in national banks organized under the laws of the United States and doing business and situated in this state, in savings and loan associations which are under state supervision, or in federal savings and loan associations located in this state and organized under federal law and federal supervision, provided that any such deposits are secured by collateral as may be prescribed by law~~;

(2)(a) Every security purchased under this section on behalf of the governing body of a municipality shall be properly earmarked and:

1. If registered with the issuer or its agents, shall be immediately placed for safekeeping in a location which protects the interest of the governing body in the security;

2. If in book entry form, shall be held for the credit of the governing body of the municipality by a depository chartered by ~~either~~ the Federal Government, ~~or~~ the state, *or any other state or territory of the United States, that has a branch or principal place of business in this state as defined in s. 658.12,* and shall be kept by the depository in an account separate and apart from the assets of the financial institution; or

3. If physically issued to the holder, but not registered with the issuer or its agents, shall be immediately placed for safekeeping in a safe-deposit box in a financial institution in this state that maintains adequate safe-deposit box insurance.

(b) The governing body may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held, together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the United States Government, ~~or~~ the State of Florida, or *any other state or territory of the United States, that has a branch or principal place of business in this state as defined in s. 658.12, or* their designated agents.

Section 8. Paragraph (c) of subsection (1) and paragraph (b) of subsection (2) of section 218.345, Florida Statutes, are amended to read:

218.345 Special districts; investments.—

(1) The governing body of each special district shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

(c) Interest-bearing time deposits or savings accounts in *qualified public depositories as defined in s. 280.02* ~~banks organized under the laws of this state, in national banks organized under the laws of the United States and doing business and situated in this state, in savings and loan associations which are under state supervision, or in federal savings and loan associations located in this state and organized under federal law and federal supervision, provided that any such deposits are secured by collateral as may be prescribed by law~~;

(2)

(b) The governing body may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held, together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the United States Government, ~~or~~ the State of Florida, *or any other state or territory of the United States, that has a branch or principal place of business in this state as defined in s. 658.12,* or their designated agents.

Section 9. Paragraphs (a) and (b) of subsection (2) of section 236.24, Florida Statutes, are amended to read:

236.24 Sources of district school fund.—

(2)(a) Unless otherwise authorized by law or by ordinance, each school board shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

1. The Local Government Surplus Funds Trust Fund;

2. Negotiable direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States Government at the then prevailing market price for such securities;

3. Interest-bearing time deposits or savings accounts in *qualified public depositories as defined in s. 280.02* ~~banks organized under the laws of this state, in national banks organized under the laws of the United States and doing business and situated in this state, in savings and loan associations which are under state supervision, or in federal savings and loan associations located in this state and organized under federal law and federal supervision, provided that any such deposits are secured by collateral as may be prescribed by law~~;

4. Obligations of the federal farm credit banks; the Federal Home Loan Mortgage Corporation, including Federal Home Loan Mortgage Corporation participation certificates; or the Federal Home Loan Bank or its district banks or obligations guaranteed by the Government National Mortgage Association;

5. Obligations of the Federal National Mortgage Association, including Federal National Mortgage Association participation certificates and mortgage pass-through certificates guaranteed by the Federal National Mortgage Association; or

6. Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations, and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

(b)1. Securities purchased by any such school board under the authority of this law shall be delivered by the seller to the school board or its appointed safekeeper. The safekeeper shall be a qualified bank or trust company chartered to operate as such by the State of Florida, *any other state or territory of the United States,* or the United States Government, *that has a branch or principal place of business in this state as defined in s. 658.12.* The safekeeper shall issue documentation for each transaction, and a monthly statement detailing all transactions for the period.

2. Securities physically delivered to the school board shall be placed in a safe-deposit box in a bank or other institution located within the county and duly licensed and insured. Withdrawals from such safe-deposit box shall be only by persons duly authorized by resolution of the school board.

3. The school board may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the United States Government, ~~or~~ the State of Florida, *or any other state or territory of the United States, that has a branch or principal place of business in this state as defined in s. 658.12,* or their designated agents.

Section 10. Paragraph (h) of subsection (4) of section 255.502, Florida Statutes, is amended to read:

255.502 Definitions; ss. 255.501-255.525.—As used in this act, the following words and terms shall have the following meanings unless the context otherwise requires:

(4) "Authorized investments" means and includes without limitation any investment in:

(h) Savings accounts in, or certificates of deposit of, *qualified public depositories as defined in s. 280.02* ~~any bank, savings bank, or savings and loan association which is incorporated under the laws of this state or organized under the laws of the United States and is doing business and situated in this state, the accounts of which are insured by the Federal Government or an agency thereof~~, in an amount that does not exceed 15 percent of the net worth of the institution, or a lesser amount as determined by rule by the State Board of Administration, provided such savings accounts and certificates of deposit are secured in the manner prescribed in chapter 280.

Investments in any security authorized in this subsection may be under repurchase agreements or reverse repurchase agreements.

Section 11. Subsections (11) through (19) of section 280.02, Florida Statutes, are renumbered as subsections (12) through (20), respectively, a new subsection (11) is added to said section, and present subsection (16) is renumbered and amended, to read:

280.02 Definitions.—As used in this chapter, the term:

(11) "Governmental unit" means the state or any county, school district, community college district, special district, metropolitan government, or municipality, including any agency, board, bureau, commission, and institution of any of such entities, or any court.

(17)~~(16)~~ "Qualified public depository" means any bank, savings bank, or savings association that:

(a) Is organized and exists under the laws of the United States, the laws of this state or any other state or territory of the United States.

(b) Has its principal place of business in this state or has a branch office in this state which is authorized under the laws of this state or of the United States to receive deposits in this state.

(c) Has deposit insurance under the provision of the Federal Deposit Insurance Act, as amended, 12 U.S.C. ss. 1811 et seq.

(d) Has procedures and practices for accurate identification, classification, reporting, and collateralization of public deposits.

(e)~~(d)~~ Meets all the requirements of this chapter.

(f)~~(e)~~ Has been designated by the Treasurer as a qualified public depository.

Section 12. Section 280.03, Florida Statutes, is amended to read:

280.03 Public deposits to be secured; *prohibitions; exemptions* ~~exceptions~~.—

(1)(a) All public deposits shall be secured as provided in this chapter *when public depositors comply with the requirements of this chapter.*

(b) Public deposits shall be made in a qualified public depository unless exempted by law. ~~Notwithstanding the provisions of any other law, a public deposit as defined in s. 280.02(13) may be deposited in a qualified public depository as defined in s. 280.02(16).~~

(2)~~(b)~~ Public funds shall not be deposited directly or indirectly in negotiable certificates of deposit. ~~Except as otherwise provided by law, no public deposit may be made except in a qualified public depository.~~

(3)~~(2)~~ *The following are exempt from the requirements of, and protection under, this chapter:*

(a) Public deposits deposited in a bank or savings association by a trust department or trust company which are fully secured under trust business laws. ~~Every public deposit held by a trust company, which trust company has legal title thereto and is subject to the applicable provisions of chapters 658 and 660 or such federal laws that are applicable to trusts and trust companies, in trust or in escrow pursuant to the provisions of any written trust indenture or escrow agreement authorized by law, unless provided otherwise in the documents or proceedings authorizing the terms of and the execution of the trust indenture or escrow agreement, and~~

(b) Moneys of the System Trust Fund, as defined in s. 121.021(36)~~, are exempt from the requirements of this chapter~~.

(c)~~(3)~~ Public deposits held outside the country ~~are exempt from the requirements and protection of this chapter~~.

(d)~~(4)~~ Wire transfers and transfers of funds ~~for a period not exceeding 7 days~~ solely for the purpose of paying registrars and paying agents ~~are exempt from the requirements of this chapter~~.

(e) Public deposits which are fully secured under federal regulations.

Section 13. Paragraph (d) of subsection (1) of section 280.04, Florida Statutes, is amended to read:

280.04 Collateral for public deposits; general provisions.—

(1) Every qualified public depository shall deposit with the Treasurer eligible collateral equal to or in excess of the required collateral of the depository to be held subject to his or her order. The Treasurer, by rule, shall establish minimum required collateral pledging levels and shall notify each qualified public depository of its required pledging level. Each qualified public depository shall calculate the amount of its required collateral based upon any one or any combination of the following formulas:

(d) One hundred twenty-five percent of the average daily balance of public deposits in excess of 20 percent of the total *average monthly balances of* public deposits held by all qualified public depositories ~~of the same type, i.e., banks or savings associations~~. The Treasurer shall determine the total *average monthly balances of* public deposits held *during* ~~based on~~ the immediately preceding 12-month *period* ~~average~~. That 12-month average amount must be disseminated to the qualified public depositories at such time and in such manner as the Treasurer determines appropriate.

Section 14. Section 280.05, Florida Statutes, is amended to read:

280.05 Powers and duties of the Treasurer.—In fulfilling the requirements of this act, the Treasurer has the power to:

(1)~~(6)~~ Establish criteria, based on the overall financial condition of the participant and applicants, as may be necessary, to protect the integrity of the public deposits program, to:

(a) Refuse entry into the program by an applicant;

(b) Order discontinuance of participation in the program by a qualified public depository;

(c) Restrict the total amount of public deposits a depository may hold;

(d) Establish collateral-pledging levels based on qualitative and quantitative standards; and

(e) Restrict substitutions of collateral subject to the approval of the Treasurer.

(2)~~(9)~~ Appoint *a six-member* ~~two separate three-member~~ advisory *committee* ~~committees, one for banks and one for savings associations,~~ to review and recommend criteria to be used by the Treasurer for purposes stated in subsection *(1)* ~~(6)~~ in order to protect public deposits and the depositories in the program. Each member selected to serve on *the* ~~an~~ advisory committee must be a representative of his or her ~~respective~~ industry. Advisory committee members must represent active qualified public depositories, not in the process of withdrawing from the public deposits program, in compliance with all applicable rules, regulations, and reporting requirements of this chapter. Members must possess knowledge, skill, and experience in one or more of the following areas:

(a) Financial analysis;

(b) Trend analysis;

(c) Accounting;

(d) Banking;

(e) Risk management; or

(f) Investment management.

Members' terms shall be for 4 years~~, except that in making the initial appointments, the Treasurer shall appoint from each group one member to serve 2 years, one member to serve 3 years, and one member to serve 4 years~~. Any person appointed to fill a vacancy on the advisory *committee* ~~committees~~ may serve only for the remainder of the unexpired term. Any member is eligible for reappointment and shall serve until a successor qualifies. ~~The Treasurer shall appoint a member of each advisory committee to serve as its initial chair.~~ *The* ~~Thereafter, each~~ advisory committee shall elect a chair and vice chair and shall also designate a secretary who need not be a member of the advisory committee. *The* ~~Each~~ secretary shall keep a record of the proceedings of *the* ~~his or her~~ advisory committee and shall be the custodian of all printed materials filed with or by the advisory committee. Notwithstanding the existence of vacancies on the advisory committee, a majority of the members constitutes a quorum. *The* ~~Neither~~ advisory committee *shall not* ~~may~~ take official action in the absence of a quorum. Each member may name a designee to serve on the advisory committee on behalf of the member. However, any designee so named must meet the qualifications required of the selected member and be approved by the Treasurer. The advisory *committee* ~~committees~~ shall convene as needed.

(3)~~(10)~~ Establish goals and objectives and provide other data as may be necessary to assist the advisory *committee* ~~committees~~ established under subsection *(2)* ~~(9)~~ in developing standards for the program.

(4)~~(11)~~ Review, implement, monitor, evaluate, and modify, as needed, all or any part of the standards and policies recommended by an advisory committee.

(5)~~(16)~~ Perform financial analysis of any qualified public depository as needed.

(6)~~(1)~~ Require such collateral, or increase the collateral-pledging level, of any qualified public depository as may be necessary to administer the provisions of this chapter and to protect the integrity of the public deposits program.

(7)~~(18)~~ Establish a minimum amount of required collateral as the Treasurer deems necessary to provide for the contingent liability *pool* ~~pools~~.

(8)~~(2)~~ Decline to accept, or reduce the reported value of, collateral as circumstances may require in order to ensure the pledging of sufficient marketable collateral to meet the purposes of this chapter.

(9)~~(15)~~ Maintain perpetual inventory of pledged collateral and perform monthly market valuations and quality ratings.

(10)~~(13)~~ Monitor and confirm, as often as deemed necessary by the Treasurer, the pledged collateral held by third party custodians.

(11)~~(17)~~ Perfect interest in pledged collateral by having pledged securities moved into an account established in the Treasurer's name. This action shall be taken at the discretion of the Treasurer.

(12) Furnish written notice to custodians of collateral to hold interest and principal payments made on securities held as collateral and to deposit or transfer such payments pursuant to the Treasurer's instructions.

(13) Release collateral held in the Treasurer's name, subject to sale and transfer of funds directly from the custodian to public depositors of a withdrawing depository.

(14)~~(7)~~ Sell ~~pledged~~ securities~~, or move pledged securities to an account established in the Treasurer's name,~~ for the purpose of paying losses to public depositors not covered by deposit insurance ~~or to perfect the Treasurer's interest in the pledged securities~~.

(15)~~(8)~~ Transfer funds directly from the custodian to public depositors or the receiver in order to facilitate prompt payment of claims.

(16)~~(14)~~ Require the filing of ~~and inspect, review, or analyze~~ the following *reports which the Treasurer shall process as provided*:

(a) *Qualified* public depository monthly reports and schedules. *The Treasurer shall review the reports of each qualified public depository for material changes in capital accounts or changes in name, address, or type of institution, record the average daily balances of public deposits held, and monitor the collateral-pledging levels and required collateral.*

(b) Quarterly regulatory reports from qualified public depositories. *The Treasurer shall analyze qualified public depositories ranked in the lowest category based on established financial condition criteria.*

(c) *Qualified* public depository annual reports *and public depositor annual reports. The Treasurer shall compare public deposit information reported by qualified public depositories and public depositors. Such comparison shall be conducted for qualified public depositories which are ranked in the lowest category based on established financial condition criteria of record on September 30. Additional comparison processes may be performed as public deposits program resources permit.*

~~(d) Public depositors annual reports.~~

(d)~~(e)~~ Any related documents, reports, records, or other information deemed necessary by the Treasurer in order to ascertain compliance with this chapter.

(17)~~(4)~~ Verify the reports of any qualified public depository relating to public deposits it holds when necessary to protect the integrity of the public deposits program.

(18)~~(12)~~ Confirm public deposits, to the extent possible under current law, when needed.

(19) *Require* ~~Allow~~ at his or her discretion the filing of any information or forms required under this chapter to be by electronic data transmission. Such filings of information or forms shall have the same enforceability as a signed writing.

(20)~~(3)~~ Suspend or disqualify or disqualify after suspension any qualified public depository that has violated any of the provisions of this chapter or of rules adopted hereunder.

(a) Any *qualified* public depository that is suspended or disqualified pursuant to this subsection is subject to the provisions of s. 280.11(2) governing withdrawal from the public deposits program and return of pledged collateral. Any suspension shall not exceed a period of 6 months. Any qualified public depository which has been disqualified may not reapply for qualification until after the expiration of 1 year from the date of the final order of disqualification or the final disposition of any appeal taken therefrom.

(b) ~~If the Treasurer finds that one or more grounds exist for the suspension or disqualification of a qualified public depository, he or she may,~~ In lieu of ~~such~~ suspension or disqualification, impose an administrative penalty upon the qualified public depository as provided in s. 280.054.

(c) If the Treasurer has reason to believe that any qualified public depository or any other financial institution holding public deposits is or has been violating any of the provisions of this chapter or of rules adopted hereunder, he or she may issue to the qualified public depository or other financial institution an order to cease and desist from the violation or to correct the condition giving rise to or resulting from the violation. If any qualified public depository or other financial institution violates a cease-and-desist or corrective order, the Treasurer may impose an administrative penalty upon the qualified public depository or other financial institution as provided in s. 280.054 or s. 280.055. In addition to the administrative penalty, the Treasurer may suspend or disqualify any qualified public depository for violation of any order issued pursuant to this paragraph.

~~(5) Allow an exception to public deposit limitations of any qualified public depository that has contracted with the Treasurer to clear the receipts of the State of Florida to the extent, and only to the extent, that clearing the receipts would violate this chapter.~~

Section 15. Section 280.07, Florida Statutes, is amended to read:

280.07 Mutual responsibility.—Any bank or savings association that is designated as a qualified public depository and that is not insolvent shall guarantee public depositors against loss caused by the default or insolvency of other qualified public depositories ~~of the same type~~. *Each qualified public depository shall execute a form prescribed by the Treasurer for such guarantee which shall be approved by the board of directors and shall become an official record of the institution.* ~~The Treasurer shall maintain separate and totally independent contingent liability agreements, one such agreement exclusively for banks and another exclusively for savings associations.~~

Section 16. Subsections (2) and (3) of section 280.08, Florida Statutes, are amended to read:

280.08 Procedure for payment of losses.—When the Treasurer determines that a default or insolvency has occurred, he or she shall provide notice as required in s. 280.085(1) and implement the following procedures:

(2) The potential loss to public depositors shall be calculated by compiling claims received from such depositors. *The Treasurer shall validate claims on public deposit accounts which meet the requirements of s. 280.17 and are confirmed as provided in subsection (1).* ~~Such claims shall be validated by the Treasurer.~~

(3)(a) The loss to public depositors shall be satisfied, insofar as possible, first through any applicable deposit insurance and then through the sale of securities pledged *or deposited* by the defaulting depository. *The Treasurer may assess qualified public depositories as provided in paragraph (b) for the total loss if the sale of securities cannot be accomplished within 7 business days.*

(b)~~(3) If the loss to public depositors is not covered by such insurance or the proceeds of such sale,~~ The Treasurer shall provide coverage of *any* ~~the~~ remaining loss by assessment against the other qualified public depositories ~~of the same type as the depository in default~~. ~~However, if the sale of securities cannot be accomplished within 7 days, the Treasurer may proceed with the assessment to qualified public depositories.~~ *The Treasurer shall determine* such assessment *for each qualified public depository* ~~shall be determined~~ by multiplying the total amount of *any remaining* ~~the~~ loss to all public depositors by a percentage which represents the average *monthly balance* ~~share~~ of public ~~fund~~ deposits held by *each* ~~that~~ *qualified public* depository during the previous 12 months divided by the ~~average~~ total *average monthly balances of* public deposits held by all *qualified public* depositories*, excluding the defaulting depository,* ~~of the same type~~ during the same ~~12-month~~ period. *The assessment calculation shall be computed to six decimal places.*

Section 17. Section 280.16, Florida Statutes, is amended to read:

280.16 *Requirements* ~~Reports~~ of *qualified* public depositories*; confidentiality.*—

(1) In addition to any other requirements specified in this chapter, qualified public depositories shall:

(a) Beginning July 1, 1998, take the following actions for each public deposit account:

1. Identify the account as a "Florida public deposit" on the deposit account record with the name of the public depositor or provide a unique code for the account for such designation.

2. When the form prescribed by the Treasurer for acknowledgment of receipt of each public deposit account is presented to the qualified public depository by the public depositor opening an account, the qualified public depository shall execute and return the completed form to the public depositor.

3. When the acknowledgment of receipt form is presented to the qualified public depository by the public depositor due to a change of account name, account number, or qualified public depository name on an existing public deposit account, the qualified public depository shall execute and return the completed form to the public depositor within 45 calendar days after such presentation.

4. When the acknowledgment of receipt form is presented to the qualified public depository by the public depositor on an account existing before July 1, 1998, the qualified public depository shall execute and return the completed form to the public depositor within 45 calendar days after such presentation.

(b)~~(1)~~ Within 15 days after the end of each calendar month, or when requested by the Treasurer, ~~each qualified public depository shall~~ submit to the Treasurer a written report, under oath, indicating the average daily balance of all public deposits held by it during the reported month, required collateral, a detailed schedule of all securities pledged as collateral, selected financial information, and any other information that the Treasurer determines necessary to administer this chapter.

(c) Provide to each public depositor annually, not later than October 30, the following information on all open accounts identified as a "Florida public deposit" for that public depositor as of September 30, to be used for confirmation purposes: the federal employer identification number of the qualified public depository, the name on the deposit account record, the federal employer identification number on the deposit account record, and the account number, account type, and actual account balance on deposit. Any discrepancy found in the confirmation process shall be reconciled before November 30.

(d)~~(2)~~ *Submit to the Treasurer* annually, not later than November *30* ~~15, each qualified public depository shall cause to be delivered to the Treasurer, from the president or chief executive officer of the depository or a person qualified to conduct audits~~, a *report* ~~statement~~ of all public deposits held for the credit of all public depositors at the close of business on September 30 ~~each year~~. *Such annual report shall consist of public deposit information in a report format prescribed by the Treasurer. The manner of required filing may be as a signed writing or electronic data transmission, at the discretion of the Treasurer.*

(e)~~(3) In addition to the reports required in subsections (1) and (2), each qualified public depository shall~~ Submit to the Treasurer *not later than* ~~within 10 days after~~ the date ~~it is~~ required to be filed with the federal agency:

1.~~(a)~~ A copy of the quarterly Consolidated Reports of Condition and Income, and any amended reports, required by the Federal Deposit Insurance Act, 12 U.S.C. ss. 1811 et seq., if such depository is a bank; or

2.~~(b)~~ A copy of the Thrift Financial Report, and any amended reports, required to be filed with the Office of Thrift Supervision if such depository is a savings and loan association.

(2)~~(4) In addition to the requirements of subsection (1),~~ The following forms must be made under oath:

(a) The agreement of contingent liability.

(b) The public depository pledge agreement.

~~(c) The public depository change of name, address, and type of institution.~~

(3)~~(5)~~ Any information contained in a report of a qualified public depository required under this chapter or any rule adopted under this chapter, together with any information required of a financial institution that is not a qualified public depository, shall, if made confidential by any law of the United States or of this state, be considered confidential and exempt from the provisions of s. 119.07(1) and not subject to dissemination to anyone other than the Treasurer under the provisions of this chapter; however, it is the responsibility of each qualified public depository and each financial institution from which information is required to inform the Treasurer of information that is confidential and the law providing for the confidentiality of that information, and the Treasurer does not have a duty to inquire into whether information is confidential.

Section 18. Section 280.17, Florida Statutes, is amended to read:

280.17 Requirements for public depositors*; notice to public depositors and governmental units; loss of protection.*—In addition to any other requirement specified in this chapter, public depositors *shall* ~~must~~ comply with the following ~~requirements~~:

(1)(a) Each official custodian of moneys, that meet the definition of a public deposit under s. 280.02, shall ensure such moneys are placed in a qualified public depository unless the moneys are exempt under the laws of this state.

(b) Each depositor, asserting that moneys meet the definition of a public deposit provided in s. 280.02 and are not exempt under the laws of this state, is responsible for any research or defense required to support such assertion.

(2)~~(1)~~ *Beginning July 1, 1998,* each public depositor *shall take the following actions for each public deposit account:* ~~must~~

(a) Ensure that the name of the public depositor is on the account or certificate or other form provided to the public depositor by the qualified public depository in a manner sufficient to identify that the account is a *Florida* public deposit.

(b) Execute a form prescribed by the Treasurer for identification of each public deposit account and obtain acknowledgment of receipt on the form from the qualified public depository at the time of opening the account. Such public deposit identification and acknowledgment form shall be replaced with a current form as required in subsection (3). A public deposit account existing before July 1, 1998, must have a form completed before September 30, 1998.

(c) Maintain the current public deposit identification and acknowledgment form as a valuable record. Such form is mandatory for filing a claim with the Treasurer upon default or insolvency of a qualified public depository.

(3) Each public depositor shall review the Treasurer's published list of qualified public depositories and ascertain the status of depositories used. A public depositor shall, for status changes of depositories:

(a) Execute a replacement public deposit identification and acknowledgment form, as described in subsection (2), for each public deposit account when there is a merger, acquisition, name change, or other event which changes the account name, account number, or name of the qualified public depository.

(b) Move and close public deposit accounts when an institution is not included in the authorized list of qualified public depositories or is shown as withdrawing.

(4)~~(2)~~ *Whenever public deposits are* ~~Each public depositor who has assets on deposit~~ in a qualified public depository that *has been declared to be* ~~is~~ in default or ~~is~~ insolvent*, each public depositor shall:* ~~must~~

(a) Notify the Treasurer ~~of that fact~~ immediately *by telecommunication* after receiving notice of the default or insolvency from the receiver of the depository *with subsequent written confirmation and a copy of the notice.*

(b) Submit to the Treasurer for each public deposit, within 30 days after the date of official notification from the Treasurer, the following:

1. A claim form and agreement, as prescribed by the Treasurer, executed under oath, accompanied by proof of authority to execute the form on behalf of the public depositor.

2. A completed public deposit identification and acknowledgment form, as described in subsection (2).

3. Evidence of the insurance afforded the deposit pursuant to the Federal Deposit Insurance Act.

(5)~~(3)~~ *Each public depositor shall confirm* annually *that public deposit information as of the close of business on September 30 has been provided by each qualified public depository and is in agreement with public depositor records. Such confirmation shall include the federal employer identification number of the qualified public depository, the name on the deposit account record, the federal employer identification number on the deposit account record, and the account number, account type, and actual account balance on deposit. Public depositors shall request such confirmation information from qualified public depositories on or before the fifth calendar day of October and shall allow until October 31 to receive such information. Any discrepancy found in the confirmation process shall be reconciled before November 30.*~~,~~

(6) Each public depositor shall submit, not later than November *30* ~~15~~*, an annual report to* ~~each public depositor shall notify~~ the Treasurer *which shall include:*

(a) The ~~of its~~ official name, *mailing* address, *and* federal employer identification number *of the public depositor*~~, and account balances at the close of business on September 30~~.

(b) Verification that confirmation of public deposit information as of September 30, as described in subsection (5), has been completed.

(c) Public deposit information in a report format prescribed by the Treasurer. The manner of required filing may be as a signed writing or electronic data transmission, at the discretion of the Treasurer.

(d) Confirmation that a current public deposit identification and acknowledgment form, as described in subsection (2), has been completed for each public deposit account and is in the possession of the public depositor. ~~This notification shall include the name of the institutions with whom accounts are established and, for each institution listed, the account name, number, balance, type, and federal employer identification number.~~

(7)~~(4)~~ *Notices relating to the public deposits program shall be mailed to public depositors and governmental units from a list developed annually from:*

(a) Public depositors that filed an annual report under subsection (6).

(b) Governmental units existing on September 30 that had no public deposits but filed an annual report stating "no public deposits".

(c) Governmental units ~~A public entity~~ established during the year *that filed an annual report as a new governmental unit or otherwise furnished in writing to the Treasurer* ~~shall furnish~~ its official name, address, and federal employer identification number ~~to the Treasurer prior to making any public deposit~~.

(8)~~(5)~~ If a public depositor does not comply with this section *on each public deposit account,* the protection from loss provided in s. 280.18 is not effective as to that public *deposit account* ~~depositor~~.

Section 19. Section 280.18, Florida Statutes, is amended to read:

280.18 *Protection* ~~Liability~~ of public depositors*; liability of* ~~and~~ the state.—

(1) When public deposits are made in accordance with this chapter, *there shall be protection from loss to public depositors, as defined in s. 280.02,* ~~no public depositor shall be liable for any loss thereof resulting from the default or insolvency of any qualified public depository~~ in the absence of negligence, malfeasance, misfeasance, or nonfeasance on the *part of the* public *depositor* ~~depositor's part~~ or on the part of his or her agents or employees.

(2) *The liability of the state, the Treasurer, or any state agency, or any employee or agent of the state, the Treasurer, or a state agency, for any action taken in the performance of their powers and duties under this chapter shall be limited to that as a public depositor.* ~~Under no circumstance is the state, or any state agency or subdivision of the state, liable for all or any portion of any loss resulting from the default or insolvency of a qualified public depository.~~

Section 20. Subsection (2) of section 331.309, Florida Statutes, is amended to read:

331.309 Treasurer; depositories; fiscal agent.—

(2) The board is authorized to select as depositories in which the funds of the board and of the authority shall be deposited any *qualified public depository as defined in s. 280.02* ~~banking corporation or other financial institution organized under the laws of the state, or under the laws of the United States and doing business in the state~~, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable. The funds of the authority may be kept in or removed from the State Treasury upon written notification from the chair of the board to the state Comptroller.

And the title is amended as follows:

On page 2, line 13 of the amendment, after the semicolon remove: consumer finance and installment sales; and insert in lieu thereof: amending ss. 125.31, 136.01, 159.09, 166.261, 218.345, 236.24, 255.502, and 331.309, F.S.; providing for deposit of certain public funds in qualified public depositories or certain chartered depositories; amending s. 280.02, F.S.; defining governmental unit; revising the definition of qualified public depository; amending s. 280.03, F.S.; requiring deposit of public deposits into qualified public depositories; providing exemptions; amending s. 280.04, F.S.; clarifying certain collateral requirements; amending s. 280.05, F.S.; revising provisions providing powers and duties of the Treasurer; amending s. 280.07, F.S.; requiring qualified public depositories to execute a form for certain purposes; amending s. 280.08, F.S.; revising procedures for payment of losses; amending s. 280.16, F.S.; providing requirements for qualified public depositories; amending s. 280.17, F.S.; revising requirements for public depositors; amending s. 280.18, F.S.; providing for protection from loss to public depositors; limiting liability of the state and the Treasurer;

On motion by Senator Kurth, the Senate concurred in the House amendment to the Senate amendment.

CS for HB 823 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed CS for HB 3671 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 3671—A bill to be entitled An act relating to timber management; creating s. 253.036, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services, or other qualified professional forester, to assess the feasibility of managing timber in land management plans; providing legislative intent; providing for the reimbursement of management services performed by the division; amending s. 259.035, F.S.; requiring the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy; amending s. 373.591, F.S.; specifying circumstances under which the land managing agency must provide an explanation to the management review team concerning the management of lands; amending s. 589.04, F.S.; directing the Division of Forestry to begin certain forestation programs on certain lands; providing appropriations; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 16, after the period insert: *In addition, $1,000,000 is hereby appropriated to the Department of Agriculture and Consumer Services from the General Revenue Fund for fiscal year 1998-1999 for reforestation activities authorized in this bill.*

And the title is amended as follows:

On page 1, line 24, of the amendment remove: all of said lines and insert in lieu thereof: providing appropriations; providing an

On motion by Senator Bronson, the Senate refused to concur in the House amendment to the Senate amendment to **CS for HB 3671** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment(s) 1; refused to concur in Senate Amendment(s) 2, and requests the Senate to recede therefrom; and passed CS for HB 3107 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 3107—A bill to be entitled An act relating to sexual predator registration; amending s. 775.21, F.S.; revising an exception to sexual predator registration requirements; revising the conditions for removal of sexual predator designation by the court; requiring filing of the petition for removal in the circuit of the sexual predator's residence; extending from 10 years to 20 years the minimum period following the sexual predator's release during which the predator may not have been arrested before petitioning the court to remove the sexual predator designation; requiring the petitioner to make certain demonstrations to the court with respect to lack of arrest and compliance with federal standards for removal of designation as a predator; permitting the removal of designation only when the court is satisfied the petitioner is not a threat to the public safety; requiring specified notice of hearing on the petition to the state attorney in the circuit where filed; allowing the state attorney to present evidence in opposition to the petition; allowing the court to establish date for rehearing of petition, if denied; providing an effective date.

On motion by Senator Grant, the Senate receded from **Senate Amendment 2**.

CS for HB 3107 as amended passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SPECIAL ORDER CALENDAR, continued

CS for SB 268—A bill to be entitled An act relating to health insurance; providing a short title; amending s. 627.668, F.S.; providing that the current requirement for group insurers to offer coverage for mental health conditions does not apply to serious mental illness; creating s. 627.6681, F.S.; requiring group health insurers and health maintenance organizations to provide coverage for serious mental illness; requiring benefits to be the same as for physical illness generally; exempting group health plans or coverage for a small employer, as defined; providing a definition; providing authority for certain manuals to be updated by rule; authorizing an insurer to require services to be provided by an exclusive provider of care; authorizing an insurer to enter into a capitation contract with an exclusive provider of care to provide benefits; providing exemption for coverage; amending ss. 627.6472, 627.6515, 641.31, F.S., relating to exclusive provider organizations, out-of-state groups, and health maintenance contracts; providing requirements for coverage compliance; providing an appropriation; providing a description of state interest; providing an effective date.

—was read the second time by title.

SENATOR BANKHEAD PRESIDING

Senator Holzendorf moved the following amendments which failed:

Amendment 1—On page 6, lines 4-6, delete those lines and insert: *appropriate financial incentives, peer review, case management, preadmission screenings, prior authorization of services, or other mechanisms to reduce service costs and utilization without compromising quality of care.*

Amendment 2 (with title amendment)—On page 7, between lines 16 and 17, insert:

Section 9. Section 627.624, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 627.624, F.S., for present text.)

627.624 Overinsurance; valid loss of time coverage.—

(1) A disability income insurance policy may include the following overinsurance provision:

"Overinsurance: After the loss-of-time benefit of this policy has been payable for 90 days, the benefit will be adjusted, as provided below, if the total amount of unadjusted loss-of-time benefits provided in all valid loss-of-time coverage upon the insured exceeds ___(percent)___ *of the insured's earned income. If the information contained in the application discloses that the total amount of loss-of-time benefits under this policy and under all other valid loss-of-time coverage expected to be effective upon the insured in accordance with the application for this policy exceeded* ___(percent)___ *of the insured's earned income at the time of such application, the higher percentage will be used in place of* ___(percent)___ *. The adjusted loss-of-time benefit under this policy for any month is the proportion of the loss-of-time benefit otherwise payable under this policy as the product of the insured's earned income and* ___(percent)___ *bears to the total amount of loss-of-time benefits payable for such month under this policy and all other valid loss-of-time coverage on the insured (without giving effect to the overinsurance provision in this or any other coverage) less any amount of loss-of-time benefits payable under other valid loss-of-time coverage that does not contain an overinsurance provision. In making the computation, all benefits and earnings must be converted to a consistent* ___(weekly or monthly)___ *basis. If the numerator of the foregoing ratio is zero or is negative, no benefit is payable under this policy. This provision may not reduce the total combined amount of loss-of-time benefits payable under this policy and all other valid loss-of-time coverage below an amount that is the lesser of $300 or the total combined amount of loss-of-time benefits determined without giving effect to any overinsurance provision. This provision may not increase the amount of benefits payable under this policy above the amount that would have been paid in the absence of this provision, or take into account or operate to reduce any benefit other than the loss-of-time benefit."*

(2) For purposes of the overinsurance provision of subsection (1), the term:

(a) "Earned income," except where otherwise specified, means the greater of monthly earnings of the insured at the time disability commences or the insured's average monthly earnings for a period of 2 years immediately preceding the commencement of disability. The term does not include any investment income or any other income not derived from the insured's vocational activities.

(b) "Overinsurance provision" means the contract provision authorized in subsection (1) and any other provision with respect to any loss-of-time coverage which may have the effect of reducing an insurer's liability if the total amount of loss-of-time benefits under all coverage exceeds a stated relationship to the insured's earnings.

(c) "Department" means the Department of Insurance.

(3) The overinsurance provision authorized in subsection (1) may be inserted only in a policy that provides a loss-of-time benefit that may be payable for at least 52 weeks, that is issued on the basis of selective underwriting of each individual application, and for which the application includes a question designed to elicit information necessary either to determine the ratio of the total loss-of-time benefits of the insured to the insured's earned income or to determine that such ratio does not exceed the percentage of earnings, not less than 60 percent, selected by the insurer and inserted in lieu of the blank factor in the overinsurance provision. The insurer may require, as part of the proof of claim, the information necessary to administer the provision. If the application indicates that other loss-of-time coverage is to be discontinued, the amount of such other coverage must be excluded in computing the alternative percentage in the overinsurance provision. The policy must define the term "valid loss-of-time coverage" as approved by the department, which definition may include coverage provided by governmental agencies and by organizations subject to regulation by insurance law and by insurance authorities of this or any other state or of any country; coverage provided for such insured pursuant to any disability benefits, workers' compensation benefits, or employer's liability benefits provided by labor-management trustee plans or union welfare plans; salary continuance or pension programs; or any other coverage the inclusion of which has been approved by the department.

(4) If by any application of the overinsurance provision an insurer affects a material reduction of benefits otherwise payable under the policy, the insurer must refund, for the period 2 years preceding the disability for which a claim is made, any premium unearned on the policy by reason of such reduction of coverage, subject to the insurer's right to provide in the policy that no such reduction of benefits or refund will be made unless the unearned premium to be refunded amounts to $5.

(5) The application for a policy containing the overinsurance provision authorized by this section shall include the following disclosure:

"The benefit payable under this policy may be reduced if the total loss-of-time coverage in effect exceeds ___(percent)___ of your income."

(6) The department may by rule prescribe definitions, forms, and procedures necessary to administer this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: amending s. 627.624, F.S.; revising loss-of-time benefit requirements; providing definitions of the terms "earned income" and "overinsurance provisions"; requiring disclosure for overinsurance provision; authorizing the Department of Insurance to adopt rules;

Senator Grant moved that **CS for SB 268** be read the third time by title. The motion was adopted by two-thirds vote.

The vote was:

Yeas—25

Bankhead	Dyer	Klein	Myers
Brown-Waite	Forman	Kurth	Rossin
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Williams
Clary	Harris	Lee	
Crist	Jones	McKay	
Dudley	Kirkpatrick	Meadows	

Nays—9

Bronson	Gutman	Holzendorf	Thomas
Burt	Hargrett	Ostalkiewicz	Turner
Childers			

On motion by Senator Grant, **CS for SB 268** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Burt	Childers	Crist
Bronson	Campbell	Clary	Diaz-Balart
Brown-Waite	Casas	Cowin	Dudley
Dyer	Holzendorf	Laurent	Scott
Forman	Horne	Lee	Silver
Geller	Jones	McKay	Sullivan
Grant	Kirkpatrick	Meadows	Thomas
Gutman	Klein	Myers	Turner
Hargrett	Kurth	Ostalkiewicz	Williams
Harris	Latvala	Rossin	

Nays—None

Consideration of **CS for SB 2342** was deferred.

CS for SB 270—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans," "local law plans," and "fully funded"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing an exception; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; creating ss. 175.411, 185.60, F.S.; providing that a municipality or special fire control district may opt out of a pension plan; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S., relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 270** to **CS for CS for CS for HB 3075**.

Pending further consideration of **CS for SB 270** as amended, on motion by Senator Dudley, by two-thirds vote **CS for CS for CS for HB 3075** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Dudley—

CS for CS for CS for HB 3075—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans," "local law plans," and "supplemental plan municipality"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language

in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S, relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; creating ss. 175.411 and 185.60, F.S.; providing for optional participation; providing an effective date.

—a companion measure, was substituted for **CS for SB 270** as amended and read the second time by title.

Senator Myers moved the following amendments which failed:

Amendment 1—On page 42, line 17 through page 45, line 15, delete those lines and insert:

(1) *With respect to chapter plans:*

(a) A firefighter having 10 or more ~~continuous~~ years of credited service *or a firefighter who becomes totally and permanently disabled in the line of duty, regardless of length of service,* ~~and having contributed to the firefighters' pension trust fund for 10 years or more~~ may retire from the service of the municipality or special fire control district under the plan if~~, prior to his or her normal retirement date,~~ the firefighter becomes totally and permanently disabled as defined in *paragraph (b)* ~~subsection (2)~~ by reason of any cause other than a cause set out in *paragraph (c)* ~~subsection (3)~~ on or after the effective date of the plan. Such retirement shall herein be referred to as "disability retirement." ~~The provisions for disability other than line-of-duty disability shall not apply to a member who has reached early or normal retirement age.~~

(b)~~(2)~~ A firefighter will be considered totally disabled if, in the opinion of the board of trustees, he or she is wholly prevented from rendering useful and efficient service as a firefighter; and a firefighter will be considered permanently disabled if, in the opinion of the board of trustees, he or she is likely to remain so disabled continuously and permanently from a cause other than is specified in *paragraph (c)* ~~subsection (3)~~.

(c)~~(3)~~ A firefighter will not be entitled to receive any disability retirement income if the disability is a result of:

1.~~(a)~~ Excessive and habitual use by the firefighter of drugs, intoxicants, or narcotics;

2.~~(b)~~ Injury or disease sustained by the firefighter while willfully and illegally participating in fights, riots, or civil insurrections or while committing a crime;

3.~~(c)~~ Injury or disease sustained by the firefighter while serving in any armed forces; or

4.~~(d)~~ Injury or disease sustained by the firefighter after his or her employment has terminated.

(d)~~(4)~~ No firefighter shall be permitted to retire under the provisions of this section until he or she is examined by a duly qualified physician or surgeon, to be selected by the board of trustees for that purpose, and is found to be disabled in the degree and in the manner specified in this section. Any firefighter retiring under this section *may* ~~shall~~ be examined periodically by a duly qualified physician or surgeon or board of physicians and surgeons, to be selected by the board of trustees for that purpose, to determine if such disability has ceased to exist.

(e)~~(5)~~ The *benefit* ~~benefits~~ payable to a firefighter who retires from the service of a municipality or special fire control district due to total and permanent disability as a direct result of a disability ~~commencing prior to his or her normal retirement date~~ is the monthly income payable for 10 years certain and life for which, if the firefighter's disability occurred in the line of duty, his or her monthly benefit shall be the accrued retirement benefit, but shall not be less than 42 percent of his or her average monthly salary at the time of disability. If after 10 years of service the disability is other than in the line of duty, the firefighter's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his or her average monthly salary at the time of disability.

(f)~~(6)~~ The monthly retirement income to which a firefighter is entitled in the event of his or her disability retirement shall be payable on the first day of the first month after the board of trustees determines such entitlement. However, the monthly retirement income shall be payable as of the date the board determines such entitlement, and any portion due for a partial month shall be paid together with the first payment. The last payment will be, if the firefighter recovers from the disability ~~prior to his or her normal retirement date~~, the payment due next preceding the date of such recovery or, if the firefighter dies without recovering from the disability, the payment due next preceding his or her death or the 120th monthly payment, whichever is later. *In lieu of the benefit payment as provided in this paragraph, a firefighter may select an optional form as provided in s. 175.171.* Any monthly retirement income payments due after the death of a disabled firefighter shall be paid to the firefighter's designated beneficiary (or beneficiaries) as provided in ss. 175.181 and 175.201.

(g)~~(7)~~ If the board of trustees finds that a firefighter who is receiving a disability retirement income is~~, at any time prior to his or her normal retirement date,~~ no longer disabled, as provided herein, the board of trustees shall direct that the disability retirement income be discontinued. "Recovery from disability" as used herein means the ability of the firefighter to render useful and efficient service as a firefighter.

(h)~~(8)~~ If the firefighter recovers from disability and reenters the service as a firefighter, service will be deemed to have been continuous, but the period beginning with the first month for which he or she received a disability retirement income payment and ending with the date he or she reentered the service *may* ~~will~~ not be considered as credited service for the purpose of this plan.

(2) With respect to a local law plan, the plan shall provide a disability benefit for its firefighters, or for its firefighters and police officers where included, and their beneficiaries.

Amendment 2—On page 58, delete line 19 and insert: *pension plan and shall be used to fund pension benefits, including extra benefits, to the*

On motion by Senator Dudley, by two-thirds vote **CS for CS for CS for HB 3075** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Harris	Myers
Bronson	Diaz-Balart	Holzendorf	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Silver
Casas	Geller	Laurent	Sullivan
Childers	Grant	Lee	Thomas
Clary	Gutman	McKay	Turner
Cowin	Hargrett	Meadows	Williams

Nays—1

Latvala

Consideration of **CS for SB 1114**, **SR 2108** and **CS for SB 2080** was deferred.

On motion by Senator Clary, by two-thirds vote **HB 4439** was withdrawn from the Committee on Community Affairs.

On motion by Senator Clary, by two-thirds vote—

HB 4439—A bill to be entitled An act relating to contracting; amending s. 468.603, F.S.; revising and providing definitions relating to electrical inspectors; amending s. 468.432, F.S.; requiring registration of community association management entities; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; revising membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; revising and providing requirements for certification as a building code administrator, plans examiner, or inspector, including provisional certification; amending s. 468.617, F.S.; revising provisions relating to local governments contracting for building code, examination, and inspection services; amending s. 468.627, F.S.; revising and eliminating fees; amending s. 468.629, F.S.; prohibiting making or attempting to make a certificateholder violate a local or state building code; prohibiting acting or practicing as a building code administrator or building official, plans examiner, or inspector without being an active certificateholder; providing penalties; amending s. 469.001, F.S.; redefining the terms "abatement" and "survey"; defining the term "project designer"; amending s. 469.002, F.S., relating to exemptions from state regulation of asbestos abatement; revising an exemption applicable to certain asbestos-related activities done by government employees; revising certain existing exemptions; amending s. 469.004, F.S.; eliminating provisions relating to prerequisites to issuance of a license and to continuing education; amending s. 469.005, F.S.; revising licensure requirements for asbestos consultants and asbestos contractors relating to required coursework; amending s. 469.006, F.S.; requiring applicants for business licensure to submit evidence of financial responsibility and an affidavit attesting to having obtained the required workers' compensation, public liability, and property damage insurance; amending s. 469.013, F.S.; revising continuing education requirements applicable to asbestos surveyors, management planners, and project monitors; repealing s. 469.015, F.S., relating to seals; amending ss. 255.551, 376.60, and 469.014, F.S.; correcting cross references; creating s. 471.026, F.S.; allowing engineers to perform building inspection duties; amending s. 475.276, F.S; providing an exception to requirement that real estate licensees provide a notice of nonrepresentation; creating s. 481.222, F.S.; allowing architects to perform duties of building code inspectors; amending s. 489.103, F.S.; providing exemptions from regulation under pt. I, ch. 489, F.S., relating to construction contracting; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.113, F.S.; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., relating to designation and certification of underground utility and excavation contractors; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring certain coursework; requiring an examination for certain persons; providing for discipline and penalties; providing a definition; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S.; providing exemptions from regulation under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the terms "monitoring" and "fire alarm system agent"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; eliminating an inconsistent provision relating to failure to renew an active or inactive certificate or registration; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; authorizing the taking of the certification examination more than three times and providing requirements with respect thereto; eliminating an obsolete provisions; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; providing for verification of public liability and property damage insurance; creating s. 489.5185, F.S.; providing requirements for fire alarm system agents, including specified training and fingerprint and criminal background checks; providing for fees for approval of training providers and courses; providing applicability to applicants, current employees, and various licensees; requiring an identification card and providing requirements therefor; providing continuing education requirements; providing disciplinary penalties; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; authorizing a person passing the certification examination and applying for licensure to place his or her license on inactive status without having to qualify a business; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; providing technical changes; amending s. 489.525, F.S.; revising reporting requirements of the Department of Business and Professional Regulation to local boards and building officials; providing applicability with respect to information provided on the Internet; amending s. 489.533, F.S.; revising and providing grounds for discipline; providing penalties; reenacting s. 489.518(5), F.S., relating to alarm system agents, to incorporate the amendment to s. 489.533, F.S., in a reference thereto; amending s. 489.537, F.S.; authorizing registered electrical contractors to install raceways for alarm systems; providing that licensees under pt. II, ch. 489, F.S., are subject, as applicable, to certain provisions relating to local occupational license taxes; amending s. 205.0535, F.S.; providing that businesses providing local exchange telephone service or pay telephone service may not be assessed an occupational license tax on a per-instrument basis; amending s. 553.19, F.S.; updating electrical and alarm standards; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; amending 553.73, F.S; adding an exception from the Florida Building Code; creating s. 501.935, F.S.; providing requirements relating to home-inspection reports; providing legislative intent; providing definitions; providing exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report on the results of the inspection; providing prohibited acts, for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; creating s. 501.937, F.S.; providing requirements for use of professional titles by industrial hygienists and safety professionals; providing definitions; providing that violation of such requirements is a deceptive and unfair trade practice; creating s. 715.15, F.S.; providing that certain provisions in contracts for improvement of real property are void; providing applicability; An act relating to fire prevention and control; amending s. 633.021, F.S.; defining the term "fire extinguisher";

amending s. 633.061, F.S.; requiring an individual or organization that hydrotests fire extinguishers and preengineered systems to obtain a permit or license from the State Fire Marshal; revising the services that may be performed under certain licenses and permits issued by the State Fire Marshal; providing additional application requirements; providing requirements for obtaining an upgraded license; amending ss. 633.065, 633.071, F.S.; providing requirements for installing and inspecting fire suppression equipment; amending s. 633.162, F.S.; prohibiting an owner, officer, or partner of a company from applying for licensure if the license held by the company is suspended or revoked; revising the grounds upon which the State Fire Marshal may deny, revoke, or suspend a license or permit; providing restrictions on activities of former licenseholders and permittees; amending s. 633.171, F.S.; revising the prohibition against rendering a fire extinguisher or preengineered system inoperative to conform to changes made by the act; amending s. 633.547, F.S.; providing the State Fire Marshal authority to suspend and revoke certificates; providing restrictions on the activities of former certificateholders whose certificates are suspended or revoked; amending s. 489.105, F.S., relating to contracting; conforming a cross-reference to changes made by the act; amending s. 468.385, F.S.; revising provisions relating to the written examination required for licensure as an auctioneer; amending s. 468.388, F.S.; eliminating exemptions from the requirement that a written agreement be executed prior to conducting an auction; amending s. 468.389, F.S.; revising a ground for disciplinary action relating to failure to account for or to pay certain money, to include reference to property belonging to another; providing penalties; reenacting ss. 468.385(3)(b) and 468.391, F.S., relating to licensure as an auctioneer and to a criminal penalty, respectively, to incorporate the amendment to s. 468.389, F.S., in references thereto; amending s. 468.393, F.S.; reducing the level at which the Auctioneer Recovery Fund must be maintained and for which surcharges are levied; reenacting s. 468.392(5), F.S., relating to moneys in the Auctioneer Recovery Fund, to incorporate the amendment to s. 468.393, F.S., in references thereto; amending s. 468.395, F.S.; revising circumstances under which recovery from the Auctioneer Recovery Fund may be obtained; reducing the amount per claim or claims arising out of the same transaction or auction and the aggregate lifetime limit with respect to any one licensee that may be paid from the fund; amending s. 468.396, F.S., relating to claims against a single licensee in excess of the dollar limitation, to conform; eliminating semiannual identification and payment of claims; amending s. 468.397, F.S., relating to payment of claim; correcting language; creating s. 205.1945, F.S.; prohibiting local jurisdiction from charging an occupational license tax under certain circumstances; amending s. 489.129, F.S.; providing procedures and responsibilities when the department undertakes an investigation of a contractor; deleting a ground for disciplinary action; amending s. 489.131, F.S.; requiring that bids for public projects be accompanied by certain evidence; requiring local boards or agencies that license contractors to transmit quarterly reports; clarifying the department's authority to initiate disciplinary actions; providing that local boards that license and discipline contractors must have at least 2 consumer representatives; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2336** and by two-thirds vote read the second time by title.

Senator Clary moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (h) is added to subsection (6) of section 468.603, Florida Statutes, to read:

468.603 Definitions.—As used in this part:

(6) "Categories of building inspectors" include the following:

(h) "Electrical inspector" means a person who is qualified to inspect and determine the electrical safety of commercial and residential buildings and accessory structures by inspecting for compliance with the provisions of the National electrical code.

Section 2. Section 468.604, Florida Statutes, is created to read:

468.604 Responsibilities of building code administrators, plans examiners and inspectors.—

(1) It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with building, plumbing, mechanical, electrical, gas fuel, energy conservation, accessibility, and other construction codes which are required or adopted by municipal code, county ordinance, or state law. The building code administrator or building official shall faithfully perform these responsibilities without interference from any person. These responsibilities include:

(a) The review of construction plans to ensure compliance with all applicable codes. The construction plans must be reviewed before the issuance of any building, system installation, or other construction permit. The review of construction plans must be done by the building code administrator or building official or by a person having the appropriate plans examiner license issued under this chapter.

(b) The inspection of each phase of construction where a building or other construction permit has been issued. The building code administrator or building official, or a person having the appropriate building code inspector license issued under this chapter, shall inspect the construction or installation to ensure that the work is performed in accordance with applicable codes.

(2) It is the responsibility of the building code inspector to conduct inspections of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems, when permitting is required, to ensure compliance with building, plumbing, mechanical, electrical, gas fuel, energy conservation, accessibility, and other construction codes required by municipal code, county ordinance, or state law. Each building code inspector must be licensed in the appropriate category as defined in s. 468.603. The building code inspector's responsibilities must be performed under the direction of the building code administrator or building official without interference from any unlicensed person.

(3) It is the responsibility of the plans examiner to conduct review of construction plans submitted in the permit application to assure compliance with all applicable codes required by municipal code, county ordinance, or state law. The review of construction plans must be done by the building code administrator or building official or by a person licensed in the appropriate plans examiner category as defined in s. 468.603. The plans examiner's responsibilities must be performed under the supervision and authority of the building code administrator or building official without interference from any unlicensed person.

Section 3. Subsection (2) of section 468.605, Florida Statutes, is amended to read:

468.605 Florida Building Code Administrators and Inspectors Board.—

(2) The board shall consist of nine members, as follows:

(a) One member who is an architect licensed pursuant to chapter 481, an engineer licensed pursuant to chapter 471, or a contractor licensed pursuant to chapter 489.

(b) Two members serving as building code administrators.

(c) *Two members* ~~One member~~ serving as *an* ~~a building~~ inspector ~~who is without managerial authority in the employing agency~~.

(d) One member serving as a plans examiner.

(e) One member who is a representative of a city or a charter county.

~~(f) One member serving as a city manager.~~

(f)~~(g)~~ Two consumer members who are not, and have never been, members of a profession regulated under this part, chapter 481, chapter 471, or chapter 489. One of the consumer members must be a person with a disability or a representative of an organization which represents persons with disabilities.

None of the board members described in paragraph (a) or paragraph *(f)* ~~(g)~~ may be an employee of a municipal, county, or state governmental agency.

Section 4. Section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(1) Except as provided in this part, any person who desires to be certified shall apply to the board, in writing upon forms approved and furnished by the board, to take the certification examination.

(2) A person shall be entitled to take the examination for certification *as an inspector or plans examiner* pursuant to this part if the person:

(a) Is at least 18 years of age;

(b) Is of good moral character; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 5 years' combined experience in the field of construction *or related field* ~~or~~ inspection*, or plans review* corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education *in the field of construction or related field* and experience which totals 4 years, with at least 1 year of such *total being* experience in construction, ~~or~~ building inspection*, or plans review*; or

3. Currently holds a standard certificate as issued by the board and satisfactorily completes an inspector or plans examiner training program of not less than 200 hours in the certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs.

(3)~~3.~~ *A person shall be entitled to take the examination for certification as a building code administrator pursuant to this part if the person:*

(a) Is at least 18 years of age;

(b) Is of good moral character; and

(c) Meets eligibility requirements according to one of the following criteria:

1. ~~For certification as a building code administrator or building official,~~ Demonstrates 10 years' combined experience as an architect, engineer*, plan examiner*, building *code* inspector*, registered or certified* contractor, or construction superintendent, with at least 5 years of such experience in supervisory positions*; or*~~.~~

2. Demonstrates a combination of postsecondary education in the field of construction or related field, no more than 5 years of which may be applied, and experience as an architect, engineer, plan examiner, building code inspector, registered or certified contractor, or construction superintendent which totals 10 years, with at least 5 years of such total being experience in supervisory positions.

(4)~~(3)~~ No person may engage in the duties of a building code administrator, plans examiner, or inspector pursuant to this part after October 1, 1993, unless such person possesses one of the following types of certificates, currently valid, issued by the board attesting to the person's qualifications to hold such position:

(a) A standard certificate.

(b) A limited certificate.

(c) A provisional certificate.

(5)~~(4)~~(a) To obtain a standard certificate, an individual must pass an examination approved by the board which demonstrates that the applicant has fundamental knowledge of the state laws and codes relating to the construction of buildings for which the applicant has code administration*, plan examining,* or inspection responsibilities. It is the intent of the Legislature that the examination approved for certification pursuant to this part be substantially equivalent to the examinations administered by the Southern Building Code Congress International, the Building Officials Association of Florida, the South Florida Building Code (Dade and Broward), and the Council of American Building Officials.

(b) A standard certificate shall be issued to each applicant who successfully completes the examination, which certificate authorizes the individual named thereon to practice throughout the state as a building code administrator, plans examiner, or inspector within such class and level as is specified by the board.

(c) The board may accept proof that the applicant has passed an examination which is substantially equivalent to the board-approved examination set forth in this section.

(6)~~(5)~~(a) A building code administrator, plans examiner, or inspector holding office on July 1, 1993, shall not be required to possess a standard certificate as a condition of tenure or continued employment, but shall be required to obtain a limited certificate as described in this subsection.

(b) By October 1, 1993, individuals who were employed on July 1, 1993, as building code administrators, plans examiners, or inspectors, who are not eligible for a standard certificate, but who wish to continue in such employment, shall submit to the board the appropriate application and certification fees and shall receive a limited certificate qualifying them to engage in building code administration, plans examination, or inspection in the class, at the performance level, and within the governmental jurisdiction in which such person is employed.

(c) The limited certificate shall be valid only as an authorization for the building code administrator, plans examiner, or inspector to continue in the position held, and to continue performing all functions assigned to that position, on July 1, 1993.

(d) A building code administrator, plans examiner, or inspector holding a limited certificate can be promoted to a position requiring a higher level certificate only upon issuance of a standard certificate or provisional certificate appropriate for such new position.

(7)~~(6)~~(a) The board may provide for the issuance of provisional ~~or temporary~~ certificates valid for such period, not less than 1 year nor more than 3 years, as specified by board rule, to any *newly employed or promoted* building code administrator, plans examiner, or inspector ~~newly employed or newly promoted who lacks the qualifications prescribed by the board or by statute as prerequisite to issuance of a standard certificate~~.

(b) No building code administrator, plans examiner, or inspector may have a provisional ~~or temporary~~ certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional ~~or temporary~~ certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d) A newly employed or hired person may perform the duties of a plans examiner or inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate.

(8)~~(7)~~(a) Any individual who holds a valid certificate under the provisions of s. 553.795, or who has successfully completed all requirements for certification pursuant to such section, shall be deemed to have satisfied the requirements for receiving a standard certificate prescribed by this part.

(b) Any individual who holds a valid certificate issued by the Southern Building Code Congress International, the Building Officials Association of Florida, the South Florida Building Code (Dade and Broward), or the Council of American Building Officials certification programs, or who has been approved for certification under one of those programs not later than October 1, 1995, shall be deemed to have satisfied the requirements for receiving a standard certificate in the corresponding category prescribed by this part. Employees of counties with a population of less than 50,000, or employees of municipalities with a population of less than 3,500, shall be deemed to have satisfied the requirements for standard certification where such employee is approved for certification under one of the programs set forth in this paragraph not later than October 1, 1998.

(9)~~(8)~~ Any individual applying to the board may be issued a certificate valid for multiple inspection classes, as deemed appropriate by the board.

(10)~~(9)~~ Certification and training classes may be developed in coordination with degree career education centers, community colleges, the State University System, or other entities offering certification and training classes.

(11)~~(10)~~ The board may by rule create categories of certification in addition to those defined in s. 468.603(6) and (7). Such certification categories shall not be mandatory and shall not act to diminish the scope of any certificate created by statute.

Section 5. Subsections (2) and (3) of section 468.617, Florida Statutes, are amended to read:

468.617 Joint inspection department; other arrangements.—

(2) Nothing in this part shall prohibit local governments from *contracting with* ~~employing~~ persons certified pursuant to this part to perform inspections *or plan reviews* ~~on a contract basis~~. *An individual or entity may not inspect or examine plans on projects in which the individual or entity designed or permitted the projects.*

(3) Nothing in this part shall prohibit any county or municipal government from entering into any contract with any person or entity for the provision of services regulated under this part, and notwithstanding any other statutory provision, such county or municipal governments may enter into contracts ~~which provide for payment of inspection or review fees directly to the contract provider~~.

Section 6. Section 468.627, Florida Statutes, is amended to read:

468.627 Application; examination; renewal; fees.—

(1) The board shall establish by rule fees to be paid for application, examination, reexamination, certification and certification renewal, inactive status application, and reactivation of inactive certificates. The board may establish by rule a late renewal penalty. The board shall establish fees which are adequate, when combined with revenue generated by the provisions of s. 468.631, to ensure the continued operation of this part. Fees shall be based on department estimates of the revenue required to implement this part.

(2) The initial application fee may not exceed $25 for building code administrators, plans examiners, or inspectors.

(3) The initial examination fee may not exceed *$150* ~~$50~~ for building code administrators, plans examiners, or inspectors.

~~(4) The initial certification fee may not exceed $25 for building code administrators, plans examiners, or inspectors.~~

~~(5) The biennial certification renewal fee may not exceed $25 for building code administrators, plans examiners, or inspectors.~~

(4)~~(6)~~ Employees of local government agencies having responsibility for inspection, regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application *fees* or examination fees~~, and shall pay not more than $5 each for initial certification and biennial certification renewal fees~~.

(5)~~(7)~~ The certificateholder shall provide proof, in a form established by board rule, that the certificateholder has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate. The board shall by rule establish criteria for approval of continuing education courses and providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

Section 7. Section 471.045, Florida Statutes, is created to read:

471.045 Professional engineers performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Board of Building Code Administrators and Inspectors under part XIII of chapter 468. When performing these building inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(g). Any complaint processing, investigation, and discipline that arise out of a professional engineer's performing building inspection services shall be conducted by the Board of Professional Engineers rather than the Board of Building Code Administrators and Inspectors. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

Section 8. Section 481.222, Florida Statutes, is created to read:

481.222 Architects performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Board of Building Code Administrators and Inspectors under part XIII of chapter 468. With respect to the performance of such building inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(g). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building inspection services shall be conducted by the Board of Architecture and Interior Design rather than the Board of Building Code Administrators and Inspectors. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

Section 9. Paragraph (d) of subsection (1) of section 489.129, Florida Statutes, is amended and subsection (12) is added to that section to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate, registration, or certificate of authority, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed $5,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

~~(d) Knowingly violating the applicable building codes or laws of the state or of any municipalities or counties thereof.~~

(12) When an investigation of a contractor is undertaken, the department shall promptly furnish to the contractor or the contractor's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The department shall make the complaint and supporting documents available to the contractor. The complaint or supporting documents shall contain information regarding the specific facts that serve as the basis for the complaint. The contractor may submit a written response to the information contained in such complaint or document within 20 days after service to the contractor of the complaint or document. The contractor's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the board or the chair of the probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to a contractor if the act under investigation is a criminal offense.

Section 10. Subsections (7) and (10) of section 489.131, Florida Statutes, are amended to read:

489.131 Applicability.—

(7)(a) It is the policy of the state that the purpose of regulation is to protect the public by attaining compliance with the policies established in law. Fines and other penalties are provided in order to ensure compliance; however, the collection of fines and the imposition of penalties are intended to be secondary to the primary goal of attaining compliance with state laws and local jurisdiction ordinances. It is the intent of the

Legislature that a local jurisdiction agency charged with enforcing regulatory laws shall issue a notice of noncompliance as its first response to a minor violation of a regulatory law in any instance in which it is reasonable to assume that the violator was unaware of such a law or unclear as to how to comply with it. A violation of a regulatory law is a "minor violation" if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. A "notice of noncompliance" is a notification by the local jurisdiction agency charged with enforcing the ordinance, which is issued to the licensee that is subject to the ordinance. A notice of noncompliance should not be accompanied with a fine or other disciplinary penalty. It should identify the specific ordinance that is being violated, provide information on how to comply with the ordinance, and specify a reasonable time for the violator to comply with the ordinance. Failure of a licensee to take action correcting the violation within a set period of time would then result in the institution of further disciplinary proceedings.

(b) The local governing body of a county or municipality, or its local enforcement body, is authorized to enforce the provisions of this part as well as its local ordinances against locally licensed or registered contractors, as appropriate. The local jurisdiction enforcement body may conduct disciplinary proceedings against a locally licensed or registered contractor and may require restitution, impose a suspension or revocation of his or her local license, or a fine not to exceed $5,000, or a combination thereof, against the locally licensed or registered contractor, according to ordinances which a local jurisdiction may enact. In addition, the local jurisdiction may assess reasonable investigative and legal costs for the prosecution of the violation against the violator, according to such ordinances as the local jurisdiction may enact.

(c) In addition to any action the local jurisdiction enforcement body may take against the individual's local license, and any fine the local jurisdiction may impose, the local jurisdiction enforcement body shall issue a recommended penalty for board action. This recommended penalty may include a recommendation for no further action, or a recommendation for suspension, revocation, or restriction of the registration, or a fine to be levied by the board, or a combination thereof. The local jurisdiction enforcement body shall inform the disciplined contractor and the complainant of the local license penalty imposed, the board penalty recommended, his or her rights to appeal, and the consequences should he or she decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the board of its action and the recommended board penalty.

(d) The department, the disciplined contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for board action to the Construction Industry Licensing Board. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(e) Failure of the department, the disciplined contractor, or the complainant to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the board. A waiver of the right to a hearing before the board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by board rule without further board action. The disciplined contractor may appeal this board action to the district court.

(f)*1.* The department may investigate any complaint *that* ~~which~~ is made with the department. However, ~~if~~ the department *may not initiate or pursue any* ~~determines that the~~ complaint against a registered contractor *where a local jurisdiction enforcement body has jurisdiction over the complaint. The department shall refer the complaint to the local jurisdiction enforcement body for investigation or prosecution. The department shall not proceed until the* ~~is for an action which a~~ local jurisdiction enforcement body has investigated and reached adjudication or accepted a plea of nolo contendere, including a recommended penalty to the board, *except as provided otherwise in this section.*

2. The department shall not initiate prosecution for that action, unless the secretary has initiated summary procedures pursuant to s. 455.225(8).

3. If the department proves that a local government enforcement body has failed or refused to investigate a complaint within 1 year, the board may suspend or rescind its determination of the adequacy of the local government enforcement body's disciplinary procedures granted under s. 489.117(2).

(g) Nothing in this subsection shall be construed to allow local jurisdictions to exercise disciplinary authority over certified contractors.

(10) No municipal or county government may issue any certificate of competency or license for any contractor defined in s. 489.105(3)(a)-(o) after July 1, 1993, unless such local government exercises disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in subsection (7). *Each local board that licenses and disciplines contractors must have at least two consumer representatives on that board. If the board has seven or more members, at least three of those members must be consumer representatives. The consumer representative may be any resident of the local jurisdiction that is not, and has never been, a member or practitioner of a profession regulated by the board or a member of any closely related profession.*

Section 11. Subsection (1) of section 469.001, Florida Statutes, is amended, present subsections (20) and (22) are renumbered as subsections (21) and (23), respectively, present subsection (21) is renumbered as subsection (22) and amended, and a new subsection (20) is added to that section, to read:

469.001 Definitions.—As used in this chapter:

(1) "Abatement" means the removal, encapsulation, enclosure, or disposal of asbestos.

(20) "Project designer" means a person who works under the direction of a licensed asbestos consultant and engages in the design of project specifications for asbestos abatement projects.

(22)~~(21)~~ "Survey" means the process of inspecting a facility for the presence of asbestos-containing materials *to determine the location and condition of asbestos-containing materials* prior to transfer of property, renovation, demolition, or maintenance projects which may disturb asbestos-containing materials.

Section 12. Section 469.002, Florida Statutes, is amended to read:

469.002 Exemptions.—

(1) This chapter does not apply to:

(a) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, public or private school, or private entity who has completed all training required by NESHAP and OSHA or by AHERA for the activities described in this paragraph and who is conducting abatement work solely for maintenance purposes within the scope of the person's employment involving less than 160 square feet of asbestos-containing materials or less than 260 linear feet of asbestos-containing material on pipe, so long as the employee is not available for hire or does not otherwise engage in asbestos abatement, contracting, or consulting.

(b) Asbestos-related activities which disturb asbestos-containing materials within manufacturing, utility, or military facilities and which are undertaken by regular full-time employees of the owner or operator who have completed all training required by this chapter or NESHAP and OSHA for conducting such activities in areas where access is restricted to authorized personnel who are carrying out specific assignments.

(c) Reinspections at public or private schools, whether K-12 or any other configuration, when conducted by an employee who has completed the AHERA-required training for such reinspections pursuant to this chapter and who is conducting work within the scope of the person's employment.

(d) Moving, removal, or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement

State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove, or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state, and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

(e) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision who has completed all training required by NESHAP and OSHA or by AHERA for the activities described in this paragraph, while engaged in *asbestos-related activities set forth in s. 255.5535 and* asbestos-related activities involving the demolition of a ~~residential~~ building owned by that governmental unit, where such activities are within the scope of that employment and the employee does not hold out for hire or otherwise engage in asbestos abatement, contracting, or consulting.

(2) Licensure as an asbestos contractor is not required for the moving, removal, or disposal of asbestos-containing roofing material by a roofing contractor certified or registered under part I of chapter 489, if all such activities are performed under the direction of an onsite roofing supervisor trained as provided in s. 469.012.

(3) Licensure as an asbestos contractor or asbestos consultant is not required for the moving, removal, repair, maintenance, or disposal, or related inspections, of asbestos-containing resilient floor covering or its adhesive, if:

(a) The resilient floor covering is a Category I nonfriable material as defined in NESHAP and remains a Category I nonfriable material during removal activity.

(b) All such activities are performed in accordance with all applicable asbestos standards of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.

(c) The removal is not subject to asbestos licensing or accreditation requirements under federal asbestos NESHAP regulations of the United States Environmental Protection Agency.

(d) Written notice of the time, place, and company performing the removal and certification that all conditions required under this subsection are met are provided to the Department of Business and Professional Regulation at least 3 days prior to such removal. The contractor removing such flooring materials is responsible for maintaining proof that all the conditions required under this subsection are met.

The department may inspect removal sites to determine compliance with this subsection and shall adopt rules governing inspections.

(4) Licensure as an asbestos consultant or contractor is not required for the repair, maintenance, removal, or disposal of asbestos-containing pipe or conduit, if:

(a) The pipe or conduit is used for electrical, electronic, communications, sewer, or water service;

(b) The pipe or conduit is not located in a building;

(c) The pipe or conduit is made of Category I or Category II nonfriable material as defined in NESHAP; and

(d) All such activities are performed according to all applicable regulations, including work practices and training, of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.

(5)~~(2)~~ Nothing in this section shall be construed to alter or affect otherwise applicable Florida Statutes and rules promulgated thereunder, or Environmental Protection Agency or OSHA regulations regarding asbestos activities.

Section 13. Section 469.004, Florida Statutes, is amended to read:

469.004 License; asbestos consultant; asbestos contractor~~; exceptions.—~~

(1) All asbestos consultants must be licensed by the department. An asbestos consultant's license may be issued only to an applicant who holds a current, valid, active license as an architect issued under chapter 481; holds a current, valid, active license as a professional engineer issued under chapter 471; holds a current, valid, active license as a professional geologist issued under chapter 492; is a diplomat of the American Board of Industrial Hygiene; or has been awarded designation as a Certified Safety Professional by the Board of Certified Safety Professionals.

(2) All asbestos contractors must be licensed by the department. An asbestos contractor may not perform abatement activities involving work that affects building structures or systems. Work on building structures or systems may be performed only by a contractor licensed under chapter 489.

~~(3) Licensure as an asbestos contractor is not required for the moving, removal, or disposal of asbestos-containing roofing material by a roofing contractor certified or registered under part I of chapter 489, if all such activities are performed under the direction of an onsite roofing supervisor trained as provided in s. 469.012.~~

~~(4) Licensure as an asbestos contractor or asbestos consultant is not required for the moving, removal, or disposal, or related inspections, of asbestos-containing resilient floor covering or its adhesive, if:~~

~~(a) The resilient floor covering is a Category I nonfriable material as defined in NESHAP and remains a Category I nonfriable material during removal activity.~~

~~(b) All such activities are performed in accordance with all applicable asbestos standards of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.~~

~~(c) The removal is not subject to asbestos licensing or accreditation requirements under federal asbestos NESHAP regulations of the United States Environmental Protection Agency.~~

~~(d) Written notice of the time, place, and company performing the removal and certification that all conditions required under this subsection are met are provided to the Department of Business and Professional Regulation at least 3 days prior to such removal. The contractor removing such flooring materials is responsible for maintaining proof that all the conditions required under this subsection are met.~~

~~The department may inspect removal sites to determine compliance with this subsection and shall adopt rules governing inspections.~~

~~(5) Prior to the department's issuance of an asbestos consultant's license or an asbestos contractor's license, the applicant must provide evidence, as provided by the department by rule, that the applicant has met the requirements of s. 469.005.~~

~~(6) A license issued under this section must be renewed every 2 years. Before renewing a contractor's license, the department shall require proof that the licensee has completed a 1-day course of continuing education during each of the preceding 2 years. Before renewing a consultant's license, the department shall require proof that the licensee has completed a 2-day course of continuing education during each of the preceding 2 years.~~

~~(7) Licensure as an asbestos consultant or contractor is not required for the repair, removal, or disposal of asbestos-containing pipe or conduit, if:~~

~~(a) The pipe or conduit is used for electrical, electronic, communications, sewer, or water service;~~

~~(b) The pipe or conduit is not located in a building;~~

~~(c) The pipe or conduit is made of Category I or Category II nonfriable material as defined in NESHAP; and~~

~~(d) All such activities are performed according to all applicable regulations, including work practices and training, of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.~~

Section 14. Section 469.005, Florida Statutes, is amended to read:

469.005 License requirements.—All applicants for licensure as either asbestos consultants or asbestos contractors shall:

(1) Pay the initial licensing fee.

(2) *When applying for licensure as an asbestos consultant,* successfully complete the following *department-approved* courses~~, as approved by the department~~:

(a) An asbestos *contractor/supervisor* ~~abatement project management and supervision~~ course. Such course shall consist of not less than *5* ~~4~~ days of instruction ~~and shall cover the nature of the health risks, the medical effects of exposure, federal and state asbestos laws and regulations, legal and insurance considerations, contract specifications, sampling and analytical methodology, worker protection, and work area protection~~.

(b) A ~~course in~~ building asbestos surveys and mechanical systems *course.* Such course shall consist of not less than 3 days of instruction.

(c) *An* ~~A course in~~ asbestos management planning *course.* Such course shall consist of not less than 2 days of instruction.

(d) A ~~course in~~ respiratory protection *course.* Such course shall consist of not less than 3 days of instruction.

(e) A project designer course. Such course shall consist of not less than 3 days of instruction.

(3) When applying for licensure as as asbestos contractor, successfully complete the following department-approved courses:

(a) An asbestos contractor/supervisor course. Such course shall consist of not less than 5 days of instruction.

(b) A respiratory protection course. Such course shall consist of not less than 3 days of instruction.

(4)~~(3)~~ Provide evidence of satisfactory work on 10 asbestos projects within the last 5 years.

(5)~~(4)~~ Provide evidence of financial stability.

(6)~~(5)~~ Pass a department-approved examination of qualifications and knowledge relating to asbestos.

Section 15. Subsection (2) and paragraph (a) of subsection (5) of section 469.006, Florida Statutes, are amended to read:

469.006 Licensure of business organizations; qualifying agents.—

(2)*(a)* If the applicant proposes to engage in consulting or contracting as a partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name, the legal entity must apply for licensure through a qualifying agent or the individual applicant must apply for licensure under the fictitious name.

(b)~~(a)~~ The application must state the name of the partnership and of each of its partners, the name of the corporation and of each of its officers and directors and the name of each of its stockholders who is also an officer or director, the name of the business trust and of each of its trustees, or the name of such other legal entity and of each of its members.

1. The application for primary qualifying agent must include an affidavit on a form provided by the department attesting that the applicant's signature is required on all checks, drafts, or payments, regardless of the form of payment, made by the entity, and that the applicant has final approval authority for all construction work performed by the entity.

2. The application for financially responsible officer must include an affidavit on a form provided by the department attesting that the applicant's signature is required on all checks, drafts, or payments, regardless of the form of payment, made by the entity, and that the applicant has authority to act for the business organization in all financial matters.

3. The application for secondary qualifying agent must include an affidavit on a form provided by the department attesting that the applicant has authority to supervise all construction work performed by the entity as provided in s. 489.1195(2).

(c) As a prerequisite to the issuance of a license under this section, the applicant shall submit the following:

1. An affidavit on a form provided by the department attesting that the applicant has obtained workers' compensation insurance as required by chapter 440, public liability insurance, and property damage insurance, in amounts determined by department rule. The department shall establish by rule a procedure to verify the accuracy of such affidavits based upon a random sample method.

2. Evidence of financial responsibility. The department shall adopts rules to determine financial responsibility which shall specify grounds on which the department may deny licensure. Such criteria shall include, but not be limited to, credit history and limits of bondability and credit.

(d)~~(b)~~ A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that must be qualified in accordance with department rules.

(e)~~(c)~~ The license, when issued upon application of a business organization, must be in the name of the business organization, and the name of the qualifying agent must be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

(f)~~(d)~~ The applicant must furnish evidence of statutory compliance if a fictitious name is used, the provisions of s. 865.09(7) notwithstanding.

(5)(a) Each asbestos consultant or contractor shall affix the consultant's or contractor's *signature* ~~seal, if any,~~ and license number to each construction document, plan, or any other document prepared or approved for use by the licensee which is related to any asbestos abatement project and filed for public record with any governmental agency, and to any offer, bid, or contract submitted to a client.

Section 16. Subsection (1) of section 469.013, Florida Statutes, is amended to read:

469.013 Course requirements for asbestos surveyors, management planners, and project monitors.—

(1) All asbestos surveyors, management planners, and project monitors must comply with the requirements set forth in this section prior to commencing such activities and must also complete *the* ~~a 1-day course of~~ continuing education *necessary to maintain certification* each year ~~thereafter~~.

(a) Management planners must complete all requirements of s. 469.005(2)(c) *and (e).*

(b) Asbestos surveyors must complete all requirements of s. 469.005(2)(b).

(c) Project monitors must complete all requirements of s. 469.005(2)(a) and must also complete an asbestos sampling course which is equivalent to NIOSH Course 582.

Section 17. Section 469.014, Florida Statutes, is amended to read:

469.014 Approval of asbestos training courses and providers.—

(1) The department shall approve training courses and the providers of such courses as are required under this chapter. The department must also approve training courses and the providers of such courses who offer training for persons who are exempt from licensure as an asbestos contractor or asbestos consultant under s. *469.002(3)* ~~469.004(4)~~.

(2)~~(1)~~ The department shall, by rule, prescribe criteria for approving training courses and course providers and may by rule modify the training required by this chapter.

(3)~~(2)~~ The department may enter into agreements with other states for the reciprocal approval of training courses or training-course providers.

(4)~~(3)~~ The department shall, by rule, establish reasonable fees in an amount not to exceed the cost of evaluation, approval, and recordmaking and recordkeeping of training courses and training-course providers.

(5)~~(4)~~ The department may impose against a training-course provider any penalty that it may impose against a licensee under this chapter or s. 455.227, may decline to approve courses, and may withdraw approval of courses proposed by a provider who has, or whose agent has, been convicted of, or pled guilty or nolo contendere to, or entered into a stipulation or consent agreement relating to, without regard to adjudication, any crime or administrative violation in any jurisdiction which involves fraud, deceit, or false or fraudulent representations made in the course of seeking approval of or providing training courses.

Section 18. *Section 469.015, Florida Statutes, is repealed.*

Section 19. Subsection (1) of section 255.551, Florida Statutes, is amended to read:

255.551 Definitions; ss. 255.551-255.565.—As used in ss. 255.551-255.565:

(1) "Abatement" means the removal, encapsulation, or enclosure of asbestos, but does not include the removal of bituminous resinous roofing systems or the removal of resilient floor covering and its adhesive in accordance with the licensing exemption in s. *469.002(3)* ~~469.004(4)~~.

Section 20. Section 376.60, Florida Statutes, is amended to read:

376.60 Asbestos removal program inspection and notification fee.—The Department of Environmental Protection shall charge an inspection and notification fee, not to exceed $300 for a small business as defined in s. 288.703(1), or $1,000 for any other project, for any asbestos removal project. Schools, colleges, universities, residential dwellings, and those persons otherwise exempted from licensure under s. *469.002(4)* ~~469.004(7)~~ are exempt from the fees. Any fee collected must be deposited in the asbestos program account in the Air Pollution Control Trust Fund to be used by the department to administer its asbestos removal program.

(1) In those counties with approved local air pollution control programs, the department shall return 80 percent of the asbestos removal program inspection and notification fees collected in that county to the local government quarterly, if the county requests it.

(2) The fees returned to a county under subsection (1) must be used only for asbestos-related program activities.

(3) A county may not levy any additional fees for asbestos removal activity while it receives fees under subsection (1).

(4) If a county has requested reimbursement under subsection (1), the department shall reimburse the approved local air pollution control program with 80 percent of the fees collected in the county retroactive to July 1, 1994, for asbestos-related program activities.

(5) If an approved local air pollution control program that is providing asbestos notification and inspection services according to 40 C.F.R. part 61, subpart M, and is collecting fees sufficient to support the requirements of 40 C.F.R. part 61, subpart M, opts not to receive the state-generated asbestos notification fees, the state may discontinue collection of the state asbestos notification fees in that county.

Section 21. Subsections (17) and (18) are added to section 489.103, Florida Statutes, to read:

489.103 Exemptions.—This part does not apply to:

(17) The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters. This exemption may not be construed to interfere with local building codes, local licensure requirements, or other local ordinance provisions.

(18) Any one-family, two-family, or three-family residence constructed by Habitat for Humanity International, Inc., or its local affiliates. Habitat for Humanity International, Inc., or its local affiliates, must:

(a) Obtain all necessary building permits; and

(b) Obtain all required building inspections.

Section 22. Paragraphs (a), (d), (f), (g), (h), (i), (l), and (n) of subsection (3) of section 489.105, Florida Statutes, are amended, and subsection (19) is added to that section, to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, "demolish" applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences over three stories tall. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(a) "General contractor" means a contractor whose services are unlimited as to the type of work which he or she may do, *who may contract for any activity requiring licensure under this part, and who may perform any work requiring licensure under this part,* except as *otherwise expressly* provided in *s. 489.113* ~~this part~~.

(d) "Sheet metal contractor" means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, when not prohibited by law, of ferrous or nonferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling systems, including the setting of air-handling equipment and reinforcement of same, ~~and including~~ the balancing of air-handling systems*, and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system*.

(f) "Class A air-conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, *and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system*; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(g) "Class B air-conditioning contractor" means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend,

or design, when not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification, *and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system*; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(h) "Class C air-conditioning contractor" means a contractor whose business is limited to the servicing of air-conditioning, heating, or refrigeration systems, including *any* duct *cleaning and equipment sanitizing which requires at least a partial disassembling of the system* ~~alterations in connection with those systems he or she is servicing~~, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. No person not previously registered or certified as a Class C air-conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, the board shall continue to license and regulate those Class C air-conditioning contractors who held Class C licenses prior to October 1, 1988.

(i) "Mechanical contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, *and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system*; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(l) "Swimming pool/spa servicing contractor" means a contractor whose scope of work involves the servicing and repair of any swimming pool or hot tub or spa, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment, or installation of new additional equipment as necessary. The scope of such work includes the reinstallation of tile and coping, repair and replacement of all piping, filter equipment, and chemical feeders of any type, replastering, reconstruction of decks, and reinstallation or addition of pool heaters. The installation, construction, modification, *substantial or complete disassembly*, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, *substantial or complete disassembly*, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

(n) "Underground utility and excavation contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, *whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining*, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter, provided that each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and that the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor shall not install any piping that is an integral part of a fire protection system as defined in s. 633.021(7) beginning at the point where the piping is used exclusively for such system.

(19) "Initial issuance" means the first time a certificate or registration is granted to an individual or business organization, including the first time an individual becomes a qualifying agent for that business organization and the first time a business organization is qualified by that individual.

Section 23. Subsections (4) and (6) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

(4) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division I has jurisdiction over the ~~examination and~~ regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division II has jurisdiction over the ~~examination and~~ regulation of contractors defined in s. 489.105(3)(d)-(p).

(c) Jurisdiction for the ~~examination and~~ regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

(6) The Construction Industry Licensing Board and the Electrical Contractors' Licensing Board shall *each appoint a committee to* meet *jointly* ~~in joint session~~ at least twice a year.

Section 24. Subsection (10) of section 489.113, Florida Statutes, is amended to read:

489.113 Qualifications for practice; restrictions.—

(10) The addition of a new type of contractor *or the expansion of the scope of practice of any type of contractor* under this part shall not limit the scope of practice of any existing type of contractor under this part unless the Legislature expressly provides such a limitation.

Section 25. *Section 489.1135, Florida Statutes, is repealed.*

Section 26. Section 489.1136, Florida Statutes, is created to read:

489.1136 Medical gas certification.—

(1)(a) In addition to the certification or registration required to engage in business as a plumbing contractor, any plumbing contractor who wishes to engage in the business of installation, improvement, repair, or maintenance of any tubing, pipe, or similar conduit used to transport gaseous or partly gaseous substances for medical purposes shall take, as part of the contractor's continuing education requirement, at least once during the holding of such license, a course of at least of 6 hours. Such course shall be given by an instructional facility or teaching entity that has been approved by the board. In order for a course to be approved, the board must find that the course is designed to teach familiarity with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition) and also designed to teach familiarity and practical ability in performing and inspecting brazing duties required of medical gas installation, improvement, repair, or maintenance work. Such course shall issue a certificate of completion to the taker of the course, which certificate shall be available for inspection by any entity or person seeking to have such contractor engage in the business of installation, improvement, repair, or maintenance of a medical gas system.

(b) Any other natural person who is employed by a licensed plumbing contractor to provide work on the installation, improvement, repair, or maintenance of a medical gas system, except as noted in paragraph (c), shall, as a prerequisite to his or her ability to provide such service, take a course approved by the board. Such course shall be at least 8 hours and consist of both classroom and practical work designed to teach familiarity with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition) and also designed to teach familiarity and practical ability in performing and inspecting brazing duties required of medical gas installation, improvement, repair, or maintenance work. Such course shall also include the administration of a practical examination in the skills required to perform work as outlined above, including brazing, and each examination shall be reasonably constructed to test for knowledge of the subject matter. The person taking such course and examination must, upon successful completion of both, be issued a certificate of completion by the giver of such course, which certificate shall be made available by the holder for inspection by any person or entity seeking to have such person perform work on the installation, improvement, repair, or maintenance of a medical gas system.

(c) Any other natural person who wishes to perform only brazing duties incidental to the installation, improvement, repair, or maintenance of a medical gas system shall pass an examination designed to show that person's familiarity with and practical ability in performing brazing duties required of medical gas installation, improvement, repair, or maintenance. Such examination shall be from a test approved by the board. Such examination must test for knowledge of National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition). The person taking such examination must, upon passing such examination, be issued a certificate of completion by the giver of such examination, and such certificate shall be made available by the holder for inspection by any person or entity seeking to have or employ such person to perform brazing duties on a medical gas system.

(d) It is the responsibility of the licensed plumbing contractor to ascertain whether members of his or her workforce are in compliance with this subsection, and such contractor is subject to discipline under s. 489.129 for violation of this subsection.

(e) Training programs in medical gas piping installation, improvement, repair, or maintenance shall be reviewed annually by the board to ensure that programs have been provided equitably across the state.

(f) Periodically, the board shall review training programs in medical gas piping installation for quality in content and instruction in accordance with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition). The board shall also respond to complaints regarding approved programs.

(g) Training required under this section for current licensees must be met by October 1, 2000.

(2)(a) On any job site where a medical gas system is being installed, improved, repaired, or maintained, it is required that a person qualified under paragraph (1)(a) or paragraph (1)(b) must be present. When any brazing work is performed by a person qualified under paragraph (1)(c), a person qualified under paragraph (1)(a) or paragraph (1)(b) must be present.

(b) It is the responsibility of the licensed contractor to ascertain whether members of his or her workforce are in compliance with paragraph (a), and such contractor is subject to discipline under s. 489.129 for violation of this subsection.

(3) The term "medical" as used in this section means any medicinal, life-supporting, or health-related purpose. Any and all gaseous or partly gaseous substance used in medical patient care and treatment shall be presumed for the purpose of this section to be used for medical purposes.

Section 27. Subsection (4) is added to section 553.06, Florida Statutes, to read:

553.06 State Plumbing Code.—

(4) All installations, improvements, maintenance, or repair relating to tubing, pipe, or similar conduit used to transport gaseous or partly gaseous substances for medical purposes shall be governed and regulated under National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition). Notwithstanding the prohibition of s. 553.11, no county or municipality is exempt or excepted from the requirements of this subsection.

Section 28. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, *business practices*, and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the State Minimum Building Codes and any alternate methodologies for providing such wind resistance which have been approved for use by the Board of Building Codes and Standards. Division I certificateholders or registrants who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

(7) If a certificateholder or registrant holds a license under both this part and part II and is required to have continuing education courses under s. 489.517(3), the certificateholder or registrant may apply those course hours for workers' compensation, workplace safety, and business practices obtained under part II to the requirements under this part.

Section 29. Paragraph (a) of subsection (3) of section 489.119, Florida Statutes, is amended to read:

489.119 Business organizations; qualifying agents.—

(3)(a) The qualifying agent shall be certified or registered under this part in order for the business organization to be issued a certificate of authority in the category of the business conducted for which the qualifying agent is certified or registered. If any qualifying agent ceases to be affiliated with such business organization, he or she shall so inform the

department. In addition, if such qualifying agent is the only certified or registered contractor affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and shall have 60 days from the termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in contracting until a qualifying agent is employed, unless the executive director or chair of the board has granted a temporary nonrenewable certificate or registration to the financially responsible officer, the president, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the entity. This temporary certificate or registration shall only allow the entity to proceed with incomplete contracts ~~as defined in s. 489.121~~. *For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into by, the business organization prior to the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract prior to the qualifying agent ceasing to be affiliated with the business organization.*

Section 30. Section 489.140, Florida Statutes, is amended to read:

489.140 Construction Industries Recovery Fund.—There is created the Florida Construction Industries Recovery Fund as a separate account in the Professional Regulation Trust Fund.

(1) The Florida Construction Industries Recovery Fund shall be disbursed as provided in s. 489.143, on order of the board, as reimbursement to any natural person adjudged by a court of competent jurisdiction to have suffered monetary damages, or to whom the licensee has been ordered to pay restitution by the board, where the judgment or restitution order is based on a violation of s. 489.129(1)(d), (h), (k), or (l), committed by any contractor, financially responsible officer, or business organization licensed under the provisions of this part at the time the violation was committed, and providing that the violation occurs after July 1, 1993.

(2) The Construction Industries Recovery Fund shall be funded out of the receipts deposited in the Professional Regulation Trust Fund from the one-half cent per square foot surcharge on building permits collected and disbursed pursuant to s. 468.631.

~~(3) In addition, any surplus of moneys collected from the fines imposed by the board and collected by the department shall be transferred into the Construction Industries Recovery Fund.~~

Section 31. Section 489.141, Florida Statutes, is amended to read:

489.141 Conditions for recovery; eligibility.—

(1) Any person is eligible to seek recovery from the Construction Industries Recovery Fund after having made a claim and exhausting the limits of any available bond, cash bond, surety, guarantee, warranty, letter of credit, or policy of insurance, if:

(a) Such person has received final judgment in a court of competent jurisdiction in this state in any action wherein the cause of action was based on a construction contract or the Construction Industry Licensing Board has issued a final order directing the licensee to pay restitution to the claimant based upon a violation of s. 489.129(1)(d), (h), (k), or (l), where the contract was executed and the violation occurred on or after July 1, 1993, and provided that:

~~1. At the time the action was commenced, such person gave notice thereof to the board by certified mail; except that, if no notice has been given to the board, the claim may still be honored if the board finds good cause to waive the notice requirement;~~

1.a.~~2.~~ Such person has caused to be issued a writ of execution upon such judgment, and the officer executing the writ has made a return showing that no personal or real property of the judgment debtor *or licensee* liable to be levied upon in satisfaction of the judgment can be found or that the amount realized on the sale of the judgment debtor's *or licensee's* property pursuant to such execution was insufficient to satisfy the judgment; or

b.~~3.~~ If such person is unable to comply with *sub-subparagraph a.* ~~subparagraph 2.~~ for a valid reason to be determined by the board, such person has made all reasonable searches and inquiries to ascertain whether the judgment debtor *or licensee* is possessed of real or personal property or other assets subject to being sold or applied in satisfaction of the judgment and by his or her search has discovered no property or assets or has discovered property and assets and has taken all necessary action and proceedings for the application thereof to the judgment but the amount thereby realized was insufficient to satisfy the judgment; or

2.~~(b)~~ The claimant has made a diligent attempt, as defined by board rule, to collect the restitution awarded by the board; ~~and~~

(b)~~(c)~~ A claim for recovery is made within 2 years from the time of the act giving rise to the claim or within 2 years from the time the act is discovered or should have been discovered with the exercise of due diligence; however, in no event may a claim for recovery be made more than 4 years after the date of the act giving rise to the claim *or more than 1 year after the conclusion of any civil or administrative action based on the act, whichever is later*; ~~and~~

(c)~~(d)~~ Any amounts recovered by such person from the judgment debtor *or licensee*, or from any other source, have been applied to the damages awarded by the court or the amount of restitution ordered by the board; and

(d)~~(e)~~ Such person is not a person who is precluded by this act from making a claim for recovery.

(2) A person is not qualified to make a claim for recovery from the Construction Industries Recovery Fund, if:

(a) The claimant is the spouse of the judgment debtor *or licensee* or a personal representative of such spouse;

(b) The claimant is a *licensee* ~~certificateholder or registrant~~ who acted as the contractor in the transaction which is the subject of the claim;

(c) Such person's claim is based upon a construction contract in which the *licensee* ~~certificateholder or registrant~~ was acting with respect to the property owned or controlled by the *licensee* ~~certificateholder or registrant~~;

(d) Such person's claim is based upon a construction contract in which the contractor did not hold a valid and current license at the time of the construction contract; or

(e) Such person was associated in a business relationship with the *licensee* ~~certificateholder or registrant~~ other than the contract at issue.

(f) Such person has suffered damages as the result of making improper payments to a contractor as defined in chapter 713, part I.

Section 32. Section 489.142, Florida Statutes, is amended to read:

489.142 Board powers *relating to recovery* ~~upon notification of commencement of action~~.—*With respect to actions for recovery from the Construction Industries Recovery Fund* ~~When the board receives certified notice of any action, as required by s. 489.141(1)(a)~~, the board may intervene, enter an appearance, file an answer, defend the action, or take any action it deems appropriate and may take recourse through any appropriate method of review on behalf of the State of Florida.

Section 33. Section 489.143, Florida Statutes, is amended to read:

489.143 Payment from the fund.—

(1) Any person who meets all of the conditions prescribed in s. 489.141(1) may apply to the board to cause payment to be made to such person from the Construction Industries Recovery Fund in an amount equal to the judgment *or restitution order*, exclusive of postjudgment interest, against the *licensee* ~~certificateholder~~ or $25,000, whichever is less, or an amount equal to the unsatisfied portion of such person's judgment *or restitution order*, exclusive of postjudgment interest, or $25,000, whichever is less, but only to the extent and amount reflected in the judgment *or restitution order* as being actual or compensatory damages. The fund is not obligated to pay ~~any portion of any judgment, or~~ any judgment *or restitution order, or any portion thereof*, which is not expressly based on one of the grounds for recovery set forth in s. 489.140(1).

(2) Upon receipt by a claimant under subsection (1) of payment from the Construction Industries Recovery Fund, the claimant shall assign his or her additional right, title, and interest in the judgment *or restitution order*, to the extent of such payment, to the board, and thereupon the board shall be subrogated to the right, title, and interest of the claimant; and any amount subsequently recovered on the judgment *or restitution order* by the board, to the extent of the right, title, and interest of the board therein, shall be for the purpose of reimbursing the Construction Industries Recovery Fund.

(3) Payments for claims arising out of the same transaction shall be limited, in the aggregate, to $25,000, regardless of the number of claimants involved in the transaction.

(4) Payments for claims against any one *licensee* ~~certificateholder or registrant~~ shall not exceed, in the aggregate, $100,000.

(5) Claims shall be paid in the order filed, up to the aggregate limits for each transaction and licensee and to the limits of the amount appropriated to pay claims against the fund for the fiscal year in which the claims were filed.

(6) If the annual appropriation is exhausted with claims pending, such claims shall be carried forward to the next fiscal year. Any moneys in excess of pending claims remaining in the Construction Industries Recovery Fund at the end of the fiscal year shall be paid as provided in s. 468.631.

~~(5) If at any time the claims pending against the fund exceed 80 percent of the fund balance plus anticipated revenue for the next two quarters, the board shall accept no further claims until such time as the board is given express authorization and funding from the Legislature.~~

(7)~~(6)~~ Upon the payment of any amount from the Construction Industries Recovery Fund in settlement of a claim in satisfaction of a judgment or restitution order against a *licensee* ~~certificateholder~~ as described in s. 489.141(1), the license of such *licensee* ~~certificateholder~~ shall be automatically suspended, without further administrative action, upon the date of payment from the fund. The license of such *licensee* ~~certificateholder~~ shall not be reinstated until he or she has repaid in full, plus interest, the amount paid from the fund. A discharge of bankruptcy does not relieve a person from the penalties and disabilities provided in this section.

Section 34. Subsection (14) of section 489.503, Florida Statutes, is amended, and subsections (17), (18), and (19) are added to that section, to read:

489.503 Exemptions.—This part does not apply to:

(14) The installation of, repair of, alteration of, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof, when those items are for the purpose of transmitting data, voice communications, or commands as part of:

(a) A system of telecommunications, including computers, telephone customer premises equipment, or premises wiring; or

(b) A *cable television,* community antenna television, or radio distribution system.

The scope of this exemption is limited to electrical circuits and equipment governed by the applicable provisions of Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, current edition, or 47 C.F.R. part 68. Additionally, a company certified under chapter 364 is not subject to any local ordinance that requires a permit for work performed by its employees related to low voltage electrical work, including related technical codes and regulations. This exemption shall apply only if such work is requested by the company's customer, is required in order to complete phone service, is incidental to provision of telecommunication service as required by chapter 364, and is not actively competitive in nature or the subject of a competitive bid. The definition of "employee" established in subsection (1) applies to this exemption and does not include subcontractors.

(17) The monitoring of an alarm system without fee by a direct employee of a law enforcement agency or of a county, municipal, or special-district fire department or by a law enforcement officer or fire official acting in an official capacity.

(18) The monitoring of an alarm system by a direct employee of any state or federally chartered financial institution, as defined in s. 655.005(1)(h), or any parent, affiliate, or subsidiary thereof, so long as:

(a) The institution is subject to, and in compliance with, s. 3 of the Federal Bank Protection Act of 1968, 12 U.S.C. s. 1882;

(b) The alarm system is in compliance with all applicable firesafety standards as set forth in chapter 633; and

(c) The monitoring is limited to an alarm system associated with:

1. The commercial property where banking operations are housed or where other operations are conducted by a state or federally chartered financial institution, as defined in s. 655.005(1)(h), or any parent, affiliate, or subsidiary thereof; or

2. The private property occupied by the institution's executive officers, as defined in s. 655.005(1)(f),

and does not otherwise extend to the monitoring of residential systems.

(19) The monitoring of an alarm system of a business by the direct employees of that business, so long as:

(a) The alarm system is the exclusive property of, or is leased by, the business;

(b) The alarm system complies with all applicable firesafety standards as set forth in chapter 633; and

(c) The alarm system is designed to protect only the commercial premises leased by the business endeavor or commercial premises owned by the business endeavor and not leased to another.

This exemption is intended to allow businesses to monitor their own alarm systems and is not limited to monitoring a single location of that business. However, it is not intended to enable the owner of any apartment complex, aggregate housing, or commercial property to monitor alarm systems on property leased or rented to the residents, clients, or customers thereof.

Section 35. Subsection (24) of section 489.505, Florida Statutes, is repealed, subsections (1), (7), (19), and (23) are amended, present subsections (25), (26), and (27) are redesignated as subsections (24), (25), and (26), respectively, and new subsections (27) and (28) are added to that section, to read:

489.505 Definitions.—As used in this part:

(1) "Alarm system" means any electrical device, *signaling device,* or combination of electrical devices used to *signal or* detect ~~a situation which causes an alarm in the event of~~ a burglary, fire, robbery, *or* medical emergency~~, or equipment failure~~.

(7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, *and National Fire Protection Association Standard 72, Current Edition*. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.

(19) "Specialty contractor" means a contractor whose scope of practice is limited to a specific segment of electrical or alarm system contracting, including, but not limited to, residential electrical contracting, maintenance of electrical fixtures, ~~installation and maintenance of elevators,~~ and fabrication, erection, installation, and maintenance of electrical ~~outdoor~~ advertising signs together with the interrelated parts and supports thereof. Categories of specialty contractor shall be established by board rule.

(23) "Registered residential alarm system contractor" means an alarm system contractor whose business is limited to burglar alarm systems in single-family residential, quadruplex housing, and mobile homes ~~and to fire alarm systems~~ of a residential occupancy class and who is registered with the department pursuant to s. 489.513 or s. 489.537(8). The board shall define "residential occupancy class" by rule. A registered residential alarm system contractor may contract only in the jurisdiction for which his or her registration is issued.

~~(24) "Limited burglar alarm system contractor" means an alarm system contractor whose business is limited to the installation of burglar alarms in single-family homes and two-family homes, mobile homes, and small commercial buildings having a square footage of not more than 5,000 square feet and who is registered with the department pursuant to s. 489.513 or s. 489.537(8).~~

(24)~~(25)~~ "Licensure" means any type of certification or registration provided for in this part.

(25)~~(26)~~ "Burglar alarm system agent" means a person:

(a) Who is employed by a licensed alarm system contractor or licensed electrical contractor;

(b) Who is performing duties which are an element of an activity which constitutes alarm system contracting requiring licensure under this part; and

(c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling onsite, or monitoring an intrusion or burglar alarm system for compensation.

(26)~~(27)~~ "Personal emergency response system" means any device which is simply plugged into a telephone jack or electrical receptacle and which is designed to initiate a telephone call to a person who responds to, or has a responsibility to determine the proper response to, personal emergencies.

(27) "Monitoring" means to receive electrical or electronic signals, originating from any building within the state, produced by any security, medical, fire, or burglar alarm, closed circuit television camera, or related or similar protective system and to initiate a response thereto. A person shall not have committed the act of monitoring if:

(a) The person is an occupant of, or an employee working within, protected premises;

(b) The person initiates emergency action in response to hearing or observing an alarm signal;

(c) The person's action is incidental to his or her primary responsibilities; and

(d) The person is not employed in a proprietary monitoring facility, as defined by the National Fire Protection Association pursuant to rule adopted under chapter 633.

(28) "Fire alarm system agent" means a person:

(a) Who is employed by a licensed fire alarm contractor or certified unlimited electrical contractor;

(b) Who is performing duties which are an element of an activity that constitutes fire alarm system contracting requiring certification under this part; and

(c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling onsite, or monitoring a fire alarm system for compensation.

Section 36. Subsection (5) of section 489.507, Florida Statutes, is amended to read:

489.507 Electrical Contractors' Licensing Board.—

(5) The Electrical Contractors' Licensing Board and the Construction Industry Licensing Board shall *each appoint a committee to* meet *jointly* ~~in joint session~~ at least twice a year.

Section 37. Section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(1) The board, by rule, shall establish fees to be paid for applications, examination, reexamination, transfers, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for certification of electrical contractors may not exceed $400. The initial application fee for registration may not exceed $150. The biennial renewal fee may not exceed $400 for certificateholders and $200 for registrants~~, and shall be paid by June 30 of each biennial period~~. The fee for initial application and examination for certification of alarm system contractors may not exceed $400. The biennial renewal fee for certified alarm system contractors may not exceed $450. The board may establish a fee for a temporary certificate as an alarm system contractor not to exceed $75. The board may also establish by rule a delinquency fee not to exceed $50. ~~Failure to renew an active or inactive certificate or registration within 90 days after the date of renewal will result in the certificate or registration becoming delinquent.~~ The fee to transfer a certificate or registration from one business organization to another may not exceed $200. The fee for reactivation of an inactive license may not exceed $50. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of electrical contractors and alarm system contractors.

(2) A person who is registered or holds a valid certificate ~~from the board~~ may go on inactive status during which time he or she shall not engage in contracting, but may retain the certificate or registration on an inactive basis, on payment of a renewal fee during the inactive period, not to exceed $50 per renewal period.

(3) Four dollars of each fee under subsection (1) paid to the department at the time of application or renewal shall be transferred at the end of each licensing period to the Department of Education to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are transferred, advise the Department of Education on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the Department of Education. The Department of Education must allocate 50 percent of the funds to a graduate program in building construction in a Florida university and 50 percent of the funds to all accredited private and state universities and community colleges within the state offering approved courses in building construction, with each university or college receiving a pro rata share of such funds based upon the number of full-time building construction students enrolled at the institution. The Department of Education shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The Department of Education shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects. The Commissioner of Education is directed to appoint one electrical contractor and one certified alarm system contractor to the Building Construction Industry Advisory Committee.

Section 38. Paragraph (a) of subsection (2), subsection (3), and paragraph (b) of subsection (5) of section 489.511, Florida Statutes, are amended to read:

489.511 Certification; application; examinations; endorsement.—

(2)(a) A person shall be entitled to take the certification examination for the purpose of determining whether he or she is qualified to engage in contracting throughout the state as a contractor if the person:

1. Is at least 18 years of age;

2. Is of good moral character; and

3. Meets eligibility requirements according to one of the following criteria:

a. Has, within the 6 years immediately preceding the filing of the application, at least 3 years' proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent;

b. Has, within the 8 years immediately preceding the filing of the application, at least 4 years' experience as a ~~foreman,~~ supervisor~~,~~ or contractor in the trade for which he or she is making application;

c. Has, within the 12 years immediately preceding the filing of the application, at least 6 years of comprehensive training, technical education, or *supervisory* ~~broad~~ experience associated with an electrical or alarm system *contracting business, or at least 6 years of technical experience in electrical or alarm system work with the Armed Forces or a governmental entity* ~~installation or servicing endeavor~~; ~~or~~

d. Has*, within the 12 years immediately preceding the filing of the application,* been licensed for 3 years as *a professional* ~~an~~ engineer *who is qualified by education, training, or experience to practice electrical engineering; or*

e. Has any combination of qualifications under sub-subparagraphs a.-c. totaling 6 years of experience.

(3) *On or after October 1, 1998, every applicant who is qualified shall be allowed to take the examination three times, notwithstanding the number of times the applicant has previously failed the examination. If an applicant fails the examination three times after October 1, 1998, the board shall require the applicant to complete additional college-level or technical education courses in the areas of deficiency, as determined by the board, as a condition of future eligibility to take the examination. The applicant must also submit a new application that meets all certification requirements at the time of its submission and must pay all appropriate fees.* ~~Any registered unlimited electrical contractor or certified or registered specialty contractor who, prior to October 1, 1987, passed an examination determined by the board to be substantially equivalent to the examination required for certification as either an unlimited electrical contractor or an alarm system contractor and who has satisfied the other requirements of this section shall be certified as an alarm system contractor I without further examination.~~

(5)

(b) For those specialty electrical or alarm system contractors applying for certification under this part who work in jurisdictions that do not require local licensure for those activities for which the applicant desires to be certified, the experience requirement may be met by demonstrating at least 6 years of comprehensive training, technical education, or *supervisory* ~~broad~~ experience*, within the 12 years immediately preceding the filing of the application,* in the type of specialty electrical or alarm system work for which certification is desired. An affidavit signed by the applicant's employer stating that the applicant performed the work required under this paragraph shall be sufficient to demonstrate to the board that the applicant has met the experience requirement.

Section 39. Subsection (3) of section 489.513, Florida Statutes, is amended to read:

489.513 Registration; application; requirements.—

(3)~~(a) To be registered as an electrical contractor, the applicant shall file evidence of holding a current occupational license or a current license issued by any municipality or county of the state for the type of work for which registration is desired, on a form provided by the department, together with evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired, accompanied by the registration fee fixed pursuant to this part. No examination may be required for registration as an electrical contractor except for any examination required by a local government to obtain the local licensure.~~

~~(b)~~ To be registered as *an electrical contractor,* an alarm system contractor I, an alarm system contractor II, or a residential alarm system contractor, the applicant shall file evidence of holding a current occupational license or a current license issued by any municipality or county of the state for the type of work for which registration is desired, on a form provided by the department, if such a license is required by that municipality or county, together with evidence of having passed an appropriate local examination, written or oral, designed to test skills and knowledge relevant to the technical performance of the profession, accompanied by the registration fee fixed pursuant to this part. For any person working or wishing to work in any local jurisdiction which does not issue a local license as an *electrical or* alarm system contractor or does not require an examination for its license, the applicant may apply and shall be considered qualified to be issued a registration in the appropriate *electrical or* alarm system category, provided that he or she shows that he or she has scored at least 75 percent on an examination which is substantially equivalent to the examination approved by the board for certification in the category and that he or she has had at least 3 years' technical experience in the trade. The requirement to take and pass an examination in order to obtain a registration shall not apply to persons making application prior to the effective date of this act.

Section 40. Subsections (4) and (5) are added to section 489.517, Florida Statutes, to read:

489.517 Renewal of certificate or registration; continuing education.—

(4)(a) If a certificateholder or registrant holds a license under both this part and part I and is required to have continuing education courses under s. 489.115(4)(b)1., the certificateholder or registrant may apply those course hours for workers' compensation, workplace safety, and business practices obtained under part I to the requirements under this part.

(b) Of the 14 classroom hours of continuing education required, at least 7 hours must be on technical subjects, 1 hour on workers' compensation, 1 hour on workplace safety, and 1 hour on business practices.

(5) By applying for renewal, each certificateholder or registrant certifies that he or she has continually maintained the required amounts of public liability and property damage insurance as specified by board rule. The board shall establish by rule a procedure to verify the public liability and property damage insurance for a specified period, based upon a random sampling method.

Section 41. Section 489.519, Florida Statutes, is amended to read:

489.519 Inactive status.—

(1) A certificate or registration that has become inactive may be reactivated under s. 489.517 upon application to the department. The board may prescribe, by rule, continuing education requirements as a condition of reactivating a certificate or registration. The continuing education requirements for reactivating a certificate or registration may not exceed 12 classroom hours for each year the certificate or registration was inactive.

(2) Notwithstanding any provision of s. 455.271 to the contrary, a certificateholder or registrant may apply to the department for voluntary inactive status at any time during the period of certification or registration.

(3)~~(2)~~ The board shall impose, by rule, continuing education requirements for ~~voluntary~~ inactive certificateholders, when ~~voluntary~~ inactive status is sought by certificateholders who are also building code administrators, plans examiners, or inspectors certified pursuant to part XIII of chapter 468.

(4) After January 1, 1999, any person who passes the certification examination must submit an application either to qualify a business or to place the person's license on inactive status.

Section 42. Section 489.521, Florida Statutes, is amended to read:

489.521 Business organizations; qualifying agents.—

(1) If an individual proposes to engage in contracting as a sole proprietorship, certification~~, when granted,~~ shall be issued ~~only~~ in the name of that individual. *If a fictitious name is used, the applicant shall furnish evidence of statutory compliance.*

(2)(a)1. If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, other than a sole proprietorship, the application shall state the name of the partnership and its partners; the name of the corporation and its officers and

directors and the name of each of its stockholders who is also an officer or director; the name of the business trust and its trustees; or the name of such other legal entity and its members. In addition, the applicant shall furnish evidence of statutory compliance if a fictitious name is used. ~~Such application shall also show that the qualifying agent is legally qualified to act for the business organization in all matters connected with its electrical or alarm system contracting business and that he or she has authority to supervise electrical or alarm system contracting undertaken by such business organization.~~ A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that shall be qualified in accordance with board rules. The registration or certification, when issued upon application of a business organization, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

2. Any person certified or registered pursuant to this part who has had his or her license revoked shall not be eligible for a 5-year period to be a partner, officer, director, or trustee of a business organization as defined by this section. Such person shall also be ineligible to reapply for certification or registration under this part for a period of 5 years.

(b) The *applicant* ~~application~~ shall also show that the proposed qualifying agent is legally qualified to act for the business organization in *all* matters connected with its *electrical or alarm system* contracting business and concerning regulations by the board and that he or she has authority to supervise *electrical or alarm system contracting* ~~work~~ undertaken by the business organization.

(c) The proposed qualifying agent shall demonstrate that he or she possesses the required skill, knowledge, and experience to qualify the business organization in the following manner:

1. Having met the qualifications provided in s. 489.511 and been issued a certificate of competency pursuant to the provisions of s. 489.511; or

2. Having demonstrated that he or she possesses the required experience and education requirements provided in s. 489.511 which would qualify him or her as eligible to take the certification examination.

(3)(a) The *applicant* ~~business organization~~ shall furnish evidence of financial responsibility, credit, and business reputation of the business organization, as well as the name of the qualifying agent. The board shall adopt rules defining financial responsibility based upon the business organization's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may determine that a business organization is not qualified to engage in contracting.

(b) In the event a qualifying agent must take the certification examination, the board shall, within 60 days from the date of the examination, inform the business organization in writing whether or not its qualifying agent has qualified.

(c) If the qualifying agent of a business organization applying to engage in contracting, after having been notified to do so, does not appear for examination within 1 year from the date of filing of the application, the examination fee paid by it shall be credited as an earned fee to the department. A new application to engage in contracting shall be accompanied by another application fee fixed pursuant to this act. Forfeiture of a fee may be waived by the board for good cause.

(d) Once the board has determined that the business organization's proposed qualifying agent has qualified, the business organization shall be authorized to engage in the contracting business. The certificate, when issued, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon.

(4) As a prerequisite to the initial issuance ~~or the renewal~~ of a certificate, the *applicant* ~~certificateholder~~ or the business organization he or she qualifies shall submit *evidence* ~~an affidavit on a form provided by the board attesting to the fact~~ that he or she or the business organization has obtained public liability and property damage insurance for the safety and welfare of the public in an amount to be determined by *board* rule ~~by the board. The board shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random sample method. In addition to the affidavit of insurance, as a prerequisite to the initial issuance of a certificate, the applicant shall furnish evidence of financial responsibility, credit, and business reputation of either himself or herself or the business organization he or she desires to qualify. The board shall adopt rules defining financial responsibility based upon the credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may refuse to qualify an applicant to engage in the contracting business. If, within 60 days from the date the certificateholder or business organization is notified that he or she has qualified, he or she does not provide the evidence required, he or she shall apply to the department for an extension of time which shall be granted upon a showing of just cause. Thereupon, the board shall certify to the department that the certificateholder or the business organization is competent and qualified to engage in contracting. However, the provisions of this subsection do not apply to inactive certificates~~.

(5) At least one *officer* ~~member~~ or supervising employee of the business organization must be qualified under this act in order for the business organization to be qualified to engage in contracting in the category of the business conducted ~~for which the member or supervising employee is qualified~~. If any individual so qualified on behalf of the business organization ceases to *qualify* ~~be affiliated with~~ the business organization, he or she shall notify the board and the department thereof within 30 days after such occurrence. In addition, if the individual is the only ~~qualified~~ individual *who qualifies* ~~affiliated with~~ the business organization, the business organization shall notify the board and the department of the individual's termination, and it shall have a period of 60 days from the termination of the *individual* ~~individual's affiliation with the business organization in which~~ to qualify another person under the provision of this act, failing which, the board shall determine that the business organization is no longer qualified to engage in contracting. The individual shall also inform the board in writing when he or she proposes to engage in contracting in his or her own name or in affiliation with another business organization, and the individual, or such new business organization, shall supply the same information to the board as required for applicants under this act. After an investigation of the financial responsibility, credit, and business reputation of the individual or the new business organization and upon a favorable determination, the board shall certify the business organization as qualified, and the department shall issue, without examination, a new certificate in the individual's name, which shall include the name of the new business organization, as provided in this section.

(6) When a business organization qualified to engage in contracting makes application for an occupational license in any municipality or county of this state, the application shall be made with the tax collector in the name of the business organization, and the license, when issued, shall be issued to the business organization upon payment of the appropriate licensing fee and exhibition to the tax collector of a valid certificate issued by the department.

(7)(a) Each registered or certified contractor shall affix the number of his or her registration or certification to each application for a building permit and to each building permit issued and recorded. Each city or county building department shall require, as a precondition for the issuance of a building permit, that the contractor applying for the permit provide verification giving the number of his or her registration or certification under this part.

(b) The registration or certification number of a contractor shall be stated in each offer of services, business proposal, or advertisement, regardless of medium, used by that contractor. For the purposes of this part, the term "advertisement" does not include business stationery or any promotional novelties such as balloons, pencils, trinkets, or articles of clothing. The board shall assess a fine of not less than $100 or issue a citation to any contractor who fails to include that contractor's certification or registration number when submitting an advertisement for publication, broadcast, or printing. In addition, any person who claims in any advertisement to be a certified or registered contractor, but who does not hold a valid state certification or registration, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Each qualifying agent shall pay the department an amount equal to the original fee for certification or registration to qualify any additional business organizations. If the qualifying agent for a business

organization desires to qualify additional business organizations, the board shall require him or her to present evidence of *supervisory* ability and financial responsibility of each such organization. *Allowing a licensee to qualify more than one business organization shall be conditioned upon the licensee showing that the licensee has both the capacity and intent to adequately supervise each business organization in accordance with s. 489.522(1). The board shall not limit the number of business organizations which the licensee may qualify except upon the licensee's failing to provide such information as is required under this subsection or upon a finding that such information or evidence as is supplied is incomplete or unpersuasive in showing the licensee's capacity and intent to comply with the requirements of this subsection. A qualification for an additional business organization may be revoked or suspended upon a finding by the board that the licensee has failed in the licensee's responsibility to adequately supervise the operations of that business organization in accordance with s. 489.522(1). Failure of the responsibility to adequately supervise the operations of a business organization in accordance with s. 489.522(1) shall be grounds for denial to qualify additional business organizations.* ~~The issuance of such certification or registration is discretionary with the board.~~

(9) If a business organization or any of its partners, officers, directors, trustees, or members is disciplined for violating s. 489.533(1), the board may, on that basis alone, deny issuance of a certificate or registration to a qualifying agent on behalf of that business organization.

Section 43. Section 489.525, Florida Statutes, is amended to read:

489.525 Reports of certified contractors to local building officials.—

~~(1) The department shall inform all local boards or building officials prior to October of each year of the names of all certificateholders and the status of the certificates.~~

~~(2)~~ The department *may* ~~shall include in the report of certified contractors provided in subsection (1) a~~ report to all ~~county tax collectors, local boards, and~~ building officials~~, containing:~~

~~(a)~~ the contents of this part~~;~~ and

~~(b)~~ the contents of the rules of the board ~~and the contents of the rules of the department which affect local government as determined by the department~~. *Any information that is available through the Internet or other electronic means may be excluded from the report.*

Section 44. Subsections (1) and (2) of section 489.533, Florida Statutes, are amended to read:

489.533 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for disciplinary actions as provided in subsection (2):

(a) *Failure to comply with* ~~Violating~~ any provision of ~~s. 489.531 or~~ chapter 455.

(b) Attempting to procure a certificate or registration to practice electrical or alarm system contracting by bribery or fraudulent *or willful* misrepresentations.

(c) Having a certificate or registration to practice contracting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty *of, or entering a plea of nolo contendere to,* regardless of adjudication, ~~of~~ a crime in any jurisdiction which directly relates to the practice of electrical or alarm system contracting or the ability to practice electrical or alarm system contracting.

(e) Making or filing a report or record which the certificateholder or registrant knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a certified electrical or alarm system contractor.

(f) Committing fraud or deceit, or negligence, incompetency, or misconduct in the practice of electrical or alarm system contracting.

(g) Violating chapter 633 or the rules of the State Fire Marshal.

(h) Practicing on a revoked, suspended, inactive, or delinquent certificate or registration.

(i) Willfully or deliberately disregarding and violating the applicable building codes or laws of the state or any municipality or county thereof.

(j) Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered.

(k) Knowingly combining or conspiring with any person by allowing one's certificate to be used by any uncertified person with intent to evade the provisions of this part. When a certificateholder allows his or her certificate to be used by one or more companies without having any active participation in the operations or management of said companies, such act constitutes prima facie evidence of an intent to evade the provisions of this part.

(l) Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificateholder or registrant as set forth on the issued certificate or registration or in accordance with the personnel of the certificateholder or registrant as set forth in the application for the certificate or registration or as later changed as provided in this part.

(m) Committing financial mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs if:

1. A valid lien has been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job, the contractor has received funds from the customer to pay for the supplies or services, and the contractor has not had the lien removed from the property, by payment or by bond, within 75 days after the date of the lien;

2. A contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price that had been paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain the excess funds under the terms of the contract or refunds the excess funds within 30 days after the date of abandonment; ~~or~~

3. The contractor's job has been completed and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer*; or*

4. The contractor fails, within 18 months, to pay or comply with a repayment schedule of a judgment obtained against the contractor or a business qualified by the contractor and relating to the practice of contracting.

(n) Being disciplined by any municipality or county for an act that is a violation of this section.

(o) Failing in any material respect to comply with the provisions of this part *and the rules adopted pursuant thereto.*

(p) Abandoning a project which the contractor is engaged in or is under contractual obligation to perform. A project is to be considered abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the prospective owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days.

(q) Failing to affix a registration or certification number as required by s. 489.521(7).

(r) Proceeding on any job without obtaining applicable local building department permits and inspections.

(s) Practicing beyond the scope of a certification or registration.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

(2) When the board finds any applicant, contractor, or business organization for which the contractor is a primary qualifying agent or secondary qualifying agent responsible under s. 489.522 guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for certification or registration.

(b) Revocation or suspension of a certificate or registration.

(c) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the contractor on probation for a period of time and subject to such conditions as the board may specify, including requiring the contractor to attend continuing education courses or to work under the supervision of another contractor.

(f) Restriction of the authorized scope of practice by the contractor.

(g) Require financial restitution to a consumer.

Section 45. For the purpose of incorporating the amendment to section 489.533, Florida Statutes, in a reference thereto, subsection (5) of section 489.518, Florida Statutes, is reenacted to read:

489.518 Alarm system agents.—

(5) Failure to comply with any of the provisions of this section shall be a disciplinable offense against the contractor pursuant to s. 489.533.

Section 46. Paragraph (b) of subsection (2) of section 489.537, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

489.537 Application of this part.—

(2)

(b) A registered electrical contractor may bid on electrical contracts which include alarm systems contracting as a part of the contract, provided that the individual shall subcontract such alarm systems contracting, *except raceway systems,* to a properly certified or registered alarm system contractor. *Registered electrical contractors may install raceways for alarm systems.* However, if the registered electrical contractor is properly certified or registered as an alarm system contractor, the individual is not required to subcontract out the alarm system contracting.

(9) Persons licensed under this part are subject to ss. 205.0535(1) and 205.065, as applicable.

Section 47. Section 489.539, Florida Statutes, is amended to read:

489.539 Adoption of electrical *and alarm* standards.—For the purpose of establishing minimum electrical *and alarm* standards in this state, *the current edition of* the following standards are adopted:

(1) "National Electrical Code ~~1990~~," NFPA No. *70* ~~70-1990~~.

(2) Underwriters' Laboratories, Inc., "Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps," UL *57* ~~57-1982~~, and UL *153* ~~153-1983~~.

(3) Underwriters' Laboratories, Inc., "Standard for Electric Signs," UL *48* ~~48-1982~~.

(4) The provisions of the following which prescribe minimum electrical *and alarm* standards:

(a) NFPA No. *56A* ~~56A-1978~~, "Inhalation Anesthetics ~~1978~~."

(b) NFPA No. *56B* ~~56B-1982~~, "Respiratory Therapy ~~1982~~."

(c) NFPA No. *56C* ~~56C-1980~~, "Laboratories in Health-related Institutions ~~1980~~."

(d) NFPA No. *56D* ~~56D-1982~~, "Hyperbaric Facilities."

(e) NFPA No. *56F* ~~56F-1983~~, "Nonflammable Medical Gas Systems ~~1983~~."

(f) NFPA No. 72, "National Fire Alarm Code."

(g)~~(f)~~ NFPA No. *76A* ~~76A-1984~~, "Essential Electrical Systems for Health Care Facilities ~~1984~~."

(5) Chapter 10D-29 of the rules of the Department of Health and Rehabilitative Services, entitled "Nursing Homes and Related Facilities Licensure."

(6) The minimum standards for grounding of portable electric equipment, chapter 8C-27, as recommended by the Industrial Standards Section of the Division of Workers' Compensation of the Department of Labor and Employment Security.

Section 48. Section 553.19, Florida Statutes, is amended to read:

553.19 Adoption of electrical *and alarm* standards.—For the purpose of establishing minimum electrical *and alarm* standards in this state, *the current edition of* the following standards are adopted:

(1) "National Electrical Code ~~1990~~," NFPA No. *70* ~~70-1990~~.

(2) Underwriters' Laboratories, Inc., "Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps," UL *57* ~~57-1982~~ and UL *153* ~~153-1983~~.

(3) Underwriters' Laboratories, Inc., "Standard for Electric Signs," UL *48* ~~48-1982~~.

(4) The provisions of the following which prescribe minimum electrical *and alarm* standards:

(a) NFPA No. *56A* ~~56A-1978~~, "Inhalation Anesthetics ~~1978~~."

(b) NFPA No. *56B* ~~56B-1982~~, "Respiratory Therapy ~~1982~~."

(c) NFPA No. *56C* ~~56C-1980~~, "Laboratories in Health-related Institutions ~~1980~~."

(d) NFPA No. *56D* ~~56D-1982~~, "Hyperbaric Facilities."

(e) NFPA No. *56F* ~~56F-1983~~, "Nonflammable Medical Gas Systems ~~1983~~."

(f) NFPA No. 72, "National Fire Alarm Code."

(g)~~(f)~~ NFPA No. *76A* ~~76A-1984~~, "Essential Electrical Systems for Health Care Facilities ~~1984~~."

(5) Chapter 10D-29 of the rules and regulations of the Department of Health and Rehabilitative Services, entitled "Nursing Homes and Related Facilities Licensure."

(6) The minimum standards for grounding of portable electric equipment, chapter 8C-27 as recommended by the Industrial Standards Section, Division of Workers' Compensation, Department of Labor and Employment Security.

Section 49. Section 489.5185, Florida Statutes, is created to read:

489.5185 Fire alarm system agents.—

(1) A certified unlimited electrical contractor or licensed fire alarm contractor may not employ a person to perform the duties of a fire alarm system agent unless the person:

(a) Is at least 18 years of age or has evidence of a court-approved declaration of emancipation.

(b) Has successfully completed a minimum of 18 hours of initial training, to include basic fire alarm system technology in addition to related training in National Fire Protection Association (NFPA) codes and standards and access control training. Such training must be from a board-approved provider, and the employee or applicant for employment must provide proof of successful completion to the licensed employer. The board, by rule, shall establish criteria for the approval of

training courses and providers. The board shall approve qualified providers that conduct training in other than the English language. The board shall establish a fee for the approval of training providers, not to exceed $200, and a fee for the approval of courses at $25 per credit hour, not to exceed $100 per course.

(c) Has not been convicted within the last 3 years of a crime that directly relates to the business for which employment is being sought. Although the employee is barred from operating as a fire alarm system agent for 3 years subsequent to his or her conviction, the employer shall be supplied the information regarding any convictions occurring prior to that time, and the employer may at his or her discretion consider an earlier conviction to be a bar to employment as a fire alarm system agent. To ensure that this requirement has been met, a certified unlimited electrical contractor or licensed fire alarm contractor must obtain from the Florida Department of Law Enforcement a completed fingerprint and criminal background check for each applicant for employment as a fire alarm system agent or for each individual currently employed on the effective date of this act as a fire alarm system agent.

(d) Has not been committed for controlled substance abuse or been found guilty of a crime under chapter 893 or any similar law relating to controlled substances in any other state within the 3-year period immediately preceding the date of application for employment, or immediately preceding the effective date of this act for an individual employed as a fire alarm system agent on that date, unless the person establishes that he or she is not currently abusing any controlled substance and has successfully completed a rehabilitation course.

(2)(a) Any applicant for employment as a fire alarm system agent, or any individual employed as a fire alarm system agent on the effective date of this act, who has completed alarm system agent or burglar alarm system agent training prior to the effective date of this act in a board-certified program is not required to take additional training in order to comply with the initial training requirements of this section.

(b) A state-certified electrical contractor, a state-certified fire alarm system contractor, a state-registered fire alarm system contractor, a journeyman electrician licensed by any local jurisdiction, or an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications is not required to complete the training required for fire alarm system agents. A state-registered electrical contractor is not required to complete the training required for fire alarm system agents, so long as he or she is only doing electrical work up to the alarm panel.

(c) A nonsupervising employee working as a helper or apprentice under the direct, onsite, continuous supervision of a state-certified electrical contractor, a state-registered electrical contractor, a state-certified fire alarm system contractor, a state-registered fire alarm system contractor, a journeyman electrician licensed by any local jurisdiction, an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications, or a qualified fire alarm system agent is not required to complete the training otherwise required and is not required to be 18 years of age or older.

(d) A burglar alarm system agent employed by a licensed fire alarm contractor or certified unlimited electrical contractor who has fulfilled all requirements of s. 489.518 prior to the effective date of this act is not required to complete the initial training required by this section for fire alarm system agents.

(3) An applicant for employment as a fire alarm system agent may commence employment, or an individual employed as a fire alarm system agent on the effective date of this act may continue employment, pending completion of both the training and the fingerprint and criminal background checks required by this section, for a period not to exceed 90 days after the date of application for employment or 90 days after the effective date of this act for individuals employed as fire alarm system agents on that date. However, the person must work under the direction and control of a sponsoring certified unlimited electrical contractor or licensed fire alarm contractor until completion of both the training and the fingerprint and criminal background checks. If an applicant or an individual employed on the effective date of this act does not complete the training or receive satisfactory fingerprint and criminal background checks within the 90-day period, the employment must be terminated immediately.

(4)(a) A certified unlimited electrical contractor or licensed fire alarm contractor must furnish each of his or her fire alarm system agents with an identification card.

(b) The card shall follow a board-approved format, to include a picture of the agent; shall specify at least the name of the holder of the card and the name and license number of the certified unlimited electrical contractor or licensed fire alarm contractor; and shall be signed by both the contractor and the holder of the card. Each identification card shall be valid for a period of 2 years after the date of issuance. The identification card must be in the possession of the fire alarm system agent while engaged in fire alarm system agent duties.

(c) Each person to whom an identification card has been issued is responsible for the safekeeping thereof, and may not loan, or allow any other person to use or display, the identification card.

(d) Each identification card must be renewed every 2 years and in a board-approved format to show compliance with the 6 hours of continuing education necessary to maintain certification as a fire alarm system agent.

(5) Each fire alarm system agent must receive 6 hours of continuing education on fire alarm system installation and repair every 2 years from a board-approved sponsor of training and through a board-approved training course.

(6) Failure to comply with any of the provisions of this section shall be grounds for disciplinary action against the contractor pursuant to s. 489.533.

Section 50. Section 501.937, Florida Statutes, is created to read:

501.937 Industrial hygienists and safety professionals; use of professional titles; failure to comply.—

(1) Any person representing himself or herself as a "safety professional" or "industrial hygienist" must accurately disclose his or her credentials.

(2) A person may not represent himself or herself as a "certified safety professional," "associate safety professional," "certified occupational health and safety technologist," "industrial hygienist in training," or "certified industrial hygienist" unless he or she holds a current valid certificate in the field of safety or industrial hygiene from either the American Board of Industrial Hygiene or the Board of Certified Safety Professionals, or unless the Department of Business and Professional Regulation has, upon request, examined another certification program and has formally concluded that the certification standards of that certification program are substantially equivalent to the standards for certificates issued by those organizations; nor may the person mislead or deceive anyone by the unauthorized use of any certification mark that has been awarded by the United States Patent and Trademark Office.

(3)(a) A "safety professional" is a person having a baccalaureate degree in safety, engineering, chemistry, physics, or a closely related physical or biological science who has acquired competency in the field of safety. The studies and training necessary to acquire such competency should have been sufficient in all of the above cognate sciences to provide the abilities to anticipate, identify, and evaluate hazardous conditions and practices; to develop hazard control designs, methods, procedures, and programs; to implement, administer, and advise others on hazard controls and hazard control programs; and to measure, audit, and evaluate the effectiveness of hazard controls and hazard control programs.

(b) An "industrial hygienist" is a person having a baccalaureate degree in engineering, chemistry, physics, or a closely related physical or biological science who has acquired competency in the field of industrial hygiene. The studies and training necessary to acquire such competency should have been sufficient in all of the above cognate sciences to provide the abilities to anticipate and recognize the environmental factors and stresses associated with work and work operations and to understand their effects on people and their well-being; to evaluate, on the basis of training and experience and with the aid of quantitative measurement techniques, the magnitude of these factors and stresses in terms of ability to impair human health and well-being; and to prescribe methods to eliminate, control, or reduce such factors and stresses when necessary to alleviate their effects.

(4) Failure to comply with this section constitutes a deceptive and unfair trade practice.

Section 51. Present subsections (7) through (25) of section 633.021, Florida Statutes, are redesignated as subsections (8) through (26), respectively, and a new subsection (7) is added to that section, to read:

633.021 Definitions.—As used in this chapter:

(7) A "fire extinguisher" is a cylinder that:

(a) Is portable and can be carried or is on wheels.

(b) Is manually operated.

(c) May use a variety of extinguishing agents that are expelled under pressure.

(d) Is rechargeable or nonrechargeable.

(e) Is installed, serviced, repaired, recharged, inspected, and hydrotested according to applicable procedures of the manufacturer, standards of the National Fire Protection Association, and the Code of Federal Regulations.

(f) Is listed by a nationally recognized testing laboratory.

Section 52. Section 633.061, Florida Statutes, is amended to read:

633.061 License or permit required of organizations and individuals servicing, recharging, repairing, testing, marking, inspecting, ~~or~~ installing, *or hydrotesting* fire extinguishers and preengineered systems.—

(1) It is unlawful for any organization or individual to engage in the business of servicing, repairing, recharging, testing, marking, inspecting, ~~or~~ installing, *or hydrotesting* any fire extinguisher or preengineered system in this state except in conformity with the provisions of this chapter. Each organization or individual *that* ~~which~~ engages in such activity must possess a valid and subsisting license issued by the State Fire Marshal. All fire extinguishers and preengineered systems required by statute or by rule must be serviced by an organization or individual licensed under the provisions of this chapter. The licensee is legally qualified to act for the business organization in all matters connected with its business, and the licensee must supervise all activities undertaken by such business organization. Each licensee shall maintain a specific business location. A further requirement, in the case of multiple locations where such servicing or recharging is taking place, is that each licensee who maintains more than one place of business where actual work is carried on must possess an additional license, as set forth in this section, for each location, except that *a* ~~no~~ licensed individual may *not* qualify for more than five locations. A licensee is limited to a specific type of work performed depending upon the class of license held. Licenses and license fees are required for the following:

(a) Class A $150
To service, recharge, repair, install, or inspect all types of fire extinguishers~~, including recharging carbon dioxide units,~~ and to conduct hydrostatic tests on all types of fire extinguishers~~, including carbon dioxide units~~.

(b) Class B $100
To service, recharge, repair, install, or inspect all types of fire extinguishers, including recharging carbon dioxide units and conducting hydrostatic tests on *all* ~~water, water chemical, and dry chemical~~ types of *fire* extinguishers, *except carbon dioxide units* ~~only~~.

(c) Class C $100
To service, recharge, repair, install, or inspect all types of fire extinguishers, except recharging carbon dioxide units, and to conduct hydrostatic tests on *all* ~~water, water chemical, and dry chemical~~ types of fire extinguishers, *except carbon dioxide units* ~~only~~.

(d) Class D $125
To service, repair, *recharge, hydrotest,* install, or inspect all types of preengineered fire extinguishing systems.

(e) Licenses issued as duplicates or to reflect a change of address $10

Any fire equipment dealer licensed pursuant to this subsection who does not want to engage in the business of servicing, inspecting, recharging, repairing, *hydrotesting,* or installing halon equipment must file an affidavit on a form provided by the division so stating. Licenses will be issued by the division to reflect the work authorized thereunder. It is unlawful, unlicensed activity for any person or firm to falsely hold himself or herself or a business organization out to perform any service, inspection, recharge, repair, *hydrotest,* or installation except as specifically described in the license.

(2) Each individual actually performing the work of servicing, recharging, repairing, *hydrotesting,* installing, testing, or inspecting fire extinguishers or preengineered systems must possess a valid and subsisting permit issued by the State Fire Marshal. Permittees are limited as to specific type of work performed dependent upon the class of permit held which shall be a class allowing work no more extensive than the class of license held by the licensee under whom the permittee is working. Permits and fees therefor are required for the following:

(a) Class 1 . . . . . $50
Servicing, recharging, repairing, installing, or inspecting all types of fire extinguishers~~, including carbon dioxide units,~~ and conducting hydrostatic tests on all types of fire extinguishers~~, including carbon dioxide units~~.

(b) Class 2 . . . . . $50
Servicing, recharging, repairing, installing, or inspecting all types of fire extinguishers, including carbon dioxide units, and conducting hydrostatic tests on *all* ~~water, water chemical, and dry chemical~~ types of fire extinguishers, *except carbon dioxide units* ~~only~~.

(c) Class 3 . . . . . $50
Servicing, recharging, repairing, installing, or inspecting all types of fire extinguishers, except recharging carbon dioxide units, and conducting hydrostatic tests on *all* ~~water, water chemical, and dry chemical~~ types of fire extinguishers, *except carbon dioxide units* ~~only~~.

(d) Class 4 . . . . . $65
Servicing, repairing, *hydrotesting, recharging,* installing, or inspecting all types of preengineered fire extinguishing systems.

(e) Permits issued as duplicates or to reflect a change of address $10

Any fire equipment permittee licensed pursuant to this subsection who does not want to engage in servicing, inspecting, recharging, repairing, *hydrotesting,* or installing halon equipment must file an affidavit on a form provided by the division so stating. Permits will be issued by the division to reflect the work authorized thereunder. It is unlawful, unlicensed activity for any person or firm to falsely hold himself or herself out to perform any service, inspection, recharge, repair, *hydrotest,* or installation except as specifically described in the permit.

(3)(a) Such licenses and permits shall be issued by the State Fire Marshal for each license year beginning January 1 and expiring the following December 31. The failure to renew a license or permit by December 31 will cause the license or permit to become inoperative. The holder of an inoperative license or permit shall not engage in any activities for which a license or permit is required by this section. A license or permit which is inoperative because of the failure to renew it shall be restored upon payment of the applicable fee plus a penalty equal to the applicable fee, if the application for renewal is filed no later than the following March 31. If the application for restoration is not made before the March 31st deadline, the fee for restoration shall be equal to the original application fee and the penalty provided for herein, and, in addition, the State Fire Marshal shall require reexamination of the applicant. Each licensee or permittee shall successfully complete a course or courses of continuing education for fire equipment technicians within 5 years of initial issuance of a license or permit and within every 5-year period thereafter or no such license or permit shall be renewed. The State Fire Marshal shall adopt rules describing the continuing education requirements.

(b) The forms of such licenses and permits and applications therefor shall be prescribed by the State Fire Marshal; in addition to such other information and data as that officer determines is appropriate and required for such forms, there shall be included in such forms the following matters. Each such application shall be in such form as to provide that the data and other information set forth therein shall be sworn to by the applicant or, if a corporation, by an officer thereof. An application for a permit shall include the name of the licensee employing such permittee,

and the permit issued in pursuance of such application shall also set forth the name of such licensee. A permit is valid solely for use by the holder thereof in his or her employment by the licensee named in the permit.

(c) A license of any class shall not be issued or renewed by the State Fire Marshal and a license of any class shall not remain operative unless:

1. The applicant has submitted to the State Fire Marshal evidence of registration as a Florida corporation or evidence of compliance with s. 865.09.

2. The State Fire Marshal or his or her designee has by inspection determined that the applicant possesses the equipment required for the class of license sought. The State Fire Marshal shall give an applicant a reasonable opportunity to correct any deficiencies discovered by inspection. A fee of $50, payable to the State Fire Marshal, shall be required for any subsequent reinspection.

3. The applicant has submitted to the State Fire Marshal proof of insurance providing coverage for comprehensive general liability for bodily injury and property damage, products liability, completed operations, and contractual liability. The State Fire Marshal shall adopt rules providing for the amounts of such coverage, but such amounts shall not be less than $300,000 for Class A or Class D licenses, $200,000 for Class B licenses, and $100,000 for Class C licenses; and the total coverage for any class of license held in conjunction with a Class D license shall not be less than $300,000. The State Fire Marshal may, at any time after the issuance of a license or its renewal, require upon demand, and in no event more than 30 days after notice of such demand, the licensee to provide proof of insurance, on a form provided by the State Fire Marshal, containing confirmation of insurance coverage as required by this chapter. Failure, for any length of time, to provide proof of insurance coverage as required shall result in the immediate suspension of the license until proof of proper insurance is provided to the State Fire Marshal. An insurer which provides such coverage shall notify the State Fire Marshal of any change in coverage or of any termination, cancellation, or nonrenewal of any coverage.

4. The applicant successfully completes a prescribed training course offered by the State Fire College or an equivalent course approved by the State Fire Marshal. This subparagraph does not apply to any holder of or applicant for a permit under paragraph (d) or to a business organization or a governmental entity seeking initial licensure or renewal of an existing license solely for the purpose of inspecting, servicing, repairing, marking, recharging, and maintaining fire extinguishers used and located on the premises of and owned by such organization or entity.

5. The applicant has a current retestor identification number that is appropriate for the license for which the applicant is applying and that is listed with the U.S. Department of Transportation.

6.~~5.~~ The applicant has passed, with a grade of at least 70 percent, a written examination testing his or her knowledge of the rules and statutes regulating the activities authorized by the license and demonstrating his or her knowledge and ability to perform those tasks in a competent, lawful, and safe manner. Such examination shall be developed and administered by the State Fire Marshal, *or his or her designee*. An applicant shall pay a nonrefundable examination fee of $50 for each examination or reexamination scheduled. No reexamination shall be scheduled sooner than 30 days after any administration of an examination to an applicant. No applicant shall be permitted to take an examination for any level of license more than a total of four times during 1 year, regardless of the number of applications submitted. As a prerequisite to taking the examination, the applicant:

a. Must be at least 18 years of age.

b. Must have 4 years of proven experience as a fire equipment permittee at a level equal to or greater than the level of license applied for or have a combination of education and experience determined to be equivalent thereto by the State Fire Marshal. Having held a permit at the appropriate level for the required period constitutes the required experience.

c. Must not have been convicted of, or pled nolo contendere to, any felony. If an applicant has been convicted of any such felony, the applicant must comply with s. 112.011(1)(b).

This subparagraph does not apply to any holder of or applicant for a permit under paragraph (d) or to a business organization or a governmental entity seeking initial licensure or renewal of an existing license solely for the purpose of inspecting, servicing, repairing, marking, recharging, *hydrotesting,* and maintaining fire extinguishers used and located on the premises of and owned by such organization or entity.

(d)~~6.~~ An applicant who fails the examination may take it three more times during the 1-year period after he or she originally filed an application for the examination. If the applicant fails the examination within 1 year after the application date and seeks to retake the examination, he or she must file a new application, pay the application and examination fees, and successfully complete a prescribed training course approved by the State Fire College or an equivalent course approved by the State Fire Marshal. An applicant may not submit a new application within 6 months after the date of his or her last reexamination.

(e) A fire equipment dealer licensed under this section may apply to upgrade the license currently held, if the licensed dealer:

1. Submits an application for the license on a form in conformance with paragraph (b). The application must be accompanied by a fee as prescribed in subsection (1) for the type of license requested.

2. Provides evidence of 2 years' experience as a licensed dealer and meets such relevant educational requirements as are established by rule by the State Fire Marshal for purposes of upgrading a license.

3. Meets the requirements of paragraph (c).

(f)~~(d)~~ No permit of any class shall be issued or renewed to a person by the State Fire Marshal, and no permit of any class shall remain operative, unless the person has:

1. Submitted a nonrefundable examination fee in the amount of $50;

2. Successfully completed a training course offered by the State Fire College or an equivalent course approved by the State Fire Marshal; and

3. Passed, with a grade of at least 70 percent, a written examination testing his or her knowledge of the rules and statutes regulating the activities authorized by the permit and demonstrating his or her knowledge and ability to perform those tasks in a competent, lawful, and safe manner. Such examination shall be developed and administered by the State Fire Marshal. An examination fee shall be paid for each examination scheduled. No reexamination shall be scheduled sooner than 30 days after any administration of an examination to an applicant. No applicant shall be permitted to take an examination for any level of permit more than four times during 1 year, regardless of the number of applications submitted. As a prerequisite to taking the permit examination, the applicant must be at least 16 years of age.

(g)~~(e)~~ An applicant who fails the examination may take it three more times during the 1-year period after he or she originally filed an application for the examination. If the applicant fails the examination within 1 year after the application date and he or she seeks to retake the examination, he or she must file a new application, pay the application and examination fees, and successfully complete a prescribed training course offered by the State Fire College or an equivalent course approved by the State Fire Marshal. The applicant may not submit a new application within 6 months after the date of his or her last reexamination.

(4)(a) It is unlawful for a fire equipment dealer to engage in training an individual to perform the work of installing, testing, recharging, repairing, or inspecting portable extinguishers or preengineered systems except in conformity with this section. Each individual engaging in such training activity must be registered with the State Fire Marshal. The dealer must register the trainee prior to the trainee performing any work. The dealer must submit training criteria to the State Fire Marshal for review and approval.

(b) No trainee shall perform work requiring a permit unless an individual possessing a valid and current fire equipment permit for the type of work performed is physically present. The trainee's registration shall be valid for a 90-day period from the date of issuance and is nontransferable and nonrenewable. The initial training period may be extended for an additional 90 days of training if the applicant has filed an application for permit and enrolled in the 40-hour course at the State Fire College within 60 days after the date of registration as a trainee and either the

training course at the State Fire College was unavailable to the applicant within the initial training period, at no fault of the applicant, or the applicant attends and fails the 40-hour training course or the competency examination. At no time will an individual be registered as a trainee for more than two 90-day periods as provided in this paragraph. The trainee must:

1. Be 18 years of age.

2. Possess on his or her person at all times a valid Florida driver's license or a valid state identification card, issued by the Department of Highway Safety and Motor Vehicles. A trainee must produce identification to the State Fire Marshal or his or her designated representative upon demand.

3. Pay a fee for registration of $10 per trainee for a 90-day period.

(c) No more than two trainees shall be under the supervision of a single trainer, who shall be directly responsible for all work performed by any trainee while under his or her supervision. No trainee shall perform any work not within the scope of the license or permit held by the fire equipment dealer or permittee directly supervising his or her work.

(d) Upon completion of a training period, an individual must comply with the provisions of this section to obtain a permit.

(5) The State Fire Marshal shall adopt rules providing for the approval of the time, place, and curriculum of each training course required by this section.

(6) Every permittee must have a valid and subsisting permit upon his or her person at all times while engaging in the servicing, recharging, repairing, testing, inspecting, or installing of fire extinguishers and preengineered systems, and every licensee or permittee must be able to produce such license or permit upon demand. In addition, every permittee shall at all times carry an identification card containing his or her photograph and other identifying information as prescribed by the State Fire Marshal or the State Fire Marshal's designee, which shall be produced on demand. The State Fire Marshal shall supply this card at a fee which shall be related to the cost of producing the card.

(7) The fees collected for any such licenses and permits and the filing fees for license and permit examination are hereby appropriated for the use of the State Fire Marshal in the administration of this chapter and shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

(8) The provisions of this chapter do not apply to inspections by fire chiefs, fire inspectors, fire marshals, or insurance company inspectors.

(9) All fire extinguishers and preengineered systems *that* ~~which~~ are required by statute or by rule must be serviced, recharged, repaired, *hydrotested*, tested, inspected, and installed in compliance with this chapter and with the rules adopted by the State Fire Marshal. The State Fire Marshal may adopt by rule the standards of the National Fire Protection Association and of other reputable national organizations.

(10) If the licensee leaves the business organization or dies, the business organization shall immediately notify the State Fire Marshal of the licensee's departure, shall return the license to the State Fire Marshal, and shall have a grace period of 60 days in which to license another person under the provisions of this chapter, failing which the business shall no longer perform those activities for which a license under this section is required.

Section 53. Paragraph (b) of subsection (1) of section 633.065, Florida Statutes, is amended to read:

633.065 Requirements for installation, inspection, and maintenance of fire suppression equipment.—

(1) The requirements for installation of fire extinguishers and preengineered systems are as follows:

(b) Equipment supplied shall be listed by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc. *Equipment supplied for new installations or alterations of existing systems must be currently listed as described in this section.* The State Fire Marshal shall adopt by rule procedures for determining whether a laboratory is nationally recognized, taking into account the laboratory's facilities, procedures, use of nationally recognized standards, and any other criteria reasonably calculated to reach an informed determination.

Section 54. Subsection (1) of section 633.071, Florida Statutes, is amended to read:

633.071 Standard service tag required on all fire extinguishers and preengineered systems; serial number required on all portable fire extinguishers.—

(1) The State Fire Marshal shall adopt by rule specifications as to the size, shape, color, and information and data contained thereon of service tags to be attached to all fire extinguishers and preengineered systems required by statute or by rule, whether they be portable, stationary, or on wheels when they are placed in service, installed, serviced, repaired, tested, recharged, or inspected. Fire extinguishers may be tagged only after meeting all standards as set forth by this chapter, the standards of the National Fire Protection Association, and ~~all~~ manufacturer's *specifications* ~~requirements~~. Preengineered systems may be tagged only after a system has been inspected, serviced, installed, repaired, tested, ~~and~~ recharged, *and hydrotested* in compliance with this chapter, the standards of the National Fire Protection Association, and the manufacturer's specifications, and after a report, as specified by rule, has been completed in detail, indicating any and all deficiencies or deviations from the manufacturer's specifications and the *standards* ~~requirements~~ of the National Fire Protection Association. A copy of the inspection report shall be provided to the owner at the time of inspection, and, if a system is found to be in violation of this chapter, the manufacturer's specifications, or the standards of the National Fire Protection Association, a copy shall be forwarded to the state or local authority having jurisdiction within 30 days from the date of service. It shall be unlawful to place in service, service, test, repair, inspect, install, *hydrotest*, or recharge any fire extinguisher or preengineered system without attaching one of these tags completed in detail, including the actual month work was performed, or to use a tag not meeting the specifications set forth by the State Fire Marshal.

Section 55. Section 633.162, Florida Statutes, is amended to read:

633.162 Disciplinary action; fire extinguisher or preengineered systems; grounds for denial, nonrenewal, suspension, or revocation of license or permit.—

(1) The violation of any provision of this chapter or any rule adopted and promulgated pursuant hereto or the failure or refusal to comply with any notice or order to correct a violation or any cease and desist order by any person who possesses a license or permit issued pursuant to s. 633.061 is cause for denial, nonrenewal, revocation, or suspension of such license or permit by the State Fire Marshal after such officer has determined that the person is guilty of such violation. An order of suspension shall state the period of time of such suspension, which period may not be in excess of 2 years from the date of such order. An order of revocation may be entered for a period not exceeding 5 years. Such orders shall effect suspension or revocation of all licenses or permits then held by the person, and during such period of time no license or permit shall be issued to such person. *During the suspension or revocation of any license or permit, the former licensee or permittee shall not engage in or attempt or profess to engage in any transaction or business for which a license or permit is required under this chapter or directly or indirectly own, control, or be employed in any manner by any firm, business, or corporation for which a license or permit under this chapter is required.* If, during the period between the beginning of proceedings and the entry of an order of suspension or revocation by the State Fire Marshal, a new license or permit has been issued to the person so charged, the order of suspension or revocation shall operate to suspend or revoke such new license or permit held by such person.

(2) The department shall not, so long as the revocation or suspension remains in effect, grant any new license or permit for the establishment of any new firm, business, or corporation of any person or qualifier that has or will have the same or similar management, ownership, control, employees, permittees, or licensees, or will use a same or similar name as a previously revoked or suspended firm, business, corporation, person, or qualifier.

(3) The State Fire Marshal may deny, nonrenew, suspend, or revoke the license or permit of:

(a) Any person, firm, or corporation the license of which under this chapter has been suspended or revoked;

(b) Any firm or corporation if an officer, qualifier, director, stockholder, owner, or person interested directly or indirectly in the firm or corporation has had his or her license or permit under this chapter suspended or revoked; or

(c) Any person who is or has been an officer, qualifier, director, stockholder, or owner of a firm or corporation, or who was interested directly or indirectly in a firm or corporation, the license or permit of which has been suspended or revoked under this chapter.

(4)~~(2)~~ In addition to the grounds set forth in subsection (1), it is cause for denial, nonrenewal, revocation, or suspension of a license or permit by the State Fire Marshal if she or he determines that the licensee or permittee has:

(a) Rendered inoperative a fire extinguisher or preengineered system required by statute or by rule, except during such time as the extinguisher or preengineered system is being inspected, serviced, repaired, *hydrotested,* or recharged, or except pursuant to court order.

(b) Falsified any record required to be maintained by this chapter or rules adopted pursuant hereto.

(c) Improperly serviced, recharged, repaired, *hydrotested,* tested, or inspected a fire extinguisher or preengineered system.

(d) While holding a permit or license, allowed another person to use the permit number or license number, or used a license number or permit number other than her or his valid license number or permit number.

(e) Failed to provide proof of insurance to the State Fire Marshal or failed to maintain in force the insurance coverage required by s. 633.061.

(f) Failed to obtain, retain, or maintain one or more of the qualifications for a license or permit as specified in this chapter.

(g) Made a material misstatement, misrepresentation, or committed a fraud in obtaining or attempting to obtain a license or permit.

(h) Failed to notify the State Fire Marshal, in writing, within 30 days after a change of residence, principal business address, or name.

(3) In addition, the Department of Insurance shall not issue a new license or permit if it finds that the circumstance or circumstances for which the license or permit was previously revoked or suspended still exist or are likely to recur.

Section 56. Section 633.171, Florida Statutes, is amended to read:

633.171 Penalty for violation of law, rule, or order to cease and desist or for failure to comply with corrective order.—

(1) The violation of any provision of this law, or any order or rule of the State Fire Marshal or order to cease and desist or to correct conditions issued hereunder, shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) It shall constitute a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, to intentionally or willfully:

(a) Render a fire extinguisher or preengineered system required by statute or by rule inoperative except during such time as *the* ~~said~~ extinguisher or preengineered system is being serviced, *hydrotested,* tested, repaired, or recharged, except pursuant to court order.

(b) Obliterate the serial number on a fire extinguisher for purposes of falsifying service records.

(c) Improperly service, recharge, repair, *hydrotest,* test, or inspect a fire extinguisher or preengineered system.

(d) Use the license or permit number of another person.

(e) Hold a permit and allow another person to use said permit number.

(f) Use, or permit the use of, any license by any individual or organization other than the one to whom the license is issued.

Section 57. Present subsections (4) and (5) of section 633.547, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and new subsections (4) and (5) are added to that section, to read:

633.547 Disciplinary action; fire protection system contractors; grounds for denial, nonrenewal, suspension, or revocation of certificate.—

(4) During the suspension or revocation of the certificate, the former certificateholder shall not engage in or attempt to profess to engage in any transaction or business for which a certificate is required under this chapter or directly or indirectly own, control, or be employed in any manner by any firm or corporation for which a certificate under this chapter is required. The department shall not, so long as the revocation or suspension remains in effect, grant any new certificate for the establishment of any new firm, business, or corporation of any person that has or will have the same or similar management, ownership, control, or employees or that will use a same or similar name as a previously revoked or suspended firm, business, or corporation.

(5) The State Fire Marshal may deny, suspend, or revoke the certificate of:

(a) Any person, firm, or corporation the certificate of which under this chapter has been suspended or revoked.

(b) Any firm or corporation if an officer, director, stockholder, owner, or person interested directly or indirectly has had his or her certificate under this chapter suspended or revoked.

(c) Any person who is or has been an officer, director, stockholder, or owner of a firm or corporation, or who was interested directly or indirectly in a corporation, the certificate of which has been suspended or revoked under this chapter.

Section 58. Paragraph (n) of subsection (3) of section 489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, "demolish" applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences over three stories tall. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(n) "Underground utility and excavation contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter, provided that each conduit system installed is designed by a licensed professional engineer or an

authorized employee of a municipality, county, or public utility and that the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor shall not install any piping that is an integral part of a fire protection system as defined in *s. 633.021* ~~s. 633.021(7)~~ beginning at the point where the piping is used exclusively for such system.

Section 59. This act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to regulation of contracting; amending s. 468.603, F.S.; providing definitions; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; providing membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; providing standards for certification as an inspector, building code administrator, or plans examiner; eliminating the board's authority to issue temporary certificates; amending s. 468.617, F.S.; providing that nothing prohibits local governments from contracting with certified persons to perform inspections; amending s. 468.627, F.S.; increasing the initial examination fee; creating ss. 471.045, 481.222, F.S.; allowing architects and professional engineers to perform the duties of building code inspectors in specified circumstances; providing disciplinary guidelines; providing restrictions; amending s. 489.129, F.S.; deleting a ground for discipline; requiring the department to provide certain information to a contractor who is the subject of a complaint; amending s. 489.131, F.S.; specifying the department's authority to investigate complaints; requiring local boards to have consumer members; amending s. 469.001, F.S.; redefining the terms "abatement" and "survey"; defining the term "project designer"; amending s. 469.002, F.S., relating to exemptions from state regulation of asbestos abatement; revising an exemption applicable to certain asbestos-related activities done by government employees; revising certain existing exemptions; amending s. 469.004, F.S.; eliminating provisions relating to prerequisites to issuance of a license and to continuing education; amending s. 469.005, F.S.; revising licensure requirements for asbestos consultants and asbestos contractors relating to required coursework; amending s. 469.006, F.S.; requiring applicants for business licensure to submit evidence of financial responsibility and an affidavit attesting to having obtained the required workers' compensation, public liability, and property damage insurance; amending s. 469.013, F.S.; revising continuing education requirements applicable to asbestos surveyors, management planners, and project monitors; repealing s. 469.015, F.S., relating to seals; amending ss. 255.551, 376.60, and 469.014, F.S.; conforming cross-references; amending s. 489.103, F.S.; providing exemptions from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under certain conditions; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; eliminating reference to board jurisdiction over examinations; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.113, F.S.; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., which provides for certification of underground utility and excavation contractors; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring certain coursework; requiring an examination for certain persons; providing for discipline and penalties; providing a definition; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the term "monitoring"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; eliminating an inconsistent provision relating to failure to renew an active or inactive certificate or registration; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; authorizing the taking of the certification examination more than three times and providing requirements with respect thereto; eliminating an obsolete provision; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; providing for verification of public liability and property damage insurance; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; authorizing a person passing the certification examination and applying for licensure to place his or her license on inactive status without having to qualify a business; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; providing technical changes; amending s. 489.525, F.S.; revising reporting requirements of the Department of Business and Professional Regulation to local boards and building officials; providing applicability with respect to information provided on the Internet; amending s. 489.533, F.S.; revising and providing grounds for discipline; providing penalties; reenacting s. 489.518(5), F.S., relating to alarm system agents, to incorporate the amendment to s. 489.533, F.S., in a reference thereto; amending s. 489.537, F.S.; authorizing registered electrical contractors to install raceways for alarm systems; providing that licensees under part II, ch. 489, F.S., are subject, as applicable, to certain provisions relating to local occupational license taxes; amending ss. 489.539, 553.19, F.S.; updating electrical and alarm standards; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; amending s. 489.505, F.S.; defining the term "fire alarm system agent"; creating s. 489.5185, F.S.; providing requirements for fire alarm system agents, including specified training and fingerprint and criminal background checks; providing for fees for approval of training providers and courses; providing applicability to applicants, current employees, and various licensees; requiring an identification card and providing requirements therefor; providing continuing education requirements; providing disciplinary penalties; creating s. 501.937, F.S.; providing requirements for use of professional titles by industrial hygienists and safety professionals; providing definitions; providing that violation of such requirements is a deceptive and unfair trade practice; amending s. 633.021, F.S.; defining the term "fire extinguisher"; amending s. 633.061, F.S.; requiring an individual or organization that hydrotests fire extinguishers and preengineered systems to obtain a permit or license from the State Fire Marshal; revising the services that may be performed under certain licenses and permits issued by the State Fire Marshal; providing additional application requirements; providing requirements for obtaining an upgraded license; amending ss. 633.065, 633.071, F.S.; providing requirements for installing and inspecting fire suppression equipment; amending s. 633.162, F.S.; prohibiting an owner, officer, or partner of a company from applying for licensure if the license held by the company is suspended or revoked; revising the grounds upon which the State Fire Marshal may deny, revoke, or suspend a license or permit; providing restrictions on activities of former licenseholders and permittees; amending s. 633.171, F.S.; revising the prohibition against rendering a fire extinguisher or preengineered system inoperative to conform to changes made by the

act; amending s. 633.547, F.S.; providing the State Fire Marshal authority to suspend and revoke certificates; providing restrictions on the activities of former certificateholders whose certificates are suspended or revoked; amending s. 489.105, F.S., relating to contracting; conforming a cross-reference to changes made by the act; providing an effective date.

Senator Clary moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 14, line 7 through page 17, line 31, delete those lines and insert:

Section 10. Subsections (2), (7) and (10) and paragraphs (c) of subsection (6) of section 489.131, Florida Statutes, are amended to read:

489.131 Applicability.—

(2) The state or any county or municipality shall require that bids submitted for construction, improvement, remodeling, or repair *on* ~~of~~ public *projects* ~~buildings~~ be accompanied by evidence that the bidder holds an appropriate certificate or registration, unless the work to be performed is exempt under s. 489.103.

(6)

(c) Each local board or agency that licenses contractors must transmit *quarterly* ~~monthly~~ to the board a report of any disciplinary action taken against contractors and of any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor including any cease and desist orders issued pursuant to s. 489.113(2)(b) and any fine issued pursuant to s. 489.127(5).

(7)(a) It is the policy of the state that the purpose of regulation is to protect the public by attaining compliance with the policies established in law. Fines and other penalties are provided in order to ensure compliance; however, the collection of fines and the imposition of penalties are intended to be secondary to the primary goal of attaining compliance with state laws and local jurisdiction ordinances. It is the intent of the Legislature that a local jurisdiction agency charged with enforcing regulatory laws shall issue a notice of noncompliance as its first response to a minor violation of a regulatory law in any instance in which it is reasonable to assume that the violator was unaware of such a law or unclear as to how to comply with it. A violation of a regulatory law is a "minor violation" if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. A "notice of noncompliance" is a notification by the local jurisdiction agency charged with enforcing the ordinance, which is issued to the licensee that is subject to the ordinance. A notice of noncompliance should not be accompanied with a fine or other disciplinary penalty. It should identify the specific ordinance that is being violated, provide information on how to comply with the ordinance, and specify a reasonable time for the violator to comply with the ordinance. Failure of a licensee to take action correcting the violation within a set period of time would then result in the institution of further disciplinary proceedings.

(b) The local governing body of a county or municipality, or its local enforcement body, is authorized to enforce the provisions of this part as well as its local ordinances against locally licensed or registered contractors, as appropriate. The local jurisdiction enforcement body may conduct disciplinary proceedings against a locally licensed or registered contractor and may require restitution, impose a suspension or revocation of his or her local license, or a fine not to exceed $5,000, or a combination thereof, against the locally licensed or registered contractor, according to ordinances which a local jurisdiction may enact. In addition, the local jurisdiction may assess reasonable investigative and legal costs for the prosecution of the violation against the violator, according to such ordinances as the local jurisdiction may enact.

(c) In addition to any action the local jurisdiction enforcement body may take against the individual's local license, and any fine the local jurisdiction may impose, the local jurisdiction enforcement body shall issue a recommended penalty for board action. This recommended penalty may include a recommendation for no further action, or a recommendation for suspension, revocation, or restriction of the registration, or a fine to be levied by the board, or a combination thereof. The local jurisdiction enforcement body shall inform the disciplined contractor and the complainant of the local license penalty imposed, the board penalty recommended, his or her rights to appeal, and the consequences should he or she decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the board of its action and the recommended board penalty.

(d) The department, the disciplined contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for board action to the Construction Industry Licensing Board. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(e) Failure of the department, the disciplined contractor, or the complainant to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the board. A waiver of the right to a hearing before the board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by board rule without further board action. The disciplined contractor may appeal this board action to the district court.

(f)*1.* The department may investigate any complaint which is made with the department. However, *the department may not initiate or pursue any* ~~if the department determines that the~~ complaint against a registered contractor *who is not also a certified contractor where a local jurisdiction enforcement body has jurisdiction over the complaint, unless summary procedures are initiated by the secretary pursuant to s. 455.225(8), or unless the local jurisdiction enforcement body has failed to investigate and prosecute a complaint, or make a finding of no violation, within 6 months of receiving the complaint. The department shall refer the complaint to the local jurisdiction enforcement body for investigation, and if appropriate, prosecution. However, the department may investigate such complaints to the extent necessary to determine whether summary procedures should be initiated* ~~is for an action which a local jurisdiction enforcement body has investigated and reached adjudication or accepted a plea of nolo contendere, including a recommended penalty to the board, the department shall not initiate prosecution for that action, unless the secretary has initiated summary procedures pursuant to s. 455.225(8)~~.

2. Upon a recommendation by the department, the board may make conditional, suspend, or rescind its determination of the adequacy of the local government enforcement body's disciplinary procedures granted under s. 489.117(2).

(g) Nothing in this subsection shall be construed to allow local jurisdictions to exercise disciplinary authority over certified contractors.

(10) No municipal or county government may issue any certificate of competency or license for any contractor defined in s. 489.105(3)(a)-(o) after July 1, 1993, unless such local government exercises disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in subsection (7). *Each local board that licenses and disciplines contractors must have at least two consumer representatives on that board. If the board has seven or more members, at least three of those members must be consumer representatives. The consumer representative may be any resident of the local jurisdiction that is not, and has never been, a member or practitioner of a profession regulated by the board or a member of any closely related profession.*

Section 11. *The amendments to paragraph (f) of subsection (7) of section 489.131 of this act shall not affect any investigative activities or administrative actions commenced by the department as a result of complaints filed prior to the effective date of this legislation.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 107, lines 15-18, delete those lines and insert: amending s. 489.131, F.S.; requiring that bids for public projects be accompanied by certain evidence; requiring local boards or agencies that license contractors to transmit quarterly reports; clarifying the department's authority to initiate disciplinary actions; providing that local boards that license and discipline contractors must have at least 2 consumer representatives; amending s. 469.001, F.S.;

On motion by Senator Clary, further consideration of **HB 4439** with pending **Amendment 1** as amended was deferred.

On motion by Senator Dudley, by two-thirds vote **CS for HB 3883** was withdrawn from the Committees on Judiciary; Children, Families and Seniors; and Rules and Calendar.

On motion by Senator Dudley, by two-thirds vote—

CS for HB 3883—A bill to be entitled An act relating to protection of children; reorganizing and revising ch. 39, F.S.; providing for pt. I of said chapter, entitled "General Provisions"; amending ss. 39.001, 39.002, and 415.501, F.S.; revising purposes and intent; providing for personnel standards and screening and for drug testing; amending s. 39.01, F.S.; revising definitions; renumbering and amending s. 39.455, F.S., relating to immunity from liability for agents of the Department of Children and Family Services or a social service agency; amending s. 39.012, F.S., and creating s. 39.0121, F.S.; providing authority and requirements for department rules; renumbering and amending s. 39.40, F.S., relating to procedures and jurisdiction; providing for right to counsel; renumbering s. 39.4057, F.S., relating to permanent mailing address designation; renumbering and amending s. 39.411, F.S., relating to oaths, records, and confidential information; renumbering s. 39.414, F.S., relating to court and witness fees; renumbering and amending ss. 39.415 and 39.474, F.S., relating to compensation of appointed counsel; renumbering and amending s. 39.418, F.S., relating to the Operations and Maintenance Trust Fund; renumbering and amending s. 415.5015, F.S., relating to child abuse prevention training in the district school system; providing for pt. II of ch. 39, F.S., entitled "Reporting Child Abuse"; renumbering and amending s. 415.504, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; renumbering and amending s. 415.511, F.S., relating to immunity from liability in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.512, F.S., relating to abrogation of privileged communications in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.513, F.S.; providing penalties relating to reporting of child abuse, abandonment, or neglect; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments and the disposition of those complaints; renumbering and amending s. 415.5131, F.S., increasing an administrative fine for false reporting; providing for pt. III of ch. 39, F.S., entitled "Protective Investigations"; creating s. 39.301, F.S.; providing for child protective investigations; creating s. 39.302, F.S.; providing for protective investigations of institutional child abuse, abandonment, or neglect; renumbering and amending s. 415.5055, F.S., relating to child protection teams and services and eligible cases; creating s. 39.3035, F.S.; providing standards for child advocacy centers eligible for state funding; renumbering and amending s. 415.507, F.S., relating to photographs, medical examinations, X rays, and medical treatment of an abused, abandoned, or neglected child; renumbering and amending s. 415.5095, F.S., relating to a model plan for intervention and treatment in sexual abuse cases; creating s. 39.306, F.S.; providing for working agreements with local law enforcement to perform criminal investigations; renumbering and amending s. 415.50171, F.S., relating to reports of child-on-child sexual abuse; providing for pt. IV of ch. 39, F.S., entitled "Family Builders Program"; renumbering and amending s. 415.515, F.S., relating to establishment of the program; renumbering and amending s. 415.516, F.S., relating to goals of the program; renumbering and amending s. 415.517, F.S., relating to contracts for services; renumbering and amending s. 415.518, F.S., relating to family eligibility; renumbering s. 415.519, F.S., relating to delivery of services; renumbering and amending s. 415.520, F.S., relating to qualifications of program workers; renumbering s. 415.521, F.S., relating to outcome evaluation; renumbering and amending s. 415.522, F.S., relating to funding; providing for pt. V of ch. 39, F.S., entitled "Taking Children into Custody and Shelter Hearings"; creating s. 39.395, F.S.; providing for medical or hospital personnel taking a child into protective custody; amending s. 39.401, F.S.; providing for law enforcement officers or authorized agents of the department taking a child alleged to be dependent into custody; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.407, F.S., relating to physical and mental examination and treatment of a child and physical or mental examination of a person requesting custody; renumbering and amending s. 39.4033, F.S., relating to referral of a dependency case to mediation; providing for pt. VI of ch. 39, F.S., entitled "Petition, Arraignment, Adjudication, and Disposition"; renumbering and amending s. 39.404, F.S., relating to petition for dependency; renumbering and amending s. 39.405, F.S., relating to notice, process, and service; renumbering and amending s. 39.4051, F.S., relating to procedures when the identity or location of the parent, legal custodian, or caregiver is unknown; renumbering and amending s. 39.4055, F.S., relating to injunction pending disposition of a petition for detention or dependency; renumbering and amending s. 39.406, F.S., relating to answers to petitions or other pleadings; renumbering and amending s. 39.408(1), F.S., relating to arraignment hearings; renumbering and amending ss. 39.408(2) and 39.409, F.S., relating to adjudicatory hearings and orders; renumbering and amending ss. 39.408(3) and (4) and 39.41, F.S., relating to disposition hearings and powers of disposition; creating s. 39.5085, F.S.; establishing the Relative Caregiver Program; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; renumbering and amending s. 39.4105, F.S., relating to grandparents rights; renumbering and amending s. 39.413, F.S., relating to appeals; providing for pt. VII of ch. 39, F.S., entitled "Case Plans"; renumbering and amending ss. 39.4031 and 39.451, F.S., relating to case plan requirements and case planning for children in out-of-home care; renumbering and amending s. 39.452(1)-(4), F.S., relating to case planning for children in out-of-home care when the parents, legal custodians, or caregivers do not participate; renumbering and amending s. 39.452(5), F.S., relating to court approvals of case planning; providing for pt. VIII of ch. 39, F.S., entitled "Judicial Reviews"; renumbering and amending s. 39.453, F.S., relating to judicial review of the status of a child; renumbering and amending s. 39.4531, F.S., relating to citizen review panels; renumbering and amending s. 39.454, F.S., relating to initiation of proceedings for termination of parental rights; renumbering and amending s. 39.456, F.S.; revising exemptions from judicial review; providing for pt. IX of ch. 39, F.S., entitled "Termination of Parental Rights"; renumbering and amending ss. 39.46 and 39.462, F.S., relating to procedures, jurisdiction, and service of process; renumbering and amending ss. 39.461 and 39.4611, F.S., relating to petition for termination of parental rights, and filing and elements thereof; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions and pleadings for which no answer is required; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to post disposition relief; creating s. 39.813, F.S.; providing for continuing jurisdiction of the court which terminates parental rights over all matters pertaining to the child's adoption; renumbering s. 39.471, F.S., relating to oaths, records, and confidential information; renumbering and amending s. 39.473, F.S., relating to appeal; creating s. 39.816, F.S.; authorizing certain pilot and demonstration projects contingent on receipt of federal grants or contracts; creating s. 39.817, F.S.; providing for a foster care demonstration pilot project; providing for pt. X of ch. 39, F.S., entitled "Guardians Ad Litem and Guardian Advocates"; creating s. 39.820, F.S.; providing definitions; renumbering s. 415.5077, F.S., relating to qualifications of guardians ad litem; renumbering and amending s. 415.508, F.S., relating to appointment of a guardian ad litem for an abused, abandoned, or neglected child; renumbering and amending s. 415.5082, F.S., relating to guardian advocates for drug dependent newborns; renumbering and amending s. 415.5083, F.S., relating to procedures and jurisdiction; renumbering s. 415.5084, F.S., relating to petition for appointment of a

guardian advocate; renumbering s. 415.5085, F.S., relating to process and service; renumbering and amending s. 415.5086, F.S., relating to hearing for appointment of a guardian advocate; renumbering and amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate; renumbering s. 415.5088, F.S., relating to powers and duties of the guardian advocate; renumbering and amending s. 415.5089, F.S., relating to review and removal of a guardian advocate; providing for pt. XI of ch. 39, F.S., entitled "Domestic Violence"; renumbering s. 415.601, F.S., relating to legislative intent regarding treatment and rehabilitation of victims and perpetrators; renumbering and amending s. 415.602, F.S., relating to definitions; renumbering and amending s. 415.603, F.S., relating to duties and functions of the department; renumbering and amending s. 415.604, F.S., relating to an annual report to the Legislature; renumbering and amending s. 415.605, F.S., relating to domestic violence centers; renumbering s. 415.606, F.S., relating to referral to such centers and notice of rights; renumbering s. 415.608, F.S., relating to confidentiality of information received by the department or a center; amending ss. 20.43, 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036, 154.067, 216.136, 232.50, 318.21, 384.29, 392.65, 393.063, 395.1023, 400.4174, 400.556, 402.165, 402.166, 409.1672, 409.176, 409.2554, 409.912, 409.9126, 414.065, 447.401, 464.018, 490.014, 491.014, 741.30, 744.309, 784.075, 933.18, 944.401, 944.705, 984.03, 984.10, 984.15, 984.24, 985.03, and 985.303, F.S.; correcting cross references; conforming related provisions and references; amending s. 20.19, F.S.; providing for certification programs for family safety and preservation employees of the department; providing for rules; amending ss. 213.053 and 409.2577, F.S.; authorizing disclosure of certain confidential taxpayer and parent locator information for diligent search activities under ch. 39, F.S.; creating s. 435.045, F.S.; providing background screening requirements for prospective foster or adoptive parents; amending s. 943.045, F.S.; providing that the Department of Children and Family Services is a "criminal justice agency" for purposes of the criminal justice information system; providing an appropriation; repealing s. 39.0195, F.S., relating to sheltering unmarried minors and aiding unmarried runaways; repealing s. 39.0196, F.S., relating to children locked out of the home; repealing ss. 39.39, 39.449, and 39.459, F.S., relating to definition of "department"; repealing s. 39.403, F.S., relating to protective investigation; repealing s. 39.4032, F.S., relating to multidisciplinary case staffing; repealing s. 39.4052, F.S., relating to affirmative duty of written notice to adult relatives; repealing s. 39.4053, F.S., relating to diligent search after taking a child into custody; repealing s. 39.45, F.S., relating to legislative intent regarding foster care; repealing s. 39.457, F.S., relating to a pilot program in Leon County to provide additional benefits to children in foster care; repealing s. 39.4625, F.S., relating to identity or location of parent unknown after filing of petition for termination of parental rights; repealing s. 39.472, F.S., relating to court and witness fees; repealing s. 39.475, F.S., relating to rights of grandparents; repealing ss. 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, and 415.5019, F.S., relating to purpose and legislative intent, definitions, procedures, confidentiality of records, district authority and responsibilities, outcome evaluation, and rules for the family services response system; repealing s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused or neglected children; repealing s. 415.503, F.S., relating to definitions; repealing s. 415.505, F.S., relating to child protective investigations and investigations of institutional child abuse or neglect; repealing s. 415.506, F.S., relating to taking a child into protective custody; repealing s. 415.5075, F.S., relating to rules for medical screening and treatment of children; repealing s. 415.509, F.S., relating to public agencies' responsibilities for prevention, identification, and treatment of child abuse and neglect; repealing s. 415.514, F.S., relating to rules for protective services; providing effective dates.

—a companion measure, was substituted for **CS for SB 2170** and by two-thirds vote read the second time by title.

On motion by Senator Dudley, further consideration of **CS for HB 3883** was deferred.

The Senate resumed consideration of—

HB 4259—A bill to be entitled An act relating to postsecondary education; amending s. 232.2466, F.S.; revising requirements for the college-ready diploma program; amending s. 239.117, F.S.; exempting specified students from postsecondary fees; amending s. 239.225, F.S.; revising provisions relating to the Vocational Improvement Program; amending s. 240.1163, F.S.; revising dual enrollment provisions; amending s. 240.235, F.S.; exempting specified university students from fees; amending s. 240.321, F.S., relating to duties of community college district boards of trustees; requiring notification of alternative remedial options; providing student requirements relating to enrollment in courses; amending s. 240.324, F.S., relating to the community college accountability process; providing for coinciding reporting deadlines; clarifying language; amending s. 240.35, F.S.; exempting specified community college students from fees; amending s. 240.36, F.S.; revising provisions relating to the matching of funds and the uses of proceeds of a trust fund for community colleges; amending s. 240.382, F.S.; correcting a cross reference; amending s. 240.4097, F.S., relating to the Florida Postsecondary Student Assistance Grant Program; requiring the establishment of application deadlines; amending s. 246.201, F.S.; revising legislative intent; amending s. 246.203, F.S.; renaming the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools the State Board of Nonpublic Career Education; revising definition of schools regulated by the board; amending s. 246.205, F.S.; conforming language; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; conforming language; amending s. 246.215, F.S.; requiring licensing of specified programs by the board; creating s. 246.216, F.S.; providing for exemption from licensure for specified entities; providing for statements of exemption; providing for revocation of statements of exemption; providing for remedies; amending ss. 246.219, 246.220, 246.2265, 246.227, and 246.31, F.S.; conforming language; amending ss. 20.15, 240.40204, 246.011, 246.081, 246.085, 246.091, 246.111, 246.50, 455.2125, 455.554, 467.009, 476.178, 477.023, and 488.01, F.S.; conforming language; providing an effective date.

—with pending **Amendment 1** by Senators Forman and Kirkpatrick as amended.

Senator Kirkpatrick moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 44, between lines 24 and 25, insert:

Section 39. *The sum of $13,244,151 is appropriated for fiscal year 1998-1999 from the Public Education and Capital Outlay Debt Service Trust Fund to the Columbia County School District for the Ft. White High School. No funds shall be released for this project before the Special Facilities Review Commission has approved said project.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 46, line 23, after the semicolon (;) insert: providing an appropriation to the Columbia County School District; providing a contingency;

Senator Clary moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with title amendment)—On page 66, between lines 6 and 7, insert:

Section 48. Section 240.551, Florida Statutes, is amended to read:

240.551 Florida Prepaid *College* ~~Postsecondary Education Expense~~ Program.—

(1) *LEGISLATIVE INTENT.*—The Legislature recognizes that educational opportunity at the postsecondary level is a critical state interest. It further recognizes that educational opportunity is best ensured through the provision of postsecondary institutions that are geographically and financially accessible. Accordingly, it is the intent of the Legislature that a program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment. It is similarly the intent of the Legislature to provide a program that fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees.

(2) *DEFINITIONS.*—~~As used in this section:~~

(a) "Advance payment contract" means a contract entered into by the board and a purchaser pursuant to this section.

(b) "Board" means the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Board.

(c) "Fund" means the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Trust Fund.

(d)~~(g)~~ "Program" means the Florida Prepaid *College* ~~Postsecondary Education Expense~~ Program.

(e)~~(d)~~ "Purchaser" means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(f)~~(e)~~ "Qualified beneficiary" means:

1. A resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident;

2. A nonresident who is the child of a noncustodial parent who is a resident of this state at the time that such parent enters into an advance payment contract on behalf of the child; or

3. For purposes of advance payment contracts entered into pursuant to *subsection (22)* ~~paragraph (5)(j)~~, a graduate of an accredited high school in this state who is a resident of this state at the time he or she is designated to receive the benefits of the advance payment contract.

(g)~~(h)~~ "Registration fee" means matriculation fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(h)~~(f)~~ "State postsecondary institution" means any community college identified in s. 240.3031 or university identified in s. 240.2011.

(3) *FLORIDA PREPAID COLLEGE PROGRAM; CREATION.*—There is created a Florida Prepaid *College* ~~Postsecondary Education Expense~~ Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(4) *FLORIDA PREPAID COLLEGE TRUST FUND.*—There is created within the State Board of Administration the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47~~; however, such investment shall not be mandatory~~. Dividends, interest, and gains accruing to the trust fund shall increase the total funds available for the program. Notwithstanding the provisions of chapter 717, funds associated with *terminated* contracts ~~terminated~~ pursuant to *subsection (12)* ~~paragraph (6)(d)~~ and canceled contracts for which no refunds have been claimed shall increase the total funds available for the program. However, the board shall establish procedures for notifying purchasers who subsequently cancel their contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that dividends, interest, and gains *exceed* ~~exceeds~~ the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10. Any funds of a direct-support organization created pursuant to *subsection (22)* ~~paragraph (5)(j)~~ shall be exempt from the provisions of this *subsection* ~~paragraph~~.

(5) *PROGRAM ADMINISTRATION.*—

(a) The Florida Prepaid *College* ~~Postsecondary Education Expense~~ Program shall be administered by the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Board as an agency of the state. The *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. For the purposes of s. 6, Art. IV of the State Constitution, the board shall be assigned to and administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in this section.

(b) The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, the Comptroller, the Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years ~~except that, in making the initial appointments, the Governor shall appoint one member to serve for 1 year, one member to serve for 2 years, and one member to serve for 3 years~~. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(c)~~(a) The Governor shall appoint a member of the board to serve as the initial chair of the board. Thereafter, the board shall elect a chair annually.~~ The board shall annually elect a board member to serve as *chair and a board member to serve as* vice chair and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chair.

(6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.—The board shall:

(a)~~(b) The board shall~~ Appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him or her by the board.

(b) Administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(c) Establish a comprehensive investment plan for the purposes of this section with the approval of the State Board of Administration. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.

(d) Solicit proposals and contract, pursuant to s. 287.057, for the marketing of the Florida Prepaid College Program. The entity designated

pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.

(e) Solicit proposals and contract, pursuant to s. 287.057, for a trustee services firm to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.

2. Capability to execute program responsibilities within time and regulatory constraints.

3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.

4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.

5. Adequacy of technical assistance and services proposed for staff.

6. Adequacy of a management system for evaluating and improving overall trustee services to the program.

7. Adequacy of facilities, equipment, and electronic data processing services.

8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.

(f) Solicit proposals and contract, pursuant to s. 287.057, for product providers to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.

3. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.

4. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.

(7)~~(c)~~ *FLORIDA PREPAID COLLEGE BOARD; POWERS.*—The board shall have the powers necessary or proper to carry out the provisions of this section, including, but not limited to, the power to:

(a)~~1.~~ Adopt an official seal and rules.

(b)~~2.~~ Sue and be sued.

(c)~~3.~~ Make and execute contracts and other necessary instruments.

(d)~~4.~~ Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.

(e)~~5.~~ Invest funds not required for immediate disbursement.

(f)~~6.~~ Appear in its own behalf before boards, commissions, or other governmental agencies.

(g)~~7.~~ Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.

(h)~~8.~~ Require a reasonable length of state residence for qualified beneficiaries.

(i)~~9.~~ Restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(j)~~10.~~ Segregate contributions and payments to the fund into various accounts and funds.

(k)~~11.~~ Contract for necessary goods and services, employ necessary personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for administrative or technical assistance.

(l)~~12.~~ Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of this section.

(m)~~13.~~ Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis.

(n)~~14.~~ Procure insurance against any loss in connection with the property, assets, and activities of the fund or the board.

(o)~~15.~~ Impose reasonable time limits on use of the tuition benefits provided by the program. However, any such limitation shall be specified within the advance payment contract.

(p)~~16.~~ Delineate the terms and conditions under which payments may be withdrawn from the fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract.

(q)~~17.~~ Provide for the receipt of contributions in lump sums or installment payments.

~~18. Establish other policies, procedures, and criteria to implement and administer the provisions of this section.~~

(r)~~19.~~ Require that purchasers of advance payment contracts verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests, or contract changes of any nature. Verification shall be accomplished as authorized and provided for in s. 92.525(1)(a).

~~(d) The board shall administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.~~

~~(e) The board, acting with the approval of the State Board of Administration, shall establish a comprehensive investment plan for the purposes of this section. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund, and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.~~

(s)~~(f)~~ ~~The board may~~ Delegate responsibility for administration of the comprehensive investment plan required in paragraph *(6)(c)*~~(e)~~ to a person the board determines to be qualified. Such person shall be compensated by the board. Directly or through such person, the board may contract with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

(t) Endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers and beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.

(u) Solicit proposals and contract, pursuant to s. 287.057, for the services of a records administrator. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.

3. Sufficient staff and computer capability for the scope and level of service expected by the board.

4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.

(v) Establish other policies, procedures, and criteria to implement and administer the provisions of this section.

~~(g) The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Regents and the State Board of Community Colleges by March 31 each year complete advance payment contract sales information including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.~~

(8)~~(h)~~ *QUALIFIED STATE TUITION PROGRAM STATUS.*—Notwithstanding any other provision of this section, the board may adopt rules necessary to enable the program to retain its status as a "qualified state *tuition* ~~prepaid~~ program" in order to maintain its tax exempt status or other similar status of the program, purchasers, and qualified beneficiaries under the Internal Revenue Code of 1986, as defined in s. 220.03(1). The board shall inform purchasers of changes to the tax or securities status of contracts purchased through the program.

~~(i) The board shall solicit proposals for the marketing of the Florida Prepaid Postsecondary Education Expense Program pursuant to s. 287.057. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.~~

~~(j) The board may establish a direct-support organization which is:~~

~~1. A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.~~

~~2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.~~

~~3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state. Unless so certified, the organization may not use the name of the program.~~

~~4. Subject to an annual postaudit by an independent certified public accountant in accordance with rules promulgated by the board. The annual audit shall be submitted to the State Board of Administration and the Auditor General for review. The State Board of Administration and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

~~The chair of the board and the executive director shall be directors of the direct-support organization and shall jointly name three other individuals to serve as directors of the organization.~~

~~(k) The board may endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers or beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.~~

(9) PREPAID COLLEGE PLANS.—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.

(a)1. Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on

the average current and projected registration fees within the State Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.35, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. The cost of purchasing such fees shall be based primarily on the average current and projected fees within the State Community College System and the number of years expected to elapse between the purchase of the plan on behalf of the beneficiary and the exercise of benefits provided in the plan by such beneficiary. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.235(1), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. The costs of purchasing such fees shall be based primarily on the average current and projected cost of these fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of the qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES.—

(a) A qualified beneficiary may apply a community college plan, university plan, or dormitory residence plan toward any eligible independent college or university. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021, shall be eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract within a state postsecondary institution. In the event that the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. No transfer authorized pursuant to this paragraph shall exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) A qualified beneficiary may apply the benefits of an advance payment contract toward an eligible out-of-state college or university. An out-of-state college or university which is not for profit and is accredited by a regional accrediting association, and which confers baccalaureate degrees, shall be eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee. In the event that the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. No transfer authorized pursuant to this paragraph shall exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(11)~~(6)(a)~~ *ADVANCE PAYMENT CONTRACTS; CONTENTS.*—The board shall construct advance payment contracts for registration and may construct advance payment contracts for dormitory residence *as provided* in ~~accordance with the provisions of~~ this section. Advance payment contracts constructed for the purposes of this section shall be exempt from ~~the provisions of~~ chapter 517 and the Florida Insurance Code. ~~The board may request assistance from the Department of Legal Affairs in the development of the advance payment contracts. The contents of both~~ Such contracts shall include, but not be limited to, the following:

(a)~~1.~~ The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

(b)~~2.~~ The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

(c)~~3.~~ Provisions for late payment charges and for default.

(d)~~4.~~ Provisions for penalty fees for withdrawals from the fund.

(e)~~5.~~ Except for an advance payment contract entered into pursuant to *subsection (22)* ~~paragraph (5)(j)~~, the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(f)~~6.~~ The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(g)~~7.~~ The terms and conditions under which a contract may be terminated, modified, or converted, the name of the person entitled to any

refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

~~8. The time limitations, if any, within which the qualified beneficiary must claim his or her benefits through the program.~~

~~9. Other terms and conditions deemed by the board to be necessary or proper.~~

~~(b) In addition to the provisions of paragraph (a), an advance payment contract for registration shall include, but not be limited to, the following:~~

(h)~~1.~~ The number of semester credit hours *or semesters of dormitory residence* contracted by the purchaser.

(i)~~2.~~ The state postsecondary system toward which the contracted credit hours *or semesters of dormitory residence* will be applied.

(j)~~3.~~ The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conference of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary *or to provide for a specified number of semesters of dormitory residence, not to exceed the number of semesters of full-time enrollment required for the conference of a baccalaureate degree.*

(k) Other terms and conditions deemed by the board to be necessary or proper.

~~(c) In addition to the provisions of paragraph (a), an advance payment contract for dormitory residence shall include, but not be limited to, the following:~~

~~1. The number of semesters of dormitory residence contracted by the purchaser.~~

~~2. The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semesters of dormitory residence at a state university, not to exceed the maximum number of semesters of full-time enrollment required for the conference of a baccalaureate degree.~~

(12)~~(d)~~ *DURATION OF BENEFITS; ADVANCE PAYMENT CONTRACT.*—An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this *subsection* ~~paragraph~~. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this *subsection* ~~paragraph~~ shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this *subsection* ~~paragraph~~. Such moneys retained by the board are exempt from chapter 717, and such retained moneys must be used by the board to further the purposes of this section.

(13) REFUNDS.—

(a)~~(e)1.~~ *Except as provided in paragraphs (b) and (c),* no refund ~~provided pursuant to subparagraph (a)7.~~ shall exceed the amount paid into the fund by the purchaser. ~~In the event that an advance payment contract is converted from a university to a community college registration plan, the refund amount shall be reduced by the amount transferred to a community college on behalf of the qualified beneficiary. However, refunds may exceed the amount paid into the fund in the following circumstances:~~

(b)~~a.~~ If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.

(c)~~b.~~ In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be returned to the purchaser together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.

(d)~~c.~~ If an advance payment contract is converted from *one registration plan to a plan of lesser value* ~~a university plan to a community college plan or a community college plus university plan, or is converted from a community college plus university plan to a community college plan~~, the amount refunded shall not exceed the difference between the amount paid for the original contract and the amount that would have been paid for the contract to which the plan is converted had the converted plan been purchased under the same payment plan at the time the original advance payment contract was executed.

(e)~~2.~~ No refund shall be authorized through an advance payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period, but withdraws before the end of such semester. If a beneficiary does not complete a community college plan or university plan for reasons other than specified in *paragraph (c)* ~~subparagraph 1.~~, the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(14)~~(f)~~ *CONFIDENTIALITY OF ACCOUNT INFORMATION.*—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a community college, college, or university in which a beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

~~(7) At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.~~

~~(a) Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the State Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201 regardless of his or her actual legal residence.~~

~~(b) Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. In the event that a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college, the qualified beneficiary may convert the average number of semester credit hours required for the conference of an associate degree from a university plan to a community college plan and may retain the remaining semester credit hours in the university plan or may request a refund for prepaid credit hours in excess of the average number of semester credit hours required for the conference of an associate degree pursuant to subparagraph (6)(a)7. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201 regardless of his or her actual legal residence.~~

~~(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.~~

~~(d) A qualified beneficiary may apply a community college plan, university plan, or dormitory residence plan toward any eligible independent college or university. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for such application. The board shall transfer or cause to have transferred to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract within a state postsecondary institution. In the event that the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. No transfer authorized pursuant to this paragraph shall exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.~~

~~(e) A qualified beneficiary may apply the benefits of an advance payment contract toward an eligible out-of-state college or university. An out-of-state college or university which is not for profit, is accredited by a regional accrediting association, and which confers baccalaureate degrees shall be eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee. In the event that the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. No transfer authorized pursuant to this paragraph shall exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.~~

~~(8) The board shall solicit proposals for the operation of the Florida Prepaid Postsecondary Education Expense Program pursuant to s. 287.057, through which the board shall contract for the services of a records administrator, a trustee services firm, and one or more product providers.~~

~~(a) The records administrator shall be the entity designated by the board to conduct the daily operations of the program on behalf of the board. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:~~

~~1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.~~

~~2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.~~

~~3. Sufficient staff and computer capability for the scope and level of service expected by the board.~~

~~4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.~~

~~(b) The trustee services firm shall be the entity designated by the board to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:~~

~~1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.~~

~~2. Capability to execute program responsibilities within time and regulatory constraints.~~

~~3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.~~

~~4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.~~

~~5. Adequacy of technical assistance and services proposed for staff.~~

~~6. Adequacy of a management system for evaluating and improving overall trustee services to the program.~~

~~7. Adequacy of facilities, equipment, and electronic data processing services.~~

~~8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.~~

~~(c)1. The product providers shall be the entities designated by the board to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the State Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals.~~

~~2. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:~~

~~a. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.~~

~~b. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.~~

~~c. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.~~

~~d. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.~~

(15)~~(9)~~ *OBLIGATIONS OF BOARD; PAYMENT.*—The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(16)~~(10)~~ *ASSETS OF THE FUND; EXPENDITURE PRIORITY.*—The assets of the fund shall be maintained, invested, and expended solely for the purposes of this section and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of this section. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the fund shall be expended in the following order of priority:

(a) To make payments to state postsecondary institutions on behalf of qualified beneficiaries.

(b) To make refunds upon termination of advance payment contracts.

(c) To pay the costs of program administration and operations.

(17)~~(11)~~ *EXEMPTION FROM CLAIMS OF CREDITORS.*—Moneys paid into or out of the fund by or on behalf of a purchaser or qualified beneficiary of an advance payment contract made under this section, which contract has not been terminated, are exempt, as provided by s. 222.22, from all claims of creditors of the purchaser or the beneficiary. Neither moneys paid into the program nor benefits accrued through the program may be pledged for the purpose of securing a loan.

(18)~~(12)~~ *PAYROLL DEDUCTION AUTHORITY.*—The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with this section.

(19)~~(13)~~ *DISCLAIMER.*—Nothing in this section shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

(20)~~(14)~~ *PROGRAM TERMINATION.*—In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within 5 years of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he or she has contracted. All other contract holders shall receive a refund~~, pursuant to subparagraph (6)(a)7.,~~ of the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(21) ANNUAL REPORT.—The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Regents and the State Board of Community Colleges, by March 31 each year, complete advance payment contract sales information, including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(a) The board may establish a direct-support organization which is:

1. A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.

3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state. Unless so certified, the organization may not use the name of the program.

4. Subject to an annual postaudit by an independent certified public accountant in accordance with rules promulgated by the board. The annual audit shall be submitted to the State Board of Administration and the Auditor General for review. The State Board of Administration and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name three other individuals to serve as directors of the organization.

Section 49. Section 222.22, Florida Statutes, is amended to read:

222.22 Exemption of moneys in the Prepaid Postsecondary Education Expense Trust Fund from legal process.—Moneys paid into or out of the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Trust Fund by or on behalf of a purchaser or qualified beneficiary pursuant to an advance payment contract made under s. 240.551, which contract has not been terminated, are not liable to attachment, garnishment, or legal process in the state in favor of any creditor of the purchaser or beneficiary of such advance payment contract.

Section 50. Subsection (2) of section 732.402, Florida Statutes, is amended to read:

732.402 Exempt property.—

(2) Exempt property shall consist of:

(a) Household furniture, furnishings, and appliances in the decedent's usual place of abode up to a net value of $10,000 as of the date of death.~~; and~~

(b) All automobiles held in the decedent's name and regularly used by the decedent or members of the decedent's immediate family as their personal automobiles.

(c) Florida Prepaid College Program contracts purchased pursuant to s. 240.551.

Section 51. For the purpose of incorporating the amendment to s. 732.402, Florida Statutes, in references thereto, subsection (13) of section 731.201 and subsection (1) of section 735.301, Florida Statutes, are reenacted to read:

731.201 General definitions.—Subject to additional definitions in subsequent chapters that are applicable to specific chapters or parts, and unless the context otherwise requires, in this code and chapters 737, 738, and 744:

(13) "Exempt property" means the property of a decedent's estate which is described in s. 732.402.

735.301 Disposition without administration.—

(1) No administration shall be required or formal proceedings instituted upon the estate of a decedent leaving only personal property exempt under the provisions of s. 732.402, personal property exempt from the claims of creditors under the Constitution of Florida, and nonexempt personal property the value of which does not exceed the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 69, line 24, after the semicolon (;) insert: amending s. 240.551, F.S.; renaming the Florida Prepaid Postsecondary Education Expense Program, Board, and Trust Fund the Florida Prepaid College Program, Board, and Trust Fund, respectively; reordering provisions and providing technical revisions; deleting obsolete provisions; conforming cross-references; permitting soliciting and contracting for records administration services; providing for the inclusion of certain fees within advance payment contracts for tuition; amending s. 222.22, F.S.; conforming provisions; amending s. 732.402, F.S.; exempting Florida Prepaid College Program contracts from the probate claims of creditors; reenacting ss. 731.201(13) and 735.301(1), F.S., relating to probate, to incorporate the amendment to s. 732.402, F.S., in references;

Senator Horne moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (with title amendment)—On page 44, between lines 24 and 25, insert:

Section 39. Section 236.08106, Florida Statutes, is created to read:

236.08106 Excellent Teaching Program.—

(1) The Legislature recognizes that teachers play a critical role in preparing students to achieve the high levels of academic performance expected by the Sunshine State Standards. The Legislature further recognizes the importance of identifying and rewarding teaching excellence and of encouraging good teachers to become excellent teachers. The Legislature finds that the National Board of Professional Teaching Standards (NBPTS) has established high and rigorous standards for accomplished teaching and has developed a national voluntary system for assessing and certifying teachers who demonstrate teaching excellence by meeting those standards. It is therefore the Legislature's intent to provide incentives for teachers to seek NBPTS certification and to reward teachers who demonstrate teaching excellence by attaining NBPTS certification and sharing their expertise with other teachers.

(2) The Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The Department of Education shall allocate and distribute to each school district an amount as prescribed annually by the Legislature for the Excellent Teaching Program. Unless otherwise provided in the General Appropriations Act, each school district's annual allocation shall be the sum of the amounts earned for the following incentives and bonuses:

(a) A fee subsidy to be paid by the school district to the NBPTS on behalf of each individual who is an employee of the district school board or a public school within that school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and, beginning in the school fiscal year 1999-2000, to have qualified for the district performance-based pay incentive pursuant to s. 230.23, who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay 10 percent of the NBPTS participation fee and to participate in the NBPTS certification program during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the NBPTS certification program, but not more than $1,800 per eligible participant. The fee subsidy is a one-time award and may not be duplicated for any individual.

(b) A portfolio-preparation incentive of $150 for each teacher employed by the district school board or a public school within the district who is participating in the NBPTS certification program. The portfolio-preparation incentive is a one-time award paid during the school year for which the NBPTS fee subsidy is provided.

(c) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within that school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and to have qualified for the performance-based pay incentive pursuant to s. 230.23. The annual bonus may be paid as a single payment or divided into not more than three payments.

(d) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be paid to each individual who meets the requirements of paragraph (c) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the district who do not hold NBPTS certification. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms, therefore, credit may not be granted by a school district or public school for mentoring or related services provided during the regular school day or during the 196 days of required service for the school year.

(e) The district shall receive an amount equal to 50 percent of the teacher bonuses provided under paragraph (c) and (d), which shall be used by the district for professional development of teachers. The district must give priority to using all funds received pursuant to this paragraph for professional development of teachers employed at schools identified as performing at critically low levels.

A teacher for whom the state pays the certification fee and who does not complete the certification program or does not teach in a public school of this state for a least 1 year after completing the certification program must repay the amount of the certification fee to the state. However, a teacher who completes the certification program but fails to be awarded NBPTS certification is not required to repay the amount of the certification fee if the teacher meets the 1-year teaching requirement. Repayment is not required of a teacher who does not complete the certification program or fails to fulfill the teaching requirement because of the teacher's death or disability or because of other extenuating circumstances as determined by the State Board of Education.

Section 40. Paragraph (a) of subsection (5) of section 236.081, Florida Statutes, as amended by chapter 97-380, Laws of Florida, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.

2. Community schools as provided by law.

3. School lunch programs as provided by law.

4. Instructional material funds as provided by law.

5. Student transportation as provided by law.

6. Student development services as provided by law.

7. Diagnostic and learning resource centers as provided by law.

8. Comprehensive health education as provided by law.

9. Excellent Teaching Program as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.

Section 41. Section 231.173, Florida Statutes, is amended to read:

231.173 Successful experienced out-of-state teachers and administrators.—

(1) Notwithstanding the provisions of ss. 231.02, 231.15, *and* 231.17~~, and 231.172~~ or any other provision of law or rule to the contrary, a successful, experienced, ~~and certified~~ out-of-state teacher or administrator *qualifies* ~~employed in a public school or nonpublic school in this state may qualify~~ for a professional certificate if the applicant:

(a)~~(1)~~ Completes the application process, including the filing of a complete set of fingerprints as required by s. 231.02.

(b)~~(2)~~ Holds a valid standard certificate issued by the state where the applicant most recently taught, which standard certificate is equivalent to the professional certificate issued by this state and for which specialization coverage is based on a level of training comparable to that required in this state for the *specialization coverage sought by the applicant* ~~applicant's area of assignment~~.

(c)~~(3)~~ Documents 5 years of appropriate successful full-time teaching or administrative experience *in another state*, including 2 continuous years during the 5-year period immediately preceding the date of application for certification.

(2) An out-of-state applicant qualifies for a professional certificate if the applicant meets the requirements of paragraphs (1)(a) and (b) and holds a valid certificate issued by the National Board of Professional Teaching Standards.

~~(4) Submits a request for issuance of the professional certificate from the superintendent of the employing school district or governing authority of the employing developmental research school, state-supported school, or nonpublic school within the first 120 days of assignment with validation of awareness of the standards of professional practice.~~

(3)~~(5)~~ The *professional* certificate issued in accordance with *subsection (1)* ~~these provisions~~ shall reflect specialization coverages as follows:

(a) Teachers.—*An applicant* ~~A teacher appointed to an academic assignment~~ shall be eligible for the academic coverage in an area in which the teacher is assigned *to teach in a public school or nonpublic school in this state or in the area of the applicant's certification by the National Board of Professional Teaching Standards.*

(b) Principals.—An individual appointed as an intern or interim principal of a *public or nonpublic* K-12 school *in this state* shall be eligible for the educational leadership coverage.

(c) Administrators of adult education.—An individual appointed as an administrator of an adult education program *at a public or nonpublic school in this state* shall be eligible for the administration of adult education coverage.

(d) Directors of career education.—An individual appointed as a director of career education *at a public or nonpublic school in this state* shall be eligible for the director of career education coverage.

Section 42. Subsection (2) and paragraph (b) of subsection (3) of section 231.24, Florida Statutes, are amended to read:

231.24 Process for renewal of professional certificates.—

(2) All professional certificates, except a nonrenewable professional certificate, shall be renewable for successive periods not to exceed 5 years after the date of submission of documentation of completion of the requirements for renewal provided in subsection (3). Only one renewal may be granted during each 5-year validity period of a professional certificate, *except that a teacher with national certification from the National Board for Professional Teaching Standards is deemed to meet state renewal requirements for the life of the teacher's national certificate.* However, if the renewal application form is not received by the department or by the employing school district before the expiration of the professional certificate, the application form, application fee, and a late fee must be submitted before July 1 of the year following expiration of the certificate in order to renew the professional certificate. The state board shall adopt rules to allow a 1-year extension of the validity period of a professional certificate in the event of serious illness, injury, or other extraordinary extenuating circumstances of the applicant. The department shall grant such 1-year extension upon written request by the applicant or by the superintendent of the local school district or the governing authority of a developmental research school, state-supported school, or nonpublic school that employs the applicant.

(3) For the renewal of a professional certificate, the following requirements must be met:

(b) In lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test, *by completion of the national certification from the National Board for Professional Teaching Standards in that specialization area*, or by completion of a department approved summer work program in a business or industry directly related to an area of specialization listed on the certificate. The state board shall adopt rules providing for the approval procedure.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 68, line 6, after the first semicolon (;) insert: creating s. 236.08106, F.S., relating to the Excellent Teaching Program; providing legislative findings and intent; authorizing monetary incentives and bonuses for teaching excellence; providing for annual allocations to districts; providing fee subsidies and conditions for repayment of subsidies for participating in the certification program of the National Board of Professional Teaching Standards; requiring the distribution of certain monetary bonuses to teachers; providing eligibility criteria; requiring release time for certain activities; requiring certain district expenditures for professional development of teachers; amending s. 236.081, F.S.; authorizing categorical funding for the Excellent Teaching Program; amending s. 231.173, F.S., relating to certification of experienced out-of-state teachers and administrators; deleting a requirement for superintendents to request certification; providing for issuance of a professional certificate to individuals certified by the National Board of Professional Teaching Standards; conforming provisions; amending s. 231.24, F.S.; authorizing renewal of certificates through national certification;

Senator Kirkpatrick moved the following amendment to **Amendment 1** which was adopted:

Amendment 1E (with title amendment)—On page 44, between lines 24 and 25, insert:

Section 39. Paragraph (b) of subsection (7) of section 239.117, Florida Statutes, is amended to read:

239.117 Postsecondary student fees.—

(b) Students enrolled in college-preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college-preparatory class within a skill area more than *two times* ~~one-time~~ shall pay fees at 100 percent of the full cost of

instruction and shall not be included in calculations of full-time equivalent enrollments for state funding purposes; however, students who withdraw or fail a class due to extenuating circumstances may be granted an exception only once for each class, provided approval is granted according to policy established by the board of trustees. Each community college shall have the authority to review and reduce payment for increased fees due to continued enrollment in a college-preparatory class on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 68, line 6, after the first semicolon (;) insert: amending s. 239.117, F.S., revising student fees for college-preparatory classes that are repeated;

Senator Cowin moved the following amendment to **Amendment 1** which was adopted:

Amendment 1F—On page 4, lines 20-25, delete those lines and insert:

(4) In computing grade point averages, school districts and community colleges must weigh college-level dual enrollment courses the same as honors courses and advanced placement courses when the high school subject and the common course numbered course are of equal academic value. Students may dually enroll in advanced placement courses. Alternative grade calculation or weighting systems that discriminate against dual enrollment courses may be prohibited.

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted:

Amendment 1G (with title amendment)—On page 66, between lines 6 and 7, insert:

Section 48. Paragraph (d) is added to subsection (5) of section 240.529, Florida Statutes, present subsections (6) through (10) are renumbered as subsections (7) through (11), respectively, and a new subsection (6) is added to that section, to read:

240.529 Public accountability and state approval for teacher preparation programs.—

(5) PRESERVICE FIELD EXPERIENCE.—Beginning July 1, 1995, all postsecondary instructors, school district teachers, and school sites preparing teachers through preservice field experience courses and internships shall meet special requirements.

(d) Beginning with the 1998-1999 academic year, State University System initial teacher preparation programs shall provide all students with the option of an internship with multiple field experiences in schools located in socially and economically disadvantaged urban or rural areas. The experiences must provide interns with classroom experiences throughout the academic year. The internship must be designed to provide the intern with the necessary supervision and teaching methodology to become an effective teacher of students who live in a disadvantaged area.

(6) URBAN AND RURAL TEACHING RESIDENCY PROGRAM.—Beginning with the 1999-2000 academic year and contingent upon legislative funding, teacher preparation programs at State University System institutions shall establish teaching residencies in partnership with public school districts. Each university, in conjunction with its partners, shall recruit no more than 20 teaching residents per year. The total number of teaching residencies in the state is not to exceed 200 in any given year at the rate of 20 per university. Persons eligible to be hired as teaching residents must have completed teaching internships as specified in paragraph (5)(d). To be eligible to be hired as a teaching resident, a person must have received his or her initial license no more than 2 years before applying for a residency and must have less than 5 months of full-time equivalency teaching experience as a licensed teacher. The residency program must include:

(a) A guarantee from participating universities that those who complete initial teacher preparation programs have the knowledge and experience necessary to succeed in residencies in urban or rural settings and that they are prepared to teach in compliance with the Sunshine State Standards and demonstrate skills at the beginning level of the Florida Accomplished Teaching Practices;

(b) A mentoring team consisting of no fewer than one university faculty member and one school district clinical educator for each participating school to provide supervision of the teaching residents;

(c) One full-time-equivalent experienced classroom teacher assigned for each cluster of four teaching residents in order to provide alternative assignments for the resident teachers;

(d) Residencies lasting for a full academic year; and

(e) Teaching assignments for resident teachers of no more than 80 percent of the instructional time required of a full-time-equivalent teacher in the district. During the remaining time, a teaching resident shall participate in professional development activities as identified in conjunction with the school's mentoring team.

The resident teacher will be a member of the local bargaining unit and shall be covered under the terms of the contract. Upon successful completion of the teaching residency, each individual who teaches in a school located in a socially and economically disadvantaged urban or rural area in this state, and as funded by the Legislature in the Division of Human Resources within the Department of Education, will receive a supplemental stipend from the state of $3,000 in each year he or she teaches for the duration of legislative funding for the residency program.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 69, line 24, after the second semicolon (;) insert: amending s. 240.529, F.S.; providing that, beginning in the 1998-1999 academic year, State University System initial teacher preparation programs shall include an optional teacher internship in a socially and economically disadvantaged area; providing that, beginning in the 1999-2000 academic year, State University System initial teacher preparation programs, in partnership with public school districts, shall establish teaching residency programs in disadvantaged areas; providing for annual stipends for each teacher who has completed such a residency program;

Senator Cowin moved the following amendment to **Amendment 1** which was adopted:

Amendment 1H—On page 1, line 29 through page 2, line 8, delete those lines and insert: *courses, including:*

~~1. Two credits in algebra and one credit in geometry, or their equivalents, as determined by the state board.~~

~~2. One credit in biology, one credit in chemistry, and one credit in physics, or their equivalents, as determined by the state board.~~

~~3.~~ two credits in the same foreign language, taken for elective credit. A student whose native language is not English is exempt from this requirement if the student demonstrates proficiency in the native language. American sign language constitutes a foreign language.

Senator Gutman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1I (with title amendment)—On page 66, between lines 6 and 7, insert:

Section 48. Paragraphs (o) and (p) are added to subsection (2) of section 233.061, Florida Statutes, to read:

233.061 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules and regulations of the commissioner, the state board, and the school board, shall teach efficiently and faithfully, using the books

and materials required, following the prescribed courses of study, and employing approved methods of instruction, the following:

(o) The study of Hispanic contributions to the United States.

(p) The study of Women's Contributions to the United States.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 66, delete line 17 and insert: An act relating to education; amending s. 233.061, F.S.; including the study of Hispanic and Women's contributions to the United States in required public school instruction;

Amendment 1 as amended was adopted.

On motion by Senator Forman, by two-thirds vote **HB 4259** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

THE PRESIDENT PRESIDING

CS for SB 1814—A bill to be entitled An act relating to termination of pregnancy; providing a short title; amending s. 390.011, F.S.; defining additional terms; amending s. 390.0111, F.S.; revising provisions relating to termination of pregnancy; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; providing notice requirements; providing exceptions; providing procedure for judicial waiver of notice; providing for confidentiality of proceedings; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petition; requiring the issuance of written findings of fact and legal conclusions; providing for expedited confidential appeal; providing for waiver of filing fees; requesting the Supreme Court to adopt rules; providing for severability; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendments which were adopted:

Amendment 1—On page 3, line 14 and on page 4, line 7, delete "*440.13(1)(b)*" and insert: *741.28(2)*

Amendment 2—On page 7, lines 15-31, delete those lines and insert: *to s. 743.015, or similar statutes of other states;*

4. Notice is waived if the patient has a dependent minor child; or

5. Notice is waived under the provisions of subsection (5).

(c) Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015.

(5) PROCEDURE FOR JUDICIAL WAIVER OF NOTICE.—

(a) A minor may petition any circuit court for a waiver of the notice requirements of subsection (4) and may participate in proceedings on her own behalf. The petition shall include a statement that the complainant is pregnant and notice has not been waived. The court may appoint a guardian ad litem for her. Any guardian ad litem appointed under this subsection shall act to maintain the confidentiality of the proceedings. The circuit court shall advise the minor that she has a right to court-appointed counsel and shall provide her with counsel upon her request. A county is not obligated to pay the salaries, costs, or expenses of any counsel appointed by the court under this section.

Amendment 3—On page 12, lines 1 and 2, delete those lines and insert:

Section 5. This act shall take effect July 1, 1999.

POINT OF ORDER

Senator Campbell raised a point of order that pursuant to Rule 4.8 the bill as amended should be referred to the Committee on Ways and Means.

The President referred the point to Senator Sullivan, Chairman of the Committee on Ways and Means.

Further consideration of **CS for SB 1814** as amended with pending point of order was deferred.

On motion by Senator Bankhead, by two-thirds vote **CS for HB 4283** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Bankhead, by two-thirds vote—

CS for HB 4283—A bill to be entitled An act relating to long-term care; creating s. 430.801, F.S.; creating the Florida Employee Long-Term-Care Plan Act; directing the Department of Elderly Affairs to develop, implement, and administer the long-term care plan for public employees; authorizing the department to contract for such administration; providing duties of the department; requiring the department to appoint a Florida Employee Long-Term-Care Plan Advisory Council for certain purposes; authorizing the department to contract with the State Board of Administration to invest certain funds; providing limitations; creating a Florida Employee Long-Term-Care Plan Board of Directors; providing for board membership and duties; providing trustees' duties, powers, and responsibilities; requiring an annual report; providing for terms of trustees; providing for expenses of the board of trustees; prohibiting use of state funds for certain costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 2342** and by two-thirds vote read the second time by title.

SENATOR BURT PRESIDING

Senator Williams moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Florida Employee Long-Term-Care Plan Act.—*

(1) The Legislature finds that state expenditures for long-term-care services continue to increase at a rapid rate and that the state faces increasing pressure in its efforts to meet the long-term-care needs of the public.

(a) It is the intent of the Legislature that the Division of State Group Insurance and the Department of Elderly Affairs implement a self-funded or fully insured, voluntary, long-term-care plan for public employees and their families.

(b) The Department of Elderly Affairs and the Division of State Group Insurance shall jointly design the plan to provide long-term-care coverage for public employees and family members of public employees. The Division of State Group Insurance and the Department of Elderly Affairs shall enter into an interagency agreement defining their roles with regard to plan development and design. Joint planning expenses shall be shared to the extent that funded planning activities are consistent with the goals of the department and the division. Eligible plan participants must include active and retired officers and employees of all branches and agencies of state and local government and their spouses, children, stepchildren, parents, and parents-in-law; active and retired federal employees residing in the state and their spouses, children, stepchildren, parents, and parents-in-law residing in the state; and the sur-

viving spouses, children, stepchildren, parents, and parents-in-law of such deceased officers and employees, whether active or retired at the time of death.

(c) This act in no way affects the Division of State Group Insurance's authority pursuant to s. 110.123.

(2) As used in this section, the term:

(a) "Department" means the Department of Elderly Affairs.

(b) "Division" means the Division of State Group Insurance.

(c) "Self–funded" means that plan benefits and costs are funded from contributions made by or on behalf of participants and trust fund investment revenue.

(d) "Plan" means the Florida Employee Long-Term-Care Plan.

(3) The division and the department shall, in consultation with public employers and employees and representatives from unions and associations representing state, university, local government, and other public employees, establish and supervise the implementation and administration of a self-funded or fully insured long-term-care plan entitled "Florida Employee Long-Term-Care Plan."

(a) The division shall, in consultation with the department, the Department of Management Services, and the Department of Insurance, contract for actuarial, professional-administrator, and other services for the Florida Employee Long-Term-Care Plan.

(b) When contracting for a professional administrator, the division shall consider, at a minimum, the entity's previous experience and expertise in administering group long-term-care self-funded plans or long-term-care insurance programs; the entity's demonstrated ability to perform its contractual obligations in the state and in other jurisdictions; the entity's projected administrative costs; the entity's capability to adequately provide service coverage, including a sufficient number of experienced and qualified personnel in the areas of marketing, claims processing, recordkeeping, and underwriting; the entity's accessibility to public employees and other qualified participants; and the entity's financial soundness and solvency.

(c) Any contract with a professional administrator entered into by the division must require that the state be held harmless and indemnified for any financial loss caused by the failure of the professional administrator to comply with the terms of the contract.

(d) The division shall explore innovations in long-term-care financing and service delivery with regard to possible future inclusion in the plan. Such innovative financing and service-delivery mechanisms may include managed long-term care and plans that set aside assets with regard to eligibility for Medicaid-funded long-term-care services in the same proportion that private long-term-care insurance benefits are used to pay for long-term care.

(4) The division and the department shall coordinate, directly or through contract, marketing of the plan. Expenses related to such marketing shall be reimbursed from funds of the plan.

(5) The division shall contract with the State Board of Administration for the investment of funds in the Florida Employee Long-Term-Care Plan reserve fund. Plan funds are not state funds. The moneys shall be held by the State Board of Administration on behalf of enrollees and invested and disbursed in accordance with a trust agreement approved by the division and the State Board of Administration and in accordance with the provisions of sections 215.44-215.53, Florida Statutes. Moneys in the reserve fund may be used only for the purposes specified in the agreement.

(6) A Florida Employee Long-term Care Plan Board of Directors is created, composed of seven members who shall serve 2-year terms, to be appointed as follows:

(a) The Secretary of the Department of Elderly Affairs shall appoint a member who is a plan participant.

(b) The Insurance Commissioner shall appoint an actuary.

(c) The Attorney General shall appoint an attorney licensed to practice law in this state.

(d) The Governor shall appoint three members from a broad cross-section of the residents of this state.

(e) The division shall appoint a member.

(7) The board of directors of the Florida Long-term Care Plan shall:

(a) Prepare an annual report of the plan, with the assistance of an actuarial consultant, to be submitted to the Speaker of the House of Representatives, the President of the Senate, the Governor, and the Minority Leaders of the Senate and the House of Representatives.

(b) Approve the appointment of an executive director jointly recommended by the division and the department to serve as the chief administrative and operational officer of the Florida Employee Long-term Care Plan.

(c) Approve the terms of the division's third-party administrator contract.

(d) Implement such other policies and procedures as necessary to assure the soundness and efficient operation of the plan.

(8) Members of the board may not receive a salary, but may be reimbursed for travel, per diem, and administrative expenses related to their duties. Board expenses and costs for the annual report and other administrative expenses must be borne by the plan. State funds may not be contributed toward costs associated with board members or their activities conducted on behalf of and for the benefit of plan beneficiaries.

(9) This section expires July 1, 1999.

Section 2. This act shall take effect July 1, 1998; however, no action to award a contract or implement any plan of care shall occur prior to July 1, 1999.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to long-term care; requiring the Department of Elderly Affairs and the Division of State Group Insurance to design a long-term-care plan for public employees and their families; requiring the division to coordinate marketing of the plan; providing for use of plan funds for marketing expenses; authorizing the division to contract with the State Board of Administration to invest certain funds; providing limitations; creating a Florida Employee Long-Term-Care Plan Board of Directors; providing for board membership, terms, and duties; requiring an annual report; providing for expenses of the board; prohibiting use of state funds for certain costs; providing for expiration of the act; providing an effective date.

Senator Bankhead moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 3, line 4, after "division" insert: *and the department*

Amendment 1B—On page 5, lines 24-27, delete those lines and insert:

Section 2. This act shall take effect July 1, 1998.

Amendment 1 as amended was adopted.

On motion by Senator Bankhead, by two-thirds vote **CS for HB 4283** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Clary	Grant	Kirkpatrick
Bronson	Crist	Gutman	Klein
Brown-Waite	Diaz-Balart	Hargrett	Kurth
Burt	Dudley	Harris	Latvala
Campbell	Dyer	Holzendorf	Laurent
Casas	Forman	Horne	Lee
Childers	Geller	Jones	McKay

Meadows	Rossin	Silver	Thomas
Myers	Scott	Sullivan	Williams
Ostalkiewicz			

Nays—None

The Senate resumed consideration of—

CS for HB 3883—A bill to be entitled An act relating to protection of children; reorganizing and revising ch. 39, F.S.; providing for pt. I of said chapter, entitled "General Provisions"; amending ss. 39.001, 39.002, and 415.501, F.S.; revising purposes and intent; providing for personnel standards and screening and for drug testing; amending s. 39.01, F.S.; revising definitions; renumbering and amending s. 39.455, F.S., relating to immunity from liability for agents of the Department of Children and Family Services or a social service agency; amending s. 39.012, F.S., and creating s. 39.0121, F.S.; providing authority and requirements for department rules; renumbering and amending s. 39.40, F.S., relating to procedures and jurisdiction; providing for right to counsel; renumbering s. 39.4057, F.S., relating to permanent mailing address designation; renumbering and amending s. 39.411, F.S., relating to oaths, records, and confidential information; renumbering s. 39.414, F.S., relating to court and witness fees; renumbering and amending ss. 39.415 and 39.474, F.S., relating to compensation of appointed counsel; renumbering and amending s. 39.418, F.S., relating to the Operations and Maintenance Trust Fund; renumbering and amending s. 415.5015, F.S., relating to child abuse prevention training in the district school system; providing for pt. II of ch. 39, F.S., entitled "Reporting Child Abuse"; renumbering and amending s. 415.504, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; renumbering and amending s. 415.511, F.S., relating to immunity from liability in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.512, F.S., relating to abrogation of privileged communications in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.513, F.S.; providing penalties relating to reporting of child abuse, abandonment, or neglect; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments and the disposition of those complaints; renumbering and amending s. 415.5131, F.S., increasing an administrative fine for false reporting; providing for pt. III of ch. 39, F.S., entitled "Protective Investigations"; creating s. 39.301, F.S.; providing for child protective investigations; creating s. 39.302, F.S.; providing for protective investigations of institutional child abuse, abandonment, or neglect; renumbering and amending s. 415.5055, F.S., relating to child protection teams and services and eligible cases; creating s. 39.3035, F.S.; providing standards for child advocacy centers eligible for state funding; renumbering and amending s. 415.507, F.S., relating to photographs, medical examinations, X rays, and medical treatment of an abused, abandoned, or neglected child; renumbering and amending s. 415.5095, F.S., relating to a model plan for intervention and treatment in sexual abuse cases; creating s. 39.306, F.S.; providing for working agreements with local law enforcement to perform criminal investigations; renumbering and amending s. 415.50171, F.S., relating to reports of child-on-child sexual abuse; providing for pt. IV of ch. 39, F.S., entitled "Family Builders Program"; renumbering and amending s. 415.515, F.S., relating to establishment of the program; renumbering and amending s. 415.516, F.S., relating to goals of the program; renumbering and amending s. 415.517, F.S., relating to contracts for services; renumbering and amending s. 415.518, F.S., relating to family eligibility; renumbering s. 415.519, F.S., relating to delivery of services; renumbering and amending s. 415.520, F.S., relating to qualifications of program workers; renumbering s. 415.521, F.S., relating to outcome evaluation; renumbering and amending s. 415.522, F.S., relating to funding; providing for pt. V of ch. 39, F.S., entitled "Taking Children into Custody and Shelter Hearings"; creating s. 39.395, F.S.; providing for medical or hospital personnel taking a child into protective custody; amending s. 39.401, F.S.; providing for law enforcement officers or authorized agents of the department taking a child alleged to be dependent into custody; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.407, F.S., relating to physical and mental examination and treatment of a child and physical or mental examination of a person requesting custody; renumbering and amending s. 39.4033, F.S., relating to referral of a dependency case to mediation; providing for pt. VI of ch. 39, F.S., entitled "Petition, Arraignment, Adjudication, and Disposition"; renumbering and amending s. 39.404, F.S., relating to petition for dependency; renumbering and amending s. 39.405, F.S., relating to notice, process, and service; renumbering and amending s. 39.4051, F.S., relating to procedures when the identity or location of the parent, legal custodian, or caregiver is unknown; renumbering and amending s. 39.4055, F.S., relating to injunction pending disposition of a petition for detention or dependency; renumbering and amending s. 39.406, F.S., relating to answers to petitions or other pleadings; renumbering and amending s. 39.408(1), F.S., relating to arraignment hearings; renumbering and amending ss. 39.408(2) and 39.409, F.S., relating to adjudicatory hearings and orders; renumbering and amending ss. 39.408(3) and (4) and 39.41, F.S., relating to disposition hearings and powers of disposition; creating s. 39.5085, F.S.; establishing the Relative Caregiver Program; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; renumbering and amending s. 39.4105, F.S., relating to grandparents rights; renumbering and amending s. 39.413, F.S., relating to appeals; providing for pt. VII of ch. 39, F.S., entitled "Case Plans"; renumbering and amending ss. 39.4031 and 39.451, F.S., relating to case plan requirements and case planning for children in out-of-home care; renumbering and amending s. 39.452(1)-(4), F.S., relating to case planning for children in out-of-home care when the parents, legal custodians, or caregivers do not participate; renumbering and amending s. 39.452(5), F.S., relating to court approvals of case planning; providing for pt. VIII of ch. 39, F.S., entitled "Judicial Reviews"; renumbering and amending s. 39.453, F.S., relating to judicial review of the status of a child; renumbering and amending s. 39.4531, F.S., relating to citizen review panels; renumbering and amending s. 39.454, F.S., relating to initiation of proceedings for termination of parental rights; renumbering and amending s. 39.456, F.S.; revising exemptions from judicial review; providing for pt. IX of ch. 39, F.S., entitled "Termination of Parental Rights"; renumbering and amending ss. 39.46 and 39.462, F.S., relating to procedures, jurisdiction, and service of process; renumbering and amending ss. 39.461 and 39.4611, F.S., relating to petition for termination of parental rights, and filing and elements thereof; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions and pleadings for which no answer is required; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to post disposition relief; creating s. 39.813, F.S.; providing for continuing jurisdiction of the court which terminates parental rights over all matters pertaining to the child's adoption; renumbering s. 39.471, F.S., relating to oaths, records, and confidential information; renumbering and amending s. 39.473, F.S., relating to appeal; creating s. 39.816, F.S.; authorizing certain pilot and demonstration projects contingent on receipt of federal grants or contracts; creating s. 39.817, F.S.; providing for a foster care demonstration pilot project; providing for pt. X of ch. 39, F.S., entitled "Guardians Ad Litem and Guardian Advocates"; creating s. 39.820, F.S.; providing definitions; renumbering s. 415.5077, F.S., relating to qualifications of guardians ad litem; renumbering and amending s. 415.508, F.S., relating to appointment of a guardian ad litem for an abused, abandoned, or neglected child; renumbering and amending s. 415.5082, F.S., relating to guardian advocates for drug dependent newborns; renumbering and amending s. 415.5083, F.S., relating to procedures and jurisdiction; renumbering s. 415.5084, F.S., relating to petition for appointment of a guardian advocate; renumbering s. 415.5085, F.S., relating to process and service; renumbering and amending s. 415.5086, F.S., relating to

hearing for appointment of a guardian advocate; renumbering and amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate; renumbering s. 415.5088, F.S., relating to powers and duties of the guardian advocate; renumbering and amending s. 415.5089, F.S., relating to review and removal of a guardian advocate; providing for pt. XI of ch. 39, F.S., entitled "Domestic Violence"; renumbering s. 415.601, F.S., relating to legislative intent regarding treatment and rehabilitation of victims and perpetrators; renumbering and amending s. 415.602, F.S., relating to definitions; renumbering and amending s. 415.603, F.S., relating to duties and functions of the department; renumbering and amending s. 415.604, F.S., relating to an annual report to the Legislature; renumbering and amending s. 415.605, F.S., relating to domestic violence centers; renumbering s. 415.606, F.S., relating to referral to such centers and notice of rights; renumbering s. 415.608, F.S., relating to confidentiality of information received by the department or a center; amending ss. 20.43, 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036, 154.067, 216.136, 232.50, 318.21, 384.29, 392.65, 393.063, 395.1023, 400.4174, 400.556, 402.165, 402.166, 409.1672, 409.176, 409.2554, 409.912, 409.9126, 414.065, 447.401, 464.018, 490.014, 491.014, 741.30, 744.309, 784.075, 933.18, 944.401, 944.705, 984.03, 984.10, 984.15, 984.24, 985.03, and 985.303, F.S.; correcting cross references; conforming related provisions and references; amending s. 20.19, F.S.; providing for certification programs for family safety and preservation employees of the department; providing for rules; amending ss. 213.053 and 409.2577, F.S.; authorizing disclosure of certain confidential taxpayer and parent locator information for diligent search activities under ch. 39, F.S.; creating s. 435.045, F.S.; providing background screening requirements for prospective foster or adoptive parents; amending s. 943.045, F.S.; providing that the Department of Children and Family Services is a "criminal justice agency" for purposes of the criminal justice information system; providing an appropriation; repealing s. 39.0195, F.S., relating to sheltering unmarried minors and aiding unmarried runaways; repealing s. 39.0196, F.S., relating to children locked out of the home; repealing ss. 39.39, 39.449, and 39.459, F.S., relating to definition of "department"; repealing s. 39.403, F.S., relating to protective investigation; repealing s. 39.4032, F.S., relating to multidisciplinary case staffing; repealing s. 39.4052, F.S., relating to affirmative duty of written notice to adult relatives; repealing s. 39.4053, F.S., relating to diligent search after taking a child into custody; repealing s. 39.45, F.S., relating to legislative intent regarding foster care; repealing s. 39.457, F.S., relating to a pilot program in Leon County to provide additional benefits to children in foster care; repealing s. 39.4625, F.S., relating to identity or location of parent unknown after filing of petition for termination of parental rights; repealing s. 39.472, F.S., relating to court and witness fees; repealing s. 39.475, F.S., relating to rights of grandparents; repealing ss. 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, and 415.5019, F.S., relating to purpose and legislative intent, definitions, procedures, confidentiality of records, district authority and responsibilities, outcome evaluation, and rules for the family services response system; repealing s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused or neglected children; repealing s. 415.503, F.S., relating to definitions; repealing s. 415.505, F.S., relating to child protective investigations and investigations of institutional child abuse or neglect; repealing s. 415.506, F.S., relating to taking a child into protective custody; repealing s. 415.5075, F.S., relating to rules for medical screening and treatment of children; repealing s. 415.509, F.S., relating to public agencies' responsibilities for prevention, identification, and treatment of child abuse and neglect; repealing s. 415.514, F.S., relating to rules for protective services; providing effective dates.

—which was previously considered this day.

Senator Dudley moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Part I of chapter 39, Florida Statutes, consisting of sections 39.001, 39.01, 39.011, 39.012, 39.0121, 39.013, 39.0131, 39.0132, 39.0133, 39.0134, and 39.0135, Florida Statutes, shall be entitled to read:

PART I
GENERAL PROVISIONS

Section 2. Section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(1) *PURPOSES OF CHAPTER.*—The purposes of this chapter are:

(a)~~(b)~~ To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care.

(b) To recognize that most families desire to be competent caregivers and providers for their children and that children achieve their greatest potential when families are able to support and nurture the growth and development of their children. Therefore, the Legislature finds that policies and procedures that provide for intervention through the department's child protection system should be based on the following principles:

1. The health and safety of the children served shall be of paramount concern.

2. The intervention should engage families in constructive, supportive, and nonadversarial relationships.

3. The intervention should intrude as little as possible into the life of the family, be focused on clearly defined objectives, and take the most parsimonious path to remedy a family's problems.

4. The intervention should be based upon outcome evaluation results that demonstrate success in protecting children and supporting families.

(c) To provide a child protection system that reflects a partnership between the department, other agencies, and local communities.

(d) To provide a child protection system that is sensitive to the social and cultural diversity of the state.

(e) To provide procedures that allow the department to respond to reports of child abuse, abandonment, or neglect in the most efficient and effective manner and that ensure the health and safety of children and the integrity of families.

~~(c) To ensure the protection of society, by providing for a comprehensive standardized assessment of the child's needs so that the most appropriate control, discipline, punishment, and treatment can be administered consistent with the seriousness of the act committed, the community's long-term need for public safety, the prior record of the child and the specific rehabilitation needs of the child, while also providing whenever possible restitution to the victim of the offense.~~

(f)~~(d)~~ To preserve and strengthen the child's family ties whenever possible, removing the child from parental custody only when his or her welfare ~~or the safety and protection of the public~~ cannot be adequately safeguarded without such removal.~~; and, when the child is removed from his or her own family, to secure for the child custody, care, and discipline as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.~~

(g) To ensure that the parent or guardian from whose custody the child has been taken assists the department to the fullest extent possible in locating relatives suitable to serve as caregivers for the child.

(h) To ensure that permanent placement with the biological or adoptive family is achieved as soon as possible for every child in foster care and that no child remains in foster care longer than 1 year.

(i) To secure for the child, when removal of the child from his or her own family is necessary, custody, care, and discipline as nearly as possible equivalent to that which should have been given by the parents; and to ensure, in all cases in which a child must be removed from parental custody, that the child is placed in an approved relative home, licensed foster home, adoptive home, or independent living program that provides the most stable and potentially permanent living arrangement for the child, as determined by the court. All placements shall be in a safe environment where drugs and alcohol are not abused.

(j) To ensure that, when reunification or adoption is not possible, the child will be prepared for alternative permanency goals or placements, to include, but not be limited to, long-term foster care, independent living, custody with a relative on a permanent basis with or without legal guardianship, or custody with a foster parent or caregiver on a permanent basis with or without legal guardianship.

(k) To make every possible effort, when two or more children who are in the care or under the supervision of the department are siblings, to place the siblings in the same home; and in the event of permanent placement of the siblings, to place them in the same adoptive home or, if the siblings are separated, to keep them in contact with each other.

(l)~~(a)~~ To provide judicial and other procedures to assure due process through which children, *parents, and guardians* and other interested parties are assured fair hearings by a respectful and respected court or other tribunal and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests and the authority and dignity of the courts are adequately protected.

(m) To ensure that children under the jurisdiction of the courts are provided equal treatment with respect to goals, objectives, services, and case plans, without regard to the location of their placement. It is the further intent of the Legislature that, when children are removed from their homes, disruption to their education be minimized to the extent possible.

~~(e)1. To assure that the adjudication and disposition of a child alleged or found to have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.~~

~~2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.~~

~~(f) To provide children committed to the Department of Juvenile Justice with training in life skills, including career education.~~

(2) *DEPARTMENT CONTRACTS.*—The department ~~of Juvenile Justice or the Department of Children and Family Services, as appropriate,~~ may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) When the department ~~of Juvenile Justice or the Department of Children and Family Services~~ contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(b) The department ~~of Juvenile Justice and the Department of Children and Family Services~~ shall require employment screening, *and rescreening no less frequently than once every 5 years,* pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

(c) The department ~~of Juvenile Justice or the Department of Children and Family Services~~ may grant exemptions from disqualification from working with children as provided in s. 435.07.

(d) The department shall require all job applicants, current employees, volunteers, and contract personnel who currently perform or are seeking to perform child protective investigations to be drug-tested pursuant to the procedures and requirements of s. 112.0455, the Drug-Free Workplace Act. The department is authorized to adopt rules, policies, and procedures necessary to implement this paragraph.

(e) The department shall develop and implement a written and performance-based testing and evaluation program, pursuant to s. 20.19(4), to ensure measurable competencies of all employees assigned to manage or supervise cases of child abuse, abandonment, and neglect.

(3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, abandonment, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(f) Equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services.

(h) An independent, trained advocate, when intervention is necessary and a skilled guardian or caregiver in a safe environment when alternative placement is necessary.

(4) SUBSTANCE ABUSE SERVICES.—The Legislature finds that children in the care of the state's dependency system need appropriate health care services, that the impact of substance abuse on health indicates the need for health care services to include substance abuse services to children and parents where appropriate, and that it is in the state's best interest that such children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency system must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the dependency system, which will be fully implemented and utilized as resources permit.

(5) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caregivers to fulfill their responsibilities are identified through the dependency process and that appropriate recommendations and services to address those problems are considered in any judicial or nonjudicial proceeding.

(6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE, ABANDONMENT, AND NEGLECT OF CHILDREN.—The incidence of known child abuse, abandonment, and neglect has increased rapidly over the past 5 years. The impact that abuse, abandonment, or neglect has on the victimized child, siblings, family structure, and inevitably on all citizens of the state has caused the Legislature to determine that the prevention of child abuse, abandonment, and neglect shall be a priority of this state. To further this end, it is the intent of the Legislature that a comprehensive approach for the prevention of abuse, abandonment, and neglect of children be developed for the state and that this planned, comprehensive approach be used as a basis for funding.

(7) PLAN FOR COMPREHENSIVE APPROACH.—

(a) The department shall develop a state plan for the prevention of abuse, abandonment, and neglect of children and shall submit the plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than January 1, 1983. The Department of Education and the Division of Children's Medical Services of the Department of Health shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to

participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the district human rights advocacy committees; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies, and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(b) The development of the comprehensive state plan shall be accomplished in the following manner:

1. The department shall establish an interprogram task force comprised of the Assistant Secretary for Children and Family Services, or a designee, a representative from the Children and Families Program Office, a representative from the Alcohol, Drug Abuse, and Mental Health Program Office, a representative from the Developmental Services Program Office, a representative from the Office of Standards and Evaluation, and a representative from the Division of Children's Medical Services of the Department of Health. Representatives of the Department of Law Enforcement and of the Department of Education shall serve as ex officio members of the interprogram task force. The interprogram task force shall be responsible for:

a. Developing a plan of action for better coordination and integration of the goals, activities, and funding pertaining to the prevention of child abuse, abandonment, and neglect conducted by the department in order to maximize staff and resources at the state level. The plan of action shall be included in the state plan.

b. Providing a basic format to be utilized by the districts in the preparation of local plans of action in order to provide for uniformity in the district plans and to provide for greater ease in compiling information for the state plan.

c. Providing the districts with technical assistance in the development of local plans of action, if requested.

d. Examining the local plans to determine if all the requirements of the local plans have been met and, if they have not, informing the districts of the deficiencies and requesting the additional information needed.

e. Preparing the state plan for submission to the Legislature and the Governor. Such preparation shall include the collapsing of information obtained from the local plans, the cooperative plans with the Department of Education, and the plan of action for coordination and integration of departmental activities into one comprehensive plan. The comprehensive plan shall include a section reflecting general conditions and needs, an analysis of variations based on population or geographic areas, identified problems, and recommendations for change. In essence, the plan shall provide an analysis and summary of each element of the local plans to provide a statewide perspective. The plan shall also include each separate local plan of action.

f. Working with the specified state agency in fulfilling the requirements of subparagraphs 2., 3., 4., and 5.

2. The department, the Department of Education, and the Department of Health shall work together in developing ways to inform and instruct parents of school children and appropriate district school personnel in all school districts in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect, and in caring for a child's needs after a report is made. The plan for accomplishing this end shall be included in the state plan.

3. The department, the Department of Law Enforcement, and the Department of Health shall work together in developing ways to inform and instruct appropriate local law enforcement personnel in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect.

4. Within existing appropriations, the department shall work with other appropriate public and private agencies to emphasize efforts to educate the general public about the problem of and ways to detect child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect. The plan for accomplishing this end shall be included in the state plan.

5. The department, the Department of Education, and the Department of Health shall work together on the enhancement or adaptation of curriculum materials to assist instructional personnel in providing instruction through a multidisciplinary approach on the identification, intervention, and prevention of child abuse, abandonment, and neglect. The curriculum materials shall be geared toward a sequential program of instruction at the four progressional levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging all school districts to utilize the curriculum are to be included in the comprehensive state plan for the prevention of child abuse, abandonment, and neglect.

6. Each district of the department shall develop a plan for its specific geographical area. The plan developed at the district level shall be submitted to the interprogram task force for utilization in preparing the state plan. The district local plan of action shall be prepared with the involvement and assistance of the local agencies and organizations listed in paragraph (a), as well as representatives from those departmental district offices participating in the treatment and prevention of child abuse, abandonment, and neglect. In order to accomplish this, the district administrator in each district shall establish a task force on the prevention of child abuse, abandonment, and neglect. The district administrator shall appoint the members of the task force in accordance with the membership requirements of this section. In addition, the district administrator shall ensure that each subdistrict is represented on the task force; and, if the district does not have subdistricts, the district administrator shall ensure that both urban and rural areas are represented on the task force. The task force shall develop a written statement clearly identifying its operating procedures, purpose, overall responsibilities, and method of meeting responsibilities. The district plan of action to be prepared by the task force shall include, but shall not be limited to:

a. Documentation of the magnitude of the problems of child abuse, including sexual abuse, physical abuse, and emotional abuse, and child abandonment and neglect in its geographical area.

b. A description of programs currently serving abused, abandoned, and neglected children and their families and a description of programs for the prevention of child abuse, abandonment, and neglect, including information on the impact, cost-effectiveness, and sources of funding of such programs.

c. A continuum of programs and services necessary for a comprehensive approach to the prevention of all types of child abuse, abandonment, and neglect as well as a brief description of such programs and services.

d. A description, documentation, and priority ranking of local needs related to child abuse, abandonment, and neglect prevention based upon the continuum of programs and services.

e. A plan for steps to be taken in meeting identified needs, including the coordination and integration of services to avoid unnecessary duplication and cost, and for alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, contracting with local universities for services, and local government or private agency funding.

f. A description of barriers to the accomplishment of a comprehensive approach to the prevention of child abuse, abandonment, and neglect.

g. Recommendations for changes that can be accomplished only at the state program level or by legislative action.

(8) FUNDING AND SUBSEQUENT PLANS.—

(a) All budget requests submitted by the department, the Department of Education, or any other agency to the Legislature for funding of efforts for the prevention of child abuse, abandonment, and neglect shall be based on the state plan developed pursuant to this section.

(b) The department at the state and district levels and the other agencies listed in paragraph (7)(a) shall readdress the plan and make necessary revisions every 5 years, at a minimum. Such revisions shall be

submitted to the Speaker of the House of Representatives and the President of the Senate no later than June 30 of each year divisible by 5. An annual progress report shall be submitted to update the plan in the years between the 5-year intervals. In order to avoid duplication of effort, these required plans may be made a part of or merged with other plans required by either the state or Federal Government, so long as the portions of the other state or Federal Government plan that constitute the state plan for the prevention of child abuse, abandonment, and neglect are clearly identified as such and are provided to the Speaker of the House of Representatives and the President of the Senate as required above.

(9)~~(3)~~ *LIBERAL CONSTRUCTION.*—It is the intent of the Legislature that this chapter be liberally interpreted and construed in conformity with its declared purposes.

Section 3. Section 415.5015, Florida Statutes, is renumbered as section 39.0015, Florida Statutes, and amended to read:

39.0015 ~~415.5015~~ Child abuse prevention training in the district school system.—

(1) SHORT TITLE.—This section may be cited as the "Child Abuse Prevention Training Act of 1985."

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature that primary prevention training for all children in kindergarten through grade 12 be encouraged in the district school system through the training of school teachers, guidance counselors, parents, and children.

(3) DEFINITIONS.—As used in this section:

(a) "Department" means the Department of Education.

(b) "Child abuse" means those acts as defined in ss. 39.01~~, 415.503,~~ and 827.04.

(c) "Primary prevention and training program" means a training and educational program for children, parents, and teachers which is directed toward preventing the occurrence of child abuse, including sexual abuse, physical abuse, *child abandonment,* child neglect, and drug and alcohol abuse, and toward reducing the vulnerability of children through training of children and through including coordination with, and training for, parents and school personnel.

(d) "Prevention training center" means a center as described in subsection (5).

(4) PRIMARY PREVENTION AND TRAINING PROGRAM.—A primary prevention and training program shall include all of the following, as appropriate for the persons being trained:

(a) Information provided in a clear and nonthreatening manner, describing the problem of sexual abuse, physical abuse, *abandonment,* neglect, and alcohol and drug abuse, and the possible solutions.

(b) Information and training designed to counteract common stereotypes about victims and offenders.

(c) Crisis counseling techniques.

(d) Available community resources and ways to access those resources.

(e) Physical and behavioral indicators of abuse.

(f) Rights and responsibilities regarding reporting.

(g) School district procedures to facilitate reporting.

(h) Caring for a child's needs after a report is made.

(i) How to disclose incidents of abuse.

(j) Child safety training and age-appropriate self-defense techniques.

(k) The right of every child to live free of abuse.

(l) The relationship of child abuse to handicaps in young children.

(m) Parenting, including communication skills.

(n) Normal and abnormal child development.

(o) Information on recognizing and alleviating family stress caused by the demands required in caring for a high-risk or handicapped child.

(p) Supports needed by school-age parents in caring for a young child.

(5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION PROCESS; MONITORING AND EVALUATION.—

(a) Each training center shall perform the following functions:

1. Act as a clearinghouse to provide information on prevention curricula which meet the requirements of this section and the requirements of ss. *39.001,* 231.17, *and* 236.0811~~, and 415.501~~.

2. Assist the local school district in selecting a prevention program model which meets the needs of the local community.

3. At the request of the local school district, design and administer training sessions to develop or expand local primary prevention and training programs.

4. Provide assistance to local school districts, including, but not limited to, all of the following: administration, management, program development, multicultural staffing, and community education, in order to better meet the requirements of this section and of ss. *39.001,* 231.17, *and* 236.0811~~, and 415.501~~.

5. At the request of the department ~~of Education~~ or the local school district, provide ongoing program development and training to achieve all of the following:

a. Meet the special needs of children, including, but not limited to, the needs of disabled and high-risk children.

b. Conduct an outreach program to inform the surrounding communities of the existence of primary prevention and training programs and of funds to conduct such programs.

6. Serve as a resource to the Department of Children and Family Services and its districts.

(b) The department, in consultation with the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, shall select and award grants by January 1, 1986, for the establishment of three private, nonprofit prevention training centers: one located in and serving South Florida, one located in and serving Central Florida, and one located in and serving North Florida. The department, in consultation with the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, shall select an agency or agencies to establish three training centers which can fulfill the requirements of this section and meet the following requirements:

1. Have demonstrated experience in child abuse prevention training.

2. Have shown capacity for training primary prevention and training programs as *provided for in subsections (3) and* ~~defined in subsection~~ (4).

3. Have provided training and organizing technical assistance to the greatest number of private prevention and training programs.

4. Have employed the greatest number of trainers with experience in private child abuse prevention and training programs.

5. Have employed trainers which represent the cultural diversity of the area.

6. Have established broad community support.

(c) The department shall monitor and evaluate primary prevention and training programs utilized in the local school districts and shall monitor and evaluate the impact of the prevention training centers on the implementation of primary prevention programs and their ability to meet the required responsibilities of a center as described in this section.

(6) The department ~~of Education~~ shall administer this *section* ~~act~~ and in so doing is authorized to adopt rules and standards necessary to implement the specific provisions of this *section* ~~act~~.

Section 4. Section 39.01, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.01 Definitions.—When used in this chapter, *unless the context otherwise requires*:

(1) "Abandoned" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the *caregiver* ~~person~~ responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or *caregiver* ~~person~~ primarily responsible for the child's welfare, to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in chapter 984 or a "family in need of services" as defined in chapter 984. The incarceration of a parent, legal custodian, or *caregiver* ~~person~~ responsible for a child's welfare *may support* ~~does not constitute a bar to~~ a finding of abandonment.

(2) "Abuse" means any willful act *or threatened act* that results in any physical, mental, or sexual injury *or harm* that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. *For the purpose of protective investigations, abuse of a child includes the acts or omissions of the parent, legal custodian, caregiver, or other person responsible for the child's welfare.* Corporal discipline of a child by a parent, *legal custodian*, or *caregiver* ~~guardian~~ for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child ~~as defined in s. 415.503~~.

(3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.

(4) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition ~~as is provided for under s. 39.408(2),~~ in dependency cases~~,~~ or ~~s. 39.467,~~ in termination of parental rights cases.

(5) "Adult" means any natural person other than a child.

(6) "Adoption" means the act of creating the legal relationship between parent and child where it did not exist, thereby declaring the child to be legally the child of the adoptive parents and their heir at law, and entitled to all the rights and privileges and subject to all the obligations of a child born to such adoptive parents in lawful wedlock.

(7) "Alleged juvenile sexual offender" means:

(a) A child 12 years of age or younger who is alleged to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133; or

(b) A child who is alleged to have committed any violation of law or delinquent act involving juvenile sexual abuse. "Juvenile sexual abuse" means any sexual behavior that occurs without consent, without equality, or as a result of coercion. For purposes of this paragraph, the following definitions apply:

1. "Coercion" means the exploitation of authority or the use of bribes, threats of force, or intimidation to gain cooperation or compliance.

2. "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

3. "Consent" means an agreement, including all of the following:

a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.

b. Knowledge of societal standards for what is being proposed.

c. Awareness of potential consequences and alternatives.

d. Assumption that agreement or disagreement will be accepted equally.

e. Voluntary decision.

f. Mental competence.

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

(8)~~(6)~~ "Arbitration" means a process whereby a neutral third person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which may be binding or nonbinding.

(9)~~(7)~~ "Authorized agent" or "designee" of the department means *an employee, volunteer, or other person or agency determined by the state to be eligible for state-funded risk management coverage, which is* ~~a person or agency~~ assigned or designated by the department ~~of Juvenile Justice or the Department of Children and Family Services, as appropriate,~~ to perform duties or exercise powers pursuant to this chapter ~~and includes contract providers and their employees for purposes of providing services to and managing cases of children in need of services and families in need of services~~.

(10) "Caregiver" means the parent, legal custodian, adult household member, or other person responsible for a child's welfare as defined in subsection (47).

~~(8) "Caretaker/homemaker" means an authorized agent of the Department of Children and Family Services who shall remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.~~

(11)~~(9)~~ "Case plan" or "plan" means a document, as described in s. *39.601* ~~39.4031~~, prepared by the department *with input from all parties, including parents, guardians ad litem, legal custodians, caregivers, and the child. The case plan*~~, that~~ follows the child from the provision of voluntary services through any dependency, foster care, or termination of parental rights proceeding or related activity or process.

(12)~~(10)~~ "Child" or ~~"juvenile" or~~ "youth" means any unmarried person under the age of 18 *years* who has not been emancipated by order of the court and who has been *alleged or* found ~~or alleged~~ to be dependent~~, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years~~.

(13) "Child protection team" means a team of professionals established by the department to receive referrals from the protective investigators and protective supervision staff of the department and to provide specialized and supportive services to the program in processing child abuse, abandonment, or neglect cases. A child protection team shall provide consultation to other programs of the department and other persons regarding child abuse, abandonment, or neglect cases.

(14)~~(11)~~ "Child who is found to be dependent" means a child who, pursuant to this chapter, is found by the court:

(a) To have been abandoned, abused, or neglected by the child's *parent or* parents, *legal custodians, or caregivers;* ~~or other custodians.~~

(b) To have been surrendered to the department ~~of Children and Family Services~~, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;~~.~~

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department ~~of Children and Family Services~~, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of ~~part II of~~ this chapter, a case plan has expired and the parent or parents, *legal custodians, or caregivers* have failed to substantially comply with the requirements of the plan;~~.~~

(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a natural parent or parents *has* signed a consent pursuant to the Florida Rules of Juvenile Procedure;~~.~~

(e) To have no parent, legal custodian, or *caregiver* ~~responsible adult relative~~ to provide supervision and care*; or*~~.~~

(f) To be at substantial risk of imminent abuse*, abandonment,* or neglect by the parent or parents*, legal custodians, or caregivers* ~~or the custodian~~.

(15)~~(12)~~ "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

(16)~~(13)~~ "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.

(17)~~(14)~~ "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of ~~a juvenile offender's or~~ a child's *and caregiver's* physical*, psychiatric,* psychological *or mental health*, educational, vocational, and social condition and family environment as they relate to the child's *and caregiver's* need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

(18)~~(15)~~ "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(19)~~(16)~~ "Department~~,~~" ~~as used in this chapter,~~ means the Department of Children and Family Services.

(20)~~(17)~~ "Diligent efforts by a parent*, legal custodian, or caregiver*" means a course of conduct which results in a reduction in risk to the child in the child's home that would allow the child to be safely placed permanently back in the home as set forth in the case plan.

(21)~~(18)~~ "Diligent efforts of social service agency" means reasonable efforts to provide social services or reunification services made by any social service agency ~~as defined in this section~~ that is a party to a case plan.

(22)~~(19)~~ "Diligent search" means the efforts of a social service agency to locate a parent or prospective parent whose identity or location is unknown, ~~or a relative made known to the social services agency by the parent or custodian of a child. When the search is for a parent, prospective parent, or relative of a child in the custody of the department, this search must be~~ initiated as soon as the *social service* agency is made aware of the existence of such parent*, with the search progress reported at each court hearing until the parent is either identified and located or the court excuses further search.* ~~prospective parent, or relative. A diligent search shall include interviews with persons who are likely to have information about the identity or location of the person being sought, comprehensive database searches, and records searches, including searches of employment, residence, utilities, Armed Forces, vehicle registration, child support enforcement, law enforcement, and corrections records, and any other records likely to result in identifying and locating the person being sought. The initial diligent search must be completed within 90 days after a child is taken into custody. After the completion of the initial diligent search, the department, unless excused by the court, shall have a continuing duty to search for relatives with whom it may be appropriate to place the child, until such relatives are found or until the child is placed for adoption.~~

(23)~~(20)~~ "Disposition hearing" means a hearing in which the court determines the most appropriate *family support* ~~dispositional~~ services in the least restrictive available setting ~~provided for under s. 39.408(3),~~ in dependency cases~~,~~ or ~~s. 39.469,~~ in termination of parental rights cases.

(24) "District" means any one of the 15 service districts of the department established pursuant to s. 20.19.

(25)~~(21)~~ "District administrator" means the chief operating officer of each service district of the department ~~of Children and Family Services~~ as defined in s. 20.19*(7)*~~(6)~~ and, where appropriate, includes *any* ~~each~~ district administrator whose service district falls within the boundaries of a judicial circuit.

(26) "Expedited termination of parental rights" means proceedings wherein a case plan with the goal of reunification is not being offered.

(27) "False report" means a report of abuse, neglect, or abandonment of a child to the central abuse hotline, which report is maliciously made for the purpose of:

(a) Harassing, embarrassing, or harming another person;

(b) Personal financial gain for the reporting person;

(c) Acquiring custody of a child; or

(d) Personal benefit for the reporting person in any other private dispute involving a child.

The term "false report" does not include a report of abuse, neglect, or abandonment of a child made in good faith to the central abuse hotline.

(28)~~(22)~~ "Family" means a collective body of persons, consisting of a child and a parent*, legal* ~~guardian, adult~~ custodian*, caregiver,* or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent*, legal* ~~guardian, adult~~ custodian*, caregiver,* or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(29)~~(23)~~ "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(30) "Harm" to a child's health or welfare can occur when the parent, legal custodian, or caregiver responsible for the child's welfare:

(a) Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Such injury includes, but is not limited to:

1. Willful acts that produce the following specific injuries:

a. Sprains, dislocations, or cartilage damage.

b. Bone or skull fractures.

c. Brain or spinal cord damage.

d. Intracranial hemorrhage or injury to other internal organs.

e. Asphyxiation, suffocation, or drowning.

f. Injury resulting from the use of a deadly weapon.

g. Burns or scalding.

h. Cuts, lacerations, punctures, or bites.

i. Permanent or temporary disfigurement.

j. Permanent or temporary loss or impairment of a body part or function.

As used in this subparagraph, the term "willful" refers to the intent to perform an action, not to the intent to achieve a result or to cause an injury.

2. Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury. For the purposes of this subparagraph, the term "drugs" means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

3. Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.

4. Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in this section, or emotional injury. The significance of any injury must be evaluated in light of the following factors: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Corporal discipline may be considered excessive or abusive when it results in any of the following or other similar injuries:

a. Sprains, dislocations, or cartilage damage.

b. Bone or skull fractures.

c. Brain or spinal cord damage.

d. Intracranial hemorrhage or injury to other internal organs.

e. Asphyxiation, suffocation, or drowning.

f. Injury resulting from the use of a deadly weapon.

g. Burns or scalding.

h. Cuts, lacerations, punctures, or bites.

i. Permanent or temporary disfigurement.

j. Permanent or temporary loss or impairment of a body part or function.

k. Significant bruises or welts.

(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, or lewd or lascivious acts, as defined in chapter 800, against the child.

(c) Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or

2. Engage in a sexual performance, as defined by chapter 827.

(d) Exploits a child, or allows a child to be exploited, as provided in s. 450.151.

(e) Abandons the child. Within the context of the definition of "harm," the term "abandons the child" means that the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of such a parent or legal custodian or person primarily responsible for the child's welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the child may be determined to have been abandoned.

(f) Neglects the child. Within the context of the definition of "harm," the term "neglects the child" means that the parent or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so. However, a parent, legal custodian, or caregiver who, by reason of the legitimate practice of religious beliefs, does not provide specified medical treatment for a child may not be considered abusive or neglectful for that reason alone, but such an exception does not:

1. Eliminate the requirement that such a case be reported to the department;

2. Prevent the department from investigating such a case; or

3. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined in this section, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(g) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. Use by the mother of a controlled substance or alcohol during pregnancy when the child, at birth, is demonstrably adversely affected by such usage; or

2. Continued chronic and severe use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage.

As used in this paragraph, the term "controlled substance" means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

(h) Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child.

(i) Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.

(j) Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another.

(k) Has allowed a child's sibling to die as a result of abuse, abandonment, or neglect.

(31)~~(24)~~ "Health and human services board" means the body created in each service district of the department ~~of Children and Family Services~~ pursuant to the provisions of s. 20.19*(8)*~~(7)~~.

(32) "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child's care.

(33)~~(25)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

(34)~~(26)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care. *The legal custodian is the person or entity in whom the legal right to custody is vested.*

(35) "Legal guardianship" means a judicially created relationship between the child and caregiver which is intended to be permanent and self-sustaining and is provided pursuant to the procedures in chapter 744.

(36)~~(27)~~ "Licensed child-caring agency" means a person, society, association, or agency licensed by the department ~~of Children and Family Services~~ to care for, receive, and board children.

(37)~~(28)~~ "Licensed child-placing agency" means a person, society, association, or institution licensed by the department ~~of Children and Family Services~~ to care for, receive, or board children and to place children in a licensed child-caring institution or a foster or adoptive home.

(38)~~(29)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under chapter 464, a physician assistant certified under chapter 458 *or chapter 459*, or a dentist licensed under chapter 466.

(39)~~(30)~~ "Likely to injure oneself" means that, as evidenced by violent or other actively self-destructive behavior, it is more likely than not that within a 24-hour period the child will attempt to commit suicide or inflict serious bodily harm on himself or herself.

(40)~~(31)~~ "Likely to injure others" means that it is more likely than not that within a 24-hour period the child will inflict serious and unjustified bodily harm on another person.

(41)~~(32)~~ "Long-term relative custodian" means an adult *relative* who is a party to a long-term custodial relationship created by a court order pursuant to *this chapter* ~~s. 39.41(2)(a)~~5.

(42)~~(33)~~ "Long-term relative custody" or "long-term custodial relationship" means the relationship that a juvenile court order creates between a child and an adult relative of the child or *other caregiver* ~~an adult nonrelative~~ approved by the court when the child cannot be placed in the custody of a natural parent and termination of parental rights is not deemed to be in the best interest of the child. Long-term relative custody confers upon the long-term relative or *other caregiver* ~~nonrelative custodian~~ the right to physical custody of the child, a right which will not be disturbed by the court except upon request of the *caregiver* ~~custodian~~ or upon a showing that a material change in circumstances necessitates a change of custody for the best interest of the child. A long-term relative or *other caregiver* ~~nonrelative custodian~~ shall have all of the rights *and duties* of a natural parent, including, but not limited to, the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the long-term custodial relationship.

(43)~~(34)~~ "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. ~~In mediation, decision-making authority rests with the parties.~~ The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(44) "Mental injury" means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

(45)~~(35)~~ "Necessary medical treatment" means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(46)~~(36)~~ "Neglect" occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the *caregiver* ~~person primarily responsible for the child's welfare~~ deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent, *legal custodian,* or *caregiver* ~~guardian~~ legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent, *legal custodian,* or *caregiver* ~~guardian~~; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatrist, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

For the purpose of protective investigations, neglect of a child includes the acts or omissions of the parent, legal custodian, or caregiver.

(47) "Other person responsible for a child's welfare" includes the child's legal guardian, legal custodian, or foster parent; an employee of a private school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care. For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity.

(48)~~(37)~~ "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.

(49)~~(38)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of ~~either s. 39.4051(7) or~~ s. 63.062(1)(b).

(50)~~(39)~~ "Participant," for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents *or caregivers,* identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(51)~~(40)~~ "Party~~,~~" ~~for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding,~~ means the parent *or legal custodian* of the child, the petitioner, the department, the guardian ad litem *or the representative of the guardian ad litem program* when *the program* ~~one~~ has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

(52) "Physical injury" means death, permanent or temporary disfigurement, or impairment of any bodily part.

(53) "Physician" means any licensed physician, dentist, podiatrist, or optometrist and includes any intern or resident.

(54)~~(41)~~ "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

(55)~~(42)~~ "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal *custodian* ~~guardian~~ of the child, or the *caregiver* ~~custodian~~ of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child's need for *physical, mental, and emotional health and* a safe, ~~continuous,~~ stable, living environment, ~~and~~ shall promote family autonomy, and shall strengthen family life, ~~as the first priority~~ whenever possible.

(56)~~(43)~~ "Prospective parent" means a person who claims to be, or has been identified as, a person who may be a mother or a father of a child.

(57)~~(44)~~ "Protective investigation" means the acceptance of a report alleging child abuse, *abandonment,* or neglect, as defined in *this chapter* ~~s. 415.503~~, by the central abuse hotline or the acceptance of a report of other dependency by the *department* ~~local children, youth, and families office of the Department of Children and Family Services~~; the investigation ~~and classification~~ of each report; the determination of whether action by the court is warranted; the determination of the disposition of each report without court or public agency action when appropriate; *and* the referral of a child to another public or private agency when appropriate~~; and the recommendation by the protective investigator of court action when appropriate~~.

(58)~~(45)~~ "Protective investigator" means an authorized agent of the department ~~of Children and Family Services~~ who receives *and~~,~~* investigates~~, and classifies~~ reports of child abuse, *abandonment,* or neglect ~~as defined in s. 415.503~~; who, as a result of the investigation, may recommend that a dependency petition be filed for the child ~~under the criteria of paragraph (11)(a)~~; and who performs other duties necessary to carry out the required actions of the protective investigation function.

(59)~~(46)~~ "Protective supervision" means a legal status in dependency cases~~, child-in-need-of-services cases, or family-in-need-of-services cases~~ which permits the child to remain *safely* in his or her own home or other

placement under the supervision of an agent of the *department and which must be reviewed by* ~~Department of Juvenile Justice or the Department of Children and Family Services, subject to being returned to~~ the court during the period of supervision.

~~(47) "Protective supervision case plan" means a document that is prepared by the protective supervision counselor of the Department of Children and Family Services, is based upon the voluntary protective supervision of a case pursuant to s. 39.403(2)(b), or a disposition order entered pursuant to s. 39.41(2)(a)3., and that:~~

~~(a) Is developed in conference with the parent, guardian, or custodian of the child and, if appropriate, the child and any court-appointed guardian ad litem.~~

~~(b) Is written simply and clearly in the principal language, to the extent possible, of the parent, guardian, or custodian of the child and in English.~~

~~(c) Is subject to modification based on changing circumstances and negotiations among the parties to the plan and includes, at a minimum:~~

~~1. All services and activities ordered by the court.~~

~~2. Goals and specific activities to be achieved by all parties to the plan.~~

~~3. Anticipated dates for achieving each goal and activity.~~

~~4. Signatures of all parties to the plan.~~

~~(d) Is submitted to the court in cases where a dispositional order has been entered pursuant to s. 39.41(2)(a)3.~~

(60)~~(48)~~ "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(61)~~(49)~~ "Reunification services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal *custodian* ~~guardian~~ of the child, or the *caregiver* ~~custodian~~ of the child, whichever is applicable, *to* the child, and where appropriate *to* the foster parents of the child, for the purpose of enabling a child who has been placed in *out-of-home* ~~foster~~ care to *safely* return to his or her family at the earliest possible time. *The health and safety of the child shall be the paramount goal of* social services and other supportive and rehabilitative services. *Such services* shall promote the child's need for *physical, mental, and emotional health and* a safe, ~~continuous,~~ stable, living environment, ~~and~~ shall promote family autonomy, and *shall* strengthen family life, ~~as a first priority~~ whenever possible.

(62) "Secretary" means the Secretary of Children and Family Services.

(63) "Sexual abuse of a child" means one or more of the following acts:

(a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.

(d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:

1. Any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with, or affection for a child; or

2. Any act intended for a valid medical purpose.

(e) The intentional masturbation of the perpetrator's genitals in the presence of a child.

(f) The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.

(g) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or

2. Engage in a sexual performance, as defined by chapter 827.

(64)~~(50)~~ "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be dependent, ~~a child from a family in need of services, or a child in need of services,~~ pending court disposition before or after adjudication. ~~or after execution of a court order. "Shelter" may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 984.14.~~

(65)~~(51)~~ "Shelter hearing" means a hearing *in which the court determines whether probable cause exists to keep a child in shelter status pending further investigation of the case* ~~provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases~~.

(66)~~(52)~~ "Social service agency" means the department ~~of Children and Family Services~~, a licensed child-caring agency, or a licensed child-placing agency.

~~(53) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.~~

(67)~~(54)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(68)~~(55)~~ "Substantial compliance" means that the circumstances which caused the *creation of the case plan* ~~placement in foster care~~ have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child's *remaining with or* being returned to the child's parent, *legal custodian, or caregiver* ~~or guardian~~.

(69)~~(56)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release *or placement*~~, detention, placement, or other disposition as authorized by law~~.

(70)~~(57)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, *legal custodian, or caregiver* ~~adult nonrelative~~ approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(71) "Victim" means any child who has sustained or is threatened with physical, mental, or emotional injury identified in a report involving child abuse, neglect, or abandonment, or child-on-child sexual abuse.

Section 5. Section 39.455, Florida Statutes, is renumbered as section 39.011, Florida Statutes, and amended to read:

39.011 ~~39.455~~ Immunity from liability.—

(1) In no case shall employees or agents of the *department or a* social service agency acting in good faith be liable for damages as a result of failing to provide services agreed to under the case plan ~~or permanent placement plan~~ unless the failure to provide such services occurs as a

result of bad faith or malicious purpose or occurs in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) The inability or failure of the *department or of a* social service agency or the employees or agents of the social service agency to provide the services agreed to under the case plan ~~or permanent placement plan~~ shall not render the state or the social service agency liable for damages unless such failure to provide services occurs in a manner exhibiting wanton or willful disregard of human rights, safety, or property.

(3) A member or agent of a citizen review panel acting in good faith is not liable for damages as a result of any review or recommendation with regard to a foster care or shelter care matter unless such member or agent exhibits wanton and willful disregard of human rights or safety, or property.

Section 6. Section 39.012, Florida Statutes, is amended to read:

39.012 Rules for implementation.—The department ~~of Children and Family Services~~ shall adopt rules for the efficient and effective management of all programs, services, facilities, and functions necessary for implementing this chapter. *Such rules may not conflict with the Florida Rules of Juvenile Procedure. All rules and policies must conform to accepted standards of care and treatment.*

Section 7. Section 39.0121, Florida Statutes, is created to read:

39.0121 Specific rulemaking authority.—Pursuant to the requirements of s. 120.536, the department is specifically authorized to adopt, amend, and repeal administrative rules that implement or interpret law or policy, or describe the procedure and practice requirements necessary to implement this chapter, including, but not limited to, the following:

(1) Background screening of department employees and applicants; criminal records checks of prospective foster and adoptive parents; and drug testing of protective investigators.

(2) Reporting of child abuse, neglect, and abandonment; reporting of child-on-child sexual abuse; false reporting; child protective investigations; taking a child into protective custody; and shelter procedures.

(3) Confidentiality and retention of department records; access to records; and record requests.

(4) Department and client trust funds.

(5) Child protection teams and services, and eligible cases.

(6) Consent to and provision of medical care and treatment for children in the care of the department.

(7) Federal funding requirements and procedures; foster care and adoption subsidies; subsidized independent living; and subsidized child care.

(8) Agreements with law enforcement and other state agencies; access to the National Crime Information Center (NCIC); and access to the parent locator service.

(9) Licensing, registration, and certification of child day care providers, shelter and foster homes, and residential child-caring and child-placing agencies.

(10) The Family Builders Program, the Intensive Crisis Counseling Program, and any other early-intervention programs and kinship care assistance programs.

(11) Department contracts, pilot programs, and demonstration projects.

(12) Legal and casework procedures, including, but not limited to, mediation, diligent search, stipulations, consents, surrenders, and default, with respect to dependency, termination of parental rights, adoption, guardianship, and kinship care proceedings.

(13) Legal and casework management of cases involving in-home supervision and out-of-home care, including judicial reviews, administrative reviews, case plans, and any other documentation or procedures required by federal or state law.

(14) Injunctions and other protective orders, domestic-violence-related cases, and certification of domestic violence centers.

Section 8. Section 39.40, Florida Statutes, is renumbered as section 39.013, Florida Statutes, and amended to read:

39.013 ~~39.40~~ Procedures and jurisdiction*; right to counsel.*—

(1) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in *this chapter* ~~dependency cases~~ shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law. Parents must be informed by the court of their right to counsel in dependency proceedings at each stage of the dependency proceedings. Parents who are unable to afford counsel and who are threatened with criminal charges based on the facts underlying the dependency petition or a permanent loss of custody of their children must be appointed counsel.

(2) The circuit court shall have exclusive original jurisdiction of all proceedings under ~~parts III, IV, V, and VI of~~ this chapter, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department*, and of the adoption of children whose parental rights have been terminated pursuant to this chapter.* Jurisdiction attaches when the initial shelter petition, dependency petition, or termination *of parental rights* petition is filed or when a child is taken into the custody of the department. The circuit court may assume jurisdiction over any such proceeding regardless of whether the child was in the physical custody of both parents, was in the sole legal or physical custody of only one parent*, caregiver,* or ~~of~~ some other person, or was in the physical or legal custody of no person when the event or condition occurred that brought the child to the attention of the court. When the *court obtains* jurisdiction of any child who has been found to be dependent ~~is obtained~~, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 18 years of age.

(3) When a child is under the jurisdiction of the circuit court pursuant to the provisions of this chapter, the juvenile court, as a division of the circuit court, may exercise the general and equitable jurisdiction over guardianship proceedings pursuant to the provisions of chapter 744, and proceedings for temporary custody of minor children by extended family pursuant to the provisions of chapter 751.

(4)~~(3)~~ The court shall expedite the resolution of the placement issue in cases involving a child *who* ~~under 4 years of age when the child~~ has been removed from the family and placed in a shelter.

(5)~~(4)~~ The court shall expedite the judicial handling of all cases when the child has been removed from the family and placed in a shelter~~, and of all cases involving a child under 4 years of age~~.

(6)~~(5) It is the intent of the Legislature that~~ Children removed from their homes *shall* be provided equal treatment with respect to goals, objectives, services, and case plans, without regard to the location of their placement.~~, and that placement shall be in a safe environment where drugs and alcohol are not abused. It is the further intent of the Legislature that, when children are removed from their homes, disruption to their education be minimized to the extent possible.~~

(7) For any child who remains in the custody or under the supervision of the department, the court shall, within the 6-month period before the child's 18th birthday, hold a hearing to review the progress of the child while in the custody or under the supervision of the department.

(8)(a) At each stage of the proceedings under this chapter, the court shall advise the parent, legal custodian, or caregiver of the right to counsel. The court shall appoint counsel for indigent persons. The court shall ascertain whether the right to counsel is understood. When right to counsel is waived, the court shall determine whether the waiver is knowing and intelligent. The court shall enter its findings in writing with respect to the appointment or waiver of counsel for indigent parties or the waiver of counsel by nonindigent parties.

(b) Once counsel has entered an appearance or been appointed by the court to represent the parent of the child, the attorney shall continue to represent the parent throughout the proceedings. If the attorney-client relationship is discontinued, the court shall advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

(c)1. No waiver of counsel may be accepted if it appears that the parent, legal custodian, or caregiver is unable to make an intelligent and understanding choice because of mental condition, age, education, experience, the nature or complexity of the case, or other factors.

2. A waiver of counsel made in court must be of record.

3. If a waiver of counsel is accepted at any hearing or proceeding, the offer of assistance of counsel must be renewed by the court at each subsequent stage of the proceedings at which the parent, legal custodian, or caregiver appears without counsel.

(d) This subsection does not apply to any parent who has voluntarily executed a written surrender of the child and consents to the entry of a court order terminating parental rights.

(9) The time limitations in this chapter do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds for believing that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or guardian may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents; however, the petitioner shall continue regular efforts to provide notice to the parents during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

(10) Court-appointed counsel representing indigent parents or legal guardians at shelter hearings shall be paid from state funds appropriated by general law.

Section 9. *Section 39.4057, Florida Statutes, is renumbered as section 39.0131, Florida Statutes.*

Section 10. Section 39.411, Florida Statutes, is renumbered as section 39.0132, Florida Statutes, and amended to read:

39.0132 ~~39.411~~ Oaths, records, and confidential information.—

(1) The judge, clerks or deputy clerks, or authorized agents of the department shall each have the power to administer oaths and affirmations.

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records pertaining to a dependent child until 10 years after the last entry was made, or until the child is 18 years of age, whichever date is first reached, and may then destroy them, except that records of cases where orders were entered permanently depriving a parent of the custody of a juvenile shall be preserved permanently. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this part and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which may be filed therein.

(3) The clerk shall keep all court records required by this part separate from other records of the circuit court. All court records required by this part shall not be open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that, subject to the provisions of s. 63.162, a child and the parents, ~~or~~ legal custodians, *or caregivers* of the child and their attorneys, *guardian ad litem,* law enforcement agencies, and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions.

(4) All information obtained pursuant to this part in the discharge of official duty by any judge, employee of the court, authorized agent of the department, correctional probation officer, or law enforcement agent shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, *guardian ad litem,* and others entitled under this chapter to receive that information, except upon order of the court.

(5) All orders of the court entered pursuant to this chapter shall be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.

(6) No court record of proceedings under this chapter shall be admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders permanently terminating the rights of a parent and committing the child to a licensed child-placing agency or the department for adoption shall be admissible in evidence in subsequent adoption proceedings relating to the child.

(b) Records of proceedings under this part forming a part of the record on appeal shall be used in the appellate court in the manner hereinafter provided.

(c) Records necessary therefor shall be admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury.

(d) Records of proceedings under this part may be used to prove disqualification pursuant to s. 435.06 and for proof regarding such disqualification in a chapter 120 proceeding.

Section 11. *Section 39.414, Florida Statutes, is renumbered as section 39.0133, Florida Statutes.*

Section 12. Section 39.415, Florida Statutes, is renumbered as section 39.0134, Florida Statutes, and amended to read:

39.0134 ~~39.415~~ Appointed counsel; compensation.—

(1) If counsel is entitled to receive compensation for representation pursuant to *a* court appointment in a dependency proceeding *pursuant to this chapter,* such compensation shall *be established by each county* ~~not exceed $1,000 at the trial level and $2,500 at the appellate level~~.

(2) If counsel is entitled to receive compensation for representation pursuant to court appointment in a termination of parental rights proceeding, such compensation shall not exceed $1,000 at the trial level and $2,500 at the appellate level.

Section 13. Section 39.418, Florida Statutes, is renumbered as section 39.0135, Florida Statutes, and amended to read:

39.0135 ~~39.418~~ Operations and Maintenance Trust Fund.~~—Effective July 1, 1996,~~ The department ~~of Children and Family Services~~ shall deposit all child support payments made to the department pursuant to *this chapter* ~~s. 39.41(2)~~ into the Operations and Maintenance Trust Fund. The purpose of this funding is to care for children who are committed to the temporary legal custody of the department ~~pursuant to s. 39.41(2)(a)8~~.

Section 14. Part II of chapter 39, Florida Statutes, consisting of sections 39.201, 39.202, 39.203, 39.204, 39.205, and 39.206, Florida Statutes, shall be entitled to read:

PART II
REPORTING CHILD ABUSE

Section 15. Section 415.504, Florida Statutes, is renumbered as section 39.201, Florida Statutes, and amended to read:

39.201 ~~415.504~~ Mandatory reports of child abuse, *abandonment,* or neglect; mandatory reports of death; central abuse hotline.—

(1) Any person, including, but not limited to, any:

(a) Physician, osteopathic physician, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

(b) Health or mental health professional other than one listed in paragraph (a);

(c) Practitioner who relies solely on spiritual means for healing;

(d) School teacher or other school official or personnel;

(e) Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker; or

(f) Law enforcement officer,

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(2)(a) Each report of known or suspected child abuse, *abandonment,* or neglect pursuant to this section, except those solely under s. 827.04*(3)*~~(4)~~, shall be made immediately to the department's central abuse hotline on the single statewide toll-free telephone number, and, if the report is of an instance of known or suspected child abuse by a noncaretaker, the call shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline. If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04*(3)*~~(4)~~, the report shall be made immediately to the appropriate county sheriff's office or other appropriate law enforcement agency. If the report is of an instance of known or suspected child abuse solely under s. 827.04*(3)*~~(4)~~, the reporting provisions of this subsection do not apply to health care professionals or other persons who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of medical services.

(b) Reporters in occupation categories designated in subsection (1) are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential as provided in s. *39.202* ~~415.51~~.

(c) Reports involving known or suspected institutional child abuse or neglect shall be made and received in the same manner as all other reports made pursuant to this section.

(d) Reports involving a known or suspected juvenile sexual offender shall be made and received by the department.

1. The department shall determine the age of the alleged juvenile sexual offender if known.

2. When the alleged juvenile sexual offender is 12 years of age or younger, the department shall proceed with an investigation of the report pursuant to *this* part ~~III~~, immediately electronically transfer the call to the appropriate law enforcement agency office by the central abuse hotline, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.

3. When the alleged juvenile sexual offender is 13 years of age or older, the department shall immediately electronically transfer the call to the appropriate county sheriff's office by the central abuse hotline, and send a written report to the appropriate county sheriff's office within 48 hours after the initial report to the central abuse hotline.

(e) Hotline counselors shall receive periodic training in encouraging reporters to provide their names when reporting abuse, *abandonment, or neglect*. Callers shall be advised of the confidentiality provisions of s. *39.202* ~~415.51~~. The department shall secure and install electronic equipment that automatically provides to the hotline the number from which the call is placed. This number shall be entered into the report of abuse, *abandonment, or neglect* and become a part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the caller pursuant to s. *39.202* ~~415.51~~.

(3) Any person required to report or investigate cases of suspected child abuse, *abandonment,* or neglect who has reasonable cause to suspect that a child died as a result of child abuse, *abandonment,* or neglect shall report his or her suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation ~~pursuant to s. 406.11~~ and shall report his or her findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements provided for in s. *39.202* ~~415.51~~.

(4)~~(a)~~ The department shall establish and maintain a central abuse hotline to receive all reports made pursuant to this section in writing or through a single statewide toll-free telephone number, which any person may use to report known or suspected child abuse, abandonment, or neglect at any hour of the day or night, any day of the week. The central abuse hotline shall be operated in such a manner as to enable the department to:

(a)~~1.~~ Immediately identify and locate prior reports or cases of child abuse, *abandonment,* or neglect through utilization of the department's automated tracking system.

(b)~~2.~~ Monitor and evaluate the effectiveness of the department's program for reporting and investigating suspected abuse, *abandonment,* or neglect of children through the development and analysis of statistical and other information.

(c)~~3.~~ Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse, *abandonment,* or neglect.

(d)~~4.~~ Maintain and produce aggregate statistical reports monitoring patterns of ~~both~~ child abuse, *child abandonment,* and child neglect. The department shall collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports.

(e)~~5.~~ Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse, *abandonment,* or neglect.

(f)~~6.~~ Initiate and enter into agreements with other states for the purpose of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

~~(b) Upon receiving an oral or written report of known or suspected child abuse or neglect, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated children and families district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated children and families district staff responsible for protective investigations in sufficient time to allow for an investigation, or if the district determines appropriate, a family services response system approach to be commenced within 24 hours. When a district decides to respond to a report of child abuse or neglect with a family services response system approach, the provisions of part III apply. If, in the course of assessing risk and services or at any other appropriate time, responsible district staff determines that the risk to the child requires a child protective investigation, then the department shall suspend its family services response system activities and shall proceed with an investigation as delineated in this part. At the time of notification of district staff with respect to the report, the central abuse hotline shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.~~

~~(c) Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:~~

~~1. The names of the investigators and identifying credentials from the department.~~

~~2. The purpose of the investigation.~~

~~3. The right to obtain his or her own attorney and ways that the information provided by the subject may be used.~~

~~(d) The department shall make and keep records of all cases brought before it pursuant to this part and shall preserve the records pertaining to a child and family until 7 years after the last entry was made or until the child is 18 years of age. The department shall then destroy the records, except where the child has been placed under the protective supervision of the department, the court has made a finding of dependency, or a criminal conviction has resulted from the facts associated with the report and there is a likelihood that future services of the department may be required.~~

(5) The department shall be capable of receiving and investigating reports of known or suspected child abuse, abandonment, or neglect 24 hours a day, 7 days a week. If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child will be unavailable for purposes of conducting a child protective investigation, or that the facts otherwise so warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In all other child abuse, abandonment, or neglect cases, a child protective investigation shall be commenced within 24 hours after receipt of the report. In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or accompanied by another person, if the person or the attorney executes an affidavit of understanding with the department and agrees to comply with the confidentiality provisions of s. 39.202. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. In institutional child abuse cases when the institution is not operating and the child cannot otherwise be located, the investigation shall commence immediately upon the resumption of operation. If requested by a state attorney or local law enforcement agency, the department shall furnish all investigative reports to that agency.

(6)~~(e)~~ Information in the central abuse hotline may not be used for employment screening *except as provided in s. 39.202(2)(a) and (h). Information in the central abuse hotline and the department's automated abuse information system may be used by the department, its authorized agents or contract providers, the Department of Health, or county agencies as part of the licensure or registration process pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.* ~~Access to the information shall only be granted as set forth in s. 415.51.~~

(7)~~(5)~~ This section does not require a professional who is hired by or enters into a contract with the department for the purpose of treating or counseling any person, as a result of a report of child abuse, *abandonment,* or neglect, to again report to the central abuse hotline the abuse, *abandonment,* or neglect that was the subject of the referral for treatment.

Section 16. Section 415.511, Florida Statutes, is renumbered as section 39.203, Florida Statutes, and amended to read:

39.203 ~~415.511~~ Immunity from liability in cases of child abuse, *abandonment,* or neglect.—

(1)(a) Any person, official, or institution participating in good faith in any act authorized or required by *this chapter* ~~ss. 415.502-415.514~~, or reporting in good faith any instance of child abuse, *abandonment, or neglect* to any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

(b) Except as provided in *this chapter* ~~s. 415.503(10)(f)~~, nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, *abandoned,* or neglected a child, or committed any illegal act upon or against a child.

(2)(a) No resident or employee of a facility serving children may be subjected to reprisal or discharge because of his or her actions in reporting abuse, *abandonment,* or neglect pursuant to the requirements of this section.

(b) Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his or her making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

Section 17. Section 415.512, Florida Statutes, is renumbered as section 39.204, Florida Statutes, and amended to read:

39.204 ~~415.512~~ Abrogation of privileged communications in cases involving child abuse, *abandonment,* or neglect.—The privileged quality of communication between husband and wife and between any professional person and his or her patient or client, and any other privileged communication except that between attorney and client or the privilege provided in s. 90.505, as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, *abandonment,* or neglect and shall not constitute grounds for failure to report as required by s. *39.201* ~~415.504~~ regardless of the source of the information requiring the report, failure to cooperate with the department in its activities pursuant to *this chapter* ~~ss. 415.502-415.514~~, or failure to give evidence in any judicial proceeding relating to child abuse, *abandonment,* or neglect.

Section 18. Section 415.513, Florida Statutes, is renumbered as section 39.205, Florida Statutes, and amended to read:

39.205 ~~415.513~~ Penalties relating to ~~abuse~~ reporting *of child abuse, abandonment, or neglect.*—

(1) A person who is required ~~by s. 415.504~~ to report known or suspected child abuse, *abandonment,* or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse *hotline* ~~registry and tracking system~~ or in the records of any child abuse, *abandonment,* or neglect case, except as provided in *this chapter* ~~ss. 415.502-415.514~~, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The department shall establish procedures for determining whether a false report of child abuse, *abandonment,* or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency and the state attorney for prosecution.

(4) A person who knowingly and willfully makes a false report of child abuse, *abandonment,* or neglect, or who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(5) Each state attorney shall establish procedures to facilitate the prosecution of persons under this section.

Section 19. Section 415.5131, Florida Statutes, is renumbered as section 39.206, Florida Statutes, and amended to read:

39.206 ~~415.5131~~ Administrative fines for false report of abuse, *abandonment,* or neglect of a child.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed *$10,000* ~~$1,000~~ for each violation, upon a person who knowingly and willfully makes a false report of abuse, *abandonment,* or neglect of a child, or a person who counsels another to make a false report.

(2) If the department alleges that a person has filed a false report with the central abuse *hotline* ~~registry and tracking system~~, the department must file a Notice of Intent which alleges the name, age, and address of the individual, the facts constituting the allegation that the individual made a false report, and the administrative fine the department proposes to impose on the person. Each time that a false report is made constitutes a separate violation.

(3) The Notice of Intent to impose the administrative fine must be served upon the person alleged to have filed the false report and the

person's legal counsel, if any. Such Notice of Intent must be given by certified mail, return receipt requested.

(4) Any person alleged to have filed the false report is entitled to an administrative hearing, pursuant to chapter 120, before the imposition of the fine becomes final. The person must request an administrative hearing within 60 days after receipt of the Notice of Intent by filing a request with the department. Failure to request an administrative hearing within 60 days after receipt of the Notice of Intent constitutes a waiver of the right to a hearing, making the administrative fine final.

(5) At the hearing, the department must prove by clear and convincing evidence that the person filed a false report with the central abuse *hotline* ~~registry and tracking system~~. The court shall advise any person against whom a fine may be imposed of that person's right to be represented by counsel at the hearing.

(6) In determining the amount of fine to be imposed, if any, the following factors shall be considered:

(a) The gravity of the violation, including the probability that serious physical or emotional harm to any person will result or has resulted, the severity of the actual or potential harm, and the nature of the false allegation.

(b) Actions taken by the false reporter to retract the false report as an element of mitigation, or, in contrast, to encourage an investigation on the basis of false information.

(c) Any previous false reports filed by the same individual.

(7) A decision by the department, following the administrative hearing, to impose an administrative fine for filing a false report constitutes final agency action within the meaning of chapter 120. Notice of the imposition of the administrative fine must be served upon the person and the person's legal counsel, by certified mail, return receipt requested, and must state that the person may seek judicial review of the administrative fine pursuant to s. 120.68.

(8) All amounts collected under this section shall be deposited into an appropriate trust fund of the department.

(9) A person who is determined to have filed a false report of abuse, *abandonment,* or neglect is not entitled to confidentiality. Subsequent to the conclusion of all administrative or other judicial proceedings concerning the filing of a false report, the name of the false reporter and the nature of the false report shall be made public, pursuant to s. 119.01(1). Such information shall be admissible in any civil or criminal proceeding.

(10) Any person making a report who is acting in good faith is immune from any liability under this section and shall continue to be entitled to have the confidentiality of their identity maintained.

Section 20. Part III of chapter 39, Florida Statutes, consisting of sections 39.301, 39.302, 39.303, 39.3035, 39.304, 39.305, 39.306, and 39.307, Florida Statutes, shall be entitled to read:

PART III
PROTECTIVE INVESTIGATIONS

Section 21. Section 39.301, Florida Statutes, is created to read:

39.301 Initiation of protective investigations.—

(1) Upon receiving an oral or written report of known or suspected child abuse, abandonment, or neglect, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated children and families district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated children and families district staff responsible for protective investigations in sufficient time to allow for an investigation. At the time of notification of district staff with respect to the report, the central abuse hotline shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.

(2)(a) Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:

1. The names of the investigators and identifying credentials from the department.

2. The purpose of the investigation.

3. The right to obtain his or her own attorney and ways that the information provided by the subject may be used.

4. The possible outcomes and services of the department's response shall be explained to the caregiver.

5. The right of the parent, legal custodian, or caregiver to be involved to the fullest extent possible in determining the nature of the allegation and the nature of any identified problem.

(b) The department's training program shall ensure that protective investigators know how to fully inform parents, guardians, and caregivers of their rights and options, including opportunities for audio or video recording of investigators' interviews with parents, guardians, caretakers, or children.

(3) An assessment of risk and the perceived needs of the child and family shall be conducted in a manner that is sensitive to the social, economic, and cultural environment of the family.

(4) Protective investigations shall be performed by the department or its agent.

(5) The person responsible for the investigation shall make a preliminary determination as to whether the report or complaint is complete, consulting with the attorney for the department when necessary. In any case in which the person responsible for the investigation finds that the report or complaint is incomplete, he or she shall return it without delay to the person or agency originating the report or complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction, and request additional information in order to complete the report or complaint; however, the confidentiality of any report filed in accordance with this chapter shall not be violated.

(a) If it is determined that the report or complaint is complete, after determining that such action would be in the best interests of the child, the attorney for the department shall file a petition for dependency.

(b) If it is determined that the report or complaint is complete, but the interests of the child and the public will be best served by providing the child care or other treatment voluntarily accepted by the child and the parents, caregivers, or legal custodians, the protective investigator may refer the child for such care or other treatment.

(c) If the person conducting the investigation refuses to request that the attorney for the department file a petition for dependency, the complainant shall be advised of the right to file a petition pursuant to this part.

(6) For each report it receives, the department shall perform an onsite child protective investigation to:

(a) Determine the composition of the family or household, including the name, address, date of birth, social security number, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household.

(b) Determine whether there is indication that any child in the family or household has been abused, abandoned, or neglected; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, abandonment, or neglect, including the name, address, date of birth, social security number, sex, and race of each such person.

(c) Determine the immediate and long-term risk to each child by conducting state and federal records checks on the parents, legal custodians, or caregivers, and any other persons in the same household. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, post-trial release, or rehabilitation

of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purpose. The department's child protection investigators are hereby designated a criminal justice agency for the purpose of accessing criminal justice information to be used for enforcing this state's laws concerning the crimes of child abuse, abandonment, and neglect.

(d) Determine the immediate and long-term risk to each child through utilization of standardized risk-assessment instruments.

(e) Based on the information obtained from the caregiver, complete the risk-assessment instrument within 48 hours after the initial contact and, if needed, develop a case plan.

(f) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's safety and well-being and development, and cause the delivery of those services through the early intervention of the department or its agent.

(7) If the department or its agent is denied reasonable access to a child by the parents, legal custodians, or caregivers and the department deems that the best interests of the child so require, it shall seek an appropriate court order or other legal authority prior to examining and interviewing the child. The department must show cause to the court that it is necessary to examine and interview the child. If the department interviews a child, the interview must be audio recorded or videotaped, unless the court orders otherwise for good cause. The court shall consider the best interests and safety of the child in making such a determination. If the department interviews a child, the interview must be audio recorded or videotaped.

(8) If the department or its agent determines that a child requires immediate or long-term protection through:

(a) Medical or other health care;

(b) Homemaker care, day care, protective supervision, or other services to stabilize the home environment, including intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both; or

(c) Foster care, shelter care, or other substitute care to remove the child from the custody of the parents, legal guardians, or caregivers,

such services shall first be offered for voluntary acceptance unless there are high-risk factors that may impact the ability of the parents, legal guardians, or caregivers to exercise judgment. Such factors may include the parents', legal guardians', or caregivers' young age or history of substance abuse or domestic violence. The parents, legal custodians, or caregivers shall be informed of the right to refuse services, as well as the responsibility of the department to protect the child regardless of the acceptance or refusal of services. If the services are refused and the department deems that the child's need for protection so requires, the department shall take the child into protective custody or petition the court as provided in this chapter.

(9) When a child is taken into custody pursuant to this section, the authorized agent of the department shall request that the child's parent, caregiver, or legal custodian disclose the names, relationships, and addresses of all parents and prospective parents and all next of kin, so far as are known.

(10) No later than 30 days after receiving the initial report, the local office of the department shall complete its investigation.

(11) Immediately upon receipt of a report alleging, or immediately upon learning during the course of an investigation, that:

(a) The immediate safety or well-being of a child is endangered;

(b) The family is likely to flee;

(c) A child has died as a result of abuse, abandonment, or neglect;

(d) A child is a victim of aggravated child abuse as defined in s. 827.03; or

(e) A child is a victim of sexual battery or of sexual abuse,

the department shall orally notify the jurisdictionally responsible state attorney and county sheriff's office or local police department and, as soon as practicable, transmit the report to those agencies. The law enforcement agency shall review the report and determine whether a criminal investigation needs to be conducted and shall assume lead responsibility for all criminal fact-finding activities. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding an offense described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate.

(12) In a child protective investigation or a criminal investigation, when the initial interview with the child is conducted at school, the department or the law enforcement agency may allow, notwithstanding the provisions of s. 39.0132(4), a school instructional staff member who is known by the child to be present during the initial interview if:

(a) The department or law enforcement agency believes that the school instructional staff member could enhance the success of the interview by his or her presence; and

(b) The child requests or consents to the presence of the school instructional staff member at the interview.

School instructional staff may be present only when authorized by this subsection. Information received during the interview or from any other source regarding the alleged abuse or neglect of the child shall be confidential and exempt from the provisions of s. 119.07(1), except as otherwise provided by court order. A separate record of the investigation of the abuse, abandonment, or neglect shall not be maintained by the school or school instructional staff member. Violation of this subsection constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13) Within 15 days after the completion of the investigation of cases reported to him or her pursuant to this section, the state attorney shall report his or her findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 22. Section 39.302, Florida Statutes, is created to read:

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(32) or (47), acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall immediately initiate a child protective investigation and orally notify the appropriate state attorney, law enforcement agency, and licensing agency. These agencies shall immediately conduct a joint investigation, unless independent investigations are more feasible. When a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation shall be entitled to full access to the information gathered by the department in the course of the investigation. In all cases, the department shall make a full written report to the state attorney within 3 days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(2)(a) If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict the subject's access to the children pending the outcome of the investigation. The department or its agent shall employ the least restrictive means necessary to safeguard the physical health, mental health, and welfare of the children in care. This authority shall apply only to child protective investigations in which there is some evidence that child abuse, abandonment, or neglect has occurred. A subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial

review. The court shall enter written findings of fact based upon the preponderance of evidence that child abuse, abandonment, or neglect did occur and that the department's restrictive action against a subject of the report was justified in order to safeguard the physical health, mental health, and welfare of the children in care. The restrictive action of the department shall be effective for no more than 90 days without a judicial finding supporting the actions of the department.

(b) Upon completion of the department's child protective investigation, the department may make application to the circuit court for continued restrictive action against any person necessary to safeguard the physical health, mental health, and welfare of the children in care.

(3) Pursuant to the restrictive actions described in subsection (2), in cases of institutional abuse, abandonment, or neglect in which the removal of a subject of a report will result in the closure of the facility, and when requested by the owner of the facility, the department may provide appropriate personnel to assist in maintaining the operation of the facility. The department may provide assistance when it can be demonstrated by the owner that there are no reasonable alternatives to such action. The length of the assistance shall be agreed upon by the owner and the department; however, the assistance shall not be for longer than the course of the restrictive action imposed pursuant to subsection (2). The owner shall reimburse the department for the assistance of personnel provided.

(4) The department shall notify the human rights advocacy committee in the appropriate district of the department as to every report of institutional child abuse, abandonment, or neglect in the district in which a client of the department is alleged or shown to have been abused, abandoned, or neglected, which notification shall be made within 48 hours after the department commences its investigation.

(5) The department shall notify the state attorney and the appropriate law enforcement agency of any other child abuse, abandonment, or neglect case in which a criminal investigation is deemed appropriate by the department.

(6) In cases of institutional child abuse, abandonment, or neglect in which the multiplicity of reports of abuse, abandonment, or neglect or the severity of the allegations indicates the need for specialized investigation by the department in order to afford greater safeguards for the physical health, mental health, and welfare of the children in care, the department shall provide a team of persons specially trained in the areas of child abuse, abandonment, and neglect investigations, diagnosis, and treatment to assist the local office of the department in expediting its investigation and in making recommendations for restrictive actions and to assist in other ways deemed necessary by the department in order to carry out the provisions of this section. The specially trained team shall also provide assistance to any investigation of the allegations by local law enforcement and the Department of Law Enforcement.

Section 23. Section 415.5055, Florida Statutes, is renumbered as section 39.303, Florida Statutes, and amended to read:

39.303 ~~415.5055~~ Child protection teams; services; eligible cases.—The department shall develop, maintain, and coordinate the services of one or more multidisciplinary child protection teams in each of the service districts of the department. Such teams may be composed of representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies. The Legislature finds that optimal coordination of child protection teams and sexual abuse treatment programs requires collaboration between the Department of Health and the Department of Children and Family Services. The two departments shall maintain an interagency agreement that establishes protocols for oversight and operations of child protection teams and sexual abuse treatment programs. The Secretary of Health and the Director of the Division of Children's Medical Services, in consultation with the Secretary of Children and Family Services, shall maintain the responsibility for the screening, employment, and, if necessary, the termination of child protection team medical directors, at headquarters and in the 15 districts. Child protection team medical directors shall be responsible for oversight of the teams in the districts.

(1) The department shall utilize and convene the teams to supplement the assessment and protective supervision activities of ~~the children, youth, and families program of~~ the department. Nothing in this section shall be construed to remove or reduce the duty and responsibility of any person to report pursuant to *this chapter* ~~s. 415.504~~ all suspected or actual cases of child abuse, *abandonment,* or neglect or sexual abuse of a child. The role of the teams shall be to support activities of the program and to provide services deemed by the teams to be necessary and appropriate to abused, *abandoned,* and neglected children upon referral. The specialized diagnostic assessment, evaluation, coordination, consultation, and other supportive services that a child protection team shall be capable of providing include, but are not limited to, the following:

(a) Medical diagnosis and evaluation services, including provision or interpretation of X rays and laboratory tests, and related services, as needed, and documentation of findings relative thereto.

(b) Telephone consultation services in emergencies and in other situations.

(c) Medical evaluation related to abuse, *abandonment,* or neglect, as defined by department policy or rule.

(d) Such psychological and psychiatric diagnosis and evaluation services for the child or the child's parent or parents, *legal custodian or custodians* ~~guardian or guardians~~, or other caregivers, or any other individual involved in a child abuse, *abandonment,* or neglect case, as the team may determine to be needed.

(e) Short-term psychological treatment. It is the intent of the Legislature that short-term psychological treatment be limited to no more than 6 months' duration after treatment is initiated, except that the appropriate district administrator may authorize such treatment for individual children beyond this limitation if the administrator deems it appropriate.

(f) Expert medical, psychological, and related professional testimony in court cases.

(g) Case staffings to develop, implement, and monitor treatment plans for children whose cases have been referred to the team. A child protection team may provide consultation with respect to a child who has not been referred to the team, but who is alleged or is shown to be abused, *abandoned, or neglected,* which consultation shall be provided at the request of a representative of the children, youth, and families program or at the request of any other professional involved with a child or the child's parent or parents, *legal custodian or custodians* ~~guardian or guardians~~, or other caregivers. In every such child protection team case staffing, consultation, or staff activity involving a child, a children, youth, and families program representative shall attend and participate.

(h) Case service coordination and assistance, including the location of services available from other public and private agencies in the community.

(i) Such training services for program and other department employees as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling child abuse, *abandonment,* and neglect cases.

(j) Educational and community awareness campaigns on child abuse, *abandonment,* and neglect in an effort to enable citizens more successfully to prevent, identify, and treat child abuse, *abandonment,* and neglect in the community.

(2) The child abuse, *abandonment,* and neglect cases that are appropriate for referral by the children, youth, and families program to child protection teams for support services as set forth in subsection (1) include, but are not limited to, cases involving:

(a) Bruises, burns, or fractures in a child under the age of 3 years or in a nonambulatory child of any age.

(b) Unexplained or implausibly explained bruises, burns, fractures, or other injuries in a child of any age.

(c) Sexual abuse of a child in which vaginal or anal penetration is alleged or in which other unlawful sexual conduct has been determined to have occurred.

(d) Venereal disease, or any other sexually transmitted disease, in a prepubescent child.

(e) Reported malnutrition of a child and failure of a child to thrive.

(f) Reported medical, physical, or emotional neglect of a child.

(g) Any family in which one or more children have been pronounced dead on arrival at a hospital or other health care facility, or have been injured and later died, as a result of suspected abuse, *abandonment,* or neglect, when any sibling or other child remains in the home.

(h) Symptoms of serious emotional problems in a child when emotional or other abuse, *abandonment,* or neglect is suspected.

~~(3) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and 455.241, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court.~~

(3) In all instances in which a child protection team is providing certain services to abused, *abandoned,* or neglected children, other offices and units of the department shall avoid duplicating the provision of those services.

Section 24. Section 39.3035, Florida Statutes, is created to read:

39.3035 Child advocacy centers; standards; state funding.—

(1) In order to become eligible for a full membership in the Florida Network of Children's Advocacy Centers, Inc., a child advocacy center in this state shall:

(a) Be a private, nonprofit incorporated agency or a governmental entity.

(b) Be a child protection team with established community protocols that meet all of the requirements of the National Network of Children's Advocacy Centers, Inc.

(c) Have a neutral, child-focused facility where joint department and law enforcement interviews take place with children in appropriate cases of suspected child sexual abuse or physical abuse. All multidisciplinary agencies shall have a place to interact with the child as investigative or treatment needs require.

(d) Have a minimum designated staff that is supervised and approved by the local board of directors or governmental entity.

(e) Have a multidisciplinary case review team that meets on a regularly scheduled basis or as the caseload of the community requires. The team shall consist of representatives from the Office of the State Attorney, the department, the child protection team, mental health services, law enforcement, and the child advocacy center staff. Medical personnel and a victim's advocate may be part of the team.

(f) Provide case tracking of child abuse cases seen through the center. A center shall also collect data on the number of child abuse cases seen at the center, by sex, race, age, and other relevant data; the number of cases referred for prosecution; and the number of cases referred for mental health therapy. Case records shall be subject to the confidentiality provisions of s. 39.202.

(g) Provide referrals for medical exams and mental health therapy. The center shall provide followup on cases referred for mental health therapy.

(h) Provide training for various disciplines in the community that deal with child abuse.

(i) Have an interagency commitment, in writing, covering those aspects of agency participation in a multidisciplinary approach to the handling of child sexual abuse and serious physical abuse cases.

(2) Provide assurance that child advocacy center employees and volunteers at the center are trained and screened in accordance with s. 39.001(2).

(3) Any child advocacy center within this state that meets the standards of subsection (1) and is certified by the Florida Network of Children's Advocacy Centers, Inc., as being a full member in the organization shall be eligible to receive state funds that are appropriated by the Legislature.

Section 25. Section 415.507, Florida Statutes, is renumbered as section 39.304, Florida Statutes, and amended to read:

39.304 ~~415.507~~ Photographs, medical examinations, X rays, and medical treatment of abused, *abandoned,* or neglected child.—

(1) Any person required to investigate cases of suspected child abuse, *abandonment,* or neglect may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report. If the areas of trauma visible on a child indicate a need for a medical examination, or if the child verbally complains or otherwise exhibits distress as a result of injury through suspected child abuse, *abandonment,* or neglect, or is alleged to have been sexually abused, the person required to investigate may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents, *caregiver* ~~legal guardian~~, or legal custodian. Such examination may be performed by an advanced registered nurse practitioner licensed pursuant to chapter 464. Any licensed physician, or advanced registered nurse practitioner licensed pursuant to chapter 464, who has reasonable cause to suspect that an injury was the result of child abuse, *abandonment, or neglect* may authorize a radiological examination to be performed on the child without the consent of the child's parent, *caregiver* ~~legal guardian~~, or legal custodian.

(2) Consent for any medical treatment shall be obtained in the following manner.

(a)1. Consent to medical treatment shall be obtained from a parent or *legal custodian* ~~guardian~~ of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or *legal custodian* ~~guardian~~ of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or *legal custodian* ~~guardian~~ of the child is available but refuses to consent to the necessary treatment, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse, *abandonment,* or neglect of the child by a parent or *legal custodian* ~~guardian~~. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3) Any facility licensed under chapter 395 shall provide to the department, its agent, or a child protection team that contracts with the department any photograph or report on examinations made or X rays taken pursuant to this section, or copies thereof, for the purpose of investigation or assessment of cases of abuse, abandonment, neglect, or exploitation of children.

(4)~~(3)~~ Any photograph or report on examinations made or X rays taken pursuant to this section, or copies thereof, shall be sent to the department as soon as possible.

(5)~~(4)~~ The county in which the child is a resident shall bear the initial costs of the examination of the allegedly abused, *abandoned, or neglected* child; however, the parents, *caregiver* ~~legal guardian~~, or legal custodian of the child shall be required to reimburse the county for the costs of such examination, other than an initial forensic physical examination as provided in s. 960.28, and to reimburse the department ~~of Children and Family Services~~ for the cost of the photographs taken pursuant to this section. A medical provider may not bill a child victim, directly or indirectly, for the cost of an initial forensic physical examination.

~~(5) The court shall order a defendant or juvenile offender who pleads guilty or nolo contendere to, or who is convicted of or adjudicated delinquent for, a violation of chapter 794 or chapter 800 to make restitution to the Crimes Compensation Trust Fund or to the county, whichever paid for the initial forensic physical examination, in an amount equal to~~

~~the compensation paid to the medical provider for the cost of the initial forensic physical examination. The order may be enforced by the department in the same manner as a judgment in a civil action.~~

Section 26. Section 415.5095, Florida Statutes, is renumbered as section 39.305, Florida Statutes, and amended to read:

39.305 ~~415.5095~~ Intervention and treatment in sexual abuse cases; model plan.—

~~(1) The impact of sexual abuse on the child and family has caused the Legislature to determine that special intervention and treatment must be offered in certain cases so that the child can be protected from further abuse, the family can be kept together, and the abuser can benefit from treatment. To further this end, it is the intent of the Legislature that special funding shall be available in those communities where agencies and professionals are able to work cooperatively to effectuate intervention and treatment in intrafamily sexual abuse cases.~~

~~(2)~~ The department ~~of Children and Family Services~~ shall develop a model plan for community intervention and treatment of intrafamily sexual abuse in conjunction with the Department of Law Enforcement, *the Department of Health*, the Department of Education, the Attorney General, the state Guardian Ad Litem Program, the Department of Corrections, representatives of the judiciary, and professionals and advocates from the mental health and child welfare community.

Section 27. Section 39.306, Florida Statutes, is created to read:

39.306 Child protective investigations; working agreements with local law enforcement.—The department shall enter into agreements with the jurisdictionally responsible county sheriffs' offices and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect. The written agreement must specify how the requirements of this chapter will be met. For the purposes of such agreement, the jurisdictionally responsible law enforcement entity is authorized to share Florida criminal history information that is not otherwise exempt from s. 119.07(1) with the district personnel, authorized agent, or contract provider directly responsible for the child protective investigation and emergency child placement. The agencies entering into such agreement must comply with s. 943.0525. Criminal justice information provided by such law enforcement entity shall be used only for the purposes specified in the agreement and shall be provided at no charge. Notwithstanding any other provision of law, the Department of Law Enforcement shall provide to the department electronic access to Florida criminal justice information that is lawfully available and not exempt from s. 119.07(1), only for the purpose of child protective investigations and emergency child placement. As a condition of access to such information, the department shall be required to execute an appropriate user agreement addressing the access, use, dissemination, and destruction of such information and to comply with all applicable laws and regulations and with rules of the Department of Law Enforcement.

Section 28. Section 415.50171, Florida Statutes, is renumbered as section 39.307, Florida Statutes, and amended to read:

39.307 ~~415.50171 Family services response system;~~ Reports of child-on-child sexual abuse.—

(1) ~~Subject to specific appropriation,~~ Upon receiving a report alleging juvenile sexual abuse as defined in s. *39.01(7)(b), the department shall assist the family in receiving appropriate services* ~~415.50165(7), district staff shall, unless caregiver abuse or neglect is involved, use a family services response system approach~~ to address the allegations of the report.

(2) District staff, at a minimum, shall adhere to the following procedures:

(a) The purpose of the response to a report alleging juvenile sexual abuse behavior shall be explained to the caregiver.

1. The purpose of the response shall be explained in a manner consistent with legislative purpose and intent provided in this *chapter* ~~part~~.

2. The name and office telephone number of the person responding shall be provided to the caregiver of the alleged juvenile sexual offender and victim's caregiver.

3. The possible consequences of the department's response, including outcomes and services, shall be explained to the caregiver of the alleged juvenile sexual offender and the victim's family or caregiver.

(b) The caregiver of the alleged juvenile sexual offender and the caregiver of the victim shall be involved to the fullest extent possible in determining the nature of the allegation and the nature of any problem or risk to other children.

(c) The assessment of risk and the perceived treatment needs of the alleged juvenile sexual offender, the victim, and respective caregivers shall be conducted by the district staff, the child protection team, and other providers under contract with the department to provide services to the caregiver of the alleged offender, the victim, and the victim's caregiver.

(d) The assessment shall be conducted in a manner that is sensitive to the social, economic, and cultural environment of the family.

(e) When necessary, the child protection team shall conduct an evidence-gathering physical examination of the victim.

(f) Based on the information obtained from the alleged juvenile sexual offender, the alleged juvenile sexual offender's caregiver, the victim, and the victim's caregiver, an assessment service and treatment needs report must be completed within 7 days and, if needed, a case plan developed within 30 days.

(g) The department shall classify the outcome of its initial assessment of the report as follows:

1. Report closed. Services were not offered to the alleged juvenile sexual offender because the department determined that there was no basis for intervention.

2. Services accepted by alleged offender. Services were offered to the alleged juvenile sexual offender and accepted by the caregiver.

3. Report closed. Services were offered to the alleged juvenile sexual offender, but were rejected by the caregiver.

4. Notification to law enforcement. Either the risk to the victim's safety and well-being cannot be reduced by the provision of services or the family rejected services, and notification of the alleged delinquent act or violation of law to the appropriate law enforcement agency was initiated.

5. Services accepted by victim. Services were offered to the victim of the alleged juvenile sexual offender and accepted by the caregiver.

6. Report closed. Services were offered to the victim of the alleged juvenile sexual offender, but were rejected by the caregiver.

(3) When services have been accepted by the alleged juvenile sexual offender, victim, and respective caregivers or family, the department shall designate a case manager and develop a specific case plan.

(a) Upon receipt of the plan, the caregiver or family shall indicate its acceptance of the plan in writing.

(b) The case manager shall periodically review the progress toward achieving the objectives of the plan in order to:

1. Make adjustments to the plan or take additional action as provided in this part; or

2. Terminate the case when indicated by successful or substantial achievement of the objectives of the plan.

(4) In the event the family or caregiver of the alleged juvenile sexual offender fails to adequately participate or allow for the adequate participation of the juvenile sexual offender in the services or treatment delineated in the case plan, the case manager may recommend that the department:

(a) Close the case;

(b) Refer the case to mediation or arbitration, if available; or

(c) Notify the appropriate law enforcement agency of failure to comply.

(5) Services to the alleged juvenile sexual offender, the victim, and respective caregivers or family under this section shall be voluntary and of necessary duration.

(6) At any time, as a result of additional information, findings of facts, or changing conditions, the department may pursue a child protective investigation as provided in *this chapter* ~~part IV~~.

(7) The department is authorized to develop rules and other policy directives necessary to implement the provisions of this section.

Section 29. Part IV of chapter 39, Florida Statutes, consisting of sections 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, and 39.318, Florida Statutes, shall be entitled to read:

PART IV
FAMILY BUILDERS PROGRAM

Section 30. Section 415.515, Florida Statutes, is renumbered as section 39.311, Florida Statutes, and amended to read:

39.311 ~~415.515~~ Establishment of Family Builders Program.—

(1) Any Family Builders Program that is established by the department ~~of Children and Family Services or the Department of Juvenile Justice~~ shall provide family preservation services to families whose children are at risk of imminent out-of-home placement because they are dependent ~~or delinquent or are children in need of services~~, to reunite families whose children have been removed and placed in foster care, and to maintain adoptive families intact who are at risk of fragmentation. The Family Builders Program shall provide programs to achieve long-term changes within families that will allow children to remain with their families as an alternative to the more expensive and potentially psychologically damaging program of out-of-home placement.

(2) The department ~~of Children and Family Services and the Department of Juvenile Justice~~ may adopt rules to implement the Family Builders Program.

Section 31. Section 415.516, Florida Statutes, is renumbered as section 39.312, Florida Statutes, and amended to read:

39.312 ~~415.516~~ Goals.—The goals of any Family Builders Program shall be to:

(1) Ensure child health and safety while working with the family.

(2)~~(1)~~ Help parents to improve their relationships with their children and to provide better care, nutrition, hygiene, discipline, protection, instruction, and supervision.

(3)~~(2)~~ Help parents to provide a better household environment for their children by improving household maintenance, budgeting, and purchasing.

(4)~~(3)~~ Provide part-time child care when parents are unable to do so or need temporary relief.

(5)~~(4)~~ Perform household maintenance, budgeting, and purchasing when parents are unable to do so on their own or need temporary relief.

(6)~~(5)~~ Assist parents and children to manage and resolve conflicts.

(7)~~(6)~~ Assist parents to meet the special physical, mental, or emotional needs of their children and help parents to deal with their own special physical, mental, or emotional needs that interfere with their ability to care for their children and to manage their households.

(8)~~(7)~~ Help families to discover and gain access to community resources to which the family or children might be entitled and which would assist the family in meeting its needs and the needs of the children, including the needs for food, clothing, housing, utilities, transportation, appropriate educational opportunities, employment, respite care, and recreational and social activities.

(9)~~(8)~~ Help families by providing cash or in-kind assistance to meet their needs for food, clothing, housing, or transportation when such needs prevent or threaten to prevent parents from caring for their children, and when such needs are not met by other sources in the community in a timely fashion.

~~(9) Emphasize parental responsibility and facilitate counseling for children at high risk of delinquent behavior and their parents.~~

(10) Provide such additional reasonable services for the prevention of maltreatment and unnecessary foster care as may be needed in order to strengthen a family at risk.

Section 32. Section 415.517, Florida Statutes, is renumbered as section 39.313, Florida Statutes, and amended to read:

39.313 ~~415.517~~ Contracting of services.—The department may contract for the delivery of Family Builders Program services by professionally qualified persons or local governments when it determines that it is in the family's best interest. The service provider or program operator must submit to the department monthly activity reports covering any services rendered. These activity reports must include project evaluation in relation to individual families being served, as well as statistical data concerning families referred for services who are not served due to the unavailability of resources. The costs of program evaluation are an allowable cost consideration in any service contract negotiated in accordance with this *section* ~~subsection~~.

Section 33. Section 415.518, Florida Statutes, is renumbered as section 39.314, Florida Statutes, and amended to read:

39.314 ~~415.518~~ Eligibility for Family Builders Program services.—Family Builders Program services must be made available to a family at risk on a voluntary basis, provided the family meets the eligibility requirements as established by rule and there is space available in the program. All members of the families who accept such services are responsible for cooperating fully with the family preservation plan developed for each family under *s. 39.315* ~~this section~~. Families in which children are at imminent risk of sexual abuse or physical endangerment perpetrated by a member of their immediate household are not eligible to receive family preservation services unless the perpetrator is in, or has agreed to enter, a program for treatment and the safety of the children may be enhanced through participation in the Family Builders Program.

Section 34. *Section 415.519, Florida Statutes, is renumbered as section 39.315, Florida Statutes.*

Section 35. Section 415.520, Florida Statutes, is renumbered as section 39.316, Florida Statutes, and amended to read:

39.316 ~~415.520~~ Qualifications of Family Builders Program workers.—

(1) A public or private agency staff member who provides direct service to an eligible family must possess a bachelor's degree in a human-service-related field and 2 years' experience providing direct services to children, youth, or their families or possess a master's degree in a human-service-related field with 1 year of experience. A person who supervises caseworkers who provide direct services to eligible families must possess a master's degree in a human-service-related field and have at least 2 years of experience in social work or counseling or must possess a bachelor's degree in a human-service-related field and have at least 3 years' experience in social work or counseling.

(2) A person who provides paraprofessional aide services to families must possess a valid high school diploma or a Graduate Equivalency Diploma and must have a minimum of 2 years' experience in working with families with children. Experience in a volunteer capacity while working with families may be included in the 2 years of required experience.

(3) Caseworkers must successfully complete at least 40 hours of intensive training prior to providing direct *services* ~~service~~ under this program. Paraprofessional aides and supervisors must, within 90 days after hiring, complete a training program prescribed by the department on child abuse, *abandonment*, and neglect and an overview of the children, youth, and families program components and service delivery system. Program supervisors and caseworkers must thereafter complete at least 40 hours of additional training each year in accordance with standards established by the department.

Section 36. *Section 415.521, Florida Statutes, is renumbered as section 39.317, Florida Statutes.*

Section 37. Section 415.522, Florida Statutes, is renumbered as section 39.318, Florida Statutes, and amended to read:

39.318 ~~415.522~~ Funding.—The department is authorized to use appropriate state, federal, and private funds within its budget for operating the Family Builders Program. For each child served, the cost of providing home-based services described in this *part* ~~act~~ must not exceed the costs of out-of-home care which otherwise would be incurred.

Section 38. Part V of chapter 39, Florida Statutes, consisting of sections 39.395, 39.401, 39.402, 39.407, and 39.4075, Florida Statutes, shall be entitled to read:

PART V
TAKING CHILDREN INTO CUSTODY
AND SHELTER HEARINGS

Section 39. Section 39.395, Florida Statutes, is created to read:

39.395 Taking a child into protective custody; medical or hospital personnel.—Any person in charge of a hospital or similar institution or any physician or licensed health care professional treating a child may keep that child in his or her custody without the consent of the parents, caregiver, or legal custodian, whether or not additional medical treatment is required, if the circumstances are such, or if the condition of the child is such, that continuing the child in the child's place of residence or in the care or custody of the parents, caregiver, or legal custodian presents an imminent danger to the child's life or physical or mental health. Any such person taking a child into protective custody shall immediately notify the department, whereupon the department shall immediately begin a child protective investigation in accordance with the provisions of this chapter and shall make every reasonable effort to immediately notify the parents, caregiver, or legal custodian that such child has been taken into protective custody. If the department determines, according to the criteria set forth in this chapter, that the child should remain in protective custody longer than 24 hours, it shall petition the court for an order authorizing such custody in the same manner as if the child were placed in a shelter. The department shall attempt to avoid the placement of a child in an institution whenever possible.

Section 40. Section 39.401, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.401 Taking a child alleged to be dependent into custody*; law enforcement officers and authorized agents of the department.*—

(1) A child may only be taken into custody:

(a) Pursuant to an order of the circuit court issued pursuant to the provisions of this part, based upon sworn testimony, either before or after a petition is filed*; or*~~.~~

(b) By a law enforcement officer, or an authorized agent of the department, if the officer or *authorized* agent has probable cause to support a finding of reasonable grounds for removal and that removal is necessary to protect the child. Reasonable grounds for removal are as follows:

1. That the child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;

2. That the *parent, legal custodian, caregiver, or responsible adult relative* ~~custodian~~ of the child has materially violated a condition of placement imposed by the court; or

3. That the child has no parent, legal custodian, *caregiver,* or responsible adult relative immediately known and available to provide supervision and care.

(2) If the *law enforcement officer takes* ~~person taking~~ the child into custody ~~is not an authorized agent of the department~~, that *officer* ~~person~~ shall:

(a) Release the child to*:*

1. The parent, *caregiver, or* ~~guardian,~~ legal custodian *of the child;*~~;~~

2. A responsible adult approved by the court when limited to temporary emergency situations;~~;~~

3. A responsible adult relative who shall be given priority consideration over a nonrelative placement *when this is in the best interests of the child;*~~;~~ or

4. A responsible adult approved by the department; ~~within 3 days following such release, the person taking the child into custody shall make a full written report to the department for cases involving allegations of abandonment, abuse, or neglect or other dependency cases;~~ or

(b) Deliver the child to an authorized agent of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is abandoned, abused, or neglected, or otherwise dependent ~~and make a full written report to the department within 3 days~~.

For cases involving allegations of abandonment, abuse, or neglect, or other dependency cases, within 3 days after such release or within 3 days after delivering the child to an authorized agent of the department, the law enforcement officer who took the child into custody shall make a full written report to the department.

(3) If the child is taken into custody by, or is delivered to, an authorized agent of the department, the authorized agent shall review the facts supporting the removal with *an attorney representing the* department ~~legal staff prior to the emergency shelter hearing~~. The purpose of this review shall be to determine whether probable cause exists for the filing of *a* ~~an emergency~~ shelter petition ~~pursuant to s. 39.402(1)~~. If the facts are not sufficient to support the filing of a *shelter* petition, the child shall immediately be returned to the custody of the parent*, caregiver,* or legal custodian. If the facts are sufficient to support the filing of the *shelter* petition, and the child has not been returned to the custody of the parent*, caregiver,* or legal custodian, the department shall file the *shelter* petition and schedule a *shelter* hearing ~~pursuant to s. 39.402(1)~~*,* such hearing to be held within 24 hours after the removal of the child. While awaiting the ~~emergency~~ shelter hearing, the authorized agent of the department may place the child in licensed shelter care or may release the child to a parent, ~~guardian,~~ legal custodian, *caregiver, or* responsible adult relative who shall be given priority consideration over a *licensed* ~~nonrelative~~ placement, or responsible adult approved by the department *when this is in the best interests of the child. Any placement of a child which is not in a licensed shelter must be preceded by a local and state criminal records check, as well as a search of the department's automated abuse information system, on all members of the household, to assess the child's safety within the home.* In addition, the department may authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

(4) When a child is taken into custody pursuant to this section, the department ~~of Children and Family Services~~ shall request that the child's parent*, caregiver,* or *legal* custodian disclose the names, relationships, and addresses of all parents and prospective parents and all next of kin of the child, so far as are known.

Section 41. Section 39.402, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.402 Placement in a shelter.—

(1) Unless ordered by the court under this chapter, a child taken into custody shall not be placed in a shelter prior to a court hearing unless there are reasonable grounds for removal and removal is necessary to protect the child. Reasonable grounds for removal are as follows:

(a) The child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;

(b) The custodian of the child has materially violated a condition of placement imposed by the court; or

(c) The child has no parent, legal custodian, *caregiver,* or responsible adult relative immediately known and available to provide supervision and care.

(2) A child taken into custody may be placed or continued in a shelter only if one or more of the criteria in subsection (1) applies and the court has made a specific finding of fact regarding the necessity for removal of the child from the home and has made a determination that the

provision of appropriate and available services will not eliminate the need for placement.

(3) Whenever a child is taken into custody, the department shall immediately notify the parents or legal custodians, shall provide the parents or legal custodians with a statement setting forth a summary of procedures involved in dependency cases, and shall notify them of their right to obtain their own attorney.

(4) If the department determines that placement in a shelter is necessary under subsections (1) and (2), the authorized agent of the department shall authorize placement of the child in a shelter.

(5)(a) The parents or legal custodians of the child shall be given actual notice of the date, time, and location of the ~~emergency~~ shelter hearing. If the parents *or legal custodians* are outside the jurisdiction of the court, are not known, or cannot be located or refuse or evade service, they shall be given such notice as best ensures their actual knowledge of the date, time, and location of the ~~emergency~~ shelter hearing. The person providing or attempting to provide notice to the parents or legal custodians shall, if the parents or legal custodians are not present at the hearing, advise the court either in person or by sworn affidavit, of the attempts made to provide notice and the results of those attempts.

(b) The parents or legal custodians shall be given written notice that:

~~(b) At the emergency shelter hearing, the department must establish probable cause that reasonable grounds for removal exist and that the provision of appropriate and available services will not eliminate the need for placement.~~

1.~~(c)~~ *They will* ~~The parents or legal custodians shall~~ be given an opportunity to be heard and to present evidence at the ~~emergency~~ shelter hearing*; and*~~.~~

2. They have the right to be represented by counsel, and, if indigent, the right to be represented by appointed counsel, at the shelter hearing and at each subsequent hearing or proceeding, pursuant to the procedures set forth in s. 39.013.

(6)~~(5)~~(a) The circuit court, or the county court~~,~~ if previously designated by the chief judge of the circuit court for such purpose, shall hold the shelter hearing.

(b) The shelter petition filed with the court must address each condition required to be determined by the court in *paragraphs (8)(a) and (b)* ~~subsection (7)~~.

(7)~~(6)~~ A child may not be removed from the home or continued out of the home pending disposition if, with the provision of appropriate and available *early-intervention or preventive* services, including services provided in the home, the child could safely remain at home. If the child's safety and well-being are in danger, the child shall be removed from danger and continue to be removed until the danger has passed. If the child has been removed from the home and the reasons for his or her removal have been remedied, the child may be returned to the home. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home, the court shall allow the child to remain in the home.

(8)~~(7)~~(a) A child may not be held in a shelter longer than 24 hours unless an order so directing is entered by the court after *a* ~~an emergency~~ shelter hearing. *In the interval until the shelter hearing is held, the decision to place the child in a shelter or release the child from a shelter lies with the protective investigator.* ~~At the emergency shelter hearing, the court shall appoint a guardian ad litem to represent the child unless the court finds that such representation is unnecessary.~~

(b) The parents or legal custodians of the child shall be given such notice as best ensures their actual knowledge of the time and place of the *shelter* hearing ~~and shall be given an opportunity to be heard and to present evidence at the emergency shelter hearing~~. *The failure to provide notice to a party or participant does not invalidate an order placing a child in a shelter if the court finds that the petitioner has made a good-faith effort to provide such notice.* The court shall require the parents or *legal* custodians present at the hearing to provide to the court on the record the names, addresses, and relationships of all parents, prospective parents, and next of kin of the child, so far as are known.

(c) At the shelter hearing, the court shall:

1. Appoint a guardian ad litem to represent the child, unless the court finds that such representation is unnecessary;

2. Inform the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013; and

3. Give the parents or legal custodians an opportunity to be heard and to present evidence.

(d) At the shelter hearing, the department must establish probable cause that reasonable grounds for removal exist and that the provision of appropriate and available services will not eliminate the need for placement.

(e) At the shelter hearing, each party shall provide to the court a permanent mailing address. The court shall advise each party that this address will be used by the court and the petitioner for notice purposes unless and until the party notifies the court and the petitioner in writing of a new mailing address.

(f)~~(b)~~ The order for placement of a child in shelter care must identify the parties present at the hearing and must contain written findings:

1. That placement in shelter care is necessary based on the criteria in subsections (1) and (2).

2. That placement in shelter care is in the best interest of the child.

3. That continuation of the child in the home is contrary to the welfare of the child because the home situation presents a substantial and immediate danger to the *child's physical, mental, or emotional health or safety* ~~child~~ which cannot be mitigated by the provision of preventive services.

4. That based upon the allegations of the petition for placement in shelter care, there is probable cause to believe that the child is dependent.

5. That the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home. A finding of reasonable effort by the department to prevent or eliminate the need for removal may be made and the department is deemed to have made reasonable efforts to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency.

b. The appraisal of the home situation by the department indicates that the home situation presents a substantial and immediate danger to the *child's physical, mental, or emotional health or safety* ~~child~~ which cannot be mitigated by the provision of preventive services.

c. The child cannot safely remain at home, either because there are no preventive services that can ensure the *health and* safety of the child or because, even with appropriate and available services being provided, the *health and* safety of the child cannot be ensured.

6. That the court notified the parents or legal custodians of the subsequent dependency proceedings, including scheduled hearings, and of the importance of the active participation of the parents or legal custodians in those subsequent proceedings and hearings.

7. That the court notified the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013.

~~(c) The failure to provide notice to a party or participant does not invalidate an order placing a child in a shelter if the court finds that the petitioner has made a good faith effort to provide such notice.~~

~~(d) In the interval until the shelter hearing is held under paragraph (a), the decision to place the child in a shelter or release the child from a shelter lies with the protective investigator in accordance with subsection (3).~~

(9) At any shelter hearing, the court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child.

(10) The shelter hearing order shall contain a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to ensure the protection of the child in the home when such services are necessary for the child's health and safety.

~~(8) A child may not be held in a shelter under an order so directing for more than 21 days unless an order of adjudication for the case has been entered by the court. The parent, guardian, or custodian of the child must be notified of any order directing placement of the child in an emergency shelter and, upon request, must be afforded a hearing within 48 hours, excluding Sundays and legal holidays, to review the necessity for continued placement in the shelter for any time periods as provided in this section. At any arraignment hearing or determination of emergency shelter care, the court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child, and the court shall make a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to assure the protection of the child in the home when such services are necessary for the child's safety. Within 7 days after the child is taken into custody, a petition alleging dependency must be filed and, within 14 days after the child is taken into custody, an arraignment hearing must be held for the child's parent, guardian, or custodian to admit, deny, or consent to the findings of dependency alleged in the petition.~~

(11)~~(12)~~ *If a* ~~When any~~ child is placed in a shelter *pursuant to* ~~under~~ a court order following a shelter hearing, the court shall *prepare a shelter hearing* order *requiring* the parents of the child, or the guardian of the child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(12) In the event the shelter hearing is conducted by a judge other than the juvenile court judge, the juvenile court judge shall hold a shelter review on the status of the child within 2 working days after the shelter hearing.

(13)~~(9)~~ *A child may not be held in a shelter under an order so directing for more than 60 days without an adjudication of dependency.* A child may not be held in a shelter for more than 30 days after the entry of an order of adjudication unless an order of disposition ~~under s. 39.41~~ has been entered by the court.

(14)~~(10)~~ The time limitations in *this section* ~~subsection (8)~~ do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child's attorney or the child's guardian ad litem, if one has been appointed by the court, and the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or *legal custodian* ~~guardian~~ may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents *or legal custodians*; however, the petitioner shall continue regular efforts to provide notice to the parents *or legal custodians* during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

(15) At the conclusion of a shelter hearing, the court shall notify all parties in writing of the next scheduled hearing to review the shelter placement. Such hearing shall be held no later than 30 days after placement of the child in shelter status, in conjunction with the arraignment hearing.

~~(11) The court shall review the necessity for a child's continued placement in a shelter in the same manner as the initial placement decision was made and shall make a determination regarding the continued placement:~~

~~(a) Within 24 hours after any violation of the time requirements for the filing of a petition or the holding of an arraignment hearing as prescribed in subsection (8); or~~

~~(b) Prior to the court's granting any delay as specified in subsection (10).~~

Section 42. Section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical or mental examination of parent~~, guardian,~~ or person requesting custody of child.—

(1) When any child is taken into custody and is to be detained in shelter care, the department is authorized to have a medical screening performed on the child without authorization from the court and without consent from a parent or *legal custodian* ~~guardian~~. Such medical screening shall be performed by a licensed health care professional and shall be to examine the child for injury, illness, and communicable diseases and to determine the need for immunization. The department shall by rule establish the invasiveness of the medical procedures authorized to be performed under this subsection. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When the department has performed the medical screening authorized by subsection (1), or when it is otherwise determined by a licensed health care professional that a child who is in the custody of the department, but who has not been committed to the department ~~pursuant to s. 39.41~~, is in need of medical treatment, including the need for immunization, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent or *legal custodian* ~~guardian~~ of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or *legal custodian* ~~guardian~~ of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment, including immunization, for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or *legal custodian* ~~guardian~~ of the child is available but refuses to consent to the necessary treatment, including immunization, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse, *abandonment,* or neglect of the child by a parent, *caregiver, or legal custodian* ~~or guardian~~. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order a child in the physical custody of the department to be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the department. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education as defined in s. *230.23* ~~230.2315(2)~~.

(4) A judge may order a child in the physical custody of the department to be treated by a licensed health care professional based on evidence that the child should receive treatment. The judge may also order such child to receive mental health or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable. A child may be provided mental health or retardation services in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable.

(5) When a child is in the physical custody of the department, a licensed health care professional shall be immediately called if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, nothing in this section shall be deemed to eliminate the right of a parent, *legal custodian* ~~guardian~~, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, nothing in this section shall be deemed to alter the provisions of s. 743.064.

(8) A court shall not be precluded from ordering services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9) Nothing in this section shall be construed to authorize the permanent sterilization of the child unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination, or receiving treatment as authorized pursuant to this *section* ~~subsection~~, no child alleged to be or found to be dependent shall be placed in a detention home or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents or *legal custodian* ~~guardian~~ of a child in the physical custody of the department remain financially responsible for the cost of medical treatment provided to the child even if either one or both of the parents or if the *legal custodian* ~~guardian~~ did not consent to the medical treatment. After a hearing, the court may order the parents or *legal custodian* ~~guardian~~, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) Nothing in this section alters the authority of the department to consent to medical treatment for a dependent child when the child has been committed to the department ~~pursuant to s. 39.41,~~ and the department has become the legal custodian of the child.

(13) At any time after the filing of a *shelter petition or* petition for dependency, when the mental or physical condition, including the blood group, of a parent, *caregiver, legal custodian* ~~guardian~~, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 43. Section 39.4033, Florida Statutes, is renumbered as section 39.4075, Florida Statutes, and amended to read:

39.4075 ~~39.4033~~ Referral of a dependency case to mediation.—

(1) At any stage in a dependency proceeding, ~~the case staffing committee or~~ any party may request the court to refer the parties to mediation in accordance with chapter 44 and rules and procedures developed by the Supreme Court.

(2) A court may refer the parties to mediation. *When such services are available, the court must determine whether it is in the best interests of the child to refer the parties to mediation.*

(3) The department shall advise the *parties* ~~parents or legal guardians~~ that they are responsible for contributing to the cost of the *dependency* ~~family~~ mediation to the extent of their ability to pay.

(4) This section applies only to courts in counties in which dependency mediation programs have been established and does not require the establishment of such programs in any county.

Section 44. Part VI of chapter 39, Florida Statutes, consisting of sections 39.501, 39.502, 39.503, 39.504, 39.505, 39.506, 39.507, 39.508, 39.5085, 39.509, and 39.5101, Florida Statutes, shall be entitled to read:

PART VI
PETITION, ARRAIGNMENT, ADJUDICATION, AND DISPOSITION

Section 45. Section 39.404, Florida Statutes, is renumbered as section 39.501, Florida Statutes, and amended to read:

39.501 ~~39.404~~ Petition for dependency.—

(1) All proceedings seeking an adjudication that a child is dependent shall be initiated by the filing of a petition by an attorney for the department, or any other person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(2) The purpose of a petition seeking the adjudication of a child as a dependent child is the protection of the child and not the punishment of the person creating the condition of dependency.

(3)(a) The petition shall be in writing, shall identify and list all parents, if known, and all current *caregivers or legal* custodians of the child, and shall be signed by the petitioner under oath stating the petitioner's good faith in filing the petition. When the petition is filed by the department, it shall be signed by an attorney for the department.

(b) The form of the petition and its contents shall be determined by rules of *juvenile* procedure adopted by the Supreme Court.

(c) The petition must specifically set forth the acts or omissions upon which the petition is based and the identity of the person or persons alleged to have committed the acts or omissions, if known. The petition need not contain allegations of acts or omissions by both parents.

(d) The petitioner must state in the petition, if known, whether:

1. A parent, legal custodian, or *caregiver* ~~person responsible for the child's welfare~~ named in the petition has *previously* unsuccessfully participated in voluntary services offered by the department;

2. A parent *or*~~,~~ legal custodian~~, or person responsible for the child's welfare~~ named in the petition has participated in mediation and whether a mediation agreement exists;

3. A parent *or*~~,~~ legal custodian~~, or person responsible for the child's welfare~~ has rejected the voluntary services offered by the department; or

4. The department has determined that voluntary services are not appropriate for this family and the reasons for such determination.

(4) When *a child has been placed in shelter status by order of the court* ~~the child has been taken into custody~~, a petition alleging dependency must be filed within 7 days *upon demand of a party, but no later than 21 days after the shelter hearing* ~~after the date the child is taken into custody~~. In all other cases, the petition must be filed within a

reasonable time after the date the child was referred to protective investigation ~~under s. 39.403~~. *The child's parent, guardian, or custodian must be served with a copy of the petition at least 72 hours before the arraignment hearing.*

(5) A petition for termination of parental rights ~~under s. 39.464~~ may be filed at any time.

Section 46. Section 39.405, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.502, Florida Statutes, and amended to read:

39.502 ~~39.405~~ Notice, process, and service.—

(1) Unless parental rights have been terminated, all parents *and legal custodians* must be notified of all proceedings *or hearings* involving the child. Notice in cases involving shelter hearings and hearings resulting from medical emergencies must be that most likely to result in actual notice to the parents *and legal custodians*. In all other dependency proceedings, notice must be provided in accordance with subsections (4) through (9).

(2) Personal appearance of any person in a hearing before the court obviates the necessity of serving process on that person.

(3) Upon the filing of a petition containing allegations of facts which, if true, would establish that the child is a dependent child, and upon the request of the petitioner, the clerk or deputy clerk shall issue a summons.

(4) The summons shall require the person on whom it is served to appear for a hearing at a time and place specified, not less than 24 hours after service of the summons. A copy of the petition shall be attached to the summons.

(5) The summons shall be directed to, and shall be served upon, all parties other than the petitioner.

(6) It is the duty of the petitioner or moving party to notify all participants and parties known to the petitioner or moving party of all hearings subsequent to the initial hearing unless notice is contained in prior court orders and these orders were provided to the participant or party. Proof of notice or provision of orders may be provided by certified mail with a signed return receipt.

(7) Service of the summons and service of pleadings, papers, and notices subsequent to the summons on persons outside this state must be made pursuant to s. 61.1312.

(8) It is not necessary to the validity of a proceeding covered by this part that the parents, *caregivers,* or legal custodians be present if their identity or residence is unknown after a diligent search has been made, *but in this event the petitioner shall file an affidavit of diligent search prepared by the person who made the search and inquiry, and the court may appoint a guardian ad litem for the child.*

(9) When an affidavit of diligent search has been filed under subsection (8), the petitioner shall continue to search for and attempt to serve the person sought until excused from further search by the court. The petitioner shall report on the results of the search at each court hearing until the person is identified or located or further search is excused by the court.

(10)~~(9)~~ Service by publication shall not be required for dependency hearings and the failure to serve a party or give notice to a participant shall not affect the validity of an order of adjudication or disposition if the court finds that the petitioner has completed a diligent search for that party or participant.

(11)~~(10)~~ Upon the application of a party or the petitioner, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, and other tangible objects at any hearing.

(12)~~(11)~~ All process and orders issued by the court shall be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the department or the guardian ad litem.

(13)~~(12)~~ Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding and, in addition, may be served by authorized agents of the department.

(14)~~(13)~~ No fee shall be paid for service of any process or other papers by an agent of the department or the guardian ad litem. If any process, orders, or any other papers are served or executed by any sheriff, the sheriff's fees shall be paid by the county.

~~(14) Failure of a person served with notice to respond or appear at the arraignment hearing constitutes the person's consent to a dependency adjudication. The document containing the notice to respond or appear must contain, in type at least as large as the balance of the document, the following or substantially similar language: "FAILURE TO RESPOND TO THIS NOTICE OR TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR THESE CHILDREN) AS DEPENDENT CHILDREN AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD."~~

(15) A party who is identified as a *person with mental illness or with a developmental disability* ~~developmentally disabled person~~ must be informed by the court of the availability of advocacy services through the department, the Association for Retarded Citizens, or other appropriate *mental health or developmental disability* advocacy groups and encouraged to seek such services.

(16) If the party to whom an order is directed is present or represented at the final hearing, service of the order is not required.

(17) The parent or legal custodian of the child, the attorney for the department, the guardian ad litem, and all other parties and participants shall be given reasonable notice of all hearings provided for under this part.

(18) In all proceedings under this chapter, the court shall provide to the parent or legal custodian of the child, at the conclusion of any hearing, a written notice containing the date of the next scheduled hearing. The court shall also include the date of the next hearing in any order issued by the court.

Section 47. Section 39.4051, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.503, Florida Statutes, and amended to read:

39.503 ~~39.4051~~ Identity or location of parent *or legal custodian* unknown; special procedures.—

(1) If the identity or location of a parent *or legal custodian* is unknown and a petition for dependency or shelter is filed, the court shall conduct the following inquiry of the parent *or legal custodian* who is available, or, if no parent *or legal custodian* is available, of any relative or custodian of the child who is present at the hearing and likely to have the information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the *court shall direct the* department *to* ~~shall~~ conduct a diligent search for that person before ~~the~~ scheduling ~~of~~ a disposition hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without notice to the person whose location is unknown.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all relatives of the parent or prospective parent made known to the petitioner, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, and inquiries of appropriate law enforcement agencies. *Pursuant to s. 453 of the Social Security Act, 42 U.S.C. 653(c)(B)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator service for diligent search activities.*

(7) Any agency contacted by a petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or prior to the adjudicatory hearing in any termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section unless the other parent contests the determination of parenthood. If the known parent contests the recognition of the prospective parent as a parent, the prospective parent shall not be recognized as a parent until proceedings under chapter 742 have been concluded. However, the prospective parent shall continue to receive notice of hearings as a participant pending results of the chapter 742 proceedings.

Section 48. Section 39.4055, Florida Statutes, is renumbered as section 39.504, Florida Statutes, and amended to read:

39.504 ~~39.4055~~ Injunction pending disposition of petition ~~for detention~~ or dependency; penalty.—

(1)(a) When a petition for detention or a petition for dependency has been filed or when a child has been taken into custody and reasonable cause, as defined in paragraph (b), exists, the court, upon the request of the department, a law enforcement officer, the state attorney, or other responsible person, or upon its own motion, shall have the authority to issue an injunction to prevent any act of child abuse or any unlawful sexual offense involving a child.

(b) Reasonable cause for the issuance of an injunction exists if there is evidence of child abuse or an unlawful sexual offense involving a child or if there is a reasonable likelihood of such abuse or offense occurring based upon a recent overt act or failure to act.

(2)~~(a)~~ Notice shall be provided to the parties as set forth in the Florida Rules of Juvenile Procedure, unless the child is reported to be in imminent danger, in which case the court may issue an injunction immediately. *A judge may issue an emergency injunction pursuant to this section without notice at times when the court is closed for the transaction of judicial business.* When such an immediate injunction is issued, the court shall hold a hearing on the next day of judicial business either to dissolve the injunction or to continue or modify it in accordance with the other provisions of this section.

~~(b) A judge may issue an emergency injunction pursuant to this section at times when the court is closed for the transaction of judicial business. The court shall hold a hearing on the next day of judicial business either to dissolve the emergency injunction or to continue or modify it in accordance with the other provisions of this section.~~

(3)(a) In every instance in which an injunction is issued under this section, the purpose of the injunction shall be primarily to protect and promote the best interests of the child, taking the preservation of the child's immediate family into consideration. The effective period of the injunction shall be determined by the court, except that the injunction will expire at the time of the disposition of the petition for detention or dependency.

(b) The injunction shall apply to the alleged or actual offender in a case of child abuse or an unlawful sexual offense involving a child. The conditions of the injunction shall be determined by the court, which conditions may include ordering the alleged or actual offender to:

1. Refrain from further abuse or unlawful sexual activity involving a child.

2. Participate in a specialized treatment program.

3. Limit contact or communication with the child victim, other children in the home, or any other child.

4. Refrain from contacting the child at home, school, work, or wherever the child may be found.

5. Have limited or supervised visitation with the child.

6. Pay temporary support for the child or other family members; the costs of medical, psychiatric, and psychological treatment for the child victim incurred as a result of the offenses; and similar costs for other family members.

7. Vacate the home in which the child resides.

(c) At any time prior to the disposition of the petition, the alleged or actual offender may offer the court evidence of changed circumstances as a ground to dissolve or modify the injunction.

(4) A copy of any injunction issued pursuant to this section shall be delivered to the protected party, or a parent *or caregiver* or ~~an~~ individual acting in the place of a parent who is not the respondent, and to any law enforcement agency having jurisdiction to enforce such injunction. Upon delivery of the injunction to the appropriate law enforcement agency, the agency shall have the duty and responsibility to enforce the injunction.

(5) Any person who fails to comply with an injunction issued pursuant to this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 49. Section 39.406, Florida Statutes, is renumbered as section 39.505, Florida Statutes, and amended to read:

39.505 ~~39.406~~ No answer required.—No answer to the petition or any other pleading need be filed by any child, parent, or legal custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the *respondent* ~~child or parent~~ shall, prior to an adjudicatory hearing, be advised by the court of the right to counsel and shall be given an opportunity to deny the allegations in the petition for dependency or to enter a plea to allegations in the petition before the court.

Section 50. Section 39.408, Florida Statutes, is renumbered as section 39.506, Florida Statutes, and amended to read:

39.506 ~~39.408~~ *Arraignment* hearings ~~for dependency cases~~.—

(1) ~~ARRAIGNMENT HEARING.—~~

~~(a)~~ When a child has been detained by order of the court, an arraignment hearing must be held, within *7 days after the date of filing of the dependency petition* ~~14 days from the date the child is taken into custody~~, for the parent~~, guardian,~~ or *legal* custodian to admit, deny, or consent to findings of dependency alleged in the petition. If the parent~~, guardian,~~ or *legal* custodian admits or consents to the findings in the petition, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if the parent~~, guardian,~~ or *legal* custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within *30 days after* ~~7 days from~~ the date of the arraignment hearing unless a continuance is granted pursuant to *this chapter* ~~s. 39.402(11)~~.

(2)~~(b)~~ When a child is in the custody of the parent~~, guardian,~~ or *legal* custodian, upon the filing of a petition the clerk shall set a date for an

arraignment hearing within a reasonable time after the date of the filing. If the parent~~, guardian,~~ or *legal* custodian admits or consents to an adjudication, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if the parent~~, guardian,~~ or *legal* custodian denies any of the allegations of dependency, the court shall hold an adjudicatory hearing within a reasonable time after the date of the arraignment hearing.

(3) Failure of a person served with notice to respond or appear at the arraignment hearing constitutes the person's consent to a dependency adjudication. The document containing the notice to respond or appear must contain, in type at least as large as the balance of the document, the following or substantially similar language: "FAILURE TO RESPOND TO THIS NOTICE OR TO PERSONALLY APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR CHILDREN) AS A DEPENDENT CHILD (OR CHILDREN) AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD (OR CHILDREN)."

(4) At the arraignment hearing, each party shall provide to the court a permanent mailing address. The court shall advise each party that this address will be used by the court and the petitioner for notice purposes unless and until the party notifies the court and the petitioner in writing of a new mailing address.

(5)~~(c)~~ If at the arraignment hearing the parent~~, guardian,~~ or *legal* custodian consents or admits to the allegations in the petition, the court shall proceed to hold a dispositional hearing *no more than 15 days after the date of the arraignment hearing unless a continuance is necessary* ~~at the earliest practicable time that will allow for the completion of a predisposition study~~.

(6) At any arraignment hearing, the court shall order visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child.

(7) The court shall review whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the court determines that the department has not made such an effort, the court shall order the department to provide appropriate and available services to assure the protection of the child in the home when such services are necessary for the child's physical, mental, or emotional health and safety.

(8) At the arraignment hearing, and no more than 15 days thereafter, the court shall review the necessity for the child's continued placement in the shelter. The court shall also make a written determination regarding the child's continued placement in the shelter within 24 hours after any violation of the time requirements for the filing of a petition or prior to the court's granting any continuance as specified in subsection (5).

(9) At the conclusion of the arraignment hearing, all parties shall be notified in writing by the court of the date, time, and location for the next scheduled hearing.

~~(2) ADJUDICATORY HEARING.—~~

~~(a) The adjudicatory hearing shall be held as soon as practicable after the petition for dependency is filed and in accordance with the Florida Rules of Juvenile Procedure, but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. If the child is in custody, the time limitations provided in s. 39.402 and subsection (1) of this section apply.~~

~~(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In a hearing on a petition in which it is alleged that the child is dependent, a preponderance of evidence will be required to establish the state of dependency. Any evidence presented in the dependency hearing which was obtained as the result of an anonymous call must be independently corroborated. In no instance shall allegations made in an anonymous report of abuse be sufficient to support an adjudication of dependency in the absence of corroborating evidence.~~

~~(c) All hearings, except as provided in this section, shall be open to the public, and a person may not be excluded except on special order of the judge, who may close any hearing to the public upon determining that the public interest or the welfare of the child is best served by so doing. However, the parents shall be allowed to obtain discovery pursuant to the Florida Rules of Juvenile Procedure. However, nothing in this paragraph shall be construed to affect the provisions of s. 415.51(9). Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents or legal custodians of the child may be examined separately and apart from each other.~~

~~(3) DISPOSITION HEARING.—At the disposition hearing, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted, the court shall receive and consider a predisposition study, which must be in writing and presented by an authorized agent of the department.~~

~~(a) The predisposition study shall cover for any dependent child all factors specified in s. 61.13(3), and must also provide the court with the following documented information:~~

~~1. An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.~~

~~2. A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.~~

~~3. A description of the benefits of returning the child home.~~

~~4. A description of all unresolved issues.~~

~~5. An abuse registry history for all caretakers, family members, and individuals residing within the household.~~

~~6. The complete child protection team report and recommendation or, if no report exists, a statement reflecting that no report has been made.~~

~~7. All opinions or recommendations from other professionals or agencies that provide evaluative, social, reunification, or other services to the family.~~

~~8. The availability of appropriate prevention and reunification services for the family to prevent the removal of the child from the home or to reunify the child with the family after removal, including the availability of family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.~~

~~9. The inappropriateness of other prevention and reunification services that were available.~~

~~10. The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the family if appropriate services were available, including the application of intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.~~

~~11. Whether the services were provided to the family and child.~~

~~12. If the services were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home.~~

~~13. If the services were not provided, the reasons for such lack of action.~~

~~14. The need for, or appropriateness of, continuing the services if the child remains in the custody of the family or if the child is placed outside the home.~~

~~15. Whether family mediation was provided.~~

~~16. Whether a multidisciplinary case staffing was conducted and, if so, the results.~~

~~17. If the child has been removed from the home and there is a parent who may be considered for custody pursuant to s. 39.41(1), a~~

~~recommendation as to whether placement of the child with that parent would be detrimental to the child.~~

~~(b) If placement of the child with anyone other than the child's parent or custodian is being considered, the study shall include the designation of a specific length of time as to when custody by the parent or custodian will be reconsidered.~~

~~(c) A copy of the predisposition study must be furnished to all parties no later than 48 hours before the disposition hearing.~~

~~(d) The predisposition study may not be made before the adjudication of dependency unless the parents or custodians of the child consent.~~

~~Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2)(c), nothing in this section prohibits the publication of proceedings in a hearing.~~

~~(4) NOTICE OF HEARINGS.—The parent or legal custodian of the child, the attorney for the department, the guardian ad litem, and all other parties and participants shall be given reasonable notice of all hearings provided for under this section.~~

Section 51. Section 39.409, Florida Statutes, is renumbered as section 39.507, Florida Statutes, and amended to read:

39.507 ~~39.409~~ *Adjudicatory hearings;* orders of adjudication.—

(1)(a) The adjudicatory hearing shall be held as soon as practicable after the petition for dependency is filed and in accordance with the Florida Rules of Juvenile Procedure, but no later than 30 days after the arraignment.

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In a hearing on a petition in which it is alleged that the child is dependent, a preponderance of evidence will be required to establish the state of dependency. Any evidence presented in the dependency hearing which was obtained as the result of an anonymous call must be independently corroborated. In no instance shall allegations made in an anonymous report of abuse, abandonment, or neglect be sufficient to support an adjudication of dependency in the absence of corroborating evidence.

(2) All hearings, except as provided in this section, shall be open to the public, and a person may not be excluded except on special order of the judge, who may close any hearing to the public upon determining that the public interest or the welfare of the child is best served by so doing. However, the parents shall be allowed to obtain discovery pursuant to the Florida Rules of Juvenile Procedure. However, nothing in this subsection shall be construed to affect the provisions of s. 39.202. Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents, caregivers, or legal custodians of the child may be examined separately and apart from each other.

(3) Except as otherwise specifically provided, nothing in this section prohibits the publication of the proceedings in a hearing.

(4)~~(1)~~ If the court finds *at the adjudicatory hearing* that the child named in a petition is not dependent, it shall enter an order so finding and dismissing the case.

(5)~~(2)~~ If the court finds that the child named in the petition is dependent, but finds that no action other than supervision in the child's home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child's home under the supervision of the department. If the court later finds that the *parents, caregivers, or legal* custodians of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of dependency, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(6)~~(3)~~ If the court finds that the child named in a petition is dependent, but shall elect not to proceed under subsection *(5)* ~~(2)~~, it shall incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(7) At the conclusion of the adjudicatory hearing, if the child named in the petition is found dependent, the court shall schedule the disposition hearing within 30 days after the filing of the adjudicatory order. All parties shall be notified in writing by the court of the date, time, and location of the disposition hearing.

(8)~~(4)~~ An order of adjudication by a court that a child is dependent shall not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

Section 52. Section 39.41, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.508, Florida Statutes, and amended to read:

39.508 ~~39.41~~ Powers of disposition.—

(1) At the disposition hearing, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents, caregivers, or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted, the court shall receive and consider a case plan and a predisposition study, which must be in writing and presented by an authorized agent of the department.

(2) The predisposition study shall cover for any dependent child all factors specified in s. 61.13(3), and must also provide the court with the following documented information:

(a) An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.

(b) A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.

(c) A description of the benefits of returning the child home.

(d) A description of all unresolved issues.

(e) An abuse registry history and criminal records check for all caregivers, family members, and individuals residing within the household.

(f) The complete child protection team report and recommendation or, if no report exists, a statement reflecting that no report has been made.

(g) All opinions or recommendations from other professionals or agencies that provide evaluative, social, reunification, or other services to the family.

(h) The availability of appropriate prevention and reunification services for the family to prevent the removal of the child from the home or to reunify the child with the family after removal, including the availability of family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.

(i) The inappropriateness of other prevention and reunification services that were available.

(j) The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the family if appropriate services were available, including the application of intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.

(k) Whether the services were provided to the family and child.

(l) If the services were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain safely at home or to be returned home.

(m) If the services were not provided, the reasons for such lack of action.

(n) The need for, or appropriateness of, continuing the services if the child remains in the custody of the family or if the child is placed outside the home.

(o) Whether family mediation was provided.

(p) If the child has been removed from the home and there is a parent, caregiver, or legal custodian who may be considered for custody pursuant to this section, a recommendation as to whether placement of the child with that parent, caregiver, or legal custodian would be detrimental to the child.

(q) If the child has been removed from the home and will be remaining with a relative or caregiver, a home study report shall be included in the predisposition report.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as otherwise specifically provided, nothing in this section prohibits the publication of proceedings in a hearing.

(3)(a) Prior to recommending to the court any out-of-home placement for a child other than placement in a licensed shelter or foster home, the department shall conduct a study of the home of the proposed caregivers, which must include, at a minimum:

1. An interview with the proposed adult caregivers to assess their ongoing commitment and ability to care for the child.

2. Records checks through the department's automated abuse information system, and local and statewide criminal and juvenile records checks through the Department of Law Enforcement, on all household members 12 years of age or older and any other persons made known to the department who are frequent visitors in the home.

3. An assessment of the physical environment of the home.

4. A determination of the financial security of the proposed caregivers.

5. A determination of suitable child care arrangements if the proposed caregivers are employed outside of the home.

6. Documentation of counseling and information provided to the proposed caregivers regarding the dependency process and possible outcomes.

7. Documentation that information regarding support services available in the community has been provided to the caregivers.

(b) The department shall not place the child or continue the placement of the child in the home of the proposed caregivers if the results of the home study are unfavorable.

(4) If placement of the child with anyone other than the child's parent, caregiver, or legal custodian is being considered, the predisposition study shall include the designation of a specific length of time as to when custody by the parent, caregiver, or legal custodian will be reconsidered.

(5) The predisposition study may not be made before the adjudication of dependency unless the parents, *caregivers,* or *legal* custodians of the child consent.

(6) A case plan and predisposition study must be filed with the court and served upon the parents, caregivers, or legal custodians of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan.

(7) The initial judicial review must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, but in no event shall the review be held later than 6 months after the date of the child's removal from the home.

(8)~~(1)~~ When any child is adjudicated by a court to be dependent, and the court finds that removal of the child from the custody of a parent, *legal custodian, or caregiver* is necessary, the court shall first determine whether there is a parent with whom the child was not residing at the time the events or conditions arose that brought the child within the jurisdiction of the court who desires to assume custody of the child and, if such parent requests custody, the court shall place the child with the parent unless it finds that such placement would endanger the safety, ~~and~~ well-being, *or physical, mental, or emotional health* of the child. Any party with knowledge of the facts may present to the court evidence regarding whether the placement will endanger the safety, ~~and~~ well-being, *or physical, mental, or emotional health* of the child. If the court places the child with such parent, it may do either of the following:

(a) Order that the parent become the legal and physical custodian of the child. The court may also provide for reasonable visitation by the noncustodial parent. The court shall then terminate its jurisdiction over the child. The custody order shall continue unless modified by a subsequent order of the court. The order of the juvenile court shall be filed in any dissolution or other custody action or proceeding between the parents.

(b) Order that the parent assume custody subject to the jurisdiction of the juvenile court. The court may order that reunification services be provided to the parent, *caregiver, or legal custodian* ~~or guardian~~ from whom the child has been removed, that services be provided solely to the parent who is assuming physical custody in order to allow that parent to retain later custody without court jurisdiction, or that services be provided to both parents, in which case the court shall determine at *every* review hearings~~ held every 6 months~~ which parent, if either, shall have custody of the child. The standard for changing custody of the child from one parent to another *or to a relative or caregiver must meet the home study criteria and court approval pursuant to this chapter* ~~at the review hearings shall be the same standard as applies to changing custody of the child in a custody hearing following a decree of dissolution of marriage~~.

(9)~~(2)~~(a) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power, by order, to:

1. Require the parent, *caregiver, or legal* ~~guardian, or~~ custodian, and the child when appropriate, to participate in treatment and services identified as necessary.

2. Require the parent, *caregiver, or legal* ~~guardian, or~~ custodian, and the child when appropriate, to participate in mediation if the parent, *caregiver, or legal* ~~guardian, or~~ custodian refused to participate in mediation ~~under s. 39.4033~~.

3. Place the child under the protective supervision of an authorized agent of the department, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or of *a caregiver* ~~an adult nonrelative~~ approved by the court, or in some other suitable place under such reasonable conditions as the court may direct. ~~Whenever the child is placed under protective supervision pursuant to this section, the department shall prepare a case plan and shall file it with the court.~~ Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision *shall* ~~may~~ be terminated by the court whenever the court determines that *permanency has been achieved for the child* ~~the child's placement~~, whether with a parent, another relative, *a legal custodian, or a caregiver,* ~~or a nonrelative, is stable~~ and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department ~~of Children and Family Services~~ shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified.

4. Place the child in the temporary legal custody of an adult relative or *caregiver* ~~an adult nonrelative~~ approved by the court who is willing to care for the child.

5.a. When the parents have failed to comply with a case plan and the court determines at a judicial review hearing, *or at an adjudication*

hearing held pursuant to ~~s. 39.453, or at a hearing held pursuant to subparagraph (1)(a)7. of~~ this section, that neither reunification, termination of parental rights, nor adoption is in the best interest of the child, the court may place the child in the long-term custody of an adult relative or *caregiver* ~~adult nonrelative~~ approved by the court willing to care for the child, if the following conditions are met:

(I) A case plan describing the responsibilities of the relative or *caregiver* ~~nonrelative~~, the department, and any other party must have been submitted to the court.

(II) The case plan for the child does not include reunification with the parents or adoption by the relative *or caregiver*.

(III) The child and the relative or *caregiver* ~~nonrelative custodian~~ are determined not to need protective supervision or preventive services to ensure the stability of the long-term custodial relationship, or the department assures the court that protective supervision or preventive services will be provided in order to ensure the stability of the long-term custodial relationship.

(IV) Each party to the proceeding agrees that a long-term custodial relationship does not preclude the possibility of the child returning to the custody of the parent at a later date.

(V) The court has considered the reasonable preference of the child if the court has found the child to be of sufficient intelligence, understanding, and experience to express a preference.

(VI) The court has considered the recommendation of the guardian ad litem if one has been appointed.

b. The court shall retain jurisdiction over the case, and the child shall remain in the long-term custody of the relative or *caregiver* ~~nonrelative~~ approved by the court until the order creating the long-term custodial relationship is modified by the court. The court may relieve the department of the responsibility for supervising the placement of the child whenever the court determines that the placement is stable and that such supervision is no longer needed. Notwithstanding the retention of jurisdiction, the placement shall be considered a permanency option for the child when the court relieves the department of the responsibility for supervising the placement. The order terminating supervision by the department ~~of Children and Family Services~~ shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the order terminating supervision of the long-term relative or *caregiver* ~~nonrelative~~ placement if it finds that a party to the proceeding has shown a material change in circumstances which causes the long-term relative or *caregiver* ~~nonrelative~~ placement to be no longer in the best interest of the child.

6.a. Approve placement of the child in long-term *out-of-home* ~~foster~~ care, when the following conditions are met:

(I) The foster child is 16 years of age or older, unless the court determines that the history or condition of a younger child makes long-term *out-of-home* ~~foster~~ care the most appropriate placement.

(II) The child demonstrates no desire to be placed in an independent living arrangement pursuant to this subsection.

(III) The department's social services study pursuant to *part VIII* ~~s. 39.453(6)(a)~~ recommends long-term *out-of-home* ~~foster~~ care.

b. Long-term *out-of-home* ~~foster~~ care under the above conditions shall not be considered a permanency option.

c. The court may approve placement of the child in long-term *out-of-home* ~~foster~~ care, as a permanency option, when all of the following conditions are met:

(I) The child is 14 years of age or older,

(II) The child is living in a licensed home and the foster parents desire to provide care for the child on a permanent basis and the foster parents and the child do not desire adoption,

(III) The foster family has made a commitment to provide for the child until he or she reaches the age of majority and to prepare the child for adulthood and independence, and

(IV) The child has remained in the home for a continuous period of no less than 12 months.

(V) The foster parents and the child view one another as family and consider living together as the best place for the child to be on a permanent basis.

(VI) The department's social services study recommends such placement and finds the child's well-being has been promoted through living with the foster parents.

d. Notwithstanding the retention of jurisdiction and supervision by the department, long-term *out-of-home* ~~foster~~ care placements made pursuant to ~~sub-subparagraph (2)(a)6.c. of~~ this section shall be considered a permanency option for the child. For purposes of this subsection, supervision by the department shall be defined as a minimum of semiannual visits. The order placing the child in long-term *out-of-home* ~~foster~~ care as a permanency option shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the permanency option of long-term *out-of-home* ~~foster~~ care if it finds that a party to the proceeding has shown a material change in circumstances which causes the placement to be no longer in the best interests of the child.

e. Approve placement of the child in an independent living arrangement for any foster child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult nonrelative approved by the court, continue to be subject to court review provisions.

~~7. Commit the child to a licensed child-caring agency willing to receive the child. Continued commitment to the licensed child-caring agency, as well as all other proceedings under this section pertaining to the child, are also governed by part V of this chapter.~~

7.~~8.~~ Commit the child to the temporary legal custody of the department. Such commitment invests in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for short visitation periods, without the approval of the court. The term of such commitment continues until terminated by the court or until the child reaches the age of 18. After the child is committed to the temporary custody of the department, all further proceedings under this section are also governed by ~~part V of~~ this chapter.

8.~~9.~~a. Change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing subsequent to the initial detention hearing, without the necessity of another adjudicatory hearing. A child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a *legal custodian or caregiver* ~~nonrelative~~, or in some other place may be brought before the court by the agent of the department who is supervising the placement or by any other interested person, upon the filing of a petition alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. *The standard for changing custody of the child from one parent to another or to a relative or caregiver must meet the home study criteria and court approval pursuant to this chapter.*

b. In cases where the issue before the court is whether a child should be reunited with a parent, the court shall determine whether the parent has substantially complied with the terms of the case plan to the extent that the ~~well-being and~~ safety, *well-being, and physical, mental, and emotional health* of the child is not endangered by the return of the child to the home.

~~10. Approve placement of the child in an independent living arrangement for any foster child 16 years of age or older, if it can be clearly~~

~~established that this type of alternate care arrangement is the most appropriate plan and that the safety and welfare of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult nonrelative approved by the court, continue to be subject to the court review provisions of s. 39.453.~~

(b) The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child as provided in paragraph (a).

2. Special conditions of placement and visitation.

3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.

4. The persons or entities responsible for supervising or monitoring services to the child and family.

5. Continuation or discharge of the guardian ad litem, as appropriate.

6. *The date, time, and location of the next scheduled review hearing, which must occur within 90 days after the disposition hearing or within the earlier of:*

a. Six months after the date of the last review hearing; or

b. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home. ~~The period of time or date for any subsequent case review required by law.~~

7. Other requirements necessary to protect the health, safety, and well-being of the child, *to preserve the stability of the child's educational placement,* and to promote family preservation or reunification whenever possible.

(c) If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, ~~and~~ well-being, *and physical, mental, and emotional health* will not be endangered.

(d)~~(5)(a)~~ If the court commits the child to the temporary legal custody of the department, the disposition order must include a written determination that the child cannot *safely* remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child has been removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department has made a reasonable effort to reunify the family. The department has the burden of demonstrating that it has made reasonable efforts under this *paragraph* ~~subsection~~.

1.~~(b)~~ For the purposes of this *paragraph* ~~subsection~~, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services delineated in the case plan.

2.~~(c)~~ In support of its determination as to whether reasonable efforts have been made, the court shall:

a.~~1.~~ Enter written findings as to whether or not prevention or reunification efforts were indicated.

b.~~2.~~ If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.

c.~~3.~~ Indicate in writing why further efforts could or could not have prevented or shortened the separation of the family.

3.~~(d)~~ A court may find that the department has made a reasonable effort to prevent or eliminate the need for removal if:

a.~~1.~~ The first contact of the department with the family occurs during an emergency.

b.~~2.~~ The appraisal by the department of the home situation indicates that it presents a substantial and immediate danger to the *child's safety or physical, mental, or emotional health* ~~child~~ which cannot be mitigated by the provision of preventive services.

c.~~3.~~ The child cannot safely remain at home, either because there are no preventive services that can ensure the *health and* safety of the child or, even with appropriate and available services being provided, the *health and* safety of the child cannot be ensured.

4.~~(e)~~ A reasonable effort by the department for reunification of the family has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.

5.~~(f)~~ If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this *chapter* ~~part~~.

(10)~~(3)~~(a) When any child is adjudicated by the court to be dependent and temporary legal custody of the child has been placed with an adult relative, *legal custodian, or caregiver* ~~or adult nonrelative~~ approved by the court ~~willing to care for the child~~, a licensed child-caring agency, or the department, the court shall, unless a parent has voluntarily executed a written surrender for purposes of adoption, order the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay child support to the adult relative, *legal custodian, or caregiver* ~~or nonrelative~~ caring for the child, the licensed child-caring agency, or the department. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61.

(b) Placement of the child pursuant to subsection *(8)* ~~(1)~~ shall not be contingent upon issuance of a support order.

(11)~~(4)~~(a) If the court does not commit the child to the temporary legal custody of an adult relative, *legal custodian, or caregiver* ~~or adult nonrelative~~ approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, *legal custodian, or caregiver* willing to care for the child in order to present that placement option to the court instead of placement with the department.

(b) If *diligent efforts are* ~~a diligent search is~~ made to locate an adult relative willing and able to care for the child but, because no suitable relative is found, the child is placed with the department or a *legal custodian or caregiver* ~~nonrelative custodian~~, both the department and the court shall consider transferring temporary legal custody to *an* ~~a willing~~ adult relative ~~or adult nonrelative~~ approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement. *For the purposes of this paragraph, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.*

(12)~~(6)~~ An agency granted legal custody shall have the right to determine where and with whom the child shall live, but an individual granted legal custody shall exercise all rights and duties personally unless otherwise ordered by the court.

(13)~~(7)~~ In carrying out the provisions of this chapter, the court may order the natural parents, *caregivers,* or legal *custodians* ~~guardian~~ of a child who is found to be dependent to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child.

(14)~~(8)~~ With respect to a child who is the subject in proceedings under ~~part V of~~ this chapter, the court shall *issue to the department an order to show cause why it should not* return the child to the custody of the natural parents, *legal custodians, or caregivers* upon expiration of the case plan, or sooner if the parents, *legal custodians, or caregivers* have substantially complied with the case plan.

(15)~~(9)~~ The court may at any time enter an order ending its jurisdiction over any child, except that, when a child has been returned to the parents under subsection *(14)* ~~(8)~~, the court shall not terminate its jurisdiction over the child until 6 months after the *child's* return. Based on a report of the department or agency *or the child's guardian ad litem*, and any other relevant factors, the court shall then determine whether its jurisdiction should be continued or terminated in such a case; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

Section 53. Section 39.5085, Florida Statutes, is created to read:

39.5085 Relative-Caregiver Program.—

(1) It is the intent of the Legislature in enacting this section to:

(a) Recognize family relationships in which a grandparent or other relative is the head of a household that includes a child otherwise at risk of foster care placement.

(b) Enhance family preservation and stability by recognizing that most children in such placements with grandparents and other relatives do not need intensive supervision of the placement by the courts or by the department.

(c) Provide additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.

(d) Reserve the limited casework and supervisory resources of the courts and the department for those cases in which children do not have the option for safe, stable care within the family.

(2)(a) The Department of Children and Family Services shall establish and operate the Relative-Caregiver Program pursuant to eligibility guidelines established in this section as further implemented by rule of the department. The Relative-Caregiver Program shall, within the limits of available funding, provide financial assistance to relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that child in the role of substitute parent as a result of a departmental determination of child abuse, neglect, or abandonment and subsequent placement with the relative pursuant to chapter 39. Such placement may be either court-ordered temporary legal custody to the relative pursuant to s. 39.508(9) or court-ordered placement in the home of a relative under protective supervision of the department pursuant to s. 39.508(9). The Relative-Caregiver Program shall offer financial assistance to caregivers who are relatives and who would be unable to serve in that capacity without the relative-caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

(b) Caregivers who are relatives and who receive assistance under this section must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care, and must assure that the children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services as needed.

(c) Relatives who qualify for and participate in the Relative-Caregiver Program are not required to meet foster care licensing requirements under s. 409.175.

(d) Relatives who are caring for children placed with them by the child protection system shall receive a special monthly relative-caregiver benefit established by rule of the department. The amount of the special benefit payment shall be based on the child's age within a payment schedule established by rule of the department and subject to availability of funding. The statewide average monthly rate for children judicially placed with relatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, nor may the cost of providing the assistance described in this section to any relative-caregiver exceed the cost of providing out-of-home care in emergency shelter or foster care.

(e) Children receiving cash benefits under this section are not eligible to simultaneously receive WAGES cash benefits under chapter 414.

(f) Within available funding, the Relative-Caregiver Program shall provide relative-caregivers with family support and preservation services, flexible funds in accordance with s. 409.165, subsidized child care, and other available services in order to support the child's safety, growth, and healthy development. Children living with relative-caregivers who are receiving assistance under this section shall be eligible for medicaid coverage.

(g) The department may use appropriate available state, federal, and private funds to operate the Relative-Caregiver Program.

Section 54. Section 39.4105, Florida Statutes, is renumbered as section 39.509, Florida Statutes, and amended to read:

39.509 ~~39.4105~~ Grandparents rights.—Notwithstanding any other provision of law, a maternal or paternal grandparent as well as a stepgrandparent is entitled to reasonable visitation with his or her grandchild who has been adjudicated a dependent child and taken from the physical custody of *the* ~~his or her~~ parent, custodian, legal guardian, or caregiver unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of the case plan ~~pursuant to s. 39.451~~. Reasonable visitation may be unsupervised and, where appropriate and feasible, may be frequent and continuing.

(1) Grandparent visitation may take place in the home of the grandparent unless there is a compelling reason for denying such a visitation. The department's caseworker shall arrange the visitation to which a grandparent is entitled pursuant to this section. The state shall not charge a fee for any costs associated with arranging the visitation. However, the grandparent shall pay for the child's cost of transportation when the visitation is to take place in the grandparent's home. The caseworker shall document the reasons for any decision to restrict a grandparent's visitation.

(2) A grandparent entitled to visitation pursuant to this section shall not be restricted from appropriate displays of affection to the child, such as appropriately hugging or kissing his or her grandchild. Gifts, cards, and letters from the grandparent and other family members shall not be denied to a child who has been adjudicated a dependent child.

(3) Any attempt by a grandparent to facilitate a meeting between the child who has been adjudicated a dependent child and the child's parent, *custodian, legal guardian, or caregiver* in violation of a court order shall automatically terminate future visitation rights of the grandparent.

(4) When the child has been returned to the physical custody of his or her parent or permanent custodian, legal guardian, or caregiver, the visitation rights granted pursuant to this section shall terminate.

(5) The termination of parental rights does not affect the rights of grandparents unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of permanency planning for the child.

(6)~~(5)~~ In determining whether grandparental visitation is not in the child's best interest, consideration may be given to the finding of guilt, regardless of adjudication, or entry or plea of guilty or nolo contendere to charges under the following statutes, or similar statutes of other jurisdictions: s. 787.04, relating to removing minors from the state or concealing minors contrary to court order; s. 794.011, relating to sexual battery; s. 798.02, relating to lewd and lascivious behavior; chapter 800, relating to lewdness and indecent exposure; or chapter 827, relating to the abuse of children. Consideration may also be given to a finding of confirmed abuse, *abandonment, or neglect* under ss. 415.101-415.113 *or this chapter* ~~and ss. 415.502-415.514~~.

Section 55. Section 39.413, Florida Statutes, is renumbered as section 39.5101, Florida Statutes, and subsection (1) of said section is amended to read:

39.5101 ~~39.413~~ Appeal.—

(1) Any child, ~~any~~ parent, guardian ad litem, *caregiver,* or legal custodian of any child, any other party to the proceeding who is affected by an order of the court, or the department may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure. Appointed counsel shall be compensated as provided in *this chapter* ~~s. 39.415~~.

Section 56. Part VII of chapter 39, Florida Statutes, consisting of sections 39.601, 39.602, and 39.603, Florida Statutes, shall be entitled to read:

PART VII
CASE PLANS

Section 57. Section 39.4031, Florida Statutes, are renumbered as section 39.601, Florida Statutes, and amended to read:

39.601 ~~39.4031~~ Case plan requirements.—

(1) The department or agent of the department shall develop a case plan for each child or child's family receiving services *pursuant to this chapter* ~~who is a party to any dependency proceeding, activity, or process under this part~~. A parent, *caregiver, or legal* ~~guardian, or~~ custodian of a child may not be required *or* ~~nor~~ coerced through threat of loss of custody or parental rights to admit in the case plan to abusing, neglecting, or abandoning a child. *Where dependency mediation services are available and appropriate to the best interests of the child, the court may refer the case to mediation for development of a case plan.* This section does not change the provisions of s. *39.807* ~~39.464~~.

~~(2) The case plan must be:~~

(a) *The case plan must be* developed in conference with the parent, *caregiver, or legal* ~~guardian, or~~ custodian of the child ~~and, if appropriate, the child~~ and any court-appointed guardian ad litem *and, if appropriate, the child.* ~~Any parent who believes that his or her perspective has not been considered in the development of a case plan may request referral to mediation pursuant to s. 39.4033 when such services are available.~~

(b) *The case plan must be* written simply and clearly in English and, if English is not the principal language of the child's parent, *caregiver, or legal* ~~guardian, or~~ custodian, to the extent possible in such principal language.

(c) The case plan must describe the minimum number of face-to-face meetings to be held each month between the parents, caregivers, or legal custodians and the department's caseworkers to review progress of the plan, to eliminate barriers to progress, and to resolve conflicts or disagreements.

(d)~~(c)~~ *The case plan must be* subject to modification based on changing circumstances.

(e)~~(d)~~ *The case plan must be* signed by all parties.

(f)~~(e)~~ *The case plan must be* reasonable, accurate, and in compliance with the requirements of other court orders.

(2)~~(3)~~ When the child *or family* is receiving services ~~in the child's home~~, the case plan must ~~be developed within 30 days from the date of the department's initial contact with the child, or within 30 days of the date of a disposition order placing the child under the protective supervision of the department in the child's own home, and must~~ include, in addition to the requirements in subsection *(1)* ~~(2)~~, at a minimum:

(a) A description of the problem being addressed that includes the behavior or act of a parent, *legal custodian, or caregiver* resulting in risk to the child and the reason for the department's intervention.

(b) A description of the services to be provided to the family and child specifically addressing the identified problem, including:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location of the delivery of the services.

4. The accountable department staff or service provider.

~~5. The need for a multidisciplinary case staffing under s. 39.4032.~~

(c) A description of the measurable objectives, including timeframes for achieving objectives, addressing the identified problem.

(3)~~(4)~~ When the child is receiving services in a placement outside the child's home or in foster care, the case plan must be *submitted to the court for approval at the disposition hearing* ~~prepared within 30 days after placement and also be approved by the court~~ and must include, in addition to the requirements in subsections *(1) and* (2) ~~and (3)~~, at a minimum:

(a) A description of the permanency goal for the child, including the type of placement. *Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to prevent removal of the child from the home or make it possible for the child to return safely home.*

(b) A description of the type of home or institution in which the child is to be placed.

(c) A description of the financial support obligation to the child, including health insurance, of the child's parent, parents, *caregiver, or legal custodian* ~~or guardian~~.

(d) A description of the visitation rights and obligations of the parent or parents, *caregiver, or legal custodian* during the period the child is in care.

(e) A discussion of the *safety and* appropriateness of the child's placement, which placement is intended to be *safe,* ~~in~~ the least restrictive and most family-like setting available consistent with the best interest and special needs of the child, and in as close proximity as possible to the child's home. *The plan must also establish the role for the foster parents or custodians in the development of the services that are to be provided to the child, foster parents, or legal custodians. It must also address the child's need for services while under the jurisdiction of the court and implementation of these services in the case plan.*

(f) A description of the efforts to be undertaken to maintain the stability of the child's educational placement.

(g)~~(f)~~ A discussion of the department's plans to carry out the judicial determination made by the court, with respect to the child, in accordance with this chapter and applicable federal regulations.

(h)~~(g)~~ A description of the plan for assuring that services outlined in the case plan are provided to the child and the child's parent or parents, *legal custodians, or caregivers,* to improve the conditions in the family home and facilitate either the *safe* return of the child to the home or the permanent placement of the child.

(i)~~(h)~~ A description of the plan for assuring that services as outlined in the case plan are provided to the child and the child's parent or parents, *legal custodians, or caregivers,* to address the needs of the child and a discussion of the appropriateness of the services.

(j)~~(i)~~ A description of the plan for assuring that services are provided to the child and foster parents to address the needs of the child while in foster care, *which shall include an itemized list of costs to be borne by the parent or caregiver associated with any services or treatment that the parent and child are expected to receive.*

(k)~~(j)~~ A written notice to the parent that failure of the parent to substantially comply with the case plan may result in the termination of parental rights, and that a material failure to substantially comply may result in the filing of a petition for termination of parental rights sooner than the compliance periods set forth in the case plan itself. The child protection team shall coordinate its effort with the case staffing committee.

(l) In the case of a child for whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child; to place the child with an adoptive family, with a fit and willing relative, with a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child-specific recruitment efforts such as the use of state, regional, and national adoption exchanges, including electronic exchange systems.

(4)~~(5)~~ In the event that the parents, *legal custodians, or caregivers* are unwilling or unable to participate in the development of a case plan, the department shall document that unwillingness or inability *to participate. Such documentation must be provided* ~~and provide~~ in writing to the parent, *legal custodians, or caregivers* when available for the court record, and then the department shall prepare a case plan conforming as nearly as possible with the requirements set forth in this section. The unwillingness or inability of the parents, *legal custodians, or caregivers* to participate in the development of a case plan shall not in itself bar the filing of a petition for dependency or for termination of parental rights. The parents, *legal custodians, or caregivers,* if available, must be provided a copy of the case plan and be advised that they may, at any time prior to the filing of *a* petition for termination of parental rights, enter into a case plan and that they may request judicial review of any provision of the case plan with which they disagree at any court review hearing set for the child.

(5)~~(6)~~ The services delineated in the case plan must be designed to improve the conditions in the family home and aid in maintaining the child in the home, to facilitate the *safe* return of the child to the family home, or to facilitate the permanent placement of the child. The service intervention must be the least intrusive possible into the life of the family, must focus on clearly defined objectives, and must provide the most efficient path to quick reunification or permanent placement, *with the child's health and safety being paramount.* To the extent possible, the service intervention must be grounded in outcome evaluation results that demonstrate success in the reunification or permanent placement process. In designing service interventions, generally recognized standards of the professions involved in the process must be taken into consideration.

(6) After jurisdiction attaches, all case plans must be filed with the court and a copy provided to the parents, caregivers, or legal custodians of the child, to the representative of the guardian ad litem program if the program has been appointed, and to all other parties, not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. The department shall also file with the court all case plans prepared before jurisdiction of the court attached. If the court does not accept the case plan, the court shall require the parties to make necessary modifications to the plan. An amended plan must be submitted to the court for review and approval within 30 days after the hearing on the case plan.

(7) The case plan must be limited to as short a period as possible for the accomplishment of its provisions. Unless extended, the plan expires no later than 12 months after the date the child was initially removed from the home or the date the case plan was accepted by the court, whichever comes first.

(8) The case plan must meet applicable federal and state requirements.

(9)(a) In each case in which the custody of a child has been vested, either voluntarily or involuntarily, in the department and the child has been placed in out-of-home care, a case plan must be prepared within 60 days after the department removes the child from the home, and shall be submitted to the court before the disposition hearing, for the court to review and accept. If the preparation of a case plan, in conference with the parents and other pertinent parties, cannot be completed before the disposition hearing, for good cause shown, the court may grant an extension not to exceed 30 days and set a hearing to review and accept the case plan.

(b) The parent or parents, *legal custodians, or caregivers* may receive assistance from any person~~,~~ or social service agency in the preparation of the case plan.

(c) The social service agency, *the department,* and the court, when applicable, shall inform the parent or parents, *legal custodians, or caregivers* of the right to receive such assistance, including the right to assistance of counsel.

(d) Before the signing of the case plan, the authorized agent of the department shall explain it to all persons involved in its implementation, including, when appropriate, the child.

(e) After the case plan has been agreed upon and signed by the parties involved, a copy of the plan must be given immediately to the parents, the department or agency, the foster parents or caregivers, the legal custodian, the caregiver, the representative of the guardian ad litem program if the program is appointed, and any other parties identified by the court, including the child, if appropriate.

(f) The case plan may be amended at any time if all parties are in agreement regarding the revisions to the plan and the plan is submitted to the court with a memorandum of explanation. The case plan may also be amended by the court or upon motion of any party at a hearing, based on competent evidence demonstrating the need for the amendment. A copy of the amended plan must be immediately given to the parties specified in paragraph (e).

(10) A case plan must be prepared, but need not be submitted to the court, for a child who will be in care no longer than 30 days unless that child is placed in out-of-home care a second time within a 12-month period.

Section 58. Section 39.452, Florida Statutes, is renumbered as section 39.602, Florida Statutes, and amended to read:

39.602 ~~39.452~~ Case planning when parents, *legal custodians, or caregivers* do not participate and the child is in *out-of-home* ~~foster~~ care.—

(1)~~(a)~~ In the event the parents, *legal custodians, or caregivers* will not or cannot participate in preparation of a case plan, the department shall submit a full explanation of the circumstances and ~~a plan for the permanent placement of the child to the court within 30 days after the child has been removed from the home and placed in temporary foster care and schedule a court hearing within 30 days after submission of the plan to the court to review and accept or modify the plan. If preparation cannot be accomplished within 30 days, for good cause shown, the court may grant extensions not to exceed 15 days each for the filing, the granting of which shall be for similar reason to that contained in s. 39.451(4)(a).~~

~~(b) In the full explanation of the circumstances submitted to the court, the department shall~~ state the nature of its efforts to secure *such persons'* ~~parental~~ participation in the preparation of a case plan.

(2) In a case in which the physical, emotional, or mental condition or physical location of the parent is the basis for the parent's nonparticipation, it is the burden of the department to provide substantial evidence to the court that such condition or location has rendered the parent unable or unwilling to participate in the preparation of a case plan, either pro se or through counsel. The supporting documentation must be submitted to the court at the time the plan is filed.

(3) The plan must include, but need not be limited to, the specific services to be provided by the department, the goals and plans for the child, and the time for accomplishing the provisions of the plan and for accomplishing permanence for the child.

(4)(a) *At least 72* ~~Seventy-two~~ hours prior to the filing of a plan, *all parties* ~~each parent~~ must be provided with a copy of the plan developed by the department. If the location of one or both parents is unknown, this must be documented in writing and included in the plan submitted to the court. After the filing of the plan, if the location of an absent parent becomes known, that parent must be served with a copy of the plan.

(b) Before the filing of the plan, the department shall advise each parent, both orally and in writing, that the failure of the parents to substantially comply with a plan ~~which has reunification as its primary goal~~ may result in the termination of parental rights, but only after notice and hearing as provided in *this chapter* ~~part VI~~. If, after the plan has been submitted to the court, an absent parent is located, the department shall advise the parent, both orally and in writing, that the failure of the parents to substantially comply with a plan ~~which has reunification as its goal~~ may result in termination of parental rights, but only after notice and hearing as provided in *this chapter* ~~part VI~~. Proof of written notification must be filed with the court.

~~(5)(a) The court shall set a hearing, with notice to all parties, on the plan or any provisions of the plan, within 30 days after the plan has been received by the court. If the location of a parent is unknown, the notice must be directed to the last permanent address of record.~~

~~(b) At the hearing on the plan, the court shall determine:~~

~~1. All parties who were notified and are in attendance at the hearing, either in person or through a legal representative. The court shall appoint a guardian ad litem under Rule 1.210, Florida Rules of Civil Procedure, to represent the interests of any parent, if the location of the parent is known but the parent is not present at the hearing and the development of the plan is based upon the physical, emotional, or mental condition or physical location of the parent.~~

~~2. If the plan is consistent with previous orders of the court placing the child in care.~~

~~3. If the plan is consistent with the requirements for the content of a plan as specified in subsection (3).~~

~~4. In involuntary placements, whether each parent was notified of the right to counsel at each stage of the dependency proceedings, in accordance with the Florida Rules of Juvenile Procedure.~~

~~5. Whether each parent whose location was known was notified of the right to participate in the preparation of a case plan and of the right to receive assistance from any other person in the preparation of the case plan.~~

~~6. Whether the plan is meaningful and designed to address facts and circumstances upon which the court based the finding of dependency in involuntary placements or the plan is meaningful and designed to address facts and circumstances upon which the child was placed in foster care voluntarily.~~

~~(c) When the court determines any of the elements considered at the hearing related to the plan have not been met, the court shall require the parties to make necessary amendments to the plan. The amended plan must be submitted to the court for review and approval within a time certain specified by the court. A copy of the amended plan must also be provided to each parent, if the location of the parent is known.~~

~~(d) A parent who has not participated in the development of a case plan must be served with a copy of the plan developed by the department if the parent can be located at least 72 hours prior to the court hearing. Any parent is entitled to, and may seek, a court review of the plan prior to the initial 6 months' review and must be informed of this right by the department at the time the department serves the parent with a copy of the plan. If the location of an absent parent becomes known to the department, the department shall inform the parent of the right to a court review at the time the department serves the parent with a copy of the case plan.~~

Section 59. Section 39.603, Florida Statutes, is created to read:

39.603 Court approvals of case planning.

(1) At the hearing on the plan, which shall occur in conjunction with the disposition hearing unless otherwise directed by the court, the court shall determine:

(a) All parties who were notified and are in attendance at the hearing, either in person or through a legal representative. The court shall appoint a guardian ad litem under Rule 1.210, Florida Rules of Civil Procedure, to represent the interests of any parent, if the location of the parent is known but the parent is not present at the hearing and the development of the plan is based upon the physical, emotional, or mental condition or physical location of the parent.

(b) If the plan is consistent with previous orders of the court placing the child in care.

(c) If the plan is consistent with the requirements for the content of a plan as specified in this chapter.

(d) In involuntary placements, whether each parent was notified of the right to counsel at each stage of the dependency proceedings, in accordance with the Florida Rules of Juvenile Procedure.

(e) Whether each parent whose location was known was notified of the right to participate in the preparation of a case plan and of the right to receive assistance from any other person in the preparation of the case plan.

(f) Whether the plan is meaningful and designed to address facts and circumstances upon which the court based the finding of dependency in involuntary placements or the plan is meaningful and designed to address facts and circumstances upon which the child was placed in out-of-home care voluntarily.

(2) When the court determines any of the elements considered at the hearing related to the plan have not been met, the court shall require the parties to make necessary amendments to the plan. The amended plan must be submitted to the court for review and approval within a time certain specified by the court. A copy of the amended plan must also be provided to each parent, if the location of the parent is known.

(3) A parent who has not participated in the development of a case plan must be served with a copy of the plan developed by the department, if the parent can be located, at least 48 hours prior to the court hearing. Any parent is entitled to, and may seek, a court review of the plan prior to the initial review and must be informed of this right by the department at the time the department serves the parent with a copy of the plan. If the location of an absent parent becomes known to the department, the department shall inform the parent of the right to a court review at the time the department serves the parent with a copy of the case plan.

Section 60. Part VIII of chapter 39, Florida Statutes, consisting of sections 39.701, 39.702, 39.703, and 39.704, Florida Statutes, shall be entitled to read:

PART VIII
JUDICIAL REVIEWS

Section 61. Section 39.453, Florida Statutes, is renumbered as section 39.701, Florida Statutes, and amended to read:

39.701 ~~39.453~~ Judicial review.—

(1)(a) The court shall have continuing jurisdiction in accordance with this section and shall review the status of the child as required by this subsection or more frequently if the court deems it necessary or desirable.

(b) The court shall retain jurisdiction over a child returned to its parents, *caregivers,* or legal guardians for a period of 6 months, but, at that time, based on a report of the social service agency *and the guardian ad litem, if one has been appointed,* and any other relevant factors, the court shall make a determination as to whether its jurisdiction shall continue or be terminated.

~~(c) After termination of parental rights, the court shall retain jurisdiction over any child for whom custody is given to a social service agency until the child is adopted. The jurisdiction of the court after termination of parental rights and custody is given to the agency is for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.~~

(2)*(a)* The court shall review the status of the child and shall hold a hearing as provided in *this part* ~~subsection (7)~~. The court may dispense with the attendance of the child at the hearing, but may not dispense with the hearing or the presence of other parties to the review unless before the review a hearing is held before a citizen review panel.

(b) Citizen review panels may ~~be established under s. 39.4531 to~~ conduct *hearings to* ~~a~~ review ~~of~~ the status of a child. *The court shall select the cases appropriate for referral to the citizen review panels and may order the attendance of the parties at the review panel hearings. However, any party may object to the referral of a case to a citizen review panel. Whenever such an objection has been filed with the court, the court shall review the substance of the objection and may conduct the review itself or refer the review to a citizen review panel. All parties retain the right to take exception to the findings or recommended orders of a citizen review panel in accordance with Rule 1.490(h), Florida Rules of Civil Procedure.*

(c) Notice of a hearing by a citizen review panel must be provided as set forth in subsection (5). At the conclusion of a citizen review panel hearing, each party may propose a recommended order to the chairperson of the panel. Thereafter, the citizen review panel shall submit its report, *copies of the proposed recommended orders,* and *a copy of the panel's* recommended order to the court. The citizen review panel's recommended order must be limited to the dispositional options available

to the court in subsection (8). Each party may file exceptions to the report and recommended order of the citizen review panel in accordance with Rule 1.490, Florida Rules of Civil Procedure.

(3)(a) The initial judicial review must be held no later than *90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, but in no event shall the review be held later than* 6 months after the date the child was removed from the home. *Citizen review panels shall not conduct more than two consecutive reviews without the child and the parties coming before the court for a judicial review.* ~~If the child remains in shelter or foster care, subsequent judicial reviews must be held at least every 6 months after the date of the most recent judicial review until the child is 13 years old and has been in foster care at least 18 months.~~

(b) If the court extends *any* ~~the~~ case plan beyond *12* ~~18~~ months, judicial reviews must be held at least every 6 months ~~for children under the age of 13 and at least annually for children age 13 and older~~.

(c) If the child is placed in the custody of the department or a licensed child-placing agency for the purpose of adoptive placement, judicial reviews must be held at least every 6 months until adoptive placement, to determine *the appropriateness of the current placement and* the progress made toward adoptive placement.

(d) If the department and the court have established a formal agreement that includes specific authorization for particular cases, the department may conduct administrative reviews instead of the judicial reviews for children in *out-of-home* ~~foster~~ care. Notices of such administrative reviews must be provided to all parties. However, an administrative review may not be substituted for the first judicial review, and in every case the court must conduct a judicial review at least every *6* ~~12~~ months. Any party dissatisfied with the results of an administrative review may petition for a judicial review.

(e) The clerk of the circuit court shall schedule judicial review hearings in order to comply with the mandated times cited in *this section* ~~paragraphs (a)-(d)~~.

(f) In each case in which a child has been voluntarily placed with the licensed child-placing agency, the agency shall notify the clerk of the court in the circuit where the child resides of such placement within 5 working days. Notification of the court is not required for any child who will be in *out-of-home* ~~foster~~ care no longer than 30 days unless that child is placed in *out-of-home* ~~foster~~ care a second time within a 12-month period. If the child is returned to the custody of the parents, *caregiver, or legal custodian* ~~or guardian~~ before the scheduled review hearing or if the child is placed for adoption, the child-placing agency shall notify the court of the child's return or placement within 5 working days, and the clerk of the court shall cancel the review hearing.

(4) *The court shall schedule the date, time, and location of the next judicial review in the judicial review order.* ~~The social service agency shall file a petition for review with the court within 10 calendar days after the judicial review hearing. The petition must include a statement of the dispositional alternatives available to the court. The petition must accompany the notice of the hearing served upon persons specified in subsection (5).~~

(5) Notice of *a judicial review hearing or a citizen review panel* ~~the~~ hearing, and a copy of the *motion for judicial review* ~~petition~~, including a statement of the dispositional alternatives available to the court, must be served by the court upon:

(a) The social service agency charged with the supervision of care, custody, or guardianship of the child, if that agency is not the *movant* ~~petitioner~~.

(b) The foster parent or parents or *caregivers* ~~caretakers~~ in whose home the child resides.

(c) The parent, *caregiver, or legal custodian* ~~guardian, or relative~~ from whom the care and custody of the child have been transferred.

(d) The guardian ad litem for the child, *or the representative of the guardian ad litem program* if *the program* ~~one~~ has been appointed.

(e) Any preadoptive parent.

(f)~~(e)~~ Such other persons as the court may in its discretion direct.

(6)(a) *Prior to every judicial review hearing or citizen review panel hearing,* the social service agency shall make an investigation and social study concerning all pertinent details relating to the child and shall furnish to the court or citizen review panel a written report that includes, but is not limited to:

1. A description of the type of placement the child is in at the time of the hearing, *including the safety of the child and the continuing necessity for and appropriateness of the placement.*

2. Documentation of the diligent efforts made by all parties to the case plan to comply with each applicable provision of the plan.

3. The amount of fees assessed and collected during the period of time being reported.

4. The services provided to the foster family or *caregivers* ~~caretakers~~ in an effort to address the needs of the child as indicated in the case plan.

5. A statement *that* ~~concerning whether~~ the parent or *legal custodian* ~~guardian~~, though able to do so, did not comply substantially with the provisions of the case plan and the agency recommendations or a statement that the parent or *legal custodian* ~~guardian~~ did substantially comply with such provisions.

6. A statement from the foster parent or parents or *caregivers* ~~caretakers~~ providing any material evidence concerning the return of the child to the parent or parents *or legal custodians.*

7. A statement concerning the frequency, duration, and results of the parent-child visitation, if any, and the agency recommendations for an expansion or restriction of future visitation.

8. The number of times a child has been removed from his or her home and placed elsewhere, the number and types of placements that have occurred, and the reason for the changes in placement.

9. The number of times a child's educational placement has been changed, the number and types of educational placements that have occurred, and the reason for any change in placement.

(b) A copy of the *social service agency's* written report must be provided to the attorney of record of the parent, parents, or *legal custodians* ~~guardian~~; to the parent, parents, or *legal custodians* ~~guardian~~; to the foster parents or *caregivers* ~~caretakers~~; to each citizen review panel ~~established under s. 39.4531~~; and to the guardian ad litem for the child, *or the representative of the guardian ad litem program* if *the program* ~~one~~ has been appointed by the court, at least 48 hours before the judicial review hearing~~,~~ or citizen review panel hearing ~~if such a panel has been established under s. 39.4531~~. The requirement for providing parents or *legal custodians* ~~guardians~~ with a copy of the written report does not apply to those parents or *legal custodians* ~~guardians~~ who have voluntarily surrendered their child for adoption.

(c) In a case in which the child has been permanently placed with the social service agency, the agency shall furnish to the court a written report concerning the progress being made to place the child for adoption. If~~, as stated in s. 39.451(1),~~ the child cannot be placed for adoption, a report on the progress made by the child in alternative permanency goals or placements, including, but not limited to, long-term foster care, independent living, custody to a relative or *caregiver* ~~adult nonrelative~~ approved by the court on a permanent basis with or without legal guardianship, or custody to a foster parent *or caregiver* on a permanent basis with or without legal guardianship, must be submitted to the court. The report must be submitted to the court at least 48 hours before each scheduled judicial review.

(d) In addition to or in lieu of any written statement provided to the court, the foster parent or *caregivers, or any preadoptive parent,* ~~caretakers~~ shall be given the opportunity to address the court with any information relevant to the best interests of the child at any judicial review hearing.

(7) The court~~,~~ and any citizen review panel ~~established under s. 39.4531,~~ shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testi-

mony by the social services agency, the parent or *legal custodian* ~~guardian~~, the foster parent or *caregivers* ~~caretakers~~, the guardian ad litem if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. In its deliberations, the court~~,~~ and any citizen review panel ~~established under s. 39.4531,~~ shall seek to determine:

(a) If the parent or *legal custodian* ~~guardian~~ was advised of the right to receive assistance from any person or social service agency in the preparation of the case plan.

(b) If the parent or *legal custodian* ~~guardian~~ has been advised of the right to have counsel present at the judicial review or citizen review hearings. If not so advised, the court or citizen review panel shall advise the parent or *legal custodian* ~~guardian~~ of such right.

(c) If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

(d) The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents' compliance with child support orders.

(e) The compliance or lack of compliance with a visitation contract between the parent*, caregiver, or legal custodian* ~~or guardian~~ and the social service agency for contact with the child, including the *frequency, duration, and results of the parent-child visitation and the* reason for any noncompliance.

(f) The compliance or lack of compliance of the parent*, caregiver, or legal custodian* ~~or guardian~~ in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply if such is the case.

(g) The appropriateness of the child's current placement, including whether the child is in a setting which is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs*, and including maintaining stability in the child's educational placement*.

(h) A projected date likely for the child's return home or other permanent placement.

(i) When appropriate, the basis for the unwillingness or inability of the parent*, caregiver, or legal custodian* ~~or guardian~~ to become a party to a case plan. The court and the citizen review panel shall determine if ~~the nature of the location or the condition of the parent and~~ the efforts of the social service agency to secure *party* ~~parental~~ participation in a case plan were sufficient.

(8)(a) Based upon the criteria set forth in subsection (7) and the recommended order of the citizen review panel, if *any* ~~established under s. 39.4531~~, the court shall determine whether or not the social service agency shall initiate proceedings to have a child declared a dependent child, return the child to the parent*, legal custodian, or caregiver*, continue the child in *out-of-home* ~~foster~~ care for a specified period of time, or initiate termination of parental rights proceedings for subsequent placement in an adoptive home. Modifications to the plan must be handled as prescribed in s. *39.601* ~~39.451~~. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, ~~and~~ well-being*, and physical, mental, and emotional health* will not be endangered.

(b) The court shall return the child to the custody of the parents*, legal custodians, or caregivers* at any time it determines that they have substantially complied with the plan, if the court is satisfied that reunification will not be detrimental to the child's safety, ~~and~~ well-being*, and physical, mental, and emotional health*.

(c) If, in the opinion of the court, the social service agency has not complied with its obligations as specified in the written case plan, the court may find the social service agency in contempt, shall order the social service agency to submit its plans for compliance with the agreement, and shall require the social service agency to show why the child *could* ~~should~~ not *safely* be returned ~~immediately~~ to the home of the parents*, legal custodians, or caregivers* ~~or legal guardian~~.

(d) The court may extend the time limitation of the case plan, or may modify the terms of the plan, based upon information provided by the social service agency*, and the guardian ad litem, if one has been appointed*, the ~~natural~~ parent or parents, and the foster parents, and any other competent information on record demonstrating the need for the amendment. *If the court extends the time limitation of the case plan, the court must make specific findings concerning the frequency of past parent-child visitation, if any, and the court may authorize the expansion or restriction of future visitation.* Modifications to the plan must be handled as prescribed in s. *39.601* ~~39.451~~. Any extension of a case plan must comply with the time requirements and other requirements specified by this *chapter* ~~part~~.

(e) If, at any judicial review, the court finds that the parents have failed to substantially comply with the case plan to the degree that further reunification efforts are without merit and not in the best interest of the child, it may authorize the filing of a petition for termination of parental rights, whether or not the time period as contained in the case plan for substantial compliance has elapsed.

(f) *No later than 12 months after the date that the child was placed in shelter care, the court shall conduct a judicial review. At this hearing, if the child is not returned to the physical custody of the parents, caregivers, or legal custodians, the case plan may be extended with the same goals only if the court finds that the situation of the child is so extraordinary that the plan should be extended. The case plan must document steps the department is taking to find an adoptive parent or other permanent living arrangement for the child.* ~~If, at the time of the 18-month judicial review or citizen review, the child is not returned to the physical custody of the natural parents, the case plan may be extended only if, at the time of the judicial review or citizen review, the court finds that the situation of the child is so extraordinary that the plan should be extended. The extension must be in accordance with subsection (3).~~

(g) The court may issue a protective order in assistance, or as a condition, of any other order made under this part. In addition to the requirements included in the case plan, the protective order may set forth requirements relating to reasonable conditions of behavior to be observed for a specified period of time by a person or agency who is before the court; and such order may require any such person or agency to make periodic reports to the court containing such information as the court in its discretion may prescribe.

Section 62. Section 39.4531, Florida Statutes, is renumbered as section 39.702, Florida Statutes, and amended to read:

39.702 ~~39.4531~~ Citizen review panels.—

(1) Citizen review panels may be established in each judicial circuit and shall be authorized by an administrative order executed by the chief judge of each circuit. The court shall administer an oath of office to each citizen review panel member which shall authorize the panel member to participate in citizen review panels and make recommendations to the court pursuant to the provisions of this section.

(2) Citizen review panels shall be administered by an independent not-for-profit agency. For the purpose of this section, an organization that has filed for nonprofit status under the provisions of s. 501(c)(3) of the United States Internal Revenue Code is an independent not-for-profit agency for a period of 1 year after the date of filing. At the end of that 1-year period, in order to continue conducting citizen reviews, the organization must have qualified for nonprofit status under s. 501(c)(3) of the United States Internal Revenue Code and must submit to the chief judge of the circuit court a consumer's certificate of exemption that was issued to the organization by the Florida Department of Revenue and a report of the organization's progress. If the agency has not qualified for nonprofit status, the court must rescind its administrative order that authorizes the agency to conduct citizen reviews. All independent not-for-profit agencies conducting citizen reviews must submit citizen review annual reports to the court.

(3) For the purpose of this section, a citizen review panel shall be composed of five volunteer members and shall conform with the requirements of this *chapter* ~~section~~. The presence of three members at a panel hearing shall constitute a quorum. Panel members shall serve without compensation.

(4)~~(3)~~ Based on the information provided to each citizen review panel pursuant to s. *39.701* ~~39.453~~, each citizen review panel shall provide the court with a report and recommendations regarding the placement and dispositional alternatives the court shall consider before issuing a judicial review order.

(5)~~(4)~~ *The* ~~An~~ independent not-for-profit agency authorized to administer each citizen review panel shall:

(a) In collaboration with the department, develop policies to assure that citizen review panels comply with all applicable state and federal laws.

(b) Establish policies for the recruitment, selection, retention, and terms of volunteer panel members. Final selection of citizen review panel members shall, to the extent possible, reflect the multicultural composition of the community which they serve. A criminal background check and personal reference check shall be conducted on each citizen review panel member prior to the member serving on a citizen review panel.

(c) In collaboration with the department, develop, implement, and maintain a training program for citizen review volunteers and provide training for each panel member prior to that member serving on a review panel. Such training may include, but shall not be limited to, instruction on dependency laws, departmental policies, and judicial procedures.

(d) Ensure that all citizen review panel members have read, understood, and signed an oath of confidentiality relating to ~~the citizen review hearings and~~ written or verbal information provided to the panel members *for review hearings*.

(e) Establish policies to avoid actual or perceived conflicts of interest by panel members during the review process and to ensure accurate, fair reviews of each child dependency case.

(f) Establish policies to ensure ongoing communication with the department and the court.

(g) Establish policies to ensure adequate communication with the parent*, caregiver, or legal custodian* ~~or guardian~~, the foster parent *or caregiver*, the guardian ad litem, and any other person deemed appropriate.

(h) Establish procedures that encourage attendance *and participation* of interested persons *and parties, including the biological parents, foster parents or caregivers, or a relative or nonrelative with whom the child is placed*, at *citizen* review hearings.

(i) Coordinate with existing citizen review panels to ensure consistency of operating procedures, data collection, ~~and~~ analysis, and report generation.

(j) Make recommendations as necessary to the court concerning attendance of essential persons at the review and other issues pertinent to an effective review process.

(k) Ensure consistent methods of identifying barriers to the permanent placement of the child and delineation of findings and recommendations to the court.

(6)~~(5)~~ The department and agents of the department shall submit information to the citizen review panel when requested and shall address questions asked by the citizen review panel to identify barriers to the permanent placement of each child.

Section 63. Section 39.454, Florida Statutes, is renumbered as section 39.703, Florida Statutes, and amended to read:

39.703 ~~39.454~~ Initiation of termination of parental rights proceedings.—

(1) If, in preparation for any judicial review hearing under this *chapter* ~~part~~, it is the opinion of the social service agency that the parents ~~or legal guardian~~ of the child have not complied with their responsibilities as specified in the written case plan although able to do so, the social service agency shall state its intent to initiate proceedings to terminate parental rights, unless the social service agency can demonstrate to the court that such a recommendation would not be in the child's best interests. If it is the intent of the department or licensed child-placing agency to initiate proceedings to terminate parental rights, the department or licensed child-placing agency shall file a petition for termination of parental rights no later than 3 months after the date of the previous judicial review hearing. If the petition cannot be filed within 3 months, the department or licensed child-placing agency shall provide a written report to the court outlining the reasons for delay, the progress made in the termination of parental rights process, and the anticipated date of completion of the process.

(2) If, at the time of the *12-month* ~~18-month~~ judicial review hearing, a child is not returned to the physical custody of the ~~natural~~ parents*, caregivers, or legal custodians*, the social service agency shall initiate termination of parental rights proceedings under ~~part VI of~~ this chapter within 30 days. Only if the court finds that the situation of the child is so extraordinary and that the best interests of the child will be met by such action at the time of the judicial review may the case plan be extended. If the court decides to extend the plan, the court shall enter detailed findings justifying the decision to extend, as well as the length of the extension. *A termination of parental rights petition need not be filed if: the child is being cared for by a relative who chooses not to adopt the child; the court determines that filing such a petition would not be in the best interests of the child; or the state has not provided the child's family, when reasonable efforts to return a child are required, consistent with the time period in the state's case plan, such services as the state deems necessary for the safe return of the child to his or her home.* Failure to initiate termination of parental rights proceedings at the time of the *12-month* ~~18-month~~ judicial review or within 30 days after such review does not prohibit initiating termination of parental rights proceedings at any other time.

Section 64. Section 39.456, Florida Statutes, is renumbered as section 39.704, Florida Statutes, and amended to read:

39.704 ~~39.456~~ Exemptions *from judicial review.—Judicial review* ~~This part~~ does not apply to:

(1) Minors who have been placed in adoptive homes by the department or by a licensed child-placing agency; *or*

(2) Minors who are refugees or entrants to whom federal regulations apply and who are in the care of a social service agency.~~; or~~

~~(3) Minors who are the subjects of termination of parental rights cases pursuant to s. 39.464.~~

Section 65. Part IX of chapter 39, Florida Statutes, consisting of sections 39.801, 39.802, 39.803, 39.804, 39.805, 39.806, 39.807, 39.808, 39.809, 39.810, 39.811, 39.812, 39.813, 39.814, 39.815, 39.816, and 39.817, Florida Statutes, shall be entitled to read:

PART IX
TERMINATION OF PARENTAL RIGHTS

Section 66. Section 39.46, Florida Statutes, is renumbered as section 39.801, Florida Statutes, and amended to read:

39.801 ~~39.46~~ Procedures and jurisdiction*; notice; service of process.*—

(1) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in termination of parental rights proceedings shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(2) The circuit court shall have exclusive original jurisdiction of a proceeding involving termination of parental rights.

(3) Before the court may terminate parental rights, in addition to the other requirements set forth in this part, the following requirements must be met:

(a) Notice of the date, time, and place of the advisory hearing for the petition to terminate parental rights and a copy of the petition must be personally served upon the following persons, specifically notifying them that a petition has been filed:

1. The parents of the child.

2. The caregivers or legal custodians of the child.

3. If the parents who would be entitled to notice are dead or unknown, a living relative of the child, unless upon diligent search and inquiry no such relative can be found.

4. Any person who has physical custody of the child.

5. Any grandparent entitled to priority for adoption under s. 63.0425.

6. Any prospective parent who has been identified under s. 39.503 or s. 39.803.

7. The guardian ad litem for the child or the representative of the guardian ad litem program, if the program has been appointed.

The document containing the notice to respond or appear must contain, in type at least as large as the type in the balance of the document, the following or substantially similar language: "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN)."

(b) If a person required to be served with notice as prescribed in paragraph (a) cannot be served, notice of hearings must be given as prescribed by the rules of civil procedure, and service of process must be made as specified by law or civil actions.

(c) Notice as prescribed by this section may be waived, in the discretion of the judge, with regard to any person to whom notice must be given under this subsection if the person executes, before two witnesses and a notary public or other officer authorized to take acknowledgments, a written surrender of the child to a licensed child-placing agency or the department.

(d) If the person served with notice under this section fails to appear at the advisory hearing, the failure to appear shall constitute consent for termination of parental rights by the person given notice.

(4) Upon the application of any party, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring the attendance and testimony of witnesses and the production of records, documents, or other tangible objects at any hearing.

(5) All process and orders issued by the court must be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the department or the guardian ad litem.

(6) Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding.

(7) A fee may not be paid for service of any process or other papers by an agent of the department or the guardian ad litem. If any process, orders, or other papers are served or executed by any sheriff, the sheriff's fees must be paid by the county.

Section 67. Section 39.461, Florida Statutes, is renumbered as section 39.802, Florida Statutes, and amended to read:

39.802 ~~39.461~~ Petition for termination of parental rights*; filing; elements.—*

(1) All proceedings seeking an adjudication to terminate parental rights pursuant to this chapter must be initiated by the filing of an original petition by the department, the guardian ad litem, ~~or a licensed child-placing agency~~ or ~~by~~ any other person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(2) The form of the petition is governed by the Florida Rules of Juvenile Procedure. The petition must be in writing and signed by the petitioner *or, if the department is the petitioner, by an employee of the department,* under oath stating the petitioner's good faith in filing the petition.

(3) When a petition for termination of parental rights has been filed, the clerk of the court shall set the case before the court for an advisory hearing.

(4) A petition for termination of parental rights filed under this chapter must contain facts supporting the following allegations:

(a) That at least one of the grounds listed in s. 39.806 has been met.

(b) That the parents of the child were informed of their right to counsel at all hearings that they attend and that a dispositional order adjudicating the child dependent was entered in any prior dependency proceeding relied upon in offering a parent a case plan as described in s. 39.806.

(c) That the manifest best interests of the child, in accordance with s. 39.810, would be served by the granting of the petition.

(5) When a petition for termination of parental rights is filed under s. 39.806(1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights to allow continuation of services until the termination is granted or until further orders of the court are issued.

(6) The fact that a child has been previously adjudicated dependent as alleged in a petition for termination of parental rights may be proved by the introduction of a certified copy of the order of adjudication or the order of disposition of dependency.

(7) The fact that the parent of a child was informed of the right to counsel in any prior dependency proceeding as alleged in a petition for termination of parental rights may be proved by the introduction of a certified copy of the order of adjudication or the order of disposition of dependency containing a finding of fact that the parent was so advised.

(8) Whenever the department has entered into a case plan with a parent with the goal of reunification, and a petition for termination of parental rights based on the same facts as are covered in the case plan is filed prior to the time agreed upon in the case plan for the performance of the case plan, the petitioner must allege and prove by clear and convincing evidence that the parent has materially breached the provisions of the case plan.

Section 68. Section 39.803, Florida Statutes, is created to read:

39.803 Identity or location of parent unknown after filing of termination of parental rights petition; special procedures.—

(1) If the identity or location of a parent is unknown and a petition for termination of parental rights is filed, the court shall conduct the following inquiry of the parent who is available, or, if no parent is available, of any relative, caregiver, or legal custodian of the child who is present at the hearing and likely to have the information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct

the department to conduct a diligent search for that person before scheduling an adjudicatory hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without actual notice to the person whose location is unknown.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all known relatives of the parent or prospective parent, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, and inquiries of appropriate law enforcement agencies.

(7) Any agency contacted by a petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or prior to the adjudicatory hearing in the termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section.

Section 69. *Section 39.4627, Florida Statutes, is renumbered as section 39.804, Florida Statutes.*

Section 70. Section 39.463, Florida Statutes, is renumbered as section 39.805, Florida Statutes, and amended to read:

39.805 ~~39.463~~ No answer required.—No answer to the petition or any other pleading need be filed by any child, parent, *caregiver,* or legal custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of any answer or any pleading, the child or parent shall, prior to the adjudicatory hearing, be advised by the court of the right to counsel and shall be given an opportunity to deny the allegations in the petition for termination of parental rights or to enter a plea to allegations in the petition before the court.

Section 71. Section 39.464, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.806, Florida Statutes, and amended to read:

39.806 ~~39.464~~ Grounds for termination of parental rights.—

(1) The department, the guardian ad litem, ~~a licensed child-placing agency,~~ or any person *related to the child* who has knowledge of the facts alleged or who is informed of said facts and believes that they are true, may petition for the termination of parental rights under any of the following circumstances:

(a) When the parent or parents voluntarily executed a written surrender of the child and consented to the entry of an order giving custody of the child to the department ~~or to a licensed child-placing agency~~ for subsequent adoption and the department ~~or licensed child-placing agency~~ is willing to accept custody of the child.

1. The surrender document must be executed before two witnesses and a notary public or other person authorized to take acknowledgments.

2. The surrender and consent may be withdrawn after acceptance by the department ~~or licensed child-placing agency~~ only after a finding by the court that the surrender and consent were obtained by fraud or duress.

(b) When the identity or location of the parent or parents is unknown and~~, if the court requires a diligent search pursuant to s. 39.4625,~~ cannot be ascertained by diligent search ~~as provided in s. 39.4625~~ within 90 days.

(c) When the parent or parents engaged in conduct toward the child or toward other children that demonstrates that the continuing involvement of the parent or parents in the parent-child relationship threatens the life, *safety* ~~or~~ well-being, *or physical, mental, or emotional health* of the child irrespective of the provision of services. Provision of services *may be* ~~is~~ evidenced by proof that services were provided through a previous plan or offered as a case plan from a child welfare agency.

(d) When the parent of a child is incarcerated in a state or federal correctional institution and:

1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this paragraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; and

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

(e)~~(f)~~ A petition for termination of parental rights may also be filed when a child has been adjudicated dependent, a case plan has been filed with the court, and the child continues to be abused, neglected, or abandoned by the parents. In this case, the failure of the parents to substantially comply for a period of 12 months after an adjudication of the child as a dependent child constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due either to the lack of financial resources of the parents or to the failure of the department to make reasonable efforts to reunify the family. Such 12-month period may begin to run only after the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the *approval by* ~~subsequent filing with~~ the court of a case plan with a goal of reunification with the parent.

(f)~~(e)~~ When the parent or parents engaged in egregious conduct *or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct threatening the life, safety, or physical, mental, or emotional health* ~~that endangers the life, health, or safety~~ of the child or the child's sibling ~~or had the opportunity and capability to prevent egregious conduct that threatened the life, health, or safety of the child or the child's sibling and knowingly failed to do so~~.

1. As used in this subsection, the term "sibling" means another child who resides with or is cared for by the parent or parents regardless of whether the child is related legally or by consanguinity.

2. As used in this subsection, the term "egregious *conduct* ~~abuse~~" means *abuse, abandonment, neglect, or any other* conduct of the parent or parents that is deplorable, flagrant, or outrageous by a normal standard of conduct. Egregious *conduct* ~~abuse~~ may include an act or omission that occurred only once but was of such intensity, magnitude, or severity as to endanger the life of the child.

(g) When the parent or parents have subjected the child to aggravated child abuse as defined in s. 827.03, sexual battery or sexual abuse as defined in s. 39.01, or chronic abuse.

(h) When the parent or parents have committed murder or voluntary manslaughter of another child of the parent, or a felony assault that results in serious bodily injury to the child or another child of the parent, or aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter or felony assault.

(i) When the parental rights of the parent to a sibling have been terminated involuntarily.

(2) Reasonable efforts to preserve and reunify families shall not be required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(e)-(i) have occurred.

(3)~~(2)~~ When a petition for termination of parental rights is filed under subsection (1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights *to allow continuation of services until the termination is granted or until further orders of the court are issued.*

(4) When an expedited termination of parental rights petition is filed, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

Section 72. Section 39.465, Florida Statutes, is renumbered as section 39.807, Florida Statutes, and amended to read:

39.807 ~~39.465~~ Right to counsel; guardian ad litem.—

(1)(a) At each stage of the proceeding under this part, the court shall advise the parent~~, guardian, or custodian~~ of the right to have counsel present. The court shall appoint counsel for *indigent* ~~insolvent~~ persons. The court shall ascertain whether the right to counsel is understood and, where appropriate, is knowingly and intelligently waived. The court shall enter its findings in writing with respect to the appointment or waiver of counsel for *indigent* ~~insolvent~~ parties.

(b) Once counsel has been retained or, in appropriate circumstances, appointed to represent the parent of the child, the attorney shall continue to represent the parent throughout the proceedings or until the court has approved discontinuing the attorney-client relationship. If the attorney-client relationship is discontinued, the court shall advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

(c)~~(b)~~1. No waiver of counsel may be accepted if it appears that the parent~~, guardian, or custodian~~ is unable to make an intelligent and understanding choice because of mental condition, age, education, experience, the nature or complexity of the case, or other factors.

2. A waiver of counsel made in court must be of record. A waiver made out of court must be in writing with not less than two attesting witnesses and must be filed with the court. The witnesses shall attest to the voluntary execution of the waiver.

3. If a waiver of counsel is accepted at any stage of the proceedings, the offer of assistance of counsel must be renewed by the court at each subsequent stage of the proceedings at which the parent~~, guardian, or custodian~~ appears without counsel.

(d)~~(c)~~ This subsection does not apply to any parent who has voluntarily executed a written surrender of the child and consent to the entry of a court order therefor and who does not deny the allegations of the petition.

(2)(a) The court shall appoint a guardian ad litem to represent the child in any termination of parental rights proceedings and shall ascertain at each stage of the proceedings whether a guardian ad litem has been appointed.

(b) The guardian ad litem has the following responsibilities:

1. To investigate the allegations of the petition and any subsequent matters arising in the case and, unless excused by the court, to file a written report. This report must include a statement of the wishes of the child and the recommendations of the guardian ad litem and must be provided to all parties and the court at least 48 hours before the disposition hearing.

2. To be present at all court hearings unless excused by the court.

3. To represent the interests of the child until the jurisdiction of the court over the child terminates or until excused by the court.

~~4. To perform such other duties and undertake such other responsibilities as the court may direct.~~

(c) A guardian ad litem is not required to post bond but shall file an acceptance of the office.

(d) A guardian ad litem is entitled to receive service of pleadings and papers as provided by the Florida Rules of Juvenile Procedure.

(e) This subsection does not apply to any voluntary relinquishment of parental rights proceeding.

Section 73. Section 39.466, Florida Statutes, is renumbered as section 39.808, Florida Statutes, and amended to read:

39.808 ~~39.466~~ Advisory hearing*; pretrial status conference.*—

(1) An advisory hearing on the petition to terminate parental rights must be held as soon as possible after all parties have been served with a copy of the petition and a notice of the date, time, and place of the advisory hearing for the petition.

(2) At the hearing the court shall inform the parties of their rights under s. *39.807* ~~39.465~~, shall appoint counsel for the parties in accordance with legal requirements, and shall appoint a guardian ad litem to represent the interests of the child if one has not already been appointed.

(3) The court shall set a date for an adjudicatory hearing to be held within 45 days after the advisory hearing, unless all of the necessary parties agree to some other hearing date.

(4) An advisory hearing may not be held if a petition is filed seeking an adjudication voluntarily to terminate parental rights. Adjudicatory hearings for petitions for voluntary termination must be held within 21 days after the filing of the petition. Notice of the use of this subsection must be filed with the court at the same time as the filing of the petition to terminate parental rights.

(5) Not less than 10 days before the adjudicatory hearing, the court shall conduct a prehearing status conference to determine the order in which each party may present witnesses or evidence, the order in which cross-examination and argument shall occur, and any other matters that may aid in the conduct of the adjudicatory hearing, to prevent any undue delay in the conduct of the adjudicatory hearing.

Section 74. Section 39.467, Florida Statutes, is renumbered as section 39.809, Florida Statutes, and amended to read:

39.809 ~~39.467~~ Adjudicatory hearing.—

(1) In a hearing on a petition for termination of parental rights, the court shall consider the elements required for termination ~~as set forth in s. 39.4611~~. Each of these elements must be established by clear and convincing evidence before the petition is granted.

(2) The adjudicatory hearing must be held within 45 days after the advisory hearing, but reasonable continuances for the purpose of investigation, discovery, or procuring counsel or witnesses may, when necessary, be granted.

(3) The adjudicatory hearing must be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the case from time to time as necessary. For purposes of the adjudicatory hearing, to avoid unnecessary duplication of expense, the judge may consider in-court testimony previously given at any properly noticed hearing, without regard to the availability or unavailability of the witness at the time of the actual adjudicatory hearing, if the recorded testimony itself is made available to the judge. Consideration of such testimony does not preclude the witness being subpoenaed to answer supplemental questions.

(4) All hearings involving termination of parental rights are confidential and closed to the public. Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents ~~or legal custodians~~ may be examined separately and apart from each other.

(5) The judge shall enter a written order with the findings of fact and conclusions of law.

Section 75. Section 39.4612, Florida Statutes, is renumbered as section 39.810, Florida Statutes, is amended to read:

39.810 ~~39.4612~~ Manifest best interests of the child. In a hearing on a petition for termination of parental rights, the court shall consider the

manifest best interests of the child. This consideration shall not include a comparison between the attributes of the parents and those of any persons providing a present or potential placement for the child. For the purpose of determining the manifest best interests of the child, the court shall consider and evaluate all relevant factors, including, but not limited to:

(1) Any suitable permanent custody arrangement with a relative of the child.

(2) The ability and disposition of the parent or parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under state law instead of medical care, and other material needs of the child.

(3) The capacity of the parent or parents to care for the child to the extent that the child's *safety, well-being, and physical, mental, and emotional* health ~~and well-being~~ will not be endangered upon the child's return home.

(4) The present mental and physical health needs of the child and such future needs of the child to the extent that such future needs can be ascertained based on the present condition of the child.

(5) The love, affection, and other emotional ties existing between the child and the child's parent or parents, siblings, and other relatives, and the degree of harm to the child that would arise from the termination of parental rights and duties.

(6) The likelihood of an older child remaining in long-term foster care upon termination of parental rights, due to emotional or behavioral problems or any special needs of the child.

(7) The child's ability to form a significant relationship with a parental substitute and the likelihood that the child will enter into a more stable and permanent family relationship as a result of permanent termination of parental rights and duties.

(8) The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(9) The depth of the relationship existing between the child and the present custodian.

(10) The reasonable preferences and wishes of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(11) The recommendations for the child provided by the child's guardian ad litem or legal representative.

Section 76. Section 39.469, Florida Statutes, is renumbered as section 39.811, Florida Statutes, and amended to read:

39.811 ~~39.469~~ Powers of disposition; order of disposition.—

(1) If the court finds that the grounds for termination of parental rights have not been established by clear and convincing evidence, the court shall:

(a) If grounds for dependency have been established, adjudicate or readjudicate the child dependent and:

1. Enter an order placing or continuing the child in *out-of-home* ~~foster~~ care under a case plan; or

2. Enter an order returning the child to the parent or parents. The court shall retain jurisdiction over a child returned to the *parent or* parents ~~or legal guardians~~ for a period of 6 months, but, at that time, based on a report of the social service agency and any other relevant factors, the court shall make a determination as to whether its jurisdiction shall continue or be terminated.

(b) If grounds for dependency have not been established, dismiss the petition.

(2) If the child is in *out-of-home* ~~foster~~ care custody of the department and the court finds that the grounds for termination of parental rights have been established by clear and convincing evidence, the court shall, by order, place the child in the custody of the department for the purpose of adoption ~~or place the child in the custody of a licensed child-placing agency for the purpose of adoption~~.

(3) If the child is in the custody of one parent and the court finds that the grounds for termination of parental rights have been established for the remaining parent by clear and convincing evidence, the court shall enter an order terminating the rights of the parent for whom the grounds have been established and placing the child in the custody of the remaining parent, granting that parent sole parental responsibility for the child.

(4) If the child is neither in the custody of the department ~~of Children and Family Services~~ nor in the custody of a parent and the court finds that the grounds for termination of parental rights have been established for either or both parents, the court shall enter an order terminating parental rights for the parent or parents for whom the grounds for termination have been established and placing the child with an appropriate custodian. If the parental rights of both parents have been terminated, or if the parental rights of only one parent have been terminated and the court makes specific findings based on evidence presented that placement with the remaining parent is likely to be harmful to the child, the court may order that the child be placed with a custodian other than the department after hearing evidence of the suitability of such intended placement. Suitability of the intended placement includes the fitness *and capabilities* of the *proposed* ~~intended placement, with primary consideration being given to the welfare of the child; the fitness and capabilities of the proposed~~ custodian to function as the primary *caregiver* ~~caretaker~~ for a particular child; and the compatibility of the child with the home in which the child is intended to be placed. If the court orders that a child be placed with a custodian under this subsection, the court shall appoint such custodian as the guardian for the child as provided in s. 744.3021. The court may modify the order placing the child in the custody of the custodian and revoke the guardianship established under s. 744.3021 if the court subsequently finds that a party to the proceeding other than a parent whose rights have been terminated has shown a material change in circumstances which causes the placement to be no longer in the best interest of the child.

(5) If the court terminates parental rights, the court shall enter a written order of disposition briefly stating the facts upon which its decision to terminate the parental rights is made. An order of termination of parental rights, whether based on parental consent or after notice served as prescribed in this part, permanently deprives the parents ~~or legal guardian~~ of any right to the child.

(6) The parental rights of one parent may be severed without severing the parental rights of the other parent only under the following circumstances:

(a) If the child has only one surviving parent;

(b) If the identity of a prospective parent has been established as unknown after sworn testimony;

(c) If the parent whose rights are being terminated became a parent through a single-parent adoption;

(d) If the protection of the child demands termination of the rights of a single parent; or

(e) If the parent whose rights are being terminated meets the criteria specified in s. *39.806(1)(d)* ~~39.464(1)(d)~~.

(7)*(a) The termination of parental rights does not affect the rights of grandparents unless the court finds that continued visitation is not in the best interests of the child or that such visitation would interfere with the goals of permanency planning for the child.*

(b) If the court terminates parental rights, it may order that the parents or relatives of the parent whose rights are terminated be allowed to maintain some contact with the child pending adoption if the best interests of the child support this continued contact, *except as provided in paragraph (a)*. If the court orders such continued contact, the nature and frequency of the contact must be set forth in written order and may be reviewed upon motion of any party, including a prospective adoptive parent if a child has been placed for adoption. If a child is placed for adoption, the nature and frequency of the contact must be reviewed by the court at the time the child is adopted.

(8) If the court terminates parental rights, it shall, in its order of disposition, provide for a hearing, to be scheduled no later than 30 days after the date of disposition, in which the department ~~or the licensed child-placing agency~~ shall provide to the court a plan for permanency for the child. *Reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.* Thereafter, until the adoption of the child is finalized or the child reaches the age of 18 years, whichever occurs first, the court shall hold hearings at 6-month intervals to review the progress being made toward permanency for the child.

(9) After termination of parental rights, the court shall retain jurisdiction over any child for whom custody is given to a social service agency until the child is adopted. The court shall review the status of the child's placement and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.

Section 77. Section 39.47, Florida Statutes, is renumbered as section 39.812, Florida Statutes, and amended to read:

39.812 ~~39.47~~ *Postdisposition* ~~Post-disposition~~ relief.—

(1) ~~A licensed child-placing agency or~~ The department *that* ~~which~~ is given custody of a child for subsequent adoption in accordance with this chapter may place the child in a family home for prospective subsequent adoption and *the licensed child-placing agency or the department* may thereafter become a party to any proceeding for the legal adoption of the child and appear in any court where the adoption proceeding is pending and consent to the adoption; and that consent alone shall in all cases be sufficient.

(2) In any subsequent adoption proceeding, the parents *are* ~~and legal guardian shall~~ not ~~be~~ entitled to ~~any~~ notice *of the proceeding and are not* ~~thereof, nor shall they be~~ entitled to knowledge at any time after the order terminating parental rights is entered of the whereabouts of the child or of the identity or location of any person having the custody of or having adopted the child, except as provided by order of the court pursuant to this chapter or chapter 63; and in any habeas corpus or other proceeding involving the child brought by any parent ~~or legal guardian~~ of the child, *an* ~~no~~ agent *or contract provider* of the ~~licensed child-placing agency or~~ department *may not* ~~shall~~ be compelled to divulge that information, but may be compelled to produce the child before a court of competent jurisdiction if the child is still subject to the guardianship of the ~~licensed child-placing agency or~~ department.

(3) The entry of the custody order to the department *does* ~~or licensed child-placing agency shall~~ not entitle the ~~licensed child-placing agency or~~ department to guardianship of the estate or property of the child, but the ~~licensed child-placing agency or~~ department shall be the guardian of the person of the child.

(4) The court shall retain jurisdiction over any child for whom custody is given to ~~a licensed child-placing agency or to~~ the department until the child is adopted. After custody of a child for subsequent adoption has been given to ~~an agency or~~ the department, the court has jurisdiction for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child. *The petition for adoption must be filed in the division of the circuit court which issued the judgment terminating parental rights. A copy of the consent required under s. 63.062(4) and executed by the department must be attached to the petition for adoption. The petition for adoption must be accompanied by a form created by the department which details the social and medical history of each birth parent and includes the social security number and date of birth for each birth parent, if such information is available or readily obtainable. The person seeking to adopt the minor may not file a petition for adoption until the order terminating parental rights becomes final. An adoption proceeding under this subsection is governed by chapter 63, as limited under s. 63.037.*

~~(5) The Legislature finds that children are most likely to realize their potential when they have the ability provided by good permanent families rather than spending long periods of time in temporary placements or unnecessary institutions. It is the intent of the Legislature that decisions be consistent with the child's best interests and that the department make proper adoptive placements as expeditiously as possible following a final judgment terminating parental rights.~~

Section 78. Section 63.022, Florida Statutes, is amended to read:

63.022 Legislative intent.—

(1) It is the intent of the Legislature to protect and promote the well-being of persons being adopted and their birth and adoptive parents and to provide to all children who can benefit by it a permanent family life, and, whenever possible, to maintain sibling groups.

(2) The basic safeguards intended to be provided by this *chapter* ~~act~~ are that:

(a) The *minor* ~~child~~ is legally free for adoption.

(b) The required persons consent to the adoption or the parent-child relationship is terminated by judgment of the court.

(c) The required social studies are completed and the court considers the reports of these studies prior to judgment on adoption petitions.

(d) All placements of minors for adoption are reported to the Department of Children and Family Services.

(e) A sufficient period of time elapses during which the *minor* ~~child~~ has lived within the proposed adoptive home under the guidance of the department or a licensed child-placing agency.

(f) All expenditures by *adoption entities* ~~intermediaries~~ placing, and persons independently adopting, a minor are reported to the court and become a permanent record in the file of the adoption proceedings.

(g) Social and medical information concerning the *minor* child and the birth parents is furnished by the birth parent when available and filed with the *court before a final hearing on a petition to terminate parental rights pending adoption* ~~consent to the adoption when a minor is placed by an intermediary~~.

(h) A new birth certificate is issued after entry of the adoption judgment.

(i) At the time of the hearing, the court *may* ~~is authorized to~~ order temporary substitute care when it determines that the minor is in an unsuitable home.

(j) The records of all proceedings concerning custody and adoption of *minor* children are confidential and exempt from ~~the provisions of~~ s. 119.07(1), except as provided in s. 63.162.

(k) The birth parent, the adoptive parent, and the *minor* child receive the same or similar safeguards, guidance, counseling, and supervision in an intermediary adoption as they receive in an agency or department adoption.

(l) In all matters coming before the court pursuant to this *chapter* ~~act~~, the court shall enter such orders as it deems necessary and suitable to promote and protect the best interests of the person to be adopted.

Section 79. Section 63.032, Florida Statutes, is amended to read:

63.032 Definitions.—As used in this *chapter* ~~act~~, ~~unless the context otherwise requires,~~ the term:

(1) "Department" means the Department of Children and Family Services.

(2) "Child" means a son or daughter, whether by birth or adoption.

(3) "Court" means any circuit court of this state and, when the context requires, the court of any state that is empowered to grant petitions for adoption.

(4) "Minor" means a person under the age of 18 years.

(5) "Adult" means a person who is not a minor.

(6) "Person" includes a natural person, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association, and any other legal entity.

(7) "Agency" means any child-placing agency licensed by the department pursuant to s. 63.202 to place minors for adoption.

(8) "Intermediary" means an attorney ~~or physician~~ who is licensed or authorized to practice in this state *and who has reported the intended placement of a minor for adoption under s. 63.092* or, for the purpose of adoptive placements of children from out of state with citizens of this state, a child-placing agency licensed in another state that is qualified by the department.

(9) "To place" or "placement" means the process of a person giving a child up for adoption and the prospective parents receiving and adopting the child, and includes all actions by any person or agency participating in the process.

(10) "Adoption" means the act of creating the legal relationship between parent and child where it did not exist, thereby declaring the child to be legally the child of the adoptive parents and their heir at law and entitled to all the rights and privileges and subject to all the obligations of a child born to such adoptive parents in lawful wedlock.

(11) "Suitability of the intended placement" includes the fitness of the intended placement, with primary consideration being given to the welfare of the child; the fitness and capabilities of the adoptive parent or parents to function as parent or parents for a particular child; *any familial relationship between the child and the prospective placement;* and the compatibility of the child with the home in which the child is intended to be placed.

(12) "Primary residence and place of employment in Florida" means a person lives and works in this state at least 6 months of the year and intends to do so for the foreseeable future or military personnel who designate Florida as their place of residence in accordance with the Soldiers' and Sailors' Civil Relief Act of 1940 or employees of the United States Department of State living in a foreign country who designate Florida as their place of residence.

(13) "Primarily lives and works outside Florida" means anyone who does not meet the definition of "primary residence and place of employment in Florida."

(14) "Abandoned" means a situation in which the parent or legal custodian of a child, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If, in the opinion of the court, the efforts of such parent or legal custodian to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. In making this decision, the court may consider the conduct of a father towards the child's mother during her pregnancy.

(15) "Adoption entity" means the department under chapter 39; an agency under chapter 63 or, at the request of the department, under chapter 39; or an intermediary under chapter 63, placing a person for adoption.

Section 80. Section 63.037, Florida Statutes, is created to read:

63.037 Proceedings applicable to cases resulting from a termination of parental rights under chapter 39.—A case in which a minor becomes available for adoption after the parental rights of each parent have been terminated by a court order issued pursuant to chapter 39 will be governed by s. 39.47 and this chapter. Adoption proceedings filed under chapter 39 are exempt from the following provisions of this chapter: disclosure requirements for the adoption entity provided in s. 63.085; general provisions governing termination of parental rights pending adoption provided in s. 63.087; notice and service provisions governing termination of parental rights pending adoption provided in s. 63.088; and procedures for terminating parental rights pending adoption provided in s. 63.089.

Section 81. Section 63.038, Florida Statutes, is created to read:

63.038 Prohibited acts.—A person who knowingly and willfully provides false information under this chapter or who, with the intent to defraud, accepts benefits related to the same pregnancy from more than one agency or intermediary without disclosing that fact to each entity commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. In addition to any other penalty or liability allowed by law, a person who knowingly and willfully provides false information under this chapter or who, with intent to defraud, accepts benefits related to the same pregnancy from more than one agency or intermediary without disclosing that fact to each entity and to any prospective adoptive parent providing sums for the payment of the benefits is liable for sums paid by anyone who paid sums permitted under this chapter in anticipation of or in connection with an adoption. A person seeking to collect moneys under this section may do so by filing a civil action or may be awarded restitution in a criminal prosecution.

Section 82. Section 63.039, Florida Statutes, is created to read:

63.039 Duty of adoption entity to prospective adoptive parents; sanctions.—

(1) An adoption entity placing a minor for adoption has an affirmative duty to follow the requirements of this chapter, specifically the following provisions, which protect and promote the well-being of persons being adopted and their birth and adoptive parents by promoting certainty, finality, and permanency for such persons:

(a) Provide written initial disclosure to the adoptive parent at the time and in the manner required under s. 63.085(1);

(b) Obtain a written statement by the adoptive parent acknowledging receipt of the written initial disclosure and distribute copies of that acknowledgment at the time and in the manner required under s. 63.085(3);

(c) Provide written initial and postbirth disclosure to the birth parent at the time and in the manner required under s. 63.085;

(d) Obtain a written statement by the birth parent acknowledging receipt of the written initial and postbirth disclosure and distribute copies of that acknowledgment at the time and in the manner required under s. 63.085(3);

(e) When a written consent for adoption is obtained, obtain the consent at the time and in the manner required under s. 63.082;

(f) When a written consent or affidavit of nonpaternity for adoption is obtained, obtain a consent or affidavit of nonpaternity that contains the language required under s. 63.062 or s. 63.082;

(g) Include in the petition to terminate parental rights pending adoption all information required under s. 63.087(6)(e);

(h) Obtain and file the affidavit of inquiry required under s. 63.088(3);

(i) When the identity of a person whose consent to adoption is necessary under this chapter is known but the location of such a person is unknown, conduct the due-diligence search and file the affidavit required under s. 63.088(4);

(j) Serve the petition and notice of hearing to terminate parental rights pending adoption at the time and in the manner required by s. 63.088; and

(k) Hold the hearings required under this chapter no sooner than permitted by this chapter.

(2) An adoption entity that materially fails to meet a duty specified in subsection (1), may be liable to the prospective adoptive parents for all sums paid by the prospective adoptive parents or on their behalf in anticipation of or in connection with an adoption.

(3) If a court finds that a consent taken under this chapter was obtained by fraud or duress attributable to the adoption entity, the court must award all sums paid by the prospective adoptive parents or on their behalf in anticipation of or in connection with the adoption. The court may also award reasonable attorney's fees and costs incurred by the prospective adoptive parents in connection with the adoption and any litigation related to placement or adoption of a minor. An award under this subsection must be paid directly to the prospective adoptive parents by the adoption entity.

(4) If a person whose consent to an adoption is necessary under s. 63.062 prevails in an action to set aside a consent to adoption, a judgment terminating parental rights pending adoption, or a judgment of adoption, the court must award a reasonable attorney's fee to the prevailing party. An award under this subsection is to be paid by the adoption entity if the court finds that the acts or omissions of the entity were the basis for the court's order granting relief to the prevailing party.

(5) The court must provide to The Florida Bar any order that imposes sanctions under this section against an attorney, whether acting as an adoption agency or as an intermediary. The court must provide to the Department of Children and Family Services any order that imposes sanctions under this section against an agency. The order must be provided within 30 days after the date that the order was issued.

Section 83. Section 63.052, Florida Statutes, is amended to read:

63.052 Guardians designated; proof of commitment.—

(1) For minors who have been placed for adoption with and permanently committed to an agency, the agency shall be the guardian of the person of the *minor* ~~child~~; for those who have been placed for adoption with and permanently committed to the department, the department shall be the guardian of the person of the *minor* ~~child~~.

(2) For minors who have been voluntarily surrendered to an intermediary through an execution of consent to adoption, the intermediary shall be responsible for the child until the time a court orders preliminary approval of placement of the child in the prospective adoptive home, at which time the prospective adoptive parents become guardians pending finalization of adoption. *Until a court has terminated parental rights pending adoption and has ordered preliminary approval of placement of the minor in the adoptive home, the minor must be placed in the care of a birth relative, placed in foster care, or placed in the care of a prospective adoptive home that has received a favorable home study by a licensed child placing agency, a licensed professional, or an agency described in s. 61.20(2) within 1 year before such placement of the minor with the prospective adoptive parents. The fact that a minor is temporarily placed with the prospective adoptive parents does not give rise to a presumption that the parental rights of the birth parents will subsequently be terminated.*

~~(2)~~ For minors who have been placed for adoption with or voluntarily surrendered to an agency, but have not been permanently committed to the agency, the agency shall have the responsibility and authority to provide for the needs and welfare for such minors. For those minors placed for adoption with or voluntarily surrendered to the department, but not permanently committed to the department, the department shall have the responsibility and authority to provide for the needs and welfare for such minors. The *adoption entity may* ~~department, an intermediary, or a licensed child-placing agency has the authority to~~ authorize all appropriate medical care for *a minor* ~~the children~~ who *has* ~~have~~ been placed for adoption with or voluntarily surrendered to them. The provisions of s. 627.6578 shall remain in effect notwithstanding the guardianship provisions in this section.

(3) If a minor is surrendered to an intermediary for subsequent adoption and a suitable prospective adoptive home is not available *under s. 63.092 at the time the minor is surrendered to the intermediary or, if the minor is a newborn admitted to a licensed hospital or birth center, at the time the minor is discharged from the hospital or birth center the minor must be placed in licensed foster care*~~, the intermediary shall be responsible for the child~~ until a suitable prospective adoptive home is available *under s. 63.092.*

(4) If a *minor* ~~child~~ is voluntarily surrendered to an intermediary for subsequent adoption and the adoption does not become final within 180 days, the intermediary must report to the court on the status of the *minor* ~~child~~ and the court may at that time proceed under s. 39.453 or take action reasonably necessary to protect the best interest of the *minor* ~~child~~.

(5) The recital in the written consent given by the department that the *minor* ~~child~~ sought to be adopted has been permanently committed to the department shall be prima facie proof of such commitment. The recital in the written consent given by a licensed child-placing agency or the declaration in an answer or recommendation filed by a licensed child-placing agency that the *minor* ~~child~~ has been permanently committed and the child-placing agency is duly licensed by the department shall be prima facie proof of such commitment and of such license.

(6) Unless otherwise authorized by law, the department is not responsible for expenses incurred by licensed child-placing agencies or intermediaries participating in placement of a *minor* ~~child~~ for the purposes of adoption.

(7) The court retains jurisdiction over a minor who has been placed for adoption until the adoption is final. After a minor is placed with an adoption entity or prospective adoptive parent, the court has jurisdiction for the purpose of reviewing the status of the minor and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by a person whose consent to an adoption is required under s. 63.062, by a party to any proceeding involving the minor, or upon the court's own motion, the court may review the appropriateness of the adoptive placement of the minor.

Section 84. Section 63.062, Florida Statutes, is amended to read:

63.062 Persons required to consent to adoption.—

(1) Unless *supported by one or more of the grounds enumerated under s. 63.089(3)* ~~consent is excused by the court~~, a petition to *terminate parental rights pending adoption* ~~adopt a minor~~ may be granted only if written consent has been executed *as provided in s. 63.082* after the birth of the minor *or notice has been served under s. 63.088 to* ~~by~~:

(a) The mother of the minor.

(b) The father of the minor, if:

1. The minor was conceived or born while the father was married to the mother;~~.~~

2. The minor is his child by adoption;~~.~~

3. The minor has been established by court proceeding to be his child.

(c) If there is no father as set forth in subsection (b), any man for whom the minor has been established to be his child by scientific tests that are generally acceptable within the scientific community to show a probability of paternity.

(d) If there is no father as set forth in subsection (b) or subsection (c), any man who:

1.~~4.~~ ~~He~~ Has acknowledged in writing, signed in the presence of a competent witness, that he is the father of the minor and has filed such acknowledgment with the Office of Vital Statistics of the Department of Health;~~.~~

2.~~5.~~ ~~He~~ Has provided the child *or the mother during her pregnancy* with support in a repetitive, customary manner;~~.~~

3. Has been identified by the birth mother as a person she has reason to believe may be the father of the minor in an action to terminate parental rights pending adoption pursuant to this chapter; or

4. Is a party in any pending proceeding in which paternity, custody, or termination of parental rights regarding the minor is at issue.

(e)~~(c)~~ The minor, if more than 12 years of age, unless the court in the best interest of the minor dispenses with the minor's consent.

(2) Any person whose consent is required under paragraph (1)(b), paragraph (1)(c), or paragraph (1)(d) may execute an affidavit of nonpaternity in lieu of a consent under this section and by doing so waives notice to all court proceedings after the date of execution. An affidavit of nonpaternity must be executed under s. 63.082 and the person executing the affidavit must receive disclosure under s. 63.085 prior to signing the affidavit. An affidavit of nonpaternity must be in substantially the following form:

AFFIDAVIT OF NONPATERNITY

1. I have personal knowledge of the facts stated herein.

2. I have been told that . . . . . has a child. I shall not establish or claim paternity for this child.

3. The child noted herein was not conceived or born while the birth mother was married to me. I AM NOT MARRIED TO THE BIRTH MOTHER, nor do I intend to marry the birth mother.

4. I have not provided the birth mother with child support or prebirth support; I have not provided her with prenatal care nor assisted her with medical expenses; I have not provided the birth mother or her child or unborn child with support of any kind, nor do I intend to do so.

5. I have no interest in assuming the responsibilities of parenthood for this child. I will not acknowledge in writing to be the father of this child nor institute court proceedings to establish the child to be mine.

6. I do not object to any decision or arrangements ... makes regarding this child, including adoption.

I WAIVE NOTICE OF ANY AND ALL PROCEEDINGS TO TERMINATE PARENTAL RIGHTS OR FINALIZE AN ADOPTION UNDER THIS CHAPTER.

(3)~~(2)~~ The court may require that consent be executed by:

(a) Any person lawfully entitled to custody of the minor; or

(b) The court having jurisdiction to determine custody of the minor, if the person having physical custody of the minor has no authority to consent to the adoption.

(4)~~(3)~~ The petitioner must make good faith and diligent efforts *as provided under s. 63.088* to notify, and obtain written consent from, the persons required to consent to adoption *under s. 63.062* ~~within 60 days after filing the petition~~. ~~These efforts may include conducting interviews and record searches to locate those persons, including verifying information related to location of residence, employment, service in the Armed Forces, vehicle registration in this state, and corrections records.~~

(5)~~(4)~~ If parental rights to the minor have previously been terminated, a licensed child-placing agency or the department with which the *minor* ~~child~~ has been placed for subsequent adoption may provide consent to the adoption. In such case, no other consent is required.

(6)~~(5)~~ A petition to adopt an adult may be granted if:

(a) Written consent to adoption has been executed by the adult and the adult's spouse, if any.

(b) Written consent to adoption has been executed by the birth parents, if any, or proof of service of process has been filed, showing notice has been served on the parents as provided in this *chapter* ~~section~~.

Section 85. Section 63.082, Florida Statutes, is amended to read:

63.082 Execution of consent *or affidavit of nonpaternity*; family medical history; withdrawal of consent.—

(1) Consent *or an affidavit of nonpaternity* shall be executed as follows:

(a) If by the person to be adopted, by oral or written statement in the presence of the court or by being acknowledged before a notary public.

(b) If by an agency, by affidavit from its authorized representative.

(c) If by any other person, in the presence of the court or by affidavit.

(d) If by a court, by an appropriate order or certificate of the court.

(2) A consent that does not name or otherwise identify the adopting parent is valid if the consent contains a statement by the person consenting that the consent was voluntarily executed and that identification of the adopting parent is not required for granting the consent.

(3)(a) The department must provide a consent form and a family *social and* medical history form to an *adoption entity that* ~~intermediary who~~ intends to place a child for adoption. The forms completed by the birth parents must be attached to the petition *to terminate parental rights pending adoption* and must contain such biological and sociological information, or such information as to the family medical history, regarding the *minor* ~~child~~ and the birth parents as is required by the department. The information must be incorporated into the final home investigation report specified in s. 63.125. The ~~court may also require that the~~ birth mother *and birth father must* be interviewed by a representative of the department, a licensed child-placing agency, or a professional pursuant to s. 63.092 *before the consent is executed, unless the birth parent is found to be an unlocated parent or an unidentified parent. A summary of each interview, or a statement that the parent is unlocated or unidentified, must be filed with the petition to terminate parental rights pending adoption and included in the final home study filed under s. 63.125.*

(b) Consent executed by ~~the department, by a licensed child-placing agency, or by~~ an appropriate order or certificate of the court *under s. 63.062(3)(b)* must be attached to the petition *to terminate parental rights pending adoption* ~~and must be accompanied by a family medical history that includes such information concerning the medical history of the child and the birth parents as is available or readily obtainable~~.

(c) If any executed consent or social and medical history is unavailable because the person whose consent is required is unlocated or unidentified, the petition must be accompanied by the affidavit of due diligence required under s. 63.088.

(4)*(a)* The consent *to an adoption or affidavit of nonpaternity shall not* ~~for voluntary surrender must~~ be executed *before* ~~after~~ the birth of the *minor.*

(b) A consent to adoption of a minor who is to be placed for adoption under s. 63.052 upon the minor's release following birth from a licensed hospital or birth center, shall not be executed sooner than:

1. 48 hours from the time of the minor's birth; or

2. The day the birth mother is determined in writing, either on a patient chart or in release paperwork to be fit for release from a licensed hospital or birth center; whichever is sooner.

A consent executed under this paragraph is valid upon execution and thereafter may only be withdrawn when the court finds that it was obtained by fraud or under duress.

(c) When the minor to be adopted is not placed under s. 63.052 upon the minor's release following birth from a licensed hospital or birth center, the consent may be executed at any time after the birth of the minor. While such consent is valid upon execution, it is subject to a 3-day revocation period under subsection (7).

(d) The consent or affidavit of nonpaternity must be signed ~~child,~~ in the presence of two witnesses, and be acknowledged before a notary public *who is not signing as one of the witnesses. The notary public must legibly note on the consent or affidavit of nonpaternity the date and time the consent or affidavit of nonpaternity was executed.* The witnesses' names must be typed or printed underneath their signatures. *The witnesses'*~~, and their~~ home or business addresses and social security numbers, *driver's license numbers, or state identification card numbers* must be included. The absence of a social security number, *driver's license number, or state identification card number* shall not be deemed to invalidate the consent. *The person who signs the consent or affidavit has the right to have at least one of the witnesses be an individual who does not have a partnership, employment, agency, or other professional or personal relationship with the adoption entity or the prospective adoptive parents. The person who signs the consent or affidavit of nonpaternity must be given reasonable notice of the right to select a witness of his or her own choosing. The person who signs the consent or affidavit of nonpaternity must acknowledge in writing on the consent or affidavit that such notice was given and indicate the witness, if any, who was selected by the person signing the consent or affidavit. A consent to adoption must contain, in at least 16-point boldfaced type, an acknowledgement of the birth parent's rights in substantially the following form:*

YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU HAVE THE RIGHT TO DO ANY OF THE FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS CONSENT:

(A) CONSULT WITH AN ATTORNEY;

(B) HOLD, CARE FOR, AND FEED THE CHILD;

(C) PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR YOUR CHILD;

(D) TAKE THE CHILD HOME; AND

(E) FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.

IF YOU DO SIGN THIS CONSENT, YOU ARE RELINQUISHING ALL RIGHTS TO YOUR CHILD. YOUR CONSENT IS VALID AND BINDING UNLESS WITHDRAWN AS PERMITTED BY LAW. WHEN RELINQUISHING YOUR RIGHTS TO A CHILD WHO IS TO BE PLACED FOR ADOPTION UNDER S. 63.052, F.S., UPON THE MINOR'S RELEASE FOLLOWING BIRTH FROM A LICENSED HOSPITAL OR BIRTH CENTER, A WAITING PERIOD WILL BE IMPOSED BEFORE YOU MAY SIGN THE CONSENT FOR ADOPTION. YOU WILL BE REQUIRED TO WAIT 48 HOURS FROM THE TIME OF BIRTH, OR UNTIL THE BIRTH MOTHER HAS BEEN NOTIFIED IN WRITING, EITHER ON HER CHART OR IN RELEASE PAPERS THAT SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTHING CENTER, WHICHEVER IS SOONER, BEFORE YOU MAY SIGN THE CONSENT FOR ADOPTION. ONCE YOU HAVE SIGNED THE CONSENT, IT IS VALID AND BINDING AND CANNOT BE WITHDRAWN UNLESS A COURT FINDS THAT IT WAS OBTAINED THROUGH FRAUD OR UNDER DURESS. IF YOU ARE RELINQUISHING YOUR RIGHTS TO A CHILD WHO IS NOT PLACED UNDER S. 63.052, F.S., UPON THE MINOR'S RELEASE FOLLOWING BIRTH FROM A LICENSED HOSPITAL OR BIRTH CENTER, THE CONSENT MAY BE EXECUTED AT ANY TIME AFTER THE BIRTH OF THE MINOR. WHILE SUCH CONSENT IS VALID UPON EXECUTION, IT IS SUBJECT TO A 3-DAY REVOCATION PERIOD.

WHEN THE REVOCATION PERIOD APPLIES, YOU MAY WITHDRAW YOUR CONSENT FOR ANY REASON IF YOU DO SO WITHIN 3 BUSINESS DAYS AFTER THE DATE YOU SIGNED THE CONSENT OR 1 BUSINESS DAY AFTER THE DATE OF THE BIRTH MOTHER'S DISCHARGE FROM A LICENSED HOSPITAL OR BIRTH CENTER, WHICHEVER IS LATER.

YOU MAY DO THIS BY NOTIFYING THE ADOPTION ENTITY IN WRITING THAT YOU ARE WITHDRAWING YOUR CONSENT. YOU MAY DO THIS BY PRESENTING A LETTER AT A UNITED STATES POST OFFICE AND ASKING THAT THE LETTER BE SENT BY CERTIFIED UNITED STATES MAIL WITH RETURN RECEIPT REQUESTED WITHIN 3 BUSINESS DAYS AFTER THE DATE YOU SIGNED THE CONSENT OR 1 BUSINESS DAY AFTER THE DATE OF THE BIRTH MOTHER'S DISCHARGE FROM A LICENSED HOSPITAL OR BIRTH CENTER, WHICHEVER IS LATER. AS USED IN THIS SECTION, THE TERM "BUSINESS DAY" MEANS A DAY ON WHICH THE UNITED STATES POST OFFICE ACCEPTS CERTIFIED MAIL FOR DELIVERY. THE COST OF THIS MUST BE PAID AT THE TIME OF MAILING AND THE RECEIPT SHOULD BE RETAINED AS PROOF THAT CONSENT WAS WITHDRAWN IN A TIMELY MANNER.

THE ADOPTION ENTITY YOU SHOULD NOTIFY IS: (Name of Adoption Entity), (Address of Adoption Entity), (Phone Number of Adoption Entity). FOLLOWING 3 BUSINESS DAYS AFTER THE DATE YOU SIGNED THE CONSENT OR 1 BUSINESS DAY AFTER THE DATE OF THE BIRTH MOTHER'S DISCHARGE FROM A LICENSED HOSPITAL OR BIRTH CENTER, WHICHEVER IS LATER, YOU MAY WITHDRAW YOUR CONSENT ONLY IF YOU CAN PROVE IN COURT THAT CONSENT WAS OBTAINED BY FRAUD OR DURESS.

(5) Before any consent to adoption or affidavit of nonpaternity is executed by a birth parent, but after the birth of the child, all requirements of disclosure under s. 63.085 must be met.

(6) A copy of each consent signed in an action for termination of parental rights pending adoption must be provided to each person whose consent is required under s. 63.062. A copy of each consent must be hand delivered, with a written acknowledgement of receipt signed by the person whose consent is required, or mailed by first class United States mail to the address of record in the court file. If a copy of a consent cannot be provided as required in this section, the adoption entity must execute an acknowledgement that states the reason the copy of the consent is undeliverable. The original consent and acknowledgment of receipt, or the acknowledgment of mailing by the adoption entity, must be filed with the petition for termination of parental rights pending adoption.

(7)~~(5)~~ *Consent executed under subsection (4) paragraph (c) may be withdrawn for any reason by notifying the adoption entity in writing by certified United States mail, return receipt requested, not later than 3 business days after execution of the consent or 1 business day after the date of the birth mother's discharge from a licensed hospital or birth center, whichever occurs later. As used in this subsection, the term "business day" means a day on which the United States Post Office accepts certified mail for delivery. Upon receiving written notice from a person of that person's desire to withdraw consent, the adoption entity must contact the prospective adoptive parent to arrange a time certain for the adoption entity to regain physical custody of the child, unless upon motion for emergency hearing by the adoption entity, the court determines in written findings that placement of the minor with the person withdrawing consent may endanger the minor. If the court finds that such placement may endanger the minor, the court must enter an order regarding continued placement of the child. The order shall include, but not be limited to, whether temporary placement in foster care is appropriate, whether an investigation by the Department of Children and Families is recommended, and whether a relative within the third degree is available for the temporary placement. In addition, if the person withdrawing consent claims to be the father of the minor but has not been established to be the father by marriage, court order, or scientific testing, the court may order scientific paternity testing and reserve ruling on removal of the child until the results of such testing have been filed with the court. The adoption entity must return the minor within 3 days to the physical custody of the person withdrawing consent. Thereafter,* consent may be withdrawn only when the court finds that the consent was obtained by fraud or duress. *An affidavit of nonpaternity may be withdrawn only if the court finds that the affidavit of nonpaternity was obtained by fraud. The adoption entity must include its name, address, and telephone number on the consent form.*

Section 86. Section 63.085, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 63.085, F.S., for present text.)

63.085 Disclosure by adoption entity.—

(1) DISCLOSURE REQUIRED TO BIRTH PARENTS AND PROSPECTIVE ADOPTIVE PARENTS.—Not later than 7 days after a person seeking to adopt a minor or a person seeking to place a minor for adoption contacts an adoption entity in person or provides the adoption entity with a mailing address, the entity must provide a written disclosure statement to that person. If a birth parent did not initially contact the adoption entity, the written disclosure must be provided within 7 days after that birth parent is identified and located. The written disclosure statement must be in substantially the following form:

ADOPTION DISCLOSURE

THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL PERSONS CONSIDERING ADOPTION TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING ADOPTION UNDER FLORIDA LAW:

1. Under section 63.212, Florida Statutes, the existence of a placement or adoption contract signed by the birth parent or adoptive parent, prior approval of that contract by the court, or payment of any expenses permitted under Florida law does not obligate anyone to sign a consent or ultimately place a minor for adoption.

2. Under section 63.092, Florida Statutes, a favorable preliminary home study and a home investigation of the prospective adoptive home must be completed as required by chapter 63, Florida Statutes, before the minor may be placed in that home.

3. Under section 63.082, Florida Statutes, a consent for adoption or affidavit of nonpaternity may not be signed until after the birth of the minor. The consent or affidavit of nonpaternity is valid and binding upon execution unless withdrawn as permitted under section 63.082, Florida Statutes. If the minor is to be placed for adoption

upon leaving the hospital, the consent may not be signed until 48 hours after birth or the day the birth mother is released from the hospital. If the minor is not placed for adoption upon leaving the hospital, a 3-day revocation period applies. Consent may be withdrawn for any reason by notifying the adoption entity in writing. In order to withdraw consent, the written withdrawal of consent must be mailed no later than 3 business days after execution of the consent or 1 business day after the date of the birth mother's discharge from a licensed hospital or birth center, whichever occurs later. The letter must be mailed certified mail, return receipt requested. This is done by presenting it at any United States Post Office, and asking that the letter be sent by certified United States mail with return receipt requested. The cost of this must be paid at the time of mailing and the receipt should be retained as proof that consent was withdrawn in a timely manner. For purposes of this chapter, the term "business day" means a day on which the United States Post Office accepts certified mail for delivery. Upon receiving written notice from a person of that person's desire to withdraw consent, the adoption entity must contact the prospective adoptive parent to arrange a time certain to regain physical custody of the child. The adoption entity must return the minor within 3 days to the physical custody of the person withdrawing consent. Thereafter, consent may be withdrawn only if the court finds that consent was obtained by fraud. An affidavit of nonpaternity, once executed, may be withdrawn only if the court finds that it was obtained by fraud.

4. Under section 63.082, Florida Statutes, a person who signs a consent or affidavit of nonpaternity for adoption must be given reasonable notice of his or her right to select a person who does not have a partnership, employment, agency, or other professional or personal relationship with the adoption entity or the prospective adoptive parents to be present when the consent or affidavit of nonpaternity is executed and to sign the consent or affidavit as a witness.

5. Under section 63.088, Florida Statutes, specific and extensive efforts are required by law to attempt to obtain the consents required under section 63.062, Florida Statutes. If these efforts are unsuccessful, an order terminating parental rights pending adoption may not be issued by the court until those requirements have been met and an affidavit of service has been filed with the court.

6. Under Florida law, an intermediary may represent the legal interests of only the adoptive parents, not of any birth parent. Each person whose consent to an adoption is required under section 63.062, Florida Statutes, including each birth parent, is entitled to seek independent legal advice and representation before signing any document or surrendering parental rights.

7. Under section 63.089, Florida Statutes, the termination of parental rights will occur simultaneously with the entry of a judgment terminating parental rights pending adoption.

8. Under section 63.182, Florida Statutes, an action or proceeding of any kind to vacate, set aside, or otherwise nullify an order of adoption or an underlying order terminating parental rights pending adoption on any ground, including fraud or duress, must be filed within 1 year after entry of the order terminating parental rights pending adoption.

9. Under section 63.182, Florida Statutes, for 1 year after the entry of a judgment of adoption, any irregularity or procedural defect in the adoption proceeding may be the subject of an appeal contesting the validity of the judgment.

10. Under section 63.089, Florida Statutes, a judgment terminating parental rights pending adoption is voidable and any later judgment of adoption of that minor is voidable if, upon the motion of a birth parent, the court finds that any person knowingly gave false information that prevented the birth parent from timely making known his or her desire to assume parental responsibilities toward the minor or meeting the requirements under chapter 63, Florida Statutes, to exercise his or her parental rights. A motion under section 63.089, Florida Statutes, must be filed with the court originally entering the judgment. The motion must be filed within a reasonable time, but not later than 1 year after the date the judgment to which the motion is directed was entered.

11. Under section 63.165, Florida Statutes, the State of Florida maintains a registry of adoption information. Information about the registry is available from the Department of Children and Family Services.

12. Under section 63.032, Florida Statutes, a court may find that a birth parent has abandoned his or her child based on conduct during the pregnancy or based on conduct after the child is born. In addition, under section 63.089, Florida Statutes, the failure of a birth parent to respond to notices of proceedings involving his or her child shall result in termination of parental rights of a birth parent. A lawyer can explain what a birth parent must do to protect his or her parental rights. Any birth parent wishing to protect his or her parental rights should act IMMEDIATELY.

13. Each birth parent and adoptive parent is entitled to independent legal advice and representation. Attorney information may be obtained from the yellow pages, The Florida Bar's lawyer referral service, and local legal aid offices and bar associations.

14. There are counseling services available in the community to assist in making a parenting decision. Consult the yellow pages of the telephone directory.

15. Medical and social services support is available if the birth parent wishes to retain parental rights and responsibilities. Consult the Department of Children and Family Services.

(2) ACKNOWLEDGMENT OF DISCLOSURE.—The adoption entity must obtain a written statement acknowledging receipt of the disclosure required under subsection (1) and signed by the persons receiving the disclosure or, if it is not possible to obtain such an acknowledgement, the adoption entity must execute an affidavit stating why an acknowledgement could not be obtained. A copy of the acknowledgement of receipt of the disclosure must be provided to the person signing it. A copy of the acknowledgement or affidavit executed by the adoption entity in lieu of the acknowledgement must be maintained in the file of the adoption entity. The original acknowledgement or affidavit must be filed with the court. In the case of a disclosure provided under subsection (1), the original acknowledgement or affidavit must be included in the preliminary home study required in s. 63.092(3).

(3) POST-BIRTH DISCLOSURE TO BIRTH PARENTS.—Before execution of any consent to adoption by a birth parent, but after the birth of the minor, all requirements of subsections (1) and (2) for making certain disclosures to a birth parent and obtaining a written acknowledgment of receipt must be repeated.

Section 87. Section 63.087, Florida Statutes, is created to read:

63.087 Proceeding to terminate parental rights pending adoption; general provisions.—

(1) INTENT.—It is the intent of the Legislature to provide a proceeding in which the court determines whether a minor is legally available for adoption through a separate proceeding to address termination of parental rights prior to the filing of a petition for adoption.

(2) GOVERNING RULES.—The Florida Family Law Rules of Procedure govern a proceeding to terminate parental rights pending adoption unless otherwise provided by law.

(3) JURISDICTION.—A court of this state which is competent to decide child welfare or custody matters has jurisdiction to hear all matters arising from a proceeding to terminate parental rights pending adoption. All subsequent proceedings for the adoption of the minor, if the petition for termination is granted, must be conducted by the same judge as these proceedings whenever possible.

(4) VENUE.—A petition to terminate parental rights pending adoption must be filed in the county where the child resided for the prior 6 months or, if the child is younger than 6 months of age, in the county where the birth mother or birth father resided at the time of the execution of the consent to adoption or the affidavit of nonpaternity, or, if there is no consent or affidavit of nonpaternity executed by a birth parent, in the county where the birth mother resides.

(5) PREREQUISITE FOR ADOPTION.—A petition for adoption may not be filed until 30 days after the date the judge signed the judgment terminating parental rights pending adoption under this chapter, unless the adoptee is an adult or the minor has been the subject of a judgment terminating parental rights under chapter 39.

(6) PETITION.—

(a) A proceeding seeking to terminate parental rights pending adoption pursuant to this chapter must be commenced by the filing of an original petition after the birth of the minor.

(b) The petition may be filed by a birth parent or legal guardian of the minor.

(c) The petition must be entitled: "In the Matter of the Proposed Adoption of a Minor Child."

(d) If a petition for a declaratory statement under s. 63.102 has previously been filed, a subsequent petition to terminate parental rights pending adoption may, at the request of any party or on the court's own motion, be consolidated with that previous action. If the petition to terminate parental rights pending adoption is consolidated with a prior petition filed under this chapter for which a filing fee has been paid, the petitioner may not be charged a subsequent or additional filing fee.

(e) The petition to terminate parental rights pending adoption must be in writing and signed by the petitioner under oath stating the petitioner's good faith in filing the petition. A written consent, affidavit of nonpaternity, or affidavit of due diligence under s. 63.088, for each person whose consent is required under s. 63.062, must be attached.

(f) The petition must include:

1. The minor's name, gender, date of birth, and place of birth. The petition must contain all names by which the minor is or has been known, including the minor's legal name at the time of the filing of the petition, to allow interested parties to the action, including birth parents, legal guardians, persons with custodial or visitation rights to the minor, and persons entitled to notice pursuant to the Uniform Child Custody Jurisdiction Act or the Indian Child Welfare Act, to identify their own interest in the action.

2. If the petition is filed before the day the minor is 6 months old and if the identity or location of the birth father is unknown, each city in which the birth mother resided or traveled during the 12 months prior to the minor's birth, including the county and state in which that city is located.

3. Unless the consent of each person whose consent is required under s. 63.062 or an affidavit of nonpaternity is attached to the petition, the name and address or, if a specific address is unknown, the city, including the county and state in which that city is located, of:

a. The minor's mother;

b. Any man whom the mother reasonably believes may be the minor's father; and

c. Any legal custodian of the minor.

If a required name or address is not known, the petition must so state.

4. All information required by the Uniform Child Custody Jurisdiction Act and the Indian Child Welfare Act.

5. A statement of the grounds under s. 63.089 upon which the petition is based.

6. The name, address, and telephone number of any adoption entity seeking to place the minor for adoption.

7. The name, address, and phone number of the division of the circuit in which the petition is to be filed.

(7) ANSWER NOT REQUIRED.—An answer to the petition or any pleading need not be filed by any minor, parent, or legal custodian, but any matter that might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of any answer or any pleading, any person present at the hearing to terminate parental rights pending adoption whose consent to adoption is required under s. 63.062 must:

(a) Be advised by the court that he or she has a right to ask that the hearing be reset for a later date so that the person may consult with an attorney;

(b) Be given an opportunity to deny the allegations in the petition; and

(c) Be given the opportunity to challenge the validity of any consents or affidavits of nonpaternity signed by any person.

Section 88. Section 63.088, Florida Statutes, is created to read:

63.088 Proceeding to terminate parental rights pending adoption; notice and service.—

(1) INITIATE LOCATION AND IDENTIFICATION PROCEDURES.—When the location or identity of a person whose consent to an adoption is required but is not known, the adoption entity must begin the inquiry and diligent search process required by this section not later than 7 days after the date on which the person seeking to place a minor for adoption has evidenced in writing to the entity a desire to place the minor for adoption with that entity or not later than 7 days after the date any money is provided as permitted under this chapter by the adoption entity for the benefit of the person seeking to place a minor for adoption.

(2) LOCATION AND IDENTITY KNOWN.—Before the court may determine that a minor is available for adoption, and in addition to the other requirements set forth in this chapter, each person whose consent is required under s. 63.062, who has not executed an affidavit of nonpaternity, and whose location and identity has been determined by compliance with the procedures in this section must be personally served, pursuant to chapter 48, at least 30 days before the hearing with a copy of the petition to terminate parental rights pending adoption and with notice in substantially the following form:

NOTICE OF PETITION AND HEARING
TO TERMINATE PARENTAL RIGHTS PENDING ADOPTION

A petition to terminate parental rights pending adoption has been filed. A copy of the petition is being served with this notice. There will be a hearing on the petition to terminate parental rights pending adoption on ... (date) ... at ... (time) ... before ... (judge) ... at ... (location, including complete name and street address of the courthouse) .... The court has set aside ... (amount of time) ... for this hearing.

UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE TO FILE A WRITTEN RESPONSE TO THIS NOTICE WITH THE COURT OR TO APPEAR AT THIS HEARING CONSTITUTES GROUNDS UPON WHICH THE COURT SHALL END ANY PARENTAL RIGHTS YOU MAY HAVE REGARDING THE MINOR CHILD.

(3) REQUIRED INQUIRY.—In all cases filed under this section, the court must conduct the following inquiry of the person who is placing the minor for adoption and of any relative or custodian of the minor who is present at the hearing and likely to have the following information:

(a) Whether the mother of the minor was married at any time when conception of the minor may have occurred or at the time of the birth of the minor;

(b) Whether the mother was cohabiting with a male at any time when conception of the minor may have occurred;

(c) Whether the mother has received payments or promises of support with respect to the minor or, because of her pregnancy, from any person she has reason to believe may be the father;

(d) Whether the mother has named any person as the father on the birth certificate of the minor or in connection with applying for or receiving public assistance;

(e) Whether any person has acknowledged or claimed paternity of the minor; and

(f) Whether the mother knows the identity of any person whom she has reason to believe may be the father.

The information required under this subsection may be provided to the court in the form of a sworn affidavit by a person having personal knowledge of the facts, addressing each inquiry enumerated in this subsection. The inquiry required under this subsection may be conducted before the birth of the minor.

(4) LOCATION UNKNOWN; IDENTITY DETERMINED.—If the inquiry by the court under subsection (3) identifies any person whose consent is required under s. 63.062 and who has not executed an affidavit

of nonpaternity, and the location of the person from whom consent is required is unknown, the adoption entity must conduct a diligent search for that person which must include the following inquiries:

(a) The person's current address, or any previous address, through an inquiry of the United States Post Office through the Freedom of Information Act;

(b) The last known employment of the person, including the name and address of the person's employer. Inquiry should be made of the last known employer as to any address to which wage and earnings statements (W-2 forms) of the person have been mailed. Inquiry should be made of the last known employer as to whether the person is eligible for a pension or profit-sharing plan and any address to which pension or other funds have been mailed;

(c) Union memberships the person may have held or unions that governed the person's particular trade or craft in the area where the person last resided;

(d) Regulatory agencies, including those regulating licensing in the area where the person last resided;

(e) Names and addresses of relatives to the extent such can be reasonably obtained from the petitioner or other sources, contacts with those relatives, and inquiry as to the person's last known address. The petitioner shall pursue any leads of any addresses where the person may have moved. Relatives include, but are not limited to, parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great grandparents, former in-laws, stepparents, and stepchildren;

(f) Information as to whether or not the person may have died, and if so, the date and location;

(g) Telephone listings in the area where the person last resided;

(h) Inquiries of law enforcement agencies in the area where the person last resided;

(i) Highway patrol records in the state where the person last resided;

(j) Department of Corrections records in the state where the person last resided;

(k) Hospitals in the area where the person last resided;

(l) Records of utility companies, including water, sewer, cable TV, and electric companies in the area where the person last resided;

(m) Records of the Armed Forces of the United States as to whether there is any information as to the person;

(n) Records of the tax assessor and tax collector in the area where the person last resided; and

(o) Search of one Internet data bank locator service.

Any person contacted by a petitioner who is requesting information pursuant to this subsection must release the requested information to the petitioner, except when prohibited by law, without the necessity of a subpoena or court order. An affidavit of diligent search executed by the petitioner and the adoption entity must be filed with the court confirming completion of each aspect of the diligent search enumerated in this subsection and specifying the results. The diligent search required under this subsection may be conducted before the birth of the minor.

(5) LOCATION NOT DETERMINED OR IDENTITY UNKNOWN.—This subsection only applies if, as to any person whose consent is required under s. 63.062 and who has not executed an affidavit of nonpaternity, the location or identity of the person is unknown and the inquiry under subsection (3) fails to identify the person or the due diligence search under subsection (4) fails to locate the person. The unlocated or unidentified person must be served notice under s. 63.088(2), of the petition and hearing to terminate parental rights pending adoption by constructive service in the manner provided in chapter 49 in each county identified in the petition, as provided in s. 63.087(6). The notice, in addition to all information required in the petition under s. 63.087(6) and chapter 49, must contain a physical description, including, but not limited to, age, race, hair and eye color, and approximate height and weight of the minor's mother and of any person the mother reasonably believes may be the father; the minor's date of birth; and any date and city, including the county and state in which the city is located, in which conception may have occurred. If any of the facts that must be included in the petition under this subsection are unknown and cannot be reasonably ascertained, the petition must so state.

Section 89. Section 63.089, Florida Statutes, is created to read:

63.089 Proceeding to terminate parental rights pending adoption.—

(1) HEARING.—The court may terminate parental rights pending adoption only after a full evidentiary hearing.

(2) HEARING PREREQUISITES.—The court may hold the hearing only when:

(a) For each person whose consent is required under s. 63.062:

1. A consent under s. 63.082 has been executed and filed within the court;

2. An affidavit of nonpaternity under s. 63.082 has been executed and filed with the court; or

3. Notice has been provided under ss. 63.087 and 63.088;

(b) For each notice and petition that must be served under ss. 63.087 and 63.088:

1. At least 30 days have elapsed since the date of personal service and an affidavit of service has been filed with the court;

2. At least 60 days have elapsed since the first date of publication of constructive service and an affidavit of service has been filed with the court; or

3. An affidavit of nonpaternity which affirmatively waives service has been executed and filed with the court;

(c) The minor named in the petition has been born; and

(d) The petition contains all information required under s. 63.087 and all affidavits of inquiry, due diligence, and service required under s. 63.088 have been obtained and filed with the court.

(3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING ADOPTION.—The court may issue a judgment terminating parental rights pending adoption if the court determines by clear and convincing evidence that each person whose consent to an adoption is required under s. 63.062:

(a) Has executed a valid consent that has not been withdrawn under s. 63.082 and the consent was obtained according to the requirements of this chapter;

(b) Has executed an affidavit of nonpaternity and the affidavit was obtained according to the requirements of this chapter;

(c) Has been properly served notice of the proceeding in accordance with the requirements of this chapter and has failed to file a written answer or appear at the evidentiary hearing resulting in the order terminating parental rights pending adoption;

(d) Has abandoned the minor as abandonment is defined in s. 63.032(14);

(e) Is a parent of the person to be adopted, which parent has been judicially declared incapacitated with restoration of competency found to be medically improbable;

(f) Is a legal guardian or lawful custodian of the person to be adopted, other than a parent, who has failed to respond in writing to a request for consent for a period of 60 days or, after examination of his or her written reasons for withholding consent, is found by the court to be withholding his or her consent unreasonably; or

(g) Is the spouse of the person to be adopted who has failed to consent, and the failure of the spouse to consent to the adoption is excused by reason of prolonged and unexplained absence, unavailability, incapacity, or circumstances that are found by the court to constitute unreasonable withholding of consent.

(4) FINDING OF ABANDONMENT.—A finding of abandonment resulting in a termination of parental rights must be based upon clear and convincing evidence. A finding of abandonment may not be based upon a lack of emotional support to a birth mother during her pregnancy.

(a) In making a determination of abandonment the court must consider:

1. Whether the actions alleged to constitute abandonment demonstrate a willful disregard for the safety of the child or unborn child;

2. Whether other persons prevented the person alleged to have abandoned the child from making the efforts referenced in this subsection;

3. Whether the person alleged to have abandoned the child, while being able, refused to provide financial support when such support was requested by the child's legal guardian or custodian;

4. Whether the person alleged to have abandoned the child, while being able, refused to pay for medical treatment when such payment was requested by the child's legal guardian or custodian and those expenses were not covered by insurance or other available sources;

5. Whether the amount of support provided or medical expenses paid was appropriate, taking into consideration the needs of the child and relative means and resources available to the person alleged to have abandoned the child and available to the child's legal guardian or custodian during the period the child allegedly was abandoned; and

6. Whether the child's legal guardian or custodian made the child's whereabouts known to the person alleged to have abandoned the child; advised that person of the needs of the child or the needs of the mother of an unborn child with regard to the pregnancy; or informed that person of events such as medical appointments and tests relating to the child or, if unborn, the pregnancy.

(b) The child has been abandoned when the parent of a child is incarcerated on or after October 1, 1998, in a state or federal correctional institution and sentenced to a term of incarceration of 8 years or longer, regardless of how long the person is actually incarcerated under that sentence or how long the person will be incarcerated after October 1, 1998, and:

1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this paragraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; and

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

(c) The only conduct of a father toward a mother during pregnancy that the court may consider in determining whether the child has been abandoned is conduct that occurred after reasonable and diligent efforts have been made to inform the father that he is, or may be, the father of the child.

(5) DISMISSAL OF CASE WITH PREJUDICE.—If the court does not find by clear and convincing evidence that parental rights of a birth parent should be terminated pending adoption, the court must dismiss the case with prejudice and that birth parent's parental rights remain in full force under the law. Parental rights may not be terminated based upon a consent that the court finds has been timely withdrawn under s. 63.082 or a consent or affidavit of nonpaternity that the court finds was obtained by fraud. The court must enter an order based upon written findings providing for the placement of the minor. The court may order scientific testing to determine the paternity of the minor at any time during which the court has jurisdiction over the minor. Further proceedings, if any, regarding the minor must be brought in a separate custody action under chapter 61, a dependency action under chapter 39, or a paternity action under chapter 742.

(6) A JUDGMENT TERMINATING PARENTAL RIGHTS PENDING ADOPTION.—

(a) The judgment terminating parental rights pending adoption must be in writing and contain findings of fact as to the grounds for terminating parental rights pending adoption.

(b) The clerk of the court shall mail a copy of the judgment within 24 hours after filing to the department, the petitioner, and the respondent. The clerk shall execute a certificate of each mailing.

(c) A judgment terminating parental rights pending adoption is voidable and any later judgment of adoption of that minor is voidable if, upon the motion of a birth parent, the court finds that a person knowingly gave false information that prevented the birth parent from timely making known his or her desire to assume parental responsibilities toward the minor or meeting the requirements under this chapter to exercise his or her parental rights. A motion under this paragraph must be filed with the court originally entering the judgment. The motion must be filed within a reasonable time, but not later than 1 year after the date the termination of parental rights final order was entered.

(d) Not later than 30 days after the filing of a motion under this subsection, the court must conduct a preliminary hearing to determine what contact, if any, shall be permitted between a birth parent and the child pending resolution of the motion. Such contact shall only be considered if it is requested by a birth parent who has appeared at the hearing. If the court orders contact between a birth parent and child, the order must be issued in writing as expeditiously as possible and must state with specificity any provisions regarding contact with persons other than those with whom the child resides.

(e) At the preliminary hearing, the court, upon the motion of any party or its own motion, may order scientific testing to determine the paternity of the minor if the person seeking to set aside the judgment is alleging to be the child's birth father and that fact has not previously been determined by legitimacy or scientific testing. The court may order supervised visitation with a person from whom scientific testing for paternity has been ordered conditional upon the filing of those test results with the court and such results establish that person's paternity of the minor.

(f) No later than 45 days after the preliminary hearing, the court must conduct a final hearing on the motion to set aside the judgment and issue its written order as expeditiously as possible thereafter.

(7) RECORDS; CONFIDENTIAL INFORMATION.—All records pertaining to a petition to terminate parental rights pending adoption are records related to the subsequent adoption of the minor and are subject to the provisions of s. 63.162, as such provisions apply to records of an adoption proceeding. The confidentiality provisions of this chapter do not apply to the extent information regarding persons or proceedings must be made available as specified under s. 63.088.

Section 90. Section 63.092, Florida Statutes, is amended to read:

63.092 Report to the court of intended placement by an intermediary; preliminary study.—

(1) REPORT TO THE COURT.—The *adoption entity* ~~intermediary~~ must report any intended placement of a minor for adoption with any person not related within the third degree or a stepparent if the *adoption entity* ~~intermediary~~ has knowledge of, or participates in, such intended placement. The report must be made to the court before the minor is placed in the home.

(2) AT-RISK PLACEMENT.—If the minor is placed in the prospective adoptive home before the parental rights of the minor's birth parents are terminated under s. 63.089, the placement is an at-risk placement. If the placement is an at-risk placement, the prospective adoptive parents must acknowledge in writing before the minor may be placed in the prospective adoptive home that the placement is at risk and that the

minor is subject to removal from the prospective adoptive home by the adoption entity or by court order.

(3)~~(2)~~ PRELIMINARY HOME STUDY.—Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a licensed professional, or agency described in s. 61.20(2), unless the petitioner is a stepparent, a spouse of the birth parent, or a relative. The preliminary study shall be completed within 30 days after the receipt by the court of the *adoption entity's* ~~intermediary's~~ report, but in no event may the *minor* ~~child~~ be placed in the prospective adoptive home prior to the completion of the preliminary study unless ordered by the court. If the petitioner is a stepparent, a spouse of the birth parent, or a relative, the preliminary home study may be required by the court for good cause shown. The department is required to perform the preliminary home study only if there is no licensed child-placing agency, licensed professional, or agency described in s. 61.20(2), in the county where the prospective adoptive parents reside. The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to identification of a prospective adoptive *minor* ~~child~~. A favorable preliminary home study is valid for 1 year after the date of its completion. A *minor may* ~~child must~~ not be placed in an intended adoptive home before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under s. 409.175. The preliminary home study must include, at a minimum:

(a) An interview with the intended adoptive parents;

(b) Records checks of the department's central abuse registry under chapter 415 and statewide criminal records correspondence checks through the Department of Law Enforcement on the intended adoptive parents;

(c) An assessment of the physical environment of the home;

(d) A determination of the financial security of the intended adoptive parents;

(e) Documentation of counseling and education of the intended adoptive parents on adoptive parenting;

(f) Documentation that information on adoption and the adoption process has been provided to the intended adoptive parents;

(g) Documentation that information on support services available in the community has been provided to the intended adoptive parents; *and*

(h) A copy of *each* ~~the~~ signed *acknowledgement* ~~statement~~ required by s. 63.085~~; and~~

~~(i) A copy of the written acknowledgment required by s. 63.085(1)~~.

If the preliminary home study is favorable, a minor may be placed in the home pending entry of the judgment of adoption. A minor may not be placed in the home if the preliminary home study is unfavorable. If the preliminary home study is unfavorable, the intermediary or petitioner may, within 20 days after receipt of a copy of the written recommendation, petition the court to determine the suitability of the intended adoptive home. A determination as to suitability under this subsection does not act as a presumption of suitability at the final hearing. In determining the suitability of the intended adoptive home, the court must consider the totality of the circumstances in the home.

Section 91. Section 63.097, Florida Statutes, is amended to read:

63.097 Fees.—

(1) The following fees, costs, and expenses may be assessed by the adoption entity or paid by the adoption entity on behalf of the prospective adoptive parents:

(a) Reasonable living expenses of the birth mother which the birth mother is unable to pay due to involuntary unemployment, medical disability due to the pregnancy which is certified by a medical professional who has examined the birth mother, or any other disability defined in s. 110.215. Reasonable living expenses are rent, utilities, basic telephone service, food, necessary clothing, transportation, and items included in the affidavit filed under s. 63.132 and found by the court to be necessary for the health of the unborn child.

(b) Reasonable and necessary medical expenses.

(c) Expenses necessary to comply with the requirements of this chapter including, but not limited to, service of process under s. 63.088, a due diligence search under s. 63.088, a preliminary home study under s. 63.092, and a final home study under s. 63.125.

(d) Court filing expenses, court costs, and other litigation expenses.

(e) Costs associated with advertising under s. 63.212(1)(h).

(f) The following professional fees:

1. A reasonable hourly fee necessary to provide legal representation to the adoptive parents in a proceeding filed under this chapter.

2. A reasonable hourly fee for contact with the birth parent related to the adoption. In determining a reasonable hourly fee under this subparagraph, the court must consider if the tasks done were clerical or of such a nature that the matter could have been handled by support staff at a lesser rate than the rate for legal representation charged under subparagraph 1. This includes, but need not be limited to, tasks such as transportation, transmitting funds, arranging appointments, and securing accommodations. This does not include obtaining a birth parent's signature on any document.

3. A reasonable hourly fee for counseling services provided to a birth parent or adoptive parent by a psychologist licensed under chapter 490 or a clinical social worker, marriage and family therapist, or mental health counselor licensed under chapter 491.

(2) Prior approval of the court is not required until the cumulative total of amounts permitted under subsection (1) exceeds:

(a) $2,500 in legal or other fees;

(b) $500 in court costs; or

(c) $3,000 in expenditures.

(3) Any fees, costs, or expenditures not included in subsection (1) or prohibited under subsection (4) require court approval prior to payment and must be based on a finding of extraordinary circumstances.

(4) The following fees, costs, and expenses are prohibited:

1. Any fee or expense that constitutes payment for locating a minor for adoption.

2. Cumulative expenses in excess of a total of $500 related to the minor, the pregnancy, a birth parent, or adoption proceeding which are incurred prior to the date the prospective adoptive parent retains the adoption entity.

3. Any lump-sum payment to the entity which is nonrefundable directly to the payor or which is not itemized on the affidavit filed under s. 63.132.

4. Any fee on the affidavit which does not specify the service that was provided and for which the fee is being charged, such as a fee for facilitation, acquisition, or other similar service, or which does not identify the date the service was provided, the time required to provide the service, the person or entity providing the service, and the hourly fee charged.

~~(1) APPROVAL OF FEES TO INTERMEDIARIES.—Any fee over $1,000 and those costs as set out in s. 63.212(1)(d) over $2,500, paid to an intermediary other than actual, documented medical costs, court costs, and hospital costs must be approved by the court prior to assessment of the fee by the intermediary and upon a showing of justification for the larger fee.~~

(5)~~(2) FEES FOR AGENCIES OR THE DEPARTMENT.—~~When an intermediary uses the services of a licensed child-placing agency, a professional, any other person or agency pursuant to s. 63.092, or, if necessary, the department, the person seeking to adopt the child must pay the licensed child-placing agency, professional, other person or agency, or the department an amount equal to the cost of all services performed, including, but not limited to, the cost of conducting the preliminary home study, counseling, and the final home investigation. The court, upon a finding that the person seeking to adopt the child is financially

unable to pay that amount, may order that such person pay a lesser amount.

Section 92. Section 63.102, Florida Statutes, is amended to read:

63.102 Filing of petition; venue; proceeding for approval of fees and costs.—

(1) *After a court order terminating parental rights has been issued,* a proceeding for adoption *may* ~~shall~~ be commenced by filing a petition entitled, "In the Matter of the Adoption of . . . . " in the circuit court. The person to be adopted shall be designated in the caption in the name by which he or she is to be known if the petition is granted. ~~If the child is placed for adoption by an agency,~~ Any name by which the *minor* ~~child~~ was previously known *may* ~~shall~~ not be disclosed in the petition, the notice of hearing, or the judgment of adoption.

(2) A petition for adoption or for a declaratory statement as to the adoption contract shall be filed in the county where the petitioner or petitioners or the *minor* ~~child~~ resides or where the agency *or intermediary with* ~~in~~ which the *minor* ~~child~~ has been placed is located.

(3) Except for adoptions involving placement of a *minor* ~~child~~ with a relative within the third degree of consanguinity, a petition for adoption in an adoption handled by an intermediary shall be filed within 30 working days after placement of a *minor* ~~child~~ with a parent seeking to adopt the *minor* ~~child~~. If no petition is filed within 30 days, any interested party, including the state, may file an action challenging the prospective adoptive parent's physical custody of the *minor* ~~child~~.

(4) If the filing of the petition for adoption or for a declaratory statement as to the adoption contract in the county where the petitioner or *minor* ~~child~~ resides would tend to endanger the privacy of the petitioner or *minor* ~~child~~, the petition for adoption may be filed in a different county, provided the substantive rights of any person will not thereby be affected.

(5) A proceeding for prior approval of fees and costs may be commenced any time after an agreement is reached between the birth mother and the adoptive parents by filing a petition for declaratory statement on the agreement entitled "In the Matter of the Proposed Adoption of a Minor Child" in the circuit court.

(a) The petition must be filed jointly by the adoption entity and each person who enters into the agreement.

(b) A contract for the payment of fees, costs, and expenditures permitted under this chapter must be in writing, and any person who enters into the contract has 3 business days in which to cancel the contract. To cancel the contract, the person must notify the adoption entity in writing by certified United States mail, return receipt requested, no later than 3 business days after signing the contract. For the purposes of this subsection, the term "business day" means a day on which the United States Post Office accepts certified mail for delivery. If the contract is canceled within the first 3 business days, the person who cancels the contract does not owe any legal, intermediary, or other fees, but may be responsible for the adoption entity's actual costs during that time.

(c) The court may grant prior approval only of fees and expenditures permitted under s. 63.097. A prior approval of prospective fees and costs does not create a presumption that these items will subsequently be approved by the court under s. 63.132 unless such a finding is supported by the evidence submitted at that time. The court retains jurisdiction to order an adoption entity to refund to the person who enters into the contract any sum or portion of a sum preapproved under this subsection if, upon submission of a complete accounting of fees, costs, and expenses in an affidavit required under s. 63.132, the court finds the fees, costs, and expenses actually incurred to be less than the sums approved prospectively under this subsection.

(d) The contract may not require, and the court may not approve, any lump-sum payment to the entity which is nonrefundable to the payor or any amount that constitutes payment for locating a minor for adoption.

(e) If a petition for adoption is filed under this section subsequent to the filing of a petition for a declaratory statement or a petition to terminate parental rights pending adoption, the previous petition may, at the request of any party or on the court's own motion, be consolidated with the petition for adoption. If the petition for adoption is consolidated with a prior petition filed under this chapter for which a filing fee has been paid, the petitioner may not be charged any subsequent or additional filing fee.

(f) Prior approval of fees and costs by the court does not obligate the birth parent to ultimately relinquish the minor for adoption. ~~If a petition for adoption is subsequently filed, the petition for declaratory statement and the petition for adoption must be consolidated into one case.~~

Section 93. Section 63.112, Florida Statutes, is amended to read:

63.112 Petition for adoption; description; report or recommendation, exceptions; mailing.—

(1) A sufficient number of copies of the petition for adoption shall be signed and verified by the petitioner and filed with the clerk of the court so that service may be made under subsection (4) and shall state:

(a) The date and place of birth of the person to be adopted, if known;

(b) The name to be given to the person to be adopted;

(c) The date petitioner acquired custody of the minor and the name of the person placing the minor;

(d) The full name, age, and place and duration of residence of the petitioner;

(e) The marital status of the petitioner, including the date and place of marriage, if married, and divorces, if any;

(f) The facilities and resources of the petitioner, including those under a subsidy agreement, available to provide for the care of the minor to be adopted;

(g) A description and estimate of the value of any property of the person to be adopted;

(h) The *case style and date of entry of the order terminating parental rights or the judgment declaring a minor available for adoption* ~~name and address, if known, of any person whose consent to the adoption is required, but who has not consented, and facts or circumstances that excuse the lack of consent~~; and

(i) The reasons why the petitioner desires to adopt the person.

(2) The following documents are required to be filed with the clerk of the court at the time the petition is filed:

(a) *A certified copy of the court order terminating parental rights under chapter 39 or the judgment declaring a minor available for adoption under this chapter* ~~The required consents, unless consent is excused by the court~~.

(b) The favorable preliminary home study of the department, licensed child-placing agency, or professional pursuant to s. 63.092, as to the suitability of the home in which the minor has been placed.

(c) The surrender document must include documentation that *an interview was* ~~interviews were~~ held with~~:~~

~~1. The birth mother, if parental rights have not been terminated;~~

~~2. The birth father, if his consent to the adoption is required and parental rights have not been terminated; and~~

~~3.~~ the *minor* ~~child~~, if older than 12 years of age, unless the court, in the best interest of the *minor* ~~child~~, dispenses with the *minor's* ~~child's~~ consent under s. *63.062(1)(e)* ~~63.062(1)(c)~~.

~~The court may waive the requirement for an interview with the birth mother or birth father in the investigation for good cause shown.~~

(3) Unless ordered by the court, no report or recommendation is required when the placement is a stepparent adoption or when the *minor* ~~child~~ is related to one of the adoptive parents within the third degree.

(4) The clerk of the court shall mail a copy of the petition within 24 hours after filing, and execute a certificate of mailing, to the department and the agency placing the minor, if any.

Section 94. Section 63.122, Florida Statutes, is amended to read:

63.122 Notice of hearing on petition.—

(1) After the petition to adopt a minor is filed, the court must establish a time and place for hearing the petition. The hearing *may* ~~must~~ not be held sooner than *30 days after the date the judgment terminating parental rights was entered or sooner than* 90 days after *the date the minor was placed* ~~the placing of the minor~~ in the physical custody of the petitioner. The minor must remain under the supervision of the department, an intermediary, or a licensed child-placing agency until the adoption becomes final. When the petitioner is a spouse of the birth parent, the hearing may be held immediately after the filing of the petition.

(2) Notice of hearing must be given as prescribed by the rules of civil procedure, and service of process must be made as specified by law for civil actions.

(3) Upon a showing by the petitioner that the privacy of the petitioner or *minor* ~~child~~ may be endangered, the court may order the names of the petitioner or *minor* ~~child~~, or both, to be deleted from the notice of hearing and from the copy of the petition attached thereto, provided the substantive rights of any person will not thereby be affected.

(4) Notice of the hearing must be given by the petitioner to *the adoption entity that places the minor.*~~:~~

~~(a) The department or any licensed child-placing agency placing the minor.~~

~~(b) The intermediary.~~

~~(c) Any person whose consent to the adoption is required by this act who has not consented, unless such person's consent is excused by the court.~~

~~(d) Any person who is seeking to withdraw consent.~~

(5) After filing the petition to adopt an adult, a notice of the time and place of the hearing must be given to any person whose consent to the adoption is required but who has not consented. The court may order an appropriate investigation to assist in determining whether the adoption is in the best interest of the persons involved.

Section 95. Section 63.125, Florida Statutes, is amended to read:

63.125 Final home investigation.—

(1) The final home investigation must be conducted before the adoption becomes final. The investigation may be conducted by a licensed child-placing agency or a professional in the same manner as provided in s. 63.092 to ascertain whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor. Unless directed by the court, an investigation and recommendation are not required if the petitioner is a stepparent or if the *minor* ~~child~~ is related to one of the adoptive parents within the third degree of consanguinity. The department is required to perform the home investigation only if there is no licensed child-placing agency or professional pursuant to s. 63.092 in the county in which the prospective adoptive parent resides.

(2) The department, the licensed child-placing agency, or the professional that performs the investigation must file a written report of the investigation with the court and the petitioner within 90 days after the date the petition is filed.

(3) The report of the investigation must contain an evaluation of the placement with a recommendation on the granting of the petition for adoption and any other information the court requires regarding the petitioner or the minor.

(4) The department, the licensed child-placing agency, or the professional making the required investigation may request other state agencies or child-placing agencies within or outside this state to make investigations of designated parts of the inquiry and to make a written report to the department, the professional, or other person or agency.

(5) The final home investigation must include:

(a) The information from the preliminary home study.

(b) After the *minor* ~~child~~ is placed in the intended adoptive home, two scheduled visits with the *minor* ~~child~~ and the *minor's* ~~child's~~ adoptive parent or parents, one of which visits must be in the home, to determine the suitability of the placement.

(c) The family *social and* medical history as provided in s. 63.082.

(d) Any other information relevant to the suitability of the intended adoptive home.

(e) Any other relevant information, as provided in rules that the department may adopt.

Section 96. Section 63.132, Florida Statutes, is amended to read:

63.132 *Affidavit* ~~Report~~ of expenditures and receipts.—

(1) At least 10 days before the hearing *on the petition for adoption*, the petitioner and any *adoption entity* ~~intermediary~~ must file two copies of an affidavit *under this section.*

(a) The affidavit must be signed by the adoption entity and the prospective adoptive parents. A copy of the affidavit must be provided to the adoptive parents at the time the affidavit is executed.

(b) The affidavit must itemize ~~containing a full accounting of~~ all disbursements and receipts of anything of value, including professional *and legal* fees, made or agreed to be made by or on behalf of the petitioner and any *adoption entity* ~~intermediary~~ in connection with the adoption *or in connection with any prior proceeding to terminate parental rights which involved the minor who is the subject of the petition for adoption. The affidavit must also include, for each fee itemized, the service provided for which the fee is being charged, the date the service was provided, the time required to provide the service, the person or entity that provided the service, and the hourly fee charged.*

(c) The clerk of the court shall forward a copy of the affidavit to the department. *The department must retain these records for 5 years. Copies of affidavits received by the department under this subsection must be provided upon the request of any person. The department must redact all identifying references to the minor, the birth parent, or the adoptive parent from any affidavit released by the department. The name of the adoption entity may not be redacted. The intent of this paragraph is to create a resource for adoptive parents and others wishing to obtain information about the cost of adoption in this state.*

(d) The *affidavit* ~~report~~ must show any expenses or receipts incurred in connection with:

1.~~(a)~~ The birth of the minor.

2.~~(b)~~ The placement of the minor with the petitioner.

3.~~(c)~~ The medical or hospital care received by the mother or by the minor during the mother's prenatal care and confinement.

4.~~(d)~~ The living expenses of the birth mother. The living expenses must be documented in detail to apprise the court of the exact expenses incurred.

5.~~(e)~~ The services relating to the adoption or to the placement of the minor for adoption that were received by or on behalf of the petitioner, the *adoption entity* ~~intermediary~~, either *birth* ~~natural~~ parent, the minor, or any other person.

The affidavit must state whether any of these expenses were or are eligible to be paid for by collateral sources, including, but not limited to, health insurance, Medicaid, Medicare, or public assistance.

(2) The court may require such additional information as is deemed necessary.

(3) The court must issue a separate order approving or disapproving the fees, costs, and expenditures itemized in the affidavit. The court may approve only fees, costs, and expenditures allowed under s. 63.097. The court may reject in whole or in part any fee, cost, or expenditure listed if the court finds that the expense is:

(a) Contrary to this chapter;

(b) Not supported by a receipt in the record, if the expense is not a fee of the adoption entity; or

(c) Not deemed by the court to be a reasonable fee or expense, taking into consideration the requirements of this chapter and the totality of the circumstances.

(4)~~(3)~~ This section does not apply to an adoption by a stepparent whose spouse is a *birth* ~~natural~~ or adoptive parent of the *minor* ~~child~~.

Section 97. Section 63.142, Florida Statutes, is amended to read:

63.142 Hearing; judgment of adoption.—

(1) *APPEARANCE.*—The petitioner and the person to be adopted shall appear at the hearing on the petition *for adoption*, unless:

(a) The person is a minor under 12 years of age;~~,~~ or

(b) The presence of either is excused by the court for good cause.

(2) *CONTINUANCE.*—The court may continue the hearing from time to time to permit further observation, investigation, or consideration of any facts or circumstances affecting the granting of the petition.

(3) *DISMISSAL.*—

(a) If the petition is dismissed, the court shall determine the person that is to have custody of the minor.

(b) If the petition is dismissed, the court shall state with specificity the reasons for the dismissal.

(4) *JUDGMENT.*—At the conclusion of the hearing, *after* ~~when~~ the court determines that *the date for a birth parent to file an appeal of a valid judgment terminating that birth parent's parental rights has passed and no appeal is pending* ~~all necessary consents have been obtained~~ and that the adoption is in the best interest of the person to be adopted, a judgment of adoption shall be entered.

(a) A judgment terminating parental rights pending adoption is voidable and any later judgment of adoption of that minor is voidable if, upon the motion of the birth parent, the court finds that any person knowingly gave false information that prevented the birth parent from timely making known his or her desire to assume parental responsibilities toward the minor or meeting the requirements under this chapter to exercise his or her parental rights. A motion under this paragraph must be filed with the court that entered the original judgment. The motion must be filed within a reasonable time, but not later than 1 year after the date the termination of parental rights final order was entered.

(b) Not later than 30 days after the filing of a motion under this subsection, the court must conduct a preliminary hearing to determine what contact, if any, shall be permitted between a birth parent and the child pending resolution of the motion. Such contact shall only be considered if it is requested by a birth parent who has appeared at the hearing. If the court orders contact between a birth parent and child, the order must be issued in writing as expeditiously as possible and must state with specificity any provisions regarding contact with persons other than those with whom the child resides.

(c) At the preliminary hearing, the court, upon the motion of any party or its own motion, may order scientific testing to determine the paternity of the minor if the person seeking to set aside the judgment is alleging to be the child's birth father and that fact has not previously been determined by legitimacy or scientific testing. The court may order supervised visitation with a person from whom scientific testing for paternity has been ordered conditional upon the filing of those test results with the court and such results establish that person's paternity of the minor.

(d) No later than 45 days after the preliminary hearing, the court must conduct a final hearing on the motion to set aside the judgment and issue its written order as expeditiously as possible thereafter.

Section 98. Section 63.152, Florida Statutes, is amended to read:

63.152 Application for new birth record.—Within 30 days after entry of a judgment of adoption, the clerk of the court, and in agency adoptions, any child-placing agency licensed by the department, shall prepare a certified statement of the entry for the state registrar of vital statistics on a form provided by the registrar. *The clerk of the court must mail a copy of the form completed under this section to the state registry of adoption information under s. 63.165.* A new birth record containing the necessary information supplied by the certificate shall be issued by the registrar on application of the adopting parents or the adopted person.

Section 99. Section 63.165, Florida Statutes, is amended to read:

63.165 State registry of adoption information; duty to inform and explain.—Notwithstanding any other law to the contrary, the department shall maintain a registry with the last known names and addresses of an adoptee and his or her *birth* ~~natural~~ parents and adoptive parents*; the certified statement of the final decree of adoption provided by the clerk of the court under s. 63.152;* and any other identifying information *that* ~~which~~ the adoptee, *birth* ~~natural~~ parents, or adoptive parents desire to include in the registry. *The department shall maintain the registry records for the time required by rules adopted by the department in accordance with this chapter or for 99 years, whichever period is greater.* The registry shall be open with respect to all adoptions in the state, regardless of when they took place. The registry shall be available for those persons choosing to enter information therein, but no one shall be required to do so.

(1) Anyone seeking to enter, change, or use information in the registry, or any agent of such person, shall present verification of his or her identity and, if applicable, his or her authority. A person who enters information in the registry shall be required to indicate clearly the persons to whom he or she is consenting to release this information, which persons shall be limited to the adoptee and the *birth* ~~natural~~ mother, *birth* ~~natural~~ father, adoptive mother, adoptive father, *birth* ~~natural~~ siblings, and maternal and paternal *birth* ~~natural~~ grandparents of the adoptee. Except as provided in this section, information in the registry is confidential and exempt from ~~the provisions of~~ s. 119.07(1). Consent to the release of this information may be made in the case of a minor adoptee by his or her adoptive parents or by the court after a showing of good cause. At any time, any person may withdraw, limit, or otherwise restrict consent to release information by notifying the department in writing.

(2) The department may charge a reasonable fee to any person seeking to enter, change, or use information in the registry. The department shall deposit such fees in a trust fund to be used by the department only for the efficient administration of this section. The department and agencies shall make counseling available for a fee to all persons seeking to use the registry, and the department shall inform all affected persons of the availability of such counseling.

(3) The department, intermediary, or licensed child-placing agency must inform the birth parents before parental rights are terminated, and the adoptive parents before placement, in writing, of the existence and purpose of the registry established under this section, but failure to do so does not affect the validity of any proceeding under this chapter.

Section 100. Section 63.182, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 63.182, F.S., for present text.)

63.182 Statute of repose.—An action or proceeding of any kind to vacate, set aside, or otherwise nullify an order of adoption or an underlying order terminating parental rights on any ground, including fraud or duress, must be filed within 1 year after entry of the order terminating parental rights.

Section 101. Section 63.207, Florida Statutes, is amended to read:

63.207 Out-of-state placement.—

(1) Unless the *minor* ~~child~~ is to be placed with a relative within the third degree or with a stepparent, *or is a special needs child as defined in s. 409.166, an adoption entity may not* ~~no person except an intermediary, an agency, or the department shall~~:

(a) Take or send a *minor* ~~child~~ out of the state for the purpose of placement for adoption; or

(b) Place or attempt to place a *minor* ~~child~~ for the purpose of adoption with a family who primarily lives and works outside Florida in another

state. ~~An intermediary may place or attempt to place a child for adoption in another state only if the child is a special needs child as that term is defined in s. 409.166.~~ If an *adoption entity* ~~intermediary~~ is acting under this subsection, the *adoption entity must* ~~intermediary shall~~ file a petition for declaratory statement pursuant to s. 63.102 for prior approval of fees and costs. The court shall review the costs pursuant to s. 63.097. The petition for declaratory statement must be converted to a petition for an adoption upon placement of the *minor* ~~child~~ in the home. The circuit court in this state must retain jurisdiction over the matter until the adoption becomes final. The adoptive parents must come to this state to have the adoption finalized. Violation of the order subjects the *adoption entity* ~~intermediary~~ to contempt of court and to the penalties provided in s. 63.212.

(2) An *adoption entity* ~~intermediary~~ may not counsel a birth mother to leave the state for the purpose of giving birth to a child outside the state in order to secure a fee in excess of that permitted under s. 63.097 when it is the intention that the child is to be placed for adoption outside the state.

(3) When applicable, the Interstate Compact on the Placement of Children authorized in s. 409.401 shall be used in placing children outside the state for adoption.

Section 102. Section 63.212, Florida Statutes, is amended to read:

63.212 Prohibited acts; penalties for violation.—

(1) It is unlawful for any person:

(a) Except *an adoption entity* ~~the department, an intermediary, or an agency~~, to place or attempt to place a *minor* ~~child~~ for adoption with a person who primarily lives and works outside this state unless the *minor* ~~child~~ is placed with a relative within the third degree or with a stepparent *or is a special needs child as defined in s. 409.166.* An *adoption entity* ~~intermediary~~ may place or attempt to place a special needs child for adoption with a person who primarily lives and works outside this state only if the *adoption entity* ~~intermediary~~ has a declaratory statement from the court establishing the fees to be paid *under s. 63.207.* This requirement does not apply if the *minor* ~~child~~ is placed with a relative within the third degree or with a stepparent.

(b) Except *an adoption entity* ~~the department, an intermediary, or an agency~~, to place or attempt to place a *minor* ~~child~~ for adoption with a family whose primary residence and place of employment is in another state unless the *minor* ~~child~~ is placed with a relative within the third degree or with a stepparent. An *adoption entity* ~~intermediary~~ may place or attempt to place a special needs child for adoption with a family whose primary residence and place of employment is in another state only if the *adoption entity* ~~intermediary~~ has a declaratory statement from the court establishing the fees to be paid. This requirement does not apply if the *special needs* child is placed with a relative within the third degree or with a stepparent.

(c) Except *an adoption entity* ~~the Department of Children and Family Services, an agency, or an intermediary~~, to place or attempt to place within the state a *minor* ~~child~~ for adoption unless the *minor* ~~child~~ is placed with a relative within the third degree or with a stepparent. This prohibition, however, does not apply to a person who is placing or attempting to place a *minor* ~~child~~ for the purpose of adoption with the *adoption entity* ~~Department of Children and Family Services or an agency or through an intermediary~~.

(d) To sell or surrender, or to arrange for the sale or surrender of, a *minor* ~~child~~ to another person for money or anything of value or to receive such minor child for such payment or thing of value. If a *minor* ~~child~~ is being adopted by a relative within the third degree or by a stepparent, or is being adopted through *an adoption entity, this paragraph does not prohibit* ~~the Department of Children and Family Services, an agency, or an intermediary, nothing herein shall be construed as prohibiting~~ the person who is contemplating adopting the child from paying, *under s. 63.097 and s. 63.132,* the actual prenatal care and living expenses of the mother of the child to be adopted, nor from paying, *under s. 63.097 and s. 63.132,* the actual living and medical expenses of such mother for a reasonable time, not to exceed 6 weeks, if medical needs require such support, after the birth of the *minor* ~~child~~.

(e) Having the rights and duties of a parent with respect to the care and custody of a minor to assign or transfer such parental rights for the purpose of, incidental to, or otherwise connected with, selling or offering to sell such rights and duties.

(f) To assist in the commission of any act prohibited in paragraph (a), paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

(g) Except *an adoption entity* ~~the Department of Children and Family Services or an agency~~, to charge or accept any fee or compensation of any nature from anyone for making a referral in connection with an adoption.

(h) Except *an adoption entity* ~~the Department of Children and Family Services, an agency, or an intermediary~~, to advertise or offer to the public, in any way, by any medium whatever that a *minor* ~~child~~ is available for adoption or that a *minor* ~~child~~ is sought for adoption; and further, it is unlawful for any person to publish or broadcast any such advertisement without including a Florida license number of the agency *or*~~,~~ attorney~~, or physician~~ placing the advertisement.

(i) To contract for the purchase, sale, or transfer of custody or parental rights in connection with any child, ~~or~~ in connection with any fetus yet unborn, or in connection with any fetus identified in any way but not yet conceived, in return for any valuable consideration. Any such contract is void and unenforceable as against the public policy of this state. However, fees, costs, and other incidental payments made in accordance with statutory provisions for adoption, foster care, and child welfare are permitted, and a person may agree to pay expenses in connection with a preplanned adoption agreement as specified below, but the payment of such expenses may not be conditioned upon the transfer of parental rights. Each petition for adoption which is filed in connection with a preplanned adoption agreement must clearly identify the adoption as a preplanned adoption arrangement and must include a copy of the preplanned adoption agreement for review by the court.

1. Individuals may enter into a preplanned adoption arrangement as specified herein, but such arrangement shall not in any way:

a. Effect final transfer of custody of a child or final adoption of a child, without review and approval of the department and the court, and without compliance with other applicable provisions of law.

b. Constitute consent of a mother to place her child for adoption until 7 days following birth, and unless the court making the custody determination or approving the adoption determines that the mother was aware of her right to rescind within the 7-day period following birth but chose not to rescind such consent.

2. A preplanned adoption arrangement shall be based upon a preplanned adoption agreement *that must* ~~which shall~~ include, but need not be limited to, the following terms:

a. That the volunteer mother agrees to become pregnant by the fertility technique specified in the agreement, to bear the child, and to terminate any parental rights and responsibilities to the child she might have through a written consent executed at the same time as the preplanned adoption agreement, subject to a right of rescission by the volunteer mother any time within 7 days after the birth of the child.

b. That the volunteer mother agrees to submit to reasonable medical evaluation and treatment and to adhere to reasonable medical instructions about her prenatal health.

c. That the volunteer mother acknowledges that she is aware that she will assume parental rights and responsibilities for the child born to her as otherwise provided by law for a mother, if the intended father and intended mother terminate the agreement before final transfer of custody is completed, or if a court determines that a parent clearly specified by the preplanned adoption agreement to be the biological parent is not the biological parent, or if the preplanned adoption is not approved by the court pursuant to the Florida Adoption Act.

d. That an intended father who is also the biological father acknowledges that he is aware that he will assume parental rights and responsibilities for the child as otherwise provided by law for a father, if the agreement is terminated for any reason by any party before final transfer of custody is completed or if the planned adoption is not approved by the court pursuant to the Florida Adoption Act.

e. That the intended father and intended mother acknowledge that they may not receive custody or the parental rights under the agreement

if the volunteer mother terminates the agreement or if the volunteer mother rescinds her consent to place her child for adoption within 7 days after birth.

f. That the intended father and intended mother may agree to pay all reasonable legal, medical, psychological, or psychiatric expenses of the volunteer mother related to the preplanned adoption arrangement, and may agree to pay the reasonable living expenses of the volunteer mother. No other compensation, whether in cash or in kind, shall be made pursuant to a preplanned adoption arrangement.

g. That the intended father and intended mother agree to accept custody of and to assert full parental rights and responsibilities for the child immediately upon the child's birth, regardless of any impairment to the child.

h. That the intended father and intended mother shall have the right to specify the blood and tissue typing tests to be performed if the agreement specifies that at least one of them is intended to be the biological parent of the child.

i. That the agreement may be terminated at any time by any of the parties.

3. A preplanned adoption agreement shall not contain any provision:

a. To reduce any amount paid to the volunteer mother if the child is stillborn or is born alive but impaired, or to provide for the payment of a supplement or bonus for any reason.

b. Requiring the termination of the volunteer mother's pregnancy.

4. An attorney who represents an intended father and intended mother or any other attorney with whom that attorney is associated shall not represent simultaneously a female who is or proposes to be a volunteer mother in any matter relating to a preplanned adoption agreement or preplanned adoption arrangement.

5. Payment to agents, finders, and intermediaries, including attorneys and physicians, as a finder's fee for finding volunteer mothers or matching a volunteer mother and intended father and intended mother is prohibited. Doctors, psychologists, attorneys, and other professionals may receive reasonable compensation for their professional services, such as providing medical services and procedures, legal advice in structuring and negotiating a preplanned adoption agreement, or counseling.

6. As used in this paragraph, the term:

a. "Blood and tissue typing tests" include, but are not limited to, tests of red cell antigens, red cell isoenzymes, human leukocyte antigens, and serum proteins.

b. "Child" means the child or children conceived by means of an insemination that is part of a preplanned adoption arrangement.

c. "Fertility technique" means artificial embryonation, artificial insemination, whether in vivo or in vitro, egg donation, or embryo adoption.

d. "Intended father" means a male who, as evidenced by a preplanned adoption agreement, intends to have the parental rights and responsibilities for a child conceived through a fertility technique, regardless of whether the child is biologically related to the male.

e. "Intended mother" means a female who, as evidenced by a preplanned adoption agreement, intends to have the parental rights and responsibilities for a child conceived through a fertility technique, regardless of whether the child is biologically related to the female.

f. "Parties" means the intended father and intended mother, the volunteer mother and her husband, if she has a husband, who are all parties to the preplanned adoption agreement.

g. "Preplanned adoption agreement" means a written agreement among the parties that specifies the intent of the parties as to their rights and responsibilities in the preplanned adoption arrangement, consistent with the provisions of this act.

h. "Preplanned adoption arrangement" means the arrangement through which the parties enter into an agreement for the volunteer mother to bear the child, for payment by the intended father and intended mother of the expenses allowed by this act, for the intended father and intended mother to assert full parental rights and responsibilities to the child if consent to adoption is not rescinded after birth by the volunteer mother, and for the volunteer mother to terminate, subject to a right of rescission, in favor of the intended father and intended mother all her parental rights and responsibilities to the child.

i. "Volunteer mother" means a female person at least 18 years of age who voluntarily agrees, subject to a right of rescission, that if she should become pregnant pursuant to a preplanned adoption arrangement, she will terminate in favor of the intended father and intended mother her parental rights and responsibilities to the child.

(2) *This section does not* ~~Nothing herein shall be construed to~~ prohibit a licensed child-placing agency from charging fees reasonably commensurate to the services provided.

(3) It is unlawful for any *adoption entity* ~~intermediary~~ to fail to report to the court, prior to placement, the intended placement of a *minor* ~~child~~ for purposes of adoption with any person not a stepparent or a relative within the third degree, if the *adoption entity* ~~intermediary~~ participates in such intended placement.

(4) It is unlawful for any *adoption entity* ~~intermediary~~ to charge any fee over $1,000 and those costs as set out in paragraph (1)(d) over $2,500, other than for actual documented medical costs, court costs, and hospital costs unless such fee is approved by the court prior to the assessment of the fee by the *adoption entity* ~~intermediary~~ and upon a showing of justification for the larger fee.

(5) It is unlawful for any *adoption entity* ~~intermediary~~ to counsel a birth mother to leave the state for the purpose of giving birth to a child outside the state in order to secure a fee in excess of that permitted under s. 63.097 when it is the intention that the child be placed for adoption outside the state.

(6) It is unlawful for any *adoption entity* ~~intermediary~~ to obtain a preliminary home study or final home investigation and fail to disclose the existence of the study to the court.

(7) A person who violates any provision of this section, excluding paragraph (1)(h), is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who violates paragraph (1)(h) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083; and each day of continuing violation shall be considered a separate offense.

Section 103. *Section 63.072, Florida Statutes, is repealed.*

Section 104. *Any petition for adoption filed before October 1, 1998, shall be governed by the law in effect at the time the petition was filed.*

Section 105. Section 39.813, Florida Statutes, is created to read:

39.813 Continuing jurisdiction.—The court that terminates the parental rights of a child who is the subject of termination proceedings pursuant to this chapter shall retain exclusive jurisdiction in all matters pertaining to the child's adoption pursuant to chapter 63.

Section 106. *Section 39.471, Florida Statutes, is renumbered as section 39.814, Florida Statutes.*

Section 107. Section 39.473, Florida Statutes, is renumbered as section 39.815, Florida Statutes, and subsection (1) of said section is amended to read:

39.815 ~~39.473~~ Appeal.—

(1) Any child, any parent *or*~~,~~ guardian ad litem~~, or legal custodian~~ of any child, any other party to the proceeding who is affected by an order of the court, or the department may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure. The district court of appeal shall give an appeal from an order terminating parental rights priority in docketing and shall render a decision on the appeal as expeditiously as possible. Appointed counsel shall be compensated as provided in s. *39.0134* ~~39.474~~.

Section 108. Section 39.816, Florida Statutes, is created to read:

39.816 Authorization for pilot and demonstration projects.—

(1) Contingent upon receipt of a federal grant or contract pursuant to s. 473A(i) of the Social Security Act, 42 U.S.C. 673A(i), enacted November 19, 1997, the department is authorized to establish one or more pilot projects for the following purposes:

(a) The development of best practice guidelines for expediting termination of parental rights.

(b) The development of models to encourage the use of concurrent planning.

(c) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

(d) The development of risk-assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

(e) The development of models to encourage the fast-tracking into preadoptive placements of children who have not attained 1 year of age.

(f) The development of programs that place children into preadoptive families without waiting for termination of parental rights.

(2) Contingent upon receipt of federal authorization and funding pursuant to s. 1130(a) of the Social Security Act, 42 U.S.C. 1320a-9, enacted November 19, 1997, the department is authorized to establish one or more demonstration projects for the following purposes:

(a) Identifying and addressing barriers that result in delays to adoptive placements for children in out-of-home care.

(b) Identifying and addressing parental substance abuse problems that endanger children and result in the placement of children in out-of-home care. This purpose may be accomplished through the placement of children with their parents in residential treatment facilities, including residential treatment facilities for post-partum depression, which are specifically designed to serve parents and children together, in order to promote family reunification, and which can ensure the health and safety of the children.

(c) Addressing kinship care.

Section 109. Section 39.817, Florida Statutes, is created to read:

39.817 Foster care privatization demonstration pilot project.—A pilot project shall be established through The Ounce of Prevention Fund of Florida to contract with a private entity for a foster care privatization demonstration project. No more then 30 children with a goal of family reunification shall be accepted into the program on a no-eject-or-reject basis as identified by the department. Sibling groups shall be kept together in one placement in their own communities. Foster care parents shall be paid employees of the program. The program shall provide for public/private partnerships, community collaboration, counseling, and medical and legal assistance, as needed. For purposes of identifying measurable outcomes, the pilot project shall be located in a department district with an integrated district management which was selected as a family transition program site, has a population of less than 500,000, has a total caseload of no more than 400, with and without board payment, and has a total foster care case load of no more than 250.

Section 110. Part X of chapter 39, Florida Statutes, consisting of sections 39.820, 39.821, 39.822, 39.823, 39.824, 39.825, 39.826, 39.827, 39.828, 39.829, and 39.8295, Florida Statutes, shall be entitled to read:

PART X
GUARDIANS AD LITEM AND GUARDIAN ADVOCATES

Section 111. Section 39.820, Florida Statutes, is created to read:

39.820 Definitions.—As used in this part, the term:

(1) "Guardian ad litem" as referred to in any civil or criminal proceeding includes the following: a certified guardian ad litem program; a duly certified volunteer; a staff attorney, contract attorney, or certified pro bono attorney working on behalf of a guardian ad litem or the program; staff members of a program office; a court-appointed attorney; or a responsible adult who is appointed by the court to represent the best interests of a child in a proceeding as provided for by law, including, but not limited to, this chapter, who is a party to any judicial proceeding as a representative of the child, and who serves until discharged by the court.

(2) "Guardian advocate" means a person appointed by the court to act on behalf of a drug-dependent newborn pursuant to the provisions of this part.

Section 112. *Section 415.5077, Florida Statutes, is renumbered as section 39.821, Florida Statutes.*

Section 113. Section 415.508, Florida Statutes, is renumbered as section 39.822, Florida Statutes, and amended to read:

39.822 ~~415.508~~ Appointment of guardian ad litem for abused*, abandoned*, or neglected child.—

(1) A guardian ad litem shall be appointed by the court at the earliest possible time to represent the child in any child abuse*, abandonment,* or neglect judicial proceeding, whether civil or criminal. Any person participating in a civil or criminal judicial proceeding resulting from such appointment shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed.

(2) In those cases in which the parents are financially able, the parent or parents of the child shall reimburse the court, in part or in whole, for the cost of provision of guardian ad litem services. Reimbursement to the individual providing guardian ad litem services shall not be contingent upon successful collection by the court from the parent or parents.

(3) The guardian ad litem or the program representative shall review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding or submit a written report of recommendations to the court.

Section 114. Section 415.5082, Florida Statutes, is renumbered as section 39.823, Florida Statutes, and amended to read:

39.823 ~~415.5082~~ Guardian advocates for drug dependent newborns.—The Legislature finds that increasing numbers of drug dependent children are born in this state. Because of the parents' continued dependence upon drugs, the parents may temporarily leave their child with a relative or other adult or may have agreed to voluntary family services under s. *39.301(8)* ~~415.505(1)(e)~~. The relative or other adult may be left with a child who is likely to require medical treatment but for whom they are unable to obtain medical treatment. The purpose of this section is to provide an expeditious method for such relatives or other responsible adults to obtain a court order which allows them to provide consent for medical treatment and otherwise advocate for the needs of the child and to provide court review of such authorization.

Section 115. Section 415.5083, Florida Statutes, is renumbered as section 39.824, Florida Statutes, and amended to read:

39.824 ~~415.5083~~ Procedures and jurisdiction.—

(1) The Supreme Court is requested to adopt rules of juvenile procedure by October 1, 1989, to implement *this part* ~~ss. 415.5082-415.5089~~. All procedures, including petitions, pleadings, subpoenas, summonses, and hearings in cases for the appointment of a guardian advocate shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(2) The circuit court shall have exclusive original jurisdiction of a proceeding in which appointment of a guardian advocate is sought. The court shall retain jurisdiction over a child for whom a guardian advocate is appointed until specifically relinquished by court order.

Section 116. *Section 415.5084, Florida Statutes, is renumbered as section 39.825, Florida Statutes.*

Section 117. *Section 415.5085, Florida Statutes, is renumbered as section 39.826, Florida Statutes.*

Section 118. Section 415.5086, Florida Statutes, is renumbered as section 39.827, Florida Statutes, and amended to read:

39.827 ~~415.5086~~ Hearing for appointment of a guardian advocate.—

(1) When a petition for appointment of a guardian advocate has been filed with the circuit court, the hearing shall be held within 14 days unless all parties agree to a continuance. If a child is in need of necessary medical treatment as defined in s. 39.01, the court shall hold a hearing within 24 hours.

(2) At the hearing, the parents have the right to be present, to present testimony, to call and cross-examine witnesses, to be represented by counsel at their own expense, and to object to the appointment of the guardian advocate.

(3) The hearing shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases. In a hearing on a petition for appointment of a guardian advocate, the moving party shall prove all the elements in s. *39.828* ~~415.5087~~ by a preponderance of the evidence.

(4) The hearing under this section shall remain confidential and closed to the public. The clerk shall keep all court records required by *this part* ~~ss. 415.5082-415.5089~~ separate from other records of the circuit court. All court records required by *this part* ~~ss. 415.5082-415.5089~~ shall be confidential and exempt from the provisions of s. 119.07(1). All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents or custodians of the child and their attorneys and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions. All information obtained pursuant to *this part* ~~ss. 415.5082-415.5089~~ in the discharge of official duty by any judge, employee of the court, or authorized agent of the department, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed to anyone other than the authorized personnel of the court or the department and its designees, except upon order of the court.

Section 119. Section 415.5087, Florida Statutes, is renumbered as section 39.828, Florida Statutes, and amended to read:

39.828 ~~415.5087~~ Grounds for appointment of a guardian advocate.—

(1) The court shall appoint the person named in the petition as a guardian advocate with all the powers and duties specified in s. *39.829* ~~415.5088~~ for an initial term of 1 year upon a finding that:

(a) The child named in the petition is or was a *drug-dependent* ~~drug dependent~~ newborn as described in s. *39.01(30)(g)* ~~415.503(10)(a)2.~~;

(b) The parent or parents of the child have voluntarily relinquished temporary custody of the child to a relative or other responsible adult;

(c) The person named in the petition to be appointed the guardian advocate is capable of carrying out the duties as provided in s. *39.829* ~~415.5088~~; and

(d) A petition to adjudicate the child dependent pursuant to *this* chapter ~~39~~ has not been filed.

(2) The appointment of a guardian advocate does not remove from the parents the right to consent to medical treatment for their child. The appointment of a guardian advocate does not prevent the filing of a subsequent petition under *this* chapter ~~39~~ to have the child adjudicated dependent.

Section 120. *Section 415.5088, Florida Statutes, is renumbered as section 39.829, Florida Statutes.*

Section 121. Section 415.5089, Florida Statutes, is renumbered as section 39.8295, Florida Statutes, and amended to read:

39.8295 ~~415.5089~~ Review and removal of guardian advocate.—

(1) At the end of the initial 1-year appointment, the court shall review the status of the child's care, health, and medical condition for the purpose of determining whether to reauthorize the appointment of the guardian advocate. If the court finds that all of the elements of s. *39.828* ~~415.5087~~ are still met the court shall reauthorize the guardian advocate for another year.

(2) At any time, the court may, upon its own motion, or upon the motion of the department, a family member, or other interested person remove a guardian advocate. A guardian advocate shall be removed if the court finds that the guardian advocate is not properly discharging his or her responsibilities or is acting in a manner inconsistent with his or her appointment, that the parents have assumed parental responsibility to provide for the child, or that the child has been adjudicated dependent pursuant to *this* chapter ~~39~~.

Section 122. Part XI of chapter 39, Florida Statutes, consisting of sections 39.901, 39.902, 39.903, 39.904, 39.905, 39.906, and 39.908, Florida Statutes, shall be entitled to read:

PART XI
DOMESTIC VIOLENCE

Section 123. *Section 415.601, Florida Statutes, is renumbered as section 39.901, Florida Statutes.*

Section 124. Section 415.602, Florida Statutes, is renumbered as section 39.902, Florida Statutes, and amended to read:

39.902 ~~415.602~~ Definitions ~~of terms used in ss. 415.601-415.608.—~~ As used in *this part* ~~ss. 415.601-415.608~~, the term:

~~(1) "Department" means the Department of Children and Family Services.~~

~~(2) "District" means a service district of the department as created in s. 20.19.~~

(1)~~(3)~~ "Domestic violence" means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

(2)~~(4)~~ "Domestic violence center" means an agency that provides services to victims of domestic violence, as its primary mission.

(3)~~(5)~~ "Family or household member" means spouses, former spouses, adults related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 125. Section 415.603, Florida Statutes, is renumbered as section 39.903, Florida Statutes, and amended to read:

39.903 ~~415.603~~ Duties and functions of the department with respect to domestic violence.—

(1) The department shall:

(a) Develop by rule criteria for the approval or rejection of certification or funding of domestic violence centers.

(b) Develop by rule minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.

(c) Receive and approve or reject applications for certification of domestic violence centers, and receive and approve or reject applications for funding of domestic violence centers. When approving funding for a newly certified domestic violence center, the department shall make every effort to minimize any adverse economic impact on existing certified centers or services provided within the same district. In order to minimize duplication of services, the department shall make every effort to encourage subcontracting relationships with existing centers within the district. If any of the required services are exempted by the department under s. *39.905(1)(c)* ~~415.605(1)(c)~~, the center shall not receive funding for those services.

(d) Evaluate each certified domestic violence center annually to ensure compliance with the minimum standards. The department has the right to enter and inspect the premises of certified domestic violence centers at any reasonable hour in order to effectively evaluate the state of compliance of these centers with *this part* ~~ss. 415.601-415.608~~ and rules relating to *this part* ~~those sections~~.

(e) Adopt rules to implement *this part* ~~ss. 415.601-415.608~~.

(f) Promote the involvement of certified domestic violence centers in the coordination, development, and planning of domestic violence programming in the districts and the state.

(2) The department shall serve as a clearinghouse for information relating to domestic violence.

(3) The department shall enlist the assistance of public and voluntary health, education, welfare, and rehabilitation agencies in a concerted effort to prevent domestic violence and to treat persons engaged in or subject to domestic violence. With the assistance of these agencies, the department, within existing resources, shall formulate and conduct a research and evaluation program on domestic violence. Efforts on the part of these agencies to obtain relevant grants to fund this research and evaluation program must be supported by the department.

(4) The department shall develop and provide educational programs on domestic violence for the benefit of the general public, persons engaged in or subject to domestic violence, professional persons, or others who care for or may be engaged in the care and treatment of persons engaged in or subject to domestic violence.

(5) The department shall cooperate with, assist in, and participate in, programs of other properly qualified agencies, including any agency of the Federal Government, schools of medicine, hospitals, and clinics, in planning and conducting research on the prevention, care, treatment, and rehabilitation of persons engaged in or subject to domestic violence.

(6) The department shall contract with a statewide association whose primary purpose is to represent and provide technical assistance to domestic violence centers. This association shall receive 2 percent of the Domestic Violence Trust Fund for this purpose.

Section 126. Section 415.604, Florida Statutes, is renumbered as section 39.904, Florida Statutes, and amended to read:

39.904 ~~415.604~~ Report to the Legislature on the status of domestic violence cases.—On or before January 1 of each year, the department ~~of Children and Family Services~~ shall furnish to the President of the Senate and the Speaker of the House of Representatives a report on the status of domestic violence in this state, which report shall include, but is not limited to, the following:

(1) The incidence of domestic violence in this state.

(2) An identification of the areas of the state where domestic violence is of significant proportions, indicating the number of cases of domestic violence officially reported, as well as an assessment of the degree of unreported cases of domestic violence.

(3) An identification and description of the types of programs in the state that assist victims of domestic violence or persons who commit domestic violence, including information on funding for the programs.

(4) The number of persons who are treated by or assisted by local domestic violence programs that receive funding through the department.

(5) A statement on the effectiveness of such programs in preventing future domestic violence.

(6) An inventory and evaluation of existing prevention programs.

(7) A listing of potential prevention efforts identified by the department; the estimated annual cost of providing such prevention services, both for a single client and for the anticipated target population as a whole; an identification of potential sources of funding; and the projected benefits of providing such services.

Section 127. Section 415.605, Florida Statutes, is renumbered as section 39.905, Florida Statutes, and amended to read:

39.905 ~~415.605~~ Domestic violence centers.—

(1) Domestic violence centers certified under *this part* ~~ss. 415.601-415.608~~ must:

(a) Provide a facility which will serve as a center to receive and house persons who are victims of domestic violence. For the purpose of *this part* ~~ss. 415.601-415.608~~, minor children and other dependents of a victim, when such dependents are partly or wholly dependent on the victim for support or services, may be sheltered with the victim in a domestic violence center.

(b) Receive the annual written endorsement of local law enforcement agencies.

(c) Provide minimum services which include, but are not limited to, information and referral services, counseling and case management services, temporary emergency shelter for more than 24 hours, a 24-hour hotline, training for law enforcement personnel, assessment and appropriate referral of resident children, and educational services for community awareness relative to the incidence of domestic violence, the prevention of such violence, and the care, treatment, and rehabilitation for persons engaged in or subject to domestic violence. If a 24-hour hotline, professional training, or community education is already provided by a certified domestic violence center within a district, the department may exempt such certification requirements for a new center serving the same district in order to avoid duplication of services.

(d) Participate in the provision of orientation and training programs developed for law enforcement officers, social workers, and other professionals and paraprofessionals who work with domestic violence victims to better enable such persons to deal effectively with incidents of domestic violence.

(e) Establish and maintain a board of directors composed of at least three citizens, one of whom must be a member of a local, municipal, or county law enforcement agency.

(f) Comply with rules adopted pursuant to *this part* ~~ss. 415.601-415.608~~.

(g) File with the department a list of the names of the domestic violence advocates who are employed or who volunteer at the domestic violence center who may claim a privilege under s. 90.5036 to refuse to disclose a confidential communication between a victim of domestic violence and the advocate regarding the domestic violence inflicted upon the victim. The list must include the title of the position held by the advocate whose name is listed and a description of the duties of that position. A domestic violence center must file amendments to this list as necessary.

(h) Demonstrate local need and ability to sustain operations through a history of 18 consecutive months' operation as a domestic violence center, including 12 months' operation of an emergency shelter as *provided in paragraph (c)* ~~defined in paragraph (1)(a)~~, and a business plan which addresses future operations and funding of future operations.

(i) If its center is a new center applying for certification, demonstrate that the services provided address a need identified in the most current statewide needs assessment approved by the department.

(2) If the department finds that there is failure by a center to comply with the requirements established under *this part* ~~ss. 415.601-415.608~~ or with the rules adopted pursuant thereto, the department may deny, suspend, or revoke the certification of the center.

(3) The annual certificate shall automatically expire on the termination date shown on the certificate.

(4) The domestic violence centers shall establish procedures pursuant to which persons subject to domestic violence may seek services from these centers voluntarily.

(5) Domestic violence centers may be established throughout the state when private, local, state, or federal funds are available.

(6) In order to receive state funds, a center must:

(a) Obtain certification pursuant to *this part* ~~ss. 415.601-415.608~~. However, the issuance of a certificate will not obligate the department to provide funding.

(b) Receive at least 25 percent of its funding from one or more local, municipal, or county sources, public or private. Contributions in kind,

whether materials, commodities, transportation, office space, other types of facilities, or personal services, may be evaluated and counted as part of the required local funding.

(7)(a) All funds collected and appropriated to the domestic violence program shall be distributed annually by the department to each district according to an allocation formula determined by the department. In developing the formula, the department shall consider population, a rural and geographical area factor, and the incidence of domestic violence.

(b) A contract between a district and a certified domestic violence center shall contain provisions assuring the availability and geographic accessibility of services throughout the district. For this purpose, a center may distribute funds through subcontracts or to center satellites, provided such arrangements and any subcontracts are approved by the district.

Section 128. *Section 415.606, Florida Statutes, is renumbered as section 39.906, Florida Statutes.*

Section 129. *Section 415.608, Florida Statutes, is renumbered as section 39.908, Florida Statutes.*

Section 130. Subsections (4) through (20) of section 20.19, Florida Statutes, are renumbered as subsections (5) through (21), respectively, paragraph (b) of present subsection (4), paragraph (o) of present subsection (7), and paragraph (c) of present subsection (20) are amended, and a new subsection (4) is added to that section, to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(4) CERTIFICATION PROGRAMS FOR DEPARTMENT EMPLOYEES.-- The department is authorized to create certification programs for family safety and preservation employees and agents to ensure that only qualified employees and agents provide child protection services. The department is authorized to develop rules that include qualifications for certification, including training and testing requirements, continuing education requirements for ongoing certification, and decertification procedures to be used to determine when an individual no longer meets the qualifications for certification and to implement the decertification of an employee or agent.

(5)~~(4)~~ PROGRAM OFFICES.—

(a) There are created program offices, each of which shall be headed by an assistant secretary who shall be appointed by and serve at the pleasure of the secretary. Each program office shall have the following responsibilities:

1. Ensuring that family services programs are implemented according to legislative intent and as provided in state and federal laws, rules, and regulations.

2. Establishing program standards and performance objectives.

3. Reviewing, monitoring, and ensuring compliance with statewide standards and performance objectives.

4. Conducting outcome evaluations and ensuring program effectiveness.

5. Developing workload and productivity standards.

6. Developing resource allocation methodologies.

7. Compiling reports, analyses, and assessment of client needs on a statewide basis.

8. Ensuring the continued interagency collaboration with the Department of Education for the development and integration of effective programs to serve children and their families.

9. Other duties as are assigned by the secretary.

(b) The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging is for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

1. Economic Self-Sufficiency Program Office.—The responsibilities of this office encompass income support programs within the department, such as temporary assistance to families with dependent children, food stamps, welfare reform, and state supplementation of the supplemental security income (SSI) program.

2. Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

3. Children and Families Program Office.—The responsibilities of this program office encompass early intervention services for children and families at risk; intake services for protective investigation of abandoned, abused, and neglected children; interstate compact on the placement of children programs; adoption; child care; out-of-home care programs and other specialized services to families; and child protection and sexual abuse treatment teams created under chapter *39* ~~415~~, excluding medical direction functions.

4. Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department.

(8)~~(7)~~ HEALTH AND HUMAN SERVICES BOARDS.—

(a) There is created at least one health and human services board in each service district for the purpose of encouraging the initiation and support of interagency cooperation and collaboration in addressing family services needs and promoting service integration. The initial membership and the authority to appoint the members shall be allocated among the counties of each district as follows:

1. District 1 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Escambia County, 6 members; Okaloosa County, 3 members; Santa Rosa County, 2 members; and Walton County, 1 member.

2. District 2 has a board composed of 23 members, with 5 at-large members to be appointed by the Governor, and 18 members to be appointed by the boards of county commissioners in the respective counties, as follows: Holmes County, 1 member; Washington County, 1 member; Bay County, 2 members; Jackson County, 1 member; Calhoun County, 1 member; Gulf County, 1 member; Gadsden County, 1 member; Franklin County, 1 member; Liberty County, 1 member; Leon County, 4 members; Wakulla County, 1 member; Jefferson County, 1 member; Madison County, 1 member; and Taylor County, 1 member.

3. District 3 has a board composed of 19 members, with 4 at-large members to be appointed by the Governor, and 15 members to be appointed by the boards of county commissioners of the respective counties, as follows: Hamilton County, 1 member; Suwannee County, 1 member; Lafayette County, 1 member; Dixie County, 1 member; Columbia County, 1 member; Gilchrist County, 1 member; Levy County, 1 member; Union County, 1 member; Bradford County, 1 member; Putnam County, 1 member; and Alachua County, 5 members.

4. District 4 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Baker County, 1 member; Nassau County, 1 member; Duval County, 7 members; Clay County, 2 members; and St. Johns County, 1 member.

5. District 5 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Pasco County, 3 members; and Pinellas County, 9 members.

6. District 6 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Hillsborough County, 9 members; and Manatee County, 3 members.

7. District 7 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners in the respective counties, as follows: Seminole County, 3 members; Orange County, 5 members; Osceola County, 1 member; and Brevard County, 3 members.

8. District 8 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners in the respective counties, as follows: Sarasota County, 3 members; DeSoto County, 1 member; Charlotte County, 1 member; Lee County, 3 members; Glades County, 1 member; Hendry County, 1 member; and Collier County, 2 members.

9. District 9 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the Board of County Commissioners of Palm Beach County.

10. District 10 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the Board of County Commissioners of Broward County.

11. District 11 has two boards, one from Dade County and one from Monroe County. Each board is composed of 15 members, with 3 at-large members to be appointed to each board by the Governor, and 12 members to be appointed by each of the respective boards of county commissioners.

12. District 12 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Flagler County, 3 members; and Volusia County, 9 members.

13. District 13 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Marion County, 4 members; Citrus County, 2 members; Hernando County, 2 members; Sumter County, 1 member; and Lake County, 3 members.

14. District 14 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Polk County, 9 members; Highlands County, 2 members; and Hardee County, 1 member.

15. District 15 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Indian River County, 3 members; Okeechobee County, 1 member; St. Lucie County, 5 members; and Martin County, 3 members.

Notwithstanding any other provisions of this subsection, in districts consisting of two counties, the number of members to be appointed by any one board of county commissioners may not be fewer than three nor more than nine.

(b) At any time after the adoption of initial bylaws pursuant to paragraph (o), a district health and human services board may adopt a bylaw that enlarges the size of the board up to a maximum of 23 members, or otherwise adjusts the size or composition of the board, including a decision to change from a district board to subdistrict boards, or from a subdistrict board to a district board, if in the judgment of the board, such change is necessary to adequately represent the diversity of the population within the district or subdistrict. In the creation of subdistrict boards, the bylaws shall set the size of the board, not to exceed 15 members, and shall set the number of appointments to be made by the Governor and the respective boards of county commissioners in the subdistrict. The Governor shall be given the authority to appoint no fewer than one-fifth of the members. Current members of the district board shall become members of the subdistrict board in the subdistrict where they reside. Vacancies on a newly created subdistrict board shall be filled from among the list of nominees submitted to the subdistrict nominee qualifications review committee pursuant to subsection (8).

(c) The appointments by the Governor and the boards of county commissioners are from nominees selected by the appropriate district nominee qualifications review committee pursuant to subsection (8). Membership of each board must be representative of its district with respect to age, gender, and ethnicity. For boards having 15 members or fewer, at least two members must be consumers of the department's services. For boards having more than 15 members, there must be at least three consumers on the board. Members must have demonstrated their interest and commitment to, and have appropriate expertise for, meeting the health and family services needs of the community. The Governor shall appoint nominees whose presence on the health and human services board will help assure that the board reflects the demographic characteristics and consumer perspective of each of the service districts.

(d)1. Board members shall submit annually a disclosure statement of health and family services interests to the department's inspector general and the board. Any member who has an interest in a matter under consideration by the board must abstain from voting. Board members are subject to the provisions of s. 112.3145, relating to disclosure of financial interests.

2. Individual providers or employees of provider agencies, other than employees of units of local or state government, may not serve as health and human services board members but may serve in an advisory capacity to the board. Salaried employees of units of local or state government occupying positions providing services under contract with the department may not serve as members of the board. Elected officials who have authority to appoint members to a health and human services board may not serve as members of a board. The district administrator shall serve as a nonvoting ex officio member of the board. A department employee may not be a member of the board.

(e) Appointments to fill vacancies created by the death, resignation, or removal of a member are for the unexpired term. A member may not serve more than two full consecutive terms.

(f) A member who is absent from three meetings within any 12-month period, without having been excused by the chairperson, is deemed to have resigned, and the board shall immediately declare the seat vacant. Members may be suspended or removed for cause by a majority vote of the board members or by the Governor.

(g) Members of the health and human services boards shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. Payment may also be authorized for preapproved child care expenses or lost wages for members who are consumers of the department's services and for preapproved child care expenses for other members who demonstrate hardship.

(h) Appointees to the health and human services board are subject to the provisions of chapter 112, part III, Code of Ethics for Public Officers and Employees.

(i) Actions taken by the board must be consistent with departmental policy and state and federal laws, rules, and regulations.

(j) The department shall provide comprehensive orientation and training to the members of the boards to enable them to fulfill their responsibilities.

(k) Each health and human services board, and each of its subcommittees, shall hold periodic public meetings and hearings throughout the district to receive input on the development of the district service delivery plan, the legislative budget request, and the performance of the department.

(l) Except as otherwise provided in this section, responsibility and accountability for local family services planning rests with the health and human services boards. All local family-services-related planning or advisory councils shall submit their plans to the health and human services boards. The boards shall provide input on the plan's attention to integrating service delivery at the local level. The health and human services boards may establish additional subcouncils or technical advisory committees.

(m) The health and human services boards shall operate through an annual agreement negotiated between the secretary and the board. Such agreements must include expected outcomes and provide for periodic reports and evaluations of district and board performance and must also include a core set of service elements to be developed by the secretary and used by the boards in district needs assessments to ensure consistency in the development of district legislative budget requests.

(n) The annual agreement between the secretary and the board must include provisions that specify the procedures to be used by the parties to resolve differences in the interpretation of the agreement or disputes as to the adequacy of the parties' compliance with their respective obligations under the agreement.

(o) Health and human services boards have the following responsibilities, with respect to those programs and services assigned to the districts, as developed jointly with the district administrator:

1. Establish district outcome measures consistent with statewide outcomes.

2. Conduct district needs assessments using methodologies consistent with those established by the secretary.

3. Negotiate with the secretary a district performance agreement that:

a. Identifies current resources and services available;

b. Identifies unmet needs and gaps in services;

c. Establishes service and funding priorities;

d. Establishes outcome measures for the district; and

e. Identifies expenditures and the number of clients to be served, by service.

4. Provide budget oversight, including development and approval of the district's legislative budget request.

5. Provide policy oversight, including development and approval of district policies and procedures.

6. Act as a focal point for community participation in department activities such as:

a. Assisting in the integration of all health and social services within the community;

b. Assisting in the development of community resources;

c. Advocating for community programs and services;

d. Receiving and addressing concerns of consumers and others; and

e. Advising the district administrator on the administration of service programs throughout the district.

7. Advise the district administrator on ways to integrate the delivery of family and health care services at the local level.

8. Make recommendations which would enhance district productivity and efficiency, ensure achievement of performance standards, and assist the district in improving the effectiveness of the services provided.

9. Review contract provider performance reports.

10. Immediately upon appointment of the membership, develop bylaws that clearly identify and describe operating procedures for the board. At a minimum, the bylaws must specify notice requirements for all regular and special meetings of the board, the number of members required to constitute a quorum, and the number of affirmative votes of members present and voting that are required to take official and final action on a matter before the board.

11.a. Determine the board's internal organizational structure, including the designation of standing committees. In order to foster the coordinated and integrated delivery of family services in its community, a local board shall use a committee structure that is based on issues, such as children, housing, transportation, or health care. Each such committee must include consumers, advocates, providers, and department staff from every appropriate program area. In addition, each board and district administrator shall jointly identify community entities, including, but not limited to, the Area Agency on Aging, and resources outside the department to be represented on the committees of the board.

b. The district juvenile justice boards established in s. *985.413* ~~39.025~~ constitute the standing committee on issues relating to planning, funding, or evaluation of programs and services relating to the juvenile justice continuum.

12. Participate with the secretary in the selection of a district administrator according to the provisions of paragraph *(10)*~~(9)~~(b).

13. Complete an annual evaluation of the district and review the evaluation at a meeting of the board at which the public has an opportunity to comment.

14. Provide input to the secretary on the annual evaluation of the district administrator. The board may request that the secretary submit a written report on the actions to be taken to address negative aspects of the evaluation. At any time, the board may recommend to the secretary that the district administrator be discharged. Upon receipt of such a recommendation, the secretary shall make a formal reply to the board stating the action to be taken with respect to the board's recommendation.

15. Elect a chair and other officers, as specified in the bylaws, from among the members of the board.

(21)~~(20)~~ INNOVATION ZONES.—The health and human services board may propose designation of an innovation zone for any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a district, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(a)1. The district administrator shall submit a proposal for an innovation zone to the secretary. If the purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the proposal may request the secretary to waive such existing rules, policies, or procedures or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with applicable state or federal law.

2. For innovation zone proposals that the secretary determines require changes to state law, the secretary may submit a request for a waiver from such laws, together with any proposed changes to state law, to the chairs of the appropriate legislative committees for consideration.

3. For innovation zone proposals that the secretary determines require waiver of federal law, the secretary may submit a request for such waivers to the applicable federal agency.

(b) An innovation zone project may not have a duration of more than 2 years, but the secretary may grant an extension.

(c) The Statewide Health and Human Services Board, in conjunction with the secretary, shall develop a family services innovation transfer network for the purpose of providing information on innovation zone research and projects or other effective initiatives in family services to the health and human services boards established under subsection *(8)* ~~(7)~~.

(d) Prior to implementing an innovation zone pursuant to the requirements of this subsection and chapter 216, the secretary shall, in conjunction with the Auditor General, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. No more than 15 innovative zones shall be in operation at any one time within the districts.

Section 131. Paragraph (h) of subsection (1) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(h) Provide medical direction for child protection team and sexual abuse treatment functions created under chapter *39* ~~415~~.

Section 132. Paragraph (b) of subsection (2) of section 61.13, Florida Statutes, is amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. *39.806(1)(d)* ~~39.464(1)(d)~~, creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities that the court finds unique to a particular family.

b. The court shall order "sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of" the minor child.

c. The court may award the grandparents visitation rights with a minor child if it is in the child's best interest. Grandparents have legal standing to seek judicial enforcement of such an award. This section does not require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor do grandparents have legal standing as "contestants" as defined in s. 61.1306. A court may not order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to a parent because the parent is not the child's primary residential parent.

Section 133. Section 61.401, Florida Statutes, is amended to read:

61.401 Appointment of guardian ad litem.—In an action for dissolution of marriage, modification, parental responsibility, custody, or visitation, if the court finds it is in the best interest of the child, the court may appoint a guardian ad litem to act as next friend of the child, investigator or evaluator, not as attorney or advocate. The court in its discretion may also appoint legal counsel for a child to act as attorney or advocate; however, the guardian and the legal counsel shall not be the same person. In such actions which involve an allegation of child abuse, *abandonment*, or neglect as defined in s. *39.01* ~~415.503(3)~~, which allegation is verified and determined by the court to be well-founded, the court shall appoint a guardian ad litem for the child. The guardian ad litem shall be a party to any judicial proceeding from the date of the appointment until the date of discharge.

Section 134. Section 61.402, Florida Statutes, is amended to read:

61.402 Qualifications of guardians ad litem.—A guardian ad litem must be either a citizen certified by the Guardian Ad Litem Program to act in family law cases or an attorney who is a member in good standing of The Florida Bar. Prior to certifying a guardian ad litem to be appointed under this chapter, the Guardian Ad Litem Program must conduct a security background investigation as provided in s. *39.821* ~~415.5077~~.

Section 135. Subsection (4) of section 63.052, Florida Statutes, is amended to read:

63.052 Guardians designated; proof of commitment.—

(4) If a child is voluntarily surrendered to an intermediary for subsequent adoption and the adoption does not become final within 180 days, the intermediary must report to the court on the status of the child and the court may at that time proceed under s. *39.701* ~~39.453~~ or take action reasonably necessary to protect the best interest of the child.

Section 136. Paragraph (b) of subsection (2) of section 63.092, Florida Statutes, is amended to read:

63.092 Report to the court of intended placement by an intermediary; preliminary study.—

(2) PRELIMINARY HOME STUDY.—Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a licensed professional, or agency described in s. 61.20(2), unless the petitioner is a stepparent, a spouse of the birth parent, or a relative. The preliminary study shall be completed within 30 days after the receipt by the court of the intermediary's report, but in no event may the child be placed in the prospective adoptive home prior to the completion of the preliminary study unless ordered by the court. If the petitioner is a stepparent, a spouse of the birth parent, or a relative, the preliminary home study may be required by the court for good cause shown. The department is required to perform the preliminary home study only if there is no licensed child-placing agency, licensed professional, or agency described in s. 61.20(2), in the county where the prospective adoptive parents reside. The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to identification of a prospective adoptive child. A favorable preliminary home study is valid for 1 year after the date of its completion. A child must not be placed in an intended adoptive home before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under s. 409.175. The preliminary home study must include, at a minimum:

(b) Records checks of the department's central abuse registry ~~under chapter 415~~ and ~~statewide~~ criminal records correspondence checks *pursuant to s. 435.045* through the Department of Law Enforcement on the intended adoptive parents;

If the preliminary home study is favorable, a minor may be placed in the home pending entry of the judgment of adoption. A minor may not be placed in the home if the preliminary home study is unfavorable. If the preliminary home study is unfavorable, the intermediary or petitioner may, within 20 days after receipt of a copy of the written recommendation, petition the court to determine the suitability of the intended adoptive home. A determination as to suitability under this subsection does not act as a presumption of suitability at the final hearing. In determining the suitability of the intended adoptive home, the court must consider the totality of the circumstances in the home.

Section 137. Subsection (2) of section 90.5036, Florida Statutes, is amended to read:

90.5036 Domestic violence advocate-victim privilege.—

(2) A victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the victim to a domestic violence advocate or any record made in the course of advising, counseling, or assisting the victim. The privilege applies to

confidential communications made between the victim and the domestic violence advocate and to records of those communications only if the advocate is registered under s. *39.905* ~~415.605~~ at the time the communication is made. This privilege includes any advice given by the domestic violence advocate in the course of that relationship.

Section 138. Section 154.067, Florida Statutes, is amended to read:

154.067 Child abuse and neglect cases; duties.—The Department of Health shall adopt a rule requiring every county health department, as described in s. 154.01, to adopt a protocol that, at a minimum, requires the county health department to:

(1) Incorporate in its health department policy a policy that every staff member has an affirmative duty to report, pursuant to chapter *39* ~~415~~, any actual or suspected case of child abuse, *abandonment,* or neglect; and

(2) In any case involving suspected child abuse, *abandonment,* or neglect, designate, at the request of the department, a staff physician to act as a liaison between the county health department and the Department of Children and Family Services office that is investigating the suspected abuse, *abandonment,* or neglect, and the child protection team, as defined in s. *39.01* ~~415.503~~, when the case is referred to such a team.

Section 139. Subsection (15) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(15) The department may disclose confidential taxpayer information contained in returns, reports, accounts, or declarations filed with the department by persons subject to any state or local tax to the child support enforcement program, to assist in the location of parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act, their assets, their income, and their employer, *and to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39.* Nothing in this subsection authorizes the disclosure of information if such disclosure is prohibited by federal law. Employees of the child support enforcement program *and of the Department of Children and Family Services* are bound by the same requirements of confidentiality and the same penalties for violation of the requirements as the department.

Section 140. Paragraph (a) of subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—

(a) Duties.—The Child Welfare System Estimating Conference shall develop the following information relating to the child welfare system:

1. Estimates and projections of the number of initial and additional reports of child abuse, *abandonment,* or neglect made to the central abuse *hotline* ~~registry and tracking system~~ maintained by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services as established in s. *39.201(4)* ~~415.504(4)(a)~~.

2. Estimates and projections of the number of children who are alleged to be victims of child abuse, *abandonment,* or neglect and are in need of placement in *a* ~~an emergency~~ shelter.

In addition, the conference shall develop other official information relating to the child welfare system of the state which the conference determines is needed for the state planning and budgeting system. The Department of *Children and Family* ~~Health and Rehabilitative~~ Services shall provide information on the child welfare system requested by the Child Welfare System Estimating Conference, or individual conference principals, in a timely manner.

Section 141. Section 232.50, Florida Statutes, is amended to read:

232.50 Child abuse, *abandonment,* and neglect policy.—Every school board shall by March 1, 1985:

(1) Post in a prominent place in each school a notice that, pursuant to chapter *39* ~~415~~, all employees or agents of the district school board have an affirmative duty to report all actual or suspected cases of child abuse, *abandonment,* or neglect, have immunity from liability if they report such cases in good faith, and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, *abandonment,* and neglect. The notice shall also include the statewide toll-free telephone number of the state abuse registry.

(2) Provide that the superintendent, or the superintendent's designee, at the request of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, will act as a liaison to the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and the child protection team, as defined in s. *39.01* ~~415.503~~, when in a case of suspected child abuse, *abandonment,* or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this subsection may in no instance be construed as relieving or restricting the Department of *Children and Family* ~~Health and Rehabilitative~~ Services from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, *abandonment,* or neglect or unlawful sexual offense involving a child.

Each district school board shall comply with the provisions of this section, and such board shall notify the Department of Education and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services of its compliance by March 1, 1985.

Section 142. Paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 2(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Fifteen and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 143. Effective July 1, 1999, paragraph (a) of subsection (2) of section 318.21, as amended by section 3(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Ten and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 144. Effective July 1, 2000, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 4(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 145. Effective July 1, 2001, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 5(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the County Article V Trust Fund, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 146. Effective July 1, 2002, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 6 of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 147. Paragraph (e) of subsection (1) of section 384.29, Florida Statutes, is amended to read:

384.29 Confidentiality.—

(1) All information and records held by the department or its authorized representatives relating to known or suspected cases of sexually transmissible diseases are strictly confidential and exempt from the provisions of s. 119.07(1). Such information shall not be released or made public by the department or its authorized representatives, or by a court or parties to a lawsuit upon revelation by subpoena, except under the following circumstances:

(e) When made to the proper authorities as required by *chapter 39 or* chapter 415.

Section 148. Paragraph (e) of subsection (1) of section 392.65, Florida Statutes, is amended to read:

392.65 Confidentiality.—

(1) All information and records held by the department or its authorized representatives relating to known or suspected cases of tuberculosis or exposure to tuberculosis shall be strictly confidential and exempt from s. 119.07(1). Such information shall not be released or made public by the department or its authorized representatives or by a court or parties to a lawsuit, except that release may be made under the following circumstances:

(e) When made to the proper authorities as required by *chapter 39 or* chapter 415.

Section 149. The introductory paragraph of subsection (14) of section 393.063, Florida Statutes, is amended to read:

393.063 Definitions.—For the purposes of this chapter:

(14) "Direct service provider," also known as "caregiver" in *chapters 39 and* ~~chapter~~ 415 or "caretaker" in provisions relating to employment security checks, means a person 18 years of age or older who has direct contact with individuals with developmental disabilities and is unrelated to the individuals with developmental disabilities.

Section 150. Section 395.1023, Florida Statutes, is amended to read:

395.1023 Child abuse and neglect cases; duties.—Each licensed facility shall adopt a protocol that, at a minimum, requires the facility to:

(1) Incorporate a facility policy that every staff member has an affirmative duty to report, pursuant to chapter *39* ~~415~~, any actual or suspected case of child abuse, *abandonment,* or neglect; and

(2) In any case involving suspected child abuse, *abandonment,* or neglect, designate, at the request of the department, a staff physician to act as a liaison between the hospital and the Department of Children and Family Services office which is investigating the suspected abuse, *abandonment,* or neglect, and the child protection team, as defined in s. *39.01* ~~415.503~~, when the case is referred to such a team.

Each general hospital and appropriate specialty hospital shall comply with the provisions of this section and shall notify the agency and the department of its compliance by sending a copy of its policy to the agency and the department as required by rule. The failure by a general hospital or appropriate specialty hospital to comply shall be punished by a fine not exceeding $1,000, to be fixed, imposed, and collected by the agency. Each day in violation is considered a separate offense.

Section 151. Section 400.4174, Florida Statutes, is amended to read:

400.4174 Reports of abuse in facilities.—When an employee, volunteer, administrator, or owner of a facility has a confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, or *a judicially determined report of* child abuse, *abandonment,* or neglect, as defined in s. *39.01* ~~415.503~~, and the protective investigator knows that the individual is an employee, volunteer, administrator, or owner of a facility, the agency shall be notified of the ~~confirmed~~ report.

Section 152. Paragraph (c) of subsection (2) of section 400.556, Florida Statutes, is amended to read:

400.556 Denial, suspension, revocation of license; administrative fines; investigations and inspections.—

(2) Each of the following actions by the owner of an adult day care center or by its operator or employee is a ground for action by the agency against the owner of the center or its operator or employee:

(c) A confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, or *a report* of child abuse, *abandonment,* or neglect, as defined in s. *39.01* ~~415.503~~, which report has been upheld following a hearing held pursuant to chapter 120 or a waiver of such hearing.

Section 153. Paragraph (a) of subsection (8) of section 402.165, Florida Statutes, is amended to read:

402.165 Statewide Human Rights Advocacy Committee; confidential records and meetings.—

(8)(a) In the performance of its duties, the Statewide Human Rights Advocacy Committee shall have:

1. Authority to receive, investigate, seek to conciliate, hold hearings on, and act on complaints which allege any abuse or deprivation of constitutional or human rights of clients.

2. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and any records which are material to its investigation and which are in the custody of any other agency or department of government. The committee's investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure.

3. Standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from the Department of *Children and Family* ~~Health and Rehabilitative~~ Services or agency facilities. Under no circumstance shall the committee have access to confidential adoption records in accordance with the provisions of ss. *39.0132* ~~39.411~~, 63.022, and 63.162. Upon completion of a general investigation of practices and procedures of the Department of *Children and Family* ~~Health and Reha-~~

~~bilitative~~ Services, the committee shall report its findings to that department.

Section 154. Paragraph (a) of subsection (8) of section 402.166, Florida Statutes, is amended to read:

402.166 District human rights advocacy committees; confidential records and meetings.—

(8)(a) In the performance of its duties, a district human rights advocacy committee shall have:

1. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and any records which are material to its investigation and which are in the custody of any other agency or department of government. The committee's investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure.

2. Standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from Department of *Children and Family* ~~Health and Rehabilitative~~ Services or agency facilities. Upon no circumstances shall the committee have access to confidential adoption records in accordance with the provisions of ss. *39.0132* ~~39.411~~, 63.022, and 63.162. Upon completion of a general investigation of practices and procedures of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the committee shall report its findings to that department.

Section 155. Section 409.1672, Florida Statutes, is amended to read:

409.1672 Incentives for department employees.—In order to promote accomplishing the goal of family preservation, family reunification, or permanent placement of a child in an adoptive home, the department may, pursuant to s. 110, chapter 92-142, Laws of Florida, or subsequent legislative authority and within existing resources, develop monetary performance incentives such as bonuses, salary increases, and educational enhancements for department employees engaged in positions and activities related to the child welfare system under chapter 39~~, chapter 415,~~ or this chapter who demonstrate outstanding work in these areas.

Section 156. Subsection (8) and paragraph (c) of subsection (9) of section 409.176, Florida Statutes, are amended to read:

409.176 Registration of residential child-caring agencies and family foster homes.—

(8) The provisions of chapters *39* ~~415~~ and 827 regarding child abuse, *abandonment,* and neglect and the provisions of s. 409.175 and chapter 435 regarding screening apply to any facility registered under this section.

(9) The qualified association may deny, suspend, or revoke the registration of a Type II facility which:

(c) Violates the provisions of chapter *39* ~~415~~ or chapter 827 regarding child abuse, *abandonment,* and neglect or the provisions of s. 409.175 or chapter 435 regarding screening.

The qualified association shall notify the department within 10 days of the suspension or revocation of the registration of any Type II facility registered under this section.

Section 157. Paragraph (b) of subsection (10) of section 409.2554, Florida Statutes, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2598, the term:

(10) "Support" means:

(b) Support for a child who is placed under the custody of someone other than the custodial parent pursuant to s. *39.508* ~~39.41~~.

Section 158. Section 409.2577, Florida Statutes, is amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. Any agency as defined in s. 120.52, any political subdivision, and any other person shall, upon request, provide the department any information relating to location, salary, insurance, social security, income tax, and employment history necessary to locate parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. This provision shall expressly take precedence over any other statutory nondisclosure provision which limits the ability of an agency to disclose such information, except that law enforcement information as provided in s. 119.07(3)(i) is not required to be disclosed, and except that confidential taxpayer information possessed by the Department of Revenue shall be disclosed only to the extent authorized in s. 213.053(15). Nothing in this section requires the disclosure of information if such disclosure is prohibited by federal law. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). Additionally, the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). The department may make such information available only to public officials and agencies of this state; political subdivisions of this state; the custodial parent, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the sole purpose of establishing, modifying, or enforcing their liability for support, *and shall make such information available to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39.* If the department has reasonable evidence of domestic violence or child abuse and the disclosure of information could be harmful to the custodial parent or the child of such parent, the child support program director or designee shall notify the *Department of Children and Family Services and the* Secretary of the United States Department of Health and Human Services of this evidence. Such evidence is sufficient grounds for the department to disapprove an application for location services.

Section 159. Subsection (29) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(29) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03 or has a confirmed report of abuse, neglect, or exploitation pursuant to ~~part I of~~ chapter 415.

Section 160. Paragraph (a) of subsection (1) of section 409.9126, Florida Statutes, is amended to read:

409.9126 Children with special health care needs.—

(1) As used in this section:

(a) "Children's Medical Services network" means an alternative service network that includes health care providers and health care facilities specified in chapter 391 and ss. *39.303,* 383.15-383.21, *and* 383.216~~, and 415.5055~~.

Section 161. Paragraph (f) of subsection (5) of section 414.065, Florida Statutes, is amended to read:

414.065 Work requirements.—

(5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.—

(f) If the department is unable to designate a qualified protective payee or authorized representative, a referral shall be made under the provisions of chapter *39* ~~415~~ for protective intervention.

Section 162. Section 435.045, Florida Statutes, is created to read:

435.045 Requirements for prospective foster or adoptive parents.—

(1) Unless an election provided for in subsection (2) is made with respect to the state, the department shall conduct criminal records checks equivalent to the level 2 screening required in s. 435.04(1) for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments under s. 471 of the Social Security Act, 42 U.S.C. 671, are to be made. Approval shall not be granted:

(a) In any case in which a record check reveals a felony conviction for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the department finds that a court of competent jurisdiction has determined that the felony was committed at any time; and

(b) In any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if the department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.

(2) For purposes of this section, and ss. 39.401(3) and 39.508(9)(b) and (10)(a), the department and its authorized agents or contract providers are hereby designated a criminal justice agency for the purposes of accessing criminal justice information, including National Crime Information Center information, to be used for enforcing Florida's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purposes.

(3) Subsection (2) shall not apply if the Governor has notified the Secretary of the United States Department of Health and Human Services in writing that the state has elected to make subsection (2) inapplicable to the state, or if the Legislature, by law, has elected to make subsection (2) inapplicable to the state.

Section 163. Section 447.401, Florida Statutes, is amended to read:

447.401 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; however, when the issue under appeal is an allegation of abuse, *abandonment,* or neglect by an employee under *s. 39.201 or* s. 415.1075 ~~or s. 415.504~~, the grievance may not be decided until the *abuse, abandonment, or neglect of a child has been judicially determined or until a* confirmed report of abuse or neglect *of a disabled adult or elderly person* has been upheld pursuant to the procedures for appeal in *s.* ~~ss.~~ 415.1075 ~~and 415.504~~. However, an arbiter or other neutral shall not have the power to add to, subtract from, modify, or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure administered without regard to membership or nonmembership in any organization, except that certified employee organizations shall not be required to process grievances for employees who are not members of the organization. A career service employee shall have the option of utilizing the civil service appeal procedure, an unfair labor practice procedure, or a grievance procedure established under this section, but such employee is precluded from availing himself or herself to more than one of these procedures.

Section 164. Paragraph (d) of subsection (1) of section 464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(d) Being found guilty, regardless of adjudication, of any of the following offenses:

1. A forcible felony as defined in chapter 776.

2. A violation of chapter 812, relating to theft, robbery, and related crimes.

3. A violation of chapter 817, relating to fraudulent practices.

4. A violation of chapter 800, relating to lewdness and indecent exposure.

5. A violation of chapter 784, relating to assault, battery, and culpable negligence.

6. A violation of chapter 827, relating to child abuse.

7. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.

8. A violation of chapter 39, relating to child abuse, abandonment, and neglect.

Section 165. Paragraph (a) of subsection (2) of section 490.014, Florida Statutes, is amended to read:

490.014 Exemptions.—

(2) No person shall be required to be licensed or provisionally licensed under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter *39* ~~415~~; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution.

Section 166. Paragraph (a) of subsection (4) of section 491.014, Florida Statutes, is amended to read:

491.014 Exemptions.—

(4) No person shall be required to be licensed, provisionally licensed, registered, or certified under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter

402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter *39* ~~415~~; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution.

Section 167. Paragraph (b) of subsection (3) of section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(3)

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner ___(Name)___ , who has been sworn and says that the following statements are true:

(a) Petitioner resides at: ___(address)___

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: ___(last known address)___

(c) Respondent's last known place of employment: ___(name of business and address)___

(d) Physical description of respondent: . . . .

Race. . . .

Sex. . . .

Date of birth. . . .

Height. . . .

Weight. . . .

Eye color. . . .

Hair color. . . .

Distinguishing marks or scars. . . .

(e) Aliases of respondent: . . . .

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent: . . . . . .
. . . . . .

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt . . . . . .
. . . . . .
Case numbers should be included if available.

(h) Petitioner has suffered or has reasonable cause to fear imminent domestic violence because respondent has: . . . . . .

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

. . . . Petitioner is the custodian of a minor child or children whose names and ages are as follows: . . . . . .

. . . . Petitioner needs the exclusive use and possession of the dwelling that the parties share.

. . . . Petitioner is unable to obtain safe alternative housing because: . . . . . .

. . . . Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because: . . . . . .
. . . . . .

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

. . . . Immediately restraining the respondent from committing any acts of domestic violence.

. . . . Restraining the respondent from committing any acts of domestic violence.

. . . . Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

. . . . Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties, or prohibiting or limiting visitation to that which is supervised by a third party.

. . . . Establishing temporary support for the minor child or children or the petitioner.

. . . . Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. *39.901* ~~415.601~~.

. . . . Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

Section 168. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, *abandonment,* or neglect against a child as defined in s. 39.01~~(2) and (47)~~, or who has a confirmed report of abuse, neglect, or exploitation which has been uncontested or upheld pursuant to the provisions of ss. 415.104 and 415.1075 shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 169. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff.—A person who commits a battery on an intake counselor or case manager, as defined in s. *984.03(31)* ~~39.01(34)~~, on other staff of a detention center or facility as defined in s. *984.03(19)* ~~39.01(23)~~, or on a staff member of a commitment facility as defined in s. *985.03(45)* ~~39.01(59)(c), (d), or (e),~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 170. Section 933.18, Florida Statutes, is amended to read:

933.18 When warrant may be issued for search of private dwelling.—No search warrant shall issue under this chapter or under any other law of this state to search any private dwelling occupied as such unless:

(1) It is being used for the unlawful sale, possession, or manufacture of intoxicating liquor;

(2) Stolen or embezzled property is contained therein;

(3) It is being used to carry on gambling;

(4) It is being used to perpetrate frauds and swindles;

(5) The law relating to narcotics or drug abuse is being violated therein;

(6) A weapon, instrumentality, or means by which a felony has been committed, or evidence relevant to proving said felony has been committed, is contained therein;

(7) One or more of the following misdemeanor child abuse offenses is being committed there:

(a) Interference with custody, in violation of s. 787.03.

(b) Commission of an unnatural and lascivious act with a child, in violation of s. 800.02.

(c) Exposure of sexual organs to a child, in violation of s. 800.03.

(8) It is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boardinghouse, or lodginghouse;

(9) It is being used for the unlawful sale, possession, or purchase of wildlife, saltwater products, or freshwater fish being unlawfully kept therein; or

(10) The laws in relation to cruelty to animals have been or are being violated therein, except that no search pursuant to such a warrant shall be made in any private dwelling after sunset and before sunrise unless specially authorized by the judge issuing the warrant, upon a showing of probable cause. Property relating to the violation of such laws may be taken on a warrant so issued from any private dwelling in which it is concealed or from the possession of any person therein by whom it shall have been used in the commission of such offense or from any person therein in whose possession it may be.

If, during a search pursuant to a warrant issued under this section, a child is discovered and appears to be in imminent danger, the law enforcement officer conducting such search may remove the child from the private dwelling and take the child into protective custody pursuant to *chapter 39* ~~s. 415.506~~. The term "private dwelling" shall be construed to include the room or rooms used and occupied, not transiently but solely as a residence, in an apartment house, hotel, boardinghouse, or lodginghouse. No warrant shall be issued for the search of any private dwelling under any of the conditions hereinabove mentioned except on sworn proof by affidavit of some creditable witness that he or she has reason to believe that one of said conditions exists, which affidavit shall set forth the facts on which such reason for belief is based.

Section 171. Subsection (10) of section 943.045, Florida Statutes, is amended to read:

943.045 Definitions; ss. 943.045-943.08.—The following words and phrases as used in ss. 943.045-943.08 shall have the following meanings:

(10) "Criminal justice agency" means:

(a) A court.

(b) The department.

(c) The Department of Juvenile Justice.

(d) The Department of Children and Family Services' Protective Investigations, which investigates the crimes of abuse and neglect.

(e)~~(d)~~ Any other governmental agency or subunit thereof which performs the administration of criminal justice pursuant to a statute or rule of court and which allocates a substantial part of its annual budget to the administration of criminal justice.

Section 172. Section 944.401, Florida Statutes, is amended to read:

944.401 Escapes from secure detention or residential commitment facility.—An escape from any secure detention facility maintained for the temporary detention of children, pending adjudication, disposition, or placement; an escape from any residential commitment facility defined in s. *985.03(45)* ~~39.01(59)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or an escape from lawful transportation thereto or therefrom constitutes escape within the intent and meaning of s. 944.40 and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 173. Subsection (3) of section 944.705, Florida Statutes, is amended to read:

944.705 Release orientation program.—

(3) Any inmate who claims to be a victim of domestic violence as defined in s. 741.28 shall receive, as part of the release orientation program, referral to the nearest domestic violence center certified under *chapter 39* ~~ss. 415.601-415.608~~.

Section 174. Subsections (2) and (41) of section 984.03, Florida Statutes, as amended by chapter 97-276, Laws of Florida, are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(2) "Abuse" means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. *39.01* ~~415.503~~.

(41) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. *39.503* ~~39.4051(7)~~ or s. 63.062(1)(b).

Section 175. Subsection (4) of section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

(4) If the department has reasonable grounds to believe that the child has been abandoned, abused, or neglected, it shall proceed pursuant to the provisions of ~~s. 415.505 and~~ chapter 39.

Section 176. Paragraphs (a) and (c) of subsection (3) of section 984.15, Florida Statutes, are amended to read:

984.15 Petition for a child in need of services.—

(3)(a) The parent, guardian, or legal custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, guardian, or legal custodian.

3. The parent, guardian, or legal custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. *984.12(8)* ~~39.426(8)~~.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services as defined in s. *984.03(9)* ~~39.01~~. The petition must also demonstrate that the parent, guardian, or legal custodian has in good faith, but unsuccessfully, partic-

ipated in the services and processes described in ss. *984.11 and 984.12* ~~39.424 and 39.426~~.

Section 177. Section 984.24, Florida Statutes, is amended to read:

984.24 Appeal.—The state, any child, or the family, guardian ad litem, or legal custodian of any child who is affected by an order of the court pursuant to this *chapter* ~~part~~ may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure ~~and pursuant to s. 39.413~~.

Section 178. Subsection (42) of section 985.03, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

985.03 Definitions.—When used in this chapter, the term:

(42) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. *39.503* ~~39.4051(7)~~ or s. 63.062(1)(b).

Section 179. Paragraph (c) of subsection (4) of section 985.303, Florida Statutes, is amended to read:

985.303 Neighborhood restorative justice.—

(4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.—

(c) The board shall require the parent or legal guardian of the juvenile who is referred to a Neighborhood Restorative Justice Center to appear with the juvenile before the board at the time set by the board. In scheduling board meetings, the board shall be cognizant of a parent's or legal guardian's other obligations. The failure of a parent or legal guardian to appear at the scheduled board meeting with his or her child or ward may be considered by the juvenile court as an act of child neglect as defined by s. *39.01* ~~415.503(3)~~, and the board may refer the matter to the Department of Children and Family Services for investigation under the provisions of chapter *39* ~~415~~.

Section 180. *Sections 39.002, 39.0195, 39.0196, 39.39, 39.403, 39.4032, 39.4052, 39.4053, 39.408(3), (4), 39.449, 39.45, 39.451, 39.457, 39.459, 39.4611, 39.462, 39.4625, 39.472, 39.474, 39.475, 415.501, 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, 415.5019, 415.502, 415.503, 415.505, 415.506, 415.5075, 415.509, and 415.514, Florida Statutes, are repealed.*

Section 181. Except as otherwise provided in this act, this act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to protection of children; reorganizing and revising ch. 39, F.S.; providing for part I of that chapter, entitled "General Provisions"; amending s. 39.001, F.S.; revising purposes and intent; providing for personnel standards and screening and for drug testing; renumbering and amending s. 415.5015, F.S., relating to child abuse prevention training in the district school system; amending s. 39.01, F.S.; revising definitions; renumbering and amending s. 39.455, F.S., relating to immunity from liability for agents of the Department of Children and Family Services or a social service agency; amending s. 39.012, F.S., and creating s. 39.0121, F.S.; providing authority and requirements for department rules; renumbering and amending s. 39.40, F.S., relating to procedures and jurisdiction; providing for right to counsel; renumbering s. 39.4057, F.S., relating to permanent mailing address designation; renumbering and amending s. 39.411, F.S., relating to oaths, records, and confidential information; renumbering s. 39.414, F.S., relating to court and witness fees; renumbering and amending s. 39.415, F.S., relating to providing for compensation of appointed counsel; renumbering and amending s. 39.418, F.S., relating to the Operations and Maintenance Trust Fund; providing for part II of ch. 39, F.S., entitled "Reporting Child Abuse"; renumbering and amending s. 415.504, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; renumbering and amending s. 415.511, F.S., relating to immunity from liability in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.512, F.S., relating to abrogation of privileged communications in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.513, F.S.; providing penalties relating to reporting of child abuse, abandonment, or neglect; renumbering and amending s. 415.5131, F.S.; increasing an administrative fine for false reporting; providing for part III of ch. 39, F.S., entitled "Protective Investigations"; creating s. 39.301, F.S.; providing for child protective investigations; creating s. 39.302, F.S.; providing for protective investigations of institutional child abuse, abandonment, or neglect; renumbering and amending s. 415.5055, F.S., relating to child protection teams and services and eligible cases; creating s. 39.3035, F.S.; providing standards for child advocacy centers eligible for state funding; renumbering and amending s. 415.507, F.S., relating to photographs, medical examinations, X rays, and medical treatment of an abused, abandoned, or neglected child; renumbering and amending s. 415.5095, F.S., relating to a model plan for intervention and treatment in sexual abuse cases; creating s. 39.306, F.S.; providing for working agreements with local law enforcement to perform criminal investigations; renumbering and amending s. 415.50171, F.S., relating to reports of child-on-child sexual abuse; providing for part IV of ch. 39, F.S., entitled "Family Builders Program"; renumbering and amending s. 415.515, F.S., relating to establishment of the program; renumbering and amending s. 415.516, F.S., relating to goals of the program; renumbering and amending s. 415.517, F.S., relating to contracts for services; renumbering and amending s. 415.518, F.S., relating to family eligibility; renumbering s. 415.519, F.S., relating to delivery of services; renumbering and amending s. 415.520, F.S., relating to qualifications of program workers; renumbering s. 415.521, F.S., relating to outcome evaluation; renumbering and amending s. 415.522, F.S., relating to funding; providing for part V of ch. 39, F.S., entitled "Taking Children into Custody and Shelter Hearings"; creating s. 39.395, F.S.; providing for medical or hospital personnel taking a child into protective custody; amending s. 39.401, F.S.; providing for law enforcement officers or authorized agents of the department taking a child alleged to be dependent into custody; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.407, F.S., relating to physical and mental examination and treatment of a child and physical or mental examination of a person requesting custody; renumbering and amending s. 39.4033, F.S., relating to referral of a dependency case to mediation; providing for part VI of ch. 39, F.S., entitled "Petition, Arraignment, Adjudication, and Disposition"; renumbering and amending s. 39.404, F.S., relating to petition for dependency; renumbering and amending s. 39.405, F.S., relating to notice, process, and service; renumbering and amending s. 39.4051, F.S., relating to procedures when the identity or location of the parent, legal custodian, or caregiver is unknown; renumbering and amending s. 39.4055, F.S., relating to injunction pending disposition of a petition for detention or dependency; renumbering and amending s. 39.406, F.S., relating to answers to petitions or other pleadings; renumbering and amending s. 39.408, F.S., relating to arraignment hearings; renumbering and amending s. 39.409, F.S., relating to adjudicatory hearings and orders; renumbering and amending s. 39.41, F.S., relating to disposition hearings and powers of disposition; creating s. 39.5085, F.S.; establishing the Relative-Caregiver Program; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; renumbering and amending s. 39.4105, F.S., relating to grandparents' rights; renumbering and amending s. 39.413, F.S., relating to appeals; providing for part VII of ch. 39, F.S., entitled "Case Plans"; renumbering and amending s. 39.4031, F.S., relating to case plan requirements and case planning for children in out-of-home care; renumbering and amending s. 39.452, F.S., relating to case planning for children in out-of-home care when the parents, legal custodians, or caregivers do not participate; creating s. 39.603, F.S.; providing for court approvals of case planning; providing for part VIII of ch. 39, F.S., entitled "Judicial Reviews"; renumbering and amending s. 39.453, F.S., relating to judicial review of the status of a child; renumbering and amending s. 39.4531, F.S., relating to citizen review panels; renumbering and amending s. 39.454, F.S., relating to initiation of proceedings for termination of parental rights; renumbering and amending s. 39.456, F.S.; revising exemptions from judicial review; providing for part IX of ch. 39, F.S., entitled "Termination of Parental Rights"; renumbering and amending s. 39.46, F.S., relating to procedures, jurisdiction, and service of process; renumbering and amending s. 39.461, F.S., relating to petition for termination of parental rights, and filing and elements thereof; removing provisions authorizing licensed

child-placing agencies to file actions to terminate parental rights; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions and pleadings for which no answer is required; deleting references to licensed child-placing agencies; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to postdisposition relief; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions in this state; amending s. 63.032, F.S.; revising definitions; defining the term "adoption entity"; creating s. 63.037, F.S.; exempting adoption proceedings that result from a termination of parental rights under ch. 39, F.S., from certain provisions of ch. 63, F.S.; creating s. 63.038, F.S.; providing criminal penalties for committing certain fraudulent acts; creating s. 63.039, F.S.; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor who has been placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; permitting an affidavit of nonpaternity under certain circumstances; amending s. 63.082, F.S.; revising requirements for executing a consent to an adoption; providing a time period for withdrawing consent; providing additional disclosure requirements; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the birth parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a birth parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; creating s. 63.088, F.S.; providing requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing requirements for the notice; providing requirements for conducting a diligent search for such person whose location is unknown; requiring that an unlocated or unidentified person be served notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing procedures for the proceeding to terminate parental rights pending adoption; specifying the matters to be determined; specifying grounds upon which parental rights may be terminated; providing for procedures following a judgment; providing for records to be made part of the subsequent adoption; amending s. 63.092, F.S.; providing requirements to be met if a prospective placement in an adoptive home is an at-risk placement; defining at-risk placement; amending s. 63.097, F.S.; revising requirements for the court in approving specified fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; amending s. 63.112, F.S.; revising requirements for the information that must be included in a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S., relating to the final home investigation; conforming provisions to changes made by the act; amending s. 63.132, F.S.; revising requirements for the report of expenditures and receipts which is filed with the court; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.152, F.S.; requiring that the clerk of the court mail a copy of a new birth record to the state registry of adoption information; amending s. 63.165, F.S.; requiring that a copy of the certified statement of final decree of adoption be included in the state registry of adoption information; requiring that the Department of Children and Family Services maintain such information for a specified period; amending s. 63.182, F.S.; requiring that an action to vacate an order of adoption or an order terminating parental rights pending adoption be filed within a specified period after entry of the order; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S., relating to prohibitions and penalties with respect to adoptions; conforming provisions to changes made by the act; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; creating s. 39.813, F.S.; providing for continuing jurisdiction of the court that terminates parental rights over all matters pertaining to the child's adoption; renumbering s. 39.471, F.S., relating to oaths, records, and confidential information; renumbering and amending s. 39.473, F.S., relating to appeal; creating s. 39.816, F.S.; authorizing certain pilot and demonstration projects contingent on receipt of federal grants or contracts; creating s. 39.817, F.S.; providing for a foster care demonstration pilot project; providing for part X of ch. 39, F.S., entitled "Guardians Ad Litem and Guardian Advocates"; creating s. 39.820, F.S.; providing definitions; renumbering s. 415.5077, F.S., relating to qualifications of guardians ad litem; renumbering and amending s. 415.508, F.S., relating to appointment of a guardian ad litem for an abused, abandoned, or neglected child; renumbering and amending s. 415.5082, F.S., relating to guardian advocates for drug dependent newborns; renumbering and amending s. 415.5083, F.S., relating to procedures and jurisdiction; renumbering s. 415.5084, F.S., relating to petition for appointment of a guardian advocate; renumbering s. 415.5085, F.S., relating to process and service; renumbering and amending s. 415.5086, F.S., relating to hearing for appointment of a guardian advocate; renumbering and amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate; renumbering s. 415.5088, F.S., relating to powers and duties of the guardian advocate; renumbering and amending s. 415.5089, F.S., relating to review and removal of a guardian advocate; providing for part XI of ch. 39, F.S., entitled "Domestic Violence"; renumbering s. 415.601, F.S., relating to legislative intent regarding treatment and rehabilitation of victims and perpetrators; renumbering and amending s. 415.602, F.S., relating to definitions; renumbering and amending s. 415.603, F.S., relating to duties and functions of the department; renumbering and amending s. 415.604, F.S., relating to an annual report to the Legislature; renumbering and amending s. 415.605, F.S., relating to domestic violence centers; renumbering s. 415.606, F.S., relating to referral to such centers and notice of rights; renumbering s. 415.608, F.S., relating to confidentiality of information received by the department or a center; amending s. 20.19, F.S.; providing for certification programs for family safety and preservation employees of the department; providing for rules; amending ss. 20.43, 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036, 154.067, 216.136, 232.50, 318.21, 384.29, 392.65, 393.063, 395.1023, 400.4174, 400.556, 402.165, 402.166, 409.1672, 409.176, 409.2554, 409.912, 409.9126, 414.065, 447.401, 464.018, 490.014, 491.014, 741.30, 744.309, 784.075, 933.18, 944.401, 944.705, 984.03, 984.10, 984.15, 984.24, 985.03, 985.303, F.S.; correcting cross-references; conforming related provisions and references; amending ss. 213.053 and 409.2577, F.S.; authorizing disclosure of certain confidential taxpayer and parent locator information for diligent search activities under ch. 39, F.S.; creating s. 435.045, F.S.; providing background screening requirements for prospective foster or adoptive parents; amending s. 943.045, F.S.; providing that the Department of Children and Family Services is a "criminal justice agency" for purposes of the criminal justice information system; repealing s. 39.002, F.S., relating to intent; repealing s. 39.0195, F.S., relating to sheltering unmarried minors and aiding unmarried runaways; repealing s. 39.0196, F.S., relating to children locked out of the home; repealing ss. 39.39, 39.449, and 39.459, F.S., relating to definition of "department"; repealing s. 39.403, F.S., relating to protective investigation; repealing s. 39.4032, F.S., relating to multidisciplinary case staffing; repealing s. 39.4052, F.S., relating to affirmative duty of written notice to adult relatives; repealing s. 39.4053, F.S., relating to diligent search after taking a child into custody; repealing s. 39.408(3), (4), F.S., relating to disposition hearings and notice of hearings; repealing s. 39.45, F.S., relating to legislative intent regarding foster care; repealing s. 39.451, F.S., relating to case planning; repealing s. 39.457, F.S., relating to a pilot program in Leon County to provide additional benefits to children in foster care; repealing s. 39.4611, F.S., relating to elements of petitions; repealing s. 39.462, F.S., relating to process and services; repealing s. 39.4625, F.S., relating to identity or location of parent unknown after filing of petition for termination of parental rights; repealing s. 39.472, F.S., relating to court and witness fees; repealing s. 39.474, F.S., relating to compensation of counsel; repealing s. 39.475, F.S., relating to rights of grandparents; repealing s. 415.501, F.S., relating to the state plan for prevention of abuse and neglect; repealing ss. 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, and 415.5019, F.S., relating to purpose and legislative intent, definitions, procedures, confidentiality of records, district authority and responsibilities, outcome evaluation, and rules for the family services response system;

repealing s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused or neglected children; repealing s. 415.503, F.S., relating to definitions; repealing s. 415.505, F.S., relating to child protective investigations and investigations of institutional child abuse or neglect; repealing s. 415.506, F.S., relating to taking a child into protective custody; repealing s. 415.5075, F.S., relating to rules for medical screening and treatment of children; repealing s. 415.509, F.S., relating to public agencies' responsibilities for prevention, identification, and treatment of child abuse and neglect; repealing s. 415.514, F.S., relating to rules for protective services; providing effective dates.

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 60, between lines 18 and 19, insert:

Section 16. Section 415.51, Florida Statutes, is renumbered as section 39.202, Florida Statutes, and amended to read:

39.202 ~~415.51~~ Confidentiality of reports and records in cases of child abuse or neglect.—

(1)(a) In order to protect the rights of the child and the child's parents ~~or other persons responsible for the child's welfare~~, all records *held by the department* concerning reports of child abuse or neglect, including reports made to the central abuse hotline and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by *this chapter* ~~ss. 415.502-415.514~~. Such exemption from s. 119.07(1) applies to information in the possession of those entities granted access as set forth in this section.

(b) Except for information identifying individuals, all records involving the death of a child determined to be a result of abuse, abandonment, or neglect shall be released to the public within 10 days after completion of the investigation.

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection *(4)* ~~(9)~~, shall be granted only to the following persons, officials, and agencies:

(a) Employees, *authorized* ~~or~~ agents, *or contract providers* of the department, *the Department of Health, or county agencies* responsible for carrying out child or adult protective investigations, ongoing child or adult protective services, *Healthy Start services,* or licensure or approval of adoptive homes, foster homes, or *child care facilities, or family day care homes or informal child care providers who receive subsidized child care funding, or* other homes used to provide for the care and welfare of children. Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to ~~parts II and IV of~~ chapter *985* ~~39~~.

(b) Criminal justice agencies of appropriate jurisdiction.

(c) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.

(d) The parent, *caregiver,* or *legal* custodian of any child who is alleged to have been abused, *abandoned, or* neglected, *and the child, and their attorneys* ~~or abandoned~~. This access shall be made available no later than 30 days after the department receives the initial report of abuse, neglect, or abandonment. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(e) Any person alleged in the report as having caused the abuse, *abandonment, or* neglect~~, or abandonment~~ of a child. This access shall be made available no later than 30 days after the department receives the initial report of abuse, *abandonment, or* neglect~~, or abandonment~~. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(f) A court upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(g) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(h) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, ~~or~~ neglect*, or abuse, neglect, or exploitation of a disabled adult or elderly person,* when carrying out his or her official function; ~~or~~

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated ~~institutional~~ child abuse or neglect*, or abuse, neglect, or exploitation of a disabled adult or elderly person; or*~~.~~

3. Employing and continuing employment of personnel of the department.

(i) Any person engaged in bona fide research or audit purposes. However, no information identifying the subjects of the report shall be made available to the researcher.

(j) The Division of Administrative Hearings for purposes of any administrative challenge.

(k) Any appropriate official of the human rights advocacy committee investigating a report of known or suspected child abuse, abandonment, or neglect, the Auditor General for the purpose of conducting preliminary or compliance reviews pursuant to s. 11.45, or the guardian ad litem for the child ~~as defined in s. 415.503~~.

(l) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

(m) The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.

(n) Employees or agents of the Department of Revenue responsible for child support enforcement activities.

(3) The department may release to professional persons such information as is necessary for the diagnosis and treatment of the child or the person perpetrating the abuse*, abandonment, or neglect.*

(4) The name of any person reporting child abuse, abandonment, or neglect may not be released to any person other than employees of the department responsible for child protective services, ~~or~~ the central abuse hotline, *law enforcement,* or the appropriate state attorney ~~or law enforcement agency~~, without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the state attorney, or the department, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he or she makes the report, request that the department notify him or her that a child protective investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 days after completing the child protective investigation.

(5) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and *455.667* ~~455.241~~, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court.

(6) The department shall make and keep reports and records of all cases under this chapter relating to child abuse, abandonment, and neglect and shall preserve the records pertaining to a child and family until 7 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy the records. Department records required by this chapter relating to child abuse, abandonment, and neglect may be inspected only upon order of the court or as provided for in this section.

(7)~~(6)~~ A person who knowingly or willfully makes public or discloses to any unauthorized person any confidential information contained in

the central abuse hotline is subject to the penalty provisions of s. *39.205* ~~415.513~~. This notice shall be prominently displayed on the first sheet of any documents released pursuant to this section.

Section 17. *It is a public necessity that reports and records of cases of child abandonment held by the Department of Children and Family Services be confidential and exempt from public records requirements due to the sensitive and personal nature of these records and the detrimental effect that release of such personal information could have on the families and children involved. Further, the disclosure of such information could interfere with the department's ability to carry out its duties with respect to the protection of families and children.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 347, line 16, after the semicolon (;) insert: amending and renumbering s. 415.51, F.S.; revising provisions relating to confidentiality of Department of Children and Family Services reports and records of cases of child abuse and neglect; providing an exemption from public records requirements for department reports and records of cases of child abandonment; requiring certain recordkeeping and preservation by the department;

Senators Rossin, Dudley and Campbell offered the following amendment to **Amendment 1** which was moved by Senator Rossin and adopted:

Amendment 1B (with title amendment)—On page 346, delete line 6 and insert:

Section 180. *This act may be cited as the "Marriage Preparation and Preservation Act of 1998."*

Section 181. *It is the finding of the Legislature based on reliable research that:*

(1) The divorce rate has been accelerating.

(2) Just as the family is the foundation of society, the marital relationship is the foundation of the family. Consequently, strengthening marriages can only lead to stronger families, children, and communities, as well as a stronger economy.

(3) An inability to cope with stress from both internal and external sources leads to significantly higher incidents of domestic violence, child abuse, absenteeism, medical costs, learning and social deficiencies, and divorce.

(4) Relationship skills can be learned.

(5) Once learned, relationship skills can facilitate communication between parties to a marriage and assist couples in avoiding conflict.

(6) Once relationship skills are learned, they are generalized to parenting, the workplace, schools, neighborhoods, and civic relationships.

(7) By reducing conflict and increasing communication, stressors can be diminished and coping can be furthered.

(8) When effective coping exists, domestic violence, child abuse, divorce and its effect on children such as absenteeism, medical costs, and learning and social deficiencies, are diminished.

(9) The state has a compelling interest in educating its citizens with regard to marriage and, if contemplated, the effects of divorce.

Section 182. Paragraph (i) of subsection (1) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(i) One-half credit in life management skills to include consumer education, positive emotional development, *marriage and relationship skill-based education,* nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholar's Certificate Program requirements as specified in a district's pupil progression plan.

Section 183. Subsection (5) is added to section 741.01, Florida Statutes, to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(5) The fee charged for each marriage license issued in the state shall be reduced by a sum of $32.50 for all couples who present valid certificates of completion of a premarital preparation course from a qualified course provider registered under s. 741.0305(5) for a course taken no more than 1 year prior to the date of application for a marriage license. For each license issued that is subject to the fee reduction of this subsection, the clerk is not required to transfer the sum of $7.50 to the State Treasury for deposit in the Displaced Homemaker Trust Fund pursuant to subsection (3) or to transfer the sum of $25 to the Supreme Court for deposit in the Family Courts Trust Fund.

Section 184. Section 741.0305, Florida Statutes, is created to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(1) A man and a woman who intend to apply for a marriage license under s. 741.04 may, together or separately, complete a premarital preparation course of not less than 4 hours. All individuals shall verify completion of the course by filing with the application a valid certificate of completion from the course provider for each applicant which certificate shall specify whether the course was completed by personal instruction, videotape instruction, instruction via other electronic medium, or a combination of those methods. All individuals who complete a premarital preparation course pursuant to this section must be issued a certificate of completion at the conclusion of the course by their course provider. Upon furnishing such certificate when applying for a marriage license, the individuals shall have their marriage license fee reduced by $32.50.

(2) The premarital preparation course must include instruction regarding:

(a) Conflict management.

(b) Communication skills.

(c) Financial responsibilities.

(d) Children and parenting responsibilities.

(e) Data compiled from available information relating to problems reported by married couples who seek marital or individual counseling.

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.

2. A clinical social worker licensed under chapter 491.

3. A marriage and family therapist licensed under chapter 491.

4. A mental health counselor licensed under chapter 491.

5. An official representative of a religious institution which is recognized under s. 496.404(20) if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

(b) The costs of such premarital preparation course shall be paid by the applicant.

(4) Each premarital preparation course provider shall furnish each participant who completes the course with a certificate of completion specifying the name of the participant and the date of completion and whether the course was conducted by personal instruction, videotape instruction, or instruction via other electronic medium, or by a combination of these methods.

(5) All area course providers shall register with the clerk of the circuit court by filing an affidavit in writing attesting to the provider's compliance with the premarital preparation course requirements as set forth in this section and including the course instructor's name and qualifications, including the license number, if any, or, if an official representative of a religious institution, a statement as to relevant training. The affidavit shall also include the addresses where the provider may be contacted.

Section 185. *(1) Premarital preparation courses offered and completed by individuals across the state shall be reviewed by researchers from the Florida State University Center for Marriage and Family in order to determine the efficacy of such premarital preparation courses.*

(2) Premarital preparation pilot programs may be created by the Florida State University Center for Marriage and Family which will be administered by course providers or by qualified instructors as provided in section 741.0305(3), Florida Statutes. These pilot programs shall offer a premarital preparation course based on statistical information and data obtained by researchers from the Florida State University Center for Marriage and Family.

(3) The Florida State University Center for Marriage and Family shall develop a questionnaire and create a curriculum based on data collected by its researchers. Any curriculum developed by The Florida State University Center for Marriage and Family researchers, shall be the sole property of the Center.

Section 186. Section 741.0306, Florida Statutes, is created to read:

741.0306 Creation of a family law handbook.—

(1) Based upon their willingness to undertake this project, there shall be created by the Family Law Section of The Florida Bar a handbook explaining those sections of Florida law pertaining to the rights and responsibilities under Florida law of marital partners to each other and to their children both during a marriage and upon dissolution. The material in the handbook or other suitable electronic media shall be reviewed for accuracy by the Family Court Steering Committee of the Florida Supreme Court prior to publication and distribution.

(2) Such handbooks shall be available from the clerk of the circuit court upon application for a marriage license. The clerks may also make the information in the handbook available on videotape or other electronic media and are encouraged to provide a list of course providers and sites at which marriage and relationship skill building classes are available.

(3) The information contained in the handbook or other electronic media presentation may be reviewed and updated annually, and may include, but not be limited to:

(a) Pre-nuptial agreements; as a contract and as an opportunity to structure financial arrangements and other aspects of the marital relationship;

(b) Shared parental responsibility for children; the determination of primary residence or custody and secondary residence or routine visitation, holiday, summer and vacation visitation arrangements, telephone access, and the process for notice for changes;

(c) Permanent relocation restrictions on parents with primary residential responsibility;

(d) Child support for minor children; both parents are obligated for support in accordance with applicable child support guidelines;

(e) Property rights, including equitable distribution, special equity, pre-marital property, and non-marital property;

(f) Alimony, including temporary, permanent rehabilitative, and lump sum;

(g) Domestic violence and child abuse and neglect, including penalties and other ramifications of false reporting;

(h) Court process for dissolution with or without legal assistance, including who may attend, the recording of proceedings, how to access those records, and the cost of such access;

(i) Parent education course requirements for divorcing parents with children;

(j) Community resources that are available for separating or divorcing persons and their children; and

(k) Women's rights specified in the Battered Women's Bill of Rights.

(4) The material contained in such a handbook may also be provided through video tape or other suitable electronic media. The information contained in the handbook or other electronic media presentation shall be reviewed and updated annually.

Section 187. Section 741.04, Florida Statutes, is amended to read:

741.04 Marriage license issued.—

(1) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her an affidavit in writing, signed by both parties to the marriage, providing the social security numbers of each party, made and subscribed before some person authorized by law to administer an oath, reciting the true and correct ages of such parties; unless both such parties shall be over the age of 18 years, except as provided in s. 741.0405; and unless one party is a male and the other party is a female. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(2) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her:

(a) A statement in writing, signed by both parties which specifies whether the parties, separately or together, have completed a premarital preparation course.

(b) A statement that verifies that both parties have obtained and read or otherwise accessed the information contained in the handbook or other electronic media presentation of the rights and responsibilities of parties to a marriage specified in s. 741.0306.

(3) If a couple has not submitted to the clerk valid certificates of completion of a premarital preparation course, the couple will be required to wait 3 days before they may obtain a marriage license. If a couple has submitted valid certificates of completion of a premarital preparation course, they will not be required to wait 3 days before issuance of a marriage license. A county court judge issuing a marriage license may waive the 3-day waiting period for good cause.

Section 188. *When applying for a marriage license, an applicant may complete and file with the clerk of the circuit court an unsigned anonymous informational questionnaire which shall be provided by the clerk. The clerk shall, for purposes of anonymity, keep all such questionnaires in a separate file for later distribution by the clerk to researchers from The Florida State University Center for Marriage and Family. These questionnaires must be made available to researchers from the center at their request. Researchers from the center shall develop the questionnaire and distribute them to the clerk of the circuit court in each county.*

Section 189. Section 741.05, Florida Statutes, is amended to read:

741.05 Penalty for violation of ss. 741.03, 741.04*(1)*.—Any county court judge, clerk of the circuit court, or other person who shall violate any provision of ss. 741.03 and 741.04*(1)* shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 190. Section 61.043, Florida Statutes, is amended to read:

61.043 Commencement of a proceeding for dissolution of marriage or for alimony and child support.—

(1) A proceeding for dissolution of marriage or a proceeding under s. 61.09 shall be commenced by filing in the circuit court a petition entitled "In re the marriage of . . . . , husband, and . . . . , wife." A copy of the petition together with a copy of a summons shall be served upon the other party to the marriage in the same manner as service of papers in civil actions generally.

(2) Upon filing for dissolution of marriage, the petitioner must complete and file with the clerk of the circuit court an unsigned anonymous informational questionnaire. For purposes of anonymity, completed questionnaires must be kept in a separate file for later distribution by the clerk to researchers from The Florida State University Center for Marriage and Family. These questionnaires must be made available to researchers from The Florida State University Center for Marriage and Family at their request. The actual questionnaire shall be formulated by researchers from Florida State University who shall distribute them to the clerk of the circuit court in each county.

Section 191. Subsection (2) of section 61.052, Florida Statutes, is amended to read:

61.052 Dissolution of marriage.—

(2) Based on the evidence at the hearing, which evidence need not be corroborated except to establish that the residence requirements of s. 61.021 are met which may be corroborated by a valid Florida driver's license, a Florida voter's registration card, *a valid Florida identification card issued under ss. 322.051,* or the testimony or affidavit of a third party, the court shall dispose of the petition for dissolution of marriage when the petition is based on the allegation that the marriage is irretrievably broken as follows:

(a) If there is no minor child of the marriage and if the responding party does not, by answer to the petition for dissolution, deny that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage if the court finds that the marriage is irretrievably broken.

(b) When there is a minor child of the marriage, or when the responding party denies by answer to the petition for dissolution that the marriage is irretrievably broken, the court may:

1. Order either or both parties to consult with a marriage counselor, psychologist, psychiatrist, minister, priest, rabbi, or any other person deemed qualified by the court and acceptable to the party or parties ordered to seek consultation; or

2. Continue the proceedings for a reasonable length of time not to exceed 3 months, to enable the parties themselves to effect a reconciliation; or

3. Take such other action as may be in the best interest of the parties and the minor child of the marriage.

If, at any time, the court finds that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage. If the court finds that the marriage is not irretrievably broken, it shall deny the petition for dissolution of marriage.

Section 192. Section 61.21, Florida Statutes, is amended to read:

61.21 Parenting course authorized; fees; required attendance authorized; contempt.—

(1) LEGISLATIVE FINDINGS; PURPOSE.—It is the finding of the Legislature that:

(a) A large number of children experience the separation or divorce of their parents each year. Parental conflict related to divorce is a societal concern because children suffer potential short-term and long-term detrimental economic, emotional, and educational effects during this difficult period of family transition. This is particularly true when parents engage in lengthy legal conflict.

(b) Parents are more likely to consider the best interests of their children when determining parental arrangements if courts provide families with information regarding the process by which courts make decisions on issues affecting their children and suggestions as to how parents may ease the coming adjustments in family structure for their children.

(c) It has been found to be beneficial to parents who are separating or divorcing to have available an educational program that will provide general information regarding:

1. The issues and legal procedures for resolving custody and child support disputes.

2. The emotional experiences and problems of divorcing adults.

3. The family problems and the emotional concerns and needs of the children.

4. The availability of community services and resources.

(d) Parents who are separating or divorcing are more likely to receive maximum benefit from a program if they attend such program at the earliest stages of their dispute, before extensive litigation occurs and adversarial positions are assumed or intensified.

(2)~~(1)~~ All judicial circuits in the state *shall* ~~may~~ approve a parenting course which shall be a course of a minimum of 4 hours designed to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children.

(a) The parenting course referred to in this section shall be named The Parent Education and Family Stabilization Course and may include, but not be limited to, the following topics as they relate to court actions between parents involving custody, care, visitation, and support of a child or children:

1. Legal aspects of deciding child-related issues between parents.

2. Emotional aspects of separation and divorce on adults.

3. Emotional aspects of separation and divorce on children.

4. Family relationships and family dynamics.

5. Financial responsibilities to a child or children.

6. Issues regarding spousal or child abuse and neglect.

7. Skill-based relationship education that may be generalized to parenting, workplace, school, neighborhood, and civic relationships.

(b) Information regarding spousal and child abuse and neglect shall be included in every parent education and family stabilization course. A list of local agencies that provide assistance with such issues shall also be provided.

(c) The parent education and family stabilization course shall be educational in nature and shall not be designed to provide individual mental health therapy for parents or children, or individual legal advice to parents or children.

(d) Course providers shall not solicit participants from the sessions they conduct to become private clients or patients.

(e) Course providers shall not give individual legal advice or mental health therapy.

(3)~~(2)~~ All parties to a dissolution of marriage proceeding with minor children *or a paternity action which involves issues of parental responsibility shall* ~~or a modification of a final judgment action involving shared parental responsibilities, custody, or visitation may~~ be required to complete *The Parent Education and Family Stabilization* ~~a court-approved parenting~~ Course prior to the entry by the court of a final judgment ~~or~~

~~order modifying the final judgment~~. *The court may excuse a party from attending the parenting course for good cause.*

(4)~~(3)~~ All parties required to complete a parenting course *under this section shall begin the course as expeditiously as possible after filing for dissolution of marriage and* shall file proof of compliance with the court prior to the entry of the final judgment ~~or order modifying the final judgment~~.

(5) All parties to a modification of a final judgment involving shared parental responsibilities, custody, or visitation may be required to complete a court-approved parenting course prior to the entry of an order modifying the final judgment.

(6) Each judicial circuit may establish a registry of course providers and sites at which the parent education and family stabilization course required by this section may be completed. The court shall also include within the registry of course providers and sites at least one site in each circuit at which the parent education and family stabilization course may be completed on a sliding fee scale, if available.

(7)~~(4)~~ A reasonable fee may be charged to each parent attending the course.

(8)~~(5)~~ Information obtained or statements made by the parties at any educational session required under this statute shall not be considered in the adjudication of a pending or subsequent action, nor shall any report resulting from such educational session become part of the record of the case unless the parties have stipulated in writing to the contrary.

(9)~~(6)~~ The court may hold any parent who fails to attend a required parenting course in contempt or that parent may be denied shared parental responsibility or visitation or otherwise sanctioned as the court deems appropriate.

(10)~~(7)~~ Nothing in this section shall be construed to require the parties to a dissolution of marriage to attend a court-approved parenting course together.

(11) The court may, without motion of either party, prohibit the parenting course from being taken together, if there is a history of domestic violence between the parties.

Section 193. Paragraph (d) is added to subsection (1) of section 28.101, Florida Statutes, to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(d) A charge of $32.50. On a monthly basis the clerk shall transfer the moneys collected pursuant to this paragraph as follows:

1. An amount of $7.50 to the State Treasury for deposit in the Displaced Homemaker Trust Fund.

2. An amount of $25 to the Supreme Court for deposit in the Family Courts Trust Fund.

Section 194. Section 25.388, Florida Statutes, is amended to read:

25.388 Family Courts Trust Fund.—

(1)(a) The trust fund moneys in the Family Courts Trust Fund, administered by the Supreme Court, shall be used to implement family court plans in all judicial circuits of this state.

(b) The Supreme Court, through the Office of the State Courts Administrator, shall adopt a comprehensive plan for the operation of the trust fund and the expenditure of any moneys deposited into the trust fund. The plan shall provide for a comprehensive integrated response to families in litigation, including domestic violence matters, guardian ad litem programs, mediation programs, legal support, training, automation, and other related costs incurred to benefit the citizens of the state and the courts in relation to family law cases. *The trust fund shall be used to fund the publication of the handbook created pursuant to s. 741.0306.*

(2) As part of its comprehensive plan, the Supreme Court shall evaluate the necessity for an installment plan or a waiver for any or all of the fees based on financial necessity and report such findings to the Legislature.

(3) The trust fund shall be funded with moneys generated from fees assessed pursuant to *ss. 28.101 and* ~~s.~~ 741.01(4).

Section 195. *There is hereby appropriated in fiscal year 1998-1999 the sum of $75,000 from the General Revenue Fund to the Florida State University Center for Marriage and Family for review of premarital preparation courses, development of premarital preparation pilot programs, and development of a questionnaire and creation of a curriculum based on data collected by its researchers.*

Section 196. Section 180 through 195 and this section of this act, shall take effect January 1, 1999.

Section 197. Except as otherwise provided in this act,

And the title is amended as follows:

On page 360, line 11, after the semicolon (;) insert: An act relating to families and children; reorganizing and revising ch. 39, F.S.; providing for part I of that chapter, entitled "General Provisions"; amending s. 39.001, F.S.; revising purposes and intent; providing for personnel standards and screening and for drug testing; renumbering and amending s. 415.5015, F.S., relating to child abuse prevention training in the district school system; amending s. 39.01, F.S.; revising definitions; renumbering and amending s. 39.455, F.S., relating to immunity from liability for agents of the Department of Children and Family Services or a social service agency; amending s. 39.012, F.S., and creating s. 39.0121, F.S.; providing authority and requirements for department rules; renumbering and amending s. 39.40, F.S., relating to procedures and jurisdiction; providing for right to counsel; renumbering s. 39.4057, F.S., relating to permanent mailing address designation; renumbering and amending s. 39.411, F.S., relating to oaths, records, and confidential information; renumbering s. 39.414, F.S., relating to court and witness fees; renumbering and amending s. 39.415, F.S., relating to providing for compensation of appointed counsel; renumbering and amending s. 39.418, F.S., relating to the Operations and Maintenance Trust Fund; providing for part II of ch. 39, F.S., entitled "Reporting Child Abuse"; renumbering and amending s. 415.504, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; renumbering and amending s. 415.511, F.S., relating to immunity from liability in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.512, F.S., relating to abrogation of privileged communications in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; renumbering and amending s. 415.5131, F.S.; increasing an administrative fine for false reporting; providing for part III of ch. 39, F.S., entitled "Protective Investigations"; creating s. 39.301, F.S.; providing for child protective investigations; creating s. 39.302, F.S.; providing for protective investigations of institutional child abuse, abandonment, or neglect; renumbering and amending s. 415.5055, F.S., relating to child protection teams and services and eligible cases; creating s. 39.3035, F.S.; providing standards for child advocacy centers eligible for state funding; renumbering and amending s. 415.507, F.S., relating to photographs, medical examinations, X rays, and medical treatment of an abused, abandoned, or neglected child; renumbering and amending s. 415.5095, F.S., relating to a model plan for intervention and treatment in sexual abuse cases; creating s. 39.306, F.S.; providing for working agreements with local law enforcement to perform criminal investigations; renumbering and amending s. 415.50171, F.S., relating to reports of child-on-child sexual abuse; providing for part IV of ch. 39, F.S., entitled "Family Builders Program"; renumbering and amending s. 415.515, F.S., relating to establishment of the program; renumbering

and amending s. 415.516, F.S., relating to goals of the program; renumbering and amending s. 415.517, F.S., relating to contracts for services; renumbering and amending s. 415.518, F.S., relating to family eligibility; renumbering s. 415.519, F.S., relating to delivery of services; renumbering and amending s. 415.520, F.S., relating to qualifications of program workers; renumbering s. 415.521, F.S., relating to outcome evaluation; renumbering and amending s. 415.522, F.S., relating to funding; providing for part V of ch. 39, F.S., entitled "Taking Children into Custody and Shelter Hearings"; creating s. 39.395, F.S.; providing for medical or hospital personnel taking a child into protective custody; amending s. 39.401, F.S.; providing for law enforcement officers or authorized agents of the department taking a child alleged to be dependent into custody; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.407, F.S., relating to physical and mental examination and treatment of a child and physical or mental examination of a person requesting custody; renumbering and amending s. 39.4033, F.S., relating to referral of a dependency case to mediation; providing for part VI of ch. 39, F.S., entitled "Petition, Arraignment, Adjudication, and Disposition"; renumbering and amending s. 39.404, F.S., relating to petition for dependency; renumbering and amending s. 39.405, F.S., relating to notice, process, and service; renumbering and amending s. 39.4051, F.S., relating to procedures when the identity or location of the parent, legal custodian, or caregiver is unknown; renumbering and amending s. 39.4055, F.S., relating to injunction pending disposition of a petition for detention or dependency; renumbering and amending s. 39.406, F.S., relating to answers to petitions or other pleadings; renumbering and amending s. 39.408, F.S., relating to arraignment hearings; renumbering and amending s. 39.409, F.S., relating to adjudicatory hearings and orders; renumbering and amending s. 39.41, F.S., relating to disposition hearings and powers of disposition; creating s. 39.5085, F.S.; establishing the Relative-Caregiver Program; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; renumbering and amending s. 39.4105, F.S., relating to grandparents' rights; renumbering and amending s. 39.413, F.S., relating to appeals; providing for part VII of ch. 39, F.S., entitled "Case Plans"; renumbering and amending s. 39.4031, F.S., relating to case plan requirements and case planning for children in out-of-home care; renumbering and amending s. 39.452, F.S., relating to case planning for children in out-of-home care when the parents, legal custodians, or caregivers do not participate; creating s. 39.603, F.S.; providing for court approvals of case planning; providing for part VIII of ch. 39, F.S., entitled "Judicial Reviews"; renumbering and amending s. 39.453, F.S., relating to judicial review of the status of a child; renumbering and amending s. 39.4531, F.S., relating to citizen review panels; renumbering and amending s. 39.454, F.S., relating to initiation of proceedings for termination of parental rights; renumbering and amending s. 39.456, F.S.; revising exemptions from judicial review; providing for part IX of ch. 39, F.S., entitled "Termination of Parental Rights"; renumbering and amending s. 39.46, F.S., relating to procedures, jurisdiction, and service of process; renumbering and amending s. 39.461, F.S., relating to petition for termination of parental rights, and filing and elements thereof; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions and pleadings for which no answer is required; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to post-disposition relief; creating s. 39.813, F.S.; providing for continuing jurisdiction of the court that terminates parental rights over all matters pertaining to the child's adoption; renumbering s. 39.471, F.S., relating to oaths, records, and confidential information; renumbering and amending s. 39.473, F.S., relating to appeal; creating s. 39.816, F.S.; authorizing certain pilot and demonstration projects contingent on receipt of federal grants or contracts; creating s. 39.817, F.S.; providing for a foster care demonstration pilot project; providing for part X of ch. 39, F.S., entitled "Guardians Ad Litem and Guardian Advocates"; creating s. 39.820, F.S.; providing definitions; renumbering s. 415.5077, F.S., relating to qualifications of guardians ad litem; renumbering and amending s. 415.508, F.S., relating to appointment of a guardian ad litem for an abused, abandoned, or neglected child; renumbering and amending s. 415.5082, F.S., relating to guardian advocates for drug dependent newborns; renumbering and amending s. 415.5083, F.S., relating to procedures and jurisdiction; renumbering s. 415.5084, F.S., relating to petition for appointment of a guardian advocate; renumbering s. 415.5085, F.S., relating to process and service; renumbering and amending s. 415.5086, F.S., relating to hearing for appointment of a guardian advocate; renumbering and amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate; renumbering s. 415.5088, F.S., relating to powers and duties of the guardian advocate; renumbering and amending s. 415.5089, F.S., relating to review and removal of a guardian advocate; providing for part XI of ch. 39, F.S., entitled "Domestic Violence"; renumbering s. 415.601, F.S., relating to legislative intent regarding treatment and rehabilitation of victims and perpetrators; renumbering and amending s. 415.602, F.S., relating to definitions; renumbering and amending s. 415.603, F.S., relating to duties and functions of the department; renumbering and amending s. 415.604, F.S., relating to an annual report to the Legislature; renumbering and amending s. 415.605, F.S., relating to domestic violence centers; renumbering s. 415.606, F.S., relating to referral to such centers and notice of rights; renumbering s. 415.608, F.S., relating to confidentiality of information received by the department or a center; amending s. 20.19, F.S.; providing for certification programs for family safety and preservation employees of the department; providing for rules; amending ss. 20.43, 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036, 154.067, 216.136, 232.50, 318.21, 384.29, 392.65, 393.063, 395.1023, 400.4174, 400.556, 402.165, 402.166, 409.1672, 409.176, 409.2554, 409.912, 409.9126, 414.065, 447.401, 464.018, 490.014, 491.014, 741.30, 744.309, 784.075, 933.18, 944.401, 944.705, 984.03, 984.10, 984.15, 984.24, 985.03, 985.303, F.S.; correcting cross-references; conforming related provisions and references; amending ss. 213.053 and 409.2577, F.S.; authorizing disclosure of certain confidential taxpayer and parent locator information for diligent search activities under ch. 39, F.S.; creating s. 435.045, F.S.; providing background screening requirements for prospective foster or adoptive parents; amending s. 943.045, F.S.; providing that the Department of Children and Family Services is a "criminal justice agency" for purposes of the criminal justice information system; repealing s. 39.002, F.S., relating to intent; repealing s. 39.0195, F.S., relating to sheltering unmarried minors and aiding unmarried runaways; repealing s. 39.0196, F.S., relating to children locked out of the home; repealing ss. 39.39, 39.449, and 39.459, F.S., relating to definition of "department"; repealing s. 39.403, F.S., relating to protective investigation; repealing s. 39.4032, F.S., relating to multidisciplinary case staffing; repealing s. 39.4052, F.S., relating to affirmative duty of written notice to adult relatives; repealing s. 39.4053, F.S., relating to diligent search after taking a child into custody; repealing s. 39.408(3), (4), F.S., relating to disposition hearings and notice of hearings; repealing s. 39.45, F.S., relating to legislative intent regarding foster care; repealing s. 39.451, F.S., relating to case planning; repealing s. 39.457, F.S., relating to a pilot program in Leon County to provide additional benefits to children in foster care; repealing s. 39.4611, F.S., relating to elements of petitions; repealing s. 39.462, F.S., relating to process and services; repealing s. 39.4625, F.S., relating to identity or location of parent unknown after filing of petition for termination of parental rights; repealing s. 39.472, F.S., relating to court and witness fees; repealing s. 39.474, F.S., relating to compensation of counsel; repealing s. 39.475, F.S., relating to rights of grandparents; repealing s. 415.501, F.S., relating to the state plan for prevention of abuse and neglect; repealing ss. 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, and 415.5019, F.S., relating to purpose and legislative intent, definitions, procedures, confidentiality of records, district authority and responsibilities, outcome evaluation, and rules for the family services response system; repealing s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused or neglected children; repealing s. 415.503, F.S., relating to definitions; repealing s. 415.505, F.S., relating to child protective investigations and investigations of institutional child abuse or neglect; repealing s. 415.506, F.S., relating to taking a child into protective custody; repealing s. 415.5075, F.S., relating to rules for medical screening and treatment of children; repealing s. 415.509, F.S., relating to public agencies' responsibilities for prevention, identification, and treatment of child abuse and neglect; repealing s. 415.514, F.S., relating to rules for protective services; providing appropriations; creating the "Marriage Preparation and Preservation Act"; providing legislative findings; amending s. 232.246, F.S.; prescribing a high school graduation requirement; amending s. 741.01, F.S.; providing for a reduction of the

marriage license fee under certain circumstances; creating a waiting period before a marriage license is issued; creating s. 741.0305, F.S.; providing for a premarital preparation course; providing for modification of marriage license fees; specifying course providers; providing course contents; providing for a review of such courses; providing for compilation of information and report of findings; providing for pilot programs; creating s. 741.0306, F.S.; providing for creation of a marriage law handbook created by the Family Law Section of The Florida Bar; providing for information that may be included in the handbook; amending s. 741.04, F.S.; prohibiting issuance of a marriage license until petitioners verify certain facts and complete a questionnaire; providing for a waiting period; providing for a waiver of the waiting period; amending s. 741.05, F.S.; conforming provisions; amending s. 61.043, F.S.; providing for completion of an informational questionnaire upon filing for dissolution of marriage; amending s. 61.052, F.S.; specifying documents that may be used to corroborate residency requirements; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; providing legislative findings and purpose; requiring judicial circuits to approve a parenting course; requiring parties to a dissolution proceeding with a minor child to attend a court-approved parenting family course; providing procedures and guidelines and course objectives; requiring parties to file proof of compliance with the court; authorizing the court to require parties to a modification of a final judgment of dissolution to take the course under certain circumstances; amending s. 28.101, F.S.; providing a fee for filing for dissolution of marriage; amending s. 25.388, F.S.; providing funding for the marriage law handbook; providing an appropriation; providing effective dates.

WHEREAS, the Florida Legislature endorses and encourages marriage as a means of promoting stability and continuity in society, and

WHEREAS, children of divorced parents can suffer long-lasting adverse consequences from the break-up of their parents' relationship and the existing family law system, and

WHEREAS, recent annual statistics show that for every two marriages in Florida, one ends in divorce, and

WHEREAS, the state has a compelling interest in promoting those relationships which inure to the benefit of Florida's children, and

WHEREAS, the state has a compelling interest in educating its citizens with regard to the responsibilities of marriage and, if contemplated, the effects of divorce, NOW, THEREFORE,

Senator Gutman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with title amendment)—On page 346, between lines 5 and 6, insert:

Section 181. Section 464.0145, Florida Statutes, is created to read:

464.0145 Licensure of foreign-trained or foreign-licensed nurses.—

(1) The Legislature is aware of experienced, foreign-trained and foreign-licensed practical and professional nurses who lawfully reside in this state and who desire to become licensed to practice their profession. It is the goal of the Legislature to facilitate the licensing of foreign-trained, duly-qualified professionals so that the public receives the benefit of their services.

(2) Notwithstanding s. 464.009(1) and (2), the department shall issue a license to practice professional nursing or practical nursing to an applicant who:

(a) Completes the application form and submits a fee set by the board, not to exceed $150.

(b) Demonstrates to the department through submission of documentation, or other evidence acceptable to the department, that the applicant:

1. Graduated from a foreign school of nursing; or

2. Was licensed to practice professional nursing or practical nursing in another country.

(c) Successfully completes a nursing-review program approved by the department and passes the examination administered by the school, college, or university that offers the nursing-review program.

(d) Demonstrates proficiency in English.

(e) Provides sufficient information to the department for purposes of a statewide criminal-records check conducted by the Department of Law Enforcement.

(f) Is in good mental and physical health and is of good moral character.

(3) By December 31, 1998, the department shall develop a nursing-review program that complies with the intent and purpose of chapter 74-105, Laws of Florida.

(4) If an applicant is unable to provide official documentation that verifies training or licensure in another country and provides a compelling reason why official documentation cannot be obtained, or if there is limited or no information on nursing education in the country of licensure, the applicant may prove training or licensure by presenting, in writing, substantial, detailed information on the educational program that the applicant attended or by providing at least three notarized statements from nurses currently licensed in this state who have personal knowledge of the applicant having graduated from a nursing program or having been licensed as a nurse in the foreign country.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 360, line 11, after the semicolon (;) insert: creating s. 464.0145, F.S.; providing for the licensure of foreign-trained or foreign-licensed nurses;

Senator Forman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (with title amendment)—On page 346, between lines 5 and 6, insert:

Section 180. Subsections (1) and (2) of section 744.369, Florida Statutes, are amended to read:

744.369 Judicial review of guardianship reports.—

(1) The court shall review the initial guardianship report within 60 days after the filing of the clerk's report of findings to the court. The court shall review the annual guardianship report within *30* ~~15~~ days after the filing of the clerk's report of findings to the court.

(2) The court may appoint general or special masters to assist the court in its review function. *The court may require the general or special master to conduct random field audits.*

Section 181. Section 744.702, Florida Statutes, is amended to read:

744.702 Legislative intent.—The Legislature finds that private guardianship is inadequate where there is no willing and responsible family member or friend, other person, bank, or corporation available to serve as guardian for an incapacitated person, and such person does not have adequate income or wealth for the compensation of a private guardian. The Legislature intends through this act to establish the *Statewide Public Guardianship Office, and permit the establishment of offices* ~~office~~ of public guardian for the purpose of providing guardianship services for incapacitated persons when no private guardian is available. The Legislature further finds that alternatives to guardianship and less intrusive means of assistance should always be explored, *including, but not limited to, guardian advocates,* before an individual's rights are removed through an adjudication of incapacity. The purpose of this legislation is to provide a public guardian only to those persons whose needs cannot be met through less drastic means of intervention. *The Statewide Public Guardianship Office may have the assistance of the Inspector General of the Department of Elderly Affairs in providing auditing services, and the Office of General Counsel of the department shall provide assistance in rulemaking and other matters as needed to assist the Statewide Public Guardianship Office. The executive director of the Statewide Public Guardianship Office shall establish a curriculum committee to develop the training program specified in this part. The curriculum committee shall include, but not be limited to, probate judges.*

Section 182. Section 744.7021, Florida Statutes, is created to read:

744.7021 Statewide Public Guardianship Office.—There is hereby created the Statewide Public Guardianship Office within the Department of Elderly Affairs. The Department of Elderly Affairs shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The Statewide Public Guardianship Office shall not be subject to control, supervision, or direction by the Department of Elderly Affairs in the performance of its duties.

(1) The head of the Statewide Public Guardianship Office is the executive director who shall be appointed by the Governor. The executive director must be a licensed attorney with a background in guardianship law and knowledge of social services available to meet the needs of incapacitated persons, shall serve on a full-time basis, and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Public Guardianship Office in accordance with state and federal law. The executive director shall serve at the pleasure of and report to the Governor.

(2) The Statewide Public Guardianship Office shall within available resources have oversight responsibilities for all public guardians.

(a) The office shall review the current public guardian programs in Florida and other states.

(b) The office, in consultation with local guardianship offices, shall develop statewide performance measures and standards.

(c) The office shall review the various methods of funding guardianship programs, the kinds of services being provided by such programs, and the demographics of the wards. In addition, the office shall review and make recommendations regarding the feasibility of recovering a portion or all of the costs of providing public guardianship services from the assets or income of the wards.

(d) No later than October 1, 1999, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2000, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed public guardianship plan including alternatives for meeting the state's guardianship needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. Each year thereafter, the office shall provide a status report and provide further recommendations to address the need for public guardianship services and related issues.

(e) The office may provide assistance to local governments or entities in pursuing grant opportunities. The office shall review and make recommendations in the annual report on the availability and efficacy of seeking Medicaid matching funds. The office shall diligently seek ways to use existing programs and services to meet the needs of public wards.

(f) The office shall develop a guardianship training program. The training program may be offered to all guardians whether public or private. A fee may be charged to private guardians in order to defray the cost of providing the training.

(3) The office may conduct or contract for demonstration projects, within funds appropriated or through gifts, grants, or contributions for such purposes, to determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights of indigent persons of marginal or diminished capacity due to the infirmities of aging as manifested by Alzheimer's disease or related memory disorders, organic brain damage, or other physical, mental, or emotional dysfunctioning. The demonstration projects should endeavor to address emergency needs of affected persons prior to judicial intervention, to utilize alternatives to guardianship, when possible, and to develop innovative linkages between existing programs and services including those funded through the Department of Elderly Affairs Alzheimer's Disease Initiative and related services, the adult protective services program, and local law enforcement.

(4) The office may promulgate rules pursuant to the requirements of chapter 120 to carry out the provisions of this section.

Section 183. Section 744.703, Florida Statutes, is amended to read:

744.703 Office of public guardian; appointment, notification.—

(1) *The executive director of the Statewide Public Guardianship Office* ~~The chief judge of the judicial circuit~~, after consultation with the *chief judge and other* circuit judges within the judicial circuit and with appropriate advocacy groups and individuals and organizations who are knowledgeable about the needs of incapacitated persons, may establish, within a county in the judicial circuit or within the judicial circuit, an office of public guardian and create a list of persons best qualified to serve as the public guardian. The public guardian must have knowledge of the legal process and knowledge of social services available to meet the needs of incapacitated persons. A nonprofit corporation under s. 744.309(5) may be appointed public guardian only if:

(a) It has been granted tax-exempt status from the United States Internal Revenue Service; and

(b) It maintains a staff of professionally qualified individuals to carry out the guardianship functions, including a staff attorney who has experience in probate areas and another person who has a master's degree in social work, or a gerontologist, psychologist, registered nurse, or nurse practitioner.

(2) The *executive director* ~~chief judge~~ shall appoint the public guardian *from the list of candidates described in subsection (1).* A public guardian must meet the qualifications for a guardian as prescribed in s. 744.309(1)(a). Upon appointment of the public guardian, the *executive director* ~~chief judge~~ shall notify the *chief judge of the judicial circuit and the* Chief Justice of the Supreme Court of Florida, in writing, of the appointment.

(3) If the needs of the *county or* circuit do not require a full-time public guardian, a part-time public guardian may be appointed at reduced compensation.

(4) A public guardian, whether full-time or part-time, may not hold any position that would create a conflict of interest.

(5) The public guardian is to be appointed for a term of 4 years, after which her or his appointment must be reviewed by the *executive director* ~~chief judge of the circuit~~, and may be reappointed *for a term of up to 4 years. A public guardian may be suspended upon the request of the chief judge. If a public guardian is suspended, the executive director shall appoint an acting public guardian as soon as possible to serve until such time as the public guardian is reinstated or a permanent replacement is selected. A public guardian may be removed from office during the term of office only by the executive director who must consult with the chief judge prior to said removal. A recommendation of removal made by the chief judge must be considered by the executive director.* ~~Removal of the public guardian from office during the term of office must be by the chief judge. This section does not limit the application of ss. 744.474 and 744.477.~~

(6) Public guardians appointed by a chief judge pursuant to this section may continue in their positions until the expiration of the term pursuant to their agreement with the chief judge. However, oversight of all public guardians shall transfer to the Statewide Public Guardianship Office upon the effective date of this act. The executive director of the Statewide Public Guardianship Office shall be responsible for all future appointments of public guardians pursuant to this act.

Section 184. Section 744.706, Florida Statutes, is amended to read:

744.706 Preparation of budget.—Each public guardian shall prepare a budget for the operation of the office of public guardian to be submitted to the *Statewide Public Guardianship Office* ~~chief judge of the judicial circuit~~ for inclusion in the *Department of Elderly Affairs'* ~~circuit courts'~~ legislative budget request. The office of public guardian shall be operated within the limitations of the General Appropriations Act and any other funds appropriated by the Legislature to that particular judicial circuit, subject to the provisions of chapter 216. *The Department of Elderly Affairs shall make a separate and distinct request for an appropriation for the Statewide Public Guardianship Office.* However, this section shall not be construed to preclude the financing of any operations of the office of the public guardian by moneys raised through local effort *or through the efforts of the Statewide Public Guardianship Office. All public guardians who are funded in whole or in part by moneys raised*

through local efforts, grants, or any other source must submit a copy of their budget to the Statewide Public Guardianship Office annually.

Section 185. Section 744.707, Florida Statutes, is amended to read:

744.707 Procedures and rules.—The public guardian*, subject to the oversight of the Statewide Public Guardianship Office,* is authorized to:

(1) Formulate and adopt necessary procedures to assure the efficient conduct of the affairs of the ward and general administration of the office and staff.

(2) Contract for services necessary to discharge the duties of the office.

(3) Accept the services of volunteer persons or organizations and provide reimbursement for proper and necessary expenses.

Section 186. Subsections (3), (4), (5), (7), and (8) of section 744.708, Florida Statutes, are amended to read:

744.708 Reports and standards.—

(3) A public guardian shall file an annual report on the operations of the office of public guardian, in writing, by September 1 for the preceding fiscal year with the *Statewide Public Guardianship Office* ~~chief judge of the judicial circuit~~ who shall have responsibility for supervision of the operations of the office of public guardian.

(4) Within 6 months of his or her appointment as guardian of a ward, the public guardian shall submit to *the clerk of the court for placement in the ward's guardianship file and to the executive director of the Statewide Public Guardianship Office* ~~the chief judge of the circuit~~ a report on his or her efforts to locate a family member or friend, other person, bank, or corporation to act as guardian of the ward and a report on the ward's potential to be restored to capacity.

(5) An independent audit by a qualified certified public accountant shall be performed at least every 2 years. The audit should include an investigation into the practices of the office for managing the person and property of the wards. *A copy of the report shall be submitted to the Statewide Public Guardianship Office. In addition, the office of public guardian shall be subject to audits by the Auditor General pursuant to s. 11.45.*

(7) The ratio for professional staff to wards shall be 1 professional to 40 wards. The *Statewide Public Guardianship Office* ~~chief judge of the circuit upon application of the public guardian, or upon the court's own motion,~~ may enlarge or recede from the ratio *after consultation with the local public guardian and the chief judge of the circuit court* ~~for good cause~~*. The basis of the decision to enlarge or recede from the prescribed ratio shall be reported in the annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.*

(8) The term "professional," for purposes of this part, shall not include the public guardian *nor the executive director of the Statewide Public Guardianship Office.* The term "professional" shall be limited to those persons who exercise direct supervision of individual wards under the direction of the public guardian.

Section 187. Subsection (3) of section 744.1085, Florida Statutes, is amended to read:

744.1085 Regulation of professional guardians; application; bond required; educational requirements; audits.—

(3) Each professional guardian defined in s. 744.102(15), on October 1, 1997, must receive a minimum of 40 hours of instruction and training by October 1, 1998, or within 1 year after becoming a professional guardian, whichever occurs later. Each professional guardian must receive a minimum of 16 hours of continuing education every 2 calendar years after the year in which the initial 40-hour educational requirement is met. The instruction and education must be completed through a course approved *or offered by* the *Statewide Public Guardianship Office* ~~chief judge of the circuit court and taught by a court-approved organization~~. The expenses incurred to satisfy the educational requirements prescribed in this section may not be paid with the assets of any ward. This subsection does not apply to any attorney who is licensed to practice law in this state.

Section 188. Section 744.3135, Florida Statutes, is amended to read:

744.3135 Credit and criminal investigation.—The court may require a prospective guardian and shall require a professional guardian, to submit, at his or her own expense, to an investigation of the prospective guardian's credit history and an investigatory check by the National Crime Information Center and the Florida Crime Information Center systems by means of fingerprint checks by the Department of Law Enforcement and the Federal Bureau of Investigation. The court shall waive the credit and criminal investigation for a guardian who is the spouse or child of the ward. *The clerk of the court shall obtain fingerprint cards from the Federal Bureau of Investigation and make them available to guardians. Any guardian who is so required by this provision or by the court shall have his or her fingerprints taken and forward the proper fingerprint card along with the necessary fee to the Florida Department of Law Enforcement for processing. The prospective professional guardian shall pay to the clerk of the court a fee of $5 for handling and processing professional guardian files. The results of the fingerprint checks shall be forwarded to the clerk of court who shall maintain the results in a guardian file and shall make the results available to the court. If credit or criminal investigations are required, the court must consider the results of the investigations in appointing a guardian.*

Section 189. Subsection (1) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing charges for trial and appellate proceedings.—

(1) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a service charge of $40 in all cases in which there are not more than five defendants and an additional service charge of $2 for each defendant in excess of five. An additional service charge of $10 shall be paid by the party seeking each severance that is granted. An additional service charge of $35 shall be paid to the clerk for all proceedings of garnishment, attachment, replevin, and distress. An additional service charge of $8 shall be paid to the clerk for each civil action filed, $7 of such charge to be remitted by the clerk to the State Treasurer for deposit into the General Revenue Fund unallocated. An additional charge of $2.50 shall be paid to the clerk for each civil action brought in circuit or county court, to be deposited into the Court Education Trust Fund; the moneys collected shall be forwarded by the clerk to the Supreme Court monthly for deposit in the fund. Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law; and such excess shall be expended as provided by such ordinance or any special or local law, now or hereafter in force, to provide and maintain facilities, including a law library, for the use of the courts of the county wherein the service charges are collected; to provide and maintain equipment; or for a legal aid program in such county. In addition, the county is authorized to impose, by ordinance or by special or local law, a fee of up to *$15* ~~$10~~ for each civil action filed, for the establishment, maintenance, or supplementation of a public guardian pursuant to ss. 744.701-744.708, inclusive. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. That part of the within fixed or allowable service charges which is not by local or special law applied to the special purposes shall constitute the total service charges of the clerk of such court for all services performed by him or her in civil actions, suits, or proceedings. The sum of all service charges and fees permitted under this subsection may not exceed $200*; however, the $200 cap may be increased to $210 in order to provide for the establishment, maintenance, or supplementation of a public guardian as indicated in this subsection.*

Section 190. *There is hereby appropriated from the General Revenue fund in a lump sum to the Department of Elder Affairs the sum of $300,000 in order to carry out the purposes of this act.*

Section 191. *All powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds relating to the public guardianship program under Chapter 744, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Circuit Court budget entity within the Judicial Branch to the Department of Elder Affairs.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 360, line 11, after the semicolon (;) insert: amending s. 744.369, F.S.; extending the time to review certain reports; authorizing random field audits; amending s. 744.702, F.S.; providing legislative intent to establish the Statewide Public Guardianship Office; directing the Department of Elderly Affairs to provide certain services and support; creating s. 744.7021, F.S.; providing for the Statewide Public Guardianship Office within the Department of Elderly Affairs; providing for an executive director and oversight responsibilities; requiring submission of a guardianship plan and yearly status reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court; requiring the office to develop a training program; authorizing demonstration projects; providing for rules; amending s. 744.703, F.S.; providing for the executive director to establish offices of public guardian and to appoint public guardians; providing for transfer of oversight responsibility from the chief judge of the circuit to the office; providing for the suspension of public guardians, as specified; amending s. 744.706, F.S.; providing for the preparation of the budget of the Statewide Public Guardianship Office; amending s. 744.707, F.S.; revising language with respect to procedures and rules to include reference to the Statewide Public Guardianship Office; amending s. 744.708, F.S.; revising language with respect to reports and standards; providing reference to audits by the Auditor General; amending s. 744.1085, F.S.; revising language with respect to professional guardians to include reference to the Statewide Public Guardianship Office; amending s. 744.3135, F.S.; providing a procedure for obtaining fingerprint cards and for maintaining the results of certain investigations; amending s. 28.241, F.S.; providing for funds for public guardians; providing for an appropriation; providing for a transfer of resources between agencies;

WHEREAS, the Legislature has recognized that private guardianship is inadequate when there is no willing and responsible family member or friend, other person, bank, or corporation available to serve as guardian for an incapacitated person, and such person does not have adequate income or wealth for the compensation of a private guardian, and

WHEREAS, a few judicial circuits have been able to establish public guardianship programs to provide guardianship services to some of the state's vulnerable citizens, and additional circuits would like to have public guardians available, and

WHEREAS, many of the state's vulnerable citizens are going without this service which is necessary for the exercise of an incapacitated person's constitutional rights, and

WHEREAS, the Legislature recognizes the need for a statewide office to assist in finding ways to meet the guardianship needs of incapacitated citizens, and

WHEREAS, there is a growing problem in Florida involving functionally incapacitated persons who are unable to access needed services, and

WHEREAS, the magnitude of this compelling problem demands legislative action to protect our state's most vulnerable citizens, NOW, THEREFORE,

Amendment 1 as amended was adopted.

On motion by Senator Dudley, by two-thirds vote **CS for HB 3883** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Consideration of **SJR 82** was deferred.

On motion by Senator Bankhead, by two-thirds vote **HB 4833** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Bankhead—

HB 4833—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 20.19, 20.316, 26.012, 27.02, 27.151, 27.52, 39.01, 39.40, 39.403, 39.408, 39.41, 39.452, 39.454, 49.011, 95.11, 228.041, 230.2316, 230.23161, 230.335, 232.17, 232.19, 239.117, 240.235, 240.35, 253.025, 316.003, 316.635, 318.143, 318.21, 397.6758, 397.706, 409.145, 409.1685, 409.2564, 409.803, 415.107, 415.5015, 415.503, 415.5086, 415.51, 419.001, 743.0645, 744.309, 784.075, 790.22, 790.23, 877.22, 921.0012, 921.0022, 938.17, 943.0515, 943.0585, 943.059, 944.401, 948.51, 958.04, 958.046, 960.001, 984.03, 984.04, 984.05, 984.071, 984.10, 984.15, 984.16, 984.20, 984.21, 984.22, 984.225, 984.226, 984.23, 984.24, 985.03, 985.213, 985.214, 985.218, 985.231, and 985.306, F.S., to conform to the directive of the Legislature in section 122 of chapter 97-238, Laws of Florida, to incorporate the reorganization of the content of chapter 39, F.S., into chapters 39, 984, and 985, F.S., as provided in chapter 97-238; correcting cross-references.

—a companion measure, was substituted for **SB 1302** and read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 4833** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Jones	Rossin
Bronson	Dyer	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

THE PRESIDENT PRESIDING

SJR 82—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution to limit legislative authority with respect to taxes.

—was read the second time by title.

Senator Burt moved the following amendments which were adopted:

Amendment 1—On page 2, line 7, delete "*two-thirds*" and insert: *three-fifths*

Amendment 2—On page 4, line 6, delete "two-thirds" and insert: three-fifths

On motion by Senator Burt, by two-thirds vote **SJR 82** as amended was read the third time in full as follows:

SJR 82—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution to limit legislative authority with respect to taxes.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 1 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose and that, if approved, it shall take effect January 1, 1999:

ARTICLE VII
FINANCE AND TAXATION

SECTION 1. Taxation; appropriations; state expenses; state revenue limitation.—

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period. *However, a law enacted after January 1, 1999, may not impose, expand the base of, increase the rate of, or repeal an exemption from a tax unless the law is enacted in a separate bill for that purpose only by a three-fifths vote of the membership of each house of the legislature.*

(e) Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, "growth" means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, "state revenues" means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 1

LIMITATION ON IMPOSITION OF TAXES, INCREASES IN TAX RATES, AND REPEAL OF TAX EXEMPTIONS.—Proposing an amendment to the State Constitution, effective January 1, 1999, requiring that a law that imposes new or increased taxes or repeals exemptions from a tax be enacted in a bill for that purpose only by a three-fifths vote of the membership of each house of the Legislature.

—and **SJR 82** as amended passed by the required constitutional three-fifths vote of the membership, and was certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Rossin
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Latvala	Sullivan
Burt	Grant	Laurent	Thomas
Campbell	Gutman	Lee	Turner
Casas	Hargrett	McKay	Williams
Childers	Harris	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—3

Forman	Geller	Kurth

The Senate resumed consideration of—

HB 4439—A bill to be entitled An act relating to contracting; amending s. 468.603, F.S.; revising and providing definitions relating to electrical inspectors; amending s. 468.432, F.S.; requiring registration of community association management entities; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; revising membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; revising and providing requirements for certification as a building code administrator, plans examiner, or inspector, including provisional certification; amending s. 468.617, F.S.; revising provisions relating to local governments contracting for building code, examination, and inspection services; amending s. 468.627, F.S.; revising and eliminating fees; amending s. 468.629, F.S.; prohibiting making or attempting to make a certificateholder violate a local or state building code; prohibiting acting or practicing as a building code administrator or building official, plans examiner, or inspector without being an active certificateholder; providing penalties; amending s. 469.001, F.S.; redefining the terms "abatement" and "survey"; defining the term "project designer"; amending s. 469.002, F.S., relating to exemptions from state regulation of asbestos abatement; revising an exemption applicable to certain asbestos-related activities done by government employees; revising certain existing exemptions; amending s. 469.004, F.S.; eliminating provisions relating to prerequisites to issuance of a license and to continuing education; amending s. 469.005, F.S.; revising licensure requirements for asbestos consultants and asbestos contractors relating to required coursework; amending s. 469.006, F.S.; requiring applicants for business licensure to submit evidence of financial responsibility and an affidavit attesting to having obtained the required workers' compensation, public liability, and property damage insurance; amending s. 469.013, F.S.; revising continuing education requirements applicable to asbestos surveyors, management planners, and project monitors; repealing s. 469.015, F.S., relating to seals; amending ss. 255.551, 376.60, and 469.014, F.S.; correcting cross references; creating s. 471.026, F.S.; allowing engineers to perform building inspection duties; amending s. 475.276, F.S; providing an exception to requirement that real estate licensees provide a notice of nonrepresentation; creating s. 481.222, F.S.; allowing architects to perform duties of building code inspectors; amending s. 489.103, F.S.; providing exemptions from regulation under pt. I, ch. 489, F.S., relating to construction contracting; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.113, F.S.; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type

of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., relating to designation and certification of underground utility and excavation contractors; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring certain coursework; requiring an examination for certain persons; providing for discipline and penalties; providing a definition; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S.; providing exemptions from regulation under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the terms "monitoring" and "fire alarm system agent"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; eliminating an inconsistent provision relating to failure to renew an active or inactive certificate or registration; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; authorizing the taking of the certification examination more than three times and providing requirements with respect thereto; eliminating an obsolete provisions; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; providing for verification of public liability and property damage insurance; creating s. 489.5185, F.S.; providing requirements for fire alarm system agents, including specified training and fingerprint and criminal background checks; providing for fees for approval of training providers and courses; providing applicability to applicants, current employees, and various licensees; requiring an identification card and providing requirements therefor; providing continuing education requirements; providing disciplinary penalties; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; authorizing a person passing the certification examination and applying for licensure to place his or her license on inactive status without having to qualify a business; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; providing technical changes; amending s. 489.525, F.S.; revising reporting requirements of the Department of Business and Professional Regulation to local boards and building officials; providing applicability with respect to information provided on the Internet; amending s. 489.533, F.S.; revising and providing grounds for discipline; providing penalties; reenacting s. 489.518(5), F.S., relating to alarm system agents, to incorporate the amendment to s. 489.533, F.S., in a reference thereto; amending s. 489.537, F.S.; authorizing registered electrical contractors to install raceways for alarm systems; providing that licensees under pt. II, ch. 489, F.S., are subject, as applicable, to certain provisions relating to local occupational license taxes; amending s. 205.0535, F.S.; providing that businesses providing local exchange telephone service or pay telephone service may not be assessed an occupational license tax on a per-instrument basis; amending s. 553.19, F.S.; updating electrical and alarm standards; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; amending 553.73, F.S; adding an exception from the Florida Building Code; creating s. 501.935, F.S.; providing requirements relating to home-inspection reports; providing legislative intent; providing definitions; providing exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report on the results of the inspection; providing prohibited acts, for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; creating s. 501.937, F.S.; providing requirements for use of professional titles by industrial hygienists and safety professionals; providing definitions; providing that violation of such requirements is a deceptive and unfair trade practice; creating s. 715.15, F.S.; providing that certain provisions in contracts for improvement of real property are void; providing applicability; An act relating to fire prevention and control; amending s. 633.021, F.S.; defining the term "fire extinguisher"; amending s. 633.061, F.S.; requiring an individual or organization that hydrotests fire extinguishers and preengineered systems to obtain a permit or license from the State Fire Marshal; revising the services that may be performed under certain licenses and permits issued by the State Fire Marshal; providing additional application requirements; providing requirements for obtaining an upgraded license; amending ss. 633.065, 633.071, F.S.; providing requirements for installing and inspecting fire suppression equipment; amending s. 633.162, F.S.; prohibiting an owner, officer, or partner of a company from applying for licensure if the license held by the company is suspended or revoked; revising the grounds upon which the State Fire Marshal may deny, revoke, or suspend a license or permit; providing restrictions on activities of former licenseholders and permittees; amending s. 633.171, F.S.; revising the prohibition against rendering a fire extinguisher or preengineered system inoperative to conform to changes made by the act; amending s. 633.547, F.S.; providing the State Fire Marshal authority to suspend and revoke certificates; providing restrictions on the activities of former certificateholders whose certificates are suspended or revoked; amending s. 489.105, F.S., relating to contracting; conforming a cross-reference to changes made by the act; amending s. 468.385, F.S.; revising provisions relating to the written examination required for licensure as an auctioneer; amending s. 468.388, F.S.; eliminating exemptions from the requirement that a written agreement be executed prior to conducting an auction; amending s. 468.389, F.S.; revising a ground for disciplinary action relating to failure to account for or to pay certain money, to include reference to property belonging to another; providing penalties; reenacting ss. 468.385(3)(b) and 468.391, F.S., relating to licensure as an auctioneer and to a criminal penalty, respectively, to incorporate the amendment to s. 468.389, F.S., in references thereto; amending s. 468.393, F.S.; reducing the level at which the Auctioneer Recovery Fund must be maintained and for which surcharges are levied; reenacting s. 468.392(5), F.S., relating to moneys in the Auctioneer Recovery Fund, to incorporate the amendment to s. 468.393, F.S., in references thereto; amending s. 468.395, F.S.; revising circumstances under which recovery from the Auctioneer Recovery Fund may be obtained; reducing the amount per claim or claims arising out of the same transaction or auction and the aggregate lifetime limit with respect to any one licensee that may be paid from the fund; amending s. 468.396, F.S., relating to claims against a single licensee in excess of the dollar limitation, to conform; eliminating semiannual identification and payment of claims; amending s. 468.397, F.S., relating to payment of claim; correcting language; creating s. 205.1945, F.S.; prohibiting local jurisdiction from charging an occupational license tax under certain circumstances; amending s. 489.129, F.S.; providing procedures and responsibilities when the department undertakes an investigation of a contractor; deleting a ground for disciplinary action; amending s. 489.131, F.S.; requiring that bids for public projects be accompanied by certain evidence; requiring local boards or agencies that license contractors to transmit quarterly reports; clarifying the department's authority to initiate disciplinary actions; providing that local boards that license and discipline contractors must have at least 2 consumer representatives; providing effective dates.

—with pending **Amendment 1** by Senator Clary as amended.

Senator Clary moved the following amendments to **Amendment 1** which were adopted:

Amendment 1B (with title amendment)—On page 106, between lines 9 and 10, insert:

Section 59. Subsection (1) of section 205.0535, Florida Statutes, is amended to read:

205.0535 Reclassification and rate structure revisions.—

(1) By October 1, 1995, any municipality or county may, by ordinance, reclassify businesses, professions, and occupations and may establish new rate structures, if the conditions specified in subsections (2) and (3) are met. A person who is engaged in the business of providing local exchange telephone service or a pay telephone service in a municipality or in the unincorporated area of a county and who pays the occupational license tax under the category designated for telephone companies or a pay telephone service provider certified pursuant to s. 364.3375 is deemed to have but one place of business or business location in each municipality or unincorporated area of a county. *Pay telephone service providers may not be assessed an occupational license tax on a per-instrument basis.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 114, line 12, after the semicolon (;) insert: amending s. 205.0535, F.S.; providing that businesses providing pay telephone service may not be assessed an occupational license tax on a per-instrument basis;

Amendment 1C (with title amendment)—On page 106, between lines 9 and 10, insert:

Section 59. Effective January 1, 2001, paragraph (f) is added to subsection (8) of section 553.73, Florida Statutes, as amended by CS for CS for HB 4181, 1998 Regular Session, to read:

553.73 Florida Building Code.—

(8) The following buildings, structures, and facilities may be exempted from the Florida Building Code as provided by law and any further exemptions shall be as determined by the Legislature and provided by law:

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 114, line 12, after the semicolon (;) insert: amending s. 553.73, F.S., as amended; adding an exception from the Florida Building Code for certain electric utilities;

Amendment 1 as amended was adopted.

On motion by Senator Clary, by two-thirds vote **HB 4439** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

The Senate resumed consideration of—

CS for SB 1814—A bill to be entitled An act relating to termination of pregnancy; providing a short title; amending s. 390.011, F.S.; defining additional terms; amending s. 390.0111, F.S.; revising provisions relating to termination of pregnancy; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; providing notice requirements; providing exceptions; providing procedure for judicial waiver of notice; providing for confidentiality of proceedings; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petition; requiring the issuance of written findings of fact and legal conclusions; providing for expedited confidential appeal; providing for waiver of filing fees; requesting the Supreme Court to adopt rules; providing for severability; providing an effective date.

—with pending point of order to the bill as amended.

RULING ON POINT OF ORDER

On recommendation of Senator Donald C. Sullivan, Chairman of the Committee on Ways and Means, the President ruled the point not well taken.

On motion by Senator Harris, further consideration of **CS for SB 1814** as amended was deferred.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until 8:00 p.m.

On motion by Senator Bankhead—

SR 2108—A resolution abating the Censure of a lobbyist.

WHEREAS, David R. Arpin of Jacksonville was a lobbyist registered at the Florida Senate in 1976, and

WHEREAS, in the waning days of the 1976 regular session, Mr. Arpin wrote in his association's newsletter that a particular state senator's law firm reputedly represented a state agency, when in fact no such relationship existed, thus raising the inference of improper conduct by or suggesting a conflict of interest of a member of the Senate, and

WHEREAS, the affected senator filed a formal written complaint against Mr. Arpin, and

WHEREAS, the Senate Committee on Rules and Calendar conducted a legislative hearing, pursuant to notice, at which the senator and Mr. Arpin both appeared and spoke, and

WHEREAS, at the legislative hearing, Mr. Arpin and his lobbying principal were represented and advised by three attorneys, each a senior member of The Florida Bar, and

WHEREAS, Mr. Arpin publicly tendered an apology and printed a subsequent retraction in his association's newsletter, and

WHEREAS, the Senate committee recommended that, for his conduct, Mr. Arpin be disciplined by Censure under the authority of Senate Rule 9, and

WHEREAS, the Journal of the Florida Senate on June 1, 1976, indicates that the committee's report and recommendation were adopted by the Senate and that David R. Arpin stood Censured by the Senate for violation of the obligations of a lobbyist as contained in Senate Rule 9, and

WHEREAS, the Senate, in 1998, reasserts the high standard of conduct and inquiry that it expects each member of the professional lobbying corps to undertake before releasing information into the legislative process, and

WHEREAS, the Senate recognizes that the passage of time ameliorates conditions existing in individual cases, and

WHEREAS, David R. Arpin has given the Florida Senate his binding written assurance that he will seek no legal, declaratory, or equitable remedy, including monetary or other damages, against the Florida Senate, its officers, members, or agents, current, former, or future, and

WHEREAS, the Senate accepts that assurance as consideration for the filing and adoption of this Resolution, bolstered by the fact that over

20 years have passed since the incident, a time during which any possible statute of limitations has barred such a suit, and the equitable period in which any such suit could have been brought has long ago expired, and

WHEREAS, the legal effect of this Resolution and the power of a succeeding Senate to abate a Censure adopted by a predecessor Senate, is unclear, but the Florida Senate nevertheless seeks to extend legislative grace to David R. Arpin, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That, as a matter of legislative grace, the Censure report as it appears on page 486 of the June 1, 1976, Senate Journal, is abated as of the date of adoption of this resolution.

BE IT FURTHER RESOLVED that the Florida Senate reasserts the continuing obligation of and necessity for lobbyists to take reasonable steps to ensure the truth of the statements they launch into the stream of legislative commerce in the course of lobbying for their clients' positions.

—was taken up and read the second time in full. On motion by Senator Bankhead, **SR 2108** was adopted.

The Senate resumed consideration of—

CS for SB 1814—A bill to be entitled An act relating to termination of pregnancy; providing a short title; amending s. 390.011, F.S.; defining additional terms; amending s. 390.0111, F.S.; revising provisions relating to termination of pregnancy; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; providing notice requirements; providing exceptions; providing procedure for judicial waiver of notice; providing for confidentiality of proceedings; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petition; requiring the issuance of written findings of fact and legal conclusions; providing for expedited confidential appeal; providing for waiver of filing fees; requesting the Supreme Court to adopt rules; providing for severability; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **CS for SB 1814** as amended, on motion by Senator Harris, by two-thirds vote **HB 3999** was withdrawn from the Committees on Health Care; Judiciary; and Ways and Means.

On motion by Senator Harris, by two-thirds vote—

HB 3999—A bill to be entitled An act relating to termination of pregnancies; providing a short title; amending s. 390.011, F.S.; defining additional terms; amending s. 390.0111, F.S.; revising provisions relating to terminations of pregnancies; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; providing notice requirements; providing exceptions; providing procedure for judicial waiver of notice; providing for notice of right to counsel; prohibiting court from requiring counties to pay for such counsel; providing for confidentiality of proceedings; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petition; requiring the issuance of written findings of fact and legal conclusions; providing for expedited confidential appeal; providing for waiver of filing fees; requesting the Supreme Court to adopt rules; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1814** as amended and by two-thirds vote read the second time by title.

On motion by Senator Harris, further consideration of **HB 3999** was deferred.

Consideration of **HB 1747**, **SB 1080**, **CS for SB 336** and **SJR 2140** was deferred.

SB 2302—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing that no tax on certain purchases by, and revenues of, a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce; providing for refund of certain taxes paid; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Laurent and adopted:

Amendment 1—On page 3, lines 1 and 2, delete those lines and insert: *entitled to a refund of the taxes paid. Notwithstanding s. 215.26(2), application for this refund must be filed on or before July 1, 1999.*

On motion by Senator Laurent, further consideration of **SB 2302** as amended was deferred.

On motion by Senator Brown-Waite, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has requested the return of CS for HB 1437.

John B. Phelps, Clerk

CS for HB 1437—A bill to be entitled An act relating to public records and meetings; amending s. 408.7056, F.S.; providing an exemption from public records requirements for certain personal information in documents, reports, or records prepared or reviewed by a provider and subscriber assistance panel or obtained by the Agency for Health Care Administration; providing an exemption for portions of meetings of such panels when such information, or trade secret or internal risk management program information, is discussed; requiring recording of closed meetings; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

On motion by Senator Brown-Waite, **CS for HB 1437** was returned to the House as requested.

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

SB 2302—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing that no tax on certain purchases by, and revenues of, a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce; providing for refund of certain taxes paid; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Laurent, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** failed.

Pending further consideration of **SB 2302**, on motion by Senator Laurent, by two-thirds vote **CS for HB 747** was withdrawn from the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

On motion by Senator Laurent—

CS for HB 747—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing that no tax on certain purchases by, and revenues of, a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce; providing for refund of certain taxes paid; providing an effective date.

—a companion measure, was substituted for **SB 2302** and read the second time by title. On motion by Senator Laurent, by two-thirds vote

CS for HB 747 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

Consideration of **SB 1034** was deferred.

CS for SB 1664—A bill to be entitled An act relating to educational facilities; amending s. 235.04, F.S.; allowing a school board to sell and lease back an educational plant for the purposes of repair, remodeling, and site improvement; amending s. 235.056, F.S.; authorizing boards to rent or lease certain buildings or space within buildings for conversion to use as educational facilities; providing for funding; requiring school board adoption of a resolution certifying that specified conditions have been met; amending s. 201.24, F.S., relating to exemption from excise tax on documents; conforming provisions; amending s. 236.25, F.S., relating to school district tax for capital outlay; conforming provisions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1664** to **HB 3599**.

Pending further consideration of **CS for SB 1664** as amended, on motion by Senator Burt, by two-thirds vote **HB 3599** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Burt—

HB 3599—A bill to be entitled An act relating to educational facilities; amending s. 235.056, F.S.; authorizing boards to rent or lease certain buildings or space within buildings for conversion to use as educational facilities; providing for funding; requiring school board adoption of a resolution certifying that specified conditions have been met; amending s. 201.24, F.S., relating to exemption from excise tax on documents; conforming provisions; amending s. 236.25, F.S., relating to school district tax for capital outlay; conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1664** as amended and read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 3599** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Kirkpatrick	Rossin
Bankhead	Dudley	Klein	Scott
Bronson	Forman	Kurth	Silver
Brown-Waite	Geller	Latvala	Sullivan
Burt	Gutman	Laurent	Thomas
Campbell	Hargrett	Lee	Turner
Casas	Harris	McKay	Williams
Childers	Holzendorf	Meadows	
Cowin	Horne	Myers	
Crist	Jones	Ostalkiewicz	

Nays—1

Clary

On motion by Senator Williams, by two-thirds vote **HB 4153** was withdrawn from the Committees on Criminal Justice; Community Affairs; and Ways and Means.

On motion by Senator Williams—

HB 4153—A bill to be entitled An act relating to juvenile justice; amending s. 985.309, F.S.; providing funding for boot camps operated by the department, a county, or municipal government, contingent upon specific appropriation, local funding, or state and local funding; requiring boot camps operated by a sheriff to be under his or her supervisory jurisdiction and authority as determined by a contract between the department and the sheriff; providing for placement of children eligible for boot camp placement in boot camp in or nearest to the judicial circuit in which they were adjudicated; requiring exceptions to a boot camp placement; deleting requirement that the department charge and a county or municipal government pay a monitoring fee; clarifying consequences for a department, county or municipal boot camp failing to comply with department rules for boot camps; deleting authorization by the department to institute injunctive proceedings against a county or municipal boot camp for failing to comply with department rules for boot camps; providing an effective date.

—a companion measure, was substituted for **CS for SB 1486** and read the second time by title.

Senators Latvala and Silver offered the following amendment which was moved by Senator Latvala:

Amendment 1 (with title amendment)—On page 7, line 13, insert:

Section 2. *The sum of $1,000,000 is appropriated to the Eckerd Youth Alternatives program to match private funds on a dollar for dollar basis. The department shall disburse up to the full amount of this appropriation, depending upon the amount of private matching funds obtained and may not use these funds for any other purpose.*

Section 3. This act shall take effect October 1, 1998.

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: providing an appropriation to the Eckerd Youth Alternatives program;

On motion by Senator Williams, further consideration of **HB 4153** with pending **Amendment 1** was deferred.

On motion by Senator Rossin, by two-thirds vote **CS for HB 3269** was withdrawn from the Committees on Community Affairs; Governmental Reform and Oversight; and Rules and Calendar.

On motion by Senator Rossin—

CS for HB 3269—A bill to be entitled An act relating to special districts; amending s. 189.4042, F.S.; specifying procedures for merger or dissolution of independent special districts created by a county or municipality; amending s. 189.405, F.S.; revising the amount of the filing fee and the number of required signatures on petitions in provisions which specify how candidates for the governing board of certain single-county and multicounty special districts shall qualify; amending s. 189.429, F.S., and s. 15, ch. 97-256, Laws of Florida, which require special districts, including fire control districts, to submit draft codified charters to the Legislature; revising the deadline and requirements for such codification; providing that the Legislature may adopt a schedule for codification; amending s. 215.425, F.S.; authorizing extra compensation for special district employees pursuant to resolution; amending s. 191.006, F.S., relating to powers of independent special fire control districts, to conform; providing effective dates.

—a companion measure, was substituted for **SB 1032** and read the second time by title. On motion by Senator Rossin, by two-thirds vote **CS for HB 3269** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Lee, by two-thirds vote **HB 3523** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Lee, by two-thirds vote—

HB 3523—A bill to be entitled An act relating to landscape design; amending s. 481.303, F.S.; providing definitions; amending s. 481.329, F.S., providing exemptions from licensure and regulation under part II, ch. 489, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 1066** and by two-thirds vote read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1—On page 1, lines 17-19, delete those lines and insert: *materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects.*

On motion by Senator Lee, by two-thirds vote **HB 3523** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

The Senate resumed consideration of—

HB 3999—A bill to be entitled An act relating to termination of pregnancies; providing a short title; amending s. 390.011, F.S.; defining additional terms; amending s. 390.0111, F.S.; revising provisions relating to terminations of pregnancies; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; providing notice requirements; providing exceptions; providing procedure for judicial waiver of notice; providing for notice of right to counsel; prohibiting court from requiring counties to pay for such counsel; providing for confidentiality of proceedings; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petition; requiring the issuance of written findings of fact and legal conclusions; providing for expedited confidential appeal; providing for waiver of filing fees; requesting the Supreme Court to adopt rules; providing for severability; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator Casas, by two-thirds vote debate on **HB 3999** was limited to 10 minutes per amendment and 10 minutes per side on the bill.

Senator Forman moved the following amendment which failed:

Amendment 1—On page 6, delete line 22 and insert: *induced upon a minor unless the person performing, inducing, or assisting in*

Senator Kurth moved the following amendments which failed:

Amendment 2—On page 6, between lines 2 and 3, insert:

(b) If the male responsible for impregnating the minor meets the criteria described in s. 794.05, the physician shall refer the male to the proper authorities.

(Redesignate subsequent paragraphs.)

Amendment 3—On page 6, line 25, after "*minor*" insert: *, and to one parent or to the legal guardian of the male who impregnated her,*

On motion by Senator Harris, by two-thirds vote **HB 3999** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Madam President	Cowin	Holzendorf	Myers
Bankhead	Crist	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Scott
Brown-Waite	Dudley	Kirkpatrick	Sullivan
Burt	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	

Nays—9

Campbell	Geller	Kurth	Rossin
Dyer	Klein	Latvala	Silver
Forman			

CS for HB 4415—A bill to be entitled An act relating to children's health; amending s. 383.011, F.S.; directing the Agency for Health Care Administration to seek a federal waiver for the Healthy Start program; amending s. 391.011, F.S.; providing a short title; amending s. 391.016, F.S.; providing legislative intent relating to the Children's Medical Services program; amending s. 391.021, F.S.; providing definitions; creating s. 391.025, F.S.; providing for applicability and scope; amending s. 391.026, F.S.; providing powers and duties of the Department of Health; creating s. 391.028, F.S., and renumbering and amending s. 391.051, F.S.; providing for administration of the program; creating s. 391.029, F.S., and renumbering and amending ss. 391.046 and 391.07, F.S.; providing program eligibility; creating s. 391.031, F.S.; establishing benefits; creating s. 391.035, F.S., and renumbering and amending ss. 391.036 and 391.041, F.S.; establishing provider qualifications; creating s. 391.045, F.S.; providing for provider reimbursement; creating s. 391.047, F.S.; establishing responsibility for payments on behalf of program participants when other parties are liable; creating s. 391.055, F.S.; establishing service delivery systems; creating s. 391.065, F.S.; providing for health care provider agreements; creating s. 391.071, F.S.; providing for quality of care requirements; creating s. 391.081, F.S.; establishing grievance reporting and resolution requirements; creating s. 391.095, F.S.; providing for program integrity; renumbering and amending s. 391.061, F.S.; providing for research and evaluation; renumbering ss. 391.201-391.217, F.S., relating to prescribed pediatric extended care centers; designating said sections as pt. IX of ch. 400, F.S.; amending ss. 391.206 and 391.217, F.S.; conforming cross references; designating ss. 391.221, 391.222, and 391.223, F.S., as pt. II of ch. 391, F.S., entitled "Children's Medical Services Councils and Panels"; creating s. 391.221, F.S.; establishing the Statewide Children's Medical Services Network Advisory Council; creating s. 391.222, F.S.; establishing the Cardiac Advisory Council; creating s. 391.223, F.S.; providing for technical advisory panels; amending ss. 391.301, 391.303, 391.304, 391.305, and 391.307, F.S.; revising provisions relating to developmental evaluation and intervention programs; amending s. 408.701, F.S.;

conforming cross references; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating the Florida Children's Healthy Bodies program; providing legislative findings and intent; providing guiding principles; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; establishing an enrollment ceiling; creating s. 409.8131, F.S.; creating the Medikids program; providing legislative findings and intent; providing that the program is not an entitlement; providing for a marketing plan; providing for application to Medikids of specified sections of ch. 409, F.S., relating to Medicaid; providing for benefits; providing eligibility standards; providing for enrollment; creating s. 409.8134, F.S.; providing for delivery of services and reimbursement of providers in a rural county; creating s. 409.8135, F.S.; providing behavioral health benefits to non-Medicaid-eligible children with serious emotional needs; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing health benefits coverage requirements for the program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for a health insurance pilot project; requiring approval of health benefits coverage as a condition of financial assistance; creating s. 409.8175, F.S.; directing the Agency for Health Care Administration to seek federal approval to establish a family coverage program; providing conditions; creating s. 409.8177, F.S.; providing for program evaluation; requiring annual reports; creating s. 409.818, F.S.; providing for program administration; providing responsibilities for the Department of Children and Family Services, the Department of Health, the Department of Insurance, the Agency for Health Care Administration, and the Florida Healthy Kids Corporation; authorizing program modifications to obtain federal approval of the state's child health insurance plan; renumbering and amending s. 154.508, F.S., relating to outreach activities; creating s. 409.8195, F.S.; requiring the development of quality assurance and access standards; creating s. 409.821, F.S.; establishing performance measures and standards; providing an enrollment ceiling; amending s. 409.904, F.S.; expanding Medicaid optional eligibility to certain children and providing for continuous eligibility; amending s. 409.9126, F.S.; relating to the provision of Children's Medical Services network services for children with special health care needs; deleting definitions; deleting standards for referral of certain children to the network; providing for certain provider reimbursement; amending s. 624.91, F.S., relating to the Florida Healthy Kids Corporation; providing legislative intent; specifying that the program is not an entitlement; revising standards; providing additional duties; repealing ss. 391.031, 391.056, and 391.091, F.S., relating to patient care centers, district children's medical program supervisors, and the Cardiac Advisory Council which was advisory to the Children's Medical Services Program Office; repealing s. 624.92, F.S., relating to application for a Medicaid waiver for funds to expand the Florida Health Kids Corporation; providing for future repeal and review of s. 409.814(3), F.S., and ss. 409.810-409.821, F.S., relating to the "Florida Children's Healthy Bodies Act," on specified dates; providing a contingent effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Agency for Health Care Administration, working jointly with the Department of Health and the Florida Association of Healthy Start Coalitions, is directed to seek a federal waiver to secure matching funds under Title XIX of the Social Security Act for the Healthy Start program. The federal waiver application must seek Medicaid matching funds utilizing appropriated general revenue and local contributions.*

Section 2. Section 391.011, Florida Statutes, is amended to read:

391.011 Short title.—*The provisions of this chapter* ~~This act shall be known and~~ may be cited as the "Children's Medical Services Act."

Section 3. Section 391.016, Florida Statutes, is amended to read:

391.016 Legislative intent.—The Legislature *intends that the Children's Medical Services program:*

(1) Provide to children with special health care needs a family-centered, comprehensive, and coordinated statewide managed system of care that links community-based health care with multidisciplinary, regional, and tertiary pediatric specialty care. The program may provide for the coordination and maintenance of consistency of the medical home for children in families with a Children's Medical Services program participant, in order to achieve family-centered care ~~finds and declares that there is a need to provide medical services for needy children, particularly those with chronic, crippling or potentially crippling and physically handicapping diseases or conditions, and to provide leadership and direction in promoting, planning, and coordinating children's medical care programs so that the full development of each child's potential may be realized~~.

(2) Provide essential preventive, evaluative, and early intervention services for children at risk for or having special health care needs, in order to prevent or reduce long term disabilities.

(3) Serve as a principal provider for children with special health care needs under Titles XIX and XXI of the Social Security Act.

(4) Be complementary to children's health training programs essential for the maintenance of a skilled pediatric health care workforce for all Floridians.

Section 4. Section 391.021, Florida Statutes, is amended to read:

391.021 Definitions.—When used in this act, unless the context clearly indicates otherwise:

(1) "Children's Medical Services network" or "network" means a statewide managed care service system that includes health care providers, as defined in this section.

(2) "Children with special health care needs" means those children under age 21 years whose serious or chronic physical or developmental conditions require extensive preventive and maintenance care beyond that required by typically healthy children. Health care utilization by these children exceeds the statistically expected usage of the normal child adjusted for chronological age. These children often need complex care requiring multiple providers, rehabilitation services, and specialized equipment in a number of different settings.

(3)~~(1)~~ "Department" means the Department of Health.

(4)~~(2)~~ "Eligible individual" means a *child with a special health care need or a* female ~~of any age~~ with a high-risk pregnancy, ~~or an individual below the age of 21 years who has an organic disease, defect, or condition which may hinder the achievement of his or her normal growth and development, and~~ who meets the financial and medical eligibility standards established *in s. 391.029.* ~~by the department. In addition, where specific legislative appropriation exists, individuals with long-term chronic diseases, such as cystic fibrosis, which originated during childhood and who received services under this act before the age of 21 years shall continue to be eligible beyond that age.~~

(5) "Health care provider" means a health care professional, health care facility, or entity licensed or certified to provide health services in this state that meets the criteria as established by the department.

(6)~~(3)~~ "*Health* ~~Medical~~ services" includes the prevention, diagnosis, and treatment of human disease, pain, injury, deformity, or disabling ~~physical~~ conditions.

(7) "Participant" means an eligible individual who is enrolled in the Children's Medical Services program.

(8) "Program" means the Children's Medical Services program established in the Division of Children's Medical Services of the department.

Section 5. Section 391.025, Florida Statutes, is created to read:

391.025 Applicability and scope.—

(1) This act applies to health services provided to eligible individuals who are:

(a) Enrolled in the Medicaid program;

(b) Enrolled in the Florida Kidcare program; and

(c) Uninsured or underinsured, provided that they meet the financial eligibility requirements established in this act, and to the extent that resources are appropriated for their care.

(2) The Children's Medical Services program consists of the following components:

(a) The infant metabolic screening program established in s. 383.14.

(b) The regional perinatal intensive care centers program established in ss. 383.15-383.21.

(c) A federal or state program authorized by the Legislature.

(d) The developmental evaluation and intervention program.

(e) The Children's Medical Services network.

(3) The Children's Medical Services program shall not be deemed an insurer and is not subject to the licensing requirements of the Florida Insurance Code or the rules of the Department of Insurance, when providing services to children who receive Medicaid benefits, other Medicaid-eligible children with special health care needs, and children participating in the Florida Kidcare program. This exemption shall not extend to contractors.

Section 6. Section 391.026, Florida Statutes, is amended to read:

391.026 Powers and duties of the department.~~—To administer its programs of children's medical services,~~ The department shall have the following powers, duties, and responsibilities:

(1) To provide or contract for the provision of *health* ~~medical~~ services to eligible individuals.

(2) To determine the medical and financial eligibility *standards for the program and to determine the medical and financial eligibility* of individuals seeking *health* ~~medical~~ services *from the program.*

(3) To recommend priorities for the implementation of comprehensive plans and budgets.

(4) To coordinate a comprehensive delivery system for eligible individuals to take maximum advantage of all available ~~federal~~ funds.

(5) To promote, establish, and coordinate programs relating to children's medical services in cooperation with *other* public and private agencies *and to coordinate funding of health care programs with federal, state, or local indigent health care funding mechanisms.*

(6) To initiate, coordinate, and request review of applications to federal and state agencies for funds, services, or commodities relating to children's medical programs.

(7) To sponsor or promote grants for projects, programs, education, or research in the field of medical needs of children, with an emphasis on early diagnosis and treatment.

(8) To *oversee and operate the Children's Medical Services network* ~~contract or be contracted with~~.

(9) To establish *reimbursement mechanisms for the Children's Medical Services network* ~~standards of eligibility for patients of children's medical services programs~~.

(10) To *establish Children's Medical Services network standards and credentialing requirements for health care providers and health care services* ~~coordinate funding of medical care programs with state or local indigent health care funding mechanisms~~.

(11) To *serve as a provider and principal case manager for children with special health care needs under Titles XIX and XXI of the Social Security Act* ~~establish standards for patient care and facilities~~.

(12) To monitor the provision of health services in the program, including the utilization and quality of health services.

(13) To administer the Children with Special Health Care Needs program in accordance with Title V of the Social Security Act.

(14) To establish and operate a grievance resolution process for participants and health care providers.

(15) To maintain program integrity in the Children's Medical Services program.

(16) To receive and manage health care premiums, capitation payments, and funds from federal, state, local, and private entities for the program.

(17) To appoint health care consultants for the purpose of providing peer review and making recommendations to enhance the delivery and quality of services in the Children's Medical Services program.

(18)~~(12)~~ To make rules to carry out the provisions of this act.

Section 7. Section 391.028, Florida Statutes, is created, and section 391.051, Florida Statutes, is renumbered as subsection (1) of said section and amended, to read:

391.028 Administration.—The Children's Medical Services program shall have a central office and area offices.

(1) ~~391.051 Qualifications of director.—~~The Director *of the Division of* ~~for~~ Children's Medical Services must be a physician licensed under chapter 458 or chapter 459 who has specialized training and experience in the provision of *health* ~~medical~~ care to children and who has recognized skills in leadership and the promotion of children's health programs. The *division* director ~~for Children's Medical Services~~ shall be the deputy secretary and the Deputy State Health Officer for Children's Medical Services and is appointed by and reports to the secretary.

(2) The division director shall designate Children's Medical Services area offices to perform operational activities, including, but not limited to:

(a) Providing case management services for the network.

(b) Providing local oversight of the program.

(c) Determining an individual's medical and financial eligibility for the program.

(d) Participating in the determination of a level of care and medical complexity for long-term care services.

(e) Authorizing services in the program and developing spending plans.

(f) Participating in the development of treatment plans.

(g) Taking part in the resolution of complaints and grievances from participants and health care providers.

(3) Each Children's Medical Services area office shall be directed by a physician licensed under chapter 458 or chapter 459 who has specialized training and experience in the provision of health care to children. The director of a Children's Medical Services area office shall be appointed by the division director from the active panel of Children's Medical Services physician consultants.

Section 8. Section 391.029, Florida Statutes, is created, section 391.046, Florida Statutes, is renumbered as subsection (3) of said section and amended, and section 391.07, Florida Statutes, is renumbered as subsection (4) of said section and amended, to read:

391.029 Program eligibility.—

(1) The department shall establish the medical criteria to determine if an applicant for the Children's Medical Services program is an eligible individual.

(2) The following individuals are financially eligible for the program:

(a) A high-risk pregnant female who is eligible for Medicaid.

(b) A child with special health care needs from birth to age 21 years who is eligible for Medicaid.

(c) A child with special health care needs from birth to age 19 years who is eligible for a program under Title XXI of the Social Security Act.

(d) A child with special health care needs from birth to age 21 years whose projected annual cost of care adjusts the family income to Medicaid financial criteria. In cases where the family income is adjusted based on a projected annual cost of care, the family shall participate financially in the cost of care based on criteria established by the department.

(e) A child with special health care needs as defined in Title V of the Social Security Act relating to children with special health care needs.

The department may continue to serve certain children with special health care needs who are 21 years of age or older and who were receiving services from the program prior to April 1, 1998. Such children may be served by the department until July 1, 2000.

(3) ~~391.046 Financial determination.—~~The department shall determine the financial *and medical eligibility of children for the program. The department shall also determine* ~~ability of individuals seeking medical services, or~~ the financial ability of the parents, or persons or other agencies having legal custody over such individuals, to pay the costs of *health* ~~such medical~~ services *under the program*. The department may pay reasonable travel expenses related to the determination of eligibility for or the provision of *health* ~~medical~~ services.

(4) ~~391.07 Indigent and semi-indigent cases.—~~Any child who has been provided with surgical or medical care or treatment under this act prior to being adopted shall continue to be eligible to be provided with such care or treatment after his or her adoption, regardless of the financial ability of the persons adopting the child.

Section 9. Section 391.031, Florida Statutes, is created to read:

391.031 Benefits.—Benefits provided under the program shall be the same benefits provided to children as specified in ss. 409.905 and 409.906. The department may offer additional benefits for early intervention services, respite services, genetic testing, genetic and nutritional counseling, and parent support services, if such services are determined to be medically necessary. No child or person determined eligible for the program who is eligible under Title XIX or Title XXI of the Social Security Act shall receive any service other than an initial health care screening or treatment of an emergency medical condition as defined in s. 395.002, until such child or person is enrolled in Medicaid or a Title XXI program.

Section 10. Section 391.035, Florida Statutes, is created, section 391.036, Florida Statutes, is renumbered as subsection (2) of said section and amended, and section 391.041, Florida Statutes, is renumbered as subsection (3) of said section and amended, to read:

391.035 Provider qualifications.—

(1) The department shall establish the criteria to designate health care providers to participate in the Children's Medical Services network. The department shall follow, whenever available, national guidelines for selecting health care providers to serve children with special health care needs.

(2) ~~391.036 Medical services providers; qualifications.—~~The department shall require that all *health care* providers *under contract with the program* ~~of medical services under this act~~ be duly licensed in the state, if such licensure is available, and meet such criteria as may be established by the department.

(3) ~~391.041 Services to other state or local programs or institutions.—~~The department may initiate agreements with other state or local governmental programs or institutions for the coordination of *health* ~~medical~~ care to eligible individuals receiving services from such programs or institutions.

Section 11. Section 391.045, Florida Statutes, is created to read:

391.045 Reimbursement.—

(1) The department shall reimburse health care providers for services rendered through the Children's Medical Services network using cost-effective methods, including, but not limited to, capitation, discounted fee-for-service, unit costs, and cost reimbursement. Medicaid reimbursement rates shall be utilized to the maximum extent possible, where applicable.

(2) Reimbursement to the Children's Medical Services program for services provided to children with special health care needs who participate in the Florida Kidcare program and who are not Medicaid recipients shall be on a capitated basis.

Section 12. Section 391.047, Florida Statutes, is created to read:

391.047 Responsibility for payments on behalf of Children's Medical Services program participants when other parties are liable.—The Children's Medical Services program shall comply with s. 402.24, concerning third-party liabilities and recovery of third-party payments for health services.

Section 13. Section 391.055, Florida Statutes, is created to read:

391.055 Service delivery systems.—

(1) The program shall apply managed care methods to ensure the efficient operation of the Children's Medical Services network. Such methods include, but are not limited to, capitation payments, utilization management and review, prior authorization, and case management.

(2) The components of the network are:

(a) Qualified primary care physicians who shall serve as the gatekeepers and who shall be responsible for the provision or authorization of health services to an eligible individual who is enrolled in the Children's Medical Services network.

(b) Comprehensive specialty care arrangements that meet the requirements of s. 391.035 to provide acute care, specialty care, long-term care, and chronic disease management for eligible individuals.

(c) Case management services.

(3) The Children's Medical Services network may contract with school districts participating in the certified school match program pursuant to ss. 236.0812 and 409.908(21) for the provision of school-based services, as provided for in s. 409.9071, for Medicaid-eligible children who are enrolled in the Children's Medical Services network.

Section 14. Section 391.065, Florida Statutes, is created to read:

391.065 Health care provider agreements.—The department is authorized to establish health care provider agreements for participation in the Children's Medical Services program.

Section 15. Section 391.071, Florida Statutes, is created to read:

391.071 Quality of care requirements.—The Children's Medical Services program shall develop quality of care and service integration standards and reporting requirements for health care providers that participate in the Children's Medical Services program. The program shall ensure that these standards are not duplicative of other standards and requirements for health care providers.

Section 16. Section 391.081, Florida Statutes, is created to read:

391.081 Grievance reporting and resolution requirements.—The department shall adopt and implement a system to provide assistance to eligible individuals and health care providers to resolve complaints and grievances. To the greatest extent possible, the department shall use existing grievance reporting and resolution processes. The department shall ensure that the system developed for the Children's Medical Services program does not duplicate existing grievance reporting and resolution processes.

Section 17. Section 391.095, Florida Statutes, is created to read:

391.095 Program integrity.—The department shall operate a system to oversee the activities of Children's Medical Services program participants, and health care providers and their representatives, to prevent fraudulent and abusive behavior, overutilization and duplicative utilization, and neglect of participants and to recover overpayments as appropriate. For the purposes of this section, the terms "abuse" and "fraud" have the meanings provided in s. 409.913. The department shall refer incidents of suspected fraud and abuse, and overutilization and duplicative utilization, to the appropriate regulatory agency.

Section 18. Section 391.061, Florida Statutes, is renumbered as section 391.097, Florida Statutes, and is amended to read:

391.097 ~~391.061~~ Research *and evaluation.*—

(1) The department may initiate, fund, and conduct research *and evaluation* projects to improve the delivery of children's medical services. The department may cooperate with public and private agencies engaged in work of a similar nature.

(2) The Children's Medical Services network shall be included in any evaluation conducted in accordance with the provisions of Title XXI of the Social Security Act as enacted by the Legislature.

Section 19. *Sections 391.201 through 391.217, Florida Statutes, are renumbered as sections 400.901 through 400.917, Florida Statutes, and designated as part IX of chapter 400, Florida Statutes.*

Section 20. Section 391.206, Florida Statutes, is renumbered as section 400.906, Florida Statutes, and subsection (1) of said section is amended to read:

400.906 ~~391.206~~ Initial application for license.—

(1) Application for a license shall be made to the agency on forms furnished by it and shall be accompanied by the appropriate license fee unless the applicant is exempt from payment of the fee as provided in s. *400.905* ~~391.205~~.

Section 21. Section 391.217, Florida Statutes, is renumbered as section 400.917, Florida Statutes, and amended to read:

400.917 ~~391.217~~ Disposition of moneys from fines and fees.—All moneys received from administrative fines pursuant to s. *400.908* ~~391.208~~ and all moneys received from fees collected pursuant to s. *400.905* ~~391.205~~ shall be deposited in the Health Care Trust Fund created in s. *408.16* ~~455.2205~~.

Section 22. *Sections 391.221, 391.222, and 391.223, Florida Statutes, as created by this act, are designated as part II of chapter 391, Florida Statutes, entitled "Children's Medical Services Councils and Panels."*

Section 23. Section 391.221, Florida Statutes, is created to read:

391.221 Statewide Children's Medical Services Network Advisory Council.—

(1) The secretary of the department may appoint a Statewide Children's Medical Services Network Advisory Council for the purpose of acting as an advisory body to the department. Specifically, the duties of the council shall include, but not be limited to:

(a) Recommending standards and credentialing requirements for health care providers rendering health services to Children's Medical Services network participants.

(b) Making recommendations to the Director of the Division of Children's Medical Services concerning the selection of health care providers for the Children's Medical Services network.

(c) Reviewing and making recommendations concerning network health care provider or participant disputes that are brought to the attention of the advisory council.

(d) Providing input to the Children's Medical Services program on the policies governing the Children's Medical Services network.

(e) Reviewing the financial reports and financial status of the network and making recommendations concerning the methods of payment and cost controls for the network.

(f) Reviewing and recommending the scope of benefits for the network.

(g) Reviewing network performance measures and outcomes and making recommendations for improvements to the network and its maintenance and collection of data and information.

(2) The council shall be composed of 12 members representing the private health care provider sector, families with children who have special health care needs, the Agency for Health Care Administration, the Department of Insurance, the Florida Chapter of the American Academy of Pediatrics, an academic health center pediatric program, and the health insurance industry. Members shall be appointed for 4-year, staggered terms. In no case shall an employee of the Department of Health serve as a member or as an ex officio member of the advisory council. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may not be appointed to more than two consecutive terms. However, a member may be reappointed after being off the council for at least 2 years.

(3) Members shall receive no compensation, but shall be reimbursed for per diem and travel expenses in accordance with the provisions of s. 112.061.

Section 24. Section 391.091, Florida Statutes, is renumbered as section 391.222, Florida Statutes, and amended to read:

391.222 ~~391.091~~ Cardiac Advisory Council.—

(1)~~(a)~~ The secretary of the department may appoint a Cardiac Advisory Council for the purpose of acting as the advisory body to the *Division of* Children's Medical Services ~~Program Office~~ in the delivery of cardiac services *to children*. Specifically, the duties of the council shall include, but not be limited to:

(a)~~1.~~ Recommending standards for personnel and facilities rendering cardiac services for *the Division of* Children's Medical Services;

(b)~~2.~~ Receiving reports of the periodic review of cardiac personnel and facilities to determine if established standards for *the Division of* Children's Medical Services cardiac services are met;

(c)~~3.~~ Making recommendations to the *division* ~~Children's Medical Services staff~~ director as to the approval or disapproval of reviewed personnel and facilities;

(d)~~4.~~ Making recommendations as to the intervals for reinspection of approved personnel and facilities; and

(e)~~5.~~ Providing input to *the Division of* Children's Medical Services on all aspects of Children's Medical Services cardiac programs, including the rulemaking process.

(2) The council shall be composed of eight members with technical expertise in cardiac medicine. Members shall be appointed for 4-year, staggered terms. In no case shall an employee of the Department of Health serve as a member or as an ex officio member of the advisory council. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may not be appointed to more than two consecutive terms. However, a member may be reappointed after being off the council for at least 2 years.

(3)~~(b)~~ Members shall receive no compensation, but shall be reimbursed for per diem and travel expenses in accordance with the provisions of s. 112.061.

~~(2) The Cardiac Advisory Council shall meet at the call of the chair, at the request of a majority of its membership, or at the call of the staff director of the Children's Medical Services Program Office, but no more frequently than quarterly. Minutes shall be recorded for all meetings of such council and shall be kept on file in the Children's Medical Services Program Office.~~

~~(3) No later than December 1 of each year preceding a legislative session in which a biennial budget will be adopted, the department shall present a summary report to the President of the Senate and the Speaker of the House of Representatives documenting compliance with this act and the accomplishments and expenditures of the Cardiac Advisory Council.~~

Section 25. Section 391.223, Florida Statutes, is created to read:

391.223 Technical advisory panels.—The secretary of the department may establish technical advisory panels to assist the Division of Children's Medical Services in developing specific policies and procedures for the Children's Medical Services program.

Section 26. Section 391.301, Florida Statutes, is amended to read:

391.301 Developmental evaluation and intervention programs; legislative findings and intent.—

(1) The Legislature finds that the high-risk and disabled newborn infants in this state need in-hospital and outpatient developmental evaluation and intervention and that their families need training and support services. The Legislature further finds that there is an identifiable and increasing number of infants who need developmental evaluation and intervention and family support due to the fact that increased numbers of low-birthweight and sick full-term newborn infants are now surviving *because of* ~~due to~~ the advances in neonatal intensive care medicine; increased numbers of medically involved infants are remaining inappropriately in hospitals because their parents lack the confidence or skills to care for these infants without support; and increased numbers of infants are at risk due to parent risk factors, such as substance abuse, teenage pregnancy, and other high-risk conditions.

(2) It is the intent of the Legislature to establish developmental evaluation and intervention *services* ~~programs~~ at all hospitals providing Level II or Level III neonatal intensive care services, in order that families with high-risk or disabled infants may gain the services and skills they need to support their infants.

(3) It is the intent of the Legislature to provide a statewide coordinated program to screen, diagnose, and manage high-risk infants identified as hearing-impaired. The program shall develop criteria to identify infants who are at risk of having hearing impairments, and shall ensure that all parents or guardians of newborn infants are provided with materials regarding hearing impairments prior to discharge of the newborn infants from the hospital.

(4) It is the intent of the Legislature that a methodology be developed to integrate information on infants with potentially disabling conditions with *other early intervention programs, including Part C of Pub. L. No. 105-17 and* ~~the reporting system to be established under~~ the Healthy Start program.

Section 27. Section 391.303, Florida Statutes, is amended to read:

391.303 Program requirements.—

(1) ~~A~~ Developmental evaluation and intervention *services* ~~program~~ shall be established at each hospital that provides Level II or Level III neonatal intensive care services. Program services shall be made available to an infant or toddler identified as being at risk for developmental disabilities, or identified as medically involved, who, along with his or her family, would benefit from program services. Program services shall be made available to infants or toddlers in a Level II or Level III neonatal intensive care unit or in a pediatric intensive care unit, infants who are identified as being at high risk for hearing impairment or who are hearing-impaired, or infants who have a metabolic or genetic disorder. The developmental evaluation and intervention programs are subject to the availability of moneys and the limitations established by the General Appropriations Act or chapter 216. Hearing screening, evaluation and referral services, and initial developmental assessments services shall be provided to each infant or toddler. Other program services may be provided to an infant or toddler, and the family of the infant or toddler, who do not meet the financial eligibility criteria for the Children's Medical Services program based on the availability of funding, including insurance and fees.

(2) Each *developmental evaluation and intervention* program shall have a program director, a medical director, and necessary staff to carry out the program. The program director shall establish and coordinate the developmental evaluation and intervention program. The program shall include, but is not limited to:

(a) In-hospital evaluation and intervention services, parent support and training, and family support planning and case management.

(b) Screening and evaluation services to identify each infant at risk of hearing impairment, and a medical and educational followup and care management program for an infant who is identified as hearing-impaired, with management beginning as soon after birth as practicable. The medical management program must include the genetic evaluation of an infant suspected to have genetically determined deafness and an evaluation of the relative risk.

(c) Regularly held multidisciplinary team meetings to develop and update the family support plan. In addition to the family, a multidisciplinary team may include a physician, physician assistant, psychologist, psychotherapist, educator, social worker, nurse, physical or occupational therapist, speech pathologist, developmental evaluation and intervention program director, case manager, ~~and~~ others who are involved with the in-hospital and posthospital discharge care plan, *and anyone the family wishes to include as a member of the team*. The family support plan is a written plan that describes the infant or toddler, ~~and~~ the therapies and services the infant or toddler and his or her family need, *and the intended outcomes of the services*.

(d) Discharge planning by the multidisciplinary team, including referral and followup to primary medical care and modification of the family support plan.

(e) Education and training for neonatal and pediatric intensive care services staff, volunteers, and others, as needed, in order to expand the services provided to high-risk, developmentally disabled, medically involved, or hearing-impaired infants and toddlers and their families.

(f) Followup intervention services after hospital discharge, to aid the family and the high-risk, developmentally disabled, medically involved, or hearing-impaired infant's or toddler's transition into the community. ~~These services shall include, but are not limited to, home intervention services and other intervention services, both contractual and voluntary.~~ Support services shall be coordinated at the request of the family and within the context of the family support plan.

(g) Referral to and coordination of services with community providers.

(h) Educational materials about infant care, infant growth and development, community resources, medical conditions and treatments, and family advocacy. Materials regarding hearing impairments shall be provided to each parent or guardian of a hearing-impaired infant or toddler.

(i) Involvement of the parents and guardians of each identified high-risk, developmentally disabled, medically involved, or hearing-impaired infant or toddler.

Section 28. Paragraph (a) of subsection (1) of section 391.304, Florida Statutes, is amended to read:

391.304 Program coordination.—

(1) The Department of Health shall:

(a) Coordinate with the Department of Education, ~~the Offices of Prevention, Early Assistance, and Child Development,~~ the Florida Interagency Coordinating Council for Infants and Toddlers, and the State Coordinating Council for Early Childhood Services in planning and administering ss. 391.301-391.307. This coordination shall be in accordance with s. 411.222.

Section 29. Subsection (1) of section 391.305, Florida Statutes, is amended to read:

391.305 Program standards; rules.—The Department of Health shall adopt rules for the administration of the developmental evaluation and intervention program. The rules shall specify standards for the development and operation of the program, including, but not limited to:

(1) Standards governing the *eligibility* ~~need~~ for program services and the requirements of the population to be served.

Section 30. Subsection (1) of section 391.307, Florida Statutes, is amended to read:

391.307 Program review.—

(1) At least annually during the contract period, the Department of Health shall evaluate each developmental evaluation and intervention program. The department shall develop criteria to evaluate *child and family outcomes* ~~patient outcome~~, program participation, *service coordination* ~~case management~~, and program effectiveness.

Section 31. Subsection (13) of section 408.701, Florida Statutes, is amended to read:

408.701 Community health purchasing; definitions.—As used in ss. 408.70-408.706, the term:

(13) "Health care provider" or "provider" means a state-licensed or state-authorized facility, a facility principally supported by a local government or by funds from a charitable organization that holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, a licensed practitioner, a county health department established under part I of chapter 154, ~~a patient care center described in s. 391.031,~~ a prescribed pediatric extended care center defined in s. *400.902* ~~391.202~~, a federally supported primary care program such as a migrant health center or a community health center authorized under s. 329 or s. 330 of the United States Public Health Services Act that delivers health care services to individuals, or a community facility that receives funds from the state under the Community Alcohol, Drug Abuse, and Mental Health Services Act and provides mental health services to individuals.

Section 32. Section 409.810, Florida Statutes, is created to read:

409.810 Short title.—Sections 409.810-409.820 may be cited as the "Florida Kidcare Act."

Section 33. Section 409.811, Florida Statutes, is created to read:

409.811 Definitions.—As used in ss. 409.810-409.820, the term:

(1) "Actuarially equivalent" means that:

(a) The aggregate value of the benefits included in health benefits coverage is equal to the value of the benefits in the benchmark benefit plan; and

(b) The benefits included in health benefits coverage are substantially similar to the benefits included in the benchmark benefit plan, except that preventive health services must be the same as in the benchmark benefit plan.

(2) "Agency" means the Agency for Health Care Administration.

(3) "Applicant" means a parent or guardian of a child or a child whose disability of nonage has been removed under chapter 743, who applies for determination of eligibility for health benefits coverage under ss. 409.810-409.820.

(4) "Benchmark benefit plan" means the form and level of health benefits coverage established in s. 409.815.

(5) "Child" means any person under 19 years of age.

(6) "Child with special health care needs" means a child whose serious or chronic physical or developmental condition requires extensive preventive and maintenance care beyond that required by typically healthy children. Health care utilization by such a child exceeds the statistically expected usage of the normal child adjusted for chronological age, and such a child often needs complex care requiring multiple providers, rehabilitation services, and specialized equipment in a number of different settings.

(7) "Children's Medical Services network" or "network" means a statewide managed care service system as defined in s. 391.021(1).

(8) "Community rate" means a method used to develop premiums for a health insurance plan that spreads financial risk across a large population and allows adjustments only for age, gender, family composition, and geographic area.

(9) "Department" means the Department of Health.

(10) "Enrollee" means a child who has been determined eligible for and is receiving coverage under ss. 409.810-409.820.

(11) "Enrollment ceiling" means the maximum number of children receiving premium assistance payments, excluding children enrolled in Medicaid, that may be enrolled at any time in the Florida Kidcare program. The maximum number shall be established annually in the General Appropriations Act or by general law.

(12) "Family" means the group or the individuals whose income is considered in determining eligibility for the Florida Kidcare program. The family includes a child with a custodial parent or caretaker relative who resides in the same house or living unit or, in the case of a child whose disability of nonage has been removed under chapter 743, the child. The family may also include other individuals whose income and resources are considered in whole or in part in determining eligibility of the child.

(13) "Family income" means cash received at periodic intervals from any source, such as wages, benefits, contributions, or rental property. Income also may include any money that would have been counted as income under the Aid to Families with Dependent Children (AFDC) state plan in effect prior to August 22, 1996.

(14) "Guarantee issue" means that health benefits coverage must be offered to an individual regardless of the individual's health status, preexisting condition, or claims history.

(15) "Health benefits coverage" means protection that provides payment of benefits for covered health care services or that otherwise provides, either directly or through arrangements with other persons, covered health care services on a prepaid per capita basis or on a prepaid aggregate fixed-sum basis.

(16) "Health insurance plan" means health benefits coverage under the following:

(a) A health plan offered by any certified health maintenance organization or authorized health insurer, except a plan that is limited to the following: a limited benefit, specified disease, or specified accident; hospital indemnity; accident only; limited benefit convalescent care; Medicare supplement; credit disability; dental; vision; long-term care; disability income; coverage issued as a supplement to another health plan; workers' compensation liability or other insurance; or motor vehicle medical payment only; or

(b) An employee welfare benefit plan that includes health benefits established under the Employee Retirement Income Security Act of 1974, as amended.

(17) "Medicaid" means the medical assistance program authorized by Title XIX of the Social Security Act, and regulations thereunder, and ss. 409.901-409.920, as administered in this state by the agency.

(18) "Medically necessary" means the use of any medical treatment, service, equipment, or supply necessary to palliate the effects of a terminal condition, or to prevent, diagnose, correct, cure, alleviate, or preclude deterioration of a condition that threatens life, causes pain or suffering, or results in illness or infirmity and which is:

(a) Consistent with the symptom, diagnosis, and treatment of the enrollee's condition;

(b) Provided in accordance with generally accepted standards of medical practice;

(c) Not primarily intended for the convenience of the enrollee, the enrollee's family, or the health care provider;

(d) The most appropriate level of supply or service for the diagnosis and treatment of the enrollee's condition; and

(e) Approved by the appropriate medical body or health care specialty involved as effective, appropriate, and essential for the care and treatment of the enrollee's condition.

(19) "Medikids" means a component of the Florida Kidcare program of medical assistance authorized by Title XXI of the Social Security Act, and regulations thereunder, and s. 409.8132, as administered in the state by the agency.

(20) "Preexisting condition exclusion" means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date.

(21) "Premium" means the entire cost of a health insurance plan, including the administration fee or the risk assumption charge.

(22) "Premium assistance payment" means the monthly consideration paid by the agency per enrollee in the Florida Kidcare program towards health insurance premiums.

(23) "Program" means the Florida Kidcare program, the medical assistance program authorized by Title XXI of the Social Security Act as part of the federal Balanced Budget Act of 1997.

(24) "Qualified alien" means an alien as defined in s. 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Pub. L. No. 104-193.

(25) "Resident" means a United States citizen, or qualified alien, who is domiciled in this state.

(26) "Rural county" means a county having a population density of less than 100 persons per square mile, or a county defined by the most recent United States Census as rural, in which there is no prepaid health plan participating in the Medicaid program as of July 1, 1998.

(27) "Substantially similar" means that, with respect to additional services as defined in s. 2103(c)(2) of Title XXI of the Social Security Act, these services must have an actuarial value equal to at least 75 percent of the actuarial value of the coverage for that service in the benchmark benefit plan and, with respect to the basic services as defined in s. 2103(c)(1) of Title XXI of the Social Security Act, these services must be the same as the services in the benchmark benefit plan.

Section 34. Section 409.812, Florida Statutes, is created to read:

409.812 Program created; purpose.—The Florida Kidcare program is created to provide a defined set of health benefits to previously uninsured, low-income children through the establishment of a variety of affordable health benefits coverage options from which families may select coverage and through which families may contribute financially to the health care of their children.

Section 35. Section 409.813, Florida Statutes, is created to read:

409.813 Program components; entitlement and nonentitlement.—The Florida Kidcare program includes health benefits coverage provided to children through:

(1) Medicaid;

(2) Medikids as created in s. 409.8132;

(3) The Florida Healthy Kids Corporation as created in s. 624.91;

(4) Employer-sponsored group health insurance plans approved under ss. 409.810–409.820; and

(5) The Children's Medical Services network established in chapter 391.

Except for coverage under the Medicaid program, coverage under the Florida Kidcare program is not an entitlement. No cause of action shall arise against the state, the department, the Department of Children and Family Services, or the agency for failure to make health services available to any person under ss. 409.810-409.820.

Section 36. Section 409.8132, Florida Statutes, is created to read:

409.8132 Medikids program component.—

(1) PROGRAM COMPONENT CREATED; PURPOSE.—The Medikids program component is created in the Agency for Health Care Administration to provide health care services under the Florida Kidcare program to eligible children using the administrative structure and provider network of the Medicaid program.

(2) ADMINISTRATION.—The director of the agency shall appoint an administrator of the Medikids program component, which shall be located in the Division of State Health Purchasing. The Agency for Health Care Administration is designated as the state agency authorized to make payments for medical assistance and related services for the Medikids program component of the Florida Kidcare program. Payments shall be made, subject to any limitations or directions in the General Appropriations Act, only for covered services provided to eligible children by qualified health care providers under the Florida Kidcare program.

(3) INSURANCE LICENSURE NOT REQUIRED.—The Medikids program component shall not be subject to the licensing requirements of the Florida Insurance Code or rules of the Department of Insurance.

(4) APPLICABILITY OF LAWS RELATING TO MEDICAID.—The provisions of ss. 409.902, 409.905, 409.906, 409.907, 409.908, 409.910, 409.912, 409.9121, 409.9122, 409.9123, 409.9124, 409.9127, 409.9128, 409.913, 409.916, 409.919, 409.920, and 409.9205 apply to the administration of the Medikids program component of the Florida Kidcare program, except that s. 409.9122 applies to Medikids as modified by the provisions of subsection (7).

(5) BENEFITS.—Benefits provided under the Medikids program component shall be the same benefits provided to children as specified in ss. 409.905 and 409.906.

(6) ELIGIBILITY.—

(a) A child who is under the age of 5 years is eligible to enroll in the Medikids program component of the Florida Kidcare program, if the child is a member of a family that has a family income which exceeds the Medicaid applicable income level as specified in s. 409.903, but which is equal to or below 200 percent of the current federal poverty level. In determining the eligibility of such a child, an assets test is not required. A child who is eligible for Medikids may elect to enroll in Florida Healthy Kids coverage or employer–sponsored group coverage. However, a child who is eligible for Medikids may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.

(b) The provisions of s. 409.814(3), (4), and (5) shall be applicable to the Medikids program.

(7) ENROLLMENT.—Enrollment in the Medikids program component may only occur during periodic open enrollment periods as specified by the agency. During the first 12 months of the program, there shall be at least one, but no more than three, open enrollment periods. The initial open enrollment period shall be for 90 days, and subsequent open enrollment periods during the first year of operation of the program shall be for 30 days. After the first year of the program, the agency shall determine the frequency and duration of open enrollment periods. An applicant may apply for enrollment in the Medikids program component and proceed through the eligibility determination process at any time throughout the year. However, enrollment in Medikids shall not begin until the next open enrollment period; and a child may not receive services under the Medikids program until the child is enrolled in a managed care plan or MediPass. In addition, once determined eligible, an applicant may receive choice counseling and select a managed care plan or MediPass. An applicant may select MediPass under the Medikids program component only in counties that have fewer than two managed care plans available to serve Medicaid recipients and only if the federal Health Care Financing Administration determines that MediPass constitutes "health insurance coverage" as defined in Title XXI of the Social Security Act.

(8) SPECIAL ENROLLMENT PERIODS.—The agency shall establish a special enrollment period of 30 days' duration for any newborn child who is eligible for Medikids, or for any child who is enrolled in Medicaid if such child loses Medicaid eligibility and becomes eligible for Medikids, or for any child who is enrolled in Medikids if such child moves to another county that is not within the coverage area of the child's Medikids managed care plan or MediPass provider.

(9) PENALTIES FOR VOLUNTARY CANCELLATION.—The agency shall establish enrollment criteria that must include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of premiums.

Section 37. Section 409.8134, Florida Statutes, is created to read:

409.8134 Program enrollment and expenditure ceilings.—

(1) Except for the Medicaid program, a ceiling shall be placed on annual federal and state expenditures and on enrollment in the Florida Kidcare program as provided each year in the General Appropriations Act. The agency, in consultation with the Department of Health, may propose to increase the enrollment ceiling in accordance with chapter 216.

(2) Except for the Medicaid program, whenever the Social Services Estimating Conference determines that there is presently, or will be by the

end of the current fiscal year, insufficient funds to finance the current or projected enrollment in the Florida Kidcare program, all additional enrollment must cease and additional enrollment may not resume until sufficient funds are available to finance such enrollment.

(3) The agency shall collect and analyze the data needed to project Florida Kidcare program enrollment, including participation rates, caseloads, and expenditures. The agency shall report the caseload and expenditure trends to the Social Services Estimating Conference in accordance with chapter 216.

Section 38. Section 409.8135, Florida Statutes, is created to read:

409.8135 Behavioral health services.—In order to ensure a high level of integration of physical and behavioral health care and to meet the more intensive treatment needs of enrollees with the most serious emotional disturbances or substance abuse problems, the Department of Health shall contract with the Department of Children and Family Services to provide behavioral health services to non-Medicaid-eligible children with special health care needs. The Department of Children and Family Services, in consultation with the Department of Health and the agency, is authorized to establish the following:

(1) The scope of behavioral health services, including duration and frequency.

(2) Clinical guidelines for referral to behavioral health services.

(3) Behavioral health services standards.

(4) Performance-based measures and outcomes for behavioral health services.

(5) Practice guidelines for behavioral health services to ensure cost-effective treatment and to prevent unnecessary expenditures.

(6) Rules to implement this section.

Section 39. Section 409.814, Florida Statutes, is created to read:

409.814 Eligibility.—A child whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida Kidcare program as provided in this section. In determining the eligibility of such a child, an assets test is not required.

(1) A child who is eligible for Medicaid coverage under s. 409.903 or s. 409.904 must be enrolled in Medicaid and is not eligible to receive health benefits under any other health benefits coverage authorized under ss. 409.810-409.820.

(2) A child who is not eligible for Medicaid, but who is eligible for the Florida Kidcare program, may obtain coverage under any of the other types of health benefits coverage authorized in ss. 409.810-409.820 if such coverage is approved and available in the county in which the child resides. However, a child who is eligible for Medikids may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.

(3) A child who is eligible for the Florida Kidcare program who is a child with special health care needs, as determined through a risk-screening instrument, is eligible for health benefits coverage from and may be referred to the Children's Medical Services network.

(4) The following children are not eligible to receive premium assistance for health benefits coverage under ss. 409.810-409.820, except under Medicaid if the child would have been eligible for Medicaid under s. 409.903 or s. 409.904 as of June 1, 1997:

(a) A child who is eligible for coverage under a state health benefit plan on the basis of a family member's employment with a public agency in the state;

(b) A child who is covered under a group health benefit plan or under other health insurance coverage, excluding coverage provided under the Florida Healthy Kids Corporation as established under s. 624.91;

(c) A child who is seeking premium assistance for employer-sponsored group coverage, if the child has been covered by the same employer's group coverage during the 6 months prior to the family's submitting an application for determination of eligibility under the Florida Kidcare program;

(d) A child who is an alien, but who does not meet the definition of qualified alien, in the United States; or

(e) A child who is an inmate of a public institution or a patient in an institution for mental diseases.

(5) A child whose family income is above 200 percent of the federal poverty level or a child who is excluded under the provisions of subsection (4) may participate in the Florida Kidcare program, excluding the Medicaid program, but is subject to the following provisions:

(a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.

(b) The agency is authorized to place limits on enrollment in Medikids by these children in order to avoid adverse selection. The number of children participating in Medikids whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Medikids program.

(c) The board of directors of the Florida Healthy Kids Corporation is authorized to place limits on enrollment of these children in order to avoid adverse selection. In addition, the board is authorized to offer a reduced benefit package to these children in order to limit program costs for such families. The number of children participating in the Florida Healthy Kids program whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Florida Healthy Kids program.

(d) Children described in this subsection are not counted in the annual enrollment ceiling for the Florida Kidcare program.

(6) Once a child is determined eligible for the Florida Kidcare program, the child is eligible for coverage under the program for 6 months without a redetermination or reverification of eligibility, if the family continues to pay the applicable premium. Effective January 1, 1999, a child who has not attained the age of 5 and who has been determined eligible for the Medicaid program is eligible for coverage for 12 months without a redetermination or reverification of eligibility.

Section 40. Section 409.815, Florida Statutes, is created to read:

409.815 Health benefits coverage; limitations.—

(1) MEDICAID BENEFITS.—For purposes of the Florida Kidcare program, benefits available under Medicaid and Medikids include those goods and services provided under the medical assistance program authorized by Title XIX of the Social Security Act, and regulations thereunder, as administered in this state by the agency. This includes those mandatory Medicaid services authorized under s. 409.905 and optional Medicaid services authorized under s. 409.906, rendered on behalf of eligible individuals by qualified providers, in accordance with federal requirements for Title XIX, subject to any limitations or directions provided for in the General Appropriations Act or chapter 216, and according to methodologies and limitations set forth in agency rules and policy manuals and handbooks incorporated by reference thereto.

(2) BENCHMARK BENEFITS.—In order for health benefits coverage to qualify for premium assistance payments for an eligible child under ss. 409.810-409.820, the health benefits coverage, except for coverage under Medicaid and Medikids, must include the following minimum benefits, as medically necessary.

(a) Preventive health services.—Covered services include:

1. Well-child care, including services recommended in the Guidelines for Health Supervision of Children and Youth as developed by the American Academy of Pediatrics;

2. Immunizations and injections;

3. Health education counseling and clinical services;

4. Vision screening; and

5. Hearing screening.

(b) Inpatient hospital services.—All covered services provided for the medical care and treatment of an enrollee who is admitted as an inpatient to a hospital licensed under part I of chapter 395, with the following exceptions:

1. All admissions must be authorized by the enrollee's health benefits coverage provider.

2. The length of the patient stay shall be determined based on the medical condition of the enrollee in relation to the necessary and appropriate level of care.

3. Room and board may be limited to semiprivate accommodations, unless a private room is considered medically necessary or semiprivate accommodations are not available.

4. Admissions for rehabilitation and physical therapy are limited to 15 days per contract year.

(c) Emergency services.—Covered services include visits to an emergency room or other licensed facility if needed immediately due to an injury or illness and delay means risk of permanent damage to the enrollee's health. Health maintenance organizations shall comply with the provisions of s. 641.513.

(d) Maternity services.—Covered services include maternity and newborn care, including prenatal and postnatal care, with the following limitations:

1. Coverage may be limited to the fee for vaginal deliveries; and

2. Initial inpatient care for newborn infants of enrolled adolescents shall be covered, including normal newborn care, nursery charges, and the initial pediatric or neonatal examination, and the infant may be covered for up to 3 days following birth.

(e) Organ transplantation services.—Covered services include pretransplant, transplant, and postdischarge services and treatment of complications after transplantation for transplants deemed necessary and appropriate within the guidelines set by the Organ Transplant Advisory Council under s. 381.0602 or the Bone Marrow Transplant Advisory Panel under s. 627.4236.

(f) Outpatient services.—Covered services include preventive, diagnostic, therapeutic, palliative care, and other services provided to an enrollee in the outpatient portion of a health facility licensed under chapter 395, except for the following limitations:

1. Services must be authorized by the enrollee's health benefits coverage provider; and

2. Treatment for temporomandibular joint disease (TMJ) is specifically excluded.

(g) Behavioral health services.—

1. Mental health benefits include:

a. Inpatient services, limited to not more than 30 inpatient days per contract year for psychiatric admissions, or residential services in facilities licensed under s. 394.875(8) or s. 395.003 in lieu of inpatient psychiatric admissions; however, a minimum of 10 of the 30 days shall be available only for inpatient psychiatric services when authorized by a physician; and

b. Outpatient services, including outpatient visits for psychological or psychiatric evaluation, diagnosis, and treatment by a licensed mental health professional, limited to a maximum of 40 outpatient visits each contract year.

2. Substance abuse services include:

a. Inpatient services, limited to not more than 7 inpatient days per contract year for medical detoxification only and 30 days of residential services; and

b. Outpatient services, including evaluation, diagnosis, and treatment by a licensed practitioner, limited to a maximum of 40 outpatient visits per contract year.

(h) Durable medical equipment.—Covered services include equipment and devices that are medically indicated to assist in the treatment of a medical condition and specifically prescribed as medically necessary, with the following limitations:

1. Low-vision and telescopic aides are not included.

2. Corrective lenses and frames may be limited to one pair every 2 years, unless the prescription or head size of the enrollee changes.

3. Hearing aids shall be covered only when medically indicated to assist in the treatment of a medical condition.

4. Covered prosthetic devices include artificial eyes and limbs, braces, and other artificial aids.

(i) Health practitioner services.—Covered services include services and procedures rendered to an enrollee when performed to diagnose and treat diseases, injuries, or other conditions, including care rendered by health practitioners acting within the scope of their practice, with the following exceptions:

1. Chiropractic services shall be provided in the same manner as in the Florida Medicaid program.

2. Podiatric services may be limited to one visit per day totaling two visits per month for specific foot disorders.

(j) Home health services.—Covered services include prescribed home visits by both registered and licensed practical nurses to provide skilled nursing services on a part-time intermittent basis, subject to the following limitations:

1. Coverage may be limited to include skilled nursing services only;

2. Meals, housekeeping, and personal comfort items may be excluded; and

3. Private duty nursing is limited to circumstances where such care is medically necessary.

(k) Hospice services.—Covered services include reasonable and necessary services for palliation or management of an enrollee's terminal illness, with the following exceptions:

1. Once a family elects to receive hospice care for an enrollee, other services that treat the terminal condition will not be covered; and

2. Services required for conditions totally unrelated to the terminal condition are covered to the extent that the services are included in this section.

(l) Laboratory and X-ray services.—Covered services include diagnostic testing, including clinical radiologic, laboratory, and other diagnostic tests.

(m) Nursing facility services.—Covered services include regular nursing services, rehabilitation services, drugs and biologicals, medical supplies, and the use of appliances and equipment furnished by the facility, with the following limitations:

1. All admissions must be authorized by the health benefits coverage provider.

2. The length of the patient stay shall be determined based on the medical condition of the enrollee in relation to the necessary and appropriate level of care, but is limited to not more than 100 days per contract year.

3. Room and board may be limited to semiprivate accommodations, unless a private room is considered medically necessary or semiprivate accommodations are not available.

4. Specialized treatment centers and independent kidney disease treatment centers are excluded.

5. Private duty nurses, television, and custodial care are excluded.

6. Admissions for rehabilitation and physical therapy are limited to 15 days per contract year.

(n) Prescribed drugs.—

1. Coverage shall include drugs prescribed for the treatment of illness or injury when prescribed by a licensed health practitioner acting within the scope of his or her practice.

2. Prescribed drugs may be limited to generics if available and brand name products if a generic substitution is not available, unless the prescribing licensed health practitioner indicates that a brand name is medically necessary.

3. Prescribed drugs covered under this section shall include all prescribed drugs covered under the Florida Medicaid program.

(o) Therapy services.—Covered services include rehabilitative services, including occupational, physical, respiratory, and speech therapies, with the following limitations:

1. Services must be for short-term rehabilitation where significant improvement in the enrollee's condition will result; and

2. Services shall be limited to not more than 24 treatment sessions within a 60-day period per episode or injury, with the 60-day period beginning with the first treatment.

(p) Transportation services.—Covered services include emergency transportation required in response to an emergency situation.

(q) Lifetime maximum.—Health benefits coverage obtained under ss. 409.810-409.820 shall pay an enrollee's covered expenses at a lifetime maximum of $1 million per covered child.

(r) Cost-sharing.—Cost-sharing provisions must comply with s. 409.816.

(s) Exclusions.—

1. Experimental or investigational procedures that have not been clinically proven by reliable evidence are excluded;

2. Services performed for cosmetic purposes only or for the convenience of the enrollee are excluded; and

3. Abortion may be covered only if necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest.

(t) Enhancements to minimum requirements.—

1. This section sets the minimum benefits that must be included in any health benefits coverage, other than Medicaid or Medikids coverage, offered under ss. 409.810–409.820. Health benefits coverage may include additional benefits not included under this subsection, but may not include benefits excluded under paragraph (s).

2. Health benefits coverage may extend any limitations beyond the minimum benefits described in this section.

Except for the Children's Medical Services network, the agency may not increase the premium assistance payment for either additional benefits provided beyond the minimum benefits described in this section or the imposition of less restrictive service limitations.

(u) Applicability of other state laws.—Health insurers, health maintenance organizations, and their agents are subject to the provisions of the Florida Insurance Code, except for any such provisions waived in this section.

1. Except as expressly provided in this section, a law requiring coverage for a specific health care service or benefit, or a law requiring reimbursement, utilization, or consideration of a specific category of licensed health care practitioner, does not apply to a health insurance plan policy or contract offered or delivered under ss. 409.810-409.820 unless that law is made expressly applicable to such policies or contracts.

2. Notwithstanding chapter 641, a health maintenance organization may issue contracts providing benefits equal to, exceeding, or actuarially equivalent to the benchmark benefit plan authorized by this section and may pay providers located in a rural county negotiated fees or Medicaid reimbursement rates for services provided to enrollees who are residents of the rural county.

Section 41. Section 409.816, Florida Statutes, is created to read:

409.816 Limitations on premiums and cost-sharing.—The following limitations on premiums and cost-sharing are established for the program.

(1) Enrollees who receive coverage under the Medicaid program may not be required to pay:

(a) Enrollment fees, premiums, or similar charges; or

(b) Copayments, deductibles, coinsurance, or similar charges.

(2) Enrollees in families with a family income equal to or below 150 percent of the federal poverty level, who are not receiving coverage under the Medicaid program, may not be required to pay:

(a) Enrollment fees, premiums, or similar charges that exceed the maximum monthly charge permitted under s. 1916(b)(1) of the Social Security Act; or

(b) Copayments, deductibles, coinsurance, or similar charges that exceed a nominal amount, as determined consistent with regulations referred to in s. 1916(a)(3) of the Social Security Act. However, such charges may not be imposed for preventive services, including well-baby and well-child care, age-appropriate immunizations, and routine hearing and vision screenings.

(3) Enrollees in families with a family income above 150 percent of the federal poverty level, who are not receiving coverage under the Medicaid program or who are not eligible under s. 409.814(5), may be required to pay enrollment fees, premiums, copayments, deductibles, coinsurance, or similar charges on a sliding scale related to income, except that the total annual aggregate cost-sharing with respect to all children in a family may not exceed 5 percent of the family's income. However, copayments, deductibles, coinsurance, or similar charges may not be imposed for preventive services, including well-baby and well-child care, age-appropriate immunizations, and routine hearing and vision screenings.

Section 42. Section 409.817, Florida Statutes, is created to read:

409.817 Approval of health benefits coverage; financial assistance.—In order for health insurance coverage to qualify for premium assistance payments for an eligible child under ss. 409.810-409.820, the health benefits coverage must:

(1) Be certified by the Department of Insurance under s. 409.818 as meeting, exceeding, or being actuarially equivalent to the benchmark benefit plan;

(2) Be guarantee issued;

(3) Be community rated;

(4) Not impose any preexisting condition exclusion for covered benefits; however, group health insurance plans may permit the imposition of a preexisting condition exclusion, but only insofar as it is permitted under s. 627.6561;

(5) Comply with the applicable limitations on premiums and cost-sharing in s. 409.816;

(6) Comply with the quality assurance and access standards developed under s. 409.820; and

(7) Establish periodic open enrollment periods, which may not occur more frequently than quarterly.

Section 43. Section 409.8175, Florida Statutes, is created to read:

409.8175 Delivery of services in rural counties.—A health maintenance organization or a health insurer may reimburse providers located in a rural county according to the Medicaid fee schedule for services provided to enrollees in rural counties if the provider agrees to accept such fee schedule.

Section 44. Section 409.8177, Florida Statutes, is created to read:

409.8177 Program evaluation.—The agency, in consultation with the Department of Health, the Department of Children and Family Services,

and the Florida Healthy Kids Corporation, shall by January 1 of each year submit to the Governor and the Legislature a report of the Florida Kidcare program. In addition to the items specified under s. 2108 of Title XXI of the Social Security Act, the report shall include an assessment of crowd-out and access to health care, as well as the following:

(1) An assessment of the operation of the program, including the progress made in reducing the number of uncovered low-income children.

(2) An assessment of the effectiveness in increasing the number of children with creditable health coverage.

(3) The characteristics of the children and families assisted under the program, including ages of the children, family income, and access to or coverage by other health insurance prior to the program and after disenrollment from the program.

(4) The quality of health coverage provided, including the types of benefits provided.

(5) The amount and level, including payment of part or all of any premium, of assistance provided.

(6) The average length of coverage of a child under the program.

(7) The program's choice of health benefits coverage and other methods used for providing child health assistance.

(8) The sources of nonfederal funding used in the program.

(9) An assessment of the effectiveness of Medikids, Children's Medical Services network, and other public and private programs in the state in increasing the availability of affordable quality health insurance and health care for children.

(10) A review and assessment of state activities to coordinate the program with other public and private programs.

(11) An analysis of changes and trends in the state that affect the provision of health insurance and health care to children.

(12) A description of any plans the state has for improving the availability of health insurance and health care for children.

(13) Recommendations for improving the program.

(14) Other studies as necessary.

Section 45. Section 409.818, Florida Statutes, is created to read:

409.818 Administration.—In order to implement ss. 409.810-409.820, the following agencies shall have the following duties:

(1) The Department of Children and Family Services shall:

(a) Develop a simplified eligibility application mail-in form to be used for determining the eligibility of children for coverage under the Florida Kidcare program, in consultation with the agency, the Department of Health, and the Florida Healthy Kids Corporation. The simplified eligibility application form must include an item that provides an opportunity for the applicant to indicate whether coverage is being sought for a child with special health care needs. Families applying for children's Medicaid coverage must also be able to use the simplified application form without having to pay a premium.

(b) Establish and maintain the eligibility determination process under the program except as specified in subsection (5). The department shall directly, or through the services of a contracted third-party administrator, establish and maintain a process for determining eligibility of children for coverage under the program. The eligibility determination process must be used solely for determining eligibility of applicants for health benefits coverage under the program. The eligibility determination process must include an initial determination of eligibility for any coverage offered under the program, as well as a redetermination or reverification of eligibility each subsequent 6 months. Effective January 1, 1999, a child who has not attained the age of 5 and who has been determined eligible for the Medicaid program is eligible for coverage for 12 months without a redetermination or reverification of eligibility. In conducting an eligibility determination, the department shall determine if the child has special health care needs.

(c) Inform program applicants about eligibility determinations and provide information about eligibility of applicants to Medicaid, Medikids, the Children's Medical Services network, and the Florida Healthy Kids Corporation, and to insurers and their agents, through a centralized coordinating office.

(d) Adopt rules necessary for conducting program eligibility functions.

(2) The Department of Health shall:

(a) Design an eligibility intake process for the program, in coordination with the Department of Children and Family Services, the agency, and the Florida Healthy Kids Corporation. The eligibility intake process may include local intake points that are determined by the Department of Health in coordination with the Department of Children and Family Services.

(b) Design and implement program outreach activities under s. 409.819.

(c) Chair a state-level coordinating council to review and make recommendations concerning the implementation and operation of the program. The coordinating council shall include representatives from the department, the Department of Children and Family Services, the agency, the Florida Healthy Kids Corporation, the Department of Insurance, local government, health insurers, health maintenance organizations, health care providers, families participating in the program, and organizations representing low-income families.

(d) In consultation with the Florida Healthy Kids Corporation and the Department of Children and Family Services, establishing a toll-free telephone line to assist families with questions about the program.

(e) Adopt rules necessary to implement outreach activities.

(3) The Agency for Health Care Administration, under the authority granted in s. 409.914(1), shall:

(a) Calculate the premium assistance payment necessary to comply with the premium and cost-sharing limitations specified in s. 409.816. The premium assistance payment for each enrollee in a health insurance plan participating in the Florida Healthy Kids Corporation shall equal the premium approved by the Florida Healthy Kids Corporation and the Department of Insurance pursuant to ss. 627.410 and 641.31, less any enrollee's share of the premium established within the limitations specified in s. 409.816. The premium assistance payment for each enrollee in an employer-sponsored health insurance plan approved under ss. 409.810–409.820 shall equal the premium for the plan adjusted for any benchmark benefit plan actuarial equivalent benefit rider approved by the Department of Insurance pursuant to ss. 627.410 and 641.31, less any enrollee's share of the premium established within the limitations specified in s. 409.816. In calculating the premium assistance payment levels for children with family coverage, the agency shall set the premium assistance payment levels for each child proportionately to the total cost of family coverage.

(b) Annually calculate the program enrollment ceiling based on estimated per-child premium assistance payments and the estimated appropriation available for the program.

(c) Make premium assistance payments to health insurance plans on a periodic basis. The agency may use its Medicaid fiscal agent or a contracted third-party administrator in making these payments. The agency may require health insurance plans that participate in the Medikids program or employer-sponsored group health insurance to collect premium payments from an enrollee's family. Participating health insurance plans shall report premium payments collected on behalf of enrollees in the program to the agency in accordance with a schedule established by the agency.

(d) Monitor compliance with quality assurance and access standards developed under s. 409.820.

(e) Establish a mechanism for investigating and resolving complaints and grievances from program applicants, enrollees, and health benefits coverage providers, and maintain a record of complaints and confirmed problems. In the case of a child who is enrolled in a health maintenance organization, the agency must use the provisions of s. 641.511 to address grievance reporting and resolution requirements.

(f) Approve health benefits coverage for participation in the program, following certification by the Department of Insurance under subsection (4).

(g) Adopt rules necessary for calculating premium assistance payment levels, calculating the program enrollment ceiling, making premium assistance payments, monitoring access and quality assurance standards, investigating and resolving complaints and grievances, administering the Medikids program, and approving health benefits coverage.

The agency is designated the lead state agency for Title XXI of the Social Security Act for purposes of receipt of federal funds, for reporting purposes, and for ensuring compliance with federal and state regulations and rules.

(4) The Department of Insurance shall certify that health benefits coverage plans that seek to provide services under the Florida Kidcare program, except those offered through the Florida Healthy Kids Corporation or the Children's Medical Services network, meet, exceed, or are actuarially equivalent to the benchmark benefit plan and that health insurance plans will be offered at an approved rate. In determining actuarial equivalence of benefits coverage, the Department of Insurance and health insurance plans must comply with the requirements of s. 2103 of Title XXI of the Social Security Act. The department shall adopt rules necessary for certifying health benefits coverage plans.

(5) The Florida Healthy Kids Corporation shall retain its functions as authorized in s. 624.91, including eligibility determination for participation in the Healthy Kids program.

(6) The agency, the Department of Health, the Department of Children and Family Services, the Florida Healthy Kids Corporation, and the Department of Insurance, after consultation with and approval of the Speaker of the House of Representatives and the President of the Senate, are authorized to make program modifications that are necessary to overcome any objections of the United States Department of Health and Human Services to obtain approval of the state's child health insurance plan under Title XXI of the Social Security Act.

Section 46. Section 154.508, Florida Statutes, is transferred, renumbered as section 409.819, Florida Statutes, and amended to read:

409.819 ~~154.508~~ Identification of low-income, uninsured children; determination of ~~Medicaid~~ eligibility *for the Florida Kidcare program*; alternative health care information.—The *Department of Health* ~~Agency for Health Care Administration~~ shall develop a program, in conjunction with the Department of Education, the Department of Children and Family Services, *the Agency for Health Care Administration, the Florida Healthy Kids Corporation* ~~the Department of Health~~, local *governments, employers* ~~school districts~~, and other stakeholders to identify low-income, uninsured children and, to the extent possible and subject to appropriation, refer them to the Department of Children and Family Services for ~~a Medicaid~~ eligibility determination and provide parents with information about *choices* ~~alternative sources~~ of health *benefits coverage under the Florida Kidcare program* ~~care~~. *These activities shall include, but not be limited to: training community providers in effective methods of outreach; conducting public information campaigns designed to publicize the Florida Kidcare program, the eligibility requirements of the program, and the procedures for enrollment in the program; and maintaining public awareness of the Florida Kidcare program. Special emphasis shall be placed on the identification of minority children for referral to and participation in the Florida Kidcare program.*

Section 47. Section 409.820, Florida Statutes, is created to read:

409.820 Quality assurance and access standards.—Except for Medicaid, the Department of Health, in consultation with the agency and the Florida Healthy Kids Corporation, shall develop a minimum set of quality assurance and access standards for all program components. The standards must include a process for granting exceptions to specific requirements for quality assurance and access. Compliance with the standards shall be a condition of program participation by health benefits coverage providers. These standards shall comply with the provisions of chapters 409 and 641 and Title XXI of the Social Security Act.

Section 48. *The following performance measures and standards are adopted for the Florida Kidcare program:*

(1) The total number of previously uninsured children who receive health benefits coverage as a result of state activities under Title XXI of the Social Security Act: 254,000 uninsured children expected to obtain coverage during the 1998-1999 fiscal year.

(a) The number of children enrolled in the Medicaid program as a result of eligibility expansions under Title XXI of the Social Security Act: 29,500 children enrolled in Medicaid under new eligibility groups during the 1998-1999 fiscal year.

(b) The number of children enrolled in the Medicaid program as a result of outreach efforts under Title XXI of the Social Security Act who are eligible for Medicaid but who have not enrolled in the program: 80,000 children previously eligible for Medicaid, but not enrolled in Medicaid, who enroll in Medicaid during the 1998-1999 fiscal year.

(c) The number of uninsured children enrolled in Medikids under Title XXI of the Social Security Act: 17,000 children enrolled in Medikids during the 1998-1999 fiscal year.

(d) The number of uninsured children added to the enrollment for the Florida Healthy Kids Corporation program under Title XXI of the Social Security Act: 70,000 additional children enrolled in the Florida Healthy Kids Corporation program during the 1998-1999 fiscal year.

(e) The number of uninsured children enrolled in employer-sponsored group health insurance coverage under Title XXI of the Social Security Act: 48,000 uninsured children enrolled in health insurance coverage during the 1998-1999 fiscal year.

(f) The number of uninsured children enrolled in the Children's Medical Services network under Title XXI of the Social Security Act: 9,500 uninsured children enrolled in the Children's Medical Services network during the 1998-1999 fiscal year.

(2) The percentage of uninsured children in this state as of July 1, 1998, who receive health benefits coverage under the Florida Kidcare program: 30.9 percent of uninsured children enrolled in the Florida Kidcare program during the 1998-1999 fiscal year.

(3) The percentage of children enrolled in the Florida Kidcare program with up-to-date immunizations: 80 percent of enrolled children with up-to-date immunizations.

(4) The percentage of compliance with the standards established in the Guidelines for Health Supervision of Children and Youth as developed by the American Academy of Pediatrics for children eligible for the Florida Kidcare program and served under:

(a) Medicaid;

(b) Medikids;

(c) The Florida Healthy Kids Corporation program;

(d) Employer-sponsored group health insurance plans; and

(e) The Children's Medical Services network.

For each category of coverage, the health care provided is in compliance with the health supervision standards for 80 percent of enrolled children.

(5) The perception of the enrollee or the enrollee's family concerning coverage provided to children enrolled in the Florida Kidcare program and served under:

(a) Medicaid;

(b) Medikids;

(c) Florida Healthy Kids Corporation;

(d) Employer-sponsored group health insurance plans; and

(e) The Children's Medical Services network.

For each category of coverage, 90 percent of the enrollees or the enrollee families indicate satisfaction with the care provided under the program.

Section 49. *The Agency for Health Care Administration shall conduct a study of the feasibility of extending presumptive eligibility for Medicaid*

to children who have not attained the age of 19. The study shall assess whether families delay seeking health care services or health care coverage because of the lack of presumptive eligibility. The agency shall report its findings to the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of the respective health care committees no later than December 31, 1998.

Section 50. *For fiscal year 1998–1999, the enrollment ceiling for the non–Medicaid portion of the Florida Kidcare program is 270,000 children. Thereafter, the enrollment ceiling shall be established in the General Appropriations Act or general law.*

Section 51. Subsections (6) and (7) are added to section 409.904, Florida Statutes, to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(6) A child born before October 1, 1983, living in a family that has an income which is at or below 100 percent of the current federal poverty level, who has attained the age of 6, but has not attained the age of 19, and who would be eligible in s. 409.903(6), if the child had been born on or after such date. In determining the eligibility of such a child, an assets test is not required.

(7) A child who has not attained the age of 19 who has been determined eligible for the Medicaid program is deemed to be eligible for a total of 6 months, regardless of changes in circumstances other than attainment of the maximum age. Effective January 1, 1999, a child who has not attained the age of 5 and who has been determined eligible for the Medicaid program is deemed to be eligible for a total of 12 months regardless of changes in circumstances other than attainment of the maximum age.

Section 52. Subsections (11) through (22) of section 409.906, Florida Statutes, are renumbered as subsections (12) through (23), respectively, and a new subsection (11) is added to that section to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Optional services may include:

(11) HEALTHY START SERVICES.—The agency may pay for a continuum of risk-appropriate medical and psychosocial services for the Healthy Start program in accordance with a federal waiver. The agency may not implement the federal waiver unless the waiver permits the state to limit enrollment or the amount, duration, and scope of services to ensure that expenditures will not exceed funds appropriated by the Legislature or available from local sources.

Section 53. Section 409.9126, Florida Statutes, is amended to read:

409.9126 Children with special health care needs.—

~~(1) As used in this section:~~

~~(a) "Children's Medical Services network" means an alternative service network that includes health care providers and health care facilities specified in chapter 391 and ss. 383.15-383.21, 383.216, and 415.5055.~~

~~(b) "Children with special health care needs" means those children whose serious or chronic physical or developmental conditions require extensive preventive and maintenance care beyond that required by typically healthy children. Health care utilization by these children exceeds the statistically expected usage of the normal child matched for chronological age and often needs complex care requiring multiple providers, rehabilitation services, and specialized equipment in a number of different settings.~~

~~(2) The Legislature finds that Medicaid-eligible children with special health care needs require a comprehensive, continuous, and coordinated system of health care that links community-based health care with multidisciplinary, regional, and tertiary care. The Legislature finds that Florida's Children's Medical Services program provides a full continuum of coordinated, comprehensive services for children with special health care needs.~~

(1)~~(3)~~ Except as provided in *subsection (4)* ~~subsections (8) and (9)~~, children eligible for Children's Medical Services who receive Medicaid benefits, and other Medicaid-eligible children with special health care needs, shall be exempt from the provisions of s. 409.9122 and shall be served through the Children's Medical Services network *established in chapter 391.*

(2)~~(4)~~ The Legislature directs the agency to apply to the federal Health Care Financing Administration for a waiver to assign to the Children's Medical Services network all Medicaid-eligible children who meet the criteria for participation in the Children's Medical Services program ~~as specified in s. 391.021(2),~~ and other Medicaid-eligible children with special health care needs.

~~(5) The Children's Medical Services program shall assign a qualified MediPass primary care provider from the Children's Medical Services network who shall serve as the gatekeeper and who shall be responsible for the provision or authorization of all health services to a child who has been assigned to the Children's Medical Services network by the Medicaid program.~~

(3)~~(6)~~ Services provided through the Children's Medical Services network shall be reimbursed on a fee-for-service basis and shall utilize a primary care case management process. *However, effective July 1, 1999, reimbursement to the Children's Medical Services program for services provided to Medicaid-eligible children with special health care needs through the Children's Medical Services network shall be on a capitated basis.*

~~(7) The agency, in consultation with the Children's Medical Services program, shall develop by rule quality-of-care and service integration standards.~~

~~(8) The agency may issue a request for proposals, based on the quality-of-care and service integration standards, to allow managed care plans that have contracts with the Medicaid program to provide services to Medicaid-eligible children with special health care needs.~~

(4)~~(9)~~ The agency *may* ~~shall~~ approve requests to provide services to Medicaid-eligible children with special health care needs from managed care plans that meet *access,* quality-of-care, *network,* and service integration standards and are in good standing with the agency. The agency shall monitor on a quarterly basis managed care plans which have been approved to provide services to Medicaid-eligible children with special health care needs. *The agency may determine the number of enrollment slots approved for a managed care plan based on the managed care plan's network capacity to serve children with special health care needs.*

(5)~~(10)~~ The agency, in consultation with the Department of Health ~~and Rehabilitative Services~~, shall adopt rules that address Medicaid requirements for referral, enrollment, and disenrollment of children with special health care needs who are enrolled in Medicaid managed care plans and who may benefit from the Children's Medical Services network.

~~(11) The Children's Medical Services network may contract with school districts participating in the certified school match program pursuant to ss. 236.0812 and 409.908(21) for the provision of school-based services, as provided for in s. 409.9071, for Medicaid-eligible children who are enrolled in the Children's Medical Services network.~~

~~(12) After 1 complete year of operation, the agency shall conduct an evaluation of the Children's Medical Services network. The evaluation shall include, but not be limited to, an assessment of whether the use of the Children's Medical Services network is less costly than the provision of the services would have been in the Medicaid fee-for-service program. The evaluation also shall include an assessment of patient satisfaction~~

~~with the Children's Medical Services network, an assessment of the quality of care delivered through the network, and recommendations for further improving the performance of the network. The agency shall report the evaluation findings to the Governor and the chairpersons of the appropriations and health care committees of each chamber of the Legislature.~~

Section 54. Section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(1) SHORT TITLE.—This section may be cited as the "William G. 'Doc' Myers Healthy Kids Corporation Act."

(2) LEGISLATIVE INTENT.—

(a) The Legislature finds that increased access to health care services could improve children's health and reduce the incidence and costs of childhood illness and disabilities among children in this state. Many children do not have *comprehensive, affordable health care* ~~preventive~~ services available ~~or funded, and for those who do, lack of access is a restriction to getting service~~. It is the intent of the Legislature that *the Florida Healthy Kids* ~~a nonprofit~~ Corporation ~~be organized to facilitate a program to bring preventive health care services to children, if necessary through the use of school facilities in this state when more appropriate sites are unavailable, and to~~ provide comprehensive health insurance coverage to such children. ~~A goal for~~ The corporation is *encouraged* to cooperate with any existing *health* ~~preventive~~ service programs funded by the public or the private sector.

(b) It is the intent of the Legislature that the Florida Healthy Kids Corporation serve as one of several providers of services to children eligible for medical assistance under Title XXI of the Social Security Act. Although the corporation may serve other children, the Legislature intends the primary recipients of services provided through the corporation be school-age children with a family income below 200 percent of the federal poverty level, who do not qualify for Medicaid. It is also the intent of the Legislature that state and local government Florida Healthy Kids funds, to the extent permissible under federal law, be used to obtain matching federal dollars.

(3) NONENTITLEMENT.—Nothing in this section shall be construed as providing an individual with an entitlement to health care services. No cause of action shall arise against the state, the Florida Healthy Kids Corporation, or a unit of local government for failure to make health services available under this section.

(4)~~(3)~~ CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(a) *There is created* ~~The Legislature hereby creates~~ the Florida Healthy Kids Corporation, a not-for-profit corporation which *operates* ~~shall operate~~ on sites ~~to be~~ designated by the corporation.

(b) The Florida Healthy Kids Corporation shall phase in a program to:

1. Organize school children groups to facilitate the provision of ~~preventive health care services to children and to provide~~ comprehensive health insurance coverage to children;

2. Arrange for the collection of any family*, local contributions,* or employer payment or premium, in an amount to be determined by the board of directors, ~~from all participant families or employers~~ to provide for payment *of* ~~for preventive health care services or~~ premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses ~~incurred during the period for which family or employer payments are made~~;

3. Establish the administrative and accounting procedures for the operation of the corporation;

4. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children; *provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians;*

5. Establish eligibility criteria which children must meet in order to participate in the program;

6. Establish procedures under which applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation;

7. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance administrator to provide administrative services to the corporation;

8. Establish enrollment criteria which shall include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums;

9. If a space is available, establish a special open enrollment period of 30 days' duration for any child who is enrolled in Medicaid or Medikids if such child loses Medicaid or Medikids eligibility and becomes eligible for the Florida Healthy Kids program;

10.~~8.~~ Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage ~~and preventive health care services~~ to participants. *Such standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process. The selection of health plans shall be based primarily on quality criteria established by the board. The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded*;

11.~~9.~~ Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program;

12.~~10.~~ Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation;

13.~~11.~~ As appropriate, enter into contracts with local school boards or other agencies to provide onsite information, enrollment, and other services necessary to the operation of the corporation; ~~and~~

14.~~12.~~ Provide a report on an annual basis to the Governor, Insurance Commissioner, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives;~~.~~

15.~~13.~~ *Each fiscal year, establish a maximum number of participants by county, on a statewide basis, who may enroll in the program without the benefit of local matching funds. Thereafter, the corporation may establish local matching requirements for supplemental participation in the program. The corporation may vary local matching requirements and enrollment by county depending on factors which may influence the generation of local match, including, but not limited to, population density, per capita income, existing local tax effort, and other factors. The corporation also may accept in-kind match in lieu of cash for the local match requirement to the extent allowed by Title XXI of the Social Security Act; and* ~~For the 1996-1997 fiscal year only, funds may be appropriated to the Florida Healthy Kids Corporation to organize school children groups to facilitate the provision of preventive health care services to children at sites in addition to those allowed in subparagraph 1. This subparagraph is repealed on July 1, 1997.~~

16. Establish eligibility criteria, premium and cost-sharing requirements, and benefit packages which conform to the provisions of the Florida Kidcare program, as created in ss. 409.810-409.820.

(c) Coverage under the corporation's program is secondary to any other available private coverage held by the participant child or family member. The corporation may establish procedures for coordinating benefits under this program with benefits under other public and private coverage.

(d) The Florida Healthy Kids Corporation shall be a private corporation not for profit, organized pursuant to chapter 617, and shall have all powers necessary to carry out the purposes of this act, including, but not limited to, the power to receive and accept grants, loans, or advances of

funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this act.

(5)~~(4)~~ BOARD OF DIRECTORS.—

(a) The Florida Healthy Kids Corporation shall operate subject to the supervision and approval of a board of directors chaired by the Insurance Commissioner or her or his designee, and composed of 12 other members selected for 3-year terms of office as follows:

1. One member appointed by the Commissioner of Education from among three persons nominated by the Florida Association of School Administrators;

2. One member appointed by the Commissioner of Education from among three persons nominated by the Florida Association of School Boards;

3. One member appointed by the Commissioner of Education from the Office of School Health Programs of the Florida Department of Education;

4. One member appointed by the Governor from among three members nominated by the Florida Pediatric Society;

5. One member, appointed by the Governor, who represents the Children's Medical Services Program;

6. One member appointed by the Insurance Commissioner from among three members nominated by the Florida Hospital Association;

7. Two members, appointed by the Insurance Commissioner, who are representatives of authorized health care insurers or health maintenance organizations;

8. One member, appointed by the Insurance Commissioner, who represents the Institute for Child Health Policy;

9. One member, appointed by the Governor, from among three members nominated by the Florida Academy of Family Physicians;

10. One member, appointed by the Governor, who represents the Agency for Health Care Administration; and

11. The State Health Officer or her or his designee.

~~In order to provide for staggered terms, the initial term of the members appointed under subparagraphs 1., 4., and 6. shall be for 2 years and the initial term of the members appointed under subparagraphs 2., 5., 8., and 10. shall be for 4 years.~~

(b) A member of the board of directors may be removed by the official who appointed that member. The board shall appoint an executive director, who is responsible for other staff authorized by the board.

(c) Board members are entitled to receive, from funds of the corporation, reimbursement for per diem and travel expenses as provided by s. 112.061.

(d) There shall be no liability on the part of, and no cause of action shall arise against, any member of the board of directors, or its employees or agents, for any action they take in the performance of their powers and duties under this act.

(6)~~(5)~~ LICENSING NOT REQUIRED; FISCAL OPERATION.—

(a) The corporation shall not be deemed an insurer. The officers, directors, and employees of the corporation shall not be deemed to be agents of an insurer. Neither the corporation nor any officer, director, or employee of the corporation is subject to the licensing requirements of the insurance code or the rules of the Department of Insurance. However, ~~the Department of Insurance may require that~~ any marketing representative utilized and compensated by the corporation *must* be appointed as a representative of the insurers or health services providers with which the corporation contracts.

(b) The board has complete fiscal control over the corporation and is responsible for all corporate operations.

(c) The Department of Insurance shall supervise any liquidation or dissolution of the corporation and shall have, with respect to such liquidation or dissolution, all power granted to it pursuant to the insurance code.

(7)~~(6)~~ ACCESS TO RECORDS; CONFIDENTIALITY; PENALTIES.—Notwithstanding any other laws to the contrary, the Florida Healthy Kids Corporation shall have access to the medical records of a student upon receipt of permission from a parent or guardian of the student. Such medical records may be maintained by state and local agencies. Any identifying information, including medical records and family financial information, obtained by the corporation pursuant to this subsection is confidential and is exempt from the provisions of s. 119.07(1). Neither the corporation nor the staff or agents of the corporation may release, without the written consent of the participant or the parent or guardian of the participant, to any state or federal agency, to any private business or person, or to any other entity, any confidential information received pursuant to this subsection. A violation of this subsection is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 55. *(1) Sections 391.031 and 391.056, Florida Statutes, are hereby repealed.*

(2) Section 624.92, Florida Statutes, as created by section 9 of chapter 97-260, Laws of Florida, is hereby repealed.

Section 56. *The provisions of this act which would require changes to contracts in existence on June 30, 1998, between the Florida Healthy Kids Corporation and its contracted providers shall be applied to such contracts upon the renewal of the contracts, but not later than July 1, 2000.*

Section 57. *Sections 409.810 through 409.820, Florida Statutes, as created by this act, are repealed, subject to prior legislative review, on the first July 1 occurring at least 1 year after the effective date of an act of the United States Congress or the federal Health Care Financing Administration which:*

(1) Reduces Florida's federal matching rate under Title XXI of the Social Security Act to less than 65 percent federal match; or

(2) Reduces the federal funds allotted to Florida under Title XXI of the Social Security Act to less than $250 million annually.

Section 58. This act shall take effect July 1 of the year in which enacted.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; directing the Agency for Health Care Administration to seek a federal waiver for the Healthy Start Program; amending s. 391.011, F.S.; providing a short title; amending s. 391.016, F.S.; providing legislative intent relating to the Children's Medical Services program; amending s. 391.021, F.S.; providing definitions; creating s. 391.025, F.S.; providing for applicability and scope; amending s. 391.026, F.S.; providing powers and duties of the Department of Health; creating s. 391.028, F.S., and renumbering and amending s. 391.051, F.S.; providing for administration of the program; creating s. 391.029, F.S., and renumbering and amending ss. 391.046 and 391.07, F.S.; providing program eligibility; creating s. 391.031, F.S.; establishing benefits; creating s. 391.035, F.S., and renumbering and amending ss. 391.036 and 391.041, F.S.; establishing provider qualifications; creating s. 391.045, F.S.; providing for provider reimbursement; creating s. 391.047, F.S.; establishing responsibility for payments on behalf of program participants when other parties are liable; creating s. 391.055, F.S.; establishing service delivery systems; creating s. 391.065, F.S.; providing for health care provider agreements; creating s. 391.071, F.S.; providing for quality of care requirements; creating s. 391.081, F.S.; establishing grievance reporting and resolution requirements; creating s. 391.095, F.S.; providing for program integrity; renumbering and amending s. 391.061, F.S.; providing for research and evaluation; renumbering ss. 391.201-391.217, F.S., relating to prescribed pediatric extended care centers; designating said sections as pt. IX of ch. 400, F.S.; amending ss. 391.206 and 391.217, F.S.; conforming cross-references; designating ss. 391.221, 391.222, and 391.223, F.S., as pt. II of ch. 391, F.S., entitled "Children's Medical Services Councils and Panels"; creating s. 391.221, F.S.; establishing the Statewide Children's Medical Services Network Advisory Council; renumbering and amending s. 391.091,

F.S., relating to the Cardiac Advisory Council; deleting meeting and reporting requirements; creating s. 391.223, F.S.; providing for technical advisory panels; amending ss. 391.301, 391.303, 391.304, 391.305, and 391.307, F.S.; revising provisions relating to developmental evaluation and intervention programs; amending s. 408.701, F.S.; conforming cross-references; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating and establishing the purpose of the Florida Kidcare program; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; creating s. 409.8132, F.S.; creating and establishing the purpose of the Medikids program component; providing for administration by the Agency for Health Care Administration; exempting Medikids from licensure under the Florida Insurance Code; providing applicability of certain Medicaid requirements; establishing benefit requirements; providing for eligibility; providing enrollment requirements; authorizing penalties for nonpayment of premiums; creating s. 409.8134, F.S.; providing for program enrollment and expenditure ceilings; creating s. 409.8135, F.S., providing behavior health benefits to non-Medicaid-eligible children with serious emotional needs; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing requirements for health benefits coverage under the Florida Kidcare program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for approval of health benefits coverage as a condition of financial assistance; creating s. 409.8175, F.S.; authorizing health maintenance organizations and health insurers to reimburse providers in rural counties according to the Medicaid fee schedule; creating 409.8177, F.S.; providing for program evaluation; requiring annual reports; creating s. 409.818, F.S.; providing for program administration; specifying duties of the Department of Children and Family Services, the Department of Health, the Agency for Health Care Administration, the Department of Insurance, and the Florida Healthy Kids Corporation; authorizing certain program modifications related to federal approval; renumbering and amending s. 154.508, F.S., relating to outreach activities to identify low-income, uninsured children; creating s. 409.820, F.S.; requiring the Department of Health to develop standards for quality assurance and program access; establishing performance measures and standards for the Florida Kidcare program; directing the Agency for Health Care Administration to conduct a study of Medicaid presumptive eligibility and report its findings to the Legislature; providing an enrollment ceiling; amending s. 409.904, F.S.; expanding Medicaid optional eligibility to certain children and providing for continuous eligibility; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain services for the Healthy Start program pursuant to a federal waiver; providing for limitations; amending s. 409.9126, F.S., relating to the provision of Children's Medical Services network services for children with special health care needs; deleting definitions; deleting standards for referral of certain children to the network; providing for certain provider reimbursement; amending s. 624.91, F.S., relating to the Florida Healthy Kids Corporation; providing legislative intent; specifying that the program is not an entitlement; revising standards; providing for competitive bids for health plans; providing additional duties; repealing ss. 391.031 and 391.056, F.S., relating to patient care centers and district children's medical program supervisors; repealing s. 624.92, F.S., relating to application for a Medicaid waiver for funds to expand the Florida Healthy Kids Corporation; providing that the provisions of this act do not apply to certain existing contracts; providing for future repeal and review of ss. 409.810-409.820, F.S., relating to the "Florida Kidcare Act," based on specified changes in federal policy; providing an effective date.

On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 4415** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Ostalkiewicz
Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

CS for SB 1114—A bill to be entitled An act relating to contaminated site rehabilitation tax credits; creating s. 199.1055, F.S.; providing for a contaminated site rehabilitation tax credit against the intangible personal property tax; authorizing the Department of Revenue to adopt rules; amending s. 220.02, F.S.; providing for an additional cross-reference; creating s. 220.1845, F.S.; providing for a contaminated site rehabilitation tax credit against the corporate income tax; authorizing the Department of Revenue to adopt rules; creating s. 376.30781, F.S.; providing for a partial tax credit for the rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites; providing for the Department of Environmental Protection to allocate such partial credits; providing procedures for application for tax credits; providing for a nonrefundable review fee; providing verification requirements; authorizing the Department of Environmental Protection to adopt rules; providing for revocation or modification of eligibility for tax credit under certain conditions; amending s. 213.053, F.S.; providing for information-sharing; providing an effective date.

—was read the second time by title.

Senators Harris, Turner and Kirkpatrick offered the following amendment which was moved by Senator Harris and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsection (4) of section 414.026, Florida Statutes, is redesignated as subsection (6) and amended, and new subsections (4) and (5) are added to that section, to read:

414.026 WAGES Program State Board of Directors.—

(4) The WAGES Program State Board of Directors must approve the WAGES State Plan, the operating budget and any amendments thereto, and any WAGES-related proposed administrative rules. In addition, state agencies charged by law with implementation of the WAGES Program and the Workforce Development Board of Enterprise Florida, Inc., shall collaborate with the staff of the WAGES Program State Board of Directors on all WAGES-related policies, requests for proposals, and related directives.

(5)(a) The Governor, by executive order, may designate the WAGES Program State Board of Directors as a nonprofit corporation for the purpose of receiving federal funds and providing oversight and maintenance to the WAGES Program and in administering the State Plans for Aid and Services to Needy Families with Children under 42 U.S.C. s. 602, as amended. The nonprofit corporation shall be known as WAGES, Inc., and may, by executive order, be designated as the state agency required by 42 U.S.C. s. 602(a)(3).

(b) The executive order designating the nonprofit corporation must include provisions for the governance and organizational structure of the corporation which are consistent with 42 U.S.C. s. 602(a)(5).

(c) The nonprofit corporation shall be organized under chapter 617 and shall possess all the powers granted by that chapter.

(d) The designated nonprofit corporation is eligible to use the state communications system in accordance with s. 282.105(3).

(e) Pursuant to the applicable provisions of chapter 284, the Division of Risk Management of the Department of Insurance may insure the nonprofit corporation under the same general terms and conditions as other nonprofit, statutory corporations.

(f) All departments, officers, agencies, coalitions, and institutions of the state shall cooperate with the designated nonprofit corporation in the performance of its duties.

(g) The designated nonprofit corporation shall make provisions for an annual postaudit of its financial accounts by an independent certified public accountant. The annual audit shall be submitted to the Executive Office of the Governor for review.

(h) WAGES, Inc., shall make all arrangements and fulfill all legal conditions to become a nonprofit corporation.

(i) The nonprofit corporation shall make available to the public, upon request, copies of 42 U.S.C. s. 602, as amended; applicable state laws; and any executive orders establishing WAGES, Inc.

(j) The nonprofit corporation is subject to the provisions of chapter 119, relating to public records, and those provisions of chapter 286 relating to public meetings and records.

(k) The nonprofit corporation is authorized to hire an executive director and appropriate staff. The nonprofit corporation shall annually, by February 1, provide the Legislature with a list of staff and salaries.

(6)~~(4)~~ This section expires June 30, *2002* ~~1999~~, and shall be reviewed by the Legislature prior to that date. In its review, the Legislature shall assess the status of the WAGES Program and shall determine if the responsibility for administering the program should be transferred to other state agencies.

Section 2. Section 414.028, Florida Statutes, is amended to read:

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level. The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the regional workforce development board established under the Enterprise Florida workforce development board. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

(1)(a) Each local WAGES coalition must have a minimum of 11 members, of which at least one-half must be from the business community. The composition of the coalition membership must generally reflect the racial, gender, and ethnic diversity of the community as a whole. All members shall be appointed to 3-year terms. The membership of each coalition must include:

1. Representatives of the principal entities that provide funding for the employment, education, training, and social service programs that are operated in the service area, including, but not limited to, representatives of local government, the regional workforce development board, and the United Way.

2. A representative of the health and human services board.

3. A representative of a community development board.

4. Three representatives of the business community who represent a diversity of sizes of businesses.

5. Representatives of other local planning, coordinating, or service-delivery entities.

6. A representative of a grassroots community or economic development organization that serves the poor of the community.

(b) *A person may be a member of a local WAGES coalition or a combined WAGES coalition as provided in subsection (2) regardless of whether the member, or an organization represented by a member, could benefit financially from transactions of the coalition. However, if the coalition enters into a contract with an organization or individual represented on the coalition, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting. A board member must disclose any such conflict in a manner that is approved by the WAGES Program State Board of Directors and is consistent with the procedures outlined in s. 112.3143.* ~~A representative of an agency or entity that could benefit financially from funds appropriated under the WAGES Program may not be a member of a local WAGES coalition.~~

(c) A member of the board of a public or private educational institution may not serve as a member of a local WAGES coalition.

(d) A representative of any county or municipal governing body that elects to provide services through the local WAGES coalition shall be an ex officio, nonvoting member of the coalition.

(e) A representative of a county health department or a representative of a healthy start coalition shall serve as an ex officio, nonvoting member of the coalition.

(f) This subsection does not prevent a local WAGES coalition from extending regular, voting membership to not more than one representative of a county health department and not more than one representative of a healthy start coalition.

(2) A local WAGES coalition and a regional workforce development board may be combined into one board if the membership complies with subsection (1), and if the membership of the combined board meets the requirements of Pub. L. No. 97-300, the federal Job Training Partnership Act, as amended, and with any law delineating the membership requirements for the regional workforce development boards. ~~Notwithstanding paragraph (1)(b), in a region in which the duties of the two boards are combined, a person may be a member of the WAGES coalition even if the member, or the member's principal, could benefit financially from transactions of the coalition. However, members must recuse themselves from voting on all matters from which they or their principals could benefit financially. Failure to recuse on any such vote will constitute grounds for immediate removal from the local WAGES coalition.~~

(3) The statewide implementation plan prepared by the WAGES Program State Board of Directors shall prescribe and publish the process for chartering the local WAGES coalitions.

(4) Each local WAGES coalition shall perform the planning, coordination, and oversight functions specified in the statewide implementation plan, including, but not limited to:

(a) Developing a program and financial plan to achieve the performance outcomes specified by the WAGES Program State Board of Directors for current and potential program participants in the service area. The plan must reflect the needs of service areas for seed money to create programs that assist children of WAGES participants. *The plan must also include provisions for providing services for victims of domestic violence.*

(b) Developing a funding strategy to implement the program and financial plan which incorporates resources from all principal funding sources.

(c) Identifying employment, service, and support resources in the community which may be used to fulfill the performance outcomes of the WAGES Program.

(d) In cooperation with the regional workforce development board, coordinating the implementation of one-stop career centers.

(e) Advising the Department of Children and Family Services and the Department of Labor and Employment Security with respect to the competitive procurement of services under the WAGES Program.

(f) Selecting an entity to administer the program and financial plan, such as a unit of a political subdivision within the service area, a not-for-profit private organization or corporation, or any other entity agreed upon by the local WAGES coalition.

(g) Developing a plan for services for victims of domestic violence.

1. The WAGES Program State Board of Directors shall specify requirements for the local plan, including:

a. Criteria for determining eligibility for exceptions to state work requirements;

b. The programs and services to be offered to victims of domestic violence;

c. Time limits for exceptions to program requirements, which may not result in an adult participant exceeding the federal time limit for exceptions or the state lifetime benefit limit that the participant would otherwise be entitled to receive; and

d. An annual report on domestic violence, including the progress made in reducing domestic violence as a barrier to self-sufficiency among WAGES participants, local policies and procedures for granting exceptions and exemptions from program requirements due to domestic vio-

lence, and the number and percentage of cases in which such exceptions and exemptions are granted.

2. Each local WAGES coalition plan must specify provisions for coordinating and, where appropriate, delivering services, including:

a. Provisions for the local coalition to coordinate with law enforcement agencies and social service agencies and organizations that provide services and protection to victims of domestic violence;

b. Provisions for allowing participants access to domestic violence support services and ensuring that WAGES participants are aware of domestic violence shelters, hotlines, and other domestic violence services and policies;

c. Designation of the agency that is responsible for determining eligibility for exceptions from program requirements due to domestic violence;

d. Provisions that require each individual who is granted an exemption from program requirements due to domestic violence to participate in a program that prepares the individual for self-sufficiency and safety; and

e. Where possible and necessary, provisions for job assignments and transportation arrangements that take maximum advantage of opportunities to preserve the safety of the victim of domestic violence and the victim's dependents.

(5) By October 1, 1998, local WAGES coalitions shall deliver through one-stop career centers, the full continuum of services provided under the WAGES Program, including services that are provided at the point of application. The State WAGES Board may direct the Department of Labor and Employment Security to provide such services to WAGES participants if a local WAGES coalition is unable to provide services due to decertification. Local WAGES coalitions may not determine an individual's eligibility for temporary cash assistance and all education and training shall be provided through agreements with regional workforce development boards. The local WAGES coalitions shall develop a transition plan to be approved by the WAGES Program State Board of Directors. Should career service employees of the Department of Labor and Employment Security be subject to layoff due to the local WAGES coalitions taking over the delivery of such services, such employees shall be given priority consideration for employment by the local WAGES coalitions. Positions associated with operation of WAGES Program functions that will be transferred to local WAGES coalitions must be vacated within 60 days after transfer of such functions and placed in reserve by the Executive Office of the Governor. When positions have been vacated, funds associated with those positions are to be transferred to local WAGES coalitions to support operation of the transferred functions. The amount of funds provided to each local WAGES coalition will be determined by an allocation formula to be developed by the WAGES Program State Board of Directors.

(6)~~(5)~~ The WAGES Program State Board of Directors may not approve the program and financial plan of a local coalition unless the plan provides a teen pregnancy prevention component that includes, but is not necessarily limited to, a plan for implementing the Florida Education Now and Babies Later (ENABL) program under s. 411.242 and the Teen Pregnancy Prevention Community Initiative within each *county* ~~segment~~ of the service area in which the *teen* ~~childhood~~ birth rate is higher than the state average. Each local WAGES coalition is authorized to fund community-based welfare prevention and reduction initiatives that increase the support provided by noncustodial parents to their welfare-dependent children and are consistent with program and financial guidelines developed by the WAGES Program State Board of Directors and the Commission on Responsible Fatherhood. These initiatives may include, but are not limited to, improved paternity establishment, work activities for noncustodial parents, and programs aimed at decreasing out-of-wedlock pregnancies, encouraging the involvement of fathers with their children, and increasing child-support payments.

(7)~~(6)~~ *At the option of the local WAGES coalition,* local employees of the department and the Department of Labor and Employment Security shall provide staff support for the local WAGES coalitions. ~~At the option of the local WAGES coalition,~~ Staff support may be provided by another agency, ~~or~~ entity, *or by contract* ~~if it can be provided at no cost to the state and if the support is not provided by an agency or other entity that could benefit financially from funds appropriated to implement the WAGES Program~~.

(8)~~(7)~~ There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of a local WAGES coalition or its employees or agents for any lawful action taken by them in the performance of their powers and duties under this section and s. 414.029.

Section 3. Paragraph (b) of subsection (1) and subsection (7) of section 414.065, Florida Statutes, are amended and subsection (12) is added to that section to read:

414.065 Work requirements.—

(1) WORK ACTIVITIES.—The following activities may be used individually or in combination to satisfy the work requirements for a participant in the WAGES Program:

(b) Subsidized private sector employment.—Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds. A subsidy may be provided in one or more of the forms listed in this paragraph.

1. Work supplementation.—A work supplementation subsidy diverts a participant's temporary cash assistance under the program to the employer. The employer must pay the participant wages that equal or exceed the applicable federal minimum wage. Work supplementation may not exceed 6 months. At the end of the supplementation period, the employer is expected to retain the participant as a regular employee without receiving a subsidy ~~for at least 12 months~~. *A* ~~The~~ work supplementation agreement *may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the period of work supplementation ends* ~~must provide that if the employee is dismissed at any time within 12 months after termination of the supplementation period due in any part to loss of the supplement, the employer shall repay some or all of the supplement previously paid as a subsidy to the employer under the WAGES Program~~.

2. On-the-job training.—On-the-job training is full-time, paid employment in which the employer or an educational institution in cooperation with the employer provides training needed for the participant to perform the skills required for the position. The employer or the educational institution on behalf of the employer receives a subsidy to offset the cost of the training provided to the participant. Upon satisfactory completion of the training, the employer is expected to retain the participant as a regular employee without receiving a subsidy. *An* ~~The~~ on-the-job training agreement *may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the on-the-job training subsidy ends* ~~must provide that in the case of dismissal of a participant due to loss of the subsidy, the employer shall repay some or all of the subsidy previously provided by the department and the Department of Labor and Employment Security~~.

3. Incentive payments.—The department and the Department of Labor and Employment Security may provide additional incentive payments to encourage employers to employ program participants. Incentive payments may include payments to encourage the employment of hard-to-place participants, in which case the amount of the payment shall be weighted proportionally to the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department and the Department of Labor and Employment Security shall consider the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. A participant who has complied with program requirements and who is approaching the time limit for receiving temporary cash assistance may be defined as "hard-to-place." Incentive payments may include payments in which an initial payment is made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the employer retains the participant as a full-time employee for at least 12 months. *An* ~~The~~ incentive agreement *may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the incentive payments end* ~~must provide that if the employee is dismissed at any time within 12 months after termination of the incentive payment period due in any part to loss of the incentive, the employer shall repay some or all of the payment previously paid as an incentive to the employer under the WAGES Program~~.

4. Tax credits.—An employer who employs a program participant may qualify for enterprise zone property tax credits under s. 220.182, the tax refund program for qualified target industry businesses under s. 288.106, or other federal or state tax benefits. The department and the Department of Labor and Employment Security shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

5. WAGES training bonus.—An employer who hires a WAGES participant who has less than 6 months of eligibility for temporary cash assistance remaining and who pays the participant a wage that precludes the participant's eligibility for temporary cash assistance may receive $240 for each full month of employment for a period that may not exceed 3 months. An employer who receives a WAGES training bonus for an employee may not receive a work supplementation subsidy for the same employee. Employment is defined as 35 hours per week at a wage of no less than $6 per hour.

(7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—The situations listed in this subsection shall constitute exceptions to the penalties for noncompliance with participation requirements, except that these situations do not constitute exceptions to the applicable time limit for receipt of temporary cash assistance:

(a) Noncompliance related to child care.—Temporary cash assistance may not be terminated for refusal to participate in work activities if the individual is a single custodial parent caring for a child who has not attained 6 years of age, and the adult proves to the department or to the Department of Labor and Employment Security an inability to obtain needed child care for one or more of the following reasons:

1. Unavailability of appropriate child care within a reasonable distance from the individual's home or worksite.

2. Unavailability or unsuitability of informal child care by a relative or under other arrangements.

3. Unavailability of appropriate and affordable formal child care arrangements.

(b) Noncompliance related to domestic violence.—An individual who is determined to be unable to comply with the work requirements because such compliance would make it probable that the individual would be unable to escape domestic violence shall be exempt from work requirements pursuant to s. 414.028(4)(g). However, the individual shall comply with a plan that specifies alternative requirements that prepare the individual for self-sufficiency while providing for the safety of the individual and the individual's dependents. An exception granted under this paragraph does not constitute an exception to the time limitations on benefits specified under s. 414.105.

(c) Noncompliance related to treatment or remediation of past effects of domestic violence.—An individual who is determined to be unable to comply with the work requirements under this section due to mental or physical impairment related to past incidents of domestic violence may be exempt from work requirements for a specified period pursuant to s. 414.028(4)(g), except that such individual shall comply with a plan that specifies alternative requirements that prepare the individual for self-sufficiency while providing for the safety of the individual and the individual's dependents. The plan must include counseling or a course of treatment necessary for the individual to resume participation. The need for treatment and the expected duration of such treatment must be verified by a physician licensed under chapter 458 or chapter 459; a psychologist licensed under s. 490.005(1), s. 490.006, or the provision identified as s. 490.013(2) in s. 1, chapter 81-235, Laws of Florida; a therapist as defined in s. 491.003(2) or (6); or a treatment professional who is registered under s. 415.605(1)(g), is authorized to maintain confidentiality under s. 90.5036(1)(d), and has a minimum of 2 years experience at a certified domestic violence center. An exception granted under this paragraph does not constitute an exception from the time limitations on benefits specified under s. 414.105.

(d)~~(b)~~ Noncompliance related to medical incapacity.—If an individual cannot participate in assigned work activities due to a medical incapacity, the individual may be excepted from the activity for a specific period, except that the individual shall be required to comply with the course of treatment necessary for the individual to resume participation. A participant may not be excused from work activity requirements unless the participant's medical incapacity is verified by a physician licensed under chapter 458 or chapter 459, in accordance with procedures established by rule of the Department of Labor and Employment Security.

(e)~~(c)~~ Other good cause exceptions for noncompliance.—Individuals who are temporarily unable to participate due to circumstances beyond their control may be excepted from the noncompliance penalties. The Department of Labor and Employment Security may define by rule situations that would constitute good cause. These situations must include caring for a disabled family member when the need for the care has been verified and alternate care is not available.

(12) PROTECTION FOR CURRENT EMPLOYEES.—In establishing and contracting for work-experience and community service activities, other work-experience activities, on-the-job training, subsidized employment, and work supplementation under the WAGES Program, an employed worker may not be displaced, either completely or partially. A WAGES participant may not be assigned to an activity or employed in a position if the employer has created the vacancy or terminated an existing employee without good cause in order to fill that position with a WAGES participant.

Section 4. Section 414.20, Florida Statutes, is amended to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision of needed support services, the department and the Department of Labor and Employment Security may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary cash assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) TRANSPORTATION.—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. *Transportation services may include, but are not limited to, cooperative arrangements with the following: public transit providers; community transportation coordinators designated under chapter 427; school districts, churches and community centers; donated motor vehicle programs, vanpools, and ridesharing programs; small enterprise developments and entrepreneurial programs that encourage WAGES participants to become transportation providers; public and private transportation partnerships; and other innovative strategies to expand transportation options available to program participants.*

(a) Local WAGES coalitions are authorized to provide payment for vehicle operational and repair expenses, including repair expenditures necessary to make a vehicle functional; vehicle registration fees; driver's license fees; and liability insurance for the vehicle for a period of up to 6 months. Request for vehicle repairs must be accompanied by an estimate of the cost prepared by a repair facility registered under s. 559.904.

(b) Transportation disadvantaged funds as defined in chapter 427 do not include WAGES support services funds or funds appropriated to assist persons eligible under the Job Training Partnership Act. It is the intent of the Legislature that local WAGES coalitions and regional workforce development boards consult with local community transportation coordinators designated under chapter 427 regarding the availability and cost of transportation services through the coordinated transportation system prior to contracting for comparable transportation services outside the coordinated system. ~~Support services funds may also be used to develop transportation resources to expand transportation options available to participants. These services may include cooperative arrangements with local transit authorities or school districts and small enterprise development.~~

(2) ANCILLARY EXPENSES.—Ancillary expenses such as books, tools, clothing, fees, and costs necessary to comply with work activity requirements or employment requirements may be provided.

(3) MEDICAL SERVICES.—A family that meets the eligibility requirements for Medicaid shall receive medical services under the Medicaid program.

(4) PERSONAL AND FAMILY COUNSELING AND THERAPY.—Counseling may be provided to participants who have a personal or family problem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, the department and the Department of Labor and Employment Security shall use services that are available in the community at no additional cost. If these services are not available, the department and the Department of Labor and Employment Security may use support services funds. Personal or family counseling not available through Medicaid may not be considered a medical service for purposes of the required statewide implementation plan or use of federal funds.

Section 5. Section 414.105, Florida Statutes, is amended to read:

414.105 Time limitations of temporary cash assistance.—Unless otherwise expressly provided in this chapter, an applicant or current participant shall receive temporary cash assistance for episodes of not more than 24 cumulative months in any consecutive 60-month period that begins with the first month of participation and for not more than a lifetime cumulative total of 48 months as an adult.

(1) The time limitation for episodes of temporary cash assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of temporary cash assistance as an adult, for cases in which the participant:

(a) Has received aid to families with dependent children or temporary cash assistance for any 36 months of the preceding 60 months; or

(b) Is a custodial parent under the age of 24 who:

1. Has not completed a high school education or its equivalent; or

2. Had little or no work experience in the preceding year.

(2) A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the participant is working full–time, part–time, or otherwise fully complying with all the requirements of the WAGES Program. The period for which extended temporary cash assistance is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996. A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance, for longer than 48 months.

(3)~~(2)~~ Hardship exemptions to the time limitations of this chapter shall be limited to 10 percent of participants in the first year of implementation of this chapter, 15 percent of participants in the second year of implementation of this chapter, and 20 percent of participants in all subsequent years. Criteria for hardship exemptions include:

(a) Diligent participation in activities, combined with inability to obtain employment.

(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.

(c) Significant barriers to employment, combined with a need for additional time.

(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. Temporary cash assistance shall be provided through a protective payee. Staff of the Children and *Families* ~~Family Services~~ Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.

At the recommendation of the local WAGES coalition, temporary cash assistance under a hardship exemption for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.

(4) In addition to the exemptions listed in subsection (3), a victim of domestic violence may be granted a hardship exemption if the effects of such domestic violence delay or otherwise interrupt or adversely affect the individual's participation in the program. Hardship exemptions granted under this subsection shall not be subject to the percentage limitations in subsection (3).

(5)~~(3)~~ The department shall establish a procedure for reviewing and approving hardship exemptions, and the local WAGES coalitions may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.016.

(6)~~(4)~~ The cumulative total of all hardship exemptions may not exceed 12 months, may include reduced benefits at the option of the community review panel, and shall, in combination with other periods of temporary cash assistance as an adult, total no more than 48 months of temporary cash assistance. If an individual fails to comply with program requirements during a hardship exemption period, the hardship exemption shall be removed.

(7)~~(5)~~ For individuals who have moved from another state and have legally resided in this state for less than 12 months, the time limitation for temporary cash assistance shall be the shorter of the respective time limitations used in the two states, and months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.

(8)~~(6)~~ For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which temporary cash assistance was received through the family transition program shall count towards the time limitations under this chapter.

(9)~~(7)~~ Except when temporary cash assistance was received through the family transition program, the calculation of the time limitation for temporary cash assistance shall begin with the first month of receipt of temporary cash assistance after the effective date of this act.

(10)~~(8)~~ Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.

(11)~~(9)~~ An individual who receives benefits under the Supplemental Security Income program or the Social Security Disability Insurance program is not subject to time limitations.

(12) A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.

(13)~~(10)~~ A member of the WAGES Program staff shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 24-month time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.

Section 6. Present subsections (4), (5), (6), (7), (8), (9), and (10) of section 414.0252, Florida Statutes, are renumbered as subsections (5), (7), (8), (9), (10), (11), and (12) of that section, respectively, and new subsections (4) and (6) are added to that section, to read:

414.0252 Definitions.—As used in ss. 414.015-414.45, the term:

(4) "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense that results in the physical injury or death of one family or household member by another.

(6) "Family or household member" means spouses, former spouses, noncohabitating partners, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 7. Paragraph (g) is added to subsection (10) of section 414.095, Florida Statutes, and subsection (3) and paragraph (d) of subsection (15) of that section are amended to read:

414.095 Determining eligibility for the WAGES Program.—

(3) ELIGIBILITY FOR NONCITIZENS.—A "qualified noncitizen" is an individual who is lawfully present in the United States as a refugee or who is granted asylum under ss. 207 and 208 of the Immigration and Nationality Act, an alien whose deportation is withheld under s. 243(h) of the Immigration and Nationality Act, or an alien who has been admitted as a permanent resident and meets specific criteria under federal law. *In addition, a "qualified noncitizen" includes an individual who has been battered or subject to extreme cruelty in the United States by a spouse or a parent, and has applied for or received protection under the federal Violence Against Women Act of 1994, Pub. L. No. 103-322, if the need for benefits is related to the abuse.* A "nonqualified noncitizen" is a nonimmigrant alien, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. In addition, a "nonqualified noncitizen" includes an individual paroled into the United States for less than 1 year. A qualified noncitizen who is otherwise eligible may receive temporary cash assistance to the extent permitted by federal law. The income or resources of a sponsor and the sponsor's spouse shall be included in determining eligibility to the maximum extent permitted by federal law.

(a) A child born in the United States to an illegal or ineligible alien is eligible for temporary cash assistance under this chapter if the family meets all eligibility requirements.

(b) If the parent may legally work in this country, the parent must participate in the work activity requirements provided in s. 414.065, to the extent permitted under federal law.

(c) The department shall participate in the Systematic Alien Verification for Entitlements Program (SAVE) established by the United States Immigration and Naturalization Service in order to verify the validity of documents provided by aliens and to verify an alien's eligibility.

(d) The income of an illegal alien or ineligible alien, less a pro rata share for the illegal alien or ineligible alien, counts in determining a family's eligibility to participate in the program.

(e) The entire assets of an ineligible alien or a disqualified individual who is a mandatory member of a family shall be included in determining the family's eligibility.

(10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.—An applicant or participant in the WAGES Program has the following opportunities and obligations:

(g) To receive information regarding services available from certified domestic violence centers or organizations that provide counseling and supportive services to individuals who are past or present victims of domestic violence or who are at risk of domestic violence and, upon request, to be referred to such organizations in a manner which protects the individual's confidentiality.

(15) PROHIBITIONS AND RESTRICTIONS.—

(d) Notwithstanding any law to the contrary, if a parent or caretaker relative without good cause does not cooperate with the state agency responsible for administering the child support enforcement program in establishing, modifying, or enforcing a support order with respect to a child of a teen parent or other family member, or a child of a family member who is in the care of an adult relative, temporary cash assistance to the entire family shall be denied until the state agency indicates that cooperation by the parent or caretaker relative has been satisfactory. *To the extent permissible under federal law, a parent or caretaker relative shall not be penalized for failure to cooperate with paternity establishment or with the establishment, modification, or enforcement of a support order when such cooperation could subject an individual to a risk of domestic violence. Such risk shall constitute good cause to the extent permitted by Title IV-D of the Social Security Act, as amended, or other federal law.*

Section 8. Subsection (2) of section 414.115, Florida Statutes, is amended to read:

414.115 Limited temporary cash assistance for children born to families receiving temporary cash assistance.—

(2) Subsection (1) does not apply:

(a) To a program participant who is a victim of rape or incest if the victim files a police report on the rape or incest within 30 days after the incident;

(b) To a program participant who is confirmed by the Title IV-D child support agency as having been granted an exemption from participating in requirements for the enforcement of child support due to circumstances consistent with the conception of the child as a result of rape, incest, or sexual exploitation. A child for whom an exemption is claimed under this paragraph and for whom an application has been made for a good-cause exemption from the requirements of s. 414.095 shall receive temporary benefits until a determination is made on the application for a good-cause exemption from the requirements of s. 414.095;

(c)~~(b)~~ To children who are the firstborn, including all children in the case of multiple birth, of minors included in a temporary cash assistance group who as minors become first-time parents;

(d)~~(c)~~ To a child when parental custody has been legally transferred; or

(e)~~(d)~~ To a child who is no longer able to live with his or her parents as a result of:

1. The death of the child's parent or parents;

2. The incapacity of the child's parent or parents as documented by a physician, such that the parent or parents are unable to care for the child;

3. Legal transfer of the custody of the child to another individual;

4. Incarceration of the child's parent or parents, except that the child shall not receive temporary cash assistance if a parent is subsequently released and reunited with the child; or

5. A situation in which the child's parent's or parents' institutionalization is expected to be for an extended period, as defined by the department.

Section 9. Paragraph (g) is added to subsection (1) of section 234.01, Florida Statutes, to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(g) May provide transportation for WAGES participants as defined in s. 414.0252.

Section 10. Present paragraph (b) of subsection (1) of section 234.211, Florida Statutes, is redesignated as paragraph (c), and a new paragraph (b) is added to that subsection to read:

234.211 Use of school buses for public purposes.—

(1)

(b) Each school district may enter into agreements with local WAGES coalitions for the provision of transportation services to WAGES participants as defined in s. 414.0252. Agreements must provide for reimbursement in full or in part for the proportionate share of fixed and operating costs incurred by the school district attributable to the use of buses in accordance with the agreement.

Section 11. Subsection (13) is added to section 341.041, Florida Statutes, to read:

341.041 Transit responsibilities of the department.—The department shall, within the resources provided pursuant to chapter 216:

(13) Assist local governmental entities and other transit operators in the planning, development, and coordination of transit services for WAGES participants as defined in s. 414.0252.

Section 12. Subsections (1) and (2) of section 341.052, Florida Statutes, are amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to "Section 9" providers and "Section 18" providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located. *In developing public transportation development plans, eligible providers must solicit comments from local WAGES coalitions established under chapter 414. The development plans must address how the public transit provider will work with the appropriate local WAGES coalition to provide services to WAGES participants. Eligible providers must review program and financial plans established under s. 414.028 and provide information to the local WAGES coalition serving the county in which the provider is located regarding the availability of transportation services to assist WAGES participants.*

(2) Costs for which public transit block grant program funds may be expended include:

(a) Costs of public bus transit and local public fixed guideway capital projects.

(b) Costs of public bus transit service development and transit corridor projects. Whenever block grant funds are used for a service development project or a transit corridor project, the use of such funds is governed by s. 341.051. Local transit service development projects and transit corridor projects currently operating under contract with the department shall continue to receive state funds according to the contract until such time as the contract expires. Transit corridor projects, wholly within one county, meeting or exceeding performance criteria as described in the contract shall be continued by the transit provider at the same or a higher level of service until such time as the department, the M.P.O., and the service provider, agree to discontinue the service. The provider may not increase fares for services in transit corridor projects wholly within one county without the consent of the department.

(c) Costs of public bus transit operations.

All projects *must* ~~shall~~ be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government ~~comprehensive plans of local government~~ in which the project is located.

Section 13. Paragraph (a) of subsection (2) of section 414.026, Florida Statutes, is amended to read:

414.026 WAGES Program State Board of Directors.—

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner's designee.

2. The Secretary of Children and Family Services.

3. The Secretary of Health.

4. The Secretary of Labor and Employment Security.

5. The Secretary of Community Affairs.

6. The Secretary of Transportation.

7.~~6.~~ The director of the Office of Tourism, Trade, and Economic Development.

8.~~7.~~ The president of the Enterprise Florida workforce development board, established under s. 288.9620.

9.~~8.~~ The chief executive officer of the Florida Tourism Industry Marketing Corporation, established under s. 288.1226.

10.~~9.~~ Nine members appointed by the Governor, as follows:

a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio nonvoting member.

b. Three members shall be at-large members appointed by the Governor.

c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole.

Section 14. Section 414.225, Florida Statutes, is created to read:

414.225 Transitional transportation.—In order to assist former WAGES participants in maintaining and sustaining employment, transportation may be provided, if funds are available, for up to 1 year after the participant is no longer eligible to participate in the program due to earnings. This does not constitute an entitlement to transitional transportation. If funds are not sufficient to provide services under this section, the department may limit or otherwise prioritize transportation services.

(1) Transitional transportation must be job related.

(2) Transitional transportation may include expenses identified in s. 414.20.

Section 15. Subsection (27) is added to section 427.013, Florida Statutes, to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(27) Ensure that local community transportation coordinators work cooperatively with local WAGES coalitions established in chapter 414 to

provide assistance in the development of innovative transportation services for WAGES participants.

Section 16. Subsection (9) is added to section 427.0155, Florida Statutes, to read:

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(9) Work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

Section 17. Subsection (7) is added to section 427.0157, Florida Statutes, to read:

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(7) Work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

Section 18. Section 414.80, Florida Statutes, is created to read:

414.80 Short title.—Sections 414.80-414.860 may be cited as the "WAGES Targeted Employment Act."

Section 19. Section 414.810, Florida Statutes, is created to read:

414.810 Legislative findings and intent.—

(1) The Legislature finds that the success of the Work and Gain Economic Self–sufficiency (WAGES) Program depends upon the existence of sufficient employment opportunities compatible with the education and skill levels of participants in the WAGES Program.

(2) The Legislature finds that in several identifiable regions of the state there is an alarmingly inadequate supply of entry–level jobs in relation to the number of WAGES participants who are exhausting statutory limitations on the receipt of temporary cash assistance under the WAGES Program.

(3) The Legislature finds that the disparity between employment opportunities and the number of WAGES participants in these areas of critical state economic concern constitutes an economic development emergency with significant fiscal and social implications for these areas and for the state as a whole.

(4) The Legislature finds that there is an immediate need to facilitate the location and expansion of businesses and the creation of jobs in these areas of critical state economic concern, but that such activities may be hampered by existing budgetary, statutory, regulatory, or programmatic requirements.

(5) It is the intent of the Legislature to provide for a WAGES Targeted Employment Program in order to ensure that the resources of state and local government are marshaled in a coordinated, effective, and timely manner to promote economic development and job creation integral to the success of the WAGES Program.

Section 20. Section 414.811, Florida Statutes, is created to read:

414.811 Policy and purpose.—Because the Legislature has determined that the state must take extraordinary measures to meet the employment needs of its residents who are transitioning from dependence on welfare to self–reliance through employment and to ensure that adequate employment opportunities exist for such residents, it is hereby found and declared necessary:

(1) To create a WAGES Targeted Employment Team to be composed of a state director and appointed agency WAGES Targeted Employment Coordinators.

(a) The state director shall be appointed by the Governor, and for administrative purposes, shall be housed in the Executive Office of the Governor.

(b) Staffing for the WAGES Targeted Employment Team shall be provided by the Department of Community Affairs. The department shall coordinate the use of state facilities and resources in ensuring the successful completion of the team's objectives.

(2) To empower the WAGES Targeted Employment Team to facilitate the creation of employment opportunities in areas of critical state economic concern.

(3) To provide for coordination with local government of state designated projects.

Section 21. Section 414.812, Florida Statutes, is created to read:

414.812 Limitations.—

(1) The existence of the WAGES Targeted Employment Program is not designed to disrupt the orderly economic development of the state. Rather, it is created to coordinate state resources and rapidly eliminate barriers that prevent the creation of employment opportunities in designated regions and communities of the state.

(2) Nothing in ss. 414.80-414.860 shall be construed to:

(a) Interfere with the responsibilities of the Division of Community Affairs relative to the State Emergency Management Act under chapter 252;

(b) Interfere with military and defense obligations of the Florida National Guard; or

(c) Authorize the destruction of wetlands or other ecologically or environmentally sensitive lands.

Section 22. Section 414.813, Florida Statutes, is created to read:

414.813 Liberal construction.—Sections 414.80-414.860 shall be construed liberally in order to effectuate their purposes.

Section 23. Section 414.820, Florida Statutes, is created to read:

414.820 Designation of Areas of Critical State Economic Concern.—

(1) The Legislature declares the following workforce development regions to be areas of critical state economic concern:

(a) Region 5—Gadsden, Leon, and Wakulla counties;

(b) Region 6—Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor counties;

(c) Region 7—Baker, Columbia, Dixie, Gilchrist, and Union counties;

(d) Region 19—DeSoto, Hardee, and Highlands counties; and

(e) Region 23—Dade and Monroe counties.

(2) By Executive Order, the Governor shall declare no more than 4 additional areas of the state as areas of critical state economic concern based upon the following criteria:

(a) Areas with a high proportion of families who had already received cash assistance in three out of the previous five years at the time their time limit was established;

(b) Areas with a high proportion of families subject to the WAGES time limit headed by a parent who was under age 24 at the time the time limit was established and who lacked high school or GED completion;

(c) Areas with a high proportion of families subject to the time limit who have used all of the available months of cash assistance since October 1996;

(d) Areas with a low ratio of new jobs per WAGES participant;

(e) Areas with a low ratio of job openings requiring less than a high school degree per WAGES participant;

(f) Areas with a high proportion of families subject to the time limit who are either within six months of the time limit or are receiving cash assistance under a period of hardship extension to the time limit;

(g) Areas with unusually high unemployment; and

(h) Areas identified as labor surplus areas using the criteria established by the U.S. Department of Labor Employment and Training Administration.

(3) Subcounty areas determined to have the greatest need for job creation as determined by the Workforce Development Board of Enterprise Florida, Inc., based upon the criteria in subsection (2) shall qualify for designation by the Governor under the authority provided by this section.

Section 24. Section 414.830, Florida Statutes, is created to read:

414.830 WAGES Targeted Employment Program.—

(1)(a) By July 1, 1998, the heads of the Departments of Agriculture and Consumer Services, Labor and Employment Security, Community Affairs, Children and Family Services, Revenue, Business and Professional Regulation, Management Services, Military Affairs, Transportation, and Environmental Protection shall select from within each such department a person to be designated as the WAGES Targeted Employment Coordinator for the department and a person to serve as an alternate.

(b) By July 1, 1998, the Comptroller; the Auditor General; the executive director of each water management district; and the heads of the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., State WAGES Board of Directors, Institute of Food and Agricultural Science, Florida Chamber of Commerce, the Florida Home Builders Association, the State Board of Community Colleges, Division of Workforce Development of the Department of Education, State University System, Florida Ports Council, and the Office of Planning and Budgeting shall select from within such organizations a person to be designated as the WAGES Targeted Employment Coordinator for the organization and a person to serve as an alternate.

(c) By designation, the WAGES Targeted Employment Coordinators are empowered to commit and coordinate those resources applicable to the organization that the coordinator represents. The WAGES Targeted Employment Coordinators together with the state director comprise the WAGES Targeted Employment Team, and are responsible for providing various resources dictated by need as determined by project teams.

(d) The head of each organization identified in paragraphs (a) and (b) shall notify the Governor and the state director in writing of the person initially designated as the WAGES Targeted Employment Coordinator for such organization and his or her alternate and of any changes in persons so designated thereafter. The Governor may add individuals to the WAGES Targeted Employment Team as deemed necessary.

(2) The WAGES Targeted Employment Team shall encourage state and local agencies to cooperatively solve all barriers for attracting and committing potential employers to locate in areas of critical state economic concern and to facilitate expansion of existing businesses in those areas. The Secretary of the Department of Transportation is directed to ensure that transportation components of identified projects be provided from resources available to the department. Once a local project leader or regional employment team has identified a barrier that cannot be overcome through traditional means, the WAGES Targeted Employment Team, with the approval of the Governor, may:

(a) By contract with the potential employer, waive any criteria, requirement or similar provision of any economic development incentive. Such incentives shall include, but not be limited to, programs under ss. 288.106, 288.047, 288.063, 288.1045, 288.107, 212.097, 212.098, and 220.1895;

(b) By contract with the potential employer, provide training and educational opportunities for new employees, develop training programs, and pay tuition or training expenses for employees;

(c) Contract with any Florida based provider of employment training services or educational services for the provision of services related to the team's responsibilities;

(d) Contract with potential employers to provide any service or product over which the team has control;

(e) Recommend emergency issues to the Governor for his consideration as matters requiring an executive order;

(f) Waive transportation provider preferences and exclusions provided to the Transportation Disadvantage Commission and associated providers; and

(g) Authorize the use of funds appropriated for the WAGES Targeted Employment Program for the staffing expenses of the Department of Community Affairs.

(3) The WAGES Targeted Employment Team shall meet at a minimum on a monthly basis.

(4) In order to accomplish the goals of the WAGES Targeted Employment Team, the Governor may, by executive order, effective for a period of no longer than one year, and subject to legislative review and approval at the next regular legislative session:

(a) Exercise any power enumerated under s. 252.36; and

(b) Require, at the recommendation of the WAGES Targeted Employment Team, minimum hiring requirements of participants of the WAGES Program for contracts entered into by the Florida Department of Transportation or any school district entering into contract for capital construction.

(5) The Legislature by concurrent resolution may at any time terminate an executive order issued for purposes described in this section.

(6) The WAGES Targeted Employment Team is directed to use local resources and financing whenever possible and to petition the Governor to use the powers granted in this act to finance local projects.

Section 25. Section 414.840, Florida Statutes, is created to read:

414.840 Regional WAGES Targeted Employment Teams.—

(1) Enterprise Florida, Inc., in cooperation with the Department of Community Affairs, is responsible for initial organization of the Regional WAGES Targeted Employment Teams. Regional employment teams shall be composed of representatives of cities and counties that have governing responsibilities for a given area. In addition to representatives of local government, a representative from the local WAGES coalition, the regional workforce development board, local economic development councils, and a representative of each school board in the region shall also be included on the regional employment team. The team leader shall be selected by the team members.

(2)(a) Regional employment teams shall assess businesses located in the region to identify potential expansion projects that may require the assistance of the state response team. The teams shall also identify underutilized local resources.

(b) Regional employment teams shall be responsible for coordinating the efforts of local government and local agencies to attract potential new employers and shall work in conjunction with local economic development councils. Enterprise Florida, Inc., shall assist the regional employment teams by providing research and advice in fulfilling their charge.

(c) A regional employment team may propose any local opportunity for the expansion of an existing business or for the relocation to the region of an existing employer to the WAGES Targeted Employment Team to exercise the powers vested in the state team.

(d) It is the desire of the Legislature that local resources and local solutions shall be used first as the economic development resulting from the efforts of the teams will be felt greatest by local communities.

Section 26. Section 414.845, Florida Statutes, is created to read:

414.845 Local Project Teams.—

(1) Recognizing that significant job creation efforts often focus on development of specific sites and may include multiple employers, not more than 10 local project districts may be designated by the WAGES Targeted Employment Team. Not more than 3 of the local project districts may be created in Dade County. Not more than 7 may be located in legislatively designated areas of critical state economic concern, including those designated in Dade County. Such sites must be contiguous and capable of supporting businesses creating a total of 500 jobs or more.

(2) Upon designation of a local project district, a local project team shall be assembled and approved by the WAGES Targeted Employment Team, after consultation with the regional employment team. Local project leaders should look first to the regional employment teams for assistance, but may directly appeal to the WAGES Targeted Employment Team for assistance.

(3) Local project teams shall have the following powers and responsibilities:

(a) Local project teams are to aggressively solicit potential businesses for site specific projects;

(b) Local project teams shall assist potential employers in identifying and applying for all relevant incentives and permits;

(c) Local project teams, with permission of the WAGES Targeted Employment Team, may negotiate specific terms of agreement with potential employers; and

(d) Local project teams shall identify and assist in the elimination of local barriers to the location or expansion of a business at the site.

(4) In selecting potential projects, the WAGES Targeted Employment Team shall consider all projects submitted, and shall pay particular attention to projects which include elements relating to transportation distribution centers, warehousing facilities, agricultural processing and packaging, and the aquaculture industry. While traditional economic development does not usually focus on retail establishments, the team shall consider projects which provide retail employment opportunities and may select retail projects if: the projects provide significant employment opportunities for WAGES participants; the project developers either have or can obtain the necessary permits to begin construction of the project on or before December 1, 1998; and the sponsors of the project are willing to enter into a contract with the state to deliver the commitments required under this subsection. The team shall give priority attention to any retail development project if such a project: is located in an area of critical state economic concern; is designed to provide for more than 5,000 permanent jobs; provides for the right of first refusal for at least 3,000 construction jobs to WAGES participants; provides a program for the transportation of WAGES participants employed in the construction of the project to and from the construction site; provides on–the–job training for WAGES participants at the project site; provides for multiple job fairs for WAGES participants; provides that a substantial portion of operational and clerical positions hired directly by the project be WAGES participants; and provides for rent and lease incentive programs for businesses renting or leasing space in project facilities based upon the employment of WAGES participants. The team may consider any other contract provision designed to increase employment opportunities for WAGES participants. The Department of Community Affairs, on behalf of the team, shall develop a contract in consultation with the Department of Labor and Employment Security, the Department of Children and Family Services, and the Department of Transportation, which will utilize state resources such as the Department of Agriculture's Florida Ag-Ventures Program, the Department of Community Affairs' Community Development Block Grant Loan Guarantee Program, the Department of Labor and Employment Security's Welfare–to–Work Program, additional federal funds provided to the Department of Transportation in fiscal year 1998-99, through the reauthorization of the Federal Highway Act, the Department of Environmental Protection's Sewage Treatment Facilities Revolving Loan Program, and WAGES Program support funds to facilitate projects meeting the requirements under this subsection.

Section 27. Section 414.850, Florida Statutes, is created to read:

414.850 Expiration and review of WAGES Targeted Employment Program.—Sections 414.80-414.860, expire June 30, 2002, and shall be reviewed by the Legislature and Enterprise Florida, Inc., prior to that date. In its review, the Legislature shall determine if the continued use of the WAGES Targeted Employment Program fulfills a state need. Enterprise Florida, Inc., shall assess the usefulness and applicability of the WAGES Targeted Employment Program for economic development projects.

Section 28. Section 414.860, Florida Statutes, is created to read:

414.860 Legislative oversight.—The President of the Senate shall appoint 2 members of the Senate and the Speaker of the House of Representatives shall appoint 2 members of the House of Representatives to serve as a legislative oversight committee to monitor and advise the WAGES Targeted Employment Team.

Section 29. *The WAGES Targeted Employment Team shall, from funds appropriated for the use of the team, contract with the Institute of Food and Agricultural Sciences for job creation and training activities related to the institute's Job Start, Care Giver Education, Aquaculture of High Value Species, and New Technologies in Plasticulture for Vegetable Producers programs.*

Section 30. Section 159.8083, Florida Statutes is amended to read:

159.8083 Florida First Business allocation pool.—The Florida First Business allocation pool is hereby established. The Florida First Business allocation pool shall be available solely to provide written confirmation for private activity bonds to finance Florida First Business projects certified by the Office of Tourism, Trade, and Economic Development as eligible to receive a written confirmation. Allocations from such pool shall be awarded statewide pursuant to procedures specified in s. 159.805, except that the provisions of s. 159.805(2), (3), and (6) do not apply. *The Office of Tourism, Trade, and Economic Development must give certification priority to projects recommended by the WAGES Targeted Employment Team established in s. 414.811.* Florida First Business projects that are eligible for a carryforward shall not lose their allocation on November 16 if they have applied and have been granted a carryforward. In issuing written confirmations of allocations for Florida First Business projects, the division shall use the Florida First Business allocation pool. If allocation is not available from the Florida First Business allocation pool, the division shall issue written confirmations of allocations for Florida First Business projects pursuant to s. 159.806 or s. 159.807, in such order. For the purpose of determining priority within a regional allocation pool or the state allocation pool, notices of intent to issue bonds for Florida First Business projects to be issued from a regional allocation pool or the state allocation pool shall be considered to have been received by the division at the time it is determined by the division that the Florida First Business allocation pool is unavailable to issue confirmation for such Florida First Business project. If the total amount requested in notices of intent to issue private activity bonds for Florida First Business projects exceeds the total amount of the Florida First Business allocation pool, the director shall forward all timely notices of intent to issue, which are received by the division for such projects, to the Office of Tourism, Trade, and Economic Development which shall render a decision as to which notices of intent to issue are to receive written confirmations. The Office of Tourism, Trade, and Economic Development, in consultation with the division, shall develop rules to ensure that the allocation provided in such pool is available solely to provide written confirmations for private activity bonds to finance Florida First Business projects and that such projects are feasible and financially solvent.

Section 31. Paragraph (h) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(h) Business property used in an enterprise zone.—

1. Beginning July 1, 1995, business property purchased for use by businesses located in an enterprise zone which is subsequently used in an enterprise zone shall be exempt from the tax imposed by this chapter. This exemption inures to the business only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative show-

ing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To receive a refund, the business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, an application which includes:

a. The name and address of the business claiming the refund.

b. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

c. A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.

d. The location of the property.

e. The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

f. Whether the business is a small business as defined by s. 288.703(1).

g. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 2. and meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The business shall be responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the business property is purchased.

5. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. The amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or $5,000, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or $10,000. A refund approved pursuant to this paragraph shall be made within 30 days of formal approval by the department of the application for the refund. No refund shall be granted under this paragraph unless the amount to be refunded exceeds $100 in sales tax paid on purchases made within a 60-day time period.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. If the department determines that the business property is used outside an enterprise zone within 3 years from the date of purchase, the amount of taxes refunded to the business purchasing such business property shall immediately be due and payable to the department by the business, together with the appropriate interest and penalty, computed from the date of purchase, in the manner provided by this chapter. *Notwithstanding this subparagraph, in order to provide greater employment opportunities in areas of critical state economic concern, business property used exclusively in:*

a. Licensed commercial fishing vessels,

b. Fishing guide boats, or

c. Ecotourism guide boats

that leave and return to a fixed location within an area designated under s. 370.28 are eligible for the exemption provided under this paragraph if all requirements of this paragraph are met. Such vessels and boats must be owned by a business that is eligible to receive the exemption provided under this paragraph. This exemption does not apply to the purchase of a vessel or boat.

8. The department shall deduct an amount equal to 10 percent of each refund granted under the provisions of this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the business property is located and shall transfer that amount to the General Revenue Fund.

9. For the purposes of this exemption, "business property" means new or used property defined as "recovery property" in s. 168(c) of the Internal Revenue Code of 1954, as amended, except:

a. Property classified as 3-year property under s. 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

b. Industrial machinery and equipment as defined in sub-subparagraph (b)6.a. and eligible for exemption under paragraph (b); and

c. Building materials as defined in sub-subparagraph (g)8.a.

10. The provisions of this paragraph shall expire and be void on December 31, 2005.

Section 32. Subsection (1) and paragraph (a) of subsection (3) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(a) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business, located in an enterprise zone. An eligible business does not include any business which has claimed the credit permitted under s. 220.181 for any new business employee first beginning employment with the business after July 1, 1995.

(b) "Month" means either a calendar month or the time period from any day of any month to the corresponding day of the next succeeding month or, if there is no corresponding day in the next succeeding month, the last day of the succeeding month.

(c) "New employee" means a person residing in an enterprise zone, *a qualified Job Training Partnership Act classroom training participant, or a WAGES participant* who begins employment with an eligible business after July 1, 1995, and who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed by this section.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided the person is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in the enterprise zone.

(3) In order to claim this credit, an eligible business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides *if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified*

Job Training Partnership Act classroom training participant or a WAGES participant.

Section 33. Paragraph (q) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(q) "New employee," for the purposes of the enterprise zone jobs credit, means a person residing in an enterprise zone, *a qualified Job Training Partnership Act classroom training participant, or a WAGES participant* employed at a business located in an enterprise zone who begins employment in the operations of the business after July 1, 1995, and who has not been previously employed within the preceding 12 months by the business or a successor business claiming the credit pursuant to s. 220.181. A person shall be deemed to be employed by such a business if the person performs duties in connection with the operations of the business on a full-time basis, provided she or he is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided she or he is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in an enterprise zone. The provisions of this paragraph shall expire and be void on June 30, 2005.

Section 34. Paragraph (a) of subsection (2) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(2) When filing for an enterprise zone jobs credit, a business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence during the taxable year, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the new employee resides *if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a WAGES participant.*

Section 35. Subsection (10) is added to section 288.047, Florida Statutes, to read:

288.047 Quick-response training for economic development.—

(10) There is created a Quick–response Training Program for Work and Gain Economic Self–sufficiency (WAGES) participants. Enterprise Florida, Inc., may, at the discretion of the WAGES Targeted Employment Team, award quick–response training grants and develop applicable guidelines for the training of participants in the WAGES Program. In addition to a local economic development organization, grants must be endorsed by the applicable local WAGES coalition and regional workforce development board.

(a) Training funded pursuant to this subsection may not exceed 12 months, and may be provided by the local community college, school district, regional workforce development board, or the business employing the participant, including on–the–job training. Training will provide entry–level skills to new workers, including those employed in retail, who are participants in the WAGES Program.

(b) WAGES participants trained pursuant to this subsection must be employed at a wage not less than $6.00 per hour.

(c) Funds made available pursuant to this subsection may be expended in connection with the relocation of a business from one community to another community if approved by the WAGES Targeted Employment Team.

Section 36. Subsection (4) of section 370.28, Florida Statutes, is amended, and subsection (5) is added to that section to read:

370.28 Enterprise zone designation; communities adversely impacted by net limitations.—

(4) Notwithstanding the enterprise zone residency requirements set out in ss. 212.096(1)(c) and 220.03(1)(q), businesses located in enterprise zones designated pursuant to this section may receive the credit provided under s. 212.096 or s. 220.181 for hiring any person within the jurisdiction of the *county within which* ~~nominating community of~~ such enterprise zone *is located*. All other provisions of ss. 212.096, 220.03(1)(q), and 220.181 apply to such businesses. *To increase employment opportunities for WAGES participants and prevent other persons from reliance on WAGES benefits, notwithstanding the requirement specified in ss. 212.08(5)(g)5. and (h)5. and (15)(a) and 220.182(1)(b) that no less than 20 percent of a business's employees, excluding temporary and part–time employees, must be residents of an enterprise zone for the business to qualify for the maximum exemption or credit provided in ss. 212.08(5)(g) and (h) and (15) and 220.182, a business that is located in an enterprise zone designated pursuant to this section shall be qualified for those maximum exemptions or credits if no less than 20 percent of such employees of the business are residents of the jurisdiction of the county within which the enterprise zone is located. All other provisions of ss. 212.08(5)(g) and (h) and (15) and 220.182 apply to such business.*

(5) Notwithstanding the time limitations contained in chapters 212 and 220, a business eligible to receive tax credits under this section from January 1, 1997, to June 1, 1998, must submit an application for the tax credits by December 1, 1998. All other requirements of the enterprise zone program apply to such a business.

Section 37. *There is appropriated $32 million from federal funds received by the state pursuant to Public Law 104-193, The Personal Responsibility and Work Opportunity Act, to the Employment Security Administration Trust Fund in the Department of Labor and Employment Security, to support the activities of local WAGES coalitions directed toward preparing, placing, and supporting WAGES participants in jobs or other approved work related activities.*

Section 38. Section 414.155, Florida Statutes, is created to read:

414.155 Relocation assistance program.—

(1) The Legislature recognizes that the need for public assistance may arise because a family is located in an area with limited employment opportunities, because of geographic isolation, because of formidable transportation barriers, because of isolation from their extended family, or because domestic violence interferes with the ability of a parent to maintain self-sufficiency. Accordingly there is established a voluntary program to assist families in relocating to communities with greater opportunities for self-sufficiency.

(2) The relocation assistance program shall involve five steps by the Department of Children and Family Services and the Department of Labor and Employment Security:

(a) A determination that the family is a WAGES participant or that all requirements of eligibility for the WAGES Program would likely be met.

(b) A determination that there is a basis for believing that relocation will contribute to the ability of the applicant to achieve self-sufficiency. For example, the applicant:

1. Is unlikely to achieve independence at the current community of residence;

2. Has secured a job that requires relocation to another community;

3. Has a family support network in another community; or

4. Is determined pursuant to criteria or procedures established by the WAGES Program State Board of Directors to be a victim of domestic violence who would experience reduced probability of further incidents through relocation.

(c) Establishment of a relocation plan, including a budget and such requirements as are necessary to prevent abuse of the benefit and to provide an assurance that the applicant will relocate. The plan may require that expenditures be made on behalf of the recipient; however, the plan must include provisions to protect the safety of victims of domestic

violence and avoid provisions that place them in anticipated danger. The payment to defray relocation expenses shall be limited to an amount not to exceed 4 months' temporary cash assistance, based on family size, and will not count towards the time limitations stated in s. 414.105. The Department of Children and Family Services may adopt rules necessary to administer this section.

(d) A determination, pursuant to criteria adopted by the WAGES Program State Board of Directors, that a Florida community receiving a relocated family has the capacity to provide needed services and employment opportunities. The Department of Labor and Employment Security may adopt rules necessary to establish criteria to be used by the WAGES Program State Board of Directors in administering this paragraph.

(e) Monitoring the relocation.

(3) A family receiving relocation assistance for reasons other than domestic violence must sign an agreement restricting the family from applying for temporary cash assistance for 6 months, unless an emergency is demonstrated to the department. If a demonstrated emergency forces the family to reapply for temporary cash assistance within 6 months after receiving a relocation assistance payment, repayment must be made on a prorated basis over an 8-month period and subtracted from any regular payment of temporary cash assistance for which the applicant may be eligible. The Department of Children and Family Services may adopt rules necessary to administer this section.

(4) Nothing herein shall be construed to allow any WAGES coalition or state agency to require relocation of a WAGES participant for the purposes of this section or any other.

(5) When the relocation plan for a WAGES participant involves relocating the participant within the state, the plan must be approved by the local WAGES coalition in the district from which the participant is moving and the local WAGES coalition in the district to which the participant is moving before the effective date of the move.

Section 39. *The following resources are designated for support of the WAGES Targeted Employment Program:*

(1) Up to $25,000,000 of funds designated for WAGES reserve is to be expended for WAGES Program job development in areas of critical state economic concern.

(2) Up to $10,000,000 of Employment Security Administration Trust Fund amounts associated with JTPA IIB, IIC and III designated for regions containing areas of active state economic concern shall be identified by the WAGES Targeted Employment Team in cooperation with the Department of Labor and Employment Security and used by the appropriate regional authority to fund programs and projects that produce jobs for WAGES participants in areas of critical state economic concern.

(3) Up to $7,500,000 from Employment Security Administration Trust Fund amounts associated with the Welfare–to–Work grant is to be reserved for activities that lead to employment of WAGES participants in areas of critical state economic concern as defined by the WAGES Targeted Employment Program. Of the $7,500,000 reserved, $500,000 is to be provided to the Department of Community Affairs for start up of the WAGES Targeted Employment Program, $2,500,000 is to be provided to the Institute of Food and Agricultural Sciences of the University of Florida for WAGES job opportunities, and $1,000,000 is to be provided to the Department of Military Affairs to provide job readiness services for WAGES participants as approved by the State WAGES Board.

Section 40. *A total of $1.9 million is appropriated from the Employment Security Administration Trust Fund to establish a life preparation program with the National Guard for children of WAGES participants and economically disadvantaged youths in concert with neighborhood revitalization efforts.*

Section 41. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of the WAGES Program State Board of Directors; allowing the Governor to designate the WAGES Program State Board of Directors as a nonprofit corporation; providing requirements; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances; providing that an individual who cares for a disabled family member is exempt from certain time limitations; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; providing legislative intent; amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation; creating s. 414.80, F.S.; designating specified sections as the "WAGES Targeted Employment Act"; creating s. 414.810, F.S.; providing legislative findings and intent; creating s. 414.811, F.S.; providing for policy and purposes relating to the WAGES Targeted Employment Program; creating s. 414.812, F.S.; limiting authority of the WAGES Targeted Employment Team; creating s. 414.813, F.S.; providing for liberal construction; creating s. 414.820, F.S.; designating areas of critical state economic concern; creating s. 414.830, F.S.; providing for WAGES Targeted Employment Team Coordinators; providing team authorities; providing for gubernatorial authorities; creating s. 414.840, F.S.; creating Regional WAGES Targeted Employment Teams; providing for responsibilities; creating s. 414.845, F.S.; creating local project teams; providing for powers and responsibilities for such teams; providing guidelines for prioritization of projects; creating s. 414.850, F.S.; providing for expiration and review of the WAGES Targeted Employment Program; creating s. 414.860, F.S.; providing for a legislative oversight committee; requiring a contract related to job creation and training activities; amending s. 159.8083, F.S.; providing certification priority; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES participants not residing in an enterprise zone; requiring documentation; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.047, F.S.; creating a Quick–response Training Program for WAGES participants; providing requirements; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than

of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; providing an appropriation from federal funds to support local WAGES coalitions; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing rulemaking authority for the Department of Children and Family Services and the Department of Labor and Employment Security; prescribing that the relocation assistance program shall not be construed to require relocation of a WAGES participant; requiring approval of the relocation plan of a WAGES participant; designating resources for support of the WAGES Targeted Employment Program; appropriating resources for the life preparation program; providing an effective date.

On motion by Senator McKay, by two-thirds vote **CS for SB 1114** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Harris, by two-thirds vote **HB 3931** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Harris, the rules were waived and—

HB 3931—A bill to be entitled An act relating to economic development grants; amending s. 14.2015, F.S.; establishing an economic development grant program under the Office of Tourism, Trade, and Economic Development; providing criteria, requirements, and restrictions with respect thereto; amending ss. 288.108 and 288.90152, F.S.; correcting cross references; providing an effective date.

—a companion measure, was substituted for **CS for SB 336** and read the second time by title.

Senators Harris, Hargrett and Meadows offered the following amendment which was moved by Senator Harris and adopted:

Amendment 1 (with title amendment)—On page 3, lines 1-19, delete those lines and insert:

Section 2. Subsection (6) of section 14.2015, Florida Statutes, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(6)(a) In order to improve the state's regulatory environment, the Office of Tourism, Trade, and Economic Development shall consider the impact of agency rules on businesses, provide one-stop permit information and assistance, and serve as an advocate for businesses, particularly small businesses, in their dealings with state agencies.

(b) As used in this subsection, the term "permit" means any approval of an agency required as a condition of operating a business in this state, including, but not limited to, licenses and registrations.

(c) The office shall have powers and duties to:

1. Review proposed agency actions for impacts on small businesses and offer alternatives to mitigate such impacts, as provided in s. 120.54.

2. In consultation with the Governor's rules ombudsman, make recommendations to agencies on any existing and proposed rules for alleviating unnecessary or disproportionate adverse effects to businesses.

3. Make recommendations to the Legislature and to agencies for improving permitting procedures affecting business activities in the state. By October 1, 1997, and annually thereafter *as part of the report prepared pursuant to paragraph (2)(e),* the Office of Tourism, Trade, and Economic Development shall ~~submit a~~ report to the Legislature *on* ~~containing~~ the following:

a. An identification and description of methods to eliminate, consolidate, simplify, or expedite permits.

b. An identification and description of those agency rules repealed or modified during each calendar year to improve the regulatory climate for businesses operating in the state.

c. A recommendation for an operating plan and funding level for establishing an automated one-stop permit registry to provide the following services:

(I) Access by computer network to all permit applications and approval requirements of each state agency.

(II) Assistance in the completion of such applications.

(III) Centralized collection of any permit fees and distribution of such fees to agencies.

(IV) Submission of application data and circulation of such data among state agencies by computer network.

Subject to legislative appropriation, the Office of Tourism, Trade, and Economic Development is authorized to coordinate the establishment of such a one–stop permit registry, including, but not limited to, working with all appropriate state agencies on the implementation of the operating plan. If ~~the Legislature establishes~~ such a registry *is established,* subsequent annual reports *to the Legislature from the Office of Tourism, Trade, and Economic Development pursuant to this paragraph* must cover the status and performance of this registry.

4. Serve as a clearinghouse for information on which permits are required for a particular business and on the respective application process, including criteria applied in making a determination on a permit application. Each state agency that requires a permit, license, or registration for a business shall submit to the Office of Tourism, Trade, and Economic Development by August 1 of each year a list of the types of businesses and professions that it regulates and of each permit, license, or registration that it requires for a type of business or profession.

5. Obtain information and permit applications from agencies and provide such information and permit applications to the public.

6. Arrange, upon request, informal conferences between a business and an agency to clarify regulatory requirements or standards or to identify and address problems in the permit review process.

7. Determine, upon request, the status of a particular permit application.

8. Receive complaints and suggestions concerning permitting policies and activities of governmental agencies which affect businesses.

(d) Use of the services authorized in this subsection does not preclude a person or business from dealing directly with an agency.

(e) In carrying out its duties under this subsection, the Office of Tourism, Trade, and Economic Development may consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021.

(f) The office shall clearly represent that its services are advisory, informational, and facilitative only. Advice, information, and assistance rendered by the office does not relieve any person or business from the

obligation to secure a required permit. The office is not liable for any consequences resulting from the failure to issue or to secure a required permit. However, an applicant who uses the services of the office and who receives a written statement identifying required state permits relating to a business activity may not be assessed a penalty for failure to obtain a state permit that was not identified, if the applicant submits an application for each such permit within 60 days after written notification from the agency responsible for issuing the permit.

Section 3. Paragraph (h) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(h) Business property used in an enterprise zone.—

1. Beginning July 1, 1995, business property purchased for use by businesses located in an enterprise zone which is subsequently used in an enterprise zone shall be exempt from the tax imposed by this chapter. This exemption inures to the business only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To receive a refund, the business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, an application which includes:

a. The name and address of the business claiming the refund.

b. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

c. A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.

d. The location of the property.

e. The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

f. Whether the business is a small business as defined by s. 288.703(1).

g. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 2. and meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The business shall be responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the business property is purchased.

5. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. The amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or $5,000, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or $10,000. A refund approved pursuant to this paragraph shall be made within 30 days of formal approval by the department of the application for the refund. No refund shall be granted under this paragraph unless the amount to be refunded exceeds $100 in sales tax paid on purchases made within a 60-day time period.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. If the department determines that the business property is used outside an enterprise zone within 3 years from the date of purchase, the amount of taxes refunded to the business purchasing such business property shall immediately be due and payable to the department by the business, together with the appropriate interest and penalty, computed from the date of purchase, in the manner provided by this chapter. *Notwithstanding this subparagraph, business property used exclusively in:*

a. Licensed commercial fishing vessels,

b. Fishing guide boats, or

c. Ecotourism guide boats

that leave and return to a fixed location within an area designated under s. 370.28 are eligible for the exemption provided under this paragraph if all requirements of this paragraph are met. Such vessels and boats must be owned by a business that is eligible to receive the exemption provided under this paragraph. This exemption does not apply to the purchase of a vessel or boat.

8. The department shall deduct an amount equal to 10 percent of each refund granted under the provisions of this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the business property is located and shall transfer that amount to the General Revenue Fund.

9. For the purposes of this exemption, "business property" means new or used property defined as "recovery property" in s. 168(c) of the Internal Revenue Code of 1954, as amended, except:

a. Property classified as 3-year property under s. 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

b. Industrial machinery and equipment as defined in sub-subparagraph (b)6.a. and eligible for exemption under paragraph (b); and

c. Building materials as defined in sub-subparagraph (g)8.a.

10. The provisions of this paragraph shall expire and be void on December 31, 2005.

Section 4. Subsection (2) of section 212.097, Florida Statutes, is amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

(2) As used in this section, the term:

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); *SIC 52 through SIC 57 and SIC 59 (retail);* SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). *A call center or similar customer service operation that services a multistate market or international market is also an eligible business.* Excluded from eligible receipts

are receipts from retail sales, except such receipts for *SIC 52 through SIC 57 and SIC 59 (retail),* hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(b) "Qualified employee" means any employee of an eligible business who performs duties in connection with the operations of the business on a regular, full-time basis for an average of at least 36 hours per week for at least 3 months within the qualified high-crime area in which the eligible business is located. An owner or partner of the eligible business is not a qualified employee. The term also includes an employee leased from an employee leasing company licensed under chapter 468, if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

(c) "New business" means any eligible business first beginning operation on a site in a qualified high-crime area and clearly separate from any other commercial or business operation of the business entity within a qualified high-crime area. A business entity that operated an eligible business within a qualified high-crime area within the 48 months before the *period provided for* application *by subsection (3)* ~~date~~ shall not be considered a new business.

(d) "Existing business" means any eligible business that does not meet the criteria for a new business.

(e) "Qualified high-crime area" means an area selected by the Office of Tourism, Trade, and Economic Development in the following manner: every third year, the office shall rank and tier those areas nominated under subsection (8), according to the following prioritized criteria:

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;

2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;

3. Highest percentage of reported index crimes that are violent in nature;

4. Highest overall index crime volume for the area; and

5. Highest overall index crime rate for the geographic area.

Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15.

Section 5. Subsection (2) of section 212.098, Florida Statutes, is amended to read:

212.098 Rural Job Tax Credit Program.—

(2) As used in this section, the term:

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). *A call center or similar customer service operation that services a multistate market or an international market is also an eligible business.* Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(b) "Qualified employee" means any employee of an eligible business who performs duties in connection with the operations of the business on a regular, full-time basis for an average of at least 36 hours per week for at least 3 months within the qualified county in which the eligible business is located. An owner or partner of the eligible business is not a qualified employee.

(c) "Qualified county" means a county that has a population of fewer than 75,000 persons, or any county that has a population of 100,000 or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the Office of Tourism, Trade, and Economic Development shall rank and tier the state's counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.

2. Lowest per capita income for the most recent 36-month period.

3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.

4. Average weekly manufacturing wage, based upon the most recent data available.

Tier-one qualified counties are those ranked 1 through 5 and represent the state's least-developed counties according to this ranking. Tier-two qualified counties are those ranked 6 through 10, and tier-three counties are those ranked 11 through 15.

(d) "New business" means any eligible business first beginning operation on a site in a qualified county and clearly separate from any other commercial or business operation of the business entity within a qualified county. A business entity that operated an eligible business within a qualified county within the 48 months before the *period provided for* application *by subsection (3)* ~~date~~ shall not be considered a new business.

(e) "Existing business" means any eligible business that does not meet the criteria for a new business.

Section 6. Section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) As used in this section, the term "economic development agency" means the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development of the Department of Commerce~~, any industrial development authority created in accordance with part III of chapter 159 or by special law, the public economic development agency that advises the county commission on the issuance of industrial revenue bonds of a county that does not have an industrial development authority created in accordance with part III of chapter 159 or by special law, or any research and development authority created in accordance with part V of chapter 159. The term also includes any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

(2) Upon written request from a private corporation, partnership, or person, records of an economic development agency which contain or would provide information concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 24 months after the date an economic development agency receives a request for confidentiality or until disclosed by an economic development agency pursuant to subsection (4) or by the party requesting confidentiality under this section. Confidentiality must be maintained until the expiration of the 24-month period or until documents or information are otherwise disclosed, whichever occurs first. This confidentiality does not apply when any party petitions a court of competent jurisdiction and, in the opinion of the court, proves need for access to such documents. This

exemption expires October 2, 2001, and is subject to review by the Legislature under the Open Government Sunset Review Act of 1995 in accordance with s. 119.15.

(3) This section does not waive any provision of chapter 120 or any other provision of law requiring a public hearing.

(4) A public officer or employee *or any person who is an employee of an economic development agency* may not enter into a binding agreement with any corporation, partnership, or person who has requested confidentiality of information pursuant to this section, until 90 days after such information is made public*, unless such public officer or employee or economic development agency employee is acting in an official capacity*.

(5) Any person who is an employee of an economic development agency who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. Subsection (3) of section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(3)(a) Contingent upon an annual appropriation by the Legislature, the Office of Tourism, Trade, and Economic Development may approve tax refunds pursuant to ss. 288.1045, 288.106, and 288.107. ~~The office may not approve tax refunds in excess of the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).~~

(b)*1.* The *combined* total amount of *the state share of* tax *refund claims* ~~refunds~~ approved by the Office of Tourism, Trade, and Economic Development pursuant to ss. 288.1045, 288.106, and 288.107 *for a single fiscal year* shall not exceed the amount appropriated to the Economic Development Incentives Account for such *state share of tax refunds* ~~purposes~~ for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the office for tax refunds under ss. 288.1045, 288.106, and 288.107 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

2. The Office of Tourism, Trade, and Economic Development or any of its agents shall not enter into any contract, agreement, legal consideration, or obligation that creates an obligation or expectation that the Legislature will appropriate for the state share of tax refund payments under ss. 288.1045, 288.106, and 288.107, an amount in excess of $15,000,000 for fiscal year 1999-20, and $20,000,000 for any year following fiscal year 1999-20. Any contract, agreement, legal consideration, or obligation entered by the office, pertaining to tax refund payments shall clearly state that it does not constitute a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Further it shall state that payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of moneys sufficient to pay amounts authorized in ss. 288.1045, 288.106, and 288.107.

(c) By September 30 of each year, the Office of Tourism, Trade, and Economic Development shall submit a complete and detailed report to the board of directors of Enterprise Florida, Inc., created under part VII of this chapter, of all applications received, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The Office of Tourism, Trade, and Economic Development shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065. By December 1 of each year, the board of directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under s. 288.1045, s. 288.106, or s. 288.107.

(e) The Office of Tourism, Trade, and Economic Development may adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 8. Section 288.1045, Florida Statutes, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

(1) DEFINITIONS.—As used in this section:

(a) "Consolidation of a Department of Defense contract" means the consolidation of one or more of an applicant's facilities under one or more Department of Defense contracts either from outside this state or from inside and outside this state, into one or more of the applicant's facilities inside this state.

(b) "Average wage in the area" means the average of all wages and salaries in the state, the county, or in the standard metropolitan area in which the business unit is located.

(c) "Applicant" means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor under a valid Department of Defense contract or any business entity that holds a valid contract for the reuse of a defense-related facility, including all members of an affiliated group of corporations as defined in s. 220.03(1)(b).

(d) *"Office"* ~~"Division"~~ means the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development of the Department of Commerce~~.

(e) "Department of Defense contract" means a competitively bid Department of Defense contract or a competitively bid federal agency contract issued on behalf of the Department of Defense for manufacturing, assembling, fabricating, research, development, or design with a duration of 2 or more years, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state.

(f) "New Department of Defense contract" means a Department of Defense contract entered into after the date application for certification as a qualified applicant is made and after January 1, 1994.

(g) "Jobs" means full-time equivalent positions, consistent with the use of such terms by the Department of Labor and Employment Security for the purpose of unemployment compensation tax, resulting directly from a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

(h) "Nondefense production jobs" means employment exclusively for activities that, directly or indirectly, are unrelated to the Department of Defense.

(i) "Project" means any business undertaking in this state under a new Department of Defense contract, consolidation of a Department of Defense contract, or conversion of defense production jobs over to nondefense production jobs or reuse of defense-related facilities.

(j) "Qualified applicant" means an applicant that has been approved by the *director* ~~secretary~~ to be eligible for tax refunds pursuant to this section.

(k) *"Director"* ~~"Secretary"~~ means the *director of the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~.

(l) "Taxable year" means the same as in s. 220.03(1)(z).

(m) "Fiscal year" means the fiscal year of the state.

(n) "Business unit" means an employing unit, as defined in s. 443.036, that is registered with the Department of Labor and Employment Security for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by the Department of Labor and Employment Security as a reporting unit.

(o) "Local financial support" means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified applicant. Local financial support may include excess payments made to a utility company under a designated program to allow decreases in service by the utility company under conditions, regardless of when application is made. A qualified applicant may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(p) "Contract for reuse of a defense-related facility" means a contract with a duration of 2 or more years for the use of a facility for manufacturing, assembling, fabricating, research, development, or design of tangible personal property, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. Such facility must be located within a port, as defined in s. 313.21, and have been occupied by a business entity that held a valid Department of Defense contract or occupied by any branch of the Armed Forces of the United States, within 1 year of any contract being executed for the reuse of such facility. A contract for reuse of a defense-related facility may not include any contract for reuse of such facility for any Department of Defense contract for manufacturing, assembling, fabricating, research, development, or design.

(q) "Local financial support exemption option" means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county designated by the Rural Economic Development Initiative, if the county commissioners of the county in which the project will be located adopt a resolution requesting that the applicant's project be exempt from the local financial support requirement. Any applicant that exercises this option is not eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by the *director* ~~secretary~~ which were paid by such qualified applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(b) A qualified applicant may not be qualified for any project to receive more than $5,000 times the number of jobs provided in the tax refund agreement pursuant to subparagraph (4)(a)1. A qualified applicant may not receive refunds of more than 25 percent of the total tax refunds provided in the tax refund agreement pursuant to subparagraph (4)(a)1. in any fiscal year, provided that no qualified applicant may receive more than $2.5 million in tax refunds pursuant to this section in any fiscal year.

(c) A qualified applicant may not receive more than $7.5 million in tax refunds pursuant to this section in all fiscal years.

(d) Contingent upon an annual appropriation by the Legislature, the *director* ~~secretary~~ may approve not more ~~than the lesser of $25 million~~ in tax refunds *than* ~~or~~ the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5) *and s. 288.095*.

(e) For the first 6 months of each fiscal year, the *director* ~~secretary~~ shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may receive refunds from the Economic Development Trust Fund for the following taxes due and paid by the qualified applicant beginning with the applicant's first taxable year that begins after entering into the agreement:

1. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

2. Corporate income taxes paid pursuant to chapter 220.

3. Intangible personal property taxes paid pursuant to chapter 199.

4. Emergency excise taxes paid pursuant to chapter 221.

5. Excise taxes paid on documents pursuant to chapter 201.

6. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the *office* ~~Department of Commerce,~~ which *taxes* are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the *office* ~~Department of Commerce~~ within 20 days after receiving a credit, refund, or exemption, other than that provided in this section.

(g) Any qualified applicant who fraudulently claims this refund is liable for repayment of the refund to the Economic Development Trust Fund plus a mandatory penalty of 200 percent of the tax refund which shall be deposited into the General Revenue Fund. Any qualified applicant who fraudulently claims this refund commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the *office* ~~division~~ which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the *office* ~~division~~ as prescribed by the *office* ~~Department of Commerce~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of full-time equivalent jobs in this state which are or will be dedicated to the project during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the *office* ~~division~~.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the *office* ~~division~~ as prescribed by the *office* ~~Department of Commerce~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the nondefense production operations in this state.

6. The number of full-time equivalent jobs in this state which are or will be dedicated to the nondefense production project during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the *office* ~~division~~.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to the *office* ~~division~~ as prescribed by the *office* ~~Department of Commerce~~ and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the *office* ~~department~~ that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of full-time equivalent jobs in this state which are or will be dedicated to the project during the year and the average wage of such jobs.

8. The total number of full-time equivalent employees employed by the applicant in this state.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Corporate income taxes paid pursuant to chapter 220.

c. Intangible personal property taxes paid pursuant to chapter 199.

d. Emergency excise taxes paid pursuant to chapter 221.

e. Excise taxes paid on documents pursuant to chapter 201.

f. Ad valorem taxes paid during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the *office* ~~division~~.

(e) To qualify for review by the *office* ~~division~~, the application of an applicant must, at a minimum, establish the following to the satisfaction of the *office* ~~division~~:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6. or subparagraph (c)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 70 percent of its gross receipts in this state from Department of Defense contracts over the applicant's last fiscal year, and must have derived not less than 80 percent of its gross receipts in this state from Department of Defense contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) must be submitted to the *office* ~~division~~ for a determination of eligibility. The *office* ~~division~~ shall review, evaluate, and score each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) The *office* ~~division~~ shall forward its written findings and evaluation on each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) to the *director* ~~secretary~~ within 60 calendar days of receipt of a complete application. The *office* ~~division~~ shall notify each applicant when its application is complete, and when the 60-day period begins. In its written report to the *director* ~~secretary~~, the *office* ~~division~~ shall specifically address each of the factors specified in paragraph (f), and shall make a specific assessment with respect to the minimum requirements established in paragraph (e). The *office* ~~division~~ shall include in its report projections of the tax refund claims that will be sought by the applicant in each fiscal year based on the information submitted in the application.

(h) Within 30 days after receipt of the *office's* ~~division's~~ findings and evaluation, the *director* ~~secretary~~ shall enter a final order that either approves or disapproves an application. The decision must be in writing and provide the justifications for either approval or disapproval. If appropriate, the *director* ~~secretary~~ shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(i) The *director* ~~secretary~~ may not enter any final order that certifies any applicant as a qualified applicant when the *value of tax refunds to be included in that final order exceeds the available amount of authority to enter final orders as determined in s. 288.095(3)* ~~aggregate amount of tax refunds for all qualified applicants projected by the division in any fiscal year exceeds the lesser of $25 million or the amount appropriated for tax refunds for that fiscal year~~. A final order that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor in each fiscal year and the total amount of tax refunds for all fiscal years.

(j) This section does not create a presumption that an applicant should receive any tax refunds under this section.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the *office* ~~department~~ containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time

schedule or plan for when such jobs will be in place and active in this state. This information must be the same as the information contained in the application submitted by the contractor pursuant to subsection (3).

2. The maximum amount of a refund that the qualified applicant is eligible to receive in each fiscal year.

3. An agreement with the *office* ~~department~~ allowing the *office* ~~department~~ to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date after which, each fiscal year, the qualified applicant may file an annual claim pursuant to subsection (5).

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the *director* ~~secretary~~.

(c) The agreement shall be signed by the *director* ~~secretary~~ and the authorized officer of the qualified applicant.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

"This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in *s. 288.1045* ~~s. 288.104~~, Florida Statutes."

(5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE CONTRACTOR.—

(a) Qualified applicants who have entered into a written agreement with the *office* ~~department~~ pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs or who have entered into a valid contract for reuse of a defense-related facility may apply once each fiscal year to the *office* ~~Department of Commerce~~ for tax refunds. The application must be made on or after the date contained in the agreement entered into pursuant to subsection (4) and must include a notarized signature of an officer of the applicant.

(b) The claim for refund by the qualified applicant must include a copy of all receipts pertaining to the payment of taxes for which a refund is sought, and data related to achieving each performance item contained in the tax refund agreement pursuant to subsection (4). The amount requested as a tax refund may not exceed the amount for the fiscal year in the written agreement entered pursuant to subsection (4).

(c) A tax refund may not be approved for any qualified applicant unless local financial support has been paid to the Economic Development Trust Fund in that fiscal year. If the local financial support is less than 20 percent of the approved tax refund, the tax refund shall be reduced. The tax refund paid may not exceed 5 times the local financial support received. Funding from local sources includes tax abatement under s. 196.1995 provided to a qualified applicant. The amount of any tax refund for an applicant approved under this section shall be reduced by the amount of any such tax abatement, and the limitations in subsection (2) and paragraph (3)(h) shall be reduced by the amount of any such tax abatement. A report listing all sources of the local financial support shall be provided to the *office* ~~division~~ when such support is paid to the Economic Development Trust Fund.

(d) The *director* ~~secretary~~, with assistance from the *office* ~~division~~, the Department of Revenue, and the Department of Labor and Employment Security, shall determine the amount of the tax refund that is authorized for the qualified applicant for the fiscal year in a written final order within 30 days after the date the claim for the annual tax refund is received by the *office* ~~Department of Commerce~~.

(e) The total amount of tax refunds approved by the *director* ~~secretary~~ under this section in any fiscal year may not exceed the amount appropriated to the Economic Development Trust Fund for such purposes for the fiscal year. If the Legislature does not appropriate an amount sufficient to satisfy projections by the *office* ~~division~~ for tax refunds in a fiscal year, the *director* ~~secretary~~ shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total amount of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Trust Fund for tax refunds, the *director* ~~secretary~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(f) Upon approval of the tax refund pursuant to paragraphs (c) and (d), the Comptroller shall issue a warrant for the amount included in the final order. In the event of any appeal of the final order, the Comptroller may not issue a warrant for a refund to the qualified applicant until the conclusion of all appeals of the final order.

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.

(6) ADMINISTRATION.—

(a) The *office may* ~~department shall~~ adopt rules pursuant to chapter 120 for the administration of this section.

(b) The *office* ~~department~~ may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the *office* ~~department~~ may provide a list of qualified applicants to the Department of Revenue, the Department of Labor and Employment Security, or to any local government or authority. The *office* ~~department~~ may request the assistance of said entities with respect to monitoring the payment of the taxes listed in subsection (2).

(d) By December 1 of each year, the *office* ~~department~~ shall submit a complete and detailed report to the Governor, the President of the Senate, and the Speaker of the House of Representatives of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified applicant tax refund program were expended in a prudent, fiducially sound manner.

(7) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 1999.

Section 9. Paragraph (b) of subsection (4) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(4) APPLICATION AND APPROVAL PROCESS.—

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The office may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may only be waived for a project located in a rural city or county or in an enterprise zone and

only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at such project *and, if an expansion of an existing business, must result in a net increase in employment of not less than 10 percent at such business. Notwithstanding the definition of the term "expansion of an existing business" under paragraph (2)(g), at the request of the local governing body recommending the project and Enterprise Florida, Inc., the office may define an "expansion of an existing business" in a rural city, a rural county, or an enterprise zone as the expansion of a business resulting in a net increase in employment of less than 10 percent at such business, if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a request, it must be transmitted in writing and the specific justification for the request must be explained. If the director elects to accept such request, such election must be stated in writing and the reason for granting the request must be explained.*

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

Section 10. Subsection (1) of section 288.1221, Florida Statutes, is amended to read:

288.1221 Legislative intent.—

(1) It is the intent of the Legislature to establish a public-private partnership to provide policy direction to and technical expertise in the promotion and marketing of the state's tourism attributes. The Legislature further intends to authorize this partnership to recommend the tenets of an industry standard *4-year* ~~5-year~~ marketing plan for an annual marketing plan for tourism promotion and recommend a comparable organizational structure to carry out such a plan. The Legislature intends to have such a plan funded by that portion of the rental car surcharge annually dedicated to the Tourism Promotional Trust Fund, pursuant to s. 212.0606, and by the tourism industry. The Legislature intends that the exercise of this authority by the public-private partnership shall take into consideration the recommendations made to the 1992 Legislature in the report submitted by the Florida Tourism Commission created pursuant to chapter 91-31, Laws of Florida.

Section 11. Subsection (2) of section 288.1222, Florida Statutes, is amended to read:

288.1222 Definitions.—For the purposes of ss. 288.017, 288.121-288.1226, and 288.124, the term:

(2) "Tourist" means any person who participates in trade or recreation activities outside the *county* ~~country~~ of his or her permanent residence or who rents or leases transient living quarters or accommodations as described in s. 125.0104(3)(a).

Section 12. Paragraph (g) of subsection (2) of section 288.1223, Florida Statutes, is amended to read:

288.1223 Florida Commission on Tourism; creation; purpose; membership.—

(2)

(g) The Governor shall serve as chair of the commission. The commission shall *annually* ~~biennially~~ elect one of its tourism-industry-related members as vice chair, who shall preside in the absence of the chair.

Section 13. *(1) The Legislature finds that tourism associated with the natural, cultural, and historical assets of this state constitutes one of the fastest growing segments of the travel and tourism industry. Such ecotourism and heritage tourism hold significant potential for contributing to the economic well-being of this state and its citizens through the generation of revenues and the creation of jobs. The Legislature further finds that there are opportunities to promote travel experiences that link this state's traditional travel destinations with its ecotourism or heritage tourism destinations and to promote travel experiences that link ecotourism or heritage tourism destinations within a county or among multiple counties. Overarching these findings is the Legislature's recognition that the state's ecotourism and heritage tourism assets must be preserved and maintained if they are to be enjoyed by future generations. It is the intent of the Legislature to encourage the promotion of sustainable ecotourism and heritage tourism in this state.*

(2) The Division of Recreation and Parks of the Department of Environmental Protection is authorized to establish an ecotourism promotion program designed to encourage and facilitate visitation to state parks and to other natural resources in the state, while also safeguarding that such visitation does not jeopardize the environmental value or the sustainability of the resources. Funds appropriated for this program may be used to:

(a) Make infrastructure improvements within and to, or otherwise rehabilitate, state parks or other natural resources under the jurisdiction of the division;

(b) Develop and distribute marketing materials describing ecotourism resources under the jurisdiction of the division, including the proximity of the resources to commercial tourism sites in a region or to other ecotourism sites in a region in order to encourage travel experiences that link these sites; or

(c) Award ecotourism promotion grants to assist localities and regions in promoting ecotourism or the economic development activities related to such tourism.

1. An eligible grant applicant is a governmental or not-for-profit tourism or economic development organization in this state. An application may be submitted jointly on behalf of a combination of such organizations, in which case the organizations together shall be deemed to be one applicant. An organization may not participate in the submission of more than one application.

2. Applications submitted to the division must include a requested grant amount and a detailed plan governing the proposed use of the grant award. The division shall review each application and shall submit award recommendations to the Secretary of Environmental Protection for final approval.

3. The division shall establish guidelines for administering this program and shall establish criteria for the competitive evaluation of grant applications. Evaluation criteria must include, but need not be limited to, the extent to which the plan submitted with the application links tourism sites within the community or region or links tourism sites within two or more communities or regions.

4. Eligible uses of grant awards include:

a. Marketing ecotourism sites;

b. Marketing areas as appropriate sites for the location or expansion of businesses that are engaged in or that facilitate ecotourism activities; or

c. Establishing local or regional ecotourism and heritage tourism advisory and promotion organizations for specific state parks.

5. Each grant awarded to an applicant under this program shall not exceed $30,000.

Section 14. Section 288.90151, Florida Statutes, is amended to read:

288.90151 Funding for contracting with Enterprise Florida, Inc.—

(1)*(a)* From funds appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for the purpose of annually contracting with Enterprise Florida, Inc., 10 percent of such funds for the fiscal year 1996-1997, 20 percent of such funds for the fiscal year 1997-1998, 30 percent of such funds for the fiscal year 1998-1999,

40 percent of such funds for the fiscal year 1999-2000, and 50 percent of such funds for the fiscal year 2000-2001 shall be placed in reserve by the Executive Office of the Governor. The funds may be released through a budget amendment, in accordance with chapter 216, as requested by Enterprise Florida, Inc., through the Office of Tourism, Trade, and Economic Development if Enterprise Florida, Inc., has provided sufficient documentation that the same amount of matching private funds as the amount placed in reserve has been contributed during the same fiscal year to Enterprise Florida, Inc., in support of its economic development efforts. If sufficient documentation is not provided by the end of the fiscal year, such funds shall revert back to the General Revenue Fund.

(b) In fiscal years 1999-2000 and 2000-2001, 50 percent of the funds placed in reserve may be released by the same budget amendment process if Enterprise Florida, Inc., has provided sufficient documentation that the amount of matching private funds contributed during the same fiscal year to Enterprise Florida, Inc., is equal to 75 percent of the funds placed in reserve. The remaining funds in reserve may be released by the same budget amendment process if Enterprise Florida, Inc., meets the requirements of paragraph (a).

In each fiscal year, at least 55 percent of the matching private funds required to be documented under this subsection must be comprised of the first category of matching private funds described in subsection (3).

(2) Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of the contributions made to Enterprise Florida, Inc., during the prior 3 years pursuant to this section. The review must be conducted in such a manner as to determine the amount and type of matching private funds contributed and the circumstances affecting the ability to achieve or not achieve the specified amount of matching private funds for each year. Based on this information and historical data, the Office of Program Policy Analysis and Governmental Accountability shall determine whether the funding levels of matching private funds for fiscal year 1999-2000, and fiscal year 2000-2001, as specified in this section, are appropriate. This report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(3) For the purposes of this section, matching private funds shall be divided into two categories. The first category of matching private funds shall include any payment of cash made ~~in response~~ to ~~a solicitation by~~ Enterprise Florida, Inc., and used ~~exclusively~~ by Enterprise Florida, Inc., in its operations or programs, excluding any payment of cash made by any entity to qualify for any Enterprise Florida, Inc., state, or local incentive, grant, or loan program, or any cash received by Enterprise Florida, Inc., pursuant to a grant or contract. The second category of matching private funds shall include a conveyance of property, or payment or distribution of property or anything of value, including contributions in-kind having an attributable monetary value in any form, and including any payment of cash not counted within the first category of matching private funds. Contributions in-kind include, but are not limited to, goods or services rendered. The cost of the contribution shall be the reasonable cost to the sponsor of the goods or services.

Section 15. Subsection (3) is added to section 288.9618, Florida Statutes, to read:

288.9618 Microenterprises.—

(3) Not more than 15 percent of the funds appropriated or otherwise available each fiscal year for activities under this section may be used for administrative expenses of the Office of Tourism, Trade, and Economic Development or for administrative expenses of the organization with which the office contracts under this section.

Section 16. Section 288.9958, Florida Statutes, is created to read:

288.9958 PRIDE Job Placement Incentive Program.—

(1) The Legislature recognizes that the location of some correctional facilities has been determined by the desire to provide employment opportunities for residents of communities that have not experienced the economic growth of other portions of the state. The Legislature further recognizes that the corporation authorized by chapter 946 to manage correctional work programs can provide expertise and assistance in the areas of on–the–job training and employment assistance. Partnerships between the state and the corporation authorized by chapter 946 to manage correctional work programs may result in increased employment opportunities for local citizens. To assist the corporation authorized by chapter 946 in economic development initiatives that specifically enhance the employment opportunities for WAGES participants, the PRIDE Job Placement Incentive Program is created. The Legislature hereby permits the corporation authorized by chapter 946 to participate in the PRIDE Job Training Placement Incentive Program.

(2) The PRIDE Job Placement Incentive Program is created to encourage the use of the corporation's expertise and resources, including correctional facilities, in job training and employment assistance in the economic development of the state. The program shall be administered by the Workforce Development Board of Enterprise Florida, Inc. The Workforce Development Board shall adopt guidelines for the administration of this program. Awarding of grants is dependent upon legislative appropriation.

(a) The Workforce Development Board may authorize a grant of $1,000 to the corporation authorized by chapter 946, or a business working in association with such corporation, for full-time employment of a WAGES participant in those workforce development regions and two sites identified by the Workforce Development Board pursuant to subsection (3). The incentive payment shall be paid incrementally, with a payment of $250 upon initial employment, $250 at an employment duration of 6 months, and $500 at an employment duration of 1 year. Such grants are provided to off-set the costs of business location and training the local workforce.

(b) The Workforce Development Board may authorize a grant of $2,400 to the corporation authorized by chapter 946, or a business working in association with such corporation for full–time employment of a WAGES participant and when the corporation provides on–the–job training to the WAGES participant.

(c) Grants may not be issued for the employment of individuals who have participated in a prison rehabilitative industry program longer that 6 months in the 2 years prior to employment.

(d) WAGES participants eligible for employment in the PRIDE Job Placement Incentive Program must be referred by local WAGES coalitions to the corporation authorized by chapter 946.

(3) The Workforce Development Board shall identify five workforce development regions in the state which have the least employment opportunities per WAGES participant and, if approved by the Workforce Development Board, two sites where the corporation authorized by chapter 946 has facilities or resources. The five workforce development regions and two sites, if applicable, designated by the Workforce Development Board as having the fewest employment opportunities per WAGES participant are those in which the corporation authorized by chapter 946 or businesses working in association with such corporation may be eligible for job placement incentives.

(4) Businesses that have accepted a job placement incentive pursuant to this section may also be eligible to apply for any tax credits, wage supplementation, wage subsidy, or employer payment for that employee which are authorized in law or by agreement with the employer.

(5) If approved by the Department of Corrections, WAGES participants may be employed by the corporation authorized by chapter 946 in those facilities not operated within the secured perimeters of the prison grounds that are managed by such corporation, and in other areas, as approved by the Department of Corrections. A safety plan for all WAGES participants in this program must be completed by the corporation in cooperation with the Department of Corrections.

(6) In carrying out the provisions of this section, the corporation shall be entitled to all the privileges and immunities as set forth in part II of chapter 946.

Section 17. *Notwithstanding any provision of law to the contrary, the governing body of a municipality or county containing a United States Environmental Protection Agency brownfield pilot project that was designated as of May 1, 1997, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing the brownfield pilot project if the project is located in a county with a population less than one million. The application must be submitted by December 31, 1999, and must comply with the requirements of section 290.0055, Florida Statutes, except section 290.0055(3), Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes,*

limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development shall designate one enterprise zone under this section if the zone is consistent with the limitations imposed under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 18. Subsection (4) of section 370.28, Florida Statutes, is amended, and subsection (5) is added to that section to read:

370.28 Enterprise zone designation; communities adversely impacted by net limitations.—

(4) Notwithstanding the enterprise zone residency requirements set out in ss. 212.096(1)(c) and 220.03(1)(q), businesses located in enterprise zones designated pursuant to this section may receive the credit provided under s. 212.096 or s. 220.181 for hiring any person within the jurisdiction of the *county within which* ~~nominating community of~~ such enterprise zone *is located*. All other provisions of ss. 212.096, 220.03(1)(q), and 220.181 apply to such businesses. *Notwithstanding the requirement specified in ss. 212.08(5)(g)5. and (h)5. and (15)(a) and 220.182(1)(b) that no less than 20 percent of a business's employees, excluding temporary and part–time employees, must be residents of an enterprise zone for the business to qualify for the maximum exemption or credit provided in ss. 212.08(5)(g) and (h) and (15) and 220.182, a business that is located in an enterprise zone designated pursuant to this section shall be qualified for those maximum exemptions or credits if no less than 20 percent of such employees of the business are residents of the jurisdiction of the county within which the enterprise zone is located. All other provisions of ss. 212.08(5)(g) and (h) and (15) and 220.182 apply to such business.*

(5) Notwithstanding the time limitations contained in chapters 212 and 220, a business eligible to receive tax credits under this section from January 1, 1997, to June 1, 1998, must submit an application for the tax credits by December 1, 1998. All other requirements of the enterprise zone program apply to such a business.

Section 19. Subsection (1) of section 479.261, Florida Statutes, is amended to read:

479.261 Logo sign program.—

(1) The department shall establish a logo sign program for the rights-of-way of the interstate highway system to provide information to motorists about available gas, food, lodging, and camping services at interchanges, through the use of business logos, and may include additional interchanges under the program. A logo sign for nearby attractions may be added to this program if allowed by federal rules. An attraction as used in this chapter is defined as an establishment, site, facility, or landmark which is open a minimum of 5 days a week for 52 weeks a year; which charges an admission for entry; which has as its principal focus family-oriented entertainment, cultural, educational, recreational, scientific, or historical activities; and which is publicly recognized as a bona fide tourist attraction. However, the permits for businesses seeking to participate in the attractions logo sign program shall be awarded by the department annually to the highest bidders, notwithstanding the limitation on fees in subsection (5), which are qualified for available space at each qualified location, but the fees therefor may not be less than the fees established for logo participants in other logo categories. *The department shall, if approved by the Federal Highway Administration, institute a sign program to recognize regional or local heritage, historic, or scenic trails at interchanges on the interstate highway system.*

Section 20. *Enterprise Florida, Inc., shall prepare a strategic plan designed to allow Florida to capitalize on the economic opportunities associated with the Caribbean nations and South Africa. The plan should recognize the historical and cultural ties between this state and such areas and should focus on building a long–term economic relationship between these communities. The plan should also recognize existing economic infrastructure in Florida that could be applied toward trade and other business activities with the Caribbean and South Africa. In developing this plan, Enterprise Florida, Inc., shall solicit the participation and input of individuals who have expertise on these areas and their economies, including, but not limited to, business leaders in Florida who have had previous business experience in these areas. The plan may include recommendations for legislative action necessary to implement the strategic plan. The plan must be submitted to the Governor and Legislature before January 1, 1999.*

Section 21. *In anticipation of the day that the people of Cuba are no longer denied the inalienable rights and freedom that all men and women should be guaranteed, Enterprise Florida, Inc., shall prepare a strategic plan designed to allow Florida to capitalize on the economic opportunities associated with a free Cuba. The plan should recognize the historical and cultural ties between this state and Cuba and should focus on building a long–term economic relationship between these communities. The plan should also recognize existing economic infrastructure in Florida that could be applied toward trade and other business activities with Cuba. The plan should identify specific preparatory steps to be taken in advance of a lifting of the trade embargo with Cuba. In developing this plan, Enterprise Florida, Inc., shall solicit the participation and input of individuals who have expertise on Cuba and its economy, including, but not limited to, business leaders in Florida who have had previous business experience in Cuba. The plan may include recommendations for legislative action necessary to implement the strategic plan. The plan must be submitted to the Governor and Legislature before January 1, 1999.*

Section 22. Section 15.18, Florida Statutes, is amended to read:

15.18 International and cultural relations.—The Divisions of Cultural Affairs, Historical Resources, and Library and Information Services of the Department of State promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity. The Secretary of State, as the head administrator of these divisions, shall hereafter be known as "Florida's Chief Cultural Officer." As this officer, the Secretary of State is encouraged to initiate and develop relationships between the state and foreign cultural officers, their representatives, and other foreign governmental officials in order to promote Florida as the center of American creativity. The Secretary of State shall coordinate international activities pursuant to this section with *Enterprise Florida, Inc., and any other organization the secretary deems appropriate* ~~the Florida International Affairs Commission~~. For the accomplishment of this purpose, the Secretary of State shall have the power and authority to:

(1) Disseminate any information pertaining to the State of Florida which promotes the state's cultural assets.

(2) Plan and carry out activities designed to cause improved cultural and governmental programs and exchanges with foreign countries.

(3) Plan and implement cultural and social activities for visiting foreign heads of state, diplomats, dignitaries, and exchange groups.

(4) Encourage and cooperate with other public and private organizations or groups in their efforts to promote the cultural advantages of Florida.

(5) Establish and maintain the list prescribed in s. 55.605(2)(g), relating to recognition of foreign money judgments.

(6)~~(5)~~ Serve as the liaison with all foreign consular and ambassadorial corps, as well as international organizations, that are consistent with the purposes of this section.

(7)~~(6)~~ Provide, arrange, and make expenditures for the achievement of any or all of the purposes specified in this section.

(8)~~(7)~~ Notwithstanding the provisions of part I of chapter 287, promulgate rules for entering into contracts which are primarily for promotional services and events, which may include commodities involving a service. Such rules shall include the authority to negotiate costs with the offerors of such services and commodities who have been determined to be qualified on the basis of technical merit, creative ability, and professional competency. The rules shall only apply to the expenditure of funds donated for promotional services and events. Expenditures of appropriated funds shall be made only in accordance with part I of chapter 287.

Section 23. Paragraph (g) of subsection (2) of section 55.605, Florida Statutes, is amended to read:

55.605 Grounds for nonrecognition.—

(2) A foreign judgment need not be recognized if:

(g) The foreign jurisdiction where judgment was rendered would not give recognition to a similar judgment rendered in this state. *For purposes of this paragraph, the Secretary of State shall establish and maintain a list of foreign jurisdictions where the condition specified in this paragraph has been found to apply.*

Section 24. Section 257.35, Florida Statutes, is amended to read:

257.35 Florida State Archives.—

(1) There is created within the Division of Library and Information Services of the Department of State the Florida State Archives for the preservation of those public records, as defined in s. 119.011(1), manuscripts, and other archival material that have been determined by the division to have sufficient historical or other value to warrant their continued preservation and have been accepted by the division for deposit in its custody. It is the duty and responsibility of the division to:

(a) Organize and administer the Florida State Archives.

(b) Preserve and administer such records as shall be transferred to its custody; accept, arrange, and preserve them, according to approved archival practices; and permit them, at reasonable times and under the supervision of the division, to be inspected, examined, and copied. All public records transferred to the custody of the division shall be subject to the provisions of s. 119.07(1), except that any public record or other record provided by law to be confidential or prohibited from inspection by the public shall be made accessible only after a period of 50 years from the date of the creation of the record. Any nonpublic manuscript or other archival material which is placed in the keeping of the division under special terms and conditions, shall be made accessible only in accordance with such law terms and conditions and shall be exempt from the provisions of s. 119.07(1) to the extent necessary to meet the terms and conditions for a nonpublic manuscript or other archival material.

(c) Assist the records and information management program in the determination of retention values for records.

(d) Cooperate with and assist insofar as practicable state institutions, departments, agencies, counties, municipalities, and individuals engaged in activities in the field of state archives, manuscripts, and history and accept from any person any paper, book, record, or similar material which in the judgment of the division warrants preservation in the state archives.

(e) Provide a public research room where, under rules established by the division, the materials in the state archives may be studied.

(f) Conduct, promote, and encourage research in Florida history, government, *international trade* and culture and maintain a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research.

(g) Cooperate with and, insofar as practicable, assist agencies, libraries, institutions, and individuals in projects designed to preserve original source materials relating to Florida history, government, *international trade* and culture and prepare and publish handbooks, guides, indexes, and other literature directed toward encouraging the preservation and use of the state's documentary resources.

(h) Encourage and initiate efforts to preserve, collect, process, transcribe, index, and research the oral history of Florida government.

(i) Assist and cooperate with the records and information management program in the training and information program described in s. 257.36(1)(g).

(2) Any agency is authorized and empowered to turn over to the division any record no longer in current official use. The division, in its discretion, is authorized to accept such record and, having done so, shall provide for its administration and preservation as herein provided and, upon acceptance, shall be considered the legal custodian of such record. The division is empowered to direct and effect the transfer to the archives of any records that are determined by the division to have such historical or other value to warrant their continued preservation or protection, unless the head of the agency which has custody of the records certifies in writing to the division that the records shall be retained in the agency's custody for use in the conduct of the regular current business of the agency.

(3) Title to any record transferred to the Florida State Archives, as authorized in this chapter, shall be vested in the division.

(4) The division shall make certified copies under seal of any record transferred to it upon the application of any person, and said certificates shall have the same force and effect as if made by the agency from which the record was received. The division may charge a fee for this service based upon the cost of service.

(5) The division may establish and maintain a schedule of fees for services which shall include, but not be limited to, restoration of archival materials, storage of archival materials, special research services, and publications.

(6) The division may establish and maintain as part of the state archives a Florida State Photographic Collection. The division shall:

(a) Acquire, identify, appraise, arrange, index, restore, and preserve photographs, motion pictures, drawings, and other iconographic material considered appropriate for preservation.

(b) Initiate appropriate action to acquire, identify, preserve, recover, and restore photographs, motion pictures, and other iconographic material considered appropriate for preservation.

(c) Provide for an index to the historical photographic holdings of the Florida State Photographic Collection and the State of Florida.

Any use or reproduction of material deposited with the Florida State Photographic Collection shall be allowed pursuant to the provisions of paragraph (1)(b) and subsection (4) provided that appropriate credit for its use is given.

(7) The division shall establish and maintain, as part of the state archives, a Florida State International Archive. The division shall:

(a) Establish and maintain a mechanism by which the information contained within the Florida State International Archive may be accessed by computer via the World Wide Web. In doing so, the division shall take whatever measures it deems appropriate to insure the validity, quality, and safety of the information being accessed;

(b) The Florida Council of International Development may select materials for inclusion in the Florida State International Archive and shall be consulted closely by the division in all matters relating to its establishment and maintenance; and

(c) Records transferred shall be in a format established by the division. The Florida Council on International Development shall be responsible for the cost of any data conversion.

(8)~~(7)~~ The division shall promulgate such rules as are necessary to implement the provisions of this act.

Section 25. Present subsections (3), (4), and (5) of section 288.012, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section to read:

288.012 State of Florida foreign offices.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.

(3) By October 1 of each year, each foreign office shall submit to the Office of Tourism, Trade, and Economic Development a complete and detailed report on its activities and accomplishments during the preceding fiscal year. In a format provided by Enterprise Florida, Inc., the report must set forth information on:

(a) The number of Florida companies assisted.

(b) The number of inquiries received about investment opportunities in this state.

(c) The number of trade leads generated.

(d) The number of investment projects announced.

(e) The estimated U.S. dollar value of sales confirmations.

(f) The number of representation agreements.

(g) The number of company consultations.

(h) Barriers or other issues affecting the effective operation of the office.

(i) Changes in office operations which are planned for the current fiscal year.

(j) Marketing activities conducted.

(k) Strategic alliances formed with organizations in the country in which the office is located.

(l) Activities conducted with other Florida foreign offices.

(m) Any other information that the office believes would contribute to an understanding of its activities.

Section 26. Subsection (9) of section 288.8175, Florida Statutes, is amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(9) The Department of Education shall review and make linkage-institute budget requests to the Governor and the Legislature. State appropriations for institutes created under this section must be made by a single lump-sum line item to the department, which must apportion the funds among the various institutes in accordance with criteria established by the department. *The linkage institutes shall be eligible to apply on a competitive basis to the Office of Tourism, Trade, and Economic Development for the Targeted Market Pilot Project Grants Program as defined in s. 14.2015, designed to improve short and long term international business opportunities for Florida businesses.*

Section 27. Section 288.9530, Florida Statutes, is created to read:

288.9530 The Florida Business Expansion Corporation.—

(1) The Florida Business Expansion Corporation is hereby created as a corporation not–for–profit, to be incorporated under the provisions of chapter 617. The corporation is organized on a nonstock basis. The corporation shall provide business expansion assistance to businesses in this state having job growth or emerging technology potential and fewer than 500 employees. The primary purpose of the corporation shall be to assist such Florida businesses to grow through the development of cross–border transactions which lead to increased revenues, cost reductions, sales or investments for Florida businesses. For purposes of this Act, "cross–border transactions" shall be defined as the formation of joint venture, strategic alliance, investment, technology transfer or licensing, co–development, or other commercial relationships between Florida businesses and non–Florida entities. In providing its services, the corporation shall seek to recover its costs and expenditures of state funds via fee, equity participation, or any other form of revenue generation or recovery, and to achieve the self–sufficiency of its operations. It is the intent of the Legislature that the corporation achieve self–sufficiency within three years of its establishment. For the purposes of this section, the term "self–sufficiency" shall mean that the annual expenses of operation of the corporation shall be less than or equal to the total value of the compensation derived including fee, equity participation, or any other form of revenue generation or recovery from the operations of the corporation by June 30, 2001.

(2) The corporation is intended to compliment, rather than duplicate, the services and programs of Enterprise Florida, Inc., the Florida Export Finance Corporation, and other existing economic development entities. The corporation programs are to serve small to mid–sized Florida firms in conducting transactions with entities located in other states and nations.

Section 28. Section 288.9531, Florida Statutes, is created to read:

288.9531 Powers and Duties of the Corporation.—

(1) In addition to all of the statutory powers of Florida not–for–profit corporations, the corporation shall have the power and duty to:

(a) Perform analyses of opportunities to Florida businesses from the formation of stronger and numerous commercial relationships through cross–border transactions;

(b) Locate Florida businesses which are strong candidates for business expansion and match such businesses with joint venture or strategic alliance partners, sources of investment capital, or purchasers or licensees of technology;

(c) Prepare selected Florida firms to achieve business expansion through preparation of business plans and marketing materials, arranging participation in major domestic and international events targeted towards industry participants and investors, and placement of articles in business press and trade publications;

(d) Counsel Florida businesses in the development and execution of cross–border transactions;

(e) Develop, in conjunction with target businesses, criteria for evaluation of potential cross–border transactions or strategic partners;

(f) Provide listings of strategic partners which meet agreed–upon criteria;

(g) Develop negotiating strategies and marketing materials designed to address the concerns of potential strategic partners;

(h) Approach and initiate discussions with potential strategic partners and investors;

(i) Present Florida small and medium–sized firms to potential strategic partners and investors;

(j) Identify and, in conjunction with associated professionals, provide guidance on critical business and legal issues associated with proposed transactions, including issues relating to transfers of assets, ownership of intellectual property, tax planning, and other relevant matters;

(k) Assist in the negotiation of pricing and terms of participation of the parties;

(l) Close cross–border transactions on behalf of Florida small and medium–sized firms, and manage outside professionals in the closing of the transaction;

(m) Handle issues that arise after closing to ensure continued success of the transaction; and

(n) Charge fees, in amounts to be determined by the board, to defray the operating costs of its programs.

(2) On or before December 31, 1998, the corporation shall submit to the Office of Tourism, Trade, and Economic Development a business plan providing further specifics of its operations, including, but not limited to, the following:

(a) Specific goals and outcomes to be achieved by the corporation in the accomplishment of its statutory duties;

(b) Types of specific assistance to be rendered to Florida businesses, including detailed descriptions of the specific steps required to provide each type of assistance, and the projected costs of such assistance; and

(c) Specific provisions for the self–sufficient operation of the corporation prior to July 1, 2001, including specific projections of the compensation anticipated from generation of successful cross–border transactions.

(d) A description of the manner in which the corporation will interact with existing state–sponsored economic development entities.

(3) The business plan and the data upon which it is based shall constitute a public record and shall be distributed in a manner which will provide maximum benefit to Florida businesses.

Section 29. Section 288.9532, Florida Statutes, is created to read:

288.9532 Board of directors.—

(1) The corporation shall have an initial board of directors consisting of the following persons:

(a) The President of Enterprise Florida, Inc., or his designee;

(b) The Comptroller or his designee;

(c) The Commissioner of Insurance or his designee;

(d) The chair of the Florida Black Business Investment Board or his designee;

(e) The chair of the Florida Export Finance Corporation or his designee; and

(f) The chair of the Florida First Capital Finance corporation or his designee.

(2) Notwithstanding the provisions of subsection (1), the board of directors may by resolution appoint to the board up to ten at–large members from the private sector, each of whom shall serve a 2–year term. Minority and gender representation shall be considered when making at–large appointments to the board. At–large members shall have the powers and duties of other members of the board. An at–large member is eligible for reappointment, but may not vote on his or her own reappointment.

(3) The board shall ensure that its composition is reflective of the diversity of Florida's business community, and to the greatest degree possible shall include, but not be limited to, individuals representing small and medium–sized businesses, minority businesses, universities and other institutions of higher education, and international and domestic economic development organizations. A majority of at–large members of the board shall have significant experience in international business, with expertise in the areas of trade, transportation, finance, law, or manufacturing.

(4) Members of the board of directors shall serve without compensation, but members, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors.

(5) A majority of currently serving members of the board shall constitute a quorum for purposes of all business of the board.

Section 30. Section 288.9533, Florida Statutes, is created to read:

288.9533 Powers and Duties of the Board of Directors.—The board shall:

(1) Prior to the expenditure of funds from the Florida Business Expansion account, adopt bylaws and internal procedures which are necessary to carry out the responsibilities of the corporation. The articles and bylaws of the corporation shall be reviewed and approved by the Office of Tourism, Trade, and Economic Development prior to final adoption by the board;

(2) Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and duties of the board;

(3) Develop a streamlined application and review process;

(4) Adopt rules and policies, including application and award criteria, regarding eligibility of businesses to receive assistance from the corporation. Such rules and policies shall include, but not be limited to, the requirements that the target businesses:

(a) Shall have substantial operations in Florida;

(b) Shall have products, business or technology in existence at the time of application;

(c) Shall have proven management;

(d) Shall be in a stage of business which is favorable to expansion of the business into international markets;

(e) Shall have products or technologies which have a substantial potential for beneficial effect on business expansion, business revenue or employment in Florida; and

(f) Shall have products or technologies which are potential technology or market leaders with substantial commercial potential in international markets.

(5) Proposed awards of assistance shall be reviewed and approved at meetings of the board. The board shall give the highest priority to activities that offer the greatest opportunity for economic development impact and cost recovery. A business, including any affiliated corporations of such business, that has received any contractual assistance from the private sector entity selected pursuant to s. 288.9534, is not eligible to receive assistance from the corporation.

Section 31. Chapter 288.9534, Florida Statutes, is created to read:

288.9534 Management of the Corporation.—

(1) The activities of the corporation shall be administered under a contract with a private sector entity selected by the board no later than September 1, 1998. Such company shall have responsibility for performance of all statutory duties of the corporation, under the control and supervision of the board. Potential management companies shall:

(a) Have existing operations in Florida, and provide Florida–resident personnel to perform services under the contract;

(b) Have an established record of success in the creation of cross–border transactions, and at least ten years of operational experience in such business;

(c) Have staff with substantial financial and international affairs experience;

(d) Have international offices;

(e) Commit to a cash match expenditure of ten percent of the amount of the state contract issued pursuant to this section, with such cash to be provided from the capital of the contractor and expended directly in the pursuit of the statutory purposes of the corporation; and

(f) Have substantial experience in as many of the following areas as possible:

1. Arrangement of cross–border transactions;

2. Development and implementation of market entry strategies for business expansion;

3. Preparation of market analyses and strategic plans; and

4. Work with foreign and domestic financial institutions, highly regulated industries and foreign governments.

(2) The company selected pursuant to this subsection shall provide personnel to serve as officers of the corporation who shall perform on behalf of the corporation all of the customary functions of the offices they occupy.

(3) The board shall provide by contract for division with the management company of total compensation derived from the operations of the corporation. Such division shall be made quarterly, and shall involve the total compensation of the corporation which are in excess of the expenses of the corporation for that quarter.

(4) Prior to securing management services for the corporation, staffing of the corporation shall be provided by the Office of Tourism, Trade, and Economic Development, which shall provide to the board by August 7, 1998, a list of candidates qualified and desiring to perform the duties of the management company specified in this section. The Office of Tourism, Trade, and Economic Development shall also have responsibility for the establishment of performance measures and requirements which provide for the performance of the statutory duties of the corporation, as well as the following:

(a) Specific outcomes from the performance of the management company, as well as timetables for the accomplishment of such outcomes;

(b) Requirements relating to the handling of state funds and providing for third party audit and financial review of the operations of the corporation;

(c) Reversion to the state of all assets of the corporation in the event of cessation of operations of the corporation; and

(d) Termination of the management company in the event of its failure to perform the duties or deliver the outcomes provided in the management contract.

Section 32. Section 288.9535, Florida Statutes, is created to read:

288.9535 Florida Business Expansion Account.—

(1) The board shall create the Florida Business Expansion account for the purpose of receiving state, federal, and private financial resources, and the return from employment of those resources, and for the purposes of the corporation. The account shall be under the exclusive control of the board.

(2) Resources in the account shall be allocated for operating expenses of the corporation and for other statutorily authorized purposes, including costs of research, provision of business assistance to targeted businesses, and other costs.

(3) Appropriations for the corporation shall be deposited into the account.

(4) The board may establish the account and any sub–accounts necessary and convenient for the operation of the corporation with state or federally chartered financial institutions in this state and may invest the assets of the account in permissible securities.

(5) At all times, the board shall attempt to maximize the returns on funds in the account.

(6) All revenues received from the operations of the corporation shall be redeposited in the account to be used to promote the statutory purposes of the corporation.

(7) Under no circumstances shall the credit of the state be pledged by or on behalf of the corporation, nor shall the state be liable or obligated in any way for claims on the account or against the corporation.

(8) Pursuant to s. 216.351, the amount of any moneys appropriated to the account which are unused at the end of the fiscal year shall not be subject to reversion under s. 216.301. All moneys in the account are continuously appropriated to the account and may be used for the purposes specified in this section. The Office of Tourism, Trade, and Economic Development shall ensure that all funds in the account shall revert to the state in the event that the corporation is dissolved, ceases operations, or upon the evaluation of the board that such services cannot be provided on a cost–recovery basis. Such a determination shall be made only after an initial period of program setup and market research of at least one year.

Section 33. Section 288.9536, Florida Statutes, is created to read:

288.9536 Reporting and Review.—

(1) By September 1, 1999, the corporation in cooperation with the Office of Program Policy Analysis and Government Accountability shall develop a research design, including goals and measurable objectives for the corporation, which will provide the Legislature with a quantitative evaluation of the corporation. The corporation shall utilize the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability.

(2) On January 31, 2000, and on January 31 of each succeeding year, the corporation shall prepare a report on the financial status of the corporation and the account and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the President of Enterprise Florida, Inc. The report shall specify the assets and liabilities of the account within the current fiscal year and shall include a list of the businesses assisted, the benefits obtained by each business assisted, including, but not limited to, increased revenues, cost reductions, sales or investment which have been realized by such businesses.

(3) Prior to the 2001 regular session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall perform a review and evaluation of the corporation using the research design promulgated pursuant to this section. The report shall review and comment on the operations and accomplishments of the corporation. A report of the findings and recommendations of the Office of Program Policy Analysis and Government Accountability shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 2001 regular session.

Section 34. *Subject to an appropriation in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development is authorized to contract with Enterprise Florida, Inc., for the award of Inner City Redevelopment Assistance Grants in connection with the urban initiative of Enterprise Florida, Inc. Such grants may only be used to fund economic development in areas that meet or exceed the criteria for areas eligible under the Urban High–Crime Area Job Tax Credit Program pursuant to section 212.097, Florida Statutes.*

Section 35. Section 118.10, Florida Statutes, is amended to read:

118.10 *Civil Law Notary* ~~Florida international notary~~.—

(1) As used in this section, the term:

(a) "*Authentic act* ~~Authentication instrument~~" means an instrument executed by a *civil law* ~~Florida international~~ notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a *civil law* ~~Florida international~~ notary as prescribed by the Florida Secretary of State ~~for use in a jurisdiction outside the borders of the United States~~.

(b) "*Civil law notary*" ~~"Florida international notary"~~ means a person who is *a member in good standing of The Florida Bar* ~~admitted to the practice of law in this state~~, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a *civil law* ~~Florida international~~ notary.

(c) "Protocol" means a registry maintained by a *civil law* ~~Florida international~~ notary in which the acts of the *civil law* ~~Florida international~~ notary are archived.

(2) The Secretary of State shall have the power to appoint *civil law* ~~Florida international~~ notaries and administer this section.

(3) A *civil law* ~~Florida international~~ notary is authorized to issue *authentic acts and may administer an oath and make a certificate thereof whenever it is necessary for execution of any writing or document to be attested, protested, or published under the seal of a notary public. A civil law notary may also take acknowledgments of deeds and other instruments of writing for record, and solemnize the rites of matrimony, as fully as other officers of this state* ~~authentication instruments for use in non-United States jurisdictions~~. A *civil law* ~~Florida international~~ notary is not authorized to issue *authentic acts* ~~authentication instruments~~ for use in a ~~non-United States~~ jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

~~(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.~~

(4)~~(5)~~ The *authentic acts, oaths and acknowledgments, and solemnizations,* ~~authentication instruments~~ of a *civil law* ~~Florida international~~ notary shall be recorded in the *civil law* ~~Florida international~~ notary's protocol in a manner prescribed by the Secretary of State.

(5)~~(6)~~ The Secretary of State may adopt rules prescribing:

(a) The form and content of signatures and seals or their legal equivalents for *authentic acts, and the circumstances under which authentic acts may be issued* ~~authentication instruments~~;

(b) Procedures for the permanent archiving of *authentic acts, maintaining records of acknowledgments, oaths and solemnizations, procedures and requirement for marriage, and procedures for the administra-*

tion of oaths and taking of acknowledgments ~~authentication instruments~~;

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section;

(d) Educational requirements and procedures for testing applicants' knowledge of the *requirements, procedures, and* effects and consequences associated with *authentic acts, oaths, acknowledgments, and solemnizations of matrimony* ~~authentication instruments in jurisdictions outside the United States~~;

(e) Procedures for the disciplining of *civil law* ~~Florida international~~ notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the *civil law* ~~Florida international~~ notary's authority, the effect of the *civil law* ~~Florida international~~ notary's *authentic acts* ~~authentication instruments~~, or the identities or acts of the parties to a transaction; and

(f) Other matters necessary for administering this section.

(6)~~(7)~~ The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any *civil law* ~~Florida international~~ notary for, or with regard to, any action or conduct that would constitute the practice of law in this state, *except by agreement with The Florida Bar*. The Secretary of State shall not establish as a prerequisite to the appointment of a *civil law* ~~Florida international~~ notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States, *except by agreement with The Florida Bar*.

(7) The powers of civil law notaries shall include but not be limited to all of the powers of a notary public under any law of this state.

(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 36. Subsection (7) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(7) Each *port listed in s. 311.09(1), and each* local government in the coastal area which has spoil disposal responsibilities shall provide for or identify disposal sites for dredged materials in the future land use and port elements of the local comprehensive plan as needed to assure proper long-term management of material dredged from navigation channels, sufficient long-range disposal capacity, environmental sensitivity and compatibility, and reasonable cost and transportation. The disposal site selection criteria shall be developed in consultation with navigation and inlet districts and other appropriate state and federal agencies and the public. *For areas owned or controlled by ports listed in s. 311.09(1), and proposed port expansion areas, compliance with the provisions of this subsection shall be achieved through comprehensive master plans prepared by each port and integrated with the appropriate local plan pursuant to s. 163.3178(2)(k).*

Section 37. Paragraph (g) is added to subsection (1) and paragraph (d) is added to subsection (6) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(g) Any comprehensive plan amendments for port transportation facilities and projects which are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to the provisions of s. 311.07.

(6) No local government may amend its comprehensive plan after the date established by rule for submittal of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for:

(d) Plan amendments for port transportation facilities and projects which are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to the provisions of s. 311.07. When the agency has determined that the report or addendum has sufficiently addressed all pertinent provisions of s. 163.3191, the local government may proceed with plan amendments in addition to those necessary to implement recommendations in the report or addendum.

Section 38. Subsection (3) is added to section 288.8155, Florida Statutes, to read:

288.8155 International Trade Data Resource and Research Center.—Enterprise Florida, Inc., and the Florida Seaport Transportation and Economic Development Council may establish a comprehensive trade data resource and research center to be known as the "International Trade Data Resource and Research Center." The center may join with other public sector or private sector entities, domestic or foreign, to accomplish its purposes.

(3) The center may create an Internet-based system to form an information partnership between this state and its strategic trading partners in the Western Hemisphere. Prior to creating the system, the center shall prepare a comprehensive plan for the development and operation of the system that includes a cost analysis, performance measures, and objective outcomes for the system. The plan shall be approved by the board and copies of the plan shall be delivered to the Legislature and the Office of Tourism, Trade, and Economic Development prior to the release of any funds for the system.

Section 39. Paragraph (a) of subsection (7) of section 288.9607, Florida Statutes, is amended to read:

288.9607 Guaranty of bond issues.—

(7)(a) The corporation is authorized to enter into an investment agreement with the Department of Transportation and the State Board of Administration concerning the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(7)(b). Such investment shall be limited as follows:

1. Not more than $4 million of the investment earnings earned on the investment of the minimum balance of the State Transportation Trust Fund in a fiscal year shall be at risk at any time on one or more bonds or series of bonds issued by the corporation.

2. The investment earnings shall not be used to guarantee any bonds issued after June 30, *2002* ~~1998~~, and in no event shall the investment earnings be used to guarantee any bond issued for a maturity longer than 15 years.

3. The corporation shall pay a reasonable fee, set by the State Board of Administration, in return for the investment of such funds. The fee shall not be less than the comparable rate for similar investments in terms of size and risk.

4. The proceeds of bonds, or portions thereof, issued by the corporation for which a guaranty has been or will be issued pursuant to s. 288.9606, s. 288.9608, or this section used to make loans to any one person, including any related interests, as defined in s. 658.48, of such person, shall not exceed 20 percent of the principal of all such outstanding bonds of the corporation issued prior to the first composite bond issue of the corporation, or December 31, 1995, whichever comes first, and shall not exceed 15 percent of the principal of all such outstanding bonds of the corporation issued thereafter, in each case determined as of the date of issuance of the bonds for which such determination is being made and taking into account the principal amount of such bonds to be issued. The provisions of this subparagraph shall not apply when the total amount of all such outstanding bonds issued by the corporation is less than $10 million. For the purpose of calculating the limits imposed by the provisions of this subparagraph, the first $10 million of bonds issued by the corporation shall be taken into account.

5. The corporation shall establish a debt service reserve account which contains not less than 6 months' debt service reserves from the proceeds of the sale of any bonds, or portions thereof, guaranteed by the corporation.

6. The corporation shall establish an account known as the Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The corporation shall deposit a sum of money or other cash equivalents into this fund and maintain a balance of money or cash equivalents in this fund, from

sources other than the investment of earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds, or portions thereof, of the corporation for which a guaranty has been issued pursuant to ss. 288.9606, 288.9607, and 288.9608. In the event the corporation fails to maintain the balance required pursuant to this subparagraph for any reason other than a default on a bond issue of the corporation guaranteed pursuant to this section or because of the use by the corporation of any such funds to pay insurance, maintenance, or other costs which may be required for the preservation of any project or other collateral security for any bond issued by the corporation, or to otherwise protect the Revenue Bond Guaranty Reserve Account from loss while the applicant is in default on amortization payments, or to minimize losses to the reserve account in each case in such manner as may be deemed necessary or advisable by the corporation, the corporation shall immediately notify the Department of Transportation of such deficiency. Any supplemental funding authorized by an investment agreement entered into with the Department of Transportation and the State Board of Administration concerning the use of investment earnings of the minimum balance of funds is void unless such deficiency of funds is cured by the corporation within 90 days after the corporation has notified the Department of Transportation of such deficiency.

The corporation shall include, as part of the annual report prepared pursuant to s. 288.9610, a detailed report concerning the use of guaranteed bond proceeds for loans guaranteed or issued pursuant to any agreement with the Florida Black Business Investment Board, including the percentage of such loans guaranteed or issued and the total volume of such loans guaranteed or issued.

Section 40. Section 288.9614, Florida Statutes, is amended to read:

288.9614 Authorized programs.—

(1) The capital development board may take any action that it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of small-sized and medium-sized firms, to address the needs of microenterprises, to expand availability of venture capital, and to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

(2) The capital development board or Enterprise Florida, Inc., shall not expend any state appropriated funds on any venture capital fund created by Enterprise Florida, Inc., and its affiliates or any other entity that does not solely invest in businesses located in this state.

Section 41. Subsection (4) of section 253.77, Florida Statutes, is created to read:

253.77 State lands; state agency authorization for use prohibited without consent of agency in which title vested; concurrent processing requirements.—

(4) Notwithstanding any other provision of this Chapter, Chapter 373 or chapter 403, Florida Statutes, for activities authorized by a permit or exemption pursuant to chapter 373 or 403, ports listed in subsection 403.021(9)(b), and inland navigation districts created pursuant to subsection 374.975(3), shall not be required to pay any fees for activities involving the use of sovereign lands, including leases, easements or consents of use.

Section 42. Section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(1) There is created the Florida Seaport Transportation and Economic Development Program within the Department of Transportation to finance port transportation ~~or port~~ facilities *and* projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and that will support the interests, purposes, and requirements of ports located in this state.

(2) A minimum of $8 million per year shall be made available from the State Transportation Trust Fund to fund the Florida Seaport Transportation and Economic Development Program.

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, and the auditing provisions of s. 11.45(3)(a)4. Program funds also may be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade data information products which will assist Florida's seaports and international trade.

(b) Projects eligible for funding by grants under the program are limited to the following port *transportation* facilities *and* ~~or port transportation~~ projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes *as described in, or consistent with, port master plans.*

6. The acquisition, improvement, enlargement, or extension of existing port facilities *as described in, or consistent with, port master plans.*

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

(4) A port eligible for matching funds under the program may receive a distribution of not more than $7 million during any 1 calendar year and a distribution of not more than $30 million during any 5-calendar-year period.

(5) Any port which receives funding under the program shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 110.112.

(6) The Department of Transportation shall subject any project that receives funds pursuant to this section to a final audit. The department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

Section 43. Subsection (9) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(9) The council shall review the findings of the Department of Community Affairs; the Office of Tourism, Trade, and Economic Development; and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (6), (7), and (8) and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (8) shall not be included in the list of projects to be funded. *Projects found to be consistent pursuant to subsection (6), (7), and (8) shall be presumed in the public interest.*

Section 44. *Sections 288.99, 288.9951, 288.9952, 288.9953, 288.9954, 288.9955, 288.9956, and 288.9957, Florida Statutes, are designated as part XI of chapter 288, Florida Statutes, and the Division of Statutory Revision is requested to designate that part "Workforce Development Board."*

Section 45. Section 288.9620, Florida Statutes, is transferred, renumbered as section 288.99, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 288.9620, F.S., for present text.)

288.99 Workforce Development Board.—

(1) The Legislature finds that the growth and competitive strength of Florida's economy depend upon the state's ability to attract and support industries that add to the value of the state's social capital as well as to its economic capital. It is crucial to the retention and growth of these high-value-added industries to assure that skilled human resources are adequate in quality and quantity. The Legislature intends to adopt a uniform policy to guide education, training, and employment programs, so that the combined efforts of all the programs accomplish the following objectives:

(a) Provide for a skilled workforce to enable Florida to compete in a global economy.

(b) Respond to changes in technology and to emerging industries.

(c) Promote the development of market-driven programs through a planning and funding system based upon products of the Occupational Forecasting Conference created in s. 216.136.

(d) Base evaluations of program success on student and participant outcomes rather than processes.

(e) Coordinate state, federal, local, and private funds for maximum impact.

(f) Encourage the participation, education, and training of members of populations selected by state or federal policy to receive additional resources, guidance, or services. The selected populations must include people with disabilities or economic disadvantages, especially those who are participants in the WAGES Program, are eligible for public assistance, or are dislocated workers.

(2) There is created within the nonprofit corporate structure of Enterprise Florida, Inc., a nonprofit public-private Workforce Development Board. The purpose of the Workforce Development Board, also known as the Jobs and Education Partnership, is to create a Florida economy characterized by better employment opportunities leading to higher wages by creating and maintaining a highly skilled workforce that responds to the rapidly changing technology and diversified market opportunities critical to this mission.

(3)(a) The Workforce Development Board shall be governed by a board of directors consisting of the following members:

1. The Commissioner of Education.

2. The Secretary of the Department of Elderly Affairs.

3. The Secretary of the Department of Children and Family Services.

4. The Secretary of the Department of Labor and Employment Security.

5. The Chancellor of the State University System or the Chancellor's designee.

6. The Executive Director of the State Community College System or the executive director's designee.

7. A member of the Senate, to be appointed by the President of the Senate as an ex officio member of the board and serve at the pleasure of the President.

8. A member of the House of Representatives, to be appointed by the Speaker of the House of Representatives as an ex officio member of the board and serve at the pleasure of the Speaker.

9. Eleven to 13 members from the public and private sectors who possess an understanding of the broad spectrum of education, training, and employment needs of the residents of the state, with the majority from the private sector, to be appointed by the Governor, subject to Senate confirmation. Membership must be consistent with Pub. L. No. 97-300, as amended, including the requirement that organized labor representatives must constitute not less than 15 percent of the membership and represent those industries critical to the state's economic base, as well as that portion of the state's population which has limited employment skills and work experience. The members from the public sector must also include an occupational dean of a community college and a school district vocational director with responsibility for postsecondary programs. The members from the private sector must include a private business representative from a private industry council, at least one representative of a regional workforce development board, a representative of organized labor, as well as two representatives from licensed, private postsecondary institutions in the state currently participating in vocational education and job training programs provided that at least one of these members is recommended by the Florida Association of Postsecondary Schools and Colleges.

(b) Additional members may be appointed, subject to Senate confirmation, when necessary to conform to the requirements of the Job Training Partnership Act or the requirements of any other federal act establishing or designating a Human Resources Investment Council or other federal workforce development board.

(c) Private-sector members appointed by the Governor must be appointed for 4-year, staggered terms. Public-sector members appointed by the Governor must be appointed to 4-year terms. At least 50 percent of the Governor's appointees must be members of regional workforce development boards. The regional workforce development boards may nominate members for the Governor's consideration.

(d) The chair of the board of directors of the Workforce Development Board and the vice chair of the board of directors of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board of directors of the Workforce Development Board from a slate of candidates submitted by the board of directors of Enterprise Florida, Inc. The chair of the board of directors of the Workforce Development Board and vice chair of the board of directors of Enterprise Florida, Inc., may request that additional candidates be submitted by the board of directors of Enterprise Florida, Inc., if the chair and vice chair cannot agree on a list of nominees submitted. Appointments to the board of directors of the Workforce Development Board shall be made by the Governor from the list of nominees jointly selected by the chair of the board of directors of the Workforce Development Board and vice chair of the board of directors of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors of the Workforce Development Board. A vacancy on the board of directors of the Workforce Development Board shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(e) The Governor shall appoint members from the public sector and private sector to the board of directors of the Workforce Development Board within 30 days after the receipt of the nominations from the board of directors of Enterprise Florida, Inc.

(f) A member of the board of directors of the Workforce Development Board may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

(4) The board of directors of the Workforce Development Board may appoint subcommittees to fulfill its responsibilities, to comply with federal requirements, or to obtain technical assistance and must incorporate members of regional workforce development boards and former boards and commissions into its structure. These subcommittees may provide the board of directors of the Workforce Development Board with technical

advice, policy consultation, and information about workforce development issues.

(5)(a) The board of directors of the Workforce Development Board shall be chaired by a board member designated by the Governor.

(b) The president of the Workforce Development Board shall be hired by the president of Enterprise Florida, Inc., and shall serve in the capacity of an executive director and secretary of the Workforce Development Board. The president of Enterprise Florida, Inc., shall hire any additional staff within the parameters established by the board of directors of Enterprise Florida, Inc.

(c) The board of directors of the Workforce Development Board shall meet at least quarterly and at other times upon call of its chair.

(d) A majority of the total current membership of the board of directors of the Workforce Development Board comprises a quorum of the board.

(e) A majority of those voting is required to organize and conduct the business of the Workforce Development Board, except that a majority of the entire board of directors of the Workforce Development Board is required to adopt or amend the operational plan.

(f) Except as delegated or authorized by the board of directors of the Workforce Development Board, individual members have no authority to control or direct the operations of the Workforce Development Board or the actions of its officers and employees, including the president.

(g) The board of directors of the Workforce Development Board may delegate to its president those powers and responsibilities it deems appropriate.

(h) Members of the board of directors of the Workforce Development Board and its subcommittees shall serve without compensation, but these members, the president, and all employees of the Workforce Development Board may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.

(i) The board of directors of the Workforce Development Board may establish an executive committee consisting of the chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors of the Workforce Development Board delegates to it, except that the board of directors may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

(j) Each member of the board of directors of the Workforce Development Board who is not otherwise required to file a financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must file disclosure of financial interests pursuant to s. 112.3145.

(6) The Workforce Development Board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this section, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(a) Advising and assisting in the formulation and coordination of the state's economic policy regarding workforce development critical to achieve the purposes of the board, as stated in this section and consistent with the policies of the board of directors of Enterprise Florida, Inc.

(b) Using a corporate seal.

(c) Advising and assisting in developing the state's strategic workforce development plan and subsequent implementation plans as part of the strategic economic development plan of Enterprise Florida, Inc.

(d) Designing the state's workforce development strategy as the state's Human Resource Investment Council, recommending a market–driven, placement–based, community–managed, and customer–focused workforce development system and promoting that system's implementation at the state and local level. The strategy should establish standards and measures for job placement cost, direct customer service costs, and overall service delivery costs to measure performance for various categories of workers as well as performance when taking into account the difficulties confronted by workers. Unless otherwise required by federal law, at least 90 percent of the funding covered by this strategy must go into direct customer service costs. Of the allowable administrative overhead, appropriate amounts shall be expended to procure independent job placement performance evaluations.

(e) Evaluating the performance and effectiveness of Florida's workforce development programs.

(f) Reporting to the board of directors of Enterprise Florida, Inc., regarding its recommendations, functions, duties, and responsibilities.

(g) Soliciting, borrowing, accepting, receiving, investing, and expending funds from any public or private source.

(h) Contracting with public and private entities as necessary to further the directives of this section, except that any contract made with an organization represented on the board of directors of Enterprise Florida, Inc., or on the board of directors of the Workforce Development Board must be approved by a two-thirds vote of the entire board of directors of the Workforce Development Board, and, if applicable, the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the board of directors of Enterprise Florida, Inc., or the board of directors of the Workforce Development Board. An organization represented on the board of directors of the Workforce Development Board or on the board of directors of Enterprise Florida, Inc., may not enter into a contract to receive a state-funded economic development incentive or similar grant, unless such incentive award is specifically endorsed by a two-thirds vote of the entire board of directors of the Workforce Development Board. The member of the board of directors of the Workforce Development Board representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with members of the board of directors of the Workforce Development Board.

(i) Approving an annual budget.

(j) Carrying forward any unexpended state appropriations into succeeding fiscal years.

(k) Providing an annual report to the board of directors of Enterprise Florida, Inc., by November 1 which includes a copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(l) Serving as the designated State Human Resource Investment Council, as described in Pub. L. No. 102–367, Title VII, with responsibility for policy, planning, and accountability for the state's workforce development strategy.

(m) Working with affected communities, councils, and agencies to develop and implement a transition plan consolidating and coordinating these groups and their funding into the state's workforce development strategy.

(n) Implementing a charter process that uses regional workforce development boards whose membership, responsibilities, and authority must be consistent with federal and state law. Such charter process must align local workforce groups' resources and services under the regional workforce development boards' plans to eliminate unwarranted duplication, minimize administrative costs, and increase responsiveness to business, communities, and workers.

(o) Identifying resources that can be directed to charters and designs that can make state expenditures more job–placement–focused and performance–based.

(p) Establishing procedures to award resources and incentives to chartered communities and to measure the job placement outcomes of those charters, rewarding positive outcomes, and penalizing negative outcomes, ultimately revoking failing charters. Notwithstanding s. 216.351, to allow time for documenting program performance, funds allocated for the incentives provided in this section and s. 239.249 must be carried forward to the next fiscal year and must be awarded for the

current year's performance, unless federal law requires the funds to revert at the year's end.

(q) Developing workforce development innovations in consultation with business, labor, community groups, workforce development groups, educational institutions, research groups, and agencies.

(7) The Workforce Development Board may take any action that it deems necessary to achieve the purposes of this section and consistent with the policies of the board of directors of Enterprise Florida, Inc., in partnership with private enterprises, public agencies, and other organizations. The Workforce Development Board shall advise and make recommendations to the board of directors of Enterprise Florida, Inc., and through that board of directors to the State Board of Education and the Legislature concerning action needed to bring about the following benefits to the state's social and economic resources:

(a) A state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of the boards of Enterprise Florida, Inc.

(b) A funding system that provides incentives to improve the outcomes of vocational education programs, and of registered apprenticeship and work–based learning programs, and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.

(c) A comprehensive approach to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(d) The designation of institutes of applied technology composed of postsecondary institutions working together with business and industry to ensure that technical and vocational education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry.

(e) A system to project and evaluate labor market supply and demand using the results of the Occupational Forecasting Conference created in s. 216.136 and the career education performance standards identified in s. 239.233.

(f) A review of the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs.

(8) By December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report by the Workforce Development Board setting forth:

(a) The audit in subsection (9), if conducted.

(b) The operations and accomplishments of the partnership including the programs or entities listed in subsection (7).

(9) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the Workforce Development Board or the programs or entities created by the Workforce Development Board.

(10) The Workforce Development Board, in collaboration with the regional workforce development boards, the Office of Program Policy Analysis and Government Accountability, and appropriate state agencies and local public and private service providers, must establish uniform measures and standards, to gauge the performance of the workforce development strategy. These measures and standards must be organized into three outcome tiers.

(a) The first tier must be organized to provide benchmarks for systemwide outcomes. The Workforce Development Board must, in collaboration with the Office of Program Policy Analysis and Government Accountability, establish goals for the tier one outcomes. The resources of the University of Florida Bureau of Economics and Business Research, the Department of Labor and Employment Security, the Commission on Government Accountability to the People, the Florida Education and Training Placement Information Program, and the Occupational Forecasting Conference, as well as any other relevant federal, state, or private sources, may be consulted for assistance in establishing standards and measures, for providing data collection and ensuring data reliability, or for data evaluation and interpretation by the Workforce Development Board. Systemwide outcomes may include employment in occupations demonstrating continued growth in wages, continued employment after 3, 6, 12, and 24 months, reduction in and elimination of public assistance reliance, job placement, employer satisfaction, and positive return on investment of public resources.

(b) The second tier must be organized to provide a set of benchmark outcomes for each of the four strategic components of the workforce development strategy. A set of standards and measures must be developed for One–Stop Career Centers, School–to–Work, Welfare–to–Work, and High Skills/High Wage, targeting the specific goals of that particular strategy. Cost per entered employment, earnings at placement, retention in employment, job placement, and entered employment rate must be included among the performance outcome measures. The resources of the University of Florida Bureau of Economics and Business Research, the Department of Labor and Employment Security, the Commission on Government Accountability to the People, the Florida Education and Training Placement Information Program, and the Occupational Forecasting Conference, as well as any other relevant federal, state, or private sources, may be consulted for assistance in establishing standards and measures, for providing data collection and ensuring data reliability, or for data evaluation and interpretation by the Workforce Development Board.

1. Appropriate measures for One–Stop Career Centers may include direct job placements at minimum wage, at a wage level established by the Occupational Forecasting Conference, and at a wage level above the level established by the Occupational Forecasting Conference.

2. Appropriate measures for the School–to–Work component may include the number of students enrolling and completing work–based programs including apprenticeship programs, job placement rate, job retention rate, wage at placement, and wage growth.

3. Welfare–to–Work measures may include job placement rate, job retention rate, wage at placement, wage growth, reduction and elimination of reliance on public assistance, and savings resulting from reduced reliance on public assistance.

4. High Skills/High Wage measures may include job placement rate, job retention rate, wage at placement, and wage growth.

(c) A third tier of measures and standards shall be the operational and output measures to be used by the agency implementing programs, and it may be specific to federal requirements. The tier three standards must be developed by the agencies implementing programs, and the Workforce Development Board may be consulted in this effort. Such outputs must be reported to the Workforce Development Board by the appropriate implementing agency.

(d) Regional differences must be reflective of the establishment of performance goals and may include job availability, unemployment rates, average worker wage, and available employable population. All performance goals must be derived from the goals, principles, and strategies established in the Workforce Florida Act of 1996.

(e) Job placement must be reported pursuant to s. 229.8075. Positive outcomes for providers of education and training must be consistent with ss. 239.233 and 239.245.

(f) The uniform measures of success that are adopted by the Workforce Development Board or the regional workforce development boards must be developed in a manner that provides for an equitable comparison of the relative success or failure of any service provider in terms of positive outcomes.

Section 46. Section 446.601, Florida Statutes, is transferred, renumbered as section 288.9951, Florida Statutes, and amended to read:

288.9951 ~~446.601~~ Short title; legislative intent.—

(1) This section may be cited as the "Workforce Florida Act of 1996."

(2) The goal of this section is to utilize the workforce development system to upgrade dramatically Floridians' workplace skills, economically benefiting the workforce, employers, and the state.

(3) These principles should guide the state's efforts:

(a) Floridians must upgrade their skills to succeed in today's workplace.

(b) In business, workforce skills are the key competitive advantage.

(c) Workforce skills will be Florida's key job-creating incentive for business.

(d) Budget cuts, efficiency, effectiveness, and accountability mandate the consolidation of program services and the elimination of unwarranted duplication.

(e) Streamlined state and local partnerships must focus on outcomes, not process.

(f) Locally designed, customer-focused, market-driven service delivery works best.

(g) Job training curricula must be developed in concert with the input and needs of existing employers and businesses, and must consider the anticipated demand for targeted job opportunities, as specified by the Occupational Forecasting Conference under s. 216.136.

(h) Job placement, job retention, and return-on-investment should control workforce development expenditures and be a part of the measure for success and failure.

(i) Success will be rewarded and failure will have consequences.

(j) Job placement success will be publicly measured and reported to the Legislature.

(k) Apprenticeship programs, pursuant to s. 446.011, which provide a valuable opportunity for preparing citizens for productive employment, will be encouraged.

(4) The workforce development strategy shall be designed by the *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~ pursuant to *s. 288.99* ~~s. 288.0475~~, and shall be centered around the four integrated strategic components of One-Stop Career Centers, School-to-Work, Welfare-to-Work, and High Skills/High Wage Jobs.

(a) One-Stop Career Centers are the state's initial customer-service contact strategy for offering every Floridian access, through service sites, telephone, or computer networks, to the following services:

1. Job search, referral, and placement assistance.

2. Career counseling and educational planning.

3. Consumer reports on service providers.

4. Recruitment and eligibility determination.

5. Support services, including child care and transportation.

6. Employability skills training.

7. Adult education and basic skills training.

8. Technical training leading to a certification and degree.

9. Claim filing for unemployment compensation services.

10. Temporary income, health, nutritional, and housing assistance.

11. Child care and transportation assistance to gain employment.

12. Other appropriate and available workforce development services.

(b) School-to-Work is the state's youth and adult workforce education strategy for coordinating business, education, and the community to support students in achieving long-term career goals, and for ensuring the workforce is prepared with the academic and occupational skills required for success.

(c) Welfare-to-Work is the state's strategy for encouraging self-sufficiency and minimizing dependence upon public assistance by emphasizing job placement and transition support services for welfare recipients.

(d) High Skills/High Wage is the state's strategy for aligning education and training programs with the Occupational Forecasting Conference under s. 216.136, for meeting the job demands of the state's existing businesses, and for providing a ready workforce which is integral to the state's economic development goal of attracting new and expanding businesses.

(5) The workforce development system shall utilize a charter process approach aimed at encouraging local design and control of service delivery and targeted activities. The *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~ shall be responsible for granting charters to regional workforce development boards which have a membership consistent with the requirements of federal and state law and which have developed a plan consistent with the state's workforce development strategy and with the strategic components of One-Stop Career Centers, School-to-Work, Welfare-to-Work, and High Skills/High Wage. The plan shall specify methods for allocating the resources and programs in a manner that eliminates unwarranted duplication, minimizes administrative costs, meets the existing job market demands and the job market demands resulting from successful economic development activities, ensures access to quality workforce development services for all Floridians, and maximizes successful outcomes. As part of the charter process, the *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~ shall establish incentives for effective coordination of federal and state programs, outline rewards for successful job placements, and institute collaborative approaches among local service providers. Local decisionmaking and control shall be important components for inclusion in this charter application.

Section 47. Section 446.602, Florida Statutes, is transferred, renumbered as section 288.9952, Florida Statutes, and amended to read:

288.9952 ~~446.602~~ Regional workforce development boards.—

(1) One regional workforce development board shall be appointed in each designated service delivery area. The membership and responsibilities of the board shall be consistent with Pub. L. No. 97-300, as amended. The board shall be appointed by the chief elected official or his or her designee of the local county or city governing bodies or consortiums of county and/or city governmental units that exist through interlocal agreements and shall include:

(a) At least 51 percent of the members of each board being from the private sector and being chief executives, chief operating officers, owners of business concerns, or other private sector executives with substantial management or policy responsibility.

(b) Representatives of organized labor and community-based organizations, who shall constitute not less than 15 percent of the board members.

(c) Representatives of educational agencies, including presidents of local community colleges, superintendents of local school districts, licensed private postsecondary educational institutions participating in vocational education and job training in the state and conducting programs on the Occupational Forecasting Conference list or a list validated by the regional workforce development board; vocational rehabilitation agencies; economic development agencies; public assistance agencies; and public employment service. One of the representatives from licensed private postsecondary educational institutions shall be from a degree-granting institution, and one from an institution offering certificate or diploma programs. One of these members shall be a nonprofit, community-based organization which provides direct job training and placement services to hard-to-serve individuals including the target population of people with disabilities.

The current Private Industry Council may be restructured, by local agreement, to meet the criteria for a regional workforce development board.

(2) In addition to the duties and functions specified by the *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~

and by the interlocal agreement approved by the local county or city governing bodies, the regional workforce development board shall have the following responsibilities:

(a) Review, approve, and ratify the local Job Training Partnership Act plan which also must be signed by the chief elected officials.

(b) Conclude agreements necessary to designate the fiscal agent and administrative entity.

(c) Complete assurances required for the *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~ charter process and provide ongoing oversight related to administrative costs, duplicated services, career counseling, economic development, equal access, compliance and accountability, and performance outcomes.

(3) The *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~ shall~~, by January 1, 1997,~~ design and implement a training program for the regional workforce development boards to familiarize board members with the state's workforce development goals and strategies.

The regional workforce development board shall designate all local service providers and shall not transfer this authority to a third party. In order to exercise independent oversight, the regional workforce development board shall not be a direct provider of intake, assessment, eligibility determinations, or other direct provider services.

Section 48. Section 446.603, Florida Statutes, is transferred, renumbered as section 288.9953, Florida Statutes, and amended to read:

288.9953 ~~446.603~~ Untried Worker Placement and Employment Incentive Act.—

(1) This section may be cited as the "Untried Worker Placement and Employment Incentive Act."

(2) For purposes of this section, the term "untried worker" means a person who is a hard-to-place participant in the welfare-to-work programs of the Department of Labor and Employment Security or the Department of *Children and Family* ~~Health and Rehabilitative~~ Services because they have limitations associated with the long-term receipt of welfare and difficulty in sustaining employment.

(3) The Department of Labor and Employment Security and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, working with the *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~, shall develop five Untried Worker Placement and Employment Incentive pilot projects in at least five different counties.

(4) In these pilots, incentive payments will be made to for-profit or not-for-profit agents selected by the regional workforce development boards who successfully place untried workers in full-time employment for 6 months with an employer after the employee successfully completes a probationary placement of no more than 6 months with that employer. Full-time employment that includes health care benefits will receive an additional incentive payment.

(5) The for-profit and not-for-profit agents shall contract to provide services for no more than 1 year. Contracts may be renewed upon successful review by the contracting agent.

(6) The Department of Labor and Employment Security and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, working with the *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~, shall develop an incentive schedule that costs the state less per placement than the state's 12-month expenditure on a welfare recipient.

(7) During an untried worker's probationary placement, the for-profit or not-for-profit agent shall be the employer of record of that untried worker~~,~~ and shall provide workers' compensation and unemployment compensation coverage as provided by law. The business employing the untried worker through the agent may be eligible to apply for any tax credits, wage supplementation, wage subsidy, or employer payment for that employee that are authorized in law or by agreement with the employer. After satisfactory completion of such a probationary period, an untried worker shall not be considered an untried worker.

(8) This section shall not be used for the purpose of displacing or replacing an employer's regular employees, and shall not interfere with executed collective bargaining agreements. Untried workers shall be paid by the employer at the same rate as similarly situated and assessed workers in the same place of employment.

(9) An employer that demonstrates a pattern of unsuccessful placements shall be disqualified from participation in these pilots because of poor return on the public's investment.

(10) The Department of Labor and Employment Security and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, working with the *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~, may offer to any employer that chooses to employ untried workers such incentives and benefits that are available and provided in law, as long as the long-term, cost savings can be quantified with each such additional inducement.

(11) Unless otherwise reenacted, this section shall be repealed on July 1, 1999.

Section 49. Section 446.604, Florida Statutes, is transferred, renumbered as section 288.9954, Florida Statutes, and amended to read:

288.9954 ~~446.604~~ One-Stop Career Centers.—

(1) The Department of Management Services shall coordinate among the agencies a plan for a One-Stop Career Center Electronic Network made up of One-Stop Career Centers that are operated by the Department of Labor and Employment Security, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the Department of Education, and other authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support such electronic network for service delivery that includes the Florida Communities Network.

(2) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the One-Stop Career Centers:

(a) The Unemployment Compensation System of the Department of Labor and Employment Security.

(b) The Job Service System of the Department of Labor and Employment Security.

(c) The FLORIDA System and the components related to Aid to Families with Dependent Children, food stamps, and Medicaid eligibility.

(d) The Workers' Compensation System of the Department of Labor and Employment Security.

(e) The Student Financial Assistance System of the Department of Education.

(f) Enrollment in the public postsecondary education system.

The systems shall be fully coordinated at both the state and local levels by July 1, 1999.

Section 50. Section 446.605, Florida Statutes, is transferred, renumbered as section 288.9955, Florida Statutes, and amended to read:

288.9955 ~~446.605~~ Applicability of Workforce Florida Act of 1996.—Unless otherwise provided herein, the Workforce Florida Act of 1996 shall apply to the State Human Resource Investment Council and any regional workforce development boards in existence on the effective date of such act. Regional workforce development boards shall be reconstituted, if necessary, to meet the requirements of the Workforce Florida Act of 1996. In addition, the *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~ shall review each charter granted prior to the effective date of the Workforce Florida Act of 1996 to assure its compliance with the provisions of such act.

Section 51. Section 446.606, Florida Statutes, is transferred, renumbered as section 288.9956, Florida Statutes, and amended to read:

288.9956 ~~446.606~~ Designation of primary service providers.—Designation of primary service providers shall not be made until the regional workforce development boards have been reconstituted in compliance with the Workforce Florida Act of 1996.

Section 52. Section 446.607, Florida Statutes, is transferred, renumbered as section 288.9957, Florida Statutes, and amended to read:

288.9957 ~~446.607~~ Consultation, consolidation, and coordination.—The *Workforce Development Board* ~~Enterprise Florida Jobs and Education Partnership~~ and any state public assistance policy board established pursuant to law shall consult with each other in developing each of their statewide implementation plans and strategies. The regional workforce development boards and any local public assistance policy boards established pursuant to law may elect to consolidate into one board provided that the consolidated board membership complies with the requirements of Pub. L. No. 97-300, as amended, and with any other law delineating the membership requirements for either of the separate boards. The regional workforce development boards and any respective local public assistance policy board established pursuant to law shall collaboratively coordinate, to the maximum extent possible, the local services and activities provided by and through each of these boards and their designated local service providers.

Section 53. Subsection (5) of section 288.902, Florida Statutes, is amended to read:

288.902 Enterprise Florida Nominating Council.—

(5) Notwithstanding the provisions of ss. 288.901, 288.9412, 288.9512, *and* 288.9611~~, and 288.9620~~ regarding the process of selecting nominees for a board, all nominations shall be conducted in accordance with the provisions of this section. All statutory requirements of board members and all statutory requirements regarding the composition of all boards shall be considered and complied with throughout the nominating process.

Section 54. Section 288.125, Florida Statutes, is created to read:

288.125 Short title.—Sections 288.1251 through 288.1255 shall be known and may be cited as the "Florida Entertainment Industry Growth Act."

Section 55. Section 288.1251, Florida Statutes, is created to read:

288.1251 Definitions.—For the purposes of this act, the term:

(1) "Entertainment industry" means any person engaged in the operation of motion picture or television studios or recording studios, or any person engaged in the production of motion pictures, made–for–TV motion pictures, television series, commercial advertising, music videos, or sound recordings.

(2) "Motion picture or television studio" means a facility in which film or video tape productions or parts of productions are made and which contains the necessary equipment and personnel for this purpose and also means a mobile unit or vehicle that is equipped in much the same manner as a stationary studio and used in the making of film or video tape productions.

(3) "Motion picture" means any live-action or animated feature-length or short subject audiovisual work at any stage of the production, consisting of a series of related images, either on film, tape, or other embodiment, including, but not limited to, all items comprising part of the work and film–related products derived therefrom as well as duplicates and prints thereof and all sound recordings created to accompany a motion picture, which is produced, adapted, or altered for exploitation in, on, or through any medium or device and at any location, primarily for entertainment, commercial, industrial, or educational purposes.

(4) "Commercial advertising production" means any film, video, audio, or photographic production that is created to promote statewide, nationally, or internationally specific brands, products, services, retailers, or advocacy positions for commercial purposes.

(5) "Recording studio" means a place where, by means of mechanical or electronic devices, voices, music, or other sounds are transmitted to tapes, records, or other devices capable of storing and reproducing sound.

(6) "Recording industry" means any person engaged in an occupation or business of making recordings embodying sound for a livelihood or for a profit.

(7) "Sound recording" means a recording of voices, music, or other sounds by mechanical or electronic transmission to tapes, records, or other devices capable of storing and reproducing sound.

(8) "Music video production" means a cohesive compilation of motion pictures with a specific sound recording product for the purpose of broadcasting on a music television network or for commercial distribution.

(9) "Production" means any production, or part thereof, of motion pictures, made–for–TV motion pictures, television series, commercial advertising productions, music videos, or sound recordings as defined by this act.

(10) "Preproduction activities" means those preliminary activities performed directly in connection with the production of a motion picture, made–for–TV motion picture, television series, commercial advertising production, music video, or sound recording, which include, but are not limited to, obtaining story rights, scriptwriting, storyboarding, budgeting, scheduling, and assembling the financing, producers, director, and prime talent.

(11) "Production activities" means those activities performed in direct connection with the production, or any part thereof, of a motion picture, made–for–TV motion picture, television series, commercial advertising production, music video, or sound recording, which include, but are not limited to, location scouting and managing, set construction and acquisition, props acquisition, wardrobe construction and acquisition, hair and makeup design and execution, cinematography, photography, videography, sound recording, and personnel travel and meal acquisition and related activities.

(12) "Postproduction activities" means those activities performed directly in connection with transforming the individual images and sounds recorded during production into a cohesive body, which include, but are not limited to, editing, dubbing, creating supplementary sound tracks, automated dialogue replacement, foley stage recording, sound mixing, creating special effects, two-dimensional and three-dimensional graphics and animation, and creating credit titles.

(13) "Producer" means any person who causes to be made a motion picture, made–for–TV motion picture, television series, commercial advertising, music video, or sound recording, or any part thereof, primarily for entertainment, commercial, industrial, or educational purposes.

(14) "Council" means the Entertainment Florida Council.

(15) These terms and the provisions of this act do not include television, cable or radio companies licensed by the Federal Communications Commission in their capacities as broadcast companies, but may include such companies in their capacities as producers of entertainment industry products created primarily for entertainment, commercial, industrial, or educational purposes for statewide, national, or international distribution.

Section 56. Section 288.1252, Florida Statutes, is created to read:

288.1252 Entertainment Florida Council; creation; purpose; membership; powers and duties.—

(1) CREATION.—There is hereby created within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor, for administrative purposes only, the Entertainment Florida Council.

(2) PURPOSE.—The purpose of the council shall be to serve as an advisory body to the Office of Tourism, Trade, and Economic Development; to promote the growth of the entertainment industry in Florida; to service the state's entertainment industry; and to provide private-sector supplemental financial support to programs under the direction of the council.

(3) MEMBERSHIP.—

(a) The council shall consist of 11 members, to be appointed by the Governor and confirmed by the Senate, with the initial appointments being made no later than July 1, 1998.

(b) When making appointments to the council, the Governor shall appoint persons who are residents of the state and who are highly knowledgeable of, active in, and recognized leaders in Florida's motion picture, television, video, sound recording or other entertainment industries. These persons shall include, but not be limited to, representatives of local government film commissions, representatives of entertainment associations, and board chairs, presidents, chief executive officers, chief operating officers, or persons of comparable executive position or stature of leading or otherwise important entertainment industry businesses. Council members shall be appointed in such a manner as to equitably represent the broadest spectrum of the entertainment industry and geographic areas of the state.

(c) Council members shall serve for 4-year terms, except that the initial terms shall be staggered. The Governor shall appoint two members for 1-year terms, three members for 2-year terms, three members for 3-year terms, and three members for 4-year terms.

(d) Absence from three consecutive meetings shall result in automatic removal from the council.

(e) A vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(f) No more than one member of the council may be an employee of any one company, organization, or association.

(g) Any member shall be eligible for reappointment but may not serve more than two full consecutive terms.

(h) The council shall meet no less frequently than once each quarter of the calendar year, but may meet more often as set by the council.

(i) The council shall annually elect one member to serve as chair of the council and one member to serve as vice chair.

(j) A majority of the members of the council shall constitute a quorum.

(k) Members of the council shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(l) Each member of the council shall file disclosure of financial interests pursuant to s. 112.3145.

(m) The Entertainment Industry Commissioner shall be an ex officio nonvoting member of the council.

(4) POWERS AND DUTIES.—Entertainment Florida Council shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(a) Adopt bylaws for the governance of its affairs and the conduct of its business and rules to implement the provisions of this act.

(b) Make and execute contracts and other instruments necessary or convenient for the exercise of its powers and functions, including, but not limited to, a contract with a direct-support organization.

(c) Create a direct-support organization to raise funds to provide supplemental support for the operation and programs of the council and serve as the board of directors of such an organization, which shall:

1. Be a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Be organized and operated exclusively to receive, hold, invest, and administer property, to raise funds and accept gifts, and to make expenditures to implement the activities, services, functions, and programs approved by the council.

3. Be certified annually by the Office of Tourism, Trade, and Economic Development as operating in a manner consistent with the goals of the approved strategic plan for the council.

4. Be governed by a board of directors whose membership is synonymous with the membership of the Entertainment Florida Council.

5. Make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules promulgated by the Auditor General. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the Office of Tourism, Trade, and Economic Development for review. The Office of Tourism, Trade, and Economic Development and the Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

6. Not be considered an agency for the purposes of chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254, relating to leasing of buildings; ss. 283.33 and 283.35, relating to bids for printing; s. 215.31; and parts I, II, and IV through VIII of chapter 112.

(d) Develop a 5-year strategic plan, by no later than June 30, 1999, to guide the activities of the council. The plan shall:

1. Be annual in construction and ongoing in nature.

2. Include recommendations relating to the organizational structure of the council.

3. Include an annual budget projection for the council for each year of the plan.

4. Include an operational model for the council to use in implementing programs designed to:

a. Develop and promote the state's entertainment industry.

b. Have the council serve as a liaison between the entertainment industry and other state and local governmental agencies and labor organizations.

c. Gather statistical information related to the state's entertainment industry.

d. Provide information and service to businesses, communities, organizations and individuals engaged in entertainment industry activities.

5. Include recommendations regarding specific performance standards and measurable outcomes for the programs to be implemented by the council.

(e) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under paragraph (c) or with a designated Florida not-for-profit corporation with experience in promotion and development of the entertainment industry in Florida to carry out the purpose and duties of the council, including, but not limited to, implementation of the strategic plan prepared under paragraph (d). The council shall serve as contract administrator, subject to oversight by the Office of Tourism, Trade, and Economic Development. Any contract entered into by the council under this paragraph must include:

1. Specific and quantifiable performance measures to assess the progress toward achievement of contract deliverables;

2. Sanctions for failure to satisfy contract requirements or deliverables;

3. Provisions to ensure that any state appropriations in support of such contract are used exclusively for activities in fulfillment of the contract;

4. Provisions for an annual accounting of expenditures of any state funds appropriated in support of such contract; and

5. Provisions to ensure that all records and meetings directly related to the contracted responsibilities are open and public, unless otherwise exempted by general law.

(f) Appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, or state government, or the Federal Government.

(g) Do any and all things necessary or convenient to carry out the purposes of and exercise the powers granted in this act.

Section 57. Section 288.12285, Florida Statutes, is renumbered as section 288.1253, Florida Statutes, and amended to read:

288.1253 ~~288.12285~~ Promotion and development of entertainment industries; direct–support organization; confidentiality of donor identities.—The identity of a donor or prospective donor to the direct-support organization authorized under *s. 288.1252* ~~s. 288.1228~~ who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in audit reports. This section expires October 2, 2001, and is subject to review by the Legislature under the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 before that date.

Section 58. Section 288.1254, Florida Statutes, is created to read:

288.1254 Promotion and development of entertainment industry; Entertainment Industry Commissioner; creation; purpose; powers and duties.—

(1) CREATION.—

(a) There is hereby created within the Office of Tourism, Trade, and Economic Development the position of Entertainment Industry Commissioner for the purpose of assisting the Entertainment Florida Council in developing, promoting, and providing services to the state's entertainment industry. The Entertainment Industry Commissioner shall function as a liaison for the Governor and the Office of Tourism, Trade, and Economic Development to coordinate efforts of other governmental bodies with those of the Entertainment Florida Council.

(b) The Office of Tourism, Trade, and Economic Development shall conduct a search for a qualified person to fill the position of Entertainment Industry Commissioner, and the Director of the Office of Tourism, Trade, and Economic Development shall appoint the Entertainment Industry Commissioner.

(2) POWERS AND DUTIES.—

(a) The Entertainment Industry Commissioner, in performance of his or her duties, shall:

1. Develop and facilitate a smooth working relationship between state agencies and local governments in cooperation with local film commission offices for out-of-state and indigenous entertainment industry production entities.

2. Represent the state's indigenous entertainment industry to key decisionmakers within the national and international entertainment industry, and to state and local officials.

3. Serve as liaison between entertainment industry producers and labor organizations.

(b) The Entertainment Industry Commissioner, in the performance of his or her duties, may:

1. Exercise the powers granted by this act in any state, territory, district, or possession of the United States.

2. Carry out any program of information, special events, or publicity designed to attract entertainment industry to Florida.

3. Encourage and cooperate with other public and private organizations or groups in their efforts to publicize to the entertainment industry in this state, other states, and other countries the depth of Florida's entertainment industry talent, crew, production companies, production equipment resources, related businesses, and support services, including the establishment of and expenditure for a program of cooperative advertising with these public and private organizations and groups in accordance with the provisions of chapter 120.

Section 59. Section 288.1255, Florida Statutes, is created to read:

288.1255 Travel and entertainment expenses.—

(1) As used in this section:

(a) "Business client" means any person, other than a state official or state employee, who receives the services of, or is the subject of solicitation by, the Entertainment Florida Council in connection with the performance of the council's statutory duties, including persons or representatives of entertainment industry companies considering or being solicited for location, relocation, or expansion of an entertainment industry business within the state.

(b) "Entertainment expenses" means the actual, necessary, and reasonable costs of providing hospitality for business clients or guests, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Comptroller.

(c) "Guest" means a person, other than a state official or state employee, authorized by the Office of Tourism, Trade, and Economic Development to receive the hospitality of the Entertainment Florida Council in connection with the performance of the council's statutory duties.

(d) "Travel expenses" means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by a traveler, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Comptroller.

(2) Notwithstanding the provisions of s. 112.061, the Office of Tourism, Trade, and Economic Development shall adopt rules by which it may make expenditures by advancement or reimbursement, or a combination thereof, to:

(a) State officers and state employees for travel expenses or entertainment expenses incurred by such officers and employees in connection with the performance of the statutory duties of the Entertainment Florida Council.

(b) State officers and state employees for travel expenses or entertainment expenses incurred by such officers and employees on behalf of guests, business clients, or authorized persons as defined in s. 112.061(2)(e) in connection with the performance of the statutory duties of the Entertainment Florida Council.

(c) Third party vendors for the travel or entertainment expenses of guests, business clients, or authorized persons as defined in s. 112.061(2)(e) incurred while such persons are participating in activities or events carried out by the Entertainment Florida Council in connection with the council's statutory duties.

The rules shall be subject to approval by the Comptroller prior to promulgation. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Comptroller, with any claim for reimbursement and shall require, as a condition for any advancement of funds, an agreement to submit paid receipts or other proof of expenditure and to refund any unused portion of the advancement within 15 days after the expense is incurred or, if the advancement is made in connection with travel, within 10 working days after the traveler's return to headquarters. However, with respect to an advancement of funds made solely for travel expenses, the rules may allow paid receipts or other proof of expenditure to be submitted, and any unused portion of the advancement to be refunded, within 10 working days after the traveler's return to headquarters. Operational or promotional advancements, as defined in s. 288.35(4), obtained pursuant to this section shall not be commingled with any other state funds.

(3) The Office of Tourism, Trade, and Economic Development shall prepare an annual report of the expenditures of the Entertainment Florida Council and provide such report to the Legislature no later than December 30 of each year for the expenditures of the previous fiscal year. The report shall consist of a summary of all travel, entertainment, and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States.

(4) Any claim submitted under this section shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred as necessary travel or entertainment expenses in the performance of official duties of the Entertainment Florida Council and shall be verified by written declaration that it is true and correct as to every material matter. Any person who willfully makes and subscribes to any claim which he or she does not believe to be true and correct as to

every material matter or who willfully aids or assists in, procures, or counsels or advises with respect to, the preparation or presentation of a claim pursuant to this section that is fraudulent or false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present the claim, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever receives an advancement or reimbursement by means of a false claim is civilly liable, in the amount of the overpayment, for the reimbursement of the public fund from which the claim was paid.

Section 60. *Florida Entertainment Industry Model Permitting Task Force; creation; membership; powers and duties; report.—There is created within the Office of Tourism, Trade, and Economic Development, for a period of one year, a task force for the purpose of developing a model for uniform permits for use by state agencies and county and municipal governments.*

(1) Members of the task force shall be appointed by the Governor no later than July 1, 1998, for a period of 1 year and shall include one representative from each of the following:

(a) The Office of Tourism, Trade, and Economic Development.

(b) The Department of Environmental Protection.

(c) The Division of Recreation and Parks of the Department of Environmental Protection.

(d) The Department of Transportation.

(e) The Office of the State Fire Marshal.

(f) The Board of Regents.

(g) The Florida League of Cities.

(h) The Florida Association of Counties.

(i) The Department of Highway Safety and Motor Vehicles.

(j) The Division of Law Enforcement of the Department of Environmental Protection.

(k) The Department of Community Affairs.

(l) The Department of Corrections.

(m) The Florida Film Commissioner's Association.

(n) Each of the state's two largest motion-picture production studios.

(o) The Florida Motion Picture and Television Association.

(p) The recording industry.

(q) The commercial advertising industry.

(2) The task force shall meet as often as necessary to develop a report which shall be given to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 1999, which shall include:

(a) A recommendation for model permits for use by state agencies and county and municipal governments in granting temporary permits to entertainment industry businesses in the process of production activities.

(b) Cost recommendations for use of state and local government buildings, property, and personnel.

(c) Recommendations for developing a timetable for securing state and local environmental permits during the preproduction and production stages of an entertainment industry project.

(3) The task force shall elect a chair who will set the meeting schedules for the task force.

(4) The Office of Tourism, Trade, and Economic Development may provide staff assistance to the task force for the purpose of recording the minutes of each meeting.

(5) Members of the task force shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061 while in the performance of their duties.

Section 61. Subsection (2) of section 14.2015, Florida Statutes, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

~~(a) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1228, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to guide, stimulate, and promote the entertainment industry in the state.~~

(a)~~(b)~~ Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state.

(b)~~(c)~~ Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; and rural community development.

(c)~~(d)~~ Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development projects designed to create, expand, and retain Florida businesses and to recruit worldwide business.

(d)~~(e)~~ Assist the Governor, in cooperation with Enterprise Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(e)~~(f)~~ Plan and conduct at least three meetings per calendar year of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(f)~~(g)~~1. Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Job Siting and Expedited Permitting under

chapter 403, and in carrying out other functions that are specifically assigned to the office by law.

(g)~~(h)~~ Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, *the Entertainment Florida Council,* and all direct-support organizations under this act, excluding those relating to tourism, *and provide oversight for any contract that the Entertainment Florida Council may enter into with a direct–support organization or with a designated Florida not–for–profit corporation under s. 288.1252(4)(e).* To accomplish the provisions of this act and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, *the Entertainment Florida Council,* and other appropriate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year. The office shall provide the President of the Senate and the Speaker of the House of Representatives with a report by February 1 of each year on the status of these contracts, including the extent to which specific contract performance measures have been met by these contractors.

(h)~~(i)~~ Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, *the Entertainment Florida Council,* and the direct-support *organization* ~~organizations~~ created to promote the ~~entertainment and~~ sports industries.

(i)~~(j)~~ Promulgate rules to carry out its functions in connection with the administration of the Qualified Target Industry program, the Qualified Defense Contractor program, the Enterprise Zone program, and the Florida First Business Bond pool.

Section 62. Paragraph (e) of subsection (6) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during at least one of the ~~quarterly~~ meetings required in *s. 14.2015(2)(e)* ~~s. 14.2015(2)(h)~~.

Section 63. Subsection (7) of section 288.90152, Florida Statutes, is amended to read:

288.90152 Pilot matching grant program.—

(7) Upon completing all training funded under this pilot program, the Office of Tourism, Trade, and Economic Development shall report on the outputs and outcomes for this program as part of the annual report prepared under *s. 14.2015(2)(d)* ~~s. 14.2015(2)(g)~~. Such report must include a recommendation on whether it would be sound public policy to continue or discontinue funding for the program.

Section 64. *Sections 288.051, 288.052, 288.053, 288.054, 288.055, 288.056, 288.057, and 288.1228, Florida Statutes, are repealed.*

Section 65. *(1) From the funds appropriated to the International Trade and Economic Development Board of Enterprise Florida, Inc., for fiscal year 1998–99 for International Representation and Advocacy, $150,000 shall be provided to the Florida Delegation of the Southeast U.S./Japan Association, Inc., and $100,000 shall be provided to the Florida Delegation of the Florida/Korea Economic Cooperation Committee.*

(2) Notwithstanding the instructions in the General Appropriations Act for fiscal year 1998-99 relating to funds appropriated for the International Trade and Economic Development Board, the Technology Development Board, the Workforce Development Board, and the Capital Development Board of Enterprise Florida, Inc., prohibiting the release or advancement of appropriated funds from fiscal year 1998–99 until such time as all balances of any appropriations made to Enterprise Florida, Inc., during fiscal year 1997–98 which are not contracted to be expended prior to June 30, 1998, are deposited into the State Treasury, no funds which are under contract or otherwise legally obligated as of June 30, 1998, shall be returned to the State Treasury. All funds appropriated in fiscal year 1997–98 to Enterprise Florida, Inc., not under contract or otherwise legally obligated, must be deposited in the State Treasury, prior to the release of funds appropriated for the 1998–99 fiscal year.

(3) There is appropriated $1.2 million from General Revenue funds to the Office of Tourism, Trade, and Economic Development which shall be used to fund the activities of the Technology Research and Development Authority (TRDA).

(4) The sum of $3 million is hereby appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for fiscal year 1998-99 for the following:

(a) $2.4 million to the Florida Business Expansion Corporation. Ninety percent of such funds must be used to provide assistance to eligible businesses pursuant to s. 288.9533.

(b) $100,000 to the Department of State to establish and maintain a Florida State International Archive.

(c) $400,000 to the Florida Trade Data Center to finance an electronic commerce support and information system.

(d) $100,000 for the ecotourism promotion program established in this act to the Division of Recreation and Parks of the Department of Environmental Protection.

Section 66. Section 290.0301, Florida Statutes, is amended to read:

290.0301 Short title.—Sections 290.0311 through 290.0395 shall be known and may be cited as the "*Invest in Neighborhood Vitality and Economies Act* ~~Community Development Corporation Support and Assistance Program Act~~." This section shall stand repealed on June 30, *2007* ~~1998~~.

Section 67. Subsections (5), (10), and (11) of section 290.0311, Florida Statutes, are amended to read:

290.0311 Legislative findings.—The Legislature finds that:

(5) This deterioration contributes to the decline of neighborhoods *in both rural and urban* ~~and surrounding~~ areas, causes a reduction of the value of property comprising the tax base of local communities, and eventually requires the expenditure of disproportionate amounts of public funds for health, social services, and police protection to prevent the development of slums and the social and economic disruption found in slum communities.

(10) A viable means of eliminating or reducing these deteriorating economic conditions and encouraging local resident participation and support is to provide support assistance and resource investment to *community-based* ~~community~~ development *organizations* ~~corporations~~. *The Legislature also finds that community-based development organizations can contribute to the creation of jobs in response to federal welfare reform and state WAGES legislation and economic development activities related to urban and rural economic initiatives.*

(11) This section shall stand repealed on June 30, *2007* ~~1998~~.

Section 68. Section 290.032, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 290.032, F.S., for present text.)

290.032 Policy and purpose.—It is the policy of this state to improve the quality of neighborhoods as environments in which children and families live, by supporting and fostering positive change in a broad range of domains to achieve comprehensive improvements in conditions throughout the neighborhood over time. Such community or neighborhood redevelopment shall be based on the following principles:

(1) Bottom-up, community-focused approach.

(2) Enables and supports the effort of the neighborhoods to make improvements.

(3) Requires a holistic focus on the neighborhood to address all needs in coordinated fashion, including:

(a) Need for community-based leadership.

(b) Empower neighborhood governance of the process.

(c) Human service delivery.

(d) Public infrastructure.

(e) Housing and safety.

(f) Economic development.

(4) Mandates neighborhood collaboration of all partners.

(5) Empowers residents to make decisions on improvements.

(6) Builds consensus for a shared vision for the future of the neighborhood.

(7) Sets definitive performance goals to achieve specific outcomes for the neighborhood.

The purpose of this act is to assist community-based development organizations in undertaking projects, in concert with state and local government and private enterprise, designed to create and maintain a sound industrial base, to revitalize the health of established commercial areas, to promote and retain employment opportunities, to preserve and rehabilitate existing residential neighborhoods, and to provide safe, decent, affordable housing for residents of these areas. The Legislature, therefore, declares that the development, redevelopment, preservation, restoration, and revitalization of such communities and all the purposes of this act are public purposes for which public moneys may be used. This section shall stand repealed on June 30, 2007.

Section 69. Section 290.033, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 290.033, F.S., for present text.)

290.033 Definitions.—As used in this act, the term:

(1) "Department" means the Department of Community Affairs.

(2) "Community-based development organization" means a community-based nonprofit organization, which may also be known as a "CBDO," that is committed to or engaged in developing or managing real estate or business enterprises in economically distressed neighborhoods. To qualify, an agency must be community based in that the majority of the board is elected by a mix of stakeholders consisting of area residents, area business and property owners, and persons employed in the service area and demonstrate an ability to undertake affordable housing, business assistance, or commercial developments.

(3) "Fund" means the Operating Trust Fund.

(4) "Neighborhood comprehensive revitalization plan" means a long-term holistic, integrated, and collaborative strategic plan for the improvement of a defined service area or neighborhood that was prepared by and approved by a collaborative partnership of residents, community-based organizations, local government representatives, churches, schools, businesses, and other community stakeholders that sets forth the shared vision for the service area and identifies specific, measurable outcomes. This comprehensive, holistic plan shall address the wide array of interrelated needs including, but not limited to, human services, jobs and economic development, housing, safety, public infrastructure, health care, education, community organization, neighborhood governance, and social organizations. The plan must describe an organization's mission; include strategies to maintain community involvement; demonstrate innovation, efficiency, and accountability to the benefit of the service area stakeholders; and identify sources of anticipated revenue.

(5) "Project" means a public and private activity or series of activities, designed to be carried out in a specific, definable location, that achieve objectives which are consistent with the agency's neighborhood comprehensive revitalization plan and the provisions and intent of this act.

(6) "Secretary" means the Secretary of Community Affairs.

(7) "Service area" or "target area" means the entire area in which a community-based development organization operates and in which community development grant and loan funds are to be spent.

(8) "Permanent job" means a full-time position, the duration of which exceeds 12 months and which consists of an average of at least 30 hours per week of employment.

(9) "Temporary job" means a full-time or part-time position, the duration of which exceeds 45 days, which consists of an average of at least 15 hours per week of employment, and which is not a permanent job.

(10) This section shall stand repealed on June 30, 2007.

Section 70. Section 290.035, Florida Statutes, is amended to read:

290.035 Eligibility for assistance.—*Community-based* ~~community~~ development *organizations* ~~corporations~~ meeting the following requirements shall be eligible for assistance:

(1) The *community-based* ~~community~~ development *organization* ~~corporation~~ must be a nonprofit corporation under state law ~~or a local development company established under state law and certified to be eligible to participate in the Small Business Administration Loan Program under s. 502 of the Small Business Investment Act of 1958, as amended,~~ and must meet the following further requirements:

(a) Its membership must be open to all service area residents 18 years of age or older.

(b) A majority of its board members must be elected by those members of the corporation who are *stakeholders comprised of a mix of* service area residents, *area business and property owners, and area employees*.

~~(c) Elections must be held annually for at least a third of the elected board members so that elected members serve terms of no more than 3 years.~~

~~(d) Elections must be adequately publicized within the service area, and ample opportunity must be provided for full participation.~~

~~(e) At least one of the board members shall be appointed by the Governor.~~

(2) The *community-based* ~~community~~ development *organization* ~~corporation~~ shall maintain a service area in which economic development projects are located which meets one or more of the following criteria:

(a) The area has been designated pursuant to s. 163.355 as a slum area or a blighted area as defined in s. 163.340(7) or (8) or is located completely within the boundaries of a slum or blighted area.

(b) The area is a community development block grant program area in which community development block grant funds are currently being spent or have been spent during the last 3 years as certified by the local government in which the service area is located.

(c) The area is a neighborhood housing service district.

(d) The area is contained within *a state* ~~an~~ enterprise zone designated *on or after July 1, 1995, in accordance with* ~~pursuant to~~ s. 290.0065.

(e) The area is contained in federal empowerment zones and enterprise communities.

(3) This section shall stand repealed on June 30, *2007* ~~1998~~.

Section 71. Section 290.036, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 290.036, F.S., for present text.)

290.036 Community-based development organization support program; administrative grants and procedures.—

(1) The department is authorized to award core and project administrative grants and project implementation loans. Administrative grants shall be used for staff salaries and administrative expenses for eligible community-based development organizations selected through a competitive three-tiered process. The department shall develop a set of criteria for three-tiered funding that shall ensure equitable geographic distribution of the funding throughout the state. This three-tiered plan shall include emerging, intermediate, and mature community-based development organizations recognizing the varying needs of the three tiers. Funding

shall be provided for core administrative grants for tier I and tier II community-based development organizations. Priority shall be given to those organizations that demonstrate community-based high performance. However, if all qualified tier I and tier II community-based development organizations have been funded, qualified tier III community-based development organizations may receive core administrative grants. Project administrative grants tied to project implementation loans shall be available to all levels of community-based development organizations depending upon their capacity. Extensive training and technical assistance shall be available to all community-based development organizations. Persons, equipment, supplies, and other resources funded in whole or in part by grant funds shall then be utilized to further the purposes of this act. Eligible activities include, but are not limited to:

(a) Preparing grant and loan applications, proposals, fundraising letters, and other documents essential to securing additional administrative or project funds to further the purposes of this act.

(b) Monitoring and administrating grants and loans, providing technical assistance to businesses, and any other administrative tasks essential to maintaining funding eligibility or meeting contractual obligations.

(c) Developing local programs to encourage the participation of financial institutions, insurance companies, attorneys, architects, engineers, planners, law enforcement officers, developers, and other professional firms and individuals providing services beneficial to redevelopment efforts.

(d) Providing management, technical, accounting, and financial assistance and information to businesses and entrepreneurs interested in locating, expanding, or operating in the service area.

(e) Coordinating with state, federal, and local governments and other nonprofit organizations to ensure that activities meet local plans and ordinances and to avoid duplication of tasks.

(f) Preparing plans or performing research to identify critical needs within the service area and developing approaches to address those needs.

(g) Assisting service area residents in identifying and determining eligibility for state, federal, and local housing programs including rehabilitation, weatherization, homeownership, rental assistance, or public housing programs.

(h) Developing, owning, and managing housing designed for very-low-income persons, low-income persons, or WAGES recipients; or developing, owning, and managing industrial parks providing jobs to very-low-income persons, low-income persons, or WAGES recipients.

(i) Preparing the neighborhood comprehensive revitalization plan with baseline data, outcome measures, and estimates of service area impact as a result of job-generating or revenue-generating businesses, or enterprise assistance, or units of commercial, industrial, or affordable housing developments.

(2) A community-based development organization applying for an administrative grant pursuant to this section must submit a proposal to the department which includes:

(a) A map and narrative description of the service areas for the community-based development organization.

(b) A copy of the documents creating the community-based development organization.

(c) A listing of the membership of the board, including individual terms of office.

(d) An annual plan that describes the expenditure of the funds, including goals, objectives, and expected results, and which has a clear relationship to the agency's neighborhood comprehensive revitalization strategy.

(e) Other supporting information which may be required by the department.

(3) The amount of any core administrative grant to an emerging community-based development organization in any 1 year shall be no more than $50,000. The amount of any core administrative grant to an intermediate community-based development organization shall be no more than $45,000. The amount of core administrative grant to a mature community-based development organization shall be no more than $40,000. The department may fund as many community-based development organizations each year as is permitted based on the level of funds provided for in the General Appropriations Act.

(4) The amount of any project administrative grant to any community-based development organization shall be no more than $15,000 for every $100,000 of project implementation loans.

(5) A community-based development organization that receives funding hereunder shall submit to the department an annual year-end audit performed by an independent certified public accountant.

(6) In evaluating proposals pursuant to this section, the department shall develop and consider scoring criteria including, but not limited to, the following:

(a) The relative degree of distress of the service areas of the community-based development organization.

(b) The demonstrable capacity of the community-based development organization to improve the economic health of the service area and carry out the activities contained in the long-term revitalization plan.

(c) The degree to which the community-based development organization would provide assistance to very-low-income persons, low-income persons, and particularly WAGES recipients.

(d) The service area of the community-based development organization which is located in whole or in part within a state enterprise zone designated pursuant to s. 290.0065, a federal empowerment zone, or an enterprise community.

(e) The extent to which the proposal would further the policy and purposes of this act.

(7) The department is authorized to award project administrative grants from the fund to community-based development organizations for staff salaries, administrative expenses, and the added cost of technical assistance directly related to job-generating and revenue-generating enterprises, including business, commercial, or affordable housing developments. Eligible organizations shall apply for competitive funding under the three categories of: business assistance, commercial, and affordable housing development. The allocations of funds to these three categories will be made by the department subject to funding availability and trends in the amount of qualified proposals submitted under each category. Community-based development organizations receiving funds under this section shall be subject to all applicable requirements of ss. 290.034(1), 290.035, 290.037, 290.038, and 290.039, as determined by the department.

(8) The department shall award funding hereunder based upon a three-tiered approach which recognizes the differing capacities of new and emerging, intermediate, and mature community-based development organizations. No community-based development organization may apply for funding in more than one tier in any 1 fiscal year.

(a) Tier I, for new and emerging community-based development organizations, shall offer, on a competitive basis, a minimum of five core administrative grants of up to $50,000, annually. Once tier I community-based development organizations have achieved a minimum level of capacity, they shall be eligible to apply for, on a competitive funding basis, a project implementation loan of no more than $100,000 and an accompanying project administrative grant of up to $15,000. Tier I community-based development organizations shall also receive extensive training and technical assistance designed to enhance the organization's capacity and thereby enable it to undertake more complex development projects.

(b) Tier II, for intermediate level community-based development organizations, shall be eligible to apply on a competitive basis for core administrative grants of up to $45,000, annually, and shall be eligible to apply for, on a competitive basis, project implementation loans of up to $300,000, annually, per community-based development organization and an accompanying project administrative grant of up to $45,000. Tier II community-based development organizations shall also receive training and technical assistance services hereunder.

(c) Tier III, for mature level community-based development organizations, shall be eligible to apply, on a competitive basis, for core administrative grants of up to $40,000, annually. Such community-based development organizations shall be eligible to apply for, on a competitive basis, project implementation loans of up to $400,000, annually, per community-based development organization and an accompanying project administrative grant of up to $60,000. Tier III community-based development organizations shall also receive training and technical assistance services hereunder.

(d) No development project funded hereunder shall exceed $200,000, annually, per community-based development organization. A community-based development organization can apply for project implementation loans in up to three categories of business development, affordable housing, and commercial development, within the dollar limitations contained herein. Project implementation grants shall be based on up to $15,000 in grant funds for every $100,000 awarded in loan funds.

(9) A community-based development organization applying for project administrative grants pursuant to this section must submit a proposal to the department which includes:

(a) A map and narrative description of the target areas for the community-based development organization.

(b) A copy of the documents creating the community-based development organization.

(c) A listing of the membership of the board, including individual terms of office.

(d) A copy of the community-based development organization's neighborhood comprehensive revitalization plan.

(e) A description of the location, financing plan, and potential impact of the business enterprise or residential, commercial, or industrial development which shows a clear relationship to the organization's neighborhood comprehensive revitalization plan and demonstrates how the proposed expenditures are directly related to the project.

(10) In evaluating proposals pursuant to this section, the department shall develop and consider scoring criteria, including, but not limited to, the following:

(a) The reasonableness of project goals and production schedules.

(b) Prior experience and performance of the applicant in the production of similar housing, commercial, or business developments.

(c) The extent of financial leveraging with private and public funding.

(d) The demonstrable capacity of the community-based development organization to improve the economic health of the target area as seen by the reasonableness of its comprehensive neighborhood revitalization plan and the impact of the proposed project.

(e) The degree to which the project will benefit very-low-income persons, low-income persons, and particularly WAGES recipients.

(f) The location of the target area of the community-based development organization, in whole or in part, in a state enterprise zone designated on or after July 1, 1995, in accordance with s. 290.0065 or a federal empowerment zone or enterprise community.

(g) The extent to which the proposal would further the policy and purposes of this act.

(11) This section shall stand repealed on June 30, 2007.

Section 72. Section 290.0365, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 290.0365, F.S., for present text.)

290.0365 Community-based development training and technical assistance program.—

(1) LEGISLATIVE FINDINGS.—In addition to the legislative findings set forth in s. 290.0311, the Legislature finds and declares that:

(a) Significant declines in resources make it difficult for community-based development organizations to generate sufficient revenues from business enterprises or real estate ventures in low-income neighborhoods to fund the predevelopment costs, technical assistance, and other administrative expenses needed to foster new developments.

(b) The financing and planning of large-scale developments is becoming increasingly complex and community-based development organizations, even those with considerable experience, often lack the expertise to structure project financing, partnerships, and joint ventures to accelerate and expand development activities in distressed communities.

(c) Local governments and private lenders are demonstrating a willingness to provide risk capital and project financing, but they are seldom able to provide technical support and training to the staff of community-based development organizations.

(2) PURPOSE.—The purpose of this section is to provide community-based development organizations with the necessary training and technical support to plan, implement, and manage job-generating and revenue-generating developments in distressed neighborhoods. This will strengthen the organizational capacity of community-based development organizations, assist local governments to enhance and expand revitalization efforts, and contribute to expanding the base of commerce, business, and affordable housing that will benefit persons who are very-low-income, low-income, or WAGES recipients.

(3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The Department of Community Affairs shall be responsible for securing the necessary expertise, which may include subcontracts with nonprofit organizations, to provide training and technical support to the staff and board of community-based development organizations, as appropriate, and to persons forming such organizations, which are formed for the purpose of redeveloping commercial and residential areas and revitalizing businesses within distressed neighborhoods for the benefit of very-low-income residents, low-income residents, and WAGES recipients.

(a) The training component of the program shall assist organizations receiving administrative grants through a developmental curriculum to build board and staff capacities to implement or manage affordable housing, commercial, or business enterprises. Training will include, but not be limited to, resource development, project management, real estate financing, business or venture plan development, strategic planning for community economic development, and community leadership and participation.

(b) The technical assistance provider shall conduct onsite assessments, involving the board and staff, to prepare a technical assistance plan for new and emerging organizations. The scope and nature of the training will compliment the annual performance objectives of the organizations from the development of a neighborhood comprehensive revitalization plan.

(c) Technical support shall be provided to community-based development organizations receiving project administrative grants, as appropriate, in methods of financing and structuring housing, business, or commercial development projects. This will be in the form of one-on-one technical assistance secured by either the department or by the community-based development organization.

(d) The department shall coordinate the technical assistance and training in support of affordable housing development with programs funded under s. 420.606.

(e) The department may permit other community-based development organizations to participate in the training based on the availability of classes, funding, and the priority of need.

(4) REPEAL.—This section shall stand repealed on June 30, 2007.

Section 73. Section 290.037, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 290.037, F.S., for present text.)

290.037 Community development project implementation loan program.—

(1) The department is authorized to make loans, within the limits of specific appropriations, to eligible applicants for the following purposes:

(a) Financial assistance to a new or existing business venture located within a community-based development organization service area;

(b) New construction or substantial rehabilitation of housing to be utilized by very-low-income and low-income families and individuals, and WAGES recipients; and

(c) Commercial developments located within the community-based development organization's service area.

(2) A community-based development organization applying for a loan pursuant to this section must submit the information required by s. 290.036(2).

(3) In no case shall loans to one community-based development organization exceed 40 percent of the total annual appropriation for loans during any given year or $400,000, whichever is less.

(4) A community-based development organization that receives a loan shall submit to the department an annual audit performed by an independent certified public accountant; however, this subsection shall not be construed to require the submittal of more than one audit by an individual community-based development organization submitting pursuant to s. 290.036.

(5) In evaluating proposals pursuant to this section, the department shall consider:

(a) The economic feasibility of the project and the capacity of the venture to repay the loan.

(b) The relative degree of distress of the target area.

(c) The ratio of private and nonstate public money committed to a project to the amount of state money to be committed.

(d) The demonstrated inability of the borrower to secure funding from conventional sources at the terms offered by the community-based development organization.

(e) The number of temporary and permanent jobs generated by the project.

(f) The overall net positive impact of the project long term on local economic and social conditions.

(g) The degree to which the project directly benefits or provides assistance to very-low-income individuals, low-income individuals, or job-displaced individuals or WAGES recipients.

(h) The demonstrable capacity of the community-based development organization and technical assistance providers to see that the project is successfully carried out and managed.

(6) Loans permitted under this section for affordable housing may be used for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees in the construction of single-family homeownership or multifamily rental units affordable to very-low-income persons and low-income persons and WAGES recipients in the target area.

(7) All loans to a community-based development organization shall be at interest rates not to exceed 3 percent and shall be repaid within 15 years or on a basis approved by the department, except as provided in subsection (8).

(8) Upon the termination of any project as a result of the sale or failure of the business, all recoverable state funds shall be returned to the department for deposit into the Operating Trust Fund. When losses are incurred, the community-based development organization shall make a diligent and good-faith effort to recover the full indebtedness from the business venture, including foreclosure of security and recovery from guarantors. Upon completion of all such efforts to the satisfaction of the department, the department shall write off the unpaid balance of the loan.

(9) This section shall stand repealed on June 30, 2007.

Section 74. Paragraph (f) of subsection (2) and subsection (3) of section 290.038, Florida Statutes, are amended to read:

290.038 Authority and duties of the department.—

(2) The department may:

(f) Assist in training employees of *community-based* ~~community~~ development *organizations* ~~corporations~~ to help achieve and increase their capacity to administer programs pursuant to this act and provide technical assistance and advice to *community-based* ~~community~~ development *organizations* ~~corporations~~ involved with these programs.

(3) This section shall stand repealed on June 30, *2007* ~~1998~~.

Section 75. Section 290.039, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 290.039, F.S., for present text.)

290.039 Reporting requirements.—

(1) Community-based development organizations which receive funds under INVEST shall provide the following information to the department annually:

(a) A listing of business firms and individuals assisted by the community-based development organization during the reporting period.

(b) A listing of the type, source, purpose, and amount of each individual grant, loan, or donation received by the community-based development organization during the reporting period.

(c) The number of paid and voluntary positions within the community-based development organization.

(d) A listing of the salaries and administrative expenses of the community-based development organization.

(e) An identification and explanation of changes to the target area boundaries.

(f) The amount of assets and liabilities and the fund balance for the community-based development organization at the beginning and end of the reporting period.

(g) The number and description of projects attempted, the number and description of projects completed, and a written explanation of the reasons that caused projects not to be completed.

(h) The impact on target area residents and its relationship to expected outcomes listed in the agency's comprehensive neighborhood revitalization plan, as a result of receiving INVEST funding.

(2) Community-based development organizations which receive project administrative grants shall provide the following general information to the department annually:

(a) A listing of salaries and administrative expenses of the community-based development organization on approved projects that receive project administrative grant funding.

(b) An identification and explanation of changes to the target area boundaries.

(c) The impact of the completed project on target area residents and its relationship to expected outcomes listed in the agency's comprehensive neighborhood revitalization plan.

(3) Community-based development organizations which receive project administrative grants, or a combination of core administrative and project and grant funds, shall provide the following information on applicable projects to the department annually:

(a) The number of housing units rehabilitated or constructed by the community-based development organization within the service area during the reporting period.

(b) The number and amount of loans made to businesses or individual entrepreneurs in the target area during the reporting period.

(c) The number of outstanding loans made to businesses or individuals in the service area by the community-based development organiza-

tion, the balance of the loans, and the payment history of the borrowers during the reporting period.

(d) The number of jobs, both permanent and temporary, received by individuals who were directly assisted by the community-based development organization through assistance to the business such as a loan or other credit assistance.

(e) An identification and explanation of changes to the service area boundaries.

(f) The impact of the completed project on target area residents and its relationship to expected outcomes listed in the agency's comprehensive neighborhood revitalization plan.

(g) Such other information as the department may require.

(4) The department shall submit an annual report to the Speaker of the House of Representatives and the President of the Senate which contains the cumulative data submitted by the individual community-based development organizations pursuant to subsection (1). The report shall be submitted by January 1 of each year.

(5) This section shall stand repealed on June 30, 2007.

Section 76. Section 290.0395, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 290.0395, F.S., for present text.)

290.0395 Program performance review and evaluation.—

(1) Each community-based development organization which receives funding under the Invest in Neighborhood Vitality and Economies Program shall be subject to an annual performance review by the department. At a minimum, the review shall determine whether contract objectives are being or have been met in a timely and efficient manner, expected project outcomes are being or have been realized, and the impact of completed projects produced the results desired by the community-based development organization as stated in its comprehensive neighborhood revitalization plan and other supporting documentation for receipt of the grants or loans.

(2) Prior to the 2007 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall perform an evaluation of ss. 290.0301-290.039, using the reporting data specified in s. 290.039 and any other data identified by the department and the Office of Program Policy Analysis and Government Accountability as crucial to the evaluation of this program. The report shall critique the Invest in Neighborhood Vitality and Economies Program and shall include an analysis of the improvements in the service area as a result of the holistic and collaborative efforts of the organizations and partners within the service area.

(3) A report of the findings and recommendations of the Office of Program Policy Analysis and Government Accountability shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 2007 Regular Session.

(4) This section shall stand repealed on June 30, 2007.

Section 77. *Section 290.034, Florida Statutes, is repealed.*

Section 78. Section 189.427, Florida Statutes, is amended to read:

189.427 Fee schedule; Operating Trust Fund.—The Department of Community Affairs, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department in administering this act, except that the fee may not exceed $175 per district per year. The fees collected under this section shall be deposited in the Operating Trust Fund ~~established under s. 290.034~~, which shall be administered by the Department of Community Affairs. Any fee rule must consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Banking and Finance. The department may assess fines of not more than $25, with an aggregate total not to exceed $50, as penalties against special districts that fail to remit required fees to the department. It is the intent of the Legislature that general revenue funds will be made available to the department to pay one-half of the cost of administering this act.

Section 79. Subsection (7) of section 252.82, Florida Statutes, is amended to read:

252.82 Definitions.—As used in this part:

(7) "Trust fund" means the Operating Trust Fund ~~established in s. 290.034~~.

Section 80. Subsection (1) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(1) The Department of Community Affairs may approve, for disbursement from the Operating Trust Fund ~~established pursuant to s. 290.034~~, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds may not be made without specific legislative appropriation.

Section 81. Section 420.0007, Florida Statutes, is created to read:

420.0007 Exemption from property taxation for charitable non-profit low income housing properties. Properties owned entirely by non-profit corporations which are defined as charitable organizations under s. 501(c)(3) of the Internal Revenue Code and comply with the Internal Revenue Procedure 96-32 and which provide housing to low and very low income person, as defined in s. 420.0004, shall be considered charitable and exempt from ad valorem taxation under Chapter 196, F.S., to the extent authorized under s. 196.192.

Section 82. *If no community-based development organizations qualify for core administrative grants in a distressed region of the state, the Department of Community Affairs must identify potentially qualified community-based development organizations in those regions and provide assistance to enable them to compete for core administrative grants in the next funding cycle. For the purposes of this section, distressed regions include those regions that qualify for urban high crime area job tax credits or areas that have experienced civil disturbances within the past three years.*

Section 83. Sections 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526, Florida Statutes, are created to read:

163.2511 Urban infill and redevelopment.—

(1) Sections 163.2511-163.2526 may be cited as the "Urban Infill and Redevelopment Act."

(2) It is found and declared that:

(a) Fiscally strong urban centers are beneficial to regional and state economies and resources, are a method for reduction of future urban sprawl, and should be promoted by state, regional, and local governments.

(b) The health and vibrancy of the urban cores benefit their respective regions and the state. Conversely, the deterioration of those urban cores negatively impacts the surrounding area and the state.

(c) In recognition of the interwoven destiny between the urban center, the suburbs, the region, and the state, the respective governments need to establish a framework and work in partnership with communities and the private sector to revitalize urban centers.

(d) State urban policies should guide the state, regional agencies, local governments, and the private sector in preserving and redeveloping existing urban centers and promoting the adequate provision of infrastructure, human services, safe neighborhoods, educational facilities, and economic development to sustain these centers into the future.

(e) Successfully revitalizing and sustaining the urban centers is dependent on addressing, through an integrated and coordinated community effort, a range of varied components essential to a healthy urban environment, including cultural, educational, recreational, economic, transportation, and social service components.

(f) Infill development and redevelopment are recognized as one of the important components and useful mechanisms to promote and sustain

urban centers. State and regional entities and local governments should provide incentives to promote urban infill and redevelopment. Existing programs and incentives should be integrated to the extent possible to promote urban infill and redevelopment and to achieve the goals of the state urban policy.

163.2514 Definitions.—As used in ss. 163.2511-163.2526:

(1) "Local government" means any county or municipality.

(2) "Urban infill and redevelopment area" means an area or areas designated by a local government for the development of vacant, abandoned, or significantly underutilized parcels located where:

(a) Public services such as water and wastewater, transportation, schools, and recreation are already available or are scheduled to be provided in an adopted 5-year schedule of capital improvements and are located within the existing urban service area as defined in the local government's comprehensive plan;

(b) The area contains not more than 10 percent developable vacant land;

(c) The residential density is at least five dwelling units per acre and the average nonresidential intensity is at least a floor area ratio of 1.00; and

(d) The land area designated as an urban infill and redevelopment area does not exceed 2 percent of the land area of the local government jurisdiction or a total area of 3 square miles, whichever is greater.

163.2517 Designation of urban infill and redevelopment area.—

(1) A local government may designate a geographic area or areas within its jurisdiction as an urban infill and redevelopment area for the purpose of targeting economic, job creation, housing, transportation, and land-use incentives to encourage urban infill and redevelopment within the urban core.

(2) A local government seeking to designate a geographic area within its jurisdiction as an urban infill and redevelopment area shall first prepare a plan that describes the infill and redevelopment objectives of the local government within the proposed area. In lieu of preparing a new plan, the local government may demonstrate that an existing plan or combination of plans associated with a community development area, Florida Main Street program, sustainable community, enterprise zone, or neighborhood improvement district includes the factors listed in paragraphs (a)-(j), or amend such existing plans to include the factors listed in paragraphs (a)-(j). The plan shall demonstrate the local government and community's commitment to comprehensively addressing the urban problems within the urban infill and redevelopment area and identify activities and programs to accomplish locally identified goals such as code enforcement; improved educational opportunities; reduction in crime; provision of infrastructure needs, including mass transit and multimodal linkages; and mixed-use planning to promote multifunctional redevelopment to improve both the residential and commercial quality of life in the area. The plan shall also:

(a) Contain a map depicting the geographic area or areas to be included within the designation.

(b) Identify the relationship between the proposed area and the existing urban service area defined in the local government's comprehensive plan.

(c) Identify existing enterprise zones, community redevelopment areas, community development corporations, brownfield areas, downtown redevelopment districts, safe neighborhood improvement districts, historic preservation districts, and empowerment zones located within the area proposed for designation as an urban infill and redevelopment area and provide a framework for coordinating infill and redevelopment programs within the urban core.

(d) Identify a memorandum of understanding between the district school board and the local government jurisdiction regarding public school facilities located within the urban infill and redevelopment area to identify how the school board will provide priority to enhancing public school facilities and programs in the designated area, including the reuse of existing buildings for schools within the area.

(e) Identify how the local government intends to implement affordable housing programs, including, but not limited to, the State Housing Initiatives Partnership Program, and economic and community development programs administered by the Department of Community Affairs, within the urban infill and redevelopment area.

(f) If applicable, provide guidelines for the adoption of land development regulations specific to the urban infill and redevelopment area which include, for example, setbacks and parking requirements appropriate to urban development.

(g) Identify any existing transportation concurrency exception areas, and any relevant public transportation corridors designated by a metropolitan planning organization in its long-range transportation plans or by the local government in its comprehensive plan for which the local government seeks designation as a transportation concurrency exception area.

(h) Identify and adopt a package of financial and local government incentives which the local government will offer for new development, expansion of existing development, and redevelopment within the urban infill and redevelopment area. Examples of such incentives include:

1. Waiver of license and permit fees.

2. Waiver of delinquent taxes, other than ad valorem, or fees to promote the return of property to productive use.

3. Expedited permitting.

4. Prioritization of infrastructure spending within the urban infill and redevelopment area.

5. Local government absorption of developers' concurrency costs.

(i) Identify how activities and incentives within the urban infill and redevelopment area will be coordinated and what administrative mechanism the local government will use for the coordination.

(j) Identify performance measures to evaluate the success of the local government in implementing the urban infill and redevelopment plan.

(3) After the preparation of an urban infill and redevelopment plan or designation of an existing plan and before the adoption hearing required for comprehensive plan amendments, the local government must conduct a public hearing in the area targeted for designation as an urban infill and redevelopment area to provide an opportunity for public input on the size of the area; the objectives for urban infill and redevelopment; coordination with existing redevelopment programs; goals for improving transit and transportation; the objectives for economic development; job creation; crime reduction; and neighborhood preservation and revitalization. The purpose of the public hearing is to encourage communities within the proposed urban infill and redevelopment area to participate in the design and implementation of the plan, including a "visioning" of the community core, before redevelopment. Notice for the public hearing must be in the form established in s. 166.041(3)(c)2., for municipalities, and s. 125.66(4)(b)2. for counties.

(4) In order for a local government to designate an urban infill and redevelopment area, it must amend its comprehensive land use plan under s. 163.3187 to adopt the urban infill and redevelopment area plan and delineate the urban infill and redevelopment area within the future land use element of its comprehensive plan. If the local government elects to employ an existing or amended community redevelopment, Florida Main Street program, sustainable community, enterprise zone, or neighborhood improvement district plan or plans in lieu of preparation of an urban infill and redevelopment plan, the local government must amend its comprehensive land use plan under s. 163.3187 to delineate the urban infill and redevelopment area within the future land use element of its comprehensive plan. An amendment to the local comprehensive plan to designate an urban infill and redevelopment area is exempt from the twice-a-year amendment limitation of s. 163.3187.

163.2520 Economic incentive; State agency reporting.—

(1) A local government with an adopted urban infill and redevelopment plan or plan employed in lieu thereof may exercise the powers granted under s. 163.514 for community redevelopment neighborhood improvement districts, including the authority to levy special assessments.

(2) State agencies that provide infrastructure funding, cost reimbursement, grants, or loans to local governments, including, but not limited to, the Department of Environmental Protection (Clean Water State Revolving Fund, Drinking Water State Revolving Fund, and the State of Florida Pollution Control Bond Program); the Department of Community Affairs (State Housing Initiatives Partnership, Florida Communities Trust); and the Department of Transportation (Intermodal Transportation Efficiency Act funds), are directed to report to the President of the Senate and the Speaker of the House of Representatives by January 1, 1999, regarding statutory and rule changes necessary to give urban infill and redevelopment areas identified by local governments under this act an elevated priority in infrastructure funding, loan, and grant programs.

163.2523 Grant program.—

(1) An Urban Infill and Redevelopment Assistance Grant Program is created for local governments with adopted urban infill and redevelopment areas. Ninety percent of the general revenue appropriated for this program shall be available for fifty/fifty matching grants for planning and implementing urban infill and redevelopment projects that further the objectives set forth in the local government's adopted urban infill and redevelopment plan or plan employed in lieu thereof. The remaining 10 percent of the revenue must be used for outright grants for projects requiring under $50,000. Projects that provide employment opportunities to clients of the WAGES program and projects within urban infill and redevelopment areas that include a community redevelopment area, Florida Main Street Program, sustainable community, enterprise zone, or neighborhood improvement district must be given an elevated priority in the scoring of competing grant applications. The Division of Housing and Community Development of the Department of Community Affairs shall administer the grant program. The Department of Community Affairs shall adopt rules establishing grant review criteria consistent with this section.

(2) If the local government fails to implement the urban infill and redevelopment plan, the Department of Community Affairs may seek to rescind the economic and regulatory incentives granted to an urban infill and redevelopment area, subject to the provisions of chapter 120. The action to rescind may be initiated 90 days after issuing a written letter of warning to the local government.

163.2526 Review and evaluation.—Before the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall perform a review and evaluation of ss. 163.2511-163.2526, including the financial incentives listed in s. 163.2520. The report must evaluate the effectiveness of the designation of urban infill and redevelopment areas in stimulating urban infill and redevelopment and strengthening the urban core. A report of the findings and recommendations of the Office of Program Policy Analysis and Government Accountability shall be submitted to the President of the Senate and the Speaker of the House of Representatives before the 2003 Regular Session of the Legislature.

Section 84. Subsection (5) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development,

2. Urban redevelopment, ~~or~~

3. Downtown revitalization, *or*~~.~~

4. Urban infill and redevelopment under s. 163.2517.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas *or areas designated as urban infill and redevelopment areas under s. 163.2517* which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) A local government shall establish guidelines for granting the exceptions authorized in paragraphs (b) and (c) in the comprehensive plan. These guidelines must include consideration of the impacts on the Florida Intrastate Highway System, as defined in s. 338.001. The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.

Section 85. Subsection (1) of section 163.3187, Florida Statutes, is amended to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(a) In the case of an emergency, comprehensive plan amendments may be made more often than twice during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by humankind, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.

(b) Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial deviations and including Florida Quality Developments pursuant to s. 380.061, may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this subsection shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact.

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, *urban infill and redevelopment areas designated under s. 163.2517,* transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern.

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, *urban infill and redevelopment areas designated under s. 163.2517,* transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

(d) Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved without regard to statutory limits on the frequency of adoption of amendments to the comprehensive plan.

(e) A comprehensive plan amendment for location of a state correctional facility. Such an amendment may be made at any time and does not count toward the limitation on the frequency of plan amendments.

(f) Any comprehensive plan amendment that changes the schedule in the capital improvements element, and any amendments directly related to the schedule, may be made once in a calendar year on a date different from the two times provided in this subsection when necessary to coincide with the adoption of the local government's budget and capital improvements program.

(g) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.

Section 86. Subsection (17) of section 187.201, Florida Statutes, is amended to read:

187.201 State Comprehensive Plan adopted.—The Legislature hereby adopts as the State Comprehensive Plan the following specific goals and policies:

(17) *URBAN REDEVELOPMENT AND* DOWNTOWN REVITALIZATION.—

(a) Goal.—In recognition of the importance of Florida's *vital urban centers and of the need to develop and redevelop* ~~developing and redeveloping~~ downtowns to the state's ability to use existing infrastructure and to accommodate growth in an orderly, efficient, and environmentally acceptable manner, Florida shall encourage the centralization of commercial, governmental, retail, residential, and cultural activities within downtown areas.

(b) Policies.—

1. Provide incentives to encourage private sector investment in the preservation and enhancement of downtown areas.

2. Assist local governments in the planning, financing, and implementation of development efforts aimed at revitalizing distressed downtown areas.

3. Promote state programs and investments which encourage redevelopment of downtown areas.

4. Promote and encourage communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before redevelopment.

5. Ensure that local governments have adequate flexibility to determine and address their urban priorities within the state urban policy.

6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.

7. Develop concurrency requirements for urban areas that promote redevelopment efforts where the requirements do not compromise public health and safety.

8. Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings.

9. Encourage the development of mass transit systems for urban centers, including multimodal transportation feeder systems, as a priority of local, metropolitan, regional, and state transportation planning.

10. Locate appropriate public facilities within urban centers to demonstrate public commitment to the centers and to encourage private sector development.

11. Integrate state programs that have been developed to promote economic development and neighborhood revitalization through incentives to promote the development of designated urban infill areas.

12. Promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers.

Section 87. Paragraph (b) of subsection (19) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three

additional gates. However, if an airport is located in two counties, a 10-percent lengthening of an existing runway or a 20-percent increase in the number of gates of an existing terminal is the applicable criteria.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent or 6 acres, whichever is greater, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. An increase in commercial development by 6 acres of land area or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or a 5-percent increase of any of these, whichever is greater.

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

14. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

16. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 14., excluding residential uses, and 15., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. *The substantial deviation numerical standards in subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.*

Section 88. Subsection (1) of section 163.375, Florida Statutes, is amended to read:

163.375 Eminent domain.—

(1) Any county or municipality, or any community redevelopment agency pursuant to specific approval of the governing body of the county or municipality which established the agency, as provided by any county or municipal ordinance has the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it deems necessary for, or in connection with, community redevelopment and related activities under this part. Any county or municipality, or any community redevelopment agency pursuant to specific approval by the governing body of the county or municipality which established the agency, as provided by any county or municipal ordinance may exercise the power of eminent domain in the manner provided in chapters 73 and 74 and acts amendatory thereof or supplementary thereto, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provision for the exercise of the power of eminent domain. *Property in unincorporated enclaves surrounded by the boundaries of a community redevelopment area may be acquired when it is determined necessary by the agency to accomplish the community redevelopment plan.* Property already devoted to a public use may be acquired in like manner. However, no real property belonging to the United States, the state, or any political subdivision of the state may be acquired without its consent.

Section 89. Section 171.0413, Florida Statutes, is amended to read:

171.0413 Annexation procedures.—Any municipality may annex contiguous, compact, unincorporated territory in the following manner:

(1) An ordinance proposing to annex an area of contiguous, compact, unincorporated territory shall be adopted by the governing body of the annexing municipality pursuant to the procedure for the adoption of a nonemergency ordinance established by s. 166.041. *Prior to the adoption of the ordinance of annexation, the local governing body shall hold at least two advertised public hearings on the proposed annexation. The first public hearing shall be on a weekday at least 7 days after the day that the first advertisement is published. The second public hearing shall be held on a weekday at least 5 days after the day that the second advertisement is published. The governing body of the annexing municipality may choose to submit the ordinance of annexation to a separate vote of the registered electors of the annexing municipality.* Each such ordinance shall propose only one reasonably compact area to be annexed. However, prior to the ordinance of annexation becoming effective, a referendum on annexation shall be held as set out below, and, if approved by the referendum, the ordinance shall become effective 10 days after the referendum or as otherwise provided in the ordinance, but not more than 1 year following the date of the referendum.

(2) Following the final adoption of the ordinance of annexation by the governing body of the annexing municipality, the ordinance shall be submitted to a vote of the registered electors of the area proposed to be annexed. ~~If the proposed ordinance would cause the total area annexed by a municipality pursuant to this section during any one calendar year period cumulatively to exceed more than 5 percent of the total land area of the municipality or cumulatively to exceed more than 5 percent of the municipal population, the ordinance shall be submitted to a separate vote of the registered electors of the annexing municipality and of the area proposed to be annexed.~~ The referendum on annexation shall be called and conducted and the expense thereof paid by the governing body of the annexing municipality.

(a) The referendum on annexation shall be held at the next regularly scheduled election following the final adoption of the ordinance of annexation by the governing body of the annexing municipality or at a special election called for the purpose of holding the referendum. However, the referendum, whether held at a regularly scheduled election or at a special election, shall not be held sooner than 30 days following the final adoption of the ordinance by the governing body of the annexing municipality.

(b) The governing body of the annexing municipality shall publish notice of the referendum on annexation at least once each week for 2 consecutive weeks immediately preceding the date of the referendum in a newspaper of general circulation in the area in which the referendum is to be held. The notice shall give the ordinance number, the time and places for the referendum, and a brief, general description of the area

proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

(c) On the day of the referendum on annexation there shall be prominently displayed at each polling place a copy of the ordinance of annexation and a description of the property proposed to be annexed. The description shall be by metes and bounds and shall include a map clearly showing such area.

(d) Ballots or mechanical voting devices used in the referendum on annexation shall offer the choice "For annexation of property described in ordinance number .... of the City of ...." and "Against annexation of property described in ordinance number .... of the City of ...." in that order.

(e) If the referendum ~~is~~ held ~~only~~ in the area proposed to be annexed ~~and~~ receives a majority vote~~, or if the ordinance is submitted to a separate vote of the registered electors of the annexing municipality and the area proposed to be annexed and there is a separate majority vote for annexation in the annexing municipality and in the area proposed to be annexed,~~ the ordinance of annexation shall become effective on the effective date specified therein. If there is *a* ~~any~~ majority vote against annexation, the ordinance shall not become effective, and the area proposed to be annexed shall not be the subject of an annexation ordinance by the annexing municipality for a period of 2 years from the date of the referendum on annexation.

(3) Any parcel of land which is owned by one individual, corporation, or legal entity, or owned collectively by one or more individuals, corporations, or legal entities, proposed to be annexed under the provisions of this act shall not be severed, separated, divided, or partitioned by the provisions of said ordinance, but shall, if intended to be annexed, or if annexed, under the provisions of this act, be annexed in its entirety and as a whole. However, nothing herein contained shall be construed as affecting the validity or enforceability of any ordinance declaring an intention to annex land under the existing law that has been enacted by a municipality prior to July 1, 1975. The owner of such property may waive the requirements of this subsection if such owner does not desire all of the tract or parcel included in said annexation.

(4) Except as otherwise provided in this law, the annexation procedure as set forth in this section shall constitute a uniform method for the adoption of an ordinance of annexation by the governing body of any municipality in this state, and all existing provisions of special laws which establish municipal annexation procedures are repealed hereby; except that any provision or provisions of special law or laws which prohibit annexation of territory that is separated from the annexing municipality by a body of water or watercourse shall not be repealed.

(5) If more than 70 percent of the land in an area proposed to be annexed is owned by individuals, corporations, or legal entities which are not registered electors of such area, such area shall not be annexed unless the owners of more than 50 percent of the land in such area consent to such annexation. Such consent shall be obtained by the parties proposing the annexation prior to the referendum to be held on the annexation.

(6) Notwithstanding subsections (1) and (2), if the area proposed to be annexed does not have any registered electors on the date the ordinance is finally adopted, a vote of electors of the area proposed to be annexed is not required. In addition to the requirements of subsection (5), the area may not be annexed unless the owners of more than 50 percent of the parcels of land in the area proposed to be annexed consent to the annexation. ~~If a referendum of the annexing municipality is not required as well pursuant to subsection (2), then~~ The property owner consents required pursuant to subsection (5) shall be obtained by the parties proposing the annexation prior to the final adoption of the ordinance, and the annexation ordinance shall be effective upon becoming a law or as otherwise provided in the ordinance.

Section 90. *Efficiency and accountability in local government services.—*

(1) The intent of this section is to provide and encourage a process that will:

(a) Allow municipalities and counties to resolve conflicts among local jurisdictions regarding the delivery and financing of local services.

(b) Increase local government efficiency and accountability.

(c) Provide greater flexibility in the use of local revenue sources for local governments involved in the process.

(2) Any county or combination of counties, and the municipalities therein, may use the procedures provided by this section to develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services. The development of such a plan may be initiated by a resolution adopted by a majority vote of the governing body of each of the counties involved, by resolutions adopted by a majority vote of the governing bodies of a majority of the municipalities within each county, or by resolutions adopted by a majority vote of the governing bodies of the municipality or combination of municipalities representing a majority of the municipal population of each county. The resolution shall specify the representatives of the county and municipal governments, of any affected special districts, and of any relevant local government agencies who will be responsible for developing the plan. The resolution shall include a proposed timetable for development of the plan and shall specify the local government support and personnel services which will be made available to the representatives developing the plan.

(3) Upon adoption of a resolution or resolutions as provided in subsection (2), the designated representatives shall develop a plan for delivery of local government services. The plan shall:

(a) Designate the areawide and local government services which are the subject of the plan.

(b) Describe the existing organization of such services and the means of financing the services, and create a reorganization of such services and the financing thereof that will meet the goals of this section.

(c) Designate the local agency that should be responsible for the delivery of each service.

(d) Designate those services that should be delivered regionally or countywide. No provision of the plan shall operate to restrict the power of a municipality to finance and deliver services in addition to, or at a higher level than, the services designated for regional or countywide delivery under this paragraph.

(e) Provide means to reduce the cost of providing local services and enhance the accountability of service providers.

(f) Include a multiyear capital outlay plan for infrastructure.

(g) Specifically describe any expansion of municipal boundaries that would further the goals of this section. Any area proposed to be annexed must meet the standards for annexation provided in chapter 171, Florida Statutes. The plan shall not contain any provision for contraction of municipal boundaries or elimination of any municipality.

(h) Provide specific procedures for modification or termination of the plan.

(i) Specify the effective date of the plan.

(4)(a) A plan developed pursuant to this section must conform to all comprehensive plans that have been found to be in compliance under part II of chapter 163, Florida Statutes, for the local governments participating in the plan.

(b) No provision of a plan developed pursuant to this section shall restrict the authority of any state or regional governmental agency to perform any duty required to be performed by that agency by law.

(5)(a) A plan developed pursuant to this section must be approved by a majority vote of the governing body of each county involved in the plan, and by a majority vote of the governing bodies of a majority of municipalities in each county, and by a majority vote of the governing bodies of the municipality or municipalities that represent a majority of the municipal population of each county.

(b) After approval by the county and municipal governing bodies as required by paragraph (a), the plan shall be submitted for referendum approval in a countywide election in each county involved. The plan shall

not take effect unless approved by a majority of the electors of each county who vote in the referendum, and also by a majority of the electors of the municipalities that represent a majority of the municipal population of each county who vote in the referendum. If approved by the electors as required by this paragraph, the plan shall take effect on the date specified in the plan.

(6) If a plan developed pursuant to this section includes areas proposed for municipal annexation that meet the standards for annexation provided in chapter 171, Florida Statutes, such annexation shall take effect upon approval of the plan as provided in this section, notwithstanding the procedures for approval of municipal annexation specified in chapter 171, Florida Statutes.

Section 91. Section 166.251, Florida Statutes, is amended to read:

166.251 Service fee for dishonored check.—The governing body of a municipality may adopt a service fee *not to exceed the service fees authorized under s. 832.08(5)* ~~of $20~~ or 5 percent of the face amount of the check, draft, or order, whichever is greater, for the collection of a dishonored check, draft, or other order for the payment of money to a municipal official or agency. The service fee shall be in addition to all other penalties imposed by law. Proceeds from this fee, if imposed, shall be retained by the collector of the fee.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon and insert: relating to economic development; amending s. 14.2015, F.S.; revising the reporting requirements of the Office of Tourism, Trade, and Economic Development relating to permits and rules; authorizing the Office of Tourism, Trade, and Economic Development to coordinate establishment of a one–stop permit registry; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending ss. 212.097 and 212.098, F.S.; clarifying the definition of a "new business" under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program; providing that certain call centers or similar customer service operations are eligible businesses under these programs; providing that certain retail businesses are eligible businesses under the Urban High–Crime Area Job Tax Credit Program; amending s. 288.075, F.S.; replacing a reference to the Department of Commerce with a reference to the Office of Tourism, Trade, and Economic Development in the definition of "economic development agency" under a provision relating to the confidentiality of certain economic development information; specifying that the prohibition against contracting with entities that have requested confidentiality concerning certain economic development information does not apply to a public officer or employee or an economic development agency employee acting in his or her official capacity; amending s. 288.095, F.S.; establishing a cap on the total amount of the state share of tax refunds which may be approved for a single fiscal year under the tax refund programs for qualified defense contractors, qualified target industry businesses, and brownfield redevelopment; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; amending s. 288.106, F.S.; authorizing a reduced employment threshold for expanding businesses in certain rural areas or enterprise zones under the tax refund program for qualified target industry businesses; amending s. 288.1221, F.S.; conforming legislative intent on the time period covered by a tourism promotion marketing plan to the time period covered by the marketing plan prepared by the Florida Commission on Tourism under s. 288.1224, F.S.; amending s. 288.1222, F.S.; revising the definition of "tourist" to clarify that the term applies to a person participating in trade or recreation activities outside the county of permanent residence; amending s. 288.1223, F.S.; providing that the commission shall elect a vice chairman annually; providing legislative findings and intent on the potential economic development benefits of ecotourism; authorizing the Division of Recreation and Parks of the Department of Environmental Protection, subject to legislative appropriation, to establish an ecotourism promotion program; providing for eligible uses of funds under such program; authorizing funds to be used to award ecotourism promotion grants; prescribing grant application procedures and eligible uses of grant awards; amending s. 288.90151, F.S.; revising the matching private funding requirements for Enterprise Florida, Inc.; providing for partial release of funds placed in reserve under specified circumstances; amending s. 288.9618, F.S.; limiting the amount of appropriations for the microenterprise program that may be used for administrative expenses; creating s. 288.9958, F.S.; establishing the PRIDE Job Placement Incentive Program; providing for designation of an enterprise zone that encompasses a brownfield project under certain circumstances; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; amending s. 479.261, F.S.; directing the Department of Transportation, subject to federal approval, to establish a highway sign program to recognize certain heritage, historic, or scenic trails; requiring Enterprise Florida, Inc., to develop a strategic plan designed to help Florida capitalize on economic opportunities with the Caribbean and South Africa; requiring Enterprise Florida, Inc., to develop a strategic plan that will allow Florida to capitalize on the economic opportunities associated with a post–embargo Cuba; amending s. 15.18, F.S.; providing for coordination of international activities of the Department of State; requiring the Secretary of State to maintain lists relating to foreign money judgments; amending s. 55.605, F.S.; requiring the Secretary of State to create and maintain a specified list relative to foreign money judgments; amending s. 257.35, F.S.; creating the Florida State International Archive; providing requirements for the archive; providing for access to the archive; amending s. 288.012, F.S., relating to State of Florida foreign offices; directing each office to report annually to the Office of Tourism, Trade, and Economic Development on activities and accomplishments; prescribing the contents of such reports; amending s. 288.8175, F.S.; authorizing linkage institutes to competitively apply for Targeted Market Pilot Projects Grants; creating s. 288.9530, F.S.; providing for the creation of the Florida Business Expansion Corporation to provide business expansion assistance to businesses in the state having job growth or emerging technology potential; creating s. 288.9531, F.S.; providing for powers and duties of the corporation; creating s. 288.9532, F.S., and s. 288.9533, F.S.; creating the corporation board of directors and providing for their powers and duties; creating s. 288.9534, F.S.; providing that the corporation contracts with an experienced management company to administer and perform the duties of the corporation; creating s. 288.9535, F.S.; creating the Florida Business Expansion Account to receive state, federal, and private financial resources for the purpose of funding the objectives of the corporation; creating s. 288.9536, F.S.; providing for the reporting and review requirements of the corporation; authorizing the Office of Tourism, Trade, and Economic Development to contract with Enterprise Florida, Inc., for the award of Inner City Redevelopment Assistance Grants; amending s. 118.10, F.S.; revising definitions; clarifying eligibility and authority for certain civil law notaries; amending s. 163.3178, F.S.; requiring certain ports to identify certain spoil disposal sites; requiring such ports to prepare comprehensive master plans; amending s. 163.3187, F.S.; exempting comprehensive plan amendments for port transportation facilities and projects from a time limitation; amending s. 288.8155, F.S.; authorizing the International Trade Data Resource and Research Center to create an Internet-based information system; amending s. 288.9607, F.S.; extending the expiration date on the use of certain State Transportation Trust Fund investment earnings; amending s. 288.9614, F.S.; providing that state appropriated funds may not be expended by Enterprise Florida, Inc., or its affiliates on certain venture capital funds; amending s. 253.77, F.S.; exempting certain port projects from payments of fees for activities involving the use of sovereign lands; amending s. 311.07, F.S.; providing that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program must be consistent with port master plans; exempting certain port transportation facilities and projects from review as developments of regional impact; amending s. 311.09, F.S.; declaring that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program are presumed to be in the public interest; requesting designation of part XI of chapter 288 as the workforce development board; transferring and amending s. 288.9620, F.S.; providing legislative findings; creating the Workforce Development Board within Enterprise Florida, Inc.; providing for a board of directors and for officers and employees; providing duties of the board and of its board of directors; providing for reports and audits; requiring measures and standards of workforce development strategy; transferring and amending ss. 446.601, 446.602, 446.603, 446.604, 446.605, 446.606, 446.607, F.S.; conforming terminology and

cross-references; amending s. 288.902, F.S.; deleting an obsolete cross-reference; creating s. 288.125, F.S.; providing a short title for the Florida Entertainment Industry Growth Act; creating s. 288.1251, F.S.; providing definitions; creating s. 288.1252, F.S.; creating the Entertainment Florida Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and duties of the council; renumbering and amending s. 288.12285, F.S.; changing a reference; conforming application of a provision granting confidentiality to the identities of certain donors or prospective donors to a direct-support organization; creating s. 288.1254, F.S.; creating the position of Entertainment Industry Commissioner; providing procedure for appointment of the Entertainment Industry Commissioner; providing powers and duties of the commissioner; creating s. 288.1255, F.S.; requiring the Office of Tourism, Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Entertainment Florida Council; requiring approval of such rules by the Comptroller; requiring an annual report; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; creating the Florida Entertainment Industry Model Permitting Task Force; providing purpose of the task force; providing for appointment of members to the task force; amending s. 14.2015, revising purposes of the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; amending ss. 288.108 and 288.90152, F.S.; conforming cross–references; repealing s. 288.051, F.S., which provides a short title; repealing s. 288.052, F.S., relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the administration and powers of the Florida Film and Television Investment Board; repealing s. 288.055, F.S., relating to the Florida Film and Television Investment Trust Fund; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., which requires an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; providing appropriations; amending s. 290.0301, F.S.; changing the title of the "Community Development Corporation Support and Assistance Program Act" to the "Invest in Neighborhood Vitality and Economies Act"; advancing the date of the repeal of the act to June 30, 2007; amending s. 290.0311, F.S.; revising language with respect to legislative findings; providing reference to community-based development organizations; amending s. 290.032, F.S.; revising language with respect to policy and purpose; amending s. 290.033, F.S.; providing definitions; amending s. 290.035, F.S.; revising language with respect to eligibility for assistance; amending s. 290.036, F.S.; providing for the community-based development organization support program; providing for core and project administrative grants and procedures; amending s. 290.0365, F.S.; providing for a community-based development training and technical assistance program; amending s. 290.037, F.S.; providing for a community development project implementation loan program; amending s. 290.038, F.S.; revising language with respect to the authority and duties of the Department of Community Affairs; amending s. 290.039, F.S.; revising language with respect to reporting requirements; amending s. 290.0395, F.S.; providing for program performance review and evaluation; repealing s. 290.034, F.S., relating to funding and use of the Operating Trust Fund; amending ss. 189.427, 252.82, and 943.25 to conform to this act; creating s. 420.0007, F.S.; providing an exemption from property taxation for charitable non-profit low income housing properties; relating to local government; creating ss. 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526, F.S., the Urban Infill and Redevelopment Act; providing legislative findings; providing definitions; authorizing counties and municipalities to designate urban infill and redevelopment areas based on specified criteria; requiring preparation of a plan or designation of an existing plan and providing requirements with respect thereto; requiring a public hearing; providing for amendment of the local comprehensive plan; requiring a report by certain state agencies; providing a program for grants to counties and municipalities with urban infill and redevelopment areas; providing for review and evaluation of the act and requiring a report; amending s. 163.3180, F.S.; authorizing exemptions from the transportation facilities concurrency requirement for developments located in an urban infill and redevelopment area; amending s. 163.3187, F.S.; providing that comprehensive plan amendments to designate such areas are not subject to statutory limits on the frequency of plan amendments; including such areas within certain limitations relating to small scale development amendments; amending s. 187.201, F.S.; including policies relating to urban policy in the State Comprehensive Plan; amending s. 380.06, F.S., relating to developments of regional impact; increasing certain numerical standards for determining a substantial deviation for projects located in certain urban infill and redevelopment areas; amending s. 163.375, F.S.; authorizing acquisition by eminent domain of property in unincorporated enclaves surrounded by a community redevelopment area when necessary to accomplish a community development plan; amending s. 171.0413, F.S., relating to municipal annexation procedures; deleting a requirement that a separate referendum be held in the annexing municipality when the annexation exceeds a certain size; providing procedures by which a county or combination of counties and the municipalities therein may develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services; providing for initiation of the process by resolution; providing requirements for the plan; requiring approval by the local governments' governing bodies and by referendum; authorizing municipal annexation through such plan; amending s. 166.251, F.S.; revising provisions with respect to service fees for dishonored checks;

Senator Klein moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 3, between lines 19 and 20, insert:

Section 4. *Exemption from property taxation for charitable nonprofit low income housing properties.—Properties owned entirely by nonprofit corporations that are defined as charitable organizations under s. 501(c)(3) of the Internal Revenue Code and comply with the Internal Revenue Procedure 96-32 and which provide housing to low and very-low income persons, as defined in section 420.0004, Florida Statutes, shall be considered charitable and exempt from ad valorem taxation under chapter 196, Florida Statutes, to the extent authorized under section 196.192, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: providing a tax exemption for specified low income housing properties;

On motion by Senator Harris, by two-thirds vote **HB 3931** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Friday, May 1.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 30, 1998: SB 404, CS for SB 1516, CS for SB 2100, CS for CS for SB 2198, SB 1954, CS for SB 462, CS for SB 1748, CS for SB 268, CS for SB 2342, CS for SB 270, CS for SB 1114, SR 2108, CS for SB 2080, CS for CS for SB 2336, CS for SB 2170, CS for SB 1814, SJR 82, SB 1302, HB 1747, SB 1080, CS for SB 336, SJR 2140, SB 2302, SB 1034, CS for SB 1664, CS for SB 1486, SB 1032, CS for SB 1066, SB 1416, CS for SB 792, CS

for SB 1396, SB 1220, CS for SB 562, CS for SB 1620, CS for SB 1134, CS for SB 924, CS for SB 1932, SB 464, CS for SB 2132, SJR 1610, SB 1940, CS for SB 986, SB 732, CS for SB 1934, CS for CS for SB 1994, CS for SB 2150, CS for SB 300, CS for CS for SB 2352, CS for SB 1028, HB 3689, CS for SB 710, SB 612, CS for SB 1636, CS for SB 1572, CS for SB 1426, CS for SB 1142, CS for SB 2076, CS for SB 296, CS for CS for SB 388, SB 970, CS for SB 1742, CS for SB 524, CS for SB 2214, SJR 610, SB 2090, CS for SB 994, CS for CS for SB 1554, CS for SB 2158, CS for SB 1868, CS for SB 680, CS for SB 2084, SB 2190, CS for CS for SB 1456, CS for SB 2054, CS for SB 1612, CS for SB 1614, CS for CS for CS for SB 92, CS for CS for CS for SB 938, CS for SB 380

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 142 which he approved on April 29, 1998.

The Governor advised that he had filed with the Secretary of State SB 222, CS for SB 482, CS for CS for SB 626, SB 712, SB 734, SB 768, SB 770, CS for CS for SB 1046, CS for SB 1052, SB 1334, SB 1336 and SB 1350 which became law without his signature on April 30, 1998.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 4283; has passed as amended CS for HB 945, HB 3523, CS for HB 3883, HB 3999, HB 4261, HB 4315, HB 4439 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Elder Affairs and Long Term Care; and Representative Peaden and others—

CS for HB 4283—A bill to be entitled An act relating to long-term care; creating s. 430.801, F.S.; creating the Florida Employee Long-Term-Care Plan Act; directing the Department of Elderly Affairs to develop, implement, and administer the long-term care plan for public employees; authorizing the department to contract for such administration; providing duties of the department; requiring the department to appoint a Florida Employee Long-Term-Care Plan Advisory Council for certain purposes; authorizing the department to contract with the State Board of Administration to invest certain funds; providing limitations; creating a Florida Employee Long-Term-Care Plan Board of Directors; providing for board membership and duties; providing trustees' duties, powers, and responsibilities; requiring an annual report; providing for terms of trustees; providing for expenses of the board of trustees; prohibiting use of state funds for certain costs; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Environmental Protection and Representative Eggelletion and others—

CS for HB 945—A bill to be entitled An act relating to environmental equity and justice; creating s. 760.854, F.S.; creating the Center for Environmental Equity and Justice; providing purpose of the center; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Representative Fuller and others—

HB 3523—A bill to be entitled An act relating to landscape design; amending s. 481.303, F.S.; providing definitions; amending s. 481.329, F.S., providing exemptions from licensure and regulation under part II, ch. 489, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By the Committee on Family Law and Children; and Representative Lynn and others—

CS for HB 3883—A bill to be entitled An act relating to protection of children; reorganizing and revising ch. 39, F.S.; providing for pt. I of said chapter, entitled "General Provisions"; amending ss. 39.001, 39.002, and 415.501, F.S.; revising purposes and intent; providing for personnel standards and screening and for drug testing; amending s. 39.01, F.S.; revising definitions; renumbering and amending s. 39.455, F.S., relating to immunity from liability for agents of the Department of Children and Family Services or a social service agency; amending s. 39.012, F.S., and creating s. 39.0121, F.S.; providing authority and requirements for department rules; renumbering and amending s. 39.40, F.S., relating to procedures and jurisdiction; providing for right to counsel; renumbering s. 39.4057, F.S., relating to permanent mailing address designation; renumbering and amending s. 39.411, F.S., relating to oaths, records, and confidential information; renumbering s. 39.414, F.S., relating to court and witness fees; renumbering and amending ss. 39.415 and 39.474, F.S., relating to compensation of appointed counsel; renumbering and amending s. 39.418, F.S., relating to the Operations and Maintenance Trust Fund; renumbering and amending s. 415.5015, F.S., relating to child abuse prevention training in the district school system; providing for pt. II of ch. 39, F.S., entitled "Reporting Child Abuse"; renumbering and amending s. 415.504, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; renumbering and amending s. 415.511, F.S., relating to immunity from liability in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.512, F.S., relating to abrogation of privileged communications in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.513, F.S.; providing penalties relating to reporting of child abuse, abandonment, or neglect; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments and the disposition of those complaints; renumbering and amending s. 415.5131, F.S., increasing an administrative fine for false reporting; providing for pt. III of ch. 39, F.S., entitled "Protective Investigations"; creating s. 39.301, F.S.; providing for child protective investigations; creating s. 39.302, F.S.; providing for protective investigations of institutional child abuse, abandonment, or neglect; renumbering and amending s. 415.5055, F.S., relating to child protection teams and services and eligible cases; creating s. 39.3035, F.S.; providing standards for child advocacy centers eligible for state funding; renumbering and amending s. 415.507, F.S., relating to photographs, medical examinations, X rays, and medical treatment of an abused, abandoned, or neglected child; renumbering and amending s. 415.5095, F.S., relating to a model plan for intervention and treatment in sexual abuse cases; creating s. 39.306, F.S.; providing for working agreements with local law enforcement to perform criminal investigations; renumbering and amending s. 415.50171, F.S., relating to reports of child-on-child sexual abuse; providing for pt. IV of ch. 39, F.S., entitled "Family Builders Program"; renumbering and amending s. 415.515, F.S., relating to establishment of the program; renumbering and amending s. 415.516, F.S., relating to goals of the program; renumbering and amending s. 415.517, F.S., relating to contracts for services; renumbering and amending s. 415.518, F.S., relating to family eligibility; renumbering s. 415.519, F.S., relating to delivery of services; renumbering and amending s. 415.520, F.S., relating to qualifications of program workers; renumbering s. 415.521, F.S., relating to outcome evaluation; renumbering and amending s. 415.522, F.S., relating to funding; providing for pt. V of ch. 39, F.S., entitled "Taking Children into Custody and Shelter Hearings"; creating s. 39.395, F.S.; providing for medical or hospital

personnel taking a child into protective custody; amending s. 39.401, F.S.; providing for law enforcement officers or authorized agents of the department taking a child alleged to be dependent into custody; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.407, F.S., relating to physical and mental examination and treatment of a child and physical or mental examination of a person requesting custody; renumbering and amending s. 39.4033, F.S., relating to referral of a dependency case to mediation; providing for pt. VI of ch. 39, F.S., entitled "Petition, Arraignment, Adjudication, and Disposition"; renumbering and amending s. 39.404, F.S., relating to petition for dependency; renumbering and amending s. 39.405, F.S., relating to notice, process, and service; renumbering and amending s. 39.4051, F.S., relating to procedures when the identity or location of the parent, legal custodian, or caregiver is unknown; renumbering and amending s. 39.4055, F.S., relating to injunction pending disposition of a petition for detention or dependency; renumbering and amending s. 39.406, F.S., relating to answers to petitions or other pleadings; renumbering and amending s. 39.408(1), F.S., relating to arraignment hearings; renumbering and amending ss. 39.408(2) and 39.409, F.S., relating to adjudicatory hearings and orders; renumbering and amending ss. 39.408(3) and (4) and 39.41, F.S., relating to disposition hearings and powers of disposition; creating s. 39.5085, F.S.; establishing the Relative Caregiver Program; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; renumbering and amending s. 39.4105, F.S., relating to grandparents rights; renumbering and amending s. 39.413, F.S., relating to appeals; providing for pt. VII of ch. 39, F.S., entitled "Case Plans"; renumbering and amending ss. 39.4031 and 39.451, F.S., relating to case plan requirements and case planning for children in out-of-home care; renumbering and amending s. 39.452(1)-(4), F.S., relating to case planning for children in out-of-home care when the parents, legal custodians, or caregivers do not participate; renumbering and amending s. 39.452(5), F.S., relating to court approvals of case planning; providing for pt. VIII of ch. 39, F.S., entitled "Judicial Reviews"; renumbering and amending s. 39.453, F.S., relating to judicial review of the status of a child; renumbering and amending s. 39.4531, F.S., relating to citizen review panels; renumbering and amending s. 39.454, F.S., relating to initiation of proceedings for termination of parental rights; renumbering and amending s. 39.456, F.S.; revising exemptions from judicial review; providing for pt. IX of ch. 39, F.S., entitled "Termination of Parental Rights"; renumbering and amending ss. 39.46 and 39.462, F.S., relating to procedures, jurisdiction, and service of process; renumbering and amending ss. 39.461 and 39.4611, F.S., relating to petition for termination of parental rights, and filing and elements thereof; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions and pleadings for which no answer is required; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to post disposition relief; creating s. 39.813, F.S.; providing for continuing jurisdiction of the court which terminates parental rights over all matters pertaining to the child's adoption; renumbering s. 39.471, F.S., relating to oaths, records, and confidential information; renumbering and amending s. 39.473, F.S., relating to appeal; creating s. 39.816, F.S.; authorizing certain pilot and demonstration projects contingent on receipt of federal grants or contracts; creating s. 39.817, F.S.; providing for a foster care demonstration pilot project; providing for pt. X of ch. 39, F.S., entitled "Guardians Ad Litem and Guardian Advocates"; creating s. 39.820, F.S.; providing definitions; renumbering s. 415.5077, F.S., relating to qualifications of guardians ad litem; renumbering and amending s. 415.508, F.S., relating to appointment of a guardian ad litem for an abused, abandoned, or neglected child; renumbering and amending s. 415.5082, F.S., relating to guardian advocates for drug dependent newborns; renumbering and amending s. 415.5083, F.S., relating to procedures and jurisdiction; renumbering s. 415.5084, F.S., relating to petition for appointment of a guardian advocate; renumbering s. 415.5085, F.S., relating to process and service; renumbering and amending s. 415.5086, F.S., relating to hearing for appointment of a guardian advocate; renumbering and amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate; renumbering s. 415.5088, F.S., relating to powers and duties of the guardian advocate; renumbering and amending s. 415.5089, F.S., relating to review and removal of a guardian advocate; providing for pt. XI of ch. 39, F.S., entitled "Domestic Violence"; renumbering s. 415.601, F.S., relating to legislative intent regarding treatment and rehabilitation of victims and perpetrators; renumbering and amending s. 415.602, F.S., relating to definitions; renumbering and amending s. 415.603, F.S., relating to duties and functions of the department; renumbering and amending s. 415.604, F.S., relating to an annual report to the Legislature; renumbering and amending s. 415.605, F.S., relating to domestic violence centers; renumbering s. 415.606, F.S., relating to referral to such centers and notice of rights; renumbering s. 415.608, F.S., relating to confidentiality of information received by the department or a center; amending ss. 20.43, 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036, 154.067, 216.136, 232.50, 318.21, 384.29, 392.65, 393.063, 395.1023, 400.4174, 400.556, 402.165, 402.166, 409.1672, 409.176, 409.2554, 409.912, 409.9126, 414.065, 447.401, 464.018, 490.014, 491.014, 741.30, 744.309, 784.075, 933.18, 944.401, 944.705, 984.03, 984.10, 984.15, 984.24, 985.03, and 985.303, F.S.; correcting cross references; conforming related provisions and references; amending s. 20.19, F.S.; providing for certification programs for family safety and preservation employees of the department; providing for rules; amending ss. 213.053 and 409.2577, F.S.; authorizing disclosure of certain confidential taxpayer and parent locator information for diligent search activities under ch. 39, F.S.; creating s. 435.045, F.S.; providing background screening requirements for prospective foster or adoptive parents; amending s. 943.045, F.S.; providing that the Department of Children and Family Services is a "criminal justice agency" for purposes of the criminal justice information system; providing an appropriation; repealing s. 39.0195, F.S., relating to sheltering unmarried minors and aiding unmarried runaways; repealing s. 39.0196, F.S., relating to children locked out of the home; repealing ss. 39.39, 39.449, and 39.459, F.S., relating to definition of "department"; repealing s. 39.403, F.S., relating to protective investigation; repealing s. 39.4032, F.S., relating to multidisciplinary case staffing; repealing s. 39.4052, F.S., relating to affirmative duty of written notice to adult relatives; repealing s. 39.4053, F.S., relating to diligent search after taking a child into custody; repealing s. 39.45, F.S., relating to legislative intent regarding foster care; repealing s. 39.457, F.S., relating to a pilot program in Leon County to provide additional benefits to children in foster care; repealing s. 39.4625, F.S., relating to identity or location of parent unknown after filing of petition for termination of parental rights; repealing s. 39.472, F.S., relating to court and witness fees; repealing s. 39.475, F.S., relating to rights of grandparents; repealing ss. 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, and 415.5019, F.S., relating to purpose and legislative intent, definitions, procedures, confidentiality of records, district authority and responsibilities, outcome evaluation, and rules for the family services response system; repealing s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused or neglected children; repealing s. 415.503, F.S., relating to definitions; repealing s. 415.505, F.S., relating to child protective investigations and investigations of institutional child abuse or neglect; repealing s. 415.506, F.S., relating to taking a child into protective custody; repealing s. 415.5075, F.S., relating to rules for medical screening and treatment of children; repealing s. 415.509, F.S., relating to public agencies' responsibilities for prevention, identification, and treatment of child abuse and neglect; repealing s. 415.514, F.S., relating to rules for protective services; providing effective dates.

—was referred to the Committees on Judiciary; Children, Families and Seniors; and Rules and Calendar.

By Representative Sindler and others—

HB 3999—A bill to be entitled An act relating to termination of pregnancies; providing a short title; amending s. 390.011, F.S.; defining additional terms; amending s. 390.0111, F.S.; revising provisions relating to terminations of pregnancies; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; providing notice requirements; providing exceptions; providing procedure for judicial waiver of notice; providing for notice of right to counsel; prohibiting court from requiring counties to pay for such counsel; providing for confidentiality of proceedings; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petition; requiring the issuance of written findings of fact and legal conclusions; providing for expedited confidential appeal; providing for waiver of filing fees; requesting the Supreme Court to adopt rules; providing for severability; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Ways and Means.

By Representative Bronson and others—

HB 4261—A bill to be entitled An act relating to ad valorem taxation; providing for the partial abatement of taxes on certain property destroyed or damaged by a tornado; providing procedures; providing for expiration of the act; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By the Committee on Juvenile Justice and Representative Bainter and others—

HB 4315—A bill to be entitled An act relating to juvenile justice education programs; requiring the Juvenile Justice Advisory Board to conduct a study relating to education programs for juvenile offenders; requiring findings and recommendations; requiring a performance review by the Office of Program Policy Analysis and Government Accountability; providing an appropriation; amending s. 230.23, F.S., relating to district school board duties; revising provisions relating to alternative education programs for students in residential care facilities; amending s. 230.2316, F.S.; providing for certain coordination with school district dropout prevention programs; amending s. 230.23161, F.S.; revising provisions relating to educational services in Department of Juvenile Justice programs; providing findings relating to juvenile assessment centers; providing school board and school district duties; providing requirements relating to teachers assigned to juvenile justice education programs; providing for the operation of specified education programs by the Department of Education; amending s. 402.22, F.S.; revising provisions relating to education programs for students who reside in residential care facilities operated by the Department of Children and Family Services; creating s. 985.317, F.S.; requiring the development of a Juvenile Offender Functional Literacy Program; providing intent, eligibility, and program requirements; requiring initial assessment; providing for exemption from the program; providing for evaluation and reporting; amending s. 985.404, F.S.; revising provisions relating to a cost data report; providing definitions; prohibiting a state agency from expanding the existing Orlando Regional Juvenile Detention Center; prohibiting a state agency from building a new detention center or other commitment facility on property contiguous to the existing detention center; prohibiting a state agency from using property contiguous to the existing detention center to operate a detention center or other commitment facility; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By the Committee on Business Regulation and Consumer Affairs; and Representative Ogles and others—

HB 4439—A bill to be entitled An act relating to contracting; amending s. 468.603, F.S.; revising and providing definitions relating to electrical inspectors; amending s. 468.432, F.S.; requiring registration of community association management entities; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; revising membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; revising and providing requirements for certification as a building code administrator, plans examiner, or inspector, including provisional certification; amending s. 468.617, F.S.; revising provisions relating to local governments contracting for building code, examination, and inspection services; amending s. 468.627, F.S.; revising and eliminating fees; amending s. 468.629, F.S.; prohibiting making or attempting to make a certificateholder violate a local or state building code; prohibiting acting or practicing as a building code administrator or building official, plans examiner, or inspector without being an active certificateholder; providing penalties; amending s. 469.001, F.S.; redefining the terms "abatement" and "survey"; defining the term "project designer"; amending s. 469.002, F.S., relating to exemptions from state regulation of asbestos abatement; revising an exemption applicable to certain asbestos-related activities done by government employees; revising certain existing exemptions; amending s. 469.004, F.S.; eliminating provisions relating to prerequisites to issuance of a license and to continuing education; amending s. 469.005, F.S.; revising licensure requirements for asbestos consultants and asbestos contractors relating to required coursework; amending s. 469.006, F.S.; requiring applicants for business licensure to submit evidence of financial responsibility and an affidavit attesting to having obtained the required workers' compensation, public liability, and property damage insurance; amending s. 469.013, F.S.; revising continuing education requirements applicable to asbestos surveyors, management planners, and project monitors; repealing s. 469.015, F.S., relating to seals; amending ss. 255.551, 376.60, and 469.014, F.S.; correcting cross references; creating s. 471.026, F.S.; allowing engineers to perform building inspection duties; amending s. 475.276, F.S; providing an exception to requirement that real estate licensees provide a notice of nonrepresentation; creating s. 481.222, F.S.; allowing architects to perform duties of building code inspectors; amending s. 489.103, F.S.; providing exemptions from regulation under pt. I, ch. 489, F.S., relating to construction contracting; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.113, F.S.; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., relating to designation and certification of underground utility and excavation contractors; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring certain coursework; requiring an examination for certain persons; providing for discipline and penalties; providing a definition; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S.; providing exemptions from regulation under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the terms "monitoring" and "fire alarm system agent"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; eliminating an inconsistent provision relating to failure to renew an active or inactive certificate or registration; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; authorizing the taking of the certification examination more than three times and providing requirements with respect thereto; eliminating an obsolete provisions; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; providing for verification of public liability and property damage insurance; creating s. 489.5185, F.S.; providing requirements for fire alarm system agents, including specified training and fingerprint and criminal background checks; providing for fees for approval of training providers and courses; providing applicability to applicants, current employees, and various licensees; requiring an identification card and providing requirements therefor; providing continuing education requirements; providing disciplinary penalties; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; authorizing a person passing the certification examination and applying for licensure to place his or her license on inactive status without having to qualify a business; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; providing technical changes; amending s. 489.525, F.S.; revising reporting requirements of the Department of

Business and Professional Regulation to local boards and building officials; providing applicability with respect to information provided on the Internet; amending s. 489.533, F.S.; revising and providing grounds for discipline; providing penalties; reenacting s. 489.518(5), F.S., relating to alarm system agents, to incorporate the amendment to s. 489.533, F.S., in a reference thereto; amending s. 489.537, F.S.; authorizing registered electrical contractors to install raceways for alarm systems; providing that licensees under pt. II, ch. 489, F.S., are subject, as applicable, to certain provisions relating to local occupational license taxes; amending s. 205.0535, F.S.; providing that businesses providing local exchange telephone service or pay telephone service may not be assessed an occupational license tax on a per-instrument basis; amending s. 553.19, F.S.; updating electrical and alarm standards; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; amending 553.73, F.S; adding an exception from the Florida Building Code; creating s. 501.935, F.S.; providing requirements relating to home-inspection reports; providing legislative intent; providing definitions; providing exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report on the results of the inspection; providing prohibited acts, for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; creating s. 501.937, F.S.; providing requirements for use of professional titles by industrial hygienists and safety professionals; providing definitions; providing that violation of such requirements is a deceptive and unfair trade practice; creating s. 715.15, F.S.; providing that certain provisions in contracts for improvement of real property are void; providing applicability; An act relating to fire prevention and control; amending s. 633.021, F.S.; defining the term "fire extinguisher"; amending s. 633.061, F.S.; requiring an individual or organization that hydrotests fire extinguishers and preengineered systems to obtain a permit or license from the State Fire Marshal; revising the services that may be performed under certain licenses and permits issued by the State Fire Marshal; providing additional application requirements; providing requirements for obtaining an upgraded license; amending ss. 633.065, 633.071, F.S.; providing requirements for installing and inspecting fire suppression equipment; amending s. 633.162, F.S.; prohibiting an owner, officer, or partner of a company from applying for licensure if the license held by the company is suspended or revoked; revising the grounds upon which the State Fire Marshal may deny, revoke, or suspend a license or permit; providing restrictions on activities of former licenseholders and permittees; amending s. 633.171, F.S.; revising the prohibition against rendering a fire extinguisher or preengineered system inoperative to conform to changes made by the act; amending s. 633.547, F.S.; providing the State Fire Marshal authority to suspend and revoke certificates; providing restrictions on the activities of former certificateholders whose certificates are suspended or revoked; amending s. 489.105, F.S., relating to contracting; conforming a cross-reference to changes made by the act; amending s. 468.385, F.S.; revising provisions relating to the written examination required for licensure as an auctioneer; amending s. 468.388, F.S.; eliminating exemptions from the requirement that a written agreement be executed prior to conducting an auction; amending s. 468.389, F.S.; revising a ground for disciplinary action relating to failure to account for or to pay certain money, to include reference to property belonging to another; providing penalties; reenacting ss. 468.385(3)(b) and 468.391, F.S., relating to licensure as an auctioneer and to a criminal penalty, respectively, to incorporate the amendment to s. 468.389, F.S., in references thereto; amending s. 468.393, F.S.; reducing the level at which the Auctioneer Recovery Fund must be maintained and for which surcharges are levied; reenacting s. 468.392(5), F.S., relating to moneys in the Auctioneer Recovery Fund, to incorporate the amendment to s. 468.393, F.S., in references thereto; amending s. 468.395, F.S.; revising circumstances under which recovery from the Auctioneer Recovery Fund may be obtained; reducing the amount per claim or claims arising out of the same transaction or auction and the aggregate lifetime limit with respect to any one licensee that may be paid from the fund; amending s. 468.396, F.S., relating to claims against a single licensee in excess of the dollar limitation, to conform; eliminating semiannual identification and payment of claims; amending s. 468.397, F.S., relating to payment of claim; correcting language; creating s. 205.1945, F.S.; prohibiting local jurisdiction from charging an occupational license tax under certain circumstances; amending s. 489.129, F.S.; providing procedures and responsibilities when the department undertakes an investigation of a contractor; deleting a ground for disciplinary action; amending s. 489.131, F.S.; requiring that bids for public projects be accompanied by certain evidence; requiring local boards or agencies that license contractors to transmit quarterly reports; clarifying the department's authority to initiate disciplinary actions; providing that local boards that license and discipline contractors must have at least 2 consumer representatives; providing effective dates.

—was referred to the Committee on Community Affairs.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 28, CS for SB 154, CS for SB's 312 and 2298, CS for SB 552, SB 704, CS for SB 1230, CS for SB 1450, SB 1462, CS for SB 1684, CS for SB 1686, CS for SB 1688, CS for SB 1690, CS for SB 1692, CS for SB 1694, CS for SB 1696, CS for SB 1710, CS for CS for SB 1796, SB 1976, CS for SB 1992 and CS for SB 2484.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for SB 874, as amended by the Conference Committee Report.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) to House Amendment(s) and passed CS for SB 1014 as further amended.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS for HB 209, CS for CS for HB 315, HB 367, HB 755, CS for HB 935, CS for HB 1377, HB 1403, CS for CS for HB 1637, CS for CS for HB 1639, CS for HB 3035, CS for HB 3065, CS for HB 3085, HB 3275, CS for CS for HB 3321, CS for HB 3395, CS for CS for HB 3491, CS for HB 3673, CS for HB 3709, HB 3737, HB 3971, CS for HB 4027, HB 4039, HB 4365, CS for HB 4413, HB 4475 and HB 4837, as amended.

John B. Phelps, Clerk

ENROLLING REPORTS

SB 830 and SB 1436 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 30, 1998.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved.

CO-SPONSORS

Senators Crist—SJR 82; Forman—SB 404, SB 656, CS for SB 710, CS for SB 1540, SB 1874, SB 1876, SB 2302

RECESS

On motion by Senator Bankhead, the Senate recessed at 7:50 p.m. to reconvene at 9:00 a.m., Friday, May 1.

Journal of the Senate

Number 25—Regular Session **Friday, May 1, 1998**

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Excused: Senator Holzendorf at 3:45 p.m.

PRAYER

The following prayer was offered by Faye Blanton, Secretary of the Senate:

Dear God, it is our prayer that your will has been done during the 60 days of this session, and that we have truly served the people of our great State.

Please guide and bless each member of this Legislature, their staff, and even the members of the Third House, as they return to their homes and their families.

We pray also that our point is well taken and that you concur as we send the final message for this 1998 Legislative Session—we did our best.

God bless us all and the citizens of the State of Florida that we serve. In your name we pray. Amen.

PLEDGE

Senate Pages Stephenie Ford of Bristol and Kyra Jennings of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

CS for CS for HB's 683 and 2131—A bill to be entitled An act relating to school readiness; creating the "Children First Act of 1998; renaming ch. 411, F.S.; creating s. 411.01, F.S.; providing legislative intent relating to early childhood health care, child care, and education; providing that early childhood health care, child care, and education programs shall be school readiness programs; creating the Florida Partnership for Children First, Inc. (Children First Partnership); creating the Children First Governing Board to operate as the board of directors of the Children First Partnership; providing Children First Partnership and governing board responsibilities and duties; providing membership of the governing board and meeting requirements; providing that the Children First Partnership is subject to public records and public meeting requirements; providing for hiring of certain employees; providing powers as a corporation; providing for staff of the governing board and Children First Partnership; requiring the Children First Partnership to phase in a program meeting specified requirements; requiring recommendations to revise provision of services to children of teenage parents; providing for establishment of a Children First Coalition in each county or combination of counties; specifying services to be provided by coalitions; providing for designation and approval of a fiscal agent; providing for the transfer of funds; providing for coalition initiation grants to develop children first plans and block grant funding to implement such plans; providing for award of an incentive bonus; providing requirements for such plans; providing for parental choice and payment arrangements; providing for evaluation and performance measures; providing responsibility for implementation; providing for phase-out of the State Coordinating Council for Early Childhood Services; creating s. 411.02, F.S.; providing for a Children First Appropriation Allocation Conference; amending s. 216.136, F.S.; creating the School Readiness Program Estimating Conference; providing duties and principals; conforming provisions; amending and renumbering s. 230.2303, F.S., relating to the Florida First Start Program; revising provisions; providing for implementation pursuant to a children first plan developed by the Children First Coalition and approved by the Children First Partnership; amending and renumbering s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising provisions; providing for administration by a district school board or other Children First Coalition provider; providing Children First Coalition responsibility for programs; providing for oversight by the Children First Partnership and Children First Coalition and specifying duties; creating s. 411.05, F.S.; requiring the Department of Education to adopt the school readiness screening instruments developed by the Children First Partnership and to require their use by the school districts; creating s. 411.06, F.S.; recognizing the nationwide Parents as Teachers Program; establishing the Florida Parents as Teachers Program under the jurisdiction of the Children First Partnership; providing program requirements; amending and renumbering s. 402.281, F.S., relating to the Gold Seal Quality Care program; providing duties of the Children First Partnership; amending s. 411.202, F.S.; revising definitions; amending s. 411.203, F.S.; revising provisions relating to a continuum of comprehensive services; amending ss. 411.24 and 411.242, F.S., to conform; amending and renumbering s. 402.305, F.S., relating to licensing standards for child care facilities; providing duties of the Children First Partnership; removing provisions relating to a child care technical review panel; amending and renumbering s. 402.3052, F.S., relating to child development associate training grants; providing for consultation with the Children First Partnership; amending s. 20.19, F.S., relating to the Department of Children and Family Services; requiring cooperation with the Children First Partnership and Children First Coalitions; amending s. 229.591, F.S., relating to the school improvement and education accountability system; conforming school readiness goals; amending s. 288.9620, F.S., relating to

the workforce development board; providing for a report to the Children First Partnership; amending ss. 232.01, 383.14, and 397.901, F.S., to conform; amending ss. 414.027, 414.028, 414.055, and 414.22, F.S., relating to the WAGES Program; providing for coordination with the Children First Partnership and Children First Coalitions; amending s. 446.601, F.S., relating to the "Workforce Florida Act of 1996"; providing for coordination with the Children First Partnership and Children First Coalitions; amending s. 624.91, F.S., relating to the "Florida Healthy Kids Corporation Act"; providing a goal to work cooperatively with the Children First Partnership; repealing s. 228.061(1), F.S., relating to preschool programs, s. 230.2306, F.S., relating to prekindergarten children service needs assessments and accommodation efforts by school districts, s. 391.304, F.S., relating to coordination of the developmental evaluation and intervention program, s. 402.26, F.S., relating to legislative intent with respect to child care, s. 402.28, F.S., relating to Child Care Plus facilities, s. 411.201, F.S., the short title for the Florida Prevention, Early Assistance, and Early Childhood Act, s. 411.204, F.S., relating to program evaluation under the act, s. 411.205, F.S., relating to rules, s. 411.22, F.S., relating to legislative intent with respect to prevention and early assistance, s. 411.221, F.S., relating to preparation of the prevention and early assistance strategic plan, s. 411.223, F.S., relating to uniform standards for preventive health care, s. 411.224, F.S., relating to the family support planning process, and ss. 411.23, 411.231, and 411.232, F.S., the Children's Early Investment Act, effective July 1, 1998; repealing s. 402.47, F.S., relating to foster grandparent and retired senior volunteer services to high-risk and handicapped children, s. 411.222, F.S., relating to the Offices of Prevention, Early Assistance, and Child Development and the State Coordinating Council for Early Childhood Services and their duties, and s. 411.3015(9), F.S., relating to collaborative agreements and plans with respect to subsidized child care programs, effective July 1, 1999; renumbering ss. 402.301, 402.3015, 402.302, 402.3025, 402.3026, 402.3051, 402.3055, 402.3057, 402.3058, 402.306, 402.307, 402.308, 402,309, 402.310, 402.311, 402.312, 402.3125, 402.313, 402.3135, 402.314, 402.3145, 402.315, 402.316, 402.318, 402.319, and 402.45, F.S.; requiring amendment recommendations regarding s. 411.301, F.S., relating to legislative intent with respect to child care facilities, s. 411.3015, F.S., relating to the subsidized child care program, s. 411.302, F.S., relating to definitions, s. 411.3025, F.S., relating to public and nonpublic schools in relation to child care requirements, s. 411.3026, F.S., relating to establishment of full-service schools, s. 411.305, F.S., relating to licensing standards for child care facilities, s. 411.3051, F.S., relating to child care market rate reimbursement and grants, s. 411.3052, F.S., relating to the child development associate training grants program, s. 411.3055, F.S., relating to child care personnel requirements, s. 411.306, F.S., relating to designation of the licensing agency and dissemination of information, s. 411.307, F.S., relating to approval of the licensing agency, s. 411.308, F.S., relating to issuance of a license, s. 411.309, F.S., relating to provisional licenses, s. 411.310, F.S., relating to disciplinary actions, s. 411.311, F.S., relating to inspection of facilities, s. 411.312, F.S., relating to injunctive relief, s. 411.3125, F.S., relating to display and appearance of license, s. 411.313, F.S., relating to family day care homes, s. 411.3135, F.S., relating to the subsidized child care case management program, s. 411.314, F.S., relating to supportive services, s. 411.3145, F.S., relating to the subsidized child care transportation program, s. 411.315, F.S., relating to funding and license fees, s. 411.316, F.S., relating to exemptions, s. 411.318, F.S., relating to prohibited advertisement, s. 411.319, F.S., relating to penalties, s. 411.33, F.S., relating to authority to charge fees, s. 411.45, F.S., relating to the community resource mother or father program, and s. 409.178, F.S., relating to the Child Care Partnership Act, by March 1, 2000; requiring legislative review of such recommendations; requiring review of s. 402.27, F.S., by March 1, 1999, and recommendation to the Legislature regarding optimal coordination of resource and referral functions; providing appropriations; providing effective dates.

—was read the second time by title.

Senators Holzendorf and Kirkpatrick offered the following amendment which was moved by Senator Holzendorf and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "School Readiness Act of 1998." Nothing in this act is intended to impede or curtail the state's ability to draw down federal funds.*

Section 2. Section 411.01, Florida Statutes, is created to read:

411.01 Florida Partnership for School Readiness, Inc.; School Readiness Coalitions.—

(1) LEGISLATIVE INTENT.—

(a) It is the intent of the Legislature that the early childhood health care, child care, and education of children from birth to 5 years of age or until the child attains school readiness, whichever is later, become a top priority.

(b) Recognizing that high-quality early childhood health care, child care, and education experiences increase children's chances of educational success and reduce the need for costly future intervention and remediation, it is the intent of the Legislature that all children in Florida, from birth until they are ready for school, have access to quality early childhood health care, child care, and education to enhance their readiness to succeed in school.

(c) Recognizing that parents are responsible for the early childhood health care, child care, and education of their children, but also recognizing that the condition of children in Florida must be improved, it is the intent of the Legislature that local communities offer assistance to families to improve the early childhood health care, child care, and education of children under 5 years of age and the school readiness of all children who enter the state's public school system. High-quality early childhood experiences and care should be provided with a minimum of governmental interference.

(d) The Legislature finds that for families to move to and maintain economic self-sufficiency, Florida must have an efficient way for these families to access quality early childhood health care, child care, and education services. The Legislature recognizes that significant benefits will accrue to children and families who have efficient access to quality early childhood health care, child care, and education arrangements.

(e) It is the intent of the Legislature that all early childhood health care, child care, and education programs and services serving Florida children in the first 5 years of life or until the child attains school readiness, whichever is later, are considered school readiness programs. The Legislature finds that despite the efforts of hundreds of thousands of Floridians and increased collaboration among service providers, services for young children remain uncoordinated, uneven in quality, and inaccessible to many. It is the intent of the Legislature that a true continuum of high-quality, coordinated, and comprehensive early childhood health care, child care, and education be available to all children from birth to 5 years of age or until the child attains school readiness, whichever is later.

(f) The Legislature recognizes new brain development research emphasizing the critical importance of the first years of life in children's emotional, social, and cognitive development, and that these scientific discoveries create an opportunity to apply the findings to all programs and services for children from birth to 5 years of age. The Legislature also recognizes that the period of time from birth to 3 years of age is an optimal time for learning in the areas of motor development, emotional control, vision, social attachment, vocabulary, second language, and logic.

(g) Publicly funded early education and child care programs are defined as prekindergarten early intervention programs, Head Start programs, programs offered by public or private providers of child care, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, teen parent programs, and other services.

(2) SCHOOL READINESS PROGRAMS.—For purposes of this chapter, all early childhood health care, child care, and education programs which are funded with state, federal, lottery, or local public funds and which provide services to children from birth to 5 years of age or until the child attains school readiness, whichever is later, shall be school readiness programs and shall work to achieve their part of the goal of children entering school with healthy bodies and healthy minds, ready to succeed in school.

(3) SCHOOL READINESS GOVERNING BOARD.—

(a) There is created a School Readiness Governing Board to operate as the board of directors of the Florida Partnership for School Readiness,

Inc., with responsibility for adopting and maintaining coordinated programmatic, administrative, and fiscal policies and standards for all school readiness programs, while allowing a wide range of programmatic flexibility and differentiation.

(b)1. As a condition for receiving funds appropriated to the Florida Partnership for School Readiness, Inc., the members of the School Readiness Governing Board shall include the Governor, the Commissioner of Education, the Secretary of Children and Family Services, the chair of the WAGES Program State Board of Directors, and the chair of the Florida Council of 100.

2. The governing board shall also include ten members of the public who shall be business, community, and civic leaders in the state who are not elected to public office and who do not earn their income in the early education and child care industry. The members must be geographically and demographically representative of the state. Each member shall be appointed by the Governor. Eight of the members shall be appointed from a list of 10 nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. Members shall be appointed to 4-year terms of office. However, of the initial appointees, two shall be appointed to 1-year terms, two shall be appointed to 2-year terms, three shall be appointed to 3-year terms, and three shall be appointed to 4-year terms. The members of the governing board shall elect a chairperson annually. Any vacancy on the governing board shall be filled in the same manner as the original appointment.

(c) The governing board shall meet quarterly and may meet as often as it deems necessary to carry out its duties and responsibilities. Members of the governing board shall participate without proxy at the quarterly meetings. The governing board may take official action by a majority vote of the members present at any meeting at which a quorum is present. The governing board shall hold its first meeting by August 1, 1998.

(d) Members of the governing board are subject to the ethics provisions in part III of chapter 112, and no member may derive any financial benefit from the funds administered by the School Readiness Partnership.

(e) Members of the governing board shall serve without compensation but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061.

(f) For the purposes of tort liability, the members of the governing board and its employees shall be governed by s. 768.28.

(g)1. The governing board shall appoint an executive director to serve at its pleasure who shall perform the duties assigned to him or her by the governing board. The executive director shall be responsible for appointing all employees and staff members who shall serve under his or her direction and control.

2. Governing board members shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided by s. 112.061 and for other reasonable, necessary, and actual expenses.

(h) The governing board has complete fiscal control over the Florida Partnership for School Readiness, Inc., and is responsible for all corporate operations. The governing board is responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all legal and contractual requirements.

(4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS, INC. (SCHOOL READINESS PARTNERSHIP).—

(a) The Legislature hereby creates the Florida Partnership for School Readiness, Inc. (School Readiness Partnership), which shall be a public-private nonprofit organization, which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government. The Legislature determines, however, that public policy dictates that the School Readiness Partnership operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that the School Readiness Partnership is subject to the provisions of chapter 119, relating to public records, and those provisions of chapter 286 relating to public meetings and records.

(b) The Florida Partnership for School Readiness, Inc., shall establish one or more corporate offices, at least one of which shall be located in Leon County.

(c) The Florida Partnership for School Readiness, Inc., is the principal organization responsible for the enhancement of school readiness for the state's children, and shall work actively with each School Readiness Coalition to achieve its mission. It shall be the responsibility of the School Readiness Governing Board to provide leadership for enhancement of school readiness in Florida by aggressively establishing a unified approach to Florida's efforts of enhancement of school readiness; by aggressively seeking potential new school readiness programs; and by aggressively assisting in the retention and expansion of effective existing school readiness programs. In support of this effort, the Florida Partnership for School Readiness, Inc., may develop and implement specific programs or strategies that address the creation, expansion, and preservation of Florida's school readiness programs, including recommendations to move agency staff from the Department of Education or the Department of Children and Family Services to the partnership. This approach must ensure the effective use of federal, state, local, and private resources in reducing the need for school readiness programs.

(d) The governing board and staff of the Florida Partnership for School Readiness, Inc., shall have specific responsibility for implementing policies, monitoring progress toward achievement of the established goals, assessing gaps in current early childhood health care, child care, and education statewide, recommending quality standards and monitoring their implementation, assisting the formation of and approving plans of School Readiness Coalitions created in this act, facilitating local implementation, providing technical assistance to School Readiness Coalitions, and recommending common eligibility requirements for similar programs while seeking a diversity of programs to meet the varieties of need, within the established guidelines.

(e) The School Readiness Partnership shall have all powers necessary to carry out the purposes of this section, including but not limited to the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this section.

(f) The Florida Partnership for School Readiness, Inc., shall be an independent nonpartisan body and shall not be identified or affiliated with any one agency, program, or group.

(g) The Florida Partnership for School Readiness, Inc., shall have a budget, shall be financed through an annual appropriation made for this purpose in the General Appropriations Act, and shall be subject to compliance audits and annual financial audits by the Auditor General.

(h) The partnership shall coordinate the efforts toward school readiness in this state and provide independent policy analyses and recommendations to the Governor, the State Board of Education, and the Legislature.

(i) The partnership shall prepare and submit to the State Board of Education a system for measuring school readiness. The system must include a screening instrument, or instruments, which shall provide objective data regarding the following expectations for school readiness:

1. The child's immunizations and other health requirements as necessary.

2. The child's display of physical development appropriate for kindergarten.

3. The child's compliance with rules, limitations, and routines.

4. The child's successful engagement in kindergarten tasks.

5. The child's demonstration of appropriate interactions with adults.

6. The child's demonstration of appropriate interactions with peers.

7. The child's effective coping with challenges and frustrations.

8. The child's demonstration of appropriate self-help skills.

9. The child's ability to express his needs appropriately.

10. The child's demonstration of verbal communication skills necessary to succeed in kindergarten.

11. The child's demonstration of problem-solving skills necessary to succeed in kindergarten.

12. The child's following of verbal directions.

13. The child's demonstration of curiosity, persistence, and exploratory behavior.

14. The child's demonstration of an interest in books and other printed materials.

15. The child's paying attention to stories.

16. The child's participation in art and music activities.

(j) The partnership shall prepare a plan for implementing the system for measuring school readiness in such a way that all children in this state have the opportunity to undergo the screening in the year prior to their entry into kindergarten. Participants in publicly funded school readiness programs and children whose family income is at, or below, 150 percent of the federal poverty level shall undergo the screening at no cost. Other children may undergo the screening if their parents pay a nominal fee. The plan must include a way to make the screening instrument and the training required to administer it available to public and private providers of preschool and child care programs, and a way to make the screening available to children who do not participate in such programs. Because children with disabilities may not be able to meet all of the identified expectations for school readiness, the plan for measuring school readiness shall incorporate mechanisms for recognizing the potential variations in expectations for school readiness when serving children with disabilities and shall provide for communities to serve children with disabilities.

(k) The partnership shall establish a method for collecting data from the screening instrument and establish guidelines for using the data so that the measurement, the data collection, and the use of the data serve the statewide goal that all children will be ready for school. The criteria for determining which data to collect should be the usefulness of the data to state policymakers and program administrators in administering programs and allocating state funds.

(l) The partnership shall contract with an independent entity for an evaluation of the measurement system. The evaluation must provide the information that local and state agencies, the Governor, and the Legislature need to provide for the effective administration of programs that serve preschool children. The evaluation must provide information that will assist providers of private preschool and child care programs in assessing the success of preschool and child care programs and making decisions about improving program services to prepare children for school.

(m) The partnership shall recommend to the Governor, the Commissioner of Education, and the State Board of Education rules, and revisions or repeal of rules, which would increase the effectiveness of programs that prepare children for school.

(n) The partnership shall conduct studies and planning activities related to the overall improvement and effectiveness of school-readiness measures.

(o) The partnership shall work with the Department of Management Services for electronic funds transfer.

(p) The partnership shall recommend to the Legislature the feasibility of combining funding streams for school readiness programs into a School Readiness Trust Fund.

(q) The partnership shall submit an annual report of its activities to the Governor, the executive director of the Florida Healthy Kids Corporation, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the partnership's reports and recommendations shall be made available to the State Board of Education, other appropriate state agencies and entities, district school boards, central agencies for child care, and county public health units.

To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the partnership must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.

(r) The partnership may adopt rules necessary to administer the provisions of this section relating to preparation and implementation of the system for school readiness, data collection, approving local coalition plans, providing a method whereby a coalition could serve two or more counties, awarding incentives to coalitions, and contracting for an evaluation.

(5) CREATION OF OPTIONAL PROGRAM; EXEMPTIONS.—The school readiness program consisting of publicly funded programs listed in paragraph (1)(g) is established. The school readiness program is an optional program.

(a) School readiness coalitions.—

1.a. Each School Readiness Coalition must consist of at least nine and no more than 15 members. Two members shall be appointed by the district school board, two members shall be appointed by the county commission, and two members shall be appointed by the Department of Children and Family Services district administrator. The six members thus appointed shall appoint the remaining members of the coalition.

b. School Readiness Coalition membership shall include, in addition to private-sector business leaders, the local public and private leaders in health care, education, disabilities, and child welfare systems in each county. Three members of the coalition must be administrators from each of the following entities: The central agency for child care, the district school board, and the Head Start program. School Readiness Coalition membership must include representatives from programs serving children in the early education and child care programs, must include a representative from the Department of Health, and may include representatives from organizations such as Children's Services Councils, Central Agencies for Child Care, Healthy Start Coalitions, district school boards, child care licensing boards, local WAGES Coalitions, Head Start, municipal and county governments, the Department of Children and Family Services, the County Public Health Unit, and chambers of commerce. Thirty percent of the coalition members shall be from the private sector.

2. The School Readiness Coalition will replace the district interagency coordinating council in any county where a school readiness program is implemented.

(b) Program eligibility.—The school readiness program shall be established for children from birth to 5 and one-half years of age. The program shall consist of the programs listed in paragraph (1)(g), be administered by the School Readiness Coalition, and receive funds pursuant to SB 180 or similar legislation. Within funding limitations, the School Readiness Coalition, along with all providers, shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the program.

(c) Standards; outcome measures.—

1. All publicly funded school readiness programs must meet the following performance standards and outcome measures developed by the Department of Education and the Department of Children and Family Services:

a. They must help prepare preschool children to enter kindergarten ready to learn, as measured by criteria established by the School Readiness Partnership or, in the absence of such criteria, by the School Readiness Checklist of the Department of Education.

b. They must provide extended-day and extended-year services to the maximum extent possible.

c. There must be coordinated staff development and teaching opportunities.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list.

f. If funding remains constant, they must serve at least as many children as were served prior to implementation of the program.

2. All participating publicly funded school readiness programs must implement a comprehensive program of children and family services that enhance the cognitive and physical development of children to achieve the performance standards and outcome measures specified in paragraph (a). At a minimum, these programs must contain the following elements:

a. Developmentally appropriate curriculum.

b. An appropriate staff-to-child ratio, as required by the respective participating programs.

c. A healthy and safe environment.

d. A resource and referral network to assist parents in making an informed choice pursuant to s. 402.27.

(d) Implementation.—

1. The school readiness program may be implemented in any county by a School Readiness Coalition with agreement of the district school board and the Department of Children and Family Services district, and with approval of the School Readiness Partnership. Approval by the School Readiness Partnership must be predicated on the submission of a plan of implementation prepared and submitted by the School Readiness Coalition.

2. Each School Readiness Coalition shall develop a plan for implementing the school readiness program to meet the requirements of this section. The plan shall include a written description of the role of the program in the district's effort to meet the first state education goal, readiness to start school, including a description of the plan to involve prekindergarten early intervention programs, Head Start programs, programs offered by public or private providers of child care, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, and teen parent programs. The plan shall also demonstrate how the program will ensure that each 3-year-old and 4-year-old child in a publicly funded early education and child care program receives scheduled activities and instruction designed to prepare children to enter kindergarten ready to learn. Prior to implementation of the program, the School Readiness Coalition must submit the plan to the School Readiness Partnership for approval. The plan shall be reviewed and revised as necessary, but not less than every 3 years.

3. The plan for the school readiness program shall include the following minimum standards and provisions:

a. A sliding fee scale, which is the same for all programs, to be implemented and reflected in each program's budget.

b. A choice of settings and locations in licensed, registered, religious exempt, or school-based programs to be provided to parents.

c. Instructional staff who have completed the training course as required in s. 402.305(2)(d)1., as well as staff who have additional training or credentials as required by the respective programs.

4. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the early education and child care program.

(e) Reimbursement rate.—The School Readiness Coalition shall develop a reimbursement rate schedule that encompasses all publicly funded early education and child care programs and complies with applicable state and federal laws and regulations. The reimbursement rate schedule must include the projected number of children to be served and must be submitted to the School Readiness Partnership for approval. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate developed for family child care. A school readiness program may not expend more than 15 percent of program funds in any one fiscal year for administrative costs.

(f) Requirements relating to fiscal agents.—The fiscal agent may be a public entity or a private nonprofit organization. A private, for-profit organization may serve as a fiscal agent if at least 50 percent of the organization's governing board members live in the coalition's service area. The fiscal agent shall be required to provide all administrative and direct funding services as determined by the School Readiness Coalition. The cost of these services shall be negotiated between the fiscal agent and the School Readiness Coalition. The fiscal agent shall be responsible for monitoring all providers to ensure that coalition funds are expended in the manner and for the purpose required by the funding source. Funds from the School Readiness Trust Fund may not be paid to a provider unless the provider agrees to allow the fiscal agent access to fulfill its monitoring responsibilities.

(g) Coalition initiation grants; incentive bonuses.—

1. School Readiness Coalitions that are approved by the Florida Partnership for School Readiness, Inc., by October 1, 1998, shall be eligible for a $25,000 initiation grant to support the School Readiness Coalition in developing its school readiness plan. Upon approval by the School Readiness Partnership of any coalition's plan that clearly shows enhancement in the quality and standards of the school readiness programs without diminishing the number of children served in the programs, the School Readiness Partnership shall award the coalition an incentive bonus on a per-student served basis, subject to appropriation.

2. School Readiness Coalitions that have their plans approved by the Florida Partnership for School Readiness, Inc., by March 1, 1999, shall receive incentive bonus funding on a per-student basis, with a minimum amount of $25,000 per coalition. Funds shall be available to a coalition 30 days after its plan is approved.

3. In fiscal year 2000-2001, and each year thereafter, any increases in funding for the prekindergarten early intervention program and the subsidized child care program shall be administered through School Readiness Coalitions, if the Florida Partnership for School Readiness, Inc., approves this method of funding.

(h) Parental choice; payment arrangement.—The school readiness program shall be provided in a manner that ensures, to the maximum extent possible, parental choice through flexibility in early education and child care arrangements and payment arrangements. Payment arrangements must be in accordance with all federal and state laws that govern the respective participating programs.

(i) Evaluation and annual report.—Each School Readiness Coalition shall conduct an evaluation of the effectiveness of the school readiness program, including performance standards and outcome measures, and shall provide an annual report and fiscal statement to the School Readiness Partnership, the Governor, and the President of the Senate and the Speaker of the House of Representatives for review by the Legislature. This report must conform to the content and format specifications set by the School Readiness Partnership.

(7) CONFLICTING PROVISIONS.—In the event of a conflict between the provisions of this section and federal requirements, the federal requirements shall control.

Section 3. Section 411.05, Florida Statutes, is created to read:

411.05 School readiness screening instruments.—The Department of Education shall adopt the school readiness screening instruments developed by the Florida Partnership for School Readiness, Inc., and shall require that:

(1) All school districts administer the kindergarten screening instrument to each kindergarten student in the district school system.

(2) All school districts that operate preschool programs administer the age-appropriate screening instrument to each preschool student in the district's preschool programs.

Section 4. Section 411.06, Florida Statutes, is created to read:

411.06 Florida Parents as Teachers Program.—

(1) The Legislature recognizes that the nationwide Parents as Teachers Program has demonstrated that it is a cost-effective program that produces outstanding results and long-term cost savings. There is established the Florida Parents as Teachers Program under the jurisdiction of the Florida Partnership for School Readiness, Inc., which shall make funding for the program available to each School Readiness Coalition.

(2) The purposes of the Florida Parents as Teachers Program are:

(a) To provide parents with the latest information on child development from birth to 5 years of age and suggest learning opportunities, based on the latest brain development research, that encourage language and intellectual growth and the development of physical and social skills.

(b) To provide all families within the jurisdiction of the School Readiness Coalition with the opportunity to have their children screened for school readiness, either through the child's participation in a children first plan program or by payment of a nominal fee, at the ages of 3 1/2 years and 4 1/2 years.

(3) The Florida Parents as Teachers Program shall include personalized home visits by certified parent educators trained in child development, to help parents understand what to expect during each stage of their child's development and to offer practical tips on how to encourage learning, manage behavior, and promote strong parent-child relationships. The program shall also include group meetings, periodic screenings, a resource network, and followup studies, including tracking the school readiness screenings administered after the child is in kindergarten, to measure school readiness outcomes.

Section 5. *School Readiness Program Needs Assessment Conference.—*

(1) DUTIES.—

(a) The School Readiness Program Needs Assessment Conference shall develop official information relating to the state's system of school readiness program services, including forecasts of school readiness program needs, as the conference determines is needed for the state planning and budgeting system. Such official information shall include but not be limited to subsidized child care, Head Start, prekindergarten early intervention, prekindergarten disabilities, Even-Start literacy, First Start, migrant prekindergarten, and Title I prekindergarten needs.

(b) In addition, the School Readiness Program Needs Assessment Conference shall estimate the unduplicated count of children eligible for school readiness program services.

(c) The Florida Partnership for School Readiness, Inc., shall provide information on needs and waiting lists for school readiness program services requested by the School Readiness Program Needs Assessment Conference or individual conference principals, in a timely manner.

(2) PRINCIPALS.—The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff, who have forecasting expertise, from the Florida Partnership for School Readiness, Inc., the Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives, or their designees, are the principals of the School Readiness Program Needs Assessment Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

Section 6. Subsection (2) of section 414.026, Florida Statutes, is amended to read:

414.026 WAGES Program State Board of Directors.—

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner's designee.

2. The Secretary of Children and Family Services.

3. The Secretary of Health.

4. The Secretary of Labor and Employment Security.

5. The Secretary of Community Affairs.

6. The director of the Office of Tourism, Trade, and Economic Development.

7. The president of the Enterprise Florida workforce development board, established under s. 288.9620.

8. The chair of the Florida Partnership for School Readiness, Inc.

9.~~8.~~ The chief executive officer of the Florida Tourism Industry Marketing Corporation, established under s. 288.1226.

10.~~9.~~ Nine members appointed by the Governor, as follows:

a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio nonvoting member.

b. Three members shall be at-large members appointed by the Governor.

c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole.

(b) The board of directors shall annually elect a chairperson from among the members appointed by the Governor. The board of directors shall meet at least once each quarter. A member appointed by the Governor may not authorize a designee to attend a meeting of the board in place of the member. The Governor may remove an appointed member for cause, and an absence from three consecutive meetings results in automatic removal, unless the member is excused by the chairperson.

(c) Members of the board shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 7. Subsection (2) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(2) LEGISLATIVE INTENT.—The Legislature finds that increased access to health care services could improve children's health and reduce the incidence and costs of childhood illness and disabilities among children in this state. Many children do not have preventive services available or funded, and for those who do, lack of access is a restriction to getting service. It is the intent of the Legislature that a nonprofit corporation be organized to facilitate a program to bring preventive health care services to children, if necessary through the use of school facilities in this state when more appropriate sites are unavailable, and to provide comprehensive health insurance coverage to such children. A goal for the corporation is to cooperate with any existing preventive service programs funded by the public or the private sector *and to work cooperatively with the Florida Partnership for School Readiness, Inc.*

Section 8. *From the funds appropriated in Specific Appropriation 8 in HB 4201, the sum of $250,000 is appropriated for use by the Partnership for School Readiness, Inc. Contingent on passage of SB 180 or similar legislation becoming law creating the School Readiness Trust Fund, the Executive Office of the Governor shall transfer this $250,000 appropriation from the Educational Enhancement Trust Fund to the School Readiness Trust Fund.*

Section 9. *The sum of $3 million in Specific Appropriation 8A in HB 4201 is transferred from the Educational Enhancement Trust Fund to the School Readiness Trust Fund for coalition incentive grants.*

Section 10. *The sum of $2 million in Specific Appropriation 130A in HB 4201 is transferred from the Educational Enhancement Trust Fund to the School Readiness Trust Fund for coalition incentive grants.*

Section 11. *From the funds appropriated in Specific Appropriation 8 in HB 4201, the sum of $125,000 is appropriated for evaluation research design for an instrument to assess school readiness. Contingent on passage of SB 180 or similar legislation becoming law creating the School Readiness Trust Fund, the Executive Office of the Governor shall transfer this $125,000 appropriation from the Educational Enhancement Trust Fund to the School Readiness Trust Fund.*

Section 12. *From the funds appropriated in Specific Appropriation 8 in HB 4201, the sum of $427,000 shall be used for coordination of early childhood services.*

Section 13. *From funds appropriated in Specific Appropriation 8 in HB 4201, the sum of $96,375,328 shall be appropriated for allocation to each eligible school district on the basis of full-time equivalent (FTE) students served consistent with the provisions of section 230.2305, Florida Statutes, except that a school district may not expend more than 15 percent of its allocation for administration of the program. For the purpose of this appropriation, an FTE is defined as 6 hours per day of quality contact time in a developmentally appropriate program for 180 days. The calculation of a district's entitlement shall be based on $3,200 per FTE. For the 1998-1999 fiscal year, the minimum amount for each school district shall be $65,000.*

Section 14. *From the funds appropriated in Specific Appropriation 8 in HB 4201, the sum of $3 million shall be used for the Florida First Start Program. The Commissioner of Education shall allocate these funds to the existing 24 Florida First Start programs in amounts equal to, or proportional to, the amount those programs received in the 1997-1998 fiscal year.*

Section 15. *From the funds appropriated in Specific Appropriation 8 in HB 4201, the sum of $3,295,172 is provided to continue the Migrant Education for 3 and 4 Year Old's Program.*

Section 16. *From the funds appropriated in Specific Appropriation 8 in HB 4201, the sum of $300,000 is provided for Children's Resource Fund, Inc.*

Section 17. *Special readiness grants.—*

(1)(a) The School Readiness Partnership shall make available to parents whose 4-year old child experiences difficulty in achieving readiness objectives a special readiness grant for up to 12 months of early childhood education services from a provider that meets applicable licensure or registration requirements and whose education program is appropriate to fulfill the child's need for remediation. Each special readiness grant will carry a value of no more than $3,500. This amount will remain constant regardless of the rate charged by the alternative provider.

(b) The special readiness grant is not intended to provide an additional year of early childhood services, but, rather, to give options to parents as to the setting in which early childhood services will be delivered. For that reason, 4-year-old children whose parents elect to receive a special readiness grant are expected to enter kindergarten ready to learn upon expiration of this special readiness grant.

(c) The special readiness grants shall be available in pilot programs in two counties where School Readiness Coalitions have been formed, one large, urban county and one small, rural or suburban county. The pilot program shall begin September 1, 1998, and continue through August 31, 1999. Up to 200 special readiness grants shall be available in the large county and up to 100 special readiness grants shall be available in the small county.

(d) The Office of Program Policy Analysis and Government Accountability must assess both the implementation and the outcome of the pilot project and report findings to the President of the Senate and the Speaker of the House of Representatives by January 1, 2000.

(2) The sum of $1,050,000 is appropriated from the tobacco-settlement revenues to the Executive Office of the Governor for use by the School Readiness Partnership in creating two pilot programs for special readiness grants. This is a nonrecurring appropriation for the 1998-1999 fiscal year.

Section 18. *The Department of Children and Family Services shall contract with a private nonprofit corporation to implement the Healthy Families Florida Program. The private nonprofit corporation shall be incorporated for the purpose of identifying, funding, supporting, and evaluating programs and community initiatives to improve the development and life outcomes of children and to preserve and strengthen families with a primary emphasis on prevention. The private nonprofit corporation shall implement the program. The program shall work in partnership with existing community-based home visitation and family support resources to provide assistance to families in an effort to prevent child abuse. The program shall be voluntary for participants and shall require the informed consent of the participants at the initial contact. The Kempe Family Stress Checklist shall not be used.*

Section 19. *The sum of $10 million is appropriated from tobacco-settlement revenues to the Department of Children and Family Services to fund the Healthy Families Program for fiscal year 1998-1999.*

Section 20. *Nothing in this act shall have the effect of increasing the standards that must be met by family child care providers; however, children who receive child care services from family child care providers will participate in school readiness assessment upon entering public or private kindergarten or the first grade.*

Section 21. *By December 31, 1998, the State Coordinating Council for Early Childhood Services shall submit a final report of recommendations regarding early childhood health care, child care, and education programs to the School Readiness Governing Board. The State Coordinating Council for Early Childhood Services shall cease to exist after December 31, 1998.*

Section 22. *Effective July 1, 1998, subsection (4) of section 411.222, Florida Statutes, is repealed.*

Section 23. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to school readiness; creating the Florida Partnership for School Readiness, Inc.; creating the School Readiness Governing Board to operate as the board of directors of the School Readiness Partnership; providing School Readiness Partnership and governing board responsibilities and duties; providing membership of the governing board and meeting requirements; providing that the School Readiness Partnership is subject to public records and public meeting requirements; providing for hiring of certain employees; providing powers as a corporation; requiring the partnership to prepare a system for measuring school readiness; specifying objectives to be measured by such system; requiring the partnership to contract with an independent entity to evaluate the measurement system; requiring the partnership to make recommendations to the Governor and the State Board of Education; authorizing the partnership to adopt rules; providing for voluntary establishment of a School Readiness Coalition in each county; specifying services to be provided by coalitions; providing for designation and approval of a fiscal agent; providing for coalition initiation grants to develop school readiness plans; providing for award of an incentive bonus; providing requirements for such plans; providing for parental choice; providing for evaluation and performance measures; providing responsibility for implementation; providing for phase-out of the State Coordinating Council for Early Childhood Services; providing for a School Readiness Needs Assessment Conference; creating s. 411.05, F.S.; requiring the Department of Education to adopt the school readiness screening instruments developed by the School Readiness Partnership and to require their use by the school districts; creating s. 411.06, F.S.; recognizing the nationwide Parents as Teachers Program; establishing the Florida Parents as Teachers Program under the jurisdiction of the School Readiness Partnership; providing program requirements; providing that federal requirements control in the case of conflict; exempting family child care providers from increased standards; amending s. 624.91, F.S.; requiring the Healthy Kids Corporation to work cooperatively with the Florida Partnership for School Readiness, Inc.; amending s. 414.026, F.S.; requiring the chair of the Partnership for School Readiness, Inc., to serve on the WAGES Program State Board of Directors; repealing s. 411.222(4), F.S., relating to the State Coordinating Council for Early Childhood Services; providing appropriations; providing for special readiness grants in pilot programs in two counties; requiring the Department of Children and Family Services to contract with a private

nonprofit corporation to provide the Healthy Families Florida Program; providing an effective date.

WHEREAS, the bridge to opportunity for every child must be anchored in a healthy body and a healthy mind and must lead to the child's readiness to learn in school, and

WHEREAS, it is widely acknowledged that entering school ready to learn is crucial to a child's success both in school and in life, and

WHEREAS, the state's system of public education could better perform its mission of educating its K-12 students if more students enter school healthy and ready to learn, and

WHEREAS, as emphasized by the Governor, the President of the Senate, and the Speaker of the House of Representatives, a child's health in both body and mind is essential to the child's ability to learn, and

WHEREAS, we can make great strides to improve school readiness by addressing child care, child health, and school readiness education in one single, accountable continuum, NOW, THEREFORE,

On motion by Senator Holzendorf, by two-thirds vote **CS for CS for HB's 683 and 2131** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

SENATOR BANKHEAD PRESIDING

Consideration of **CS for SB 2080** was deferred.

HB 1747—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2625, F.S.; revising standing requirements for stallion awards; amending s. 550.09512, F.S.; repealing the expiration of that section; amending s. 550.09514, F.S., relating to greyhound purse requirements; amending s. 26, ch. 96-364, Laws of Florida, relating to tax on handle of live thoroughbred performances, live jai alai performances, and intertrack wagering; providing effective dates.

—was read the second time by title.

THE PRESIDENT PRESIDING

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Scott:

Amendment 1 (with title amendment)—On page 3, line 23 through page 5, line 4, delete those lines and insert:

Section 3. Subsection (2) of section 550.09514, Florida Statutes, is amended to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(2)(a) The division shall determine for each greyhound permitholder the annual purse percentage rate of live handle for the state fiscal year 1993-1994 by dividing total purses paid on live handle by the permitholder, exclusive of payments made from outside sources, during the 1993-1994 state fiscal year by the permitholder's live handle for the 1993-1994 state fiscal year. Each permitholder shall pay as purses for live races conducted during its current race meet a percentage of its live handle not less than the percentage determined under this paragraph, exclusive of payments made by outside sources, for its 1993-1994 state fiscal year.

(b)1. Except as otherwise provided herein, in addition to the minimum purse percentage required by paragraph (a), each permitholder shall pay as purses, for fiscal year 1996-1997, an amount equal to 75 percent of the permitholder's tax credit pursuant to s. 550.0951(1).

2. Except as otherwise set forth herein, in addition to the minimum purse percentage required by paragraph (a), beginning July 1, 1997, each permitholder shall pay as purses an amount equal to 75 percent of the daily license fees paid by each permitholder for the 1994-1995 fiscal year. *This purse supplement shall be disbursed weekly during the permitholder's race meet and determined by dividing the purse supplement by the number of performances approved for the permitholder pursuant to its annual license and multiplied by the number of performances conducted each week.* For the greyhound permitholders in the county where there are two greyhound permitholders located as specified in s. 550.615(6), such permitholders shall pay in the aggregate an amount equal to 75 percent of the daily license fees paid by such permitholders for the 1994-1995 fiscal year. These permitholders shall be jointly and severally liable for such purse payments.

The additional purses provided by this paragraph must be used exclusively for purses other than stakes. The division shall conduct audits necessary to ensure compliance with this section.

(c)*1.* The division shall require sufficient documentation from each greyhound permitholder regarding purses paid on live racing and ~~greyhound~~ intertrack and simulcast broadcasts to assure that the annual purse percentage rates paid by each permitholder on the intertrack or simulcast broadcasts are not reduced below those paid during the 1993-1994 state fiscal year. In addition, each greyhound permitholder when conducting *at least three live performances during any week* ~~live races~~ shall pay purses on wagers it accepts as a guest track on intertrack and simulcast greyhound races at the same rate as it pays on live races. Each greyhound permitholder acting as a host track shall pay purses, at the same rate as it pays on live races, on wagers accepted on *greyhound* ~~such~~ races at a guest track which is not conducting live racing and is located within the same market area as the host.

2. For the purposes of this section, the term "net proceeds" means the amount of contractual fee received by the host for its services excluding the payment of pari-mutuel taxes and the transmission cost of sending the broadcasts. One quarter of the net proceeds received by a greyhound host track on greyhound simulcast races shall be paid as purses at the host track. Whenever net proceeds are retained by a greyhound host track on greyhound intertrack broadcasts sent outside of its market area, the host track shall pay purses at the host track in an amount not less than .75 percent of the handle on such greyhound races at the guest facility.

(d) Each greyhound permitholder shall, during the permitholder's race meet, supply kennel operators and the Division of Pari-Mutuel Wagering with a weekly report showing purses paid on live greyhound races and all greyhound intertrack and simulcast broadcasts, including both as a guest and a host together with the handle or commission calculations on which such purses were paid, so that the kennel operators may determine statutory and contractual compliance.

(e) Each greyhound permitholder shall make direct payment of purses to the greyhound owners who have filed with such permitholder appropriate federal taxpayer identification information based on the percentage amount agreed upon between the kennel operator and the greyhound owner.

(f)~~(d)~~ Each greyhound permitholder who conducted live racing in state fiscal year 1993-1994 shall submit to the division by September 1, 1996, purse payment records and copies of purse contracts pertaining to greyhound racing that were in effect during state fiscal year 1993-1994.

And the title is amended as follows:

On page 1, delete line 7 and insert: providing a formula for the distribution of greyhound purses; requiring greyhound permitholders to produce weekly purse payment reports; requiring greyhound permitholders to make direct payment of purses to greyhound owners based on certain amounts;

The Committee on Ways and Means recommended the following substitute amendment which was moved by Senator Scott and failed:

Amendment 2 (with title amendment)—On page 3, line 23 through page 5, line 4, delete those lines and insert:

Section 3. Subsection (2) of section 550.09514, Florida Statutes, is amended to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(2)(a) The division shall determine for each greyhound permitholder the annual purse percentage rate of live handle for the state fiscal year 1993-1994 by dividing total purses paid on live handle by the permitholder, exclusive of payments made from outside sources, during the 1993-1994 state fiscal year by the permitholder's live handle for the 1993-1994 state fiscal year. Each permitholder shall pay as purses for live races conducted during its current race meet a percentage of its live handle not less than the percentage determined under this paragraph, exclusive of payments made by outside sources, for its 1993-1994 state fiscal year.

(b)1. Except as otherwise provided herein, in addition to the minimum purse percentage required by paragraph (a), each permitholder shall pay as purses, for fiscal year 1996-1997, an amount equal to 75 percent of the permitholder's tax credit pursuant to s. 550.0951(1).

2. Except as otherwise set forth herein, in addition to the minimum purse percentage required by paragraph (a), beginning July 1, 1997, each permitholder shall pay as purses an amount equal to 75 percent of the daily license fees paid by each permitholder for the 1994-1995 fiscal year. *This purse supplement shall be disbursed weekly during the permitholder's race meet and determined by dividing the purse supplement by the number of performances approved for the permitholder pursuant to its annual license and multiplied by the number of performances conducted each week.* For the greyhound permitholders in the county where there are two greyhound permitholders located as specified in s. 550.615(6), such permitholders shall pay in the aggregate an amount equal to 75 percent of the daily license fees paid by such permitholders for the 1994-1995 fiscal year. These permitholders shall be jointly and severally liable for such purse payments.

The additional purses provided by this paragraph must be used exclusively for purses other than stakes. The division shall conduct audits necessary to ensure compliance with this section.

(c)*1.* ~~The division shall require sufficient documentation from each greyhound permitholder regarding purses paid on live racing and greyhound intertrack and simulcast broadcasts to assure that the annual purse percentage rates paid by each permitholder on the intertrack or simulcast broadcasts are not reduced below those paid during the 1993-1994 state fiscal year. In addition,~~ Each greyhound permitholder when conducting *at least three live performances during any week* ~~live races~~ shall pay purses *in that week* on wagers it accepts as a guest track on intertrack and simulcast greyhound races at the same rate as it pays on live races. Each greyhound permitholder *when conducting at least three live performances during any week* ~~acting as a host track~~ shall pay purses *in that week*, at the same rate as it pays on live races, on wagers accepted on *greyhound* ~~such~~ races at a guest track which is not conducting live racing and is located within the same market area as the *greyhound permitholder conducting at least three live performances during any week* ~~host~~.

2. For the purposes of this subparagraph, the term "net proceeds" means the amount of contractual fee received by the host for its services excluding the payment of pari-mutuel taxes and the transmission cost of sending the broadcasts. One quarter of the net proceeds received by a greyhound host track on greyhound simulcast races shall be paid as purses at the host track. Whenever net proceeds are retained by a greyhound host track on greyhound intertrack broadcasts sent outside of its market area, the host track shall pay purses at the host track in an amount not less than .75 percent of the handle on such greyhound races at the guest facility.

(d) The division shall require sufficient documentation from each greyhound permitholder regarding purses paid on live racing to assure that the annual purse percentage rates paid by each permitholder on the live races are not reduced below those paid during the 1993-94 state fiscal year. The division shall require sufficient documentation from each greyhound permitholder to assure that the purses paid by each permitholder on the greyhound intertrack and simulcast broadcasts are in compliance with the requirements of paragraph (c) of this section.

(e)~~(d)~~ Each greyhound permitholder who conducted live racing in state fiscal year 1993-1994 shall submit to the division by September 1, 1996, purse payment records and copies of purse contracts pertaining to greyhound racing that were in effect during state fiscal year 1993-1994.

(f) Each greyhound permitholder shall, during the permitholder's race meet, supply kennel operators and the Division of Pari-Mutuel Wagering with a weekly report showing purses paid on live greyhound races and all greyhound intertrack and simulcast broadcasts, including both as a guest and a host together with the handle or commission calculations on which such purses were paid, so that the kennel operators may determine statutory and contractual compliance.

(g) Each greyhound permitholder shall make direct payment of purses to the greyhound owners who have filed with such permitholder appropriate federal taxpayer identification information based on the percentage amount agreed upon between the kennel operator and the greyhound owner.

And the title is amended as follows:

On page 1, delete line 7 and insert: providing a formula for the distribution of greyhound purses; requiring greyhound permitholders to produce weekly purse payment reports; requiring greyhound permitholders to make direct payment of purses to greyhound owners based on certain amounts;

The question recurred on **Amendment 1** which failed.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Scott and failed:

Amendment 3 (with title amendment)—On page 5, between lines 4 and 5, insert:

Section 4. Paragraph (e) is added to subsection (2) of section 550.09514, Florida Statutes, to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(2)

(e) At the request of a majority of kennel operators under contract with a greyhound permitholder, the permitholder shall make deductions from purses paid to each kennel operator electing such deduction and shall make a direct payment of such deductions to the local association of greyhound kennel operators formed by a majority of kennel operators under contract with the permitholder. The amount of the deduction shall be at least 1 percent of purses, as determined by the local association of greyhound kennel operators. No deductions will be taken pursuant to this paragraph without a kennel operator's specific approval before or after the effective date of this act.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 550.09514, F.S.; providing for a greyhound permitholder, under certain conditions, to make deductions from purses paid to kennel operators and to make payments to a local association of greyhound kennel operators;

Amendment 4 (with title amendment)—On page 5, between lines 4 and 5, insert:

Section 4. Section 550.6308, Florida Statutes, is created to read:

550.6308 Limited intertrack wagering license.—In recognition of the economic importance of the thoroughbred breeding industry to this state, its positive impact on tourism, and of the importance of a permanent thoroughbred sales facility as a key focal point for the activities of the industry, a limited license to conduct intertrack wagering is established to ensure the continued viability and public interest in thoroughbred breeding in Florida.

(1) Upon application to the division on or before January 31 of each year, any person that is licensed to conduct public sales of thoroughbred horses pursuant to s. 535.01, that has conducted at least 15 days of

thoroughbred horse sales at a permanent sales facility in this state for at least 3 consecutive years, and that has conducted at least 1 day of non-wagering thoroughbred racing in this state, with a purse structure of at least $250,000 per year for 2 consecutive years before such application, shall be issued a license to conduct intertrack wagering for thoroughbred racing for up to 21 days in connection with thoroughbred sales, to conduct intertrack wagering at such permanent sales facility between November 1 and May 8, to conduct intertrack wagering at such permanent sales facility between May 9 and October 31 at such times and on such days as any thoroughbred, jai alai, or a greyhound permitholder in the same county is not conducting live performances, and to conduct intertrack wagering under the provisions of this subsection during the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet that is conducted before November 1 and after May 8, subject to conditions set forth in this section but no more than one such license may be issued and no such license may be issued for a facility located within 50 miles of any thoroughbred permitholder's track.

(2) If more than one application is submitted for such license, the division shall determine which applicant shall be granted the license. In making its determination, the division shall grant the license to the applicant demonstrating superior capabilities, as measured by the length of time the applicant has been conducting thoroughbred sales within this state or elsewhere, the applicant's total volume of thoroughbred horse sales, within this state or elsewhere, the length of time the applicant has maintained a permanent thoroughbred sales facility in this state, and the quality of the facility.

(3) The applicant must comply with the provisions of ss. 550.125 and 550.1815.

(4) Intertrack wagering under this section may be conducted only on thoroughbred horse racing.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: creating s. 550.6308, F.S.; providing for issuance of a limited intertrack wagering license;

Senator Scott moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 3, line 23 through page 5, line 4, delete those lines and insert:

Section 3. Subsection (2) of section 550.09514, Florida Statutes, is amended to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(2)(a) The division shall determine for each greyhound permitholder the annual purse percentage rate of live handle for the state fiscal year 1993-1994 by dividing total purses paid on live handle by the permitholder, exclusive of payments made from outside sources, during the 1993-1994 state fiscal year by the permitholder's live handle for the 1993-1994 state fiscal year. Each permitholder shall pay as purses for live races conducted during its current race meet a percentage of its live handle not less than the percentage determined under this paragraph, exclusive of payments made by outside sources, for its 1993-1994 state fiscal year.

(b)1. Except as otherwise provided herein, in addition to the minimum purse percentage required by paragraph (a), each permitholder shall pay as purses, for fiscal year 1996-1997, an amount equal to 75 percent of the permitholder's tax credit pursuant to s. 550.0951(1).

2. Except as otherwise set forth herein, in addition to the minimum purse percentage required by paragraph (a), beginning July 1, 1997, each permitholder shall pay as purses an *annual* amount equal to 75 percent of the daily license fees paid by each permitholder for the 1994-1995 fiscal year. *This purse supplement shall be disbursed weekly during the permitholder's race meet in an amount determined by dividing the annual purse supplement by the number of performances approved for the permitholder pursuant to its annual license and multiplying that amount by the number of performances conducted each week.* For the greyhound permitholders in the county where there are two greyhound permitholders located as specified in s. 550.615(6), such permitholders shall pay in the aggregate an amount equal to 75 percent of the daily license fees paid by such permitholders for the 1994-1995 fiscal year. These permitholders shall be jointly and severally liable for such purse payments.

The additional purses provided by this paragraph must be used exclusively for purses other than stakes. The division shall conduct audits necessary to ensure compliance with this section.

(c)*1.* ~~The division shall require sufficient documentation from each greyhound permitholder regarding purses paid on live racing and greyhound intertrack and simulcast broadcasts to assure that the annual purse percentage rates paid by each permitholder on the intertrack or simulcast broadcasts are not reduced below those paid during the 1993-1994 state fiscal year. In addition,~~ Each greyhound permitholder when conducting *at least three live performances during any week* ~~live races~~ shall pay purses *in that week* on wagers it accepts as a guest track on intertrack and simulcast greyhound races at the same rate as it pays on live races. Each greyhound permitholder *when conducting at least three live performances during any week* ~~acting as a host track~~ shall pay purses *in that week,* at the same rate as it pays on live races, on wagers accepted on *greyhound* ~~such~~ races at a guest track which is not conducting live racing and is located within the same market area as the *greyhound permitholder conducting at least three live performances during any week* ~~host~~.

2. Each host greyhound permitholder shall pay purses on its simulcast and intertrack broadcasts of greyhound races to guest facilities that are located outside its market area in an amount equal to one quarter of an amount determined by subtracting the transmission costs of sending the simulcast or intertrack broadcasts from an amount determined by adding the fees received for greyhound simulcast races plus 3 percent of the greyhound intertrack handle at guest facilities that are located outside the market area of the host and that paid contractual fees to the host for such broadcasts of greyhound races.

(d) The division shall require sufficient documentation from each greyhound permitholder regarding purses paid on live racing to assure that the annual purse percentage rates paid by each permitholder on the live races are not reduced below those paid during the 1993-94 state fiscal year. The division shall require sufficient documentation from each greyhound permitholder to assure that the purses paid by each permitholder on the greyhound intertrack and simulcast broadcasts are in compliance with the requirements of paragraph (c) of this section.

(e)~~(d)~~ Each greyhound permitholder who conducted live racing in state fiscal year 1993-1994 shall submit to the division by September 1, 1996, purse payment records and copies of purse contracts pertaining to greyhound racing that were in effect during state fiscal year 1993-1994.

(f) Each greyhound permitholder shall, during the permitholder's race meet, supply kennel operators and the Division of Pari-Mutuel Wagering with a weekly report showing purses paid on live greyhound races and all greyhound intertrack and simulcast broadcasts, including both as a guest and a host together with the handle or commission calculations on which such purses were paid and the transmission costs of sending the simulcast or intertrack broadcasts, so that the kennel operators may determine statutory and contractual compliance.

(g) Each greyhound permitholder shall make direct payment of purses to the greyhound owners who have filed with such permitholder appropriate federal taxpayer identification information based on the percentage amount agreed upon between the kennel operator and the greyhound owner.

(h) At the request of a majority of kennel operators under contract with a greyhound permitholder, the permitholder shall make deductions from purses paid to each kennel operator electing such deduction and shall make a direct payment of such deductions to the local association of greyhound kennel operators formed by a majority of kennel operators under contract with the permitholder. The amount of the deduction shall be at least 1 percent of purses, as determined by the local association of greyhound kennel operators. No deductions may be taken pursuant to this paragraph without a kennel operator's specific approval before or after the effective date of this act.

Section 4. Section 550.6308, Florida Statutes, is created to read:

550.6308 Limited intertrack wagering license.—In recognition of the economic importance of the thoroughbred breeding industry to this state, its positive impact on tourism, and of the importance of a permanent

thoroughbred sales facility as a key focal point for the activities of the industry, a limited license to conduct intertrack wagering is established to ensure the continued viability and public interest in thoroughbred breeding in Florida.

(1) Upon application to the division on or before January 31 of each year, any person who is licensed to conduct public sales of thoroughbred horses pursuant to s. 535.01, who has conducted at least 15 days of thoroughbred horse sales at a permanent sales facility in this state for at least 3 consecutive years, and who has conducted at least 1 day of non-wagering thoroughbred racing in this state, with a purse structure of at least $250,000 per year for 2 consecutive years before such application, shall be issued a license to conduct intertrack wagering for thoroughbred racing for up to 21 days in connection with thoroughbred sales, to conduct intertrack wagering at such permanent sales facility between November 1 and May 8, to conduct intertrack wagering at such permanent sales facility between May 9 and October 31 at such times and on such days as any thoroughbred, jai alai, or a greyhound permitholder in the same county is not conducting live performances, and to conduct intertrack wagering under the provisions of this subsection during the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet that is conducted before November 1 and after May 8, subject to conditions set forth in this section but no more than one such license may be issued and no such license may be issued for a facility located within 50 miles of any thoroughbred permitholder's track.

(2) If more than one application is submitted for such license, the division shall determine which applicant shall be granted the license. In making its determination, the division shall grant the license to the applicant demonstrating superior capabilities, as measured by the length of time the applicant has been conducting thoroughbred sales within this state or elsewhere, the applicant's total volume of thoroughbred horse sales, within this state or elsewhere, the length of time the applicant has maintained a permanent thoroughbred sales facility in this state, and the quality of the facility.

(3) The applicant must comply with the provisions of ss. 550.125 and 550.1815.

(4) Intertrack wagering under this section may be conducted only on thoroughbred horse racing.

Section 5. Subsection (1) of section 550.0951, Florida Statutes is amended to read:

550.0951 Payment of daily license fee and taxes.—

(1)*(a)* DAILY LICENSE FEE.—Each person engaged in the business of conducting race meetings or jai alai games under this chapter, hereinafter referred to as the "permitholder," "licensee," or "permittee," shall pay to the division, for the use of the division, a daily license fee on each live or simulcast pari-mutuel event of $100 for each horserace and $80 for each dograce and $40 for each jai alai game conducted at a racetrack or fronton licensed under this chapter. Effective October 1, 1996, in addition to the tax exemption specified in s. 550.09514(1) of $360,000 or $500,000 per greyhound permitholder per state fiscal year, each greyhound permitholder shall receive in the current state fiscal year a tax credit equal to the number of live greyhound races conducted in the previous state fiscal year times the daily license fee specified for each dograce in this subsection applicable for the previous state fiscal year. This tax credit and the exemption in s. 550.09514(1) shall be applicable to the tax on live handle under subsection (3) except during any charity or scholarship performances conducted pursuant to s. 550.0351. Effective October 1, 1996, each permitholder shall pay daily license fees not to exceed $500 per day on any simulcast races or games on which such permitholder accepts wagers regardless of the number of out-of-state events taken or the number of out-of-state locations from which such events are taken. This license fee shall be deposited with the Treasurer to the credit of the Pari-mutuel Wagering Trust Fund.

(b) Each permitholder authorized a maximum tax savings of $500,000 per state fiscal year pursuant to s. 550.09514(1) or the greyhound permitholder that had the lowest live handle during the preceding state fiscal year, which cannot utilize the full amount of the daily license fee credit, may, after notifying the division in writing, elect once per state fiscal year on a form provided by the division to transfer such credit or any portion thereof to any greyhound permitholder which acts as a host track to such permitholder for the purpose of intertrack wagering. Once an election to transfer such credit is filed with the division it shall not be rescinded. The division shall disapprove the credit transfer when the amount of credit or portion thereof is unavailable to the transferring permitholder or when the permitholder, who is entitled to transfer the credit or who is entitled to receive the credit, owes taxes to the state pursuant to a deficiency letter or administrative complaint issued by the division. Upon approval of the transfer by the division, the transferred tax credit shall be effective for the first performance of the next biweekly pay period as specified in subsection (5). The daily license fee credit transferred to such host track may be applied by such host track against its taxes on live racing as provided in this subsection. The greyhound permitholder host track to which such daily license fee credit is transferred shall reimburse such permitholder the exact monetary value of such transferred credit as actually applied against the taxes of the host track. The division shall ensure that all transfers of credit are made in accordance with this subsection and shall have the authority to adopt rules to ensure the implementation of this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 7 and insert: providing a formula for the distribution of greyhound purses; requiring greyhound permitholders to produce weekly purse payment reports; requiring greyhound permitholders to make direct payment of purses to greyhound owners based on certain amounts; providing for a greyhound permitholder, under certain conditions, to make deductions from purses paid to kennel operators and to make payments to a local association of greyhound kennel operators; creating s. 550.6308, F.S.; providing for issuance of a limited intertrack wagering license; amending s. 550.0951, F.S.; authorizing certain permitholders to transfer daily license fee tax credits to other permitholders and to receive reimbursement;

On motion by Senator Scott, by two-thirds vote **HB 1747** as amended was read the third time by title and further consideration was deferred.

SENATOR BANKHEAD PRESIDING

On motion by Senator Silver, by two-thirds vote **CS for HB 3663** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Silver—

CS for HB 3663—A bill to be entitled An act relating to jai alai permitholders; amending s. 550.01215, F.S.; allowing any jai alai permitholder to apply, during a specified period, for licensure to conduct performances in fiscal year 1998-1999; requiring the Division of Pari-mutuel Wagering to issue the license within a specified period of time; amending s. 550.09511, F.S.; qualifying the provision that jai alai permitholders should pay their fair share of taxes on pari-mutuel wagering; providing that the amount of taxes on handle and admissions which is imposed on such a permitholder should not exceed the permitholder's operating earnings and that permitholders may apply any excess amount against future taxes due; defining the term "operating earnings"; providing an effective date.

—a companion measure, was substituted for **SB 1080** and read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for HB 3663** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Diaz-Balart	Jones	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—3

Dudley	Horne	Ostalkiewicz

Consideration of **SJR 2140**, **SB 1034** and **HB 4153** was deferred.

THE PRESIDENT PRESIDING

LOCAL BILL CALENDAR

MOTION

On motion by Senator Childers, by two-thirds vote **CS for SB 2132** was removed from the Special Order Calendar and placed on the Local Bill Calendar.

SB 1520—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Museum of Science and Industry Foundation, Inc., for use at the present location of the Museum of Science and Industry for special events only; providing for payment of the license fee; providing for sale of beverages for consumption on premises; prohibiting sales for consumption off premises; providing for transfer of the license; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **SB 1520** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 2586—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida; revising the Hillsborough County Civil Service Act to exempt the judiciary from the act; providing for review of certain actions adversely affecting certain employees within the Administrative Office of the Courts; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **SB 2586** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 2594—A bill to be entitled An act relating to Hillsborough County; relating to the regulation of providers that transport transportation disadvantaged clients under a contract with the community transportation coordinator; providing that the notice of award of a contract between the community transportation coordinator and a transportation provider establishes public convenience and necessity as required for obtaining a certificate of public convenience and necessity; authorizing the community transportation coordinator to exempt certain transportation providers from obtaining a certificate of public convenience and necessity from the Hillsborough County Public Transportation Commission when specified conditions have been met; providing an effective date.

—was read the second time by title. On motion by Senator Hargrett, by two-thirds vote **SB 2594** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 2596—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Circulo Cubano de Tampa, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

—was read the second time by title. On motion by Senator Hargrett, by two-thirds vote **SB 2596** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 2598—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to La Sociedad La Union Marti-Maceo, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

—was read the second time by title. On motion by Senator Hargrett, by two-thirds vote **SB 2598** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Casas	Dudley	Hargrett
Bankhead	Childers	Dyer	Harris
Bronson	Clary	Forman	Holzendorf
Brown-Waite	Cowin	Geller	Horne
Burt	Crist	Grant	Jones
Campbell	Diaz-Balart	Gutman	Kirkpatrick

Klein	Lee	Ostalkiewicz	Sullivan
Kurth	McKay	Rossin	Thomas
Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams

Nays—None

SB 2600—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Italian Club of Tampa, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

—was read the second time by title. On motion by Senator Hargrett, by two-thirds vote **SB 2600** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 2602—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to The Centro Asturiano de Tampa, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

—was read the second time by title. On motion by Senator Hargrett, by two-thirds vote **SB 2602** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 2672—A bill to be entitled An act relating to Volusia County; creating the Volusia County Health Care District; providing taxing authority; specifying use for taxes collected; providing for a board of directors; reducing millage rates for certain existing special taxing districts; prohibiting the sale or lease of certain hospital facilities; allowing certain exceptions to the West Volusia Hospital Authority in regard to leases with Memorial Health Systems; repealing the tax levying and collecting authority of certain specified special taxing districts; providing for a study; requiring a study report by a specified date; requiring the Auditor General to contract for a financial-related audit for each of the hospital districts in Volusia County for specified periods; providing for a report to the Volusia County Legislative Delegation; providing for the appointment of specified persons to assist the Auditor General; providing contents of the audit; providing a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **SB 2672** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SB 2734—A bill to be entitled An act relating to Pinellas County; amending chapter 75-491, Laws of Florida, as amended; providing that property not receiving any benefits from the Pinellas Park Water Management District may be removed from the district by amendment to its charter; removing provisions which provide a method for deletion of taxable property from the district's tax rolls if over 50 percent of the property drains outside the district; providing an effective date.

—was read the second time by title. On motion by Senator Latvala, by two-thirds vote **SB 2734** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3433—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry counties; amending chapter 87-477, Laws of Florida, as amended; providing for a change in the date of election of members of the district board of supervisors for each seat to conform with the state general election cycle; providing for extension of terms of the current members of the district board of supervisors; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 3433** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers

Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 3435—A bill to be entitled An act relating to Lee County Mosquito Control District, an independent special district; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Lee County Mosquito Control District as required by chapter 97-255, Laws of Florida; creating and establishing a mosquito control district in said county and excepting therefrom certain territory of said county and fixing the boundaries of said district; dividing said district into areas for the purpose of electing members of the board of commissioners; providing for the terms of office and qualifications of the members of the board of commissioners and providing the method and times of elections; prescribing the powers and duties of the board; setting the compensation of the board; providing for audit of books and time of meetings; providing procedure for adopting a budget; giving the board the power to tax and to levy assessments for special benefits and providing the methods, procedure, and limitations thereon; authorizing the board to contract and cooperate with county, state, and other governmental agencies in regard to mosquito control or suppression; charging the Lee County Health Unit or Health Department with the responsibility with reference to mosquito control; determining the status of employees and providing a method by which such responsibility shall terminate and declaring the legislative policy with reference thereto; providing penalty for damage to property; providing that the records shall be filed in the public records of Lee County; providing limitations of actions; providing for the repeal of all special acts relating to the Lee County Mosquito Control District; granting to the district created herein such powers as are provided for mosquito control districts under the laws of Florida; providing for severability; providing that such act shall be construed liberally; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 3435** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3513—A bill to be entitled An act relating to the Lee County Hyacinth Control District, an independent district; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Lee County Hyacinth Control District as required by chapter 97-255, Laws of Florida; providing for continuation of a hyacinth control district in the county from the effective date of this act; providing for a governing board; prescribing the powers, organization, and duties of the board; setting the compensation of the board; providing for audit of books and time of meetings; providing for a budget; granting eminent domain; giving the board the power to tax and to levy assessments for special benefits and providing the methods, procedures, and limitations thereon; providing for a limited millage; providing for employees; providing for cooperation with local, state, and federal agencies and entities; providing that the legal authority for the Lee County Hyacinth Control District shall be construed liberally to accomplish continuation of the work of the Lee County Hyacinth Control District; providing for the repeal of all special acts relating to the Lee County Hyacinth Control District; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 3513** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3541—A bill to be entitled An act relating to Brevard County; amending chapter 94-442, Laws of Florida, as amended by chapter 95-499, Laws of Florida; revising legislative intent; clarifying the limits on and the procedures for imposing certain distribution differential surcharge rates by a potable water utility; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **HB 3541** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3543—A bill to be entitled An act relating to the Bonita Springs Fire Control and Rescue District, Lee County; providing for a codification of special laws relating to the Bonita Springs Fire Control and Rescue District pursuant to s. 191.015, F.S.; providing legislative intent; codifying reenacting and amending all prior special acts; creating and establishing a fire control and rescue district in said county and fixing the boundaries of district; providing for a governing body; prescribing the powers of the board; authorizing the board to establish and maintain emergency medical services and equipment; authorizes the board to make rules and regulations; providing procedure for adopting a budget, giving the board the power to tax; providing procedure for assessing and collecting taxes; limiting tax collector's responsibility; providing for payment of expenses; requiring the treasurer to post a bond; providing that such act shall be construed liberally; providing for severability; providing for the repeal of chapters 65-1828, 68-90, 69-1242, 81-414, 96-500, and 96-545, Laws of Florida, and section 6 of 87-447, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 3543** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers

Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 3637—A bill to be entitled An act relating to the Hillsborough County School District; providing for a seven-member district school board, with five members elected from single-member residence areas and two members elected from the county at large, notwithstanding the provisions of s. 230.061, 230.10, and 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general elections; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member residence areas; repealing ss. 1, 2, 3, 4, 5, 6, and 7 of chapter 67-945, Laws of Florida, as amended by chapter 75-393, Laws of Florida, relating to the district school board; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 3637** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3647—A bill to be entitled An act relating to the City of Jacksonville, amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville, providing that the mayor's veto power shall not apply to zoning variances and quasi-judicial decisions by the city council; providing an effective date.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 3647** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3649—A bill to be entitled An act relating to the City of Jacksonville Beach, Duval County; amending chapter 27643, Laws of Florida, 1951, as amended, the Employees' Retirement System of the City of Jacksonville Beach; specifying that benefits may be payable to a participant's Deferred Retirement Option Program; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; providing overview of the Deferred Retirement Option Program; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing limitations on employment after participation; specifying contribution rates; specifying that Deferred Retirement Option Program participation does not exempt such participants from the forfeiture of benefits under the provisions of s. 112.3173, F.S.; providing for administration of the program; providing an effective date.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 3649** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3651—A bill to be entitled An act relating to Duval County; providing that specified general law supersedes special acts applicable to Duval County with respect to school district personnel; providing for certain employees to retain rights under special acts; providing an effective date.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 3651** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3669—A bill to be entitled An act relating to Orange County; amending chapter 96-521, Laws of Florida, relating to the issuance of special alcoholic beverage vendor licenses to entities located within an entertainment/resort complex located in Orange County and to the conditions therefor; redefining a term and expanding boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Dyer, by two-thirds vote **HB 3669** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3725—A bill to be entitled An act relating to North Bay Fire Control District, Okaloosa County; recreating and reenacting the North Bay Fire Control District as an independent fire control district operating pursuant to the terms of chapter 191, Florida Statutes; describing the boundaries of said district; establishing a governing body for the district; authorizing the district to levy up to 2 mills of ad valorem tax as previously approved by referendum vote; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 3725** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3767—A bill to be entitled An act relating to Hillsborough County; amending s. 7, ch. 95-488, Laws of Florida, as amended; revising powers of the Tampa Port Authority; authorizing certain transfers of property and interests in property; amending s. 15, ch. 95-488, Laws of Florida; prescribing procedures for the Tampa Port Authority to use in awarding contracts; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 3767** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3769—A bill to be entitled An act relating to Barefoot Bay Recreation District, Brevard County; providing for the issuance of a special alcoholic beverage license to a mobile home park recreation district operating within Brevard County; providing restrictions; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **HB 3769** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 3823—A bill to be entitled An act relating to the Cedar Key Special Water and Sewerage District in Levy County; codifying laws governing the independent special district; revising the name of the district; establishing revised district boundaries; revising the election procedures for district commissioners; providing for administrative secretary; granting power and duties to Board; authorizing district to issue bonds and to prescribe duties and procedures; giving the Board the power to tax and providing procedures; requiring the advertising and bidding on district work over a certain amount; granting additional powers to Board; providing the qualifications of district electors; stating the Legislature is not restricted in its ability to modify boundaries and bond principal maximums; exempting the district from paying taxes on its property and income; providing for severability; repealing chapters 63-1569, 75-426, 76-416, 80-531, and 87-528, Laws of Florida; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment which was adopted:

Amendment 1—On page 19, lines 10 and 22, delete "*Comptroller of the state*" and insert: *Department of Revenue*

On motion by Senator Williams, by two-thirds vote **HB 3823** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3829—A bill to be entitled An act relating to the Zellwood Drainage and Water Control District, Orange County; repealing chapter 20715, Laws of Florida, 1941, chapter 24323, Laws of Florida, 1947; providing for dissolution of the district contingent upon purchase or acquisition of all property within district boundaries by the St. Johns River Water Management District on or before September 30, 1998; providing for a plan to allocate district assets and liabilities; providing an effective date.

—was read the second time by title. On motion by Senator Dyer, by two-thirds vote **HB 3829** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3831—A bill to be entitled An act relating to the Carrollwood Recreation District, Hillsborough County; consolidating, compiling, and codifying extant laws pertaining to the district; providing legislative intent; deleting provisions that have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition; improving clarity and facilitating correct interpretation; providing notice that the district is an independent special district approved by referendum; adding definitions; providing for election of trustees; revising ballot language requirements; providing that the district elect one secretary; providing that the board is a public body and shall conduct its business accordingly; conforming the law to s. 768.28, F.S., relating to trustees' civil liability and immunity from suit; consolidating the powers and duties of the board into a single section; conforming the law to the actual business practices of the district, routine in nature but not previously enumerated, including the power and duty to perform duties required by general law, when applicable, relating to special districts and to the levy of non-ad valorem assessments, to operate, supervise, and maintain recreational facilities or to contract for same, to insure the facilities, properties, operation, and trustees of the district, to establish, charge, and collect fees for use of the facilities, to direct the supervisor to place certain referenda on the ballot, and to employ personnel, including security guards and certified law enforcement officers; conforming the law to the requirements of ch. 197, F.S., relating to non-ad valorem assessments; providing for dissolution of the district in accordance with general law; providing a savings clause; repealing chs. 72-565, 75-385, 81-394, 84-445, Laws of Florida, relating to the district; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 3831** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3833—A bill to be entitled An act relating to the Tampa Sports Authority; amending sections 13A and 13C of chapter 96-520, Laws of Florida; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 3833** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3835—A bill to be entitled An act relating to the Hillsborough County Public Transportation Commission; amending chapter 94-408, Laws of Florida, as amended; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 3835** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3837—A bill to be entitled An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida, as amended; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 3837** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3839—A bill to be entitled An act relating to the Hillsborough County Hospital Authority; amending chapter 96-449, Laws of Florida; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 3839** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3841—A bill to be entitled An act relating to the Hillsborough County City-County Planning Commission; amending chapter 97-351,

Laws of Florida; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 3841** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3843—A bill to be entitled An act relating to the Hillsborough County Civil Service Board; amending chapter 96-519, Laws of Florida; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 3843** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3845—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; amending chapter 94-412, Laws of Florida, as amended; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 3845** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3847—A bill to be entitled An act relating to Collier County, Florida; amending chapter 89-449, Laws of Florida, as amended, to allow domesticated animals in county parks for animal shows and other substantially similar special events, and to authorize the director of parks and recreation to authorize special event bonfires on a case-by-case basis, all of the above in accordance with the then applicable rules of the parks and recreation department and as approved by the board of county commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 3847** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3851—A bill to be entitled An act relating to Pinellas County; providing a short title; providing background and purpose of the act; providing for the annexation of certain small enclaves within the municipalities of Pinellas County; providing for the act to apply to a specified type of enclave; providing prerequisites for annexation; requiring the governing body of a municipality to provide certain incentives within the area to be annexed; providing for certain exemptions; providing for expiration of specified provisions of the act; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Latvala, by two-thirds vote **HB 3851** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—1

Crist

HB 3855—A bill to be entitled An act relating to Brevard County; amending ch. 94-419, Laws of Florida, as amended; providing certain restrictions and requirements on licensure on the harvesting of clams; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 3855** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Childers	Forman	Horne
Bankhead	Clary	Geller	Jones
Bronson	Cowin	Grant	Kirkpatrick
Brown-Waite	Crist	Gutman	Klein
Burt	Diaz-Balart	Hargrett	Kurth
Campbell	Dudley	Harris	Latvala
Casas	Dyer	Holzendorf	Laurent

Lee	Myers	Scott	Thomas
McKay	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams

Nays—None

HB 3857—A bill to be entitled An act relating to the City of Orlando and Orange County; repealing chapter 55-31098, Laws of Florida, relating to the number of licenses which may be granted for the sale of intoxicating beverages therein; providing a grandfather clause; providing an effective date.

—was read the second time by title. On motion by Senator Dyer, by two-thirds vote **HB 3857** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3859—A bill to be entitled An act relating to Lee County and the City of Fort Myers; providing for the annexation of the enclaves known as "Dunbar" and "Belle Vue" by interlocal agreement between the city and county, subject to approval by referendum; providing for procedures for adoption of the agreement and for a referendum; providing for authority for assumption of municipal service duties and transfer of infrastructure; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 3859** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3917—A bill to be entitled An act relating to Collier County; providing that certain fire districts of the county may be governed by a three-member board; providing for a referendum vote; providing form of ballot; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 3917** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Campbell	Crist	Geller
Bankhead	Casas	Diaz-Balart	Grant
Bronson	Childers	Dudley	Gutman
Brown-Waite	Clary	Dyer	Hargrett
Burt	Cowin	Forman	Harris
Holzendorf	Kurth	Meadows	Silver
Horne	Latvala	Myers	Sullivan
Jones	Laurent	Ostalkiewicz	Thomas
Kirkpatrick	Lee	Rossin	Turner
Klein	McKay	Scott	Williams

Nays—None

HB 3919—A bill to be entitled An act relating to Hillsborough County; amending chapter 67-945, Laws of Florida, as amended; providing for the election of school board members at the time of the first primary and general elections as provided by law; providing for any runoff to be held at the same time as the general election; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 3919** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3957—A bill to be entitled An act relating to the Greater Orlando Aviation Authority; amending sections 2 and 3 of House Bill 3959, 1998 Regular Session, the Greater Orlando Aviation Authority charter; providing that the Greater Orlando Aviation Authority is an independent special district, as defined in chapter 189, Florida Statutes; revising the definition of the term "cost" as applied to a project acquired, constructed, extended or enlarged; providing an effective date.

—was read the second time by title. On motion by Senator Dyer, by two-thirds vote **HB 3957** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3959—A bill to be entitled An act relating to the Greater Orlando Aviation Authority; consolidating the provisions of chapters 57-1658, 61-2599, 67-1834, 69-1389, 75-464, 77-612, 78-578, 80-553, 80-554, 82-347, 87-555, 88-474, 91-369, and 91-391, Laws of Florida, s. 14 of chapter 71-133, Laws of Florida, and s. 9 of chapter 92-152, Laws of Florida, into a codified charter, such charter consisting of all special acts of the Legislature relating to the Greater Orlando Aviation Authority, and those specified sections of general law having local application to the Greater Orlando Aviation Authority; renumbering the provisions of such special acts; conforming references; repealing chapters 57-1658, 61-2599, 67-1834, 69-1389, 75-464, 77-612, 78-578, 80-553, 80-554, 82-347, 87-555, 88-474, 91-369, and 91-391, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Dyer, by two-thirds vote **HB 3959** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3961—A bill to be entitled An act relating to Collier County; providing for a three-member district board for the Big Corkscrew Island Fire Control and Rescue District, an independent special fire control district and a body of corporate and politic; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, lines 13-18, delete those lines and insert: *and a body corporate and politic, may, pursuant to the provisions of s. 191.005(1)(a), Florida Statutes, and this act, be governed by a three-member board if proposed by resolution of the governing board of a district adopted no later than 30 days after the effective date of this act and approved by vote of the electors of the district in a referendum to be held at the same time as the first primary election in 1998. The ballot question shall read:*

The governing board of the ____ District proposes that the district continue to be governed by a three-member governing board. If approved by the electorate, the governing board will have three members and ____ seats will be open on the 1998 general election ballot. If not approved, the governing board will have five members and ____ seats will be open on the 1998 general election ballot. Are you in favor of keeping the board a three-member board?

Yes ____

No ____

Section 2. *If a referendum proposing to keep the governing board at three members is approved by the voters, the candidates who qualified for the fourth and fifth seats on the board shall be refunded any qualifying fees paid, and no vote shall occur for the fourth and fifth seats at the general election. Elections held for the governing board after the 1998 general election shall be in accordance with the terms of s. 191.005, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: providing for a referendum; providing for the form of the ballot

On motion by Senator Dudley, by two-thirds vote **HB 3961** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 3963—A bill to be entitled An act relating to the City of Marco Island, Collier County; amending chapter 97-367, Laws of Florida; providing for waiver of s. 218.23(1), F.S., relating to eligibility for participation in state revenue sharing beyond the minimum entitlement, and s. 218.26(3), F.S., relating to calculation of apportionment factors, for additional fiscal years; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 3963** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3965—A bill to be entitled An act relating to the Immokalee Water and Sewer District, an independent special district in Collier County, as created by chapter 78-494, Laws of Florida, as amended; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Immokalee Water and Sewer District, as required by chapter 97-255, Laws of Florida; defining its boundaries; providing definitions; authorizing the district to operate a water and sewer system; providing for a governing board of the district; restricting the use of funds of the district; providing the powers of the board; providing for water rates and service charges; providing for special assessments; providing for the collection of rates and charges; requiring certain persons to connect to the sewer system established under the act under certain circumstances; providing a declaration of policy; providing for annual audits; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Geller, by two-thirds vote **HB 3965** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3967—A bill to be entitled An act relating to Central County Water Control District in Hendry County; amending chapter 70-702, Laws of Florida, as amended; requiring that two of the five supervisors of the district be elected by a vote of qualified electors residing in the district and establishing qualifications and procedures therefor; changing the annual meeting date; requiring payment of special assessments as a condition for voting at an annual meeting; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Geller, by two-thirds vote **HB 3967** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4029—A bill to be entitled An act relating to the St. Lucie County Port and Airport Authority; providing for the dissolution of the St. Lucie County Port and Airport Authority; providing for the transfer of assets, including real property and liabilities of the authority, to the Board of County Commissioners of St. Lucie County; providing for contracts of this authority to remain in effect; providing for liberal construction; providing for the repeal of chapter 97-377, Laws of Florida; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **HB 4029** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4033—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending subsection (2) of s. 4 and subsection (6) of s. 100 of chapter 15425, Laws of Florida, 1931, as amended; providing for establishing the date of city council elections and alternative method of qualifying a candidate for ballot by city ordinance; providing for repeal of conflicting laws; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **HB 4033** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4081—A bill to be entitled An act relating to Hillsborough County; authorizing the board of county commissioners of Hillsborough County to provide by ordinance for liens in favor of all operators of hospitals in Hillsborough County and in favor of Hillsborough County when it pays for medical care, treatment, or maintenance of qualifying residents of the county upon all causes of action, suits, claims, counterclaims, and demands accruing to persons to whom care, treatment, or maintenance is furnished by such hospital or is paid for by Hillsborough County on behalf of a qualifying resident of the county, or accruing to the legal representatives of such persons, and upon all judgments, settlements, and settlement agreements entered into by virtue thereof on account of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy giving rise to such causes of action, suits, claims, counterclaims, demands, judgments, settlements, or settlement agreements, and which necessitated such care, treatment, or maintenance; authorizing the board of county commissioners of Hillsborough County to provide by ordinance for the attachment, perfection, priority, and enforcement of such liens and for such procedural and other matters as may be necessary or appropriate to carry out the purposes of the ordinance; requiring the ordinance to provide identical remedies to the hospitals and the County Indigent Health Care Plan; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1—On page 2, line 27, after the period (.) insert: *If the patient is covered by or is a beneficiary of commercial, nongovernmental health insurance coverage through a health maintenance organization or other nongovernmental entity that is under contract with the hospital to provide care to the patient at the time care and treatment are delivered, then the lien shall be limited to the covered charges in effect at the time care and treatment were delivered, and the lien shall not exceed the amount that the hospital has contracted to accept from all sources for the care and treatment of the patient. In the event of a claim or action by the patient against a third party for which the settlement or judgment is less than or equal to a sum of the debt actually due and owing the hospital, the settlement or judgment will be equitably distributed based on the pro rata reduction in the amount due the hospital and the patient, including a pro rata reduction in the amount of reasonable attorney's fees and costs due the patient's attorney on that portion of the settlement or judgment attributable to the hospital lien. In the event of a claim or action by the patient against a third party for which the settlement or judgment exceeds the debt actually due and owing the hospital but is not adequate to cover the amount actually due and owing the hospital, as well as the patient's attorney's fees, then the settlement or judgment will be equitably distributed based on a pro rata share of the amount due the hospital and the patient, including a pro rata share for the amount of reasonable attorney's fees and costs due the patient's attorney and the hospital's attorney. In the event litigation is filed to recover a plaintiff's damages through settlement or judgment, then the hospital's lien actually collected shall be subject to assessment, by reduction, for plaintiff's attorney's fees, which for the lien assessment shall be capped at 25 percent.*

On motion by Senator Grant, by two-thirds vote **HB 4081** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4097—A bill to be entitled An act relating to the West Parkland Water Management District, Broward County; repealing chapter 75-353, Laws of Florida, which creates the West Parkland Water Management District, to abolish the West Parkland Water Management Dis-

trict; transferring all obligations and assets to the City of Parkland; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4097** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4099—A bill to be entitled An act relating to the Central Broward Water Control District, Broward County; amending section 4g. of charter; deleting the provision for expense reimbursement; amending section 4j. of charter, to provide for assumption of office at the first regular meeting following the election; amending section 7 of charter, to provide for an organizational meeting annually at the first regular meeting following the first Tuesday after the first Monday in November; deleting obsolete provisions; codifying the Charter of the Central Broward Water Control District, an independent special district; codifying chapter 61-1439, Laws of Florida, as amended; consolidating amendments thereto contained in this act and chapters 65-1006, 67-1002, 69-528, 70-479, 71-388, 72-486, 79-432, 80-462, 82-268, 85-388, 86-359, 86-363, 87-506, 88-523, 91-350, 94-426, and 96-536, Laws of Florida; repealing chapters 61-1439, 65-1006, 67-1002, 69-528, 70-479, 71-388, 72-486, 79-432, 80-462, 82-268, 85-388, 86-359, 86-363, 87-506, 88-523, 91-350, 94-426, and 96-536, Laws of Florida; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4099** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4103—A bill to be entitled An act relating to Alachua County; codifying and reenacting chapters 85-376 and 87-529, Laws of Florida, relating to the Alachua County Library District; repealing chapters 85-376 and 87-529, Laws of Florida, and s. 2 of chapter 90-501, Laws of Florida, relating to the Alachua County Library District; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1—Delete everything after the enacting clause and insert:

Section 1. Short title.—This act shall be known and may be cited as the "Alachua County Library District Act."

Section 2. Alachua County Library District; establishment; boundaries; governing board.—

(1) ESTABLISHMENT.—There is hereby created the Alachua County Library District, which is an independent special taxing district created for the purpose of providing the only library system services and facilities for all citizens of Alachua County, excluding the school library system, pursuant to this act.

(2) BOUNDARIES.—The Alachua County Library District shall be composed of all areas of Alachua County, Florida.

(3) GOVERNING BOARD.—The Governing Board of the Alachua County Library District, hereinafter referred to as the "governing board," shall be composed of three members of the Board of County Commissioners of Alachua County, to be selected by the board, and two members of the Gainesville City Commission, to be selected by the commission, who, when acting together as the governing board, shall sit not as county or city commissioners, but as members of the governing board of the district.

Section 3. Powers of the governing board.—The governing board shall have the power to:

(1) Annually levy an ad valorem tax upon taxable real property within the district in the same manner as other county and municipal ad valorem taxes are levied, provided that:

(a) The millage allocated to annual operating and maintenance expenses of the district shall not exceed 1.5 mills.

(b) The millage allocated to debt service shall not exceed the amount necessary to pay the principal of, and interest on, bonds issued under subsections (4) and (5).

(c) The millage allocated to capital improvements shall not exceed 0.5 mill annually until April 1, 2001, and shall then be terminated. During any year in which the governing body levies ad valorem taxes for the purpose of servicing debt issued pursuant to subsection (5) of this section, the maximum annual capital improvement millage authorized by this subsection shall be reduced by the millage actually levied to service such debt.

(2) Purchase, lease, lease-purchase, construct, or otherwise acquire capital projects related to the library services and facilities of the district, and convey such capital projects to the Alachua County Library Board of Trustees in trust for the benefit of the residents in the district. Lease-purchase arrangements may include such contracts and agreements deemed necessary or convenient by the governing board; any rental or other payments required thereunder may be secured by any lawfully available funds of the district.

(3) Appropriate and expend revenue of the district, subject to the limitations of this act.

(4) Issue limited tax bonds, notes, any other certificates of indebtedness, or any form of limited tax or bond anticipation notes or certificates payable from all or any portion of the 0.5 mill capital improvement millage provided for in paragraph (1)(c), but only when the proceeds of such bonds, notes, certificates of indebtedness, or tax or bond anticipation notes or certificates are used to finance or refinance capital projects related to library services or facilities of the district. Bonds issued hereunder shall be payable from taxes to be levied on all taxable property in the district, but said taxes shall be limited to a maximum levy of 0.5 mill. In issuing such bonds or other forms of indebtedness, the governing board may pledge the faith and credit of the district for service of the debt to be incurred, up to the 0.5 mill limit.

(5) Issue bonds, notes, any other certificates of indebtedness, or any form of tax or bond anticipation notes or certificates payable from all or any portion of the ad valorem tax revenues of the district, provided that if such bonds, notes, certificates of indebtedness, or tax anticipation notes or certificates mature more than 12 months after issuance:

(a) The issuance thereof shall be approved by a majority of the electors voting in a bond referendum conducted pursuant to law; and

(b) The proceeds thereof shall be used only to finance or refinance capital projects related to library services or facilities of the district.

Bonds or other forms of indebtedness issued pursuant to this subsection shall be payable from ad valorem taxes to be levied on all taxable property in the district without limitation as to rate or amount. In issuing such bonds or other forms of indebtedness, the governing board may pledge the full faith and credit of the district for service of the debt to be incurred.

(6) Issue revenue bonds, notes, including bond anticipation notes, or other certificates of indebtedness payable from the proceeds of any fees, charges, fines, rentals, grants, or other sources of revenue, except ad valorem taxes, which may be or may become available to the district and, in connection therewith, to:

(a) Pledge such revenues to the payment of such revenue bonds, notes, or other certificates of indebtedness;

(b) Make all customary or necessary covenants for the security of such revenue bonds, notes, or other certificates of indebtedness, including covenants to assure the adequacy of such revenues and the proper collection, holding, and disposition thereof;

(c) Agree to pay some or all expenses of maintenance and operation from sources other than pledged revenues, and not to diminish the rate of taxation available therefor;

(d) Capitalize interest and reserves in such amounts as the governing board may deem necessary;

(e) Pay all costs of issuance of such bonds, notes, or other certificates of indebtedness, including fiscal, legal, bond insurance, and printing expenses, from the proceeds of such bonds, notes, or other certificates of indebtedness or other sources; and

(f) Apply the proceeds of said revenue bonds, notes, or other certificates of indebtedness to the payment of the cost of any or all facilities or property, real or personal, including books, which said district is empowered to acquire, including all architectural, legal, engineering, and other professional costs incurred in connection therewith, or to the refunding of previously issued revenue bonds, notes, or other certificates of indebtedness.

(7) Issue such bonds, revenue bonds, tax or bond anticipation notes, or other forms of indebtedness at such interest rate or rates as the governing board may determine appropriate.

(8) Appoint members to the Alachua County Library Board of Trustees as provided in section 5.

(9) Adopt an annual budget for the district and establish service levels which shall meet or exceed the operating standards established by Division of Library Services of the Department of State under authority contained in s. 257.15, Florida Statutes.

(10) Appropriate and convey revenue of the district to the Alachua County Library Board of Trustees for the operation and maintenance of library services and facilities. When so conveyed to the board of trustees, such revenues shall be deemed revenues of the board of trustees, to be expended by the trustees in accordance with the adopted budget and at their discretion pursuant to the powers granted under section 6, subject to limitations contained in section 4.

(11) Adopt a long-range facilities and development plan for the library district, to be known as the "Alachua County Long-Range Library Facilities and Development Plan."

(12) Exercise powers of eminent domain over private property pursuant to law, but only where such property will be used for a public purpose related to library services and facilities. This power of eminent domain shall not extend to property owned by any municipality.

(13) Provide for the management, administration, operation, supervision, oversight, and maintenance of all library facilities, and the services, programs, and functions thereof, for the benefit of the residents of the Alachua County Library District.

(14) Purchase, lease, or otherwise acquire real and personal property, and generally take all other actions regarding such property as may be necessary in the prudent management, operation, and maintenance of library district services and facilities. However, all property, real or personal, acquired by the Alachua County Library Board of Trustees, from whatever source or by whatever means, shall be deemed to be held in trust for the benefit of the residents of the district for library purposes. If the Legislature should ever rescind or dissolve, for whatever reason, all right, title, and interest of the trustees in all property then owned by the trustees, such right, title, and interest shall revert automatically to the governing board, or its successor, to be held in trust for the benefit of the residents of the district for library purposes.

(15) Dispose of personal property as necessary for the prudent management, operation, and maintenance of library services and facilities.

(16) Provide for the employment of personnel and all matters relative thereto through the development of a personnel system structured to the operation and development of a library district in accordance with current Alachua County Personnel Regulations.

(17) Retain attorneys, accountants, architects, engineers, and other consultants and professionals, pursuant to applicable general law.

(18) Contract with any county, city, or other public body for the provision of library services within or outside the district, provided that library services outside the district shall not be subsidized by the ad valorem revenues of the district.

(19) Apply for and accept any grant of money or property from any governmental body or private organization and enter into contracts incidental thereto.

(20) Adopt rules for the regulation of its affairs and the conduct of its business and perform all other acts necessary to enable the governing board to properly carry out the purposes of this act.

Section 4. Use of tax revenues; supplemental appropriations and in-kind services.—Ad valorem tax revenue of the district shall be used for the following purposes only:

(1) Operation and maintenance expenses of library district services and facilities.

(2) Capital expenditures related to library district services and facilities.

(3) Servicing debt incurred pursuant to this act.

Notwithstanding any other provision of this act, any county or city may appropriate, and the Alachua County Library Board of Trustees may accept and expend, funds for library facilities, services, programs, and operations which are supplemental to ad valorem tax revenues otherwise collected pursuant to this act. Further, any county or city may provide to the board of trustees services and in-kind contributions of any nature whatsoever in support of library facilities, services, programs, and operations.

Section 5. Alachua County Library Board of Trustees; establishment and purpose; appointment of members, terms, removal, and vacancies; compensation; quorum, rules of procedure, and seal.—

(1) ESTABLISHMENT AND PURPOSE.—There is hereby established the Alachua County Library Board of Trustees, a public body corporate and politic, hereinafter referred to as the "board of trustees." The board of trustees shall be deemed a public instrumentality, and exercise by the trustees of the powers conferred by this act shall be deemed the performance of an essential public function.

(2) APPOINTMENT OF MEMBERS, TERMS, REMOVAL, AND VACANCIES.—The board of trustees shall consist of seven members appointed by the governing board, three of whom shall be selected from a group of five persons nominated by the Board of County Commissioners of Alachua County, three of whom shall be selected from a group of five persons nominated by the Gainesville City Commission, and one of whom shall be selected from a group of three persons nominated by the organization representing the other municipalities of Alachua County.

(a) Upon expiration of initial terms, all members shall serve terms of 3 years, except that each member shall continue to serve beyond his or her term until a successor is nominated and appointed in the same manner as provided for initial appointments, and the term of the successor shall be reduced by the amount of the predecessor's holdover. Nominations

shall be submitted within 90 days after the expiration of a term. No member shall serve more than two full terms consecutively, or more than 8 consecutive years. No person employed by either Alachua County or the City of Gainesville shall serve on the board of trustees during the time of such employment. Further, no elected official of any county or municipality may serve on the board of trustees during the term of elected office.

(b) Any trustee may be removed by majority vote of the governing board for good cause affecting his or her ability to perform his or her duties as a member, or for misfeasance, malfeasance, or nonfeasance in office, but only after a hearing at which the trustee is given the right to present evidence in his or her own behalf and only upon a finding by majority vote of the governing board that good cause for removal affecting the member's ability to perform the duties as a member exists, or upon a finding that the member is guilty of misfeasance, malfeasance, or nonfeasance in office.

(c) Within 90 days after the occurrence or discovery of a vacancy on the board of trustees, by removal or otherwise, the Board of County Commissioners of Alachua County, the Gainesville City Commission, or the organization representing the other municipalities within the county, as appropriate, shall nominate a group of three persons from which an individual shall be selected to fill the vacancy, who shall be appointed by the governing board to serve during the unexpired portion of the term.

(d) If required nominations are not received by the governing board within the 90-day period specified in paragraph (a) or paragraph (c), the governing board shall be authorized to make the appointment or appointments, at its discretion, for which such nominations were required.

(3) COMPENSATION.—Trustees shall serve without compensation, except that they may be reimbursed for reasonable travel and per diem expenses incurred in the course of their duties and responsibilities as trustees, on behalf of the governing board or otherwise, in engaging in the business of the district. Any such reimbursement for travel or per diem expenses shall be in amounts authorized pursuant to s. 112.061, Florida Statutes.

(4) QUORUM, RULES OF PROCEDURE, AND SEAL.—A quorum shall consist of four members of the board of trustees, and official action shall be taken only upon majority vote of the trustees present and voting. The board of trustees shall adopt bylaws for election of officers and for the conduct of orderly proceedings and shall adopt a common seal for certification of its actions.

Section 6. Powers of the Alachua County Library Board of Trustees.—The board of trustees shall have the power to:

(1) Review annually the Alachua County Long-Range Library Facilities and Development Plan, and recommend amendments to the governing board.

(2) Develop and submit to the governing board an annual Library Services Level Plan.

(3) Develop and submit to the governing board for its approval an annual library budget, based on the Library Services Level Plan.

(4) Provide a recommendation to the governing board whenever a library director is to be selected, after first advertising for the position and conducting interviews, such recommendation to contain a list of three potential candidates from which the governing board may choose, and conduct an annual review and evaluation of the person occupying the position of library director, submitting an evaluation report to the governing board.

(5) In accordance with the policy of the district, receive gifts of money or property and submit the same with recommendations to the governing board for acceptance and direction as to the manner in which the governing board wishes such money or property to be utilized in providing library facilities, materials, or other library-oriented programs; spend money, grants, proceeds, or gifts; and administer any other form of property provided to the district by a gift, trust, deed, or will, pursuant to the direction provided by the governing board.

(6) Serve as agent for, and enter into contracts on behalf of, the governing board, but only to the extent expressly approved by the governing board.

(7) Adopt and implement rules, regulations, policies, and procedures, with the approval of the governing board, for the management, operation, and maintenance of library services and facilities in the district, including, but not limited to, lending policies, gift policies, and book selection policies.

(8) With approval of the governing board, set fees, fines, and other charges in connection with the operations and services of the Alachua County library system.

(9) Receive and expend moneys, sue and be sued, and generally perform all other acts necessary or incidental to the express powers and duties granted or imposed by this act or by any instrument of trust.

(10) Lease, grant, sell, or otherwise convey real property upon approval of the governing board.

Section 7. Duties of the Alachua County Library Board of Trustees.—

(1) Each member of the board of trustees, before entering upon his or her duties, shall take and subscribe to the oath or affirmation required by the State Constitution. A record of each oath shall be filed with the Department of State and with the Clerk of Alachua County.

(2) The board of trustees shall perform fully all duties prescribed by any trust instruments which may from time to time convey property to the trustees from the governing board or from other public or private persons or entities, but only to the extent that such trust instruments and the duties prescribed therein are not inconsistent with this act.

(3) The board of trustees shall be bound by all covenants securing any revenue bonds issued from time to time by the governing board.

Section 8. Support services.—

(1) The governing board shall arrange for the provision of budgeting, building and grounds maintenance, personnel, purchasing, and similar general government services to the library district.

(2) The Alachua County Attorney shall provide legal services to the library district.

(3) Accounting and treasury services for the board of trustees shall be provided in the same manner as such services are provided for the Alachua County General Fund.

(4) The audit of the library district's financial statements shall be performed as a part of the annual audit of Alachua County's financial statements.

Section 9. Entitlement of district residents to library services; enforcement; limitation on trustee liability.—

(1) ENTITLEMENT OF DISTRICT RESIDENTS TO LIBRARY SERVICES.—For as long as the governing board levies an ad valorem tax pursuant to section 3 for the operation and maintenance of library services and facilities, all residents of the district shall be entitled to use of the general library services and facilities without charge. However, nothing in this subsection shall be construed as prohibiting the board of trustees from imposing fines for delinquent library materials or establishing charges for library services and facilities which are specialized and of a type not typically used by the general public. Further, such entitlement shall cease and shall not apply if and when ad valorem tax revenues are used solely for servicing debt incurred in the acquisition or refinancing of capital projects.

(2) ENFORCEMENT.—Except as otherwise provided by the trust instrument, the provisions and requirements of any trust for which the board of trustees acts as trustee may be enforced only by the governing board.

(3) LIMITATION ON TRUSTEE LIABILITY.—Absent personal negligence, no member of the Alachua County Library Board of Trustees shall incur any personal liability for the tortious acts or violations of fiduciary duty of any employee of the board of trustees.

Section 10. Severability.—If any portion of this act is held invalid or unconstitutional by any court of law, all remaining portions of the act shall remain in full force and effect if, and only if, the intent of the Legislature can continue to be effected.

Section 11. Prohibition on taxing power; future referenda.—

(1) PROHIBITION ON TAXING POWER.—As long as the governing board levies the ad valorem tax authorized by this act, the Board of County Commissioners of Alachua County, the Gainesville City Commission, and all other taxing authorities in the Alachua County Library District are hereby prohibited from levying any tax for library facilities, services, or other library purposes, excluding the library facilities, services, and other library purposes of the school library system.

(2) REFERENDA ON AUTHORITY TO ISSUE BONDS, ETC.—In the event that the question as to the authority to issue bonds or other forms of indebtedness under subsection (5) of section 3 is not approved at a referendum held pursuant thereto, the governing board may, in its discretion, call subsequent referenda on such question as authorized by this act.

Section 12. Chapters 85-376 and 87-529, Laws of Florida, are repealed.

Section 13. This act shall take effect upon becoming a law.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 4103** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4127—A bill to be entitled An act relating to the Delray Beach Downtown Development Authority, Palm Beach County; amending chapter 71-604, Laws of Florida, as amended, by amending the Delray Beach Downtown Development Authority area description to provide for inclusion of properties west of Swinton Avenue westward of the current Downtown Development Authority area to include those properties lying approximately south of N.W. 1st Street, and properties lying north of S.W. 1st Street, bounded generally on the west by Interstate 95, all such properties lying within the municipal boundaries of the City of Delray Beach; providing for seven members on the board for the Delray Beach Downtown Development Authority; providing that four members of the Board of Directors of the Delray Beach Downtown Development Authority shall be owners of realty within the Downtown Area, a lessee required by the lease to pay taxes, or a director, officer, or managing agent of an owner or of a lessee thereof so required to pay taxes thereon; requiring at least four affirmative votes of the authority to take any action; authorizing the authority to actively participate in plans and programs to encourage economic development and the promotion of downtown; providing an effective date.

—was read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 4127** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 4133—A bill to be entitled An act relating to the City of Ceder Key, Levy County; repealing chapter 69-929, Laws of Florida, and replacing same with a new charter; providing for the powers and duties of the city commission; providing for appointment of administrative officials; establishing special provisions; providing a transition schedule; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote **HB 4133** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4171—A bill to be entitled An act relating to the Hernando County Law Library; amending ch. 65-1627, Laws of Florida, as amended; providing membership of the law library board; revising powers and duties of the board; providing for fees to fund the library; providing for determination of fee amounts; revising powers and duties of the board of county commissioners with respect to the library; providing an effective date.

—was read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **HB 4171** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4243—A bill to be entitled An act relating to Volusia County; amending chapter 95-462, Laws of Florida, changing the uniform municipal election and qualification dates; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 4243** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Childers	Forman	Horne
Bankhead	Clary	Geller	Jones
Bronson	Cowin	Grant	Kirkpatrick
Brown-Waite	Crist	Gutman	Klein
Burt	Diaz-Balart	Hargrett	Kurth
Campbell	Dudley	Harris	Latvala
Casas	Dyer	Holzendorf	Laurent

Lee	Myers	Scott	Thomas
McKay	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams

Nays—None

HB 4249—A bill to be entitled An act relating to Monroe County; amending ch. 97-345, Laws of Florida; correcting a scrivener's error; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 4, after the semicolon (;) insert: repealing ch. 89-410, Laws of Florida, and ch. 89-461, Laws of Florida, relating to the classified service of the sheriff's office;

On motion by Senator Jones, by two-thirds vote **HB 4249** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4253—A bill to be entitled An act relating to Charlotte County; codifying, reenacting, amending, and repealing chapters 65-1357, 70-628, 73-430, 74-453, 84-405, 84-406, 88-479, and 91-399, Laws of Florida; creating and establishing the Charlotte County Airport Authority, an independent special district; providing for membership; authorizing the County of Charlotte and its incorporated municipalities to contract with the airport authority; providing for the government, jurisdiction, powers, franchises, and privileges of the airport authority; deleting obsolete provisions; repealing all prior special acts relating to the Charlotte County Development Authority; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 4253** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4285—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4285** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4287—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4287** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4289—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits, under certain conditions; providing for redefining the town limits; providing for an agreement between the owner of the property and the Town Council; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4289** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4291—A bill to be entitled An act relating to the City of Pembroke Pines, Broward County; extending and enlarging the corporate limits of the City of Pembroke Pines to include specified unincorporated lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4291** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4293—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4293** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4305—A bill to be entitled An act relating to Hillsborough County; providing for the consolidation of the job training partnership programs of the City of Tampa and of Hillsborough County; providing for employees who are transferred from the city to the county to elect, within a specified deadline, to remain in the City of Tampa pension plan or to transfer to the Florida Retirement System; providing procedures for making the election; providing that county job training partnership program employees who are hired after a specified date become members of the Florida Retirement System; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 4305** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4307—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; enabling an increase in the accrual of benefits from 2 percent to 2.5 percent for additional years of service after 26 years; providing for pension benefits after 20 years of service without reduction upon separation; providing for a Deferred Retirement Option Program; providing for additional benefits; providing for contribution rates; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 4307** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4319—A bill to be entitled An act relating to Polk County; amending ch. 88-443, Laws of Florida, to revise provisions relating to a personnel system for the Sheriff's Office, a personnel board, board members' powers and duties, board expenditures, a classified service, new positions and vacancies, probationary periods, hearings, appointments, rules, policies, pay plans, rights, and benefits; providing for a Members Nominating Committee for selecting board members; providing an effective date.

—was read the second time by title. On motion by Senator Laurent, by two-thirds vote **HB 4319** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4323—A bill to be entitled An act relating to Palm Beach County; amending ch. 93-367, Laws of Florida, as amended; revising provisions relating to employees of the Palm Beach County Sheriff; revising procedures for appeal of disciplinary actions and complaints against employees of the sheriff; providing that certain monetary emoluments be based on performance for employees at the rank of captain or its civilian equivalent; providing an effective date.

—was read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 4323** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers

Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

HB 4325—A bill to be entitled An act relating to Monroe County; amending chapter 97-348, Laws of Florida, relating to the charter of Islamorada, Village of Islands; revising transition provisions relating to state shared revenues to extend waivers of applicable revenue sharing eligibility requirements and to authorize the usage of millage levied by the Monroe County Mosquito Control District for purposes of meeting the minimum amount of revenue required to be raised for revenue sharing eligibility; clarifying legislative intent regarding the referendum required to effectuate the charter, which referendum was concluded on November 4, 1997, with the required majority of voters approving the charter; adopting nunc pro tunc the effective dates in chapter 97-348, Laws of Florida, in connection with the clarification of legislative intent; declaring the charter to be effective pursuant to its terms and conditions; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 4325** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4349—A bill to be entitled An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended, relating to the Florida Keys Aqueduct Authority; providing for certain matters regarding the construction, acquisition, and maintaining of a wastewater system for the collection, treatment, and disposal of wastewater in Monroe County; providing for certain matters with respect to the purchase of property by the Florida Keys Aqueduct Authority; providing for notification to the public of the availability of the Florida Keys Aqueduct Authority's annual audit; amending certain provisions relating to the issuance of bonds; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 4349** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4391—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; prohibiting the taking of saltwater fish, except by hook and line, from within any manmade saltwater canal in the City of Punta Gorda; providing a penalty; providing an effective date

—was read the second time by title. On motion by Senator Harris, by two-thirds vote **HB 4391** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4463—A bill to be entitled An act relating to the City of Sunrise, Broward County; creating the South Broward Utility Advisory Board; providing for membership, qualifications, terms, responsibilities, and powers of the board; providing an appropriation; providing a limitation of the power of the board; providing for adoption of procedures and regulations; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4463** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4465—A bill to be entitled An act relating to Broward County; providing for notice of water or sewer rate changes to residents served outside of municipal boundaries within Broward County; providing for a public hearing; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4465** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4467—A bill to be entitled An act relating to Tindall Hammock Irrigation and Soil Conservation District, Broward County; codifying the district's charter, chapter 27428, Laws of Florida, 1951, as amended; providing a provision that the district is an independent special district; providing for the appointment of the board of supervisors; providing for

correction of scrivener's errors; revising obsolete constitution and statute references; revising obsolete roadway and agency references; providing that all rights, title, and ownership of property owned by the district will continue to be owned by the district and that all obligations, contracts, rules, resolutions, and regulations of the district will continue in effect and be valid as to the district; repealing all prior special acts of the Legislature relating to the Tindall Hammock Irrigation and Soil Conservation District; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4467** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4469—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; codifying the district's charter, chapter 67-904, Laws of Florida, as amended; providing that South Broward Drainage District is an independent special district; providing that all officers and employees of the district on the effective date of this act shall continue to hold their respective offices until their successors are elected or appointed; changing name of district manager to district director; revising obsolete agency and department references; providing for the district's plan for the drainage and reclamation of lands within the district to remain in full force and effect; deleting interest rate provisions which conflict with section 31 of district's charter; deleting provision authorizing assessment of a tax on lands within the district which belong to the county, school district, or other political subdivisions; providing for deletion of obsolete or no longer required proceedings; revising inconsistent provisions; adding a brief description of sections of district charter which are not described; repealing all prior special acts of the Legislature relating to the South Broward Drainage District except as stated; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4469** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4505—A bill to be entitled An act relating to the Lake Worth Drainage District, Palm Beach County; providing for codification of special laws regarding special districts, relating to the Lake Worth Drainage District, a body corporate existing under the laws of the State of Florida and existing and operating in Palm Beach County pursuant to chapter 61-1747, Laws of Florida, as amended; codifying and reenacting chapter 61-1747, Laws of Florida; chapter 63-616, Laws of Florida; chapter 63-618, Laws of Florida; chapter 67-867, Laws of Florida; chapter 71-830, Laws of Florida; chapter 75-472, Laws of Florida; chapter 81-460, Laws of Florida; chapter 82-353, Laws of Florida; chapter 83-493, Laws of Florida; chapter 84-496, Laws of Florida; chapter 87-521, Laws of Florida; Section 5(1)(b) of chapter 90-416, Laws of Florida; chapter 90-480, Laws of Florida; and chapter 96-478, Laws of Florida; providing for repeal of chapter 61-1747, Laws of Florida, as amended; providing for repeal of prior special acts relating to the Lake Worth Drainage District; providing an effective date.

—was read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 4505** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4531—A bill to be entitled An act relating to Lee, Charlotte, Sarasota, and Manatee Counties; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the West Coast Inland Navigation District, a special tax district of the State of Florida composed of the Counties of Lee, Charlotte, Sarasota, and Manatee; providing legislative intent, and codifying and reenacting chapter 23770, Laws of Florida, 1947; chapters 27289 and 27290, Laws of Florida, 1951; chapter 28542, Laws of Florida, 1953; chapter 30074, Laws of Florida, 1955; chapter 57-467, Laws of Florida; chapter 59-756, Laws of Florida; chapter 61-1590, Laws of Florida; chapter 77-494, Laws of Florida; sections 2, 3, 4, and 5 of chapter 79-435, Laws of Florida; chapter 81-337, Laws of Florida; section 5 of chapter 85-200, Laws of Florida; and section 5 of chapter 86-286, Laws of Florida; providing additional powers; providing for the repeal of section 8 of chapter 90-264, Laws of Florida; providing for repeal of all prior special acts related to the West Coast Inland Navigation District; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 4531** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4545—A bill to be entitled An act relating to Bay County; amending chapter 67-1099, Laws of Florida, as amended, relating to the codification, re-creation, reestablishment, and organization of an airport district in Bay County, to be designated as the Panama City-Bay County Airport and Industrial District; re-creating the Board of Directors as the governing body; providing for its government, jurisdiction, expansion of powers, franchises, and privileges, including the creation of an

independent airport police department, with full police powers; repealing chapters 67-1099 and 69-834, Laws of Florida, prior special acts relating to the airport authority; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **HB 4545** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4547—A bill to be entitled An act relating to Lee County; amending chapter 63-1552, Laws of Florida, as amended; providing methods by which the hospital Board of Directors of Lee County may invest its funds; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 4547** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4691—A bill to be entitled An act relating to Flagler Estates Road and Water Control District, St. Johns and Flagler Counties, an independent special district, created under chapter 298, Florida Statutes; reenacting by codified charter all special acts for the district relating to the creation, organization, authority, landowners' meeting quorum, notification of landowners' meeting, and boundaries of the road and water control district; providing for the subsequent repeal of all individual special acts pertaining to the district including chapters 81-481, 82-294, 83-509, 87-502, and 89-505, Laws of Florida, and in furtherance of the purposes and intent of chapter 298, Florida Statutes, to include substantive changes to clarify the powers and duties of the district by defining the road authority; authorizing the district to make its surplus real property available to the public for passive use; permitting the district to enter into lease or interlocal agreements with other governmental entities for the operation and/or maintenance of such passive use areas within the district boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 4691** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Campbell	Crist	Geller
Bankhead	Casas	Diaz-Balart	Grant
Bronson	Childers	Dudley	Gutman
Brown-Waite	Clary	Dyer	Hargrett
Burt	Cowin	Forman	Harris
Holzendorf	Kurth	Meadows	Silver
Horne	Latvala	Myers	Sullivan
Jones	Laurent	Ostalkiewicz	Thomas
Kirkpatrick	Lee	Rossin	Turner
Klein	McKay	Scott	Williams

Nays—None

HB 4743—A bill to be entitled An act relating to Pinellas County and municipalities in Pinellas County; authorizing the Board of County Commissioners of Pinellas County for unincorporated areas and for the boards of the municipalities within Pinellas County to provide by ordinance for liens in favor of all operators of hospitals in Pinellas County and in favor of Pinellas County when it pays for medical care, treatment, or maintenance of qualifying residents of the county and hospitals within such municipalities, respectively, upon all causes of action, suits, claims, counterclaims, and demands accruing to persons to whom care, treatment, or maintenance is furnished by such hospital or is paid for by Pinellas County on behalf of a qualifying resident of the county or accruing to legal representatives of such persons, and upon all judgments, settlements, and settlement agreements entered into by virtue thereof on account of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy giving rise to such causes of action, suits, claims, counterclaims, demands, judgments, settlements, or settlement agreements, and which necessitates such care, treatment, or maintenance; authorizing the Board of County Commissioners of Pinellas County and the board of the Pinellas County municipalities to provide by ordinance for the attachment, perfection, priority, and enforcement of such liens and for such procedural and other matters as may be necessary or appropriate to carry out the purposes of said ordinances; providing that the lien be limited to the greater of either the worker's compensation rate in effect on the effective date of this act or the nongovernmental, commercial health insurance or managed care contractual rate applicable to the injured person at the time medical care or treatment was rendered plus the amounts for which the patient is personally responsible; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment:

Amendment 1 (with title amendment)—On page 3, lines 10-16, delete those lines and insert: the purposes of ordinances. If the patient has commercial, nongovernmental health insurance coverage through a health maintenance organization at the time care and treatment are delivered, the lien shall be limited to the covered charges in effect at the time care and treatment were delivered. In the event of a claim or action by the patient against a third party in which the settlement or judgment is less than or equal to the debt actually due and owing the hospital, the settlement or judgment will be equitably distributed based on a pro rata reduction in the amount due the hospital and the patient, including a pro rata reduction in the amount of reasonable attorney's fees and costs due the patient's attorney and the hospital's attorney. In the event of a claim or action by the patient against a third party in which the settlement or judgment is greater than the debt actually due and owing the hospital then the settlement or judgment will be equitably distributed based on a pro rata share of the amount due the hospital and the patient, including a pro rata share for the amount of reasonable attorney's fees and costs due the patient's attorney and the hospital's attorney.

And the title is amended as follows:

On page 2, lines 5-13, delete those lines and insert: purpose of such ordinances; providing a limit on the amount of liens against patients who have certain insurance coverage; providing guidelines for pro rata distribution of settlements and judgments;

Senator Sullivan moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 2, delete line 6 and insert: due the patient's attorney, the hospital's attorney, and non-contracted and non-employed physicians.

Amendment 1 as amended was adopted.

On motion by Senator Sullivan, by two-thirds vote **HB 4743** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4777—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing for additional supervisory personnel to be included within the definition of an "unclassified service" position; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 4777** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4797—A bill to be entitled An act relating to Broward County; amending chapter 97-371, Laws of Florida; extending the corporate limits of the cities of Pembroke Pines, Davie, Cooper City, and Weston; providing for the annexation of the unincorporated area known as Southwest Ranches; providing for amendment to the legal description of Southwest Ranches and surrounding areas and Sunshine Acres and surrounding areas; providing for incorporation of a new municipality; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4797** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4799—A bill to be entitled An act relating to the City of Deerfield Beach, Broward County; extending and enlarging the corporate limits of the City of Deerfield Beach to include specified unincorporated lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 4799** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 4821—A bill to be entitled An act relating to St. Johns County; creating the Town of Ponte Vedra Beach; providing legislative intent; providing municipal boundaries and municipal powers; providing a council-manager form of government; providing for election of a town council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for compensation and expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of town council members; providing certain interference with town employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter offices, including a town manager and town attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referenda; providing the town a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for a transition agreement between St. Johns County and Town of Ponte Vedra Beach; providing for interim municipal services; providing for disposition of existing special districts; providing for the grandfathering in of existing land uses and zoning for certain property owners; providing land descriptions of the town; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 4821** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

HB 3853—A bill to be entitled An act relating to Pinellas County; repealing chapter 69-1490, Laws of Florida, relating to the creation of the Pinellas County Industry Council; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, between lines 10 and 11, insert:

Section 2. All assets and liabilities of the Pinellas County Industry Council are transferred to Pinellas County.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: providing for assumption of assets and obligations of the council;

On motion by Senator Latvala, by two-thirds vote **HB 3853** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Clary, by two-thirds vote **CS for HB 3979** was withdrawn from the Committees on Governmental Reform and Oversight; Community Affairs; and Ways and Means.

On motion by Senator Clary—

CS for HB 3979—A bill to be entitled An act relating to facilities and properties under the supervision of the Division of Historical Resources of the Department of State; amending s. 266.0015, F.S.; deleting the requirement that moneys from admissions to and rental of facilities and properties of the Historic Pensacola Preservation Board of Trustees be deposited into the board's operating trust fund; amending s. 266.0018, F.S.; providing for the deposit of such moneys into an account of the board's direct-support organization; amending s. 267.17, F.S.; clarifying authority of the Division of Historical Resources and its citizen support organizations to rent facilities and properties; providing for the deposit of moneys received from the rental of such facilities and properties; providing an effective date.

—a companion measure, was substituted for **CS for SB 2132** and read the second time by title. On motion by Senator Clary, by two-thirds vote **CS for HB 3979** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

TRUST FUND BILL
SPECIAL ORDER CALENDAR

SENATOR BURT PRESIDING

On motion by Senator Sullivan, by two-thirds vote **HB 3449** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3449—A bill to be entitled An act relating to trust funds; recreating the Turnpike Controlled Access Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2370** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3449** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3451** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3451—A bill to be entitled An act relating to trust funds; recreating the Toll Facilities Revolving Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2372** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3451** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3453** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3453—A bill to be entitled An act relating to trust funds; recreating the Transportation Disadvantaged Trust Fund within the De-

partment of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2374** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3453** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3455** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3455—A bill to be entitled An act relating to trust funds; recreating the Highway Safety Operating Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2376** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3455** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3457** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3457—A bill to be entitled An act relating to trust funds; recreating the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2378** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3457** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3459** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3459—A bill to be entitled An act relating to trust funds; recreating the Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2380** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3459** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3461** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3461—A bill to be entitled An act relating to trust funds; recreating the Fuel Tax Collection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2382** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3461** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Clary	Grant	Klein	Ostalkiewicz

Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3463** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3463—A bill to be entitled An act relating to trust funds; recreating the Mobile Home and Recreational Vehicle Protection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2384** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3463** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3465** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3465—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2386** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3465** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3467** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3467—A bill to be entitled An act relating to trust funds; recreating the Working Capital Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2388** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3467** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3469** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3469—A bill to be entitled An act relating to trust funds; recreating the License Tax Collection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2390** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3469** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4627** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4627—A bill to be entitled An act relating to trust funds; recreating the Crimes Compensation Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2392** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4627** was read the third time by title, passed by the required consti-

tutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4629** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4629—A bill to be entitled An act relating to trust funds; recreating the Florida Crime Prevention Training Institute Revolving Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2394** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4629** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4631** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4631—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2396** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4631** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Childers	Dyer	Harris
Bronson	Clary	Forman	Holzendorf
Brown-Waite	Cowin	Geller	Horne
Burt	Crist	Grant	Jones
Campbell	Diaz-Balart	Gutman	Kirkpatrick
Casas	Dudley	Hargrett	Klein
Kurth	McKay	Rossin	Thomas
Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4633** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4633—A bill to be entitled An act relating to trust funds; recreating the Legal Services Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2398** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4633** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4635** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4635—A bill to be entitled An act relating to trust funds; recreating the Legal Affairs Revolving Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2400** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4635** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4637** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4637—A bill to be entitled An act relating to trust funds; re-creating the Motor Vehicle Warranty Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2402** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4637** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4641** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4641—A bill to be entitled An act relating to trust funds; re-creating the Revolving Escrow Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2404** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4641** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

SB 2406—A bill to be entitled An act relating to the re-creation of the Criminal Justice Training Trust Fund of the Department of Corrections without modification; re-creating the Criminal Justice Training Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2406** to **HB 4575**.

Pending further consideration of **SB 2406** as amended, on motion by Senator Sullivan, by two-thirds vote **HB 4575** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4575—A bill to be entitled An act relating to trust funds; re-creating the Criminal Justice Standards and Training Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2406** as amended and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4575** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

SB 2408—A bill to be entitled An act relating to the re-creation of the Hurricane Andrew Recovery and Rebuilding Trust Fund without modification; re-creating the Hurricane Andrew Recovery and Rebuilding Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2408** to **HB 4661**.

Pending further consideration of **SB 2408** as amended, on motion by Senator Sullivan, by two-thirds vote **HB 4661** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4661—A bill to be entitled An act relating to trust funds; creating s. 943.365, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Law Enforcement; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 932.7055 and 943.362, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—a companion measure, was substituted for **SB 2408** as amended and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4661** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4579** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4579—A bill to be entitled An act relating to trust funds; recreating the Florida Agricultural Exposition Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2410** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4579** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4581** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4581—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2412** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4581** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4583** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4583—A bill to be entitled An act relating to trust funds; recreating the Operating Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2414** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4583** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3471** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3471—A bill to be entitled An act relating to trust funds; recreating the Highway Patrol Insurance Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2416** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3471** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3473** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3473—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds in the Department of Transportation are exempt from the automatic-termination requirements of Section 19(f), Article III of the State Constitution; providing an effective date.

—a companion measure, was substituted for **SB 2418** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3473** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Clary	Grant	Klein	Ostalkiewicz

Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 3475** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 3475—A bill to be entitled An act relating to trust funds; terminating specified trust funds and fund accounts within the Department of Transportation; providing for the transfer of current balances to general revenue, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; providing an effective date.

—a companion measure, was substituted for **SB 2420** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 3475** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

SB 2422—A bill to be entitled An act relating to the re-creation of the Capital Collateral Trust Fund without modification; re-creating the Capital Collateral Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2422** to **HB 4587**.

Pending further consideration of **SB 2422** as amended, on motion by Senator Sullivan, by two-thirds vote **HB 4587** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4587—A bill to be entitled An act relating to trust funds; re-creating the Capital Collateral Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2422** as amended and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 24 through page 2, line 2, delete those lines and insert:

Section 1. *The Capital Collateral Trust Fund within Justice Administration, SAMAS number 212072, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on November 4, 2000, is re-created.*

Section 2. *All current balances of the Capital Collateral Trust Fund within Justice Administration are carried forward, and all current sources and uses of the trust fund are continued.*

And the title is amended as follows:

On page 1, lines 3-20, delete those lines and insert: Capital Collateral Trust Fund within Justice Administration without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Capital Collateral Trust Fund within Justice Administration, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the Capital Collateral Trust Fund within Justice Administration before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the Capital Collateral Trust Fund within Justice Administration sets adequate parameters for its use, NOW, THEREFORE,

On motion by Senator Sullivan, by two-thirds vote **HB 4587** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

SB 2424—A bill to be entitled An act relating to the re-creation of the Child Support Trust Fund without modification; re-creating the Child Support Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2424** to **HB 4589**.

Pending further consideration of **SB 2424** as amended, on motion by Senator Sullivan, by two-thirds vote **HB 4589** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4589—A bill to be entitled An act relating to trust funds; re-creating the Child Support Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2424** as amended and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, lines 24-31, delete those lines and insert:

Section 1. *The Child Support Trust Fund within Justice Administration, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on November 4, 2000, is re-created.*

Section 2. *All current balances of the Child Support Trust Fund within Justice Administration are carried forward, and all current sources and uses of the trust fund are continued.*

And the title is amended as follows:

On page 1, lines 3-20, delete those lines and insert: Child Support Trust Fund within Justice Administration without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Child Support Trust Fund within Justice Administration, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the Child Support Trust Fund within Justice Administration before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the Child Support Trust Fund within Justice Administration sets adequate parameters for its use, NOW, THEREFORE,

On motion by Senator Sullivan, by two-thirds vote **HB 4589** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4591** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4591—A bill to be entitled An act relating to trust funds; re-creating the State Attorney RICO Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2426** and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 24 through page 2, line 2, delete those lines and insert:

Section 1. *The State Attorney RICO Trust Fund within Justice Administration, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on November 4, 2000, is re-created.*

Section 2. *All current balances of the State Attorney RICO Trust Fund within Justice Administration are carried forward, and all current sources and uses of the trust fund are continued.*

And the title is amended as follows:

On page 1, lines 3-20, delete those lines and insert: State Attorney RICO Trust Fund within Justice Administration without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the State Attorney RICO Trust Fund within Justice Administration, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the State Attorney RICO Trust Fund within Justice Administration before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the State Attorney RICO Trust Fund within Justice Administrative sets adequate parameters for its use, NOW, THEREFORE,

On motion by Senator Sullivan, by two-thirds vote **HB 4591** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4593** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4593—A bill to be entitled An act relating to trust funds; re-creating the Consumer Frauds Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2428** and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, lines 24-31 delete those lines and insert:

Section 1. *The Consumer Frauds Trust Fund within Justice Administration, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on November 4, 2000, is re-created.*

Section 2. *All current balances of the Consumer Frauds Trust Fund within Justice Administration are carried forward, and all current sources and uses of the trust fund are continued.*

And the title is amended as follows:

On page 1, lines 3-20, delete those lines and insert: Consumer Frauds Trust Fund within Justice Administration without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Consumer Frauds Trust Fund within Justice Administration, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the Consumer Frauds Trust Fund within Justice Administration before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the Consumer Frauds Trust Fund within Justice Administration sets adequate parameters for its use, NOW, THEREFORE,

On motion by Senator Sullivan, by two-thirds vote **HB 4593** as amended was read the third time by title, passed by the required consti-

tutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4595** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4595—A bill to be entitled An act relating to trust funds; recreating the State Attorney's Forfeiture and Investigative Support Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2430** and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 28 through page 2, line 7, delete those lines and insert:

Section 1. *The State Attorney's Forfeiture and Investigative Support Trust Fund within Justice Administration, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on November 4, 2000, is re-created.*

Section 2. *All current balances of the State Attorney's Forfeiture and Investigative Support Trust Fund within Justice Administration are carried forward, and all current sources and uses of the trust fund are continued.*

And the title is amended as follows:

On page 1, lines 3-24, delete those lines and insert: State Attorney's Forfeiture and Investigative Support Trust Fund within Justice Administration without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the State Attorney's Forfeiture and Investigative Support Trust Fund within Justice Administration, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the State Attorney's Forfeiture and Investigative Support Trust Fund within Justice Administration before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the State Attorney's Forfeiture and Investigative Support Trust Fund within Justice Administration sets adequate parameters for its use, NOW, THEREFORE,

On motion by Senator Sullivan, by two-thirds vote **HB 4595** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary
Cowin	Gutman	Kurth	Rossin
Crist	Hargrett	Latvala	Scott
Diaz-Balart	Harris	Laurent	Silver
Dudley	Holzendorf	Lee	Sullivan
Dyer	Horne	McKay	Thomas
Forman	Jones	Meadows	Turner
Geller	Kirkpatrick	Myers	Williams
Grant	Klein	Ostalkiewicz	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4597** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4597—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2432** and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 24 through page 2, line 2, delete those lines and insert:

Section 1. *The Grants and Donations Trust Fund within Justice Administration, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on November 4, 2000, is re-created.*

Section 2. *All current balances of the Grants and Donations Trust Fund within Justice Administration are carried forward, and all current sources and uses of the trust fund are continued.*

And the title is amended as follows:

On page 1, lines 3-20, delete those lines and insert: Grants and Donations Trust Fund within Justice Administration without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Grants and Donations Trust Fund within Justice Administration, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the Grants and Donations Trust Fund within Justice Administration before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the Grants and Donations Trust Fund within Justice Administration sets adequate parameters for its use, NOW, THEREFORE,

On motion by Senator Sullivan, by two-thirds vote **HB 4597** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Clary	Grant	Klein	Ostalkiewicz

Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4621** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4621—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2434** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4621** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4623** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4623—A bill to be entitled An act relating to trust funds; recreating the Florida Motor Vehicle Theft Prevention Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2436** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4623** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4625** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4625—A bill to be entitled An act relating to trust funds; recreating the Consumer Frauds Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2438** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4625** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4585** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4585—A bill to be entitled An act relating to trust funds; recreating the Sale of Goods and Services Clearing Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2440** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4585** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4611** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4611—A bill to be entitled An act relating to trust funds; recreating the Criminal Justice Standards and Training Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2444** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4611** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4615** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4615—A bill to be entitled An act relating to trust funds; recreating the Forfeiture and Investigative Support Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2446** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4615** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4613** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4613—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2448** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4613** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Clary	Grant	Klein	Ostalkiewicz
Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4617** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4617—A bill to be entitled An act relating to trust funds; recreating the Operating Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2450** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4617** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4619** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan vote—

HB 4619—A bill to be entitled An act relating to trust funds; recreating the Revolving Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2452** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4619** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4653** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4653—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Parole Com-

mission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2456** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4653** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4601** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4601—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2458** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4601** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4603** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4603—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2460** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4603** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary
Cowin	Gutman	Kurth	Rossin
Crist	Hargrett	Latvala	Scott
Diaz-Balart	Harris	Laurent	Silver
Dudley	Holzendorf	Lee	Sullivan
Dyer	Horne	McKay	Thomas
Forman	Jones	Meadows	Turner
Geller	Kirkpatrick	Myers	Williams
Grant	Klein	Ostalkiewicz	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4609** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4609—A bill to be entitled An act relating to trust funds; recreating the Juvenile Crime Prevention and Early Intervention Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2462** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4609** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4605** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4605—A bill to be entitled An act relating to trust funds; recreating the Juvenile Justice Training Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2464** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4605** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4607** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4607—A bill to be entitled An act relating to trust funds; re-creating the Social Services Block Grant Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2466** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4607** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4659** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4659—A bill to be entitled An act relating to trust funds; creating the Privately Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—a companion measure, was substituted for **SB 2490** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4659** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4655** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4655—A bill to be entitled An act relating to trust funds; creating the Employee Benefit Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—a companion measure, was substituted for **SB 2492** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4655** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4649** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4649—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2494** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4649** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4663** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4663—A bill to be entitled An act relating to criminal justice trust funds; terminating specified trust funds and fund accounts within the state courts system and the Department of Corrections; providing for the transfer of current balances to general revenue, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; modifying provisions relating to specified trust funds and fund accounts within the state courts system and the Department of Corrections; amending s. 216.272, F.S., relating to Working Capital Trust Funds used to fund data processing centers; removing reference to the judicial branch; amending s. 945.215, F.S.; providing sources of funds and purposes of the Inmate Welfare Trust Fund, the Privately Owned Institutions Inmate Welfare Trust Fund, and the Employee Benefit Trust Fund within the department; providing for annual appropriation of funds deposited in the Inmate Welfare Trust Fund; requiring certain annual reports; amending s. 944.803, F.S., relating to faith-based programs for inmates; revising a reference, to conform; amending s. 945.31, F.S.; providing for deposit of the department's administrative processing fee in the department's Operating Trust Fund; amending s. 945.76, F.S.; revising provisions

relating to fees for certification and monitoring of batterers' intervention programs; providing for deposit of such fees in the department's Operating Trust Fund; amending s. 944.10, F.S.; providing for deposit of contractual service and inmate labor fees in the Correctional Work Program Trust Fund; amending s. 948.09, F.S.; providing for deposit of the electronic monitoring surcharge in the department's Operating Trust Fund; amending s. 951.23, F.S.; providing for deposit of fees collected pursuant to local detention facility inspection agreements in the department's Operating Trust Fund; providing an effective date.

—a companion measure, was substituted for **SB 2496** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4663** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Consideration of **SB 2498** was deferred.

On motion by Senator Sullivan, by two-thirds vote **HB 4577** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4577—A bill to be entitled An act relating to trust funds; recreating the Correctional Work Program Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2506** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4577** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4599** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4599—A bill to be entitled An act relating to trust funds; recreating the Indigent Criminal Defense Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2508** and read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 24 through page 2, line 2, delete those lines and insert:

Section 1. *The Indigent Criminal Defense Trust Fund within Justice Administration, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on November 4, 2000, is re-created.*

Section 2. *All current balances of the Indigent Criminal Defense Trust Fund within Justice Administration are carried forward, and all current sources and uses of the trust fund are continued.*

And the title is amended as follows:

On page 1, lines 3-20, delete those lines and insert: Indigent Criminal Defense Trust Fund within Justice Administration without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Indigent Criminal Defense Trust Fund within Justice Administration, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the Indigent Criminal Defense Trust Fund within Justice Administration before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the Indigent Criminal Defense Trust Fund within Justice Administration sets adequate parameters for its use, NOW, THEREFORE,

On motion by Senator Sullivan, by two-thirds vote **HB 4599** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4639** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4639—A bill to be entitled An act relating to trust funds; recreating the Elections Commission Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2510** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4639** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary

Cowin	Gutman	Kurth	Rossin
Crist	Hargrett	Latvala	Scott
Diaz-Balart	Harris	Laurent	Silver
Dudley	Holzendorf	Lee	Sullivan
Dyer	Horne	McKay	Thomas
Forman	Jones	Meadows	Turner
Geller	Kirkpatrick	Myers	Williams
Grant	Klein	Ostalkiewicz	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4643** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4643—A bill to be entitled An act relating to trust funds; recreating the Family Courts Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing for future termination; providing an effective date.

—a companion measure, was substituted for **SB 2512** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4643** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4651** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4651—A bill to be entitled An act relating to trust funds; recreating the Family Courts Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2514** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4651** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4657** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4657—A bill to be entitled An act relating to trust funds; creating the Inmate Welfare Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carryforward of funds; providing for future review and termination or recreation of the trust fund; providing an effective date.

—a companion measure, was substituted for **SB 2516** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4657** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4645** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4645—A bill to be entitled An act relating to trust funds; recreating the Court Education Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2518** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4645** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **HB 4647** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan—

HB 4647—A bill to be entitled An act relating to trust funds; recreating the State Mediation and Arbitration Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 2520** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote

HB 4647 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

HB 4715—A bill to be entitled An act relating to trust funds; creating s. 20.2553, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Environmental Protection; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 370.021, 370.061, and 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4715** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

HB 4717—A bill to be entitled An act relating to trust funds; creating s. 372.107, F.S.; creating the Federal Law Enforcement Trust Fund within the Game and Fresh Water Fish Commission; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 372.73, 372.9901, 372.9904, and 932.7055, F.S., relating to duties of the commission with respect to the deposit of certain moneys, to conform; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4717** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Clary	Grant	Klein	Ostalkiewicz
Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

HB 4719—A bill to be entitled An act relating to trust funds; creating s. 561.027, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Business and Professional Regulation; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending s. 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4719** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

HB 4721—A bill to be entitled An act relating to trust funds; creating s. 570.205, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Agriculture and Consumer Services; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending s. 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4721** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

HB 4723—A bill to be entitled An act relating to trust funds; creating s. 250.175, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Military Affairs; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending s. 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4723** was read the third time by title, passed by

the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Consideration of **HB 4725** was deferred.

HB 4813—A bill to be entitled An act relating to trust funds; creating s. 17.43, F.S.; creating the Comptroller's Federal Equitable Sharing Trust Fund within the Department of Banking and Finance; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 4813** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 706, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 706—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising provisions relating to high school graduation credit requirements; providing for early graduation; amending s. 236.081, F.S., relating to funds for operation of schools; providing for calculation of full-time-equivalent student membership for students who graduate early; providing an effective date.

House Amendment 1—On page 5, lines 15 through 30, remove from the bill: All of said lines and insert in lieu thereof:

(c) *Notwithstanding the 24 academic credit limit in subsection (1),* district school boards are authorized ~~and encouraged~~ to establish requirements for high school graduation in excess of the minimum requirements *by requiring foreign language credits, by increasing the required academic courses set forth in subsection (1)(a) through (j), or by increasing the minimum grade point average requirement*; however, an increase in *required course* ~~academic credit~~ or minimum grade point average requirements shall not apply to those students enrolled in grades 9 through 12 at the time the district school board increases the requirements. *This paragraph does not preclude district school boards from establishing academic credit requirements in excess of 24 credits for academy, magnet, or other special courses of study programs, including workforce development programs, which students may voluntarily enter and agree to the excess requirements.*

On motion by Senator Sullivan, the Senate refused to concur in the House amendment to **CS for SB 706** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1108, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1108—A bill to be entitled An act relating to insurance; amending s. 627.021, F.S.; providing that the provisions of ch. 627, F.S., do not apply to commercial inland marine insurance; amending ss. 627.0651, 627.410, F.S.; making conforming changes to requirements for filing underwriting rules and forms; amending s. 627.311, F.S.; revising the composition of the workers' compensation joint underwriting plan; prohibiting insurers from providing workers' compensation to certain employers; amending s. 627.7295, F.S., relating to minimum down payments for motor vehicle insurance; providing an effective date.

House Amendment 1 (with title amendment)—On page 15, between lines 23 and 24 of the bill insert:

Section 4. Paragraph (e) of subsection (2) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(e) Notwithstanding the provisions of subparagraph (c)2. or paragraph (d), eligibility shall not be extended to any area that was not eligible on March 1, 1997, except that the department may act with respect to any petition on which a hearing was held prior to *May 9, 1997* ~~the effective date of this act. This paragraph is repealed on October 1, 1998~~.

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: amending s. 627.351, F.S.; prohibiting further geographical expansion of Florida Windstorm Underwriting Association eligibility;

House Amendment 2 (with title amendment)—On page 14, between lines 26 and 27 of the bill insert:

Section 5. Paragraph (c) is added to subsection (1) of section 627.7013, Florida Statutes, and subsection (2) of said section is amended, to read:

627.7013 Orderly markets for personal lines residential property insurance.—

(1) FINDINGS AND PURPOSE.—

(a) The Legislature finds that personal lines residential property insurers, as a condition of doing business in this state, have a responsibility to contribute to an orderly market for personal lines residential property insurance and that there is a compelling state interest in maintaining an orderly market for personal lines residential property insurance. The Legislature further finds that Hurricane Andrew, which caused over $15 billion of insured losses in South Florida, has reinforced the need of consumers to have reliable homeowner's insurance coverage;

however, the enormous monetary impact to insurers of Hurricane Andrew claims has prompted insurers to propose substantial cancellation or nonrenewal of their homeowner's insurance policyholders. The Legislature further finds that the massive cancellations and nonrenewals announced, proposed, or contemplated by certain insurers constitute a significant danger to the public health, safety, and welfare, and destabilize the insurance market. In furtherance of the overwhelming public necessity for an orderly market for property insurance, the Legislature, in chapter 93-401, Laws of Florida, imposed, for a limited time, a moratorium on cancellation or nonrenewal of personal lines residential property insurance policies. The Legislature further finds that upon expiration of the moratorium, additional actions are required to maintain an orderly market for personal lines residential property insurance in this state. The purposes of this section are to provide for a phaseout of the moratorium and to require advance planning and approval for programs of exposure reduction.

(b) The Legislature finds, as of the beginning of the 1996 Regular Session of the Legislature, that:

1. The conditions described in paragraph (a) remain applicable to the property insurance market in this state in 1996 and are likely to remain applicable for several years thereafter.

2. The Residential Property and Casualty Joint Underwriting Association, a residual market mechanism created to alleviate temporary unavailability of property insurance coverage, remains the primary or exclusive source of new property insurance coverage in significant portions of the state.

3. Recent enactments intended to restore a competitive, private sector property insurance market, including creation and enhancement of the Florida Hurricane Catastrophe Fund, incentives for depopulation of the Residential Property and Casualty Joint Underwriting Association, incentives for hurricane loss mitigation and prevention, creation of the Florida Commission on Hurricane Loss Projection Methodology, and revisions of laws relating to rates and coverages, are beginning to have their intended effects; however, the market instability that persists could frustrate these efforts to restore the market.

4. The moratorium completion provided in this section is the least intrusive method for maintaining an orderly market, insofar as it applies only to hurricane-related cancellations and nonrenewals of personal lines residential policies that were in force on the effective date, and insofar as it allows an insurer annually to nonrenew up to 5 percent of the total number of such policies as of the effective date.

(c) The Legislature finds, as of January 1, 1998, that:

1. The conditions described in paragraphs (a) and (b) remain applicable to the property insurance market in this state in 1998 and are likely to remain applicable for several years thereafter.

2. The general instability of the market is reflected by the following facts:

a. In spite of depopulation efforts under which approximately 600,000 policies have been transferred from the Residential Property and Casualty Joint Underwriting Association to the voluntary market, the joint underwriting association, with approximately 500,000 policies in force, remains the primary or exclusive source of new property insurance coverage in significant portions of the state.

b. The Florida Windstorm Underwriting Association is growing rapidly, with more than 400,000 policies in force, approximately half of which were initially issued in 1997.

3. A further extension of the operation of this section until June 1, 2001, will provide an opportunity for the market to stabilize and for continuation of residual market depopulation efforts.

(2) MORATORIUM COMPLETION.—

(a) As used in this subsection, the term "total number of policies" means the number of an insurer's policies of a specified type that were in force on June 1, 1996, or the date on which this section became law, whichever was later.

(b) The following restrictions apply only to cancellation or nonrenewal of personal lines residential property insurance policies that were in force on June 1, 1996, or the date on which this section became law, whichever was later.

1. In any 12-month period, an insurer may not cancel or nonrenew more than 5 percent of such insurer's total number of homeowner's policies, 5 percent of such insurer's total number of mobile home owner's policies, or 5 percent of such insurer's total number of personal lines residential policies of all types and classes in the state for the purpose of reducing the insurer's exposure to hurricane claims and may not, with respect to any county, cancel or nonrenew more than 10 percent of its total number of homeowner's policies, 10 percent of its total number of mobile home owner's policies, or 10 percent of its total number of personal lines residential policies of all types and classes in the county for the purpose of reducing the insurer's exposure to hurricane claims. This subparagraph does not prohibit any cancellations or nonrenewals of such policies for any other lawful reason unrelated to the risk of loss from hurricane exposure.

2.a. If, for any 12-month period, an insurer proposes to cancel or nonrenew personal lines residential policies to an extent not authorized by subparagraph 1. for the purpose of reducing exposure to hurricane claims, the insurer must file a phaseout plan with the department at least 90 days prior to the effective date of the plan. In the plan, the insurer must demonstrate to the department that the insurer is protecting market stability and the interests of its policyholders. The plan may not be implemented unless it is approved by the department. In developing the plan, the insurer must consider policyholder longevity, the use of voluntary incentives to accomplish the reduction, and geographic distribution. The insurer must demonstrate that under the plan the insurer will not cancel or nonrenew more policies in the 12-month period than the largest number of similar policies the insurer canceled or nonrenewed for any reason in any 12-month period between August 24, 1989, and August 24, 1992.

b. If the insurer considers the number of cancellations and nonrenewals under sub-subparagraph a. to be insufficient, the insurer may apply for approval of additional cancellations or nonrenewals on the basis of an unreasonable risk of insolvency. In evaluating a request under this sub-subparagraph, the department shall consider and shall require the insurer to provide information relevant to: the insurer's size, market concentration, and general financial condition; the portion of the insurer's business in this state represented by personal lines residential property insurance; the reasonableness of assumptions with respect to size, frequency, severity, and path of hurricanes; the reinsurance available to the insurer and potential recoveries from the Florida Hurricane Catastrophe Fund; and the extent to which the insurer's assets have been voluntarily transferred by dividend or otherwise from the insurer to its stockholders, parent companies, or affiliated companies since June 1, 1996, or the date on which this section became law, whichever was later. In the implementation of exposure reductions under this sub-subparagraph, the department and the insurer shall consider such factors as policyholder longevity, the use of voluntary incentives to accomplish the exposure reduction, and geographic distribution.

c. A policy shall not be counted as having been canceled or nonrenewed for purposes of this subsection if any of the following apply:

(I) The policy was canceled or nonrenewed for an underwriting reason unrelated to the risk of loss from hurricane exposure, nonpayment of premium, or any other lawful reason that is unrelated to the risk of loss from hurricane exposure. The department shall consider the reason specified in the notice of cancellation or nonrenewal to be the reason for the cancellation or nonrenewal unless the department finds by a preponderance of the evidence that the stated reason was not the insurer's actual reason for the cancellation or nonrenewal.

(II) The cancellation or nonrenewal was initiated by the insured.

(III) The insurer has offered the policyholder replacement or alternative coverage at approved rates, which coverage meets the requirements of the secondary mortgage market.

d. In addition to any other cancellations or nonrenewals subject to the limitations in this subsection, a policy shall be considered as having been canceled or nonrenewed for purposes of this subsection if:

(I) The insurer implements a rate increase under the use-and-file provisions of s. 627.062(2)(a)2., which rate increase exceeds 150 percent of the increase ultimately approved by the department, and, while the

rate filing was pending, the policyholder voluntarily canceled or nonrenewed the policy and obtained replacement coverage from another insurer, including the Residential Property and Casualty Joint Underwriting Association; or

(II) The insurer reduces the commission to an agent by more than 25 percent and the agent thereafter places the risk with another insurer, including the Residential Property and Casualty Joint Underwriting Association, *or* the Florida Windstorm Underwriting Association~~, or the Coastal Zone Insurance Plan~~.

e. The department must approve or disapprove an application for a waiver within 90 days after the department receives the application for waiver.

3. In addition to the cancellations or nonrenewals authorized under this section, an insurer may cancel or nonrenew policies to the extent authorized by an exemption from or waiver of either the moratorium created by chapter 93-401, Laws of Florida, or the moratorium phaseout under former s. 627.7013(2).

4. Notwithstanding any provisions of this section to the contrary, this section does not apply to any insurer that, prior to August 24, 1992, filed notice of such insurer's intent to discontinue writing insurance in this state under s. 624.430, and for which a finding has been made by the department, the Division of Administrative Hearings of the Department of Management Services, or a court that such notice satisfied all requirements of s. 624.430. Nothing in this section shall be construed to authorize an insurer to withdraw from any line of property insurance business for the purpose of reducing exposure to risk of hurricane loss if such withdrawal commenced at any time that the moratorium under chapter 93-401, Laws of Florida, or the moratorium phaseout under this section is in effect.

5. The following actions by an insurer do not constitute cancellations or nonrenewals for purposes of this subsection:

a. The transfer of a risk from one admitted insurer to another admitted insurer, unless the terms of the new or replacement policy place the policyholder in default of a mortgage obligation.

b. An increase in the hurricane deductible applicable to the policy, unless the new deductible places the policyholder in default of a mortgage obligation or the deductible exceeds the limits specified in s. 627.701.

c. Any other lawful change in coverage that does not place the policyholder in default of a mortgage obligation.

d. A cancellation or nonrenewal that is part of the same action as the removal of a policy including windstorm or hurricane coverage from the Residential Property and Casualty Joint Underwriting Association.

6. In order to assure fair and effective enforcement of this subsection, each insurer shall, no later than October 1, 1996, report to the department the policy number of each policy subject to this subsection, arranged by county. The report shall include the policy number for each personal lines residential policy that was in force on June 1, 1996, or the date this section became law, whichever was later. Beginning October 1, 1996, each insurer shall also report, on a monthly basis, all cancellations and nonrenewals of policies included in such policy list and the reasons for the cancellations and nonrenewals.

~~7. An insurer that has an overconcentration of wind risk in areas eligible for coverage under the Florida Windstorm Underwriting Association may submit to the department for approval an accelerated exposure reduction plan. The plan, if approved, shall allow the insurer to nonrenew additional policies for reasons of reducing hurricane loss, beyond the amounts authorized elsewhere in this paragraph, subject to the following conditions:~~

~~a. All additional nonrenewals under this subparagraph shall consist of nonrenewals of only the windstorm portion of a policy, and shall be allowed only if the Florida Windstorm Underwriting Association provides windstorm coverage to replace the nonrenewed windstorm coverage.~~

~~b. At the conclusion of the accelerated exposure reduction plan, which shall be no later than 12 months after the date of the first nonrenewal under such plan, the insurer is prohibited from any further nonrenewals for purposes of reducing hurricane loss until the expiration of this subsection.~~

~~c. The total number of nonrenewals statewide for purposes of reduction of hurricane loss, under this subparagraph taken together with the other provisions of this paragraph, shall not exceed the total number of nonrenewals that would have been allowed statewide under subparagraph 1. between June 1, 1996, and the expiration of this subsection.~~

~~d. Notwithstanding the provisions of s. 627.4133, the insurer must give the policyholder 45 days' advance notice of the nonrenewal of windstorm coverage under this subparagraph and the availability of such coverage through the Florida Windstorm Underwriting Association.~~

~~e. The first nonrenewal under an accelerated exposure reduction program under this subparagraph may not take effect earlier than February 1, 1997.~~

~~f. In reviewing the proposed accelerated exposure reduction plan, the department shall consider:~~

~~(I) The degree to which the exposure reduction plan is necessary to address the insurer's overconcentration.~~

~~(II) Prior levels of participation in writing voluntary wind coverage in areas eligible for coverage through the Florida Windstorm Underwriting Association.~~

~~(III) The availability of wind coverage in the voluntary market for the subject risks.~~

~~(IV) The capacity of the Florida Windstorm Underwriting Association to absorb the risks proposed to be covered by the association.~~

(c) The department may adopt rules to implement this subsection.

(d) This section shall cease to operate at such time as the department determines that the insured value of all residential properties insured by the Florida Windstorm Underwriting Association and all properties insured by the Residential Property and Casualty Joint Underwriting Association under policies providing wind coverage, combined, has remained below $25 billion for 3 consecutive months, based on exposure data reported to the department by the associations.

(e)~~(d)~~ This subsection is repealed on June 1, *2001* ~~1999~~.

Section 6. Section 627.7014, Florida Statutes, is amended to read:

627.7014 Orderly markets for condominium association residential property insurance.—

(1) FINDINGS AND PURPOSE.—

(a) The Legislature finds:

1. That residential property insurers providing condominium association coverage, as a condition of doing business in this state, have a responsibility to contribute to an orderly market for condominium association residential property insurance and that there is a compelling state interest in maintaining an orderly market for condominium association residential property insurance.

2. That Hurricane Andrew, which caused over $15 billion of insured losses in South Florida, has reinforced the need of consumers to have reliable condominium association insurance coverage; however, even more than 3 years after Hurricane Andrew, the hurricane's enormous monetary impact is causing insurers to propose substantial cancellation or nonrenewal of their condominium association insurance policyholders.

3. That the massive cancellations and nonrenewals announced, proposed, or contemplated by certain insurers constitute a significant danger to the public health, safety, and welfare and destabilize the insurance market.

4. That the Residential Property and Casualty Joint Underwriting Association, a residual market mechanism created to alleviate temporary unavailability of property insurance coverage, remains the primary or exclusive source of new property insurance in significant portions of the state.

5. That recent enactments intended to restore a competitive, private sector property insurance market, including creation and enhancement of the Florida Hurricane Catastrophe Fund, incentives for depopulation of the Residential Property and Casualty Joint Underwriting Association, incentives for hurricane loss mitigation and prevention, creation of the Florida Commission on Hurricane Loss Projection Methodology, and revisions of laws relating to rates and coverages, are beginning to have their intended effects; however, the market remains unstable.

6. That the moratorium created by this section is the least intrusive method for maintaining an orderly market for condominium association insurance, insofar as it applies only to hurricane-related cancellations and nonrenewals of personal lines residential policies that were in force on the effective date of this section, and insofar as it allows an insurer annually to nonrenew up to 5 percent of the total number of such policies as of the effective date of this section.

(b) The Legislature finds, as of January 1, 1998, that:

1. The conditions described in paragraph (a) remain applicable to the commercial residential property insurance market in this state in 1998 and are likely to remain applicable for several years thereafter.

2. The general instability of the market is reflected by the recent rapid growth of the Florida Windstorm Underwriting Association, which had more than 9,500 commercial residential policies in force as of December 31, 1997, representing a 58 percent increase over the number of commercial residential policies in force on December 31, 1996.

3. An extension of the operation of this section until June 1, 2001, will provide an opportunity for the market to stabilize and for continuation of residual market depopulation efforts.

(c)~~(b)~~ The purposes of this section are to provide for a temporary moratorium on hurricane-related cancellations and nonrenewals of condominium association coverage and to require advance planning and approval for programs of condominium association exposure reduction.

(2) MORATORIUM.—

(a) As used in this subsection, the term "total number of policies" means the number of an insurer's condominium association policies providing windstorm or hurricane coverage that were in force on the effective date of this section. The following restrictions apply to the cancellation or nonrenewal of condominium association residential property insurance policies that were in force on the effective date of this section:

1. In any 12-month period, an insurer may not cancel or nonrenew more than 5 percent of its total number of condominium association policies in the state for the purpose of reducing the insurer's exposure to hurricane claims and may not, with respect to any county, cancel or nonrenew more than 10 percent of its total number of condominium association policies in the county for the purpose of reducing the insurer's exposure to hurricane claims. This subparagraph does not prohibit any cancellations or nonrenewals of such policies for any other lawful reason unrelated to the risk of loss from hurricane exposure.

2.a. If, for any 12-month period, an insurer proposes to cancel or nonrenew condominium association policies to an extent not authorized by subparagraph 1. for the purpose of reducing exposure to hurricane claims, the insurer must file a phaseout plan with the department at least 90 days prior to the effective date of the plan. In the plan, the insurer must demonstrate to the department that the insurer is protecting market stability and the interests of its policyholders. The plan may not be implemented unless it is approved by the department. In developing the plan, the insurer must consider policyholder longevity, the use of voluntary incentives to accomplish the reduction, and geographic distribution. The insurer must demonstrate that under the plan the insurer will not cancel or nonrenew more policies in the 12-month period than the largest number of similar policies the insurer canceled or nonrenewed for any reason in any 12-month period between August 24, 1989, and August 24, 1992.

b. If the insurer considers the number of cancellations and nonrenewals under sub-subparagraph a. to be insufficient, the insurer may apply for approval of additional cancellations or nonrenewals on the basis of an unreasonable risk of insolvency. In evaluating a request under this sub-subparagraph, the department shall consider, and shall require the insurer to provide information relevant to: the insurer's size, market concentration, and general financial condition; the portion of the insurer's business in this state represented by condominium association residential property insurance; the reasonableness of assumptions with respect to size, frequency, severity, and path of hurricanes; and the reinsurance available to the insurer and potential recoveries from the Florida Hurricane Catastrophe Fund. In the implementation of exposure reductions under this sub-subparagraph, the department and the insurer shall consider such factors as policyholder longevity, the use of voluntary incentives to accomplish the exposure reduction, and geographic distribution.

c. A policy shall not be counted as having been canceled or nonrenewed for purposes of this subsection if any of the following apply:

(I) The policy was canceled or nonrenewed for an underwriting reason unrelated to the risk of loss from hurricane exposure, nonpayment of premium, or any other lawful reason that is unrelated to the risk of loss from hurricane exposure. The department shall consider the reason specified in the notice of cancellation or nonrenewal to be the reason for the cancellation or nonrenewal unless the department finds by a preponderance of the evidence that the stated reason was not the insurer's actual reason for the cancellation or nonrenewal.

(II) The cancellation or nonrenewal was initiated by the insured.

(III) The insurer has offered the policyholder replacement or alternative coverage at approved rates.

(IV) The risk is transferred from one admitted insurer to another admitted insurer, unless the terms of the new or replacement policy place the policyholder in default of a mortgage obligation.

(V) The hurricane deductible applicable to the policy is increased unless the new deductible exceeds statutory limits or places the policyholder in default of a mortgage obligation.

(VI) Any other lawful change in coverage that does not place the policyholder in default of a mortgage obligation is made.

d. In addition to any other cancellations or nonrenewals subject to the limitations in this subsection, a policy shall be considered as having been canceled or nonrenewed for purposes of this subsection if:

(I) The insurer implements a rate increase under the use-and-file provisions of s. 627.062(2)(a)2., which rate increase exceeds 150 percent of the increase ultimately approved by the department, and, while the rate filing was pending, the policyholder voluntarily canceled or nonrenewed the policy and obtained replacement coverage from another insurer, including the Residential Property and Casualty Joint Underwriting Association; or

(II) The insurer reduces the commission to an agent by more than 25 percent and the agent thereafter places the risk with another insurer, including the Residential Property and Casualty Joint Underwriting Association.

e. The department must approve or disapprove an application for a waiver within 90 days after the department receives the application for waiver.

3. Notwithstanding any provisions of this section to the contrary, this section does not apply to any insurer that, prior to August 24, 1992, filed notice of such insurer's intent to discontinue writing insurance in this state under s. 624.430, and for which a finding has been made by the department, the Division of Administrative Hearings of the Department of Management Services, or a court that such notice satisfied all requirements of s. 624.430. This section also does not apply to any insurer that:

a. Collects at least 75 percent of its Florida premiums from policies that include hurricane coverage provided to condominium associations in coastal counties.

b. Collects at least 80 percent of its Florida premiums from policies that include hurricane coverage provided to condominium associations in Broward, Dade, and Palm Beach Counties.

c. Has, annually since 1992:

(I) Increased its aggregate Florida premium volume from policies that include hurricane coverage provided to condominium associations in coastal counties.

(II) Increased its aggregate Florida premium volume from policies that include hurricane coverage provided to condominium associations in Broward, Dade, and Palm Beach Counties.

(III) Increased its aggregate Florida exposure from policies that include hurricane coverage provided to condominium associations in coastal counties.

(IV) Increased its aggregate Florida exposure from policies that include hurricane coverage provided to condominium associations in Broward, Dade, and Palm Beach Counties.

d. Has surplus as to policyholders of no more than $200 million as reflected in its annual statement for 1995.

4. In order to assure fair and effective enforcement of this subsection, each insurer shall, no later than October 1, 1996, report to the department the policy number of each policy subject to this subsection, arranged by county. The report shall include the policy number for each condominium association policy that was in force on the effective date of this section. Beginning October 1, 1996, each insurer shall also report, on a monthly basis, all cancellations and nonrenewals of policies included in such policy list and the reasons for the cancellations and nonrenewals.

~~5. An insurer that has an overconcentration of wind risk in areas eligible for coverage under the Florida Windstorm Underwriting Association may submit to the department for approval an accelerated exposure reduction plan. The plan, if approved, shall allow the insurer to nonrenew additional policies for reasons of reducing hurricane loss, beyond the amounts authorized elsewhere in this paragraph, subject to the following conditions:~~

~~a. All additional nonrenewals under this subparagraph shall consist of nonrenewals of only the windstorm portion of a policy, and shall be allowed only if the Florida Windstorm Underwriting Association provides windstorm coverage to replace the nonrenewed windstorm coverage.~~

~~b. At the conclusion of the accelerated exposure reduction plan, which shall be no later than 12 months after the date of the first nonrenewal under such plan, the insurer is prohibited from any further nonrenewals for purposes of reducing hurricane loss until the expiration of this subsection.~~

~~c. The total number of nonrenewals statewide for purposes of reduction of hurricane loss, under this subparagraph taken together with the other provisions of this paragraph, shall not exceed the total number of nonrenewals that would have been allowed statewide under subparagraph 1. between June 1, 1996, and the expiration of this subsection.~~

~~d. Notwithstanding the provisions of s. 627.4133, the insurer must give the policyholder 45 days' advance notice of the nonrenewal of windstorm coverage under this subparagraph and the availability of such coverage through the Florida Windstorm Underwriting Association.~~

~~e. The first nonrenewal under an accelerated exposure reduction program under this subparagraph may not take effect earlier than February 1, 1997.~~

~~f. In reviewing the proposed accelerated exposure reduction plan, the department shall consider:~~

~~(I) The degree to which the exposure reduction plan is necessary to address the insurer's overconcentration.~~

~~(II) Prior levels of participation in writing voluntary wind coverage in areas eligible for coverage through the Florida Windstorm Underwriting Association.~~

~~(III) The availability of wind coverage in the voluntary market for the subject risks.~~

~~(IV) The capacity of the Florida Windstorm Underwriting Association to absorb the risks proposed to be covered by the association.~~

(b) The department may adopt rules to implement this subsection.

(c) This section shall cease to operate at such time as the department determines that the insured value of all residential properties insured by the Florida Windstorm Underwriting Association and all properties insured by the Residential Property and Casualty Joint Underwriting Association under policies providing wind coverage, combined, has remained below $25 billion for 3 consecutive months, based on exposure data reported to the department by the associations.

(d)~~(c)~~ This subsection is repealed on June 1, *2001* ~~1999~~.

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: amending ss. 627.7013 and 627.7014, F.S.; providing findings relating to the moratorium on hurricane-related cancellations and nonrenewals of personal lines residential policies and condominium association policies, respectively; deleting provisions relating to accelerated exposure reduction plans; providing circumstances under which the sections are inoperative; delaying the future repeal date of the sections;

Senators Geller and Silver offered the following amendment which was moved by Senator Geller and adopted:

Senate Amendment 1 (with title amendment) to House Amendment 1—On page 1, line 27, insert:

Section 5. Section 626.9543, Florida Statutes, is created to read:

626.9543 Holocaust victims.—

(1) SHORT TITLE.—This section may be cited as the "Holocaust Victims Insurance Act."

(2) INTENT; PURPOSE.—It is the Legislature's intent that the potential and actual insurance claims of Holocaust victims and their heirs and beneficiaries be expeditiously identified and properly paid and that Holocaust victims and their families receive appropriate assistance in the filing and payment of their rightful claims.

(3) DEFINITIONS.—For the purpose of this section:

(a) "Department" means the Department of Insurance.

(b) "Holocaust victim" means any person who lost his or her life or property as a result of discriminatory laws, policies, or actions targeted against discrete groups of persons between 1920 and 1945, inclusive, in Nazi Germany, areas occupied by Nazi German, or countries allied with Nazi Germany.

(c) "Insurance policy" means, but is not limited to, life insurance, property insurance, or education policies.

(d) "Legal relationship" means any parent, subsidiary, or affiliated company with an insurer doing business in this state.

(e) "Proceeds" means the face or other payout value of policies and annuities plus reasonable interest to date of payments without diminution for wartime or immediate postwar currency devaluation.

(4) ASSISTANCE TO HOLOCAUST VICTIMS.—The department shall establish a toll-free telephone number, available in appropriate languages, to assist any person seeking to recover proceeds from an insurance policy issued to a Holocaust victim.

(5) PROOF OF A CLAIM.—Any insurer doing business in this state, in receipt of a claim from a Holocaust victim or from a beneficiary, descendent or heir of a Holocaust victim, shall:

(a) Diligently and expeditiously investigate all such claims.

(b) Allow such claimants to meet a reasonable, not unduly restrictive, standard of proof to substantiate a claim, pursuant to standards established by the department.

(c) Permit claims irrespective of any statute of limitations or notice requirements imposed by any insurance policy issued, provided the claim is submitted within 10 years after effective date of this section.

(6) STATUTE OF LIMITATIONS.—Notwithstanding any law or agreement among the parties to an insurance policy to the contrary, any action brought by Holocaust victims or by a beneficiary, heir, or descendent of a Holocaust victim seeking proceeds of an insurance policy issued or in effect between 1920 and 1945, inclusive, shall not be dismissed for failure to comply with the applicable statute of limitations or laches provided the action is commenced within 10 years after the effective date of this section.

(7) REPORTS FROM INSURERS.—Any insurer doing business in this state shall have an affirmative duty to ascertain to the extent possible and report to the department within 90 days after the effective date of this section and annually thereafter all efforts made and results of such efforts to ascertain:

(a) Any legal relationship with an international insurer that issued an insurance policy to a Holocaust victim between 1920 and 1945, inclusive.

(b) The number and total value of such policies.

(c) Any claim filed by a Holocaust victim, his or her beneficiary, heir, or descendent that has been paid, denied payment, or is pending.

(d) Attempts made by the insurer to locate the beneficiaries of any such policies for which no claim of benefits has been made.

(e) An explanation of any denial or pending payment of a claim to a Holocaust victim, his or her beneficiary, heir, or descendent.

(8) REPORTS TO THE LEGISLATURE.—The department shall report to the Legislature one year after the effective date of this section and annually thereafter:

(a) The number of insurers doing business in this state which have a legal relationship with an international insurer that could have issued a policy to a Holocaust victim between 1920 and 1945, inclusive.

(b) A list of all claims paid, denied, or pending to a Holocaust victim, his or her beneficiary, heir, or descendent.

(c) A summary of the length of time for the processing and disposition of a claim by the insurer.

(9) PENALTIES.—In addition to any other penalty provided under this chapter, any insurer or person who violates the provisions of this section is subject to an administrative penalty of $1,000 per day for each day such violation continues.

(10) PRIVATE RIGHT OF ACTION.—An action to recover damages caused by a violation of this section must be commenced within 5 years after the cause of action has accrued. Any person who shall sustain damages by the reason of a violation of this section shall recover threefold the actual damages sustained thereby, as well as costs not exceeding $50,000, and reasonable attorneys' fees. At or before the commencement of any civil action by a party, notice thereof shall be served upon the department.

(11) RULES.—The department, by rule, shall provide for the implementation of the provisions of this section by establishing procedures and related forms for facilitating, monitoring, and verifying compliance with this section and for the establishment for a restitution program for Holocaust victims, survivors, and their heirs and beneficiaries.

(12) SEVERABILITY.—If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 4, after the semicolon (;) insert: creating s. 626.9543, F.S.; providing a short title; providing legislative intent and purpose; requiring the Department of Insurance to provide certain assistance to Holocaust victims; providing requirements for insurers relating to insurance claims from beneficiaries, descendants, or heirs of Holocaust victims; limiting certain statutes of limitation under certain circumstances; requiring insurers to report certain information to the department; requiring the department to report to the Legislature; providing penalties; providing requirements for bringing certain causes of action; providing severability;

On motion by Senator Williams, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment; and concurred in **House Amendment 2**.

CS for SB 1108 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Bronson	Dyer	Jones	Myers
Brown-Waite	Forman	Kirkpatrick	Ostalkiewicz
Campbell	Geller	Klein	Rossin
Childers	Grant	Kurth	Scott
Clary	Gutman	Latvala	Silver
Cowin	Hargrett	Laurent	Sullivan
Crist	Harris	Lee	Thomas
Diaz-Balart	Holzendorf	McKay	Turner
Dudley	Horne	Meadows	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1328, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1328—A bill to be entitled An act relating to postconviction capital collateral proceedings; requesting that the Division of Statutory Revision designate part IV of ch. 27, F.S., as "Capital Collateral Representation"; amending s. 27.702, F.S.; deleting a requirement that specifies the time for the capital collateral regional counsel to commence the representation of a person sentenced to death; creating s. 27.710, F.S.; requiring that the executive director of the Commission on the Administration of Justice in Capital Cases maintain a registry of attorneys in private practice who are available to be appointed to represent defendants in postconviction capital collateral proceedings; authorizing the executive director to obtain names of attorneys who may register for appointment; providing eligibility requirements for appointment as counsel in postconviction capital collateral proceedings; providing for appointment of an attorney selected from the registry; limiting the circumstances under which the court may permit an attorney to withdraw from representation following appointment; authorizing the court to impose sanctions; requiring that appointed counsel enter into a contract with the Comptroller; providing for the Comptroller to enforce performance of the contract; providing that more than one attorney may not be appointed at any one time to represent a capital defendant; creating s. 27.711, F.S.; requiring that an attorney appointed to represent a capital defendant file a notice of appearance; providing a schedule of fees to which the attorney is entitled for specified appearances and representations; requiring that the trial court approve the payment of costs and fees; providing that such fees constitute the exclusive means of compensation for such representation; authorizing compensation as provided by federal law under certain circumstances; authorizing the use of investigative services and the payment of fees for such services; providing that by accepting appointment to represent a capital defendant the attorney agrees to continue such representation until the defendant's sentence is reversed, reduced, or carried out; limiting the number of capital defendants that an attorney may represent; prohibiting a claim of ineffective assistance of counsel based on an action by the attorney who represents a capital defendant; prohibiting the attorney from representing the capital defendant in certain other proceedings; providing an effective date.

House Amendment 1 (with title amendment)—On page 7, line 19, after "*court*" insert: *, and the submission of a payment request by the attorney, subject to the availability of sufficient funding specifically appropriated for this purpose. The Justice Administrative Commission shall notify the Executive Director and the court if it appears that sufficient funding has not been specifically appropriated for this purpose to pay any fees which may be incurred*

House Amendment 2 (with title amendment)—On page 3, line 23, remove from the bill: everything after the enacting clause and insert in lieu thereof:

Section 1. *The Division of Statutory Revision is requested to designate part IV of chapter 27, Florida Statutes, as "Capital Collateral Representation."*

Section 2. Subsections (1) and (2) of section 27.702, Florida Statutes, are amended to read:

27.702 Duties of the capital collateral regional counsel; reports.—

(1) The capital collateral regional counsel shall represent each person convicted and sentenced to death in this state for the sole purpose of instituting and prosecuting collateral actions challenging the legality of the judgment and sentence imposed against such person in the state courts, federal courts in this state, the United States Court of Appeals for the Eleventh Circuit, and the United States Supreme Court. ~~Representation by the regional counsel shall commence automatically upon termination of direct appellate proceedings in state or federal courts. Within 91 days after the date the Supreme Court issues a mandate on a direct appeal or the United States Supreme Court denies a petition for certiorari, whichever is later, the capital collateral regional counsel shall file a notice of appearance in the trial court in which the judgment and sentence were entered and shall secure all direct appeal files for collateral representation. Upon receipt of files from the public defender or other counsel, the capital collateral regional counsel shall assign each such case to personnel in his or her office for investigation, client contact, and any further action the circumstances warrant.~~ The three capital collateral regional counsels' offices shall function independently and be separate budget entities, and the regional counsels shall be the office heads for all purposes. The Justice Administrative Commission shall provide administrative support and service to the three offices to the extent requested by the regional counsels. The three regional offices shall not be subject to control, supervision, or direction by the Justice Administrative Commission in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) The capital collateral regional counsel shall represent *persons* ~~each person~~ convicted and sentenced to death within the region in collateral postconviction proceedings, unless a court appoints or permits other counsel to appear as counsel of record.

Section 3. Section 27.710, Florida Statutes, is created to read:

27.710 Registry of attorneys applying to represent persons in postconviction capital collateral proceedings; certification of minimum requirements; appointment by trial court.—

(1) The executive director of the Commission on the Administration of Justice in Capital Cases shall compile and maintain a statewide registry of attorneys in private practice who have certified that they meet the minimum requirements of s. 27.704(2) and who are available for appointment by the court under this section to represent persons convicted and sentenced to death in this state in postconviction capital collateral proceedings. To ensure that sufficient attorneys are available for appointment by the court, when the number of attorneys on the registry falls below 50, the executive director shall notify the chief judge of each circuit by letter and request the chief judge to promptly submit the names of at least three private attorneys who regularly practice criminal law in that circuit and who appear to meet the minimum requirements to represent persons in postconviction capital collateral proceedings. The executive director shall send an application to each attorney identified by the chief judge so that the attorney may register for appointment as counsel in postconviction capital collateral proceedings. As necessary, the executive director may also advertise in legal publications and other appropriate media for qualified attorneys interested in registering for appointment as counsel in postconviction capital collateral proceedings. Not later than September 1 of each year, and as necessary thereafter, the executive director shall provide to the Chief Justice of the Supreme Court, the chief judge and state attorney in each judicial circuit, and the Attorney General a current copy of its registry of attorneys who are available for appointment as counsel in postconviction capital collateral proceedings. The registry must be indexed by judicial circuit and must contain the requisite information submitted by the applicants in accordance with this section.

(2) To be eligible for court appointment as counsel in postconviction capital collateral proceedings, an attorney must certify on an application provided by the executive director that he or she satisfies the minimum requirements for private counsel set forth in s. 27.704(2).

(3) An attorney who applies for registration and court appointment as counsel in postconviction capital collateral proceedings must certify that he or she is counsel of record in not more than four such proceedings and, if appointed to represent a person in postconviction capital collateral proceedings, shall continue such representation under the terms and conditions set forth in s. 27.711 until the sentence is reversed, reduced, or carried out or unless permitted to withdraw from representation by the trial court. The court may not permit an attorney to withdraw from representation without a finding of sufficient good cause. The court may impose appropriate sanctions if it finds that an attorney has shown bad faith with respect to continuing to represent a defendant in a postconviction capital collateral proceeding. This section does not preclude the court from reassigning a case to a capital collateral regional counsel following discontinuation of representation if a conflict of interest no longer exists with respect to the case.

(4) Each private attorney who is appointed by the court to represent a capital defendant must enter into a contract with the Comptroller. The executive director of the Commission on the Administration of Justice in Capital Cases shall develop the form of the contract and the Comptroller shall function as contract manager and shall enforce performance of the terms and conditions of the contract. By signing such contract, the attorney certifies that he or she intends to continue the representation under the terms and conditions set forth in the contract until the sentence is reversed, reduced, or carried out or until released by order of the trial court.

(5) Upon notification by the Attorney General that:

(a) Ninety-one days have elapsed since the Supreme Court issued a mandate on a direct appeal, or the Supreme Court of the United States has denied a petition for certiorari, whichever is later;

(b) A person under sentence of death who was previously represented by private counsel is currently unrepresented in a postconviction capital collateral proceeding; or

(c) The trial court has issued an order finding that a year and a day have elapsed since the commencement of the period for filing a motion for postconviction relief under s. 924.055(2), and the defendant's complete original motion for postconviction relief has not been filed in the trial court,

the executive director shall immediately notify the trial court that imposed the sentence of death that the court must immediately appoint an attorney, selected from the current registry, to represent such person in collateral actions challenging the legality of the judgment and sentence in the appropriate state and federal courts. The court shall have the authority to strike a notice of appearance filed by a Capital Collateral Regional Counsel, if the court finds the notice was not filed in good faith and may so notify the executive director that the client is no longer represented by the Office of Capital Collateral Regional Counsel. In making an assignment, the court shall give priority to attorneys whose experience and abilities in criminal law, especially in capital proceedings, are known by the court to be commensurate with the responsibility of representing a person sentenced to death. The trial court must issue an order of appointment which contains specific findings that the appointed counsel meets the statutory requirements and has the high ethical standards necessary to represent a person sentenced to death.

(6) More than one attorney may not be appointed and compensated at any one time under s. 27.711 to represent a person in postconviction capital collateral proceedings.

Section 4. Section 27.711, Florida Statutes, is created to read:

27.711 Terms and conditions of appointment of attorneys as counsel in postconviction capital collateral proceedings.—

(1) As used in s. 27.710 and this section, the term:

(a) "Capital defendant" means the person who is represented in postconviction capital collateral proceedings by an attorney appointed under s. 27.710.

(b) "Executive director" means the executive director of the Commission on the Administration of Justice in Capital Cases.

(c) "Postconviction capital collateral proceedings" means one series of collateral litigation of an affirmed conviction and sentence of death, including the proceedings in the trial court that imposed the capital sentence, any appellate review of the sentence by the Supreme Court, any certiorari review of the sentence by the United States Supreme Court, and any authorized federal habeas corpus litigation with respect to the sentence. The term does not include repetitive or successive collateral challenges to a conviction and sentence of death which is affirmed by the Supreme Court and undisturbed by any collateral litigation.

(2) After appointment by the trial court under s. 27.710, the attorney must immediately file a notice of appearance with the trial court indicating acceptance of the appointment to represent the capital defendant throughout all postconviction capital collateral proceedings, including federal habeas corpus proceedings, in accordance with this section or until released by order of the trial court.

(3) An attorney appointed to represent a capital defendant is entitled to payment of the fees set forth in this section only upon full performance by the attorney of the duties specified in this section and approval of payment by the trial court. The attorney shall maintain appropriate documentation, including a current and detailed hourly accounting of time spent representing the capital defendant. The fee and payment schedule in this section is the exclusive means of compensating a court-appointed attorney who represents a capital defendant. When appropriate, a court-appointed attorney must seek further compensation from the Federal Government, as provided in 18 U.S.C. s. 3006A or other federal law, in habeas corpus litigation in the federal courts.

(4) Upon approval by the trial court, an attorney appointed to represent a capital defendant under s. 27.710 is entitled to payment of the following fees by the Comptroller:

(a) Regardless of the stage of postconviction capital collateral proceedings, the attorney is entitled to $100 per hour, up to a maximum of $2,500, upon accepting appointment and filing a notice of appearance. This fee is in the nature of a fee for a retainer agreement.

(b) The attorney is entitled to $100 per hour, up to a maximum of $20,000, after timely filing in the trial court the capital defendant's complete original motion for postconviction relief under the Florida Rules of Criminal Procedure. The motion must raise all issues to be addressed by the trial court.

(c) The attorney is entitled to $100 per hour, up to a maximum of $10,000, after the trial court issues a final order granting or denying the capital defendant's motion for postconviction relief.

(d) The attorney is entitled to $100 per hour, up to a maximum of $4,000, after timely filing in the Supreme Court the capital defendant's brief or briefs that address the trial court's final order granting or denying the capital defendant's motion for postconviction relief and the state petition for writ of habeas corpus.

(e) The attorney is entitled to $100 per hour, up to a maximum of $20,000, after the appeal of the trial court's denial of the capital defendant's motion for postconviction relief and the capital defendant's state petition for writ of habeas corpus become final in the Supreme Court.

(f) At the conclusion of the capital defendant's postconviction capital collateral proceedings in state court, the attorney is entitled to $100 per hour, up to a maximum of $2,500, after filing a petition for writ of certiorari in the Supreme Court of the United States.

(g) If, at any time, the Supreme Court of the United States accepts for review the capital defendant's collateral challenge of the conviction and sentence of death, the attorney is entitled to $100 per hour, up to a maximum of $5,000. This payment shall be full compensation for representing the capital defendant throughout the certiorari proceedings before the United States Supreme Court.

The hours billed by a contracting attorney under this subsection may include time devoted to representation of the defendant by another attorney who is qualified under s. 27.710 and who has been designated by the contracting attorney to assist him or her.

(5) An attorney who represents a capital defendant may use the services of one or more investigators to assist in representing a capital defendant. Upon approval by the trial court, the attorney is entitled to payment from the Comptroller of $40 per hour, up to a maximum of $15,000, for the purpose of paying for investigative services.

(6) An attorney who represents a capital defendant is entitled to a maximum of $5,000 for miscellaneous expenses, such as the costs of preparing transcripts, compensating expert witnesses, and copying documents. Upon approval by the trial court, the attorney is entitled to payment by the Comptroller for miscellaneous expenses.

(7) By accepting court appointment under s. 27.710 to represent a capital defendant, the attorney agrees to continue such representation under the terms and conditions set forth in this section until the capital defendant's sentence is reversed, reduced, or carried out, and the attorney is permitted to withdraw from such representation by a court of competent jurisdiction.

(8) An attorney may not represent more than five capital defendants at any one time.

(9) This section does not authorize an attorney who represents a capital defendant to file repetitive or frivolous pleadings that are not supported by law or by the facts of the case. An action taken by an attorney who represents a capital defendant in postconviction capital collateral proceedings may not be the basis for a claim of ineffective assistance of counsel.

(10) An attorney appointed under s. 27.710 to represent a capital defendant may not represent the capital defendant during a retrial, a resentencing proceeding, a proceeding commenced under chapter 940, a proceeding challenging a conviction or sentence other than the conviction and sentence of death for which the appointment was made, or any civil litigation other than habeas corpus proceedings.

Section 5. *(1)(a) There is created the Commission on Legislative Reform of Judicial Administration, which shall consist of twelve of the following members:*

1. Three members appointed by the Chief Justice of the Florida Supreme Court.

2. Three members appointed by the Speaker of the House of Representatives.

3. Three members appointed by the President of the Senate.

4. One member appointed by the Governor.

5. One member appointed by the Public Defender's Attorneys Association.

6. One member appointed by the Florida Prosecuting Attorneys' Association.

(b) The Chair of the Commission shall be selected by the members.

(c) The Commission shall meet at least monthly, and other meetings may be called by the chair upon giving at least 7 days notice to all members and the public.

(d) Members of the commission are entitled to per diem and travel expenses to be paid by the appointing authority.

(e) The initial members of the commission shall be appointed on or before July 15, 1998. A member's term shall expire upon submission of the report to the Legislature.

(f) The staff of the Commission of the Administration of Justice in Capital Cases shall staff the commission.

(2) The Commission shall study the feasibility of judicial administration reforms, including but not limited to, appropriate minimum standards, if any, for counsel in capital cases; the feasibility of authorizing cross circuit assignments of Public Defenders to minimize the cost of representation in conflicts-of-interest cases; the potential resolutions of the inability of the Office of the Public Defender for the Tenth Judicial Circuit to represent indigent criminal defendants on appeal in a timely fashion, and other issues regarding indigent criminal appeals; and other

judicial reforms that could expedite justice and reduce costs in judicial administration. The Commission shall submit a report to the Speaker of the House of Representatives and the President of the Senate no later than January 1, 1999, containing their recommendations. The Commission's authority will expire on January 4, 1999, and the term of office of each member will expire on that date.

Section 6. This act shall take effect July 1, 1998.

And the title is amended as follows:

On page 1, line 2, through page 3, line 21, remove from the title of the bill: all of said lines and insert in lieu thereof: An act relating to judicial administration; requesting that the Division of Statutory Revision designate part IV of ch. 27, F.S., as "Capital Collateral Representation"; amending s. 27.702, F.S.; deleting a requirement that specifies the time for the capital collateral regional counsel to commence the representation of a person sentenced to death; creating s. 27.710, F.S.; requiring that the executive director of the Commission on the Administration of Justice in Capital Cases maintain a registry of attorneys in private practice who are available to be appointed to represent defendants in postconviction capital collateral proceedings; authorizing the executive director to obtain names of attorneys who may register for appointment; providing eligibility requirements for appointment as counsel in postconviction capital collateral proceedings; providing for appointment of an attorney selected from the registry; limiting the circumstances under which the court may permit an attorney to withdraw from representation following appointment; authorizing the court to impose sanctions; requiring that appointed counsel enter into a contract with the Comptroller; providing for the Comptroller to enforce performance of the contract; providing that more than one attorney may not be appointed at any one time to represent a capital defendant; creating s. 27.711, F.S.; requiring that an attorney appointed to represent a capital defendant file a notice of appearance; providing a schedule of fees to which the attorney is entitled for specified appearances and representations; requiring that the trial court approve the payment of costs and fees; providing that such fees constitute the exclusive means of compensation for such representation; authorizing compensation as provided by federal law under certain circumstances; authorizing the use of investigative services and the payment of fees for such services; providing that by accepting appointment to represent a capital defendant the attorney agrees to continue such representation until the defendant's sentence is reversed, reduced, or carried out; limiting the number of capital defendants that an attorney may represent; prohibiting a claim of ineffective assistance of counsel based on an action by the attorney who represents a capital defendant; prohibiting the attorney from representing the capital defendant in certain other proceedings; creating the Commission on Legislative Reform of Judicial Administrating to study judicial administration reform; providing an effective date.

House Amendment 1 (with title amendment) to House Amendment 2—On page 11, line 30 of the amendment insert a new section:

Section 6. *There is hereby appropriated $500,000 from the General Revenue Fund to the Justice Administration Commission for the purpose of implementing this act.*

And the title is amended as follows:

On page 14, line 2 of the amendment before the word providing, insert: providing an appropriation;

House Amendment 2 (with title amendment) to House Amendment 2—On page 11, line 30 of the amendment insert:

Section 6. *The proviso language immediately preceeding Specific Appropriation 962 and the proviso language following Specific Appropriation 620 in the Conference Report On House Bill 4201 which is the General Appropriations Act for fiscal year 1998-1999, shall not be deemed, in whole or in part, to be repealed, nullified or modified in any way by legislation passed during the 1998 regular session of the Legislature unless the legislation makes specific reference to this section. If either the proviso language immediately preceeding Specific Appropriation 962 and the proviso language following Specific Appropriation 620 in the Conference Report On House Bill 4201 are repealed or amended by substantive legislation passed during the 1998 regular session of the Legislature, then both sections of proviso are hereby reenacted in full and shall have their full effect as written in the Conference Report On House Bill 4201. This section is hereby repealed on June 30, 1999.*

And the title is amended as follows:

On page 14, line 2 of the amendment insert before providing: providing that certain proviso language contained in the Conference Report On House Bill 4201 may not be modified through substantive legislation passed during the 1998 regular session of the Legislature unless certain conditions are met; providing that certain proviso language contained in the Conference Report On House Bill 4201 is reenacted if repealed or amended by substantive legislation passed during the 1998 regular session of the Legislature; providing for repeal of section on June 30, 1999;

On motion by Senator Gutman, the Senate concurred in **House Amendments 1** and **2** and **House Amendment 1 to House Amendment 2**; and refused to concur in **House Amendment 2 to House Amendment 2** and the House was requested to recede.

CS for SB 1328 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1330, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1330—A bill to be entitled An act relating to the administration of capital cases; creating s. 119.19, F.S.; defining terms; requiring that the Secretary of State establish a records repository for archiving capital postconviction records; requiring that the law enforcement agencies and the state attorney copy and deliver to the records repository public records produced in capital cases; requiring the Department of Corrections to copy and deliver to the records repository public records that pertain to the defendant; providing requirements for notifying the Attorney General upon delivery of such records to the repository; requiring that the Attorney General request public records from certain additional persons and agencies; providing requirements for sealing confidential records and records that are exempt from disclosure under the Public Records Law; prohibiting the opening of such records without a court order; providing for written demand for additional public records; prohibiting the capital collateral regional counsel or private counsel from obtaining the production of additional public records in a capital case until after filing an affidavit and obtaining a court order; requiring that the capital collateral regional counsel or private counsel provide the personnel and equipment for copying records held at the repository; providing for resolving certain disputes with respect to the production of records; prohibiting the capital collateral regional counsel or private counsel from soliciting another person to make a request for public records on the counsel's behalf; providing for sanctions; specifying circumstances under which the Secretary of State may destroy records held by a repository; clarifying the application of provisions governing the production of records in capital postconviction proceedings; amending s. 27.702, F.S.; requiring that the capital collateral regional counsel or private counsel notify the Commission on the Administration of Justice in Capital Cases and the trial court of pleadings filed in capital cases; requiring that a notice of hearing be filed with each pleading; requiring that the trial court expedite the hearings in capital cases; amending s. 27.708, F.S.; deleting references to Rule 3.852; limiting certain public-records requests made on behalf of clients; providing an appropriation; providing an effective date.

House Amendment 1—On page 10, lines 24-26, remove from the bill: all of said lines and insert in lieu thereof:

Section 5. *From General Revenue Funds, $75,000 shall be provided to the Department of State in order to carry out the provisions of this bill.*

House Amendment 2—On page 5, line 2, before the period of the bill insert: *unless previously provided to the Capital Collateral Regional Counsel or post conviction private counsel.*

House Amendment 3—On page 7, between lines 6 and 7 of the bill insert:

(c) The attorney general and state attorney shall provide notification as provided in subsections (3) and (4) on cases where the mandate has issued on the date that this statute becomes effective, but where initial requests for public records have not been made.

(d) If, on the date that this statute becomes effective, a defendant is represented by appointed CCRC or private counsel, and he or she has initiated the public records request process, counsel shall file within ninety days of the effective date of this statute, a written demand for any additional records that have not previously been the subject of a notice to produce. An agency may file an objection to such additional demand and the trial court shall hold a hearing as provided by paragraph (b). This statute shall not be a basis for renewing requests that have been initiated previously or for relitigating issues pertaining to production of public records upon which a court has ruled prior to the effective date of the statute, or for stopping an execution which has been scheduled based upon a warrant executed by the governor prior to the effective date of the Statute.

(e) If, on the date that this statute becomes effective, the defendant has had a 3.850 motion denied and no 3.850 motion is pending, no additional requests shall be made by CCRC or contracted private counsel until a death warrant is signed by the governor and an execution is scheduled. Within ten days of the signing of the death warrant, CCRC or contracted private counsel may request of a person or agency that the defendant has previously requested to produce records any records previously requested to which no objection was raised or sustained, but which the agency has received or produced since the previous request or which for any reason the agency has in its possession and did not produce within ten days of the receipt of the previous notice or such shorter time period ordered by the court to comply with the time for the scheduled execution. The person or agency shall produce the record or shall file in the trial court an affidavit stating that it does not have the requested record or that the record has been produced previously.

House Amendment 4—On page 10, line 27, remove from the bill: July 1, 1998 and insert in lieu thereof: October 1, 1998

House Amendment 5 (with title amendment)—On page 10, line 27 of the bill insert:

Section 5. *The proviso language immediately preceding Specific Appropriation 962 and the proviso language following Specific Appropriation 620 in the Conference Report On House Bill 4201 which is the General Appropriations Act for fiscal year 1998-1999, shall not be deemed, in whole or in part, to be repealed, nullified or modified in any way by legislation passed during the 1998 regular session of the Legislature unless the legislation makes specific reference to this section. If either the proviso language immediately preceding Specific Appropriation 962 and the proviso language following Specific Appropriation 620 in the Conference Report On House Bill 4201 are repealed or amended by substantive legislation passed during the 1998 regular session of the Legislature, then both sections of proviso are hereby reenacted in full and shall have their full effect as written in the Conference Report On House Bill 4201. This section is hereby repealed on June 30, 1999.*

And the title is amended as follows:

On page 2, line 23 of the title of the bill, insert before providing: providing that certain proviso language contained in the Conference Report On House Bill 4201 may not be modified through substantive legislation passed during the 1998 regular session of the Legislature unless certain conditions are met; providing that certain proviso language contained in the Conference Report On House Bill 4201 is reenacted if repealed or amended by substantive legislation passed during the 1998 regular session of the Legislature; providing for repeal of section on June 30, 1999;

On motion by Senator Gutman, the Senate concurred in **House Amendments 1, 2, 3** and **4** and refused to concur in **House Amendment 5** and the House was requested to recede.

CS for SB 1330 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dyer	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1440, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1440—A bill to be entitled An act relating to rulemaking authority with respect to marine resources (RAB); amending s. 370.06, F.S.; authorizing rulemaking for issuance of special-activities licenses; amending s. 370.08, F.S.; authorizing the adoption of rules defining food fish; amending s. 370.12, F.S.; authorizing rulemaking for issuance of special permits for conservation of marine turtles; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (4) of section 370.06, Florida Statutes, is amended to read:

370.06 Licenses.—

(4) SPECIAL ACTIVITY LICENSES.—

(a) Any person who seeks to use special gear or equipment in harvesting saltwater species must purchase a special activity license as specified by law to engage in such activities. The department may issue special activity licenses, in accordance with s. 370.071, to permit the cultivation of oysters, clams, mussels, and crabs when such aquaculture activities relate to quality control, sanitation, and public health regulations. ~~The department may prescribe by rule special terms, conditions, and restrictions for any special activity license.~~

(b) The department is authorized to issue special activity licenses in accordance with this section and s. 370.31, to permit the importation, possession, and aquaculture of anadromous sturgeon. The special activity license shall provide for best management practices to prevent the release and escape of cultured anadromous sturgeon and to protect indigenous populations of saltwater species from sturgeon-borne disease.

(c) The department is authorized to issue special activity licenses in accordance with ss. 370.06, 370.071, and 370.101, aquaculture permit consolidation procedures in s. 370.26(3)(a) and rules of the Marine Fisheries Commission to permit the capture and possession of saltwater species protected by law and used as stock for artificial cultivation and propagation.

(d) The department is authorized to adopt rules to govern the administration of special activities licenses as provided in this chapter and rules of the Marine Fisheries Commission. Such rules may prescribe application requirements and terms, conditions, and restrictions for any such special activity license requested pursuant to this section.

Section 2. Paragraph (c) of subsection (1) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.—

(1) PROTECTION OF MARINE TURTLES.—

(c)1. Unless otherwise provided by the federal Endangered Species Act or its implementing regulations, no person may take, possess, disturb, mutilate, destroy, cause to be destroyed, sell, offer for sale, transfer, molest, or harass any marine turtle or its nest or eggs at any time. For purposes of this subsection, "take" means an act which actually kills or injures marine turtles, and includes significant habitat modification or degradation that kills or injures marine turtles by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering.

2. Unless otherwise provided by the federal Endangered Species Act or its implementing regulations, no person, firm, or corporation may take, kill, disturb, mutilate, molest, harass, or destroy any marine turtle.

3. No person, firm, or corporation may possess any marine turtle, *their nests, eggs, hatchlings,* or parts thereof unless it is in possession of a special permit or loan agreement from the department enabling the holder to possess a marine turtle or parts thereof for scientific, educational, or exhibitional purposes, *or for conservation activities such as relocating nests, eggs, or animals away from construction sites. Notwithstanding any other provisions of general or special law to the contrary, the department may issue such authorization to any properly accredited person for the purpose of marine turtle conservation upon such terms, conditions, and restrictions as it may prescribe by rule. The department shall have the authority to adopt rules to permit the possession of marine turtles pursuant to this paragraph. For the purposes of this subsection, a "properly accredited person" is defined as:*

a. Students of colleges or universities whose studies with saltwater animals are under the direction of their teacher or professor;

b. Scientific or technical faculty of public or private colleges or universities;

c. Scientific or technical employees of private research institutions and consulting firms;

d. Scientific or technical employees of city, county, state or federal research or regulatory agencies;

e. Members in good standing or recognized and properly chartered conservation organizations, the Audubon Society, or the Sierra Club;

f. Persons affiliated with aquarium facilities or museums, or contracted as an agent therefor, which are open to the public with or without an admission fee; or

g. Persons without specific affiliations listed above, but who are recognized by the department for their contributions to marine conservation such as scientific or technical publications, or through a history of cooperation with the department in conservation programs such as turtle nesting surveys, or through advanced educational programs such as high school marine science centers.

Section 3. Paragraph (b) of subsection (5) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(5) UNIFORM RULES.—

(b) The uniform rules of procedure adopted by the commission pursuant to this subsection shall include, but not be limited to:

1. Uniform rules for the scheduling of public meetings, hearings, and workshops.

2. Uniform rules for use by each state agency that provide procedures for conducting public meetings, hearings, and workshops, and for taking evidence, testimony, and argument at such public meetings, hearings, and workshops, in person and by means of communications media technology. The rules shall provide that all evidence, testimony, and argument presented shall be afforded equal consideration, regardless of the method of communication. If a public meeting, hearing, or workshop is to be conducted by means of communications media technology, or if attendance may be provided by such means, the notice shall so state. The notice for public meetings, hearings, and workshops utilizing communications media technology shall state how persons interested in attending may do so and shall name locations, if any, where communications media technology facilities will be available. Nothing in this paragraph shall be construed to diminish the right to inspect public records under chapter 119. Limiting points of access to public meetings, hearings, and workshops subject to the provisions of s. 286.011 to places not normally open to the public shall be presumed to violate the right of access of the public, and any official action taken under such circumstances is void and of no effect. Other laws relating to public meetings, hearings, and workshops, including penal and remedial provisions, shall apply to public meetings, hearings, and workshops conducted by means of communications media technology, and shall be liberally construed in their application to such public meetings, hearings, and workshops. As used in this subparagraph, "communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.

3. Uniform rules of procedure for the filing of notice of protests and formal written protests.

4. Uniform rules of procedure for the filing of petitions for administrative hearings pursuant to s. 120.569 or s. 120.57. Such rules shall include:

a. The identification of the petitioner.

b. A statement of when and how the petitioner received notice of the agency's action or proposed action.

c. An explanation of how the petitioner's substantial interests are or will be affected by the action or proposed action.

d. A statement of all material facts disputed by the petitioner or a statement that there are no disputed facts.

e. A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action.

f. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action.

g. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the proposed action.

5.~~4.~~ Uniform rules of procedure for the filing and prompt disposition of petitions for declaratory statements.

6.~~5.~~ Provision of a method by which each agency head shall provide a description of the agency's organization and general course of its operations.

7.~~6.~~ Uniform rules establishing procedures for granting or denying petitions for variances and waivers pursuant to s. 120.542.

Section 4. Paragraphs (c) through (l) of subsection (2) of section 120.569, Florida Statutes, are renumbered as paragraphs (e) through (n), respectively, and new paragraphs (c) and (d) are added to said section, to read:

120.569 Decisions which affect substantial interests.—

(2)

(c) Unless otherwise provided by law, a petition or request for hearing shall include those items required by the uniform rules adopted pursuant to s. 120.54(5)(b)4. Upon the receipt of a petition or request for hearing, the agency shall carefully review the petition to determine if it contains all of the required information. A petition shall be dismissed if it is not in substantial compliance with these requirements or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured. The agency shall promptly give written notice to all

parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

(d) The agency may refer a petition to the division for the assignment of an administrative law judge only if the petition is in substantial compliance with the requirements of paragraph (c).

Section 5. Paragraphs (h), (i), (j), (k), and (l) of subsection (1) of section 120.57, Florida Statutes, are renumbered as paragraphs (j), (k), (l), (m), and (n), respectively, and new paragraphs (h) and (i) are added to said subsection, to read:

120.57 Additional procedures for particular cases.—

(1) ADDITIONAL PROCEDURES APPLICABLE TO HEARINGS INVOLVING DISPUTED ISSUES OF MATERIAL FACT.—

(h) Any party to a proceeding in which an administrative law judge of the Division of Administrative Hearings has final order authority may move for a summary final order when there is no genuine issue as to any material fact. A summary final order shall be rendered if the administrative law judge determines from the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, that no genuine issue as to any material fact exists and that the moving party is entitled as a matter of law to the entry of a final order. A summary final order shall consist of findings of fact, if any, conclusions of law, a disposition or penalty, if applicable, and any other information required by law to be contained in the final order.

(i) When, in any proceeding conducted pursuant to this subsection, a dispute of material fact no longer exists, any party may move the administrative law judge to relinquish jurisdiction to the agency. In ruling on such a motion, the administrative law judge may consider the pleadings, depositions, answers to interrogatories, and admissions on file, together with supporting and opposing affidavits, if any. If the administrative law judge enters an order relinquishing jurisdiction, the agency may promptly conduct a proceeding pursuant to subsection (2), if appropriate, but the parties may not raise any issues of disputed fact that could have been raised before the administrative law judge. An order entered by an administrative law judge relinquishing jurisdiction to the agency based upon a determination that no genuine dispute of material fact exists, need not contain findings of fact, conclusions of law, or a recommended disposition or penalty.

Section 6. Section 14.202, Florida Statutes, is amended to read:

14.202 Administration Commission.—There is created as part of the Executive Office of the Governor an Administration Commission composed of the Governor and Cabinet. The Governor is chair of the commission. The Governor or Comptroller may call a meeting of the commission promptly each time the need therefor arises. Unless otherwise provided herein, affirmative action by the commission shall require the approval of the Governor and at least three other members of the commission. The commission shall adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it* ~~as it deems necessary to carry out its duties and responsibilities~~.

Section 7. Section 17.29, Florida Statutes, is amended to read:

17.29 Authority to prescribe rules.—The Comptroller *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement duties assigned by statute or the State Constitution* ~~may prescribe any rule he or she considers necessary to properly fulfill his or her constitutional and statutory duties~~. Such rules may include, but are not limited to, the following:

(1) Procedures or policies relating to the processing of payments from salaries, other personal services, or any other applicable appropriation.

(2) Procedures for processing interagency and intraagency payments which do not require the issuance of a state warrant.

Section 8. Section 18.22, Florida Statutes, is amended to read:

18.22 Rules ~~and regulations~~.—*The department has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~All rules and regulations necessary to effectuate~~ the provisions of this chapter ~~may be adopted by the department in accordance with the provisions of chapter 120~~.

Section 9. Paragraph (k) of subsection (4) of section 20.171, Florida Statutes, is amended to read:

20.171 Department of Labor and Employment Security.—There is created a Department of Labor and Employment Security.

(4)

(k) The commission *has authority to* ~~shall, in accordance with chapter 120,~~ adopt~~, promulgate, amend, or rescind such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it* ~~as it deems necessary and administratively feasible to carry out its responsibilities~~.

Section 10. Section 63.233, Florida Statutes, is amended to read:

63.233 Rulemaking authority.—The department shall adopt rules *pursuant to ss. 120.54 and 120.536(1)* to implement *the provisions of* this chapter.

Section 11. Subsection (2) of section 175.341, Florida Statutes, is amended to read:

175.341 Duties of Division of Retirement; rulemaking authority; investments by the State Board of Administration.—

(2) The division *has authority to* ~~shall~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~necessary for the administration of~~ this chapter.

Section 12. Paragraph (e) of subsection (2) of section 177.504, Florida Statutes, is amended to read:

177.504 Powers and duties of the department.—

(2) The functions, duties, and responsibilities of the department shall be:

(e) To adopt rules *pursuant to ss. 120.54 and 120.536(1)* ~~and regulations necessary~~ to *implement the provisions of* ~~carry out the purpose of~~ this act.

Section 13. Subsection (2) of section 185.23, Florida Statutes, is amended to read:

185.23 Duties of Division of Retirement; rulemaking; investment by State Board of Administration.—

(2) The division *has authority to* ~~shall~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~necessary for the administration of~~ this chapter.

Section 14. Section 198.08, Florida Statutes, is amended to read:

198.08 Rules ~~and regulations~~.—The department *has authority to adopt* ~~may from time to time make such~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~and regulations not inconsistent with this chapter as it may deem necessary~~ to enforce the provisions of this chapter and may adopt, *as rules,* such rules and regulations as are ~~or may be~~ promulgated with respect to the estate tax or generation-skipping transfer tax provisions of the Revenue Act of the United States insofar as they *are* ~~shall be~~ applicable hereto. The department may from time to time prescribe such forms as it shall deem proper for the administration of this chapter.

Section 15. Section 199.202, Florida Statutes, is amended to read:

199.202 Administration of law; rules.—The department shall administer and enforce the assessment and collection of the taxes, interest, and penalties imposed by this chapter. It may by rule prescribe the form and content of all returns and reports. It *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1)* ~~is further authorized to promulgate all other rules not inconsistent with this chapter as it deems necessary~~ to ~~administer and~~ enforce the provisions of this chapter.

Section 16. Subsection (1) of section 201.11, Florida Statutes, is amended to read:

201.11 Administration of law by Department of Revenue.—

(1) The administration of this chapter shall be vested in the Department of Revenue, which *has authority to adopt rules pursuant to ss.*

120.54 and 120.536(1) to enforce the provisions of this chapter ~~shall prescribe suitable rules and regulations for the enforcement of the provisions thereof,~~ and shall administer and enforce the taxes levied and imposed by this chapter. The Department of Revenue may enter upon the premises of any taxpayer, and examine or cause to be examined by any agent or representative designated by it for that purpose, any books, papers, records, or memoranda bearing upon the amount of taxes payable, and secure other information directly or indirectly concerned in the enforcement of this chapter. Any person, subject to this tax, who shall by any practice or evasion make it difficult to enforce the provisions of this chapter by inspection, or any person, agent or officer, who shall, after demand by the department or any agent or representative designated by it for that purpose, refuse to allow full inspection of the premises or any part thereof, or any books, records, documents, or other instruments in any way relating to the liability of the taxpayer for the tax herein imposed, or shall hinder or in anywise delay or prevent such inspection, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 17. Subsection (2) of section 207.011, Florida Statutes, is amended to read:

207.011 Inspection of records; hearings; forms; rules.—

(2) The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to enforce the provisions of* ~~shall have the authority to prescribe all rules necessary for the enforcement of~~ this chapter.

Section 18. Subsection (1) of section 210.10, Florida Statutes, is amended to read:

210.10 General powers of the Division of Alcoholic Beverages and Tobacco.—

(1) The Division of Alcoholic Beverages and Tobacco *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~is authorized to prescribe and promulgate all rules and regulations necessary to effectuate~~ the provisions of this part ~~consistent with the terms hereof~~. All cigarette permits issued hereunder shall have printed thereon a notice to the effect that such permit is issued subject to the provisions of this part and *such* ~~said~~ rules ~~and regulations~~. The division shall provide upon request without charge to any applicant for a permit a copy of this part and the rules ~~and regulations~~ prescribed by it pursuant hereto.

Section 19. Subsection (2) of section 210.75, Florida Statutes, is amended to read:

210.75 Administration.—

(2) The division *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to* ~~is authorized to prescribe and promulgate rules it may deem necessary to implement and~~ enforce *the provisions of* this part.

Section 20. Subsection (6) of section 212.17, Florida Statutes, is amended to read:

212.17 Credits for returned goods, rentals, or admissions; additional powers of department.—

(6) The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to enforce the provisions of this chapter* ~~shall have the power to make, prescribe and publish reasonable rules and regulations not inconsistent with this chapter, or the other laws, or the constitution of this state, or the United States, for the enforcement of the provisions of this chapter and the collection of revenue hereunder, and such rules and regulations shall when enforced be deemed to be reasonable and just~~.

Section 21. Subsection (2) of section 212.18, Florida Statutes, is amended to read:

212.18 Administration of law; registration of dealers; rules.—

(2) The department shall administer and enforce the assessment and collection of the taxes, interest, and penalties imposed by this chapter. It *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to enforce the provisions of* ~~is authorized to make and publish such rules and regulations not inconsistent with~~ this chapter~~, as it may deem necessary in enforcing its provisions~~ in order that there shall not be collected on the average more than the rate levied herein. The department is authorized to and it shall provide by rule ~~and regulation~~ a method for accomplishing this end. It shall prepare instructions to all persons required by this chapter to collect and remit the tax to guide such persons in the proper collection and remission of such tax and to instruct such persons in the practices that may be necessary for the purpose of enforcement of this chapter and the collection of the tax imposed hereby. The use of tokens in the collection of this tax is hereby expressly forbidden and prohibited.

Section 22. Subsection (1) of section 213.06, Florida Statutes, is amended to read:

213.06 Rules of department; circumstances requiring emergency rules.—

(1) The Department of Revenue *has the* ~~is granted~~ authority to adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~as are necessary~~ to *implement provisions of* ~~carry out~~ the ~~intent and purposes of this chapter and all other~~ revenue laws ~~administered by the department, and it may amend such rules to conform to legislation or departmental policy changes made in the absence of any legislation~~.

Section 23. Subsection (5) of section 215.62, Florida Statutes, is amended to read:

215.62 Division of Bond Finance.—

(5) The board *has authority* ~~shall have power~~ to adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties on it* ~~and regulations as may be necessary for carrying out the duties of the division~~. The board shall hold regular and special meetings at such places and times, in such manner, and after such notice as may be provided by resolution adopted by the board or upon call of the chair.

Section 24. Paragraph (a) of subsection (2) of section 215.95, Florida Statutes, is amended to read:

215.95 Financial Management Information Board.—

(2) To carry out its duties and responsibilities, the board shall by majority vote:

(a) Adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1)*~~, policies, procedures, principles, and standards as deemed necessary~~ to implement the Florida Financial Management Information System.

Section 25. Section 217.14, Florida Statutes, is amended to read:

217.14 Adoption of rules ~~and regulations~~.—The department *has authority* ~~is authorized~~ to adopt~~, promulgate, and repeal~~ rules *pursuant to ss. 120.54 and 120.536(1)* to implement the provisions of ~~and carry out the purpose of~~ this chapter~~, in compliance with chapter 120~~.

Section 26. Subsection (8) of section 220.182, Florida Statutes, is amended to read:

220.182 Enterprise zone property tax credit.—

(8) The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~shall promulgate any rules necessary to ensure the orderly implementation and administration of~~ this act.

Section 27. Paragraphs (a) and (d) of subsection (6) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.—

(6) ADMINISTRATION.—

(a) The Office of Tourism, Trade, and Economic Development *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1)* ~~is authorized to promulgate all rules necessary~~ to *implement the provisions of* ~~administer~~ this section, including rules for the approval or disapproval of proposals by business firms.

(d) The Department of Revenue *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~shall promulgate any rules necessary to ensure the orderly implementation and administration of~~ this section.

Section 28. Subsection (1) of section 229.053, Florida Statutes, is amended to read:

229.053 General powers of state board.—

(1) The State Board of Education is the chief policymaking and coordinating body of public education in Florida. It *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of law conferring duties upon it* ~~has the general powers to determine, adopt, or prescribe such policies, rules, regulations, or standards as are required by law or as it may find necessary~~ for the improvement of the state system of public education. Except as otherwise provided herein, it may, as it shall find appropriate, delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.

Section 29. Section 229.515, Florida Statutes, is amended to read:

229.515 Rules and standards have force of law.—The Commissioner of Education *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~may prescribe such rules and minimum standards as are necessary to carry out his or her responsibilities under~~ the school code *conferring duties upon the commissioner*, with the exception of provisions relating to state universities and community colleges and the Florida School for the Deaf and the Blind~~, and all such rules and minimum standards, if not in conflict with the school code, have the full force and effect of law~~. ~~The commissioner, in prescribing such rules, is considered an "agency" for purposes of chapter 120.~~

Section 30. Subsection (2) of section 230.22, Florida Statutes, is amended to read:

230.22 General powers of school board.—The school board, after considering recommendations submitted by the superintendent, shall exercise the following general powers:

(2) Adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of law conferring duties upon it* ~~and regulations~~ to supplement those prescribed by the state board and the commissioner ~~as in its opinion will contribute to the more orderly and efficient operation of the district school system~~.

Section 31. Subsection (4) of section 230.32, Florida Statutes, is amended to read:

230.32 General powers of superintendents.—The superintendent shall have the authority, and when necessary for the more efficient and adequate operation of the district school system, the superintendent shall exercise the following powers:

(4) RECOMMEND AND EXECUTE RULES ~~AND REGULATIONS~~.—Prepare and organize by subjects and submit to the school board for adoption such rules ~~and regulations~~ to supplement those adopted by the state board or the commissioner as, in the superintendent's opinion, will contribute to the efficient operation of any aspect of education in the district. When rules ~~and regulations~~ have been adopted, the superintendent shall see that they are executed.

Section 32. Paragraph (d) of subsection (7) of section 231.261, Florida Statutes, is amended to read:

231.261 Education Practices Commission; organization.—

(7) The duties and responsibilities of the commission are to:

(d) *Adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it* ~~Have rulemaking authority pursuant to chapter 120~~.

Section 33. Subsection (2) of section 235.01, Florida Statutes, is amended to read:

235.01 Purpose; rules.—

(2) The Commissioner of Education shall adopt rules *pursuant to ss. 120.54 and 120.536(1)* to implement *the provisions of* this chapter.

Section 34. Subsection (1) and paragraph (r) of subsection (3) of section 240.209, Florida Statutes, are amended to read:

240.209 Board of Regents; powers and duties.—

(1) The Board of Regents is primarily responsible for adopting systemwide rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it* ~~and policies~~; planning for the future needs of the State University System; planning the programmatic, financial, and physical development of the system; reviewing and evaluating the instructional, research, and service programs at the universities; coordinating program development among the universities; and monitoring the fiscal performance of the universities.

(3) The board shall:

(r) Adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it* ~~as are necessary to carry out its duties and responsibilities~~.

Section 35. Subsection (1) of section 240.227, Florida Statutes, is amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. Each university president shall:

(1) ~~Develop and~~ Adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of law* governing the operation and administration of the university. Such rules shall be consistent with the mission of the university and statewide rules and policies and shall assist in the development of the university in a manner which will complement the missions and activities of the other universities for the overall purpose of achieving the highest quality of education for the citizens of the state.

Section 36. Subsection (2) of section 240.311, Florida Statutes, is amended to read:

240.311 State Board of Community Colleges; powers and duties.—

(2) The State Board of Community Colleges is responsible for ~~the establishing and developing of rules and policies which will ensure~~ the operation and maintenance of a state community college system, as defined in s. 228.041(1)(b), in a coordinated, efficient, and effective manner. *The State Board of Community Colleges has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it.* Such rules and policies shall be submitted to the State Board of Education for approval. If any rule is not disapproved by the State Board of Education within 45 days of its receipt by the State Board of Education, the rule shall be filed immediately with the Department of State.

Section 37. Subsection (2) of section 240.319, Florida Statutes, as amended by section 2 of chapter 97-383, Laws of Florida, is amended to read:

240.319 Community college district boards of trustees; duties and powers.—

(2) ~~In carrying out this responsibility,~~ The *board of* trustees, after considering recommendations submitted by the community college president, *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of law conferring duties upon it* ~~shall be authorized to adopt such rules, procedures, and policies as are necessary to operate the community college in such a manner as to assure the fulfillment of the responsibilities assigned to the board of trustees~~. These rules~~, procedures, and policies~~ may supplement those prescribed by the State Board of Education and the State Board of Community Colleges if they will contribute to the more orderly and efficient operation of the state community college system.

Section 38. Subsection (3) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(3) The board of trustees *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law relating to operation of* ~~is authorized to adopt such rules as are necessary to operate~~ the Florida School for the Deaf and the Blind. Such rules shall be submitted to the State Board of Education for approval or disapproval. If any rule is not disapproved by the State Board of Education within 60 days of its receipt by the State Board of Education, the rule shall be filed immediately with the Department of State. The board of trustees shall act at all times in conjunction with the rules of the State Board of Education.

Section 39. Paragraph (e) of subsection (1) of section 246.041, Florida Statutes, is amended to read:

246.041 Powers and duties of board.—

(1) The board shall:

(e) Adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it* ~~necessary to carry out its functions~~.

Section 40. Section 246.051, Florida Statutes, is amended to read:

246.051 Administration by board.—The provisions of ss. 246.011-246.151 shall be administered by the board which in connection therewith has the power:

(1) To adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement* ~~as it may find necessary to carry out the objectives, purposes, and directives of~~ ss. 246.011-246.151;

(2) To execute such ~~standards and~~ rules ~~and regulations~~ as shall be adopted for the operation and establishment of nonpublic colleges; and

(3) To expend funds as necessary to assist in the enforcement of ss. 246.011-246.151.

Section 41. Section 246.071, Florida Statutes, is amended to read:

246.071 Rules of State Board of Independent Colleges and Universities.—The State Board of Independent Colleges and Universities *has authority* ~~is authorized~~ to adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement* ~~as are necessary to carry out the objectives, purposes, and directives of~~ ss. 246.011-246.151. Such rules shall be submitted to the State Board of Education for approval or disapproval. If any rule is not disapproved by the State Board of Education within 60 days after its receipt by the State Board of Education, the rule shall be filed immediately with the Department of State.

Section 42. Paragraph (e) of subsection (1) of section 246.207, Florida Statutes, is amended to read:

246.207 Powers and duties of board.—

(1) The board shall:

(e) Prescribe and recommend to the State Board of Education rules *to implement* ~~as are required by~~ ss. 246.201-246.231 ~~or as it may find necessary to aid in carrying out the objectives and purposes of ss. 246.201-246.231~~.

Section 43. Subsection (1) of section 246.213, Florida Statutes, is amended to read:

246.213 Power of State Board of Education.—

(1) The State Board of Education, acting on the recommendation of the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools, shall adopt ~~such~~ minimum standards *for schools* and *other* rules *pursuant to ss. 120.54 and 120.536(1) to implement* ~~as are required for the administration of~~ ss. 246.201-246.231.

Section 44. Paragraph (a) of subsection (7) of section 253.03, Florida Statutes, is amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(7)(a) The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized and directed to administer all state-owned lands and shall be responsible for the creation of an overall and comprehensive plan of development concerning the acquisition, management, and disposition of state-owned lands so as to ensure maximum benefit and use. The Board of Trustees of the Internal Improvement Trust Fund *has authority to* ~~shall~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~and regulations necessary to carry out the purposes of~~ this act ~~as set forth in this section~~.

Section 45. Section 253.73, Florida Statutes, is amended to read:

253.73 Rules ~~and regulations~~; ss. 253.67-253.75.~~—Subject to the requirements of chapter 120,~~ The board *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to administer* ~~and regulations necessary and appropriate to carry out~~ the provisions of ss. 253.67-253.75.

Section 46. Section 257.14, Florida Statutes, is amended to read:

257.14 Division of Library and Information Services; rules.—The Division of Library and Information Services *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1)* to *implement* ~~carry out~~ the provisions of this chapter.

Section 47. Subsection (2) of section 258.007, Florida Statutes, is amended to read:

258.007 Powers of division.—

(2) The division *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties on it* ~~shall make and publish such rules and regulations as it may deem necessary or proper for the management and use of the parks, monuments, and memorials under its jurisdiction~~, and the violation of any *rule* ~~of the rules and regulations~~ authorized by this section shall be a misdemeanor and punishable accordingly.

Section 48. *Section 258.011, Florida Statutes, is repealed.*

Section 49. Section 258.43, Florida Statutes, is amended to read:

258.43 Rules ~~and regulations~~.—

(1) The Board of Trustees of the Internal Improvement Trust Fund *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~shall adopt and enforce reasonable rules and regulations to carry out~~ the provisions of this act and specifically to provide regulation of human activity within the preserve in such a manner as not to unreasonably interfere with lawful and traditional public uses of the preserve, such as sport and commercial fishing, boating, and swimming.

(2) Other uses of the preserve, or human activity within the preserve, although not originally contemplated, may be permitted by the trustees, but only subsequent to a formal finding of compatibility with the purposes of this act.

(3) The Board of Trustees of the Internal Improvement Trust Fund may delegate to a local government, by agreement, the power and duty to administer and enforce the standards and criteria established in a resource inventory and management plan adopted by the board, if the board determines that such a delegation is in the public interest.

(a) Such delegation shall be made only if the board determines that the local government's program for administering and enforcing the adopted standards and criteria:

1. Adopts, by ordinance, standards and criteria no less restrictive than those in the management plan approved by the board pursuant to the provisions of rule 18-20.013(2), Florida Administrative Code; provided, however nothing contained in this subsection shall expand the powers, jurisdiction, or authority granted pursuant to this chapter. When a local government's program proposes to include standards and criteria that are more restrictive than those in the management plan approved by the board, such standards and criteria shall not be effective until they have been approved by the board as being consistent with the provisions of this chapter.

2. Provides for the enforcement of such requirements by appropriate administrative and judicial processes.

3. Provides for administrative organization, staff, and financial and other resources necessary to effectively and efficiently enforce such requirements.

4. Provides for improved management and enforcement of the standards and criteria in the resource inventory and management plans and of the rules adopted by the board pertaining to state-owned lands.

(b) Such delegation may not include the authority to grant approval for the sale, lease, easement, or other uses of state-owned sovereignty lands that require approval by the board as provided by the board's rules on October 1, 1989. This provision shall not preclude agreements between the board and local governments that may provide that the local government shall process applications and present recommendations for final action to the board.

(c) The board shall give prior notice of its intention to enter into an agreement as described in this subsection, as provided by s. 253.115. The Division of State Lands of the Department of Environmental Protection shall update its rules annually to include a list of the management agreements adopted pursuant to this subsection. The list shall identify the parties to, and the date and location of, each agreement, and shall specify the nature of the authority delegated by the agreement.

(d) The board may designate the local government as its enforcement arm for purposes of s. 258.46, and the local government shall have the authority to directly enforce the provisions of that section or to rely on the enforcement provisions of the local ordinance implementing the management plan. The governing body of the local government shall seek approval from the Division of State Lands before seeking the elevated penalties associated with direct enforcement of s. 258.46 in lieu of penalties associated with violation of its ordinance. Nothing in this subsection shall affect the authority of the division to enforce the provisions of this act.

(e) Each year on the anniversary of any delegation pursuant to this subsection, the staff of the department shall present to the board an evaluation of decisions made by the local governments during the previous year. The board shall, upon reviewing this evaluation, either act to renew the delegation, act to retract the delegation, or act to renew the delegation with specific directives to the local government to take corrective action concerning any deficiencies in its processing or application of the standards and criteria in the rules approved by the board or a management plan adopted for the preserves.

(f) Nothing contained in this subsection shall affect the powers, duties, or procedures set forth in chapter 403.

Section 50. Subsection (1) of section 259.035, Florida Statutes, is amended to read:

259.035 Advisory council; powers and duties.—

(1) There is created a Land Acquisition and Management Advisory Council to be composed of the secretary and a designee of the department, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Game and Fresh Water Fish Commission, the director of the Division of Historical Resources of the Department of State, and the secretary of the Department of Community Affairs, or their respective designees. The chairmanship of the council shall rotate annually in the foregoing order. The council shall hold periodic meetings at the request of the chair. The department shall provide primary staff support to the council and shall ensure that council meetings are electronically recorded. Such recordings shall be preserved pursuant to chapters 119 and 257. The department *has authority to* ~~may~~ adopt *rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~any rule or form necessary to implement~~ this section.

Section 51. Subsection (2) of section 259.041, Florida Statutes, is amended to read:

259.041 Acquisition of state-owned lands for preservation, conservation, and recreation purposes.—

(2) The board of trustees *has authority to* ~~shall~~ adopt ~~and may modify or repeal such~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~as are necessary~~ to *implement the provisions* ~~carry out the purposes~~ of this section, including rules governing the terms and conditions of land purchases. Such rules shall address with specificity, but not be limited to:

(a) The procedures to be followed in the acquisition process, including selection of appraisers, surveyors, title agents and closing agents, and the content of appraisal reports.

(b) The determination of the value of parcels which the state has an interest to acquire.

(c) Special requirements when multiple landowners are involved in an acquisition.

(d) Requirements for obtaining written option agreements so that the interests of the state are fully protected.

Section 52. Paragraph (d) of subsection (5) of section 265.284, Florida Statutes, is amended to read:

265.284 Chief cultural officer; director of division; powers and duties.—

(5) The division is further authorized to:

(d) *Adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties on it* ~~Promulgate such rules as are necessary to carry out its duties~~.

Section 53. Subsection (1) of section 265.605, Florida Statutes, is amended to read:

265.605 Cultural Endowment Program; rulemaking.—

(1) The department shall adopt ~~any~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to implement the provisions of this act.

Section 54. Subsection (1) of section 267.031, Florida Statutes, is amended to read:

267.031 Division of Historical Resources.—

(1) The division *has authority to* ~~shall~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~as deemed necessary~~ to *implement provisions of* ~~carry out its duties and responsibilities under~~ this chapter *conferring duties upon it*.

Section 55. Section 280.19, Florida Statutes, is amended to read:

280.19 Rules.—The Treasurer shall adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~and prescribe such forms as may be necessary~~ to *administer the provisions* ~~accomplish the purposes~~ of this chapter.

Section 56. Section 284.17, Florida Statutes, is amended to read:

284.17 Rules ~~and regulations~~.—The Department of Insurance *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~shall promulgate such reasonable rules and regulations as are necessary to aid in the implementation of~~ this chapter.

Section 57. Subsection (1) of section 288.709, Florida Statutes, is amended to read:

288.709 Powers of the Florida Black Business Investment Board.—The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ss. 9-21, chapter 85-104, Laws of Florida, including, but not limited to, the power to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business and *adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of law conferring duties upon it* ~~rules pursuant to chapter 120~~. However, any proposed rules affecting the operation or administration or financial well-being of any of the black business investment corporations must first be approved by a majority of the black business investment corporations.

Section 58. Subsection (3) of section 292.05, Florida Statutes, is amended to read:

292.05 Duties of Department of Veterans' Affairs.—

(3) The department *has authority to* ~~may~~ adopt~~, amend, or rescind such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~as it deems necessary to carry out~~ this chapter.

Section 59. Paragraph (c) of subsection (1) of section 310.151, Florida Statutes, is amended to read:

310.151 Rates of pilotage; Pilotage Rate Review Board.—

(1)

(c) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of* ~~is authorized to adopt such rules as are consistent with law and necessary to carry out the duties and authority conferred on it by~~ this section *conferring duties upon it*. The department shall provide the staff required by the board to carry out its duties under this section.

Section 60. Subsection (1) of section 310.185, Florida Statutes, is amended to read:

310.185 Rulemaking.—

(1) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~shall have the power to adopt rules necessary to~~ the provisions of this chapter.

Section 61. Subsection (1) of section 319.17, Florida Statutes, is amended to read:

319.17 Rules; forms; indexes and records.—

(1) The department *has authority to* ~~may~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~as it deems necessary or proper for the administration of~~ this chapter, including rules that allow alternative methods of proof of satisfaction of liens.

Section 62. Section 320.011, Florida Statutes, is amended to read:

320.011 Administration and enforcement; rules.—The department shall administer and enforce the provisions of this chapter and *has authority to* ~~may~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement them* ~~as it deems necessary or proper for the administration hereof~~.

Section 63. Section 320.69, Florida Statutes, is amended to read:

320.69 Rules ~~and regulations.~~—The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~may make such rules and regulations as it shall deem necessary or proper for the effective administration and enforcement of~~ this law.

Section 64. Section 320.824, Florida Statutes, is amended to read:

320.824 ~~Rules and regulations,~~ Changes and modifications of standards.—

(1) The department may ~~make such rules and regulations as it shall deem necessary or proper for the effective administration and enforcement of ss. 320.822-320.90 and may~~ adopt *by rule* ~~and promulgate any~~ changes in, or additions to, the standards adopted in s. 320.823 or s. 320.8231, which are approved and officially published by the institute or promulgated by the Department of Housing and Urban Development subsequent to the effective date of this act.

(2) The department or its authorized agent may enter any place or establishment where mobile homes are manufactured, sold, or offered for sale, for the purpose of ascertaining whether the requirements of the code and the *rules* ~~regulations~~ adopted by the department have been met.

Section 65. Section 324.042, Florida Statutes, is amended to read:

324.042 Administration.—The department shall administer and enforce the provisions of this chapter, and *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement them* ~~the department may make such rules as may be necessary for its administration~~.

Section 66. Subsection (2) of section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The division shall:

(2) Adopt rules *pursuant to ss. 120.54 and 120.536(1)* to *implement* ~~administer~~ ss. 326.001-326.006 and to classify brokers and salespersons and regulate their activities.

Section 67. Section 327.04, Florida Statutes, is amended to read:

327.04 Rules ~~and regulations.~~—

(1) The department *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1),* other than rules pertaining to vessel registration or titling, *to implement the provisions of* ~~which are necessary for carrying out the administrative powers and duties conferred on the department by~~ this chapter *conferring powers or duties upon it*.

(2) The Department of Highway Safety and Motor Vehicles *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) which pertain* ~~pertaining~~ to vessel registration and titling *to implement the provisions of* ~~necessary for carrying out the administrative duties, obligations, and powers conferred on that department by~~ this chapter and chapter 328 *conferring duties upon it*.

Section 68. Section 330.29, Florida Statutes, is amended to read:

330.29 Administration and enforcement; rules; standards for airport sites and airports.—It is the duty of the department to:

(1) Administer and enforce the provisions of this chapter.~~;~~

(2) Establish minimum standards for airport sites and airports under its licensing jurisdiction.~~; and~~

(3) Adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~as it deems necessary~~ to *implement* ~~administer and enforce~~ the provisions of this chapter.

Section 69. Subsection (2) of section 334.044, Florida Statutes, is amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(2) To adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of law conferring duties upon it*~~, procedures, and standards for the conduct of its business operations and the implementation of any provision of law for which the department is responsible~~.

Section 70. Paragraph (c) of subsection (10) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people and goods within and through urbanized areas of this state and minimize, to the maximum extent feasible, and together with applicable regulatory government agencies, transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state, transportation plans and programs for metropolitan areas. Such plans and programs must provide for the development of transportation facilities that will function as an intermodal transportation system for the metropolitan area. The process for developing such plans and programs shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and *adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring powers or duties upon it* ~~make rules to effectuate its powers, responsibilities, and obligations~~.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation or for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

Section 71. Subsection (2) of section 350.127, Florida Statutes, is amended to read:

350.127 Penalties; rules; execution of contracts.—

(2) The commission is authorized to adopt, by affirmative vote of a majority of the commission, rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it* ~~reasonably necessary to implement any law which it administers~~.

Section 72. Subsection (1) of section 366.05, Florida Statutes, is amended to read:

366.05 Powers.—

(1) In the exercise of such jurisdiction, the commission shall have power to prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, and service rules and regulations to be observed by each public utility; to require repairs, improvements, additions, and extensions to the plant and equipment of any public utility when reasonably necessary to promote the convenience and welfare of the public and secure adequate service or facilities for those reasonably entitled thereto; to employ and fix the compensation for such examiners and technical, legal, and clerical employees as it deems necessary to carry out the provisions of this chapter; and to *adopt rules pursuant to ss. 120.54 and 120.536(1) to implement and enforce the provisions of* ~~prescribe all rules and regulations reasonably necessary and appropriate for the administration and enforcement of~~ this chapter.

Section 73. Subsection (1) of section 367.121, Florida Statutes, is amended to read:

367.121 Powers of commission.—

(1) In the exercise of its jurisdiction, the commission shall have power:

(a) To prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, and to prescribe service rules to be observed by each utility, except to the extent such authority is expressly given to another state agency.~~;~~

(b) To prescribe, by rule, a uniform system and classification of accounts for all utilities, which rules, among other things, shall establish adequate, fair, and reasonable depreciation rates and charges.~~;~~

(c) To require such regular or emergency reports from a utility, including, but not limited to, financial reports, as the commission deems necessary and, if the commission finds a financial report to be incomplete, incorrect, or inconsistent with the uniform system and classification of accounts, to require a new report or a supplemental report, either of which the commission may require to be certified by an independent certified public accountant licensed under chapter 473.~~;~~

(d) To require repairs, improvements, additions, and extensions to any facility, or to require the construction of a new facility, if reasonably necessary to provide adequate and proper service to any person entitled to service or if reasonably necessary to provide any prescribed quality of service, except that no utility shall be required to extend its service outside the geographic area described in its certificate of authorization, or make additions to its plant or equipment to serve outside such area, unless the commission first finds that the utility is financially able to make such additional investment without impairing its capacity to serve its existing customers.~~;~~

(e) To employ and fix the compensation for such examiners and technical, legal, and clerical employees as it deems necessary to carry out the provisions of this chapter.~~;~~

(f) To adopt, by affirmative vote of a majority of the commission, rules *pursuant to ss. 120.54 and 120.536(1) to implement and enforce the provisions of* ~~reasonably necessary and appropriate for the administration and enforcement of~~ this chapter.~~;~~

(g) To exercise all judicial powers, issue all writs, and do all things necessary or convenient to the full and complete exercise of its jurisdiction and the enforcement of its orders and requirements.~~;~~

(h) To order interconnections of service or facilities between utilities, and to approve any plant capacity charges or wholesale service charges or rates related thereto, provided the commission first finds that the utility is financially able to make such additional investment as is required without impairing its capacity to serve its existing customers.~~;~~

(i) To require the filing of reports and other data by a public utility or its affiliated companies, including its parent company, regarding transactions or allocations of common costs, among the utility and such affiliated companies. The commission may also require such reports or other data necessary to ensure that a utility's ratepayers do not subsidize nonutility activities.~~;~~

(j) To seek relief in circuit court including temporary and permanent injunctions, restraining orders, or any other appropriate order, because the Legislature finds that violations of commission orders or rules, in connection with the impairment of a utility's operations or service, constitute irreparable harm for which there is no adequate remedy at law. Such remedies shall be in addition to and supplementary to any other remedies available for enforcement of agency action under s. 120.69 or the provisions of this chapter. The commission shall establish procedures implementing this section by rule.~~; and~~

(k) To assess a utility for reasonable travel costs associated with reviewing the records of the utility and its affiliates when such records are kept out of state. The utility may bring the records back into the state for review.

Section 74. Section 368.05, Florida Statutes, is amended to read:

368.05 Commission jurisdiction, rules ~~and regulations~~.—

(1) In addition to its existing functions, the Florida Public Service Commission shall have jurisdiction over all persons, corporations, partnerships, associations, public agencies, municipalities, or other legal entities engaged in the operation of gas transmission or distribution facilities with respect to their compliance with the rules and regulations governing safety standards established by the commission pursuant to this law. The jurisdiction conferred upon the commission hereby shall be exclusive of and superior to that of all other boards, agencies, political subdivisions, municipalities, towns, villages, or counties; and in case of conflict therewith all lawful safety acts, orders, *and* rules~~, and regulations~~ of the commission shall in each instance prevail.

(2) The commission shall have the power to perform any and all acts~~, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations not inconsistent herewith as it may find~~ necessary or appropriate to the exercise of the authority granted under the provisions of this law. *The commission has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it.* The commission may require the filing of periodic reports and all other data reasonably necessary to determine whether the safety standards prescribed by it are being complied with; may require repairs and improvements to the gas transmission and distribution piping systems subject to this law which are reasonably necessary to promote the protection of the public; and may exercise all judicial powers, issue all writs, and do all things necessary or convenient to the full and complete

exercise of its jurisdiction and the enforcement of its safety orders and rules ~~and regulations~~ adopted pursuant to this law.

(3) The jurisdiction conferred upon the commission by this part does not extend to the distribution of gas beyond the last meter prior to consumption.

Section 75. Subsection (6) of section 369.20, Florida Statutes, is amended to read:

369.20 Florida Aquatic Weed Control Act.—

(6) The department shall adopt *rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of this section conferring powers or duties upon it*~~, amend, or repeal all rules as necessary to carry out the duties, obligations, and powers set forth in this section~~ and perform any other acts necessary for the proper administration, enforcement, or interpretation of this section, including creating general permits and exemptions and adopting rules and forms governing reports.

Section 76. Subsection (11) of section 369.22, Florida Statutes, is amended to read:

369.22 Nonindigenous aquatic plant control.—

(11) The department shall adopt *rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of*~~, amend, or repeal all rules as necessary to carry out the duties, obligations, and powers set forth in~~ this section *conferring powers or duties upon it* and perform any other acts necessary for the proper administration, enforcement, or interpretation of this section, including adopting rules and forms governing reports.

Section 77. Subsection (3) of section 369.251, Florida Statutes, is amended to read:

369.251 Invasive nonnative plants; prohibitions; study; removal; rules.—

(3) The department *has authority to* ~~shall~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~necessary to implement~~ this section. Possession or transportation resulting from natural dispersion, mulching operations, control and disposal, or use in herbaria or other educational or research institutions, or for other reasons determined by the department to be consistent with this section and where there is neither the danger of, nor intent to, further disperse any plant species prohibited by this section, is not subject to the permit or penalty provisions of this section.

Section 78. Subsection (1) of section 370.021, Florida Statutes, is amended to read:

370.021 Administration; rules, publications, records; penalty for violation of chapter; injunctions.—

(1) RULES ~~AND REGULATIONS~~.—The Department of Environmental Protection *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring powers or duties upon it* ~~shall make, adopt, promulgate, amend, and repeal all rules and regulations necessary or convenient for the carrying out of the duties, obligations, powers, and responsibilities conferred on the department or any of its divisions~~. The director of each division shall submit to the department suggested rules and regulations for that division. Any person violating or otherwise failing to comply with any of the rules and regulations adopted as aforesaid is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless otherwise provided by law.

Section 79. Subsection (5) of section 370.092, Florida Statutes, is amended to read:

370.092 Carriage of proscribed nets across Florida waters.—

(5) The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make and adopt reasonable rules, regulations, and orders, including emergency rules, to implement~~ this section. ~~The department shall adopt emergency rules to implement the provisions of subparagraph (4)(c)1. by August 1, 1996.~~

Section 80. Subsection (1) of section 370.15, Florida Statutes, is amended to read:

370.15 Shrimp; regulation.—

(1) GENERAL AUTHORITY; CONSERVATION.—The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of this section. The department shall encourage* ~~is authorized and directed to adopt, promulgate, and enforce rules and regulations consistent with the provisions of this section and the general policy of encouraging~~ the production of the maximum sustained yield consistent with the preservation and protection of breeding stock, taking into consideration the recommendations of the various marine laboratories, as well as those of interested and experienced groups of private citizens. ~~Such~~ Rules *shall* ~~and regulations are to~~ control the method, manner, and equipment used in the taking of shrimp or prawn, as well as limiting and defining the areas where taken.

Section 81. Section 373.043, Florida Statutes, is amended to read:

373.043 Adoption and enforcement of *rules* ~~regulations~~ by the department.—The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1)* ~~shall adopt, promulgate, and enforce such regulations and review procedures as may be necessary or convenient~~ to *implement* ~~administer~~ the provisions of this chapter.

Section 82. Section 373.044, Florida Statutes, is amended to read:

373.044 Rules ~~and regulations~~; enforcement; availability of personnel rules.~~ In administering this chapter,~~ The governing board of the district is authorized to ~~make and~~ adopt *rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of this chapter.* ~~reasonable rules, regulations, and orders which are consistent with law; and such~~ Rules~~, regulations,~~ and orders may be enforced by mandatory injunction or other appropriate action in the courts of the state. Rules relating to personnel matters shall be made available to the public and affected persons at no more than cost but need not be published in the Florida Administrative Code or the Florida Administrative Weekly.

Section 83. Section 373.113, Florida Statutes, is amended to read:

373.113 Adoption of *rules* ~~regulations~~ by the governing board.—In administering the provisions of this chapter the governing board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring powers or duties upon it* ~~shall adopt, promulgate, and enforce such regulations as may be reasonably necessary to effectuate its powers, duties, and functions pursuant to the provisions of chapter 120~~.

Section 84. Section 373.171, Florida Statutes, is amended to read:

373.171 Rules ~~and regulations~~.—

(1) In order to obtain the most beneficial use of the water resources of the state and to protect the public health, safety, and welfare and the interests of the water users affected, governing boards, by action not inconsistent with the other provisions of this law and without impairing property rights, may:

(a) *Adopt* ~~Establish~~ rules~~, regulations,~~ or *issue* orders affecting the use of water, as conditions warrant, and forbidding the construction of new diversion facilities or wells, the initiation of new water uses, or the modification of any existing uses, diversion facilities, or storage facilities within the affected area.

(b) Regulate the use of water within the affected area by apportioning, limiting, or rotating uses of water or by preventing those uses which the governing board finds have ceased to be reasonable or beneficial.

(c) *Issue orders and adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of this chapter* ~~Make other rules, regulations, and orders necessary for the preservation of the interests of the public and of affected water users~~.

(2) In *adopting* ~~promulgating~~ rules ~~and regulations~~ and issuing orders under this law, the governing board shall act with a view to full protection of the existing rights to water in this state insofar as is consistent with the purpose of this law.

(3) No rule~~, regulation~~ or order shall require any modification of existing use or disposition of water in the district unless it is shown that the use or disposition proposed to be modified is detrimental to other water users or to the water resources of the state.

(4) All rules ~~and regulations~~ adopted by the governing board shall be filed with the Department of State as provided in chapter 120. An information copy will be filed with the Department of Environmental Protection.

Section 85. Section 373.337, Florida Statutes, is amended to read:

373.337 Rules.—The department shall~~, by July 1, 1989,~~ adopt rules *pursuant to ss. 120.54 and 120.536(1)* to implement the provisions of this part, providing each water management district and representatives of the water well contracting industry with meaningful opportunity to participate in the development of the rules as they are drafted. The rules shall be adopted by each water management district.

Section 86. Subsection (3) of section 373.418, Florida Statutes, is amended to read:

373.418 Rulemaking; preservation of existing authority.—

(3) The department or governing boards *have authority to* ~~may~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~as are necessary~~ to implement the provisions of this part. Such rules shall be consistent with the water resource implementation rule and shall not allow harm to water resources or be contrary to the policy set forth in s. 373.016.

Section 87. Section 376.07, Florida Statutes, is amended to read:

376.07 Regulatory powers of department; penalties for inadequate booming by terminal facilities.~~—The department shall from time to time adopt, amend, repeal, and enforce reasonable rules insofar as they relate to discharges of pollutants into the waters of this state or onto the coasts of this state.~~

(1) The *department shall adopt rules pursuant to ss. 120.54 and 120.536(1) to implement ss. 376.011-376.21* ~~rules shall be adopted in accordance with the Administrative Procedure Act, chapter 120~~.

(2) The department shall adopt rules including, but not limited to, the following matters:

(a) Operation and inspection requirements for discharge prevention, abatement, and cleanup capabilities of terminal facilities and vessels, and other matters relating to certification under ss. 376.011-376.21.

(b) Procedures and methods of reporting discharges and other occurrences prohibited by ss. 376.011-376.21.

(c) Procedures, methods, means, and equipment to be used by persons subject to regulation by ss. 376.011-376.21 in the removal of pollutants.

(d) Development and implementation of criteria and plans to meet pollution occurrences of various degrees and kinds.

(e) Creation by contract or administrative action of a state response team which shall be responsible for creating and maintaining a contingency plan of response, organization, and equipment for handling emergency cleanup operations and wildlife rescue and rehabilitation operations. The state plans shall include detailed emergency operating procedures for the state as a whole, and the team shall from time to time conduct practice alerts. These plans shall be filed with the Governor and all Coast Guard stations in the state and Coast Guard captains of the port having responsibility for enforcement of federal pollution laws within the state. The contingency plan shall include all necessary information for the total containment and cleanup of pollution, including, but not limited to, an inventory of equipment and its location, a table of organization with the names, addresses, and telephone numbers of all persons responsible for implementing every phase of the plan, including a plan for wildlife rescue and rehabilitation operations, a list of available sources of supplies necessary for cleanup, and a designation of priority zones to determine the sequence and methods of cleanup. The state response team shall act independently of agencies of the Federal Government but is directed to cooperate with any federal cleanup operation.

(f) Requirements for minimum weather and sea conditions for permitting a vessel to enter port and for the safety and operation of vessels, barges, tugs, motor vehicles, motorized equipment, and other equipment relating to the use and operation of terminals, facilities, and refineries, the approach and departure from terminals, facilities, and refineries, and requirements that containment gear approved by the department be on hand and maintained by terminal facilities and refineries with adequate personnel trained in its use.

(g) Requirements that, prior to being granted entry into any port in this state, the master of a vessel shall report:

1. Any discharges of pollutants the vessel has had since leaving the last port.

2. Any mechanical problem on the vessel which creates the possibility of a discharge.

3. Any denial of entry into any port during the current cruise of the vessel.

(h) Requirements that any terminal facility be subject to a complete and thorough inspection whenever the terminal facility causes or permits the discharge of a pollutant in violation of the provisions of ss. 376.011-376.21, and at other reasonable times. If the department determines there are unsatisfactory preventive measures or containment and cleanup capabilities, it shall, within a reasonable time after notice and hearing in compliance with chapter 120, suspend the registration until such time as there is compliance with the department requirements.

~~(i) Such other rules as the exigencies of any condition may require or as may reasonably be necessary to carry out the intent of ss. 376.011-376.21.~~

(3) The department shall not require vessels to maintain discharge prevention gear, holding tanks, and containment gear which exceed federal requirements. However, a terminal facility transferring heavy oil to or from a vessel with a heavy oil storage capacity greater than 10,000 gallons shall be required, considering existing weather and tidal conditions, to adequately boom or seal off the transfer area during a transfer, including, but not limited to, a bunkering operation, to minimize the escape of such pollutants from the containment area. As used in this subsection, the term “adequate booming” means booming with proper containment equipment which is employed and located for the purpose of preventing, for the most likely discharge, as much of the pollutant as possible from escaping out of the containment area.

(a) The owner or operator of a terminal facility involved in the transfer of such pollutant to or from a vessel which is not adequately boomed commits a noncriminal infraction and shall be cited for such infraction. The civil penalty for such an infraction shall be $2,500, except as otherwise provided in this section.

(b) Any person cited for an infraction under this section may:

1. Pay the civil penalty;

2. Post bond equal to the amount of the applicable civil penalty; or

3. Sign and accept a citation indicating a promise to appear before the county court.

The officer authorized to issue these citations may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(c) Any person who willfully refuses to post bond or accept and sign a citation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) After compliance with subparagraph (b)2. or subparagraph (b)3., any person charged with a noncriminal infraction under this section may:

1. Pay the civil penalty, either by mail or in person, within 30 days after the date of receiving the citation; or

2. If the person has posted bond, forfeit the bond by not appearing at the designated time and location.

A person cited for an infraction under this section who pays the civil penalty or forfeits the bond has admitted the infraction and waives the right to a hearing on the issue of commission of the infraction. Such admission may not be used as evidence in any other proceedings.

(e) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalty specified in paragraph (a). The issue of whether an infraction has been committed and the severity of the infraction shall be determined by a hearing official at a hearing. If the commission of the infraction is proved by the greater weight of the evidence, the court shall impose a civil penalty of $2,500. If the court determines that the owner or operator of the terminal facility failed to deploy any boom equipment during such a transfer, including, but not limited to, a bunkering operation, the civil penalty shall be $5,000.

(f) A person who is found by the hearing official to have committed an infraction may appeal that finding to the circuit court.

(g) Any person who has not posted bond and who fails either to pay the civil penalty specified in paragraph (a) within 30 days after receipt of the citation or to appear before the court commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 88. Section 377.22, Florida Statutes, is amended to read:

377.22 Rules~~, regulations,~~ and orders.—

(1) The department shall provide, by *rule* ~~rules and regulations~~, for ratable takings in all pools on a reasonable and equitable basis.

(2) The department shall ~~adopt such rules and regulations, and shall~~ issue ~~such~~ orders *and adopt rules pursuant to ss. 120.54 and 120.536(1) to implement and enforce the provisions of*~~, governing all phases of the exploration, drilling, and production of oil, gas, or other petroleum products in the state, including exploration, drilling, and production in the offshore waters of the state as may be necessary for the proper administration and enforcement of~~ this chapter. Such rules~~, regulations,~~ and orders shall ensure that all precautions are taken to prevent the spillage of oil or any other pollutant in all phases of the drilling for, and extracting of, oil, gas, or other petroleum products. The department shall revise such rules ~~and regulations~~ from time to time as ~~may be~~ necessary for the proper administration and enforcement of this chapter. Rules *adopted*~~, regulations,~~ and orders *issued* ~~promulgated~~ in accordance with this section shall be for, but shall not be limited to, the following purposes:

(a) To require the drilling, casing, and plugging of wells to be done in such a manner as to prevent the pollution of the fresh, salt, or brackish waters or the lands of the state.

(b) To prevent the alteration of the sheet flow of water in any area.

(c) To require that appropriate safety equipment be installed to minimize the possibility of an escape of oil or other petroleum products in the event of accident, human error, or a natural disaster during drilling, casing, or plugging of any well and during extraction operations.

(d) To require the drilling, casing, and plugging of wells to be done in such a manner as to prevent the escape of oil or other petroleum products from one stratum to another.

(e) To prevent the intrusion of water into an oil or gas stratum from a separate stratum, except as provided by rules of the division relating to the injection of water for proper reservoir conservation and brine disposal.

(f) To require a reasonable bond, or other form of security acceptable to the department, conditioned upon the performance of the duty to plug properly each dry and abandoned well and the full and complete restoration by the applicant of the area over which geophysical exploration, drilling, or production is conducted to the similar contour and general condition in existence prior to such operation.

(g) To require and carry out a reasonable program of monitoring or inspection of all drilling operations or producing wells, including regular inspections by division personnel.

(h) To require the making of reports showing the location of all oil and gas wells; the making and filing of logs; the taking and filing of directional surveys; the filing of electrical, sonic, radioactive, and mechanical logs of oil and gas wells; if taken, the saving of cutting and cores, the cuts of which shall be given to the Bureau of Geology; and the making of reports with respect to drilling and production records. However, such information, or any part thereof, at the request of the operator, shall be exempt from the provisions of s. 119.07(1) and held confidential by the division for a period of 1 year after the completion of a well.

(i) To prevent wells from being drilled, operated, or produced in such a manner as to cause injury to neighboring leases or property.

(j) To prevent the drowning by water of any stratum, or part thereof, capable of producing oil or gas in paying quantities and to prevent the premature and irregular encroachment of water which reduces, or tends to reduce, the total ultimate recovery of oil or gas from any pool.

(k) To require the operation of wells with efficient gas-oil ratio, and to fix such ratios.

(l) To prevent “blowouts,” “caving,” and “seepage,” in the sense that conditions indicated by such terms are generally understood in the oil and gas business.

(m) To prevent fires.

(n) To identify the ownership of all oil or gas wells, producing leases, refineries, tanks, plants, structures, and storage and transportation equipment and facilities.

(o) To regulate the “shooting,” perforating and chemical treatment of wells.

(p) To regulate secondary recovery methods, including the introduction of gas, air, water, or other substance into producing formations.

(q) To regulate gas cycling operations.

(r) If necessary for the prevention of waste, as herein defined, to determine, limit, and prorate the production of oil or gas, or both, from any pool or field in the state.

(s) To require, either generally or in or from particular areas, certificates of clearance or tenders in connection with the transportation or delivery of oil or gas, or any product.

(t) To regulate the spacing of wells and to establish drilling units.

(u) To prevent, so far as is practicable, reasonably avoidable drainage from each developed unit which is not equalized by counterdrainage.

(v) To require that geophysical operations requiring a permit be conducted in a manner which will minimize the impact on hydrology and biota of the area, especially environmentally sensitive lands and coastal areas.

(w) To regulate aboveground crude oil storage tanks in a manner which will protect the water resources of the state.

(x) To act in a receivership capacity for fractional mineral interests for which the owners are unknown or unlocated and to administratively designate the operator as the lessee.

Section 89. Paragraph (g) of subsection (3) of section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Department of Community Affairs; energy emergency contingency plan; federal and state conservation programs.—

(3) DEPARTMENT OF COMMUNITY AFFAIRS; DUTIES.—The Department of Community Affairs shall, in addition to assuming the duties and responsibilities provided by ss. 20.18 and 377.701, perform the following functions consistent with the development of a state energy policy:

(g) The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make any rules or regulations pursuant to chapter 120 as are necessary to carry out the purposes of~~ this act.

Section 90. Paragraph (d) of subsection (1) of section 378.205, Florida Statutes, is amended to read:

378.205 Administration; powers and duties of the department; agency review responsibility.—

(1) The department shall administer the provisions of this part and shall have the following powers and duties:

(d) To adopt ~~those~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement the provisions of* ~~administer~~ this part.

Section 91. Subsection (1) of section 378.404, Florida Statutes, is amended to read:

378.404 Department of Environmental Protection; powers and duties.—The department shall have the following powers and duties:

(1) To adopt *rules pursuant to ss. 120.54 and 120.536(1)* ~~procedural rules~~ to implement *the provisions of* this part.

Section 92. Paragraph (c) of subsection (22) of section 380.05, Florida Statutes, is amended to read:

380.05 Areas of critical state concern.—

(22) All state agencies with rulemaking authority for programs that affect a designated area of critical state concern shall review those programs for consistency with the purpose of the designation and principles for guiding development, and shall adopt specific permitting standards and criteria applicable in the designated area, or otherwise amend the program, as necessary to further the purpose of the designation.

(c) The Administration Commission *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1)* to implement *the provisions of* this subsection.

Section 93. Paragraph (f) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(f) ~~Pursuant to chapter 120,~~ The state land planning agency *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~shall adopt rules as necessary to implement~~ this subsection.

Section 94. Subsection (13) of section 381.0011, Florida Statutes, is amended to read:

381.0011 Duties and powers of the Department of Health.—It is the duty of the Department of Health to:

(13) Adopt~~, repeal, and amend~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of law conferring duties upon it* ~~consistent with law~~. This subsection does not authorize the department to require a permit or license unless such requirement is specifically provided by law.

Section 95. Section 384.33, Florida Statutes, is amended to read:

384.33 Rules.—The department may adopt rules *pursuant to ss. 120.54 and 120.536(1)* to *implement* ~~carry out~~ the provisions of this chapter.

Section 96. Subsection (12) of section 391.026, Florida Statutes, is amended to read:

391.026 Powers and duties of the department.—To administer its programs of children's medical services, the department shall have the following powers, duties, and responsibilities:

(12) To *adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~make rules to carry out~~ the provisions of this act.

Section 97. Section 392.66, Florida Statutes, is amended to read:

392.66 Rules.—The department shall adopt rules *pursuant to ss. 120.54 and 120.536(1)* to *implement* ~~carry out~~ the provisions of this chapter.

Section 98. Subsection (1) of section 394.879, Florida Statutes, is amended to read:

394.879 Rules; enforcement.—

(1) The department shall adopt ~~reasonable~~ rules *pursuant to ss. 120.54 and 120.536(1)* to implement *the provisions of* this chapter, including, at a minimum, rules providing standards to ensure that:

(a) Sufficient numbers and types of qualified personnel are on duty and available at all times to provide necessary and adequate client safety and care.

(b) Adequate space is provided each client of a licensed facility.

(c) Licensed facilities are limited to an appropriate number of beds.

(d) Each licensee establishes and implements adequate infection control, housekeeping, sanitation, disaster planning, and medical recordkeeping.

(e) Licensed facilities are established, organized, and operated in accordance with programmatic standards of the department.

Section 99. Subsection (1) of section 395.1055, Florida Statutes, is amended to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt~~, amend, promulgate, and enforce~~ rules *pursuant to ss. 120.54 and 120.536(1)* to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(a) Sufficient numbers and qualified types of personnel and occupational disciplines are on duty and available at all times to provide necessary and adequate patient care and safety.

(b) Infection control, housekeeping, sanitary conditions, and medical record procedures that will adequately protect patient care and safety are established and implemented.

(c) A comprehensive emergency management plan is prepared and updated annually. Such standards must be included in the rules adopted by the agency after consulting with the Department of Community Affairs. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records, and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health and Rehabilitative Services, the Agency for Health Care Administration, and the Department of Community Affairs. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(d) Facilities are structurally capable of serving as shelters and equipped to be self-supporting during and immediately following disasters.

(e) Construction, maintenance, repair, lifesafety, and renovation of licensed facilities are governed by the most recently adopted, nationally recognized lifesafety code, except as may be specifically modified by rule.

(f) Licensed facilities are established, organized, and operated consistent with established standards and rules.

(g) Licensed facility beds conform to minimum space, equipment, and furnishings standards as specified by the department.

(h) All hospitals submit such data as necessary to conduct certificate-of-need reviews required under ss. 408.031-408.045. Such data shall include, but shall not be limited to, patient origin data, hospital utilization data, type of service reporting, and facility staffing data. The agency shall not collect data that identifies or could disclose the identity of individual patients. The agency shall utilize existing uniform statewide data sources when available and shall minimize reporting costs to hospitals.

(i) Each hospital has a quality improvement program designed according to standards established by their current accrediting organization. This program will enhance quality of care and emphasize quality patient outcomes, corrective action for problems, governing board review, and reporting to the agency of standardized data elements necessary to analyze quality of care outcomes. The agency shall use existing data, when available, and shall not duplicate the efforts of other state agencies in order to obtain such data.

Section 100. Subsection (7) of section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(7) Adopt *rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of*~~, modify, and repeal rules and regulations to carry out the intent and purposes of~~ this act. Any rule ~~or regulation~~ adopted pursuant to this act shall be consistent with the provisions of federal law, if any, relating to control of emissions from motor vehicles, effluent limitations, pretreatment requirements, or standards of performance. No county, municipality, or political subdivision shall adopt or enforce any local ordinance, special law, or local regulation requiring the installation of Stage II vapor recovery systems, as currently defined by department rule, unless such county, municipality, or political subdivision is or has been in the past designated by federal regulation as a moderate, serious, or severe ozone nonattainment area. Rules adopted pursuant to this act shall not require dischargers of waste into waters of the state to improve natural background conditions. Discharges from steam electric generating plants existing or licensed under this chapter on July 1, 1984, shall not be required to be treated to a greater extent than may be necessary to assure that the quality of nonthermal components of discharges from nonrecirculated cooling water systems is as high as the quality of the makeup waters; that the quality of nonthermal components of discharges from recirculated cooling water systems is no lower than is allowed for blowdown from such systems; or that the quality of noncooling system discharges which receive makeup water from a receiving body of water which does not meet applicable department water quality standards is as high as the quality of the receiving body of water. The department may not adopt standards more stringent than federal regulations, except as provided in s. 403.804.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 101. Paragraph (a) of subsection (5) and subsection (10) of section 403.1835, Florida Statutes, are amended to read:

403.1835 Sewage treatment facilities revolving loan program.—

(5)(a) The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make rules necessary to carry out the purpose of~~ this section, including rules to administer the state revolving fund authorized pursuant to the Federal Water Pollution Control Act, as amended.

(10)~~(a)~~ Because the Legislature has experienced revenue shortfalls in recent years and has been unable to provide enough funds to fully match available federal funds to help capitalize the Sewage Treatment Revolving Loan Fund, it is necessary for innovative approaches to be considered to help capitalize the revolving loan fund. The department shall evaluate potential innovative approaches that can generate funds to match available federal funds. The department shall consider, among other possible alternatives, the option of implementing by rule a program to allow local governments to offer funds voluntarily to the state for use as a match to available federal funds to capitalize the state sewage treatment revolving loan fund.

~~(b) The department may adopt rules necessary to administer this section.~~

Section 102. Subsection (1) of section 403.504, Florida Statutes, is amended to read:

403.504 Department of Environmental Protection; powers and duties enumerated.—The department shall have the following powers and duties in relation to this act:

(1) To adopt~~, promulgate, or amend reasonable~~ rules *pursuant to ss. 120.54 and 120.536(1)* to implement the provisions of this act, including rules setting forth environmental precautions to be followed in relation to the location and operation of electrical power plants.

Section 103. Subsection (1) of section 403.523, Florida Statutes, is amended to read:

403.523 Department of Environmental Protection; powers and duties.—The department shall have the following powers and duties:

(1) To adopt ~~or amend reasonable~~ procedural rules *pursuant to ss. 120.54 and 120.536(1)* to implement the provisions of this act and to adopt or amend rules to implement the provisions of subsection (10).

Section 104. Subsection (15) of section 403.704, Florida Statutes, is amended to read:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of the provisions of this act. In addition to other powers and duties, the department shall:

(15) Adopt~~, repeal, or amend~~ rules *pursuant to ss. 120.54 and 120.536(1)* to implement~~, administer,~~ and enforce *the provisions of* this act, including requirements for the classification, construction, operation, maintenance, and closure of solid waste management facilities and requirements for, and conditions on, solid waste disposal in this state, whether such solid waste is generated within this state or outside this state as long as such requirements and conditions are not based on the out-of-state origin of the waste and are consistent with applicable provisions of law. When classifying solid waste management facilities, the department shall consider the hydrogeology of the site for the facility, the types of wastes to be handled by the facility, and methods used to control the types of waste to be handled by the facility and shall seek to minimize the adverse effects of solid waste management on the environment. Whenever the department adopts any rule stricter or more stringent than one which has been set by the United States Environmental Protection Agency, the procedures set forth in s. 403.804(2) shall be followed. The department shall not, however, adopt hazardous waste rules for solid waste for which special studies were required prior to October 1, 1988, under s. 8002 of the Resource Conservation and Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies are completed by the United States Environmental Protection Agency and the information is available to the department for consideration in adopting its own rule.

Section 105. Subsection (4) of section 403.716, Florida Statutes, is amended to read:

403.716 Training of operators of solid waste management and other facilities.—

(4) The department *has authority to* ~~may~~ adopt ~~rules and~~ minimum standards *and other rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~to effectuate~~ the provisions of this section. *The department shall* ~~and to~~ ensure the safe, healthy, and lawful operation of solid waste management facilities in this state. The department may establish by rule various classifications for operators to cover the need for differing levels of training required to operate various types of solid waste management facilities due to different operating requirements at such facilities.

Section 106. Subsection (1) of section 403.805, Florida Statutes, is amended to read:

403.805 Secretary; powers and duties.—

(1) The secretary shall have the powers and duties of heads of departments set forth in chapter 20, including the *authority* ~~power~~ to adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~under~~ chapters 253, 373, *and* 376~~,~~ and this chapter. The secretary shall have rulemaking responsibility under chapter 120, but shall submit any proposed rule containing standards to the Environmental Regulation Commission for approval, modification, or disapproval pursuant to s. 403.804. The secretary shall employ legal counsel to represent the department in matters affecting the department. Except for appeals on permits specifically assigned by this act to the Governor and Cabinet, and unless otherwise prohibited by law, the secretary may delegate the authority assigned to the department by this act to the assistant secretary, division directors, and district and branch office managers and to the water management districts.

Section 107. Subsection (9) of section 403.861, Florida Statutes, is amended to read:

403.861 Department; powers and duties.—The department shall have the power and the duty to carry out the provisions and purposes of this act and, for this purpose, to:

(9) Adopt *rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of*~~, modify, and repeal such rules as are necessary or appropriate to carry out its functions under~~ this act.

Section 108. Section 403.869, Florida Statutes, is amended to read:

403.869 Authority to adopt rules.—The department may adopt rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement* ~~carry out~~ the provisions of ss. 403.865-403.876.

Section 109. Subsection (1) of section 403.9404, Florida Statutes, is amended to read:

403.9404 Department of Environmental Protection; powers and duties.—The Department of Environmental Protection shall have the following powers and duties:

(1) To adopt ~~or amend reasonable~~ procedural rules *pursuant to ss. 120.54 and 120.536(1)* to implement the provisions of ss. 403.9401-403.9425 and to adopt ~~or amend~~ rules to implement the provisions of subsection (8).

Section 110. Section 406.04, Florida Statutes, is amended to read:

406.04 Rules ~~and regulations~~.—The commission shall *adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~promulgate rules and regulations, pursuant to chapter 120, necessary to effectuate~~ this chapter. *The commission shall* ~~and to~~ ensure minimum and uniform standards of excellence, performance of duties, and maintenance of records so as to provide useful and adequate information to the state in regard to causative factors of those deaths investigated.

Section 111. Subsection (8) of section 408.15, Florida Statutes, is amended to read:

408.15 Powers of the agency.—In addition to the powers granted to the agency elsewhere in this chapter, the agency is authorized to:

(8) Adopt *rules pursuant to ss. 120.54 and 120.536(1) to implement*~~, amend, and repeal all rules necessary to carry out~~ the provisions of this chapter.

Section 112. Section 414.45, Florida Statutes, is amended to read:

414.45 Rulemaking.—The department *has authority to* ~~may~~ adopt~~, amend, or repeal~~ rules *pursuant to ss. 120.54 and 120.536(1)*~~, as provided in chapter 120,~~ to implement *and*~~,~~ enforce *the provisions of*~~, and interpret~~ this chapter. The Department of Labor and Employment Security may adopt~~, amend, or repeal~~ rules *pursuant to ss. 120.54 and 120.536(1)*~~, as provided in chapter 120~~, to implement *and*~~,~~ enforce *the provisions of*~~, and interpret~~ this chapter. The rules must provide protection against discrimination and the opportunity for a participant to request a review by a supervisor or administrator of any decision made by a panel or board of the department, the Department of Labor and Employment Security, or the WAGES Program.

Section 113. Subsection (10) of section 427.013, Florida Statutes, is amended to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(10) *Adopt rules pursuant to ss. 120.54 and 120.536(1)* ~~Develop and monitor rules and procedures~~ to implement the provisions of ss. 427.011-427.017.

Section 114. Section 430.08, Florida Statutes, is amended to read:

430.08 Rulemaking.—The department shall adopt~~, amend, or rescind such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement* ~~as it deems necessary to carry out~~ the provisions of this chapter.

Section 115. Section 440.591, Florida Statutes, is amended to read:

440.591 Administrative procedure; rulemaking authority.—The division *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~shall have the authority to adopt rules to govern the performance of any programs, duties, or responsibilities with which it is charged under~~ this chapter *conferring duties upon it*.

Section 116. Paragraph (a) of subsection (2) of section 443.171, Florida Statutes, is amended to read:

443.171 Division and commission; powers and duties; rules; advisory council; records and reports.—

(2) RULES; DIVISION, SEAL.—

(a) The division *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~shall have the power and authority to adopt, amend, or rescind such rules as are necessary for the administration of~~ this chapter.

Section 117. Subsection (5) of section 455.203, Florida Statutes, is amended to read:

455.203 Department; powers and duties.—The department, for the boards under its jurisdiction, shall:

(5) Adopt ~~all~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement the provisions of* ~~administer~~ this part.

Section 118. Subsection (5) of section 455.521, Florida Statutes, is amended to read:

455.521 Department; powers and duties.—The department, for the boards under its jurisdiction, shall:

(5) Adopt ~~all~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement the provisions of* ~~administer~~ this part.

Section 119. Section 457.104, Florida Statutes, is amended to read:

457.104 Authority to make rules.—The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of* ~~is authorized to make rules not inconsistent with law which are necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it*.

Section 120. Subsection (1) of section 458.309, Florida Statutes, is amended to read:

458.309 Authority to make rules.—

(1) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring*

duties upon it ~~and as may be necessary to protect the health, safety, and welfare of the public~~.

Section 121. Section 459.005, Florida Statutes, is amended to read:

459.005 Authority to make rules.—The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~.

Section 122. Section 460.405, Florida Statutes, is amended to read:

460.405 Authority to make rules.—The Board of Chiropractic *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it*.

Section 123. Section 461.005, Florida Statutes, is amended to read:

461.005 Authority to make rules.—The Board of Podiatric Medicine *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~.

Section 124. Subsection (1) of section 463.005, Florida Statutes, is amended to read:

463.005 Authority of the board.—

(1) The Board of Optometry *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it*. Such rules shall include, but not be limited to, rules relating to:

(a) Standards of practice, including, but not limited to, those provided for in s. 463.0135.

(b) Minimum equipment which a licensed practitioner shall at all times possess to engage in the practice of optometry.

(c) Minimum procedures which shall constitute a visual examination.

(d) Procedures for the safekeeping and transfer of prescription files or case records upon the discontinuance of practice.

(e) Supervision of supportive personnel.

(f) Courses and procedures for continuing education.

(g) Administration and prescription of topical ocular pharmaceutical agents.

Section 125. Section 464.006, Florida Statutes, is amended to read:

464.006 Authority to make rules.—The Board of Nursing *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it*.

Section 126. Section 465.005, Florida Statutes, is amended to read:

465.005 Authority to make rules.—The Board of Pharmacy *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it*.

Section 127. Subsection (1) of section 465.022, Florida Statutes, is amended to read:

465.022 Pharmacies; general requirements; fees.—

(1) The board shall adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of this chapter* ~~relating to pharmacies as are necessary to protect the public health, safety, and welfare~~. Such rules shall include, but shall not be limited to, rules relating to:

(a) General drug safety measures.

(b) Minimum standards for the physical facilities of pharmacies.

(c) Safe storage of floor-stock drugs.

(d) Functions of a pharmacist in an institutional pharmacy, consistent with the size and scope of the pharmacy.

(e) Procedures for the safe storage and handling of radioactive drugs.

(f) Procedures for the distribution and disposition of medicinal drugs distributed pursuant to s. 499.028.

(g) Procedures for transfer of prescription files and medicinal drugs upon the change of ownership or closing of a pharmacy.

(h) Minimum equipment which a pharmacy shall at all times possess to fill prescriptions properly.

Section 128. Subsection (4) of section 466.004, Florida Statutes, is amended to read:

466.004 Board of Dentistry.—

(4) The board is authorized to adopt ~~all~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement* ~~carry out~~ the provisions of this chapter and chapter 455, including the establishment of a fee to defray the cost of duplicating any license certification or permit, not to exceed $10 per duplication.

Section 129. Section 466.038, Florida Statutes, is amended to read:

466.038 Rules.—The department ~~may~~, upon consultation with the Board of Dentistry and industry representatives of the dental laboratory profession, *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1)* ~~promulgate all rules necessary~~ to enforce the provisions of this chapter pertaining to and regulating dental laboratories.

Section 130. Section 467.005, Florida Statutes, is amended to read:

467.005 Authority to make rules.—The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to promulgate such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred on the department by~~ this chapter *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~. The rules shall include, but not be limited to, the allowable scope of midwifery practice regarding use of equipment, procedures, and medication.

Section 131. Paragraph (a) of subsection (4) of section 468.1135, Florida Statutes, is amended to read:

468.1135 Board of Speech-Language Pathology and Audiology.—

(4)(a) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this part *conferring duties upon it*.

Section 132. Subsection (1) of section 468.1685, Florida Statutes, is amended to read:

468.1685 Powers and duties of board and department.—It is the function and duty of the board, together with the department, to:

(1) *Adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~Make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the board by~~ this part *conferring duties upon the board*.

Section 133. Section 468.204, Florida Statutes, is amended to read:

468.204 Authority to adopt rules.—The board *has authority to* ~~may~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this part *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~.

Section 134. Subsection (2) of section 468.384, Florida Statutes, is amended to read:

468.384 Florida Board of Auctioneers.—

(2) The board *has authority to* ~~may~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of*~~, not inconsistent with law, as may be necessary to carry out the duties and authority conferred upon the board by~~ this act *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~.

Section 135. Subsection (3) of section 468.402, Florida Statutes, is amended to read:

468.402 Duties of the department; authority to issue and revoke license; adoption of rules.—

(3) The department *has authority to* ~~may~~ adopt ~~reasonable~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~for its own government in the exercise of its powers under~~ this part ~~and for the conduct of the business of talent agencies as specified by this part, and the department may amend such rules at its pleasure~~.

Section 136. Section 468.507, Florida Statutes, is amended to read:

468.507 Authority to adopt rules.—The board *has authority to* ~~may~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this part and chapter 455 *conferring duties upon it*. The powers and duties of the board as set forth in this part shall in no way limit or interfere with the powers and duties of the board as set forth in chapter 458. All powers and duties of the board set forth in this part shall be supplemental and additional powers and duties to those conferred upon the board by chapter 458.

Section 137. Section 468.522, Florida Statutes, is amended to read:

468.522 Rules of the board.—The board *has authority to* ~~shall~~ adopt ~~all~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement the provisions of* ~~administer~~ this part. Every licensee shall be governed and controlled by this part and the rules adopted by the board.

Section 138. Subsection (1) of section 468.606, Florida Statutes, is amended to read:

468.606 Authority of the board.—The board is authorized to:

(1) Adopt rules *pursuant to ss. 120.54 and 120.536(1)* ~~as necessary~~ to *implement* ~~carry out~~ the provisions of this part.

Section 139. Section 468.705, Florida Statutes, is amended to read:

468.705 Rulemaking authority.—The department is authorized to adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of* ~~not inconsistent with law as may be necessary to carry out the duties and authority conferred on the department by~~ this part *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~. Such rules shall include, but not be limited to, the allowable scope of practice regarding the use of equipment, procedures, and medication.

Section 140. Section 468.802, Florida Statutes, is amended to read:

468.802 Authority to adopt rules.—The board shall adopt rules *pursuant to ss. 120.54 and 120.536(1)* to *implement the provisions of* ~~administer~~ this act, including rules relating to standards of practice for orthotists, prosthetists, and pedorthists.

Section 141. Subsection (1) of section 470.005, Florida Statutes, is amended to read:

470.005 Rulemaking authority of board and department.—

(1) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to adopt rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~. The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to adopt rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the department by~~ this chapter *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~.

Section 142. Section 471.008, Florida Statutes, is amended to read:

471.008 Rules of the board.—The board *has authority to* ~~may~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of* ~~not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this chapter or chapter 455 *conferring duties upon it*.

Section 143. Section 472.008, Florida Statutes, is amended to read:

472.008 Rules of the board.—The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~shall adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it*.

Section 144. Subsection (1) of section 473.304, Florida Statutes, is amended to read:

473.304 Rules of board; powers and duties; legal services.—

(1) The board shall adopt ~~all~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement the provisions of* ~~administer~~ this act. Every licensee shall be governed and controlled by this act and the rules adopted by the board.

Section 145. Section 474.206, Florida Statutes, is amended to read:

474.206 Authority to make rules.—The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~.

Section 146. Section 475.05, Florida Statutes, is amended to read:

475.05 Power of commission to enact bylaws *and*~~,~~ rules~~, and regulations~~ and decide questions of practice.—The commission may enact bylaws ~~and regulations~~ for its own government and *adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of law conferring powers or duties upon it* ~~rules in the exercise of its powers, not in conflict with the constitution and laws of the United States or of this state, and amend the same at its pleasure~~. The commission may decide questions of practice arising in the proceedings before it, having regard to this chapter and the rules then in force. Printed copies of rules, or written copies under the seal of the commission, shall be prima facie evidence of their existence and substance, and the courts shall judicially notice such rules. ~~The conferral or enumeration of specific powers elsewhere in this chapter shall not be construed as a limitation of the general powers conferred by this section.~~

Section 147. Section 475.614, Florida Statutes, is amended to read:

475.614 Power of board to *adopt* ~~enact~~ rules and decide questions of practice.—The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it* ~~may enact rules for its own government and rules in the exercise of its powers, not in conflict with the constitutions and laws of the United States and this state, and may amend such rules at its pleasure~~. The board may decide questions of practice arising in the proceedings before it, having regard to this section and the rules then in force.

Section 148. Subsection (4) of section 476.064, Florida Statutes, is amended to read:

476.064 Organization; headquarters; personnel; meetings.—

(4) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~is authorized to adopt rules in accordance with the provisions of chapter 120 to carry out~~ the provisions of this chapter.

Section 149. Section 477.016, Florida Statutes, is amended to read:

477.016 Rulemaking.—The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it*.

Section 150. Subsection (1) of section 478.43, Florida Statutes, is amended to read:

478.43 Board of Medicine; powers and duties.—

(1) The board, with the assistance of the Electrolysis Council, is authorized to establish minimum standards for the delivery of electrolysis services and to adopt rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement* ~~administer~~ the provisions of this chapter.

Section 151. Subsection (7) of section 480.035, Florida Statutes, is amended to read:

480.035 Board of Massage Therapy.—

(7) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~shall promulgate such rules as are necessary to implement~~ this chapter.

Section 152. Section 481.2055, Florida Statutes, is amended to read:

481.2055 Authority to make rules.—The board *has authority to* ~~may~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of*~~, not inconsistent with law, as may be necessary to carry out the duties and authority conferred upon the board by~~ this part and chapter 455 *conferring duties upon it*.

Section 153. Section 481.306, Florida Statutes, is amended to read:

481.306 Authority to make rules.—The board *has authority to* ~~may~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of*~~, not inconsistent with law, as may be necessary to carry out the duties and authority conferred upon the board by~~ this chapter and chapter 455 *conferring duties upon it*.

Section 154. Section 482.051, Florida Statutes, is amended to read:

482.051 Rules.—The department *has authority to* ~~shall~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~to carry out the intent and purpose of~~ this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public~~, in conformity with this chapter and chapter 120,~~ which require:

(1) That all pesticides or economic poisons be used only in accordance with the registered labels and labeling or as directed by the United States Environmental Protection Agency or the department.

(2) That vehicles and trailers used in pest control be permanently marked with the licensee's name that is registered with the department.

(3) That written contracts be required for providing termites and other wood-destroying organisms pest control, that provisions necessary to assure consumer protection as specified by the department be included in such contracts, and that require licensees to comply with the contracts issued.

(4) That a licensee, before performing general fumigation, notify in writing the department inspector having jurisdiction over the location where the fumigation is to be performed, which notice must be received by the department inspector at least 24 hours in advance of the fumigation and must contain such information as the department requires. However, in an authentic and verifiable emergency, when 24 hours' advance notification is not possible, advance telephone or telegraph notice may be given; but such notice must be immediately followed by written confirmation providing the required information.

(5) That any pesticide used for preconstruction soil treatments for the prevention of subterranean termites be applied in the amount, concentration, and treatment area in accordance with the label; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; and that the licensee maintain for 3 years the record of each preconstruction soil treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied.

Section 155. Subsection (4) of section 483.805, Florida Statutes, is amended to read:

483.805 Board of Clinical Laboratory Personnel.—

(4) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this part *conferring duties upon it*.

Section 156. Section 484.005, Florida Statutes, is amended to read:

484.005 Authority to make rules.—The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon it by~~ this part *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~. Such rules shall include, but not be limited to, rules relating to:

(1) A standard of practice for opticians licensed pursuant to this part.

(2) Minimum equipment which shall be utilized to prepare, fit, measure, and dispense lenses, spectacles, eyeglasses, contact lenses, and other optical devices allowed under the practice of opticianry.

(3) Procedures for transfer of prescription files upon the going out of business of an optician, corporation, or other person.

(4) A standard of practice for filling prescriptions for contact lenses and fitting, adapting, and dispensing contact lenses.

Section 157. Subsection (1) of section 484.044, Florida Statutes, is amended to read:

484.044 Authority to make rules.—

(1) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this part *conferring duties upon it*.

Section 158. Section 486.025, Florida Statutes, is amended to read:

486.025 Powers and duties of the Board of Physical Therapy Practice.—The board may administer oaths, summon witnesses, take testimony in all matters relating to its duties under this chapter, establish or modify minimum standards of practice, and adopt ~~or amend~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement the provisions of* ~~administer~~ this chapter. The board may also review the standing and reputability of any school or college offering courses in physical therapy and whether the courses of such school or college in physical therapy meet the standards established by the appropriate accrediting agency referred to in s. 486.031(3)(a). In determining the standing and reputability of any such school and whether the school and courses meet such standards, the board may investigate and make personal inspection of the same.

Section 159. Section 488.02, Florida Statutes, is amended to read:

488.02 Rules and regulations.—The Department of Highway Safety and Motor Vehicles *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1)* ~~is authorized to adopt rules and regulations necessary~~ to implement the provisions of this chapter.

Section 160. Section 489.108, Florida Statutes, is amended to read:

489.108 Rulemaking authority of the board.—The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make such rules not inconsistent with law which are necessary to carry out the duties and authority conferred upon it by~~ this chapter *conferring duties upon it*.

Section 161. Subsection (3) of section 489.507, Florida Statutes, is amended to read:

489.507 Electrical Contractors' Licensing Board.—

(3) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~shall have the authority to make rules, consistent with law, as necessary to carry out~~ the provisions of this part.

Section 162. Subsection (4) of section 490.004, Florida Statutes, is amended to read:

490.004 Board of Psychology.—

(4) The board shall adopt rules *pursuant to ss. 120.54 and 120.536(1)* to implement the provisions of this chapter.

Section 163. Subsection (5) of section 491.004, Florida Statutes, is amended to read:

491.004 Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.—

(5) The board shall adopt rules *pursuant to ss. 120.54 and 120.536(1)* to implement and enforce the provisions of this chapter.

Section 164. Section 492.104, Florida Statutes, is amended to read:

492.104 Authority to make rules.—The Board of Professional Geologists *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ ss. 492.101-492.1165. Every licensee shall be governed and controlled by ss. 492.101-492.1165 and the rules adopted by the board. The board is authorized to set, by rule, fees for application, examination, certificate of authorization, late renewal, initial licensure, and license renewal. These fees should not exceed the cost of implementing the application, examination, initial licensure, and license renewal or other administrative process.

(1) The application fee shall not exceed $150 and shall be nonrefundable.

(2) The examination fee shall not exceed $250 and shall be refundable if the applicant is found to be ineligible to take the licensure examination.

(3) The initial license fee shall not exceed $100.

(4) The biennial renewal fee shall not exceed $150.

(5) The fee for a certificate of authorization shall not exceed $350 and the fee for renewal of the certificate shall not exceed $350.

(6) The fee for reactivation of an inactive license shall not exceed $50.

(7) The fee for a provisional license shall not exceed $400.

(8) The fee for application, examination, and licensure for a license by endorsement shall be as provided in this section for licenses in general.

Section 165. Subsection (2) of section 494.0011, Florida Statutes, is amended to read:

494.0011 Powers and duties of the department.—

(2) The department *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement* ~~and perform other acts necessary for the proper administration, enforcement, and interpretation of~~ ss. 494.001-494.0077.

Section 166. Section 496.424, Florida Statutes, is amended to read:

496.424 Rulemaking authority.—The department has the authority to adopt rules pursuant to *ss. 120.54 and 120.536(1)* ~~chapter 120~~ to implement *the provisions of* ss. 496.401-496.424 or s. 496.426.

Section 167. Subsection (1) of section 497.103, Florida Statutes, is amended to read:

497.103 Rulemaking authority of board and department.—

(1) The board *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of* ~~is authorized to adopt rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by~~ this chapter *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~. The department *may adopt rules pursuant to ss. 120.54 and 120.536(1) to administer provisions of* ~~is authorized to adopt rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the department by~~ this chapter *conferring duties upon it* ~~and as may be necessary to protect the health, safety, and welfare of the public~~.

Section 168. Subsection (5) of section 497.105, Florida Statutes, is amended to read:

497.105 Department of Banking and Finance; powers and duties.—The Department of Banking and Finance shall:

(5) Adopt ~~all~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement the provisions of* ~~administer the department's duties under~~ this chapter *conferring duties upon it*.

Section 169. Subsection (1) of section 498.007, Florida Statutes, is amended to read:

498.007 General powers and duties.—

(1) The division *has authority to* ~~may~~ adopt~~, amend, or repeal reasonable~~ rules *pursuant to ss. 120.54 and 120.536(1) to administer the* ~~as necessary to carry out all~~ provisions of this act~~, pursuant to the Administrative Procedure Act~~.

Section 170. Paragraph (a) of subsection (6) of section 500.459, Florida Statutes, is amended to read:

500.459 Water vending machines.—

(6) DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT.—

(a) The department *has authority to* ~~may~~ adopt ~~such additional~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~not inconsistent with law as may be necessary to carry out the duties and authority conferred on the department by~~ this section *conferring duties upon it* ~~or as may be necessary to protect the health, safety, and welfare of the public~~.

Section 171. Subsection (2) of section 501.014, Florida Statutes, is amended to read:

501.014 Health studios; powers and duties of the department.—

(2) The department has the authority to adopt rules pursuant to *ss. 120.54 and 120.536(1)* ~~chapter 120~~ to implement ss. 501.012-501.019.

Section 172. Subsection (12) of section 501.143, Florida Statutes, is amended to read:

501.143 Dance Studio Act.—

(12) RULEMAKING AUTHORITY.—The department has the authority to adopt rules pursuant to *ss. 120.54 and 120.536(1)* ~~chapter 120~~ to implement this section.

Section 173. Section 501.626, Florida Statutes, is amended to read:

501.626 Rulemaking power.—The department has the authority to adopt rules pursuant to *ss. 120.54 and 120.536(1)* ~~chapter 120~~ to implement this part.

Section 174. Subsection (7) of section 502.014, Florida Statutes, is amended to read:

502.014 Powers and duties.—

(7) The department *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement and enforce the provisions* ~~as necessary for the implementation and enforcement~~ of this chapter. In adopting these rules, the department shall be guided by and may conform to the definitions and standards of the administrative procedures and provisions of the pasteurized milk ordinance. The rules shall include, but are not limited to:

(a) Standards for milk and milk products.

(b) Provisions for the production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products and imitation and substitute milk and milk products sold for public consumption in this state.

(c) Provisions for the inspection of dairy herds, dairy farms, and milk plants.

(d) Provisions for the issuance and revocation of permits issued by the department pursuant to this chapter.

Section 175. Subsection (1) of section 503.031, Florida Statutes, is amended to read:

503.031 Powers of department.—The department may:

(1) Adopt rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement* ~~administer~~ and enforce *the provisions of* this chapter. The rules must, to the extent possible, conform to applicable federal requirements.

Section 176. Section 504.32, Florida Statutes, is amended to read:

504.32 Rulemaking authority.—The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1)* ~~is authorized to prescribe and adopt all reasonable rules which are needed~~ to implement~~, make specific, and interpret~~ the provisions of this part in a manner consistent with *rules* ~~those~~ of nationally recognized organic grower groups, such as the Organic Food Producers Association of North America~~, after such notice as may be required by chapter 120~~.

Section 177. Section 516.22, Florida Statutes, is amended to read:

516.22 *Rules* ~~Regulations~~; certified copies.—

(1) *RULES* ~~REGULATIONS~~.—The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of law conferring duties upon it* ~~shall have the power and authority to issue regulations~~.

(2) CERTIFIED COPIES OF OFFICIAL DOCUMENTS.—On application of any person and payment of the costs thereof, at the same rate and fees as allowed clerks of the circuit court by statute, the department shall furnish a certified copy of any license, regulation, or order. In any court or proceeding, such copy shall be prima facie evidence of the fact of the issuance of such license, regulation, or order.

Section 178. Subsection (3) of section 516.23, Florida Statutes, is amended to read:

516.23 Subpoenas; enforcement actions; rules.—

(3) The department *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions* ~~and perform such other acts as are necessary for the proper administration, enforcement, and interpretation~~ of this chapter.

Section 179. Subsection (1) of section 517.03, Florida Statutes, is amended to read:

517.03 Power of department to make rules.—

(1) The Department of Banking and Finance shall administer and provide for the enforcement of all the provisions of this chapter. The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~shall make, adopt, promulgate, amend, and repeal all rules necessary or convenient for the carrying out of the duties, obligations, and powers conferred on said department and perform any other acts necessary or convenient for the proper administration, enforcement, or interpretation of~~ this chapter *conferring powers or duties upon it*, including, without limitation, adopting rules and forms governing reports. The department shall also have the nonexclusive power to define by rule any term, whether or not used in this chapter, insofar as the definition is not inconsistent with the provisions of this chapter.

Section 180. Subsection (5) of section 520.994, Florida Statutes, is amended to read:

520.994 Powers of department.—

(5) *The department shall administer and enforce this chapter.* The department *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions* ~~and perform such other acts as are necessary or convenient for the proper administration, enforcement, and interpretation~~ of this chapter.

Section 181. Section 526.09, Florida Statutes, is amended to read:

526.09 Department to enforce law; rules ~~and regulations~~.—The Department of Agriculture and Consumer Services shall enforce the provisions of this chapter. The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~is authorized to adopt, promulgate, and enforce such rules and regulations not inconsistent with~~ the provisions of this chapter ~~as in its judgment may be necessary to the proper enforcement of this chapter~~.

Section 182. Subsection (3) of section 531.41, Florida Statutes, is amended to read:

531.41 Powers and duties of the department.—The department shall:

(3) Adopt ~~reasonable~~ rules *pursuant to ss. 120.54 and 120.536(1)* to implement~~, interpret, or make specific~~ the provisions of this chapter~~, which rules shall have the force and effect of law~~.

The provisions of this chapter and rules adopted thereunder notwithstanding, scales routinely used by providers of weight control services shall not be considered commercial weights and measures when used to determine human weight or to compute charges or payments for services rendered by such providers on the basis of said weight, measure, or count.

Section 183. Subsection (2) of section 548.003, Florida Statutes, is amended to read:

548.003 State Athletic Commission.—

(2) The State Athletic Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1)* to implement *the provisions of* this chapter.

Section 184. Section 553.76, Florida Statutes, is amended to read:

553.76 General powers of the board.—The board is authorized to:

(1) *Adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions* ~~Promulgate, in cooperation with the department, rules and regulations for the administration~~ of this part~~, pursuant to chapter 120~~.

(2) *Issue memoranda* ~~Provide rules~~ of procedure for its internal management and control.

(3) Enter into contracts and do such things as may be necessary and incidental to the discharge of its responsibilities under this part.

Section 185. Subsection (3) of section 560.105, Florida Statutes, is amended to read:

560.105 Supervisory powers of the department; rulemaking.—Consistent with the purposes of the code, the department shall have:

(3) Power to issue ~~and publish rules,~~ orders~~,~~ and declaratory statements, disseminate information, and otherwise exercise its discretion to effectuate the purposes, policies, and provisions of the code and to *adopt*

rules pursuant to ss. 120.54 and 120.536(1) to ~~interpret and~~ implement the provisions of the code.

Section 186. Subsection (1) of section 561.11, Florida Statutes, is amended to read:

561.11 Power and authority of division.—

(1) The division *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions* ~~shall have full power and authority to make, adopt, amend, or repeal rules, regulations, or administrative orders to carry out the purposes~~ of the Beverage Law. ~~All such rules, regulations, or orders adopted in accordance with chapter 120 shall have the full force and effect of law.~~

Section 187. Subsection (23) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(23) To *adopt rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it* ~~enact, amend, and repeal administrative rules as necessary~~.

Section 188. Section 571.05, Florida Statutes, is amended to read:

571.05 Rules.—The department by rule may design, determine, and adopt seals of quality for use in publicizing, advertising, and promoting agricultural products; prescribe minimum standards of quality and grade of agricultural products with which a seal of quality may be used; name and define market packages of agricultural products; fix a reasonable and equitable advertising and promotion fee for such market package of agricultural products; and otherwise *adopt rules pursuant to ss. 120.54 and 120.536(1) to* ~~interpret,~~ implement~~, and make specific~~ the provisions of this part.

Section 189. Subsection (9) of section 571.24, Florida Statutes, is amended to read:

571.24 Purpose; duties of the division.—The purpose of this part is to authorize the division to establish and coordinate the Florida Agricultural Promotional Campaign. The duties of the division shall include, but are not limited to:

(9) *Adopting rules pursuant to ss. 120.54 and 120.536(1)* ~~Promulgating rules necessary~~ to implement the provisions of this part.

Section 190. Section 574.14, Florida Statutes, is amended to read:

574.14 Rules.—The Department of Agriculture and Consumer Services may adopt rules *pursuant to ss. 120.54 and 120.536(1)* to implement~~, make specific, or interpret~~ the provisions of this chapter.

Section 191. Section 578.11, Florida Statutes, is amended to read:

578.11 Duties, authority, and rules ~~and regulations~~ of the department.—

(1) The duty of administering this law and enforcing its provisions and requirements shall be vested in the Department of Agriculture and Consumer Services, which is hereby authorized to employ such agents and persons as in its judgment shall be necessary therefor. It shall be the duty of the department, which may act through its authorized agents, to sample, inspect, make analyses of, and test agricultural, vegetable, flower, or forest tree seed transported, sold, offered or exposed for sale, or distributed within this state for sowing or planting purposes, at such time and place and to such extent as it may deem necessary to determine whether said agricultural, vegetable, flower or forest tree seed are in compliance with the provisions of this law, and to notify promptly the person who transported, distributed, sold, offered or exposed the seed for sale, of any violation.

(2) The department is authorized:

(a) To *enforce this act and* prescribe ~~and adopt reasonable rules, which shall have the full force and effect of law, for the enforcement of this act, governing~~ the methods of sampling, inspecting, testing, and examining agricultural, vegetable, flower, or forest tree seed. ~~The department shall, on a one-time basis after the effective date of this act, notify those previously receiving personal notice of such rules that they will no longer be receiving such notice.~~

(b) To establish standards and tolerances to be followed in the administration of this law, which shall be in general accord with officially prescribed practices in interstate commerce.

(c) To prescribe uniform labels.

(d) To adopt prohibited and restricted noxious weed seed lists.

(e) To prescribe limitations for each restricted noxious weed to be used in enforcement of this act and to add or subtract therefrom from time to time as the need may arise.

(f) To make commercial tests of seed and to fix and collect charges for such tests.

(g) To list the kinds of flower and forest tree seed subject to this law.

(h) To analyze samples, as requested by a consumer. The department shall establish, by rule, a fee schedule for analyzing samples at the request of a consumer. The fees shall be sufficient to cover the costs to the department for taking the samples and performing the analysis, not to exceed $150 per sample.

(i) To *adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~prescribe such other rules as may be necessary to secure the efficient enforcement of~~ this act.

(3) For the purpose of carrying out the provisions of this law, the department, through its authorized agents, is authorized:

(a) To enter upon any public or private premises, where agricultural, vegetable, flower, or forest tree seed is sold, offered, exposed, or distributed for sale during regular business hours, in order to have access to seed subject to this law and the rules and regulations hereunder.

(b) To issue and enforce a stop-sale notice or order to the owner or custodian of any lot of agricultural, vegetable, flower, or forest tree seed, which the department finds or has good reason to believe is in violation of any provisions of this law, which shall prohibit further sale, barter, exchange, or distribution of such seed until the department is satisfied that the law has been complied with and has issued a written release or notice to the owner or custodian of such seed. After a stop-sale notice or order has been issued against or attached to any lot of seed and the owner or custodian of such seed has received confirmation that the seed does not comply with this law, she or he shall have 15 days beyond the normal test period within which to comply with the law and obtain a written release of the seed. The provisions of this paragraph shall not be construed as limiting the right of the department to proceed as authorized by other sections of this law.

(c) To establish and maintain a seed laboratory, employ seed analysts and other personnel, and incur such other expenses as may be necessary to comply with these provisions.

Section 192. Subsection (2) of section 580.036, Florida Statutes, is amended to read:

580.036 Powers and duties.—

(2) The department is authorized to adopt rules *pursuant to ss. 120.54 and 120.536(1) to enforce the provisions* ~~as necessary for the enforcement~~ of this chapter. These rules shall be consistent with the rules and standards of the United States Food and Drug Administration and the United States Department of Agriculture, when applicable, and shall include:

(a) Establishing definitions and reasonable standards for commercial feed or feedstuff and permissible tolerances for pesticide chemicals, chemical additives, nonnutritive ingredients, or drugs in or on commercial feed or feedstuff in such amounts as will ensure the safety of livestock and poultry and the products thereof used for human consumption.

(b) Adopting standards for the manufacture and distribution of medicated feed.

(c) Establishing definitions and reasonable standards for the certification of laboratories for the conduct of testing and analyses as required in this chapter.

(d) Establishing product labeling requirements for distributors.

(e) Limiting the use of drugs in commercial feed and prescribing feeding directions to be used to ensure safe usage of medicated feed.

(f) Establishing standards for evaluating quality-assurance/quality-control plans, including testing protocols, for exemptions to certified laboratory testing requirements.

Section 193. Section 583.04, Florida Statutes, is amended to read:

583.04 Promulgation of rules.—The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~may make and promulgate such rules as may be necessary to carry out~~ the provisions of this chapter.

Section 194. Subsection (4) of section 585.002, Florida Statutes, is amended to read:

585.002 Department control; continuance of powers, duties, rules, orders, etc.—

(4) The department shall *adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~promulgate rules to carry out~~ the provisions of this chapter.

Section 195. Subsection (2) of section 593.103, Florida Statutes, is amended to read:

593.103 Powers and duties of department.—The department has the power and duty to:

(2) *Adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions* ~~Promulgate rules necessary to the enforcement~~ of ss. 593.101-593.117.

Section 196. Section 616.165, Florida Statutes, is amended to read:

616.165 Rules.—The department shall adopt ~~all~~ rules *pursuant to ss. 120.54 and 120.536(1)* ~~necessary~~ to *implement* ~~carry out~~ the provisions of this chapter.

Section 197. Paragraph (j) of subsection (1) of section 616.256, Florida Statutes, is amended to read:

616.256 Powers of authority.—

(1) The authority shall have power to:

(j) Adopt *rules pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it*~~, pursuant to chapter 120, rules necessary to carry out its duties and responsibilities~~.

Section 198. Subsection (4) of section 617.01301, Florida Statutes, is amended to read:

617.01301 Powers of Department of State.—

(4) The Department of State shall have the power and authority reasonably necessary to enable it to administer this act efficiently, to perform the duties herein imposed upon it, and to adopt ~~reasonable~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~necessary to carry out its duties and functions under~~ this act *conferring duties upon it*.

Section 199. Subsection (4) of section 620.1835, Florida Statutes, is amended to read:

620.1835 Powers of Department of State; interrogatories.—

(4) The Department of State shall have the power and authority reasonably necessary to enable it to administer this act efficiently, to perform the duties herein imposed upon it, and to adopt *rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~reasonable rules necessary to carry out its duties and functions under~~ this act *conferring duties upon it*.

Section 200. Subsection (2) of section 620.81055, Florida Statutes, is amended to read:

620.81055 Fees for filing documents and issuing certificates; powers of the Department of State.—

(2) The Department of State has the power and authority reasonably necessary to enable it to administer this act efficiently, to perform the duties imposed upon it by this act, and to adopt ~~reasonable~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~necessary to carry out its duties and functions under~~ this act *conferring duties upon it*.

Section 201. Subsection (1) of section 624.308, Florida Statutes, is amended to read:

624.308 Rules.—

(1) The department *has authority to* ~~may~~ adopt ~~reasonable~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement provisions of law conferring duties upon it* ~~necessary to effect any of the statutory duties of the department. Such rules shall not extend, modify, or conflict with any law of this state or the reasonable implications of such laws.~~

Section 202. Section 624.4431, Florida Statutes, is amended to read:

624.4431 Administration; rules.—The administration of ss. 624.436-624.446 is vested in the department. The department *has authority to* ~~may~~ adopt ~~reasonable~~ rules *pursuant to ss. 120.54 and 120.536(1)* to implement *the provisions of* ss. 624.436-624.446.

Section 203. Subsection (1) of section 626.943, Florida Statutes, is amended to read:

626.943 Powers and duties of the department.—It is the function of the department to:

(1) *Adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~Promulgate rules necessary to carry out the duties conferred upon it under~~ this part *conferring duties upon it* ~~to protect the public health, safety, and welfare~~.

Section 204. Section 627.805, Florida Statutes, is amended to read:

627.805 Departmental regulation of variable and indeterminate value contracts; rules.—The department, notwithstanding any other provision of law, shall have the sole authority to regulate the issuance and sale of variable and indeterminate value contracts and *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the* ~~to issue such reasonable rules as may be necessary to carry out the purposes and~~ provisions of this part.

Section 205. Section 627.9408, Florida Statutes, is amended to read:

627.9408 Rules.—The department *has authority to* ~~may~~ adopt ~~such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement* ~~as are necessary and proper in furtherance of~~ the provisions of this part.

Section 206. Section 628.535, Florida Statutes, is amended to read:

628.535 Authority to promulgate rules.—The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions* ~~may promulgate rules to carry out the purposes~~ of this chapter.

Section 207. Section 633.01, Florida Statutes, is amended to read:

633.01 State Fire Marshal; powers and duties; rules.—

(1) The head of the Department of Insurance shall be designated as "State Fire Marshal." The State Fire Marshal *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1)* ~~shall make and promulgate all rules necessary~~ to implement the provisions of this chapter *conferring powers or* ~~which grant powers and impose~~ duties *upon the department* ~~on the State Fire Marshal and to effectuate the enforcement of such powers and duties~~. *Rules shall be in substantial conformity with generally accepted standards of firesafety; shall take into consideration the direct supervision of children in nonresidential child care facilities; and shall balance and temper the need of the State Fire Marshal to protect all Floridians from fire hazards with the social and economic inconveniences*

that may be caused or created by the rules. However, the department shall not adopt minimum firesafety standards, except to the extent required by s. 394.879.

~~(2) Subject to the limitations of subsection (1), rules promulgated by the State Fire Marshal shall be such as are reasonably necessary for the protection of the health, welfare, and safety of the public and shall be in substantial conformity with generally accepted standards of firesafety. In the promulgation of rules, the State Fire Marshal shall give consideration to generally accepted standards of firesafety.~~

(2)~~(3)~~ Subject to the limitations of subsection (1), it is the intent of the Legislature that the State Fire Marshal shall have the responsibility to minimize the loss of life and property in this state due to fire. The State Fire Marshal shall enforce all laws and provisions of this chapter, and any rules adopted pursuant thereto, relating to:

(a) The prevention of fire and explosion through the regulation of conditions which could cause fire or explosion, the spread of fire, and panic resulting therefrom;

(b) Installation and maintenance of fire alarm systems and fire protection systems, including fire suppression systems, fire-extinguishing equipment, and fire sprinkler systems;

(c)1. Servicing, repairing, recharging, testing, marking, inspecting, installing, maintaining, and tagging of fire extinguishers, preengineered systems, and individually designed fire protection systems;

2. The training and licensing of persons engaged in the business of servicing, repairing, recharging, testing, marking, inspecting, installing, maintaining, and tagging fire extinguishers, preengineered systems, and individually designed fire protection systems;

(d) The maintenance of fire cause and loss records; and

(e) Suppression of arson and the investigation of the cause, origin, and circumstances of fire.

(3)~~(4)~~ The State Fire Marshal shall establish by rule guidelines and procedures for triennial renewal of firesafety inspector requirements for certification.

(4)~~(5)~~ It is the intent of the Legislature that the rules promulgated by the State Fire Marshal pursuant to this section be enforced in such a manner as to prohibit the displacement of currently placed mobile homes unless there is a threat of imminent danger to the health, safety, or welfare of the general public. ~~Furthermore, it is the intent of the Legislature that consideration be given to the social and economic inconveniences which may be caused or created by the rules promulgated by the State Fire Marshal pursuant to this section.~~

~~(6) It is the intent of the Legislature that the rules adopted by the State Fire Marshal pursuant to this section be promulgated in such a manner as to take into consideration the direct supervision of children in nonresidential child care facilities and to balance and temper the need of the State Fire Marshal to protect all citizens from fire hazards with the social and economic inconveniences which may be caused or created by the rules promulgated by the State Fire Marshal pursuant to this section.~~

Section 208. Subsection (1) of section 633.517, Florida Statutes, is amended to read:

633.517 Authority of State Fire Marshal to adopt rules, administer oaths, and take testimony.—

(1) The State Fire Marshal is authorized, with the advice of the board, to adopt rules *pursuant to ss. 120.54 and 120.536(1)* ~~and regulations~~ to *implement* ~~carry out~~ the provisions of this act.

Section 209. Section 634.021, Florida Statutes, is amended to read:

634.021 Powers of department; rules.—The department shall administer this act and to that end it *has authority to* ~~may~~ adopt~~, promulgate, and enforce~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the* ~~necessary and proper to effectuate any~~ provisions of this act.

Section 210. Section 634.302, Florida Statutes, is amended to read:

634.302 Powers of department; rules.—The department shall administer this part, and, to that end, it *has authority to* ~~may~~ adopt~~, promulgate, and enforce~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the* ~~necessary and proper to effectuate any~~ provisions of this part.

Section 211. Section 634.402, Florida Statutes, is amended to read:

634.402 Powers of department; rules.—The department shall administer this part, and to that end it *has authority to* ~~may~~ adopt ~~and enforce~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions* ~~necessary and proper to effectuate any provision~~ of this part.

Section 212. Section 635.081, Florida Statutes, is amended to read:

635.081 Administration and enforcement.—The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~shall adopt such rules as are necessary to carry out~~ the provisions of this chapter and shall have the same powers of administration and enforcement of the provisions of this chapter as it has with respect to casualty or surety insurers in general under the Florida Insurance Code.

Section 213. Section 636.067, Florida Statutes, is amended to read:

636.067 Rules.—The department *has authority to* ~~may, after notice and hearing,~~ adopt rules *pursuant to ss. 120.54 and 120.536(1)* to *implement the provisions of* ~~administer~~ this act. A violation of any such rule subjects the violator to the provisions of s. 636.048.

Section 214. Section 641.403, Florida Statutes, is amended to read:

641.403 Promulgation of rules.—The Department of Insurance *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement* ~~shall promulgate rules necessary to carry out~~ the provisions of this part.

Section 215. Section 641.56, Florida Statutes, is amended to read:

641.56 Rulemaking authority.—The Agency for Health Care Administration *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~is authorized to make rules, not inconsistent with law, which may be necessary to carry out the duties and authority conferred upon it by~~ this part *conferring duties upon it* ~~and to protect the health, safety, and welfare of the public~~.

Section 216. Paragraph (a) of subsection (1) of section 648.26, Florida Statutes, is amended to read:

648.26 Department of Insurance; administration.—

(1) The department shall administer the provisions of this chapter as provided in this chapter.

(a) The department *has authority to* ~~may~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~necessary and proper to effect any of the duties or powers of the department provided in~~ this chapter *conferring powers or duties upon it.*

Section 217. Subsection (3) of section 651.015, Florida Statutes, is amended to read:

651.015 Administration; forms; fees; rules; fines.—The administration of this chapter is vested in the department, which shall:

(3) Adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions*~~, within the standards of this chapter, necessary to effect the purposes~~ of this chapter. ~~Specific provisions in this chapter relating to any subject shall not preclude the department from adopting rules concerning such subject if such rules are within the standards and purposes of this chapter.~~

Section 218. Subsection (3) of section 655.012, Florida Statutes, is amended to read:

655.012 General supervisory powers of the department; rulemaking.—In addition to other powers conferred by the financial institutions codes, the department shall have:

(3) Power to issue ~~and publish rules,~~ orders~~,~~ and declaratory statements, disseminate information, and otherwise exercise its discretion to

effectuate the purposes, policies, and provisions of the financial institutions codes and to *adopt rules pursuant to ss. 120.54 and 120.536(1) to* ~~interpret and~~ implement the provisions of such codes ~~consistently with such purposes, policies, and provisions~~.

Section 219. Section 681.118, Florida Statutes, is amended to read:

681.118 Rulemaking authority.—The Department of Legal Affairs shall adopt rules *pursuant to ss. 120.54 and 120.536(1)* to implement *the provisions of* this chapter.

Section 220. Section 717.138, Florida Statutes, is amended to read:

717.138 Rulemaking authority.—The Department of Banking and Finance shall administer and provide for the enforcement of this chapter. The department *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions* ~~is authorized to make rules and to perform such other acts as are necessary or convenient for the proper administration, enforcement, and interpretation~~ of this chapter.

Section 221. Paragraph (f) of subsection (1) of section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of Florida Land Sales, Condominiums, and Mobile Homes.—

(1) The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(f) The division *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement and enforce the provisions of* ~~is authorized to promulgate rules, pursuant to chapter 120, necessary to implement, enforce, and interpret~~ this chapter.

Section 222. Paragraph (f) of subsection (1) of section 719.501, Florida Statutes, is amended to read:

719.501 Powers and duties of Division of Florida Land Sales, Condominiums, and Mobile Homes.—

(1) The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(f) The division *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement and enforce the provisions of* ~~is authorized to promulgate rules, pursuant to chapter 120, necessary to implement, enforce, and interpret~~ this chapter.

Section 223. Subsection (6) of section 721.26, Florida Statutes, is amended to read:

721.26 Regulation by division.—The division has the power to enforce and ensure compliance with the provisions of this chapter using the powers provided in this chapter, as well as the powers prescribed in chapters 498, 718, and 719. In performing its duties, the division shall have the following powers and duties:

(6) The division *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement and enforce the provisions of* ~~is authorized to adopt, amend, or repeal rules pursuant to chapter 120 as necessary to implement, enforce, and interpret~~ this chapter.

Section 224. Subsection (7) of section 723.006, Florida Statutes, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(7) The division *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement and enforce the provisions of* ~~is authorized to promulgate rules, pursuant to chapter 120, which are necessary to implement, enforce, and interpret~~ this chapter.

Section 225. Section 916.20, Florida Statutes, is amended to read:

916.20 Operation and administration; rules.—

(1) The department is authorized to ~~promulgate rules,~~ enter into contracts~~,~~ and do such things as may be necessary and incidental to assure compliance with and to carry out the provisions of this chapter in accordance with the stated legislative intent.

(2) *The department has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of this chapter* ~~Rules of the department shall be adopted in accordance with the provisions of chapter 120, the Administrative Procedure Act~~.

Section 226. Subsection (4) of section 943.03, Florida Statutes, is amended to read:

943.03 Department of Law Enforcement.—

(4) ~~Pursuant to chapter 120,~~ The department shall adopt ~~the~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~and regulations deemed necessary to carry out its duties and responsibilities under~~ this chapter *conferring duties upon it.*

Section 227. Subsection (1) of section 944.09, Florida Statutes, is amended to read:

944.09 Rules of the department; offenders, probationers, and parolees.—

(1) The department *has authority to* ~~shall~~ adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement its statutory authority. The rules must include rules relating to* ~~governing the administration of the correctional system and the operation of the department, which rules shall relate to~~:

(a) The rights of inmates.

(b) The ~~rules of~~ conduct to be observed by inmates and the categories of violations according to degrees or levels of severity, as well as the degrees of punishment applicable and appropriate to such violations.

(c) Disciplinary procedures and punishment.

(d) Grievance procedures which shall conform to 42 U.S.C. s. 1997e.

(e) The operation and management of the correctional institution or facility and its personnel and functions.

(f) The development of a staffing formula for security positions in its residential facilities, taking into account the factors of leave time, security needs, and training requirements.

(g) Mail to and from the state correctional system.

(h) Gain-time for good conduct of, release payments to, and release transportation of inmates.

(i) Uniforms for inmates and custodial personnel.

(j) ~~Rules of~~ Conduct of custodial and other personnel.

(k) Classification of personnel and duties assigned thereto and classification and separation of offenders according to age, sex, and such other factors as are deemed advisable.

(l) Credits for confinement prior to commitment to the department.

(m) Payments to prisoners for work performed. Such payments, if any, shall include restrictions on the use of earnings, including payments for support of dependents and release reserves. The rules shall provide that no payment shall be made to any prisoner who fails to perform the work assigned satisfactorily.

(n) Visiting hours and privileges. The rules shall provide that any inmate with a current or prior conviction for any offense contained in chapter 794, chapter 800, chapter 827, or chapter 847 for committing or attempting to commit aggravated child abuse or committing or attempting to commit a sex act on, in the presence of, or against a child under the age of 16 years, shall not be allowed visitation with anyone under the age of 18 years, unless special visitation is approved by the superintendent. The authorization for special visitation shall be based on extenuating circumstances that serve the interest of the children. If visiting is restricted by court order, permission for special visitation may be granted only by the judge issuing the order.

(o) Mail to and from inmates, including rules specifying the circumstances under which an inmate must pay for the cost of postage for mail that the inmate sends. The department may not adopt a rule that requires an inmate to pay any postage costs that the state is constitutionally required to pay.

(p) The feeding of prisoners, including diet and menus, and the furnishing of health and comfort items to indigent prisoners.

(q) The determination of restitution, including the amount and to whom it should be paid. The rules shall provide necessary explanation to support recommendations regarding restitution.

~~(r) Such other rules as in the opinion of the department may be necessary for the efficient operation and management of the correctional system.~~

Section 228. Section 947.07, Florida Statutes, is amended to read:

947.07 Rules ~~and regulations.~~—The commission *has authority to adopt rules pursuant to ss. 120.54 and 120.536(1)* ~~shall have power to make such rules and regulations as it deems best~~ for its governance, including among other things rules of practice and procedure and rules prescribing qualifications to be possessed by its employees.

Section 229. Paragraph (b) of subsection (1) of section 960.045, Florida Statutes, is amended to read:

960.045 Department of Legal Affairs; powers and duties.—It shall be the duty of the department to assist persons who are victims of crime.

(1) The department shall:

(b) Adopt~~, promulgate, amend, and rescind such~~ rules *pursuant to ss. 120.54 and 120.536(1) to implement* ~~as are necessary to carry out~~ the provisions of this chapter.

Section 230. Section 985.405, Florida Statutes, is amended to read:

985.405 Rules for implementation.—The Department of Juvenile Justice shall adopt rules *pursuant to ss. 120.54 and 120.536(1) to implement the provisions of* ~~for the efficient and effective management of all programs, services, facilities, and functions necessary for implementing~~ this chapter. Such rules may not conflict with the Florida Rules of Juvenile Procedure. All rules and policies must conform to accepted standards of care and treatment.

Section 231. Subsection (1) of section 633.70, Florida Statutes, is amended to read:

633.70 Jurisdiction of State Fire Marshal over alarm system contractors and certified unlimited electrical contractors.—

(1) When the State Fire Marshal, in the course of its activities pursuant to *s. 633.01 (2)* ~~s. 633.01(3)~~ determines that an alarm system contractor or a certified unlimited electrical contractor working with an alarm system has violated any provision of this chapter or the rules of the State Fire Marshal, the State Fire Marshal shall have jurisdiction, notwithstanding any other provision of this chapter, to order corrective action by the alarm system contractor or the certified unlimited electrical contractor to bring the alarm system into compliance with applicable standards set forth in this chapter and the rules of the State Fire Marshal.

Section 232. This act shall take effect July 1 of the year in which enacted.

And the title is amended as follows:

On page 1, lines 2-10, remove from the title of the bill: all of said lines and insert in lieu thereof: An act relating to administrative procedures; amending 370.06, F.S.; authorizing the Department of Environmental Protection to issue certain special activity licenses; authorizing rulemaking for issuance of broodstock special activities licenses; amending s. 370.12; authorizing rulemaking for issuance of special permits for marine turtles; providing a definition; amending s. 120.54, F.S.; requiring the Administration Commission to adopt uniform rules of procedure for certain administrative hearings; providing requirements; amending s. 120.569, F.S.; providing requirements for petitions or requests for administrative hearings; providing procedural requirements for agencies; providing for dismissal; requiring notice; authorizing agencies to refer petitions to the Division of Administrative Hearings under certain circumstances; amending s. 120.57, F.S.; providing for motions for a summary final order in administrative hearings under certain circumstances; providing requirements for such orders; providing requirements for relinquishing jurisdiction of certain proceedings to an agency; providing procedures; amending ss. 14.202, 17.29, 18.22, 20.171, 63.233, 175.341, 177.504, 185.23, 198.08, 199.202, 201.11, 207.011, 210.10, 210.75, 212.17, 212.18, 213.06, 215.62, 215.95, 217.14, 220.182, 220.183, 229.053, 229.515, 230.22, 230.32, 231.261, 235.01, 240.209, 240.227, 240.311, 240.319, 242.331, 246.041, 246.051, 246.071, 246.207, 246.213, 253.03, 253.73, 257.14, 258.007, 258.43, 259.035, 259.041, 265.284, 265.605, 267.031, 280.19, 284.17, 288.709, 292.05, 310.151, 310.185, 319.17, 320.011, 320.69, 320.824, 324.042, 326.003, 327.04, 330.29, 334.044, 339.175, 350.127, 366.05, 367.121, 368.05, 369.20, 369.22, 369.251, 370.021, 370.092, 370.15, 373.043, 373.044, 373.113, 373.171, 373.337, 373.418, 376.07, 377.22, 377.703, 378.205, 378.404, 380.05, 380.0651, 381.0011, 384.33, 391.026, 392.66, 394.879, 395.1055, 403.061, 403.1835, 403.504, 403.523, 403.704, 403.716, 403.805, 403.861, 403.869, 403.9404, 406.04, 408.15, 414.45, 427.013, 430.08, 440.591, 443.171, 455.203, 455.521, 457.104, 458.309, 459.005, 460.405, 461.005, 463.005, 464.006, 465.005, 465.022, 466.004, 466.038, 467.005, 468.1135, 468.1685, 468.204, 468.384, 468.402, 468.507, 468.522, 468.606, 468.705, 468.802, 470.005, 471.008, 472.008, 473.304, 474.206, 475.05, 475.614, 476.064, 477.016, 478.43, 480.035, 481.2055, 481.306, 482.051, 483.805, 484.005, 484.044, 486.025, 488.02, 489.108, 489.507, 490.004, 491.004, 492.104, 494.0011, 496.424, 497.103, 497.105, 498.007, 500.459, 501.014, 501.143, 501.626, 502.014, 503.031, 504.32, 516.22, 516.23, 517.03, 520.994, 526.09, 531.41, 548.003, 553.76, 560.105, 561.11, 570.07, 571.05, 571.24, 574.14, 578.11, 580.036, 583.04, 585.002, 593.103, 616.165, 616.256, 617.01301, 620.1835, 620.81055, 624.308, 624.4431, 626.943, 627.805, 627.9408, 628.535, 633.01, 633.517, 634.021, 634.302, 634.402, 635.081, 636.067, 641.403, 641.56, 648.26, 651.015, 655.012, 681.118, 717.138, 718.501, 719.501, 721.26, 723.006, 916.20, 943.03, 944.09, 947.07, 960.045, 985.405, F.S.; restating rulemaking authority for numerous state officers, departments, divisions, boards, and other entities; repealing s. 258.011, F.S., relating to rules for state parks; amending s. 633.70, F.S.; conforming a cross-reference to a change made by the act; providing an effective date.

House Amendment 1 (with title amendment) to House Amendment 1—On page 114, between lines 7 and 8, of the amendment insert:

Section 232. Present subsections (15) through (30) of section 334.044, Florida Statutes, are renumbered as subsections (16) through (31), respectively, and a new subsection (15) is added to that section, to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(15) To regulate and prescribe conditions for the transfer of stormwater to the state right-of-way as a result of man-made changes to adjacent properties.

(a) Such regulation shall be through a permitting process designed to ensure the safety and integrity of the Department of Transportation facilities and to prevent an unreasonable burden on lower properties.

(b) The department is specifically authorized to adopt rules which set forth the purpose, necessary definitions, permit exceptions, permit and assurance requirements, permit application procedures, permit forms, general conditions for a drainage permit, provisions for suspension or revocation of a permit, and provisions for department recovery of fines, penalties and costs incurred due to permittee actions. In order to avoid duplication and overlap with other units of government, the department

shall accept a surface water management permit issued by a water management district, the Department of Environmental Protection, a surface water management permit issued by a delegated local government or a permit issued pursuant to an approved Stormwater Management Plan or Master Drainage Plan; provided issuance is based on requirements equal to or more stringent than those of the department.

Section 233. *Subsection (15) of section 334.044, Florida Statutes, as created by section 1 of Committee Substitute for Senate Bill 846 as enacted by the Legislature during 1998 Regular Session is repealed.*

And the title is amended as follows: On page 116, line 31; after the semicolon ";" insert: amending s. 334.044, F.S.; providing specific rulemaking authority; repealing s. 334.044(15), F.S., relating to certain rulemaking authority;

Senator Latvala moved the following amendment which was adopted:

Senate Amendment 1 (with title amendment) to House Amendment 1—On page 114, between lines 7 and 8, insert:

Section 232. Subsection (3) of section 370.092, Florida Statutes, is amended to read:

370.092 Carriage of proscribed nets across Florida waters.—

(3)*(a) Notwithstanding subsections (1) and (2), unless authorized by rule of the Marine Fisheries Commission, it is a major violation under this section, punishable as provided in subsection (4), for any person, firm, or corporation to possess any gill or entangling net, or any seine net larger than 500 square feet in mesh area, on any airboat or on any other vessel less than 22 feet in length and on any vessel less than 25 feet if primary power of the vessel is mounted forward of the vessel center point. Gill or entangling nets shall be as defined in s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or in a rule of the Marine Fisheries Commission implementing s. 16, Art. X of the State Constitution. Vessel length shall be determined in accordance with current U.S. Coast Guard regulations specified in the Code of Federal Regulations or as titled by the State of Florida. The Marine Fisheries Commission is directed to initiate by July 1, 1998, rulemaking to adjust by rule the use of gear on vessels longer than 22 feet where the primary power of the vessel is mounted forward of the vessel center point in order to prevent the illegal use of gill and entangling nets in state waters and to provide reasonable opportunities for the use of legal net gear in adjacent federal waters.*

(b)~~(a)~~ It shall be a major violation pursuant to this section and shall be punished as provided in subsection (4) for any person, firm, or corporation to be simultaneously in possession of any species of mullet in excess of the recreational daily bag limit and any gill or other entangling net as defined in s. 16(c), Art. X of the State Constitution. Simultaneous possession under this provision shall include possession of mullet and gill or other entangling nets on separate vessels or vehicles where such vessels or vehicles are operated in coordination with one another including vessels towed behind a main vessel. This subsection does not prohibit a resident of this state from transporting on land, from Alabama to this state, a commercial quantity of mullet together with a gill net if:

1. The person possesses a valid commercial fishing license that is issued by the State of Alabama and that allows the person to use a gill net to legally harvest mullet in commercial quantities from Alabama waters.

2. The person possesses a trip ticket issued in Alabama and filled out to match the quantity of mullet being transported, and the person is able to present such trip ticket immediately upon entering this state.

3. The mullet are to be sold to a wholesale saltwater products dealer located in Escambia County or Santa Rosa County, which dealer also possesses a valid seafood dealer's license issued by the State of Alabama. The dealer's name must be clearly indicated on the trip ticket.

4. The mullet being transported are totally removed from any net also being transported.

(c)~~(b)~~ It shall be a major violation pursuant to this section for any person to be in possession of any species of trout, snook, or redfish which is three fish in excess of the recreational or commercial daily bag limit.

(d) The Marine Fisheries Commission shall adopt rules to prohibit the possession and sale of mullet taken in illegal gill or entangling nets. Violations of such rules shall be punishable as provided in subsection (4).

Section 233. Section 370.093, Florida Statutes, is amended to read:

370.093 Illegal use of nets.—

(1) It is unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net that is not consistent with the provisions of s. 16, Art. X of the State Constitution.

(2)(a) Beginning July 1, 1998, it is also unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net, as defined in subsection (3) and any attachments to such net, that combined are larger than 500 square feet and have not been expressly authorized for such use by rule of the Marine Fisheries Commission under s. 370.027. The use of currently legal shrimp trawls and purse seines outside nearshore and inshore Florida waters shall continue to be legal until the commission implements rules regulating those types of gear.

(b) The use of gill or entangling nets of any size is prohibited, as such nets are defined in s. 16, Art. X of the State Constitution. Any net constructed wholly or partially of monofilament or multifilament material, other than a hand thrown cast net, or a handheld landing or dip net, shall be considered to be an entangling net within the prohibition of s. 16, Art. X of the State Constitution unless specifically authorized by rule of the commission. Multifilament material shall not be defined to include nets constructed of braided or twisted nylon, cotton, linen twine, or polypropylene twine.

(c) This subsection shall not be construed to apply to aquaculture activities licenses issued pursuant to s. 370.26.

(3) As used in s. 16, Art. X of the State Constitution and this subsection, the term "net" or "netting" must be broadly construed to include all manner or combination of mesh or webbing or any other solid or semisolid fabric or other material used to comprise a device that is used to take or harvest marine life.

(4) Upon the arrest of any person for violation of this subsection, the arresting officer shall seize the nets illegally used. Upon conviction of the offender, the arresting authority shall destroy the nets.

(5) Any person who violates this section shall be punished as provided in s. 370.092(4).

(6) The Marine Fisheries Commission is granted authority to adopt rules pursuant to ss. 370.025 and 370.027 implementing *this section and* the prohibitions and restrictions of s. 16, Art. X of the State Constitution.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 116, line 31, after the semicolon (;) insert: amending s. 370.092, F.S.; providing specific rulemaking authority for the regulation of nets and boats of a specific length; directing the Marine Fisheries Commission to adopt rules prohibiting the possession and sale of mullet taken in illegal gill and entangling nets; amending s. 370.093, F.S.; authorizing the Marine Fisheries Commission to adopt rules implementing s. 370.093, F.S.;

On motion by Senator Latvala, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 1440 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Clary	Grant	Klein	Ostalkiewicz

Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1522, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1522—A bill to be entitled An act relating to sentencing; amending s. 2, ch. 97-194, Laws of Florida; clarifying that the Criminal Punishment Code does not apply to capital felonies; amending s. 921.002, F.S.; revising the principles embodied by the Criminal Punishment Code; requiring that the Department of Corrections report on sentencing trends and practices; requiring that the Criminal Justice Estimating Conference make certain estimates with respect to the prison population; requiring the Criminal Justice Estimating Conference to project the impact of proposed changes to the Criminal Punishment Code; authorizing the Department of Corrections to collect scoresheets and report on compliance; amending s. 921.0021, F.S.; clarifying application of the code; amending s. 921.0022, F.S.; providing for ranking certain offenses under the severity ranking chart of the code; specifying the ranking of additional offenses; amending s. 921.0023, F.S., relating to the ranking of unlisted offenses; deleting duplicative provisions; amending s. 921.0024, F.S.; revising the arrangement of the sentencing scoresheet; providing that domestic violence in the presence of a child be included as a multiplier on the offense score of the Criminal Punishment Code; providing for calculating the total sentence points and the lowest permissible sentence; clarifying the calculation of points for a prior capital felony; requiring the imposition of the code sentence when it exceeds the statutory maximum; authorizing a life sentence when the total sentence points equal or exceed a threshold amount; prohibiting discretionary early release for such offenders; requiring that the Department of Corrections consult with certain persons and entities and revise the scoresheet as necessary; requiring the department to distribute copies of scoresheets; creating s. 921.0025, F.S.; providing for the adoption and implementation of sentencing scoresheets; amending s. 921.0026, F.S.; prohibiting the court from imposing a sentence below the lowest permissible sentence unless there are mitigating circumstances; creating s. 921.00265, F.S.; requiring that the court delineate its reasons if the court decreases a defendant's sentence below the lowest permissible sentence; amending s. 775.082, F.S.; providing for the applicability of sentencing structures, based on the date of the offense; amending s. 775.084, F.S.; providing for community control without an adjudication of guilt to be considered a prior conviction under certain circumstances for purposes of sentencing; requiring that the court submit a report when the court finds it unnecessary to sentence a given defendant as a habitual felony offender, a habitual violent felony offender, or a violent career criminal; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; amending s. 924.06, F.S.; providing for an appeal of a sentence that exceeds the maximum penalty under s. 775.082, F.S.; amending s. 924.07, F.S.; authorizing the state to appeal a sentence imposed below the lowest sentence permitted under the Criminal Punishment Code; amending s. 944.17, F.S.; revising requirements for the sheriff or chief correctional officer in preparing scoresheets for a prisoner who is transferred to the state correctional system; creating s. 944.70, F.S.; specifying the conditions under which persons convicted of crimes may be released from incarceration; amending s. 944.705, F.S., relating to the release orientation program; conforming cross-references to changes made by the act; amending s. 948.015, F.S.; revising requirements for the presentence investigation report for certain defendants; amending s. 948.034, F.S., relating to probation for certain persons convicted of drug-related offenses; conforming cross-references; conforming provisions to reflect the reorganization of the Department of Health and Rehabilitative Services; amending s. 948.51, F.S., relating to community corrections assistance; conforming a cross-reference; conforming a reference to sentencing scores to reflect changes in sentencing requirements; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing for a sentence imposed outside of the code to be appealed; providing an effective date.

House Amendment 1—On page 49, lines 13 through 15, remove from the bill: all of said lines and insert in lieu thereof: 775.082, for the primary offense. *However,*

On motion by Senator Gutman, the Senate refused to concur in the House amendment to **CS for SB 1522** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 2288, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 2288—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 984.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; amending s. 985.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; providing that penalties imposed for an escape from detention or a commitment facility apply to a juvenile who escapes from a maximum-risk residential facility; conforming cross-references to changes made by the act; amending ss. 985.207, 985.208, F.S., relating to conditions for taking a juvenile into custody and detention; conforming provisions to changes made by the act; amending s. 985.209, F.S.; providing for the Department of Juvenile Justice to establish juvenile assessment centers; providing for the centers to be operated through cooperative agreements with other state agencies; providing for intake and screening services; amending ss. 985.21, 985.211, F.S.; providing for certain functions formerly considered case-management functions to be probation functions; amending s. 985.215, F.S.; conforming terminology to changes made by the act; requiring that a juvenile held in secure detention awaiting dispositional placement meet certain criteria for detention; amending s. 985.216, F.S.; deleting a provision authorizing placement of a juvenile in a secure residential commitment facility for direct or indirect contempt of court; amending s. 985.223, F.S.; revising procedures for determining competency in juvenile delinquency cases; prescribing duties of courts, the Department of Juvenile Justice, and the Department of Children and Family Services; amending ss. 985.226, 985.23, F.S., relating to criteria for waiver of jurisdiction and disposition hearings in delinquency cases; conforming provisions to changes made by the act; amending s. 985.231, F.S.; providing for placing a juvenile on home detention with electronic monitoring if a residential consequence unit is not available; amending ss. 985.301, 985.304, F.S., relating to civil citations and community arbitration; conforming provisions to changes made by the act; deleting certain references to case-management services; amending s. 985.307, F.S.; extending the period during which the Department of Juvenile Justice is authorized to operate juvenile assignment centers; providing for pre-adjudicatory assessments; amending ss. 985.31, 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 944.401, F.S., relating to the offense of escaping from secure detention or a residential commitment facility; conforming a cross-reference; amending s. 985.406, F.S., relating to juvenile justice training academies; conforming provisions to changes made by the act; amending s. 985.412, F.S.; relating to quality assurance; requiring evaluation of each program operated by the department; requiring program changes and notification to the Executive Office of the Governor and Legislature of corrective action, under specified circumstances when a department-operated program fails to meet established minimum thresholds; providing for appropriate corrective action, including disciplinary action against employees under specified circumstances; providing for the Department of Juvenile Justice to ensure the reliability of the annual report; amending s. 985.413, F.S.; increasing the number of consecutive terms that may be served by a member of a

district juvenile justice board; deleting an exemption from such limitation; amending s. 985.414, F.S.; specifying the parties to be included in an interagency agreement for developing a county juvenile justice plan; amending s. 985.415, F.S.; revising eligibility requirements for a Community Juvenile Justice Partnership Grant; amending s. 938.19, F.S.; authorizing the assessment of certain fees for the purpose of operating and administering a teen court, notwithstanding certain contrary provisions; providing effective dates.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (2) of section 938.17, Florida Statutes, is amended to read:

938.17 County delinquency prevention.—

(2) In counties in which the sheriff's office is a partner in a juvenile ~~justice~~ assessment center pursuant to s. *985.209* ~~39.0471~~, or a partner in a suspension program developed in conjunction with the district school board in the county of the sheriff's jurisdiction, the court shall assess court costs of $3 per case, in addition to any other authorized cost or fine, on every person who, with respect to a charge, indictment, prosecution commenced, or petition of delinquency filed in that county or circuit, pleads guilty, nolo contendere to, or is convicted of, or adjudicated delinquent for, or has an adjudication withheld for, a felony or misdemeanor, or a criminal traffic offense or handicapped parking violation under state law, or a violation of any municipal or county ordinance, if the violation constitutes a misdemeanor under state law.

Section 2. Section 938.19, Florida Statutes, is amended to read:

938.19 Teen courts; operation and administration.—*Notwithstanding s. 318.121,* in each county in which a teen court has been created, a county may adopt a mandatory cost to be assessed in specific cases as provided for in subsection (1) by incorporating by reference the provisions of this section in a county ordinance. Assessments collected by the clerk of the circuit court pursuant to this section shall be deposited into an account specifically for the operation and administration of the teen court:

(1) A sum of $3, which shall be assessed as a court cost by both the circuit court and the county court in the county against every person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a state criminal statute or a municipal ordinance or county ordinance or who pays a fine or civil penalty for any violation of chapter 316. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. The $3 assessment for court costs shall be assessed in addition to any fine, civil penalty, or other court cost and shall not be deducted from the proceeds of that portion of any fine or civil penalty which is received by a municipality in the county or by the county in accordance with ss. 316.660 and 318.21. The $3 assessment shall specifically be added to any civil penalty paid for a violation of chapter 316, whether such penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. However, the $3 assessment shall not be made against a person for a violation of any state statutes, county ordinance, or municipal ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws. The clerk of the circuit court shall collect the respective $3 assessments for court costs established in this subsection and shall remit the same to the teen court monthly, less 5 percent, which is to be retained as fee income of the office of the clerk of the circuit court.

(2) Such other moneys as become available for establishing and operating teen courts under the provisions of Florida law.

Section 3. Subsection (8) is added to section 943.053, Florida Statutes, to read:

943.053 Dissemination of criminal justice information; fees.—

(1) The Department of Law Enforcement shall disseminate criminal justice information only in accordance with federal and state laws, regulations, and rules.

(2) Criminal justice information derived from federal criminal justice information systems or criminal justice information systems of other states shall not be disseminated in a manner inconsistent with the laws, regulations, or rules of the originating agency.

(3) Criminal history information, including information relating to juveniles, compiled by the Division of Criminal Justice Information Systems from intrastate sources shall be available on a priority basis to criminal justice agencies for criminal justice purposes free of charge and, otherwise, to governmental agencies not qualified as criminal justice agencies on an approximate-cost basis. After providing the division with all known identifying information, persons in the private sector may be provided criminal history information upon tender of fees as established by rule of the Department of Law Enforcement. Such fees shall approximate the actual cost of producing the record information. Fees may be waived by the executive director of the Department of Law Enforcement for good cause shown.

(4) Criminal justice information provided by the Department of Law Enforcement shall be used only for the purpose stated in the request.

(5) Notwithstanding any other provision of law, the department shall provide to the Florida Department of Revenue Child Support Enforcement access to Florida criminal records which are not exempt from disclosure under chapter 119, and to such information as may be lawfully available from other states via the National Law Enforcement Telecommunications System, for the purpose of locating subjects who owe or potentially owe child support or to whom such obligation is owed pursuant to Title IV-D of the Social Security Act. Such information may be provided to child support enforcement authorities in other states for these specific purposes.

(6) Notwithstanding the provisions of s. 943.0525, and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the sheriff of any county that has contracted with a private entity to operate a county detention facility pursuant to the provisions of s. 951.062 shall provide that private entity, in a timely manner, copies of the Florida criminal history records for its inmates. The sheriff may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1).

(7) Notwithstanding the provisions of s. 943.0525, and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the Department of Corrections shall provide, in a timely manner, copies of the Florida criminal history records for inmates housed in a private state correctional facility to the private entity under contract to operate the facility pursuant to the provisions of s. 944.105 or s. 957.03. The department may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1).

(8) Notwithstanding the provisions of s. 943.0525 and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the Department of Juvenile Justice or any other state or local criminal justice agency may provide copies of the Florida criminal history records for juvenile offenders currently or formerly detained or housed in a contracted juvenile assessment center or detention facility or serviced in a contracted treatment program and for employees or other individuals who will have access to these facilities, only to the entity under direct contract with the Department of Juvenile Justice to operate these facilities or programs pursuant to the provisions of s. 985.411. The criminal justice agency providing such data may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1). Information provided under this section shall be used only for the criminal justice purpose for which it was requested and may not be further disseminated.

Section 4. Section 944.401, Florida Statutes, is renumbered as section 985.3141, Florida Statutes, and amended to read:

985.3141 ~~944.401~~ Escapes from secure detention or residential commitment facility.—An escape from*:*

(1) Any secure detention facility maintained for the temporary detention of children, pending adjudication, disposition, or placement; ~~an escape from~~

(2) Any residential commitment facility *described* ~~defined~~ in *s. 985.03(45)* ~~s. 39.01(59)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or ~~an escape from~~

(3) Lawful transportation *to or from any such secure detention facility or residential commitment facility,* ~~thereto or therefrom~~

constitutes escape within the intent and meaning of s. 944.40 and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
985.3141 ~~39.061~~	3rd	Escapes from juvenile facility (secure detention or residential commitment facility).
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c), (3), or (4) drugs within 200 feet of university, public housing facility, or public park.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.

Section 6. Paragraph (c) of subsection (29), paragraph (c) of subsection (30), and subsections (31), (32), and (33) of section 984.03, Florida Statutes, are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(29) "Habitually truant" means that:

(c) A school representative, designated according to school board policy, and *a juvenile probation officer* ~~an intake counselor or case manager~~ of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions *that* ~~which~~ may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(30) "Intake" means the initial acceptance and screening by the Department of Juvenile Justice of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

(c) The recommendation by the *juvenile probation officer* ~~intake counselor or case manager~~ of judicial handling when appropriate and warranted.

~~(31) "Intake counselor" or "case manager" means the authorized agent of the Department of Juvenile Justice performing the intake or case management function for a child alleged to be delinquent or in need of services, or from a family in need of services.~~

(31)~~(32)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

(32)~~(33)~~ "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; aftercare and reentry services; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

(33) "Juvenile probation officer" means the authorized agent of the department who performs and directs intake, assessment, probation or aftercare, and other related services.

Section 7. Paragraph (c) of subsection (27), paragraph (c) of subsection (29), and subsections (30), (31), (32), (45), and (55) of section 985.03, Florida Statutes, are amended to read:

985.03 Definitions.—When used in this chapter, the term:

(27) "Habitually truant" means that:

(c) A school representative, designated according to school board policy, and *a juvenile probation officer* ~~an intake counselor or case manager~~ of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions *that could* ~~which may~~ be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(29) "Intake" means the initial acceptance and screening by the Department of Juvenile Justice of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

(c) The recommendation by the *juvenile probation officer* ~~intake counselor or case manager~~ of judicial handling when appropriate and warranted.

~~(30) "Intake counselor" or "case manager" means the authorized agent of the Department of Juvenile Justice performing the intake or case management function for a child alleged to be delinquent.~~

(30)~~(31)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

(31)~~(32)~~ "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs, and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; aftercare and reentry services; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

(32) "Juvenile probation officer" means the authorized agent of the Department of Juvenile Justice who performs the intake or case-management function for a child alleged to be delinquent.

(45) "Restrictiveness level" means the level of custody provided by programs that service the custody and care needs of committed children. There shall be five restrictiveness levels:

(a) Minimum-risk nonresidential.—Youth assessed and classified for placement in programs at this restrictiveness level represent a minimum risk to themselves and public safety and do not require placement and services in residential settings. Programs or program models in this restrictiveness level include: community counselor supervision programs, special intensive group programs, nonresidential marine programs, nonresidential training and rehabilitation centers, and other local community nonresidential programs.

(b) Low-risk residential.—Youth assessed and classified for placement in programs at this level represent a low risk to themselves and public safety and do require placement and services in residential settings. Programs or program models in this restrictiveness level include: Short Term Offender Programs (STOP), group treatment homes, family group homes, proctor homes, and Short Term Environmental Programs (STEP). Section *985.3141* ~~944.401~~ applies to children placed in programs in this restrictiveness level.

(c) Moderate-risk residential.—Youth assessed and classified for placement in programs in this restrictiveness level represent a moderate risk to public safety. Programs are designed for children who require close supervision but do not need placement in facilities that are physically secure. Programs in the moderate-risk residential restrictiveness level provide 24-hour awake supervision, custody, care, and treatment. Upon specific appropriation, a facility at this restrictiveness level may have a security fence around the perimeter of the grounds of the facility and may be hardware-secure or staff-secure. The staff at a facility at this restrictiveness level may seclude a child who is a physical threat to himself or others. Mechanical restraint may also be used when necessary. Programs or program models in this restrictiveness level include: halfway houses, START Centers, the Dade Intensive Control Program, licensed substance abuse residential programs, and moderate-term wilderness programs designed for committed delinquent youth that are operated or contracted by the Department of Juvenile Justice. Section *985.3141* ~~944.401~~ applies to children *placed* in *programs in this restrictiveness level* ~~moderate-risk residential programs~~.

(d) High-risk residential.—Youth assessed and classified for this level of placement require close supervision in a structured residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in programs in this level is prompted by a concern for public safety that outweighs placement in programs at lower restrictiveness levels. Programs or program models in this level are staff-secure or physically secure residential commitment facilities and include: training schools, intensive halfway houses, residential sex offender programs, long-term wilderness programs designed exclusively for committed delinquent youth, boot camps, secure halfway house programs, and the Broward Control Treatment Center. Section *985.3141* ~~944.401~~ applies to children placed in programs in this restrictiveness level.

(e) Maximum-risk residential.—Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in a program in this level is prompted by a demonstrated need to protect the public. Programs or program models in this level are maximum-secure-custody, long-term residential commitment facilities that are intended to provide a moderate overlay of educational, vocational, and behavioral-modification services ~~and include programs for serious and habitual juvenile offenders~~ and other maximum-security program models authorized by the Legislature and established by rule. *Section 985.3141 applies to children placed in programs in this restrictiveness level.*

(55) "Temporary release" means the terms and conditions under which a child is temporarily released from a commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a reentry program or an aftercare program or a period during which the child is supervised by a *juvenile probation officer* ~~case manager~~ or other nonresidential staff of the department or staff employed by an entity under contract with the department. A child placed in a postcommitment *supervision* ~~community control~~ program by order of the court is not considered to be on temporary release and is not subject to the terms and conditions of temporary release.

Section 8. Subsection (2) of section 985.207, Florida Statutes, is amended to read:

985.207 Taking a child into custody.—

(2) When a child is taken into custody as provided in this section, the person taking the child into custody shall attempt to notify the parent, guardian, or legal custodian of the child. The person taking the child into custody shall continue such attempt until the parent, guardian, or legal custodian of the child is notified or the child is delivered to *a juvenile probation officer* ~~an intake counselor~~ pursuant to s. 985.21, whichever occurs first. If the child is delivered to *a juvenile probation officer* ~~an intake counselor~~ before the parent, guardian, or legal custodian is notified, the *juvenile probation officer* ~~intake counselor or case manager~~ shall continue the attempt to notify until the parent, guardian, or legal custodian of the child is notified.

Section 9. Subsection (2) of section 985.208, Florida Statutes, is amended to read:

985.208 Detention of furloughed child or escapee on authority of the department.—

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or duly authorized agent, shall take a child who has escaped or absconded from a department facility for committed delinquent children, or from being lawfully transported thereto or therefrom, into custody and deliver the child to the appropriate *juvenile probation officer* ~~intake counselor or case manager~~ of the department.

Section 10. Section 985.209, Florida Statutes, is amended to read:

985.209 Juvenile ~~justice~~ assessment centers.—

(1) As used in this section, "center" means a juvenile assessment center comprising community operated facilities and programs which provide collocated central intake and screening services for youth referred to the Department of Juvenile Justice.

(2) The department shall work cooperatively with substance abuse programs, mental health providers, law enforcement agencies, schools, health service providers, state attorneys, public defenders, and other agencies serving youth to establish juvenile assessment centers. Each current and newly established center shall be developed and modified through the local initiative of community agencies and local governments and shall provide a broad array of youth-related services appropriate to the needs of the community where the center is located.

(3) Each center shall be managed and governed by the participating agencies, consistent with respective statutory requirements of each agency, through an advisory committee and interagency agreements established with participating entities. The advisory committee shall guide the center's operation and ensure that appropriate and relevant agencies are collaboratively participating in and providing services at the center. Each participating state agency shall have operational oversight of only those individual service components located and provided at the center for which the state agency has statutory authority and responsibility.

(4) Each center shall provide collocated central intake and screening services for youth referred to the department. The center shall provide sufficient services needed to facilitate the initial screening of and case processing for youth, including, at a minimum, delinquency intake; positive identification of the youth; detention admission screening; needs assessment; substance abuse screening and assessments; physical and mental health screening; and diagnostic testing as appropriate. The department shall provide sufficient staff and resources at a center to provide detention screening and intake services.

(5) Each center is authorized and encouraged to establish truancy programs. A truancy program may serve as providing the central intake and screening of truant children for a specific geographic area based upon written agreements between the center, local law enforcement agencies, and local school boards. A center may work cooperatively with any truancy program operating in the area serving the center.

(6) Each center must provide for the coordination and sharing of information among the participating agencies to facilitate the screening of and case processing for youth referred to the department.

(7) The department may utilize juvenile assessment centers to the fullest extent possible for the purpose of conducting pre-and post-disposition assessments and evaluations of youth, except where a juvenile assignment center is located. Assessments and evaluations may be conducted by juvenile assessment center staff on a youth while he or she is in a juvenile detention center awaiting placement in a residential commitment facility. If feasible, a youth may be transported from a juvenile detention center to a juvenile assessment center for the purpose of conducting an assessment or evaluation. Such assessments and evaluations may include, but are not limited to, needs assessment; substance abuse evaluations; physical and mental health evaluations; psychological evaluations; behavioral assessments; educational assessments; aptitude testing; and vocational testing. To the extent possible, the youth's parents or guardians and other family members should be involved in the assessment and evaluation process. All information, conclusions, treatment recommendations, and reports derived from any assessment and evaluation performed on a youth shall be included as a part of the youth's commitment packet and shall accompany the youth to the residential commitment facility in which the youth is placed. ~~The department shall work cooperatively with substance abuse facilities, mental health providers, law enforcement agencies, schools, health services providers, and other entities involved with children to establish a juvenile justice assessment center in each service district. The assessment center shall serve as central intake and screening for children referred to the department. Each juvenile justice assessment center shall provide services needed to facilitate initial screening of children, including intake and needs assessment, substance abuse screening, physical and mental health screening, and diagnostic testing, as appropriate. The entities involved in the assessment center shall make the resources for the provision of these services available at the same level to which they are available to the general public.~~

Section 11. Section 985.21, Florida Statutes, is amended to read:

985.21 Intake and case management.—

(1)(a) During the intake process, the *juvenile probation officer* ~~intake counselor~~ shall screen each child to determine:

1. Appropriateness for release, referral to a diversionary program including, but not limited to, a teen-court program, referral for community arbitration, or referral to some other program or agency for the purpose of nonofficial or nonjudicial handling.

2. The presence of medical, psychiatric, psychological, substance abuse, educational problems, or other conditions that may have caused the child to come to the attention of law enforcement or the Department of Juvenile Justice. In cases where such conditions are identified, and a nonjudicial handling of the case is chosen, the *juvenile probation officer* ~~intake counselor~~ shall attempt to refer the child to a program or agency, together with all available and relevant assessment information concerning the child's precipitating condition.

3. The Department of Juvenile Justice shall develop *an intake and* a case management system whereby a child brought into intake is assigned a *juvenile probation officer* ~~case manager~~ if the child was not released, referred to a diversionary program, referred for community arbitration, or referred to some other program or agency for the purpose of nonofficial or nonjudicial handling, and shall make every reasonable effort to provide ~~continuity of~~ case management *services* for the child; provided, however, that case management for children committed to residential programs may be transferred as provided in s. 985.316.

4. In addition to duties specified in other sections and through departmental rules, the assigned *juvenile probation officer* ~~case manager~~ shall be responsible for the following:

a. Ensuring that a risk assessment instrument establishing the child's eligibility for detention has been accurately completed and that the appropriate recommendation was made to the court.

b. Inquiring as to whether the child understands his or her rights to counsel and against self-incrimination.

c. Performing the preliminary screening and making referrals for comprehensive assessment regarding the child's need for substance abuse treatment services, mental health services, retardation services, literacy services, or other educational or treatment services.

d. Coordinating the multidisciplinary assessment when required, which includes the classification and placement process that determines the child's priority needs, risk classification, and treatment plan. When sufficient evidence exists to warrant a comprehensive assessment and the child fails to voluntarily participate in the assessment efforts, it is the responsibility of the *juvenile probation officer* ~~case manager~~ to inform the court of the need for the assessment and the refusal of the child to participate in such assessment. This assessment, classification, and placement process shall develop into the predisposition report.

e. Making recommendations for services and facilitating the delivery of those services to the child, including any mental health services, educational services, family counseling services, family assistance services, and substance abuse services. The *juvenile probation officer* ~~delinquency case manager~~ shall serve as the primary case manager for the

purpose of managing, coordinating, and monitoring the services provided to the child. Each program administrator within the Department of Children and Family Services shall cooperate with the primary case manager in carrying out the duties and responsibilities described in this section.

The Department of Juvenile Justice shall annually advise the Legislature and the Executive Office of the Governor of the resources needed in order for the *intake and* case management system to maintain a staff-to-client ratio that is consistent with accepted standards and allows the necessary supervision and services for each child. The intake process and case management system shall provide a comprehensive approach to assessing the child's needs, relative risks, and most appropriate handling, and shall be based on an individualized treatment plan.

(b) The intake and case management system shall facilitate consistency in the recommended placement of each child, and in the assessment, classification, and placement process, with the following purposes:

1. An individualized, multidisciplinary assessment process that identifies the priority needs of each individual child for rehabilitation and treatment and identifies any needs of the child's parents or guardians for services that would enhance their ability to provide adequate support, guidance, and supervision for the child. This process shall begin with the detention risk assessment instrument and decision, shall include the intake preliminary screening and comprehensive assessment for substance abuse treatment services, mental health services, retardation services, literacy services, and other educational and treatment services as components, additional assessment of the child's treatment needs, and classification regarding the child's risks to the community and, for a serious or habitual delinquent child, shall include the assessment for placement in a serious or habitual delinquent children program pursuant to s. 985.31. The completed multidisciplinary assessment process shall result in the predisposition report.

2. A classification system that assigns a relative risk to the child and the community based upon assessments including the detention risk assessment results when available to classify the child's risk as it relates to placement and supervision alternatives.

3. An admissions process that facilitates for each child the utilization of the treatment plan and setting most appropriate to meet the child's programmatic needs and provide the minimum program security needed to ensure public safety.

(2) The intake process shall be performed by the department through a case management system. The purpose of the intake process is to assess the child's needs and risks and to determine the most appropriate treatment plan and setting for the child's programmatic needs and risks. The intake process shall result in choosing the most appropriate services through a balancing of the interests and needs of the child with those of the family and the public. The *juvenile probation officer* ~~intake counselor or case manager~~ is responsible for making informed decisions and recommendations to other agencies, the state attorney, and the courts so that the child and family may receive the least intrusive service alternative throughout the judicial process. The department shall establish uniform procedures for the *juvenile probation officer* ~~intake counselor or case manager~~ to provide, prior to the filing of a petition or as soon as possible thereafter and prior to a disposition hearing, a preliminary screening of the child and family for substance abuse and mental health services.

(3) A report, affidavit, or complaint alleging that a child has committed a delinquent act or violation of law shall be made to the intake office operating in the county in which the child is found or in which the delinquent act or violation of law occurred. Any person or agency having knowledge of the facts may make such a written report, affidavit, or complaint and shall furnish to the intake office facts sufficient to establish the jurisdiction of the court and to support a finding by the court that the child has committed a delinquent act or violation of law.

(4) The *juvenile probation officer* ~~intake counselor or case manager~~ shall make a preliminary determination as to whether the report, affidavit, or complaint is complete, consulting with the state attorney as may be necessary. In any case where the *juvenile probation officer* ~~intake counselor or case manager~~ or the state attorney finds that the report, affidavit, or complaint is insufficient by the standards for a probable cause affidavit, the *juvenile probation officer* ~~intake counselor or case manager~~ or state attorney shall return the report, affidavit, or complaint, without delay, to the person or agency originating the report, affidavit, or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and shall request, and the person or agency shall promptly furnish, additional information in order to comply with the standards for a probable cause affidavit.

(a) The *juvenile probation officer* ~~intake counselor or case manager~~, upon determining that the report, affidavit, or complaint is complete, may, in the case of a child who is alleged to have committed a delinquent act or violation of law, recommend that the state attorney file a petition of delinquency or an information or seek an indictment by the grand jury. However, such a recommendation is not a prerequisite for any action taken by the state attorney.

(b) The *juvenile probation officer* ~~intake counselor or case manager~~, upon determining that the report, affidavit, or complaint is complete, pursuant to uniform procedures established by the department, shall:

1. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for substance abuse problems, using community-based licensed programs with clinical expertise and experience in the assessment of substance abuse problems.

2. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for mental health problems, using community-based psychologists, psychiatrists, or other licensed mental health professionals with clinical expertise and experience in the assessment of mental health problems.

When indicated by the comprehensive assessment, the department is authorized to contract within appropriated funds for services with a local nonprofit community mental health or substance abuse agency licensed or authorized under chapter 394, or chapter 397, or other authorized nonprofit social service agency providing related services. The determination of mental health or substance abuse services shall be conducted in coordination with existing programs providing mental health or substance abuse services in conjunction with the intake office. Client information resulting from the screening and evaluation shall be documented pursuant to rules established by the department and shall serve to assist the *juvenile probation officer* ~~intake counselor or case manager~~ in providing the most appropriate services and recommendations in the least intrusive manner. Such client information shall be used in the multidisciplinary assessment and classification of the child, but such information, and any information obtained directly or indirectly through the assessment process, is inadmissible in court prior to the disposition hearing, unless the child's written consent is obtained. At the disposition hearing, documented client information shall serve to assist the court in making the most appropriate custody, adjudicatory, and dispositional decision. If the screening and assessment indicate that the interest of the child and the public will be best served thereby, the *juvenile probation officer* ~~intake counselor or case manager~~, with the approval of the state attorney, may refer the child for care, diagnostic and evaluation services, substance abuse treatment services, mental health services, retardation services, a diversionary or arbitration or mediation program, community service work, or other programs or treatment services voluntarily accepted by the child and the child's parents or legal guardians. The victim, if any, and the law enforcement agency which investigated the offense shall be notified immediately by the state attorney of the action taken under this paragraph. Whenever a child volunteers to participate in any work program under this chapter or volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, the child shall be considered an employee of the state for the purposes of liability. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer is considered a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of the child's future wage-earning capacity.

(c) The *juvenile probation officer* ~~intake counselor or case manager~~, upon determining that the report, affidavit, or complaint complies with the standards of a probable cause affidavit and that the interest of the child and the public will be best served, may recommend that a delinquency petition not be filed. If such a recommendation is made, the *juvenile probation officer* ~~intake counselor or case manager~~ shall advise

in writing the person or agency making the report, affidavit, or complaint, the victim, if any, and the law enforcement agency having investigative jurisdiction of the offense of the recommendation and the reasons therefor; and that the person or agency may submit, within 10 days after the receipt of such notice, the report, affidavit, or complaint to the state attorney for special review. The state attorney, upon receiving a request for special review, shall consider the facts presented by the report, affidavit, or complaint, and by the *juvenile probation officer* ~~intake counselor or case manager~~ who made the recommendation that no petition be filed, before making a final decision as to whether a petition or information should or should not be filed.

(d) In all cases in which the child is alleged to have committed a violation of law or delinquent act and is not detained, the *juvenile probation officer* ~~intake counselor or case manager~~ shall submit a written report to the state attorney, including the original report, complaint, or affidavit, or a copy thereof, including a copy of the child's prior juvenile record, within 20 days after the date the child is taken into custody. In cases in which the child is in detention, the intake office report must be submitted within 24 hours after the child is placed into detention. The intake office report must recommend either that a petition or information be filed or that no petition or information be filed, and must set forth reasons for the recommendation.

(e) The state attorney may in all cases take action independent of the action or lack of action of the *juvenile probation officer* ~~intake counselor or case manager~~, and shall determine the action which is in the best interest of the public and the child. If the child meets the criteria requiring prosecution as an adult pursuant to s. 985.226, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such request. In all other cases, the state attorney may:

1. File a petition for dependency;

2. File a petition pursuant to chapter 984;

3. File a petition for delinquency;

4. File a petition for delinquency with a motion to transfer and certify the child for prosecution as an adult;

5. File an information pursuant to s. 985.227;

6. Refer the case to a grand jury;

7. Refer the child to a diversionary, pretrial intervention, arbitration, or mediation program, or to some other treatment or care program if such program commitment is voluntarily accepted by the child or the child's parents or legal guardians; or

8. Decline to file.

(f) In cases in which a delinquency report, affidavit, or complaint is filed by a law enforcement agency and the state attorney determines not to file a petition, the state attorney shall advise the clerk of the circuit court in writing that no petition will be filed thereon.

(5) Prior to requesting that a delinquency petition be filed or prior to filing a dependency petition, the *juvenile probation officer* ~~intake officer~~ may request the parent or legal guardian of the child to attend a course of instruction in parenting skills, training in conflict resolution, and the practice of nonviolence; to accept counseling; or to receive other assistance from any agency in the community which notifies the clerk of the court of the availability of its services. Where appropriate, the *juvenile probation officer* ~~intake officer~~ shall request both parents or guardians to receive such parental assistance. The *juvenile probation officer* ~~intake officer~~ may, in determining whether to request that a delinquency petition be filed, take into consideration the willingness of the parent or legal guardian to comply with such request.

Section 12. Subsections (3), (4), and (6) of section 985.211, Florida Statutes, are amended to read:

985.211 Release or delivery from custody.—

(3) If the child is released, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate *juvenile probation officer* ~~intake counselor or case manager~~ within 3 days, stating the facts and the reason for taking the child into custody. Such written report or probable cause affidavit shall:

(a) Identify the child, the parents, guardian, or legal custodian, and the person to whom the child was released.

(b) Contain sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law or a delinquent act.

(4) A person taking a child into custody who determines, pursuant to s. 985.215, that the child should be detained or released to a shelter designated by the department, shall make a reasonable effort to immediately notify the parent, guardian, or legal custodian of the child and shall, without unreasonable delay, deliver the child to the appropriate *juvenile probation officer* ~~intake counselor or case manager~~ or, if the court has so ordered pursuant to s. 985.215, to a detention center or facility. Upon delivery of the child, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate *juvenile probation officer* ~~intake counselor or case manager~~. Such written report or probable cause affidavit must:

(a) Identify the child and, if known, the parents, guardian, or legal custodian.

(b) Establish that the child was legally taken into custody, with sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law.

(6)(a) A copy of the probable cause affidavit or written report by a law enforcement agency shall be filed, by the law enforcement agency making such affidavit or written report, with the clerk of the circuit court for the county in which the child is taken into custody or in which the affidavit or report is made within 24 hours after the child is taken into custody and detained, within 1 week after the child is taken into custody and released, or within 1 week after the affidavit or report is made, excluding Saturdays, Sundays, and legal holidays. Such affidavit or report is a case for the purpose of assigning a uniform case number pursuant to this subsection.

(b) Upon the filing of a copy of a probable cause affidavit or written report by a law enforcement agency with the clerk of the circuit court, the clerk shall immediately assign a uniform case number to the affidavit or report, forward a copy to the state attorney, and forward a copy to the intake office of the department which serves the county in which the case arose.

(c) Each letter of recommendation, written notice, report, or other paper required by law pertaining to the case shall bear the uniform case number of the case, and a copy shall be filed with the clerk of the circuit court by the issuing agency. The issuing agency shall furnish copies to the *juvenile probation officer* ~~intake counselor or case manager~~ and the state attorney.

(d) Upon the filing of a petition based on the allegations of a previously filed probable cause affidavit or written report, the agency filing the petition shall include the appropriate uniform case number on the petition.

Section 13. Section 985.215, Florida Statutes, is amended to read:

985.215 Detention.—

(1) The *juvenile probation officer* ~~intake counselor or case manager~~ shall receive custody of a child who has been taken into custody from the law enforcement agency and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is required.

(a) During the period of time from the taking of the child into custody to the date of the detention hearing, the initial decision as to the child's placement into secure detention care, nonsecure detention care, or home detention care shall be made by the *juvenile probation officer* ~~intake counselor or case manager~~ pursuant to ss. 985.213 and 985.214.

(b) The *juvenile probation officer* ~~intake counselor or case manager~~ shall base the decision whether or not to place the child into secure detention care, home detention care, or nonsecure detention care on an

assessment of risk in accordance with the risk assessment instrument and procedures developed by the Department of Juvenile Justice under s. 985.213.

(c) If the *juvenile probation officer* ~~intake counselor or case manager~~ determines that a child who is eligible for detention based upon the results of the risk assessment instrument should be released, the *juvenile probation officer* ~~intake counselor or case manager~~ shall contact the state attorney, who may authorize release. If detention is not authorized, the child may be released by the *juvenile probation officer* ~~intake counselor or case manager~~ in accordance with s. 985.211.

Under no circumstances shall the *juvenile probation officer* ~~intake counselor or case manager~~ or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee or an absconder from a commitment program, a community control program, furlough, or aftercare supervision, or is alleged to have escaped while being lawfully transported to or from such program or supervision.

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28(1) and is detained as provided in s. 985.213(2)(b)3.

(e) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.

(f) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

(g) The child is alleged to have violated the conditions of the child's community control or aftercare supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention. Unless a child is detained under paragraph (d), the court shall utilize the results of the risk assessment performed by the *juvenile probation officer* ~~intake counselor or case manager~~ and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(d).

(3) Except in emergency situations, a child may not be placed into or transported in any police car or similar vehicle that at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.

(4) The court shall order the delivery of a child to a jail or other facility intended or used for the detention of adults:

(a) When the child has been transferred or indicted for criminal prosecution as an adult pursuant to this part, except that the court may not order or allow a child alleged to have committed a misdemeanor who is being transferred for criminal prosecution pursuant to either s. 985.226 or s. 985.227 to be detained or held in a jail or other facility intended or used for the detention of adults; however, such child may be held temporarily in a detention facility; or

(b) When a child taken into custody in this state is wanted by another jurisdiction for prosecution as an adult.

The child shall be housed separately from adult inmates to prohibit a child from having regular contact with incarcerated adults, including trustees. "Regular contact" means sight and sound contact. Separation of children from adults shall permit no more than haphazard or accidental contact. The receiving jail or other facility shall contain a separate section for children and shall have an adequate staff to supervise and monitor the child's activities at all times. Supervision and monitoring of children includes physical observation and documented checks by jail or receiving facility supervisory personnel at intervals not to exceed 15 minutes. This paragraph does not prohibit placing two or more children in the same cell. Under no circumstances shall a child be placed in the same cell with an adult.

(5)(a) A child may not be placed into or held in secure, nonsecure, or home detention care for longer than 24 hours unless the court orders such detention care, and the order includes specific instructions that direct the release of the child from such detention care, in accordance with subsection (2). The order shall be a final order, reviewable by appeal pursuant to s. 985.234 and the Florida Rules of Appellate Procedure. Appeals of such orders shall take precedence over other appeals and other pending matters.

(b) A child may not be held in secure, nonsecure, or home detention care under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

(c) A child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.

(d) The time limits in paragraphs (b) and (c) do not include periods of delay resulting from a continuance granted by the court for cause on motion of the child or his or her counsel or of the state. Upon the issuance of an order granting a continuance for cause on a motion by either the child, the child's counsel, or the state, the court shall conduct a hearing at the end of each 72-hour period, excluding Saturdays, Sundays, and legal holidays, to determine the need for continued detention of the child and the need for further continuance of proceedings for the child or the state.

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the Department of Juvenile Justice, or institution having custody of the

child, fees equal to the actual cost of the care, support, and maintenance of the child, as established by the Department of Juvenile Justice, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. With respect to a child who has been found to have committed a delinquent act or violation of law, whether or not adjudication is withheld, and whose parent or guardian receives public assistance for any portion of that child's care, the department must seek a federal waiver to garnish or otherwise order the payments of the portion of the public assistance relating to that child to offset the costs of providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the child. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

(7) If a child is detained and a petition for delinquency is filed, the child shall be arraigned in accordance with the Florida Rules of Juvenile Procedure within 48 hours after the filing of the petition for delinquency.

(8) If a child is detained pursuant to this section, the Department of Juvenile Justice may transfer the child from nonsecure or home detention care to secure detention care only if significantly changed circumstances warrant such transfer.

(9) If a child is on release status and not detained pursuant to this section, the child may be placed into secure, nonsecure, or home detention care only pursuant to a court hearing in which the original risk assessment instrument, rescored based on newly discovered evidence or changed circumstances with the results recommending detention, is introduced into evidence.

(10)(a)1. When a child is committed to the Department of Juvenile Justice awaiting dispositional placement, removal of the child from detention care shall occur within 5 days, excluding Saturdays, Sundays, and legal holidays. *Any child held in secure detention during the 5 days must meet detention admission criteria pursuant to this section.* If the child is committed to a ~~low-risk residential program or a~~ moderate-risk residential program, the department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care may not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this subsection.

2. The court must place all children who are adjudicated and awaiting placement in a residential commitment program in detention care. Children who are in home detention care or nonsecure detention care may be placed on electronic monitoring. A child committed to a moderate-risk residential program may be held in a juvenile assignment center pursuant to s. 985.307 until placement or commitment is accomplished.

(b) A child who is placed in home detention care, nonsecure detention care, or home or nonsecure detention care with electronic monitoring, while awaiting placement in a low-risk or moderate-risk program, may be held in secure detention care for 5 days, if the child violates the conditions of the home detention care, the nonsecure detention care, or the electronic monitoring agreement. For any subsequent violation, the court may impose an additional 5 days in secure detention care.

(c) If the child is committed to a high-risk residential program, the child must be held in detention care or in a juvenile assignment center pursuant to s. 985.307 until placement or commitment is accomplished.

(d) If the child is committed to a maximum-risk residential program, the child must be held in detention care or in an assignment center pursuant to s. 985.307 until placement or commitment is accomplished.

(e) Upon specific appropriation, the department may obtain comprehensive evaluations, including, but not limited to, medical, academic, psychological, behavioral, sociological, and vocational needs of a youth with multiple arrests for all level criminal acts or a youth committed to a minimum-risk or low-risk commitment program.

(11)(a) When a juvenile sexual offender is placed in detention, detention staff shall provide appropriate monitoring and supervision to ensure the safety of other children in the facility.

(b) When a juvenile sexual offender, pursuant to this subsection, is released from detention or transferred to home detention or nonsecure detention, detention staff shall immediately notify the appropriate law enforcement agency and school personnel.

Section 14. Paragraph (a) of subsection (1) of section 985.231, Florida Statutes, is amended to read:

985.231 Powers of disposition in delinquency cases.—

(1)(a) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

1. Place the child in a community control program or an aftercare program under the supervision of an authorized agent of the Department of Juvenile Justice or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A community control program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program.

a. A restrictiveness level classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to community control supervision requirements to reasonably ensure the public safety. Community control programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this subparagraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make. A child who participates in any work program under this part is considered an employee of the state for purposes of liability, unless otherwise provided by law.

b. The court may conduct judicial review hearings for a child placed on community control for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of community control for a child who has substantially complied with the terms and conditions of community control.

c. If the conditions of the community control program or the aftercare program are violated, the agent supervising the program as it relates to the child involved, or the state attorney, may bring the child before the court on a petition alleging a violation of the program. Any child who violates the conditions of community control or aftercare must be brought before the court if sanctions are sought. A child taken into custody under *s. 985.207* ~~s. 39.037~~ for violating the conditions of community control or aftercare shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of community control or aftercare.

A consequence unit is a secure facility specifically designated by the department for children who are taken into custody under s. 985.207 for violating community control or aftercare, or who have been found by the court to have violated the conditions of community control or aftercare. If the violation involves a new charge of delinquency, the child may be detained under s. 985.215 in a facility other than a consequence unit. If the child is not eligible for detention for the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in s. 985.215. If the child denies violating the conditions of community control or aftercare, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of community control or aftercare, the court shall enter an order revoking, modifying, or continuing community control or aftercare. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of community control or aftercare, the court may:

(I) Place the child in a consequence unit in that judicial circuit, if available, for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation.

(II) Place the child on home detention with electronic monitoring. However, this sanction may be used only if a *residential* consequence unit is not available.

(III) Modify or continue the child's community control program or aftercare program.

(IV) Revoke community control or aftercare and commit the child to the department.

d. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of any order placing a child in a community control program must be until the child's 19th birthday unless he or she is released by the court, on the motion of an interested party or on its own motion.

2. Commit the child to a licensed child-caring agency willing to receive the child, but the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

3. Commit the child to the Department of Juvenile Justice at a restrictiveness level defined in s. 985.03(45). Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and furlough of the child into the community. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

4. Revoke or suspend the driver's license of the child.

5. Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to render community service in a public service program.

6. As part of the community control program to be implemented by the Department of Juvenile Justice, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made, and the court shall take any further action that is necessary against the child or the child's parent or guardian. A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this subparagraph.

7. Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or community control program.

8. Commit the child to the Department of Juvenile Justice for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.31. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

9. In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good faith effort to prevent the child from engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.

10. Subject to specific appropriation, commit the juvenile sexual offender to the Department of Juvenile Justice for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

Section 15. Paragraph (a) of subsection (2) of section 985.216, Florida Statutes, is amended to read:

985.216 Punishment for contempt of court; alternative sanctions.—

(2) PLACEMENT IN A SECURE FACILITY.—A child may be placed in a secure facility for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

(a) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense~~, or in a secure residential commitment facility~~.

Section 16. Section 985.223, Florida Statutes, is amended to read:

985.223 Incompetency in juvenile delinquency cases.—

(1) If, at any time prior to or during a delinquency case ~~involving a delinquent act or violation of law that would be a felony if committed by an adult~~, the court has reason to believe that the child named in the petition may be incompetent to proceed with the hearing, the court on its own motion may, or on the motion of the child's attorney or state attorney must, stay all proceedings and order an evaluation of the child's mental condition.

(a) Any motion questioning the child's competency to proceed must be served upon the child's attorney, the state attorney, the attorneys representing the Department of Juvenile Justice, and the attorneys representing the Department of Children and Family Services. Thereafter, any motion, notice of hearing, order, or other legal pleading relating to the child's competency to proceed with the hearing must be served upon the child's attorney, the state attorney, the attorneys representing the Department of Juvenile Justice, and the attorneys representing the Department of Children and Family Services.

(b)~~(a)~~ All determinations of competency shall be made at a hearing, with findings of fact based on an evaluation of the child's mental condition *made* by not less than two nor more than three experts appointed by the court. *The basis for* ~~If~~ the determination of incompetency ~~is based on the presence of a mental illness or mental retardation, this~~ must be

specifically stated in the evaluation. In addition, a recommendation as to whether residential or nonresidential treatment or training is required must be included in the evaluation. *Experts appointed by the court to determine the mental condition of a child shall be allowed reasonable fees for services rendered. State employees may be paid expenses pursuant to s. 112.061. The fees shall be taxed as costs in the case.*

(c) All court orders determining incompetency must include specific *written* findings by the court as to the nature of the incompetency *and whether the child requires secure or nonsecure treatment or training environments.*

(d)~~(b)~~ For incompetency evaluations related to mental illness, the Department of Children and Family Services shall annually provide the courts with a list of mental health professionals who have completed a training program approved by the Department of Children and Family Services to perform the evaluations.

(e)~~(c)~~ For incompetency evaluations related to mental retardation, the court shall order the Developmental Services Program Office within the Department of Children and Family Services to examine the child to determine if the child meets the definition of "retardation" in s. 393.063 and, if so, whether the child is competent to proceed with delinquency proceedings.

(f)~~(d)~~ A child is competent to proceed if the child has sufficient present ability to consult with counsel with a reasonable degree of rational understanding and the child has a rational and factual understanding of the present proceedings. The report must address the child's capacity to:

1. Appreciate the charges or allegations against the child.

2. Appreciate the range and nature of possible penalties that may be imposed in the proceedings against the child, if applicable.

3. Understand the adversarial nature of the legal process.

4. Disclose to counsel facts pertinent to the proceedings at issue.

5. Display appropriate courtroom behavior.

6. Testify relevantly.

(g) Immediately upon the filing of the court order finding a child incompetent to proceed, the clerk of the court shall notify the Department of Children and Family Services and fax or hand deliver to the Department of Children and Family Services a referral packet which includes, at a minimum, the court order, the charging documents, the petition, and the court-appointed evaluator's reports.

(h) After placement of the child in the appropriate setting, the Department of Children and Family Services must, within 30 days after the Department of Children and Family Services places the child, prepare and submit to the court a treatment plan for the child's restoration of competency. A copy of the treatment plan must be served upon the child's attorney, the state attorney, and the attorneys representing the Department of Juvenile Justice.

(2) *A* ~~Every~~ child who *is mentally ill or retarded, who* is adjudicated incompetent to proceed, *and who has committed a delinquent act or violation of law, either of which would be a felony if committed by an adult, must* ~~may~~ be ~~involuntarily~~ committed to the Department of Children and Family Services for treatment *or training. A child who has been adjudicated incompetent to proceed because of age or immaturity, or for any reason other than for mental illness or retardation, must not be committed to the department or to the Department of Children and Family Services for restoration-of-competency treatment or training services.* ~~upon a finding by the court of clear and convincing evidence that:~~ *For purposes of this section, a child who has committed a delinquent act or violation of law, either of which would be a misdemeanor if committed by an adult, may not be committed to the department or to the Department of Children and Family Services for restoration-of-competency treatment or training services.*

(3) If the court finds that a child is mentally ill or retarded and adjudicates the child incompetent to proceed, the court must also determine whether the child meets the criteria for secure placement. A child may be placed in a secure facility or program if the court makes a finding by clear and convincing evidence that:

(a) The child is mentally ill and because of the mental illness; or the child is mentally retarded and because of the mental retardation:

1. The child is manifestly incapable of surviving with the help of willing and responsible family or friends, including available alternative services, and without treatment *or training* the child is likely to either suffer from neglect or refuse to care for self, and such neglect or refusal poses a real and present threat of substantial harm to the child's well-being; or

2. There is a substantial likelihood that in the near future the child will inflict serious bodily harm on self or others, as evidenced by recent behavior causing, attempting, or threatening such harm; and

(b) All available less restrictive alternatives, including treatment *or training* in community residential facilities or community ~~inpatient or outpatient~~ settings which would offer an opportunity for improvement of the child's condition, are inappropriate.

(4)~~(3)~~ *A* ~~Each~~ child who *is determined to be mentally ill or retarded, who* has been adjudicated incompetent to proceed, and who meets the criteria *set forth* ~~for commitment~~ in subsection *(3)*~~(2)~~, must be committed to the Department of Children and Family Services, and *the Department of Children and Family Services* ~~that department may retain, and if it retains~~ must treat *or train* the child in *a secure facility or program which is* the least restrictive alternative consistent with public safety. Any *placement* ~~commitment~~ of a child to a *secure* residential program must be separate from adult forensic programs. If the child attains competency, *then custody,* case management, and supervision of the child will be transferred to the department in order to continue delinquency proceedings; however, the court retains authority to order the Department of Children and Family Services to provide continued treatment to maintain competency.

(a) A child adjudicated incompetent due to mental retardation may be ordered into a *secure* program *or facility* designated by the Department of Children and Family Services for retarded children.

(b) A child adjudicated incompetent due to mental illness may be ordered into a *secure* program *or facility* designated by the Department of Children and Family Services for mentally ill children.

(c) Whenever a child is placed in a secure residential facility, the department will provide transportation to the secure residential facility for admission and from the secure residential facility upon discharge.

(d) The purpose of the treatment or training is the restoration of the child's competency to proceed.

(e)~~(c)~~ *The service provider must file a written report with the court pursuant to the applicable Florida Rules of Juvenile Procedure* not later than 6 months after the date of commitment, or at the end of any period of extended treatment or training, *and* ~~or~~ at any time the *Department of Children and Family Services, through its* service provider determines the child has attained competency or no longer meets the criteria for *secure placement, or at such shorter intervals as ordered by the court* ~~commitment, the service provider must file a report with the court pursuant to the applicable Rules of Juvenile Procedure~~. *A copy of a written report evaluating the child's competency must be filed by the provider with the court and with the state attorney, the child's attorney, the department, and the Department of Children and Family Services.*

(5)(a)~~(4)~~ If a child is determined to be incompetent to proceed, the court shall retain jurisdiction of the child for up to 2 years after the date of the order of incompetency, with reviews at least every 6 months to determine competency.

(b) Whenever the provider files a report with the court informing the court that the child will never become competent to proceed, the Department of Children and Family Services will develop a discharge plan for the child prior to any hearing determining whether the child will ever become competent to proceed. The Department of Children and Family Services must send the proposed discharge plan to the court, the state attorney, the child's attorney, and the attorneys representing the Department of Juvenile Justice. The provider will continue to provide services to the child until the court issues the order finding the child will never become competent to proceed.

(c) If the court determines at any time that the child will never become competent to proceed, the court may dismiss the delinquency

petition. If, at the end of the 2-year period following the date of the order of incompetency, the child has not attained competency and there is no evidence that the child will attain competency within a year, the court must dismiss the delinquency petition. If *appropriate* ~~necessary~~, the court may order that proceedings under chapter 393 or chapter 394 be instituted. Such proceedings must be instituted not less than 60 days prior to the dismissal of the delinquency petition.

(6)(a)~~(5)~~ If a child ~~who~~ *is determined to be mentally ill or retarded and* is found to be incompetent *to proceed but* does not meet the ~~commitment~~ criteria *set forth in* ~~of~~ subsection *(3)*~~(2)~~, the court *shall commit the child to the Department of Children and Family Services and shall* ~~may~~ order the Department of Children and Family Services to provide appropriate treatment and training in the community. *The purpose of the treatment or training is the restoration of the child's competency to proceed.*

(b) All court-ordered treatment or training must be the least restrictive alternative that is consistent with public safety. Any *placement by the Department of Children and Family Services* ~~commitment~~ to a residential program must be separate from adult forensic programs.

(c) If a child is ordered to receive *competency restoration* ~~such~~ services, the services shall be provided by the Department of Children and Family Services. The department shall continue to provide case management services to the child and receive notice of the competency status of the child.

(d) The service provider must file written report with the court pursuant to the applicable Florida Rules of Juvenile Procedure, not later than 6 months after the date of commitment, at the end of any period of extended treatment or training, and at any time the service provider determines the child has attained competency or will never attain competency, or at such shorter intervals as ordered by the court. ~~The competency determination must be reviewed at least every 6 months by the service provider, and~~ A copy of a written report evaluating the child's competency must be filed by the provider with the court, *the state attorney, the child's attorney,* ~~and with~~ the Department of Children and Family Services, and the department.

(7)~~(6)~~ The provisions of this section shall be implemented only subject to specific appropriation.

Section 17. Paragraph (a) of subsection (3) of section 985.226, Florida Statutes, is amended to read:

985.226 Criteria for waiver of juvenile court jurisdiction; hearing on motion to transfer for prosecution as an adult.—

(3) WAIVER HEARING.—

(a) Within 7 days, excluding Saturdays, Sundays, and legal holidays, after the date a petition alleging that a child has committed a delinquent act or violation of law has been filed, or later with the approval of the court, but before an adjudicatory hearing and after considering the recommendation of the *juvenile probation officer* ~~intake counselor or case manager~~, the state attorney may file a motion requesting the court to transfer the child for criminal prosecution.

Section 18. Paragraph (b) of subsection (3) of section 985.23, Florida Statutes, is amended to read:

985.23 Disposition hearings in delinquency cases.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(3)

(b) If the court determines that commitment to the department is appropriate, the *juvenile probation officer* ~~intake counselor or case manager~~ shall recommend to the court the most appropriate placement and treatment plan, specifically identifying the restrictiveness level most appropriate for the child. If the court has determined that the child was a member of a criminal street gang, that determination shall be given great weight in identifying the most appropriate restrictiveness level for the child. The court shall consider the department's recommendation in making its commitment decision.

Section 19. Subsection (4) of section 985.301, Florida Statutes, is amended to read:

985.301 Civil citation.—

(4) If the juvenile fails to report timely for a work assignment, complete a work assignment, or comply with assigned intervention services within the prescribed time, or if the juvenile commits a third or subsequent misdemeanor, the law enforcement officer shall issue a report alleging the child has committed a delinquent act, at which point *a juvenile probation officer* ~~an intake counselor or case manager~~ shall perform a preliminary determination as provided under s. 985.21(4).

Section 20. Subsections (4), (5), and (6) of section 985.304, Florida Statutes, are amended to read:

985.304 Community arbitration.—

(4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY ARBITRATION.—

(a) Any law enforcement officer may issue a complaint, along with a recommendation for community arbitration, against any child who such officer has reason to believe has committed any offense that is eligible for community arbitration. The complaint shall specify the offense and the reasons why the law enforcement officer feels that the offense should be handled by community arbitration. Any *juvenile probation officer* ~~intake counselor or case manager~~ or, at the request of the child's parent or legal custodian or guardian, the state attorney or the court having jurisdiction, with the concurrence of the state attorney, may refer a complaint to be handled by community arbitration when appropriate. A copy of the complaint shall be forwarded to the appropriate *juvenile probation officer* ~~intake counselor or case manager~~ and the parent or legal custodian or guardian of the child within 48 hours after issuance of the complaint. In addition to the complaint, the child and the parent or legal custodian or guardian shall be informed of the objectives of the community arbitration process; the conditions, procedures, and timeframes under which it will be conducted; and the fact that it is not obligatory. The *juvenile probation officer* ~~intake counselor~~ shall contact the child and the parent or legal custodian or guardian within 2 days after the date on which the complaint was received. At this time, the child or the parent or legal custodian or guardian shall inform the *juvenile probation officer* ~~intake counselor~~ of the decision to approve or reject the handling of the complaint through community arbitration.

(b) The *juvenile probation officer* ~~intake counselor~~ shall verify accurate identification of the child and determine whether or not the child has any prior adjudications or adjudications withheld for an offense eligible for community arbitration for consideration in the point value structure. If the child has at least one prior adjudication or adjudication withheld for an offense which is not eligible for community arbitration, or if the child has already surpassed the accepted level of points on prior community arbitration resolutions, the *juvenile probation officer* ~~intake counselor or case manager~~ shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(c) If the child or the parent or legal custodian or guardian rejects the handling of the complaint through community arbitration, the *juvenile probation officer* ~~intake counselor~~ shall consult with the state attorney for the filing of formal juvenile proceedings.

(d) If the child or the parent or legal custodian or guardian accepts the handling of the complaint through community arbitration, the *juvenile probation officer* ~~intake counselor~~ shall provide copies of the complaint to the arbitrator or panel within 24 hours.

(e) The community arbitrator or community arbitration panel shall, upon receipt of the complaint, set a time and date for a hearing within 7 days and shall inform the child's parent or legal custodian or guardian, the complaining witness, and any victims of the time, date, and place of the hearing.

(5) HEARINGS.—

(a) The law enforcement officer who issued the complaint need not appear at the scheduled hearing. However, prior to the hearing, the officer shall file with the community arbitrator or the community arbitration panel a comprehensive report setting forth the facts and circumstances surrounding the allegation.

(b) Records and reports submitted by interested agencies and parties, including, but not limited to, complaining witnesses and victims,

may be received in evidence before the community arbitrator or the community arbitration panel without the necessity of formal proof.

(c) The testimony of the complaining witness and any alleged victim may be received when available.

(d) Any statement or admission made by the child appearing before the community arbitrator or the community arbitration panel relating to the offense for which he or she was cited is privileged and may not be used as evidence against the child either in a subsequent juvenile proceeding or in any subsequent civil or criminal action.

(e) If a child fails to appear on the original hearing date, the matter shall be referred back to the *juvenile probation officer* ~~intake counselor~~ who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(6) DISPOSITION OF CASES.—

(a) Subsequent to any hearing held as provided in subsection (5), the community arbitrator or community arbitration panel may:

1. Recommend that the state attorney decline to prosecute the child.

2. Issue a warning to the child or the child's family and recommend that the state attorney decline to prosecute the child.

3. Refer the child for placement in a community-based nonresidential program.

4. Refer the child or the family to community counseling.

5. Refer the child to a safety and education program related to delinquent children.

6. Refer the child to a work program related to delinquent children and require up to 100 hours of work by the child.

7. Refer the child to a nonprofit organization for volunteer work in the community and require up to 100 hours of work by the child.

8. Order restitution in money or in kind in a case involving property damage; however, the amount of restitution shall not exceed the amount of actual damage to property.

9. Continue the case for further investigation.

10. Require the child to undergo urinalysis monitoring.

11. Impose any other restrictions or sanctions that are designed to encourage responsible and acceptable behavior and are agreed upon by the participants of the community arbitration proceedings.

The community arbitrator or community arbitration panel shall determine an appropriate timeframe in which the disposition must be completed. The community arbitrator or community arbitration panel shall report the disposition of the case to the *juvenile probation officer* ~~intake counselor or case manager~~.

(b) Any person or agency to whom a child is referred pursuant to this section shall periodically report the progress of the child to the referring community arbitrator or community arbitration panel in the manner prescribed by such arbitrator or panel.

(c) Any child who is referred by the community arbitrator or community arbitration panel to a work program related to delinquent children or to a nonprofit organization for volunteer work in the community, and who is also ordered to pay restitution to the victim, may be paid a reasonable hourly wage for work, to the extent that funds are specifically appropriated or authorized for this purpose; provided, however, that such payments shall not, in total, exceed the amount of restitution ordered and that such payments shall be turned over by the child to the victim.

(d) If a child consents to an informal resolution and, in the presence of the parent or legal custodian or guardian and the community arbitrator or community arbitration panel, agrees to comply with any disposition suggested or ordered by such arbitrator or panel and subsequently fails to abide by the terms of such agreement, the community arbitrator or community arbitration panel may, after a careful review of the circumstances, forward the case back to the *juvenile probation officer* ~~intake counselor~~, who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

Section 21. Section 985.307, Florida Statutes, is amended to read:

985.307 Juvenile assignment centers.—

(1) Contingent upon specific appropriation, the department shall establish juvenile assignment centers for committed youth who have been ordered by the court for placement in moderate-risk, high-risk, or maximum-risk commitment programs. Juvenile assignment centers shall be residential facilities serving committed youth awaiting placement in a residential commitment program.

(2) The purpose of juvenile assignment centers shall be:

(a) To ensure public safety by providing a secure residential facility to hold and process juveniles awaiting placement in commitment programs rather than releasing them to their homes and back into the community.

(b) To review assessments completed at local juvenile assessment centers and avoid duplication of assessment efforts. Assessments should include medical, academic, psychological, behavioral, sociological, substance abuse and mental health, and vocational testing.

(c) To determine appropriate treatment needs, programming, and placement decisions, and, when appropriate, to develop a treatment plan for each juvenile.

(d) To examine a juvenile's need for aftercare and independent living upon release from a commitment program and, when appropriate, include this in the treatment plan.

(3) Juveniles committed to the department shall be placed in an assignment center following the dispositional hearing and shall be transferred to the designated residential commitment program upon the availability of placement.

(4) Juvenile assignment centers shall be physically secure residential facilities located in each department region to serve youth in that region who are awaiting placement in commitment programs.

(5) For each juvenile admitted into an assignment center, the following shall be conducted:

(a) Review all assessments, diagnostic testing, and screening instruments performed on the juvenile while at an assessment center, in detention, during intake, or in a program or while in school; and also review the juvenile's school records from the school in which the juvenile is enrolled.

(b) Determine the need for, and provide or contract for, additional evaluation, including, but not limited to: needs assessment, substance abuse screening, physical and mental health screening, behavioral screening, educational assessment, aptitude testing, diagnostic testing, psychological evaluation, and vocational testing.

(c) Based upon the restrictiveness level ordered by the court and evaluation required in paragraph (b), the department program staff shall make an assignment to a specific commitment program. Program placements shall also take into consideration the geographic location of the juvenile's family in order to facilitate family visits and participation.

(d) Pending a juvenile's placement in a commitment program:

1. Initiate appropriate treatment plans, educational plans, performance agreements, and transitional planning based upon the court order and assessments.

2. Provide or contract for the provision of short-term services, including educational programming, vocational training, mental health services, substance abuse education, conflict resolution training, and impulse control and anger management training. If warranted by a substance abuse screening or a mental or physical health screening performed while the juvenile is in the assignment center, a juvenile may receive treatment while in the assignment center, including, but not limited to, substance abuse, mental health, or physical health treatment.

(e) To the extent possible, involve the juvenile's parents or guardian and family in the evaluation process and in the provision of services. Staff shall make efforts to contact the parents or guardian and encourage their involvement.

(f) Ensure that all commitment information is complete and ready for transmittal to the commitment program. This shall include a comprehensive treatment plan that reflects the information gathered through the assessment process and includes planning for aftercare and independent living, if needed.

(6) Notwithstanding any provision to the contrary, this section expires July 1, *2000* ~~1998~~, unless reenacted by the Legislature. ~~The department may not create or operate a juvenile assignment center after July 1, 1998, without further legislative authority.~~ Unless reenacted by the Legislature, any juvenile assignment center created under this section shall be converted to a high-level or maximum-level residential commitment program, subject to availability of funds.

(7) The department may utilize juvenile assignment centers to the fullest extent possible for the purpose of conducting pre- and post-disposition assessments and evaluations of youth. Prior to July 1, 1999, the department shall transition any juvenile assignment center to provide the capacity and services necessary to conduct pre-disposition assessments and evaluations of youth.

Section 22. Subsection (3) of section 985.31, Florida Statutes, is amended to read:

985.31 Serious or habitual juvenile offender.—

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures, which professionals shall exercise all professional judgment independently of the department.

(b) Treatment provided to children in designated facilities shall be suited to the assessed needs of each individual child and shall be administered safely and humanely, with respect for human dignity.

(c) The department may promulgate rules for the implementation and operation of programs and facilities for serious or habitual juvenile offenders.

(d) Any provider who acts in good faith is immune from civil or criminal liability for his or her actions in connection with the assessment, treatment, or transportation of a serious or habitual juvenile offender under the provisions of this chapter.

(e) After a child has been adjudicated delinquent pursuant to s. 985.228, the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender pursuant to s. 985.03(47). If the court determines that the child does not meet such criteria, the provisions of s. 985.231(1) shall apply.

(f) After a child has been transferred for criminal prosecution, a circuit court judge may direct *a juvenile probation officer* ~~an intake counselor or case manager~~ to consult with designated staff from an appropriate serious or habitual juvenile offender program for the purpose of making recommendations to the court regarding the child's placement in such program.

(g) Recommendations as to a child's placement in a serious or habitual juvenile offender program shall be presented to the court within 72 hours after the adjudication or conviction, and may be based on a preliminary screening of the child at appropriate sites, considering the child's location while court action is pending, which may include the nearest regional detention center or facility or jail.

(h) Based on the recommendations of the multidisciplinary assessment, the *juvenile probation officer* ~~intake counselor or case manager~~ shall make the following recommendations to the court:

1. For each child who has not been transferred for criminal prosecution, the *juvenile probation officer* ~~intake counselor or case manager~~ shall recommend whether placement in such program is appropriate and needed.

2. For each child who has been transferred for criminal prosecution, the *juvenile probation officer* ~~intake counselor or case manager~~ shall recommend whether the most appropriate placement for the child is a juvenile justice system program, including a serious or habitual juvenile offender program or facility, or placement in the adult correctional system.

If treatment provided by a serious or habitual juvenile offender program or facility is determined to be appropriate and needed and placement is available, the *juvenile probation officer* ~~intake counselor or case manager~~ and the court shall identify the appropriate serious or habitual juvenile offender program or facility best suited to the needs of the child.

(i) The treatment and placement recommendations shall be submitted to the court for further action pursuant to this paragraph:

1. If it is recommended that placement in a serious or habitual juvenile offender program or facility is inappropriate, the court shall make an alternative disposition pursuant to s. 985.309 or other alternative sentencing as applicable, utilizing the recommendation as a guide.

2. If it is recommended that placement in a serious or habitual juvenile offender program or facility is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for serious or habitual delinquent children programs.

(j) The following provisions shall apply to children in serious or habitual juvenile offender programs and facilities:

1. A child shall begin participation in the reentry component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of aftercare based upon a determination made by the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the aftercare component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department.

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the department shall utilize the reassessment determination to resolve the disagreement and make a final decision.

(k) Any commitment of a child to the department for placement in a serious or habitual juvenile offender program or facility shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Notwithstanding the provisions of ss. 743.07 and 985.231(1)(d), a serious or habitual juvenile offender shall not be held under commitment from a court pursuant to this section, s. 985.231, or s. 985.233 after becoming 21 years of age. This provision shall apply only for the purpose of completing the serious or habitual juvenile offender program pursuant to this chapter and shall be used solely for the purpose of treatment.

Section 23. Subsection (3) of section 985.311, Florida Statutes, is amended to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.—

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures, which professionals shall exercise all professional judgment independently of the department.

(b) Treatment provided to children in designated facilities shall be suited to the assessed needs of each individual child and shall be administered safely and humanely, with respect for human dignity.

(c) The department may promulgate rules for the implementation and operation of programs and facilities for children who are eligible for

an intensive residential treatment program for offenders less than 13 years of age. The department must involve the following groups in the promulgation of rules for services for this population: local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles. When promulgating these rules, the department must consider program principles, components, standards, procedures for intake, diagnostic and assessment activities, treatment modalities, and case management.

(d) Any provider who acts in good faith is immune from civil or criminal liability for his or her actions in connection with the assessment, treatment, or transportation of an intensive offender less than 13 years of age under the provisions of this chapter.

(e) After a child has been adjudicated delinquent pursuant to s. 985.228(5), the court shall determine whether the child is eligible for an intensive residential treatment program for offenders less than 13 years of age pursuant to s. 985.03(7). If the court determines that the child does not meet the criteria, the provisions of s. 985.231(1) shall apply.

(f) After a child has been transferred for criminal prosecution, a circuit court judge may direct *a juvenile probation officer* ~~an intake counselor or case manager~~ to consult with designated staff from an appropriate intensive residential treatment program for offenders less than 13 years of age for the purpose of making recommendations to the court regarding the child's placement in such program.

(g) Recommendations as to a child's placement in an intensive residential treatment program for offenders less than 13 years of age may be based on a preliminary screening of the child at appropriate sites, considering the child's location while court action is pending, which may include the nearest regional detention center or facility or jail.

(h) Based on the recommendations of the multidisciplinary assessment, the *juvenile probation officer* ~~intake counselor or case manager~~ shall make the following recommendations to the court:

1. For each child who has not been transferred for criminal prosecution, the *juvenile probation officer* ~~intake counselor or case manager~~ shall recommend whether placement in such program is appropriate and needed.

2. For each child who has been transferred for criminal prosecution, the *juvenile probation officer* ~~intake counselor or case manager~~ shall recommend whether the most appropriate placement for the child is a juvenile justice system program, including a child who is eligible for an intensive residential treatment program for offenders less than 13 years of age, or placement in the adult correctional system.

If treatment provided by an intensive residential treatment program for offenders less than 13 years of age is determined to be appropriate and needed and placement is available, the *juvenile probation officer* ~~intake counselor or case manager~~ and the court shall identify the appropriate intensive residential treatment program for offenders less than 13 years of age best suited to the needs of the child.

(i) The treatment and placement recommendations shall be submitted to the court for further action pursuant to this paragraph:

1. If it is recommended that placement in an intensive residential treatment program for offenders less than 13 years of age is inappropriate, the court shall make an alternative disposition pursuant to s. 985.309 or other alternative sentencing as applicable, utilizing the recommendation as a guide.

2. If it is recommended that placement in an intensive residential treatment program for offenders less than 13 years of age is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for intensive residential treatment program for offenders less than 13 years of age.

Section 24. Present subsection (4) of section 985.401, Florida Statutes, is renumbered as subsection (5) and amended, a new subsection (4) is added to that section, and present subsection (5) is renumbered as subsection (6), to read:

985.401 Juvenile Justice Advisory Board.—

(4)(a) The board shall establish and operate a comprehensive system to annually measure and report program outcomes and effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the department. The system shall include a standard methodology for interpreting the board's outcome-evaluation reports, using, where appropriate, the performance-based program budgeting measures approved by the Legislature. The methodology must include:

1. Common terminology and operational definitions for measuring the performance of system administration, program administration, program outputs, and client outcomes.

2. Program outputs for each group of programs within each level of the juvenile justice continuum and specific program outputs for each program or program type.

3. Specification of desired client outcomes and methods by which to measure client outcomes for each program operated by the department or by a provider under contract with the department.

4. Recommended annual minimum thresholds of satisfactory performance for client outcomes and program outputs.

For the purposes of this section, the term "program" or "program type" means an individual state-operated or contracted facility, site, or service delivered to at-risk or delinquent youth as prescribed in a contract, program description, or program services manual; and the term "program group" means a collection of programs or program types with sufficient similarity of function, services, and clientele to permit appropriate comparisons among programs within the program group.

(b) In developing the standard methodology, the board shall consult with the department, the Division of Economic and Demographic Research, contract service providers, and other interested parties. It is the intent of the Legislature that this effort result in consensus recommendations, and, to the greatest extent possible, integrate the goals and legislatively approved measures of performance-based program budgeting provided in chapter 94-249, Laws of Florida, the quality assurance program provided in s. 985.412, and the cost-effectiveness model provided in s. 985.404(11). The board shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to develop the methodology.

(c) The board shall annually submit its Outcome Evaluation Report to the Legislature by February 15, which must describe:

1. The methodology for interpreting outcome evaluations, including common terminology and operational definitions.

2. The recommended minimum thresholds of satisfactory performance for client outcomes and program outputs applicable to the year for which the data are reported.

3. The actual client outcomes and program outputs achieved by each program operated by the department or by a provider under contract with the department, compared with the recommended minimum thresholds of satisfactory performance for client outcomes and program outputs for the year under review. The report shall group programs or program types with similarity of function and services, and make appropriate comparisons between programs within the program group.

(d) The board shall use its evaluation research to make advisory recommendations to the Legislature, the Governor, and the department concerning the effectiveness and future funding priorities of juvenile justice programs.

(e) The board shall annually review and revise the methodology as necessary to ensure the continuing improvement and validity of the evaluation process.

(5)~~(4)~~ The board shall:

(a) Review and recommend programmatic and fiscal policies governing the operation of programs, services, and facilities for which the Department of Juvenile Justice is responsible.

(b) Monitor the development and implementation of long-range juvenile justice policies, including prevention, early intervention, diversion, adjudication, and commitment.

(c) Monitor all activities of the executive and judicial branch and their effectiveness in implementing policies pursuant to this chapter.

~~(d) Establish and operate a comprehensive system to annually measure and report program outcome and effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the department. The board shall use its evaluation research to make advisory recommendations to the Legislature, the Governor, and the department concerning the effectiveness and future funding priorities of juvenile justice programs.~~

(d)~~(e)~~ Advise the President of the Senate, the Speaker of the House of Representatives, the Governor, and the department on matters relating to this chapter.

(e)~~(f)~~ Serve as a clearinghouse to provide information and assistance to the district juvenile justice boards and county juvenile justice councils.

(f)~~(g)~~ Hold public hearings and inform the public of activities of the board and of the Department of Juvenile Justice, as appropriate.

(g)~~(h)~~ Monitor the delivery and use of services, programs, or facilities operated, funded, regulated, or licensed by the Department of Juvenile Justice for juvenile offenders or alleged juvenile offenders, and for prevention, diversion, or early intervention of delinquency, and to develop programs to educate the citizenry about such services, programs, and facilities and about the need and procedure for siting new facilities.

(h)~~(i)~~ Contract for consultants as necessary and appropriate. The board may apply for and receive grants for the purposes of conducting research and evaluation activities.

(i)~~(j)~~ Conduct such other activities as the board may determine are necessary and appropriate to monitor the effectiveness of the delivery of juvenile justice programs and services under this chapter.

(j)~~(k)~~ The board shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the secretary of the department not later than February 15 of each calendar year, summarizing the activities and reports of the board for the preceding year, and any recommendations of the board for the following year.

(6)~~(5)~~ Each state agency shall provide assistance when requested by the board. The board shall have access to all records, files, and reports that are material to its duties and that are in the custody of a school board, a law enforcement agency, a state attorney, a public defender, the court, the Department of Children and Family Services, and the department.

Section 25. Subsection (11) of section 985.404, Florida Statutes, is amended to read:

985.404 Administering the juvenile justice continuum.—

(11)*(a)* The Department of Juvenile Justice, in consultation with the Juvenile Justice Advisory Board, *the Division of Economic and Demographic Research,* and *contract service* providers, shall develop a *cost-effectiveness* ~~cost-benefit~~ model and apply the model to each commitment program. Program recommitment rates shall be a component of the model. The *cost-effectiveness* ~~cost-benefit~~ model shall compare program costs to *client outcomes and program outputs* ~~benefits~~. ~~A report ranking commitment programs based on cost-benefit shall be submitted to the appropriate substantive and appropriations committees of each house of the Legislature, no later than December 31 of each year.~~ It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the *cost-effectiveness* ~~cost-benefit~~ model *and to integrate the standard methodology developed under s. 985.401(4) for interpreting program outcome evaluations.*

(b) The department shall rank commitment programs based on the cost-effectiveness model and shall submit a report to the appropriate substantive and fiscal committees of each house of the Legislature by December 31 of each year.

(c) Based on reports of the Juvenile Justice Advisory Board on client outcomes and program outputs and on the department's most recent cost-effectiveness rankings, the department may terminate a program operated by the department or a provider if the program has failed to achieve a minimum threshold of program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under s. 985.412 or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.

(d) In collaboration with the Juvenile Justice Advisory Board, the Division of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.

(e) Contingent upon specific appropriation, the department, in consultation with the Juvenile Justice Advisory Board, the Division of Economic and Demographic Research, and contract service providers, shall:

1. Construct a profile of each commitment program which uses the results of the quality assurance report required by s. 985.412, the outcome-evaluation report compiled by the Juvenile Justice Advisory Board under s. 985.401, the cost-effectiveness report required in this subsection, and other reports available to the department.

2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1.

3. Identify the essential factors that contribute to the high, low, or disparate program ratings.

4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, client outcomes and program outputs, provider contracts, quality assurance standards, and the cost-effectiveness model.

Section 26. Paragraph (a) of subsection (2) of section 985.406, Florida Statutes, is amended to read:

985.406 Juvenile justice training academies established; Juvenile Justice Standards and Training Commission created; Juvenile Justice Training Trust Fund created.—

(2) JUVENILE JUSTICE STANDARDS AND TRAINING COMMISSION.—

(a) There is created under the Department of Juvenile Justice the Juvenile Justice Standards and Training Commission, hereinafter referred to as the commission. The 17-member commission shall consist of the Attorney General or designee, the Commissioner of Education or designee, a member of the juvenile court judiciary to be appointed by the Chief Justice of the Supreme Court, and 14 members to be appointed by the Secretary of Juvenile Justice as follows:

1. Seven members shall be juvenile justice professionals: a superintendent or a direct care staff member from an institution; a director from a contracted community-based program; a superintendent and a direct care staff member from a regional detention center or facility; a *juvenile probation officer supervisor and a juvenile probation officer* ~~community control counselor~~; and a director of a day treatment or aftercare program. No fewer than three of these members shall be contract providers.

2. Two members shall be representatives of local law enforcement agencies.

3. One member shall be an educator from the state's university and community college program of criminology, criminal justice administration, social work, psychology, sociology, or other field of study pertinent to the training of juvenile justice program staff.

4. One member shall be a member of the public.

5. One member shall be a state attorney, or assistant *state* attorney, who has juvenile court experience.

6. One member shall be a public defender, or assistant public defender, who has juvenile court experience.

7. One member shall be a representative of the business community.

All appointed members shall be appointed to serve terms of 2 years.

Section 27. Subsection (5) of section 985.41, Florida Statutes, is amended to read:

985.41 Siting of facilities; study; criteria.—

(5) When the department *or a contracted provider* proposes a site for a *juvenile justice* ~~state~~ facility, *the department or provider* ~~it~~ shall request that the local government having jurisdiction over such proposed site determine whether or not the proposed site is *appropriate for public use under* ~~in compliance with~~ local government comprehensive plans, local land use ordinances, local zoning ordinances or regulations, and other local ordinances in effect at the time of such request. If no such determination is made within 90 days after the request, it shall be presumed that the proposed site is in compliance with such plans, ordinances, or regulations.

Section 28. Paragraph (c) of subsection (1) of section 985.412, Florida Statutes, is amended to read:

985.412 Quality assurance.—

(1)

(c) The department shall:

1. Establish a comprehensive quality assurance system for each program operated by the department or operated by a provider under contract with the department. Each contract entered into by the department must provide for quality assurance.

2. Provide operational definitions of and criteria for quality assurance for each specific program component.

3. Establish quality assurance goals and objectives for each specific program component.

4. Establish the information and specific data elements required for the quality assurance program.

5. Develop a quality assurance manual of specific, standardized terminology and procedures to be followed by each program.

6. Evaluate each program operated by *the department or* a provider under a contract with the department and establish minimum thresholds for each program component. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the canceled service for a period of 12 months. *If a department-operated program fails to meet the established minimum thresholds, the department must take necessary and sufficient steps to ensure and document program changes to achieve compliance with the established minimum thresholds. If the department-operated program fails to achieve compliance with the established minimum thresholds within 6 months and if there are no documented extenuating circumstances, the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to:*

a. Contracting out for the services provided in the program;

b. Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the programs failure to meet established minimum thresholds;

c. Redesigning the program; or

d. Realigning the program.

The department shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than February 1 of each year. The annual report must contain, at a minimum, for each specific program component: a comprehensive description of the population served by the program; a specific description of the services provided by the program; cost; a comparison of expenditures to federal and state funding; immediate and long-range concerns; and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The *department* ~~department's inspector general~~ shall ensure the reliability and validity of the information contained in the report.

Section 29. For the purpose of incorporating the amendment to section 985.412, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 985.315, Florida Statutes, is reenacted to read:

985.315 Vocational/work training programs.—

(4)

(b) Evaluations of juvenile work programs shall be conducted according to the following guidelines:

1. Systematic evaluations and quality assurance monitoring shall be implemented, in accordance with ss. 985.401(4) and 985.412(1), to determine whether the juvenile vocational work programs are related to successful postrelease adjustments.

2. Operations and policies of work programs shall be reevaluated to determine if they are consistent with their primary objectives.

Section 30. Paragraph (b) of subsection (3) of section 985.413, Florida Statutes, is amended to read:

985.413 District juvenile justice boards.—

(3) DISTRICT JUVENILE JUSTICE BOARDS.—

(b)1.a. The authority to appoint members to district juvenile justice boards, and the size of each board, is as follows:

(I) District 1 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Escambia County, 6 members; Okaloosa County, 3 members; Santa Rosa County, 2 members; and Walton County, 1 member.

(II) District 2 is to have a board composed of 18 members, to be appointed by the juvenile justice councils in the respective counties, as follows: Holmes County, 1 member; Washington County, 1 member; Bay County, 2 members; Jackson County, 1 member; Calhoun County, 1 member; Gulf County, 1 member; Gadsden County, 1 member; Franklin County, 1 member; Liberty County, 1 member; Leon County, 4 members; Wakulla County, 1 member; Jefferson County, 1 member; Madison County, 1 member; and Taylor County, 1 member.

(III) District 3 is to have a board composed of 15 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Hamilton County, 1 member; Suwannee County, 1 member; Lafayette County, 1 member; Dixie County, 1 member; Columbia County, 1 member; Gilchrist County, 1 member; Levy County, 1 member; Union County, 1 member; Bradford County, 1 member; Putnam County, 1 member; and Alachua County, 5 members.

(IV) District 4 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Baker County, 1 member; Nassau County, 1 member; Duval County, 7 members; Clay County, 2 members; and St. Johns County, 1 member.

(V) District 5 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Pasco County, 3 members; and Pinellas County, 9 members.

(VI) District 6 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Hillsborough County, 9 members; and Manatee County, 3 members.

(VII) District 7 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Seminole County, 3 members; Orange County, 5 members; Osceola County, 1 member; and Brevard County, 3 members.

(VIII) District 8 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as

follows: Sarasota County, 3 members; DeSoto County, 1 member; Charlotte County, 1 member; Lee County, 3 members; Glades County, 1 member; Hendry County, 1 member; and Collier County, 2 members.

(IX) District 9 is to have a board composed of 12 members, to be appointed by the juvenile justice council of Palm Beach County.

(X) District 10 is to have a board composed of 12 members, to be appointed by the juvenile justice council of Broward County.

(XI) District 11 is to have a juvenile justice board composed of 12 members to be appointed by the juvenile justice council in the respective counties, as follows: Dade County, 6 members and Monroe County, 6 members.

(XII) District 12 is to have a board composed of 12 members, to be appointed by the juvenile justice council of the respective counties, as follows: Flagler County, 3 members; and Volusia County, 9 members.

(XIII) District 13 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Marion County, 4 members; Citrus County, 2 members; Hernando County, 2 members; Sumter County, 1 member; and Lake County, 3 members.

(XIV) District 14 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Polk County, 9 members; Highlands County, 2 members; and Hardee County, 1 member.

(XV) District 15 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Indian River County, 3 members; Okeechobee County, 1 member; St. Lucie County, 5 members; and Martin County, 3 members.

The district health and human services board in each district may appoint one of its members to serve as an ex officio member of the district juvenile justice board established under this sub-subparagraph.

b. In any judicial circuit where a juvenile delinquency and gang prevention council exists on the date this act becomes law, and where the circuit and district or subdistrict boundaries are identical, such council shall become the district juvenile justice board, and shall thereafter have the purposes and exercise the authority and responsibilities provided in this section.

2. At any time after the adoption of initial bylaws pursuant to paragraph (c), a district juvenile justice board may adopt a bylaw to enlarge the size, by no more than three members, and composition of the board to adequately reflect the diversity of the population and community organizations in the district.

3. All appointments shall be for 2-year terms. Appointments to fill vacancies created by death, resignation, or removal of a member are for the unexpired term. A member may not serve more than *three* ~~two~~ full consecutive terms~~; however, this limitation does not apply in any district in which a juvenile delinquency and gang prevention council that existed on May 7, 1993, became the district juvenile justice board~~.

4. A member who is absent for three meetings within any 12-month period, without having been excused by the chair, is deemed to have resigned, and the board shall immediately declare the seat vacant. Members may be suspended or removed for cause by a majority vote of the board members or by the Governor.

5. Members are subject to the provisions of chapter 112, part III, Code of Ethics for Public Officers and Employees.

(4) DISTRICT JUVENILE JUSTICE PLAN; PROGRAMS.—

(a) A district juvenile justice plan is authorized in each district or any subdivision of the district authorized by the district juvenile justice board for the purpose of reducing delinquent acts, juvenile arrests, and gang activity. Juvenile justice programs under such plan may be administered by the Department of Juvenile Justice; the district school board; a local law enforcement agency; or any other public or private entity, in cooperation with appropriate state or local governmental entities and public and private agencies. A juvenile justice program under this section may be planned, implemented, and conducted in any district pursuant to a proposal developed and approved as specified in s. 985.415.

Section 31. Paragraph (b) of subsection (2) of section 985.414, Florida Statutes, is amended to read:

985.414 County juvenile justice councils.—

(2)

(b) The duties and responsibilities of a county juvenile justice council include, but are not limited to:

1. Developing a county juvenile justice plan based upon utilization of the resources of law enforcement, the school system, the Department of Juvenile Justice, the Department of Children and Family Services, and others in a cooperative and collaborative manner to prevent or discourage juvenile crime and develop meaningful alternatives to school suspensions and expulsions.

2. Entering into a written county interagency agreement specifying the nature and extent of contributions each signatory agency will make in achieving the goals of the county juvenile justice plan and their commitment to the sharing of information useful in carrying out the goals of the interagency agreement to the extent authorized by law. *The interagency agreement must include as parties, at a minimum, local school authorities or representatives, local law enforcement agencies, state attorneys, public defenders, and local representatives of the Department of Juvenile Justice and the Department of Children and Family Services. The agreement must specify how community entities will cooperate, collaborate, and share information to achieve the goals of the county juvenile justice plan.*

3. Applying for and receiving public or private grants, to be administered by one of the community partners, that support one or more components of the county juvenile justice plan.

4. Designating the county representatives to the district juvenile justice board pursuant to s. 985.413.

5. Providing a forum for the presentation of interagency recommendations and the resolution of disagreements relating to the contents of the county interagency agreement or the performance by the parties of their respective obligations under the agreement.

6. Assisting and directing the efforts of local community support organizations and volunteer groups in providing enrichment programs and other support services for clients of local juvenile detention centers.

7. Providing an annual report and recommendations to the district juvenile justice board, the Juvenile Justice Advisory Board, and the district juvenile justice manager.

Section 32. Paragraphs (a) and (b) of subsection (1) of section 985.415, Florida Statutes, are amended to read:

985.415 Community Juvenile Justice Partnership Grants.—

(1) GRANTS; CRITERIA.—

(a) In order to encourage the development of county and district juvenile justice plans and the development and implementation of county and district interagency agreements *pursuant to ss. 985.413 and 985.414,* ~~among representatives of the Department of Juvenile Justice, the Department of Children and Family Services, law enforcement, and school authorities,~~ the community juvenile justice partnership grant program is established, *and* ~~which program~~ shall be administered by the Department of Juvenile Justice.

(b) The department shall only consider applications which at a minimum provide for the following:

1. The participation of the *agencies and programs needed to implement the project or program for which the applicant is applying* ~~local school authorities, local law enforcement, and local representatives of the Department of Juvenile Justice and the Department of Children and Family Services pursuant to a written interagency partnership agreement. Such agreement must specify how community entities will cooperate, collaborate, and share information in furtherance of the goals of the district and county juvenile justice plan~~; and

2. The reduction of truancy and in-school and out-of-school suspensions and expulsions, and the enhancement of school safety.

Section 33. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 4, line 10 remove the entire title of the bill: and insert in lieu thereof: An act relating to juvenile justice; amending s. 938.17, F.S., relating to court costs and assessments for county delinquency prevention; providing for reference to "juvenile assessment centers" instead of "juvenile justice assessment centers" to conform to changes made by the act; conforming a cross reference; amending s. 938.19, F.S., authorizing the assessment of certain fees for operating and administering a teen court, notwithstanding certain contrary provisions; amending s. 943.053, F.S.; permitting the Department of Juvenile Justice or any other state or local criminal justice agency to provide copies of criminal history records for certain juvenile offenders, employees, and other individuals with access to a contracted juvenile assessment center or detention facility or contracted treatment program to the entity under direct contract with the department to operate the facilities or programs; providing for assessment of a charge by the criminal justice agency; providing guidelines for use and dissemination of the information; amending and renumbering s. 944.401, F.S., relating to escapes from secure detention or residential commitment facility; providing that escape from lawful transportation to or from a secure detention facility or residential commitment facility is a third degree felony; providing penalties; conforming references and terminology; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart; conforming a reference to changes made by the act; amending s. 984.03, F.S.; redefining "habitual truant" with respect to ch. 984, F.S., relating to children and families in need of services; defining "juvenile probation officer," in lieu of "intake counselor" or "case manager," with respect to ch. 984, F.S.; amending s. 985.03, F.S.; redefining "habitually truant," "intake," "restrictiveness level," and "temporary release"; defining "juvenile probation officer"; conforming terminology and references to changes made by the act; amending s. 985.207, F.S., relating to taking a child into custody; substituting references to "juvenile probation officer" for reference to "intake counselor" or "case manager"; conforming terminology to changes made by the act; amending s. 985.208, F.S., relating to detention of furloughed child or escapee on authority of the department; substituting reference to "juvenile probation officer" for reference to "intake counselor" or "case manager"; conforming terminology to changes made by the act; amending s. 985.209, F.S., relating to juvenile justice assessment centers; removing provisions relating to such centers; providing for designation and operation of juvenile assessment centers in lieu of juvenile justice assessment centers; providing a definition; providing responsibilities of juvenile assessment centers as community-operated facilities and programs for provision of central intake and screening services to youth referred to the Department of Juvenile Justice; providing responsibilities of the department, law enforcement agencies, substance abuse programs, mental health providers, health service providers, state attorneys, public defenders, schools, and other agencies serving youth with respect to establishment of juvenile assessment centers; providing for development and modification of centers through local initiative of community agencies and local governments; providing for management of centers by advisory committees; providing for interagency agreements and information sharing among participating agencies; permitting the department to utilize centers for purposes of performing assessments and evaluations on youth awaiting placement in a residential commitment program; providing for transportation of youth from juvenile detention centers to the centers; if feasible, for the assessment and evaluation; providing for family involvement in assessment and evaluation; requiring inclusion of assessment and evaluation information in the youth's commitment packet; amending s. 985.21, F.S., relating to intake and case management; substituting references to "juvenile probation officer" for references to "intake counselor" or "case manager"; conforming provisions to changes made by the act; amending s. 985.211, F.S., relating to release or delivery from custody; substituting references to "juvenile probation officer" for references to "intake counsel" or "case manager"; conforming provisions to changes made by the act; amending s. 985.215, F.S.; providing that a child held in secure detention awaiting dispositional placement must meet detention admission criteria; removing requirement for court order authorizing continued detention under specified circumstances when the child is committed to a low-risk residential program; substituting references to "juvenile probation officer" for references to "intake counselor" or "case manager"; conforming provisions to changes made by the act; amending s. 985.231, F.S., relating to powers of disposition in delinquency cases; conforming a reference and terminology; amending s. 985.216, F.S.; providing that a child found in contempt of court may be held only in a secured detention facility; amending s. 985.223, F.S., relating to incompetency in juvenile delinquency cases; removing a provision restricting the applicability of s. 985.223, F.S., to certain delinquency cases involving a delinquent act or violation of law that would be a felony if committed by an adult; requiring service of a motion questioning the child's competency to proceed, and service of subsequent motions, notices of hearing, orders, or other pleadings, upon specified counsel for the child, the state, the Department of Juvenile Justice, and the Department of Children and Family Services; providing for participation of both departments as parties to the litigation pertaining to competency, under specified circumstances; requiring specific statement of the basis for a determination of incompetency in the evaluation made by court-appointed experts; providing for fees of experts; providing for reimbursements of state employees for expenses; providing for taxing of fees as costs in the case; requiring inclusion of specific written findings in the court order determining incompetency; prescribing duties of the clerk of court and guidelines relating to notification of the order to the Department of Children and Family Services and delivery of a referral packet; prescribing duties of the Department of Children and Family Services and guidelines relating to treatment plans for the child's restoration of competency; requiring commitment for treatment or training to the Department of Children and Family Services of a child who is mentally ill or retarded, is adjudicated incompetent to proceed, and has committed a delinquent act or violation of law constituting a felony if committed by an adult; prohibiting such commitment to the Department of Juvenile Justice or Department of Children and Family Services of a child adjudicated incompetent to proceed under specified circumstances; requiring court determination of whether the child found mentally ill or retarded and adjudicated incompetent to proceed meets the criteria for secure placement; permitting placement of the child in a secure facility or program if the court finds by clear and convincing evidence that the child meets specified criteria; requiring the commitment of a child to the Department of Children and Family Services and requiring treatment or training of the child by the department in a secure facility or program, or in the community, under specified circumstances; requiring placements of such children to be separate from adult forensic programs; providing for transfer of custody of such children who attain competency; prescribing duties of the Department of Juvenile Justice relating to transportation of a child placed in or discharged from a secure residential facility; providing that the purpose of the treatment or training is the restoration of the child's competency to proceed; conforming terminology to changes made by the act; providing duties of service providers and guidelines and time limits relating to reports and provision of services; prescribing duties of the Department of Children and Family Services and guidelines relating to discharge plans; providing for court orders as appropriate in certain cases for the instituting of proceedings under ch. 393, F.S., relating to developmental disabilities prevention and community services, or ch. 394, F.S., relating to mental health and Baker Act proceedings; requiring provision of court-ordered competency restoration services by the Department of Children and Family Services; amending ss. 985.226, 985.23, 985.301, and 985.304, F.S., relating to transfer of child for prosecution as an adult, disposition hearings in delinquency cases, civil citation, and community arbitration, respectively; substituting references to "juvenile probation officer" for references to "intake counselor" or "case manager"; conforming provisions to changes made by the act; amending s. 985.307, F.S., relating to juvenile assignment centers; extending the expiration date for said section to July 1, 2000; removing a restriction upon operation of a juvenile assignment center by the department; permitting instead of requiring conversion of certain centers under specified circumstances; amending ss. 985.31 and 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; substituting references to "juvenile probation officer" for references to "intake counselor" or "case manager"; conforming provisions to changes made by the act; amending s. 985.401, F.S.; requiring the Juvenile Justice Advisory Board to develop a standard methodology for interpreting outcome-evaluation reports; specifying information to be included; requiring the board to consult with other agencies, providers, and interested parties; requiring the board to report to the Legislature; amending s. 985.404, F.S.; requiring the Department of Juvenile Justice and other agencies to develop a cost-effectiveness model for each commitment program; requiring the department to rank programs and report to the Legislature; authorizing the department to terminate a program that fails to achieve a minimum threshold of effectiveness; requiring that the cost-effectiveness model be consistent with certain requirements for performance-based budgeting; requiring the department to conduct certain evaluations of commitment programs and

identify the factors that contribute to various program ratings; amending s. 985.406, F.S., relating to juvenile justice training academies and Juvenile Justice Standards and Training Commission; revising membership qualifications for the commission; eliminating requirement for member who is a community control counselor; providing for membership of a juvenile probation officer supervisor and a juvenile probation officer; conforming terminology; amending s. 985.41, F.S.; requiring a determination whether a proposed site for a juvenile justice facility is appropriate for public use under local government plans and ordinances; amending s. 985.412, F.S., relating to quality assurance; requiring evaluation of each program operated by the department; requiring program changes and notification to the Executive Office of the Governor and Legislature of corrective action, under specified circumstances when a department-operated program fails to meet established minimum thresholds; providing for appropriate corrective action, including disciplinary action against employees under specified circumstances; providing for the Department of Juvenile Justice to ensure the reliability of the annual report; reenacting s. 985.315(4)(b), F.S., relating to vocational/work training programs to incorporate said amendment in a reference; amending s. 985.413, F.S.; increasing the maximum number of terms for district juvenile justice board members; removing an exception to the limitation upon the number of terms of members; amending s. 985.414, F.S.; requiring certain participants in interagency agreements for the development of county juvenile justice plans; revising requirements for contents of the agreements; amending s. 985.415, F.S.; revising requirements for applications for community juvenile justice partnership grants; conforming references and terminology; providing an effective date.

House Amendment 1 to House Amendment 1—On page 19, line 16 after "*pre-*", remove from the amendment: *and post-*

On motion by Senator Gutman, the Senate concurred in the House amendment.

CS for CS for SB 2288 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) to CS for HB 3327 and requests the Senate to recede.

John B. Phelps, Clerk

CS for HB 3327—A bill to be entitled An act relating to sexual predators; creating the "Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act"; creating s. 916.30, F.S.; providing findings and intent; creating s. 916.31, F.S.; providing definitions; creating s. 916.32, F.S.; requiring certain notice to the state attorney of anticipated release of specified persons who may meet the criteria for a sexually violent predator; requiring provision of certain records and information by the agency with jurisdiction to the state attorney; providing certain immunity from liability of the agency with jurisdiction, the state attorney, and their employees and service providers; creating s. 916.33, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.34, F.S.; providing for determination of probable cause and taking respondent into custody; providing for transfer of the respondent to a secure facility for evaluation under specified circumstances when the court finds probable cause to believe that the respondent is a sexually violent predator; creating s. 916.35, F.S.; providing for trial on the issue of whether a person is a sexually violent predator; creating s. 916.36, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.37, F.S.; requiring annual examination of persons committed; creating s. 916.38, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; providing that the Department of Children and Family Services is responsible for specified evaluation and treatment costs; providing for reimbursement; providing for court orders for certain disclosures to the department by the committed person of income and assets; providing for imposition and assessment of certain financial liabilities for payment of daily subsistence and treatment costs based on specified criteria; providing for notice and contest of the assessment; providing for survival of the order directing payment against the person's estate; creating s. 916.41, F.S.; providing for notice to victims; creating s. 916.42, F.S.; providing severability; creating s. 916.43, F.S.; providing for access to certain records; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Gutman, the Senate reconsidered the vote by which **CS for HB 3327** as amended passed April 24.

On motion by Senator Gutman, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 3327** was read the third time.

On motion by Senator Gutman, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senators Gutman and Klein offered the following substitute amendment which was moved by Senator Gutman and adopted:

Amendment 2 (with title amendment)—On page 3, line 30 through page 16, line 31, delete those lines and insert:

916.31 Legislative findings and intent.—The Legislature finds that a small but extremely dangerous number of sexually violent predators exist who do not have a mental disease or defect that renders them appropriate for involuntary treatment under the Baker Act, ss. 394.451-394.4789, which is intended to provide short-term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment under the Baker Act, sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities and those features render them likely to engage in criminal, sexually violent behavior. The Legislature further finds that the likelihood of sexually violent predators engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment procedures under the Baker Act for the treatment and care of mentally ill persons are inadequate to address the risk these sexually violent predators pose to society. The Legislature further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different than the traditional treatment modalities for people appropriate for commitment under the Baker Act. It is therefore the intent of the Legislature to create a civil commitment procedure for the long-term care and treatment of sexually violent predators.

Section 5. Section 916.32, Florida Statutes, is created to read:

916.32 Definitions.—As used in ss. 916.30-916.49, the term:

(1) "Agency with jurisdiction" means the agency that releases, upon lawful order or authority, a person serving a sentence in the custody of the Department of Corrections, a person adjudicated delinquent and committed to the custody of the Department of Juvenile Justice or a person who was involuntarily committed to the custody of the Department of Children and Family Services upon an adjudication of not guilty by reason of insanity.

(2) "Convicted of a sexually violent offense" means a person who has been:

(a) Adjudicated guilty of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere;

(b) Adjudicated not guilty by reason of insanity of a sexually violent offense; or

(c) Adjudicated delinquent of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere.

(3) "Department" means the Department of Children and Family Services.

(4) "Likely to engage in acts of sexual violence" means the person's propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(5) "Mental abnormality" means a mental condition affecting a person's emotional or volitional capacity which predisposes the person to commit sexually violent offenses.

(6) "Person" means an individual 18 years of age or older who is a potential or actual subject of proceedings under ss. 916.30-916.49.

(7) "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for sexual gratification.

(8) "Sexually violent offense" means:

(a) Murder of a human being while engaged in sexual battery in violation of s. 782.04(1)(a)2.;

(b) Kidnapping of a child under the age of 16 and, in the course of that offense, committing:

1. Sexual battery; or

2. A lewd, lascivious, or indecent assault or act upon or in the presence of the child;

(c) Committing the offense of false imprisonment upon a child under the age of 16 and, in the course of that offense, committing:

1. Sexual battery; or

2. A lewd, lascivious or indecent assault or act upon or in the presence of the child;

(d) Sexual battery in violation of s. 794.011;

(e) Lewd, lascivious, or indecent assault or act upon or in presence of the child in violation of s. 800.04;

(f) An attempt, criminal solicitation, or conspiracy, in violation of s. 777.04, of a sexually violent offense;

(g) Any conviction for a felony offense in effect at any time before October 1, 1998, which is comparable to a sexually violent offense under paragraphs (a)-(f) or any federal conviction or conviction in another state for a felony offense that in this state would be a sexually violent offense; or

(h) Any criminal act that, either at the time of sentencing for the offense or subsequently during civil commitment proceedings under ss. 916.30-916.49, has been determined beyond a reasonable doubt to have been sexually motivated.

(9) "Sexually violent predator" means any person who:

(a) Has been convicted of a sexually violent offense; and

(b) Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.

(10) "Total confinement" means that the person is currently being held in any physically secure facility being operated or contractually operated for the Department of Corrections, the Department of Juvenile Justice, or the Department of Children and Family Services.

Section 6. Section 916.33, Florida Statutes, is created to read:

916.33 Notice to state attorney and multidisciplinary team of release of sexually violent predator; establishing multidisciplinary team.—

(1) The agency with jurisdiction over a person who has been convicted of a sexually violent offense shall give written notice to the multidisciplinary team, and a copy to the state attorney of the circuit where that person was last convicted of a sexually violent offense, 180 days or, in the case of an adjudicated committed delinquent, 90 days before:

(a) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense, except that in the case of persons who have been returned to confinement for no more than 90 days, written notice must be given as soon as practicable following the person's return to confinement; or

(b) The anticipated hearing regarding possible release of a person who has been found not guilty by reason of insanity or mental incapacity of a sexually violent offense.

(2) The agency with jurisdiction shall provide the multidisciplinary team with the following information:

(a) The person's name; identifying characteristics; anticipated future residence; the type of supervision the person will receive in the community, if any; and the person's offense history; and

(b) Documentation of institutional adjustment and any treatment received and, in the case of an adjudicated delinquent committed to the Department of Juvenile Justice, copies of the most recent performance plan and performance summary.

The provisions of this section are not jurisdictional, and failure to comply with them in no way prevents the state attorney from proceeding against a person otherwise subject to the provisions of ss. 916.30-916.49.

(3) The Secretary of Children and Family Services shall establish a multidisciplinary team, which shall include two licensed psychiatrists or psychologists, or one licensed psychiatrist and one licensed psychologist, designated by the Secretary of Children and Family Services. The Attorney General's Office shall serve as legal counsel to the multidisciplinary team. The team, within 45 days after receiving notice, shall assess whether the person meets the definition of a sexually violent predator and provide the state attorney with its written assessment and recommendation.

Section 7. Section 916.34, Florida Statutes, is created to read:

916.34 Petition; time; contents.—Following receipt of the written assessment and recommendation from the multidisciplinary team, the state attorney in the judicial circuit where the person committed the sexually violent offense may file a petition with the circuit court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation.

Section 8. Section 916.35, Florida Statutes, is created to read:

916.35 Determination of probable cause; hearing; evaluation; respondent taken into custody; bail.—

(1) When the state attorney files a petition seeking to have a person declared a sexually violent predator, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If the judge determines that there is probable cause to believe that the person is a sexually violent predator, the judge shall direct that the person be taken into custody and held in an appropriate secure facility.

(2) Before the release from custody of a person whom the multidisciplinary team recommends for civil commitment, but after the state attorney files a petition under s. 916.33, the state attorney may further petition the court for an adversarial probable cause hearing. The person shall be provided with notice of, and an opportunity to appear in person at, an adversary hearing. At this hearing, the judge shall:

(a) Receive evidence and hear argument from the person and the state attorney; and

(b) Determine whether probable cause exists to believe that the person is a sexually violent predator.

(3) At the probable cause hearing, the person has the right to:

(a) Be represented by counsel;

(b) Present evidence;

(c) Cross-examine any witnesses who testify against the person; and

(d) View and copy all petitions and reports in the court file.

(4) If the court again concludes that there is probable cause to believe that the person is a sexually violent predator, the court shall direct that the person be held in an appropriate secure facility in the county where the petition was filed for an evaluation by a mental health professional.

(5) After a court finds probable cause to believe that the person is a sexually violent predator, the person must be held in custody in a secure facility without opportunity for pretrial release or release during the trial proceedings.

Section 9. Section 916.36, Florida Statutes, is created to read:

916.36 Trial; counsel and experts; indigent persons; jury.—

(1) Within 30 days after the determination of probable cause, the court shall conduct a trial to determine whether the person is a sexually violent predator.

(2) The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the interests of justice, when the person will not be substantially prejudiced.

(3) At all adversarial proceedings under this act, the person subject to this act is entitled to the assistance of counsel, and, if the person is indigent, the court shall appoint the public defender or, if a conflict exists, other counsel to assist the person.

(4) If the person is subjected to a mental health examination under this chapter, the person also may retain experts or mental health professionals to perform an examination. If the person wishes to be examined by a professional of the person's own choice, the examiner must be provided reasonable access to the person, as well as to all relevant medical and mental health records and reports. In the case of a person who is indigent, the court, upon the person's request, shall determine whether such an examination is necessary. If the court determines that an examination is necessary, the court shall appoint a mental health professional and determine the reasonable compensation for the professional's services.

(5) The person or the state attorney has the right to demand that the trial be before a jury. A demand for a jury trial must be filed, in writing, at least 5 days before the trial. If no demand is made, the trial shall be to the court.

Section 10. Section 916.37, Florida Statutes, is created to read:

916.37 Determination; commitment procedure; mistrials; housing.—

(1) The court or jury shall determine by clear and convincing evidence whether the person is a sexually violent predator. If the determination is made by a jury, the decision must be unanimous. If a majority of the jury finds that the person is a sexually violent predator, but the decision is not unanimous, the state attorney may refile the petition and proceed according to the provisions of ss. 916.30-916.49. Any retrial must occur within 90 days after the previous trial, unless the subsequent proceeding is continued in accordance with s. 916.36(2). The determination that a person is a sexually violent predator may be appealed.

(2) If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the Department of Children and Family Services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that it is safe for the person to be at large. At all times, sexually violent predators who are committed for control, care, and treatment by the Department of Children and Family Services under this section shall be kept in a secure facility segregated from patients who are not committed under this section.

Section 11. Section 916.38, Florida Statutes, is created to read:

916.38 Examinations.—

(1) A person committed under ss. 916.30-916.49 shall have an examination of his or her mental condition once every year or more frequently at the court's discretion. The person may retain or, if the person is indigent and so requests, the court may appoint, a qualified professional to examine the person. Such a professional shall have access to all records concerning the person. The results of the examination shall be provided to the court that committed the person under ss. 916.30-916.49. Upon receipt of the report, the court shall conduct a review of the person's status.

(2) The department shall provide the person with annual written notice of the person's right to petition the court for release over the objection of the director of the facility where the person is housed. The notice must contain a waiver of rights. The director of the facility shall forward the notice and waiver form to the court.

(3) The court shall hold a limited hearing to determine whether there is probable cause to believe that the person's condition has so changed that it is safe for the person to be at large and that the person will not engage in acts of sexual violence if discharged. The person has the right to be represented by counsel at the probable cause hearing, but the person is not entitled to be present. If the court determines that there is probable cause to believe it is safe to release the person, the court shall set a trial before the court on the issue.

(4) At the trial before the court, the person is entitled to be present and is entitled to the benefit of all constitutional protections afforded the person at the initial trial, except for the right to a jury. The state attorney shall represent the state and has the right to have the person examined by professionals chosen by the state. At the hearing the state bears the burden of proving, by clear and convincing evidence, that the person's mental condition remains such that it is not safe for the person to be at large and that, if released, the person is likely to engage in acts of sexual violence.

Section 12. Section 916.39, Florida Statutes, is created to read:

916.39 Authorized petition for release; procedure.—

(1) If the Secretary of Children and Family Services or the secretary's designee at any time determines that the person is not likely to commit acts of sexual violence if conditionally discharged, the secretary or the secretary's designee shall authorize the person to petition the court for release. The petition shall be served upon the court and the state attorney. The court, upon receipt of such a petition, shall order a trial before the court within 30 days, unless continued for good cause.

(2) The state attorney shall represent the state, and has the right to have the person examined by professionals of the state attorney's choice. The state bears the burden of proving, by clear and convincing evidence, that the person's mental condition remains such that it is not safe for the person to be at large and that, if released, the person is likely to engage in acts of sexual violence.

Section 13. Section 916.40, Florida Statutes, is created to read:

916.40 Petition for release.—Sections 916.30-916.49 do not prohibit a person from filing a petition for discharge at any time. However, if the person has previously filed such a petition without the approval of the Secretary of Children and Family Services or the secretary's designee and the court determined that the petition was without merit, a subsequent petition shall be denied unless the petition contains facts upon which a court could find that the person's condition has so changed that a probable-cause hearing is warranted.

Section 14. Section 916.41, Florida Statutes, is created to read:

916.41 Release of records to state attorney.—

(1) In order to protect the public, relevant information and records that are otherwise confidential or privileged shall be released to the agency having jurisdiction or to the state attorney for the purpose of meeting the notice requirements of ss. 916.30-916.49 and determining whether a person is or continues to be a sexually violent predator.

(2) Psychological or psychiatric reports, drug and alcohol reports, treatment records, medical records, or victim impact statements that have been submitted to the court or admitted into evidence under ss. 916.30-916.49 shall be part of the record, but shall be sealed and may be opened only pursuant to a court order.

Section 15. Section 916.42, Florida Statutes, is created to read:

916.42 Constitutional requirements.—The long-term control, care, and treatment of a person committed under ss. 916.30-916.49 must conform to constitutional requirements.

Section 16. Section 916.43, Florida Statutes, is created to read:

916.43 Immunity from civil liability.—The agency with jurisdiction and its officers and employees; the department and its officers and employees; members of the multidisciplinary team; the state attorney and the state attorney's employees; and those involved in the evaluation, care, and treatment of sexually violent persons committed under ss. 916.30-916.49, are immune from any civil liability for good-faith conduct under ss. 916.30-916.49.

Section 17. Section 916.44, Florida Statutes, is created to read:

916.44 Severability.—If any section, subsection, or provision of ss. 916.30-916.49 is held to be unconstitutional or invalid by a court of competent jurisdiction, the remaining portions of ss. 916.30-916.49 shall be unaffected because the Legislature declares that the provisions of ss. 916.30-916.49 are severable from each other.

Section 18. Section 916.45, Florida Statutes, is created to read:

916.45 Applicability of act.—Sections 916.30-916.49 apply to all persons currently in custody who have been convicted of a sexually violent offense, as that term is defined in s. 916.32(8), as well as to all persons convicted of a sexually violent offense in the future.

Section 19. Section 916.46, Florida Statutes, is created to read:

916.46 Notice to victims of release of persons committed as sexually violent predators.—As soon as is practicable, the department shall give written notice of the release of a person committed as a sexually violent predator to any victim of the committed person who is alive and whose address is known to the department or, if the victim is deceased, to the victim's family, if the family's address is known to the department. Failure to notify is not a reason for postponement of release. This section does not create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to ss. 916.30-916.49.

Section 20. Section 916.47, Florida Statutes, is created to read:

916.47 Escape while in lawful custody.—A person who is held in lawful custody pursuant to a judicial finding of probable cause under s. 916.35 or pursuant to a commitment as a sexually violent predator under s. 916.36 and who escapes or attempts to escape while in such custody commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 21. Section 916.48, Florida Statutes, is created to read:

916.48 Subsistence fees and costs of treatment.—

(1) In recognition of the fact that persons committed under ss. 916.30-916.49 may have sources of income and assets, which may include bank accounts, inheritances, real estate, social security payments, veteran's payments, and other types of financial resources, and in recognition of the fact that the daily subsistence cost and costs of treatment of persons committed under ss. 916.30-916.49 are a burden on the taxpayers of the state, each person so committed shall:

(a) Upon order of the court committing the person, disclose all revenue or assets to the department.

(b) Pay from such income and assets, except where such income is exempt by state or federal law, all or a fair portion of the person's daily subsistence and treatment costs, based upon the person's ability to pay, the liability or potential liability of the person to the victim or the guardian or the estate of the victim, and the needs of his or her dependents.

(2)(a) Any person who is directed to pay all or a fair portion of daily subsistence and treatment costs is entitled to reasonable advance notice of the assessment and shall be afforded an opportunity to present reasons for opposition to the assessment.

(b) An order directing payment of all or a fair portion of a person's daily subsistence costs may survive against the estate of the person.

Section 22. Section 916.49, Florida Statutes, is created to read:

916.49 Department of Children and Family Services responsible for costs.—The Department of Children and Family Services is responsible for all costs relating to the evaluation and treatment of persons committed to the department's custody as sexually violent predators. A county is not obligated to fund costs for psychological examinations, expert witnesses, court-appointed counsel, or other costs required by ss. 916.30-916.49. Other costs for psychological examinations, expert witnesses, and court-appointed counsel required by ss. 916.30-916.49 shall be paid from state funds appropriated by general law.

Section 23. *The Department of Children and Family Services may contract with a private entity or state agency for use of and operations of facilities to comply with the requirements of this act. The Department of Children and Family Services may also contract with the Correctional Privatization Commission as defined in chapter 957 to issue a request for proposals and monitor contract compliance for these services.*

Section 24. *There is hereby appropriated from the General Revenue Fund in a lump sum to the Department of Children and Family Services the sum of $4,900,000, of which $1,500,000 is from nonrecurring funds, and 50 full-time equivalent positions and from the Grants and Donations Trust Fund, $1,500,000 to the Department of Corrections for the purpose of carrying out the provisions of this act. From the funds appropriated to the Department of Children and Family Services, the department shall, at the counties' request, reimburse counties for the cost of no more than one examination of each person subject to this act, provided that the department's reimbursement for each examination shall not exceed the cost to the department for examinations that it conducts of such persons.*

And the title is amended as follows:

On page 2, line 23 after the semi-colon (;) insert: monitoring contract compliance; providing for appropriation of funds; providing for 50 full-time equivalent positions;

On motion by Senator Gutman, the Senate requested the House to concur in the Senate amendment.

CS for HB 3327 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment(s) 1, 3, 4 and 6, amended Senate Amendment(s) 5 and concurred in same as amended, and passed HB 3509 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 3509—A bill to be entitled An act relating to motor vehicle specialty license plates; amending s. 320.08053, F.S.; revising language with respect to requirements for requests to establish specialty license plates; amending s. 320.08056, F.S.; revising language with respect to specialty license plates to provide criteria for the discontinuance of the issuance of an approved plate; amending s. 320.08062, F.S.; revising language with respect to an annual required audit or report; revising language with respect to annual use fees of special license plates; providing an effective date.

House Amendment 1 to Senate Amendment 5—On page 1, lines 17-23, remove from the amendment: all of said lines and insert in lieu

thereof: *The provisions of this act shall not apply to any organization which has requested and received the required forms for obtaining a specialty license plate authorization from the Department of Highway Safety and Motor Vehicles, has opened a bank account for the funds collected for the specialty license tag and has made deposits to such an account, and has obtained signatures toward completing the requirements for the specialty license tag. All applications requested on or after the effective date of this act must meet the requirements of this act.*

Senator Burt moved the following amendment which was adopted:

Senate Amendment 1 to House Amendment 1 to Senate Amendment 5—On page 1, line 18, after "*The*" insert: *speciality license plate application*

On motion by Senator Hargrett, the Senate concurred in **House Amendment 1 to Senate Amendment 5** as amended and requested the House to concur in the Senate amendment to the House amendment to the Senate Amendment.

HB 3509 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Geller	Kurth	Silver
Burt	Grant	Latvala	Sullivan
Campbell	Gutman	Laurent	Thomas
Casas	Hargrett	Lee	Turner
Childers	Harris	McKay	Williams
Clary	Horne	Meadows	
Diaz-Balart	Jones	Myers	

Nays—5

Cowin	Forman	Holzendorf	Ostalkiewicz
Crist			

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s), and concurred in same as amended, and passed HB 3077 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 3077—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; limiting certain fees; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 17, line 27, of the amendment insert after the period: *For the purposes of this paragraph, an attorney's fee paid, payable, or negotiated, may not exceed an amount calculated in accordance with the lodestar process approved by the Florida Supreme Court, which attorney's fee shall be set by the determination of the number of hours reasonably expended on the matter and the reasonable hourly rate for the services provided by the private attorney. In contingent fee matters, the lodestar figure calculated may include a contingency risk multiplier not greater than 2.*

And the title is amended as follows: from the title of the amendment: everything before the enacting clause and insert: A bill to be entitled An act relating to medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which medicaid benefits must be repaid; limiting certain fees; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

House Amendment 2 (with title amendment) to Senate Amendment 1—On page 23, lines 1-16, remove from the amendment: all of said lines and insert in lieu thereof:

Section 3. *This act shall take effect upon becoming a law and shall operate retroactively to July 1, 1994, except that any action filed prior to March 1, 1998, any appeal of such action, any matter related to such action, any enforcement of the terms of a settlement agreement entered in such action, or any action filed prior to March 1, 1998, in which the parties have agreed to settle and the trial court has approved the settlement agreement, whether or not the time to appeal the approval of such settlement has expired, may proceed under the law as it existed on the date of the filing of such action, except that the amendments to Section 409.910(15), Florida Statutes, renumbered as Section 409.910(14), Florida Statutes, shall be applicable to such action. If any settlement agreement entered in an action filed prior to March 1, 1998, is overturned, canceled, or terminated, or is altered in any material manner by subsequent court order, such action may proceed under the law as it existed on the date of the filing of such action, except that the amendments to Section 409.910(15), Florida Statutes, renumbered as Section 409.910(14), Florida Statutes, shall be applicable to such action.*

And the title is amended as follows: remove from the title of the bill: everything before the enacting clause and insert in lieu thereof: A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

On motion by Senator Clary, the Senate refused to concur in the House amendments to the Senate amendment to **HB 3077** and the House was requested to recede. The action of the Senate was certified to the House.

THE PRESIDENT PRESIDING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed CS for HB 3145 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 3145—A bill to be entitled An act relating to health care; creating s. 381.0045, F.S.; creating the "Targeted Outreach for Pregnant Women Act of 1998"; providing purpose; requiring the Department of Health to establish a pilot program; providing requirements; requiring interim and final reports; providing an appropriation; providing an effective date.

House Amendment 2 to Senate Amendment 1—On page 3, line 22 through page 4, line 3, remove from the amendment: all of said lines and insert in lieu thereof:

Section 3. *There is appropriated to the Department of Health from the Tobacco Settlement Trust Fund the following nonrecurring funds: $250,000 to implement the act; $14.35 million to replace the Tampa Branch Health Laboratory; the sum of $600,000 for the Healthy Moms and Healthy Babies facility at the University of South Florida; and $400,000 for the construction/renovation of the Hendry County Health Department.*

House Amendment 3 (with title amendment) to Senate Amendment 1—On page 4, between lines 3 and 4, insert:

Section 5. *There is hereby appropriated for fiscal year 1998-1999 the sum of $500,000 in nonrecurring general revenue funds for the Center for Urban Transportation Research at the University of South Florida.*

Section 6. Section 334.065, Florida Statutes, is renumbered as section 240.80, Florida Statutes, and amended to read:

240.80 ~~334.065~~ Center for Urban Transportation Research.—

(1) There is established at the University of South Florida the Florida Center for Urban Transportation Research, to be administered by the Board of Regents and the State University System. The responsibilities of the center include, but are not limited to, conducting and facilitating research on issues related to urban transportation problems in this state and serving as an information exchange and depository for the

most current information pertaining to urban transportation and related issues.

(2) The center shall be a continuing resource for the Legislature, the Department of Transportation, local governments, the nation's metropolitan regions, and the private sector in the area of urban transportation and related research and shall generate support in addition to *any* ~~its~~ state-funded ~~base of~~ support ~~provided by s. 206.606~~. The center shall promote intercampus transportation and related research activities among Florida's universities in order to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.

(3) An advisory board shall be created to periodically and objectively review and advise the center concerning its research program. ~~Except for projects mandated by law, state-funded base projects shall not be undertaken without approval of the advisory board. The membership of the board shall consist of nine experts in transportation-related areas, including the secretaries of the Florida Departments of Transportation, Community Affairs, and Environmental Protection, or their designees, and a member of the Florida Transportation Commission.~~ The nomination of ~~the remaining~~ members of the board shall be made to the President of the University of South Florida by the College of Engineering at the University of South Florida, and the appointment of these members must be reviewed ~~and approved by the Florida Transportation Commission~~ and confirmed by the Board of Regents.

(4) The center shall develop a budget pursuant to chapter 216. This budget shall be submitted to the Governor along with the budget of the Board of Regents.

Section 7. *Effective July 1, 1999, paragraph (c) of subsection (1) of section 206.606, Florida Statutes, as amended by chapter 96-321, Laws of Florida, is hereby repealed.*

And the title is amended as follows:

On page 4, line 21, after "appropriations"; insert: renumbering and amending s. 334.065, F.S.; revising provisions related to the funding source and the advisory board of the Center for Urban Transportation Research; deleting a provision transferring certain funds to the Board of Regents;

On motion by Senator Harris, the Senate concurred in **House Amendment 2 to Senate Amendment 1** and refused to concur in **House Amendment 3 to Senate Amendment 1** and the House was requested to recede.

CS for HB 3145 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

HB 4153—A bill to be entitled An act relating to juvenile justice; amending s. 985.309, F.S.; providing funding for boot camps operated by the department, a county, or municipal government, contingent upon specific appropriation, local funding, or state and local funding; requiring boot camps operated by a sheriff to be under his or her supervisory jurisdiction and authority as determined by a contract between the department and the sheriff; providing for placement of children eligible for boot camp placement in boot camp in or nearest to the judicial circuit in which they were adjudicated; requiring exceptions to a boot camp placement; deleting requirement that the department charge and a county or municipal government pay a monitoring fee; clarifying consequences for a department, county or municipal boot camp failing to comply with department rules for boot camps; deleting authorization by the department to institute injunctive proceedings against a county or municipal boot camp for failing to comply with department rules for boot camps; providing an effective date.

—which was previously considered April 30. Pending **Amendment 1** by Senators Latvala and Silver was withdrawn.

Senators Latvala and Silver offered the following amendment which was moved by Senator Latvala and adopted:

Amendment 2 (with title amendment)—On page 7, line 13, insert:

Section 2. *The sum of $1,000,000 is appropriated from nonrecurring General Revenue to the Eckerd Youth Alternatives program to match private funds on a dollar for dollar basis. The department shall disburse up to the full amount of this appropriation, depending upon the amount of private matching funds obtained and may not use these funds for any other purpose.*

Section 3. This act shall take effect October 1, 1998.

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: providing an appropriation to the Eckerd Youth Alternatives program;

Senator Silver moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 7, line 13, insert:

Section 2. *A total of $1,063,900 in nonrecurring General Revenue Funds is appropriated in Special Categories - Grants and Aids - Contracted Services in the Department of Juvenile Justice for D-FY-IT Drug Free Youth in Town, a drug prevention program for youth in schools, and for Miami Love Youth At Risk Program, a prevention program for youth at risk of delinquent behavior, and for Grants in Aid to local governments and nonprofit organizations - Uleta Park Community Center.*

Section 3. *The sum of $200,000 is appropriated from the General Revenue Fund to the Department of Elderly Affairs for the provision of essential home health care services to senior citizens in Dade County by United Home Health Care, a not-for-profit corporation. This is a nonrecurring appropriation for fiscal year 1998-1999.*

Section 4. This act shall take effect July 1, 1998.

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: providing appropriations to specified programs of the Department of Juvenile Justice and the Department of Elderly Affairs;

On motion by Senator Williams, by two-thirds vote **HB 4153** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motions by Senator Dudley, by unanimous consent—

CS for SB 2158—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing for the filling of vacancies occurring as a result of the creation of judicial offices; amending s. 318.37, F.S.; providing funds to establish the Civil Traffic Infraction Hearing Officer Program; providing for method of payment; providing for funds for the judicial branch to contract for the development of a specified type system to use in determing the need for additional judges; giving the Office of Program Policy Analysis and Government Accountability certain responsibilities with regard to the development of a system to determine the need for additional judges; providing effective dates.

—was taken up out of order and read the second time by title.

Senator Dudley moved the following amendment:

Amendment 1—On page 6, line 21 through page 7, line 8, delete those lines and insert:

Section 6. *The Office of the State Courts Administrator shall contract for the development of a Delphi-based case load weighting system to determine the optimum case loads for circuit and county judges and, in conjunction with other factors, to determine the need for additional circuit and county court judges. The judicial branch shall consult with the Office of Program Policy Analysis and Government Accountability on defining the scope of work, selecting a consultant, and choosing a methodology for developing case weights and determining available judge time. The Office of Program Policy Analysis and Government Accountability shall issue a report not later than February 1, 1999 on the development of case weights and their use in the judicial certification process.*

Section 7. *A total of $825,000 from the General Revenue Fund and one full-time equivalent position from specific appropriations 2215, 2217, 2221, 2229, 2231, and 2231A in the Conference Report on House Bill 4201, which is the 1998-1999 General Appropriations Act, may be used to implement sections 4 and 6 of this act.*

Senator Dudley moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 1, lines 27 and 30, after "*case*" insert: *load*

Amendment 1B—On page 2, line 6, delete "*4*" and insert: *5*

Amendment 1 as amended was adopted.

SENATOR SILVER PRESIDING

Senators Latvala and Scott offered the following amendment which was moved by Senator Latvala and adopted:

Amendment 2—On page 5, line 3, after "*appointed*" insert: *, except those created in the Sixth and Seventeenth Judicial Circuits and Broward County, which shall be elected in the November 1998 general election, in nonpartisan elections*

MOTION

Senator Dudley moved that further consideration of **CS for SB 2158** be deferred. The motion failed.

Senator Williams moved the following amendment which was adopted:

Amendment 3—On page 5, line 3, after "*appointed*" insert: *except those created in the Third Judicial Circuit, which shall be elected in the November 1998 general election in a nonpartisan election*

Senator Dudley moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 8, after the semicolon (;) insert: amending s. 318.32, F.S.; revising duties of traffic infraction hearing officers;

On motion by Senator Dudley, by two-thirds vote **CS for SB 2158** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

THE PRESIDENT PRESIDING

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:14 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:33 p.m. A quorum present—39:

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

HB 1747—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2625, F.S.; revising standing requirements for stallion awards; amending s. 550.09512, F.S.; repealing the expiration of that section; amending s. 550.09514, F.S., relating to greyhound purse requirements; amending s. 26, ch. 96-364, Laws of Florida, relating to tax on handle of live thoroughbred performances, live jai alai performances, and intertrack wagering; providing effective dates.

—which was previously considered and amended this day.

On motion by Senator Scott, **HB 1747** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Thomas
Campbell	Geller	Latvala	Turner
Casas	Grant	Laurent	Williams
Childers	Gutman	Lee	
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—1

Ostalkiewicz

SB 1416—A bill to be entitled An act relating to insurance; amending s. 626.112, F.S.; prohibiting a person from transacting health insurance unless licensed and appointed; amending s. 626.321, F.S.; providing that a full-time salaried employee of a common carrier or of a transportation ticket agency that rents or leases motor vehicles who holds a limited insurance license may write motor vehicle liability insurance providing coverage greater than the standard liability limits provided by a lessor in its lease to a person renting or leasing a motor vehicle from the licensee's employer; amending s. 627.410, F.S.; providing that the forms of certain health insurance policies or applications need not be approved by the Department of Insurance; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Gutman and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 624.123, Florida Statutes, is created to read:

624.123 Certain international health insurance policies; exemption from code.—

(1) International health insurance policies and applications may be solicited and sold in this state at any international airport to a resident of a foreign country. Such international health insurance policies shall be solicited and sold only by a licensed health insurance agent and unwritten only by an admitted insurer. For purposes of this subsection:

(a) "International airport" means any airport in Florida with U.S. Customs service, which enplanes more than 1 million passengers per year.

(b) "International health insurance policy" means health insurance, as defined in s. 627.6561(5)(a)2., which is offered to an individual, covering only a resident of a foreign country on an annual basis.

(c) "Resident of a foreign country" does not include any United States citizen, any natural person maintaining his or her residence in this country, or any natural person staying in this state continuously for more than 120 days.

(2) Any international health insurance policy sold, and any application provided, to residents of foreign countries pursuant to this subsection shall contain the following conspicuous, boldfaced disclaimer in at least 12 point type: "This individual health insurance policy may be sold only to a person not a resident of the United States. This policy does not comply with coverage, underwriting, and other provisions of the Florida Insurance Code, and must comply with coverage, underwriting, and other insurance regulatory provisions of your country of residence."

(3) Any insurer underwriting international health insurance policies pursuant to this subsection is subject to all applicable provisions of the Insurance Code, except as otherwise provided in this subsection. International health insurance policies are not subject to any form approval, rate approval, underwriting restrictions, guaranteed availability, or coverage mandates provided in the Insurance Code. Health insurance agents who are licensed and appointed pursuant to chapter 626 may solicit, sell, effect, collect premium on, and deliver international health insurance policies in accordance with this section. Solicitation or sale of an international health insurance policy to a U.S. citizen or to a natural person not a resident of a foreign country is a willful violation of the provisions of s. 626.611.

(4) Any international health insurance policy or application solicited, provided, entered into, issued, or delivered pursuant to this subsection is exempt from all provisions of the Insurance Code, except that such policy, contract, or agreement is subject to the provisions of ss. 624.155, 624.316, 624.3161, 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, 627.413, 627.4145, 627.428, and 627.6043.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-17, delete those lines and insert: An act relating to international health insurance policies sold at airports; creating s. 624.123, F.S.; providing definitions; authorizing licensed agents to sell international health insurance policies to residents of foreign countries at international airports; requiring a specified disclaimer; providing exemptions from regulation under the Insurance Code; specifying applicable provisions;

On motion by Senator Gutman, further consideration of **SB 1416** as amended was deferred.

CS for SB 792—A bill to be entitled An act relating to dental insurance coverage; creating ss. 627.4295, 627.65755, F.S., and amending ss. 627.6515 and 641.31, F.S.; requiring health insurance policies and health maintenance organization contracts to provide coverage for general anesthesia and hospitalization for certain persons under certain circumstances; providing application; providing exceptions; providing a declaration of important state interest; providing application; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 792** to **CS for HB 3487**.

Pending further consideration of **CS for SB 792** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB 3487** was withdrawn from the Committees on Banking and Insurance; Health Care; and Ways and Means.

On motion by Senator Latvala, by two-thirds vote—

CS for HB 3487—A bill to be entitled An act relating to dental insurance coverage; creating ss. 627.4295 and 627.65755, F.S., and amending ss. 627.6515 and 641.31, F.S.; requiring health insurance policies and health maintenance organization contracts to provide coverage for general anesthesia and hospitalization for certain persons under certain circumstances; providing application of contract terms and conditions to services; providing exceptions; providing a declaration of important state interest; providing application of the act to policies and contracts; providing an effective date.

—a companion measure, was substituted for **CS for SB 792** as amended and by two-thirds vote read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 3487** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

Consideration of **CS for SB 1396** was deferred.

On motion by Senator Crist, by two-thirds vote **HB 3589** was withdrawn from the Committees on Regulated Industries; Education; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Crist—

HB 3589—A bill to be entitled An act relating to certified public accountants; creating s. 473.3065, F.S.; establishing the Certified Public Accountant Education Minority Assistance Program; providing for scholarships to eligible students; providing for the funding of scholarships; requiring Board of Accountancy rules; providing a penalty for

certain violations; creating an advisory council to assist in program administration; providing an effective date.

—a companion measure, was substituted for **SB 1220** and read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 3589** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 1329** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Kirkpatrick, by two-thirds vote—

CS for HB 1329—A bill to be entitled An act relating to medical examiners; amending s. 406.06, F.S.; specifying certain circumstances under which a medical examiner may be suspended; amending s. 406.075, F.S.; providing additional disciplinary measures and grounds for discipline applicable to medical examiners; amending s. 406.11, F.S.; restricting to certain purposes the examinations, investigations, and autopsies medical examiners are required or authorized to make or have performed; requiring notification of and approval by next of kin for a medical examiner to retain or furnish any body part of a deceased person for research or certain other purposes; providing for adoption of rules to incorporate by reference parameters or guidelines of practice or standards of conduct relating to examinations, investigations, and autopsies performed by medical examiners; providing an effective date.

—a companion measure, was substituted for **CS for SB 562** and by two-thirds vote read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 1329** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

On motion by Senator Williams, by two-thirds vote **HB 3785** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Williams—

HB 3785—A bill to be entitled An act relating to consumer protection; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the Department of Agriculture and Consumer Services; amending s. 496.403, F.S.; exempting persons or organizations who solicit on their behalf from ss. 496.401-496.424, F.S.; amending s. 496.404, F.S.; clarifying a definition; amending s. 496.405, F.S.; revising a registration fee schedule for charitable organizations; amending s. 496.406, F.S.; deleting certain registration requirements for certain charitable organizations; amending s. 501.143, F.S.; deleting a specific annual registration date for certain dance studios; amending s. 501.2101, F.S.; authorizing the deposit of moneys received by an enforcing authority for attorney's fees and costs of investigation or litigation to be deposited in the Legal Affairs Revolving Trust Fund; amending s. 501.607, F.S.; clarifying certain procedures for licensing salespersons; amending s. 559.805, F.S.; requiring business opportunity sellers to disclose certain information; amending s. 559.904, F.S.; clarifying registration requirements for motor vehicle repair shop operators; providing a late fee; amending s. 817.415, F.S.; revising requirements for free advertising; providing an effective date.

—a companion measure, was substituted for **CS for SB 1620** and read the second time by title. On motion by Senator Williams, by two-thirds vote **HB 3785** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Campbell, by two-thirds vote **CS for CS for HB 3657** was withdrawn from the Committees on Governmental Reform and Oversight; Criminal Justice; and Ways and Means.

On motion by Senator Campbell—

CS for CS for HB 3657—A bill to be entitled An act relating to culpable negligence; providing definitions; specifying conditions for committing culpable negligence causing public financial injury; providing penalties; requiring certain contracts to provide notice of such conditions; providing construction; providing for prosecution by a state attorney or the Statewide Prosecutor; providing an effective date.

—a companion measure, was substituted for **CS for SB 2150** and read the second time by title.

Senators Harris, Dudley and Campbell offered the following amendment which was moved by Senator Harris and adopted:

Amendment 1 (with title amendment)—On page 2, between lines 26 and 27, insert:

Section 3. Effective July 1, 1998, subsection (1) of section 95.051, Florida Statutes, is amended to read:

95.051 When limitations tolled.—

(1) The running of the time under any statute of limitations except ss. 95.281, 95.35, and 95.36 is tolled by:

(a) Absence from the state of the person to be sued.

(b) Use by the person to be sued of a false name that is unknown to the person entitled to sue so that process cannot be served on the person to be sued.

(c) Concealment in the state of the person to be sued so that process cannot be served on him or her.

(d) Fraudulent concealment of a cause of action or the identity of a person to be sued.

(e)~~(d)~~ The adjudicated incapacity, before the cause of action accrued, of the person entitled to sue. In any event, the action must be begun within 7 years after the act, event, or occurrence giving rise to the cause of action.

(f)~~(e)~~ Voluntary payments by the alleged father of the child in paternity actions during the time of the payments.

(g)~~(f)~~ The payment of any part of the principal or interest of any obligation or liability founded on a written instrument.

(h)~~(g)~~ The pendency of any arbitral proceeding pertaining to a dispute that is the subject of the action.

(i)~~(h)~~ The minority or previously adjudicated incapacity of the person entitled to sue during any period of time in which a parent, guardian, or guardian ad litem does not exist, has an interest adverse to the minor or incapacitated person, or is adjudicated to be incapacitated to sue; except with respect to the statute of limitations for a claim for medical malpractice as provided in s. 95.11. In any event, the action must be begun within 7 years after the act, event, or occurrence giving rise to the cause of action.

Paragraphs (a)-(c) shall not apply if service of process or service by publication can be made in a manner sufficient to confer jurisdiction to grant the relief sought. This section shall not be construed to limit the ability of any person to initiate an action within 30 days of the lifting of an automatic stay issued in a bankruptcy action as is provided in 11 U.S.C. s. 108(c).

Section 4. *It is the intent of the Legislature that the amendment of section 95.051, Florida Statutes, by section 1 of this act as it relates to the fraudulent concealment of a cause of action is remedial in nature and is intended to clarify existing law.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 1-10, delete those lines and insert: A bill to be entitled An act relating to civil actions; providing definitions; specifying conditions for committing culpable negligence causing public financial injury; providing penalties; requiring certain contracts to provide notice of such conditions; providing construction; providing for prosecution by a state attorney or the Statewide Prosecutor; amending s. 95.051, F.S.; providing that the fraudulent concealment of the cause of action or the identity of the person to be sued tolls the statute; providing legislative intent; providing effective dates.

WHEREAS, it is a recognized rule of construction that the Legislature is deemed to know the existing law, and

WHEREAS, the courts of this state have long recognized the doctrine that the fraudulent concealment of a cause of action by a tortfeasor tolls the statute of limitations until the date the action is discovered or the date on which, through the exercise of ordinary diligence, it might have been discovered, Proctor v. Schomberg, 63 So.2d 68 (Fla. 1953), and

WHEREAS, the Legislature, in enacting a statute of repose in medical malpractice actions expressly recognized and recited this doctrine of tolling the statute of limitations in cases of fraudulent concealment of the cause of action, and

WHEREAS, the Florida Supreme Court, in Fulton County Administration v. Sullivan, 22 Fla. Law Weekly, S578 (Fla. 1997), held that "the plain language of s. 95.091 does not provide for the tolling of the statute of limitation in cases in which the tortfeasor fraudulently conceals his or her identity," and

WHEREAS, the Florida Supreme Court in Fulton County Administration v. Sullivan made the recommendation "that the Legislature examine this issue and, should it agree, enact an amendment to the statute to avoid such an unfair result," and

WHEREAS, similarly, as a result of the reasoning of the Florida Supreme Court in Fulton County Administration v. Sullivan, there may be a question of whether the fraudulent concealment of a cause of action tolls the statute of limitation, and

WHEREAS, it is the intent of the Legislature by this act to clarify once and for all its continued recognition of the "court-made" tolling provision for fraudulent concealment of a cause of action and to avoid the unfair result of not tolling the statute of limitations where the tortfeasor fraudulently conceals his or her identity, and

WHEREAS, the Legislature deems the provisions of this act to be curative and remedial in effect and to operate as if there was never any question of the Legislature's recognition of the judicially created tolling exception for fraudulent concealment of a cause of action, NOW, THEREFORE,

Senator Forman moved the following amendment:

Amendment 2 (with title amendment)—On page 2, between lines 26 and 27, insert:

Section 3. *This act may be cited as the "Jeremy Fiedelholtz Safe Day Care Act."*

Section 4. Section 402.319, Florida Statutes, is amended to read:

402.319 Penalties.—

(1) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person ~~willfully,~~ knowingly~~, or intentionally~~ to:

(a)~~(1)~~ Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment or licensure regulated under ss. 402.301-402.318 *all information required under those sections or* a material fact used in making a determination as to such person's qualifications to be *child care personnel, as defined in s. 402.302,* ~~an owner, operator, employee, or volunteer~~ in a child care facility, *family day care home,* or other child care program.

(b)~~(2)~~ Operate or attempt to operate a child care facility without having procured a license as required by this act.

(c)~~(5)~~ Operate or attempt to operate a family day care home without a license or without registering with the department, whichever is applicable.

(d)~~(3)~~ Operate or attempt to operate a child care facility *or family day care home* under a license that is suspended, revoked, or terminated.

(e)~~(4)~~ *Misrepresent* ~~Represent~~, by act or omission, a child care facility *or family day care home* to be duly licensed pursuant to this act without being so licensed.

(f) Make any other misrepresentation, by act, regarding the licensure or operation of a child care facility or family day care home to a parent or guardian who has a child placed in the facility or is inquiring as to placing a child in the facility, including, but not limited to, any misrepresentation as to:

1. The number of children at the child care facility or the family day care home;

2. The part of the child care facility or family day care home designated for child care;

3. The qualifications or credentials of child care personnel;

4. Whether a family day care home or child care facility complies with the screening requirements of s. 402.305; or

5. Whether child care personnel have the training as required by s. 402.305.

(2) If any child care personnel makes any misrepresentation in violation of this section to a parent or guardian who has placed a child in the child care facility or family day care home, and the parent or guardian relied upon the misrepresentation, and the child suffers great bodily harm, permanent disfigurement, permanent disability, or death as a result of an intentional act or culpable negligence by the child care personnel, then the child care personnel commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	*2nd*	*Misrepresentation and culpable negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.*
409.920(2)	3rd	Medicaid provider fraud.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	3rd	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(4)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: creating the "Jeremy Fiedelholtz Safe Day Care Act"; amending s. 402.319, F.S.; providing a penalty for making misrepresentations to certain persons regarding licensure or operation of a child care facility or family day care home; providing a penalty for culpable negligence or intentional act and the parent or guardian relied on a misrepresentation; amending s. 921.0022, F.S.; providing for ranking of violation on the offense severity ranking chart;

Senator Bankhead moved the following substitute amendment which was adopted:

Amendment 3 (with title amendment)—On page 2, between lines 26 and 27, insert:

Section 3. *Section 4 of this act may be cited as the "Jeremy Fiedelholtz Safe Day Care Act."*

Section 4. Section 402.319, Florida Statutes, is amended to read:

402.319 Penalties*; aggravating circumstances.*—

(1) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

(a)~~(1)~~ Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or

paid employment or licensure regulated under ss. 402.301-402.318 a material fact used in making a determination as to such person's qualifications to be an owner, operator, employee, or volunteer in a child care facility or other child care program.

(b)~~(2)~~ Operate or attempt to operate a child care facility without having procured a license as required by this act.

(c)~~(5)~~ Operate or attempt to operate a family day care home without a license or without registering with the department, whichever is applicable.

(d)~~(3)~~ Operate or attempt to operate a child care facility under a license that is suspended, revoked, or terminated.

(e)~~(4)~~ Represent, by act or omission, a child care facility to be duly licensed pursuant to this act without being so licensed.

(2) The court may increase the penalty provided in this section to a felony of the third degree if the court finds, beyond a reasonable doubt, that the owner or operator of a child care or family day care facility has knowingly, willfully, and intentionally misrepresented a material fact regarding:

(a) The facility's staff-to-children ratio, and is in violation of s. 402.305(4), to the extent that the number of children at the facility rounded to the next higher number exceeds statutory limits by 50 percent or more; or

(b) The facility's licensure as required under s. 402.305, and

a parent, in reliance upon such misrepresentation, has placed a child in the facility and the child suffered great bodily harm, significant permanent disfigurement, permanent disability, or death as a result of such misrepresentation and as a result of an intentional egregious act or gross negligence committed by the facility owner or operator or committed by an employee of the facility who acted with the knowledge and consent of the owner or operator.

Section 5. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	*3rd*	*Misrepresentation and gross negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.*
409.920(2)	3rd	Medicaid provider fraud.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	3rd	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(4)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.

Florida Statute	Felony Degree	Description
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-10, delete those lines and insert: An act relating to criminal justice; providing definitions; specifying conditions for committing culpable negligence causing public financial injury; providing penalties; requiring certain contracts to provide notice of such conditions; providing construction; providing for prosecution by a state attorney or the Statewide Prosecutor; creating the "Jeremy Fiedelholtz Safe Day Care Act"; amending s. 402.319, F.S.; providing an enhanced penalty for making misrepresentations regarding licensure or operation of a child care facility and violating the required staff-to-children ratio; providing for the enhanced penalty to apply to intentional acts or gross negligence committed by the facility owner or operator or an employee acting with the knowledge and consent of the owner or operator; amending s. 921.0022, F.S.; providing for ranking of violation on the offense severity ranking chart; providing an effective date.

Senators Harris, Dudley and Campbell offered the following amendment which was moved by Senator Campbell and adopted:

Amendment 4 (with title amendment)—On page 2, lines 27 and 28, delete those lines and insert:

Section 3. Effective July 1, 1998, subsection (1) of section 95.051, Florida Statutes, is amended to read:

95.051 When limitations tolled.—

(1) The running of the time under any statute of limitations except ss. 95.281, 95.35, and 95.36 is tolled by:

(a) Absence from the state of the person to be sued.

(b) Use by the person to be sued of a false name that is unknown to the person entitled to sue so that process cannot be served on the person to be sued.

(c) Concealment in the state of the person to be sued so that process cannot be served on him or her.

(d) Fraudulent concealment of a cause of action or the identity of a person to be sued.

(e)~~(d)~~ The adjudicated incapacity, before the cause of action accrued, of the person entitled to sue. In any event, the action must be begun within 7 years after the act, event, or occurrence giving rise to the cause of action.

(f)~~(e)~~ Voluntary payments by the alleged father of the child in paternity actions during the time of the payments.

(g)~~(f)~~ The payment of any part of the principal or interest of any obligation or liability founded on a written instrument.

(h)~~(g)~~ The pendency of any arbitral proceeding pertaining to a dispute that is the subject of the action.

(i)~~(h)~~ The minority or previously adjudicated incapacity of the person entitled to sue during any period of time in which a parent, guardian, or guardian ad litem does not exist, has an interest adverse to the minor or incapacitated person, or is adjudicated to be incapacitated to sue; except with respect to the statute of limitations for a claim for medical malpractice as provided in s. 95.11. In any event, the action must be begun within 7 years after the act, event, or occurrence giving rise to the cause of action.

Paragraphs (a)-(c) shall not apply if service of process or service by publication can be made in a manner sufficient to confer jurisdiction to grant the relief sought. This section shall not be construed to limit the ability of any person to initiate an action within 30 days of the lifting of an automatic stay issued in a bankruptcy action as is provided in 11 U.S.C. s. 108(c).

Section 4. *It is the intent of the Legislature that the amendment of section 95.051, Florida Statutes, by section 1 of this act as it relates to the fraudulent concealment of a cause of action is remedial in nature and is intended to clarify existing law.*

Section 5. This act shall take effect July 1, 1998, and shall apply to all actions in which there was a fraudulent concealment of a cause of action or of the identity of a person to be sued, regardless of whether such acts of fraudulent concealment occurred before or after that date.

And the title is amended as follows:

On page 1, lines 1-10, delete those lines and insert: A bill to be entitled An act relating to civil actions; providing definitions; specifying conditions for committing culpable negligence causing public financial injury; providing penalties; requiring certain contracts to provide notice of such conditions; providing construction; providing for prosecution by a state attorney or the Statewide Prosecutor; amending s. 95.051, F.S.; providing that the fraudulent concealment of the cause of action or the identity of the person to be sued tolls the statute; providing legislative intent; providing effective dates.

WHEREAS, it is a recognized rule of construction that the Legislature is deemed to know the existing law, and

WHEREAS, the courts of this state have long recognized the doctrine that the fraudulent concealment of a cause of action by a tortfeasor tolls the statute of limitations until the date the action is discovered or the date on which, through the exercise of ordinary diligence, it might have been discovered, Proctor v. Schomberg, 63 So.2d 68 (Fla. 1953), and

WHEREAS, the Legislature, in enacting a statute of repose in medical malpractice actions expressly recognized and recited this doctrine of tolling the statute of limitations in cases of fraudulent concealment of the cause of action, and

WHEREAS, the Florida Supreme Court, in Fulton County Administration v. Sullivan, 22 Fla. Law Weekly, S578 (Fla. 1997), held that "the plain language of s. 95.091 does not provide for the tolling of the statute of limitation in cases in which the tortfeasor fraudulently conceals his or her identity," and

WHEREAS, the Florida Supreme Court in Fulton County Administration v. Sullivan made the recommendation "that the Legislature examine this issue and, should it agree, enact an amendment to the statute to avoid such an unfair result," and

WHEREAS, similarly, as a result of the reasoning of the Florida Supreme Court in Fulton County Administration v. Sullivan, there may be a question of whether the fraudulent concealment of a cause of action tolls the statute of limitation, and

WHEREAS, it is the intent of the Legislature by this act to clarify once and for all its continued recognition of the "court-made" tolling provision for fraudulent concealment of a cause of action and to avoid the unfair result of not tolling the statute of limitations where the tortfeasor fraudulently conceals his or her identity, and

WHEREAS, the Legislature deems the provisions of this act to be curative and remedial in effect and to operate as if there was never any question of the Legislature's recognition of the judicially created tolling exception for fraudulent concealment of a cause of action, NOW, THEREFORE,

On motion by Senator Campbell, by two-thirds vote **CS for CS for HB 3657** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Campbell	Forman	Kurth	Silver
Casas	Geller	Latvala	Sullivan
Childers	Grant	Laurent	Thomas
Clary	Gutman	McKay	Turner
Cowin	Harris	Meadows	Williams

Nays—None

Vote after roll call:

Yea to Nay—Ostalkiewicz

On motion by Senator Kirkpatrick, by two-thirds vote **HB 4155** was withdrawn from the Committee on Ways and Means.

On motion by Senator Kirkpatrick, by two-thirds vote—

HB 4155—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale of performance-enhancing or growth-enhancing products for cattle; providing an exemption for generators used on poultry farms; providing an effective date.

—a companion measure, was substituted for **CS for SB 680** and by two-thirds vote read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **HB 4155** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Jones	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Silver
Brown-Waite	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

Consideration of **SB 970** was deferred.

The Senate resumed consideration of—

SB 1416—A bill to be entitled An act relating to insurance; amending s. 626.112, F.S.; prohibiting a person from transacting health insurance unless licensed and appointed; amending s. 626.321, F.S.; providing that a full-time salaried employee of a common carrier or of a transportation ticket agency that rents or leases motor vehicles who holds a limited insurance license may write motor vehicle liability insurance providing coverage greater than the standard liability limits provided by a lessor in its lease to a person renting or leasing a motor vehicle from the licensee's employer; amending s. 627.410, F.S.; providing that the forms of certain health insurance policies or applications need not be approved by the Department of Insurance; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **SB 1416** as amended, on motion by Senator Gutman, by two-thirds vote **CS for HB 4047** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Gutman—

CS for HB 4047—A bill to be entitled An act relating to international health insurance policies sold at airports; creating s. 624.123, F.S.; providing definitions; authorizing licensed agents to sell international health insurance policies to residents of foreign countries at international airports; requiring a specified disclaimer; providing exemptions from regulation under the Insurance Code; specifying applicable provisions; providing an effective date.

—a companion measure, was substituted for **SB 1416** and read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 624.123, Florida Statutes, is created to read:

624.123 Certain international health insurance policies; exemption from code.—

(1) International health insurance policies and applications may be solicited and sold in this state at any international airport to a resident of a foreign country. Such international health insurance policies shall be solicited and sold only by a licensed health insurance agent and unwritten only by an admitted insurer. For purposes of this subsection:

(a) "International airport" means any airport in Florida with U. S. Customs service, which enplanes more than 1 million passengers per year.

(b) "International health insurance policy" means health insurance, as defined in s. 627.6561(5)(a)2., which is offered to an individual, covering only a resident of a foreign country on an annual basis.

(c) "Resident of a foreign country" does not include any United States citizen, any natural person maintaining his or her residence in this country, or any natural person staying in this state continuously for more than 120 days.

(2) Any international health insurance policy sold, and any application provided, to residents of foreign countries pursuant to this subsection shall contain the following conspicuous, boldfaced disclaimer in at least 12 point type: "This individual health insurance policy may be sold only to a person not a resident of the United States. This policy does not comply with coverage, underwriting, and other provisions of the Florida Insurance Code, and must comply with coverage, underwriting, and other insurance regulatory provisions of your country of residence."

(3) Any insurer underwriting international health insurance policies pursuant to this subsection is subject to all applicable provisions of the Insurance Code, except as otherwise provided in this subsection. International health insurance policies are not subject to any form approval, rate approval, underwriting restrictions, guaranteed availability, or coverage mandates provided in the Insurance Code. Health insurance agents who are licensed and appointed pursuant to chapter 626 may solicit, sell, effect, collect premium on, and deliver international health insurance policies in accordance with this section. Solicitation or sale of an international health insurance policy to a U. S. citizen or to a natural person not a resident of a foreign country is a willful violation of the provisions of s. 626.611.

(4) Any international health insurance policy or application solicited, provided, entered into, issued, or delivered pursuant to this subsection is exempt from all provisions of the Insurance Code, except that such policy, contract, or agreement is subject to the provisions of ss. 624.155, 624.316, 624.3161, 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, 627.413, 627.4145, 627.428, and 627.6043.

Section 2. *Section 624.478, Florida Statutes, is repealed.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to international health insurance policies sold at airports; creating s. 624.123, F.S.; providing definitions; authorizing licensed agents to sell international health insurance policies to residents of foreign countries at international airports; requiring a specified disclaimer; providing exemptions from regulation under the Insurance

Code; specifying applicable provisions; repealing 624.478, F.S., relating to the use of licensed agents; providing an effective date.

On motion by Senator Gutman, by two-thirds vote **CS for HB 4047** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

CS for SB 1396—A bill to be entitled An act relating to greenways and trails; providing purposes; amending s. 110.501, F.S.; revising the definition of "volunteer" to include persons who consent to certain use of real property; amending s. 260.012, F.S.; revising declaration of policy and legislative intent relating to the "Florida Greenways and Trails Act"; creating s. 260.0125, F.S.; providing rights and benefits of landowners whose lands are designated as greenways or trails; requiring the Department of Environmental Protection to post certain notices of trespass; providing for penalties; amending s. 260.013, F.S.; revising definitions; amending s. 260.014, F.S.; requiring the landowner's specific written consent for designation of lands as a part of the statewide system of greenways and trails; amending ss. 260.0141 and 260.018, F.S.; restricting certain construction or use of planning materials; amending s. 260.016, F.S., relating to powers of the department; providing for rules; providing penalties; providing for fees; providing for a process for designation of lands as a part of the state system of greenways and trails; authorizing negotiations with private landowners; authorizing incentives for certain landowners; directing the Department of Environmental Protection to erect a suitable memorial to Marjorie Harris Carr on the Cross Florida Greenways State Recreation Area; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisals provided by a public agency or nonprofit organization; amending s. 259.101, F.S.; revising the date that certain unencumbered funds in the Preservation 2000 Trust Fund will be redistributed; providing for the sale of specified lands by the Board of Trustees of the Internal Improvement Trust Fund; providing for the deposit of funds from the sale; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1396** to **CS for HB 3771**.

Pending further consideration of **CS for SB 1396** as amended, on motion by Senator Sullivan, by two-thirds vote **CS for HB 3771** was withdrawn from the Committees on Natural Resources; and Governmental Reform and Oversight.

On motion by Senator Sullivan—

CS for HB 3771—A bill to be entitled An act relating to recreational lands; providing purposes; amending s. 110.501, F.S.; revising the definition of "volunteer" to include persons who consent to certain use of real property; amending s. 260.012, F.S.; revising declaration of policy and legislative intent relating to the "Florida Greenways and Trails Act"; creating s. 260.0125, F.S.; providing rights and benefits of landowners whose lands are designated as greenways or trails; requiring the Department of Environmental Protection to post certain notices of trespass; providing for penalties; amending s. 260.013, F.S.; revising definitions; amending s. 260.014, F.S.; requiring the landowner's specific written consent for designation of lands as a part of the statewide system of greenways and trails; amending ss. 260.0141 and 260.018, F.S.; restricting certain construction or use of planning materials; amending s. 260.016, F.S., relating to powers of the department; providing for rules; providing penalties; providing for fees; providing for a process for designation of lands as a part of the state system of greenways and trails; authorizing negotiations with private landowners; authorizing incentives for certain landowners; directing the Department of Environmental Protection to erect a suitable memorial to Marjorie Harris Carr on the Cross Florida Greenways State Recreation Area; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisals provided by a public agency or nonprofit organization; amending s. 259.101, F.S.; revising the date that certain unencumbered funds in the Preservation 2000 Trust Fund will be redistributed; amending s. 372.57, F.S.; providing for a recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by Game and Fresh Water Fish Commission from private nongovernmental owners; providing for the sale of specified lands by the Board of Trustees of the Internal Improvement Trust Fund; providing for the deposit of funds from the sale; providing an effective date.

—a companion measure, was substituted for **CS for SB 1396** as amended and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for HB 3771** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jones	Rossin
Bronson	Dyer	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

SB 970—A bill to be entitled An act relating to the educational property tax exemption; amending s. 196.198, F.S.; providing circumstances in which land is considered to be property owned by an educational institution; providing an effective date.

—was read the second time by title. On motion by Senator Meadows, by two-thirds vote **SB 970** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dudley	Jones	Ostalkiewicz
Bankhead	Dyer	Kirkpatrick	Rossin
Bronson	Forman	Klein	Silver
Brown-Waite	Geller	Kurth	Sullivan
Burt	Grant	Latvala	Thomas
Campbell	Gutman	Laurent	Turner
Casas	Hargrett	Lee	Williams
Childers	Harris	McKay	
Cowin	Holzendorf	Meadows	
Crist	Horne	Myers	

Nays—None

On motion by Senator Grant, by two-thirds vote **CS for HB 3201** was withdrawn from the Committees on Judiciary; and Governmental Reform and Oversight.

On motion by Senator Grant, by two-thirds vote—

CS for HB 3201—A bill to be entitled An act relating to religious freedom; creating the "Religious Freedom Restoration Act of 1998"; providing that government shall not substantially burden the exercise of religion; providing exceptions; providing definitions; providing for attorney's fees and costs; providing applicability; providing construction; providing an effective date.

—a companion measure, was substituted for **CS for SB 296** and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 3201** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jones	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Consideration of **CS for SB 524** was deferred.

CS for SB 1134—A bill to be entitled An act relating to public records; amending s. 828.30, F.S.; providing an exemption from public records requirements for specified information contained in a rabies vaccination certificate; authorizing disclosure to certain public agencies and to other persons under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1134** to **HB 1139**.

Pending further consideration of **CS for SB 1134** as amended, on motion by Senator Bronson, by two-thirds vote **HB 1139** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Bronson, by two-thirds vote—

HB 1139—A bill to be entitled An act relating to public records; amending s. 828.30, F.S.; providing an exemption from public records requirements for information contained in a rabies vaccination certificate; authorizing disclosure to certain public agencies and to other persons under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1134** as amended and by two-thirds vote read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 1139** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Scott, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 440, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 440—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.01215, F.S.; revising language with respect to periods of operation for certain permitholders; amending s. 550.0951, F.S.; providing that no admission tax shall be imposed on any free passes or complimentary cards for admission to pari-mutuel events; reviving, reenacting, and amending s. 550.09515, F.S., relating to thoroughbred horse taxes; revising the tax on handle and additional purse payment requirements for certain guest thoroughbred permitholders; amending s. 550.09515, F.S.; amending thoroughbred horse taxes; repealing increased tax requirements for certain thoroughbred permitholders operating in multiple tax periods; deleting obsolete language; amending s. 550.2625, F.S.; revising eligibility requirements with respect to stallion awards; reenacting s. 550.2625(2), F.S., relating to horseracing purse payment requirements and purse accounts used for Florida Owners' Awards; amending s. 550.5251, F.S.; revising the hours of operation for thoroughbred racing permitholders; amending s. 550.615, F.S.; providing for the retention of tax revenues by a thoroughbred permitholder conducting specified intertrack wagering; providing for certain purse payments; repealing subsection (11) of s. 550.615, F.S.; requiring certain intertrack wagering broadcasts; amending s. 550.6305, F.S.; revising language with respect to intertrack wagering and guest track payments; creating s. 550.6308, F.S.; providing for a limited intertrack wagering license; creating s. 550.72, F.S.; directing a study of the feasibility of state or municipal ownership of Hialeah Race Course; providing an appropriation; repealing s. 550.2425, F.S., relating to a racing laboratory at horse racetrack facilities; repealing s. 550.655, F.S., relating to backside medical and health benefits; providing effective dates.

House Amendment 1—On page 5, lines 14-21, remove from the bill all of said lines: and insert in lieu thereof:

1. The tax on handle per performance for live thoroughbred performances is *2.0* ~~2.25~~ percent of handle for performances conducted during the period beginning on January 3 and ending March 16; *.20* ~~.70~~ percent of handle for performances conducted during the period beginning March 17 and ending May 22; and *1.25* ~~1.5~~ percent of handle for performances conducted during the period beginning May 23 and ending January 2.

House Amendment 3—On page 8, between lines 18 and 19, of the bill insert:

(6) Notwithstanding the provisions of s. 550.0951(3)(c), the tax on handle is 0.2 percent for intertrack wagering and for intertrack wagering on rebroadcasts of simulcast horseraces for a thoroughbred permitholder that conducts performances during the period beginning March 17 and ending May 22. This subsection applies only to thoroughbred permitholders located in any area of the state where there are three or more thoroughbred permitholders within 25 miles of each other. The tax shall be deposited into the General Revenue Fund. Effective July 1, 2001, this subsection is repealed.

House Amendment 4—On page 4, line 24, of the bill after "amended", insert: and subsection (6) is added to said section

House Amendment 5 (with title amendment)—On page 13, lines 1-5, remove from the bill all of said lines: and insert in lieu thereof: be required to pay as additional purses *.625* ~~.375~~ percent of live handle for performances conducted during the period beginning on January 3 and ending March 16; .225 percent for performances conducted during the period beginning March 17 and ending May 22; and *.85* ~~.6~~ percent for performances conducted

And the title is amended as follows:

On page 1, line 21, remove from the title of the bill all of said line: and insert in lieu thereof: reenacting and amending s. 550.2625(2), F.S.; revising

House Amendment 6—On page 16, lines 5 and 6, remove from the bill all of said lines: and insert in lieu thereof: January 2 must make available any live pari-mutuel event

House Amendment 7—On page 16, line 20, remove from the bill: *2000* and insert in lieu thereof: *2001*

House Amendment 8—On page 8, line 19, through page 9, line 3, remove from the bill all of said lines: and insert in lieu thereof:

Section 4. Effective July 1, 2001, paragraph (a) of subsection (2) of section 550.09515, Florida Statutes, is amended to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(2)(a) Notwithstanding the provisions of s. 550.0951(3)(a), the tax on handle for live thoroughbred horse performances shall be subject to the following:

1. The tax on handle per performance for live thoroughbred performances is *2.25* ~~2.0~~ percent of handle for performances conducted during the period beginning on January 3 and ending March 16; *.70* ~~.20~~ percent of handle for performances conducted during the period beginning March 17 and ending May 22; and *1.5* ~~1.25~~ percent of handle for performances conducted during the period beginning May 23 and ending January 2.

On motion by Senator Scott, the Senate concurred in the House amendments.

CS for SB 440 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—1

Ostalkiewicz

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 152, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 152—A bill to be entitled An act relating to the powers and duties of the Governor; amending s. 14.23, F.S.; regulating the nomination of appointees to federal regional fisheries management councils; providing an effective date.

House Amendment 1—On page 1, lines 19-28, remove from the bill: all of said lines and insert in lieu thereof: *nomination, a lobbyist for any entity of any kind whatsoever whose interests are or could be affected by actions or decisions of such fisheries management councils.*

(b) For purposes of this section, the term "lobbyist" means any natural person who is required to register pursuant to s. 11.045 or the equivalent federal statute and who, for compensation, seeks, or sought during the preceding 24 months, to influence the governmental decisionmaking of a reporting individual or procurement employee, as those terms are defined under s. 112.3148, or his or her agency, to encourage the passage, defeat, or

On motion by Senator Latvala, the Senate concurred in the House amendment.

CS for SB 152 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 570, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 570—A bill to be entitled An act relating to assessments on health care entities; amending s. 395.701, F.S.; exempting outpatient radiation therapy services provided by certain hospitals from the annual assessment on net operating revenues of such hospitals; amending s. 395.7015, F.S.; exempting freestanding radiation therapy centers from the annual assessment on net operating revenues of certain health care entities; providing legislative intent to evaluate the implication of an Adult Heart Transplant Program in this state; providing for a report by legislative committees; providing parameters for the report; providing for the report to be presented to the Social Services Estimating Conference; providing for review and certification of the cost estimates by the conference; providing an effective date.

House Amendment 1 (with title amendment)—On page 7, line 23, remove from the bill: all of said line and insert in lieu thereof:

Section 4. This act shall take effect July 1, 1998, except that the amendment of sections 395.701 and 395.7015, Florida Statutes, by this act shall take effect only upon the Agency for Health Care Administration receiving written confirmation from the federal Health Care Financing Administration that the changes contained in such amendments will not adversely affect the use of the remaining assessments as state match for the state's Medicaid program.

And the title is amended as follows:

On page 1, line 19, remove from the title of the bill: all of said line and insert in lieu thereof: conference; providing effective dates.

On motion by Senator Dudley, the Senate concurred in the House amendment.

CS for SB 570 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Childers	Forman	Jones
Bankhead	Clary	Geller	Kirkpatrick
Bronson	Cowin	Grant	Klein
Brown-Waite	Crist	Hargrett	Kurth
Burt	Diaz-Balart	Harris	Latvala
Campbell	Dudley	Holzendorf	Laurent
Casas	Dyer	Horne	Lee

McKay	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams
Myers	Scott	Thomas	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 714, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 714—A bill to be entitled An act relating to health care; amending s. 381.0035, F.S.; requiring certain information related to HIV testing and counseling to be included in HIV educational courses; amending s. 381.004, F.S.; requiring informed consent before an HIV test may be ordered; requiring certain information to be provided when informed consent is sought; providing requirements with respect to notification and release of test results; authorizing certain disclosures of test results; providing for court orders for testing in specified circumstances; providing for emergency action against a registration; providing requirements for model protocols; providing penalties; amending s. 384.25, F.S.; deleting provisions relating to protocols and to notification to school superintendents; amending s. 455.604, F.S.; requiring certain information related to HIV testing to be included in HIV educational courses for certain licensed professions; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; requiring background screening for an applicant for licensure of certain laboratories; authorizing the use of certain body hair for drug testing; creating s. 381.60225, F.S.; requiring background screening for an applicant for certification to operate an organ procurement organization, a tissue bank, or an eye bank; amending s. 383.302, F.S., relating to the regulation of birth centers; revising definitions to reflect the transfer of regulatory authority from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 383.305, F.S.; requiring background screening for an applicant for licensure of a birth center; amending ss. 383.308, 383.309, 383.31, 383.312, 383.313, 383.318, 383.32, 383.324, 383.325, 383.327, 383.33, 383.331, F.S., relating to the regulation of birth centers; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 390.015, F.S.; requiring background screening for an applicant for licensure of an abortion clinic; amending s. 391.206, F.S.; requiring background screening for an applicant for licensure to operate a pediatric extended care center; amending s. 393.063, F.S., relating to developmental disabilities; providing a definition; amending s. 393.067, F.S.; requiring background screening for an applicant for licensure to operate an intermediate care facility for the developmentally disabled; amending s. 394.4787, F.S., relating to the regulation of mental health facilities; conforming a cross-reference to changes made by the act; amending s. 394.67, F.S., relating to community alcohol, drug abuse, and mental health services; revising definitions; amending s. 394.875, F.S.; requiring background screening for an applicant for licensure of a crisis stabilization unit or residential treatment facility; amending ss. 394.876, 394.877, 394.878, 394.879, 394.90, 394.902, 394.903, 394.904, 394.907, F.S., relating to the regulation of mental health facilities; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 395.002, F.S., relating to hospital licensing and regulation; providing definitions; creating s. 395.0055, F.S.; requiring background screening for an applicant for licensure of a facility operated under ch. 395, F.S.; amending s. 395.0199, F.S.; requiring background screening for an applicant for registration as a utilization review agent; amending s. 400.051, F.S.; conforming a cross-reference; amending s. 400.071, F.S.; requiring background screening for an applicant for licensure of a nursing home; amending s. 400.411, F.S.; requiring background screening for an applicant for licensure of an assisted living facility; amending ss. 400.414, 400.417, 400.4174, 400.4176, F.S., relating to the regulation of assisted living facilities; providing additional grounds for denial, revocation, or suspension of a license; requiring background screening for employees hired on or after a specified date; amending ss. 400.461, F.S., relating to the regulation of home health agencies; conforming a cross-reference; amending s. 400.471, F.S.; requiring background screening for an applicant for licensure of a home health agency; amending s. 400.506, F.S.; requiring background screening for an applicant for licensure of a nurse registry; amending s. 400.555, F.S.; requiring background screening for an applicant for licensure of an adult day care center; amending s. 400.556, F.S., relating to disciplinary actions against adult day care center licensees; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.557, F.S., relating to renewal of an adult day care center license; requiring an affidavit of compliance with background screening requirements when a license is renewed; creating s. 400.5572, F.S.; requiring background screening for employees of an adult day care center hired on or after a specified date; amending s. 400.606, F.S.; requiring background screening for an applicant for licensure of a hospice; creating s. 400.6065, F.S.; providing requirements for background screening of hospice employees; amending s. 400.607, F.S., relating to disciplinary actions against a hospice license; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.619, F.S.; revising background screening requirements for an applicant for licensure of an adult family care home; providing screening requirements for designated relief persons; deleting agency authority to take disciplinary action against an adult family-care-home license; revising rulemaking authority; creating s. 400.6194, F.S.; providing for disciplinary action against an adult family-care-home license; making noncompliance with screening requirements a basis for disciplinary action; amending s. 400.801, F.S.; requiring background screening for an applicant for licensure of a home for special services; amending s. 400.805, F.S.; requiring background screening for an applicant for licensure of a transitional living facility; amending s. 430.04, F.S.; providing duties and responsibilities of the Department of Elderly Affairs; requiring the department to take disciplinary action against an area agency on aging for failure to implement and maintain a department-approved grievance resolution procedure; amending s. 455.654, F.S., relating to referring health care providers; conforming cross-references to changes made by the act; amending s. 468.505, F.S., relating to disciplinary action against certain medical professionals and activities exempt from regulation; updating provisions and conforming cross-references; amending s. 483.101, F.S.; requiring background screening for an applicant for licensure of a clinical laboratory; amending s. 483.106, F.S., relating to a certificate of exemption; correcting terminology; amending s. 483.30, F.S.; requiring background screening for an applicant for licensure of a multiphasic health testing center; repealing s. 455.661, F.S., which provides for licensure of designated health care services; providing appropriations and authorizing positions; authorizing certain positions in excess of those otherwise authorized; providing funding; providing for applicability of background screening requirements; providing for future repeal; providing for a review of certain background screening requirements; providing an effective date.

House Amendment 1 (with title amendment)—On page 6, line 21, of the bill insert:

Section 1. Paragraph (l) is added to subsection (1) of section 440.134, Florida Statutes, to read:

440.134 Workers' compensation managed care arrangement.—

(1) As used in this section, the term:

(l) "Medical case manager" means a qualified rehabilitation provider as defined in s. 440.491 or a registered nurse licensed under chapter 464, either of whom act under the supervision of a medical care coordinator.

And the title is amended as follows:

On page 1, line 2, after the semicolon insert: amending s. 440.134, F.S.; defining the term "medical case manager";

On motion by Senator Forman, the Senate refused to concur in the House amendment to **CS for CS for SB 714** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 898, with amendment(s), by the required Constitutional two-thirds vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 898—A bill to be entitled An act relating to postconviction proceedings in capital cases; repealing Rule 3.852, Florida Rules of Criminal

Procedure, relating to the production of records in postconviction proceedings in capital cases; providing a contingent effective date.

House Amendment 1—On page 1, line 13, remove from the bill: July 1, 1998 and insert in lieu thereof: October 1, 1998

On motion by Senator Burt, the Senate concurred in the House amendment.

SB 898 passed as amended by the required constitutional two-thirds vote of the membership and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1270, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1270—A bill to be entitled An act relating to public funds; providing for the appropriation of revenues obtained as a result of the settlement of litigation involving the tobacco industry; providing for specified amounts to be appropriated to the Department of Health to continue implementing the Florida Kids Campaign Against Tobacco Pilot Program; providing for additional appropriations of revenues to be used for marketing, education and training, youth programs, and community partnerships; providing an appropriation to the Department of Business and Professional Regulation; requiring that such funds be used to enforce laws governing access to and possession of tobacco products by underage persons; providing for an evaluation of the pilot program; providing for program coordination and administrative support; providing an appropriation to the Working Capital Fund; specifying guidelines to be applied by the Legislature in expending funds paid to the state as a result of the settlement of litigation involving the tobacco industry; providing that funds should be deposited into a trust fund rather than into the General Revenue Fund; providing that funds should be spent on children's health services and on education, training, and enforcement programs; prohibiting the use of such funds to support a national settlement; requiring county health departments to administer certain funds unless granted an exemption; providing an effective date.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *There is hereby appropriated a lump sum of $70 million from the tobacco settlement revenues that were received for the pilot program to the Department of Health to continue implementation of the Florida Kids Campaign Against Tobacco Pilot Program in fiscal year 1998-1999. Funds in the lump sum shall be distributed to the following agencies for the following programs, subject to the notice, review, and objection provisions of section 216.177, Florida Statutes:*

(1) To the Department of Health for marketing and communications. Such funds shall be used for a media campaign to create and promote messages urging youth to live tobacco free.

(2) To the Department of Health for a comprehensive tobacco education and training initiative, directed toward Florida youth in pre-K through grade 12. The initiative should be created through collaborative efforts between the state, local communities, voluntary agencies, school districts, professional organizations, and the State University System and should emphasize intensive, interactive, and coordinated anti-tobacco curricula.

(3) To the Department of Health for youth programs and community partnerships. Such funds shall be used to develop community partnerships through the county health departments for implementing community-based tobacco prevention programs, including the needs of the minority youth populations of the state.

(4) To the Department of Business and Professional Regulation for enforcement of laws against underage tobacco access and possession through a combination of program development, research, and contracts with local law enforcement agencies. Funding provided to the department shall be used for the purposes of placing enforcement agents in retail locations to deter youth purchasing of tobacco, providing training of store employees, and providing for enforcement efforts near schools.

(5) To the Department of Health for evaluation of each aspect of the pilot program. Funding provided shall be used to obtain baseline data on the prevalence of tobacco use among youth and for monitoring changes in tobacco utilization within this group.

(6) To the Department of Health or the Department of Business and Professional Regulation, as applicable, for coordination and program administration, not to exceed 5 percent of the total funds appropriated in this section. The Executive Office of the Governor may request Administration Commission approval of positions in excess of the number of positions fixed by the Legislature if necessary to implement the approved distribution of funds provided in this section. Positions established or redirected pursuant to this subsection are to be vacated and held in reserve by the Executive Office of the Governor upon completion of the Florida Kids Campaign Against Tobacco Pilot Program.

Section 2. *The following guidelines shall be applied to the expenditure of all funds paid to the State of Florida as a result of litigation entitled The State of Florida et al. v. American Tobacco Company et al., Case #95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County:*

(1) The Legislature asserts its rights to appropriate all funds paid or payable to the state through the tobacco settlement. Before any funds are released, the Legislature must approve all program and funding proposals.

(2) A trust fund should be created solely for the purpose of receiving and managing settlement funds, and a full and complete record of all budget and expenditure actions should be maintained.

(3) Administrative costs associated with programs and providers that receive funds from the tobacco settlement should be set at a reasonable level, consistent with best-management practices.

(4) Local law enforcement agencies, businesses, and school districts should be involved in enforcement efforts as appropriate to the mission of each organization.

(5) Funds received from the tobacco settlement may not be used for advertising that includes the name, voice, or likeness of any elected or appointed public official.

(6) Greater emphasis should be placed on funding education, training, and enforcement programs than is placed on the funding of advertising.

(7) County health departments must administer funds provided to each local coalition that is not specifically granted an exemption by the Legislature. Exemptions from requirements to administer coalition programs by county health departments shall be limited to established administrative entities that meet a test of several criteria established by the Department of Health and may not include provider agencies that could receive funding from the settlement.

(8) Programs which raise matching funds should be maximized in order to get the greatest leverage of state funds.

(9) Grant and contract processes should be competitive and objective.

(10) Requests for information or for proposals should emphasize that performance measures will be required for all contracts and grants.

(11) A substantial portion of the program should be character-based and focused on rewarding appropriate values and behavior in youth.

(12) Needs of the minority youth community in this state should be addressed.

Section 3. *(1) The $330,500,000, plus accrued interest and any other funds on deposit in accounts 3660512058 and 3660510843 at NationsBank, N.A., pursuant to Escrow Agreement dated September 15, 1997, and raised as a result of litigation entitled The State of Florida et al. vs. American Tobacco Company, et al., Case #95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, are funds of the State of Florida and are hereby appropriated to the General Revenue Fund, and shall be transferred to the Tobacco Settlement Trust Fund, if such fund is created by law. Further, all subsequent payments made by the settling defendants in said litigation are funds of the State of Florida and are hereby appropriated to said trust fund, or if such trust fund is not created by law, to the General Revenue Fund.*

(2) This section shall take effect upon becoming a law and shall supersede Section 16 of the 1998-1999 General Appropriations Act.

Section 4. *(1) The Comptroller shall enforce the appropriation in Section 3 of this act by demanding payment from the depository institution within 2 business days of such section becoming law. If payment is not made within 2 business days of such demand, the Comptroller shall forthwith bring an action for a writ of mandamus or an action at law or such other action as may be necessary to ensure that the state's title to these funds is affirmed. Such action shall be filed in the circuit court of the Second Judicial Circuit, in and for Leon County, which circuit shall have exclusive jurisdiction thereof. Notice of such action shall be served upon any officer of the financial institution, or any other authorized service agent thereof, at any branch office thereof in Leon County. From and after the time this section becomes law, the depository institution is hereby and shall be prohibited from paying any of the respective funds to any person or entity other than the Comptroller of the State of Florida until the final resolution of the action and any appeal therefrom. No person who is not a party to the escrow agreement under which the respective funds were deposited shall be permitted to intervene in such action.*

(2) This section shall take effect upon becoming a law.

Section 5. Except as otherwise provided herein, this act shall take effect July 1 of the year in which enacted.

And the title is amended as follows: remove from the title of the bill: everything before the enacting clause and insert in lieu thereof: A bill to be entitled An act relating to tobacco settlement funds; providing for the use of revenues obtained as a result of the settlement of litigation involving the tobacco industry; providing for a lump sum from certain of such funds to be appropriated to the Department of Health to continue implementation of the Florida Kids Campaign Against Tobacco Pilot Program; providing for distribution of funds in such lump sum to specified agencies for specified purposes; specifying guidelines to be applied by the Legislature in expending funds paid to the state as a result of the settlement of litigation involving the tobacco industry; appropriating funds received as a result of the settlement of litigation by the State of Florida against certain tobacco companies; providing for the deposit of the funds; requiring the Comptroller to enforce appropriations made herein; providing exclusive jurisdiction of such enforcement actions; limiting intervention in such actions; providing effective dates.

On motion by Senator Thomas, the Senate concurred in the House amendment.

CS for SB 1270 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Casas	Dudley	Holzendorf
Bankhead	Childers	Dyer	Horne
Bronson	Clary	Geller	Jones
Brown-Waite	Cowin	Grant	Kirkpatrick
Burt	Crist	Hargrett	Klein
Campbell	Diaz-Balart	Harris	Kurth
Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	
McKay	Rossin	Thomas	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) 1 to House Amendment(s) 1 to CS for SB 1408 and requests the Senate to recede.

John B. Phelps, Clerk

CS for SB 1408—A bill to be entitled An act relating to public records; creating s. 440.108, F.S.; providing an exemption from public records requirements for certain information obtained in administering the Workers' Compensation Law; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

On motion by Senator Clary, the Senate receded from **Senate Amendment 1 to House Amendment 1** and concurred in **House Amendment 1** as recommended by the House.

CS for SB 1408 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1564, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1564—A bill to be entitled An act relating to the tax on sales, use, and other transactions; creating a tax incentive for certain television broadcasting stations; amending s. 212.08, F.S.; amending the exemption for machinery and equipment used in silicon technology production and research and development; deleting the requirement that the exemption be accomplished through the refund of taxes that were previously paid; deleting the provision that the refund is subject to a specific annual legislative appropriation; amending s. 212.055, F.S.; authorizing counties to use a specified percent of surtax proceeds for economic development projects; providing an effective date.

House Amendment 1 (with title amendment)—remove everything after the enacting clause: and insert in lieu thereof:

Section 1. Paragraph (j) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in silicon technology production and research and development.—

1. Industrial machinery and equipment purchased for use in silicon technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce silicon technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Machinery and equipment are exempt from the tax imposed by this chapter if purchased for use predominately in silicon wafer research and development activities in a silicon technology research and development facility certified under subparagraph 5.

3. *In addition to meeting* ~~The exemptions authorized in subparagraphs 1. and 2. accrue to the taxpayer through a refund of previously paid taxes. A refund may not be made unless~~ the criteria mandated by subparagraph 1. or subparagraph 2., *a* ~~have been met and the~~ business *must be* ~~has been~~ certified by the Office of Tourism, Trade, and Economic Development as authorized in this paragraph *in order to qualify for exemption under this paragraph.*

4. For items purchased tax exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser's entitlement to exemption pursuant to this paragraph, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of tax if it determines that the purchaser was not entitled to the exemption.

5.~~4.~~a. To be eligible to receive the exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to Enterprise Florida, Inc. The application shall be developed by the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc.

b. Enterprise Florida, Inc., shall review each submitted application and information and determine whether or not the application is complete within 5 working days. Once an application is complete, Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval of the application to the Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the application and recommendation from Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, Enterprise Florida, Inc., and the department of the certification. If the Office of Tourism, Trade, and Economic Development finds that the applicant does not meet the requirements of this section, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The Office of Tourism, Trade, and Economic Development has final approval authority for certification under this section.

6.~~5.~~a. A business certified to receive this exemption may apply once each year for the *exemption* ~~refund of all eligible taxes paid during the previous calendar year~~. ~~The refund shall be subject to a specific annual appropriation from the Legislature to the Office of Tourism, Trade, and Economic Development for the payment of such refunds.~~

b. The first claim submitted by a business may include all eligible expenditures made after the date the business was certified.

c. To apply for the annual *exemption* ~~refund~~, the business shall submit a ~~refund~~ claim to the Office of Tourism, Trade, and Economic Development, which claim indicates and documents the sales and use taxes *otherwise payable* ~~paid~~ on eligible machinery and equipment. The claim *must* ~~shall~~ also indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, and the total investment made in real and tangible personal property over the preceding calendar year or, for the first claim submitted, since the date of certification. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for *exemption* ~~an annual refund~~.

~~d. An application for refund must be submitted to the Office of Tourism, Trade, and Economic Development by February 15 of each year. In the event that the Legislature does not appropriate an amount sufficient to satisfy all refund applications received by the Office of Tourism, Trade, and Economic Development, the office shall, not later than April 15 of each year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the total of refund claims received. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, there are appropriated funds remaining, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.~~

d.~~e.~~ The Office of Tourism, Trade, and Economic Development may use the information reported on the claims for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. This report may be submitted in conjunction with the annual report required in s. 288.095(3)(c).

7.~~6.~~ A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the *amount of the exemption* ~~refund~~ for which they may qualify. To receive *these funds* ~~the tax refund or portion of the tax refund~~, the institution must agree to match *the* ~~these~~ funds so earned with equivalent cash, programs, services, or other in-kind support on a one-to-one basis in the pursuit of research and development projects as requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

8.~~7.~~ As used in this paragraph, the term:

a. "Predominately" means at least 50 percent of the time in qualifying research and development.

b. "Research and development" means basic and applied research in the science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

c. "Silicon technology products" means raw silicon wafers that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; and related silicon technology products as determined by the Office of Tourism, Trade, and Economic Development.

Section 2. This act shall take effect July 1 of the year in which enacted.

And the title is amended as follows:

On page 1, lines 2 through 16, remove from the title of the bill: all of said lines and insert in lieu thereof: An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; amending the exemption for machinery and equipment used in silicon technology production and research and development; deleting the requirement that the exemption be accomplished through the refund of taxes that were previously paid; requiring certification by a purchaser of entitlement to the exemption and relieving the seller of responsibility to collect tax; deleting the provision that the refund is subject to a specific annual legislative appropriation; providing an effective date.

On motion by Senator McKay, the Senate concurred in the House amendment.

CS for SB 1564 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Brown-Waite	Casas	Cowin
Bankhead	Burt	Childers	Crist
Bronson	Campbell	Clary	Diaz-Balart

Dudley	Harris	Latvala	Rossin
Dyer	Holzendorf	Laurent	Scott
Forman	Horne	Lee	Silver
Geller	Jones	McKay	Sullivan
Grant	Kirkpatrick	Meadows	Thomas
Gutman	Klein	Myers	Turner
Hargrett	Kurth	Ostalkiewicz	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1498, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1498—A bill to be entitled An act relating to the use of motor vehicles by persons who have disabilities; amending s. 316.1955, F.S.; clarifying standards for accessible parking spaces and parking access aisles; providing violations; providing penalties; amending s. 316.1958, F.S.; providing that a special motor vehicle license plate or parking permit issued by another state, district, or country is invalid with respect to a person who must have a Florida vehicle registration; amending s. 316.1964, F.S.; amending circumstances in which vehicles are exempt from paying parking fees and penalties; amending s. 318.18, F.S.; increasing the amount of the fine for illegally parking in a parking space for disabled persons; amending procedures for dismissing such fines and for distributing the proceeds of such fines; amending s. 320.0842, F.S.; amending prerequisites to qualifying for a free license plate as a veteran who uses a wheelchair due to a service-connected disability; amending s. 320.0843, F.S.; amending provisions related to license plates for wheelchair users; amending s. 320.0848, F.S.; amending provisions relating to the issuance of disabled parking permits; amending prerequisites; providing for replacement permits; providing for alternatives; amending requirements for the design of temporary permits; providing penalties for unlawfully displaying a disabled parking permit; providing additional grounds for confiscation of a disabled parking permit; providing for recordkeeping related to confiscation; providing for revoking the privilege of applying for a disabled parking permit; providing procedures related to confiscations and revocations; providing an effective date.

House Amendment 1—On page 9, line 25, remove from the bill: all of said line and insert in lieu thereof:

(6) One hundred dollars for

On motion by Senator Forman, the Senate concurred in the House amendment.

CS for SB 1498 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1748, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1748—A bill to be entitled An act relating to funds distributed to local governments; amending s. 236.081, F.S.; amending the prerequisites to excluding from the computation of district required local effort the assessed value of property that is the subject of litigation; creating s. 218.66, F.S.; providing for a special distribution of funds from the Local Government Half-cent Sales Tax Clearing Trust Fund to a county or municipality under certain conditions; providing an effective date.

House Amendment 1 (with title amendment)—On page 4, between lines 4 and 5 of the bill insert:

Section 3. *The sum of $13,244,151 is appropriated for fiscal year 1998-1999 from the Public Education and Capital Outlay Debt Service Trust Fund to the Columbia County School District for the Ft. White High School. No funds shall be released for this project before the Special Facilities Review Commission has approved said project.*

And the title is amended as follows:

On page 1, line 11, after the semicolon insert: providing an appropriation to the Columbia County School District; providing a contingency;

On motion by Senator Thomas, the Senate concurred in the House amendment.

CS for SB 1748 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	Myers
Bankhead	Crist	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Sullivan
Casas	Gutman	Lee	Thomas
Childers	Hargrett	McKay	Turner
Clary	Harris	Meadows	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2480, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2480—A bill to be entitled An act relating to the Alternative Education Institute; amending s. 230.23162, F.S.; abolishing the institute; transferring the institute to the Department of Management Services; providing duties of the Department of Management Services; establishing a working group to develop a plan for use of the facility; requiring a report; requiring the department to provide services and make a recommendation for the disposition of the facility taking account of local and state concerns; providing an appropriation; providing an effective date.

House Amendment 1—On page 3, lines 2 through 28, remove from the bill: all of said lines and insert in lieu thereof: *act becomes law.*

(3) The Department of Management Services shall survey state agencies, and shall invite bids and proposals from state agencies, local government agencies, federal agencies, and the private sector for the use or disposition of the facility and related assets, no later than June 15, 1998. Notwithstanding any law to the contrary, the Department of Management Services shall set a deadline for receipt of bids and proposals of not less than 3 months after the invitation for bids and proposals is advertised. By October 1, 1998, the Department of Management Services shall evaluate all bids and proposals and make a recommendation to the working group created under this section regarding proposed uses for the facility, taking into account local and state interests and concerns.

(4) Taking into consideration the recommendation of the Department of Management Services, and local and state concerns and interests, the

working group shall, no later than November 1, 1998, make a final determination for the use or disposition of the facility and related assets planned, constructed, acquired, and equipped pursuant to Specific Appropriation 2012A of the 1994-1995 General Appropriations Act, and shall be disbanded upon that date. Such determination shall be subject to the notice, review, and objection procedures of s. 216.177. If the final determination made by the working group is objected to under s. 216.177, the final determination for the facility and related assets shall be made by the Legislature during the 1999 Regular Session.

On motion by Senator Lee, the Senate concurred in the House amendment.

CS for SB 2480 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed CS for CS for HB 271 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for HB 271—A bill to be entitled An act relating to public assistance; creating s. 414.103, F.S.; providing for drug testing under the "Work and Gain Economic Self-sufficiency (WAGES) Act" for illegal use of controlled substances; providing legislative intent and findings; directing the Department of Children and Family Services to implement a program to screen and test WAGES Program applicants; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; requiring the department to provide a rehabilitation treatment program for certain persons; specifying circumstances resulting in termination of temporary assistance or services; providing limitations; providing for rules; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 38, lines 15-20, remove from the amendment: all of said lines

House Amendment 2 to Senate Amendment 1—On page 3, line 12, remove from the amendment: *The obligee or, in* and insert in lieu thereof: *In*

On motion by Senator Holzendorf, the Senate concurred in the House amendments to the Senate amendment.

CS for CS for HB 271 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Laurent
Brown-Waite	Diaz-Balart	Harris	Lee
Burt	Dudley	Holzendorf	McKay
Campbell	Dyer	Horne	Meadows
Casas	Forman	Jones	Myers
Childers	Geller	Kirkpatrick	Ostalkiewicz
Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s), and concurred in same as amended, and passed CS for HB 945 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 945—A bill to be entitled An act relating to environmental equity and justice; creating s. 760.854, F.S.; creating the Center for Environmental Equity and Justice; providing purpose of the center; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17, through page 7, line 8, remove from the amendment: all of said lines and insert in lieu thereof:

Section 3. Section 381.101, Florida Statutes, is created to read:

381.101 Community Environmental Health Program; creation; purposes.—

(1) There is created the Community Environmental Health Program. The primary purpose of the program is to ensure the availability of public health services to members of low-income communities that may be adversely affected by contaminated sites located in or near the community. These services extend beyond health services that are currently provided pursuant to chapter 154 and include measures to address the health effects that are associated with exposure to environmental contamination.

(2) The Department of Health shall establish a Community Environmental Health Advisory Board. The majority of board members shall be low-income residents. The board must also include representatives from the respective county health departments, health care professionals and providers, and elected officials. The board shall identify the community environmental health needs and types of services which should be provided.

(3) As used in this section:

(a) "Low-income community" means a contiguous grouping of residences with a significant portion of occupants who have a family income equal to or below 100 percent of the most recent federal poverty level and who are exposed to multiple sources of environmental contamination.

(b) "Contaminated site" means any contiguous land, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment and includes federal Superfund sites and state or federally designated Brownfield areas.

Section 4. The sum of $100,000 is appropriated from the General Revenue Fund during the 1998-1999 fiscal year for the Community Environmental Health Program.

And the title is amended as follows:

On page 7, lines 16-29, of the amendment remove: all of said lines and insert in lieu thereof: creating s. 381.101, F.S.; creating the Community Environmental Health Program; providing purposes of the program; providing for a Community Environmental Health Advisory Board; providing an appropriation;

On motion by Senator Turner, the Senate concurred in the House amendment to the Senate amendment.

CS for HB 945 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Clary	Grant	Klein	Ostalkiewicz
Cowin	Gutman	Kurth	Rossin
Crist	Hargrett	Latvala	Scott
Diaz-Balart	Harris	Laurent	Silver
Dudley	Holzendorf	Lee	Sullivan
Dyer	Horne	McKay	Thomas
Forman	Jones	Meadows	Turner
Geller	Kirkpatrick	Myers	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s), and concurred in same as amended, and passed HB 1019 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1019—A bill to be entitled An act relating to marriage; creating ss. 741.0305, 741.0306, and 741.0307, F.S., the "Marriage Preparation and Preservation Act of 1998"; providing legislative findings and purpose; requiring the creation of a handbook pertaining to the rights and responsibilities under Florida law of marital partners; amending s. 741.0306, F.S., to provide criteria to be contained in the handbook; amending s. 741.04, F.S.; providing that verification that both parties contemplating marriage have obtained and read the information contained in the handbook created pursuant to s. 741.0307, F.S., is a condition precedent to issuance of a marriage license; amending s. 741.05, F.S., to conform; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; designating such course as the parent education and family stabilization course; providing legislative findings and purpose; authorizing the court in any action between parents in which the custody or support of a minor child is an issue to order parties to attend the family education and stabilization course if the court finds attendance to be in the best interests of the child or children; providing procedures and guidelines for required attendance; requiring parties to file proof of compliance with the court; authorizing a course fee; authorizing each judicial circuit to establish a registry of course providers and sites; authorizing the court to grant exemption from required course attendance; providing parent education and family stabilization course curriculum; providing qualifications and duties of course providers; amending s. 232.246, F.S.; including marriage and relationship education within the life management skills credit required for graduation from high school; amending s. 28.101, F.S.; providing an additional charge for petition for a dissolution of marriage; providing for deposit of such funds in the Family Courts Trust Fund; amending s. 25.388, F.S.; providing an additional source of funding for the Family Courts Trust Fund; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17, through page 290, line 14, remove from the amendment: all of said lines and insert in lieu thereof:

Section 1. *Sections 1-16 of this act may be cited as the "Marriage Preparation and Preservation Act of 1998."*

Section 2. (1) *It is the finding of the Legislature based on reliable research that:*

(1) The divorce rate has been accelerating.

(2) Just as the family is the foundation of society, the marital relationship is the foundation of the family. Consequently, strengthening marriages can only lead to stronger families, children, and communities, as well as a stronger economy.

(3) An inability to cope with stress from both internal and external sources leads to significantly higher incidents of domestic violence, child abuse, absenteeism, medical costs, learning and social deficiencies, and divorce.

(4) Relationship skills can be learned.

(5) Once learned, relationship skills can facilitate communication between parties to a marriage and assist couples in avoiding conflict.

(6) Once relationship skills are learned, they are generalized to parenting, the workplace, schools, neighborhoods, and civic relationships.

(7) By reducing conflict and increasing communication, stressors can be diminished and coping can be furthered.

(8) When effective coping exists, domestic violence, child abuse, and divorce and its effect on children, such as absenteeism, medical costs, and learning and social deficiencies, are diminished.

(9) The state has a compelling interest in educating its citizens with regard to marriage and, if contemplated, the effects of divorce.

(2) This section shall take effect January 1, 1999.

Section 3. Effective January 1, 1999, paragraph (i) of subsection (1) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(i) One-half credit in life management skills to include consumer education, positive emotional development, *marriage and relationship skill-based education,* nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholar's Certificate Program requirements as specified in a district's pupil progression plan.

Section 4. Effective January 1, 1999, subsection (5) is added to section 741.01, Florida Statutes, to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(5) The fee charged for each marriage license issued in the state shall be reduced by a sum of $32.50 for all couples who present valid certificates of completion of a premarital preparation course from a qualified course provider registered under s. 741.0305(5) for a course taken no more than 1 year prior to the date of application for a marriage license. For each license issued that is subject to the fee reduction of this subsection, the clerk is not required to transfer the sum of $7.50 to the State Treasury for deposit in the Displaced Homemaker Trust Fund pursuant to subsection (3) or to transfer the sum of $25 to the Supreme Court for deposit in the Family Courts Trust Fund.

Section 5. Effective January 1, 1999, section 741.0305, Florida Statutes, is created to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(1) A man and a woman who intend to apply for a marriage license under s. 741.04 may, together or separately, complete a premarital preparation course of not less than 4 hours. Each individual shall verify completion of the course by filing with the application a valid certificate of completion from the course provider, which certificate shall specify

whether the course was completed by personal instruction, videotape instruction, instruction via other electronic medium, or a combination of those methods. All individuals who complete a premarital preparation course pursuant to this section must be issued a certificate of completion at the conclusion of the course by their course provider. Upon furnishing such certificate when applying for a marriage license, the individuals shall have their marriage license fee reduced by $32.50.

(2) The premarital preparation course may include instruction regarding:

(a) Conflict management.

(b) Communication skills.

(c) Financial responsibilities.

(d) Children and parenting responsibilities.

(e) Data compiled from available information relating to problems reported by married couples who seek marital or individual counseling.

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.

2. A clinical social worker licensed under chapter 491.

3. A marriage and family therapist licensed under chapter 491.

4. A mental health counselor licensed under chapter 491.

5. An official representative of a religious institution which is recognized under s. 496.404(20), if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

(b) The costs of such premarital preparation course shall be paid by the applicant.

(4) Each premarital preparation course provider shall furnish each participant who completes the course with a certificate of completion specifying the name of the participant and the date of completion and whether the course was conducted by personal instruction, videotape instruction, or instruction via other electronic medium, or by a combination of these methods.

(5) All area course providers shall register with the clerk of the circuit court by filing an affidavit in writing attesting to the provider's compliance with the premarital preparation course requirements as set forth in this section and including the course instructor's name and qualifications, including the license number, if any, or, if an official representative of a religious institution, a statement as to relevant training. The affidavit shall also include the addresses where the provider may be contacted.

Section 6. (1) *(1) Premarital preparation courses offered and completed by individuals across the state shall be reviewed by researchers from the Florida State University Center for Marriage and Family in order to determine the efficacy of such premarital preparation courses.*

(2) Premarital preparation pilot programs may be created by the Florida State University Center for Marriage and Family, which will be administered by course providers or by qualified instructors as provided in s. 741.0305(3), Florida Statutes. These pilot programs shall offer a premarital preparation course based on statistical information and data obtained by researchers from the Florida State University Center for Marriage and Family.

(3) The Florida State University Center for Marriage and Family shall develop a questionnaire and create a curriculum based on data collected by its researchers. Any curriculum developed by The Florida State University Center for Marriage and Family researchers shall be the sole property of the center.

(2) This section shall take effect January 1, 1999.

Section 7. Effective January 1, 1999, section 741.0306, Florida Statutes, is created to read:

741.0306 Creation of a family law handbook.—

(1) Based upon their willingness to undertake this project, there shall be created by the Family Law Section of The Florida Bar a handbook explaining those sections of Florida law pertaining to the rights and responsibilities under Florida law of marital partners to each other and to their children, both during a marriage and upon dissolution. The material in the handbook or other suitable electronic media shall be reviewed for accuracy by the Family Court Steering Committee of the Florida Supreme Court prior to publication and distribution.

(2) Such handbooks shall be available from the clerk of the circuit court upon application for a marriage license. The clerks may also make the information in the handbook available on videotape or other electronic media and are encouraged to provide a list of course providers and sites at which marriage and relationship skill-building classes are available.

(3) The information contained in the handbook or other electronic media presentation may be reviewed and updated annually, and may include, but need not be limited to:

(a) Prenuptial agreements; as a contract and as an opportunity to structure financial arrangements and other aspects of the marital relationship.

(b) Shared parental responsibility for children; the determination of primary residence or custody and secondary residence or routine visitation, holiday, summer, and vacation visitation arrangements, telephone access, and the process for notice for changes.

(c) Permanent relocation restrictions on parents with primary residential responsibility.

(d) Child support for minor children; both parents are obligated for support in accordance with applicable child support guidelines.

(e) Property rights, including equitable distribution, special equity, premarital property, and nonmarital property.

(f) Alimony, including temporary, permanent rehabilitative, and lump sum.

(g) Domestic violence and child abuse and neglect, including penalties and other ramifications of false reporting.

(h) Court process for dissolution with or without legal assistance, including who may attend, the recording of proceedings, how to access those records, and the cost of such access.

(i) Parent education course requirements for divorcing parents with children.

(j) Community resources that are available for separating or divorcing persons and their children.

(k) Women's rights specified in the Battered Women's Bill of Rights.

(4) The material contained in such a handbook may also be provided through videotape or other suitable electronic media. The information contained in the handbook or other electronic media presentation shall be reviewed and updated annually.

Section 8. Effective January 1, 1999, section 741.04, Florida Statutes, is amended to read:

741.04 Marriage license issued.—

(1) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her an affidavit in writing, signed by both parties to the marriage, providing the social security numbers of each party, made and subscribed before some person authorized by law to administer an oath, reciting the true and correct ages of such parties; unless both such parties shall be over the age of 18 years, except as provided in s. 741.0405; and unless one party is a male and the other party is a female. Pursuant to the federal Personal Responsibility and

Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(2) No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her:

(a) A statement in writing, signed by both parties, which specifies whether the parties, separately or together, have completed a premarital preparation course.

(b) A statement that verifies that both parties have obtained and read or otherwise accessed the information contained in the handbook or other electronic media presentation of the rights and responsibilities of parties to a marriage specified in s. 741.0306.

(3) If a couple has not submitted to the clerk valid certificates of completion of a premarital preparation course, the effective date of the marriage license shall be delayed 3 days from the date of application. The effective date shall be printed on the marriage license in bold print. If a couple has submitted valid certificates of completion of a premarital preparation course, the effective date of the marriage license shall not be delayed. Exceptions to the delayed effective date must be granted to non-Florida residents seeking a marriage license from the state and for individuals asserting hardship. Marriage license fee waivers shall continue to be available to all eligible individuals. For state residents, a county court judge issuing a marriage license may waive the delayed effective date for good cause.

Section 9. (1) *When applying for a marriage license, an applicant may complete and file with the clerk of the circuit court an unsigned anonymous informational questionnaire which shall be provided by the clerk. The clerk shall, for purposes of anonymity, keep all such questionnaires in a separate file for later distribution by the clerk to researchers from The Florida State University Center for Marriage and Family. These questionnaires must be made available to researchers from the center at their request. Researchers from the center shall develop the questionnaire and distribute them to the clerk of the circuit court in each county.*

(2) This section shall take effect January 1, 1999.

Section 10. Effective January 1, 1999, section 741.05, Florida Statutes, is amended to read:

741.05 Penalty for violation of ss. 741.03, 741.04*(1)*.—Any county court judge, clerk of the circuit court, or other person who shall violate any provision of ss. 741.03 and 741.04*(1)* shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Effective January 1, 1999, section 61.043, Florida Statutes, is amended to read:

61.043 Commencement of a proceeding for dissolution of marriage or for alimony and child support.—

(1) A proceeding for dissolution of marriage or a proceeding under s. 61.09 shall be commenced by filing in the circuit court a petition entitled "In re the marriage of . . . . , husband, and . . . . , wife." A copy of the petition together with a copy of a summons shall be served upon the other party to the marriage in the same manner as service of papers in civil actions generally.

(2) Upon filing for dissolution of marriage, the petitioner must complete and file with the clerk of the circuit court an unsigned anonymous informational questionnaire. For purposes of anonymity, completed questionnaires must be kept in a separate file for later distribution by the clerk to researchers from The Florida State University Center for Marriage and Family. These questionnaires must be made available to researchers from The Florida State University Center for Marriage and Family at their request. The actual questionnaire shall be formulated by researchers from Florida State University who shall distribute them to the clerk of the circuit court in each county.

Section 12. Effective January 1, 1999, subsection (2) of section 61.052, Florida Statutes, is amended to read:

61.052 Dissolution of marriage.—

(2) Based on the evidence at the hearing, which evidence need not be corroborated except to establish that the residence requirements of s. 61.021 are met which may be corroborated by a valid Florida driver's license, a Florida voter's registration card, *a valid Florida identification card issued under ss. 322.051,* or the testimony or affidavit of a third party, the court shall dispose of the petition for dissolution of marriage when the petition is based on the allegation that the marriage is irretrievably broken as follows:

(a) If there is no minor child of the marriage and if the responding party does not, by answer to the petition for dissolution, deny that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage if the court finds that the marriage is irretrievably broken.

(b) When there is a minor child of the marriage, or when the responding party denies by answer to the petition for dissolution that the marriage is irretrievably broken, the court may:

1. Order either or both parties to consult with a marriage counselor, psychologist, psychiatrist, minister, priest, rabbi, or any other person deemed qualified by the court and acceptable to the party or parties ordered to seek consultation; or

2. Continue the proceedings for a reasonable length of time not to exceed 3 months, to enable the parties themselves to effect a reconciliation; or

3. Take such other action as may be in the best interest of the parties and the minor child of the marriage.

If, at any time, the court finds that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage. If the court finds that the marriage is not irretrievably broken, it shall deny the petition for dissolution of marriage.

Section 13. Effective January 1, 1999, section 61.21, Florida Statutes, is amended to read:

61.21 Parenting course authorized; fees; required attendance authorized; contempt.—

(1) LEGISLATIVE FINDINGS; PURPOSE.—It is the finding of the Legislature that:

(a) A large number of children experience the separation or divorce of their parents each year. Parental conflict related to divorce is a societal concern because children suffer potential short-term and long-term detrimental economic, emotional, and educational effects during this difficult period of family transition. This is particularly true when parents engage in lengthy legal conflict.

(b) Parents are more likely to consider the best interests of their children when determining parental arrangements if courts provide families with information regarding the process by which courts make decisions on issues affecting their children and suggestions as to how parents may ease the coming adjustments in family structure for their children.

(c) It has been found to be beneficial to parents who are separating or divorcing to have available an educational program that will provide general information regarding:

1. The issues and legal procedures for resolving custody and child support disputes.

2. The emotional experiences and problems of divorcing adults.

3. The family problems and the emotional concerns and needs of the children.

4. The availability of community services and resources.

(d) Parents who are separating or divorcing are more likely to receive maximum benefit from a program if they attend such program at the earliest stages of their dispute, before extensive litigation occurs and adversarial positions are assumed or intensified.

(2)~~(1)~~ All judicial circuits in the state *shall* ~~may~~ approve a parenting course which shall be a course of a minimum of 4 hours designed to

educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children.

(a) The parenting course referred to in this section shall be named the Parent Education and Family Stabilization Course and may include, but need not be limited to, the following topics as they relate to court actions between parents involving custody, care, visitation, and support of a child or children:

1. Legal aspects of deciding child-related issues between parents.

2. Emotional aspects of separation and divorce on adults.

3. Emotional aspects of separation and divorce on children.

4. Family relationships and family dynamics.

5. Financial responsibilities to a child or children.

6. Issues regarding spousal or child abuse and neglect.

7. Skill-based relationship education that may be generalized to parenting, workplace, school, neighborhood, and civic relationships.

(b) Information regarding spousal and child abuse and neglect shall be included in every parent education and family stabilization course. A list of local agencies that provide assistance with such issues shall also be provided.

(c) The parent education and family stabilization course shall be educational in nature and shall not be designed to provide individual mental health therapy for parents or children, or individual legal advice to parents or children.

(d) Course providers shall not solicit participants from the sessions they conduct to become private clients or patients.

(e) Course providers shall not give individual legal advice or mental health therapy.

(3)~~(2)~~ All parties to a dissolution of marriage proceeding with minor children *or a paternity action which involves issues of parental responsibility shall* ~~or a modification of a final judgment action involving shared parental responsibilities, custody, or visitation may~~ be required to complete *the Parent Education and Family Stabilization* ~~a court-approved parenting~~ Course prior to the entry by the court of a final judgment ~~or order modifying the final judgment~~. *The court may excuse a party from attending the parenting course for good cause.*

(4)~~(3)~~ All parties required to complete a parenting course *under this section shall begin the course as expeditiously as possible after filing for dissolution of marriage and* shall file proof of compliance with the court prior to the entry of the final judgment ~~or order modifying the final judgment~~.

(5) All parties to a modification of a final judgment involving shared parental responsibilities, custody, or visitation may be required to complete a court-approved parenting course prior to the entry of an order modifying the final judgment.

(6) Each judicial circuit may establish a registry of course providers and sites at which the parent education and family stabilization course required by this section may be completed. The court shall also include within the registry of course providers and sites at least one site in each circuit at which the parent education and family stabilization course may be completed on a sliding fee scale, if available.

(7)~~(4)~~ A reasonable fee may be charged to each parent attending the course.

(8)~~(5)~~ Information obtained or statements made by the parties at any educational session required under this statute shall not be considered in the adjudication of a pending or subsequent action, nor shall any report resulting from such educational session become part of the record of the case unless the parties have stipulated in writing to the contrary.

(9)~~(6)~~ The court may hold any parent who fails to attend a required parenting course in contempt or that parent may be denied shared parental responsibility or visitation or otherwise sanctioned as the court deems appropriate.

(10)~~(7)~~ Nothing in this section shall be construed to require the parties to a dissolution of marriage to attend a court-approved parenting course together.

(11) The court may, without motion of either party, prohibit the parenting course from being taken together, if there is a history of domestic violence between the parties.

Section 14. Effective January 1, 1999, paragraph (d) is added to subsection (1) of section 28.101, Florida Statutes, to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(d) A charge of $32.50. On a monthly basis the clerk shall transfer the moneys collected pursuant to this paragraph as follows:

1. An amount of $7.50 to the State Treasury for deposit in the Displaced Homemaker Trust Fund.

2. An amount of $25 to the Supreme Court for deposit in the Family Courts Trust Fund.

Section 15. Effective January 1, 1999, section 25.388, Florida Statutes, is amended to read:

25.388 Family Courts Trust Fund.—

(1)(a) The trust fund moneys in the Family Courts Trust Fund, administered by the Supreme Court, shall be used to implement family court plans in all judicial circuits of this state.

(b) The Supreme Court, through the Office of the State Courts Administrator, shall adopt a comprehensive plan for the operation of the trust fund and the expenditure of any moneys deposited into the trust fund. The plan shall provide for a comprehensive integrated response to families in litigation, including domestic violence matters, guardian ad litem programs, mediation programs, legal support, training, automation, and other related costs incurred to benefit the citizens of the state and the courts in relation to family law cases. *The trust fund shall be used to fund the publication of the handbook created pursuant to s. 741.0306.*

(2) As part of its comprehensive plan, the Supreme Court shall evaluate the necessity for an installment plan or a waiver for any or all of the fees based on financial necessity and report such findings to the Legislature.

(3) The trust fund shall be funded with moneys generated from fees assessed pursuant to *ss. 28.101 and* ~~s.~~ 741.01(4).

Section 16. *Effective January 1, 1999, there is hereby appropriated in fiscal year 1998-1999 the sum of $75,000 from the General Revenue Fund to the Florida State University Center for Marriage and Family for review of premarital preparation courses, development of premarital preparation pilot programs, and development of a questionnaire and creation of a curriculum based on data collected by its researchers.*

Section 17. Part I of chapter 39, Florida Statutes, consisting of sections 39.001, 39.01, 39.011, 39.012, 39.0121, 39.013, 39.0131, 39.0132, 39.0133, 39.0134, and 39.0135, Florida Statutes, shall be entitled to read:

PART I
GENERAL PROVISIONS

Section 18. Section 39.001, Florida Statutes, is amended, subsection (3) of said section is renumbered as subsection (9), section 39.002, Florida Statutes, is renumbered as subsections (3), (4), and (5) of said section and amended, and section 415.501, Florida Statutes, is renumbered as subsections (6), (7), and (8) of said section and amended, to read:

39.001 Purposes and intent; personnel standards and screening.—

(1) *PURPOSES OF CHAPTER.*—The purposes of this chapter are:

(a)~~(b)~~ To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and

physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care.

(b) To recognize that most families desire to be competent caregivers and providers for their children and that children achieve their greatest potential when families are able to support and nurture the growth and development of their children. Therefore, the Legislature finds that policies and procedures that provide for intervention through the department's child protection system should be based on the following principles:

1. The health and safety of the children served shall be of paramount concern.

2. The intervention should engage families in constructive, supportive, and nonadversarial relationships.

3. The intervention should intrude as little as possible into the life of the family, be focused on clearly defined objectives, and take the most parsimonious path to remedy a family's problems.

4. The intervention should be based upon outcome evaluation results that demonstrate success in protecting children and supporting families.

(c) To provide a child protection system that reflects a partnership between the department, other agencies, and local communities.

(d) To provide a child protection system that is sensitive to the social and cultural diversity of the state.

(e) To provide procedures which allow the department to respond to reports of child abuse, abandonment, or neglect in the most efficient and effective manner that ensures the health and safety of children and the integrity of families.

~~(c) To ensure the protection of society, by providing for a comprehensive standardized assessment of the child's needs so that the most appropriate control, discipline, punishment, and treatment can be administered consistent with the seriousness of the act committed, the community's long-term need for public safety, the prior record of the child and the specific rehabilitation needs of the child, while also providing whenever possible restitution to the victim of the offense.~~

(f)~~(d)~~ To preserve and strengthen the child's family ties whenever possible, removing the child from parental custody only when his or her welfare ~~or the safety and protection of the public~~ cannot be adequately safeguarded without such removal.~~; and, when the child is removed from his or her own family, to secure for the child custody, care, and discipline as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.~~

(g) To ensure that the parent or guardian from whose custody the child has been taken assists the department to the fullest extent possible in locating relatives suitable to serve as caregivers for the child.

(h) To ensure that permanent placement with the biological or adoptive family is achieved as soon as possible for every child in foster care and that no child remains in foster care longer than 1 year.

(i) To secure for the child, when removal of the child from his or her own family is necessary, custody, care, and discipline as nearly as possible equivalent to that which should have been given by the parents; and to ensure, in all cases in which a child must be removed from parental custody, that the child is placed in an approved relative home, licensed foster home, adoptive home, or independent living program that provides the most stable and potentially permanent living arrangement for the child, as determined by the court. All placements shall be in a safe environment where drugs and alcohol are not abused.

(j) To ensure that, when reunification or adoption is not possible, the child will be prepared for alternative permanency goals or placements, to include, but not be limited to, long-term foster care, independent living, custody to a relative on a permanent basis with or without legal guardianship, or custody to a foster parent or caregiver on a permanent basis with or without legal guardianship.

(k) To make every possible effort, when two or more children who are in the care or under the supervision of the department are siblings, to place the siblings in the same home; and in the event of permanent placement of the siblings, to place them in the same adoptive home or, if the siblings are separated, to keep them in contact with each other.

(l)~~(a)~~ To provide judicial and other procedures to assure due process through which children, *parents, and guardians* and other interested parties are assured fair hearings by a respectful and respected court or other tribunal and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests and the authority and dignity of the courts are adequately protected.

(m) To ensure that children under the jurisdiction of the courts are provided equal treatment with respect to goals, objectives, services, and case plans, without regard to the location of their placement. It is the further intent of the Legislature that, when children are removed from their homes, disruption to their education be minimized to the extent possible.

~~(e)1. To assure that the adjudication and disposition of a child alleged or found to have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.~~

~~2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.~~

~~(f) To provide children committed to the Department of Juvenile Justice with training in life skills, including career education.~~

(2) *DEPARTMENT CONTRACTS.*—The department ~~of Juvenile Justice or the Department of Children and Family Services, as appropriate,~~ may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) When the department ~~of Juvenile Justice or the Department of Children and Family Services~~ contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(b) The department ~~of Juvenile Justice and the Department of Children and Family Services~~ shall require employment screening*, and rescreening no less frequently than once every 5 years,* pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

(c) The department ~~of Juvenile Justice or the Department of Children and Family Services~~ may grant exemptions from disqualification from working with children as provided in s. 435.07.

(d) The department shall require all job applicants, current employees, volunteers, and contract personnel who currently perform or are seeking to perform child protective investigations to be drug tested pursuant to the procedures and requirements of s. 112.0455, the Drug-Free Workplace Act. The department is authorized to adopt rules, policies, and procedures necessary to implement this paragraph.

(e) The department shall develop and implement a written and performance-based testing and evaluation program pursuant to s. 20.19(4), to ensure measurable competencies of all employees assigned to manage or supervise cases of child abuse, abandonment, and neglect.

~~39.002 Legislative intent.—~~

(3)~~(1)~~ GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, *abandonment,* neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(f) Equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services.

(h) An independent, trained advocate, when intervention is necessary and a skilled guardian or *caregiver* ~~caretaker~~ in a safe environment when alternative placement is necessary.

(4)~~(2)~~ SUBSTANCE ABUSE SERVICES.—The Legislature finds that children in the care of the state's dependency *system* ~~and delinquency systems~~ need appropriate health care services, that the impact of substance abuse on health indicates the need for health care services to include substance abuse services *to children and parents* where appropriate, and that it is in the state's best interest that such children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency *system* ~~and delinquency systems~~ must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the dependency *system* ~~and delinquency systems~~, which will be fully implemented and utilized as resources permit.

(5)~~(3)~~ PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision ~~to deter their participation in delinquent acts~~. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of *caregivers* ~~caretakers~~ to fulfill their responsibilities are identified through the *dependency* ~~delinquency intake~~ process and that appropriate recommendations *and services* to address those problems are considered in any judicial or nonjudicial proceeding.

~~415.501—Prevention of abuse and neglect of children; state plan.—~~

(6)~~(1)~~ LEGISLATIVE INTENT *FOR THE PREVENTION OF ABUSE, ABANDONMENT, AND NEGLECT OF CHILDREN.*—The incidence of known child abuse, *abandonment,* and ~~child~~ neglect has increased rapidly over the past 5 years. The impact that abuse, *abandonment,* or neglect has on the victimized child, siblings, family structure, and inevitably on all citizens of the state has caused the Legislature to determine that the prevention of child abuse, *abandonment,* and neglect shall be a priority of this state. To further this end, it is the intent of the Legislature that a comprehensive approach for the prevention of abuse, *abandonment,* and neglect of children be developed for the state and that this planned, comprehensive approach be used as a basis for funding.

(7)~~(2)~~ PLAN FOR COMPREHENSIVE APPROACH.—

(a) The department ~~of Children and Family Services~~ shall develop a state plan for the prevention of abuse, *abandonment,* and neglect of children and shall submit the plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than January 1, 1983. The Department of Education and the Division of Children's Medical Services of the Department of Health shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the district human rights advocacy committees; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, *abandoned,* or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies, and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(b) The development of the comprehensive state plan shall be accomplished in the following manner:

1. The department ~~of Children and Family Services~~ shall establish an interprogram task force comprised of the Assistant Secretary for Children and Family Services, or a designee, a representative from the Children and Families Program Office, a representative from the Alcohol, Drug Abuse, and Mental Health Program Office, a representative from the Developmental Services Program Office, a representative from the Office of Standards and Evaluation, and a representative from the Division of Children's Medical Services of the Department of Health. Representatives of the Department of Law Enforcement and of the Department of Education shall serve as ex officio members of the interprogram task force. The interprogram task force shall be responsible for:

a. Developing a plan of action for better coordination and integration of the goals, activities, and funding pertaining to the prevention of child abuse, *abandonment,* and neglect conducted by the department in order to maximize staff and resources at the state level. The plan of action shall be included in the state plan.

b. Providing a basic format to be utilized by the districts in the preparation of local plans of action in order to provide for uniformity in the district plans and to provide for greater ease in compiling information for the state plan.

c. Providing the districts with technical assistance in the development of local plans of action, if requested.

d. Examining the local plans to determine if all the requirements of the local plans have been met and, if they have not, informing the districts of the deficiencies and requesting the additional information needed.

e. Preparing the state plan for submission to the Legislature and the Governor. Such preparation shall include the collapsing of information obtained from the local plans, the cooperative plans with the Department of Education, and the plan of action for coordination and integration of departmental activities into one comprehensive plan. The comprehensive plan shall include a section reflecting general conditions and needs, an analysis of variations based on population or geographic areas, identified problems, and recommendations for change. In essence, the plan shall provide an analysis and summary of each element of the local plans to provide a statewide perspective. The plan shall also include each separate local plan of action.

f. Working with the specified state agency in fulfilling the requirements of subparagraphs 2., 3., 4., and 5.

2. The *department, the* Department of Education, ~~the Department of Children and Family Services,~~ and the Department of Health shall work together in developing ways to inform and instruct parents of school children and appropriate district school personnel in all school districts in the detection of child abuse, *abandonment,* and neglect and in the proper action that should be taken in a suspected case of child abuse, *abandonment,* or neglect, and in caring for a child's needs after a report is made. The plan for accomplishing this end shall be included in the state plan.

3. The *department, the* Department of Law Enforcement, ~~the Department of Children and Family Services,~~ and the Department of Health shall work together in developing ways to inform and instruct appropriate local law enforcement personnel in the detection of child abuse,

abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, *abandonment,* or neglect.

4. Within existing appropriations, the department ~~of Children and Family Services~~ shall work with other appropriate public and private agencies to emphasize efforts to educate the general public about the problem of and ways to detect child abuse, *abandonment,* and neglect and in the proper action that should be taken in a suspected case of child abuse, *abandonment,* or neglect. The plan for accomplishing this end shall be included in the state plan.

5. The *department, the* Department of Education, ~~the Department of Children and Family Services,~~ and the Department of Health shall work together on the enhancement or adaptation of curriculum materials to assist instructional personnel in providing instruction through a multidisciplinary approach on the identification, intervention, and prevention of child abuse, *abandonment,* and neglect. The curriculum materials shall be geared toward a sequential program of instruction at the four progressional levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging all school districts to utilize the curriculum are to be included in the comprehensive state plan for the prevention of child abuse, *abandonment,* and ~~child~~ neglect.

6. Each district of the department ~~of Children and Family Services~~ shall develop a plan for its specific geographical area. The plan developed at the district level shall be submitted to the interprogram task force for utilization in preparing the state plan. The district local plan of action shall be prepared with the involvement and assistance of the local agencies and organizations listed in paragraph (a), as well as representatives from those departmental district offices participating in the treatment and prevention of child abuse, *abandonment,* and neglect. In order to accomplish this, the district administrator in each district shall establish a task force on the prevention of child abuse, *abandonment,* and neglect. The district administrator shall appoint the members of the task force in accordance with the membership requirements of this section. In addition, the district administrator shall ensure that each subdistrict is represented on the task force; and, if the district does not have subdistricts, the district administrator shall ensure that both urban and rural areas are represented on the task force. The task force shall develop a written statement clearly identifying its operating procedures, purpose, overall responsibilities, and method of meeting responsibilities. The district plan of action to be prepared by the task force shall include, but shall not be limited to:

a. Documentation of the magnitude of the problems of child abuse, including sexual abuse, physical abuse, and emotional abuse, and child *abandonment and* neglect in its geographical area.

b. A description of programs currently serving abused, *abandoned,* and neglected children and their families and a description of programs for the prevention of child abuse, *abandonment,* and neglect, including information on the impact, cost-effectiveness, and sources of funding of such programs.

c. A continuum of programs and services necessary for a comprehensive approach to the prevention of all types of child abuse, *abandonment,* and neglect as well as a brief description of such programs and services.

d. A description, documentation, and priority ranking of local needs related to child abuse, *abandonment,* and neglect prevention based upon the continuum of programs and services.

e. A plan for steps to be taken in meeting identified needs, including the coordination and integration of services to avoid unnecessary duplication and cost, and for alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, contracting with local universities for services, and local government or private agency funding.

f. A description of barriers to the accomplishment of a comprehensive approach to the prevention of child abuse, *abandonment,* and neglect.

g. Recommendations for changes that can be accomplished only at the state program level or by legislative action.

(8)~~(3)~~ FUNDING AND SUBSEQUENT PLANS.—

(a) All budget requests submitted by the department ~~of Children and Family Services~~, the Department of Education, or any other agency to the Legislature for funding of efforts for the prevention of child abuse, *abandonment,* and neglect shall be based on the state plan developed pursuant to this section.

(b) The department ~~of Children and Family Services~~ at the state and district levels and the other agencies listed in paragraph *(7)*~~(2)~~(a) shall readdress the plan and make necessary revisions every 5 years, at a minimum. Such revisions shall be submitted to the Speaker of the House of Representatives and the President of the Senate no later than June 30 of each year divisible by 5. An annual progress report shall be submitted to update the plan in the years between the 5-year intervals. In order to avoid duplication of effort, these required plans may be made a part of or merged with other plans required by either the state or Federal Government, so long as the portions of the other state or Federal Government plan that constitute the state plan for the prevention of child abuse, *abandonment,* and neglect are clearly identified as such and are provided to the Speaker of the House of Representatives and the President of the Senate as required above.

(9)~~(3)~~ *LIBERAL CONSTRUCTION.*—It is the intent of the Legislature that this chapter be liberally interpreted and construed in conformity with its declared purposes.

Section 19. Section 415.5015, Florida Statutes, is renumbered as section 39.0015, Florida Statutes, and amended to read:

39.0015 ~~415.5015~~ Child abuse prevention training in the district school system.—

(1) SHORT TITLE.—This section may be cited as the "Child Abuse Prevention Training Act of 1985."

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature that primary prevention training for all children in kindergarten through grade 12 be encouraged in the district school system through the training of school teachers, guidance counselors, parents, and children.

(3) DEFINITIONS.—As used in this section:

(a) "Department" means the Department of Education.

(b) "Child abuse" means those acts as defined in ss. 39.01~~, 415.503,~~ and 827.04.

(c) "Primary prevention and training program" means a training and educational program for children, parents, and teachers which is directed toward preventing the occurrence of child abuse, including sexual abuse, physical abuse, *child abandonment,* child neglect, and drug and alcohol abuse, and toward reducing the vulnerability of children through training of children and through including coordination with, and training for, parents and school personnel.

(d) "Prevention training center" means a center as described in subsection (5).

(4) PRIMARY PREVENTION AND TRAINING PROGRAM.—A primary prevention and training program shall include all of the following, as appropriate for the persons being trained:

(a) Information provided in a clear and nonthreatening manner, describing the problem of sexual abuse, physical abuse, *abandonment,* neglect, and alcohol and drug abuse, and the possible solutions.

(b) Information and training designed to counteract common stereotypes about victims and offenders.

(c) Crisis counseling techniques.

(d) Available community resources and ways to access those resources.

(e) Physical and behavioral indicators of abuse.

(f) Rights and responsibilities regarding reporting.

(g) School district procedures to facilitate reporting.

(h) Caring for a child's needs after a report is made.

(i) How to disclose incidents of abuse.

(j) Child safety training and age-appropriate self-defense techniques.

(k) The right of every child to live free of abuse.

(l) The relationship of child abuse to handicaps in young children.

(m) Parenting, including communication skills.

(n) Normal and abnormal child development.

(o) Information on recognizing and alleviating family stress caused by the demands required in caring for a high-risk or handicapped child.

(p) Supports needed by school-age parents in caring for a young child.

(5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION PROCESS; MONITORING AND EVALUATION.—

(a) Each training center shall perform the following functions:

1. Act as a clearinghouse to provide information on prevention curricula which meet the requirements of this section and the requirements of ss. *39.001,* 231.17, *and* 236.0811~~, and 415.501~~.

2. Assist the local school district in selecting a prevention program model which meets the needs of the local community.

3. At the request of the local school district, design and administer training sessions to develop or expand local primary prevention and training programs.

4. Provide assistance to local school districts, including, but not limited to, all of the following: administration, management, program development, multicultural staffing, and community education, in order to better meet the requirements of this section and of ss. *39.001,* 231.17, *and* 236.0811~~, and 415.501~~.

5. At the request of the department ~~of Education~~ or the local school district, provide ongoing program development and training to achieve all of the following:

a. Meet the special needs of children, including, but not limited to, the needs of disabled and high-risk children.

b. Conduct an outreach program to inform the surrounding communities of the existence of primary prevention and training programs and of funds to conduct such programs.

6. Serve as a resource to the Department of Children and Family Services and its districts.

(b) The department, in consultation with the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, shall select and award grants by January 1, 1986, for the establishment of three private, nonprofit prevention training centers: one located in and serving South Florida, one located in and serving Central Florida, and one located in and serving North Florida. The department, in consultation with the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, shall select an agency or agencies to establish three training centers which can fulfill the requirements of this section and meet the following requirements:

1. Have demonstrated experience in child abuse prevention training.

2. Have shown capacity for training primary prevention and training programs as *provided for in subsections (3) and* ~~defined in subsection~~ (4).

3. Have provided training and organizing technical assistance to the greatest number of private prevention and training programs.

4. Have employed the greatest number of trainers with experience in private child abuse prevention and training programs.

5. Have employed trainers which represent the cultural diversity of the area.

6. Have established broad community support.

(c) The department shall monitor and evaluate primary prevention and training programs utilized in the local school districts and shall monitor and evaluate the impact of the prevention training centers on the implementation of primary prevention programs and their ability to meet the required responsibilities of a center as described in this section.

(6) The department ~~of Education~~ shall administer this *section* ~~act~~ and in so doing is authorized to adopt rules and standards necessary to implement the specific provisions of this *section* ~~act~~.

Section 20. Section 39.01, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.01 Definitions.—When used in this chapter, *unless the context otherwise requires*:

(1) "Abandoned" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the *caregiver* ~~person~~ responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or *caregiver* ~~person~~ primarily responsible for the child's welfare, to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in chapter 984 or a "family in need of services" as defined in chapter 984. The incarceration of a parent, legal custodian, or *caregiver* ~~person~~ responsible for a child's welfare *may support* ~~does not constitute a bar to~~ a finding of abandonment.

(2) "Abuse" means any willful act *or threatened act* that results in any physical, mental, or sexual injury *or harm* that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. *For the purpose of protective investigations, abuse of a child includes the acts or omissions of the parent, legal custodian, caregiver, or other person responsible for the child's welfare.* Corporal discipline of a child by a parent, *legal custodian,* or *caregiver* ~~guardian~~ for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child ~~as defined in s. 415.503~~.

(3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.

(4) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition ~~as is provided for under s. 39.408(2),~~ in dependency cases~~,~~ or ~~s. 39.467,~~ in termination of parental rights cases.

(5) "Adult" means any natural person other than a child.

(6) "Adoption" means the act of creating the legal relationship between parent and child where it did not exist, thereby declaring the child to be legally the child of the adoptive parents and their heir at law, and entitled to all the rights and privileges and subject to all the obligations of a child born to such adoptive parents in lawful wedlock.

(7) "Alleged juvenile sexual offender" means:

(a) A child 12 years of age or younger who is alleged to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133; or

(b) A child who is alleged to have committed any violation of law or delinquent act involving juvenile sexual abuse. "Juvenile sexual abuse" means any sexual behavior which occurs without consent, without equality, or as a result of coercion. For purposes of this paragraph, the following definitions apply:

1. "Coercion" means the exploitation of authority or the use of bribes, threats of force, or intimidation to gain cooperation or compliance.

2. "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

3. "Consent" means an agreement, including all of the following:

a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.

b. Knowledge of societal standards for what is being proposed.

c. Awareness of potential consequences and alternatives.

d. Assumption that agreement or disagreement will be accepted equally.

e. Voluntary decision.

f. Mental competence.

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

(8)~~(6)~~ "Arbitration" means a process whereby a neutral third person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which may be binding or nonbinding.

(9)~~(7)~~ "Authorized agent" or "designee" of the department means *an employee, volunteer, or other person or agency determined by the state to be eligible for state-funded risk management coverage, that is* ~~a person or agency~~ assigned or designated by the department ~~of Juvenile Justice or the Department of Children and Family Services, as appropriate,~~ to perform duties or exercise powers pursuant to this chapter ~~and includes contract providers and their employees for purposes of providing services to and managing cases of children in need of services and families in need of services~~.

(10) "Caregiver" means the parent, legal custodian, adult household member, or other person responsible for a child's welfare as defined in subsection (47).

~~(8) "Caretaker/homemaker" means an authorized agent of the Department of Children and Family Services who shall remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.~~

(11)~~(9)~~ "Case plan" or "plan" means a document, as described in s. *39.601* ~~39.4031~~, prepared by the department *with input from all parties, including parents, guardians ad litem, legal custodians, caregivers, and the child. The case plan*~~, that~~ follows the child from the provision of voluntary services through any dependency, foster care, or termination of parental rights proceeding or related activity or process.

(12)~~(10)~~ "Child" or ~~"juvenile" or~~ "youth" means any unmarried person under the age of 18 *years* who has not been emancipated by order of the court and who has been *alleged or* found ~~or alleged~~ to be dependent~~, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years~~.

(13) "Child protection team" means a team of professionals established by the department to receive referrals from the protective investigators and protective supervision staff of the department and to provide specialized and supportive services to the program in processing child abuse, abandonment, or neglect cases. A child protection team shall provide consultation to other programs of the department and other persons regarding child abuse, abandonment, or neglect cases.

(14)~~(11)~~ "Child who is found to be dependent" means a child who, pursuant to this chapter, is found by the court:

(a) To have been abandoned, abused, or neglected by the child's *parent or* parents, *legal custodians, or caregivers;* ~~or other custodians.~~

(b) To have been surrendered to the department ~~of Children and Family Services~~, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;~~.~~

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department ~~of Children and Family Services~~, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of ~~part II of~~ this chapter, a case plan has expired and the parent or parents, *legal custodians, or caregivers* have failed to substantially comply with the requirements of the plan;~~.~~

(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a natural parent or parents *has* signed a consent pursuant to the Florida Rules of Juvenile Procedure;~~.~~

(e) To have no parent, legal custodian, or *caregiver* ~~responsible adult relative~~ to provide supervision and care*; or*~~.~~

(f) To be at substantial risk of imminent abuse, *abandonment,* or neglect by the parent or parents, *legal custodians, or caregivers* ~~or the custodian~~.

(15)~~(12)~~ "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

(16)~~(13)~~ "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.

(17)~~(14)~~ "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of ~~a juvenile offender's or~~ a child's *and caregiver's* physical, *psychiatric,* psychological *or mental health,* educational, vocational, and social condition and family environment as they relate to the child's *and caregiver's* need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

(18)~~(15)~~ "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(19)~~(16)~~ "Department~~,~~" ~~as used in this chapter,~~ means the Department of Children and Family Services.

(20)~~(17)~~ "Diligent efforts by a parent, *legal custodian, or caregiver*" means a course of conduct which results in a reduction in risk to the child in the child's home that would allow the child to be safely placed permanently back in the home as set forth in the case plan.

(21)~~(18)~~ "Diligent efforts of social service agency" means reasonable efforts to provide social services or reunification services made by any social service agency ~~as defined in this section~~ that is a party to a case plan.

(22)~~(19)~~ "Diligent search" means the efforts of a social service agency to locate a parent or prospective parent whose identity or location is unknown, ~~or a relative made known to the social services agency by the parent or custodian of a child. When the search is for a parent, prospective parent, or relative of a child in the custody of the department, this search must be~~ initiated as soon as the *social service* agency is made aware of the existence of such parent, *with the search progress reported at each court hearing until the parent is either identified and located or the court excuses further search.* ~~prospective parent, or relative. A diligent search shall include interviews with persons who are likely to have information about the identity or location of the person being sought, comprehensive database searches, and records searches, including searches of employment, residence, utilities, Armed Forces, vehicle registration, child support enforcement, law enforcement, and corrections records, and any other records likely to result in identifying and locating the person being sought. The initial diligent search must be completed within 90 days after a child is taken into custody. After the completion of the initial diligent search, the department, unless excused by the court, shall have a continuing duty to search for relatives with whom it may be appropriate to place the child, until such relatives are found or until the child is placed for adoption.~~

(23)~~(20)~~ "Disposition hearing" means a hearing in which the court determines the most appropriate *family support* ~~dispositional~~ services in the least restrictive available setting ~~provided for under s. 39.408(3),~~ in dependency cases~~,~~ or ~~s. 39.469,~~ in termination of parental rights cases.

(24) "District" means any one of the 15 service districts of the department established pursuant to s. 20.19.

(25)~~(21)~~ "District administrator" means the chief operating officer of each service district of the department ~~of Children and Family Services~~ as defined in s. 20.19*(7)*~~(6)~~ and, where appropriate, includes *any* ~~each~~ district administrator whose service district falls within the boundaries of a judicial circuit.

(26) "Expedited termination of parental rights" means proceedings wherein a case plan with the goal of reunification is not being offered.

(27) "False report" means a report of abuse, neglect, or abandonment of a child to the central abuse hotline, which report is maliciously made for the purpose of:

(a) Harassing, embarrassing, or harming another person;

(b) Personal financial gain for the reporting person;

(c) Acquiring custody of a child; or

(d) Personal benefit for the reporting person in any other private dispute involving a child.

The term "false report" does not include a report of abuse, neglect, or abandonment of a child made in good faith to the central abuse hotline.

(28)~~(22)~~ "Family" means a collective body of persons, consisting of a child and a parent, *legal* ~~guardian, adult~~ custodian, *caregiver,* or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, *legal* ~~guardian, adult~~ custodian, *caregiver,* or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(29)~~(23)~~ "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(30) "Harm" to a child's health or welfare can occur when the parent, legal custodian, or caregiver responsible for the child's welfare:

(a) Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Such injury includes, but is not limited to:

1. Willful acts that produce the following specific injuries:

a. Sprains, dislocations, or cartilage damage.

b. Bone or skull fractures.

c. Brain or spinal cord damage.

d. Intracranial hemorrhage or injury to other internal organs.

e. Asphyxiation, suffocation, or drowning.

f. Injury resulting from the use of a deadly weapon.

g. Burns or scalding.

h. Cuts, lacerations, punctures, or bites.

i. Permanent or temporary disfigurement.

j. Permanent or temporary loss or impairment of a body part or function.

As used in this subparagraph, the term "willful" refers to the intent to perform an action, not to the intent to achieve a result or to cause an injury.

2. Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury. For the purposes of this subparagraph, the term "drugs" means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

3. Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.

4. Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in this section, or emotional injury. The significance of any injury must be evaluated in light of the following factors: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Corporal discipline may be considered excessive or abusive when it results in any of the following or other similar injuries:

a. Sprains, dislocations, or cartilage damage.

b. Bone or skull fractures.

c. Brain or spinal cord damage.

d. Intracranial hemorrhage or injury to other internal organs.

e. Asphyxiation, suffocation, or drowning.

f. Injury resulting from the use of a deadly weapon.

g. Burns or scalding.

h. Cuts, lacerations, punctures, or bites.

i. Permanent or temporary disfigurement.

j. Permanent or temporary loss or impairment of a body part or function.

k. Significant bruises or welts.

(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, or lewd or lascivious acts, as defined in chapter 800, against the child.

(c) Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or

2. Engage in a sexual performance, as defined by chapter 827.

(d) Exploits a child, or allows a child to be exploited, as provided in s. 450.151.

(e) Abandons the child. Within the context of the definition of "harm," the term "abandons the child" means that the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of such a parent or legal custodian or person primarily responsible for the child's welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the child may be determined to have been abandoned.

(f) Neglects the child. Within the context of the definition of "harm," the term "neglects the child" means that the parent or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so. However, a parent, legal custodian, or caregiver who, by reason of the legitimate practice of religious beliefs, does not provide specified medical treatment for a child may not be considered abusive or neglectful for that reason alone, but such an exception does not:

1. Eliminate the requirement that such a case be reported to the department;

2. Prevent the department from investigating such a case; or

3. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined in this section, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(g) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. Use by the mother of a controlled substance or alcohol during pregnancy when the child, at birth, is demonstrably adversely affected by such usage; or

2. Continued chronic and severe use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage.

As used in this paragraph, the term "controlled substance" means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

(h) Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child.

(i) Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.

(j) Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another.

(k) Has allowed a child's sibling to die as a result of abuse, abandonment, or neglect.

(31)~~(24)~~ "Health and human services board" means the body created in each service district of the department ~~of Children and Family Services~~ pursuant to the provisions of s. 20.19*(8)*~~(7)~~.

(32) "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child's care.

(33)~~(25)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

(34)~~(26)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care. *The legal custodian is the person or entity in whom the legal right to custody is vested.*

(35) "Legal guardianship" means a judicially created relationship between the child and caregiver which is intended to be permanent and self-sustaining and is provided pursuant to the procedures in chapter 744.

(36)~~(27)~~ "Licensed child-caring agency" means a person, society, association, or agency licensed by the department ~~of Children and Family Services~~ to care for, receive, and board children.

(37)~~(28)~~ "Licensed child-placing agency" means a person, society, association, or institution licensed by the department ~~of Children and Family Services~~ to care for, receive, or board children and to place children in a licensed child-caring institution or a foster or adoptive home.

(38)~~(29)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under chapter 464, a physician assistant certified under chapter 458 *or chapter 459*, or a dentist licensed under chapter 466.

(39)~~(30)~~ "Likely to injure oneself" means that, as evidenced by violent or other actively self-destructive behavior, it is more likely than not that within a 24-hour period the child will attempt to commit suicide or inflict serious bodily harm on himself or herself.

(40)~~(31)~~ "Likely to injure others" means that it is more likely than not that within a 24-hour period the child will inflict serious and unjustified bodily harm on another person.

(41)~~(32)~~ "Long-term relative custodian" means an adult *relative* who is a party to a long-term custodial relationship created by a court order pursuant to *this chapter* ~~s. 39.41(2)(a)5~~.

(42)~~(33)~~ "Long-term relative custody" or "long-term custodial relationship" means the relationship that a juvenile court order creates between a child and an adult relative of the child or *other caregiver* ~~an adult nonrelative~~ approved by the court when the child cannot be placed in the custody of a natural parent and termination of parental rights is not deemed to be in the best interest of the child. Long-term relative custody confers upon the long-term relative or *other caregiver* ~~nonrelative custodian~~ the right to physical custody of the child, a right which will not be disturbed by the court except upon request of the *caregiver* ~~custodian~~ or upon a showing that a material change in circumstances necessitates a change of custody for the best interest of the child. A long-term relative or *other caregiver* ~~nonrelative custodian~~ shall have all of the rights *and duties* of a natural parent, including, but not limited to, the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the long-term custodial relationship.

(43)~~(34)~~ "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. ~~In mediation, decision-making authority rests with the parties.~~ The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(44) "Mental injury" means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

(45)~~(35)~~ "Necessary medical treatment" means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(46)~~(36)~~ "Neglect" occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the *caregiver* ~~person primarily responsible for the child's welfare~~ deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent, *legal custodian*, or *caregiver* ~~guardian~~ legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent, *legal custodian*, or *caregiver* ~~guardian~~; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatrist, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

For the purpose of protective investigations, neglect of a child includes the acts or omissions of the parent, legal custodian, or caregiver.

(47) "Other person responsible for a child's welfare" includes the child's legal guardian, legal custodian, or foster parent; an employee of a private school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care. For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity.

(48)~~(37)~~ "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.

(49)~~(38)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of ~~either s. 39.4051(7) or~~ s. 63.062(1)(b).

(50)~~(39)~~ "Participant," for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents *or caregivers*, identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(51)~~(40)~~ "Party~~,"~~ ~~for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding,~~ means the parent *or legal custodian* of the child, the petitioner, the department, the guardian ad litem *or the representative of the guardian ad litem program* when *the program* ~~one~~ has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

(52) "Physical injury" means death, permanent or temporary disfigurement, or impairment of any bodily part.

(53) "Physician" means any licensed physician, dentist, podiatrist, or optometrist and includes any intern or resident.

(54)~~(41)~~ "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

(55)~~(42)~~ "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal *custodian* ~~guardian~~ of the child, or the *caregiver* ~~custodian~~ of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child's need for *physical, mental, and emotional health and* a safe, ~~continuous,~~ stable, living environment, ~~and~~ shall promote family autonomy, and shall strengthen family life, ~~as the first priority~~ whenever possible.

(56)~~(43)~~ "Prospective parent" means a person who claims to be, or has been identified as, a person who may be a mother or a father of a child.

(57)~~(44)~~ "Protective investigation" means the acceptance of a report alleging child abuse, *abandonment,* or neglect, as defined in *this chapter* ~~s. 415.503~~, by the central abuse hotline or the acceptance of a report of other dependency by the *department* ~~local children, youth, and families office of the Department of Children and Family Services~~; the investigation ~~and classification~~ of each report; the determination of whether action by the court is warranted; the determination of the disposition of each report without court or public agency action when appropriate; *and* the referral of a child to another public or private agency when appropriate~~; and the recommendation by the protective investigator of court action when appropriate~~.

(58)~~(45)~~ "Protective investigator" means an authorized agent of the department ~~of Children and Family Services~~ who receives *and*~~,~~ investigates~~, and classifies~~ reports of child abuse, *abandonment,* or neglect ~~as defined in s. 415.503~~; who, as a result of the investigation, may recommend that a dependency petition be filed for the child ~~under the criteria of paragraph (11)(a)~~; and who performs other duties necessary to carry out the required actions of the protective investigation function.

(59)~~(46)~~ "Protective supervision" means a legal status in dependency cases~~, child-in-need-of-services cases, or family-in-need-of-services cases~~ which permits the child to remain *safely* in his or her own home or other placement under the supervision of an agent of the *department and which must be reviewed by* ~~Department of Juvenile Justice or the Department of Children and Family Services, subject to being returned to~~ the court during the period of supervision.

~~(47) "Protective supervision case plan" means a document that is prepared by the protective supervision counselor of the Department of Children and Family Services, is based upon the voluntary protective supervision of a case pursuant to s. 39.403(2)(b), or a disposition order entered pursuant to s. 39.41(2)(a)3., and that:~~

~~(a) Is developed in conference with the parent, guardian, or custodian of the child and, if appropriate, the child and any court-appointed guardian ad litem.~~

~~(b) Is written simply and clearly in the principal language, to the extent possible, of the parent, guardian, or custodian of the child and in English.~~

~~(c) Is subject to modification based on changing circumstances and negotiations among the parties to the plan and includes, at a minimum:~~

~~1. All services and activities ordered by the court.~~

~~2. Goals and specific activities to be achieved by all parties to the plan.~~

~~3. Anticipated dates for achieving each goal and activity.~~

~~4. Signatures of all parties to the plan.~~

~~(d) Is submitted to the court in cases where a dispositional order has been entered pursuant to s. 39.41(2)(a)3.~~

(60)~~(48)~~ "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(61)~~(49)~~ "Reunification services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal *custodian* ~~guardian~~ of the child, or the *caregiver* ~~custodian~~ of the child, whichever is applicable, *to* the child, and where appropriate *to* the foster parents of the child, for the purpose of enabling a child who has been placed in *out-of-home* ~~foster~~ care to *safely* return to his or her family at the earliest possible time. *The health and safety of the child shall be the paramount goal of* social services and other supportive and rehabilitative services. *Such services* shall promote the child's need for *physical, mental, and emotional health and* a safe, ~~continuous,~~ stable, living environment, ~~and~~ shall promote family autonomy, and *shall* strengthen family life, ~~as a first priority~~ whenever possible.

(62) "Secretary" means the Secretary of Children and Family Services.

(63) "Sexual abuse of a child" means one or more of the following acts:

(a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.

(d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:

1. Any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with, or affection for a child; or

2. Any act intended for a valid medical purpose.

(e) The intentional masturbation of the perpetrator's genitals in the presence of a child.

(f) The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.

(g) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or

2. Engage in a sexual performance, as defined by chapter 827.

(64)~~(50)~~ "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be dependent, ~~a child from a family in need of services, or a child in need of services,~~ pending court disposition before or after adjudication. ~~or after execution of a court order. "Shelter" may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 984.14.~~

(65)~~(51)~~ "Shelter hearing" means a hearing *in which the court determines whether probable cause exists to keep a child in shelter status pending further investigation of the case* ~~provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases~~.

(66)~~(52)~~ "Social service agency" means the department ~~of Children and Family Services~~, a licensed child-caring agency, or a licensed child-placing agency.

~~(53) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.~~

(67)~~(54)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(68)~~(55)~~ "Substantial compliance" means that the circumstances which caused the *creation of the case plan* ~~placement in foster care~~ have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child's *remaining with or* being returned to the child's parent, *legal custodian, or caregiver* ~~or guardian~~.

(69)~~(56)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release *or placement*~~, detention, placement, or other disposition as authorized by law~~.

(70)~~(57)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, *legal custodian, or caregiver* ~~adult nonrelative~~ approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(71) "Victim" means any child who has sustained or is threatened with physical, mental, or emotional injury identified in a report involving child abuse, neglect, or abandonment, or child-on-child sexual abuse.

Section 21. Section 39.455, Florida Statutes, is renumbered as section 39.011, Florida Statutes, and amended to read:

39.011 ~~39.455~~ Immunity from liability.—

(1) In no case shall employees or agents of the *department or a* social service agency acting in good faith be liable for damages as a result of failing to provide services agreed to under the case plan ~~or permanent placement plan~~ unless the failure to provide such services occurs as a result of bad faith or malicious purpose or occurs in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) The inability or failure of the *department or of a* social service agency or the employees or agents of the social service agency to provide the services agreed to under the case plan ~~or permanent placement plan~~ shall not render the state or the social service agency liable for damages unless such failure to provide services occurs in a manner exhibiting wanton or willful disregard of human rights, safety, or property.

(3) A member or agent of a citizen review panel acting in good faith is not liable for damages as a result of any review or recommendation with regard to a foster care or shelter care matter unless such member or agent exhibits wanton and willful disregard of human rights or safety, or property.

Section 22. Section 39.012, Florida Statutes, is amended to read:

39.012 Rules for implementation.—The department ~~of Children and Family Services~~ shall adopt rules for the efficient and effective management of all programs, services, facilities, and functions necessary for implementing this chapter. *Such rules may not conflict with the Florida Rules of Juvenile Procedure. All rules and policies must conform to accepted standards of care and treatment.*

Section 23. Section 39.0121, Florida Statutes, is created to read:

39.0121 Specific rulemaking authority.—Pursuant to the requirements of s. 120.536, the department is specifically authorized to adopt, amend, and repeal administrative rules which implement or interpret law or policy, or describe the procedure and practice requirements necessary to implement this chapter, including, but not limited to, the following:

(1) Background screening of department employees and applicants; criminal records checks of prospective foster and adoptive parents; and drug testing of protective investigators.

(2) Reporting of child abuse, neglect, and abandonment; reporting of child-on-child sexual abuse; false reporting; child protective investigations; taking a child into protective custody; and shelter procedures.

(3) Confidentiality and retention of department records; access to records; and record requests.

(4) Department and client trust funds.

(5) Child protection teams and services, and eligible cases.

(6) Consent to and provision of medical care and treatment for children in the care of the department.

(7) Federal funding requirements and procedures; foster care and adoption subsidies; subsidized independent living; and subsidized child care.

(8) Agreements with law enforcement and other state agencies; access to the National Crime Information Center (NCIC); and access to the parent locator service.

(9) Licensing, registration, and certification of child day care providers, shelter and foster homes, and residential child-caring and child-placing agencies.

(10) The Family Builders Program, the Intensive Crisis Counseling Program, and any other early intervention programs and kinship care assistance programs.

(11) Department contracts, pilot programs, and demonstration projects.

(12) Legal and casework procedures, including, but not limited to, mediation, diligent search, stipulations, consents, surrenders, and default, with respect to dependency, termination of parental rights, adoption, guardianship, and kinship care proceedings.

(13) Legal and casework management of cases involving in-home supervision and out-of-home care, including judicial reviews, administrative reviews, case plans, and any other documentation or procedures required by federal or state law.

(14) Injunctions and other protective orders, domestic-violence-related cases, and certification of domestic violence centers.

Section 24. Section 39.40, Florida Statutes, is renumbered as section 39.013, Florida Statutes, and amended to read:

39.013 ~~39.40~~ Procedures and jurisdiction*; right to counsel.*—

(1) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in *this chapter* ~~dependency cases~~ shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law. Parents must be informed by the court of their right to counsel in dependency proceedings at each stage of the dependency proceedings. Parents who are unable to afford counsel ~~and who are threatened with criminal charges based on the facts underlying the dependency petition or a permanent loss of custody of their children~~ must be appointed counsel.

(2) The circuit court shall have exclusive original jurisdiction of all proceedings under ~~parts III, IV, V, and VI of~~ this chapter, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department*, and of the adoption of children whose parental rights have been terminated pursuant to this chapter.* Jurisdiction attaches when the initial shelter petition, dependency petition, or termination *of parental rights* petition is filed or when a child is taken into the custody of the department. The circuit court may assume jurisdiction over any such proceeding regardless of whether the child was in the physical custody of both parents, was in the sole legal or physical custody of only one parent*, caregiver,* or ~~of~~ some other person, or was in the physical or legal custody of no person when the event or condition occurred that brought the child to the attention of the court. When the *court obtains* jurisdiction of any child who has been found to be dependent ~~is obtained~~, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 18 years of age.

(3) When a child is under the jurisdiction of the circuit court pursuant to the provisions of this chapter, the juvenile court, as a division of the circuit court, may exercise the general and equitable jurisdiction over guardianship proceedings pursuant to the provisions of chapter 744, and proceedings for temporary custody of minor children by extended family pursuant to the provisions of chapter 751.

(4)~~(3)~~ The court shall expedite the resolution of the placement issue in cases involving a child *who* ~~under 4 years of age when the child~~ has been removed from the family and placed in a shelter.

(5)~~(4)~~ The court shall expedite the judicial handling of all cases when the child has been removed from the family and placed in a shelter~~, and of all cases involving a child under 4 years of age~~.

(6)~~(5) It is the intent of the Legislature that~~ Children removed from their homes *shall* be provided equal treatment with respect to goals, objectives, services, and case plans, without regard to the location of their placement.~~, and that placement shall be in a safe environment where drugs and alcohol are not abused. It is the further intent of the Legislature that, when children are removed from their homes, disruption to their education be minimized to the extent possible.~~

(7) For any child who remains in the custody or under the supervision of the department, the court shall, within the 6-month period before the child's 18th birthday, hold a hearing to review the progress of the child while in the custody or under the supervision of the department.

(8)(a) At each stage of the proceedings under this chapter, the court shall advise the parent, legal custodian, or caregiver of the right to counsel. The court shall appoint counsel for indigent persons. The court shall ascertain whether the right to counsel is understood. When right to counsel is waived, the court shall determine whether the waiver is knowing and intelligent. The court shall enter its findings in writing with respect to the appointment or waiver of counsel for indigent parties or the waiver of counsel by nonindigent parties.

(b) Once counsel has entered an appearance or been appointed by the court to represent the parent of the child, the attorney shall continue to represent the parent throughout the proceedings. If the attorney-client relationship is discontinued, the court shall advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

(c)1. No waiver of counsel may be accepted if it appears that the parent, legal custodian, or caregiver is unable to make an intelligent and understanding choice because of mental condition, age, education, experience, the nature or complexity of the case, or other factors.

2. A waiver of counsel made in court must be of record.

3. If a waiver of counsel is accepted at any hearing or proceeding, the offer of assistance of counsel must be renewed by the court at each subsequent stage of the proceedings at which the parent, legal custodian, or caregiver appears without counsel.

(d) This subsection does not apply to any parent who has voluntarily executed a written surrender of the child and consents to the entry of a court order terminating parental rights.

(9) The time limitations in this chapter do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or guardian may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents; however, the petitioner shall continue regular efforts to provide notice to the parents during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

(10) Court-appointed counsel representing indigent parents or legal guardians at shelter hearings shall be paid from state funds appropriated by general law.

Section 25. *Section 39.4057, Florida Statutes, is renumbered as section 39.0131, Florida Statutes.*

Section 26. Section 39.411, Florida Statutes, is renumbered as section 39.0132, Florida Statutes, and subsections (3) and (4) of said section are amended to read:

39.0132 ~~39.411~~ Oaths, records, and confidential information.—

(3) The clerk shall keep all court records required by this part separate from other records of the circuit court. All court records required by this part shall not be open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that, subject to the provisions of s. 63.162, a child and the parents, ~~or~~ legal custodians*, or caregivers* of

the child and their attorneys, *guardian ad litem,* law enforcement agencies, and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions.

(4) All information obtained pursuant to this part in the discharge of official duty by any judge, employee of the court, authorized agent of the department, correctional probation officer, or law enforcement agent shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, *guardian ad litem,* and others entitled under this chapter to receive that information, except upon order of the court.

Section 27. *Section 39.414, Florida Statutes, is renumbered as section 39.0133, Florida Statutes.*

Section 28. Sections 39.415 and 39.474, Florida Statutes, are renumbered as section 39.0134, Florida Statutes, and amended to read:

39.0134 ~~39.415~~ Appointed counsel; compensation.—

(1) If counsel is entitled to receive compensation for representation pursuant to *a* court appointment in a dependency proceeding *pursuant to this chapter,* such compensation shall *be established by each county* ~~not exceed $1,000 at the trial level and $2,500 at the appellate level~~.

~~39.474 Appointed counsel; compensation.—~~

(2) If counsel is entitled to receive compensation for representation pursuant to court appointment in a termination of parental rights proceeding, such compensation shall not exceed $1,000 at the trial level and $2,500 at the appellate level.

Section 29. Section 39.418, Florida Statutes, is renumbered as section 39.0135, Florida Statutes, and amended to read:

39.0135 ~~39.418~~ Operations and Maintenance Trust Fund.~~—Effective July 1, 1996,~~ The department ~~of Children and Family Services~~ shall deposit all child support payments made to the department pursuant to *this chapter* ~~s. 39.41(2)~~ into the Operations and Maintenance Trust Fund. The purpose of this funding is to care for children who are committed to the temporary legal custody of the department ~~pursuant to s. 39.41(2)(a)8~~.

Section 30. Part II of chapter 39, Florida Statutes, consisting of sections 39.201, 39.202, 39.203, 39.204, 39.205, and 39.206, Florida Statutes, shall be entitled to read:

PART II
REPORTING CHILD ABUSE

Section 31. Section 415.504, Florida Statutes, is renumbered as section 39.201, Florida Statutes, and amended to read:

39.201 ~~415.504~~ Mandatory reports of child abuse*, abandonment,* or neglect; mandatory reports of death; central abuse hotline.—

(1) Any person, including, but not limited to, any:

(a) Physician, osteopathic physician, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

(b) Health or mental health professional other than one listed in paragraph (a);

(c) Practitioner who relies solely on spiritual means for healing;

(d) School teacher or other school official or personnel;

(e) Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker; or

(f) Law enforcement officer,

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(2)(a) Each report of known or suspected child abuse*, abandonment,* or neglect pursuant to this section, except those solely under s. 827.04*(3)*~~(4)~~, shall be made immediately to the department's central abuse hotline on the single statewide toll-free telephone number, and, if the report is of an instance of known or suspected child abuse by a noncaretaker, the call shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline. If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04*(3)*~~(4)~~, the report shall be made immediately to the appropriate county sheriff's office or other appropriate law enforcement agency. If the report is of an instance of known or suspected child abuse solely under s. 827.04*(3)*~~(4)~~, the reporting provisions of this subsection do not apply to health care professionals or other persons who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of medical services.

(b) Reporters in occupation categories designated in subsection (1) are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential as provided in s. *39.202* ~~415.51~~.

(c) Reports involving known or suspected institutional child abuse or neglect shall be made and received in the same manner as all other reports made pursuant to this section.

(d) Reports involving a known or suspected juvenile sexual offender shall be made and received by the department.

1. The department shall determine the age of the alleged juvenile sexual offender if known.

2. When the alleged juvenile sexual offender is 12 years of age or younger, the department shall proceed with an investigation of the report pursuant to *this* part ~~III~~, immediately electronically transfer the call to the appropriate law enforcement agency office by the central abuse hotline, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.

3. When the alleged juvenile sexual offender is 13 years of age or older, the department shall immediately electronically transfer the call to the appropriate county sheriff's office by the central abuse hotline, and send a written report to the appropriate county sheriff's office within 48 hours after the initial report to the central abuse hotline.

(e) Hotline counselors shall receive periodic training in encouraging reporters to provide their names when reporting abuse*, abandonment, or neglect*. Callers shall be advised of the confidentiality provisions of s. *39.202* ~~415.51~~. The department shall secure and install electronic equipment that automatically provides to the hotline the number from which the call is placed. This number shall be entered into the report of abuse*, abandonment, or neglect* and become a part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the caller pursuant to s. *39.202* ~~415.51~~.

(3) Any person required to report or investigate cases of suspected child abuse*, abandonment,* or neglect who has reasonable cause to suspect that a child died as a result of child abuse*, abandonment,* or neglect shall report his or her suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation ~~pursuant to s. 406.11~~ and shall report his or her findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements provided for in s. *39.202* ~~415.51~~.

(4)~~(a)~~ The department shall establish and maintain a central abuse hotline to receive all reports made pursuant to this section in writing or through a single statewide toll-free telephone number, which any person may use to report known or suspected child abuse, abandonment, or neglect at any hour of the day or night, any day of the week. The central abuse hotline shall be operated in such a manner as to enable the department to:

(a)~~1.~~ Immediately identify and locate prior reports or cases of child abuse, *abandonment,* or neglect through utilization of the department's automated tracking system.

(b)~~2.~~ Monitor and evaluate the effectiveness of the department's program for reporting and investigating suspected abuse, *abandonment,* or neglect of children through the development and analysis of statistical and other information.

(c)~~3.~~ Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse, *abandonment,* or neglect.

(d)~~4.~~ Maintain and produce aggregate statistical reports monitoring patterns of ~~both~~ child abuse, *child abandonment,* and child neglect. The department shall collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports.

(e)~~5.~~ Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse, *abandonment,* or neglect.

(f)~~6.~~ Initiate and enter into agreements with other states for the purpose of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

~~(b) Upon receiving an oral or written report of known or suspected child abuse or neglect, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated children and families district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated children and families district staff responsible for protective investigations in sufficient time to allow for an investigation, or if the district determines appropriate, a family services response system approach to be commenced within 24 hours. When a district decides to respond to a report of child abuse or neglect with a family services response system approach, the provisions of part III apply. If, in the course of assessing risk and services or at any other appropriate time, responsible district staff determines that the risk to the child requires a child protective investigation, then the department shall suspend its family services response system activities and shall proceed with an investigation as delineated in this part. At the time of notification of district staff with respect to the report, the central abuse hotline shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.~~

~~(c) Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:~~

~~1. The names of the investigators and identifying credentials from the department.~~

~~2. The purpose of the investigation.~~

~~3. The right to obtain his or her own attorney and ways that the information provided by the subject may be used.~~

~~(d) The department shall make and keep records of all cases brought before it pursuant to this part and shall preserve the records pertaining to a child and family until 7 years after the last entry was made or until the child is 18 years of age. The department shall then destroy the records, except where the child has been placed under the protective supervision of the department, the court has made a finding of dependency, or a criminal conviction has resulted from the facts associated with the report and there is a likelihood that future services of the department may be required.~~

(5) The department shall be capable of receiving and investigating reports of known or suspected child abuse, abandonment, or neglect 24 hours a day, 7 days a week. If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child will be unavailable for purposes of conducting a child protective investigation, or that the facts otherwise so warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In all other child abuse, abandonment, or neglect cases, a child protective investigation shall be commenced within 24 hours after receipt of the report. In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or accompanied by another person, if the person or the attorney executes an affidavit of understanding with the department and agrees to comply with the confidentiality provisions of s. 39.202. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. In institutional child abuse cases when the institution is not operating and the child cannot otherwise be located, the investigation shall commence immediately upon the resumption of operation. If requested by a state attorney or local law enforcement agency, the department shall furnish all investigative reports to that agency.

(6)~~(e)~~ Information in the central abuse hotline may not be used for employment screening, *except as provided in s. 39.202(2)(a) and (h). Information in the central abuse hotline and the department's automated abuse information system may be used by the department, its authorized agents or contract providers, the Department of Health, or county agencies as part of the licensure or registration process pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.* ~~Access to the information shall only be granted as set forth in s. 415.51.~~

(7)~~(5)~~ This section does not require a professional who is hired by or enters into a contract with the department for the purpose of treating or counseling any person, as a result of a report of child abuse, *abandonment,* or neglect, to again report to the central abuse hotline the abuse, *abandonment,* or neglect that was the subject of the referral for treatment.

Section 32. Section 415.51, Florida Statutes, is renumbered as section 39.202, Florida Statutes, and amended to read:

39.202 ~~415.51~~ Confidentiality of reports and records in cases of child abuse or neglect.—

(1)(a) In order to protect the rights of the child and the child's parents or other persons responsible for the child's welfare, all records *held by the department* concerning reports of child abuse or neglect, including reports made to the central abuse hotline and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by *this chapter* ~~ss. 415.502-415.514~~. Such exemption from s. 119.07(1) applies to information in the possession of those entities granted access as set forth in this section.

(b) Except for information identifying individuals, all records involving the death of a child determined to be a result of abuse, abandonment, or neglect shall be released to the public within 10 days after completion of the investigation.

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection *(4)* ~~(9)~~, shall be granted only to the following persons, officials, and agencies:

(a) Employees, *authorized* ~~or~~ agents, *or contract providers* of the department, *the Department of Health, or county agencies* responsible for carrying out child or adult protective investigations, ongoing child or adult protective services, *Healthy Start services,* or licensure or approval of adoptive homes, foster homes, or *child care facilities, or family day care homes or informal child care providers who receive subsidized child care funding, or* other homes used to provide for the care and welfare of children. Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to ~~parts II and IV of~~ chapter *985* ~~39~~.

(b) Criminal justice agencies of appropriate jurisdiction.

(c) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.

(d) The parent, *caregiver,* or *legal* custodian of any child who is alleged to have been abused, *abandoned, or* neglected, *and the child, and their attorneys* ~~or abandoned~~. This access shall be made available no later than 30 days after the department receives the initial report of abuse, neglect, or abandonment. However, any information otherwise

made confidential or exempt by law shall not be released pursuant to this paragraph.

(e) Any person alleged in the report as having caused the abuse, *abandonment, or* neglect~~, or abandonment~~ of a child. This access shall be made available no later than 30 days after the department receives the initial report of abuse, *abandonment, or* neglect~~, or abandonment~~. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(f) A court upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(g) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(h) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect, *or abuse, neglect, or exploitation of a disabled adult or elderly person,* when carrying out his or her official function; ~~or~~

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated ~~institutional~~ child abuse, *abandonment,* or neglect, *or abuse, neglect, or exploitation of a disabled adult or elderly person; or*~~.~~

3. Employing and continuing employment of personnel of the department.

(i) Any person engaged in *the use of such records or information for* bona fide research, *statistical,* or audit purposes. However, no information identifying the subjects of the report shall be made available to the researcher.

(j) The Division of Administrative Hearings for purposes of any administrative challenge.

(k) Any appropriate official of the human rights advocacy committee investigating a report of known or suspected child abuse, abandonment, or neglect, the Auditor General for the purpose of conducting preliminary or compliance reviews pursuant to s. 11.45, or the guardian ad litem for the child ~~as defined in s. 415.503~~.

(l) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

(m) The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.

(n) Employees or agents of the Department of Revenue responsible for child support enforcement activities.

(3) The department may release to professional persons such information as is necessary for the diagnosis and treatment of the child or the person perpetrating the abuse *or neglect.*

(4) The name of any person reporting child abuse, abandonment, or neglect may not be released to any person other than employees of the department responsible for child protective services, ~~or~~ the central abuse hotline, *law enforcement,* or the appropriate state attorney ~~or law enforcement agency~~, without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the state attorney, or the department, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he or she makes the report, request that the department notify him or her that a child protective investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 days after completing the child protective investigation.

(5) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and *455.667* ~~455.241~~, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court.

(6) The department shall make and keep reports and records of all cases under this chapter relating to child abuse, abandonment, and neglect and shall preserve the records pertaining to a child and family until 7 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy the records. Department records required by this chapter relating to child abuse, abandonment, and neglect may be inspected only upon order of the court or as provided for in this section.

(7)~~(6)~~ A person who knowingly or willfully makes public or discloses to any unauthorized person any confidential information contained in the central abuse hotline is subject to the penalty provisions of s. *39.205* ~~415.513~~. This notice shall be prominently displayed on the first sheet of any documents released pursuant to this section.

Section 33. Section 415.511, Florida Statutes, is renumbered as section 39.203, Florida Statutes, and amended to read:

39.203 ~~415.511~~ Immunity from liability in cases of child abuse, *abandonment,* or neglect.—

(1)(a) Any person, official, or institution participating in good faith in any act authorized or required by *this chapter* ~~ss. 415.502-415.514~~, or reporting in good faith any instance of child abuse, *abandonment, or neglect* to any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

(b) Except as provided in *this chapter* ~~s. 415.503(10)(f)~~, nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, *abandoned,* or neglected a child, or committed any illegal act upon or against a child.

(2)(a) No resident or employee of a facility serving children may be subjected to reprisal or discharge because of his or her actions in reporting abuse, *abandonment,* or neglect pursuant to the requirements of this section.

(b) Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his or her making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

Section 34. Section 415.512, Florida Statutes, is renumbered as section 39.204, Florida Statutes, and amended to read:

39.204 ~~415.512~~ Abrogation of privileged communications in cases involving child abuse, *abandonment,* or neglect.—The privileged quality of communication between husband and wife and between any professional person and his or her patient or client, and any other privileged communication except that between attorney and client or the privilege provided in s. 90.505, as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, *abandonment,* or neglect and shall not constitute grounds for failure to report as required by s. *39.201* ~~415.504~~ regardless of the source of the information requiring the report, failure to cooperate with the department in its activities pursuant to *this chapter* ~~ss. 415.502-415.514~~, or failure to give evidence in any judicial proceeding relating to child abuse, *abandonment,* or neglect.

Section 35. Section 415.513, Florida Statutes, is renumbered as section 39.205, Florida Statutes, and amended to read:

39.205 ~~415.513~~ Penalties relating to ~~abuse~~ reporting *of child abuse, abandonment, or neglect.*—

(1) A person who is required ~~by s. 415.504~~ to report known or suspected child abuse, *abandonment,* or neglect and who knowingly and

willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse *hotline* ~~registry and tracking system~~ or in the records of any child abuse, *abandonment,* or neglect case, except as provided in *this chapter* ~~ss. 415.502-415.514~~, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The department shall establish procedures for determining whether a false report of child abuse, *abandonment,* or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency and *shall report annually to the Legislature the number of reports referred* ~~the state attorney for prosecution~~.

(4) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the report to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 39.01(27). During the pendency of the investigation by the local law enforcement agency, the department must notify the local law enforcement agency of, and the local law enforcement agency must respond to all subsequent reports concerning children in that same family in accordance with s. 39.301. If the law enforcement agency believes that there are indicators of abuse, abandonment, or neglect, it must immediately notify the department, which must assure the safety of the children. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

(5)~~(4)~~ A person who knowing and willfully makes a false report of child abuse, *abandonment,* or neglect, or who advises another to make a false report, is guilty of a *felony of the third* ~~misdemeanor of the second~~ degree, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(6)~~(5)~~ Each state attorney shall establish *written* procedures to facilitate the prosecution of persons under this section, *and shall report to the Legislature annually the number of complaints that have resulted in the filing of an information or indictment and the disposition of those complaints under this section.*

Section 36. Section 415.5131, Florida Statutes, is renumbered as section 39.206, Florida Statutes, and amended to read:

39.206 ~~415.5131~~ Administrative fines for false report of abuse, *abandonment,* or neglect of a child*; civil damages.*—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed *$10,000* ~~$1,000~~ for each violation, upon a person who knowingly and willfully makes a false report of abuse, *abandonment,* or neglect of a child, or a person who counsels another to make a false report.

(2) If the department alleges that a person has filed a false report with the central abuse *hotline* ~~registry and tracking system~~, the department must file a Notice of Intent which alleges the name, age, and address of the individual, the facts constituting the allegation that the individual made a false report, and the administrative fine the department proposes to impose on the person. Each time that a false report is made constitutes a separate violation.

(3) The Notice of Intent to impose the administrative fine must be served upon the person alleged to have filed the false report and the person's legal counsel, if any. Such Notice of Intent must be given by certified mail, return receipt requested.

(4) Any person alleged to have filed the false report is entitled to an administrative hearing, pursuant to chapter 120, before the imposition of the fine becomes final. The person must request an administrative hearing within 60 days after receipt of the Notice of Intent by filing a request with the department. Failure to request an administrative hearing within 60 days after receipt of the Notice of Intent constitutes a waiver of the right to a hearing, making the administrative fine final.

(5) At the hearing, the department must prove by *a preponderance of the* ~~clear and convincing~~ evidence that the person filed a false report with the central abuse *hotline* ~~registry and tracking system~~. The court shall advise any person against whom a fine may be imposed of that person's right to be represented by counsel at the hearing.

(6) In determining the amount of fine to be imposed, if any, the following factors shall be considered:

(a) The gravity of the violation, including the probability that serious physical or emotional harm to any person will result or has resulted, the severity of the actual or potential harm, and the nature of the false allegation.

(b) Actions taken by the false reporter to retract the false report as an element of mitigation, or, in contrast, to encourage an investigation on the basis of false information.

(c) Any previous false reports filed by the same individual.

(7) A decision by the department, following the administrative hearing, to impose an administrative fine for filing a false report constitutes final agency action within the meaning of chapter 120. Notice of the imposition of the administrative fine must be served upon the person and the person's legal counsel, by certified mail, return receipt requested, and must state that the person may seek judicial review of the administrative fine pursuant to s. 120.68.

(8) All amounts collected under this section shall be deposited into an appropriate trust fund of the department.

(9) A person who is determined to have filed a false report of abuse, *abandonment,* or neglect is not entitled to confidentiality. Subsequent to the conclusion of all administrative or other judicial proceedings concerning the filing of a false report, the name of the false reporter and the nature of the false report shall be made public, pursuant to s. 119.01(1). Such information shall be admissible in any civil or criminal proceeding.

(10) A person who knowingly and willfully makes a false report of abuse, abandonment, or neglect of a child, or a person who counsels another to make a false report may be civilly liable for damages suffered, including reasonable attorney fees and costs, as a result of the filing of the false report. If the name of the person who filed the false report or counseled another to do so has not been disclosed under subsection (9), the department as custodian of the records may be named as a party in the suit until the dependency court determines in a written order upon an in camera inspection of the records and report that there is a reasonable basis for believing that the report was false and that the identity of the reporter may be disclosed for the purpose of proceeding with a lawsuit for civil damages resulting from the filing of the false report. The alleged perpetrator may submit witness affidavits to assist the court in making this initial determination.

(11)~~(10)~~ Any person making a report who is acting in good faith is immune from any liability under this section and shall continue to be entitled to have the confidentiality of their identity maintained.

Section 37. Part III of chapter 39, Florida Statutes, consisting of sections 39.301, 39.302, 39.303, 39.3035, 39.304, 39.305, 39.306, and 39.307, Florida Statutes, shall be entitled to read:

PART III
PROTECTIVE INVESTIGATIONS

Section 38. Section 39.301, Florida Statutes, is created to read:

39.301 Initiation of protective investigations.—

(1) Upon receiving an oral or written report of known or suspected child abuse, abandonment, or neglect, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated children and families district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated children and families district staff responsible for protective investigations in sufficient time to allow for an investigation. At the time of notification of district staff with respect to the report, the central abuse hotline shall also

provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.

(2)(a) Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:

1. The names of the investigators and identifying credentials from the department.

2. The purpose of the investigation.

3. The right to obtain his or her own attorney and ways that the information provided by the subject may be used.

4. The possible outcomes and services of the department's response shall be explained to the caregiver.

5. The right of the parent, legal custodian, or caregiver to be involved to the fullest extent possible in determining the nature of the allegation and the nature of any identified problem.

(b) The department's training program shall ensure that protective investigators know how to fully inform parents, guardians, and caregivers of their rights and options, including opportunities for audio or video recording of investigators' interviews with parents, guardians, caretakers, or children.

(3) An assessment of risk and the perceived needs for the child and family shall be conducted in a manner that is sensitive to the social, economic, and cultural environment of the family.

(4) Protective investigations shall be performed by the department or its agent.

(5) The person responsible for the investigation shall make a preliminary determination as to whether the report or complaint is complete, consulting with the attorney for the department when necessary. In any case in which the person responsible for the investigation finds that the report or complaint is incomplete, he or she shall return it without delay to the person or agency originating the report or complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction, and request additional information in order to complete the report or complaint; however, the confidentiality of any report filed in accordance with this chapter shall not be violated.

(a) If it is determined that the report or complaint is complete, after determining that such action would be in the best interests of the child, the attorney for the department shall file a petition for dependency.

(b) If it is determined that the report or complaint is complete, but the interests of the child and the public will be best served by providing the child care or other treatment voluntarily accepted by the child and the parents, caregivers, or legal custodians, the protective investigator may refer the child for such care or other treatment.

(c) If the person conducting the investigation refuses to request the attorney for the department to file a petition for dependency, the complainant shall be advised of the right to file a petition pursuant to this part.

(6) For each report it receives, the department shall perform an onsite child protective investigation to:

(a) Determine the composition of the family or household, including the name, address, date of birth, social security number, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household.

(b) Determine whether there is indication that any child in the family or household has been abused, abandoned, or neglected; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, abandonment, or neglect, including the name, address, date of birth, social security number, sex, and race of each such person.

(c) Determine the immediate and long-term risk to each child by conducting state and federal records checks on the parents, legal custodians, or caregivers, and any other persons in the same household. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, post-trial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purpose. The department's child protection investigators are hereby designated a criminal justice agency for the purpose of accessing criminal justice information to be used for enforcing this state's laws concerning the crimes of child abuse, abandonment, and neglect.

(d) Determine the immediate and long-term risk to each child through utilization of standardized risk assessment instruments.

(e) Based on the information obtained from the caregiver, complete the risk-assessment instrument within 48 hours after the initial contact and, if needed, develop a case plan.

(f) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's safety and well-being and development, and cause the delivery of those services through the early intervention of the department or its agent.

(7) If the department or its agent is denied reasonable access to a child by the parents, legal custodians, or caregivers and the department deems that the best interests of the child so require, it shall seek an appropriate court order or other legal authority prior to examining and interviewing the child.

(8) If the department or its agent determines that a child requires immediate or long-term protection through:

(a) Medical or other health care;

(b) Homemaker care, day care, protective supervision, or other services to stabilize the home environment, including intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both; or

(c) Foster care, shelter care, or other substitute care to remove the child from the custody of the parents, legal guardians, or caregivers,

such services shall first be offered for voluntary acceptance unless there are high-risk factors that may impact the ability of the parents, legal guardians, or caregivers to exercise judgment. Such factors may include the parents', legal guardians', or caregivers' young age or history of substance abuse or domestic violence. The parents, legal custodians, or caregivers shall be informed of the right to refuse services, as well as the responsibility of the department to protect the child regardless of the acceptance or refusal of services. If the services are refused and the department deems that the child's need for protection so requires, the department shall take the child into protective custody or petition the court as provided in this chapter.

(9) When a child is taken into custody pursuant to this section, the authorized agent of the department shall request that the child's parent, caregiver, or legal custodian disclose the names, relationships, and addresses of all parents and prospective parents and all next of kin, so far as are known.

(10) No later than 30 days after receiving the initial report, the local office of the department shall complete its investigation.

(11) Immediately upon receipt of a report alleging, or immediately upon learning during the course of an investigation, that:

(a) The immediate safety or well-being of a child is endangered;

(b) The family is likely to flee;

(c) A child died as a result of abuse, abandonment, or neglect;

(d) A child is a victim of aggravated child abuse as defined in s. 827.03; or

(e) A child is a victim of sexual battery or of sexual abuse,

the department shall orally notify the jurisdictionally responsible state attorney, and county sheriff's office or local police department, and, as

soon as practicable, transmit the report to those agencies. The law enforcement agency shall review the report and determine whether a criminal investigation needs to be conducted and shall assume lead responsibility for all criminal fact-finding activities. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding an offense described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate.

(12) In a child protective investigation or a criminal investigation, when the initial interview with the child is conducted at school, the department or the law enforcement agency may allow, notwithstanding the provisions of s. 39.0132(4), a school instructional staff member who is known by the child to be present during the initial interview if:

(a) The department or law enforcement agency believes that the school instructional staff member could enhance the success of the interview by his or her presence; and

(b) The child requests or consents to the presence of the school instructional staff member at the interview.

School instructional staff may only be present when authorized by this subsection. Information received during the interview or from any other source regarding the alleged abuse or neglect of the child shall be confidential and exempt from the provisions of s. 119.07(1), except as otherwise provided by court order. A separate record of the investigation of the abuse, abandonment, or neglect shall not be maintained by the school or school instructional staff member. Violation of this subsection constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13) Within 15 days after the completion of the investigation of cases reported to him or her pursuant to this section, the state attorney shall report his or her findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 39. Section 39.302, Florida Statutes, is created to read:

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report which alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(32) or (47), acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall immediately initiate a child protective investigation and orally notify the appropriate state attorney, law enforcement agency, and licensing agency. These agencies shall immediately conduct a joint investigation, unless independent investigations are more feasible. When a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation shall be entitled to full access to the information gathered by the department in the course of the investigation. In all cases, the department shall make a full written report to the state attorney within 3 days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(2)(a) If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict a subject's access to the children pending the outcome of the investigation. The department or its agent shall employ the least restrictive means necessary to safeguard the physical health, mental health, and welfare of the children in care. This authority shall apply only to child protective investigations in which there is some evidence that child abuse, abandonment, or neglect has occurred. A subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial review. The court shall enter written findings of fact based upon the preponderance of evidence that child abuse, abandonment, or neglect did occur and that the department's restrictive action against a subject of the report was justified in order to safeguard the physical health, mental health, and welfare of the children in care. The restrictive action of the department shall be effective for no more than 90 days without a judicial finding supporting the actions of the department.

(b) Upon completion of the department's child protective investigation, the department may make application to the circuit court for continued restrictive action against any person necessary to safeguard the physical health, mental health, and welfare of the children in care.

(3) Pursuant to the restrictive actions described in subsection (2), in cases of institutional abuse, abandonment, or neglect in which the removal of a subject of a report will result in the closure of the facility, and when requested by the owner of the facility, the department may provide appropriate personnel to assist in maintaining the operation of the facility. The department may provide assistance when it can be demonstrated by the owner that there are no reasonable alternatives to such action. The length of the assistance shall be agreed upon by the owner and the department; however, the assistance shall not be for longer than the course of the restrictive action imposed pursuant to subsection (2). The owner shall reimburse the department for the assistance of personnel provided.

(4) The department shall notify the human rights advocacy committee in the appropriate district of the department as to every report of institutional child abuse, abandonment, or neglect in the district in which a client of the department is alleged or shown to have been abused, abandoned, or neglected, which notification shall be made within 48 hours after the department commences its investigation.

(5) The department shall notify the state attorney and the appropriate law enforcement agency of any other child abuse, abandonment, or neglect case in which a criminal investigation is deemed appropriate by the department.

(6) In cases of institutional child abuse, abandonment, or neglect in which the multiplicity of reports of abuse, abandonment, or neglect or the severity of the allegations indicates the need for specialized investigation by the department in order to afford greater safeguards for the physical health, mental health, and welfare of the children in care, the department shall provide a team of persons specially trained in the areas of child abuse, abandonment, and neglect investigations, diagnosis, and treatment to assist the local office of the department in expediting its investigation and in making recommendations for restrictive actions and to assist in other ways deemed necessary by the department in order to carry out the provisions of this section. The specially trained team shall also provide assistance to any investigation of the allegations by local law enforcement and the Department of Law Enforcement.

Section 40. Section 415.5055, Florida Statutes, is renumbered as section 39.303, Florida Statutes, and amended to read:

39.303 ~~415.5055~~ Child protection teams; services; eligible cases.— The department shall develop, maintain, and coordinate the services of one or more multidisciplinary child protection teams in each of the service districts of the department. Such teams may be composed of representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies. The Legislature finds that optimal coordination of child protection teams and sexual abuse treatment programs requires collaboration between the Department of Health and the Department of Children and Family Services. The two departments shall maintain an interagency agreement that establishes protocols for oversight and operations of child protection teams and sexual abuse treatment programs. The Secretary of Health and the Director of the Division of Children's Medical Services, in consultation with the Secretary of Children and Family Services, shall maintain the responsibility for the screening, employment, and, if necessary, the termination of child protection team medical directors, at headquarters and in the 15 districts. Child protection team medical directors shall be responsible for oversight of the teams in the districts.

(1) The department shall utilize and convene the teams to supplement the assessment and protective supervision activities of ~~the children, youth, and families program of~~ the department. Nothing in this section shall be construed to remove or reduce the duty and responsibility of any person to report pursuant to *this chapter* ~~s. 415.504~~ all sus-

pected or actual cases of child abuse, *abandonment,* or neglect or sexual abuse of a child. The role of the teams shall be to support activities of the program and to provide services deemed by the teams to be necessary and appropriate to abused, *abandoned,* and neglected children upon referral. The specialized diagnostic assessment, evaluation, coordination, consultation, and other supportive services that a child protection team shall be capable of providing include, but are not limited to, the following:

(a) Medical diagnosis and evaluation services, including provision or interpretation of X rays and laboratory tests, and related services, as needed, and documentation of findings relative thereto.

(b) Telephone consultation services in emergencies and in other situations.

(c) Medical evaluation related to abuse, *abandonment,* or neglect, as defined by department policy or rule.

(d) Such psychological and psychiatric diagnosis and evaluation services for the child or the child's parent or parents, *legal custodian or custodians* ~~guardian or guardians~~, or other caregivers, or any other individual involved in a child abuse, *abandonment,* or neglect case, as the team may determine to be needed.

(e) Short-term psychological treatment. It is the intent of the Legislature that short-term psychological treatment be limited to no more than 6 months' duration after treatment is initiated, except that the appropriate district administrator may authorize such treatment for individual children beyond this limitation if the administrator deems it appropriate.

(f) Expert medical, psychological, and related professional testimony in court cases.

(g) Case staffings to develop, implement, and monitor treatment plans for children whose cases have been referred to the team. A child protection team may provide consultation with respect to a child who has not been referred to the team, but who is alleged or is shown to be abused, *abandoned, or neglected,* which consultation shall be provided at the request of a representative of the children, youth, and families program or at the request of any other professional involved with a child or the child's parent or parents, *legal custodian or custodians* ~~guardian or guardians~~, or other caregivers. In every such child protection team case staffing, consultation, or staff activity involving a child, a children, youth, and families program representative shall attend and participate.

(h) Case service coordination and assistance, including the location of services available from other public and private agencies in the community.

(i) Such training services for program and other department employees as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling child abuse, *abandonment,* and neglect cases.

(j) Educational and community awareness campaigns on child abuse, *abandonment,* and neglect in an effort to enable citizens more successfully to prevent, identify, and treat child abuse, *abandonment,* and neglect in the community.

(2) The child abuse, *abandonment,* and neglect cases that are appropriate for referral by the children, youth, and families program to child protection teams for support services as set forth in subsection (1) include, but are not limited to, cases involving:

(a) Bruises, burns, or fractures in a child under the age of 3 years or in a nonambulatory child of any age.

(b) Unexplained or implausibly explained bruises, burns, fractures, or other injuries in a child of any age.

(c) Sexual abuse of a child in which vaginal or anal penetration is alleged or in which other unlawful sexual conduct has been determined to have occurred.

(d) Venereal disease, or any other sexually transmitted disease, in a prepubescent child.

(e) Reported malnutrition of a child and failure of a child to thrive.

(f) Reported medical, physical, or emotional neglect of a child.

(g) Any family in which one or more children have been pronounced dead on arrival at a hospital or other health care facility, or have been injured and later died, as a result of suspected abuse, *abandonment,* or neglect, when any sibling or other child remains in the home.

(h) Symptoms of serious emotional problems in a child when emotional or other abuse, *abandonment,* or neglect is suspected.

~~(3) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and 455.241, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court.~~

(3) In all instances in which a child protection team is providing certain services to abused, *abandoned,* or neglected children, other offices and units of the department shall avoid duplicating the provision of those services.

Section 41. Section 39.3035, Florida Statutes, is created to read:

39.3035 Child advocacy centers; standards; state funding.—

(1) In order to become eligible for a full membership in the Florida Network of Children's Advocacy Centers, Inc., a child advocacy center in this state shall:

(a) Be a private, nonprofit incorporated agency or a governmental entity.

(b) Be a child protection team with established community protocols which meet all of the requirements of the National Network of Children's Advocacy Centers, Inc.

(c) Have a neutral, child-focused facility where joint department and law enforcement interviews take place with children in appropriate cases of suspected child sexual abuse or physical abuse. All multidisciplinary agencies shall have a place to interact with the child as investigative or treatment needs require.

(d) Have a minimum designated staff that is supervised and approved by the local board of directors or governmental entity.

(e) Have a multidisciplinary case review team that meets on a regularly scheduled basis or as the caseload of the community requires. The team shall consist of representatives from the Office of the State Attorney, the department, the child protection team, mental health services, law enforcement, and the child advocacy center staff. Medical personnel and a victim's advocate may be part of the team.

(f) Provide case tracking of child abuse cases seen through the center. A center shall also collect data on the number of child abuse cases seen at the center, by sex, race, age, and other relevant data; the number of cases referred for prosecution; and the number of cases referred for mental health therapy. Case records shall be subject to the confidentiality provisions of s. 39.202.

(g) Provide referrals for medical exams and mental health therapy. The center shall provide followup on cases referred for mental health therapy.

(h) Provide training for various disciplines in the community that deal with child abuse.

(i) Have an interagency commitment, in writing, covering those aspects of agency participation in a multidisciplinary approach to the handling of child sexual abuse and serious physical abuse cases.

(2) Provide assurance that child advocacy center employees and volunteers at the center are trained and screened in accordance with s. 39.001(2).

(3) Any child advocacy center within this state that meets the standards of subsection (1) and is certified by the Florida Network of Children's Advocacy Centers, Inc., as being a full member in the organization

shall be eligible to receive state funds that are appropriated by the Legislature.

Section 42. Section 415.507, Florida Statutes, is renumbered as section 39.304, Florida Statutes, and amended to read:

39.304 ~~415.507~~ Photographs, medical examinations, X rays, and medical treatment of abused, *abandoned,* or neglected child.—

(1) Any person required to investigate cases of suspected child abuse, *abandonment,* or neglect may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report. If the areas of trauma visible on a child indicate a need for a medical examination, or if the child verbally complains or otherwise exhibits distress as a result of injury through suspected child abuse, *abandonment,* or neglect, or is alleged to have been sexually abused, the person required to investigate may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents, *caregiver* ~~legal guardian~~, or legal custodian. Such examination may be performed by an advanced registered nurse practitioner licensed pursuant to chapter 464. Any licensed physician, or advanced registered nurse practitioner licensed pursuant to chapter 464, who has reasonable cause to suspect that an injury was the result of child abuse, *abandonment, or neglect* may authorize a radiological examination to be performed on the child without the consent of the child's parent, *caregiver* ~~legal guardian~~, or legal custodian.

(2) Consent for any medical treatment shall be obtained in the following manner.

(a)1. Consent to medical treatment shall be obtained from a parent or *legal custodian* ~~guardian~~ of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or *legal custodian* ~~guardian~~ of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or *legal custodian* ~~guardian~~ of the child is available but refuses to consent to the necessary treatment, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse, *abandonment,* or neglect of the child by a parent or *legal custodian* ~~guardian~~. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3) Any facility licensed under chapter 395 shall provide to the department, its agent, or a child protection team that contracts with the department any photograph or report on examinations made or X rays taken pursuant to this section, or copies thereof, for the purpose of investigation or assessment of cases of abuse, abandonment, neglect, or exploitation of children.

(4)~~(3)~~ Any photograph or report on examinations made or X rays taken pursuant to this section, or copies thereof, shall be sent to the department as soon as possible.

(5)~~(4)~~ The county in which the child is a resident shall bear the initial costs of the examination of the allegedly abused, *abandoned, or neglected* child; however, the parents, *caregiver* ~~legal guardian~~, or legal custodian of the child shall be required to reimburse the county for the costs of such examination, other than an initial forensic physical examination as provided in s. 960.28, and to reimburse the department ~~of Children and Family Services~~ for the cost of the photographs taken pursuant to this section. A medical provider may not bill a child victim, directly or indirectly, for the cost of an initial forensic physical examination.

~~(5) The court shall order a defendant or juvenile offender who pleads guilty or nolo contendere to, or who is convicted of or adjudicated delinquent for, a violation of chapter 794 or chapter 800 to make restitution to the Crimes Compensation Trust Fund or to the county, whichever paid for the initial forensic physical examination, in an amount equal to the compensation paid to the medical provider for the cost of the initial forensic physical examination. The order may be enforced by the department in the same manner as a judgment in a civil action.~~

Section 43. Section 415.5095, Florida Statutes, is renumbered as section 39.305, Florida Statutes, and amended to read:

39.305 ~~415.5095~~ Intervention and treatment in sexual abuse cases; model plan.—

~~(1) The impact of sexual abuse on the child and family has caused the Legislature to determine that special intervention and treatment must be offered in certain cases so that the child can be protected from further abuse, the family can be kept together, and the abuser can benefit from treatment. To further this end, it is the intent of the Legislature that special funding shall be available in those communities where agencies and professionals are able to work cooperatively to effectuate intervention and treatment in intrafamily sexual abuse cases.~~

~~(2)~~ The department ~~of Children and Family Services~~ shall develop a model plan for community intervention and treatment of intrafamily sexual abuse in conjunction with the Department of Law Enforcement, *the Department of Health,* the Department of Education, the Attorney General, the state Guardian Ad Litem Program, the Department of Corrections, representatives of the judiciary, and professionals and advocates from the mental health and child welfare community.

Section 44. Section 39.306, Florida Statutes, is created to read:

39.306 Child protective investigations; working agreements with local law enforcement.—The department shall enter into agreements with the jurisdictionally responsible county sheriffs' offices and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect. The written agreement must specify how the requirements of this chapter will be met. For the purposes of such agreement, the jurisdictionally responsible law enforcement entity is authorized to share Florida criminal history information that is not otherwise exempt from s. 119.07(1) with the district personnel, authorized agent, or contract provider directly responsible for the child protective investigation and emergency child placement. The agencies entering into such agreement must comply with s. 943.0525. Criminal justice information provided by such law enforcement entity shall be used only for the purposes specified in the agreement and shall be provided at no charge. Notwithstanding any other provision of law, the Department of Law Enforcement shall provide to the department electronic access to Florida criminal justice information which is lawfully available and not exempt from s. 119.07(1), only for the purpose of child protective investigations and emergency child placement. As a condition of access to such information, the department shall be required to execute an appropriate user agreement addressing the access, use, dissemination, and destruction of such information and to comply with all applicable laws and regulations, and rules of the Department of Law Enforcement.

Section 45. Section 415.50171, Florida Statutes, is renumbered as section 39.307, Florida Statutes, and subsection (1), paragraph (a) of subsection (2), and subsection (6) of said section are amended to read:

39.307 ~~415.50171 Family services response system;~~ Reports of child-on-child sexual abuse.—

(1) ~~Subject to specific appropriation,~~ Upon receiving a report alleging juvenile sexual abuse as defined in s. *39.01(7)(b), the department shall assist the family in receiving appropriate services* ~~415.50165(7), district staff shall, unless caregiver abuse or neglect is involved, use a family services response system approach~~ to address the allegations of the report.

(2) District staff, at a minimum, shall adhere to the following procedures:

(a) The purpose of the response to a report alleging juvenile sexual abuse behavior shall be explained to the caregiver.

1. The purpose of the response shall be explained in a manner consistent with legislative purpose and intent provided in this *chapter* ~~part~~.

2. The name and office telephone number of the person responding shall be provided to the caregiver of the alleged juvenile sexual offender and victim's caregiver.

3. The possible consequences of the department's response, including outcomes and services, shall be explained to the caregiver of the alleged juvenile sexual offender and the victim's family or caregiver.

(6) At any time, as a result of additional information, findings of facts, or changing conditions, the department may pursue a child protective investigation as provided in *this chapter* ~~part IV~~.

Section 46. Part IV of chapter 39, Florida Statutes, consisting of sections 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, and 39.318, Florida Statutes, shall be entitled to read:

PART IV
FAMILY BUILDERS PROGRAM

Section 47. Section 415.515, Florida Statutes, is renumbered as section 39.311, Florida Statutes, and amended to read:

39.311 ~~415.515~~ Establishment of Family Builders Program.—

(1) Any Family Builders Program that is established by the department ~~of Children and Family Services or the Department of Juvenile Justice~~ shall provide family preservation services to families whose children are at risk of imminent out-of-home placement because they are dependent ~~or delinquent or are children in need of services~~, to reunite families whose children have been removed and placed in foster care, and to maintain adoptive families intact who are at risk of fragmentation. The Family Builders Program shall provide programs to achieve long-term changes within families that will allow children to remain with their families as an alternative to the more expensive and potentially psychologically damaging program of out-of-home placement.

(2) The department ~~of Children and Family Services and the Department of Juvenile Justice~~ may adopt rules to implement the Family Builders Program.

Section 48. Section 415.516, Florida Statutes, is renumbered as section 39.312, Florida Statutes, and amended to read:

39.312 ~~415.516~~ Goals.—The goals of any Family Builders Program shall be to:

(1) Ensure child health and safety while working with the family.

(2)~~(1)~~ Help parents to improve their relationships with their children and to provide better care, nutrition, hygiene, discipline, protection, instruction, and supervision.

(3)~~(2)~~ Help parents to provide a better household environment for their children by improving household maintenance, budgeting, and purchasing.

(4)~~(3)~~ Provide part-time child care when parents are unable to do so or need temporary relief.

(5)~~(4)~~ Perform household maintenance, budgeting, and purchasing when parents are unable to do so on their own or need temporary relief.

(6)~~(5)~~ Assist parents and children to manage and resolve conflicts.

(7)~~(6)~~ Assist parents to meet the special physical, mental, or emotional needs of their children and help parents to deal with their own special physical, mental, or emotional needs that interfere with their ability to care for their children and to manage their households.

(8)~~(7)~~ Help families to discover and gain access to community resources to which the family or children might be entitled and which would assist the family in meeting its needs and the needs of the children, including the needs for food, clothing, housing, utilities, transportation, appropriate educational opportunities, employment, respite care, and recreational and social activities.

(9)~~(8)~~ Help families by providing cash or in-kind assistance to meet their needs for food, clothing, housing, or transportation when such needs prevent or threaten to prevent parents from caring for their children, and when such needs are not met by other sources in the community in a timely fashion.

~~(9) Emphasize parental responsibility and facilitate counseling for children at high risk of delinquent behavior and their parents.~~

(10) Provide such additional reasonable services for the prevention of maltreatment and unnecessary foster care as may be needed in order to strengthen a family at risk.

Section 49. Section 415.517, Florida Statutes, is renumbered as section 39.313, Florida Statutes, and amended to read:

39.313 ~~415.517~~ Contracting of services.—The department may contract for the delivery of Family Builders Program services by professionally qualified persons or local governments when it determines that it is in the family's best interest. The service provider or program operator must submit to the department monthly activity reports covering any services rendered. These activity reports must include project evaluation in relation to individual families being served, as well as statistical data concerning families referred for services who are not served due to the unavailability of resources. The costs of program evaluation are an allowable cost consideration in any service contract negotiated in accordance with this *section* ~~subsection~~.

Section 50. Section 415.518, Florida Statutes, is renumbered as section 39.314, Florida Statutes, and amended to read:

39.314 ~~415.518~~ Eligibility for Family Builders Program services.—Family Builders Program services must be made available to a family at risk on a voluntary basis, provided the family meets the eligibility requirements as established by rule and there is space available in the program. All members of the families who accept such services are responsible for cooperating fully with the family preservation plan developed for each family under *s. 39.315* ~~this section~~. Families in which children are at imminent risk of sexual abuse or physical endangerment perpetrated by a member of their immediate household are not eligible to receive family preservation services unless the perpetrator is in, or has agreed to enter, a program for treatment and the safety of the children may be enhanced through participation in the Family Builders Program.

Section 51. *Section 415.519, Florida Statutes, is renumbered as section 39.315, Florida Statutes.*

Section 52. Section 415.520, Florida Statutes, is renumbered as section 39.316, Florida Statutes, and subsection (3) of said section is amended to read:

39.316 ~~415.520~~ Qualifications of Family Builders Program workers.—

(3) Caseworkers must successfully complete at least 40 hours of intensive training prior to providing direct *services* ~~service~~ under this program. Paraprofessional aides and supervisors must, within 90 days after hiring, complete a training program prescribed by the department on child abuse, *abandonment*, and neglect and an overview of the children, youth, and families program components and service delivery system. Program supervisors and caseworkers must thereafter complete at least 40 hours of additional training each year in accordance with standards established by the department.

Section 53. *Section 415.521, Florida Statutes, is renumbered as section 39.317, Florida Statutes.*

Section 54. Section 415.522, Florida Statutes, is renumbered as section 39.318, Florida Statutes, and amended to read:

39.318 ~~415.522~~ Funding.—The department is authorized to use appropriate state, federal, and private funds within its budget for operating the Family Builders Program. For each child served, the cost of providing home-based services described in this *part* ~~act~~ must not exceed the costs of out-of-home care which otherwise would be incurred.

Section 55. Part V of chapter 39, Florida Statutes, consisting of sections 39.395, 39.401, 39.402, 39.407, and 39.4075, Florida Statutes, shall be entitled to read:

PART V
TAKING CHILDREN INTO CUSTODY
AND SHELTER HEARINGS

Section 56. Section 39.395, Florida Statutes, is created to read:

39.395 Detaining a child; medical or hospital personnel.—Any person in charge of a hospital or similar institution, or any physician or

licensed health care professional treating a child may detain that child without the consent of the parents, caregiver, or legal custodian, whether or not additional medical treatment is required, if the circumstances are such, or if the condition of the child is such that returning the child to the care or custody of the parents, caregiver, or legal custodian presents an imminent danger to the child's life or physical or mental health. Any such person detaining a child shall immediately notify the department, whereupon the department shall immediately begin a child protective investigation in accordance with the provisions of this chapter and shall make every reasonable effort to immediately notify the parents, caregiver, or legal custodian that such child has been detained. If the department determines, according to the criteria set forth in this chapter, that the child should be detained longer than 24 hours, it shall petition the court through the attorney representing the Department of Children and Family Services as quickly as possible and not to exceed 24 hours, for an order authorizing such custody in the same manner as if the child were placed in a shelter. The department shall attempt to avoid the placement of a child in an institution whenever possible.

Section 57. Section 39.401, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.401 Taking a child alleged to be dependent into custody*; law enforcement officers and authorized agents of the department.*—

(1) A child may only be taken into custody:

(a) Pursuant to the provisions of this part, based upon sworn testimony, either before or after a petition is filed*; or*~~.~~

(b) By a law enforcement officer, or an authorized agent of the department, if the officer or *authorized* agent has probable cause to support a finding or reasonable grounds for removal and that removal is necessary to protect the child. Reasonable grounds for removal are as follows:

1. That the child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;

2. That the *parent, legal custodian, caregiver, or responsible adult relative* ~~custodian~~ of the child has materially violated a condition of placement imposed by the court; or

3. That the child has no parent, legal custodian, *caregiver,* or responsible adult relative immediately known and available to provide supervision and care.

(2) If the *law enforcement officer takes* ~~person taking~~ the child into custody ~~is not an authorized agent of the department~~, that *officer* ~~person~~ shall:

(a) Release the child to*:*

1. The parent, *caregiver, or* ~~guardian,~~ legal custodian *of the child;*~~,~~

2. A responsible adult approved by the court when limited to temporary emergency situations*;*~~,~~

3. A responsible adult relative who shall be given priority consideration over a nonrelative placement *when this is in the best interests of the child;*~~,~~ or

4. A responsible adult approved by the department; ~~within 3 days following such release, the person taking the child into custody shall make a full written report to the department for cases involving allegations of abandonment, abuse, or neglect or other dependency cases,~~ or

(b) Deliver the child to an authorized agent of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is abandoned, abused, or neglected, or otherwise dependent ~~and make a full written report to the department within 3 days~~.

For cases involving allegations of abandonment, abuse, or neglect, or other dependency cases, within 3 days after such release or within 3 days after delivering the child to an authorized agent of the department, the law enforcement officer who took the child into custody shall make a full written report to the department.

(3) If the child is taken into custody by, or is delivered to, an authorized agent of the department, the authorized agent shall review the facts supporting the removal with *an attorney representing the* department ~~legal staff prior to the emergency shelter hearing~~. The purpose of this review shall be to determine whether probable cause exists for the filing of *a* ~~an emergency~~ shelter petition ~~pursuant to s. 39.402(1)~~. If the facts are not sufficient to support the filing of a *shelter* petition, the child shall immediately be returned to the custody of the parent, *caregiver,* or legal custodian. If the facts are sufficient to support the filing of the *shelter* hearing *the attorney representing the Department of Children and Family Services shall request* ~~pursuant to s. 39.402(1)~~, such hearing to be held *as quickly as possible and not to exceed* ~~within~~ 24 hours after the removal of the child. While awaiting the ~~emergency~~ shelter hearing, the authorized agent of the department may place the child in licensed shelter care or may release the child to a parent, ~~guardian,~~ legal custodian, *caregiver, or* responsible adult relative who shall be given priority consideration over a *licensed* ~~nonrelative~~ placement, or responsible adult approved by the department *when this is in the best interests of the child. Any placement of a child which is not in a licensed shelter must be preceded by a local and state criminal records check, as well as a search of the department's automated abuse information system, on all members of the household, to assess the child's safety within the home.* In addition, the department may authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

(4) When a child is taken into custody pursuant to this section, the department ~~of Children and Family Services~~ shall request that the child's parent, *caregiver,* or *legal* custodian disclose the names, relationships, and addresses of all parents and prospective parents and all next of kin of the child, so far as are known.

Section 58. Section 39.402, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

39.402 Placement in a shelter.—

(1) Unless ordered by the court under this chapter, a child taken into custody shall not be placed in a shelter prior to a court hearing unless there are reasonable grounds for removal and removal is necessary to protect the child. Reasonable grounds for removal are as follows:

(a) The child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;

(b) The custodian of the child has materially violated a condition of placement imposed by the court; or

(c) The child has no parent, legal custodian, *caregiver,* or responsible adult relative immediately known and available to provide supervision and care.

(2) A child taken into custody may be placed or continued in a shelter only if one or more of the criteria in subsection (1) applies and the court has made a specific finding of fact regarding the necessity for removal of the child from the home and has made a determination that the provision of appropriate and available services will not eliminate the need for placement.

(3) Whenever a child is taken into custody, the department shall immediately notify the parents or legal custodians, shall provide the parents or legal custodians with a statement setting forth a summary of procedures involved in dependency cases, and shall notify them of their right to obtain their own attorney.

(4) If the department determines that placement in a shelter is necessary under subsections (1) and (2), the authorized agent of the department shall authorize placement of the child in a shelter.

(5)(a) The parents or legal custodians of the child shall be given actual notice of the date, time, and location of the ~~emergency~~ shelter hearing. If the parents *or legal custodians* are outside the jurisdiction of the court, are not known, or cannot be located or refuse or evade service, they shall be given such notice as best ensures their actual knowledge of the date, time, and location of the ~~emergency~~ shelter hearing. The person providing or attempting to provide notice to the parents or legal custodians shall, if the parents or legal custodians are not present at the

hearing, advise the court either in person or by sworn affidavit, of the attempts made to provide notice and the results of those attempts.

(b) The parents or legal custodians shall be given written notice that:

~~(b) At the emergency shelter hearing, the department must establish probable cause that reasonable grounds for removal exist and that the provision of appropriate and available services will not eliminate the need for placement.~~

1.~~(c)~~ *They will* ~~The parents or legal custodians shall~~ be given an opportunity to be heard and to present evidence at the ~~emergency~~ shelter hearing*; and*~~.~~

2. They have the right to be represented by counsel, and, if indigent, the right to be represented by appointed counsel, at the shelter hearing and at each subsequent hearing or proceeding, pursuant to the procedures set forth in s. 39.013.

(6)~~(5)~~(a) The circuit court, or the county court~~,~~ if previously designated by the chief judge of the circuit court for such purpose, shall hold the shelter hearing.

(b) The shelter petition filed with the court must address each condition required to be determined by the court in *paragraphs (8)(a) and (b)* ~~subsection (7)~~.

(7)~~(6)~~ A child may not be removed from the home or continued out of the home pending disposition if, with the provision of appropriate and available *early intervention or preventive* services, including services provided in the home, the child could safely remain at home. If the child's safety and well-being are in danger, the child shall be removed from danger and continue to be removed until the danger has passed. If the child has been removed from the home and the reasons for his or her removal have been remedied, the child may be returned to the home. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home, the court shall allow the child to remain in the home.

(8)~~(7)~~(a) A child may not be held in a shelter longer than 24 hours unless an order so directing is entered by the court after *a* ~~an emergency~~ shelter hearing. *In the interval until the shelter hearing is held, the decision to place the child in a shelter or release the child from a shelter lies with the protective investigator.* ~~At the emergency shelter hearing, the court shall appoint a guardian ad litem to represent the child unless the court finds that such representation is unnecessary.~~

(b) The parents or legal custodians of the child shall be given such notice as best ensures their actual knowledge of the time and place of the *shelter* hearing ~~and shall be given an opportunity to be heard and to present evidence at the emergency shelter hearing~~. *The failure to provide notice to a party or participant does not invalidate an order placing a child in a shelter if the court finds that the petitioner has made a good faith effort to provide such notice.* The court shall require the parents or *legal* custodians present at the hearing to provide to the court on the record the names, addresses, and relationships of all parents, prospective parents, and next of kin of the child, so far as are known.

(c) At the shelter hearing, the court shall:

1. Appoint a guardian ad litem to represent the child, unless the court finds that such representation is unnecessary;

2. Inform the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013; and

3. Give the parents or legal custodians an opportunity to be heard and to present evidence.

(d) At the shelter hearing, the department must establish probable cause that reasonable grounds for removal exist and that the provision of appropriate and available services will not eliminate the need for placement.

(e) At the shelter hearing, each party shall provide to the court a permanent mailing address. The court shall advise each party that this address will be used by the court and the petitioner for notice purposes unless and until the party notifies the court and the petitioner in writing of a new mailing address.

(f)~~(b)~~ The order for placement of a child in shelter care must identify the parties present at the hearing and must contain written findings:

1. That placement in shelter care is necessary based on the criteria in subsections (1) and (2).

2. That placement in shelter care is in the best interest of the child.

3. That continuation of the child in the home is contrary to the welfare of the child because the home situation presents a substantial and immediate danger to the *child's physical, mental, or emotional health or safety* ~~child~~ which cannot be mitigated by the provision of preventive services.

4. That based upon the allegations of the petition for placement in shelter care, there is probable cause to believe that the child is dependent.

5. That the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home. A finding of reasonable effort by the department to prevent or eliminate the need for removal may be made and the department is deemed to have made reasonable efforts to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency.

b. The appraisal of the home situation by the department indicates that the home situation presents a substantial and immediate danger to the *child's physical, mental, or emotional health or safety* ~~child~~ which cannot be mitigated by the provision of preventive services.

c. The child cannot safely remain at home, either because there are no preventive services that can ensure the *health and* safety of the child or because, even with appropriate and available services being provided, the *health and* safety of the child cannot be ensured.

6. That the court notified the parents or legal custodians of the subsequent dependency proceedings, including scheduled hearings, and of the importance of the active participation of the parents or legal custodians in those subsequent proceedings and hearings.

7. That the court notified the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013.

~~(c) The failure to provide notice to a party or participant does not invalidate an order placing a child in a shelter if the court finds that the petitioner has made a good faith effort to provide such notice.~~

~~(d) In the interval until the shelter hearing is held under paragraph (a), the decision to place the child in a shelter or release the child from a shelter lies with the protective investigator in accordance with subsection (3).~~

(9) At any shelter hearing, the court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child.

(10) The shelter hearing order shall contain a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to ensure the protection of the child in the home when such services are necessary for the child's health and safety.

~~(8) A child may not be held in a shelter under an order so directing for more than 21 days unless an order of adjudication for the case has been entered by the court. The parent, guardian, or custodian of the child must be notified of any order directing placement of the child in an emergency shelter and, upon request, must be afforded a hearing within 48 hours, excluding Sundays and legal holidays, to review the necessity for continued placement in the shelter for any time periods as provided in this section. At any arraignment hearing or determination of emergency shelter care, the court shall determine visitation rights absent a~~

~~clear and convincing showing that visitation is not in the best interest of the child, and the court shall make a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to assure the protection of the child in the home when such services are necessary for the child's safety. Within 7 days after the child is taken into custody, a petition alleging dependency must be filed and, within 14 days after the child is taken into custody, an arraignment hearing must be held for the child's parent, guardian, or custodian to admit, deny, or consent to the findings of dependency alleged in the petition.~~

(11)~~(12)~~ *If a* ~~When any~~ child is placed in a shelter *pursuant to* ~~under~~ a court order following a shelter hearing, the court shall *prepare a shelter hearing* order *requiring* the parents of the child, or the guardian of the child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(12) In the event the shelter hearing is conducted by a judge other than the juvenile court judge, the juvenile court judge shall hold a shelter review on the status of the child within 2 working days after the shelter hearing.

(13)~~(9)~~ *A child may not be held in a shelter under an order so directing for more than 60 days without an adjudication of dependency.* A child may not be held in a shelter for more than 30 days after the entry of an order of adjudication unless an order of disposition ~~under s. 39.41~~ has been entered by the court.

(14)~~(10)~~ The time limitations in *this section* ~~subsection (8)~~ do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child's attorney or the child's guardian ad litem, if one has been appointed by the court, and the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or *legal custodian* ~~guardian~~ may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents *or legal custodians*; however, the petitioner shall continue regular efforts to provide notice to the parents *or legal custodians* during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

(15) At the conclusion of a shelter hearing, the court shall notify all parties in writing of the next scheduled hearing to review the shelter placement. Such hearing shall be held no later than 30 days after placement of the child in shelter status, in conjunction with the arraignment hearing.

~~(11) The court shall review the necessity for a child's continued placement in a shelter in the same manner as the initial placement decision was made and shall make a determination regarding the continued placement:~~

~~(a) Within 24 hours after any violation of the time requirements for the filing of a petition or the holding of an arraignment hearing as prescribed in subsection (8); or~~

~~(b) Prior to the court's granting any delay as specified in subsection (10).~~

Section 59. Section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical or mental examination of parent~~, guardian,~~ or person requesting custody of child.—

(1) When any child is taken into custody and is to be detained in shelter care, the department is authorized to have a medical screening performed on the child without authorization from the court and without consent from a parent or *legal custodian* ~~guardian~~. Such medical screening shall be performed by a licensed health care professional and shall be to examine the child for injury, illness, and communicable diseases and to determine the need for immunization. The department shall by rule establish the invasiveness of the medical procedures authorized to be performed under this subsection. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When the department has performed the medical screening authorized by subsection (1), or when it is otherwise determined by a licensed health care professional that a child who is in the custody of the department, but who has not been committed to the department ~~pursuant to s. 39.41~~, is in need of medical treatment, including the need for immunization, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent or *legal custodian* ~~guardian~~ of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or *legal custodian* ~~guardian~~ of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment, including immunization, for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or *legal custodian* ~~guardian~~ of the child is available but refuses to consent to the necessary treatment, including immunization, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse, *abandonment,* or neglect of the child by a parent, *caregiver, or legal custodian* ~~or guardian~~. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order a child in the physical custody of the department to be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the department. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education as defined in s. *230.23* ~~230.2315(2)~~.

(4) A judge may order a child in the physical custody of the department to be treated by a licensed health care professional based on evidence that the child should receive treatment. The judge may also order such child to receive mental health or retardation services from a psychi-

atrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable. A child may be provided mental health or retardation services in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable.

(5) When a child is in the physical custody of the department, a licensed health care professional shall be immediately called if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, nothing in this section shall be deemed to eliminate the right of a parent, *legal custodian* ~~guardian~~, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, nothing in this section shall be deemed to alter the provisions of s. 743.064.

(8) A court shall not be precluded from ordering services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9) Nothing in this section shall be construed to authorize the permanent sterilization of the child unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination, or receiving treatment as authorized pursuant to this *section* ~~subsection~~, no child alleged to be or found to be dependent shall be placed in a detention home or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents or *legal custodian* ~~guardian~~ of a child in the physical custody of the department remain financially responsible for the cost of medical treatment provided to the child even if either one or both of the parents or if the *legal custodian* ~~guardian~~ did not consent to the medical treatment. After a hearing, the court may order the parents or *legal custodian* ~~guardian~~, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) Nothing in this section alters the authority of the department to consent to medical treatment for a dependent child when the child has been committed to the department ~~pursuant to s. 39.41,~~ and the department has become the legal custodian of the child.

(13) At any time after the filing of a *shelter petition or* petition for dependency, when the mental or physical condition, including the blood group, of a parent, *caregiver, legal custodian* ~~guardian~~, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 60. Section 39.4033, Florida Statutes, is renumbered as section 39.4075, Florida Statutes, and amended to read:

39.4075 ~~39.4033~~ Referral of a dependency case to mediation.—

(1) At any stage in a dependency proceeding, ~~the case staffing committee or~~ any party may request the court to refer the parties to mediation in accordance with chapter 44 and rules and procedures developed by the Supreme Court.

(2) A court may refer the parties to mediation. *When such services are available, the court must determine whether it is in the best interests of the child to refer the parties to mediation.*

(3) The department shall advise the *parties* ~~parents or legal guardians~~ that they are responsible for contributing to the cost of the *dependency* ~~family~~ mediation to the extent of their ability to pay.

(4) This section applies only to courts in counties in which dependency mediation programs have been established and does not require the establishment of such programs in any county.

Section 61. Part VI of chapter 39, Florida Statutes, consisting of sections 39.501, 39.502, 39.503, 39.504, 39.505, 39.506, 39.507, 39.508, 39.5085, 39.509, and 39.510, Florida Statutes, shall be entitled to read:

PART VI
PETITION, ARRAIGNMENT, ADJUDICATION, AND DISPOSITION

Section 62. Section 39.404, Florida Statutes, is renumbered as section 39.501, Florida Statutes, and amended to read:

39.501 ~~39.404~~ Petition for dependency.—

(1) All proceedings seeking an adjudication that a child is dependent shall be initiated by the filing of a petition by an attorney for the department, or any other person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(2) The purpose of a petition seeking the adjudication of a child as a dependent child is the protection of the child and not the punishment of the person creating the condition of dependency.

(3)(a) The petition shall be in writing, shall identify and list all parents, if known, and all current *caregivers or legal* custodians of the child, and shall be signed by the petitioner under oath stating the petitioner's good faith in filing the petition. When the petition is filed by the department, it shall be signed by an attorney for the department.

(b) The form of the petition and its contents shall be determined by rules of *juvenile* procedure adopted by the Supreme Court.

(c) The petition must specifically set forth the acts or omissions upon which the petition is based and the identity of the person or persons alleged to have committed the acts or omissions, if known. The petition need not contain allegations of acts or omissions by both parents.

(d) The petitioner must state in the petition, if known, whether:

1. A parent, legal custodian, or *caregiver* ~~person responsible for the child's welfare~~ named in the petition has *previously* unsuccessfully participated in voluntary services offered by the department;

2. A parent *or*~~,~~ legal custodian~~, or person responsible for the child's welfare~~ named in the petition has participated in mediation and whether a mediation agreement exists;

3. A parent *or*~~,~~ legal custodian~~, or person responsible for the child's welfare~~ has rejected the voluntary services offered by the department; or

4. The department has determined that voluntary services are not appropriate for this family and the reasons for such determination.

(4) When *a child has been placed in shelter status by order of the court* ~~the child has been taken into custody~~, a petition alleging dependency must be filed within 7 days *upon demand of a party, but no later than 21 days after the shelter hearing* ~~after the date the child is taken into custody~~. In all other cases, the petition must be filed within a reasonable time after the date the child was referred to protective investigation ~~under s. 39.403~~. *The child's parent, guardian, or custodian must be served with a copy of the petition at least 72 hours before the arraignment hearing.*

(5) A petition for termination of parental rights ~~under s. 39.464~~ may be filed at any time.

Section 63. Section 39.405, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.502, Florida Statutes, and amended to read:

39.502 ~~39.405~~ Notice, process, and service.—

(1) Unless parental rights have been terminated, all parents *and legal custodians* must be notified of all proceedings *or hearings* involving the child. Notice in cases involving shelter hearings and hearings resulting from medical emergencies must be that most likely to result in actual notice to the parents *and legal custodians*. In all other dependency proceedings, notice must be provided in accordance with subsections (4) through (9).

(2) Personal appearance of any person in a hearing before the court obviates the necessity of serving process on that person.

(3) Upon the filing of a petition containing allegations of facts which, if true, would establish that the child is a dependent child, and upon the request of the petitioner, the clerk or deputy clerk shall issue a summons.

(4) The summons shall require the person on whom it is served to appear for a hearing at a time and place specified, not less than 24 hours after service of the summons. A copy of the petition shall be attached to the summons.

(5) The summons shall be directed to, and shall be served upon, all parties other than the petitioner.

(6) It is the duty of the petitioner or moving party to notify all participants and parties known to the petitioner or moving party of all hearings subsequent to the initial hearing unless notice is contained in prior court orders and these orders were provided to the participant or party. Proof of notice or provision of orders may be provided by certified mail with a signed return receipt.

(7) Service of the summons and service of pleadings, papers, and notices subsequent to the summons on persons outside this state must be made pursuant to s. 61.1312.

(8) It is not necessary to the validity of a proceeding covered by this part that the parents, *caregivers,* or legal custodians be present if their identity or residence is unknown after a diligent search has been made, *but in this event the petitioner shall file an affidavit of diligent search prepared by the person who made the search and inquiry, and the court may appoint a guardian ad litem for the child.*

(9) When an affidavit of diligent search has been filed under subsection (8), the petitioner shall continue to search for and attempt to serve the person sought until excused from further search by the court. The petitioner shall report on the results of the search at each court hearing until the person is identified or located or further search is excused by the court.

(10)~~(9)~~ Service by publication shall not be required for dependency hearings and the failure to serve a party or give notice to a participant shall not affect the validity of an order of adjudication or disposition if the court finds that the petitioner has completed a diligent search for that party or participant.

(11)~~(10)~~ Upon the application of a party or the petitioner, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, and other tangible objects at any hearing.

(12)~~(11)~~ All process and orders issued by the court shall be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the department or the guardian ad litem.

(13)~~(12)~~ Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding and, in addition, may be served by authorized agents of the department.

(14)~~(13)~~ No fee shall be paid for service of any process or other papers by an agent of the department or the guardian ad litem. If any process, orders, or any other papers are served or executed by any sheriff, the sheriff's fees shall be paid by the county.

~~(14) Failure of a person served with notice to respond or appear at the arraignment hearing constitutes the person's consent to a dependency adjudication. The document containing the notice to respond or appear must contain, in type at least as large as the balance of the document, the following or substantially similar language: "FAILURE TO RESPOND TO THIS NOTICE OR TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR THESE CHILDREN) AS DEPENDENT CHILDREN AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD."~~

(15) A party who is identified as a *person with mental illness or with a developmental disability* ~~developmentally disabled person~~ must be informed by the court of the availability of advocacy services through the department, the Association for Retarded Citizens, or other appropriate *mental health or developmental disability* advocacy groups and encouraged to seek such services.

(16) If the party to whom an order is directed is present or represented at the final hearing, service of the order is not required.

(17) The parent or legal custodian of the child, the attorney for the department, the guardian ad litem, and all other parties and participants shall be given reasonable notice of all hearings provided for under this part.

(18) In all proceedings under this chapter, the court shall provide to the parent or legal custodian of the child, at the conclusion of any hearing, a written notice containing the date of the next scheduled hearing. The court shall also include the date of the next hearing in any order issued by the court.

Section 64. Section 39.4051, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.503, Florida Statutes, and amended to read:

39.503 ~~39.4051~~ Identity or location of parent *or legal custodian* unknown; special procedures.—

(1) If the identity or location of a parent *or legal custodian* is unknown and a petition for dependency or shelter is filed, the court shall conduct the following inquiry of the parent *or legal custodian* who is available, or, if no parent *or legal custodian* is available, of any relative or custodian of the child who is present at the hearing and likely to have the information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the *court shall direct the* department *to* ~~shall~~ conduct a diligent search for that person before ~~the~~ scheduling ~~of~~ a disposition hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without notice to the person whose location is unknown.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all relatives of the parent or prospective parent made known to the petitioner, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, and inquiries of appropriate law enforcement agencies. *Pursuant to s. 453 of the Social Security Act, 42 U.S.C. 653(c)(B)(4), the department, as the state agency administering*

Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator service for diligent search activities.

(7) Any agency contacted by a petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or prior to the adjudicatory hearing in any termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section unless the other parent contests the determination of parenthood. If the known parent contests the recognition of the prospective parent as a parent, the prospective parent shall not be recognized as a parent until proceedings under chapter 742 have been concluded. However, the prospective parent shall continue to receive notice of hearings as a participant pending results of the chapter 742 proceedings.

Section 65. Section 39.4055, Florida Statutes, is renumbered as section 39.504, Florida Statutes, and subsections (2) and (4) of said section are amended to read:

39.504 ~~39.4055~~ Injunction pending disposition of petition for ~~detention or~~ dependency; penalty.—

(2)~~(a)~~ Notice shall be provided to the parties as set forth in the Florida Rules of Juvenile Procedure, unless the child is reported to be in imminent danger, in which case the court may issue an injunction immediately. *A judge may issue an emergency injunction pursuant to this section without notice at times when the court is closed for the transaction of judicial business.* When such an immediate injunction is issued, the court shall hold a hearing on the next day of judicial business either to dissolve the injunction or to continue or modify it in accordance with the other provisions of this section.

~~(b) A judge may issue an emergency injunction pursuant to this section at times when the court is closed for the transaction of judicial business. The court shall hold a hearing on the next day of judicial business either to dissolve the emergency injunction or to continue or modify it in accordance with the other provisions of this section.~~

(4) A copy of any injunction issued pursuant to this section shall be delivered to the protected party, or a parent *or caregiver* or ~~an~~ individual acting in the place of a parent who is not the respondent, and to any law enforcement agency having jurisdiction to enforce such injunction. Upon delivery of the injunction to the appropriate law enforcement agency, the agency shall have the duty and responsibility to enforce the injunction.

Section 66. Section 39.406, Florida Statutes, is renumbered as section 39.505, Florida Statutes, and amended to read:

39.505 ~~39.406~~ No answer required.—No answer to the petition or any other pleading need be filed by any child, parent, or legal custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the *respondent* ~~child or parent~~ shall, prior to an adjudicatory hearing, be advised by the court of the right to counsel and shall be given an opportunity to deny the allegations in the petition for dependency or to enter a plea to allegations in the petition before the court.

Section 67. Subsection (1) of section 39.408, Florida Statutes, is renumbered as section 39.506, Florida Statutes, and amended to read:

39.506 ~~39.408~~ *Arraignment* hearings ~~for dependency cases~~.—

(1) ~~ARRAIGNMENT HEARING.—~~

~~(a)~~ When a child has been detained by order of the court, an arraignment hearing must be held, within *7 days after the date of filing of the dependency petition* ~~14 days from the date the child is taken into custody~~, for the parent~~, guardian,~~ or *legal* custodian to admit, deny, or consent to findings of dependency alleged in the petition. If the parent~~, guardian,~~ or *legal* custodian admits or consents to the findings in the petition, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if the parent~~, guardian,~~ or *legal* custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within *30 days after* ~~7 days from~~ the date of the arraignment hearing unless a continuance is granted pursuant to *this chapter* ~~s. 39.402(11)~~.

(2)~~(b)~~ When a child is in the custody of the parent~~, guardian,~~ or *legal* custodian, upon the filing of a petition the clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing. If the parent~~, guardian,~~ or *legal* custodian admits or consents to an adjudication, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if the parent~~, guardian,~~ or *legal* custodian denies any of the allegations of dependency, the court shall hold an adjudicatory hearing within a reasonable time after the date of the arraignment hearing.

(3) Failure of a person served with notice to respond or appear at the arraignment hearing constitutes the person's consent to a dependency adjudication. The document containing the notice to respond or appear must contain, in type at least as large as the balance of the document, the following or substantially similar language: "FAILURE TO RESPOND TO THIS NOTICE OR TO PERSONALLY APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR CHILDREN) AS A DEPENDENT CHILD (OR CHILDREN) AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD (OR CHILDREN)."

(4) At the arraignment hearing, each party shall provide to the court a permanent mailing address. The court shall advise each party that this address will be used by the court and the petitioner for notice purposes unless and until the party notifies the court and the petitioner in writing of a new mailing address.

(5)~~(c)~~ If at the arraignment hearing the parent~~, guardian,~~ or *legal* custodian consents or admits to the allegations in the petition, the court shall proceed to hold a dispositional hearing *no more than 15 days after the date of the arraignment hearing unless a continuance is necessary* ~~at the earliest practicable time that will allow for the completion of a predisposition study~~.

(6) At any arraignment hearing, the court shall order visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child.

(7) The court shall review whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the court determines that the department has not made such an effort, the court shall order the department to provide appropriate and available services to assure the protection of the child in the home when such services are necessary for the child's physical, mental, or emotional health and safety.

(8) At the arraignment hearing, and no more than 15 days thereafter, the court shall review the necessity for the child's continued placement in the shelter. The court shall also make a written determination regarding the child's continued placement in shelter within 24 hours after any violation of the time requirements for the filing of a petition or prior to the court's granting any continuance as specified in subsection (5).

(9) At the conclusion of the arraignment hearing, all parties shall be notified in writing by the court of the date, time, and location for the next scheduled hearing.

Section 68. Subsection (2) of section 39.408, Florida Statutes, and section 39.409, Florida Statutes, are renumbered as section 39.507, Florida Statutes, and amended to read:

39.507 ~~39.408~~ *Adjudicatory hearings; orders of adjudication* ~~Hearings for dependency cases~~.—

~~(2) ADJUDICATORY HEARING.—~~

(1)(a) The adjudicatory hearing shall be held as soon as practicable after the petition for dependency is filed and in accordance with the Florida Rules of Juvenile Procedure, but *no later than 30 days after the arraignment.* ~~reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. If the child is in custody, the time limitations provided in s. 39.402 and subsection (1) of this section apply.~~

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning

the hearings from time to time as necessary. In a hearing on a petition in which it is alleged that the child is dependent, a preponderance of evidence will be required to establish the state of dependency. Any evidence presented in the dependency hearing which was obtained as the result of an anonymous call must be independently corroborated. In no instance shall allegations made in an anonymous report of abuse, *abandonment, or neglect* be sufficient to support an adjudication of dependency in the absence of corroborating evidence.

(2)~~(c)~~ All hearings, except as provided in this section, shall be open to the public, and a person may not be excluded except on special order of the judge, who may close any hearing to the public upon determining that the public interest or the welfare of the child is best served by so doing. However, the parents shall be allowed to obtain discovery pursuant to the Florida Rules of Juvenile Procedure. However, nothing in this *subsection* ~~paragraph~~ shall be construed to affect the provisions of s. *39.202* ~~415.51(9)~~. Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents, *caregivers,* or legal custodians of the child may be examined separately and apart from each other.

(3) Except as otherwise specifically provided, nothing in this section prohibits the publication of the proceedings in a hearing.

~~39.409 Orders of adjudication.—~~

(4)~~(1)~~ If the court finds *at the adjudicatory hearing* that the child named in a petition is not dependent, it shall enter an order so finding and dismissing the case.

(5)~~(2)~~ If the court finds that the child named in the petition is dependent, but finds that no action other than supervision in the child's home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child's home under the supervision of the department. If the court later finds that the *parents, caregivers, or legal* custodians of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of dependency, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(6)~~(3)~~ If the court finds that the child named in a petition is dependent, but shall elect not to proceed under subsection *(5)* ~~(2)~~, it shall incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(7) At the conclusion of the adjudicatory hearing, if the child named in the petition is found dependent, the court shall schedule the disposition hearing within 30 days after the filing of the adjudicatory order. All parties shall be notified in writing by the court of the date, time, and location of the disposition hearing.

(8)~~(4)~~ An order of adjudication by a court that a child is dependent shall not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

Section 69. Subsections (3) and (4) of section 39.408, Florida Statutes, and section 39.41, Florida Statutes, as amended by chapter 97-276, Laws of Florida, are renumbered as section 39.508, Florida Statutes, and amended to read:

39.508 ~~39.408~~ *Disposition hearings; powers of disposition* ~~Hearings for dependency cases.—~~

(1)~~(3) DISPOSITION HEARING.—~~At the disposition hearing, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents, *caregivers, or legal custodians* have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted, the court shall receive and consider a *case plan and a* predisposition study, which must be in writing and presented by an authorized agent of the department.

(2)~~(a)~~ The predisposition study shall cover for any dependent child all factors specified in s. 61.13(3), and must also provide the court with the following documented information:

(a)~~1.~~ An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.

(b)~~2.~~ A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.

(c)~~3.~~ A description of the benefits of returning the child home.

(d)~~4.~~ A description of all unresolved issues.

(e)~~5.~~ An abuse registry history *and criminal records check* for all *caregivers* ~~caretakers~~, family members, and individuals residing within the household.

(f)~~6.~~ The complete child protection team report and recommendation or, if no report exists, a statement reflecting that no report has been made.

(g)~~7.~~ All opinions or recommendations from other professionals or agencies that provide evaluative, social, reunification, or other services to the family.

(h)~~8.~~ The availability of appropriate prevention and reunification services for the family to prevent the removal of the child from the home or to reunify the child with the family after removal, including the availability of family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.

(i)~~9.~~ The inappropriateness of other prevention and reunification services that were available.

(j)~~10.~~ The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the family if appropriate services were available, including the application of intensive family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.

(k)~~11.~~ Whether the services were provided to the family and child.

(l)~~12.~~ If the services were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain *safely* at home or to be returned home.

(m)~~13.~~ If the services were not provided, the reasons for such lack of action.

(n)~~14.~~ The need for, or appropriateness of, continuing the services if the child remains in the custody of the family or if the child is placed outside the home.

(o)~~15.~~ Whether family mediation was provided.

~~16. Whether a multidisciplinary case staffing was conducted and, if so, the results.~~

(p)~~17.~~ If the child has been removed from the home and there is a parent, *caregiver, or legal custodian* who may be considered for custody pursuant to *this section* ~~s. 39.41(1)~~, a recommendation as to whether placement of the child with that parent, *caregiver, or legal custodian* would be detrimental to the child.

(q) If the child has been removed from the home and will be remaining with a relative or caregiver, a home study report shall be included in the predisposition report.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as otherwise specifically provided, nothing in this section prohibits the publication of proceedings in a hearing.

(3)(a) Prior to recommending to the court any out-of-home placement for a child other than placement in a licensed shelter or foster home, the department shall conduct a study of the home of the proposed caregivers, which must include, at a minimum:

1. An interview with the proposed adult caregivers to assess their ongoing commitment and ability to care for the child.

2. Records checks through the department's automated abuse information system, and local and statewide criminal and juvenile records checks through the Department of Law Enforcement, on all household members 12 years of age or older and any other persons made known to the department who are frequent visitors in the home.

3. An assessment of the physical environment of the home.

4. A determination of the financial security of the proposed caregivers.

5. A determination of suitable child care arrangements if the proposed caregivers are employed outside of the home.

6. Documentation of counseling and information provided to the proposed caregivers regarding the dependency process and possible outcomes.

7. Documentation that information regarding support services available in the community has been provided to the caregivers.

(b) The department shall not place the child or continue the placement of the child in the home of the proposed caregivers if the results of the home study are unfavorable.

(4)~~(b)~~ If placement of the child with anyone other than the child's parent*, caregiver,* or *legal* custodian is being considered, the *predisposition* study shall include the designation of a specific length of time as to when custody by the parent*, caregiver,* or *legal* custodian will be reconsidered.

~~(c) A copy of the predisposition study must be furnished to all parties no later than 48 hours before the disposition hearing.~~

(5)~~(d)~~ The predisposition study may not be made before the adjudication of dependency unless the parents*, caregivers,* or *legal* custodians of the child consent.

(6) A case plan and predisposition study must be filed with the court and served upon the parents, caregivers, or legal custodians of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan.

(7) The initial judicial review must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, but in no event shall the review be held later than 6 months after the date of the child's removal from the home.

~~Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2)(c), nothing in this section prohibits the publication of proceedings in a hearing.~~

~~(4) NOTICE OF HEARINGS.—The parent or legal custodian of the child, the attorney for the department, the guardian ad litem, and all other parties and participants shall be given reasonable notice of all hearings provided for under this section.~~

~~39.41 Powers of disposition.—~~

(8)~~(1)~~ When any child is adjudicated by a court to be dependent, and the court finds that removal of the child from the custody of a parent*, legal custodian, or caregiver* is necessary, the court shall first determine whether there is a parent with whom the child was not residing at the time the events or conditions arose that brought the child within the jurisdiction of the court who desires to assume custody of the child and, if such parent requests custody, the court shall place the child with the parent unless it finds that such placement would endanger the safety, ~~and~~ well-being*, or physical, mental, or emotional health* of the child. Any party with knowledge of the facts may present to the court evidence regarding whether the placement will endanger the safety, ~~and~~ well-being*, or physical, mental, or emotional health* of the child. If the court places the child with such parent, it may do either of the following:

(a) Order that the parent become the legal and physical custodian of the child. The court may also provide for reasonable visitation by the noncustodial parent. The court shall then terminate its jurisdiction over the child. The custody order shall continue unless modified by a subsequent order of the court. The order of the juvenile court shall be filed in any dissolution or other custody action or proceeding between the parents.

(b) Order that the parent assume custody subject to the jurisdiction of the juvenile court. The court may order that reunification services be provided to the parent*, caregiver, or legal custodian* ~~or guardian~~ from whom the child has been removed, that services be provided solely to the parent who is assuming physical custody in order to allow that parent to retain later custody without court jurisdiction, or that services be provided to both parents, in which case the court shall determine at *every* review *hearing* ~~hearings held every 6 months~~ which parent, if either, shall have custody of the child. The standard for changing custody of the child from one parent to another *or to a relative or caregiver must meet the home study criteria and court approval pursuant to this chapter* ~~at the review hearings shall be the same standard as applies to changing custody of the child in a custody hearing following a decree of dissolution of marriage~~.

(9)~~(2)~~(a) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power, by order, to:

1. Require the parent*, caregiver, or legal* ~~guardian, or~~ custodian, and the child when appropriate*,* to participate in treatment and services identified as necessary.

2. Require the parent*, caregiver, or legal* ~~guardian, or~~ custodian, and the child when appropriate, to participate in mediation if the parent*, caregiver, or legal* ~~guardian, or~~ custodian refused to participate in mediation ~~under s. 39.4033~~.

3. Place the child under the protective supervision of an authorized agent of the department, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or of *a caregiver* ~~an adult nonrelative~~ approved by the court, or in some other suitable place under such reasonable conditions as the court may direct. ~~Whenever the child is placed under protective supervision pursuant to this section, the department shall prepare a case plan and shall file it with the court.~~ Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision *shall* ~~may~~ be terminated by the court whenever the court determines that *permanency has been achieved for the child* ~~the child's placement~~, whether with a parent, another relative*, a legal custodian, or a caregiver,* ~~or a nonrelative, is stable~~ and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department ~~of Children and Family Services~~ shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified.

4. Place the child in the temporary legal custody of an adult relative or *caregiver* ~~an adult nonrelative~~ approved by the court who is willing to care for the child.

5.a. When the parents have failed to comply with a case plan and the court determines at a judicial review hearing*, or at an adjudication hearing* held pursuant to ~~s. 39.453, or at a hearing held pursuant to subparagraph (1)(a)7. of~~ this section, that neither reunification, termination of parental rights, nor adoption is in the best interest of the child, the court may place the child in the long-term custody of an adult relative or *caregiver* ~~adult nonrelative~~ approved by the court willing to care for the child, if the following conditions are met:

(I) A case plan describing the responsibilities of the relative or *caregiver* ~~nonrelative~~, the department, and any other party must have been submitted to the court.

(II) The case plan for the child does not include reunification with the parents or adoption by the relative *or caregiver*.

(III) The child and the relative or *caregiver* ~~nonrelative custodian~~ are determined not to need protective supervision or preventive services to ensure the stability of the long-term custodial relationship, or the department assures the court that protective supervision or preventive services will be provided in order to ensure the stability of the long-term custodial relationship.

(IV) Each party to the proceeding agrees that a long-term custodial relationship does not preclude the possibility of the child returning to the custody of the parent at a later date.

(V) The court has considered the reasonable preference of the child if the court has found the child to be of sufficient intelligence, understanding, and experience to express a preference.

(VI) The court has considered the recommendation of the guardian ad litem if one has been appointed.

b. The court shall retain jurisdiction over the case, and the child shall remain in the long-term custody of the relative or *caregiver* ~~nonrelative~~ approved by the court until the order creating the long-term custodial relationship is modified by the court. The court may relieve the department of the responsibility for supervising the placement of the child whenever the court determines that the placement is stable and that such supervision is no longer needed. Notwithstanding the retention of jurisdiction, the placement shall be considered a permanency option for the child when the court relieves the department of the responsibility for supervising the placement. The order terminating supervision by the department ~~of Children and Family Services~~ shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the order terminating supervision of the long-term relative or *caregiver* ~~nonrelative~~ placement if it finds that a party to the proceeding has shown a material change in circumstances which causes the long-term relative or *caregiver* ~~nonrelative~~ placement to be no longer in the best interest of the child.

6.a. Approve placement of the child in long-term *out-of-home* ~~foster~~ care, when the following conditions are met:

(I) The foster child is 16 years of age or older, unless the court determines that the history or condition of a younger child makes long-term *out-of-home* ~~foster~~ care the most appropriate placement.

(II) The child demonstrates no desire to be placed in an independent living arrangement pursuant to this subsection.

(III) The department's social services study pursuant to *part VIII* ~~s. 39.453(6)(a)~~ recommends long-term *out-of-home* ~~foster~~ care.

b. Long-term *out-of-home* ~~foster~~ care under the above conditions shall not be considered a permanency option.

c. The court may approve placement of the child in long-term *out-of-home* ~~foster~~ care, as a permanency option, when all of the following conditions are met:

(I) The child is 14 years of age or older,

(II) The child is living in a licensed home and the foster parents desire to provide care for the child on a permanent basis and the foster parents and the child do not desire adoption,

(III) The foster family has made a commitment to provide for the child until he or she reaches the age of majority and to prepare the child for adulthood and independence, and

(IV) The child has remained in the home for a continuous period of no less than 12 months.

(V) The foster parents and the child view one another as family and consider living together as the best place for the child to be on a permanent basis.

(VI) The department's social services study recommends such placement and finds the child's well-being has been promoted through living with the foster parents.

d. Notwithstanding the retention of jurisdiction and supervision by the department, long-term *out-of-home* ~~foster~~ care placements made pursuant to ~~sub-subparagraph (2)(a)6.c. of~~ this section shall be considered a permanency option for the child. For purposes of this subsection, supervision by the department shall be defined as a minimum of semiannual visits. The order placing the child in long-term *out-of-home* ~~foster~~ care as a permanency option shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. The court may modify the permanency option of long-term *out-of-home* ~~foster~~ care if it finds that a party to the proceeding has shown a material change in circumstances which causes the placement to be no longer in the best interests of the child.

e. Approve placement of the child in an independent living arrangement for any foster child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative, or adult nonrelative approved by the court, continue to be subject to court review provisions.

~~7. Commit the child to a licensed child-caring agency willing to receive the child. Continued commitment to the licensed child-caring agency, as well as all other proceedings under this section pertaining to the child, are also governed by part V of this chapter.~~

7.~~8.~~ Commit the child to the temporary legal custody of the department. Such commitment invests in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for short visitation periods, without the approval of the court. The term of such commitment continues until terminated by the court or until the child reaches the age of 18. After the child is committed to the temporary custody of the department, all further proceedings under this section are also governed by ~~part V of~~ this chapter.

8.~~9.~~a. Change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing subsequent to the initial detention hearing, without the necessity of another adjudicatory hearing. A child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a *legal custodian or caregiver* ~~nonrelative~~, or in some other place may be brought before the court by the agent of the department who is supervising the placement or by any other interested person, upon the filing of a petition alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. *The standard for changing custody of the child from one parent to another or to a relative or caregiver must meet the home study criteria and court approval pursuant to this chapter.*

b. In cases where the issue before the court is whether a child should be reunited with a parent, the court shall determine whether the parent has substantially complied with the terms of the case plan to the extent that the ~~well-being and~~ safety, *well-being, and physical, mental, and emotional health* of the child is not endangered by the return of the child to the home.

~~10. Approve placement of the child in an independent living arrangement for any foster child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the safety and welfare of the child will not be jeopardized by such an arrangement. While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, relative,~~

~~or adult nonrelative approved by the court, continue to be subject to the court review provisions of s. 39.453.~~

(b) The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child as provided in paragraph (a).

2. Special conditions of placement and visitation.

3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.

4. The persons or entities responsible for supervising or monitoring services to the child and family.

5. Continuation or discharge of the guardian ad litem, as appropriate.

6. *The date, time, and location of the next scheduled review hearing, which must occur within 90 days after the disposition hearing or within the earlier of:*

a. Six months after the date of the last review hearing; or

b. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home. ~~The period of time or date for any subsequent case review required by law.~~

7. Other requirements necessary to protect the health, safety, and well-being of the child, *to preserve the stability of the child's educational placement,* and to promote family preservation or reunification whenever possible.

(c) If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, ~~and~~ well-being, *and physical, mental, and emotional health* will not be endangered.

(d)~~(5)(a)~~ If the court commits the child to the temporary legal custody of the department, the disposition order must include a written determination that the child cannot *safely* remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child has been removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department has made a reasonable effort to reunify the family. The department has the burden of demonstrating that it has made reasonable efforts under this *paragraph* ~~subsection~~.

1.~~(b)~~ For the purposes of this *paragraph* ~~subsection~~, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services delineated in the case plan.

2.~~(c)~~ In support of its determination as to whether reasonable efforts have been made, the court shall:

a.~~1.~~ Enter written findings as to whether or not prevention or reunification efforts were indicated.

b.~~2.~~ If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.

c.~~3.~~ Indicate in writing why further efforts could or could not have prevented or shortened the separation of the family.

3.~~(d)~~ A court may find that the department has made a reasonable effort to prevent or eliminate the need for removal if:

a.~~1.~~ The first contact of the department with the family occurs during an emergency.

b.~~2.~~ The appraisal by the department of the home situation indicates that it presents a substantial and immediate danger to the *child's safety or physical, mental, or emotional health* ~~child~~ which cannot be mitigated by the provision of preventive services.

c.~~3.~~ The child cannot safely remain at home, either because there are no preventive services that can ensure the *health and* safety of the child or, even with appropriate and available services being provided, the *health and* safety of the child cannot be ensured.

4.~~(e)~~ A reasonable effort by the department for reunification of the family has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.

5.~~(f)~~ If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this *chapter* ~~part~~.

(10)~~(3)~~(a) When any child is adjudicated by the court to be dependent and temporary legal custody of the child has been placed with an adult relative, *legal custodian, or caregiver* ~~or adult nonrelative~~ approved by the court ~~willing to care for the child~~, a licensed child-caring agency, or the department, the court shall, unless a parent has voluntarily executed a written surrender for purposes of adoption, order the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay child support to the adult relative, *legal custodian, or caregiver* ~~or nonrelative~~ caring for the child, the licensed child-caring agency, or the department. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61.

(b) Placement of the child pursuant to subsection *(8)* ~~(1)~~ shall not be contingent upon issuance of a support order.

(11)~~(4)~~(a) If the court does not commit the child to the temporary legal custody of an adult relative, *legal custodian, or caregiver* ~~or adult nonrelative~~ approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, *legal custodian, or caregiver* willing to care for the child in order to present that placement option to the court instead of placement with the department.

(b) If *diligent efforts are* ~~a diligent search is~~ made to locate an adult relative willing and able to care for the child but, because no suitable relative is found, the child is placed with the department or a *legal custodian or caregiver* ~~nonrelative custodian~~, both the department and the court shall consider transferring temporary legal custody to *an* ~~a willing~~ adult relative ~~or adult nonrelative~~ approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement. *For the purposes of this paragraph, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.*

(12)~~(6)~~ An agency granted legal custody shall have the right to determine where and with whom the child shall live, but an individual granted legal custody shall exercise all rights and duties personally unless otherwise ordered by the court.

(13)~~(7)~~ In carrying out the provisions of this chapter, the court may order the natural parents, *caregivers,* or legal *custodians* ~~guardian~~ of a child who is found to be dependent to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child.

(14)~~(8)~~ With respect to a child who is the subject in proceedings under ~~part V of~~ this chapter, the court shall *issue to the department an order to show cause why it should not* return the child to the custody of the natural parents, *legal custodians, or caregivers* upon expiration of the case plan, or sooner if the parents, *legal custodians, or caregivers* have substantially complied with the case plan.

(15)~~(9)~~ The court may at any time enter an order ending its jurisdiction over any child, except that, when a child has been returned to the parents under subsection *(14)* ~~(8)~~, the court shall not terminate its jurisdiction over the child until 6 months after the *child's* return. Based on a report of the department or agency *or the child's guardian ad litem*, and any other relevant factors, the court shall then determine whether its jurisdiction should be continued or terminated in such a case; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

Section 70. Section 39.5085, Florida Statutes, is created to read:

39.5085 Relative Caregiver Program.—

(1) It is the intent of the Legislature in enacting this section to:

(a) Recognize family relationships in which a grandparent or other relative is the head of a household that includes a child otherwise at risk of foster care placement.

(b) Enhance family preservation and stability by recognizing that most children in such placements with grandparents and other relatives do not need intensive supervision of the placement by the courts or by the department.

(c) Provide additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.

(d) Reserve the limited casework and supervisory resources of the courts and the department for those cases in which children do not have the option for safe, stable care within the family.

(2)(a) The Department of Children and Family Services shall establish and operate the Relative Caregiver Program pursuant to eligibility guidelines established in this section as further implemented by rule of the department. The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that child in the role of substitute parent as a result of a departmental determination of child abuse, neglect, or abandonment and subsequent placement with the relative pursuant to chapter 39. Such placement may be either court-ordered temporary legal custody to the relative pursuant to s. 39.508(9), or court-ordered placement in the home of a relative under protective supervision of the department pursuant to s. 39.508(9). The Relative Caregiver Program shall offer financial assistance to caregivers who are relatives and who would be unable to serve in that capacity without the relative caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

(b) Caregivers who are relatives and who receive assistance under this section must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care, and must assure that the children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services as needed.

(c) Relatives who qualify for and participate in the Relative Caregiver Program are not required to meet foster care licensing requirements under s. 409.175.

(d) Relatives who are caring for children placed with them by the child protection system shall receive a special monthly relative caregiver benefit established by rule of the department. The amount of the special benefit payment shall be based on the child's age within a payment schedule established by rule of the department and subject to availability of funding. The statewide average monthly rate for children judicially placed with relatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, nor may the cost of providing the assistance described in this section to any relative caregiver exceed the cost of providing out-of-home care in emergency shelter or foster care.

(e) Children receiving cash benefits under this section are not eligible to simultaneously receive WAGES cash benefits under chapter 414.

(f) Within available funding, the Relative Caregiver Program shall provide relative caregivers with family support and preservation services, flexible funds in accordance with s. 409.165, subsidized child care, and other available services in order to support the child's safety, growth, and healthy development. Children living with relative caregivers who are receiving assistance under this section shall be eligible for medicaid coverage.

(g) The department may use appropriate available state, federal, and private funds to operate the Relative Caregiver Program.

Section 71. Section 39.4105, Florida Statutes, is renumbered as section 39.509, Florida Statutes, and amended to read:

39.509 ~~39.4105~~ Grandparents rights.—Notwithstanding any other provision of law, a maternal or paternal grandparent as well as a stepgrandparent is entitled to reasonable visitation with his or her grandchild who has been adjudicated a dependent child and taken from the physical custody of *the* ~~his or her~~ parent, custodian, legal guardian, or caregiver unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of the case plan ~~pursuant to s. 39.451~~. Reasonable visitation may be unsupervised and, where appropriate and feasible, may be frequent and continuing.

(1) Grandparent visitation may take place in the home of the grandparent unless there is a compelling reason for denying such a visitation. The department's caseworker shall arrange the visitation to which a grandparent is entitled pursuant to this section. The state shall not charge a fee for any costs associated with arranging the visitation. However, the grandparent shall pay for the child's cost of transportation when the visitation is to take place in the grandparent's home. The caseworker shall document the reasons for any decision to restrict a grandparent's visitation.

(2) A grandparent entitled to visitation pursuant to this section shall not be restricted from appropriate displays of affection to the child, such as appropriately hugging or kissing his or her grandchild. Gifts, cards, and letters from the grandparent and other family members shall not be denied to a child who has been adjudicated a dependent child.

(3) Any attempt by a grandparent to facilitate a meeting between the child who has been adjudicated a dependent child and the child's parent, *custodian, legal guardian, or caregiver* in violation of a court order shall automatically terminate future visitation rights of the grandparent.

(4) When the child has been returned to the physical custody of his or her parent or permanent custodian, legal guardian, or caregiver, the visitation rights granted pursuant to this section shall terminate.

(5) The termination of parental rights does not affect the rights of grandparents unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of permanency planning for the child.

(6)~~(5)~~ In determining whether grandparental visitation is not in the child's best interest, consideration may be given to the finding of guilt, regardless of adjudication, or entry or plea of guilty or nolo contendere to charges under the following statutes, or similar statutes of other jurisdictions: s. 787.04, relating to removing minors from the state or concealing minors contrary to court order; s. 794.011, relating to sexual battery; s. 798.02, relating to lewd and lascivious behavior; chapter 800, relating to lewdness and indecent exposure; or chapter 827, relating to the abuse of children. Consideration may also be given to a finding of confirmed abuse, *abandonment, or neglect* under ss. 415.101-415.113 *or this chapter* ~~and ss. 415.502-415.514~~.

Section 72. Section 39.413, Florida Statutes, is renumbered as section 39.510, Florida Statutes, and subsection (1) of said section is amended to read:

39.510 ~~39.413~~ Appeal.—

(1) Any child, ~~any~~ parent, guardian ad litem, *caregiver*, or legal custodian of any child, any other party to the proceeding who is affected by an order of the court, or the department may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure. Appointed counsel shall be compensated as provided in *this chapter* ~~s. 39.415~~.

Section 73. Part VII of chapter 39, Florida Statutes, consisting of sections 39.601, 39.602, and 39.603, Florida Statutes, shall be entitled to read:

PART VII
CASE PLANS

Section 74. Sections 39.4031 and 39.451, Florida Statutes, are renumbered as section 39.601, Florida Statutes, and amended to read:

39.601 ~~39.4031~~ Case plan requirements.—

(1) The department or agent of the department shall develop a case plan for each child or child's family receiving services *pursuant to this chapter* ~~who is a party to any dependency proceeding, activity, or process under this part~~. A parent, *caregiver, or legal* ~~guardian, or~~ custodian of a child may not be required nor coerced through threat of loss of custody or parental rights to admit in the case plan to abusing, neglecting, or abandoning a child. *Where dependency mediation services are available and appropriate to the best interests of the child, the court may refer the case to mediation for development of a case plan.* This section does not change the provisions of s. *39.807* ~~39.464~~.

~~(2) The case plan must be:~~

(a) *The case plan must be* developed in conference with the parent, *caregiver, or legal* ~~guardian, or~~ custodian of the child ~~and, if appropriate, the child~~ and any court-appointed guardian ad litem *and, if appropriate, the child.* ~~Any parent who believes that his or her perspective has not been considered in the development of a case plan may request referral to mediation pursuant to s. 39.4033 when such services are available.~~

(b) *The case plan must be* written simply and clearly in English and, if English is not the principal language of the child's parent, *caregiver, or legal* ~~guardian, or~~ custodian, to the extent possible in such principal language.

(c) The case plan must describe the minimum number of face-to-face meetings to be held each month between the parents, caregivers, or legal custodians and the department's caseworkers to review progress of the plan, to eliminate barriers to progress, and to resolve conflicts or disagreements.

(d)~~(c)~~ *The case plan must be* subject to modification based on changing circumstances.

(e)~~(d)~~ *The case plan must be* signed by all parties.

(f)~~(e)~~ *The case plan must be* reasonable, accurate, and in compliance with the requirements of other court orders.

(2)~~(3)~~ When the child *or family* is receiving services ~~in the child's home~~, the case plan must ~~be developed within 30 days from the date of the department's initial contact with the child, or within 30 days of the date of a disposition order placing the child under the protective supervision of the department in the child's own home, and must~~ include, in addition to the requirements in subsection *(1)* ~~(2)~~, at a minimum:

(a) A description of the problem being addressed that includes the behavior or act of a parent, *legal custodian, or caregiver* resulting in risk to the child and the reason for the department's intervention.

(b) A description of the services to be provided to the family and child specifically addressing the identified problem, including:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location of the delivery of the services.

4. The accountable department staff or service provider.

~~5. The need for a multidisciplinary case staffing under s. 39.4032.~~

(c) A description of the measurable objectives, including timeframes for achieving objectives, addressing the identified problem.

(3)~~(4)~~ When the child is receiving services in a placement outside the child's home or in foster care, the case plan must be *submitted to the court for approval at the disposition hearing* ~~prepared within 30 days after placement and also be approved by the court~~ and must include, in addition to the requirements in subsections *(1) and* (2) ~~and (3)~~, at a minimum:

(a) A description of the permanency goal for the child, including the type of placement. *Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to prevent removal of the child from the home or make it possible for the child to return safely home.*

(b) A description of the type of home or institution in which the child is to be placed.

(c) A description of the financial support obligation to the child, including health insurance, of the child's parent, parents, *caregiver, or legal custodian* ~~or guardian~~.

(d) A description of the visitation rights and obligations of the parent or parents, *caregiver, or legal custodian* during the period the child is in care.

(e) A discussion of the *safety and* appropriateness of the child's placement, which placement is intended to be *safe,* ~~in~~ the least restrictive and most family-like setting available consistent with the best interest and special needs of the child, and in as close proximity as possible to the child's home. *The plan must also establish the role for the foster parents or custodians in the development of the services which are to be provided to the child, foster parents, or legal custodians. It must also address the child's need for services while under the jurisdiction of the court and implementation of these services in the case plan.*

(f) A description of the efforts to be undertaken to maintain the stability of the child's educational placement.

(g)~~(f)~~ A discussion of the department's plans to carry out the judicial determination made by the court, with respect to the child, in accordance with this chapter and applicable federal regulations.

(h)~~(g)~~ A description of the plan for assuring that services outlined in the case plan are provided to the child and the child's parent or parents, *legal custodians, or caregivers,* to improve the conditions in the family home and facilitate either the *safe* return of the child to the home or the permanent placement of the child.

(i)~~(h)~~ A description of the plan for assuring that services as outlined in the case plan are provided to the child and the child's parent or parents, *legal custodians, or caregivers,* to address the needs of the child and a discussion of the appropriateness of the services.

(j)~~(i)~~ A description of the plan for assuring that services are provided to the child and foster parents to address the needs of the child while in foster care, *which shall include an itemized list of costs to be borne by the parent or caregiver associated with any services or treatment that the parent and child are expected to receive.*

(k)~~(j)~~ A written notice to the parent that failure of the parent to substantially comply with the case plan may result in the termination of parental rights, and that a material failure to substantially comply may result in the filing of a petition for termination of parental rights sooner than the compliance periods set forth in the case plan itself. The child protection team shall coordinate its effort with the case staffing committee.

(l) In the case of a child for whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, with a fit and willing relative, with a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child-specific recruitment efforts such as the use of state, regional, and national adoption exchanges, including electronic exchange systems.

(4)~~(5)~~ In the event that the parents, *legal custodians, or caregivers* are unwilling or unable to participate in the development of a case plan, the department shall document that unwillingness or inability *to participate. Such documentation must be provided* ~~and provide~~ in writing to the parent, *legal custodians, or caregivers* when available for the court record, and then the department shall prepare a case plan conforming as nearly as possible with the requirements set forth in this section. The unwillingness or inability of the parents, *legal custodians, or caregivers* to participate in the development of a case plan shall not in itself bar the filing of a petition for dependency or for termination of parental rights.

The parents, *legal custodians, or caregivers*, if available, must be provided a copy of the case plan and be advised that they may, at any time prior to the filing of *a* petition for termination of parental rights, enter into a case plan and that they may request judicial review of any provision of the case plan with which they disagree at any court review hearing set for the child.

(5)~~(6)~~ The services delineated in the case plan must be designed to improve the conditions in the family home and aid in maintaining the child in the home, to facilitate the *safe* return of the child to the family home, or to facilitate the permanent placement of the child. The service intervention must be the least intrusive possible into the life of the family, must focus on clearly defined objectives, and must provide the most efficient path to quick reunification or permanent placement, *with the child's health and safety being paramount*. To the extent possible, the service intervention must be grounded in outcome evaluation results that demonstrate success in the reunification or permanent placement process. In designing service interventions, generally recognized standards of the professions involved in the process must be taken into consideration.

(6) After jurisdiction attaches, all case plans must be filed with the court and a copy provided to the parents, caregivers, or legal custodians of the child, to the representative of the guardian ad litem program if the program has been appointed, and to all other parties, not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. The department shall also file with the court all case plans prepared before jurisdiction of the court attached. If the court does not accept the case plan, the court shall require the parties to make necessary modifications to the plan. An amended plan must be submitted to the court for review and approval within 30 days after the hearing on the case plan.

~~39.451 Case planning for children in foster care.—~~

~~(1) In presenting the case plan to the court, the purpose of a case plan is to ensure permanency for children through recording the actions to be taken by the parties involved in order to quickly assure the safe return of the child to the parents or, if this is not possible, the termination of parental rights and the placement of the child with the department or a licensed child-placing agency for the purpose of finding a permanent adoptive home. Permanent adoptive placement is the primary permanency goal when a child is permanently placed with the department or a licensed child-placing agency. If it is not possible to find a permanent adoptive home, the case plan must record the actions taken for preparing the child for alternative permanency goals or placements such as long-term foster care or independent living.~~

(7)~~(2)~~ The case plan must be limited to as short a period as possible for the accomplishment of its provisions. Unless extended ~~under s. 39.453(8)~~, the plan expires no later than *12* ~~18~~ months after the date the child was initially removed from the home *or the date the case plan was accepted by the court, whichever comes first*.

(8)~~(3)~~ The case plan must meet applicable federal and state requirements ~~as provided in s. 39.4031~~.

(9)~~(4)~~(a) In each case in which the custody of a child has been vested, either voluntarily or involuntarily, in the department and the child has been placed in *out-of-home* ~~foster~~ care, a case plan must be prepared within *60* ~~30~~ days after the department removes the child from the home, and shall be submitted to the court *before the disposition hearing*, ~~with a hearing scheduled~~ for the court to review and accept ~~or modify the plan within an additional 30 days~~. If the preparation of a case plan, in conference with the parents and other pertinent parties, cannot be *completed before the disposition hearing* ~~accomplished within 30 days~~, for good cause shown, the court may grant an extension not to exceed 30 days *and set a hearing to review and accept the case plan*.

(b) The parent or parents, *legal custodians, or caregivers* may receive assistance from any person~~,~~ or social service agency in the preparation of the case plan.

(c) The social service agency, *the department*, and the court, when applicable, shall inform the parent or parents, *legal custodians, or caregivers* of the right to receive such assistance, including the right to assistance of counsel.

(d)~~(c)~~ Before the signing of the case plan, the authorized agent of the department shall explain it to all persons involved in its implementation, including, when appropriate, the child.

(e)~~(d)~~ After the case plan has been agreed upon and signed by the parties involved, a copy of the plan must be given immediately to the ~~natural~~ parents, the department or agency, the foster parents *or caregivers, the legal custodian, the caregiver, the representative of the guardian ad litem program if the program is appointed*, and any other parties identified by the court, including the child, if appropriate.

(f)~~(e)~~ The case plan may be amended at any time if all parties are in agreement regarding the revisions to the plan *and the plan is* submitted to the court with a memorandum of explanation. The case plan may also be amended by the court or upon motion of any party at a hearing, based on competent evidence demonstrating the need for the amendment. A copy of the amended plan must be immediately given to the parties specified in paragraph *(e)*~~(d)~~.

~~(5) The case plan must be submitted to the court and all parties for review and acceptance or modification at least 72 hours prior to a court hearing. If the court does not accept any of the requirements of the case plan, the court shall require the parties to make necessary modifications to the plan. An amended plan must be submitted to the court for review and approval within a time certain specified by the court.~~

(10)~~(6)~~ A case plan must be prepared, but need not be submitted to the court, for a child who will be in care no longer than 30 days unless that child is placed in *out-of-home* ~~foster~~ care a second time within a 12-month period.

Section 75. Subsections (1), (2), (3), and (4) of section 39.452, Florida Statutes, are renumbered as section 39.602, Florida Statutes, and amended to read:

39.602 ~~39.452~~ Case planning when parents, *legal custodians, or caregivers* do not participate and the child is in *out-of-home* ~~foster~~ care.—

(1)~~(a)~~ In the event the parents, *legal custodians, or caregivers* will not or cannot participate in preparation of a case plan, the department shall submit a full explanation of the circumstances and ~~a plan for the permanent placement of the child to the court within 30 days after the child has been removed from the home and placed in temporary foster care and schedule a court hearing within 30 days after submission of the plan to the court to review and accept or modify the plan. If preparation cannot be accomplished within 30 days, for good cause shown, the court may grant extensions not to exceed 15 days each for the filing, the granting of which shall be for similar reason to that contained in s. 39.451(4)(a).~~

~~(b) In the full explanation of the circumstances submitted to the court, the department shall~~ state the nature of its efforts to secure *such persons'* ~~parental~~ participation in the preparation of a case plan.

(2) In a case in which the physical, emotional, or mental condition or physical location of the parent is the basis for the parent's nonparticipation, it is the burden of the department to provide substantial evidence to the court that such condition or location has rendered the parent unable or unwilling to participate in the preparation of a case plan, either pro se or through counsel. The supporting documentation must be submitted to the court at the time the plan is filed.

(3) The plan must include, but need not be limited to, the specific services to be provided by the department, the goals and plans for the child, and the time for accomplishing the provisions of the plan and for accomplishing permanence for the child.

(4)(a) *At least 72* ~~Seventy-two~~ hours prior to the filing of a plan, *all parties* ~~each parent~~ must be provided with a copy of the plan developed by the department. If the location of one or both parents is unknown, this must be documented in writing and included in the plan submitted to the court. After the filing of the plan, if the location of an absent parent becomes known, that parent must be served with a copy of the plan.

(b) Before the filing of the plan, the department shall advise each parent, both orally and in writing, that the failure of the parents to substantially comply with a plan ~~which has reunification as its primary goal~~ may result in the termination of parental rights, but only after notice and hearing as provided in *this chapter* ~~part VI~~. If, after the plan has been submitted to the court, an absent parent is located, the department shall advise the parent, both orally and in writing, that the failure of the parents to substantially comply with a plan ~~which has reunification as its goal~~ may result in termination of parental rights, but only after notice and hearing as provided in *this chapter* ~~part VI~~. Proof of written notification must be filed with the court.

Section 76. Subsection (5) of section 39.452, Florida Statutes, is renumbered as section 39.603, Florida Statutes, and amended to read:

39.603 ~~39.452~~ *Court approvals of* case planning ~~when parents do not participate and the child is in foster care.—~~

~~(5)(a) The court shall set a hearing, with notice to all parties, on the plan or any provisions of the plan, within 30 days after the plan has been received by the court. If the location of a parent is unknown, the notice must be directed to the last permanent address of record.~~

(1)~~(b)~~ At the hearing on the plan, *which shall occur in conjunction with the disposition hearing unless otherwise directed by the court,* the court shall determine:

(a)~~1.~~ All parties who were notified and are in attendance at the hearing, either in person or through a legal representative. The court shall appoint a guardian ad litem under Rule 1.210, Florida Rules of Civil Procedure, to represent the interests of any parent, if the location of the parent is known but the parent is not present at the hearing and the development of the plan is based upon the physical, emotional, or mental condition or physical location of the parent.

(b)~~2.~~ If the plan is consistent with previous orders of the court placing the child in care.

(c)~~3.~~ If the plan is consistent with the requirements for the content of a plan as specified in *this chapter* ~~subsection (3)~~.

(d)~~4.~~ In involuntary placements, whether each parent was notified of the right to counsel at each stage of the dependency proceedings, in accordance with the Florida Rules of Juvenile Procedure.

(e)~~5.~~ Whether each parent whose location was known was notified of the right to participate in the preparation of a case plan and of the right to receive assistance from any other person in the preparation of the case plan.

(f)~~6.~~ Whether the plan is meaningful and designed to address facts and circumstances upon which the court based the finding of dependency in involuntary placements or the plan is meaningful and designed to address facts and circumstances upon which the child was placed in *out-of-home* ~~foster~~ care voluntarily.

(2)~~(c)~~ When the court determines any of the elements considered at the hearing related to the plan have not been met, the court shall require the parties to make necessary amendments to the plan. The amended plan must be submitted to the court for review and approval within a time certain specified by the court. A copy of the amended plan must also be provided to each parent, if the location of the parent is known.

(3)~~(d)~~ A parent who has not participated in the development of a case plan must be served with a copy of the plan developed by the department, if the parent can be located, at least *48* ~~72~~ hours prior to the court hearing. Any parent is entitled to, and may seek, a court review of the plan prior to the initial ~~6 months'~~ review and must be informed of this right by the department at the time the department serves the parent with a copy of the plan. If the location of an absent parent becomes known to the department, the department shall inform the parent of the right to a court review at the time the department serves the parent with a copy of the case plan.

Section 77. Part VIII of chapter 39, Florida Statutes, consisting of sections 39.701, 39.702, 39.703, and 39.704, Florida Statutes, shall be entitled to read:

PART VIII
JUDICIAL REVIEWS

Section 78. Section 39.453, Florida Statutes, is renumbered as section 39.701, Florida Statutes, and amended to read:

39.701 ~~39.453~~ Judicial review.—

(1)(a) The court shall have continuing jurisdiction in accordance with this section and shall review the status of the child as required by this subsection or more frequently if the court deems it necessary or desirable.

(b) The court shall retain jurisdiction over a child returned to its parents, *caregivers,* or legal guardians for a period of 6 months, but, at that time, based on a report of the social service agency *and the guardian ad litem, if one has been appointed,* and any other relevant factors, the court shall make a determination as to whether its jurisdiction shall continue or be terminated.

~~(c) After termination of parental rights, the court shall retain jurisdiction over any child for whom custody is given to a social service agency until the child is adopted. The jurisdiction of the court after termination of parental rights and custody is given to the agency is for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.~~

(2)*(a)* The court shall review the status of the child and shall hold a hearing as provided in *this part* ~~subsection (7)~~. The court may dispense with the attendance of the child at the hearing, but may not dispense with the hearing or the presence of other parties to the review unless before the review a hearing is held before a citizen review panel.

(b) Citizen review panels may ~~be established under s. 39.4531 to~~ conduct *hearings to* ~~a~~ review ~~of~~ the status of a child. *The court shall select the cases appropriate for referral to the citizen review panels and may order the attendance of the parties at the review panel hearings. However, any party may object to the referral of a case to a citizen review panel. Whenever such an objection has been filed with the court, the court shall review the substance of the objection and may conduct the review itself or refer the review to a citizen review panel. All parties retain the right to take exception to the findings or recommended orders of a citizen review panel in accordance with Rule 1.490(h), Florida Rules of Civil Procedure.*

(c) Notice of a hearing by a citizen review panel must be provided as set forth in subsection (5). At the conclusion of a citizen review panel hearing, each party may propose a recommended order to the chairperson of the panel. Thereafter, the citizen review panel shall submit its report, *copies of the proposed recommended orders,* and *a copy of the panel's* recommended order to the court. The citizen review panel's recommended order must be limited to the dispositional options available to the court in subsection (8). Each party may file exceptions to the report and recommended order of the citizen review panel in accordance with Rule 1.490, Florida Rules of Civil Procedure.

(3)(a) The initial judicial review must be held no later than *90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, but in no event shall the review be held later than* 6 months after the date the child was removed from the home. *Citizen review panels shall not conduct more than two consecutive reviews without the child and the parties coming before the court for a judicial review.* ~~If the child remains in shelter or foster care, subsequent judicial reviews must be held at least every 6 months after the date of the most recent judicial review until the child is 13 years old and has been in foster care at least 18 months.~~

(b) If the court extends *any* ~~the~~ case plan beyond *12* ~~18~~ months, judicial reviews must be held at least every 6 months ~~for children under the age of 13 and at least annually for children age 13 and older~~.

(c) If the child is placed in the custody of the department or a licensed child-placing agency for the purpose of adoptive placement, judicial reviews must be held at least every 6 months until adoptive placement, to determine *the appropriateness of the current placement and* the progress made toward adoptive placement.

(d) If the department and the court have established a formal agreement that includes specific authorization for particular cases, the department may conduct administrative reviews instead of the judicial reviews for children in *out-of-home* ~~foster~~ care. Notices of such administrative reviews must be provided to all parties. However, an administrative review may not be substituted for the first judicial review, and in every case the court must conduct a judicial review at least every *6* ~~12~~ months. Any party dissatisfied with the results of an administrative review may petition for a judicial review.

(e) The clerk of the circuit court shall schedule judicial review hearings in order to comply with the mandated times cited in *this section* ~~paragraphs (a)-(d)~~.

(f) In each case in which a child has been voluntarily placed with the licensed child-placing agency, the agency shall notify the clerk of the court in the circuit where the child resides of such placement within 5 working days. Notification of the court is not required for any child who will be in *out-of-home* ~~foster~~ care no longer than 30 days unless that child

is placed in *out-of-home* ~~foster~~ care a second time within a 12-month period. If the child is returned to the custody of the parents, *caregiver, or legal custodian* ~~or guardian~~ before the scheduled review hearing or if the child is placed for adoption, the child-placing agency shall notify the court of the child's return or placement within 5 working days, and the clerk of the court shall cancel the review hearing.

(4) *The court shall schedule the date, time, and location of the next judicial review in the judicial review order.* ~~The social service agency shall file a petition for review with the court within 10 calendar days after the judicial review hearing. The petition must include a statement of the dispositional alternatives available to the court. The petition must accompany the notice of the hearing served upon persons specified in subsection (5).~~

(5) Notice of *a judicial review hearing or a citizen review panel* ~~the~~ hearing, and a copy of the *motion for judicial review* ~~petition~~, including a statement of the dispositional alternatives available to the court, must be served by the court upon:

(a) The social service agency charged with the supervision of care, custody, or guardianship of the child, if that agency is not the *movant* ~~petitioner~~.

(b) The foster parent or parents or *caregivers* ~~caretakers~~ in whose home the child resides.

(c) The parent, *caregiver, or legal custodian* ~~guardian, or relative~~ from whom the care and custody of the child have been transferred.

(d) The guardian ad litem for the child, *or the representative of the guardian ad litem program* if *the program* ~~one~~ has been appointed.

(e) Any preadoptive parent.

(f)~~(e)~~ Such other persons as the court may in its discretion direct.

(6)(a) *Prior to every judicial review hearing or citizen review panel hearing,* the social service agency shall make an investigation and social study concerning all pertinent details relating to the child and shall furnish to the court or citizen review panel a written report that includes, but is not limited to:

1. A description of the type of placement the child is in at the time of the hearing, *including the safety of the child and the continuing necessity for and appropriateness of the placement.*

2. Documentation of the diligent efforts made by all parties to the case plan to comply with each applicable provision of the plan.

3. The amount of fees assessed and collected during the period of time being reported.

4. The services provided to the foster family or *caregivers* ~~caretakers~~ in an effort to address the needs of the child as indicated in the case plan.

5. A statement *that* ~~concerning whether~~ the parent or *legal custodian* ~~guardian~~, though able to do so, did not comply substantially with the provisions of the case plan and the agency recommendations or a statement that the parent or *legal custodian* ~~guardian~~ did substantially comply with such provisions.

6. A statement from the foster parent or parents or *caregivers* ~~caretakers~~ providing any material evidence concerning the return of the child to the parent or parents *or legal custodians.*

7. A statement concerning the frequency, duration, and results of the parent-child visitation, if any, and the agency recommendations for an expansion or restriction of future visitation.

8. The number of times a child has been removed from his or her home and placed elsewhere, the number and types of placements that have occurred, and the reason for the changes in placement.

9. The number of times a child's educational placement has been changed, the number and types of educational placements which have occurred, and the reason for any change in placement.

(b) A copy of the *social service agency's* written report must be provided to the attorney of record of the parent, parents, or *legal custodians* ~~guardian~~; to the parent, parents, or *legal custodians* ~~guardian~~; to the foster parents or *caregivers* ~~caretakers~~; to each citizen review panel ~~established under s. 39.4531~~; and to the guardian ad litem for the child, *or the representative of the guardian ad litem program* if *the program* ~~one~~ has been appointed by the court, at least 48 hours before the judicial review hearing, or citizen review panel hearing ~~if such a panel has been established under s. 39.4531~~. The requirement for providing parents or *legal custodians* ~~guardians~~ with a copy of the written report does not apply to those parents or *legal custodians* ~~guardians~~ who have voluntarily surrendered their child for adoption.

(c) In a case in which the child has been permanently placed with the social service agency, the agency shall furnish to the court a written report concerning the progress being made to place the child for adoption. If~~, as stated in s. 39.451(1),~~ the child cannot be placed for adoption, a report on the progress made by the child in alternative permanency goals or placements, including, but not limited to, long-term foster care, independent living, custody to a relative or *caregiver* ~~adult nonrelative~~ approved by the court on a permanent basis with or without legal guardianship, or custody to a foster parent *or caregiver* on a permanent basis with or without legal guardianship, must be submitted to the court. The report must be submitted to the court at least 48 hours before each scheduled judicial review.

(d) In addition to or in lieu of any written statement provided to the court, the foster parent or *caregivers, or any preadoptive parent,* ~~caretakers~~ shall be given the opportunity to address the court with any information relevant to the best interests of the child at any judicial review hearing.

(7) The court~~,~~ and any citizen review panel ~~established under s. 39.4531,~~ shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent or *legal custodian* ~~guardian~~, the foster parent or *caregivers* ~~caretakers~~, the guardian ad litem if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. In its deliberations, the court~~,~~ and any citizen review panel ~~established under s. 39.4531,~~ shall seek to determine:

(a) If the parent or *legal custodian* ~~guardian~~ was advised of the right to receive assistance from any person or social service agency in the preparation of the case plan.

(b) If the parent or *legal custodian* ~~guardian~~ has been advised of the right to have counsel present at the judicial review or citizen review hearings. If not so advised, the court or citizen review panel shall advise the parent or *legal custodian* ~~guardian~~ of such right.

(c) If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

(d) The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents' compliance with child support orders.

(e) The compliance or lack of compliance with a visitation contract between the parent, *caregiver, or legal custodian* ~~or guardian~~ and the social service agency for contact with the child, including the *frequency, duration, and results of the parent-child visitation and the* reason for any noncompliance.

(f) The compliance or lack of compliance of the parent, *caregiver, or legal custodian* ~~or guardian~~ in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply if such is the case.

(g) The appropriateness of the child's current placement, including whether the child is in a setting which is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs, *and including maintaining stability in the child's educational placement.*

(h) A projected date likely for the child's return home or other permanent placement.

(i) When appropriate, the basis for the unwillingness or inability of the parent, *caregiver, or legal custodian* ~~or guardian~~ to become a party to a case plan. The court and the citizen review panel shall determine if ~~the nature of the location or the condition of the parent and~~ the efforts of the social service agency to secure *party* ~~parental~~ participation in a case plan were sufficient.

(8)(a) Based upon the criteria set forth in subsection (7) and the recommended order of the citizen review panel, if *any* ~~established under s. 39.4531~~, the court shall determine whether or not the social service agency shall initiate proceedings to have a child declared a dependent child, return the child to the parent, *legal custodian, or caregiver*, continue the child in *out-of-home* ~~foster~~ care for a specified period of time, or initiate termination of parental rights proceedings for subsequent placement in an adoptive home. Modifications to the plan must be handled as prescribed in s. *39.601* ~~39.451~~. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for removal have been remedied to the extent that the child's safety, ~~and~~ well-being, *and physical, mental, and emotional health* will not be endangered.

(b) The court shall return the child to the custody of the parents, *legal custodians, or caregivers* at any time it determines that they have substantially complied with the plan, if the court is satisfied that reunification will not be detrimental to the child's safety, ~~and~~ well-being, *and physical, mental, and emotional health*.

(c) If, in the opinion of the court, the social service agency has not complied with its obligations as specified in the written case plan, the court may find the social service agency in contempt, shall order the social service agency to submit its plans for compliance with the agreement, and shall require the social service agency to show why the child *could* ~~should~~ not *safely* be returned ~~immediately~~ to the home of the parents, *legal custodians, or caregivers* ~~or legal guardian~~.

(d) The court may extend the time limitation of the case plan, or may modify the terms of the plan, based upon information provided by the social service agency, *and the guardian ad litem, if one has been appointed*, the ~~natural~~ parent or parents, and the foster parents, and any other competent information on record demonstrating the need for the amendment. *If the court extends the time limitation of the case plan, the court must make specific findings concerning the frequency of past parent-child visitation, if any, and the court may authorize the expansion or restriction of future visitation*. Modifications to the plan must be handled as prescribed in s. *39.601* ~~39.451~~. Any extension of a case plan must comply with the time requirements and other requirements specified by this *chapter* ~~part~~.

(e) If, at any judicial review, the court finds that the parents have failed to substantially comply with the case plan to the degree that further reunification efforts are without merit and not in the best interest of the child, it may authorize the filing of a petition for termination of parental rights, whether or not the time period as contained in the case plan for substantial compliance has elapsed.

(f) *No later than 12 months after the date that the child was placed in shelter care, the court shall conduct a judicial review. At this hearing, if the child is not returned to the physical custody of the parents, caregivers, or legal custodians, the case plan may be extended with the same goals only if the court finds that the situation of the child is so extraordinary that the plan should be extended. The case plan must document steps the department is taking to find an adoptive parent or other permanent living arrangement for the child.* ~~If, at the time of the 18-month judicial review or citizen review, the child is not returned to the physical custody of the natural parents, the case plan may be extended only if, at the time of the judicial review or citizen review, the court finds that the situation of the child is so extraordinary that the plan should be extended. The extension must be in accordance with subsection (3).~~

(g) The court may issue a protective order in assistance, or as a condition, of any other order made under this part. In addition to the requirements included in the case plan, the protective order may set forth requirements relating to reasonable conditions of behavior to be observed for a specified period of time by a person or agency who is before the court; and such order may require any such person or agency to make periodic reports to the court containing such information as the court in its discretion may prescribe.

Section 79. Section 39.4531, Florida Statutes, is renumbered as section 39.702, Florida Statutes, and amended to read:

39.702 ~~39.4531~~ Citizen review panels.—

(1) Citizen review panels may be established in each judicial circuit and shall be authorized by an administrative order executed by the chief judge of each circuit. The court shall administer an oath of office to each citizen review panel member which shall authorize the panel member to participate in citizen review panels and make recommendations to the court pursuant to the provisions of this section.

(2) Citizen review panels shall be administered by an independent not-for-profit agency. For the purpose of this section, an organization that has filed for nonprofit status under the provisions of s. 501(c)(3) of the United States Internal Revenue Code is an independent not-for-profit agency for a period of 1 year after the date of filing. At the end of that 1-year period, in order to continue conducting citizen reviews, the organization must have qualified for nonprofit status under s. 501(c)(3) of the United States Internal Revenue Code and must submit to the chief judge of the circuit court a consumer's certificate of exemption that was issued to the organization by the Florida Department of Revenue and a report of the organization's progress. If the agency has not qualified for nonprofit status, the court must rescind its administrative order that authorizes the agency to conduct citizen reviews. All independent not-for-profit agencies conducting citizen reviews must submit citizen review annual reports to the court.

(3) For the purpose of this section, a citizen review panel shall be composed of five volunteer members and shall conform with the requirements of this *chapter* ~~section~~. The presence of three members at a panel hearing shall constitute a quorum. Panel members shall serve without compensation.

(4)~~(3)~~ Based on the information provided to each citizen review panel pursuant to s. *39.701* ~~39.453~~, each citizen review panel shall provide the court with a report and recommendations regarding the placement and dispositional alternatives the court shall consider before issuing a judicial review order.

(5)~~(4)~~ *The* ~~An~~ independent not-for-profit agency authorized to administer each citizen review panel shall:

(a) In collaboration with the department, develop policies to assure that citizen review panels comply with all applicable state and federal laws.

(b) Establish policies for the recruitment, selection, retention, and terms of volunteer panel members. Final selection of citizen review panel members shall, to the extent possible, reflect the multicultural composition of the community which they serve. A criminal background check and personal reference check shall be conducted on each citizen review panel member prior to the member serving on a citizen review panel.

(c) In collaboration with the department, develop, implement, and maintain a training program for citizen review volunteers and provide training for each panel member prior to that member serving on a review panel. Such training may include, but shall not be limited to, instruction on dependency laws, departmental policies, and judicial procedures.

(d) Ensure that all citizen review panel members have read, understood, and signed an oath of confidentiality relating to ~~the citizen review hearings and~~ written or verbal information provided to the panel members *for review hearings*.

(e) Establish policies to avoid actual or perceived conflicts of interest by panel members during the review process and to ensure accurate, fair reviews of each child dependency case.

(f) Establish policies to ensure ongoing communication with the department and the court.

(g) Establish policies to ensure adequate communication with the parent, *caregiver, or legal custodian* ~~or guardian~~, the foster parent *or caregiver*, the guardian ad litem, and any other person deemed appropriate.

(h) Establish procedures that encourage attendance *and participation* of interested persons *and parties, including the biological parents*,

foster parents or caregivers, or a relative or nonrelative with whom the child is placed, at *citizen* review hearings.

(i) Coordinate with existing citizen review panels to ensure consistency of operating procedures, data collection, ~~and~~ analysis, and report generation.

(j) Make recommendations as necessary to the court concerning attendance of essential persons at the review and other issues pertinent to an effective review process.

(k) Ensure consistent methods of identifying barriers to the permanent placement of the child and delineation of findings and recommendations to the court.

(6)~~(5)~~ The department and agents of the department shall submit information to the citizen review panel when requested and shall address questions asked by the citizen review panel to identify barriers to the permanent placement of each child.

Section 80. Section 39.454, Florida Statutes, is renumbered as section 39.703, Florida Statutes, and amended to read:

39.703 ~~39.454~~ Initiation of termination of parental rights proceedings.—

(1) If, in preparation for any judicial review hearing under this *chapter* ~~part~~, it is the opinion of the social service agency that the parents ~~or legal guardian~~ of the child have not complied with their responsibilities as specified in the written case plan although able to do so, the social service agency shall state its intent to initiate proceedings to terminate parental rights, unless the social service agency can demonstrate to the court that such a recommendation would not be in the child's best interests. If it is the intent of the department or licensed child-placing agency to initiate proceedings to terminate parental rights, the department or licensed child-placing agency shall file a petition for termination of parental rights no later than 3 months after the date of the previous judicial review hearing. If the petition cannot be filed within 3 months, the department or licensed child-placing agency shall provide a written report to the court outlining the reasons for delay, the progress made in the termination of parental rights process, and the anticipated date of completion of the process.

(2) If, at the time of the *12-month* ~~18-month~~ judicial review hearing, a child is not returned to the physical custody of the ~~natural~~ parents, *caregivers, or legal custodians,* the social service agency shall initiate termination of parental rights proceedings under ~~part VI of~~ this chapter within 30 days. Only if the court finds that the situation of the child is so extraordinary and that the best interests of the child will be met by such action at the time of the judicial review may the case plan be extended. If the court decides to extend the plan, the court shall enter detailed findings justifying the decision to extend, as well as the length of the extension. *A termination of parental rights petition need not be filed if: the child is being cared for by a relative who chooses not to adopt the child; the court determines that filing such a petition would not be in the best interests of the child; or the state has not provided the child's family, when reasonable efforts to return a child are required, consistent with the time period in the state's case plan, such services as the state deems necessary for the safe return of the child to his or her home.* Failure to initiate termination of parental rights proceedings at the time of the *12-month* ~~18-month~~ judicial review or within 30 days after such review does not prohibit initiating termination of parental rights proceedings at any other time.

Section 81. Section 39.456, Florida Statutes, is renumbered as section 39.704, Florida Statutes, and amended to read:

39.704 ~~39.456~~ Exemptions *from judicial review.—Judicial review* ~~This part~~ does not apply to:

(1) Minors who have been placed in adoptive homes by the department or by a licensed child-placing agency; *or*

(2) Minors who are refugees or entrants to whom federal regulations apply and who are in the care of a social service agency.~~; or~~

~~(3) Minors who are the subjects of termination of parental rights cases pursuant to s. 39.464.~~

Section 82. Part IX of chapter 39, Florida Statutes, consisting of sections 39.801, 39.802, 39.803, 39.804, 39.805, 39.806, 39.807, 39.808, 39.809, 39.810, 39.811, 39.812, 39.813, 39.814, 39.815, 39.816, and 39.817, Florida Statutes, shall be entitled to read:

PART IX
TERMINATION OF PARENTAL RIGHTS

Section 83. Sections 39.46 and 39.462, Florida Statutes, are renumbered as section 39.801, Florida Statutes, and amended to read:

39.801 ~~39.46~~ Procedures and jurisdiction*; notice; service of process.*—

(1) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in termination of parental rights proceedings shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(2) The circuit court shall have exclusive original jurisdiction of a proceeding involving termination of parental rights.

~~39.462 Process and services.—~~

(3)~~(1)~~ Before the court may terminate parental rights, in addition to the other requirements set forth in this part, the following requirements must be met:

(a) Notice of the date, time, and place of the advisory hearing for the petition to terminate parental rights and *a* copy of the petition must be personally served upon the following persons, specifically notifying them that a petition has been filed:

1. The parents of the child.

2. The *caregivers or* legal custodians ~~or guardian~~ of the child.

3. If the parents who would be entitled to notice are dead or unknown, a living relative of the child, unless upon diligent search and inquiry no such relative can be found.

4. Any person who has physical custody of the child.

5. Any grandparent entitled to priority for adoption under s. 63.0425.

6. Any prospective parent who has been identified under *s. 39.503 or s. 39.803* ~~s. 39.4051 or s. 39.4625~~.

7. The guardian ad litem for the child *or the representative of the guardian ad litem program,* if *the program* ~~one~~ has been appointed.

The document containing the notice to respond or appear must contain, in type at least as large as the *type in the* balance of the document, the following or substantially similar language: "FAILURE TO *PERSONALLY* ~~RESPOND TO THIS NOTICE OR TO~~ APPEAR AT THIS *ADVISORY* HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR ~~THESE~~ CHILDREN)."

(b) If a person required to be served with notice as prescribed in paragraph (a) cannot be served, notice of hearings must be given as prescribed by the rules of civil procedure, and service of process must be made as specified by law or civil actions.

(c) Notice as prescribed by this section may be waived, in the discretion of the judge, with regard to any person to whom notice must be given under this subsection if the person executes, before two witnesses and a notary public or other officer authorized to take acknowledgments, a written surrender of the child to a licensed child-placing agency or the department.

(d) If the person served with notice under this section fails to ~~respond or~~ appear at the advisory hearing, the failure to ~~respond or~~ appear shall constitute consent for termination of parental rights by the person given notice.

(4)~~(2)~~ Upon the application of any party, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring the attendance and testimony of witnesses and the production of records, documents, or other tangible objects at any hearing.

(5)~~(3)~~ All process and orders issued by the court must be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the department or the guardian ad litem.

(6)~~(4)~~ Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding.

(7)~~(5)~~ A fee may not be paid for service of any process or other papers by an agent of the department or the guardian ad litem. If any process, orders, or other papers are served or executed by any sheriff, the sheriff's fees must be paid by the county.

Section 84. Sections 39.461 and 39.4611, Florida Statutes, are renumbered as section 39.802, Florida Statutes, and amended to read:

39.802 ~~39.461~~ Petition for termination of parental rights*; filing; elements.*—

(1) All proceedings seeking an adjudication to terminate parental rights pursuant to this chapter must be initiated by the filing of an original petition by the department, the guardian ad litem, or a licensed child-placing agency or by any other person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(2) The form of the petition is governed by the Florida Rules of Juvenile Procedure. The petition must be in writing and signed by the petitioner under oath stating the petitioner's good faith in filing the petition.

(3) When a petition for termination of parental rights has been filed, the clerk of the court shall set the case before the court for an advisory hearing.

~~39.4611 Elements of petition for termination of parental rights.—~~

(4)~~(1)~~ A petition for termination of parental rights filed under this chapter must contain facts supporting the following allegations:

(a) That at least one of the grounds listed in s. *39.806* ~~39.464~~ has been met.

(b) That the parents of the child were informed of their right to counsel at all hearings that they attend and that a dispositional order adjudicating the child dependent was entered in any prior dependency proceeding relied upon in offering a parent a case plan as described in s. *39.806* ~~39.464~~.

(c) That the manifest best interests of the child, in accordance with s. *39.810* ~~39.4612~~, would be served by the granting of the petition.

(5)~~(2)~~ When a petition for termination of parental rights is filed under s. *39.806(1)* ~~39.464(1)~~, a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights *to allow continuation of services until the termination is granted or until further orders of the court are issued.*

(6)~~(3)~~ The fact that a child has been previously adjudicated dependent as alleged in a petition for termination of parental rights may be proved by the introduction of a certified copy of the order of adjudication or the order of disposition of dependency.

(7)~~(4)~~ The fact that the parent of a child was informed of the right to counsel in any prior dependency proceeding as alleged in a petition for termination of parental rights may be proved by the introduction of a certified copy of the order of adjudication or the order of disposition of dependency containing a finding of fact that the parent was so advised.

(8)~~(5)~~ Whenever the department has entered into a case plan with a parent with the goal of reunification, and a petition for termination of parental rights based on the same facts as are covered in the case plan is filed prior to the time agreed upon in the case plan for the performance of the case plan, the petitioner must allege and prove by clear and convincing evidence that the parent has materially breached the provisions of the case plan.

Section 85. Section 39.803, Florida Statutes, is created to read:

39.803 Identity or location of parent unknown after filing of termination of parental rights petition; special procedures.—

(1) If the identity or location of a parent is unknown and a petition for termination of parental rights is filed, the court shall conduct the following inquiry of the parent who is available, or, if no parent is available, of any relative, caregiver, or legal custodian of the child who is present at the hearing and likely to have the information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct the department to conduct a diligent search for that person before scheduling an adjudicatory hearing regarding the dependency of the child unless the court finds that the best interest of the child requires proceeding without actual notice to the person whose location is unknown.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all known relatives of the parent or prospective parent, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, and inquiries of appropriate law enforcement agencies.

(7) Any agency contacted by petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or prior to the adjudicatory hearing in the termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section.

Section 86. *Section 39.4627, Florida Statutes, is renumbered as section 39.804, Florida Statutes.*

Section 87. Section 39.463, Florida Statutes, is renumbered as section 39.805, Florida Statutes, and amended to read:

39.805 ~~39.463~~ No answer required.—No answer to the petition or any other pleading need be filed by any child, parent, *caregiver,* or legal custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of any answer or any pleading, the child or parent shall, prior to the adjudicatory

hearing, be advised by the court of the right to counsel and shall be given an opportunity to deny the allegations in the petition for termination of parental rights or to enter a plea to allegations in the petition before the court.

Section 88. Section 39.464, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is renumbered as section 39.806, Florida Statutes, and amended to read:

39.806 ~~39.464~~ Grounds for termination of parental rights.—

(1) The department, the guardian ad litem, a licensed child-placing agency, or any person who has knowledge of the facts alleged or who is informed of said facts and believes that they are true, may petition for the termination of parental rights under any of the following circumstances:

(a) When the parent or parents voluntarily executed a written surrender of the child and consented to the entry of an order giving custody of the child to the department or to a licensed child-placing agency for subsequent adoption and the department or licensed child-placing agency is willing to accept custody of the child.

1. The surrender document must be executed before two witnesses and a notary public or other person authorized to take acknowledgments.

2. The surrender and consent may be withdrawn after acceptance by the department or licensed child-placing agency only after a finding by the court that the surrender and consent were obtained by fraud or duress.

(b) When the identity or location of the parent or parents is unknown and~~, if the court requires a diligent search pursuant to s. 39.4625,~~ cannot be ascertained by diligent search ~~as provided in s. 39.4625~~ within 90 days.

(c) When the parent or parents engaged in conduct toward the child or toward other children that demonstrates that the continuing involvement of the parent or parents in the parent-child relationship threatens the life*, safety* ~~or~~ well-being*, or physical, mental, or emotional health* of the child irrespective of the provision of services. Provision of services *may be* ~~is~~ evidenced by proof that services were provided through a previous plan or offered as a case plan from a child welfare agency.

(d) When the parent of a child is incarcerated in a state or federal correctional institution and:

1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this paragraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; and

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

(e)~~(f)~~ A petition for termination of parental rights may also be filed when a child has been adjudicated dependent, a case plan has been filed with the court, and the child continues to be abused, neglected, or abandoned by the parents. In this case, the failure of the parents to substantially comply for a period of 12 months after an adjudication of the child as a dependent child constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due either to the lack of financial resources of the parents or to the failure of the department to make reasonable efforts to reunify the family. Such 12-month period may begin to run only after the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the *approval by* ~~subsequent filing with~~ the court of a case plan with a goal of reunification with the parent.

(f)~~(e)~~ When the parent or parents engaged in egregious conduct *or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct that threatens the life, safety, or physical, mental, or emotional health* ~~that endangers the life, health, or safety~~ of the child or the child's sibling ~~or had the opportunity and capability to prevent egregious conduct that threatened the life, health, or safety of the child or the child's sibling and knowingly failed to do so~~.

1. As used in this subsection, the term "sibling" means another child who resides with or is cared for by the parent or parents regardless of whether the child is related legally or by consanguinity.

2. As used in this subsection, the term "egregious *conduct* ~~abuse~~" means *abuse, abandonment, neglect, or any other* conduct of the parent or parents that is deplorable, flagrant, or outrageous by a normal standard of conduct. Egregious *conduct* ~~abuse~~ may include an act or omission that occurred only once but was of such intensity, magnitude, or severity as to endanger the life of the child.

(g) When the parent or parents have subjected the child to aggravated child abuse as defined in s. 827.03, sexual battery or sexual abuse as defined in s. 39.01, or chronic abuse.

(h) When the parent or parents have committed murder or voluntary manslaughter of another child of the parent, or a felony assault that results in serious bodily injury to the child or another child of the parent, or aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter or felony assault.

(i) When the parental rights of the parent to a sibling have been terminated involuntarily.

(2) Reasonable efforts to preserve and reunify families shall not be required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(e)-(i) have occurred.

(3)~~(2)~~ When a petition for termination of parental rights is filed under subsection (1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights *to allow continuation of services until the termination is granted or until further orders of the court are issued.*

(4) When an expedited termination of parental rights petition is filed, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

Section 89. Section 39.465, Florida Statutes, is renumbered as section 39.807, Florida Statutes, and amended to read:

39.807 ~~39.465~~ Right to counsel; guardian ad litem.—

(1)(a) At each stage of the proceeding under this part, the court shall advise the parent~~, guardian, or custodian~~ of the right to have counsel present. The court shall appoint counsel for *indigent* ~~insolvent~~ persons. The court shall ascertain whether the right to counsel is understood and, where appropriate, is knowingly and intelligently waived. The court shall enter its findings in writing with respect to the appointment or waiver of counsel for *indigent* ~~insolvent~~ parties.

(b) Once counsel has been retained or, in appropriate circumstances, appointed to represent the parent of the child, the attorney shall continue to represent the parent throughout the proceedings or until the court has approved discontinuing the attorney-client relationship. If the attorney-client relationship is discontinued, the court shall advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

(c)~~(b)~~1. No waiver of counsel may be accepted if it appears that the parent~~, guardian, or custodian~~ is unable to make an intelligent and understanding choice because of mental condition, age, education, experience, the nature or complexity of the case, or other factors.

2. A waiver of counsel made in court must be of record. A waiver made out of court must be in writing with not less than two attesting witnesses and must be filed with the court. The witnesses shall attest to the voluntary execution of the waiver.

3. If a waiver of counsel is accepted at any stage of the proceedings, the offer of assistance of counsel must be renewed by the court at each subsequent stage of the proceedings at which the parent~~, guardian, or custodian~~ appears without counsel.

(d)~~(c)~~ This subsection does not apply to any parent who has voluntarily executed a written surrender of the child and consent to the entry of a court order therefor and who does not deny the allegations of the petition.

(2)(a) The court shall appoint a guardian ad litem to represent the child in any termination of parental rights proceedings and shall ascertain at each stage of the proceedings whether a guardian ad litem has been appointed.

(b) The guardian ad litem has the following responsibilities:

1. To investigate the allegations of the petition and any subsequent matters arising in the case and, unless excused by the court, to file a written report. This report must include a statement of the wishes of the child and the recommendations of the guardian ad litem and must be provided to all parties and the court at least 48 hours before the disposition hearing.

2. To be present at all court hearings unless excused by the court.

3. To represent the interests of the child until the jurisdiction of the court over the child terminates or until excused by the court.

~~4. To perform such other duties and undertake such other responsibilities as the court may direct.~~

(c) A guardian ad litem is not required to post bond but shall file an acceptance of the office.

(d) A guardian ad litem is entitled to receive service of pleadings and papers as provided by the Florida Rules of Juvenile Procedure.

(e) This subsection does not apply to any voluntary relinquishment of parental rights proceeding.

Section 90. Section 39.466, Florida Statutes, is renumbered as section 39.808, Florida Statutes, and amended to read:

39.808 ~~39.466~~ Advisory hearing*; pretrial status conference.*—

(1) An advisory hearing on the petition to terminate parental rights must be held as soon as possible after all parties have been served with a copy of the petition and a notice of the date, time, and place of the advisory hearing for the petition.

(2) At the hearing the court shall inform the parties of their rights under s. *39.807* ~~39.465~~, shall appoint counsel for the parties in accordance with legal requirements, and shall appoint a guardian ad litem to represent the interests of the child if one has not already been appointed.

(3) The court shall set a date for an adjudicatory hearing to be held within 45 days after the advisory hearing, unless all of the necessary parties agree to some other hearing date.

(4) An advisory hearing may not be held if a petition is filed seeking an adjudication voluntarily to terminate parental rights. Adjudicatory hearings for petitions for voluntary termination must be held within 21 days after the filing of the petition. Notice of the use of this subsection must be filed with the court at the same time as the filing of the petition to terminate parental rights.

(5) Not less than 10 days before the adjudicatory hearing, the court shall conduct a prehearing status conference to determine the order in which each party may present witnesses or evidence, the order in which cross-examination and argument shall occur, and any other matters that may aid in the conduct of the adjudicatory hearing to prevent any undue delay in the conduct of the adjudicatory hearing.

Section 91. Section 39.467, Florida Statutes, is renumbered as section 39.809, Florida Statutes, and subsections (1) and (4) of said section are amended to read:

39.809 ~~39.467~~ Adjudicatory hearing.—

(1) In a hearing on a petition for termination of parental rights, the court shall consider the elements required for termination ~~as set forth in s. 39.4611~~. Each of these elements must be established by clear and convincing evidence before the petition is granted.

(4) All hearings involving termination of parental rights are confidential and closed to the public. Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents ~~or legal custodians~~ may be examined separately and apart from each other.

Section 92. Section 39.4612, Florida Statutes, is renumbered as section 39.810, Florida Statutes, and subsection (3) of said section is amended to read:

39.810 ~~39.4612~~ Manifest best interests of the child.—In a hearing on a petition for termination of parental rights, the court shall consider the manifest best interests of the child. This consideration shall not include a comparison between the attributes of the parents and those of any persons providing a present or potential placement for the child. For the purpose of determining the manifest best interests of the child, the court shall consider and evaluate all relevant factors, including, but not limited to:

(3) The capacity of the parent or parents to care for the child to the extent that the child's *safety, well-being, and physical, mental, and emotional* health ~~and well-being~~ will not be endangered upon the child's return home.

Section 93. Section 39.469, Florida Statutes, is renumbered as section 39.811, Florida Statutes, and amended to read:

39.811 ~~39.469~~ Powers of disposition; order of disposition.—

(1) If the court finds that the grounds for termination of parental rights have not been established by clear and convincing evidence, the court shall:

(a) If grounds for dependency have been established, adjudicate or readjudicate the child dependent and:

1. Enter an order placing or continuing the child in *out-of-home* ~~foster~~ care under a case plan; or

2. Enter an order returning the child to the parent or parents. The court shall retain jurisdiction over a child returned to the *parent or* parents ~~or legal guardians~~ for a period of 6 months, but, at that time, based on a report of the social service agency and any other relevant factors, the court shall make a determination as to whether its jurisdiction shall continue or be terminated.

(b) If grounds for dependency have not been established, dismiss the petition.

(2) If the child is in *out-of-home* ~~foster~~ care custody of the department and the court finds that the grounds for termination of parental rights have been established by clear and convincing evidence, the court shall, by order, place the child in the custody of the department for the purpose of adoption or place the child in the custody of a licensed child-placing agency for the purpose of adoption.

(3) If the child is in the custody of one parent and the court finds that the grounds for termination of parental rights have been established for the remaining parent by clear and convincing evidence, the court shall enter an order terminating the rights of the parent for whom the grounds have been established and placing the child in the custody of the remaining parent, granting that parent sole parental responsibility for the child.

(4) If the child is neither in the custody of the department ~~of Children and Family Services~~ nor in the custody of a parent and the court finds that the grounds for termination of parental rights have been estab-

lished for either or both parents, the court shall enter an order terminating parental rights for the parent or parents for whom the grounds for termination have been established and placing the child with an appropriate custodian. If the parental rights of both parents have been terminated, or if the parental rights of only one parent have been terminated and the court makes specific findings based on evidence presented that placement with the remaining parent is likely to be harmful to the child, the court may order that the child be placed with a custodian other than the department after hearing evidence of the suitability of such intended placement. Suitability of the intended placement includes the fitness *and capabilities* of the *proposed* ~~intended placement, with primary consideration being given to the welfare of the child; the fitness and capabilities of the proposed~~ custodian to function as the primary *caregiver* ~~caretaker~~ for a particular child; and the compatibility of the child with the home in which the child is intended to be placed. If the court orders that a child be placed with a custodian under this subsection, the court shall appoint such custodian as the guardian for the child as provided in s. 744.3021. The court may modify the order placing the child in the custody of the custodian and revoke the guardianship established under s. 744.3021 if the court subsequently finds that a party to the proceeding other than a parent whose rights have been terminated has shown a material change in circumstances which causes the placement to be no longer in the best interest of the child.

(5) If the court terminates parental rights, the court shall enter a written order of disposition briefly stating the facts upon which its decision to terminate the parental rights is made. An order of termination of parental rights, whether based on parental consent or after notice served as prescribed in this part, permanently deprives the parents ~~or legal guardian~~ of any right to the child.

(6) The parental rights of one parent may be severed without severing the parental rights of the other parent only under the following circumstances:

(a) If the child has only one surviving parent;

(b) If the identity of a prospective parent has been established as unknown after sworn testimony;

(c) If the parent whose rights are being terminated became a parent through a single-parent adoption;

(d) If the protection of the child demands termination of the rights of a single parent; or

(e) If the parent whose rights are being terminated meets the criteria specified in s. *39.806(1)(d)* ~~39.464(1)(d)~~.

(7)*(a) The termination of parental rights does not affect the rights of grandparents unless the court finds that continued visitation is not in the best interests of the child or that such visitation would interfere with the goals of permanency planning for the child.*

(b) If the court terminates parental rights, it may order that the parents or relatives of the parent whose rights are terminated be allowed to maintain some contact with the child pending adoption if the best interests of the child support this continued contact, *except as provided in paragraph (a).* If the court orders such continued contact, the nature and frequency of the contact must be set forth in written order and may be reviewed upon motion of any party, including a prospective adoptive parent if a child has been placed for adoption. If a child is placed for adoption, the nature and frequency of the contact must be reviewed by the court at the time the child is adopted.

(8) If the court terminates parental rights, it shall, in its order of disposition, provide for a hearing, to be scheduled no later than 30 days after the date of disposition, in which the department or the licensed child-placing agency shall provide to the court a plan for permanency for the child. *Reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.* Thereafter, until the adoption of the child is finalized or the child reaches the age of 18 years, whichever occurs first, the court shall hold hearings at 6-month intervals to review the progress being made toward permanency for the child.

(9) After termination of parental rights, the court shall retain jurisdiction over any child for whom custody is given to a social service agency until the child is adopted. The court shall review the status of the child's placement and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.

Section 94. Section 39.47, Florida Statutes, is renumbered as section 39.812, Florida Statutes, and amended to read:

39.812 ~~39.47~~ Post disposition relief.—

(1) A licensed child-placing agency or the department which is given custody of a child for subsequent adoption in accordance with this chapter may place the child in a family home for prospective subsequent adoption and *the licensed child-placing agency or the department* may thereafter become a party to any proceeding for the legal adoption of the child and appear in any court where the adoption proceeding is pending and consent to the adoption; and that consent alone shall in all cases be sufficient.

(2) In any subsequent adoption proceeding, the parents ~~and legal guardian~~ shall not be entitled to any notice thereof, nor shall they be entitled to knowledge at any time after the order terminating parental rights is entered of the whereabouts of the child or of the identity or location of any person having the custody of or having adopted the child, except as provided by order of the court pursuant to this chapter or chapter 63; and in any habeas corpus or other proceeding involving the child brought by any parent ~~or legal guardian~~ of the child, no agent *or contract provider* of the licensed child-placing agency or department shall be compelled to divulge that information, but may be compelled to produce the child before a court of competent jurisdiction if the child is still subject to the guardianship of the licensed child-placing agency or department.

(3) The entry of the custody order to the department or licensed child-placing agency shall not entitle the licensed child-placing agency or department to guardianship of the estate or property of the child, but the licensed child-placing agency or department shall be the guardian of the person of the child.

(4) The court shall retain jurisdiction over any child for whom custody is given to a licensed child-placing agency or to the department until the child is adopted. After custody of a child for subsequent adoption has been given to an agency or the department, the court has jurisdiction for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.

~~(5) The Legislature finds that children are most likely to realize their potential when they have the ability provided by good permanent families rather than spending long periods of time in temporary placements or unnecessary institutions. It is the intent of the Legislature that decisions be consistent with the child's best interests and that the department make proper adoptive placements as expeditiously as possible following a final judgment terminating parental rights.~~

Section 95. Section 39.813, Florida Statutes, is created to read:

39.813 Continuing jurisdiction.—The court which terminates the parental rights of a child who is the subject of termination proceedings pursuant to this chapter shall retain exclusive jurisdiction in all matters pertaining to the child's adoption pursuant to chapter 63.

Section 96. *Section 39.471, Florida Statutes, is renumbered as section 39.814, Florida Statutes.*

Section 97. Section 39.473, Florida Statutes, is renumbered as section 39.815, Florida Statutes, and subsection (1) of said section is amended to read:

39.815 ~~39.473~~ Appeal.—

(1) Any child, any parent *or*~~,~~ guardian ad litem~~, or legal custodian~~ of any child, any other party to the proceeding who is affected by an order of the court, or the department may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure. The district court of appeal shall

give an appeal from an order terminating parental rights priority in docketing and shall render a decision on the appeal as expeditiously as possible. Appointed counsel shall be compensated as provided in s. *39.0134* ~~39.474~~.

Section 98. Section 39.816, Florida Statutes, is created to read:

39.816 Authorization for pilot and demonstration projects.—

(1) Contingent upon receipt of a federal grant or contract pursuant to s. 473A(i) of the Social Security Act, 42 U.S.C. 673A(i), enacted November 19, 1997, the department is authorized to establish one or more pilot projects for the following purposes:

(a) The development of best practice guidelines for expediting termination of parental rights.

(b) The development of models to encourage the use of concurrent planning.

(c) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

(d) The development of risk-assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

(e) The development of models to encourage the fast-tracking of children who have not attained 1 year of age, into preadoptive placements.

(f) The development of programs that place children into preadoptive families without waiting for termination of parental rights.

(2) Contingent upon receipt of federal authorization and funding pursuant to s. 1130(a) of the Social Security Act, 42 U.S.C. 1320a-9, enacted November 19, 1997, the department is authorized to establish one or more demonstration projects for the following purposes:

(a) Identifying and addressing barriers that result in delays to adoptive placements for children in out-of-home care.

(b) Identifying and addressing parental substance abuse problems that endanger children and result in the placement of children in out-of-home care. This purpose may be accomplished through the placement of children with their parents in residential treatment facilities, including residential treatment facilities for post-partum depression, that are specifically designed to serve parents and children together, in order to promote family reunification, and that can ensure the health and safety of the children.

(c) Addressing kinship care.

Section 99. Section 39.817, Florida Statutes, is created to read:

39.817 Foster care privatization demonstration pilot project.—A pilot project shall be established through The Ounce of Prevention Fund of Florida to contract with a private entity for a foster care privatization demonstration project. No more then 30 children with a goal of family reunification shall be accepted into the program on a no-eject-or-reject basis as identified by the department. Sibling groups shall be kept together in one placement in their own communities. Foster care parents shall be paid employees of the program. The program shall provide for public/private partnerships, community collaboration, counseling, and medical and legal assistance, as needed. For purposes of identifying measurable outcomes, the pilot project shall be located in a department district with an integrated district management which was selected as a family transition program site, has a population of less than 500,000, has a total caseload of no more than 400, with and without board payment, and has a total foster care case load of no more than 250.

Section 100. Part X of chapter 39, Florida Statutes, consisting of sections 39.820, 39.821, 39.822, 39.823, 39.824, 39.825, 39.826, 39.827, 39.828, 39.829, and 39.8295, Florida Statutes, shall be entitled to read:

PART X
GUARDIANS AD LITEM AND GUARDIAN ADVOCATES

Section 101. Section 39.820, Florida Statutes, is created to read:

39.820 Definitions.—As used in this part, the term:

(1) "Guardian ad litem" as referred to in any civil or criminal proceeding includes the following: a certified guardian ad litem program, a duly certified volunteer, a staff attorney, contract attorney, or certified pro bono attorney working on behalf of a guardian ad litem or the program; staff members of a program office; a court-appointed attorney; or a responsible adult who is appointed by the court to represent the best interests of a child in a proceeding as provided for by law, including, but not limited to, this chapter, who is a party to any judicial proceeding as a representative of the child, and who serves until discharged by the court.

(2) "Guardian advocate" means a person appointed by the court to act on behalf of a drug dependent newborn pursuant to the provisions of this part.

Section 102. *Section 415.5077, Florida Statutes, is renumbered as section 39.821, Florida Statutes.*

Section 103. Section 415.508, Florida Statutes, is renumbered as section 39.822, Florida Statutes, and amended to read:

39.822 ~~415.508~~ Appointment of guardian ad litem for abused, *abandoned,* or neglected child.—

(1) A guardian ad litem shall be appointed by the court at the earliest possible time to represent the child in any child abuse, *abandonment,* or neglect judicial proceeding, whether civil or criminal. Any person participating in a civil or criminal judicial proceeding resulting from such appointment shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed.

(2) In those cases in which the parents are financially able, the parent or parents of the child shall reimburse the court, in part or in whole, for the cost of provision of guardian ad litem services. Reimbursement to the individual providing guardian ad litem services shall not be contingent upon successful collection by the court from the parent or parents.

(3) The guardian ad litem or the program representative shall review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding or submit a written report of recommendations to the court.

Section 104. Section 415.5082, Florida Statutes, is renumbered as section 39.823, Florida Statutes, and amended to read:

39.823 ~~415.5082~~ Guardian advocates for drug dependent newborns.—The Legislature finds that increasing numbers of drug dependent children are born in this state. Because of the parents' continued dependence upon drugs, the parents may temporarily leave their child with a relative or other adult or may have agreed to voluntary family services under s. *39.301(8)* ~~415.505(1)(c)~~. The relative or other adult may be left with a child who is likely to require medical treatment but for whom they are unable to obtain medical treatment. The purpose of this section is to provide an expeditious method for such relatives or other responsible adults to obtain a court order which allows them to provide consent for medical treatment and otherwise advocate for the needs of the child and to provide court review of such authorization.

Section 105. Section 415.5083, Florida Statutes, is renumbered as section 39.824, Florida Statutes, and amended to read:

39.824 ~~415.5083~~ Procedures and jurisdiction.—

(1) The Supreme Court is requested to adopt rules of juvenile procedure by October 1, 1989, to implement *this part* ~~ss. 415.5082-415.5089~~. All procedures, including petitions, pleadings, subpoenas, summonses, and hearings in cases for the appointment of a guardian advocate shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(2) The circuit court shall have exclusive original jurisdiction of a proceeding in which appointment of a guardian advocate is sought. The court shall retain jurisdiction over a child for whom a guardian advocate is appointed until specifically relinquished by court order.

Section 106. *Section 415.5084, Florida Statutes, is renumbered as section 39.825, Florida Statutes.*

Section 107. *Section 415.5085, Florida Statutes, is renumbered as section 39.826, Florida Statutes.*

Section 108. Section 415.5086, Florida Statutes, is renumbered as section 39.827, Florida Statutes, and amended to read:

39.827 ~~415.5086~~ Hearing for appointment of a guardian advocate.—

(1) When a petition for appointment of a guardian advocate has been filed with the circuit court, the hearing shall be held within 14 days unless all parties agree to a continuance. If a child is in need of necessary medical treatment as defined in s. 39.01, the court shall hold a hearing within 24 hours.

(2) At the hearing, the parents have the right to be present, to present testimony, to call and cross-examine witnesses, to be represented by counsel at their own expense, and to object to the appointment of the guardian advocate.

(3) The hearing shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases. In a hearing on a petition for appointment of a guardian advocate, the moving party shall prove all the elements in s. *39.828* ~~415.5087~~ by a preponderance of the evidence.

(4) The hearing under this section shall remain confidential and closed to the public. The clerk shall keep all court records required by *this part* ~~ss. 415.5082-415.5089~~ separate from other records of the circuit court. All court records required by *this part* ~~ss. 415.5082-415.5089~~ shall be confidential and exempt from the provisions of s. 119.07(1). All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents or custodians of the child and their attorneys and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions. All information obtained pursuant to *this part* ~~ss. 415.5082-415.5089~~ in the discharge of official duty by any judge, employee of the court, or authorized agent of the department, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed to anyone other than the authorized personnel of the court or the department and its designees, except upon order of the court.

Section 109. Section 415.5087, Florida Statutes, is renumbered as section 39.828, Florida Statutes, and amended to read:

39.828 ~~415.5087~~ Grounds for appointment of a guardian advocate.—

(1) The court shall appoint the person named in the petition as a guardian advocate with all the powers and duties specified in s. *39.829* ~~415.5088~~ for an initial term of 1 year upon a finding that:

(a) The child named in the petition is or was a drug dependent newborn as described in s. *39.01(30)(g).* ~~415.503(10)(a)2.~~;

(b) The parent or parents of the child have voluntarily relinquished temporary custody of the child to a relative or other responsible adult;

(c) The person named in the petition to be appointed the guardian advocate is capable of carrying out the duties as provided in s. *39.829* ~~415.5088~~; and

(d) A petition to adjudicate the child dependent pursuant to *this* chapter ~~39~~ has not been filed.

(2) The appointment of a guardian advocate does not remove from the parents the right to consent to medical treatment for their child. The appointment of a guardian advocate does not prevent the filing of a subsequent petition under *this* chapter ~~39~~ to have the child adjudicated dependent.

Section 110. *Section 415.5088, Florida Statutes, is renumbered as section 39.829, Florida Statutes.*

Section 111. Section 415.5089, Florida Statutes, is renumbered as section 39.8295, Florida Statutes, and amended to read:

39.8295 ~~415.5089~~ Review and removal of guardian advocate.—

(1) At the end of the initial 1-year appointment, the court shall review the status of the child's care, health, and medical condition for the purpose of determining whether to reauthorize the appointment of the guardian advocate. If the court finds that all of the elements of s. *39.828* ~~415.5087~~ are still met the court shall reauthorize the guardian advocate for another year.

(2) At any time, the court may, upon its own motion, or upon the motion of the department, a family member, or other interested person remove a guardian advocate. A guardian advocate shall be removed if the court finds that the guardian advocate is not properly discharging his or her responsibilities or is acting in a manner inconsistent with his or her appointment, that the parents have assumed parental responsibility to provide for the child, or that the child has been adjudicated dependent pursuant to *this* chapter ~~39~~.

Section 112. Part XI of chapter 39, Florida Statutes, consisting of sections 39.901, 39.902, 39.903, 39.904, 39.905, 39.906, and 39.908, Florida Statutes, shall be entitled to read:

PART XI
DOMESTIC VIOLENCE

Section 113. *Section 415.601, Florida Statutes, is renumbered as section 39.901, Florida Statutes.*

Section 114. Section 415.602, Florida Statutes, is renumbered as section 39.902, Florida Statutes, and amended to read:

39.902 ~~415.602~~ Definitions ~~of terms used in ss. 415.601-415.608.~~— As used in *this part* ~~ss. 415.601-415.608~~, the term:

~~(1) "Department" means the Department of Children and Family Services.~~

~~(2) "District" means a service district of the department as created in s. 20.19.~~

(1)~~(3)~~ "Domestic violence" means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

(2)~~(4)~~ "Domestic violence center" means an agency that provides services to victims of domestic violence, as its primary mission.

(3)~~(5)~~ "Family or household member" means spouses, former spouses, adults related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 115. Section 415.603, Florida Statutes, is renumbered as section 39.903, Florida Statutes, and subsection (1) of said section is amended to read:

39.903 ~~415.603~~ Duties and functions of the department with respect to domestic violence.—

(1) The department shall:

(a) Develop by rule criteria for the approval or rejection of certification or funding of domestic violence centers.

(b) Develop by rule minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.

(c) Receive and approve or reject applications for certification of domestic violence centers, and receive and approve or reject applications for funding of domestic violence centers. When approving funding for a newly certified domestic violence center, the department shall make every effort to minimize any adverse economic impact on existing certified centers or services provided within the same district. In order to minimize duplication of services, the department shall make every effort to encourage subcontracting relationships with existing centers within the district. If any of the required services are exempted by the department under s. *39.905(1)(c)* ~~415.605(1)(c)~~, the center shall not receive funding for those services.

(d) Evaluate each certified domestic violence center annually to ensure compliance with the minimum standards. The department has the right to enter and inspect the premises of certified domestic violence centers at any reasonable hour in order to effectively evaluate the state of compliance of these centers with *this part* ~~ss. 415.601-415.608~~ and rules relating to *this part* ~~those sections~~.

(e) Adopt rules to implement *this part* ~~ss. 415.601-415.608~~.

(f) Promote the involvement of certified domestic violence centers in the coordination, development, and planning of domestic violence programming in the districts and the state.

Section 116. Section 415.604, Florida Statutes, is renumbered as section 39.904, Florida Statutes, and amended to read:

39.904 ~~415.604~~ Report to the Legislature on the status of domestic violence cases.—On or before January 1 of each year, the department ~~of Children and Family Services~~ shall furnish to the President of the Senate and the Speaker of the House of Representatives a report on the status of domestic violence in this state, which report shall include, but is not limited to, the following:

(1) The incidence of domestic violence in this state.

(2) An identification of the areas of the state where domestic violence is of significant proportions, indicating the number of cases of domestic violence officially reported, as well as an assessment of the degree of unreported cases of domestic violence.

(3) An identification and description of the types of programs in the state that assist victims of domestic violence or persons who commit domestic violence, including information on funding for the programs.

(4) The number of persons who are treated by or assisted by local domestic violence programs that receive funding through the department.

(5) A statement on the effectiveness of such programs in preventing future domestic violence.

(6) An inventory and evaluation of existing prevention programs.

(7) A listing of potential prevention efforts identified by the department; the estimated annual cost of providing such prevention services, both for a single client and for the anticipated target population as a whole; an identification of potential sources of funding; and the projected benefits of providing such services.

Section 117. Section 415.605, Florida Statutes, is renumbered as section 39.905, Florida Statutes, and subsections (1) and (2) and paragraph (a) of subsection (6) of said section are amended, to read:

39.905 ~~415.605~~ Domestic violence centers.—

(1) Domestic violence centers certified under *this part* ~~ss. 415.601-415.608~~ must:

(a) Provide a facility which will serve as a center to receive and house persons who are victims of domestic violence. For the purpose of *this part* ~~ss. 415.601-415.608~~, minor children and other dependents of a victim, when such dependents are partly or wholly dependent on the victim for support or services, may be sheltered with the victim in a domestic violence center.

(b) Receive the annual written endorsement of local law enforcement agencies.

(c) Provide minimum services which include, but are not limited to, information and referral services, counseling and case management services, temporary emergency shelter for more than 24 hours, a 24-hour hotline, training for law enforcement personnel, assessment and appropriate referral of resident children, and educational services for community awareness relative to the incidence of domestic violence, the prevention of such violence, and the care, treatment, and rehabilitation for persons engaged in or subject to domestic violence. If a 24-hour hotline, professional training, or community education is already provided by a certified domestic violence center within a district, the department may exempt such certification requirements for a new center serving the same district in order to avoid duplication of services.

(d) Participate in the provision of orientation and training programs developed for law enforcement officers, social workers, and other professionals and paraprofessionals who work with domestic violence victims to better enable such persons to deal effectively with incidents of domestic violence.

(e) Establish and maintain a board of directors composed of at least three citizens, one of whom must be a member of a local, municipal, or county law enforcement agency.

(f) Comply with rules adopted pursuant to *this part* ~~ss. 415.601-415.608~~.

(g) File with the department a list of the names of the domestic violence advocates who are employed or who volunteer at the domestic violence center who may claim a privilege under s. 90.5036 to refuse to disclose a confidential communication between a victim of domestic violence and the advocate regarding the domestic violence inflicted upon the victim. The list must include the title of the position held by the advocate whose name is listed and a description of the duties of that position. A domestic violence center must file amendments to this list as necessary.

(h) Demonstrate local need and ability to sustain operations through a history of 18 consecutive months' operation as a domestic violence center, including 12 months' operation of an emergency shelter as *provided in paragraph (c)* ~~defined in paragraph (1)(a)~~, and a business plan which addresses future operations and funding of future operations.

(i) If its center is a new center applying for certification, demonstrate that the services provided address a need identified in the most current statewide needs assessment approved by the department.

(2) If the department finds that there is failure by a center to comply with the requirements established under *this part* ~~ss. 415.601-415.608~~ or with the rules adopted pursuant thereto, the department may deny, suspend, or revoke the certification of the center.

(6) In order to receive state funds, a center must:

(a) Obtain certification pursuant to *this part* ~~ss. 415.601-415.608~~. However, the issuance of a certificate will not obligate the department to provide funding.

Section 118. *Section 415.606, Florida Statutes, is renumbered as section 39.906, Florida Statutes.*

Section 119. *Section 415.608, Florida Statutes, is renumbered as section 39.908, Florida Statutes.*

Section 120. Subsections (4) through (20) of section 20.19, Florida Statutes, are renumbered as subsections (5) through (21), respectively, paragraph (b) of present subsection (4), paragraph (o) of present subsection (7), and paragraph (c) of present subsection (20) are amended, and a new subsection (4) is added to said section, to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(4) CERTIFICATION PROGRAMS FOR DEPARTMENT EMPLOYEES.-- The department is authorized to create certification programs for family safety and preservation employees and agents to ensure that only qualified employees and agents provide child protection services. The department is authorized to develop rules that include qualifications for certification, including training and testing requirements, continuing education requirements for ongoing certification, and decertification procedures to be used to determine when an individual no longer meets the qualifications for certification and to implement the decertification of an employee or agent.

(5)~~(4)~~ PROGRAM OFFICES.—

(b) The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging is for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

1. Economic Self-Sufficiency Program Office.—The responsibilities of this office encompass income support programs within the depart-

ment, such as temporary assistance to families with dependent children, food stamps, welfare reform, and state supplementation of the supplemental security income (SSI) program.

2. Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

3. Children and Families Program Office.—The responsibilities of this program office encompass early intervention services for children and families at risk; intake services for protective investigation of abandoned, abused, and neglected children; interstate compact on the placement of children programs; adoption; child care; out-of-home care programs and other specialized services to families; and child protection and sexual abuse treatment teams created under chapter *39* ~~415~~, excluding medical direction functions.

4. Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department.

(7) HEALTH AND HUMAN SERVICES BOARDS.—

(o) Health and human services boards have the following responsibilities, with respect to those programs and services assigned to the districts, as developed jointly with the district administrator:

1. Establish district outcome measures consistent with statewide outcomes.

2. Conduct district needs assessments using methodologies consistent with those established by the secretary.

3. Negotiate with the secretary a district performance agreement that:

a. Identifies current resources and services available;

b. Identifies unmet needs and gaps in services;

c. Establishes service and funding priorities;

d. Establishes outcome measures for the district; and

e. Identifies expenditures and the number of clients to be served, by service.

4. Provide budget oversight, including development and approval of the district's legislative budget request.

5. Provide policy oversight, including development and approval of district policies and procedures.

6. Act as a focal point for community participation in department activities such as:

a. Assisting in the integration of all health and social services within the community;

b. Assisting in the development of community resources;

c. Advocating for community programs and services;

d. Receiving and addressing concerns of consumers and others; and

e. Advising the district administrator on the administration of service programs throughout the district.

7. Advise the district administrator on ways to integrate the delivery of family and health care services at the local level.

8. Make recommendations which would enhance district productivity and efficiency, ensure achievement of performance standards, and assist the district in improving the effectiveness of the services provided.

9. Review contract provider performance reports.

10. Immediately upon appointment of the membership, develop bylaws that clearly identify and describe operating procedures for the board. At a minimum, the bylaws must specify notice requirements for all regular and special meetings of the board, the number of members required to constitute a quorum, and the number of affirmative votes of members present and voting that are required to take official and final action on a matter before the board.

11.a. Determine the board's internal organizational structure, including the designation of standing committees. In order to foster the coordinated and integrated delivery of family services in its community, a local board shall use a committee structure that is based on issues, such as children, housing, transportation, or health care. Each such committee must include consumers, advocates, providers, and department staff from every appropriate program area. In addition, each board and district administrator shall jointly identify community entities, including, but not limited to, the Area Agency on Aging, and resources outside the department to be represented on the committees of the board.

b. The district juvenile justice boards established in s. *985.413* ~~39.025~~ constitute the standing committee on issues relating to planning, funding, or evaluation of programs and services relating to the juvenile justice continuum.

12. Participate with the secretary in the selection of a district administrator according to the provisions of paragraph *(10)*~~(9)~~(b).

13. Complete an annual evaluation of the district and review the evaluation at a meeting of the board at which the public has an opportunity to comment.

14. Provide input to the secretary on the annual evaluation of the district administrator. The board may request that the secretary submit a written report on the actions to be taken to address negative aspects of the evaluation. At any time, the board may recommend to the secretary that the district administrator be discharged. Upon receipt of such a recommendation, the secretary shall make a formal reply to the board stating the action to be taken with respect to the board's recommendation.

15. Elect a chair and other officers, as specified in the bylaws, from among the members of the board.

(20) INNOVATION ZONES.—The health and human services board may propose designation of an innovation zone for any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a district, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(c) The Statewide Health and Human Services Board, in conjunction with the secretary, shall develop a family services innovation transfer network for the purpose of providing information on innovation zone research and projects or other effective initiatives in family services to the health and human services boards established under subsection *(8)* ~~(7)~~.

Section 121. Paragraph (h) of subsection (1) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(h) Provide medical direction for child protection team and sexual abuse treatment functions created under chapter *39* ~~415~~.

Section 122. Paragraph (b)2. of subsection (2) of section 61.13, Florida Statutes, is amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. *39.806(1)(d)* ~~39.464(1)(d)~~, creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities that the court finds unique to a particular family.

b. The court shall order "sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of" the minor child.

c. The court may award the grandparents visitation rights with a minor child if it is in the child's best interest. Grandparents have legal standing to seek judicial enforcement of such an award. This section does not require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor do grandparents have legal standing as "contestants" as defined in s. 61.1306. A court may not order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

Section 123. Section 61.401, Florida Statutes, is amended to read:

61.401 Appointment of guardian ad litem.—In an action for dissolution of marriage, modification, parental responsibility, custody, or visitation, if the court finds it is in the best interest of the child, the court may appoint a guardian ad litem to act as next friend of the child, investigator or evaluator, not as attorney or advocate. The court in its discretion may also appoint legal counsel for a child to act as attorney or advocate; however, the guardian and the legal counsel shall not be the same person. In such actions which involve an allegation of child abuse, *abandonment,* or neglect as defined in s. *39.01* ~~415.503(3)~~, which allegation is verified and determined by the court to be well-founded, the court shall appoint a guardian ad litem for the child. The guardian ad litem shall be a party to any judicial proceeding from the date of the appointment until the date of discharge.

Section 124. Section 61.402, Florida Statutes, is amended to read:

61.402 Qualifications of guardians ad litem.—A guardian ad litem must be either a citizen certified by the Guardian Ad Litem Program to act in family law cases or an attorney who is a member in good standing of The Florida Bar. Prior to certifying a guardian ad litem to be appointed under this chapter, the Guardian Ad Litem Program must conduct a security background investigation as provided in s. *39.821* ~~415.5077~~.

Section 125. Subsection (4) of section 63.052, Florida Statutes, is amended to read:

63.052 Guardians designated; proof of commitment.—

(4) If a child is voluntarily surrendered to an intermediary for subsequent adoption and the adoption does not become final within 180 days, the intermediary must report to the court on the status of the child and the court may at that time proceed under s. *39.701* ~~39.453~~ or take action reasonably necessary to protect the best interest of the child.

Section 126. Paragraph (b) of subsection (2) of section 63.092, Florida Statutes, is amended to read:

63.092 Report to the court of intended placement by an intermediary; preliminary study.—

(2) PRELIMINARY HOME STUDY.—Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a licensed professional, or agency described in s. 61.20(2), unless the petitioner is a stepparent, a spouse of the birth parent, or a relative. The preliminary study shall be completed within 30 days after the receipt by the court of the intermediary's report, but in no event may the child be placed in the prospective adoptive home prior to the completion of the preliminary study unless ordered by the court. If the petitioner is a stepparent, a spouse of the birth parent, or a relative, the preliminary home study may be required by the court for good cause shown. The department is required to perform the preliminary home study only if there is no licensed child-placing agency, licensed professional, or agency described in s. 61.20(2), in the county where the prospective adoptive parents reside. The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to identification of a prospective adoptive child. A favorable preliminary home study is valid for 1 year after the date of its completion. A child must not be placed in an intended adoptive home before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under s. 409.175. The preliminary home study must include, at a minimum:

(b) Records checks of the department's central abuse registry ~~under chapter 415~~ and ~~statewide~~ criminal records correspondence checks *pursuant to s. 435.045* through the Department of Law Enforcement on the intended adoptive parents;

If the preliminary home study is favorable, a minor may be placed in the home pending entry of the judgment of adoption. A minor may not be placed in the home if the preliminary home study is unfavorable. If the preliminary home study is unfavorable, the intermediary or petitioner may, within 20 days after receipt of a copy of the written recommendation, petition the court to determine the suitability of the intended adoptive home. A determination as to suitability under this subsection does not act as a presumption of suitability at the final hearing. In determining the suitability of the intended adoptive home, the court must consider the totality of the circumstances in the home.

Section 127. Subsection (2) of section 90.5036, Florida Statutes, is amended to read:

90.5036 Domestic violence advocate-victim privilege.—

(2) A victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the victim to a domestic violence advocate or any record made in the course of advising, counseling, or assisting the victim. The privilege applies to confidential communications made between the victim and the domestic violence advocate and to records of those communications only if the advocate is registered under s. *39.905* ~~415.605~~ at the time the communication is made. This privilege includes any advice given by the domestic violence advocate in the course of that relationship.

Section 128. Paragraphs (a), (b), (c), and (d) of subsection (7) of section 119.07, Florida Statutes, are amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(7)(a) Any person or organization, including the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, may petition the court for an order making public the records of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services that pertain to investigations of alleged abuse, neglect, abandonment, or exploitation of a child, a disabled adult, or an elderly person. The court shall determine if good cause exists for public access to the records sought or a portion thereof. In making this determination, the court shall balance the best interest of the disabled adult, elderly person, or child who is the focus of the investigation, and in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. The public interest in access to such records is reflected in s. 119.01(1), and includes the need

for citizens to know of and adequately evaluate the actions of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and the court system in providing disabled adults, elderly persons, and children of this state with the protections enumerated in ss. *39.001 and* 415.101 ~~and 415.502~~. However, nothing in this subsection shall contravene the provisions of ss. *39.202* ~~415.51~~ and 415.107, which protect the name of any person reporting the abuse, neglect, or exploitation of a child, a disabled adult, or an elderly person.

(b)1. In cases involving the death of a disabled adult or an elderly person as the result of abuse, neglect, or exploitation, there shall be a presumption that the best interest of the disabled adult or elderly person and the public interest will be served by full public disclosure of the circumstances of the investigation of the death and any other investigation concerning the disabled adult or elderly person.

2. In cases involving the death of a child as the result of abuse, neglect, or abandonment, there shall be a presumption that the best interest of the child and the child's siblings and the public interest will be served by full public disclosure of the circumstances of the investigation of the death of the child and any other investigation concerning the child and the child's siblings.

(c) In cases involving serious bodily injury to a child, a disabled adult or an elderly person, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services may petition the court for an order for the immediate public release of records of the department which pertain to the investigation of abuse, neglect, abandonment, or exploitation of the child, disabled adult, or elderly person who suffered serious bodily injury. The petition must be personally served upon the child, disabled adult, or elderly person, the child's parents or guardian, the legal guardian of that person, if any, and any person named as an alleged perpetrator in the report of abuse, neglect, abandonment, or exploitation. The court must determine if good cause exists for the public release of the records sought no later than 24 hours, excluding Saturdays, Sundays, and legal holidays, from the date the department filed the petition with the court. If the court has neither granted nor denied the petition within the 24-hour time period, the department may release to the public summary information including:

1. A confirmation that an investigation has been conducted concerning the alleged victim.

2. The dates and brief description of procedural activities undertaken during the department's investigation.

3. The date of each judicial proceeding, a summary of each participant's recommendations made at the judicial proceedings, and the rulings of the court.

The summary information may not include the name of, or other identifying information with respect to, any person identified in any investigation. In making a determination to release confidential information, the court shall balance the best interests of the disabled adult or elderly person or child who is the focus of the investigation and, in the case of the child, the interests of that child's siblings, together with the privacy rights of other persons identified in the reports against the public interest for access to public records. However, nothing in this paragraph shall contravene the provisions of ss. *39.202* ~~415.51~~ and 415.107, which protect the name of any person reporting abuse, neglect, or exploitation of a child, a disabled adult, or an elderly person.

(d) In cases involving the death of a child or a disabled adult or an elderly person, the Department of *Children and Family* ~~Health and Rehabilitative~~ Services may petition the court for an order for the immediate public release of records of the department which pertain to the investigation of abuse, neglect, abandonment, or exploitation of the child, disabled adult, or elderly person who died. The department must personally serve the petition upon the child's parents or guardian, the legal guardian of the disabled adult or elderly person, if any, and any person named as an alleged perpetrator in the report of abuse, neglect, abandonment, or exploitation. The court must determine if good cause exists for the public release of the records sought no later than 24 hours, excluding Saturdays, Sundays, and legal holidays, from the date the department filed the petition with the court. If the court has neither granted nor denied the petition within the 24-hour time period, the department may release to the public summary information including:

1. A confirmation that an investigation has been conducted concerning the alleged victim.

2. The dates and brief description of procedural activities undertaken during the department's investigation.

3. The date of each judicial proceeding, a summary of each participant's recommendations made at the judicial proceedings, and the ruling of the court.

In making a determination to release confidential information, the court shall balance the best interests of the disabled adult or elderly person or child who is the focus of the investigation and, in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. However, nothing in this paragraph shall contravene the provisions of ss. *39.202* ~~415.51~~ and 415.107, which protect the name of any person reporting abuse, neglect, or exploitation of a child, a disabled adult, or an elderly person.

Section 129. Section 154.067, Florida Statutes, is amended to read:

154.067 Child abuse and neglect cases; duties.—The Department of Health shall adopt a rule requiring every county health department, as described in s. 154.01, to adopt a protocol that, at a minimum, requires the county health department to:

(1) Incorporate in its health department policy a policy that every staff member has an affirmative duty to report, pursuant to chapter *39* ~~415~~, any actual or suspected case of child abuse, *abandonment,* or neglect; and

(2) In any case involving suspected child abuse, *abandonment,* or neglect, designate, at the request of the department, a staff physician to act as a liaison between the county health department and the Department of Children and Family Services office that is investigating the suspected abuse, *abandonment,* or neglect, and the child protection team, as defined in s. *39.01* ~~415.503~~, when the case is referred to such a team.

Section 130. Subsection (15) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(15) The department may disclose confidential taxpayer information contained in returns, reports, accounts, or declarations filed with the department by persons subject to any state or local tax to the child support enforcement program, to assist in the location of parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act, their assets, their income, and their employer, *and to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39.* Nothing in this subsection authorizes the disclosure of information if such disclosure is prohibited by federal law. Employees of the child support enforcement program *and of the Department of Children and Family Services* are bound by the same requirements of confidentiality and the same penalties for violation of the requirements as the department.

Section 131. Paragraph (a) of subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—

(a) Duties.—The Child Welfare System Estimating Conference shall develop the following information relating to the child welfare system:

1. Estimates and projections of the number of initial and additional reports of child abuse, *abandonment,* or neglect made to the central abuse *hotline* ~~registry and tracking system~~ maintained by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services as established in s. *39.201(4)* ~~415.504(4)(a)~~.

2. Estimates and projections of the number of children who are alleged to be victims of child abuse, *abandonment,* or neglect and are in need of placement in *a* ~~an emergency~~ shelter.

In addition, the conference shall develop other official information relating to the child welfare system of the state which the conference determines is needed for the state planning and budgeting system. The Department of *Children and Family* ~~Health and Rehabilitative~~ Services

shall provide information on the child welfare system requested by the Child Welfare System Estimating Conference, or individual conference principals, in a timely manner.

Section 132. Section 232.50, Florida Statutes, is amended to read:

232.50 Child abuse, *abandonment,* and neglect policy.—Every school board shall by March 1, 1985:

(1) Post in a prominent place in each school a notice that, pursuant to chapter *39* ~~415~~, all employees or agents of the district school board have an affirmative duty to report all actual or suspected cases of child abuse, *abandonment,* or neglect, have immunity from liability if they report such cases in good faith, and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, *abandonment,* and neglect. The notice shall also include the statewide toll-free telephone number of the state abuse registry.

(2) Provide that the superintendent, or the superintendent's designee, at the request of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, will act as a liaison to the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and the child protection team, as defined in s. *39.01* ~~415.503~~, when in a case of suspected child abuse, *abandonment,* or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this subsection may in no instance be construed as relieving or restricting the Department of *Children and Family* ~~Health and Rehabilitative~~ Services from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, *abandonment,* or neglect or unlawful sexual offense involving a child.

Each district school board shall comply with the provisions of this section, and such board shall notify the Department of Education and the Department of *Children and Family* ~~Health and Rehabilitative~~ Services of its compliance by March 1, 1985.

Section 133. Paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 2(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Fifteen and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 134. Effective July 1, 1999, paragraph (a) of subsection (2) of section 318.21, as amended by section 3(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Ten and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 135. Effective July 1, 2000, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 4(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Five and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 136. Effective July 1, 2001, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 5(1) of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the County Article V Trust Fund, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 137. Effective July 1, 2002, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by section 6 of chapter 97-235, Laws of Florida, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children and Family Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. *39.702* ~~39.4531~~.

Section 138. Paragraph (e) of subsection (1) of section 384.29, Florida Statutes, is amended to read:

384.29 Confidentiality.—

(1) All information and records held by the department or its authorized representatives relating to known or suspected cases of sexually transmissible diseases are strictly confidential and exempt from the provisions of s. 119.07(1). Such information shall not be released or made public by the department or its authorized representatives, or by a court or parties to a lawsuit upon revelation by subpoena, except under the following circumstances:

(e) When made to the proper authorities as required by *chapter 39 or* chapter 415.

Section 139. Paragraph (e) of subsection (1) of section 392.65, Florida Statutes, is amended to read:

392.65 Confidentiality.—

(1) All information and records held by the department or its authorized representatives relating to known or suspected cases of tuberculosis or exposure to tuberculosis shall be strictly confidential and exempt from s. 119.07(1). Such information shall not be released or made public by the department or its authorized representatives or by a court or parties to a lawsuit, except that release may be made under the following circumstances:

(e) When made to the proper authorities as required by *chapter 39 or* chapter 415.

Section 140. The introductory paragraph of subsection (14) of section 393.063, Florida Statutes, is amended to read:

393.063 Definitions.—For the purposes of this chapter:

(14) "Direct service provider," also known as "caregiver" in *chapters 39 and* ~~chapter~~ 415 or "caretaker" in provisions relating to employment

security checks, means a person 18 years of age or older who has direct contact with individuals with developmental disabilities and is unrelated to the individuals with developmental disabilities.

Section 141. Section 395.1023, Florida Statutes, is amended to read:

395.1023 Child abuse and neglect cases; duties.—Each licensed facility shall adopt a protocol that, at a minimum, requires the facility to:

(1) Incorporate a facility policy that every staff member has an affirmative duty to report, pursuant to chapter *39* ~~415~~, any actual or suspected case of child abuse, *abandonment,* or neglect; and

(2) In any case involving suspected child abuse, *abandonment,* or neglect, designate, at the request of the department, a staff physician to act as a liaison between the hospital and the Department of Children and Family Services office which is investigating the suspected abuse, *abandonment,* or neglect, and the child protection team, as defined in s. *39.01* ~~415.503~~, when the case is referred to such a team.

Each general hospital and appropriate specialty hospital shall comply with the provisions of this section and shall notify the agency and the department of its compliance by sending a copy of its policy to the agency and the department as required by rule. The failure by a general hospital or appropriate specialty hospital to comply shall be punished by a fine not exceeding $1,000, to be fixed, imposed, and collected by the agency. Each day in violation is considered a separate offense.

Section 142. Section 400.4174, Florida Statutes, is amended to read:

400.4174 Reports of abuse in facilities.—When an employee, volunteer, administrator, or owner of a facility has a confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, or *a judicially determined report of* child abuse, *abandonment,* or neglect, as defined in s. *39.01* ~~415.503~~, and the protective investigator knows that the individual is an employee, volunteer, administrator, or owner of a facility, the agency shall be notified of the ~~confirmed~~ report.

Section 143. Paragraph (c) of subsection (2) of section 400.556, Florida Statutes, is amended to read:

400.556 Denial, suspension, revocation of license; administrative fines; investigations and inspections.—

(2) Each of the following actions by the owner of an adult day care center or by its operator or employee is a ground for action by the agency against the owner of the center or its operator or employee:

(c) A confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, or *a report* of child abuse, *abandonment,* or neglect, as defined in s. *39.01* ~~415.503~~, which report has been upheld following a hearing held pursuant to chapter 120 or a waiver of such hearing.

Section 144. Paragraph (a) of subsection (8) of section 402.165, Florida Statutes, is amended to read:

402.165 Statewide Human Rights Advocacy Committee; confidential records and meetings.—

(8)(a) In the performance of its duties, the Statewide Human Rights Advocacy Committee shall have:

1. Authority to receive, investigate, seek to conciliate, hold hearings on, and act on complaints which allege any abuse or deprivation of constitutional or human rights of clients.

2. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and any records which are material to its investigation and which are in the custody of any other agency or department of government. The committee's investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure.

3. Standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from the Department of *Children and Family* ~~Health and Rehabilitative~~ Services or agency facilities. Under no circumstance shall the committee have access to confidential adoption records in accordance with the provisions of ss. *39.0132* ~~39.411~~, 63.022, and 63.162. Upon completion of a general investigation of practices and procedures of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the committee shall report its findings to that department.

Section 145. Paragraph (a) of subsection (8) of section 402.166, Florida Statutes, is amended to read:

402.166 District human rights advocacy committees; confidential records and meetings.—

(8)(a) In the performance of its duties, a district human rights advocacy committee shall have:

1. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of *Children and Family* ~~Health and Rehabilitative~~ Services and any records which are material to its investigation and which are in the custody of any other agency or department of government. The committee's investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure.

2. Standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from Department of *Children and Family* ~~Health and Rehabilitative~~ Services or agency facilities. Upon no circumstances shall the committee have access to confidential adoption records in accordance with the provisions of ss. *39.0132* ~~39.411~~, 63.022, and 63.162. Upon completion of a general investigation of practices and procedures of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the committee shall report its findings to that department.

Section 146. Section 409.1672, Florida Statutes, is amended to read:

409.1672 Incentives for department employees.—In order to promote accomplishing the goal of family preservation, family reunification, or permanent placement of a child in an adoptive home, the department may, pursuant to s. 110, chapter 92-142, Laws of Florida, or subsequent legislative authority and within existing resources, develop monetary performance incentives such as bonuses, salary increases, and educational enhancements for department employees engaged in positions and activities related to the child welfare system under chapter 39~~, chapter 415,~~ or this chapter who demonstrate outstanding work in these areas.

Section 147. Subsection (8) and paragraph (c) of subsection (9) of section 409.176, Florida Statutes, are amended to read:

409.176 Registration of residential child-caring agencies and family foster homes.—

(8) The provisions of chapters *39* ~~415~~ and 827 regarding child abuse, *abandonment,* and neglect and the provisions of s. 409.175 and chapter 435 regarding screening apply to any facility registered under this section.

(9) The qualified association may deny, suspend, or revoke the registration of a Type II facility which:

(c) Violates the provisions of chapter *39* ~~415~~ or chapter 827 regarding child abuse, *abandonment,* and neglect or the provisions of s. 409.175 or chapter 435 regarding screening.

The qualified association shall notify the department within 10 days of the suspension or revocation of the registration of any Type II facility registered under this section.

Section 148. Paragraph (b) of subsection (10) of section 409.2554, Florida Statutes, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2598, the term:

(10) "Support" means:

(b) Support for a child who is placed under the custody of someone other than the custodial parent pursuant to s. *39.508* ~~39.41~~.

Section 149. Section 409.2577, Florida Statutes, is amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. Any agency as defined in s. 120.52, any political subdivision, and any other person shall, upon request, provide the department any information relating to location, salary, insurance, social security, income tax, and employment history necessary to locate parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. This provision shall expressly take precedence over any other statutory nondisclosure provision which limits the ability of an agency to disclose such information, except that law enforcement information as provided in s. 119.07(3)(i) is not required to be disclosed, and except that confidential taxpayer information possessed by the Department of Revenue shall be disclosed only to the extent authorized in s. 213.053(15). Nothing in this section requires the disclosure of information if such disclosure is prohibited by federal law. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). Additionally, the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). The department may make such information available only to public officials and agencies of this state; political subdivisions of this state; the custodial parent, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the sole purpose of establishing, modifying, or enforcing their liability for support, *and shall make such information available to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39*. If the department has reasonable evidence of domestic violence or child abuse and the disclosure of information could be harmful to the custodial parent or the child of such parent, the child support program director or designee shall notify the *Department of Children and Family Services and the* Secretary of the United States Department of Health and Human Services of this evidence. Such evidence is sufficient grounds for the department to disapprove an application for location services.

Section 150. Subsection (29) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(29) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03 or has a confirmed report of abuse, neglect, or exploitation pursuant to ~~part I of~~ chapter 415.

Section 151. Paragraph (a) of subsection (1) of section 409.9126, Florida Statutes, is amended to read:

409.9126 Children with special health care needs.—

(1) As used in this section:

(a) "Children's Medical Services network" means an alternative service network that includes health care providers and health care facilities specified in chapter 391 and ss. *39.303,* 383.15-383.21, *and* 383.216~~, and 415.5055~~.

Section 152. Paragraph (f) of subsection (5) of section 414.065, Florida Statutes, is amended to read:

414.065 Work requirements.—

(5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.—

(f) If the department is unable to designate a qualified protective payee or authorized representative, a referral shall be made under the provisions of chapter *39* ~~415~~ for protective intervention.

Section 153. Section 435.045, Florida Statutes, is created to read:

435.045 Requirements for prospective foster or adoptive parents.—

(1) Unless an election provided for in subsection (2) is made with respect to the state, the department shall conduct criminal records checks equivalent to the level 2 screening required in s. 435.04(1) for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments under s. 471 of the Social Security Act, 42 U.S.C. 671, are to be made. Approval shall not be granted:

(a) In any case in which a record check reveals a felony conviction for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the department finds that a court of competent jurisdiction has determined that the felony was committed at any time; and

(b) In any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if the department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.

(2) For purposes of this section, and ss. 39.401(3) and 39.508(9)(b) and (10)(a), the department and its authorized agents or contract providers are hereby designated a criminal justice agency for the purposes of accessing criminal justice information, including National Crime Information Center information, to be used for enforcing Florida's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purposes.

(3) Subsection (2) shall not apply if the Governor has notified the Secretary of the United States Department of Health and Human Services in writing that the state has elected to make subsection (2) inapplicable to the state, or if the Legislature, by law, has elected to make subsection (2) inapplicable to the state.

Section 154. Section 447.401, Florida Statutes, is amended to read:

447.401 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; however, when the issue under appeal is an allegation of abuse, *abandonment,* or neglect by an employee under *s. 39.201 or* s. 415.1075 ~~or s. 415.504~~, the grievance may not be decided until the *abuse, abandonment, or neglect of a child has been judicially determined or until a* confirmed report of abuse or neglect *of a disabled adult or elderly person* has been upheld pursuant to the procedures for appeal in *s.* ~~ss.~~ 415.1075 ~~and 415.504~~. However, an arbiter or other neutral shall not have the power to add to, subtract from, modify, or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure administered without regard to membership or nonmembership in any organization, except that certified employee organizations shall not be required to process grievances for employees who are not members of the organization. A career service employee shall have the option of utilizing the civil service appeal procedure, an unfair labor practice procedure, or a grievance procedure established under this section, but such employee is precluded from availing himself or herself to more than one of these procedures.

Section 155. Paragraph (d) of subsection (1) of section 464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(d) Being found guilty, regardless of adjudication, of any of the following offenses:

1. A forcible felony as defined in chapter 776.

2. A violation of chapter 812, relating to theft, robbery, and related crimes.

3. A violation of chapter 817, relating to fraudulent practices.

4. A violation of chapter 800, relating to lewdness and indecent exposure.

5. A violation of chapter 784, relating to assault, battery, and culpable negligence.

6. A violation of chapter 827, relating to child abuse.

7. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.

8. A violation of chapter 39, relating to child abuse, abandonment, and neglect.

Section 156. Paragraph (a) of subsection (2) of section 490.014, Florida Statutes, is amended to read:

490.014 Exemptions.—

(2) No person shall be required to be licensed or provisionally licensed under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter *39* ~~415~~; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution.

Section 157. Paragraph (a) of subsection (4) of section 491.014, Florida Statutes, is amended to read:

491.014 Exemptions.—

(4) No person shall be required to be licensed, provisionally licensed, registered, or certified under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter *39* ~~415~~; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution.

Section 158. Paragraph (b) of subsection (3) of section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(3)

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name), who has been sworn and says that the following statements are true:

(a) Petitioner resides at: (address)

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: (last known address)

(c) Respondent's last known place of employment: (name of business and address)

(d) Physical description of respondent: . . . .

Race. . . .

Sex. . . .

Date of birth. . . .

Height. . . .

Weight. . . .

Eye color. . . .

Hair color. . . .

Distinguishing marks or scars. . . .

(e) Aliases of respondent: . . . .

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent: . . . . . .
. . . . . .

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt
. . . . . .
. . . . . .
Case numbers should be included if available.

(h) Petitioner has suffered or has reasonable cause to fear imminent domestic violence because respondent has: . . . . . .

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

. . . . Petitioner is the custodian of a minor child or children whose names and ages are as follows: . . . . . .

. . . . Petitioner needs the exclusive use and possession of the dwelling that the parties share.

. . . . Petitioner is unable to obtain safe alternative housing because: . . . . . .

. . . . Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because: . . . . . .
. . . . . .

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

. . . . Immediately restraining the respondent from committing any acts of domestic violence.

. . . . Restraining the respondent from committing any acts of domestic violence.

. . . . Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

. . . . Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties, or prohibiting or limiting visitation to that which is supervised by a third party.

. . . . Establishing temporary support for the minor child or children or the petitioner.

. . . . Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. *39.901* ~~415.601~~.

. . . . Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

Section 159. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, *abandonment,* or neglect against a child as defined in s. 39.01~~(2) and (47)~~, or who has a confirmed report of abuse, neglect, or exploitation which has been uncontested or upheld pursuant to the provisions of ss. 415.104 and 415.1075 shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 160. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff.—A person who commits a battery on an intake counselor or case manager, as defined in s. *984.03(31)* ~~39.01(34)~~, on other staff of a detention center or facility as defined in s. *984.03(19)* ~~39.01(23)~~, or on a staff member of a commitment facility as defined in s. *985.03(45)* ~~39.01(59)(c), (d), or (e)~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 161. Section 933.18, Florida Statutes, is amended to read:

933.18 When warrant may be issued for search of private dwelling.—No search warrant shall issue under this chapter or under any other law of this state to search any private dwelling occupied as such unless:

(1) It is being used for the unlawful sale, possession, or manufacture of intoxicating liquor;

(2) Stolen or embezzled property is contained therein;

(3) It is being used to carry on gambling;

(4) It is being used to perpetrate frauds and swindles;

(5) The law relating to narcotics or drug abuse is being violated therein;

(6) A weapon, instrumentality, or means by which a felony has been committed, or evidence relevant to proving said felony has been committed, is contained therein;

(7) One or more of the following misdemeanor child abuse offenses is being committed there:

(a) Interference with custody, in violation of s. 787.03.

(b) Commission of an unnatural and lascivious act with a child, in violation of s. 800.02.

(c) Exposure of sexual organs to a child, in violation of s. 800.03.

(8) It is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boardinghouse, or lodginghouse;

(9) It is being used for the unlawful sale, possession, or purchase of wildlife, saltwater products, or freshwater fish being unlawfully kept therein; or

(10) The laws in relation to cruelty to animals have been or are being violated therein, except that no search pursuant to such a warrant shall be made in any private dwelling after sunset and before sunrise unless specially authorized by the judge issuing the warrant, upon a showing of probable cause. Property relating to the violation of such laws may be taken on a warrant so issued from any private dwelling in which it is concealed or from the possession of any person therein by whom it shall have been used in the commission of such offense or from any person therein in whose possession it may be.

If, during a search pursuant to a warrant issued under this section, a child is discovered and appears to be in imminent danger, the law enforcement officer conducting such search may remove the child from the private dwelling and take the child into protective custody pursuant to *chapter 39* ~~s. 415.506~~. The term "private dwelling" shall be construed to include the room or rooms used and occupied, not transiently but solely as a residence, in an apartment house, hotel, boardinghouse, or lodginghouse. No warrant shall be issued for the search of any private dwelling under any of the conditions hereinabove mentioned except on sworn proof by affidavit of some creditable witness that he or she has reason to believe that one of said conditions exists, which affidavit shall set forth the facts on which such reason for belief is based.

Section 162. Subsection (10) of section 943.045, Florida Statutes, is amended to read:

943.045 Definitions; ss. 943.045-943.08.—The following words and phrases as used in ss. 943.045-943.08 shall have the following meanings:

(10) "Criminal justice agency" means:

(a) A court.

(b) The department.

(c) The Department of Juvenile Justice.

(d) The protective investigations component of the Department of Children and Family Services, which investigates the crimes of abuse and neglect.

(e)~~(d)~~ Any other governmental agency or subunit thereof which performs the administration of criminal justice pursuant to a statute or rule of court and which allocates a substantial part of its annual budget to the administration of criminal justice.

Section 163. Section 944.401, Florida Statutes, is amended to read:

944.401 Escapes from secure detention or residential commitment facility.—An escape from any secure detention facility maintained for the temporary detention of children, pending adjudication, disposition, or placement; an escape from any residential commitment facility defined in s. *985.03(45)* ~~39.01(59)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or an escape from lawful transportation thereto or therefrom constitutes escape within the intent and meaning of s. 944.40 and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 164. Subsection (3) of section 944.705, Florida Statutes, is amended to read:

944.705 Release orientation program.—

(3) Any inmate who claims to be a victim of domestic violence as defined in s. 741.28 shall receive, as part of the release orientation program, referral to the nearest domestic violence center certified under *chapter 39* ~~ss. 415.601-415.608~~.

Section 165. Subsections (2) and (41) of section 984.03, Florida Statutes, as amended by chapter 97-276, Laws of Florida, are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(2) "Abuse" means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. *39.01* ~~415.503~~.

(41) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. *39.503* ~~39.4051(7)~~ or s. 63.062(1)(b).

Section 166. Subsection (4) of section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

(4) If the department has reasonable grounds to believe that the child has been abandoned, abused, or neglected, it shall proceed pursuant to the provisions of ~~s. 415.505 and~~ chapter 39.

Section 167. Paragraphs (a) and (c) of subsection (3) of section 984.15, Florida Statutes, are amended to read:

984.15 Petition for a child in need of services.—

(3)(a) The parent, guardian, or legal custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, guardian, or legal custodian.

3. The parent, guardian, or legal custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. *984.12(8)* ~~39.426(8)~~.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services as defined in s. *984.03(9)* ~~39.01~~. The petition must also demonstrate that the parent, guardian, or legal custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. *984.11 and 984.12* ~~39.424 and 39.426~~.

Section 168. Section 984.24, Florida Statutes, is amended to read:

984.24 Appeal.—The state, any child, or the family, guardian ad litem, or legal custodian of any child who is affected by an order of the court pursuant to this *chapter* ~~part~~ may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure ~~and pursuant to s. 39.413~~.

Section 169. Subsection (42) of section 985.03, Florida Statutes, as amended by chapter 97-276, Laws of Florida, is amended to read:

985.03 Definitions.—When used in this chapter, the term:

(42) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. *39.503* ~~39.4051(7)~~ or s. 63.062(1)(b).

Section 170. Paragraph (c) of subsection (4) of section 985.303, Florida Statutes, is amended to read:

985.303 Neighborhood restorative justice.—

(4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.—

(c) The board shall require the parent or legal guardian of the juvenile who is referred to a Neighborhood Restorative Justice Center to appear with the juvenile before the board at the time set by the board. In scheduling board meetings, the board shall be cognizant of a parent's or legal guardian's other obligations. The failure of a parent or legal guardian to appear at the scheduled board meeting with his or her child or ward may be considered by the juvenile court as an act of child neglect as defined by s. *39.01* ~~415.503(3)~~, and the board may refer the matter to the Department of Children and Family Services for investigation under the provisions of chapter *39* ~~415~~.

Section 171. *There is hereby appropriated to the Department of Children and Family Services, in a lump sum, $11,000,000 from the Federal Grants Trust Fund to implement the Relative Caregiver Program. The source of funding shall be the Temporary Assistance to Needy Families Block Grant. Any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation.*

Section 172. *There is hereby appropriated to the Justice Administration Commission $3,500,000 from the General Revenue Fund for the purpose of implementing sections 24, 57, and 88 of this act, relating to right to and appointment of counsel for certain persons.*

Section 173. *Sections 39.0195, 39.0196, 39.39, 39.403, 39.4032, 39.4052, 39.4053, 39.449, 39.45, 39.457, 39.459, 39.4625, 39.472, 39.475, 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, 415.5019, 415.502, 415.503, 415.505, 415.506, 415.5075, 415.509, and 415.514, Florida Statutes, are repealed.*

Section 174. Except as otherwise provided herein, this act shall take effect October 1 of the year in which enacted.

And the title is amended as follows: remove: the entire title and insert in lieu thereof: A bill to be entitled An act relating to children and family health and safety; creating the "Marriage Preparation and Preservation Act"; providing legislative findings; amending s. 232.246, F.S.; prescribing a high school graduation requirement; amending s. 741.01, F.S.; providing for a reduction of the marriage license fee under certain circumstances; creating a waiting period before a marriage license is issued; creating s. 741.0305, F.S.; providing for a premarital preparation course; providing for modification of marriage license fees; specifying course providers; providing course contents; providing for a review of such courses; providing for compilation of information and report of findings; providing for pilot programs; creating s. 741.0306, F.S.; providing for creation of a marriage law handbook created by the Family Law Section of The Florida Bar; amending s. 741.04, F.S.; prohibiting issuance of a marriage license until petitioners verify certain facts and complete a questionnaire; providing for a waiting period; amending s. 741.05, F.S.; conforming provisions; amending s. 61.043, F.S.; providing for completion of an informational questionnaire upon filing for dissolution of marriage; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; providing legislative findings and purpose; requiring judicial circuits to approve a parenting course; requiring parties to a dissolution proceeding with a minor child to attend a court-approved parenting family course; providing procedures and guidelines and course objectives; requiring parties to file proof of compliance with the court; authorizing the court to require parties to a modification of a final judgment of dissolution to take the course under certain circumstances; amending s. 28.101, F.S.; providing a fee for filing for dissolution of marriage; providing an appropriation; reorganizing and revising ch. 39, F.S.; providing for pt. I of said chapter, entitled "General Provisions"; amending ss. 39.001, 39.002, and 415.501, F.S.; revising purposes and intent; providing for personnel standards and screening and for drug testing; amending s. 39.01, F.S.; revising definitions; renumbering and amending s. 39.455, F.S., relating to immunity from liability for agents of the Department of Children and Family Services or a social service agency; amending s. 39.012, F.S., and creating s. 39.0121, F.S.; providing authority and requirements for department rules; renumbering and amending s. 39.40, F.S., relating to procedures and jurisdiction; providing for right to counsel; renumbering s. 39.4057, F.S., relating to permanent mailing address designation; renumbering and amending s. 39.411, F.S., relating to oaths, records, and confidential information; renumbering s. 39.414, F.S., relating to court and witness fees; renumbering and amending ss. 39.415 and 39.474, F.S., relating to compensation of appointed counsel; renumbering and amending s. 39.418, F.S., relating to the Operations and Maintenance Trust Fund; renumbering and amending s. 415.5015, F.S., relating to child abuse prevention training in the district school system; providing for pt. II of ch. 39, F.S., entitled "Reporting Child Abuse"; renumbering and amending s. 415.504, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; amending and renumbering s. 415.51, F.S.; revising provisions relating to confidentiality of Department of Children and Family Services reports and records of cases of child abuse and neglect; requiring certain recordkeeping and preservation by the department; renumbering and amending s. 415.511, F.S., relating to immunity from liability in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.512, F.S., relating to abrogation of privileged communications in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.513, F.S.; providing penalties relating to reporting of child abuse, abandonment, or neglect; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse, abandonment, or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments and the disposition of those complaints; renumbering and amending s. 415.5131, F.S., increasing an administrative fine for false reporting; providing for civil damages; providing for pt. III of ch. 39, F.S., entitled "Protective Investigations"; creating s. 39.301, F.S.; providing for child protective investigations; creating s. 39.302, F.S.; providing for protective investigations of institutional child abuse, abandonment, or neglect; renumbering and amending s. 415.5055, F.S., relating to child protection teams and services and eligible cases; creating s. 39.3035, F.S.; providing standards for child advocacy centers eligible for state funding; renumbering and amending s. 415.507, F.S., relating to photographs, medical examinations, X rays, and medical treatment of an abused, abandoned, or neglected child; renumbering and amending s. 415.5095, F.S., relating to a model plan for intervention and treatment in sexual abuse cases; creating s. 39.306, F.S.; providing for working agreements with local law enforcement to perform criminal investigations; renumbering and amending s. 415.50171, F.S., relating to reports of child-on-child sexual abuse; providing for pt. IV of ch. 39, F.S., entitled "Family Builders Program"; renumbering and amending s. 415.515, F.S., relating to establishment of the program; renumbering and amending s. 415.516, F.S., relating to goals of the program; renumbering and amending s. 415.517, F.S., relating to contracts for services; renumbering and amending s. 415.518, F.S., relating to family eligibility; renumbering s. 415.519, F.S., relating to delivery of services; renumbering and amending s. 415.520, F.S., relating to qualifications of program workers; renumbering s. 415.521, F.S., relating to outcome evaluation; renumbering and amending s. 415.522, F.S., relating to funding; providing for pt. V of ch. 39, F.S., entitled "Taking Children into Custody and Shelter Hearings"; creating s. 39.395, F.S.; providing for medical or hospital personnel taking a child into protective custody; amending s. 39.401, F.S.; providing for law enforcement officers or authorized agents of the department taking a child alleged to be dependent into custody; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.407, F.S., relating to physical and mental examination and treatment of a child and physical or mental examination of a person requesting custody; renumbering and amending s. 39.4033, F.S., relating to referral of a dependency case to mediation; providing for pt. VI of ch. 39, F.S., entitled "Petition, Arraignment, Adjudication, and Disposition"; renumbering and amending s. 39.404, F.S., relating to petition for dependency; renumbering and amending s. 39.405, F.S., relating to notice, process, and service; renumbering and amending s. 39.4051, F.S., relating to procedures when the identity or location of the parent, legal custodian, or caregiver is unknown; renumbering and amending s. 39.4055, F.S., relating to injunction pending disposition of a petition for detention or dependency; renumbering and amending s. 39.406, F.S., relating to answers to petitions or other pleadings; renumbering and amending s. 39.408(1), F.S., relating to arraignment hearings; renumbering and amending ss. 39.408(2) and 39.409, F.S., relating to adjudicatory hearings and orders; renumbering and amending ss. 39.408(3) and (4) and 39.41, F.S., relating to disposition hearings and powers of disposition; creating s. 39.5085, F.S.; directing the Department of Children and Family Services to establish and operate the Relative Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; renumbering and amending s. 39.4105, F.S., relating to grandparents rights; renumbering and amending s. 39.413, F.S., relating to appeals; providing for pt. VII of ch. 39, F.S., entitled "Case Plans"; renumbering and amending ss. 39.4031 and 39.451, F.S., relating to case plan requirements and case planning for children in out-of-home care; renumbering and amending s. 39.452(1)-(4), F.S., relating to case planning for children in out-of-home care when the parents, legal custodians, or caregivers do not participate; renumbering and amending s. 39.452(5), F.S., relating to court approvals of case planning; providing for pt. VIII of ch. 39, F.S., entitled "Judicial Reviews"; renumbering and amending s. 39.453, F.S., relating to judicial review of the status of a child; renumbering and amending s. 39.4531, F.S., relating to citizen review panels; renumbering and amending s. 39.454, F.S., relating to initiation of proceedings for termination of parental rights; renumbering and amending s. 39.456, F.S.; revising exemptions from judicial review; providing for pt. IX of ch. 39, F.S., entitled "Termination of Parental Rights"; renumbering and amending ss. 39.46 and 39.462, F.S., relating to procedures, jurisdiction, and service of process; renumbering and amending ss. 39.461 and 39.4611, F.S., relating to petition for termination of parental rights, and filing and elements thereof; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions and pleadings for which no answer is required; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering

and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to post disposition relief; creating s. 39.813, F.S.; providing for continuing jurisdiction of the court which terminates parental rights over all matters pertaining to the child's adoption; renumbering s. 39.471, F.S., relating to oaths, records, and confidential information; renumbering and amending s. 39.473, F.S., relating to appeal; creating s. 39.816, F.S.; authorizing certain pilot and demonstration projects contingent on receipt of federal grants or contracts; creating s. 39.817, F.S.; providing for a foster care demonstration pilot project; providing for pt. X of ch. 39, F.S., entitled "Guardians Ad Litem and Guardian Advocates"; creating s. 39.820, F.S.; providing definitions; renumbering s. 415.5077, F.S., relating to qualifications of guardians ad litem; renumbering and amending s. 415.508, F.S., relating to appointment of a guardian ad litem for an abused, abandoned, or neglected child; renumbering and amending s. 415.5082, F.S., relating to guardian advocates for drug dependent newborns; renumbering and amending s. 415.5083, F.S., relating to procedures and jurisdiction; renumbering s. 415.5084, F.S., relating to petition for appointment of a guardian advocate; renumbering s. 415.5085, F.S., relating to process and service; renumbering and amending s. 415.5086, F.S., relating to hearing for appointment of a guardian advocate; renumbering and amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate; renumbering s. 415.5088, F.S., relating to powers and duties of the guardian advocate; renumbering and amending s. 415.5089, F.S., relating to review and removal of a guardian advocate; providing for pt. XI of ch. 39, F.S., entitled "Domestic Violence"; renumbering s. 415.601, F.S., relating to legislative intent regarding treatment and rehabilitation of victims and perpetrators; renumbering and amending s. 415.602, F.S., relating to definitions; renumbering and amending s. 415.603, F.S., relating to duties and functions of the department; renumbering and amending s. 415.604, F.S., relating to an annual report to the Legislature; renumbering and amending s. 415.605, F.S., relating to domestic violence centers; renumbering s. 415.606, F.S., relating to referral to such centers and notice of rights; renumbering s. 415.608, F.S., relating to confidentiality of information received by the department or a center; amending ss. 20.43, 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036, 154.067, 216.136, 232.50, 318.21, 384.29, 392.65, 393.063, 395.1023, 400.4174, 400.556, 402.165, 402.166, 409.1672, 409.176, 409.2554, 409.912, 409.9126, 414.065, 447.401, 464.018, 490.014, 491.014, 741.30, 744.309, 784.075, 933.18, 944.401, 944.705, 984.03, 984.10, 984.15, 984.24, 985.03, and 985.303, F.S.; correcting cross references; conforming related provisions and references; amending s. 20.19, F.S.; providing for certification programs for family safety and preservation employees of the department; providing for rules; amending s. 119.07, F.S., to conform to the act; amending ss. 213.053 and 409.2577, F.S.; authorizing disclosure of certain confidential taxpayer and parent locator information for diligent search activities under ch. 39, F.S.; creating s. 435.045, F.S.; providing background screening requirements for prospective foster or adoptive parents; amending s. 943.045, F.S.; providing that the protective investigation component of the Department of Children and Family Services is a "criminal justice agency" for purposes of the criminal justice information system; providing appropriations; repealing s. 39.0195, F.S., relating to sheltering unmarried minors and aiding unmarried runaways; repealing s. 39.0196, F.S., relating to children locked out of the home; repealing ss. 39.39, 39.449, and 39.459, F.S., relating to definition of "department"; repealing s. 39.403, F.S., relating to protective investigation; repealing s. 39.4032, F.S., relating to multidisciplinary case staffing; repealing s. 39.4052, F.S., relating to affirmative duty of written notice to adult relatives; repealing s. 39.4053, F.S., relating to diligent search after taking a child into custody; repealing s. 39.45, F.S., relating to legislative intent regarding foster care; repealing s. 39.457, F.S., relating to a pilot program in Leon County to provide additional benefits to children in foster care; repealing s. 39.4625, F.S., relating to identity or location of parent unknown after filing of petition for termination of parental rights; repealing s. 39.472, F.S., relating to court and witness fees; repealing s. 39.475, F.S., relating to rights of grandparents; repealing ss. 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, and 415.5019, F.S., relating to purpose and legislative intent, definitions, procedures, confidentiality of records, district authority and responsibilities, outcome evaluation, and rules for the family services response system; repealing s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused or neglected children; repealing s. 415.503, F.S., relating to definitions; repealing s. 415.505, F.S., relating to child protective investigations and investigations of institutional child abuse or neglect; repealing s. 415.506, F.S., relating to taking a child into protective custody; repealing s. 415.5075, F.S., relating to rules for medical screening and treatment of children; repealing s. 415.509, F.S., relating to public agencies' responsibilities for prevention, identification, and treatment of child abuse and neglect; repealing s. 415.514, F.S., relating to rules for protective services; providing effective dates.

On motion by Senator Rossin, the Senate concurred in the House amendment to the Senate amendment.

HB 1019 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed by the required Constitutional three-fifths vote of the membership HJR 3505 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HJR 3505—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17, through page 2, line 26, remove from the amendment: all of said lines and insert in lieu thereof:

That the amendment to Section 17 of Article I of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1998:

SECTION 17. Excessive punishments.—Excessive fines, cruel *and* ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the Legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the Legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

PRESERVATION OF THE DEATH PENALTY;
UNITED STATES SUPREME COURT INTERPRETATION
OF CRUEL AND UNUSUAL PUNISHMENT

Proposing an amendment to Section 17 of Article I of the State Constitution preserving the death penalty, and permitting any execution method unless prohibited by the Federal Constitution. Requires construction of the prohibition against cruel and/or unusual punishment to conform to United States Supreme Court interpretation of the Eighth Amendment. Prohibits reduction of a death sentence based on invalidity of execution method, and provides for continued force of sentence. Provides for retroactive applicability.

And the title is amended as follows:

On page 3, line 2 of the amendment remove: Senate and insert in lieu thereof: House

On motion by Senator Lee, the Senate concurred in the House amendment to the Senate amendment.

HJR 3505 as amended was read in full as follows:

HJR 3505—A joint resolution proposing an amendment to s. 17, Art. I of the State Constitution, relating to excessive punishment.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 17 of Article I of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1998:

SECTION 17. Excessive punishments.—Excessive fines, cruel *and* ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the Legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the Legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

PRESERVATION OF THE DEATH PENALTY;
UNITED STATES SUPREME COURT INTERPRETATION
OF CRUEL AND UNUSUAL PUNISHMENT

Proposing an amendment to Section 17 of Article I of the State Constitution preserving the death penalty, and permitting any execution method unless prohibited by the Federal Constitution. Requires construction of the prohibition against cruel and/or unusual punishment to conform to United States Supreme Court interpretation of the Eighth Amendment. Prohibits reduction of a death sentence based on invalidity of execution method, and provides for continued force of sentence. Provides for retroactive applicability.

—and **HJR 3505** as amended passed by the required constitutional three-fifths vote of the membership, and was certified to the House. The vote on passage was:

Yeas—40

Madam President	Campbell	Crist	Geller
Bankhead	Casas	Diaz-Balart	Grant
Bronson	Childers	Dudley	Gutman
Brown-Waite	Clary	Dyer	Hargrett
Burt	Cowin	Forman	Harris
Holzendorf	Kurth	Meadows	Silver
Horne	Latvala	Myers	Sullivan
Jones	Laurent	Ostalkiewicz	Thomas
Kirkpatrick	Lee	Rossin	Turner
Klein	McKay	Scott	Williams

Nays—None

SENATOR DUDLEY PRESIDING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed CS for CS for HB 4407 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for HB 4407—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing a short title; providing that no tax levied under ch. 212, F.S., shall be collected on sales of clothing with a value of $50 or less during specified periods in August 1998 and January 1999; providing a definition; excluding sales within a theme park or entertainment complex or public lodging establishment; providing for rules; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17, through page 2, line 8, remove from the amendment: all of said lines and insert in lieu thereof:

Section 1. *This act may be cited as the "Florida Residents' Tax Relief Act of 1998."*

Section 2. *(1) No tax levied under the provisions of chapter 212, Florida Statutes, shall be collected on sales of clothing having a taxable value of $50 or less during the period from 12:01 a.m., August 15, 1998, through midnight, August 21, 1998.*

(2) As used in this section, "clothing" means any article of wearing apparel, including footwear, intended to be worn on or about the human body. For purposes of this section, "clothing" does not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles.

(3) This section does not apply to sales within a theme park or entertainment complex, as defined in s. 509.013(9), Florida Statutes, or within a public lodging establishment, as defined in s. 509.013(4), Florida Statutes.

(4) The provisions of chapter 120, Florida Statutes, to the contrary notwithstanding the Department of Revenue is authorized to adopt rules to carry out the provisions of this section.

Section 3. *The sum of $200,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering this act.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 2, line 21, remove: notify dealers and and insert in lieu thereof: adopt rules to

On motion by Senator Cowin, the Senate concurred in the House amendment to the Senate amendment.

CS for CS for HB 4407 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Bankhead	Casas	Diaz-Balart	Grant
Bronson	Childers	Dudley	Gutman
Brown-Waite	Clary	Dyer	Hargrett
Burt	Cowin	Forman	Harris
Campbell	Crist	Geller	Horne

Jones	Laurent	Ostalkiewicz	Sullivan
Kirkpatrick	Lee	Rossin	Thomas
Klein	McKay	Scott	Turner
Latvala	Meadows	Silver	Williams

Nays—3

Holzendorf	Kurth	Myers

SPECIAL ORDER CALENDAR, continued

CS for SB 524—A bill to be entitled An act relating to the offense of murder; amending s. 782.04, F.S.; redefining the offense of capital murder in the first degree to include the act of unlawfully killing a human being while perpetrating, or attempting to perpetrate, the murder of another human being; redefining the offense of second–degree felony murder to include the act of unlawfully killing a human being while perpetrating or attempting to perpetrate the murder of another human being; adding murder to the list of felony offenses which do not constitute third–degree felony murder; reenacting ss. 39.464(1)(d), 435.03(2)(b), 435.04(2)(b), 775.0823(1) and (2), 921.0022(3)(i), 943.325(1), 947.146(3), F.S., relating to the termination of parental rights, screening standards, violent offenses against law enforcement officers and others, the Criminal Punishment Code, blood testing, and the Control Release Authority, to incorporate the amendment to 782.04, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being; ~~or~~

2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

a. Trafficking offense prohibited by s. 893.135(1),

b. Arson,

c. Sexual battery,

d. Robbery,

e. Burglary,

f. Kidnapping,

g. Escape,

h. Aggravated child abuse,

i. Aggravated abuse of an elderly person or disabled adult,

j. Aircraft piracy,

k. Unlawful throwing, placing, or discharging of a destructive device or bomb,

l. Carjacking,

m. Home-invasion robbery,

n. Aggravated stalking, ~~or~~

o. Murder of another human being; or

3. Which resulted from the unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,

is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

(b) In all cases under this section, the procedure set forth in s. 921.141 shall be followed in order to determine sentence of death or life imprisonment.

(2) The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree and constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) When a person is killed in the perpetration of, or in the attempt to perpetrate, any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

(i) Aggravated abuse of an elderly person or disabled adult,

(j) Aircraft piracy,

(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,

(l) Carjacking,

(m) Home-invasion robbery, ~~or~~

(n) Aggravated stalking, *or*

(o) Murder of another human being,

by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony is guilty of murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

(i) Aggravated abuse of an elderly person or disabled adult,

(j) Aircraft piracy,

(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,

(l) Unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,

(m) Carjacking,

(n) Home-invasion robbery, ~~or~~

(o) Aggravated stalking, *or*

(p) Murder of another human being,

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 39.464, Florida Statutes, is reenacted to read:

39.464 Grounds for termination of parental rights.—

(1) The department, the guardian ad litem, a licensed child-placing agency, or any person who has knowledge of the facts alleged or who is informed of said facts and believes that they are true, may petition for the termination of parental rights under any of the following circumstances:

(d) When the parent of a child is incarcerated in a state or federal correctional institution and:

1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this paragraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; and

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

Section 3. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 435.03, Florida Statutes, is reenacted to read:

435.03 Level 1 screening standards.—

(2) Any person for whom employment screening is required by statute must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(b) Section 782.04, relating to murder.

Section 4. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 435.04, Florida Statutes, is reenacted to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(b) Section 782.04, relating to murder.

Section 5. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, subsections (1) and (2) of section 775.0823, Florida Statutes, as amended by section 11 of chapter 97-194, Laws of Florida, are reenacted to read:

775.0823 Violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges.—Any provision of law to the contrary notwithstanding, the Legislature does hereby provide for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against any state attorney elected pursuant to s. 27.01 or assistant state attorney appointed under s. 27.181; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the officer's duty as a law enforcement or correctional officer, the state attorney's or assistant state attorney's duty as a prosecutor or investigator, or the justice's or judge's duty as a judicial officer, as follows:

(1) For murder in the first degree as described in s. 782.04(1), if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

(2) For attempted murder in the first degree as described in s. 782.04(1), a sentence pursuant to the Criminal Punishment Code.

Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld.

Section 6. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, paragraph (i) of subsection (3) of section 921.0022, Florida Statutes, as created by section 5 of chapter 97-194, Laws of Florida, is reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(i) LEVEL 9
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
782.07(3)	1st	Aggravated manslaughter of a child.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.

Florida Statute	Felony Degree	Description
790.161	1st	Attempted capital destructive device offense.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.

Section 7. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, subsection (1) of section 943.325, Florida Statutes, is reenacted to read:

943.325 Blood specimen testing for DNA analysis.—

(1)(a) Any person convicted, or who was previously convicted and is still incarcerated, in this state for any offense or attempted offense defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s. 812.133, or s. 812.135, and who is within the confines of the legal state boundaries, shall be required to submit two specimens of blood to a Department of Law Enforcement designated testing facility as directed by the department.

(b) For the purpose of this section, the term "any person" shall include both juveniles and adults committed to or under the supervision of the Department of Corrections or the Department of Juvenile Justice.

Section 8. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, subsection (3) of section 947.146, Florida Statutes, as amended by section 31 of chapter 97-194, Laws of Florida, is reenacted to read:

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates who:

(a) Are serving a sentence that includes a mandatory minimum provision for a capital offense or drug trafficking offense and have not served the number of days equal to the mandatory minimum term less any jail-time credit awarded by the court;

(b) Are serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

(c) Are convicted, or have been previously convicted, of committing or attempting to commit sexual battery, incest, or any of the following lewd or indecent assaults or acts: masturbating in public; exposing the sexual organs in a perverted manner; or nonconsensual handling or fondling of the sexual organs of another person;

(d) Are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, or aggravated battery, and a sex act was attempted or completed during commission of such offense;

(e) Are convicted, or have been previously convicted, of committing or attempting to commit kidnapping, burglary, or murder, and the offense was committed with the intent to commit sexual battery or a sex act was attempted or completed during commission of the offense;

(f) Are convicted, or have been previously convicted, of committing or attempting to commit false imprisonment upon a child under the age of 13 and, in the course of committing the offense, the inmate committed aggravated child abuse, sexual battery against the child, or a lewd, lascivious, or indecent assault or act upon or in the presence of the child;

(g) Are sentenced, have previously been sentenced, or have been sentenced at any time under s. 775.084, or have been sentenced at any time in another jurisdiction as a habitual offender;

(h) Are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter, or murder against an officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against a state attorney or assistant state attorney; or against a justice or judge of a court described in Art. V of the State Constitution; or against an officer, judge, or state attorney employed in a comparable position by any other jurisdiction; or

(i) Are convicted, or have been previously convicted, of committing or attempting to commit murder in the first, second, or third degree under s. 782.04(1), (2), (3), or (4), or have ever been convicted of any degree of murder or attempted murder in another jurisdiction;

(j) Are convicted, or have been previously convicted, of DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or have been sentenced at any time, as a habitual offender for such offense, or have been sentenced at any time in another jurisdiction as a habitual offender for such offense;

(k)1. Are serving a sentence for an offense committed on or after January 1, 1994, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), or (5), and the subtotal of the offender's sentence points is multiplied pursuant to former s. 921.0014 or s. 921.0024;

2. Are serving a sentence for an offense committed on or after October 1, 1995, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), (5), (6), (7), or (8), and the subtotal of the offender's sentence points is multiplied pursuant to former s. 921.0014 or s. 921.0024;

(l) Are serving a sentence for an offense committed on or after January 1, 1994, for possession of a firearm, semiautomatic firearm, or machine gun in which additional points are added to the subtotal of the offender's sentence points pursuant to former s. 921.0014 or s. 921.0024; or

(m) Are convicted, or have been previously convicted, of committing or attempting to commit manslaughter, kidnapping, robbery, carjacking, home-invasion robbery, or a burglary under s. 810.02(2).

In making control release eligibility determinations under this subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings, including, but not limited to, any presentence or postsentence investigation or any information contained in arrest reports relating to circumstances of the offense.

Section 9. *Sections 9 and 10 of this act may be cited as the "Jeff Mitchell Act."*

Section 10. Subsections (4) and (5) of section 921.141, Florida Statutes, are amended to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(1) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon conviction or adjudication of guilt of a defendant of a capital felony, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant and shall include matters relating to any of the aggravating or mitigating circumstances enumerated in subsections (5) and (6). Any such evidence which the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Constitution of the State of Florida. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death.

(2) ADVISORY SENTENCE BY THE JURY.—After hearing all the evidence, the jury shall deliberate and render an advisory sentence to the court, based upon the following matters:

(a) Whether sufficient aggravating circumstances exist as enumerated in subsection (5);

(b) Whether sufficient mitigating circumstances exist which outweigh the aggravating circumstances found to exist; and

(c) Based on these considerations, whether the defendant should be sentenced to life imprisonment or death.

(3) FINDINGS IN SUPPORT OF SENTENCE OF DEATH.—Notwithstanding the recommendation of a majority of the jury, the court, after weighing the aggravating and mitigating circumstances, shall enter a sentence of life imprisonment or death, but if the court imposes a sentence of death, it shall set forth in writing its findings upon which the sentence of death is based as to the facts:

(a) That sufficient aggravating circumstances exist as enumerated in subsection (5), and

(b) That there are insufficient mitigating circumstances to outweigh the aggravating circumstances.

In each case in which the court imposes the death sentence, the determination of the court shall be supported by specific written findings of fact based upon the circumstances in subsections (5) and (6) and upon the records of the trial and the sentencing proceedings. If the court does not make the findings requiring the death sentence within 30 days after the rendition of the judgment and sentence, the court shall impose sentence of life imprisonment in accordance with s. 775.082.

(4) REVIEW OF JUDGMENT AND SENTENCE.—The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court of Florida and disposition rendered within 2 years after the filing of a notice of appeal. Such review by the Supreme Court shall have priority over all other cases and shall be heard in accordance with rules promulgated by the Supreme Court.

(a) In any case in which the court has imposed the death sentence, the judgment of conviction and sentence of death shall not be held invalid, overturned, reduced, or otherwise affected because a codefendant in the same case accepted a plea offer from the state in exchange for trial testimony, or an agreement to testify, and was not sentenced to death.

(b) No criteria for review by the court regarding aggravating or mitigating circumstances shall be utilized except as authorized in this section. The court shall not engage in any form of proportionality review of a death sentence, including, but not limited to, review of a capital case based on comparable aggravating or mitigating circumstances in other capital cases, based on comparable factors in the defendant's background in other capital cases, or based on the rate of imposition or execution of the death sentence in other capital cases.

(5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances shall be limited to the following:

(a) The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.

(b) The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.

(c) The defendant knowingly created a great risk of death to many persons.

(d) The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb.

(e) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

(f) The capital felony was committed for pecuniary gain.

(g) The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.

(h) The capital felony was especially heinous, atrocious, or cruel.

(i) The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification.

(j) During the course of committing the capital felony, the defendant inflicted multiple physical injuries upon the victim.

(k) The defendant mutilated, dismembered, or sexually abused the victim's body, during or after commission of the capital felony.

(l)~~(j)~~ The victim of the capital felony was a law enforcement officer engaged in the performance of his or her official duties.

(m)~~(k)~~ The victim of the capital felony was an elected or appointed public official engaged in the performance of his or her official duties if the motive for the capital felony was related, in whole or in part, to the victim's official capacity.

(n)~~(l)~~ The victim of the capital felony was a person less than 12 years of age.

(o)~~(m)~~ The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.

(p) The victim had an injunction for protection in effect against the defendant when the capital felony was committed.

(q) The victim was aware of the impending homicide and asked that his or her life be spared or otherwise requested that the homicide not occur.

(r)~~(n)~~ The capital felony was committed by a criminal street gang member, as defined in s. 874.03.

(6) MITIGATING CIRCUMSTANCES.—Mitigating circumstances shall be the following:

(a) The defendant has no significant history of prior criminal activity.

(b) The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.

(c) The victim was a participant in the defendant's conduct or consented to the act.

(d) The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.

(e) The defendant acted under extreme duress or under the substantial domination of another person.

(f) The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired.

(g) The age of the defendant at the time of the crime.

(h) The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.

However, the court shall not engage in any form of proportionality review of a death sentence, as prohibited in subsection (4).

(7) VICTIM IMPACT EVIDENCE.—Once the prosecution has provided evidence of the existence of one or more aggravating circumstances as described in subsection (5), the prosecution may introduce, and subsequently argue, victim impact evidence. Such evidence shall be designed to demonstrate the victim's uniqueness as an individual human being and the resultant loss to the community's members by the victim's death. Characterizations and opinions about the crime, the defendant, and the appropriate sentence shall not be permitted as a part of victim impact evidence.

(8) APPLICABILITY.—This section does not apply to a person convicted or adjudicated guilty of a capital drug trafficking felony under s. 893.135.

Section 11. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—"Vehicular homicide" is the killing of a human being by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is:

(1) A felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the *first* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 316.062.

This subsection does not require that the person knew that the accident resulted in injury or death.

Section 12. Section 782.072, Florida Statutes, is amended to read:

782.072 Vessel homicide.—"Vessel homicide" is the killing of a human being by the operation of a vessel as defined in s. 327.02 by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vessel homicide is:

(1) A felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the *first* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 327.30(1).

This subsection does not require that the person knew that the accident resulted in injury or death.

Section 13. Paragraphs (g) and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
409.920(2)	3rd	Medicaid provider fraud.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	*2nd* ~~3rd~~	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	*2nd* ~~3rd~~	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.

Florida Statute	Felony Degree	Description
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(4)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
		(h) LEVEL 8
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.071(2)	*1st* ~~2nd~~	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	*1st* ~~2nd~~	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $100,000 or more.
827.03(2)	2nd	Aggravated child abuse.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

Florida Statute	Felony Degree	Description
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.

Section 14. Paragraph (a) of subsection (9) of section 960.13, Florida Statutes, is amended to read:

960.13 Awards.—

(9)(a) An award may not exceed *$10,000 for treatment or* a total of $15,000 for all compensable cost or losses, *unless the department makes a written finding that a crime directly caused major medical expenses or catastrophic economic losses to a victim*. ~~However, awards for treatment may not exceed $10,000.~~ The department may *adopt rules that*~~, by rule adopted pursuant to chapter 120,~~ establish *criteria governing awards for major medical expenses and catastrophic economic losses and may adopt rules that establish* limits below $15,000 for awards for particular types of costs or losses. Any application filed on or after October 1, 1996, shall be governed under this section.

Section 15. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—"Vehicular homicide" is the killing of a human being, *or the killing of a viable fetus by any injury to the mother caused* by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is:

(1) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 316.062.

This subsection does not require that the person knew that the accident resulted in injury or death.

(3) For purposes of this section, a fetus is viable when it becomes capable of meaningful life outside the womb through standard medical measures.

(4) A right of action for civil damages shall exist under s. 768.19, under all circumstances, for all deaths described in this section.

Section 16. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended, and paragraph (h) of subsection (3) of that section is reenacted, to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
409.920(2)	3rd	Medicaid provider fraud.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	3rd	Killing of human being *or viable fetus* by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(4)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
872.06	2nd	Abuse of a dead human body.

Florida Statute	Felony Degree	Description
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
		(h) LEVEL 8
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.071(2)	2nd	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	2nd	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $100,000 or more.
827.03(2)	2nd	Aggravated child abuse.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.

Section 17. For the purpose of incorporating the amendment made by this act to section 782.071, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 960.03, Florida Statutes, is reenacted to read:

960.03 Definitions.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(b) A violation of s. 316.193, s. 316.027(1), or s. 782.071(2), which results in physical injury or death; however, no other act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

Section 18. Subsection (3) is added to section 27.709, Florida Statutes, to read:

27.709 Commission on the Administration of Justice in Capital Cases.—

(3) The Commission on the Administration of Justice in Capital Cases shall conduct a study to evaluate whether the elimination of state postconviction proceedings in death penalty cases will reduce delays in carrying out a sentence of death in capital cases. In conducting the study the Commission shall take public testimony from any interested party. The Commission shall review the average number of postconviction motions and writs filed in capital cases, prior legislative and judicial attempts to reduce delays in capital cases, and the length of time required for capital postconviction claims in state and federal court. The Commission shall consider average delays in capital cases, whether those delays have increased in the last 10 years, and the reasons for any increase in delays. The study shall include a report which addresses the legal, fiscal,

and practical considerations concerning the elimination of state postconviction proceedings, and the recommendation of the Commission. Public notice shall be provided, in a manner agreed to by the Commission, for all hearings where the Commission intends to hear public testimony concerning the elimination of state postconviction proceedings in death penalty cases for purposes of this study. The report shall be submitted to the Speaker of the House of Representatives, the President of the Senate, and minority leaders in the House and the Senate by December 1, 1998.

Section 19. *The proviso language immediately preceding Specific Appropriation 962 and the proviso language following Specific Appropriation 620 in the Conference Report On House Bill 4201 which is the General Appropriations Act for fiscal year 1998-1999, shall not be deemed, in whole or in part, to be repealed, nullified or modified in any way by legislation passed during the 1998 regular session of the Legislature unless the legislation makes specific reference to this section. If either the proviso language immediately preceding Specific Appropriation 962 and the proviso language following Specific Appropriation 620 in the Conference Report On House Bill 4201 are repealed or amended by substantive legislation passed during the 1998 regular session of the Legislature, then both sections of proviso are hereby reenacted in full and shall have their full effect as written in the Conference Report On House Bill 4201. This section is hereby repealed on June 30, 1999.*

Section 20. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 21. This act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal offenses; amending s. 782.04, F.S.; redefining the offense of capital murder in the first degree to include the act of unlawfully killing a human being while perpetrating, or attempting to perpetrate, the murder of another human being; providing penalties; providing that a person who perpetrates or attempts to perpetrate a murder commits felony murder in the second degree when a person is killed by someone other than the perpetrator; providing penalties; adding murder to the list of felony offenses which do not constitute third–degree felony murder; reenacting ss. 39.464(1)(d), 435.03(2)(b), 435.04(2)(b), 775.0823(1) and (2), 921.0022(3)(i), 943.325(1), and 947.146(3), F.S., relating to the termination of parental rights, screening standards, violent offenses against law enforcement officers and others, the Criminal Punishment Code, blood testing, and the Control Release Authority, to incorporate the amendment to 782.04, F.S., in references thereto; creating the "Jeff Mitchell Act"; amending s. 921.141, F.S., relating to further proceedings to determine sentence of death or life imprisonment for capital felonies; providing that the judgment of conviction and sentence of death imposed in a capital case are not subject to being held invalid, overturned, reduced, or otherwise affected because a codefendant in the same case accepted a plea offer in exchange for trial testimony, or an agreement to testify, and was not sentenced to death; prohibiting the Florida Supreme Court from engaging in any form of proportionality review of a death sentence; providing that criteria for review regarding aggravating or mitigating circumstances shall not be utilized except as authorized under specified provisions; providing additional aggravating circumstances to be weighed by the court; providing for an aggravating circumstance that the capital felony was committed when the victim had an injunction for protection in effect against the defendant; providing for an aggravating circumstance that the defendant inflicted multiple physical injuries upon the victim; providing for an aggravating circumstance that the defendant mutilated, dismembered, or sexually abused the victim's body, during or after commission of the capital felony; providing for an aggravating circumstance that the victim of a homicide had asked that his or her life be spared; amending ss. 782.071, 782.072, F.S.; increasing the penalties imposed for committing the offense of vehicular homicide or vessel homicide; increasing the penalties imposed for committing vehicular homicide or vessel homicide and failing to give information and render aid when the offender knew, or should have known, that the accident occurred; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming references to changes made by the act; amending s. 960.13, F.S.; limiting crimes compensation awards under certain circumstances; authorizing the Department of Legal Affairs to adopt certain rules; amending s. 782.071, F.S.; redefining the offense of "vehicular homicide" to include the killing of a viable fetus by any injury to the mother caused by the operation of a motor vehicle by another; providing penalties; specifying when a fetus is viable; providing a right of action for civil damages; reenacting ss. 921.0022(3)(h) and 960.03(3), F.S., relating to the offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0022, F.S., relating to the offense severity ranking chart, to conform terminology; amending s. 27.709, F.S.; providing that the Commission on the Administration of Justice in Capital Cases shall conduct a study concerning the elimination of state postconviction proceedings in death penalty cases; providing that certain proviso language contained in the Conference Report On House Bill 4201 may not be modified through substantive legislation passed during the 1998 regular session of the Legislature unless certain conditions are met; providing that certain proviso language contained in the Conference Report On House Bill 4201 is reenacted if repealed or amended by substantive legislation passed during the 1998 regular session of the Legislature; providing for repeal of section on June 30, 1999; providing for severability; providing an effective date.

POINT OF ORDER

Senator Gutman raised a point of order that pursuant to Rule 7.1 **Amendment 1** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

RULING ON POINT OF ORDER

On recommendation of Senator W. G. (Bill) Bankhead, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken and the amendment out of order.

Pending further consideration of **CS for SB 524**, on motion by Senator Campbell, by unanimous consent—

HB 4233—A bill to be entitled An act relating to criminal offenses; amending s. 782.04, F.S.; redefining the offense of capital murder in the first degree to include the act of unlawfully killing a human being while perpetrating, or attempting to perpetrate, the murder of another human being; providing penalties; providing that a person who perpetrates or attempts to perpetrate a murder commits felony murder in the second degree when a person is killed by someone other than the perpetrator; providing penalties; adding murder to the list of felony offenses which do not constitute third–degree felony murder; reenacting ss. 39.464(1)(d), 435.03(2)(b), 435.04(2)(b), 775.0823(1) and (2), 921.0022(3)(i), 943.325(1), and 947.146(3), F.S., relating to the termination of parental rights, screening standards, violent offenses against law enforcement officers and others, the Criminal Punishment Code, blood testing, and the Control Release Authority, to incorporate the amendment to 782.04, F.S., in references thereto; creating the "Jeff Mitchell Act"; amending s. 921.141, F.S., relating to further proceedings to determine sentence of death or life imprisonment for capital felonies; providing that the judgment of conviction and sentence of death imposed in a capital case are not subject to being held invalid, overturned, reduced, or otherwise affected because a codefendant in the same case accepted a plea offer in exchange for trial testimony, or an agreement to testify, and was not sentenced to death; prohibiting the Florida Supreme Court from engaging in any form of proportionality review of a death sentence; providing that criteria for review regarding aggravating or mitigating circumstances shall not be utilized except as authorized under specified provisions; providing additional aggravating circumstances to be weighed by the court; providing for an aggravating circumstance that the capital felony was committed when the victim had an injunction for protection in effect against the defendant; providing for an aggravating circumstance that the defendant inflicted multiple physical injuries upon the victim; providing for an aggravating circumstance that the defendant mutilated, dismembered, or sexually abused the victim's body, during or after commission of the capital felony; providing for an aggravating circumstance that the victim of a homicide had asked that his or her life be spared; amending ss. 782.071, 782.072, F.S.; increasing the penalties imposed for committing the offense of vehicular homicide or vessel homicide; increasing the penalties imposed for committing vehicular homicide or vessel homicide and failing to give information and render aid when the offender knew, or should have known, that the accident occurred; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming references to changes made by the act; amending s. 960.13, F.S.; limiting crimes compensation awards under certain circumstances; authorizing the Department of Legal Affairs to

adopt certain rules; amending s. 782.071, F.S.; redefining the offense of "vehicular homicide" to include the killing of a viable fetus by any injury to the mother caused by the operation of a motor vehicle by another; providing penalties; specifying when a fetus is viable; providing a right of action for civil damages; reenacting ss. 921.0022(3)(h) and 960.03(3), F.S., relating to the offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0022, F.S., relating to the offense severity ranking chart, to conform terminology; amending s. 27.709, F.S.; providing that the Commission on the Administration of Justice in Capital Cases shall conduct a study concerning the elimination of state postconviction proceedings in death penalty cases; providing that certain proviso language contained in the Conference Report On House Bill 4201 may not be modified through substantive legislation passed during the 1998 regular session of the Legislature unless certain conditions are met; providing that certain proviso language contained in the Conference Report On House Bill 4201 is reenacted if repealed or amended by substantive legislation passed during the 1998 regular session of the Legislature; providing for repeal of section on June 30, 1999; providing for severability; providing an effective date.

—a companion measure, was taken up out of order and substituted for **CS for SB 524** and by two-thirds vote read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being; ~~or~~

2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

a. Trafficking offense prohibited by s. 893.135(1),

b. Arson,

c. Sexual battery,

d. Robbery,

e. Burglary,

f. Kidnapping,

g. Escape,

h. Aggravated child abuse,

i. Aggravated abuse of an elderly person or disabled adult,

j. Aircraft piracy,

k. Unlawful throwing, placing, or discharging of a destructive device or bomb,

l. Carjacking,

m. Home-invasion robbery,

n. Aggravated stalking, ~~or~~

o. Murder of another human being; or

3. Which resulted from the unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,

is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

(b) In all cases under this section, the procedure set forth in s. 921.141 shall be followed in order to determine sentence of death or life imprisonment.

(2) The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree and constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) When a person is killed in the perpetration of, or in the attempt to perpetrate, any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

(i) Aggravated abuse of an elderly person or disabled adult,

(j) Aircraft piracy,

(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,

(l) Carjacking,

(m) Home-invasion robbery, ~~or~~

(n) Aggravated stalking, *or*

(o) Murder of another human being,

by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony is guilty of murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

(i) Aggravated abuse of an elderly person or disabled adult,

(j) Aircraft piracy,

(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,

(l) Unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,

(m) Carjacking,

(n) Home-invasion robbery, ~~or~~

(o) Aggravated stalking, *or*

(p) Murder of another human being,

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 39.464, Florida Statutes, is reenacted to read:

39.464 Grounds for termination of parental rights.—

(1) The department, the guardian ad litem, a licensed child-placing agency, or any person who has knowledge of the facts alleged or who is informed of said facts and believes that they are true, may petition for the termination of parental rights under any of the following circumstances:

(d) When the parent of a child is incarcerated in a state or federal correctional institution and:

1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this paragraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; and

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

Section 3. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 435.03, Florida Statutes, is reenacted to read:

435.03 Level 1 screening standards.—

(2) Any person for whom employment screening is required by statute must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(b) Section 782.04, relating to murder.

Section 4. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 435.04, Florida Statutes, is reenacted to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(b) Section 782.04, relating to murder.

Section 5. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, subsections (1) and (2) of section 775.0823, Florida Statutes, as amended by section 11 of chapter 97-194, Laws of Florida, are reenacted to read:

775.0823 Violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges.—Any provision of law to the contrary notwithstanding, the Legislature does hereby provide for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against any state attorney elected pursuant to s. 27.01 or assistant state attorney appointed under s. 27.181; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the officer's duty as a law enforcement or correctional officer, the state attorney's or assistant state attorney's duty as a prosecutor or investigator, or the justice's or judge's duty as a judicial officer, as follows:

(1) For murder in the first degree as described in s. 782.04(1), if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

(2) For attempted murder in the first degree as described in s. 782.04(1), a sentence pursuant to the Criminal Punishment Code.

Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld.

Section 6. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, paragraph (i) of subsection (3) of section 921.0022, Florida Statutes, as created by section 5 of chapter 97-194, Laws of Florida, is reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(i) LEVEL 9
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
782.07(3)	1st	Aggravated manslaughter of a child.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
790.161	1st	Attempted capital destructive device offense.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.

Florida Statute	Felony Degree	Description
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.

Section 7. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, subsection (1) of section 943.325, Florida Statutes, is reenacted to read:

943.325 Blood specimen testing for DNA analysis.—

(1)(a) Any person convicted, or who was previously convicted and is still incarcerated, in this state for any offense or attempted offense defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s. 812.133, or s. 812.135, and who is within the confines of the legal state boundaries, shall be required to submit two specimens of blood to a Department of Law Enforcement designated testing facility as directed by the department.

(b) For the purpose of this section, the term "any person" shall include both juveniles and adults committed to or under the supervision of the Department of Corrections or the Department of Juvenile Justice.

Section 8. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, subsection (3) of section 947.146, Florida Statutes, as amended by section 31 of chapter 97-194, Laws of Florida, is reenacted to read:

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates who:

(a) Are serving a sentence that includes a mandatory minimum provision for a capital offense or drug trafficking offense and have not served the number of days equal to the mandatory minimum term less any jail-time credit awarded by the court;

(b) Are serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

(c) Are convicted, or have been previously convicted, of committing or attempting to commit sexual battery, incest, or any of the following lewd or indecent assaults or acts: masturbating in public; exposing the sexual organs in a perverted manner; or nonconsensual handling or fondling of the sexual organs of another person;

(d) Are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, or aggravated battery, and a sex act was attempted or completed during commission of such offense;

(e) Are convicted, or have been previously convicted, of committing or attempting to commit kidnapping, burglary, or murder, and the offense was committed with the intent to commit sexual battery or a sex act was attempted or completed during commission of the offense;

(f) Are convicted, or have been previously convicted, of committing or attempting to commit false imprisonment upon a child under the age of 13 and, in the course of committing the offense, the inmate committed aggravated child abuse, sexual battery against the child, or a lewd, lascivious, or indecent assault or act upon or in the presence of the child;

(g) Are sentenced, have previously been sentenced, or have been sentenced at any time under s. 775.084, or have been sentenced at any time in another jurisdiction as a habitual offender;

(h) Are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter, or murder against an officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against a state attorney or assistant state attorney; or against a justice or judge of a court described in Art. V of the State Constitution; or against an officer, judge, or state attorney employed in a comparable position by any other jurisdiction; or

(i) Are convicted, or have been previously convicted, of committing or attempting to commit murder in the first, second, or third degree under s. 782.04(1), (2), (3), or (4), or have ever been convicted of any degree of murder or attempted murder in another jurisdiction;

(j) Are convicted, or have been previously convicted, of DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or have been sentenced at any time, as a habitual offender for such offense, or have been sentenced at any time in another jurisdiction as a habitual offender for such offense;

(k)1. Are serving a sentence for an offense committed on or after January 1, 1994, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), or (5), and the subtotal of the offender's sentence points is multiplied pursuant to former s. 921.0014 or s. 921.0024;

2. Are serving a sentence for an offense committed on or after October 1, 1995, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), (5), (6), (7), or (8), and the subtotal of the offender's sentence points is multiplied pursuant to former s. 921.0014 or s. 921.0024;

(l) Are serving a sentence for an offense committed on or after January 1, 1994, for possession of a firearm, semiautomatic firearm, or machine gun in which additional points are added to the subtotal of the

offender's sentence points pursuant to former s. 921.0014 or s. 921.0024; or

(m) Are convicted, or have been previously convicted, of committing or attempting to commit manslaughter, kidnapping, robbery, carjacking, home-invasion robbery, or a burglary under s. 810.02(2).

In making control release eligibility determinations under this subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings, including, but not limited to, any presentence or postsentence investigation or any information contained in arrest reports relating to circumstances of the offense.

Section 9. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—"Vehicular homicide" is the killing of a human being, *or the killing of a viable fetus by any injury to the mother caused* by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is:

(1) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 316.062.

This subsection does not require that the person knew that the accident resulted in injury or death.

(3) For purposes of this section, a fetus is viable when it becomes capable of meaningful life outside the womb through standard medical measures.

(4) A right of action for civil damages shall exist under s. 768.19, under all circumstances, for all deaths described in this section.

Section 10. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended, and paragraph (h) of subsection (3) of that section is reenacted, to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
409.920(2)	3rd	Medicaid provider fraud.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	3rd	Killing of human being *or viable fetus* by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(4)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.

Florida Statute	Felony Degree	Description
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
		(h) LEVEL 8
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.071(2)	2nd	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	2nd	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $100,000 or more.
827.03(2)	2nd	Aggravated child abuse.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.

Section 11. For the purpose of incorporating the amendment made by this act to section 782.071, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 960.03, Florida Statutes, is reenacted to read:

960.03 Definitions.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(b) A violation of s. 316.193, s. 316.027(1), or s. 782.071(2), which results in physical injury or death; however, no other act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

Section 12. Subsection (3) is added to section 27.709, Florida Statutes, to read:

27.709 Commission on the Administration of Justice in Capital Cases.—

(3) The Commission on the Administration of Justice in Capital Cases shall conduct a study to evaluate whether the elimination of state postconviction proceedings in death penalty cases will reduce delays in carrying out a sentence of death in capital cases. In conducting the study the Commission shall take public testimony from any interested party. The Commission shall review the average number of postconviction motions and writs filed in capital cases, prior legislative and judicial attempts to reduce delays in capital cases, and the length of time required for capital postconviction claims in state and federal court. The Commission shall consider average delays in capital cases, whether those delays have increased in the last 10 years, and the reasons for any increase in delays. The study shall include a report which addresses the legal, fiscal, and practical considerations concerning the elimination of state postconviction proceedings, and the recommendation of the Commission. Public notice shall be provided, in a manner agreed to by the Commission, for all hearings where the Commission intends to hear public testimony concerning the elimination of state postconviction proceedings in death penalty cases for purposes of this study. The report shall be submitted to the Speaker of the House of Representatives, the President of the Senate, and minority leaders in the House and the Senate by December 1, 1998.

Section 13. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 14. *The Correctional Privatization Commission, using the $100,000 from the General Revenue Fund provided in Specific Appropri-*

ation 589 of the Conference Report on House Bill 4201 to the Correctional Privatization Commission for the purpose of developing two invitations to bid, shall develop the two invitations to bid as defined in chapter 287, Florida Statutes, pursuant to the following provisions:

(1) The first invitation to bid shall be for the designing, acquiring, constructing, and operating of one 1,497-bed adult prison designed to house offenders at all security levels. In no case may a contract be awarded pursuant to the first invitation to bid for a project in which the fixed capital outlay costs will exceed $27,600,000. Notwithstanding any provision of chapter 216, Florida Statutes, to the contrary and with express reference to section 216.351, Florida Statutes, the Executive Office of the Governor shall transfer $1,166,219 from the General Revenue Fund and $4,833,781 from the Grants and Donations Trust Fund from Specific Appropriation 598 to Specific Appropriation 589 for the first-year fixed capital outlay costs of the project.

(2) The second invitation to bid must be designed for the designing, acquiring, constructing, and operating of a 350-bed youthful offender facility. In no case may a contract be awarded pursuant to the second invitation to bid for a project in which the fixed capital outlay costs would exceed $8,950,000. Funding for the fixed capital outlay costs of any contract awarded pursuant to the second invitation to bid shall be subject to legislative appropriation during the 1999 Regular Session.

The Correctional Privatization Commission may award contracts pursuant to the two invitations to bid to the lowest cost-responsive bidders. The authority to issue two invitations to bid and contracts contained in this section shall be in lieu of the authority to issue two invitations to bid and contracts provided in the proviso language following Specific Appropriation 589 of the Conference Report on House Bill 4201. Further, to the extent that the proviso language following Specific Appropriation 589 of the Conference Report on House Bill 4201 is duplicative of the provisions of this section or in conflict thereof, those specific provisions of the proviso language are repealed.

Section 15. This act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal justice; amending s. 782.04, F.S.; redefining the offense of capital murder in the first degree to include the act of unlawfully killing a human being while perpetrating, or attempting to perpetrate, the murder of another human being; providing penalties; providing that a person who perpetrates or attempts to perpetrate a murder commits felony murder in the second degree when a person is killed by someone other than the perpetrator; providing penalties; adding murder to the list of felony offenses which do not constitute third–degree felony murder; reenacting ss. 39.464(1)(d), 435.03(2)(b), 435.04(2)(b), 775.0823(1) and (2), 921.0022(3)(i), 943.325(1), and 947.146(3), F.S., relating to the termination of parental rights, screening standards, violent offenses against law enforcement officers and others, the Criminal Punishment Code, blood testing, and the Control Release Authority, to incorporate the amendment to 782.04, F.S., in references thereto; amending ss. 782.071, 782.072, F.S.; increasing the penalties imposed for committing the offense of vehicular homicide or vessel homicide; increasing the penalties imposed for committing vehicular homicide or vessel homicide and failing to give information and render aid when the offender knew, or should have known, that the accident occurred; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming references to changes made by the act; amending s. 960.13, F.S.; limiting crimes compensation awards under certain circumstances; authorizing the Department of Legal Affairs to adopt certain rules; amending s. 782.071, F.S.; redefining the offense of "vehicular homicide" to include the killing of a viable fetus by any injury to the mother caused by the operation of a motor vehicle by another; providing penalties; specifying when a fetus is viable; providing a right of action for civil damages; reenacting ss. 921.0022(3)(h) and 960.03(3), F.S., relating to the offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0022, F.S., relating to the offense severity ranking chart, to conform terminology; amending s. 27.709, F.S.; providing that the Commission on the Administration of Justice in Capital Cases shall conduct a study concerning the elimination of state postconviction proceedings in death penalty cases; providing that certain proviso language contained in the Conference Report On House Bill 4201 may not be modified through substantive legislation passed during the 1998 regular session of the Legislature unless certain conditions are met; providing for severability; providing an appropriation from specified trust funds to the Correctional Privatization Commission to develop two invitations to bid, as defined in ch. 287, F.S., for the design, acquisition, construction, and operation of one adult prison and one facility for youthful offenders; providing requirements for the invitation to bid; authorizing the Correctional Privatization Commission to award contracts; superseding proviso language with respect to specific appropriations that are duplicative or in conflict by repeal; providing an effective date.

On motion by Senator Campbell, by two-thirds vote **HB 4233** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Sullivan, by two-thirds vote **CS for HB 3389** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Sullivan—

CS for HB 3389—A bill to be entitled An act relating to nonpublic postsecondary education institutions; amending s. 246.021, F.S.; clarifying the definition of the term "college"; amending s. 246.031, F.S.; revising requirements relating to members of the State Board of Independent Colleges and Universities; amending s. 246.041, F.S.; revising powers and duties of the board; deleting or correcting obsolete references; amending s. 246.084, F.S., relating to colleges receiving an authorization; revising certain requirements; providing for exemption from certain requirements; revising provisions relating to oversight of the review and collection of data for purposes of determining compliance; amending s. 246.085, F.S.; revising provisions relating to issuance of a certificate of exemption; amending s. 246.101, F.S., to conform; amending 246.121, F.S.; correcting obsolete references; amending s. 246.31, F.S., relating to the Institutional Assessment Trust Fund; conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 924** and read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, between lines 26 and 27, insert:

Section 1. Section 236.08106, Florida Statutes, is created to read:

236.08106 Excellent Teaching Program.—

(1) The Legislature recognizes that teachers play a critical role in preparing students to achieve the high levels of academic performance expected by the Sunshine State Standards. The Legislature further recognizes the importance of identifying and rewarding teaching excellence and of encouraging good teachers to become excellent teachers. The Legislature finds that the National Board of Professional Teaching Standards (NBPTS) has established high and rigorous standards for accomplished teaching and has developed a national voluntary system for assessing and certifying teachers who demonstrate teaching excellence by meeting those standards. It is therefore the Legislature's intent to provide incentives for teachers to seek NBPTS certification and to reward teachers who demonstrate teaching excellence by attaining NBPTS certification and sharing their expertise with other teachers.

(2) The Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The Department of Education shall allocate and distribute to each school district an amount as prescribed annually by the Legislature for the Excellent Teaching Program. Unless otherwise provided in the General Appropriations Act, each school district's annual allocation shall be the sum of the amounts earned for the following incentives and bonuses:

(a) A fee subsidy to be paid by the school district to the NBPTS on behalf of each individual who is an employee of the district school board or a public school within that school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and, who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay 10 percent of the NBPTS participation fee and to participate in the NBPTS certification program during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the NBPTS certification program, but not more than $1,800 per eligible participant. The fee subsidy is a one-time award and may not be duplicated for any individual.

(b) A portfolio-preparation incentive of $150 for each teacher employed by the district school board or a public school within the district who is participating in the NBPTS certification program. The portfolio-preparation incentive is a one-time award paid during the school year for which the NBPTS fee subsidy is provided.

(c) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within that school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29. The annual bonus may be paid as a single payment or divided into not more than three payments.

(d) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be paid to each individual who meets the requirements of paragraph (c) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the district who do not hold NBPTS certification. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms, therefore, credit may not be granted by a school district or public school for mentoring or related services provided during the regular school day or during the 196 days of required service for the school year.

(e) The district shall receive an amount equal to 50 percent of the teacher bonuses provided under paragraph (c) and (d), which shall be used by the district for professional development of teachers. The district must give priority to using all funds received pursuant to this paragraph for professional development of teachers employed at schools identified as performing at critically low levels.

A teacher for whom the state pays the certification fee and who does not complete the certification program or does not teach in a public school of this state for a least 1 year after completing the certification program must repay the amount of the certification fee to the state. However, a teacher who completes the certification program but fails to be awarded NBPTS certification is not required to repay the amount of the certification fee if the teacher meets the 1-year teaching requirement. Repayment is not required of a teacher who does not complete the certification program or fails to fulfill the teaching requirement because of the teacher's death or disability or because of other extenuating circumstances as determined by the State Board of Education.

Section 2. Paragraph (a) of subsection (5) of section 236.081, Florida Statutes, as amended by chapter 97-380, Laws of Florida, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.

2. Community schools as provided by law.

3. School lunch programs as provided by law.

4. Instructional material funds as provided by law.

5. Student transportation as provided by law.

6. Student development services as provided by law.

7. Diagnostic and learning resource centers as provided by law.

8. Comprehensive health education as provided by law.

9. Excellent Teaching Program as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.

Section 3. Section 231.173, Florida Statutes, is amended to read:

231.173 Successful experienced out-of-state teachers and administrators.—

(1) Notwithstanding the provisions of ss. 231.02, 231.15, *and* 231.17~~, and 231.172~~ or any other provision of law or rule to the contrary, a successful, experienced, ~~and certified~~ out-of-state teacher or administrator *qualifies* ~~employed in a public school or nonpublic school in this state may qualify~~ for a professional certificate if the applicant:

(a)~~(1)~~ Completes the application process, including the filing of a complete set of fingerprints as required by s. 231.02.

(b)~~(2)~~ Holds a valid standard certificate issued by the state where the applicant most recently taught, which standard certificate is equivalent to the professional certificate issued by this state and for which specialization coverage is based on a level of training comparable to that required in this state for the *specialization coverage sought by the applicant* ~~applicant's area of assignment~~.

(c)~~(3)~~ Documents 5 years of appropriate successful full-time teaching or administrative experience *in another state,* including 2 continuous years during the 5-year period immediately preceding the date of application for certification.

(2) An out-of-state applicant qualifies for a professional certificate if the applicant meets the requirements of paragraphs (1)(a) and (b) and holds a valid certificate issued by the National Board of Professional Teaching Standards.

~~(4) Submits a request for issuance of the professional certificate from the superintendent of the employing school district or governing authority of the employing developmental research school, state-supported school, or nonpublic school within the first 120 days of assignment with validation of awareness of the standards of professional practice.~~

(3)~~(5)~~ The *professional* certificate issued in accordance with *subsection (1)* ~~these provisions~~ shall reflect specialization coverages as follows:

(a) Teachers.—*An applicant* ~~A teacher appointed to an academic assignment~~ shall be eligible for the academic coverage in an area in which the teacher is assigned *to teach in a public school or nonpublic school in this state or in the area of the applicant's certification by the National Board of Professional Teaching Standards.*

(b) Principals.—An individual appointed as an intern or interim principal of a *public or nonpublic* K-12 school *in this state* shall be eligible for the educational leadership coverage.

(c) Administrators of adult education.—An individual appointed as an administrator of an adult education program *at a public or nonpublic school in this state* shall be eligible for the administration of adult education coverage.

(d) Directors of career education.—An individual appointed as a director of career education *at a public or nonpublic school in this state* shall be eligible for the director of career education coverage.

Section 4. Subsection (2) and paragraph (b) of subsection (3) of section 231.24, Florida Statutes, are amended to read:

231.24 Process for renewal of professional certificates.—

(2) All professional certificates, except a nonrenewable professional certificate, shall be renewable for successive periods not to exceed 5 years after the date of submission of documentation of completion of the requirements for renewal provided in subsection (3). Only one renewal may be granted during each 5-year validity period of a professional certificate, *except that a teacher with national certification from the National Board for Professional Teaching Standards is deemed to meet state renewal requirements for the life of the teacher's national certificate.* However, if the renewal application form is not received by the department or by the employing school district before the expiration of the professional certificate, the application form, application fee, and a late fee must be submitted before July 1 of the year following expiration of the certificate in order to renew the professional certificate. The state board shall adopt rules to allow a 1-year extension of the validity period of a professional certificate in the event of serious illness, injury, or other extraordinary extenuating circumstances of the applicant. The department shall grant such 1-year extension upon written request by the applicant or by the superintendent of the local school district or the governing authority of a developmental research school, state-supported school, or nonpublic school that employs the applicant.

(3) For the renewal of a professional certificate, the following requirements must be met:

(b) In lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test, *by completion of the national certification from the National Board for Professional Teaching Standards in that specialization area,* or by completion of a department approved summer work program in a business or industry directly related to an area of specialization listed on the certificate. The state board shall adopt rules providing for the approval procedure.

Section 5. Subsection (1) of section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(1) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice demand continuous educational and training opportunities, state employees may be authorized to receive *fundable* tuition waivers on a space-available basis or vouchers to attend work-related courses at public universities. *Student credit hours generated by state employee fee waivers shall be fundable credit hours.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; creating s. 236.08106, F.S., relating to the Excellent Teaching Program; providing legislative findings and intent; authorizing monetary incentives and bonuses for teaching excellence; providing for annual allocations to districts; providing fee subsidies and conditions for repayment of subsidies for participating in the certification program of the National Board of Professional Teaching Standards; requiring the distribution of certain monetary bonuses to teachers; providing eligibility criteria; requiring release time for certain activities; requiring certain district expenditures for professional development of teachers; amending s. 236.081, F.S.; authorizing categorical funding for the Excellent Teaching Program; amending s. 231.173, F.S., relating to certification of experienced out-of-state teachers and administrators; deleting a requirement for superintendents to request certification; providing for issuance of a professional certificate to individuals certified by the National Board of Professional Teaching Standards; conforming provisions; amending s. 231.24, F.S.; authorizing renewal of certificates through national certification; amending s. 110.1099, F.S.; clarifying description of tuition waivers; amending s. 246.021, F.S.; clarifying the definition of the term "college"; amending s. 246.031, F.S.; revising requirements relating to members of the State Board of Independent Colleges and Universities; amending s. 246.041, F.S.; revising powers and duties of the board; deleting or correcting obsolete references; amending s. 246.084, F.S., relating to colleges receiving an authorization; revising certain requirements; providing for exemption from certain requirements; revising provisions relating to oversight of the review and collection of data for purposes of determining compliance; amending s. 246.085, F.S.; revising provisions relating to issuance of a certificate of exemption; amending s. 246.101, F.S., to conform; amending 246.121, F.S.; correcting obsolete references; amending s. 246.31, F.S., relating to the Institutional Assessment Trust Fund; conforming provisions; providing an effective date.

On motion by Senator Sullivan, by two-thirds vote **CS for HB 3389** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	

Nays—None

Consideration of **CS for SB 1932** was deferred.

On motion by Senator Crist, by unanimous consent—

HB 3273—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Conserve Wildlife license plate; providing for the distribution of annual use fees received from the sale of such license plates; providing an effective date.

—a companion measure, was taken up out of order and substituted for **SB 464** and by two-thirds vote read the second time by title.

Senator Meadows moved the following amendment:

Amendment 1 (with title amendment)—On page 2, between lines 10 and 11, insert:

Section 2. Paragraph (f) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(f) *Certain property* ~~Motion picture or video equipment~~ used in motion picture or television production activities *or broadcasting* and sound recording equipment used in the production of master tapes and master records.—

1. Motion picture or video equipment and sound recording equipment purchased or leased for use in this state in production activities is exempt from the tax imposed by this chapter upon an affirmative showing by the purchaser or lessee to the satisfaction of the department that the equipment will be used for production activities. *There shall be exempt from the tax imposed by this chapter all personal or real property purchased or lease for use in the operation of any television broadcasting station that;*

a. Has been acquired following the conclusion of bankruptcy proceedings by a previous owner;

b. Submits an affidavit from its general manager stating that the broadcasting station employs more than 50 employees and that at least 90 percent of the employees of the bankrupt station were offered jobs following its acquisition;

c. Has received more than $5 million in capital improvements following its acquisition;

d. Is located within the boundaries of a metropolitan statistical area and shared common ownership or management with another broadcasting station that has been acquired following bankruptcy which is located in a different metropolitan statistical area;

e. Has spent more than $3 million since 1995 for equipment used in the digital storage of programming; and

f. In the year following receipt of a tax refund under this section, broadcasts at no cost to the state youth-oriented anti-tobacco public service announcements of an equal or greater value than the tax refund received by the broadcasting station in the previous year. If the broadcasting station that has received a refund fails to broadcast a sufficient number of public service announcements, the taxpayer must return the refund to the state together with interest and penalties.

The exemption provided by this paragraph shall inure to the taxpayer only through a refund of previously paid taxes. *The maximum refund allowed in any year may not exceed $350,000 for any broadcasting station or group of broadcasting stations that share common ownership or management, and no taxpayer may receive a refund for more than 5 years.* Notwithstanding the provisions of s. 212.095, such refund shall be made within 30 days of formal application, which application may be made after the completion of *each quarter* ~~production activities or on a quarterly basis~~. Notwithstanding the provisions of chapter 213, the department shall provide the Department of Commerce with a copy of each refund application and the amount of such refund, if any.

2. For the purpose of the exemption provided in subparagraph 1.:

a. "Motion picture or video equipment" and "sound recording equipment" includes only equipment meeting the definition of "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code that is used by the lessee or purchaser exclusively as an integral part of production activities; however, motion picture or video equipment and sound recording equipment does not include supplies, tape, records, film, or video tape used in productions or other similar items; vehicles or vessels; or general office equipment not specifically suited to production activities. In addition, the term does not include equipment purchased or leased by television or radio broadcasting or cable companies licensed by the Federal Communications Commission.

b. "Production activities" means activities directed toward the preparation of a:

(I) Master tape or master record embodying sound; or

(II) Motion picture or television production which is produced for theatrical, commercial, advertising, or educational purposes and utilizes live or animated actions or a combination of live and animated actions. The motion picture or television production shall be commercially produced for sale or for showing on screens or broadcasting on television and may be on film or video tape.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to taxation; amending s. 212.08, F.S.; providing tax exemptions relating to property used in motion picture or television production activities or broadcasting and sound recording activities; amending ss. 320.08056 and 320.08058, F.S.; creating a

POINT OF ORDER

Senator Ostalkiewicz raised a point of order that pursuant to Rule 7.1 **Amendment 1** was not germane to the bill.

RULING ON POINT OF ORDER

On recommendation of Senator W. G. (Bill) Bankhead, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken and the amendment out of order.

On motion by Senator Crist, by two-thirds vote **HB 3273** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Horne	Meadows
Bronson	Dudley	Jones	Myers
Brown-Waite	Dyer	Kirkpatrick	Ostalkiewicz
Burt	Forman	Klein	Rossin
Campbell	Geller	Kurth	Silver
Childers	Grant	Latvala	Sullivan
Clary	Gutman	Laurent	Thomas
Cowin	Harris	Lee	Turner
Crist	Holzendorf	McKay	Williams

Nays—None

On motion by Senator Grant, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1996 and CS for SB 1182, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1996 and CS for SB 1182—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing for recognition as public schools; revising requirements relating to proposals; providing for appeal of disputes and requiring mediation services; revising limitations on the number of schools; revising provisions relating to eligible students; providing for operation by a nonprofit organization; deleting certain restrictions on holding charter contracts; revising provisions relating to charter terms; providing for public employee status; providing requirements relating to employees; revising requirements relating to student transportation; revising administrative fee provisions and requiring certain administrative and educational services; revising provisions relating to charter school use of certain facilities or property; providing for certain purchasing; authorizing charter schools-in-the-workplace; providing requirements and tax exemption; creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay Trust Fund; providing eligibility requirements; providing for the recovery of funds; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital outlay purposes of charter schools; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay Trust Fund; providing effective dates.

House Amendment 1—On page 3, line 3 of the bill before the period insert: *, provided that a majority of the parents eligible to vote participate in the ballot process, according to procedures established by rules of the state board*

House Amendment 2—On page 3, lines 15 through 26 remove from the bill: all of said lines and insert in lieu thereof: provisions of the contract. *The Department of Education shall provide mediation services*

for any dispute regarding this section subsequent to the approval of a charter application, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge may rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the contract violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against. ~~If, after 6 months, the contract is still~~

House Amendment 3 (with title amendment)—On page 12, line 19 through page 14, line 29 remove from the bill: all of said lines and insert in lieu thereof:

(1) In each year in which funds are appropriated from the Charter Schools Capital Outlay allocation, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must have received final approval from its sponsor pursuant to s. 228.056 for operation during that fiscal year and must serve students in facilities that are not provided by the charter school's sponsor. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school or operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-thirtieth of the cost-per-student station specified in s. 235.435(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. In the first quarter of the fiscal year, funds shall be distributed on the basis of projected enrollment as provided in this section. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools. If a school district chooses to share funding for the capital outlay purposes described in subsection (2) with the applicable charter school or charter schools, any allocation from the Charter Schools Capital Outlay allocation to the charter school or charter schools shall be reduced by the amount shared.

(2) A charter school's governing body may use funds from the Charter Schools Capital Outlay allocation for any lawful capital outlay purpose pursuant to ss. 235.435 and 236.25.

(3) When a charter is not renewed or is terminated, any unencumbered funds and all equipment and property purchased with public education funds appropriated pursuant to this section shall revert to the ownership of the district school board, as provided for in s. 228.056(10). The reversion of such equipment and property shall include recoverable assets, but not intangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations. Any additional issues, such as the shared use of facilities or partial ownership of facilities or property, shall be addressed in the charter contract prior to the expenditure of funds.

(4) The Commissioner of Education shall specify procedures for submitting and approving requests for funding under this section and procedures for documenting expenditures.

(5) The annual legislative budget request of the Department of Education shall include a request for funding for the Charter Schools Capital Outlay allocation. The request shall be based on the projected number of students to be served in charter schools that meet the eligibility requirements of this section.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 23 through page 2, line 2 remove from the title of the bill: all of said lines and insert in lieu thereof: creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay allocation; providing eligibility requirements; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital outlay purposes of charter schools; providing for the reversion of funds, equipment, and property under certain conditions; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay allocation; providing an effective date.

Senator Grant moved the following amendment which was adopted:

Senate Amendment 1 (with title amendment) to House Amendment 3—On page 1, line 18 through page 3, line 15, delete those lines and insert:

Section 2. Section 228.0561, Florida Statutes, is created to read:

228.0561 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated from the Public Education Capital Outlay and Debt Service Trust Fund for charter schools, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 228.056 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school's sponsor. Prior to the release of capital outlay funds to the charter school, the Department of Education shall enter into a written agreement that includes provisions for attaching a lien to property that has been improved through the use of these funds, in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the Public Education Capital Outlay and Debt Service Trust Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-thirtieth of the cost-per-student station specified in s. 235.435(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. In the first quarter of the fiscal year, funds shall be distributed on the basis of projected enrollment as provided in this section. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools. If a school district chooses to share funding for the capital outlay purposes described in subsection (2) with the applicable charter school or charter schools, any allocation from the Public Education Capital Outlay and Debt Service Trust Fund allocation to the charter school or charter schools shall be reduced by the amount shared.

(2) A charter school's governing body with the school board's permission may use funds from the Public Education Capital Outlay and Debt Service Trust Fund for any capital outlay purpose that is directly related to the functioning of the charter school, including the:

(a) Purchase of real property.

(b) Construction, renovation, repair, and maintenance of school facilities.

(c) Purchase, lease-purchase, or lease of permanent or relocatable school facilities.

(d) Purchase of vehicles to transport students to and from the charter school.

(3) When a charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with public funds shall revert to the ownership of the district school board, as provided for in s. 228.056(10)(e) and (f). The reversion of such equipment, property, and furnishings shall focus on recoverable assets, but not on intangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations. If there are additional local issues such as the shared use of facilities or partial ownership of facilities or property, these issues shall be agreed to in the charter contract prior to the expenditure of funds.

(4) The Commissioner of Education shall specify procedures for submitting and approving requests for funding under this section and procedures for documenting expenditures.

(5) The annual legislative budget request of the Department of Education shall include a request for funding for charter schools from the Public Education Capital Outlay and Debt Service Trust Fund. The request shall be based on the projected number of students to be served in charter schools who meet the eligibility requirements of this section.

(6)(a) Effective July 1, 1998, any charter school which has been in continuous operation in the district in which its charter was approved for at least two school years immediately preceding the school year in which the school seeks an appropriation from the Public Education Capital Outlay and Debt Service Trust Fund shall be eligible to receive funds from that trust fund. No other charter schools are eligible to receive funds from the Public Education Capital Outlay and Debt Service Trust Fund.

(b) Unless authorized other wise by the Legislature, allocation and proration of funds from the Public Education Capital Outlay and Debt Service Trust Fund shall be made to eligible charter schools by the Commissioner of Education in an amount and in a manner authorized by subsection (1), and only schools eligible for such funds in this subsection shall be considered "eligible charter schools" for such an allocation or proration.

(c) There is appropriated from the Public Education Capital Outlay and Debt Service Trust Fund in fiscal year 1998-1999 the amount of $5,000,000 to be used for capital outlay purposes of charter schools eligible under this subsection and allocated or prorated in an amount and in a manner authorized by this subsection. This paragraph shall be repealed July 1, 1999.

Section 3. Subsection (7) of section 235.42, Florida Statutes, is amended to read:

235.42 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(7) Boards *and entities* authorized to participate in the trust fund are district school boards, the community college district boards of trustees, the Trustees of the Florida School for the Deaf and the Blind, the Board of Regents, *charter schools only if eligible pursuant to s. 228.0561(6),* and other units of the state system of public education, and other educational *entities defined in s. 228.041 for which funds are* ~~purposes~~ authorized by the Legislature.

Section 4. *The sum of $13,244,151 is appropriated for fiscal year 1998-1999 from the Public Education and Capital Outlay Debt Service Trust Fund to the Columbia County School District or the Ft. White High School. No funds shall be released for this project before the Special Facility Construction Committee has approved said project.*

Section 5. *Notwithstanding proviso immediately preceding Specific Appropriation 26 of the 1998-1999 General Appropriations Act, funds designated for the Commission on Education Reform and Accountability shall be released beginning July 1, 1998, and shall be released throughout fiscal year 1998-1999 based on a regular release schedule.*

Section 6. *The Governor's Commission on Education, established by Executive Order on September 10, 1996, shall be dissolved on October 31, 1998.*

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 3, line 24 through page 4, line 4, remove from the title of the bill: all of said lines and insert: creating s. 228.0561, F.S.; authorizing distribution of funds to charter schools from the Public Education Capital Outlay and Debt Service Trust Fund and establishing eligibility of charter schools for such funds; establishing an amount and manner for allocation or proration of such funds; providing an appropriation; providing for future repeal of statute; amending s. 235.42, F.S.; clarifying eligibility of educational boards and entities for receipt of funds from the Public Education Capital Outlay and Debt Service Trust Fund; providing an appropriation to the Columbia County School District; providing for the release of funds for the Commission on Education Reform and Accountability; providing for the dissolution of the Governor's Commission on Education; providing an effective date.

THE PRESIDENT PRESIDING

Senators Dyer and Turner offered the following amendment which was moved by Senator Dyer and adopted:

Senate Amendment 2 (with title amendment) to House Amendment 3—On page 3, between lines 13 and 14, insert:

Section 3. *The sum of $300,000 is appropriated from the General Revenue Fund for the purpose of funding the Teen Voice of America Program for the 1998-1999 fiscal year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 4, after the semicolon (;) insert: providing an appropriation to fund the Teen Voice of America Program;

Senator Gutman moved the following amendment which was adopted:

Senate Amendment 3 (with title amendment) to House Amendment 3—On page 3, between lines 13 and 14, insert:

Section 3. *The sum of $300,000 is appropriated from the General Revenue Fund to Fairchild Tropical Gardens for the Tropical Gardens Education Center for the 1998-1999 fiscal year. Before the release of the funds the project must be matched by $4,000,000 in local funds and must be reviewed and approved by the Secretary of the Department of Environmental Protection.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 4, after the semicolon (;) insert: providing an appropriation;

On motion by Senator Grant, the Senate concurred in **House Amendment 3** as amended and requested the House to concur in the Senate amendments to the House amendment; and concurred in **House Amendments 1** and **2**.

CS for CS for SB 1996 and CS for SB 1182 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Silver
Campbell	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams
Cowin	Holzendorf	Meadows	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Harris, by two-thirds vote **HJR 125** was withdrawn from the Committees on Judiciary; and Rules and Calendar.

On motion by Senator Harris—

HJR 125—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to recording of instruments.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 1 of Article VIII of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1998.

SECTION 1. Counties.—

(a) POLITICAL SUBDIVISIONS. The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) TAXES; LIMITATION. Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) COUNTY ORDINANCES. Each county ordinance shall be filed with the secretary of state and shall become effective at such time thereafter as is provided by general law.

(j) VIOLATION OF ORDINANCES. Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) COUNTY SEAT. In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded ~~in the county~~ until filed at the county seat*, or a branch office designated by the governing body of the county for the recording of instruments,* according to law.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:

RECORDING OF INSTRUMENTS IN BRANCH OFFICES

Proposing an amendment to Section 1 of Article VIII of the State Constitution authorizing the recording of instruments by filing at a branch office of a county seat.

YES for approval ☐

NO for rejection ☐

—a companion measure, was substituted for **SJR 1610** and read the second time in full. On motion by Senator Harris, by two-thirds vote **HJR 125** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jones	Ostalkiewicz
Bronson	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

On motion by Senator Myers, by two-thirds vote **HB 4515** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers, the rules were waived and by two-thirds vote—

HB 4515—A bill to be entitled An act relating to health care practitioners; creating s. 455.557, F.S.; providing for standardized credentialing of health care practitioners; providing intent and definitions; providing for a standardized credentials verification program; providing for delegation of credentialing authority by contract; providing for availability of data collected; prohibiting collection of duplicate data; specifying conditions for reliability of data; providing for standards and registration, including a registration fee; preserving health care entities from liability and certain actions for reliance on data provided by a credentials verification entity; providing for practitioner review of data prior to release; providing for validation of credentials; providing liability insurance requirements; providing for rules; providing for reappointment of a task force and providing its purpose; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 1940** and by two-thirds vote read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 4515** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Thomas

On motion by Senator Bronson, by two-thirds vote **CS for HB 4071** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Bronson, by two-thirds vote—

CS for HB 4071—A bill to be entitled An act relating to environmental protection; amending s. 373.4137, F.S.; requiring ongoing annual submissions, to the Department of Environmental Protection and water management districts, by the Department of Transportation of its adopted work program and inventory of impacted habitats; authorizing inclusion of habitat impacts of future transportation projects; providing activities associated with development of mitigation plans; requiring water management districts to consult with entities operating mitigation banks when developing mitigation plans; providing that a water management district's preliminary approval of a mitigation plan does not constitute a decision affecting substantial interests; requiring mitigation plans to include certain information; authorizing exclusion of certain projects from the environmental impact inventory; extending certain mitigation funding through fiscal year 2004-2005; authorizing amendment of annual mitigation plans for certain purposes; providing for uses of funds not directed to implement mitigation plans; deleting obsolete language relating to a report; creating s. 373.4139, F.S.; providing legislative findings and intent; providing for mitigation for mining activities within certain areas; levying a mitigation fee; providing for collection and disposition of such mitigation fees; providing duties of the Department of Revenue; providing for adjustment of the mitigation fee; specifying uses of fee proceeds; amending s. 373.4149, F.S.; revising requirements for development of Phase II of the Lake Belt Plan; repealing s. 373.4149(10), F.S., relating to development of a comprehensive mitigation plan; amending s. 338.223, F.S.; requiring environmental feasibility review prior to advance right-of-way purchases for a proposed turnpike project; providing exceptions for hardship and protective purchases; amending s. 86 of ch. 93-213, Laws of Florida; deleting the requirement for certain repayment of funds appropriated for the state NPDES program from the Pollution Recovery Trust Fund; providing an effective date.

—a companion measure, was substituted for **CS for SB 986** and by two-thirds vote read the second time by title.

Senator Bronson moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements.—

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the Department of Environmental Protection and the water management districts, including the use of mitigation banks established pursuant to this part.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation shall be developed as follows:

(a) *Each June 1* ~~Beginning July 1996~~, the Department of Transportation shall submit ~~annually~~ to the Department of Environmental Protection and the water management districts a copy of its adopted work program and an inventory of habitats addressed in the rules adopted pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by its plan of construction for transportation projects in the *next* ~~first~~ 3 years of the adopted work program. *The Department of Transportation may also include in its inventory the habitat impacts of any future transportation project identified in the adopted work program.* ~~For the July 1996 submittal,~~ The inventory may exclude those projects which have received permits pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, projects for which mitigation planning or design has commenced, or projects for which mitigation has been implemented in anticipation of future permitting needs.

(b) The environmental impact inventory shall include a description of these habitat impacts, including their location, acreage, and type; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a survey of threatened species, endangered species, and species of special concern affected by the proposed project.

(3) To fund the mitigation plan for the projected impacts identified in the inventory described in subsection (2), ~~beginning July 1, 1997,~~ the Department of Transportation shall identify funds quarterly in an escrow account within the State Transportation Trust Fund established by the Department of Transportation for the benefit of the Department of Environmental Protection. Any interest earnings from the escrow account shall be returned to the Department of Transportation. The Department of Environmental Protection shall request a transfer of funds from the escrow account to the Ecosystem Management and Restoration Trust Fund no sooner than 30 days prior to the date the funds are needed to pay for activities contained in the mitigation programs. The amount transferred each year by the Department of Transportation shall correspond to a cost per acre of $75,000 multiplied by the projected acres of impact identified in the inventory described in subsection (2) within the water management district for that year. The water management district may draw from the trust fund no sooner than 30 days prior to the date funds are needed to pay for activities associated with development or implementation of the mitigation plan described in subsection (4). *Activities associated with the development of the mitigation plan include, but are not limited to, design, engineering, production, and staff support.* Each July 1, ~~beginning in 1998,~~ the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. At the end of each year, the projected acreage of impact shall be reconciled with the acreage of impact of projects as permitted pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and the following year's transfer of funds shall be adjusted accordingly to reflect the overtransfer or undertransfer of funds from the preceding year. The Department of Environmental Protection is authorized to transfer such funds from the Ecosystem Management and Restoration Trust Fund to the water management districts to carry out the mitigation programs.

(4) Prior to December *1 of each year* ~~31, 1996~~, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, ~~and~~ other appropriate federal, state, and local governments, *and entities operating mitigation banks which have obtained a permit pursuant to s. 373.4136*, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant aquatic and exotic plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs *and shall focus on activities of the department and the water management districts, such as surface water improvement and management projects and lands identified for potential acquisition or restoration, to the extent such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344.* In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under this part and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. *The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569.* At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(a) Each mitigation plan shall include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option for each transportation project addressed in the plan, including an estimation and description of identifiable costs of the mitigation bank and nonmitigation bank option to the extent practicable.

(b)~~(a)~~ If the Department of Environmental Protection and water management districts are unable to identify mitigation that would offset the impacts of a project included in the inventory, either due to the nature of the impact or the amount of funds available, that project shall not be addressed in the mitigation plan and the project shall not be subject to the provisions of this section.

(c)~~(b)~~ Specific projects may be excluded from *the environmental impact inventory and* the mitigation plan and shall not be subject to this section upon the agreement of the Department of Transportation, the Department of Environmental Protection, and the appropriate water management district that the inclusion of such projects would hamper the efficiency or timeliness of the mitigation planning and permitting process.

(d)~~(c)~~ Those transportation projects that are proposed to commence in fiscal year 1996-1997 shall not be addressed in the mitigation plan, and the provisions of subsection (7) shall not apply to these projects. The Department of Transportation may enter into interagency agreements with the Department of Environmental Protection or any water management district to perform mitigation planning and implementation for these projects.

(e) Surface water improvement and management or aquatic or exotic plant control projects undertaken using the $12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 shall remain available for mitigation until the $12 million is fully credited up to and including fiscal year 2004-2005. When these projects are used as mitigation, the $12 million advance shall be reduced by $75,000 per acre of impact mitigated. For any fiscal year through and including fiscal year 2004-2005, to the extent the cost of developing and implementing the mitigation plans is less than the amount transferred from the Department of Transportation to the Department of Environmental Protection pursuant to subsection (3), the difference shall be credited towards the $12 million advance.

~~(d) On July 1, 1996, the Department of Transportation shall transfer to the Department of Environmental Protection $12 million from the State Transportation Trust Fund for the purposes of the surface water improvement management program and to address statewide aquatic and exotic plant problems within wetlands and other surface waters. Such funds shall be considered an advance upon funds that the Department of Transportation would provide for statewide mitigation during the 1997-1998, 1998-1999, and 1999-2000 fiscal years. This use of mitigation funds for surface water improvement management projects or aquatic and exotic plant control may be utilized as mitigation for transportation projects to the extent that it complies with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. To the extent that such activities result in mitigation credit for projects permitted in fiscal year 1996-1997, all or part of the $12 million funding for surface water improvement management projects or aquatic and exotic plant control in fiscal year 1996-1997 shall be drawn from Department of Transportation mitigation funding for fiscal year 1996-1997 rather than from mitigation funding for fiscal years 1997-1998, 1998-1999, and 1999-2000, in an amount equal to the cost per acre of impact described in subsection (3), times the acreage of impact that is mitigated by such plant control activities. Any part of the $12 million that does not result in mitigation credit for projects permitted in fiscal year 1996-1997 shall remain available for mitigation credit during fiscal years 1997-1998, 1998-1999, or 1999-2000.~~

(5) The water management district shall be responsible for ensuring that mitigation requirements pursuant to 33 U.S.C. s. 1344 are met for the impacts identified in the inventory described in subsection (2), by implementation of the approved plan described in subsection (4) *to the extent funding is provided* ~~as funded~~ by the Department of Transportation. During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements.

(6) The mitigation plan shall be updated annually to reflect the most current Department of Transportation work program, *and may be amended throughout the year to anticipate schedule changes or additional projects which may arise.* Each update *and amendment* of the mitigation plan shall be submitted to the secretary of the Department of Environmental Protection for approval ~~as described in subsection (4)~~. However, such approval shall not be applicable to a deviation as described in subsection (5).

(7) Upon approval by the secretary of the Department of Environmental Protection, the mitigation plan shall be deemed to satisfy the mitigation requirements under this part and any other mitigation requirements imposed by local, regional, and state agencies for impacts identified in the inventory described in subsection (2). The approval of the secretary shall authorize the activities proposed in the mitigation plan, and no other state, regional, or local permit or approval shall be necessary.

(8) This section shall not be construed to eliminate the need for the Department of Transportation to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water quantity or water quality impacts, or impacts regulated under this part that are not identified in the inventory described in subsection (2).

(9) The recommended mitigation plan shall be annually submitted to the Executive Office of the Governor and the Legislature through the legislative budget request of the Department of Environmental Protection in accordance with chapter 216. Any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund aquatic and exotic plant problems within the wetlands and other surface waters.

~~(10) By December 1, 1997, the Department of Environmental Protection, in consultation with the water management districts, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the implementation of this section, including the use of public and private mitigation banks and other types of mitigation approved in the mitigation plan. The report shall also recommend any amendments to this section necessary to improve the process for developing and implementing mitigation plans for the Department of Transportation. The report shall also include a specific section on how private and public mitigation banks are utilized within the mitigation plans.~~

Section 2. Paragraph (b) of subsection (2) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(2)

(b) In accordance with the legislative intent expressed in s. 337.273, *and after the requirements of paragraph (1)(c) have been met,* the department may acquire lands and property before making a final determination of the economic feasibility of a project. *The requirements of paragraph (1)(c) shall not apply to hardship and protective purchases of advance right-of-way by the department.* The cost of advance acquisition of right-of-way may be paid from bonds issued under s. 337.276 or from turnpike revenues. *For purposes of this paragraph, the term "hardship purchase" means purchase from a property owner of a residential dwelling of not more than four units who is at a disadvantage due to health impairment, job loss, or significant loss of rental income. For purposes of this paragraph, the term "protective purchase" means a purchase to limit development, building, or other intensification of land uses within the area right-of-way needed for transportation facilities. The department shall give written notice to the Department of Environmental Protection 30 days prior to final agency acceptance as set forth in s. 119.07(3)(n), which notice shall allow the Department of Environmental Protection to comment. Hardship and protective purchases of right-of-way shall not influence the environmental feasibility of the project, including the decision relative to the need to construct the project or the selection of a specific location. Costs to acquire and dispose of property acquired as hardship and protective purchases are considered costs of doing business for the department and shall not be considered in the determination of environmental feasibility for the project.*

Section 3. Section 86 of chapter 93-213, Laws of Florida, is amended to read:

Section 86. The Department of Environmental Regulation is authorized 54 career service positions for administering the state NPDES program. Twenty-five career service positions are authorized for startup of the program beginning July 1, 1993, and the remaining 29 career service positions beginning January 1, 1994. The state NPDES program staffing

shall start July 1, 1993, with completion targeted for 6 months following United States Environmental Protection Agency authorization to administer the National Pollutant Discharge Elimination System program. Implementation of positions is subject to review and final approval by the secretary of the Department of Environmental Regulation. The sum of $3.2 million is hereby appropriated from the Pollution Recovery Trust Fund to cover program startup costs. ~~Such funds are to be repaid from a fund the Legislature deems appropriate, no later than July 1, 2000.~~

Section 4. Section 373.4139, Florida Statutes, is created to read:

373.4139 Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Dade County Lake Belt.—

(1) The Legislature finds that the impact of mining within the Dade County Lake Belt Area can best be offset by a mitigation plan that is designated the "Lake Belt Mitigation Plan." The per-ton mitigation fee assessed on limestone sold from the Dade County Lake Belt Area shall be used for acquiring environmentally sensitive lands and for restoration, maintenance, and other environmental purposes. Further, the Legislature finds that the public benefit of a sustainable supply of limestone construction materials for public and private projects requires a coordinated approach to permitting activities on wetlands within the Dade County Lake Belt in order to provide the certainty necessary to encourage substantial and continued investment in the limestone processing plant and equipment required to efficiently extract the limestone resource. It is the intent of the Legislature that the Lake Belt Mitigation Plan satisfy all local, state, and federal requirements for mining activity within the Dade County Lake Belt Area.

(2) To provide for the mitigation of wetland resources lost to mining activities within the Dade County Lake Belt Area, effective October 1, 1998, a mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand from within the Dade County Lake Belt Area. The mitigation fee is at the rate of 5 cents for each ton of limerock and sand sold from within the Dade County Lake Belt Area in raw, processed, or manufactured form, including, but not limited to, sized aggregate, asphalt, cement, concrete, and other limerock and concrete products. Any limerock or sand that is used within the mine from which the limerock or sand is extracted is exempt from the fee. The amount of the mitigation fee imposed under this section must be stated separately on the invoice provided to the purchaser of the limerock product from the limerock miner, or its subsidiary or affiliate, for which the mitigation fee applies. The limerock miner, or its subsidiary or affiliate, who sells the limerock product shall collect the mitigation fee and forward the proceeds of the fee to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs.

(3) The mitigation fee imposed by this section must be reported to the Department of Revenue. Payment of the mitigation fee must be accompanied by a form prescribed by the Department of Revenue. The proceeds of the fee, less administrative costs, must be transferred by the Department of Revenue to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund. As used in this section, the term "proceeds of the fee" means all funds collected and received by the Department of Revenue under this section, including interest and penalties on delinquent mitigation fees. The amount deducted for administrative costs may not exceed 3 percent of the total revenues collected under this section and may equal only those administrative costs reasonably attributable to the mitigation fee.

(4)(a) The Department of Revenue shall administer, collect, and enforce the mitigation fee authorized under this section in accordance with the procedures used to administer, collect, and enforce the general sales tax imposed under chapter 212. The provisions of chapter 212, with respect to the authority of the Department of Revenue to audit and make assessments, the keeping of books and records, and the interest and penalties imposed on delinquent fees apply to this section. The fee may not be included in computing estimated taxes under s. 212.11, and the dealer's credit for collecting taxes or fees provided for in s. 212.12, does not apply to the mitigation fee imposed by this section.

(b) In administering this section, the Department of Revenue may employ persons and incur expenses for which funds are appropriated by the Legislature. The Department of Revenue shall adopt rules and prescribe and publish forms necessary to administer this section. The Department of Revenue shall establish audit procedures and may assess delinquent fees.

(5) Beginning January 1, 2000, and each January 1 thereafter, the per-ton mitigation fee shall be increased by 1.9 percentage points, plus a cost growth index. The cost growth index shall be the percentage change in the weighted average of the Employment Cost Index for All Civilian Workers (ecu 10001I), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, and the percentage change in the Producer Price Index for All Commodities (WPU 00000000), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, compared to the weighted average of these indices for the previous year. The weighted average shall be calculated as 0.6 times the percentage change in the Employment Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times the percentage change in the Producer Price Index for All Commodities (WPU 00000000). If either index is discontinued, it shall be replaced by its successor index, as identified by the United States Department of Labor.

(6)(a) The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities in the Dade County Lake Belt Area and must be used in a manner consistent with the recommendations contained in the reports submitted to the Legislature by the Dade County Lake Belt Plan Implementation Committee and adopted under s. 373.4149. Such mitigation may include the purchase, enhancement, restoration, and management of wetlands and uplands, the purchase of mitigation credit from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Dade County Lake Belt Area. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition Program and the Internal Improvement Trust Fund, for the purchase of lands that were acquired in areas appropriate for mitigation due to rock mining and to reimburse governmental agencies that exchanged land under s. 373.4149, for mitigation due to rock mining.

(b) Expenditures must be approved by an interagency committee that consists of representatives from each of the following: the Miami-Dade County Department of Environmental Resource Management, the Department of Environmental Protection, the South Florida Water Management District, and the Game and Fresh Water Fish Commission. In addition, the limerock mining industry shall select a representative to serve as a nonvoting member of the interagency committee. At the discretion of the committee, additional members may be added to represent federal regulatory, environmental, and fish and wildlife agencies.

(7) Payment of the fee imposed by this section satisfies the mitigation requirements imposed under sections 373.403-373.439, Florida Statutes, and any applicable county ordinance for loss of the value and functions of the wetlands mined. In addition, it is the intent of the Legislature that the payment of the mitigation fee imposed by this section satisfy all federal mitigation requirements for the wetlands mined.

(8) If a general permit by the United States Army Corps of Engineers, or an appropriate long-term permit for mining, consistent with the Dade County Lake Belt Plan, this section, and s. 378.4115, 373.4149, and 373.4415, is not issued on or before September 30, 2000, the fee imposed by this section is suspended until reenacted by the Legislature.

(9)(a) The interagency committee established in this section shall annually prepare and submit to the governing board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee.

(b) No sooner than January 31, 2010, and no more frequently than every 10 years thereafter, the interagency committee shall submit to the Legislature a report recommending any needed adjustments to the mitigation fee to ensure that the revenue generated reflects the actual costs of the mitigation.

Section 5. Subsections (5), (6), (10), (11), and (12) of section 373.4149, Florida Statutes, are amended to read:

373.4149 Dade County Lake Belt Plan.—

(5) The committee shall develop Phase II of the Lake Belt Plan which shall:

(a) Include a detailed master plan to further implementation;

(b) Further address compatible land uses, opportunities, and potential conflicts;

(c) Provide for additional wellfield protection;

(d) Provide measures to prevent the reclassification of the Northwest Dade County wells as groundwater under the direct influence of surface water;~~.~~

(e) Secure additional funding sources; ~~and~~

(f) Consider the need to establish a land authority*; and*~~.~~

(g) Analyze the hydrological impacts resulting from the future mining included in the Lake Belt Plan and recommend appropriate mitigation measures, if needed, to be incorporated into the Lake Belt Mitigation Plan.

(6) The committee shall remain in effect until January 1, *2002* ~~2001~~, and shall meet as deemed necessary by the chair. The committee shall monitor and direct progress toward developing and implementing the plan. The committee shall submit progress reports to the governing board of the South Florida Water Management District and the Legislature by December 31 of each year. These reports shall include a summary of the activities of the committee, updates on all ongoing studies, any other relevant information gathered during the calendar year, and the committee recommendations for legislative and regulatory revisions. The committee shall submit a Phase II report and plan to the governing board of the South Florida Water Management District and the Legislature by December 31, 2000, to supplement the Phase I report submitted on February 28, 1997. The Phase II report must include the detailed master plan for the Dade County Lake Belt Area together with the final reports on all studies, the final recommendations of the committee, the status of implementation of Phase I recommendations and other relevant information, and the committee's recommendation for legislative and regulatory revisions.

~~(10) The Department of Environmental Protection, in conjunction with the South Florida Water Management District and the Dade County Department of Environmental Resources Management, is directed to develop a comprehensive mitigation plan for the Dade County Lake Belt Plan, subject to approval by the Legislature, which offsets the loss of wetland functions and values resulting from rock mining in mining-supported and allowable areas.~~

(10)~~(11)~~ The secretary of the Department of Environmental Protection, the secretary of the Department of Community Affairs, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Game and Freshwater Fish Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the provisions of this section.

(11)~~(12)~~(a) All agencies of the state shall review the status of their landholdings within the boundaries of the Dade County Lake Belt. Those lands for which no present or future use is identified must be made available, together with other suitable lands, to the committee for its use in carrying out the objectives of this act.

(b) It is the intent of the Legislature that lands provided to the committee be used for land exchanges to further the objectives of this act.

Section 6. *Section 36, Township 53 South, Range 39 East, is excluded from the geographical area described as the Dade County Lake Belt Area and delineated in 373.4149(3), Florida Statutes. Land uses in this excluded area shall be compatible with the Dade County Lake Belt Plan.*

Section 7. Subsection (8) is added to section 373.421, Florida Statutes, to read:

373.421 Delineation methods; formal determinations.—

(8) Whenever the location of a wetland delineation, approved or performed by the department or the district, is certified pursuant to chapter 471 or chapter 472, the delineation shall be accepted as a formal determination pursuant to section 373.421(2) or shall be accepted or as part of a permit issued pursuant to this part.

Section 8. Subsections (8) and (9) are added to section 373.139, Florida Statutes, to read:

(8) The Legislature declares that the Kissimmee River, Florida Project as identified in the Project Cooperation Agreement between the Department of the Army and the South Florida Water Management District, dated March 22, 1994, and the C-111 Project as identified in the Central and Southern Florida Flood Control Project Real Estate Design Memorandum Canal 111, South Dade County, Florida are in the public interest, for a public purpose and are necessary for the public health and welfare. Through July 1, 2000, the governing board of the district is empowered and authorized to acquire fee title or easement by eminent domain for the limited purpose of implementing the Kissimmee River, Florida Project and the C-111 Project, more fully described above, and the acquisition of real property, including by eminent domain, for these objectives constitutes a public purpose for which it is in the public interest to expend public funds.

(9) Through July 1, 2000, the South Florida Water Management District may disburse state or district funds to any agency or department of the Federal Government in any agreement or arrangement to take property or any interest therein by eminent domain, pursuant to federal law, unless such arrangement diminishes or deprives a person or entity of any right, privilege, or compensation that they would otherwise have if the property or interest was taken by eminent domain under Florida law. This subsection shall not apply to federal grant funds received by the state or district.

Section 9. Subsection (1) of section 337.19, Florida Statutes, is amended to read:

337.19 Suits by and against department; limitation of actions; forum.—

(1) Suits at law and in equity may be brought and maintained by and against the department on any *contract* claim *arising from the breach of an express provision or an implied covenant of a written agreement or a written directive issued by the department pursuant to the written agreement. In any such suit, the department and the contractor shall have all of the same rights, obligations, remedies, and defenses as a private person under a like contract, except that no liability may be based on an oral modification of the written contract or written directive. However, this section shall not be construed to in any way prohibit the department from limiting its liability or damages through provisions in its contracts. Notwithstanding anything to the contrary contained herein, no employee or agent of the department may be held personally liable to an extent greater than that provided under s. 768.28* ~~under contract for work done~~; provided, that no suit sounding in tort shall be maintained against the department.

Section 10. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to environmental protection; amending s. 373.4137, F.S.; requiring ongoing annual submissions, to the Department of Environmental Protection and water management districts, by the Department of Transportation of its adopted work program and inventory of impacted habitats; authorizing inclusion of habitat impacts of future transportation projects; providing activities associated with development of mitigation plans; requiring water management districts to consult with entities operating mitigation banks when developing mitigation plans; providing that a water management district's preliminary approval of a mitigation plan does not constitute a decision affecting substantial interests; requiring mitigation plans to include certain information; authorizing exclusion of certain projects from the environmental impact inventory; extending certain mitigation funding through fiscal year 2004-2005; authorizing amendment of annual mitigation plans for certain purposes; providing for uses of funds not directed to

implement mitigation plans; deleting obsolete provisions relating to a report; amending s. 338.223, F.S.; requiring environmental feasibility review prior to advance right-of-way purchases for a proposed turnpike project; providing exceptions for hardship and protective purchases; amending s. 86 of ch. 93-213, Laws of Florida; deleting a scheduled repayment of funds previously appropriated for startup costs of the National Pollutant Discharge Elimination System program; creating s. 373.4139, F.S.; providing legislative findings and intent with respect to a mitigation plan for the Dade County Lake Belt Area to offset the impact of mining activities; imposing a fee on the commercial extraction of limerock and sand from the Dade County Lake Belt Area; requiring the proceeds of the mitigation fee to be paid to the Department of Revenue; providing for transfer of proceeds of the mitigation fee to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund; providing for the Department of Revenue to administer the collection of the fee; authorizing the department to adopt rules; providing for an annual adjustment of the fee rate after a specified date; specifying purposes for which the proceeds of the mitigation fee may be used; requiring that expenditures be approved by an interagency committee; providing for membership of the committee; providing that payment of the fee satisfies certain requirements for mitigation; providing for suspension of imposition of the fee under certain circumstances; requiring the interagency committee to submit certain reports; amending s. 373.4149, F.S.; providing additional requirements for the Dade County Lake Belt Plan; extending the term of the Dade County Lake Belt Plan Implementation Committee; deleting a requirement that the Department of Environmental Protection develop a mitigation plan to offset loss of wetlands due to rock mining; excluding certain property from the Dade County Lake Belt Area; amending s. 373.421, F.S.; providing that certain delineations of wetlands shall be accepted as formal determinations or as part of a permit issued under Part IV of ch. 373, F.S.; providing for the adoption of rules; amending s. 373.139, F.S.; allowing the disbursement of certain district funds or assets in eminent domain proceedings under certain circumstances for a specified period; providing standing to sue for certain persons; providing a declaration that the Kissimmee River Project is in the public interest and for a public purpose; authorizing certain eminent domain proceedings; amending s. 337.19, F.S.; authorizing suits to be brought against the department for the breach of an expressed provision or an implied covenant; providing that liability may not be based on an oral modification of a written contract; providing severability; providing an effective date.

Senator Bronson moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 18, line 16, delete the second "*or*"

Amendment 1B—On page 18, delete line 28 and insert: *public health and welfare. The governing*

Senators Forman and Gutman offered the following amendment to **Amendment 1** which was moved by Senator Forman and failed:

Amendment 1C (with title amendment)—On page 20, between lines 11 and 12, insert:

Section 11. *Based on the conservation, recreational, land acquisition, and ecological objectives of this state and the legislatively declared public interest in acquiring the lands in the East Everglades Buffer Strip and Pennsuco wetlands, the South Florida Water Management District is directed to pursue the immediate acquisition of Tracts Nos. 304-974, 304-966, 300-919, and 304-968 in Cell No. 26, Dade County, East Everglades Buffer Strip. The South Florida Water Management District is authorized to purchase such properties at a price equal to or less than the average of the two most recent M.A.I. appraisals. If negotiations do not result in the execution of mutually binding sales contracts for all such properties, the district shall, by August 1, 1998, initiate condemnation proceedings in accordance with the quick-take provisions of chapters 73 and 74, Florida Statutes, on such parcels. Any acquisition or condemnation value resulting from this section is inadmissible and irrelevant with respect to any other acquisition in the project area or to calculating any adjustment in the fee specified in section 373.4139(9), Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 20, line 22, after the semicolon (;) insert: providing for the acquisition of lands in the East Everglades Buffer Strip and Pennsuco wetlands;

Amendment 1 as amended was adopted.

POINT OF ORDER

Senator Crist raised a point of order that pursuant to Rule 4.8 the bill as amended should be referred to the Committee on Ways and Means.

RULING ON POINT OF ORDER

On recommendation of Senator Donald C. Sullivan, Chairman of the Committee on Ways and Means, the President ruled the point not well taken.

On motion by Senator Bronson, by two-thirds vote **CS for HB 4071** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Diaz-Balart	Jones	Rossin
Bankhead	Dudley	Kirkpatrick	Scott
Bronson	Dyer	Kurth	Silver
Brown-Waite	Forman	Laurent	Sullivan
Campbell	Geller	Lee	Thomas
Casas	Gutman	McKay	Turner
Childers	Hargrett	Meadows	Williams
Clary	Harris	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—3

Crist	Klein	Latvala

On motion by Senator Diaz-Balart, by two-thirds vote **CS for HB 1667** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Diaz-Balart, by unanimous consent—

CS for HB 1667—A bill to be entitled An act relating to trust funds; creating the Lake Belt Mitigation Trust Fund within the South Florida Water Management District; providing for sources of moneys and purposes; providing an exemption from termination; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for HB 1667** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

On motion by Senator Grant, by two-thirds vote **CS for HB 117** was withdrawn from the Committees on Ways and Means, Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

On motion by Senator Grant—

CS for HB 117—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing

an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an effective date.

—a companion measure, was substituted for **SB 732** and read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 117** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Harris	Meadows
Bankhead	Crist	Horne	Myers
Bronson	Diaz-Balart	Kirkpatrick	Ostalkiewicz
Brown-Waite	Dudley	Klein	Rossin
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sullivan
Casas	Geller	Laurent	Thomas
Childers	Grant	Lee	Turner
Clary	Gutman	McKay	Williams

Nays—None

On motion by Senator Dudley, by two-thirds vote **HB 4063** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Dudley—

HB 4063—A bill to be entitled An act relating to public lodging establishments; amending s. 509.32, F.S.; changing the date of submission of an annual report to the Governor by the Division of Hotels and Restaurants of the Department of Business Regulation; amending s. 509.191, F.S.; reducing the period of time in which certain unclaimed property left in a public lodging or public food service establishment must be held by the establishment; amending s. 509.201, F.S.; revising requirements for publishing advertisements relating to rates charged at specified public lodging establishments; providing an effective date.

—a companion measure, was substituted for **CS for SB 1934** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 4063** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Horne	Myers	

Nays—None

Consideration of **CS for CS for SB 1994** was deferred.

CS for SB 300—A bill to be entitled An act relating to economic development; authorizing tax credits to a certain business; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; amending s. 290.0055, F.S.; extending the date by which certain counties may apply to amend enterprise zone boundary lines; amending s. 290.0065, F.S.; providing for amendment of the boundaries of an enterprise zone designated pursuant to s. 290.0065(5)(b), F.S., upon application by the county to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones upon request from certain counties; providing restrictions; providing an appropriation to the Department of Community Affairs; providing an appropriation to the Office of Tourism, Trade, and Economic Development for the Technological Research and Development Authority; providing an effective date.

—was read the second time by title

An amendment was considered and adopted to conform **CS for SB 300** to **HB 3225**.

Pending further consideration of **CS for SB 300** as amended, on motion by Senator Hargrett, by two-thirds vote **HB 3225** was withdrawn from the Committees on Ways and Means; and Community Affairs.

On motion by Senator Hargrett, by two-thirds vote—

HB 3225—A bill to be entitled An act relating to economic development; providing an appropriation to the Office of Tourism, Trade, and Economic Development for the Technological Research and Development Authority; authorizing tax credits to a certain business; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; amending s. 290.0065, F.S.; providing for amendment of the boundaries of an enterprise zone designated pursuant to s. 290.0065(5)(b), F.S., upon application by the county to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones upon request from certain counties; providing restrictions; providing for repeal; amending s. 290.0055, F.S.; providing extended date for application to amend certain boundary lines; providing an effective date.

—a companion measure, was substituted for **CS for SB 300** as amended and by two-thirds vote read the second time by title. On motion by Senator Hargrett, by two-thirds vote **HB 3225** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Rossin
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Geller	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	Meadows	
Clary	Harris	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

On motion by Senator Horne, by two-thirds vote **HB 4491** was withdrawn from the Committees on Rules and Calendar; and Ways and Means.

On motion by Senator Horne, by two-thirds vote—

HB 4491—A bill to be entitled An act relating to trust funds; creating the Florida School District Review Trust Fund, to be administered by the

Office of Program Policy Analysis and Government Accountability; providing for source of funds; directing the office to use the trust fund to pay the cost of best financial management practices reviews; providing for refunds to school districts; providing for future review and termination or re-creation of the trust fund; providing for annual carryforward of funds; amending s. 230.23025, F.S.; providing for the deposit of funds from school districts; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2352** and by two-thirds vote read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 4491** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Horne	Myers	
Diaz-Balart	Jones	Ostalkiewicz	

Nays—None

CS for SB 1028—A bill to be entitled An act relating to obtaining personal property or certain services illegally; amending s. 812.15, F.S.; prohibiting the possession or advertisement for sale of certain equipment designed and primarily useful for unauthorized reception of cable system communications; providing penalties; amending s. 812.155, F.S.; prescribing acts that constitute prima facie evidence of intent to defraud; providing authorized means for demand for return; requiring notice on rental agreements; providing penalties; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1028** to **HB 1317**.

Pending further consideration of **CS for SB 1028** as amended, on motion by Senator Gutman, by two-thirds vote **HB 1317** was withdrawn from the Committees on Commerce and Economic Opportunities; and Judiciary.

On motion by Senator Gutman—

HB 1317—A bill to be entitled An act relating to obtaining personal property or certain services illegally; amending s. 812.15, F.S.; prohibiting the possession or advertisement for sale of certain equipment designed and primarily useful for unauthorized reception of cable system communications; providing penalties; amending s. 812.155, F.S.; prescribing acts that constitute prima facie evidence of intent to defraud; providing authorized means for demand for return; requiring notice on rental agreements; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 1028** as amended and read the second time by title. On motion by Senator Gutman, by two-thirds vote **HB 1317** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jones	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Scott
Brown-Waite	Dudley	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Gutman	Laurent	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	

Nays—1

Ostalkiewicz

HB 3689—A bill to be entitled An act relating to historical resources; amending s. 267.021, F.S.; revising the definition of "historic property" or "historic resource"; repealing s. 267.16(4), F.S., which requires the Division of Historical Resources of the Department of State to maintain the Florida Folklife Archives; repealing s. 267.162, F.S., which creates the Florida Folklife Grant Program within the Division of Historical Resources of the Department of State; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **HB 3689** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Rossin
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Forman	Kurth	Sullivan
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Gutman	McKay	Williams
Childers	Hargrett	Meadows	
Clary	Harris	Myers	
Cowin	Horne	Ostalkiewicz	

Nays—None

On motion by Senator Silver, by two-thirds vote **CS for HB 3345** was withdrawn from the Committees on Transportation and Community Affairs.

On motion by Senator Silver, by two-thirds vote—

CS for HB 3345—A bill to be entitled An act relating to regulation of wrecker operators and persons immobilizing vehicles; amending s. 1.01, F.S.; defining the term "wrecker operator"; providing for a law enforcement officer to place a hold order on a motor vehicle in a wrecker operator's storage facility; prescribing conditions on such acts; authorizing county and municipal wrecker operator systems; prohibiting certain acts in contravention of such systems; providing penalties; amending ss. 125.0103 and 166.043, F.S.; providing that counties must establish maximum fees which may be charged for the towing or immobilization of vehicles; amending s. 316.193, F.S.; providing for a receipt to the wrecker operator to be given at the time of release of a vehicle impounded or immobilized as a result of a charge of driving under the influence; amending s. 321.051, F.S.; revising provisions authorizing the Florida Highway Patrol to establish a wrecker operator system; prohibiting certain acts in contravention of such system; providing penalties; amending s. 322.34, F.S.; revising provisions relating to impoundment or immobilization of vehicles being operated while the operator's license is suspended, revoked, canceled, or disqualified; providing for payment of accrued charges; amending s. 713.78, F.S.; providing that law allowing a lien for recovering, towing, or storing a vehicle does not authorize a lien for immobilizing a vehicle; providing liability for damages or theft in connection with a towed vehicle; amending s. 319.30, F.S.; conforming a cross reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 710** and by two-thirds vote read the second time by title.

Senator Silver moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 9, line 23 through page 11, line 2, delete those lines and insert:

(d) In addition to the penalty imposed under paragraph (a), paragraph (b), or paragraph (c), the court shall also order the impoundment or immobilization of *a vehicle owned, leased, or rented by* ~~the vehicle that was driven by, or in the actual physical control of,~~ the offender, unless the court finds that the family of the owner of the vehicle has no other public or private means of transportation. The period of impoundment or immobilization is 10 days, or, for the second conviction within 3 years,

30 days, or, for the third conviction within 5 years, 90 days and may not be concurrent with probation or imprisonment. If the vehicle is leased or rented, the period of impoundment or immobilization may not extend beyond the expiration of the lease or rental agreement. Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court shall send notice by certified mail, return receipt requested, to ~~the registered owner of the vehicle if the registered owner is a person other than~~ the offender and to each person of record claiming a lien against the *immobilized or impounded* vehicle. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the *offender* ~~owner of the vehicle or, if the vehicle is leased or rented, by the person leasing or renting the vehicle~~. The person who owns a vehicle that is impounded or immobilized under this paragraph, or a person who has a lien of record against such a vehicle, may, within 10 days after the date that person has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld from the owner or lienholder. Upon the filing of a complaint, the owner or lienholder may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of such costs and fees if the owner or lienholder does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner or lienholder must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

And the title is amended as follows:

On page 1, lines 16-20, delete those lines and insert: s. 316.193, F.S.; providing that the vehicle to be impounded or immobilized need not be the vehicle involved in the D.U.I., but must be a vehicle owned, leased, or rented by the offender; providing that the D.U.I. offender will bear all costs and fees of impoundment or immobilization of the vehicle, including cost of notification; amending s. 321.051, F.S.; revising

Amendment 2 (with title amendment)—On page 11, between lines 25 and 26, insert:

Section 7. Paragraphs (d) and (e) of subsection (5) of section 320.08, Florida Statutes, are amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(d) A wrecker, as defined in s. 320.01(40), which is used to tow *a vessel as defined in s. 327.02(36),* a disabled, *abandoned, stolen-recovered, or impounded* motor vehicle as defined in s. 320.01(38), or a replacement motor vehicle as defined in s. 320.01(39): $30 flat.

(e) A wrecker, as defined in s. 320.01(40), which is used to tow any motor vehicle, regardless of whether or not such motor vehicle is a disabled motor vehicle as defined in s. 320.01(38), ~~or~~ a replacement motor vehicle as defined in s. 320.01(39), *a vessel as defined in s. 327.02(36), or any other cargo,* as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $87 flat.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $131 flat.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: $186 flat.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: $240 flat.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $300 flat.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $572 flat.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $678 flat.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $800 flat.

9. Gross vehicle weight of 72,000 pounds or more: $979 flat.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the first semicolon (;) insert: amending s. 320.08, F.S.; providing for certain license taxes to apply to wreckers used to tow vessels;

Amendment 3 (with title amendment)—On page 11, between lines 25 and 26, insert:

Section 7. Paragraph (a) of subsection (1) of section 320.04, Florida Statutes, is amended to read:

320.04 Registration service charge.—

(1)(a) There shall be a service charge of $2.50 for each application which is handled in connection with original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker or with transfer or duplicate issuance of any registration certificate. There may also be a service charge of up to $1 for the issuance of each license plate validation sticker and mobile home sticker issued from an automated vending facility *or printer dispenser machine* which shall be payable to and retained by the department to provide for automated vending facilities or *printer dispenser* machines used to dispense such stickers *by* ~~in~~ each tax collector's or license tag agent's *employee* ~~office~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the first semicolon (;) insert: amending s. 320.04, F.S.; providing a service charge for validation stickers issued by printer dispenser machines

Amendment 4—On page 14, line 24 through page 15, line 10, delete those lines and insert: section has been leased *or rented* or if there are any persons of record with a lien upon the vehicle. Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall notify by *express courier service with receipt or certified mail, return receipt requested, within 7 business days after the date of the immobilization or impoundment of the vehicle, the registered owner and all persons having a recorded lien against the vehicle* ~~telephone any lessor or lienholder before 5 p.m. on the business day after the day~~ that the vehicle has been impounded or immobilized. A lessor, *rental car company,* or lienholder may then obtain the vehicle, upon payment of any lawful towing or storage charges. *If the vehicle is a rental vehicle subject to a written contract, the charges may be separately charged to the renter, in addition to the rental rate, along with other separate fees, charges, and recoupments disclosed on the rental agreement.* If the storage facility fails to provide timely notice to a lessor, *rental car company,* or lienholder as required by this paragraph, the storage facility shall be responsible for payment of any towing or storage charges necessary to release the vehicle to a lessor, *rental car company,* or lienholder that accrue after the notice period, which charges may then be assessed against the driver of the vehicle if the vehicle was lawfully impounded or immobilized.

Senator Silver moved the following amendment:

Amendment 5 (with title amendment)—On page 16, line 3 through page 24, line 22, delete those lines and insert:

713.78 Liens for recovering, towing, or storing vehicles *and undocumented vessels.*—

(1) For the purposes of this section, the term:

(a) "Vehicle" means any mobile item, whether motorized or not, which is mounted on wheels.

(b) "Vessel" has the same meaning as the term "undocumented vessel" as defined in s. 372.02(36).

(c)~~(b)~~ "Wrecker" means any truck or other vehicle which is used to tow, carry, or otherwise transport motor vehicles *or vessels upon the streets and highways of this state* and which is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

(2) Whenever a person regularly engaged in the business of transporting vehicles *or vessels* by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle, *vessel,* or mobile home upon instructions from:

(a) The owner thereof; or

(b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle is wrongfully parked, and such removal is done in compliance with s. 715.07; or

(c) Any law enforcement agency; or

(d) A mobile home park owner as defined in s. 723.003 who has a current writ of possession for a mobile home lot pursuant to s. 723.061,

she or he shall have a lien on such vehicle *or vessel* for a reasonable towing fee and for a reasonable storage fee; except that no storage fee shall be charged if such vehicle is stored for less than 6 hours.

(3) This section does not authorize any person to claim a lien on a vehicle for fees or charges connected with the immobilization of such vehicle using a vehicle boot or other similar device pursuant to s. 715.07.

(4)(a)~~(3)(a)~~ Any person regularly engaged in the business of recovering, towing, or storing vehicles *or vessels* who comes into possession of a vehicle *or vessel* pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle *or vessel* to the registered owner and to all persons of record claiming a lien against the vehicle *or vessel*. It shall state the fact of possession of the vehicle *or vessel*, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection *(5)* ~~(4)~~, and that any vehicle *or vessel* which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold in 35 days free of all prior liens.

(c) If attempts to locate the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the owner or lienholder and a physical search of the vehicle *or vessel* has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph, subsection *(9)* ~~(8)~~, and s. 715.05, "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle *or vessel* for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number *or other information identifying the vehicle or vessel*, if the vehicle *or vessel* was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle *or vessel* for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle *or vessel* for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(5)(a)~~(4)(a)~~ The owner of a vehicle *or vessel* removed pursuant to the provisions of subsection (2), or any person claiming a lien, other than the towing-storage operator, within 10 days after the time she or he has knowledge of the location of the vehicle *or vessel*, may file a complaint in the county court of the county in which the vehicle *or vessel* is stored or in which the owner resides to determine if her or his property was wrongfully taken or withheld from her or him.

(b) Upon filing of a complaint, an owner or lienholder may have her or his vehicle *or vessel* released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage and lot rental amount to ensure the payment of such charges in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle *or vessel*. At the time of such release, after reasonable inspection, she or he shall give a receipt to the towing-storage company reciting any claims she or he has for loss or damage to the vehicle *or vessel* or the contents thereof.

(c) Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party. In any event, the final order shall provide for immediate payment in full of recovery, towing, and storage fees by the vehicle *or vessel* owner or lienholder; or the agency ordering the tow; or the owner, lessee, or agent thereof of the property from which the vehicle *or vessel* was removed.

(6)~~(5)~~ Any vehicle *or vessel* which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection *(10)* ~~(9)~~, may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle *or vessel* is stored therein. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection *(4)* ~~(3)~~, notice of the sale shall be given to the person in whose name the vehicle, *vessel,* or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle *or vessel* as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle *or vessel* and the person having the recorded lien on the vehicle *or vessel* at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(7)(a)~~(6)~~ *A wrecker operator* ~~No person regularly engaged in the business of~~ recovering, towing, or storing vehicles *or vessels is not* ~~shall be~~ liable for damages connected with such services, *theft of such vehicles or vessels, or theft of personal property contained in such vehicles or vessels,*

provided that *such services* ~~they~~ have been performed with reasonable care and provided, further, that, in the case of removal of a vehicle *or vessel* upon the request of a person purporting, and reasonably appearing, to be the owner or lessee, or a person authorized by the owner or lessee, of the property from which such vehicle *or vessel* is removed, such removal has been done in compliance with s. 715.07. *Further, a wrecker operator is not liable for damage connected with such services when complying with the lawful directions of a law enforcement officer to remove a vehicle stopped, standing, or parked upon a street or highway in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic upon the street or highway.*

(b) For the purposes of this subsection, a wrecker operator is presumed to use reasonable care to prevent the theft of a vehicle or vessel or of any personal property contained in such vehicle stored in the wrecker operator's storage facility if all of the following apply:

1. The wrecker operator surrounds the storage facility with a chain-link or solid-wall type fence at least 6 feet in height;

2. The wrecker operator has illuminated the storage facility with lighting of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet during nighttime; and

3. The wrecker operator uses one or more of the following security methods to discourage theft of vehicles or vessels or of any personal property contained in such vehicles or vessels stored in the wrecker operator's storage facility:

a. A night dispatcher or watchman remains on duty at the storage facility from sunset to sunrise;

b. A security dog remains at the storage facility from sunset to sunrise;

c. Security cameras or other similar surveillance devices monitor the storage facility; or

d. A security guard service examines the storage facility at least once each hour from sunset to sunrise.

(c) Any law enforcement agency requesting that a motor vehicle be removed from an accident scene, street, or highway must conduct an inventory and prepare a written record of all personal property found in the vehicle before the vehicle is removed by a wrecker operator. A wrecker operator is not liable for the loss of personal property alleged to be contained in such a vehicle when such personal property was not identified on the inventory record prepared by the law enforcement agency requesting the removal of the vehicle.

(8)~~(7)~~ A person regularly engaged in the business of recovering, towing, or storing vehicles *or vessels*, except a person licensed under chapter 493 while engaged in "repossession" activities as defined in s. 493.6101, may not operate a wrecker, tow truck, or car carrier unless the name, address, and telephone number of the company performing the service is clearly printed in contrasting colors on the driver and passenger sides of its vehicle. The name must be in at least 3-inch permanently affixed letters, and the address and telephone number must be in at least 1-inch permanently affixed letters.

(9)~~(8)~~ Failure to make good faith best efforts to comply with the notice requirements of this section shall preclude the imposition of any storage charges against such vehicle *or vessel*.

(10)~~(9)~~ Persons who provide services pursuant to this section shall permit vehicle *or vessel* owners or their agents, which agency is evidenced by a writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths, to inspect the towed vehicle *or vessel* and shall release to the owner or agent all personal property not affixed to the vehicle *or vessel* which was in the vehicle *or vessel* at the time the vehicle *or vessel* came into the custody of the person providing such services.

(11)(a)~~(10)(a)~~ Any person regularly engaged in the business of recovering, towing, or storing vehicles *or vessels* who comes into possession of a vehicle *or vessel* pursuant to subsection (2) and who has complied with the provisions of subsections (3) and *(6)* ~~(5)~~, when such vehicle *or vessel* is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle, *vessel*, or mobile home described in the certificate of title, shall apply to the county tax collector for a certificate of destruction. A certificate of destruction, which authorizes the dismantling or destruction of the vehicle *or vessel* described therein, shall be reassignable and shall accompany the vehicle *or vessel* for which it is issued, when such vehicle *or vessel* is sold for such purposes, in lieu of a certificate of title. The application for a certificate of destruction *must* ~~shall~~ include an affidavit from the applicant that it has complied with all applicable requirements of this section and, if the vehicle *or vessel* is not registered in this state, by a statement from a law enforcement officer that the vehicle *or vessel* is not reported stolen, and shall be accompanied by such documentation as may be required by the department.

(b) The Department of Highway Safety and Motor Vehicles shall charge a fee of $3 for each certificate of destruction. A service charge of $4.25 shall be collected and retained by the tax collector who processes the application.

(c) The Department of Highway Safety and Motor Vehicles may adopt such rules as it deems necessary or proper for the administration of this subsection.

(12)(a)~~(11)(a)~~ Any person who violates any provision of *subsection* ~~subsections~~ (1)*, subsection (2), subsection (4), subsection (5), subsection (6), or subsection (7)* ~~through (6)~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who violates the provisions of subsections *(8)* ~~(7)~~ through *(11)* ~~(10)~~ is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who uses a false or fictitious name, gives a false or fictitious address, or makes any false statement in any application or affidavit required under the provisions of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

On page 2, lines 1-4, delete those lines and insert: storing a vehicle or vessel does not authorize a lien for immobilizing a vehicle or vessel; creating a procedure for liens for towing and storage charges on undocumented vessels in the same manner as currently permitted for vehicles; providing liability for damages or theft in connection with a towed vehicle or vessel; amending s. 319.30, F.S.; conforming a

Senator Silver moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A—On page 1, line 24, delete "372.02(36)" and insert: *327.02(36)*

Amendment 5 as amended was adopted.

Senator Silver moved the following amendment which was adopted:

Amendment 6—In title, on page 1, line 20, after the first semicolon (;) insert: amending s. 320.08, F.S.; providing for certain license taxes to apply to wreckers used to tow vessels;

Senator Lee moved the following amendment which was adopted:

Amendment 7 (with title amendment)—On page 24, between lines 29 and 30, insert:

Section 11. Subsection (6) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(a) For the first conviction, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours; or the court may order instead, that any defendant pay an additional fine of $10 for each

hour of public service or community work otherwise required, if, after consideration of the residence or location of the defendant at the time public service or community work is required, payment of the fine is in the best interests of the state. However, the total period of probation and incarceration may not exceed 1 year. *The court must also, as a condition of probation, order the impoundment or immobilization of the vehicle that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 10 days or for the unexpired term of any lease or rental agreement that expires within 10 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), paragraph (f), or paragraph (g).*

(b) For the second conviction for an offense that occurs within a period of 5 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days. *The court must also, as a condition of probation, order the impoundment or immobilization of the vehicle that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 30 days or for the unexpired term of any lease or rental agreement that expires within 30 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), paragraph (f), or paragraph (g).* At least 48 hours of confinement must be consecutive.

(c) For the third or subsequent conviction for an offense that occurs within a period of 10 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days. *The court must also, as a condition of probation, order the impoundment or immobilization of the vehicle that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 90 days or for the unexpired term of any lease or rental agreement that expires within 90 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), paragraph (f), or paragraph (g).* At least 48 hours of confinement must be consecutive.

(d) The court must at the time of sentencing the defendant issue an order for the impoundment or immobilization of a vehicle. Within 7 business days after the date that the court issues the order of impoundment or immobilization, and once again 30 business days before the actual impoundment or immobilization of the vehicle, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of each vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.

(e) A person who owns but was not operating the vehicle when the offense occurred may submit to the court a police report indicating that the vehicle was stolen at the time of the offense or documentation of having purchased the vehicle after the offense was committed from an entity other than the defendant or the defendant's agent. If the court finds that the vehicle was stolen or that the sale was not made to circumvent the order and allow the defendant continued access to the vehicle, the order must be dismissed and the owner of the vehicle will incur no costs. If the court denies the request to dismiss the order of impoundment or immobilization, the petitioner may request an evidentiary hearing.

(f) A person who owns but was not operating the vehicle when the offense occurred, and whose vehicle was stolen or who purchased the vehicle after the offense was committed directly from the defendant or the defendant's agent, may request an evidentiary hearing to determine whether the impoundment or immobilization should occur. If the court finds that either the vehicle was stolen or the purchase was made without knowledge of the offense, that the purchaser had no relationship to the defendant other than through the transaction, and that such purchase would not circumvent the order and allow the defendant continued access to the vehicle, the order must be dismissed and the owner of the vehicle will incur no costs.

(g) The court shall also dismiss the order of impoundment or immobilization of the vehicle if the court finds that the family of the owner of the vehicle has no other private means of transportation.

~~(d) In addition to the penalty imposed under paragraph (a), paragraph (b), or paragraph (c), the court shall also order the impoundment or immobilization of the vehicle that was driven by, or in the actual physical control of, the offender, unless the court finds that the family of the owner of the vehicle has no other public or private means of transportation. The period of impoundment or immobilization is 10 days, or, for the second conviction within 3 years, 30 days, or, for the third conviction within 5 years, 90 days and may not be concurrent with probation or imprisonment. If the vehicle is leased or rented, the period of impoundment or immobilization may not extend beyond the expiration of the lease or rental agreement. Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court shall send notice by certified mail, return receipt requested, to the registered owner of the vehicle if the registered owner is a person other than the offender and to each person of record claiming a lien against the vehicle.~~

(h) All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased or rented, by the person leasing or renting the vehicle, *unless the impoundment or immobilization order is dismissed. All provisions of s. 713.78 shall apply.*

(i) The person who owns a vehicle that is impounded or immobilized under this paragraph, or a person who has a lien of record against such a vehicle *and who has not requested a review of the impoundment pursuant to paragraph (e), paragraph (f), or paragraph (g),* may, within 10 days after the date that person has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld from the owner or lienholder. Upon the filing of a complaint, the owner or lienholder may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of such costs and fees if the owner or lienholder does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner or lienholder must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

(j)~~(e)~~ A defendant, in the court's discretion, may be required to serve all or any portion of a term of imprisonment to which the defendant has been sentenced pursuant to this section in a residential alcoholism treatment program or a residential drug abuse treatment program. Any time spent in such a program must be credited by the court toward the term of imprisonment.

For the purposes of this section, any conviction for a violation of s. 327.35; a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028; or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, driving with an unlawful breath-alcohol level, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section. However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court may not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

Section 12. Subsection (6) of section 327.35, Florida Statutes, is amended to read:

327.35 Boating under the influence; penalties.—

(6) With respect to any person convicted of a violation of subsection (1), regardless of any other penalty imposed:

(a) For the first conviction, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours. *The court must*

also, as a condition of probation, order the impoundment or immobilization of the vessel that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 10 days or for the unexpired term of any lease or rental agreement that expires within 10 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e) or paragraph (f). The total period of probation and incarceration may not exceed 1 year.

(b) For the second conviction for an offense that occurs within a period of 5 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days. *The court must also, as a condition of probation, order the impoundment or immobilization of the vessel that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 30 days or for the unexpired term of any lease or rental agreement that expires within 30 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e) or paragraph (f).* At least 48 hours of confinement must be consecutive.

(c) For the third or subsequent conviction for an offense that occurs within a period of 10 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days. *The court must also, as a condition of probation, order the impoundment or immobilization of the vessel that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 90 days or for the unexpired term of any lease or rental agreement that expires within 90 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e) or paragraph (f).* At least 48 hours of confinement must be consecutive.

(d) The court must at the time of sentencing the defendant issue an order for the impoundment or immobilization of a vessel. Within 7 business days after the date that the court issues the order of impoundment, and once again 30 business days before the actual impoundment or immobilization of the vessel, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of each vessel, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vessel.

(e) A person who owns but was not operating the vessel when the offense occurred may submit to the court a police report indicating that the vessel was stolen at the time of the offense or documentation of having purchased the vessel after the offense was committed from an entity other than the defendant or the defendant's agent. If the court finds that the vessel was stolen or that the sale was not made to circumvent the order and allow the defendant continued access to the vessel, the order must be dismissed and the owner of the vessel will incur no costs. If the court denies the request to dismiss the order of impoundment or immobilization, the petitioner may request an evidentiary hearing.

(f) A person who owns but was not operating the vessel when the offense occurred, and whose vessel was stolen or who purchased the vessel after the offense was committed directly from the defendant or the defendant's agent, may request an evidentiary hearing to determine whether the impoundment or immobilization should occur. If the court finds that either the vessel was stolen or the purchase was made without knowledge of the offense, that the purchaser had no relationship to the defendant other than through the transaction, and that such purchase would not circumvent the order and allow the defendant continued access to the vessel, the order must be dismissed and the owner of the vessel will incur no costs.

~~(d) In addition to any other penalty imposed, the court shall also order the impoundment or immobilization of the vessel that was operated by, or in the actual physical control of, the offender. The period of impoundment or immobilization is 10 days, or, for the second conviction within 3 years, 30 days, or, for the third conviction within 5 years, 90 days and may not be concurrent with probation or imprisonment. If the vessel is leased or rented, the period of impoundment or immobilization may not extend beyond the expiration of the lease or rental agreement. Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court shall send notice by certified mail, return receipt requested, to the registered owner of the vessel if the registered owner is a person other than the offender and to each person of record claiming a lien against the vessel.~~

(g) All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vessel or, if the vessel is leased or rented, by the person leasing or renting the vessel*, unless the impoundment or immobilization order is dismissed.*

(h) The person who owns a vessel that is impounded or immobilized under this paragraph, or a person who has a lien of record against such a vessel *and who has not requested a review of the impoundment pursuant to paragraph (e) or paragraph (f),* may, within 10 days after the date that person has knowledge of the location of the vessel, file a complaint in the county in which the owner resides to determine whether the vessel was wrongfully taken or withheld from the owner or lienholder. Upon the filing of a complaint, the owner or lienholder may have the vessel released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of the costs and fees if the owner or lienholder does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vessel. At the time of release, after reasonable inspection, the owner or lienholder must give a receipt to the towing or storage company indicating any loss or damage to the vessel or to the contents of the vessel.

(i)~~(e)~~ A defendant, in the court's discretion, may be required to serve all or any portion of a term of imprisonment to which the defendant has been sentenced pursuant to this section in a residential alcoholism treatment program or a residential drug abuse treatment program. Any time spent in such a program must be credited by the court toward the term of imprisonment.

For the purposes of this section, any conviction for a violation of s. 316.193, a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028, or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, driving with an unlawful breath-alcohol level, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: amending s. 316.193; providing for impoundment or immobilization of a vehicle; providing circumstances for dismissal of the impoundment or immobilization order; amending s. 327.35, F.S.; providing for impoundment or immobilization of a vessel; providing circumstances for dismissal of a court's impoundment or immobilization order;

On motion by Senator Silver, by two-thirds vote **CS for HB 3345** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

On motion by Senator Cowin, by two-thirds vote **CS for HB 4051** was withdrawn from the Committees on Agriculture; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Cowin—

CS for HB 4051—A bill to be entitled An act relating to agriculture; creating ss. 570.251-570.2815, F.S.; creating the "Florida Agricultural Development Act"; providing legislative findings; providing definitions; establishing the Florida Agricultural Development Authority; providing powers and duties; providing for membership of a board; providing for terms of board members; providing for organization of the board; providing general powers of the authority; providing for an executive director and specifying duties; requiring an annual report; providing for the use of surplus moneys by the authority; providing for combination of state and federal programs to facilitate the purposes of the authority; establishing a beginning farmer loan program; providing purposes of the loan program; authorizing the authority to participate in federal programs; requiring the authority to provide for loan criteria by rule; authorizing the authority to provide loan requirements; authorizing the authority to make loans to beginning farmers for agricultural land and improvements and depreciable agricultural property; authorizing the authority to make loans to mortgage lenders and other lenders; authorizing the authority to purchase mortgage loans and secured loans from mortgage lenders; providing powers of the authority relating to loans; providing for the issuance of bonds and notes by the authority; authorizing the authority to establish bond reserve funds; providing remedies of bondholders and holders of notes; providing for the pledging of bonds by the state; providing that bonds and notes shall be considered legal investments; providing requirements with respect to funds of the authority; authorizing examination of accounts by the Auditor General; requiring a report; providing limitation of liability for members of the authority; requiring the assistance of state officers, agencies, and departments; providing for construction of the act; requiring disclosure of specified conflicts of interest; prohibiting certain participation in the event of a conflict of interest; specifying conflicts of interest with respect to the executive director of the authority; providing exemption from competitive bid laws; providing for receipt of specified trust assets by the authority; authorizing the authority to enter into specified agreements; providing for liability; providing for additional beginning farmer and loan assistance programs; authorizing additional beginning farmer loan program; requiring the authority to establish and develop an agricultural loan assistance program; providing program criteria; requiring the authority to create and develop alternative agriculture assistance programs; providing for the adoption of rules with respect to enforcement of provisions relative to such programs; authorizing the authority to bring action for enforcement; creating s. 159.8082, F.S.; establishing the agricultural development bond pool; amending s. 159.804, F.S.; providing for specific allocations of state volume limitations to the agricultural development bond pool; amending s. 159.809, F.S.; including the agricultural development bond pool within provisions relating to recapture of unused amounts for addition to the state allocation pool; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1994** and read the second time by title. On motion by Senator Cowin, by two-thirds vote **CS for HB 4051** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

SB 612—A bill to be entitled An act relating to admissions to sporting events; amending s. 212.04, F.S.; exempting from taxation admissions to certain collegiate tournament games and baseball all-star games; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 612** to **CS for HB 73**.

Pending further consideration of **SB 612** as amended, on motion by Senator Crist, by two-thirds vote **CS for HB 73** was withdrawn from the Committees on Ways and Means, Subcommittee E (Finance and Tax); Ways and Means; Commerce and Economic Opportunities; and Community Affairs.

On motion by Senator Crist—

CS for HB 73—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.04, F.S.; exempting admissions to certain collegiate tournament games, baseball all-star games, and postseason collegiate football games from the tax on admissions; providing an effective date.

—a companion measure, was substituted for **SB 612** as amended and read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for HB 73** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Horne	Meadows
Bankhead	Crist	Jones	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams

Nays—1

Ostalkiewicz

CS for SB 1636—A bill to be entitled An act relating to the Cigarette Tax Collection Trust Fund; amending s. 210.20, F.S.; providing for a portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer and Research Institute, for the purpose of financing a cancer-research facility at the University of South Florida; providing duties of the institute's board of directors; providing for uses of the transferred moneys, including the issuance of tax-exempt bonds, to be used as specified; providing that proceeds of the cigarette tax which are transferred under this act are pledged to cover the costs of constructing, furnishing, and equipping the cancer-research facility; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1636** to **HB 3783**.

Pending further consideration of **CS for SB 1636** as amended, on motion by Senator Brown-Waite, by two-thirds vote **HB 3783** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Brown-Waite, by two-thirds vote—

HB 3783—A bill to be entitled An act relating to the Cigarette Tax Collection Trust Fund; amending s. 210.20, F.S.; providing for a portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer and Research Institute, for the purpose of financing a cancer-research facility at the University of South Florida; providing duties of the institute's board of directors; providing for uses of the transferred moneys, including the issuance of tax-exempt bonds; requiring the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to administer funds, manage the project, provide assistance during construction, and operate the facility when complete; providing for the replacement of certain tax dollars annually; providing an effective date.

—a companion measure, was substituted for **CS for SB 1636** as amended and by two-thirds vote read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **HB 3783** was read the third time by title, passed the required constitutional three-fifths

vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

CS for SB 1572—A bill to be entitled An act relating to funeral and cemetery services; providing a short title; amending s. 497.005, F.S.; defining "care and maintenance"; creating s. 497.0255, F.S.; providing a duty of care and maintenance of licensed cemeteries in this state; providing rulemaking authority to the Board of Funeral and Cemetery Services for such purpose; amending s. 497.229, F.S.; providing circumstances under which a cemetery or component thereof may be deemed a public nuisance and providing for abatement thereof; amending s. 497.253, F.S.; providing additional requirements with respect to the conveyance of cemetery property to noncemetery uses, including certain notice; creating s. 497.255, F.S.; providing standards for construction and significant alteration or renovation of mausoleums and columbaria; providing rulemaking authority with respect to such standards to the board, in conjunction with the Board of Building Codes and Standards, and providing for incorporation of a portion thereof in the State Minimum Building Codes; requiring all newly constructed and significantly altered or renovated mausoleums and columbaria to conform to such standards and applicable building codes; amending s. 497.257, F.S.; including columbaria in provisions relating to preconstruction requirements applicable to mausoleums and belowground crypts; amending s. 497.417, F.S.; deleting authority of the trustee of a trust to purchase life insurance policies and annuity contracts; amending s. 497.527, F.S.; authorizing the Attorney General to bring a civil action for violation of chapter 497, relating to regulation of funeral and cemetery services, in the appropriate court; providing for damages; amending s. 872.02, F.S., relating to prohibitions against injuring or removing tombs or monuments or disturbing the contents of graves or tombs; increasing penalties; specifying that the term "tomb" includes any mausoleum, columbarium, and belowground crypt; amending s. 245.07, F.S.; revising provisions relating to retention and disposition of bodies received by an anatomical board; creating the Task Force on Abandoned and Neglected Cemeteries within the Department of Banking and Finance; providing for appointment of members and election of officers; authorizing reimbursement for per diem and travel; requiring the department to provide administrative and staff support; providing duties; requiring preliminary and final reports; providing for termination of the task force; providing an appropriation; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1572** to **HB 3763**.

Pending further consideration of **CS for SB 1572** as amended, on motion by Senator Harris, by two-thirds vote **HB 3763** was withdrawn from the Committees on Banking and Insurance; Community Affairs; and Ways and Means.

On motion by Senator Harris—

HB 3763—A bill to be entitled An act relating to funeral and cemetery services; providing a short title; amending s. 497.005, F.S.; defining "care and maintenance"; creating s. 497.0255, F.S.; providing a duty of care and maintenance of licensed cemeteries in this state; providing rulemaking authority to the Board of Funeral and Cemetery Services for such purpose; amending s. 497.229, F.S.; providing circumstances under which a cemetery or component thereof may be deemed a public nuisance and providing for abatement thereof; amending s. 497.253, F.S.; providing additional requirements with respect to the conveyance of cemetery property to noncemetery uses, including certain notice; creating s. 497.255, F.S.; providing standards for construction and significant alteration or renovation of mausoleums and columbaria; providing rulemaking authority with respect to such standards to the board, in conjunction with the Board of Building Codes and Standards, and providing for incorporation of a portion thereof in the State Minimum Building Codes; requiring all newly constructed and significantly altered or renovated mausoleums and columbaria to conform to such standards and applicable building codes; amending s. 497.257, F.S.; including columbaria in provisions relating to preconstruction requirements applicable to mausoleums and belowground crypts; amending s. 497.417, F.S.; deleting authority of the trustee of a trust to purchase life insurance policies and annuity contracts; repealing subsection (12) of s. 497.429, F.S., deleting the requirement that the trustee of an alternative preneed contract trust make valuations of assets and provide annual reports to the purchaser and the board; amending s. 497.527, F.S.; authorizing the Attorney General to bring a civil action for violation of chapter 497, relating to regulation of funeral and cemetery services, in the appropriate court; providing for damages; amending s. 872.02, F.S., relating to prohibitions against injuring or removing tombs or monuments or disturbing the contents of graves or tombs; increasing penalties; specifying that the term "tomb" includes any mausoleum, columbarium, and belowground crypt; amending s. 245.07, F.S.; revising provisions relating to retention and disposition of bodies received by an anatomical board; creating the Task Force on Abandoned and Neglected Cemeteries within the Department of Banking and Finance; providing for appointment of members and election of officers; authorizing reimbursement for per diem and travel; requiring the department to provide administrative and staff support; providing duties; requiring preliminary and final reports; providing for termination of the task force; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **CS for SB 1572** as amended and read the second time by title. On motion by Senator Harris, by two-thirds vote **HB 3763** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

The Senate resumed consideration of—

CS for SB 1092—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; revising eligibility requirements for supplemental payments; providing a method for calculating workers' compensation benefits based on the aggregate amount of those benefits and other specified benefits payable to the employee; providing that certain supplemental payments are not workers' compensation benefits; providing an effective date.

—which was previously considered April 30 with pending **House Amendment 1**.

Senator Latvala moved the following amendment which was adopted:

Senate Amendment 1 (with title amendment) to House Amendment 1—On page 1, line 17 through page 4, line 22, delete those lines and insert:

Section 1. Paragraph (f) of subsection (1) of section 440.15, Florida Statutes, is amended, and subsection (14) is added to said section, to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(1) PERMANENT TOTAL DISABILITY.—

(f)1. If permanent total disability results from injuries that occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under s. 440.20(12), the injured employee shall receive additional weekly compensation benefits equal to 5 percent of her or his weekly compensation rate, as established pursuant to the law in effect on the date of her or his injury, multiplied by the number of calendar years since the date of injury. The weekly compensation payable and the additional benefits payable under this paragraph, when combined, may not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2). Entitlement to these supplemental payments shall cease at age 62 if the employee is eligible for social security benefits under 42 U.S.C. *s.* ~~ss.~~ 402 *or s.* ~~and~~ 423, whether or not the employee has applied for such benefits. These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955, and before July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974.

2.a. The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by such rules.

b. The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier is not required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules or if any employee who is receiving permanent total disability benefits refuses to apply for or cooperate with the employer or carrier in applying for social security benefits.

3. When an injured employee receives a full or partial lump-sum advance of the employee's permanent total disability compensation benefits, the employee's benefits under this paragraph shall be computed on the employee's weekly compensation rate as reduced by the lump-sum advance.

(14) COORDINATION OF BENEFITS.—Unless otherwise specifically provided by contract, workers' compensation benefits that are otherwise payable under this chapter must be reduced to the extent the combination of workers' compensation benefits and social security benefits under 42 U.S.C. s. 402 or s. 423, and employer-funded benefits, including retirement benefits, disability benefits, and any other payment of wages by the employer during the period of disability, provided to the employee and his or her dependents exceeds 100 percent of the employee's average weekly wage at the time of injury. A benefit shall be considered employer funded when the employer has contributed more than 50 percent of the cost of the benefit. "Workers' compensation benefits" excludes supplemental payments for permanent total disability pursuant to paragraph (1)(f).

And the title is amended as follows:

On page 27, lines 7-10, delete those lines and insert: amending s. 440.15, F.S.; providing a

On motion by Senator Latvala, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 1092 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Burt	Crist	Forman
Bankhead	Casas	Diaz-Balart	Geller
Bronson	Childers	Dudley	Grant
Brown-Waite	Clary	Dyer	Gutman
Hargrett	Klein	McKay	Silver
Harris	Kurth	Meadows	Sullivan
Horne	Latvala	Myers	Thomas
Jones	Laurent	Ostalkiewicz	Turner
Kirkpatrick	Lee	Scott	Williams

Nays—2

Campbell	Rossin

Vote after roll call:

Yea to Nay—Dyer, Forman, Geller

On motion by Senator Latvala, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1506, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1506—A bill to be entitled An act relating to marine resources; amending s. 253.72, F.S.; amending s. 370.01, F.S.; defining food fish for human consumption; providing restrictions for certain areas for harvesting shellfish; amending s. 370.06, F.S.; providing an exemption for totally disabled residents for a restricted species endorsement; providing qualifications for the issuance of a marine life endorsement on a saltwater products license; providing for a moratorium on the issuance of endorsements; providing for the transfer and reissuance of endorsements; providing for a report; amending s. 370.0608, F.S.; revising the distribution of funds collected from the sale of recreational saltwater fishing licenses; amending s. 370.092, F.S.; creating a major violation for the possession of specified nets on certain vessels; providing specific rulemaking authority for the regulation of nets on boats of a specific length; directing the Marine Fisheries Commission to adopt rules prohibiting the possession and sale of mullet taken in illegal gill or entangling nets; providing a penalty for violations; prohibiting the use of certain nets composed of specified materials; providing a definition; amending s. 370.093, F.S.; authorizing the Marine Fisheries Commission to adopt rules implementing s. 370.093, F.S.; amending s. 370.1405, F.S.; authorizing the Department of Environmental Protection to adopt certain rules; amending s. 370.142, F.S.; providing for a surcharge to be assessed upon the initial transfer of a transferable crawfish trap certificate outside the original transferor's immediate family; prohibiting the lease of lobster trap certificates after July 1, 1998; providing additional penalties for violations relating to traps; providing for the continuation of the Marine Fisheries Commission notwithstanding its scheduled abolition; amending s. 370.13, F.S.; restricting the issuance of stone crab trap numbers until July 1, 2000; providing for renewal under certain circumstances; amending s. 370.135, F.S.; restricting the issuance of new blue crab endorsements for a certain period of time; providing for renewal or replacement under certain circumstances; amending s. 370.021, F.S.; providing additional penalties for violations involving buying saltwater products from an unlicensed seller or the sale of saltwater products by an unlicensed seller; authorizing the suspension, revocation, or denial of renewal of licenses for specified major violations involving finfish, shrimp, marine life species, crawfish, stone crabs, and blue crabs; requiring clerks of courts to certify the final disposition of specified court proceedings to the Department of Environmental Protection; amending s. 370.07, F.S.; authorizing the sharing of wholesale saltwater products dealer reports with other states under specified conditions; providing civil penalties for violation of recordkeeping and reporting requirements; prohibiting a licensed retail dealer or a licensed restaurant from buying saltwater products from any person other than a licensed wholesale or retail dealer; repealing s. 370.1127, F.S., relating to mullet regulation west of the Ochlockonee River; providing an effective date.

House Amendment 1 (with title amendment)—On page 32, between lines 10 and 11 of the bill, insert:

Section 15. (1) *Notwithstanding Section 1. of CS/HB 3673 to the contrary, this section shall be considered the last and complete intent of the Legislature regardless of when it is presented to the Secretary of State.*

(2) Subsection (8) is added to section 373.406, Florida Statutes, to read:

373.406 Exemptions.—The following exemptions shall apply:

(8) Certified aquaculture activities which apply appropriate best management practices adopted pursuant to s. 597.004 are exempt from this part.

Section 16. (1) *Notwithstanding Section 1. of CS/HB 3673 to the contrary, this section shall be considered the last and complete intent of the Legislature regardless of when it is presented to the Secretary of State.*

(2) Subsection (5) is added to section 403.0885, Florida Statutes, to read:

403.0885 Establishment of federally approved state National Pollutant Discharge Elimination System (NPDES) Program.—

(5) Certified aquaculture activities under s. 597.004 that have individual production units whose annual production and water discharge are less than the parameters established by the NPDES program are exempt from wastewater management regulations. For purposes herein, the term "individual production units" shall be determined by rule of the Department of Agriculture and Consumer Services.

And the title is amended as follows:

On page 3, line 11 after the semicolon (;) insert: amending s. 373.046, F.S.; clarifying jurisdiction over aquaculture activities; providing exemption for management and storage of surface water; amending s. 403.0885, F.S.; providing exemptions from the state National Pollutant Discharge Elimination System program;

On motion by Senator Latvala, the Senate concurred in the House amendment.

CS for SB 1506 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Horne	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed HB 4259 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 4259—A bill to be entitled An act relating to postsecondary education; amending s. 232.2466, F.S.; revising requirements for the college-ready diploma program; amending s. 239.117, F.S.; exempting specified students from postsecondary fees; amending s. 239.225, F.S.; revising provisions relating to the Vocational Improvement Program; amending s. 240.1163, F.S.; revising dual enrollment provisions; amending s. 240.235, F.S.; exempting specified university students from fees; amending s. 240.321, F.S., relating to duties of community college district boards of trustees; requiring notification of alternative remedial options; providing student requirements relating to enrollment in courses; amending s. 240.324, F.S., relating to the community college accountability process; providing for coinciding reporting deadlines; clarifying language; amending s. 240.35, F.S.; exempting specified community college students from fees; amending s. 240.36, F.S.; revising provisions relating to the matching of funds and the uses of proceeds of a trust fund for community colleges; amending s. 240.382, F.S.; correcting a cross reference; amending s. 240.4097, F.S., relating to the Florida Postsecondary Student Assistance Grant Program; requiring the establishment of application deadlines; amending s. 246.201, F.S.; revising legislative intent; amending s. 246.203, F.S.; renaming the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools the State Board of Nonpublic Career Education; revising definition of schools regulated by the board; amending s. 246.205, F.S.; conforming language; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; conforming language; amending s. 246.215, F.S.; requiring licensing of specified programs by the board; creating s. 246.216, F.S.; providing for exemption from licensure for specified entities; providing for statements of exemption; providing for revocation of statements of exemption; providing for remedies; amending ss. 246.219, 246.220, 246.2265, 246.227, and 246.31, F.S.; conforming language; amending ss. 20.15, 240.40204, 246.011, 246.081, 246.085, 246.091, 246.111, 246.50, 455.2125, 455.554, 467.009, 476.178, 477.023, and 488.01, F.S.; conforming language; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1—On page 1, line 17 through page 66, line 8, remove from the amendment all of said lines including the text of all unengrossed senate amendments to senate amendment: and insert in lieu thereof:

Section 1. Section 232.2466, Florida Statutes, is amended to read:

232.2466 College-ready diploma program.—

(1) Beginning with the *1998-1999* ~~1997-1998~~ school year, each school district shall award a differentiated college-ready diploma to each student who:

(a) Successfully completes the requirements for a standard high school diploma as prescribed by s. 232.246. Among courses taken to fulfill the 24-academic-credit requirement, a student must take *high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses.*~~:~~

~~1. Two credits in algebra and one credit in geometry, or their equivalents, as determined by the state board.~~

~~2. One credit in biology, one credit in chemistry, and one credit in physics, or their equivalents, as determined by the state board.~~

~~3. Two credits in the same foreign language, taken for elective credit. A student whose native language is not English is exempt from this requirement if the student demonstrates proficiency in the native language. American sign language constitutes a foreign language.~~

(b) Takes the postsecondary education common placement test prescribed in s. 240.117, or an equivalent test identified by the State Board of Education, before graduation and scores at or above the established statewide passing score in each test area.

(2) A college-ready diploma entitles a student to admission without *additional* placement testing to a public postsecondary education program that terminates in a technical certificate, *an applied technology diploma, an associate in applied science degree,* an associate in science degree, or an associate in arts degree, if the student enters postsecondary education within 2 years after earning the college-ready diploma.

(3) The Department of Education shall *periodically* convene a task force of educators and employers to recommend additional incentives for students to pursue a college-ready diploma. The incentives may include awards and recognition, preference for positions in firms, and early registration privileges in postsecondary education institutions.

Section 2. Paragraphs (o) and (p) are added to subsection (2) of section 233.061, Florida Statutes, to read:

233.061 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules and regulations of the commissioner, the state board, and

the school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction, the following:

(o) The study of Hispanic contributions to the United States.

(p) The study of Women's Contributions to the United States.

Section 3. Paragraph (f) is added to subsection (4) of section 239.117, Florida Statutes, to read:

239.117 Postsecondary student fees.—

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(f) A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buy-out of property around Lake Apopka by the State of Florida. Such a student may receive a fee exemption only if the student has not received compensation because of the buy-out, the student is designated a Florida resident for tuition purposes, pursuant to s. 240.1201, and the student has applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this paragraph have been met, including support documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years from the date that the postsecondary education institution confirms that the conditions of this paragraph have been met.

Section 4. Subsection (1) and paragraph (c) of subsection (3) of section 239.225, Florida Statutes, are amended, and subsection (5) is added to said section, to read:

239.225 Vocational Improvement Program.—

(1) There is established the Vocational Improvement Program to be administered by the Department of Education pursuant to this section ~~and rules of the State Board for Career Education. Such rules must provide for the submission of applications and distribution of funds pursuant to this section~~. The priorities for allocation of funds for the program are the development of vocational programs for disadvantaged persons; recruitment, preservice and inservice activities for vocational counselors and teachers; the development of information systems that are compatible between school districts and community colleges; job placement services for vocational completers; the development of exploratory vocational courses; activities that provide faculty articulation for the purpose of integrating vocational and academic instruction; and activities that ensure greater community involvement in career education.

(3)

~~(c) The State Board for Career Education may adopt rules necessary to implement the provisions of this subsection.~~

(5) The State Board for Career Education may adopt rules to implement this program.

Section 5. Subsections (4) and (5) are added to section 240.1163, Florida Statutes, to read:

240.1163 Joint dual enrollment and advanced placement instruction.—

(4) School districts and community colleges must weigh college-level dual enrollment courses the same as honors courses and advanced placement courses when grade point averages are calculated. Alternative grade calculation or weighting systems that discriminate against dual enrollment courses are prohibited.

(5) The Commissioner of Education may approve dual enrollment agreements for limited course offerings that have statewide appeal. Such programs shall be limited to a single site with multiple county participation.

Section 6. Subsections (6), (7), (8), and (9) of section 240.235, Florida Statutes, are renumbered as subsections (7), (8), (9), and (10), respectively, and a new subsection (6) is added to said section to read:

240.235 Fees.—

(6) Any proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buy-out of property around Lake Apopka by the State of Florida is exempt from the payment of registration, matriculation, and laboratory fees. A student receiving a fee exemption in accordance with this subsection must not have received compensation because of the buy-out, must be designated a Florida resident for tuition purposes, pursuant to s. 240.1201, and must first have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this subsection have been met, including support documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years from the date that the postsecondary education institution confirms that the conditions of this subsection have been met.

Section 7. Subsection (3) of section 240.311, Florida Statutes, is amended to read:

240.311 State Board of Community Colleges; powers and duties.—

(3) The State Board of Community Colleges shall:

(a) Provide for each community college to offer educational training and service programs designed to meet the needs of both students and the communities served.

(b) Provide, through rule, for the coordination of the state community college system.

(c) Review new associate degree or certificate programs for relationship to student demand; conduct periodic reviews of existing programs; and provide rules for termination of associate degree or certificate programs when excessive duplication exists.

(d) Ensure that the rules and procedures of community college district boards relating to admission to, enrollment in, employment in, and programs, services, functions, and activities of each college provide equal access and equal opportunity for all persons.

(e) Advise presidents of community colleges of the fiscal policies adopted by the Legislature and of their responsibilities to follow such policies.

(f) Specify, by rule, procedures to be used by the boards of trustees in the periodic evaluations of presidents and formally review the evaluations of presidents by the boards of trustees.

(g) Recommend to the State Board of Education minimum standards for the operation of each community college as required in s. 240.325, which standards may include, but are not limited to, general qualifications of personnel, budgeting, accounting and financial procedures, educational programs, student admissions and services, and community services.

(h) Establish an effective information system which will provide composite data about the community colleges and assure that special analyses and studies about the colleges are conducted, as necessary, for provision of accurate and cost-effective information about the colleges and about the community college system as a whole.

(i) Encourage the colleges and the system as a whole to cooperate with other educational institutions and agencies and with all levels and agencies of government in the interest of effective utilization of all resources, programs, and services.

(j) Establish criteria for making recommendations relative to modifying district boundary lines and for making recommendations upon all proposals for the establishment of additional centers or campuses for community colleges.

(k) Develop a plan in cooperation with the local school district and the Department of Education to include any and all counties in a community college service district.

(l) Assess the need to consolidate any community colleges.

(m) Develop and adopt guidelines relating to salary and fringe benefit policies for community college administrators, including community college presidents.

(n) Develop and adopt guidelines relating to official travel by community college employees.

(o) Receive an annual administrative review of each community college.

1. Such review shall include, but is not limited to, the administrator-to-faculty ratio, the percent of funds for administrative costs in the total budget, and the percent of funds in support programs compared to the percent of funds in instructional programs and may include such other indicators of quality as are necessary.

2. The review shall also include all courses offered by a community college outside its district. Courses offered outside the home district which are not approved by the State Board of Community Colleges shall not be counted for funding purposes or to meet enrollment assignments. *For purposes of this subparagraph, electronically originated instruction, to include satellite, broadcast, and internet delivered instruction, shall be exempt. Exemption is only permitted when the community college's intent is to offer the instruction for students residing within the community college's home district and only markets the instruction to students residing within the community college's home district. If a community college's intent is to market the electronically originated instruction outside its home district and thus recruit students outside its home district, the community college must receive the approval of the State Board of Community Colleges. The State Board of Community Colleges shall have authority to review any electronically originated instruction for compliance with this section.*

(p) Encourage and support activities which promote and advance college and statewide direct-support organizations.

(q) Specify, by rule, the degree program courses that may be taken by students concurrently enrolled in college-preparatory instruction.

Section 8. Section 240.321, Florida Statutes, is amended to read:

240.321 Community college district board of trustees; rules for admissions of students.—The board of trustees shall make rules governing admissions of students. These rules shall include the following:

(1) Admissions counseling shall be provided to all students entering college credit programs, which counseling shall utilize tests to measure achievement of college-level communication and computation competencies by all students entering college credit programs.

(2) Admission to associate degree programs is subject to minimum standards adopted by the State Board of Education and shall require:

(a) A *standard* high school diploma, a high school equivalency diploma as prescribed in s. 229.814, previously demonstrated competency in college credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of s. 232.02(4). Students who are enrolled in a dual enrollment or early admission program pursuant to s. 240.116 and secondary students enrolled in college-level instruction creditable toward the associate degree, but not toward the high school diploma, shall be exempt from this requirement.

(b) A demonstrated level of achievement of college-level communication and computation skills. Students entering a postsecondary education program within 2 years of graduation from high school with an earned college-ready diploma issued pursuant to s. 232.2466 shall be exempt from this testing requirement.

(c) Any other requirements established by the board of trustees.

(3) Admission to other programs within the community college shall include education requirements as established by the board of trustees. Each board of trustees shall establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction. *Such notification shall include a written listing or a prominent display of information on alternative remedial options that must be available to each student who scores below college level in any area on the common placement test. The list or display shall include, but is not limited to, options provided by the community college, adult education programs, and programs provided by private-sector providers. The college shall not endorse, recommend, evaluate, or rank any of the providers. The list of providers or the display materials shall include all those providers that request to be included. The written list must provide students with specific contact information and disclose the full costs of the course tuition, laboratory fees, and instructional materials of each option listed. A student who elects a private provider for remedial instruction is entitled to enroll in up to 12 credits of college-level courses in skill areas other than those for which the student is being remediated. A student is prohibited from enrolling in additional college-level courses until the student scores above the cut-score on all sections of the common placement test.*

Section 9. Section 240.324, Florida Statutes, is amended to read:

240.324 Community college accountability process.—

(1) It is the intent of the Legislature that a management and accountability process be implemented which provides for the systematic, ongoing improvement and assessment of the improvement of the quality and efficiency of the State Community College System. Accordingly, the State Board of Community Colleges and the community college boards of trustees shall develop and implement *an accountability* ~~a~~ plan to improve and evaluate the instructional and administrative efficiency and effectiveness of the State Community College System. This plan *shall be designed in consultation with staff of the Governor and the Legislature and* must address the following issues:

(a) Graduation rates of A.A. and A.S. degree-seeking students compared to first-time-enrolled students seeking the associate degree.

(b) Minority student enrollment and retention rates.

(c) Student performance, including student performance in college-level academic skills, mean grade point averages for community college A.A. transfer students, and community college student performance on state licensure examinations.

(d) Job placement rates of community college vocational students.

(e) Student progression by admission status and program.

(f) Vocational accountability standards identified in s. 239.229.

(g) Other measures as identified by the Postsecondary Education Planning Commission and approved by the State Board of Community Colleges.

(2) ~~By January 1, 1992, the State Board of Community Colleges shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a plan for addressing these issues. The plan must provide a specific timetable that identifies specific issues to be addressed each year and must provide for full implementation by December 31, 1994.~~ Beginning *September 1, 1998* ~~December 31, 1992~~, the State Board of Community Colleges shall submit an annual ~~interim~~ report*, to coincide with the submission of the agency strategic plan required by law,* providing the results of initiatives taken during the prior year and the initiatives and related objective performance measures proposed for the next year. ~~The initial plan and each interim plan shall be designed in consultation with staff of the Governor and the Legislature.~~

(3) ~~Beginning January 1, 1993,~~ The State Board of Community Colleges shall address within the annual evaluation of the performance of the executive director, and the boards of trustees shall address within the annual evaluation of the presidents, the achievement of the performance goals established *by the accountability process* ~~in the community college accountability plan~~.

Section 10. Subsections (4) through (14) of section 240.35, Florida Statutes, as amended by chapter 97-383, Laws of Florida, are renum-

bered as subsections (5) through (15), respectively, paragraph (c) of present subsection (10) is amended, and a new subsection (4) is added to said section, to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate degree, including college-preparatory courses defined in s. 239.105.

(4) Any proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buy-out of property around Lake Apopka by the State of Florida is exempt from the payment of registration, matriculation, and laboratory fees. A student receiving a fee exemption in accordance with this subsection must not have received compensation because of the buy-out, must be designated a Florida resident for tuition purposes pursuant to s. 240.1201, and must first have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this subsection have been met, including support documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years from the date that the postsecondary education institution confirms that the conditions of this subsection have been met.

(11)~~(10)~~

(c) Up to 25 percent or $250,000, whichever is greater, of the fees collected may be used to assist students who demonstrate academic merit, who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution, or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection *(15)* ~~(14)~~ for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 50 percent of the balance of these funds shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

Section 11. Subsections (4) and (7) of section 240.36, Florida Statutes, are amended to read:

240.36 Dr. Philip Benjamin Academic Improvement Trust Fund for Community Colleges.—

(4) Challenge grants shall be proportionately allocated from the trust fund on the basis of matching each $4 of state funds with $6 of local or private funds. ~~The matching funds shall come from contributions made after July 1, 1983, for the purposes of matching this grant.~~ To be eligible, a minimum of $4,500 must be raised from private sources~~, and such contributions must be in excess of the total average annual cash contributions made to the foundation at each community college in the 3 fiscal years before July 1, 1983~~.

(7)(a) The board of trustees of the community college and the State Board of Community Colleges are responsible for determining the uses for the proceeds of their respective trust funds. Such uses of the proceeds shall be limited to expenditure of the funds for:

1. Scientific and technical equipment.

2. Other activities that will benefit future students as well as students currently enrolled at the community college and that will improve the quality of education at the community college or in the community college system.

3. Scholarships*, loans, or need-based grants*~~, which are the lowest priority for use of these funds~~.

(b) If a community college includes scholarships*, loans, or need-based grants in its proposal, it shall create an endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships, loans, or need-based grants.* ~~in its proposal, it shall create an endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships. Such scholarships must be program specific and require high academic achievement for students to qualify for or retain the scholarship. A scholarship program may be used for minority recruitment but may not be used for athletic participants. The board of trustees may award scholarships to students in associate in arts programs and vocational programs. However, for vocational programs, the board of trustees must have designated the program as a program of emphasis for quality improvement, a designation that should be restricted to a limited number of programs at the community college. In addition, the board of trustees must have adopted a specific plan that details how the community college will improve the quality of the program designated for emphasis and that includes quality measures and outcome measures. Over a period of time, the community college operating budget should show additional financial commitment to the program of emphasis above and beyond the average increases to other programs offered by the community college. Fundraising activities must be specifically identified as being for the program of emphasis or scholarship money. The community college must fully levy the amount for financial aid purposes provided by s. 240.35(10) in addition to the tuition and matriculation fee before any scholarship funds are awarded to the community college as part of its approved request.~~

(b)~~(c)~~ Proposals for use of the trust fund shall be submitted to the State Board of Community Colleges for approval. Any proposal not acted upon in 60 days shall be considered not approved.

Section 12. Subsection (5) of section 240.382, Florida Statutes, is amended to read:

240.382 Establishment of child development training centers at community colleges.—

(5) In addition to revenues derived from child care fees charged to parents and other external resources, each child development training center may be funded by a portion of funds from the student activity and service fee authorized by s. 240.35*(10)*~~(9)~~ and the capital improvement fee authorized by s. 240.35*(14)*~~(13)~~. Community colleges are authorized to transfer funds as necessary from the college's general fund to support the operation of the child development training center.

Section 13. Subsection (2) of section 240.4097, Florida Statutes, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(2)(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed a total of $1,500 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in ~~and chartered as a domestic corporation by~~ the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

No student may receive an award for more than the equivalent of 9 semesters or 14 quarters in a period of not more than 6 consecutive years, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student.

(c) The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the school of the applicant's choice. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs.

Section 14. Section 246.201, Florida Statutes, is amended to read:

246.201 Legislative intent.—

(1) Sections 246.201-246.231 shall provide for the protection of the health, education, and welfare of the citizens of Florida and shall facilitate and promote the acquisition of a minimum satisfactory career~~, technical, trade, and business~~ education by all the citizens of this state. ~~There are presently many fine nonpublic schools existing in this state, but there are some nonpublic schools which do not generally offer those educational opportunities which the citizens of Florida deem essential. The latter type of school also fails to contribute to the ultimate health, education, and welfare of the citizens of Florida.~~ It shall be in the interest of, and essential to, the public health and welfare that the state create the means whereby all *nonpublic postsecondary career* ~~independent degree career education, technical, trade, and business~~ schools as defined in s. 246.203(1) shall satisfactorily meet minimum educational standards *and fair consumer practices*.

(2) A common practice in our society is to use diplomas and degrees for many purposes. Some of these purposes are: for employers to judge the qualifications of prospective employees; for public and nonpublic professional groups, vocational groups, educational agencies, governmental agencies, and educational institutions to determine the qualifications for admission to, and continuation of, educational goals, occupational goals, professional affiliations, or occupational affiliations; and for public and professional assessment of the extent of competency of individuals engaged in a wide range of activities within our society.

(3) Because of the common use of diplomas and degrees, the minimum legal requirements provided by ss. 246.201-246.231 for the establishment and operation of *nonpublic postsecondary career* ~~independent degree career education, technical, trade, and business~~ schools shall protect the individual student from deceptive, fraudulent, or substandard education; protect such ~~independent degree career education, technical, trade, and business~~ schools; and protect the citizens of Florida holding diplomas or degrees.

~~(4) Nothing contained herein is intended in any way, nor shall be construed, to regulate the stated purpose of an independent degree career education, technical, trade, and business school or to restrict any religious instruction or training in a nonpublic school. Any school or business regulated by the state or approved, certified, or regulated by the Federal Aviation Administration is hereby expressly exempt from ss. 246.201-246.231. Nonprofit schools, owned, controlled, operated, and conducted by religious, denominational, eleemosynary, or similar public institutions exempt from property taxation under the laws of this state shall be exempt from the provisions of ss. 246.201-246.231. However, such schools may choose to apply for a license hereunder, and, upon approval and issuance thereof, such schools shall be subject to ss. 246.201-246.231.~~

Section 15. Subsections (1) and (7) of section 246.203, Florida Statutes, are amended to read:

246.203 Definitions.—As used in ss. 246.201-246.231, unless the context otherwise requires:

(1) "School" means any *nonpublic postsecondary noncollegiate career educational institution, association, corporation, person, partnership, or organization of any type that:*

(a) Offers to provide or provides any postsecondary program of instruction, course, or class through the student's personal attendance, in the presence of an instructor, in a classroom, clinical, or other practicum setting or through correspondence or other distance learning; and

(b) Represents, directly or by implication, that the instruction will qualify the student for employment in any occupation whose practice in this state does not require a degree, as defined in s. 246.021(5); and

(c) Receives remuneration from the student or any other source on the enrollment of a student or on the number of students enrolled; or

(d) Offers to award or awards a diploma, as defined in subsection (6), regardless of whether or not it engages in the activities described in paragraph (a), paragraph (b), or paragraph (c). ~~nongovernmental, postsecondary, vocational, technical, trade, or business noncollegiate educational institution, organization program, home study course, or class maintained or conducted in residence or through correspondence by any person, partnership, association, organization, or corporation for the purpose of offering instruction of any kind leading to occupational objectives or of furnishing a diploma, as defined in subsection (6), in business, management, trade, technical, or other career education and professional schools not otherwise regulated. Nonpublic colleges and universities which award a baccalaureate or higher degree, and nonpublic junior colleges which award an associate degree in liberal arts do not fall under the authority granted in ss. 246.201-246.231 unless the college, university, or junior college conducts, or seeks to conduct, a program for which a diploma, as defined in subsection (6), is to be awarded. Any nonpublic college, university, or junior college which conducts or seeks to conduct a diploma program shall, for the purposes of ss. 246.201-246.231, be included in the definition of "school." Schools offering only examination preparation courses for which they do not award a diploma as defined in subsection (6) do not fall under the authority granted in ss. 246.201-246.231; nor does a nonprofit class provided and operated entirely by an employer, a group of employers in related business or industry, or a labor union solely for its employees or prospective employees or members.~~

(7) "Board" means the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.

Section 16. Subsections (1) and (2) of section 246.205, Florida Statutes, are amended to read:

246.205 State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.—

(1) There shall be established in the Department of Education a State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~. The board shall be assigned to the Department of Education only for the purpose of payroll, procurement, and related administrative functions which shall be exercised by the head of the department. The board shall independently exercise the other powers, duties, and functions prescribed by law. The board shall include nine members, appointed by the Governor as follows:

(a) One from a business school;

(b) One from a technical school;

(c) One from a home study school;

(d) One from a nonpublic school;

(e) Four from business and industry; and

(f) An administrator of vocational-technical education from a public school district or community college.

(2) Each of the members shall be appointed by the Governor, subject to confirmation by the Senate, for a term of 3 years. Of the original members appointed by the Governor, three shall serve for terms of 1 year, three shall serve for terms of 2 years, and three shall serve for terms of 3 years. Of the appointive members from the *nonpublic postsecondary career* ~~independent~~ schools, each shall have occupied executive or managerial positions in *a nonpublic postsecondary career* ~~an independent~~ school in this state for at least 5 years. All members shall be residents of this state. In the event of a vacancy on the board caused other than by the expiration of a term, the Governor shall appoint a successor to serve the unexpired term.

Section 17. Subsection (1) and paragraph (e) of subsection (2) of section 246.207, Florida Statutes, are amended to read:

246.207 Powers and duties of board.—

(1) The board shall:

(a) Hold such meetings as are necessary to administer efficiently the provisions of ss. 246.201-246.231.

(b) Select annually a chairperson and a vice chairperson.

~~(c) Adopt and use an official seal in the authentication of its acts.~~

(c)~~(d)~~ Make rules for its own government.

(d)~~(e)~~ Prescribe and recommend to the State Board of Education rules as are required by ss. 246.201-246.231 or as it may find necessary to aid in carrying out the objectives and purposes of ss. 246.201-246.231.

(e)~~(f)~~ Administer ss. 246.201-246.231 and execute such rules adopted pursuant thereto by the State Board of Education for the establishment and operation of *nonpublic postsecondary career* ~~independent~~ schools as defined in s. 246.203(1).

(f)~~(g)~~ Appoint, on the recommendation of its chairperson, executives, deputies, clerks, and employees of the board.

(g)~~(h)~~ Maintain a record of its proceedings.

(h)~~(i)~~ Cooperate with other state and federal agencies in administering ss. 246.201-246.231.

(i)~~(j)~~ Prepare an annual budget.

(j)~~(k)~~ Transmit all fees, donations, and other receipts of money to the *Institutional Assessment Trust Fund* ~~State Treasurer to be deposited in the General Revenue Fund~~.

(k)~~(l)~~ Transmit to the Governor, the Speaker of the House of Representatives, the President of the Senate, the minority leader of the Senate, and the minority leader of the House of Representatives on July 1, 1987, and each succeeding year an annual report which shall include, but not be limited to:

1. A detailed accounting of all funds received and expended.

2. The number of complaints received and investigated, by type.

3. The number of findings of probable cause.

4. A description of disciplinary actions taken, by statutory classification.

5. A description of all administrative hearings and court actions.

6. A description of the board's major activities during the previous year.

(l)~~(m)~~ Assure that no school that has met board requirements established by law or rule be made to operate without a current license due to scheduling of board meetings or application procedures for license renewal.

(m)~~(n)~~ Cause to be investigated criminal justice information, as defined in s. 943.045, for each owner, administrator, and agent employed by a school applying for licensure or renewal of licensure.

(n)~~(o)~~ Serve as a central agency for collection and distribution of current information regarding institutions licensed by the board.

1. The data collected by the board shall include information relating to the school administration, calendar system, admissions requirements, student costs and financial obligations, financial aid information, refund policy, placement services, number of full-time and part-time faculty, student enrollment and demographic figures, programs, and off-campus programs. Other information shall be collected in response to specific needs or inquiries. Financial information of a strictly proprietary, commercial nature is excluded from this requirement.

2. The data collected by the board must also include the data for the career education program evaluation reports required by s. 239.233 for each school that chooses to provide public information under s. 239.245.

3. The board shall provide to each participating institution annually the format, definitions, and instructions for submitting the required information.

4. The data submitted by each institution shall be accompanied by a letter of certification signed by the chief administrative officer of the institution, affirming that the information submitted is accurate.

5. A summary of the data collected by the board shall be included in the annual report to the Governor, the Speaker of the House of Representatives and the President of the Senate, the minority leader of the Senate, and the minority leader of the House of Representatives. The information collected by the board may also be used by the Department of Education for such purposes as statewide master planning, state financial aid programs, and publishing directories, by the Legislature, and to respond to consumer inquiries received by the board.

~~(p) Publish and index all policies and agency statements. If a policy or agency statement meets the criteria of a rule, as defined in s. 120.52, the board shall adopt it as a rule.~~

(o)~~(q)~~ Establish and publicize the procedures for receiving and responding to complaints from students, faculty, and others about schools or programs licensed by the board and shall keep records of such complaints in order to determine their frequency and nature for specific institutions of higher education. With regard to any written complaint alleging a violation of any provision of ss. 246.201-246.231 or any rule promulgated pursuant thereto, the board shall periodically notify, in writing, the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any administrative action, civil action, or appellate action, and if the board has found that probable cause exists, it shall notify, in writing, the party complained against of the results of the investigation and disposition of the complaint. The findings of the probable cause panel, if a panel is established, shall not be disclosed until the information is no longer confidential.

(2) The board may:

(e) Issue a license to any school subject to ss. 246.201-246.231 which is *exempted* ~~excluded~~ from the licensing and regulatory requirements of ss. 246.201-246.231, upon voluntary application for such license and upon payment of the appropriate fee as set forth in s. 246.219.

Section 18. Section 246.213, Florida Statutes, is amended to read:

246.213 Power of State Board of Education.—

(1) The State Board of Education, acting on the recommendation of the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~, shall adopt such minimum standards and rules as are required for the administration of ss. 246.201-246.231.

(2)(a) The minimum educational standards for the licensing of schools shall include, but not be limited to: name of school, purpose, administrative organization, educational program and curricula, finances, financial stability, faculty, library, student personnel services, physical plant and facilities, publications, and disclosure statements about the status of the institution in relation to professional certification and licensure.

(b) Rules of the State Board of Education shall require that nonpublic schools administer an entry-level test of basic skills to each student who enrolls in a nondegree program of at least 450 clock hours, or the credit hour equivalent, which purports to prepare such student for employment. The State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ shall designate examinations authorized for use for entry-level testing purposes. State Board of Education rules shall require that applicable schools provide students who are deemed to lack a minimal level of basic skills with a structured program of basic skills instruction. No student shall be granted a diploma, as defined in s. 246.203, until he or she has demonstrated mastery of basic skills. Exceptional students, as defined in s. 228.041, may be exempted from the provisions of this paragraph.

The State Board of Education shall identify means through which students who are capable of demonstrating mastery of basic skills may be exempted from the provisions of this paragraph.

(c) The State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ may request that schools within its jurisdiction provide the board all documents associated with institutional accreditation. The board shall solicit from schools which provide such documents only such additional information undisclosed in the accreditation documents provided. The board may conduct a comprehensive study of a school that fails to provide all documents associated with its institutional accreditation. The cost of such study shall be borne by the institution. Standards imposed by the board shall not be constrained in quality or quantity to those imposed by the respective accrediting body.

(d) The State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ shall recommend to the State Board of Education minimum placement standards for institutions that conduct programs that prepare students for employment.

(3) The minimum requirements for the licensing of agents shall include: name, residential and business addresses, background training, institution or institutions to be represented, and demonstrated knowledge of statutes and rules related to the authority granted to agents and the limitations imposed upon such authority. No employee of a nonpublic school shall solicit prospective students for enrollment in such school until that employee is licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ as an agent.

(4) The State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ shall adopt criteria for specialized associate degrees, diplomas, certificates, or other educational credentials that will be recognized in licensed schools. The State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ shall adopt a common definition for each credential. To determine the level of *a nonpublic* ~~an independent~~ institution's vocational program or to establish criteria for a specialized degree, the board shall use procedures developed pursuant to s. 239.205, which requires the Department of Education to determine the level of each public degree career education program.

Section 19. Section 246.215, Florida Statutes, is amended to read:

246.215 License required.—

(1) No *nonpublic postsecondary career* ~~independent~~ school required to be licensed pursuant to ss. 246.201-246.231 shall be operated or established within the state until such school makes application and obtains a license or authorization from the board. Each nonpublic school that seeks licensure shall first submit articles of incorporation to the Department of State. After the Department of State approves such articles and verifies that the articles indicate the corporation is a postsecondary school within the meaning and intent of s. 246.203, the corporation shall apply for licensure by the board within 60 days of approval of the articles. Department of State approval of the articles of incorporation shall not constitute authorization to operate the nonpublic school. The Department of State shall immediately transmit approved articles of incorporation for nonpublic schools to the board.

(2) No agent shall solicit any prospective student for enrollment in a nonpublic school until both the agent and the school are appropriately licensed or otherwise authorized by the board.

(3) No *nonpublic postsecondary career* ~~independent~~ school required to be licensed pursuant to ss. 246.201-246.231 shall advertise in any manner until such school is granted an appropriate license by the board, nor shall any licensed school advertise in any manner while such school is under an injunction against operating, soliciting students, or offering diplomas.

(4) No license granted by the board shall be transferable to another *nonpublic postsecondary career* ~~independent~~ school or to another agent, nor shall school licensure transfer upon a change in ownership of the institution.

(5) Each license granted by the board shall delineate the specific nondegree programs that the nonpublic school is authorized to offer. No such school shall conduct a program unless express authority is granted in its license.

(6) A diploma program offered by a nonpublic junior college, college, or university must be licensed by the board, notwithstanding the fact that such institution is concurrently subject to the jurisdiction of the State Board of Independent Colleges and Universities, if such program does the following:

(a) The program qualifies a student for employment or engagement in an occupation whose practice in this state does not require a degree.

(b) The program awards a diploma, as defined in s. 246.203(6), for successful completion, including any program that is organized to give students an option of exiting at a specified point and receiving a diploma, or continuing and receiving a degree, as defined in s. 246.021(5).

Section 20. Section 246.216, Florida Statutes, is created to read:

246.216 Exemption from licensure.—

(1) A person or entity which otherwise fits the definition of school in s. 246.203(1) shall be exempt from licensure if it meets the criteria specified in this section and applies to the board for a statement of exemption. The board shall issue a statement of exemption if it determines, based on all available information, that the applicant meets the following criteria:

(a) The entity is a church or religious organization whose programs of instruction include:

1. A religious modifier in the title of the program, immediately preceding the name of the occupation to which the instruction relates, and in the title of the diploma.

2. No representation, directly or by implication, that individuals who successfully complete the program will be qualified to be employed in the field to which the training relates by an employer other than a church or religious organization.

3. No students who receive state or federal financial aid to pursue the program;

(b) The person or entity is regulated by the Federal Aviation Administration, another agency of the Federal Government, or an agency of the state whose regulatory laws are similar in nature and purpose to those of the board and require minimum educational standards, for at least curriculum, instructors, and academic progress and provide protection against fraudulent, deceptive, and substandard education practices;

(c) The person or entity offers only examination preparation courses provided that:

1. A diploma as defined in s. 246.203(6) is not awarded.

2. The courses do not include state licensing examinations in occupations for which state laws do not require a licensee to have a bachelor's degree or higher academic or professional degree;

(d) The person or entity is:

1. An employer who offers training and trains only its own bona fide employees;

2. A trade or professional association or a group of employers in the same or related business who in writing agree to offer training and to train only individuals who are bona fide employees of an employer who is a member of the association or a party to the written agreement; or

3. An independent contractor engaged by any of the foregoing by written contract to provide the training on its behalf exclusively to individuals who are selected by the employer, association, or group which engaged the contractor and who are bona fide employees thereof.

For purposes of this paragraph, a bona fide employee is an individual who works for salary or wages paid by the employer in at least the minimum amount required by law;

(e) The entity is a labor union or group of labor unions which offers training to, and trains only, individuals who are dues paying members

of a participating labor union; or the person or entity is an independent contractor engaged by the labor union or group of labor unions, by written contract, to provide the training on its behalf exclusively to individuals who are selected by the labor union or group of labor unions which engaged the contractor and who are dues paying members thereof;

(f) The person or entity offers only continuing education programs to individuals who engage in an occupation or profession whose practitioners are subject to licensure, certification, or registration by a state agency which recognizes the programs for continuing education purposes and provides a written statement of such recognition; or

(g) The person or entity offers a program of instruction whose objective is not occupational, but is avocational and only for personal enrichment and which:

1. Prior to enrollment, gives to each enrollee, and maintains a record copy of, a written statement which states substantially the following: "This program is not designed or intended to qualify its participants and graduates for employment in (the field to which the training pertains). It is intended solely for the avocation, personal enrichment, and enjoyment of its participants."

2. Makes no other verbal or written statements which negate the written statement required in subparagraph 1. by stating or implying that persons who enroll in or complete the program have any more substantial likelihood of getting employment in the field to which the training pertains than persons who do not.

3. Maintains and makes available to the board, upon request, records which demonstrate that each enrollee received the statement required by subparagraph 1. prior to enrollment.

To be eligible for the statement of exemption, the applicant must maintain records documenting its qualification for exemption. A person or entity which is exempt pursuant to this subsection and which is also a licensee for programs which do not qualify for exemption may not include in the catalog, contract, or advertising relating to its licensed program any reference to its unlicensed programs. This restriction does not apply to a licensee which voluntarily becomes licensed to offer programs which would otherwise qualify for exemption.

(2) The board shall revoke a statement of exemption if it determines, based on all available information, that the entity does not meet the criteria required in subsection (1) because of the following:

(a) There has been a material change in circumstances or in the law;

(b) The statement was erroneously issued as a result of false or misleading information provided by the applicant or other source;

(c) There was a misunderstanding by the board of the information which it had considered; or

(d) New information has been received.

Probable cause proceedings do not apply to the foregoing board decisions.

(3) The board may invoke the remedies provided in s. 246.227 when no application for a statement of exemption is pending; in conjunction with, or subsequent to, its notice of denial of an application; or in conjunction with, or subsequent to, its notice of revocation. The filing of a civil action pursuant to s. 246.227 shall have the effect of suspending administrative proceedings under this section unless the board takes a voluntary dismissal without prejudice in a judicial case. An order of the court which determines or renders moot an issue presented in suspended administrative proceedings shall be grounds for dismissal of the administrative proceeding as to that issue.

Section 21. Subsection (1) of section 246.219, Florida Statutes, is amended to read:

246.219 License fees.—

(1) Each initial application for a license to operate a *nonpublic postsecondary career* school shall be accompanied by a license fee of not less than $500, and each application for the renewal of such license shall be accompanied by an annual license fee of at least $300, provided that the fee for a biennial license shall be at least $600. A fee shall be charged for a supplementary application for the approval of any additional field or course of instruction. Such fees shall be delineated, by rule, by the board.

Section 22. Section 246.220, Florida Statutes, is amended to read:

246.220 Surety bonds or insurance.—Surety bonds or insurance shall not be required of any school licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~, except as may be required by the board to insure the train-out of projected or currently enrolled students, issuance of refunds to projected or currently enrolled students, payment of liabilities to the Student Protection Fund, or for the retrieval or safekeeping of student records.

Section 23. Subsections (1) and (4) of section 246.2265, Florida Statutes, are amended to read:

246.2265 Additional regulatory powers while disciplinary proceedings are pending; cease and desist orders.—

(1) The board may, in conjunction with an administrative complaint or notice of denial of licensure, issue cease and desist orders for the purpose of protecting the health, safety, and welfare of students, prospective students, and the general public. Such orders may be mandatory or prohibitory in form and may order *a nonpublic* ~~an independent~~ postsecondary *career* institution, officer, employee, or agent to:

(a) Cease and desist from specified conduct which relates to acts or omissions stated in the administrative complaint or notice of denial of licensure; or

(b) Cease and desist from failing to engage in specified conduct which is necessary to achieve or preserve the regulatory purposes of ss. 246.201-246.231.

(4) The executive director of the board, with the approval of the chair of the board, may issue and deliver a cease and desist order to *a nonpublic* ~~an independent~~ postsecondary *career* institution.

Section 24. Subsections (2) and (3) of section 246.227, Florida Statutes, are amended to read:

246.227 Injunctive relief; unlicensed operation of a school; cease and desist notice; civil penalty.—

(2) An unlicensed *nonpublic* ~~independent~~ postsecondary *career* institution required to be licensed pursuant to ss. 246.201-246.231 that advertises or causes advertisements to be made public through which students are solicited for enrollment or are offered diplomas shall be in violation of the provisions of ss. 246.201-246.231. A licensed *nonpublic* ~~independent~~ postsecondary *career* institution that is under temporary or permanent injunction against operating or offering diplomas that advertises or causes advertisements to be made public through which students are solicited for enrollment or are offered diplomas shall be in violation of such injunctive order upon presentation to the court of the advertisement.

(3) The executive director of the board, with the approval of the chair of the board, may issue and deliver a cease and desist order to any *nonpublic* ~~independent~~ postsecondary *career* institution or agent required to be licensed pursuant to ss. 246.201-246.231 that is not so licensed. The board may file, in the name of the state, a proceeding which seeks issuance of an injunction against any person in violation of any provision of such order.

Section 25. Subsection (1) of section 246.31, Florida Statutes, is amended to read:

246.31 Institutional Assessment Trust Fund.—

(1) There is created an Institutional Assessment Trust Fund to be administered by the Department of Education pursuant to this section and rules of the State Board of Education. The trust fund shall consist of all fees and fines imposed upon nonpublic colleges and schools pursuant to this chapter, including all fees collected from nonpublic colleges for participation in the common course designation and numbering system. The department shall maintain separate revenue accounts for the State Board of Independent Colleges and Universities; the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational,~~

~~Technical, Trade, and Business Schools~~; and the Department of Education.

Section 26. Subsection (6) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(6) COUNCILS AND COMMITTEES.—Notwithstanding anything contained in law to the contrary, the Commissioner of Education shall appoint all members of all councils and committees of the Department of Education, except the Board of Regents, the State Board of Community Colleges, the community college district boards of trustees, the Postsecondary Education Planning Commission, the Education Practices Commission, the Education Standards Commission, the State Board of Independent Colleges and Universities, the Florida Commission on Education Reform and Accountability, and the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.

Section 27. Subsection (5) of section 240.40204, Florida Statutes, is amended to read:

240.40204 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(5) A Florida independent postsecondary education institution that is licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, or Business Schools~~ and which:

(a) Has a program completion and placement rate of at least the rate required by the current Florida Statutes, the Florida Administrative Code, or the Department of Education for an institution at its level; and

(b) Shows evidence of sound financial condition; and either:

1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in the state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in Florida for 5 years during which there has been no complaint for which probable cause has been found.

Section 28. Subsection (3) of section 246.011, Florida Statutes, is amended to read:

246.011 Purpose.—

(3) It is the intent of the Legislature that a nonpublic college which offers both degrees and vocational certificates or diplomas shall be subject to the rules of the State Board of Independent Colleges and Universities as provided by ss. 246.011-246.151 and the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ as provided by ss. 246.201-246.231.

Section 29. Subsection (3) of section 246.081, Florida Statutes, is amended to read:

246.081 License, certificate of exemption, or authorization required; exceptions.—

(3) No nonpublic college shall continue to conduct or begin to conduct any diploma program, as defined in s. 246.203, unless the college applies for and obtains from the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ a license or authorization for such diploma program in the manner and form prescribed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.

Section 30. Subsection (3) of section 246.085, Florida Statutes, is amended to read:

246.085 Certificate of exemption.—

(3) Any college which holds a certificate of exemption and which conducts any diploma program, as defined in s. 246.203, shall be subject to licensure of such diploma program by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.

Section 31. Subsection (3) of section 246.091, Florida Statutes, is amended to read:

246.091 License period and renewal.—

(3) A licensed college which seeks to conduct any diploma program, as defined in s. 246.203, shall apply to the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ for licensure for such program.

Section 32. Subsection (1) of section 246.111, Florida Statutes, is amended to read:

246.111 Denial, probation, or revocation of license or certificate of exemption.—

(1) Any temporary license, provisional license, or regular license, agent's license, certificate of exemption, or other authorization required under the provisions of ss. 246.011-246.151 may be denied, placed on probation, or revoked by the board. A college which has its certificate of exemption revoked shall become subject to the licensing provisions of the board. The board shall promulgate rules for these actions. Placement of a college on probation for a period of time and subject to such conditions as the board may specify may also carry the imposition of an administrative fine not to exceed $5,000. Such fine shall be deposited into the Institutional Assessment Trust Fund. Disciplinary action undertaken pursuant to this section against a college that is also licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ shall prompt disciplinary proceedings pursuant to s. 246.226.

Section 33. Subsection (1) of section 246.50, Florida Statutes, is amended to read:

246.50 Certified Teacher-Aide Welfare Transition Program; participation by independent postsecondary schools.—An independent postsecondary school may participate in the Certified Teacher-Aide Welfare Transition Program and may receive incentives for successful performance from the Performance Based Incentive Funding Program if:

(1) The school is accredited by the Southern Association of Colleges and Schools and licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~;

Section 34. Section 455.2125, Florida Statutes, is amended to read:

455.2125 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the State Board of Independent Colleges and Universities; the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~; the Board of Regents; and the State Board of Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 35. Section 455.554, Florida Statutes, is amended to read:

455.554 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the State Board of Independent Colleges and Universities; the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~; the Board of Regents; and the State Board of Community Colleges prior

to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 36. Subsection (8) of section 467.009, Florida Statutes, is amended to read:

467.009 Midwifery programs; education and training requirements.—

(8) Nonpublic educational institutions that conduct approved midwifery programs shall be accredited by a member of the Commission on Recognition of Postsecondary Accreditation and shall be licensed by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~.

Section 37. Section 476.178, Florida Statutes, is amended to read:

476.178 Schools of barbering; licensure.—No private school of barbering shall be permitted to operate without a license issued by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ pursuant to chapter 246. However, this section shall not be construed to prevent certification by the Department of Education of barber training programs within the public school system or to prevent government operation of any other program of barbering in this state.

Section 38. Section 477.023, Florida Statutes, is amended to read:

477.023 Schools of cosmetology; licensure.—No private school of cosmetology shall be permitted to operate without a license issued by the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ pursuant to chapter 246. However, nothing herein shall be construed to prevent certification by the Department of Education of cosmetology training programs within the public school system or to prevent government operation of any other program of cosmetology in this state.

Section 39. Section 488.01, Florida Statutes, is amended to read:

488.01 License to engage in business of operating a driver's school required.—The Department of Highway Safety and Motor Vehicles shall oversee and license all commercial driver's schools except truck driving schools. All commercial truck driving schools shall be required to be licensed pursuant to chapter 246, and additionally shall be subject to the provisions of ss. 488.04 and 488.05. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a driver's school without first obtaining a license therefor from the Department of Highway Safety and Motor Vehicles pursuant to this chapter or from the State Board of *Nonpublic Career Education* ~~Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~ pursuant to chapter 246.

Section 40. Effective July 1, 1999, subsection (1) and paragraph (a) of subsection (6) of section 232.246, Florida Statutes, are amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics. Effective for students entering the 9th grade in the 1997-1998 school year and thereafter, one of these credits must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course.

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government, including study of the Constitution of the United States. For students entering the 9th grade in the 1997-1998 school year and thereafter, the study of Florida government, including study of the State Constitution, the three branches of state government, and municipal and county government, shall be included as part of the required study of American government.

(h)1. One credit in practical arts career education or exploratory career education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory career education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts career education or exploratory career education and performing fine arts, as defined in this paragraph.

Such credit for practical arts career education or exploratory career education or for performing fine arts shall be made available in the 9th grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

(j) *One* ~~One-half~~ credit in physical education to include assessment, improvement, and maintenance of personal fitness. Participation in an interscholastic sport~~, whether~~ at the ~~freshman,~~ junior varsity~~,~~ or varsity level, for *two* ~~a~~ full *seasons* ~~season~~, shall satisfy the *one-credit* ~~one-half credit~~ requirement in physical education *if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A school board may not require that the one credit in physical education be taken during the 9th grade year.*

(k) *Eight and one-half* ~~Nine~~ elective credits.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic *Scholars award* ~~Scholar's Certificate Program~~ requirements as specified in a district's pupil progression plan.

(6) The Legislature recognizes that adult learners are unique in situation and needs. The following graduation requirements are therefore instituted for students enrolled in adult general education in accordance with s. 239.301 in pursuit of a high school diploma:

(a) The *one* ~~one-half~~ credit in physical education required for graduation, pursuant to subsection (1), is not required for graduation and shall be substituted with elective credit keeping the total credits needed for graduation consistent with subsection (1).

Section 41. Section 233.0616, Florida Statutes, is created to read:

233.0616 Personal fitness programs.—Each elementary school and middle school is encouraged to implement a personal fitness program, approved by the Department of Education, that complies with American Heart Association guidelines for elementary school and middle school personal fitness courses. From incentive funds provided in the General Appropriations Act, the Department of Education shall allocate funds to schools implementing personal fitness programs pursuant to this section.

Section 42. *From funds provided in the General Appropriations Act, the Department of Education shall allocate funds to provide for an additional one-fourth-time position to upgrade the physical education specialist position in the department from a three-fourths-time position to a full-time position.*

Section 43. Subsections (3) and (13) of section 240.61, Florida Statutes, are amended to read:

240.61 College reach-out program.—

(3) To participate in the college reach-out program, a community college, a public university, or an independent postsecondary institution ~~that is participating in a special program for students from disadvantaged backgrounds pursuant to 20 U.S.C., ss. 1070d et seq.~~ may submit a proposal to the Department of Education. The State Board of Education shall consider the proposals and determine which proposals to implement as programs that will strengthen the educational motivation and preparation of low-income educationally disadvantaged students.

(13) By *February 15* ~~January 15~~ of each year, the Postsecondary Education Planning Commission shall submit to the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Governor a report that evaluates the effectiveness of the college reach-out program. The report must be based upon information provided by participating institutions, the Division of Universities, the Division of Community Colleges, and the Division of Workforce Development pursuant to subsections (7) and (12). ~~The evaluation must include longitudinal cohort assessments of college reach-out program participants from their entry into the program to their graduation from postsecondary institutions.~~ To the extent feasible, the performance of college reach-out program participants must be compared to the performance of comparable cohorts of students in public school and postsecondary education.

Section 44. *Sections 240.154, 240.278, 240.521, 240.522, 240.523, and 240.525, Florida Statutes, are repealed.*

Section 45. Subsection (4) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(4) EDUCATION ESTIMATING CONFERENCE.—

(a) Duties.—The Education Estimating Conference shall develop such official information relating to the state public educational system, including forecasts of student enrollments, *the number of* students qualified for state financial aid programs *and the appropriation required to fund the full award amounts for each program*, fixed capital outlay needs, and Florida Education Finance Program formula needs, as the conference determines is needed for the state planning and budgeting system. The conference's initial projections of enrollments in public schools shall be forwarded by the conference to each school district no later than 2 months prior to the start of the regular session of the Legislature. Each school district may, in writing, request adjustments to the initial projections. Any adjustment request shall be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. A school district may amend its adjustment request, in writing, during the first 3 weeks of the legislative session, and such amended adjustment request shall be considered by the principals of the conference. For any adjustment so requested, the district shall indicate and explain, using definitions adopted by the conference, the components of anticipated enrollment changes that correspond to continuation of current programs with workload changes; program improvement; program reduction or elimination; initiation of new programs; and any other information that may be needed by the Legislature. For public schools, the conference shall submit its full-time equivalent student consensus estimate to the Legislature no later than 1 month after the start of the regular session of the Legislature. No conference estimate may be changed without the agreement of the full conference.

(b) Adjustments.—No later than 2 months prior to the start of the regular session of the Legislature, the conference shall forward to each eligible postsecondary education institution its initial projections of the number of students qualified for state financial aid programs and the appropriation required to fund those students at the full award amount. Each postsecondary education institution may request, in writing, adjustments to the initial projection. Any adjustment request must be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. For any adjustment so requested, the postsecondary education institution shall indicate and explain, using definitions adopted by the conference, the components of anticipated changes that correspond to continuation of current programs with enrollment changes, program reduction or elimination, initiation of new programs, award amount increases or decreases, and any other information that is considered by the conference. The conference shall submit its consensus estimate to the Legislature no later than 1 month after the start of the regular session of the Legislature. No conference estimate may be changed without the agreement of the full conference.

(c)~~(b)~~ Principals.—The Associate Deputy Commissioner for Educational Management, the Executive Office of the Governor, the director of the Division of Economic and Demographic Research of the Joint Legislative Management Committee, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Education Estimating Conference. The Associate Deputy Commissioner for Educational Management or his or her designee shall preside over sessions of the conference.

Section 46. Effective *July* ~~January~~ 1, 1999, section 240.409, Florida Statutes, is amended to read:

240.409 Florida Public Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Public Student Assistance Grant Program. *The program shall* ~~to~~ be administered by the *participating institutions* ~~Department of Education~~ in accordance with rules of the state board.

(2)(a) State student assistance grants through the program may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of ~~tuition and~~ matriculation fees *and other registration fees* for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a state student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters *of full-time enrollment* ~~in a period of not more than 6 consecutive years~~, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida public student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered ~~by the department~~ when conducting an assessment of the financial resources available to each student.

(c) ~~The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants,~~

~~and such system shall include a certification of acceptability by the state university or community college of the applicant's choice and the use of a nationally recognized system of need analysis.~~ Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, *in accordance with a nationally recognized system of need analysis* ~~as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs~~. *Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.*

(d) *Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.* ~~The department is directed to establish, for fall enrollment, an initial application deadline for students attending all eligible institutions and an additional application deadline for community college applicants who apply after the initial application deadline. The second community college deadline shall be at the close of each institution's drop-add period. The department shall reserve an amount to be designated annually in the General Appropriations Act for the purpose of providing awards to community college students who apply for a student assistance grant after the initial application deadline. Community college applicants who apply during the initial application period and are eligible to receive an award, but do not receive an award because of insufficient funds, shall have their applications reconsidered with those community college applicants who apply after the initial application deadline. The provisions of this paragraph shall take effect beginning with the 1990-1991 academic year.~~

(3) Based on the unmet financial need of an eligible applicant, the ~~full~~ amount of a Florida public student assistance grant must be between $200 and *the weighted average of the cost of matriculation and other registration fees for 30 credit hours at state universities* ~~$1,500~~ per academic year or the amount specified in the General Appropriations Act. ~~When funds are not sufficient to make full awards to all eligible applicants, the department shall reduce the amount of each recipient's grant award pro rata. For any year in which a pro rata grant reduction is necessary, such adjustment shall be made by reducing the second semester or the second and third quarter award disbursements to grant recipients. In each such instance, institutions shall notify students of award adjustments.~~

~~(4) In the event that a Florida public student assistance grant recipient transfers from one institution eligible under this section, s. 240.4095, or s. 240.4097 to another, his or her eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.~~

(4)~~(5)~~(a) *The funds appropriated for the Florida Public Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission, the State Board of Community Colleges, and the Board of Regents. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds.*

(b) Payment of Florida public student assistance grants *shall* ~~may~~ be transmitted to the president of the state university or community college ~~which the recipient is attending~~, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c)~~(b) Institutions shall certify to the department, within 30 days of the end of regular registration, the eligibility status of each awarded student.~~ The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of *changing* ~~amending~~ eligibility determinations previously made. ~~However, an institution shall be required to make refunds for students who receive award disbursements and terminate enrollment for any reason during the academic term when an institution's refund policies permit a student to receive a refund under these circumstances.~~

(d)~~(c)~~ Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances *by June 1 of each year* ~~within 60 days of the end of regular registration~~.

(5)~~(6)~~ Funds appropriated by the Legislature for state student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

(6)~~(7)~~ The State Board of Education shall establish rules necessary to implement this section.

Section 47. Effective July 1, 1999, section 240.4095, Florida Statutes, is amended to read:

240.4095 Florida Private Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Private Student Assistance Grant Program. *The program shall* ~~to~~ be administered by the *participating institutions* ~~Department of Education~~ in accordance with rules of the state board.

(2)(a) Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed *an amount equal to the average matriculation and other registration fees for 30 credit hours at state universities plus $1,000* ~~a total of $1,500~~ per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools~~, and which has a secular purpose,~~ and which is located in and chartered as a domestic corporation by the state. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters *of full-time enrollment* ~~in a period of not more than 6 consecutive years~~, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida private student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered ~~by the department~~ when conducting an assessment of the financial resources available to each student.

(c) ~~The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the independent nonprofit college or university of the applicant's choice.~~ Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, *in accordance with a nationally recognized system of need analysis* ~~as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs~~. *Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.*

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(3) Based on the unmet financial need of an eligible applicant, the ~~full~~ amount of a Florida private student assistance grant must be between $200 and *the average cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000* ~~$1,500~~ per academic year or the amount specified in the General Appropriations Act. ~~When funds are not sufficient to make full awards to all eligible applicants, the department shall reduce the amount of each recipient's grant award pro rata. For any year in which a pro rata grant reduction is necessary, such adjustment shall be made by reducing the second semester or the second and third quarter award disbursements to grant recipients. In each such instance, institutions shall notify students of award adjustments.~~

~~(4) In the event that a Florida private student assistance grant recipient transfers from one institution eligible under this section, s. 240.409, or s. 240.4097 to another, his or her eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.~~

(4)~~(5)~~(a) *The funds appropriated for the Florida Private Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Independent Colleges and Universities of Florida. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds.*

(b) Payment of Florida private student assistance grants *shall* ~~may~~ be transmitted to the president of the college or university ~~which the recipient is attending~~, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c)~~(b) Institutions shall certify to the department, within 30 days of the end of regular registration, the eligibility status of each awarded student.~~ The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of *changing* ~~amending~~ eligibility determinations previously made. ~~However, an institution shall be required to make refunds for students who receive award disbursements and terminate enrollment for any reason during the academic term when an institution's refund policies permit a student to receive a refund under these circumstances.~~

(d)~~(c)~~ Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances *by June 1 of each year* ~~within 60 days of the end of regular registration~~.

(e)~~(d)~~ Each institution that receives moneys through the Florida Private Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(5)~~(6)~~ Funds appropriated by the Legislature for Florida private student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(6)~~(7)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 48. Effective July 1, 1999, section 240.4097, Florida Statutes, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Postsecondary Student Assistance Grant Program. *The program shall* ~~to~~ be administered by the *participating institutions* ~~Department of Education~~ in accordance with rules of the state board.

(2)(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed *an amount equal to the average prior-academic-year cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000* ~~a total of $1,500~~ per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in and chartered as a domestic corporation by the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

No student may receive an award for more than the equivalent of 9 semesters or 14 quarters *of full-time enrollment* ~~in a period of not more than 6 consecutive years~~, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered ~~by the department~~ when conducting an assessment of the financial resources available to each student.

(c) ~~The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the school of the applicant's choice.~~ Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, *in accordance with a nationally recognized system of need analysis* ~~as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs~~. *Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.*

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(3) Based on the unmet financial need of an eligible applicant, the ~~full~~ amount of a Florida postsecondary student assistance grant must be between $200 and *the average cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000* ~~$1,500~~ per academic year or the amount specified in the General Appropriations Act. ~~When funds are not sufficient to make full awards to all eligible applicants, the department shall reduce the amount of each recipient's grant award pro rata. For any year in which a pro rata grant reduction is necessary, such adjustment shall be made by reducing the second semester or the second and third quarter award disbursements to grant~~

~~recipients. In each such instance, institutions shall notify students of award adjustments.~~

~~(4) In the event that a student assistance grant recipient transfers from one institution eligible under this section, s. 240.409, or s. 240.4095 to another, his or her eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.~~

(4)~~(5)~~(a) *The funds appropriated for the Florida Postsecondary Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Florida Association of Postsecondary Schools and Colleges. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds.*

(b) Payment of Florida postsecondary student assistance grants *shall* ~~may~~ be transmitted to the president of the eligible institution ~~which the recipient is attending~~, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c)~~(b) Institutions shall certify to the department, within 30 days of the end of regular registration, the eligibility status of each awarded student.~~ The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of *changing* ~~amending~~ eligibility determinations previously made. ~~However, an institution shall be required to make refunds for students who receive award disbursements and terminate enrollment for any reason during the academic term when an institution's refund policies permit a student to receive a refund under these circumstances.~~

(d)~~(c)~~ Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances *by June 1 of each year* ~~within 60 days of the end of regular registration~~.

(e)~~(d)~~ Each institution that receives moneys through the Florida Postsecondary Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(5)~~(6)~~ Any institution that was eligible to receive state student assistance grants on January 1, 1989, and that is not eligible to receive grants pursuant to s. 240.4095 is eligible to receive grants pursuant to this section.

(6)~~(7)~~ Funds appropriated by the Legislature for Florida postsecondary student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(7)~~(8)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 49. Section 240.551, Florida Statutes, is amended to read:

240.551 Florida Prepaid *College* ~~Postsecondary Education Expense~~ Program.—

(1) *LEGISLATIVE INTENT.*—The Legislature recognizes that educational opportunity at the postsecondary level is a critical state interest. It further recognizes that educational opportunity is best ensured through the provision of postsecondary institutions that are geographically and financially accessible. Accordingly, it is the intent of the Legislature that a program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment. It is similarly the intent of the Legislature to provide a program that fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees.

(2) *DEFINITIONS.*—~~As used in this section:~~

(a) "Advance payment contract" means a contract entered into by the board and a purchaser pursuant to this section.

(b) "Board" means the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Board.

(c) "Fund" means the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Trust Fund.

(d)~~(g)~~ "Program" means the Florida Prepaid *College* ~~Postsecondary Education Expense~~ Program.

(e)~~(d)~~ "Purchaser" means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(f)~~(e)~~ "Qualified beneficiary" means:

1. A resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident;

2. A nonresident who is the child of a noncustodial parent who is a resident of this state at the time that such parent enters into an advance payment contract on behalf of the child; or

3. For purposes of advance payment contracts entered into pursuant to *subsection (22)* ~~paragraph (5)(j)~~, a graduate of an accredited high school in this state who is a resident of this state at the time he or she is designated to receive the benefits of the advance payment contract.

(g)~~(h)~~ "Registration fee" means matriculation fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(h)~~(f)~~ "State postsecondary institution" means any community college identified in s. 240.3031 or university identified in s. 240.2011.

(3) *FLORIDA PREPAID COLLEGE PROGRAM; CREATION.*—There is created a Florida Prepaid *College* ~~Postsecondary Education Expense~~ Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(4) *FLORIDA PREPAID COLLEGE TRUST FUND.*—There is created within the State Board of Administration the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47~~; however, such investment shall not be mandatory~~. Dividends, interest, and gains accruing to the trust fund shall increase the total funds available for the program. Notwithstanding the provisions of chapter 717, funds associated with *terminated* contracts ~~terminated~~ pursuant to *subsection (12)* ~~paragraph (6)(d)~~ and canceled contracts for which no refunds have been claimed shall increase

the total funds available for the program. However, the board shall establish procedures for notifying purchasers who subsequently cancel their contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that dividends, interest, and gains *exceed* ~~exceeds~~ the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10. Any funds of a direct-support organization created pursuant to *subsection (22)* ~~paragraph (5)(j)~~ shall be exempt from the provisions of this *subsection* ~~paragraph~~.

(5) *PROGRAM ADMINISTRATION.—*

(a) The Florida Prepaid *College* ~~Postsecondary Education Expense~~ Program shall be administered by the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Board as an agency of the state. The *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. For the purposes of s. 6, Art. IV of the State Constitution, the board shall be assigned to and administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in this section.

(b) The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, the Comptroller, the Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years ~~except that, in making the initial appointments, the Governor shall appoint one member to serve for 1 year, one member to serve for 2 years, and one member to serve for 3 years~~. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(c)~~(a) The Governor shall appoint a member of the board to serve as the initial chair of the board. Thereafter, the board shall elect a chair annually.~~ The board shall annually elect a board member to serve as *chair and a board member to serve as* vice chair and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chair.

(6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.—The board shall:

(a)~~(b) The board shall~~ Appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him or her by the board.

(b) Administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(c) Establish a comprehensive investment plan for the purposes of this section with the approval of the State Board of Administration. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.

(d) Solicit proposals and contract, pursuant to s. 287.057, for the marketing of the Florida Prepaid College Program. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.

(e) Solicit proposals and contract, pursuant to s. 287.057, for a trustee services firm to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.

2. Capability to execute program responsibilities within time and regulatory constraints.

3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.

4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.

5. Adequacy of technical assistance and services proposed for staff.

6. Adequacy of a management system for evaluating and improving overall trustee services to the program.

7. Adequacy of facilities, equipment, and electronic data processing services.

8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.

(f) Solicit proposals and contract, pursuant to s. 287.057, for product providers to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider

shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.

3. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.

4. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.

(7)~~(c)~~ *FLORIDA PREPAID COLLEGE BOARD; POWERS.*—The board shall have the powers necessary or proper to carry out the provisions of this section, including, but not limited to, the power to:

(a)~~1.~~ Adopt an official seal and rules.

(b)~~2.~~ Sue and be sued.

(c)~~3.~~ Make and execute contracts and other necessary instruments.

(d)~~4.~~ Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.

(e)~~5.~~ Invest funds not required for immediate disbursement.

(f)~~6.~~ Appear in its own behalf before boards, commissions, or other governmental agencies.

(g)~~7.~~ Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.

(h)~~8.~~ Require a reasonable length of state residence for qualified beneficiaries.

(i)~~9.~~ Restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(j)~~10.~~ Segregate contributions and payments to the fund into various accounts and funds.

(k)~~11.~~ Contract for necessary goods and services, employ necessary personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for administrative or technical assistance.

(l)~~12.~~ Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of this section.

(m)~~13.~~ Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis.

(n)~~14.~~ Procure insurance against any loss in connection with the property, assets, and activities of the fund or the board.

(o)~~15.~~ Impose reasonable time limits on use of the tuition benefits provided by the program. However, any such limitation shall be specified within the advance payment contract.

(p)~~16.~~ Delineate the terms and conditions under which payments may be withdrawn from the fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract.

(q)~~17.~~ Provide for the receipt of contributions in lump sums or installment payments.

~~18. Establish other policies, procedures, and criteria to implement and administer the provisions of this section.~~

(r)~~19.~~ Require that purchasers of advance payment contracts verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests, or contract changes of any nature. Verification shall be accomplished as authorized and provided for in s. 92.525(1)(a).

~~(d) The board shall administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.~~

~~(e) The board, acting with the approval of the State Board of Administration, shall establish a comprehensive investment plan for the purposes of this section. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund, and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.~~

(s)~~(f) The board may~~ Delegate responsibility for administration of the comprehensive investment plan required in paragraph *(6)(c)*~~(e)~~ to a person the board determines to be qualified. Such person shall be compensated by the board. Directly or through such person, the board may contract with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

(t) Endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers and beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.

(u) Solicit proposals and contract, pursuant to s. 287.057, for the services of a records administrator. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.

3. Sufficient staff and computer capability for the scope and level of service expected by the board.

4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.

(v) Establish other policies, procedures, and criteria to implement and administer the provisions of this section.

~~(g) The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Regents and the State Board of Community Colleges by March 31 each year complete advance payment contract sales information including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.~~

(8)~~(h)~~ *QUALIFIED STATE TUITION PROGRAM STATUS.*—Notwithstanding any other provision of this section, the board may adopt rules necessary to enable the program to retain its status as a "qualified state *tuition* ~~prepaid~~ program" in order to maintain its tax exempt status or other similar status of the program, purchasers, and qualified beneficiaries under the Internal Revenue Code of 1986, as defined in s. 220.03(1). The board shall inform purchasers of changes to the tax or securities status of contracts purchased through the program.

~~(i) The board shall solicit proposals for the marketing of the Florida Prepaid Postsecondary Education Expense Program pursuant to s. 287.057. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.~~

~~(j) The board may establish a direct-support organization which is:~~

~~1. A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.~~

~~2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.~~

~~3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state. Unless so certified, the organization may not use the name of the program.~~

~~4. Subject to an annual postaudit by an independent certified public accountant in accordance with rules promulgated by the board. The annual audit shall be submitted to the State Board of Administration and the Auditor General for review. The State Board of Administration and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

~~The chair of the board and the executive director shall be directors of the direct-support organization and shall jointly name three other individuals to serve as directors of the organization.~~

~~(k) The board may endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers or beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.~~

(9) PREPAID COLLEGE PLANS.—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.

(a)1. Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the State Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.35, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. The cost of purchasing such fees shall be based primarily on the average current and projected fees within the State Community College System and the number of years expected to elapse between the purchase of the plan on behalf of the beneficiary and the exercise of benefits provided in the plan by such beneficiary. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.235(1), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. The costs of purchasing such fees shall be based primarily on the average current and projected cost of these fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of the qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily

on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES.—

(a) A qualified beneficiary may apply a community college plan, university plan, or dormitory residence plan toward any eligible independent college or university. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021, shall be eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract within a state postsecondary institution. In the event that the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. No transfer authorized pursuant to this paragraph shall exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) A qualified beneficiary may apply the benefits of an advance payment contract toward an eligible out-of-state college or university. An out-of-state college or university which is not for profit and is accredited by a regional accrediting association, and which confers baccalaureate degrees, shall be eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee. In the event that the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. No transfer authorized pursuant to this paragraph shall exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(11)~~(6)(a)~~ *ADVANCE PAYMENT CONTRACTS; CONTENTS.*—The board shall construct advance payment contracts for registration and may construct advance payment contracts for dormitory residence *as provided* in ~~accordance with the provisions of~~ this section. Advance payment contracts constructed for the purposes of this section shall be exempt from ~~the provisions of~~ chapter 517 and the Florida Insurance Code. ~~The board may request assistance from the Department of Legal Affairs in the development of the advance payment contracts. The contents of both~~ Such contracts shall include, but not be limited to, the following:

(a)~~1.~~ The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

(b)~~2.~~ The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

(c)~~3.~~ Provisions for late payment charges and for default.

(d)~~4.~~ Provisions for penalty fees for withdrawals from the fund.

(e)~~5.~~ Except for an advance payment contract entered into pursuant to *subsection (22)* ~~paragraph (5)(j)~~, the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(f)~~6.~~ The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(g)~~7.~~ The terms and conditions under which a contract may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

~~8. The time limitations, if any, within which the qualified beneficiary must claim his or her benefits through the program.~~

~~9. Other terms and conditions deemed by the board to be necessary or proper.~~

~~(b) In addition to the provisions of paragraph (a), an advance payment contract for registration shall include, but not be limited to, the following:~~

(h)~~1.~~ The number of semester credit hours *or semesters of dormitory residence* contracted by the purchaser.

(i)~~2.~~ The state postsecondary system toward which the contracted credit hours *or semesters of dormitory residence* will be applied.

(j)~~3.~~ The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conference of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary *or to provide for a specified number of semesters of dormitory residence, not to exceed the number of semesters of full-time enrollment required for the conference of a baccalaureate degree.*

(k) Other terms and conditions deemed by the board to be necessary or proper.

~~(c) In addition to the provisions of paragraph (a), an advance payment contract for dormitory residence shall include, but not be limited to, the following:~~

~~1. The number of semesters of dormitory residence contracted by the purchaser.~~

~~2. The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semesters of dormitory residence at a state university, not to exceed the maximum number of semesters of full-time enrollment required for the conference of a baccalaureate degree.~~

(12)~~(d)~~ *DURATION OF BENEFITS; ADVANCE PAYMENT CONTRACT.*—An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this *subsection* ~~paragraph~~. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this *subsection* ~~paragraph~~ shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this *subsection* ~~para-~~

~~graph~~. Such moneys retained by the board are exempt from chapter 717, and such retained moneys must be used by the board to further the purposes of this section.

(13) REFUNDS.—

(a)~~(e)1.~~ *Except as provided in paragraphs (b) and (c),* no refund ~~provided pursuant to subparagraph (a)7.~~ shall exceed the amount paid into the fund by the purchaser. ~~In the event that an advance payment contract is converted from a university to a community college registration plan, the refund amount shall be reduced by the amount transferred to a community college on behalf of the qualified beneficiary. However, refunds may exceed the amount paid into the fund in the following circumstances:~~

(b)~~a.~~ If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.

(c)~~b.~~ In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be returned to the purchaser together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.

(d)~~c.~~ If an advance payment contract is converted from *one registration plan to a plan of lesser value* ~~a university plan to a community college plan or a community college plus university plan, or is converted from a community college plus university plan to a community college plan~~, the amount refunded shall not exceed the difference between the amount paid for the original contract and the amount that would have been paid for the contract to which the plan is converted had the converted plan been purchased under the same payment plan at the time the original advance payment contract was executed.

(e)~~2.~~ No refund shall be authorized through an advance payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period, but withdraws before the end of such semester. If a beneficiary does not complete a community college plan or university plan for reasons other than specified in *paragraph (c)* ~~subparagraph 1.~~, the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(14)~~(f)~~ *CONFIDENTIALITY OF ACCOUNT INFORMATION.*—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a community college, college, or university in which a beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

~~(7) At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.~~

~~(a) Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the State Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201 regardless of his or her actual legal residence.~~

~~(b) Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. In the event that a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college, the qualified beneficiary may convert the average number of semester credit hours required for the conference of an associate degree from a university plan to a community college plan and may retain the remaining semester credit hours in the university plan or may request a refund for prepaid credit hours in excess of the average number of semester credit hours required for the conference of an associate degree pursuant to subparagraph (6)(a)7. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201 regardless of his or her actual legal residence.~~

~~(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.~~

~~(d) A qualified beneficiary may apply a community college plan, university plan, or dormitory residence plan toward any eligible independent college or university. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for such application. The board shall transfer or cause to have transferred to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract within a state postsecondary institution. In the event that the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. No transfer authorized pursuant to this paragraph shall exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.~~

~~(e) A qualified beneficiary may apply the benefits of an advance payment contract toward an eligible out-of-state college or university. An out-of-state college or university which is not for profit, is accredited~~

~~by a regional accrediting association, and which confers baccalaureate degrees shall be eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee. In the event that the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. No transfer authorized pursuant to this paragraph shall exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.~~

~~(8) The board shall solicit proposals for the operation of the Florida Prepaid Postsecondary Education Expense Program pursuant to s. 287.057, through which the board shall contract for the services of a records administrator, a trustee services firm, and one or more product providers.~~

~~(a) The records administrator shall be the entity designated by the board to conduct the daily operations of the program on behalf of the board. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:~~

~~1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.~~

~~2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.~~

~~3. Sufficient staff and computer capability for the scope and level of service expected by the board.~~

~~4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.~~

~~(b) The trustee services firm shall be the entity designated by the board to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:~~

~~1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.~~

~~2. Capability to execute program responsibilities within time and regulatory constraints.~~

~~3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.~~

~~4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.~~

~~5. Adequacy of technical assistance and services proposed for staff.~~

~~6. Adequacy of a management system for evaluating and improving overall trustee services to the program.~~

~~7. Adequacy of facilities, equipment, and electronic data processing services.~~

~~8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.~~

~~(c)1. The product providers shall be the entities designated by the board to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the State Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals.~~

~~2. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:~~

~~a. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.~~

~~b. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.~~

~~c. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.~~

~~d. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.~~

(15)~~(9)~~ *OBLIGATIONS OF BOARD; PAYMENT.*—The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(16)~~(10)~~ *ASSETS OF THE FUND; EXPENDITURE PRIORITY.*—The assets of the fund shall be maintained, invested, and expended solely for the purposes of this section and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of this section. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the fund shall be expended in the following order of priority:

(a) To make payments to state postsecondary institutions on behalf of qualified beneficiaries.

(b) To make refunds upon termination of advance payment contracts.

(c) To pay the costs of program administration and operations.

(17)~~(11)~~ *EXEMPTION FROM CLAIMS OF CREDITORS.*—Moneys paid into or out of the fund by or on behalf of a purchaser or qualified beneficiary of an advance payment contract made under this section, which contract has not been terminated, are exempt, as provided by s. 222.22, from all claims of creditors of the purchaser or the beneficiary. Neither moneys paid into the program nor benefits accrued through the program may be pledged for the purpose of securing a loan.

(18)~~(12)~~ *PAYROLL DEDUCTION AUTHORITY.*—The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with this section.

(19)~~(13)~~ *DISCLAIMER.*—Nothing in this section shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

(20)~~(14)~~ *PROGRAM TERMINATION.*—In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within 5 years of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he or she has contracted. All other contract holders shall receive a refund~~, pursuant to subparagraph (6)(a)7.,~~ of the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(21) ANNUAL REPORT.—The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Regents and the State Board of Community Colleges, by March 31 each year, complete advance payment contract sales information, including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(a) The board may establish a direct-support organization which is:

1. A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.

3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state. Unless so certified, the organization may not use the name of the program.

4. Subject to an annual postaudit by an independent certified public accountant in accordance with rules promulgated by the board. The annual audit shall be submitted to the State Board of Administration and the Auditor General for review. The State Board of Administration and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name three other individuals to serve as directors of the organization.

Section 50. Section 222.22, Florida Statutes, is amended to read:

222.22 Exemption of moneys in the Prepaid Postsecondary Education Expense Trust Fund from legal process.—Moneys paid into or out of the *Florida* Prepaid *College* ~~Postsecondary Education Expense~~ Trust Fund by or on behalf of a purchaser or qualified beneficiary pursuant to an advance payment contract made under s. 240.551, which contract has not been terminated, are not liable to attachment, garnishment, or legal process in the state in favor of any creditor of the purchaser or beneficiary of such advance payment contract.

Section 51. Subsection (2) of section 732.402, Florida Statutes, is amended to read:

732.402 Exempt property.—

(2) Exempt property shall consist of:

(a) Household furniture, furnishings, and appliances in the decedent's usual place of abode up to a net value of $10,000 as of the date of death.~~; and~~

(b) All automobiles held in the decedent's name and regularly used by the decedent or members of the decedent's immediate family as their personal automobiles.

(c) Florida Prepaid College Program contracts purchased pursuant to s. 240.551.

Section 52. For the purpose of incorporating the amendment to s. 732.402, Florida Statutes, in references thereto, subsection (13) of section 731.201 and subsection (1) of section 735.301, Florida Statutes, are reenacted to read:

731.201 General definitions.—Subject to additional definitions in subsequent chapters that are applicable to specific chapters or parts, and unless the context otherwise requires, in this code and chapters 737, 738, and 744:

(13) "Exempt property" means the property of a decedent's estate which is described in s. 732.402.

735.301 Disposition without administration.—

(1) No administration shall be required or formal proceedings instituted upon the estate of a decedent leaving only personal property exempt under the provisions of s. 732.402, personal property exempt from the claims of creditors under the Constitution of Florida, and nonexempt personal property the value of which does not exceed the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness.

Section 53. Effective January 1, 1999, section 240.207, Florida Statutes, is amended to read:

240.207 Board of Regents; appointment of members; qualifications and terms of office.—

(1) The Board of Regents shall consist of the Commissioner of Education and *13* ~~12~~ citizens of this state who shall be selected from the state at large, representative of the geographical areas of the state; who shall have been residents and citizens thereof for a period of at least 10 years prior to their appointment (one of whom shall be a member registered as a full-time student in the State University System and who shall have been a resident of this state for at least 5 years prior to appointment in lieu of the 10 years required of other members); and who shall be appointed by the Governor, approved by three members of the Cabinet, and confirmed by the Senate. However, no appointee shall take office until after his or her appointment has been approved by three members of the Cabinet. The State Board of Education shall develop rules and procedures for review and approval of the appointees. Except for the Commissioner of Education and except for the full-time student member, who shall serve for 1 year, the terms of office for the members of the Board of Regents *appointed after the effective date of this act* shall be *4* ~~6~~ years and until their successors are appointed and qualified, except in case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as in this section otherwise provided. No member shall be selected from any county to serve with any other member from the same county, except that not more than two members may be selected from a county which has a population in excess of 900,000, and with the exceptions of the student member, who shall be selected at large, and the Commissioner of Education. The Governor shall fill all vacancies, subject to the above approval and confirmation, that may at any time occur on the board.

(2) Members may be removed for cause at any time upon the concurrence of a majority of the members of the State Board of Education.

~~(3) To create an orderly succession of Regents and the appointment of two Regents each year, one additional Regent shall be appointed in 1991 to serve a 6-year term, and one additional Regent shall be appointed in 1992 to serve a 6-year term. For the four seats with terms ending in 1993, the Governor shall make one appointment for a 3-year term and two appointments for regular 6-year terms. For 1 year, from January 1992 to January 1993, there shall be a total of 15 Regents. All the members of the Board of Regents serving on May 3, 1991, shall complete their regular terms, as prescribed by the Secretary of State.~~

Section 54. Subsections (2) and paragraphs (b) and (e) of subsection (3) of section 240.209, Florida Statutes, are amended to read:

240.209 Board of Regents; powers and duties.—

(2) The Board of Regents shall appoint a Chancellor to serve at its pleasure who shall perform such duties as are assigned to him or her by the board. The board shall fix the compensation and other conditions of employment for the Chancellor. The board shall also provide for the compensation and other conditions of employment for employees necessary to assist the board and the Chancellor in the performance of their duties. The Chancellor shall be the chief administrative officer of the board and shall be responsible for appointing all employees of the board who shall serve under his or her direction and control. The Chancellor *must* ~~shall~~ be ~~a person~~ qualified by training and experience to understand the problems and needs of the state in the field of postsecondary education. Search committee activities for the selection of the Chancellor up to the point of transmitting a list of nominees to the Board of Regents shall be confidential and exempt from the provisions of ss. 119.07(1) and 286.011.

(3) The board shall:

(b) Appoint or remove the president of each university in accordance with procedures and rules adopted by the Board of Regents. The board may appoint a search committee to assist in evaluating presidential candidates. Each appointment of a university president shall be conducted in accordance with the provisions of ss. 119.07 and 286.011. The board shall determine the compensation and other conditions of employment for each president. ~~The board shall not provide a tenured faculty appointment to any president who is removed through termination by the board or resignation tendered at the request of the board.~~

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214(2) and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 50 percent of funds from the student financial aid fee shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award.

5. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

6. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

Section 55. Section 240.136, Florida Statutes, is created to read:

240.136 Suspension and removal from office of elected student government officials; referendum.—Each state university and community college student government association shall establish a process within 60 days of this act becoming a law to provide for the removal from office of any elected student government official who has been convicted of a violation of criminal law or has been found civilly liable for an act of moral turpitude, after all available rights of judicial appeal have been exercised or waived or have expired. The process shall include a procedure for the immediate suspension of the student government official from elected office following the conviction or civil finding and during any appeal, and shall provide for the temporary successor to the subject office pending completion of any appeal. The process must also include a procedure for registered students to petition for a referendum recommending to the student government association the removal of a student official from elected office. The referendum must be held within 60 days of filing of the petition. The recommendation to remove the subject official from elected office shall be made by majority vote of the students participating in the referendum. The action of a student government association under this section shall be subject to an appeal to the university or community college president or designee.

Section 56. Except as otherwise provided in this act, this act shall take effect July 1, 1998.

And the title is amended as follows:

On page 66, line 16 through page 69, line 24 of the amendment remove all of said lines: and insert in lieu thereof: A bill to be entitled An act relating to postsecondary education; amending s. 232.2466, F.S.; revising requirements for the college-ready diploma program; amending s. 233.061, F.S.; including the study of Hispanic and Women's contributions to the United States in required public school instruction; amending s. 239.117, F.S.; exempting specified students from postsecondary fees; amending s. 239.225, F.S.; revising provisions relating to the Vocational Improvement Program; amending s. 240.1163, F.S.; revising dual enrollment provisions; amending s. 240.235, F.S.; exempting specified

university students from fees; amending s. 240.311, F.S., relating to powers and duties of the State Board of Community Colleges; amending s. 240.321, F.S., relating to duties of community college district boards of trustees; requiring notification of alternative remedial options; amending s. 240.324, F.S., relating to the community college accountability process; providing for coinciding reporting deadlines; clarifying language; amending s. 240.35, F.S.; exempting specified community college students from fees; amending s. 240.36, F.S.; revising provisions relating to the uses of a trust fund for community colleges; amending s. 240.382, F.S.; correcting a cross-reference; amending s. 240.4097, F.S., relating to the Florida Postsecondary Student Assistance Grant Program; requiring the establishment of application deadlines; amending s. 246.201, F.S.; revising legislative intent; amending s. 246.203, F.S.; renaming the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools the State Board of Nonpublic Career Education; revising definition of schools regulated by the board; amending s. 246.205, F.S.; conforming provisions; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; conforming provisions; amending s. 246.215, F.S.; requiring licensing of specified programs by the board; creating s. 246.216, F.S.; providing for exemption from licensure for specified entities; providing for statements of exemption; providing for revocation of statements of exemption; providing for remedies; amending ss. 246.219, 246.220, 246.2265, 246.227, and 246.31, F.S.; conforming provisions; amending ss. 20.15, 240.40204, 246.011, 246.081, 246.085, 246.091, 246.111, 246.50, 455.2125, 455.554, 467.009, 476.178, 477.023, and 488.01, F.S.; conforming provisions; amending s. 232.246, F.S.; revising credit requirements for high school graduation; creating s. 233.0616, F.S.; encouraging elementary schools and middle schools to implement personal fitness programs and providing for the allocation of funds; providing for the allocation of funds for upgrading a physical education specialist position in the Department of Education; amending s. 240.61, F.S.; revising criteria for participating in the college reach-out program; revising the due date for a report on the college reach-out program; removing the requirement for including longitudinal cohort assessment; repealing s. 240.154, F.S., which provides for undergraduate enhancement; repealing s. 240.278, F.S., which provides for the establishment and use of the Quality Assurance Fund; repealing s. 240.521, F.S., which provides for the establishment of a state university or a branch of an existing state university to be located in East Central Florida; repealing s. 240.522, F.S., which provides for the establishment of a university in Southwest Florida; repealing s. 240.523, F.S., which provides for the establishment of a 4-year college in Dade County; repealing s. 240.525, F.S., which provides for the establishment of a state university or branch of an existing state university or state college in Duval County; amending s. 216.136, F.S.; providing duties of the Education Estimating Conference; amending s. 240.409, F.S.; authorizing eligibility determination and grant distribution for the Florida Public Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4095, F.S.; authorizing eligibility determination and grant distribution for the Florida Private Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4097, F.S.; authorizing eligibility determination and grant distribution for the Florida Postsecondary Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.551, F.S.; renaming the Florida Prepaid Postsecondary Education Expense Program, Board, and Trust Fund the Florida Prepaid College Program, Board, and Trust Fund, respectively; reordering provisions and providing technical revisions; deleting obsolete provisions; conforming cross-references; permitting soliciting and contracting for records administration services; providing for the inclusion of certain fees within advance payment contracts for tuition; amending s. 222.22, F.S.; conforming provisions; amending s. 732.402, F.S.; exempting Florida Prepaid College Program contracts from the probate claims of creditors; reenacting ss. 731.201(13) and 735.301(1), F.S., relating to probate, to incorporate the amendment to s. 732.402, F.S., in references; amending s. 240.207, F.S.; providing terms of office for members of the Board of Regents; amending s. 240.209, F.S.; revising provisions relating to the selection of the Chancellor; deleting a restriction on the faculty appointment of former university presidents; creating s. 240.136, F.S.; requiring state university and community college student government associations to establish a process for removal of certain student government officials; providing requirements; providing for a referendum; providing effective dates.

On motion by Senator Forman, the Senate concurred in the House amendment to the Senate amendment.

HB 4259 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Dudley, by two-thirds vote **HB 4219** was withdrawn from the Committees on Criminal Justice; and Governmental Reform and Oversight.

On motion by Senator Dudley—

HB 4219—A bill to be entitled An act relating to mutual aid agreements; amending s. 23.1225, F.S.; redefining the term "mutual aid agreement" to include certain agreements between one or more law enforcement agencies and either a school board that employs school safety officers or a state university that employs or appoints university police officers; providing for a state university to enter and lend assistance pursuant to such agreements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1932** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 4219** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Crist	Horne	Rossin
Bankhead	Diaz-Balart	Jones	Scott
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Geller	Laurent	Turner
Childers	Grant	McKay	Williams
Clary	Gutman	Meadows	
Cowin	Harris	Ostalkiewicz	

Nays—None

SENATOR BANKHEAD PRESIDING

On motion by Senator Hargrett, by two-thirds vote **HB 4765** was withdrawn from the Committees on Transportation and Community Affairs.

On motion by Senator Hargrett, the rules were waived and by two-thirds vote—

HB 4765—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; requiring the Turnpike District to relocate to Sumter County in fiscal year 2000; amending s. 206.606, F.S.; revising the distribution of certain fuel tax proceeds; renumbering and amending s. 335.166, F.S.; transferring responsibility for welcome centers' staff to the Florida Commission on Tourism; requiring a study of toll road agencies and the Turnpike District by the Florida Transportation Commission; renumbering and amending s. 334.065, F.S.; revising provisions related to the funding source and the advisory board of the Center for Urban Transportation Research; amending s. 316.003, F.S.; defining the term "neighborhood vehicle"; amending s. 316.063, F.S.; changing the term "accident" to "crash"; revising the penalty for obstructing traffic upon damaging an unattended vehicle or other property; creating s. 316.0815, F.S.; giving public transit buses the right-of-way when reentering the traffic flow; amending s. 316.091, F.S.; providing that on

specified highways certain commercial vehicles may drive only in certain lanes; amending s. 316.1967, F.S.; reduces the number of outstanding parking violations which trigger the county clerk to report to the Department of Highway Safety and Motor Vehicles; amending s. 316.2055, F.S.; providing a uniform reference to the penalty for a pedestrian noncriminal traffic offense punishable under chapter 318, F.S.; amending s. 316.555, F.S.; exempting certain silvicultural and agricultural vehicles and equipment from weight restrictions on county roads; amending s. 318.15, F.S.; providing for payment of a certain service fee to tax collector; amending s. 318.18, F.S.; providing that fines for construction zone speed violations shall only be doubled under certain circumstances; amending s. 320.01, F.S.; defining the term "agricultural products"; amending s. 320.04, F.S.; providing a service charge for validation stickers issued by printer dispenser machines; amending s. 320.055, F.S.; revising registration renewal period for certain vehicles; providing for staggered fleet registration; repealing s. 320.065, F.S., relating to the registration of certain rental trailers for hire and semitrailers used to haul agricultural products; amending s. 320.0657, F.S.; defining the term "fleet"; providing registration fees; providing penalties for late or improper registration; amending s. 320.0715, F.S.; exempting certain commercial motor vehicles from the International Registration Plan; creating s. 321.045, F.S.; establishing the mission and program objectives of the Florida Highway Patrol; amending s. 20.18, F.S.; creating the Division of Factory-built Housing in the Department of Community Affairs; providing a mission statement for the department; transferring certain powers, duties, functions, personnel, property, and appropriations of the department to the division; transferring certain powers, duties, functions, personnel, property, and appropriations of the Department of Highway Safety and Motor Vehicles to the division; authorizing the Department of Community Affairs and the Department of Highway Safety and Motor Vehicles to enter into agreements to effectuate such transfers; providing for transfer of the mobile home portion of the Mobile Home and Recreational Vehicle Protection Trust Fund into the department's operating trust fund for certain purposes; transferring the portion of the Highway Safety Operating Trust Fund relating to mobile homes into the department's operating trust fund for certain purposes; amending s. 320.781, F.S., to conform; amending s. 553.36, F.S.; providing a definition; amending s. 553.38, F.S.; providing responsibility of the Division of Factory-built Housing to administer part IV of chapter 553, F.S.; creating ss. 553.431, 553.4315, 553.433, 553.434, 553.435, 553.4365, 553.437, 553.438, 553.446, 553.448, 553.449, 553.450, 553.451, 553.452, 553.453, 553.455, 553.456, 553.457, and 553.458, F.S.; recreating certain provisions under chapter 320, F.S., within part IV of chapter 553, F.S., to conform; transferring and renumbering ss. 320.823, 320.8335, and 320.840, F.S., to conform; transferring, renumbering, and amending ss. 320.77, 320.8255, 320.827, 320.8285, 320.830, 320.831, 320.8325, F.S., to conform; requiring the division to adopt rules on manufactured housing installation systems; requiring the development of certain standards for park trailers; amending s. 320.8249, F.S., to conform; limiting certain local government's ability to charge certain permit fees relating to mobile home parks; amending ss. 161.55, 319.001, 320.131, 320.27, 320.28, 320.71, 320.781, 320.822, 320.8225, 320.8231, 320.8232, 320.824, 320.8245, 320.8256, 320.8285, 320.834, 320.835, 320.861, 320.865, 325.202, 325.203, 325.213, and 627.351, F.S., to conform; repealing s. 320.771(8) and (11), F.S., relating to licensed mobile home dealers selling recreational vehicles and licensed recreational vehicle dealers setting up mobile homes; amending s. 322.1615, F.S.; revising language with respect to nighttime driving restrictions for persons with learner's driver licenses; amending s. 331.304, F.S.; revising the boundaries of spaceport territory; adding certain property located in Santa Rosa, Okaloosa, and Walton Counties to spaceport territory; amending 322.28, F.S.; revising language with respect to judicial stays on administrative suspensions of driving privileges; amending s. 332.003, F.S.; correcting a reference; amending s. 332.004, F.S.; redefining the terms "airport" and "airport or aviation discretionary capacity improvement projects"; amending s. 332.007, F.S.; directing the department to provide priority funding for commercial and dual-use space transportation projects; creating s. 332.009, F.S.; amending s. 334.044, F.S.; providing specific rule-making authority; repealing s. 334.044(15), F.S., relating to certain rulemaking authority; providing for application; amending s. 334.0445, F.S.; extending the time period for the model career service classification plan in the Department of Transportation; amending s. 335.0415, F.S.; modifying the date on which jurisdiction and responsibility for public roads is determined; repealing s. 335.165, F.S., relating to welcome stations; amending s. 337.11, F.S.; deleting a requirement for contract approval by a contractor's surety; amending s. 337.185, F.S.; revising the State Arbitration Board contract claim program; amending s. 337.19, F.S.; revising provisions relating to suits by and against the Department of Transportation and the liability of the department; amending s. 337.403, F.S.; authorizing the department to participate in the cost of clearing and grubbing necessary to perform utility improvement, relocation, or removal work under certain circumstances; amending s. 338.229, F.S.; authorizing the department to provide restrictions on the sale, transfer, lease, or other disposition or operation of any portion of the turnpike system which reduces the revenue available for the payment of bondholders; amending s. 479.01, F.S.; redefining the terms "commercial or industrial zone" and "unzoned commercial or industrial area"; amending s. 479.07, F.S.; revising provisions relating to reinstatement of expired outdoor advertising permits; amending s. 479.16, F.S.; increasing the square footage allowable on certain signs; amending chapter 96-423, Laws of Florida; authorizing the department to sell certain state property and directing the proceeds of the sale to the State Transportation Trust Fund; providing appropriations; amending s. 832.06, F.S.; providing procedures for receipt by tax collector of worthless check or draft for driver license or identification card; amending ss. 319.23, 320.08, and 320.086, F.S.; deleting reference to collectible vehicles; revising dates with respect to certain ancient or antique motor vehicles; exempting certain vehicles from the act; providing for the issuance of license plates to certain ancient or antique firefighting apparatus or motor vehicles; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **CS for SB 1426** and by two-thirds vote read the second time by title.

Senator Hargrett moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 316.0815, Florida Statutes, is created to read:

316.0815 Duty to yield to public transit vehicles.—

(1) The driver of a vehicle shall yield the right of way to a publicly owned transit bus traveling in the same direction which has signaled and is reentering the traffic flow.

(2) This section does not relieve the driver of a public transit vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

Section 2. Subsection (2) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(2) After suspension of the driver's license and privilege to drive of a person under subsection (1), the license and privilege may not be reinstated until the person complies with all obligations and penalties imposed on him or her under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, together with the $25 nonrefundable service fee imposed under s. 322.29, or pays the aforementioned $25 service fee to the clerk of the court *or a tax collector* clearing such suspension. Such person shall also be in compliance with requirements of chapter 322 prior to reinstatement.

Section 3. Paragraph (c) of subsection (3) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(3)

(c) A person cited for exceeding the speed limit in a legally posted school zone or a posted construction zone will be assessed a fine double the amount listed in paragraph (b). *The fine shall be doubled for construction zone violations only if construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction.*

Section 4. Subsection (1) of section 334.0445, Florida Statutes, is amended to read:

334.0445 Model career service classification and compensation plan.—

(1) Effective July 1, 1994, the Legislature grants to the Department of Transportation in consultation with the Department of Management Services, the Executive Office of the Governor, legislative appropriations committees, legislative personnel committees, and the affected certified bargaining unions, the authority on a pilot basis to develop and implement a model career service classification and compensation system. Such system shall be developed for use by all state agencies. Authorization for this program will *end June 30, 2000* ~~be for 3 fiscal years beginning July 1, 1994, and ending June 30, 1997~~; however, the department may elect or be directed by the Legislature to return to the current system at anytime during this period if the model system does not meet the stated goals and objectives.

Section 5. Subsection (1) of section 335.0415, Florida Statutes, is amended to read:

335.0415 Public road jurisdiction and transfer process.—

(1) The jurisdiction of public roads and the responsibility for operation and maintenance within the right-of-way of any road within the state, county, and municipal road system shall be that which exists *immediately preceding the adoption of chapter 95-257* ~~on July 1, 1995~~.

Section 6. Subsection (16) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(16) The department is authorized to undertake and contract to provide an owner controlled insurance plan (OCIP) on any construction project or group of related construction projects if the head of the department determines that an OCIP will be both cost-effective for the department and otherwise in its best interests. Such OCIP may provide insurance coverage for the department and for worker's compensation and employers liability and general liability and builders risk for contractors, *consultants as described in s. 287.055,* and subcontractors, for and in conjunction with any or all work performed on such projects. The department may directly purchase such coverage in the manner provided for the purchase of commodities pursuant to s. 287.057, or self-insure, or use a combination thereof, any other statutory provisions or limitations on self-insurance or purchase of insurance notwithstanding. The department's authority hereunder includes the purchase of risk management, risk and loss control, safety management, investigative and claims adjustment services, advancement of funds for payment of claims, and other services reasonably necessary to process and pay claims under and administer the OCIP. In addition to any prequalification required under s. 337.14, no contractor shall be prequalified to bid on an OCIP project unless the contractor's casualty and loss experience and safety record meets the minimum requirements for OCIP coverage issuance on the project, were the contractor to be awarded the project. Exercise of the department's authority under this subsection shall not be deemed a waiver of sovereign immunity.

Section 7. Subsections (1), (2), (3), (7), and (8) of section 337.185, Florida Statutes, are amended to read:

337.185 State Arbitration Board.—

(1) To facilitate the prompt settlement of claims for additional compensation arising out of construction contracts between the department and the various contractors with whom it transacts business, the Legislature does hereby establish the State Arbitration Board, referred to in this section as the "board." For the purpose of this section, "claim" shall mean the aggregate of all outstanding claims by a party arising out of a construction contract. Every contractual claim in an amount up to *$250,000* ~~$100,000~~ per contract or, at the claimant's option, up to *$500,000* ~~$250,000~~ per contract that cannot be resolved by negotiation between the department and the contractor shall be arbitrated by the board after acceptance of the project by the department. As an exception, either party to the dispute may request that the claim be submitted to binding private arbitration. A court of law may not consider the settlement of such a claim until the process established by this section has been exhausted.

(2) The board shall be composed of three members. One member shall be appointed by the head of the department, and one member shall be elected by those construction companies who are under contract with the department. The third member shall be chosen by agreement of the other two members. Whenever the third member has a conflict of interest regarding affiliation with one of the parties, the other two members shall select an alternate member for that hearing. *The head of the department may select an alternate or substitute to serve as the department member for any hearing or term.* Each member shall serve a 2-year term. The board shall elect a chair, each term, who shall be the administrator of the board and custodian of its records.

(3) A hearing may be requested by the department or by a contractor who has a dispute with the department which, under the rules of the board, may be the subject of arbitration. The board shall conduct the hearing within 45 days of the request. The party requesting the board's consideration shall give notice of the hearing to each member. If the board finds that a third party is necessary to resolve the dispute, the board may vote to dismiss the claim, which may thereafter be pursued *in accordance with the laws of this state* ~~in a court of law~~.

(7) The *members* ~~member~~ of the board ~~elected by construction companies and the third member of the board~~ may receive compensation for the performance of their duties hereunder, from administrative fees received by the board. *No department employee may receive compensation from the board.* The compensation amount shall be determined by the board, but shall not exceed *$125 per hour, up to $1,000 per day maximum* ~~$750 per day~~ for each member authorized to receive compensation. Nothing in this section shall prevent the member elected by construction companies from being an employee of an association affiliated with the industry, even if the sole responsibility of that member is service on the board. Travel expenses for the industry member may be paid by an industry association, if necessary. The board may allocate funds annually for clerical and other administrative services.

(8) The party requesting arbitration shall pay a fee to the board in accordance with a schedule established by it, not to exceed $500 per claim which is $25,000 or less, not to exceed $1,000 per claim which is in excess of $25,000 but not exceeding $50,000, not to exceed $1,500 per claim which is in excess of $50,000 but not exceeding $100,000, not to exceed $2,000 per claim which is in excess of $100,000 but not exceeding $200,000, and not to exceed *$3,000* ~~$2,500~~ per claim which is in excess of $200,000 but not exceeding *$300,000, not to exceed $4,000 per claim which is in excess of $300,000 but not exceeding $400,000, and not exceeding $5,000 per claim which is in excess of $400,000 but not exceeding $500,000* ~~$250,000~~, to cover the cost of administration and compensation of the board.

Section 8. Subsection (1) of section 337.19, Florida Statutes, is amended to read:

337.19 Suits by and against department; limitation of actions; forum.—

(1) Suits at law and in equity may be brought and maintained by and against the department on any *contract* claim ~~under contract for work done~~ *arising from the breach of an express provision or an implied covenant of a written agreement or a written directive issued by the department pursuant to the written agreement. In any such suit, the department and the contractor shall have all of the same rights, obligations, remedies, and defenses as a private person under a like contract, except that no liability may be based on an oral modification of the written contract or written directive. However, this section shall not be construed to in any way prohibit the department from limiting its liability or damages through provisions in its contracts. Notwithstanding anything to the contrary contained herein, no employee or agent of the department may be held personally liable to an extent greater than that under s. 768.28*; provided, that no suit sounding in tort shall be maintained against the department.

Section 9. Subsection (4) is added to section 337.29, Florida Statutes, to read:

337.29 Vesting of title to roads; liability for torts.—

(4) Notwithstanding any other provision of law, the department and other governmental entities may enter into contracts between two or more governmental entities which specifically require each government to take responsibility for the negligence of its employees and agents. The contract

must provide that each governmental entity will indemnify and hold the other governmental entities that are parties to the contract harmless from any damage, loss, or injury arising out of the negligence of that governmental entity or its agents or employees. However, nothing in this subsection may be construed to authorize a waiver of sovereign immunity beyond the waiver under s. 768.28.

Section 10. Subsection (1) of section 337.403, Florida Statutes, is amended to read:

337.403 Relocation of utility; expenses.—

(1) Any utility heretofore or hereafter placed upon, under, over, or along any public road or publicly owned rail corridor that is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor shall, upon 30 days' written notice to the utility or its agent by the authority, be removed or relocated by such utility at its own expense except as provided in paragraphs (a)*,* ~~and~~ (b)*, and (c).*

(a) If the relocation of utility facilities, as referred to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 627 of the 84th Congress, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of such project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities shall relocate such facilities upon order of the department, and the state shall pay the entire expense properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

(b) When a joint agreement between the department and the utility is executed for utility improvement, relocation, or removal work to be accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility improvement, relocation, or removal costs that exceed the department's official estimate of the cost of such work by more than 10 percent. The amount of such participation shall be limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility improvement, relocation, or removal costs that occur as a result of changes or additions during the course of the contract.

(c) When an agreement between the department and the utility is executed for utility improvement, relocation, or removal work to be accomplished in advance of a contract for construction of a transportation facility, the department may participate in the cost of clearing and grubbing necessary to perform such work.

Section 11. Paragraph (b) of subsection (2) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(2)

(b) In accordance with the legislative intent expressed in s. 337.273, *and after the requirements of paragraph (1)(c) have been met,* the department may acquire lands and property before making a final determination of the economic feasibility of a project. *The requirements of paragraph (1)(c) do not apply to hardship and protective purchases of advance right-of-way by the department.* The cost of advance acquisition of right-of-way may be paid from bonds issued under s. 337.276 or from turnpike revenues. *For purposes of this subsection, the term "hardship purchase" means a purchase from a property owner of a residential dwelling of not more than four units who is at a disadvantage due to health impairment, job loss, or significant loss of rental income. For purposes of this subsection, the term "protective purchase" means a purchase to limit development, building, or other intensification of land uses within the area right-of-way needed for transportation facilities. The department shall give written notice to the Department of Environmental Protection 30 days prior to final agency acceptance as set forth under s. 119.03(7)(n), which notice shall allow the Department of Environmental Protection to comment. Hardship and protective purchases of right-of-way shall not influence the environmental feasibility of the project, including the decision relative to the need to construct the project or the selection of a specific location. Costs to acquire and dispose of property acquired as hardship and protective purchases are considered costs of doing business for the department and shall not be considered in the determination of environmental feasibility for the project.*

Section 12. Section 338.229, Florida Statutes, is amended to read:

338.229 Pledge to bondholders not to restrict certain rights of department.—The state does pledge to, and agree with, the holders of the bonds issued pursuant to ss. 338.22-338.244 that the state will not limit or restrict the rights vested in the department to construct, reconstruct, maintain, and operate any turnpike project as defined in ss. 338.22-338.244 or to establish and collect such tolls or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation of the turnpike system and to fulfill the terms of any agreements made with the holders of bonds authorized by this act and that the state will not in any way impair the rights or remedies of the holders of such bonds until the bonds, together with interest on the bonds, are fully paid and discharged. *In implementing this section, the department is specifically authorized to provide for further restrictions on the sale, transfer, lease, and other disposition or operation of any portion of the turnpike system which reduces the revenue available for payment of bondholders.*

Section 13. Subsections (3) and (23) of section 479.01, Florida Statutes, are amended to read:

479.01 Definitions.—As used in this chapter, the term:

(3) "Commercial or industrial zone" means *a parcel of land* ~~an area within 660 feet of the nearest edge of the right-of-way of the interstate or federal-aid primary system~~ designated ~~predominately~~ for commercial or industrial use under *both* the future land use map of the comprehensive plan *and the land development regulations* adopted *under* ~~pursuant to~~ chapter 163. *If a parcel is located in an area designated for multiple uses on the future land-use map of a comprehensive plan and the land development regulations do not clearly designate that parcel for a specific use, the area will be considered an unzoned commercial or industrial area if it meets the criteria of subsection (23).* ~~Where a local governmental entity has not enacted a comprehensive plan by local ordinance but has zoning regulations governing the area, the zoning of an area shall determine whether the area is designated predominately for commercial or industrial uses.~~

(23) "Unzoned commercial or industrial area" means *a parcel of land designated by the* ~~an area within 660 feet of the nearest edge of the right-of-way of the interstate or federal-aid primary system where the land use is not covered by a~~ future land use map *of the comprehensive plan for multiple uses that include commercial or industrial uses but are not specifically designated for commercial or industrial uses under the land development regulations and* ~~or zoning regulation pursuant to subsection (2),~~ in which ~~there are located~~ three or more separate and distinct *conforming* industrial or commercial *activities are located.*

(a) These activities must satisfy the following criteria:

1. At least one of the commercial or industrial activities must be located on the same side of the highway and within 800 feet of the sign location;

2. The commercial or industrial activities must be within 660 feet from the nearest edge of the right of way; and

3. The commercial or industrial activities must be within 1,600 feet of each other.

Distances specified in this paragraph must be measured from the nearest outer edge of the primary building, or primary building complex when the individual units of the complex are connected by covered walkways. ~~uses located within a 1,600-foot radius of each other and generally recognized as commercial or industrial by zoning authorities in this state.~~

(b) Certain activities, including, but not limited to, the following, may not be ~~so~~ recognized *as commercial or industrial activities*:

1.~~(a)~~ Signs.

2. Communication towers.

3.~~(b)~~ Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.

4.~~(c)~~ Transient or temporary activities.

5.~~(d)~~ Activities not visible from the main-traveled way.

6.~~(e)~~ Activities conducted more than 660 feet from the nearest edge of the right-of-way.

7.~~(f)~~ Activities conducted in a building principally used as a residence.

8.~~(g)~~ Railroad tracks and minor sidings.

Section 14. Paragraph (b) of subsection (8) of section 479.07, Florida Statutes, is amended to read:

479.07 Sign permits.—

(8)

(b) If a permittee has not submitted his or her fee payment by the expiration date of the licenses or permits, the department shall send a notice of violation to the permittee within 45 days after the expiration date, requiring the payment of the permit fee within 30 days after the date of the notice and payment of a delinquency fee equal to 10 percent of the original amount due or, in the alternative to these payments, requiring the filing of a request for an administrative hearing to show cause why his or her sign should not be subject to immediate removal due to expiration of his or her license or permit. If the permittee submits payment as required by the violation notice, his or her license or permit will be automatically reinstated and such reinstatement will be retroactive to the original expiration date. If the permittee does not respond to the notice of violation within the 30-day period, the department shall, within 30 days, issue a final notice of sign removal and may, following 90 days after the date of the department's final notice of sign removal, remove the sign without incurring any liability as a result of such removal. However, *if at any time prior to removal of the sign* ~~if within 90 days after the date of the department's final notice of sign removal~~, the permittee demonstrates that a good faith error on the part of the permittee resulted in cancellation or nonrenewal of the permit, the department may reinstate the permit if:

~~1. The sign has not yet been disassembled by the permittee;~~

~~2. Conflicting applications have not been filed by other persons;~~

1.~~3.~~ *A* ~~The~~ permit reinstatement fee of *up to* $300, *based on the size of the sign,* is paid;

2.~~4.~~ All other permit renewal and delinquent permit fees due as of the reinstatement date are paid; and

3.~~5.~~ The permittee reimburses the department for all actual costs resulting from the permit cancellation or nonrenewal ~~and sign removal~~.

Conflicting applications filed by other persons for the same or competing site covered by a permit subject to the provisions of this paragraph shall not be approved until after the sign subject to the expired permit has been removed.

Section 15. Subsection (15) of section 479.16, Florida Statutes, is amended to read:

479.16 Signs for which permits are not required.—The following signs are exempt from the requirement that a permit for a sign be obtained under the provisions of this chapter but are required to comply with the provisions of s. 479.11(4)-(8):

(15) Signs not in excess of 16 square feet placed at a road junction with the State Highway System denoting only the distance or direction of a residence or farm operation, or, in a rural area where a hardship is created because a small business is not visible from the road junction with the State Highway System, one sign not in excess of *16* ~~8~~ square feet, denoting only the name of the business and the distance and direction to the business. The small-business-sign provision of this subsection does not apply to charter counties and may not be implemented if the Federal Government notifies the department that implementation will adversely affect the allocation of federal funds to the department.

Section 16. Subsection (1) of section 832.06, Florida Statutes, is amended to read:

832.06 Prosecution for worthless checks given tax collector for licenses or taxes; refunds.—

(1) Whenever any person, firm, or corporation violates the provisions of s. 832.05 by drawing, making, uttering, issuing, or delivering to any county tax collector any check, draft, or other written order on any bank or depository for the payment of money or its equivalent for any tag, title, lien, tax (except ad valorem taxes), penalty, or fee relative to a boat, airplane, or motor vehicle; any occupational license, beverage license, or sales or use tax; ~~or~~ any hunting or fishing license*; or any driver's license or identification card,* the county tax collector, after the exercise of due diligence to locate the person, firm, or corporation which drew, made, uttered, issued, or delivered the check, draft, or other written order for the payment of money, or to collect the same by the exercise of due diligence and prudence, shall swear out a complaint in the proper court against the person, firm, or corporation for the issuance of the worthless check or draft. If the state attorney cannot sign the information due to lack of proof, as determined by the state attorney in good faith, for a prima facie case in court, he or she shall issue a certificate so stating to the tax collector. If payment of the dishonored check, draft, or other written order, together with court costs expended, is not received in full by the county tax collector within 30 days after service of the warrant, 30 days after conviction, or 60 days after the collector swears out the complaint or receives the certificate of the state attorney, whichever is first, the county tax collector shall make a written report to this effect to the Department of Highway Safety and Motor Vehicles relative to airplanes and motor vehicles, to the Department of Environmental Protection relative to boats, to the Department of Revenue relative to occupational licenses and the sales and use tax, to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation relative to beverage licenses, or to the Game and Fresh Water Fish Commission relative to hunting and fishing licenses, containing a statement of the amount remaining unpaid on the worthless check or draft. If the information is not signed, the certificate of the state attorney is issued, and the written report of the amount remaining unpaid is made, the county tax collector may request the sum be forthwith refunded by the appropriate governmental entity, agency, or department. If a warrant has been issued and served, he or she shall certify to that effect, together with the court costs and amount remaining unpaid on the check. The county tax collector may request that the sum of money certified by him or her be forthwith refunded by the Department of Highway Safety and Motor Vehicles, the Department of Environmental Protection, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission to the county tax collector. Within 30 days after receipt of the request, the Department of Highway Safety and Motor Vehicles, the Department of Environmental Protection, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission, upon being satisfied as to the correctness of the certificate of the tax collector, or the report, shall refund to the county tax collector the sums of money so certified or reported. If any officer of any court issuing the warrant is unable to serve it within 60 days after the issuance and delivery of it to the officer for service, the officer shall make a written return to the county tax collector to this effect. Thereafter, the county tax collector may certify that the warrant has been issued and that service has not been had upon the defendant and further certify the amount of the worthless check or draft and the amount of court costs expended by the county tax collector, and the county tax collector may file the certificate with the Department of Highway Safety and Motor Vehicles relative to motor vehicles and airplanes, with the Department of Environmental Protection relative to boats, with the Department of Revenue relative to occupational licenses and the sales and use tax, with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation relative to beverage licenses, or with the Game and Fresh Water Fish Commission relative to hunting and fishing licenses, together with a request that the sums of money so certified be forthwith refunded by the Department of Highway Safety and Motor Vehicles, the Department of Environmental Protection, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission to the county tax collector, and within 30 days after receipt of the request, the Department of Highway

Safety and Motor Vehicles, the Department of Environmental Protection, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission, upon being satisfied as to the correctness of the certificate, shall refund the sums of money so certified to the county tax collector.

Section 17. Subsection (82) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(82) "Neighborhood vehicle" means a type of golf cart that is a self-propelled, electrically powered motor vehicle, which is emission free, designed to be and is operated at speeds of 25 miles per hour or less, has at least four wheels in contact with the ground, has an unloaded weight of less than 1,800 pounds, and is equipped with efficient brakes, headlights, brakelights, turnsignals, windshield, rear view mirrors, and safety belts.

Section 18. Subsection (5) is added to section 316.091, Florida Statutes, to read:

316.091 Limited access facilities; interstate highways; use restricted.—

(5) A person may drive a commercial motor vehicle having a gross vehicle weight of 26,001 pounds or more or 3 axles or more, or a combination of vehicles weighing 26,001 pounds or more, upon any limited access facility with six or more lanes only in the two right through lanes, except when exiting the facility. However, in congested urban areas the Department of Transportation may allow commercial motor vehicles to operate in additional lanes when necessary for the safe flow of traffic.

Section 19. Subsection (6) of section 316.1967, Florida Statutes, is amended to read:

(6) Any county or municipality may provide by ordinance that the clerk of the court or traffic bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data which is machine readable by the installed computer system at the department, listing persons who have *two* ~~three~~ or more outstanding parking violations, including violations of s. 316.1955. Each county shall provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data that is machine readable by the installed computer system at the department, listing persons who have outstanding violations of s. 316.1955 or similar ordinance that regulates parking in spaces designated for use by persons who have disabilities. The department shall mark the appropriate registration record of persons who are so reported. Section 320.03(8) applies to each person whose name appears on the list.

Section 20. Subsection (42) is added to section 320.01, Florida Statutes, to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

For purposes of this chapter, "agricultural products" means any food product; any agricultural, horticultural, or livestock product; any raw material used in plant food formulation; or any plant food used to produce food and fiber.

Section 21. Paragraph (a) of subsection (1) of section 320.04, Florida Statutes, is amended to read:

320.04 Registration service charge.—

(1)(a) There shall be a service charge of $2.50 for each application which is handled in connection with original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker or with transfer or duplicate issuance of any registration certificate. There may also be a service charge of up to $1 for the issuance of each license plate validation sticker and mobile home sticker issued from an automated vending facility *or printer dispenser machine* which shall be payable to and retained by the department to provide for automated vending facilities or *printer dispenser* machines used to dispense such stickers *by* ~~in~~ each tax collector's or license tag agent's *employee* ~~office~~.

Section 22. Subsections (2) and (7) of section 320.055, Florida Statutes, are amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(2) For a vehicle subject to registration under s. 320.08(11), the registration period begins January 1 and ends December 31. For a vehicle subject to this registration period, the renewal period is the 31-day period *prior to expiration* ~~beginning January 1.~~.

(7) *For those vehicles subject to registration under s. 320.0657, the department shall implement a system that distributes the registration renewal process throughout the year* ~~For a vehicle subject to registration under s. 320.065, the registration period begins December 1 and ends November 30. For a vehicle subject to this registration period, the renewal period is the 31-day period beginning December 1~~.

Section 23. *Section 320.065, Florida Statutes, is repealed.*

Section 24. Section 320.0657, Florida Statutes, is amended to read:

320.0657 Permanent registration; fleet license plates.—

(1) *For purposes of this section, the term "fleet" means nonapportioned motor vehicles owned or leased by a company and used for business purposes. Vehicle numbers comprising a "fleet" shall be established by the Department of Highway Safety and Motor Vehicles. Vehicles registered as short-term rental vehicles are excluded from the provisions of this section.*

(2)(a) The owner or lessee of a fleet of motor vehicles shall, upon application in the manner and at the time prescribed and upon approval by the department and payment of the license tax prescribed under s. 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), be issued permanent fleet license plates. All vehicles with a fleet license plate shall have the company's name or logo and unit number displayed so that they are readily identifiable. The provisions of s. 320.0605 do not apply to vehicles registered in accordance with this section, and no annual validation sticker is required.

~~(a) The owner or lessee of 250 or more nonapportioned commercial motor vehicles licensed under s. 320.08(2), (3), (4), (5)(a)1. and (b), and (7), who has posted a bond as prescribed by department rules, may apply via magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at the department for permanent license plates. All vehicles with a fleet license plate shall have the company's name or logo and unit number displayed so that they are readily identifiable. The provisions of s. 320.0605 shall not apply to vehicles registered in accordance with this section, and no annual validation sticker is required.~~

(b) The plates, which shall be of a distinctive color, shall have the word "Fleet" appearing at the bottom and the word "Florida" appearing at the top. The plates shall conform in all respects to the provisions of this chapter, except as specified herein.

(c) In addition to the license tax prescribed by s. 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an annual fleet management fee of $2 shall be charged. A one-time license plate manufacturing fee of $1.50 shall be charged for plates issued for the established number of vehicles in the fleet. If the size of the fleet is increased, a $10-per-vehicle issuance fee will be charged to include the license plate manufacturing fee. If the license plate manufacturing cost increases, the department shall increase the license-plate manufacturing fee to recoup its cost. Fees collected shall be deposited into the Highway Safety Operating Trust Fund. Payment of registration license tax and fees shall be made annually and be evidenced only by the issuance of a single receipt by the department. The provisions of s. 320.0605 do not apply to vehicles registered in accordance with this section, and no annual validation sticker is required.

~~(c) In addition to the license tax prescribed by s. 320.08(2), (3), (4), (5)(a)1. and (b), and (7), an annual fee of $6 shall be charged for each vehicle registered hereunder. Of this $6 fee, $2.50 shall be retained as a service charge by the tax collector, if the registration occurs at such~~

~~office, or by the department, if the registration occurs at offices of the department. Receipts from the $6 fee not retained by tax collectors shall be deposited into the Highway Safety Operating Trust Fund. Payment of registration license tax and fees shall be made annually and be evidenced only by the issuance of a single receipt by the department. Half-year registrations shall not be available for vehicles registered in accordance with the provisions of this section. The provision of s. 320.06(1)(b) shall not apply to the fleet renewal process.~~

~~(2) All recipients of permanent license plates authorized by this section shall submit an annual audit as prescribed by rule of the department. Such audit shall include a percentage of the vehicles registered by each owner or lessee, not to exceed 10 percent. The department shall randomly select the vehicles to be audited and shall forward a listing of said vehicles only to the office of the auditor performing the audit. Every attempt shall be made to provide for groupings of vehicles based in the same location; however, the location shall change from year to year. The audit shall be prepared by a certified public accountant licensed under chapter 473, at the recipient's expense, and shall be performed to standards prescribed by the department. Such audits shall be delivered to the department on or before February 15 of each calendar year. Any fees or taxes which the audit determines are due the department shall be submitted to the department along with such audit. In addition, any company found to be habitually abusing the privileges afforded by permanent licensure shall forfeit the bond required in subsection (1), and may be required by the department to relinquish all permanent license plates, and not be eligible to continue to participate in the program.~~

(3) The department is authorized to adopt such rules as necessary to comply with this section.

(4) If a recipient of fleet license plates fails to properly and timely renew or initially register vehicles in its fleet, the department may impose a delinquency penalty of $50 or 10 percent of the delinquent taxes due, whichever is greater, if the failure is for not more than 30 days, with an additional 10 percent penalty for each additional 30 days, or fraction thereof, during the time the failure continues, not to exceed a total penalty of 100 percent in the aggregate. However, the penalty may not be less than $50.

(5) All recipients of fleet license plates authorized by this section must provide the department with an annual vehicle reconciliation and must annually surrender all unassigned license plates. Failure to comply may result in fines of up to $1,000 for each occurrence or in suspension or termination from the fleet program.

Section 25. Section 331.304, Florida Statutes, is amended to read:

331.304 Spaceport territory.—The following property shall constitute spaceport territory:

(1) Certain real property located in Brevard County *that is included within the 1997 boundaries of Patrick Air Force Base, Cape Canaveral Air Station, John F. Kennedy Space Center* ~~with the following boundaries:~~

~~(a) Northern boundary—Latitude 28°32′30″ North.~~

~~(b) Eastern boundary—The mean high water line of the shore along the Atlantic Ocean.~~

~~(c) Western boundary—Cape Road (State Road 401).~~

~~(d) Southern boundary—Latitude 28°26′ North~~.

(2) Certain real property located in Gulf County with the following boundaries:

(a) Northern boundary—Latitude 29°40′45″ North from longitude 85°20′ West in a westerly direction to the mean high water line of the Gulf of Mexico.

(b) Eastern boundary—Longitude 85°20′ West.

(c) Western boundary—The mean high water line of the shore along the Gulf of Mexico.

(d) Southern boundary—The mean high water line of the shore along the Gulf of Mexico.

(3) Certain real property located in Santa Rosa, Okaloosa, and Walton Counties that is included within the 1997 boundaries of Eglin Air Force Base.

Section 26. Subsection (6) of section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(6) No *court shall stay the* administrative suspension of a driving privilege under s. 322.2615 *or s. 322.2616* ~~shall be stayed upon a request for~~ *during judicial* review of the departmental order that resulted in such suspension and~~, except as provided in former s. 322.261,~~ no suspension or revocation of a driving privilege shall be stayed upon an appeal of the conviction or order that resulted therein.

Section 27. Present subsections (15) through (30) of section 334.044, Florida Statutes, are renumbered as subsections (16) through (31), respectively, and a new subsection (15) is added to that section, to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(15) To regulate and prescribe conditions for the transfer of stormwater to the state right-of-way as a result of man-made changes to adjacent properties.

(a) Such regulation shall be through a permitting process designed to ensure the safety and integrity of the Department of Transportation facilities and to prevent an unreasonable burden on lower properties.

(b) The department is specifically authorized to adopt rules which set forth the purpose, necessary definitions, permit exceptions, permit and assurance requirements, permit application procedures, permit forms, general conditions for a drainage permit, provisions for suspension or revocation of a permit, and provisions for department recovery of fines, penalties and costs incurred due to permittee actions. In order to avoid duplication and overlap with other units of government, the department shall accept a surface water management permit issued by a water management district, the Department of Environmental Protection, a surface water management permit issued by a delegated local government or a permit issued pursuant to an approved Stormwater Management Plan or Master Drainage Plan; provided issuance is based on requirements equal to or more stringent than those of the department.

Section 28. *Subsection (15) of section 334.044, Florida Statutes, as created by section 1 of Committee Substitute for Senate Bill 846 as enacted by the Legislature during 1998 Regular Session is repealed.*

Section 29. Subsection (1) of section 14 of chapter 96-423, Laws of Florida, is amended to read:

Section 14. (1) Notwithstanding chapter 253, Florida Statutes, *or* chapter 270, Florida Statutes, *the Department of Transportation, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may sell the state real property located at 5200 East Colonial Drive, Orlando, Florida, which is utilized by the Department of Highway Safety and Motor Vehicles. Any such sale shall be at fair market value. Proceeds from the sale shall be deposited in the State Transportation Trust Fund.* ~~or the existing lease between the Board of Trustees of the Internal Improvement Trust Fund and the Department of Business and Professional Regulation for use of the regional service center located at 133 South Semoran Boulevard, Orlando, Florida, the department, with the technical assistance and staff support of the Department of Management Services, may sell the regional service center. Proceeds from the sale shall be deposited in the Professional Regulation Trust Fund and distributed to the accounts of the professions, based on each profession's pro rata share of the costs of the original purchase and renovation of the real estate.~~ The Board of Trustees of the Internal Improvement Trust Fund shall execute and deliver a deed of conveyance for the purpose of carrying into effect a contract or agreement of sale.

Section 30. *In the event additional federal funds are received through reauthorization of the Federal Intermodal Surface Transportation Efficiency Act, the department shall apply $4.6 million to the Winchester and Englewood Corridor projects, provided such use of transportation funds is endorsed by the Charlotte and Sarasota/Manatee Metropolitan Planning Organization. Prior to receiving any new federal funds, the department shall allocate $1 million to the Winchester and Englewood Corridor*

projects as an advance on the $4.6 million of additional federal funds to be applied to the projects.

Section 31. *An amount not to exceed $78,000 of the funds included in appropriation item 1916C of chapter 94-357, Laws of Florida may be used to purchase land at the Florida Highway Patrol station in Cross City and Dixie County.*

Section 32. A new subsection (6) is added to section 206.46, Florida Statutes, to read:

(6) $1.5 million per year shall be transferred to the Board of Regents and shall be spent solely for purposes of s. 334.065. Except for projects mandated by law, state-funded base projects shall not be undertaken without approval of the advisory board. The membership of the board shall consist of nine experts in transportation-related areas, including the secretaries of the Florida Departments of Transportation, Community Affairs, and Environmental Protection, or their designees, and a member of the Florida Transportation Commission.

Section 33. *The Clean Fuel Florida Task Force.—*

(1) The Clean Fuel Florida Task Force is hereby established under the Florida Department of Community Affairs (DCA) to study the implementation of alternative fuel and cleaner burning fuel vehicles and to formulate recommendations on expanding the use of alternative fuel and cleaner burning fuel vehicles in Florida. The Task Force will be staffed by the DCA which will be reimbursed for reasonable costs and expenses in support of Task Force activities and as determined by the Task Force.

(2) Within 30 days after the effective date of this legislation, the Secretary of the Florida Department of Community Affairs shall appoint members of the Task Force. The Task Force shall consist of one representative from each of the following:

(a) Secretary or Designee from the Florida Department of Community Affairs;

(b) Secretary or Designee from the Florida Department of Environmental Protection;

(c) Secretary or Designee from the Florida Department of Education;

(d) Secretary or Designee from the Florida Department of Transportation;

(e) Secretary or Designee from the Florida Department of Agriculture;

(f) Florida biodiesel industry;

(g) Florida electric vehicle industry;

(h) Florida natural gas industry;

(i) Florida propane gas industry;

(j) Florida Suncoast, Gold Coast or Space Coast Clean City Coalition;

(k) Enterprise Florida;

(l) Florida Alliance for Clean Technology;

(m) Florida Petroleum Marketers Association;

(n) Florida Petroleum Council;

(o) Florida Association of Counties;

(p) Florida League of Cities.

(3) Task Force members shall receive no compensation or honorarium for their services, but will be reimbursed for travel expenses in accordance with policy set forth by this Task Force.

(4) The Task Force shall hold its first meeting within 30 days of membership appointment. Within 90 days of their first meeting, Task Force members shall make recommendations to DCA for establishing and implementing pilot programs in Florida that provide experience and support the best use expansion of the alternative fuel and cleaner burning fuel vehicles industry in Florida. Recommendations shall include, but not be limited to, formulas for distribution, reporting mechanisms, and public education. In conjunction with DCA, the Task Force will develop, implement, and continually monitor the pilot programs.

(5) In addition to the pilot programs, the Task Force shall assess federal, state, and local initiatives to identify incentives that encourage successful alternative fuel and cleaner burning fuel vehicles, and identify what barriers now exist. These recommendations will provide guidance on the best use of state and other resources to expand the alternative fuel and cleaner burning fuel vehicles market in Florida and maximize the return on that investment in terms of job creation, economic development, and mobile source emissions reduction.

(6) As used in this section, the term:

(a) "Alternative fuels" and "cleaner burning fuels" means fuels that are intended for use in transportation vehicles, including electricity, biodiesel, natural gas, propane, reformulated fuel, and any other cleaner burning fuel that is designated by the United States Environmental Protection Agency for use in transportation vehicles.

(b) "Alternative fuel vehicles" also referred to as "AFV's" include on-and-off-road transportation vehicles, light-duty, medium-duty, or heavy-duty which are powered by an alternative fuel or a combination of alternative fuels or as revised in the future by DCA in partnership with the Task Force.

Section 34. Paragraph (b) of subsection (4) of section 320.06, Florida Statutes is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(4)

(b) For the purposes of authorizing the corporation organized pursuant to chapter 946 to manufacture license plates and validation stickers, *as well as temporary tags, disabled hang tags, vessel decals, and fuel use decals*, for the Department of Highway Safety and Motor Vehicles. ~~as provided in this chapter,~~ The reference to the Department of Corrections in paragraph (a) means the Department of Corrections or the corporation organized pursuant to chapter 946, and the Department of Highway Safety and Motor Vehicles is not required to obtain competitive bids in order to contract with such corporation.

Section 35. Effective January 1, 1999, section 73.0511, Florida Statutes, is amended to read:

73.0511 Prelitigation notice *and offer of full compensation.—Before an eminent domain action is initiated under chapter 73 or chapter 74* ~~Prior to instituting litigation~~, the condemning authority shall notify the fee owners *appearing of record on the date the offer is made* of *their* statutory rights under s. 73.091 *and shall make a written offer of full compensation for the property to be acquired and any damages to the remainder caused by the taking, naming the fee owners to whom it is made. The notice and written offer must be sent to the fee owners' last known address listed on the county ad valorem tax roll. Notice to one fee owner constitutes notice to all fee owners on multiple-ownership property. This section may not be interpreted as shifting the burden of proof of either the condemning authority or fee owners at a valuation trial under chapter 73 or chapter 74, as otherwise provided by law. The governmental condemning authority is not required to give notice to a person who acquires title to the property subsequent to the notice required by this section.*

Section 36. *Effective July 1, 1998, for eminent domain actions filed after July 1, 1998, subsection (2) of section 337.27, section 337.271, subsection (2) of section 348.0008, subsection (2) of section 348.759, and subsection (2) of section 348.957, Florida Statutes, are repealed.*

Section 37. Subsection (6) is added to section 253.82, Florida Statutes, to read:

253.82 Title of state or private owners to Murphy Act lands.—

(6)(a) All reservations of easements on deeds by the Board of Trustees of the Internal Improvement Trust Fund conveying land acquired under chapter 18296, Laws of Florida, 1937, are hereby vested by operation of law, and without the necessity of instruments of conveyance from the

Board of Trustees of the Internal Improvement Trust Fund, in the governmental entity having right and title to the road to which the reservations are adjacent. All reservations adjacent to a road that was designated as a state road at the time of the reservation, which road is currently held by the state, are conveyed to the Department of Transportation. All reservations adjacent to a road that was designated as a state road at the time of the reservation, which road is located in an unincorporated area of a county or owned by the county within any incorporated area, are conveyed to the respective county. All other reservations within an incorporated area adjacent to a road that was designated as a state road at the time of the reservation, which reservations are not otherwise conveyed to the state or the county, are conveyed to the incorporated area. The conveyance includes all right, title, and interest in the reservation held by the Board of Trustees of the Internal Improvement Trust Fund.

(b) Every entity that holds title to Murphy Act reservations must establish a procedure for reviewing any deed that contains a reservation when a review is requested or a road project is anticipated. The review process must provide for:

1. A determination of whether the language of the deed created a reservation at the time of the original conveyance.

2. A review of any release of the reservation provided by the property owner.

3. The recording of a notice of the nonexistence of a reservation if reservation language in the deed does not impact the property.

4. A determination of whether any or all of the reservation may be released, and a form for recording the release.

5. A process to allow for review through mediation if requested by the property owner or through binding arbitration pursuant to chapter 44.

Any fee charged may not exceed the actual cost to review the deed, perform an appeal, and pay any recording expenses. Any such fee may not exceed $300.

(c)1. Any owner of property encumbered by a Murphy Act road reservation who has been denied a release of all or part of the reservation or who has received notice of a governmental entity's intent to preserve the reservation under s. 712.05 may appeal to the entity and show that the reservation substantially denies the property owner the current economic use of the property held by the owner. For purposes of this determination, the term "current economic use" means the use of the property on the date notice of the easement is filed under s. 712.05.

2. Upon a determination by the governmental entity that the reservation substantially denies the property owner the current economic use of the property held by the owner, the governmental entity must purchase the real property and improvements not retained by the property owner in fee simple title or release all or part of the reservation as necessary to allow for beneficial use of the property.

3. If the governmental entity and property owner are unable to agree as to whether the reservation substantially denies the current economic use of the property or as to the purchase price, the property owner may request mediation or binding arbitration under chapter 44 to resolve these issues.

4. Before the payment of any compensation, the property owner must provide the governmental entity copies of any title insurance policies and notice of any compensation received from a title company related to the easement.

(7) The process for release of any road reservation covered by this section or payment for property impacted by the use of a reservation covered by this section must be solely in accordance with this section. Any action for the taking of property related to road construction is separate and distinct from an action under this section.

(8) The governmental entity is not liable for attorney's fees or costs incurred by the owner in establishing the impact of the road reservation on the property.

Section 38. Section 712.04, Florida Statutes, is amended to read:

712.04 Interests extinguished by marketable record title.—Subject to the matters stated in s. 712.03, such marketable record title shall be free and clear of all estates, interests, claims, or charges whatsoever, the existence of which depends upon any act, title transaction, event or omission that occurred prior to the effective date of the root of title. All such estates, interests, claims, or charges, however denominated, whether such estates, interests, claims, or charges are or appear to be held or asserted by a person sui juris or under a disability, whether such person is within or without the state, whether such person is natural or corporate, or is private or governmental, are hereby declared to be null and void, except that this chapter shall not be deemed to affect any right, title, or interest of the United States, Florida, or any of its officers, boards, commissions, or other agencies reserved in the patent or deed by which the United States, Florida, or any of its agencies parted with title. *However, all reservations of easements in deeds by the Trustees of the Internal Improvement Trust Fund conveying land acquired under chapter 18296, Laws of Florida, 1937, shall be extinguished by the Marketable Record Title Act on July 1, 2001, subject to the provisions of s. 712.03, and further subject to the right of any governmental entity that holds title to the reservations to preserve such reservations as are necessary for future transportation projects in adopted transportation plans by filing notice under s. 712.05 before July 1, 2001.*

Section 39. Subsection (3) is added to section 712.05, Florida Statutes, to read:

712.05 Effect of filing notice.—

(3) Any governmental entity that claims a road reservation pursuant to a deed conveyed under the Murphy Act may preserve the reservation or any portion thereof necessary for future transportation projects in adopted transportation plans and protect the reservation from extinguishment by the operation of this chapter by filing for record, prior to July 1, 2001, a notice, in writing, in accordance with the provisions of this chapter. The notice preserves the reservation or portion thereof for 10 years following the date of record if the reservation is used or identified by the governmental entity in the final design plans of a road project scheduled for construction to begin before the end of the 10-year period. Any reservation used or identified in the final design plans of a road project scheduled for construction to begin before the end of the 10-year period is not extinguished.

Section 40. *The Legislature finds that balancing property and business interests of private citizens and governmental entities is an important function of the Legislature. Likewise, the Legislature finds that, in the balancing of those interests, prelitigation offers of compensation assist in reducing the costs of acquisition; that an entire lot, block, or tract of land should be acquired only when the public purpose and necessity are related to the engineering needs of a project and not the saving of acquisition costs to the detriment of business owners; that orderly procedures for the transference of deeds under the Murphy Act should be established to save administrative costs; that provision should be made for the underlying fee owner to be eligible for compensation for the denial of economic use caused by the exercise of a reservation pursuant to deeds under the Murphy Act. Therefore, the Legislature finds that this act fulfills an important state interest.*

Section 41. *Employees of an Off Street Parking Authority of a city of 2,000,000 or more residents are prohibited from ordering the towing of any vehicle but may request the assistance of a law enforcement officer where an authority employee determines that a vehicle is illegally parked and should be removed.*

Section 42. Subsection (5) is added to section 320.0715, Florida Statutes, to read:

320.0715 International Registration Plan; motor carrier services; permits; retention of records.—

(5) The provisions of this section do not apply to any commercial motor vehicle domiciled in a foreign state that enters this state solely for the purpose of bringing a commercial vehicle in for repairs, or picking up a newly purchased commercial vehicle, so long as the commercial motor vehicle is operated by its owner and is not hauling a load.

Section 43. Section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements.—

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transpor-

tation can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the Department of Environmental Protection and the water management districts, including the use of mitigation banks established pursuant to this part.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation shall be developed as follows:

(a) *Each June 1* ~~Beginning July 1996~~, the Department of Transportation shall submit ~~annually~~ to the Department of Environmental Protection and the water management districts a copy of its adopted work program and an inventory of habitats addressed in the rules adopted pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by its plan of construction for transportation projects in the *next* ~~first~~ 3 years of the adopted work program. *The Department of Transportation may also include in its inventory the habitat impacts of any future transportation project identified in the adopted work program.* ~~For the July 1996 submittal,~~ The inventory may exclude those projects which have received permits pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, projects for which mitigation planning or design has commenced, or projects for which mitigation has been implemented in anticipation of future permitting needs.

(b) The environmental impact inventory shall include a description of these habitat impacts, including their location, acreage, and type; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a survey of threatened species, endangered species, and species of special concern affected by the proposed project.

(3) To fund the mitigation plan for the projected impacts identified in the inventory described in subsection (2), ~~beginning July 1, 1997,~~ the Department of Transportation shall identify funds quarterly in an escrow account within the State Transportation Trust Fund established by the Department of Transportation for the benefit of the Department of Environmental Protection. Any interest earnings from the escrow account shall be returned to the Department of Transportation. The Department of Environmental Protection shall request a transfer of funds from the escrow account to the Ecosystem Management and Restoration Trust Fund no sooner than 30 days prior to the date the funds are needed to pay for activities contained in the mitigation programs. The amount transferred each year by the Department of Transportation shall correspond to a cost per acre of $75,000 multiplied by the projected acres of impact identified in the inventory described in subsection (2) within the water management district for that year. The water management district may draw from the trust fund no sooner than 30 days prior to the date funds are needed to pay for activities associated with development or implementation of the mitigation plan described in subsection (4). *Activities associated with the development of the mitigation plan include, but are not limited to, design, engineering, production, and staff support.* Each July 1, ~~beginning in 1998,~~ the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. At the end of each year, the projected acreage of impact shall be reconciled with the acreage of impact of projects as permitted pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and the following year's transfer of funds shall be adjusted accordingly to reflect the overtransfer or undertransfer of funds from the preceding year. The Department of Environmental Protection is authorized to transfer such funds from the Ecosystem Management and Restoration Trust Fund to the water management districts to carry out the mitigation programs.

(4) Prior to December *1 of each year* ~~31, 1996~~, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, ~~and~~ other appropriate federal, state, and local governments, *and entities operating mitigation banks which have obtained a permit pursuant to s. 373.4136,* shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant aquatic and exotic plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs *and shall focus on activities of the department and the water management districts, such as surface water improvement and management projects and lands identified for potential acquisition or restoration, to the extent such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344.* In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under this part and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. *The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569.* At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(a) Each mitigation plan shall include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option for each transportation project addressed in the plan, including an estimation and description of identifiable costs of the mitigation bank and nonmitigation bank option to the extent practicable.

(b)~~(a)~~ If the Department of Environmental Protection and water management districts are unable to identify mitigation that would offset the impacts of a project included in the inventory, either due to the nature of the impact or the amount of funds available, that project shall not be addressed in the mitigation plan and the project shall not be subject to the provisions of this section.

(c)~~(b)~~ Specific projects may be excluded from *the environmental impact inventory and* the mitigation plan and shall not be subject to this section upon the agreement of the Department of Transportation, the Department of Environmental Protection, and the appropriate water management district that the inclusion of such projects would hamper the efficiency or timeliness of the mitigation planning and permitting process.

(d)~~(c)~~ Those transportation projects that are proposed to commence in fiscal year 1996-1997 shall not be addressed in the mitigation plan, and the provisions of subsection (7) shall not apply to these projects. The Department of Transportation may enter into interagency agreements with the Department of Environmental Protection or any water management district to perform mitigation planning and implementation for these projects.

(e) Surface water improvement and management or aquatic or exotic plant control projects undertaken using the $12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 shall remain available for mitigation until the $12 million is fully credited up to and including fiscal year 2004-2005. When these projects are used as mitigation, the $12 million advance shall be reduced by $75,000 per acre of impact mitigated. For any fiscal year through and including fiscal year 2004-2005, to the extent the cost of developing and implementing the mitigation plans is less than the amount transferred from the Department of Transportation to the Department of Environmental Protection pursuant to subsection (3), the difference shall be credited towards the $12 million advance.

~~(d) On July 1, 1996, the Department of Transportation shall transfer to the Department of Environmental Protection $12 million from the State Transportation Trust Fund for the purposes of the surface water improvement management program and to address statewide aquatic and exotic plant problems within wetlands and other surface waters. Such funds shall be considered an advance upon funds that the Department of Transportation would provide for statewide mitigation during the 1997-1998, 1998-1999, and 1999-2000 fiscal years. This use of mitigation funds for surface water improvement management projects or aquatic and exotic plant control may be utilized as mitigation for transportation projects to the extent that it complies with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. To the extent that such activities result in mitigation credit for projects permitted in fiscal year 1996-1997, all or part of the $12 million funding for surface water improvement management projects or aquatic and exotic~~

~~plant control in fiscal year 1996-1997 shall be drawn from Department of Transportation mitigation funding for fiscal year 1996-1997 rather than from mitigation funding for fiscal years 1997-1998, 1998-1999, and 1999-2000, in an amount equal to the cost per acre of impact described in subsection (3), times the acreage of impact that is mitigated by such plant control activities. Any part of the $12 million that does not result in mitigation credit for projects permitted in fiscal year 1996-1997 shall remain available for mitigation credit during fiscal years 1997-1998, 1998-1999, or 1999-2000.~~

(5) The water management district shall be responsible for ensuring that mitigation requirements pursuant to 33 U.S.C. s. 1344 are met for the impacts identified in the inventory described in subsection (2), by implementation of the approved plan described in subsection (4) *to the extent funding is provided* ~~as funded~~ by the Department of Transportation. During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements.

(6) The mitigation plan shall be updated annually to reflect the most current Department of Transportation work program, *and may be amended throughout the year to anticipate schedule changes or additional projects which may arise.* Each update *and amendment* of the mitigation plan shall be submitted to the secretary of the Department of Environmental Protection for approval ~~as described in subsection (4)~~. However, such approval shall not be applicable to a deviation as described in subsection (5).

(7) Upon approval by the secretary of the Department of Environmental Protection, the mitigation plan shall be deemed to satisfy the mitigation requirements under this part and any other mitigation requirements imposed by local, regional, and state agencies for impacts identified in the inventory described in subsection (2). The approval of the secretary shall authorize the activities proposed in the mitigation plan, and no other state, regional, or local permit or approval shall be necessary.

(8) This section shall not be construed to eliminate the need for the Department of Transportation to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water quantity or water quality impacts, or impacts regulated under this part that are not identified in the inventory described in subsection (2).

(9) The recommended mitigation plan shall be annually submitted to the Executive Office of the Governor and the Legislature through the legislative budget request of the Department of Environmental Protection in accordance with chapter 216. Any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund aquatic and exotic plant problems within the wetlands and other surface waters.

~~(10) By December 1, 1997, the Department of Environmental Protection, in consultation with the water management districts, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the implementation of this section, including the use of public and private mitigation banks and other types of mitigation approved in the mitigation plan. The report shall also recommend any amendments to this section necessary to improve the process for developing and implementing mitigation plans for the Department of Transportation. The report shall also include a specific section on how private and public mitigation banks are utilized within the mitigation plans.~~

Section 44. Section 86 of chapter 93-213, Laws of Florida, is amended to read:

Section 86. The Department of Environmental Regulation is authorized 54 career service positions for administering the state NPDES program. Twenty-five career service positions are authorized for startup of the program beginning July 1, 1993, and the remaining 29 career service positions beginning January 1, 1994. The state NPDES program staffing shall start July 1, 1993, with completion targeted for 6 months following United States Environmental Protection Agency authorization to administer the National Pollutant Discharge Elimination System program. Implementation of positions is subject to review and final approval by the secretary of the Department of Environmental Regulation. The sum of $3.2 million is hereby appropriated from the Pollution Recovery Trust Fund to cover program startup costs. ~~Such funds are to be repaid from a fund the Legislature deems appropriate, no later than July 1, 2000.~~

Section 45. Section 373.4139, Florida Statutes, is created to read:

373.4139 Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Dade County Lake Belt.—

(1) The Legislature finds that the impact of mining within the Dade County Lake Belt Area can best be offset by a mitigation plan that is designated the "Lake Belt Mitigation Plan." The per-ton mitigation fee assessed on limestone sold from the Dade County Lake Belt Area shall be used for acquiring environmentally sensitive lands and for restoration, maintenance, and other environmental purposes. Further, the Legislature finds that the public benefit of a sustainable supply of limestone construction materials for public and private projects requires a coordinated approach to permitting activities on wetlands within the Dade County Lake Belt in order to provide the certainty necessary to encourage substantial and continued investment in the limestone processing plant and equipment required to efficiently extract the limestone resource. It is the intent of the Legislature that the Lake Belt Mitigation Plan satisfy all local, state, and federal requirements for mining activity within the Dade County Lake Belt Area.

(2) To provide for the mitigation of wetland resources lost to mining activities within the Dade County Lake Belt Area, effective October 1, 1998, a mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand from within the Dade County Lake Belt Area. The mitigation fee is at the rate of 5 cents for each ton of limerock and sand sold from within the Dade County Lake Belt Area in raw, processed, or manufactured form, including, but not limited to, sized aggregate, asphalt, cement, concrete, and other limerock and concrete products. Any limerock or sand that is used within the mine from which the limerock or sand is extracted is exempt from the fee. The amount of the mitigation fee imposed under this section must be stated separately on the invoice provided to the purchaser of the limerock product from the limerock miner, or its subsidiary or affiliate, for which the mitigation fee applies. The limerock miner, or its subsidiary or affiliate, who sells the limerock product shall collect the mitigation fee and forward the proceeds of the fee to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs.

(3) The mitigation fee imposed by this section must be reported to the Department of Revenue. Payment of the mitigation fee must be accompanied by a form prescribed by the Department of Revenue. The proceeds of the fee, less administrative costs, must be transferred by the Department of Revenue to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund. As used in this section, the term "proceeds of the fee" means all funds collected and received by the Department of Revenue under this section, including interest and penalties on delinquent mitigation fees. The amount deducted for administrative costs may not exceed 3 percent of the total revenues collected under this section and may equal only those administrative costs reasonably attributable to the mitigation fee.

(4)(a) The Department of Revenue shall administer, collect, and enforce the mitigation fee authorized under this section in accordance with the procedures used to administer, collect, and enforce the general sales tax imposed under chapter 212. The provisions of chapter 212, with respect to the authority of the Department of Revenue to audit and make assessments, the keeping of books and records, and the interest and penalties imposed on delinquent fees apply to this section. The fee may not be included in computing estimated taxes under s. 212.11, and the dealer's credit for collecting taxes or fees provided for in s. 212.12, does not apply to the mitigation fee imposed by this section.

(b) In administering this section, the Department of Revenue may employ persons and incur expenses for which funds are appropriated by the Legislature. The Department of Revenue shall adopt rules and prescribe and publish forms necessary to administer this section. The Department of Revenue shall establish audit procedures and may assess delinquent fees.

(5) Beginning January 1, 2000, and each January 1 thereafter, the per-ton mitigation fee shall be increased by 1.9 percentage points, plus a

cost growth index. The cost growth index shall be the percentage change in the weighted average of the Employment Cost Index for All Civilian Workers (ecu 10001I), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, and the percentage change in the Producer Price Index for All Commodities (WPU 00000000), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, compared to the weighted average of these indices for the previous year. The weighted average shall be calculated as 0.6 times the percentage change in the Employment Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times the percentage change in the Producer Price Index for All Commodities (WPU 00000000). If either index is discontinued, it shall be replaced by its successor index, as identified by the United States Department of Labor.

(6)(a) The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities in the Dade County Lake Belt Area and must be used in a manner consistent with the recommendations contained in the reports submitted to the Legislature by the Dade County Lake Belt Plan Implementation Committee and adopted under s. 373.4149. Such mitigation may include the purchase, enhancement, restoration, and management of wetlands and uplands, the purchase of mitigation credit from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Dade County Lake Belt Area. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition Program and the Internal Improvement Trust Fund, for the purchase of lands that were acquired in areas appropriate for mitigation due to rock mining and to reimburse governmental agencies that exchanged land under s. 373.4149, for mitigation due to rock mining.

(b) Expenditures must be approved by an interagency committee that consists of representatives from each of the following: the Miami-Dade County Department of Environmental Resource Management, the Department of Environmental Protection, the South Florida Water Management District, and the Game and Fresh Water Fish Commission. In addition, the limerock mining industry shall select a representative to serve as a nonvoting member of the interagency committee. At the discretion of the committee, additional members may be added to represent federal regulatory, environmental, and fish and wildlife agencies.

(7) Payment of the fee imposed by this section satisfies the mitigation requirements imposed under sections 373.403-373.439, Florida Statutes, and any applicable county ordinance for loss of the value and functions of the wetlands mined. In addition, it is the intent of the Legislature that the payment of the mitigation fee imposed by this section satisfy all federal mitigation requirements for the wetlands mined.

(8) If a general permit by the United States Army Corps of Engineers, or an appropriate long-term permit for mining, consistent with the Dade County Lake Belt Plan, this section, and s. 378.4115, 373.4149, and 373.4415, is not issued on or before September 30, 2000, the fee imposed by this section is suspended until reenacted by the Legislature.

(9)(a) The interagency committee established in this section shall annually prepare and submit to the governing board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee.

(b) No sooner than January 31, 2010, and no more frequently than every 10 years thereafter, the interagency committee shall submit to the Legislature a report recommending any needed adjustments to the mitigation fee to ensure that the revenue generated reflects the actual costs of the mitigation.

Section 46. Subsections (5), (6), (10), (11), and (12) of section 373.4149, Florida Statutes, are amended to read:

373.4149 Dade County Lake Belt Plan.—

(5) The committee shall develop Phase II of the Lake Belt Plan which shall:

(a) Include a detailed master plan to further implementation;

(b) Further address compatible land uses, opportunities, and potential conflicts;

(c) Provide for additional wellfield protection;

(d) Provide measures to prevent the reclassification of the Northwest Dade County wells as groundwater under the direct influence of surface water;~~.~~

(e) Secure additional funding sources; ~~and~~

(f) Consider the need to establish a land authority*; and*~~.~~

(g) Analyze the hydrological impacts resulting from the future mining included in the Lake Belt Plan and recommend appropriate mitigation measures, if needed, to be incorporated into the Lake Belt Mitigation Plan.

(6) The committee shall remain in effect until January 1, *2002* ~~2001~~, and shall meet as deemed necessary by the chair. The committee shall monitor and direct progress toward developing and implementing the plan. The committee shall submit progress reports to the governing board of the South Florida Water Management District and the Legislature by December 31 of each year. These reports shall include a summary of the activities of the committee, updates on all ongoing studies, any other relevant information gathered during the calendar year, and the committee recommendations for legislative and regulatory revisions. The committee shall submit a Phase II report and plan to the governing board of the South Florida Water Management District and the Legislature by December 31, 2000, to supplement the Phase I report submitted on February 28, 1997. The Phase II report must include the detailed master plan for the Dade County Lake Belt Area together with the final reports on all studies, the final recommendations of the committee, the status of implementation of Phase I recommendations and other relevant information, and the committee's recommendation for legislative and regulatory revisions.

~~(10) The Department of Environmental Protection, in conjunction with the South Florida Water Management District and the Dade County Department of Environmental Resources Management, is directed to develop a comprehensive mitigation plan for the Dade County Lake Belt Plan, subject to approval by the Legislature, which offsets the loss of wetland functions and values resulting from rock mining in mining-supported and allowable areas.~~

(10)~~(11)~~ The secretary of the Department of Environmental Protection, the secretary of the Department of Community Affairs, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Game and Freshwater Fish Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the provisions of this section.

(11)~~(12)~~(a) All agencies of the state shall review the status of their landholdings within the boundaries of the Dade County Lake Belt. Those lands for which no present or future use is identified must be made available, together with other suitable lands, to the committee for its use in carrying out the objectives of this act.

(b) It is the intent of the Legislature that lands provided to the committee be used for land exchanges to further the objectives of this act.

Section 47. *Section 36, Township 53 South, Range 39 East, is excluded from the geographical area described as the Dade County Lake Belt Area and delineated in 373.4149(3), Florida Statutes. Land uses in this excluded area shall be compatible with the Dade County Lake Belt Plan.*

Section 48. Subsection (8) is added to section 373.421, Florida Statutes, to read:

373.421 Delineation methods; formal determinations.—

(8) Whenever the location of a wetland delineation, approved or performed by the department or the district, is certified pursuant to chapter 471 or chapter 472, the delineation shall be accepted as a formal determination pursuant to section 373.421(2) or shall be accepted or as part of a permit issued pursuant to this part.

Section 49. Subsections (8) and (9) are added to section 373.139, Florida Statutes, to read:

(8) The Legislature declares that the Kissimmee River, Florida Project as identified in the Project Cooperation Agreement between the Department of the Army and the South Florida Water Management District, dated March 22, 1994, and the C-111 Project as identified in the Central and Southern Florida Flood Control Project Real Estate Design Memorandum Canal 111, South Dade County, Florida are in the public interest, for a public purpose and are necessary for the public health and welfare. The governing board of the district is empowered and authorized to acquire fee title or easement by eminent domain for the limited purpose of implementing the Kissimmee River, Florida Project and the C-111 Project, more fully described above, and the acquisition of real property, including by eminent domain, for these objectives constitutes a public purpose for which it is in the public interest to expend public funds.

(9) Through July 1, 2000, the South Florida Water Management District may disburse state or district funds to any agency or department of the Federal Government in any agreement or arrangement to take property or any interest therein by eminent domain, pursuant to federal law, unless such arrangement diminishes or deprives a person or entity of any right, privilege, or compensation that they would otherwise have if the property or interest was taken by eminent domain under Florida law. This subsection shall not apply to federal grant funds received by the state or district.

Section 50. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 51. *Legislative intent.—The Legislature recognizes that the purchase of a boat or other waterborne vessel is a major consumer purchase and that a defective boat or other waterborne vessel creates a hardship for the consumer. The Legislature recognizes that a review of such considerations as industry practices, existing regulations, the extent of consumer abuse or unfair trade practices, if any, and fiscal impact is necessary in order to determine whether adoption of a cost-effective system will benefit the residents of this state.*

Section 52. *Notwithstanding the proviso language preceding line item 1061 of HB4201 to the contrary, the Florida Boating Advisory Council, in lieu of the Attorney General, shall conduct a series of workshops that shall include broad representation from the marine manufacturing industry and vessel sales and service industry (dealers) and consumers. The Department of Agriculture and Consumer Services shall appoint representation to the workshops.*

(2) By March 1, 1999, the Florida Boating Advisory Council shall report to the Legislature the findings and recommendations resulting from these workshops.

(3) Upon submission of the report to the Legislature, this section shall stand repealed.

Section 53. Paragraph (c) of subsection (1) of section 206.606, Florida Statutes, is amended to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund created by s. 206.875. Such moneys, exclusive of the service charges imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 206.41, shall be distributed monthly to the State Transportation Trust Fund, except that:

~~(c) $1.5 million per year shall be transferred to the Board of Regents and shall be spent solely for purposes of s. 334.065.~~

Section 54. *When the Department of Transportation receives federal funds through reauthorization of the Federal Intermodal Surface Transportation Efficiency Act, the department shall expend $5,000,000 from the State Transportation Trust fund for Orlando Area Metropolitan Planning Organization project No. 5147232, for the construction of an interchange on Interstate 4 at Conroy Road.*

Section 55. This act shall take effect upon becoming a law unless otherwise provided.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; creating s. 316.0815, F.S.; providing publicly owned transit vehicles right of way when reentering traffic flow; amending s. 318.15, F.S.; authorizing tax collectors to collect driver's license reinstatement fees; amending s. 318.18, F.S.; providing that fines for construction zone speed violations shall be doubled only under certain circumstances; amending s. 334.0445, F.S.; extending the time period for the model career service classification and compensation plan in the Department of Transportation; amending s. 335.0415, F.S.; clarifying the jurisdiction and responsibility for operation and maintenance of roads; amending s. 337.11, F.S.; providing that consultants may be covered by the department's owner controlled insurance plan; amending s. 337.185, F.S.; increasing the amount of a contractual claim that goes to the State Arbitration Board; allowing the department to select an alternate to serve as the department's representative on the board; revising compensation for serving on the board; amending the fee schedule for arbitration; amending s. 337.19, F.S.; authorizing suits to be brought against the department for the breach of an expressed provision or an implied covenant; providing that no liability may be based on an oral modification of the written contract; amending s. 337.29, F.S.; providing for intergovernmental indemnification; amending s. 337.403, F.S.; authorizing the Department of Transportation to participate in the cost of clearing and grubbing with utilities prior to construction of a transportation facility; amending s. 338.223, F.S.; clarifying certain procedures for hardship and protective purchases; amending s. 338.229, F.S.; authorizing the department to restrict the sale, transfer, lease, or other disposition of any part of the turnpike system; amending s. 479.01, F.S.; redefining the terms "commercial or industrial zone" and "unzoned commercial or industrial area" for the purposes of the laws regulating outdoor advertising; providing criteria for an unzoned commercial or industrial area; amending s. 479.07, F.S.; revising provisions related to reinstatement of expired outdoor advertising permits; amending s. 479.16, F.S.; providing a permit exemption for certain outdoor advertising signs; amending s. 832.06, F.S.; authorizing tax collectors to seek prosecution against a person for writing a worthless check for a driver's license or identification card; amending s. 316.003, F.S.; defining the term "neighborhood vehicle"; amending s. 316.091, F.S.; providing that on specified highways certain commercial vehicles may drive only in certain lanes; amending s. 316.1967, F.S.; reduces the number of outstanding parking violations which trigger the county clerk to report to the Department of Highway Safety and Motor Vehicles; amending s. 320.01, F.S.; defining the term "agricultural products"; amending s. 320.04, F.S.; providing a service charge for validation stickers issued by printer dispenser machines; amending s. 320.055, F.S.; revising registration renewal period for certain vehicles; providing for staggered fleet registration; repealing s. 320.065, F.S., relating to the registration of certain rental trailers for hire and semitrailers used to haul agricultural products; amending s. 320.0657, F.S.; defining the term "fleet"; providing registration fees; providing penalties for late or improper registration amending s. 331.304, F.S.; revising the boundaries of spaceport territory; adding certain property located in Santa Rosa, Okaloosa, and Walton Counties to spaceport territory; amending 322.28, F.S.; revising language with respect to judicial stays on administrative suspensions of driving privileges; amending s. 334.044, F.S.; providing specific rulemaking authority; repealing s. 334.044(15), F.S., relating to certain rulemaking authority in Senate Bill 846; providing for application; amending chapter 96-423, Laws of Florida; authorizing the department to sell certain state property and directing the proceeds of the sale to the State Transportation Trust Fund; providing for transfer of funds; amending 206.46, F.S.; creating the Clean Fuel Florida Task Force; providing for appointment of members; providing for meetings and responsibilities; providing purpose; amending s. 320.06, F.S.; authorizing PRIDE to manufacture and distribute additional tags and decals; identification card; amending s. 73.0511, F.S.; providing requirements with respect to prelitigation; providing prelitigation notice to fee owners; providing for prelitigation offer to fee owners; repealing s. 337.27(2), F.S., which provides for the acquisition of lands and property; repealing s. 337.271, F.S., which provides for negotiations for acquisitions by the Department of Transportation; repealing s. 348.0008, F.S., which provides for the acquisition of lands and property in the Florida Expressway Authority Act; repealing s. 348.759(2), F.S., which provides for the acquisition of lands or property by the Orlando-Orange County Expressway Authority; repealing s. 348.957(2), F.S., which provides for the acquisition of lands or property by the Seminole County Expressway Authority; amending s. 253.82, F.S.; providing for all transportation easements acquired under the Murphy Act to be conveyed to the Department of Transportation or

the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing transportation reservations acquired under the Murphy Act; setting requirements for the review process; providing compensation for certain property owners where the reservation denies current economic use of the property; providing for mediation or arbitration; amending ss. 712.04, 712.05, F.S.; providing for the release of certain easements held by governmental entities; providing for preservation of certain road easement reservations scheduled to begin within a specified period; providing legislative intent; providing a prohibition of towing under certain circumstances; amending s. 320.0715, F.S.; exempting certain commercial motor vehicles from the International Registration Plan; amending s. 373.4137, F.S.; requiring ongoing annual submissions to the Department of Environmental Protection and water management districts by the Department of Transportation of its adopted work program and inventory of impacted habitats; authorizing inclusion of habitat impacts of future transportation projects; providing activities associated with development of mitigation plans; requiring water management districts to consult with entities operating mitigation banks when developing mitigation plans; providing that a water management district's preliminary approval of a mitigation plan does not constitute a decision affecting substantial interests; requiring mitigation plans to include certain information; authorizing exclusion of certain projects from the environmental impact inventory; extending certain mitigation funding through fiscal year 2004-2005; authorizing amendment of annual mitigation plans for certain purposes; providing for uses of funds not directed to implement mitigation plans; deleting obsolete provisions relating to a report; amending s. 86 of ch. 93-213, Laws of Florida; deleting a scheduled repayment of funds previously appropriated for startup costs of the National Pollutant Discharge Elimination System program; creating s. 373.4139, F.S.; providing legislative findings and intent with respect to a mitigation plan for the Dade County Lake Belt Area to offset the impact of mining activities; imposing a fee on the commercial extraction of limerock and sand from the Dade County Lake Belt Area; requiring the proceeds of the mitigation fee to be paid to the Department of Revenue; providing for transfer of proceeds of the mitigation fee to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund; providing for the Department of Revenue to administer the collection of the fee; authorizing the department to adopt rules; providing for an annual adjustment of the fee rate after a specified date; specifying purposes for which the proceeds of the mitigation fee may be used; requiring that expenditures be approved by an interagency committee; providing for membership of the committee; providing that payment of the fee satisfies certain requirements for mitigation; providing for suspension of imposition of the fee under certain circumstances; requiring the interagency committee to submit certain reports; amending s. 373.4149, F.S.; providing additional requirements for the Dade County Lake Belt Plan; extending the term of the Dade County Lake Belt Plan Implementation Committee; deleting a requirement that the Department of Environmental Protection develop a mitigation plan to offset loss of wetlands due to rock mining; excluding certain property from the Dade County Lake Belt Area; amending s. 373.421, F.S.; providing that certain delineations of wetlands shall be accepted as formal determinations or as part of a permit issued under Part IV of ch. 373, F.S.; providing for the adoption of rules; amending s. 373.139, F.S.; allowing the disbursement of certain district funds or assets in eminent domain proceedings under certain circumstances for a specified period; providing standing to sue for certain persons; providing a declaration that the Kissimmee River Project is in the public interest and for a public purpose; authorizing certain eminent domain proceedings; providing severability; establishing legislative intent relating to a review of marine vessel sales and protection of consumers; requiring the Florida Boating Advisory Council to conduct workshops and report results to the Legislature; providing for future repeal of workshop provisions; providing for the expenditure of certain funds for the construction of an interchange; amending s. 206.606, F.S.; revising the distribution of certain fuel tax proceeds; providing federal funding for an Orlando interchange project; providing effective dates.

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 29, line 2 through page 31, line 14, delete those lines

And the title is amended as follows:

On page 59, line 27 through page 60, line 1, delete those lines and insert: State Transportation Trust Fund; amending s. 206.46, F.S.; providing transfer of funds; amending s. 320.06, F.S.; authorizing

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with title amendment)—On page 56, between lines 17 and 18, insert:

Section 55. Effective July 1, 1998, paragraph (d) is added to subsection (2) of section 20.18, Florida Statutes, and subsection (7) is added to said section, to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

(2) The following units of the Department of Community Affairs are established:

(d) Bureau of Factory-built Housing.

(7) The Department of Community Affairs shall be the agency responsible for ensuring that there is adequate affordable housing in this state through the use of factory-built homes, that the federal code on mobile homes is strictly observed by manufacturers, and that the state code for manufactured buildings is an efficient method for providing manufactured buildings to residents of this state. The department shall also be the agency responsible for the installation of mobile homes and manufactured buildings to such an extent that residents of this state are as safe as possible.

Section 56. *Effective July 1, 1998:*

(1) All statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Bureau of Mobile Home and Recreational Vehicle Construction of the Department of Highway Safety and Motor Vehicles relating to regulation and administration of mobile homes, and all existing authority and actions of the bureau, including, but not limited to, all pending and completed actions on orders and rules, all enforcement matters, and delegations, interagency agreements, and contracts with federal, state, regional, and local governments and private entities relating to regulation and administration of mobile homes, are hereby transferred to the Bureau of Factory-built Housing of the Department of Community Affairs.

(2) The Department of Community Affairs and the Department of Highway Safety and Motor Vehicles shall have the authority to enter into interagency agreements with each other concerning any matter affected by the transfer of the Bureau of Mobile Home and Recreational Vehicle Construction to the Department of Community Affairs to promote the efficient and effective operation of both departments.

Section 57. *(1) Effective July 1, 1998, the portion of the Mobile Home and Recreational Vehicle Protection Trust Fund created under s. 320.781, Florida Statutes, relating to mobile homes is transferred to the Operating Trust Fund of the Department of Community Affairs to be administered and managed by the Bureau of Factory-built Housing of the Department of Community Affairs pursuant to s. 553.433, Florida Statutes.*

(2) Effective July 1, 1998, that portion of the Highway Safety Operating Trust Fund, created under s. 318.39, Florida Statutes, and into which fees and penalties relating to mobile home regulation, manufacture, licensure, and installation, are deposited, and all fees and penalties that are deposited into the General Revenue Fund, are transferred to the Operating Trust Fund of the Department of Community Affairs to be administered and managed by the Bureau of Factory-built Housing.

Section 58. *Effective July 1, 1998, all statutory powers, duties, and functions of the Department of Highway Safety and Motor Vehicles relating to the regulation or licensing of mobile home manufacturers, dealers or installers, are transferred to the Bureau of Factory-built Housing of the Department of Community Affairs.*

Section 59. Subsection (2) of section 320.8235, Florida Statutes, is amended to read:

320.8325 Mobile homes and park trailers; tie-down requirements; ~~minimum~~ installation standards; injunctions; penalty.—

(2) The *Department of Community Affairs* ~~department~~ shall promulgate rules and regulations setting forth ~~minimum~~ standards for the

manufacture *and* ~~or~~ installation of *manufactured housing installation systems, composed of anchors, buckles, straps, stabilizer plates, and piers or other requirements mandated by a manufacturer's installation manual.* ~~anchors, tie-downs, over-the-roof-ties, or other reliable methods of securing mobile homes or park trailers when over-the-roof ties are not suitable due to factors such as unreasonable cost, design of the mobile home or park trailer, or potential damage to the mobile home or park trailer.~~ Such *systems* ~~devices required under this section, when properly installed,~~ shall *insure a manufactured home remains secured to the ground when subjected to winds equal to or less than their HUD code design criteria and shall* ~~cause the mobile home or park trailer to~~ resist ~~wind~~ overturning and sliding. ~~In promulgating such~~ *Such* rules and regulations, ~~the Department of Community Affairs may make such discriminations regarding mobile home or park trailer tie-down requirements~~ *shall be reasonably related to the* ~~as are reasonable when factors such as~~ age~~,~~ *and windzone of the manufactured housing.* ~~location, and practicality of tying down a mobile home or park trailer are considered.~~ *The Department of Community Affairs shall also develop standards for installation and anchoring systems for park trailers. Fees and civil penalties collected by the Department of Community Affairs pursuant to s. 320.8325 shall be deposited into a trust fund for the use by the Department of Community Affairs for the testing of manufactured housing installation systems and their individual components to insure that such products being delivered to consumers in this state meet the wind design criteria adopted by the Department of Community Affairs.*

Section 60. *When mobile homeowners in a mobile home park obtain evaluations of the wind resistance of their mobile homes and make improvements in accordance thereto using funds from the General Appropriations Act pursuant to s. 627.0629, the applicable local, county, or municipal government may charge only one building permit or any other applicable fee or change, not to exceed the usual permit fee or charge that would have applied to a single mobile homeowner, for the entire mobile home park in which such evaluations are being performed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 64, line 9, after the semicolon (;) insert: amending s. 20.18, F.S.; creating the Bureau of Factory-built Housing in the Department of Community Affairs; providing powers and duties of the bureau; transferring certain powers, duties, and assets, of the Bureau of Mobile Home and Recreational Vehicle Construction of the Department of Highway Safety and Motor Vehicles to the Bureau of Factory-built Housing; authorizing interagency agreements; transferring certain portions of the Mobile Home and Recreational Vehicle Protection Trust Fund to the Operating Trust Fund of the Department of Community Affairs; transferring certain portions of the Highway Safety Operating Trust Fund and certain other fees and penalties to the Operating Trust Fund of the Department of Community Affairs; transferring certain statutory powers, duties, and functions of the Department of Highway Safety and Motor Vehicles to the Bureau of Factory-built Housing of the Department of Community Affairs; amending s. 320.8325, F.S.; providing for the adoption of rules relating to manufactured housing installation systems, and for the development of standards for park trailers; limiting the power of certain local governments to charge certain permit fees relating to mobile home parks;

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with title amendment)—On page 56, between lines 17 and 18, insert:

Section 55. Subsection (7) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(7) Each *port listed in s. 311.09(1), and each* local government in the coastal area which has spoil disposal responsibilities shall provide for or identify disposal sites for dredged materials in the future land use and port elements of the local comprehensive plan as needed to assure proper long-term management of material dredged from navigation channels, sufficient long-range disposal capacity, environmental sensitivity and compatibility, and reasonable cost and transportation. The disposal site selection criteria shall be developed in consultation with navigation and inlet districts and other appropriate state and federal agencies and the public. *For areas owned or controlled by ports listed in s. 311.09(1), and proposed port expansion areas, compliance with the provisions of this subsection shall be achieved through comprehensive master plans prepared by each port and integrated with the appropriate local plan pursuant to s. 163.3178(2)(k).*

Section 56. Paragraph (g) is added to subsection (1) and paragraph (d) is added to subsection (6) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(g) Any comprehensive plan amendments for port transportation facilities and projects which are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to the provisions of s. 311.07.

(6) No local government may amend its comprehensive plan after the date established by rule for submittal of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for:

(d) Plan amendments for port transportation facilities and projects which are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to the provisions of s. 311.07.

When the agency has determined that the report or addendum has sufficiently addressed all pertinent provisions of s. 163.3191, the local government may proceed with plan amendments in addition to those necessary to implement recommendations in the report or addendum.

Section 57. Subsection (4) of section 253.77, Florida Statutes, is created to read:

253.77 State lands; state agency authorization for use prohibited without consent of agency in which title vested; concurrent processing requirements.—

(4) Notwithstanding any other provision of this Chapter, Chapter 373 or chapter 403, Florida Statutes, for activities authorized by a permit or exemption pursuant to chapter 373 or 403, ports listed in subsection 403.021(9)(b), and inland navigation districts created pursuant to subsection 374.975(3), shall not be required to pay any fees for activities involving the use of sovereign lands, including leases, easements or consents of use.

Section 58. Section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(1) There is created the Florida Seaport Transportation and Economic Development Program within the Department of Transportation to finance port transportation ~~or port~~ facilities *and* projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and that will support the interests, purposes, and requirements of ports located in this state.

(2) A minimum of $8 million per year shall be made available from the State Transportation Trust Fund to fund the Florida Seaport Transportation and Economic Development Program.

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, and the auditing provisions of s. 11.45(3)(a)4. Program funds also may be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade data information products which will assist Florida's seaports and international trade.

(b) Projects eligible for funding by grants under the program are limited to the following port *transportation* facilities *and* ~~or port transportation~~ projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes *as described in, or consistent with, port master plans.*

6. The acquisition, improvement, enlargement, or extension of existing port facilities *as described in, or consistent with, port master plans.*

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

(4) A port eligible for matching funds under the program may receive a distribution of not more than $7 million during any 1 calendar year and a distribution of not more than $30 million during any 5-calendar-year period.

(5) Any port which receives funding under the program shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 110.112.

(6) The Department of Transportation shall subject any project that receives funds pursuant to this section to a final audit. The department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

Section 59. Subsection (9) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(9) The council shall review the findings of the Department of Community Affairs; the Office of Tourism, Trade, and Economic Development; and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (6), (7), and (8) and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (8) shall not be included in the list of projects to be funded. *Projects found to be consistent pursuant to subsection (6), (7), and (8) shall be presumed in the public interest.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 64, line 9, after the semicolon (;) insert: amending s. 163.3178, F.S.; requiring certain ports to identify certain spoil disposal sites; requiring such ports to prepare comprehensive master plans; amending s. 163.3187, F.S.; exempting comprehensive plan amendments for port transportation facilities and projects from a time limitation; amending s. 253.77, F.S.; exempting certain port projects from payments of fees for activities involving the use of sovereign lands; amending s. 311.07, F.S.; providing that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program must be consistent with port master plans; exempting certain port transportation facilities and projects from review as developments of regional impact; amending s. 311.09, F.S.; declaring that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program are presumed to be in the public interest;

Senator Sullivan moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (with title amendment)—On page 56, between lines 17 and 18, insert:

Section 55. *Funds provided in Specific Appropriation 1355A for a Vessel Tracking Information System for the Tampa Bay Area in the 1997-1998 General Appropriations Act which are unexpended on June 30, 1998, are reappropriated for fiscal year 1998-1999 to the Tampa Port Authority. The proviso language following Specific Appropriation 1355A shall be met before distribution of these reappropriated funds.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 64, line 9, after the semicolon (;) insert: providing for reappropriation to the Tampa Port Authority of specified funds appropriated for the 1997-1998 fiscal year;

THE PRESIDENT PRESIDING

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted:

Amendment 1E (with title amendment)—On page 31, line 31 through page 32, line 20, delete section 35 and redesignate subsequent sections.

And the title is amended as follows:

On page 60, lines 3-7, delete those lines and insert: tags and decals; identification card;

Senators Brown-Waite and Cowin offered the following amendment to **Amendment 1** which was moved by Senator Brown-Waite:

Amendment 1F (with title amendment)—On page 56, between lines 17 and 18, insert:

Section 55. Paragraphs (a) of subsection (4) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(4)(a) The operations of the department shall be organized into eight districts, including a turnpike district, each headed by a district secretary. The district secretaries shall report to the Assistant Secretary for District Operations. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, Hillsborough, and Leon Counties. The turnpike district must be relocated to *Sumter* ~~Orange~~ County in the year *2002* ~~2000~~. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts. However, before making a decision to centralize or decentralize department operations or relocate the turnpike district, the department must first determine if the decision would be cost-effective and in the public's best interest. The department shall periodically evaluate such decisions to ensure that they are appropriate.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 64, line 9, after the semicolon (;) insert: amending s. 20.23, F.S.; revising provisions relating to the turnpike district;

Senators Brown-Waite and Cowin offered the following substitute amendment for **Amendment 1F** which was moved by Senator Brown-Waite and adopted:

Amendment 1G (with title amendment)—On page 56, between lines 17 and 18, insert:

Section 55. Paragraph (a) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(4)(a) The operations of the department shall be organized into eight districts, including a turnpike district, each headed by a district secretary. The district secretaries shall report to the Assistant Secretary for District Operations. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, Hillsborough, and Leon Counties. ~~The turnpike district must be relocated to Orange County in the year 2000.~~ *By June 30, 1999, the Office of Program Policy Analysis and Government Accountability shall present a recommendation to the Secretary of Transportation for the designation of a site for the relocation of the Turnpike District headquarters. Sumter County shall be considered as a possible site. Any such relocated headquarters facility shall be the most cost-effective and operationally efficient site and be in the best interest of the public and the state. By December 31, 1999, the department shall submit a plan to relocate the Turnpike District headquarters to the Governor, Senate and House Transportation Committees.* In order to provide for efficient operations and to expedite the decision-making process, the department shall provide for maximum decentralization to the districts. However, before making a decision to centralize or decentralize department operations ~~or relocate the turnpike district,~~ the department must first determine if the decision would be cost-effective and in the public's best interest. The department shall periodically evaluate such decisions to ensure that they are appropriate.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 64, line 9, after the semicolon (;) insert: amending s. 20.23, F.S.; revising provisions relating to the turnpike district;

Amendment 1 as amended was adopted.

On motion by Senator Hargrett, by two-thirds vote **HB 4765** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Kirkpatrick	Rossin
Bankhead	Dudley	Klein	Scott
Bronson	Dyer	Kurth	Silver
Brown-Waite	Forman	Latvala	Sullivan
Burt	Geller	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Horne	Myers	
Crist	Jones	Ostalkiewicz	

Nays—2

Campbell Grant

On motion by Senator Gutman, by two-thirds vote **HB 3407** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Gutman—

HB 3407—A bill to be entitled An act relating to courses of study; amending s. 233.061, F.S.; including the study of Hispanic and Women's contributions to the United States in required public school instruction; providing an effective date.

—a companion measure, was substituted for **CS for SB 1142** and read the second time by title. On motion by Senator Gutman, by two-thirds vote **HB 3407** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Jones	Ostalkiewicz
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	

Nays—None

DISTRICT STAFF RECOGNITION

At the request of President Jennings, the Senate district staff was present in the chamber. The President, on behalf of the entire Senate, thanked the district staff for their support and hard work during the 1998 session.

RECOGNITION OF PRESIDENT AND PRESIDENT PRO TEMPORE

On behalf of the Senate, the President invited Senator Casas to the rostrum where he was presented a signed picture of the 1996-98 Senate. Senator Sullivan read a resolution honoring Senator Casas and presented him a gift on behalf of the Senate.

Senator Sullivan then read a resolution honoring President Jennings and presented her a gift on behalf of the Senate.

SPECIAL RECOGNITION

Senators Clary, Cowin, Klein and Lee, the freshman Senators elected in the 1996 General Election, and Senators Geller and Laurent, the freshman Senators elected in 1998 Special Elections, were granted permission to recognize Senator Fred Dudley as their chosen role model.

On motion by Senator Diaz-Balart, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1372, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1372—A bill to be entitled An act relating to insurance; amending ss. 624.425, 624.428, 624.478, 626.112, F.S.; requiring agents to be appointed; amending s. 624.501, F.S.; clarifying application of fees for title insurance agents; amending s. 626.022, F.S.; providing for applicability of ch. 626, F.S.; amending s. 626.051, F.S.; revising the definition of the term "life agent"; prescribing requirements for soliciting or selling variable life insurance, variable annuity contracts, and other indeterminate value contracts; amending s. 626.062, F.S.; conforming a cross-reference; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; excluding solicitors; authorizing the department to secure a credit and character report on certain persons; providing limits; providing requirements of the department; amending s. 626.451, F.S.; requiring law enforcement agencies, the state attorney's office, and court clerks to notify the department of agents found guilty of felonies; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; authorizing persons who hold a limited license for credit insurance to hold certain additional

licenses; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.601, F.S.; authorizing the department to initiate investigation of agents or other licensees under certain conditions; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in addition to suspending, revoking, or refusing to renew a license or appointment; creating s. 626.692, F.S.; providing for restitution under certain circumstances; amending s. 626.7351, F.S.; specifying additional qualifications for a customer representative's license; amending s. 626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.741, F.S.; authorizing the department to issue a customer representative license to certain persons; providing a limitation; providing procedures for agent licensure of certain persons under certain circumstances; providing for cancellation of a nonresident agent's license; amending ss. 626.792, 626.835, F.S.; providing procedures for issuing a resident agent's license to certain persons; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8417, F.S.; revising the qualifications for licensure as a title insurance agent; amending s. 626.8418, F.S.; increasing the amount of the deposit or bond of a title insurance agency; specifying that the bond of a title insurance agency must be posted with the department and must inure to the benefit of damaged insurers and insureds; amending ss. 626.8437, 626.844, F.S.; clarifying application of grounds for refusal, suspension, or revocation of license or appointment; amending s. 626.8443, F.S.; providing additional limitations on activities during suspension or after revocation of a license; amending s. 626.852, F.S.; providing for applicability; amending s. 626.858, F.S.; revising the definition of the term "nonresident adjuster" to define "nonresident company employee adjuster"; creating s. 626.8582, F.S.; defining the term "nonresident public adjuster"; creating s. 626.8884, F.S.; defining the term "nonresident independent adjuster"; amending s. 626.865, F.S.; increasing the bonding requirements for public adjusters; amending s. 626.873, F.S.; providing for licensure and qualifications for resident company employee adjusters; creating s. 626.8732, F.S.; providing for licensure and qualifications for nonresident public adjusters; creating s. 626.8734, F.S.; providing for licensure and qualifications for nonresident independent adjusters; creating s. 626.8736, F.S.; providing for service of process on nonresident independent adjusters and on nonresident public adjusters; creating s. 626.8737, F.S.; establishing a retaliatory tax provision regarding certain fines, taxes, penalties, license fees, monetary deposits, securities, or other obligations, limitations, or prohibitions imposed by another state upon Florida resident insurance adjusters in connection with the issuance of, or activities under, a nonresident adjuster's license under that state's laws; creating s. 626.8738, F.S.; providing a criminal penalty for acting as a resident or nonresident public adjuster without the required license; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.8695, F.S.; providing for notice to the department; requiring designation of primary adjuster on forms prescribed by the department; amending s. 626.872, F.S.; prohibiting the department from issuing a temporary adjuster's license to certain persons; amending s. 626.873, F.S.; providing procedures for licensing certain persons as resident adjusters; providing for cancellation of nonresident adjuster's license; amending s. 626.875, F.S; prescribing time for keeping adjusters' records; amending s. 626.922, F.S.; requiring surplus lines agents to perform certain duties relating to evidence of insurance; amending s. 626.928, F.S.; increasing bonds for surplus lines agents; amending ss. 626.927, 626.9271, 626.929, 626.935, 626.944, F.S.; requiring appointment in addition to licensure of certain persons; amending s. 627.745, F.S.; clarifying a provision related to final examination; amending s. 634.420, F.S.; clarifying application of accountability provisions; amending s. 634.317, F.S.; providing for responsibility and accountability of sales representatives; amending s. 642.036, F.S.; deleting requirement that the addresses of certain agents be filed with the department; repealing s. 626.112(6), F.S., relating to licensing of claims investigators; amending s. 624.412, F.S.; deleting provisions relating to minimum trust deposits by alien insurers; amending s. 627.681, F.S.; prescribing terms for credit life insurance and credit disability insurance; repealing s. 626.532, F.S., relating to insurance vending machine licenses; repealing s. 626.857, F.S., relating to the definition of "claims investigator"; creating s. 624.4072, F.S.; exempting minority-owned property and casualty insurers from prescribed taxes and assessments for specified period; specifying conditions; providing for future repeal; providing an effective date.

House Amendment 1 (with title amendment)—On page 76, between lines 13 and 14 of the bill insert:

Section 68. Effective upon this act becoming a law, subsection (2) of section 626.918, Florida Statutes, is amended to read:

626.918 Eligible surplus lines insurers.—

(2) No unauthorized insurer shall be or become an eligible surplus lines insurer unless made eligible by the department in accordance with the following conditions:

(a) Eligibility of the insurer must be requested in writing by a Florida-licensed surplus lines agent;

(b) The insurer must be currently an authorized insurer in the state or country of its domicile as to the kind or kinds of insurance proposed to be so placed and must have been such an insurer for not less than the 3 years next preceding or must be the wholly owned subsidiary of such authorized insurer or must be the wholly owned subsidiary of an already eligible surplus lines insurer as to the kind or kinds of insurance proposed for a period of not less than the 3 years next preceding. However, the department may waive the 3-year requirement if the insurer provides a product or service not readily available to the consumers of this state or has operated successfully for a period of at least 1 year next preceding and has capital and surplus of not less than $25 million;

(c) Before granting eligibility, the requesting surplus lines agent or the insurer shall furnish the department with a duly authenticated copy of its current annual financial statement in the English language and with all monetary values therein expressed in United States dollars, at an exchange rate (in the case of statements originally made in the currencies of other countries) then-current and shown in the statement, and with such additional information relative to the insurer as the department may request;

(d)1. The insurer must have and maintain surplus as to policyholders of not less than $15 million; in addition, an alien insurer must also have and maintain in the United States a trust fund for the protection of all its policyholders in the United States under terms deemed by the department to be reasonably adequate, in an amount not less than 5.4 million. Any such surplus as to policyholders or trust fund shall be represented by investments consisting of eligible investments for like funds of like domestic insurers under part II of chapter 625 provided, however, that in the case of an alien insurance company, any such surplus as to policyholders may be represented by investments permitted by the domestic regulator of such alien insurance company if such investments are substantially similar in terms of quality, liquidity, and security to eligible investments for like funds of like domestic insurers under part II of chapter 625;

2. For those surplus lines insurers that were eligible on January 1, 1994, and that maintained their eligibility thereafter, the required surplus as to policyholders shall be:

a. On December 31, 1994, and until December 30, 1995, $2.5 million.

b. On December 31, 1995, and until December 30, 1996, $3.5 million.

c. On December 31, 1996, and until December 30, 1997, $4.5 million.

d. On December 31, 1997, and until December 30, 1998, $5.5 million.

e. On December 31, 1998, and until December 30, 1999, $6.5 million.

f. On December 31, 1999, and until December 30, 2000, $8 million.

g. On December 31, 2000, and until December 30, 2001, $9.5 million.

h. On December 31, 2001, and until December 30, 2002, $11 million.

i. On December 31, 2002, and until December 30, 2003, $13 million.

j. On December 31, 2003, and thereafter, $15 million.

3. The capital and surplus requirements as set forth in subparagraph 2. do not apply in the case of an insurance exchange created by the laws of individual states, where the exchange maintains capital and surplus pursuant to the requirements of that state, or maintains capital and surplus in an amount not less than $50 million in the aggregate. For an insurance exchange which maintains funds in the amount of at least $12 million for the protection of all insurance exchange policyholders, each individual syndicate shall maintain minimum capital and surplus in an amount not less than $3 million. If the insurance exchange does not maintain funds in the amount of at least $12 million for the protection of all insurance exchange policyholders, each individual syndicate shall meet the minimum capital and surplus requirements set forth in subparagraph 2.;

4. A surplus lines insurer which is a member of an insurance holding company that includes a member which is a Florida domestic insurer as set forth in its holding company registration statement, as set forth in s. 628.801 and rules *adopted* ~~promulgated~~ thereunder, may elect to maintain surplus as to policyholders in an amount equal to the requirements of s. 624.408, subject to the requirement that the surplus lines insurer shall at all times be in compliance with the requirements of chapter 625.

The election shall be submitted to the department and shall be effective upon *the department's* being satisfied that the requirements of *subparagraph 4.* ~~this sub-subparagraph~~ have been met. The initial date of election shall be the date of department approval. The election approval application shall be on a form adopted by department rule. *The department may approve an election form submitted pursuant to subparagraph 4. only if it was on file with the department before February 28, 1998;*

(e) The insurer must be of good reputation as to the providing of service to its policyholders and the payment of losses and claims;

(f) The insurer must be eligible, as for authority to transact insurance in this state, under s. 624.404(3); and

(g) This subsection does not apply as to unauthorized insurers made eligible under s. 626.917 as to wet marine and aviation risks.

And the title is amended as follows:

On page 5, line 11 after the semicolon (;) insert: amending s. 626.918, F.S.; allowing the department to approve a surplus lines insurer's election of alternative surplus requirements only if the election was filed before a specified date;

House Amendment 2 (with title amendment)—On page 87, between lines 3 and 4, insert:

Section 81. Section 624.123, Florida Statutes, is created to read:

624.123 Certain international health insurance policies; exemption from code.—

(1) International health insurance policies and applications may be solicited and sold in this state at any international airport to a resident of a foreign country. Such international health insurance policies shall be solicited and sold only by a licensed health insurance agent and unwritten only by an admitted insurer. For purposes of this subsection:

(a) "International airport" means any airport in Florida with U. S. Customs service, which enplanes more than 1 million passengers per year.

(b) "International health insurance policy" means health insurance, as defined in s. 627.6561(5)(a)2., which is offered to an individual, covering only a resident of a foreign country on an annual basis.

(c) "Resident of a foreign country" does not include any United States citizen, any natural person maintaining his or her residence in this country, or any natural person staying in this state continuously for more than 120 days.

(2) Any international health insurance policy sold, and any application provided, to residents of foreign countries pursuant to this subsection shall contain the following conspicuous, boldfaced disclaimer in at least 12 point type: "This individual health insurance policy may be sold only to a person not a resident of the United States. This policy does not comply with coverage, underwriting, and other provisions of the Florida Insurance Code, and must comply with coverage, underwriting, and other insurance regulatory provisions of your country of residence."

(3) Any insurer underwriting international health insurance policies pursuant to this subsection is subject to all applicable provisions of the Insurance Code, except as otherwise provided in this subsection. International health insurance policies are not subject to any form approval, rate approval, underwriting restrictions, guaranteed availability, or coverage mandates provided in the Insurance Code. Health insurance agents who are licensed and appointed pursuant to chapter 626 may solicit, sell, effect, collect premium on, and deliver international health insurance policies in accordance with this section. Solicitation or sale of an international health insurance policy to a U. S. citizen or to a natural person not a resident of a foreign country is a willful violation of the provisions of s. 626.611.

(4) Any international health insurance policy or application solicited, provided, entered into, issued, or delivered pursuant to this subsection is exempt from all provisions of the Insurance Code, except that such policy, contract, or agreement is subject to the provisions of ss. 624.155, 624.316, 624.3161, 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, 627.413, 627.4145, 627.428, and 627.6043.

And the title is amended as follows:

On page 6, line 11, after the semicolon (;) insert: creating s. 624.123, F.S.; providing definitions; authorizing licensed agents to sell international health insurance policies to residents of foreign countries at international airports; requiring a specified disclaimer; providing exemptions from regulation under the Insurance Code; specifying applicable provisions;

House Amendment 3 (with title amendment)—On page 87, lines 17 and 18 of the bill remove from the bill: all of said lines and insert in lieu thereof:

Section 83. Section 627.192, Florida Statutes, is created to read:

627.192 Workers' compensation insurance; employee leasing arrangements.—

(1) The purpose of this section is to ensure that an employer who leases some or all of its workers properly obtains workers' compensation insurance coverage for all of its employees, including those leased from or coemployed with another entity, and that premium paid by an employee leasing company is commensurate with exposure and anticipated claim experience for all employees.

(2) For purposes of the Florida Insurance Code:

(a) "Employee leasing" shall have the same meaning as set forth in s. 468.520(4).

(b) "Experience rating modification" means a factor applied to a premium to reflect a risk's variation from the average risk. The experience modification is determined by comparing actual losses to expected losses, using the risk's own past experience.

(c) "Leased employee" means a person performing services for a lessee under an employee leasing arrangement.

(d) "Lessee" means an entity which obtains all or part of its workforce from another entity through an employee leasing arrangement or which employs the services of an entity through an employee leasing arrangement.

(e) "Lessor" means an employee leasing company, as set forth in part XI of chapter 468, engaged in the business of or holding itself out as being in the business of employee leasing. A lessor may also be referred to as an employee leasing company.

(f) "Premium subject to dispute" means that the insured has provided a written notice of dispute to the insurer or service carrier, has initiated any applicable proceeding for resolving such disputes as prescribed by law or rating organization procedures approved by the department, or has initiated litigation regarding the premium dispute. The insured must have detailed the specific areas of dispute and provided an estimate of the premium the insured believes to be correct. The insured must have paid any undisputed portion of the bill.

(3) A lessor that obtains coverage in the voluntary workers' compensation market may elect, with the voluntary market insurer's knowledge and consent, to secure the coverage on leased employees through a workers' compensation policy issued to the lessor. The insurer of the lessor may, in its discretion, take all reasonable steps to ascertain exposure under the policy and collect the appropriate premium by:

(a) Requiring the lessor to provide a complete description of lessor's operations.

(b) Requiring periodic reporting by the lessor of covered lessees' payroll, classifications, claims information, loss data, and jurisdictions with exposure. This reporting may be supplemented by a requirement for lessees to submit to the carrier Internal Revenue Service Form 941 or its equivalent on a quarterly basis.

(c) Auditing the lessor's operations.

(d) Using other reasonable measures to determine the appropriate premium.

(4) A lessor that applies for coverage or is covered through the voluntary market shall also maintain and furnish to the insurer on an annual basis, and as the insurer may otherwise reasonably require, sufficient information to permit the calculation of an experience modification factor for each lessee upon termination of the employee leasing relationship. Information accruing during the term of the leasing arrangement which is used to calculate an experience modification factor for a lessee upon termination of the leasing relationship shall continue to be used in the future experience ratings of the lessor. Such information shall include:

(a) The lessee's corporate name.

(b) The lessee's taxpayer or employer identification number.

(c) Payroll summaries and class codes applicable to each lessee, and, if requested by the insurer, a listing of all leased employees associated with a given lessee.

(d) Claims information grouped by lessee, and any other information maintained by or readily available to the lessor that is necessary for the calculation of an experience modification factor for each lessee.

(5) In addition to any other provision of law, any material violation of this section by an employee leasing company is grounds for cancellation or nonrenewal of the lessor's insurance policy provided that the employee leasing company has been provided a reasonable opportunity to cure the violation. If an employee leasing company has received notice that its workers' compensation insurance policy will be canceled or nonrenewed, the leasing company shall notify by certified mail, within 15 days after receipt of the notice, all of the lessees for which there is an employee leasing arrangement covered under the policy to be canceled, except notice is not required if the employee leasing company has obtained another insurance policy with an effective date that is the same as the date of cancellation or nonrenewal.

(6) If the employee leasing arrangement with a lessee is terminated, the lessee shall be assigned an experience modification factor which reflects its experience during the experience period specified by the approved experience rating plan, including, if applicable, experience incurred for leased employees under the employee leasing arrangements. The employee leasing company shall notify the insurer of its intent to terminate any lessee relationship prior to termination when feasible. When prior notice is not feasible, the employee leasing company shall notify its insurer within 5 working days following actual termination.

(7) This section shall not have any effect on the statutory obligation, if any, of a lessee to secure workers' compensation coverage for employees that the lessee does not coemploy or lease pursuant to an employee leasing arrangement.

(8) A lessee shall not enter into an employee leasing relationship or be eligible for workers' compensation coverage in the voluntary market if the lessee owes its current or a prior insurer any premium for workers' compensation insurance, or if the lessee owes its current or prior employee leasing company amounts due under the service agreement, except for premium or amounts due that are subject to dispute. For the purposes of this section and compliance with other laws and regulations, a lessor may rely on a sworn statement by the lessee that the lessee has met any and all prior premium or fee obligations, unless the lessor has actual knowledge to the contrary.

(9) Insurers shall conduct annual audits of payroll and classifications of employee leasing companies in order to ensure that the appropriate premium is charged for workers' compensation coverage. The audits shall be conducted to ensure that all sources of payment by lessors to employees, subcontractors, and independent contractors have been reviewed and the accuracy of classifications of employees have been verified. Insurers may provide for more frequent audits of lessors based on such factors as amount of premium, type of business, loss ratios, or other relevant factors. Payroll and classification verification audit rules of insurers must include, but need not be limited to, use by the insurer of state and federal reports of employee income, payroll and other accounting records, certificates of insurance maintained by subcontractors, and duties of employees.

(10) If a lessor or a lessee fails to provide reasonable access to payroll and classification records for a payroll and classification audit, the insured shall pay a premium to the insurer not to exceed three times the most recent estimated annual premium. However, the lessor is not subject to such penalty if the failure to obtain the needed records is the direct result of the acts or omissions of the lessee.

(11) This section shall take effect July 1, 1998, and shall apply to any workers' compensation insurance policy issued to or renewed with an employee leasing company on or after October 1, 1998.

Section 84. Except as otherwise provided herein, this act shall take effect October 1, 1998.

And the title is amended as follows:

On page 6, line 11 remove from the title of the bill: all of said line and insert in lieu thereof: repeal; creating s. 627.192, F.S.; providing purposes; providing definitions; authorizing certain lessors to secure workers' compensation insurance coverage on leased employees under certain circumstances; providing procedures; requiring such lessors to provide certain information to insurers for certain purposes; providing for cancellation or nonrenewal of such insurance under certain circumstances; providing for notice; providing an exception; providing for assigning an experience modification factor to lessees under a terminated employee leasing arrangement; requiring notice; providing application; prohibiting lessees from entering into employee leasing relationships or from being eligible for certain workers' compensation coverage under certain circumstances; requiring insurers to conduct audits of employee leasing companies for certain purposes; specifying procedures; requiring the insured to pay additional premiums if the lessor or lessee fails to provide certain audit access; providing an exception; providing application; providing effective dates.

House Amendment 4—On page 86, lines 18-27 remove from the bill: all of said lines and insert in lieu thereof:

(2) Subsection (1) applies only to personal lines and commercial lines residential property insurance policies as defined in s. 627.4025, and applies only to an insurer that has employees in this state and has a home office or a regional office in this state. With respect to any tax year or assessment year, the exemptions provided by subsection (1) apply only if during the year an average of at least 10 percent of the insurer's Florida residential property policies in force covered properties located in enterprise zones designated pursuant to s. 290.0065.

House Amendment 5 (with title amendment)—On page 87, between lines 14 and 15 of the bill insert:

Section 82. Section 440.49, Florida Statutes, is amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(1) LEGISLATIVE INTENT.—Whereas it is often difficult for workers with disabilities to achieve employment or to become reemployed following an injury, and it is the desire of the Legislature to facilitate the return of these workers to the workplace, it is the purpose of this section to encourage the employment, reemployment, and accommodation of the physically disabled by reducing an employer's insurance premium for reemploying an injured worker, to decrease litigation between carriers on apportionment issues, and to protect employers from excess liability

for compensation and medical expense when an injury to a physically disabled worker merges with, aggravates, or accelerates her or his preexisting permanent physical impairment to cause either a greater disability or permanent impairment, or an increase in expenditures for temporary compensation or medical benefits than would have resulted from the injury alone. The division *or the administrator* shall inform all employers of the existence and function of the fund and shall interpret eligibility requirements liberally. However, this subsection shall not be construed to create or provide any benefits for injured employees or their dependents not otherwise provided by this chapter. The entitlement of an injured employee or her or his dependents to compensation under this chapter shall be determined without regard to this subsection, the provisions of which shall be considered only in determining whether an employer or carrier who has paid compensation under this chapter is entitled to reimbursement from the Special Disability Trust Fund.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Permanent physical impairment" means and is limited to the conditions listed in paragraph (6)(a).

(b) "Preferred worker" means a worker who, because of a permanent impairment resulting from a compensable injury or occupational disease, is unable to return to the worker's regular employment.

(c) "Merger" describes or means that:

1. If the permanent physical impairment had not existed, the subsequent accident or occupational disease would not have occurred;

2. The permanent disability or permanent impairment resulting from the subsequent accident or occupational disease is materially and substantially greater than that which would have resulted had the permanent physical impairment not existed, and the employer has been required to pay, and has paid, permanent total disability or permanent impairment benefits for that materially and substantially greater disability;

3. The preexisting permanent physical impairment is aggravated or accelerated as a result of the subsequent injury or occupational disease, or the preexisting impairment has contributed, medically and circumstantially, to the need for temporary compensation, medical, or attendant care and the employer has been required to pay, and has paid, temporary compensation, medical, or attendant care benefits for the aggravated preexisting permanent impairment; or

4. Death would not have been accelerated if the permanent physical impairment had not existed.

(d) "Excess permanent compensation" means that compensation for permanent impairment, or permanent total disability or death benefits, for which the employer or carrier is otherwise entitled to reimbursement from the Special Disability Trust Fund.

(e) "Administrator" means the entity selected by the commission to review, allow, deny, compromise, controvert, and litigate claims of the Special Disability Trust Fund.

(f) "Corporation" means the Special Disability Trust Fund Financing Corporation, as created under subsection (14).

(g) "Commission" means the Special Disability Trust Fund Privatization Commission, as created under subsection (13).

(3) DEDUCTIBLE.—Reimbursement may not be obtained for the first $10,000 of benefits paid which otherwise qualify for reimbursement under this section. This deductible does not apply to claims by employers for reimbursement under subparagraph (b)3.

(4) PERMANENT IMPAIRMENT OR PERMANENT TOTAL DISABILITY, TEMPORARY BENEFITS, MEDICAL BENEFITS, OR ATTENDANT CARE AFTER OTHER PHYSICAL IMPAIRMENT.—

(a) Permanent impairment.—If an employee who has a preexisting permanent physical impairment incurs a subsequent permanent impairment from injury or occupational disease arising out of, and in the course of, her or his employment which merges with the preexisting permanent physical impairment to cause a permanent impairment, the employer shall, in the first instance, pay all benefits provided by this chapter; but, subject to the limitations specified in subsection (6), such employer shall be reimbursed from the Special Disability Trust Fund created by subsection (8) for 50 percent of all impairment benefits which the employer has been required to provide pursuant to s. 440.15(3)(a) as a result of the subsequent accident or occupational disease.

(b) Permanent total disability.—If an employee who has a preexisting permanent physical impairment incurs a subsequent permanent impairment from injury or occupational disease arising out of, and in the course of, her or his employment which merges with the preexisting permanent physical impairment to cause permanent total disability, the employer shall, in the first instance, pay all benefits provided by this chapter; but, subject to the limitations specified in subsection (6), such employer shall be reimbursed from the Special Disability Trust Fund created by subsection (8) for 50 percent of all compensation for permanent total disability.

(c) Temporary compensation and medical benefits; aggravation or acceleration of preexisting condition or circumstantial causation.—If an employee who has a preexisting permanent physical impairment experiences an aggravation or acceleration of the preexisting permanent physical impairment as a result of an injury or occupational disease arising out of and in the course of her or his employment, or suffers an injury as a result of a merger as defined in subparagraph (1)(b)2., the employer shall provide all benefits provided by this chapter, but, subject to the limitations specified in subsection (7), the employer shall be reimbursed by the Special Disability Trust Fund created by subsection (8) for 50 percent of its payments for temporary, medical, and attendant care benefits.

(5) WHEN DEATH RESULTS.—If death results from the subsequent permanent impairment contemplated in paragraph (c) within 1 year after the subsequent injury, or within 5 years after the subsequent injury when disability has been continuous since the subsequent injury, and it is determined that the death resulted from a merger, the employer shall, in the first instance, pay the funeral expenses and the death benefits prescribed by this chapter; but, subject to the limitations specified in subsection (6), she or he shall be reimbursed from the Special Disability Trust Fund created by subsection (8) for the last 50 percent of all compensation allowable and paid for such death and for 50 percent of the amount paid as funeral expenses.

(6) EMPLOYER KNOWLEDGE, EFFECT ON REIMBURSEMENT.—

(a) Reimbursement is not allowed under this section unless it is established that the employer knew of the preexisting permanent physical impairment prior to the occurrence of the subsequent injury or occupational disease, and that the permanent physical impairment is one of the following:

1. Epilepsy.

2. Diabetes.

3. Cardiac disease.

4. Amputation of foot, leg, arm, or hand.

5. Total loss of sight of one or both eyes or a partial loss of corrected vision of more than 75 percent bilaterally.

6. Residual disability from poliomyelitis.

7. Cerebral palsy.

8. Multiple sclerosis.

9. Parkinson's disease.

10. Meniscectomy.

11. Patellectomy.

12. Ruptured cruciate ligament.

13. Hemophilia.

14. Chronic osteomyelitis.

15. Surgical or spontaneous fusion of a major weight-bearing joint.

16. Hyperinsulinism.

17. Muscular dystrophy.

18. Thrombophlebitis.

19. Herniated intervertebral disk.

20. Surgical removal of an intervertebral disk or spinal fusion.

21. One or more back injuries or a disease process of the back resulting in disability over a total of 120 or more days, if substantiated by a doctor's opinion that there was a preexisting impairment to the claimant's back.

22. Total deafness.

23. Mental retardation, provided the employee's intelligence quotient is such that she or he falls within the lowest 2 percentile of the general population. However, it shall not be necessary for the employer to know the employee's actual intelligence quotient or actual relative ranking in relation to the intelligence quotient of the general population.

24. Any permanent physical condition which, prior to the industrial accident or occupational disease, constitutes a 20-percent impairment of a member or of the body as a whole.

25. Obesity, provided the employee is 30 percent or more over the average weight designated for her or his height and age in the Table of Average Weight of Americans by Height and Age prepared by the Society of Actuaries using data from the 1979 Build and Blood Pressure Study.

26. Any permanent physical impairment as defined in s. 440.15(3) which is a result of a prior industrial accident with the same employer or the employer's parent company, subsidiary, sister company, or affiliate located within the geographical boundaries of this state.

(b) The Special Disability Trust Fund is not liable for any costs, interest, penalties, or attorneys' fees.

(c) An employer's or carrier's right to apportionment or deduction pursuant to ss. 440.02(1), 440.15(5)(b), and 440.151(1)(c) does not preclude reimbursement from such fund, except when the merger comes within the definition of subparagraph (2)(b)2. and such apportionment or deduction relieves the employer or carrier from providing the materially and substantially greater permanent disability benefits otherwise contemplated in those paragraphs.

(7) REIMBURSEMENT OF EMPLOYER.—

(a) The right to reimbursement as provided in this section is barred unless written notice of claim of the right to such reimbursement is filed by the employer or carrier entitled to such reimbursement with the division *or administrator* at Tallahassee within 2 years after the date the employee last reached maximum medical improvement, or within 2 years after the date of the first payment of compensation for permanent total disability, wage loss, or death, whichever is later. The notice of claim must contain such information as the division by rule requires *or as established by the administrator*; and the employer or carrier claiming reimbursement shall furnish such evidence in support of the claim as the division *or administrator* reasonably may require.

(b) For notice of claims on the Special Disability Trust Fund filed on or after July 1, 1978, the Special Disability Trust Fund shall, within 120 days after receipt of notice that a carrier has paid, been required to pay, or accepted liability for excess compensation, serve notice of the acceptance of the claim for reimbursement.

(c) A proof of claim must be filed on each notice of claim on file as of June 30, 1997, within 1 year after July 1, 1997, or the right to reimbursement of the claim shall be barred. A notice of claim on file on or before June 30, 1997, may be withdrawn and refiled if, at the time refiled, the notice of claim remains within the limitation period specified in paragraph (a). Such refiling shall not toll, extend, or otherwise alter in any way the limitation period applicable to the withdrawn and subsequently refiled notice of claim. Each proof of claim filed shall be accompanied by a proof-of-claim fee as provided in paragraph (9)(d). The Special Disability Trust Fund shall, within 120 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(d) Each notice of claim filed or refiled on or after July 1, 1997, must be accompanied by a notification fee as provided in paragraph (9)(d). A proof of claim must be filed within 1 year after the date the notice of claim is filed or refiled, accompanied by a proof-of-claim fee as provided in paragraph (9)(d), or the claim shall be barred. The notification fee shall be waived if both the notice of claim and proof of claim are submitted together as a single filing. The Special Disability Trust Fund shall, within 180 days after receipt of the proof of claim, serve notice of the acceptance of the claim for reimbursement. This paragraph shall apply to all claims notwithstanding the provisions of subsection (12).

(e) For dates of accident on or after January 1, 1994, the Special Disability Trust Fund shall, within 120 days of receipt of notice that a carrier has been required to pay, and has paid over $10,000 in benefits, serve notice of the acceptance of the claim for reimbursement. Failure of the Special Disability Trust Fund to serve notice of acceptance shall give rise to the right to request a hearing on the claim for reimbursement. If the Special Disability Trust Fund through its representative denies or controverts the claim, the right to such reimbursement shall be barred unless an application for a hearing thereon is filed with the division *or administrator* at Tallahassee within 60 days after notice to the employer or carrier of such denial or controversion. When such application for a hearing is timely filed, the claim shall be heard and determined in accordance with the procedure prescribed in s. 440.25, to the extent that such procedure is applicable, and in accordance with the workers' compensation rules of procedure. In such proceeding on a claim for reimbursement, the Special Disability Trust Fund shall be made the party respondent, and no findings of fact made with respect to the claim of the injured employee or the dependents for compensation, including any finding made or order entered pursuant to s. 440.20(12), shall be res judicata. The Special Disability Trust Fund may not be joined or made a party to any controversy or dispute between an employee and the dependents and the employer or between two or more employers or carriers without the written consent of the fund.

(f) When it has been determined that an employer or carrier is entitled to reimbursement in any amount, the employer or carrier shall be reimbursed annually from the Special Disability Trust Fund for the compensation and medical benefits paid by the employer or carrier for which the employer or carrier is entitled to reimbursement, upon filing request therefor and submitting evidence of such payment in accordance with rules prescribed by the division, which rules may include parameters for annual audits. The Special Disability Trust Fund shall pay the approved reimbursement requests on a first-in, first-out basis reflecting the order in which the reimbursement requests were received.

(8) PREFERRED WORKER PROGRAM.—The division *or administrator* shall issue identity cards to preferred workers upon request by qualified employees and shall reimburse an employer, from the Special Disability Trust Fund, for the cost of workers' compensation premium related to the preferred workers payroll for up to 3 years of continuous employment upon satisfactory evidence of placement and issuance of payroll and classification records and upon the employee's certification of employment.

(9) SPECIAL DISABILITY TRUST FUND.—

(a) There is established in the State Treasury a special fund to be known as the "Special Disability Trust Fund," which shall be available only for the purposes stated in this section; and the assets thereof may not at any time be appropriated or diverted to any other use or purpose. The Treasurer shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the state. The Treasurer is authorized to disburse moneys from such fund only when approved by the division *or corporation* and upon the order of the Comptroller. The Treasurer shall deposit any moneys paid into such fund into such depository banks as the division *or corporation* may designate and is authorized to invest any portion of the fund which, in the opinion of the division, is not needed for current requirements, in the same manner and subject to all the provisions of the law with respect to the deposits of state funds by such Treasurer. All interest earned by such portion of the fund as may be invested by the Treasurer shall be collected by her or him and placed to the credit of such fund.

(b)1. The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals under s. 628.601, and the self-insurers under this chapter, which assessments shall become due and be paid quarterly at the same time and in addition to the assessments provided in s. 440.51. The division shall estimate annually in advance the amount necessary for the administration of this subsection and the maintenance of this fund and shall make such assessment in the manner hereinafter provided.

2. The annual assessment shall be calculated to produce during the ensuing fiscal year an amount which, when combined with that part of the balance in the fund on June 30 of the current fiscal year which is in excess of $100,000, is equal to the average of:

a. The sum of disbursements from the fund during the immediate past 3 calendar years, and

b. Two times the disbursements of the most recent calendar year.

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers.

3. The net premiums written by the companies for workers' compensation in this state and the net premium written applicable to the self-insurers in this state are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each insurance company and self-insurer to the division for the Special Disability Trust Fund in accordance with such regulations as the division prescribes.

4. The Treasurer is authorized to receive and credit to such Special Disability Trust Fund any sum or sums that may at any time be contributed to the state by the United States under any Act of Congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

(c) Notwithstanding the Special Disability Trust Fund assessment rate calculated pursuant to this section, the rate assessed shall not exceed 4.52 percent.

(d) The Special Disability Trust Fund shall be supplemented by a $250 notification fee on each notice of claim filed or refiled after July 1, 1997, and a $500 fee on each proof of claim filed in accordance with subsection (7). Revenues from the fee shall be deposited into the Special Disability Trust Fund and are exempt from the deduction required by s. 215.20. The fees provided in this paragraph shall not be imposed upon any insurer which is in receivership with the Department of Insurance.

(e) The Department of Labor and Employment Security *or administrator* shall report annually on the status of the Special Disability Trust Fund. The report shall update *the estimated undiscounted and discounted fund liability, as determined by an independent actuary* ~~the projected change in fund liability~~, change in the total number of notices of claim on file with the fund in addition to the number of newly filed notices of claim, change in the number of proofs of claim processed by the fund, ~~and~~ the fee revenues refunded and revenues applied to pay down the liability of the fund, *the average time required to reimburse accepted claims, and the average administrative costs per claim*. The department *or administrator* shall submit its ~~initial~~ report to the Governor, the President of the Senate, and the Speaker of the House of Representatives ~~by March 1, 1998, for the period ending February 1, 1998, with additional reports submitted~~ by December 1 *of each year*~~, 1998, and December 1, 1999~~.

(10) DIVISION ADMINISTRATION OF FUND; CLAIMS; ADVISORY COMMITTEE; EXPENSES.—The division *or administrator* shall administer the Special Disability Trust Fund with authority to allow, deny, compromise, controvert, and litigate claims made against it and to designate an attorney to represent it in proceedings involving claims against the fund, including negotiation and consummation of settlements, hearings before judges of compensation claims, and judicial review. The division *or administrator* or the attorney designated by it shall be given notice of all hearings and proceedings involving the rights or obligations of such fund and shall have authority to make expenditures for such medical examinations, expert witness fees, depositions, transcripts of testimony, and the like as may be necessary to the proper defense of any claim. The division shall appoint an advisory committee composed of representatives of management, compensation insurance carriers, and self-insurers to aid it in formulating policies with respect to conservation of the fund, who shall serve without compensation for such terms as specified by it, but be reimbursed for travel expenses as provided in s. 112.061. All expenditures made in connection with conservation of the fund, including the salary of the attorney designated to represent it and necessary travel expenses, shall be allowed and paid from the Special Disability Trust Fund as provided in this section upon the presentation of itemized vouchers therefor approved by the division.

(11) EFFECTIVE DATES.—This section does not apply to any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred prior to July 1, 1955, or on or after January 1, 1998. In no event shall the Special Disability Trust Fund be liable for, or reimburse employers or carriers for, any case in which the accident causing the subsequent injury or death or the disablement or death from a subsequent occupational disease occurred on or after January 1, 1998. The Special Disability Trust Fund shall continue to reimburse employers or carriers for subsequent injuries occurring prior to January 1, 1998, and the division shall continue to assess for and *the division or administrator shall* fund reimbursements as provided in subsection (9) for this purpose.

(12) REIMBURSEMENT FROM THE SPECIAL DISABILITY TRUST FUND.—The applicable law for the purposes of determining entitlement to reimbursement from the Special Disability Trust Fund is the law in effect on the date the accident occurred.

(13)(a) The Special Disability Trust Fund Privatization Commission is created to evaluate and determine the feasibility of privatizing the Special Disability Trust Fund. The commission shall determine the liabilities of the fund and the costs to presently administer the Special Disability Trust Fund. The commission may develop and issue a request for proposal to transfer the liabilities of the Special Disability Trust Fund to a qualified entity. The commission is authorized to select and contract with a qualified entity, only if the commission determines that such an arrangement would substantially reduce the costs and be more effective than the current administration of the Special Disability Trust Fund. The commission may adopt rules necessary for the performance of its assigned duties and responsibilities.

(b) Consistent with the closing of the fund provided in subsection (11), the Special Disability Trust Fund Privatization Commission is authorized to contract with an administrator to review, allow, deny, compromise, controvert, and litigate claims of the Special Disability Trust Fund under this section. The Commission, in consultation with the division, is authorized to contract with a qualified entity to assume the reimbursement obligations of the Special Disability Trust Fund for claims which have previously have accepted for reimbursement by the Special Disability Trust Fund and claims which are determined to be reimbursable by the Special Disability Trust Fund. The qualified entity and the administrator shall not be affiliates of the other, and shall not establish or maintain a financial or contractual agreement with each other for purposes of this section. On or before July 1, 1999, the commission, in consultation with the division, may develop and issue a request for proposal for the transfer and assumption of liabilities, and administration of certain functions related to claims of the Special Disability Trust Fund. The administrator shall have experience in workers' compensation claims management of sufficient scope and size to undertake the duties and responsibilities of this section and shall demonstrate the ability to meet the criteria established by the commission, which shall include the ability to substantially reduce the overall costs of reviewing and reimbursing claims, and to settle and extinguish the liabilities of the Special Disability Trust Fund in a more cost efficient and more timely manner than presently provided by the division. In the event liabilities on the Special Disabilities Trust Fund are transferred to and assumed by a qualified entity, such entity shall provide the state with financial assurance as to the satisfaction of any such liabilities or claims and the state and the Special Disability Trust Fund shall have no further liability with respect to those liabilities and claims. The financial assurances may include, but are not limited to, cash reserves, reinsurance, guarantees, or letters of credit.

(c) The commission shall be composed of three members, one member selected by the Governor; one selected by the Insurance Commissioner; and one selected by the Comptroller.

(d) The commission is authorized to appoint and employ such officers, agents, and employees as the commission deems advisable to operate

and manage the affairs of the commission, which officers, agents, and employees may be employees of the division or the State Board of Administration. The commission shall contract with consultants deemed necessary to determine the liabilities of the Special Disability Trust Fund, as of December 31, 1998, and the feasibility of privatizing the Special Disability Trust Fund.

(14) Florida Special Disability Trust Fund Financing Corporation.—

(a) The Legislature finds that:

1. The liabilities of the Special Disability Trust Fund are substantial and that the extinguishment of these liabilities in a cost effective and timely manner are of paramount importance to the state. In connection therewith, in the event that the commission determines that it is more cost effective and in the best interest of the Special Disabilities Trust Fund and the state to finance the liabilities of the Special Disabilities Trust Fund through the issuance of bonds, notes or other evidence of indebtedness, it shall request the assistance of the corporation to issue such bonds, notes or other evidences of indebtedness.

2. The Legislature finds that the creation of a public benefits corporation and the issuance of bonds or other forms of indebtedness under this section is consistent with the underlying public purpose of reducing and ultimately eliminating the liabilities of the Special Disability Trust Fund. The purpose of the corporation and the subsequent bond issuance is to fund and pay the liabilities of the Special Disability Trust Fund, ensure the existence of a sufficient funding source for reimbursements to employers and carriers, and reduce the overall costs of the program provided by the state by employers and carriers.

(b) In the event the commission determines that it is more cost effective and in the best interest of the Special Disability Trust Fund, the state, insurers, and employers to finance the liabilities of the Special Disability Trust Fund through the issuance of bonds, notes, or other evidences of indebtedness, there is created a public benefits corporation to be known as the Special Disability Trust Fund Financing Corporation.

1. The corporation shall operate under a three-member board of directors consisting of the Governor or a designee, the Treasurer or a designee, and the Comptroller or a designee.

2. The corporation has all of the powers of corporations under chapter 607 and under chapter 617.

3. The corporation may issue bonds, notes, or other evidences of indebtedness and engage in such other financial transactions as are necessary to provide sufficient funds to achieve the purposes of this section.

4. The corporation may invest in any of the investments authorized under s. 215.47.

5. There shall be no liability on the part of, and no cause of action shall arise against, any board members or employees of the corporation or the state for any actions taken by them in the performance of their duties under this paragraph.

6. The corporation may appoint and employ such officers, agents, and employees as the corporation deems advisable to operate and manage the affairs of the corporation, which officers, agents, and employees may be employees of the division or the State Board of Administration. The administrative costs and fees incurred by the corporation, and employee salaries, shall be paid from bond revenues. The corporation and the division shall have the power to contract with each other for expenses incurred in connection with the transfer, assumption, and settlement of liabilities of the Special Disability Trust Fund.

7. In addition to bonding, the corporation may also borrow from, or enter into other financing arrangements with, any market sources at interest rates not exceeding prevailing interest rates.

(c)1. The proceeds of revenue bonds issued by this corporation may be used to pay obligations of the Special Disability Trust Fund made pursuant to this section; to finance or replace previously existing borrowings or financial arrangements; to pay interest on bonds; to fund reserves for the bonds; to pay expenses incident to the issuance or sale of any bonds issued under this subsection, or for such other purposes related to the financial obligations of the Special Disability Trust Fund as the corporation may determine. The corporation may pledge all or a portion of the revenues collected under subsection (9) to secure such revenue bonds, and may execute such agreements between the corporation and the division, necessary or desirable in connection with the issuance of any revenue bonds.

2. The corporation may contract with the State Board of Administration to serve as trustee with respect to debt obligations issued by the corporation as provided by this section and to hold, administer, and invest proceeds of such debt obligations and other funds of the corporation. The State Board of Administration may perform such services and may contract with others to provide all or a part of such services and to recover the costs and expenses of providing such services. The investment of proceeds of debt obligations or other funds of the corporation and contracts of funds held in trust by the State Board of Administration, whether directly or indirectly related to the investments or contracts, are exempt from the provisions of chapter 287.

(d)1. Revenue bonds may not be issued under this subsection until validated under chapter 75. In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this subsection, or the security therefor, any such bond reciting in substance that it has been issued by the corporation in connection with any purpose of this section shall be conclusively deemed to have been carried out in accordance with the mandates herein. In actions under chapter 75 to validate any bonds issued by the corporation, the notice required by s. 75.06 shall be published only in Leon County and in two newspapers of general circulation in the state, and the complaint and order of the court shall be served only on the State Attorney of the Second Judicial Circuit. The validation of at least the first obligations incurred pursuant to this subsection shall be appealed to the Supreme Court, to be handled on an expedited basis.

2. The state hereby covenants with holders of bonds of the corporation that the state will not repeal or abrogate the power of the division to levy the assessments and to collect the proceeds of the revenues pledged to the payment of such bonds as long as any such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds.

3. The corporation and its corporate existence shall continue until terminated by law; however, no such law shall take effect as long as the corporation has bonds outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds. Upon termination of the existence of the corporation, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

(e)1. The funds, credit, property, or taxing power of the state or political subdivisions of the state shall not be pledged for the payment of such bonds. The bonds of the corporation are not a debt of the state or of any political subdivision, and neither the state nor any political subdivision is liable on such bonds. The corporation does not have the power to pledge the credit, the revenues, or the taxing power of the state or of any political subdivision. The credit, revenues, or taxing power of the state or of any political subdivision shall not be deemed to be pledged to the payment of any bonds of the corporation. However, bonds issued under this subsection are declared to be for an essential public and governmental purpose.

2. The property, revenues, and other assets of the corporation; the transactions and operations of the corporation and the income from such transactions and operations; and all bonds issued under this paragraph and the interest on such bonds, which is exempt from income taxes of the United States, are exempt from taxation by the state and any political subdivision, including, but not limited to, the intangibles tax under chapter 199, the income tax under chapter 220, and the premium tax under the Florida Insurance Code. This exemption does not apply to any tax imposed by chapter 220 on interest income or profits on debt obligations owned by corporations other than the Special Disability Trust Fund Financing Corporation. The corporation is not subject to the reporting requirements mandated by the Florida Insurance Code.

(f) All bonds of the corporation shall be and constitute legal investments without limitation for all public bodies of this state; for all banks, trust companies, savings banks, savings associations, savings and loan associations, and investment companies; for all administrators, executors, trustees, and other fiduciaries; for all insurance companies and associations and other persons carrying on an insurance business; and for all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of the state and shall be and constitute eligible securities to be deposited as collateral for the security of any state,

county, municipal, or other public funds. This paragraph shall be considered as additional and supplemental authority and shall not be limited without specific reference to this paragraph.

(g) In the event the commission selects a qualified entity to assume all or some of the liabilities of the Special Disability Trust Fund, all or any portion of the monetary assets and claims liabilities held in and accruing to the Special Disability Trust Fund may, with the agreement of the corporation or the administrator, be transferred to and fully assumed by the corporation or the qualified entity. As provided in an agreement with the corporation or the qualified entity, subsequent assessments under subsection (9) shall be collected by the division, deposited into the Special Disability Trust Fund, and used exclusively for the debt service of the bonds issued by the corporation, the payment of outstanding liabilities of the Special Disability Trust Fund not assumed by the corporation or the qualified entity, and expenses of the corporation.

(h) The administrator is prohibited from reviewing, auditing, litigating, reimbursing, or settling any pending or future claim or liability of its affiliates or subsidiaries. The administrator is required to subcontract the responsibility of reviewing, auditing, litigating, reimbursing, or settling such a claim or liability.

(i) The Auditor General is authorized to examine and audit the records and accounts of the corporation.

Section 83. *There is hereby appropriated $200,000 from the Special Disability Trust Fund to the Special Disability Trust Fund Privatization Commission to implement this act.*

And the title is amended as follows:

On page 6, line 10 after the semicolon (;) insert: amending s. 440.49, F.S., creating the Special Disability Trust Fund Privatization Commission; providing purpose; providing for members; providing duties; providing for adoption of rules; creating the Special Disability Trust Fund Financing Corporation; providing purposes; providing for a board of directors; providing powers and duties of the corporation; authorizing the Division of Workers' Compensation to enter into service contracts for certain purposes; authorizing the corporation to issue evidences of indebtedness; authorizing the corporation to validate bond obligations; exempting the corporation from certain taxes and assessments; providing application; providing for reversion of the assets to the State upon dissolution of the corporation; providing for the State Board of Administration to be a trustee of the corporation's securities; authorizing the commission to issue a request for proposal for administration of the claims of the fund; authorizing the transfer and assumption of the liabilities of the Special Disability Trust Fund to a qualified entity if it is determined by the commission that such an arrangement would be more cost effective than the current administration by the division; authorizing the Auditor General to examine and audit the records of the corporation; providing an appropriation;

House Amendment 6 (with title amendment)—On page 87, between lines 14 and 15 of the bill insert:

Section 82. Paragraph (e) of subsection (4) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(4) REIMBURSEMENT CONTRACTS.—

(e)1. Except as provided in subparagraphs 2. and 3., the contract shall provide that if an insurer demonstrates to the board that it is likely to qualify for reimbursement under the contract, and demonstrates to the board that the immediate receipt of moneys from the board is likely to prevent the insurer from becoming insolvent, the board shall advance the insurer, at market interest rates, the amounts necessary to maintain the solvency of the insurer, up to 50 percent of the board's estimate of the reimbursement due the insurer. The insurer's reimbursement shall be reduced by an amount equal to the amount of the loan and interest thereon.

2. With respect only to an entity created under s. 627.351, the contract shall also provide that the board may, upon application by such entity, advance to such entity, at market interest rates, up to 90 percent of the lesser of:

a. The board's estimate of the amount of reimbursement due to such entity; or

b. The entity's share of the actual reimbursement premium paid for that contract year, multiplied by the currently available liquid assets of the fund. In order for the entity to qualify for an advance under this subparagraph, the entity must demonstrate to the board that the advance is essential to allow the entity to pay claims for a covered event and the board must determine that the fund's assets are sufficient and are sufficiently liquid to allow the board to make an advance to the entity and still fulfill the board's reimbursement obligations to other insurers. The entity's final reimbursement for any contract year in which an advance has been made under this subparagraph must be reduced by an amount equal to the amount of the advance and any interest on such advance. In order to determine what amounts, if any, are due the entity, the board may require the entity to report its exposure and its losses at any time to determine retention levels and reimbursements payable.

3. The contract shall also provide specifically and solely with respect to any limited apportionment company under s. 627.351(2)(b)3. that the board may, upon application by such company, advance to such company *the amount of the estimated reimbursement payable to such company as calculated pursuant to paragraph (d),* ~~up to the lesser of:~~

~~a. Ninety percent of the board's estimate of the reimbursement due to such company, or~~

~~b. Ninety percent of the company's share of the total fund premiums applied to the board's currently available liquid assets,~~

at market rates, ~~if the company demonstrates to the board that the immediate receipt of such moneys is essential to permit it to pay claims for a covered event and~~ if the board determines that the fund's assets are sufficient and are sufficiently liquid to permit the board to make an advance to such company and at the same time fulfill its reimbursement obligations to the insurers that are participants in the fund. Such company's final reimbursement for any contract year in which an advance pursuant to this subparagraph has been made shall be reduced by an amount equal to the amount of the advance and interest thereon. In order to determine what amounts, if any, are due to such company, the board may require such company to report its exposure and its losses at such times as may be required to determine retention levels and loss reimbursements payable.

Section 83. Paragraph (f) of subsection (2) of section 624.316, Florida Statutes, is amended to read:

624.316 Examination of insurers.—

(2)

(f)1.a. An examination under this section must be conducted at least once every year with respect to a domestic insurer that has continuously held a certificate of authority for less than 3 years. The examination must cover the preceding fiscal year or the period since the last examination of the insurer. The department may limit the scope of the examination ~~if the insurer has demonstrated sufficient compliance as determined under subparagraph 3~~.

b. The department may not accept an independent certified public accountant's audit report in lieu of an examination required by this subparagraph.

c. An insurer may not be required to pay more than $25,000 to cover the costs of any one examination under this subparagraph.

2. An examination under this section must be conducted not less frequently than once every 5 years with respect to an insurer that has continuously held a certificate of authority, without a change in ownership subject to s. 624.4245 or s. 628.461, for more than 15 years ~~and has demonstrated sufficient compliance as determined under subparagraph 3~~. The examination must cover the preceding 5 fiscal years of the insurer or the period since the last examination of the insurer. This subparagraph does not limit the ability of the department to conduct more frequent examinations.

~~3. The department must, by rule, adopt procedures and criteria for determining if an insurer has demonstrated sufficient compliance with this code and cooperation with the department. The rules must include~~

~~consideration of such factors as financial strength, timeliness, consumer service, economic and community contributions and support, responsiveness to department requests, and any other relevant factors. The department must annually publish and disseminate a listing of those insurers found to demonstrate sufficient compliance under the rules, including special recognition for community contributions and support.~~

Section 84. Subsection (4) is added to section 624.426, Florida Statutes, to read:

624.426 Exceptions to resident agent and countersignature law.—Section 624.425 does not apply to:

(4) Policies of insurance issued by insurers whose agents represent only one company or group of companies under common ownership if a company within one group is transferring policies to another company within the same group and the agent of record remains the same.

Section 85. Subsections (1)-(12) of section 624.610, Florida Statutes, are renumbered as subsections (2)-(13) of said section, respectively, new subsection (1) is added to said section, and renumbered subsection (2) of said section is amended, to read:

624.610 Reinsurance.—

(1) The purpose of this section is to protect the interests of insureds, claimants, ceding insurers, assuming insurers, and the public. It is the intent of the Legislature to ensure adequate regulation of insurers and reinsurers and adequate protection for those to whom they owe obligations. In furtherance of that state interest, the Legislature requires that upon the insolvency of a non-United States insurer or reinsurer which provides security to fund its United States obligations in accordance with this section, such security shall be maintained in the United States and claims shall be filed with and valued by the State Insurance Commissioner with regulatory oversight, and the assets shall be distributed in accordance with the insurance laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic United States insurance companies. The Legislature declares that the matters contained in this section are fundamental to the business of insurance in accordance with 15 U.S.C. ss. 1011-1012.

(3)~~(2)~~

(b) Credit in accounting and financial statements on account of reinsurance ceded to a nonapproved reinsurer may be allowed only:

1. When it is demonstrated by the ceding insurer to the satisfaction of the department that such reinsurer maintains the standards and meets the financial requirements applicable to an authorized insurer;

2. To the extent of deposits by, or funds withheld from, such reinsurer pursuant to express provision therefor in the reinsurance contract as security for the payment of the obligations thereunder if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or such deposits or funds are placed in trust for such purposes in a bank which is a member of the Federal Reserve System if withdrawals from the trust cannot be made without the consent of the ceding insurer. The funds withheld may be cash or securities which are qualified as admitted assets under part II of chapter 625 and which have a market value equal to or greater than the credit taken; or

3. To the extent that the amount of a clean, unconditional, evergreen, and irrevocable letter of credit, issued for a term of not less than 1 year and in conformity with the requirements set forth in this subparagraph, equals or exceeds the liability of an unauthorized or unapproved reinsurer for unearned premiums, outstanding losses, and an adequate reserve for incurred but not reported losses under a specific reinsurance agreement. The requirements are that such a clean and irrevocable letter of credit be issued under arrangements satisfactory to the department as constituting security to the ceding insurer substantially equal to that of a deposit under subparagraph 2. and that the letter be issued by a banking institution which is a member of the Federal Reserve System and which has financial standing satisfactory to the commissioner. The department may adopt rules requiring that the letter adhere in its wording to a format for letters of credit as the format has been or may be adopted or approved by the National Association of Insurance Commissioners.

4. When the reinsurance is ceded to a reinsurer which maintains a trust fund, in a bank or trust company that is subject to supervision by any state of the United States or that is a member of the Federal Reserve System, for the payment of the valid claims for business written in the United States. The trust shall consist of a trusteed account in an amount not less than the reinsurer's liabilities attributable to reinsurance by ceding insurers for business written in the United States and, in addition, the reinsurer shall maintain a trusteed surplus of not less than $20 million. Such trust shall be established in a form approved, and any amendments to the trust approved, by the insurance commissioner where the trust is domiciled, or the insurance commissioner of another state who, pursuant to the terms of the trust agreement, has accepted principal regulatory oversight of the trust. The trust shall remain in effect for as long as the reinsurer has outstanding obligations due under the reinsurance agreements subject to the trust. The trust assets must be in cash or securities which are qualified as admitted assets under part II of chapter 625 and which have a market value of the required liabilities and trusteed surplus. The reinsurer shall report quarterly to the insurance commissioner information substantially the same as that required to be reported on the National Association of Insurance Commissioners Annual Statement form by licensed insurers to enable the insurance commissioner to determine the sufficiency of the trust fund. The trust and the reinsurer shall be subject to examination as determined by the commissioner.

5. The credit permitted by subparagraph *(a)*4. and the credit permitted by subparagraph *(b)*2. shall not be allowed unless the assuming insurer in substance agrees in the trust agreement to the following conditions:

a. Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by the department or, if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the *commissioner* ~~superintendent~~ with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the *commissioner* ~~superintendent~~ with regulatory oversight all of the assets of United States trust beneficiaries.

b. The assets shall be distributed by, and claims of United States trust beneficiaries shall be filed with and valued by, the *commissioner* ~~superintendent~~ with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies.

c. If the *commissioner* ~~superintendent~~ with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims for business written in the United States, the assets or any part thereof shall be returned by the *commissioner* ~~superintendent~~ with regulatory oversight to the trustee for distribution in accordance with the trust agreement.

d. The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this provision.

(c) For the purposes of this subsection only, the term "ceding insurer" shall include any health maintenance organization operating under a certificate of authority issued under part I of chapter 641.

Section 86. Paragraph (a) of subsection (2) of section 627.7275, Florida Statutes, is amended to read:

627.7275 Motor vehicle property damage liability.—

(2)(a) Insurers writing motor vehicle insurance in this state shall make available, subject to the insurers' usual underwriting restrictions, coverage under policies as described in subsection (1) of this section to any applicant for private passenger motor vehicle insurance coverage who is seeking the coverage in order to reinstate the applicant's driving privileges in this state when the driving privileges were revoked or suspended pursuant to s. 316.646 or s. 627.733 due to the failure of the applicant to maintain required security. The policy shall be issued for a period of at least 6 months and as to the minimum coverages required under this section shall not be cancelable by the insured for any reason or by the insurer after a period not to exceed 30 days during which the insurer must complete underwriting of the policy. After the insurer has completed underwriting the policy within the 30-day period, the insurer shall notify the Department of Highway Safety and Motor Vehicles that the policy is in full force and effect and the policy shall not be cancelable

for the remainder of the policy period. A premium shall be collected and coverage shall be in effect for the 30-day period during which the insurer is completing the underwriting of the policy whether or not the person's driver license, motor vehicle tag, and motor vehicle registration are in effect. Once the noncancelable provisions of the policy become effective, the coverage or risk shall not be changed during the policy period and the premium shall be *nonrefundable* ~~fully earned~~. If, during the pendency of the 2-year proof of insurance period required under s. 627.733(7), the insured obtains additional coverage or coverage for an additional risk *or changes territories, the insured* ~~then she or he~~ must obtain a new 6-month noncancelable policy in accordance with the provisions of this section. *However, if the insured must obtain a new 6-month policy and obtains the policy from the same insurer, the policyholder shall receive credit on the new policy for any premium paid on the previously issued policy.*

Section 87. Subsections (1) and (2) of section 627.9126, Florida Statutes, are amended to read:

627.9126 Annual reports of information by liability insurers required.—

(1) Each insurer transacting commercial multiperil, products liability, commercial automobile liability, private passenger automobile liability, or other line of liability insurance shall maintain information as specified in this section. Such information shall be maintained for each line of insurance and for direct Florida business only. The department *may* ~~shall annually~~ conduct a sampling of claims or actions for damages for personal injury or property damage claimed to have been caused by error, omission, or negligence of insureds if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

(2) Upon request of the department, an insurer shall, within 60 days, submit to the department a report *that* ~~which~~ contains:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

Section 88. Section 627.913, Florida Statutes, is amended to read:

627.913 Reports of information by products liability insurers required.—

~~(1)~~ *The department may require* any insurer authorized to write a policy of products liability insurance in the state *to* ~~shall~~ transmit the following information, based on its statewide products liability insurance writings. *Upon the request of*~~, to~~ the department, *an* ~~each year in the annual report of such~~ insurer *shall, within 60 days, submit to the department a report that contains*:

(1)~~(a)~~ Premiums written;

(2)~~(b)~~ Premiums earned;

(3)~~(c)~~ Unearned premiums;

(4)~~(d)~~ The dollar amount of claims paid;

(5)~~(e)~~ Incurred claims, not including claims incurred but not reported;

(6)~~(f)~~ Claims closed without payment, and the amount reserved for such claims;

(7)~~(g)~~ Loss reserves for all claims except claims incurred but not reported;

(8)~~(h)~~ Reserves for claims incurred but not reported;

(9)~~(i)~~ Losses paid as a percentage of the amount reserved for such losses;

(10)~~(j)~~ Net investment gain or loss and other income gain or loss allocated to products liability lines according to the allocation formula used in the annual insurance expense exhibit;

(11)~~(k)~~ Underwriting income or loss;

(12)~~(l)~~ Actual expenses in detail, including, but not limited to, loss adjustment expense; commissions; general expense; and advertising, home office, and defense costs;

(13)~~(m)~~ Claims settled after a suit was filed;

(14)~~(n)~~ Claims paid based on a judgment; and

(15)~~(o)~~ Judgments appealed by the insurer, together with the total results of such appeals.

~~(2) The department shall provide a summary of information provided pursuant to subsection (1) in its annual report.~~

~~(3) In the first year that an insurer makes a report pursuant to subsection (1), the insurer shall provide only the information required by paragraphs (a) through (l) of subsection (1) and shall provide such information for the current year and the 3 previous years.~~

Section 89. *Section 624.22, Florida Statutes, is repealed.*

And the title is amended as follows:

On page 6, line 10 after the semicolon (;) insert: amending s. 215.555, F.S.; revising the method of reimbursement to insurers under the Florida Hurricane Catastrophe Fund; amending s. 624.316, F.S.; deleting certain rulemaking authority of the Department of Insurance relating to insurer compliance; amending s. 624.426, F.S.; providing that certain transferred policies are exempt from the resident agent and countersignature law; amending s. 624.610, F.S.; specifying purposes of regulation of reinsurance; correcting cross references; amending s. 627.7275, F.S.; modifying coverage requirements and premiums relating to motor vehicle property damage liability; amending s. 627.9126, F.S.; authorizing the Department of Insurance to sample claims or actions for damages; amending s. 627.913, F.S.; revising requirements for annual reports by products liability insurers; repealing s. 624.22, F.S., relating to purposes of regulation of reinsurance;

On motion by Senator Diaz-Balart, the Senate concurred in the House amendments.

CS for SB 1372 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Horne	Meadows
Bankhead	Crist	Jones	Myers
Bronson	Diaz-Balart	Kirkpatrick	Ostalkiewicz
Brown-Waite	Dudley	Klein	Rossin
Burt	Dyer	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Turner
Clary	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 1292, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1292—A bill to be entitled An act relating to controlled substances; amending s. 893.12, F.S.; deleting the requirement that a copy of the record of the destruction of seized controlled substances be sent to the Drug Enforcement Administration; amending s. 893.138, F.S.; increasing the maximum cumulative fine that may be levied against properties

designated public nuisances for drug-related activity or other offenses; providing an effective date.

House Amendment 1 (with title amendment)—On page 3, between lines 7 and 8, of the bill insert:

Section 3. *The Department of Health is hereby directed to contract with South Florida Substance Abuse, Inc., in the amount of $400,000 during fiscal year 1998-1999, to provide HIV/AIDS and methadone treatment to clients served by such facility. For the purposes of this section, the sum of $400,000 is hereby appropriated from the General Revenue Fund to the Department of Health in fiscal year 1998-1999.*

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: requiring the Department of Health to contract with South Florida Substance Abuse, Inc., to provide certain treatment to clients served by such facility and providing an appropriation therefor;

On motion by Senator Gutman, the Senate concurred in the House amendment.

SB 1292 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Horne	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1114, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1114—A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of the WAGES Program State Board of Directors; allowing the Governor to designate the WAGES Program State Board of Directors as a nonprofit corporation; providing requirements; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances; providing that an individual who cares for a disabled family member is exempt from certain time limitations; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; providing legislative intent; amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation; creating s. 414.80, F.S.; designating specified sections as the "WAGES Targeted Employment Act"; creating s. 414.810, F.S.; providing legislative findings and intent; creating s. 414.811, F.S.; providing for policy and purposes relating to the WAGES Targeted Employment Program; creating s. 414.812, F.S.; limiting authority of the WAGES Targeted Employment Team; creating s. 414.813, F.S.; providing for liberal construction; creating s. 414.820, F.S.; designating areas of critical state economic concern; creating s. 414.830, F.S.; providing for WAGES Targeted Employment Team Coordinators; providing team authorities; providing for gubernatorial authorities; creating s. 414.840, F.S.; creating Regional WAGES Targeted Employment Teams; providing for responsibilities; creating s. 414.845, F.S.; creating local project teams; providing for powers and responsibilities for such teams; providing guidelines for prioritization of projects; creating s. 414.850, F.S.; providing for expiration and review of the WAGES Targeted Employment Program; creating s. 414.860, F.S.; providing for a legislative oversight committee; requiring a contract related to job creation and training activities; amending s. 159.8083, F.S.; providing certification priority; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES participants not residing in an enterprise zone; requiring documentation; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.047, F.S.; creating a Quick–response Training Program for WAGES participants; providing requirements; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; providing an appropriation from federal funds to support local WAGES coalitions; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing rulemaking authority for the Department of Children and Family Services and the Department of Labor and Employment Security; prescribing that the relocation assistance program shall not be construed to require relocation of a WAGES participant; requiring approval of the relocation plan of a WAGES participant; designating resources for support of the WAGES Targeted Employment Program; appropriating resources for the life preparation program; providing an effective date.

House Amendment 1 (with title amendment)—On page 6, line 10 through page 65, line 13, remove from the bill: all of said lines and insert in lieu thereof:

Section 1. Present subsection (4) of section 414.026, Florida Statutes, is redesignated as subsection (6) and amended, and new subsection (4) is added to that section, to read:

414.026 WAGES Program State Board of Directors.—

(4) The WAGES Program State Board of Directors must approve the WAGES State Plan, the operating budget and any amendments thereto, and any WAGES-related proposed administrative rules. In addition, state agencies charged by law with implementation of the WAGES Program and the Workforce Development Board of Enterprise Florida, Inc., shall collaborate with the staff of the WAGES Program State Board of Directors on all WAGES-related policies, requests for proposals, and related directives.

(5)~~(4)~~ This section expires June 30, *2002* ~~1999~~, and shall be reviewed by the Legislature prior to that date. In its review, the Legislature shall assess the status of the WAGES Program and shall determine if the responsibility for administering the program should be transferred to other state agencies.

Section 2. Section 414.028, Florida Statutes, is amended to read:

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level. The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the regional workforce development board established under the Enterprise Florida workforce development board. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

(1)(a) Each local WAGES coalition must have a minimum of 11 members, of which at least one-half must be from the business community. The composition of the coalition membership must generally reflect the racial, gender, and ethnic diversity of the community as a whole. All members shall be appointed to 3-year terms. The membership of each coalition must include:

1. Representatives of the principal entities that provide funding for the employment, education, training, and social service programs that are operated in the service area, including, but not limited to, representatives of local government, the regional workforce development board, and the United Way.

2. A representative of the health and human services board.

3. A representative of a community development board.

4. Three representatives of the business community who represent a diversity of sizes of businesses.

5. Representatives of other local planning, coordinating, or service-delivery entities.

6. A representative of a grassroots community or economic development organization that serves the poor of the community.

(b) *A person may be a member of a local WAGES coalition or a combined WAGES coalition as provided in subsection (2) regardless of whether the member, or an organization represented by a member, could benefit financially from transactions of the coalition. However, if the coalition enters into a contract with an organization or individual represented on the coalition, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting. A board member must disclose any such conflict in a manner that is approved by the WAGES Program State Board of Directors and is consistent with the procedures outlined in s. 112.3143.* ~~A representative of an agency or entity that could benefit financially from funds appropriated under the WAGES Program may not be a member of a local WAGES coalition.~~

(c) A member of the board of a public or private educational institution may not serve as a member of a local WAGES coalition.

(d) A representative of any county or municipal governing body that elects to provide services through the local WAGES coalition shall be an ex officio, nonvoting member of the coalition.

(e) A representative of a county health department or a representative of a healthy start coalition shall serve as an ex officio, nonvoting member of the coalition.

(f) This subsection does not prevent a local WAGES coalition from extending regular, voting membership to not more than one representative of a county health department and not more than one representative of a healthy start coalition.

(2) A local WAGES coalition and a regional workforce development board may be combined into one board if the membership complies with subsection (1), and if the membership of the combined board meets the requirements of Pub. L. No. 97-300, the federal Job Training Partnership Act, as amended, and with any law delineating the membership requirements for the regional workforce development boards. ~~Notwithstanding paragraph (1)(b), in a region in which the duties of the two boards are combined, a person may be a member of the WAGES coalition even if the member, or the member's principal, could benefit financially from transactions of the coalition. However, members must recuse themselves from voting on all matters from which they or their principals could benefit financially. Failure to recuse on any such vote will constitute grounds for immediate removal from the local WAGES coalition.~~

(3) The statewide implementation plan prepared by the WAGES Program State Board of Directors shall prescribe and publish the process for chartering the local WAGES coalitions.

(4) Each local WAGES coalition shall perform the planning, coordination, and oversight functions specified in the statewide implementation plan, including, but not limited to:

(a) Developing a program and financial plan to achieve the performance outcomes specified by the WAGES Program State Board of Directors for current and potential program participants in the service area. The plan must reflect the needs of service areas for seed money to create programs that assist children of WAGES participants. *The plan must also include provisions for providing services for victims of domestic violence.*

(b) Developing a funding strategy to implement the program and financial plan which incorporates resources from all principal funding sources.

(c) Identifying employment, service, and support resources in the community which may be used to fulfill the performance outcomes of the WAGES Program.

(d) In cooperation with the regional workforce development board, coordinating the implementation of one-stop career centers.

(e) Advising the Department of Children and Family Services and the Department of Labor and Employment Security with respect to the competitive procurement of services under the WAGES Program.

(f) Selecting an entity to administer the program and financial plan, such as a unit of a political subdivision within the service area, a not-for-profit private organization or corporation, or any other entity agreed upon by the local WAGES coalition.

(g) Developing a plan for services for victims of domestic violence.

1. The WAGES Program State Board of Directors shall specify requirements for the local plan, including:

a. Criteria for determining eligibility for exceptions to state work requirements;

b. The programs and services to be offered to victims of domestic violence;

c. Time limits for exceptions to program requirements, which may not result in an adult participant exceeding the federal time limit for exceptions or the state lifetime benefit limit that the participant would otherwise be entitled to receive; and

d. An annual report on domestic violence, including the progress made in reducing domestic violence as a barrier to self-sufficiency among WAGES participants, local policies and procedures for granting exceptions and exemptions from program requirements due to domestic vio-

lence, and the number and percentage of cases in which such exceptions and exemptions are granted.

2. Each local WAGES coalition plan must specify provisions for coordinating and, where appropriate, delivering services, including:

a. Provisions for the local coalition to coordinate with law enforcement agencies and social service agencies and organizations that provide services and protection to victims of domestic violence;

b. Provisions for allowing participants access to domestic violence support services and ensuring that WAGES participants are aware of domestic violence shelters, hotlines, and other domestic violence services and policies;

c. Designation of the agency that is responsible for determining eligibility for exceptions from program requirements due to domestic violence;

d. Provisions that require each individual who is granted an exemption from program requirements due to domestic violence to participate in a program that prepares the individual for self-sufficiency and safety; and

e. Where possible and necessary, provisions for job assignments and transportation arrangements that take maximum advantage of opportunities to preserve the safety of the victim of domestic violence and the victim's dependents.

(5) By October 1, 1998, local WAGES coalitions shall deliver through one-stop career centers, the full continuum of services provided under the WAGES Program, including services that are provided at the point of application. The State WAGES Board may direct the Department of Labor and Employment Security to provide such services to WAGES participants if a local WAGES coalition is unable to provide services due to decertification. Local WAGES coalitions may not determine an individual's eligibility for temporary cash assistance and all education and training shall be provided through agreements with regional workforce development boards. The local WAGES coalitions shall develop a transition plan to be approved by the WAGES Program State Board of Directors. Should career service employees of the Department of Labor and Employment Security be subject to layoff due to the local WAGES coalitions taking over the delivery of such services, such employees shall be given priority consideration for employment by the local WAGES coalitions. The local coalition's transition plan shall provide for the utilization of space leased by the Department of Labor and Employment Security for WAGES service functions. By October 1, 1998, the coalition may have negotiated and entered into new lease agreements or subleased for said space from the Department of Labor and Employment Security. In the event the coalition does not utilize the Department of Labor and Employment Security leased space, the Department of Labor and Employment Security shall not be obligated to pay under any lease agreement for WAGES services entered into by the Department since July 1, 1996.

(6)~~(5)~~ The WAGES Program State Board of Directors may not approve the program and financial plan of a local coalition unless the plan provides a teen pregnancy prevention component that includes, but is not necessarily limited to, a plan for implementing the Florida Education Now and Babies Later (ENABL) program under s. 411.242 and the Teen Pregnancy Prevention Community Initiative within each *county* ~~segment~~ of the service area in which the *teen* ~~childhood~~ birth rate is higher than the state average. Each local WAGES coalition is authorized to fund community-based welfare prevention and reduction initiatives that increase the support provided by noncustodial parents to their welfare-dependent children and are consistent with program and financial guidelines developed by the WAGES Program State Board of Directors and the Commission on Responsible Fatherhood. These initiatives may include, but are not limited to, improved paternity establishment, work activities for noncustodial parents, and programs aimed at decreasing out-of-wedlock pregnancies, encouraging the involvement of fathers with their children, and increasing child-support payments.

(7)~~(6)~~ *At the option of the local WAGES coalition,* local employees of the department and the Department of Labor and Employment Security shall provide staff support for the local WAGES coalitions. ~~At the option of the local WAGES coalition,~~ Staff support may be provided by another agency, ~~or~~ entity, *or by contract* ~~if it can be provided at no cost to the state and if the support is not provided by an agency or other entity that could benefit financially from funds appropriated to implement the WAGES Program~~.

(8)~~(7)~~ There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of a local WAGES coalition or its employees or agents for any lawful action taken by them in the performance of their powers and duties under this section and s. 414.029.

Section 3. Section 414.030, Florida Statutes, is created to read:

414.030 WAGES Program Employment Projects.—

(1) The Legislature finds that the success of the WAGES Program depends upon the existence of sufficient employment opportunities compatible with the education and skill levels of participants in the WAGES Program. The Legislature further finds that extraordinary assistance may need to be granted for certain economic development projects that can have a great impact on the employment of WAGES participants. It is the intent of the Legislature to authorize the Governor and local governments to marshal state and local resources in a coordinated and timely manner to foster the development and completion of economic development projects that have been identified as having a great impact on the employment of WAGES participants.

(2) By August 1 of each year, each local WAGES coalition, in consultation with city and county economic development organizations, shall identify economic development projects that can have the greatest impact on employing WAGES participants in their areas. Each local WAGES coalition shall provide a prioritized list of no more than 5 such projects to the state WAGES board by August 1 of each year. The coalitions shall identify local resources that are available to foster the development and completion of each project.

(3)(a) By September 1 of each year, the state WAGES board, in consultation with Enterprise Florida, Inc., shall review and prioritize the list of projects identified pursuant to subsection (2) using the following criteria:

1. The project is located in an area with a large number of hardship extensions requiring a third year in the program in order to get job placement;

2. The project is located in an area with high unemployment in the major categories of jobs where WAGES participants are normally placed; and

3. The local WAGES coalition has demonstrated diligent efforts to place WAGES participants in jobs through a variety of programs; including job placement programs, partnership programs with private businesses, and full utilization of available resources; and

4. The local WAGES coalition has identified a number of local, regional, or federal resources that could be used to match any state resources used to foster the development or completion of the project.

(b) To the greatest extent possible, the state WAGES board shall foster the development or completion of the projects identified pursuant to paragraph (a) using existing state and local resources under the control of the state WAGES board and local WAGES coalition. To the extent that such projects cannot be developed or completed from resources available to the state WAGES board or local WAGES coalitions, the board may identify and prioritize no more than 10 projects, of which no more than 3 may be located in Dade County, that need extraordinary state and local assistance. The state WAGES board shall provide the list of projects needing extraordinary assistance to the Governor and each WAGES Program Employment Project Coordinator designated pursuant to subsection (4) by September 1 of each year.

(4)(a) By July 1, 1998, the heads of the Departments of Agriculture and Consumer Services, Labor and Employment Security, Community Affairs, Children and Family Services, Revenue, Business and Professional Regulation, Management Services, Military Affairs, Transportation, and Environmental Protection, and the Comptroller; the Auditor General; the executive director of each water management district; and the heads of the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., Institute of Food and Agricultural Science, the State Board of Community Colleges, the Division of Workforce Development of the Department of Education, State University System, and the Office of Planning and Budgeting shall select from within such organizations a person to be designated as the WAGES Program Employment Project Coordinator.

(b) By October 1 of each year, each WAGES Program Employment Project Coordinator shall determine what resources are available at the organization to foster the development and completion of the economic development projects received pursuant to subsection (3). Each coordinator shall provide this determination to the Governor by October 1 of each year.

(5)(a) By October 15 of each year, the Governor may, by executive order, designate these projects as WAGES Program Employment Projects, and direct the agencies to use the resources identified pursuant to subsection (4) to develop or complete such projects. The order shall direct such agencies to contract with the appropriate local WAGES coalition to develop or complete such projects.

(b) Notwithstanding the eligibility provisions of s. 403.973, the Governor may waive such eligibility requirements by executive order for projects that have been identified as needing expedited permitting.

(c) To the extent that resources identified pursuant to subsection (4) have been appropriated by the Legislature for a specific purpose that does not allow for the expenditure of such resources on the projects, the Governor may use the budget amendment process in chapter 216 to request that these resources be released to the Governor's Office to accomplish the development or completion of the project.

(d) Any executive order issued by the Governor pursuant to this section shall expire within 90 days, unless renewed for an additional 60 days by the Governor. However, no executive order may be issued by the Governor pursuant to this section for a period in excess of 150 days.

(6) Each local WAGES coalition with jurisdiction over an area where a WAGES Program Employment Project has been designated by the Governor pursuant to subsection (5) shall enter into a contract with the appropriate local, state, or private entities to ensure that the project is developed and completed. Such contracts may include, but are not limited to, contracts with applicable state agencies, and businesses to provide training, education, and employment opportunities for WAGES participants.

(7) By March 15 of each year, the state WAGES board shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report that includes, but is not limited to, a description of the activities, expenditures, and projects undertaken pursuant to this section, and a description of what, if any, legislative action that may be necessary.

(8)(a) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislature, conduct a financial audit of the expenditure of resources pursuant to this section.

(b) Prior to the 2000 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability, shall conduct a review of the projects developed or completed pursuant to this section. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in a manner as to specifically determine:

1. The impact the provisions contained in this section had on the development and completion of the projects identified pursuant to this section.

2. Whether it would be sound public policy to continue or discontinue to foster the development or completion of projects using the processes provided in this section. The report shall be submitted by January 1, 2000, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

Section 4. Paragraph (b) of subsection (1) and subsection (7) of section 414.065, Florida Statutes, are amended and subsection (12) is added to that section to read:

414.065 Work requirements.—

(1) WORK ACTIVITIES.—The following activities may be used individually or in combination to satisfy the work requirements for a participant in the WAGES Program:

(b) Subsidized private sector employment.—Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds. A subsidy may be provided in one or more of the forms listed in this paragraph.

1. Work supplementation.—A work supplementation subsidy diverts a participant's temporary cash assistance under the program to the employer. The employer must pay the participant wages that equal or exceed the applicable federal minimum wage. Work supplementation may not exceed 6 months. At the end of the supplementation period, the employer is expected to retain the participant as a regular employee without receiving a subsidy ~~for at least 12 months~~. *A* ~~The~~ work supplementation agreement *may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the period of work supplementation ends* ~~must provide that if the employee is dismissed at any time within 12 months after termination of the supplementation period due in any part to loss of the supplement, the employer shall repay some or all of the supplement previously paid as a subsidy to the employer under the WAGES Program~~.

2. On-the-job training.—On-the-job training is full-time, paid employment in which the employer or an educational institution in cooperation with the employer provides training needed for the participant to perform the skills required for the position. The employer or the educational institution on behalf of the employer receives a subsidy to offset the cost of the training provided to the participant. Upon satisfactory completion of the training, the employer is expected to retain the participant as a regular employee without receiving a subsidy. *An* ~~The~~ on-the-job training agreement *may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the on-the-job training subsidy ends* ~~must provide that in the case of dismissal of a participant due to loss of the subsidy, the employer shall repay some or all of the subsidy previously provided by the department and the Department of Labor and Employment Security~~.

3. Incentive payments.—The department and the Department of Labor and Employment Security may provide additional incentive payments to encourage employers to employ program participants. Incentive payments may include payments to encourage the employment of hard-to-place participants, in which case the amount of the payment shall be weighted proportionally to the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department and the Department of Labor and Employment Security shall consider the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. A participant who has complied with program requirements and who is approaching the time limit for receiving temporary cash assistance may be defined as "hard-to-place." Incentive payments may include payments in which an initial payment is made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the employer retains the participant as a full-time employee for at least 12 months. *An* ~~The~~ incentive agreement *may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the incentive payments cease* ~~must provide that if the employee is dismissed at any time within 12 months after termination of the incentive payment period due in any part to loss of the incentive, the employer shall repay some or all of the payment previously paid as an incentive to the employer under the WAGES Program~~.

4. Tax credits.—An employer who employs a program participant may qualify for enterprise zone property tax credits under s. 220.182, the tax refund program for qualified target industry businesses under s. 288.106, or other federal or state tax benefits. The department and the Department of Labor and Employment Security shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

5. WAGES training bonus.—An employer who hires a WAGES participant who has less than 6 months of eligibility for temporary cash assistance remaining and who pays the participant a wage that precludes the participant's eligibility for temporary cash assistance may receive $240 for each full month of employment for a period that may not exceed 3 months. An employer who receives a WAGES training bonus for an employee may not receive a work supplementation subsidy for the same employee. Employment is defined as 35 hours per week at a wage of no less than minimum wage.

(7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—The situations listed in this subsection shall constitute exceptions to the penalties for noncompliance with participation requirements, except that these situations do not constitute exceptions to the applicable time limit for receipt of temporary cash assistance:

(a) Noncompliance related to child care.—Temporary cash assistance may not be terminated for refusal to participate in work activities if the individual is a single custodial parent caring for a child who has not attained 6 years of age, and the adult proves to the department or to the Department of Labor and Employment Security an inability to obtain needed child care for one or more of the following reasons:

1. Unavailability of appropriate child care within a reasonable distance from the individual's home or worksite.

2. Unavailability or unsuitability of informal child care by a relative or under other arrangements.

3. Unavailability of appropriate and affordable formal child care arrangements.

(b) Noncompliance related to domestic violence.—An individual who is determined to be unable to comply with the work requirements because such compliance would make it probable that the individual would be unable to escape domestic violence shall be exempt from work requirements pursuant to s. 414.028(4)(g). However, the individual shall comply with a plan that specifies alternative requirements that prepare the individual for self-sufficiency while providing for the safety of the individual and the individual's dependents. An exception granted under this paragraph does not constitute an exception to the time limitations on benefits specified under s. 414.105.

(c) Noncompliance related to treatment or remediation of past effects of domestic violence.—An individual who is determined to be unable to comply with the work requirements under this section due to mental or physical impairment related to past incidents of domestic violence may be exempt from work requirements for a specified period pursuant to s. 414.028(4)(g), except that such individual shall comply with a plan that specifies alternative requirements that prepare the individual for self-sufficiency while providing for the safety of the individual and the individual's dependents. The plan must include counseling or a course of treatment necessary for the individual to resume participation. The need for treatment and the expected duration of such treatment must be verified by a physician licensed under chapter 458 or chapter 459; a psychologist licensed under s. 490.005(1), s. 490.006, or the provision identified as s. 490.013(2) in s. 1, chapter 81-235, Laws of Florida; a therapist as defined in s. 491.003(2) or (6); or a treatment professional who is registered under s. 415.605(1)(g), is authorized to maintain confidentiality under s. 90.5036(1)(d), and has a minimum of 2 years experience at a certified domestic violence center. An exception granted under this paragraph does not constitute an exception from the time limitations on benefits specified under s. 414.105.

(d)~~(b)~~ Noncompliance related to medical incapacity.—If an individual cannot participate in assigned work activities due to a medical incapacity, the individual may be excepted from the activity for a specific period, except that the individual shall be required to comply with the course of treatment necessary for the individual to resume participation. A participant may not be excused from work activity requirements unless the participant's medical incapacity is verified by a physician licensed under chapter 458 or chapter 459, in accordance with procedures established by rule of the Department of Labor and Employment Security.

(e)~~(c)~~ Other good cause exceptions for noncompliance.—Individuals who are temporarily unable to participate due to circumstances beyond their control may be excepted from the noncompliance penalties. The Department of Labor and Employment Security may define by rule situations that would constitute good cause. These situations must include caring for a disabled family member when the need for the care has been verified and alternate care is not available.

(12) PROTECTION FOR CURRENT EMPLOYEES.—In establishing and contracting for work-experience and community service activities, other work-experience activities, on-the-job training, subsidized employment, and work supplementation under the WAGES Program, an employed worker may not be displaced, either completely or partially. A WAGES participant may not be assigned to an activity or employed in a position if the employer has created the vacancy or terminated an existing employee without good cause in order to fill that position with a WAGES Program participant.

Section 5. Section 414.105, Florida Statutes, is amended to read:

414.105 Time limitations of temporary cash assistance.—Unless otherwise expressly provided in this chapter, an applicant or current participant shall receive temporary cash assistance for episodes of not more than 24 cumulative months in any consecutive 60-month period that begins with the first month of participation and for not more than a lifetime cumulative total of 48 months as an adult.

(1) The time limitation for episodes of temporary cash assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of temporary cash assistance as an adult, for cases in which the participant:

(a) Has received aid to families with dependent children or temporary cash assistance for any 36 months of the preceding 60 months; or

(b) Is a custodial parent under the age of 24 who:

1. Has not completed a high school education or its equivalent; or

2. Had little or no work experience in the preceding year.

(2) *A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to maximum of 12 additional months, for each month in which the participant is fully complying with the work activities of the WAGES Program through unsubsidized private sector employment. The period for which extended temporary cash assistance is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996. A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months.* Hardship exemptions to the time limitations of this chapter shall be limited to 10 percent of participants in the first year of implementation of this chapter, 15 percent of participants in the second year of implementation of this chapter, and 20 percent of participants in all subsequent years. Criteria for hardship exemptions include:

(a) Diligent participation in activities, combined with inability to obtain employment.

(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.

(c) Significant barriers to employment, combined with a need for additional time.

(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. Temporary cash assistance shall be provided through a protective payee. Staff of the Children and *Families* ~~Family Services~~ Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.

At the recommendation of the local WAGES coalition, temporary cash assistance under a hardship exemption for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.

(3) In addition to the exemptions listed in subsection (2), a victim of domestic violence may be granted a hardship exemption if the effects of such domestic violence delay or otherwise interrupt or adversely affect the individual's participation in the program. Hardship exemptions granted

under this subsection shall not be subject to the percentage limitations in subsection (3).

(4)~~(3)~~ The department shall establish a procedure for reviewing and approving hardship exemptions, and the local WAGES coalitions may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.016.

(5)~~(4)~~ The cumulative total of all hardship exemptions may not exceed 12 months, may include reduced benefits at the option of the community review panel, and shall, in combination with other periods of temporary cash assistance as an adult, total no more than 48 months of temporary cash assistance. If an individual fails to comply with program requirements during a hardship exemption period, the hardship exemption shall be removed.

(6)~~(5)~~ For individuals who have moved from another state and have legally resided in this state for less than 12 months, the time limitation for temporary cash assistance shall be the shorter of the respective time limitations used in the two states, and months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.

(7)~~(6)~~ For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which temporary cash assistance was received through the family transition program shall count towards the time limitations under this chapter.

(8)~~(7)~~ Except when temporary cash assistance was received through the family transition program, the calculation of the time limitation for temporary cash assistance shall begin with the first month of receipt of temporary cash assistance after the effective date of this act.

(9)~~(8)~~ Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.

(10)~~(9)~~ An individual who receives benefits under the Supplemental Security Income program or the Social Security Disability Insurance program is not subject to time limitations.

(11) A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.

(12)~~(10)~~ A member of the WAGES Program staff shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 24-month time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.

Section 6. Present subsections (4), (5), (6), (7), (8), (9), and (10) of section 414.0252, Florida Statutes, are renumbered as subsections (5), (7), (8), (9), (10), (11), and (12) of that section, respectively, and new subsections (4) and (6) are added to that section, to read:

414.0252 Definitions.—As used in ss. 414.015-414.45, the term:

(4) "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense that results in the physical injury or death of one family or household member by another.

(6) "Family or household member" means spouses, former spouses, noncohabitating partners, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 7. Paragraph (g) is added to subsection (10) of section 414.095, Florida Statutes, and subsection (3) and paragraph (d) of subsection (15) of that section are amended to read:

414.095 Determining eligibility for the WAGES Program.—

(3) ELIGIBILITY FOR NONCITIZENS.—A "qualified noncitizen" is an individual who is lawfully present in the United States as a refugee or who is granted asylum under ss. 207 and 208 of the Immigration and Nationality Act, an alien whose deportation is withheld under s. 243(h) of the Immigration and Nationality Act, or an alien who has been admitted as a permanent resident and meets specific criteria under federal law. *In addition, a "qualified noncitizen" includes an individual who has been battered or subject to extreme cruelty in the United States by a spouse or a parent, and has applied for or received protection under the federal Violence Against Women Act of 1994, Pub. L. No. 103-322, if the need for benefits is related to the abuse.* A "nonqualified noncitizen" is a nonimmigrant alien, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. In addition, a "nonqualified noncitizen" includes an individual paroled into the United States for less than 1 year. A qualified noncitizen who is otherwise eligible may receive temporary cash assistance to the extent permitted by federal law. The income or resources of a sponsor and the sponsor's spouse shall be included in determining eligibility to the maximum extent permitted by federal law.

(a) A child born in the United States to an illegal or ineligible alien is eligible for temporary cash assistance under this chapter if the family meets all eligibility requirements.

(b) If the parent may legally work in this country, the parent must participate in the work activity requirements provided in s. 414.065, to the extent permitted under federal law.

(c) The department shall participate in the Systematic Alien Verification for Entitlements Program (SAVE) established by the United States Immigration and Naturalization Service in order to verify the validity of documents provided by aliens and to verify an alien's eligibility.

(d) The income of an illegal alien or ineligible alien, less a pro rata share for the illegal alien or ineligible alien, counts in determining a family's eligibility to participate in the program.

(e) The entire assets of an ineligible alien or a disqualified individual who is a mandatory member of a family shall be included in determining the family's eligibility.

(10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.—An applicant or participant in the WAGES Program has the following opportunities and obligations:

(g) To receive information regarding services available from certified domestic violence centers or organizations that provide counseling and supportive services to individuals who are past or present victims of domestic violence or who are at risk of domestic violence and, upon request, to be referred to such organizations in a manner which protects the individual's confidentiality.

(15) PROHIBITIONS AND RESTRICTIONS.—

(d) Notwithstanding any law to the contrary, if a parent or caretaker relative without good cause does not cooperate with the state agency responsible for administering the child support enforcement program in establishing, modifying, or enforcing a support order with respect to a child of a teen parent or other family member, or a child of a family member who is in the care of an adult relative, temporary cash assistance to the entire family shall be denied until the state agency indicates that cooperation by the parent or caretaker relative has been satisfactory. *To the extent permissible under federal law, a parent or caretaker relative shall not be penalized for failure to cooperate with paternity establishment or with the establishment, modification, or enforcement of a support order when such cooperation could subject an individual to a risk of domestic violence. Such risk shall constitute good cause to the extent permitted by Title IV-D of the Social Security Act, as amended, or other federal law.*

Section 8. Subsection (2) of section 414.115, Florida Statutes, is amended to read:

414.115 Limited temporary cash assistance for children born to families receiving temporary cash assistance.—

(2) Subsection (1) does not apply:

(a) To a program participant who is a victim of rape or incest if the victim files a police report on the rape or incest within 30 days after the incident;

(b) To a program participant who is confirmed by the Title IV-D child support agency as having been granted an exemption from participating in requirements for the enforcement of child support due to circumstances consistent with the conception of the child as a result of rape, incest, or sexual exploitation. A child for whom an exemption is claimed under this paragraph and for whom an application has been made for a good-cause exemption from the requirements of s. 414.095 shall receive temporary benefits until a determination is made on the application for a good-cause exemption from the requirements of s. 414.095;

(c)~~(b)~~ To children who are the firstborn, including all children in the case of multiple birth, of minors included in a temporary cash assistance group who as minors become first-time parents;

(d)~~(c)~~ To a child when parental custody has been legally transferred; or

(e)~~(d)~~ To a child who is no longer able to live with his or her parents as a result of:

1. The death of the child's parent or parents;

2. The incapacity of the child's parent or parents as documented by a physician, such that the parent or parents are unable to care for the child;

3. Legal transfer of the custody of the child to another individual;

4. Incarceration of the child's parent or parents, except that the child shall not receive temporary cash assistance if a parent is subsequently released and reunited with the child; or

5. A situation in which the child's parent's or parents' institutionalization is expected to be for an extended period, as defined by the department.

Section 9. Paragraph (g) is added to subsection (1) of section 234.01, Florida Statutes, to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(g) May provide transportation for WAGES program participants as defined in s. 414.0252.

Section 10. Present paragraph (b) of subsection (1) of section 234.211, Florida Statutes, is redesignated as paragraph (c), and a new paragraph (b) is added to that subsection to read:

234.211 Use of school buses for public purposes.—

(1)

(b) Each school district may enter into agreements with local WAGES coalitions for the provision of transportation services to WAGES program participants as defined in s. 414.0252. Agreements must provide for reimbursement in full or in part for the proportionate share of fixed and operating costs incurred by the school district attributable to the use of buses in accordance with the agreement.

Section 11. Subsection (13) is added to section 341.041, Florida Statutes, to read:

341.041 Transit responsibilities of the department.—The department shall, within the resources provided pursuant to chapter 216:

(13) Assist local governmental entities and other transit operators in the planning, development, and coordination of transit services for WAGES program participants as defined in s. 414.0252.

Section 12. Subsections (1) and (2) of section 341.052, Florida Statutes, are amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to "Section 9" providers and "Section 18" providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located. *In developing public transportation development plans, eligible providers must solicit comments from local WAGES coalitions established under chapter 414. The development plans must address how the public transit provider will work with the appropriate local WAGES coalition to provide services to WAGES participants. Eligible providers must review program and financial plans established under s. 414.028 and provide information to the local WAGES coalition serving the county in which the provider is located regarding the availability of transportation services to assist WAGES program participants.*

(2) Costs for which public transit block grant program funds may be expended include:

(a) Costs of public bus transit and local public fixed guideway capital projects.

(b) Costs of public bus transit service development and transit corridor projects. Whenever block grant funds are used for a service development project or a transit corridor project, the use of such funds is governed by s. 341.051. Local transit service development projects and transit corridor projects currently operating under contract with the department shall continue to receive state funds according to the contract until such time as the contract expires. Transit corridor projects, wholly within one county, meeting or exceeding performance criteria as described in the contract shall be continued by the transit provider at the same or a higher level of service until such time as the department, the M.P.O., and the service provider, agree to discontinue the service. The provider may not increase fares for services in transit corridor projects wholly within one county without the consent of the department.

(c) Costs of public bus transit operations.

All projects *must* ~~shall~~ be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government ~~comprehensive plans of local government~~ in which the project is located.

Section 13. Paragraph (a) of subsection (2) of section 414.026, Florida Statutes, is amended to read:

414.026 WAGES Program State Board of Directors.—

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner's designee.

2. The Secretary of Children and Family Services.

3. The Secretary of Health.

4. The Secretary of Labor and Employment Security.

5. The Secretary of Community Affairs.

6. The Secretary of Transportation, or the secretary's designee.

7.~~6.~~ The director of the Office of Tourism, Trade, and Economic Development.

8.~~7.~~ The president of the Enterprise Florida workforce development board, established under s. 288.9620.

9.~~8.~~ The chief executive officer of the Florida Tourism Industry Marketing Corporation, established under s. 288.1226.

10.~~9.~~ Nine members appointed by the Governor, as follows:

a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio nonvoting member.

b. Three members shall be at-large members appointed by the Governor.

c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole.

Section 14. Section 414.20, Florida Statutes, is amended to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision of needed support services, the department and the Department of Labor and Employment Security may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary cash assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) TRANSPORTATION.—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. *Transportation services may include, but are not limited to, cooperative arrangements with the following: public transit providers; community transportation coordinators designated under chapter 427; school districts; churches and community centers; donated motor vehicle programs, vanpools, and ridesharing programs; small enterprise developments and entrepreneurial programs that encourage WAGES participants to become transportation providers; public and private transportation partnerships; and other innovative strategies to expand transportation options available to program participants.*

(a) Local WAGES coalitions are authorized to provide payment for vehicle operational and repair expenses, including repair expenditures necessary to make a vehicle functional; vehicle registration fees; driver's license fees; and liability insurance for the vehicle for a period of up to 6 months. Request for vehicle repairs must be accompanied by an estimate of the cost prepared by a repair facility registered under s. 559.904.

(b) Transportation disadvantaged funds as defined in chapter 427 do not include WAGES support services funds or funds appropriated to assist persons eligible under the Job Training Partnership Act. It is the intent of the Legislature that local WAGES coalitions and regional workforce development boards consult with local community transportation coordinators designated under chapter 427 regarding the availability and cost of transportation services through the coordinated transportation system prior to contracting for comparable transportation services outside the coordinated system. ~~Support services funds may also be used to develop transportation resources to expand transportation options available to participants. These services may include cooperative arrangements with local transit authorities or school districts and small enterprise development.~~

(2) ANCILLARY EXPENSES.—Ancillary expenses such as books, tools, clothing, fees, and costs necessary to comply with work activity requirements or employment requirements may be provided.

(3) MEDICAL SERVICES.—A family that meets the eligibility requirements for Medicaid shall receive medical services under the Medicaid program.

(4) PERSONAL AND FAMILY COUNSELING AND THERAPY.—Counseling may be provided to participants who have a personal or family problem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, the department and the Department of Labor and Employment Security shall use services that are available in the community at no additional cost. If these services are not available, the department and the Department of Labor and Employment Security may use support services funds. Personal or family counseling not available through Medicaid may not be considered a medical service for purposes of the required statewide implementation plan or use of federal funds.

Section 15. Section 414.25, Florida Statutes, is amended to read:

414.25 Exemption from leased real property requirements.—In order to facilitate implementation of this chapter with respect to establishing jobs and benefits offices, the Department of Labor and Employment Security and the Department of Children and Family Services are exempt from the requirements of *255.25(2)(b) and 255.25(3)(a) which relate to the requirement of advertisement for and receipt of competitive bids for the procurement of leased real property. This exemption expires June 30, 1999* ~~s. 255.25 which relate to the procurement of leased real property. This exemption expires June 30, 1998~~.

Section 16. Section 414.225, Florida Statutes, is created to read:

414.225 Transitional transportation.—In order to assist former WAGES participants in maintaining and sustaining employment, transportation may be provided, if funds are available, for up to 1 year after the participant is no longer eligible to participate in the program due to earnings. This does not constitute an entitlement to transitional transportation. If funds are not sufficient to provide services under this section, the department may limit or otherwise prioritize transportation services.

(1) Transitional transportation must be job related.

(2) Transitional transportation may include expenses identified in s. 414.20.

Section 17. Subsection (27) is added to section 427.013, Florida Statutes, to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(27) Ensure that local community transportation coordinators work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

Section 18. Subsection (9) is added to section 427.0155, Florida Statutes, to read:

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(9) Work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

Section 19. Subsection (7) is added to section 427.0157, Florida Statutes, to read:

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(7) Work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

Section 20. Subsection (1) and paragraph (a) of subsection (3) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(a) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business, located in an enterprise zone. An eligible business does not include any business which has claimed the credit permitted under s. 220.181 for any new business employee first beginning employment with the business after July 1, 1995.

(b) "Month" means either a calendar month or the time period from any day of any month to the corresponding day of the next succeeding month or, if there is no corresponding day in the next succeeding month, the last day of the succeeding month.

(c) "New employee" means a person residing in an enterprise zone, *a qualified Job Training Partnership Act classroom training participant, or a WAGES Program participant* who begins employment with an eligible business after July 1, 1995, and who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed by this section.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided the person is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in the enterprise zone.

(3) In order to claim this credit, an eligible business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides *if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a WAGES Program participant.*

Section 21. Paragraph (q) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(q) "New employee," for the purposes of the enterprise zone jobs credit, means a person residing in an enterprise zone, *a qualified Job Training Partnership Act classroom training participant, or a WAGES Program participant* employed at a business located in an enterprise zone who begins employment in the operations of the business after July 1, 1995, and who has not been previously employed within the preceding 12 months by the business or a successor business claiming the credit pursuant to s. 220.181. A person shall be deemed to be employed by such a business if the person performs duties in connection with the operations of the business on a full-time basis, provided she or he is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided she or he is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in an enterprise zone. The provisions of this paragraph shall expire and be void on June 30, 2005.

Section 22. Paragraph (a) of subsection (2) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(2) When filing for an enterprise zone jobs credit, a business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence during the taxable year, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the new employee resides *if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a WAGES Program participant.*

Section 23. Subsection (10) is added to section 288.047, Florida Statutes, to read:

288.047 Quick-response training for economic development.—

(10) There is created a Quick–response Training Program for Work and Gain Economic Self–sufficiency (WAGES) participants. Enterprise Florida, Inc., may, at the discretion of the State WAGES Emergency Response Team, award quick–response training grants and develop applicable guidelines for the training of participants in the WAGES Program. In addition to a local economic development organization, grants must be endorsed by the applicable local WAGES coalition and regional workforce development board.

(a) Training funded pursuant to this subsection may not exceed 12 months, and may be provided by the local community college, school district, regional workforce development board, or the business employing the participant, including on–the–job training. Training will provide entry–level skills to new workers, including those employed in retail, who are participants in the WAGES Program.

(b) WAGES participants trained pursuant to this subsection must be employed at a wage not less than $6.00 per hour.

(c) Funds made available pursuant to this subsection may be expended in connection with the relocation of a business from one community to another community if approved by the State WAGES Emergency Response Team.

Section 24. Section 414.155, Florida Statutes, is created to read:

414.155 Relocation assistance program.—

(1) The Legislature recognizes that the need for public assistance may arise because a family is located in an area with limited employment opportunities, because of geographic isolation, because of formidable transportation barriers, because of isolation from their extended family, or because domestic violence interferes with the ability of a parent to maintain self-sufficiency. Accordingly there is established a program to assist families in relocating to communities with greater opportunities for self-sufficiency.

(2) The relocation assistance program shall involve five steps by the Department of Children and Family Services or the Department of Labor and Employment Security:

(a) A determination that the family is a WAGES Program participant or that all requirements of eligibility for the WAGES Program would likely be met.

(b) A determination that there is a basis for believing that relocation will contribute to the ability of the applicant to achieve self-sufficiency. For example, the applicant:

1. Is unlikely to achieve independence at the current community of residence;

2. Has secured a job that requires relocation to another community;

3. Has a family support network in another community; or

4. Is determined, pursuant to criteria or procedures established by the WAGES Program State Board of Directors, to be a victim of domestic violence who would experience reduced probability of further incidents through relocation.

(c) Establishment of a relocation plan, including a budget and such requirements as are necessary to prevent abuse of the benefit and to provide an assurance that the applicant will relocate. The plan may require that expenditures be made on behalf of the recipient. However, the plan must include provisions to protect the safety of victims of domestic violence and avoid provisions that place them in anticipated danger. The payment to defray relocation expenses shall be limited to an amount not to exceed 4 months' temporary cash assistance, based on family size.

(d) A determination, pursuant to criteria adopted by the WAGES Program State Board of Directors, that a Florida community receiving a relocated family has the capacity to provide needed services and employment opportunities.

(e) Monitoring the relocation.

(3) A family receiving relocation assistance for reasons other than domestic violence must sign an agreement restricting the family from applying for temporary cash assistance for 6 months, unless an emergency is demonstrated to the department. If a demonstrated emergency forces the family to reapply for temporary cash assistance within 6 months after receiving a relocation assistance payment, repayment must be made on a prorated basis over an 8-month period and subtracted from any regular payment of temporary cash assistance for which the applicant may be eligible.

(4) The Department of Labor and Employment Security shall have authority to adopt rules pursuant to the Administrative Procedure Act to determine that a community has the capacity to provide services and employment opportunities for a relocated family.

(5) The Department of Children and Family Services shall have authority to adopt rules pursuant to the Administrative Procedure Act to develop and implement relocation plans and to draft an agreement restricting a family from applying for temporary cash assistance within 6 months after receiving a relocation assistance payment.

(6) The Department of Labor and Employment Security shall have authority to adopt rules pursuant to the Administrative Procedure Act to determine that a community has the capacity to provide services and employment opportunities for a relocated family.

(7) The Department of Children and Family Services shall have authority to adopt rules pursuant to the Administrative Procedure Act to develop and implement relocation plans and to draft an agreement restricting a family from applying for temporary cash assistance within 6 months after receiving a relocation assistance payment.

Section 25. *(1) The sum of $32 million is hereby appropriated from the Employment Security Administration Trust Fund for the Department of Labor and Employment Security, which shall be used to assist WAGES Coalitions to prepare, place, and support WAGES programs participants in jobs or other approved work-related activities. Such expenditures from the Employment Security Administration Trust Fund which are based on receipts from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Prior to any expenditure of such funds, the Secretary of the Department of Children and Family Services or his designee shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds. The appropriation provided in this subsection is void if an appropriation for the same amount and for the same purposes is contained in another bill that passes after the passage of this bill during the 1998 Regular Session or an extension thereof.*

(2) A total of $1.9 million is appropriated from the Employment Security Administration Trust Fund to establish a life preparation program with the National Guard for children of WAGES participants and economically disadvantaged youths in concert with neighborhood revitalization efforts.

(3) The following resources are designated for support of the WAGES Program Employment Projects. Any expenditures from the Temporary Assistance for Needy Families block grant or Job Training Partnership Act shall be expended in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended or any other applicable federal requirement or limitation. Prior to any expenditure of such funds, the secretaries of the departments of Children and Family Services and Labor and Employment Secruity, or their designees shall certify that controls are in place to insure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

(a) Up to $25 million of funds designated for WAGES reserve is to be expended for WAGES Program Employment Projects.

(b) Up to $7.5 million from Employment Security Administration Trust Fund amounts associated with the Welfare-to-Work grant is to be reserved for WAGES Program Employment Projects. Of the $7.5 million reserved, $2.5 million is to be provided to the Institute of Food and Agricultural Sciences of the University of Florida for WAGES job opportunities, and $1 million is to be provided to the Department of Military Affairs to provide job readiness services for WAGES Program participants as approved by the State WAGES Board.

And the title is amended as follows:

On page 1, line 2, of the bill through page 6, line 6, of the bill remove: all of said lines and insert in lieu thereof: An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of the WAGES Program State Board of Directors; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; creating s. 414.030, F.S.; creating a process for fostering the development or completion of certain WAGES Program Employment Projects, providing duties and requirements; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; amending s. 414.105, F.S.; providing that an individual who cares for a disabled family member is exempt from certain time limitations; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; providing legislative intent; amending s. 414.0252, F.S.; providing definitions; amending s. 414.095, F.S.; allowing certain individuals to qualify as noncitizens for purpose of the WAGES Program, allowing WAGES participants to receive information regarding domestic violence support services, providing that risk of domestic violence is good

cause for not cooperating with paternity establishment; amending s. 414.115, F.S.; providing that limited temporary cash assistance provisions do not apply to certain circumstances resulting from rape, incest, or sexual exploitation; amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; amending s. 414.25, F.S.; extending the exemption from leased real property requirements for the WAGES Program to June 30, 1999; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.047, F.S.; creating a Quick–response Training Program for WAGES participants; providing requirements; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing authority for rules; providing appropriations;

House Amendment 1 to House Amendment 1—On page 9, line 28, through page 12, line 31, remove from the amendment: all of said lines and insert in lieu thereof:

(2) By August 1 of each year, each local city and county economic development organizations in consultation with local WAGES coalitions, shall identify economic development projects that can have the greatest impact on employing WAGES participants in their areas. Each local economic development organization shall provide a prioritized list of no more than 5 such projects to Enterprise Florida, Inc., by August 1 of each year. The organizations shall identify local resources that are available to foster the development and completion of each project.

(3)(a) By September 1 of each year, Enterprise Florida, Inc., in consultation with the state WAGES Board shall review and prioritize the list of projects identified pursuant to subsection (2) using the following criteria:

1. Areas with a high proportion of families who had already received cash assistance in three out of the previous five years at the time their time limit was established;

2. Areas with a high proportion of families subject to the WAGES time limit headed by a parent who was under age 24 at the time the time limit was established and who lacked high school or GED completion;

3. Areas with a high proportion of families subject to the time limit who have used all of the available months of cash assistance since October 1996;

4. Areas with a low ratio of new jobs per WAGES participant;

5. Areas with a low ratio of job openings requiring less than a high school degree per WAGES participant;

6. Areas with a high proportion of families subject to the time limit who are either within six months of the time limit or are receiving cash assistance under a period of hardship extension to the time limit;

7. Areas with unusually high unemployment; and

8. Areas identified as labor surplus areas using the criteria established by the U.S. Department of Labor Employment and Training Administration.

(b) To the greatest extent possible, Enterprise Florida, Inc., shall foster the development or completion of the projects identified pursuant to paragraph (a) using existing state and local resources under the control of Enterprise Florida, Inc. To the extent that such projects cannot be developed or completed from resources available to Enterprise Florida, Inc., may identify and prioritize no more than 10 projects, of which no more than 3 may be located in Dade County, that need extraordinary state and local assistance. Enterprise Florida, Inc., shall provide the list of projects needing extraordinary assistance to the Governor and each WAGES Program Employment Project Coordinator designated pursuant to subsection (4) by September 1 of each year.

(4)(a) By July 1, 1998, the heads of the Departments of Agriculture and Consumer Services, Labor and Employment Security, Community Affairs, Children and Family Services, Revenue, Business and Professional Regulation, Management Services, Military Affairs, Transportation, and Environmental Protection, and the Comptroller; the Auditor General; the executive director of each water management district; and the heads of the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., Institute of Food and Agricultural Science, the State Board of Community Colleges, the Division of Workforce Development of the Department of Education, State University System, and the Office of Planning and Budgeting shall select from within such organizations a person to be designated as the WAGES Program Employment Project Coordinator.

(b) By October 1 of each year, each WAGES Program Employment Project Coordinator shall determine what resources are available at the organization to foster the development and completion of the economic development projects received pursuant to subsection (3). Each coordinator shall provide this determination to the Governor by October 1 of each year.

(5)(a) By October 15 of each year, the Governor may, by executive order, designate these projects as WAGES Program Employment Projects, and direct the agencies to use the resources identified pursuant to subsection (4) to develop or complete such projects. The order shall direct such agencies to contract with the appropriate local WAGES coalition to develop or complete such projects.

(b) Notwithstanding the eligibility provisions of s. 403.973, the Governor may waive such eligibility requirements by executive order for projects that have been identified as needing expedited permitting.

(c) To the extent that resources identified pursuant to subsection (4) have been appropriated by the Legislature for a specific purpose that does not allow for the expenditure of such resources on the projects, the Governor may use the budget amendment process in chapter 216 to request that these resources be released to the Governor's Office to accomplish the development or completion of the project.

(d) Any executive order issued by the Governor pursuant to this section shall expire within 90 days, unless renewed for an additional 60 days by the Governor. However, no executive order may be issued by the Governor pursuant to this section for a period in excess of 150 days.

(6) Each local WAGES coalition with jurisdiction over an area where a WAGES Program Employment Project has been designated by the Governor pursuant to subsection (5) shall enter into a contract with the appropriate local, state, or private entities to ensure that the project is developed and completed. Such contracts may include, but are not limited to, contracts with applicable state agencies, and businesses to provide training, education, and employment opportunities for WAGES participants.

(7) By March 15 of each year, Enterprise Florida, Inc., shall submit to the state WAGES Board, the Governor, the President of the Senate, the

On motion by Senator Harris, the Senate concurred in the House amendment.

CS for SB 1114 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1660, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1660—A bill to be entitled An act relating to children and families; creating s. 383.145, F.S.; creating the Healthy Families Florida program; providing legislative findings and intent; providing purpose; requiring integrated community-based delivery of services; specifying program requirements; providing responsibilities of the Department of Health and the Department of Children and Family Services; providing for development, implementation, and administration of the program; specifying criteria for community program grant funding; requiring collaboration with existing community boards, coalitions, providers, and planning groups; authorizing contracts for training and evaluation; providing for quality assurance; establishing the Healthy Families Florida Advisory Committee; providing for application for a federal waiver; providing appropriations; providing an effective date.

House Amendment 1 (with title amendment)—remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *The Department of Children and Family Services shall contract with a private nonprofit corporation to implement the Healthy Families Florida program. The private nonprofit corporation shall be incorporated for the purpose of identifying, funding, supporting, and evaluating programs and community initiatives to improve the development and life outcomes of children and to preserve and strengthen families with a primary emphasis on prevention. The private nonprofit corporation shall implement the program. The program shall work in partnership with existing community-based home visitation and family support resources to provide assistance to families in an effort to prevent child abuse. The program shall be voluntary for participants and shall require the informed consent of the participants at the initial contact. The Kempe Family Stress Checklist shall not be used.*

Section 2. *There is hereby appropriated to the Department of Children and Family Services the sum of $10 million from tobacco settlement receipts residing in the department's Grants and Donations Trust Fund to implement this act.*

Section 3. This act shall take effect on July 1 of the year in which enacted.

And the title is amended as follows:remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to the Department of Children and Family Services; requiring the department to contract with a private nonprofit corporation to implement the Healthy Families Florida program for child abuse prevention services; providing an appropriation; providing an effective date.

On motion by Senator Kurth, the Senate concurred in the House amendment.

CS for CS for SB 1660 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Jones	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Horne	Myers	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives receded from House Amendment(s) 3 to Senate Amendment 1, and further amended Senate Amendment 1, and passed CS for HB 3145, as amended and requests the concurrence of the House.

John B. Phelps, Clerk

CS for HB 3145—A bill to be entitled An act relating to health care; creating s. 381.0045, F.S.; creating the "Targeted Outreach for Pregnant Women Act of 1998"; providing purpose; requiring the Department of Health to establish a pilot program; providing requirements; requiring interim and final reports; providing an appropriation; providing an effective date.

House Amendment 4 to Senate Amendment 1—On page 1, lines 18-25, remove from the amendment: all of said lines and insert in lieu thereof:

Section 3. *There is hereby appropriated a lump sum of $15,600,000 from the Tobacco Settlement Trust Fund and $1,400,000 from nonrecurring General Revenue for the following:*

Implementation of the act; to replace the Tampa Branch Health Laboratory; for construction/renovation of the Hendry County Health Department; the Healthy Moms and Healthy Babies facility at the University of South Florida; and for the Center for Urban Transportation Research at the University of South Florida.

Section 4. *Effective July 1, 1998, paragraph (c) of subsection (1) of section 206.606, Florida Statutes, as amended by chapter 96-321, Laws of Florida, is hereby repealed.*

House Title Amendment 5 to Senate Amendment 1—

The title is amended as follows:

On page 4, line 21, of the amendment, after the semicolon insert: repealing s. 206.606(1)(c) relating to the distribution of certain proceeds with respect to motor fuel taxes;

On motion by Senator Harris, the Senate concurred in the House amendments to the Senate amendment.

CS for HB 3145 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Jones	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 720, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 720—A bill to be entitled An act relating to alcohol and tobacco sales; amending s. 562.45, F.S.; providing restrictions on locations for on-premises consumption of alcoholic beverages; amending s. 562.11, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of alcoholic beverages to certain minors; amending s. 567.01, F.S.; providing for local-option elections to determine sales of intoxicating liquors, wines, or beer by the drink; amending s. 567.06, F.S.; providing ballot instructions for local-option elections; amending s. 567.07, F.S.; providing for a local option election for sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises; amending ss. 569.002 and 569.101, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of tobacco products to certain minors; amending s. 569.11, F.S.; specifying times within which community service or fines are satisfied; providing effective dates.

House Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (7) of section 569.002, Florida Statutes, is amended to read:

569.002 Definitions.—As used in this chapter, the term:

(7) "Any person under the age of 18" does not include any person under the age of 18 who:

(a) Has had his or her disability of nonage removed under chapter 743;

(b) Is in the military reserve or on active duty in the Armed Forces of the United States;

(c) Is otherwise emancipated by a court of competent jurisdiction and released from parental care and responsibility; *or*

(d) Is acting in his or her scope of lawful employment with an entity licensed under the provisions of chapter 210 or this chapter~~; or~~

~~(e) Is working in conjunction with a law enforcement agency to test the compliance of dealers with this chapter~~.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-27, remove from the title of the bill all of said lines: and insert in lieu thereof: An act relating to tobacco sales; amending s. 569.002, F.S.; revising the definition of "any person under the age of 18"; providing an effective date.

On motion by Senators Lee and Hargrett, the Senate concurred in the House amendment.

CS for SB 720 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Kurth
Bankhead	Cowin	Gutman	Latvala
Bronson	Crist	Hargrett	Laurent
Brown-Waite	Diaz-Balart	Harris	Lee
Burt	Dudley	Horne	McKay
Campbell	Dyer	Jones	Meadows
Casas	Forman	Kirkpatrick	Myers
Childers	Geller	Klein	Ostalkiewicz
Rossin	Silver	Thomas	Williams
Scott	Sullivan	Turner	

Nays—None

SPECIAL RECOGNITION OF THE GOVERNOR

Upon request of the President, The Honorable Lawton Chiles, Governor, joined her at the rostrum and addressed the Senate.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) 2 and 3 to House Amendment(s) 3 and concurred in Senate Amendment 1 to House Amendment 3 to CS for CS for SB 1996 and CS for SB 1182 and requests the Senate to recede.

John B. Phelps, Clerk

CS for CS for SB 1996 and CS for SB 1182—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing for recognition as public schools; revising requirements relating to proposals; providing for appeal of disputes and requiring mediation services; revising limitations on the number of schools; revising provisions relating to eligible students; providing for operation by a nonprofit organization; deleting certain restrictions on holding charter contracts; revising provisions relating to charter terms; providing for public employee status; providing requirements relating to employees; revising requirements relating to student transportation; revising administrative fee provisions and requiring certain administrative and educational services; revising provisions relating to charter school use of certain facilities or property; providing for certain purchasing; authorizing charter schools-in-the-workplace; providing requirements and tax exemption; creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay Trust Fund; providing eligibility requirements; providing for the recovery of funds; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital outlay purposes of charter schools; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay Trust Fund; providing effective dates.

On motion by Senator Grant, the Senate receded from **Senate Amendments 2** and **3** to **House Amendment 3**, and concurred in **House Amendment 3** as amended by **Senate Amendment 1**.

CS for CS for SB 1996 and CS for SB 1182 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Jones	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Bronson	Dudley	Klein	Silver
Brown-Waite	Forman	Kurth	Sullivan
Burt	Geller	Latvala	Thomas
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Horne	Myers	

Nays—2

Dyer	Rossin

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, May 1, 1998: CS for CS for HB's 683 and 2131, CS for SB 2080, HB 1747, SB 1080, SJR 2140, SB 1034, HB 4153, SB 1416, CS for SB 792, CS for SB 1396, SB 1220, CS for SB 562, CS for SB 1620, CS for SB 2158, CS for SB 2150, CS for SB 680, SB 970, CS for SB 296, CS for SB 524, CS for SB 1134, CS for SB 924, CS for SB 1932, SB 464, CS for SB 2132, SJR 1610, SB

1940, CS for SB 986, SB 732, CS for SB 1934, CS for CS for SB 1994, CS for SB 300, CS for CS for SB 2352, CS for SB 1028, HB 3689, CS for SB 710, SB 612, CS for SB 1636, CS for SB 1572, CS for SB 1426, CS for SB 1142, CS for SB 2076, CS for CS for SB 388, CS for SB 1742, CS for SB 2214, SJR 610, SB 2090, CS for SB 994, CS for CS for SB 1554, CS for SB 1868, CS for SB 2084, SB 2190, CS for CS for SB 1456, CS for SB 2054, CS for SB 1612, CS for SB 1614, CS for CS for CS for SB 92, CS for CS for CS for SB 938, CS for SB 380

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Friday, May 1, 1998: SB 1520, SB 2586, SB 2594, SB 2596, SB 2598, SB 2600, SB 2602, SB 2672, SB 2734, HB 3433, HB 3435, HB 3513, HB 3541, HB 3543, HB 3637, HB 3647, HB 3649, HB 3651, HB 3669, HB 3725, HB 3767, HB 3769, HB 3823, HB 3829, HB 3831, HB 3833, HB 3835, HB 3837, HB 3839, HB 3841, HB 3843, HB 3845, HB 3847, HB 3851, HB 3855, HB 3857, HB 3859, HB 3917, HB 3919, HB 3957, HB 3959, HB 3961, HB 3963, HB 3965, HB 3967, HB 4029, HB 4033, HB 4081, HB 4097, HB 4099, HB 4103, HB 4127, HB 4133, HB 4171, HB 4243, HB 4249, HB 4253, HB 4285, HB 4287, HB 4289, HB 4291, HB 4293, HB 4305, HB 4307, HB 4319, HB 4323, HB 4325, HB 4349, HB 4391, HB 4463, HB 4465, HB 4467, HB 4469, HB 4505, HB 4531, HB 4545, HB 4547, HB 4691, HB 4743, HB 4777, HB 4797, HB 4799, HB 4821, HB 3853

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

EXECUTIVE BUSINESS

The Honorable Toni Jennings April 30, 1998
President, The Florida Senate

Dear President Jennings:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointees:	Calhoun, Charles H. III	10/31/2001
	Martin, Mirtha Valdes	10/31/2001
	Rodriguez, Jose Ramon	10/31/2000
Board of Acupuncture		
Appointee:	Black, Emily Winkle	10/31/2001
Board of Architecture and Interior Design		
Appointees:	Rosier, Wayne	10/31/2001
	Shiff, Michael Alan	10/31/2001
	Wirtz, Michael H.	10/31/2001
Florida Board of Auctioneers		
Appointees:	Burgess, Donna Jan	10/31/2001
	Larrua, Herminia M.	10/31/2001
Barbers' Board		
Appointees:	McKinney, O. Marie	10/31/2001
	Rosen, Richard Larry	10/31/2001
Florida Building Code Administrators and Inspectors Board		
Appointees:	Alexander, Stanton Malone	10/31/2001
	Bertolami, Margaret Welmers	10/31/2001
	Mount, David Lloyd	10/31/2001
	Pass, Margaret Collins	10/31/1998
Board of Building Codes and Standards		
Appointees:	Bassett, Steven Cook	12/08/2001
	Calpini, John Robert	03/11/2001
	Joyner, Huston N., Jr.	01/30/1999
	Kopczynski, Medard K.	01/09/2001
	Lipka, Leonard Norman	02/03/1999
	Mehltretter, James Robert	01/13/2001
	Richardson, Diana B.	02/07/2001
	Walthour, William Sam	02/07/2001
Board of Chiropractic		
Appointees:	Jenkins, Gene Edgar, Jr.	10/31/2001
	Serrano, Andrea	10/31/2001
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Adejdkun-Ojo, Elizabeth Adebisi	10/31/1999
	Gray, Susan W.	10/31/2000
	Hicks, Mary W.	10/31/2000
	Landis, Charles E.	10/31/2001
	Sherrard, Peter A. D.	10/31/2001
Regulatory Council of Community Association Managers		
Appointees:	Grosskopf, John E.	10/31/2001
	Roschuni, Elliott Joseph	10/31/1998
Construction Industry Licensing Board		
Appointees:	Barge, James Allen	10/31/2001
	Karpf, Ronald Melvin	10/31/2001
	Laird, Robert D.	10/31/2001
	Maurer, Lauren	10/31/2001
	Stokes, Susan C.	10/31/2001
Board of Cosmetology		
Appointees:	Biggett, Earl S.	10/31/2001
	Blanco, Mary Madonna	10/31/2001
Board of Dentistry		
Appointees:	Douglas, Helen Ann	10/31/2001
	Levine, Phil Jay	10/31/2001
	Ross, Charles Lee	10/31/2001
Electrical Contractors' Licensing Board		
Appointees:	Autrey, Ronald Andrew	10/31/2001
	Mills, Douglas Hall	10/31/2001
	Morris, Herbert Kent	10/31/2001
Board of Professional Engineers		
Appointees:	Anderson, Melvin William	10/31/2001
	Miller, R. Gerry	10/31/2001
	Springstead, John Walton	10/31/2001
Board of Funeral and Cemetery Services		
Appointees:	Ballas, Parascho Peter	09/08/1999
	Betsey, Sam Washington, Jr.	09/08/2001
	Knopke, Keenan Lacy	09/08/2001
	Quattlebaum, G. Earl	09/08/1999
	Revitz, Mark Jeffrey	09/08/1999
	Stiegman, Donald Lawrence	09/08/2001
Board of Funeral Directors and Embalmers		
Appointees:	Roberson, Kenneth Loy	10/31/1999
	Rosier, Patricia F.	10/31/2001
Board of Professional Geologists		
Appointees:	Hutton, Harry Hayes	10/31/2001
	Kwader, Thomas	10/31/2001
Board of Hearing Aid Specialists		
Appointees:	Augustus-Fidelia, Vicki Regina	10/31/2001
	Currow, Neal C.	10/31/2001
	Telischi, Fred F.	10/31/2001
Board of Landscape Architecture		
Appointees:	Buffington, Leonard Wayne	10/31/2001
	Burmer, Jane Futrell	10/31/2001
	Siegel, Jeffrey Laurence	10/31/1998
Board of Massage Therapy		
Appointees:	Gran, Austin B.	10/31/1998
	Harrison, Karen Marie	10/31/2001
	Poulin, Robert Armand	10/31/2001
Board of Medicine		
Appointees:	Acosta-Rua, Gaston Jose	10/31/2001
	Cherney, Becky J.	10/31/2001
	Glotfelty, John William	10/31/2001

Office and Appointment		*For Term Ending*
	Leon, Gustavo G.	10/31/1998
Board of Nursing		
Appointees:	Crawford, Christine	10/31/2001
	Makransky, Nancy Ann	10/31/1999
	Oles, Cathy Ann	10/31/2001
	Streisand, Max M.	10/31/2001
Board of Nursing Home Administrators		
Appointees:	Handel, Leo K.	10/31/2001
	Wynn, Alma McKinney	10/31/2001
Board of Occupational Therapy Practice		
Appointees:	Gonzalez, Yasmin	10/31/2000
	Johnson, Judith Head	10/31/2000
	Lundelius, Walter Dudley, Sr.	10/31/1998
	McIntosh, Lisa Carlisle	10/31/1999
	Scott, Rodney P.	10/31/1998
	Thompson, Tina Joann	10/31/2001
	Watson, Michele D.	10/31/1999
Board of Opticianry		
Appointees:	Mathews, Caroline Walton	10/31/2001
	Rowley, Harry Clayton	10/31/2001
Board of Optometry		
Appointee:	Braverman, Howard Joel	10/31/2001
Board of Orthotists and Prosthetists		
Appointees:	Bukacheski, Terri Sparber	10/31/1998
	Chayet, Mary Thomas	10/31/2000
	Fletcher, Stephen Barry	10/31/1998
	Fredrick, Jeffrey Ryan	10/31/2000
	Gallo, Morris Glenn	10/31/1999
	Grogan, Dennis Paul	10/31/2001
	Rumac, Arlene Shelley	10/31/1999
Board of Osteopathic Medicine		
Appointees:	Agudo, Nora D.	10/31/2001
	Kaufman, Ronald B.	10/31/2001
Board of Pharmacy		
Appointees:	Fong, Helen Lai Quen	10/31/2001
	Fucarino, Daniel Dominic	10/31/1999
	Noyes, Lucius George	10/31/2001
	Stamitoles, Michael W.	10/31/1999
	Wood, Marina Garcia	10/31/2001
Board of Physical Therapy Practice		
Appointees:	Bello, Barbara Wynne	10/31/2001
	Candela, Antoinette Carlotti	10/31/2001
Board of Pilot Commissioners		
Appointees:	Buffington, John Michael	10/31/2001
	Fuller, James Walden	10/31/2000
	Robas, Victoria Bowen	10/31/2001
Board of Podiatric Medicine		
Appointee:	Hickey, Jill	10/31/2001
Board of Psychology		
Appointees:	Ames-Dennard, Sharon Renee	10/31/2001
	Schwartz, Pamela Bowen	10/31/2001
Florida Real Estate Appraisal Board		
Appointees:	Basile, Dennis Edward	10/31/2001
	Berry, Marjorie Whitehurst	10/31/2000
Florida Real Estate Commission		
Appointees:	Saunders, Dean P.	10/31/2001
	Stein, Clifford Marshall	10/31/2001
Board of Speech-Language Pathology and Audiology		
Appointee:	Heise, Cynthia Dearmin	10/31/2001
Board of Professional Surveyors and Mappers		
Appointees:	Armstead, Ralph	10/31/2001
	Echezabal, Henry Angel, Sr.	10/31/2001
	Oliver, Patricia Gail	10/31/2001
Board of Veterinary Medicine		
Appointees:	Lightfoot, Teresa Lane	10/31/2001
	Miller, Carol Snyder	10/31/2001

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

(1) the executive appointments of the above-named appointees, to the offices and for the terms indicated, be *confirmed* by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 1998 Regular Session; and

(3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Silver
Casas	Grant	Latvala	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

The Honorable Toni Jennings April 30, 1998
President, The Florida Senate

Dear President Jennings:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Greater Orlando Aviation Authority		
Appointees:	McNulty, C. Howard	04/16/2002
	Starling, Alan C.	04/16/2000
Escambia County Civil Service Board		
Appointees:	Einbecker, Pauline Godwin	02/09/2001
	Glover, Robert Bryan, Jr.	02/13/2001
	Green, DeVaughn	02/13/2001
Hillsborough County Civil Service Board		
Appointees:	Howton, Drew M.	07/02/2001
	Joanow, Olga J.	07/02/2001
	Mayor, Ernesto, Jr.	07/02/2001
	Shirley, Terrence Michael	07/02/1999
	Stagi, Joseph Vincent	07/02/2001
Citrus County Hospital Board		
Appointees:	Brannen, Joseph Samuel	07/11/2001

Office and Appointment		For Term Ending
	Henigar, Robert Lee	07/07/2000
	Langley, Alida V.	07/05/2001
Board of Trustees of South Lake County Hospital District		
Appointees:	Arnold, Carmen Schoolcraft	07/05/2001
	Conley, Michael H.	07/05/2001
	Jordan, Lennon D.	07/05/2001
	Vander Meer, Jacob Martin	07/05/2000
	Wickham, Donald Cecil	07/05/2001
	Williams, Ted Eugene	07/05/2001
Jacksonville Port Authority		
Appointees:	Baker, Edward L'Engle	09/30/2000
	Hulsey, Mark	09/30/2001
Tampa Port Authority		
Appointee:	Gabremariam, Fassil	11/25/2001
Historic Pensacola Preservation Board of Trustees		
Appointees:	Bowden, Jesse Earle	06/30/2001
	Rentz, Lucile (Lucy) Hart	06/30/2001
West Florida Regional Planning Council, Region 1		
Appointees:	Peebles, Bill W., Jr.	Pleasure of Governor
	Wagner, Muriel Wright	Pleasure of Governor
Apalachee Regional Planning Council, Region 2		
Appointees:	Davis, Jim	10/01/1998
	Fleming, Billy R.	10/01/1998
	Keys, Jimmie Lee	10/01/1998
North Central Florida Regional Planning Council, Region 3		
Appointees:	Blakewood, Stephen Wyman	10/01/2000
	Deming, William Michael	10/01/2000
	Foister, Billy Ray	10/01/2000
	Franklin, Lorata Frazier	10/01/2000
	Hodges, Evan W.	10/01/2000
	McInnis, Kathryn Land	10/01/2000
	McPherson, Dale Joseph	10/01/2000
	Philman, Emory James	10/01/2000
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Barber, Margaret M.	10/01/2000
	Halley, Harry J.	10/01/2000
	Ruzecki, Mary Ann	10/01/2000
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Davis, Marjorie C.	10/01/2000
	Jenkins, Evangeline E.	10/01/2000
	Maxey, Warnell B.	10/01/2000
East Central Florida Regional Planning Council, Region 6		
Appointees:	Arrington, Dale V.	10/01/1999
	Buchanan, Stuart P.	10/01/2000
	Ervin, Thomas L., Jr.	10/01/2000
	Glover, Eleanor Elizabeth	10/01/1999
	Hansel, Lynn R.	10/01/1998
	Hattaway, James A.	10/01/2000
	Lamar, H. Arthur	10/01/2000
Central Florida Regional Planning Council, Region 7		
Appointees:	Jones, Mary E.	10/01/2000
	Martz, John C.	10/01/2000
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Ayala, Rina P.	10/01/2000
	Catalfamo, Joseph J.	10/01/2000
	Reeves, Frederick Tracy	10/01/2000
	Romano, Barbara B.	10/01/2000
	Silverberg, Jane Esther	10/01/2000
	Young, Helen W.	10/01/2000
Southwest Florida Regional Planning Council, Region 9		
Appointee:	Dudley, Sue	10/01/1998
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Corley, Freddie B.	10/01/2000
	Coyle, Nelia M.	10/01/2000
	Flanigan, John F.	10/01/2000
	Hartman, Peter C.	10/01/1999
South Florida Regional Planning Council, Region 11		
Appointees:	McTigue, Robert E.	10/01/2000
	Rutledge, Pierre E.	10/01/2000
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointees:	Jenkins, Dorothy Chao	12/31/2000
	Johnson, Carolyn Grace	12/31/2000

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

(1) the executive appointments of the above-named appointees, to the offices and for the terms indicated, be *confirmed* by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 1998 Regular Session; and

(3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Sullivan
Casas	Grant	Latvala	Thomas
Childers	Gutman	Laurent	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

The Honorable Toni Jennings April 30, 1998
President, The Florida Senate

Dear President Jennings:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		For Term Ending
Florida Black Business Investment Board		
Appointees:	Carswell, Keith A.	09/30/2001
	Gant, Frederick Jerome	09/30/2000
Capital Collateral Regional Counsel-Northern, Middle & Southern Region		

Office and Appointment		For Term Ending
Appointees:	Moser, John Wilson III	09/30/2000
	Smith, Gregory C.	09/30/2000
Capitol Center Planning Commission		
Appointee:	Anstis, James H.	09/30/2001
Florida Citrus Commission		
Appointees:	Burke, Martha Roe	05/31/2000
	Davis, Joe L., Sr.	05/31/2001
	Gargano, Christopher W.	05/31/2001
	McPherson, Rex V. II	05/31/2001
State Board of Community Colleges		
Appointees:	Belton, C. Ronald	09/30/2002
	Lang, Joseph Hagedorn	09/30/2002
	Wilson, Alberta K.	09/30/2002
	Yarber, Matthew Franklin	09/30/1998
Florida Commission on Community Service		
Appointees:	Bishop, Barney Tipton III	09/14/2000
	Bostic, James Donaldson	09/14/2000
	Dhonau, Norma Joyce	09/14/1999
	Fine, Helen M. (Pat)	09/14/2000
	Gerwens, Joseph C.	09/14/2000
	Llorente, Carlos M.	09/14/2000
	Oliva, Maria Cristina	09/14/1998
	Shimberg, James Heiman, Jr.	09/14/1999
	Tubbs, LeVester	09/14/2000
	Young, George William	09/14/2000
	Zipperer, Roberta Herman	09/14/1999
State of Florida Correctional Medical Authority		
Appointees:	Brown, Marsha Lewis	07/01/2001
	Windom, Robert Emerson	09/30/2001
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointee:	Kinsey, Randolph	11/13/2001
Florida Development Finance Corporation		
Appointee:	Serravezza, William James	05/02/1998
Education Practices Commission		
Appointees:	Porter, Diane Margaret	09/30/2001
	Raulerson, Phoebe Hodges	09/30/2001
	Williams, Grace A.	09/30/2001
Education Standards Commission		
Appointees:	Harvey-Pratt, Rosa L.	09/30/1999
	Kaupke, Donn V.	09/30/1999
Florida Elections Commission, Chair		
Appointee:	Crotty, Valerie Moos	01/04/1999
Florida Elections Commission		
Appointees:	Byrd, Anne Jolley Thomas	12/31/2000
	Cunningham, J. Courtney	12/31/1999
	Drage, Thomas Brochmann, Jr.	12/31/1999
	Epps, Kenneth Lamar	12/31/1999
	McClure, Julie G.	12/31/2000
	Ostrau, Norman M.	12/31/2000
	Patronis, Jimmy Theo, Jr.	12/31/1999
Board of Employee Leasing Companies		
Appointees:	Goldman, Richard Alan	10/31/1998
	Samuels, Robert J.	10/31/2001
Environmental Regulation Commission		
Appointees:	Bayer, Dennis Knox	07/01/1999
	Muga, Ricardo D.	07/01/2001
	Nicholson-Choice, Maribel N.	07/01/2001
	Rogers, Roy	07/01/2001
Commission on Ethics		
Appointees:	Batman, Linda McKnight	06/30/1999
	Hart, Kenneth R.	06/13/1999
	Krathen, David H.	06/30/1999
	Phelan, Mary Alice Barrett	06/30/1999

Office and Appointment		For Term Ending
Game and Fresh Water Fish Commission		
Appointee:	Hedgepeth, Quinton L.	01/06/2003
Florida Housing Finance Agency		
Appointee:	Lydecker, Charles Harvey	11/13/2000
Florida Commission on Human Relations		
Appointees:	Brooks, Clarethea D. Edwards	09/30/2001
	Ofuani, Sharon Louise	09/30/2001
	Sosa, Aristides (Ari)	09/30/2001
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools		
Appointees:	Brenner, Scott F.	07/01/2000
	Euliano, Neil R.	07/01/2000
	McCormick, Fenwick Donald	07/01/2000
Southeast Interstate Low-Level Radioactive Waste Management Commission		
Appointees:	Heber, Sharon L.	Pleasure of Governor
	Hodes, Richard Samuel	06/30/1999
	Hunter, Richard Gavin	06/30/1998
Marine Fisheries Commission		
Appointees:	Barsh, Barbara C.	08/01/2001
	Moss, Reginald A. (Tony)	08/01/2001
Florida Inland Navigation District		
Appointees:	Bunnell, George Pettit	01/09/2001
	Locker, Laurence D.	01/09/2001
	Taylor, James Oliver	01/09/2001
	Thompson, Pierre Dutasta	01/09/2001
	Waddell, Marshall Brent	01/09/2001
Parole Commission		
Appointee:	Henry, Jimmie Lee	06/30/1998
Pilotage Rate Review Board		
Appointee:	Bentley, Chris Howard	10/31/2001
Prepaid Postsecondary Education Expense Board		
Appointee:	Starling, Bruce Cordell	06/30/2000
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Alvarez, Marcelo A.	09/30/2000
	Goode, R. Ray	09/30/2000
Public Employees Relations Commission		
Appointee:	Jackson, Cassandra Kellam	01/01/2002
Florida Public Service Commission		
Appointees:	Garcia, Jose (Joe) Antonio	01/01/2002
	Jacobs, Ennis Leon, Jr.	01/01/2002
Commission for Purchase from the Blind or Other Severely Handicapped		
Appointees:	Coloney, Wayne H.	10/01/2001
	Furches, Sandra BeVille	10/01/2000
Board of Regents		
Appointees:	Harding, James Raymond	09/01/1998
	Lindsay, Elizabeth G.	01/01/2004
	Uhlfelder, Steven Joel	01/01/2004
State Retirement Commission		
Appointees:	Roberts, Dorothy Brooks	12/31/2001
	Whitelock, Pamela Love	12/31/2001
	Wright, Joseph Thomas	12/31/1999
Director, Division of State Group Insurance		
Appointee:	Slavin, Charles P.	Pleasure of Governor
Board of Supervisors, Spaceport Florida Authority		
Appointees:	Brown, Hugh McNeil	06/30/2001
	Fisher, Donna Cowart	06/30/2001
	Morris, Ronald Loyd	06/30/2000

Office and Appointment		*For Term Ending*
	Ogden, Thomas	06/30/2000
	Romjue, Mary Kalen	06/30/2001
	Sharkey, Jeffrey Brian	06/30/2000
	Williamson, Kenneth E.	06/30/2000
Florida Commission on Tourism		
Appointees:	Cokes, Solomon A., Jr.	06/30/2001
	Sanborn, Jack Herrick	06/30/2001
	Staed, Thomas W.	06/30/2001
	Usina, Elizabeth Kenson	06/30/2001
Secretary of Transportation		
Appointee:	Barry, Thomas Francis, Jr.	Pleasure of Governor
Florida Transportation Commission		
Appointee:	Browning, John P., Jr.	09/30/2001
Chairman of Unemployment Appeals Commission		
Appointee:	Dyal, Reuben Carson	06/30/2001
Florida Commission on Veterans' Affairs		
Appointee:	Sullivan, Hulan M.	11/16/1998

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

(1) the executive appointments of the above-named appointees, to the offices and for the terms indicated, be *confirmed* by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 1998 Regular Session; and

(3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Charlie Crist, Chairman

MOTION

On motion by Senator Crist, the following executive appointment was added to the foregoing report:

Office and Appointment		*For Term Ending*
Game and Fresh Water Fish Commission		
Appointee:	Adams, James L., Jr.	01/04/2001

On motion by Senator Crist, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—40

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Diaz-Balart	Harris	Laurent
Burt	Dudley	Holzendorf	Lee
Campbell	Dyer	Horne	McKay
Casas	Forman	Jones	Meadows
Childers	Geller	Kirkpatrick	Myers
Ostalkiewicz	Scott	Sullivan	Turner
Rossin	Silver	Thomas	Williams

Nays—None

The Honorable Toni Jennings April 30, 1998
President, The Florida Senate

Dear Madam President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Board of Auctioneers		
Appointee:	Dansby, Grace Hopson	10/31/1999
Florida Building Code Administrators and Inspectors Board		
Appointee:	Mount, David Lloyd	10/31/1997
Board of Building Codes and Standards		
Appointees:	Bassett, Steven C.	12/08/1997
	Weeder, Charles E.	04/05/2001
Capital Collateral Regional Counsel-Northern, Middle & Southern Region		
Appointees:	Kenny, Peter Warren	09/30/2000
	Maas, Roger R.	07/31/1997
Capitol Center Planning Commission		
Appointee:	Wallrapp, Ana Rabelo	09/30/2001
Florida Citrus Commission		
Appointee:	Owens, William E.	05/31/2001
Board of Trustees of Valencia Community College		
Appointee:	Del Hoya, Santiago F.	05/31/2001
Florida Elections Commission		
Appointee:	Childers, Catherine Lynn	12/31/2000
Board of Professional Engineers		
Appointee:	Springstead, John W.	10/31/1997
Board of Funeral and Cemetery Services		
Appointee:	Atwood, James W.	09/08/2001
Board of Funeral Directors and Embalmers		
Appointees:	Garcia, Manuel M.	10/31/2001
	McQueen, John Thomas	10/31/1999
Health Care Board		
Appointee:	Carr, John Scott	09/30/1999
Board of Medicine		
Appointee:	Acosta-Rua, Gaston J.	10/31/1997
Board of Occupational Therapy Practice		
Appointee:	Thompson, Tina Joann	10/31/1997
Board of Pharmacy		
Appointee:	Noble, Daniel Raymond	10/31/2001
Board of Pilot Commissioners		
Appointee:	Winegeart, James Perrow	10/31/1997
Apalachee Regional Planning Council, Region 2		
Appointees:	Crum, Eloise M.	10/01/1997
	Gatlin, Manuel R.	10/01/1997
	Kelly, Vivian Davis	10/01/1997
East Central Florida Regional Planning Council, Region 6		
Appointees:	Martinez, Wilfredo	10/01/1997
	Russell, Robin Evans	10/01/1997
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Ayala, Rina P.	10/01/1997

Office and Appointment		*For Term Ending*
	Reeves, Frederick Tracy	10/01/1997
	Romano, Barbara B.	10/01/1997
Interim Director, Division of State Group Insurance		
Appointee:	Poppell, Ronald Larkin	Pleasure of Governor
Interim Secretary of the Department of Transportation		
Appointee:	Carlile, Leslie Frank	Pleasure of Governor
Governing Board of the Southwest Florida Water Management District		
Appointee:	Menendez, Brenda	03/01/1998
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointee:	Baker, Julie Ansley	03/01/1998

The Senate Committee on Executive Business, Ethics and Elections has failed to consider these appointments because:

(a) the terms of the following persons have expired: Gaston J. Acosta-Rua, Rina Ayala, Julie Ansley Baker, Steven C. Bassett, Eloise M. Crum, Manuel R. Gatlin, Vivian Davis Kelly, Roger R. Maas, Wilfredo Martinez, Brenda Menendez, David L. Mount, Frederick T. Reeves, Barbara B. Romano, Robin Evans Russell, John W. Springstead, Tina J. Thompson and James P. Winegeart.

(b) the following persons have resigned: James W. Atwood, effective 1/31/98; John Scott Carr, effective 2/27/98; Catherine Lynn Childers, effective 3/24/98; Grace Hopson Dansby, effective 3/26/98; Santiago F. Del Hoya, effective 2/16/98; Manuel M. Garcia, effective 3/18/98; Peter Warren Kenny, effective the date his successor qualifies for office or 45 days following adjournment sine die of the 1998 Legislature, whichever is earlier; John Thomas McQueen, effective 12/31/97; Ana Rabelo Wallrapp, effective 4/13/98; and Charles E. Weeder, effective 3/27/98.

(c) Daniel Raymond Noble and William E. Owens are deceased; and

(d) the INTERIM Secretary of Transportation position of Leslie Frank Carlile is no longer valid as a Secretary has now been appointed and the INTERIM Director of the Division of State Group Insurance position of Ronald Larkin Poppell is no longer valid as a Director has now been appointed.

Based on the foregoing, the Senate Committee on Executive Business, Ethics and Elections respectfully advises and recommends that the Senate take no action on these appointments during the 1998 Regular Session.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the report was adopted and the Senate failed to consider the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

Faye Blanton May 1, 1998
Secretary of the Senate

Dear Secretary Blanton:

Please be advised that the following executive appointments were temporarily passed; not considered by the Committee on Executive Business, Ethics and Elections; withdrawn by the Governor; otherwise left pending in Committee; or have not been acted upon by the full Senate upon adjournment of the 1998 session of the Florida Legislature:

Office and Appointment		*For Term Ending*
Greater Orlando Aviation Authority		
Appointee:	Pugh, James H., Jr.	04/16/2002
Board of Building Codes and Standards		
Appointees:	Danger, Charles	01/06/2001
	McRoy, James E.	02/11/2001
Regulatory Council of Community Association Managers		
Appointee:	Gavalda, Teresa	10/31/1998
Florida Communities Trust		
Appointees:	Perez, Julian Humberto	01/31/2001
	Tschinkel, Victoria Jean	01/31/2001
Board of Trustees of Brevard Community College		
Appointee:	Johnson, Eugene Cecil	05/31/2001
Board of Trustees of Broward Community College		
Appointee:	Ortis, Frank Carmen	05/31/2001
Board of Trustees of Central Florida Community College		
Appointees:	Donar, Chrysanthia (Sandy) Eileen	05/31/2001
	Hall, Cynthia Arnetta	05/31/2001
	Mann, Loy Ann Meeks	05/31/2001
	Palmer, Whitfield McRory, Jr.	05/31/1999
Board of Trustees of Chipola Junior College		
Appointees:	Hudson, Eddie Myron	05/31/2001
	Odom, John Howard	05/31/2001
	Shuler, Gary H.	05/31/2001
Board of Trustees of Daytona Beach Community College		
Appointees:	Blossom, L. Roland	05/31/2001
	Ford, James H.	05/31/2001
	Gardner, James Edward	05/31/2001
Board of Trustees of Edison Community College		
Appointees:	Baquero, Washington D.	05/31/2001
	Peeples, Vernon E.	05/31/2001
	Snow, Marie Fossett	05/31/2001
Board of Trustees of Florida Community College at Jacksonville		
Appointees:	Hufstetler, Connie Croom	05/31/2001
	Kelley, Howard W., Jr.	05/31/2001
	Lockett, Earlene Toby	05/31/2001
	Mayo, Jimmie L.	05/31/1998
Board of Trustees of Florida Keys Community College		
Appointees:	Almeda, Patricia Ann	05/31/2001
	Clark, Mona Carlisa	05/31/2001
Board of Trustees of Gulf Coast Community College		
Appointees:	Rice, Lillie Mae	05/31/2001
	Roberson, Ralph Christian	05/31/2001
	Smith, George Houston	05/31/2001
Board of Trustees of Hillsborough Community College		
Appointees:	Dawson, Warren Hope	05/31/2001
	Weatherford, Doris L.	05/31/2001
Board of Trustees of Indian River Community College		
Appointees:	Stewart, Ventria Eloise	05/31/2001
	Thurlow, Thomas Henry, Jr.	05/31/2001
Board of Trustees of Lake City Community College		
Appointees:	Harvey, Alan	05/31/2001
	Jones, Susan C.	05/31/2001
	Tunsil, Joyce P.	05/31/2001
Board of Trustees of Lake-Sumter Community College		
Appointees:	Charron, Victor	05/31/2001
	Jones, Helen L.	05/31/2001
	Wood, Peggy Swain	05/31/2001
Board of Trustees of Manatee Community College		
Appointees:	Fogarty, Julia Botet	05/31/2000
	McRae, Johncyna A.	05/31/2001
	Moore, Robert Leslie	05/31/2001
	Smith, Jan Ellis	05/31/2001
Board of Trustees of Miami-Dade Community College		
Appointees:	Ibarra, Barbara A.	05/31/2001

Office and Appointment		For Term Ending
	Mendoza, Cristina Lagueruela	05/31/2001
	Richardson, Walter Thomas	05/31/2001
Board of Trustees of North Florida Junior College		
Appointees:	Chandler, Virginia Bridges	05/31/2001
	Twiggs, Alma Keys	05/31/2001
	Witt, James (Jimmy) Edward	05/31/2001
Board of Trustees of Okaloosa-Walton Community College		
Appointees:	Merrifield, Sally R.	05/31/2001
	Roser, Elena M.	05/31/2001
	Thornton, William	05/31/2001
Board of Trustees of Palm Beach Community College		
Appointees:	Hand, Homer James	05/31/2001
	James, Elaine Johnson	05/31/1999
	Johnston, Harry A.	05/31/2001
Board of Trustees of Pasco-Hernando Community College		
Appointees:	Hobby, Joy Goode	05/31/1999
	McGeehan, Hugh Connell	05/31/2001
	Tillis, Arlen E.	05/31/2001
	Yant, James Clifford	05/31/2001
Board of Trustees of Pensacola Junior College		
Appointees:	Baker, Richard Robert	05/31/2001
	Byrd, William E.	05/31/2001
	Robertson, Elba W.	05/31/2001
Board of Trustees of Polk Community College		
Appointees:	Brandon, Jack Putnam	05/31/1998
	Ruthven, Joe P.	05/31/2001
	Tucker, Lottie S.	05/31/2001
Board of Trustees of St. Johns River Community College		
Appointees:	Tuggles, Catherine Solomon	05/31/2001
	Upchurch, Hamilton Davis, Jr.	05/31/2001
	Wolfenden, John W.	05/31/2001
Board of Trustees of St. Petersburg Junior College		
Appointee:	Hines, Ann Groover	05/31/2001
Board of Trustees of Santa Fe Community College		
Appointees:	Hill-Lubin, Mildred Anderson	05/31/2001
	Miller, John M.	05/31/2001
Board of Trustees of Seminole Community College		
Appointees:	Blacksheare, Edward L.	05/31/1999
	Moore, Lee Permenter	05/31/2001
Board of Trustees of South Florida Community College		
Appointees:	Adams, Joyce Armstrong	05/31/2001
	Goodman, Sharon Thomas	05/31/2001
	Livingston, James L.	05/31/1999
Board of Trustees of Tallahassee Community College		
Appointees:	May, Fountain Howard, Jr.	05/31/2001
	Miller, Dolores S.	05/31/2001
	Payne, John Alfred	05/31/2001
Board of Trustees of Valencia Community College		
Appointees:	Houck, Keith W.	05/31/2001
	McMillon, Deloris J.	05/31/2001
Board of Directors, Enterprise Florida, Inc.		
Appointee:	Simmons, Evett L.	07/01/2001
Board of Directors, Capital Development Board		
Appointees:	Aronson, Daniel Holmes	03/09/2001
	Cobb, Sue McCourt	03/09/2001
	Serravezza, William J.	03/09/2001
	Werner, Patricia Ann	03/09/2000
Board of Directors, Florida International Trade and Economic Development Board		
Appointees:	Collins, Leroy Anthony	11/21/1998
	Gulley, Isay Mae	11/21/2000
	Sutton, Byron Kent	11/21/2000
Board of Directors, Technology Development Board		
Appointees:	Allen, Susan Davis	06/14/1999
	Crissey, Relf Seward	06/14/2001
	Phillips, Winfred Marshall	06/14/2001
Board of Directors, Workforce Development Board		
Appointees:	Apthorp, James W.	06/05/2001
	Eppard, Renee W.	06/05/2001
	Hall, Cynthia J.	06/05/1999
	Stewart, Samuel Kenneth	06/05/1998
Tampa-Hillsborough County Expressway Authority		
Appointee:	Davis, Helen Gordon	07/01/2001
Commission on Government Accountability to the People		
Appointees:	Calabro, Dominic Michael	08/21/2001
	Haft, Jay Michael	08/21/1999
	Humphreys, Susan Hostetler	08/21/2000
	Lewis-Brent, Lana Jane	08/21/2001
	Palmer, Whitfield McRory, Jr.	08/21/2001
Health Care Board		
Appointees:	Bozard, John W.	09/30/1998
	Brickler, Alexander D.	09/30/2000
	Broxson, John R.	09/30/2000
	High, Joshua	09/30/1998
	Jeffers, Delores F.	09/30/2000
	Mauk, William Harold, Jr.	09/30/2000
	Palevsky, Elliott	09/30/1999
	Steigman, Don Stuart	09/30/2000
	Zervigon-Hakes, Ana Maria	09/30/1998
State Board of Independent Colleges and Universities		
Appointees:	Barker, Robert Hatton, Jr.	09/30/2000
	Brock, Jeanette Weatherbee	09/30/2000
	Keiser, Arthur Edward	09/30/1998
	Mullenix, Joel Harry	09/30/2000
Governor's Mansion Commission		
Appointees:	Harvey, Mary J. (Jackie)	09/30/2001
	Wetherell, Thomas Kent	09/30/2001
Board of Physical Therapy Practice		
Appointee:	Hoffman, Elizabeth Carper	10/31/1999
Board of Pilot Commissioners		
Appointee:	Winegeart, James Perrow	10/31/2001
Postsecondary Education Planning Commission		
Appointees:	Alterman, Richard Charles	02/04/2001
	Bailey, Inez W.	02/04/2002
	Gillespie, Sally Mae	02/04/2001
	Haynes, Thomas J., Jr.	02/04/2002
	Langelier, Maricela Vizcaino	08/31/1998
	Plunkett, Karen Linda	02/04/2001
	Tolle, Edgar E.	02/04/2002
Oklawaha Basin Recreation and Water Conservation and Control Authority in Lake County		
Appointees:	Modica, James V.	07/13/2000
	Swartz, Gena Medrano	07/13/2001
Southwest Florida Regional Planning Council, Region 9		
Appointee:	Snipes, Carl B.	10/01/1998
Florida Commission on Tourism		
Appointee:	Hertz, Arthur Herman	06/30/2001
Florida Transportation Commission		
Appointees:	Dubbin, Samuel J.	09/30/1999
	Kennedy, Arthur Winfred	09/30/2001
Governing Board of the South Florida Water Management District		
Appointee:	Pettis, Eugene K.	03/01/2002
Big Cypress Basin Board of the South Florida Water Management District		
Appointees:	Korest, Alan R.	03/01/2000

Office and Appointment		*For Term Ending*
	Richter, Garrett S.	03/01/2000
Governing Board of the Southwest Florida Water Management District		
Appointees:	Davis, Pamela J.	03/01/2002
	Martin, James E.	03/01/2002
	Menendez, Brenda	03/01/2002
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointees:	Lane, Julian (Jay) B., Jr.	03/01/2000
	Rutenberg, Daniel	03/01/2000
Coastal Rivers Basin Board of the Southwest Florida Water Management District		
Appointees:	Helie, Kingdon (King)	03/01/2000
	Tria, Leonard F., Jr.	03/01/1999
	West, Margaret Anne	03/01/1999
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointees:	Griffin, John Phillip	03/01/2000
	MacKinnon, Ardis L.	03/01/2000
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		
Appointee:	Romano, Barbara Barritt	03/01/2000
Peace River Basin Board of the Southwest Florida Water Management District		
Appointees:	Barben, Robert H.	03/01/2000
	Moore-Bailey, Doris Marie	03/01/2000
	Wotitzky, Edward L.	03/01/2000
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointees:	Updegraff, Ramona Moorefield	03/01/2000
	Welch, David T.	03/01/2000
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointee:	Vogel, John Thomas	03/01/2000
Governing Board of the Suwannee River Water Management District		
Appointee:	Wershow, Jonathan F.	03/01/1999

Respectfully submitted,
Charlie Crist, Chairman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1329, HB 3273, CS for HB 3345; has passed as amended HB 1139, CS for HB 3201, HB 3225, CS for HB 3487, CS for HB 4071, HB 4155, HB 4233, HB 4491, HB 4515, HB 4765; has passed as amended by the required Constitutional three-fifths vote of the membership HB 3783 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Law Enforcement and Public Safety; and Representative Roberts-Burke and others—

CS for HB 1329—A bill to be entitled An act relating to medical examiners; amending s. 406.06, F.S.; specifying certain circumstances under which a medical examiner may be suspended; amending s. 406.075, F.S.; providing additional disciplinary measures and grounds for discipline applicable to medical examiners; amending s. 406.11, F.S.; restricting to certain purposes the examinations, investigations, and autopsies medical examiners are required or authorized to make or have performed; requiring notification of and approval by next of kin for a medical examiner to retain or furnish any body part of a deceased person for research or certain other purposes; providing for adoption of rules to incorporate by reference parameters or guidelines of practice or standards of conduct relating to examinations, investigations, and autopsies performed by medical examiners; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Merchant and others—

HB 3273—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Conserve Wildlife license plate; providing for the distribution of annual use fees received from the sale of such license plates; providing an effective date.

(Taken up out of order and passed this day.)

By the Committee on Community Affairs and Representative Lacasa and others—

CS for HB 3345—A bill to be entitled An act relating to regulation of wrecker operators and persons immobilizing vehicles; amending s. 1.01, F.S.; defining the term "wrecker operator"; providing for a law enforcement officer to place a hold order on a motor vehicle in a wrecker operator's storage facility; prescribing conditions on such acts; authorizing county and municipal wrecker operator systems; prohibiting certain acts in contravention of such systems; providing penalties; amending ss. 125.0103 and 166.043, F.S.; providing that counties must establish maximum fees which may be charged for the towing or immobilization of vehicles; amending s. 316.193, F.S.; providing for a receipt to the wrecker operator to be given at the time of release of a vehicle impounded or immobilized as a result of a charge of driving under the influence; amending s. 321.051, F.S.; revising provisions authorizing the Florida Highway Patrol to establish a wrecker operator system; prohibiting certain acts in contravention of such system; providing penalties; amending s. 322.34, F.S.; revising provisions relating to impoundment or immobilization of vehicles being operated while the operator's license is suspended, revoked, canceled, or disqualified; providing for payment of accrued charges; amending s. 713.78, F.S.; providing that law allowing a lien for recovering, towing, or storing a vehicle does not authorize a lien for immobilizing a vehicle; providing liability for damages or theft in connection with a towed vehicle; amending s. 319.30, F.S.; conforming a cross reference; providing an effective date.

—was referred to the Committees on Transportation and Community Affairs.

By Representative Sindler and others—

HB 1139—A bill to be entitled An act relating to public records; amending s. 828.30, F.S.; providing an exemption from public records requirements for information contained in a rabies vaccination certificate; authorizing disclosure to certain public agencies and to other persons under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Governmental Operations and Representative Starks and others—

CS for HB 3201—A bill to be entitled An act relating to religious freedom; creating the "Religious Freedom Restoration Act of 1998"; providing that government shall not substantially burden the exercise of religion; providing exceptions; providing definitions; providing for attorney's fees and costs; providing applicability; providing construction; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Reform and Oversight.

By Representative Murman—

HB 3225—A bill to be entitled An act relating to economic development; providing an appropriation to the Office of Tourism, Trade, and Economic Development for the Technological Research and Development Authority; authorizing tax credits to a certain business; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; amending s. 290.0065, F.S.; providing for amendment of the boundaries of an enterprise zone designated pursuant to s. 290.0065(5)(b), F.S., upon application by the county to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones upon request from certain counties; providing restrictions; providing for repeal; amending s. 290.0055, F.S.; providing extended date for application to amend certain boundary lines; providing an effective date.

—was referred to the Committees on Ways and Means; and Community Affairs.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Safley and others—

CS for HB 3487—A bill to be entitled An act relating to dental insurance coverage; creating ss. 627.4295 and 627.65755, F.S., and amending ss. 627.6515 and 641.31, F.S.; requiring health insurance policies and health maintenance organization contracts to provide coverage for general anesthesia and hospitalization for certain persons under certain circumstances; providing application of contract terms and conditions to services; providing exceptions; providing a declaration of important state interest; providing application of the act to policies and contracts; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Ways and Means.

By the Committee on Transportation and Representative Betancourt—

CS for HB 4071—A bill to be entitled An act relating to environmental protection; amending s. 373.4137, F.S.; requiring ongoing annual submissions, to the Department of Environmental Protection and water management districts, by the Department of Transportation of its adopted work program and inventory of impacted habitats; authorizing inclusion of habitat impacts of future transportation projects; providing activities associated with development of mitigation plans; requiring water management districts to consult with entities operating mitigation banks when developing mitigation plans; providing that a water management district's preliminary approval of a mitigation plan does not constitute a decision affecting substantial interests; requiring mitigation plans to include certain information; authorizing exclusion of certain projects from the environmental impact inventory; extending certain mitigation funding through fiscal year 2004-2005; authorizing amendment of annual mitigation plans for certain purposes; providing for uses of funds not directed to implement mitigation plans; deleting obsolete language relating to a report; creating s. 373.4139, F.S.; providing legislative findings and intent; providing for mitigation for mining activities within certain areas; levying a mitigation fee; providing for collection and disposition of such mitigation fees; providing duties of the Department of Revenue; providing for adjustment of the mitigation fee; specifying uses of fee proceeds; amending s. 373.4149, F.S.; revising requirements for development of Phase II of the Lake Belt Plan; repealing s. 373.4149(10), F.S., relating to development of a comprehensive mitigation plan; amending s. 338.223, F.S.; requiring environmental feasibility review prior to advance right-of-way purchases for a proposed turnpike project; providing exceptions for hardship and protective purchases; amending s. 86 of ch. 93-213, Laws of Florida; deleting the requirement for certain repayment of funds appropriated for the state NPDES program from the Pollution Recovery Trust Fund; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means.

By Representative Boyd—

HB 4155—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale of performance-enhancing or growth-enhancing products for cattle; providing an exemption for generators used on poultry farms; providing an effective date.

—was referred to the Committee on Ways and Means.

By Representative Stafford—

HB 4233—A bill to be entitled An act relating to criminal offenses; amending s. 782.04, F.S.; redefining the offense of capital murder in the first degree to include the act of unlawfully killing a human being while perpetrating, or attempting to perpetrate, the murder of another human being; providing penalties; providing that a person who perpetrates or attempts to perpetrate a murder commits felony murder in the second degree when a person is killed by someone other than the perpetrator; providing penalties; adding murder to the list of felony offenses which do not constitute third–degree felony murder; reenacting ss. 39.464(1)(d), 435.03(2)(b), 435.04(2)(b), 775.0823(1) and (2), 921.0022(3)(i), 943.325(1), and 947.146(3), F.S., relating to the termination of parental rights, screening standards, violent offenses against law enforcement officers and others, the Criminal Punishment Code, blood testing, and the Control Release Authority, to incorporate the amendment to 782.04, F.S., in references thereto; creating the "Jeff Mitchell Act"; amending s. 921.141, F.S., relating to further proceedings to determine sentence of death or life imprisonment for capital felonies; providing that the judgment of conviction and sentence of death imposed in a capital case are not subject to being held invalid, overturned, reduced, or otherwise affected because a codefendant in the same case accepted a plea offer in exchange for trial testimony, or an agreement to testify, and was not sentenced to death; prohibiting the Florida Supreme Court from engaging in any form of proportionality review of a death sentence; providing that criteria for review regarding aggravating or mitigating circumstances shall not be utilized except as authorized under specified provisions; providing additional aggravating circumstances to be weighed by the court; providing for an aggravating circumstance that the capital felony was committed when the victim had an injunction for protection in effect against the defendant; providing for an aggravating circumstance that the defendant inflicted multiple physical injuries upon the victim; providing for an aggravating circumstance that the defendant mutilated, dismembered, or sexually abused the victim's body, during or after commission of the capital felony; providing for an aggravating circumstance that the victim of a homicide had asked that his or her life be spared; amending ss. 782.071, 782.072, F.S.; increasing the penalties imposed for committing the offense of vehicular homicide or vessel homicide; increasing the penalties imposed for committing vehicular homicide or vessel homicide and failing to give information and render aid when the offender knew, or should have known, that the accident occurred; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming references to changes made by the act; amending s. 960.13, F.S.; limiting crimes compensation awards under certain circumstances; authorizing the Department of Legal Affairs to adopt certain rules; amending s. 782.071, F.S.; redefining the offense of "vehicular homicide" to include the killing of a viable fetus by any injury to the mother caused by the operation of a motor vehicle by another; providing penalties; specifying when a fetus is viable; providing a right of action for civil damages; reenacting ss. 921.0022(3)(h) and 960.03(3), F.S., relating to the offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0022, F.S., relating to the offense severity ranking chart, to conform terminology; amending s. 27.709, F.S.; providing that the Commission

on the Administration of Justice in Capital Cases shall conduct a study concerning the elimination of state postconviction proceedings in death penalty cases; providing that certain proviso language contained in the Conference Report On House Bill 4201 may not be modified through substantive legislation passed during the 1998 regular session of the Legislature unless certain conditions are met; providing that certain proviso language contained in the Conference Report On House Bill 4201 is reenacted if repealed or amended by substantive legislation passed during the 1998 regular session of the Legislature; providing for repeal of section on June 30, 1999; providing for severability; providing an effective date.

(Taken up out of order and passed this day.)

By Representative Wise—

HB 4491—A bill to be entitled An act relating to trust funds; creating the Florida School District Review Trust Fund, to be administered by the Office of Program Policy Analysis and Government Accountability; providing for source of funds; directing the office to use the trust fund to pay the cost of best financial management practices reviews; providing for refunds to school districts; providing for future review and termination or re-creation of the trust fund; providing for annual carryforward of funds; amending s. 230.23025, F.S.; providing for the deposit of funds from school districts; providing an effective date.

—was referred to the Committees on Rules and Calendar; and Ways and Means.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Jones and others—

HB 4515—A bill to be entitled An act relating to health care practitioners; creating s. 455.557, F.S.; providing for standardized credentialing of health care practitioners; providing intent and definitions; providing for a standardized credentials verification program; providing for delegation of credentialing authority by contract; providing for availability of data collected; prohibiting collection of duplicate data; specifying conditions for reliability of data; providing for standards and registration, including a registration fee; preserving health care entities from liability and certain actions for reliance on data provided by a credentials verification entity; providing for practitioner review of data prior to release; providing for validation of credentials; providing liability insurance requirements; providing for rules; providing for reappointment of a task force and providing its purpose; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By the Committee on Transportation and Representative Fuller—

HB 4765—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; requiring the Turnpike District to relocate to Sumter County in fiscal year 2000; amending s. 206.606, F.S.; revising the distribution of certain fuel tax proceeds; renumbering and amending s. 335.166, F.S.; transferring responsibility for welcome centers' staff to the Florida Commission on Tourism; requiring a study of toll road agencies and the Turnpike District by the Florida Transportation Commission; renumbering and amending s. 334.065, F.S.; revising provisions related to the funding source and the advisory board of the Center for Urban Transportation Research; amending s. 316.003, F.S.; defining the term "neighborhood vehicle"; amending s. 316.063, F.S.; changing the term "accident" to "crash"; revising the penalty for obstructing traffic upon damaging an unattended vehicle or other property; creating s. 316.0815, F.S.; giving public transit buses the right-of-way when reentering the traffic flow; amending s. 316.091, F.S.; providing that on specified highways certain commercial vehicles may drive only in certain lanes; amending s. 316.1967, F.S.; reduces the number of outstanding parking violations which trigger the county clerk to report to the Department of Highway Safety and Motor Vehicles; amending s. 316.2055, F.S.; providing a uniform reference to the penalty for a pedestrian noncriminal traffic offense punishable under chapter 318, F.S.; amending s. 316.555, F.S.; exempting certain silvicultural and agricultural vehicles and equipment from weight restrictions on county roads; amending s. 318.15, F.S.; providing for payment of a certain service fee to tax collector; amending s. 318.18, F.S.; providing that fines for construction zone speed violations shall only be doubled under certain circumstances; amending s. 320.01, F.S.; defining the term "agricultural products"; amending s. 320.04, F.S.; providing a service charge for validation stickers issued by printer dispenser machines; amending s. 320.055, F.S.; revising registration renewal period for certain vehicles; providing for staggered fleet registration; repealing s. 320.065, F.S., relating to the registration of certain rental trailers for hire and semitrailers used to haul agricultural products; amending s. 320.0657, F.S.; defining the term "fleet"; providing registration fees; providing penalties for late or improper registration; amending s. 320.0715, F.S.; exempting certain commercial motor vehicles from the International Registration Plan; creating s. 321.045, F.S.; establishing the mission and program objectives of the Florida Highway Patrol; amending s. 20.18, F.S.; creating the Division of Factory-built Housing in the Department of Community Affairs; providing a mission statement for the department; transferring certain powers, duties, functions, personnel, property, and appropriations of the department to the division; transferring certain powers, duties, functions, personnel, property, and appropriations of the Department of Highway Safety and Motor Vehicles to the division; authorizing the Department of Community Affairs and the Department of Highway Safety and Motor Vehicles to enter into agreements to effectuate such transfers; providing for transfer of the mobile home portion of the Mobile Home and Recreational Vehicle Protection Trust Fund into the department's operating trust fund for certain purposes; transferring the portion of the Highway Safety Operating Trust Fund relating to mobile homes into the department's operating trust fund for certain purposes; amending s. 320.781, F.S., to conform; amending s. 553.36, F.S.; providing a definition; amending s. 553.38, F.S.; providing responsibility of the Division of Factory-built Housing to administer part IV of chapter 553, F.S.; creating ss. 553.431, 553.4315, 553.433, 553.434, 553.435, 553.4365, 553.437, 553.438, 553.446, 553.448, 553.449, 553.450, 553.451, 553.452, 553.453, 553.455, 553.456, 553.457, and 553.458, F.S.; recreating certain provisions under chapter 320, F.S., within part IV of chapter 553, F.S., to conform; transferring and renumbering ss. 320.823, 320.8335, and 320.840, F.S., to conform; transferring, renumbering, and amending ss. 320.77, 320.8255, 320.827, 320.8285, 320.830, 320.831, 320.8325, F.S., to conform; requiring the division to adopt rules on manufactured housing installation systems; requiring the development of certain standards for park trailers; amending s. 320.8249, F.S., to conform; limiting certain local government's ability to charge certain permit fees relating to mobile home parks; amending ss. 161.55, 319.001, 320.131, 320.27, 320.28, 320.71, 320.781, 320.822, 320.8225, 320.8231, 320.8232, 320.824, 320.8245, 320.8256, 320.8285, 320.834, 320.835, 320.861, 320.865, 325.202, 325.203, 325.213, and 627.351, F.S., to conform; repealing s. 320.771(8) and (11), F.S., relating to licensed mobile home dealers selling recreational vehicles and licensed recreational vehicle dealers setting up mobile homes; amending s. 322.1615, F.S.; revising language with respect to nighttime driving restrictions for persons with learner's driver licenses; amending s. 331.304, F.S.; revising the boundaries of spaceport territory; adding certain property located in Santa Rosa, Okaloosa, and Walton Counties to spaceport territory; amending 322.28, F.S.; revising language with respect to judicial stays on administrative suspensions of driving privileges; amending s. 332.003, F.S.; correcting a reference; amending s. 332.004, F.S.; redefining the terms "airport" and "airport or aviation discretionary capacity improvement projects"; amending s. 332.007, F.S.; directing the department to provide priority funding for commercial and dual-use space transportation projects; creating s. 332.009, F.S.; amending s. 334.044, F.S.; providing specific rule-making authority; repealing s. 334.044(15), F.S., relating to certain rulemaking authority; providing for application; amending s. 334.0445, F.S.; extending the time period for the model career service classification plan in the Department of Transportation; amending s. 335.0415, F.S.; modifying the date on which jurisdiction and responsibility for public roads is determined; repealing s. 335.165, F.S., relating to welcome stations; amending s. 337.11, F.S.; deleting a requirement for contract approval by a contractor's surety; amending s. 337.185, F.S.; revising the State Arbitration Board contract claim program; amending s. 337.19, F.S.; revising provisions relating to suits by and against the Department of Transportation and the liability of the department; amending s. 337.403, F.S.; authorizing the department to participate in the cost of clearing and grubbing necessary to perform utility improvement, relocation, or removal work under certain circumstances; amending s. 338.229, F.S.; authorizing the department to provide restrictions on the sale, transfer, lease, or other disposition or oper-

ation of any portion of the turnpike system which reduces the revenue available for the payment of bondholders; amending s. 479.01, F.S.; redefining the terms "commercial or industrial zone" and "unzoned commercial or industrial area"; amending s. 479.07, F.S.; revising provisions relating to reinstatement of expired outdoor advertising permits; amending s. 479.16, F.S.; increasing the square footage allowable on certain signs; amending chapter 96-423, Laws of Florida; authorizing the department to sell certain state property and directing the proceeds of the sale to the State Transportation Trust Fund; providing appropriations; amending s. 832.06, F.S.; providing procedures for receipt by tax collector of worthless check or draft for driver license or identification card; amending ss. 319.23, 320.08, and 320.086, F.S.; deleting reference to collectible vehicles; revising dates with respect to certain ancient or antique motor vehicles; exempting certain vehicles from the act; providing for the issuance of license plates to certain ancient or antique firefighting apparatus or motor vehicles; providing an appropriation; providing effective dates.

—was referred to the Committees on Transportation and Community Affairs.

By Representative Tamargo and others—

HB 3783—A bill to be entitled An act relating to the Cigarette Tax Collection Trust Fund; amending s. 210.20, F.S.; providing for a portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer and Research Institute, for the purpose of financing a cancer-research facility at the University of South Florida; providing duties of the institute's board of directors; providing for uses of the transferred moneys, including the issuance of tax-exempt bonds; requiring the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to administer funds, manage the project, provide assistance during construction, and operate the facility when complete; providing for the replacement of certain tax dollars annually; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 814, SB 1520, SB 2314, SB 2534, SB 2586, SB 2594, SB 2596, SB 2598, SB 2600, SB 2602 and SB 2734; and has passed SB 1268 and SB 2454 by the required Constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 1 and has passed CS for SB 706, as amended; and has receded from House Amendment 1 and has passed CS for CS for SB 714, as amended.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment(s) and has passed CS for SB 1522, as amended.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment(s) and has passed CS for SB 1328 and CS for SB 1330, as amended.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) to House Amendment(s) and passed CS for SB 1108, CS for SB 1440 and CS for SB 2474 as further amended.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS for HB 1437, HB 1747, CS for CS for HB 3265, CS for HB 3327, CS for HB 3345, CS for HB 3389, HB 3509, HB 3523, CS for HB 3619, CS for HB 3671, HB 3823, HB 3853, HB 3961, CS for HB 4047, CS for HB 4071, HB 4081, HB 4103, HB 4153, HB 4233, HB 4249, CS for HB 4283, CS for HB 4415, HB 4439 and HB 4743, as amended.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed as amended by the required Constitutional three-fifths vote of the membership of the House HB 4587, HB 4589, HB 4591, HB 4593, HB 4595, HB 4597 and HB 4599.

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2 to Senate Amendment 1 and passed HB 3077, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 30 was corrected and approved.

CO-SPONSORS

Senators Burt—SB 2454; Clary—CS for SB 228; Harris—CS for SB 1114; Kirkpatrick—CS for SB 1114; Turner—CS for SB 1114

ADJOURNMENT

On motion by Senator Bankhead, the Senate adjourned sine die at 5:58 p.m.

Journal of the Senate

Final Reports After Adjournment Sine Die — Regular Session 1998

ENROLLING REPORTS

SB 6, SB 16, CS for SB 28, SB 42, SB 44, SB 66, SB 150, CS for SB 154, SB 200, CS for SB 228, CS for SB 250, CS for SB 280, SB 282, CS for SB 290, SB 304, CS for SB's 312 and 2298, CS for SB 314, CS for SB 368, SB 400, CS for SB 418, CS for CS for SB 442, SB 444, CS for SB 486, CS for SB 498, SB 526, SB 540, CS for SB 552, SB 564, CS for SB 592, CS for SB 608, SB 660, SB 704, CS for SB 752, SB 756, SB 766, CS for SB 776, SB 790, CS for SB 818, CS for SB 832, CS for SB 846, SB 854, SB 884, SB 892, CS for SB 926, CS for SB 930, SB 1010, CS for CS for SB 1024, SB 1058, CS for SB 1070, CS for SB 1088, CS for CS for SB's 1124, 2048 and 1120, CS for SB 1152, CS for SB 1164, CS for SB 1176, CS for SB 1202, CS for SB 1204, CS for SB 1230, SB 1232, SB 1260, SB 1262, SB 1266, SB 1268, CS for SB 1270, CS for SB 1294, SB 1306, CS for SB 1332, CS for SB 1342, CS for SB 1346, SB 1348, CS for CS for SB 1366, CS for SB 1402, CS for SB 1410, CS for SB 1430, SB 1434, CS for SB 1450, CS for SB 1460, SB 1462, CS for SB 1466, CS for SB 1540, CS for SB 1574, CS for SB 1584, CS for SB 1626, CS for SB 1646, CS for SB 1684, CS for SB 1686, CS for SB 1688, CS for SB 1690, CS for SB 1692, CS for SB 1694, CS for SB 1696, SB 1700, CS for SB 1702, CS for CS for SB 1704, CS for SB 1706, CS for SB 1708, CS for SB 1710, CS for SB 1716, SB 1720, CS for SB 1722, SB 1724, SB 1750, CS for SB 1752, SB 1762, CS for CS for SB 1796, CS for CS for SB 1800, SB 1898, CS for SB 1960, SB 1972, SB 1976, CS for SB 1992, CS for SB 2000, CS for SB 2004, CS for SB 2092, SB 2122, CS for SB 2128, SB 2222, SB 2276, SB 2316 and CS for SB 2484 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 6, 1998.

CS for SB 152, CS for SB 244, CS for SB 440, CS for CS for SB 484, CS for SB 570, CS for SB 706, CS for SB 714, CS for SB 720, CS for SB 812, SB 898, CS for SB 1014, CS for SB 1054, CS for SB 1108, CS for SB 1114, CS for SB 1144, CS for SB 1328, CS for SB 1330, CS for SB 1372, CS for CS for SB 1406, CS for SB 1440, CS for SB 1458, CS for SB 1498, CS for SB 1506, SB 1520, CS for SB 1522, CS for SB 1564, CS for CS for SB 1660, CS for SB 1748, CS for CS/SB 1996 and CS/SB 1182, CS for CS for SB 2288, SB 2314, SB 2454, CS for SB 2474, CS for SB 2480, SB 2534, SB 2586, SB 2594, SB 2596, SB 2598, SB 2600, SB 2602 and SB 2734 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 8, 1998.

CS for SB 874, SB 1292 and SB 1944 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 15, 1998.

SCR 2536 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 6, 1998.

CS for SB 814 and CS for SB 1408 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 1, 1998.

Faye W. Blanton, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State the following bills which will become law without his signature—

May 16—SB 1436

May 22—SB 6, SB 16, CS for SB 28, SB 42, SB 44, SB 66, CS for SB 154, SB 200, CS for SB 250, CS for SB 280, CS for SB 290, CS for SB's 312 and 2298, CS for SB 314, CS for SB 368, SB 400, CS for CS for SB 442, SB 444, CS for SB 486, CS for SB 498, SB 526, SB 540, CS for SB 552, SB 564, CS for SB 608, SB 704, SB 756, SB 766, CS for SB 818, CS for SB 846, SB 884, SB 892, CS for SB 926, CS for SB 930, SB 1010, CS for CS for SB 1024, SB 1058, CS for SB 1070, CS for SB 1088, CS for SB 1152, CS for SB 1164, CS for SB 1176, CS for SB 1204, CS for SB 1230, SB 1232, SB 1260, SB 1268, CS for SB 1294, CS for SB 1332, CS for SB 1342, CS for SB 1346, SB 1348, CS for CS for SB 1366, CS for SB 1402, CS for SB 1410, SB 1434, CS for SB 1450, CS for SB 1460, SB 1462, CS for SB 1466, CS for SB 1574, CS for SB 1646, CS for SB 1684, CS for SB 1686, CS for SB 1688, CS for SB 1690, CS for SB 1692, CS for SB 1694, CS for SB 1696, SB 1700, CS for SB 1702, CS for CS for SB 1704, CS for SB 1706, CS for SB 1708, CS for SB 1710, CS for SB 1716, SB 1720, CS for SB 1722, SB 1724, SB 1750, CS for SB 1752, SB 1762, CS for CS for SB 1796, CS for CS for SB 1800, SB 1898, SB 1972, SB 1976, CS for SB 2000, CS for SB 2004, CS for SB 2092, CS for SB 2128, SB 2222, SB 2276, SB 2316 and CS for SB 2484

May 24—CS for SB 152, CS for SB 244, CS for SB 440, CS for CS for SB 484, CS for SB 570, CS for SB 812, SB 898, CS for SB 1054, CS for SB 1144, CS for SB 1328, CS for SB 1330, CS for SB 1372, CS for SB 1440, CS for SB 1458, CS for SB 1498, CS for SB 1506, SB 1520, CS for SB 1522, CS for SB 1564, CS for CS/SB 1996 and CS/SB 1182, CS for CS for SB 2288, SB 2314, CS for SB 2480, SB 2534, SB 2586, SB 2594, SB 2596, SB 2598, SB 2600, SB 2602 and SB 2734

May 31—SB 1292 and SB 1944

June 17—CS for SB 814 and CS for SB 1408

The Governor advised that he had filed with the Secretary of State the following bills which he approved—

May 12—SB 150 and CS for SB 776

May 15—CS for SB 1114, CS for CS for SB's 1124, 2048 and 1120, SB 1262 and CS for SB 1270

May 21—CS for SB 228, SB 282, SB 304, CS for SB 592, SB 660, CS for SB 752, SB 790, CS for SB 832, SB 854, CS for SB 1202, SB 1266, SB 1306, CS for SB 1540, CS for SB 1584, CS for SB 1960, CS for SB 1992 and SB 2122

May 22—CS for SB 714, CS for SB 720, CS for SB 1014, CS for SB 1108, CS for CS for SB 1406, CS for CS for SB 1660 and CS for SB 2474

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 1818, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida at the Thirtieth Regular Session of the Legislature convened under the Constitution as revised in 1968, held from March 3 through May 1, 1998. Additionally, there has been included a record of the transmittal of Acts and Resolutions and actions taken by the Governor subsequent to the sine die adjournment of the Regular Session.

Faye W. Blanton
Secretary of the Senate

Tallahassee, Florida
June 17, 1998

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TO THE

JOURNAL OF THE SENATE

MARCH 3 THROUGH MAY 1, 1998

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HOW TO FIND OR TRACE A BILL, RESOLUTION OR MEMORIAL

When the bill, resolution or memorial number is unknown, use the:

SUBJECT INDEX OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

The subject matter of each bill is indexed and cross-indexed in an alphabetical arrangement, using topics of catchwords related closely to the subject matter. This is followed by the number of the bill, resolution or memorial.

When the bill, resolution or memorial number is known, use the:

NUMERICAL INDICES OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

Each bill is listed in numerical order. Opposite each bill number is the subject, the name of introducer, the page numbers where the bill involved appears in the journal, and the final status of the bill.

Tracing all Senate and House Actions

It is possible to trace the progress of legislation from introduction to final disposition, step by step, as it is recorded on the various pages of the Senate Journal by looking at the pages referred to in the numerical index.

To follow the progress of Senate legislation passed by the Senate and sent to the House, use the indices contained in the House Journal to trace House action.

MEMBERS OF THE SENATE, BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED, AND COMMITTEE ASSIGNMENTS

REGULAR SESSION 1998

[Source: Information Division, Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

BANKHEAD, WILLIAM G. (BILL)—8th District

Prime Sponsored: 1300, 1302, **1450**, 2014, **2102**, **2108**, 2198, 2304, 2342, 2344, 2362, 2364, **2366**, **2368**, **2644**

Co-sponsored: 1228, **1230**, **1458**, **2670**, **2698**, **2716**

Local Bill—Co-Sponsored: 2672

Committees: Rules and Calendar, Chairman; Banking and Insurance; Children, Families and Seniors; Health Care; Regulated Industries; Ways and Means, Subcommittee C (Human Services)

BRONSON, CHARLES H., JR. (CHARLIE)—18th District

Prime Sponsored: 74, 100, 102, 310, 404, 410, **418**, 470, 542, 560, 602, 678, **712**, **734**, 840, 886, 888, 890, 916, 986, 1004, **1010**, **1046**, **1088**, 1098, 1134, 1314, **1704**, 1728, 1784, **1920**, 1922, 1924, 1954, 2012

Co-sponsored: 68, 92, **142**, 208, 224, **228**, 240, 270, 296, 298, 306, **312**, 320, 324, 328, 338, **348**, 360, 398, 434, **498**, 510, 744, 758, 792, 882, 984, 1228, 1358, 1396, **1402**, **1430**, 1550, **1646**, 1814, 1816, 1904, 1906, 2120, **2122**, 2332, **2698**, **2722**

Local Bill—Prime Sponsored: 1780

Committees: Agriculture, Chairman; Criminal Justice, Vice Chairman; Executive Business, Ethics and Elections; Natural Resources; Rules and Calendar; Ways and Means, Subcommittee A (General Government); *Select Committee on WAGES Targeted Economic Development; Joint Legislative Committee on Everglades Oversight*

BROWN-WAITE, GINNY—10th District

Prime Sponsored: **142**, 144, 162, 166, **188**, 204, 208, 248, 252, 276, 292, 294, **312**, **314**, 316, 352, 430, 452, **592**, 594, 618, 728, 932, 1036, 1038, 1228, **1230**, **1232**, **1348**, 1400, 1404, **1410**, 1432, 1622, 1636, **1716**, 1764, 1836, 2042, 2562

Co-sponsored: 148, 224, **228**, 254, 270, 324, 328, **348**, 356, 398, 426, **498**, 512, 514, 562, 758, 772, **812**, **814**, **830**, **854**, 1134, 1396, **1660**, 1814, 1816, 1866, 1904, 2120, **2698**, **2722**

Local Bill—Prime Sponsored: 2576

Committees: Health Care, Chairman; Children, Families and Seniors; Community Affairs; Regulated Industries; Ways and Means, Subcommittee C (Human Services); *Select Committee on Tobacco Settlement Implementation; Joint Administrative Procedures*

BURT, LOCKE—16th District

Prime Sponsored: 82, 84, 168, 178, **222**, **358**, 360, **400**, 500, 554, **898**, 1236, 1240, 1244, 1246, 1248, 1250, 1252, **1328**, **1330**, 1378, 1566, 1570, 1664, 1714, 1794, 1950, 1952, 1968, **1992**, 2002, **2004**, 2018, 2074, 2096, 2308, **2670**

Co-sponsored: 434, 512, 758, 1134, 1228, **1230**, 1234, 1238, 1358, **1458**, 1882, 1904, **2454**, **2698**

Local Bill—Prime Sponsored: 2672

Committees: Commerce and Economic Opportunities; Criminal Justice; Health Care; Judiciary; Rules and Calendar; Ways and Means, Subcommittee B (Education); *Select Committee on Tobacco Settlement Implementation; Joint Legislative Auditing Committee*

CAMPBELL, WALTER G., JR. (SKIP)—33rd District

Prime Sponsored: 76, 88, 90, 120, 134, **154**, 330, 342, 344, 346, 414, 416, **442**, 450, 524, **526**, 842, 896, 928, **930**, 942, 944, 946, 948, 950, 1062, 1064, 1104, 1136, 1138, 1140, 1374, 1376, 1500, 1502, **1584**, 1628, 1638, 1730, 1732, 1734, 1832, 2016, 2118, 2138, 2142, 2148, 2150, 2152, 2160, 2224, 2228, 2230, 2246, 2266, 2346, 2348

Co-sponsored: 68, 94, 98, 148, 176, 220, **228**, 268, 270, **348**, 360, 670, 758, 792, **874**, 1122, 1228, **1498**, 1576, 1664, 1770, 1882, 1906, 2120, 2184, 2202, 2250, 2540, **2698**, **2722**

Local Bills—Prime Sponsored: **22**, **40**, 2608, 2610, 2612, 2614, 2616, 2618, 2620, 2690, 2692, 2694, 2700, 2702, 2708, 2710, 2726

Committees: Children, Families and Seniors; Criminal Justice; Governmental Reform and Oversight; Judiciary; Ways and Means, Subcommittee D (Criminal Justice)

CASAS, ROBERTO—39th District

Co-sponsored: 68, 92, 94, **228**, 246, 268, 270, 278, 398, 434, **498**, 514, 656, 692, 702, 758, 792, 1038, 1134, 1228, 1358, 1418, **1498**, 1516, **1540**, 1764, 1814, 1868, 1872, 1876, 2540, **2698**, **2722**

Local Bill—Prime Sponsored: **34**

Committees: Commerce and Economic Opportunities; Community Affairs; Health Care; Regulated Industries; Rules and Calendar; Ways and Means, Subcommittee A (General Government)

CHILDERS, W. D.—1st District

Prime Sponsored: **2**, 78, 170, 194, 266, 270, **304**, 582, **990**, 1820, 1838, 2022, 2114, **2218**, **2544**, **2656**

Co-sponsored: 148, 240, 402, 434, 758, 882, 1228, **1402**, 1478, 1552, 1814, 1904, **2658**, **2698**

Committees: Health Care, Vice Chairman; Ways and Means, Subcommittee A (General Government), Chairman; Banking and Insurance; Executive Business, Ethics and Elections; Regulated Industries; Rules and Calendar; Ways and Means

CLARY, CHARLES W. III (CHARLIE)—7th District

Prime Sponsored: **18**, **20**, 308, 340, 406, 412, 650, 742, **776**, 880, **884**, 1048, **1164**, 1190, 1192, **1406**, **1408**, 1794, 1916, 1918, 2034, 2066, 2076, 2084, 2132, 2154, 2178, 2194, 2196, 2200, 2214, 2216, 2260, 2264, 2336, 2354, 2476, 2564

Co-sponsored: 94, **142**, 148, 160, 224, 240, 270, 278, 320, 324, **348**, 476, 582, 606, 638, 744, 758, **854**, 882, 1134, 1228, 1358, 1396, **1402**, 1404, **1430**, **1450**, 1478, 1550, **1724**, 1814, 1866, 1904, **2484**, **2544**, **2698**, **2722**

Local Bills—Prime Sponsored: 2606, 2688

Committees: Executive Business, Ethics and Elections, Vice Chairman; Banking and Insurance; Education; Executive Business, Ethics and Elections, *Select Subcommittee on Election Integrity*; Natural Resources; Ways and Means, Subcommittee B (Education); *Select Committee on WAGES Targeted Economic Development; Joint Legislative Committee on Intergovernmental Relations*

COWIN, ANNA P.—11th District

Prime Sponsored: **348**, 432, 512, 828, **830**, 906, **1448**, **1454**, 1550, 1552, 1560, 1562, 1600, **1752**, 1806, **1898**, 1900, 1994, 2006, 2182, 2258, 2350, **2668**, **2716**, **2728**

Co-sponsored: 148, **228**, 234, 236, 258, 268, **312**, 320, 352, 366, 404, 426, 514, **592**, 636, 646, 758, **854**, **1070**, 1134, 1228, 1358, **1430**, **1450**, 1576, **1646**, 1814, 1866, 1882, **1992**, 2120, 2332, **2698**, **2722**

Committees: Children, Families and Seniors, Vice Chairman; Education; Natural Resources; Transportation; Ways and Means, Subcommittee B (Education)

CRIST, CHARLIE—20th District

Prime Sponsored: 10, 12, 98, **130**, 132, 202, 206, **282**, 284, 286, 362, 424, 426, 456, 458, 460, 462, 464, 466, 610, 612, 668, 670, **790**, 802, 804, 992, 996, 1206, 1208, 1210, 1212, 1214, 1216, 1218, 1220, 1862, 1866, 1882, 1884, 1888, 1890, 1892, 1894, 2332

Co-sponsored: 68, 82, **142**, **152**, 224, **228**, 240, 246, 270, 320, 328, 352, 360, 366, 374, 434, 562, 758, 788, **854**, 882, 912, 1072, 1134,

1228, 1358, 1396, **1450**, 1478, 1552, 1904, 2112, 2120, 2156, 2540, 2634, **2658**, **2698**, **2722**

Local Bill—Prime Sponsored: 1778

Local Bills—Co-Sponsored: **1520**, 1532, 1782, **2586**, 2590, 2592, **2594**, **2596**, **2598**, **2600**, **2602**, 2604, 2680

Committees: Executive Business, Ethics and Elections, Chairman; Criminal Justice; Governmental Reform and Oversight; Judiciary; Ways and Means, Subcommittee D (Criminal Justice)

DIAZ-BALART, MARIO—37th District

Prime Sponsored: 62, 246, 446, 448, 736, **766**, **768**, **770**, 912, 1110, 1120, **1124**, **1342**, 1344, **1346**, 1514, 1650, **1800**, 1988, 1990, 2052, 2054, **2276**

Co-sponsored: 68, 270, **348**, 646, 742, 758, 788, **812**, **814**, 1228, 1358, 1396, **1430**, **1750**, 1814, 1866, 2332, 2634, **2698**, **2722**

Committees: Banking and Insurance, Chairman; Rules and Calendar, Vice Chairman; Commerce and Economic Opportunities; Education; Natural Resources; Ways and Means, Subcommittee E (Finance and Tax)

DUDLEY, FRED R.—25th District

Prime Sponsored: 568, **570**, 572, 722, 730, 738, 740, 794, 806, 972, **1054**, 1234, 1238, 1452, 1464, **1466**, 1580, 1588, 1616, 1624, 1932, 1934, 1948, 2158, 2166, 2170, 2244, 2312, 2686, **2696**

Co-sponsored: 68, 144, **152**, **228**, 246, 270, 320, 324, 434, 452, **498**, 644, 758, 788, **874**, 882, 1038, 1228, 1236, 1240, 1358, 1404, **1430**, 1478, 1550, 1552, 1560, 1576, **1646**, 1816, 1840, 2182, 2540, **2698**

Local Bills—Prime Sponsored: 1524, 1526, 1528, 2636, 2638, 2674, 2706, 2714

Local Bill—Co-Sponsored: 46

Committees: Judiciary, Chairman; Ways and Means, Vice Chairman; Commerce and Economic Opportunities; Community Affairs; Education; Rules and Calendar; Ways and Means, Subcommittee D (Criminal Justice); *Select Committee on Tobacco Settlement Implementation; Joint Administrative Procedures*

DYER, JOHN H., JR. (BUDDY)—14th District

Prime Sponsored: 104, 318, 434, 472, 474, 476, 544, 546, **812**, **814**, 988, 1154, 1156, 1158, 1160, 1192, 1412, 1414, **1700**, **1702**, **1710**, 1726, 1744, 1834, 1908, 1910, 1912, 1914, **2092**, 2156, 2184, 2202, 2252

Co-sponsored: 68, 148, 178, **228**, 240, 270, 328, 346, **348**, **498**, **626**, 758, 788, 1134, 1228, 1358, 1478, **1660**, 1764, 1840, 1882, 2120, 2356, 2540, **2698**

Local Bill—Prime Sponsored: **54**

Committees: Education, Vice Chairman; Executive Business, Ethics and Elections; Natural Resources; Rules and Calendar; Ways and Means, Subcommittee B (Education); *Select Committee on Tobacco Settlement Implementation; Joint Legislative Committee on Intergovernmental Relations*

FORMAN, HOWARD C.—32nd District

Prime Sponsored: **28**, 124, 136, 138, 140, **158**, 220, 332, 394, 396, 478, 488, 556, 558, **714**, 716, **838**, 852, 914, 922, 980, 1090, 1100, 1102, 1112, 1116, 1122, 1178, 1180, 1196, 1198, 1242, 1264, **1266**, 1382, 1384, **1460**, 1492, **1498**, 1578, **1976**, 1986, 2046, 2068, 2100, 2250, 2256, 2338, 2340, **2360**, **2676**, **2724**

Co-sponsored: 68, **142**, 148, 176, 178, **228**, 242, 268, 270, 292, 294, 346, **348**, 392, 404, 422, **442**, 496, 544, 604, 648, 656, 710, 736, 758, **812**, **814**, **832**, 882, 936, 1038, 1072, 1080, 1134, 1162, 1228, 1358, 1396, 1478, 1480, 1512, **1540**, 1576, **1584**, 1770, 1794, 1838, 1840, 1874, 1876, 1882, 2120, **2130**, 2150, 2184, 2202, **2222**, 2302, 2540, **2658**, **2698**, **2722**

Local Bills—Prime Sponsored: 4, **14**, 24, **30**

Committees: Children, Families and Seniors; Health Care; Natural Resources; Transportation; Ways and Means, Subcommittee C (Human Services); *Select Committee on Tobacco Settlement Implementation; Joint Information Technology Resources; Joint Legislative Committee on Everglades Oversight*

GELLER, STEVEN A.—29th District

Prime Sponsored: **2484**, 2538, 2540, 2640, 2642, **2678**

Co-sponsored: 68, **228**, 294, 882, 1228, **1460**, 1828, 2250, 2634, **2658**, **2698**, **2722**

Local Bill—Prime Sponsored: 2704

Committees: Criminal Justice; Education; Executive Business, Ethics and Elections; Judiciary; Ways and Means, Subcommittee E (Finance and Tax)

GRANT, JOHN A., JR.—13th District

Prime Sponsored: 92, 94, 96, 126, 128, 186, 242, 268, 272, 274, 278, 296, 298, 306, 384, 514, 518, 532, 566, 620, 692, 694, 696, 700, 702, 708, 732, 758, 800, 808, 952, 954, 962, 974, 976, 994, 1094, **1124**, 1126, 1128, 1130, 1254, 1304, 1318, 1358, **1574**, 1602, 1618, 1840, 1886, 1902, 1928, **1996**, 2078, 2088, 2134, 2136, **2314**, **2316**, **2536**, **2698**

Co-sponsored: 68, 90, 138, 144, 148, 208, **228**, 254, 276, 320, 324, 328, 346, **348**, 434, **498**, 512, 636, **830**, 1134, 1228, 1314, **1372**, 1396, **1430**, 1446, 1550, 1552, 1576, 1582, 1636, **1646**, 1814, 1816, 1838, 1866, 1882, 1904, 2110, 2634, **2722**

Local Bills—Prime Sponsored: **8**, 50, **52**, 1532, 1782, **2586**, 2604

Local Bills—Co-Sponsored: **1520**, 1778, 2590, 2592, **2594**, **2596**, **2598**, **2600**, **2602**, 2680

Committees: Education, Chairman; Banking and Insurance; Commerce and Economic Opportunities; Judiciary; Rules and Calendar; Ways and Means, Subcommittee B (Education); *Joint Legislative Management, Alternating Chairman*

GUTMAN, ALBERTO (AL)—34th District

Prime Sponsored: 106, 216, **228**, 246, 408, **444**, 454, 502, 646, 688, 772, 774, 778, 780, 782, 784, 786, 834, 836, 904, 908, 910, 918, 920, 978, 1012, **1014**, 1018, 1028, 1132, 1142, **1144**, 1194, **1292**, **1294**, 1296, 1298, 1368, 1416, 1422, **1462**, 1496, 1534, 1598, 1658, 1930, 1964, 1966, 2040, 2060, 2090, 2278, 2282, **2288**, **2566**, **2568**, **2628**, 2632

Co-sponsored: 68, 270, 346, 360, 434, 562, 588, 758, 792, 882, 970, 1080, 1134, 1228, 1418, 1478, 1480, 1552, **1646**, **1704**, 2006, 2332, 2540, 2634, **2698**

Local Bills—Prime Sponsored: **60**, 64

Committees: Criminal Justice, Chairman; Regulated Industries, Vice Chairman; Commerce and Economic Opportunities; Governmental Reform and Oversight; Ways and Means, Subcommittee D (Criminal Justice); *Select Committee on WAGES Targeted Economic Development; Joint Legislative Auditing Committee*

HARGRETT, JAMES T., JR. (JIM)—21st District

Prime Sponsored: 108, 110, 300, 516, 600, 606, 718, **720**, 724, 844, **846**, **1024**, 1040, 1308, 1310, 1312, 1426, 1492, 1652, 1668, 1670, 1672, 1674, 1676, 1678, 1718, 1982, 2082, 2126, 2204, 2242, **2318**, 2322, **2624**, **2730**

Co-sponsored: 68, 82, 94, 240, 328, **348**, 352, 386, 666, 758, 910, 1134, 1228, **1450**, 1456, 1478, **1540**, 1636, 1924, 2014, 2302, **2658**, **2698**

Local Bills—Prime Sponsored: 2590, 2592, **2594**, **2596**, **2598**, **2600**, **2602**, 2680

Local Bills—Co-Sponsored: **1520**, 1778, 1782, 2604

Committees: Transportation, Chairman; Agriculture; Executive Business, Ethics and Elections; Natural Resources; Rules and Calendar; Ways and Means, Subcommittee A (General Government); *Select Committee on WAGES Targeted Economic Development*

HARRIS, KATHERINE—24th District

Prime Sponsored: 934, 936, 938, 940, 958, 960, 984, 1256, 1258, **1260**, **1262**, 1356, 1386, 1394, 1572, 1604, 1606, 1608, 1610, 1612, 1614, **1626**, 1746, 1808, 1810, 1812, 1814, 2120, 2524

Co-sponsored: 68, 98, **142**, 148, **228**, 240, 242, 270, 320, 336, 340, **498**, 638, 758, 760, 882, 912, 1134, 1228, 1358, 1396, 1444, 1576, **1660**, **1704**, 1758, 1882, 1904, 1906, 2088, 2332, 2540, **2698**

Local Bills—Prime Sponsored: 2572, 2574, 2682

Committees: Commerce and Economic Opportunities, Chairman; Governmental Reform and Oversight, Vice Chairman; Banking and Insurance; Regulated Industries; Ways and Means, Subcommittee E (Finance and Tax); *Select Committee on WAGES Targeted Economic Development*

HOLZENDORF, BETTY S.—2nd District

Prime Sponsored: 68, 72, 116, 118, 122, 182, 386, 388, 390, 392, 420, 744, 1042, 1316, 1370, 1590, **1708**, 1712, **1724**, 1768, 1770, 1772, 1774, 1776, 1818, 1842, 1856, 1858, 1926, 2094, 2116, 2172, 2174, 2176, 2180, 2254, 2284, 2286, 2528, 2530

Co-sponsored: **228**, 246, 270, **348**, 434, 562, **720**, 758, 788, 1134, 1220, 1228, 1358, 1396, 1478, **1704**, 1838, 1882, **2658**, **2698**, **2722**

Local Bill—Prime Sponsored: 46

Committees: Banking and Insurance, Vice Chairman; Commerce and Economic Opportunities; Education; Regulated Industries; Ways and Means, Subcommittee B (Education); *Select Committee on Tobacco Settlement Implementation; Select Committee on WAGES Targeted Economic Development; Joint Legislative Management*

HORNE, JIM—6th District

Prime Sponsored: 172, 192, 508, 510, 672, 816, **818**, 1030, 1034, **1124**, 1388, 1390, 1630, 1632, 1634, 1736, 1738, 1766, 2020, 2048, 2062, 2064, 2156, 2248, 2352, **2534**, **2722**, 2742

Co-sponsored: 68, 224, **228**, 246, 258, 276, **312**, 360, 434, 646, 758, 788, 912, **1070**, 1134, 1192, 1228, 1358, **1430**, 1508, 1552, **1646**, 1814, 1834, 1882, 1904, 2120, 2332, **2658**, **2698**

Local Bills—Prime Sponsored: **36**, 664, 1518

Committees: Commerce and Economic Opportunities, Vice Chairman; Ways and Means, Subcommittee B (Education), Chairman; Criminal Justice; Education; Judiciary; Rules and Calendar; Ways and Means; *Joint Legislative Committee on Intergovernmental Relations*

JENNE, KENNETH C. II (KEN)—29th District

Prime Sponsored: 164, 214, 598

JENNINGS, TONI—9th District

Co-sponsored: 1228, **2698**

JONES, DARYL L.—40th District

Prime Sponsored: **1750**, 1754, 1788, 1790, 1792, **2482**, **2556**

Co-sponsored: **228**, 246, 270, 810, 1134, 2540, **2658**, **2698**, **2722**

Local Bills—Prime Sponsored: 2588, 2712, 2720

Committees: Judiciary, Vice Chairman; Commerce and Economic Opportunities; Health Care; Rules and Calendar; Transportation; Ways and Means, Subcommittee A (General Government)

KIRKPATRICK, GEORGE GRIER, JR.—5th District

Prime Sponsored: 86, 160, 174, 180, 182, 184, 376, 496, 530, 534, 536, 562, 648, 680, **832**, 860, 862, 872, 1162, 1166, 1168, 1186, 1320, 1358, 1380, 1488, 1848, 1850, 1852, 1854, 2070, 2124, 2168, 2226, 2280

Co-sponsored: 68, 92, 94, **228**, 240, 246, 306, 328, **348**, 356, 434, 476, **498**, 788, **854**, 1134, 1228, **1266**, 1396, **1454**, 1478, 1554, 1576, 1904, 1988, 2136, 2524, **2658**, **2698**, **2716**

Committees: Natural Resources, Vice Chairman; Education; Executive Business, Ethics and Elections; Rules and Calendar; Transportation; Ways and Means, Subcommittee B (Education); *Select Committee on WAGES Targeted Economic Development, Chairman; Joint Information Technology Resources, Alternating Chairman*

KLEIN, RON—28th District

Prime Sponsored: 196, 198, **200**, **290**, 350, 360, 398, 468, 480, **552**, **704**, 750, **752**, **756**, 788, 1354, 1364, **1366**, 1592, 1594, 1654, 1662, 1786, 1860, 1864, 2206, 2208, 2220, 2234, 2236, 2306

Co-sponsored: 68, 148, **228**, 242, 268, 270, 296, 336, 346, 374, 434, 602, 646, **714**, 758, 760, 882, 1134, 1228, 1358, 1392, 1396, 1418, 1582, **1660**, 1770, 1872, 1882, 1906, 2068, 2120, 2184, 2202, 2250, 2540, **2658**, **2698**, **2722**

Local Bills—Prime Sponsored: **56**, **70**, 2582

Committees: Commerce and Economic Opportunities; Criminal Justice; Health Care; Regulated Industries; Ways and Means, Subcommittee E (Finance and Tax)

KURTH, PATSY ANN—15th District

Prime Sponsored: **368**, **564**, 820, 982, 1056, **1306**, 1582, 1640, **1660**, 1878, 1880, 1970, 1984, 2010, 2104, 2112, 2210, 2212, **2472**

Co-sponsored: **228**, 268, 270, 328, 340, 346, 398, **498**, 882, 1134, 1228, 1358, 1478, 1576, 2184, 2202, **2698**, **2722**

Local Bills—Prime Sponsored: 1530, 2578, 2684

Committees: Commerce and Economic Opportunities; Community Affairs; Governmental Reform and Oversight; Natural Resources; Ways and Means, Subcommittee C (Human Services)

LATVALA, JACK—19th District

Prime Sponsored: **112**, 114, **152**, 254, 338, 504, 528, 674, 792, 956, 1084, 1086, 1092, 1182, 1184, **1202**, **1204**, 1280, 1282, **1332**, **1334**, **1336**, 1338, 1340, **1402**, **1434**, **1436**, 1438, **1440**, 1442, **1458**, **1506**, 1508, 1510, 1512, 1648, 1904, 1906, **1996**, 2024, 2026, 2028, 2030, 2032, 2036, 2038, 2120, 2164, 2290, **2292**, 2294, **2664**

Co-sponsored: **142**, 208, **228**, 240, 258, 268, 276, **348**, 352, 398, 452, 464, **498**, 542, **592**, 636, 696, 702, 758, **790**, **812**, **814**, **854**, 882, 904, 960, 1036, **1070**, 1072, **1114**, 1134, 1228, 1358, 1552, 1636, **1646**, **1660**, 1836, 1840, 1896, 2562, **2698**

Local Bills—Prime Sponsored: 2580, **2734**

Committees: Natural Resources, Chairman; Executive Business, Ethics and Elections, *Select Subcommittee on Election Integrity*, Chairman; Education; Executive Business, Ethics and Elections; Rules and Calendar; Transportation; Ways and Means, Subcommittee A (General Government); *Joint Legislative Committee on Everglades Oversight, Alternating Chairman*

LAURENT, JOHN F.—17th District

Prime Sponsored: **312**, 2024, 2298, 2300, 2302, 2356, 2542, 2562, 2634, 2646, 2648, 2650, 2652, 2654

Co-sponsored: **228**, 1228, 1814, **2698**, **2722**

Local Bill—Prime Sponsored: 2660

Committees: Agriculture; Natural Resources; Transportation; Ways and Means, Subcommittee A (General Government)

LEE, TOM—23rd District

Prime Sponsored: 302, 538, **540**, 604, 630, **926**, 964, 966, 968, **1052**, **1058**, 1066, 1068, 1118, 1174, **1176**, 1428, **1430**, 1680, **1972**, 1978, **2000**, 2008, 2056, 2072, 2110, **2122**, 2140, **2474**, **2480**

Co-sponsored: 190, 194, 224, **228**, 240, 300, 306, **348**, 434, 636, 702, 710, **720**, 758, 788, **874**, 1134, 1228, 1358, 1396, **1402**, **1450**, 1552, 1814, 1840, 1866, 1882, 1904, 2332, **2696**, **2698**

Local Bill—Prime Sponsored: **1520**

Local Bills—Co-Sponsored: 1532, 1778, 1782, **2586**, 2590, 2592, **2594**, **2596**, **2598**, **2600**, **2602**, 2604, 2680

Committees: Transportation, Vice Chairman; Education; Executive Business, Ethics and Elections, *Select Subcommittee on Election Integrity*; Regulated Industries; Ways and Means, Subcommittee A (General Government)

MCKAY, JOHN M.—26th District

Prime Sponsored: 80, 190, 492, 596, 614, 616, **874**, 876, 878, 900, 902, 1078, 1110, **1114**, 1360, 1362, 1490, **1564**, 1568, 1666, **1722**, 1758, 1760, **1796**, 1798, **2222**, 2268, 2270, 2272, 2274, 2488, 2558, 2560

Co-sponsored: 148, 208, 270, 276, 340, 882, 1134, 1228, 1358, 1396, 1416, **1450**, **1660**, 1814, 1882, 1904, **2698**

Committees: Community Affairs, Chairman; Agriculture; Children, Families and Seniors; Natural Resources; Rules and Calendar; Ways and Means, Subcommittee C (Human Services); *Select Committee on WAGES Targeted Economic Development; Joint Legislative Management*

MEADOWS, MATTHEW J.—30th District

Prime Sponsored: 176, 212, 402, 422, 574, 622, 684, 864, 866, 868, 870, 970, 1190, 1200, 1398, 1418, 1420, 1586, 1740, 1756, 2044

Co-sponsored: 68, 90, 94, **142**, 148, **228**, 240, 246, 268, 270, 276, 306, 328, 330, 398, 434, 758, 882, 1080, 1134, 1228, 1358, 1392, **1402**, 1478, **1498**, **1540**, 1576, **1646**, **1704**, 1770, 1838, 1840, 1882, 2184, 2202, 2204, 2250, 2332, 2540, **2658**, **2698**, **2722**

Local Bills—Prime Sponsored: **6**, 58

Committees: Community Affairs; Education; Executive Business, Ethics and Elections, *Select Subcommittee on Election Integrity*;

Regulated Industries; Ways and Means, Subcommittee D (Criminal Justice); *Joint Legislative Committee on Intergovernmental Relations, Alternating Chairman*

MYERS, WILLIAM G., M.D. (DOC)—27th District

Prime Sponsored: 998, 1000, 1170, 1172, **1646**, 1936, 1940, **1942**, 1980, **2128**, **2130**, 2144, 2262, 2310, **2320**, 2334, 2546

Co-sponsored: 98, **142**, 148, **228**, 268, 270, **288**, 398, 636, 670, 758, 792, 882, 1032, 1228, **1230**, 1396, 1446, **1498**, **1660**, **1704**, 1814, 1882, 1904, 2006, **2698**, **2722**

Committees: Community Affairs, Vice Chairman; Ways and Means, Subcommittee C (Human Services), Chairman; Children, Families and Seniors; Health Care; Natural Resources; Ways and Means; *Select Committee on Tobacco Settlement Implementation*

OSTALKIEWICZ, JOHN—12th District

Prime Sponsored: 224, 320, 322, 324, 326, 328, 520, 522, 548, 576, 578, 580, **608**, 632, 634, 636, 638, 676, 682, 698, 1020, 1022, 1082, 1272, 1274, 1276, 1278, 1444, 1446, 1504, **1686**, **1688**, **1690**, **1692**, **1694**, **1696**, 1698, 1742, 1802, 1804, 1830, 1844, 2232, 2526

Co-sponsored: **230**, 434, **498**, 512, 758, **874**, 912, 984, 1192, **1266**, 1396, **1430**, 1552, 1576, 1814, 1866, 1882, 1888, 1954, 2332, **2698**, **2722**

Committees: Ways and Means, Subcommittee E (Finance and Tax), Chairman; Agriculture; Commerce and Economic Opportunities; Judiciary; Rules and Calendar; Transportation; Ways and Means; *Joint Legislative Auditing Committee, Alternating Chairman*

ROSSIN, TOM—35th District

Prime Sponsored: 210, 218, 262, 264, 354, 378, **482**, 506, 642, **858**, **892**, 894, 1032, 1050, 1072, 1148, 1150, **1152**, 1188, 1322, 1324, 1326, 1352, 1392, 1424, 1546, 1558, 1576, 1596, 1644, 1682, **1706**, **1720**, **1762**, **1960**, 1962, 1974, 2324, 2478, 2486

Co-sponsored: 68, 268, 270, 346, **348**, 434, 692, 758, **874**, 882, 1134, 1228, 1358, **1660**, 1882, 2184, 2202, 2540, **2698**

Local Bills—Prime Sponsored: 2584, 2626

Committees: Children, Families and Seniors, Chairman; Banking and Insurance; Governmental Reform and Oversight; Judiciary; Rules and Calendar; Ways and Means, Subcommittee C (Human Services); *Joint Legislative Auditing Committee*

SCOTT, JAMES A. (JIM)—31st District

Prime Sponsored: 1222, 1224, 1896, **2666**

Co-sponsored: 90, **348**, 758, 882, 1182, 1184, 1228, **1996**, **2698**, **2722**

Committees: Regulated Industries, Chairman; Banking and Insurance; Commerce and Economic Opportunities; Governmental Reform and Oversight; Rules and Calendar; Ways and Means, Subcommittee B (Education)

SILVER, RONALD A.—38th District

Prime Sponsored: **42**, 370, 372, **486**, 490, 494, 584, 586, 588, 590, 624, **626**, 644, 710, 796, 798, 810, 1016, 1060, 1074, 1076, 1080, 1106, 1284, 1286, 1288, 1290, 1468, 1470, 1472, 1476, 1478, 1480, 1642, 1958, 2146, 2162, 2186, 2188, 2190, 2192, 2326, 2328, 2330, **2358**, 2548, 2550, **2552**, **2554**, **2622**, **2630**

Co-sponsored: 68, 90, 240, 270, **348**, 360, 430, 502, 610, 758, 788, 882, 1134, 1228, **1230**, **1266**, 1358, **1402**, **1584**, **1704**, 1764, 1838, 1882, 2184, 2202, 2540, **2658**, **2698**

Local Bills—Prime Sponsored: **32**, 48

Committees: Ways and Means, Subcommittee D (Criminal Justice), Chairman; Criminal Justice; Executive Business, Ethics and Elections, *Select Subcommittee on Election Integrity*; Health Care; Judiciary; Rules and Calendar; Ways and Means; *Joint Legislative Auditing Committee*

SULLIVAN, DONALD C., M.D. (DON)—22nd District

Prime Sponsored: 148, **150**, **498**, **706**, 726, 856, 882, 924, **1070**, 1396, 2080, 2296

Co-sponsored: 94, **158**, **228**, 246, 268, 276, 320, 328, 648, 692, 758, **832**, **854**, 1162, 1172, 1352, 1358, **1450**, 1904, 2120, **2696**, **2698**

Committees: Ways and Means, Chairman; Banking and Insurance; Children, Families and Seniors; Education; Natural Resources; Rules and Calendar; *Select Committee on Tobacco Settlement Implementation, Vice Chairman; Joint Information Technology Resources*

THOMAS, PAT—3rd District

Prime Sponsored: **288**, 1226, **1268**, **1270**, **1748**, **1938**, **1944**, 1998, 2050, **2658**, **2662**

Co-sponsored: 216, 270, 380, 434, **498**, 744, 758, 882, 984, 1134, 1228, 1358, 1396, 1486, 1550, 1904, 2090, **2360**, **2698**, **2722**

Local Bill—Prime Sponsored: 38

Committees: Agriculture, Vice Chairman; Banking and Insurance; Commerce and Economic Opportunities; Rules and Calendar; Ways and Means, Subcommittee E (Finance and Tax); *Select Committee on Tobacco Settlement Implementation, Chairman*

TURNER, WILLIAM H. (BILL)—36th District

Prime Sponsored: 652, 654, 656, 658, **660**, 662, 764, 848, 850, 1516, 1536, 1538, **1540**, 1542, 1544, 1656, 1868, 1870, 1872, 1874, 1876, 2470, 2532, **2736**, **2738**, **2740**, 2744

Co-sponsored: 68, 148, 220, **228**, 270, 360, 736, 744, 758, 882, 1080, 1120, **1124**, 1228, **1266**, 1358, 1418, 1576, **1646**, **1660**, **1704**, 1838, 1882, 2048, 2060, 2184, 2202, 2332, 2524, **2658**, **2698**, **2722**

Local Bills—Prime Sponsored: **16**, **26**, **44**

Committees: Children, Families and Seniors; Criminal Justice; Governmental Reform and Oversight; Regulated Industries; Ways and Means, Subcommittee E (Finance and Tax)

WILLIAMS, CHARLES—4th District

Prime Sponsored: **66**, 258, **280**, 356, 366, 380, 382, 628, 686, 690, 746, 748, 754, 822, 824, **854**, 1026, 1044, 1096, **1108**, 1146, 1192, **1350**, **1372**, 1474, 1482, 1484, 1486, 1494, 1548, 1554, 1556, 1620, 1816, 1822, 1824, 1826, 1828, 1846, 1946, 1956, 2058, 2086, **2098**, 2106, **2238**, 2240, **2468**

Co-sponsored: 216, 276, **312**, 320, 324, 340, 398, 434, 512, 514, 562, 638, 670, 758, **812**, **814**, 882, 984, **1070**, 1072, 1134, 1228, 1358, 1396, 1404, **1430**, 1446, **1752**, 1814, 1904, **2122**, 2184, 2202, 2332, 2634, **2658**, **2698**, **2716**

Local Bills—Prime Sponsored: 2570, 2718, 2732

Committees: Governmental Reform and Oversight, Chairman; Banking and Insurance; Commerce and Economic Opportunities; Judiciary; Rules and Calendar; Ways and Means, Subcommittee A (General Government); *Joint Administrative Procedures, Alternating Chairman*

BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED BY COMMITTEES

REGULAR SESSION 1998

[Source: Information Division, Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

AGRICULTURE
Prime Sponsored: **230**
Committee Substitutes: 840, **926**, **1046**, **1088**, **1294**, **1460**, 1922, 1994, 2104

BANKING AND INSURANCE
Prime Sponsored: 226, 232
Committee Substitutes: 162, 226, 268, 382, 726, 792, **818**, 994, 1092, **1108**, 1116, 1130, 1228, **1342**, **1346**, **1372**, **1406**, **1408**, 1432, 1512, 1548, 1572, **1584**, 1640, **1752**, 1774, **1800**, 1930, **2004**, 2052, 2054, 2080, 2146, 2300, 2338, **2484**

CHILDREN, FAMILIES AND SENIORS
Prime Sponsored: 236
Committee Substitutes: 118, 182, 236, 352, **442**, 506, 642, 646, **1024**, 1050, **1152**, 1308, **1540**, 1644, **1660**, **1706**, **1796**, 1872, 1878, **1960**, 1984, 2060, **2092**, 2172, **2288**, 2324

COMMERCE AND ECONOMIC OPPORTUNITIES
Prime Sponsored: 336, 760, 762
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HB 1227	Partial-birth Abortion	Health Care Services; Ball and others	11/3/97 (Special Session A)	3/4/98	118	3/11/98	145	3/11/98	98-1
HB 1597	Evidence/ Hearsay	Civil Justice and Claims; Thrasher	11/3/97 (Special Session A)	3/4/98	119	3/11/98	148	3/11/98	98-2

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CS for SB 418	Judicial nominating commissions	Judiciary; and Bronson	5/21/98
CS for SB 706	Education	Education; and Sullivan	5/22/98
SB 830	Homestead tax exemptions	Cowin, Brown-Waite and Grant	5/15/98
CS for SB 874	Civil actions	Rules and Calendar; McKay, Dudley, Rossin, Ostalkiewicz, Lee and Campbell	5/18/98
CS for SB 1430	License plates	Transportation; Lee, Bronson, Clary, Grant, Horne, Dudley, Cowin, Diaz-Balart, Ostalkiewiez and Williams	5/20/98
CS for SB 1626	Occupational safety and health	Commerce and Economic Opportunities; and Harris	5/21/98
CS for SB 1748	Local governments/Specific Appropriation	Ways and Means; and Thomas	5/22/98
SB 2454	Homestead tax exemptions	Ways and Means; and Burt	5/20/98
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HB 1945	Public records	Education Innovation; Melvin and others	5/22/98
CS for CS for HB 3075	Municipal firefighters'pension trust funds and municipal police officers'retirement trust funds	Finance and Taxation; Governmental Operations; Law Enforcement and Public Safety; K. Pruitt and others	5/27/98
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HB 4147	WAGES Program	Children and Family Empowerment; Littlefield and others	5/1/98
HB 4153	Juvenile justice/Specific Appropriation	Flanagan and others	5/27/98

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[Source: Information Division, Office of Legislative Services]

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(To Obtain the Number of a Bill, see Subject Index)

Abbreviations:

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Sponsors
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
Boldfaced Page Numbers — Passage of Bill

Types of Bills:

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
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SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition:

CSP — Companion or Similar Bill Passed
DCH — Died on House Calendar
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DHC — Died in House Committee
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DNI — Died, Not Introduced
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8 Relief/Heather Roszell (Grant) (CR)7, (CR)8, (FR)9, (CR)118, (BA)133, (CR)135, (BA)145, (BA)**170**, 355, 415, 484 Ch. 98-433
10 Relief/Alice Berdat Estate/DOC (Crist) (CR)7, (CR)8, (FR)9, (CR)118, (BA)133, (CR)135, (BA)145, (BA)**171** DHC
12 Relief/Mary Beth Wiggers/DOC (Crist) (CR)7, (CR)8, (FR)9, (CR)118, (BA)133, (CR)135, (BA)145, (BA)**171** DHC
14 Relief/Tirini S. Riley/Broward Co. (Forman) (CR)7, (CR)8, (FR)9, (CR)118, (CR)135, (BA)146, (CR)148, (BA)**174**, 320, 385, 458 Ch. 98-434
16 Relief/Lazaro Gutierrez/Dade Co. (Turner) (CR)7, (CR)8, (FR)9, (CR)118, (BA)133, (CR)135, (BA)145, (BA)**171**, 938 Ch. 98-435
18 Relief/Ray Construction/DOR (Clary) (CR)7, (CR)8, (FR)10, (CR)118, (CR)135, (BA)146, (CR)148, (BA)**174**, 320, 385, 458 Ch. 98-426
20 Relief/Dale R. Cowie/DMS (Clary) (CR)7, (CR)8, (FR)10, (CR)118, (CR)135, (BA)146, (CR)148, (BA)**174**, 320, 385, 458 Ch. 98-427
22 Relief/Triesa Wells/Pembroke Pines (Campbell) (CR)6, (CR)7, (CR)8, (FR)10, (CR)118, (CR)135, (BA)146, (BA)147, (CR)148, (BA)**174**, 355, 415, 484 Ch. 98-436
24 Relief/Jeremy Stewart/Sanibel (Forman) (MO)3, (FR)10 WS
26 Relief/Adela Azcuy/Dade Co. (Turner) (CR)6, (CR)7, (CR)8, (FR)10, (CR)118, (BA)133, (CR)135, (BA)145, (BA)**171**, 355, 415, 484 Ch. 98-437
28 Relief/Frank Roster/DOT (Transportation) (CR)7, (CR)8, (FR)10, (CS)94, (CR)374, (CR)982, (BA)1003, (CR)1092, (BA)**1151**, 1526 Ch. 98-428
30 Relief/Franklin Messick/Collier Co. (Forman) (CR)6, (CR)7, (CR)8, (FR)10, (CR)118, (BA)134, (CR)135, (BA)145, (BA)**171**, 355, 415, 484 Ch. 98-438
32 Relief/Kathryn Malloy/Palm Beach Co. (Silver) (CR)7, (CR)8, (FR)10, (CR)118, (BA)134, (CR)135, (BA)145, (BA)**172**, 355, 415, 484 Ch. 98-439
34 Relief/Bruce Wiggins/Metro Dade Co. (Casas) (CR)6, (CR)7, (CR)8, (FR)10, (CR)118, (CR)135, (BA)147, (BA)(CR)148, (BA)**174**, 355, 415, 484 Ch. 98-440
36 Relief/Carrie A. Wilson/Duval Co. (Horne) (CR)7, (CR)8, (FR)10, (CR)118, (BA)134, (BA)(CR)135, (BA)145, (BA)**172**, 355, 415, 484 Ch. 98-441
38 Relief/Dena Sheryl Steels/Leon Co. (Thomas) (CR)7, (CR)8, (FR)10, (CR)118, (BA)(CR)135, (BA)145, (BA)172 LTS/CSP-HB 653

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40 Relief/Bruce & Janie Silverman (Campbell) (CR)7, (CR)8, (FR)11, (CR)118, (CR)135, (BA)147, (CR)148, (BA)**175**, 355, 415, 484 Ch. 98-442
42 Relief/Vernelle Lowder (Silver) (CR)7, (CR)8, (FR)11, (CR)118, (BA)(CR)135, (BA)145, (BA)**172**, 1231 Ch. 98-429
44 Relief/Frank H. Holliday/Manatee Co. (Turner) (CR)6, (CR)7, (CR)8, (FR)11, (CR)118, (BA)(CR)135, (BA)145, (BA)**172**, 938 Ch. 98-443
46 Relief/Frances McGrady (Holzendorf and others) (CR)8, (FR)11, (CO)165, (MO)984 WS
48 Relief/Alan Taylor/SFWMD (Silver) (CR)7, (CR)8, (FR)11 DSC
50 Relief/Runette J. Bass/Columbia Co. (Grant) (FR)11 DSC
52 Relief/Jemal Kurein/Tampa (Grant) (CR)6, (CR)7, (CR)8, (FR)11, (CR)118, (BA)(CR)135, (BA)145, (BA)**173**, 355, 415, 484 Ch. 98-444
54 Relief/Michelle Jones (Dyer) (CR)7, (CR)8, (FR)11, (CR)118, (CR)135, (BA)145, (CR)148, (BA)**173**, 355, 415, 484 Ch. 98-445
56 Relief/Julie McGinnes/Palm Beach Co. (Klein) (CR)6, (CR)7, (CR)8, (FR)11, (CR)118, (CR)135, (BA)147, (CR)148, (BA)**175**, 355, 415, 484 Ch. 98-446
58 Relief/Kimberly L. Gonzalez (Ways and Means) (CR)6, (CR)7, (FR)11, (CR)529, (CS)530, (CR)982, (BA)1003, (CR)1092 LTS/CSP-CS/HB 3085
60 Relief/Jeanette Alonso/Dade Co. (Gutman) (CR)7, (CR)8, (FR)11, (BA)147, (CR)148, (BA)**175**, 355, 415, 484 Ch. 98-447
62 Relief/Joseph B. Farver/CFS Dept. (Ways and Means) (FR)12, (CR)181, (CR)303, (CR)345, (CS)346 DCS
64 Relief/Jose & Johammes Pena/Hialeah (Gutman) (CR)6, (CR)7, (CR)8, (FR)12 DCS
66 Relief/Penny Tilley/FRS (Williams) (CR)7, (CR)8, (FR)12, (CR)118, (CR)135, (BA)147, (CR)148, (BA)**175**, 1231 Ch. 98-430 CSP-CS/CS/HB 3491
68 Relief/Freddie Pitts & Wilbert Lee (Judiciary and others) (FR)12, (CO)165, (CO)216, (CO)320, (MO)828, (MO)940, (CR)(CS)982, (CO)983, (BA)1003, (BA)1086, (CR)1092 LTS/CSP-CS/HB 3035
70 Relief/Matthew White/Alachua Co. (Klein) (CR)6, (CR)7, (CR)8, (FR)12, (CR)118, (CR)135, (BA)146, (CR)148, (BA)173, (BA)**177**, 355, 415, 484 Ch. 98-448
72 Ethics Comm./Complaint Dismissal (Holzendorf) (FR)12, (CR)407, (CR)528, (BA)789, (BA)**863** DM
74 Local Govt. Code Enforcement (Bronson) (FR)12 DSC
76 School Superintendents/Benefits (Campbell) (CR)7, (FR)12, (CO)416, (MO)462 DCS
78 Michael Lambert Ferguson Act (Childers) (MO)3, (CR)7, (FR)12, (CR)180, (BA)221, (BA)222, (BA)239, (BA)**274** DM

SJR

80 Legislative Sessions/Odd-years (McKay) (FR)12 DSC
82 Legislative Authority Limits/Taxes (Burt and others) (FR)12, (CR)528, (CO)536, (MO)940, (CR)1093, (BA)1449, **1450**, (CR)1522, (CO)1526 DM

SB
84 Tobacco-free Prisons Act (Burt) (FR)12, (CR)407, (MO)433 DCS
86 School Districts/Academic Enrichment (Education) (MO)3, (CR)8, (FR)13, (CS)94, (CR)813, (BA)848, (BA)**884** DM
88 Wrongful Death/Limitations (Campbell) (MO)3, (FR)13 WS
90 Insurers/Solicitation of Survivors (Campbell and others) (FR)13, (CO)165, (CO)432, (CO)489 DSC
92 Public Works (Transportation and others) (CR)8, (FR)13, (CS)94, (CR)119, (CS/CS)124, (CR)814, (CS/CS/CS)815, (CR)982, (CR)1093, (CR)1523, (CR)1808 DCS
94 Prostate & Breast Cancer (Ways and Means and others) (CR)8, (FR)13, (CS)94, (CR)408, (CS/CS)409, (CO)416, (CO)432, (CR)478, (BA)497 LTS/CSP-CS/HB 1213
96 Unrecognized Academic Degrees (Education) (CR)9, (FR)13, (CS)94 DCS
98 Electricity/Use of Orimulsion (Crist and others) (FR)13, (CO)143 DSC
SJR
100 Executive Depts./Water Mgmt. Depts. (Bronson) (FR)13, (MO)114 WS
SB
102 Executive Depts./Water Mgmt. Depts. (Bronson) (FR)13, (MO)114 WS
SJR
104 Legislative & Congressional Dists. (Dyer) (FR)13 DSC
SB
106 Assault & Battery/Code Inspectors (Gutman) (MO)3, (CR)7, (FR)13, (BA)295, (CR)303, (BA)336 LTS/CSP-CS/HB 1727
108 Public Records/Family Foster Homes (Hargrett) (CR)7, (FR)13, (CR)344, (CR)406, (BA)446, (BA)447 LTS/CSP-CS/CS/HB 1849
110 Airports/Licensing Exemption (Transportation) (MO)3, (CR)8, (FR)14, (CS)94, (CR)344, (BA)374 LTS/CSP-CS/HB 3061
112 Public Records/Employee Assistance (Latvala) (CR)7, (FR)14, (BA)117, (CR)118, (BA)**130**, 238, 415, 458 Ch. 98-8
114 Molders (Judiciary) (CR)9, (FR)14, (CS)94, (CR)344, (CR)406, (BA)446, (BA)463 LTS/CSP-HB 1403
116 Public Records/Domestic Violence (Holzendorf) (CR)7, (FR)14, (CR)344, (BA)374 LTS/CSP-CS/CS/HB 1639, CS/CS/HB 1637
118 Domestic Violence/Confidentiality (Children, Families and Seniors) (CR)9, (FR)14, (CS)94, (CR)344, (BA)372 LTS/CSP-CS/CS/HB 1637, CS/CS/HB 1639
120 Domestic Violence Remedies (Campbell) (MO)3, (FR)14 WS
122 Medical Examiners/Examinations (Holzendorf) (FR)14, (MO)272 WS/CSP-CS/HB 1329
124 Ad Valorem Tax/School Districts (Community Affairs) (CR)8, (FR)14, (CS)95, (CR)119, (MO)168, (BA)476, (CR)478, (BA)**494**, (BA)495 LTS/CSP-CS/HB 1605
126 DOI/Insurance Commissioner (Grant) (FR)14 DSC
128 Florida Business Brokerage Board (Grant) (MO)3, (FR)14 DSC
SR
130 Vijayanagar, Dr. R. (Crist) (FR)**1099** Adopted
SB
132 Elections/Soliciting Pledges/Surveys (Crist) (FR)15 DSC
134 Motor Vehicle Liability (Campbell) (MO)3, (FR)15 WS
136 Dog Guides & Service Dogs/Training (Forman) (CR)7, (FR)15, (CR)344, (BA)401, (BA)402, (CR)406 LTS/CSP-CS/HB 3147
138 FRS/Legislative Employees (Forman and others) (FR)15 DSC
140 Public Records/Housing Assistance (Community Affairs) (CR)9, (FR)15, (CS)95, (BA)901, (CR)927 LTS/CSP-CS/HB 1613
142 Veterans/Employment Preference (Brown-Waite and others) (FR)15, (CR)118, (CO)126, (CR)181, (MO)239, (BA)278, (BA)279, (CR)303, (BA)**329**, 489, 827, 1523 Ch. 98-33
144 Wrongful Death/Recovery of Damages (Brown-Waite and others) (FR)15 DSC
146 Petroleum Storage Systems (Natural Resources) (CR)7, (FR)15, (CR)343, (BA)367, (BA)390, (BA)419, (BA)**422** DM/CSP-CS/SB 1202
148 Fla. Clean Indoor Air Act (Sullivan and others) (FR)15, (CR)181, (MO)218 DSC
150 Journalist's Privilege (Sullivan) (FR)15, (CR)304, (CR)528, (BA)784, (BA)785, (BA)860, (BA)**865**, 983 Ch. 98-48
SB
152 Governor/Powers & Duties (Executive Business, Ethics and Elections and others) (CR)7, (FR)15, (CR)304, (CS)312, (CR)813, (BA)940, (BA)**985**, 1231, (BA)**1644** Ch. 98-188
154 Offenses That Evidence Prejudice (Criminal Justice) (CR)9, (FR)16, (CS)95, (CR)344, (CR)406, (BA)451, (BA)**468**, 1526 Ch. 98-83
156 CFS Dept. & Juvenile Justice Dept. (Governmental Reform and Oversight) (MO)3, (CR)8, (FR)16, (CS)95, (BA)296, (BA)298, (CR)303, (BA)338, (BA)357, (BA)358 LTS/CSP-HB 2019
SR
158 Osteopathic Medicine Day (Forman and others) (FR)**271** Adopted
SB
160 State University System (Kirkpatrick and others) (FR)16, (CO)143, (CR)304, (CS)314, (CR)344, (CR)743, (CS/CS)744, (BA)958 LTS/CSP-HB 755
162 Managed Care/Subscriber Grievances (Banking and Insurance) (CR)6, (CR)8, (FR)16, (CS)95, (MO)114, (BA)178, (CR)180 LTS/CSP-CS/HB 1005
SJR
164 Attorney General (Jenne) (FR)16 DSC
SB
166 Public Records/Meetings/Managed Care (Brown-Waite) (CR)7, (FR)17, (CR)344, (CR)406, (BA)447 LTS/CSP-CS/HB 1437
168 FRS/Elected State & County Officers (Burt) (FR)17 DSC
170 Rural Hospitals (Childers) (MO)3, (CR)7, (FR)17, (CR)343, (BA)369 LTS/CSP-HB 3231
172 Motor Vehicle License Plates/Seizure (Horne) (FR)17 DSC
174 Schools/Education Programs/Funds (Kirkpatrick) (MO)3, (CR)7, (FR)17, (BA)476, (CR)478 LTS/CSP-CS/HB 921
176 Tenants/Repair to Rental Property (Judiciary and others) (CR)9, (FR)17, (CS)95, (CR)344, (BA)402, (BA)403, (CR)406, (BA)424, (BA)**433** DM
178 Building & Bridge Designations (Transportation and others) (CR)9, (FR)17, (CS)95, (CR)344, (CR)406, (BA)452 LTS/CSP-CS/HB 3065
180 Early Education & Child Care TF (Education) (CR)7, (FR)17, (CR)182, (CS)206, (BA)342, (BA)(CR)343, (CR)344, (BA)**359** DCH
182 Early Education & Child Care (Education) (CR)8, (FR)17, (CS)95, (CR)(CS/CS)268, (BA)338, (BA)342, (CR)343, (CR)344, (BA)**359** DM
184 School District Improvement (Kirkpatrick) (MO)3, (FR)17 WS
186 Personal Injury Protection Insurance (Grant) (FR)17 DSC
188 Transitional Living Facilities (Health Care) (CR)7, (CR)9, (FR)18, (CS)96, (BA)117, (CR)118, (BA)**130**, 415, 458, 821 Ch. 98-12
190 Drivers License Suspension/Bad Check (Transportation and others) (CR)8, (FR)18, (CS)96, (MO)114, (CR)927, (BA)967, (BA)968, (BA)991, (BA)1148, (BA)1163 LTS/CSP-HB 3275
192 Community Contribution Tax Credits (Ways and Means) (FR)18, (CR)222, (MO)940, (CR)(CS)982, (CR)1093, (BA)1136 LTS/CSP-HB 3113
194 Florida Title Loan Act (Ways and Means and others) (CR)8, (FR)18, (CS)96, (CR)345, (CS/CS)346, (BA)(CR)528, (BA)770, (BA)**856** DCH
196 Execution (Klein) (FR)18 DSC/CSP-CS/HB 3033, CS/HB 3053
198 Death by Lethal Injection/Records (Klein) (CR)7, (FR)18, (BA)114, (CR)118, (BA)129, (BA)132 LTS/CSP-CS/HB 3053, CS/HB 3033
200 County Court Assessments (Klein) (CR)7, (FR)18, (CR)119, (CR)344, (CR)406, (BA)445, (BA)**463**, 827 Ch. 98-84 CSP-CS/CS/HB 1589
SJR
202 Voter Approval/Taxes (Crist) (FR)18, (CR)742 USC/LTS
SB
204 Candidates/Reporting Requirements (Brown-Waite) (FR)19 DSC
206 Criminal Conduct/Civil Liability (Judiciary) (FR)19, (CR)303, (CR)(CS)499 DCS
208 Nursing Home Facilities (Ways and Means and others) (CR)8, (FR)19, (CS)96, (CR)(CS/CS)743, (BA)810, (BA)811, (CR)813 LTS/CSP-CS/HB 3089
210 Speedy Trial Reform (Rossin) (FR)19 DSC
212 Bad Check Charges (Meadows) (CR)7, (FR)19, (CR)268, (BA)902, (CR)927 LTS/CSP-CS/HB 767

SB
214 Sentencing/Criminal Punishment Code (Jenne) (FR)19 DSC
216 Deferred Retirement Options/FRS (Governmental Reform and Oversight and others) (CR)8, (FR)19, (CS)96, (MO)168, (CR)343, (BA)360 LTS/CSP-CS/CS/HB 3131
218 Employment Screening/Criminals (Rossin) (CR)7, (FR)20 DCS
220 Unemployment Compensation (Forman and others) (FR)20 DSC
222 Bond Requirements/Public Officers (Burt) (CR)7, (FR)20, (CR)344, (BA)402, (CR)406, (BA)**423**, 505, 827, 1523 Ch. 98-34
224 Motorcycle Riders/Safety Equipment (Ostalkiewicz and others) (CR)6, (FR)20, (CR)304 USC/LTS
226 Family Day Care Homes/Insurance (Banking and Insurance) (CR)9, (FR)20, (CS)96, (CR)180, (BA)221 LTS/CSP-HB 3597
228 Health Ins./Cleft-lip & Cleft-palate (Health Care and others) (FR)21, (CO)143, (CO)216, (CO)270, (CO)355, (CR)375, (CS)378, (MO)386, (CR)528, (BA)788, (BA)810, (BA)812, (BA)828, (BA)835, (BA)877, (BA)**886**, 1231, (CO)1818 Ch. 98-66
230 Food & Building Permits (Agriculture and others) (MO)3, (CR)7, (FR)21, (CR)180, (BA)221, (BA)239, (BA)**273**, 415, 458, 821 Ch. 98-13
232 Windstorm Insurance (Banking and Insurance) (CR)7, (FR)21 DCS/CSP-CS/SB 1108
234 Water & Wastewater Utility Systems (Regulated Industries and others) (FR)21 DSC
236 Mental Health/Children & Adolescents (Children, Families and Seniors and others) (CR)8, (FR)21, (CS)96, (MO)114, (BA)(CR)180 LTS/CSP-HB 1991
238 Professions & Occupations/Regulation (Regulated Industries) (CR)8, (FR)21, (CR)180, (BA)221, (BA)239, (BA)**274** DM
240 Overseas Electors & Faxed Ballots (Executive Business, Ethics and Elections and others) (MO)3, (CR)7, (FR)21, (CR)343, (BA)363, (BA)**388** DM
242 Fla. Safety Belt Law (Grant and others) (FR)21, (CO)165, (CO)216 DSC
244 Drycleaning Solvent Cleanup (Natural Resources) (FR)22, (CR)(CS)268, (MO)506, (BA)902, (CR)927, (BA)968, (BA)969, (BA)992, (BA)1088, **1092**, (BA)**1273** Ch. 98-189
SJR
246 Homestead Exemption/Age 65 or Older (Diaz-Balart and others) (CR)7, (FR)22, (MO)272, (CR)927, (CR)1092, (CO)1098, (BA)1137, (CO)1231 LTS/CSP-HJR 3151
SB
248 Health Care Professionals (Health Care) (FR)22, (CR)408, (CS)409, (CR)813, (BA)830, (BA)**878** DM
250 Certificates of Need (Health Care) (MO)3, (CR)8, (FR)22, (CS)97, (CR)180, (BA)221, (BA)239, (BA)272, **273**, 1098 Ch. 98-85
252 Telecommunications (Brown-Waite) (FR)22, (MO)758 WS
254 Baldomero Lopez State Nursing Home (Latvala and others) (CR)7, (FR)22, (CR)478, (BA)518 LTS/CSP-HB 1893
256 Health Care Professionals/Regulation (Health Care) (FR)22 DSC
258 Motor Vehicle Title Loans (Williams and others) (FR)23, (CO)355, (CR)374 DSC
260 Confidentiality/Medical Records (Health Care) (FR)23, (CR)136, (CS)139 DCS
262 Firearms/Safe Storage (Rossin) (FR)23, (MO)462 WS
264 Adoption/Sibling Communication (Rossin) (FR)23, (CR)136, (CR)304, (CR)406, (BA)473, (CR)478 LTS/CSP-CS/HB 585
266 Firefighters & Police Pension TF (Community Affairs) (FR)23, (CR)182, (CS)206, (MO)462, (CR)813, (BA)842, (BA)**883** DM/CSP-SB 1462
268 Mental Illness Insurance Parity Act (Banking and Insurance and others) (CR)8, (FR)23, (CS)97, (CR)407, (CR)1093, (BA)1327, (BA)**1328**, (CR)1522 DM
270 Firefighters & Police Pension TF (Community Affairs and others) (FR)23, (CR)408, (CS)409, (MO)462, (CR)982, (CR)1093, (BA)1328, (BA)1329, (CR)1522 LTS/CSP-SB 1462
272 Citizen Participation in Govt. Act (Judiciary) (FR)24, (CR)136, (CS)139, (CR)181 DCS
274 Sales Tax/Commercial Property Leases (Grant) (FR)24 DSC
276 Controlled Substances (Criminal Justice and others) (MO)3, (CR)8, (FR)24, (CS)97, (BA)295, (CR)303, (BA)**337** DM
SB
278 Taxation of Intangible Property (Grant and others) (FR)24 DSC
280 Motor Vehicle & Truck Repair Parts (Judiciary) (CR)7, (FR)24, (CR)304, (CS)312, (BA)519, (BA)520, (BA)522, (CR)528, (BA)**763**, (BA)827, 1098 Ch. 98-86
282 Keep Kids Drug-Free License Plate (Crist) (FR)24, (CR)344, (MO)386, (CR)813, (BA)848, (BA)884, **885**, 1231 Ch. 98-67
284 Prisoners/Work Requirements (Crist) (FR)24 DSC
286 Pharmacy Practice (Crist) (FR)24, (CR)741 DSC
288 Rural Hospitals (Thomas and others) (MO)3, (CR)7, (FR)24, (BA)176, (BA)177, (CR)180, (BA)**219**, 415, 458, 821 Ch. 98-14
290 Paramedics & EMTs (Health Care) (CR)9, (FR)25, (CS)97, (CR)343, (BA)369, (BA)**390**, 1098 Ch. 98-87
292 Public Records/Patient Information (Brown-Waite and others) (FR)25, (CR)118, (CR)479, (CR)927, (BA)979 LTS
294 Home Medical Equipment Providers (Ways and Means and others) (FR)25, (CR)136, (CS)140, (CR)529, (CS/CS)530, (CR)813, (BA)831, (CO)873, (BA)**879** DM
296 Religious Freedom Restoration Act (Judiciary and others) (FR)25, (CR)498, (CS)499, (MO)940, (CR)1093, (CR)1523, (BA)1642, (CR)1807 LTS/CSP-CS/HB 3201
SJR
298 Religious Freedom (Judiciary and others) (FR)25, (CR)498, (CS)499, (MO)758 DSC/CSP-CS/HB 3201
SB
300 Enterprise Zones (Ways and Means and others) (FR)25, (CR)408, (MO)877, (CR)927, (CS)928, (CR)982, (CR)1093, (CR)1523, (BA)1736, (CR)1808 LTS/CSP-HB 3225
302 Regional Poison Control Center (Community Affairs) (CR)9, (FR)25, (CS)97, (BA)177, (CR)180 LTS/CSP-CS/HB 1739
304 Organ & Tissue Donation (Childers) (CR)7, (FR)25, (MO)272, (CR)344, (CR)406, (BA)444, (BA)445, (BA)**462**, 1231 Ch. 98-68
306 Universities/Student Fee Exemptions (Governmental Reform and Oversight and others) (MO)3, (CR)8, (FR)25, (CS)(CS/CS)97 DCS
308 Victim of Crime/Rights (Clary) (FR)25 DSC
310 Parole/Sex Offender/Murderer/ID Card (Bronson) (FR)25 DSC
312 Water Resource Management (Natural Resources and others) (FR)26, (CR)498, (CS)499, (CR)742, (CR)982, (BA)1085, (CR)1092, (BA)1162, (BA)**1166**, 1526 Ch. 98-88
314 Health Care Facilities/Regulation (Health Care) (CR)7, (CR)8, (FR)26, (CS)97, (MO)324, (CR)528, (BA)779, (BA)780, (BA)781, (BA)858, **859**, 1231 Ch. 98-89 CSP-CS/CS/HB 3311, CS/CS/SB 484
316 Public Record/Health Care Facilities (Brown-Waite) (CR)7, (FR)26, (CR)479, (CR)813, (BA)835, (BA)836 LTS/CSP-CS/CS/HB 3311, CS/SB 314
318 Real Estate Appraisals (Regulated Industries) (FR)26, (CR)529, (CS)530 DCS/CSP-CS/CS/HB 3211
320 Intangible Personal Property Tax (Ostalkiewicz and others) (FR)26 DSC
322 Taxation (Commerce and Economic Opportunities) (FR)26, (CR)182, (CS)207 DSC
SJR
324 Taxes/Tangible Personal Property (Ostalkiewicz and others) (FR)27, (CR)181, (CR)927 DSC
SB
326 Revenue Estimating Conference (Ostalkiewicz) (CR)9, (FR)27 DSC
328 Sales Tax Exemptions/Aircraft (Ways and Means and others) (CR)9, (FR)27, (MO)357, (CR)374, (CS)378, (CR)1092, (BA)1108 LTS/CSP-CS/HB 3171
SM
330 Older Americans Act (Campbell and others) (FR)27 DSC
SB
332 Juvenile Justice (Forman) (FR)27 DSC/CSP-CS/CS/SB 2288
334 Juvenile Justice (Criminal Justice) (CR)8, (FR)27, (CS)98, (CR)407, (CR)528, (BA)778, (BA)779, (BA)857, (BA)858, (BA)**859** DM/CSP-CS/CS/SB 2288
336 International Economic Development (Commerce and Economic Opportunities and others) (FR)27, (CR)455, (CS)456, (CR)982, (CR)1092, (BA)1168, (BA)1453, (BA)1484, (CR)1522 LTS/CSP-CS/CS/SB 626
338 Sales Tax Exemption on Electricity (Ways and Means and others) (CR)9, (FR)27, (MO)357, (CR)374, (CS)409, (CR)1092, (BA)1108 LTS/CSP-CS/CS/HB 3249

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340 Real Estate (Regulated Industries and others) (CR)8, (FR)27, (CS)98, (MO)272, (BA)525, (BA)526, (CR)528, (BA)766, (BA)767, (BA)855 LTS/CSP-CS/CS/HB 3211
342 Condominium Association Liens (Campbell) (FR)28, (MO)506 WS
344 Arraignment of Juvenile (Campbell) (FR)28, (MO)506 WS
346 Law Enf. & Correctional Officers (Criminal Justice and others) (FR)28, (CR)304, (CS)312 DCS
348 Public Records/Minors/Statement (Cowin and others) (CR)7, (FR)28, (BA)(CR)118, (BA)**130**, 320, 415, 458 Ch. 98-9
350 Execution by Lethal Injection (Klein) (MO)3, (CR)8, (FR)28, (CS)99, (BA)114, (CR)118, (BA)129, (BA)131 LTS/CSP-CS/HB 3033
352 Foster Care/Privatization (Ways and Means and others) (FR)28, (CR)182, (CS)207, (CR)(CS/CS)743, (CR)982, (BA)997, (CR)1092 LTS/CSP-HB 3217
354 Elections/Absentee Ballots (Rossin) (FR)28, (CR)181, (BA)902, (CR)927 DCS
356 Death Penalty Appeals Task Force (Judiciary and others) (FR)28, (CO)126, (CR)182, (CS)207, (CR)(CS/CS)868, (MO)877 DCS
358 Controlled Substances/Public Housing (Criminal Justice) (MO)3, (CR)8, (FR)29, (CS)98, (BA)117, (BA)(CR)118, (BA)**130**, (BA)**442**, 536, 982 Ch. 98-22
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364 Public Records/Natural Persons (Health Care) (CR)9, (FR)29, (CS)99, (CR)927, (BA)969, (BA)**992** DM
366 Concealed Weapons/Nonresidents (Criminal Justice and others) (FR)29, (CO)270, (CR)479, (CS)480, (CR)927, (BA)965 LTS
368 Motorcycle Safety Education (Transportation) (FR)29, (CR)375, (CS)378, (MO)462, (CR)813, (BA)842, (BA)843, (BA)**883**, 983 Ch. 98-90
370 Municipal Water & Sewer Utilities (Silver) (CR)7, (FR)29, (CR)136, (CR)343, (BA)367, (BA)369 LTS/CSP-HB 791
372 Workers' Comp/Chiropractic Services (Silver) (FR)29 DSC
374 Motor Vehicle Emissions Inspections (Natural Resources and others) (CR)8, (FR)30, (CS)99, (CO)165, (CR)344, (CS/CS)347, (MO)462, (CR)927, (BA)970 LTS/CSP-CS/HB 1377
376 Solid Waste Disposal (Kirkpatrick) (MO)3, (CR)7, (FR)30, (CR)478, (BA)516, (BA)520 LTS/CSP-HB 3125
378 Forensic Client Services Act (Rossin) (FR)30, (CR)478, (MO)506 DSC
380 Florida Retirement System (Governmental Reform and Oversight and others) (CR)8, (FR)30, (CS)99, (CR)344, (CR)982, (CR)1093, (CR)1523, (CR)1808 DCS/CSP-CS/CS/HB 3491, CS/SB 1684
382 Secondhand Dealers (Banking and Insurance) (FR)30, (CR)182, (CS)207, (CR)344, (CR)406, (BA)447 LTS/CSP-CS/HB 3199
384 Children's Services/Special Dist. (Grant) (FR)30 DSC
386 Educ./Teacher Preparation Program (Education and others) (CR)8, (FR)30, (CS)99, (CR)407, (BA)475, (BA)476, (CR)478, (CO)489, (BA)**493** DM
388 Math & Sciences Academy/Study Comm. (Ways and Means) (CR)8, (FR)30, (CS)99, (CR)(CS/CS)743, (CR)1093, (CR)1523, (CR)1808 DCS
390 Community College Faculty Diversity (Education) (CR)8, (FR)30, (CS)99, (CR)528, (BA)811, (CR)813 LTS
392 Substance Abuse Treatment (Holzendorf and others) (FR)30, (CR)222, (CO)320, (CR)528, (BA)784 LTS/CSP-CS/HB 3227
394 Human Rights Committees (Forman) (CR)7, (FR)30 DCS
396 Human Rights Advocacy Councils (Forman) (CR)7, (FR)30 DCS
398 Sexually Violent Predator Treatment (Klein and others) (FR)31 DSC/CSP-CS/HB 3327
400 Florida Single Audit Act (Burt) (CR)7, (FR)31, (MO)433, (CR)813, (BA)925, (BA)**974**, 1098 Ch. 98-91
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406 Land Platting (Regulated Industries) (CR)9, (FR)31, (CS)99, (CR)344, (BA)401, (CR)406 LTS/CSP-CS/HB 3223

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408 Homestead Exemption/Age 65 or Older (Community Affairs) (CR)8, (FR)31, (CS)99, (MO)828 DSC/CSP-HJR 3151

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428 Domestic Violence (Criminal Justice) (CR)8, (FR)32, (CS)99 DSC
430 School Health Services Program (Brown-Waite and others) (FR)33, (MO)758 WS
432 Water & Wastewater Utilities (Cowin) (FR)33 DSC
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442 Forensic Client Services (Criminal Justice and others) (CR)8, (FR)33, (CS)99, (CR)182, (CS/CS)207, (CR)528, (BA)771, (BA)**857**, 1098 Ch. 98-92
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448 Sales Tax/Nonprofit Organization (Diaz-Balart) (FR)34, (MO)758 WS
450 Scalp Hair Prostheses/Health Care (Campbell) (MO)3, (FR)34 WS
452 Fla. Mobile Home Act (Community Affairs and others) (FR)34, (CO)458, (CR)479, (CS)480, (MO)506, (CR)1093, (BA)**1177** DM
454 Sovereign Immunity/Prison Guards (Gutman) (CR)7, (FR)34 DSC
456 Congressional Candidates (Crist) (FR)34, (CR)742 DSC
458 Sales Tax Exempt./Credit Counseling (Crist) (FR)34, (CR)375 DSC
460 Crime Victims/Toll-free Phone Number (Judiciary) (CR)7, (FR)34, (CR)304, (CS)312, (MO)940 DCS
462 Court Costs & Fines Collection (Criminal Justice) (FR)34, (CR)303, (CR)479, (CS)480, (MO)506, (CR)982, (CR)1093, (BA)1258, (CR)1522 LTS/CSP-CS/HB 1381
464 Conserve Wildlife License Plate (Crist and others) (FR)35, (CR)303, (MO)940, (CR)1093, (CR)1523, (BA)1726, (CR)1807 LTS/CSP-HB 3273
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468 Community Hospital Protection Act (Klein) (FR)35 DSC
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472 Veterinary Medical Practice (Dyer) (MO)3, (CR)7, (FR)35, (CR)343, (BA)367, (BA)369, (BA)371, (BA)390, (BA)**394** DM
474 Community Policing Innovations (Dyer) (CR)7, (FR)35, (CR)478, (BA)516 LTS/CSP-HB 627
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496 State Employee Telecommuting Program (Kirkpatrick and others) (MO)3, (CR)7, (FR)37, (CR)344, (CR)406, (BA)447
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498 Tax Administration (Ways and Means and others) (CR)7, (FR)37, (CR)408, (CS)410, (BA)522, (CR)528, (BA)**764**, (BA)827, 1098 Ch. 98-95
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502 Court Cost/Law Enforcement Funding (Judiciary and others) (CR)8, (FR)37, (CS)(CS/CS)101, (CO)216, (MO)433, (CR)813, (BA)911, (BA)940, (BA)976 LTS/CSP-CS/HB 3255
504 Firearms-related Licenses (Criminal Justice) (FR)37, (CR)182, (CS)208, (CR)927 DCS/CSP-CS/HB 3713
506 Public Records/CFS Department (Children, Families and Seniors) (CR)8, (FR)37, (CS)101, (CR)407, (CR)813, (BA)848 LTS/CSP-CS/HB 1433, CS/CS/SB 484
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538 Sales Tax Exemption/Nonprofit Org. (Lee) (CR)9, (FR)39
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544 Homeowners' Associations (Judiciary) (CR)7, (FR)39, (CR)408, (CS)410, (CO)756, (CR)813, (BA)830, (BA)(CO)834 LTS/CSP-CS/CS/HB 3193
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548 Family Bill of Rights Act (Ostalkiewicz) (FR)39, (CR)136, (MO)272 DSC/CSP-HB 1019
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558 Delinquent Personal Property Taxes (Forman) (FR)40
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590 Property Crimes (Criminal Justice) (CR)9, (FR)42, (CS)101, (BA)(CR)478, (BA)**496** DM
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600 Solid Waste Management (Natural Resources) (FR)42, (CR)344, (CS)347, (CR)479 DCS
602 Bulk Transfers (Bronson and others) (FR)42 DSC
604 DUI Vehicle/Vessel Impoundment (Transportation and others) (MO)3, (FR)42, (CR)(CS)425, (CO)756, (CR)814, (CS/CS)815 DCS/CSP-CS/HB 3345
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608 Corporate Income Tax (Ways and Means) (FR)43, (CR)408, (CS)410, (CR)478, (BA)518, (BA)**762**, (BA)827, 1231
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640 Telecommunications Services (Regulated Industries) (FR)44, (CR)(CS)868, (MO)877, (CR)982, (CR)1092, (BA)1147, (BA)1168 LTS/CSP-HB 4785
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660 State-funded Educ./Infant & Toddler (Turner) (FR)46, (CR)303, (CR)344, (MO)386, (BA)477, (CR)478, (BA)**495**, 1098 Ch. 98-70
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664 Duval Co./School District Personnel (Horne) (FR)46, (CR)119 DSC/CSP-HB 3651
666 WAGES Program Transportation (Transportation and others) (CR)8, (FR)46, (CS)102, (MO)114, (CR)180, (BA)221, (BA)239, (BA)**273**, (CO)416 DCH/CSP-CS/SB 1114
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710 Wrecker Operator/Immobilizing Autos (Transportation and others) (FR)48, (CR)424, (CS)425, (MO)538, (CR)1093, (CO)1231, (CR)1523, (CO)1526, (BA)1737, (CR)1808 LTS/CSP-CS/HB 3345
712 Municipalities/Business Enterprises (Bronson) (FR)48, (CR)181, (CR)303, (MO)324, (BA)401, (CR)406, (BA)**421**, 505, 827, 1523 Ch. 98-37
714 Health Care (Ways and Means and others) (FR)49, (CR)182, (CS)209, (CR)(CS/CS)868, (CR)982, (CR)1093, (BA)1185, (BA)1194, (CO)1231, (BA)1235, **1236**, (BA)1645, 1818 Ch. 98-171 CSP-CS/HB 4035, CS/SB 1960
716 Tax Exempt/Educational Institution (Forman) (FR)50 DSC
718 Obtaining Property/False Personation (Hargrett) (FR)50, (MO)128 WS
720 Tobacco Sales (Regulated Industries and others) (FR)50, (CR)136, (CS)140, (CR)479, (CR)813, (BA)848, (BA)852, (BA)853, (BA)**885**, (CO)983, (BA)**1807** Ch. 98-172
722 Certified Nursing Assistants (Dudley) (FR)50 DSC
724 Noncriminal Traffic Offenses/Costs (Hargrett) (FR)50 DSC
726 Health Care Contracts/Nurses (Banking and Insurance) (FR)50, (CR)304, (CS)313, (MO)324, (CR)813, (BA)829, (BA)**878** DM
728 Homestead Tax Exemption Notification (Brown-Waite) (FR)50 DSC
730 Prison Inmates/Benefits (Dudley) (FR)50, (CR)478 DSC
732 Sales Tax Exemption/Gasparilla (Grant) (FR)50, (CR)375, (MO)877, (MO)940, (CR)982, (CR)1093, (CR)1523, (BA)1736, (CR)1808 LTS/CSP-CS/HB 117
734 Fuel Measuring Devices (RAB) (Bronson) (CR)7, (FR)50, (CR)148, (BA)176, (CR)180, (BA)**218**, 505, 827, 1523 Ch. 98-38
736 Miami-Dade Community College (Diaz-Balart and others) (FR)50, (CO)320, (CO)355, (MO)758 WS

SJR
738 Real Property Assessment (Dudley) (FR)50, (CR)303 DSC

SB
740 Real Property Assessment (Dudley) (FR)50 DSC
742 Sponsored Research & Development (Education and others) (FR)51, (CR)136, (CS)140, (CR)222, (CS/CS)227, (CR)344, (CR)1092, (BA)1108 LTS/CSP-CS/CS/HB 3351
744 Fictitious Names/Prohibited Use (Holzendorf and others) (FR)51, (CO)216, (CR)479 DCS
746 Public Records/Auto Jt. Underwriting (Williams) (FR)51, (CR)181, (CR)407, (CR)478, (BA)518 LTS/CSP-CS/HB 1887
748 Public Hospital Lease (Williams) (FR)51 DSC/CSP-CS/HB 3585
750 DUI Sentencing/Vehicle Impoundment (Klein) (FR)51, (MO)128 WS/CSP-CS/HB 3345
752 Designation of Buildings/Programs (Education) (FR)51, (CR)375, (CS)378, (CR)528, (BA)787, (BA)788, (BA)**862**, 983 Ch. 98-71 CSP-CS/HB 3065
754 Retirement Benefit Study Commission (Governmental Reform and Oversight) (FR)51, (CR)479, (CS)480, (MO)940 DCS
756 Alzheimer's Disease (Klein) (FR)51, (CR)181, (MO)490, (CR)813, (BA)830, (BA)831, (BA)**879**, 1231 Ch. 98-102 CSP-CS/CS/HB 3387
758 State University System (Education and others) (CR)8, (FR)51, (CS)103, (MO)386 DCS/CSP-HB 4259
760 Economic Development (Ways and Means and others) (CR)8, (FR)52, (CS)103, (BA)394, (BA)401, (CR)406, (CR)408, (CS/CS)410, (BA)419, **421** DHC/CSP-HB 3225, CS/HB 4413, CS/CS/SB 626, CS/SB 1114, CS/SB 1202

SB
762 Workforce Development Board (Commerce and Economic Opportunities) (CR)7, (FR)52, (CR)374, (BA)401, (CR)406, (BA)**421** DM
764 Small Businesses (Turner) (FR)52, (MO)758 WS
766 Insurance/Continuing Education (Diaz-Balart) (CR)7, (FR)52, (CR)148, (BA)298, (BA)299, (CR)303, (BA)**338**, 1098 Ch. 98-103 CSP-CS/SB 1108
768 Sureties/Insurance Dept. (RAB) (Diaz-Balart) (CR)7, (FR)52, (CR)148, (BA)175, (BA)176, (CR)180, (BA)218, (BA)**220**, 505, 827, 1523 Ch. 98-39
770 Firefighter/Forestry Training (RAB) (Diaz-Balart) (CR)7, (FR)52, (CR)148, (BA)176, (CR)180, (BA)218, (BA)**221**, 505, 827, 1523 Ch. 98-40
772 Criminal Justice (Criminal Justice and others) (FR)52, (MO)168, (CR)182, (CS)209, (CR)982, (CR)1093, (BA)1214, (BA)1236, (BA)1272 LTS/CSP-CS/HB 3709
774 Drivers' Licenses (Gutman) (FR)52 DSC
776 Physician Assistant Certification (Health Care) (FR)52, (CR)136, (CS)140, (CR)344, (CR)406, (BA)446, (BA)447, (BA)474, (CR)478, (BA)**492**, 983 Ch. 98-49
778 Controlled Substances (Gutman) (FR)52 DSC
780 Felony Offenders (Gutman) (FR)52, (CR)181, (MO)462 DCS/CSP-CS/SB 1522
782 Obstruction of Law Enforcement (Gutman) (FR)53, (CR)181, (MO)324 DCS
784 Federal Proceeds Trust Fund (Criminal Justice) (FR)53, (CR)(CS)425 DCS
786 Trespass (Criminal Justice) (FR)53, (CR)119, (CS)124, (MO)168 DCS
788 Sexually Violent Predator Treatment (Klein and others) (FR)53 DSC/CSP-CS/HB 3327
790 Everglades River Grass License Plate (Crist and others) (FR)53, (CR)344, (MO)386, (BA)**902**, (CR)927, 1098 Ch. 98-72
792 Dental Insurance Coverage (Banking and Insurance and others) (FR)53, (CR)(CS)499, (CR)742, (MO)877, (CR)1093, (CR)1522, (BA)1635, (CR)1807 LTS/CSP-CS/HB 3487
794 Traffic Violations/Eluding Officer (Criminal Justice) (FR)53, (CR)425, (CS)426, (MO)433, (BA)902, (BA)903, (CR)927 LTS/CSP-HB 4059, CS/HB 3255
796 Health Maintenance Organizations (Silver) (FR)53 DSC
798 Sexual Offenses Against Children (Silver) (FR)53 DSC
800 Workers' Compensation/Officers (Grant) (FR)54 DSC
802 Inmate Health/Purchase Requirements (Crist) (FR)54 DSC
804 Political Campaigns/Use of Aircraft (Crist) (FR)54, (CR)303, (CR)742 DCS
806 Public Records/Fla. Land Sales Div. (Dudley) (FR)54, (CR)222, (CR)407, (CR)478, (BA)497 LTS/CSP-CS/HB 1903
808 Tax Exemption/Religious Activities (Grant) (CR)9, (FR)54 DSC/CSP-CS/HB 3395
810 International Motorsports Museum (Silver and others) (FR)54, (CR)407, (CO)432 DSC
812 Clean Air (Natural Resources and others) (FR)55, (CR)136, (CS)140, (CR)181, (MO)272, (CR)344, (CR)406, (BA)447, (BA)450, (BA)**466**, (BA)**1284** Ch. 98-193 CSP-CS/SB 814
814 Public Records/Clean Air Act (Governmental Reform and Oversight and others) (FR)55, (CR)136, (CR)181, (CR)(CS)743, (CR)927, (BA)966, (BA)977, (BA)**990**, 1818 Ch. 98-406 CSP-CS/SB 812

SJR
816 Judicial Terms & Limitations (Horne) (FR)55, (CR)267, (CR)407 USC/LTS

SB
818 Fire Protection Contractors (Banking and Insurance) (FR)55, (CR)182, (CS)209, (MO)239, (CR)344, (CR)406, (BA)451, (BA)467, (BA)**468**, 1231 Ch. 98-104
820 Skateboarding/Rollerblading/Bikes (Judiciary) (FR)55, (CR)374, (CS)379, (CR)478, (CR)868, (CS/CS)869 DCS
822 Vehicles Used By State Agencies (Governmental Reform and Oversight) (FR)55, (CR)182, (CS)209, (CR)343, (CR)344, (BA)360, (BA)361, (BA)**387** DM
824 State Planning & Budgeting (Rules and Calendar) (FR)55, (CR)182, (CS)209, (CR)344, (CR)(CS/CS)743 DCS/CSP-CS/SB 832
826 Solid Waste Management (Natural Resources) (FR)55 DSC
828 Elders/Access to Courts (Cowin) (FR)55, (CR)268, (CR)528, (BA)903, (CR)927 LTS/CSP-HB 1705

SB
830 Homestead Tax Exemptions/SS Numbers (Cowin and others) (FR)56, (MO)114, (CR)119, (CR)344, (CR)406, (BA)452, (BA)**469**, 756, 1526 Vetoed
832 State Planning & Budgeting (Governmental Reform and Oversight and others) (FR)56, (CR)304, (CS)313, (CR)528, (BA)788, (BA)789, (BA)798, (BA)**862**, 1098 Ch. 98-73
834 Gambling Equipment Rules (Gutman) (FR)56 DSC
836 State Lottery Requirements (Gutman) (FR)56, (CR)136, (BA)521, (BA)522, (CR)528 LTS/CSP-HB 3289

SR
838 Child/Domestic/Elder Abuse Awareness (Forman) (FR)**875** Adopted

SB
840 Timber Management (Agriculture) (FR)56, (CR)182, (CS)210, (MO)490, (CR)813, (BA)848 LTS/CSP-CS/HB 3671
842 Special Needs Child/Adoption Program (Campbell) (FR)56, (CR)181, (CR)406, (BA)473, (CR)478, (BA)**491** DM
844 Commercial Motor Vehicles (Transportation) (FR)56, (CR)119, (CS)124, (BA)521, (CR)528, (BA)**763**, (BA)827 DM
846 Transportation Dept.(RAB) (Transportation) (MO)3, (FR)56, (CR)182, (CS)210, (BA)274, (BA)276, (CR)303, (BA)**324**, 983 Ch. 98-105 CSP-CS/SB 1440
848 Art Therapy/Regulation (Turner) (FR)56, (MO)758 WS
850 Public Record Exempt./Art Therapists (Turner) (FR)57, (MO)758 WS
852 Condominium Owners/Cable TV Service (Forman) (FR)57, (CR)222 DCS
854 License Plate/Sheriffs Youth Ranches (Williams and others) (FR)57, (CO)126, (CO)143, (CR)344, (MO)462, (CO)756, (CR)813, (BA)926, (BA)**975**, 1231 Ch. 98-74
856 Beach Management Funding (Sullivan) (MO)3, (FR)57 WS/CSP-CS/HB 3427

SR
858 Youth/Foster Care/Youth Advisory Bd. (Rossin) (FR)875, **876** Adopted

SB
860 Voyeurism (Criminal Justice) (FR)57, (CR)479, (CS)480, (MO)490 DCS/CSP-CS/HB 3709
862 Educational Technology/Upgrades (Kirkpatrick) (FR)57, (CR)742 DSC
864 Ad Valorem Tax Exemption/Charities (Meadows) (FR)57, (CR)407, (MO)433, (BA)523, (CR)528, (BA)764, **765**, (BA)770, (BA)827 LTS/CSP-CS/HB 29
866 Professional Sports Franchises (Community Affairs) (FR)57, (CR)222, (CR)479, (CS)480 DSC
868 Single Statewide Building Code (Meadows) (FR)57, (CR)408, (CS)412, (MO)490, (CR)499, (CS/CS)500, (CR)813, (BA)997, (BA)998, (BA)999, (CR)1092 LTS/CSP-CS/CS/HB 4181, HB 4439
870 Public Records/Social Workers (Health Care) (FR)57, (CR)344, (CS)347 DSC
872 Game & Fishing Licenses (Kirkpatrick) (FR)57, (CR)268, (MO)433 DCS/CSP-CS/HB 3673
874 Civil Actions (Rules and Calendar and others) (FR)58, (CR)344, (CS)347, (BA)401, (BA)403, (BA)(CR)406, (BA)421, **422**, (BA)435, (BA)442, 489, (BA)1259, (MO)1268, **1269**, 1526 Vetoed
876 Medicaid Third-party Liability (McKay) (FR)58 DSC/CSP-HB 3077
878 Medical Malpractice (McKay) (FR)58 DSC
880 Barbering & Cosmetology (Regulated Industries) (FR)58, (CR)136, (CS)141, (MO)324, (CR)528, (BA)789 LTS/CSP-CS/HB 3343
882 Beach Management Funding (Ways and Means and others) (FR)58, (CO)126, (CO)143, (CO)165, (CO)216, (CO)270, (CO)416, (CR)454, (CS)457, (CR)868, (CS/CS)869, (CR)982, (CR)1092, (BA)1147, (BA)1148 LTS/CSP-CS/HB 3427, CS/SB 1458
884 Local Option Tourist Development Tax (Clary) (FR)58, (CR)181, (CR)303, (MO)324, (BA)**903**, (CR)927, 1098 Ch. 98-106
886 Political Ads/Manipulated Images (Executive Business, Ethics and Elections) (FR)59, (CR)304, (CS)313 DCS
888 Sales Tax Exemption/Flight Training (Bronson) (FR)59, (CR)408 DSC
890 Ad Valorem Tax/Training Facilities (Bronson) (FR)59 DSC
892 Substance Abuse Services (Rossin) (FR)59, (CR)222, (CR)344, (CR)406, (BA)451, (BA)**468**, 1098 Ch. 98-107

SB
894 Amphitheaters/Noise Ordinances (Rossin) (FR)59 DSC
896 Antitrust Claims (Campbell) (FR)59 DSC
898 Postconviction/Capital Cases (Burt) (MO)3, (FR)59, (BA)115, (CR)118, (CR)119, (BA)**129**, (BA)1645, **1646** Ch. 98-194
900 Sales At Flea Markets/Authorization (McKay) (FR)59 DSC
902 Annuity Contracts/Assessment Rates (McKay) (FR)59 DSC
904 School Counselors/Pilot Program (Education and others) (FR)59, (CR)182, (CS)210, (CO)355 DSC
906 Intangible Personal Property Taxes (Cowin) (FR)59 DSC
908 Death Sentence/Overturned (Gutman) (FR)59 DSC
910 False Identification (Judiciary and others) (FR)59, (CR)182, (CS)210, (CO)270, (CR)868, (CS/CS)869, (MO)877 DCS
912 School Funding (Diaz-Balart and others) (FR)60, (CO)216 DSC
914 Sentencing of Capital Felons (Criminal Justice) (FR)60, (MO)272, (CR)304, (CS)313 DCS
916 Sales Tax Exemptions/Aquaculture (Ways and Means) (CR)9, (FR)60, (MO)357, (CR)374, (CS)379, (CR)1092, (BA)**1108** DM
918 Patient Records/Disclosure (Gutman) (FR)60 DSC
920 Motor Vehicle Accident Reports (Gutman) (FR)60 DSC
922 Employee Organization/Dues Deduction (Forman) (MO)3, (FR)60 DSC
924 Nonpublic Postsecondary Institutions (Education) (FR)60, (CR)344, (CS)347, (CR)478, (MO)758, (CR)1093, (CR)1523, (BA)1724, (CR)1807 LTS/CSP-CS/HB 3389
926 Eradication of Agricultural Pests (Agriculture) (FR)60, (CR)182, (CS)210, (CR)303, (MO)433, (CR)813, (BA)831, (BA)**879**, 1098 Ch. 98-108
928 Law Day/Law Week (Campbell) (FR)60, (CR)119, (CR)344, (CR)406, (BA)446 LTS/CSP-HB 1749
930 Notification of Escaped Prisoner (Criminal Justice) (FR)60, (CR)222, (CS)227, (BA)296, (CR)303, (BA)**338**, 827 Ch. 98-109
932 Health Care Professionals/ID (Health Care) (FR)60, (CR)344, (CS)348, (CR)813, (BA)942 DCS
934 Sales Tax Exemption/Steam (Harris) (FR)60, (CR)148 DSC/CSP-CS/CS/HB 3249
936 Tax/Nonprofit/Religious Institutions (Harris and others) (FR)61, (CR)148, (CR)813, (MO)940, (CR)1093, (BA)1137, (CO)1231 LTS/CSP-CS/HB 3395
938 MV Registration & Operation (Ways and Means) (FR)61, (CR)374, (CS)379, (CR)742, (CS/CS)743, (CR)927, (CS/CS/CS)928, (CR)1093, (CR)1523, (CR)1808 DCS/CSP-HB 3509
940 Minority Business Enterprises (Harris) (FR)61, (CR)118, (CR)304, (BA)401, (CR)406, (BA)444 LTS/CSP-CS/HB 319
942 Litigation Reform (Judiciary) (FR)61, (CR)479, (CS)480 DCS
944 Airbag Antitheft Act (Campbell) (FR)61, (CR)119 DSC
946 Guardians Ad Litem/Children (Campbell) (FR)61 DSC
948 Vehicular or Vessel Homicide Penalty (Campbell) (FR)61, (CR)344, (MO)433 DCS
950 Grand Juries/Members (Campbell) (FR)61, (CR)181, (BA)903, (CR)927 LTS/CSP-HB 3271
952 Public Records/Eminent Domain (Grant) (FR)61, (CR)268, (CR)742 DSC
954 Community Colleges/Instruction Units (Education) (FR)61, (CR)136, (CS)141 DSC
956 Environmental Protection Dept. (Latvala) (FR)61 DSC
958 Termination of Parental Rights (Harris) (FR)61 DSC
960 Campaign Financing/Corporations (Harris and others) (FR)62, (CO)143, (CR)742 DCS
962 Community Colleges Facilities (Education) (FR)62, (CR)182, (CS)210, (CR)407, (MO)506, (BA)904, (CR)927 LTS/CSP-HB 3799
SJR
964 Death Penalty/Execution Method (Criminal Justice) (MO)3, (FR)62, (BA)115, (CR)118, (CR)119, (CS)124, (BA)129, (BA)131 LTS/CSP-HJR 3505
SB
966 "Drug-Free Postsecondary Educ. Act" (Lee) (FR)62 DSC
968 Family-Friendly Budgeting Act (Lee) (FR)62 DSC
970 Educational Property Tax Exemption (Meadows and others) (FR)62, (MO)128, (CO)143, (CR)478, (MO)758, (MO)877, (CR)982, (CR)1093, (CR)1523, (BA)1641, (BA)**1642**, (CR)1807 DM
972 Condominiums (Regulated Industries) (FR)62, (CR)408, (CS)411 DSC/CSP-CS/CS/HB 3321
974 Pharmacy/Practice of Profession (Grant) (FR)62 DSC
SB
976 Small Business Employment Incentives (Grant) (FR)62 DSC
978 Crime Stoppers Trust Fund (Gutman) (FR)62, (CR)119, (CR)268, (MO)433, (CR)813, (BA)940, (BA)976 LTS/CSP-HB 3659
980 Cruelty to Animals (Forman) (FR)63, (CR)479 USC/LTS
982 Crime Prevention Assistance (Kurth) (FR)63, (CR)181, (MO)272, (CR)344, (CR)406, (BA)451 LTS/CSP-HB 65
984 Sales Tax/Farm Equipment (Ways and Means and others) (CR)9, (FR)63, (CO)165, (MO)357, (CR)374, (CS)379, (CR)1092, (BA)1110 LTS/CSP-CS/HB 209
986 Environmental Mitigation (Natural Resources) (FR)63, (CR)119, (CR)182, (CS)210, (MO)828, (CR)982, (CR)1093, (CR)1523, (BA)1731, (CR)1808 LTS
988 Law Enf./Public Office/Candidates (Dyer) (FR)63 DSC
SR
990 McCall, Sam M. (Childers) (FR)459, **460** Adopted
SB
992 Govt. Procurement of Services (Crist) (FR)63, (CR)407, (CR)927, (MO)984 DCS
994 Insurance (Banking and Insurance) (FR)63, (CR)425, (CS)426, (MO)462, (CR)982, (CR)1093, (CR)1523, (CR)1808 DCS/CSP-CS/SB 1372
996 Citizen's Right-to-Know Act (Crist) (FR)63 DSC
998 Smoking On or Near School Property (Myers) (FR)63 DSC
1000 Real Property with Delinquent Taxes (Myers) (FR)64, (CR)181, (MO)324 DCS
1002 General Government/Service Charge (Natural Resources) (FR)64 DSC
1004 Citrus Industry/Rulemaking (RAB) (Bronson) (MO)3, (FR)64, (CR)119, (BA)274, (CR)303, (BA)**324** DCH/CSP-CS/CS/SB 1046
1006 Water Quality (Natural Resources) (FR)64, (CR)408, (CS)411 DSC/CSP-HB 3125
SJR
1008 Revenue Bonds (Natural Resources) (FR)64, (CR)407, (MO)490, (CR)927, (CR)982, (BA)1084, (BA)1085, (CR)1092, (BA)1153, (BA)1235 DCS
SB
1010 Agric. Emergency Eradication TF (Bronson) (FR)64, (CR)118, (CR)303, (CR)407, (CR)528, (BA)787, (BA)**861**, 983 Ch. 98-110 CSP-CS/SB 1088
1012 R. Newman & S. Simon Act of 1998 (Judiciary) (FR)64, (CR)454, (CS)457 DSC
1014 Road & Building Designations (Transportation) (FR)64, (CR)529, (CS)530, (CR)927, (BA)970, (BA)971, (BA)981, (BA)982, (BA)**993**, (BA)1284, **1285**, 1526 Ch. 98-423 CSP-CS/HB 3065
1016 Court Programs/Personnel costs (Silver) (FR)64 DSC
1018 Corporate Income Tax/Historic Bldgs. (Gutman) (FR)64, (CR)408 DSC
1020 Agency Accountability Act (Ostalkiewicz) (FR)65, (CR)407 USC/LTS
SJR
1022 Justices & Judges/Terms of Office (Ostalkiewicz) (FR)65 DSC
SB
1024 Abuse/False Reports (Criminal Justice) (FR)65, (CR)268, (CS)269, (MO)324, (CR)375, (CS/CS)379, (CR)813, (BA)834, (BA)**880**, (CR)927, 1098 Ch. 98-111 CSP-HB 1019, HB 4167
1026 Workers' Compensation (Williams) (FR)65 DSC
1028 Fraudulent Practices (Commerce and Economic Opportunities) (FR)65, (CR)479, (CS)481, (MO)538, (CR)982, (CR)1093, (CR)1523, (BA)1737, (CR)1808 LTS/CSP-HB 1317
1030 Legislation/Impact on Families (Horne) (FR)65 DSC
1032 Special Districts (Rossin and others) (FR)65, (CR)181, (CR)478, (CR)927, (CR)1093, (BA)1454, (CR)1522 LTS/CSP-CS/HB 3269
1034 Public Service Commission (Horne) (FR)65, (MO)239, (CR)479, (CR)982, (CR)1093, (BA)1454, (CR)1522, (BA)1538, (CR)1807 DCS
1036 Emergency Management Planning (Health Care and others) (FR)65, (CO)126, (CR)408, (CS)411, (MO)758 DCS
1038 Boards & Councils/Health-Related (Brown-Waite and others) (FR)65 DSC
1040 Sales Tax/Agricultural (Hargrett) (FR)66, (CR)148 DSC
1042 School Readiness Commission (Holzendorf) (FR)66, (CR)(CS/CS)268, (BA)338, (BA)342, (CR)343, (CR)344, (BA)**359** DM

SB
1044 Pub. Records/Health Facilities (Governmental Reform and Oversight) (FR)66, (CR)222, (CS)227, (CR)499, (CS/CS)500, (CR)813, (BA)829 LTS/CSP-CS/HB 3585
1046 Citrus Industry/Rulemaking Authority (Governmental Reform and Oversight) (FR)66, (CR)136, (CS)141, (CR)304, (CS/CS)313, (CR)344, (CR)406, (BA)446, (BA)**465**, 505, 827, 1523 Ch. 98-41
1048 Hurricane Preparedness (Clary) (MO)3, (FR)66 WS
1050 Family Safety/CFS Dept. (Governmental Reform and Oversight) (FR)66, (CR)268, (CS)269, (CR)425, (CS/CS)426 DSC
1052 Florida Public Service Comm. (RAB) (Regulated Industries) (FR)66, (CR)136, (CS)141, (CR)148, (BA)176, (CR)180, (BA)**218**, 505, 827, 1523 Ch. 98-42
1054 Condominiums/Rulemaking/DBPR (RAB) (Regulated Industries) (MO)3, (FR)66, (CR)136, (CS)141, (CR)148, (BA)176, (CR)180, (BA)218, (BA)**220**, (BA)**1285** Ch. 98-195
1056 State Moneys/Investments (Governmental Reform and Oversight) (FR)67, (CR)181, (MO)324, (CR)344, (CS)348, (BA)476, (CR)478 LTS/CSP-CS/HB 823, CS/SB 1070
1058 Ash Residue/Recycling & Reuse (Lee) (FR)67, (CR)304, (CR)344, (CR)406, (BA)450, (BA)**466**, 1098 Ch. 98-112
1060 Health Facilities/Accts. Receivable (Health Care) (FR)67, (CR)407, (CS)411, (MO)940, (CR)1093, (BA)1212, (BA)1214 LTS/CSP-HB 3971
1062 Railroad-highway Grade Crossings (Campbell) (FR)67 DSC
1064 Bidders/Illegal Aliens/Nonemployment (Commerce and Economic Opportunities) (FR)67, (CR)407, (CR)813, (CS)815 DCS
1066 Landscape Design (Regulated Industries) (FR)67, (CR)344, (MO)506, (CR)529, (CS)530, (CR)1093, (BA)1455, (CR)1522 LTS/CSP-HB 3523
1068 Itinerant Merchants/Invoice/Receipts (Lee) (FR)67 DSC
1070 Medical Malpractice Insurance (Judiciary and others) (FR)67, (CR)181, (BA)476, (CR)478, (CR)479, (CS)481, (BA)496, (BA)497, (BA)506, (BA)**738**, 983 Ch. 98-113 CSP-CS/HB 823
1072 Capital Felons/Punishment (Rossin and others) (FR)67, (CO)416 DSC
1074 FRS/Sr. Management Service Class (Ways and Means) (FR)67, (CR)425, (CS)426, (CR)868, (CS/CS)870, (CR)982, (CR)1093, (BA)1180, (BA)**1235** DM
1076 Controlled Substances/ARNP (Silver) (FR)68 DSC
1078 Life-prolonging Techniques (Health Care) (FR)68, (CR)424, (CS)426 DSC
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1442 Regional Water Supply Authorities (Natural Resources) (FR)89, (CR)498, (CS)501, (MO)828, (CR)982, (BA)1086, (CR)1092 LTS/CSP-CS/HB 4027
1444 Sales Tax Exemp./Advertising Agency (Ostalkiewicz and others) (FR)89, (CR)148, (CO)320 DSC
1446 Health Insurance/Small Businesses (Ostalkiewicz and others) (FR)89 DSC
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1448 Retirees of Florida (Cowin) (FR)**460** Adopted
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1450 Intangible Personal Property Taxes (Ways and Means and others) (FR)90, (CR)345, (CS)348, (CR)1092, (BA)1104, **1107**, 1526 Ch. 98-132
1452 Condominiums/Cooperative Property (Regulated Industries) (FR)90, (CR)136, (CS)142, (CR)813, (BA)910, (BA)**973** DM/CSP-CS/CS/HB 3321
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1454 Munroe Regional Medical Center (Cowin and others) (FR)**460** Adopted
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1456 Economic Development/Transportation (Community Affairs and others) (FR)90, (CR)304, (CS)314, (CO)416, (CR)868, (CS/CS)870, (CR)982, (CR)1093, (CR)1523, (CR)1808 DCS
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1464 Supreme Court Justices & Judges (Dudley) (FR)90, (CR)454, (CR)742 DSC
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1466 Liens (Judiciary) (FR)90, (CR)455, (CS)458, (CR)813, (BA)834, (BA)909, (BA)940, (BA)975, (BA)976, (BA)984, **985**, 1098 Ch. 98-135
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1784 Robbery/Sudden Snatching (Bronson) (FR)158, (CR)742, (MO)828 DCS
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1814 Parental Notice of Abortion Act (Health Care and others) (FR)160, (CO)216, (CO)270, (CO)320, (CO)355, (CR)499, (CS)502, (CR)742, (MO)828, (CR)982, (CR)1093, (BA)1366, (BA)1452, (BA)1453, (CR)1522 LTS

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1816 Homestead Exemption/Forced Sale (Williams and others) (FR)161, (CR)454 DSC

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1818 Industrial Life Insurance Policies (Holzendorf) (FR)161, (MO)984 WS
1820 Ignition Interlock Devices/Vehicles (Childers) (FR)161 DSC
1822 Crimes, Wrongs, or Acts (Williams) (FR)161 DSC
1824 Growth Management/Revise Laws (Williams) (FR)161 DSC
1826 Public Hurricane Evacuation Shelters (Williams) (FR)161 DSC
1828 Hospital Staff/Optometrists (Williams and others) (FR)161, (CO)355 DSC
1830 Vessels (Ostalkiewicz) (FR)161 DSC
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1834 Fla. Higher Education Savings Trust (Dyer and others) (FR)162 DSC
1836 WMD/Independent Public Fiscal Office (Brown-Waite and others) (FR)162, (CR)499, (CS)503, (CR)742 DSC
1838 Insurance/Redlining (Childers and others) (FR)162 DSC
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1842 Local Option Tourist Development Tax (Holzendorf) (FR)162, (MO)984 WS
1844 Sales Tax Exemption/Educ. Activities (Ostalkiewicz) (FR)162, (CR)375 DSC
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1848 Child Support Guidelines (Kirkpatrick) (FR)163 DSC
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1856 Hill & Tucker Forgiveness Act (Holzendorf) (FR)163, (MO)984 WS
1858 Drug Offenders/Conditional Release (Holzendorf) (FR)163, (MO)984 WS
1860 Repackaged Raw Meat, Fish, Poultry (Klein) (FR)163, (MO)324, (CR)478 DSC
1862 Public Officers (Crist) (FR)163, (CR)742 DSC
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1866 Internal Revenue Code (Crist and others) (FR)164 DSC

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1868 Environmental Health Protection (Health Care and others) (FR)164, (CR)498, (CS)502, (MO)506, (CO)756, (MO)758, (CR)982, (CR)1093, (CR)1523, (CR)1808 DCS/CSP-CS/HB 945
1870 Small-Business-Enterprise Programs (Turner) (FR)164, (MO)984 WS
1872 Adult Family-care Homes (Children, Families and Seniors and others) (FR)164, (CR)408, (CS)414, (MO)490, (CO)756, (CR)813, (BA)831, (CO)1231 LTS/CSP-CS/HB 4035, CS/CS/SB 714, CS/SB 1706
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1876 Neurodegenerative Disorders (Turner and others) (FR)164, (CR)407, (CO)756, (CO)1526 DSC
1878 Child Care Executive Partnership (Children, Families and Seniors) (FR)164, (CR)344, (CS)350, (MO)386, (BA)523, (CR)528, (BA)**764**, (BA)827 DM/CSP-CS/SB 2092
1880 Boating Safety (Natural Resources) (FR)164, (CR)344, (CS)350, (MO)433, (CR)528, (BA)781, (BA)**859** DM
1882 School Buses/Safety Belts (Transportation and others) (FR)165, (CO)238, (CO)270, (CR)303, (CR)343, (CO)355, (CR)375, (CS)382, (MO)490 DCS

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1884 Public Officials/Specified Loans (Crist) (FR)165, (CR)741 DSC
1886 FSU/British Open University (Grant) (FR)165 DSC
1888 Electric Industry Restructuring Act (Crist and others) (FR)165, (CO)216 DSC
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1890 Term Limits/U.S. Senators & Reps. (Crist) (FR)165 DSC
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1892 Limitation On State Revenues (Crist) (FR)165 DSC
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1894 Executive Branch/Sunshine Laws (Crist) (FR)165 DSC
1896 Nonprofit Private Schools (Scott and others) (FR)165, (CR)303, (MO)324, (CR)478, (BA)517 LTS/CSP-CS/CS/HB 1793
1898 Volunteers/Nepotism Law (Cowin) (FR)182, (CR)304, (CR)343, (BA)369, (BA)**391**, 1098 Ch. 98-160
1900 Sales Taxes/Taxpayer Relief Day (Ways and Means) (FR)182, (CR)408, (CR)927, (CS)928, (MO)940, (CR)1092, (BA)1103 LTS/CSP-CS/CS/HB 4407
1902 Workers' Compensation (Grant) (FR)182 DSC
1904 Elections/Polling Places (Latvala and others) (FR)183, (CR)742 DCS
1906 Beverage Law (Latvala and others) (FR)183, (CO)270, (CO)320, (CR)529, (CS)532 DSC
1908 District School Board Elections (Education) (FR)183, (CR)408, (CS)414, (CR)813, (BA)843 DCS
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1912 Teach Tuition Reimbursement Program (Dyer) (FR)183, (CR)407 DSC
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1922 Agricultural Fairs & Facilities (Agriculture) (FR)184, (CR)374, (CS)382, (CR)742, (CR)982, (CR)1093 DCS
1924 Aquaculture (Natural Resources and others) (FR)184, (CR)303, (CO)489, (CR)499, (CS)502, (MO)758, (CR)982, (CR)1093, (BA)1213, (BA)1214 LTS/CSP-CS/HB 3673, CS/SB 1440, CS/SB 1506
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1928 Postsecondary Education (Grant) (FR)184 DSC
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1932 Mutual Aid Agreements (Criminal Justice) (FR)184, (CR)479, (CS)482, (MO)758, (CR)1093, (CR)1523, (BA)1726, (BA)1768, (CR)1807 LTS/CSP-HB 4219
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1936 Public Food Service Regulation (Myers) (FR)184 DSC/CSP-CS/SB 1716
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1938 Insurance Week (Thomas) (FR)**128** Adopted
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1940 Health Care/Credentials Verification (Myers) (FR)185, (CR)407, (MO)758, (CR)1093, (CR)1523, (BA)1730, (CR)1808 LTS/CSP-HB 4515
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1944 Agric. & Consumer Services Dept. (Thomas) (FR)185, (CR)303, (MO)433, (BA)518, (BA)519, (CR)528, (BA)762, **763**, (BA)827, (BA)1300, **1301** Ch. 98-396
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1948 Community Development Districts (Dudley) (FR)185, (CR)478 DSC
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1960 Assisted Living Facilities/Licensure (Children, Families and Seniors) (FR)186, (CR)425, (CS)428, (MO)462, (CR)813, (BA)835, (BA)881, (BA)**971**, 1098 Ch. 98-80 CSP-CS/CS/SB 714
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1964 Forensic Procedure Act (Gutman) (MO)168, (FR)187 DSC
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1986 Certified Nursing Asst. Practice Act (Health Care) (FR)188, (CR)742, (CS)745, (MO)877 DCS/CSP-CS/HB 3089
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1990 Hurricane Loss Mitigation TF (Community Affairs) (FR)189, (CR)742, (CS)745 DSC
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2010 Preventive Health Collaborative (Kurth) (FR)191, (MO)272 WS
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2032 Kyoto Protocol (Latvala) (FR)192 DSC
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2054 Property Insurance (Banking and Insurance) (FR)193, (CR)344, (CS)350, (CR)478, (BA)518, (BA)767, (BA)828, (BA)909, (BA)940, (CR)1093, (CR)1523, (CR)1808 DCS/CSP-CS/SB 1108
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2076 Professional Regulation (Regulated Industries) (FR)194, (CR)344, (CS)351, (CR)407, (MO)462, (CR)813, (BA)941, (CR)1093, (CR)1523, (CR)1808 DCS/CSP-CS/SB 2128
2078 Prosecutions (Grant) (FR)195 DSC
2080 HMOs/Provider Contracts/Patient Care (Banking and Insurance) (FR)195, (CR)742, (CS)745, (MO)940, (CR)1093, (BA)1330, (CR)1522, (BA)1534, (CR)1807 DCS
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2084 Professional Regulation (Community Affairs) (FR)195, (CR)425, (CS)429, (MO)877, (CR)982, (CR)1093, (CR)1523, (CR)1808 DCS/CSP-HB 4439
2086 Small Counties (Community Affairs) (FR)195, (CR)375, (CS)382, (MO)462, (CR)813, (BA)847, (BA)848 LTS/CSP-CS/CS/HB 1589, SB 200
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2090 Firearms Sales (Gutman and others) (FR)196, (CR)304, (CR)1093, (CR)1523, (CR)1808 DCS
2092 Child Care Facilities/Transient (Children, Families and Seniors) (FR)196, (CR)479, (CS)482, (CR)813, (BA)924, (BA)925, (BA)**974**, 1098 Ch. 98-165
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2100 Postsecondary Education (Education) (FR)196, (CR)499, (CS)503, (MO)758, (CR)982, (CR)1093, (BA)1244, (CR)1522 LTS/CSP-HB 4259
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2102 HMO Industry & Florida HMO Day (Bankhead) (FR)144, **145** Adopted
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2104 Dangerous Dogs (Judiciary) (FR)196, (CR)424, (CS)429, (CR)868, (CS/CS)871 DCS
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2108 Censure of Lobbyist (Bankhead) (FR)196, (CR)927, (CR)982, (CR)1093, (BA)1330, (BA)1452, **1453**, (CR)1522 Adopted
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2110 School Attendance/Home Education (Education and others) (FR)196, (CR)375, (CS)383, (MO)386, (CR)813, (BA)843 LTS/CSP-HB 3951
2112 Correctional Facilities/Private (Kurth and others) (FR)197, (MO)538 WS
2114 Tax/Governmental Leasehold Property (Childers) (FR)197 DSC
2116 Tobacco Products Dealers (Holzendorf) (FR)197, (MO)984 WS
2118 Vehicles/Towing & Storage Fees (Campbell) (FR)197, (MO)506 WS
2120 Beverage Law/Shipments of Wine (Regulated Industries and others) (FR)197, (CO)270, (CR)529, (CS)532 DSC
2122 Securities Transactions (Lee and others) (FR)197, (CR)344, (CR)407, (MO)462, (CR)927, (BA)968, (BA)**991**, 1098 Ch. 98-82
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2128 Regulation of Professions (Health Care) (FR)198, (CR)425, (CS)429, (CR)813, (BA)911, (BA)924, (BA)926, (BA)927, (BA)973, **974**, 1231 Ch. 98-166
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2130 RESPECT (Myers and others) (FR)**323**, (CO)355 Adopted
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2132 Historic Pensacola Preservation Bd. (Governmental Reform and Oversight) (FR)198, (CR)424, (CS)429, (CR)742, (MO)758, (CR)1093, (CR)1523, (MO)1538, (BA)1558, (CR)1807 LTS/CSP-CS/HB 3979
2134 Insurance Receivership (Grant) (FR)198 DSC
2136 Education (Education and others) (FR)198, (CR)344, (CS)351, (CO)873 DCS/CSP-HB 4259
2138 Judiciary (Judiciary) (FR)198, (CR)454, (CS)458 DSC
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2140 Medical Treatment/Parental Consent (Lee) (FR)198, (MO)324, (CR)528, (CR)982, (CR)1093, (BA)1453, (CR)1522, (BA)1538, (CR)1807 DCS
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2142 Everglades Restoration & Taxes (Campbell) (FR)198 DSC
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2144 Tobacco Lawsuit Settlement Proceeds (Myers) (FR)199 DSC
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2146 Managed Care Nondiscrimination (Banking and Insurance) (FR)199, (CR)424, (CS)429, (CR)742, (BA)908, (CR)927 LTS/CSP-CS/CS/HB 1021
2148 Judicial Branch/Insurance Benefits (Campbell) (FR)199, (MO)506 WS
2150 Culpable Negligence/Financial Injury (Governmental Reform and Oversight and others) (FR)199, (CR)424, (CS)429, (CR)742, (MO)758, (CR)1093, (CO)1098, (CR)1523, (BA)1636, (CR)1807 LTS
2152 Health Facility & Services Dev. Act (Campbell) (FR)199, (MO)506 WS
2154 Education & DOE (Clary) (FR)199 DSC/CSP-HB 4837
2156 Excellent Teaching Program (Ways and Means and others) (FR)199, (CR)304, (CS)318, (CR)408, (CS/CS)414, (CO)432, (BA)475, (CR)478, (BA)**493** DM/CSP-CS/HB 3389, SB 2534
2158 Judiciary/Number of Judges Increased (Judiciary) (FR)199, (CR)868, (CS)871, (MO)877, (CR)1093, (CR)1523, (BA)**1634**, (CR)1807 DM
2160 Nonpublic Postsecondary Education (Education) (FR)199, (CR)425, (CS)430, (MO)828 DCS/CSP-CS/CS/SB 1124
2162 Parole Commission/Temporary Duty/Pay (Silver) (FR)199, (CR)344, (MO)506 DCS

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2164 Emergency Telephone Services/"911" (Judiciary) (FR)199, (CR)303, (CR)455, (CS)458, (CR)927, (BA)979 LTS/CSP-HB 4143
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2168 Firesafety/Inspection Requirements (Kirkpatrick) (FR)200 DSC/CSP-CS/CS/HB 4181
2170 Protection of Children (Judiciary) (MO)168, (FR)200, (MO)462, (CR)479, (CS)482, (CR)927, (CR)1093, (BA)1355, (CR)1522 LTS/CSP-HB 1019, CS/CS/SB 1024, CS/SB 1540
2172 Public Assistance/Drug Testing (Children, Families and Seniors) (FR)200, (CR)424, (CS)430, (CR)742, (MO)758, (CR)982, (CR)1093, (BA)1181, (BA)1195 LTS/CSP-CS/CS/HB 271
2174 Collective Bargaining/Impasses (Holzendorf) (FR)200, (MO)984 WS
2176 Minority Business Advocacy & Assist. (Holzendorf) (FR)200 DSC
2178 Land Sales/Internal Improvement TF (Clary) (FR)200, (MO)239 WS
2180 School Environmental Safety (Education) (FR)200, (CR)813, (CS)820 DSC
2182 Health Care/Patient Self-Referral (Cowin and others) (FR)200 DSC
2184 Criminal Offenses/Enhanced Penalties (Dyer and others) (FR)200 DSC/CSP-CS/SB 154
2186 Partnerships/Secretary of State (Silver) (FR)201, (CR)478 DSC
2188 Weight-Loss Practices Act (Governmental Reform and Oversight) (FR)201, (CR)424, (CS)430, (CR)742, (CS/CS)745, (MO)984 DCS
2190 Sales Tax Exemption/Public Pension (Silver) (FR)201, (CR)375, (MO)877, (MO)940, (CR)982, (CR)1093, (CR)1523, (CR)1808 DCS
2192 Elections (Silver) (FR)201 DSC/CSP-CS/SB 1402
2194 Ecosystem Mgmnt. & Restoration TF (Clary) (FR)201 DSC/CSP-CS/SB 1176
2196 Right-of-way/Turnpike Project (Clary) (FR)201, (MO)386 WS
2198 Juveniles/Programs & Services (Governmental Reform and Oversight) (FR)201, (CR)304, (CS)318, (CR)425, (CS/CS)430, (MO)758, (MO)877, (CR)982, (CR)1093, (BA)1257, (BA)1258, (BA)1259, (CR)1522 LTS/CSP-HB 4315
2200 Boating Safety/Emergency Responses (Clary) (FR)202, (CR)344, (CS)349, (CR)424, (CS/CS)427, (MO)462, (MO)490, (CO)756, (BA)906, (CR)927 LTS/CSP-CS/CS/HB 3265
2202 Parole/Denial of (Dyer and others) (FR)202 DSC
2204 Affordable Housing (Community Affairs and others) (FR)202, (CR)479, (CS)483, (MO)828 DCS
2206 Partial-birth Abortion/Prohibited (Klein) (FR)202 DSC
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2208 Legislative & Congressional Dists. (Klein) (FR)202 DSC
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2210 Water & Wastewater Services (Kurth) (FR)202, (MO)538 WS
2212 Nursing Home Resident's Rights (Kurth) (FR)202, (MO)462 WS
2214 Fla. Prepaid College Program (Education) (FR)202, (CR)813, (CS)820, (MO)877, (CR)1093, (CR)1523, (CR)1808 DCS/CSP-HB 4259
2216 State Land Sales by TIITF Board (Clary) (FR)203, (CR)454, (MO)490 DCS/CSP-CS/HB 3771
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2218 Ferguson, Michael, Brigadier General (Childers) (FR)460, **461** Adopted
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2220 Campaign Contributions (Klein) (FR)203 DSC
2222 Taxation (McKay and others) (FR)203, (MO)272, (CR)303, (CO)756, (CR)813, (BA)829, (BA)849, (BA)851, (BA)878, (BA)886, **887**, 1098 Ch. 98-167
2224 Game Promotions (Commerce and Economic Opportunities) (FR)203, (CR)344, (CS)351 DCS
2226 Distance Learning (Kirkpatrick) (FR)203 DSC
SM
2228 Federal Catastrophe Pool (Campbell) (FR)203 DSC
SB
2230 UCC: Letters of Credit (Commerce and Economic Opportunities) (FR)203, (CR)813, (CS)820 DSC
2232 Highway Patrol Auxiliary/Arrests (Ostalkiewicz) (FR)203 DSC
2234 Mental Health Hospitalization (Klein) (FR)203 DSC
2236 Public Records/Mental Health (Klein) (FR)203 DSC
SR
2238 FSU Day in Tallahassee (Williams) (FR)167, **168** Adopted
SB
2240 Rulemaking Authority (Governmental Reform and Oversight) (FR)204, (CR)425, (CS)430 DCS/CSP-CS/SB 1440
2242 Federal Law Enforcement TF/HSMV (Hargrett) (FR)204, (CR)344, (MO)386, (CR)813, (BA)829, (BA)**878**, (BA)891 LTS/CSP-HB 4713
2244 Child Support Enforcement (Judiciary) (FR)204, (CR)927, (CS)929, (MO)984 DCS/CSP-CS/CS/HB 271
2246 DOC/Trust Funds (Campbell) (FR)204 DSC/CSP-HB 4663
2248 Pilot Project/Inmate Shift Sleeping (Horne) (FR)204 DSC
2250 Local Option Motor Fuel Taxes (Forman and others) (FR)204, (CO)320, (CO)355, (CO)385, (CR)407, (MO)433 DCS
2252 Elections (Dyer) (FR)204 DSC
2254 Constracting/Journeyman Ratio (Holzendorf) (FR)205, (MO)984 WS
2256 Property Tax Exemptions/Veterans (Forman) (FR)205 DSC
2258 Education (Ways and Means) (FR)205, (CR)529, (CS)532, (CR)927, (CS/CS)929, (CR)982, (BA)999, (BA)1001, (CR)1092, (BA)1151, (BA)1153 LTS/CSP-HB 4837
2260 Air Pollution Prevention Grant Act (Clary) (FR)205, (MO)272 WS
2262 HIV Testing (Health Care) (FR)205, (CR)408, (CS)414, (MO)758, (MO)877 DCS/CSP-CS/CS/SB 714
2264 Educational Facilities (Clary) (FR)205 DSC
2266 Driving Records of Employees (Campbell) (FR)205, (MO)506 WS
2268 Municipal Recall (McKay) (FR)206, (CR)478, (CR)742 DCS
2270 Community Colleges/Pilot Program (McKay) (FR)206, (CR)425, (CS)426 DSC
2272 Red Tide Research & Mitigation (Natural Resources) (FR)206, (CR)408, (CS)414 DSC
2274 DUI/Alcohol or Drugs (Criminal Justice) (FR)206, (CR)813, (CS)820 DSC
2276 School Improvement Trust Fund Grants (Diaz-Balart) (FR)222, (CR)407, (MO)490, (BA)**908**, (CR)927, 983 Ch. 98-168
2278 Ad Val/Private Correctional Facility (Gutman) (FR)223 DSC
2280 Education (Education) (FR)223, (CR)529, (CS)533 DCS/CSP-HB 4837
2282 Oriental Medicine/Acupuncture (Health Care) (FR)223, (CR)479, (CS)484, (CR)1093, (BA)1177 LTS/CSP-HB 4365
2284 Economic Development (Holzendorf) (FR)223 DSC
2286 Pari-mutuel Wagering/Acct. Wagering (Holzendorf) (FR)223 DSC
2288 Juvenile Justice (Children, Families and Seniors) (FR)223, (CR)374, (CS)383, (CR)479, (CS/CS)484, (MO)490, (CR)813, (BA)853, (BA)855, (BA)886, (BA)900, **901**, (BA)1609, **1628** Ch. 98-207
2290 Everglades Restoration (Latvala) (FR)223 DSC
SR
2292 Eckerd, Jack & Ruth (Latvala) (FR)**537** Adopted
SB
2294 Water Resource Management (Latvala) (FR)224 DSC/CSP-CS/SB 312
2296 HMOs/Patient Continuity of Care (Sullivan) (FR)224 DSC
2298 Water Resource Management (Laurent) (FR)224, (CR)498, (CS)499, (CR)742, (BA)1085, (CR)1092, (BA)1162, (BA)**1166**, 1526 Ch. 98-88
2300 Credit Unions/Conversion (Banking and Insurance) (FR)224, (CR)375, (CS)383, (MO)419, (CR)478, (BA)515 LTS/CSP-HB 4501
2302 Sales Taxes/Chamber of Commerce (Laurent and others) (FR)224, (CR)408, (MO)877, (MO)940, (CR)982, (CO)983, (CR)1093, (BA)1453, (CR)1522, (CO)1526 LTS/CSP-CS/HB 747
2304 CFS Dept./Service Districts (Bankhead) (FR)224 DSC
2306 Alternative Election Procedure (Klein) (FR)224 DSC
2308 Ballot Referenda/Summary & Title (Burt) (FR)224, (MO)419, (CR)528 DCS
2310 WAGES Trust Fund (Commerce and Economic Opportunities) (FR)224, (CR)344, (CS)351, (CR)424, (BA)514, (CR)528, (BA)738, **739** DM
2312 Developmental Disabilities (Dudley) (FR)225 DSC
2314 Comm. College Board of Trustees(RAB) (Grant) (FR)225, (CR)344, (BA)519, (CR)528, (BA)**763**, (BA)827, 1818 Ch. 98-208

SB
2316 Independent Colleges & Univ. (RAB) (Grant) (FR)225, (CR)407, (CR)813, (BA)842, (BA)847, (BA)**882**, 1231 Ch. 98-169
SR
2318 Brown, Barbara (Hargrett) (FR)**757** Adopted
2320 Fla. Academy of Family Physicians (Myers) (FR)**323** Adopted
SB
2322 Urban Tutorial & Mentoring Program (Hargrett) (FR)225 DSC
2324 Long-Term Care/Religious Faith (Children, Families and Seniors) (FR)225, (CR)408, (CS)415, (CR)479, (MO)490, (CR)813, (BA)911 LTS/CSP-HB 4231
2326 Motor Vehicle Licenses (Silver) (FR)225 DSC
2328 Neighborhood Vehicle (Silver) (FR)226 DSC
2330 Foster Care Program of CFS Dept. (Silver) (FR)226 DSC
2332 Lawsuit Against Tobacco Companies (Crist and others) (FR)226, (CR)813 DCS
2334 Children's Health Services (Health Care) (FR)226, (CR)408, (CS)415 DSC
2336 Regulation of Contracting (Community Affairs) (FR)226, (CR)528, (CS)533, (CR)813, (CS/CS)820, (MO)877, (CR)1093, (BA)1331, (CR)1522 LTS/CSP-HB 4439, CS/CS/HB 4181, CS/SB 2484
2338 Motor Vehicle Insurance/Claims (Banking and Insurance) (FR)227, (CR)375, (CS)383 DCS/CSP-SB 766, CS/SB 1108
2340 Indoor Air Quality (Forman) (FR)304 DSC
2342 Long-Term-Care Plan/Public Employees (Governmental Reform and Oversight) (FR)305, (CR)479, (CS)484, (MO)877, (CR)982, (CR)1093, (BA)1181, (BA)1328, (BA)1366, (CR)1522 LTS/CSP-CS/HB 4283
2344 Fla. Employee Long-term Care Plan TF (Bankhead) (FR)305 DSC/CSP-CS/HB 4283
2346 State Land Use/Special Events (Governmental Reform and Oversight) (FR)305, (CR)425, (CS)430, (CR)479, (MO)490, (CR)813, (BA)925 LTS/CSP-HB 4039
2348 Elderly Affairs/Transfer of Duties (Campbell) (FR)305, (MO)506 WS
2350 High Schools/Tests & Diploma (Education) (FR)305, (CR)529, (CS)534 DCS/CSP-HB 4837
2352 Fla. School District Review TF (Rules and Calendar) (FR)305, (CR)408, (CS)415, (CR)742, (CS/CS)745, (MO)828, (CR)1093, (CR)1523, (BA)1737, (CR)1808 LTS/CSP-HB 4491
2354 Pilot Baitfish Tarpaulin Seine Prog. (Clary) (FR)305, (MO)386, (CR)407 DCS
2356 Water Resources (Natural Resources and others) (FR)305, (CR)499, (CS)503, (MO)758, (CR)982, (BA)1086, (CR)1092 LTS
SR
2358 Juvenile Justice Week (Silver) (FR)**168** Adopted
2360 Freemasons & Samuel E. Cowan, III (Forman and others) (CO)355, (FR)**417** Adopted
SB
2362 Joint Legislative Claims Committee (Bankhead) (FR)305 DSC
SCR
2364 Joint Legislative Claims Committee (Bankhead) (FR)306 DSC
SR
2366 Russian Delegation (Bankhead) (FR)**217** Adopted
2368 International Day/April 2, 1998 (Bankhead) (FR)**323** Adopted
SB
2370 Turnpike Controlled Access TF/DOT (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1558 LTS/CSP-HB 3449
2372 Toll Facilities Revolving TF/DOT (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1558 LTS/CSP-HB 3451
2374 Transportation Disadvantaged TF/DOT (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1559 LTS/CSP-HB 3453
2376 Highway Safety Operating TF/HSMV (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1559 LTS/CSP-HB 3455
2378 DUI Programs Coordination TF/HSMV (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1559 LTS/CSP-HB 3457
2380 Law Enforcement Trust Fund/HSMV (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1559 LTS/CSP-HB 3459
2382 Fuel Tax Collection Trust Fund/HSMV (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1559 LTS/CSP-HB 3461
2384 Mobile Home Protection TF/HSMV (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1560 LTS/CSP-HB 3463
2386 Grants & Donations Trust Fund/HSMV (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1560 LTS/CSP-HB 3465
SB
2388 Working Capital Trust Fund/HSMV (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1560 LTS/CSP-HB 3467
2390 License Tax Collection TF/HSMV (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1560 LTS/CSP-HB 3469
2392 Crimes Compensation Trust Fund (Ways and Means) (FR)306, (CR)813, (CR)1093, (BA)1560 LTS/CSP-HB 4627
2394 Crime Prevention Revolving TF (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1561 LTS/CSP-HB 4629
2396 Grants & Donations TF/Legal Affairs (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1561 LTS/CSP-HB 4631
2398 Legal Services TF/Legal Affairs (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1561 LTS/CSP-HB 4633
2400 Legal Affairs Revolving Trust Fund (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1561 LTS/CSP-HB 4635
2402 Motor Vehicle Warranty Trust Fund (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1562 LTS/CSP-HB 4637
2404 Revolving Escrow TF/Legal Affairs (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1562 LTS/CSP-HB 4641
2406 Criminal Justice Training TF/DOC (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1562 LTS/CSP-HB 4575
2408 Hurricane Andrew Recovery Trust Fund (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1562 LTS/CSP-HB 4661
2410 Fla. Agricultural Exposition TF/DOC (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1563 LTS/CSP-HB 4579
2412 Grants & Donations Trust Fund/DOC (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1563 LTS/CSP-HB 4581
2414 Operating Trust Fund/DOC (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1563 LTS/CSP-HB 4583
2416 Highway Patrol Insurance TF/HSMV (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1563 LTS/CSP-HB 3471
2418 Trust Fund Exemption/DOT (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1563 LTS/CSP-HB 3473
2420 Trust Funds Termination Within DOT (Ways and Means) (FR)307, (CR)813, (CR)1093, (BA)1564 LTS/CSP-HB 3475
2422 Capital Collateral Trust Fund (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1564 LTS/CSP-HB 4587
2424 Child Support Trust Fund (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1564 LTS/CSP-HB 4589
2426 State Attorney RICO Trust Fund (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1565 LTS/CSP-HB 4591
2428 Consumer Frauds Trust Fund (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1565 LTS/CSP-HB 4593
2430 State Attorney's Forfeiture TF (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1566 LTS/CSP-HB 4595
2432 Grants & Donations Trust Fund (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1566 LTS/CSP-HB 4597
2434 Administrative Trust Fund (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1567 LTS/CSP-HB 4621
2436 Motor Vehicle Theft Prevention TF (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1567 LTS/CSP-HB 4623
2438 Consumer Frauds Trust Fund (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1567 LTS/CSP-HB 4625
2440 Sale of Goods & Services Clearing TF (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1567 LTS/CSP-HB 4585
2442 Administrative Trust Fund/FDLE (Ways and Means) (FR)308, (CR)813 DCS
2444 Criminal Justice Standards TF/FDLE (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1567 LTS/CSP-HB 4611
2446 Forfeiture & Investigative TF/FDLE (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1568 LTS/CSP-HB 4615
2448 Grants & Donations Trust Fund/FDLE (Ways and Means) (FR)308, (CR)813, (CR)1093, (BA)1568 LTS/CSP-HB 4613
2450 Operating Trust Fund/FDLE (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1568 LTS/CSP-HB 4617
2452 Revolving Trust Fund/FDLE (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1568 LTS/CSP-HB 4619
2454 Homestead Tax Exemptions (Ways and Means and others) (FR)309, (CR)927, (CR)1092, (BA)1101, **1102**, (CO)1818 Vetoed
2456 Grants & Donations TF/Parole Comm. (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1569 LTS/CSP-HB 4653
2458 Administrative TF/Juvenile Justice (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1569 LTS/CSP-HB 4601
2460 Grants & Donations TF/Juv. Justice (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1569 LTS/CSP-HB 4603
2462 Juvenile Crime Prevention TF (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1569 LTS/CSP-HB 4609
2464 Juvenile Justice Training TF (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1569 LTS/CSP-HB 4605
2466 Social Services Block Grant TF (Ways and Means) (FR)309, (CR)813, (CR)1093, (BA)1570 LTS/CSP-HB 4607

SR
2468 Florida Federation of Garden Clubs (Williams) (FR)**272** Adopted
SB
2470 Contractors/Journeyman Craftsmen (Turner) (FR)309, (MO)984 WS
SR
2472 Amelia Earhart Month (Kurth) (FR)**876** Adopted
SB
2474 Growth Management/Land Use/Schools (Community Affairs) (FR)309, (CR)425, (CS)431, (MO)506, (CR)813, (BA)940, (BA)941, (BA)**985**, (MO)1234, (BA)1302, (BA)**1320**, 1818 Ch. 98-176
2476 DBPR/Regulation (Clary) (FR)310 DSC
2478 Pine Jog Environmental Educ. Center (Rossin) (FR)310, (CR)407, (MO)419, (MO)462, (CR)813, (BA)853 LTS/CSP-HB 3825
2480 Alternative Education Institute (Criminal Justice) (FR)310, (CR)424, (CS)431, (MO)506, (MO)828, (CR)982, (CR)1093, (BA)1179, **1180**, (BA)1649, **1650** Ch. 98-209
SR
2482 Stop Day Enough Is Enough Day (Jones) (FR)**272** Adopted
SB
2484 Fire Prevention & Control (Banking and Insurance and others) (FR)310, (CO)355, (CR)479, (CS)484, (MO)506, (CR)982, (CR)1093, (BA)1221, **1222**, 1526 Ch. 98-170 CSP-HB 4439
2486 Alligator Egg Collection/Protection (Rossin) (FR)310, (MO)462 WS
2488 Manatee License Plates (Transportation) (FR)310, (CR)425, (CS)431, (MO)828 DCS/CSP-HB 3509
2490 Privately Operated Institutions TF (Ways and Means) (FR)310, (CR)813, (CR)1093, (BA)1570 LTS/CSP-HB 4659
2492 Employee Benefit Trust Fund/DOC (Ways and Means) (FR)310, (CR)813, (CR)1093, (BA)1570 LTS/CSP-HB 4655
2494 Grants & Donations TF/State Courts (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1570 LTS/CSP-HB 4649
2496 Working Capital Trust Fund (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1571 LTS/CSP-HB 4663
2498 Appellate Opinion Distribution TF (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1571 DCS
2500 Appropriations (Ways and Means) (MO)168, (FR)206, (BA)239, (BA)259, (BA)266, (CR)267, (BA)272, (BA)299 LTS/CSP-HB 4201, HB 4205
2502 Appropriations Implementing Bill (Ways and Means) (MO)168, (FR)206, (BA)266, (BA)(CR)267, (BA)272, (BA)299, (BA)301 LTS/CSP-HB 4205, HB 4201
2504 Supplemental Appropriations (Ways and Means) (MO)506, (FR)529, (CR)813, (BA)834, (BA)853, (BA)**880**, 983, 1223 Ch. 98-26
2506 Correctional Work Program TF/DOC (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1571 LTS/CSP-HB 4577
2508 Indigent Criminal Defense Trust Fund (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1571 LTS/CSP-HB 4599
2510 Elections Commission Trust Fund (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1571 LTS/CSP-HB 4639
2512 Family Courts TF/State Courts System (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1572 LTS/CSP-HB 4643, HB 4651
2514 Family Courts TF/State Courts System (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1572 LTS/CSP-HB 4651, HB 4643
2516 Inmate Welfare Trust Fund/DOC (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1572 LTS/CSP-HB 4657
2518 Court Education Trust Fund (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1572 LTS/CSP-HB 4645
2520 State Mediation & Arbitration TF (Ways and Means) (FR)311, (CR)813, (CR)1093, (BA)1572 LTS/CSP-HB 4647
2522 Trust Funds/DOC (Ways and Means) (FR)311 DSC/CSP-HB 4663
2524 WAGES Program (Ways and Means and others) (FR)312, (CO)355, (CR)375, (CS)383, (CR)455, (CS/CS)458, (CO)489, (BA)507, (BA)514, (CR)528, (BA)738, (BA)758, **761**, (BA)827 DM/CSP-CS/SB 1114, HB 3225, CS/CS/SB 484
2526 Municipal Utility Company/Refunds (Ostalkiewicz) (FR)312 DSC
2528 Insurance/Self-evaluative Audits (Holzendorf) (FR)312 DSC
2530 Insurance Audits/Confidentiality (Holzendorf) (FR)312 DSC
2532 Educ. Facilities/Fees or Assessments (Turner) (FR)312, (MO)984 WS
SB
2534 Excellent Teaching Program TF (Horne) (FR)312, (CR)407, (MO)506, (CR)813, (BA)835, (BA)**880**, 1818 Ch. 98-210 CSP-CS/HB 3389
SCR
2536 Joint Rules of Legislature (Grant) (FR)290, (BA)295, (BA)331, **336**, (BA)**1146** Adopted
SB
2538 Political Committee/Parties/Expenses (Geller) (FR)345, (CR)742 DCS
2540 Holocaust Victims Insurance Act (Geller and others) (FR)345, (CR)478, (MO)758, (MO)828 DCS/CSP-CS/SB 1108
2542 Wastewater Treatment Systems (Community Affairs) (FR)345, (CR)742, (CS)745, (MO)940, (BA)1086, (CR)1092, (BA)1166, (BA)1167 LTS/CSP-HB 4475
SR
2544 Pensacola Junior College/50 Years (Childers and others) (CO)432, (FR)**461** Adopted
SB
2546 Health Dept./Prescription Drugs (Myers) (FR)345 DSC/CSP-CS/SB 1716
2548 Amusement Enterprises/Employment (Silver) (FR)346 DSC
2550 Brain & Spinal Cord Injury (Silver) (FR)346 DSC
SR
2552 Congregation Beth David (Silver) (FR)**1232** Adopted
2554 Lichtman, Howard (Silver) (FR)323, **324** Adopted
2556 Campbell, Ruth L. (Jones) (FR)**356** Adopted
SB
2558 Water Management/Taxation & Budgets (McKay) (FR)346 DSC
2560 Education/Public-private Partnership (McKay) (FR)346 DSC
2562 Water Management Districts (Natural Resources and others) (FR)346, (CR)499, (CS)503, (CR)742 DSC
2564 SMART Schools Clearinghouse (Clary) (FR)346 DSC
SR
2566 Miami-Dade Days in Tallahassee (Gutman) (FR)**357** Adopted
2568 Stiefel Laboratories, Inc. (Gutman) (FR)1232, **1233** Adopted
SB
2570 Cedar Key/New Charter (Williams) (FR)375 DSC/CSP-HB 4133
2572 Charlotte Co./Shell & Prairie Creeks (Harris) (FR)375 DSC
2574 Punta Gorda/Saltwater Canal Fishing (Harris) (FR)375 DSC/CSP-HB 4391
2576 Hernando Co. Law Library (Brown-Waite) (FR)375 DSC/CSP-HB 4171
2578 Barefoot Bay Recreation District (Regulated Industries) (FR)375, (CR)499, (CS)503 DSC/CSP-HB 3769
2580 Pinellas Co./Enclave Annexation (Latvala) (FR)376 DSC/CSP-HB 3851
2582 Palm Beach Co./Sheriff Employees (Klein) (FR)376 DSC/CSP-HB 4323
2584 Lee Co. & Fort Myers/Annexation (Rossin) (FR)376 DSC/CSP-HB 3859
2586 Hillsborough Co. Civil Service Act (Grant and others) (FR)376, (BA)**1538**, (CR)1808, 1818 Ch. 98-450
2588 Fla. Keys Aqueduct Authority (Jones) (FR)376 DSC/CSP-HB 4349
2590 Tampa/Job Training & Retirement (Hargrett and others) (FR)376 DSC/CSP-HB 4305
2592 Tampa/Firefighters & Police/Pension (Hargrett and others) (FR)376, (MO)506 DSC/CSP-HB 4307
2594 Community Transportation (Hargrett and others) (FR)376, (BA)**1538**, (CR)1808, 1818 Ch. 98-451
2596 Circulo Cubano de Tampa, Inc. (Hargrett and others) (FR)376, (CR)478, (BA)**1538**, (CR)1808, 1818 Ch. 98-452
2598 La Sociedad La Union Marti-Maceo (Hargrett and others) (FR)377, (CR)478, (BA)**1538**, (CR)1808, 1818 Ch. 98-453
2600 Italian Club of Tampa, Inc. (Hargrett and others) (FR)377, (CR)478, (BA)**1539**, (CR)1808, 1818 Ch. 98-454
2602 The Centro Asturiano de Tampa, Inc. (Hargrett and others) (FR)377, (CR)478, (BA)**1539**, (CR)1808, 1818 Ch. 98-455
2604 Hillsborough Co./Hospitals (Grant and others) (FR)377 DSC/CSP-HB 4081
2606 Santa Rosa Co./Civil Service Board (Clary) (FR)377 DSC/CSP-HB 4777
2608 City of Pembroke Pines/Broward Co. (Campbell) (FR)377 DSC/CSP-HB 4291

SB
2610 South Broward Utility Advisory Board (Campbell) (FR)377, (MO)828 DSC/CSP-HB 4463
2612 Town of Davie/Corporate Limits (Campbell) (FR)377 DSC/CSP-HB 4289
2614 Town of Davie/Corporate Limits (Campbell) (FR)377 DSC/CSP-HB 4285
2616 Broward Co./Water/Sewer Rate Changes (Campbell) (FR)377, (CR)478 DSC/CSP-HB 4465
2618 Town of Davie/Corporate Limits' (Campbell) (FR)378 DSC/CSP-HB 4293
2620 Town of Davie/Corporate Limits (Campbell) (FR)378 DSC/CSP-HB 4287
SR
2622 New World Symphony/10th Anniversary (Silver) (FR)**324** Adopted
2624 Isadore Billy Reed (Hargrett) (FR)757, **758** Adopted
SB
2626 Lee Co./Hospital Funds/Investment (Rossin) (FR)378 DSC/CSP-HB 4547
SR
2628 Cuevas, Roger C. (Gutman) (FR)**357** Adopted
2630 Villella, Edward (Silver) (FR)**1233** Adopted
2632 Opposition to Illegal Drug Use (Gutman) DNI
SB
2634 Pretrial Detention (Laurent and others) (FR)378, (CR)478 DSC
2636 Collier Co./County Park Events (Dudley) (FR)378 DSC/CSP-HB 3847
2638 Marco Island/State Revenue Sharing (Dudley) (FR)378, (CR)478 DSC/CSP-HB 3963
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2644 Florida National Guard (Bankhead) (FR)**461** Adopted
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2650 Fla. 2020 Program/Bonding Authority (Laurent) (FR)455 DSC
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2652 Special Election/Issuance of Bonds (Laurent) (FR)456 DSC
2654 Eminent Domain/Agricultural Prop. (Laurent) (FR)456 DSC
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2660 Polk Co. Sheriff/Personnel System (Laurent) (FR)456 DSC/CSP-HB 4319
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2662 John Edward "Zeke" Bagley (Thomas) (FR)**418** Adopted
2664 Vocational Student Organizations (Latvala) (FR)**939** Adopted
2666 Broward Navy Days, Inc. (Scott) (FR)418, **419** Adopted
2668 Mt. Dora High School Hurricanes (Cowin) (FR)**462** Adopted
2670 NASCAR & Wm. H.G. France, Sr. Family (Burt and others) (FR)**419** Adopted
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2674 Collier Co./Fire Districts/Boards (Dudley) (FR)456 DSC/CSP-HB 3917, HB 3961
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2676 Florida's Sea Turtles (Forman) (FR)**876** Adopted
2678 Hallandale Hot Baseball Team (Geller) (FR)537, **538** Adopted
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2682 Charlotte Co. Airport Authority (Harris) (FR)480 DSC/CSP-HB 4253
2684 St. Lucie Co. Port & Airport Auth. (Kurth) (FR)480 DSC/CSP-HB 4029
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2690 Deerfield Beach & Pompano Beach (Campbell) (FR)529 DSC
2692 Broward Co./Cities/Corporate Limits (Campbell) (FR)529 DSC/CSP-HB 4797
2694 South Broward Hospital District (Campbell) (FR)529 DSC
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2696 McLean, Archibald "Arch" Wilton, Jr. (Dudley and others) (FR)**538** Adopted
2698 Independent State of Israel (Grant and others) (FR)**758** Adopted
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2702 West Parkland Water Management Dist. (Campbell) (FR)814 DSC/CSP-HB 4097
2704 Big Corkscrew Island Fire Dist. (Geller) (FR)814 DSC/CSP-HB 3917, HB 3961
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2708 South Broward Drainage District (Campbell) (FR)814 DSC/CSP-HB 4469
2710 Tindall Hammock Irrigation District (Campbell) (FR)814 DSC/CSP-HB 4467
2712 Monroe County (Jones) (FR)814 DSC/CSP-HB 4249
2714 Lee Co./Bonita Springs Fire Control (Dudley) (FR)814 DSC/CSP-HB 3543
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2716 351st Military Police Company/Ocala (Cowin and others) (FR)939, **940** Adopted
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2720 Monroe Co./Village of Islands (Jones) (FR)927 DSC/CSP-HB 4325
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2722 Doody, Beth (Horne and others) (FR)876, **877** Adopted
2724 Great Irish Famine (Forman) (FR)1099, **1100** Adopted
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2726 Central Broward Water Control Dist. (Campbell) (FR)927 DSC/CSP-HB 4099
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2728 Ryan, Susan (Cowin) (FR)**1100** Adopted
2730 Rousseau, Sgt. William/Tampa Police (Hargrett) (FR)**1233** Adopted
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2732 Cedar Key Water & Sewer District (Williams) (FR)1222 DSC/CSP-HB 3823
2734 Pinellas Park Water Management Dist. (Latvala) (FR)1222, (BA)**1539**, (CR)1808, 1818 Ch. 98-456
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2736 McKinney, Dr. John Albert (Turner) (FR)1233, **1234** Adopted
2738 Miami Northwestern Football Team (Turner) (FR)**1234** Adopted
2740 Miami Carol City Football Team (Turner) (FR)**1234** Adopted
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